

## **MINUTES**

### **CITY OF DELANO CITY COUNCIL – REGULAR MEETING August 3, 2015**

#### **CALL TO ORDER**

Mayor Pascual called the meeting to order at 5:35 p.m. in the City Hall Council Chambers, 1015 – 11<sup>th</sup> Avenue.

#### **INVOCATION**

Mr. Dowling offered the invocation.

#### **FLAG SALUTE**

Councilwoman Vallejo led the flag salute.

#### **ROLL CALL**

Council members present: Ricardo Chavez, Ruben Hill, Liz Morris, Rueben Pascual, Grace Vallejo  
Council members absent: none

#### **OFFICIALS PRESENT**

City Attorney Garcia, City Clerk Kraft, Finance Director Rios, Police Chief DeRosia, Interim Community Development Director Keene, City Engineer Dowling (acting city manager), Human Resources Director Zamudio, Chief of Corrections Marshall

#### **PRESENTATIONS AND AWARDS**

No items

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

Arnold Morrison stated he is one of the elementary schools' band teachers. He asked if it is possible for the city to put florescent paint around manhole covers near the schools. Some of them are below the road surface and are a tripping hazard when the bands practice marching.

Richard Markham stated the city needs to change the law, and he wants the item on the next agenda. He stated police give tickets the second time they are called for a disturbance. Mr. Markham stated the police need to stop helping the Housing Authority.

Isabel Miranda stated that the rendition for the new senior center shows it has too much glass for a building in this area, and that we need to have more insulation in buildings used for senior citizens.

Lupe Martinez stated there is a lip on the sidewalk by the fire hydrant in the alley between Main Street and 14<sup>th</sup> Avenue on east side.

Cornel Markham stated that Delano citizens cannot meet with council members without weapons present.

Larry Moray stated he wants to bring Chuck Norris to Delano.

Maria Mendez stated she protests the one cent tax, and that her neighborhood and the city are getting worse.

### **CONSENT AGENDA**

Mayor Pascual announced that the resolution in Item #8 has been amended and will remain on the consent agenda unless pulled for discussion. Wording was added regarding the request for consolidation of a special municipal election with the county election on November 3, 2015.

- 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 (2 check runs) in the amount of \$5,124,507.47
- 3) Minutes of regular City Council meeting of July 20, 2015; special meeting of July 22, 2015
- 4) Minutes of regular Community Law Enforcement Liaison Board meeting of May 21, 2015
- 5) Second reading and final adoption of Ordinance No. 2015-1476 of the City Council of the City of Delano, California, amending Section 3.18.20 of the City of Delano Municipal Code extending an existing transactions and use tax (“Sales Tax” or “Measure I”)
- 6) Resolution No. 2015-50 of the City Council of the City of Delano, California, ordering the submission of a measure relating to the adoption of an ordinance extending an existing transactions and use tax (a “sales tax”) in the amount of one percent (1%) for general and safety services, facilities and programs, to the qualified voters of the city at a special municipal election to be held on Tuesday, November 3, 2015
- 7) Resolution No. 2015-51 of the City Council of the City of Delano, California, calling and giving notice of the holding of a special municipal election to be held on Tuesday, November 3, 2015, for the submission to the qualified voters of a question relating to the extension of the voter-approved additional transactions and use tax (“sales tax”) in the amount of one percent (1%) as required by the provisions of the laws of the State of California, relating to general law cities
- 8) Resolution No. 2015-52 of the City Council of the City of Delano, California (“city”), requesting that the County Clerk of Kern County (“county”) render specified services to the city relating to the administration of a special municipal election to be held on Tuesday, November 3, 2015
- 9) Resolution No. 2015-53 of the City Council of the City of Delano authorizing the filing of written arguments relating to a measure on the November 3, 2015 ballot to approve an ordinance extending a one cent transaction and use tax (a “sales tax”) and directing the city attorney to prepare an impartial analysis
- 10) Approve council attendance at League of California Cities Annual Conference September 30 – October 2, 2015, in San Jose

