

MINUTES

CITY OF DELANO CITY COUNCIL – REGULAR MEETING June 17, 2013

CALL TO ORDER

Mayor Aguirre called the meeting to order at 5:34 p.m. in the City Hall Council Chambers, 1015 – Avenue.

INVOCATION

Mr. Dowling offered the invocation.

FLAG SALUTE

Councilman Pascual led the flag salute.

ROLL CALL

Council members present: Aguirre, Chavez, Pascual

Council members absent: Morris, Vallejo

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, Economic Development Specialist Castro, Recreation Manager Batth

PRESENTATIONS AND AWARDS

No items

ITEMS FROM THE PUBLIC

Elva Martinez, Assembly Member Rudy Salas's office, announced a community coffee meeting with Assembly Member Salas to be held Saturday, June 29, 10:00 a.m. – 11:00 a.m. at Perko's Coffee Shop.

Lupe Martinez asked what the policy is for adding and deleting names on the utility bills and making changes on them due to death or divorce.

Isabel Miranda asked that items #7, #9, #20 be pulled from the agenda for discussion.

Valerie Gorospe asked that items #5, #16 be pulled from the agenda for discussion

Abraham Jimenez stated there is chaos at the senior center and a lot of hostility. Sometimes there are too many people there. Kids are playing ball at community center and there are not enough restrooms.

Lena Mae Jones stated agreement with Mr. Jimenez and stated she does not feel welcome at the senior center. Everything is being done there in Spanish. She is still waiting for something to be named for the Jones family and for Martin Luther King Jr. Park to be dedicated.

Ethel Pickering, 102 Dover Place, stated there are not enough tables and benches at the spray park. Someone needs to check the restrooms there. She would like to have a gazebo there.

Richard Markham, 315 Dover Drive, requested a bench be placed in front of the community center. He is having trouble with 415's in his neighborhood.

Cornel Markham stated that he wants to meet with the city manager and council members. He stated that he wants the number for Kern County Grand Jury.

Mayor Aguirre announced there is an urgency item to be added to the agenda. Mr. Garcia stated the item came to staff's attention after the agenda was posted and it needs to be addressed at this meeting. He asked that it be added as item #22 and be considered with the consent items.

Moved by Councilman Chavez, seconded by Councilman Pascual and unanimously carried by all those present to add urgency item #22 to the consent agenda – Letter in support of California's Enterprise Zone Program.

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 \$2,565,585.82
- 3) Minutes of regular City Council meeting of June 3, 2013
- 4) Minutes of special City Council meeting of June 5, 2013
- 5) Letter in opposition to SB 311 (Padilla), Local Elections, Charter and Charter Proposals
- 6) Second reading and final adoption of Ordinance No. 2013-1263 Amending Title 20 of the Delano Municipal Code by Amending Portions of Chapter 20.14 Thereof Pertaining to the Regulation of Signs within the City of Delano
- 7) Resolution No. 2013-26 of the City Council of the City of Delano to approve submitting an application for Proposition 50 Chapter 6(b) Funds for a "" wellhead nitrate treatment pilot and demonstration project
- 8) 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 \$81,372.99, pending Wal-Mart approval. Payment application no. 12
- 9) Award of contract for the 2013 CDBG Water Main Replacement Project to Brough Construction, Inc. in the amount of \$352,642 and authorize the mayor to sign the construction contract Agreement No. 2013-45
- 10) Authorization to file the Notice of Completion for the Arsenic Mitigation Project, Equipping Wells 30, 32, and 33

- 11) Authorization to file the Notice of Completion for the 2012 CDBG Technology Center Improvements
- 12) Resolution No. 2013-27 of the City Council of the City of Delano authorizing submission of the application to the California Housing and Community Development Department for a new Targeted Employment Area designation for the City of Delano, and directing the City Manager to execute any necessary documents and agreements thereto
- 13) Rescind Resolution No. 2013-07 and adopt Resolution No. 2013-28 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
- 14) Resolution No. 2013-29 of the City Council of the City of Delano authorizing the City Manager or a designee to accept a \$2.8 million loan from the U.S. Department of Housing and Urban Development (HUD) Section 108 Loan Guarantee Program, enter into a HUD Section 108 Loan Agreement, and execute and deliver all necessary loan documents and authorizing the City Manager or designee to undertake certain related actions Agreement No. 2013-46
- 15) Authorization for Kern County to submit to CalRecycle a regional application for the Used Oil Payment Program (OPP) Fiscal Year 2013-2013
- 16) Resolution No. 2013-30 of the City Council of the City of Delano authorizing the mayor to sign Cooperative Agreement No. 06-1561 with State of California, Department of Transportation for Delano contribution to a project to improve the intersection of Garces Highway and Browning Road Agreement No. 2013-47

Moved by Councilman Chavez, seconded by Councilman Pascual, and unanimously carried by all those present to approve the Consent Agenda with items #5, #7, #9, and #16 pulled for discussion and the addition of item #22.

