

MINUTES

CITY OF DELANO CITY COUNCIL – REGULAR MEETING June 18, 2012

CALL TO ORDER

Mayor Vallejo called the meeting to order at 5:30 p.m. in the City Hall Council Chambers, 1015 – Avenue.

FLAG SALUTE

Councilman Chavez led the flag salute.

ROLL CALL

Council members present: Aguirre, Chavez, Morris, Ramirez (arrived 5:56 p.m.), 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 recognizing Maria Christina Martinez, high school student, for her volunteer service in the Community Development Department

Presentation by Jim Moore, Moore & Associates, on the 2012 Transit Development Plan.

ITEMS FROM THE PUBLIC

Cornell Markham stated it has been a year since he asked for his item to be on the agenda. He stated that county supervisors have told him to go to city.

Richard Markham, 315 Dover Drive, stated he had sent a letter to council members regarding garage sales and that Mayor Vallejo had said that garage sales would not go back to the way it was before.

Abraham Jimenez, 127 Dover Street, stated that some transit drivers told him they only work 30 hours and have no benefits. He asked that the city make them full-time. He stated the city should get Saturday transit going first, then work on Sunday service. He stated the council did a good job on garage sales.

Steven Yue, 1313 Thomas Way, stated that a year ago Angel Diaz published an ad in the newspaper reporting how much staff are paid. He noted that half of those staff do not live in Delano and have no vested interest in the quality of life in the city.

Lupe Martinez, 1215 Lexington Street, announced there will be training with Smart Value Places, in conjunction with the city, on Saturday, June 23, 10:00 a.m. to 2:00 p.m. at the Center for Race, Poverty, and the Environment office regarding housing. This is part of the six training sessions held with the city. The last two will be on housing and the environment. He introduced Lauren Ritcher, Development Director for CRPE and noted there were several people in the audience who are visiting Delano.

Roberto Ibarra, 1815 – Avenue, stated that the bus schedule should be clearer and less confusing. He suggested there should be service to industrial areas such as Sears and Paramount.

CONSENT AGENDA

- 1) 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
- 2) Warrant Register in the amount of \$2,554,978.40
- 3) Minutes of regular City Council meeting of June 4, 2012
- 4) Minutes of special City Council meeting of June 11, 2012
- 5) Approve overage payment of audit fees in the amount of \$10,000 to Mayer Hoffman McCann P.C.
- 6) Authorization for Chief of Police and Sergeant Nicholson to travel to northern California regarding CCF issues, June 20 – 21, 2012
- 7) Acceptance of the improvements for well 31 equipping project and authorize the staff to file the notice of completion with the County Recorder
- 8) Acceptance of the improvements for the arsenic mitigation project drilling of wells 35 and 38 and authorizing the filing of the notice of completion
- 9) Approve extension of contract with Kleinfelder West, Inc. (Agreement No. 2003-06) to provide for the continued remediation of underground soil contaminants at the City of Delano corporation year, appropriate \$91,200 for the existing project; and authorize the City Manager to execute the agreement Agreement No. 2012-76
- 10) Award contract for the re-bid 2012 Energy Efficiency and Conservation Block Grant (EECBG) to Langton Wayne, Inc. in the amount of \$249,500 and authorize the mayor to sign the construction contract Agreement No. 2012-77
- 11) Agreement between city and Raimi and Associates to complete a Healthy Delano and Wellness Element and Sustainable Element Agreement No. 2012-78

Staff requested item #6 be pulled for discussion. Councilwoman Morris requested item #9 be pulled for discussion.

Moved by Councilman Ramirez, seconded by Councilman Chavez, and unanimously carried to approve the Consent Agenda with items #6 and #9 pulled for discussion.

Item #6) Chief DeRosia informed council that the meeting schedule has to be changed due to conflicts and stated that staff will travel June 19 and 20, not June 20 and 21. Moved by Councilman Ramirez, seconded by Councilman Chavez and unanimously carried to approve item #6 with the change of dates.

Item #9) Councilwoman Morris asked for clarification regarding the procedures and techniques and how long the process will continue. Mr. Dowling provided more detail and noted the project will probably be completed by the end of the year. Moved by Councilwoman Morris, seconded by Councilman Ramirez and unanimously carried to approve item #9.

