

**Corrected**

**MINUTES**

**CITY OF DELANO  
CITY COUNCIL – REGULAR MEETING  
November 15, 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, 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 Specialist Castro, Community Services Director Tracey , Assistant Finance Director Bermudez

**PRESENTATIONS AND AWARDS**

Proclamation Declaring Thursday, November 18, 2010, as Smokeout Day in the City of Delano

**ITEMS FROM THE PUBLIC**

Richard Markham, 315 Dover Drive, thanked Councilman Hill for the work he has done, especially for the Black community. He thanked the council members for their time.

**CONSENT AGENDA**

- 1) Warrant Register in the amount of \$2,564,186.42
- 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 November 1, 2010
- 4) Minutes of regular Financing Authority meeting of November 1, 2010
- 5) Service agreement with Dale Flynn for financial consulting services, December 1, 2010 through June 30, 2011 (pulled from agenda & continued)

- 6) Resolution No. 2010-89 of the City Council of the City of Delano authorizing the mayor to sign an agreement for contractual services for nutritionist services for Delano Senior Citizens Nutrition Program with Ellen Solum for the period of July 1, 2010 to June 30, 2011 Agreement No. 2010-99
- 7) Request to Amend Delano Community Correctional Facility Budget (Fund 97 – Inmate Telephone Revenue Fund) for Fiscal Year 2010/2011
- 8) Resolution No. 2010-92 of the City Council of the City of Delano authorizing the agreement with Gary Bufkin Consulting Services for the development and install of a jail management system for the Delano Community Correctional Facility Agreement No. 2010-100

Mr. Salem asked that item #5 be pulled from the agenda as he was asked to provide additional information. Councilman Ramirez asked that item #5 be pulled for discussion. Councilman Ramirez asked that item #8 be pulled for discussion.

Moved by Councilwoman Vallejo, seconded by Councilman Ramirez, and unanimously carried to approve the Consent Agenda with items #5, and #8 pulled for discussion.

Item #5) Councilman Hill stated that this is an important position and stated that it needs to be filled as a permanent position. No council action required.

Item #8) Councilman Ramirez asked if this item is needed now. Chief Galaza stated that the CCF is required to keep records and the current system is falling apart. Staff is negotiating with CDCR for a new five year contract; not an extension of the existing contract. The data system would be necessary and it will be paid for from the equipment replacement fund.

Moved by Councilman Ramirez, seconded by Councilman Chavez and carried unanimously to adopt Resolution No. 2010-92 authorizing an agreement with Gary Bufkin Consulting Services.

## **PUBLIC HEARINGS**

Chairman Ramirez re-convened the RDA meeting at this time so that RDA agenda item 4 could be discussed concurrently with the council public hearing #2010-28.

- 9) Public hearing #2010-28: Proposed payment for all or part of the cost of acquisition, installation and construction of improvements within and outside the Redevelopment Project Area including a police station to be located at 2330 High Street, Delano and certain infrastructure improvements, including the Woollomes Avenue Bridge Project located at the interchange of Woollomes Avenue and State Route 99

Resolution of the City Council of the City of Delano authorizing the expenditure of tax increment funds for the development of public facilities, making associated findings, and approving the execution and delivery of a reimbursement agreement

Mr. Salem introduced Don Hunt of Fulbright & Jaworski, LLP, bond counsel, who provided the staff report. He explained the purpose of the document is to provide a legal mechanism to use RDA tax increment monies to make debt service payments on the proposed bonds. It does not require that RDA funds be used, but it gives legal authority to allow us to do so. Mr. Peake added that the estimated amounts for the bridge is \$10 million and for the police facility is \$16.3 million.

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

Mayor Morris closed the public hearing.

Moved by Councilwoman Vallejo, seconded by Councilman Chavez and carried by the following vote to adopt Resolution No. 2010-90, as amended to show the dollar amounts, authorizing the expenditure of tax increment funds for the development of public facilities, making associated findings, and approving the execution and delivery of a reimbursement agreement. Agreement No. 2010-101 AYES: Chavez, Morris, Ramirez, Vallejo NOES: Hill

Chairman Ramirez adjourned the RDA meeting.

- 10) Public hearing #2010-29: Resolution of the City Council of the City of Delano, California, declaring the results of the assessment ballot tabulation, approving the Engineer's Report, forming Maintenance District No. 21 (Delano Market Place), ordering maintenance work therein, confirming the diagram and assessment and providing for the levy of an annual assessment therein

Mr. Dowling presented the staff report.

