City of Avenal Planning Commission Meeting

VIA ZOOM VIDEO/WEB CONFERENCING:
Web Link: bit.ly/AvenalCouncil or use https://us02web.zoom.us/j/87243440488
Or by calling +1 669 900 6833 and use meeting ID 872 4344 0488 to join.

Monday, February 7, 2022
6:00 P.M.

Commissioners

Jeanne Tillotson – Chair
Lymari Larrios – Vice Chair
Donna Elliott

Ex-Officio Members:
Mayor Alvaro Preciado
Brian Skaggs, City Engineer
Rob Williams, Public Works Director

Staff
Kao Nou Yang, Community & Economic Development Director
Maria Ortiz, City Clerk
Moses Diaz, City Attorney

Last Adopted Resolution: 2020-09

<><><><><><><>

AGENDA

1. **CALL TO ORDER:** Chair Jeanne Tillotson

2. **SWEARING-IN OF NEW COMMISSIONERS:**

   A. Amado Cervantes – appointed by Mayor Preciado

   B. Tyler Naranjo – appointed by Mayor Pro Tem Ramirez

3. **APPROVAL OF MINUTES:** October 5, 2020

4. **PUBLIC COMMENT/ ANNOUNCEMENTS/ UNSCHEDULED APPEARANCES:**

   Any person may directly address the Planning Commission at this time on items on the agenda or on any other items of interest to the public within the subject matter jurisdiction of the Planning Commission. State Law prohibits any member of the Commission from commenting or taking action on matter not on the agenda. Comment limited to three (3) minutes per person.

5. **PUBLIC HEARINGS:** None

6. **OLD BUSINESS:** None

7. **NEW BUSINESS:**

   A. Election of Officers (for Term Jan 2022 – Jan 2023)
   - i. Nominations for Chairperson
     1. Discussion / Action
   - ii. Nominations for Vice Chairperson
     1. Discussion / Action

   B. Formal Adoption of the Planning Commission By-laws
   - i. On January 27, 2022, the City Council approved the bylaws by Resolution establishing bylaws for the planning commission
     1. Discussion/Action

   C. Legislative Updates –City Attorney's Office:
   - i. Legislative Updates
     1. Discussion

8. **ECONOMIC DEVELOPMENT OVERSIGHT COMMITTEE COMMENTS:**

   A. Economic /Community Development Activity Update
   - i. Discussion

9. **COMMENTS:**

   A. Planning Commissioners

   B. Staff Comments / Correspondence

10. **ADJOURNMENT – NEXT MEETING MARCH 7, 2022**

In compliance with the American with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Clerk's office (559) 386-5766. Notice 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. [28 CFR 35.0235.02.35.104 AA Title II]. **A special live viewing of this meeting will be hosted online at https://www.facebook.com/avenalcommunity/.**

Materials related to an item on this Agenda submitted to the Commission after distribution of the agenda packet are available for public inspection in the Planning Department's Office located at City Hall, 919 Skyline Blvd., Avenal, California, during normal business hours.

Reunión de la Comisión de Planificación de la Ciudad de Avenal

VIA ZOOM VIDEO/WEB CONFERENCING:
Web Link: bit.ly/AvenalCouncil or use https://us02web.zoom.us/j/87243440488
Or by calling +1 669 900 6833 and use meeting ID 872 4344 0488 to join.

Lunes, 7 de Febrero de 20226:00 P.M.

Comisionadas

Jeanne Tillotson – Chair
Lymari Larrios – Vice Chair
Donna Elliott

Miembros Ex-Oficio:
Mayor Alvaro Preciado
Brian Skaggs, City Engineer
Rob Williams, Public Works Director

Personal
Kao Nou Yang, Community & Economic Development Director
Maria Ortiz, City Clerk
Moses Diaz, City Attorney

Última Resolución Adoptada: 2020-09

<><><><><><><>

AGENDA

1. **LLAME PARA ORDENAR:**Chair Jeanne Tillotson

2. **JURAMENTACIÓN DE NUEVOS COMISIONADOS:**

   A. Amado Cervantes – Nombrado por Mayor Preciado

   B. Tyler Naranjo – Nombrado por Mayor Pro Tem Ramirez

3. **APROBACIÓN DE ACTAS:** October 5, 2020

4. **COMENTARIOS PÚBLICOS/ ANUNCIOS/ APARICIONES NO PROGRAMADAS:**

   Cualquier persona puede dirigirse directamente a la Comisión de Planificación en este momento sobre los puntos de la agenda o sobre cualquier otro tema de interés para el público dentro de la jurisdicción de la Comisión de Planificación. La ley estatal prohíbe que cualquier miembro de la Comisión comente o tome medidas sobre asuntos que no están en la agenda. Comentario limitado a tres (3) minutos por persona.

