



**CITY OF AVENAL
JOINT MEETING OF THE AVENAL CITY COUNCIL/SUCCESSOR AGENCY
THURSDAY, JANUARY 9, 2020; 5:15 P.M.
AVENAL THEATER; 233 E. KINGS STREET, AVENAL, CA 93204**

MINUTES

Mayor Ovalle called the meeting to order at 5:15 p.m.

Staff Present: Whitten, Ortiz, Perkins, Davis, Santillan, Bermudez, Stivers.

Legal Counsel: Ken Jorgensen.

PLEDGE OF ALLEGIANCE: Led by Mayor Ovalle.

ROLL CALL: Councilman Preciado, Councilman Hernandez, Councilman Harvick, Mayor Pro Tem Woolley, Mayor Ovalle.

CITY CLERK: Government Code Section 54952.3: The members of the City Council and Successor Agency are entitled to receive a total of \$300.00 per month because of being elected to the City Council. They receive no other compensation for sitting as a member of the Successor Agency.

Melissa Whitten asked the City Council to add an Urgency item to Closed Session.

A motion was made by Mayor Pro Tem Woolley to add Urgency item to Closed Session, seconded by Councilman Harvick and carried.

Roll Call Vote:

AYES: Woolley, Harvick, Preciado, Hernandez, Ovalle.

NOES: None.

ABSENT: None.

ABSTAIN: None.

City Council went into Closed Session at 5:17 p.m.

CLOSED SESSION: (City/Successor Agency):

It is the intent of this governing body to meet in closed session to review its position and to instruct its designated representatives:

A. PENDING LITIGATION (Government Code § 54956.9).

It is the intention of this governing body to meet in closed-session concerning:

Conference with legal counsel – Deciding whether or not basis exists for closed-session for anticipated litigation (Government Code § 54956.9(d)(3)).

Number of potential cases is: 2.

B. CONFERENCE WITH REAL PROPERTY NEGOTIATOR(S) (Government Code § 54956.8).

It is the intent of this governing body to meet in Closed Session to confer with its real property negotiator(s) concerning the purchase, sale, exchange or lease of real property by or for this local agency as follows:

Property Description: APN: 040-165-007

Negotiator(s): City Manager/City Attorney/CrisCom.

Party with whom negotiating: County of Kings/State of California.

Instructions to negotiator concerning: Terms

Mayor Ovalle, reopened the City Council meeting at 5:56 p.m., with action to report as follows:

RESOLUTION 2020-01: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AVENAL APPROVING A MEMORANDUM OF UNDERSTANDING/AGREEMENT BETWEEN THE CITY OF AVENAL (CITY), AVENAL STATE PRISON (ASP) AND MOUREN FARMING (MOUREN) FOR PUMPING EFFLUENT WATER FROM AVENAL STATE PRISON'S PONDS AND REIMBURSEMENT OF SAID PUMPING COSTS BY ASP TO THE CITY. A motion was made by Councilman Preciado, seconded by Councilman Hernandez and carried.

Roll Call Vote:

AYES: Preciado, Hernandez, Harvick, Woolley, Ovalle.
NOES: None.
ABSENT: None.
ABSTAIN: None.

CONSENT CALENDAR:

- A. Consider City of Avenal/Successor Agency's Approval of Minutes for November 14, 2019 and November 26, 2019:
- B. Consider City Warrants and Financial Statement for November 2019:

A motion was made to approve consent calendar, as presented, by Mayor Pro Tem/Successor Agency Member Woolley, seconded by Councilman/Successor Agency Harvick and carried.

Roll Call Vote:

AYES: Woolley, Harvick, Hernandez, Preciado, Ovalle.
NOES: None.
ABSENT: None.
ABSTAIN: None.

MAYOR & COUNCIL MEMBER/ SUCCESSOR AGENCY/ITEMS OR CONSIDERATION:

- A. None.

