

MINUTES

CITY OF DELANO CITY COUNCIL – REGULAR MEETING September 4, 2012

CALL TO ORDER

Mayor Vallejo called the meeting to order at 5:30 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

Councilman Chavez led the flag salute.

ROLL CALL

Council members present: Aguirre (arrived 5:39 p.m.), Chavez, Ramirez, Vallejo
Council members absent: Morris

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

Mayor Vallejo announced the Community Safety Saturday event to be held September 8, on Main Street.

ITEMS FROM THE PUBLIC

Bill Hylton announced that Mr. Valadao will be at Perko's September 11, from 8:00 to 9:00 to discuss High Speed Rail.

Dwain Smith, 726 Washington Street, asked the council members if they had read the memo he sent them. He spoke regarding the reduced amount of financial support the council approved for the Delano Historical Society and asked that council reconsider and vote again on the city's contribution.

Richard Markham, 315 Dover Drive, stated that the area near Garces Highway and High Street looks better since the building there was taken down. He stated there is a need to clean up the area near the Delano Theater on Main Street. He asked how Carl's Jr. is coming along.

Abraham Jimenez stated the assistant cook for senior nutrition has left and asked if the cook's position could be made full time. He thanked Ms. Reyna and Chief DeRosia for his certificate.

Don Hiatt, 33648 Hart Avenue, stated he supports the comments made by Mr. Smith and added that the city needs to support the Historical Society.

Roberto Ibarra, 1815 – Avenue talked about Mr. Davis' project and noted that it is closed and not generating any tax for the city. He stated the Historical Park is nice. Mr. Ibarra asked if there are any inspections for people over-watering their lawn and said that water is running down Randolph Street.

Linda Hylton, 1515 – Avenue, stated no fines have been imposed regarding misuse of water.

Arnold Morrison, 1808 Terrace Drive, reported that the yellow light on the signal at Cecil Avenue and Fremont Street is out.

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 \$3,825,444.37 (total is for two check runs)
- 3) Minutes of regular City Council meeting of August 20, 2012
- 4) Approval for Finance Director to attend two day training of Government Finance Officers Association (GFOA) September 12 – 13, 2012, in Sacramento
- 5) Resolution No. 2012-56 of the City Council of the City of Delano providing for the adjustment of property tax revenues upon local agency jurisdictional change resulting from Annexation Number 52, LAFCO Proceeding Number 1644
- 6) Release funds from developer escrow account to Delano Retail Center (Delano Market Place) per the developer escrow agreement for the required offsite improvements, in the amount of \$291,260.95, Payment Application No. 02 and 03
- 7) Award of contract for the 2012 Airport Pavement Reconstruction Project to Central Valley Asphalt (pending FAA approval) in the amount of \$307,997.65 and authorize the mayor to sign the construction contract Agreement No. 2012-91

Councilman Ramirez asked that item #6 be pulled for discussion.

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

Item #6) Councilman Ramirez asked for an update on this item for the benefit of the audience. Mr. Dowling reported the developer deposited funds in an escrow account in lieu of a bond. The funds are released as the work is completed.

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

PUBLIC HEARINGS

- 8) Public hearing #2012-16: Resolution of the City Council of the City of Delano approving a Transportation Development Plan for the City of Delano Transportation Department

Mrs. Zamudio presented the staff report.

Mayor Vallejo asked for public comments.

Abraham Jimenez asked if the program will begin in 2013 and how we can have Sunday service if we do not have Saturday service. Mrs. Zamudio explained that the funds will be available January 2013. She noted that items listed in the plan are recommendations and not all will be implemented.

Bill Hylton, 1515 – Avenue, stated that several years ago a public hearing was held in Bakersfield regarding additions to the Amtrak route, including Delano, but the plan was not passed due to cost.

Roberto Ibarra asked if there will be bus service to Bakersfield College. He was informed there will be.

Mayor Vallejo closed the public hearing.

There was some discussion regarding fare box recovery. Bob Snoddy, KernCOG, explained the city would lost the difference between actual fare box recovery and what it should be per federal regulations.

Moved by Councilman Ramirez, seconded by Councilman Chavez and unanimously carried to adopt Resolution No. 2012-57 approving a Transportation Development Plan.

- 9) Public hearing #2012-17: Resolution of the City Council of the City of Delano approving federal funding under FTA Section 5316 – Job Access / Reverse Commute and the Toll Road Authority from the California Department of Transportation

Mrs. Zamudio 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. 2012-58 approving federal funding under FTA Section 5316 – Job Access / Reverse Commute and the Toll Road Authority from the California Department of Transportation.

- 10) Public hearing #2012-18: Resolution of the City Council of the City of Delano accepting \$475,928 in COPS Hiring Program grant funding and authorizing the City Manager and Chief of Police to execute documentation to the U.S. Department of Justice in support of said grant 2012UMWX0023

Mayor Vallejo announced that staff is requesting this item be continued to September 17, 2012.

Moved by Councilman Chavez, seconded by Councilman Ramirez and unanimously carried to continue the public hearing to September 17, 2012.

- 11) Public hearing #2012-19: Resolution of the City Council of the City of Delano approving the 2011-2012 CDBG Consolidated Annual Performance and Evaluation Report, and authorizing the City Manager to execute all documents required by the U.S. Department of Housing and Urban Development

Mrs. Castro presented the staff report.

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

Mayor Vallejo closed the public hearing.

Moved by Councilman Chavez, seconded by Councilman Ramirez and unanimously carried to adopt Resolution No. 2012-59 approving the 2011-2012 CDBG Consolidated Annual Performance and Evaluation Report, and authorizing the City Manager to execute all documents.

REGULAR AGENDA

No items

DEPARTMENTAL REPORTS

No items

COUNCIL STATEMENTS AND REPORTS

Councilman Aguirre stated that Delano Regional Medical Center uses the city's marketing CD and will put it on their web site. He suggested it be updated on an annual basis. Councilman Aguirre asked if the trash hauler had paid the franchise fees for 2012 and stated it is misleading to public to say we have no funds when we are not collecting fees.

Councilman Chavez no items

Councilwoman Morris absent

Councilman Ramirez no items

Mayor Vallejo no items

CLOSED SESSION

Moved by Councilman Chavez, seconded by Councilman Ramirez, and unanimously carried that the City Council adjourn to Closed Session at 6:34 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 Aguirre left the meeting.

- 12) Conference with legal counsel: David Gutierrez & Monica Sabala vs. City of Delano pursuant to govt. code section 54956. 9(a)
- 13) Conference with legal counsel: Tapia vs. City of Delano pursuant to govt. code section 54956. 9(a)

RETURN TO GENERAL SESSION

Moved by Councilman Ramirez, seconded by Councilman Chavez and unanimously carried to reconvened in Open Session at 6:48 p.m. Mr. Peake provided a report on closed session as follows:

- 12) Information was provided and by unanimous consent, direction was given.
- 13) This item was not discussed due to a lack of quorum (Council Members Aguirre and Morris absent; Councilman Chavez had a conflict of interest)

ADJOURNMENT

Moved by Councilman Ramirez, seconded by Councilman Chavez, and unanimously carried to adjourn the meeting at 6:49 p.m.

Phyllis A. Kraft, City Clerk