



CITY OF AVENAL
JOINT MEETING OF THE AVENAL CITY COUNCIL/SUCCESSOR AGENCY
THURSDAY, MARCH 12, 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, Davis, Santillan, Bermudez, Stivers.

Legal Counsel: Michael Schulte.

PLEDGE OF ALLEGIANCE: Led by Mayor Ovalle.

ROLL CALL: Councilman Preciado, Councilman Hernandez, Mayor Pro Tem Woolley, Mayor Ovalle and Councilman Ramirez was seated to fill vacant seat.

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.*

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

Property Description: APN: 038-260-062 & 038-260-048.
Negotiator(s): City Manager/City Attorney.
Party with whom negotiating: Chevron.
Instructions to negotiator concerning: Terms

Property Description: APN: 038-010-040.
Negotiator(s): City Manager/City Attorney.
Party with whom negotiating: Legacy Development Properties, LLC.
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 the City Council meeting at 6:08 p.m. with action to report as follows:

RESOLUTION 2020-09: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AVENAL AUTHORIZING AN AGREEMENT WITH LEGACY DEVELOPMENT PROPERTIES, LLC FOR

TEMPORARY CONSTRUCTION AND ACCESS EASEMENT RELATED TO THE 18" WATER TRANSMISSION PIPELINE REPLACEMENT PROJECT. A motion was made by Councilman Preciado, seconded by Councilman Hernandez and carried.

Roll Call Vote:

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

Mayor Pro Tem Woolley made a motion to add an emergency item for New Business 11.-B. to Consider Change Orders for Avenal Community Center on Contract 1-5, seconded by Councilman Hernandez and carried.

Roll Call Vote:

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

Melissa Whitten, City Manager stated that the urgency is if we don't continue it is going to stop the project and cost more.

CONSENT CALENDAR:

- A. Consider City of Avenal/Successor Agency's Approval of Minutes for February 3, 2020; February 13, 2020; February 27, 2020: .
- B. Consider City Warrants & Financial Statement for February:

A motion was made to approve consent calendar as is by Mayor Pro Tem /Successor Agency Member Woolley, seconded by Councilman/Successor Agency Hernandez and carried.

Roll Call Vote:

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

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

- A. Presentation by Mayor: *"Distinguished Service Former City Councilmember"* Recognition - Keith Harvick.

Ms. Whitten reported that Mr. Harvick was invited and is not in attendance. The City Council would like to present a plaque and clock for his service and since Mr. Harvick is not here, we will make sure that this is presented to him and appreciated Mr. Harvick's service.

- B. Application Submitted by Four (4) Interested Applicants to Fill One (1) City Council Position:
 - Interview Applicants;
 - Consider Appointment of One (1) Individual to Fill Vacant City Council Seat: (Discussion/Direction/Action); and,
 - If Appointment Made by City Council, City Clerk will Administer Oath of Office and Seat New City Council Member.

Mayor Ovalle announced that at the Study Session the City Council had the opportunity to interview applicants. Therefore, if the City Council would consider appointing one of the applicants.

City Attorney Michael Schulte mentioned that the process for that one City Councilmember would make a motion to open nominations of the individuals and close nominations then discussion and vote. Then vote again to close nominations with motion and second. You would go down the line to see whose nomination would go first. If the Council ends up with a vast vote which is 2-2, then would go back to re-vote and recount to get 3-1 vote. The City Council has an opportunity to appoint someone.

Ms. Whitten clarified that nominations to be opened, ask for a motion to close nomination and at that point the City Council would vote on those that have been nominated.

Councilman Preciado asked if there can be more than one nomination. Legal Council Schulte mentioned that they are trying to fill one seat. If any individual Councilmember makes a nomination, then that nominations is seconded and then if that person receives three votes that person will become a City Councilmember.

Mayor Ovalle opened nominations and announces applicants as follows: 1) Maria Leticia Gamez; 2) Alejandro Ramirez; 3) Mario Pesquera; and, 4) Lourdes Carrizales.

Councilman Preciado nominated Alejandro Ramirez and Mayor Pro Tem Woolley nominated Lourdes Carrizales. Mayor Pro Tem Woolley closed nominations, seconded by Councilman Hernandez

seconded by Councilman Hernandez Mayor Pro Tem, seconded by Mayor Ovalle and Mayor Woolley closed nominations, seconded by Councilman Hernandez and carried.

