

EXETER CITY COUNCIL ACTION MINUTES
June 9, 2020

A closed session of the City Council, City of Exeter was held on Tuesday, June 9, 2020, at 6:30 p.m., via Zoom and in the Exeter City Council Chambers, 137 North F Street, Exeter, California.

COUNCIL PRESENT: Mary Waterman-Philpot, Barbara Sally, Frankie Alves, Dave Hails

COUNCIL ABSENT: None

STAFF PRESENT: Adam Ennis, Julia Lew, Shonna Oneal

A. CALL TO ORDER CLOSED SESSION

Mayor Waterman called the work session to order at 6:30 p.m.

B. PUBLIC COMMENTS REGARDING CLOSED SESSION MATTERS

Mayor Waterman-Philpot requested those who wish to speak on matters listed on the Closed Session Agenda to do so at this time.

No public comments were presented.

C. ADJOURN TO CLOSED SESSION PURSUANT TO GOVERNMENT CODE SECTION(S):

Mayor Waterman-Philpot adjourned to Closed Session at 6:30 p.m.

1. 54957.6 Conference with Labor Negotiators
 Agency Negotiator: Adam Ennis
 Employee Groups: All represented and unrepresented employees
2. 2. 54956.9(d)(1) Conference with Legal Counsel re: Existing Litigation:
 Fear, et al. v. City of Exeter, et al., San Luis Obispo Sup. Case No. 17-CV-0529

A regular session of the City Council, City of Exeter was held on Tuesday, June 9, 2020, at 7:22 p.m., via Zoom and in the Exeter City Council Chambers, 137 North F Street, Exeter, California

COUNCIL PRESENT: Mary Waterman-Philpot, Barbara Sally^{7:44 p.m.}, Frankie Alves, Dave Hails

COUNCIL ABSENT: None

STAFF PRESENT: Adam Ennis, Julia Lew, John Hall, Daymon Qualls, Chris Tavarez, Lisa Wallis Dutra, Shonna Oneal

STAFF ABSENT: None

D. CALL TO ORDER REGULAR SESSION AND REPORT ON CLOSED SESSION ITEMS (if any)

Mayor Waterman-Philpot called the regular session to order at 7:22 p.m. City Attorney Julia Lew advised there were no reportable actions. There were no further actions reported.

E. PLEDGE OF ALLEGIANCE AND INVOCATION

The pledge of allegiance was given by Council Member Alves and an invocation was given by Pastor Whittenburg.

F. SPECIAL PRESENTATIONS (if any): None

G. PUBLIC COMMENTS:

Mayor Waterman-Philpot requested those who wish to speak on matters that are not on the agenda that are within the jurisdiction of the Exeter Council, or to address or request a matter be pulled from the consent calendar to do so at this time. She also stated comments related to Individual Business or Public Hearing items that are listed on the agenda will be heard at the time that matter is addressed on the agenda.

City Clerk Shonna Oneal reported on one public comment received via email as reflected below:

Andrea Galdamez from Self-Help Enterprises addressed the Council to reiterate their desire to support the City and Tooleville to find a win-win solution for everyone's water needs.

H. CONSENT CALENDAR:

It was moved by Council Member Alves, seconded by Council Member Hails and carried 3-0 (Mayor Pro Tem Sally not present) that the items on the Consent Calendar be approved as presented.

1. **Approve minutes of May 19, 2020 and May 27, 2020**
2. **Payment of the Bills**
3. **Payroll: May 15, 2020 and May 29, 2020**
4. **Treasurer's Report: April 2020**
5. **Authorize the City Administrator to execute a two (2) year agreement with the non-profit Sequoia Community Corps, a project of Community Services Employment Training, Inc. (CSET) of Tulare County, to operate a California Redemption Value (CRV) beverage container mobile buy back center on the City's property located at 314 West Firebaugh in Exeter.**
6. **Council authorization for the City Administrator to enter into a one-year agreement with Tulare County to provide dispatch services for \$95,783.00 subject to minor conforming or clarifying changes acceptable to the City Attorney.**

I. INDIVIDUAL BUSINESS ITEMS

1. **Administrative Hearing to Consider Confirmation of Nuisance Abatement Cost Recovery Amount and Special Assessment Approval for 320 Peach Drive, Exeter, California 93221, APN 138-033-005-000** – Public Works Director Daymon Qualls provided a report for Council's review and consideration. Mayor Waterman-Philpot opened the administrative hearing at 7:38 p.m. The property owner, or a representative of the property owner, did not appear. Mayor Waterman-Philpot closed the administrative hearing at 7:38 p.m. Following brief discussion, it was moved by Council Member Alves, seconded by Council Member Hails and unanimously carried 3-0 (Mayor Pro Tem Sally not present) to confirm the nuisance abatement cost recovery amount of \$25,093.40, and to approve the levying of a Special Assessment for that amount on the nuisance property at 320 Peach Drive in order to recover the City's costs incurred abating the public nuisances on that parcel.
2. **Public Hearing to adopt Resolution 2020-21 establishing an FY 2020-2021 General Fund appropriation limit of \$9,104,471** - Finance Director Chris Tavarez provided a PowerPoint presentation highlighting the appropriation limit for 2020-21 for Council's review and consideration. Mayor Waterman-Philpot opened the public hearing at 7:41 p.m. and receiving no public comment, closed the public hearing at 7:41 p.m. Following discussion, it was moved by Council Member Alves, seconded by Council Member Hails and unanimously carried 3-0 (Mayor Pro Tem Sally not present) to adopt Resolution 2020-21 as presented.
3. **Public Hearing to receive, review and discuss the 2020/2021 and 2021/2022 Two-Year Budget for the City of Exeter** - Finance Director Chris Tavarez provided a PowerPoint presentation highlighting the draft proposed 2020/21 and 2021/2022 Two-year Budget for Council's review and consideration. Mayor Waterman-Philpot opened the public hearing at 8:30 p.m. and receiving no public comment, closed the public hearing at 8:30 p.m. Following discussion, it was the consensus of the Council to move forward with the proposed two-year budget for fiscal years 2020/21 and 2021/22.
4. **Public Hearing to review rates and fees and adopt Resolution 2020-22 approving the City of Exeter Rate and Fee Schedule** - Finance Director Chris Tavarez provided a PowerPoint presentation highlighting the proposed rate and fee schedule for Council's review and consideration. Mayor Waterman-Philpot opened the public hearing at 8:37 p.m. and receiving no public comment, closed the public hearing at 8:37 p.m. Following discussion, it was moved by Mayor Pro Tem Sally, seconded by Council Member Hails and unanimously carried to adopt Resolution 2020-22 as presented.
5. **Discussion and consideration of City participation in the Tulare County Economic Development Corporation and provide direction to staff on whether or not to include this item in the upcoming budget** - City Administrator Adam Ennis provided a report for Council's review and consideration and introduced Paul Saldana of the Tulare County Economic Development Corporation (TCEDC). Mr. Saldana provided a PowerPoint presentation highlighting the mission and purpose of TCEDC. Following discussion it was the consensus of the Council to direct staff to bring this item back to the next meeting.

J. CITY COUNCIL ITEMS OF INTEREST

No items were reported.

K. CITY ADMINISTRATOR/DEPARTMENT COMMENTS

City Administrator Adam Ennis provided a brief update on ongoing City projects and the reopening of City facilities.

L. ADJOURN REGULAR MEETING

Mayor Mary Waterman-Waterman adjourned the regular meeting at 9:25 p.m.

Shonna Oneal City Clerk

ACS/XEROX FINANCIAL SYSTEM CITY OF EXETER
 6/05/2020 14:14:49 Payments for Publication GL335R-V08.14 PAGE

Approved on 6/04/2020 for Payments Through 6/04/2020

Vendor Name	Description	Amount
AFLAC	MAY AFLAC PREMIUMS	4,921.05
ALVARADO/ RAUL	SOFTBALL REFUND-CLARISA	55.00
ANDERSON FENCE COMPANY	REPLACE CONTROL BOARD	1,935.54
ARIAS/ GERARDO	SOFTBALL REFUND-KAYLA	55.00
ARROYO/ RACHEL	BASEBALL REFUND-MATTHEW	55.00
ARROYO/ SARAH E.	SOFTBALL REFUND-SOPHIA	55.00
BARBEE/ AMANDA	SOFTBALL REFUND-LAYLA	55.00
BIGHAM/ WILLOW	SOFTBALL REFUND-AVA	55.00
BONILLA/ RHONDA & BUCK	UB DEPOSIT REFUND	16.53
C.L.E.A.	JUNE 2020 LT DISABILITY	49.00
CALIFORNIA BUSINESS MACHINES	PW-5/22/20-6/21/20	68.86
CENTRAL CAL WATERWORKS, INC	MAY 2020 WWTP	6,913.33
CENTRAL VALLEY SWEEPING LLC	MAY STREET SWEEPING SERV	3,150.00
CITY OF EXETER	4/18-5/18/20 ASSESSMENT	787.58
COLLEGE OF THE SEQUOIAS	PERISHABLE SKILLS-QUALLS	650.00
COLLINS & SCHOETTLER	MAY 2020 PLANNING	3,680.00
COOK'S COMMUNICATIONS CORP	14 FUSION RADIO INSTALLA	528.58
CRAIGS AUTO PARTS	TRI-POWER IND V-BELT	798.41
CRISTAN/JOSE	UB DEPOSIT REFUND	279.30
DASH MEDICAL GLOVES, INC.	HI RISK NITRILE EXAM GLO	64.54
DERINGTON/ DAVID	UB DEPOSIT REFUND	3.35
DOWNARD/ NICOLE	SOFTBALL REFUND-SAPHIRA	55.00
EDWARDS/ ERMA L	UB DEPOSIT REFUND	211.00
EMD NETWORKING SERVICES, INC.	MAY 2020 VOIP	1,005.08
EWING IRRIGATION PRODUCTS INC	HUNTER PCC 2STA-WILD ROS	639.36
EXETER MERCANTILE CO.	MANUAL BACKPACK SPRAYER	427.76
EXETER MOTORS, INC.	E08-POWER TAKE OFF/GASKE	1,607.60
FASTENAL COMPANY	3"X1000' DANGER DO NOT E	270.83
FERGUSON/ KERI	TBALL REFUND-CADEN	55.00
FOOTHILLS SUN-GAZETTE	PN-449-22 5/27/20 ASSESS	522.00
FRESNO OXYGEN	STD LRG FOWS CYLS/B ACET	99.42
FRONTIER CALIFORNIA INC.	5139/5-16 TO 6/15/20	738.61
FUSION CLOUD SERVICES LLC	0966/5-18 TO 6/17/20	234.00
GALVEZ/ LARYNNE	SOFTBALL REFUND-JADYN	65.00
GONZALES/ ROBERTO MORENO	UB DEPOSIT REFUND	104.13
GRIFFIN/ SHERRY	BB/SB REFUND-CASE	110.00
HENDRICK/ RENEE	SOFTBALL REFUND-JANE	55.00
HODGE/ MIKAELA	TBALL REFUND-WESLEY	55.00
IBARRA/ JESUS	SOFTBALL REFUND-AUDRINA	55.00
JOHNSON/ LINDSAY	SOFTBALL REFUND-MCKENNA	55.00
KENT M. KAWAGOE, PH.D.	PRE-EMPLOYMENT EVALUATIO	2,450.00
LEAF CAPITAL FUNDING LLC	CH-TA4002I KYOCERA 001	184.22
LOPEZ/ PAULINA	BASEBALL REFUND-MAXIMUS	55.00
LUNA/ STEVEN	UB DEPOSIT REFUND	90.24
MANNING/ JEREMY	UB DEPOSIT REFUND	122.78
MID VALLEY DISPOSAL, LLC	MAY MID VALLEY	81,423.96
MIRWALD/ PHIL	FUEL REIMB-AA GAS N GRUB	67.34
MOONLIGHT MAINTENANCE	MAY RESTROOM CLEANI	3,382.00

Approved on 6/04/2020 for Payments Through 6/04/2020

Vendor Name	Description	Amount
MORRIS/ KAILE	SOFTBALL REFUND-PIPER	65.00
MUNICIPAL CODE CORPORATION	6/1/20-5/31/21 ADMIN FEE	350.00
NAVARRETE/ IGNACIO RAMIREZ	UB DEPOSIT REFUND	60.19
OFFICE DEPOT	PAPER TOWEL/FILE FOLDERS	103.51
OSBORN/ RICK	UB DEPOSIT REFUND	4.48
PEEPLES/ JENNIFER	UB DEPOSIT REFUND	90.24
PROFORCE	GLK LE 45G5 9MM PST FS	2,311.24
PRUDENTIAL OVERALL SUPPLY	5/21/20 UNIFORM SERVICE	275.46
REESE/ VERONICA	SOFTBALL REFUND-AUDREY	55.00
REYES/ JORDAN	BASEBALL REFUND-JHETT	55.00
ROBINSON/ JENNIFER	TBALL REFUND-JACOB	55.00
ROCHA/ JOHNNY	SOFTBALL REFUND-MIA	65.00
RODRIGUEZ/ ADRIANNA	SOFTBALL REFUND-AMELIE	55.00
ROMAN CATHOLIC BISHOP	5/1/20 ARROYO DONATION	54.00
SALAS/ VANESSA	SOFTBALL REFUND-NEVAEH	65.00
SANDGATE MANAGEMENT	UB DEPOSIT REFUND	2.05
SELF-HELP ENTERPRISES	LOAN PORTF-DEFERRE/AMORT	1,325.25
SEQUOIA DOOR, INC.	PUSH BUTTON LOCK/SC1 KAB	864.56
SIERRA SANITATION INC	STANDING SINK 5/26-6/23	94.78
SIGNAL COMMUNICATION SYSTEMS	ANNUAL SOFTWARE RENEWAL	320.69
SMITH/ JOHNNY	BASEBALL REFUND-LUKE	55.00
SOUTHERN CALIFORNIA EDISON	9398B/4-23 TO 5/26/20	12,810.97
SOUTHERN CALIFORNIA GAS CO.	0493/4-24 TO 5/26/20	142.01
STANDARD INSURANCE CO.	JUNE 2020 LIFE INSURANCE	2,250.41
STORY/ DESARIE	BASEBALL REFUND-MASON	55.00
TF TIRE AND SERVICE	E12-FIREHAWK PURSUIT	283.58
TRANSUNION RISK & ALTERNATIVE	MAR PERSON SEARCH	150.00
UNIVAR SOLUTIONS USA INC	1906 W MYER-SOD HYPO	1,800.79
USA BLUEBOOK	HR METER-MARKTIME ELAPSE	78.98
VALLEY GREEN LANDSCAPE	MAY CITY PARK MAINTENANC	9,076.00
VAST NETWORKS	JUNE 2020 UTILITY SYSTEM	1,000.00
VILLALOBOS/ CRISTAL	BB/SB REFUND-HARLEY	110.00
WALKER/ JESSICA	SOFTBALL REFUND-MAKENZIE	110.00
WHEATLEY/ BRENDA	UB DEPOSIT REFUND	1.86
WILBUR/ JUSTINE	SOFTBALL REFUND-TYLEE	55.00
WILDER/ TARA	SOFTBALL REFUND-KILEY	55.00
WOOD/ LOYD L	UB DEPOSIT REFUND	216.14
ZAVALA/ DAISY	SOFTBALL REFUND-ALIEYA	55.00

** Final Totals... 152,893.59

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6/05/2020 14:14:49 Payments for Publication

CITY OF EXETER
GL335R-V08.14 PAGE

TOTAL NUMBER OF RECORDS PRINTED 324

PAYROLL.....S BI-WEEKLY RUN-06/10/2020 17.11.51 PAGE 2
 CHECK FORM...STUB CHECK REGISTER PR311R-V14.09 Paymate

PERIOD 1 DATING 5/25/2020- 6/07/2020 CHECK DATE 6/12/2020
 DIRECT DEPOSIT IS TURNED ON

CHECK NUMBER	CHECK AMOUNT	EMPLOYEE/BANK/VENDOR NAME	CODE	CHECK SEQ
47912	198.00	CLOCEA	4	1 VENDOR STUB ONLY
47913	780.00	EXETER POLICE OFFICER AS	3	1 VENDOR STUB ONLY
47914	235.35	EXETER POLICE OFFICER AS	3A	1 VENDOR STUB ONLY
47915	968.21	BRITO/ELISHA	403	1 STUB ONLY
47916	4,427.10	ENNIS/ADAM	206	1 STUB ONLY
47917	2,478.71	ONEAL/SHONNA N	203	1 STUB ONLY
47918	1,257.89	HERNANDEZ/XOCHITL	306	1 STUB ONLY
47919	1,383.26	IBARRA/MARLENE	302	1 STUB ONLY
47920	3,302.49	TAVAREZ/CHRISTOPHER	309	1 STUB ONLY
47921	1,999.39	SEE/EEKHONG	304	1 STUB ONLY
47922	35.09	CANALES/MICHAEL W	430	1 STUB ONLY
47923	1,196.41	CARRETERO/VANESSA	402	1 STUB ONLY
47924	2,869.47	CORREA/GABRIEL JR	436	1 STUB ONLY
47925	1,254.02	CORREA/GABRIEL JR	436	2 STUB ONLY
47926	1,472.48	CULLUM/TRENT	444	1 STUB ONLY
47927	1,001.85	CULLUM/TRENT	444	2 STUB ONLY
47928	2,714.95	DURKEE/MARK	404	1 STUB ONLY
47929	1,503.73	DURKEE/MARK	404	2 STUB ONLY
47930	1,482.19	ECHAVARRIA/TYLER J	443	1 STUB ONLY
47931	956.74	ECHAVARRIA/TYLER J	443	2 STUB ONLY
47932	2,321.65	FERNANDEZ/CESAR	434	1 STUB ONLY
47933	1,525.11	FERNANDEZ/CESAR	434	2 STUB ONLY
47934	2,528.11	FRICK/JOCELYNN LEANN	433	1 STUB ONLY
47935	1,216.68	FRICK/JOCELYNN LEANN	433	2 STUB ONLY
47936	2,412.88	GIEFER/MICHAEL DAVID	438	1 STUB ONLY
47937	1,299.05	GIEFER/MICHAEL DAVID	438	2 STUB ONLY
47938	1,450.29	GUZMAN/TIMOTHY CHARLES	410	1 STUB ONLY
47939	1,143.85	GUZMAN/TIMOTHY CHARLES	410	2 STUB ONLY
47940	3,184.21	HALL/JOHN T	406	1 STUB ONLY
47941	1,446.34	HAMPTON/JUSTIN	446	1 STUB ONLY
47942	171.95	HAMPTON/JUSTIN	446	2 STUB ONLY
47943	2,998.60	INGLEHART/BRETT A	411	1 STUB ONLY
47944	1,525.11	INGLEHART/BRETT A	411	2 STUB ONLY
47945	1,815.14	KNOX/MARK	442	1 STUB ONLY
47946	1,186.66	KNOX/MARK	442	2 STUB ONLY
47947	1,548.80	SALINAS/ALEXANDER	419	1 STUB ONLY
47948	1,136.65	SALINAS/ALEXANDER	419	2 STUB ONLY
47949	1,919.61	WALKER/PAUL	425	1 STUB ONLY
47950	1,258.75	WALKER/PAUL	425	2 STUB ONLY
47951	2,404.79	YARBER/ISABEL	422	1 STUB ONLY
47952	1,168.16	ALDRIDGE/GARY	618	1 STUB ONLY
47953	1,389.47	ARROYO/MARIE	623	1 STUB ONLY
47954	1,018.77	CABRERA/GUADALUPE	628	1 STUB ONLY
47955	1,839.43	ESPINOLA/DANIEL M	602	1 STUB ONLY
47956	1,469.13	HUGGINS/KYLE AARON	621	1 STUB ONLY
47957	2,832.97	QUALLS/DAYMON	607	1 STUB ONLY
47958	1,522.81	RAMIREZ/JUAN	608	1 STUB ONLY
47959	248.91	WENDT/EDDIE	626	1 STUB ONLY

PERIOD 1 DATING 5/25/2020- 6/07/2020 CHECK DATE 6/12/2020
DIRECT DEPOSIT IS TURNED ON

CHECK NUMBER	CHECK AMOUNT	EMPLOYEE/BANK/VENDOR NAME	CODE	CHECK SEQ
47960	1,255.92	CARTER/AMY JO	502	1 STUB ONLY
47961	1,103.61	WACHTER/LINDA S	517	1 STUB ONLY
47962	1,159.84	MILLAN/MARCUS	622	1 STUB ONLY
47963	1,295.85	MILLER/JAMES	624	1 STUB ONLY
47964	1,925.28	MIRWALD/PHILIP	625	1 STUB ONLY
47965	1,179.07	QUIROZ/PATRICK P	512	1 STUB ONLY
47966	1,995.24	HAYES/CURTIS W	437	1 STUB ONLY
47967	1,162.49	HAYES/CURTIS W	437	2 STUB ONLY

TOTALS FOR CHECK FORM: STUB			
NEGOTIABLE CHECKS			COUNTS
0.00	*EMPLOYEE CHECKS		0
0.00	*VENDOR CHECKS		0
0.00	*BANK CHECKS		0
0.00	**TOTAL NEGOTIABLE CHECKS		0
OTHER CHECKS			
0.00	*MANUAL CHECKS		0
0.00	*CANCELLED CHECKS		0
0.00	**TOTAL FOR CHECK FORM		
NON-NEGOTIABLE CHECKS			
87,365.16	*DIRECT DEPOSIT STUBS		53
1,213.35	*VENDOR DIR DEP STUBS		3

City of Exeter Agenda Item Transmittal

Meeting Date: June 23, 2020

Agenda Item Number:

H4

Wording for Agenda: Declaration of City Council vacancy in District E and approve the vacancy be filled in November 2020 at the next regularly established election.