PUBLIC COMMENT/ANNOUNCEMENTS & UNSCHEDULED APPEARANCES:

Miguel Rodriguez stated he has many family members here. He had left Avenal but plans to return but doesn't want to live next door to a landfill. When he has dinner, it feels like your eating next to a garbage can. He lives at 1128 Lassen St. The mistake was putting the landfill on the north side of town. When you cross the street, there is the landfill. The landfill is contaminating the City with vapors, dead animals, and paint. They have tried to blame Chevron but when he tried to investigate, he was not allowed into the landfill. He feels that the landfill should not be within the community. The City of Avenal is in a hole and in the summer, it stinks due to the landfill. He does not understand why the landfill is so close to town. He feels the reason is because the population is 98% Mexican that work out in the agricultural industry. The City makes decisions at meetings where people do not have the time to attend because they do not get home until 7:00 or 8:00 p.m. Whether or not it is true and with all due respect, contamination is contamination. He would like the city to remove the Landfill. The City is receiving millions and millions of dollars for receiving the trash.

Amalia Vasquez stated that she has lived in Avenal for eight (8) years. Two years later, she started a family and her babies were born premature at 25-weeks and 3-months at Valley Children Hospital. She was told of the analysis that was done which found air contaminants to have caused her to have premature rupture of her membranes, a complication of pregnancy. Avenal is very beautiful. She wants to continue to live here and would like to see it grow. She asked the Council to help our town.

Francisca Velez spoke about an occurrence 2 - 3 years ago when she was coming into Avenal following a trailer that had a chemical smell. She began coughing but did not really think anything of it until two or three days later when she was diagnosed with bronchitis. She feels it was due to the chemicals.

Amador Cervantes has lived in Avenal since 2002. He has three questions for the Council, as follows: 1) What benefit does the City of Avenal and residents have by having a landfill; 2) How much money does the landfill receiving by bringing trash tonnage to Avenal; and, 3) Where is that money and what does the City do with the money?

Christopher Mendoza stated that there is a smell and there is no denying it. He has heard that there are dead animals in the landfill and how do you know if those animals are diseased? When you hear talk about Avenal, the Oasis in the Sun, it is all about the trash. It hurts to hear this.

Herlinda Rodriguez stated that when the landfill contract is over, the community should have a voice in whether it should be renewed. She has been in Avenal since 1980. The landfill is for the residents of Avenal's trash, not other trash from Los Angeles with asbestos contamination. She witnessed a dead horse dumped at the landfill. Residents have the right to know what is dumped in the landfill. Due to the contamination, her son has asthma.

Alicia Zavala stated that she also has a son with asthma due to the air quality. She went for a doctor visit where she was asked where she lived. When she answered Avenal they said, "Oh, you come from the stinky town." Please think about your residents who live here and have a voice. The Council has to think of the community not just the money.

Francisco Mora stated it is embarrassing to leave a landfill for our children when there are cases of asthma and odors when eating. He would like, once the contract for the landfill is over, for it to be closed.

Efrain Rodriguez stated that he has lived here since 2000. From personal experience, he knows what has been dumped in the landfill. He has seen whole trucks full of dead chickens which sometimes fall out and chicken blood drips to the road and onto traffic. Also, they bring trash from hospitals such as syringes, blood transfusion materials, bags of blood, and any other medical waste. Other landfills do not permit these items. He worked with Waste Management in Kettleman City discharging garbage. Fresno County does not allow dumping of what they dump here. Problems at the Avenal Landfill include growing too high and trash when the wind blows. At Waste Management, when they are done with a hole, it is covered. There is so much empty land in all directions, why does it have to be at the corner of Avenal?

Amaralie Ramos stated that she has worked for KCAO for 3 years. She has seen that her students are diagnosed with asthma more and more. In 2017, there were 4 students; 2018, 6 students; and in 2019, 8 students. She has seen on social media, some of them in the hospital. It is a concern with the teacher as to how they are going to medicate these children.

Jose Hernandez stated that he has lived in Avenal since he was 12 years old. He has coached some of your sons, grandsons and some of you have been his teachers. Thank you. He is concerned with where this town is going. Leaving it in your hands it is now time to make good decisions. He worked at Chowchilla Prison for two years. The only thing Avenal is recognized for is the landfill. He now works for Avenal State Prison and recognizes that this landfill is sad. Children are getting sicker and people want to leave Avenal. When are we going to stop kicking people out from Avenal, due to the landfill? He hopes the right decisions are being made for the future of our children and grandchildren.

