

MINUTES

CITY OF DELANO CITY COUNCIL – REGULAR MEETING December 7, 2015

CALL TO ORDER

Mayor Chavez called the meeting to order at 5:46 p.m. in the City Hall Council Chambers, 1015 – 11th Avenue.

FLAG SALUTE

City Clerk Kraft 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 Manager Reyna, City Attorney Garcia, City Clerk Kraft, Finance Director Rios, Interim Community Development Director Keene, City Engineer Dowling, Human Resources Director Zamudio, Chief of Corrections Marshall, Recreation Manager Batth

PRESENTATIONS AND AWARDS

Presentation to Garcia Hernandez Sawhney & Bermudez from FFA Student Elizabeth Rodriguez presented a certificate to Mr. Garcia in appreciation for his assistance with her FFA project. She also presented a certificate to Mayor Chavez for his assistance.

Certificate of Appreciation to Gary Langston for Service on Pension Committee

ITEMS FROM THE PUBLIC

Robert Hunter stated the law passed by California legislature to allow medical marijuana should be repealed.

Richard Markham stated the city is not letting his friend open a mechanic shop on High Street and wants him to put in ADA ramps. Mr. Markham stated the armory does not have ramps, and ramps are not helpful. He thanked the city for knocking down the old ice house.

Cornel Markham asked why Councilwoman Morris is not the mayor, and stated he would like her to be mayor.

Nathan Ford thanked Councilman Pascual for a great job the past year, and noted that the city has accomplished a lot in the last four years. He stated there is no reason to leave Delano to shop anymore. He stated sorrow for the recent events in San Bernardino, and noted that the police are on top of it.

Valerie Gorospe stated her daughter participated in the flight event recently held at the airport and noted that it was an unforgettable experience. She would like to see it continue.

Mayor Chavez asked that a departmental report be presented at this time.

Ms. Batth presented a report on the flight event held by the Delano Aerobatic Club and stated staff is hoping to have the event two or three times a year. She introduced the recreation staff.

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 \$4,959,143.59 (2 check runs – November 13 & 27)
- 3) Minutes of regular City Council meeting of November 16, 2015
- 4) Minutes of special Planning Commission meeting of October 28, 2015
- 5) Resolution No. 2015-82 of the City Council of the City of Delano, California, reciting the facts of the municipal election held on November 3, 2015, declaring the results and such other matters as provided by law
- 6) Second reading and final adoption of Ordinance No. 2015-1277 approving the zone text amendments pertaining to medical marijuana dispensaries, collectives, cooperatives and marijuana cultivation
- 7) Approval of agreement with Quad Knopf to provide professional engineering and design services for the 2016 Downtown Water and Sewer Mains Replacement Project in the amount of \$134,000 Agreement No. 2015-94
- 8) Resolution No. 2015-83 of the City Council of the City of Delano creating no parking zones within 100 feet of certain intersections on Browning Road between County Line Road and Garces Highway for all vehicles
- 9) Resolution No. 2015-84 of the City Council of the City of Delano accepting right of way from County of Kern to be part of the city's maintained roads connecting Millennium Drive and Dover Parkway
- 10) Resolution No. 2015-85 of the City Council of the City of Delano accepting right of way from developer of Parcel Map 12140 for Cecil Avenue for ADA accessible driveway on Vassar Street and Cecil Avenue
- 11) Approve co-sponsorship of the Toys for Tots distribution in the total amount of \$900 for the usage of the Armory National Guard building on December 14, 2015; request of Delano Chamber of Commerce
- 12) Approve co-sponsorship of Farm Worker Appreciation Day in the total amount of \$900 for the usage of the Armory National Guard building on March 4, 2016; request of Delano Chamber of Commerce

- 13) Resolution No. 2015-86 authorizing the city manager to accept a grant from the State Office of Homeland Security Proposition 1B to replace and add shelters, benches, and lighting to ensure bus passenger safety
- 14) Acceptance of a donation of \$500 for the Delano Senior Center on behalf of Wonderful Giving at the request of Martha Gonzalez, an employee of the Wonderful Company

Mayor Chavez pulled item #6 for discussion. Lupe Martinez asked that item #7 be pulled for discussion. Aloha Francisco asked that item #8 be pulled for discussion.

Moved by Councilwoman Vallejo, seconded by Councilman Hill, and unanimously carried to approve the Consent Agenda. with items #6, #7, and #8 pulled for discussion.