Submitting Department: Administration

Contact Name: Shonna Oneal, City Clerk/HR Manager

Phone Number: 592-9244

Email: soneal@exetercityhall.com

Department Recommendation:

Staff recommends that Council declare a City Council vacancy in District E and approve the vacancy be filled in November 2020 at the next regularly established election.

For action by:

☒ City Council

Regular Session:

☒ Consent Calendar

☐ Regular Item

☐ Public Hearing

Review:

**City Administrator
(Initials Required)**



Summary/Background:

Council Member Jeremy Petty resigned from his seat on the City Council effective June 9, 2020, leaving his Council position vacant. To fill a vacancy on the Council, the Council must first declare the vacancy and then set a process to fill the vacant Council Member position. The City has not designated a process for backfilling a vacancy created mid-term, so the process requirements are dictated by general law.

Government Code 36512 specifies how general law cities fill vacancies and sets a limit on the number of appointments that can be made. Pursuant to Government Code 36512 (d)(1), an appointment shall not be made to fill a vacancy on a City Council if the appointment would result in a majority of members serving on the council having been appointed. Currently, two of the Council Members were appointed to their position. Therefore, appointing a third individual to Council is not an option because it would cause the number of appointments to result in the majority of members serving by appointment. In these instances, the Council can proceed by the following:

1. The Council may call an election to fill the vacancy, to be held on the next regularly established election date not less than 114 days after the call; or
2. If the Council does not call an election pursuant to paragraph (2), the vacancy shall be filled at the next regularly established election date.

Calling for an election is not necessary because the next regularly scheduled election already includes District E. Accordingly, it is recommended the Council declare a vacancy in District E and approve the vacancy be filled in November 2020 at the next regularly established election.

Fiscal Impact: The estimated costs for the next regularly scheduled election have already been included in the budget. This vacancy does not increase the cost.

Prior Council/Board Actions: The Council appointed Mayor Pro Tem Barbara Sally, District B, to Council on August 28, 2018 and Council Member Dave Hails, District A, on June 25, 2019.

Attachments: None

Recommended motion to be made by Council/Board: I move to declare a vacancy in District E and approve the vacancy be filled in November 2020 at the next regularly established election.

City of Exeter Agenda Item Transmittal

Meeting Date: June 23, 2020

Agenda Item Number: H5

Wording for Agenda: Authorize the piggyback of a Sourcewell cooperative purchasing agreement and authorize the City Administrator to enter into a purchase agreement with Pape Machinery, Inc. of Fowler, CA for a John Deere 310L, Four Wheel Drive Backhoe/Loader in the amount of \$96,597.69 and appropriate said funding to Streets/Gas Tax Water Funds (50% - 105.461.074/ 50% - 109.491.074).

Submitting Department: Public Works
Contact Name: Daymon Qualls
Phone Number: 592-3318
Email: dqualls@exetercityhall.com

For action by:

☒ City Council

Regular Session:

☒ Consent Calendar

☐ Regular Item

☐ Public Hearing

Review:

**City Administrator
(Initials Required)**



Department Recommendation:

Staff recommends that Council authorize the piggyback of a Sourcewell cooperative purchasing agreement and authorize the City Administrator to enter into a purchase agreement with Pape Machinery, Inc. of Fowler, CA for a John Deere 310L, Four Wheel Drive Backhoe/Loader in the amount of \$96,597.69 and appropriate said funding to Streets/Gas Tax Water Funds as presented.

Summary/Background:

The City of Exeter is a member of Sourcewell, a public agency that offers competitively solicited purchasing contracts for products and equipment to member agencies so those members do not have to duplicate the solicitation process.

The Caterpillar backhoe currently being used by the public works department was purchased in 1998 and is well overdue for replacement. This piece of equipment is used almost daily by public works staff in the course of their duties.

A new backhoe purchase was included in the approved FY 2019/2020 budget. The amount authorized in the budget was \$90,000. This action will increase the appropriation level and allocate the costs to the Street and Water division equally.

Fiscal Impact: This item was included in the approved FY 2019/2020 budget for \$90,000. The additional \$6,597.69 will be spread across the street Gas Tax and Water funds. The allocation of the appropriation for this purchase will be:

50% Streets (Gas Tax Fund) - \$48,298.69

50% Water – \$48,299.00

Total Appropriation - \$96,597.69

Prior Council/Board Actions: This item was included in the Council approved FY 2019/2020 budget for \$90,000.

Attachments: Quote obtained from Pape Machinery, Inc. of Fowler.

Recommended motion to be made by Council/Board: I move to authorize the piggyback of a Sourcewell cooperative purchasing agreement and authorize the City Administrator to enter into a purchase agreement with Pape Machinery, Inc. of Fowler, CA for a John Deere 310L, Four Wheel Drive Backhoe/Loader in the amount of \$96,597.69 and appropriate said funding as presented.

1065 John Deere PowerTech Plus 4.5L (276 Cu. In.) Engine Meets Final Tier 4 and Stage IV Emissions
With Net Peak Power of 93 Hp.
For use only in areas where EPA Final Tier 4/EU Stage IV is required.

1

Turbocharged.
Wet Sleeve Cylinder Liners.
4 Valves / Cylinder.
Electronically Controlled HPCR Fuel Delivery System, B20 Biodiesel Compatible.
Cooled Exhaust Gas Recirculation.
Serpentine Belt with Automatic Belt Tensioner.
Enclosed Safety Fan Guard.
Vertical Spin-On Engine Oil Filter.
Spin-On Fuel Filter with Water Separator.
Dual Safety Element Dry-Type Air Cleaner with Evacuator Valve..
Underhood Catalysts with Vertical Curved Exhaust Stack.
Passive flow-through Exhaust Aftertreatment system with Grid Heater.
Electronically controlled, variable-speed cooling fan.

Optional Items:

9117	Headliner - Canopy	1
9118	Tilt Steering - Canopy	1
9119	Floor Mat - Canopy	1
9920	Exterior Rear View Mirrors (2)	1
9975	Seat, Vinyl Air-Suspension For open ROPS or enclosed Cab.	1
9905	Strobe Light with Magnetic Mount Light is shipped loose in the cab.	1
9947	Heavy-Duty Stabilizer Pads Laminated and reinforced rubber, compressed on edge within the steel shoe for improved durability and wear performance.	1
9110	Ride Control Not for use with loader hydraulic codes 7035 and 7085.	1
9505	Full MFWD Driveshaft Guard	1

Configuration Total:

\$162,388.00

John Deere

Summary

Equipment Totals (includes "Other Charges")

Qty	Each	Extended
1	\$162,388.00	\$162,388.00
		\$162,388.00

310L BACKHOE LOADER

Total Equipment Group Price:

Additional Charges

Sourcewell Discount 46% Contract 032515-JDC	+/-	(\$74,698.48)
Setup & Delivery:	+/-	\$1,500.00
Factory Freight	+/-	\$256.49
Tire Fee	+/-	\$7.00
Sales Tax at 7.75%	+/-	\$7,144.68
24" HD Bucket AT437352 Included	+/-	\$0.00
Total Additional Charges:		(\$65,790.31)

Total Delivered Price:

1

\$96,597.69

Manufacturer's Suggested List Price shown. Retail prices may vary by dealer. Unless stated otherwise, taxes, freight, setup, delivery and other dealer specific charges not included in the pricing. Options noted with 'Net Item Charge' will have additional costs. Pricing and specifications subject to change without notice. Special program pricing may be available on certain models. Ask dealer for details. Prices shown are in U.S. dollars and valid only in the U.S.

Equipment Details

Prepared For: City of Exeter Public Works
350 W Firebaugh Ave
Exeter, CA 93221
Phone: 5595923318

Dealership: Joseph St. Angelo
PAPE MACHINERY, INC.
3000 San Antonio Drive
Fowler, CA 93625
Phone: 5598344774

Date May 05, 2020

All amounts are displayed in USD

310L BACKHOE LOADER

Code	Description	Qty	List Price
0A60T	310L BACKHOE LOADER		

Options

Required Items:

170C	JDLINK Ultimate 5 Year Subscription Includes JDLINK hardware: integrated cab wiring harness, antenna, modular telematics gateway (MTG), and now includes all Ultimate Connectivity features Wireless Data Transfer (WDT) enabling automatic data transfer from TimberMatic and Waratah H16 Measuring Systems to TimberManager and MyJohnDeere, supporting TimberOffice 5 Software. Additionally, Ultimate now includes Limited Internet features supporting optional ForestSight Solutions such as advance mapping systems and Remote Display Access (RDA) features supported by TeamViewer applications. JDLINK utilizes cellular and satellite technology infrastructure that is outside the control of John Deere. Changes to that infrastructure may require customers to purchase compatible JDLINK hardware to restore functionality. Includes 5 year subscription. Annual subscription renewal required after 5 years for continued functionality. JDLINK customer account must be created to access JDLINK Ultimate data. Go to www.StellarSupport.com to renew or update JDLINK subscriptions. Use of this service, and all rights and obligations of John Deere and the Customer (as identified in the applicable agreement), are governed by the terms and conditions outlined in the applicable Services and Software agreements available at www.JohnDeere.com/Agreements . If these terms and conditions are not agreeable do not proceed and do not use the service.	1
2401	English Decals with English Operator and Safety Manuals English decals installed and English operator's manual. Requires engine code 1065.	1
3065	Mechanical Front Wheel Drive (MFWD) with Limited Slip Differential 4F/2R Powershift Transmission. Includes torque converter with electrically actuated twist grip TCL in 1st through 4th gears.	1

4466	Galaxy 21L 24 in. 12 PR Rear & 12.5/80-18 10PR Front Requires axle code 3065. Rear tire chains require wheel spacers.	1
2015	Canopy (ROPS/FOPS) Isolation mounted Modular design ROPS/FOPS Level 2 (meets ISO 3449 & ISO 3471 / SAE J1040) Molded roof. Molded floor mats if Code 5285 is ordered . Mechanical Suspension Deluxe, Vinyl, Swivel Seat with Lumbar Adjustment and Arm Rests, Fully Adjustable. 3 In. Retractable Seat Belt. (2) front driving/working halogen lights - 32,500 Candlepower Each (2) rear working halogen lights - 32,500 Candlepower Each (6) additional work roof lights adds 2 front, 2 rear and 1 on each side of roof (4) turn signal/flasher/rear stop/tail lights - 2 front and rear (2) rear reflectors	1
8685	Dual Maintenance Free Batteries With Disconnect and Jump Post Recommended for use in ambient temperatures BELOW 32 degrees F (0 degrees C).	1
6020	Extendible Dipperstick Standard stabilizer legs.	1
6220	Auxiliary Hydraulic with One Way Flow (Hammer) Includes plumbing to end of dipperstick.	1
5285	Pilot Controls, Two Lever, with Pattern Selection Horn button integrated into pilot control levers.	1
5410	DEERE Standard Quick Coupler For use with DEERE 310E, G, J, K, L Series Backhoe Buckets. Not compatible with 310SE, SG, SJ, SK, SL; 410E, G, J, K, L buckets.	1
5626	18" (457 mm) Wide, Heavy-Duty, 5.1 Cu. Ft. (0.14 Cu. M.) Capacity Bucket Bucket includes TK Teeth.	1
7080	Three-Function Loader Hydraulics, Single Lever Single lever loader control with electric clutch disconnect, momentary MFWD, and electro-hydraulic auxiliary control. For front attachments. Includes valve with circuit relief and 5 In. (12.7 mm) hoses and steel lines to loader cross tube.	1
7675	1.25 Cu. Yd. (.96 Cu. M.), 86 in.(2.18 m) wide Multipurpose Bucket Includes reversible bolt-on cutting edge and skid plates. Includes reversible cutting edge for moldboard and back of clamshell. Pre-drilled for seven teeth. Order teeth from parts. Includes two lift holes. Includes reversible cutting edge for moldboard and back of clamshell. Requires Code 7075 or 7080 Aux. Loader Hydraulics	1
8475	1000 Lb. (454 kg) Front Counterweight	1

City of Exeter Agenda Item Transmittal

Meeting Date: June 23, 2020

Agenda Item Number: H6

Wording for Agenda: Adopt Resolution 2020-23 directing the City Engineer to Prepare reports on each Assessment District (Nos. 04-02; 05-02; 06-01; 08-01; 91-01A; and 91-01B) and Adopt Resolution 2020-24 Intention to Levy and Collect Assessments on Assessment District Numbers 04-02; 05-02; 06-01; 08-01; 91-01A; and 91-01B; and set the Public Hearing for July 14, 2020.

Submitting Department: Finance
Contact Name: Eekhong See, Financial Analyst
Phone Number: 559-592-3710
Email: esee@exetercityhall.com

For action by:

☒ City Council

Regular Session:

☒ Consent Calendar

☐ Regular Item

☐ Public Hearing

Review:

**City Administrator
(Initials Required)**



Department Recommendation:

Staff recommends that City Council:

- Adopt Resolution 2020-23 directing the City Engineer to prepare reports on each of the six listed deficit Landscape and Lighting Assessment Districts (LLMADs) with failed ballots.
- Adopt Resolution 2020-24 Intention to levy and collect assessments on the landscape and lighting districts and set the public hearing for July 14, 2020 to have the report presented and assessments considered.

Summary:

On March 24, 2020, City Council approved an updated City Engineer's report for each of the eight deficit Lighting and Landscape Maintenance Assessment Districts (LLMAD's) including Orchard Estates (04-02), Park Place No.1 (04-04), Park Place No.2 (04-05), Country View Estates No. 3 (05-02), Rocky Hill Haciendas (06-01), Exeter Golf Estates (08-01), Country View Estates No.1/ Country View Estates No.2/ Awbrey Estates (91-01a), and Wildrose Estates No.1 (91-01b). With City Council approval, City staff sent out ballots to 259 parcels within these eight LLMADs to address the increasing costs and resulting deficits. An informational meeting was held on May 12, 2020 for members of the public to ask questions or express concerns regarding balloting process and their specific district. On May 19, 2020, a public hearing was held for property owners to address the City Council with any comments or protests and to tabulate ballot votes received. After the public hearing closed, Council directed City staff to tabulate ballots. After tabulation of ballots, the City Clerk presented the certified ballot results.

Two assessment districts; Park Place No.1 (04-04) and Park Place No. 2 (04-05) approved their proposed assessment increase and changes while six districts including assessment district Nos. 04-02; 05-02; 06-01; 08-01; 91-01A; and 91-01B voted against an assessment increase to cover their current maintenance costs.

Ballot results are listed below:

District Number 04-02, Orchard Estates:

FOR: 3

AGAINST: 5

~~PASSED~~

X FAILED

District Number 04-04, Park Place No. 1:FOR: 20AGAINST: 5**X PASSED**~~FAILED~~**District Number 04-05, Park Place No. 2:**FOR: 18AGAINST: 9**X PASSED**~~FAILED~~**District Number 05-02, Country View Estates No. 3:**FOR: 0AGAINST: 5~~PASSED~~**X FAILED****District Number 06-01, Rocky Hill Haciendas:**FOR: 0AGAINST: 13~~PASSED~~**X FAILED****District Number 08-01, Exeter Golf Estates:**FOR: 0AGAINST: 8~~PASSED~~**X FAILED****District Number 91-01A, Country View Estates No. 1 & 2, Awbrey Estates:**FOR: 7AGAINST: 23~~PASSED~~**X FAILED****District Number 91-01B, Wildrose:**FOR: 4AGAINST: 5~~PASSED~~**X FAILED**

Based on the certified ballot results, Park Place No.1 (04-04) and Park Place No. 2 (04-05) voted for implementation of the assessment increase and Automatic Benefit Assessment (ABA) increase allowance. Approved increases will allow current maintenance to continue and eventually eliminate deficit fund balances. For the remaining six districts (Nos. 04-02; 05-02; 06-01; 08-01; 91-01A; and 91-01B), each LLMAD will require a reduction of maintenance services to address the deficit fund balance, with the reduction of services taking effect 60 days from the May 19, 2020 Public Hearing.

As a result of LLMADs with failed ballots, LLMAD Nos. 04-02; 05-02; 06-01; and 08-01 require an updated City Engineers report to reflect previously approved automatic benefit assessment increase allowances of up to 3% and for districts Nos. 91-01A and 91-01B to reflect no increase as this has not been approved by the property owners. Resolution 2020-23 formally requests these reports to be prepared. In addition, Resolution 2020-24 establishes the City's intention to levy and collect assessments on the existing districts and sets a public hearing for the six LLMADs with failed ballots for July 14, 2020.

The process would continue as follows:

1. At the June 23, 2020, Council meeting, Council adopts a resolution directing the City Engineer to prepare reports on each Assessment District (Nos. 04-02; 05-02; 06-01; 08-01; 91-01A; and 91-01B) , adopts a resolution of intention to levy and collect assessments on the six listed districts and sets the date of the public hearing for these landscape and lighting districts for July 14, 2020.
2. Public Hearing notices for July 14, 2020 have been placed into the newspaper announcing the annual updates as of May 7, 2020.
3. At the public hearing on July 14, 2020, the Council will consider the Engineer's Reports along with any testimony and, with Council concurrence, adopt two resolutions for each District. With these districts, the first resolution approves the Engineer's Report and the second one certifies the process to the County.

4. Subsequent to Council action, City Staff delivers assessment information to the County Assessor's office.
5. The adjusted assessments will be added to the County's assessment rolls in August and the City would receive (from the County) monies from the two normal semi-annual property tax collections in December and April to pay the expense of providing the district's maintenance activities.

Background:

In the City of Exeter, eight out of nineteen LLMADs are currently operating in an annual deficit and due to annual deficits in past years have also accrued a deficit fund balance. Although City staff manages maintenance of the common areas in each LLMAD, the full financial responsibility is with the property owners. Funding for each LLMAD comes directly from property owners through special assessments that were approved by owners in each district and are included on the property owner's annual property tax bill. Funds collected from the property tax bills are used to maintain each district identified in a City Engineer's report for each district.

In past years, adjustments to these districts were made in an effort to correct the deficiencies without requiring balloting for assessment increases. However, these districts continue to be in deficit in spite of those efforts. To continue current levels of maintenance of the common areas in each of these Districts, the City Engineers Report was updated to estimate maintenance costs and present the required assessments to cover those costs going forward. There were simply two options to correct the deficits described; 1) increase revenue to cover maintenance cost or 2) decrease expenditures by reducing current level of maintenance.

Fiscal Impact:

The above six LLMADs each have annual deficits resulting in their funds in deficit standing which will continue due to failed ballots. As noted for the May 19, 2020 ballot process, full financial responsibility is with the property owners, City staff will take the necessary steps to keep the districts expenses within the revenues received which will mean significant decreases to maintenance levels starting in July 2020 (as previously informed to owners during the ballot process). Initially, water and landscaping services would be reduced in areas not impacting trees. If revenues are still not enough to cover maintenance costs all irrigation would need to be capped except for trees, as well as landscape maintenance reduced to weed control.

