

MINUTES

CITY OF DELANO CITY COUNCIL – REGULAR MEETING December 3, 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 everyone to observe a moment of silence.

FLAG SALUTE

Councilman Ramirez led the flag salute.

ROLL CALL

Council members present: Aguirre (arrived 5:35 p.m.), 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

No items

ITEMS FROM THE PUBLIC

Robert Gonzales, 1848 Chaparral Circle, stated that he would like to see the whole council be more accountable regarding agreements. He stated that R&F has not paid the City for five to ten years and that discussion regarding it should not be a closed session item.

Roberto Ibarra stated that the city's streets should be brought up to standards. He stated that the bridge on Garces Highway is very congested, and there are no sidewalks in some areas.

Nathan Ford, 1314 Belmont Street, stated that police officers can't be at every corner and there are assigned where they are needed. He stated that people shouldn't blame and accuse the wrong people for accidents and that parents should teach their children.

Richard Markham, 315 Dover Drive, stated that there are abandoned houses on the west side that should be addressed. He stated that Garces Highway is not wide enough.

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 \$2,611,849.93
- 3) Minutes of regular City Council meeting of November 19, 2012
- 4) Minutes of regular Planning Commission meeting of October 10, 2012
- 5) Minutes of regular Community Law Enforcement Liaison Board meeting of September 20, 2012
- 6) Acceptance of Kern County Grand Jury Law and Justice Committee Report and the City of Delano Response
- 7) Authorize request for purchase order in the amount of \$49,501.35 to Diamond Technologies for upgrading the city's current virtualization system
- 8) Resolution No. 2012-84 of the City Council of the City of Delano authorizing the City Manager to sign and submit the application for Public Benefit Grant Program / New Alternative Fuel Vehicle Purchase with the San Joaquin Valley Air Pollution Control District (SJVAPCD) and execute any subsequent grant agreement for implementation of the New Vehicle Project if awarded
- 9) Resolution No. 2012-85 of the City Council of the City of Delano approving a rental agreement between Mr. Don Clark and the City to rent Commercial Hangar #H-2 at the Delano Municipal Airport Agreement No. 2012-124
- 10) Acceptance of the improvements for the 2012 EECBG Energy Efficiency Improvements Project and authorizing the filing of the Notice of Completion
- 11) Approval of Certificate of Acceptance for Grant Deed for right of way for street and drainage improvements on Woollomes Avenue west of Dover Parkway
- 12) Approve lease extension agreement for second five year period with New Cingular Wireless PCS, LLC per Agreement 2007-84, dated December 7, 2007 Agr 2012-125

Moved by Councilman Chavez, seconded by Councilwoman Morris, and unanimously carried to approve the Consent Agenda.

PUBLIC HEARINGS

- 13) Public Hearing #2012-21
 - a) Second reading and final adoption 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

- b) Second reading and final adoption of Ordinance No. 2012-1250 of the City Council of the City of Delano amending the City of Delano Employee Pension Plan by adding a new Section 2.52.092 to Chapter 2.52 of the Delano Municipal Code

Ms. Rios 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 approve the second reading and final adoption of Ordinance No. 2012-1248 amending the City of Delano Pension Plan by adding a new Article 9 and the second reading and final adoption of Ordinance No. 2012-1250 amending the City of Delano Employee Pension Plan by adding a new Section 2.52.092 to Chapter 2.52 of the Delano Municipal Code.

- 14) Public Hearing #2012-22: Introduction and first reading of an ordinance amending Chapter 6.25 (Food Vending Vehicles) by amending 6.25.010, 030, 100, 110, 120, 140, 150, 190, and adding Sections 6.25.250 and 6.25.260 to the Delano Municipal Code

Chief DeRosia presented the staff report.

Mayor Vallejo asked for public comments.

Robert Gonzales stated that ice cream trucks are selling items other than just ice cream. Chief DeRosia explained that the California Vehicle Code defines ice cream trucks and what can be sold. He will double check.

Richard Markham asked whether the US Constitution or State laws rule. Mr. Peake advised him that the constitution rules.

Mayor Vallejo closed the public hearing.

There was discussion regarding Section 6.25.120 regarding the distance vehicles must be from a school, park, playground, or recreational facility. There was also discussion regarding the length of time food vending vehicle may be parked in one location. The need for a special permit for various occasions was discussed.