5. **AUDIENCIAS PÚBLICAS:** Ninguno

6. **NEGOCIO ANTIGUO:** Ninguno

7. **NUEVO NEGOCIO:**

   A. Elección de funcionarios: (para el período de enero de 2022 a enero de 2023)
   - i. Candidaturas para presidente
     1. Discusión/Acción
   - ii. Candidaturas para vicepresidente
     1. Discusión/Acción

   B. Adopción formal de los estatutos de la Comisión de Planificación
   - i. El 27 de enero de 2022, el Ayuntamiento aprobó los estatutos mediante Resolución que establece los estatutos de la comisión de planificación
     1. Discusión/Acción

   C. Actualizaciones legislativas – Oficina del Abogado de la Ciudad:
     1. Discusión

8. **COMENTARIOS DEL COMITÉ DE SUPERVISIÓN DEL DESARROLLO ECONÓMICO**

   A. Actualización de la Actividad de Desarrollo Económico/Comunitario
   - i. Discusión

9. **COMENTARIOS:**

   A. Comisionados de Planificación

   B. Comentarios del personal / Correspondencia

10. **CIERRE – PRÓXIMA REUNIÓN 7 DE MARZO DE 2022**

De conformidad con la Ley de Estadounidenses con Discapacidades, si necesita asistencia especial para participar en esta reunión, comuníquese con la oficina del Secretario Municipal (559) 386-5766. El aviso 48 horas antes de la reunión permitirá a la Ciudad hacer arreglos razonables para garantizar la accesibilidad a esta reunión. [28 CFR 35.0235.02.35.104 AA Título II]. Una transmisión especial en vivo de esta reunión se realizará en línea en **https://www.facebook.com/avenalcommunity/**.

Los materiales relacionados con un punto de esta Agenda presentados a la Comisión después de la distribución del paquete de la agenda están disponibles para inspección pública en la Oficina del Departamento de Planificación ubicada en City Hall, 919 Skyline Blvd., Avenal, California, durante el horario comercial normal.

City of Avenal

919 Skyline Blvd.
Avenal, CA 93204
Phone: (559) 386-5766
Fax: (559) 386-0629

January 28, 2022

Amado Cervantes
217 East Merced Street
Avenal, CA 93204

Dear Planning Commissioner Amado Cervantes,

First and Foremost, Congratulations on the appointment to the City of Avenal Planning Commission. Pursuant to *Title 2, Chapter 3 Article 1 of the Municipal Code*, The City of Avenal Planning Commission serves as an advisory body to the City Council. The Planning Commission is made up of five (5) commissioners who shall be appointed by a member of the City Council. Each commissioner of the Planning Commission shall be held accountable to the member of the City Council who appointed that Planning Commission and shall report it to said City Council Member.

Each appointed Commissioner shall have a term of four (4) years. As you are newly appointed Commissioner, **your term will be beginning on the next Regular meeting February 7, 2022**, when you are sworn in.

I have attached a copy of *Title 2 Chapter 3 Article 1 of the City of Avenal Municipal Code* for you to review and understand how the Planning Commission was created as well as a copy of the by-laws adopted by the City Council on January 27, 2022.

Currently the Commission has set meetings scheduled on the first (1st) Monday of each month at 6:00 p.m., located at City Council Chambers in Avenal Theater & Event Center, 233 E. Kings Street, Avenal, CA

The next regularly scheduled meeting is scheduled for February 7, 2022.

THE CITY OF AVENAL WELCOME ABOARD ON TO THE CITY OF AVENAL PLANNING COMMISSION.

If you should have any questions or concerns, please feel free to call me at (559) 386 -5776 or email me at kyang@cityofavenal.us

Thank you and have a great day!!

Kao Nou Yang, Secretary
City of Avenal Planning Commission
Director of Community and Economic Development

City of Avenal

919 Skyline Blvd.
Avenal, CA 93204
Phone: (559) 386-5766
Fax: (559) 386-0629

January 28, 2022

Tyler Naranjo
605 North 5th Avenue
Avenal, CA 93204

Dear Planning Commissioner Tyler Naranjo,

First and Foremost, Congratulations on the appointment to the City of Avenal Planning Commission. Pursuant to *Title 2, Chapter 3 Article 1 of the Municipal Code*, The City of Avenal Planning Commission serves as an advisory body to the City Council. The Planning Commission is made up of five (5) commissioners who shall be appointed by a member of the City Council. Each commissioner of the Planning Commission shall be held accountable to the member of the City Council who appointed that Planning Commission and shall report it to said City Council Member.