Prior Council/Board Actions:

March 24, 2020: City Council adopted Resolution 2020-09, a Resolution approving the Engineers Reports for the eight LLMADs with district fund balances and annual revenues in deficit; and Resolution 2020-10, a Resolution of Intention to increase these deficit district's annual assessments for future fiscal years beginning fiscal year 2020/21. City Council authorized staff to proceed with the balloting process of the 8 LLMADs with deficits and set the Proposition 218 Public Hearing date for May 19, 2020.

May 19, 2020: Public Hearing held and certified ballots presented.

Attachments:

Attachment "A" - Resolution 2020-23, Resolution directing the City Engineer to Prepare Reports on each Assessment District Nos. 04-02; 05-02; 06-01; 08-01; 91-01A; and 91-01B with failed ballots

Attachment "B" - Resolution 2020-24, Resolution of Intention to Levy and Collect Assessments on Assessment District Numbers 04-02; 05-02; 06-01; 08-01; 91-01A; and 91-01B; and set the Public Hearing for July 14, 2020

Recommended motion to be made by Council/Board: I move to adopt Resolution 2020-23, directing the City Engineer to prepare Reports on each Assessment Districts with failed ballots, and Resolution 2020-24, Intent to Levy and Collect Assessments as presented, and set the public hearing for July 14, 2020.

RESOLUTION 2020-23

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EXETER DIRECTING
CITY ENGINEER TO PREPARE REPORTS ON EACH ASSESSMENT DISTRICT
NOS. 04-02; 05-02; 06-01; 08-01; 91-01A; and 91-01B**

WHEREAS, the City of Exeter has formed nineteen assessment districts pursuant to the Landscaping & Lighting Act of 1972 (Section 22500 and following, Streets & Highways Code) for the purpose of the following improvements:

Maintenance of turf areas, shrubs, trees, irrigation systems and walls; and

WHEREAS, eight districts in deficit financial standing have been updated and presented to City Council and their property owners in separate action(s) and balloted to determine whether rate increases or maintenance reductions would be used to balance the funds,

WHEREAS, two out of the eight districts Nos. 04-04 and 04-05 voted for implementation of the assessment increase and Automatic Benefit Assessment Increase Allowance up to 10%

WHEREAS, District Nos. 04-02; 05-02; 06-01; and 08-01 with failed ballot votes will have updated annual engineer reports to reflect previously approved Automatic Benefit Assessment Increase allowances of up to 3% for 2020/2021 prepared; and

WHEREAS, District Nos. 91-01A and 91-01B with failed ballot votes will have updated annual engineer reports to reflect previously approved assessments with no increase as this has not been approved by the property owners; and

WHEREAS, the City Council needs to direct the City Engineer to prepare and file with the City Clerk reports on each of the six districts with failed ballots in accordance with Article 4 of Chapter 1 of the Landscaping & Lighting Act of 1972.

NOW, THEREFORE, BE IT RESOLVED, that the City Council does herewith direct and order the City Engineer to prepare and file with the City Clerk reports on each of the six districts with failed ballots in accordance with Article 4 of Chapter 1 of the Landscaping & Lighting Act of 1972 for the remaining 6 districts listed above.

**PASSED AND ADOPTED THIS 23rd DAY OF JUNE, 2020, BY THE
FOLLOWING VOTE:**

AYES:
NOES:
ABSTAIN:
ABSENT:

MAYOR MARY WATERMAN-PHILPOT

ATTEST:

CITY CLERK SHONNA ONEAL

RESOLUTION 2020-24

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EXETER INTENTION TO
LEVY AND COLLECT ASSESSMENTS ON ASSESSMENT DISTRICT NOS.
04-02; 05-02; 06-01; 08-01; 91-01A; and 91-01B**

WHEREAS, the City of Exeter formed nineteen assessment districts pursuant to the Landscaping & Lighting Act of 1972 (Section 22500 and following, Streets & Highways Code) for the purpose of the following improvements:

Maintenance of turf areas, shrubs, trees, irrigation systems and walls; and

WHEREAS, eight districts in deficit financial standing have been updated and presented to City Council and their property owners in separate action(s) and balloted to determine whether rate increases or maintenance reductions would be used to balance the funds,

WHEREAS, two out of the eight districts Nos. 04-04 and 04-05 voted for implementation of the assessment increase and Automatic Benefit Assessment Increase Allowance up to 10%

WHEREAS, District Nos. 04-02; 05-02; 06-01; and 08-01 with failed ballot votes require a public hearing date to consider levying and collecting previously approved assessments reflecting approved Automatic Benefit Assessment Increase Allowances up to 3%; and

WHEREAS, District Nos. 91-01A and 91-01B with failed ballot votes require a public hearing date to consider levying and collecting previously approved assessments reflecting no increase; and

WHEREAS, the City Council directed the City Engineer to prepare and file with the City Clerk a report for each of the six districts with failed ballots in accordance with Article 4 of Chapter 1 of the Landscaping & Lighting Act of 1972 for the remaining 6 districts listed above; and

WHEREAS, the City Council must conduct a public hearing to consider its intent to levy and collect assessments on said assessment districts.

NOW, THEREFORE, BE IT RESOLVED, that a public hearing shall be held on JULY 14, 2020, for consideration to levy and collect assessments on Assessment District Nos. 04-02; 05-02; 06-01; 08-01; 91-01A; and 91-01B

**PASSED AND ADOPTED THIS 23rd DAY OF JUNE, 2020, BY THE
FOLLOWING VOTE:**

AYES:
NOES:
ABSTAIN:
ABSENT:

ATTEST:

MAYOR MARY WATERMAN-PHILPOT

CITY CLERK SHONNA ONEAL

City of Exeter Agenda Item Transmittal

Meeting Date: June 23, 2020

Agenda Item Number: I1

Wording for Agenda: A Public Hearing to consider the following for a project on 1.38 acres of land located on the east side of F Street between Chestnut and Cedar Avenues in Exeter (APN 135-161-008):

- a. Adopt Resolution 2020-25 upholding the Planning Commission's recommendation on the approval of General Plan Amendment 2020-01, Service Commercial to High Density Residential, and
- b. Introduce and give first reading of Ordinance 692 amending Ordinance No. 246 of the Exeter Zoning Ordinance, to reclassify the real property from the CS (Service Commercial) to the RM-1.5 (Multi-Family Residential, one unit per 1,500 square feet) Zone District, and
- c. Adopt Resolution 2020-26 upholding the Planning Commission's recommendation of a Density Bonus for the project, and
- d. Adopt Resolution 2020-27 approving a Negative Declaration for the project applications including the above General Plan Amendment, Zoning Ordinance Amendment and Density Bonus Permit.

For action by:

☒ City Council

Regular Session:

☐ Consent Calendar

☐ Regular Item

☒ Public Hearing

Review:

**City Administrator
(Initials Required)**



Submitting Department: Planning Department

Contact Name: Greg Collins

Phone Number: (559) 734-8737

Email: greg@weplancities.com

Department Recommendation: Staff recommends that the Council:

- a. Adopt Resolution 2020-25 as presented.
- b. Introduce and give first reading of an Ordinance 692 amending Ordinance No. 246 of the Exeter Zoning Ordinance as presented.
- c. Adopt Resolution 2020-26 as presented.
- d. Adopt Resolution 2020-27 as presented.

Summary/Background:

The applicant wishes to re-designate 1.38 acres of land, located on the east side of F Street between Chestnut and Cedar Streets in Exeter, from the "service commercial" to the "high density residential" designation.

Paralleling the re-designation of the subject site, the applicant is requesting a change of zone from the CS (service commercial) to the RM-1.5 (multi-family residential, one unit per 1,500 square feet) district, and a Density Bonus to allow for four additional apartment units beyond what is permitted by the RM-1.5 district.

In addition to the above planning applications, the applicant requested a site plan permit for an apartment complex that will contain 44 apartment units (20 one-bedroom units, 18 two-bedroom units and 6 three-bedroom units), common interior courtyards, and 90 off-street parking stalls (15 enclosed by a garage, 71 uncovered stalls, and 4 handicapped accessible stalls). The Planning Commission approved the apartment project subject to conditions.

A negative declaration has been prepared on the project, which indicates that the project will not have a significant impact on the environment.

The Planning Commission held public hearings on the applications outlined above at their May 21, 2020 meeting. A staff report was presented on the applications and also indicated that a Negative Declaration was prepared for the “project” consistent with the CEQA Guidelines. Staff addressed a number of questions from the Planning Commission and the applicant, which are detailed below.

The applicant, Bill Morgan, spoke in favor of the applications and only one person sent a letter expressing concern about the project. Further, that person also expressed a desire to have the meeting continued for another 30 days. The Commission declined to continue the meeting.

The Commission discussed a number of issues that pertained to the Morgan project including parking, noise, architectural elevations, site management, and solid waste collection. A recap of the discussions is as follows:

Parking: The applicant has exceeded the city's parking standard of 1.5 stalls per each apartment, half of which must be covered. Instead of 66 stalls the applicant is proposing 90 stalls. Also, the applicant is proposing diagonal stalls along F and Cedar Streets. Further, the applicant is proposing 15 single-car garages along with covering the stalls located along the alley.

Noise: The three apartment buildings are separated from noise-sensitive residential dwellings east of the project site by an existing alley (20 feet), a parking lot that is approximately 50 feet wide and 10 feet of rear yard landscaping behind the apartments. The spatial separation between the proposed apartment units and the existing single-family dwellings east of the alley will reduce any noise generated by apartment dwellers to an insignificant level.

Exeter General Plan (Land Use and Housing Elements)

The subject site, which was originally a lumber yard that burned down over 20 years ago, is proposed for a 44-unit apartment complex. Currently, the subject site is designated for service commercial, a land use designation that was consistent with the lumber yard. For the applicant to be able to construct 44 apartment units a general plan amendment is required. There are a number of general plan policies contained in the land use and housing elements that support the re-designation of the site to high density residential.

The Land Use Element promotes residential in-fill while also eliminating types of land uses within or near residential neighborhoods that might pose a conflict to the residents of the neighborhood. The site's current zoning, service commercial, “by right” could allow 1.38 acres of service commercial uses, including auto repair, warehousing, lumber yards, sheet metal yards, etc. Most of these uses are noisy, not visually pleasing and generate a fair amount of traffic. Given the subject site abuts three residential neighborhoods, staff has concluded that a residential use is more compatible with these three residential neighborhoods than a service commercial use.

Residential in-fill development near the downtown will also assist in enhancing the viability of Exeter's downtown. Folks living in the apartment complex could easily walk to the downtown for services (banking), shopping and eating/drinking.

Exeter's Housing Element promotes higher residential densities in the community because it ensures that housing is more affordable and that a range of housing types are provided in the community (e.g. handicapped units, 3-bedroom apartments, etc.). The State of California has

been very aggressive in encouraging cities to provide sites for high density residential development. This project would implement many policies in the Housing Element that refer to increased residential densities and enhancing the affordability of residential units in the city.

Exeter Zoning Ordinance

If the Council re-designates the subject site to “high density residential” then the city must apply zoning to the site that is consistent with the land use designation. In this case, the appropriate zone district is RM-1.5 (multi-family residential, one unit per 1,500 square feet). The Zoning Ordinance not only establishes residential densities for properties in Exeter but also in the case of multi-family development, design standards. These standards serve to ensure that high density residential development being constructed in Exeter is visually pleasing and does not have an adverse impact on nearby neighborhoods. Impacts could involve noise, traffic, lighting, over views into backyards, etc. Staff has used the Zoning Ordinance’s development and design standards to bring forth a residential product that should be a welcome addition to the community.

Density Bonus

According to the Exeter Zoning Ordinance, the purpose of a density bonus is to encourage the private sector to construct affordable housing for “target households” as defined by the Government Code. A density bonus can be approved by Exeter if a private sector housing developer agrees to construct a certain percentage of units for target households and agrees to maintain their affordability for a specific time period.

Section 65915 of the State Government Code states that when an applicant seeks a density bonus for a housing development, the City shall provide the applicant incentives or concessions for the production of housing units. In the case of this development, the applicant is requesting four additional housing units above what is permitted under the RM-1.5 district.

A “density bonus” is a density increase over the otherwise maximum allowable residential density under the applicable zoning ordinance and the land use element of the general plan. Density bonus percentages may range from five to 35 percent depending upon the percentage of low-income, very low-income or moderate-income housing units proposed for construction by a housing developer. In the case of this density bonus application, the applicant is ensuring that at least 10 percent of the housing units will be affordable to moderate-income households.

Approval of a density bonus like the general plan amendment discussed above also implements certain policies in the city’s housing element as listed below.

3. The City of Exeter will encourage private developers who are proposing residential development to a PD (planned development) combining district. This district allows for greater flexibility in residential design and better utilization of land. These opportunities allow the developer to potentially provide a more affordable housing product. The city will encourage the use of these zone districts by providing information that shows that they will increase the density of a residential development while at the same time reducing improvement costs and impact fees per residential unit.

4. The City of Exeter shall encourage private developers to construct multi-family development using tools such as density bonuses in accordance with Section 65915 of the Government Code.

The Agency also has other tools that can be used to entice a tax credit project to the community. The most effective tool would be for the City to approve a Density Bonus. In addition to the density bonus, the City can offer one or more deviations from the zoning ordinance standards. These tax credit projects are particularly helpful for the hard to reach extremely - low income (ELI) households. Generally, about ten percent of the units in a tax credit project are affordable to the ELI group.

6. Exeter will support and encourage a general plan amendment and/or zoning ordinance amendment on parcels that are currently zoned for non-residential uses. To generate the residential units detailed in Table 36, the City will be required to initiate general plan amendments and/or zone change amendments to promote single and multi-family development on parcels currently zoned to the PF, ML and CS zone districts.

In conclusion, a density bonus will assist the developer in providing more affordable housing in Exeter.

Site Plan

The applicant, Bill Morgan, has submitted a site plan for a proposed 44-unit apartment complex. The subject site's location is somewhat buffered from surrounding uses by three streets that have rights-of-way of 80 feet and an alley on the east side of the subject site, which is 20 feet wide. In other words, the site does not abut any adjacent land uses.

Although the subject site is bounded on three sides by residential uses, the property is zoned to the service commercial (CS) district, which was the appropriate zone for the old lumber yard.

The design of the project attempts to minimize its impact on residential uses east of the subject site by moving the three apartment buildings to the far west side of the property, fronting onto F Street. This places the complex's parking lot between the apartments and the established single-family homes on the other side of the alley. This design ensures that noise generated by the apartments will have a minimal impact on the residents to the east. Also, there is no ability for persons living in the apartments to look into the yards of the single-family dwellings.

Often parking is tight with apartment complexes, however, the proposed complex is "over parked" – more stalls than is required by the Zoning Ordinance. Also, the applicant has agreed to stripe F and Cedar Streets with diagonal parking stalls.

Exeter's site plan committee reviewed the site plan for the Morgan apartment complex at their April 23rd meeting. Issues discussed included parking, architectural style, landscaping, ADA compliance, storm drainage, and connection to the city's sewer and water systems. The site plan committee approved the site plan for the 44-unit complex subject to conditions. A discussion of each topic discussed is provided below:

Parking

To meet the City's parking requirements, the applicant was required to provide 66 off-street parking stalls half of which must be covered. The applicant is proposing 90 parking stalls, 15 of which will be contained in single-car garages. The applicant is required to cover a total of 33 parking stalls. These additional covered stalls would be located adjacent to the alley.

Architectural Style

The applicant is proposing a modern architectural style. It is staff's opinion that the architectural style should key off the old railroad station (now the Chamber building) or the Craftsman

architecture reflected in the older homes to the east of the site. Some newer buildings along F Street have attempted to capture some of the design details of the Chamber building. This suggested redesign of the exterior architecture is encouraged by language in the design standards for multi-family development, which reads as follows:

The following standards shall apply to all multi-family developments:

- A. The architectural design of multi-family developments to the best extent possible should be compatible with adjacent residential neighborhoods. Compatibility may involve the use of materials, color, scale, roof pitch, and other physical features that would assist in blending the new multi-family development with surrounding residential uses.

Sidewalks

Staff is recommending a 5-foot sidewalk and a 5-foot parkway that will be lined with trees planted on 25-foot centers. These trees should be deciduous in order to screen the sun from units that face west and south.

Landscaping

The Committee expressed concern about the water usage of the apartment complex. Through the review of the landscaping/irrigation plan, staff will ensure that drought tolerant plants are used throughout the subject site, and that the appropriate irrigation system is used. The current landscape design shows a reduction in lawn area and an increase in drought tolerant plantings.

All parkways should be treated with mulch along with the street trees to be planted on 25-foot centers. All street trees will be required to be planted in root barriers and provided with a drip system.

Sewer and Water Connections

The city engineer indicated that city sewer and water lines are located in the adjacent alley and streets. Connection to each of these lines will require the payment of sewer and water development impact fees.

Storm Water Runoff

All storm water runoff will be diverted to the street's gutter system. This runoff will enter a local drop inlet, which will transport storm water to a city storm water retention pond.

Alley Improvements

The city engineer is requiring the alley to be improved from Cedar to Chestnut Street.

Trash Enclosures

Two trash enclosure will be located off the alley. Staff is recommending that a trellis system be constructed over each trash enclosure to improve their appearances.

CONCLUSION

Staff is recommending approval of the General Plan Amendment 2020-01, Zoning Ordinance Amendment 2020-01, and Density Bonus 2020-01 to the Council because these planning

actions serve to implement many of the policies contained in Exeter's General Plan, Land Use and Housing Elements.

Site Plan Review Approved by Planning Commission

While the City Council does not review or approve site plan permits, staff assumed that the Council would like to know what the Commission approved at their recent meeting. The Commission approved Site Plan 2020-02, Morgan, subject to conditions as follows:

1. The applicant shall revise the elevation drawing to be more consistent with the "railroad architecture" (Mission or Spanish Revival architecture) along the F Street Corridor or an architectural design that blends with the existing neighborhood to the east, which is primarily Arts and Crafts (California Bungalow). Further, the site plan shall be revised to show a total of 33 covered parking stalls, a 5-foot parkway lined with street trees planted on 25-foot centers, a 5-foot sidewalk, and the location of a manager's unit.
2. The developer shall provide a landscaping and irrigation plan consistent with the State's Model Water Efficient Landscape Ordinance to the City Planner for review and approval. The Plan shall incorporate the following landscape strategies:
 - a. 5-foot tree-lined parkways shall be installed along Chestnut, F and Cedar Streets. Said trees shall be planted in tree wells with root guards. The trees shall be planted on 40 centers. No turf will be allowed in the parkway, only mulch or ground cover with drip irrigation.
 - b. No more than 50 percent of the landscaped area on the subject site shall be planted with turf.
 - c. The non-turf area shall be planted with drought tolerant plants and irrigated with a drip irrigation system.
 - d. The fence along the alley shall be a 7-foot chain linked fence with climbing vines planted along the fence on five-foot centers.
3. Each trash enclosure shall be screened with shrubs and shall be covered with a trellis system.
4. Fencing along Chestnut, Cedar and F Streets shall be decorative wrought iron.
5. The developer shall pay all development impact fees when an Occupancy Permit is issued.
6. The streetlights installed along Chestnut, F and Cedar Streets shall be SCE-approved decorative lighting, consistent with the streetlights on the west side of F Street.
7. The project shall connect to the city's sewer system consistent with Exeter's Improvement Manual and Sewer Master Plan.
8. The project shall connect to the city's water system consistent with Exeter's Improvement Manual and Water Master Plan.
9. The project shall make provisions for the proper disposal of urban storm water runoff. Said disposal shall be reviewed and approved by the City Engineer.
10. The developer shall construct roadway improvements consistent with the development standards of the Exeter Improvements Manual.

11. The developer shall comply with the City Engineer's Conditions of Approval as per the attached exhibit.

12. The developer shall comply with the Tulare County Fire Department's Conditions of Approval as per the attached exhibit.

