



## **CITY COUNCIL REGULAR MEETING MINUTES**

Wednesday, August 28, 2024 at 6:00 PM

Kerman City Hall, 850 S. Madera Avenue, Kerman, CA 93630

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### **1. OPENING CEREMONIES**

- A. Call to Order - **6:00 p.m.**
- B. Roll Call - **All members present.**
- C. Invocation - **A moment of silence was observed.**
- D. Flag Salute - **Performed.**

### **2. AGENDA APPROVAL/ADDITIONS/DELETIONS**

**Motion made by Councilmember Yep, Seconded by Mayor Pro Tem Nijjer.**

**Ayes: Yep, Nijjer, Coleman, Herrera, Pacheco**

**Noes: None**

**Abstain: None**

**Absent: None**

**Motion passes 5-0-0-0**

### **3. PRESENTATIONS/CEREMONIAL MATTERS**

- A. Presentation by Terry Ogle, Executive Director of Fresno County Transportation Authority on future Measure C Renewal Effort - **Presented.**

### **4. PUBLIC FORUM** *(for matters not on agenda)*

**Stephen Pointer, Susan Toste, Suzanne Lanfranco, Jerry Olivera.**

**City Manager provided a brief explanation regarding residents' concerns.**

### **5. CONSENT CALENDAR**

- A. **SUBJECT:** Minutes - August 14, 2024

**RECOMMENDATION:** Council to approve minutes presented.

**B. SUBJECT:** Payroll (JA)

07/21/2024 to 08/03/2024: \$208,005.24; Retro Pay & Other: \$7,914.68; Overtime: \$10,683.08; Standby: \$2,276.00; Comp Time Earned: 60.75

08/04/2024 to 08/17/2024: \$218,773.52; Retro Pay & Other: \$4,061.86; Overtime: \$19,855.64; Standby: \$1,818.59; Comp Time Earned: 83.59

**RECOMMENDATION:** Council approve payroll as presented.

**C. SUBJECT:** Monthly Investment Report (JA)

**RECOMMENDATION:** Council accept monthly investment report as presented.

**Motion made by Mayor Pro Tem Nijjer, Seconded by Councilmember Yep.**

**Ayes:** Nijjer, Yep, Coleman, Herrera, Pacheco

**Noes:** None

**Abstain:** None

**Absent:** None

**Motion passes 5-0-0-0**

**6. PUBLIC HEARINGS**

**Opened 6:38 p.m.**

**Mayor Pro Tem Nijjer recused himself – Leave the Room Regulation, 500 feet conflict of interest.**

**A. SUBJECT:** Public Hearing Regarding General Plan Amendment 2023-01, Mitigated Negative Declaration 2023-01, Rezone 2023-01, Tentative Subdivision Map 2023-01, and Annexation 2023-01 pertaining to the Whispering Falls Residential Development Located on the East Side of South Modoc Avenue Between West California Avenue (Proposed) and the West California Avenue Alignment/San Joaquin Valley Railroad (APNs 020-160-36S, 020-160-18S, 020-160-19S, 020-041-45S, 020-041-47S, and 020-041-09U) (BC)

**RECOMMENDATION:** The Kerman City Council conduct a public hearing, deliberate, and by motion:

1. Adopt a resolution of the City Council of the City of Kerman approving General Plan Amendment 2023-01 to amend the 2040 Kerman General Plan to add the SD-R-2.5 Zoning District as a compatible zoning district within the Medium Density residential land use designation and set a minimum residential density of five (5) dwelling units per acre (GPA 2023-01) and adopt Mitigated Negative Declaration (ENV 2023-01) and Mitigated Monitoring and Reporting Program; and
2. Introduce by title only and ordinance of the City Council of the City of Kerman amending the official City of Kerman zoning map to pre-zone approximately 44.75 acres (APNs 020-160-36S, 020-160-18S, 020-041-45S, and 020-041-47S) to the Smart Development Combining District

– Residential – Minimum 2,500 square feet (SD-R-2.5) Zoning District and approximately 20 acres (020-160-19S) to the Smart Development Combining District – Residential – Minimum 5,000 square feet (SD-R-5) Zoning District (REZ 2023-01). – **Res. 24-66, Ord. 24-05, Res. 24-67, Res. 24-68**

