



BAKERSFIELD CITY COUNCIL MINUTES MEETING OF JANUARY 20, 2021

Council Chambers, City Hall, 1501 Truxtun Avenue
Regular Meetings- 3:30 p.m. and 5:15 p.m.

REGULAR MEETING -3:30 PM

1. ROLL CALL

Present: Mayor Goh, Vice-Mayor Weir (seated at 3:33 p.m.),
Councilmembers Arias, Gonzales, Smith (participated by
telephone), Freeman, Gray, Parlier

Absent: None

SPECIAL NOTICE

Public Participation and Accessibility January 20, 2021 Bakersfield City Council Meetings

On March 18, 2020, Governor Gavin Newsom issued Executive Order N-29-20, which includes a waiver of Brown Act provisions requiring physical presence of the Council or the public in light of the COVID-19 pandemic.

Based on guidance from the California Governor's Office and Department of Public Health, as well as the County Health Officer, in order to minimize the potential spread of the COVID-19 virus, the City of Bakersfield hereby provides notice that as a result of the declared federal, state, and local health emergencies, and in light of the Governor's order, the following adjustments have been made:

1. The meeting scheduled for **January 20, 2021, at 3:30 p.m.** will have limited public access.
2. The meeting scheduled for **January 20, 2021, at 5:15 p.m.** will have limited public access.
3. Consistent with the Executive Order, Councilmembers may elect to attend the meeting telephonically and to participate in the meeting to the same extent as if they were physically present.
4. The public may participate in each meeting and address the City Council as follows:

View a live video stream of the meeting at
<https://bakersfield.novusagenda.com/AgendaPublic/> or, on your local government channel (KGOV).

If you wish to comment on a specific agenda item, submit your comment via email to the City Clerk at City_Clerk@bakersfieldcity.us **no later than 1:00 p.m. prior to the Council meeting**. Please clearly indicate which agenda item number your comment pertains to.

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Alternatively, you may comment by calling **(661) 326-3100** and leaving a voicemail of no more than 3 minutes no later than **4:00 p.m. the Tuesday prior** to the Council meeting. Your message must clearly indicate whether your comment relates to a particular agenda item, or is a general public comment. If your comment meets the foregoing criteria, it will be transcribed as accurately as possible.

If you are watching the live stream of the meeting and wish to make a comment on a specific agenda item as it is being heard, please email your written comment to the City Clerk at City_Clerk@bakersfieldcity.us. All comments received during the meeting **may not be read, but will be included** as part of the permanent public record of the meeting.

2. PUBLIC STATEMENTS

None.

3. WORKSHOPS

None.

4. CLOSED SESSION

- a. Conference with Legal Counsel — Existing Litigation; Closed Session pursuant to Government Code section 54956.9(d)(1)
 - 1. Citizens for the Preservation of R-1 Zones v. City of Bakersfield, et al. Kern County Superior Court Case No. BCV-20-102653
 - 2. Gilberto Fajardo v. City of Bakersfield, et al. USDC Eastern District Case No. 1:16-CV-00699-DAD-JLT
- b. Conference with Legal Counsel — Potential Litigation; Closed Session pursuant to Government Code section 54956.9(d)(4) (One matter).

City Clerk Drimakis announced, at the request of the City Attorney, Closed Session item 4.b. has been removed from the agenda.

4. CLOSED SESSION continued

Motion by Councilmember Parlier to adjourn to Closed Session at 3:36 p.m. Motion passed.

The Closed Session meeting was adjourned at 4:42 p.m.

Meeting reconvened at 4:45 p.m.

5. CLOSED SESSION ACTION

- a. Conference with Legal Counsel — Existing Litigation; Closed Session pursuant to Government Code section 54956.9(d)(1)

1. Citizens for the Preservation of R-1 Zones v. City of Bakersfield, et al. Kern County Superior Court Case No. BCV-20-102653

By a 6-1 vote, the City Attorney was directed to place rescission of the recent hen Ordinance on the next City Council agenda, on February 3rd.

2. Gilberto Fajardo v. City of Bakersfield, et al. USDC Eastern District Case No. 1:16-CV-00699-DAD-JLT

By a unanimous vote, the City Attorney was given direction.

- b. Conference with Legal Counsel — Potential Litigation; Closed Session pursuant to Government Code section 54956.9(d)(4) (One matter).

