



336 Pacific Avenue • Shafter, CA 93263

**AMENDED AGENDA
REGULAR MEETING
SHAFTER CITY COUNCIL
TUESDAY, NOVEMBER 18, 2008**

- CALL TO ORDER:** 7:00 p.m.
- PLEDGE OF ALLEGIANCE:** Mayor Pro Tem Florez
- INVOCATION:** Council Member Nelson
- ROLL CALL:** Mayor Prout
Mayor Pro Tem Florez
Council Member Colvard
Council Member Johnston
Council Member Nelson

APPROVAL OF AGENDA:

PUBLIC COMMENT:

This portion of the meeting is reserved for persons wanting to address the Council on any matter not on this agenda and over which the Council has jurisdiction. Speakers are limited to five minutes. Please state your name and address for the record before making your presentation. The Council may take action to direct the staff to place a matter of business on a future agenda.

PRESENTATION:

1. Shafter Healthy Start Program, Laurie Roth, Program Update

CONSENT CALENDAR:

All items on the consent calendar are considered to be routine and non-controversial by City staff and will be approved by one motion if no member of the Council or public wishes to comment or ask questions. If comment or discussion is desired by anyone, the item will be removed from the consent calendar and will be considered in the listed sequence with an opportunity for any member of the public to address the Council concerning the item before action is taken.

1. Approval of Payroll and General Checks.
2. Approval of Minutes: October 16, 2008.
3. Approval of Minutes: October 21, 2008.
4. Proclamation: Kern County Family Week, November 16-22, 2008
5. Special Events Permit: Shafter Chamber of Commerce Christmas Sing, December 8, 2008

PUBLIC HEARING:

Should anyone challenge any proposed action which is the subject of a public hearing listed on this agenda, that person challenging any action taken after the public hearing may be limited to raising only those issues addressed at the public hearing described in this notice, or in written correspondence delivered to the City Council at or prior to this public hearing.

1. **ZONE CODE AMENDMENT NO. 08-1: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHAFTER AMENDING TITLE 17 (CITY ZONING ORDINANCE) CHAPTER 5, TO ALLOW THE ESTABLISHMENT OF DAY NURSERIES, NURSERY SCHOOLS, AND CHILD CARE FACILITIES IN THE GENERAL COMMERCIAL (GC) DISTRICT:** a request to introduce Ordinance No. 08-626 titled Zone Code Amendment No. 08-1 Amending Title 17 (City Zoning Ordinance) Chapter 5, to Allow the Establishment of Day Nurseries, Nursery Schools, And Child Care Facilities in the General Commercial District for first reading by title only and waive reading; and authorize staff to file a Notice of Exemption within five (5) days of the adoption of this Ordinance with the County Clerk. (City Manager Guinn)

COUNCIL ANNOUNCEMENTS AND REPORTS:

On their own initiative, Council Members may make a brief announcement or a brief report on their own activities. Council Members may ask a question for clarification, make a referral to staff, or take action to have staff place a matter of business on a future agenda. No formal action by the Council will be taken unless an item is identified on the Agenda.

CITY MANAGER COMMENTS AND REPORTS:

MANAGEMENT REPORTS:

1. **CITY SURPLUS PROPERTY:** a request to authorize the listed vehicles declared surplus property and made available for immediate sale or salvage. (City Manager Guinn)
2. **CELLULAR TELEPHONE POLICY:** a request to approve approve the policy entitled "USE OF CITY-OWNED AND PRIVATELY OWNED CELLULAR TELEPHONES." (City Manager Guinn)
3. **LEAVE POLICIES:** a request to approve the attached Resolution for Adoption and Suggested Affirmative Statement; authorize staff to implement a RHS Plan for excess leave deposits as well as sick leave deposits at retirement and authorize the City Manager to prepare and execute the necessary agreements; authorize staff to negotiate with employees and bargaining groups to limit future accrual of vacation time to a 3 year maximum accrual period for employees hired before July 1, 2000; authorize staff to prepare the necessary paperwork and authorities to retire excess vacation leave and deferrals as outlined in the staff report; and authorize the budget amendments necessary to retire the excess leave. (City Manager Guinn)
4. **WATER SYSTEM TCP UPDATE:** Verbal information to be presented on the status of the water system and TCP. (City Manager Guinn)

