

## **MINUTES**

### **CITY OF DELANO CITY COUNCIL – REGULAR MEETING March 5, 2018**

#### **CALL TO ORDER**

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

#### **INVOCATION**

Council Member Aguirre offered the invocation.

#### **FLAG SALUTE**

Council Member Hill led the flag salute.

#### **ROLL CALL**

Council members present: Grace Vallejo, Ruben Hill, Joe Aguirre, Liz Morris, Rueben Pascual  
Council members absent:

#### **OFFICIALS PRESENT**

City Manager Reyna, City Clerk Chavez, City Attorney Richman, City Engineer Dowling, Finance Director Rios, Human Resource Director Zamudio, Chief of Corrections Marshall, Interim Community Development Director Keene, Associate Engineer Nunez and Transit Manager Zamora

#### **PRESENTATIONS AND AWARDS**

Proclamation was presented for Music in Our Schools Month – March 2018 (Brenda Perry-Reed)  
Proclamation was presented for Relay for Life of Delano 2018 (Rosa Lugo)

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

1. Ginda Atkins from Delano Chamber of Commerce invited everyone to the City Walk and Car Show.
2. Tony Miranda, Executive Director, Habitat for Humanity Golden Empire thanked the City Manager and staff for great work in the continued partnership and continued support.
3. Jeff Vontz, Director of Operations, Habitat for Humanity Golden Empire thanked staff for their hard work. Thanked Council Member Aguirre for his sweat equity too.

## CONSENT AGENDA

- 1) Authorization to waive the reading of any ordinance in its entirety and consenting to the reading of such ordinances by title only
- 2) Warrant Register in the amount of \$4,203,516.74
- 3) Minutes of regular City Council meeting of February 20, 2018
- 4) Increase advertising budget for Human Resources Department in the amount of \$43,500 for FY 2017/18 and authorize the Finance Director to appropriate funds
- 5) Reclassification Municipal Code Enforcement Officer to Code & Building Enforcement Officer; create two salary grades one for entry level and one for certified; and adopt the revised Miscellaneous Unit Salary Table reflecting the new title and new grade **(Resolution No. 2018-14) (Resolution No. 2018-14a)**
- 6) Adopt resolution of the City Council of the City of Delano declaring there are no unmet transit needs within the City of Delano that are reasonable to meet **(Resolution No. 2018-15)**
- 7) Resolution of the City Council of the City of Delano authorizing designated positions to execute any actions necessary for obtaining financial assistance provided by the Low Carbon Transit Operations Program **(Resolution No. 2018-16)**
- 8) Resolution of the City Council of the City of Delano authorizing designated positions to execute any actions necessary for obtaining financial assistance provided by the California State of Good Repair **(Resolution No. 2018-17) (Agreement No. 2018-24)**
- 9) Resolution of the City Council of the City of Delano authorizing the utilization of Low Carbon Transit Operations Program (LCTOP) funds for the replacements of bus shelters with solar lighting at the Transit Center in the amount of \$99,766.26 **(Resolution No. 2018-18)**
- 10) Rejecting all bids for the purchase of new Diesel Powered Backhoe Loader (4wd) and directing the City Engineer to rebid or procure thru GSA or Joint Powers Agreements as per Municipal Code Section 3.08.090
- 11) Approve reimbursement of \$53,820.00 to Kern County for waterline as per Agreement 2005-83
- 12) Authorize the City Manager to implement an organics recycling pilot program to meet AB1826 and to execute an amendment to the commercial recycling contract upon successful completion of the program **(Agreement No. 2018-25)**

- 13) Approve budget not to exceed \$100,000.00 to remodel the building and planning area at City Hall

Motion was made by Council Member Pascual to approve agenda items 1-13 on consent agenda;  
2<sup>nd</sup> by: Morris

**Vote: 5-0**

**Ayes:** Vallejo/Hill/Aguirre/Morris/Pascual

**Nays:** None

**Absent:** None

**Abstentions:** None

### **PUBLIC HEARINGS**

- 14) Combined Development Permit No. 2017-001 Delano West Pavilion. The applicant is requesting a general plan amendment and rezoning of 79.67 acres to allow the annexation and subsequent residential and commercial development of the site.