REMOVED BY STAFF

6. ADJOURNMENT

Mayor Goh adjourned the 3:30 p.m. meeting at 4:47 p.m.

REGULAR MEETING - 5:15 PM

1. ROLL CALL

Present: Mayor Goh, Vice-Mayor Weir, Councilmembers Arias, Gonzales, Smith (participated by telephone), Freeman, Gray, Parlier

Absent: None

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2. INVOCATION by Police Chief Terry.

3. PLEDGE OF ALLEGIANCE by Vice-Mayor Weir.

4. PRESENTATIONS

None.

5. PUBLIC STATEMENTS

- a. The following individuals spoke in support of backyard hens in residential areas: MT Merickel (submitted written material); Kirk Boland; Ryan Dembosky; and Michelle Harp.
- b. Teresa Macias (translated by Joanna) expressed concern with the lack of sidewalks and streetlights on Shellmacher Avenue; and submitted written material.

Councilmember Arias requested staff contact Ms. Macias to address her concerns.

- c. Michael Harless expressed concern with the possibility of GET ending night routes; and stated the bus stop on Union Avenue and Brundage Lane is in need of repair.

Councilmember Gonzales requested staff ask GET to provide an update to the Council.

- d. The following individuals left voicemail and emailed comments in support of backyard hens: Jenaë Long; Christy Deanna; Jenny Sanchez; Unknown; Stockdale Elementary; Priscilla Russell; Unknown; Plott Wendi; Renee Nelson; Darryl Pope; Amy Robertson; Tammie Fay; Robert Westerfield; Craig Tobin; Becky Pelishek; Alfred Ramirez; Lisa Chatterton; Jayme Gonzaga; Lontec Abegail; Jason Weis; MT Merickel; Alex Dulay; Unknown; Cheyenne Romanini; Brock Snider; Matthew Merickel; Unknown; Tracey Merickel; Kalli Beckwith; Unknown; Michael Harp; Jonathan Cunningham; Christina Frederick; Janie Lugo; Kirk Boland; and Nicole Lewis.
- e. Johanna Coronado submitted emailed comments, on behalf of Teresa Macias, regarding sidewalks and streetlights on Shellmacher Avenue and Planz Road.

6. WORKSHOPS

- a. Council Goals Quarterly Review.
(Staff recommends the City Council receive and file.)

6. WORKSHOPS continued

City Manager Clegg made staff comments and provided a PowerPoint presentation.

Discussion of City Council goals.

Motion by Vice-Mayor Weir to receive and file. Motion passed.

7. APPOINTMENTS

- a. Appointments to City Council Committees and other special Committees and Boards by Vice Mayor Weir for 2021-23.
(To be determined by Vice Mayor and ratified by Council.)

Vice-Mayor Weir announced his appointments to the committees and made a motion to approve the appointments as follows:

BUDGET AND FINANCE

Gonzales – Chair
Weir
Arias

COMMUNITY SERVICES

Gray – Chair
Arias
Smith

LEGISLATIVE AND LITIGATION

Parlier – Chair
Gonzales
Weir

PERSONNEL

Weir – Chair
Gray
Freeman

PLANNING AND DEVELOPMENT

Freeman – Chair
Smith
Gray

SAFE NEIGHBORHOODS

Arias– Chair
Parlier
Gonzales

WATER RESOURCES

Smith – Chair
Freeman
Parlier

7. APPOINTMENTS continued

ITEM 7.a. CONTINUED

KERN COUNCIL OF GOVERNMENTS

Smith - Appointee

Freeman – Alternate

KERN ECONOMIC DEVELOPMENT CORPORATION

Gonzales – Appointee

KERN RIVER GROUNDWATER SUSTAINABILITY AGENCY

Freeman - Appointee

LAFCO

Parlier – Appointee

Gray – Alternate

PLANNING COMMISSION LIAISON

Gray – Appointee

SOLID WASTE MANAGEMENT ADVISORY COMMITTEE

Weir – Appointee

Arias– Alternate

SAN JOAQUIN VALLEY AIR POLLUTION CONTROL BOARD

SPECIAL CITY SELECTION COMMITTEE

Arias- Appointee

Parlier– Alternate

Motion by Vice-Mayor Weir to approve the appointments. Motion passed.

8. CONSENT CALENDAR

Staff recommends adoption of Consent Calendar items.

