

MINUTES

CITY OF DELANO CITY COUNCIL – REGULAR MEETING July 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

Councilman Aguirre led the flag salute.

ROLL CALL

Council members present: Aguirre, Chavez, Morris, Vallejo

Council members absent: Ramirez

OFFICIALS PRESENT

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

PRESENTATIONS AND AWARDS

Proclamation Declaring July 27 – 29, 2012 as Philippine Weekend

ITEMS FROM THE PUBLIC

Nathan Ford, 1314 Belmont Street, stated that at the July 10, meeting disparaging remarks were made about city employees and the speaker should apologize. He stated that city employees work hard and some citizens don't appreciate it. He noted that the proposed rate increase is minimal, and the city can't do repairs or re-pay its loans without money.

Steve Yue, 1313 Thomas Way, reported that July 4, was nightmare, and that people have a right to privacy. He stated there is no trash can at city hall. He asked why the signal at Cecil Avenue and Norwalk Street turns into 4-way stop at 10:00 p.m.

Jane Tucker, Bakersfield, spoke about California Against Slavery and the CASE act, California Against Sexual Exploitation known as Proposition 35. She asked that Council formally endorse Proposition 35.

Cornell Markham spoke about his case. Councilman Aguirre offered to meet with Mr. Markham.

Robert Murillo, 713 – Place, thanked council and Ms. Reyna for working to keep the city moving forward. He thanked those who attended the town hall meeting. Mr. Murillo stated for the record that during the recent difficult times, city employees are working with skeleton crews. In the past ten years the city has doubled and services provided have increased tremendously. Employees realize the value of the services they provide and the value of the customers in the community. When employees hear citizens bashing city employees due to one or two individuals who are misleading them and agitating some community members, staff hope council members can inform the public how much city employees are working to keep services going.

Roberto Ibarra apologized for the last town hall meeting and stated that citizens have to show respect for council members. He apologized to Councilman Aguirre regarding toxic waste. He spoke about water issues in Kettleman City and asked if we are also getting money from the California Department of Public Health. Mr. Ibarra stated that he wants answers from council regarding issues brought to them. He talked about interest swap and asked if the city has any loans with that type of financing. He was informed we do not. Mr. Ibarra stated that city employees should have ID's.

Abraham Jimenez, 127 Dover Street, apologized for the town hall meeting. He asked the chief to have security at town hall and city council meetings. Mr. Jimenez reported that the Housing Authority near his home runs water every day 4:00 a.m. – 6:00 a.m.

Richard Markham, 315 Dover Drive, stated that Main Street looks like a third-world country. He asked what is happening with Carl's Jr. and noted that it looks like work has stopped on the El Pollo Loco. He stated that we need a Foods Co. and to keep on top of Wal-Mart.

Ethel Pickering, 102 Dover Place, thanked Chief DeRosia for work the police department is doing and also thanked the council for job they're doing on the water project.

Alicia Valenzuela, CCF employee, asked council to decide soon on an extension for laid-off employees.

Lena Mae Jones stated that most of the town hall meeting was conducted in Spanish and not everyone there could understand so they left the meeting. She is still waiting on naming something.

Lupe Martinez, 1215 Lexington Street, thanked Councilman Aguirre, Councilman Chavez, and Ms. Reyna for attending the July 10 meeting. He stated there were a lot of complaints presented but that was not purpose of the meeting. He added that the community lacks information and education on how the city runs. He stated the need for more rules on who runs the town hall meetings and if the meetings should continue. Mr. Martinez informed those present that CRPE has been working on the water issue in Kettleman City since the early 80's and that the water there has other contaminants. He asked if items #6, 7, and 8 on this agenda will be paid from part of the bonds or if additional funds are needed.

Lupe Varga, 200 S. Albany, stated that people at the town hall meeting were very rowdy and rude to the council. She stated the public lacks information and that Lupe Martinez is responsible to give that information to people in the community. She added that negative comments are unnecessary. She noted that some people who were interpreting were giving the wrong impression. Ms. Varga commended Councilman Aguirre and Ms. Reyna on how they conducted themselves.

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 \$1,939,612.61
- 3) Minutes of regular City Council meeting of July 2, 2012
- 4) Approval for Councilwoman Morris to attend the ACCAPS (Association of California Cities Allied with Public Safety) 2012 Summer Conference September 5, 2012, in San Diego
- 5) Resolution No. 2012-53 of the City Council of the City of Delano authorizing submittal of an application to the California State Department of Housing and Community Development for funding under the HOME Investment Partnerships Program; and, if selected, the execution of a standard agreement, any amendments thereto, and of any related documents necessary to participate in the HOME Investment Partnerships

Program; and authorize the City Manager or his/her designee(s) to execute any and all required documents

- 6) Award the project inspector services contract for the new police department headquarters project to Mr. Carl Adams in the amount of \$120,988 and authorize the mayor to sign the professional services contract Agreement No. 2012-87
- 7) Award commissioning service contract for the new police headquarters project to Glumac in the amount of \$58,250 and authorize the mayor to sign the professional service contract Agreement No. 2012-88
- 8) Award contract for special inspections and testing lab services for the new police department headquarters to Krazan & Associates in the amount of \$61,899 and authorize the mayor to sign the contract Agreement No. 2012-89
- 9) Release of funds from developer escrow account to Delano Retail Center in the amount of \$122,501.01
- 9a) Approval of continued support to the Delano Chamber of Commerce in the amount of \$50,000 and the Delano Historical Society in the amount of \$20,000

Councilman Chavez asked that items 6, 7, and 8 be pulled for discussion. Mayor Vallejo asked that item 9a be pulled for discussion.

