

MINUTES

CITY OF DELANO CITY COUNCIL – REGULAR MEETING November 1, 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

City Clerk Kraft led the flag salute.

ROLL CALL

Council members present: Chavez, Morris, Ramirez, Vallejo

Council members absent: Hill

OFFICIALS PRESENT

City Manager Salem, City Attorney Alan Peake, City Clerk Kraft, Police Chief DeRosia, Transportation and General Services Director Newhouse, 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

Glenda Miller, 1822 Main Street, thanked everyone for their help with the animal shelter and noted materials have been brought in from the old K-Mart building demolition and used as filler. She stated that we need to think of a fund raiser.

Dan Leon, resident of Corcoran and employee at Kern Valley State Prison presented a letter of complaint against a police department employee for failing to accept a citizen's complaint regarding an incident at Kern Valley State Prison. Mayor Morris referred him to Mr. Salem.

CONSENT AGENDA

- 1) Warrant Register in the amount of \$1,570,746.91
- 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 18, 2010
- 4) Minutes of regular Community Law Enforcement Liaison Board of May 20, 2010

- 5) Acceptance and approval of the City of Delano quarterly investment report for the quarter ended September 30, 2010
- 6) Resolution No. 2010-85 of the City Council of the City of Delano approving the final parcel map and accepting irrevocable offer of dedication for Parcel Map No. 11964 and authorizing the signatures and filing as required
- 7) Approval of Master Agreement and Task Order No. 1 with BESST, Inc. to provide well profiling and recommendations for modifications to four city water wells for the arsenic remediation project in the estimated amount of \$56,050 plus incidentals Agreement No. 2010-88, master agreement Agreement No. 2010-89 task order no. 1
- 8) Award of contract for well 26 packer installation to Bakersfield Well and Pump in the amount of \$51,240 and authorize the City Manager to execute the contract Agreement No. 2010-90
- 9) Resolution No. 2010-86 of intention to form Maintenance District 21 (Delano Marketplace), the levy of annual assessments therein and set November 15, 2010, for a public hearing
- 10) Amend Delano Community Correctional Facility budget (Fund 46) for fiscal year 2010 / 2011, by adding ten (10) part-time temporary correctional officers
- 11) Correction to Delano Community Correctional Facility budget (Fund 90 – equipment replacement fund) for fiscal year 2010 / 2011, to delete dishwasher and large mixer and replace with Jail Management System (used for data on inmate activities, trust funds, and inventories)

Councilwoman Vallejo asked that items #7, 8, and 11 be pulled for discussion.

Moved by Councilman Ramirez, seconded by Councilwoman Vallejo, and unanimously carried by all those present to approve the Consent Agenda with items #7, 8, and 11 pulled for discussion.

Item #7) Councilwoman Vallejo asked how long the new technology discussed in the staff report has been available. Mr. Dowling explained that staff attended a meeting last year at which time they became aware of the technology. The technology has been available for about a year, but BESST is the sole source. Bakersfield Well and Pump has used the technology to modify wells in the Los Angeles area and the results were better than expected. There is a high potential to save money. Agenda item #8 is related to this item. Well 26 is where the technology will be put to use.

Moved by Councilwoman Vallejo, seconded by Councilman Ramirez and unanimously carried to approve items #7 and #8.

Item #11) Councilwoman Vallejo asked if we no longer need the equipment to be deleted from the equipment replacement list. Chief Galaza answered that the pieces are still needed and will be purchased in the future. The computer software for the management system is failing and has caused problems for staff. The software is more important than the other equipment items.

Moved by Councilwoman Vallejo, seconded by Councilman Ramirez and unanimously carried by all those present to approve item #11.

PUBLIC HEARINGS

- 12) Public hearing #2010-27: Proposed issuance of Lease Revenue Bonds (Police Station and Capital Improvements Projects), Series 2010A (the “Bonds”) by the Delano

Financing Authority. Bond proceeds are expected to be applied to finance certain capital improvements, including a police station to be located at 2330 High Street, Delano, California, and certain infrastructure improvement, including the Woollomes Avenue Bridge Project located at the interchange of Woollomes Avenue and State Route 99, extending east to High Street and west to Garzoli Avenue within the City of Delano

- a) Resolution of the City Council of the City of Delano authorizing and approving the issuance of Lease Revenue Bonds (police station and capital improvements projects), Series 2010A (bank qualified), in the aggregate principal amount not to exceed \$30,000,000 approving the form and authorizing the preparation of a Preliminary Official Statement and the execution and delivery of a final Official Statement, a Site and Facility Lease, a Lease Agreement, an Agency Agreement, a Continuing Disclosure Agreement and a Bond Purchase Agreement, and authorizing certain actions and execution of documents related thereto
- b) Recommended action: City Council adopt the resolution authorizing and approving the issuance of Lease Revenue Bonds in the aggregate principal amount not to exceed \$30,000,000 approving the form and authorizing the preparation of a Preliminary Official Statement and the execution of a final Official Statement, a Site Facility Lease, a Lease Agreement, and Agency Agreement, a Continuing Disclosure Agreement, and a Bond Purchase Agreement, and authorizing certain actions and execution of documents related thereto

Mr. Salem presented the staff report. He stated this item is in regards to two major projects we have been working on for some time, the new police facility and the Market Place development on Woollomes Avenue. The city has agreed to assist with the development of the Market Place. We will have to borrow money, and this will be done through the Financing Authority. The Authority has to have council authorization to issue bonds.

Mr. Peake announced that Don Hunt of Fullbright & Jawarski and Manny DeDios of Kinsell, Newcomb & DeDios, are in the audience to answer any questions regarding the bonds.

