

MINUTES

CITY OF DELANO CITY COUNCIL – REGULAR MEETING November 4, 2013

CALL TO ORDER

Mayor Aguirre called the meeting to order at 5:30 p.m. in the City Hall Council Chambers, 1015 – Avenue.

INVOCATION

Linda Hylton offered the invocation.

FLAG SALUTE

Councilman Pascual 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, Police Chief DeRosia, Community Development Director Cariño, Human Resources Director Zamudio

PRESENTATIONS AND AWARDS

Terry Monrian addressed the Council on behalf of the Delano Regional Medical Center. He stated that in recognition of the hospital's anniversary next year and the City's anniversary in 2015, the hospital is proposing murals be painted on the sides of the railroad underpass. The murals would show the unity and diversity of Delano through its history. He requested a committee be formed regarding such a project.

Members of the City's recreation department Tahitian Dancers program, Isabel Heredia, Jennevy Gutierrez, Leslie Rodriguez, and Deanne Manlasstas, performed for the Council.

ITEMS FROM THE PUBLIC

No name given, stated he is representing the Delano Guardians which was formed to educate the public to become more involved in the community. At the last council meeting some racist and discriminating comments were made. Council should declare that such statements are not allowed.

Ms. Mendez stated field work is an honest job and agriculture contributes to the national economy. She enjoys her job. When council allows insensitive comments, it shows that council does not value her job.

Silvestre Castrejon stated he has talked to the city manager about his water bill and asked what he can do about it.

Roberto Ibarra, 1815 – Avenue, asked that item #7 be pulled from the agenda. He stated that America is a whole continent, not just a country.

Margareta Mendez asked people to take into account that it is not easy to learn a new language. People are tired from working in the fields. It is difficult and more labor intensive than working at a desk.

Janet Rabanal, 931 High Street, announced events that are planned for Veterans' Day including a tournament at the Aviator Casino and a Veterans' Day walk and lunch at Memorial Park.

Maria Ceja stated that she has been told that if you want to change the way things are, you have to participate. She asked to have a translator at the meetings. Everyone has a right to make public comments. Some comments made at the last meeting were hurtful.

Pedro Rodriguez stated he supports comments made tonight regarding comments made at the last council meeting. He also supports the comments made regarding the water issue.

Valerie Gorospe stated that when the council stays silent about comments that are hateful and demonizing, it shows the governing body likely agrees with those statements. It is important for officials to govern meetings in a lawful manner and not create a culture of fear and sense of lack of belonging. She stated it is rude for council to whisper to each other during public comments.

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 \$1,573,331.36
- 3) Minutes of regular City Council meeting of October 21, 2013
- 4) Resolution No. 2013-62 of the City Council of the City of Delano providing for the adjustment of property tax revenues upon local agency jurisdictional change resulting from Annexation Number 40, LAFCO Proceeding Number 1659
- 5) Resolution No. 2013-63 of the City Council of the City of Delano providing for the adjustment of property tax revenues upon local agency jurisdictional change resulting from Annexation Number 54, LAFCO Proceeding Number 1660
- 6) Resolution No. 2013-64 of the City Council of the City of Delano authorizing staff to file a claim to Kern Council of Governments for streets and roads for fiscal year 2013-2014
- 7) Award contract for the Community Correctional Facility security upgrades project to Brough Construction Inc., pending State approval, in the amount of \$582,500.00 and authorize the mayor to sign the construction contract once State approval is received Agreement No. 2013-88
- 8) Resolution No. 2013-65 of the City Council of the City of Delano authorizing the agreement with Active Network for the development and installation of a recreation management software at the Delano Recreation Department Agreement No. 2013-89

- 9) Authorization to enter into an advertising agreement with Golden Gate Media Group to promote the City of the Delano Chamber of Commerce Directory Agr No. 2013-90

Roberto Ibarra asked that item #7 be pulled for discussion. Valerie Gorospe asked that item #9 be pulled for discussion.

Moved by Councilwoman Vallejo, seconded by Councilman Chavez, and unanimously carried to approve the Consent Agenda with items #7 and #9 pulled by the public for discussion.

Item #7) Ms. Reyna stated this item is for additional items for security upgrades at the Community Correctional Facility. The item did go out for bids.

Roberto Ibarra stated that he is against prisons and does not want any money to go to them.

Moved by Councilwoman Vallejo, seconded by Councilman Pascual and unanimously carried to approve item #7.

Item #9) Ms. Reyna explained that this is for marketing of the city through the Chamber of Commerce directory. This has been done before and funds have been budgeted for it.

