

MINUTES

CITY OF DELANO CITY COUNCIL – REGULAR MEETING August 15, 2011

CALL TO ORDER

Mayor Chavez called the meeting to order at 6:23 p.m. in the City Hall Council Chambers, 1015 – 11th Avenue.

INVOCATION

Kathy Wright 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 Reyna, City Attorney Alan Peake, City Clerk Kraft, Assistant Finance Director Bermudez, Police Chief DeRosia, Transportation and General Services Director Newhouse, Interim Community Development Director Carino, City Engineer Dowling, Chief of Corrections Galaza, Human Resources Director Kirkwood, Economic Development Specialist Castro, Sr. Planner McCabe

PRESENTATIONS AND AWARDS

Bahram Ghaffari, Executive Director and Kathy Wright, Director of Marketing for Delano Regional Medical Center presented a check for \$25,000 for the Senior Nutrition Program. Mr. Ghaffari also distributed copies of the DRMC Community Benefits Summary Report 2010.

ITEMS FROM THE PUBLIC

Angel Diaz, 501 High Street, stated he has been in construction business in Delano for 50 years. He stated the city has squandered money that was not suppose to go into the general fund. The people were lied to. He is thinking about rescinding the sales tax and we have to protect the tax payers.

Robert Gonzalez, 1848 Chaparral Circle, stated the city has to get into the right kind of business. We need to privatize services that are losing money such as refuse. He stated the council has to start thinking together and not vote 3-2.

Nathan Ford, 1314 Belmont Street, stated there is a transit bench in front of the school at 14th and Clinton Street. It should be removed because anyone could sit there.

Glenda Miller, 1822 Main Street, congratulated Mrs. Reyna on her new position and stated that the Council has been doing OK and hasn't done anything wrong.

CONSENT AGENDA

- 1) Warrant Register in the amount of \$4,377,382.83
- 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 18, 2011
- 4) Minutes of regular City Council meeting of August 1, 2011
- 5) Minutes of special City Council meeting of July 25, 2011
- 6) Minutes of special City Council meeting of August 4, 2011
 - a) Minutes of special City Council meeting of August 12, 2011
- 7) Minutes of regular Planning Commission meeting of March 9, 2011; April 13, 2011; May 11, 2011; June 8, 2011
- 8) Resolution No. 2011-68 of the City Council of the City of Delano accepting the Gann Appropriations Limit Report in connection with the adoption of the budget for fiscal year 2011-2012
- 9) Approval of open purchase orders for \$35,000 or more for the period July 1, 2011 to December 31, 2011
- 10) Accept annual city council travel report for fiscal year 2010-2011
- 11) Second reading and final adoption of Ordinance No. 2011-1233 of the City of Delano amending Chapter 2.64 of the Delano Municipal Code by adding Section 2.64.025 and amending Section 2.64.040 and 2.64.060 pertaining to the Community Law Enforcement Liaison Board
- 12) Approval of staff's attendance at the Central San Joaquin Valley Risk Management Authority Board of Directors meetings established for fiscal year 2011-12
- 13) Resolution No. 2011-69 of the City Council of the City of Delano authorizing additional appropriation of funds for fiscal years 2011-2012 and 2012-2012 for the Government Buildings Division of the Transportation & General Services Department, related to building maintenance
- 14)
 - a) Approve upgrading the transit telephone system to be integrated with the city hall telephone system in the amount of \$3,107.70; FTA 5311 Transit Operating Assistance grant funds for fy 2009-2010

