

REGULAR MEETING MINUTES

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

FEBRUARY 28, 2023

CALL TO ORDER @ 6:00PM

PLEDGE OF ALLEGIANCE

INVOCATION

ROLL CALL: MPT Borreli absent; All others present.

1. APPROVAL OF AGENDA AS TO FORM.

Motion to approve the Agenda with the following changes:

- Removal of Action Items 6A and 6B.
- Removal of Public Hearing Item 5D.
- Move Presentation Item 3B to be considered and presented prior to Presentation Item 3A.

Motion CM Horton

Second CM Murillo

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. Arvin Wastewater Treatment Facility Annual Report 2022
Gerry Lemus, Project Manager – Veolia Water
- B. Grants Presentation
Christine Viterelli, Grants Manager – City of Arvin

4. CONSENT AGENDA ITEM(S)

- A. Approval of Demand Register(s) of February 10, 2023 – February 23, 2023.
- B. Approval of Payroll Register(s) of February 17, 2023.
- C. Approval of the Minutes of the Regular Meeting(s) of February 14, 2023.

C.W.

- D. Approval of Special Event Permit Application for the Arvin Chamber of Commerce Wildflower Festival to be Held at Smothermon Park on April 17, 2023 through April 25, 2023 (Event Dates April 20 - 23) with the Requirement to Abide by Stipulations as Set Forth by the City of Arvin and the Arvin Police Department Including Private Security Guards, Insurance, Applicable Fees, ABC Daily License Requirements and Police Department Personnel Costs of \$2,402.91.
- E. Approval of Special Event Permit Application for Circus Royal Spectacular for Operation of A Temporary Circus to be Held at Smothermon Park on March 7, 2023 through March 14, 2023 with the Requirements as Set Forth by the City of Arvin Including Private Security Guards, Insurance, and Applicable Fees.
- F. Approval of First Amendment to Consultant Services Agreement Between the City of Arvin, California and V-Max Electric, Inc. for Electric Vehicle Charging Station Equipment and Installation with Integration for A Cost Not to Exceed \$170,021.00.

Resolution No. 2023-03

- G. Approval of Engineer II Classification, Job Description, and Salary Schedule.
- H. Approval of Appointment of Rubi Carmona to the Arvin Planning Commission. (Councilmember Horton)

Staff recommends approval of the Consent Agenda.

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

Motion CM Horton Second CM Reyes Vote 4-0

5. PUBLIC HEARING ITEM(S)

- A. A Public Hearing to Consider and Approve A Resolution of the City Council of the City of Arvin Declaring There Are No Unmet Transit Needs That Can Be Reasonably Met Within the City of Arvin. (City Manager)

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

Hearing opened.

No public testimony received.

Hearing closed.

Motion to approve the Resolution.

Motion CM Horton Second CM Murillo Vote 4-0

Resolution No. 2023-08

0 N.

- B. A Public Hearing to Consider and Approve A Resolution of the City Council of the City of Arvin to Affirm the Planning Commission's Action and Uphold the Imposition of the Condition Requiring the Payment of the Traffic Impact Fee – PUD (SDP) 1100BMB-Vanguard per Resolution No. APC 2022-07 Dated December 14, 2022. (City Manager)

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

Hearing opened.

Public Testimony: Applicant Petrus Tjandra requested the Council consider waiving or offering a decrease to the traffic impact fees as it will place a strain on their project.

Hearing closed.

Motion to approve the Resolution with the following revisions:

The City Council has authorized a twenty percent (20%) reduction to the required Traffic Impact Fees. The following additional language has been placed in the Resolution: The Modification approved by the City Council provides the applicant with a twenty percent (20%) reduction to the required Traffic Impact Fees. The Development Impact Fee program allows payment of the development impact fees over the course of four (4) years. The first payment, equal to twenty percent (20%) of the total Development Impact Fees, is due one (1) year from the date of building permit issuance. Annual payments are due each year thereafter, on or before the date of building permit issuance, ending with final and full payment by three (3) years from the date of building permit issuance. Fee deferrals will be secured by one of the following:

- **Assigned passbook or certificate of deposit; or**
- **Irrevocable letter of credit; or**
- **Surety bond; or**
- **Lien against the property; or**
- **Negotiable securities if approved by the City Council; or**
- **Reservation of funds within the escrow account of the senior lender;**

and

The City Council upon consideration of applicants' reason for the appeal and the request for waiver of the payment of Traffic Impact Fees and upon consideration of Staff's review, the Council rejects the applicants appeal and affirms, with modifications, the Planning Commission's actions. The Modification approved provides the applicant with a twenty percent (20%) reduction to the required Traffic Impact Fees and the City's policies allows payment of the development impact fees over the course of four (4) years.

Motion CM Murillo

Second CM Horton

Vote 4-0

Resolution No. 2023-09

Agreement No. 2023-05

- C. A Public Hearing to Consider and Approve A Resolution of the City Council of the City of Arvin Adopting the Arvin Environmental Justice Element, An Element to the General Plan, and Accepting the CEQA Determination of A Categorical Exemption per Section 15061(b)(3) (General Rule) of the California Environmental Quality Act (CEQA). (City Planner)

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

Hearing opened.

No public testimony received.

Hearing closed.

Motion to approve the Resolution.

Motion CM Horton

Second CM Reyes

Vote 4-0

Resolution No. 2023-10

- D. A Public Hearing to Consider Introduction of An Ordinance of the City Council of the City of Arvin Amending Ordinance 2022-479 Which Established Title 8, Chapter 8.29, Section 8.29.05 Commercial Cannabis Activity of the Arvin Municipal Code To Permit a Limited Number of Type 10 or Type 12 Store Front Sales of Commercial Cannabis. (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.

Above Public Hearing Item 5D was removed from the agenda.

6. ACTION ITEM(S)

- A. Consideration and Approval of A Resolution of the City Council of the City of Arvin Authorizing Veolia North America to Locate and Install A Solar Renewable Energy Generating System at the Arvin Wastewater Treatment Facility. (Gerry Lemus, Veolia Water)

Staff recommends approval of the Resolution.

Above Action Item 6A was removed from the agenda.

- B. Consideration and Approval to Adopt the City of Arvin Policy and Procedure Manual. (ACM / HR Manager)

Staff recommends adoption of the City of Arvin Policy and Procedure Manual.

Above Action Item 6B was removed from the agenda.

- C. Discussion and Action on Measures to Mitigate the Impacts of the COVID-19 (Coronavirus) Pandemic. (City Manager)

Staff recommends to discuss and take action as appropriate.

No motion and no action taken for above Action Item 6C.

7. STAFF REPORTS

8. COUNCIL MEMBER COMMENTS

9. 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. (one item)

- B. CONFERENCE WITH LEGAL COUNSEL—ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to Government Code Section 54956.9(d)(2) and (3): (six potential cases)

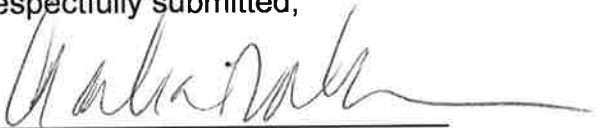
CLOSED SESSION REPORT BY CITY ATTORNEY:

9A. An update was provided to the City Council; No reportable action taken.

9B. Direction was provided to the City Attorney concerning one matter; No other reportable action taken related to the remaining five matters.

10. ADJOURNED @ 7:50PM

Respectfully submitted,



Cecilia Vela, City Clerk