

## **MINUTES**

### **CITY OF DELANO CITY COUNCIL – REGULAR MEETING March 4, 2013**

#### **CALL TO ORDER**

Mayor Aguirre called the meeting to order at 5:30 p.m. in the City Hall Council Chambers, 1015 – Avenue.

#### **INVOCATION**

Pastor David Vivas offered the invocation

#### **FLAG SALUTE**

Councilwoman Morris led the flag salute.

#### **ROLL CALL**

Council members present: Aguirre, Chavez, Morris, Pascual  
Council members absent: Vallejo

#### **OFFICIALS PRESENT**

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**

Presentation by Supervisor Mick Gleason

#### **ITEMS FROM THE PUBLIC**

Ethel Pickering, 102 Dover Place, thanked council for turning down an agreement for a consultant to meet with council at the last meeting. She thanked council for last week's meeting, the Delano Community Conversation regarding Health and Sustainability, and stated that she learned a lot.

Jaime (unable to understand last name), 625 – Avenue, stated the proposed increase in the water bill is too high. It will be 25% of what he takes home and is not fair. Council should consider others in the same situation.

Roberto Ibarra, 1815 – Avenue, stated that unemployment is very high and we need to bring jobs. Voter turnout is low. Council needs to be accessible. McFarland has 3 bridges over the railroad and one pedestrian bridge, and Delano has none. He asked that agenda item #2 be pulled for discussion.

Nathan Ford stated that 6 or 7 months ago it was brought up to get kids involved in the community. Meth is a big problem. Unemployment has been a problem for a long time. Other areas have higher water rates than Delano. The proposed rate increase is as minimal as it can be.

Richard Markham, 315 Dover Drive, stated he does not want to see the spray park go in where the pool had been. The area is not a good environment and there are bad people in the neighborhood.

Abraham Jimenez, 127 Dover Street, stated we have a bad meth problem. He thanked Ms. Cariño for last week's meeting.

Valarie Gorospy stated the demographics at the school show how many non-English speakers we have. We should go back to headsets for translation at council meetings. Last week's meeting was good. Citizens still mistrust council members. She asked why the council is drinking bottled water. She asked to pull items #11 and #13 for a brief summary.

Suzann Villaruz, 1808 Terrace Drive, stated that Caltrans owns the bridges. Walk bridges can be dangerous. She noted that if we teach youth to volunteer, they become leaders. The meeting last week was great. Jobs come from private business; government cannot create them.

Javier Cruz stated the city had a good translation system at last week's meeting. It would be good to have headsets for translation at council meetings. He received 2 notices about water rates, and that was money not well spent. The rate increase is too much. He asked why we have to pay both garbage and recycling.

Juan Flores stated that last week's meeting was good. It would be nice to see more council members at those meetings. It is good to see people speaking on both sides of the water issue. This shows democracy at work.

Linda Hylton, 1515 – Avenue, stated her husband worked for the city in the water department for 38 years and drinks tap water every day. She asked for moment of silence for Glenda Miller who passed away this weekend. Mayor Aguirre asked Pastor Vivas to offer a prayer.

### **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 \$1,838,880.84
- 3) Minutes of regular City Council meeting of February 19, 2013
- 4) Minutes of special City Council meeting of February 22, 2013
- 5) Minutes of regular Planning Commission meetings of December 12, 2012 and January 9, 2013
- 6) Introduction and first reading of Ordinance No. 2013-1254 of the City of Delano adopting the "Delano Municipal Code," a codification of the permanent and general ordinances of the City of Delano together with those secondary codes adopted by reference as authorized by the general laws of the State of California, save and except those portions of the secondary codes as are deleted or modified by the express provisions of the Delano Municipal Code
- 7) Approve proposed vacation of a portion of southbound off-ramp at Woollomes Avenue and waiving 90 days notice

- 8) Approve a Certificate of Acceptance for a public utility easement from Family Dollar, Inc. for property located at 919 High Street, and direction the recordation thereof
- 9) Approve easement for Southern California Edison Company for power to Water Well Site #38, located between SR 99 and the southbound off-ramp at the County Line Road interchange
- 10) Approve service agreement for the installation and service connection at the new Delano Police Department facility with Bright House Networks Agreement No. 2013-12
- 11) Approval of Task Order Number 7 (03-04-2013) with HydroScience Engineers for extended construction engineering services for wellhead treatment of wells 22 and 26 for Arsenic Mitigation Project Agreement No. 2013-13
- 12) 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 \$177,427.26. Payment Application No. 09
- 13) Approve additional 4% contingency funding for equipping wells 30, 32, and 33 project contracted with Steve Dovali Construction Company, this being a component of the arsenic treatment project
- 14) Award contract for the 2013 Woollomes Avenue Signalization Project to Flatiron Electric Group, Inc. in the amount of \$348,600 and authorize the mayor to sign the construction contract Agreement No. 2013-14
- 15) Resolution No. 2013-06 of the City Council of the City of Delano authorizing submittal of an application to the California State Department of Housing and Community Development for funding under the CalHome Program; the execution of a standard agreement if selected for such funding and any amendments thereto; and any related documents necessary to participate in the CalHome Program
- 16) Rescind Resolution No. 2013-04 and adopt Resolution No. 2013-07 of the City Council of the City of Delano authorizing the submittal of the Public Works and Economic Adjustment Assistance Programs Grant to the U.S. Economic Development Administration and authorizing the City Manager to execute all required documents

Robert Ibarra asked that item #2 be pulled for discussion. Valarie Gorospy asked that items #11 and #13 be pulled for discussion. Juan Flores asked that item #12 be pulled for discussion.

