

MINUTES

**CITY OF DELANO
CITY COUNCIL – REGULAR MEETING
July 18, 2011**

CALL TO ORDER

Mayor Chavez called the meeting to order at 5:35 p.m. in the City Hall Council Chambers, 1015 – Avenue.

INVOCATION

Chaplain Wright offered the invocation

FLAG SALUTE

City Clerk Kraft led the flag salute.

ROLL CALL

Council members present: Aguirre, Chavez, Morris, Vallejo
Council members absent: Ramirez

OFFICIALS PRESENT

City Manager Reyna, City Attorney Alan Peake, City Clerk Kraft, Assistant Finance Director Bermudez, Police Chief DeRosia, Transportation and General Services Director Newhouse, Community Development Director Carino, Chief of Corrections Galaza, Human Resources Director Kirkwood, Engineer Consultant Lippitt

PRESENTATIONS AND AWARDS

Proclamation Declaring July 29 – July 31, 2011 as Philippine Weekend
Proclamation Declaring July 23, 2011 as Mister & Miss Philippine Weekend

ITEMS FROM THE PUBLIC

George 1118 Weaver Avenue, stated he misses Mr. Salem, but is happy to see Ms. Reyna appointed as Interim City Manager.

CONSENT AGENDA

- 1) Warrant Register in the amount of \$1,906,855.46
- 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 July 5, 2011
- 4) Minutes of special City Council meeting of June 29, 2011

- 5) Minutes of special City Council meeting of June 30, 2011
- 6) Approve Master Agreement Business Deposit Accounts with Citizens Business Bank for the Community Correctional Facility Agreement No. 2011-51
- 7) Resolution No. 2011-65 of the City Council of the City of Delano authorizing the City Manager, Action / Interim City Manager, Economic Development Director, and/or their designees to act as authorized signers for all open grants; including but not limited to any documents or instruments necessary or required by Housing and Community Development (HCD) and Housing and Urban Development (HUD) for participation in HCD and HUD programs
- 8) Resolution No. 2011-66 of the City Council of the City of Delano ratifying entering into a one year agreement with the Kern County Aging and Adult Services for congregate and home delivered nutrition services for a twelve month period, July 1, 2011 to June 20, 2012 Agreement No. 2011-52
- 9) Reject bids for demolition of Pioneer Truck Stop and direct the city engineer to re-advertise the project

Councilwoman Vallejo asked that item #1 be pulled for discussion.

Moved by Councilwoman Vallejo, seconded by Councilwoman Morris, and unanimously carried to approve the Consent Agenda with item #1 pulled for discussion.

Item #1) Councilwoman Vallejo asked why there were invoices for BSN Sports for the CCF when the CCF is closing and why there is an invoice from Dr. Solano for psychological screening for CCF when no officers are being hired. Chief Galaza stated he will check on the BSN Sports invoice. Mr. Kirkwood will check on the invoice for Dr. Solano.

Moved by Councilwoman Vallejo, seconded by Councilwoman Morris and unanimously carried to approve item #1 and direct staff to provide information for the two items questioned.

PUBLIC HEARINGS

- 10) Public hearing #2011-13, **continued from June 20, 2011**: 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 Avenue corridor, on the June 6, 2011, general plan amendment cycle

Ms. Carino stated that staff request this item be continued to August 15, 2011.

Moved by Councilwoman Vallejo, seconded by Councilwoman Morris and unanimously carried to continue public hearing #2011-13 to August 15, 2011.

- 11) Public hearing #2011-16, **continued from June 20, 2011**: An amendment to the general plan adopting a healthy Delano and wellness element to the general plan

Ms. Carino stated that staff request this item be continued to September 6, 2011.

Moved by Councilwoman Vallejo, seconded by Councilwoman Morris and unanimously carried to continue public hearing #2011-16 to September 6, 2011.

- 12) Public hearing #2011-27: **continued from June 20, 2011**: Introduction and first reading of an ordinance of the City of Delano amending the Municipal Code by adding Section 2.64.040, deleting Section 2.64.040 in its entirety and adding a new Section 2.64.040, and amending Section 2.64.060 related to the Community Law Enforcement Liaison Board

Chief DeRosia presented the staff report.

Mayor Chavez asked for public comments.

Richard Markham, 315 Dover Drive, stated the board should meet every month.

Mayor Chavez closed the public hearing.

Moved by Councilman Aguirre, seconded by Councilwoman Vallejo and unanimously carried to approve the introduction and first reading of Ordinance No. 2011-1233 amending Municipal Code Section 2.64.

REGULAR AGENDA

- 13) Consideration of Request for Proposal for golf course operation and maintenance

Mr. Newhouse stated staff is still collecting data and asked this item be continued.

Moved by Councilman Aguirre, seconded by Councilwoman Morris and unanimously carried to continue this item to August 15, 2011.

