

MINUTES

CITY OF DELANO CITY COUNCIL – REGULAR MEETING May 16, 2011

CALL TO ORDER

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

INVOCATION

Pastor Willweber offered the invocation

FLAG SALUTE

Councilwoman Morris 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 DeDios, 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

Building Safety Month, May 1 – 31, 2011

ITEMS FROM THE PUBLIC

Lena Mae Jones, 1116 Lexington Street, stated she still has concerns about naming a street or building after a Black family. She asked for something to be named for Martin Luther King Jr. Mayor Chavez referred her to staff.

Richard Markham, 315 Dover Drive, thanked the council for letting a minister pray. He asked that items brought to council have a follow-up report at the next meeting. He stated we need to stay on top of Wal-Mart and we need restaurants.

Ethel Pickering, 102 Dover Place, asked for an explanation regarding item #9, outdoor cooking. She was advised the item will be discussed during the meeting.

CONSENT AGENDA

- 1) Warrant Register in the amount of \$1,709,174.17

- 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 May 2, 2011
- 4) Minutes of special City Council meeting of April 30, 2011
- 5) Minutes of special City Council meeting of May 11, 2011
- 6) Minutes of Planning Commission meeting of February 9, 2011
- 7) Minutes of Planning Commission meeting of March 16, 2011
- 8) Second reading and final adoption of Ordinance No. 2011-1226 of the City Council of the City of Delano amending Chapter 20.10.220 and 20.11.230 of the Delano Municipal Code pertaining to the establishment and operation of outdoor dining uses within the City of Delano
- 9) Second reading and final adoption of Ordinance No. 2011-1227 of the City Council of the City of Delano amending Chapter 20.10.220 and adding Chapter 20.11.231 of the Delano Municipal Code pertaining to the establishment and operation of outdoor cooking uses within the City of Delano
- 10) Acceptance and approval of City of Delano quarterly investment report for the quarter ended March 31, 2011
- 11) Approval of open purchase orders for \$35,000 or more for the period April 1, 2011 through June 30, 2011
- 12) Authorization to issue a request for proposals from qualified financial consultants to conduct a comprehensive water, sanitary sewer, street cleaning, and solid waste rate study
- 13) Authorize expenditure of funds in the amount of \$200,000 for the purchase of SC3000 asphalt paving material
- 14) Approval of agreement with Quad Knopf, Inc. to provide on-call civil engineering services and authorize the mayor to execute the agreement Agreement No. 2011-28
- 15) Approval of contract change order 22 with C.W. Roen Construction Company regarding various construction changes at the wastewater treatment plant in the net amount of \$35,378 and authorize the city manager to execute the agreement Agr No. 2011-29
- 16) Authorize the Chief of Police to purchase two (2) used animal control vehicles from the County of Kern and outfit the vehicles for a total cost of \$18,500, and declare as surplus animal control vehicle #142, a 1995 GMC utility vehicle
- 17) Introduction and first reading of an ordinance amending Chapter 2.04 of the Delano Municipal Code by amending Section 2.04.010 related to the regular meeting time for city council meetings Ordinance No. 2011-1228

Councilwoman Vallejo asked that item #9 be pulled for discussion. Councilman Ramirez asked that items #12, #14, and #16 be pulled for discussion.

Moved by Councilwoman Vallejo, seconded by Councilman Ramirez, and unanimously carried to approve the Consent Agenda with items #9, #12, #14, and #16 pulled for discussion.

Item #9) Councilwoman Vallejo spoke to Mrs. Pickering's concerns noting that this ordinance deals only with businesses and not personal cooking. She asked how businesses already doing outdoor cooking will be notified and how this will affect fund raising events for non-profit groups. Mr. Woodcock replied that notices will be sent to businesses already doing outdoor cooking. He explained that fund-raising events may be done with the property owner's permission and a special events permit. They will require a site plan and will be taken care of over the counter.

Moved by Councilwoman Vallejo, seconded by Councilwoman Morris and unanimously carried to approve consent item #9, second reading and final adoption of Ordinance No. 2011-1226.

