

MINUTES

CITY OF DELANO CITY COUNCIL – REGULAR MEETING October 21, 2013

CALL TO ORDER

Mayor Aguirre called the meeting to order at 5:32 p.m. in the City Hall Council Chambers, 1015 – Avenue.

INVOCATION

Pastor David Vivas offered the invocation.

FLAG SALUTE

Chief DeRosia led the flag salute.

ROLL CALL

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

OFFICIALS PRESENT

City Manager Reyna, 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

No items

ITEMS FROM THE PUBLIC

Esther Padron, 450 W. Springville Drive Apartment 121, Porterville, stated she is asking for help from the city regarding her missing daughter and for a reward program.

Javier Cruz, spoke in Spanish, Ms. Reyna translated. Mr. Cruz stated that council should get permission to respond to public comments. Council should be seeking to resolve problems. The Community Development Director should start the abatement program with her own house. People in the city are feeding their children water because they don't have enough to feed them food. Council should work on such things as prohibiting alcohol in the city. City workers make a good salary. Mr. Cruz stated he heard one worker ask why should he retire when he gets paid to do nothing.

Nathan Ford stated that public comment speakers need to speak in English and in the future they should bring their own interpreter. He stated that there will always be organizers in the city and they should speak in English.

Ethel Pickering, 102 Dover Place, stated we are all humans and it does not matter what race or color we are. She is concerned about the lady who spoke about her daughter and asked what the city can do to help her. She stated we are all the same and need to get away from making hurtful comments.

Richard Markham stated we need to give the same respect to the missing lady as was given to Johnny Espinoza.

Abraham Jimenez, 127 Dover Street, stated he is concerned with what is happening to the city. Water rates were raised. He stated that ten days is not long enough to fix houses in response to a code violation notice. This is a farm worker city and we need to give those who need one a break.

Arthur Rodriguez stated that code enforcement is mostly being done on the west side, and asked why that is. He stated that ten days is not enough time to respond to code violation notices.

Valerie Gorospe stated that she is pleased to hear the city has purchased headsets. She stated that we have a high population of non-English speaking people. Headsets will encourage more people to come to meetings. Ms. Gorospe stated that this is the first time the Padron family has attended a council meeting, and that more should be done regarding their case.

Cornel Markham, 2110 Patton Street, asked what is more demeaning than to have a gun pointed at you. He stated he has been waiting three years for a report.

Maria Prieto stated that we are an international community and need to accept every culture. She stated that her father is really hard working. She does not have the money to go to Berkeley and will have to go to Bakersfield College. She thanked the Council for all the work they do. She stated that Delano is growing and we need to do things that keep us together.

Norena Contreras stated she is an aunt of Erica Padron Guerrero. She stated the family has talked to police and detectives and are told the police are working on the case. She noted it has been fourteen days and asked how they can push this. She asked about funds for a reward.

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 \$2,798,867.40
- 3) Minutes of regular City Council meeting of October 7, 2013
- 4) Minutes of regular Planning Commission meeting of September 11, 2013
- 5) Second reading and final adoption of Ordinance No. 2013-1267 amending Title 20 of the Delano Municipal Code by adding Chapter 20.11.50(2)(D) thereto, requiring the application for and approval of a conditional use permit for consideration of a determination of public convenience or necessity in accordance with Section 23958.4 of the California Business and Professions Code, in connection with an application for approval of alcoholic beverage sales (Zone Amendment No. 2013-07)

- 6) Second reading and final adoption of Ordinance No. 2013-1268 amending Title 1 of the Delano Municipal Code by adding Chapter 1.08.150 to 1.08 thereto, setting forth the requirements and procedures for administrative citations
- 7) Resolution No. 2013-54 of the City Council of the City of Delano adopting the class specification of the Senior Planner
- 8)
 - a) Resolution No. 2013-55 of the City Council of the City of Delano adopting the class specification for the Recreation Associate
 - b) Resolution No. 2013-56 of the City Council of the City of Delano adopting the revised miscellaneous unit salary schedule for fiscal year 2013/2014 and rescinding Resolution No. 2012-88A
 - c) Resolution No. 2013-57 of the City Council of the City of Delano adopting the revised miscellaneous unit salary schedule for fiscal year 2014-2015 and rescinding Resolution No. 2012-89
- 9) Amendment to Lease Agreement No. 1998-86 at the Delano Municipal Airport for V.B. Zaninovich & Sons, Inc. Agreement No. 2013-84
- 10) Amendment to Lease Agreement No. 1998-87 at the Delano Municipal Airport for Mr. Joseph M. Zaninovich Agreement No. 2013-85

Councilwoman Vallejo asked that item #8 be pulled for discussion.