Facts

Applicant: Bill Morgan, West Coast Construction, 3600 W. Mineral King Street, Suite B, Visalia, Ca., 93291.

Architect: The Vernal Group, 1035 East Olive Avenue, Fresno, Ca. 93728

Location: The subject property occupies 1.38 acres of land and is located on the east side of F Street between Chestnut and Cedar Streets in Exeter. The subject site is specifically comprised of Block 38, Lots 17 through 32 of the Exeter Townsite and is located in the northeast quarter of Section 10, Township 19 South, Range 26 East. The APN is 135-161-008.



Looking east from F Street onto the subject site.



Looking south from Chestnut Street onto the subject site.



Looking north from Cedar Street onto the subject site.

Request: An amendment to the Exeter General Plan, Land Use Element, and Exeter Zoning Ordinance on 1.38 acres of land located on the east side of F Street between Chestnut and Cedar Avenues in Exeter. The APN is 135-161-008.

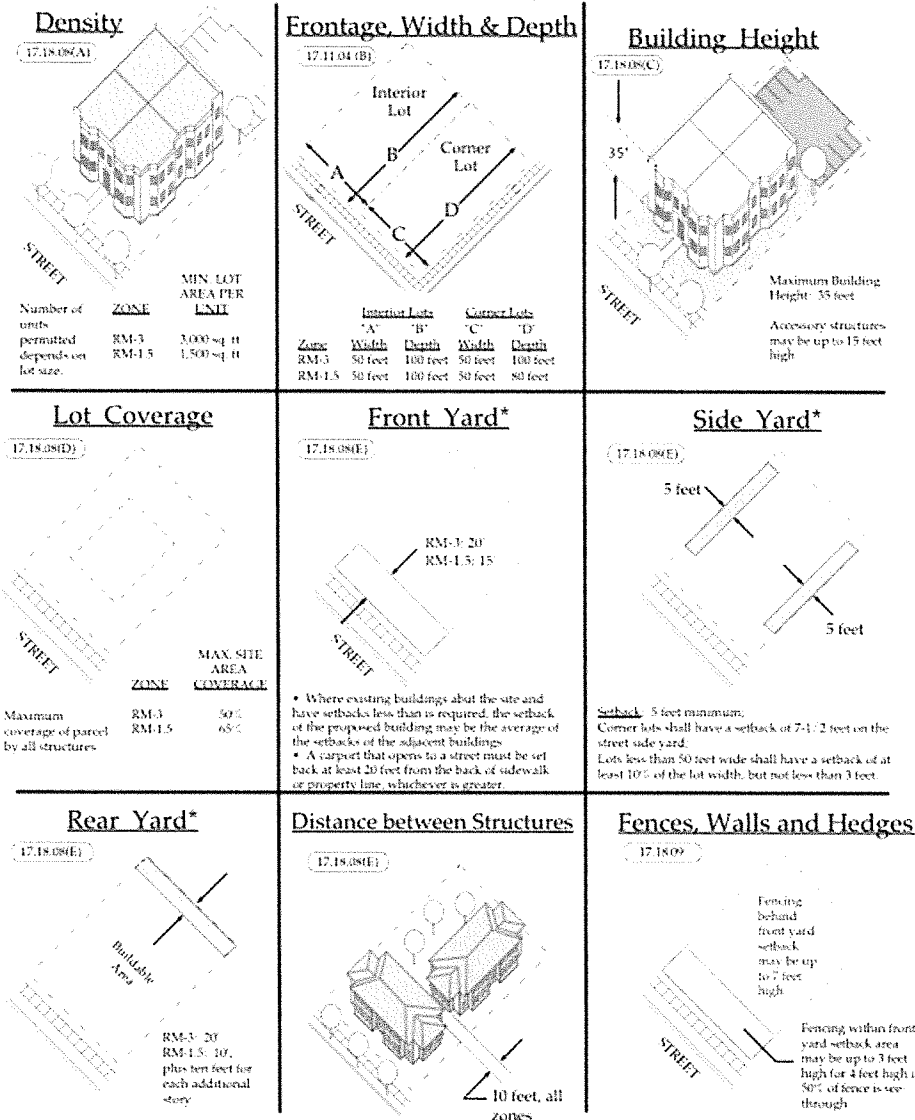


The applicant is also seeking approval of a Density Bonus as per Chapter 17.58 of the Exeter Zoning Ordinance and a site plan permit for the construction of 44 apartment units (20 one-bedroom units, 18 two-bedroom units and 6 three-bedroom units), common interior courtyards, and 90 off-street parking stalls (15 enclosed by a garage, 71 uncovered stalls, and 4 handicapped accessible stalls).

Zoning: The subject site is proposed to be zoned RM-1.5 (multi-family residential, one unit per 1,500 square feet) which allows up to 40 units but the developer has requested an additional 4 units under Exeter's Density Bonus Ordinance. For a density bonus, the applicant will be required to make 10 percent of the units affordable to moderate-income households.

Design: The applicant is proposing to construct a 44-unit apartment complex with 90 off-street parking stalls. The units will be contained in three separate buildings, two will be two-story and one will be three-story. All three will face F Street.

Figure 18-1 • RM Zone Development Standards



* See exceptions for yards in Section 17.18.07 E.4

The Exeter Zoning Ordinance contains design standards for multi-family projects. Staff has recommended that the exterior design of the apartment complex be consistent with the design standards detailed below:

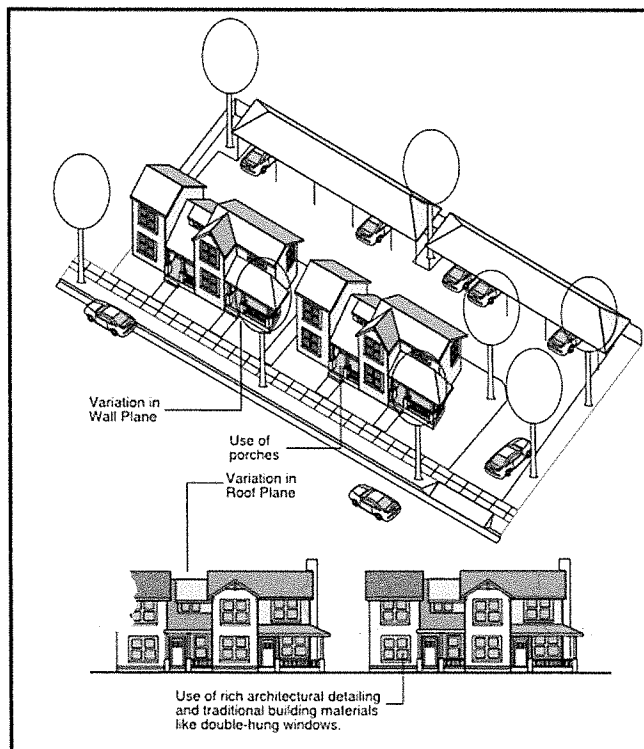
17.18.12 Design Standards

The following standards shall apply to all multi-family developments:

- A. The architectural design of multi-family developments to the best extent possible should be compatible with adjacent residential neighborhoods. Compatibility may involve the use of materials, color, scale, roof pitch, and other physical features that would assist in blending the new multi-family development with surrounding residential uses.
- B. The architectural design of multi-family developments that are not adjacent to or within existing residential neighborhood shall adhere to the following design standards:

1. Long, unbroken building facades and box-like building forms should be discouraged. Alternating building planes, building material, color and building heights, should vary along building facades. Other approaches to providing interesting multi-family structures could involve alternating the patterns of window and door opening; the use of projections such as balconies, porches and awnings; and changing setbacks and softening the building facade with tree plantings.
2. Setbacks should be varied with individual structures.
3. The rooflines of multi-family structures should be altered to provide a more interesting horizontal view. No metal roofs shall be permitted.
4. There should only be a maximum of two adjacent multi-family units with identical wall and roofline planes.
5. It is important that door and window openings be articulated on the face of the multi-family structure. Articulation can include framing, insets or shutters for windows and insets, framing and color for doorways.

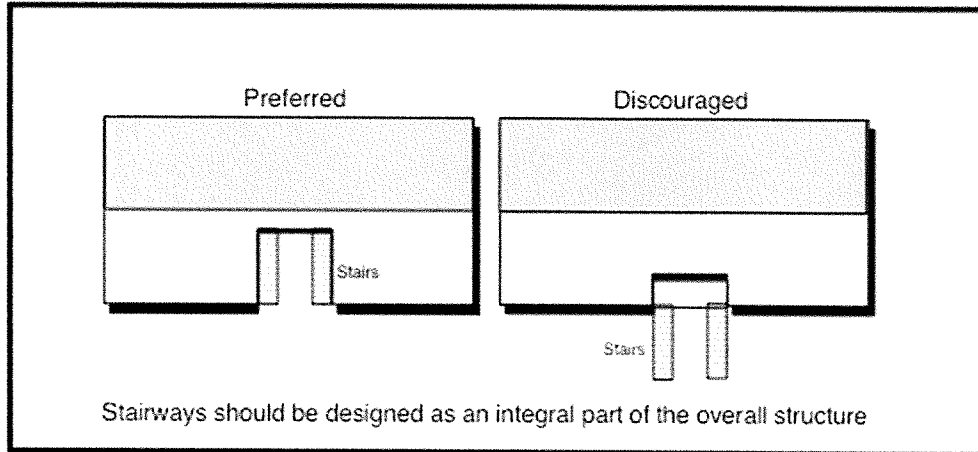
Figure 18-2: Architectural Design Concepts



6. Materials used for multi-family developments should be durable and of low maintenance. Where possible, exterior siding should provide a distinctive appearance, such as river rock, brick, or flagstone.
7. Stairways should be designed as an integral part of the overall multi-family development. Materials used on the building should be incorporated into the

stairway design. Stairways should not be a dominant exterior feature on the building but should be sited so that they are not visually prominent.

Figure 18-3: Stairways



8. The maximum height for multi-family developments shall be two (2) stories.
- C. Parking lots and driveways should be designed to blend in with the overall multi-family project.
 1. Long, unbroken rows of parking spaces are discouraged. Where possible, these rows should be broken by landscaped islands, buildings, or garages.
 2. Carports should contain some design elements that make the structures visually interesting, such as finished roofs or articulated support beams.
 3. Parking lots should be screened from adjacent properties with a 7-foot solid block wall that is softened with landscaping.
- D. Special design treatment should be given to the entryways and street corners of multi-family projects.
 1. The street corners of multi-family projects should be enhanced visually with features like landscaping, walls, lighting, fountains, trellises, signage or public art.
 2. Project entryways should be given special treatment such as stamped concrete driveways, metal gates with pilasters or landscaped medians.
- E. All common areas shall be provided with landscaping and an automated irrigation system. Landscaping shall be consistent with Chapter 17.66 Landscaping, Irrigation and Grading.
- F. All trash enclosures shall be surrounded by a 6-foot solid block wall and a metal gate. A trellis or arbor shall be constructed over the trash enclosure. The exterior to the enclosure shall be landscaped.
- G. All roof-mounted mechanical equipment shall be screened from view.

- H. Where a multi-family development abuts a single-family use or a commercial use, a 7-foot solid block wall shall be constructed along the property line common to the two land uses.

Gen. Plan: The subject site is designated service commercial by the Land Use Element. The Circulation Element designates F Street as a collector roadway.

Land Use: The site is vacant. Surrounding land uses are as follows:

North:	single-family dwellings
South:	single-family dwellings
East:	single-family dwellings
West:	service commercial uses, animal clinic

Infrast: Sewer and water lines are located in the alley and surrounding streets.

CEQA: A negative declaration has been prepared on the project.

Prior Planning Commission Actions: NA

Fiscal Impact: None

Prior Council/Board Actions: None

Attachments: Resolution 2020-25
Ordinance 692 amending Ordinance No. 246 of the Exeter Zoning Ordinance
Resolution 2020-26
Resolution 2020-27

Recommended motion to be made by Council/Board: I move to 1) Adopt Resolution 2020-25 as presented; 2) Give first reading of Ordinance 692 amending Ordinance 246 of the Exeter Zoning Ordinance, read by title only, and waiving further reading in full; 3) Adopt Resolution 2020-26 as presented and 4) Adopt Resolution 2020-27 as presented.
--

RESOLUTION 2020-25

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EXETER UPHOLDING THE PLANNING COMMISSION'S RECOMMENDATION ON THE APPROVAL OF GENERAL PLAN AMENDMENT 2020-01, SERVICE COMMERCIAL TO HIGH DENSITY RESIDENTIAL, MORGAN

WHEREAS, Bill Morgan, West Coast Construction, 3600 W. Mineral King Street, Suite B, Visalia, Ca., 93291, has applied for a general plan amendment to redesignate 1.38 acres of land, located on the east side of F Street between Chestnut and Cedar Streets in Exeter, from the "service commercial" to the "high density residential" designation, and a zoning ordinance amendment from the CS (service commercial) to the RM-1.5 (multi-family residential, one unit per 1,500 square feet) district, and

WHEREAS, the subject property occupies 1.38 acres of land. The subject site is specifically comprised of Block 38, Lots 17 through 32 of the Exeter Townsite and is located in the northeast quarter of Section 10, Township 19 South, Range 26 East. The APN is 135-161-008, and

WHEREAS, persons within 300 feet of the subject site were notified of the City Council's intention to amend the Exeter General Plan, redesignating the subject property from "service commercial" to "high density residential", and amend the Exeter Zoning Ordinance reclassifying the subject property from the "CS" to "RM-1.5" district, and

WHEREAS, a public hearing notice was published ten (10) days prior to the City Council's meeting of June 23, 2020, and

WHEREAS, the Planning Department has prepared a staff report on these planning applications along with a negative declaration indicating that the project would not have an adverse impact on the environment, and

WHEREAS, the Planning Commission held a public hearing on the two amendments listed above on May 21, 2020; accepted testimony, reviewed the staff report and negative declaration and forwarded a recommendation of approval to the Exeter City Council on both amendments.

NOW, THEREFORE, BE IT RESOLVED that the City Council, after considering all the evidence presented, determined the following findings were relevant in evaluating these amendment requests.

1. The proposed project will not have a significant impact on the environment and a negative declaration has been prepared consistent with CEQA.
2. The proposed amendment to the Exeter General Plan implements many of the policies contained in Exeter's certified Housing Element, which promotes affordable housing to households that occupy lower-income categories, increases residential densities in the community by reclassifying property to high density residential; and provides housing products that are affordable to persons with handicapped needs or households that only need one or as many as three bedrooms.
3. The proposed project will not have an adverse impact on the public's health, safety and welfare.

BE IT FURTHER RESOLVED that the City Council hereby approves Resolution 2020-25 upholding the Planning Commission's recommendation of approval of General Plan Amendment 2020-01 (see Exhibit A). The foregoing resolution was adopted upon a motion of Council member _____, second by Council member _____ at a regular meeting of the Exeter City Council on June 23, 2020, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

MAYOR MARY WATERMAN-PHILPOT

ATTEST:

CITY CLERK SHONNA ONEAL

Exhibit A



ORDINANCE 692

AN ORDINANCE OF THE CITY OF EXETER, STATE OF CALIFORNIA, AMENDING ORDINANCE NO. 246, THE EXETER ZONING ORDINANCE, RELATING TO THE RECLASSIFICATION OF REAL PROPERTY IN EXETER FROM THE CS (SERVICE COMMERCIAL) TO THE RM-1.5 (MULTI- FAMILY RESIDENTIAL, ONE UNIT PER 1,500 SQUARE FEET) ZONE DISTRICT

Section 1. Ordinance No. 246 of the City of Exeter is hereby amended by reclassifying real property in Exeter from the CS to the RM-1.5 zone district (See Exhibit B).

The subject property occupies 1.38 acres of land and is located on the east side of F street between Cedar and Chestnut Streets in Exeter. The subject site is specifically comprised of Block 38, Lots 17 through 32 of the Exeter Townsite and is located in the northeast quarter of Section 10, Township 19 South, Range 26 East. The APN is 135-161-008.

Section 2. All ordinances and parts thereof of the City of Exeter in conflict herewith are hereby repealed.

Section 3. This ordinance shall take effect thirty (30) days after passage. Prior to the expiration of fifteen (15) days from the passage hereof this Ordinance shall be published once in a local paper of general circulation and delivered within Exeter, together with the names of the members of the City Council voting for and against this matter.

The foregoing ordinance was passed and adopted by the City Council of the City of Exeter on a motion of Council member _____, seconded by Council member _____, at a regular meeting held on the 23rd day of June, 2020, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

MAYOR

ATTEST:

CITY CLERK

Exhibit B



RESOLUTION 2020-26

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EXETER UPHOLDING THE PLANNING COMMISSION'S RECOMMENDATION OF A DENSITY BONUS FOR THE MORGAN PROJECT

WHEREAS, Bill Morgan, West Coast Construction, 3600 W. Mineral King Street, Suite B, Visalia, Ca., 93291, has applied for a Density Bonus for an apartment complex on 1.38 acres of land, located on the east side of F Street between Chestnut and Cedar Streets in Exeter, and

WHEREAS, the subject property occupies 1.38 acres of land. The subject site is specifically comprised of Block 38, Lots 17 through 32 of the Exeter Townsite and is located in the northeast quarter of Section 10, Township 19 South, Range 26 East. The APN is 135-161-008, and

WHEREAS, the applicant is requesting a ten percent density bonus, which represents an additional four units above the 40 permitted by the proposed RM-1.5 district, and

WHEREAS, persons within 300 feet of the subject site were notified of the City Council's intention to approve a Density Bonus on a 44-unit apartment complex, and

WHEREAS, said Density Bonus was processed consistent with Chapter 17.58, Density Bonus, of the Exeter Zoning Ordinance, and

WHEREAS, Government Code Section 65915 indicates that when an applicant seeks a density bonus for a housing development, the density bonus requirements are triggered when the applicant for a housing development seeks and agrees to construct a housing development, excluding any units permitted by the density bonus awarded pursuant to this section, that will contain at least any one of the following:

- (A) Ten percent of the total units of a housing development for lower income households, as defined in Section 50079.5 of the Health and Safety Code.
- (B) Five percent of the total units of a housing development for very low-income households, as defined in Section 50105 of the Health and Safety Code.
- (C) A senior citizen housing development, as defined in Sections 51.3 and 51.12 of the Civil Code, or a mobile home park that limits residency based on age requirements for housing for older persons pursuant to Section 798.76 or 799.5 of the Civil Code.
- (D) Ten percent of the total dwelling units in a common interest development, as defined in Section 4100 of the Civil Code, for persons and families of moderate income, as defined in Section 50093 of the Health and Safety Code, provided that all units in the development are offered to the public for purchase.

WHEREAS, a public hearing notice was published ten (10) days prior to the City Council's meeting of June 23, 2020, and

WHEREAS, the Planning Department has prepared a staff report on the Density Bonus application along with a negative declaration indicating that the project would not have an adverse impact on the environment, and

WHEREAS, the Planning Commission held a public hearing on the Density Bonus on May 21, 2020; accepted testimony, reviewed the staff report and negative declaration and forwarded a recommendation of approval to the Exeter City Council on said Density Bonus.

NOW, THEREFORE, BE IT RESOLVED that the City Council, after considering all the evidence presented, determined the following findings were relevant in evaluating these amendment requests.

1. The proposed project will not have a significant impact on the environment and a negative declaration has been prepared consistent with CEQA.
2. The proposed Density Bonus request is consistent with Chapter 17.58, Density Bonus, of the Exeter Zoning Ordinance.
3. The proposed Density Bonus implements many of the policies contained in Exeter's certified Housing Element, which promotes affordable housing to households that occupy lower-income categories, increases residential densities in the community by reclassifying property to high density residential; and provides housing products that are affordable to persons with handicapped needs or households that only need one or as many as three bedrooms.
4. The proposed project will not have an adverse impact on the public's health, safety and welfare.

