

## **MINUTES**

### **CITY OF DELANO CITY COUNCIL – REGULAR MEETING July 2, 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**

Councilman Ramirez led the flag salute.

#### **ROLL CALL**

Council members present: Aguirre, Chavez, Morris, Ramirez (arrived 5:41 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, Acting Human Resources Director Zamudio, Associate Engineer Edgardo Galero

#### **PRESENTATIONS AND AWARDS**

Ms. Cariño introduced the new Associate Planner Tendai Mtunga.

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

Robert Ibarra, 1815 – Avenue, stated that the maintenance district for the brick wall for which he pays an assessment is of no benefit to him. He noted that traffic on Inyo turning onto Cecil Avenue is obstructed by bushes.

Steven Yue, 1313 Thomas Way, stated he would like to have colored lights on the timer for public speakers at council meetings, and the meetings should be filmed so public can view archived meetings.

Abraham Jimenez, 127 Dover Street, stated he had heard a rumor that Delano is getting ready to file for bankruptcy. He stated that the Housing Authority project near his home on Dover Street runs water all day. He asked when we will get Saturday transit service.

The following spoke regarding water rates: Maria Martinez, 1215 Lexington Street; Rosie Hernandez, 318 Captain Street; Javier Cruz, 2210 Via Espinoza Street; Pablo Avalos, 10297 Hiatt Avenue; Ida Caceres, 403 Captain Street; Gloria Herrera, 51 – Avenue; Gloria Lopez; Lupe Martinez, 1215 Lexington Street; Arturo Garcia, 1214 LaVina Street; Federico Sanchez

Cornell Markham asked if any council members have looked into his case. Mr. Peake provided some background regarding this case to Council and explained that Mr. Markham had filed a claim that was rejected for being filed late. The process for filing a late claim has been explained to Mr. Markham.

Roberto Ibarra, 1815 – Avenue, asked what Measure I (one cent sales tax) funds are used for and suggested another one cent sales tax to be for utilities.

Remy Verduco stated we need a mall to bring employment and shopping opportunities to the city.

Delia Serrano, representative for the employees' unions, stated the need to educate the public regarding utility billing. She asked what happened at the special meeting in Taft regarding a JPA for corrections. Ms. Serrano asked if the \$3 million given to Mr. Arredondo 4 or 5 years ago was paid back. She was informed he was not given the \$3 million and the other monies loaned to him were from the RDA.

Maria Sykes, CCF employee, asked for response to the request for an extension for laid-off CCF staff.

Nathan Ford, 1314 Belmont Street, stated that a utility rate increase is absolutely necessary.

Abraham Jimenez, 127 Dover Street, stated everyone has to have water and the city has to charge for it.

### **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 \$1,014,718.82
- 3) Minutes of regular City Council meeting of June 18, 2012
- 4) Minutes of special City Council meeting of June 13, 2021
- 5) Minutes of special Joint City Council meeting of June 21, 2012 with Cities of Taft and Coalinga
- 6) Renewal of contract with Davey Administration Group for the city's flexible spending plan (employee cafeteria plan or Section 125 plan) for the period July 1, 2012 through June 30, 2013, and authorize the city manager to sign Agreement No. 2012-80
- 7) Renewal of contract with Liebert Cassidy Whitmore for special services for the period July 1, 2012 through June 30, 2013, in the amount of \$2,040 Agreement No. 2012-81
- 8) Approval of staff's enrollment in an online training by Drug Testing Network, Inc. in the amount of \$120, to be completed in July 2012
- 9) Acceptance of donation of \$25,000 from Delano Regional Medical Center for the Senior Nutrition Program
- 10) Authorization for staff attendance and expense reimbursement in the amount of \$279.07, for Smart Valley Places Conference in Modesto on May 31, 2012
- 11) Approval of indemnification agreement with Kern County Local Agency Formation for annexation no. 52, consisting of 172 acres located south of the Delano Marketplace site, west of Garzoli Avenue, and north of Schuster Road Agreement No. 2012-82
- 12) Ratification of emergency irrigation well repair performed by S.A. Camp, Pump & Drilling Co. for the amount of \$42,597 (irrigation well located ½ mile north of Schuster Road and ½ mile east of Wasco Pond Road on City property currently being leased by Ron & Don Mettler Farms)
- 13) Approve addendum to the City Attorney agreement to extend the term to June 2014 Agreement No. 2012-83

Councilman Ramirez asked that item #13 be pulled for discussion.