Moved by Councilwoman Morris, seconded by Councilman Chavez, and unanimously carried to approve the Consent Agenda with item #8 pulled for discussion.

Item #8) Councilwoman Vallejo asked if there is a typo on the job description for Recreation Associate; if it should state “stooping” not “stooping” under the heading Physical Demands. She was informed it is a typo.

Moved by Councilwoman Vallejo, seconded by Councilman Pascual and unanimously carried to approve agenda item #8 with the correction noted to the resolution under item a.

PUBLIC HEARINGS

- 11) Public hearing #2013-32: Resolution of the City Council of the City of Delano adopting Negative Declaration (E-13-02) for Water Well No. 35 BIOTTA Wellhead Nitrate Treatment Pilot and Demonstration Project

Mr. Dowling introduced Penny Carlo of Carollo Engineers who presented the staff report. She presented information on the background of the project, how the project will be conducted, and the objectives.

Ms. Cariño spoke regarding the environmental document and noted the city received three comments. Those have been addressed.

There was discussion regarding nitrate limits in the water, funding, location of the project, and dust control during the project.

Mayor Aguirre asked for public comments.

Abraham Jimenez asked the cost of the project and what will happen if it doesn't work. He was informed the grant will cover up to \$5 million. The process has been shown to be cost effective. If the city does not continue the project after the initial three years, Carollo Engineers will remove the equipment

David Marino, 2110 San Lorenzo Court, spoke on behalf of the Delano Guardians. He stated support for removing nitrates, but does not want an increase in the number of valley fever cases in the children and seniors in the area. He asked what the project will cost and where the money will come from.

Valerie Goropse stated that it sounds as if CEQA isn't relevant. She asked how there will be monitoring at the end of the process, how the water will be tested and how often, and what will happen if the project does not work. She stated support for removing the nitrates. Mr. Dowling stated there will be testing throughout the project and that the State requires monitoring. Ms. Cariño noted that the State requires every project undergo CEQA. Staff did a review and determined there would be no negative effect.

Ethel Pickering asked if she will still have to buy water and if the city will raise rates. Mr. Dowling stated the project is fully funded.

(no name given) asked if there will be nitrogen and oxygen emissions and if the project will cause any greenhouse effects. He was informed that nitrogen gas is common in the atmosphere.

Mayor Aguirre closed the public hearing.

Moved by Councilwoman Vallejo, seconded by Councilwoman Morris and unanimously carried to adopt Resolution No. 2013-58 of the City Council of the City of Delano adopting Negative Declaration E-13-02 for Water Well No. 35 BIOTTA Wellhead Nitrate Treatment Pilot and Demonstration Project.

- 12) Public hearing #2013-33: Development Impact Fees
 - a) Resolution of the City Council of the City of Delano adopting updated development impact fees
 - b) Resolution of the City Council of the City of Delano amending the project list to be funded by circulation impact fees

Mr. Dowling introduced Jeff Cord and Steve Grant of Quad Knopf Engineering. Mr. Cord presented the staff report. Mr. Dowling noted a correction to the resolution amending the project list to be funded by circulation impact fees. "Dover Street" should be changed to "Dover Parkway."

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 adopt Resolution No. 2013-59 of the City Council of the City of Delano adopting updated development impact fees and Resolution No. 2013-60 of the City Council of the City of Delano amending the project list to be funded by circulation impact fees with the change of "Dover Street" to "Dover Parkway."

REGULAR AGENDA

- 13) Introduction and first reading of an ordinance of the City of Delano amending Title 9 of the Delano Municipal Code by adding Chapter 9.90 setting forth the requirements and procedures for Ongoing Major Criminal Investigation Reward Program

Chief DeRosia presented the staff report. He noted that he cannot discuss any ongoing criminal investigation.