BE IT FURTHER RESOLVED that the City Council hereby upholds the Planning Commission's recommended approval of Density Bonus 2020-01 and passes Resolution 2020-26. The foregoing resolution was adopted upon a motion of Council member _____, second by Council member _____ at a regular meeting of the Exeter City Council on June 23, 2020, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

MAYOR MARY WATERMAN-PHILPOT

ATTEST:

CITY CLERK SHONNA ONEAL

Exhibit B



RESOLUTION 2020-27

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EXETER APPROVING A NEGATIVE DECLARATION FOR THE MORGAN PROJECT APPLICATIONS INCLUDING GENERAL PLAN AMENDMENT, ZONING ORDINANCE AMENDMENT AND DENSITY BONUS PERMIT

WHEREAS, Bill Morgan, West Coast Construction, 3600 W. Mineral King Street, Suite B, Visalia, Ca., 93291, has applied for a general plan amendment to redesignate 1.38 acres of land, located on the east side of F Street between Chestnut and Cedar Streets in Exeter, from the "service commercial" to the "high density residential" designation, a zoning ordinance amendment from the CS (service commercial) to the RM-1.5 (multi-family residential, one unit per 1,500 square feet) district, and a Density Bonus to allow for a ten percent increase in density for a 44-unit apartment complex, and

WHEREAS, the subject property occupies 1.38 acres of land. The subject site is specifically comprised of Block 38, Lots 17 through 32 of the Exeter Townsite and is located in the northeast quarter of Section 10, Township 19 South, Range 26 East. The APN is 135-161-008, and

WHEREAS, on June 23, 2020, the Exeter City Council did conduct a duly-noticed public hearing, accepting written and oral testimony both for and against the Morgan project, and

WHEREAS, the planning requests listed above are considered a "project" under the Guidelines of the California Environmental Quality Act (CEQA) and accordingly the City has prepared an Initial Environmental Study for the "project" consistent with CEQA Guidelines, and

WHEREAS, the Initial Environmental Study determined that the proposed project will not have a significant impact on the environment and the City has determined that a Negative Declaration is the appropriate environmental document to be prepared on the "project", and

WHEREAS, a Notice of Intent to Adopt a Negative Declaration was published in the Exeter Sun on June 3, 2020, inviting the public to review and/or comment on the Negative Declaration and Initial Study prepared for the Morgan project, and

WHEREAS, the Negative Declaration/Initial Study was distributed to interested agencies for review and comment, and

WHEREAS, the Planning Department has prepared a staff report for the planning applications that make up the Morgan project in accordance with the CEQA Guidelines, and

NOW, THEREFORE, BE IT RESOLVED that the City Council, after considering all the evidence presented, determined the following finding was relevant in evaluating the Negative Declaration prepared on the Morgan project.

1. The City prepared an Initial Environmental Study (IES) consistent with the requirements of CEQA. The IES determined the Morgan project would not have a significant impact on the environment including impacts on matters such as air quality, water consumption, noise, circulation, aesthetics and city services/infrastructure. Accordingly, a Negative Declaration has been prepared on the Morgan project.

BE IT FURTHER RESOLVED that the Initial Environmental Study and Negative Declaration prepared on the Morgan project has been reviewed by the Exeter City Council and is hereby approved.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Exeter duly called and held on the 23rd day of June 2020, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

MAYOR MARY WATERMAN-PHILPOT

ATTEST:

CITY CLERK SHONNA ONEAL

City of Exeter Agenda Item Transmittal

Meeting Date: June 23, 2020

Agenda Item Number: 12

Wording for Agenda: Public Hearing to consider the Planning Commission's recommendation and introduce and give first reading of Ordinance 693, amending Exeter's Zoning Ordinance, Chapter 17.68 Parking and Loading, Section 17.68.02, General Requirements.

Submitting Department: Planning Department
Contact Name: Greg Collins
Phone Number: (559) 734-8737
Email: greg@weplancities.com

For action by:

☒ City Council

Regular Session:

☐ Consent Calendar
☐ Regular Item
☒ Public Hearing

Review:

**City Administrator
(Initials Required)**



Department Recommendation:

Staff recommends that the City Council hold the public hearing to consider the Planning Commission's recommendation and introduce and have the first reading of Ordinance 693, amending Exeter's Zoning Ordinance, Chapter 17.68 Parking and Loading, Section 17.68.02, General Requirements.

Summary:

The Planning Commission held a public hearing on Zoning Ordinance Amendment 2020-02 at their May 21st meeting. The planning department presented a staff report to the Commission that provided the background on the purpose of the Amendment and how the Amendment might promote future development in Exeter's downtown. The Commission received public testimony on the Amendment and voted to recommend approval of said Amendment to the City Council.

The proposed amendment of Section 17.68.02, General Requirements, of Exeter's Parking and Loading Ordinance, provides for a parking waiver if a certain number of parking stalls are made available to the public during non-business hours. The waiver strategy achieves three objectives. First, it can reduce the cost of parking for businesses that wish to locate in the Downtown. Secondly, it promotes more efficient use of downtown parking stalls because they can be used "after" hours. Finally, promoting construction, remodeling and expansion in the downtown by providing more options for development to address parking requirements and possibly reducing "parking costs" will enhance the economic viability of the Downtown.

Background:

The planning staff recently completed a Downtown Parking Study to determine if a parking problem exists in the Downtown and what strategies might be employed to ensure that parking problems do not arise in the future. During the preparation of the Downtown Parking Study, the Commission had a request from Garrett German to expand his downtown office, located at 160 South E Street, to add additional 4,176 square feet to his building.

The proposed expansion by Mr. German proved difficult because he could not meet all of the parking requirements necessitated by the proposed office expansion. With a modification to his site plan (adding six parking stalls at the rear of his building off an existing alley) and utilizing a parking waiver strategy as proposed in this amendment to Chapter 17.68, Parking and Loading, of the Exeter Zoning Ordinance (see text below), the required number of parking stalls to be provided could be reduced. Staff would then be able to allow Mr. German to proceed with his office expansion, with the ability for the reduced remaining parking requirements to be addressed using an in-lieu parking fee to be paid upon receiving a building permit for every stall

not provided on-site or waived. Staff is currently working on determining an in-lieu parking fee that would be applied to projects throughout the city as well as in the Downtown.

The proposed Amendment to the Exeter Zoning Ordinance Chapter 17.68, Parking and Loading, Section 17.68.02, General Requirements, is provided below. The text in "red" is the proposed amending language.

17.68.02 General Requirements

- A. No building shall be constructed or use permitted unless off-street parking and loading spaces are provided in accordance with the provisions of this chapter unless otherwise exempted by this chapter.
- B. When an existing use or building is enlarged and requires additional parking and loading under the provisions of this chapter, said improvements shall be provided on the subject site or the developer shall provide an in-lieu parking fee consistent with the provisions in this chapter **unless otherwise stated in this Chapter.**

When a new building is being constructed in the Downtown Parking Study Area, or when an existing building in the Downtown Parking Study Area is being expanded, to the greatest extent possible new parking shall be constructed on-site. If these new on-site parking stalls are made available to the public during non-business hours, the number of required new parking stalls shall be waived by the number made available to the public. An in-lieu parking fee shall be paid for each parking stall not constructed on-site or waived.

- C. For uses not listed in this chapter, the Planning Director shall determine parking and loading standard for the use based on the operational, size and locational characteristics of the use and the standards that similar cities apply to said use.
- D. Fractional space requirements shall be rounded up when the fractional number is 0.5 or more and shall be rounded down when the fractional number is less than 0.5.

The Planning Commission and staff are recommending approval of Ordinance 693 amending Exeter's Zoning Ordinance, Chapter 17.68 Parking and Loading, Section 17.68.02, General Requirements.

Fiscal Impact: None

Prior Council/Board Actions: None

Attachments: Ordinance 693

Recommended motion to be made by Council/Board: I move to approve the first reading of Ordinance 693 amending Exeter's Zoning Ordinance, Chapter 17.68 Parking and Loading, Section 17.68.02, General Requirements, read by title only, and waiving further reading in full.

ORDINANCE 693

AN ORDINANCE OF THE CITY OF EXETER, STATE OF CALIFORNIA, AMENDING THE EXETER MUNICIPAL CODE, TITLE 17: ZONING

THE CITY COUNCIL OF THE CITY OF EXETER DOES ORDAIN AS FOLLOWS:

Section 1. The City of Exeter Municipal Code is hereby amended as follows:

Title 17: Zoning, Chapter 17.68, Parking and Loading, Section 17.68.02, General Requirements.

17.68.02 General Requirements

- A. No building shall be constructed or use permitted unless off-street parking and loading spaces are provided in accordance with the provisions of this chapter unless otherwise exempted by this chapter.
- B. When an existing use or building is enlarged and requires additional parking and loading under the provisions of this chapter, said improvements shall be provided on the subject site or the developer shall provide an in-lieu parking fee consistent with the provisions in this chapter **unless otherwise stated in this Chapter.**

When a new building is being constructed in the Downtown Parking Study Area, or when an existing building in the Downtown Parking Study Area is being expanded, to the greatest extent possible new parking shall be constructed on-site. If these new on-site parking stalls are made available to the public during non-business hours, the number of required new parking stalls shall be waived by the number made available to the public. An in-lieu parking fee shall be paid for each parking stall not constructed on-site or waived.

- C. For uses not listed in this chapter, the Planning Director shall determine parking and loading standard for the use based on the operational, size and locational characteristics of the use and the standards that similar cities apply to said use.
- D. Fractional space requirements shall be rounded up when the fractional number is 0.5 or more and shall be rounded down when the fractional number is less than 0.5.

Section 2. All ordinances and parts thereof of the City of Exeter in conflict herewith are hereby repealed.

Section 3. This ordinance shall take effect thirty (30) days after passage. Prior to the expiration of fifteen (15) days from the passage hereof this Ordinance shall be published once in a local paper of general circulation and delivered within Exeter, together with the names of the members of the City Council voting for and against this matter.

The foregoing ordinance was passed and adopted by the City Council of the City of Exeter on a motion of Council member _____, seconded by Council member _____, at a regular meeting held on the _____ day of _____, 2020, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

ATTEST:

MAYOR MARY WATERMAN-PHILPOT

CITY CLERK SHONNA ONEAL

City of Exeter Agenda Item Transmittal

Meeting Date: June 23, 2020

Agenda Item Number:

I3

Wording for Agenda: Consideration to adopt Resolution 2020-28, with or without additional stipulations, to authorize the Mayor to execute the Tulare County Regional Transit Agency (TCRTA) Joint Powers Agreement (JPA) for a minimum of a three (3) year term and provide any additional direction to staff.

Submitting Department: Administration

Contact Name: Adam Ennis

Phone Number: (559) 592-4539

Email: adam@exetercityhall.com

For action by:

☒ City Council

Regular Session:

☐ Consent Calendar

☒ Regular Item

☐ Public Hearing

Review:

**City Administrator
(Initials Required)**



Department Recommendation:

Staff recommends that the Council consider adoption of Resolution 2020-28, with or without additional stipulations, to authorize the Mayor to execute the Tulare County Regional Transit Agency (TCRTA) Joint Powers Agreement (JPA) for a minimum of a three (3) year term and provide any additional direction to staff.

Summary/Background:

In the past, Exeter attempted to provide its own transit service through an in-house Dial-A-Ride program. Over the last couple of years, the Council became more focused on improving the City's fiscal position as the City's finances had become tighter and required items to be deferred, which could not continue. It was determined that the City could not afford to continue supplementing transit only funding to support this program. In 2017 the City began contracting with the City of Visalia Transit Division to provide fixed route and dial-a-ride services. The funding for this contract was primarily through transit only funding received by the City with some minor supplementation from Local Transportation Funding (LTF) that the City receives. The remainder of the LTF funding can and is currently used for street improvements.

In the past, operating transit services in rural Tulare County has presented challenges in ridership, meeting fare box ratios and other requirements associated with receiving transit funding. In addition, the cost of transit services has escalated and are anticipated to continue that trend in the future. These challenges have led the Tulare County Association of Governments (TCAG) to explore potential ways to improve transit service in Tulare County. One of the ways of interest to TCAG was the development of a countywide regional transit agency which would pool the transit resources in the County, potentially with improvements and adjustments in costs and services, such as including micro transit (minibus vehicles with flexible schedules). TCAG hired a nationwide transit consultant to analyze a regional transit system for Tulare County. The agency would have all powers necessary to own, operate and administer public transportation services within the jurisdictions of the member agencies, except for the power to tax.

TCAG has developed a JPA that could be entered into by any of the agencies within Tulare County to join the TCRTA. This JPA was modeled after a similar local agency that has been successful. The TCRTA would be a public agency separate and apart from the member agencies and would be governed by a board made up of one representative from each member agency. The board would elect officers and appoint an executive director. The board would determine minimum service levels, budgets, etc. and the executive director would be charged

with carrying out the direction of the board. Several items would require a unanimous vote of the directors including; 1) approval of the budget, 2) Local Transportation Fund (LTF) Claims approval for submittal to TCAG, 3) early withdrawal of a member prior to completing the initial new membership, which includes the fiscal year when membership begins and an additional 3 years, and 4) readmission of an agency that was a prior member of the transit agency.

As typical of most decisions there are potential advantages and challenges to the City in the TCRTA JPA arrangement as currently presented. Some of the advantages are:

- A. The City would be part of, and have some influence on, a countywide coordinated transits system that could be more convenient to use with ease of transfers, the same rate and payment system and a variety of transit services such as micro transit services.
- B. Some actions require unanimous approval by the board, providing some protection for commitment on behalf of the City.
- C. Has the potential for cost savings and improved service, although there are no guarantees.
- D. Primary funding with transit only funds, with the TCRTA also supplementing as much as possible with grants and other funding that may become available.
- E. TCRTA will not obligate member agencies to expend general funds.
- F. TCAG is committed to do everything possible for success of the TCRTA.

There are also some potential challenges to the City such as:

- A. The details of the agency won't be determined until they are set by the Board, which results in there being several potential future unknowns entering into the JPA at the beginning.
- B. There is the potential for additional start-up costs based on a pro rata share.
- C. Service level is determined by the TCRTA and has the potential to not reflect the desires of the City.
- D. There is the potential that the City's portion of the costs could require the City to spend more of its LTF street funding on transit.
- E. There could be a lone holdout on a unanimous required approval that could keep things from moving for the JPA as a whole, and the lone holdout could be the Exeter representative in some cases.
- F. Requires an initial 3-year membership, unless a request by the City to withdrawal from the JPA is determined to be mutually beneficial and granted unanimously by the board.
- G. If City decides to leave JPA, it could still be responsible for its share of contractual obligations of the JPA in force on the effective date of withdrawal by the City.
- H. If City withdraws from JPA it waives its right to any refunds of contributions previously made and relinquishes all rights and interests in any transit agency property.
- I. If contracted with a public retirement system, any TCRTA employee retirement liabilities will be a joint debt between the member agencies and the TCRTA.
- J. Although unlikely, there is the chance that the TCRTA doesn't work out and the City would have to develop another option in the future.

At this time, it appears that the County, Tulare, Porterville, Dinuba, Farmersville and Woodlake are interested in being in the JPA. Visalia has decided to not be in the JPA and it is unknown what Lindsay's position will be. Since the City currently contracts with Visalia for transit services being in the JPA would require a transition of transit services from Visalia Transit to the TCRTA transit services. TCAG estimates that the JPA would require at least a minimum of a year to form and service with Exeter could potentially begin July 1, 2021 at the earliest (possibly later).

The City has four main options with this proposal: 1) commit to join the JPA as presented, 2) commit to join the JPA with stipulations, 3) continue contracting with Visalia Transit and consider joining the JPA in the future or 4) continue contracting with Visalia Transit.

The Council could add stipulations to the resolution such as:

- 1) The City will need assistance from TCAG to cover additional start-up costs
- 2) Service levels in Exeter be controlled by the City of Exeter
- 3) Funding contributions by Exeter be limited to transit only and the current level of LTF funding contributed towards transit (see Table 1).
- 4) Or any other to address Council concerns

Table 1: 2019/2020 City of Exeter Transit Funding

State and Federal Transit Only Funding	- \$130,000
Federal Local Transportation Funding	- <u>65,000</u>
Total Transit Funding	- <u>195,000</u>

The overall consideration in this decision seems to be whether the City feels it is in a position to commit to an agreement with unknowns for potential future benefits in transit service and cost.

Fiscal Impact: Unknown

Prior Council/Board Actions: None

Attachments: Tulare County Regional Transit Agency Joint Powers Agreement
Resolution 2020-28

Recommended motion to be made by Council/Board: I move to:

- 1) adopt the resolution authorizing the Mayor to execute the JPA as presented,
- 2) adopt the resolution authorizing the Mayor to execute the JPA with stipulations,
- 3) not adopt the resolution and continue contracting with Visalia Transit and consider joining the JPA in the future or
- 4) not adopt the resolution and continue contracting with Visalia Transit.

RESOLUTION 2020-28

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EXETER AUTHORIZING THE
MAYOR TO EXECUTE THE TULARE COUNTY REGIONAL TRANSIT AGENCY JOINT
POWERS AGREEMENT**

WHEREAS, the City of Exeter currently contracts with the City of Visalia Transit Division for the provision of transit services in Exeter; and

WHEREAS, the City of Exeter currently spends about \$130,000 of transit only designated funding and an additional \$65,000 of Local Transportation Fund funding on transit services, for a total of about \$195,000 annually; and

WHEREAS, the City recognizes transit services are needed to provide for riders to get where they need to go within the City and the County and costs may continue to increase over time without any action besides reducing services and joining the Joint Powers Agreement (JPA) and seeking out alternative forms of transit may benefit residents of Exeter; and

WHEREAS, the City's goals are to improve transit service in Exeter, and connections to areas outside of Exeter, at reduced costs; and

WHEREAS, the City desires to enter into the Tulare County Regional Transit Agency (TCRTA) JPA in an effort to potentially achieve the above stated goals; and

WHEREAS, attached to this Resolution is the JPA and any additional conditions of the City's membership; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Exeter, State of California, that the following are hereby adopted:

The Mayor is authorized to execute the TCRTA JPA, provided that the additional conditions (if any) are agreed to.

Passed, approved, and adopted this 23rd day of June, 2020, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

Mayor

Attest:

City Clerk

**TULARE COUNTY REGIONAL TRANSIT AGENCY
JOINT POWERS AGREEMENT**

The Joint Powers Agreement ("Agreement"), dated this _____ day of _____, 2020, by and among the County of Tulare and the Cities of Dinuba, Exeter, Farmersville, Lindsay, Porterville, Tulare, Visalia, and Woodlake (each, a "Party" or "Member Agency" and together, the "Parties" or "Member Agencies" to this Agreement) is hereby entered into pursuant to Section 6500 *et seq.* of the Government Code of the State of California.

**Article I
General Provisions**

Section 1: Purpose

The purpose of this Agreement is to empower the Parties to exercise their common powers by the formation and operation of a Joint Powers Agency, hereafter called "Tulare County Regional Transit Agency" or "Transit Agency," with full power and authority to own, operate, and administer a public transportation system within the jurisdictions of the Member Agencies. The Transit Agency shall be a public agency separate and apart from the Member Agencies.

Section 2: Name and Membership

The legal name of the Transit Agency shall be "Tulare County Regional Transit Agency." Agencies eligible to enter into this Agreement include the County of Tulare and all incorporated cities within Tulare County. Upon entering into this Agreement, Member Agencies shall be required to maintain membership for the duration of the remaining fiscal year in which the Member Agency joined, plus the following three (3) fiscal years. Early withdrawal of any agency under these terms may be approved by unanimous vote of the Transit Agency's Board of Directors if withdrawal is determined to be mutually beneficial.

Section 3: Boundaries

The boundaries of the Transit Agency shall coincide with the exterior boundaries of Tulare County but shall exclude the territory of any incorporated city within Tulare County that is not a Party to this Agreement.

Section 4: Powers

The Transit Agency shall have all powers necessary to carry out the purpose of this Agreement, except the power to tax. The powers of the Transit Agency specifically include, but are not limited to, the following:

- a. To operate a public transportation system to service the incorporated areas of the cities who elect to become Member Agencies hereunder and the unincorporated areas of the County of Tulare.

