



CITY OF AVENAL
JOINT MEETING OF THE AVENAL CITY COUNCIL/SUCCESSOR AGENCY
THURSDAY, JANUARY 23, 2020; 5:15 P.M.
AVENAL THEATER; 233 E. KINGS STREET, AVENAL, CA 93204

MINUTES

Mayor Ovalle called the meeting to order at 5:15 p.m.

Staff Present: Whitten, Ortiz, Perkins, Davis, Santillan, Bermudez, Stivers.

Legal Counsel: Ken Jorgensen.

PLEDGE OF ALLEGIANCE: Led by Mayor Ovalle.

ROLL CALL: Councilman Preciado, Councilman Hernandez, Councilman Harvick, Mayor Pro Tem Woolley, Mayor Ovalle.

CITY CLERK: Government Code Section 54952.3: The members of the City Council and Successor Agency are entitled to receive a total of \$300.00 per month because of being elected to the City Council. They receive no other compensation for sitting as a member of the Successor Agency.

Mayor Pro Tem Woolley requested a change to the Agenda.

City Council went into Closed Session at 5:17 p.m.

CLOSED SESSION: (City/Successor Agency):

It is the intent of this governing body to meet in closed session to review its position and to instruct its designated representatives:

A. POTENTIAL/PENDING LITIGATION (Government Code § 54956.9).

It is the intention of this governing body to meet in closed-session concerning:
Conference with legal counsel – Deciding whether basis exists for closed-session for anticipated litigation (Government Code § 54956.9(d)(3)).

Number of potential cases is: 1.

B. CONFERENCE WITH REAL PROPERTY NEGOTIATOR(S) (Government Code § 54956.8).

It is the intent of this governing body to meet in Closed Session to confer with its real property negotiator(s) concerning the purchase, sale, exchange or lease of real property by or for this local agency as follows:

Property Description: APN: 040-165-007
Negotiator(s): City Manager/City Attorney/CrisCom.
Party with whom negotiating: County of Kings/State of California.
Instructions to negotiator concerning: Terms

C. CONSIDER THREAT TO PUBLIC SERVICES OR FACILITIES (Government Code § 54957(a)).

It is the intention of this governing body to meet in Closed Session concerning the following:

Consultation with Avenal Police Department: Rusty Stivers, Chief of Police.

Mayor Ovalle, reopened City Council meeting at 5:37 p.m., with action to report as follows: Keith Harvick resigned effectively January 25, 2020 at 5:00 p.m.

A motion was made by Mayor Pro Tem Woolley to change City Council Agenda by moving Item 8., after Item 6., seconded by Councilman Hernandez and carried.

Roll Call Vote:

AYES: Woolley, Hernandez, Preciado, Ovalle.
NOES: None.
ABSENT: Harvick.
ABSTAIN: None.

CONSENT CALENDAR:

A. Consider City of Avenal/Successor Agency's Approval of Minutes for January 9, 2020:

A motion was made to approve consent calendar as presented by Councilman/Successor Agency Member Preciado, seconded by Councilman/Successor Agency Member Hernandez and carried.

Roll Call Vote:

AYES: Preciado, Hernandez, Woolley, Ovalle.

NOES: None.

ABSENT: Harvick.

ABSTAIN: None.

MAYOR & COUNCIL MEMBER/ SUCCESSOR AGENCY/ITEMS OR CONSIDERATION:

A. Consider Scheduling a "Community Study Session" Relating to the Avenal Regional Landfill:

Mayor Ovalle reported this meeting is in response to the January 9th City Council meeting where a meeting was requested regarding the Landfill. In order to provide information and answer questions about the Avenal Regional Landfill, Staff recommends that the City Council schedule a "Community Study Session" on Monday, February 10, 2020, from 6:00 p.m. - 8:00 p.m., at the Veteran's Memorial Hall, 108 W. Kings Street, Avenal, pending confirmation by the Community Activities Department. Translators will be available to assist as needed during the Study Session. Also, News Reporters are welcome to attend meeting.

A motion was made by Mayor Pro Tem Woolley to schedule a "Community Study Session" on Monday, February 10, 2020, from 6:00 p.m. - 8:00 p.m., at the Veteran's Memorial Hall, 108 W. Kings Street, seconded by Councilman Preciado and carried.

Roll Call Vote:

AYES: Woolley, Preciado, Hernandez, Ovalle.

NOES: None.

ABSENT: Harvick.

ABSTAIN: None.

Mayor Ovalle announced that this Study Session is to be able to provide answers to questions and concerns. He encouraged community members to submit all questions/concerns in writing and they will be given to the designated personnel at the Avenal Landfill. Also, everyone is welcome to attend.

