

**MINUTES**

**CITY OF DELANO  
CITY COUNCIL – REGULAR MEETING  
May 7, 2012**

**CALL TO ORDER**

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

**FLAG SALUTE**

Councilman Aguirre 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

Ms. Reyna announced that the city has translation equipment that staff would like to use tonight on a trial basis, and asked if anyone needs translation or would like to try the equipment and provide an evaluation to staff. Mr. Ibarra asked to use the equipment.

Ms. Reyna introduced Interim Transportation Manager Hesham Elshazly.

Councilman Ramirez reported that Mr. and Mrs. Chaney will be traveling to Washington D.C. to meet Jeremy Staat and Wesley Barrientos who are making a bicycle ride from Bakersfield to Washington DC to raise awareness of and support for our nation's veterans. He asked that a letter from the City and Council be presented to them along with keys to the city.

**PRESENTATIONS AND AWARDS**

Proclamation Declaring May 13 – 9, 2012 as Poppy Week in the City of Delano

**ITEMS FROM THE PUBLIC**

Steve Yue, 1313 Thomas Way, stated there are no ash trays nor trash cans at City Hall and there is no camera nor projection screen in the council chambers.

Abraham Jimenez asked if the senior nutrition program with the county will be renewed and if the city will get grant funding for Saturday transit. He was informed that the senior program is funded through a grant that runs for four years and for which the city has applied. There will be a transit report presented later during the meeting.

Lon Chaney introduced American Legion Post Commander John Medina. He also introduced Jockey Rojas who attended Boys State last year and was recently notified that he was awarded the Gates Millennium Scholarship. Mr. Chaney announced he and his wife will go to Washington D.C. to meet Jeremy Staat and Wesley Barrientos who are making a bicycle ride from Bakersfield to Washington DC to raise awareness of and support for our nation's veterans.

Ruby Hill, 1018 Albany Street, asked that the Ellington pool not be taken out, but only closed until money is available and it can be repaired.

Roberto Rivera, 1815 – Avenue, stated he is distressed by the low participation at last week's workshop. He noted there was no advertisement for the workshop. Councilman Ramirez informed Mr. Rivera that this workshop was put on by KernCOG, not the city.

Richard Markham thanked Mr. Ford for his article in the newspaper encouraging people to come to council meetings. He stated something needs to be done with the building at Garces and High Street. He added that he agrees with Mr. Hill regarding the pool.

Lilly Williams, 1818 Belmont Street, informed Council that SaveMart has a program to save city pools.

Lena Mae Jones, 1116 Lexington Street, stated that the city needs to name something after the Jones family and Martin Luther King Jr. She said the city needs to black-top the alley behind her house and the Catholic church.

Chris Rodriguez, 1014 ½ Lexington Street agreed with Mrs. Jones about the alleys. He asked what happened to the \$125 ticket he paid regarding yard sales.

Chris Rivera, Bakersfield, spoke in support of Mr. Davis' project behind Starbucks. He stated he has nothing to do with Mr. Davis, but the building is good for Delano.

Ethel Pickering, 102 Dover Place, asked what is happening with the pool and what happened to the money paid for swim lessons. She asked if the city will bus children to the high school for swim lessons.

Valarie Goropsy, 1114 Weaver, asked about a bus to transport children for swim lessons. She asked that nothing be done yet to turn the pool into a spray park. She noted that the KernCOG workshop was advertised in the Shopper in English only. Councilman Aguirre stated he has received calls about the workshop. He is on the KernCOG board, but was unaware of the workshop.

Greg Davis, 1815 Glenwood Street, stated he has had 24 cancellations for use of his facility. He was issued a temporary occupancy permit nine months ago that states the building is in compliance. He has a letter from Ms. Reyna, Mr. Brown, and Nick Dunn stating he would be issued a permit when four items were completed. Councilman Aguirre asked this item be placed on future agenda. Ms. Reyna stated that staff will continue to work with Mr. Davis.

Margie Luque-Felix, 1737 Dover, stated that the statement made by Mayor Vallejo earlier during the meeting that council is not the boss is unacceptable.

Nathan Ford, 1314 Belmont, informed Council that there was an item on Channel 23 regarding the pool. He added that a lot of people want the pool.

