

MINUTES

CITY OF DELANO CITY COUNCIL – REGULAR MEETING April 15, 2013

CALL TO ORDER

Mayor Aguirre called the meeting to order at 5:38 p.m. in the City Hall Council Chambers, 1015 – Avenue.

INVOCATION

Pastor David Vivas offered the invocation

FLAG SALUTE

Councilwoman Vallejo 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 – National Crime Victims’ Rights Week, April 21 – 27, 2013
Summary of Smart Valley Places “Community Conversation”

Mayor Aguirre announced that Mr. Sanchez was present to interpret and had headsets available.

Moved by Councilman Chavez, seconded by Councilwoman Vallejo and unanimously carried to hear Item #16 at this time.

16) Public hearing #2013-12: Resolution of the City Council of the City of Delano adopting water, sewer, refuse, and street sweeping service rates.

Mayor Aguirre asked that any written protests not previously presented to the City Clerk be submitted at this time.

Mr. Dowling presented the staff report. He reviewed the reasons for the proposed increases and the various projects. Greg Tobler of Willdan Financial Services, the consultant on this project, explained the process used in the rate study and the proposed rates.

Mayor Aguirre asked for public comments. A total of 59 people spoke, all opposing the proposed increase.

Mayor Aguirre closed the public hearing.

Mayor Aguirre reported that 4,643 valid written protests are required to block the proposed rate increases. The City Clerk staff has counted over 4,700 written protests submitted. Staff will need time to review and validate the written protests.

Mayor Aguirre announced City Council will meet on Monday, April 29, 2013, at 12:00 noon, to conclude this item.

ITEMS FROM THE PUBLIC

Ethel Pickering stated that most people will be working when the special meeting is held.

Roberto Ibarra stated we need an ordinance to prohibit people washing cars in driveways. He stated that water is running at the Friant Water Users Authority building at Norwalk Street and Garces Highway. He asked items #7 and #10 be pulled from the consent agenda.

Robert Gonzalez stated that council should terminate the contract with R&F Disposal.

Andrew Paragon stated that a lot of senior citizens had to leave during the public hearing because they could not stand any longer and were hungry. He asked if anyone has investigated liability issues regarding arsenic in the water as it could be a result of run-off.

Steve Kinsey stated that speed limits are not consistent and narrow streets should have lower speed limits.

Cornel Markham stated he has been railroaded in this town and has not heard from the council. He stated he does not want his name printed in the newspaper. He would like to meet with the City Attorney.

David Vivas stated a stop sign is needed at Girard Street and High Street near Pacific Tire, and stop signs are needed on & avenues at Jefferson, Kensington, and Lexington streets.

Mayor Aguirre called a recess at 8:24 p.m. Mayor Aguirre reconvened the meeting at 8:34 p.m.

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 \$1,857,249.62
- 3) Minutes of regular City Council meeting of April 2, 2013
- 4) Report of regular Community Law Enforcement Liaison Board meeting of March 21, 2013
- 5) Second reading and final adoption of Ordinance No. 2013-1259 approving Zone Amendment No. 2013-02 amending the zoning map on a 3.42 acre parcel east side of Garzoli Avenue approximately 800 feet south of Woollomes Avenue
- 6) Second reading and final adoption of Ordinance No. 2013-1260 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
- 7) Appropriate \$5,237.16 from the general fund to account #01-5681-160, election expenses

- 8) Resolution No. 2013-13 of the City Council of the City of Delano authorizing designated positions to execute any actions necessary for obtaining financial assistance provided by the Governor's Office of Homeland Security
- 9) Resolution No. 2013-14 of the City Council of the City of Delano adding an item to the Transportation Department budget for security cameras and geographical positioning systems for city buses and transit station
- 10) Award contract for Maintenance Districts landscape maintenance to Clean Cut Landscape for four years in the amount of \$75,879 for the first 12 months Agreement No. 2013-22
- 11) Approve proposed changes to the League of California Cities Bylaws and authorize the City Manager to return the ballot
- 12) Accept donation of \$500.00 from Paramount Citrus and Roll Giving to City of Delano Parks & Recreation

Moved by Councilwoman Vallejo, seconded by Councilman Chavez, and unanimously carried to approve the Consent Agenda with items #7 & 10 pulled for discussion.

Item #7) Ms. Reyna presented the staff report. Roberto Ibarra stated that he thought those who ran for office had to pay for it. He was informed the candidates pay for their campaign. The city consolidates with Kern County for elections and this is for the charge from the county to conduct the election.

