

**MINUTES**

**CITY OF DELANO  
CITY COUNCIL – REGULAR MEETING  
September 7, 2010**

**CALL TO ORDER**

Mayor Morris called the meeting to order at 6:30 p.m. in the City Hall Council Chambers, 1015 – 11<sup>th</sup> Avenue.

**INVOCATION**

Mayor Morris asked for a moment of silence.

**FLAG SALUTE**

Mr. Peake led the flag salute.

**ROLL CALL**

Council members present: Chavez, Hill, Morris, Ramirez, Vallejo  
Council members absent: none

**OFFICIALS PRESENT**

City Manager Salem, City Attorney Alan Peake, City Clerk Kraft, Assistant City Manager Kivley, Finance Director Flynn, Police Chief DeRosia, Transportation and General Services Director Newhouse, Community Development Director Woodcock, City Engineer Dowling, Chief of Corrections Galaza, Economic Development & Redevelopment Director Reyna, Community Services Director Tracey

**PRESENTATIONS AND AWARDS**

No items

**ITEMS FROM THE PUBLIC**

No items

**CONSENT AGENDA**

- 1) Warrant Register in the amount of \$2,521,014.90
- 2) 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
- 3) Minutes of regular City Council meeting of August 16, 2010
- 4) Minutes of regular Financing Authority meeting August 16, 2010
- 5) Minutes of regular Planning Commission meeting of July 14, 2010

- 6) Approve the plans and specifications for the arsenic wellhead mitigation phase 1B for construction of water well 29 at the intersection of Veneto Street and Primavera Drive
- 7) Approval of the purchase of material for a 12 inch auxiliary water line to the wastewater treatment plant and the Community Correctional Facility in the amount of \$77,679 96 from Ferguson Waterworks

Councilwoman Vallejo asked that item #1 be pulled for discussion.

Moved by Councilwoman Vallejo, seconded by Councilman Chavez, and unanimously carried to approve the Consent Agenda with item #1 pulled for discussion.

Item #1) Councilwoman Vallejo noted that a check was issued for her registration to attend the ACCAP conference, however she has cancelled those plans. She asked if those customers who pay their bill at a payment center pay a service charge. Ms. Flynn informed her that they currently pay a small fee, however that will change in about a month and there will not be a fee charged. Councilwoman Vallejo asked about two refunds for parking violations to the same person. Ms. Flynn explained there were two violations. Councilwoman Vallejo noted the soccer park entrance signs are being paid from the streets fund. Ms. Flynn stated they are being paid from grant funds. There is a separate line item, but the same fund. She added that staff can put the funds in a separate fund account.

Moved by Councilwoman Vallejo, seconded by Councilman Chavez and unanimously carried to approve agenda item #1.

#### **PUBLIC HEARINGS**

- 8) Public hearing #2010-21: Resolution of the City Council of the City of Delano approving the 2009 / 2010 CDBG Consolidated Annual Performance and Evaluation Report, and authorizing the city manager to execute all documents required by the U.S. Department of Housing and Urban Development

Ms. Reyna presented the staff report. She explained the reports tells how funds were spent. She noted that earlier this year a change in the allocation was made from the new police department building and armory refurbishing to the sidewalk project. Ms. Reyna also noted that the numbers in the report are as of June 30. The project has to be completed by the end of December and is on schedule.

Mayor Morris asked for public comments. There were none

Mayor Morris closed the public hearing.

Moved by Councilwoman Vallejo, seconded by Councilman Chavez and unanimously carried to adopt Resolution No. 2010-66 approving the 2009 / 2010 CDBG Consolidated Annual Performance and Evaluation Report, and authorizing the city manager to execute all documents required by the U.S. Department of Housing and Urban Development.

- 9) Public hearing #2010-22: Resolution of the City of Delano vacating an easement granted to the City of Delano southerly of County Line Road and easterly of Browning Road and approving an agreement with Park Meadows Village Partners, LLC for exchange of property for future water well 36 at Parcel Map 11708, and authorizing the city manager to execute the deed and acceptance

Mr. Dowling presented the staff report.

Mayor Morris asked for public comments. There were none.

Mayor Morris closed the public hearing.