- 11) Acceptance and approval of City of Delano Quarterly Investment Report dated August 3, 2015, for the quarter ended June 30, 2015
- 12) Approval of amendment No. 3 to Carollo Agreement 2014-32 for extension of pilot plant testing at well 35, part of Biotta project Agreement No. 2015-59
- 13) Resolution No. 2015-54 of the City Council of the City of Delano approving purchase of property from California Department of Transportation (Caltrans) and declaring a public purpose for its use Agreement No. 2015-60
- 14) Authorize the purchase of SC3000 asphalt paving material in the amount of \$200,000 from Deer Creek Asphalt
- 15) Resolution No. 2015-55 of the City Council of the City of Delano declaring various equipment and vehicles as surplus and authorizing staff to dispose of same at public auction
- 16) Ratification of emergency sewer line repair project being performed by Sierra Construction and Excavation, Inc. on a time and materials basis with appropriation of a budget of \$275,000 for various locations: 6<sup>th</sup>/ Glenwood; 6<sup>th</sup>/ High; 6<sup>th</sup>/Main; High St./11<sup>th</sup> to 12<sup>th</sup> and Cecil/Glenwood and authorization for the city manager to sign the construction contract Agreement No. 2015-61
- 17) Approve agreements for towing services with Garza's Towing, Arnold's Towing, and Delano Towing and authorize the city manager to execute said agreements Garza's Towing – Agreement No. 2015-62; Arnold's Towing – Agreement No. 2015-63; Delano Towing – Agreement No. 2015-64
- 17a) Approval to enter into a service agreement with Forensic Nurse Specialists to provide a Sexual Assault Nurse Examiner (SANE) for Delano Modified Community Correctional Facility (MCCF) Agreement No. 2015-65

Members of the public asked that items #1, 5, 6, 7, 8, 9, 13, 14, 17a be pulled for discussion.

Moved by Councilwoman Vallejo, seconded by Councilman Chavez, and unanimously carried to approve the Consent Agenda with items #1, 5, 6, 7, 8, 9, 13, 14, and 17a be pulled for discussion.

Item #1) Lupe Martinez asked that the reading of ordinances and resolutions not be waived because members of the audience want to hear the entire wording of items to be voted on by council.

The following members of the public spoke on the various items pulled from the consent agenda: Isabel Miranda, Lupe Martinez, Luis Pulido, Cornel Markham, Fidel Rodriguez, Andrew Paragon, Maria Mendez, Napoleon Madrid, Suzanne Villaruz, Roberto Ibarra, Gloria Herrera, Javier Cruz

Item #5) There was lengthy discussion regarding: the number of meetings at which the sales tax item was discussed; the city meeting all the legal requirements; what percentage of the funds go to which projects; accountability and transparency; what has been accomplished because of the funds generated by the sales tax; the new community center; what effects of not extending the sales tax will be; Veneto Park; the Market Place development; planning for future generations.

Moved by Councilwoman Vallejo, seconded by Councilman Hill and unanimously carried to approve the second reading and final adoption of Ordinance No. 2015-1476 amending Section 3.18.20 of the Municipal Code extending an existing sales tax.

Item #6) Members of the audience asked if the wording on the measure could be changed.

Moved by Councilwoman Vallejo, seconded by Councilman Hill and unanimously carried to adopt Resolution No. 2015-50 ordering the submission of a measure relating to the adoption of an ordinance extending the existing sales tax, at the November 3, 2015 election.

Item #7) Members of the public asked if the resolution and ballot would be in Spanish; if the funds can be used for senior citizen's water bills; how much the special election will cost; why the measure could not be submitted at a regular election.

Moved by Councilman Chavez, seconded by Councilwoman Vallejo and unanimously carried to adopt Resolution No. 2015-51 calling and giving notice of the holding of a special election November 3, 2015.

Item #8) Members of the public asked to see the resolution and asked the cost of the election.

Moved by Councilman Hill, seconded by Councilman Chavez and unanimously carried to adopt Resolution No. 2015-52 requesting the County Clerk of the County of Kern render specified services relating to the election to be held November 3, 2015, with the amendments as announced by the mayor.

Item #9) Members of the public asked why the city attorney is writing the analysis, if there could be public input, and who writes the arguments for and against.

Moved by Councilwoman Vallejo, seconded by Councilman Chavez and unanimously carried to adopt Resolution No. 2015-53 authorizing the filing of written arguments and the impartial analysis.

Item #13) Members of the public asked for clarification regarding the purchase of property from Caltrans.

Moved by Councilman Hill, seconded by Councilwoman Vallejo and unanimously carried to adopt Resolution No. 2015-54 approving purchase of property from Caltrans for public purposes.

Item #14) Member of the public asked if there had been a bid and if there is a dollar amount that requires a bid.

Moved by Councilman Chavez, seconded by Councilwoman Vallejo and unanimously carried to approve agenda item #14.

Item #17a) Member of the public asked if the fee is monthly or per use.

Moved by Councilwoman Vallejo, seconded by Councilman Chavez and unanimously carried to approve agenda item #17a.

## **PUBLIC HEARINGS**

- 18) Public Hearing #2015-12: Resolution of the City Council of the City of Delano accepting the 2015 Edward Byrne Memorial Justice Assistance Grant (Byrne JAG) in the amount of \$19,784

Chief DeRosia presented the staff report.

Mayor Pascual asked for public comments.

