

**MINUTES**

**CITY OF DELANO  
CITY COUNCIL – SPECIAL MEETING  
January 24, 2011**

**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 Aguirre 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, Assistant City Manager Kivley, Finance Director DeDios, Police Chief DeRosia, Community Development Director Woodcock, City Engineer Dowling, Economic Development & Redevelopment Director Reyna, Human Resources Director Kirkwood, Community Services Director Tracey

**PRESENTATIONS AND AWARDS**

Presentation by Don Clark, Kern Veterans Memorial Foundation regarding the Wall of Valor

**ITEMS FROM THE PUBLIC**

Rafael Alvarez spoke on behalf of the men's soccer league. He asked the council to reconsider the fees charged for use of the soccer fields. The league is willing to pay fees, but feels the fees are not just.

Lena Mae Jones, 1116 Lexington Street, asked that the park where the Posey spray park is located, Valle Vista Park, be named Martin Luther King Park.

**CONSENT AGENDA**

- 1) Warrant Register in the amount of \$4,856,752.14
- 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 20, 2010
- 4) Minutes of regular City Council meeting of January 3, 2011
- 5) Minutes of regular City Council meeting of January 18, 2011
- 6) Minutes of regular Planning Commission meeting of September 8, 2010
- 7) Minutes of special Planning Commission meeting of September 29, 2010
- 8) Minutes of regular Planning Commission meeting of October 13, 2010
- 9) Minutes of regular Planning Commission meeting of December 8, 2010
- 10) Approval of open purchase orders for \$35,000 or more for the period December 1, 2010 to June 30, 2011
- 11) Resolution No. 2011-01 of the City Council of the City of Delano authorizing the submittal of an application to the California Department of Resources Recycling and Recovery (CalRecycle) for various grant programs
- 12) Resolution No. 2011-02 of the City Council of the City of Delano adopting Federal Fiscal Year 2011 Certifications and Assurances for Federal Transit Administration Assistance programs

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

### **PUBLIC HEARINGS**

- 13) Public hearing #2011-01:
  - a) Resolution of the City Council of the City of Delano adopting a mitigated negative declaration for Tentative Tract Map 6570 generally located north of Cecil Avenue, west of Hiatt Avenue, south of County Line Road, and east of Mettler Avenue  
  
Resolution of the City Council of the City of Delano approving Tentative Tract Map 6570 proposing the division of 320 acres into 1,228 single family lots, 4 park sites, a school site, temporary stormwater retention basin, and 3 drill islands on property within the "R-1" single family residential zone district; APN's 520-010-03, 520-010-16 & 520-010-18
  - b) Introduction and first reading of an ordinance adopting a development agreement between the City of Delano and County Line Farms, L.P.

Mr. Peake stated that, with the agreement of the developer, staff request this public hearing be continued to February 7, 2011.

Moved by Councilman Ramirez, seconded by Councilwoman Morris and unanimously carried to continue Public hearing #2011-01 to February 7, 2011.

- 14) Public hearing #2011-02:
- a) Introduction of an urgency ordinance of the City of Delano amending Chapter 2.52 of the Delano Municipal Code in its entirety which is related to the City's Employee Pension Plan
  - b) Introduction and first reading of an ordinance of the City of Delano amending Chapter 2.52 of the Delano Municipal Code in its entirety which is related to the City's Employee Pension Plan
  - c) Resolution of the City Council of the City of Delano authorizing the filing of an application with the IRS related to the city's Employee Pension Plan
  - d) Resolution of the City Council of the City of Delano: 414(H)(2) "Pick Up" resolution for the City of Delano Employee Pension Plan

Mr. Peake presented the staff report. He noted that, due to changes in federal laws, changes need to be made to the city's pension plan. The law firm of Hansen & Bridgett, which specializes in employee benefit plans, worked with staff on the proposed changes. The plan was presented to the Retirement Committee with employee union representatives in attendance. There will be no changes to any employee benefits and no change in the city's cost. Because the changes need to be completed by the end of January, per IRS requirements, this is being presented as an urgency ordinance as well as a regular ordinance.

Marcus Wu of Hansen & Bridgett explained that the current plan has language that is not necessary, does not reflect how the plan was actually working, and needed changes due to federal laws. He noted there may be issues that come up in the future, but it is the committee's job to make decisions based on past practices.