(a) Adopt City Council Resolution No. 2018-\_\_\_ approving the following:

- ▶ Adoption of the Addendum to the Final Environmental Impact Report (originally certified on December 15, 2015 by City Council Resolution No. 2015-92); and,
- ▶ Approving the General Plan Land Use Map Amendment to designate the site in the General Plan Land Use Map to Low Density Residential (21 acres), High Density Residential (18.90 acres) and designate the easterly half of the site as Commercial (36.57 acres)
- ▶ The Planned Unit Development (PD) application with project conditions

**(Resolution No. 2018-19)**

(b) Read by Title Only and Adopt Ordinance No. 2018- \_\_\_\_ Rezoning the site for a 21.00 acre portion of the site to Planned Unit Development (PZ-PD), 18.90 acres of the site to High Density Residential (PZ-R-3) and rezoning the remainder of the property to General Commercial (PZ-GC) 36.57 acres, as shown on the attached Exhibit

(c) Adopt of City Council Resolution 2018-\_\_\_\_ A Resolution of Application for Annexation Application No. 49 to the Kern Local Agency Formation Commission, of Assessor's Parcel Number 521-040-43 (79.47 acres)

**(Resolution No. 2018-20)**

Staff report was provided by Interim Community Development Director Keene.  
Public was opened by Mayor Vallejo.  
Council Member Morris asked the difference between low density and high density.  
Interim Community Development Director Keene provided a clarification.  
Steve Kinsey asked how much commercial acreage is lost.  
Interim Community Development Director answered 7.61 acres.  
Mr. Kinsey stated that the City is developing a nice area and is doing a great job. Therefore, Mr. Kinsey posed the question, “Do we risk land locking by reducing commercial opportunity?”  
Even though there is residential to the north and west of said development where will the City be in 20-30 years from now.  
Mayor Vallejo stated that there is other commercial opportunities in the area.  
Interim Community Development Director reaffirmed Mayor Vallejo’s statement.  
Council Member Aguirre shared that once the airport project takes off it would help to provide opportunity for commercial development.  
Mayor Vallejo reminded everyone the possibility of opening up more land via the Williamson act.  
Roberto Ibarra inquired if the Maya Cinemas will be surrounded by apartments.  
Interim Community Development Director Keene provided an explanation of the breakdown of the multiuse plans regarding said development.  
Mayor Vallejo explained that building homes around commercial is to build multifamily homes to cut down on the traffic and encourage walking.  
Suzanne Villaruz shared that larger cities promote mixed uses in which this is rural type approach.  
Mayor Vallejo also stated that it is dependent  
City Manager elaborated that if we want more commercial then we need more rooftops. There needs to be a balance in meeting that demand and balance.  
Council Member Aguirre shared a classic example with the Target in Tulare.  
Interim Community Development Director Keene added that horizontal mixed use is being implemented as vertical mixed isn’t feasible in Delano.  
Steve Kinsey shared that he simply wants enough space for that Target to come to Delano.  
Public Comment was closed.

**Motion was made to approve Item 14(a) by: Morris 2<sup>nd</sup> by: Hill**

**Vote: 5-0**

**Ayes:** Vallejo/Hill/Aguirre/Morris/Pascual

**Nays:** None

**Absent:** None

**Abstentions:** None

**Motion was made to approve Item 14(b) by: Morris 2<sup>nd</sup> by: Hill**

**Vote: 5-0**

**Ayes:** Vallejo/Hill/Aguirre/Morris/Pascual

**Nays:** None

**Absent:** None

**Abstentions:** None

**Motion was made to approve Item 14(c) by: Morris 2<sup>nd</sup> by: Hill**

**Vote: 5-0**

**Ayes:** Vallejo/Hill/Aguirre/Morris/Pascual

**Nays:** None

**Absent:** None

**Abstentions:** None

## **REGULAR AGENDA**

- 15) Appointment of Primary Representative to Represent the City of Delano at the Kern Council of Governments (KernCOG) and Appoint/Reaffirm Alternate Representative

**Motion was made by to appoint Mayor Vallejo as primary representative: Morris**

**2<sup>nd</sup> by: Pascual**

**Vote: 5-0**

**Ayes:** Vallejo/Morris/Pascual

**Nays:** Hill/Aguirre

**Absent:** None

**Abstentions:** None

**Motion was made by to appoint Council Member Aguirre as alternate representative: Hill**

**2<sup>nd</sup> by: Pascual**

**Vote: 5-0**

**Ayes:** Vallejo/Hill/Aguirre/Morris/Pascual

**Nays:** None

**Absent:** None

**Abstentions:** None

- 16) Appointments to the Personnel Board

Staff report was provided by City Manager Reyna.

Council Member Morris asked if applicant Jaime Mendoza is allowed to be appointed even if he's an elected official on the North Kern South Tulare Hospital District.