Item #12) Councilman Ramirez asked if we have any data or information we could use and what the \$100,000 in the budget will be used for. Mr. Dowling explained that we will negotiate a price with the chosen consultant. Previous rate studies cost from \$40,000 to \$70,000. Information from those studies will be used, however trends show we need more information. Replacement costs were not accounted for in previous studies.

There was some discussion regarding the need for infrastructure to support future development, residential accounts carrying commercial accounts, needed repairs, and new wells will requiring higher maintenance. Mr. Dowling noted that once a consultant is chosen, staff will bring the final agreement to council for approval.

Moved by Councilwoman Morris, seconded by Councilman Aguirre and passed by the following vote to approve agenda item #12, authorization to issue request for proposals. AYES: Aguirre, Chavez, Morris, Vallejo NOES: Ramirez

Item #14) Councilman Ramirez asked what capital projects the agreement will cover. Mr. Dowling provided a list of projects. He noted that the current agreement is three years old. State and federal agencies require that agreements be less than three years old to allow us to qualify for certain funding. Staff requested proposals and reviewed and ranked those received.

Moved by Councilwoman Vallejo, seconded by Councilman Ramirez and unanimously carried to approve agenda item #14, agreement with Quad Knopf for engineering services.

Item #16) Councilman Ramirez asked if we are using the vehicle that cannot pass the smog test. Chief DeRosia stated they are trying not to use the vehicle. He added that he and Mr. Salem met with Supervisor McQuiston to learn if a vehicle could be donated from the county, but learned that law forbids that. Animal control responds to about 60 calls per day, but without new vehicles would have to do less.

Moved by Councilman Aguirre, seconded by Councilwoman Vallejo and carried by the following vote to approve agenda item #16, purchase of two used animal control vehicles. AYES: Aguirre, Chavez, Morris, Vallejo NOES: Ramirez

PUBLIC HEARINGS

- 18) Public hearing #2011-08: **continued from May 2** Resolution of the City Council of the City of Delano approving the adoption of the 2011-2016 Consolidated Plan and the 2011-2012 Action Plan, and authorizing the city manager to execute all documents required by the U.S. Department of Housing and Urban Development to receive Community Development Block Grant funding

Mr. Peake stated that staff request this item be continued to June 6, 2011.

Moved by Councilwoman Vallejo, seconded by Councilman Ramirez and unanimously carried to continue the item to June 6, 2011.

- 19) Public hearing #2011-07: **continued from April 18, 2011**
- a) Resolution of the City Council of the City of Delano adopting a Mitigated Negative Declaration for approval of an Airport Master Plan for development of a solar energy generating facility, adoption of an Amendment to the Land Use Element of the Delano General Plan (GPA No. 2011-06), and adoption of an Amendment to the South Delano Industrial Specific Plan
 - b) Resolution of the City Council of the City of Delano approving the Airport Master Plan for the Delano Municipal Airport
 - c) Resolution of the City Council of the City of Delano approving General Plan Amendment No. 2010-06 to amend the Land Use Element of the Delano General Plan by replacing the existing Kern County Airport Land Use Compatibility Plan compatibility criteria with the Land Use Compatibility Safety Zones and Compatibility policies described in the 2002 Edition of the "California Airport Land Use Planning Handbook," and by adding an airport safety zone map
 - d) An ordinance of the City Council of the City of Delano approving an amendment to the South Delano Industrial Specific Plan by adding a text description, policies and a land use plan map designation for a new community facilities – airport land use designation

Mr. Woodcock presented the staff report. Mr. Peake noted that the resolution for item c) has been revised.

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

Mayor Chavez closed the public hearing.

a) Moved by Councilman Ramirez, seconded by Councilman Aguirre and unanimously carried to adopt Resolution No. 2011-34 of the City Council of the City of Delano adopting a Mitigated Negative Declaration for approval of an Airport Master Plan, for development of a solar energy generating facility, adoption of an Amendment to the Land Use Element of the Delano General Plan (GPA No. 2011-06), and adoption of an amendment to the South Delano Industrial Specific Plan.

b) Moved by Councilman Ramirez, seconded by Councilwoman Vallejo and unanimously carried to adopt Resolution No. 2011-35 of the City Council of the City of Delano approving the Airport Master Plan for the Delano Municipal Airport.

