

MINUTES
City Council and Successor Agency to the
Former Redevelopment Agency
Tuesday, March 18, 2014 – 6:00p.m.
City Council Chambers
746 8th Street, Wasco, California 93280

- 1) **CALL TO ORDER:** Mayor Cortez called the meeting to order at 6:02p.m
- 2) **FLAG SALUTE:** Mayor Cortez led the flag salute.
- 3) **INVOCATION:** Danny Arellano with Primera Iglesia Bautista offered the invocation.
- 4) **ROLL CALL:**

Present: Mayor Cortez, Members: Espitia, Martin, Wegman and West
Also Present: City Attorney Schroeter, City Manager Allen, City Clerk Rodriguez, Finance Director Foltz, Planning Director Mobley, Public Works Director Paris, and Sgt. Chandler.

- 5) **PRESENTATIONS AND AWARDS:** None
- 6) **COMMUNICATIONS FROM THE AUDIENCE:** None

CITY COUNCIL BUSINESS:

- 7) **CONSENT CALENDAR:** The Consent Calendar consists of items that in staff's opinion are routine and non-controversial. These items are approved in one motion unless a Councilmember or member of the public removes a particular item.
 - a) Approval of the March 4, 2014 Regular City Council and Successor Agency to the Former Redevelopment Agency meeting minutes.
 - b) Approval of Bill Paying List total amount of \$149,162.84
 - c) Report and Possible Approval, RE: The General Plan Annual Report for the 2013 Planning Year.
 - d) Report and Possible Approval, RE: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WASCO APPROVING A DELEGATED AGREEMENT FOR MAINTENANCE OF STATE HIGHWAY 43 AND STATE HIGHWAY 46 IN THE CITY OF WASCO.
 - e) Report and Possible Approval, RE: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WASCO AMENDING THE MASTER FEE SCHEDULE FOR BUSINESS LICENSE FEES (EXHIBIT A) AND ANIMAL ADOPTION FEES (EXHIBIT B).
 - f) Report and Possible Approval, RE: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WASCO APPROVING KERN COUNCIL OF GOVERNMENTS TRANSPORTATION DEVELOPMENT ACT PUBLIC TRANSIT CLAIM FOR THE FISCAL YEAR 2013-2014.
 - g) Report and Possible Approval, RE: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WASCO APPROVING THE ANNUAL TRANSPORTATION DEVELOPMENT ACT STREETS AND ROADS CLAIM FOR FISCAL YEAR 2012-2013 AND AUTHORIZING ITS FILING WITH THE KERN COUNCIL OF GOVERNMENTS.
 - h) Report and Possible Approval, RE: Awarding of Phase III of the Poso Drive Reconstruction Project on Poso Drive from Palm Avenue to Central Avenue.
 - i) Report and Possible Approval, RE: Awarding of the Well 11 Storm Drain Tie-In Contract to Solid Construction.
 - j) Report and Possible Approval, RE: Use of Capital Outlay Funds (Acct. # 14-200-52040) in the amount of \$35,000 for purchase of a 2013 GM Sierra 3500 2WD Regular Cab Chassis with a 12' Dump Body to be used in LLMD's and Greenbelts throughout the City.
 - k) Acknowledge Receipt of Correspondence.
 - l) Approve the Reading of All Ordinances by Title Only and Approve Publication of All Ordinances

Member Wegman made a motion to approve the consent calendar, 2nd by Member Martin. Mayor Cortez announced the vote was unanimous to approve the consent calendar. All in favor motion carried 5-0-0.

City Attorney Schroeter announced a possible conflict of interest due to his representation of Willow Creek Ranch and Douglas Ranches LLC who are owners of the property on which the proposed HECA Hydrogen Energy Plant Project would be constructed.

He informed those present that Attorney Bateman was available in his place to answer any questions.