Each appointed Commissioner shall have a term of four (4) years. As you are newly appointed Commissioner, **your term will be beginning on the next Regular meeting February 7, 2022**, when you are sworn in.

I have attached a copy of *Title 2 Chapter 3 Article 1 of the City of Avenal Municipal Code* for you to review and understand how the Planning Commission was created as well as a copy of the by-laws adopted by the City Council on January 27, 2022.

Currently the Commission has set meetings scheduled on the first (1st) Monday of each month at 6:00 p.m., located at City Council Chambers in Avenal Theater & Event Center, 233 E. Kings Street, Avenal, CA

The next regularly scheduled meeting is scheduled for February 7, 2022.

THE CITY OF AVENAL WELCOME ABOARD ON TO THE CITY OF AVENAL PLANNING COMMISSION.

If you should have any questions or concerns, please feel free to call me at (559) 386 -5776 or email me at kyang@cityofavenal.us

Thank you and have a great day!!

Kao Nou Yang, Secretary
City of Avenal Planning Commission
Director of Community and Economic Development

AVENAL PLANNING COMMISSION REGULAR MEETING
VIA ZOOM VIDEO/WEB CONFERENCING:
RECORDING AVAILBLE ON YOUTUBE: https://youtu.be/iDEAuXtX5mA

Monday, October 5, 2020
6:00 P.M.
<><><><><><><><><><><>

MINUTES

1. **CALL TO ORDER:**

Chair Tillotson opened the regular Planning Commission Meeting at 6:01 p.m.

Commissioners Present:	Larios, Elliott, Ramos
Commissioners Absent:	Tillotson
Staff Present:	Santillan, López, Diaz

2. **APPROVAL OF MINUTES**: September 21, 2020 **6:13 p.m.**

   i. September 21, 2020, Minutes motion to approve by Commissioner Elliott, second by Commissioner Ramos. Motion carried 3-0, one absent.

3. **PUBLIC COMMENT/ ANNOUNCEMENTS/ UNSCHEDULED APPEARANCES: 6:15 p.m.**

   A. None

4. **PUBLIC HEARING** **6:15 p.m.**

   A. **General Plan Amendment 2020-02 and Change of Zone 2020-02 – An application to construct four multi-family fourplex units at the southeast corner of East Mendocino Street and South 7th Avenue, APN: 040-280-018; and adoption of Initial Study/Mitigated Negative Declaration with corresponding Mitigation Monitoring and Reporting Plan.**
      i. Staff Report
         a. City Manager, Antony V. López, delivered the Staff Report regarding the variance application by José Valencia. The applicant is proposing to construct four multi-family fourplex units on a 1-acre parcel along 7th Avenue.
      ii. Public Hearing
         a. None
      iii. Discussion/Action
         a. Commissioner Elliott asked for clarification on the timeline and location of the apartments, as well as the level of demand for apartments in Avenal.
         b. Motion to approve Resolution 2020-09, and Resolution 2020-10: Motioned by Commissioner Elliott, and seconded by Commissioner Ramos. Motion carried 3-0, one absent.

5. NEW BUSINESS: **6:29p.m.**

A. Landscaping and possible improvements to parcels and easements along State Route 33.

i. Discussion/Action

a. City Manager, Antony V. López, delivered a report regarding the status of the landscaping alongside SR 33/Laneva in Avenal. Staff discussed how Caltrans has the responsibility to clear out the weeds and tumbleweeds, but that the City would make the effort to clear out the brush in the meantime. Staff further discussed bringing this issue to the City Council for further consideration and action.

6. OLD BUSINESS: **6:34 p.m.**

A. None

7. ECONOMIC DEVELOPMENT OVERSIGHT COMMITTEE COMMENTS **6:35 p.m.**

A. Economic /Community Development Activity Update

i. Director Santillan: shared that there was not much to update since the last Planning Commission meeting.

ii. Transmission pipeline, ATP project, and Community Center projects are in progress.

9. COMMENTS **6:37 p.m.**

A. Commissioner Comments

i. Commissioner Elliott commended Commissioner Larrios on a good meeting.