Roll Call Vote:

AYES: Woolley, Hernandez, Preciado, Ovalle.

NOES: None.

ABSENT: None.

ABSTAIN: None.

Mayor Ovalle announced re-vote nomination as follows for Alejandro Ramirez: Councilman Preciado, Councilman Hernandez, Mayor Pro Tem Woolley, Mayor Ovalle.

Mayor announced re-vote nominations: Mayor Ovalle roll call vote for Alejandro Ramirez – Preciado, Hernandez.

Mayor Ovalle roll call vote for Lourdes Carrizales – Woolley, Ovalle.

Legal Counsel Schulte mentioned to due a re-vote. Mayor Ovalle roll call vote for Alejandro Ramirez – Preciado, Hernandez, Woolley, Ovalle.

Maria Ortiz, City Clerk administer Oath of Office to Alejandro Ramirez and was seated as City Councilmember. Ms. Ortiz congratulated Mr. Ramirez. Melissa Whitten and City Council welcomed Alejandro Ramirez to the City Council. Also, shaking hands has become a real issue due to COVID-19 nearby and we all need to be careful.

C. Consider Appointment to the Planning Commission to fill Vacant Seat:

Fernando Santillan, Economic/Community Director, reported that a Planning Commissioner has stepped down Mr. Homero Solorio and seeking direction from the City Council particularly Mayor Pro Tem Woolley regarding appointment.

Mayor Pro Tern Woolley would like position to be advertised. Staff will post and advertise.

D. Consider Avenal High School Sober Grad Committee Request for Monetary Support:

Cynthia Guzman reported that her daughter is a Senior this year will be graduating in June. The Parent Committee/Sober Grad is asking for help with sponsoring Sober Graduation with any donation would be appreciated. Ms. Guzman did submit a request to the City Clerk for the City Council consideration and support.

Mayor announced just like any other request as per policy the City Council can donate \$250. each. Mayor Pro Tem Woolley and Mayor Ovalle donates \$250.00 each, Councilman Preciado donates \$150.00; and, Councilman Hernandez will donate \$100.00.

Ms. Whitten mentioned that if the City Council would like to donate \$250.00 each this would require a motion. The City Council chose to due individual donations.

ACTIVITY REPORTS/SPECIAL PRESENTATIONS & COMMITTEE REPORTS:

A. Activity Reports:

- 1) Public Works/Building/Code Enforcement/ Animal Control Activity Report: Scott Davis, Public Works Supervisor;

Scott Davis, Public Works Supervisor, reported on the following: 1) Building Department; 2) Code Enforcement; 3) Park & Landscaping; 4) Streets; 5) Water Distribution; 6) Wastewater Collection; and, 7) Vehicle, Equipment, & Building Maintenance.

- 2) Avenal Theater & Event Center Activity Report: Humberto Bermudez, Avenal Theater & Event Center Coordinator;

Humberto Bermudez, Avenal Theater & Event Center Coordinator: 1) Movie Nigh - Moana, Rocky, Homeward Bound, Frozen 2; Events – Feb. 7th Dinner & A Movie, Feb 12th Fire Dept. Safety Inspection, Feb. 19th Census Workshop #2, Feb. 21st Movie Night, Feb. 22nd rental, Feb. 26th/March 11th Old Timer day planning, OHV meeting APD, March 6th Census Town Hall presentation; 3) March 9th Shaw’s Air Conditioning Maintenance ; 4) March 13th P.A.T.Y’s Studio outreach booth; and, 5) Upcoming events – March 13th AES Movie Day, March 28th Art in the park.

