

## **MINUTES**

### **CITY OF DELANO CITY COUNCIL – REGULAR MEETING December 20, 2010**

#### **CALL TO ORDER**

Mayor Chavez called the meeting to order at 6:30 p.m. in the City Hall Council Chambers, 1015 – 11<sup>th</sup> Avenue.

#### **INVOCATION**

Pastor Vivas offered the invocation.

#### **FLAG SALUTE**

Councilman Ramirez led the flag salute.

#### **ROLL CALL**

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

#### **OFFICIALS PRESENT**

Assistant City Manager Kivley, City Attorney Alan Peake, City Clerk Kraft, Community Development Director Woodcock, City Engineer Dowling, Chief of Corrections Galaza, Economic Development & Redevelopment Director Reyna, Human Resources Director Kirkwood, Community Services Director Tracey, Engineer Consultant Wankum, Information Systems Coordinator Rangel

#### **PRESENTATIONS AND AWARDS**

Presentation of Plaque to Joe Rodriguez Upon His Retirement

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

Angel Diaz, 501 High Street, stated the city has collected \$8 million from the one cent sales tax and asked where it is. He said the books should be audited. Mr. Diaz stated he wants a list of all the employees and what they make so that it may be put in the newspaper.

#### **CONSENT AGENDA**

- 1) Warrant Register in the amount of \$2,293,879.87
- 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 December 6, 2010
- 4) Minutes of regular Delano Financing Authority meeting of December 6, 2010
- 5) Approve Mayor Chavez and Councilman Aguirre attendance at League of California Cities New Mayor and Council Member Conference in Sacramento January 19 – 21, 2011, and Mayor Chavez and Council Members Aguirre, Ramirez, and Vallejo

attendance at ACCAP (Association of California Cities Allied with Prisons) conference in Sacramento January 18, 2011

- 6) Resolution No. 2010-97 of the City Council of the City of Delano accepting the Gann Appropriations Limit Report in connection with the adoption of the budget for fiscal year 2010-2011
- 7) Authorization for city attorney to seek legal services for potential eminent domain action
- 8) Service agreement with Dale Flynn for financial consulting services, January 3, 2011 through June 30, 2011 Agreement No. 2010-103
- 9) Issuance of minute order dedicating the use of the Police Department Investigative Division modular building located at 1037 Lexington Street, Delano, California, for the Delano Police Athletic Program (PAL) at a future date
- 10) Approve access agreement between the City of Delano and the California Department of Toxic Substance Control Agreement No. 2010-104
- 11) Authorization for the Finance Director to transfer \$1,000 from the Advanced Summer Youth Academy fund to the Police Department fund 01-5700-200 and allocate such funds for use within the Delano Police Department Explorer Post 999 Say No to Drugs, Gangs, and Crime yearly explorer field trip

Councilwoman Vallejo asked that item #8 be pulled for discussion. Councilman Ramirez asked that items #9 and #11 be pulled for discussion.

Moved by Councilwoman Vallejo, seconded by Councilwoman Morris, and unanimously carried to approve the Consent Agenda with items #8, #9, and #11 pulled for discussion.

Item #8) There was discussion regarding the duties to be performed as listed in the consultant agreement, the compensation, and the city manager being able to make changes to the agreement.

Moved by Councilman Aguirre, seconded by Councilwoman Morris and carried by the following vote to approve a service agreement with Dale Flynn with the following changes: effective date to be January 3, 2011, and the City Manager not be able to make changes in the contract. AYES: Aguirre, Chavez, Morris NOES: Ramirez, Vallejo

Item #9) Councilman Ramirez requested a time frame be set for moving the modular building.

Moved by Councilman Ramirez, seconded by Councilman Aguirre and unanimously carried to approve item #9 with the condition that the modular building located at 1037 Lexington Street be moved to the new location within ninety (90) day of occupancy of the new police facility.

Item #11) Councilman Ramirez noted that the Explorers helped with the Advanced Summer Academy the past summer and this is one way to thank them.

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

Mr. Peake stated that staff request Department Reports be presented at this time. Moved by Councilwoman Morris, seconded by Councilman Ramirez and unanimously carried to hear Departmental Reports at this time.