Minutes:

- a. Approval of minutes of the January 5, 2021, Special City Council Meeting and January 6, 2021, Regular City Council Meetings.

Payments:

- b. Receive and file department payments from December 23, 2020, to January 7, 2021, in the amount of \$16,777,247.01; Self Insurance payments from December 23, 2020, to January 7, 2021, in the amount of \$403,354.96; totaling \$17,180,601.97.

Ordinances:

- c. First reading of an ordinance amending Title 17 of the Bakersfield Municipal Code related to parking space requirements within the Central District, Old Town Kern, and other mixed-use areas. Notice of Exemption on file.

REMOVED FOR SEPARATE CONSIDERATION

8. CONSENT CALENDAR continued

- d. First reading of an ordinance amending Title 17 of the Bakersfield Municipal Code related to procedures for reasonable accommodation in the City's land use and zoning regulations pursuant to State of California Department of Housing and Community Development guidelines and requirements and fair housing laws. Notice of Exemption on file.

FR ONLY

- e. First reading of the ordinance amending the Official Zoning Map in Title 17 of the Bakersfield Municipal Code by changing the zone district from PCD (Planned Commercial Development) zone to revised PCD zone for a change of use from retail to fast food on approximately 0.75 acres of a larger 52-acre commercial center, generally located at 9030 Rosedale Highway. Notice of Exemption on file.

FR ONLY

- f. Adoption of ordinance amending the Official Zoning Map in Title 17 of the Bakersfield Municipal Code by changing the zone district from a PCD (Planned Commercial Development) zone to a CC (Commercial Center) zone on 1.38 acres located at 1001 Baker Street. (ZC No. 20-0267) **(FR 1/6/2021)**

ORD 5042

Resolutions:

- g. Resolution determining that a Peterbilt 567 3-axle dump truck can most efficiently be obtained through cooperative procurement bidding procedures from Golden State Peterbilt and authorizing the Finance Director to dispense with bidding thereof, not to exceed \$265,000.

RES 006-2021

- h. Sewer connection fee assessment for 2731 California Avenue:

- 1. Resolution confirming assessments for sewer connection fee and authorizing the collection of assessment by the Kern County Tax Collector.

RES 007-2021

- 2. Agreement with Dean Johnson, Wendy Johnson, and Gail Johnson, 2731 California Avenue, to pay the sewer connection fee through the Kern County Tax Collector.

AGR 2021-011

8. CONSENT CALENDAR continued

- i. Resolutions to add the following territories to the Consolidated Maintenance District and approving, confirming, and adopting the Public Works Director's Report for each:

1. Area 4-229 (1406 & 1409 Monterey Street) – Ward 2

RES 008-2021

2. Area 4-230 (1213 Columbus Street) – Ward 3

RES 009-2021

3. Area 4-231 (905 E. 18th Street) – Ward 2

RES 010-2021

4. Area 4-234 (4500 Buck Owens Boulevard) – Ward 3

RES 011-2021

- j. Resolutions of Intention (ROI) to add the following areas to the Consolidated Maintenance District and preliminarily approving, confirming, and adopting the Public Works Director's Report for each:

1. ROI No. 2075 adding Area 5-105 (1401 Brook Street)– Ward 1

ROI 2075

2. ROI No. 2076 adding Area 5-108 (6915 Colony Street)–Ward 7

ROI 2076

- k. Resolution of Intention No. 2074 for the vacation of portions of several streets in the Westpark neighborhood that are now rendered inoperable by the construction of the Centennial Corridor Freeway.

ROI 2074

Agreements:

- l. Homeless Housing, Assistance, and Prevention Services (HHAP) Grant for the Mission at Kern County: \$960,000; Emergency Shelter Bed Expansion Operating; 816 E 21st St, Bakersfield, CA 93305.

AGR 2021-012, AGR 2021-013

8. CONSENT CALENDAR continued

- m. Community Development Block Grant-Coronavirus (CDBGCV) Agreements with Mission Community Services Corporation (\$87,347) and Access Plus Capital (\$2,160,000) to provide technical and financial assistance to small businesses and microenterprises.