- b. To acquire, hold, and dispose of real and personal property.
- c. To acquire, construct, manage, maintain, and/or operate any facilities or improvements.
- d. To own, lease, operate, and maintain vehicles and other property and equipment, which are necessary or reasonable to carry out the purpose of this Agreement.
- e. To expend funds. This power shall be limited only by the availability of funds as set forth in Article III, Sections 4 and 9 of this Agreement.
- f. To sue and be sued in its own name.
- g. To make and enter into contracts for services.
- h. To incur debts, liabilities, and obligations, none of which shall become a debt, liability, or obligation of any Member Agency pursuant to California Government Code section 6508.1 (a) without the express written consent of that Member Agency, except that any debt, liability, or obligation of the Transit Agency with respect to retirement liabilities of the Transit Agency shall be a joint debt, liability, or obligation of each Member Agency if the Transit Agency contracts with a public retirement system.
- i. To provide and enter into agreements for transportation services to locations outside the jurisdiction and boundaries of any of the Member Agencies.
- j. To apply for and execute agreements for financial assistance from the State of California, U.S. Government, and other sources, and to obligate the Transit Agency to operate the public transportation system in accordance with the terms and conditions of said financial assistance.
- k. To purchase insurance.
- l. To employ staff, or to contract with the Member Agencies, or private vendors or individuals to provide the agency with necessary and appropriate services, including, but not limited to, an Executive Director and legal counsel. If the Transit Agency elects to employ its own staff, then the Board shall establish appropriate personnel rules and benefit programs, and determine whether to seek and approve membership in the Tulare County Employees Retirement Association, another established retirement/pension system, or make other retirement/pension options available for its employees.
- m. To adopt local debt policies pursuant to California Government Code section 8855.
- n. To adopt a Conflict-of-Interest Code pursuant to California Government Code section 87300.
- o. All other powers that are necessary and proper for the Transit Agency in order to provide public transportation services.

Article II Organization

Section 1: Governing Board of Directors

The powers of the Transit Agency are vested in its governing Board of Directors, hereafter called the "Board." The Board shall be composed of elected officials, hereafter called "Directors," from each Member Agency. Each Member Agency shall appoint one regular Director and one alternate Director to the Board. Each Director will serve at the pleasure of the Director's appointing authority; however, Directors who are members of the governing body of their respective Member Agencies shall cease to serve as

Directors upon termination of that public office. The applicable appointing authorities shall fill vacancies on the Board of Directors.

The following shall sit as non-voting, *ex-officio* members of the Board:

- a. The Tulare County Association of Governments (TCAG) Board members sitting as the Public Transit Representative and Alternate (if different than an already seated Transit Agency Director); and
- b. The Calvans Executive Director or his/her designee.

Section 2: Officers

a. The Board shall elect a Chair and Vice-Chair from among the Directors, and such other officers as the Board may deem necessary.

b. The Chair shall preside at all meetings of the Board and generally shall perform all duties incident to the office of Chair and such other duties as may from time to time be assigned to such office by the Board.

c. At the request of the Chair, or in case of his or her absence or disability, the Vice-Chair shall perform all duties of the Chair and, when so acting, shall have all the powers of, and be subject to all restrictions upon, the Chair. In addition, the Vice-Chair shall perform such other duties as may from time to time be assigned to that office by the Board of Directors or the Chair.

d. The Chair, Vice-Chair, and such other officers as are elected by the Board each shall serve at the pleasure of the majority of the Board and be elected for a term of two years, with no limit on the number of terms served. Each such officer shall continue to serve until his or her successor is elected, or until his or her death, resignation, or removal from office by the majority of the Board, whichever occurs earlier.

e. The Executive Director of the Transit Agency (provided for below) shall serve *ex-officio* as the Secretary of the Board. The Secretary shall (i) certify and keep at the office of the Transit Agency, or at such other place as the Board may order, the original or a copy of the Agreement, the Bylaws, and the other documents provided for below, as amended or otherwise altered; (ii) keep at the office of the Transit Agency, or at such other place as the Board may order, a book of minutes of all meetings of the Board, recording therein the time and place of holding, whether regular or special, and, if special, how authorized, the notice thereof given, and the proceedings thereat; (iii) see that all notices are duly given in accordance with the provisions of this Agreement, the Bylaws, or as required by law; (iv) be custodian of the records of the Transit Agency; (v) exhibit at all reasonable times to any Director, upon application, the Bylaws and minutes of the proceedings of the Board; and (vi) in general, perform all duties of the office of Secretary and such other duties as may from time to time be assigned to such office by the Board or the Chair.

f. Any officer may resign at any time by giving written notice to the Board. Any such resignation shall take effect at the time specified therein and, unless otherwise specified therein, the acceptance of such resignation shall not be necessary to make it effective. A vacancy in any office because of death, resignation, removal, disqualification or any other cause shall be filled in the manner prescribed in this Agreement for regular election or appointment to such office.

g. With prior Board approval, the Chair, the Vice-Chair, or the Secretary is authorized to execute all documents in the name of the Transit Agency.

Section 3: Compensation

The members of the Board shall serve without compensation but shall receive reimbursement for actual and necessary travel expenses incurred in the performance of their duties and outlined in accordance with policies established by the Board.

Section 4: Executive Director

The Board shall appoint an Executive Director. The Executive Director shall serve at the pleasure of or upon the terms prescribed by the Board. The Executive Director so appointed may be an employee of a Member Agency, an employee of the Transit Agency, or an independent contractor (or employee of an independent contractor). Under rules and regulations provided by the Board, the powers and duties of the Executive Director are:

- a. To lead and coordinate the transit system of the Transit Agency and to be responsible to the Board for proper administration of all affairs of the Transit Agency.
- b. To appoint, assign, direct, supervise, and, subject to the personnel rules adopted by the Board, discipline or remove Transit Agency employees.
- c. To arrange for secondary support services, including: legal counsel, general services, office space, human resources, fiscal and administrative support, communications, information technology, payroll, and other support services necessary or convenient for the operation of the transit system and Transit Agency.
- d. To supervise and direct the preparation of the annual operating and capital improvement budgets, hereafter called "Budget", for the Board and be responsible for their administration after adoption by the Board.
- e. To formulate and present to the Board plans for transit facilities and/or services and the means to finance them.
- f. To supervise the planning, acquisition, construction, maintenance, and operation of the transit facilities and/or services of the Transit Agency.
- g. To provide regular performance updates to the Board.
- h. To attend all meetings of the Board and act as the Secretary of the Board. As Secretary, he or she shall cause to be kept minutes of all meetings of the Board, to cause a copy of the minutes of the previous Board meeting to be included with the agenda of the next regular meeting of the Board, and perform all of the duties prescribed in Section 2.e. above.
- i. To establish and maintain fare collection and deposit services.
- j. To organize and operate an ongoing transit marketing program, including special promotions.
- k. To evaluate and propose new programs and public transportation services, with implementation to occur as approved by the Board.
- l. To execute transfers within major budget units, in concurrence with the Treasurer/ Auditor-Controller of the Transit Agency, as long as the total expenditures of each major budget unit remain unchanged.
- m. To purchase or lease items, fixed assets, or services within the levels authorized in the applicable Budget.

- n. To lease buses, vans, and other transit vehicles on an “as needed” basis from public or private organizations when deemed necessary to assure continued reliability of service.
- o. To perform such other duties as the Board may require in carrying out the policies and directives of the Board.

Section 5: Meetings

The Board shall hold regular monthly meetings and shall establish a date, time, and place for those meetings. Meetings may be canceled by a vote of the Board. Special meetings may be called at any time by the Chair, or at the suggestion of the Executive Director, or upon written request by any two members of the Board. Each member shall receive written notice at least 24 hours in advance of any special meeting unless the member has specifically waived this required notice.

Section 6: Ralph M. Brown Act

All meetings of the Board shall be conducted in accordance with the provisions of the Ralph M. Brown Act (commencing with Section 54950 of the California Government Code).

Section 7: Quorum

A majority of the total membership of the Board shall constitute a quorum for the transaction of business.

Section 8: Voting

Regular business will be acted upon by approval of a quorum of the Board, with the exception of the following actions which shall require approval by a unanimous vote of the Directors present and voting at a regular or special meeting of the Board, provided that a quorum of the Board is present and voting:

- a. Approval of the Budget.
- b. Local Transportation Fund (LTF) Claims Approval for Submittal to TCAG.
- c. Withdrawal of an agency prior to completion of initial new membership term (per Article I, Section 2).
- d. Readmission of an agency that was a prior member of the Transit Agency and has since withdrawn.

Section 9: Policies and Procedures, Bylaws, Conflict-of-Interest Code, and Debt Policies

Within the first six (6) months of the Transit Agency’s existence, the Board shall establish a Policies and Procedures Manual and Bylaws to govern the day-to-day operations of the Transit Agency, local debt policies pursuant to California Government Code section 8855, and a Conflict-of-Interest Code pursuant to California Government Code section 87300, all of which are not inconsistent either with applicable law or with this Agreement. Each Director and Member Agency shall receive a copy of the adopted Policies and Procedures Manual, the Bylaws, and the Conflict-of-Interest Code. Thereafter, the Board may amend

or repeal any bylaw, regulation, policy, procedure or portion of the Conflict-of-Interest Code, provided that such action is not inconsistent with either the applicable law or this Agreement. The Executive Director shall send to each Director and to each Member Agency all Bylaw amendments, and Debt Policy and Conflict-of-Interest Code revisions promptly after adoption by the Board.

Section 10: New Members

If a city within the County of Tulare not a Party to this Agreement desires to join the Transit Agency, it may become a Member Agency subject to such terms and conditions as may be prescribed by the Board. Upon becoming a Member Agency, the new Member Agency shall become responsible for its share of the funding for public transportation provided by the Transit Agency. The new Member Agency's share of the funding shall be determined in the same manner as for the original Member Agencies, as set forth in Article III, Section 4, "Sources of Funds" of this Agreement.

If a new city is incorporated in Tulare County, it may become a Member Agency, subject to such terms and conditions as may be prescribed by the Board. Upon becoming a Member Agency, the new city shall become responsible for its share of the funding for public transportation provided by the Transit Agency. The new city's share of the funding shall be determined in the same manner as for the original Member Agencies as set for the in Article III, Section 4, "Sources of Funds" of this Agreement. Regardless of whether or not the new city elects to become a Member Agency, at the end of the fiscal year during which incorporation becomes effective, unless otherwise agreed among the new city, the County, and the Transit Agency, the County will no longer be responsible for funding public transportation within the area included in the new city.

New Member Agencies shall be required to maintain membership in this Agreement for the duration of the fiscal year in which the Member Agency joined, plus the following three (3) fiscal years.

Section 11: Change of Boundaries

In the case of annexations, reorganization of transit services and costs due to new jurisdictional boundaries will occur. Funding for transit services provided within Member Agencies' jurisdictions shall be determined as set forth in Article III, Section 4, "Source of Funds" of this Agreement.

Section 12: Ratification and Effective Date

This Agreement shall become effective upon ratification by the legislative bodies of all participating agencies. This Agreement shall be dated and shall be effective upon the last date ratified by a Member Agency.

Section 13: Amendment of Agreement

This Agreement may be amended at any time by a supplemental written agreement executed by all Parties. Amendments may be made only with the unanimous approval of the legislative bodies of all of the Member Agencies.

Section 14: Withdrawal and Readmission of Member Agencies

Any Party to this Agreement may, on or before May 1 of any year, give written notice to the Transit Agency that it is withdrawing from the Transit Agency and terminating its rights and duties under the Agreement at the end of the fiscal year, and such notice shall have the same effect on the 30th day of June thereafter. Withdrawal at any other time requires approval of the Board per Article II, Section 8.

If a Member Agency chooses to withdraw, it nevertheless shall be responsible for its share of all Transit Agency contractual obligations in force on the effective date of withdrawal. Said share shall be determined in accordance with Article III, Section 4, "Sources of Funds" of this Agreement. The withdrawing agency shall remain responsible for said contractual obligations until the involved contracts legally expire or until the obligations can be changed or eliminated by negotiations between the contracting parties.

Each of the Parties to this Agreement hereby agrees that if it should withdraw from the Transit Agency and give up its rights and duties under this Agreement, as provided hereinabove, and the Transit Agency is not dissolved as a result of said withdrawal, then such withdrawing Party waives its right to any refund of contributions previously made by such Party to the Transit Agency and relinquishes to the Transit Agency all right, title, and interest it may have in any property of the Transit Agency.

After finalization of Member Agency withdrawal, that agency will be eligible to re-enter into this Agreement after one full fiscal year has passed. When any Party has ceased to be a Party to this Agreement, it shall not be entitled to again become a Party to this Agreement except upon unanimous consent of the Board and upon such terms and conditions as may be imposed by unanimous action of the Board.

Section 15: Duration of Agreement

This Agreement shall continue in full force and effect until termination is approved by all or by all but one of the legislative bodies of the Member Agencies, or until withdrawals have reduced the number of Member Agencies to less than two.

In the case of termination, contractual obligations shall be met in the same manner as specified for withdrawals in Article II, Section 14, "Withdrawal and Readmission of Member Agencies" of this Agreement.

Section 16: Distribution of Surplus Money and Property

Pursuant to California Government Code Sections 6511 and 6512, in the event that this Agreement is terminated, then all surplus money and property of the Transit Agency shall be distributed to the Member Agencies in proportion to the most recent annual contributions made by the Member Agencies under the terms of Article III, Section 4, "Source of Funds" of this Agreement. In the case of property, the Member Agencies may elect to receive their shares of the property in kind or may request that their shares be sold and the money distributed in the manner prescribed in this Section.

Section 17: Notification of Secretary of State, State Controller, and Local Agency Formation Commission

Pursuant to California Government Code Sections 6503.5 and 6503.6, the Transit Agency shall, within thirty (30) days of the effective date of this Agreement or amendment thereto, cause (a) a notice of the Agreement or amendment to be prepared and filed with the office of the California Secretary of State, (b) a full copy of the Agreement or amendment to be filed with the State Controller, and (c) a full copy of the Agreement or amendment to be filed with the Tulare County Local Agency Formation Commission.

**Article III
Financial and Service Level Provisions**

Section 1: Fiscal Year and Budget

The fiscal year for the Transit Agency shall be July 1 through June 30 of the following calendar year.

The Board shall adopt an Annual Budget prior to the beginning of each fiscal year. Except as otherwise provided in Article III, Section 4 of this Agreement, a unanimous vote of approval by all Directors present and voting at a regular or special meeting of the Board, which must be a quorum, shall be required for the adoption of the Budget.

The Annual Budget may carry forward funds for future fiscal years where necessary to reflect obligations under state or federal funding or grant agreements.

Section 2: Level of Service

The minimum level of public transit service provided within the jurisdiction of each Member Agency shall be established by the Transit Agency. The Transit Agency shall set levels of service based on appropriate established criteria, including: needs of residents, service performance, TCAG performance measures and other requirements, Title VI compliance, and any other criteria deemed a) appropriate by the Transit Agency and/or b) required by law. Unmet needs found reasonable to meet will also be implemented as required.

Costs of services above the minimum level of service as set by the Transit Agency shall be calculated based upon the marginal increase in cost, plus an allocation of fixed costs of the additional services based upon the proportion of vehicle hours of the new service to the total vehicle hours provided by the Transit Agency, and shall be charged to and paid by the requesting Member Agency.

Section 3: Service Changes

Transportation Development Act (TDA)-funded services may be adjusted from time to time as deemed appropriate by the Board. Additionally, each Member Agency, by resolution of its governing body, may submit a request for changes in the services funded through TDA within said Member Agency's jurisdictional boundaries. Said request shall include a description of the requested changes.

In reviewing requests for service increases, the Transit Agency shall consider:

- a. Whether such changes are in substantial conformance with applicable plans, such as transit plans and the Regional Transportation Plan, and comply with required minimum levels of service.
- b. Whether there is sufficient funding available to implement the proposed service change.
- c. Whether there is sufficient personnel, operating capacity, and capital resources available to implement such services.
- d. Whether changes are permissible under state and federal law, and including Transit Agency's willingness and ability to implement necessary actions required for requested changes.

In reviewing requests for service decreases that will amount to a funding reduction of ten (10) percent or more from the requesting agency's share, the Transit Agency shall require up to six (6) months to negotiate changes with the requesting Member Agency and to implement any reductions approved by the Board. The Transit Agency shall consider whether such changes are in substantial conformance with applicable plans, such as transit plans and the Regional Transportation Plan, and comply with required minimum levels of service.

Section 4: Sources of Funds

The Transit Agency shall have the authority to apply for any funds available for transit purposes from any regional, local, state, or federal sources. Claims for Local Transportation Funds must be unanimously approved by Directors present at a regular or special meeting of the Board and voting on the matter, which must be a quorum.

Each Member Agency shall make an annual contribution to the Transit Agency. The contribution shall be the member's pro rata share of the Transit Agency's annual budget, less any transit assistance funds that can only be used for transit. The pro rata share shall be based on one-half on the ratios of populations within a member's jurisdictional boundary (excluding the population of any non-member jurisdiction), and one-half on ratios of transit service hours available to each Member Agency. Notwithstanding the foregoing, while any debt incurred by the Transit Agency in accordance with this Agreement remains outstanding, (i) the annual budget of the Transit Agency shall include the aggregate amount of all principal and/or interest payments payable on such debt for each application fiscal year (which aggregate amount so budgeted shall be deemed approved by all Member Agencies, whether or not the annual budget, as a whole, has been approved in accordance with Article III, Section 1 of this Agreement), and (ii) each Member Agency which is a member on the date on which the Transit Agency incurs the applicable debt, shall be obligated to annually contribute its Local Transportation Funds (Government Code section 29530 et seq.), to the Transit Agency (whether the Member Agency remains a member or withdraws as a member of the Transit Agency).

Population figures shall be those published by the California Department of Finance. Transit service hour ratios shall be developed by TCAG or Transit Agency staff, as applicable, and shall be included as part of the Annual Budget.

Section 5: Transfer of Transit-Related Assets

Upon the effective date of this Agreement, each Member Agency shall consider the transfer to the Transit Agency, or retention, of the agency's existing transit-related assets. The terms and conditions for transfers and/or lease of assets shall be negotiated between the Transit Agency and applicable Member Agency. The Executive Director shall establish policies and procedures for maintaining assets and the use of assets necessary to provide public transportation services within its service area, including requirements for Transit Agency pre-approval of alterations and improvements.

Section 6: New Assets

Upon the effective date of this Agreement, the Transit Agency will become responsible for the purchase all new transit vehicles and related equipment, at a minimum, for the provision of services within its service area.

Section 7: Assignment of Federal Transit Administration (FTA) Contracts and Grant Application Authority

Subject to FTA and Transit Agency approval, Member Agencies may assign existing FTA contracts and policies, including contractual requirements, assurances, and responsibilities, over to the Transit Agency. The Executive Director shall be authorized to prepare, submit, and execute grant applications for the use of FTA operating, planning, and capital funds, as well as other state, federal, and local funds that may become available.

Section 8: Service Agreements

Upon the effective date of this Agreement, the Transit Agency shall work with Member Agencies to assume service agreements, if possible and feasible, for services necessary for the operation of the Transit Agency and for provision of service within its service area. Where service agreements cannot be assumed, the Transit Agency will work with contracting Member Agencies to utilize services until such time that the agreements are terminated, as necessary and appropriate. A Member Agency shall not enter into new transit service agreements as required for operation of the Transit Agency once its existing transit service agreements are terminated.

Section 9: Limitation of Financial Commitment

Except as provided in Article III, Section 4 of this Agreement, the Transit Agency shall not obligate Member Agencies to expenditure of general funds for transit purposes.

Section 10: Investment of Funds

Pursuant to California Government Code section 6509.5, the Transit Agency shall have the power to invest any money in the treasury pursuant to California Government Code section 6505.5 that is not re-

quired for the immediate necessities of the Transit Agency, as the Board determines is advisable, in the same manner and upon the same conditions as local agencies pursuant to California Government Code section 53601.

Article IV Miscellaneous provisions

Section 1: Treasurer and Auditor

Pursuant to California Government Code Section 6505.5, the County Treasurer and County Auditor of the County of Tulare are hereby designated as Treasurer and Auditor of the Transit Agency. As such, they shall have the powers, duties, and responsibilities as set forth in said section of the Government Code. The County shall be compensated for the services rendered. The amount and method of compensation agreed upon between the County and Transit Agency shall be set forth in the Annual Budget of the Transit Agency.

Section 2: Annual Audit

The Board shall cause an annual audit to be prepared and filed pursuant to California Government Code Section 6505. The Transit Agency shall pay the cost of such audit whether conducted by the County Auditor or an independent auditor.

