

REGULAR MEETING MINUTES

ARVIN CITY COUNCIL / SUCCESSOR AGENCY TO THE ARVIN COMMUNITY REDEVELOPMENT AGENCY / ARVIN HOUSING AUTHORITY / ARVIN PUBLIC FINANCING AUTHORITY

AUGUST 16, 2016

CALL TO ORDER @ 6:00PM

PLEDGE OF ALLEGIANCE

INVOCATION

ROLL CALL: All present

1. Approval of Agenda as To Form.

Motion to approve Agenda with the following changes:

- Remove Presentation Item 3B
- Remove Discussion Item 4A
- Update amount listed in the staff recommendation section 3 of Action Item 7D to read \$312,256.00

Motion CM Ortiz

Second CM Gurrola

Vote 5-0

2. PUBLIC COMMENTS

(This is the opportunity for the public to address the City Council on any matter on the agenda or any item of interest to the public that is within the subject matter jurisdiction of the City Council.)

3. PRESENTATION(S)

- A. Swearing In of Community Development Director, Marti Brown
Cecilia Vela, City Clerk
- B. Certificate of Appreciation to Maricela Maciel for Coordination of National Night Out Event of August 2, 2016.
J. Breckenridge, Police Chief

Above Presentation Item 3B removed from the agenda.

4. DISCUSSION ITEM(S)

- A. FY 2014 - 2015 Financial Audit (Finance Director)
- B. Development Impact Fee (DIF) Deferral & Reduction Programs (City Planner)
- C. Discussion and Guidance Regarding Exploring Options for a Public/Private Partnership with the Historical Society to Promote Tourism. (Mgmt Analyst)
- D. Smothermon Spray Park Equipment and Maintenance (Mayor Flores)

Above Discussion Item 4A removed from the agenda.

5. CONSENT AGENDA ITEM(S)

- A. Approval of Demand Register(s) of July 15, 2016 – August 12, 2016.
- B. Approval of Payroll Register(s) of July 29, 2016 and August 12, 2016.
- C. Approval of the Minutes of the Regular Meeting of July 19, 2016 and Special Meeting of August 09, 2016.
- D. Approval of Task Order No. 1617 Pursuant to the City Engineering Services Agreement #2013-32 between Quad Knopf, Inc. and the City of Arvin for General Engineering.
- E. Approval of a Resolution Approving CEQA Categorical Exemptions for the Sycamore Drainage Project.

Resolution No. 2016-51

- F. Approval of Proclamation proclaiming August 2016 as Valley Fever Awareness Month.
- G. Approval of A Resolution of the City Council of the City of Arvin Consenting to the Inclusion of Properties Within the Territory of the City in the CMFA PACE Program; Authorizing the California Municipal Finance Authority to Accept Applications From Property Owners, Conduct Contractual Assessment Proceedings and Levy Contractual Assessments Within the Territory of the City; and Authorizing Related Actions.

Resolution No. 2016-52

- H. Approval of Second Amendment to the March 2006 Exclusive Franchise Agreement Between the City of Arvin and Mountainside Disposal, Inc.

Agreement No. 2016-22

- I. Approval of A Resolution of the City Council of the City of Arvin Approving An Agreement for Vehicle Entrance Gate Equipment Between the City of Arvin and the U.S. General Services Administration.

Resolution No. 2016-53

- J. Approval of Title Change from Building Clerk to Community Development Clerk and Revised Reporting Change.
- K. Approval of New Custodian Job Description and Corresponding Step Schedule Level and Authorize the Finance Director to Post the Step Schedule on the City's Website www.arvin.org and Authorize the City Manager to Search For and Hire a Part-time Custodian.

Staff recommends approval of Consent Agenda.

Motion to pull Consent Agenda Items 5J & 5K for discussion and approve Consent Agenda Items 5A – 5I.

Motion CM Ortiz Second CM Gurrola Vote 5-0

Motion to approve Consent Agenda Item 5J.

Motion MPT Madrigal Second CM Ortiz Vote 5-0

Motion to approve Consent Agenda Item 5K.

Motion MPT Madrigal Second CM Gurrola Vote 5-0

6. PUBLIC HEARING ITEM(S)

- A. Public Hearing to Consider Adoption of an Ordinance of the City Council of the City of Arvin, Amending Subsection 3.08.090(E) And Adding Subsection 3.08.095(D) To The Arvin Municipal Code Addressing When No Bids or Responses to Request for Proposals (RFPs) Have Been Received. (City Manager)

Staff recommends that the Council consider adopting the Ordinance to be read by title only, open the hearing, allow for public testimony, close the hearing, waive second reading of the Ordinance, and approve the adoption of the ordinance.

Hearing opened.

Public testimony.

Hearing closed.

Motion to waive second reading of the Ordinance to be read by title only and approve the adoption of the Ordinance.