REMOVED FOR SEPARATE CONSIDERATION

- n. CARES Emergency Solutions Grant Round 2 Agreements:
 - 1. Flood Ministries Homeless Outreach Services Agreement for \$253,532 in Emergency Solutions Grant – CARES Round 2 (Citywide)
AGR 2021-016
 - 2. Community Action Partnership of Kern Coordinated Entry System Support Agreement for \$120,000 in Emergency Solutions Grant – CARES Round 2 (Citywide)
AGR 2021-017
 - 3. Kern County Superintendent of Schools Youth Rental Assistance Agreement for \$58,400 in Emergency Solutions Grant – CARES Round 2 (Citywide)
AGR 2021-018
 - 4. Bakersfield Homeless Center Rapid Rehousing Agreement for \$1,500,304 in Emergency Solutions Grant – CARES Round 2 (Citywide)
AGR 2021-019
 - 5. Mercy House COVID Related Operations at Brundage Lane Navigation Center Agreement for \$761,214 in Emergency Solutions Grant – CARES Round 2 (Citywide)
AGR 2021-020
- o. Amendment No. 1 to Agreement No. 14-012 with KG Oilers Corp and AEG Bakersfield Modifying Lease Fee Terms for the use of Mechanics Bank Arena for the 2020-21 American Hockey League Season.
AGR 14-012(1)
- p. Amendment No. 2 to Agreement No. 18-199 with SC Fuels (\$1,250,000; revised not to exceed \$3,500,000 and extend the term one year) for supply of partial/bob-tail fuel deliveries.
AGR 18-199(2)

8. CONSENT CALENDAR continued

- q. Pilot Recycling Program at BARC Recycling Facility:
1. Amendment No. 1 Agreement 2020 - 185 with BARC Inc., (\$40,000; revised not to exceed \$133,333.31 and extend term to April 30, 2021) for leasing of BARC Recycling facility.
 2. Amendment No. 1 Agreement 2020 - 186 with BARC Inc., (\$56,250; revised not to exceed \$171,250 and extend term to April 30, 2021) to provide staffing for sorting of recyclable material at the BARC Recycling Facility.

REMOVED FOR SEPARATE CONSIDERATION

- r. Contract Change Order No. 1 to Agreement No. 2020-109 with Cen-Cal Construction, Inc. (\$73,369.92; revised not to exceed \$264,369.92) for the Pedestrian Improvements Various Locations - Brundage Lane between Myrtle Street and Pine Street; L Street between 17th Street and 22nd Street project.

AGR 2020-109 CCO 1

Bids:

- s. Accept bid from Dell Marketing, L.P. (\$155,000.84) for Dell server replacements for the Technology Services Department.
- t. Accept bid from Wesco Distributing Inc. (\$92,701.45) for decorative street lamps for the General Services Division.

Miscellaneous:

Successor Agency Business:

Public Safety/Vital Services Measure:

- u. Purchase of two CNG roll off trucks:
1. Resolution determining that a roll off truck can most efficiently be obtained through cooperative procurement bidding procedures from Golden State Peterbilt and authorizing the Finance Director to dispense with bidding thereof, not to exceed \$518,000.
- RES 012-2021**
2. Appropriate \$259,000 Equipment Fund balance to the Public Works Operating Budget to fund the purchase cost for a roll off truck for the Solid Waste Division.

8. CONSENT CALENDAR continued
ITEM 8.u. CONTINUED

3. Transfer \$259,000 Public Safety Vital Services (PSVS) Measure funds from the Economic/Community Development Department operating budget to the Public Works Department Equipment Fund operating budget to fund the purchase cost for a roll off truck for the Clean City Initiative Program.

Councilmember Smith announced he would abstain from item 8.c. due to a financial interest in downtown development property.

Councilmember Gonzales requested items 8.c. and 8.m. be removed for separate consideration.

Vice-Mayor Weir requested item 8.q. be removed for separate consideration.

Motion by Vice-Mayor Weir to adopt Consent Calendar items 8.a. through 8.u., with the removal of items 8.c., 8.m., and 8.q. for separate consideration. Motion passed.

- c. First reading of an ordinance amending Title 17 of the Bakersfield Municipal Code related to parking space requirements within the Central District, Old Town Kern, and other mixed-use areas. Notice of Exemption on file.

FR ONLY ABS SMITH

Motion by Councilmember Gonzales to amend section B.3. of the ordinance, to remove the density requirement and just allow one parking space per unit. Motion passed with Councilmember Smith abstaining.

- m. Community Development Block Grant-Coronavirus (CDBGCV) Agreements with Mission Community Services Corporation (\$87,347) and Access Plus Capital (\$2,160,000) to provide technical and financial assistance to small businesses and microenterprises.