- 3) Recreation Department Activity Report: Sheila Verdugo, Supervisor

Sheila Verdugo, Supervisor reported the following: 1) KPFP (Kings Partnership for Prevention) Awards Banquet: Dec. 5th 8-10:00 am - Staff nominated RAP for a Prevention Award for Greatest Contribution to Youth Development and did not get the award this year but will nominate RAP next year. Also, was asked to bring to the City Council categories to keep in mind and think of a nominee for the City of Avenal to get more involved; 2) Holiday Magic: Dec 7th 4-10PM - Great Turn Out; 3) Home Decoration Judging - No judging was done; 4) Downtown Pictures with Santa/Community Tree Ornament Decorating: Dec 20th 5- 7pm - We also provided refreshments; 5) January- Art Night: 1st Monday of each month (Oct-May) and numbers remain with 10 -12 participants each month; 6) Census /Job Fair: Jan. 17th ; 7) Mr. Ginn at RSMS to discuss music opportunities for community; 8) Census Meeting; 9) Attended both KPFP and Tobacco Coalition meetings; 10) February- Art at AHS, Census out reach with Dr. East, Dinner & Movie, Home Garden Census meeting, Families of children with special needs; 11) Recreation Commission - New President is David Reynosa and Secretary is Gloria Balderas and would like to meet quarterly with City Council to go over ideas. Also, input as to what their vision is for them as a commission. The Commission would like t-shirts to use at community events and would like to put on a cultural event (date to be determined).

Mayor Pro Tem Woolley stated to reiterate for the public things that are being canceled. Mrs. Verdugo clarify due to COVID-19 all city events are canceled for health and safety. Staff is taking all safety measures for the community.

B. Special Presentations/Requests:

1. None.

PUBLIC COMMENT/ANNOUNCEMENTS & UNSCHEDULED APPEARANCES:

Veronica Aguirre announced that she was going to host a community health forum at the Avenal High School on the 19th has been canceled because COVID-19 and rescheduled. Also, last spring came to a meeting regarding fracking. she noticed on the calendar it is up for public comment on March 20, 2020 and not sure where its at bring up to your attention this is something that could be a concern for the community because of its effects fracking can do to Avenal. Ms. Aguirre noticed

that in April it will be coming up with Planning Commissions and hopes you lets us know to bring outreach to the community.

PUBLIC HEARING(s):

- A. Consider Public Hearing for San Joaquin Street Project Retention from (Third Avenue to Highway 33/Laneva Avenue):
- Staff Report
 - Public Hearing
 - Discussion/Action (Consider by Resolution)

Staff will go out to bid for reconstruction for "San Joaquin Street Project" from (Third Avenue to Highway 33/Laneva Avenue) Staff recommends that ten percent (10%) be withheld form payment rather than five percent (5%) allowed, therefore, the need to make a finding that 10% be withheld is justified due health and safety.

Staff recommends that Council make the following findings: 1) The City of Avenal finds that the reconstruction of San Joaquin Street Project from (Third Avenue to Highway 33/Laneva Avenue), is a complex project due to the safety and health of the residents and, therefore, will require a higher retention inthe amount of 10%; 2) City of Avenal finds the reconstruction San Joaquin Street Project from (Third Avenue to Highway 33/Laneva Avenue) \$1,600,000.00 and, therefore, requires a higher retention amount of 10%.

Mayor open Public Hearing for San Joaquin Street Project Retention at 6:48 p.m. and no public comment public hearing was closed at 6:49 p.m.

RESOLUTION 2020-10: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AVENAL DECLARING THEIR INTENT AND MAKE FINDING TO WITHHOLD TEN (10) PERCENT RETENTION FOR "SAN JOAQUIN STREET PROJECT" FROM (THIRD AVENUE TO HIGHWAY 33/LANEVA AVENUE).

Roll Call Vote:

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

- A. Consider Public Hearing Draft Mitigated Negative Declaration and Mitigation Measures for the Avenal Corcoran Avenue/Kern Street Subdivision Project:
- Staff Report
 - Public Hearing
 - Discussion/Action (Consider by Resolution)

Mr. Santillan reported the proposed subdivision at Corcoran Avenue. Staff presented the Mitigated Negative Declaration to the Planning Commission on March 2, 2020. The Planning Commission adopted Resolution No. 2020-02 (copy attached as Exhibit B) which recommends to the City Council Adoption of Draft Mitigated Negative Declaration and Mitigation Measures for the Avenal Corcoran Avenue. Kern Street Subdivision Project. The project consists of 18.65-acre parcel into 120 residential lots ranging in size from 5,000 sq. ft. to 11,572 sq. ft., as well as a 10,836 sq. ft. park and storm basin. The parcel is currently vacant and has historically been farmed for wheat.