Section 3: Official Bonds

Pursuant to California Government Code Section 6505.1, the Board shall require the official bonds be filed by any officers, employees, or agents, which have access to the property of the Transit Agency. The cost of said bonds shall be borne by the Transit Agency.

Section 4: Purchasing Procedures

The Board may establish purchasing procedures and policies to ensure the Transit Agency receives competitive prices for the lease or purchase of goods and services. Formal bidding shall not be required unless specifically directed by the Board or required by applicable state or federal law.

Section 5: Indemnification

The Transit Agency shall indemnify, defend, and hold harmless the Member Agencies, their officers, agents, and employees, and members of the Board of Directors, their officers, agents, and employees, and committee members, their officers, agents, and employees, from and against any and all claims and losses whatsoever, occurring or resulting to persons, firms, or corporations furnishing or supplying work, services, materials or supplies to the Transit Agency in connection with the performance of this Agreement, and, except as expressly provided by law, from any and all claims and losses accruing or resulting to any persons, firm or corporation, for damage, injury, or death arising out of or connected with the Transit Agency's performance of its obligations under this Agreement. Nothing herein shall limit the

right of the Transit Agency to purchase insurance or to create a self-insurance mechanism to provide coverage for the foregoing indemnity.

In this regard, the Member Agencies do not intend hereby to be obligated either jointly or severally for the debts, liabilities or obligations of the Transit Agency, except as may be specifically provided for in California Government Code Section 895.2 as amended or supplemented. Provided, however, if any Member Agency is, under such applicable law, held liable for the acts or omissions of the Transit Agency caused by negligent or wrongful act or omission occurring in the performance of this Agreement, then such parties shall be entitled to contribution from the other Member Agencies so that after said contributions each Member Agency shall bear a proportionate share of such liability, in ratios consistent with those provided for in Article III, section 4 above. This Section 5 of Article IV does not apply to acts or omissions of a Member Agency in implementing the public transit system approved by the Transit Agency within such Member Agency's boundaries and managed in whole or in part by such Member Agency.

Section 6: Privileges and Immunities

All of the privileges and immunities from liability, exemptions from laws, ordinances and rules, all pension, relief, disability, workmen's compensation, and other benefits which apply to the activity of officers, agents or employees of any Member Agency when performing their respective functions within the territorial limits of their respective public agencies, shall apply to them to the same degree and extent while engaged in the performance of any of their functions and duties extraterritorially under the auspices of the Transit Agency and the provisions of this Agreement.

Section 7: Finance or Refinance Acquisition of Transit Equipment

- a. Pursuant to California Government Code section 6518, the Transit Agency, without being subject to any limitations of any Party to the Agreement pursuant to California Government Code section 6509, may also finance or refinance the acquisition or transfer of transit equipment or transfer federal income tax benefits with respect to any transit equipment by executing agreements, leases, purchase agreements, and equipment trust certificates in the forms customarily used by a private corporation engaged in the transit business to effect purchases of transit equipment, and dispose of the equipment trust certificates by negotiation or public sale upon terms and conditions authorized by the parties to the agreement. Payment for transit equipment, or rentals therefor, may be made in installments, and the deferred installments may be evidenced by equipment trust certificates payable from any source or sources of funds specified in the equipment trust certificates that are authorized by the parties to the agreement. Title to the transit equipment shall not vest in the Transit Agency until the equipment trust certificates are paid.
- b. If the Transit Agency finances or refinances transit equipment or transfers federal income tax benefits with respect to transit equipment under subdivision (a), it may provide in the agreement to purchase or lease transit equipment any of the following:
 - (1) A direction that the vendor or lessor shall sell and assign or lease the transit equipment to a bank or trust company, duly authorized to transact business in the state as trustee, for the benefit and security of the equipment trust certificates.
 - (2) A direction that the trustee shall deliver the transit equipment to one or more designated officers of the Transit Agency.

- (3) An authorization for the Transit Agency to execute and deliver simultaneously therewith an installment purchase agreement or a lease of equipment to the Transit Agency.
- c. If the Transit Agency finances or refinances transit equipment or transfers federal income tax benefits with respect to transit equipment under subdivision (a), then it shall do all of the following:
 - (1) Have each agreement or lease duly acknowledged before a person authorized by law to take acknowledgments of deeds and be acknowledged in the form required for acknowledgment of deeds.
 - (2) Have each agreement, lease, or equipment trust certificate authorized by resolution of the Board.
 - (3) Include in each agreement, lease, or equipment trust certificate any covenants, conditions, or provisions that may be deemed necessary or appropriate to ensure the payment of the equipment trust certificate from legally available sources of funds, as specified in the equipment trust certificates.
 - (4) Provide that the covenants, conditions, and provisions of an agreement, lease, or equipment trust certificate do not conflict with any of the provisions of any trust agreement securing the payment of any bond, note, or certificate of the Transit Agency.
 - (5) File an executed copy of each agreement, lease, or equipment trust certificate in the office of the California Secretary of State, and pay the fee, as set forth in paragraph (3) of subdivision (a) of Section 12195 of the Government Code, for each copy filed
- d. The Transit Agency acknowledges that California Secretary of State may charge a fee for the filing of an agreement, lease, or equipment trust certificate under California Government Code section 6518. The agreement, lease, or equipment trust certificate shall be accepted for filing only if it expressly states thereon in an appropriate manner that it is filed under California Government Code section 6518. The filing constitutes notice of the agreement, lease, or equipment trust certificate to any subsequent judgment creditor or any subsequent purchaser.
- e. Each vehicle purchased or leased under California Government Code section 6518 shall have the name of the owner or lessor plainly marked on both sides thereof followed by the appropriate words "Owner and Lessor" or "Owner and Vendor," as the case may be.

Section 8: Issuance of Revenue Bonds or Other Debt

Pursuant to Article 2, commencing with section 6540, of Chapter 5 of Division 7 of Title 1 of the California Government Code and upon the affirmative authorization of each of the Member Agencies, the Transit Agency may issue revenue bonds or other forms of indebtedness, including refunding bonds, pursuant to that article to pay the cost and expenses of acquiring or constructing mass transit facilities or vehicles, including any or all expenses incidental thereto or connected therewith, and such expenses may include engineering, inspection, legal and fiscal agents' fees, costs of the issuance and sale of said bonds, working capital, reserve fund, and bond interest estimated to accrue during the construction period and for a period of not to exceed 12 months after completion of construction. The proceeds of the bonds shall be used only for the project provided for in the indenture pursuant to which such revenue bonds are issued. Pursuant to California Government Code section 6547.8, no Director shall be personally liable on the bonds or subject to any personal liability by reason of the issuance of bonds pursuant to

this authority. Pursuant to California Government Code section 6551, said revenue bonds shall not constitute a debt, liability, or obligation of any Member Agency unless that Member Agency has given its express written consent to such obligation.

Section 9: Insurance

The Transit Agency shall obtain insurance for all Directors and Member Agencies, including, but not limited to, directors and officers liability insurance, and general liability insurance, containing policy limits in such amounts as the Board shall determine will be necessary to adequately insure against the risks of liability that may be incurred by the Transit Agency.

Section 10: Dispute Resolution Procedures

This Section shall govern the resolution of all controversies or claims among or between the Parties, including those that may arise between the Transit Agency and a Member Agency, that arise from or are related to this Agreement and any modifications hereto (collectively, "Arbitrable Disputes"). Wherever this Agreement makes reference to any means of resolving Arbitrable Disputes among or between the Parties, and/or the Transit Agency and a Member Agency, the Parties agree to follow the meet and confer and mediation procedure described below prior to initiating any litigation to resolve the dispute. Pending the resolution of any dispute hereunder, the Transit Agency and each Party shall continue to perform or otherwise fulfill its obligations under the Agreement. For convenience, the parties to a particular dispute are referred to in this Article as the "Disputants" and may include one or more Member Agencies and /or the Transit Agency.

- a. **Opportunity to Cure.** Notwithstanding any other provision in this Agreement, no Disputant may terminate the Agreement or pursue any remedy for any breach of this Agreement without first giving the applicable Party written notice of such breach and a reasonable time, not less than thirty (30) days, within which to cure such breach.
- b. **Voluntary Resolution, Meet and Confer Obligation.** In recognition of the government-to-government relationships of the Parties, the Disputants will make their best efforts to resolve disputes that occur under this Agreement by good faith negotiations whenever possible. Therefore, without prejudice to the right of any Disputant to seek injunctive relief against the other(s) pursuant to this Section 10, subsection e., when circumstances are deemed to require injunctive relief, the Parties hereby establish a threshold requirement that disputes between or among the Disputants first be subject to a process of meeting and conferring in good faith in order to allow the opportunity to cure any breach of contract issue between or among the Disputants, and to foster a spirit of cooperation and efficiency in the administration and monitoring of performance and compliance by each other with the terms, provisions, and conditions of this Agreement, as follows:
 - (1) Any Disputant shall give the other applicable Disputant(s), as soon as possible after the event giving rise to the concern, written notice setting forth, with specificity, the issues to be resolved. Notice shall be provided consistent with Section 11 below. Said notice shall suggest a date, time and place for the meeting. The Disputants may jointly decide to meet at another time and place; provided, however, the Disputants agree that such meeting shall commence within fifteen (15) calendar days after the date that the origi-

nal notice was given to the applicable Party, unless the Disputants agree that there is good cause to extend this time limit.

- (2) The Disputants agree that the meet and confer, including proceedings or discussions concerning the proposed meet and confer, is to be considered a confidential settlement negotiation for the purpose of all state and federal rules protecting disclosures made during such conferences from later discovery or use in evidence. All conduct, statements, promises, offers, views and opinions, oral or written, made during a meet and confer by any Party or a Party's agent, employee, or attorney shall be deemed to be confidential and shall not be subject to discovery or be admissible for any purpose, including impeachment, in any litigation or other proceeding, including mediation, involving the Disputants; provided, however, that evidence otherwise subject to discovery or otherwise admissible is not excluded from discovery or admission into evidence simply as a result of it having been used in connection with the meet and confer.
 - (3) Absent mutual consent of the Disputants, if a noticed meeting fails to commence within the fifteen (15) calendar day period, or if a reasonable attempt to schedule or reschedule the meeting has not been made within those fifteen (15) calendar days, then the meet and confer obligation imposed under this Section shall be deemed to have been satisfied and the Disputants shall be free to pursue their rights and remedies under this Section 10, unless the reason for such failure to meet and confer is the refusal of the Party asserting a claim to participate in the meet and confer, in which event said claim will be deemed to have been waived.
 - (4) If the dispute is not resolved to the satisfaction of the Disputants within thirty (30) calendar days after the first meeting, then upon the written request of any Disputant, the dispute may be submitted to non-binding mediation in accordance with Subsection c of this section ("Mediation Request"). The disputes submitted to non-binding mediation shall be limited to claims that this Agreement has been breached by one or more Disputants or the Transit Agency.
- c. **Mediation.** In the event a dispute arising under this Agreement is not resolved through the above-described meet and confer process, then within thirty (30) days after notice is provided through a Mediation Request, the Disputants to the dispute agree to participate in non-binding mediation administered by a mediator, mutually agreed to by the Disputants, to help mediate and settle the dispute as soon as practicable. The mediation shall proceed as follows:
- (1) The mediation shall be held at a mutually agreeable location within Tulare County, California.
 - (2) The Disputants shall work together to select a single mediator, but if the Disputants cannot agree on a mediator within forty-five (45) calendar days of the Mediation Request, then each Disputant will provide the others with three (3) names of proposed mediators based on substantive and procedural knowledge, availability, and location. Each Disputant will have an opportunity to strike one (1) name from the list provided by the other Disputants and rank the remaining two (2) names 1-2, with one (1) being the most favorable. The Disputants shall then exchange lists of proposed mediators and the ranking numbers from each Disputant will be added together; the proposed mediator whose combined ranking number is the lowest, which is most favorable, will be deemed

to have been chosen to serve as mediator for the particular dispute (the "Mediator"). If any Disputant fails to act within the forty-five (45) calendar day period, then the mediator shall be appointed by Fresno, California office of the American Arbitration Association ("AAA") in accordance with applicable AAA Commercial Arbitration Rules for large, complex commercial disputes.

- (3) The Mediator shall meet with and hear presentations by the Disputants as soon as practicable after appointment.
 - (4) Mediation will be conducted consistent with California Evidence Code Sections 1115-1129, this Section 10, and, to the extent practicable, the Commercial Mediation Procedures of the American Arbitration Association ("AAA"). The Mediator shall owe a professional duty to all Disputants, and shall be barred from testifying in any litigation or arbitration concerning any information obtained or disclosed in the course of the mediation.
 - (5) Each Disputant shall bear its own costs and attorneys' fees, and an equal proportionate share of all fees and expenses of the Mediator.
 - (6) Unless otherwise agreed upon by the Disputants in writing, the mediation shall be completed within ninety (90) days of the selection of the Mediator.
 - (7) The Mediator's recommendations shall not be binding on or admissible against any Disputant. The Arbitrable Dispute shall be resolved in accordance with the litigation provisions set forth in Subsection d. below if: (1) a Disputant elects to reject the Mediator's recommendations; or (2) the Mediator does not meet with the Disputants.
 - (8) The Disputants agree that the mediation, including proceedings or discussions concerning the mediation, is to be considered a confidential settlement negotiation for the purpose of all state and federal rules protecting disclosures made during such conferences from later discovery or use in evidence. All conduct, statements, promises, offers, views and opinions, oral or written, made during the mediation by any Disputant or a Disputant's agent, employee, or attorney shall be deemed to be confidential and shall not be subject to discovery or admissible for any purpose, including impeachment, in any litigation or other proceeding involving the Disputants; provided, however, that evidence otherwise subject to discovery or admissible is not excluded from discovery or admission into evidence simply as a result of it having been used in connection with the mediation.
- d. **Litigation.** Following the satisfaction of the meet and confer and mediation requirements, any controversy(ies) or claim(s) arising out of or relating to this Agreement that was not resolved during the meet and confer or mediation process (as applicable) may be resolved through litigation by or among the Disputants.
- e. **Expedited Procedure for Threats to Public Safety**
- (1) **Judicial Litigation.** If any Disputant reasonably believes that another Disputant's violation of this Agreement has caused or will cause an imminent and significant threat to public health or safety, resolution of which cannot be delayed for time periods otherwise specified in this Section 10, then the complaining Disputant may proceed with judicial litigation consistent with the provisions of this Section 10.
 - (2) The Parties consent to the jurisdiction of the Tulare County Superior Court for purposes of obtaining declaratory relief and specific performance under this Subsection.

Section 11: Notice

All notices required by this Agreement will be deemed to have been given when made in writing and personally delivered or mailed to the respective representatives of Parties at their respective addresses on file with the Transit Agency. Any Party may change the address to which such communications are to be given by providing the other Parties with written notice of such change at least fifteen (15) calendar days prior to the effective date of the change. All notices will be effective upon receipt and will be deemed received through delivery if personally served, or on the fifth (5th) day following deposit in the mail.

Section 12: No Third Party Beneficiaries and No Assignment

This Agreement is not intended to, and will not be construed to, confer a benefit or create any right for any person or entity that is not a Party. The Parties agree that this Agreement and any of the obligations of the Parties under this Agreement may not be assigned to any third party and that no third party possesses the right or power to bring an action to enforce any of the terms of this Agreement.

Section 13: Waiver

The waiver by any Party or any of its officers, agents or employees or the failure of any other Party or its officers, agents or employees to take action with respect to any right conferred by, or any breach of any obligation or responsibility of this Agreement, shall not be deemed to be a waiver of such obligation or responsibility, or subsequent breach of same, or of any terms, covenants or conditions of this Agreement.

Section 14: Authorized Representatives

The persons executing this Agreement on behalf of the Parties hereto affirmatively represent that each has the requisite legal authority to enter into this Agreement on behalf of their respective Parties and to bind their respective Parties to the terms and conditions of this Agreement. The persons executing this Agreement on behalf of their respective Parties understand that all Parties are relying on these representations in entering into this Agreement.

Section 15: Successors in Interest

The terms of this Agreement will be binding on all successors in interest of each Party.

Section 16: Severability

If any provision of this Agreement is held to be illegal, invalid or unenforceable under present or future laws, such provision shall be fully severable, this Agreement shall be construed and enforced as if such illegal, invalid, or unenforceable provision had never comprised a part of this Agreement, and the remaining provisions of this Agreement shall remain in full force and effect and shall not be affected by the illegal, invalid, or unenforceable provision or by its severance from this Agreement. The Parties shall en-

deavor in good faith negotiations to replace the prohibited or unenforceable provision with a valid provision, with the economic effect of which comes as close as possible to that of the prohibited or unenforceable provision in accordance with Article IV, section 10 of this Agreement.

Section 17: Entire Agreement

This Agreement constitutes the entire agreement between the Parties with respect to the subject matter, and supersedes all prior negotiations, representations, or other agreements, whether written or oral. In the event of a dispute among the Parties as to the language of this Agreement or the construction or meaning of any term hereof, this Agreement will be deemed to have been drafted by the Parties in equal parts so that no presumptions or inferences concerning its terms or interpretation may be construed against any Party to this Agreement. Headings contained in this Agreement are for reference only and shall not affect the interpretation of this Agreement.

Section 18: Governing Law

This Agreement shall be governed by, and construed in accordance with, the laws of the State of California.

Section 19: Counterparts

The Parties may sign this Agreement in counterparts, each of which is an original and all of which taken together form one single document.

[THIS SPACE LEFT BLANK INTENTIONALLY; SIGNATURES FOLLOW ON NEXT PAGES]

IN WITNESS WHEREOF, the Parties have executed this Agreement as of the date first written above.

COUNTY OF TULARE

By _____
Chair, Board of Supervisors

Attest: Jason T Britt, County Administrative Officer/Clerk of the Board of Supervisors

By _____

Approved as to Form:
COUNTY COUNSEL

By _____
Deputy (Matter No. 20192039)

CITY OF DINUBA

By _____
Mayor

Attest:

By _____
Dinuba City Clerk

Approved as to Form:

By _____
Dinuba City Attorney

CITY OF EXETER

By _____
Mayor

Attest:

By _____
Exeter City Clerk

Approved as to Form:

By _____
Exeter City Attorney

CITY OF FARMERSVILLE

By _____
Mayor

Attest:

By _____
Farmersville City Clerk

Approved as to Form:

By _____
Farmersville City Attorney

CITY OF LINDSAY

By

Mayor

Attest:

By

Lindsay City Clerk

Approved as to Form:

By

Lindsay City Attorney

CITY OF PORTERVILLE

By

Mayor

Attest:

By

Porterville City Clerk

Approved as to Form:

By

Porterville City Attorney

CITY OF TULARE

By

Mayor

Attest:

By

Tulare City Clerk

Approved as to Form:

By

Tulare City Attorney

CITY OF VISALIA

By

Mayor

Attest:

By

Visalia City Clerk

Approved as to Form:

By

Visalia City Attorney

CITY OF WOODLAKE

By

Mayor

Attest:

By

Woodlake City Clerk

Approved as to Form:

By

Woodlake City Attorney

City of Exeter Agenda Item Transmittal

Meeting Date: June 23, 2020

Agenda Item Number: 14

Wording for Agenda: Discussion and consideration of City participation in the Tulare County Economic Development Corporation and direction to staff on whether or not to include this item in the upcoming budget.

Submitting Department: Administration
Contact Name: Adam Ennis
Phone Number: (559) 592-4539
Email: adam@exetercityhall.com

Department Recommendation:

Staff recommends that the Council discuss and consider City participation in the Tulare County Economic Development Corporation and direction to staff on whether or not to include this item in the upcoming budget.

For action by:

☒ City Council

Regular Session:

☐ Consent Calendar

☒ Regular Item

☐ Public Hearing

Review:

**City Administrator
(Initials Required)**

Summary:

On June 9, 2020 the City Council reviewed the history and current status of the City's membership in the Tulare County Economic Development Corporation (TCEDC). As part of the review, Paul Saldana with the TCEDC provided a presentation to the Council discussing the history, current status and future plans of the TCEDC. After some discussion, the Council indicated that they would like some time to consider the TCEDC membership and directed that the item be brought back to Council for discussion at this meeting.

