

MINUTES

CITY OF DELANO CITY COUNCIL – REGULAR MEETING August 1, 2016

CALL TO ORDER

Mayor Chavez called the meeting to order at 5:30 p.m. in the City Hall Council Chambers, 1015 – 11th Avenue.

INVOCATION

Ms. Reyna offered the invocation.

FLAG SALUTE

Chief DeRosia led the flag salute.

ROLL CALL

Council members present: Ricardo Chavez, Ruben Hill, Liz Morris, Rueben Pascual, Grace Vallejo
Council members absent: none

OFFICIALS PRESENT

City Manager Reyna, City Attorney Garcia, City Clerk Kraft, Finance Director Rios, Police Chief DeRosia, Interim Community Development Director Keene, Associate Engineer Nunez, Human Resources Director Zamudio, Chief of Corrections Marshall, Sr. Planner Card, Transportation Manager Zamora

PRESENTATIONS AND AWARDS

Proclamation Declaring August as Valley Fever Awareness Month in the City of Delano

ITEMS FROM THE PUBLIC

Amelia Gonzalez asked when the meeting on medical marijuana will be held and how the public will know.

Roberto Ibarra stated that the city should keep some of the land south of Memorial Park and develop it for use for festivities.

Alicia stated she represents SEIU Local 2015, a nursing and home health care workers' union. Her boss would like to come to Delano and introduce himself.

Richard Markham stated the city manager was supposed to call him last week. The stop sign on Girard Street near the tire shop is confusing and needs to be changed. Council needs to let people know when the meeting is cancelled. He asked if the land on Garces will be big enough for the airport.

Lupe Martinez asked if the public will be told where contamination is coming from when the report on water is presented. He asked why we have an airport when most people do not have an airplane, and if the airplane owners should pay the cost of the airport.

Gloria Herrera asked why the restrooms at Caesar Chavez Park are not opened yet. She asked what is happening at the shopping center and when work will start on the Jefferson senior center. A vacant house at 920 Austin has a lot of weeds and is a fire hazard.

Daniel, Vineland Collective, stated he has modified the building to meet state standards for a medical marijuana collective. Other collectives are operating without a permit from the state. People need medical marijuana.

Gloria Herrera stated the smell of the smoke from the smoke shops is so strong she can smell it outside the building and next door.

Richard Markham stated the city should shut all the marijuana shops. They will corrupt this town.

Celia Mendez stated that marijuana is very controversial. Some shops opened because the owners want to be rich. She has gone through great pain. Those with pain have to be brave.

Suzanne Villaruz thanked the city for its support of Philippine Weekend. It was a lovely event. Marijuana has been proved to be useful for those who need it.

CONSENT AGENDA

- 1) 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
- 2) Warrant Register in the amount of \$4,640,260.67 (2 payable check runs; 2 payroll runs)
- 3) Minutes of regular City Council meeting of July 5, 2016; July 18, 2016; special meeting of July 14, 2016
- 4) Minutes of regular Community Law Enforcement Liaison Board meetings of January 21, 2016; March 17, 2016; May 19, 2016
- 5) Second reading and final adoption of Ordinance No. 2016-1285 approving the zone amendment for APN 521-080-08 and a portion of APN 521-080-09; Combined Development Permit Application No. 2015-002
- 6) Acceptance and approval of the City of Delano Quarterly Investment Report dated August 1, 2016, for the quarter ended June 30, 2016

Moved by Councilman Pascual, seconded by Councilwoman Vallejo, and unanimously carried to approve the Consent Agenda.

PUBLIC HEARINGS

- 7) Public Hearing No. 2016-11: Resolution increasing the public transit fares and approving the modification for the Saturday loop for the City of Delano Transit (DART) Program

Ms. Zamudio and Ms. Zamora presented the staff report. They explained that the city has not been able to meet our required 20% fare box revenue. Kern Council of Governments (KernCOG) has recommended the city either reduce service or raise fares. Since we became classified as an urbanized city, we are required to meet the 20% fare box, however we do not even meet 10%. We have been implementing other recommendations made by KernCOG.

Mayor Chavez asked for public comments.

Joe Ignacio stated he works with the Delano Adult Health Day Care Center and is concerned with the proposed increase. The center has been paying \$1,700 per month and if the fees go up, they would rather get another van and hire a driver.

Andrew Baragon suggested there be more shade at the stops and maybe have music played on the buses. It should be made attractive to passengers.