ADJOURNMENT

There being no further business the meeting was adjourned at 6:38 p.m.

Respectfully Submitted,

Fernando Santillan, Secretary

BEFORE THE CITY COUNCIL OF THE CITY OF AVENAL

IN THE MATTER OF:
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AVENAL ADOPTING BY-LAWS FOR THE PLANNING COMMISSION

RESOLUTION No. 2022 - 07

WHEREAS, on March 27, 1980, the City of Avenal Planning Commission was established by Ordinance 80-6 under Title 2, Chapter 3 Article I of the Code of Ordinance; and

WHEREAS, on February 17, 1994, an amendment to Title 2, Chapter 3 Article I was passed and adopted to add additional language to appointments, clarify terms, and meeting schedules; and

WHEREAS city staff has prepared the proposed by-laws for the Commission in said Exhibit "A" hereto attached, which has been reviewed and recommended.

UPON MOTION OF COUNCIL MEMBER Verdugo, SECONDED BY COUNCIL MEMBER Hernandez, THE FOLLOWING WAS PASSED, APPROVED, AND ADOPTED BY THE CITY COUNCIL AT AN OFFICIAL MEETING HELD ON January 27, 2022, BY THE FOLLOWING VOTE:

AYES: **PRECIADO, RAMIREZ, HERNÁNDEZ, GRAVELLE, VERDUGO.**
NOES: NONE.
ABSTAIN: NONE.
ABSENT: NONE.

ALVARO PRECIADO, Mayor
CITY OF AVENAL

ATTEST:
MARIA A. ORTIZ, City Clerk
CITY OF AVENAL

* * * * * * * * * * * * * * * * * * *

NOW THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL:

1. Found that the foregoing recitals are true;
2. Establish By-Laws for the Avenal Planning Commission as described in Exhibit A attached to this Resolution.

3. Authorized the City Manager, and all relevant City staff to carry out the terms and conditions of this resolution and to take all steps reasonably necessary, proper and/or convenient and/or incidental thereto.

* * * * * * * * * * * * * * * * * * *

BY LAWS OF THE
PLANNING COMMISSION OF THE CITY OF AVENAL

The City Council of the City of Avenal has approved the following by-laws of the Planning Commission henceforth referred to as "Planning Commission" by adopting Resolution No. 2022-07. In addition to the rules and procedures set forth here in, the Brown Act, the Public Records Act and all applicable statues and laws likewise govern the Commission including the City of Avenal Municipal Code which govern the formation and creation of the Planning Commission.

SECTION 1. INTRODUCTION

The Planning Commission is a body of citizens appointed by the City Council to serve as an advisory and authority decision maker on issues and polices relating to planning, land use regulation and community development.

California Planning and Zoning Law allows cities and counties to establish planning commissions and provide for planning, subdivision, and land use regulation. A City Council choosing not to establish a Planning Commission would serve as the Planning Commission instead. Each city or county establishing a Planning Commission shall pass an ordinance that defines its duties and scope, and which may identify the number of members, their qualifications, how vacancies are filled, the frequency of regular meetings, who serves as their staff, and general operating procedures.

Pursuant to Ordinance No. 80-6 passed and adopted on March 27, 1980, by the City Council of the City of Avenal, the City establish a Planning Commission under Title 2, Chapter 3 Article I of the Code of Ordinance. An Amendment to Title 2, Chapter 3 Article 1 was passed and adopted on February 17, 1994, to add additional language to appointments, clarify terms of office and create a standing meeting schedule for the Commission.

The City Council of the City of Avenal established the Planning Commission and granted to its responsibilities in the area of land use, redevelopment issues and planning permit decisions. The intent of these by-laws is to assist and be used by the Planning Commission in performing its duties and conducting its meetings. Failure to adhere strictly to a provision of the by-laws shall not in of itself invalidate any action of the Planning Commission or the City Council, nor shall it constitute a violation of law or procedures nor provide a basis for any claim or cause of action against the City. If a conflict arises between these by-laws and the Municipal Code, the Municipal Code shall take precedent.

SECTION 2. COMMISSIONERS, OFFICERS, DUTIES, AND TERM

2.01 Planning Commissioners:

The Planning Commission consists of five (5) commissioners who shall each be appointed by a member of the City Council from a list of eligible and qualifying candidates from the community-at-large.

