

## **MINUTES**

### **CITY OF DELANO CITY COUNCIL – REGULAR MEETING March 7, 2016**

#### **CALL TO ORDER**

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

#### **INVOCATION**

Ms. Reyna offered the invocation.

#### **FLAG SALUTE**

Almond Tree Middle School student Ray Jay Bueno 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, Police Chief DeRosia, City Engineer Dowling, Human Resources Director Zamudio, Chief of Corrections Marshall, Transportation Manager Viviana Zamora, Recreation Manager Sumeet Batth

#### **PRESENTATIONS AND AWARDS**

Proclamation – Music in Our Schools Month, March 2016  
Presentation – GFOA Distinguished Budget Award

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

Nathan Ford stated he would like reports on the water projects, the senior citizens' center, and the new recreation center. He noted that the domestic violence center project seems to be at a stand-still. He asked for a report on the 2 day watering schedule.

Richard Markham stated that the city should have a domestic violence shelter for men, and that we need to stop drug houses.

Javier Cruz stated he has not received a call back from the city engineer, and the city attorney should not be giving orders.

Luis Pulido asked what the bidding process is for city jobs.

Steve Franco asked who he could speak to about the Green Energy Fund and energy efficient financing.

Lupe Martinez asked for an update on nitrates in the water and the toxic plume on Main Street.

### 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 \$3,854,685.04
- 3) Minutes of regular City Council meeting of February 16, 2016; special meeting of February 29, 2016
- 4) Appropriate \$20,844.36 from the general fund to account #01-5681-160, election expenses for the November 2015 special election (total cost of election \$80,844.36)
- 5) Approve Councilwoman Morris travel to San Diego to attend League of California Cities 2016 Policy Committee Meeting, April 7-8, 2016
- 6) Approve open purchase orders for \$35,000 or more for the period January to June 2016
- 7) Introduction and first reading of an ordinance updating the municipal code sections adopting the current versions of the Kern County Health and Safety Code, Chapter 8.59, Food Safety Education Ordinance No. 2016-1281
- 8) Introduction and first reading of an ordinance updating the municipal code sections adopting the current versions of the Kern County Health and Safety Code, Chapter 9.44, psychoactive bath salts Ordinance No. 2016-1282
- 9) **ITEM TABLED** Introduction and first reading of an ordinance amending the City of Delano Municipal Code Title 6 Section 6.64 Tobacco Retailer's Permit
- 10) Authorize the purchase of the Route Match ADA Compliance Technologies for Fixed Route Operations in the amount of \$77,257 and authorize the city manager to sign agreements Agreement No. 2016-15
- 11) Resolution No. 2016-07 of the City Council of the City of Delano authorizing the mayor to sign the Certificate of Acceptance for dedication of right of way on Woollomes Avenue east of Dover Parkway and directing the recordation thereof
- 12) Resolution No. 2016-08 of the City Council of the City of Delano approving Amendment No. 2 to Agreement No. 2013-77 Airport Farm Lease between City of Delano (lessor) and Joe Paesano Farms (lessee) Agreement No. 2016-16
- 13) Approval of agreement with Papros Inc. to develop a new storm water pollution prevention, monitoring, and control program for the City's MS4 State requirements, and new appropriation of \$25,000 from the storm drain impact fee fund Agr. No. 2016-17
- 14) Approval of Task Order Number 2016-02 with Quad Knopf to Agreement No. 2011-28 to continue providing interim on-call planning services Agreement No. 2016-18

- 15) **ITEM TABLED** Award franchise contract for multi-family residential and commercial recycling collection services to South Tulare – Richgrove Refuse Inc. (6 year term beginning May 1, 2016)
- 16) Resolution No. 2016-09 of the City Council of the City of Delano declaring an emergency due to state wide drought conditions and extending the two (2) day watering schedule until the end of October 2016, as mandated by the State of California
- 17) Approval of the co-sponsorship of the annual City Walk in the total amount of \$85 for usage of Cecil Park North and South on March 12, 2016
- 18) Approval of the co-sponsorship of National Day of Prayer Breakfast in the total amount of \$900 for the usage of the Armory National Guard building on May 5.

Mayor Chavez announced that staff is requesting items #9 and #15 be tabled, and that item #13 be pulled for discussion. Council members asked that items #7 and #8 be pulled for discussion. Members of the audience asked that items #4, #10, #14, and #16 be pulled for discussion.

Moved by Councilwoman Vallejo, seconded by Councilwoman Morris, and unanimously carried to approve the Consent Agenda with items #9 and #15 tabled, and items #4, 7, 8, 10, 13, 14, and 16 pulled for discussion.