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

Mayor Morris closed the public hearing.

There was discussion regarding the area to benefit from the infrastructure improvements, the number of potential jobs to be created by the development, and the funding source for payment of the bonds.

Mr. DeDios stated the market is good now for issuance of the bonds. Staff has been working with Standard & Poors regarding the city's grading. Mr. Peake added that Standard & Poors was impressed with the fiscal responsibility of the city and how the city has handled its finances.

Moved by Councilwoman Vallejo, seconded by Councilman Chavez and unanimously carried to adopt Resolution No. 2010-87 authorizing and approving the issuance of Lease Revenue Bonds in the aggregate principal amount not to exceed \$30,000,000, approving the form and authorizing the preparation of a Preliminary Official Statement and the execution of a final Official Statement, a Site Facility Lease, a Lease Agreement, and Agency Agreement, a Continuing Disclosure Agreement, and a Bond Purchase Agreement, and authorizing certain actions and execution of documents related thereto.

Agreement No. 2010-91 – Site & Facility Lease Agreement

Agreement No. 2010-92 – Lease Agreement

Agreement No. 2010-93 – Agency Agreement

Agreement No. 2010-94 – Bond Purchase Agreement

Agreement No. 2010-95 – Continuing Disclosure

Moved by Councilwoman Vallejo, seconded by Councilman Chavez and unanimously carried by all those present to recess the City Council meeting at 7:11 p.m. to re-convene the Financing Authority meeting.

Moved by Councilman Ramirez, seconded by Councilwoman Vallejo and unanimously carried to re-convene the City Council meeting at 7:15 p.m.

Mr. DeDios addressed the Council. He informed them that funds for the bonds are available through the Build America Bonds stimulus program which sunsets December 30. His staff will notify investors when the bonds are available. We should have prices this week and do the final statement next week. We should have the money by Thanksgiving.

REGULAR AGENDA

- 13) Approval of task order four with Quad Knopf to provide a labor compliance program during construction of the arsenic mitigation project

Mr. Dowling presented the staff report.

Moved by Councilwoman Vallejo, seconded by Councilman Chavez and unanimously carried to approve task order four with Quad Knopf to provide a labor compliance program during construction of the arsenic mitigation project. Agreement No. 2010-96

- 14) Approve task order number 10-2010 with Quad Knopf to provide planning and engineering services for the 2011 Development Impact Fee Update in the amount of \$60,897

Mr. Dowling presented the staff report. He stated the update needs to be completed by June 2011, and noted that six months is just enough time to get the work done. There are twelve meetings planned to discuss the updates. The BIA, the Planning Commission, and any other interested parties will attend.

Moved by Councilwoman Vallejo, seconded by Councilman Ramirez and unanimously carried to approved task order number 10-2010 with Quad Knopf to provide planning and engineering services for the 2011 Development Impact Fee Update. Agreement No. 2010-97

- 15) Award of contract for well 29 equipping to Steve Dovali Construction, Inc. in the amount of \$976,031.75

Mr. Dowling presented the staff report.

Moved by Councilman Ramirez, seconded by Councilwoman Vallejo and unanimously carried to award contract for well 29 equipping to Steve Dovali Construction, Inc. Agreement No. 2010-98

- 16) Resolution of the City Council providing a procedure to resolve a tie in the event of a tie vote at any municipal election and rescinding Resolution No. 1985-140 providing for the conduct of a special run-off election for elective offices in the event of a tie vote at a municipal election

Mr. Salem presented the staff report. He stated the council may determine a procedure to resolve a tie vote. The tie can be resolved by lot or a special election. The special election held in 2007 cost \$76,000.

Councilman Ramirez stated he had mixed emotions regarding this. In 2007, the council had the opportunity to fill a vacant seat by appointment but chose to have a special election. He stated the voters should have the ultimate say.

Councilwoman Vallejo stated her emotions are on the dollar side and added she would not want to spend \$76,000. She noted the special election held in 2007, was to fill a vacancy, not to break a tie. She added that if a special election should be called, there would be a vacancy that could result in a council 2-2 vote on issues that would then die.

Councilman Chavez stated he feels we should embrace the citizens' right to vote for whom they want and the tie should always be handed to the people.

Mayor Morris stated we should not spend the money and concurred with Councilwoman Vallejo.

Moved by Councilwoman Vallejo, seconded by Mayor Morris and failed to pass Resolution No. 2010-88 providing a procedure to resolve a tie in the event of a tie vote at any municipal election and rescinding Resolution No. 1985-140 by the following vote: AYES: Morris, Vallejo NOES: Chavez, Ramirez ABSENT: Hill

INFORMATION

No items

DEPARTMENTAL REPORTS

No items

COUNCIL STATEMENTS AND REPORTS

Councilman Hill: absent

Councilman Ramirez: Councilman Ramirez stated the city is moving on many projects and the next one should be a community center. He stated we should begin now to decide where it should be.

Councilwoman Vallejo: Councilwoman Vallejo asked the status on the child care center on 11th Avenue. Mr. Peake informed council that the state owns the building. Councilwoman Vallejo asked staff to find out what it would cost to purchase the building and report at the next council meeting.

Councilman Chavez: Councilman Chavez reminded everyone to vote on November 2.

Mayor Morris: Mayor Morris thanked staff for their work on the agenda packet and noted there were several large items. She commended Mr. Tracey on the Halloween party.

CLOSED SESSION

No items

ADJOURNMENT

Moved by Councilman Ramirez, seconded by Councilman Chavez, and unanimously carried to adjourn the meeting at 7:45 p.m.

Phyllis A. Kraft, City Clerk