Item #10) Mr. Dowling explained that staff released a request for bids. Two were received.

Moved by Councilman Chavez, seconded by Councilwoman Vallejo and unanimously carried to approve agenda items #7 and #10.

PUBLIC HEARINGS

- 13) Public hearing #2013-03 (continued from March 4, 2013): Receive comments related to unmet transit needs that may exist and can be reasonably met

Ms. Zamudio presented the staff report.

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

Mayor Aguirre closed the public hearing.

Moved by Councilwoman Morris, seconded by Councilwoman Vallejo and unanimously carried to adopt Resolution No. 2013-15 of the City Council of the City of Delano declaring there are no unmet transit needs within the City of Delano.

- 14) Public hearing #2013-10: Second reading and final adoption of Ordinance No. 2013-1258 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

Ms. Rios presented the staff report.

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 second reading and final adoption of Ordinance No. 2013-1258 amending Chapter 3.08 of the Delano Municipal Code related to purchasing procedures by amending Sections 3.08.010, 3.08.030 and 3.08.040 and by adding Section 3.08.150 to the Delano Municipal Code.

- 15) Public hearing #2013-11: Adoption of an urgency ordinance 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. She distributed a memo with the corrected ordinance.

Mayor Aguirre asked for public comments.

Steven Kinsey stated that staff has done a good job putting the ordinance together.

Mayor Aguirre closed the public hearing.

Moved by Councilwoman Vallejo, seconded by Councilman Chavez and unanimously carried to approve Ordinance No. 2013-1261 an urgency ordinance 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.

- 16) Public hearing #2013-12: Resolution of the City Council of the City of Delano adopting water, sewer, refuse, and street sweeping service rates

This item was heard earlier during the meeting.

REGULAR AGENDA

- 17) Receive public comments on the 2012 Annual Housing Element Progress Report, receive, and file the report

Ms. Cariño presented the staff report.

Moved by Councilwoman Morris, seconded by Councilman Chavez and unanimously carried to accept the 2012 Annual Housing Element Progress Report.

- 18) Nomination and appointment to serve on the Commercial Building Color Ordinance Committee

Ms. Cariño presented the staff report.

Moved by Councilwoman Vallejo, seconded by Councilman Chavez and unanimously carried to appoint Councilwoman Morris and Mayor Aguirre to serve on the committee.

- 19) Discussion and any action regarding Council Member attendance at the International Council of Shopping Centers (ICSC) Global Retail Real Estate Convention (RECon) May 19 – 21, 2013, in Las Vegas

Ms. Reyna presented the staff report.

Moved by Councilwoman Vallejo, seconded by Councilman Chavez and carried by the following vote to approve two council member attendance at the ICSC Global Retail Real Estate Convention. AYES: Aguirre, Chavez, Pascual, Vallejo NOES: Morris

DEPARTMENTAL REPORTS

Ms. Cariño presented the report on Smart Valley Places “Community Conversation.”

COUNCIL STATEMENTS AND REPORTS

Councilman Pascual stated his appreciation to all the people who came to the meeting and spoke regarding the utility rates. He thanked Janet Rabanal and all those who worked on the Relay for Life event which raised \$176,000.

Councilwoman Vallejo stated those who worked on the Relay for Life did a great job.

Councilwoman Morris congratulated those involved in the Relay for Life event. She stated the City Walk went well. Ms. Morris thanked Chief DeRosia for the security provided by his officers.

Councilman Chavez thanked the staff for being more visible and accessible to the community.

Mayor Aguirre no items

CLOSED SESSION

Moved by Councilman Chavez, seconded by Councilwoman Morris, and unanimously carried that the City Council adjourn to Closed Session at 9:20 p.m. The City Clerk was excused. Mayor Aguirre was appointed Acting City Clerk. The City Attorney and City Manager were asked to remain.

- 20) Conference with legal counsel: claim of Frank Billingsley; govt. code section 54956.9(b)(1)

RETURN TO GENERAL SESSION

Reconvened in Open Session at 9:20 p.m. Mr. Garcia provided a report on closed session as follows:

- 20) Information was provided and by unanimous consent direction was given to reject the claim.

ADJOURNMENT

Mayor Aguirre adjourned the meeting at 9:21 p.m.

Phyllis A. Kraft, City Clerk