

## **MINUTES**

### **CITY OF DELANO CITY COUNCIL – REGULAR MEETING February 6, 2012**

#### **CALL TO ORDER**

Mayor Vallejo called the meeting to order at 5:38 p.m. in the City Hall Council Chambers, 1015 – Avenue.

#### **FLAG SALUTE**

Councilman Aguirre 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, Finance Director Rios, Police Chief DeRosia, Transportation and General Services Director Newhouse, Community Development Director Cariño, City Engineer Dowling, Human Resources Analyst Zamudio

#### **PRESENTATIONS AND AWARDS**

Proclamation Declaring February 2012 as Safely Surrendered Baby Awareness Month

Proclamation Declaring February 2012 as Black History Month in Delano

Ruben Pascual, Delano Chamber of Commerce, presented a check for \$300 to Mayor Vallejo for the downtown Christmas lights.

#### **ITEMS FROM THE PUBLIC**

Abraham Jimenez, 127 Dover Street, stated we need bicycle lanes in the city. He stated the city should be divided into wards for election of council members. This will help citizens know whom to contact when they need help. Mr. Jimenez noted there is a need for more transportation services on Saturdays.

Cornell Markham stated that he wants to talk to the city manager regarding a previous incident when his life was in danger looking down the barrel of a gun and no reason was given. He stated there is always talk about the budget. He said that apologies are not accepted. Mr. Markham stated it is about money now, and this is only the tip of the iceberg.

Lena Mae Jones thanked Councilman Ramirez for furnishing coffee at senior citizens center. She thanked Mrs. Reyna for having lunch with the seniors. Mrs. Jones thanked the committee for Black History Month for the honors they are giving her. She stated she is still waiting for something, such as a street, to be named after the Jones family.

Steve Kinsey spoke about the Delano Community Alliance. He gave some background information about the group and noted some of the events and causes it has been involved with over the years. He stated they will be doing a survey during the City Walk on March 31 and asked if there is anything the city would like included on the survey. Mr. Kinsey noted a need to have the city participate in the Community Alliance.

Valarie Gorospe, 1114 Weaver, asked the council to consider those who would be impacted if the utility billing system is changed. She reported that she attended the Smart Growth Conference in San Diego and stated she would like to talk to Mayor Vallejo and Ms. Cariño who also attended. Ms. Gorospe stated she wants to make sure we have smarter development in the city.

Ethel Pickering, 201 Dover Place, thanked council for donating coffee to senior citizens center. She invited council members to come for lunch.

Greg Davis, President of Precious Earth, Inc., stated he is building the Delano Center in the 1800 block of Glenwood Street. He stated the city is stalling his project and refusing to issue the final occupancy permit. He has a petition with 400 signatures for staff to stop harassing him and issue the permits and will present the petition to council soon. Mr. Davis stated he has been requesting a meeting with city staff.

#### **CONSENT AGENDA**

- 1) Warrant Register in the amount of \$2,782,931.73
- 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 January 17, 2012
- 4) Minutes of special City Council meeting of January 30, 2012
- 5) Minutes of regular Planning Commission meetings of November 9, 2011, and December 14, 2011
- 6) Minutes of regular Community Law Enforcement Liaison Board meeting of November 17, 2011
- 7) Second reading and final adoption of Ordinance No. 2012-1243 of the City Council of the City of Delano amending Title 20 of the Delano Municipal Code by adding Section 20.2.85 thereto and amending Section 20.10.80 thereof, relating to the review and approval of residential density bonus requests and development incentives in conformance with Section 65915 of the California Government Code (Zone Amendment No. 2011-09)
- 8) Acceptance and approval of City of Delano Quarterly Investment Report for quarter ended December 31, 2011
- 9) Accept the improvements for the 2010 Cecil Avenue at Hiatt Avenue signalization project and authorize the filing of the Notice of Completion