- b) Approve purchase of one Robinair Model #17800B A/C Recover, Recycle and Recharge Machine from Machine Tools Warehouse for the amount of \$5,199.99; FTA 5311 Transit Operating Assistance grant funds for fy 2009-2010
 - c) Approve purchase of two lap-top computers for the city garage / transit maintenance computerized vehicle program, in an amount not to exceed \$6,350; FTA 5311 Transit Operating Assistance grant funds for fy 2009-2010
 - d) Approve conversion of transit station door keys from a manual operation system to an electronic key system and direct staff to solicit quotes; FTA 5311 Transit Operating Assistance grant funds for fy 2009-2010
 - e) Approve purchase of vehicle diagnostic system for transit vehicles in the amount of \$3,312.19; FTA 5311 Transit Operating Assistance grant funds for fy 2009-2010
 - f) Approve purchase of RouteMatch “Turn-Key” Transportation Management Program for the amount of \$44,063 and a first year support fee of \$4,500 for a total of \$48,563; FTA 5311 Transit Operating Assistance grant funds for fy 2009-2010
- 15) Declare certain transit and airport vehicles surplus and authorize their disposition
 - 16) Approve hangar rental agreement with Gary Ayers for hangar cloverleaf #4 at the municipal airport Agreement No. 2011-59
 - 17) Ratification of contract change order #4 with Bakersfield Well & Pump Company for various additional items at water wells #10, #28, and #37, and accepting improvements of the arsenic mitigation project phase 2A and authorizing filing Notice of Completion Agreement No. 2011-60
 - 18) Ratification of contract change order 23 with CW Roen Construction regarding various construction changes at the wastewater treatment plant and authorize the city manager to execute the change order Agreement No. 2011-61
 - 19) Award contract for equipping wells 30, 32, and 33, part of the arsenic treatment project, to Steve Dovali Construction Company in the estimated amount of \$2,777,703.75 Agreement No. 2011-62
 - 20) Award of contract for demolition of Pioneer Truck Stop to Civil Environmental Survey Group, Inc. in the amount of \$107,314.44 Agreement No. 2011-63
 - 21) Resolution No. 2011-70 of the City Council of the City of Delano amending the date of General Plan Amendment Cycle No. 2 from August 1, 2011 to August 15, 2011

Mayor Chavez announced that items 1, 13, 14 d, and 19 are pulled for discussion.

Moved by Councilman Ramirez, seconded by Councilwoman Vallejo, and unanimously carried to approve the Consent Agenda with items 1, 13, 14 d, and 19 pulled for discussion.

Item #1) Councilwoman Vallejo noted that registration payment was made for the ACCAP conference, however no one attended. She asked why board games were purchased with CCF funds when the facility is closing. Chief Galaza stated a refund for the conference has been requested, and the city is still

required to provide programs for the inmates. All items purchased will be kept for a future re-opening of the facility. If the CCF does not re-open, items can be used at the senior centers.

Councilwoman Vallejo asked about the payments to CSJV-RMA and John Wankum. Mr. Kirkwood explained that the RMA provides legal assistance and information as well as free training for staff. Mr. Dowling stated that Mr. Wankum is still helping with the arsenic project and working from his home. We have a consultant agreement with him to pay by the hour.

Councilwoman Vallejo asked for more information regarding the purchase of trees for parks. Mr. Newhouse noted the purchase was approved by the former Community Services Director, but he will research the project and provide information.

Moved by Councilwoman Vallejo, seconded by Councilwoman Morris and unanimously carried to approve item #1 with direction to staff to provide more information regarding the purchase of trees.

Item #13) Councilwoman Vallejo asked what fund the money is coming from. Ms. Reyna answered that it will come from the general fund.

Moved by Councilwoman Vallejo, seconded by Councilwoman Morris and unanimously carried to approve item #13.

Item #14 d) Councilwoman Vallejo noted that the FTA will pay for the transit keys and that other departments will each pay for any changes to their key systems. She does not support that kind of expenditure for other departments. Ms. Reyna stated that staff recommends the transit department keys be changed out and other departments do theirs as the budget allows.

Moved by Councilwoman Vallejo, seconded by Councilman Ramirez and unanimously carried to approve item #14d for conversion of the transit locking system and other departments be required to have council approval for changes to their key systems.

Item #19) Councilman Ramirez asked when the project will be completed and how many wells have been completed to date. Mr. Dowling replied that this component is a nine month project that will be completed in May 2012. The entire project has to be completed by December 31, 2012. Wells #21, #24, and #29 will be on line in September. Well #31 will be on line this fall.

Moved by Councilman Ramirez, seconded by Councilwoman Vallejo and unanimously carried to approve item #19.

PUBLIC HEARINGS

- 22) Public hearing #2011-33: **continued from July 5:** Resolution of the City Council of the City of Delano vacating an alley and a portion of 10th Avenue in the City of Delano, County of Kern, State of California, and ordering the recordation of such vacation

Mr. Dowling stated staff is requesting this item be continued to October 17, 2011.

