

## **MINUTES**

### **CITY OF DELANO CITY COUNCIL – REGULAR MEETING June 1, 2015**

#### **CALL TO ORDER**

Mayor Pascual called the meeting to order at 5:34 p.m. in the City Hall Council Chambers, 1015 – 11<sup>th</sup> Avenue.

#### **INVOCATION**

Mr. Dowling offered the invocation.

#### **FLAG SALUTE**

Councilman Hill led the flag salute.

#### **ROLL CALL**

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

#### **OFFICIALS PRESENT**

City Attorney Garcia, City Clerk Kraft, Finance Director Rios, Police Commander Alvizo, Interim Community Development Director Keene, City Engineer Dowling, Human Resources Director Zamudio

#### **PRESENTATIONS AND AWARDS**

Presentation of Winners of the 2015 Fair Housing Arts Contest

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

Roberto Ibarra stated he has concerns regarding water issue. The notice in the newspaper regarding watering was only in English, and it should be in Spanish. He asked why the water bills are going up when we use less water. He stated there is a big lot on 5<sup>th</sup> Avenue with tall, dry grass, and asked why the city has not cleaned it.

Richard Markham thanked Ms. Reyna for resolving his issue with the police department. He thanked Council Members Vallejo and Hill for their concern. Mr. Markham stated there should not be any retaliation. He thanked the police for the speedy response to his concerns in his neighborhood. He noted that when he calls about noise in his neighborhood, the police do not come. He stated that the police should not help the Housing Authority of the County of Kern.

Gloria Herrera reported an abandoned house at 920 Austin Street has tall grass and is fire issue. She stated that the bus shelter on Albany between 10<sup>th</sup> and 11<sup>th</sup> avenues has loose bolts and is not safe.

Isabel Miranda thanked the city engineer for fixing the pot holes on Browning Street so quickly.

Bill Hylton asked if Denny's is under the city's watering restrictions, and reported that they water every day at 10:00. He stated he notified the corporation yard, but no one responded.

Lupe Martinez stated there has been no response or report regarding the contamination issue on Main Street, and that council needs to do something.

Cornel Markham stated he has been unhappy for 4 years because a gun was pulled on him and there is no report.

### **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 \$1,936,243.39
- 3) Minutes of regular City Council meeting of May 18, 2015
- 4) Minutes of regular Community Liaison Board meeting of March 19, 2015
- 5) Approval of assignment of the engagement agreement (Agreement No. 2015-31) with Mayer Hoffman McCann to provide auditing services to Davis, Farr LLP and authorize the city manager to sign and execute the appropriate documents Agreement No. 2015-45
- 6) Resolution No. 2015-37 of the City Council of the City of Delano allowing destruction of public records pursuant to Government Code Section 34090 (recreation department records)
- 7) Adopt Delano Area Rapid Transit Program of Projects Procedure to meet the requirements under Section 5307 to receive grant funds

Moved by Councilwoman Vallejo, seconded by Councilman Chavez, and unanimously carried to approve the Consent Agenda.

### **PUBLIC HEARINGS**

- 8) Public Hearing No. 2015-07: Zone Amendment No. 2014-01, a proposal to amend portions of the text of Title 20 of the Delano Municipal Code by amending Chapter 20 regarding Housing: Emergency and Homeless Shelters, Special Needs Housing, and Transitional and Supportive Housing

Mr. Keene presented the staff report. These are proposed amendments in the Housing Element adopted by Council in 2012. Items include additional definitions for emergency and homeless shelters, special needs housing, and transitional and supportive housing. It also amends Table 4A and 5A of the zoning code to allow uses within specified residential and commercial districts. He reported that the Planning Commission recommended changes to the proposed ordinance to remove some types of housing from the single family residential zone. Only special needs housing would be permitted there.

Mr. Keene stated that staff is beginning work on the update 2015-2023 housing element. Workshops regarding affordable and fair housing will be held to get public comments.

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

Mayor Pascual closed the public hearing.