City Attorney Richman responded that there is no issue for appointment to said board.

Council Member Pascual shared that after reading their resumes he doesn't have a problem.

Council Member Morris had no issues either.

Council Member Aguirre shared that each applicant has impeccable resumes.

Mayor Pro Tem Hill had no issues either.

**Motion was made by: Hill**

**2<sup>nd</sup> by: Morris**

**Vote: 5-0**

**Ayes:** Vallejo/Hill/Aguirre/Morris/Pascual

**Nays:** None

**Absent:** None

**Abstentions:** None

- 17) Opposition of SB827 (Wiener) Planning and Zoning Density and direct City Manager to submit letter of opposition

Staff report was provided by City Manager Reyna.

Mayor Vallejo shared her excitement to oppose this item as she attend the ACCAPS meeting with Council Member Morris. She urged that we need to fight to have local decisions.

**Motion was made by:** Hill

**2<sup>nd</sup> by:** Aguirre

**Vote:** 5-0

**Ayes:** Vallejo/Hill/Aguirre/Morris/Pascual

**Nays:** None

**Absent:** None

**Abstentions:** None

- 18) Request by Mayor Vallejo to have discussion for possible support for Immigration in the Central Valley and submit letter to Congressional Representative

Report was provided by Mayor Vallejo.

Mayor Vallejo shared that a group reached out to her to have a discussion regarding immigration reform and for DACA.

Council Member Aguirre inquired what exactly are we doing as to support DACA, not support DACA, supporting immigration reform, support ICE as they been all over the state creating havoc which he doesn't support.

City Attorney Richman directed City Council that there was a proposed letter.

Council Member Aguirre shared that the proposed letter is well written and agrees with the letter, but who's the letter from.

Mayor Vallejo requested that staff find out what group is requesting this letter to be submitted.

City Manager Reyna found that the group that requested the submittal of the letter was from Mayor Victor Lopez, Chair of Latino Mayors and Elected Officials Coalition.

**Matter was tabled item until further notice.**

## **DEPARTMENTAL REPORTS**

No items

## **COUNCIL STATEMENTS AND REPORTS**

Council Member Pascual: None

Council Member Aguirre: None

Council Member Morris: None

Mayor Pro Tem Hill: None

Mayor Vallejo: Reported that she and Council Member Morris attended the ACCAPS February 21, 2018 conference regarding Prop. 69 as a companion measure to SB-1. Mayor Vallejo also mentioned was SB827 which was approved earlier in this meeting. Another bill that was discussed was regarding annexed areas, the new areas wouldn't be subject to additional municipal sales tax in which they would have to vote. She also mention Prop. 57 for \$25 million for MCCF funding. They discussed Gang Community Resource Officers for those cities that have escalating gang activities to help communities. Mayor Vallejo wanted to reassure the community that these trips are always to help better the City of Delano.

**Moved for Closed Session by: Morris**  
**2<sup>nd</sup> by: Hill**

**Time:** 6:27PM

**Vote:** 5-0

**Ayes:** Vallejo/Hill/Aguirre/Morris/Pascual

**Nays:** None

**Absent:** None

**Abstentions:** None

The City Clerk was excused. City Manager was appointed as Acting City Clerk. City Attorney Rachel Richman and City Manager Reyna were present.

### **CLOSED SESSION**

- 19) CONFERENCE WITH LEGAL COUNSEL- ANTICIPATED LITIGATION  
Significant Exposure to Litigation Pursuant to Government Code Section 54956.9  
(d)(2) Number of cases: 2  
**Action:** Information was given. No reportable action. Direction was given.
  
- 20) CONFERENCE WITH REAL PROPERTY NEGOTIATORS pursuant to  
Government Code section 54956.8.  
Property: 1225 Airport Drive, Delano, CA  
Agency negotiator: Aviator Casino  
Negotiating parties: City Manager and City Attorney  
Under negotiation: price and/or terms of payment  
**Action:** Information was given. No reportable action. Direction was given.

**Moved for Open Session by: Hill 2<sup>nd</sup> by: Pascual**

**Time:** 7:09PM

**Vote:** 5-0

**Ayes:** Vallejo/Hill/Aguirre/Morris/Pascual

**Nays:** None

**Absent:** None

**Abstentions:** None

**RETURN TO GENERAL SESSION**

**ADJOURNMENT**

Moved by Council Member Morris, seconded by Council Member Pascual, and unanimously carried 5-0 to adjourn the meeting at 7:10p.m.

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Ricardo G. Chavez, City Clerk