Adela Felix stated she attended a workshop on contamination. There was a doctor that gave us a vision that apart from the contamination of the landfill, there are the trucks and trailers with their diesel emissions which are worse than the landfill. This truck traffic its days, months, years and this is double contamination. The doctor mentioned that contamination stays with you. If you move to a clean town, you are the carrier of contamination.

Jose Arias stated that listening to the community, they are saying they're worried about the environmental risks that the landfill is causing. He recently moved back 3 years ago and has not been involved in the community. It is time for everyone to get involved, but he doesn't think it will happen. He feels there needs to be some changes/improvements. He would like to see the City provide a health risk assessment as to what is being produced and what about black mold? He would like to see contamination data and how it affects our community. There should be a time line for providing those assessments and possible solutions. He understands that the landfill cannot automatically shut down but would like to see if they can try to adjust movements. How can the City help us obtain this information? When the City has events, they are posted on social media and flyers. We also need information provided to our community about the landfill. He has friends that have visited from out of the country and the first things they notice is the landfill, how the entrance of town looks dirty and the road conditions. He wishes that the city would be more proactive with the landfill by making it liable, to insure our roads are clean.

Miguel Magdeleno stated that he has lived in Avenal for 20 years. He loves Avenal as it is beautiful. When it rains, the hills are green and beautiful. He likes to run, especially in the area behind the High School in the hills and to spend time playing outside with his family but cannot due to air contamination. He is speaking on behalf of his own and all children that cannot speak, it is not good that the Landfill brings trash in from other cities. Avenal residents have their own trash so why bring other trash into our town. He has had opportunities to go to other big cities and is embarrassed when people comment that he come from a town of trash. He is asking for help from the Council and our community. It is not fair that we live very near to the landfill. Please help us.

Jaime Bravo stated that he has lived here since 1973. The landfill did not smell at that time and it was good. Since the contract was signed by the landfill, our community has changed. There is more trash, contamination and diseases due to the landfill. He loves Avenal because he has lived here most of his life. He would like the Council to do something for our community. When the contract was signed with the landfill, the community was not taken into consideration. Now, we have heard that the contract will be renewed and we are here to see that the contract does not get renewed. Avenal is famous for the trash not for their community. They have plans to construct a Community Center and Park next the Landfill? How is it possible to build this when there is contamination from the Landfill? I hope you take all of this into consideration and make better decisions.

Maribel Villegas stated that she came to live in Avenal in 1992. She remembers that she fell in love with Avenal. She moved to Arizona and has moved back to Avenal when they were renewing contracts with the landfill. She felt that they should not bring trash from other cities here because Avenal is a small town. At that time, she did not know where to go to ask for help and now she is demanding the City not renew the landfill contract. She has a son with asthma and is allergic to mold. The mold from the landfill is causing him to go into anaphylactic shock. When coming into town, you encounter trash, bugs, smells, and other various plagues. All the money the landfill gives to the City of Avenal has not benefited the town and does not help the health of our community. What benefit has the landfill done for Avenal? Only illness and sickness. She is not asking, she is demanding the City not renew the contract with the landfill.

Joe Salazar stated he has lived in Avenal since 1963 with his children and grandchildren. Many people, not only my family, are moving out. Avenal will be a ghost town. Avenal has been through many things and gotten out of it. Before, they did not charge for garbage and now there are semi-trucks bringing in trash. His wife wants to leave Avenal due to the smell. He thought Avenal was growing but instead it is going down hill. There were a time when people called Avenal home. He doesn't know what is thrown away at the Landfill, maybe you might find a human body? He has enjoyed this town. He was married, had family and joined the army here. The people that own the landfill do not live in Avenal and cannot smell the landfill. He is telling the community that in 1963, this town was peaceful and people wanted to live in Avenal but now it's a ghost town. The people need to fight for Avenal. If not, we are going down. God bless you all.

Maria Tafolla stated that she's lived here since 1992. I am fortunate to have wonderful memories of Avenal. If the Avenal Landfill contract is to be renewed, I am asking the City Council to take into consideration all the Hispanic community members. Take it to a vote of the community of Avenal. Money is not everything in life and I am asking to take into consideration all our community members that are present today.