AGR 2021-014, AGR 2021-015

Motion by Councilmember Gonzales to adopt Consent Calendar item 8. m. Motion passed.

- q. Pilot Recycling Program at BARC Recycling Facility:

1. Amendment No. 1 Agreement 2020 - 185 with BARC Inc., (\$40,000; revised not to exceed \$133,333.31 and extend term to April 30, 2021) for leasing of BARC Recycling facility.

8. CONSENT CALENDAR continued

ITEM 8.q. CONTINUED

2. Amendment No. 1 Agreement 2020 - 186 with BARC Inc., (\$56,250; revised not to exceed \$171,250 and extend term to April 30, 2021) to provide staffing for sorting of recyclable material at the BARC Recycling Facility.

Motion by Vice-Mayor Weir to pull this matter from the agenda and have the discussion occur with the Budget and Finance Committee. Motion passed.

Mayor Goh recessed the meeting at 6:13 p.m. and reconvened the meeting at 6:18 p.m.

9. CONSENT CALENDAR PUBLIC HEARINGS

(Staff recommends conducting Consent Calendar Public Hearing and approving staff recommendations.)

None.

10. HEARINGS

- a. Public Hearing to consider a resolution ordering the vacation of the north 19.46 feet x 82.50 feet of R Street, located 302.25 feet north of California Avenue.

(Staff recommends approval of the resolution.)

RES 013-2021

Public Works Director Fidler made staff comments.

Hearing item 10.a. opened at 6:20 p.m.

No one spoke.

Hearing item 10.a. closed at 6:21 p.m.

Motion by Councilmember Gonzales to adopt the resolution. Motion passed.

- b. Public Hearing to consider Conditional Use Permit No. 20-0179 (Appeal). Casa Esperanza Transitional Home for Women & Children is proposing a conditional use permit to allow for a 6-bed rooming house to accommodate women and their minor children in the R-1 (One-Family Dwelling Zone) district, located at 1421 Panorama Drive. Kristen and Johnny Urquidez submitted an appeal of the Planning Commission's decision to approve the proposal. Notice of Exemption on file (CUP No. 20-0087).

(Staff recommends upholding the decision of the Planning Commission and approving Conditional Use Permit No. 20-0179.)

RES 014-2021 ABS GONZALES

10. HEARINGS continued
ITEM 10.b. CONTINUED

City Clerk Drimakis announced a staff memorandum was received regarding item 10.b., transmitting correspondence and additional materials.

Councilmember Gonzales announced he would abstain from Hearing item 10.b., due to a perceived conflict of interest, he previously served on the Casa Esperanza Advisory Council; and left the chambers at this time.

Planning Director Johnson made staff comments and provided a PowerPoint presentation.

Hearing item 10.b. opened at 6:27 p.m.

Kristen Urquidez, on behalf of the appellant, and Scott Hair spoke in opposition to the staff recommendation.

Jim Mosher, Secretary of Casa Esperanza, and Julie Cesare, Chairperson of Casa Esperanza, spoke in support of the staff recommendation.

Scott Hair spoke in rebuttal opposition to the staff recommendation.

Jim Mosher and Coleen Peters spoke in rebuttal support of the staff recommendation.

Hearing item 10.b. closed at 7:10 p.m.

Motion by Vice-Mayor Weir to uphold the appeal. Motion passed with Councilmember Gonzales abstaining.

11. REPORTS

None.

12. DEFERRED BUSINESS

None.

13. NEW BUSINESS

None.

14. COUNCIL AND MAYOR STATEMENTS

Councilmember Parlier requested staff explore opportunities to alleviate business license fees for businesses that have not made any money over the last year; potentially through the use of CARES Act funding.

14. COUNCIL AND MAYOR STATEMENTS continued

Councilmember Gonzales requested staff provide a historical analysis of the City and Council's work related to the Mills Act.

Mayor Goh invited the public to participate in the virtual 2021 Bakersfield Prayer Breakfast on January 21st, at 7:28 a.m., at <https://bakersfieldprayerbreakfast.com/>.

15. ADJOURNMENT

Mayor Goh adjourned the meeting at 7:33 p.m.

KAREN GOH
MAYOR of the City of Bakersfield

ATTEST:

JULIE DRIMAKIS, CMC
CITY CLERK and Ex Officio Clerk of
the Council of the City of Bakersfield