

## **MINUTES**

### **CITY OF DELANO CITY COUNCIL – REGULAR MEETING October 4, 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**

Mayor Morris led the flag salute.

#### **ROLL CALL**

Council members present: Chavez, Hill, Morris, Ramirez

Council members absent: Vallejo

#### **OFFICIALS PRESENT**

City Manager Salem, City Attorney Alan Peake, City Clerk Kraft, Finance Director Flynn, Transportation and General Services Director Newhouse, Community Development Director Woodcock, City Engineer Dowling, Economic Development & Redevelopment Director Reyna, Community Services Director Tracey, Engineer Consultant Wankum

#### **PRESENTATIONS AND AWARDS**

Presentation of Plaque to Emil Sirhed on His Retirement with 14 Years of Service

Presentation of Plaque to Pascual Banuelos on His Retirement with 20 Years of Service

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

Carla Lapidula, Delano Chamber of Commerce, introduced Remy Verduzco, a student at Almond Tree Middle School, who expressed concerns about the future of Delano and asked what he can do.

Lena Mae Jones, 1116 Lexington Street, stated she is still concerned about the fees charged for yard sales permits and asked if there has been any follow-up to her request at the last council meeting.

Richard Markham stated he is concerned about Wal-Mart. He stated we need to have industry here. Mr. Markham suggest a police sub-station be put in Block H. He stated we should put an entry sign on County Line Road at the south-bound highway off ramp.

#### **CONSENT AGENDA**

- 1) Warrant Register in the amount of \$2,256,575.26
- 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 September 7, 2010
- 4) Minutes of special City Council meeting of September 14, 2010
- 5) Minutes of regular City Council meeting of September 20, 2010
- 6) Minutes of regular Planning Commission meeting of August 11, 2010
- 7) Award of contract for the Installation of Traffic Striping and Pavement Markers 2010 Project to Striping Services, Inc. of Goshen in the amount of \$40,193.73 Agreement No. 2010-78
- 8) Resolution No. 2010-75 of the City Council of the City of Delano approving and authorizing the execution of a service agreement with Palm Occupational Medicine to perform medical services Agreement No. 2010-79
- 9) Resolution No. 2010-76 of the City Council of the City of Delano approving and authorizing the execution of a service agreement with Central Valley Occupational Medical Group to perform medical services Agreement No. 2010-80
- 10) Resolution No. 2010-77 of the City Council of the City of Delano approving the final Parcel Map and accepting irrevocable offer of dedication for Parcel Map No. 11769, located on County Line Road and authorizing the signatures and filing as required

Moved by Councilman Ramirez, seconded by Councilman Chavez, and unanimously carried to approve the Consent Agenda.

### **PUBLIC HEARINGS**

- 11) Public hearing #2010-25: Introduction and first reading of an ordinance of the City Council of the City of Delano amending Chapter 20.10.110 and Chapter 20.11.230 of the Delano Municipal Code pertaining to the establishment and operation of outdoor dining and cooking uses within the City of Delano

Mr. Woodcock presented the staff report. The proposed ordinance addresses two items: outdoor dining and outdoor cooking. The Planning Commission has been working on this item and recommend the two events be permitted through the site plan review process rather than a conditional use permit.

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

Mayor Morris closed the public hearing.

There was discussion regarding requiring a CUP for cooking out-doors, the requirements for businesses to qualify for an out-door cooking permit, concerns regarding the number of businesses on Main Street that could be permitted to cook out-doors and problems there might be for those, the cost and time required to obtain a conditional use permit, county health code requirements.

Moved by Councilman Ramirez, seconded by Councilman Chavez and unanimously carried to continue to the council meeting on October 18 the public hearing for the introduction and first reading of Ordinance No. 2010-1218 amending Chapter 20.10.110 and Chapter 20.11.230 of the Delano Municipal Code.

- 12) Public hearing #2010-26:
- a) Resolution of the City Council of the City of Delano adopting Mitigated Negative Declaration (E-10-06) for General Plan Amendment No. 2010-02 and Site Plan Review No. 2010-09, located east of State Route 99 and the Union Pacific Railroad, south of Quinn Court, west of South Lexington Street, and north of Skyline Drive
  - b) Resolution of the City Council of the City of Delano approving General Plan Amendment No. 2010-02 to amend the Land Use Element map of the Delano General Plan from “Community Facilities” to “Industrial” on approximately 52 acres located east of State Route 99 and the Union Pacific Railroad, south of Quinn Court, west of South Lexington Street, and north of Skyline Drive
  - c) Resolution of the City Council of the City of Delano approving Site Plan Review No. 2010-09 proposing construction of a 530,000 square foot clementine variety citrus packing facility and the reconfiguration of an existing city-owned drainage basin along the western portion of the project site on approximately 27 acres located east of State Route 99 and the Union Pacific Railroad, south of Quinn Court and west of South Lexington Street

Mr. Woodcock presented the staff report.

Mayor Morris asked for public comments.

Bob Swanson, Swanson Engineering 5500 Ming Avenue, Bakersfield, stated he is a representative of Paramount Citrus and has been working with city staff.

