

MINUTES

CITY OF DELANO CITY COUNCIL – REGULAR MEETING June 6, 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

Mr. Dowling 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

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

Proclamation: Octavio Viramontes, Recipient of the Proton Energy Scholarship

ITEMS FROM THE PUBLIC

Mike Ruiz, Bakersfield, expressed concerns regarding the youth in our community. He asked council for suggestions on what can be done. Mayor Chavez referred him to Chief DeRosia. Councilwoman Vallejo stated she would be happy to talk with Mr. Ruiz and gave him her card.

Richard Markham, 315 Dover Drive, stated we need bike lanes.

Daniel Flowers, manager at Delano Gardens, stated there is nothing for young people here. He asked if the city is planning to do anything regarding jobs or activities. Councilman Ramirez informed him of the summer academies. Mike Ruiz informed him of Proteus. Mayor Chavez informed him of Young Delano Chamber and opportunities for anyone to volunteer such as at the animal shelter and providing community service. Councilwoman Vallejo suggested young people can volunteer at the hospital and nursing facilities. Mr. Flowers asked about code enforcement and was referred to Chief DeRosia.

Ruby Hill, 1018 Albany Street, stated the recreation program is not what it used to be and that we need to have the right people in that department. He noted we do not have the programs and out-reach we used to. Mr. Hill asked that the swimming pool not be closed.

Lena Mae Jones, 1116 Lexington Street, stated she is waiting for an answer regarding naming streets after Black families. Councilwoman Vallejo and Mr. Woodcock informed her developers are willing to name streets but are not doing construction at this time. Mr. Salem stated he will meet with Mrs. Jones Tuesday at 1:00 p.m.

Ethel Pickering, 102 Dover Place, stated people had asked that the park at Dover Street be named Martin Luther King Jr. park.

Bill Hylton, 1515 – 9th Avenue, stated we have problems with gangs, burglaries, theft, graffiti and we need to be planning to take care of those problems.

Glenda Miller, 1822 Main Street, thanked Chief DeRosia, Mr. Salem and the council for the purchase of 2 animal control trucks. She asked people to pass the word that pets should be spayed and neutered. She also noted that a pet is a lifetime commitment.

CONSENT AGENDA

- 1) Warrant Register in the amount of \$2,352,454.65
- 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 16, 2011
- 4) Minutes of special joint Redevelopment Agency – City Council meeting of May 16, 2011
- 5) Minutes of special City Council meeting of May 21, 2011
- 6) Minutes of special City Council meeting of May 22, 2011
- 7) Minutes of special City Council meeting of May 31, 2011
- 8) Minutes of regular Community Law Enforcement Liaison Board meeting of January 20, 2011
- 9) Second reading and final adoption 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 plan map designation for a new community facilities – airport land use designation
- 10) Second reading and final adoption 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
- 11) Second reading and final adoption of Ordinance No. 2011-1231 of the City Council of the City of Delano approving pre-zoning amendment No. 2011-01
- 12) Award of contract for the Garces Highway sewer line replacement project to Brough Construction, Inc. in the amount of \$141,887 and authorize the mayor to sign the construction contract Agreement No. 2011-33
- 13) Resolution No. 2011-44 of the City Council of the City of Delano to establish an all way stop control at the intersection of Hiatt Avenue and Franciscan Plaza

- 14) Approval of amendments extending commercial and multi-family recycling agreements with Sunset Waste Systems, Inc. (pulled from agenda)
- 15) Approve task order No. 4 (5-19-11) with Kenneth D. Schmidt and Associates for groundwater quality work for new well projects for the estimated cost of \$91,700 and authorize the city manager to sign the order Agreement No. 2011-34
- 16) Approve additional service agreement No. 4 with Cannon Engineering for wells 30, 32, and 33 arsenic remediation project – well production facilities in the amount of \$98,450 and authorize the city manager to execute the agreement Agreement No. 2011-35
- 17) Approve task order No. 15 with Carollo Engineering for engineering services for the expansion of the wastewater treatment plant in the amount of \$24,000 and authorize the city manager to sign the order Agreement No. 2011-36
- 18) Approval of contract change order No. 3 with Safety Striping Services, Inc. regarding various additional striping and marking works at the City of Delano airport in the amount of \$25,649.50 and authorize the city manager to execute the change order Agreement No. 2011-37
- 19) Award bid for new carpet and tile in the administration building at the municipal airport to Professional Floor Layers (J.R. Berona) in the amount of \$6,600
- 20) Resolution No. 2011-45 of the City Council of the City of Delano to enter into a rehabilitation contract with Habitat for Humanity Golden Empire, Inc. for the Neighborhood Stabilization Program Grant in the amount of \$260,396.99 and authorize the city manager to execute the contract Agreement No. 2011-38
- 21) Resolution No. 2011-46 of the City Council of the City of Delano amending the date of general plan amendment cycle no. 1 from June 6, 2011, to June 20, 2011
- 22) Approval of open purchase orders for \$35,000 or more for the period January 1, 2011 to June 30, 2011

Councilman Ramirez asked that items #14 and #16 be pulled for discussion.

