

MINUTES

CITY OF DELANO CITY COUNCIL – REGULAR MEETING April 16, 2012

CALL TO ORDER

Mayor Vallejo called the meeting to order at 5:32 p.m. in the City Hall Council Chambers, 1015 – Avenue.

FLAG SALUTE

Councilwoman Morris led the flag salute.

ROLL CALL

Council members present: Aguirre, Chavez, Morris, Ramirez, Vallejo
Council members absent: none

OFFICIALS PRESENT

City Manager Reyna, City Attorney Alan Peake, City Clerk Kraft, Finance Director Rios, Police Chief DeRosia, Community Development Director Cariño, City Engineer Dowling, Acting Human Resources Director Zamudio

PRESENTATIONS AND AWARDS

Proclamation Declaring April 22 – 28 as National Crime Victims' Rights Week in the City of Delano

Proclamation Declaring May 2012 as Building Safety Month

ITEMS FROM THE PUBLIC

Steve Yue, 1313 Thomas Way, stated he has owned and worked with dogs for many years. He has called the police regarding barking dogs at 2:00 a.m. Mr. Yue distributed to council members copies of an article regarding the City of Los Angeles ordinance regarding barking dogs.

Abraham Jimenez asked when transit will resume operation on Saturdays and asked when workshops regarding utility billing are scheduled. He said he has heard rumors that Wal-Mart is not coming. Mayor Vallejo asked staff to have a report on transit on the next agenda. Workshops have not yet been scheduled. She reported that the Wal-Mart project is moving forward.

Richard Markham, 315 Dover Street, stated the city needs to take care of barking dogs. He stated that something needs to be done with the old ice house at High Street and Garces Highway. Mr. Markham noted that cars are not stopping for people in crosswalks.

Ethel Pickering, 102 Dover Place, stated her dogs barks when someone is in the alley and she is not going to let anyone make her stop the dog from barking.

Abraham Jimenez stated he lives near Mrs. Pickering and he is not going to stop his dogs from barking. He added that police officers are doing a great job.

Cornel Markham asked Councilman Ramirez when they are going to meet. He stated he will plan a march to city hall and then to Bakersfield to bring awareness to his cause.

Lena Mae Jones, 1116 Lexington Street, asked when something will be named for the Jones and Posey families and for Martin Luther King Jr. She stated we need to change the days for yard sales and change the price for permit. Mayor Vallejo asked that yard sales item be on a future agenda.

Emily Gorospy, 1114 Weaver Avenue, stated she is 7 years old and has valley fever and cannot play outside when the air is bad. She stated she wants more trees to be planted to make the air quality better.

Valarie Gorospy, 1114 Weaver stated she would like to see more trees planted. She stated she is glad the item regarding yard sales will be on a future agenda.

Roberto Ibarra, 1815 – Avenue, expressed concerns regarding an article in the newspaper about a manager who raided the general fund. Mayor Vallejo informed him that was the Mosquito Abatement District, not the city.

Nathan Ford stated the alleys are looking clean and Mr. Dowling's crews are doing a good job. He stated the swimming pool has not been maintained. It should be repaired and put back in service. Mr. Ford stated that R&F has breached their contract, and that Delano Family Motors has probably breached their contract. He added that there is an issue with an asbestos company that had their fees waived and that Mr. Davis owes the city money.

CONSENT AGENDA

- 1) Warrant Register in the amount of \$1,000,957.20
- 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 April 2, 2012
- 4) Minutes of special City Council meeting of April 5, 2012, 3:00 p.m.
- 5) Minutes of special City Council meeting of April 5, 2012, 5:15 p.m.
- 6) Minutes of Community Law Enforcement Liaison Board meetings of January 19, 2012, and March 15, 2012
- 7) Accept donation of \$675.00 from Paramount Community Giving to Delano Senior Citizens Center
- 8) Approve site access agreement with the Department of Toxic Substances Control (DTSC) for the purpose of testing various locations in Delano for the presence of tetrachloroethylene (PCE) Agreement No. 2012-27
- 9) Resolution No. 2012-30 of the City Council of the City of Delano approving a rental agreement between Mr. Gary Langston and the City to rent cloverleaf hangar #H-5 at the Delano Municipal Airport Agreement No. 2012-28

- 10) Resolution No. 2012-31 of the City Council of the City of Delano approving a rental agreement between Mr. Gary Ayers and the City to rent cloverleaf hangar #H-6 at the Delano Municipal Airport Agreement No. 2012-29
- 11) Resolution No. 2012-32 of the City Council of the City of Delano approving a rental agreement between Ms. Debra Kerns and the City to rent cloverleaf hangar #H-9 at the Delano Municipal Airport Agreement No. 2012-30
- 12) Resolution No. 2012-33 of the City Council of the City of Delano approving a rental agreement between Mr. Francis J. Jones and the City to rent shelter #S-3 at the Delano Municipal Airport Agreement No. 2012-31
- 13) Resolution No. 2012-34 of the City Council of the City of Delano approving a rental agreement between Dr. Paul Vincent, dba Palmetto Ranch and the City to rent port-a-port #P-3 at the Delano Municipal Airport Agreement No. 2012-32
- 14) Resolution No. 2012-35 of the City Council of the City of Delano approving a rental agreement between Mr. W.L. "Skip" Tyler, dba Castle Custom Services and the City to rent port-a-port #P-8 at the Delano Municipal Airport Agreement No. 2012-33
- 15) Approval of contract change order #3 with Steve Dovali Construction in the amount of \$38,781 for additional work at water well #31 Agreement No. 2012-34
- 16) Award of contract for the installation of arsenic removal equipment on existing wells 22 & 26 (a component of the city's arsenic mitigation project) to Brough Construction, Inc. in the amount of \$2,996,400 (pending State approval) and authorize the Mayor to sign the construction contract Agreement No. 2012-35
- 17) Award bid for rehabilitation of existing water well no. 20 (a component of the city's arsenic mitigation project) to Bakersfield Well & Pump Co. in the amount of \$147,200 (pending state approval) Agreement No. 2012-36

Mayor Vallejo asked that item #4 be pulled for discussion. Councilman Ramirez asked that item #15 be pulled for discussion.

