

## **MINUTES**

### **CITY OF DELANO CITY COUNCIL – REGULAR MEETING September 3, 2013**

#### **CALL TO ORDER**

Mayor Aguirre called the meeting to order at 5:33 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; Recreation Manager Batth

#### **PRESENTATIONS AND AWARDS**

Col. Ahron Hakimi, US Army Reserve, and Executive Director of KernCOG, presented an award from Secretary of Defense to Rueben Pascual for being a patriotic employer and supporting the National Guard Reserve.

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

Isabel Miranda, Valerie Gorospe, Maria Ceja, and David Marino spoke regarding the recent workshops held by KernCOG regarding transportation needs.

Richard Markham, 315 Dover Drive, spoke about WalMart and Foods Co, Costco, and stated that we are going toward lawlessness.

Abraham Jimenez asked for an update on the senior nutrition program and stated some problems with transit.

Lena Mae Jones, 1116 Lexington Street spoke about the senior nutrition program and naming the new spray park.

Dora Moreno and Mario Navarro of American Health & Fitness spoke regarding problems they are having regarding permits for their business and building.

### 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 \$5,280,441.53
- 3) Minutes of regular City Council meeting of August 5, 2013
- 4) Minutes of regular City Council meeting of August 19, 2013
- 5) Minutes of regular Pension Committee of May 6, 2013
- 6) Second reading and final adoption of Ordinance No. 2013-1265 of the City Council of the City of Delano amending Title 20 of the Delano Municipal Code by adding Chapter 20.2.165 thereto, setting forth the requirements and procedures for substantial conformance review applications for previously approved development permits (Zone Amendment No. 2013-06)
- 7) Addendum to agreement with Garcia Hernandez Sawhney & Bermudez LLP as the City of Delano City Attorney Agreement No. 2013-59
- 8) Acceptance and approval of the City of Delano Quarterly Investment Report dated September 3, 2013, for the quarter ended June 30, 2013
- 9) Resolution No. 2013-38 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 2013-2014
- 10) Resolution No. 2013-39 of the City Council of the City of Delano authorizing the filing of applications with the Federal Transit Administration, an Operating Administration of the United States Department of Transportation, for Federal Transportation Assistance authorized by 49 U.S.C. Chapter 53, Title 23 United States Code, and other federal statutes administered by the Federal Transit Administration; and authorizing related documents and actions
- 11) Authorization for the city manager to enter into an agreement with the Delano Union School District for a school resource officer Agreement No. 2013-60
- 12) Approval of agreement with Klassen Corporation to provide architectural design services for the domestic violence shelter project Agreement No. 2013-61
- 13) Approve final balancing Change Order for Granite Construction on the Woollomes Interchange Widening Project for the not to exceed amount of \$189,000 and authorize the City Manager to sign the change order documents Agreement No. 2013-62
- 14) Approval of Task Order 12-2013 with Cannon Associates for the preparation of a bio-solids land application regarding the secondary effluent from the wastewater treatment

plant to the reclamation area, and authorize the City Manager to execute the task order Agreement No. 2013-63

- 15) Resolution No. 2013-40 of the City Council of the City of Delano approving a rental agreement between Mr. Tony Smith and the City to rent Port-A-Port Hangar #P-9 at the Delano Municipal Airport Agreement No. 2013-64
- 16) Resolution No. 2013-41 of the City Council of the City of Delano granting an easement for utility purposes to Southern California Edison Company and directing the mayor to execute the easement
- 17) Resolution No. 2013-42 of the City Council of the City of Delano, California designating and setting aside certain city-owned real property as right-of-way for public street and public utility purposes
- 18) Resolution No. 2013-43 of the City Council of the City of Delano authorizing the filing of an Application for Congestion Mitigation and Air Quality (CMAQ) Program funding and committing the necessary local match and the assurance to complete the project
- 19) Resolution No. 2013-44 of the City Council of the City of Delano authorizing the filing of an Application for Regional Surface Transportation Program (RSTP) funding and committing the necessary local match and the assurance to complete the project
- 20) Resolution No. 2013-45 of the City Council of the City of Delano declaring various used recreation items, computers, and office equipment as surplus and authorizing staff to dispose of said items
- 21) Amendment to Lease Agreement with Monterey Golf Management Group, LLC to Extend the Agreement to June 18, 2018 Agreement No. 2013-65
- 22) Resolution No. 2013-46 of the City Council of the City of Delano authorizing an agreement between the Kern County Aging and Adult Services Department and the City of Delano for Senior Nutrition Program meals and authorizing the city manager to execute the agreement Agreement No. 2013-66