PUBLIC COMMENT/ANNOUNCEMENTS & UNSCHEDULED APPEARANCES:

A young man who did not state his name read this letter to the City Council:

Exhibit A

January 23, 2020

Dear Avenal City Council,

We are a group of concerned residents of Avenal. Our group is called HEAL (Healthy Environment for Avenal Lives) or in Spanish, Ambiente Saludable para las Vidas de Avenal. We have come together to express our concerns about the Avenal landfill. At the last City Council meeting, many of our members expressed concern and frustration about the situation. We have condensed these concerns into this letter so that we can be more proactive about our requests.

First, there are many concerns about the revenue generated by the Avenal landfill. There are many rumors going around about how much is generated and where it goes. We request that the council generate a fact sheet in English and Spanish that shows a transparent accounting of the money. We want to know where this money is going and how it's used. We feel this is the only way we can make an informed opinion about whether the health risks and inconvenience of living with a landfill are worth it. We request that this fact sheet be available to the public by the City Council meeting scheduled for February 27, 2020.

Next, many of our members want to participate in the Avenal City Council meetings but cannot make it since they work late. We respectfully request that the council consider moving the time of the meetings to 6 pm so that more members of the community can participate.

Additionally, we want to request that a professional translator be available at all future Avenal City Council meetings. We are aware that the City has many bilingual staff members, however, being bilingual does not mean that one possesses the ability to do simultaneous translation. For a better understanding between the council and community members, you need to provide a professional translator.

Furthermore, we request that the council provide the public with a plan to mitigate the smell that is coming from the landfill. At this point the council is well aware that there is an issue with odors coming from the facility. These odors are interfering with our ability to enjoy our homes and our community. How can the council and members of the public work together to find a solution to this immediate problem?

Finally, we request that the city set up a public forum on all issues related to the dump. We would like to see this happen by the end of February 2020. The issues surrounding the dump are not going to go away. We want to see you take an active stance in addressing the community's concerns. A forum where people can ask questions not only of city officials, but also of the operators of the dump, would benefit every community member who has concerns about this issue.

We make these five requests, 1) a fact sheet on income generated by the dump, 2) moving city council meetings to 6 pm, 3) providing a professional translator for meetings, 4) a plan to mitigate the immediate issue of dump odors, and 5) the organization of a community forum on the dump, with respect and anticipation of your response. Please provide our group with a written response by the next Avenal City Council meeting slated for February 13, 2020.

Respectfully, HEAL

Alvaro Preciado stated that he lives at 800 Kern St. and would like to take this opportunity to speak to the City Council and community. He also has concerns because there have been many questions but there hasn't been a response. There has been contact with the Landfill folks to provide some answers. He is also aware that there are many rumors and misinformation out there that we are working to resolve. He has personally requested a report from the San Joaquin Air Control District who is the body that regulates air quality in eight (8) counties within the Central Valley. They will be issuing a report that includes the number of non-compliance violations that have been issued for the landfill. We have been working very hard to address the concerns of the community at the City Council meetings and would like everyone to work together to address these concerns. The City Council are elected by the community of Avenal and they work to address the community's concerns and issues. They represent 10,500 residents and want residents to provide questions so they can be addressed effectively. There are still unanswered and unresolved questions, but they are working to find answers to these questions. If everyone shares their concerns, they will work to address them. Any information that he has, will be shared with the community. Any questions that are asked during Public Comments cannot be responded to legally.

Mayor Ovalle announced that the financial statements from the City are public records. Copies are available on the table in the lobby which shows the refuse revenues.

Veronica, a resident, has represented the LEAP Institute since January. They hold their IVAN meetings and would like to invite the public to these meetings. In that public forum, she would not necessarily say that the community has complaints rather, concerns. The biggest concern expressed is health. It is not the money as others have made it about money. These health concerns are why they started HEAL. She respects Mr. Preciado and appreciates all the work he does with San Joaquin Valley Air. They are part of IVAN as a partner to learn. It is not an us versus them. It should be a we and work together as a community. The community would like to address health issues and we need to focus on this issue. She would like the Council to commend community members because it takes time and effort. She is not on the clock but is here because she is a part of the community, not just because of her job. Also, we should respect our community members because it takes a lot to open up about their private lives regarding health issues and by law, they don't have to because it is none of our business. We find that some people are making fun of them. This should not be taken lightly, and we should work together to find solutions. Thank you.

Edward Vargas stated that he has lived in Avenal for 30 years and his concerns are regarding the hills. He has been riding in those hills all his life and wants to know why they are getting shut down. He would like to know how this issue can be fixed as many community members ride in the hills. He spent \$60,000 on off-road toys last year but now he can't use them. How can we fix this problem? He understands dust and noise controls, but the Sand Drags make noise throughout the town during their events. Is the reason money?