Within the five (5) appointed Commissioners, the following positions are voted upon:

- Chairperson - The chairperson shall preside all meetings of the Planning Commission and may submit agenda recommendations and information at the meeting as reasonable and proper for the conduct of the business affairs and policies of the advisory body. The chairperson may sign documents necessary to carry out the business of the Planning Commission

- Vice-Chairperson. - The vice-chairperson shall perform the duties of the chairperson in the absence or incapacity of the chairperson in the event of death, resignation, or removal of the chairperson. The vice-chairperson shall assume the Chair's duties until such time as the Planning Commission shall elect a new Chairperson.

At its first regularly held meeting for the transaction of business during January or assumed thereafter as may be possible, the Planning Commission shall elect a chairperson and a vice chairperson for such calendar year. When a vacancy exists in the office of Chair or Vice-Chair, the Planning Commission shall elect a member to serve in such capacity for the remainder of the calendar year.

2.02 Ex- Officio Officers And City Staff Liaisons:

Along with these five (5) commissioners there are also two (2) Ex-officio Officers

- The City Engineer / Public Works Director

- The Mayor of the City of Avenal

And City Staff that Serves as Administrative Officers

- Director of Community & Economic Development - The City of Avenal Director of Community and Economic Development shall serve as a Planning Commission Secretary. The Secretary shall preside over the election of the Planning Commission officers. The election officers shall be placed on the agenda after approval of the agenda. The secretary will also record the minutes of the meeting and prepare the agenda for the Commission

- City Clerk- The City of Avenal City Clerk shall be in charge of maintaining a record of the rotation of schedule of appointments made by the City Council and maintain a roster of commissioners with their appointment dates and dates of their term ending.

- City Attorney – The City of Avenal City Attorney shall be in charge of maintaining the meeting to follow the rules of Robert's Rules of Order, the Brown Act and State and Local standards.

2.03 Duties Of Commissioners:

Duties of the Planning Commissioners include but are not limited to:

- Holding regular public hearings and meetings
- Review and recommend updates to the general plan
- Review and recommend updates to the zoning ordnance
- Review recommendations on general plan amendments and zoning changes for real property
- Review recommendations for specific plans such as precise unit developments
- Approval of subdivision maps as pursuant to the Subdivision Map Act Of California.
- Approval of conditional use permits, development plans and variances.
- Certification Of California Environmental Quality Act (CEQA) determinations (I.E., Notice Of Determinations)
- Reviewing and recommending special planning studies and/or documents.

As a Commissioner, you will attend regular meetings, special meetings, committee meetings and workshops. You will be asked to evaluate projects and proposals and make tough decisions about the community development projects and the interpretation of City policies. As new terms and concepts are encountered, and more knowledge is gained about development activities happening around the City, a greater understanding about government and public decision making begins with the Planning Commission.

2.04 Terms Of The Commissioners

Each member of the Planning Commission shall be appointed for a term of four (4) years.

- The chairperson and Vice-Chairperson shall hold office for one (1) Calendar year following their election until the successor is elected and in office the next following year. Should the offices of the Chairperson or Vice-Chairperson become vacant, the members shall elect a successor from along the Planning Commission members at the next regular or special meeting and such office shall be held for the unexpired term of said office

2.05 Vacancies

Should there be a vacancy or vacancies available on the Planning Commission, appointment(s) shall be made as pursuant to Title 2, Chapter 3 Article 1 Section 2 -3.102 of the Municipal Code. To review the rotation schedule of appointments, please contact the City Clerk for the rotation schedule.

SECTION 3. MEETINGS

3.01 Regular Meetings

The Planning Commission regularly meets on the 1st Monday of Each month at 6:00 PM at the City Council Chambers, unless stated otherwise. The Planning Commission shall generally hold at least one (1) meeting per month. At the last regular meeting of the calendar year, the Planning Commission shall approve a meeting schedule for the upcoming year which calendar may be subsequently amended if necessary.

In the event that the regular meeting date shall be a legal holiday, then any such regular meeting shall be held on the following Monday thereafter ensuring that it is not a legal holiday. A notice agenda and other necessary documents shall be delivered to the Commissioners personally or by mail at least 72 hours prior to the meeting.

3.02 Special Meetings

Special meetings of the Commission are meetings called in addition to those on the approved meeting schedule. Special meetings may be called by the Chairperson with the consent of at least two (2) other members or called with the consent of three (3) members of the Commission. The Brown Act requires that the Agenda for special meetings to be posted within 48 hours prior to the meeting.

