

**TAFT CITY COUNCIL/SUCCESSOR AGENCY
MINUTES
JANUARY 15, 2013**

REGULAR MEETING

The January 15, 2013, regular joint meeting of the Taft City Council/Taft Successor Agency, held in the Council Chamber at Taft City Hall, 209 East Kern Street, Taft, CA 93268, was opened by Mayor Linder at **6:06:36PM**. The Pledge of Allegiance was led by Council Member Noerr and invocation given by Jack Turner, Peace Lutheran Church.

PRESENT: Mayor Paul Linder; Mayor Pro Tem Orchel Krier.
Council Members Randy Miller, Dave Noerr and Ron Waldrop.
City Manager Craig Jones; City Attorney for David Prentice;
City Clerk Louise Hudgens.

1. STUDY SESSION – SEWER AND REFUSE FEE STUDY, PRESENTED BY NBS REPRESENTATIVES

Greg Clumpner, Director of NBS, presented an overview of the methodology and results of the study. Mr. Clumpner stated that it had been a number of years since the last increase in Sewer and Refuse rates and that the city had contracted his firm to conduct a study. Before any increase could be implemented, residents would have to vote to approve the increase.

Mayor Linder recessed the meeting for a break from **6:44:18 PM to 6:54:54 PM**.

2. PUBLIC HEARING – CONSIDER ADOPTION OF A FINAL MITIGATED NEGATIVE DECLARATION AND MITIGATION REPORTING AND MONITORING PROGRAM FOR THE HILLSIDE ESTATES RESIDENTIAL SUBDIVISIONS PROJECT.

The duly noticed PH was opened to receive testimony from proponents and opponents.

Verlin Love stated that he was an investor in the project and requested that his comments be saved for later.

Susie Geiger, representing Occidental Petroleum (OXY), requested a continuance of the PH. She stated that OXY owns the mineral rights on the property. She indicated that they were not notified of the project in a timely manner and that they need additional time to work out issues with the developer. Geiger also stated that they work hard not to hold up any project and that OXY is aware that Taft needs housing.

Kathy Orrin, Executive Director Taft Chamber of Commerce, acknowledges that Taft is an oil town and that housing is desperately needed in Taft and long overdue.

Bob Colston, Colston Construction, gave a brief history of the housing market in Taft. Houses could not be built because land was tied up by oil companies. Colston stated that he is happy that Occidental is located near Taft and that provide jobs. However, their workers turn east when they leave work and that Taft needs to grow. Colston gave examples of how people driving from Bakersfield could save time and money by moving from Bakersfield to Taft, but that they wanted quality housing in order to move to Taft.

John Wilson, Project Engineer, stated that he started working with Bob Colston about 20 years ago. They were working on this particular project and that in his opinion, this would be the last housing project in Taft for at least 15 years. He referred to the mitigation document and talked about the conditions and stated that there are 18 conditions just for the endangered species. Wilson stated that they needed to get this project approved with the conditions to comply with Fish and Game. He indicated that the developer has set aside 23 acres west of the project for whatever OXY might ever want to do. He indicated that

Chevron and Mobile Pipeline were already moving their old and abandoned pipelines on the property. Wilson stated that there were no arguments with the city on any of the conditions already agreed upon.

Mr. Love introduced members of his project team and his wife, Glenda Love, Chief Financial Officer. She indicated that she is excited to partner with Bob Colston and thinks Taft is all about families and this project would provide great family housing and help Taft to grow. Bob Brown, architect, and John Spencer, the local tract developer were also introduced.

Mr. Love stated that they were in complete agreement with all the conditions and praised staff for all their hard work. He stated that he had chosen Taft for his project as Taft has the right people, the right staff and that Taft is ready to grow. He indicated that he had found how difficult it is to move the project forward due to Federal and State laws. His vision is to create 310 homes and 50 luxury homes, enhance the trail by adding grass, and a park that would accommodate handicapped children. Love stated, however, that he realizes that OXY has deep pockets and he would not be able to fight them.

Love stated that the 30 day review is up and he is ready to move on, although he voiced concerns about OXY's demands as they want four (4) drilling islands at ten (10) acres each. If that happens, they will stop the project and set a precedent that will stop any development in Taft in the future.