Abraham Jimenez thanked Mr. Davis for bringing his project to Delano.

Angel Diaz, 501 High Street, stated that it is a sad day when Council says they are not in charge.

### **CONSENT AGENDA**

- 1) Warrant Register in the amount of \$3,431,051.42
- 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 16, 2012
- 4) Minutes of special City Council meeting of April 23, 2012
- 5) Minutes of special City Council meeting of April 30, 2012
- 6) Minutes of regular Planning Commission meeting of January 11, 2012; regular Planning Commission meeting of February 8, 2012; special Planning Commission meeting of February 22, 2012; and regular Planning Commission meeting of March 14, 2012
- 7) Acceptance and approval of City of Delano Quarterly Investment Report for the Quarter Ended March 31, 2012
- 8) Renewal of City health plans for the period July 1, 2012 through June 30, 2013, with Health Net and Kaiser in the amount of \$1,911,819.80; drop the PPO plan with Health Net; renew the dental plan with Premier Access in the amount of \$95,248.44. Premier Agreement No. 2012-44; Kaiser Agreement No. 2012-45; Health Net Agreement No. 2012-46
- 9) Approve Certificate of Acceptance of Dedication of Right of Way on County Line Road from Rashpal Singh Bains and giving a No Build Easement on new police building property
- 10) Approval to contract for professional services for review of building plans and building inspections

Moved by Councilman Ramirez, seconded by Councilman Chavez and unanimously carried to pull item #9 from consent and discuss after item #11.

Moved by Councilman Chavez, seconded by Councilman Ramirez, and unanimously carried to approve the Consent Agenda with item #9 pulled for discussion after item #11.

### **PUBLIC HEARINGS**

- 11) Public hearing #2012-09: Resolution of the City Council of the City of Delano finding the new police station project substantially complex under Public Contract Code Section 7201

Mr. Dowling presented the staff report.

Mayor Vallejo asked for public comments.

Ethel Pickering, 102 Dover Place, asked what will be done with the old police building. She was informed this item is not regarding the use of the old facility.

Mayor Vallejo closed the public hearing.

Councilman Ramirez asked the benefits of designating this project substantially complex and expressed concern with the possibility of the project going over budget. There was brief discussion.

Moved by Councilwoman Morris, seconded by Councilman Aguirre and carried by the following vote to adopt Resolution No. 2012-40 finding the new police station project substantially complex under Public Contract Code Section 7201. AYES: Aguirre, Chavez, Morris, Vallejo NOES: Ramirez

Item #9) Approve Certificate of Acceptance of Dedication of Right of Way on County Line Road and giving a No Build Easement on new police building property.

Mr. Dowling presented the staff report. Mr. Peake added that it should be not to build habitable structures.

Moved by Councilman Chavez, seconded by Councilwoman Morris and carried by the following vote to approve the Certificate of Acceptance of Dedication of Right of Way on County Line Road subject to legal counsel changes with respect to making sure it states "non-habitable." AYES: Aguirre, Chavez, Morris, Vallejo NOES: Ramirez

- 12) Public hearing #2012-10: Resolution of the City Council of the City of Delano approving the 2012-2013 Action Plan and authorizing the City Manager to execute all documents required by the U.S. Department of Housing and Urban Development to receive Community Development Block Grant funding

Ms Reyna presented the staff report.

Mayor Vallejo asked for public comments. There were no public comments.

Mayor Vallejo closed the public hearing.

Moved by Councilman Ramirez, seconded by Councilman Chavez and unanimously carried to adopt Resolution No. 2012-41 approving the 2012-2013 Action Plan, and authorizing the City Manager to execute all documents required by the U.S. Department of Housing and Urban Development to receive Community Development Block Grant funding.

- 13) Public hearing #2010-11: Resolution of the City Council of the City of Delano accepting funding plan from the 2012 Byrne Justice Assistance Grant (Byrne JAG) in the amount of \$18,716.00

Chief DeRosia presented the staff report.

Mayor Vallejo asked for public comments. Richard Markham asked that council give the police department whatever it needs.

Mayor Vallejo closed the public hearing.