Motion CM Ortiz Second Mayor Flores Vote 5-0

Ordinance No. 431

- B. Public Hearing to Consider Introduction of an Ordinance of the City Council of the City of Arvin, Amending Appendix A to Chapter 1.24 of the Arvin Municipal Code Relating to the City's Conflict of Interest Code. (City Clerk)

Staff recommends that the Council consider introducing the Ordinance to be read by title only, open the hearing, allow for public testimony, close the hearing, waive first reading of the Ordinance, and approve the introduction of the ordinance.

C.V.

Hearing opened.

No public testimony.

Hearing closed.

Motion to waive first reading of the Ordinance to be read by title only and approve the introduction of the Ordinance.

Motion CM Ortiz

Second CM Robles

Vote 5-0

C. Public Hearing to Consider Introduction of an Ordinance of the City Council of the City of Arvin, Amending 2.06.210 of Chapter 2.06 of Title 2 of The Arvin Municipal Code Addressing Council and City Manager Relations: Non-Interference with Administrative Services; and Consideration and Approval of a Resolution Amending the Procedural Rules for the Conduct of City Council Meetings. (City Manager)

1. Staff recommends that the Council consider introducing the Ordinance to be read by title only, open the hearing, allow for public testimony, close the hearing, waive first reading of the Ordinance, and approve the introduction of the ordinance.
2. Approve the Resolution amending the Procedural Rules for the Conduct of City Council Meetings.

Hearing opened.

Public testimony.

Hearing closed.

Motion to waive first reading of the Ordinance to be read by title only and approve the introduction of the ordinance.

Motion to approve the Ordinance.

Motion died due to lack of a second motion.

Motion to reopen the Ordinance.

Motion MPT Madrigal

Second CM Gurrola

Vote 4-1 (Mayor Flores voted No)

Motion to waive first reading of the Ordinance to be read by title only and approve the Ordinance with the following language added to the Ordinance: "Nothing herein shall prohibit the city council or its members from communicating with employees regarding non day-to-day operations.

Motion MPT Madrigal

Second CM Gurrola

Vote 4-1 (Mayor Flores voted No)

Motion to approve the Resolution amending the Procedural Rules for the Conduct of City Council Meetings.

Motion CM Ortiz

Second MPT Madrigal

Vote 4-1 (Mayor Flores voted No)

Resolution No. 2016-54

C.V.

7. ACTION ITEM(S)

- A.** Consideration and Approval of Arvin Hispanic Chamber of Commerce Special Event Permit to Include Use of Smothermon Park and Pavilion, Use of Utilities, and for Public Safety and Public Works Assistance from the City of Arvin for the Arvin Youth Festival during Sept. 2 - 4, 2016. (Police Chief)

Staff recommends approval of the special event permit for the Arvin Youth Festival Event with the requirement to abide by stipulations set forth by the Arvin Police Department for private security guards, ABC daily license, & Police personnel requirements.

Motion to table Action Item 7A to the following City Council Meeting of September 06, 2016.

Motion CM Robles Second CM Gurrola Vote 5-0

- B.** Consideration and Direction Regarding Comanche Drive and Derby St. Future Road Projects. (City Engineer)

Staff recommends consideration and direction from Council.

Motion to direct staff to prepare a plan to address the right-a-way issues for Derby St. and Comanche Dr. and to look into acquiring funding to pay for the survey.

Motion Mayor Flores Second CM Ortiz Vote 5-0

- C.** Consideration and Approval of A Resolution of the City Council of the City of Arvin Approving a Pavement Maintenance Priority List to be Utilized as a Tool to Plan and Design for the Maintenance of Existing Roads Within the City. (City Engineer)

Staff recommends approval of the Resolution.

Motion to approve Resolution.

Motion CM Gurrola Second CM Madrigal Vote 5-0

Resolution No. 2016-55

- D.** Consideration and Approval of A Resolution of the City Council of the City of Arvin Awarding A Construction Contract with Valley Slurry Seal International for the Double Fiberized Microsurfacing Project and Authorizing the Mayor to Sign and Execute the Agreement. (City Engineer)

Staff recommends the City Council approve the Resolution that:

1. Reject the bid protest filed by Telfer Pavement Technologies LLC as being unsubstantiated;
2. Adopt a Class 1 Categorical Exemption, pursuant to CEQA Guidelines section 15301 for the Double Fiberized Microsurfacing Project.
3. Awards a contract to Valley Slurry Seal for the Double Fiberized Microsurfacing Project in the amount of \$312,256,000, subject to approval

C.V.

as to legal form by the City Attorney, and authorizes the Mayor to execute the same.

Motion to approve the Resolution that:

1. Rejects the bid protest filed by Telfer Pavement Technologies LLC as being unsubstantiated;
2. Adopts a Class 1 Categorical Exemption, pursuant to CEQA Guidelines section 15301 for the Double Fiberized Microsurfacing Project.
3. Awards a contract to Valley Slurry Seal for the Double Fiberized Microsurfacing Project in the amount of \$312,256,000, subject to approval as to legal form by the City Attorney, and authorizes the Mayor to execute the same.

