

MINUTES

CITY OF DELANO CITY COUNCIL – REGULAR MEETING April 2, 2013

CALL TO ORDER

Mayor Aguirre called the meeting to order at 5:50 p.m. in the City Hall Council Chambers, 1015 – Avenue.

INVOCATION

Mr. Dowling offered the invocation.

FLAG SALUTE

Councilman Chavez led the flag salute.

ROLL CALL

Council members present: Aguirre, Chavez, Morris, Pascual, Vallejo
Council members absent: none

OFFICIALS PRESENT

City Manager Reyna, Interim City Attorney Garcia, City Clerk Kraft, Finance Director Rios, Police Chief DeRosia, Community Development Director Cariño, City Engineer Dowling, Human Resources Director Zamudio

PRESENTATIONS AND AWARDS

Proclamation – City Walk, Earth Day, Relay for Life Car Show
Presentation of Scholarships – Bakersfield College Delano Campus
Report on League of California Cities – Hilary Baird
Report on Commercial Building Color Ordinance – Richelle Cariño
Report on Police Building Construction – Chief DeRosia

ITEMS FROM THE PUBLIC

Jerry Nicholson, president of the Delano Police Officers Association, publically thank Ms. Reyna for the trust she has built with the officers and the meetings she has held with them. The DPOA gives its full support and endorsement to her.

Roberto Ibarra asked that items 10, 11, and 15 be pulled for discussion.

Ramon (unable to understand last name), 913 Austin Street, showed samples of water from his home collected in September 2012 and January 2013. He stated that 80% of the community are farm workers. He stated there is no guarantee there will not be more increases in water rates in future.

Wilma Lamug, 2317 Twilight Court, asked how much Measure I has earned each year. She stated she had to pay the extra 1% sales tax on a car she recently purchased. She noted that everyone pays Measure I tax, but only home owners pay water rates. She stated that Council was voted in to protect citizens.

Gloria Herrera, 51 – Avenue, stated she spoke to Craig Wilson about water well 31. The water is still red and yellowish. She was told it could be old pipes. She asked the city make new pipes a priority.

Steve Yue, 1313 Thomas Way, stated there are a lot of old cars parked at the airport.

Javier Cruz stated a stop sign is needed at Castro Street & Via Espinoza. He said city workers at Albany Park are lazy and the park is dirty. He stated that city employees should drink the city water.

Ethel Pickering, 102 Dover Place, asked when we will get good water. She stated the council has bottled water and asked if the city buys water for the employees. She asked where the city attorney is and who the man sitting in his place is.

Lena Mae Jones thanked Council for naming a park after Martin Luther King Jr. She stated that she is waiting for something to be named for the Jones family.

Richard Markham, 315 Dover Drive, stated a school should be named after Martin Luther King Jr.

Cornel Markham stated the new police facility should be named after Martin Luther King Jr.

Valarie Gorospi, 2206 – Avenue, asked what happened to the translator who was present at the last meeting. She stated the public is used to council responding to public comments during this portion of the meeting. She noted that Council could have introduced new attorney at the start of the meeting.

Mayor Aguirre asked the interim City Attorney, Bonny Garcia, to introduce himself.

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 \$2,578,564.20
- 3) Minutes of regular City Council meeting of March 18, 2013
- 4) Minutes of special City Council meeting of March 20, 2013
- 5) Minutes of special joint City Council / North Kern Cemetery District Board meeting of March 25, 2013
- 6) Second reading and final adoption of Ordinance No. 2013-1255 of the City Council of the City of Delano approving Zone Amendment No. 2012-04 changing the zone district from R-3 Multiple Family Residential to GC general commercial on a 2.5 acre site located at the northeast corner of Avenue and Girard Street
- 7) Second reading and final adoption of Ordinance No. 2013-1256 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