Item #4) Luis Pulido asked what the extra expense is for. Ms. Reyna explained the special election expenses were more than staff had budgeted for.

Moved by Councilwoman Vallejo, seconded by Councilman Hill and unanimously carried to approve Item #4.

Item #7) Chief DeRosia explained the county will be involved in this. Matt Constantine, Director Kern County Public Health, stated this will provide a wide variety of services in the city above what state law requires. It has been adopted by the Kern County Board of Supervisors. Brynn Kerrigan, Deputy Director Kern County Public Health stated their department checks all restaurants in the county. There will be no cost to the city for this program.

Moved by Councilman Hill, seconded by Councilman Pascual and unanimously carried to approve item #7.

Item #8) Chief DeRosia reported this is also a county ordinance. Brynn Kerrigan gave a brief report on the ordinance.

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

Item #10) Ms. Zamudio reported the program is a component of our current software and will allow the city to be compliant with ADA requirements. Grant money will be used.

Moved by Councilman Pascual, seconded by Councilwoman Morris and unanimously carried to approve item #10.

Item #13) Mr. Dowling reported that staff has been discussing master plans for water, sanitary sewer, and storm water. Each requires a monitoring plan. Each water well also requires protocols. Staff does not

want to do the master plans until all these projects are complete. Staff will now issue an RFQ for the capacity assurance plan. He noted that replacing sewer and water lines will change the infrastructure. A capacity assurance plan will be done later.

Moved by Councilwoman Vallejo, seconded by Councilwoman Morris and unanimously carried to approve item #13.

Item #14) Members of the audience asked what services will be provided and if the city will have its own department. Some audience members stated it takes two to three months to have plans approved. Ms. Reyna explained this item is for daily planning. Two recruitments for a department director have been done and staff hopes to fill the position. She stated that the city now uses the SmartGov program and this has cut the wait time by two-thirds.

Moved by Councilwoman Morris, seconded by Councilman Hill and unanimously carried to approve item #14.

Item #16) A member of the audience asked if this will not allow people to wash their car on the drive way or street.

Moved by Councilwoman Vallejo, seconded by Councilwoman Morris and unanimously carried to approve item #16.

### **PUBLIC HEARINGS**

- 19) Public Hearing No. 2016-02: Receive comments related to unmet transit needs that may exist and can be reasonably met

Ms. Zamudio presented the staff report. Ms. Zamora noted comments made at previous council meetings will be included as public hearing comments.

Mayor Chavez asked for public comments.

Luis Pulido stated that in Mexico there are bike stations all over town where the public can use credit cards to use bike. He would like to see bike lanes in town.

John Munoz asked if transportation money can be used for bus stops. Ms. Zamudio stated staff is looking for funding to replace the bus shelters.

Mayor Chavez closed the public hearing.

Moved by Councilwoman Vallejo, seconded by Councilwoman Morris and unanimously carried to approve the item as presented.

- 20) Public Hearing No. 2016-03: Introduction and first reading of an ordinance regarding regulations regarding water conservation penalties

Chief DeRosia presented the staff report. He explained that the ordinance previously adopted regarding watering restrictions due to the drought has no appeal process. This process presented here is almost identical to the process for parking citations.

Mayor Chavez asked for public comments.

Lupe Martinez asked if this changed the fines and who would be the hearing officer. He was informed the City Manager is the hearing officer.

Mayor Chavez closed the public hearing.

Moved by Councilwoman Morris, seconded by Councilwoman Vallejo and unanimously carried to approve the introduction and first reading of Ordinance No. 2016-1283 of the City of Delano amending Chapter 13 of the Delano Municipal Code by adding Chapter 13.05, "Water Violation Appeals."

### **REGULAR AGENDA**

- 21) Resolution of the City Council of the City of Delano calling a special election to be held in the city on Tuesday, June 7, 2016, to consider certain measures regarding the election and terms of members of the city council

Ms. Reyna presented the staff report.

The following spoke: Suzanne Villaruz, Roberto Ibarra, Luis Pulido, Lupe Martinez, Mrs. Martinez, Gloria Herrera, Javier Cruz, Richard Markham, John Munoz, Lucio Gonzalez

Comments made included: voting on this item at a special election would cost \$80,000; the mayor's position has been filled on a rotating basis in the past; why not wait until the November regular election; we have had disastrous mayors before who have caused lawsuits; we need to have an elected mayor to make the city work; this would be a positive thing; the citizens should decide who the mayor is; an elected mayor would be accountable to the voters; citizens have the right to choose; it is time for a change; when council members choose among themselves there is corruption; we have to move forward; due process must be followed

Councilwoman Morris stated disagreement with the proposed resolution. She described the duties of the mayor and noted the mayor does not make major decisions for the community, but is a ceremonial position. She stated council hires a city manager to run the city. She noted that all council members are accountable and all work hard.