He continues that the Environmental the California Environmental Quality Act (CEQA) requires that lead agencies (in this case, the City of Avenal) consider the potential impacts of a project and determine whether it will have a significant effect on the environment. Once the required environmental factors are evaluated, a determination is made as to whether the project could not (Negative Declaration), will not (Mitigated Negative Declaration), or may Environmental Impact Report) have a significant impact on the environment, the corresponding document is prepared and circulated publicly for review. An Initial Study was prepared by QK on behalf of the owner/applicant with the City of

Avenal as the lead agency for CEQA purposes during the study environmental review of the project it was determined that corporation of the mitigation measures proposed in the Initial Study, the proposed project would not have a significant adverse effect on the environment. A Mitigated Negative Declaration is determined to be appropriate for this project with the accompanying Mitigation Monitoring and Reporting Program (MMRP). The IS/MND was submitted to the State Clearinghouse during a 30-day comment period as required by CEQA due to the associated General Plan amendment. The document was reviewed by 14 State agencies and no comments were received from any agency.

Additionally, a Notice of Intent to Adopt (NOI) a Mitigated Negative Declaration was published in the Hanford Sentinel stating the City's planned Public Hearing at the Avenal City Council Meeting on March 12, 2020. The Planning Commission Public Hearing was also published in the Sentinel and residents within a 300-foot radius of the project were notified via mail.

Staff did receive two comments which are as follows: Tachi Yoakum Tribe Santa Rosa Renteria requesting consultation on the project and nonprofit organization. Staff addressed comments in the document none which were deemed to be Substantial or significant to the project. Mr. Santillan entered into the record at 4:54 p.m. today Staff received another letter of the same organization an attorney that appears to be representing same nonprofit organization. There requesting this Public Hearing item to be tabled or continued because the Staff Report was not available on the website normally City Council agendas are made available on the website but none of the information that your seeing right now was any different from when presented to the Planning Commission. They did not make any new arguments or bring up new points in their letter that we necessarily consider they just said that there requesting for that to be continued just wanted it entered into record.

Staff recommends the City Council after reviewing Mitigated Negative Declaration open public hearing after closing public hearing adopt Mitigated Negative Declaration approving and adopting the Avenal Corcoran Avenue/Kern Street Subdivision Project Mitigated Negative Declaration and corresponding mitigation measures, for which an Initial Study was prepared in accordance with the California Environmental Quality Act.

Councilman Preciado was concerned regarding legal consequences. Mr. Santillan mentioned that they can appeal if the City Council adopts MSD. They can appeal it to the City Council.

City Attorney Schulte mentioned that procedurally once you make a motion, once the public comment is completed and then you make a motion, second and hear Council discussion and would be time for my comments on the letter.

City Attorney Schulte asked Mr. Santillan that the letter was reviewed and determined that there was nothing in the letter that was contrary to your prior findings for both Planning Commission and City Council and still recommending that the City Council move forward. Mr. Santillan stated, yes.

Mayor open Public Hearing for San Joaquin Street Project Retention at 6:55 p.m.

Veronica Aguirre concerned with the Mitigated Negative Declaration and feel that the public should be more aware of Mitigation monitoring reporting program and feels that there has not been enough time for the public to understand what these reports are and should be tabled. If two organizations sent something it should be considered.

Jaime Brower, Principle Planner with Quad Knof also known as QK. They prepared the IS/MND on behalf of the City and submitted to Mr. Santillan. It was reviewed by public agencies and State agencies did not receive any comments form the State. The two comments that were received one was from the tribe and they did not have any negative questions or concerns only to be consulted. The public was provided 30-days of review time which under CEQA. There was a public hearing and additional time comments and review requirements under CEQA for public review and it is up to the City Council to decide to continue this case, but under CEQA under State Law you have met that requirement.

Leonel Alvarado, Managing Partner of Avenal Developers stated that they have been working with the City and Staff for 9-months going through all the process, changes describe. He feels that they have done all that the law requires and more so in order to be here today. Also, would like to ask to approve Staff recommendation for 120 homes that range from 1250 sq. ft. – 2000 sq. ft. and feels they will be homes the City Council and community would be proud. They work with USDA loans, FHA loans and have sales/lending department to let everyone know depending on approval. They would like to pull grading permit and June 1, 2020 getting permits for new homes with the City Councils blessing.