5. **CITY INVESTMENT:** Verbal information to be presented on the status of the City Investments. (City Manager Guinn)
6. **KERN COUNTY WATER AGENCY INTEGRATED REGIONAL WATER MANAGEMENT PLAN PARTICIPATION AGREEMENT:** a request to authorize the City Manager to execute the Participation Agreement for Development of an Integrated Water Management Plan for the Tulare Lake Basin Portion of Kern County as submitted by the Kern County Water Agency. (City Manager Guinn)
7. **EXTENSION OF TEMPORARY INDUSTRIAL WASTE DISCHARGE PERMIT (BROWN AND BRYANT STORM WATER):** a request to authorize Public Works Director to issue a Temporary Waste Discharge Permit for the Brown and Bryant site to AECOM Environment effective through December 31, 2009. (City Manager Guinn)
8. **PROPOSITION 1B LOCAL STREET AND ROADS FUNDS FUNDING PLAN:** a request to approve the financial plan for the City of Shafter's Proposition 1B funding allotment; authorize the Public Works Director to submit the City of Shafter's financial plan to the State of California Department of Finance; and authorize a budget amendment in the amount \$67,480 for the 2008 Budget Act allocation of anticipated revenue for the Prop B funding and the same amount should be authorized for one or more projects in the City's Street's Capital Improvement Program. (City Manager Guinn)
9. **PUBLIC TRANSPORTATION MODERNIZATION, IMPROVEMENT AND SERVICE ENHANCEMENT ACCOUNT (PTMISEA) FUNDING PLAN:** a request to approve the use of the City's PTMISEA apportionment towards repaving and pedestrian walkway enhancements along North Wall Street and North Valley Street; authorize the Public Works Director to submit a written request to KernCOG on behalf of the City that requests \$70,009.63 in the City's PTMISEA to be used towards the requested project; and authorize contingent upon KernCOG successfully processing the City's PTMISEA, a FY 08-09 budget amendment of \$70,000 for the anticipated revenue as well as an amendment for a project or group of projects to have this apportionment reflected in the Capital Improvement Program.
10. **AWARD EARTHWORK AND GRADING IMPROVEMENTS CONSTRUCTION CONTRACT AT CITY INDUSTRIAL PARCEL, SEVENTH STANDARD AND SANTA FE WAY:** a request to authorize the Public Works Director to issue a Notice of Award and construction agreement to Guinn Construction for the 2008 Earthwork and Grading Improvement Project in the amount of \$24,268; authorize Public Works Director to issue a Notice to Proceed to Guinn Construction contingent upon contractor satisfying conditions of the Notice of Award; and authorize a budget amendment in the amount of \$900,000 for the revenue received and expenditure for Project #0024. (City Manager Guinn)
11. **INFORMATION BULLETIN NO. 08-19:** Investment Report – September 2008

ORDINANCE:

1. **ORDINANCE NO. 08-625 FLOODPLAIN MANAGEMENT:** a request to conduct a public hearing, and approve Ordinance No. 08-625 entitled “An Ordinance Of The City Council Of The City Of Shafter Amending Title 15 (Chapter 15.44) Of The Shafter Municipal Code By Amending Ordinance No. 07-613 And By Adopting The Floodplain Management Ordinance, To Provide An Amended Code Of Building Regulations”, for second reading and adoption by title only and waive reading. (City Manager Guinn)

CLOSED SESSION:

1. Conference with Property Negotiators (Government Code 54956.8):
Property Location: 151 Vultee, 157 Vultee, 159 Vultee, Shafter,
Property Negotiator: City Manger John Guinn
Property Owner: Chuck Antonino
Under Negotiation: Provide instructions to negotiator regarding price and terms
2. Conference with Legal Counsel – Anticipated Litigation (1 case)
Subdivision (b) of Section 54956.9
Case Name Unspecified. Disclosure would jeopardize existing settlement negotiations.

ADJOURNMENT:

Should anyone challenge any proposed action which is the subject of a public hearing listed on this agenda, that person may be limited to raising those issues addressed at the public hearing described in this notice, or in written correspondence delivered to the City Council at or prior to this public hearing. Pursuant to the Americans with Disabilities Act, if you need special assistance to participate in a City Council Meeting, please contact the City Clerk at (661) 746-5000 at least three (3) days prior to the meeting or time when special services are needed to allow City staff in making reasonable arrangements to provide you with access to the meeting. Any public record, relating to an open session agenda item, that is distributed within 72 hours prior to the meeting is available for public inspection in the City Clerk's Office at Shafter City Hall, 336 Pacific Ave., Shafter, CA 93263.

This is to certify that this Agenda notice was posted at City Hall and Police Dept. by 5:00 p.m., November 17, 2008.

Christine Wilson S/S, City Clerk