At such special meeting, no business other than the item(s) designated in the agenda shall be considered.

3.03 Additional And Other Meetings

Additional Meeting shall encompass but not limited to workshops, study sessions and retreats. These meetings are convened for informal purposes such as Planning Commission training or Informational meeting. These sessions do not require the Planning Commission to take any action. Such meetings shall be posted in the same manner as a special meeting.

3.04 Attendance And Punctuality

Commissioners are expected to arrive on time and be present for the entire meeting. Commissioners are important city officials, whose actions and decisions will have long term impacts on the quality of life of city residents its community and its visitors. Therefore, only in rare avoidable circumstances should commissioners a miss meeting or workshop.

If a Commissioner has three (3) or more unexcused absences from meetings and/or workshops during a calendar year, they shall be reported to the City Clerk who then notifies the City Council of the Commissioner’s attendance record. The City Council may choose to subsequently review of the Commissioner's performance to determine any extraordinary reasons or other explanations for the Commissioners unexcused absence.

3.05 Quorum

A Planning Commission meeting cannot be conducted without a quorum of the Planning Commissioners. No less than 3 commissioners shall be present to constitute a quorum for the purpose of conducting the Commission business. An affirmative vote by majority of the members presented at the regular or special meetings at which a quorum is present shall be required for approval or any questions brought before the Planning Commission.

If enough Commissioners abstain due to a conflict of interest so as to lose a quorum, the Commission shall exercise the rule of necessity to regain a quorum as allowed by law.

SECTION 4. AGENDA AND MINUTES

4.01 – Agenda

No less than 10 days prior to the regular scheduled meeting, the Secretary of the Commission shall endeavor to prepare an agenda which shall list all matters to be considered by the Commission at the meeting for which the agenda is being prepared for. The agenda shall ideally be distributed no less than three (3) days prior to the scheduled meetings to all members of the Commission, City staff, anyone requesting such agenda and to other persons as the Commission and the City Council may direct. Failure to satisfy any of the deadlines herein shall not in itself invalidate any action of the Commission. Agendas shall be provided and posted as required by the Brown Act.

4.01.1 Agenda Items

Agenda items can be placed on the agenda by staff as part of their responsibility in reviewing planning applications and administering City projects.

Any commissioner may request the placement of an item on future Commission agenda. Staff shall advise the Commission regarding the amount of time that may be necessary to prepare background material relating to the requested item and when the next available agenda opening would be. By majority vote, the Planning Commission may place the requested item on a future available agenda providing at least 96 hours prior to the meeting at which such item shall be considered in order to comply with the Brown Act and allow staff to prepare appropriate support materials. Items requiring additional public noticing will be placed at the next available agenda within the scope and jurisdiction of the Planning Commission.

4.02 Minutes

Minutes of the Planning Commission shall be prepared in writing by the Secretary of the Commission. Copies of the minutes of each meeting shall be made available to each Commissioner and City staff upon request.

The Planning Commission City staff shall keep a record of its resolutions, transactions, findings, and determinations. The Secretary shall maintain the minutes of all proceedings within the meeting. The meeting agenda and minutes are of public record and shall be made available for inspection and review upon request.

The minutes shall reflect the maker of the motion and the second for all actions and the vote of each commissioner shall be recorded in the minutes.

SECTION 5. MEETING CONDUCT

5.01 Purpose

The Planning Commission is a public agency with land use planning and decision-making duties. It is the policy of the Planning Commission to encourage free and open discussion of issues on the Planning Commission meeting agenda but also ensures that the Commission completes the agenda in a timely manner and in process that accords courtesy and respect to all participants.

5.02 Rules

The Planning Commission will utilize Robert's Rule of Orders, except where inconsistent with the express provisions of law, these by-laws or any other resolutions of the Commission shall govern the conduct of meeting at the Commission.

5.03. Open And Public

All meetings of the Planning Commission shall be open and public to the extent required by law. All persons shall be permitted to attend except as otherwise provided by law. At every regular Commission meeting, members of the public shall have the opportunity to address the Planning Commission on matters within the advisory body subject matter jurisdiction. Public input and comment on matters on the agenda as well as public input and comment on matters not otherwise on the agenda shall be made during the time set aside for public comment provided however that the chairperson may direct the public input and comment on the matter on the agenda be heard when the matter regularly comes up on the agenda. The Chairperson may limit the total amount of time allocated for public discussion on particular issue and or time allotted for each individual speaker.