Mr. Dowling reported on staff's response to the flooding caused by heavy rain over the past several days. He noted the areas being pumped. Staff were able to rent three pumps and the necessary pipe. Staff have distributed about 5,000 sand bags. The county provided the sand and bags. The police explorers and inmates helped fill the bags. The corporation yard was open throughout the night. Crews have been working around the clock throughout the city checking for flooding and filling pumps with fuel.

Item #15) Chief Galaza reported staff have been working with CDCR regarding a contract. Operational issues have been settled and current discussions are regarding staffing and budget items. Staff hope to have an agreement reached within 30 days for a five year contract.

Delia Solano, representative for employees' union, stated the employees want stability and to know that rumors they have heard regarding selling the facility are not true. She suggested the city keep CCF funds separate from the general fund.

There was discussion regarding negotiations, the state budget, and whether the CCF pays for itself. It was noted that the rumor that the city plans to sell the CCF is false.

Mr. Rangel reported there have been some problems with the telephone system due to the heavy rain the past several days. Back-up numbers were in use while the main lines were down. The system is now working.

## **PUBLIC HEARINGS**

No items

## **REGULAR AGENDA**

- 12) Approval of Contract Change Order No. 17 with CW Roen Construction regarding various additional work at the wastewater treatment plant expansion in the net amount of \$30,235, and authorize the city manager to sign the change order

Mr. Wankum presented the staff report.

Moved by Councilwoman Morris, seconded by Councilwoman Vallejo and unanimously carried to approve contract change order no. 17 with CW Roen Construction. Agreement No. 2010-105

- 13) Appointment of representative to Delano Mosquito Abatement District

Ms. Kivley presented the staff report.

Moved by Councilwoman Vallejo, seconded by Councilman Ramirez and unanimously carried to appoint Councilman Aguirre as representative to the Delano Mosquito Abatement District.

- 14) Consideration of cancellation of regular Redevelopment Agency meeting and regular City Council meeting scheduled for January 3, 2011

Ms. Kivley presented the staff report.

Moved by Councilwoman Vallejo, seconded by Councilman Ramirez and unanimously carried to cancel the regular Redevelopment Agency meetings and regular City Council meetings scheduled for January 3, 2011, and January 18, 2011, and call a special City Council meeting for January 24, 2011, and if necessary call a special meeting for January 10, 2010.

## **INFORMATION**

No items

## DEPARTMENTAL REPORTS

- 15) Update on CDCR contract negotiations

Chief Galaza presented the staff report.  
council action: no action required

## COUNCIL STATEMENTS AND REPORTS

Councilwoman Morris: Councilwoman Morris expressed appreciation to those who helped during the rain.

Councilwoman Vallejo: Councilwoman Vallejo asked staff to do a report on what equipment we need to purchase to be better able to deal with flooding emergencies in the future.

Councilman Aguirre: Councilman Aguirre asked for a de-briefing regarding events of the past few days – what went well, what went wrong, and what changes need to be made. He asked what authority council members have as individuals.

Councilman Ramirez: Councilman Ramirez expressed concern that we no longer have Connect CTY to notify the public in the event of an emergency. He stated council needs to decide if we should have that service. Mr. Ramirez asked the mayor to appoint a council sub-committee to work with staff regarding possible sites for a community center and present a report in January.

Mayor Chavez: Mayor Chavez asked each council member to have a new year resolution for the next meeting regarding projects to work on, short and long term issues, things to expand on or focus on, and what things we can improve.

## CLOSED SESSION

Moved by Councilman Ramirez, seconded by Councilwoman Vallejo, and unanimously carried that the City Council adjourn to Closed Session at 8:09 p.m. The City Clerk was excused. Mayor Chavez was appointed Acting City Clerk. The City Attorney was asked to remain.

- 16) Conference with legal counsel: litigation (one case) Morales v. City of Delano; govt. code section 54596.9(a)

## RETURN TO GENERAL SESSION

Moved by Councilwoman Vallejo, seconded by Councilman Ramirez and unanimously carried to reconvened in Open Session at 8:25 p.m. Mr. Peake provided a report on closed session as follows:

- 16) Information was provided; no action was taken.

## ADJOURNMENT

Moved by Councilman Ramirez, seconded by Councilwoman Morris, and unanimously carried to adjourn the meeting at 8:26 p.m.

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Phyllis A. Kraft, City Clerk