

**REGULAR MEETING MINUTES**

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

**APRIL 27, 2021**

**CALL TO ORDER @ 6:01PM**

**PLEDGE OF ALLEGIANCE**

**INVOCATION**

**ROLL CALL: All present; CM Borreli arrived at 6:10pm during Consent Agenda Item 5 due to computer technical issues.**

**1. APPROVAL OF AGENDA AS TO FORM.**

**Motion to approve the Agenda.**

Motion CM Horton                      Second MPT Franetovich    Vote 3-0

**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. Recognition of Service of Jazmin Robles, as Council Member, to the City of Arvin.

**4. CLOSED SESSION REPORT FROM SPECIAL CITY COUNCIL MEETING OF APRIL 13, 2021 AND THE REGULAR CITY COUNCIL MEETING OF APRIL 13, 2021. (City Attorney)**

**CLOSED SESSION REPORT FROM CITY ATTORNEY FROM SPECIAL CITY COUNCIL MEETING OF APRIL 13, 2021 AND THE REGULAR CITY COUNCIL MEETING OF APRIL 13, 2021: No reportable action.**

**5. CONSENT AGENDA ITEM(S)**

A. Approval of Demand Register(s) of April 09, 2021 – April 22, 2021.

B. Approval of Payroll Register(s) of April 16, 2021.

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- C. Approval of the Minutes of the Special Meeting of April 13, 2021 and Regular Meeting of April 13, 2021.
- D. Approval of A Resolution of the City Council of the City of Arvin Authorizing An Application for Funding and the Execution of A Grant Agreement and Any Amendments Thereto from the 2020 Community Development Block Grant Program – Coronavirus Response Round 2 & 3 (CDBG-CV2&3) NOFA Dated December 18, 2020; and Authorizing Related Actions.

**Resolution No. 2021-23**

- E. Adoption of An Updated Job Description for Position of Police Sergeant.
- F. Approval of A Resolution of the City Council of the City of Arvin to Approve the 2020 Housing Element Annual Progress Report.

**Resolution No. 2021-24**

- G. Approval of A Resolution of the City Council of the City of Arvin to Authorize the City Manager to Enter Into A Task Order with Veolia and Approval for Use of Discretionary Sewer Funds for Replacement of Effluent Pump at the Wastewater Treatment Facility in the Amount of \$36,850.00.

**Resolution No. 2021-25**

Staff recommends approval of the Consent Agenda.

**Motion to approve Consent Agenda Items 5A – 5G.**

Motion MPT Franetovich                      Second CM Horton                      Vote 4-0

**6. PUBLIC HEARING ITEM(S)**

- A. A Public Hearing to Consider Adoption of A Resolution of the City Council of the City of Arvin, Approving Tentative Parcel Map No. 12405, Including the Adoption of An Exemption Pursuant California Environmental Quality Act Guidelines Sections 15061(b)(3), 15301 (Existing Facilities), and 15332 (In-Fill Development Projects). (City Engineer)

Staff recommends to open the hearing, allow for public testimony, close the hearing and approve the Resolution.

**Hearing opened.**

**No public testimony.**

**Hearing closed.**

**Motion to approve the Resolution with addition of the following language to Conditions of Approval Item #4 to read as follows: “Prior to recordation of the final map, the existing structure would need to comply with all set back requirements for the new parcels.”**

Motion CM Borrelli                      Second CM Horton                      Vote 4-0

**Resolution No. 2021-26**

- B. A Public Hearing to Consider Adoption of A Resolution of the City Council of the City of Arvin Determining that the Public Convenience and Necessity Would Not Be Served for A Type 20 (Off-Sale Beer & Wine) License at 100 Bear Mountain Blvd. (Director of Administrative Services)**

Staff recommends to open the hearing, allow for public testimony, close the hearing and approve the Resolution.

**Hearing opened.**

**Public testimony received: Email received April 27, 2021 at 9:15am:**

*"My name is Cynthia and I live in Arvin. I remain anonymous because my family does business in Arvin. Please read this during the city council meeting of April 27 during public comments for item 6B.*

*I was sad last week when I joined the planning commission meeting. During that meeting item I learned that some commissioners who are appointed by the City Council do not care about the law and other regulations the State of California provides on the number of alcohol licenses in an area and the Arvin Chamber of Commerce is more interested in growing businesses in Bakersfield than it is in Arvin.*

