

MINUTES

**CITY OF DELANO
CITY COUNCIL – REGULAR MEETING
December 6, 2010**

CALL TO ORDER

Mayor Chavez called the meeting to order at 7:13 p.m. in the City Hall Council Chambers, 1015 – 11th Avenue.

INVOCATION

Pastor Vivas offered the invocation.

FLAG SALUTE

City Clerk Kraft led the flag salute.

ROLL CALL

Council members present: Aguirre, Chavez, Morris, Ramirez, Vallejo
Council members absent: none

OFFICIALS PRESENT

City Manager Salem, City Attorney Alan Peake, City Clerk Kraft, Finance Director Flynn, 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, Human Resources Director Kirkwood, Community Services Director Tracey

PRESENTATIONS AND AWARDS

No items

ITEMS FROM THE PUBLIC

Victor Ramirez and Tony Rangel, Correctional Officers at the Community Correctional Facility, stated concern for the CCF employees' jobs. Employees have heard rumors that the City will sell the CCF and use funds for the Block H and other projects. They thanked Chief Galaza and Mrs. Portello for their work with the State regarding negotiations on the new contract and asked the status of those negotiations.

Councilwoman Vallejo asked that a report on this item be placed on the next agenda. Councilman Ramirez told CCF staff to give any questions they have to Mr. Salem. Mr. Salem invited CCF employees to meet with staff regarding their concerns.

CONSENT AGENDA

- 1) Warrant Register in the amount of \$4,434,026.30

- 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 15, 2010
- 4) Minutes of special joint City Council, Redevelopment Agency meeting of December 1, 2010
- 5) Minutes of Retirement Committee meeting of September 14, 2010
- 6) Minutes of Community Law Enforcement Liaison Board meeting of September 16, 2010
- 7) Minutes of Community Law Enforcement Liaison Board meeting of November 10, 2010
- 8) Approve Councilman Ramirez's travel to Stockton on December 15, 2010, to attend the Association of California Cities Allied with Prisons (ACCAP) Board of Directors meeting
- 9) Approval of plans and specifications for the arsenic wellhead mitigation phase 1B for construction of water well 31 at the intersection of Diaz Avenue and Dover Parkway
- 10) Accept the improvements for the ARRA-II 2009 overlay project and authorize the filing of the notice of completion
- 11) Resolution No. 2010-94 of the City Council of the City of Delano approving the final parcel map and accepting irrevocable offers of dedication for Parcel Map No. 11480, and authorizing the signatures and filing as required Agreement No. 2010-102
- 12) Resolution No. 2010-95 of the City Council of the City of Delano ratifying the approval of the emergency water line repair on Garces Highway and 3rd Avenue between Ellington Street / Dover Place alley, performed by Griffith Company for an amount up to \$100,000
- 13) Approval of amendment to the Delano Community Correctional Facility (DCCF) Capital Projects Budget (Fund 47 – construction fund) for fiscal year 2010 / 2011
- 14) Resolution No. 2010-96 of the City Council of the City of Delano establishing those city officials for the City of Delano who may authorize temporary street closures for parades or special events within the City of Delano

Councilwoman Morris asked item #1 be pulled for discussion. Councilman Ramirez asked item #5 be pulled for discussion. Councilwoman Vallejo asked items #6 and #12 be pulled for discussion. Mr. Peake asked item #11 be pulled for discussion.

Moved by Councilwoman Vallejo, seconded by Councilman Ramirez, and unanimously carried to approve the Consent Agenda with items #1, #5, #6, #11, and #12 pulled for discussion.

Item #1) Councilwoman Morris noted a correction should be made on the credit card report to include hotel charges for Mr. Salem as listed in the warrant register.

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

Item #3) Moved by Councilwoman Vallejo, seconded by Councilman Ramirez and unanimously carried to reconsider approval of consent item #3. Councilwoman Vallejo asked a correction be made to the minutes of the November 15, 2010, council meeting. The minutes of her council statements state, "...maintenance at the child care center on Diaz Avenue is not being done." Mrs. Vallejo stated this is a misquote and clarified that she made reference to the child care center on Diaz Avenue only as a point of reference regarding the location of the development on Dover Place. The developer, E&J Construction, asked that a maintenance district not be formed so that the cost would not be passed on to the home owners. The developer is suppose to keep the area clean and that is not being done.

Moved by Councilman Ramirez, seconded by Councilman Aguirre and unanimously carried to approve consent item #3 with corrections as stated.

Item #5) Councilman Ramirez noted that in the minutes of the Retirement Committee, committee member Don Campbell suggested a council member sit on the retirement committee. Mr. Ramirez asked if that can be done. Mr. Salem stated that staff will check into that possibility. Mr. Ramirez also asked about committee member attendance requirements.

Moved by Councilman Ramirez, seconded by Councilwoman Vallejo and unanimously carried to approve consent agenda item #5.

Item #6) Councilwoman Vallejo asked staff to convey her welcome to new Police Liaison Board members Anna Perigo and Pat Lane. She noted that board members are appointed individually by council members, the Chief of Police, the City Manager, the Police Officers Association, and one member is appointed by the council as a whole.

