

MINUTES

CITY OF DELANO CITY COUNCIL – REGULAR MEETING December 5, 2016

CALL TO ORDER

Mayor Chavez called the meeting to order at 5:37 p.m. in the City Hall Council Chambers, 1015 – 11th Avenue.

INVOCATION

Mr. Dowling offered the invocation.

FLAG SALUTE

Chief DeRosia led the flag salute.

ROLL CALL

Council members present: Ricardo Chavez, Liz Morris, Rubeen Pascual, Grace Vallejo
Council members absent: Ruben Hill

OFFICIALS PRESENT

City Manager Reyna, City Attorney Garcia, City Clerk Kraft, Police Chief DeRosia, Interim Community Development Director Keene, City Engineer Dowling, Chief of Corrections Marshall, Transportation Manager Zamora

PRESENTATIONS AND AWARDS

Presentation of Plaque to Donald Flores in Recognition of His Retirement from the City of Delano

ITEMS FROM THE PUBLIC

Janet Rabanal, Delano Chamber of Commerce, announced that the Christmas parade will be December 6.

Valerie Gorospe stated: after the election, many people are afraid of deportation; a big part of this area's work force is immigrant labor; other cities have declared themselves sanctuary cities; Bakersfield College made formal statement about protecting students

Richard Markham warned the city about HUD and stated that the Delano police set him up.

Anthony stated: we need to come together; we have some good officers; we need to straighten up the police department

Sherry Toddman stated she is a representative of SEIU 2015, and asked for support of the workers at Delano Skilled Nursing Facility. She asked for meetings with council members and for a resolution or letter of support.

Ruben Ramos stated: it is easy to complain, but not right to bash the police; all officers here tonight have spoken to him; some citizens only complain but are not doing anything to make things better; change takes time, patience, and hard work; council members and cops deserve respect

Yolanda Casey stated she works for the Delano Skilled Nursing Facility and is asking the community to help them finish the contract.

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 \$1,668,222.11
- 3) Minutes of regular City Council meeting of November 21, 2016
- 4) Minutes of Regular Community Law Enforcement Liaison Board meetings of July 21, 2016; September 15, 2016
- 5) Cancellation of regular City Council meeting scheduled for January 3, 2017
- 6) Approve amendment to City Manager's employment agreement to extend term by one year to December 31, 2022 Agreement No. 2016-93
- 7) **(tabled)** Resolution of the City Council authorizing an inter-fund loan from the general fund to the Water Fund for the purpose of funding the 2016 modifications to wells 32, 33, and 34 and establishing the terms under which the loan will be repaid
- 8) Approve the purchase of a portion of the Westside Industrial Park (portions of APN 520-120—17 and -18) from the Successor Agency to the Former City of Delano Community Redevelopment Agency for the Modified Community Correctional Facility, approve certain related actions, and authorize the City Manager or designee to execute the documents Resolution No. 2016-78 Agreement No. 2016-94
- 9) Approve an amendment of Delano Transit project KER150812 from the purchase of three Dial-A-Ride vans to purchase bus shelters and benches with solar lighting
- 10) Approve and ratify an agreement between the City of Delano and the County of Kern regarding victim services and authorize the transfer of funds in the amount of \$50,000 from the general fund to account 01-5524-200 Agreement No. 2016-95
- 11) Acceptance of the 2015 ATP – Safe Routes to School Improvements Project for Safety & Education for Active Delano School Community, ATPL-5227 (053) and authorize the filing of the notice of completion
- 12) Approval of Amendment No. 4 to Carollo Agreement No. 2014-32 for extension of demonstration project operations, budget, and schedule for the biotta wellhead nitrate treatment system Agreement No. 2016-96

- 13) Approve agreement for professional services with QK Inc. and Task Order No. 2016-12 for interim on-call planning services for calendar year 2017 for \$200,000 and authorize the city manager to execute both documents Agreement No. 2016-97; Agr No. 2016-98
- 14) Approval of agreement with Cardinal Code Solutions Inc. for on-call building inspection and plans examiner services and authorize the city manager to execute the agreement Agreement No. 2016-99
- 15) Award of contract for the 2016 Delano CNG Station Upgrade Project to Revolution CNG, Inc. in the amount of \$500,000 and authorize the city manager to sign any documents needed to carry out this project Agreement No. 2016-100
- 16) Award of contract for the 2016 CDBG Eastside Fire Station Parking Lot Rehabilitation Project to Advanced Concrete Construction in the amount of \$38,436 and authorize the city manager to sign any documents needed to carry out this project Agr No. 2016-101
- 17) Approve the status report of project development impact fees (AB 16000 requirement) for the five year period ending June 30, 2016 Resolution No. 2016-79

Mayor Chavez announced that item #7 is tabled. Members of the public asked that items #1 and #6 be pulled for discussion. Council members asked that item #9 be pulled for discussion.

Moved by Councilwoman Vallejo, seconded by Councilwoman Morris, and unanimously carried by all those present to approve the Consent Agenda with item #7 tabled and items #6, 7, 9 pulled for discussion.