*During the meeting city staff presented a clear report on the issues and why it could not recommend approval of another license based on the guidelines that come from the State. The same recommendation would have been made from any planning department in other city in this state. One commissioner even mentioned that he reached out to other cities, but never said that he reached out to city staff ahead of the meeting to discuss the issue. The staff report was clear that if the owner wanted to downgrade their license, they could do this thru ABC without applying for a new license, and no approvals from the planning commission or the city council. If they did this, they would already have their downgraded license. Instead they chose to go down this route of getting a new license so they can allow their existing license to be dormant.*

*The reason they did this is no secret because a member of the chamber of commerce signed onto that meeting and very clearly, on record, stated that the reason why they want to do this is because the owner will transfer one of the licenses to another store they own in Bakersfield. Not once did any of the Commissioners ask why they weren't simply applying for a license where that store is located, and I encourage you, the city council to ask this question because here is the truth; the license would not be approved for the same reasons why staff is recommending denial in Arvin. So while the commissioners make statements about how the city is quote "not business friendly", perhaps they should be asking why the owner is tying up city staff time as they look to exploit a loophole in state law which allows for licenses to be transferred anywhere within a county; sometimes for a nice profit. I ask why the chamber would openly work for the improvement of a business that will not benefit one cent of taxes to the City of Arvin. It was also sad to hear the chamber member who himself works in a heavily regulated insurance industry would openly advocate for the disregard of regulations from the California Department of Alcoholic Beverage Control. That is hypocritical.*

*The City of Bakersfield would not stand for this behavior and you should not also. It is also unfair to the city of bakersfield for the city of arvin to allow a loophole like this to be worked, and we should let bakersfield do their jobs. The owner is trying to take advantage of a small town that they believe is too uneducated on issues such as this as well as not forward thinking enough to ask the real questions that need to be asked like, why are they trying to do it this way anyway? It simply does not matter if other city councils did these things before and if the number of licenses*

*AN*

*already exceeds state guidelines. Doing something wrong in the past does not make it right to continue to do something wrong. You as an elected panel in 2021 are much better than this.*

*I also want to point out that the applicant in question was very clearly featured in at least one political video for the current mayor prior to the election. More recently pictures were circulating online of the mayor attending the birthday party of the wife of the applicant in Bakersfield. This goes beyond a casual business relationship. At the very least, I would think that her participation in any vote in this matter is a clear conflict of interest, and she should absolutely recuse herself from voting for or against this license.*

*I hope that you do the right thing and vote to deny this license. If you do not, then you are openly ignoring established state guidelines, you are blaming staff for knowing what those guidelines are and attempting to do their jobs, and you are openly encouraging the business owners of this city to continue to take advantage of this elected body because they frankly can. Thank you.*

**Hearing closed.**

**Motion from CM Borreli to approve the Resolution.**

**CM Borreli withdrew his motion.**

**Motion to direct staff to bring back a Resolution making a finding there is a public convenience and necessity, and the license should be issued for A Type 20 (Off-Sale Beer & Wine) License at 100 Bear Mountain Blvd.**

**Motion Mayor Trujillo      Second CM Borreli      Vote 3-1 (CM Franetovich voted No.)**

**Motion from MPT Franetovich to approve the Resolution.**

**Motion dies due to lack of a second.**

## **7. ACTION ITEM(S)**

- A. Consideration and Acceptance of Annual Financial Audit for the Period Ending June 30, 2020 and Related Single Audit. (Finance Director).**

Staff recommends to accept and file the following reports:

1. Independent Auditors' Report and Basic Financial Statements for the Year Ended June 30, 2020.
2. Report on Internal Control Over Financial Reporting and On Compliance and Other Matters Based on an Audit of Financial Statements Performed in Accordance with Government Auditing Standards for the Year Ended June 30, 2020. (Federal Single Audit)
3. Auditors' Communication on Engagement dated March 26, 2021.

**Motion to accept and file the following reports:**

- 1. Independent Auditors' Report and Basic Financial Statements for the Year Ended June 30, 2020.**

- 2. Report on Internal Control Over Financial Reporting and On Compliance and Other Matters Based on an Audit of Financial Statements Performed in**

**Accordance with Government Auditing Standards for the Year Ended June 30, 2020. (Federal Single Audit)**

**3. Auditors' Communication on Engagement dated March 26, 2021.**

Motion CM Horton                      Second CM Borreli                      Vote 4-0

- B. Consideration and Acceptance of Transportation Development Act Funds - Fiscal and Compliance Audit Pursuant to Section 99245 of the Public Utilities Code for the Fiscal Year Ended June 30, 2020. (Finance Director)**

Staff recommends to accept and file the following report:

City of Arvin Transportation Development Act Funds - Fiscal and Compliance Audit Pursuant to Section 99245 of the Public Utilities Code - Financial Statements and Independent Auditor's Reports for the Fiscal Year Ended June 30, 2020.