Mayor Ovalle public hearing was closed at 7:09 p.m.

After a brief discussion, the following action was taken:

RESOLUTION 2020-11: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AVENAL APPROVING GENERAL PLAN AMENDMENT 2020-01, FOR THE AVENAL CORCORAN AVENUE/KERN STREET SUBDIVISION CONSTRUCTION PROJECT ON ASSESSORS PARCEL NUMBER 038-260-055. A motion was made by Mayor Pro Tem Woolley, seconded by Councilman Hernandez and carried.

Roll Call Vote:

AYES: Woolley, Hernandez, Preciado, Ovalle.

NOES: None.

ABSENT: None.

ABSTAIN: Ramirez.

- B. Consider Public Hearing General Plan Amendment (GPA) No. 2020-01 & Change of Zone District Boundaries (CZDB) No. 2020-01;
 - 1) Open Public Hearing for GPA 2020-01 and CZDB 2020-01;
 - 2) After Close of Public Hearing, Consider the following:
 - a. By motion, Adopt the attached resolution for GPA 2020-01; and,
 - b. By motion, Introduce Ordinance to consider CZDB 2020-01 and waive the first reading.

Mr. Santillan reported that this pertains to the same project as the City Council might know, he failed to mention this in his prior comments part of the reason that Staff need to do the environmental review was because: Community Commercial, High Density Residential, and Parks. None of these uses are compatible with Low Density Residential (i.e. single-family homes), thus it is necessary to formally change the land use in our General Plan in order to comply with legal requirements for this type of projects. If the Planning Commission and City Council approve of the project, most of the parcel will be designated Low Density Residential, with a small portion designated Park to accommodate the future park/basin area.

He continues that the Planning Commission after reviewing the project voted to approve one more thing beside improving the Tentative Tract Map that was submitted by the developer that show all different parcels and the Council will see the final map when it is brought for approval. The Planning Commission approved a variance project that would allow to build homes on lots minimum of 5,000 square foot, currently the Zoning Ordinance requires 6,000 square foot lots for single family homes. The Planning Commission did not seem to have any issues most of those homes on smaller lots. They felt they would be suitable for some of the low-income families and less landscape maintenance.

He moved on the General Plan Amendment and Zoning those two items need to be approved by the City Council as well and there is resolution attached including the Planning Commission resolution that recommends to the City Council approval on both of those items and see on the maps how the zones would change from the particular parcel to allow single family homes to be built. Staff recommends the City Council to waive the first reading open it for consideration and bring back for second reading that being the Ordinance that changes the district to the parcels.

Legal Council Schulte asked Mr. Santillan if received any letters regarding this item. Mr. Santillan states "no".

Mayor Ovalle, opened the public hearing at 7:19 p.m. With no comment from the public Mayor Ovalle, closed the public hearing at 7:19 p.m.

After a brief discussion, the following action was taken:

RESOLUTION 2020-12: A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF AVENAL RECOMMENDING TO THE AVENAL CITY COUNCIL APPROVAL OF THE GENERAL PLAN AMENDMENT AND REZONE PROPOSED IN THE AVENAL CORCORAN AVENUE/KERN STREET

SUBDIVISION CONSTRUCTION PROJECT ON ASSESSORS PARCEL NUMBER 038-260-055. A motion was made by Councilman Preciado, seconded by Mayor Pro Tem Woolley and carried.

Roll Call Vote:

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

ORDINANCE 2020-01: AN ORDINANCE OF THE AVENAL CITY COUNCIL AMMENDING TITLE 9 OF THE AVENAL MUNICIPAL CODE, TO RECLASSIFY A 18.65-ACRE PARCEL FROM COMMUNITY COMMERCIAL (C-C), HIGH DENSITY RESIDENTIAL (R3), AND OPEN SPACE/PARK (0), TO LOW DENSITY RESENTIAL (R1). A motion was made by Mayor Pro Tem Woolley, seconded by Councilman Preciado and carried.