Council Member Noerr stated that he used to live in Bakersfield and moved to Taft 20 years ago. Noerr stated that he was glad he made the investment to move to Taft and get off Highway 119 and that he was able to raise his family here. Noerr emphasized that it would be very beneficial to come to terms with OXY and that he was very supportive of the project. Councilmembers Waldrop, Miller and Krier all voiced similar statements. Mayor Linder stated that he had worked the last eight (8) years of his career working in Bakersfield but always looked forward to returning home to Taft.

Mayor Linder then announced that the Department of Fish and Game had requested an additional week to respond. Linder emphasized that only the Department of Fish and Game and OXY would be allowed to provide any additional comments during that time. Colston and Love had a brief meeting and concurred to return in one (1) week.

Motion: Moved by Krier, seconded by Noerr, to continue the Public Hearing on the Final Mitigated Negative Declaration and Mitigation Reporting and Monitoring Program until Wednesday, January 23, 2013, at 6:00 p.m. to receive comments from Fish and Game and OXY, and that it would give the developers extra time to work out the issues with OXY.

AYES: Krier, Miller, Noerr, Waldrop, Linder

3. PUBLIC HEARING - CONSIDER CONDITIONAL APPROVAL OF VESTING TENTATIVE TRACT NO. 7227, SANDY CREEK ESTATES AND VESTING TENTATIVE TRACT NO. 7230, HILLSIDE TERRACE ESTATES. [8:00:51 PM](#)

Motion: Moved by Krier, seconded by Noerr, to continue the Public Hearing to consider Conditional Approval of Vesting Tentative Tracts No. 7227 and 7230 until Wednesday, January 23, 2013, at 6:00 p.m.

AYES: Krier, Miller, Noerr, Waldrop, Linder

4. PUBLIC HEARING - HEARING ON COSTS AND PLACEMENT OF LIEN ON ABATED PROPERTY [8:03:45 PM](#)

The duly noticed PH was opened to receive testimony from proponents and opponents. Being none, the PH was closed.

Motion: Moved by Noerr, seconded by Krier, to confirm Statement of Expense as submitted and approve resolution titled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TAFT APPROVING AND CONFIRMING THE COSTS FOR THE ABATEMENT OF THE NUISANCE AT 407 S. 6th STREET, TAFT, CA, APN# 032-136-10 (*Resolution No. 3482-13*)

AYES: Krier, Miller, Noerr, Waldrop, Linder

5. CITIZEN REQUESTS/PUBLIC COMMENTS [8:08:16 PM](#)

Carol Newkirk, Unity Thrift and Outreach, shared a letter with Council in which the non-profit group requested that Council consider some spay-neuter ordinance changes primarily for Pit Bull/Pit Bull mix and Chihuahua/Chihuahua mix breeds. Newkirk stated that such an ordinance would reduce an unwanted dog population.

Kathy Orrin, Executive Director of the Taft Chamber of Commerce:

- Reported that Chamber membership drive is going on
- February 7, 2013, Chamber installation dinner at the Rec Center
- Greater Taft Economic Development Authority Ad Hoc Committee will be working with Fresno State College and going through a 12-step process to help formulate goals and learn about how governments and cities work. It starts on January 22.
- Thanked the City Clerk and Finance Director for helping to get the board up and running.
- Film crew in town filming "A Girl Walks Alone at Midnight". She stated it had been a pleasure to work with the production company.
- Stated she was pleased to see Councilmembers standing together with other such as Congressman Kevin McCarthy, School Superintendents and law enforcement during the recent shooting incident at Taft Union High School. She indicated that all the support was greatly appreciated.

6. TREASURERS REPORT

City Treasurer Ben Mangum gave the City's cash position as of October 31, 2012.

7. COUNCIL STATEMENTS (NON ACTION) [8:18:39 PM](#)

All the Council Members remarked about the shooting at Taft Union High School and how well everyone had handled themselves. Noerr stated that it was unfortunate that something went terribly wrong with a human's life and had felt the only way to take care of the issue was with a gun. He stressed that it was a human aspect and that the anti-gun aspect really didn't have anything to do with the issue. They all applauded the teacher, school's security officers, law enforcement and everyone involved in the investigation.

Mayor Linder requested that both Heber and Fields be honored by Council at a time when both are feeling up to receiving allocades. Linder also wished his mother a Happy Birthday.