Councilman Hill asked what the Planning Commission's objection was. Mr. Keene replied that they felt that group homes would cause too much traffic and would not be as compatible in single family zones as they would be in multiple family housing zones. Mr. Hill stated he did not want to separate people out.

Moved by Councilwoman Morris, seconded by Councilwoman Vallejo and carried by the following vote to approve the introduction and first reading of Ordinance No. 2015-1275 approving the zone text amendments Zoning Ordinance Amendment Application No. 2014-01. AYES: Chavez, Morris, Pascual, Vallejo NOES: Hill ABSENT: none ABSTAIN: none

### **REGULAR AGENDA**

- 9) Resolution of the City Council of the City of Delano unanimously declaring a fiscal emergency in the City of Delano

Ms. Rios presented the staff report. She stated that staff project a financial deficit beginning in fiscal year 2017-2018 if current trends continue. If the sales tax is not extended, we will have a fiscal crisis beginning with the next two year budget, 2016-2017. We want to be able to have control over local funds.

Mr. Garcia stated that the city cannot have a tax measure on an election ballot when council members are not being elected to office. The purpose of this resolution is to declare a fiscal emergency to allow for a special election with a sales tax measure. There is a long list of requirements and steps to be taken before the election. There will be three other meetings during which the sales tax measure will be addressed.

The following members of the public spoke: Robert Ibarra, Lupe Martinez, Gloria Herrera, John Munoz. Their comments included: this is a scare tactic; the public was told the city was not going into bankruptcy; the city already has increased water rates; it is a surprise that the city is in an emergency state now; there is not enough time to inform the public; there has been no explanation for the emergency or why we have to work this fast; kids and senior citizens are being affected; citizens have a right to say what to use the tax money on; the speaker is not against what Measure I has done, but how it is being presented tonight; the speaker wants council to understand what the public wants.

Moved by Councilman Chavez, seconded by Councilwoman Morris and unanimously carried to adopt Resolution No. 2015-38 declaring a fiscal emergency in the City of Delano.

### **DEPARTMENTAL REPORTS**

### **COUNCIL STATEMENTS AND REPORTS**

Councilwoman Vallejo stated there is a notice in the utility bill this month regarding watering restrictions. She asked staff to check schools' addresses and any of their off-site buildings' addresses for their watering schedule. She stated she has been approached by two ministers who have concerns that their church watering day is Sunday when they have people there all day. Councilwoman Vallejo noted that residents have been excellent in following the watering schedule. She reported that work is being done on Woollomes Avenue for the second phase of development and the opening of Dover Parkway.

Councilman Hill no items

Councilwoman Morris reported that the Mayor's Cup Golf Tournament held May 30, was quite successful. She thanked Mayor Pascual and the centennial committee for their work on it.

Councilman Chavez offered his congratulations to all graduates.

Mayor Pascual thanked the centennial committee and the Chamber of Commerce for their work on golf tournament. He asked about having the notice regarding water in Spanish. He stated he would like a report from code enforcement on the dry grass on 5<sup>th</sup> Avenue, the abandoned house at 920 Albany and the watering at Denny's.

Mr. Dowling reported that notices regarding water will be in the Shopper's Guide, a flyer was in the utility bills, on the web site, and will be on display in the front lobby at city hall in both English and Spanish.

### **CLOSED SESSION**

Moved by Councilman Chavez, seconded by Councilwoman Morris, and unanimously carried that the City Council adjourn to Closed Session at 7:10 p.m. The City Clerk was excused. Mayor Pascual was appointed Acting City Clerk. The City Attorney was asked to remain.

- 10) Conference with legal counsel: settlement authority for worker comp case: D. Mendenhall; govt. code section 54956.95

### **RETURN TO GENERAL SESSION**

Moved by Councilman Chavez, seconded by Councilwoman Vallejo and unanimously carried to reconvene in Open Session at 7:26 p.m. Mr. Garcia provided a report on closed session as follows:

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

### **ADJOURNMENT**

Moved by Councilman Chavez, seconded by Councilwoman Vallejo, and unanimously carried to adjourn the meeting at 7:26 p.m.

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Phyllis A. Kraft, City Clerk