

MINUTES

CITY OF DELANO CITY COUNCIL – REGULAR MEETING October 18, 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

Councilman Hill led the flag salute.

ROLL CALL

Council members present: Chavez, Hill, Morris, Ramirez, Vallejo

Council members absent: none

OFFICIALS PRESENT

Assistant City Manager Kivley, City Attorney Alan Peake, City Clerk Kraft, Police Chief DeRosia, 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

No items

ITEMS FROM THE PUBLIC

Lon Chaney, 1642 – 16th Place, spoke on behalf of The American Legion Merle Reed Post 124. He reported that wonderful speeches were given at the luncheon held in recognition of the students who attended the Boys' and Girls' State Conferences. He stated more sponsors are needed to send the students to the conferences. Mr. Chaney presented a letter addressed to Delano Harvest Holidays, Inc. via City of Delano and read it. The letter was regarding an incident at the Harvest Holidays parade involving a banner for the American Legion bar-be-cue.

Richard Markham, 315 Dover Drive, stated there are still problems on the west side with loud music and people having a DJ at parties. He also stated that Jose Arredondo is trying to put a Carl's Jr. on his property on Cecil Avenue.

CONSENT AGENDA

- 1) Warrant Register in the amount of \$1,777,003.61
- 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 October 4, 2010

- 4) Resolution No. 2010-81 of the City Council of the City of Delano approving a lease agreement with B&D Morris Farms and authorizing the mayor to sign the wastewater municipal farm lease Agreement No. 2010-84
- 5) Resolution No. 2010-82 of the City Council of the City of Delano approving a Memorandum of Understanding between the City of Delano and the Delano Police Officers Association for the period July 1, 2009 – June 30, 2010 Agr. No. 2010-85
- 6) Appropriate \$39,705 from unallocated general fund reserves for work completed to date on the Airport Master Plan update

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

PUBLIC HEARINGS

- 7) Public hearing #2010-25, continued from October 4: Introduction and first reading of Ordinance No. 2010-1218 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. He presented a map showing the locations of businesses that could potentially have outdoor cooking and dining. He noted that no evaluation has been done as to whether the locations and businesses would meet city and county requirements.

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

Mayor Morris closed the public hearing.

There was lengthy discussion regarding definitions of the various types of businesses, safety concerns regarding cooking, barriers, parking requirements, store square footage, and zoning.

The general consensus was that the proposed outdoor dining requirements are acceptable, but the proposed outdoor cooking requirements are not.

Staff will separate the proposed ordinance into two separate items, one regarding outdoor dining and one regarding outdoor cooking. Staff will write new ordinances, re-advertise, and bring back to council at a future meeting.

- 8) Public hearing #2010-26: Second reading and final adoption of Ordinance No. 2010-1219 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

Ms. Kivley presented the staff report.

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

Mayor Morris closed the public hearing.

Moved by Councilwoman Vallejo, seconded by Councilman Ramirez and unanimously carried to approve the second reading and final adoption of Ordinance No. 2010-1219 amending Chapter 2 of the Delano Municipal Code by amending Section 2.04.050 related to presiding officer elections and duties.

REGULAR AGENDA

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

Mr. Wankum presented the staff report. He explained the project was bid in 2008 when the tax rate was seven and one quarter percent (7¼%). It is now higher. The contractor will provide supporting documentation for the compensation. This adjustment covers purchases made through July 1, 2010. We will have to do another adjustment at the end of the project for any additional purchases.

Moved by Councilwoman Vallejo, seconded by Councilman Chavez and carried by the following vote to approve contract change order 16 with CW Roen Construction regarding additional compensation and other changes at the wastewater treatment plant expansion. AYES: Chavez, Morris, Ramirez, Vallejo
NOES: Hill Agreement No. 2010-86

- 10) Resolution of the City Council of the City of Delano, California, initiating proceedings for a proposed formation of the Maintenance District 21 (Delano Marketplace), the levy of annual assessments therein and ordering the preparation of an assessment engineer's report

Mr. Dowling presented the staff report.