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

Mayor Morris closed the public hearing.

The City Clerk presented the vote tally. Two ballots were mailed to property owners within the proposed boundaries of the Maintenance District No. 21 and two ballots were received prior to the public hearing. Two assessment ballots were submitted in support of the levy of the proposed assessments within the assessment district. No ballots were submitted in opposition.

Moved by Councilman Hill, seconded by Councilman Ramirez and unanimously carried to adopt Resolution No. 2010-91 declaring the results of the assessment ballot tabulation, approving the engineer's report, forming Maintenance District No. 21 (Delano Marketplace), ordering maintenance work therein, confirming the diagram and assessment and providing for the levy of an annual assessment therein.

### **REGULAR AGENDA**

- 11) Possible purchase of property located at 1000 Garzoli Avenue, APN 521-050-11, owned by Harbons Grewal

Councilman Chavez stated he will abstain from discussion of this item due to a conflict regarding his employer. Mr. Chavez left the council chambers.

Mr. Peake announced that this item will be heard in closed session. It is on the regular agenda to allow for any public comments.

There were no public comments.

Mr. Chavez returned to the meeting.

### **INFORMATION**

No items

### **DEPARTMENTAL REPORTS**

No items

### **COUNCIL STATEMENTS AND REPORTS**

Councilman Ramirez: Councilman Ramirez congratulated Joe Aguirre on his election as council member. He stated that for the past two or three years the city has hosted the tree lighting and hot chocolate for the community after the Chamber of Commerce Christmas Parade. He asked the council if

they want to continue with the tradition this year. He stated that the Chamber has asked for more lights at the event. The parade will be held December 7.

Councilwoman Vallejo: Councilwoman Vallejo stated support to continue with the tree lighting and hot chocolate and suggested the city rent big lights to be placed on each corner. She stated that the maintenance at the development on Dover Place near the child care center on Diaz Avenue is not being done. She asked staff to review the agreement with the developer to find out who is responsible. Councilwoman Vallejo stated that the county has until November 30 to certify the recent election results. She asked for a special meeting to be held December 1 to swear in the elected council members. She suggested Councilman Chavez and Councilman elect Aguirre attend the League of California Cities New Mayor and Council Member Conference.

Councilman Chavez: Councilman Chavez congratulated Mayor Morris and Joe Aguirre on their election as council members. He thanked Councilman Hill for his help and dedication to the city. Councilman Chavez noted there is still confusion regarding the intersection at County Line Road and Randolph Street and also the need for signage at the intersection at 21<sup>st</sup> Avenue and Girard Street.

Councilman Hill: Councilman Hill agreed that 21<sup>st</sup> & Girard is confusing. He thanked the city for his eight years on the council. He thanked his colleagues and staff.

Mayor Morris: Mayor Morris noted that Councilman Hill has had twenty-four years of public service. She concurred regarding the tree lighting event and thanked the Chamber of Commerce for their work.

### **CLOSED SESSION**

Moved by Councilman Ramirez, seconded by Councilman Chavez, and unanimously carried that the City Council adjourn to Closed Session at 7:18 p.m. The City Clerk was excused. Mayor Morris was appointed Acting City Clerk. The City Attorney and City Manager were asked to remain.

- 12) Conference with legal counsel: potential initiation of litigation, one case; govt. code section 54956.9(c)

Councilman Chavez stated he will abstain from discussion of this item due to a conflict regarding his employer. Mr. Chavez left the council chambers.

- 13) Conference with legal counsel: possible purchase of property located at 1000 Garzoli Avenue, APN 521-050-11, owned by Harbons Grewal. Discussion regarding price, terms and condition of purchase; govt. code section 54956.8

### **RETURN TO GENERAL SESSION**

Moved by Councilman Ramirez, seconded by Councilman Hill and unanimously carried to reconvened in Open Session at 8:54 p.m. Mr. Peake provided a report on closed session as follows:

- 12) Information was provided and by unanimous consent, direction was given.
- 13) Information was provided and by the following vote, direction was given. AYES: Hill, Morris, Ramirez, Vallejo ABSTAIN: Chavez

### **ADJOURNMENT**

Moved by Councilman Ramirez, seconded by Councilman Hill, and unanimously carried to adjourn the meeting at 8:55 p.m.