Eric Johnson, Roll International, 13646 Highway 33, Lost Hills, stated Roll International is the parent company of Paramount Citrus. The company has planted 16,000 acres of clementine oranges and has decided to build the processing facility in Delano. They are happy with the City of Delano and the employees who work at the existing plant. They want to have part of the facility ready by next October. When fully build out in two years, the facility will employ 500 to 600 staff.

Mayor Morris closed the public hearing.

Moved by Councilman Ramirez, seconded by Councilman Chavez and unanimously carried to adopt Resolution No. 2010-78 adopting Mitigated Negative Declaration (E-10-06) for General Plan Amendment No. 2010-02 and Site Plan Review No. 2010-09.

Moved by Councilman Hill, seconded by Councilman Chavez and unanimously carried to adopt Resolution No. 2010-79 approving General Plan Amendment No. 2010-02 to amend the Land Use Element Map of the Delano General Plan.

Moved by Councilman Ramirez, seconded by Councilman Chavez and unanimously carried to adopt Resolution No. 2010-80 approving Site Plan Review No. 2010-09.

## **REGULAR AGENDA**

- 13) Approval of property exchange agreement with Paramount Citrus Packing Company

Mr. Woodcock presented the staff report. Mr. Peake distributed a modified agreement.

Moved by Councilman Chavez, seconded by Councilman Hill and unanimously carried to approve the modified property exchange agreement with Paramount Citrus Packing Corporation, subject to potential additional changes approved by the city manager related to dates of performance, indemnification

language and placing the parties back into the existing position if the project does not go through.  
Agreement No. 2010-81

- 14) Approval of contract change order 16 with CW Roen Construction regarding additional compensation in the net amount of \$163,879, for additional sales tax and other changes at the wastewater treatment plant expansion

Mr. Wankum stated staff requests this item be continued to the next council meeting.

Moved by Councilman Ramirez, seconded by Councilman Chavez and unanimously carried to continue this agenda item to October 18.

- 15) Approval of task order number three with Quad Knopf to provide construction management services for the construction of the arsenic mitigation project in the budgeted amount of \$217,050

Mr. Wankum presented the staff report. He reviewed the projects currently under way and explained the need for project management.

Moved by Councilman Ramirez, seconded by Councilman Chavez and unanimously carried to approve task order number three with Quad Knopf. Agreement No. 2010-82

- 16) Award of contract for the 2010 Federal Safe Routes to School (SRTS) Improvement Project to Griffith Company in the amount of \$273,710.00

Mr. Dowling presented the staff report.

Moved by Councilman Hill, seconded by Councilman Ramirez and unanimously carried to approve the agreement with Griffith Company for the 2010 Federal Safe Routes to School Improvement Project. Agreement No. 2010-83

- 17) Introduction and first reading of an ordinance of the City of Delano amending Chapter 2 of the Delano Municipal Code by amending Section 2.04.050 related to presiding officer elections and duties

Mr. Salem presented the staff report.

Moved by Councilman Ramirez, seconded by Councilman Chavez and unanimously carried to approve the introduction and first reading of Ordinance No. 2010-1219 amending Section 2.04.050 of Chapter 2 of the Delano Municipal Code.

## **INFORMATION**

No items

## **DEPARTMENTAL REPORTS**

Mr. Salem reported that the state may have a budget approved this week. The state has delayed payments for the CCF, though we have now received payment for April and May. All the monies that the state collects for us such as sales tax, are on hold and not being released yet. Mr. Salem announced that the city received a notice that Ranch Market will close and terminate about 70 employees.

## **COUNCIL STATEMENTS AND REPORTS**

Councilman Hill: Councilman Hill asked if any markings will be installed at the new intersection on Girard Street. Mr. Dowling informed council that signage and markers will be finalized next week. Mr. Hill stated that the city needs to do our own street striping rather than contract the work out. He added that we need to stripe residential streets. Mr. Salem noted a report was submitted to council some time back but staff can bring it back again.

Councilman Chavez: Councilman Chavez congratulated the schools on their improved test scores.

Councilwoman Vallejo: absent

Councilman Ramirez: Councilman Ramirez asked why we don't do street striping in-house. Mr. Dowling explained that we do not have a striping truck which would cost \$100,000 to \$150,000 and the streets department is not fully staffed at this time. Mr. Ramirez noted that the current impact fees structure is slowing down development and asked for options regarding what can be done.

Mayor Morris: Mayor Morris reminded everyone that Harvest Holidays is this weekend and urged them to come out and support the event.

## **CLOSED SESSION**

Moved by Councilman Ramirez, seconded by Councilman Chavez, and unanimously carried that the City Council adjourn to Closed Session at 7:49 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: litigation (one case) Morales v. City of Delano; govt. code section 54596.9(a)
- 19) 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 7:57 p.m. Mr. Peake provided a report on closed session as follows:

- 18) Information was provided, no action taken
- 19) Information was provided and by unanimous consent, direction was given.

## **ADJOURNMENT**

Moved by Councilman Ramirez, seconded by Councilman Chavez, and unanimously carried to adjourn the meeting at 7:58 p.m.

Phyllis A. Kraft, City Clerk