When addressing the Commission, the public may comment on any agenda item as pursuant to the guidelines of the Brown Act.

Each person addressing the Commission is requested but not required to give his or her name, an address in an audible tone of voice for record and to provide the same on a speaker register used to prepare the meeting minutes. The speaker is requested to state whether he or she is appearing as a representative or in a professional capacity such as an attorney, engineer etc. and to state the name of the individual or organization he or she is representing if applicable. Unless additional time is granted by the Chairperson, all remarks shall be limited to three (3) minutes and shall be

addressed to the Commission as a body and not to an individual Commissioners thereof. The Chairperson may limit repetitive testimony in interest of time. Only members of the Commission or the person having the floor shall be permitted to enter into any discussion either directly or through the Commissioner of the Commission except through the Chair. Any person who wishes to address the City Attorney or City staff, shall do so through the Chair and not pose questions or remarks to the Attorney or City Staff directly.

5.04 Motions

When making a motion the following options are available but not limited to:

- A motion to deny without prejudice
- A motion to deny with prejudice
- A motion to approval
- A motion to approval with conditions
- A motion to continue or table the item

5.05 Voting

The Chair has the right to vote and make a motion on any issue before the Commission.

The vote of all the Commissioners including the chair shall be recorded and no vote shall be taken in secret. All voting will be done through a roll call vote starting with the Commissioners then Vice Chair then ending with the Chair. All Commissioners shall vote on an item when legally able to do so. Nothing herein shall preclude the Planning Commission from meeting or taking action in closed section in accordance with the requirements of the Brown Act.

5.06 Super-Majority Vote

Some planning actions require a supermajority vote, i.e., an affirmative vote of not less than 3 majority of the total membership of the Planning Commission. The supermajority vote of the total member of the Planning Commission (5) requires a firm affirmative vote of four (4) to five (5) Planning Commissioners.

5.07 Tie-Vote Or Lack Of Majority Vote

A tie-vote occurs when there is an equal number of commissioners who vote in favor of a motion as have voted not in favor of a motion, for example, a 2-2 vote. A lack of majority vote occurs when less than half of the vote cast to support the motion such as a 2-3 vote. When either a tie-vote or a lack of majority vote occurs, the motion fails thereby resulting in a NO ACTION. A majority vote is necessary to take action on items regardless of whether the Planning Commission has final authority or advisory authority. In all cases, the Planning Commission shall work towards

formulating a majority recommendation or decision. If this cannot be achieved, the Planning Commission shall clearly summarize their issue to provide direction to the applicant or to the City Council.

5.08. Abstentions

Prior to taking action, the Commission must receive and weigh all presented evidence and testimony. In cases where a Commissioner is not present for public testimony on an item the Commissioner should abstain from voting. This notwithstanding in cases where an item has been continued from a meeting at which a decision maker has been absent the decision maker can review the record of the meeting or the meeting minutes and participate in continuing hearing and vote.

A Planning Commissioner abstaining from voting shall state a reason for the abstention

5.09. Public Hearing Guidelines

The following guidelines are for general agenda items. There may be some variation of the guidelines as per presented by the Chairperson:

- Staff report
- Any clarifying question to the staff
- Applicant presentation
- Clarifying questions from the commissioners to the applicant
- Open public hearing to hear public comment on the item
- Allow applicant to respond to questions comments for clarifications and concerns
- Close public hearing
- Commissioners deliberate and discuss the item
- Commissioners make a motion and roll call vote

5.10 Reports And Supporting Documents

Written reports by staff or its consultants shall be considered a part of official record of the proceeding to which they relate to. Copies of each written report shall be made available to the public at any hearing held on the proceeding to which the report relates to. All exhibits filed in connection with any pending matter will become part of the record of the proceedings and shall be retained subject to compliance with the applicable records retention policies of the City.

5.11 Recommendations To The City Council

Recommendations of the Planning Commission to the City Council shall be prepared in writing by the city staff member assigned to the Planning Commission. Recommendations may be presented to the City Council during a public meeting once the assigned staff prepares a staff report summarizing the key facts, analysis cost benefit considerations, fiscal impacts, and policy implementation implications. The Staff report shall be reviewed by the City Manager. The official minutes of the Planning Commission documenting recommendations shall be attached to the staff report.

5.12 Appeals Of The Planning Commission Recommendation To The City Council

Any decision of the Planning Commission pursuant to the City of Avenal Zoning Ordinance shall be subjected to appeal to the City Council. Appeals must follow the guidelines as stated in City of Avenal Zoning Ordinance.