Moved by Councilwoman Vallejo, seconded by Councilman Ramirez and unanimously carried to approve consent agenda item #6.

Item #11) Mr. Peake announced that council was provided a revised staff report with changes in the exhibits. Mr. Dowling stated there are some items to be completed before the map may be recorded. Gears Coats, representing the developers Delano Retail Center LLC, stated there has been great cooperation with staff and they have been a part of the whole team. He noted they will close with Wal-Mart in January and will deliver the pad in May. It will take twelve months to get the store ready to open.

Moved by Councilman Ramirez, seconded by Councilwoman Vallejo and unanimously carried to approve consent agenda item #11.

Item #12) Councilwoman Vallejo asked if this location was one of the locations identified at previous meetings as being in need of repair. Mr. Dowling answered that it is. Work was scheduled to be done in March 2011. This is part of the \$2 million project. Funds were budgeted for this fiscal year.

Moved by Councilwoman Vallejo, seconded by Councilman Ramirez and unanimously carried to approve consent agenda item #12.

PUBLIC HEARINGS

No items

REGULAR AGENDA

- 15) Accept Actuarial Valuation for the Employee Pension Plan as of June 30, 2010; prepared by Prien Associates, Consulting Actuaries

Ms. Flynn introduced Bart Prien of Prien Associates. Mr. Prien reviewed the report.

Moved by Councilwoman Vallejo, seconded by Councilwoman Morris and unanimously carried to accept the actuarial valuation for the Employee Pension Plan as of June 30, 2010; prepared by Prien Associates.

- 16) Discussion regarding commercial vehicle parking within the City of Delano, and marking of certain areas within the city to promote safer traversing within the City of Delano

Chief DeRosia presented the staff report. He stated the ordinance will need to be changed and is asking council to discuss any issues now.

There was brief discussion regarding safety issues, truck parking areas, and including those to be impacted in discussions. Chief DeRosia stated staff should have an ordinance ready for introduction by the end of March.

No council action required.

INFORMATION

No items

DEPARTMENTAL REPORTS

- 17) Progress report on the architectural design for new police department facility.

Chief DeRosia introduced Max Medina, architect. Mr. Medina gave a power point presentation regarding the floor plan of the facility and location on the property site.

There was lengthy discussion regarding the PAL program, how the design for the building and property was determined, the possibility of part of the parcel used for the new court building, the location of the police facility on the property, the possibility of moving the building housing the batting cage business, use of the mobile buildings in use now by the detective division, design for a green building, and drainage. Direction was given to staff to bring an item to council regarding use of the detective mobile building units for the PAL program.

Mr. Salem introduced Richard Kirkwood, the new Human Resources Director.

COUNCIL STATEMENTS AND REPORTS

Councilman Ramirez: Councilman Ramirez reported that the new State Legislature was sworn in today and that the state has a budget deficit. He suggested we start going over our budget numbers now and that we be pro-active regarding budgets. Mr. Ramirez announced the Christmas parade and tree lighting will take place December 7. He asked staff to find three possible sites for a community center and give the pros and cons for each.

Councilwoman Vallejo: Councilwoman Vallejo asked about the payments from the state for the community correctional facility. Chief Galaza reported we have received over \$4 million, but still have \$1.2 million outstanding. His finance staff calls Sacramento almost daily regarding the payments due. When asked by Councilwoman Vallejo why we submit three invoices each month instead of just one, Chief Galaza answered that the state requires they be submitted that way and added that all invoices are sent in on time. Mrs. Vallejo thanked staff for their help with the Thanksgiving meal and noted almost 1,000 meals were served.

Councilman Aguirre: no items

Councilwoman Morris: no items

Mayor Chavez: Mayor Chavez thanked Mr. Dowling for the information provided to him. He asked staff to look for sites for a community center.

CLOSED SESSION

Moved by Councilman Ramirez, seconded by Councilwoman Vallejo, and unanimously carried that the City Council adjourn to Closed Session at 9:33 p.m. The City Clerk was excused. Mayor Chavez was appointed Acting City Clerk. The City Attorney and City Manager were asked to remain.

- 18) Conference with legal counsel regarding potential threat of litigation (one case), govt. code section 54956.9(b)
- 19) Conference with legal counsel: litigation (one case) Gutierrez & Monica Salballas vs. City of Delano; govt. code section 54596.9(a)
- 20) Conference with legal counsel: potential initiation of litigation, one case; govt. code section 54956. 9(c)

RETURN TO GENERAL SESSION

Moved by Councilman Ramirez, seconded by Councilwoman Morris and unanimously carried to reconvened in Open Session at 10:17 p.m. Mr. Peake provided a report on closed session as follows:

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

ADJOURNMENT

Moved by Councilman Ramirez, seconded by Councilwoman Vallejo, and unanimously carried to adjourn the meeting at 10:18 p.m.

Phyllis A. Kraft, City Clerk