

## **MINUTES**

### **CITY OF DELANO CITY COUNCIL – REGULAR MEETING July 5, 2016**

#### **CALL TO ORDER**

Mayor Chavez called the meeting to order at 5:30 p.m. in the City Hall Council Chambers, 1015 – 11<sup>th</sup> Avenue.

#### **INVOCATION**

Ms. Reyna offered the invocation.

#### **FLAG SALUTE**

School Board Member Arnold Morrison 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, Interim Community Development Director Keene, Chief of Corrections Marshall

#### **PRESENTATIONS AND AWARDS**

Proclamation Declaring July 29 – 31, 2016, as Philippine Weekend in the City of Delano

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

Nathan Ford thanked the city for the 2015 water report and noted the water quality is above state and federal standards.

Lupe Martinez stated the water report looks good and the city is improving.

Richard Markham stated he has uncovered corruption and was set-up by the police. He wrote a letter to Ms. Reyna and wants to meet with her.

Suzanne Villaruz and Arnold Morrison spoke on behalf of the Kiwanis Club and thanked the city for the donation for the 4<sup>th</sup> of July fireworks show put on by the Kiwanis.

Javier Cruz brought food that was served at the senior citizens' center last Friday. He stated that he knows it is not city's fault and asked the city for help regarding the meals. He noted that the seniors do not have to pay, but are asked to donate \$2.00, but the food is not worth fifty cents.

Andres Ramirez stated the police came to his home because someone reported there was a problem, but there was no problem. The neighbors don't like him and called police. He was arrested and taken to jail. The jail was over-crowded.

Dorothy Morgan stated her son was killed in Kalibo Park in 2013. She said the city should call in the National Guard or get police cameras because we are still having problems. She stated we need restrooms at Martin Luther King Park.

### **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 \$2,553,349.44
- 3) Minutes of regular City Council meeting of June 20, 2016
- 4) Approve Mayor Chavez and Council Members Morris, Pascual, and Vallejo to attend the 2016 Annual League of California Cities Conference October 5 – 7, 2016, in Long Beach
- 5) Approve Councilwoman Vallejo travel to attend ACCAPS 2016 Annual Conference August 11, 2016 in Anaheim
- 6) Resolution No. 2016-36 of the City Council of the City of Delano, California, calling and giving notice of the holding of a general municipal election to be held on Tuesday, November 8, 2016, for the election of certain officers as required by the provision of the laws of the State of California, relating to general law cities
- 7) Resolution No. 2016-37 of the City Council of the City of Delano, California, requesting the Board of Supervisors of the County of Kern to consolidate a general municipal election to be held on November 8, 2016, with the statewide general election to be held on that date pursuant to §10403 of the Elections Code
- 8) Resolution No. 2016-38 of the City Council of the City of Delano approving a lease agreement between the city and William Warburton for hangar port-a-port 9 at the Delano airport Agreement No. 2016-57
- 9) Authorize the City Manager to enter into and execute a service agreement with Custodial PREA Services to provide a Prison Rape Elimination Act (PREA) audit of the Delano Modified Community Correctional Facility (MCCF) as required by the Department of Justice Agreement No. 2016-58
- 10) Approval to extend the services of Balance Public Relations to represent the City of Delano in its efforts to obtain the Voice of America property for the purpose of relocating its municipal airport and other necessary work Agreement No. 2016-59

Council members asked that items #2 and #4 be pulled for discussion. Members of the public asked that items #7 and #10 be pulled for discussion.

Moved by Councilwoman Vallejo, seconded by Councilwoman Morris, and unanimously carried to approve the Consent Agenda with items #2, 4, 7, 10 pulled for discussion.

Item #2 – Councilman Pascual noted there is a payment listed for code enforcement regarding marijuana. He stated he would like a report in open session regarding enforcement of the ban on marijuana. He asked if we are collecting any fees to off-set expenses and what the process for enforcement is.

Moved by Councilwoman Morris, seconded by Councilman Hill and unanimously carried to approve agenda item #2.

Item #4) Mayor Chavez stated that due to scheduling conflicts, he will be not able to attend the conference.

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

Item #7) Roberto Ibarra asked if the city will have a ballot measure for the mayor to be an elected position. Ms. Reyna explained this item is only to request the county conduct the election.

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

Item #10) Suzanne Villaruz asked how much the contract will cost and why the city is moving the airport. Ms. Reyna explained the cost is \$4,000 per month for six months.

Moved by Councilwoman Vallejo, seconded by Councilwoman Morris and unanimously carried to approve agenda item #10.