Moved by Councilman Ramirez, seconded by Councilman Chavez and unanimously carried to adopt Resolution No. 2012-42 accepting funding plan from the 2012 Byrne Justice Assistance Grant (Byrne JAG) in the amount of \$18,716.

Mayor Vallejo called a recess at 6:53 p.m. The meeting was reconvened at 7:02 p.m.

### **REGULAR AGENDA**

#### 14) Discussion of garage sales in residential properties

Chief DeRosia presented the staff report.

Abraham Jimenez, 127 Dover Street, stated the city should allow more sales per year and charge only \$10 per permit.

Dana Rodriguez, 1629 – Avenue, stated some organizations hold garage sales to raise money for scholarships. The penalties should be stiffer.

Ethel Pickering, 102 Dover Place, stated she goes to yard sales because she needs things and everything in her house is from yard sales.

Richard Markham asked council not to compromise and to leave it as it is now. He added that people can go to sales in Earlimart and Richgrove.

Lena Mae Jones, 1116 Lexington Street, stated people have to sell a lot of things to make money. She asked the cost of a permit be changed to \$10 and the days changes to Friday, Saturday, and Sunday.

Veronica Galvin, 2320 Thomas Way, stated she buys clothes and furniture at yard sales and having only 2 sales is not enough.

(unable to understand name) 2209 College Drive, stated the newspaper restricts wording in the ads for a yard sale and requires the seller to show their permit to place an advertisement. She stated it is insulting to restrict the number of sales per year. Sales should be the first weekend of the month and there should be no charge for permits.

Roberto Rivera, 1815 – Avenue, stated we have a weak economy.

Nathan Ford stated those living at a high level sometimes forget to look at those living on a lower level. There is no reason to restrict the hours or the sale.

Pauline agreed with what had been said. She added that going to sales is a form of recreation.

Arnold Morrison, 1808 Terrace Drive, stated yard sales are not about making money for him, but providing an opportunity for others to buy electronics he no longer needs.

Abraham Jimenez stated people have no money in January but they do in July when they work.

There was discussion by council regarding the following items: the ordinance needs to be less restrictive but we do not want to go back to how it was before; make four zones in the city and have sales by zones every month; the violation fees are too high; maybe sales should be held once or twice a month in warmer weather with longer hours during the day when it is practical; the need to find happy medium; four times per year is not sufficient; sales should be allowed on Friday, Saturday, and Sunday; sales should be held when people get state checks.

Staff was directed to bring a proposal back for council consideration.

- 15) Consideration of agreement with Cal-Sierra Financial, owner of Tracts 6326 Phases A & B for advancement of funds, reimbursement and indemnification

Mr. Peake asked that items #15 and #16 be addressed together. He stated the final maps with street names have been recorded. The tracts are in default. The agreements presented here will not be entered into until the developer agreement is entered into.

There was brief discussion regarding parks, street names, and the bond.

Tom Newsom, Pacific Holt, stated the bond is to the city. The developers are agreeable regarding a park. The demand for houses is starting to come back. They have builders who want to come and they want to proceed as soon as possible.

Moved by Councilman Ramirez, seconded by Councilman Chavez and unanimously carried to approve an agreement with Cal-Sierra Financial, owner of Tracts 6326 Phases A & B for advancement of funds, reimbursement and indemnification, subject to the developer agreement being entered into. Agreement No. 2012-47

- 16) Consideration of agreement with Pacific Holt, Inc., developer of Tracts 6327 Phases A & B, for advancement of funds, reimbursement and indemnification

Moved by Councilman Ramirez, seconded by Councilman Chavez and unanimously carried to approve an agreement with Pacific Holt, Inc., developer of Tracts 6327 Phases A & B for advancement of funds, reimbursement and indemnification, subject to the developer agreement being entered into. Agreement No. 2012-48

- 17) Appointment of Planning Commission members

Ms. Reyna stated staff is requesting this item be continued to the next meeting.

Moved by Councilman Chavez, seconded by Councilman Ramirez and unanimously carried to continue this item to May 21, 2012.

- 18) Appointment of member to serve on the League of California Cities South San Joaquin Valley Division Executive Board

Ms. Reyna presented the staff report.

