



**CITY OF AVENAL  
JOINT MEETING OF THE AVENAL CITY COUNCIL/SUCCESSOR AGENCY  
THURSDAY, JANUARY 10, 2019; 5:15 P.M.  
AVENAL THEATER; 233 E. KINGS STREET, AVENAL, CA 93204**

**MINUTES**

**Mayor Ovalle called the meeting to order at 5:19 p.m.**

**Council Members Absent: None.**

**Staff Present: Whitten, Ortiz, Perkins, Stivers, Santillan.**

**Legal Counsel: Ken Jorgensen.**

**PLEDGE OF ALLEGIANCE: Led by Mayor Ovalle.**

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

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

**The City Council went into Closed Session at 5:16 p.m.**

**CONSENT CALENDER:**

*All items listed under the consent calendar are considered to be routine and enacted by one motion: (Action)*

- A. Consider City of Avenal/Successor Agency’s Approval of Minutes for December 13, 2018:
- B. City Warrants and Financial Statements for December:

**A motion to approve the Consent Calendar was made by Mayor Pro Tem/Successor Agency Member Woolley, seconded by Councilman Harvick and carried.**

**Roll Call Vote:**

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

**The City Council went into Closed Session at 5:21 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. 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 or not 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

***The City Council meeting reopened at 5:58 p.m. with no action to report.***

**MAYOR & COUNCIL MEMBER/ SUCCESSOR AGENCY/ITEMS FOR CONSIDERATION:**

A. Avenal Police Department Introduction/Swearing in of New Sergeants:

Chief Stivers introduced new Sergeants Stephanie Storm and Gabriela Rivera and spoke of their backgrounds. The City Council & Staff congratulated Sergeants Storm and Rivera. Mayor Ovalle announced a five-minute break for pictures with friends and family.

Mayor Ovalle reconvened the meeting at 6:15 p.m.

B. Recreation Department Holiday Decorating Awards:

Shelia Verdugo, Recreation Supervisor, explained that every year they have a decorating contest for Christmas decorations. This year, they did something a little different by advertising it on Facebook for community members to be the judges. Many calls and posts were received. She announced the three winners for the Holiday Decorating Awards: 1) Best Use of Blow up Decorations - Jesus & Maria Ramirez; 2) Best Winter Theme - Emily Piere; and, 3) Best Use of Lights - Luther Wallis. Council congratulated all winners.

C. Consider Appointment to Planning Commission:

Councilman Harvick stated that Martin Maldonado II withdrew his letter as he will be attending the CDCR Academy and will be unable to participate during that time. Councilman Harvick did not know the other two (2) candidates and requested that the vacancy be advertised for another thirty (30) days.

Ms. Whitten stated that Staff will bring this item to the February 14, 2018 meeting.

**Councilman Harvick would like Staff to continue advertising vacancy for thirty (30) days.**

D. Appoint Council Member to Serve on the Avenal Finance & Investment Committee:

Melissa Whitten, City Manager, stated that with the reorganization of the City Council in December, there is a vacancy on the Avenal Finance & Investment Committee. The Committee meets at least once a year to review various financial information such as financial status, investments, City audit, etc. It was noted that Mayor Ovalle sits on the committee as an Ex Officio member as Mayor.

**Mayor Ovalle appointed Councilman Harvick to serve on the Avenal Finance & Investment Committee.**

E. Consider City Council Member to Serve on the City of Avenal Operating Authority (CAOA) Board:

Ms. Whitten stated that with the reorganization of the City Council in December, there is currently a vacancy on the City of Avenal Operating Authority (CAOA) Board of Directors. The purpose of the Authority is to "provide for the joint exercise of powers common to the Members (City and Hospital District) which includes leasing, administration, maintenance, operation, conveyance and ownership of the Subject Property (317 Alpine Street)". This body is required to meet once a year during the first quarter of the year.

**A motion was made by Mayor Pro Tem Woolley to appoint Councilman Harvick to serve on the Avenal Operating Authority Board (CAOA), seconded by Councilman Hernandez and carried.**

**Roll Call Vote:**

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

**COMMENT/ANNOUNCEMENTS & UNSCHEDULED APPEARANCES:**

Luther Wallis thanked Sheila for all she does for the community. It's nice to be able to stay home and do things in Avenal.

Ruthie Montalvo stated that she knows that the City of Avenal works in collaboration with Avenal State Prison (ASP). She would like to bring to the City's attention that ASP is implementing a program to integrate sensitive needs inmates in with the general population inmates. These two populations of inmates have been segregated for over two decades and now they are integrating them on Monday. This is not only an issue at the Avenal State Prison, but it is throughout the state. She has documented twenty-two (22) violent incidents, consisting of riots, stabbings, and beatings, as a result of this integration.

**ACTIVITY REPORTS/SPECIAL PRESENTATIONS AND COMMITTEE REPORTS:**

A. Activity Reports:

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

Scott Davis, Public Works Supervisor, reported the following: 1) Building; 2) Code Enforcement; 3) Parks & Landscape; 4) Animal Control; 5) Streets; 6) Water Distribution; 7) Wastewater Collection; and, 8) Vehicle, Equipment & Building Maintenance.

- 2) Community Activities Department Activity Report: Shelia Verdugo, Supervisor;

Shelia Verdugo, Supervisor, reported the following: 1) Thanksgiving Dinner was served to 200 and take out served to 138; 2) Music Festival; 3) Holiday Magic; 4) Programs: Zumba, Fit to Succeed, Dance, Art Night & Karate; 5) Upcoming events –March – Community Yard Sale and Music Festival; Dinner Date Night – February 8<sup>th</sup>; and Easter in the Park - April; and, 6) Committees: Tobacco, Kings Partnership for Prevention and Champions.