Item #6) Robert Hunter stated he would like a copy of the ordinance and recommended the city ban medical marijuana. Richard Markham and Cornel Markham stated dispensaries should be stopped.

Moved by Councilwoman Morris, seconded by Councilwoman Vallejo and carried by the following vote to approve the second reading and final adoption of Ordinance No. 2015-1277. AYES: Chavez, Morris, Pascual, Vallejo NOES: Hill ABSENT: none ABSTAIN: none

Item #7) Lupe Martinez asked for clarification on what the replacements are and who will do the work when the design is done. Mr. Dowling answered that funds have been budgeted for this sewer and water line replacement project. This item is for the design work only. Staff will advertise for bids for the construction work. He noted the project is too large to be done in-house.

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

Item #8) Aloha Francisco asked for clarification regarding what intersections this covers and if it is part of the traffic study recently done. Mr. Dowling read the list of intersections. He explained this was part of the mini-study done and the vehicle code allows the city to install the signs without further study.

Moved by Councilman Pascual, seconded by Councilwoman Vallejo and unanimously carried to approve agenda item #8.

PUBLIC HEARINGS

- 15) Public Hearing #2015-17: Resolution of the City Council adopting the Negative Declaration and approving General Plan Amendment No. 2015-001, 2015-2023 Update of the Housing Element as an amendment to the 2005 City of Delano General Plan

Mr. Keene presented the staff report.

Mayor Chavez asked for public comments.

Cornel Markham asked if models have been shown. Mr. Keene explained that housing models will be reviewed on a case by case basis as developers come in.

Richard Markham stated the city needs more affordable housing for the disabled and low income.

Mayor Chavez closed the public hearing.

Moved by Councilwoman Vallejo, seconded by Councilman Pascual and unanimously carried to adopt Resolution No. 2015-87 of the City Council of the City of Delano adopting the negative declaration and approving General Plan Amendment No. 2015-001 – 2015-2023 Update of the Housing Element as an Amendment to the 2005 City of Delano General Plan.

REGULAR AGENDA

- 16) Request of Mayor Pascual for discussion and any direction regarding regulation of spice and bath salts

Councilman Pascual stated he would like staff to bring an ordinance to take the sale of spice and bath salts out of city. He stated other cities have done ordinances.

- 17) Request of Councilwoman Vallejo for discussion and any direction regarding funding for sidewalks near school sites

This item was pulled from the agenda.

DEPARTMENTAL REPORTS

Ms. Zamudio reported that the Tour of Lights will take place this week at Heritage Park in conjunction with Christmas in the Park.

COUNCIL STATEMENTS AND REPORTS

Councilwoman Morris stated there will be vendors and choirs singing at the Christmas in the Park event.

Councilman Hill no items

Councilman Pascual announced the Robert F. Kennedy High School has won the valley football championship for the second time and will be going to the state playoffs. He asked for a report on the Active Shooter Training recently held. He suggested the schools be included in future training.

Councilwoman Vallejo stated she attended the opening of the new soccer store and encouraged everyone to shop there. She stated the need for residents to support local stores and special events such as Harvest Holiday. She asked for a report on Blais Associates regarding grants.

Mayor Chavez thanked everyone for supporting the Christmas parade. He congratulated the Robert F. Kennedy High School football team on their championship.

CLOSED SESSION

Mayor Chavez announced that item #19 has been pulled from the agenda.

Moved by Councilman Pascual, seconded by Councilman Hill, and unanimously carried that the City Council adjourn to Closed Session at 6:51 p.m. The City Clerk was excused. Mayor Chavez was appointed Acting City Clerk. The City Attorney and City Manager were asked to remain.

- 18) Conference with legal counsel: settlement authority for worker comp case: Krystal Padilla; govt. code section 54956.95

- 19) Conference with legal counsel: settlement authority for claim of Edgardo Garcia, Claim No. 2014-09; pursuant to govt. code section 54961

RETURN TO GENERAL SESSION

Moved by Councilman Pascual, seconded by Councilwoman Vallejo and unanimously carried to reconvene in Open Session at 7:02 p.m. Mr. Garcia provided a report on closed session as follows:

- 18) Information was provided and by unanimous consent direction was given.
- 19) Item pulled from the agenda.

ADJOURNMENT

Moved by Councilman Hill, seconded by Councilman Pascual, and unanimously carried to adjourn the meeting at 7:03 p.m.

Phyllis A. Kraft, City Clerk