

MINUTES

CITY OF DELANO CITY COUNCIL – REGULAR MEETING August 6, 2012

CALL TO ORDER

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

INVOCATION

Mayor Vallejo asked all those present to observe a moment of silence

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, Human Resources Director Zamudio

PRESENTATIONS AND AWARDS

A plaque was presented to Tony Pagalan on his retirement with 23 years of service to the city.

ITEMS FROM THE PUBLIC

Steve Yue, 1313 Thomas Way, talked about the food channel and food trucks. He presented an article from the Bakersfield Californian regarding food trucks. He asked city to allow food trucks.

Abraham Jimenez, 127 Dover Street, thanked the city for the water which is now very good. He stated that the Housing Authority is wasting water and someone needs to contact them regarding that.

Richard Markham, 315 Dover Drive, stated he would like the city to name the new community center after Martin Luther King Jr. He asked for an up-date on Carl's Jr.

Raj Brar, 2009 Meadow Avenue, stated it is a financial burden to her parents to not have music on their ice cream trucks. She asked the council to consider amending the ordinance.

Suzanne Villaruz, 1808 Terrace Drive, stated the alley between Terrace Drive and Terrace Place need to be fixed. Because of the way it was repaired in the past, it is high and water runs onto properties. She stated the police responded to an incident in an abandoned house next to hers and drew guns but did not notify residents. She noted that the new El Pollo Loco seems to be taking too long to complete.

Roberto Ibarra, 1815 – Avenue, asked about any future development on property on Garces Highway near the post office and who takes care of water at DRMC's garden. He asked if there are plans for a Costco here. He stated he agrees with Mr. Markham regarding naming something for Martin Luther King.

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 \$2,573,940.84
- 3) Minutes of regular City Council meeting of July 16, 2012
- 4) Minutes of Planning Commission meetings of April 11, 2012; May 9, 2012; June 13, 2012; June 20, 2012
- 5) Accept Annual City Council Travel Report for fiscal year 2011-2012
- 6) Approval of open purchase orders for \$35,000 or more for the period July 1, 2012 to December 31, 2012
- 7) Approval of staff attending Department of Child Support Garnishment Workshop on August 15, 2012
- 8) Approval of HR Director attending an ERMA workshop on "Discipline Process for Disabled Employees" on August 29, 2012
- 9) Approval to fund the Family Fun Day in the amount of \$4,000
- 10) Approval of Certificate of Acceptance for waterline easement from 99¢ Only Stores Resolution No. 2012-55
- 11) Award of contract for the airport fencing project to Rudnick Fence Company (pending FAA approval) in the amount of \$45,235 and authorize the mayor to sign the construction contract Agreement No. 2012-90
- 12) Approval of recommended changes to the traffic signal at the Cecil Avenue and High Street intersection

Councilman Aguirre asked that item #6 be pulled for discussion. Mr. Peake asked that item #10 be pulled for discussion.

Moved by Councilman Ramirez, seconded by Councilman Chavez, and unanimously carried to approve the Consent Agenda with items #6 and #10 pulled for discussion.

Item 6) Councilman Aguirre asked for any backup regarding what is being approved. Ms. Rios and Mr. Dowling explained this is for water meters being installed on those properties currently on flat rate.

Moved by Councilman Aguirre, seconded by Councilman Ramirez and unanimously carried to approve item #6.

Item 10) Mr. Peake explained that this item requires a resolution that was not included in the agenda packet. The resolution has been distributed to the council members.

Moved by Councilman Ramirez, seconded by Councilman Chavez and unanimously carried to approve item #10.

PUBLIC HEARINGS

- 13) Public hearing #2012-15, Continued from July 16: Introduction and first reading of an ordinance amending Title 20 of the Delano Municipal Code regarding the sale of alcohol, beer and wine

Mrs. Cariño presented the staff report.

Mayor Vallejo asked for public comments.

Bill Hylton, 1515 – Avenue, stated that Delano has the highest alcohol consumption rate in the county and council should make it as hard as possible to sell liquor.

Richard Markham stated he is against alcohol and the sale of it needs to stop.

Mayor Vallejo closed the public hearing.

There was brief discussion regarding any impact on police calls, what is classified as live entertainment, and what triggers the requirement for a conditional use permit.

Moved by Councilman Ramirez, seconded by Councilwoman Morris and carried by the following vote to approve the introduction and first reading of Ordinance No. 2012-1246 amending Title 20 of the Delano Municipal Code by revising Table 5.A within Chapter 20.5.30 thereof to delete the requirement for approval of a conditional use permit to allow alcohol sales for on-site consumption within restaurants, except for distilled spirits or hard liquor, and amending Chapter 20.11.50(2)(b) thereof to add language retaining the conditional use permit requirement for restaurants that serve distilled spirits or hard liquor for on-site consumption. AYES: Chavez, Morris, Ramirez, Vallejo NOES: Aguirre

REGULAR AGENDA

- 14) Report – water rate committee

No council action required – information only.