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

Mayor Chavez closed the public hearing.

Moved by Councilwoman Vallejo, seconded by Councilman Ramirez and unanimously carried to adopt Urgency Ordinance No. 2011-1220 of the City of Delano amending Chapter 2.52 of the Delano Municipal Code in its entirety which is related to the City's Employee Pension Plan.

Moved by Councilwoman Vallejo, seconded by Councilman Ramirez and unanimously carried to approve the introduction and first reading of Ordinance No. 2011-1221 amending Chapter 2.52 of the Delano Municipal Code in its entirety which is related to the City's Employee Pension Plan.

Moved by Councilman Aguirre, seconded by Councilman Ramirez and unanimously carried to adopt Resolution No. 2011-03 of the City of Delano authorizing the filing of an application with the IRS related to the city's Employee Pension Plan.

Moved by Councilwoman Vallejo, seconded by Councilman Ramirez and unanimously carried to adopt Resolution No. 2011-04 of the City Council of the City of Delano: 414(H)(2) "Pick Up" resolution for the City of Delano Employee Pension Plan.

## REGULAR AGENDA

- 15) Resolution of the City Council of the City of Delano approving an amendment to the 2006 CalHOME Grant (06-CalHOME-222) to add mortgage assistance as an eligible activity

Mrs. Reyna presented the staff report.

Moved by Councilman Ramirez, seconded by Councilman Aguirre and unanimously carried to adopt Resolution No. 2011-05 of the City Council of the City of Delano approving an amendment to the 2006 CalHOME Grant (06-CalHOME-222) to add mortgage assistance as an eligible activity.

- 16) Appointment of representative and alternate to serve on Kern Council of Governments (KernCOG)

Mr. Salem presented the staff report.

Moved by Councilwoman Morris, seconded by Councilman Aguirre and unanimously carried to appoint Councilwoman Vallejo as the representative and Councilman Ramirez as the alternate to Kern Council of Governments (KernCOG).

- 17) Discussion regarding the community center and appointment of City Council Members to a subcommittee

Ms. Kivley presented the staff report.

Moved by Councilwoman Vallejo, seconded by Councilman Ramirez and unanimously carried to appoint Councilman Ramirez and Mayor Chavez to serve on a subcommittee regarding a community center.

## INFORMATION

No items

## DEPARTMENTAL REPORTS

- 18) Oral report on Community Services Department

Mr. Tracey gave a power point presentation regarding the Community Services Department.

No council action required.

## COUNCIL STATEMENTS AND REPORTS

Mayor Chavez: Mayor Chavez noted the alleys are in bad condition and asked if anything can be done.

Councilwoman Morris: no items

Councilwoman Vallejo: Councilwoman Vallejo asked that an item be placed on the next agenda regarding vendor use of city alleys. She reported that council members' trip to Sacramento was successful. A request was made for a six month extension on the contract with CDCR.

Councilman Aguirre: Councilman Aguirre asked for a de-briefing regarding the recent rain storms. He would like a report on what did and did not work, what equipment the city needs and for an action plan.

Councilman Ramirez: Councilman Ramirez asked if the city should adopt a resolution in support of establishment of a central valley rail authority. He reported that the Bard Academy is interested in bringing a music school to Delano and wants to partner with the summer academy.

### **CLOSED SESSION**

Moved by Councilman Ramirez, seconded by Councilwoman Vallejo, and unanimously carried that the City Council adjourn to Closed Session at 8:10 p.m. The City Clerk was excused. Mayor Chavez was appointed Acting City Clerk. The City Attorney and City Manager were asked to remain.

- 19) Conference with legal counsel: potential threat of litigation, (one case), govt. code section 54956.9(b)
- 20) Conference with legal counsel: potential initiation of litigation (one case), govt. code section 54956.9(c)

Mr. Peake left the meeting.

- 21) Performance evaluation: city manager, pursuant to govt. code section 54957

### **RETURN TO GENERAL SESSION**

Moved by Councilman Ramirez, seconded by Councilwoman Vallejo and unanimously carried to reconvened in Open Session at 9:18 p.m. Mayor Chavez provided a report on closed session as follows:

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

### **ADJOURNMENT**

Moved by Councilman Ramirez, seconded by Councilwoman Vallejo, and unanimously carried to adjourn the meeting at 9:18 p.m.

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Phyllis A. Kraft, City Clerk