

**MINUTES**

**CITY OF DELANO  
CITY COUNCIL – REGULAR MEETING  
July 5, 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**

Mr. Newhouse offered the invocation

**FLAG SALUTE**

Councilwoman Vallejo led the flag salute.

**ROLL CALL**

Council members present: Aguirre, Chavez, Morris, Ramirez (arrived 7:17 p.m.), 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, Economic Development & Redevelopment Director Reyna, Human Resources Director Kirkwood, Engineer Consultant Lippitt, CCF Lt. Jones

**PRESENTATIONS AND AWARDS**

Nancy Reed of Supervisor McQuiston's office, presented a certificate of appreciation for his years of service to Mr. Salem.

**ITEMS FROM THE PUBLIC**

John Drow, 805 – 18<sup>th</sup> Avenue, spoke regarding the golf course. He was informed there is an item on the agenda regarding the course and he may speak at that time.

**CONSENT AGENDA**

- 1) Warrant Register in the amount of \$1,590,335.47
- 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 June 20, 2011

- 4) Approval of open purchase orders for \$35,000 or more for the period July 1, 2011 to December 31, 2011
- 5) Acceptance of the improvements for the wastewater treatment plant expansion project and authorizing the filing of the notice of completion
- 6) Ratification of change order #1 with V. Lopez Jr. & Sons Construction Company and acceptance of the improvements for the effluent disposal pipeline project and authorizing the filing of the notice of completion Agreement No. 2011-47
- 7) Resolution No. 2011-62 of the City Council of the City of Delano exempting all existing and proposed wastewater treatment ponds and storage ponds at the Delano wastewater treatment plant from regulation and supervision by the State of California, Department of Water Resources, Division of Safety of Dams
- 8) Award bid for west side fire station engine room addition to Ladco Construction, Inc. of Bakersfield in the amount of \$267,000 and appropriate \$300,000 from the fire impact fund 48 Agreement No. 2011-48
- 9) Memorandum of Understanding between the City of Delano and Kern Council of Governments related to preparing an Energy Action Plan template and an inventory of energy associated Green House Gas emissions for the City of Delano Agr #2011-49

Mr. Peake announced a change of signatory to Abdel Salem on the Notice of Completion for items #5 and #6. Mr. Salem asked that item #9 be pulled for discussion.

Moved by Councilwoman Vallejo, seconded by Councilwoman Morris, and unanimously carried to approve the Consent Agenda with the changes as stated to items #5 and #6 and item #9 pulled for discussion.

Item #9) Mr. Newhouse introduced Linda Urata of Kern Council of Governments, who presented the staff report. She provided general information about the program.

Moved by Councilwoman Vallejo, seconded by Councilwoman Morris and unanimously carried to approve the Memorandum of Understanding with Kern Council of Governments with the change that the city manager or his/her designee may sign the documents.

Moved by Councilwoman Vallejo, seconded by Councilwoman Morris and unanimously carried to hear the Information item at this time.

Item #19) Report on Community Correctional Facility related legislation. Senator Polanco presented the report. He stated his two main goals were to secure an extension to the agreement with the State for the CCF and to have the CCF's included in the statutes to be able to contract with counties to house inmates after the governor's proposed realignment. The public CCF's are now codified into the statutes, although some changes need to be made to the final language.

Senator Polanco stated he has requested a meeting with the governor and would like to have a council member and union representative with him. He reviewed some of the meetings he has held and letters of support he has received. He added that we need to show this issue is a regional concern.

## **PUBLIC HEARINGS**

- 10) Public hearing #2011-32: Resolution of the City Council of the City of Delano accepting the 2011 Edward Byrne Memorial Justice Assistance Grant (Byrne JAG) in the amount of \$23,199

Chief DeRosia presented the staff report. He stated that when the budget was adopted, he did not know the city would received these grant funds.

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

Mayor Chavez closed the public hearing.

There was discussion regarding the cameras to be installed and if some of the grant funds could be used to purchase tasers. Chief DeRosia was not sure if changes could be made.