Mayor Ovalle suggested that he speak with the Chief of Police. Also, the land does not belong to the City of Avenal. It is private property.

ACTIVITY REPORTS/SPECIAL PRESENTATIONS & COMMITTEE REPORTS:

A. Activity Reports:

- 1) Community Development/Planning Activity Report: Fernando Santillan, Community/Economic Development Director;

Fernando Santillan, Community/Economic Development Director, reported the following: 1) The Community Center; 2) Avenal Complete County Census Committee meeting on Wednesday, January 22 at 6 pm at the Theater to inform local leaders about national, statewide, county and local efforts to ensure a complete count. We are hoping the committee members will help inform residents about the Census and dispel any myths or fears about being counted; 3) Working with KCAG to secure Highway Improvement Funds (HIP) to help the City fund the next road re-construction projection on San Joaquin St; 4) The 2019 CDBG NOFA is expected any day now and we will be working with Self-Help Enterprises to put together an application which will include a request for additional housing program funds and potentially funds for the Community Center; 5) Two residential development projects which are currently in the CEQA (California Environmental Quality Act) review phase, which if completed, would add roughly 132 single family and multifamily units; 6) County-wide electric vehicle readiness plan as well as a Pavement Management; 7) The Releaf Grant final report has been submitted and 210 trees were planted; 8) Coordinating with the County to host a job fair in Avenal in May; 9) The Planning Commission did not meet in January due to a lack of agenda items. The next scheduled meeting date is February 3rd. which will include a public hearing for a Tentative Parcel Map; 10) Meeting with representatives of Kochergen Farms Composting Inc. to address ongoing fire/smoke issues at their facility; and, 11) Avenal was awarded a Healthy Infrastructure Award in Site Design Excellence from the National Fitness Campaign for the Wonderful Fitness Court Project.

- 2) Avenal Police Department Activity Report: Rusty Stivers, Chief of Police;

Sergeant Storm reported the following: 1) Officers dispatched to the 900 block of Dome Street for an assault; 2) POP Officer Smith chased a parolee with an active investigation pending, who threw syringes, methamphetamine and a knife. The suspect was located and transported by his parole officer to the Kings County Jail; 3) A suspect with an ankle monitor was stopped by officers for driving erratically. Officers located nearly 8 grams of methamphetamine. The suspect went back to jail on a probation hold; 4) A domestic violence incident occurred in the 1000 block of Yosemite Street. The victim had allegedly been dragged from a vehicle, choked and not allowed to go free. The Kings County Major Crimes Task Force and the California Highway Patrol Coalinga Office assisted in this case. The suspect was eventually booked for domestic violence and attempted murder charges; and, 5) Upcoming Events/Information - Officer Voyles completed field training; Police Activities League kids began their basketball season; Special thanks to all the coaches for their commitment to this program; to Waste Connections for donating 42 bicycles to be distributed and APD officers who assisted in building the bikes and distributing.

B. Presentations/Requests:

1. None.

PUBLIC HEARING(s):

- A. None.

OLD BUSINESS:

- A. None.

NEW BUSINESS:

A. Consider Change Order for Additional Civil Engineering Work Required for Avenal Community Center:

Mr. Santillan reported that due to unforeseen circumstances, adjustments needed to be made for construction of the Community Center project. We have requested the engineer, Mike Hamzy of Harbison International, to revise the site plan to accommodate changes as a result of our conversations with PG&E as well as other changes that will improve access to the building. Specifically, we are needing to relocate the PG&E transformer to the east side of the parking lot to accommodate a new power pole and conduit to the service panel in the back of the building to avoid disrupting the parking lot pavement. Additionally, the mechanical units in the rear of the building will be moved closer to the building in order to accommodate a 5' sidewalk and vehicle access. Currently, the mechanical engineer designed the units to be about 7 feet from the building, which would impede access. Changes to the drainage will be made on the back side of the building.

Mike Hamzy has provided an estimate for the additional work based on time and materials which would not exceed \$3,000.

Staff recommends by resolution, authorize attached Change Orders No. 10 for additional work required by Harbison International for the Avenal Community Center project. The change orders and original contract amount will be paid out of General Fund Account 1007000.651 (Engineering Services).

RESOLUTION 2020-04: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AVENAL AUTHORIZING THE CITY MANAGER TO SIGN CHANGE ORDER NO. 10 FOR ENGINEERING SERVICES ON THE COMMUNITY CENTER PROJECT. A motion was made by Councilman Preciado, seconded by Councilman Hernandez and carried.

