

**MINUTES**

**CITY OF DELANO  
CITY COUNCIL – REGULAR MEETING  
April 6, 2015**

**CALL TO ORDER**

Mayor Pascual called the meeting to order at 5:33 p.m. in the City Hall Council Chambers, 1015 – 11<sup>th</sup> Avenue.

**INVOCATION**

Ms. Reyna offered the invocation.

**FLAG SALUTE**

Councilwoman Vallejo led the flag salute.

**ROLL CALL**

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

**OFFICIALS PRESENT**

City Manager Reyna, City Attorney Garcia, City Clerk Kraft, Finance Director Rios, Police Chief DeRosia, Associate Engineer Nunez, Human Resources Director Zamudio, Interim Chief of Corrections Komin

**PRESENTATIONS AND AWARDS**

Proclamation Declaring April 2015 Fair Housing Month

**ITEMS FROM THE PUBLIC**

Arnold Morrison thanked everyone for Easter Egg Hunt. He reported that over 500 children attended and there were 5,000 decorated eggs.

Janet Rabanal, Delano Chamber of Commerce, invited everyone to attend the centennial celebrations Monday, April 13 at Cecil Park and Saturday, April 18. On the 18<sup>th</sup>, there will be a pancake breakfast, parade, and celebration events including fireworks at Cecil park.

Richard Markham stated a bad precedent is set when there is retaliation against someone who speaks at a council meeting. He stated he got a ticket for riding his bike on wrong side of road. He noted there is no room to ride on north side of County Line Road. He gave written complaints to Ms. Reyna and Chief DeRosia.

**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 \$2,513,060.68
- 3) Minutes of regular City Council meeting of March 16, 2015
- 4) Minutes of Community Law Enforcement Liaison Board meeting of January 15, 2015
- 5) Confirmation of Mayor Pascual's appointment of Carlton Lennon to serve on the Pension Committee for a four year term to end May 2019.
- 6) Approval of co-sponsorship of the Centennial Celebration, Centennial Parade, and Centennial Birthday Party special events on April 13, and April 18, 2015 for a total of \$6,133.35 in special event fees
- 7) Renewal of City health plans for the period of July 1, 2015 through June 30, 2016 and authorize the city manager to execute the appropriate agreements with all carriers:
  - a. Health Net and Kaiser for medical plans for \$2,923,490 Agr No. 2015-19, 19a
  - b. Premier Access for dental plan for \$123,333 Agreement No. 2015-20
  - c. Superior Vision for vision plan for \$40,832 Agreement No. 2015-21
  - d. Lincoln Financial Group for life and accident plan for \$ 54,998 Agr No. 2015-22
  - e. PACE TPA (formerly Davies Administration) for flexible spending account for \$900 annual administration fee and \$250 annual compliance fee Agr No. 2015-23
- 8) Approve additional funds for the completion of the Water Well 39 Project (well site, 20<sup>th</sup> Avenue and Albany Street) in the amount of \$350,000 from the Water Fund and authorize the City Manager to sign the construction contract and any other documents needed to carry this project to completion
- 9) Authorize staff to construct Dover Parkway between Woollomes Avenue and Diaz Avenue as a two-lane road and modify the budget to provide \$600,000 from the Traffic Impact Fee Program
- 10) Resolution No. 2015-21 of the City Council of the City of Delano declaring an emergency and authorizing the appropriation of \$1,200,000 from the Water Fund for the drilling of Water Well 40 in the vicinity of Lytle Avenue and County Line Road (North Kern State Prison), with a new pump and lowering of the pumping level at Well 22 near the intersection of Randolph Street and 5<sup>th</sup> Avenue, and ratifying the construction contract with Bakersfield Well & Pump Co. and authorize the City Manager to sign the construction contract and any other documents needed to carry this emergency project to completion Agreement No. 2015-24
- 11) Approval of Exclusive Sale Listing Agreement and Commission Agreement with Cushman & Wakefield for disposition of City-owned property in Block H Agreement No. 2015-25 (sale listing agreement) Agreement No. 2015-26 (commission agreement)

Roberto Ibarra asked that items #9 and #10 be pulled for discussion.

Moved by Councilwoman Vallejo, seconded by Councilman Chavez, and unanimously carried to approve the Consent Agenda with items #9 and #10 pulled for discussion.

Item #9) Roberto Ibarra stated that the road was supposed to be put in by the developer and asked if the City is now taking on that project.

Ms. Reyna informed him that the city is sensitive to the needs of the community and is moving forward to construct two lanes of the road. The developer will complete the full construction.

Moved by Councilwoman Vallejo, seconded by Councilwoman Morris and unanimously carried to approve agenda item #9.

Item #10) Roberto Ibarra asked if this is related to the state's water crisis and how the city will implement the state mandates. He stated that people are still wasting water.