Moved by Councilwoman Vallejo, seconded by Councilwoman Morris and unanimously carried to adopt Resolution No. 2011-63 accepting the 2011 Edward Byrne Memorial Justice Assistance Grant, and authorize the chief to make minor modifications to the technical equipment list in the grant and authorize funds from the general fund be used for purchase reimbursement made when grant funds are received.

- 11) Public hearing #2011-33: Resolution of the City Council of the City of Delano vacating an alley and a portion of 10<sup>th</sup> Avenue in the City of Delano, County of Kern, State of California, and ordering the recordation of such vacation

Mr. Salem stated that because of the situation with the state regarding redevelopment agencies, staff is requesting this public hearing be continued to August 15.

Moved by Councilwoman Vallejo, seconded by Councilwoman Morris and unanimously carried to continue the public hearing to August 15, 2011.

## **REGULAR AGENDA**

- 12) Contract with Southern California Edison "California Energy Efficiency Strategic Plan Implementation Contract" to complete the City of Delano Strategic Plan for Energy Efficiency for the City of Delano

Mr. Newhouse presented the staff report. This item dove-tails with the item approved earlier for an agreement with Kern Council of Governments. The program is not now mandates, but staff believes it will be in the near future. Because this is a complex and detailed program, staff recommends the city hire an outside consultant. There are funds in the grant to pay for on outside consultant or firm.

Councilman Ramirez arrived at 7:17 p.m.

Moved by Councilman Aguirre, seconded by Councilman Ramirez and unanimously carried to approve a contract with Southern California Edison to complete the City of Delano Strategic Plan for Energy Efficiency for the City of Delano, with the provision that a consultant not be hired until funds are secured. Agreement No. 2011-50

- 13) Direction to staff regarding results of request for proposals for lease and operation and maintenance of the municipal golf course

Mr. Newhouse presented the staff report. A request for proposals to operate the golf course was issued June 2, with proposals due June 17. No proposals were received. Staff is asking for council direction.

John Drow, 805 – 18<sup>th</sup> Avenue, stated the RFP was useless because it did not provide enough information. Two people were interested in the course, but could not get a profit and loss statement. The budget shows the fund is in the hole and no income was listed. He stated that the course has improved so much in recent years that it would be a shame to do anything except make it better.

James Carothers stated there have been a number of meetings regarding the golf course. There are ways to get around the losses such as through concessions and changing the ordinance to allow for the sale of beer. He stated he has a list of names of people who are interested in operating the course if the city will provide water for one year.

There was discussion regarding issuing another request for proposals

Moved by Councilman Ramirez, seconded by Councilman Aguirre and unanimously carried to have staff prepare a new request for proposals and bring to the next council meeting and have council sub-committee members Vallejo and Aguirre meet with staff.

- 14) Resolution for the submittal of an application to the California State Department of Housing and Community Development for funding under the HOME Investment Partnerships Program, and if selected, the execution of a standard agreement, any amendments thereto, and any related documents necessary to participate in the HOME Investment Partnerships Program. Allocation of funds not to exceed \$700,000 to be used for First Time Homebuyer and Owner Occupied Rehabilitation programs

Ms. Reyna presented the staff report.

Moved by Councilman Ramirez, seconded by Councilwoman Vallejo and unanimously carried to adopt Resolution No. 2011-64 for the submittal of an application for funding under the HOME program

- 15) Appointments to Planning Commission

Mr. Salem presented the staff report.

Moved by Councilwoman Vallejo, seconded by Councilman Ramirez and unanimously carried to appoint Diana Headrick and Sandeep Grewal to the Planning Commission - term to end 2015; and appoint Dwight Todd to the Planning Commission to fill the vacant seat - term to end 2013.

- 16) Appointments to Citizen Review Committee (Measure I – Sales Tax)

Mr. Salem presented the staff report.

Moved by Councilman Ramirez, seconded by Councilwoman Vallejo and unanimously carried to reappoint Committee members Diana Headrick, Mary Mendoza, Teresa Nunez, and Carl Stephens - term ending 2014, and ask Crecensiano Romero if he is interested in serving on the committee.

- 17) Discussion and any action regarding garage sales

Mr. Salem stated that several citizens have complains regarding garage sales.