Maricela Mares-Alatorre state that she will be translating for herself. She is a resident of Kettleman City but is present by invitation of community members. She is with a group called People for Clean Air & Water in Kettleman City and works for Green Action for Health and Environmental Justice. She is a 1990 graduate of Avenal High School. She has ties with the community and her family here. She spoke with community members and they are not happy with the dump. It is a nuisance, odorful, and unsightly. People have complained about the pests, flies, trash and dirt flying around that they believe is making them sick. There are laws in this state and county that guarantee the right for people to enjoy their homes. If their rights are being violated by this dump, the Council has a responsibility to address these issues. Also, there is the issue of bad air quality in the Central Valley. She has heard over and over it is Los Angeles or San Francisco sending their pollution. The pollution coming from Los Angeles stops at the Grapevine or in Arvin. Just because the pollution is coming from other places, does not mean you should not try to make an effort here. The increase in diesel traffic will not make the air better, it will make it worse. Bad air quality is bad for people's health and it is a proven fact. She has heard that the Landfill is affecting resident's health. Council need to help people to go find funding from a third party to do a health survey in town and find out the truth. Council owes that to its' residents. It is about equality. It is unfair to bring trash to the Central Valley from richer communities. We all generate trash and should all be responsible for our own trash. We need to look for a solution. If they continue to overburden smaller, vulnerable communities like Avenal and Kettleman City, there will never be a solution. The residents of the community also need complete fiscal clarity. She has a colleague tracking financials for the City of Avenal and he has estimated that the city is earning close to \$200,000 per year in revenues from the dump. People need to know where that money is going. The Council owes them that clarity. Thank you for the opportunity to speak.

Leticia Alcala stated that she came to live in Avenal in 2001. She would like more monitoring of the air quality. There is only one and need more is needed to monitor the air quality. She understands children, pregnant women and people with chronic illnesses could get worse due to the Landfill, even though doctors say it is caused by viruses.

Veronica Loya stated that she has been a resident for 50 years. She represents an environmental justice non-profit organization, Latino Equity Aptitudes Policy Institute (LEAP). They hosted their monthly meeting and thanked Alvaro Preciado for attending. There should be an environmental violation monitoring website where people can report environmental issues like the odors. The number one report they get from Avenal is odor from the landfill. At their monthly meeting, they had the EPA, Water Boards, Local and State agencies and Air Quality Control Board. All were there to listen to concerns, not only from residents but businesses also. She would recommend that some of the Council participate in their monthly meetings. It is concerning community members who are concerned about their health, businesses, and property values. It is important for the City Council to consider these issues and attend the meetings to see what they are all about. They are planning to have another meeting due to the turnout of the community and listen to their concerns. We, as an organization, can help the community with some of their environmental concerns having to do with air quality and health. She has lived in this community for a very long time and the community is crying out for help. She feels that all community members should be heard, and that the Council should listen to them.

Melonie Cartamo stated that she has lived in Avenal for 4 years has a family of 6 all with respiratory issues. At one doctor's appointment, it was mentioned that in order for my daughter to get rid of her respiratory illness, she needs to go live in Dubai. She is happy living in Avenal and because we are part of this community, we have a voice and need to be heard. We need to find solutions.

Mayor Ovalle announced in consideration of the time, three (3) more residents can comment.

Perla stated she has lived here since she was 5 years old with three siblings who would play outside. She has a brother that went to college and doesn't want to come back due to the landfill. My generation is concerned for the soccer players as we run in the hills and now can't due to the odors. It might not be a big concern for the City Council, but it is for us. It is making many sick. Is this what you are leaving for our generation? People who have graduated, do not want to come back to Avenal. We have won championships for Soccer & Football. Why are we not known for these good things? Avenal is known for their landfill. If the City Council has a heart for the generation growing up here, don't leave the landfill there.

Daniel Verduzco stated that he works for a company that handles hazardous material. He can bring a waste manifest that shows none of the landfills from San Luis Obispo, Santa Maria, Santa Barbara, Camarillo, and Santa Paula do not receive materials such as asbestos, lead, or solvents. The only one is at La Paz, Arizona in the Desert. He moved to Avenal two years ago and would like to stay. He hopes for a better opportunity for his children to grow up here. Everyone talks about soccer, boxing and Jose Ramirez. Jose has left. He has two sons in boxing and he volunteers as well.