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

Item #14) Mr. Salem stated that staff request this item be pulled from the agenda. No council action required.

Item #16) Councilman Ramirez asked if any of the new wells are now on line and if the city is achieving our goals. Mr. Dowling provided an over-view of the project showing the status of the wells, the production levels and the arsenic levels. We have drilled three wells that cannot be used due to high arsenic levels. Several wells are under construction. The last well should be completed by November 2012.

Moved by Councilman Ramirez, seconded by Councilwoman Vallejo and unanimously carried to approve agenda item #16, service agreement No. 4 with Cannon Engineering.

Moved by Councilman Ramirez, seconded by Councilwoman Vallejo and unanimously carried to hear agenda item #29 before the public hearings.

Mayor Chavez called a recess at 7:24 p.m. The meeting reconvened at 7:28 p.m.

- Item #29) a) Approval of financial agreement with Delano Retail Center LLC related to final map, Parcel Map No. 11480 (Delano Market Place)
- b) Approval of improvement security agreement with Delano Retail Center LLC related to final map, Parcel Map No. 11480 (Delano Market Place)

Mr. Salem presented the staff report. He stated that some time back, council approved assistance for this project and other development including commercial and mixed use, in the area at Woollomes consisting of about 200 acres. To encourage development in that area, the city is offering assistance. Council committed \$10.2 million for assistance for the entire area. Wal-Mart will be a magnet for others. We have been dealing with Caltrans for years. They have agreed to interim improvements on the bridge which will cost about \$10 million.

Three partners are involved in the Delano Market Place project: YK America, the developer; Wal-Mart; and the city. The improvements will also serve other future users and development in that area. The city's commitment is \$10.2 million and includes bridge improvements, acquisition of additional rights of way for on and off ramps, and 2 traffic signals on Woollomes. Wal-Mart has committed to contribute \$1.5 million towards improvements. The agreement contains conditions for Wal-Mart including that the final map be recorded, escrow for the pad close within sixty days of the recordation of the map, and that Wal-Mart obtain building permits within 190 days of the transfer of their parcel to them, and they will commit \$1.5 million.

When there is a new subdivision, we ask for securities based on the map act for public improvements equal to the value of those improvements. Per the agreement, the city is required to set aside a total of \$5.1 million including \$1.8 million we will collect from Wal-Mart for their traffic impact fees. Wal-Mart will contribute \$1.5 million. City will contribute \$1.8 million for traffic impact fees. These funds will be put in an escrow account.

Mr. Salem reviewed the schedule for performance. From day one through the end will be about 13 months. He stated the developer will deposit \$3 million cash in an escrow account. The remainder of their commitment will be a second deed of trust.

Gearly Coats, YK America, stated the agreements are needed for YK America to finalize their agreement with Wal-Mart. Wal-Mart will take approximately 10 to 11 months to do their work and one month to shelve. Mr. Coats thanked council and staff for all their work. He stated that approximately 1,000 new jobs will be created within about 24 months.

Mr. Peake stated that item b) has an escrow agreement to be attached that goes to the bank. Staff asks that the city manager be given the authority to negotiate the escrow agreement with the bank.

- a) Moved by Councilman Ramirez, seconded by Councilwoman Vallejo and unanimously carried to approve a financial agreement with Delano Retail Center LLC related to final map, Parcel Map No. 11480 (Delano Market Place) Agreement No. 2011-39
- b) Moved by Councilman Ramirez, seconded by Councilwoman Vallejo and unanimously carried to approve an improvement security agreement with Delano Retail Center LLC related to final map, Parcel Map No. 11480 (Delano Market Place) and authorize the city manager to negotiate the escrow agreement with the chosen bank. Agreement No. 2011-40

Mayor Chavez called a recess at 7:56 p.m. The meeting reconvened at 8:08 p.m.

PUBLIC HEARINGS

- 23) Public hearing #2011-08: continued from May 2, 2011, 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

Ms. Reyna 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 adopt Resolution No. 2011-47 approving the adoption of the 2011-2016 Consolidated Plan and the 2011-2012 Action Plan and authorizing the city manager to execute all documents.