Ms. Reyna reported that the city has been doing community out-reach via TV, the city's web site and flyers as well as meeting with representatives of elected officials throughout the county including our congressman and state assemblyman. The committee has also met with the city's consultant for grants. The committee discussed potential solutions such as proposed changes to billing process from account based to property parcel based; increase the rates by a small percentage monthly instead of larger annual increase; and a proposed sales tax to be used for enterprise funds only. Staff will meet with our consultant to start a rate study and get numbers for increase and will come back to council.

Lupe Martinez also spoke for the committee. He stated the proposed sales tax would be used for utilities only. He noted that city funds cannot be used to campaign for any measure and the city leaders have to figure out how to do a campaign for the November election.

There was discussion regarding the August 10 deadline for submission of a measure for the November election; whether a tax measure can be voted on in a special election; the required two-thirds vote to pass a special-use tax; putting a measure on the June ballot.

Roberto Ibarra stated the city has spent \$75,000 on Welldan, the consultant for water rates, and California Consulting has not gotten any grants for the city.

Maria Martinez stated the city attorney is making excuses and the tax measure can be done. More committee meetings would be a waste of time. Farm workers will suffer with a rate increase.

Abraham Jimenez stated there is a legal side. Mr. Martinez has great ideas, but there is not enough time. Issues have to be considered and done right.

Javier Cruz spoke about his water bill and the senior discount. People with pools waste money. Farm workers are the ones who elect the council.

Nathan Ford asked why this is being made so complicated. The more we complicate the issue the more expensive it is. He stated council should decide this issue and then move on to other issues.

- 15) Possible acquisition of property located next to 140 W. Avenue, APN 520-010-08 owned by North Kern Cemetery District

Mr. Peake announced that this item will be discussed in closed session. It is listed on the regular agenda to allow for any public comments.

Roberto Ibarra, 1815 – Avenue stated he is concerned with the condition of the road behind Home Depot and said the city should improve it. He was informed it is not a road. It is private property and people should not be driving there.

- 16) Possible acquisition of property located south of the MAOF (Mexican American Opportunities Foundation Day Care Center located south of Diaz Avenue), APN 422-010-30 owned by Max Bacerra

Mr. Peake announced that this item will be discussed in closed session. It is listed on the regular agenda to allow for any public comments. There were no public comments.

Mr. Peake noted that regarding items #16 and #18, the owner of the property is Maximus III Company.

DEPARTMENTAL REPORTS

Mr. Peake reported that the State has suspended parts of the Brown Act (open meetings), however the city will continue to comply with the act.

COUNCIL STATEMENTS AND REPORTS

Councilwoman Morris reported the Philippine Weekend was a great event.

Councilman Chavez no items

Councilman Aguirre requested council consider the Historical Society be given a fireworks booth every year. He asked the council to consider changing the mayor position to an office elected by the city at large for a four year term.

Councilman Ramirez stated that the signal light at Cecil Avenue and Norwalk Street should go to blinking one hour later than the current schedule. He noted that council has gone dark for 1 or 2 meetings in August in past years. He stated that council needs to make a decision on water rates.

Mayor Vallejo requested that the group that puts on the fireworks show be given fireworks booth. She is glad the water committee recommended water billing be done by parcel. She thanked those who put on Philippine Weekend.

CLOSED SESSION

Moved by Councilman Ramirez, seconded by Councilman Chavez, and unanimously carried that the City Council adjourn to Closed Session at 7:08 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 real property negotiators Maribel Reyna and Alan Peake regarding possible acquisition of property located next to 140 W. Avenue, APN 519-010-08 owned by North Kern Cemetery District with respect to price, terms, and conditions of sale or lease; govt. code section 54956.8
- 18) Conference with real property negotiators Maribel Reyna and Alan Peake regarding possible acquisition of property located south of the MAOF (Mexican American Opportunities Foundation Day Care Center located south of Diaz Avenue), APN 422-010-30 owned by Max Bacerra with respect to price, terms, and conditions of sale or lease; govt. code section 54956.8
- 19) Conference with legal counsel: potential threat of litigation (one case); govt. code section 54956.9(b)
- 20) Conference with legal counsel: potential initiation of litigation (two cases); govt. code section 54956.9(c)

RETURN TO GENERAL SESSION

Moved by Councilman Chavez, seconded by Councilman Ramirez and unanimously carried to reconvened in Open Session at 8:30 p.m. Mr. Peake provided a report on closed session as follows:

- 17) Information was provided and by a vote of 4-1 direction was given.
- 18) Information was provided and by unanimous consent direction was given.
- 19) Information was provided and by unanimous consent direction was given.
- 20) For the first case, information was provided and by unanimous consent direction was given. For the second case, information was provided and by unanimous consent direction was given.

ADJOURNMENT

Moved by Councilman Aguirre, seconded by Councilman Ramirez, and unanimously carried to adjourn the meeting at 8:31 p.m.

Phyllis A. Kraft, City Clerk