Moved by Councilman Ramirez, seconded by Councilwoman Vallejo and unanimously carried to continue this item to October 17, 2011.

- 23) Public hearing #2011-25: **continued from June 20, 2011:** Resolution of the City Council of the City of Delano adopting the 2010 Urban Water Management Plan

Mr. Dowling 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 Councilman Ramirez and unanimously carried to adopt Resolution No. 2011-71 of the City of Delano adopting the 2010 Urban Water Management Plan.

- 24) Public hearing #2011-31: Introduction and first reading of an ordinance of the City Council of the City of Delano amending Chapter 20.3.30 of the Delano Municipal Code by replacing the Delano Airport Compatibility Criteria and Delano Airport Compatibility Measures Tables with a Basic Safety Compatibility Qualities Table and Airport Safety Zones Map consistent with the definitions and criteria published in the 2002 edition of the *California Airport Land Use Planning Handbook*

Ms. Carino 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 introduction and first reading of Ordinance No. 2011-1234 amending Chapter 20.3.30 of the Delano Municipal Code.

- 25) Public hearing #2011-13, **continued from July 18, 2011**: Resolution of the City Council of the City of Delano approving the placement of general plan amendment No. 2011-05, on the General Plan Amendment Cycle (second cycle for 2011) 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, defining the purpose of the circulation element and updating various text sections describing the setting for circulation issues within the City of Delano

Ms. Carino presented the staff report.

Mayor Chavez asked for public comments.

Nathan Ford, 1314 Belmont Street, stated that most people in towns that have roundabouts don't like them. There are problems with emergency vehicles and pedestrians, and the maintenance is high.

Judy Todd stated that roundabouts can be confusing until drivers are used to them, but they slow traffic and keep it moving. They are easier on pedestrians.

Mayor Chavez closed the public hearing.

Councilwoman Vallejo expressed concern that traffic may back up on 11th Avenue near the railroad crossing if there is a slow train. Ms. Carino stated that a feasibility study would be done before a roundabout is installed. They are now the preferred method of controlling traffic for Caltrans.

Moved by Councilman Ramirez, seconded by Councilwoman Vallejo and unanimously carried to adopt Resolution No. 2011-72 of the City of Delano approving the placement of general plan amendment No. 2011-05 on the General Plan Amendment Cycle.

- 26) Public hearing #2011-30: **continued from June 20, 2011**
- a) Adoption of a Mitigated Negative Declaration (E-10-05) pursuant to the California Environmental Quality Act pertaining to City of Delano Annexation No. 52, a proposal for annexation of 172 acres into the City of Delano and Rezoning Amendment No. 2011-03
 - b) Annexation No. 52, a proposal to annex 172 acres into the City of Delano, located west of Garzoli Avenue and State Route 99, south of Millennium Drive (a proposed City street), north of Schuster Road, and one-half mile east of Stradley Road on the west
 - c) Rezoning Amendment No. 2011-03 changing the zoning of the same 172 acre annexation site from County of Kern A (exclusive agriculture), A-1 (limited agriculture), CH (highway commercial), M-1 PD FPS (light manufacturing / precise development combining / floodplain secondary combining), M-2 PD (medium industrial / precise development combining) and M-2 PD H (medium industrial / precise development combining / airport approach height combining) to City of Delano "I" (industrial) and "A" (agricultural)

Ms. Carino stated staff is requesting this item be continued to September 6, 2011.

Moved by Councilman Ramirez, seconded by Councilwoman Vallejo and unanimously carried to continue the public hearing to September 6, 2011.

- 27) Public hearing #2011-17, **continued from June 20, 2011**: Introduction and first reading of an ordinance amending the zoning ordinance establishing procedures for site plan review applications

Ms. Carino stated staff is requesting this item be taken off the calendar. It will be re-noticed when staff is ready to proceed.

Moved by Councilwoman Vallejo, seconded by Councilwoman Morris and unanimously carried to remove this item from the calendar.

REGULAR AGENDA

- 28) Resolution of the City Council of the City of Delano approving General Plan Amendment Cycle No. 2 for 2011

Ms. Carino presented the staff report.

Moved by Councilman Ramirez, seconded by Councilwoman Vallejo and unanimously carried to adopt Resolution No. 2011-73 approving General Plan Amendment Cycle No. 2 for 2011.