There was discussion regarding times when there may be more than one high profile case. It was noted that most crimes in Delano are solved, but this will help the police department when they run into road blocks. The dollar amount to be awarded was discussed.

Moved by Councilwoman Vallejo, seconded by Councilman Pascual and unanimously carried to approve the introduction and first reading of Ordinance No. 2013-1269 amending Title 9 of the Delano Municipal Code by adding Chapter 9.90 setting forth the requirements and procedures for Ongoing Major Criminal Investigation Reward Program with the following changes:

9.90.040 - sentence to read: "Standard reward amount authorized under this chapter shall be determined by the Chief of Police and/or the City Manager but not to exceed the fund balance for each on-going major criminal investigation for which a reward is offered."

9.90.060 – The first paragraph to read: "Once a reward is approved for payment by the City Manager and/or his/her designee, and upon the recommendation of the Chief of Police, the Finance Director shall cause such payment to be made, but only after all required accounting practices consistent with the City of Delano policies have taken place."

- 14) Approval of agreement with Townsend Public Affairs, Inc. to provide grant writing and government affairs advocacy services

Mr. Dowling presented the staff report. He explained the work will be done on a task order basis as needed limited to an annual cost of \$60,000.

Moved by Councilman Pascual, seconded by Mayor Aguirre and carried by the following vote to approve an agreement with Townsend Public Affairs, Inc. to provide grant writing and government affairs advocacy services. AYES: Aguirre, Chavez, Pascual, Vallejo NOES: Morris

- 15) Resolution of the City Council of the City of Delano declaring that the public interest and necessity demand the immediate expenditure of public money to safeguard life, health and property and to ensure operational efficiency and fiscal responsibility of the city; and authorize the city manager to sign a contract with Brough Construction to perform the work on a time and materials basis

Mr. Dowling presented the staff report. Mr. Garcia stated the findings for the record: 1) The emergency is that we understand the state has been ordered to reduce the number of inmates one way or another. The state has adopted this method of reassigning inmates to places like the community correctional facilities. If places are not available, the state will release inmates. This emergency is based on public safety. 2) We are doing this in the most efficient way possible and consistent with the public bidding process. There are four parts to this project. Only part one is under this emergency award. The three remaining parts will go through the public bidding process. 3) An emergency vote requires a fourth-fifth vote.

Moved by Councilman Chavez, seconded by Councilwoman Vallejo and unanimously carried to adopt Resolution No. 2013-61 declaring that the public interest and necessity demand the immediate expenditure of public money to safeguard life, health and property and to ensure operational efficiency and fiscal responsibility of the city; and authorize the city manager to sign a contract with Brough Construction to perform the work on a time and materials basis. Agreement No. 2013-87

DEPARTMENTAL REPORTS

No items

COUNCIL STATEMENTS AND REPORTS

Councilwoman Morris no items

Councilman Chavez noted that some of the statements made tonight were insensitive or hateful. He stated this is a very diverse city and we take pride in being tolerant with everyone that comes to the council. He added that if this happens again the city should stand against it.

Councilman Pascual no items

Councilwoman Vallejo stated support of Councilman Chavez's statement. She stated that, regarding code enforcement, the ten day notice is a tiny portion of what the process will be. She noted that staff is trying to do the job the public wants and we have to enforce what regulations we put on the books. She announced a Halloween party in the parking lot at DRMC from 4:00 p.m. to 6:00 p.m.

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 8:16 p.m. The City Clerk was excused. Mayor Pro Tem Chavez was appointed Acting City Clerk. The City Attorney and City Manager were asked to remain.

Mayor Aguirre left the meeting at 8:16 p.m.

- 16) Conference with legal counsel: settlement authority for worker comp case: Matthew Ince; govt. code section 54956.95

RETURN TO GENERAL SESSION

Moved by Councilman Pascual, seconded by Councilwoman Vallejo and unanimously carried to reconvene in Open Session at 8:29 p.m. Mr. Garcia provided a report on closed session as follows:

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

ADJOURNMENT

Moved by Councilwoman Vallejo, seconded by Councilman Pascual, and unanimously carried to adjourn the meeting at 8:31 p.m.

Phyllis A. Kraft, City Clerk