- 8) Approve letter to the Kern County Local Agency Formation Commission requesting that property owned by the Southern San Joaquin Municipal Utility District be excluded from the boundaries of proposed City of Delano Annexation No. 52
- 9) Approve Finance Director to attend California Municipal Treasurers Association Annual Conference April 17 – 19, 2013, in Anaheim, California and reallocate \$354.30 from account 01-5524-170 to 01-5400-170
- 10) Approve Assistant Finance Director attendance at Government Finance Officers Association (GFOA) Annual Conference Bridges to Financial Sustainability, June 3, 2013 in San Francisco, California, and reallocate \$300 from account 01-5524-170 to 01-5400-170
- 11) Approval of open purchase orders for \$35,000 or more for the period January 1, to June 30, 2013
- 12) Resolution No. 2013-11 of the City Council of the City of Delano designating the Human Resources Director as the agency election officer contact for Cal PERS and authorizing same to sign periodic correspondences, forms, and reports submitted to Cal PERS on behalf of the City of Delano
- 13) Authorization to file Notice of Completion for the 2012 CDBG Pool Demolition Project
- 14) Award contract for the 2013 CDBG Spray Park Project to Brown and Fowler Construction in the amount of \$464,660, authorize the mayor to sign the construction contract, and authorize the City Manager to approve and sign change orders within the budgeted contingency amount if needed Agreement No. 2013-18
- 15) Authorize the City Manager to execute Amendment A-1 to Funding Agreement No. SRF10CX105 with the California Department of Public Health for construction loan/grant under the Safe Drinking Water State Revolving Fund for the Arsenic Mitigation Project Agreement No. 2013-19
- 16) 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 \$353,996.72. Payment application no. 10
- 17) Amend the service agreement with Bright House Networks for the installation and service connection at the new Delano Police Department facility Agr 2013-20
- 18) Resolution No. 2013-12 of the City Council of the City of Delano approving a rental agreement between Mr. Reza Rasekh and the City to rent cloverleaf hangar #H-8 at the Delano Municipal Airport Agreement No. 2013-21
- 19) Approve the nomination of Leonard T. Velasco for the naming of the Technology Center
- 20) Approve the nomination of Martin Luther King Jr. for the renaming of Valle Vista Park

- 21) Introduction and first reading of an ordinance of the City of Delano amending Chapter 3.08 of the Delano Municipal Code related to purchasing procedures by amending Sections 3.08.010, 3.08.030, and 3.08.140 and by adding Section 3.08.150 to the Delano Municipal Code Ordinance No. 2013-1258

Steve Yue asked that item #1 be pulled for discussion. Councilwoman Morris asked that item #2 be pulled for discussion. Councilman Chavez asked that item #16 be pulled for discussion.

Moved by Councilwoman Vallejo, seconded by Councilman Chavez, and unanimously carried to approve the Consent Agenda with items #1, 2, 10, 11, 15, 16 pulled for discussion.

Item #1) Steve Yue, 1313 Thomas Way, stated that when there are 21 items on consent and only 3 items for discussion, he is worried about transparency. Ms. Reyna informed him that items are placed on consent that are routine and in the interest of time. Mayor Aguirre stated that council reviews the agenda packet before the meeting and asks staff any questions they may have.

Item #2) Councilwoman Morris asked what the books charged by Officer Nicholson are. Chief DeRosia informed her they were marketing tools for the CCF.

Moved by Councilwoman Vallejo, seconded by Councilman Pascual and unanimously carried to approve items #1 and #2.

Item #10) Ms. Rios stated that the training will provide updates regarding governmental financing and pension issues, and it would be beneficial for staff to attend. Councilwoman Vallejo added that conferences are worthwhile and help staff stay on top of changes.

Moved by Councilman Chavez, seconded by Councilwoman Morris and unanimously carried to approve item #10.

Item #11) Ms Rios stated this purchase order is for Benntag Pacific for the purchase of chemicals for the water division.

Moved by Councilwoman Morris, seconded by Councilwoman Vallejo and unanimously carried to approve item #11.

Item #15) Mr. Dowling explained that the original loan was used for eight new wells and treatment of four existing wells. Additional funds were needed to equip one of the eight wells and for improvements on an existing well. The California Department of Public Health is offering a grant to the City in the amount of \$3,000,000 which will not need to be repaid.

Moved by Councilman Chavez, seconded by Councilman Pascual and unanimously carried to approve item #15.

Item #16) Mr. Dowling reported that this is a release of funds provided by the developer to secure off-site improvements. Councilman Chavez stated he wanted to give the public a perspective on where the project is going. Mr. Dowling reported that everything is on time.