Moved by Councilman Chavez, seconded by Councilwoman Morris and unanimously carried to approve item #9.

PUBLIC HEARINGS

- 10) Public hearing #2013-34: Reintroduction and first reading of an ordinance of the City Council of the City of Delano amending Title of the Delano Municipal Code by adding Chapter 9.90 setting forth the requirements and procedures for the Ongoing Major Criminal Investigation Reward Program

Chief DeRosia presented the staff report. He stated that the changes council requested at the last meeting have been made.

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

Mayor Aguirre closed the public hearing.

Moved by Councilman Pascual, seconded by Councilwoman Morris and unanimously carried to approve the introduction and first reading of Ordinance No. 2013-1269 amending Title 9 of the Delano Municipal Code regarding the Ongoing Major Criminal Investigation Reward Program.

- 11) Public hearing #2013-35: Introduction and first reading of an ordinance of the City Council of the City of Delano amending Title 20 of the Delano Municipal Code by adding to Chapter 20.1.190 thereof a definition of "Amusement / Theme Park," amending Chapter 20.3.21(2) Table 3.C thereof by adding "Amusement / Theme Park" and "Automotive Service Station" as uses permitted subject to approval of a conditional use permit in the AP, airport zone district, amending Chapter 20.5.30, Table 5.A, Section C by adding "Amusement / Theme Park" as a use permitted subject to approval of a conditional use permit in the GC, general commercial zone district, and amending Chapter 20.6.30, Table 6.A, Section E thereof by adding "Amusement / Theme Park" as a

use permitted subject to approval of a conditional use permit in both the CRC, community retail commercial and the I, industrial zone districts

Ms. Cariño presented the staff report. She stated that broad definitions are listed so that staff will not have to come back in the future. No standards are proposed as those would be set during the review process for a conditional use permit for any proposed project.

Mayor Aguirre asked for public comments.

Bree Conner asked how it could be determined at this time that this is CEQA exempt. Ms. Cariño explained that this is only a text amendment. Any projects would be reviewed as they are proposed.

Mayor Aguirre closed the public hearing.

There was discussion regarding the inclusion of service stations in this ordinance. Mr. Garcia stated language could be added to the proposed ordinance stating that council be notified if a service station application is submitted.

Moved by Councilwoman Vallejo, seconded by Councilman Chavez and unanimously carried to approve the introduction and first reading of Ordinance No. 2013-1270 amending Title 20 of the Delano Municipal Code regarding amusement / theme parks with the addition of language that city council members are to be notified when an automotive service station come before the Planning Commission.

REGULAR AGENDA

No items

DEPARTMENTAL REPORTS

- 12) Commercial building color committee report

Ms. Cariño presented the staff report. She stated the committee has not been able to schedule a meeting due to conflicts of merchants' schedules.

It was the consensus of council that staff pick a date and proceed with a meeting.

COUNCIL STATEMENTS AND REPORTS

Councilman Pascual no items

Councilwoman Vallejo stated that council is not allowed to respond during public comments. She noted that she and other council members are from farm worker families and know that kind of life. She stated that many things have been said that should not have been and that the public needs to respect staff.

Councilwoman Morris no items

Councilman Chavez stated he would like to have an interpreter at the next council meeting.

Mayor Aguirre no items

CLOSED SESSION

Moved by Councilman Chavez, seconded by Councilman Pascual, and unanimously carried that the City Council adjourn to Closed Session at 6:47 p.m. The City Clerk was excused. Mayor Aguirre was appointed Acting City Clerk. The City Attorney and City Manager were asked to remain.

- 13) Conference with legal counsel: potential litigation, one case, pursuant to govt. code section 54956.9(4)
- 14) Conference with legal counsel: claim of Lisett Elisondo pursuant to govt. code section 54961
- 15) Conference with property negotiators Maribel Reyna and Bonny Garcia regarding possible sale of property located at 22100 Woollomes Avenue (APN 521-020-14-00-5) to Chevron Barn LLC. with respect to price, terms and condition of sale pursuant to govt. code section 54956.8

RETURN TO GENERAL SESSION

Moved by Councilman Chavez, seconded by Councilwoman Vallejo and unanimously carried to reconvene in Open Session at 7:24 p.m.. Mr. Garcia provided a report on closed session as follows:

- 13) Information was provided and by unanimous consent direction was given.
- 14) Information was provided and by unanimous consent direction was given.
- 15) 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 7:25 p.m.

Phyllis A. Kraft, City Clerk