c) Moved by Councilwoman Vallejo, seconded by Councilman Ramirez and unanimously carried to adopt revised Resolution No. 2011-36 of the City Council of the City of Delano approving the placement of General Plan Amendment No. 2010-06 to amend the Land Use Element of the Delano General Plan by replacing the existing Kern County Airport Land Use Compatibility Plan compatibility criteria with the Land Use Compatibility Safety Zones and Compatibility Policies described in the 2002 Edition of the "California Airport Land Use Planning Handbook," and by adding an airport safety zone map on the June 6, general plan amendment cycle

d) Moved by Councilman Ramirez, seconded by Councilman Aguirre and unanimously carried to approve the introduction and first reading of Ordinance No. 2011-1229 of the City Council of the City of Delano approving an amendment to the South Delano Industrial Specific Plan by adding a text

description, policies and a land use map designation for a new community facilities – airport land use designation.

- 20) Public hearing #2011-11: Introduction and first reading of an ordinance of the City Council of the City of Delano amending Chapter 20.10, general development standards, of the Delano Municipal Code adding 20.10.365 subdivisions, requiring the approval of a conditional use permit for subdivisions other than a parcel map

Mr. Woodcock presented the staff report.

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

Mayor Chavez closed the public hearing.

Moved by Councilwoman Vallejo, seconded by Councilwoman Morris and unanimously carried to approve the introduction and first reading of Ordinance No. 2011-1230 of the City Council of the City of Delano amending Chapter 20.10, General Development Standards, of the Delano Municipal Code adding 20.10.365 Subdivisions, requiring the approval of a conditional use permit for subdivisions other than a parcel map.

- 21) Public hearing #2011-12: Resolution of the City Council of the City of Delano approving the placement of General Plan Amendment No. 2011-04, an amendment to the land use element of the general plan establishing subdivision standards and park dedication requirements for subdivisions other than a parcel map, on the June 6, 2011 general plan amendment cycle

Mr. Woodcock presented the staff report. He explained the changed recommended by the Planning Commission and showed examples.

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

Mayor Chavez closed the public hearing.

There was discussion regarding planter strips along block walls, sidewalks, maintenance districts, and use of a traditional grid system for streets.

Moved by Councilwoman Morris, seconded by Councilman Aguirre and unanimously carried to adopt Resolution No. 2011-37 of the City Council of the City of Delano approving the placement of General Plan Amendment No. 2011-04, an amendment to the Land Use Element of the General Plan establishing subdivision design standards and park dedication requirements for subdivisions other than a parcel map, on the June 6, 2011, general plan amendment cycle.

Moved by Councilwoman Morris, seconded by Councilman Aguirre and unanimously carried to move items #22, #23, #24 after item #31, and continue items #25, #26, #27, #28, #29, and #30 to June 20, 2011, regular city council meeting.

Mayor Chavez called a recess at 8:11 p.m. Mayor Chavez reconvened the meeting at 8:16 p.m.

Item #31) Authorize the mayor to enter into an agreement with Tres Es Inc. to lobby for the City of Delano Community Correctional Facility.

Chief Galaza presented the staff report. Senator Polanco, Tres Es Inc., stated he will start immediately and should know in thirty days if we have support in Sacramento.

Moved by Councilwoman Vallejo, seconded by Councilman Ramirez and unanimously carried to approve an agreement with Tres Es Inc. to lobby for the City of Delano Community Correctional Facility. Agr. No. 2011-30

- 22) Public hearing #2011-13: Resolution of the City Council of the City of Delano approving the placement of general plan amendment No. 2011-05, an amendment to the circulation element of the general plan establishing a roundabout policy, designating bicycle routes, and providing for the design of the 11th Avenue corridor, on the June 6, 2011, general plan amendment cycle

Mr. Woodcock presented the staff report. He stated staff request this item be continued to June 20, 2011.

Moved by Councilman Ramirez, seconded by Councilwoman Morris and unanimously carried to continue public hearing #2011-13 to June 20, 2011.

- 23) Public hearing #2011-14: Resolution of the City Council of the City of Delano approving the placement of general plan amendment No. 2011-08, an amendment to the parks and recreation element of the general plan regarding park dedication requirements on the June 6, 2011, general plan amendment cycle

Mr. Woodcock presented the staff report. He noted issues have come up regarding drainage basins in parks. The proposed change in language will address those issues.