PUBLIC HEARINGS

- 12) Public hearing #2012-12: Second reading and final adoption of Ordinance No. 2012-1245 of the City of Delano amending Section 6.22.050, 6.22.060, 6.22.140 and adding Section 6.22.150 to Chapter 6.22 of the Delano Municipal Code regarding residential garage sales

Chief DeRosia presented the staff report. He noted that since the first reading of the ordinance, it has been brought to staff's attention that the State Board of Equalization requires a seller's permit be obtained by anyone who holds more than two sales per year. The police department will not be enforcing this, but a notice will be included on the permit.

Mayor Vallejo asked for public comments.

Richard Markham, 315 Dover Drive, stated that council had said the sales would not go back the way it was. He added that it will be difficult to control and that twelve yard sales is not fair to residents.

Steve Yue, 1313 Thomas Way, asked why the police do not enforce the Board of Equalization requirements. Chief DeRosia explained the department is not set up to enforce BOE laws and the main focus is enforcing the city ordinance.

Abraham Jimenez, 127 Dover Street, asked council not to take away the yard sales and that some people need them. He added that the chief and his staff are doing a wonderful job.

Lupe Martinez, 1215 Lexington Street, asked council to consider that restrictions harm people who have to go to yard sales. He stated it is good that we have a compromise.

Mayor Vallejo closed the public hearing.

Moved by Councilman Aguirre, seconded by Councilwoman Morris and unanimously carried to approve the second reading and final adoption of Ordinance No. 2012-1245

- 13) Public hearing #2012-13: Resolution of the City Council of the City of Delano confirming the benefit assessment of all maintenance districts within the City of Delano for fiscal year 2012-2013 and authorizing the County of Kern to make collection of same

Mr. Dowling presented the staff report. He stated that sufficient funds are collected with the existing rates and no increase is proposed.

Mayor Vallejo asked for public comments.

Roberto Ibarra, 1815 – Avenue, stated the notice is confusing and should be simpler. He noted that not everyone got a notice. It was explained that only those living in a maintenance district received a notice.

Lupe Martinez, 1215 Lexington Street, stated the notice is confusing and makes it seem that another amount will be added. It also makes it sound as if a written protest will remove the property owner from having to pay. He asked about Prop 218. He was informed there will be no increase so this is not a Prop 218 issue.

Mayor Vallejo closed the public hearing.

Moved by Councilman Chavez, seconded by Councilman Ramirez and unanimously carried to adopt Resolution No. 2012-52 confirming the benefit assessment of all maintenance districts within the city for fiscal year 2012-2013 and authorizing the County of Kern to make collection of same.

REGULAR AGENDA

- 14) Appoint two members to the Planning Commission

Ms. Reyna presented the staff report.

Moved by Councilwoman Morris, seconded by Councilman Ramirez and unanimously carried to appoint Anthony Gonzalez to another term on the Planning Commission.

Moved by Councilman Ramirez to appoint Ralph Markham to another term on the Planning Commission. No second.

Moved by Councilman Chavez, seconded by Councilman Aguirre and carried by the following vote to appoint Terrance Monrian to serve on the Planning Commission effective June 21. AYES: Aguirre, Chavez, Vallejo NOES: Morris, Ramirez

DEPARTMENTAL REPORTS

- 15) Transit

This report was presented earlier during the meeting.

- 16) Cecil Avenue Signals

Mr. Dowling reported on changes that will be made to the signal at Cecil Avenue and High Street. Due to a federal safety advisory issued a few years ago, the CUP and the railroads inspected crossings that are interconnected to signals and made recommendations. The timing will be changed and new signage will be put up.

COUNCIL STATEMENTS AND REPORTS

No items

CLOSED SESSION

Moved by Councilman Chavez, seconded by Councilman Ramirez, and unanimously carried that the City Council adjourn to Closed Session at 6:53 p.m. The City Clerk was excused. Mayor Vallejo was appointed Acting City Clerk. The City Attorney and City Manager were asked to remain.

- 17) Conference with legal counsel: United Industries Group, Inc.. vs. V. Lopez & Sons and City of Delano pursuant to govt. code section 54956.9 (a)
- 18) Conference with legal counsel: Socal Pacific Construction, Corp. vs. V. Lopez & Sons and City of Delano pursuant to govt. code section 54956.9 (a)

RETURN TO GENERAL SESSION

Moved by Councilman Ramirez, seconded by Councilman Aguirre and unanimously carried to reconvened in Open Session at 7:06 p.m. Mr. Peake provided a report on closed session as follows:

- 17) Information was provided and by unanimous consent direction was given
- 18) Information was provided. No action taken

ADJOURNMENT

Moved by Councilman Ramirez, seconded by Councilman Aguirre, and unanimously carried to adjourn the meeting at 7:07 p.m.