Councilman Hill stated agreement with a lot of Councilwoman Morris's statements. He stated we should have an elected mayor, but should have the measure on the ballot in November. He noted that the mayor has no more power than those sitting next to him.

Councilwoman Vallejo stated the cost of the election varies by the number of voters. She noted that all council members are accountable and work a lot of hours. She stated that when the position is rotated, then everyone gets to serve as mayor. She stated she will support the people's decision. Ms. Vallejo asked why there is a rush to put the item on the ballot in June when it can be done in November when more voters will be out. She noted the cost of \$80,000 to have an election in June.

Councilman Pascual stated he requested this item and noted that when people ask him to do something, he is willing to do it. Citizens have told him they would like to vote for the mayor.

Mayor Chavez stated one concern of the people is electing their own mayor. He asked why there was conflict in the past over the mayor's position. He stated that people deserve to be given the right to vote for their mayor.

Moved by Mayor Chavez, seconded by Councilman Pascual and failed to pass by the following vote, Resolution No. 2016-10 calling a special election to be held June 7, 2016. AYES: Chavez, Pascual NOES: Hill, Morris, Vallejo

- 22) Resolution of the City Council of the City of Delano requesting the Board of Supervisors of the County of Kern to consolidate a special municipal election to be held on June 7, 2016, with the statewide direct primary election to be held on the same date, and requesting the services of the Kern County Clerk in conducting the election

Due to the failure of Item #21, no action was required on this item.

### **DEPARTMENTAL REPORTS**

Ms. Reyna reported that the grant writer, Blaise & Associates, had a scheduling conflict tonight but will be at the March 21, meeting.

Chief DeRosia reported that letters went out to property owners and business owners regarding the marijuana issues. A process for implementing the ordinance is in place. Mr. Garcia added that letters were sent to all dispensaries that we know of. If there is noncompliance, then he can bring misdemeanor charges.

### **COUNCIL STATEMENTS AND REPORTS**

Councilwoman Morris reported she attended the KernCOG regional awards dinner. She stated the city has projects that could be submitted including the centennial breezeway. She would like to see the city work on submittals. Ms. Morris thanked Ms. Rabanal and the Chamber of Commerce for the great work done at the crab feed.

Councilman Hill no items

Councilwoman Vallejo stated that projects can be submitted to KernCOG now for the next award program. Some projects to be considered are the centennial breezeway, the biotta plant, the DRMC community garden, and the City Walk / Earth Day event. She thanked the Chamber for the work with the explorers at the crab feed. She thanked Mr. Ford and Mr. Morrison for taking pictures and giving them to the Delano Record.

Councilman Pascual no items

Mayor Chavez stated the crab feed was a wonderful event. He would like to meet with Mr. Dowling regarding water issues. He suggested the city do a run/walk million miles project. Mayor Chavez stated he had visitors from Mexico and would like to establish a sister city and a sister city committee. He noted Bob Cane's passing and stated that his books have been donated to the library. He noted that Read Across America was held last week.

### **CLOSED SESSION**

Moved by Councilwoman Vallejo, seconded by Councilwoman Morris, and unanimously carried that the City Council adjourn to Closed Session at 8:39 p.m. The City Clerk was excused. Mayor Chavez was appointed Acting City Clerk. The City Attorney and City Manager were asked to remain.

- 23) Conference with legal counsel: settlement authority for worker comp case: Donald Flores; govt. code section 54956.95
- 24) 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
- 25) Conference with labor negotiators Maribel Reyna, Bonny Garcia, and Human Resources Director Noemi Zamudio regarding negotiations with MEG employee group; govt. code section 54957.6
- 26) Conference with labor negotiators Maribel Reyna, Bonny Garcia, and Human Resources Director Noemi Zamudio regarding negotiations with the Delano Police Officers Association; govt. code section 54957.6

### **RETURN TO GENERAL SESSION**

Moved by Councilwoman Morris, seconded by Councilman Hill and unanimously carried to reconvene in Open Session at 9:16 p.m. Mr. Garcia provided a report on closed session as follows:

- 23) Information was provided, and by unanimous consent direction was given.
- 24) Information was provided, and by unanimous consent direction was given.
- 25) Information was provided, and by unanimous consent direction was given.
- 26) Information was provided, and by unanimous consent direction was given.

### **ADJOURNMENT**

Moved by Councilwoman Vallejo, seconded by Councilwoman Morris, and unanimously carried to adjourn the meeting at 9:16 p.m.

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Phyllis A. Kraft, City Clerk