

REGULAR MEETING MINUTES

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

AUGUST 21, 2018

CALL TO ORDER @ 6:00PM

PLEDGE OF ALLEGIANCE

INVOCATION

ROLL CALL: Mayor Gurrola absent; All others present. CM Madrigal arrived late during Roll Call.

1. Approval of Agenda as To Form.

Motion to approve the agenda with the following changes:

- Add Presentation Item 3B: Swearing In of New Police Officer Aldo Ornelas.
- Move Closed Session Item 9A to be considered after Action Item 6B.
- Move Public Hearing Item 5A to be considered after Closed Session Item 9A.

Motion CM Robles Second CM Madrigal Vote 4-0

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. PG&E Charitable Donation Program Funds to Arvin Historical Society. (Mayor Jose Gurrola)

B. Swearing In of New Police Officer, Aldo Ornelas
Cecilia Vela, City Clerk

4. CONSENT AGENDA ITEM(S)

A. Approval of Demand Register(s) of July 14, 2018 – August 16, 2018.

B. Approval of Payroll Register(s) of July 27, 2018 and August 10, 2018.

C. Approval of the Minutes of the Regular Meeting(s) of July 17, 2018.

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- D. Approval of A Resolution of the City Council of the City of Arvin Authorizing a Memorandum of Agreement between the Kern Council of Governments Acting as the Kern Motorist Aid Authority and the City of Arvin, and Authorizing Related Action.

Resolution No. 2018-55

Agreement No. 2018-18

- E. A Resolution of the City Council of the City of Arvin for the Acceptance of Improvements Within the Public Right-of-Way Within Tract 5816 Phase 9 and A Release of Subdivision Letter of Credit Less 10% as a Security for Maintenance Purposes for a Period of One Year.

Resolution No. 2018-56

- F. Approval of Task Order No. 1805 Pursuant to Section 2.4 of the Professional Services Agreement Entered Into Between the City of Arvin and DeWalt Corporation Dated September 1, 2017 for Design, Bid Support, and Construction Management Services for the Arvin Park and Ride Facility.

- G. Approval of Professional Services Agreement with Brian S. Haney for Investigation and Related Services and Authorize the City Manager to Execute the Same Subject to Approval as to Legal Form by the City Attorney.

Agreement No. 2018-19

- H. Approval of A Resolution of the City Council of the City of Arvin Approving An Agreement for A Spalding Asphalt Hot Patcher (Hotbox) between the City of Arvin and HGACBUY.

Resolution No. 2018-57

Agreement No. 2018-20

- I. Authorization for the Arvin Police Department to Apply For and Accept the Edward Byrne Memorial Justice Assistance Grant.
- J. Ratification of, and Authorization for, the City Manager to Execute an Indemnity Agreement (in Lieu of a Bond) to Chicago Title Insurance Company regarding the Unreconveyed Rowlands Deed of Trust (\$349,680) Necessary to Clear Title pursuant to the previously approved Purchase and Sale Agreement with Arvin Community Services District to sell a portion of APN 446-010-58 to a Fresh Water Well Site.

Staff recommends approval of the Consent Agenda.

Agreement No. 2018-21

Motion to approve Consent Agenda Items 4A – 4J.

Motion CM Robles

Second CM Madrigal

Vote 4-0

C.W.

5. PUBLIC HEARING(S)

- A. A Public Hearing to Consider an Appeal of the Arvin Planning Commission Approval of Conditional Use Permit 2017-Petro Lud - Stockton Project - Oil and Gas Exploratory and Production Well -APN 189-351-36 Southwest Corner of Sycamore Road and Meyer Street, Establishment of a Ddrill Pad No Larger than 400'-0" X 400'-0" and Four (4) Exploratory Well Sites Which May Be Converted Into Production Wells and Adoption of a Related CEQA Exemption Findings Pursuant to the California Environmental Quality Act. (City Planner)

Staff recommends to open the hearing, allow for public testimony, close the hearing, and that the City Council affirm the Planning Commission decision of May 30, 2018 conditionally approving Conditional Use Permit 2017-Petro Lud -Stockton Project - Oil and Gas Exploratory and Production Well -APN 189-351-36 southwest corner of Sycamore Road and Meyer Street, establishment of a drill pad no larger than 400'-0" X 400'-0" and four (4) exploratory well sites which may be converted into production wells and adoption of a related CEQA exemption findings pursuant to the California Environmental Quality Act.