Isidoro Olmos stated that he has lived in Avenal since 1986. The reason he loves Avenal is that it is away from agricultural chemicals for his children, but now it is worse. The Council brought the sickness to us why? If the Council had a conscience, they would give us, as residents, a notification to agree to have a landfill or not. In the mornings when he wakes up, the first thing you smell is the landfill. He feels that a community has the right to close the landfill. Us, as a community, can rise and strike to close the landfill.

Mayor Ovalle announced the end of public comments, considering the time and need to continue the meeting. Also, briefly, all decisions that are made by the City Council are made with the community in mind. When he started at Councilmember in Avenal, he did it to know that everything was done correctly, not because of rumors or that so and so told me. If the landfill was not in compliance with all laws and regulations, it would have been closed. If the EPA had found violations, it would have been closed.

Miguel Rodriguez stated he works across the valley and many farmers dump batteries and take labels off chemical containers to dump them in the landfill. No one told me this, I saw it. Farmers do not want to take their stuff to Waste Management because they are responsible. The paint needs to be thrown away apart from everything else and he has seen it thrown in this landfill. He feels it is the landfill's responsibility to see what is being brought in. No one lets us in to take pictures because they will call police. Let's tell it how it is. There were landfill representatives brought in from Nevada making promises that the Landfill would have green grass and plants. All are false promises, now it is unsightly.

ACTIVITY REPORTS/SPECIAL PRESENTATIONS & COMMITTEE REPORTS:

A. Activity Reports:

1. Public Works/Building/Code Enforcement/Animal Control Activity Report: Scott Davis, Public Works Supervisor;

Scott Davis, Public Works Supervisor, reported on the following: 1) Building Department; 2) Code Enforcement; 3) Parks & Landscaping; 4) Streets; 5) Water Distribution; 6) Waste Water Collection; and, 7) Vehicle, Equipment, & Building Maintenance.

2. Avenal Theater & Event Center Activity Report: Humberto Bermudez, Avenal Theater & Event Center Coordinator;

Humberto Bermudez, Avenal Theater & Event Center Coordinator, reported the following events: 1) December 20th Movie Night - Grinch & Spiderman - Far from Home/Pictures with Santa; 2) January 3rd Movie night postponed to January 10th - Dora and the City of Gola & A Dog's Way Home; 3) December 21st - Rudy Salas Toy Drive (Invitation Only); 4) January 6th AES movie day; 5) January 8th rental; and, 6) Upcoming events - January 17th Movie Night, January 22nd Census Complete Count Committee Workshop & January 25th rental.

B. Special Presentations/Requests:

1. Request by Ericka Garza to Present Information Regarding the Avenal Landfill.

Erika Garza stated she will do her own translating. It is a pleasure to be here and my family has been here since 1969. She had the opportunity to buy a house in Avenal 5 years ago, but she did not buy it as her biggest concern was the dump. Ms. Garza presented Mayor Ovalle the signatures of all people with concerns about the landfill and want immediate action to shut down the landfill. The reason being every second, minute, hour each of these people, including the City Council and their children, breath in the landfill's air and fumes. Whatever, by code or not, that is irrelevant. The proof is here, residents of Avenal take time off work to be with their children at Valley Children each month.

Mayor Ovalle asked Ms. Garza to keep on task and present to the City Council.

Ms. Garza received a call and drove from Los Angeles where she lives in Redondo Beach. A landfill of this magnitude would not be allowed in Redondo Beach. Do you know what would happen if a twelve-hundred-foot landfill was established 400-feet from their residences? There would be people, human lives. stopping trucks from dumping. That would not be happening in Los Angeles or in any informed community. Studies show that where minorities such as, African-Americans and Hispanics live, these types of landfills are located. Also, there is a revenue and business aspect, but their health is priceless and that is why they are here. That is also why there have never been this many people at a City Council meeting. It will not

stop. This is the beginning. These are constituents wanting to know where the Council stands regarding this landfill. Are you for the landfill, closure of the landfill, or putting the landfill on a ballot for the people to vote for or against the landfill? There have been numerous studies around the world of landfills like this, found in India's New Delhi and Kenya having the biggest slums in the world, not in Avenal, California. The problem is the proximity to people's homes as they cannot have a BBQ due to the smell. Another thing in the original agreement with the landfill, one of the conditions to operate requires that it would not be a public nuisance or a health hazard.