Item #5) Ms Reyna explained that this item does not directly affect the city because it is regarding charter cities. The League of California Cities has asked all cities for letters in opposition to the bill.

Moved by Councilman Chavez, seconded by Councilman Pascual and unanimously carried by all those present to approve item #5.

Item #7) Mr. Dowling explained this item is regarding new technology for water treatment. No local match is required. Carollo Engineers Inc. has technology that has been approved by the State.

Moved by Councilman Pascual, seconded by Councilman Chavez and unanimously carried by all those present to approve item #7.

Item #9) Mr. Dowling explained the project is for replacement of water main in the area of Alhambra and Balboa Avenues between High and Lexington Streets

Moved by Councilman Pascual, seconded by Councilman Chavez and unanimously carried by all those present to approve item #9.

Item #16) Mr. Dowling explained this is to assist in the funding of improvements at Garces Highway and Browning Road. Traffic impact fees will be used.

Moved by Councilman Chavez, seconded by Councilman Pascual and unanimously carried by all those present to approve item #16.

PUBLIC HEARINGS

- 17) Public hearing #2013-22: Resolution of the City Council of the City of Delano confirming the benefit assessment of all maintenance districts within the City of Delano for fiscal year 2013-2014 and authorizing the County of Kern to make collections of same

Mr. Dowling 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 Councilman Pascual and unanimously carried to adopt Resolution No. 2013-31 confirming the benefit assessment of all maintenance districts within the City of Delano for fiscal year 2013-2014 and authorizing the County of Kern to make collection of same.

REGULAR AGENDA

- 18) Discussion and direction regarding a green building ordinance

Ms. Cariño stated the City had received a grant from Southern California Edison Company to conduct strategic plan activities centered on energy efficiency and addressing strategies and related local government goals found in the California Public Utilities Commission's California's Long-Term Energy Efficiency Strategic Plan. The City selected Environmental Science Associates consultant firm to develop the Green Building Ordinance and the Point-of-Sale Ordinance. KEMA is a subcontractor selected by ESA to prepare the draft ordinances.

Amy Jewel, of KEMA, gave a power point presentation explaining the proposed ordinance. She noted that State regulations will change effective January 2014, however it is not known at this time what those requirements will be. The proposed ordinance is intended to move towards those requirements.

Council took no action on this item.

- 19) Discussion and direction regarding a point-of-sale energy retrofit program

Ms. Cariño stated this item is a companion item to #18. Amy Jewel gave a power point presentation regarding the proposed ordinance.

Council took no action on this item

- 20) Discussion and direction regarding California Consulting

Mayor Aguirre stated that he has concerns regarding the services provided by California Consulting to the city. He noted that staff has provided a report to council.

Moved by Mayor Aguirre, seconded by Councilman Chavez and unanimously carried by all those present to direct staff to go out for an RFQ for services for grant writing.

DEPARTMENTAL REPORTS

No items,

COUNCIL STATEMENTS AND REPORTS

Councilman Pascual stated council has received a lot of complaints regarding the senior center and asked for a report from staff regarding what is being done to deal with any hostility among those attending the center. He stated we need to look at facilities to be sure we have enough tables and benches and also look at the restrooms.

Councilman Chavez wished everyone a happy Father's Day and wished Ms. Reyna a happy birthday.

Councilwoman Morris absent

Councilwoman Vallejo absent

Mayor Aguirre noted an audience member wished to make a comment. Isabel Miranda stated that CRPE had asked for a recount of the Prop 218 protests and that was supposed to be on the agenda. Ms. Reyna informed council that staff is doing the recount and she had met with people from CRPE.

CLOSED SESSION

Moved by Councilman Chavez, seconded by Councilman Pascual, and unanimously carried that the City Council adjourn to Closed Session at 6:37 p.m. The City Clerk was excused. Mayor Aguirre was appointed Acting City Clerk. The City Attorney and City Manager were asked to remain.

- 21) Conference with legal counsel: pending litigation City of Delano vs. R&F Disposal govt. code section 54956.9(a)

RETURN TO GENERAL SESSION

Moved by Councilman Chavez, seconded by Councilman Pascual and unanimously carried to reconvene in Open Session at 6:44 p.m. Mr. Garcia provided a report on closed session as follows:

Information was provided; no reportable action taken.

ADJOURNMENT

Moved by Councilman Chavez, seconded by Councilman Pascual, and unanimously carried to adjourn the meeting at 6:45 p.m.

Phyllis A. Kraft, City Clerk