Moved by Councilman Chavez, seconded by Councilwoman Morris, and unanimously carried by all those present to approve the Consent Agenda with items 6, 7, 8, and 9a pulled for discussion.

Items 6, 7, 8) Councilman Chavez stated that Mr. Martinez had asked if these items are outside the approved budget for the police facility project. Ms. Reyna replied that they are in the budget.

Moved by Councilman Chavez, seconded by Councilwoman Morris and unanimously carried by all those present to approve items 6, 7, and 8.

Item 9a) Mayor Vallejo announced that Councilman Aguirre is excusing himself from discussion of this item due to a conflict of interest. He is a member of the Chamber of Commerce Board of Directors.

Councilwoman Morris noted that the Chamber of Commerce does a lot for the community and the events they sponsor are assets to the community.

Councilman Chavez stated that both organizations are an asset to the community, but due to the budget situation he feels the support should be for a lesser amount.

Mayor Vallejo agreed with Councilman Chavez and noted that the city has had to lay-off employees and other cities do not support their chambers of commerce except for membership fees paid.

Moved by Councilman Chavez, seconded by Mayor Vallejo and failed to pass by the following vote to contribute \$40,000 to the Chamber of Commerce and \$15,000 to the Historical Society. AYES: Chavez, Vallejo NOES: Morris ABSENT: Ramirez ABSTAIN: Aguirre

Moved by Councilman Chavez, seconded by Mayor Vallejo and carried by the following vote to continue this item to the second meeting in August. AYES: Chavez, Morris, Vallejo NOES: none ABSENT: Ramirez ABSTAIN: Aguirre

PUBLIC HEARINGS

- 10) Public hearing #2012-14: Zone Amendment No. 2012-01 regarding signs

Mayor Vallejo announced that staff has requested this item be tabled to allow staff additional time for research and preparation of the staff report.

- 11) Public hearing #2012-15: Zone Amendment No. 2012-02 regarding inconsistencies between Municipal Code Chapters 5 & 11, specifically the Conditional Use Permit requirement for the sale of alcohol, beer and wine

Mayor Vallejo stated that staff has requested this item be continued to August 6, 2012.

Moved by Councilman Chavez, seconded by Councilman Aguirre and unanimously carried to continue the public hearing to August 6, 2012.

REGULAR AGENDA

- 12) Designation of voting delegate and any alternates for the 2012 League of California Cities Annual Conference

Ms. Reyna presented the staff report.

Moved by Councilman Aguirre, seconded by Councilman Chavez and unanimously carried to elect Councilwoman Morris to be the voting delegate and Mayor Vallejo to be the alternate for the 2012 League of California Cities Annual Conference.

DEPARTMENTAL REPORTS

No items

COUNCIL STATEMENTS AND REPORTS

Councilman Chavez thanked staff for trying to educate the public regarding utility rates and stated he is optimistic the city will be able to settle these issues. He thanked the SEIU for their participation in events the past two weekends.

Councilman Aguirre stated the town hall meeting was very interesting and productive and it is good to be able to meet with the public at such a meeting. He would like to see them continue maybe once every quarter. He stated that city officials should have ID's and noted they are necessary during emergencies.

Councilwoman Morris no items

Councilman Ramirez absent

Mayor Vallejo stated that if any council members does not have an ID, one should be issued. She informed the public that the city is not filing for bankruptcy and is getting close to closing the budget gap. She noted that businesses have come to Delano and more are coming. A lot of work is being done such as fixing streets, installing handicap ramps and trimming trees. She thanked everyone for all their work.

Mayor Vallejo called a recess at 6:40 p.m. The meeting reconvened at 7:00 p.m.

CLOSED SESSION

Moved by Councilman Chavez, seconded by Councilwoman Morris, and unanimously carried that the City Council adjourn to Closed Session at 7:00 p.m. The City Clerk was excused. Mayor Vallejo was appointed Acting City Clerk. The City Attorney and City Manager were asked to remain.

- 13) Conference with legal counsel: Workers Comp Claim of Jonathan Musto vs. City of Delano pursuant to govt. code section 54956.9(a)
- 14) Conference with labor negotiators Maribel Reyna, Alan Peake, Rosa Rios, and 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
- 15) Conference with labor negotiators Maribel Reyna, Alan Peake, Rosa Rios, and Human Resources Director Noemi Zamudio regarding negotiations with MEG employee group; govt. code section 54956.7
- 16) Conference with labor negotiators Maribel Reyna, Alan Peake, Rosa Rios, and Human Resources Director Noemi Zamudio regarding negotiations with the Delano Police Officers Association; govt. code section 54956.7

Item #15 was discussed after item #16. Mayor Vallejo excused herself from discussion of item #15 and left the meeting before item #15 was discussed due to a conflict of interest. Her husband is a city employee and a member of the MEG employee group.

RETURN TO GENERAL SESSION

Moved by Councilman Chavez, seconded by Councilwoman Morris and unanimously carried to reconvened in Open Session at 8:49 p.m. Mr. Peake provided a report on closed session as follows:

- 13) Information was provided and by unanimous consent of those present (Aguirre, Chavez, Morris, Vallejo) direction was given.
- 14) Information was provided and by unanimous consent of those present (Aguirre, Chavez, Morris, Vallejo) direction was given.
- 16) Information was provided and by unanimous consent of those present (Aguirre, Chavez, Morris, Vallejo) direction was given.

Mayor Vallejo left the meeting.

- 15) Information was provided and by unanimous consent of those present (Aguirre, Chavez, Morris) direction was given.

ADJOURNMENT

Moved by Councilman Chavez, seconded by Councilwoman Morris, and unanimously carried to adjourn the meeting at 8:50 p.m.

Phyllis A. Kraft, City Clerk