Moved by Councilwoman Vallejo, seconded by Councilman Chavez and unanimously carried to adopt Resolution No. 2010-83 initiating proceeding for a proposed formation of Maintenance District 21.

- 11) Resolution of the City Council of the City of Delano approving and authorizing the execution of a service agreement by and between the City of Delano and Hogle-Ireland, Inc. to perform services in the preparation of the Consolidated Plan and Action Plan

Ms. Reyna presented the staff report.

Moved by Councilman Hill, seconded by Councilwoman Vallejo and unanimously carried to adopt Resolution No. 2010-84 approving a service agreement with Hogle-Ireland Inc. Agreement No. 2010-87

- 12) Discussion and any direction regarding design configuration of 11th Avenue between Hiatt Avenue and Timmons Avenue

Mr. Woodcock presented the staff report. He reviewed what has been discussed with the schools. The schools will be responsible for the cost of the calming measures. Council will have to adopt a resolution regarding the mid-block crossing.

No council action required at this time.

INFORMATION

No items

DEPARTMENTAL REPORTS

In response to council request at a previous meeting, Chief DeRosia reported that per city ordinance, yard sales permits are \$10 each for the first two and \$30 each for the second two. Citizens may have 4 yard sales per year and can have each sale for two consecutive days.

Mr. Woodcock announced that Smart Valley Places has been awarded a \$4 million grant from HUD. The City Council approved our participation with the San Joaquin Valley Partner Cities in the Smart Valley Places Compact on August 2, (resolution no. 2010-61). There are 14 cities in our compact. The City of Delano will receive from \$200,000 to \$225,000. It will be used to do the following: develop and implement a green building code, develop a sustainable Delano element to the General Plan, and assist in the development of a mixed use plan for Block H. Over 2,000 applications were submitted nation-wide. Only ten were awarded grants in the \$4 million range. Only two were funded in the State of California.

COUNCIL STATEMENTS AND REPORTS

Councilman Hill: no items

Councilman Chavez: no items

Councilwoman Vallejo: Councilwoman Vallejo asked some questions regarding the new worker's comp doctors. Ms. Reyna stated the clinics are located in Bakersfield, Tulare, and Visalia. If a staff is hurt and it is not feasible to go to one of those, they will go to DRMC. There will be a case-by-case evaluation. Councilwoman Vallejo reported that the South Valley Division of the League of California Cities meeting was held at the McDermont Field House in Lindsay and noted it is a great facility.

Councilman Ramirez: Councilman Ramirez agreed that the McDermont facility is very impressive and stated we need to talk about where to build a similar facility. He stated that code enforcement needs to focus on the downtown area for a set period of time and asked Chief DeRosia to prepare a report for council. He asked when work will begin on the downtown sidewalks and noted that work should not be done during the holidays. Mr. Ramirez asked staff to report back on when a study can be done on our impact fee update.

Mayor Morris: Mayor Morris commended Mr. Woodcock on the meeting held last week regarding revitalization of the west side. There was a lot of participation. The next meeting will be November 17.

CLOSED SESSION

Moved by Councilman Ramirez, seconded by Councilwoman Vallejo, and unanimously carried that the City Council adjourn to Closed Session at 8:02 p.m. The City Clerk was excused. Mayor Morris was appointed Acting City Clerk. The City Attorney and City Manager were asked to remain.

- 13) Conference with legal counsel regarding potential threat of litigation, govt. code section 54956.9(a)

RETURN TO GENERAL SESSION

Moved by Councilman Chavez, seconded by Councilwoman Vallejo and unanimously carried to reconvened in Open Session at 8:14 p.m. Mr. Peake provided a report on closed session as follows:

- 13) Information was provided and by unanimous consent direction was given.

ADJOURNMENT

Moved by Councilwoman Vallejo, seconded by Councilman Chavez, and unanimously carried to adjourn the meeting at 8:15 p.m.

Phyllis A. Kraft, City Clerk