Mr. Markham, 315 Dover Drive, stated he has concerns regarding people sub-leasing their homes for garage sales, traffic, people going to the wrong house and knocking on doors. He stated there needs to be a penalty and the number of sales allowed should be reduced to two sales per year.

There was discussion regarding color coding signs to represent the number of sales the individual has had, charging a deposit for the permit sign, increasing the fees to hold sales, allowing sales only four times per year on designated dates, allowing sales in designated areas only, and confiscating items at illegal sales.

Chief DeRosia will review the ordinance regarding garage sales and bring the item back to council at a future meeting.

- 18) Discussion and any action regarding Association of California Cities Allied with Prisons (ACCAP) 2011 Summer Conference

Councilwoman Vallejo presented the staff report.

Moved by Councilman Ramirez, seconded by Councilwoman Morris and unanimously carried to approve one council member and one staff to attend at the ACCAP 2011 summer conference and appropriate funds for registration fees.

### **INFORMATION**

- 19) Report on Community Correctional Facility related legislation – Senator Polanco (ret.)

This item presented earlier during the meeting.

### **DEPARTMENTAL REPORTS**

No items

### **COUNCIL STATEMENTS AND REPORTS**

Councilwoman Vallejo: Councilwoman Vallejo asked that code enforcement check the area on 1<sup>st</sup> Avenue west of the storage facility. The city allowed the developer to maintain the area rather than belong to a maintenance district, however the maintenance is not being done.

Councilman Ramirez: Councilman Ramirez thanked Mr. Salem for his eight years as city manager.

Councilwoman Morris: no items

Councilman Aguirre: no items

Mayor Chavez: Mayor Chavez asked that the city attorney evaluation be placed on closed session on the August 1, meeting agenda. He announced that Delano Joint Union High School Superintendent Rosalina Rivera's mother has passed away and asked the city clerk to send flowers.

### **CLOSED SESSION**

Moved by Councilman Ramirez, seconded by Councilwoman Vallejo, and unanimously carried that the City Council adjourn to Closed Session at 8:26 p.m. The City Clerk was excused. Mayor Chavez was appointed Acting City Clerk. The City Attorney and City Manager were asked to remain.

- 20) Conference with legal counsel: claim of Delano Joint Union High School District; govt. code section 54956.9(b)(1)
- 21) Conference with labor negotiators Abdel Salem, Alan Peake, and Rick Kirkwood regarding negotiations with the Central California Association of Public Employees / SEIU Local 521 (miscellaneous employees unit, correctional officers and custodial officers / jailers employee unit); govt. code section 54956.7
- 22) Conference with labor negotiators Abdel Salem, Alan Peake, and Rick Kirkwood regarding negotiations with MEG employee group; govt. code section 54956.7
- 23) Conference with labor negotiators Abdel Salem, Alan Peake, and Rick Kirkwood regarding negotiations with the Delano Police Officers Association; govt. code section 54956.7
- 24) Public employee appointment / employment – city manager; pursuant to govt. code section 54957
- 25) Conference with labor negotiator Alan Peake regarding negotiations with city manager; govt. code section 54956.7

### **RETURN TO GENERAL SESSION**

Moved by Councilman Ramirez, seconded by Councilwoman Vallejo and unanimously carried to reconvened in Open Session at 9:56 p.m. Mr. Peake provided a report on closed session as follows:

- 20) Information was provided and by unanimous consent the claim was rejected.
- 21) Information was provided; no action taken.
- 22) Information was provided; no action taken.
- 23) Information was provided; no action taken.
- 24) Information was provided and direction was given to the city attorney on a 4-1 vote.
- 25) Information was provided and by unanimous consent direction was given.

- 26) Approval of City Manager employment agreements

Moved by Councilman Ramirez, seconded by Councilman Aguirre and by the following vote carried to appoint Maribel Reyna interim city manager with a 5% increase in salary during the time as acting city manager. AYES: Aguirre, Chavez, Ramirez, Vallejo NOES: Morris

### **ADJOURNMENT**

Moved by Councilman Ramirez, seconded by Councilman Aguirre, and unanimously carried to adjourn the meeting at 9:58 p.m.

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Phyllis A. Kraft, City Clerk