Andrew Paragan stated the city needs to be pro-active and suggested scholarships for the youth.

Cornel Markham stated the city should have a program to buy back guns or reward those who turn in someone who carries a concealed weapon.

Luis Pulido stated that gun safety is important. We need to think pro-actively regarding the youth. The PAL program was a great program.

Valerie Gorospe asked if a planning committee could be set-up to see what grants are available that are specifically for youth.

Aida Ramirez asked how much crime has risen over the years. She stated there has been a rise in babies born on meth. Chief DeRosia answered that crime fluctuates. Some can be blamed on early release of inmates and a lot of crime is gang retaliation.

Mayor Pascual closed the public hearing.

Moved by Councilman Chavez, seconded by Councilwoman Vallejo and unanimously carried to adopt Resolution No. 2015-56 accepting the 2015 Edward Byrne Memorial Justice Assistant Grant.

### **REGULAR AGENDA**

- 19) Designation of voting delegate and alternate for 2015 League of California Cities Annual Conference

Mayor Pascual presented the staff report.

Moved by Councilman Chavez, seconded by Councilwoman Vallejo and unanimously carried to appoint Councilwoman Vallejo the delegate and Councilwoman Morris the alternate for the 2015 League of California Cities Annual Conference. Moved by Councilwoman Vallejo, seconded by Mayor Pascual and unanimously carried to appoint Councilman Chavez as second alternate.

### **DEPARTMENTAL REPORTS**

Mr. Dowling announced National Night Out will be August 4, 2015, at Cesar Chavez Park from 5:00 p.m. to 9:00 p.m.

### **COUNCIL STATEMENTS AND REPORTS**

Councilwoman Morris stated that she takes her job as council member very seriously. The quality of life in Delano has improved. She is proud of council's hard work. She stated that the funds from Measure I go to improve the quality of life for our kids. She and the council are serving the community by making decisions. The citizens will have to decide on the sales tax on November 3.

Councilman Chavez thanked Councilwoman Morris for her words. He is proud that council addresses issues and doesn't pass them on. He noted that, when he served as mayor, his first action was to appoint

the committee for the new community center. He stated that council gives of themselves, and everyone wants what is best for the community.

Councilman Hill stated he has given 28 years of service to the public. He stated that the council should not think they are not doing their job. He noted that Kalibo Park has no running water faucets and no electric service available to those who use the park. He stated the restrooms are clean.

Councilwoman Vallejo stated that she thought Kalibo Park is retention pond, and asked if the city can look at putting in water and electricity. She thanked those in audience who stay to the end of meeting. Councilwoman Vallejo stated she feels the same as Councilwoman Morris and that council decisions are thought out. She noted that streets are done with money from several sources. Some of Measure I funds have helped with infrastructure that led to growth. Voters will decide on the sales tax. She stated that the spray parks were shut down by Governor Brown. Councilwoman Vallejo stated that council has done its best and listens to what the public says.

Mayor Pascual asked that a report on the grant writer be on the next agenda. He stated the city had not had a balanced budget and now we have a reserve account. The city is building a senior center, a community center, an animal shelter, and a domestic violence center. The city needs more housing. He stated that without Measure I funds, there will be difficult decisions to make, and council does not want to kick problems down the road. The city is working on master plans and do what people need.

#### **CLOSED SESSION**

Moved by Councilwoman Vallejo, seconded by Councilman Hill, and unanimously carried that the City Council adjourn to Closed Session at 9:03 p.m. The City Clerk was excused. Mayor Pascual was appointed Acting City Clerk. The City Attorney, acting City Manager, Chief of Police, and Interim Community Development Director were asked to remain.

- 20) Conference with legal counsel: settlement authority for claim of Christina Guzman and Dominic Morales, Claim No. 2015-24; pursuant to govt. code section 54961
- 21) Conference with legal counsel: settlement authority for claim of Krystal Padilla, Claim No. 2015-12 & #2015-27; pursuant to govt. code section 54961
- 22) Conference with legal counsel: review of permitting process (City Attorney Garcia, City Engineer Dowling, Chief of Police DeRosia, Interim Community Development Director Keene; pursuant to govt. code section 54957.8

#### **RETURN TO GENERAL SESSION**

Moved by Councilman Chavez, seconded by Councilwoman Vallejo and unanimously carried to reconvene in Open Session at 9:45 p.m. Mr. Garcia provided a report on closed session as follows:

- 20) Information was provided; no action taken.
- 21) Information was provided and by unanimous consent direction was given.
- 22) Information was provided; no action taken.

#### **ADJOURNMENT**

Moved by Councilman Chavez, seconded by Councilwoman Vallejo, and unanimously carried to adjourn the meeting at 9:45 p.m.

---

Phyllis A. Kraft, City Clerk