Moved by Councilman Chavez, seconded by Councilwoman Vallejo and unanimously carried to adopt Resolution No. 2010-67 vacating an easement granted to the City of Delano southerly of County Line Road and easterly of Browning Road and approving an agreement with Park Meadows Village Partners, LLC. Agreement No. 2010-68

- 10) Public hearing #2010-23:
  - a) Resolution of the City Council of the City of Delano authorizing the creation of a recovery zone under the provisions of the American Recovery and Reinvestment Act of 2009 for the purpose of issuing recovery zone facility bonds; designation of the California Statewide Communities Development Authority as an authorized issuer of the recovery zone facility bonds to be issued, and related matters
  - b) Resolution of the City Council of the City of Delano approving the issuance by the California Statewide Communities Development Authority of Recovery Zone Facility Revenue Bonds for the SunEdison Portfolio #2

Mr. Woodcock presented the staff report. He noted the first step is to create the recovery zone area, which does not require a public hearing. Staff request the public hearing to adopt a resolution approving issuance by the California Statewide Communities Development Authority of Recovery Zone Facility Revenue Bonds for the SunEdison Portfolio #2 be continued to September 20.

Moved by Councilwoman Vallejo, seconded by Councilman Ramirez and unanimously carried to adopt Resolution No. 2010-68 authorizing the creation of a recovery zone under the provisions of the American Recovery and Reinvestment Act of 2009.

Moved by Councilman Chavez, seconded by Councilwoman Vallejo and unanimously carried to continue public hearing #2010-23, resolution approving the issuance by the California Statewide Communities Development Authority of Recovery Zone Facility Revenue Bonds for the SunEdison Portfolio #2 to September 20, 2010.

#### **REGULAR AGENDA**

- 11) Award of contract for the Main Street corrective action program to Victory Engineers, Inc. in the amount of \$513,155.45 and authorize the mayor to sign the contract

Mr. Dowling presented the staff report.

There was brief discussion regarding funding sources, re-use of the pavers, liability, and installation of parking time limit signs.

Moved by Councilman Ramirez, seconded by Councilman Chavez and unanimously carried to award the contract for the Main Street corrective action program to Victory Engineers. Agreement No. 2010-69

- 12) Award of contract for the 2010 Cecil Avenue at Hiatt Avenue signalization project to Mass X, Inc. in the amount of \$338,877.95 and authorize the mayor to sign the construction contract

Mr. Dowling presented the staff report.

Moved by Councilman Ramirez, seconded by Councilman Chavez and unanimously carried to award the contract for the 2010 Cecil Avenue at Hiatt Avenue signalization project to Mass X, Inc. Agreement No. 2010-70

- 13) Resolution of the City Council of the City of Delano approving the application for grant funds for the Sustainable Communities Planning Grant and Incentives Program under the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006 (Proposition 84)

Mr. Woodcock stated that corrections need to be made to the resolution, so staff asks that no action be taken on this item. It will be placed on the September 20, 2010, agenda.

- 14) Resolution of the City Council of the City of Delano in support of the Healthy Eating Active Living (HEAL) Cities campaign

Mr. Woodcock presented the staff report. He noted this project was started by the League of California Cities.

Dr. Avtar Nijjer-Sidhu, Kern County Environmental Health Services / Public Health, addressed the council. She stated she has been working with the city's planning department on this project. She noted that Delano has paved the way for other cities to follow and this resolution shows other cities what can be done. She reviewed some of what has been done in Delano including the farmers' market held during the summer months.

Charlotte Dickson, Director HEAL Cities Campaign, addressed the council. She reported that Delano is the first city in Kern County to adopt the resolution and is an example for other cities. The League will highlight the program at its upcoming conference.

Moved by Councilwoman Vallejo, seconded by Councilman Ramirez and unanimously carried to adopt Resolution No. 2010-69 in support of the Healthy Eating Active Living (HEAL) Cities campaign.

- 15) Update and status report of proposed revisions to the General Plan, Zoning Ordinance and Subdivision Ordinance

Mr. Woodcock presented the staff report. He reported that the Planning Commission has been working on a draft proposed ordinance since June. He gave a power point presentation reviewing the items: bus turn-outs, park areas including dedication and location, park size, internal street design, side yard set-back, street lighting, density, activity center approach, potential strategies, and the next steps to be taken.

