

MINUTES

**CITY OF DELANO
CITY COUNCIL – REGULAR MEETING
November 18, 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

Councilman Chavez 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, Recreation Manager Batth

PRESENTATIONS AND AWARDS

Members of Delano Rotary presented a certificate to Councilwoman Vallejo in recognition of all her dedicated service and hard work in the community.

ITEMS FROM THE PUBLIC

Robert Gonzalez, 1848 Chaparral Circle, stated that trash cans are not being put back in yards as required by city code, and nothing is being done about it. He stated the city should enforce the codes.

(unable to understand name) stated she has a neighbor who parks his tow truck on the street and asked if he has a right to do so.

Maria Ceja, Delano Guardians, presented a flyer for a meeting about health care to be held November 22.

Mario Reyes spoke about using city parks for boot camps. He was informed that item is on the agenda.

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 \$3,153,797.94
- 3) Minutes of regular City Council meeting of November 4, 2013
- 4) Minutes of regular Pension Committee meeting of August 5, 2013

- 5) Second reading and final adoption of Ordinance No. 2013-1269 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
- 6) Second reading and final adoption of Ordinance No. 2013-1270 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
- 7) Acceptance and approval of the City of Delano Quarterly Investment Report for the quarter ended September 30, 2013
- 8) Resolution No. 2013-66 of the City Council of the City of Delano adopting the City of Delano Unclaimed Money Policy
- 9) Resolution No. 2013-67 of the City Council of the City of Delano approving forty-eight thousand dollar (\$48,000) appropriation transfer request within the Insurance Fund, Fund 82
- 10)
 - a) Resolution No. 2013-68 of the City Council of the City of Delano adopting the class specification of the Corrections Commander
 - b) Resolution No. 2013-69 of the City Council of the City of Delano adopting the class specification of the Corrections Captain – Director of Security
 - c) Resolution No. 2013-70 of the City Council of the City of Delano adopting the class specification of the CCF Lieutenant (Shift Watch Commander)
 - d) Resolution No. 2013-71 of the City Council of the City of Delano adopting the class specification of the Correctional Sergeant
 - e) Resolution No. 2013-72 of the City Council of the City of Delano adopting the class specification of the Correctional Officer
 - f) Resolution of the City Council of the City of Delano adopting the class specification of the Food Services Supervisor (pulled from agenda)
- 11)
 - a) Resolution No. 2013-73 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. 2013-56
 - b) Resolution No. 2013-74 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. 2013-57

- c) Resolution No. 2013-75 of the City Council of the City of Delano adopting the revised management employees group salary schedule for fiscal year 2013/2014 and 2014/2015 and rescinding Exhibit "A" of Agreement No. 2013-28
- 12) Approve agreements with Jocelyn Roland, Ph.D (agreement no. 2013-91).; Mary Valenti, Ph.D. and Ernest M. Solano, Ph.D. (agreement no. 2013-92); and R. Bruce Walker, ED.D. (agreement no. 2013-93) to provide psychological services
 - 13) Approval of no cost cooperative agreement with Tulare County for the rehabilitation of the County Line Road and High Street intersection Agreement No. 2013-94
 - 14) Award contract for the 2013 CDBG Tennis Court Rehabilitation (re-bid) Project to Sequoia Surfacing & Engineering in the amount of \$35,029 and authorize the mayor to sign the construction contract; and approve the remaining CDBG funds (grant of \$55,728) as contingency and authorize the city manager to approve expenditures up to that amount if needed Agreement No. 2013-95
 - 15) Approval of additional closeout budget for the new police department headquarters project in the amount not to exceed \$225,000 to include the purchase and installation of a new telephone system for \$46,965.16; and authorize the city manager to execute the purchase agreement with Global Business Communications Solutions for \$46,965.16 and approve and sign task orders with WLC Architects as needed for close out items not to exceed the approved budget Agreement No. 2013-96
 - 16) Acceptance of a donation in the amount of \$2,319 from the Delano Rotary for deposit into the Delano Police Department Animal Control Trust Fund for use caring for animals housed in the Delano Animal Control Shelter
 - 17) Rescind approval of the purchase of two (2) GTR 8000 radio repeaters from SC Communications approved October 7, 2013, and approve the purchase of two (2) GTR 8000 radio repeaters from CEI Communications in the amount of \$43,234.52
 - 18) Rescind approval of the purchase of four (4) Telex C-soft IP radio dispatch consoles and one (1) Telex C-soft radio mobile dispatch laptop from SC Communications approved October 7, 2013, and approve the purchase of four (4) Telex C-soft IP radio dispatch consoles and one (1) Telex C-soft IP radio mobile dispatch laptop equipment from CEI Communications in the amount of \$73,183.18
 - 19) Resolution No. 2013-76 of the City Council of the City of Delano authorizing the City Manager to sign a grant deed creating a legal parcel for the technology center and signing the certificate of acceptance and directing the recordation thereof

Councilwoman Vallejo asked that items #6 and 10-f be pulled for discussion. Councilman Chavez asked that item #19 be pulled for discussion.

Moved by Councilwoman Vallejo, seconded by Councilman Chavez, and unanimously carried to approve the Consent Agenda with items #6, #10-f, and #19 pulled for discussion.