**Closed 7:36 p.m.**

**Motion made by Councilmember Herrera, Seconded by Councilmember Coleman.**

**Ayes: Herrera, Coleman, Yep, Pacheco**

**Noes: None**

**Abstain: Nijjer**

**Absent: None**

**Motion passes 4-0-1-0**

**Recess 7:39 p.m.**

**Reconvene 7:41 p.m.**

**Opened 7:42 p.m.**

- B. **SUBJECT:** Public Hearing Regarding Rezone 2023-02, Mitigated Negative Declaration 2023-03, Annexation 2023-02, and Tentative Subdivision Map 2023-02, Pertaining to the Crown-Schaad Residential Development, Located on the North Side of West Kearney Boulevard Between South Modoc and South Siskiyou Avenues (APNs 020-140-22S and 020-140-23S) (JC)

**RECOMMENDATION:** The Kerman City Council conduct a public hearing, deliberate, and by motion:

1. Introduce by title only Ordinance of the City Council of the City of Kerman amending the official City of Kerman zoning map to pre-zone approximately 9.69 acres (APN 020-140-22S) to the SD-R-4.5 (Smart Development Combining District – Residential – minimum 4,500 square feet) Zone District to the SD-R-4.5 Zone District located on the north side of West Kearney Boulevard between South Modoc and South Siskiyou Avenues (Rezone 2023-02); and adopt Mitigated Negative Declaration (ENV 2023-03) and Mitigated Monitoring and Reporting Program. – **Ord. 24-06, Res. 24-69, Res. 24-70**

**Closed 8:26 p.m.**

**Motion to introduce ordinance with stipulation to address concerns at next meeting made by Councilmember Herrera, Seconded by Councilmember Coleman**

**Ayes: Herrera, Coleman, Yep, Nijjer, Pacheco**

**Noes: None**

**Abstain: None**

**Absent: None**

**Motion passes 5-0-0-0**

## 7. DEPARTMENT REPORTS

- A. **SUBJECT:** Award of Contract for City Hall Building Roof Replacement

**RECOMMENDATION:** Council by motion adopt the resolution awarding the contract to Garland/DBS Inc. for the City Hall Building Roof Replacement in the amount of \$594,856.00 and authorize the City Manager to sign the contract. – **Res. 24-71**

**Motion made by Councilmember Herrera, Seconded by Councilmember Yep**

**Ayes:** Herrera, Yep, Coleman, Nijjer, Pacheco

**Noes:** None

**Abstain:** None

**Absent:** Nijjer

**Motion passes 5-0-0-0**

- B. **SUBJECT:** Consideration of Increase in City Council Compensation (JAJ)

**RECOMMENDATION:** That City Council consider increasing the compensation for the Mayor and Council Members as authorized by Government Code Section 36516 with possible direction to staff to prepare an ordinance increasing the compensation within, or up to, allowable limits set forth by Government Code Section 36516.

**Motion to increase council compensation to \$500 for Councilmembers and \$700 for Mayor made by Mayor Pro Tem Nijjer, Seconded by Councilmember Coleman.**

**Ayes:** Nijjer, Coleman, Yep, Herrera, Pacheco

**Noes:** None

**Abstain:** None

**Absent:** None

**Motion passes 5-0-0-0**

## 8. CITY MANAGER/STAFF COMMUNICATIONS

## 9. MAYOR/COUNCIL REPORTS/ANNOUNCEMENTS/FUTURE AGENDA ITEMS

## 10. CLOSED SESSION - 9:17 p.m.

- A. Pursuant to Government Code Section 54957.6  
CONFERENCE WITH LABOR NEGOTIATORS  
Agency Designated Representatives: City Manager  
Employee Organization: Kerman Peace Officers Association
- B. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION  
Initiation of Litigation Pursuant to Government Code Section 54956.9(d) (4)  
One Case Involving the Chromium 6 Maximum Contaminant Level (MCL) adopted by the State Water Resources Control Board
- C. 1. Public Employee Performance Evaluation pursuant to Government Code Section 54957  
Title: City Manager

2. Conference with Labor Negotiators pursuant to Government Code Section 54957.6  
City Designated Representatives: Mayor Pacheco and Council Member Yep  
Unrepresented Employee: City Manager

**Reconvene 10:04 p.m. with motion to not pursue litigation for Item 10.B. Motion passed 5-0-0-0.  
Five members were present.**

**11. ADJOURNMENT – 10:05 p.m.**

#### **MINUTES CERTIFICATION**

I, Josie Camacho, City Clerk for the City of Kerman, do hereby declare under penalty of perjury that the above minutes are a true depiction of all actions taken at the City Council meeting held on the first date above written at Kerman City Hall, 850 S. Madera Ave, Kerman, CA.

Date: August 29, 2024      /s/ Josie Camacho, City Clerk