Bob Snoddy, KernCOG, stated the agency is trying to be pro-active. Other cities also have problems meeting their fare box percentage. Options are to raise fares, reduce service, or take money out of the general fund. The easiest solution is to bring fares up to cover the cost. Fixed routes is the cheapest way to operate. Dial-A-Ride is the most expensive. An expense is that minimum wage is going up to \$15 per hour. KernCOG points out facts and lets cities make the decisions.

Lupe Martinez stated we are classified as urbanized, but the city really is not over 50,000 because of the inmate population. He suggested we should ask the state for money.

Richard Markham stated he would like to see the bus go through the main streets only.

Roberto Ibarra stated we should have a metro link with other area cities.

Mayor Chavez closed the public hearing.

There was discussion regarding the number of rides per year; discounts have to be across the board; funds from Measure I could be used; the alternative to raising rates is to cut service; in recent years the public has asked for more routes in town and service to Bakersfield; we need to get more people using the bus; we have to follow regulations of Federal Title 6 if we receive any federal funds; the tax measure funds have to be used for the general fund; seniors currently get a discount on their utility bill; we currently receive funding from the hospital district for seniors to attend the nutrition site.

Moved by Councilwoman Vallejo, seconded by Councilman Pascual and unanimously carried to adopt Resolution No. 2016-42 increasing the public transit fares.

8) Public Hearing No. 2016-12: Close out 2011 Disaster Relief Initiative Grant

Ms. Reyna and Chief DeRosia presented the staff report. Previous staff applied for the grant. Current staff has determined that the funds are not needed. The city is part of the county's disaster plan. The funds would have been used to produce a disaster plan. Agencies in the county work together to update the county's plan every two years. There is more benefit working through the county than on our own.

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

Mayor Chavez closed the public hearing.

Moved by Councilwoman Vallejo, seconded by Councilman Pascual and unanimously carried to approve the close out of the 2011 Disaster Relief Initiative Grant (DRI) and authorize the City Manager to execute all necessary required Housing and Community Development documents.

9) Public Hearing No. 2016-13: Appeal of Planning Commission denial of Site Plan Review and Variance application for a car sales lot at 1804 Girard Street

Mr. Keene presented the staff report. He gave the background of the project. Staff has worked with the applicant regarding the site plan and changes made to the original application. The Planning Commission did not approve the project.

Mayor Chavez asked for public comments.

Michael Ruiz and Sal Lilani, the applicants, stated the item went before the Planning Commission twice. Information from the first meeting was used to make changes to the plan. The current plan separates the display area from the parking area. The business will not generate as much traffic as Smart & Final did at the location.

Richard Markham stated the street is already congested and this is a bad area.

Nathan Ford stated this is an appeal of the Planning Commission. They did not make a decision. He asked why it does not go back to the commission. Mr. Keen explained the Commission had a quorum, but not a majority vote to approve the project.

Mayor Chavez closed the public hearing.

There was discussion regarding parking, safety issues, and the amount of business there might be.

Moved by Councilwoman Vallejo, seconded by Councilman Hill and carried by the following vote to sustain the appeal. AYES: Chavez, Hill, Pascual, Vallejo NOES: Morris Adopt Resolution No. 2016-43 approving a site plan review application and Major Variance Application No. 2016-001 for establishment of a car sales lot at 1804 Girard Street (APN 411-403-12 and 13)

- 10) Public Hearing No. 2016-14: Second reading and final adoption of an ordinance to amend Section 3.18.20 of the City of Delano Municipal Code extending the current additional one percent (1%) sales tax

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 Pascual, seconded by Councilwoman Vallejo and unanimously carried to approve the second reading and final adoption of Ordinance No. 2016-1286 amending Section 3.18.20 of the City of Delano Municipal Code extending an existing transaction and use tax ("Sales Tax" or "Measure I").

REGULAR AGENDA

- 11) General Municipal Election Measure regarding extension of the current additional one percent (1%) sales tax
 - a) Resolution calling and giving notice of the holding of a general municipal election to be held November 8, 2016 for the submission to the qualified voters of a questions relating to the extension of the voter-approved additional transaction and use tax (sales tax) in the amount of one percent (1%)
 - b) Resolution ordering the submission of a measure relating to the adoption of an ordinance extending an existing transaction and use tax (sales tax) in the amount of one percent (1%) for general and safety services, facilities and programs, to the qualified voters of the city at a general municipal election to be held November 8, 2016
 - c) Resolution requesting the Board of Supervisors of the County of Kern to consolidate a general municipal election to be held on November 8, 2016
 - d) Resolution authorizing the filing of written arguments relating to a measure on the November 8, 2016, ballot to approve an ordinance extending a one percent (1%) transaction and use tax (sales tax) and directing the city attorney to prepare an impartial analysis

Ms. Reyna presented the staff report.