Motion CM Ortiz Second MPT Madrigal Vote 5-0

Resolution No. 2016-56

Agreement No. 2016-23

- E. Consideration and Acceptance of Work Completed by Plank and Henry Inc. DBA Cen-Cal Construction, and Notice of Completion for City of Arvin Construction of the 2015 Sidewalk Improvement Project ATPL-5370 (027). (City Engineer)

Staff recommends Council to: (1) accept the work completed by Plank and Henry, Inc. DBA Cen-Cal Construction, (2) approve the final contract amount, (3) authorize the execution and filing of the Notice of Completion, and (4) release the 5% retention to Plank and Henry, Inc. DBA Cen-Cal Construction, after 35 days pending claims or liens filed during this 35-day period.

Motion to: (1) accept the work completed by Plank and Henry, Inc. DBA Cen-Cal Construction, (2) approve the final contract amount, (3) authorize the execution and filing of the Notice of Completion, and (4) release the 5% retention to Plank and Henry, Inc. DBA Cen-Cal Construction, after 35 days pending claims or liens filed during this 35-day period.

Motion CM Ojeda Second MPT Madrigal Vote 5-0

- F. Consideration and Approval of A Resolution of the City Council of the City of Arvin, Approving the Second Amended Employment Agreement Between the City of Arvin and Alfonso Noyola, for City Manager Services. (MPT Madrigal)

Staff recommends approval of the Resolution.

Motion to approve the Resolution.

Motion MPT Madrigal Second CM Ortiz

Vote 3-2 (Mayor Flores & CM Gurrola voted No)

Resolution No. 2016-57

Agreement No. 2016-24

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- G. Consideration and Approval of A Resolution of the City Council of the City of Arvin, California, Approving the City Manager's Designation of Specified Directors as Qualified Substitutes, as well as Authorizing the Designation of Qualified Substitutes for the City Clerk, in the Event of Absence or Unavailability (City Manager).

Staff recommends approval of the Resolution.

Motion to continue the Resolution to the following City Council Meeting of September 06, 2016 to include the following changes to the resolution: In the event of the unavailability of the City Clerk, a temporary appointment of a substitute qualified City Clerk can be made only in the event that no deputy is available to serve as deputized by the City Clerk and such substitute shall only conduct such deputized duties that must meet a deadline prior to the City Clerk's return and only until the return of the City Clerk.

- H. Consideration and Approval of Renaming of the Arvin Senior Center to "Arvin Community Center"; Direct Staff to Provide a Proposal for Providing Youth Programs at the Center Recognizing It May Require Cancellation of Existing Leases. (Mgmt Analyst)

Staff recommends that the Council rename the Arvin Senior Center to the "Arvin Community Center" and direct staff to bring forward a proposal for youth programs to be administered from Arvin Senior Center.

Motion to rename the Arvin Senior Center to the "Arvin Community Center".
Motion CM Ortiz Second MPT Madrigal Vote 4-1 (Mayor Flores voted No)

Motion to direct staff to bring forward a proposal for youth programs to be administered from the Arvin Community Center.

Motion CM Gurrola Second CM Robles Vote 4-1 (Mayor Flores voted No)

- I. Consideration and Approval to Hold a Community Town Hall Meeting at the Arvin Veteran's Hall Regarding Measure L Funding. (Mayor Flores)

Staff recommends consideration and direction from Council.

Motion to hold a Special City Council Meeting at the Arvin Veteran's Hall Regarding Measure L Funding and date of the Special Meeting to be arranged with the City Clerk.

Motion CM Gurrola Second Mayor Flores Vote 5-0

C.V.

- J. Consideration and Approval for Replacement and Continued Maintenance of Purple Heart Signs on Bear Mountain Blvd. (Mayor Flores)

Staff recommends consideration and direction from Council.

Motion to approve replacement and continued maintenance of the Purple Heart signs on Bear Mountain Blvd.

Motion CM Gurrola Second Mayor Flores Vote 5-0

8. STAFF REPORTS

9. COUNCIL MEMBER COMMENTS

10. CLOSED SESSION ITEM(S)

A. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

(Pursuant to Government Code, § 54956(d)(1)

City of Arvin v. CalOSHA (Docket No. 16-R4D7-2799/2800; OIS# 1111092)

B. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

(pursuant to Government Code § 54956.9(d)(1)

SEIU Local 521 v. City of Arvin, PERB Case No. LA-CE-1059-M

CLOSED SESSION REPORT BY CITY ATTORNEY:

No reportable action.

11. ADJOURNED @ 11:35PM

Respectfully Submitted,



Cecilia Vela, City Clerk