

CORRECTED MINUTES

CITY OF DELANO CITY COUNCIL – REGULAR MEETING November 5, 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 for a moment of silence.

FLAG SALUTE

Councilman Aguirre 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, Economic Development Specialist Castro

PRESENTATIONS AND AWARDS

Presentation of Retirement Plaques to Charito Nunez, Jesus Ramos, and Victor Castaneda

ITEMS FROM THE PUBLIC

Steve Yue, 1313 Thomas Way, stated that the city should post FPPC forms on its web page. He stated he worked as a technology specialist and it would be easy to post the forms. He noted that it would be nice to have warning light on the podium for public speakers.

Nathan Ford, 1314 Belmont Street, stated the newspaper misquoted him regarding Delano being named “crow town.” He stated that two weeks ago there had been discussion regarding grants for a gym. What we have now are not grants but loan guarantees.

Lupe Baragon, 200 S. Albany, stated we need to have places for kids to go and something should be done for young people with the money that has been collected through the years. She stated there is a need for stop signs on Garces Highway. She stated markers were removed from pavement near 718 Dover Place. Ms. Baragon asked what happened to the property where bars used to be and how the money was spent.

Angel Diaz, 501 High Street, stated that Mr. Rodriguez was fined \$500 and it took him a year to pay it. He stated we need accountability for where the sales tax money is going. He stated \$12 - \$13 million has

been raised and is suppose to go to police, youth and seniors. Mr. Diaz spoke about the appraisal on the cemetery and asked who did the negotiations. He stated it is worth \$225,000. He noted there are 21 items on the consent agenda and asked what the council is trying to hide from the public.

Abraham Jimenez thanked the city for the scheduled rabies clinic. He stated there are no cross walks on Garces Highway and the cars go fast. He wished the candidates luck in the election.

Michael Tinkle, 1714 Jefferson Street, stated that his daughter goes to Nueva Vista School on Garces and there are crosswalks. He added that he takes responsibility for her. He asked how someone gets on council. Councilman Ramirez and Mayor Vallejo explained the process.

Roberto Ibarra, 1815 – Avenue, asked when there will be a turn lane on Cecil Avenue going west to turn left onto Fremont Street. He noted that there are groups of dogs at Avenue & Cecil Avenue and Dover Street & Garces Highway. He stated that we need bike lanes.

Richard Markham, 315 Dover Drive, stated that the theater on Main Street looks bad and needs code enforcement. He noted that drivers don't stop at crosswalks. Mr. Markham asked when Carl's Jr. will be here. He stated that some speakers take more than three minutes.

Lena Mae Jones, 1116 Lexington Street, asked if there will be a Thanksgiving dinner this year.

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 \$1,826,262.95
- 3) Minutes of regular City Council meeting of October 15, 2012
- 4) Minutes of Planning Commission meetings of August 8, 2012; September 12, 2012; September 26, 2012
- 5) Resolution No. 2012-76 of the City Council of the City of Delano accepting the Gann Appropriations Limit Report in connection with the adoption of the budget for fiscal year 2012-2013
- 6) 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 (item tabled)
- 7) Approval of contract with Moore & Associates Inc. Consultants to submit applications for grant funding under the Federal Transit Administration (FTA) Section 5307 and designate the City Manager to be the designated representative Agreement #2012-107
- 8) Resolution No. 2012-77 of the City Council of the City of Delano declaring various computer equipment as surplus and authorizing staff to dispose of same
- 9) Award contract for the 2012 CDBG technology center improvements to Kertel Communications, dba Sebastian in the amount of \$293,125.35 and authorize the mayor to sign the construction contract Agreement No. 2012-108