SECTION 6. COMMISSIONER'S CONDUCT

6.01 Purpose

The Planning Commission recognizes that differences of opinion are inherent and its land use subject matter and duties whether they are differing opinions among commissioners or between commissioners and staff or commissioners and the public. The Commission also recognizes that discussion and resolution of such differences are often the basis for crafting land use decisions that are most appropriate for the city and its community. It is the policy of the Planning Commission to recognize such differences and to provide a forum that allows the public to be expressed in a respectful and courteous manner.

6.02 Recognition From Chair To Make Remarks

A Commissioner shall obtain recognition from the Chair and address all remarks including those to staff and the City Attorney to the chair. Once a Commissioner has the floor, questions to the City attorney and staff shall be directed through the Chair.

6.03 Remarks

A Commissioner should confine their remarks to the merits of the pending question. All statements should have bearings on the adoption of the immediately pending question. A Commissioner should refrain from offensive remarks directed towards other commissioners and/or staff. A commissioner should not read lengthy passages from reports, books, specific quotations etc. without permission of the Commission.

6.04 Withdrawing A Motion

When the maker of a motion who no longer supports his or her motion, he or she must ask permission to withdraw the motion. The maker of the motion may vote against the motion but cannot speak against it.

6.05 Courtesy To Others

A Commissioner should refrain from disrupting the Commission and give courteous attention to other speakers. No Commissioner should speak a second time on a question until all said commissioner who has not yet spoken on the question wants to do so. A commissioner should be open to all concerns and listen to all participants with an open mind even if he or she disagrees with them.

6.06 Professionalism

Commissioners are expected to exhibit a professional demeanor during public meetings at all times to ensure decorum and respect to fellow Commissioners, city staff and the public.

6.07 Preparation For A Meeting

The effectiveness of the Planning Commission is through Commissioners thoroughly preparing themselves prior to a public meeting. This should include careful review of the agenda packet, any additional research as needed and calling upon planning staff prior to the meeting for clarification and understanding of the projects and materials that are to be discussed.

The City of Avenal General Plan provides a vision and policy framework for future developments to the city. All Planning Commission decisions must be consistent with the adopted policies of said General Plan, Zoning Ordinance, and Land Division Ordinance. The Zoning Ordinance is a tool used by City Officials and staff including the Planning Commission to implement the General Plan. These documents are Council approved and legally binding and each Planning Commissioner has the responsibility to read and comprehend both the General Plan, the Zoning Ordinance and Land Division Ordinance in order to make sound decisions on issues brought before the Commission.

6.08 Staff And Commissioner Roles

- 6.08.1 Staff Role – Planning staff role is to provide the Commission with information it needs to make an independent decision and to provide the Commission with a professional recommendation supported with analysis. Staff responsibilities include a public noticing and reviewing of applications for completeness and compliance with all local and state regulations and codes including the California Environmental Quality Act (CEQA). In addition, staff shall assist with facilitating meetings.

-6.08.2 Commissioner Roles - A Planning Commission role is to review the information provided by staff, evaluate the written and oral testimony provided by the general public and the applicant to analyze the project proposal itself and to make an independent decision which is in the best interest of the City and in conformance with the applicable laws and regulation.

6.09 The Brown Act

The Brown Act is the California open meeting law. The Planning Commission and Commissioners are subjected to its provisions. Commissioners with questions should contact the City Attorney, the Planning Commission Chair or Planning staff.

6.10 Conflicts Of Interest Code Of Ethics

The City Attorney may be able to provide advice on avoiding legal and perceived conflict of interest. Questions on a possible conflict should be addressed to the City Attorney prior to the meeting. Any member of the Planning Commission who has a conflict of interest with an item on the agenda should recuse him or herself prior to the introduction of the agenda item as required by law. If at a meeting an unresolved issue arises as to whether a Planning Commissioner may have a conflict of interest on the agenda item, the Planning Commission may seek the advice of the City Attorney. The Planning Commission may continue the item to a future agenda for resolution of the matter with consideration of the applicable Permit Streamlining Act provisions.

Each Commissioner shall work towards maintaining the highest actual and perceived integrity level while sitting on the Commission. In addition, the Planning Commissioners shall adhere to any applicable local regulation governing Ethic Code adopted by the City of Avenal.

SECTION 7. AMENDMENTS

These by- laws may be amended upon affirmative vote by a majority of the Planning Commission and approved by City Council if necessary.