- 29) Consideration of Request for Proposals for Golf Course Operation and Management

Mr. Newhouse presented the staff report. He noted a correction to the report regarding expenditures for the fiscal year.

There was discussion regarding requirements in the RFP document pertaining to the operations manual.

Moved by Councilwoman Vallejo, seconded by Councilwoman Morris and unanimously carried to approve the RFP for golf course operation and management with the change that the manual is only the suggested operating procedures and individuals submitting a proposal may submit their own procedures.

- 30) Resolution in support of an agreement between the Kern County Board of Supervisors and the City of Delano to facilitate a contract with Kern County Sheriff's Department regarding the housing of Kern County inmates at the Delano Community Correctional Facility

Chief Galaza presented the staff report.

Moved by Councilman Ramirez, seconded by Councilwoman Morris and unanimously carried to approve Resolution No. 2011-74 in support of an agreement between the Kern County Board of Supervisors and the City of Delano to facilitate a contract with Kern County Sheriff's Department regarding the housing of Kern County inmates at the Delano Community Correctional Facility.

- 31) Introduction and first reading of an ordinance repealing Chapter 6.22, Garage Sales in Residential Districts, in its entirety and replacing it with a new Chapter 6.22

Chief DeRosia presented the staff report.

Moved by Councilman Aguirre, seconded by Councilman Ramirez and unanimously carried to approve the introduction and first reading of Ordinance No. 2011-1235 repealing Chapter 6.22, Garage Sales in Residential Districts, and replacing it with a new Chapter 6.22.

- 32) Resolution of the City Council of the City of Delano declaring its intention to enact an ordinance whereby the City shall elect to comply with and participate in the Alternate Voluntary Redevelopment Program described in California Health and Safety Code Section 34192, et seq.

Mrs. Castor presented the staff report.

Moved by Councilman Aguirre, seconded by Councilman Ramirez and unanimously carried to adopt Resolution No. 2011-75 of the City of Delano declaring its intention to enact an ordinance whereby the City shall elect to comply with and participate in the Alternate Voluntary Redevelopment Program described in California Health and Safety Code Section 34192, et seq.

- 33) Discussion and direction regarding approval for City Council Members to attend the 2011 Annual League of California Cities Annual Conference September 21 – 23, 2011, in San Francisco

Ms. Reyna presented the staff report.

Moved by Councilman Aguirre, seconded by Councilwoman Vallejo and unanimously carried to approve Councilman Ramirez attendance at the 2011 Annual League of California Cities Annual Conference.

34) Designation of voting delegate for 2011 League of California Cities Annual Conference

Ms. Reyna presented the staff report.

Moved by Councilman Aguirre, seconded by Councilwoman Vallejo and unanimously carried to designate Councilman Ramirez as the voting delegate for the 2011 League of California Cities Annual Conference

35) Appointment to the Citizen Review Committee (Measure I – Sales Tax)

Ms. Reyna presented the staff report.

Moved by Councilman Aguirre, seconded by Councilwoman Vallejo and unanimously carried to appoint Dwight Todd as a member of the Citizen Review Committee.

DEPARTMENTAL REPORTS

36) Report on Senior Nutrition Program

Mr. Newhouse presented the staff report. An RFP was issued for preparation of the meals and an item will be on the next agenda regarding that. We are expecting \$28,000 coming in for the use of the senior center as a cooling center.

Councilman Ramirez requested an item be placed on the next agenda regarding discussion of the senior nutrition program.

COUNCIL STATEMENTS AND REPORTS

Councilman Ramirez: Councilman Ramirez noted that an elected office is sometimes a thankless job. Council members are working hard to solve the city's problems.

Councilwoman Vallejo: Councilwoman Vallejo agreed with Councilman Ramirez's remarks. She stated she will do whatever needs to be done to make the city better.

Councilwoman Morris: no items

Councilman Aguirre: no items

Mayor Chavez: Mayor Chavez asked for an update on the intersection at Cecil Avenue and Hiatt Avenue.

CLOSED SESSION

No items

ADJOURNMENT

Moved by Councilman Ramirez, seconded by Councilman Aguirre, and unanimously carried to adjourn the meeting at 8:32 p.m.

Phyllis A. Kraft, City Clerk