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

Mayor Chavez closed the public hearing.

Moved by Councilman Ramirez, seconded by Councilwoman Vallejo and unanimously carried to adopt Resolution No. 2011-38 of the City Council of the City of Delano approving the placement of General Plan Amendment No. 2011-08, an amendment to the Parks and Recreation Element of the General Plan regarding park dedication requirements on the June 6, 2011, general plan amendment cycle.

- 24) Public hearing #2011-15:
 - a) Resolution of the City Council of the City of Delano adopting a Mitigated Negative Declaration (E-11-01) for City of Delano Annexation No. 40, General Plan Amendment No. 2011-01 and pre-zoning amendment No. 2011-01, located south of Matthews Avenue, west of Timmons Avenue, east of Melcher Road, one quarter mile north of Garces Highway
 - b) Resolution of application proposing proceedings for reorganization of territory to the City of Delano as annexation No. 40 generally located one quarter mile north of Garces Highway, south of Matthews Avenue, east of Melcher Road, and west of Timmons Avenue
 - c) Resolution of the City Council of the City of Delano approving general plan amendment No. 2011-01 to amend the land use element map of the Delano General Plan from "Low Density Residential" to "Medium Density Residential" on a 37.5 acre parcel located south of Matthews Avenue, west of Timmons Avenue and east of Melcher Road, one quarter mile north of Garces Highway
 - d) An ordinance of the City Council of the City of Delano approving pre-zoning amendment No. 2011-01

Mr. Woodcock presented the staff report. Mr. Peake noted that the resolution for item c) has been revised.

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

Mayor Chavez closed the public hearing.

There was discussion regarding annexing territory when we don't have funds or staff to maintain the infrastructure. It was noted that the action tonight is for the annexation only and not approval of any development.

a) Moved by Councilman Ramirez, seconded by Councilman Aguirre and carried by the following vote to adopt Resolution No. 2011-39 of the City Council of the City of Delano adopting a mitigated negative declaration (E-11-02) for City of Delano Annexation No. 40, General Plan Amendment No. 2011-01 and Pre-zoning Amendment No. 2011-01, located south of Matthews Avenue, west of Timmons Avenue, east of Melcher Road, one quarter mile forth of Garces Highway. AYES: Aguirre, Chavez, Ramirez NOES: Morris, Vallejo

b) Moved by Councilman Ramirez, seconded by Councilman Aguirre and carried by the following vote to adopt Resolution No 2011-40 of application proposing proceedings for reorganization of territory to the City of Delano as Annexation No. 40, generally located one quarter mile north of Garces Highway, south of Matthews Avenue, east of Melcher Road, and west of Timmons Avenue. AYES: Aguirre, Chavez, Ramirez NOES: Morris, Vallejo

c) Moved by Councilman Ramirez, seconded by Councilman Aguirre and carried by the following vote to adopt amended Resolution No. 2011-41 of the City Council of the City of Delano approving the placement of General Plan Amendment No. 2011-01 to amend the Land Use Element Map of the Delano General Plan from "Low Density Residential" to "Medium Density Residential" on a 37.5 acre parcel subject to annexation No. 40 on the June 6, general plan amendment cycle. AYES: Aguirre, Chavez, Ramirez NOES: Morris, Vallejo

d) Moved by Councilman Ramirez, seconded by Councilman Aguirre and carried by the following vote to approve the introduction and first reading of Ordinance No. 2011-1231 of the City Council of the City of Delano approving Pre-zoning Amendment No. 2011-01. AYES: Aguirre, Chavez, Ramirez NOES: Morris, Vallejo

- 25) Public hearing #2011-16: An amendment to the general plan adopting a healthy Delano and wellness element to the general plan

Per council vote earlier during this meeting, this item continued to June 20, 2011.

- 26) Public hearing #2011-17: Introduction and first reading of an ordinance amending the zoning ordinance establishing procedures for site plan review applications

Per council vote earlier during this meeting, this item continued to June 20, 2011.

- 27) Public hearing #2011-18: An amendment of the general plan adopting an administration element to the general plan that would prescribe when updates to the general plan would be required and how the general plan would be maintained

Per council vote earlier during this meeting, this item continued to June 20, 2011.