Roll Call Vote:

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

OLD BUSINESS:

A. None.

NEW BUSINESS:

A. Consider Plant No. 2, Filter No. 3 - Sand Blasting and Recoating of Interior Filter:

Ronald Brumley, Utilities Supervisor, stated that Filter #3 at Plant #2 has issues with corrosion and will be replacing the filter media, which is only done every 8-10 years, this would be the best time to have the filter sand blasted and recoated. The filter has been showing signs of corrosion which could affect the stability of the structure. Staff will be fixing the corroded areas by welding in new metal which will need to be blasted and coated. He believes that by doing this now, it will prevent more damage in the future. He has received three quotes to have the interior of the filter sand blasted and recoated with Sherman Williams Sherplate PW epoxy. He feels comfortable with Shar Craft Incorporated as worked with company before and haven't had any issues.

They are as follows:

Shar Craft Incorporated	\$39,950
Superior Tank Solutions	\$92,300
ERS	\$112,770

Staffs recommendation by motion authorize staff to: 1) drawdown \$39,950.00, plus tax and fees, from Water Fund reserves; 2) transfer said funds into 14,14000/726; and, 3) let the 2019/20 Budget reflect the changes.

A motion was made by Mayor Pro Tem Woolley to authorize the following: 1) drawdown \$39,950.00, plus tax and fees, from Water Fund reserves; 2) transfer said funds into 14,14000/726; and, 3) let the 2019/20 Budget reflect the changes, seconded by Councilman Preciado and carried.

Roll Call Vote:

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

B. Consider Change Orders for Avenal Community Center on Contract AVN 19-4 (Webb & Son):

Mr. Santillan stated that the Community Center Project has advanced several issues that must be addressed. Therefore, the City Council approves a 10-percent contingency for potential change orders of \$ 100,110. And received 5-change orders as follows:

Change Order #1

The 6" sewer line under the building slabs was not originally included in Webb & Son's bid. Rather than delaying the installation to a future phase, staff determined that it would be easier and more efficient to proceed with this item now due to the difficulty and additional cost of installing it later after two of the slabs had already been poured. The work under this change order has already been completed at staff's direction in order to not delay the timeline of the project.

Change Order #2

The Soils Report called for 2" of sand over the moisture barrier and 4" of base under 6" concrete slabs (total of 12" to finish floor). However, the foundation plan omitted the 2" of sand, leading the contractor to leave the sand layer out of their original bid. The Civil Engineer has stated that the grading plan showed the correct 12" between dirt and finish floor, however the foundation plan did not. The work under this change order has already been completed at staff's direction in order to not delay the timeline of the project.

Change Order #3

The slab of the building and the curb of the sidewalk have been poured as per plans provided. However, our construction manager/inspector, Jerry Watson, noticed that there was not enough fall (.15') between the top of finish floor of the building to the top of curb (1.8"). With the base trim applied as per industry standards there would not have been enough slope for water drainage. The contractor (Webb & Son) proposed removing the base trim and base angle, applying silicone caulking around the building slab between concrete and base angle in order to prevent water penetration from lack of overlap in base trim. Once the base angle was reapplied, the contractor recommended re-installing the base trim higher up than recommended by Star Building Systems in order to provide enough room for adequate fall in sidewalk grade from the building to the parking lot. The work under this change order has already been completed at staff's direction in order to not delay the timeline of the project.

Change Order #4

The placement of the rear staircase will not meet building code requirements as originally designed due to a header beam which will restrict the height of the door below the minimum required height. Thus, we have had to relocate the door to a location which would require us to remove a window and spandrel panel which have already been framed into the building. We would then need to fill in the window frame with new girts and install the new door frame at 2nd floor level. Additionally, a canopy for an adjacent window would need to be shortened. The work under this change order has not been completed. However, this will eventually need to be done at a future phase and it will cost less to do it now due to not having to remove a window, spandrel, and cut through existing metal sheets.

Change Order #5

Staff felt that installing a roll-up door providing access to the electrical room would be preferable to an out swinging double door. The roll-up door would be less expensive than the double door and would provide more room for PG&E to access the electrical meter. Harbison International (Engineer/Designer) did not include an electrical room in the original drawings for the building which were sent out in building engineering bid, thus the door hardware and installation was left out of the bids. This is something that would need to be completed anyway and, as with Change Order #4, staff feels that it is more cost effective to do it now. The work under this change order has not been completed.

