

## **MINUTES**

### **CITY OF DELANO CITY COUNCIL – REGULAR MEETING April 2, 2012**

#### **CALL TO ORDER**

Councilwoman Morris called the meeting to order at 5:31 p.m. in the City Hall Council Chambers, 1015 – Avenue.

Moved by Councilman Chavez, seconded by Councilman Aguirre and unanimously carried by all those present that an urgency exists due to the absence of Mayor Vallejo and Mayor Pro Tem Ramirez, and appoint Councilwoman Morris Acting Mayor in their absence.

#### **FLAG SALUTE**

Councilman Aguirre led the flag salute.

#### **ROLL CALL**

Council members present: Aguirre, Chavez, Morris, Ramirez (arrived 5:38 p.m.)

Council members absent: Vallejo

#### **OFFICIALS PRESENT**

City Manager Reyna, City Attorney Alan Peake, City Clerk Kraft, Finance Director Rios, Police Chief DeRosia, City Engineer Dowling, Acting Human Resources Director Zamudio, Economic Development Specialist Batth, Engineering Consultant Lippitt

#### **PRESENTATIONS AND AWARDS**

Proclamation Declaring the Greater Delano and Surrounding Areas a Relay for Life Community

Proclamation Declaring April 2012 as Fair Housing Month

Proclamation Declaring April 2012 as DMV / Donate Life California Month

Mayor Pro Tem Ramirez assumed control of the meeting.

#### **ITEMS FROM THE PUBLIC**

Cornel Markham, 2110 Patton Street, stated that he wants to meet with Councilman Ramirez and Chief DeRosia.

Ethel Pickering, 102 Dover Place, stated that a crosswalk is needed at Dover Place near the new pre-school because people don't stop at the stop sign.

Richard Markham, 315 Dover Drive, thanked Councilman Chavez for the letter of recommendation he wrote. He stated cars are not stopping for people in crosswalks. Mr. Markham asked how Carl's Jr. is coming along.

Jaime stated the water rates keep going up and people won't be able to afford to pay.

Abraham Jimenez, 127 Dover Street, stated that crosswalks are needed on Dover Street near Valle Vista School.

Lupe Martinez, 1215 Lexington Street, asked for follow-up on the motion made at the March 19 meeting to establish a committee regarding utility rates. He stated we need a full-time interpreter. Mr. Martinez stated the city needs to give more notice that public hearings will be held. He stated notice is given the Friday before the council meeting. He added that the council needs to be more sensitive to our community.

Lena Mae Jones, 1116 Lexington Street, stated she has been trying for 30 years to get something named after the Jones family and Martin Luther King Jr.

Nathan Ford, 1314 Belmont Street, stated that R&F has breached its contract and the city has not done anything about it.

Moved by Councilman Aguirre, seconded by Councilman Chavez and unanimously carried by all those present to hear Item #13 at this time.

Item #13) Possible sale or lease of property located at 2727 W. Industry Way, APN 520-120-09 owned by the City of Delano.

Mayor Pro Tem Ramirez announced that this item will be discussed in closed session, but anyone in the audience may address the council regarding it.

Delia Serrano, Central California Association of Public Employees/SEIU Local 521, stated that there is a lot of information going around and CCF employees would like to bring their concerns to the council.

Jeffery Stevenson, Julio Cortez, Maria Sykes, Jose Perez, and Chris Simmons all stated they had worked at the Delano CCF and spoke in support of the City keeping and operating the CCF. Several stated they had worked at private CCF's as well as at the Delano CCF. They stated there would be a lot of liability involved if the facility was privately operated; inmates have little respect for officers in private facilities; mutual aid is available to public facilities; the public has more respect for officers at public facilities; ORWA inmate work crews provided a savings to the city.

#### **CONSENT AGENDA**

- 1) Warrant Register in the amount of \$1,423,931.84
- 2) Authorization to waive the reading of any ordinance or resolution in its entirety and consenting to the reading of such ordinances or resolutions by title only
- 3) Minutes of regular City Council meeting of March 19, 2012
- 4) Acceptance of donation of \$1,000 from Delano Car Club for repair of water fountain at Jefferson Park
- 5) Renewal of contract with Liebert Cassidy Whitmore for special services Agreement No. 2012-24

- 6) Award of contract for the 2011 State funded Safe Routes to School (SR2S) School Traffic Safety Educational and Public Outreach Program Services to Youth Educational Sports, Inc. in the amount of \$20,500 and authorize the mayor to sign the construction contract Agreement No. 2012-25
- 7) Acceptance of the improvements for the west side fire station 37 apparatus room addition project and authorizing the filing of the notice of completion
- 8) Resolution No. 2012-28 of the City Council of the City of Delano approving right-of-way dedication to the State of California and directing the mayor to sign deeds (State Route 99 / Woollomes Avenue interchange)
- 9) Accept proposal of BCR Consulting in the amount of \$6,200 for an historical evaluation of Fire Station No. 34 and the Community Development Department building Agreement No. 2012-26

Moved by Councilman Chavez, seconded by Councilman Aguirre, and unanimously carried by all those present to approve the Consent Agenda.