No council action required.

16) Discussion and any direction regarding mayor and mayor pro tem rotation

Councilman Hill stated that with the current ordinance, new council members could automatically become mayor pro tem. Someone who has served as mayor may not be able to serve as mayor again for a long time.

There was brief discussion. Council directed staff to bring back options for their consideration

Mayor Morris called a recess at 8:03 p.m. The meeting reconvened at 8:11 p.m.

17) Discussion and any direction regarding budget for fiscal year 2010-2011

Mr. Salem presented the staff report. He noted this presentation deals with the general fund. He discussed the following: the general fund balance is less than \$300,000 which is not acceptable; we should have 10% of the budget, \$1.8 million, in reserve; council has indicated Measure I funds should be for capital projects only; if Measure I funds are not included in the reserve, then we will have to cut \$1.5 million; if we have to make more cuts, they will have to be personnel costs; if council does not want to use Measure I funds, then they need to direct staff to make more cuts.

There was discussion regarding use of Measure I funds for reserve; the public's acceptance of the use of Measure I funds for the general fund; stopping hiring; cuts in service; council giving up their stipend; a special meeting to discuss the budget; the need for a good reserve and how much should be in reserve; grants.

Moved by Councilwoman Vallejo, seconded by Councilman Hill and unanimously carried to designate \$1.8 million from Measure I funds as reserve for the general fund and accept recommendations and cuts presented and hold a special meeting to discuss the budget.

### INFORMATION

No items

### DEPARTMENTAL REPORTS

Councilman Ramirez asked Chief Galaza to report on a recent meeting they attended regarding services for at-risk kids.

Chief Galaza reported Councilman Ramirez and he met with Judge Tofoya regarding a juvenile diversion program for at-risk kids. They have information from the LA County Sheriff on such a program. The goal is to keep kids off drugs. A tentative date of October 30, has been set for LA County Sheriff staff to come here and meet with stake holders regarding establishing a program. He asked for support to explore starting a program here.

### COUNCIL STATEMENTS AND REPORTS

Councilman Hill: Councilman Hill stated he still has concerns regarding signage at RFK high school. Mr. Dowling reported that improvements have been made to the intersection, pedestrian crossing signs have been posted and signs have been made bigger and moved. He and Chief DeRosia had a conference

call with school officials and will meet with the student council. Staff has done as much as can be done regarding improvements at the school. Councilman Hill stated he has received complaints regarding dead animals not being picked-up.

Councilman Chavez: Councilman Chavez reported citizens have complained about close calls at the intersection at Randolph Street and County Line Road. Mr. Dowling reported there have been no accidents there.

Councilwoman Vallejo: no items

Councilman Ramirez: no items

Mayor Morris: no items

### **CLOSED SESSION**

Moved by Councilman Ramirez, seconded by Councilman Chavez, and unanimously carried that the City Council adjourn to Closed Session at 9:20 p.m. The City Clerk was excused. Mayor Morris was appointed Acting City Clerk. The City Attorney and City Manager were asked to remain.

- 18) Conference with legal counsel: claim against the City, one case – Rosie Jackson; govt. code section 54953.9(b)(1)
- 19) Conference with legal counsel: litigation (one case) John Alderson vs. City of Delano, govt. code section 54596.9(a)
- 20) Conference with legal counsel: Geico Insurance application to file a late claim, govt. code section 54956.9(b)(1)

### **RETURN TO GENERAL SESSION**

Moved by Councilwoman Vallejo, seconded by Councilman Ramirez and unanimously carried to reconvened in Open Session at 9:32 p.m. Mr. Peake provided a report on closed session as follows:

- 18) Information was provided and by unanimous consent direction was given.
- 19) Information was provided and by unanimous consent direction was given.
- 20) Information was provided and by unanimous consent direction was given.

### **ADJOURNMENT**

Moved by Councilman Chavez, seconded by Councilman Ramirez, and unanimously carried to adjourn the meeting at 9:33 p.m.

Phyllis A. Kraft, City Clerk