Item #6) Councilwoman Vallejo expressed concern regarding service stations being allowed in the airport zone. At the last meeting she had requested language be changed to require City Council approval of a conditional use permit for service stations. Mr. Garcia stated that Council had given the Planning Commission authority to approve CUP's, and to make a change would require a change to their scope of responsibilities. He noted that council members could attend the Planning Commission meetings so long as no more than two attend at the same time. Ms. Cariño stated Council could be given notification when an application is received.

Moved by Councilwoman Vallejo, seconded by Councilman Pascual and unanimously carried to approve item #6.

Item #10-f) Ms. Reyna stated this item is will be on the agenda for the next council meeting.

Item #19) Ms. Batth presented the staff report. She noted that HUD is asking that the property being used as collateral for the project be delineated. Councilman Chavez stated he wanted the public to be aware of the progress being made on the proposed community center.

Moved by Councilman Chavez, seconded by Councilwoman Morris and unanimously carried to approve item #19.

PUBLIC HEARINGS

No items

REGULAR AGENDA

- 20) Discussion and direction regarding implementing fees for non-profit and for-profit exercise groups utilizing city parks

Ms. Batth presented the staff report. She noted that businesses are asking about using the park for their boot camps.

Mario Reyes addressed the Council. He stated that his program is free to the whole community and the leaders volunteer their time and are providing a service to the community. He has waivers to protect his volunteers and the city. They are a non-profit. They charge \$20 which is being used toward the cost of being declared a non-profit organization and for the purchase of equipment. The \$20 is considered a donation.

Chris Quinonis address the Council. He stated he had started the first boot camp and did not ask for donations. He noted the group now using the park charges a registration fee, there are about 130 participants, and those running the program do sell hoodies and other stuff. He stated he is asking that all groups be treated equally. He added that a non-profit is still a business.

There was discussion regarding how long the groups have been using the park; the waivers of liability and if they are sufficient; having two sets of regulations – one for non-profit groups and one for for-profit groups; what definition of non-profit would be used.

The consensus of council was to direct staff to develop two policies: one for non-profit groups and one for for-profit groups, and to review the waiver used by non-profit groups.

- 21) Discussion and any action regarding mural on railroad underpass – Mayor’s request

Mayor Aguirre asked Terrence Monrian to speak to Council regarding this proposal. Mr. Monrian stated there is a lot of artistic talent in Delano. This would be an opportunity for organizations to promote our history and culture as well as celebrate the city’s anniversary. He stated there seems to be a lot of support from the Community Alliance, the schools, and various community organizations.

Councilwoman Vallejo stated that she would like to see a mural, but noted staff should find out first what would be involved when the work is being done. She stated there are safety concerns. Traffic would have to be controlled. She noted that the walls of the underpass are crumbling and need to be repaired. She asked who would approve the designs. Ms. Vallejo suggested that if the underpass is not a viable area for murals, Caltrans should be contacted regarding the pillars on High Street near the new police facility.

There was discussion. The consensus of council was support of the project. Mayor Aguirre asked Mr. Monrian to contact staff to have the item placed on the agenda periodically to provide updates to council.

DEPARTMENTAL REPORTS

No items

COUNCIL STATEMENTS AND REPORTS

Councilwoman Morris offered condolences to those who lost family to recent storms in the Philippines and thanked those who supported the efforts to raise funds to assist those affected.

Councilman Chavez offered condolences to those who lost family and stated it is nice to see how the community comes together and goes above and beyond what is expected to help those in need. He thanked Janet Rabanal, Delano Chamber of Commerce, for her work on the Veterans' Day events.

Councilman Pascual thanked the Delano Rotary for the donation to the animal shelter. He thanked Councilwoman Vallejo for her help raising funds for those in the Philippines and with city organizations. Councilman Pascual expressed his concern for the Filipino community.

Councilwoman Vallejo stated it was good to see all those who came out to support the Filipino community. She announced the annual Thanksgiving meal and noted it is not just for the homeless and poor but is a chance for everyone to come together. She wished everyone a happy Thanksgiving.

Mayor Aguirre stated the council members are an amazing group and that it takes a council like this to pull it all together. He noted it is important to share information and added that everyone in the room brings something to the table.

CLOSED SESSION

Moved by Councilwoman Vallejo, seconded by Councilman Chavez, and unanimously carried that the City Council adjourn to Closed Session at 6:46 p.m. The City Clerk was excused. Mayor Aguirre was appointed Acting City Clerk. The City Attorney and City Manager were asked to remain.

- 22) Conference with property negotiators Maribel Reyna and Chief DeRosia regarding possible sale and/or lease of property located at the 2727 W. Industry Way (Delano Community Correctional Facility) with respect to price, terms and condition of sale and/or lease pursuant to govt. code section 54956.8

RETURN TO GENERAL SESSION

Moved by Councilwoman Vallejo, seconded by Councilman Chavez and unanimously carried to reconvene in Open Session at 7:11 p.m. Mr. Garcia provided a report on closed session as follows:

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

ADJOURNMENT

Mayor Aguirre adjourned the meeting at 7:12 p.m.

Phyllis A. Kraft, City Clerk