Moved by Councilman Ramirez, seconded by Councilwoman Morris and unanimously carried to direct staff to make changes to Section 6.25.120, #1 to delete "... park, playground or recreational facility," to change the time limit from 2 hours to 3 hours and bring Ordinance No. 2012-1251 back at the next meeting for re-introduction.

- 15) Public Hearing #2012-23:
 - a) Resolution of the City Council of the City of Delano adopting a Mitigated Negative Declaration (E-12-01) for City of Delano Annexation No. 54 and Rezoning Amendment No. 2012-03, generally located south of Pond Road, east of Garzoli Avenue, west of the State Route 99 Freeway, and extending approximately one quarter mile to the south of Pond Road

- b) Resolution of the City Council of the City of Delano application proposing proceedings for reorganization of territory to the City of Delano as Annexation No. 54, generally located south of Pond Road, east of Garzoli Avenue, West of the State Route 99 Freeway, and extending approximately one quarter mile to the south of Pond Road
- c) Introduction and first reading of an ordinance of the City Council of the City of Delano approving Rezoning Amendment No. 2012-03

Ms. Cariño presented the staff report.

Mayor Vallejo asked for public comments.

Roberto Ibarra asked if the development will be residential. He stated it will be too far south and noted that the lot to the north of the proposed annexation area is still empty.

Mayor Vallejo closed the public hearing.

Mayor Vallejo asked if the City will be responsible for road maintenance if the area is annexed. Mr. Dowling informed her that the City is already responsible for Pond Road and Garzoli Avenue to the north and this would be a small addition.

Moved by Councilwoman Morris, seconded by Councilman Ramirez and unanimously carried to adopt Resolution No. 2012-86 adopting a Mitigated Negative Declaration (E-12-01) for City of Delano Annexation No. 54 and Rezoning Amendment No. 2012-03.

Moved by Councilman Chavez, seconded by Councilman Ramirez and unanimously carried to adopt Resolution No. 2012-87 application proposing proceeding for reorganization of territory to the City of Delano as Annexation No. 54.

Moved by Councilman Chavez, seconded by Councilman Ramirez and unanimously carried to approve the introduction and first reading of Ordinance No. 2012-1252 approving Rezoning Amendment No. 2012-03.

REGULAR AGENDA

- 16) Approve first amendment to Agreement No. 2011-50 with Southern California Edison for the California Energy Efficiency Strategic Plan Implementation

Ms. Cariño presented the staff report. She distributed a memorandum stated the California Public Utilities Commission has approved the Edison company's application to extending the program through December 31, 2014.

Moved by Councilman Ramirez, seconded by Councilman Chavez and unanimously carried to approve first amendment to Agreement No. 2011-50 with Southern California Edison. Agreement No. 2012-126

- 17) Consideration of cancellation of regular City Council meeting of January 7, 2013

Moved by Councilman Ramirez, seconded by Councilman Chavez and unanimously carried to cancel the regular City Council meeting of January 7, 2013.

DEPARTMENTAL REPORTS

No items

COUNCIL STATEMENTS AND REPORTS

Council members reminded everyone of the Christmas Parade and tree lighting ceremony to take place December 4.

CLOSED SESSION

Moved by Councilman Ramirez, seconded by Councilman Chavez, and unanimously carried that the City Council adjourn to Closed Session at 6:49 p.m. The City Clerk was excused. Mayor Vallejo was appointed Acting City Clerk. The City Attorney and City Manager were asked to remain.

- 18) Conference with legal counsel: Jackson vs. City of Delano pursuant to govt. code section 54956.9(a)
- 19) Conference with labor negotiators Maribel Reyna and Alan Peake regarding negotiations with Finance Director, Chief of Police, Human Resource Director, Public Works Director/City Engineer, and Community Development Director; govt. code section 54957.6

RETURN TO GENERAL SESSION

Moved by Councilman Aguirre, seconded by Councilwoman Morris and unanimously carried to reconvene in Open Session at 7:53 p.m. Mr. Peake provided a report on closed session as follows:

- 18) Information was provided and by unanimous consent direction was given.
- 19) Information was provided and by unanimous consent direction was given.

ADJOURNMENT

Moved by Councilwoman Morris, seconded by Councilman Aguirre, and unanimously carried to adjourn the meeting at 7:54 p.m.

Phyllis A. Kraft, City Clerk