- 8) Report, Public Hearing and Possible Approval, RE: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WASCO DENYING THE APPEAL FILED FOR CONDITIONAL USE PERMIT NO. 489-87 AMENDMENT AND UPHOLDING THE PLANNING COMMISSION ACTION. (Mobley)

Director Mobley gave staff report and provided a copy of a letter just received from Latham & Watkins. He discussed the documents and letters that were provided to council in the agenda packet, the environmental issues and truck traffic that were raised at the planning commission meeting on January 13, 2014 and that the planning commission board voted to approve the conditional use permit with some conditions. He indicated that the stated reason for the appeal of the Planning Commission decision, filed by Mr. Franz, was that analysis of environmental impacts was insufficient as was the analysis of environmental justice issues.

Mayor Cortez opened the public hearing at 6:08p.m. in regards to the appeal filed for the conditional use permit. There were some present in the audience that were in favor and in opposition of the conditional use permit.

The following were in favor of the appeal:

Tom Frantz, the appellant was heard. He submitted a letter with a photo to council.

Chris Romenini, from Buttonwillow was heard.

Ann Gallon, with Sierra Club was heard.

Gordon Nipp, with Sierra Club was heard.

Lupe Martinez, who works in Arvin was heard.

Babak Naticy, Attorney with Sierra Club was heard.

Jose Lona, Wasco resident was heard.

Mary Vargas, Bakersfield resident was heard.

Rosana Esparza, Wasco resident was heard.

The following were in opposition of the appeal:

Fred Bush, the Senior VP with Savage Coal was heard. He submitted a copy of permit to operate.

Valerie Rosencranz, with Inside Environmental Consultants was heard

Irene Pena, from Shafter was heard. She submitted copies of signatures she gathered.

Matt Daniel, with Inside Environmental Consultants was heard.

Mayor Cortez closed the public hearing at 7:23p.m.

Member Martin asked where the coal would go to and how many employees will be hired.

Member West asked about diesel and the truck traffic. He informed those present that he was in favor of the expansion.

Member Wegman thanked those present for their opinions.

Member Espitia thanked those present.

Mayor Cortez mentioned he had some concerns and its effects. Asked if the city has all the information needed to make a decision and should understand all the positive and negative impacts.

Member West mentioned that this was initially approved to use that capacity.

Member West made a motion to approve the resolution of the City Council of the City of Wasco denying the appeal filed for conditional use permit no. 489-87 amendment and upholding the Planning Commission action, 2nd by Member Martin. All in favor motion carried 3-2-0. Clerk Rodriguez read the vote as follows:

AYES: Martin, Wegman, West

NOES: Cortez, Espitia

ABSTAIN: None

ABSENT: None

- 9) Discussion and Decision to Proceed to Public Hearings, RE: City Charter and Charter Document. (Allen)
City Manager Allen gave staff report and asked council that any questions they might have should be brought up. Attorney Klima was available to answer any questions. She asked if there were no questions or concerns would council like to proceed with scheduling the public hearings.

After some discussion on the independent audit Member West made a motion to change Article IV, Section 100 and delete sentences #3 and #4 (The City Council shall select such auditor for a period of up to four consecutive years. No other member of that auditor's certified public accounting firm may be selected immediately following the four-year period), 2nd by Member Espitia. All in favor motion carried 3-2-0. Clerk Rodriguez read the vote as follows:

AYES: Espitia, Martin, West

NOES: Cortez, Wegman

ABSTAIN: None

ABSENT: None

Member Martin made a motion to move forward in scheduling the Public Hearings, 2nd by Member West. All in favor motion carried 5-0-0. Clerk Rodriguez read the vote as follows:

AYES: Cortez, Espitia, Martin, Wegman, West
NOES: None
ABSTAIN: None
ABSENT: None

- 10) Report and Introduction of an Ordinance, RE: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WASCO AMENDING TABLE 17-3 OF TITLE 17 ENTITLED "PERMITTED AND CONDITIONAL USES OF RESIDENTIAL ZONES" AND EXHIBIT "A" OF ORDINANCE NO. 600. (Allen)

City Manager Allen gave staff report.