She continued that California Law prohibits tires from being dumped at the landfill. She took a video of whole truck load of tires being dumped at the landfill. Is the city monitoring the landfill? A study was done by the State Geologist in 2017 to check if there were any violations, they were complying with code but there was no soil testing done. When do we reach our limit with the Landfill? I will be back.

PUBLIC HEARING(s):

A. None.

OLD BUSINESS:

A. None.

NEW BUSINESS:

A. Consider Awarding Contract for the Construction of a Solar Photovoltaic System at the Wastewater Treatment Plant to Kuykendall Solar:

Alfonso Manrique, AM Consulting Engineers, reported in August 2017, the City applied for the State Water Resources Control Board (SWRCB) Clean Water State Revolving Fund (CWSRF) Grant for the construction of a Solar PV System at the City's WWTP. The purpose of the Solar PV system is to power the entire WWTP's power demand. In July 2019, the City executed a funding agreement for a CWSRF Construction Grant for the construction of the Solar PV System at the WWTP. AM Consulting Engineers prepared procurement documentation for the Solar PV System. The project was advertised on October 2019 and bids were opened December 17, 2019 at 2:00 p.m.

One bid was opened and read aloud at 2:00 p.m. on December 17, 2019. The bid amount submitted by Kuykendall Solar was for \$1,823,000. AM Consulting has reviewed the bid from Kuykendall Solar and confirmed that the bid is complete, and the contractor is qualified for this project.

AM Consulting Engineers recommends that the City of Avenal City Council award the construction of the Solar Photovoltaic System at Wastewater Treatment Plant (WWTP) Project to Kuykendall Solar for a total bid amount of \$1,823,000.

After a brief discussion, the following action was taken:

RESOLUTION 2020-02: RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AVENAL AWARDED CONTRACT FOR THE CONSTRUCTION OF A SOLAR PHOTOVOLTAIC SYSTEM AT THE WASTEWATER TREATMENT PLANT TO KUYKENDALL SOLAR. A motion was made by Councilman Harvick, seconded by Councilman Hernandez and carried.

Roll Call Vote:

AYES: Harvick, Hernandez, Preciado, Woolley, Ovalle.

NOES: None.

ABSENT: None.

ABSTAIN: None.

B. Consider Submittal of 2019 Cal Home Program Application:

Fernando Santillan, Community Development Director, reported that a resolution of application is attached for consideration which allows submittal of an application for up to \$600,000 for First-Time Homebuyer assistance and to rehabilitate homes with or without accessory dwelling unit's assistance within the City limits, under the 2019 Cal Home Program. The application deadline is January 27, 2019. The resolution authorizes the City Manager or Community Development Director to sign all documents related to the application.

Up to \$125,000 can be loaned per house for owner-occupied rehabs and a maximum of up to \$100,000 can be loaned per accessory dwelling unit. A major rehab currently averages approximately \$100,000. The City will have to supplement Cal

Home funds with HOME or CDBG to complete each rehab or home loan. It may also be possible to provide small rehabs, say under \$55,000, to provide a new roof or other minor repairs to homes.

Staff recommends by Resolution, approve the submittal of an application to the Cal Home Program for up to \$600,000 for First-Time Homebuyer Assistance and to rehabilitate homes/accessory dwelling units within the City.

RESOLUTION 2020-03: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AVENAL AUTHORIZING THE SUBMITTAL OF AN APPLICATION TO THE CALIFORNIA STATE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT FOR FUNDING UNDER THE CALHOME PROGRAM; THE EXECUTION OF A STANDARD AGREEMENT, IF SELECTED, FOR SUCH FUNDING AND ANY AMENDMENTS THERETO; AND ANY RELATED DOCUMENTS NECESSARY TO PARTICIPATE IN THE CALHOME PROGRAM. A motion was made by Mayor Pro Tem Woolley, seconded by Councilman Preciado and carried.