Moved by Councilwoman Morris, seconded by Councilman Ramirez, and unanimously carried to approve the Consent Agenda with items #4 and #15 pulled for discussion.

Item #4) City Clerk Kraft noted an error in the minutes. The meeting was held at the Civic Center, 1009 – Avenue, not at the Council Chambers.

Moved by Mayor Vallejo, seconded by Councilman Ramirez and unanimously carried to approve item #4 with the correction stated.

Item #15) Councilman Ramirez asked why there is an overrun and how it is being addressed. Mr. Dowling explained that, in order not to have delays in the whole arsenic remediation project, various jobs are put out for bid before Edison is able to provide all their necessary information for construction. Because of this practice, change orders are necessary from time to time for the various jobs. Staff has asked for bigger contingency amounts to cover the electrical service from Southern California Edison on other jobs to avoid this problem.

Moved by Councilman Aguirre, seconded by Councilman Chavez and carried by the following vote to approve item #15. AYES – Aguirre, Chavez, Morris, Vallejo NOES - Ramirez

PUBLIC HEARINGS

- 18) Public Hearing #2012-08: Resolution of the City Council of the City of Delano adopting an abandoned building registration fee pursuant to Ordinance No. 2012-1244 (Registration and Maintenance of Abandoned Properties) adopted March 19, 2012

Ms. Cariño presented the staff report.

Mayor Vallejo asked for public comments.

Valarie Gorospy, 1114 Weaver Avenue, asked for the definition of “well-kept.”

Richard Markham, 315 Dover Drive, stated that some homes have been empty for a long time and homeless people go in them and start fires.

Roberto Ibarra, 1815 – Avenue, stated that in past years the city had a program to provide funds to individuals to build homes. He tried ten times to get the funds, but was not successful. He asked how he can get some property.

Ethel Pickering asked how much the fee would be and how often it would have to be paid.

Nathan Ford told of a house in a community where he previously lived that had been in litigation as to who the owner was for twenty years.

Mayor Vallejo closed the public hearing.

Staff and council replied to the public comments. The ordinance indicates abandoned property is that which becomes a public nuisance or would cause the devaluation of other property. This item is to set the fee for registration only. It does not address funds provided to individuals. The fee is applicable to properties that are abandoned and going through the default process. Ms. Cariño also noted that the city has an account with Kern Data to be able to identify property owners. Mr. Peake noted that this is for bank owned property.

Moved by Councilman Ramirez, seconded by Councilman Chavez and unanimously carried to adopt Resolution No. 2012-36 adopting an abandoned building registration fee.

REGULAR AGENDA

- 19) Approval to enter into negotiations with Chevron Barn LLC for acquisition and development of 22100 Woollomes Avenue

Ms. Reyna presented the staff report. She stated the committee chose Chevron Barn LLC and they are here to make a presentation.

Max Bacerra, Maximus III Development, introduced Raj Dillon, Deep Grewal, Nirmal Gil, and Pripal Bhogal. Mr. Dillon gave a power point presentation describing the proposed project. He stated they will meet with Home Depot regarding purchase of some of their property and access. He added they are financially ready to go. Mr. Dillon noted the property already has electrical, water, and sewer in place.

Emily Gorospy, 1114 Weaver Avenue, asked if they would have trees on the property. Mr. Dillon replied that they will plant whatever trees she wants.

Moved by Councilman Ramirez, seconded by Councilman Chavez and unanimously carried to enter into negotiations with Chevron Barn LLC for acquisition and development of 22100 Woollomes Avenue.

Mayor Vallejo called a recess at 7:03 p.m. The meeting reconvened at 7:11 p.m.

DEPARTMENTAL REPORTS

No items

COUNCIL STATEMENTS AND REPORTS

Councilwoman Morris reported the Relay for Life event held April 14-15, 2012, collected \$164,000 and broke the previous record. The turn-out was fabulous.

Councilman Chavez stated the Relay for Life was a nice event and everyone had a fun time.

Councilman Aguirre stated we need to look at the way we handle fees very carefully.

Councilman Ramirez no items

Mayor Vallejo stated the Relay for Life was an amazing accomplishment (due to the inclement weather) and everyone liked the closeness having the event in the high school quad rather than on the football field.

CLOSED SESSION

Moved by Councilman Ramirez, seconded by Councilman Chavez, and unanimously carried that the City Council adjourn to Closed Session at 7:16 p.m. The City Clerk was excused. Mayor Vallejo was appointed Acting City Clerk. The City Attorney and City Manager were asked to remain.

- 20) Conference with legal counsel: Workers Comp Claim of Reneka Hunter vs. City of Delano pursuant to govt. code section 54956.9(a)
- 21) Conference with legal counsel: Morales vs. City of Delano pursuant to govt. code section 54956.9(a)

RETURN TO GENERAL SESSION

Moved by Councilman Chavez, seconded by Councilman Ramirez and unanimously carried to reconvened in Open Session at 7:47 p.m. Mr. Peake provided a report on closed session as follows:

- 20) Information was provided and by unanimous consent direction was given.
- 21) Information was provided; no action taken.

ADJOURNMENT

Moved by Councilman Ramirez, seconded by Councilman Chavez, and unanimously carried to adjourn the meeting at 7:48 p.m.

Phyllis A. Kraft, City Clerk