Ms. Reyna provided the departmental report on the relocation of the municipal airport. She reported that a year ago the city was contacted by the federal government regarding our interest in taking over the Voice of America property. An application of interest was submitted. The Wonderful Company has partnered with the city on this project. They hope to expand near the current airport location with the potential of 1,200 new jobs. The county initially wanted the relocated airport to be designated a regional airport, however the city wants to keep it under our municipal control. After meetings with each supervisor, the county offered its support for the relocation. Councilwoman Vallejo, City Manager Reyna, City Engineer Dowling, and our consultant Senator Flores went to Washington D.C. to meet with the FAA. The city received approval to move forward on the project. A feasibility study must now be done. The cost of the project would be paid by the sale of the current airport property. The pilots' association supports the move.

## **PUBLIC HEARINGS**

- 11) Public Hearing #2016-07: **(continued from June 20, 2016)** Combined Development Permit Application No. 2015-002 Montemayor Family Farms, LLC, General Plan Amendment, and Rezoning Ordinance amendment

Mr. Keene presented the staff report. He explained that when the land was annexed into the city, it was not rezoned. A permit for the house was issued by the county before annexation. Additional homes would require additional permits.

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

Mayor Chavez closed the public hearing.

Moved by Councilwoman Vallejo, seconded by Councilwoman Morris and unanimously carried to adopt Resolution No. 2016-39 adopting the mitigated negative declaration and approving a Combined Development Permit No. 2015-002, for Montemayor Family Farms, LLC APN 521-080-08 and 521-080-09 and to approve the introduction and first reading of Ordinance No. 2016-1285 approving the zone amendment for Assessor's Parcel No. APN 521-080-08 and a portion of APN 521-080-09, Combined Development Permit Application No. 2015-002.

- 12) Public Hearing #2016-10: Appeal hearing from Ramon Santamaria of a Planning Commission decision upholding the decision of the Community Development Director approving with conditions Site Plan Review 2015-010

Mr. Keene presented the staff report. He explained the Planning Commission action regarding this item and the current status.

Mayor Chavez asked for public comments.

Ramon Santamaria stated the address is incorrect; the vehicles shown in the photograph are on another property; he has agreed to all but three of the twenty-six conditions; Big Dogz Recycling does not have conditions; the fence listed in one of the conditions is not on his property; he would like to meet with the City Manager and Chief of Police regarding a video recording; he wants a third party to inspect for compliance; there are other recycling centers next to schools.

Roberto Ibarra stated the area is residential and a school is located there. He stated a recycling center is an environment for insect infestations.

Mayor Chavez closed the public hearing.

There was discussion in response to Mr. Santamaria's statements. It was noted that: the address listed in the staff report is the address listed on the forms submitted by Mr. Santamaria; there are no video recordings; the whole block on which the recycling center is proposed is owned by the same corporation and Mr. Santamaria is listed in the corporation; the corporation would lease the property to Alfa Recycling; Alfa Recycling did not appeal the approval with conditions; areas in the city are zoned differently and different conditions apply; when new businesses come in they have to meet standards and comply with ADA; Big Dogz is located in a different zone.

Moved by Councilwoman Morris, seconded by Councilwoman Vallejo and carried by the following vote to adopt Resolution No. 2016-40 denying the appeal of the property owner Ramon Santamaria and upholding the decision of the Community Development Director's approval with conditions of Site Plan Review Application No. 2015-010 for a small recycling center at 1107 Dover Place – Alfa Recycling APN 037-352-02. AYES: Chavez, Morris, Pascual, Vallejo NOES: Hill

### **REGULAR AGENDA**

- 13) Designation of voting delegate and alternate for the 2016 League of California Cities Annual Conference October 5 – 7, 2016, in Long Beach

Ms. Reyna presented the staff report.

Moved by Councilman Pascual, seconded by Councilman Chavez and unanimously carried by all those present to designate Councilwoman Morris the voting delegate and Councilwoman Vallejo as alternate.

- 14) Introduction and first reading of an ordinance to amend Section 3.18.20 of the City of Delano Municipal Code extending the current additional one percent (1%) sales tax

Ms. Reyna presented the staff report.

The following spoke: Javier Cruz, Roberto Ibarra, Lupe Martinez, Ethel Pickering, Dorothy Morgan, Edwin Lopez, Maria Ceja, Gloria Herrera, Alexandra Alvarado.

Public comments included: how will the money be spent; the city needs to be more efficient; some salaries need to be cut; will water increases be subsidized with this money; how much money will this generate in the next ten years; when will everyone have water meters; why is the spray park only open on weekends; some employees received lay-off notices; the city should explore ways to save those jobs; would some staff be willing to take a pay cut; some citizens hope the measure will not die; if the council will work with the people then the people will work with the council; there is a problem when one party wants to hold all the money and decide how to spend it