Background:

The City of Exeter has been a member of the Tulare County Economic Development Corporation (TCEDC) for many years. In recent years Tulare County and the incorporated cities within the county (Public Stakeholders) have been concerned with the costs and benefits of membership and performance of the TCEDC. In 2016/2017 the county and cities discussed that there needed to be some performance metrics and better communication if membership was to be continued by the public stakeholders. The Exeter City Council also considered their participation in the past as part of the budget preparation.

In response to the public stakeholder's concerns the TCEDC held a strategic planning session to discuss public stakeholder needs in August of 2018. The discussion identified that stakeholder differences throughout the county meant that individual needs also varied. The TCEDC committed to develop a Strengths, Weaknesses, Opportunities and Threats (SWOT) analysis for each City to better understand opportunities and issues with landing economic development prospects in each jurisdiction. In addition, the TCEDC was going to discuss expectations between each public stakeholder and the TCEDC to develop an agreement to further enhance prospect development. To date these items have not been developed by the TCEDC with the City of Exeter.

At their April meeting, the TCEDC Board was presented with a proposal to reduce the Board seats for Farmersville, Woodlake, Lindsay and Exeter to one Board seat for all three cities that would be rotated between the cities annually, although still expecting these cities to continue the

same financial contribution. Apparently, this was proposed in effort to keep the County participating in the TCEDC. Most of the cities indicated that they were not supportive of the proposal, which was then put on hold. There was also some discussion regarding private sector partners, and their contributions, with the advisory committee raising the potential of privatizing the TCEDC. At the May TCEDC Board meeting three proposals for public partner contributions was presented. The approved option lowered most of the jurisdiction's contributions with the anticipation of private partners making up the remainder of the total TCEDC funding. The City of Exeter's contribution would drop from about \$4,691 to \$2,500. The City of Exeter had been receiving a meeting room credit of \$2,750 off the previous contribution. It is not known how the meeting room credit would work, especially with meetings for the last several months being teleconference and if or when the meetings would return to in person or not.

In regards to actual development in the City, the TCEDC has sent out a few potential prospects and their needs to the cities, including Exeter. However, the prospects needs have not been able to be met within Exeter. It would be helpful if the TCEDC pursued prospects whose needs match what the cities in Tulare County have to offer. In addition, a SWOT analysis would be extremely helpful to identify shortcomings in Tulare County jurisdictions. Some prospect needs may be those provided by the municipality but some are often needs that could potentially be provided by the TCEDC private partners, such as utilities, real estate and private building development. TCEDC development of partnerships between the TCEDC members to meet prospect needs would be extremely helpful and could also benefit from SWOT analysis.

Fiscal Impact: The new contribution of \$2,500 would be included in the budget if the Council chose to continue membership or the \$2,500 would be a savings in the budget if the Council chose to not participate in the TCEDC.

Prior Council/Board Actions: Discussions regarding the TCEDC contribution being included previous budgets

Attachments: None

Recommended motion to be made by Council/Board: I move to direct staff on whether or not to continue membership in the TCEDC and include the contribution in the upcoming budget.

City of Exeter Agenda Item Transmittal

Meeting Date: June 23, 2020

Agenda Item Number: 15

Wording for Agenda: Adopt Resolution 2020-29 approving the 2020/2021 and 2021/2022 Two-Year Budget for the City of Exeter based on direction from Council.

Submitting Department: Finance/Administration
Contact Name: Chris Tavarez, Finance Director
Adam Ennis, City Administrator
Phone Number: 559-592-2755
Email: ctavarez@exetercityhall.com

Department Recommendation:

Staff recommends that Council provide direction and then adopt Resolution 2020-29 approving the 2020/2021 and 2021/2022 Two-Year Budget:

- Direct staff to:
 - o Adjust Economic Development Corporation contribution as desired
 - o Revise any Operating line items as desired
 - o Adjust projects listed in CIP as desired
 - o Adjust deferred projects listed in CIP as desired
 - Make project active and defer other project (same cost)
 - OR may use available fund reserves (not recommended at this time)
 - o Re-appropriate (rollover) existing capital projects or operating funds encumbered or designated into the 2020/2021 budget
 - o Move General Fund savings to reserve, if it occurs
- Adopt 2020/2021 and 2021/2022 budget including:
 - o Operating Budget
 - o Capital Improvement Plan (CIP)

Summary

For Council's approval today is a balanced budget for a third straight year thanks to past and current efforts by City Council and staff. Over the last several years, the City of Exeter has operated within a tight budget, working to reduce expenses and increase existing revenues where possible. Some positions in the City have been reduced by contracting out services where possible (Public Works) or offset with grant funding (Police). Due to these past and ongoing efforts, the City of Exeter is poised to potentially navigate through the current pandemic crisis retaining a tight but balanced budget in order to maintain financial sustainability.

The two major components of the City's finances are the General Fund and the Enterprise Funds, with the remaining non-discretionary funds essentially being pass through funding designated for specific purposes. The General Fund has seen improvements through gaining understanding and control of the budget. This has resulted in cost savings and, coupled with

For action by:

☒ City Council

Regular Session:

☐ Consent Calendar

☒ Regular Item

☐ Public Hearing

Review:

**City Administrator
(Initials Required)**



some revenue increases, provided the opportunity for the Council to choose to significantly increase the reserve.

The Enterprise Funds have also experienced significant financial improvement with rate increases implemented and approved over the next four years. In addition, previous United States Department of Agriculture debt has been refinanced in both the Water and Sewer funds, releasing restricted funding to bring both funds back into positive financial territory quicker than with the rate increases alone. Rate increases also occurred in the Sanitation Fund, which will also bring that fund back in the black over the next few years. While improvement in the Enterprise funds will take several years to come to full fruition, they are headed down the road to financial recovery. This recovery now provides the opportunity for development of a forecasting Capital Improvement Program (CIP) for planning projects that will provide increased system reliability.

Table 1 “Proposed Appropriations” shows the total amount of appropriations reflected in the budget presented. Council may provide additional direction and input today as it desires. Council always has the ability to reshape the budget as it sees fit throughout the year.

Table 1 – Proposed Appropriations

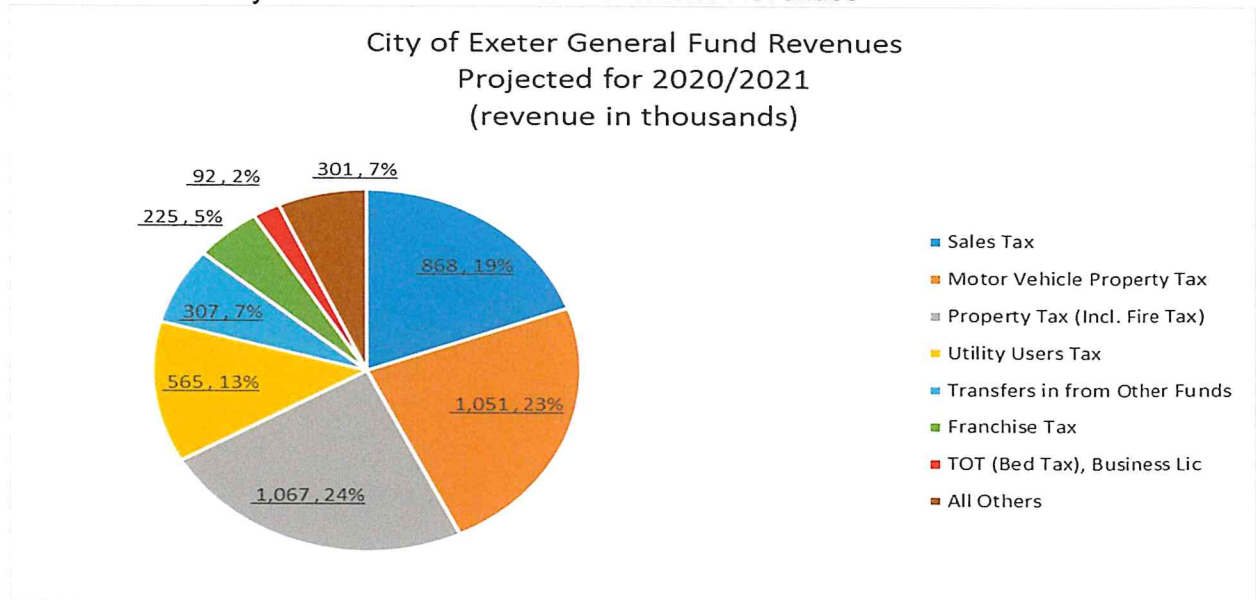
<u>Funds</u>	<u>FY 2020-2021</u>	<u>FY 2021-2022</u>
General Fund	\$4,520,000	\$4,523,000
Road Funds	7,249,400	4,249,400
Housing Funds	272,000	272,000
Other Sp. Revenues	332,800	788,300
Water Fund	2,164,000	2,335,000
Sewer Fund	1,418,000	1,464,000
Sanitation	1,137,000	1,203,000
Insurance	<u>1,097,000</u>	<u>1,171,120</u>
Total	\$18,190,200	\$16,005,820

Background:

Since mid-March 2020 the City has entered an unprecedented period in our nation’s history, which has led to stay at home orders and closing of ‘non-essential’ businesses to mitigate the spread of COVID-19. Beyond the harmful impacts to the health of certain individuals, this has led to a historic detrimental impact to the nation’s economy and brought us into a Recession. The City is not immune to this impact and will certainly realize a significant impact to City businesses, residents and the City organization itself. Several significant City General Fund revenues are projected to see a negative impact due to COVID-19. Decreased revenues are anticipated from Sales Tax, Transient Occupancy Tax, Business Licenses and Recreation fees (due to cancelled or postponed events).

Staff has developed projections based on local conditions, data from consultants and the CA League of Cities that indicate Exeter’s sales tax could decrease at least 15% from 2018/2019 and take nearly five years to recover back to 2018/2019 levels. Other revenues could see a similar pattern. Over time, new projections will provide further guidance for future Council decisions. Property Taxes, which are the largest source of City revenues, are projected to stay steady for the budget period. It is possible there may be a decrease in the future, however, property tax adjustments tend to lag impacts to the economy and often depend on the length of the impact, so it is too early to tell what might happen to them (Chart 1).

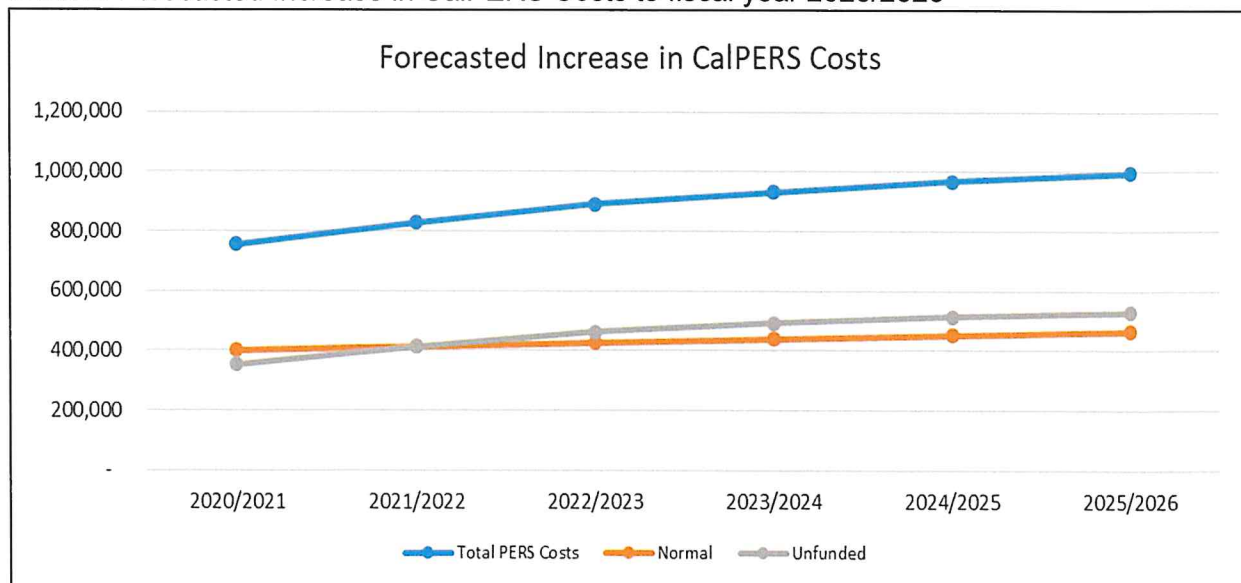
Chart 1: Preliminary Forecasted Fiscal Year 2020/2021 Revenues



Regardless of the impacts of COVID-19, City expenditures will continue to increase over time. Even before negative impacts to the investment market were seen due to COVID-19, CalPERS costs to the City were set to increase approximately \$50,000 annually over the next five years due to the previous recession (Chart 2). For 2020/2021 the total costs are estimated to be \$765,000 and are projected to increase to just under \$1 million by 2025/2026, this is before any impact that the pandemic may cause. Outside of CalPERS expected increases, regular operational costs are anticipated to increase which include contract agreements with vendors and contractors, salaries, health insurance, etc.

It is recommended that the budget remain constrained and financially conservative with the future unknown. With a General Fund budget in 2019/2020 of \$4.3 million (with a 19% reserve) and the City's Enterprise Funds (Water, Sewer, Sanitation) with revenues currently between \$1.7-\$1.1 million annually (though increasing over the next four years), with small reserves this is something to be mindful of during budget review.

Chart 2: Forecasted Increase in CalPERS Costs to fiscal year 2025/2026



Over the past two years the City has made a tremendous effort to reduce costs and enhance revenues (where possible). The General Fund and Enterprise Funds have realized savings from:

- contracting out services such as landscape maintenance and street sweeping
- reducing staff such as in the Parks Division and Animal Control
- Adding two Officer-In-Charge positions with salary savings from a retirement in the Police Department by converting one administrative (non-sworn) position to ½ of a position with the other ½ in Administration (with more costs allocated out to non-General Fund sources)
- Water and Sewer Funds have both refinanced their USDA debt in order to release restricted fund balances and realize ongoing savings.

These listed actions along with other actions have accumulated into significant steps toward putting the City on firm financial footing. In one year (2018/2019) the City realized an increase in the General Fund's unrestricted fund balance from about 4% to 19% (Reserve). The City's Water and Sewer Enterprise Funds were approved to have service fee increases over the next 4 years (1 increase happened January 1, 2020), which was a critical action in making sure the City has the financial capability to administer efficient and reliable utility systems.

In relation to financial improvement of General Fund revenue, Council authorized the formation of a Proposed Revenue Measure Advisory Committee which provided their recommendations to City Council for advancing a measure. Council has authorized to engage the services of a community survey consultant to gauge the community's interest in a potential measure. Should the community approve a revenue measure, there would be an increase to revenues which could provide the City the ability to maintain (long-term) and/or improve services that residents and businesses have come to expect and address deferred needs that will require attention soon, specifically in General Fund activities such as Police, Fire, Streets, Code Enforcement and Parks and Recreation. Any additional funds a revenue measure may bring in are NOT INCLUDED in the currently proposed budget projections. Should a revenue measure pass and produce revenue in the next two years a budget amendment incorporating the revenue and associated services/needs could be brought back to City Council for approval.

The CIP recommended to City Council lays out a proposed City plan to implement capital projects for all funds of the City. The plan forecasts revenues, costs and projects through the two-year budget and four additional planning years. The CIP will be updated at least annually to reflect current revenues, costs and needs. The General Fund will be limited in its ability to fund projects due to ongoing cost increases for operations and now the challenge of a downturn in the economy due to COVID-19. The City's Water, Sewer and Transportation Funds CIPs will present the City's plan for capital projects in those areas for the next six years. There are MANY needs, the CIP will show the priority for projects to be implemented and recognize deferred needs. Deferred needs are listed in some funds where a potential revenue measure could help to advance those projects sooner and will remain deferred until funding is available.

For the 2020/2021 and 2021/2022 Two Year Budget, staff has not included cost increases from the previous budget unless necessary to keep up with contract and operating costs and there are no salary increases included in the draft budget. For the General Fund, it is recommended that City Council continue deferral of maintenance of facilities and/or capital projects to provide funds for desired capital projects or building up the City's reserve.

One of the biggest upcoming considerations for Council will involve moving forward with a proposed revenue measure to assist in retaining current General Fund service levels and addressing some deferred General Fund needs. Because of the pandemic, determining community desires and timing of balloting for a revenue measure will be key. This will need to be addressed by City Council in separate action from this budget but if any additional revenues

are eventually realized from a revenue measure they may be amended into the City's Budget in the future.

With the above discussed improvements in mind, the General Fund and Enterprise Funds will be presented with a forecasting Capital Improvement Program (CIP) for the first time. Projects being proposed are based on projected available funding in the next two years due to the rate increases and the debt refunding. Planning for an additional four years beyond this two-year budget is also included based on projected additional funding until 2025/2026. If a revenue measure is passed and revenue is realized, projects to address General Fund deferred needs would be included in the CIP. In addition, proposed Operating Budgets will be presented for all City funds.

Fiscal Impact: When adopted on June 23, 2020, a balanced budget should provide sustainable financial direction to the City if forecasts of costs and revenues hold true. It is very possible budget forecasts will vary more than usually expected from actuals through the upcoming couple of years and regular monitoring and adjusting will be required.

Prior Council/Board Actions:

May 19, 2020 – City Council was presented with a 2019/2020 mid-year budget update and Council provided feedback on principles for the 2020/2021 and 2021/2022 Budget preparation.

June 9, 2020 – A Public Hearing was held by City Council and Council provided feedback for the 2020/2021 and 2021/2022 City of Exeter Budget.

Attachments:

2020/2021 and 2021/2022 Draft Budget, including City Administrator Transmittal Letter and Budget Analysis

Resolution 2020-29- Adopting appropriation levels for 2020/2021 and 2021/2022

Recommended motion to be made by Council/Board: I move to adopt Resolution 2020-29 adopting the 2020/2021 and 2021/2022 budget, including any City Council directed changes discussed.
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RESOLUTION 2020-29

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EXETER ADOPTING APPROPRIATION LEVELS FOR ALL FUNDS FOR FISCAL YEARS 2020/2021 AND 2021/2022 AND RE-APPROPRIATING CERTAIN CAPITAL PROJECTS AND OPERATING FUNDS WHICH DO NOT MEET THE CRITERIA TO BE ENCUMBERED OR DESIGNATED FROM PRIOR YEARS

WHEREAS, the City of Exeter City Council held a public hearing on June 9, 2020 on the proposed budget for the City of Exeter for the 2020-21 and 2021-22 fiscal year; and,

WHEREAS, the re-appropriation of certain capital projects and operating funds that are encumbered or designated from prior years is necessary; and,

WHEREAS, authorization from the City Council is necessary for:

1. The City Administrator to transfer appropriations within fund budgets including salary and capital accounts and staff levels, provided, however, that the total appropriations are not increased thereby.
2. The Finance Director to transfer appropriations among the items within departmental budgets, except for salary and capital accounts.
3. Staff to transfer or lend monies from one fund to another as specified in the budget document.

WHEREAS, the approval of the Capital Improvement Program for 2020-21 and 2021-22 and in concept the planning out to 2025-26, as part of the multi-year budget is necessary.

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Exeter that the budget for the 2020-21 fiscal year totaling \$18,190,200 and 2021-22 fiscal year totaling \$16,005,820 be approved.

BE IT FURTHER RESOLVED THAT:

1. The City Administrator is authorized to transfer appropriations within fund budgets including salary and capital accounts and staff levels, provided, however, that the total appropriations are not increased thereby.
2. The Finance Director is authorized to transfer appropriations among the items within departmental budgets, except for salary and capital accounts.
3. Staff is authorized to transfer or lend monies from one fund to another as specified in the budget document.

BE IT FURTHER RESOLVED by the City Council of the City of Exeter that for all funds, for capital projects and/or operating funds that are encumbered or designated from prior years be re-appropriated.

BE IT FURTHER RESOLVED by the City Council of the City of Exeter that any currently active capital projects and operating funds that do not meet the criteria to be encumbered or designated, be re-appropriated.

Passed, approved, and adopted this 23rd day of JUNE 2020, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Mayor

ATTEST:

City Clerk