

REGULAR MEETING MINUTES

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

NOVEMBER 15, 2016

CALL TO ORDER @ 6:00PM

PLEDGE OF ALLEGIANCE

INVOCATION

ROLL CALL: All present; MPT Madrigal arrived late during Invocation.

1. Approval of Agenda as To Form.

Motion to approve Agenda with the following change to Consent Agenda Item 3D:

- Update Resolution by removing the first two paragraphs of section 4 of the Resolution.

Motion CM Ortiz Second MPT Madrigal 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. CONSENT AGENDA ITEM(S)

A. Approval of Demand Register(s) of October 28, 2016 – November 09, 2016.

B. Approval of Payroll Register(s) of November 04, 2016.

C. Approval of the Minutes of the Regular Meeting of November 01, 2016.

D. Approval of A Resolution of the City Council of the City of Arvin Setting Forth the Meeting Dates and City Holidays for Calendar Year 2017.

Resolution No. 2016-78

E. Approval of A Resolution of the City Council of the City of Arvin Approving Amendment No. 3 to Agreement No. 807-2000 with the County of Kern to Adopt the Change of Use for the Adobe Complex from a Business Incubator and Business Development Center to a Community Services Center.

Resolution No. 2016-79

Agreement No. 2016-40

- F. Approval of A Resolution of the City Council of the City of Arvin Authorizing the City Manager to File a Claim for a Grant to Cal OES 2014-2015 CTSGP Grant Program; and Authorizing Related Actions.

Resolution No. 2016-80

Staff recommends approval of Consent Agenda.

Motion to approve Consent Agenda Items 3A-3F.

Motion CM Ortiz Second CM Gurrola Vote 5-0

4. PUBLIC HEARING ITEM(S)

- A. Public Hearing to Consider Adoption of an Ordinance of the City Council of the City of Arvin Amending Portions of Title 15 of the Arvin Municipal Code to Adopt by Reference and As Amended Herein, Title 24 California Code of Regulations, Parts 1 through 12 and those State Agency adopted Appendices, Known as the California Building Standards Code; and the 1997 Uniform Code for the Abatement of Dangerous Buildings; and Related Modifications and Corrections. (Community Development Director)

Staff recommends the City 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.

No public testimony.

Hearing closed.

Motion to waive second reading of the Ordinance and approve the adoption of the Ordinance.

Motion CM Ortiz Second MPT Madrigal Vote 5-0

Ordinance No. 437

- B. Public Hearing to Consider Recommendation To Approve An Uncodified Ordinance of the City Council of the City of Arvin for a Third Amendment to the Development Agreement with K. Hovnanian at Cielo, LLC (First Reading) (City Manager)

Staff recommends the City 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.

Hearing opened.

No public testimony.

Hearing closed.

Motion to waive first reading of the Ordinance and approve the introduction of the Ordinance.

Motion CM Ortiz Second MPT Madrigal Vote 5-0

C.W.

5. ACTION ITEM(S)

- A. Consideration and Approval of A Resolution of the City Council of the City of Arvin Authorizing the Borrowing of Funds to Refinance Outstanding Obligations of the City Relating to the Wastewater Treatment Plant, and Approving and Authorizing Related Documents and Actions. (Finance Director)

Staff recommends approval of the Resolution.

Motion to approve Resolution.

Motion CM Ortiz Second CM Robles Vote 5-0

Resolution No. 2016-81

Agreement No. 2016-41

6. STAFF REPORTS

7. COUNCIL MEMBER COMMENTS

8. CLOSED SESSION ITEM(S)

- A. CONFERENCE WITH LEGAL COUNSEL: Liability Claims (Pursuant to Cal. Govt. Code § 54956.95)
Claimant: Diego Antonio Bravo; RMA Claim No. FR97019
Against: City of Arvin

- B. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION
(Pursuant to Government Code, § 54956.9(d)(2)
A closed session will be held because there is a significant exposure to litigation in one case.

- C. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION
(Pursuant to Government Code, § 54956.9(d)(4)
A closed session will be held to discuss the initiation of litigation in one case.

- D. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
(Pursuant to Government Code, § 54956.9(d)(1)
Cecilia Vela v. City of Arvin (SEIU Case 74626)

CLOSED SESSION REPORT BY CITY ATTORNEY:

Items 8A and 8D: No reportable action.

Item 8B. In regards to Big n Deep, the City Council previously approved a Settlement Agreement in the matter and that matter's name is City of Arvin vs. Big n Deep Agricultural Development, Jeffrey Alexander Farming, Fanucchi Family LP, Jeffrey Alexander, Collin Alexander, Edward Fanucchi, Lauraine Cook, Richard Fanucchi, and Ag-Wise Enterprise, Inc., Case No. BCV-16100246 Kern

C.W.

County Superior Court. That direction was to authorize the settlement with the defendants. The key terms of the settlement agreement are that the defendants would pay the City of Arvin \$82,500 in exchange for dismissal of claims with prejudice for damages done to the effluent pipeline at Millux Ave. A copy of the settlement agreement is available at the City Clerk's office.

Item 8C. The City Council authorized the City Attorney's Office to commence litigation to get an abatement warrant for 525 Walker St., Arvin, California owned by Mr. & Mrs. Smith. Vote 5-0.

9. ADJOURNED @ 9:00PM

Respectfully Submitted,



Cecilia Vela, City Clerk