- 10) Award of contract for the 2011 State funded Safe Routes to School (SR2S) Improvement Project to Lockwood General Engineering Inc. in the amount of \$161,141.91 and authorize the Mayor to sign the construction contract Agreement No. 2012-03
- 11) Award of contract for the Veneto Park Project to Dovali Construction, Inc. in the amount of \$651,604.60 and authorize the Mayor to sign the construction contract Agreement No. 2012-04
- 12) Resolution No. 2012-08 of the City Council of the City of Delano authorizing the City Manager, or her designee, on behalf of the City to commit to the financial and legal obligations associated with receipt of WaterSMART Grant Financial Assistance, through the Federal Bureau of Reclamation, to install new water meters
- 13) Resolution No. 2012-09 of the City Council of the City of Delano adopting a General Plan Amendment Cycle for 2012
- 14) Approve Community Use of School Facility Rental Agreement with Paramount Bard Academy for rental of their multi-purpose building for use for the youth basketball program Agreement No. 2012-05
- 15) Approval of letter of support for SB 250, the California Reliable Water Supply Act, requested by Senator Michael J. Rubio and resolution in support of SB 250. Resolution No. 2012-10
- 16) Information regarding City participation in the Southwest Solar Transformation Initiative (SSTI)

Councilman Ramirez asked that item #10 be pulled for discussion. Mayor Vallejo asked that item #11 be pulled for discussion.

Moved by Councilman Chavez, seconded by Councilman Ramirez, and unanimously carried to approve the Consent Agenda with items #10 and #11 pulled for discussion.

Item #10) Councilman Ramirez asked for an overview of the grant. Mr. Dowling explained that a Safe Routes to Schools Master Plan was adopted in 2007. Funding is available from federal and state sources. This grant is from the State and the plans require approval from Caltrans. There are two funding cycles every year. Federal grants will not do projects near high schools. This state grant will provide funding for projects near high schools and also has an education element.

Moved by Councilman Ramirez, seconded by Councilman Chavez and unanimously carried at approve item #10.

Item #11) Mayor Vallejo expressed concern that the trees to be planted are only 15 gallons and they will take a long time to grow and provide shade. She asked if we are limited as to the size of trees. Mr. Dowling explained we have \$65,000 contingency and may be able to use some of those funds for larger trees. Councilman Aguirre expressed concern that there will be no restrooms at this park. Mr. Dowling noted that we will have stubs installed so that restrooms can be installed in the future.

Moved by Councilman Ramirez, seconded by Councilman Chavez and carried by the following vote to approve item #11 with a change to plant larger trees. AYES: Chavez, Morris, Ramirez, Vallejo  
NOES: Aguirre

## **PUBLIC HEARINGS**

No items

## **REGULAR AGENDA**

- 17) a) Award of contract (base plus alternate bid item) for the equipping of wells 35 and 38 (a component of the city's arsenic mitigation project) to Steve Dovali Construction, Inc. in the amount of \$1,976,452.50 pending State CDPH (California Department of Public Health) approval and authorize the mayor to sign the construction contract
- b) Award of contract (base without alternate bid item) for the equipping of wells 35 and 38 (a component of the city's arsenic mitigation project) to Steve Dovali Construction, Inc. in the amount of \$1,875,701.30 pending State (CDPH) approval and authorize the mayor to sign the construction contract

Mr. Dowling presented the staff report. He gave a brief review of the entire arsenic mitigation project. He noted that the bid for the welcome sign is \$100,000. We have \$25,000 in the budget for a sign and \$18,000 listed for landscape could be used for the sign instead.

Moved by Councilman Chavez, seconded by Councilman Ramirez and unanimously carried to approve option b, award of contract base bid without alternate bid item for welcome sign.

- 18) Discussion and any action regarding abandoned property / foreclosed homes

Councilman Ramirez noted there are several properties in town that pose a threat to public safety. He would like to direct staff to explore creation of a program to demolish and clean up properties and place a lien on those properties. Mr. Peake noted staff will have an ordinance regarding this at the next meeting.

- 19) Possible sale or lease of property located at 2727 W. Industry Way, APN 520-120-09 owned by the City of Delano

Mr. Peake announced that items #19, #20, and #21 will be discussed during closed session. They are listed under regular items to allow any public comments. Steve Kinsey asked if there are buildings on the properties to help the public know where these properties are located. The information was provided.