- 24) Public hearing #2011-22: Resolution of the City Council of the City of Delano approving the adoption of a substantial amendment to the Consolidated Plan 2010/2011 Action Plan, and authorizing the city manager to execute all documents required by the U.S. Department of Housing and Urban Development

Ms. Reyna presented the staff report.

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. 2011-48 approving the adoption of a substantial amendment to the Consolidated Plan 2010-2011 Action Plan and authorizing the city manager to execute all documents.

- 25) Public hearing #2011-23: Second reading and final adoption of Ordinance No. 2011-1228 of the City of Delano 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

Mr. Peake presented the staff report.

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 approve the second reading and final adoption of Ordinance No. 2011-1228.

- 26) Public hearing #2011-24: Resolution of the City Council of the City of Delano Adopting General Plan Amendment No. 2011-07, Housing Element Update

Mr. Woodcock presented the staff report. He stated the state requires the documents be submitted by June 15, 2011. The Planning Commission must first hear this item, however they will not meet until June 8, 2011. Staff is requesting council call a special meeting on June 13 or June 14 to adopt the resolution.

Mayor Chavez asked for public comments.

Bill Hylton, 1515 – 9th Avenue, stated that lot sizes are too small and we need to require they be at least 7,500 square feet. Mr. Woodcock noted that this item does not have anything to do with lot sizes. This housing element is the city's plan to deal with low income housing.

Moved by Councilman Ramirez, seconded by Councilwoman Vallejo and unanimously carried to continue the public hearing to a special meeting to be held June 13, 2011, at 5:00 p.m.

REGULAR AGENDA

- 27) Resolution of the City Council of the City of Delano authorizing submittal of an application to the California State Department of Housing and Community Development for funding under the HOME Investment Partnerships Program, and authorizing the city manager to execute the standard agreement if selected for such funding, any amendments thereto, and any related documents necessary to participate in the HOME partnerships Program

Ms. Reyna presented the staff report.

Moved by Councilman Ramirez, seconded by Councilwoman Vallejo and unanimously carried to adopt Resolution No. 2011-49 authorizing submittal of an application to the California State Department of Housing and Community Development for funding under the HOME Investment Partnerships Program; amended to state "up to the amount for which the city is eligible."

- 28) Appointment to Planning Commission

Mr. Salem presented the staff report.

Moved by Councilman Ramirez, seconded by Councilwoman Vallejo and unanimously carried to advertise for applicants for the Planning Commission.

- 29) a) Approval of financial agreement with Delano Retail Center LLC related to final map, Parcel Map No. 11480 (Delano Market Place)
b) Approval of improvement security agreement with Delano Retail Center LLC related to final map, Parcel Map No. 11480 (Delano Market Place)

This item was addressed earlier during this meeting.

INFORMATION

No items

DEPARTMENTAL REPORTS

Status report on new police department building

Chief DeRosia reported on his meeting with the architect and the time line for the project.

council action: no action required

Chief Galaza reported on CCF and meetings with Senator Polanco regarding extension of the contract with CDCR. He also reported on the de-activation schedule.

council action: no action required

COUNCIL STATEMENTS AND REPORTS

No items

CLOSED SESSION

Moved by Councilman Ramirez, seconded by Councilwoman Vallejo, and unanimously carried that the City Council adjourn to Closed Session at 9:00 p.m. The City Clerk was excused. Mayor Chavez was appointed Acting City Clerk. The City Attorney and City Manager were asked to remain.

- 30) Conference with legal counsel: Green vs. City of Delano pursuant to govt. code section 54956.9(a)
- 31) Conference with legal counsel: Barbey vs. City of Delano pursuant to govt. code section 54956.9(a)
- 32) Conference with legal counsel: anticipated threat of litigation (five cases); govt. code section 54956.9(b)
- 33) Conference with legal counsel: City of Delano v. CMLC; govt. code section 54956.9 (a)

RETURN TO GENERAL SESSION

Moved by Councilman Ramirez, seconded by Councilwoman Morris and unanimously carried to reconvened in Open Session at 9:53 p.m. Mr. Peake provided a report on closed session as follows:

The items were addressed out of order. Councilman Aguirre left the meeting during closed session.

- 30) Information was provided and by unanimous consent, direction was given. All council members present
- 31) Information was provided and by unanimous consent, direction was given. All council members present
- 32) Information was provided and by unanimous consent, direction was given. PRESENT: Chavez, Morris, Ramirez, Vallejo ABSENT: Aguirre
- 33) Information was provided and by unanimous consent, direction was given. All council members present

ADJOURNMENT

Moved by Councilman Ramirez, seconded by Councilwoman Vallejo, and unanimously carried to adjourn the meeting at 9:54 p.m.

Phyllis A. Kraft, City Clerk