- 28) Public hearing #2011-19: An amendment to the general plan revising the safety element to include the new FEMA Flood Maps and criteria and to adopt the new design standards to implement crime prevention through environmental design (CEPTED)

Per council vote earlier during this meeting, this item continued to June 20, 2011.

- 29) Public hearing #2011-20: An amendment to the subdivision ordinance establishing new design standards for subdivisions related to park dedication requirements, access to major roads, access between subdivisions, lot orientation, reduction in cul-de-sacs, providing for landscaping strips, and bus-turnouts

Per council vote earlier during this meeting, this item continued to June 20, 2011.

- 30) Public hearing #2011-21:
- a) Adoption of a mitigated negative declaration (E-11-02) pursuant to the California Environmental Quality Act pertaining to City of Delano annexation No. 53, a proposal for annexation of approximately 60 acres into the City of Delano; General Plan Amendment No. 2011-02 amending the Land Use Element of the Delano General Plan from “Low Density Residential” to “High Density Residential” on an 18.7 acre portion; and Pre-zoning Amendment No. 2011-02 changing the zoning from County of Kern “A” (exclusive agriculture) “R-1” (low density residential) and R-1 PD (precise development combining) to City of Delano “R-1” (single family residential) and “R-3” (multiple family residential)
 - b) Annexation No. 53, a proposal to annex approximately 60 acres into the City of Delano, located north of Matthews Avenue, west of Timmons Avenue and east of Melcher Road located one-fourth mile south of Cecil Avenue
 - c) Approval of General Plan Amendment No. 2011-02, amending the Land Use Element of the Delano General Plan from “Low Density Residential” to “High Density Residential” on an 18.7 acre portion of the 60 acres
 - d) Pre-zoning Amendment No. 2011-02 changing the zoning from County of Kern “A” (Exclusive Agriculture) “R-1” (Low Density Residential) and R-1PD (Precise Development Combining) to City of Delano “R-1” (Single Family Residential) and “R-3” (Multiple Family Residential)

Per council vote earlier during this meeting, this item continued to June 20, 2011.

REGULAR AGENDA

- 31) Authorize the mayor to enter into an agreement with Tres Es Inc. to lobby for the City of Delano Community Correctional Facility

This item addressed discussed and approved earlier during this meeting.

- 32) a) Resolution of the City Council of the City of Delano approving a purchase and sale agreement by and between the City of Delano and Harbons and Rajinder K. Grewal for property located at 1000 Garzoli Avenue, Delano
- b) Resolution of the City Council of the City of Delano approving an option agreement by and between the City of Delano and Harbons Grewal for property located at APN: 521-020-14

Ms. Reyna presented the staff report.

Moved by Councilwoman Vallejo, seconded by Councilwoman Morris and unanimously carried to approve a purchase and sale agreement by and between the City of Delano and Harbons and Rajinder K. Grewal for property located at 1000 Garzoli Avenue, and an option agreement for \$100 by and between

the City of Delano and Harbons Grewal for the sale of property located at APN: 521-020-14 subject to any changes that might be approved by the city manager except for the purchase or sale price.

INFORMATION

No items

DEPARTMENTAL REPORTS

No items

COUNCIL STATEMENTS AND REPORTS

Mayor Chavez: Mayor Chavez announced that a local student, Octavio Viramontes, was awarded the Proton Energy Scholarship in the amount of \$100,000. He plans to attend Harvard in the fall. He came with his family from Mexico when he was in the 5th grade. He has also received several other scholarships.

Councilman Ramirez: Councilman Ramirez asked for an update on the new police building. Chief DeRosia reported he has a meeting with the architect on May 23 and will report to council after that. At the meeting on the 23rd, the final plans will be discussed and any changes made.

Councilman Aguirre: Councilman Aguirre asked for an updated time line for the police building. Chief DeRosia stated one will be provided at the next council meeting.

Councilwoman Vallejo: no items

Councilwoman Morris: no items

CLOSED SESSION

No items

ADJOURNMENT

Moved by Councilman Ramirez, seconded by Councilman Aguirre, and unanimously carried to adjourn the meeting at 9:29 p.m.

Phyllis A. Kraft, City Clerk