#### **PUBLIC HEARINGS**

- 10) Public hearing #2012-07: Resolution of the City Council of the City of Delano finding that the State Route 99 / Woollomes Avenue bridge widening project is substantially complex under Public Contract Code Section 7201

Mr. Dowling presented the staff report.

Mayor Pro Tem Ramirez asked for public comments. There were no public comments.

Mayor Pro Tem Ramirez closed the public hearing.

Moved by Councilman Chavez, seconded by Councilman Aguirre and unanimously carried by all those present to adopt Resolution No. 2012-29 finding that the State Route 99 / Woollomes Avenue bridge widening project is substantially complex under Public Contract Code Section 7201.

#### **REGULAR AGENDA**

- 11) Approve plans and specifications for the new spray park to be located at Caesar Chavez Park and authorize the City Clerk to advertise for bids

Mr. Dowling presented the staff report.

There was discussion regarding the spray park replacing the swimming pool located at Ellington Park.

Ethel Pickering, Richard Markham, Nathan Ford, Ruben Pascual, and Angel Diaz spoke against taking out the existing swimming pool.

Moved by Councilman Chavez, seconded by Councilman Aguirre and unanimously carried by all those present to table this item to the next meeting.

- 12) Request from California Consulting to increase the retainer fee from \$3,000 to \$3,500 per month

Ms. Reyna introduced Liz Gomez of California Consulting who presented the staff report.

Moved by Councilman Aguirre, seconded by Councilwoman Morris and unanimously carried to approve the increase in the retainer fee for California Consulting from \$3,000 to \$3,500 per month.

- 13) Possible sale or lease of property located at 2727 W. Industry Way, APN 520-120-09 owned by the City of Delano

Mr. Peake announced that this item will be discussed in closed session. There was public discussion earlier in the meeting.

### **DEPARTMENTAL REPORTS**

No items

### **COUNCIL STATEMENTS AND REPORTS**

Councilman Aguirre no items

Councilman Chavez no items

Councilwoman Morris no items

Councilman Ramirez no items

Mayor Vallejo absent

### **CLOSED SESSION**

Moved by Councilman Chavez, seconded by Councilman Aguirre, and unanimously carried by all those present that the City Council adjourn to Closed Session at 7:00 p.m. The City Clerk was excused. Mayor Pro Tem Ramirez was appointed Acting City Clerk. The City Attorney and City Manager were asked to remain.

- 14) Conference with real property negotiators Maribel Reyna, Chief DeRosia, and Alan Peake regarding possible sale or lease of property located at 2727 W. Industry Way, APN 520-120-09 owned by the City of Delano with respect to price, terms, and conditions of sale or lease to MTC; govt. code section 54956.8
- 15) Conference with legal counsel: Social Pacific Construction Corp. vs. City of Delano et al and FluidIQ vs. City of Delano; pursuant to govt. code section 54956.9(a)
- 16) Conference with legal counsel: potential initiation of litigation (one case); govt. code section 54956.9(c)
- 17) Conference with labor negotiators Maribel Reyna, Alan Peake, Rosa Rios, and Acting Human Resources Director Noemi Zamudio regarding negotiations with the Central California Association of Public Employees / SEIU Local 521 (miscellaneous)

employees unit, correctional officers and custodial officers / jailers employee unit); govt. code section 54956.7

- 18) Conference with labor negotiators Maribel Reyna, Alan Peake, Rosa Rios, and Acting Human Resources Director Noemi Zamudio regarding negotiations with MEG employee group; govt. code section 54956.7
- 19) Conference with labor negotiators Maribel Reyna, Alan Peake, Rosa Rios, and Acting Human Resources Director Noemi Zamudio regarding negotiations with the Delano Police Officers Association; govt. code section 54956.7

### **RETURN TO GENERAL SESSION**

Moved by Councilman Ramirez, seconded by Councilwoman Morris and unanimously carried to reconvened in Open Session at 8:24 p.m. Mr. Peake provided a report on closed session as follows:

- 14) Information was provided; no action taken.
- 15) Information was provided; no action taken.
- 16) Information was provided and by unanimous consent direction was given.

Councilman Aguirre received a call and left the meeting during the discussion of item #17.

- 17) Information was provided; no action taken.
- 18) Information was provided; no action taken.
- 19) Information was provided; no action taken.

### **ADJOURNMENT**

Moved by Councilman Chavez, seconded by Councilwoman Morris, and unanimously carried to adjourn the meeting at 8:25 p.m.

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Phyllis A. Kraft, City Clerk