

MINUTES

CITY OF DELANO CITY COUNCIL – REGULAR MEETING November 19, 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

Councilwoman Morris led the flag salute.

ROLL CALL

Council members present: Aguirre, Chavez, Morris, Ramirez (arrived 5:48 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, Human Resources Director Zamudio, Interim Recreation Manager Batth

Moved by Councilman Chavez, seconded by Councilwoman Morris and unanimously carried to hear Departmental Reports at this time.

DEPARTMENTAL REPORTS

Mr. Dowling noted there was a tragic accident November 14, at the intersection of Browning Road and Summer Drive. He reported that the city is doing a study regarding the intersection at Avenue and Browning Road and will add the intersection at Summer Drive to the study. Cameras will be installed by the consultant to collect data for 24 hour periods. Data from the past three years will also be reviewed. The study will take about three weeks to complete. Mr. Dowling also noted that the Traffic Safety Committee will meet in January and will be looking at the intersections along Garces Highway. He reported that in the past two years flashing yellow lights were added at intersections as part of the Safe Routes to Schools program.

Chief DeRosia reported that the traffic investigation team is doing an investigation of the accident. The final report will be sent to the Highway Patrol for review.

PRESENTATIONS AND AWARDS

No items

ITEMS FROM THE PUBLIC

Richard Markham; Chris Quiniones, 2437 Campania Drive; Valarie Gorospe; Angel Diaz, 501 High Street; Mario Reyes, 2242 Santa Barbara Circle; Sunshine West, 2022 County Line Road; Lena Mae Jones, 1116 Lexington Street; Anna Marie Sanchez, 1311 Quincy Street and Principal at Albany Park School; Abraham Jimenez; Ethel Pickering, 102 Dover Place; Jordan Davis, 1871 – Place; Lupe Martinez; Linda Hinojosa addressed the Council. They spoke about the need for safety for pedestrians and bicyclists; the need for police officers to patrol intersections; a fatal accident earlier in the month; partnership between the city and schools; the need for crosswalks on Garces Highway and on Avenue; the need for more crossing guards; and it was suggested a street be named for Shaylyn Pinoliar, the student who died in the accident.

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 \$2,226,953.76
- 3) Minutes of regular City Council meeting of November 5, 2012
- 4) Acceptance and approval of the City of Delano Quarterly Investment Report dated November 19, 2012 for the quarter ended September 30, 2012
- 5) Amendment to Lease Agreement #1996-12 with Alfred L. Good dba ALG Enterprises for hangar PR-2 at the Delano Municipal Airport
- 6) Resolution of the City Council of the City of Delano approving a lease agreement with B&D Morris Farms and authorizing the mayor to sign the Wastewater Municipal Farm Lease
- 7) Approval of Cost Sharing Agreement for implementation of the Kern Integrated Regional Water Management Plan and authorizing the city manager to execute the agreement
- 8) Approval of plans and specifications for the 2012 Animal Shelter Shade Structure Project to be fully funded by material donations and volunteer labor under the City's direction
- 9) Ratification of emergency sewer and water line repair project by Brough Construction for an amount not to exceed \$120,000; Jefferson / Main Street alley north and south sides of Avenue
- 10) Resolution of the City Council of the City of Delano authorizing staff to file a claim to Kern Council of Governments for Public Transit for fiscal year 2012-2013
- 11) Authorize the City Manager to implement ADP Time and Attendance system and sign the ADP Time and Labor Management Agreement

Lupe Martinez asked that item #9 be pulled for discussion.

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

Item #9) Mr. Martinez asked why the city does not have expertise and equipment to maintain and repair the water and sewer lines. Mr. Dowling explained that the size of the project was the issue and there was

a danger to the public health. The city has manpower and equipment to do smaller projects, but this project had to be done quickly. There were also problems with an Edison utility pole and a sink hole.

Moved by Councilman Aguirre, seconded by Councilman Ramirez and unanimously carried to approve agenda item #9.

PUBLIC HEARINGS

No items

REGULAR AGENDA

- 12) Adoption of urgency ordinances and introduction and first reading of ordinances amending City of Delano Pension Plan by adding a new Article 9 and amending the City of Delano Municipal Code 2.52 by adding new Section 2.52.092

Ms. Zamudio presented the staff report. Ed Bernard of HansonBridgett, legal counsel for pension related items, explained the requirements of AB340 and the proposed ordinances. The proposed changes will bring the City's Pension Plan into compliance with the new law.

Moved by Councilman Ramirez, seconded by Councilman Chavez and unanimously carried to:

- a) adopt Ordinance No. 2012-1247, an urgency ordinance amending the City of Delano Pension Plan by Adding a New Article 9
- b) approve the introduction and first reading of Ordinance No. 2012-1248 of the City Council of the City of Delano amending the City of Delano Pension Plan by adding a new Article 9
- c) adopt Ordinance No. 2012-1249, an Urgency Ordinance of the City Council of the City of Delano amending the City of Delano Pension Plan by adding a new Section 2.52.092 to Chapter 2.52 of the Delano Municipal Code
- d) approve the introduction and first reading of Ordinance No. 2012-1250 of the City Council of the City of Delano amending the City of Delano Pension Plan by adding a new Section 2.52.092 to Chapter 2.52 of the Delano Municipal Code.