- 20) Possible acquisition of a 12 acre portion of property located at 502 County Line Road, APN 410-020-02 owned by J. Montemayor
- 21) Possible acquisition of property located next to 140 W. Avenue, APN 520-010-08 owned by North Kern Cemetery District

## **DEPARTMENTAL REPORTS**

No items

## **COUNCIL STATEMENTS AND REPORTS**

Councilwoman Morris no items

Councilman Aguirre noted the need to clean up the entrances to the city. He stated the entrance sign south of the city needs to be raised for visibility. He stated that staff is working hard to get people and businesses to come to town and that it takes leadership to make changes.

Councilman Chavez thanked Councilman Ramirez for going to Sacramento to attend the meeting regarding funding for the proposed shelter.

Councilman Ramirez noted that the signal light at Cecil Avenue and Norwalk Street begins blinking at 9:00 p.m. and suggested it needs to be set for a later time. He stated that people sometimes confuse saying “yes” with being a leader. He noted people pay park impact fees to be used for parks and that general fund monies would have to be used for a welcome sign. He stated he is glad to see students in the audience.

Mayor Vallejo thanked the students for attending the meeting. She stated the time for the blinking signal light should be changed to 10:00 p.m. Mayor Vallejo stated she believes there are people who are interested in making a donation for the entry way sign.

### **CLOSED SESSION**

- 22) Conference with legal counsel: Workers Comp Claim of M. Guereca vs. City of Delano pursuant to govt. code section 54956.9(a)
- 23) Conference with legal counsel: Workers Comp Claim of G. Johnson vs. City of Delano pursuant to govt. code section 54956.9(a)

Councilman Chavez excused himself due to potential conflict of interest and did not participate in the discussion of items #24 and #25. Councilman Chavez left the room during the discussion of those items.

- 24) Conference with legal counsel: Sandoval vs. City of Delano pursuant to govt. code section 54956.9(a)
- 25) Conference with legal counsel: Martinez vs. City of Delano pursuant to govt. code section 54956.9(a)
- 26) Conference with legal counsel: potential initiation of litigation; govt. code section 54956.9(c)
- 27) Conference with real property negotiators Maribel Reyna, Chief DeRosia, and Alan Peake regarding possible sale or lease of property located at 2727 W. Industry Way, APN 520-120-09 owned by the City of Delano with respect to price, terms, and conditions of sale or lease; govt. code section 54956.8
- 28) Conference with real property negotiators Maribel Reyna and Alan Peake regarding possible acquisition of a 12 acre portion of property located at 502 County Line Road, APN 410-020-02 owned by J. Montemayor with respect to price, terms, and conditions of sale or lease; govt. code section 54956.8
- 29) Conference with real property negotiators Maribel Reyna and Alan Peake regarding possible acquisition of property located next to 140 W. Avenue, APN 519-010-08 owned by North Kern Cemetery District with respect to price, terms, and conditions of sale or lease; govt. code section 54956.8

Moved by Councilman Ramirez, seconded by Councilman Aguirre, and unanimously carried that the City Council adjourn to Closed Session at 7:09 p.m. The City Clerk was excused. Mayor Vallejo was appointed Acting City Clerk. The City Attorney and City Manager were asked to remain.

### **RETURN TO GENERAL SESSION**

Moved by Councilman Ramirez, seconded by Councilwoman Morris and unanimously carried to reconvened in Open Session at 9:47 p.m. Mr. Peake provided a report on closed session as follows:

- 22) Information was provided and by unanimous consent direction was given.
- 23) Information was provided and by unanimous consent direction was given.

Councilman Chavez excused himself due to potential conflict of interest and did not participate in the discussion of items #24 and #25. Councilman Chavez left the room during the discussion.

- 24) Information was provided and by unanimous consent of all those present, direction was given.
- 25) Information was provided and by unanimous consent of all those present, direction was given.

- 26) Information was provided and by a vote of 3-2 direction was given.
- 27) Information was provided and by unanimous consent direction was given.
- 28) Information was provided and by unanimous consent direction was given.
- 29) Information was provided and by unanimous consent direction was given.

### **ADJOURNMENT**

Moved by Councilman Ramirez, seconded by Councilwoman Morris, and unanimously carried to adjourn the meeting at 9:48 p.m.

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Phyllis A. Kraft, City Clerk