Moved by Councilman Chavez, seconded by Councilman Ramirez, and unanimously carried to approve the Consent Agenda with item #13 pulled for discussion.

Councilman Ramirez asked how the monthly rate was determined and what extraordinary legal services are. Mr. Peake explained that the annual budget amount was divided by twelve and read from the original agreement regarding extraordinary services. Mr. Ramirez asked for a comparison with other firms in six months to find if the rates are competitive.

Moved by Councilman Ramirez, seconded by Councilman Chavez and unanimously carried to approve item #13.

### **PUBLIC HEARINGS**

No items

### **REGULAR AGENDA**

- 14) Approval of a Memorandum of Understanding agreement between the City of Delano and the Delano Joint Union High School District for the purpose of providing a summer recreation swim program located on the Delano High School campus to the residents of Delano

Ms. Reyna presented the staff report.

There was discussion regarding the budget, the staff to be hired, the cost of the lift, and the length of the program.

Moved by Councilman Aguirre, seconded by Councilman Chavez and carried by the following vote to approve a Memorandum of Understanding agreement between the City of Delano and the Delano Joint Union High School District regarding a summer recreation swim program. AYES: Aguirre, Chavez, Morris, Vallejo NOES: Ramirez Agreement No. 2012-84

- 15) Approval to sell a 10,546 square foot (0.24 acre) land parcel located southwest of the State Highway 99 – Woollomes Avenue interchange to Delano Retail Center, APN 521-050-11

Ms. Cariño presented the staff report. Mr. Peake asked that council include in the motion any minor changes to the agreement approved by the city manager.

Moved by Councilman Chavez, seconded by Councilwoman Morris and unanimously carried to approve the sale of a land parcel APN 521-050-11 to Delano Retail Center with any minor changes to the agreement approved by the city manager. Agreement No. 2012-85

- 16) Approval of Conveyance Agreement by and between the City of Delano and Chevron Barn, LLC for 22100 Woollomes Avenue, APN: 521-020-14-00-5

Ms. Reyna presented the staff report. She asked that Item #13 be changed to state “21 days.” She noted that the funds received from the sale of the property will go back to the traffic impact fund.

Max Bacerra spoke on behalf of the developers and stated they are prepared to move forward.

Moved by Councilman Ramirez, seconded by Councilman Chavez and unanimously carried to approve a conveyance agreement with Chevron Barn for 22100 Woollomes Avenue. Agreement No. 2012-86

## DEPARTMENTAL REPORTS

No items

## COUNCIL STATEMENTS AND REPORTS

Councilwoman Morris wished everyone a happy of July and asked everyone to consider how blessed we are to live in this country.

Councilman Chavez thanked staff for all the work they do beyond their normal duties.

Mayor Vallejo thanked staff for all the work they do. She noted that council members' families pay the price for the work and time the council members devote to their position.

Councilman Aguirre noted that a lot of business ventures will be approaching staff with the types of projects that we are not used to seeing and encouraged staff to work with them and think outside the box.

Councilman Ramirez no items

Mr. Peake noted that item #17 should have been listed under regular items as well as closed session to give anyone in the audience the opportunity to speak about the item. Mayor Vallejo read the title and asked if anyone in the audience had any comments. There were no public comments.

## CLOSED SESSION

Moved by Councilman Ramirez, seconded by Councilman Chavez, and unanimously carried that the City Council adjourn to Closed Session at 7:54 p.m. The City Clerk was excused. Mayor Vallejo was appointed Acting City Clerk. The City Attorney and City Manager were asked to remain.

Councilman Ramirez left the meeting.

- 17) 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

## RETURN TO GENERAL SESSION

Moved by Councilman Chavez, seconded by Councilman Aguirre and unanimously carried to reconvened in Open Session at 8:42 p.m. Mr. Peake provided a report on closed session as follows:

- 17) Information was provided and by unanimous consent of all those present, direction was given.

## ADJOURNMENT

Moved by Councilman Aguirre, seconded by Councilman Chavez, and unanimously carried to adjourn the meeting at 8:43 p.m.

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Phyllis A. Kraft, City Clerk