Item #1) Celeste asked what is happening with the sub-committee regarding medical marijuana. Mayor Chavez stated this will be addressed at a future meeting.

Moved by Councilwoman Morris, seconded by Councilwoman Vallejo and unanimously carried by all those present to approve item #1.

Item #6) Roberto Ibarra asked if council was getting too far ahead of time regarding the contract. He stated he would like to see the city evolve and modernize, have more infrastructure, and professional jobs.

Moved by Councilman Pascual, seconded by Councilwoman Vallejo and unanimously carried by all those present to approve item #6.

Item #9) Councilwoman Vallejo asked if the city is going after additional grant funds and if the general fund can loan funds for the project to be replaced by grant funds.

Moved by Councilman Pascual, seconded by Councilwoman Vallejo and unanimously carried by all those present to approve item #9.

PUBLIC HEARINGS

- 18) Public Hearing #2016-19: Adoption of General Plan Amendments and an ordinance to amend the Official Zoning Map as required by Program 2.1.2 of the 2015-2023 Housing Element Update to accommodate the unmet housing needs of the 2008-2014 Regional Housing Need Allocation (RHNA)

- a) Resolution No. 2016-80 approving Combined Development Permit No. 2016-001 (APN 411-320-01 and 520-010-27)
- b) Introduction and first reading of Ordinance No. 2016-1287 of the City Council of the City of Delano approving zone amendment for APN 411-320-02 and 520-010-27

Mr. Keene presented the staff report. He stated the Vignolo family has asked for some changes to the proposed rezoning on the property they own. Staff has determined the requested changes will still meet the requirements. Staff has distributed the corrected resolution and ordinance.

Mayor Chavez asked for public comments.

Richard Markham asked where the funding for the project was coming from. He was informed there is no funding; this is just a re-zoning item. State law requires sites be available for housing needs.

Roger McIntosh spoke as a representative of the Vignolo family. He explained they are asking for the change because the reduction from ten to eight acres of commercial land would lower the land value. The family intends to come to the city with a master plan for the land.

Mayor Chavez closed the public hearing.

Moved by Councilman Pascual, seconded by Councilwoman Morris and unanimously carried by all to adopt Resolution No. 2016-80 and approve the introduction and first reading of Ordinance No. 2016-1287.

- 19) Public Hearing #2016-20: Introduction and first reading of Ordinance No. 2016-1288 prohibiting all commercial non-medical marijuana activity in the city, prohibiting outdoor marijuana cultivation on private residences

Chief DeRosia presented the staff report. He stated this would ban the sale of non-medical marijuana and outdoor cultivation of marijuana.

Mayor Chavez asked for public comments.

Richard Markham stated he has seen people smoking outside businesses.

Ruben Ramos stated he owns the Mother Nature dispensary. He stated non-medical marijuana should be regulated, not banned; California supplies marijuana for most of the world; medical marijuana should be taxed; dispensaries are in areas where kids do not normally go; there should be places to have the marijuana tested; everyone should be included in the conversation regarding marijuana.

Roberto Ibarra stated he is completely against it.

Alex Martinez stated it could be regulated like beer; he owns a collective; he has been shut down and is in compliance.

Gloria Herrera stated things will be out of control and it should be banned. Medical use is OK, but recreational use should not be allowed.

Valerie Gorospe asked that the process for adoption of ordinances be explained. Mr. Garcia provided the explanation.

Mayor Chavez closed the public hearing.

Moved by Councilman Pascual, seconded by Councilwoman Vallejo and unanimously carried by all to approve the introduction and first reading of Ordinance No. 2016-1288.

REGULAR AGENDA

- 20) Review of pension unfunded liability and options for reducing this liability and any required actions

Mayor Chavez announced that this item has been tabled.

DEPARTMENTAL REPORTS

No items

COUNCIL STATEMENTS AND REPORTS

Councilman Pascual congratulated those elected to the school boards and stated they are doing a wonderful job for the community. He reminded everyone of the Christmas parade.

Councilwoman Vallejo noted an item on the warrant register for a police vehicle towed and asked for a report at the next meeting with a list of vehicles to be replaced. She stated we need to look at an ordinance to prohibit trucks on Lexington near the freeway. She reminded everyone of the Christmas parade and the event at Heritage Park. She announced the ground breaking for Omni Health.

Councilwoman Morris thanked all those who voted for Measure U and those who worked to help it pass. She noted the open house at the kidney center on Tuesday and the ribbon cutting on Wednesday. She announced the Cinco de Mayo stocking give away will be held on Thursday.

Councilman Hill absent

Mayor Chavez announced that McDonalds will donate coffee and cookies for the Christmas parade. Kiwanis will have its Festival of Carols. He thanked everyone for last 8 years he has served on the City Council and stated it has been honor to serve.

CLOSED SESSION

No items

ADJOURNMENT

Moved by Mayor Chavez, seconded by Councilwoman Vallejo, and unanimously carried to adjourn the meeting at 7:10 p.m.

Phyllis A. Kraft, City Clerk