Moved by Councilman Chavez, seconded by Councilman Aguirre and unanimously carried to appoint Councilwoman Morris to serve on the League of California Cities South San Joaquin Valley Division Executive Board.

- 19) Appointment of Council Members Aguirre and Chavez to serve of the City's Utility Rates Committee

Ms. Reyna presented the staff report.

Moved by Councilwoman Morris, seconded by Councilman Ramirez and unanimously carried to appoint Councilman Aguirre and Councilman Chavez to serve on the City's Utility Rates Committee.

- 20) Request from Harvest Holiday's Inc. for City co-sponsorship of the Fall Golf Classic equivalent to the amount of \$220.00

Ms. Reyna presented the staff report. She noted the city cannot waive fees but can co-sponsor events.

There was discussion regarding the possibility of other organization deciding to request co-sponsorship for their events and the city's deficit.

Moved by Councilman Aguirre, seconded by Councilman Chavez and carried by the following vote to co-sponsor the Harvest Holiday's Fall Golf Classic. AYES: Aguirre, Chavez, Morris, Vallejo NOES: Ramirez

- 21) Discussion and direction regarding approval for Council Members to attend the 2012 Annual League of California Cities Conference September 507, 2012, in San Diego

Ms. Reyna presented the staff report.

Moved by Mayor Vallejo, seconded by Councilman Aguirre and unanimously carried to appropriate funds and approve one council member attendance at the League conference.

- 22) **ACTIONS BY CITY COUNCIL AS SUCCESSOR AGENCY TO THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF DELANO**

- a) Enter into an Exclusive Right to Negotiate Agreement with Grapevine Advisors, LLC in reference to the Block H project area

Ms. Reyna presented the staff report.

Moved by Councilman Ramirez, seconded by Councilwoman Morris and unanimously carried to enter into an Exclusive Right to Negotiate agreement with Grapevine Advisors, LLC in reference to the Block H project area for up to six months. Agreement No. 2012-49

- b) Approval of the Recognized Obligation Payment Schedule for the period July through December 2012

Ms. Reyna presented the staff report.

Moved by Councilman Ramirez, seconded by Councilwoman Morris and unanimously carried to adopt Resolution No. 2012-43 approving the Recognized Obligation Payment Schedule for the period July through December 2012.

## DEPARTMENTAL REPORTS

### 23) Transit

Ms. Zamudio presented the staff report. The Saturday fixed route was stopped due to the loss of drivers, however Dial-A-Ride ridership has gone up. Moore Associates has completed their study and the report should be ready next month. Staff is looking for funding for Saturday routes.

Ms. Reyna reported that the floors have been installed in the technology center and the equipment will be coming May 16. Staff hopes to have the center completed in June or early July. Chief DeRosia has met with staff regarding security for the center. Staff has met with the cemetery board regarding purchase of land near the technology center.

## COUNCIL STATEMENTS AND REPORTS

Councilman Aguirre gave a public apology to Valarie Gorospy regarding comments he made regarding the KernCOG workshop.

Councilman Chavez no items

Councilwoman Morris thanked the city and staff for participation in the Cinco de Mayo celebration.

Councilman Ramirez no items

Mayor Vallejo thanked Mr. Dowling and his crew for the landscape work done at the technology center.

## CLOSED SESSION

Moved by Councilman Ramirez, seconded by Councilman Chavez, and unanimously carried that the City Council adjourn to Closed Session at 9:53 p.m. The City Clerk was excused. Mayor Vallejo was appointed Acting City Clerk. The City Attorney and City Manager were asked to remain.

- 24) Conference with legal counsel: Morales vs. City of Delano pursuant to govt. code section 54956.9(a)
- 25) Public Employees Performance Evaluation, City Attorney; government code 54957

## RETURN TO GENERAL SESSION

Moved by Councilman Ramirez, seconded by Councilman Chavez and unanimously carried to reconvened in Open Session at 9:25 p.m. Mr. Peake provided a report on closed session as follows:

- 24) Information was provided and by unanimous consent direction was given.
- 25) The evaluation was performed.

## ADJOURNMENT

Moved by Councilman Ramirez, seconded by Councilman Chavez, and unanimously carried to adjourn the meeting at 9:26 p.m.

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Phyllis A. Kraft, City Clerk