- 3) Avenal Theater & Event Coordinator Activity Report: Louisa Starne, Avenal Theater & Event Coordinator.

Louisa Starne, Avenal Theater & Event Coordinator, reports the following: 1) Movie Night attendance – Christopher Robin - 65, The Incredibles 2 - 72, The Star - 72, The Man Who Invented Christmas - 72 & Venom; 2) P.A.T.Y.' Studio Recital Rehearsals and Recital; 3) Santa Pictures and Ornament Decorating; 4) PD's Coats for Kids; 5) PD's Christmas Dinner; 6) January 8<sup>th</sup> - P.A.T.Y.' Studio's classes will begin on Tuesdays only, from 4:30 - 8:30 and renting the Pegasus Room space; and, 7) upcoming: January 12<sup>th</sup> - Rental and January 18<sup>th</sup> – next Movie Night.

B. Special Presentations/Requests:

- A. None.

**PUBLIC HEARING(s):**

A. None.

**OLD BUSINESS:**

A. None.

**NEW BUSINESS:**

A. Consideration to Renew Tow Services Agreement:

Chief Stivers, stated that the City of Avenal requires businesses who desire to contract with the City for tow services maintain a facility within the city limits to better serve the public. The City departments who utilize towing companies are Code Enforcement and the Police Department. Avenal Towing, located at 26 Tulare Street, Avenal, had an agreement with the City of Avenal which expired on December 10, 2018. Over the last three years, Avenal Towing has complied with the current Tow Services Agreement and has been responsive to the needs of City departments. City Staff is respectfully requesting another three-year term for the towing agreement for Avenal Towing. Avenal Towing is the only Avenal tow provider authorized by the California Highway Patrol - Coalinga office (open enrollment for other tow providers to apply for certification begins in March 2019). Martin Maldonado, owner of Avenal Towing, is in the audience for any questions.

Staff recommends, by resolution, the City Council authorize the City Manager to renew the Tow Services Agreement with Avenal Towing for a period of three years.

After a brief discussion the following action was taken:

**RESOLUTION 2019-01: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AVENAL AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH AVENAL TOWING FOR TOWING SERVICES. A motion was made by Councilman Harvick, seconded by Councilman Preciado and carried.**

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

B. Consider Approval of Change Order Due to Foundation Plan Revisions for New Restrooms at Rice Park:

Fernando Santillan, Community Development Director, stated in October of last year, the City Council approved a contract with Kern Industrial Services (dba Kern Steel Buildings) to build new restrooms at Rice Park at a cost of \$124,028.75.

At that time, a proposed foundation plan was submitted by the contractor to Staff and was approved as submitted. After further internal discussions, Public Works staff have determined that it would be prudent to modify the foundation plan to add additional footings and rebar to the foundation to delay premature cracking and deterioration. Kern Steel Buildings estimates the additional cost of the modified slab will be \$2,500, bringing the cost of the project to \$126,528.75.

After a brief discussion the following action was taken:

**RESOLUTION 2019-02: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AVENAL AUTHORIZING A CHANGE ORDER IN THE AMOUNT OF \$2,500 DUE TO A MODIFIED FOUNDATION PLAN FOR THE MANUFACTURE AND INSTALLATION OF NEW RESTROOMS AT RICE PARK. A motion was made by Councilman Harvick, seconded by Councilman Hernandez and carried.**

**Roll Call Vote:**

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

**CORRESPONDENCE/ANNOUNCEMENTS/CLOSING COMMENTS:**

Ms. Ortiz stated that it is time to file the FPPC Form 700. Please return the Form to the City Clerk as soon as possible.

Councilman Preciado reported the following: 1) he attended Melissa Hurtado's State Senate victory celebration; 2) Lemoore and Coalinga City Council meetings; 3) CAC meeting at Avenal State Prison and briefly discussed the integration of inmates. The City Council cannot comment on this but they need to be informed. He would like a study session on this topic; and, 4) there is a grant regarding water leak detention to help communities. It came through the California League of Cities and he would provide Fernando with the information.

Melissa Whitten, City Manager reported the following: 1) Staff has requested the Community Channel through Charter Communications. The request for the Community Channel it is on hold as they are restructuring; 2) According to Alfonso Manrique in regards to the Waste Water Solar Project, the State is moving forward on the application, however, we will probably not be looking for a funding agreement until the end of the first quarter in 2019; 3) Wonderful Pistachio is sponsoring the Avenal Fun Run on Saturday, February 23<sup>rd</sup> at Rice Park – 8:00 a.m. registration and 9:00 a.m. start time; 4) Resume Workshop will be held at the Tech Center on January 16, 2019 at 2:00 p.m.; 5) City Hall will be closed Monday, January 21, in observance of Martin Luther King Day; and, 6) February 8, 2019 at 5:00 p.m., a Dinner and Movie event showing "The Notebook" will be held at the Theater. Tickets are \$30.00 per couple.

Mayor Ovalle reported the following: 1) Today's Study Session was on the Community Gym which will be 25,000 sq. ft.; 2) Congratulations to the two new Sergeants, Rivera and Storm; and Holiday Award Winners Luther Wallis, Emily Pier and the Ramirez's; 3) CRT meeting; and 4) It is nice to come back home, but gas prices are \$1.20 per gallon more here than in Texas.

Mayor Ovalle asked Scott Davis what are Title 24 requirements? Mr. Davis stated they are energy efficiency building calculations.

**ADJOURNMENT.**

There being no further business, the City Council meeting was adjourned at 6:58 p.m.

Respectfully Submitted,

Maria Ortiz, City Clerk