Roll Call Vote:

AYES: Preciado, Hernandez, Woolley, Ovalle.
NOES: None.
ABSENT: Harvick.
ABSTAIN: None.

B. Consider Resolution to Withdraw and Deem Resolution No. 2002-04 Not in Effect Pending Review and Amendment of the "Tuition Reimbursement Policy" in Order to Clarify the Original Intent of Said Policy:

Dawn Perkins, CPA, Director of Administrative Services, reported that Resolution No. 2002-04 was adopted by the Avenal City Council on January 10, 2002 which added a non-negotiated policy for "Tuition Reimbursement" to the City's Personnel/Administrative Policies and Procedures. The policy provided for a reasonable cost reimbursement for employees that chose to pursue further education, certification or other special training as it related to their current position within the City if all requirements were satisfied. Over the years, it seems as though the original intent of the policy has been somewhat lost which has led to a misunderstanding of its original intent. In order to address any area of the policy which might be unclear, Staff is requesting that, by Resolution, the City council withdraw and deem said policy not in effect pending review and amendment. After said review, the policy would be brought back before the City Council for consideration.

Staff recommends by Resolution, withdraw and deem said Tuition Reimbursement Policy not in effect until the policy has been reviewed and amendments made as needed/desired.

After a brief discussion, the following action was taken:

RESOLUTION 2020-05: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AVENAL TO WITHDRAW AND DEEM SAID POLICY NOT IN EFFECT, PENDING REVIEW AND AMENDMENT IN ORDER TO CLARIFY THE ORIGINAL INTENT OF RESOLUTION NO.2002- 04: "AMENDING THE PERSONNEL/ADMINISTRATIVE POLICIES AND PROCEDURES RELATING TO TUITION REIMBURSEMENT OF COSTS FOR EDUCATION, CERTIFICATION OR OTHER SPECIAL TRAINING". A motion was made by Mayor Pro Tem Woolley, seconded by Councilman Preciado and carried.

Roll Call Vote:

AYES: Preciado, Woolley, Hernandez, Ovalle.

NOES: None.
ABSENT: Harvick.
ABSTAIN: None.

CORRESPONDENCE/ANNOUNCEMENTS/CLOSING COMMENTS:

Councilman Hernandez thanked everyone for coming and hopes that we can work together to bring resolutions to our community.

Councilman Preciado reported the following: 1) He was elected to represent the community. He does not do what he wants but what the community wants. He was elected to find answers and solutions. There needs to be respect between the City Council and the community. He will do everything he can to maintain that respect. As mentioned earlier, he is part of the San Joaquin Valley Air Board and he has requested a report to identify any violations and complaints regarding the landfill. Once it is obtained, this report will be shared. This Board has the authority to close any business or organization that is violating air pollution laws within the eight Counties under their jurisdiction which the Landfill falls under. Also, the Board can issue fines and approve stricter regulations to deal with anything that may possibly be contaminated. There also needs to be trust and faith that these agencies are doing their jobs. He works at a Water Treatment Plant and they are regulated by multiple agencies: City, County, State and Federal Governments and he trusts these agencies to do their jobs. All agencies follow a process to deal with any questions, concerns and complaints. The community has the last word on which direction the City takes but you also need to be aware of the potential consequences and be conscious of the fact that those consequences are not just going to affect one person but the community at large.

Mayor Ovalle stated that we need to be respectful during closing comments.

Mayor Pro Tem Woolley reported the following: 1) All of us here are volunteers. We are elected and come here to represent our community. Also, many people think we just go to City Council meetings. Everything that comes from the Federal, State, or County Governments must be done through commissions. Those commissions require representation from City and County's Government to obtain funding; 2) KCAG/KCAPTA; 3) KART; 4) REAP Committee; 5) The Council does not only represent the community here, but also at other agencies.

Mayor Ovalle reported the following: 1) We are opening a dialogue and he is very happy to see that the community is invested in this matter. As Mrs. Woolley established, we are essentially volunteers and go to many commissions to represent the community. When we go to these commissions the only thing in mind is the well-being of our community. We also live here not in Lemoore or Visalia but here and we want this community to be better. Therefore, the City Council will be holding a Study Session on February 10, 2020 to have a dialogue so if anybody has questions in that study session answer those questions. At that Study Session, there will be representatives from the Landfill and San Joaquin Air Quality Control. If you have questions, concerns and complaints put them in writing so the Landfill has an opportunity to answer. He invites all to attend the Community Study Session.

ADJOURNMENT.

There being no further business, the City Council meeting was adjourned at 8:57 p.m.

Respectfully Submitted,
Maria Ortiz, City Clerk