- 10) Release of 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 \$327,059.41; payment application no. 5
- 11) Acceptance of the improvements for the Veneto Park Project and authorize the filing of the Notice of Completion
- 12) Acceptance of the improvements for the Arsenic Mitigation Project – Water Well No. 20 Rehabilitation and authorize the filing of the Notice of Completion
- 13) Acceptance of the improvements for the Arsenic Mitigation Project – Drilling of Wells No. 27, 28, & 34 and authorize the filing of the Notice of Completion
- 14) Award contract for the 2012 Installation of Traffic Striping and Pavement Markers Project to Safety Striping Service in the amount of \$62,823.56 and authorize the mayor to sign the construction contract Agreement No. 2012-109
- 15) Approval of Certificate of Acceptance for Grant Deed for right of way street improvements at the northeast corner of Woollomes Avenue and Dover Parkway
- 16) Reject bids for the 2012 CDBG Spray Park Project and direct the city engineer to re-advertise the project
- 17) Resolution No. 2012-78 of the City Council of the City of Delano approving a rental agreement between Ms. Manjula Nair and the City to rent Shelter #S-5 at the Delano Municipal Airport Agreement No. 2012-110
- 18) Resolution No. 2012-78 of the City Council of the City of Delano approving a rental agreement between Ms. Manjula Nair and the City to rent port-a-port hangar #P-13 at the Delano Municipal Airport Agreement No. 2012-111
- 19) Approve Councilman Ramirez’s attendance at League of California Cities League Leaders Orientation and Strategic Planning Workshop November 14 – 16, 2012, in Sacramento
- 20) Adoption of Fair Political Practices Commission Form 806, Agency Report of Public Official Appointments
- 21) Rescind Agreement #2012-106 Amendment No. 1 to Memorandum of Agreement between Kern Council of Governments and the City and approve revised Amendment No. 1 to Memorandum of Agreement between Kern Council of Governments and the City of Delano Agreement No. 2012-112

Mayor Vallejo announced that item #6 will be tabled. Steve Yue asked that item #9 be pulled for discussion. Councilman Ramirez asked that all items except item #1 be pulled for discussion.

Item #1) Moved by Councilman Ramirez, seconded by Councilwoman Morris, and unanimously carried to approve the Consent Agenda Item #1.

Mayor Vallejo asked that Item #9 be addressed first because it had been pulled by a member of the public, Mr. Yue.

Item #9) Mr. Yue called Council's attention to item #4 on page 2 of the staff report, furnish and install 50 computers at \$1,800 each. He stated that was too much for a computer. Ms. Castro explained that the project was put out for bids and only one bid was received. The bid is all inclusive. She added that if the CDBG funds are not spent by the April deadline, we could lose funding in future years. She further explained that CDBG funds are federal monies that require prevailing wages be paid. This increases the cost by about 30%. She noted this center will be for the youth and community and the city is building a partnership with the schools for its operation.

Moved by Councilman Ramirez, seconded by Councilman Chavez and unanimously carried to approve consent item #9, award of CDBG technology improvements to Kertel Communications dba Sebastian.

Moved by Councilman Aguirre, seconded by Councilman Ramirez and unanimously carried to approve all remaining consent agenda items (items #2 – 5, 7, 8, 10 – 21).

PUBLIC HEARINGS

No items

REGULAR AGENDA

- 22) Agreement with Delano Retail Center West, LLC for advance of funds, reimbursement, and indemnification for the Grapevine commercial project

Moved by Councilman Chavez, seconded by Councilman Ramirez and unanimously carried to table item #22 and head after item #23.

- 23) Resolution of the City Council of the City of Delano authorizing the issuance, execution and delivery of an installment purchase agreement with a price not to exceed \$35,000,000 (and the execution, delivery and sale of Certificates of Participation with respect thereto) to refinance the acquisition, construction and improvement of certain healthcare facilities owned and operated by the Central California Foundation for Health (doing business as Delano Regional Medical Center) and other matters relating thereto

Councilman Aguirre left the room and did not participate in the discussion or vote for item #23 due to a conflict of interest. He is an employee of Delano Regional Medical Center.

Mr. Peake stated the city has done this several times in the past. He introduced Marshall Linn, the city's financial advisor who provided the staff report. He stated this is for refinancing the 1998 bonds issued by the hospital. This process is common in California cities. The hospital will sell its assets to the city and the city will then sell them back to the hospital. The city is safe and is only serving as a conduit. It is usual for a city to charge a fee and \$35,000 is the average charge and reasonable.