Member Wegman made a motion to introduce the ordinance, 2nd by Member Espitia. All in favor motion carried 3-2-0. Clerk Rodriguez read the vote as follows:

AYES: Cortez, Espitia, Wegman
NOES: Martin, West
ABSTAIN: None
ABSENT: None

Mayor Cortez requested to move up item #12 for discussion due to him having to leave soon.

- 12) Report and Possible Approval, RE: Amend agreements between the City of Wasco/Wasco Investments LLC (WILLC) and City of Wasco/Wal-Mart Removing Termination Provisions. (Allen)

City Manager Allen read staff report. Staff recommends the termination provision of the agreement be removed from the Wal-Mart and Wasco Investments LLC agreements but there are risks.

Mark the Attorney for Wal-Mart was present and addressed council asking for approval of the agreements without a termination clause & upon execution the city will build the improvements and Walmart will pay its share upon completion of the improvements. The agreement causes for the construction of Hwy 46 improvements which is needed for opening the store. Wal-Mart is prepared upon completion of improvements to pay for its share of the improvements, pay the permit fees and pull permits.

City Attorney Schroeter informed council that there is a risk on approving without a termination clause and he does not recommend this.

There was on some discussion on traffic impact fees and sales tax agreement with Mr. Barkett.

Member West made a motion to amend agreements between the City of Wasco/Wasco Investments LLC (WILLC) and City of Wasco/Wal-Mart Removing Termination Provisions and to allow staff to apply Mr. Barkett's share of the improvement on his Parcel Map allocated on to each parcel by acreage, 2nd by Member Martin. All in favor motion carried 5-0-0. Mayor Cortez announced that vote was unanimous:

AYES: Cortez, Espitia, Martin, Wegman, West
NOES: None
ABSTAIN: None
ABSENT: None

- 11) Discussion and Possible Direction, RE: Public Request for Reduction of Speed Limit on Highway 43 between Filburn Avenue and Poso Avenue. (Paris)

Director Paris reported that he contacted CalTrans on March 11, 2014 and they informed him that no changes will be done and speed survey will be conducted until 2015.

John Pallares informed council that the reduction of speed will be beneficial but not enough. He will try contacting Senator Vidak and Assembly Member Salas for help with this issue.

Council Member West left at 9:06p.m.

Jose Lona asked council to gather signatures from the residents to submit to CalTrans requesting the speed limit to be reduced. He mentioned that the City of Shafter has a speed limit of 40mph & stoplights and so should Wasco.

Council Member Wegman informed those present that she would try to contact KernCog for help and also the City of Shafter to see how they reduced their speed.

- 12) Report and Possible Approval, RE: Amend agreements between the City of Wasco/Wasco Investments LLC (WILLC) and City of Wasco/Wal-Mart Removing Termination Provisions. (Allen)

This item was discussed prior to item #11, see above.

13) REPORTS FROM CITY STAFF

Clerk Rodriguez reminded council of the business breakfast for 3/19/14 and the Mayors & City Managers Meeting on 3/25/14 being hosted by the City of Wasco.

Sgt. Chandler gave a current activity report

14) REPORTS FROM CITY MANAGER: None

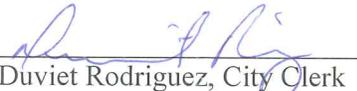
15) REPORTS FROM CITY COUNCIL

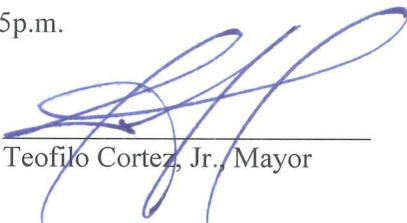
Member Wegman asked staff to look into the parking lot and landscape for Wal-Mart and that it has good lighting as well.

Member Espitia asked staff for their help to make the city better.

16) **CLOSED SESSION:** None

17) **ADJOURNMENT:** Mayor Cortez adjourned the meeting at 9:15p.m.


Duviet Rodriguez, City Clerk


Teofilo Cortez, Jr., Mayor