Moved by Councilman Pascual, seconded by Councilman Hill and unanimously carried to adopt:

- a) Resolution No. 2016-44 calling and giving notice of the holding of a general municipal election to be held November 8, 2016 for the submission to the qualified voters of a question relating to the extension of the voter-approved additional transactions and use tax in the amount of one percent (1%) as required by the provisions of the laws of the State of California.
- b) Resolution No. 2016-45 ordering the submission of a measure relating to the adoption of an ordinance extending an existing transactions and use tax in the amount of one percent (1%) for general and safety services, facilities and programs to the qualified voters of the city at an election to be held November 8, 2016
- c) Resolution No. 2016-46 requesting that the Board of Supervisors of the County of Kern consolidate a general municipal election to be held on November 8, 2016, with the statewide general election and direct the county elections department to conduct the election on the city's behalf, and requesting that the county clerk render specified services to the city relating to the administration of the election
- d) Resolution No. 2016-47 authorizing the filing of written arguments relating to a measure on the November 8, 2016 ballot to approve an ordinance extending a one percent (1%) transaction and use tax and directing the city attorney to prepare an impartial analysis

- 12) Appointment to Planning Commission

Ms. Reyna presented the staff report.

Moved by Councilman Pascual, seconded by Councilwoman Morris and unanimously carried to appoint Thom Casey to the Planning Commission, term to end June 2019.

DEPARTMENTAL REPORTS

- 13) Report on Water Well 34 – Hexavalent Chromium

Ms. Reyna reported the state has adopted regulations regarding the maximum level of hexavalent chromium allowed in the water and the city has until 2020 to meet those standards. Only one well, at Albany Street and Woollomes Avenue near the soccer park, is affected. Staff is working with Carollo Engineers to do testing on it with their biotta system. We will know by the end of the year if the system will work. Staff is also working with BESST, a different technology. Staff has applied to the state for funding.

- 14) Report on Code Enforcement regarding medical marijuana, collection of any fees, process

Chief DeRosia reviewed the process. All but one dispensary closed down after receiving the cease notice. Three more opened. MMG is still open. An appeal hearing is scheduled this week.

COUNCIL STATEMENTS AND REPORTS

Councilwoman Morris stated the Philippine Weekend was really hot, but all who attended had an enjoyable time. She thanked the organizers and noted it is a whole month event that also gets kids involved.

Councilwoman Vallejo thanked the Philippine Weekend committee. She asked Ms. Reyna to thank staff for their work. She noted that the Safe Routes To School project contractor had dug out corners on 17th at

Madison & Norwalk, and staff worked hard to fill in those areas. She also noted that the event brings in many people from all over.

Councilman Hill no items

Councilman Pascual stated that at the last 2 meetings council heard appeals of ordinances. He noted that some ordinances are not clear, and he has talked to Mr. Keene about them. We need to have follow through.

Mayor Chavez requested we have the item regarding a train station in Delano on the next agenda. He thanked the public for sharing their knowledge and concerns regarding the water. He stated that Philippine Weekend was great. Mayor Chavez noted that the family unit is different now than 30-40 years ago. We need to look into providing daycare for city employees. Staff can look at other agencies for models.

CLOSED SESSION

Moved by Councilwoman Vallejo, seconded by Councilwoman Morris, and unanimously carried that the City Council adjourn to Closed Session at 8:07 p.m. The City Clerk was excused. Mayor Chavez was appointed Acting City Clerk. The City Attorney and City Manager were asked to remain.

- 15) Conference with legal counsel: settlement authority for worker comp case: Donald Flores; govt. code section 54956.95

RETURN TO GENERAL SESSION

Moved by Councilwoman Vallejo, seconded by Councilwoman Morris and unanimously carried to reconvene in Open Session at 8:21 p.m. Mr. Garcia provided a report on closed session as follows:

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

ADJOURNMENT

Moved by Councilwoman Vallejo, seconded by Councilwoman Morris, and unanimously carried to adjourn the meeting at 8:21 p.m.

Phyllis A. Kraft, City Clerk