Bill Nobel, DRMC, stated bonds were issued in 1992, refinanced in 1998, and bonds were issued in 2006 to finance an electronic health records program. This item is to refinance the 1998 bonds for a lower interest rate which will help the hospital realize a savings of \$3,000,000 over ten years.

Moved by Councilman Ramirez, seconded by Councilman Chavez and carried by the following vote to adopt Resolution No. 2012-80 authorizing the issuance, execution and delivery of an installment purchase agreement with a price not to exceed \$35,000,000 (and the execution, delivery and sale of Certificates of Participation with respect thereto) to refinance the acquisition, construction and improvement of certain healthcare facilities owned and operated by the Central California Foundation for Health (doing business

as Delano Regional Medical Center) and other matters relating thereto; and approving a public agency financing fee of \$35,000 charged to DRMC. AYES: Chavez, Morris, Ramirez, Vallejo ABSTAIN: Aguirre NOES: none ABSENT: none

Installment Purchase Agreement - Agreement No. 2012-114; Installment Sale Agreement – Agreement No. 2012-115; Trust Agreement – Agreement No. 2012-116; Purchase Contract – Agreement No. 2012-117

Item #22) Agreement with Delano Retail Center West, LLC for advance of funds, reimbursement, and indemnification for the Grapevine commercial project

Ms Cariño presented the staff report.

Moved by Councilman Chavez, seconded by Councilman Ramirez and carried by the following vote to approve an agreement with Delano Retail Center West, LLC for advance of funds, reimbursement, and indemnification for the Grapevine commercial project. Agreement No. 2012-113 AYES: Chavez, Morris, Ramirez, Vallejo ABSENT: Aguirre NOES: none ABSTAIN: none

DEPARTMENTAL REPORTS

Ms. Cariño reported that staff will publish a notice in newspaper for applicants for the Board of Appeals.

COUNCIL STATEMENTS AND REPORTS

Councilman Aguirre returned to the meeting

Councilwoman Morris thanked Mr. Cane for the article in the Delano Record about Carla Lapadula.

Councilman Chavez noted the election is Tuesday and that every vote matters. He wished the best of luck to all the candidates.

Councilman Ramirez noted that the students in the audience get to see democracy in action. He stated it is important to vote. He stated that Delano is moving forward on a lot of things.

Councilman Aguirre no items

Mayor Vallejo wished the best of luck to the candidates. She explained that the consent agenda items are standard items. Council discusses what needs to be discussed and trusts staff regarding what items are placed on consent. Council does not respond to comments made during the public comment portion of the meeting. Mayor Vallejo thanked supporters for the fund raiser held at the Aviator Club for the Historical Society.

CLOSED SESSION

Moved by Councilman Ramirez, seconded by Councilman Aguirre, and unanimously carried that the City Council adjourn to Closed Session at 6:48 p.m. The City Clerk was excused. Mayor Vallejo was appointed Acting City Clerk. The City Attorney and City Manager were asked to remain.

- 24) Conference with legal counsel: Workers Comp Claim of Preston George vs. City of Delano pursuant to govt. code section 54956.9(a)
- 25) Conference with legal counsel: Morales vs. City of Delano pursuant to govt. code section 54956.9(a)
- 26) 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, correctional officers and custodial officers / jailers employee unit); govt. code section 54957.6
- 27) 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 meeting. Her husband is a city employee and a member of the MEG employee group.

- 28) 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 Councilman Ramirez and unanimously carried to reconvene in Open Session at 8:19 p.m. Mr. Peake provided a report on closed session as follows:

- 24) Information was provided and by unanimous consent direction was given.
- 25) Information was provided and by unanimous consent direction was given.
- 26) Information was provided and by unanimous consent direction was given.
- 27) Information was provided and by unanimous consent direction was given.
- 28) Information was provided and by unanimous consent of those present direction was given.

ADJOURNMENT

Moved by Councilman Chavez, seconded by Councilman Aguirre, and unanimously carried to adjourn the meeting at 8:20 p.m.

Phyllis A. Kraft, City Clerk