8. DEPARTMENT REPORTS

Robert Thompson, Planning Commissioner, reported that at their last meeting they had discussed the issues in both Public Hearings, items 2 & 3 and that the Commission had voted 4-0 to approve both.

9. CITY MANAGER STATEMENTS

Craig Jones, City Manager, remarked about the TUHS shooting incident and thanked Heber and Fields for their heroic acts. Jones asked that everyone continue to work together to make Taft a safe place to live.

10. CITY ATTORNEY STATEMENT - None.

11. FUTURE AGENDA REQUESTS [8:42:13 PM](#)

Miller and Waldrop concurred with Mayor Linder's request to honor Heber and Fields.

CONSENT CALENDAR ITEMS 12 – 20 [8:43:07 PM](#)

Motion: Moved by Noerr, seconded by Miller, to approve consent calendar items 12-15 and 17-20.

AYES: Krier, Miller, Noerr, Waldrop, Linder

12. MINUTES

December 18, 2012

Recommendation – Approve as submitted.

13. PAYMENT OF BILLS

| | | | |
|--------------------|-----------------|-----------------------|---------------|
| Cash Disbursements | Warrant #122112 | Check No. 74602-74682 | \$ 196,607.77 |
| Cash Disbursements | Warrant #122112 | Check No. 74683-74684 | \$ 4,771.65 |
| Cash Disbursements | Warrant #122612 | Check No. 74685 | \$ 249,926.94 |
| Cash Disbursements | Warrant #010413 | Check No. 74686-74712 | \$ 549,053.14 |

Recommendation – Approve payment of bills.

14. ADOPT INJURY AND ILLNESS PREVENTION PROGRAM (IIPP) AND HEAT ILLNESS PREVENTION PROGRAM (HIPP)

Recommendation – Motion to Approve A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TAFT A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TAFT ADOPTING THE CITY OF TAFT INJURY AND ILLNESS PREVENTION PROGRAM (IIPP) AND THE HEAT ILLNESS PREVENTION PROGRAM (HIPP) (*Resolution No. 3483-13*)

15. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TAFT AUTHORIZING CHANGE IN SIGNATURE AUTHORITY BY NAME AT UNITED SECURITY BANK FOR ALL ACCOUNTS.

Recommendation – Motion to adopt resolution entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TAFT AUTHORIZING CHANGE IN SIGNATURE AUTHORITY BY NAME AT UNITED SECURITY BANK (*Resolution No. 3484-13*)

17. CONSIDERATION OF BIDS RECEIVED FOR THE INSTALLATION OF THE CMAQ INSTALLATION OF TEN BUS SHELTERS AT VARIOUS LOCATIONS, FEDERAL PROJECT# - CML-5193(032)

Recommendation – Motion to reject all bids and rebid the installation of the 10 Bus Shelter project.

18. CHANGE ORDER WALLACE GROUP WORK ON WASTEWATER TREATMENT PLANT ELECTRICAL PROJECT

Recommendation – Motion to approve a change order to the Wallace Group contract in amount of \$15,000.

19. ACCEPT THE REVISED RECOGNIZED OBLIGATION PAYMENT SCHEDULE III (ROPS III)

Recommendation – Review and approve Revised ROPS III to be submitted to the Oversight Board, Department of Finance, State Controller’s Office and Kern County Auditor Controller’s Office.

20. STREET CLOSURES AND NO PARKING ZONES FOR FILMING OF MOVIE ‘A GIRL WALKS HOME ALONE AT NIGHT’

Recommendation – Motion to approve a resolution titled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TAFT AUTHORIZING A STREET CLOSURE FOR THE PRODUCTION OF THE MOVIE “A GIRL WALKS HOME ALONE AT NIGHT” (*Resolution No. 3485-13*)

16. REVISED ANNUAL SINGLE AUDIT REPORT FOR FY 2010-2011.

- Removed from the consent calendar at the request of Councilmember Krier

Krier stated that he had not had time to study the report and would like to table it. Teresa Binkley, Finance Director, stated that the report had been approved by Council during the previous year but that the State Controller’s Office, Division of Audits, had requested that the specific name of the pass-through entity needs to be identified and that the definition of a significant deficiency in internal control over compliance also be included. Krier indicated that he would meet with Binkley to make sure he understood the changes.

Motion: Moved by Krier to table the item and Council concurred 5-0.

