

MINUTES

CITY OF DELANO CITY COUNCIL – REGULAR MEETING September 20, 2010

CALL TO ORDER

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

INVOCATION

Mayor Morris asked for a moment of silence.

FLAG SALUTE

Councilwoman Vallejo 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, 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, Engineer Consultant Wankum

PRESENTATIONS AND AWARDS

No items

ITEMS FROM THE PUBLIC

Richard Markham, 315 Dover Drive, stated some residents in his neighborhood are having too many yard sales. The number of sales should be permitted by person and not address. He stated the Block H area looks bad and something like the new police facility should be put there. He asked the city to keep working to have Wal-Mart to come here.

Lena Mae Jones, 1116 Lexington Street, stated \$30 is too much to charge for the 3rd and 4th yard sale permits. She complained that the city would not issue a yard sale permit to Gail Pickering to have a sale at Mrs. Jones' home because Ms. Pickering lives on Dover Place.

CONSENT AGENDA

- 1) Warrant Register in the amount of \$2,756,939.41
- 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 Retirement Committee meeting of May 19, 2010

- 4) Approval of additional open purchase order for \$25,000 or more for the period July 1, 2010 to December 31, 2010
- 5) Award of contract in the amount of \$99,574.52 to Graham Contractors, Inc. for the pavement rejuvenating seal various streets 2010 project and authorize the mayor to sign the construction contract Agreement No. 2010-71
- 6) Award of construction contract for the arsenic wellhead mitigation of wells 21 and 24 to V. Lopez Jr. & Sons General Contractors of Santa Maria in the amount of \$1,928,642 and authorize the city manager to execute the contract Agreement No. 2010-72
- 7) Resolution No. 2010-70 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)

Councilwoman Vallejo asked that item #1 and item #7 be pulled for discussion.

Moved by Councilman Ramirez, seconded by Councilman Chavez, and unanimously carried to approve the Consent Agenda with items #1 and #7 pulled for discussion.

Item #1) Councilwoman Vallejo asked why funds were returned to Baseball Tomorrow. Mr. Tracey explained that we had submitted an application to Baseball Tomorrow, a private fund, for a grant for a backstop and fencing at Morningside Park. The actual invoices were lower than the bid estimates and we requested permission to use the surplus funds to purchase benches. After the benches were purchased, we were required to return the funds not used. We lost nothing. We received what we wanted and more.

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

Item #7) Councilwoman Vallejo asked what the hard dollar match is. Mr. Woodcock explained it is about \$20,000 as is paid as costs are incurred. There was brief discussion.

Moved by Councilman Ramirez, seconded by Councilman Chavez and unanimously carried to approve Resolution No. 2010-70 approving the application for grant funds for the Sustainable Communities Planning Grant and Incentives Program (Proposition 84).

PUBLIC HEARINGS

- 8) Public hearing #2010-23, continued from September 7, 2010: 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 announced that the request was withdrawn by California Statewide Communities Development Authority. No council action required.

- 9) Public hearing #2010-24: Resolution of the City Council of the City of Delano approving the Freeway Agreement with the State of California and directing the mayor to sign

Mr. Dowling presented the staff report. When the freeway requires closure of local streets, the agreement has to be updated and amended. There will be changes due to the Market Place project.

Mayor Morris asked for public comments. There were none.

Mayor Morris closed the public hearing.

Moved by Councilwoman Vallejo, seconded by Councilman Ramirez and unanimously carried to adopt Resolution No. 2010-71 of the City Council of the City of Delano approving the Freeway Agreement with the State of California. Agreement No. 2010-73

REGULAR AGENDA

- 10) Request of Delano Union Elementary School District for approval of waiver of fees for special event permit to conduct the annual Kiddie Parade on October 8, 2010

Patsy Mejia, Delano Union Elementary School District, addressed the council. She stated that last year the Chamber of Commerce and the City co-sponsored the parade. The school district is asking the fees be waived so that the parade can continue.

Mr. Salem stated that per city ordinance, the council cannot waive fees. If the city co-sponsors the event, the fees will be split. He has spoken with the Chamber of Commerce and they will co-sponsor the Kiddie Parade with the city.

Moved by Councilwoman Vallejo, seconded by Councilman Ramirez and unanimously carried to co-sponsor the Kiddie Parade with the Chamber of Commerce.

Dr. Aguilar, Superintendent, Delano Union Elementary School District, stated he is grateful for the city's co-operation. He noted the parade is an historical event and expressed his thanks.

- 11) Resolution of the City Council of the City of Delano authorizing the city manager to execute the proposal for architectural services to expand the existing fire station no. 2 and any subsequent documents relative to the completion of the project, approving the use of fire impact fees, and approve funding not to exceed \$8,500 for architectural services and \$95,000 for construction for a total cost of \$103,500

Ms. Kivley presented the staff report. She explained that we have grants to do work on the roofs at both fire stations, but before that is done, the additional bay at station number 2 should be constructed. The roofs will be green roofs which will cut down on emissions and will help us meet the requirements of AB 32 and SB 375. If we have enough money, we will also put in double-paned windows.

Moved by Councilwoman Vallejo, seconded by Councilman Chavez and unanimously carried to adopt Resolution No. 2010-72 authorizing the city manager to execute the proposal for architectural services to expand the existing fire station number 2. Agreement No. 2010-74

- 12) Resolution approving and authorizing the execution of a service agreement with Amerinational to perform loan servicing and authorize the city manager to execute the agreement

Ms. Reyna presented the staff report.