Roll Call Vote:

AYES: Woolley, Preciado, Harvick, Hernandez, Ovalle.
NOES: None.
ABSENT: None.
ABSTAIN: None.

C. Consideration for Approval to Purchase MILO Operation Simulator:

Sergeant Carr reported that the Avenal Police Department constantly strives to improve and enhance the ability of the police officers within our agency. Senate Bill 230 was signed by Governor Newsom on September 12, 2019. Senate Bill 230 mandated certain requirements for use of force training and Department Policy, as well as redefined what deadly force is.

Senate Bill 230 states each law enforcement agency shall, by no later than January 1, 2021, maintain a policy that provides a minimum standard on the use of force. Each agency's policy shall include, in part, all the following:

- A requirement that officers utilize de-escalation techniques, crisis intervention tactics, and other alternatives to avoid force when feasible.
- A requirement that an officer may only use a level of force that they reasonably believe is proportional to the seriousness of the suspected offense or the reasonably perceived level of actual or threatened resistance.
- A requirement that officers consider their surroundings and potential risks to bystanders, to the extent reasonable under the circumstances, before discharging a firearm.
- Training standards and requirements relating to demonstrated knowledge and understanding of the law enforcement agency's use of force policy by officers, investigators, and supervisors.

The Avenal Police Department has researched an interactive scenario-based training simulator called MILO. The MILO Force Option Simulator provides realistic, challenging and contemporary force options and decision related training to peace officers training. Within the MILO simulator, there are over 850 different scenarios, ranging from consensual encounters to responding to an active shooter. Included in the MILO Range Advanced Simulator System are all of the force options utilized by officers in the field; handgun, less lethal shotgun, Taser, pepper spray and baton applications. Also included is a laptop computer, more than 850 scenarios, High Definition projector, projector screen, trainee capture system and a distraction device with heart rate monitor. This equipment allows the officer to have all their force options with them, as they do in the field. This equipment also allows the trainer to record and allows playback of the officer engaged in the simulator during the post scenario debrief. Included in the purchase is the training of four department members to be system trainers.

Staff recommend approving purchase in the amount of \$36,116.44 will be expended from 10.12500.655.18 which is the Supplemental Law Enforcement Fund for fiscal years 17/18. There will be no impact to the general fund.

After a brief discussion, the following action was taken.

A motion was made by Councilman Harvick to approve the purchase of the MILO Force Option Simulator, seconded by Councilman Hernandez and carried.

Roll Call Vote:

AYES: Harvick, Hernandez, Preciado, Woolley, Ovalle.
NOES: None.

ABSENT: None.
ABSTAIN: None.

CORRESPONDENCE/ANNOUNCEMENTS/CLOSING COMMENTS:

Councilman Hernandez reported on the recent Food Distribution.

Councilman Harvick commented he takes all concerns to heart and needs to see proof that the landfill is making people sick.

Councilman Preciado reported the following: 1) Sigma meeting; 2) Water Board Meeting; and, 3) He makes a pledge to investigate concerns. We respect the whole community. Part of yesterday's meeting were people asking if the landfill causes Valley Fever.

Mayor Pro Tem Woolley reported the following: 1) The senior citizens understand that people can go to City Hall or any of the Councilmembers with concerns. If anyone has issue or concern, the City Council is here come find us.; 2) KART met with seniors and will be stopping at Walmart at the 7:15 a.m. route and the last route of the day. Now we need show support with no increase in fees as of the beginning go the year.

Ms. Ortiz handed out 700 forms for Council.

Mayor Ovalle stated the following: 1) In 2008, he got involved with the City Council for transparency to make sure nothing is fabricated. The landfill was opened in 1929 and we inherited it. Currently, to close the Landfill it would take \$20 million and This is in writing and not fabricated information, like some of us are exposed. If there are issues or concerns, come to the City Council; 2) He will be moving in the future to take care of his aging parents. However, his son and grandchildren will still live here; and 3) if you need information, come to the Council or City Hall. Thank you for your attendance.

ADJOURNMENT.

There being no further business, the City Council meeting was adjourned at 8:57 p.m.

Respectfully Submitted,
Maria Ortiz, City Clerk