He mentioned that the total of all 5 change orders is \$50,461.41 This would leave a remaining \$50,648.59 in the contract contingency budget. The contract is about 70% complete in terms of construction. Staff has spoken with the City Attorney about some of the above change orders and we will likely seek to recover costs from either the Engineer and/or Contractor where it is deemed fair and applicable. Mike Farley with the Farley Law Firm has given his opinion in favor of

moving forward to not delay the project, though we will continue to work with the contractors to reach a fair resolution. We will keep the Council informed of any future potential action.

Staff recommends by resolution, authorize attached Change Orders Nos. 1, 2, 3, 4, and 5 for the Avenal Community Center.

After a brief discussion, the following action was taken:

RESOLUTION 2020-13: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AVENAL AUTHORIZING CHANGE ORDERS NO. 1, 2, 3, 4, 5 FOR THE AVENAL COMMUNITY CENTER CONTRACT AVN 19-4 WITH WEBB AND SON. A motion was made by Councilman Preciado, seconded by Mayor Pro Tem Woolley and carried.

Roll Call Vote:

AYES: Preciado, Woolley, Hernandez, Ovalle.

NOES: None.

ABSENT: None.

ABSTAIN: Ramirez.

CORRESPONDENCE/ANNOUNCEMENTS/CLOSING COMMENTS:

Councilman Hernandez reported the following: 1) Thanked and welcomed Mr. Ramirez for applying for the City Council.

Councilman Preciado reported the following: 1) welcomed Alejandro Ramirez to the City Council; 2) also, informed community regarding the Coronavirus (COVID-19); 2) thanked, Veronica for canceling meeting March 19th and keeping us informed; and 3) Also, water allocation is concerning with new infrastructure.

Melissa Whitten announced as stated “their will be a letter sent out under the Mayor signature” and absolutely agree to informed the community.

Councilman Mayor Pro Tem Woolley reported the following: 1) congratulated Mr. Ramirez and welcomed him aboard. Also like to let the community know that the City Council is taking the Coronavirus (COVID-19) sseriously. They don’t want a panic the media is doing that for us, but they do encourage follow the recommendations form the CDC and other health officials just be safe.

Melissa stated that the following: 1) the Coronavirus (COVID-19) has been the subject on the news and with different communities. She was on a conference call with 900 other City leaders and city managers in the United States and yesterday, Washington DC were speaking directly to the cabinet. She mentioned that what is more concerning is that 280,000 people are out on 80-diffrent cruise ships and except those cruise ships to doc 5-10 days. Staff will be a letter sent out under the Mayor signature to the community to state what the City is doing we are taking it very seriously. She has met with City Staff it is up to use to keep the City operating and if it were get to a point where we had to declare an Local Emergency so we can get resources in to keep the City operating to keep Water Plants and Sewer Plants operating. The State already has declared an Local Emergency which help us through the system and hope we don’t get to that point but again it is up to the City make certain in that the City as a whole to keep the City operation going regardless of what is going on in the community. She apologies, that they have made the decision was made to cancel events to hopefully minimize this contact and what is going on hopefully the City will not be as affected but the virus is close and a chance that it will make it into Avenal. At the conference call what was drilled was “washing your hands”. She announced that there has been serviceman two were killed in Iraq one of the ones killed in Iraq was a wrestler for the Hanford West wrestling team and her grandchildren are wrestlers and their taking it very hard and two of the kids wrestlers with her grandchildren, but it really it home for those that have lost loved ones and pray for their family. We can forget our service men and women.

Mayor Ovalle stated the following: 1) Congratulate Mr. Ramirez and welcomed him; 2) he thanked, Mr. Pesquera, Ms. Carrizales and Mrs. Gamez for their interest in contributing to their community through the City Council. He feels the same thing as far as this Coronavirus we need to be mindful keep health and safety of the community in mind in all regards by the actions that are being taken and keep safe.

ADJOURNMENT.

There being no further business, the City Council meeting was adjourned at 7:35 p.m.

Respectfully Submitted,

Maria Ortiz, City Clerk