Moved by Councilman Hill, seconded by Councilwoman Vallejo and unanimously carried to adopt Resolution No. 2010-73 approving and authorizing the execution of a service agreement with Amerinational to perform loan servicing and authorize the city manager to execute the agreement. Agreement No. 2010-75

- 13) Resolution approving and authorizing the execution of a service agreement with Self-Help Enterprises to perform grant preparation and administration of HOME and CalHOME funds and authorize the city manager to execute the agreement

Ms. Reyna presented the staff report.

Moved by Councilman Hill, seconded by Councilwoman Vallejo and unanimously carried to adopt Resolution No. 2010-74 approving and authorizing the execution of a service agreement with Self-Help Enterprises to perform grant preparation and administration of HOME and CalHOME funds and authorize the city manager to execute the agreement. Agreement No. 2010-76

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

Mr. Salem presented the staff report.

Councilman Hill stated that a new council member could be mayor pro tem while someone who has been on council longer would have to wait. The mayor is the face of Delano and what the mayor says will be what people believe. There is a learning curve.

Councilman Chavez noted Councilman's Hill's concerns. A required one-year service on council would be fine for a rotation schedule.

Councilwoman Vallejo agreed there should be experience on the council before serving as mayor pro tem. There is a learning curve for how to run a meeting. She stated she was not in favor of a rotation and noted not everyone wants to serve as mayor. She stated council should choose who represents them. She agreed with one year service on the council before appointment as mayor or mayor pro tem.

Councilman Ramirez noted that for many years the mayor was chosen by the council members and stated he would choose that option. He noted it is up to the colleagues to determine if a council member is ready to serve as mayor.

Mayor Morris agreed there should be required one year experience. A one year term would give everyone the opportunity to serve. She noted there is a lot to being the mayor. A lot of time is required.

Moved by Councilman Ramirez, seconded by Councilwoman Vallejo and carried by the following vote to approve option #5, election by council members from their membership, no seniority rotation, with a one year term. AYES: Hill, Ramirez, Vallejo NOES: Chavez, Morris

There was discussion regarding when the new policy should take effect. The consensus was to make the proposed changes in two steps. The first step will be to require one year service on the council before being eligible to serve as mayor or mayor pro tem. The ordinance for this change will be introduced at the next council meeting. The second step will be to make the selection of mayor by appointment by council members rather than by rotation. That change will take effect in 2011.

Mayor Morris recognized all the Bakersfield College students in the audience and welcomed them.

INFORMATION

No items

DEPARTMENTAL REPORTS

No items

COUNCIL STATEMENTS AND REPORTS

Councilman Hill: Councilman Hill challenged the council members to give 50% of their stipend back to the city for this fiscal year. He stated he would like his funds to go to recreation programs. Mr. Peake stated that this has come up in other cities. In order to meet tax regulations, the stipend must be paid out, then the individual will have to make a donation and can designate the use of the funds.

Councilman Ramirez: Councilman Ramirez noted that a lot of streets have been paved and thanked all the departments involved. He encouraged the BC students to get involved in their communities. He noted that many people make donations to various causes without recognition.

Councilman Chavez: Councilman Chavez asked about the intersection at Randolph Street and County Line Road. Mr. Dowling reporter there have been no accidents, so no change is warranted. Councilman Chavez suggested council members donate half their stipend to the schools, organizations, or city programs. He encouraged the BC students to voice their opinions and thanked Mrs. Jones for her example to others by speaking at council meetings.

Councilwoman Vallejo: Councilwoman Vallejo reported that at the KernCOG meeting last week all were reminded to get invoices for ARRA projects submitted as soon as the project is completed. She stated she supports many organizations and her stipend goes back to the community through donations.

Mayor Morris: Mayor Morris stated she would like to take on the challenge, however her money goes to support her daughter at Brigham Young University. When her husband passed away, she lost two-thirds of her income and is not able to do more at this time.

CLOSED SESSION

Moved by Councilman Ramirez, seconded by Councilman Chavez, and unanimously carried that the City Council adjourn to Closed Session at 7:58 p.m. The City Clerk was excused. Mayor Morris was appointed Acting City Clerk. The City Attorney and City Manager were asked to remain.

- 15) Conference with labor negotiators Abdel Salem, Alan Peake, and Maribel Reyna regarding negotiations with the Delano Police Officers Association; govt. code section 54956.7
- 16) Conference with legal counsel: litigation, one case, Rutilio Luna Sandoval; govt. code section 54596.9(a)
- 17) Conference with legal counsel: claim against the City, one case – Preston George; govt. code section 54953.9(b)(1)
- 18) Conference with legal counsel: claim against the City, one case – Richard Williams; govt. code section 54953.9(b)(1)

RETURN TO GENERAL SESSION

Moved by Councilman Ramirez, seconded by Councilman Chavez and unanimously carried to reconvened in Open Session at 8:18 p.m. Mr. Peake provided a report on closed session as follows:

- 15) Information was provided, and by unanimous consent direction was given.
- 16) Information was provided; no action taken.
- 17) Information was provided, and by unanimous consent direction was given.
- 18) Information was provided, and by unanimous consent direction was given.

ADJOURNMENT

Moved by Councilman Ramirez, seconded by Councilman Vallejo, and unanimously carried to adjourn the meeting at 8:19 p.m.

Phyllis A. Kraft, City Clerk