Moved by Councilman Chavez, seconded by Councilwoman Vallejo and unanimously carried to approve item #16.

PUBLIC HEARINGS

- 22) Public hearing #2013-07: Introduction and first reading of an ordinance approving Zone Amendment No. 2013-02; changing the existing zone district from “I” Industrial to “CRC” Community Retail Commercial on a 3.42 acre parcel located on the east side of Garzoli approximately 800 feet south of Woollomes

Ms. Cariño presented the staff report. Martin Hsu, of YK America, the applicant, stated they plan to demolish the existing structures. They hope to have a hotel or office space on the site.

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

Mayor Aguirre closed the public hearing.

Moved by Councilwoman Vallejo, seconded by Councilman Chavez and unanimously carried to approve the introduction and first reading of Ordinance No. 2013-1259

- 23) Public hearing #2013-08: Introduction and first reading of an ordinance amending Title 20 of the Delano Municipal Code by revising Chapter 20.5.20 thereof revising the description of the purpose and functions of the “DC” Downtown Commercial Zone District and Chapter 25.5.40 thereof increasing the maximum allowable floor area and building height within the “DC” Downtown Commercial Zone District

Ms. Cariño presented the staff report. She stated that projects have been proposed that did not meet the existing ordinance requirements. The proposed changes will allow for those developments.

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

Mayor Aguirre closed the public hearing.

Moved by Councilwoman Vallejo, seconded by Councilman Pascual and unanimously carried to approve the introduction and first reading of Ordinance No. 2013-1260.

- 24) Public hearing #2013-09: Second reading and final adoption of Ordinance No. 2013-1257 of the City Council of the City of Delano amending Title 6 of the Delano Municipal Code by revising language within Chapter 6.48 thereof governing the approval and conduct of fireworks sales within the City of Delano

Ms. Cariño presented the staff report.

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

Mayor Aguirre closed the public hearing.

Moved by Councilman Chavez, seconded by Councilwoman Vallejo and unanimously carried to approve the second reading and final adoption of Ordinance No. 2013-1257.

REGULAR AGENDA

No items

DEPARTMENTAL REPORTS

No items

COUNCIL STATEMENTS AND REPORTS

Councilwoman Morris asked what happened regarding the translator. Ms. Reyna stated he was not available tonight, but a translator will be at the next meeting.

Councilman Chavez reported he had attended the Distinguished Young Women event recently.

Councilman Pascual stated he has been attending KernCOG meetings. He recently had a meeting with the city manager and mayor of McFarland, Ms. Reyna, Mayor Aguirre, and KernCOG representatives regarding local projects. They will re-surface High Street from to for \$521,977; re-surface and pave the shoulder of Hiatt Avenue for \$401,000; and re-surface paved shoulders on Albany for \$287,722.

Councilwoman Vallejo thanked Councilman Pascual for his work with KernCOG. She thanked staff for their presentations. Councilwoman Vallejo thanked staff for all the work they do with staff shortages and recognized their diligence. She thanked Ms. Reyna for the employee recognition event and stated Ms. Reyna is doing great job.

Mayor Aguirre gave kudos to the staff. He noted that the City's 249 employees take care of 14 square miles of city.

CLOSED SESSION

Moved by Councilman Chavez, seconded by Councilwoman Vallejo, and unanimously carried that the City Council adjourn to Closed Session at 7:43 p.m. The City Clerk was excused. Mayor Aguirre was appointed Acting City Clerk. The City Attorney and City Manager were asked to remain.

- 25) Conference with legal counsel: pending litigation City of Delano vs. Valerie Sanchez govt. code section 54956.9(a)
- 26) Public Employees Performance Evaluation, City Manager; government code 54957

RETURN TO GENERAL SESSION

Mayor Aguirre reconvened the meeting in Open Session at 10:01 p.m. Ms. Reyna provided a report on closed session as follows:

- 25) Information was provided. No action taken.
- 26) The evaluation was performed.

ADJOURNMENT

Moved by Councilman Chavez, seconded by Councilwoman Vallejo, and unanimously carried to adjourn the meeting at 10:02 p.m.

Phyllis A. Kraft, City Clerk