Moved by Councilman Chavez, seconded by Councilwoman Morris, and unanimously by all those present carried to approve the Consent Agenda with items #2, #11, #12, #13 pulled for discussion.

Item #2) Mr. Ibarra stated the agenda is not specific what the money is used for and asked for detail. Mr. Peake explained this is the warrant register – a listing of bills the city pays.

Moved by Councilman Chavez, seconded by Councilman Pascual and unanimously carried by all those present to approve item #2.

Items #11, #12, #13) Mr. Dowling explained items #11 and #13 are part of the arsenic mitigation project and necessary for completion. Item #12 is regarding the Market Place project. The funds are the

developers and held in an escrow account to insure improvements are made as required. The funds are released as the improvements are made.

Moved by Councilman Chavez, seconded by Councilman Pascual and unanimously carried by all those present to approve agenda items #11, #12, and #13.

### **PUBLIC HEARINGS**

- 17) Public hearing #2013-03: Receive comments related to unmet transit needs that may exist and can be reasonably met

Mr. Peake stated that staff is requesting this item be continued to April 15, 2013.

Moved by Councilman Chavez, seconded by Councilman Pascual and unanimously carried by all those present to continue Public hearing for unmet transit needs to April 15, 2013.

- 18) Public hearing #2013-04:
  - a) Resolution of the City Council of the City of Delano adopting a Mitigated Negative Declaration (E-13-01) for General Plan Amendment No. 2012-01 and Zone Amendment No. 2012-04, both located on 2.5 acres at the northeast corner of Avenue and Girard Street
  - b) Resolution of the City Council of the City of Delano approving General Plan Amendment No. 2012-01, to amend the Land Use Element Map of the Delano General Plan from “High Density Residential” to “Commercial” on a 2.5 acre parcel located at the northeast corner of 20th Avenue and Girard Street.
  - c) Introduction and first reading of an ordinance of the City Council of the City of Delano approving Zone Amendment No. 2012-04

Mr. Peake stated staff is requesting this item be continued to March 18, 2013.

Moved by Councilman Chavez, seconded by Councilman Pascual and unanimously carried by all those present to continue the public hearing to March 18, 2013.

- 19) Public hearing #2013-05: Introduction and first reading of an ordinance of the City Council of the City of Delano amending Title 20 of the Delano Municipal Code by revising language within 20.2.100 thereof governing the approval and conduct of temporary outdoor events within the City of Delano

Mr. Peake stated staff is requesting this item be continued to March 18, 2013.

Moved by Councilman Chavez, seconded by Councilman Pascual and unanimously carried by all those present to continue the public hearing to March 18, 2013.

### **REGULAR AGENDA**

No items

### **DEPARTMENTAL REPORTS**

No items

## **COUNCIL STATEMENTS AND REPORTS**

Councilman Pascual thanked Mr. Gleason for his presentation and stated that he enjoys the audience participation.

Councilwoman Morris thanked Mr. Gleason for his presentation. She stated that Glenda Miller's passing is great loss to Delano.

Councilman Chavez offered his condolences to the Miller family. He apologized that we do not have headsets for translation. He stated that council appreciates the public who come to the council meetings. Councilman Chavez announced that the Delano High School soccer team won league championship and he has invited them to come to the next council meeting.

Councilwoman Vallejo absent

Mayor Aguirre thanked all who come to the meeting today. He stated the meeting last week was a great event and thanked the leadership of the city for being involved.

### **CLOSED SESSION**

- 20) Conference with legal counsel: claim of Jae Kwon Sim; govt. code section 54956.9(b)(1)

Moved by Councilman Chavez, seconded by Councilman Pascual, and unanimously carried that the City Council adjourn to Closed Session at 7:00 p.m. The City Clerk was excused. Mayor Aguirre was appointed Acting City Clerk. The City Attorney was asked to remain.

### **RETURN TO GENERAL SESSION**

Moved by Councilman Pascual, seconded by Councilman Chavez and unanimously carried to reconvene in Open Session at 7:11 p.m. Mr. Peake provided a report on closed session as follows:

- 20) Information was provided and by unanimous consent of all those present direction was given.

### **ADJOURNMENT**

Moved by Councilman Chavez, seconded by Councilman Pascual, and unanimously carried to adjourn the meeting at 7:12 p.m.

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Phyllis A. Kraft, City Clerk