**Motion to accept and file the following report:**

**City of Arvin Transportation Development Act Funds - Fiscal and Compliance Audit Pursuant to Section 99245 of the Public Utilities Code - Financial Statements and Independent Auditor's Reports for the Fiscal Year Ended June 30, 2020.**

Motion CM Horton                      Second MPT Franetovich                      Vote 4-0

- C. City Council Discussion of Options Regarding the Process for Filling the Vacancy on the City Council and Direction to Staff Regarding the Same. (City Attorney)**

Staff recommends discussion and direction from Council.

**Motion to use the same notice and application process that was used for the previous Council vacancy. The application deadline is May 18, 2021. Council anticipates considering the applications at the meeting of May 25, 2021.**

Motion MPT Franetovich                      Second CM Borreli                      Vote 4-0

- D. Discussion and Action on Measures to Mitigate the Impacts of the COVID-19 (Coronavirus) Pandemic.**

Staff recommends to discuss and take action as appropriate.

**No items to report. No motion and no action taken for above Action Item 7D.**

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**8. SUCCESSOR AGENCY ACTION ITEM(S)**

- A.** Consideration and Approval of A Resolution of the Board of Directors of the Successor Agency to the Dissolved Arvin Community Redevelopment Agency Declaring Certain Successor Agency-Owned Real Properties To Be Exempt Surplus Land and Certain Other Successor Agency-Owned Properties to be Surplus Land and Directing the Executive Director to Follow the Procedures Set Forth in the Surplus Land Act for the Sale of Such Properties. (Director of Administrative Services)

Staff recommends:

1. Provide direction to Staff as to the disposal method for the Exempt Surplus Land Properties.
2. Adopt a resolution declaring certain Successor Agency-owned properties to be exempt surplus land and certain other Successor Agency-owned properties to be surplus land and directing the Executive Director to follow the procedures set forth in the Surplus Land Act for the sale of such properties

**Motion to approve the Resolution with removal of Exhibit B and keep Exhibit A.**

Motion AM Horton                      Second AM Borreli                      Vote 4-0

**Resolution No. 2021-27**

- 9. WORKSHOP:** Overview of the Roles and Responsibilities of the City Council.  
(MPT Franetovich / CM Borreli)

**10. STAFF REPORTS**

- A.** Monthly Financial Report – March 2021 (Finance Director)

**11. COUNCIL MEMBER COMMENTS**

**12. CLOSED SESSION ITEM(S)**

- A.** Threats to Public Services or Facilities (Pursuant to Government Code, § 54957(a).)  
Consultation with: City Attorney and/or City Emergency or Critical Function Personnel.
- B.** CONFERENCE WITH LABOR NEGOTIATORS (Pursuant to Government Code, § 54957.6):  
City Negotiator: Colin Tanner, Lead Negotiator and Pawan Gill, Director of Administrative Services  
Employee Organizations: Arvin Police Officers Association (APOA) and Central California Association of Public Employees SEIU Local 521.
- C.** CONFERENCE WITH LEGAL COUNSEL—ANTICIPATED LITIGATION  
Significant exposure to litigation pursuant to Government Code Section 54956.9(d)(2) and (3): (one potential case)

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- D. PUBLIC EMPLOYEE PERFORMANCE EVALUATION (Pursuant to Government Code § 54957(b)(1)  
Position: City Manager
- E. Public Employee Discipline/Dismissal Release (Pursuant to Government Code § 54957)

**CLOSED SESSION REPORT FROM CITY ATTORNEY:**

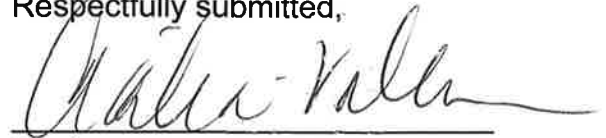
**Items 12A – 12D: No reportable action.**

**Item 12E: The City Council voted to terminate the City Attorney. The vote in favor was Mayor Trujillo, CM Horton, and CM Borreli voting “Yes”. The person voting “No” was MPT Franetovich. (Vote 3-1).**

**The last day of the City Attorney for Aleshire and Wynder will be May 27, 2021. The City Council anticipates appointing an Interim City Attorney on May 25, 2021.**

**13. ADJOURNED @ 10:08PM**

Respectfully submitted,



Cecilia Vela, City Clerk