**Above Public Hearing Item 5A considered after Closed Session Item 9A.
Hearing opened.**

Public Testimony: 2 members of the public spoke in favor of denying the appeal and 3 members of the public spoke against denying the appeal.

Hearing closed.

Motion to deny the appeal and affirm the Planning Commission's decision of May 30, 2018 conditionally approving Conditional Use Permit 2017-Petro Lud - Stockton Project - Oil and Gas Exploratory and Production Well -APN 189-351-36 and return with a Resolution for the Council's consideration at the next Regular City Council Meeting.

Motion MPT Ortiz

Second CM Madrigal

Vote 4-0

6. ACTION ITEM(S)

- A. Consideration and Direction Regarding Resolutions to be Considered at the League of California Cities Annual Conference Business Meeting on September 14, 2018. (City Clerk)
1. A Resolution of the League of California Cities Calling Upon the League to Respond to the Increasing Vulnerabilities to Local Municipal Authority, Control and Revenue and Explore the Preparation of A Ballot Measure and/or Constitutional Amendment that Would Further Strengthen Local Democracy and Authority.
 2. A Resolution of the League of California Cities Declaring Its Commitment to Support the Repeal of Preemption in California Food and Agriculture Code § 11501.1 that Prevents Local Governments from Regulating Pesticides.

C.K.

Staff recommends that the Council consider the two Resolutions and determine the City's position so that the Voting Delegate can represent the City's position for these Resolution at the Business Meeting.

Motion to authorize the Voting Delegate to vote in favor of Resolution #1 to be considered at the League of California Cities Annual Conference Business Meeting on September 14, 2018.

Motion MPT Ortiz Second CM Robles Vote 4-0

Motion to authorize the Voting Delegate to vote in favor of Resolution #2 to be considered at the League of California Cities Annual Conference Business Meeting on September 14, 2018.

Motion MPT Ortiz Second CM Madrigal Vote 4-0

B. Consideration and Acceptance of Annual Financial Audit for the Period Ending June 30, 2017 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, 2017.
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, 2017 (Federal Single Audit).
3. City of Arvin's Corrective Action Plan to item (2) above.
4. Auditors' Communication on Engagement dated July 31, 2018.

Motion to accept and file all reports as listed above.

Motion CM Madrigal Second CM Martinez Vote 4-0

7. STAFF REPORTS

- A. Monthly Financial Report – June 2018 (Finance Director)**

8. COUNCIL MEMBER COMMENTS

9. CLOSED SESSION ITEM(S)

- A. Conference with Legal Counsel: Anticipated Litigation (Pursuant to Government Code § 54956.9(d)(4)
Two Potential Cases**

Above Closed Session Item 9A considered after Item 6B. No reportable action.

- B. Public Employee - Appointment (Pursuant to Government Code §54957)
Title: City Manager**

AW

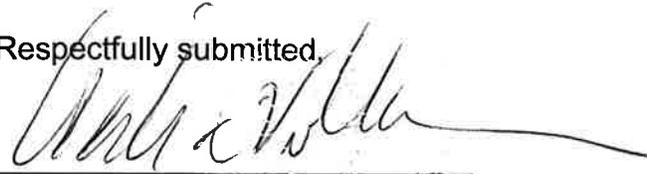
C. Conference with Labor Negotiators (Pursuant to Government Code §54957.6)
City Negotiator, Pawan Gill, Human Resources Administrator Employee
Organizations: Arvin Police Officers Association (APOA) and Service
Employees International Union (SEIU) Local 521

D. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
(Pursuant to Government Code § 54956.9(d)(1))
Ronald Austin v. Arvin Police Department, et al., Kern County Superior Court
Case No. BCV-18-101803

**CLOSED SESSION REPORT BY CITY ATTORNEY:
Items 9B, 9C, & 9D: No reportable action.**

10. ADJOURNED @ 11:36pm

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Cecilia Vela', written over a horizontal line.

Cecilia Vela, City Clerk