21. APPOINT ONE (1) MEMBER TO THE CITY OF TAFT PLANNING COMMISSION

Ron Orrin stated that he had been involved with local real estate and had been a contractor in the area for a number of years. Orrin stated that he was looking forward to serving on the Planning Commission.

Motion: Moved by Waldrop, seconded by Noerr, to appoint Ron Orrin to serve on the City of Taft Planning Commission to complete a term ending June 30, 2015.

AYES: Krier, Miller, Noerr, Waldrop, Linder

22. REORGANIZATION OF CITY COUNCIL COMMITTEE ASSIGNMENTS [8:53:50 PM](#)

Councilmembers discussed and decided to leave the assignments as is.

Motion: Moved by Miller, seconded by Noerr, to leave Council committee assignments as they are with no changes.

AYES: Krier, Miller, Noerr, Waldrop, Linder

23. RESOLUTION APPROVING CONTRACTUAL AGREEMENT WITH THE COUNTY OF KERN FOR FIRE PROTECTION DUTIES

Councilmembers expressed pleasure with the service that the City had received from the County Fire Department and commended staff for negotiating terms of the contract.

Motion: Moved Noerr, seconded by Miller, to adopt resolution entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TAFT APPROVING THE CONTRACTUAL AGREEMENT BETWEEN THE COUNTY OF KERN AND THE CITY OF TAFT FOR COUNTY PROVISION OF FIRE PROTECTION DUTIES AND ENFORCEMENT OF STATE FIRE MARSHAL REGULATIONS (*Resolution No. 3486-13*)

AYES: Krier, Miller, Noerr, Waldrop, Linder

24. ISSUE NOTICE OF POTENTIAL LAYOFF [9:05:02 PM](#)

Motion: Moved by Noerr, seconded by Miller, to approve Issuing a Notice of Potential Layoff to All City Employees.

Noerr stated that no Councilmember ever wants to find themselves in the position to layoff employees. Unfortunately the state has continued to take funds from cities and have put cities in the position. Everyone is working very hard to find cost cutting measures. However, the City has to be prepared and Council has to be open and transparent.

Miller stated that the City Manager had cut everything possible from the budget and was looking at every possibility to increase revenues. He stated that Council had been working since the previous summer to avoid this issued.

Krier remarked that the move is required by law in the event of layoffs but that Council will do everything in its power to avoid that action.

Linder stated that the city is going to be upside down by 600,000 by the end of the Fiscal Year. He applauded staff for their outstanding work. Unfortunately, the city was unprepared when the CCF closed. The CCF was funneling about \$700,000 a year to the city. But when it closed, the city had to pay \$1.2 million in costs related to unemployment. The city was underfunded because the CCF did not have certain things budgeted. Council has a duty to not bankrupt the city and they cannot pay employees out of discretionary funds such as the Sewer Fund.

Miller pointed out that the city is pushing for the development of the Rails-to-Trails property and the housing project as both would bring in property tax.

AYES: Krier, Miller, Noerr, Waldrop, Linder

The meeting recessed to closed session at 9:18:29 PM. The meeting reconvened at 10:47.

CLOSED SESSION

- A.** At this time the City Council will hold a closed session pursuant to Government Code Section 54956.9 (C) re: claim filed by Sandra Murch.
ACTION TAKEN: Moved by Linder, seconded by Noerr and approved 5-0, to approve payment of the claim.
- B.** At this time the City Council will hold a closed session pursuant to Government Code Section 54956.8 for the Council to give instructions to its negotiator, Craig Jones, regarding property negotiations – undisclosed location.
ACTION TAKEN: Direction given.
- C.** At this time the City Council will hold a closed session pursuant to Government Code Section 54956.9(F)(c) for consultation with its attorney(s) regarding potential initiation of litigation: One (1) case.
ACTION TAKEN: Direction given.
- D.** At this time the City Council will hold a closed session pursuant to Government Code Section 54957.6 to give direction to its labor negotiator concerning labor negotiations: All units
ACTION TAKEN: No action taken.
- E.** At this time the City Council will hold a closed session pursuant to Government Code Section 54957 Performance Evaluations. Position to be evaluated: City Manager.
ACTION TAKEN: Continued until January 23, 2013, special meeting.

ADJOURNMENT – The meeting adjourned at 10:47 PM with no further business to conduct.

Louise Hudgens, CMC
City ClerkR

Paul Linder, Mayor