- 13) Authorize the city manager to execute change in telephone service provider from Sprint / Nextel to Verizon Wireless

Ms. Rios presented the staff report.

Moved by Councilman Chavez, seconded by Councilman Aguirre and unanimously carried to authorize the city manager to execute change in cellular phone service provider from Sprint / Nextel to Verizon Wireless.

- 14) Approval of proposed rate adjustments for water, sewer, refuse, and street sweeping to be included in the Proposition 218 Notice

Mr. Dowling presented the staff report. He introduced Greg Tobler of Willdan Financial, who presented additional information.

There was discussion regarding the rate study and the proposed increases.

Moved by Councilman Aguirre, seconded by Councilwoman Morris and unanimously carried to approve the proposed rate adjustments for water, sewer, refuse, and street sweeping to be included in the Proposition 218 Notice, and instruct staff to start the process for the 218 election.

- 15) Resolution of the City Council of the City of Delano to amend the user fee schedule for the public use of the Delano Soccer Park

Ms. Batth presented the staff report. She stated staff is requesting the Organized Tournament Cleanup Fee be changed from \$25 to \$100. Mr. Peake noted that the charge for Police Call Out – Occurrence should state “ or subsequent Occurrences.”

Moved by Councilman Ramirez, seconded by Councilman Chavez and unanimously carried to adopt Resolution No. 2012-83 of the City Council to amend the user fee schedule for the public use of the Delano soccer park with the requested changes: Organized Tournament Cleanup Fee - \$100; Police Call Out – or subsequent occurrences.

- 16) Approval of continued support to the Delano GMC Family Motors Annual Thanksgiving Dinner Community Event

Moved by Councilman Ramirez, seconded by Councilman Chavez and unanimously carried to approve continued support to the Delano GMC Family Motors Annual Thanksgiving Dinner Community Event by facilitating the use of halls and city staff.

DEPARTMENTAL REPORTS

Ms. Cariño reported that the application for Annexation No. 52 that was submitted to LAFCO last summer has two outstanding items. Two of the property owners are not listed on the application. Staff is working with the property owners to get their permission for the annexation. The South San Joaquin Municipal Utility District has indicated it does not want to be included in the annexation. Staff will meet with the Utility District staff to find out why they are opposed.

COUNCIL STATEMENTS AND REPORTS

Councilwoman Morris wished everyone happy Thanksgiving.

Councilman Chavez wished everyone happy Thanksgiving

Councilman Aguirre stated the community desires to receive information quickly and the city needs to better communicate with the community. He wished everyone happy Thanksgiving.

Councilman Ramirez stated the city has the opportunity to effect positive change. New developments should keep in mind that wide streets result in faster driving. He wished everyone happy Thanksgiving.

Mayor Vallejo announced that the high school district has received developer impact fees from Carl’s Jr. She reported that the grand opening at Paramount Citrus was a great event. She wished everyone a happy Thanksgiving.

CLOSED SESSION

Moved by Councilman Ramirez, seconded by Councilman Chavez, and unanimously carried that the City Council adjourn to Closed Session at 8:03 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 labor negotiators Maribel Reyna, Alan Peake, and Human Resources Director Noemi Zamudio regarding negotiations with the Central California Association of Public Employees / SEIU Local 521 (miscellaneous employees unit); govt. code section 54957.6
- 18) Conference with labor negotiators Maribel Reyna, Alan Peake, and Human Resources Director Noemi Zamudio regarding negotiations with the Delano Police Officers Association; govt. code section 54957.6

Mayor Vallejo excused herself from discussion of item #28 due to a conflict of interest and left the room. Her husband is a city employee and a member of the MEG employee group.

- 19) Conference with labor negotiators Maribel Reyna, Alan Peake, and Human Resources Director Noemi Zamudio regarding negotiations with MEG employee group; govt. code section 54957.6

RETURN TO GENERAL SESSION

Moved by Councilman Chavez, seconded by Councilwoman Morris and unanimously carried by all those present to reconvene in Open Session at 8:20 p.m. Mayor Vallejo returned to the meeting. Mr. Peake provided a report on closed session as follows:

- 17) Information was provided; no action taken.
- 18) Information was provided; no action taken.
- 19) Information was provided and by unanimous consent of those present during the discussion of this item, direction was given.

- 20) Approval of Memorandum of Understanding (MOU) between the City of Delano and the Central California Association of Public Employees / SEIU Local 521 (miscellaneous employees unit)

Ms. Zamudio presented the staff report and provided the council members with a memorandum dated November 19, 2012, and a draft of the proposed Memorandum of Understanding.

Moved by Councilman Ramirez, seconded by Councilman Chavez and unanimously carried to approve the MOU subject to minor changes approved by the City Manager and City Attorney. Agr No. 2012-122

- 21) Approval of Memorandum of Understanding (MOU) between the City of Delano and the Delano Police Officers Association

Ms. Zamudio presented the staff report and provided the council members with a memorandum dated November 19, 2012, and a draft of the proposed Memorandum of Understanding.

Moved by Councilman Ramirez, seconded by Councilman Chavez and unanimously carried to approve the MOU subject to minor changes approved by the City Manager and City Attorney. Agr No. 2012-123

ADJOURNMENT

Moved by Councilman Ramirez, seconded by Councilman Chavez, and unanimously carried to adjourn the meeting at 8:24 p.m.

Phyllis A. Kraft, City Clerk