Council comments included: this would be an extension of what we are already paying; if it does not pass, cuts will have to be made; up-grades to parks will not happen; co-sponsorship of community events will end; these funds are used for the senior discount on utility bills; in the long run, the sales tax has done a lot of good; the city has used the money in the right way; Measure I funds were used to help Walmart come here; 60% of employee salary is benefits; we do not pay benefits to contract employees; council members live here and want the same things the public does; we have to entice businesses to come here; if the measure passes, council will think about a senior discount for those who rent; the city tries to provide extra services; it is up to the public to decide what the council can do; the city has bonds and loans to pay over the next twenty years; we have to make cuts because of the uncertainty; council has made some tough decisions; there had been a lack of accountability; first we have to fix what is broken; the city fought hard for a new fire contract; things move slowly in government; we have been working for four years on the new community center; actions taken now will be felt in years to come; council is more transparent now; council could pass a resolution that 25% of the sales tax would go to utility rates across the board; the city would like to open the spray parks but the governor has put restraints in place; council values the employees and does not want to do lay-offs; the city is moving towards better places

Moved by Councilman Pascual, seconded by Councilwoman Vallejo and unanimously carried to approve the introduction and first reading of Ordinance No. 2016-1286 amending Section 3.18.20 of the Municipal Code extending the current additional one percent sales tax.

Mayor Chavez called a recess at 8:33 p.m. The meeting was called back to order at 8:46 p.m.

- 15) Discussion and any direction to staff regarding Chapter 6.25 of the Delano Municipal Code entitled Food Vending Vehicles

Chief DeRosia presented the staff report. He noted that Chapter 6.24 regards peddlers and itinerant merchants and could also be reviewed if Council so desires. He stated staff is asking direction from the council to work with the planning department and city attorney.

There was discussion and direction to staff to research what other cities do and how well it works.

- 16) Request of Mayor Chavez for discussion and any action regarding establishment of sister city

Mayor Chavez stated that a lot of people from Tangancicuaro, Mexico, have migrated here. Recently Mr. Arturo Hernandez, President of that city, visited and brought gifts to council members. He would like to establish a relationship with Delano as a sister city. Mayor Chavez noted that he has met with staff and citizens a few times regarding establishing a sister city and organizing an event for later this summer when more citizens of Tangancicuaro will be here. The school districts are open to the idea of adopting the school in Tangancicuaro and having pen pals. They would also send them books no longer used in our schools. Mayor Chavez asked for a budget of \$10,000 and noted that the majority will probably not be used. He already has some donations.

The following spoke: Roberto Ibarra, Maria Ceja, Lupe Martinez, Suzanne Villaruz, Gloria Herrera  
Public comments included: other cities have celebrations that don't cost anything; shipping books is expensive; would this be a one-time celebration or something held every year; the city could provide seed money that could be paid back; on-going events need to start small and build slowly over time; the Philippine Weekend celebrates a culture and educated people here

There was discussion.

Moved by Councilman Hill, seconded by Councilman Pascual and approved by the following vote to provide up to \$10,000 toward the expense of establishing a sister city committee. AYES: Chavez, Hill, Pascual NOES: Morris, Vallejo

- 17) Request of Councilwoman Vallejo for discussion and any action regarding establishment of subcommittee regarding medical marijuana

Councilwoman Vallejo stated she has been approached by several citizens regarding medical marijuana. She noted there may be an initiative on the statewide November ballot. She suggested a subcommittee be formed to do research on what the initiative would do and determine if we need to have something in place so we will have some control if it passes.

The following spoke: Roberto Ibarra, Maria Ceja, Alex Martinez; Art Rodriguez, Celeste Moreno, Lupe Martinez

Public comments included: use of marijuana starts as recreational, then the user becomes addicted; what would the committee do; there are four dispensaries operating now; there are people who need it; allowing it would be a big mistake and we would suffer the consequences; not everyone who uses marijuana is bad; it is for medical use; if guidelines are followed, it is an opportunity for good; regulation enforcement has to take place; we may not have a choice after November

There was discussion. Council statements included: there should be a source for those who need it; we need to have an open mind; we can't enforce the ban now; the League of California Cities is against legalizing marijuana; the City of Oakland considers all costs and charges \$60,000 for a license and 10% of the gross; council members were elected to consider everyone in the city; we have to look for a balance; we need to be very cautious; we need to have diverse perspectives on the committee; committee members should include the Chief of Police, Judge Tofoya, the District Attorney's office; medical experts

Mr. Garcia stated the committee would be subject to the Brown Act.

Mayor Chavez appointed Council Members Hill, Pascual, and Vallejo to serve on the subcommittee.

## **DEPARTMENTAL REPORTS**

- 18) Report on airport relocation

This report was provided earlier in the meeting.

19) Report on possibility of a train stop in Delano

Mayor Chavez stated this report will be continued to the next meeting.

### **COUNCIL STATEMENTS AND REPORTS**

No items

### **CLOSED SESSION**

No items

### **ADJOURNMENT**

Moved by Councilman Pascual, seconded by Councilwoman Vallejo, and unanimously carried to adjourn the meeting at 10:23 p.m.

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Phyllis A. Kraft, City Clerk