Lupe Martinez stated that he thought the arsenic problem was taken care of with the \$21 million project. He stated he was told the prison was not getting water from the city and added that the public was not getting the full story.

Mr. Nunez answered that this item is in regards to a new well replacing an old well with high arsenic levels. It is separate from the drought relief. He noted the filter on Well 22 was designed before the drought.

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

### **PUBLIC HEARINGS**

- 12) Public Hearing #2015-03: Resolution of the City Council of the City of Delano approving the adoption of a Substantial Amendment to the Consolidated Plan 2014-2015 Action Plan, and authorizing the city manager to execute all documents required by the U.S. Department of Housing and Urban Development

Ms. Reyna presented the staff report. She stated that funds are not yet needed for repayment of loans for the new community center and we are requesting those be used for the domestic violence center.

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

Mayor Pascual closed the public hearing.

Moved by Councilman Hill, seconded by Councilwoman Vallejo and unanimously carried to adopt Resolution No. 2015-22 approving the adoption of a Substantial Amendment to the Consolidated Plan 2014-2015 Action Plan and authorizing the city manager to execute all documents required by the U.S. Department of Housing and Urban Development.

- 13) Public Hearing #2015-04: Consideration of a single source agreement with BayWa r.e. Solar Projects, LLC for a renewable energy facility at the wastewater treatment plant on Lytle Avenue

Ms. Reyna stated that staff is requesting this item be continued to April 20, 2015.

Mayor Pascual tabled this item to April 20, 2015.

## REGULAR AGENDA

- 14) Introduction and first reading of an ordinance of the City Council of the City of Delano amending the City of Delano Municipal Code Title 6, Business Regulations, amending Chapter 6.08, Cardrooms subsection 6.08.330 Fees and Deposits

Ms. Reyna presented the staff report. She explained this is a request from Mr. Adler of the Aviator Club to reduce the month gross revenue fee imposed by the City from 7.5 percent to 5 percent for monthly revenues below \$210,000.

Lupe Martinez asked what this is about. He was informed the reduction would amount to about \$64,000 per year.

Richard Markham asked if the city will be losing \$64,000.

Janet Rabanal stated that Mr. Adler has brought fine dining to the city and this request appears to be due to a temporary set-back. She noted that receiving a little less would be better than receiving nothing if the business has to close.

Al Adler, Aviator Club, stated there are about twenty tiers in the revenue tract for the taxes on the gross revenue. This request is asking for a reduction in the lowest tier only. Once revenue is over \$210,000, the rate goes back to the original percentages. He stated he is trying to keep jobs and he has invested a lot in the community and the facility.

Moved by Councilman Chavez, seconded by Councilwoman Vallejo and unanimously carried to approve the introduction and first reading of Ordinance No. 2015-1273 amending the City of Delano Municipal Code Title 6, Business Regulations, amending Chapter 6.08, Subsection 6.08.330 Fees and Deposits.

## DEPARTMENTAL REPORTS

No items

## COUNCIL STATEMENTS AND REPORTS

Mayor Pascual introduced Carlton Lennon, newly appointed Pension Committee member and stated we are looking for talent like Mr. Lennon because so many agencies are having pension problems. Mayor Pascual stated he has been tracking unemployment numbers for about four years and noted that Delano has had one of the highest rates in the state. The numbers have been improving and we are now at 13.2%.

Councilwoman Morris invited everyone to attend the centennial celebrations.

Councilman Chavez asked to have a report at the next meeting on the water situation and the governor's mandate. He would like information on the city's past efforts in regards to water conservation and to clear up any confusion regarding the item on this meeting's agenda.

Councilwoman Vallejo stated that many projects, including the domestic violence shelter, are funded through many sources including Measure I funds. She stated she is glad people of Delano gave the city Measure I to have funds for various projects.

Councilman Hill no items.

### **CLOSED SESSION**

Moved by Councilman Chavez, seconded by Councilwoman Morris, and unanimously carried that the City Council adjourn to Closed Session at 6:29 p.m. The City Clerk was excused. Mayor Pascual was appointed Acting City Clerk. The City Attorney and City Manager were asked to remain.

- 15) Conference with labor negotiators Maribel Reyna, Bonny Garcia, and Human Resources Director Noemi Zamudio regarding negotiations with the Delano City Employee Association (miscellaneous unit); govt. code section 54957.6
- 16) Conference with legal counsel: threat of potential litigation, one case, pursuant to govt. code section 54956.9

### **RETURN TO GENERAL SESSION**

Moved by Councilman Chavez, seconded by Councilman Hill and unanimously carried to reconvene in Open Session at 7:27 p.m. Mr. Garcia provided a report on closed session as follows:

- 15) Information was provided, no action taken.
- 16) Information was provided, no action taken.

### **ADJOURNMENT**

Moved by Councilwoman Morris, seconded by Councilman Hill, and unanimously carried to adjourn the meeting at 7:27 p.m.

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Phyllis A. Kraft, City Clerk