Councilwoman Vallejo asked that item #7 be pulled for discussion. Councilwoman Morris asked that item #14 be pulled for discussion. Bill Hylton asked that items #16 and #20 be pulled for discussion.

Moved by Councilwoman Vallejo, seconded by Councilman Chavez, and unanimously carried to approve the Consent Agenda with items #7, #14, #16, and #20 pulled for discussion.

Item #7) Mr. Garcia stated the only change to the original agreement is to remove the word “interim.” Moved by Councilwoman Vallejo, seconded by Councilman Pascual and unanimously carried to approve item #7.

Item #14) Mr. Dowling provided clarification. Ms. Reyna noted the city’s liability ends at the end of the sale of the bio-solids.

Moved by Councilwoman Morris, seconded by Councilman Chavez and unanimously carried to approve item #14.

Item #16) Mr. Dowling provided clarification.

Moved by Councilwoman Morris, seconded by Councilman Pascual and unanimously carried to approve item #16.

Item #20) Ms Bath explained the items are damaged and worn and no longer usable. Ms. Reyna explained that once declared surplus, the items can be made available to other agencies.

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

### **PUBLIC HEARINGS**

No items

### **REGULAR AGENDA**

- 23) Approval of Change Order No. 2 to Statement of Work related to contract with Southern California Edison Company to complete a Local Government Strategic Plan

Ms. Cariño presented the staff report.

Moved by Councilwoman Vallejo, seconded by Councilman Pascual and unanimously carried to approve Change Order No. 2 to Statement of Work related to the contract with Southern California Edison Company. Agreement No. 2013-67

- 24) Consideration of request from Delano Union School District for City to sponsor in the amount of \$1,350 Parade Permit Fee for the Annual Kiddie Parade

Councilwoman stated she has a conflict of interest because she is an employee of the school district and left the room during discussion and vote of this item.

Ms. Reyna presented the staff report.

Moved by Councilwoman Vallejo, seconded by Councilman Chavez and unanimously carried by all those present to sponsor the Annual Kiddie Parade.

Councilwoman Morris returned to the meeting.

### **DEPARTMENTAL REPORTS**

- 25) Power Point presentation regarding City of Delano Recreation

Ms. Bath presented the report.

- 26) Report on Senior Center – interim facility

Ms. Reyna presented the report.

### **COUNCIL STATEMENTS AND REPORTS**

Councilwoman Morris no items

Councilman Chavez asked for a report on transit.

Councilman Pascual stated the city needs to address the transit concerns. He asked for information on the follow-up regarding the issues related to American Fitness.

Councilwoman Vallejo asked why there has been a delay on the work on the new spray park. She asked when the sign for the Martin Luther King Jr. park will be ready.

Mayor Aguirre no items

### **CLOSED SESSION**

Moved by Councilman Chavez, seconded by Councilwoman Vallejo, and unanimously carried that the City Council adjourn to Closed Session at 7:17 p.m. The City Clerk was excused. Mayor Aguirre was appointed Acting City Clerk. The City Attorney and City Manager were asked to remain.

- 27) Conference with legal counsel: settlement authority for worker comp case: Preston George; govt. code section 54956.95

### **RETURN TO GENERAL SESSION**

Moved by Councilwoman Vallejo, seconded by Councilman Pascual and unanimously carried to reconvene in Open Session at 7:32 p.m. Mr. Garcia provided a report on closed session as follows:

- 27) Information was provided and by unanimous consent direction was given.

### **ADJOURNMENT**

Moved by Councilman Chavez, seconded by Councilman Pascual, and unanimously carried to adjourn the meeting at 7:33 p.m.

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Phyllis A. Kraft, City Clerk