- 14) Consideration of cancellation of regular City Council meeting scheduled for August 1, 2011

Ms. Reyna presented the staff report. Mayor Chavez stated he will want to have a special meeting for a closed session item after Councilman Ramirez returns.

Moved by Councilwoman Vallejo, seconded by Councilwoman Morris and unanimously carried to cancel the regular City Council meeting scheduled for August 1, 2011.

- 15) Possible sale of real property located south of 1130 Kensington Street, APN 038-420-13, to the Abu-Bakr Al-Sideeck Mosque (Yemeni Islamic Society)

Mr. Peake stated this item will be discussed during closed session. It is listed on the regular agenda to allow for any public comments. There were no public comments.

INFORMATION

No items

DEPARTMENTAL REPORTS

Chief Galaza distributed a status report on what has happened regarding the community correctional facility since the last council meeting and requested permission to attend a meeting in Sacramento on July

20. There are still issues regarding the realignment and counties do not yet know how much funding they will receive from the state. There have been several meeting with various officials and agencies and letters sent regarding a contract extension.

COUNCIL STATEMENTS AND REPORTS

Councilwoman Morris: no items

Councilwoman Vallejo: Councilwoman Vallejo stated that the CCF is a high priority and we have to continue to fight for it. She asked staff to check Bakersfield's ordinance regarding home maintenance and bring an ordinance to council in September or October.

Councilman Aguirre: no items

Councilman Ramirez: absent

Mayor Chavez: Mayor Chavez stated he has received complaints regarding loud music on Avenue east of Randolph and homes in that area not being taken care of.

CLOSED SESSION

Moved by Councilman Aguirre, seconded by Councilwoman Vallejo, and unanimously carried that the City Council adjourn to Closed Session at 6:26 p.m. The City Clerk was excused. Mayor Chavez was appointed Acting City Clerk. The City Attorney and City Manager were asked to remain.

Mayor Chavez announced that he had a conflict of interest for items #16, #17, #19, and #20 and left the room during discussion of those items.

- 16) Conference with legal counsel: claim of Maria Martinez; govt. code section 54956.9(b)(1)
- 17) Conference with legal counsel: claim of Mateo Lara; govt. code section 54956.9(b)(1)
- 18) Conference with legal counsel: claim of Frank James Billingsley; govt. code section 54956.9(b)(1)
- 19) Conference with legal counsel: claim of Chris R. Rodriguez Jr.; govt. code section 54956.9(b)(1)
- 20) Conference with legal counsel: Tapia vs. City of Delano pursuant to govt. code section 54956.9 (a)
- 21) Conference with labor negotiators Maribel Reyna, 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 real property negotiators Maribel Reyna and Alan Peake regarding sale of property located south of 1130 Kensington Street, APN 038-420-13, to the Abu-Bakr Al-Sideeck Mosque (Yemeni Islamic Society) with respect to price, terms, and conditions of sale; govt. code section 54956.8

- 23) Public employee appointment / employment – city manager; pursuant to govt. code section 54957
- 24) Conference with labor negotiator Alan Peake regarding negotiations with city manager; govt. code section 54956.7

RETURN TO GENERAL SESSION

Moved by Councilman Aguirre, seconded by Councilwoman Morris and unanimously carried to reconvened in Open Session at 8:24 p.m. Mr. Peake provided a report on closed session as follows:

Due to a conflict of interest, Mayor Chavez left the room during discussion for items #16, #17, #19, and #20 and abstained from the vote on those items.

- 16) Information was provided and by unanimous consent of those present, direction was given. Mayor Chavez abstained.
 - 17) Information was provided and by unanimous consent of those present, direction was given. Mayor Chavez abstained.
 - 18) Information was provided and by unanimous consent, direction was given.
 - 19) Information was provided and by unanimous consent of those present, direction was given. Mayor Chavez abstained.
 - 20) Information was provided; no action taken. Mayor Chavez was absent during the discussion.
 - 21) Information was provided; no action taken
 - 22) Information was provided and by unanimous consent, direction was given.
 - 23) No discussion
 - 24) Information was provided; direction was given
- 25) Agreement with the Central California Association of Public Employees / SEIU Local 521 (miscellaneous employees unit employee unit) Agreement No. 2011-53

Moved by Councilman Aguirre, seconded by Councilwoman Vallejo and unanimously carried to approve an agreement with the Central California Association of Public Employees / SEIU Local 521 (miscellaneous employee unit)

- 26) Agreement with the Central California Association of Public Employees / SEIU Local 521 (correctional officers and custodial officers / jailers employee unit) Agreement No. 2011-54

Moved by Councilman Aguirre, seconded by Councilwoman Vallejo and unanimously carried to approve an agreement with the Central California Association of Public Employees / SEIU Local 521 (correctional officers and custodial officers / jailers employee unit)

ADJOURNMENT

Moved by Councilwoman Vallejo, seconded by Councilman Aguirre, and unanimously carried to adjourn the meeting at 8:27 p.m.

Phyllis A. Kraft, City Clerk