

MINUTES

CITY OF DELANO CITY COUNCIL – REGULAR MEETING March 19, 2018

CALL TO ORDER

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

INVOCATION

City Engineer Dowling offered the invocation.

FLAG SALUTE

Council Member Morris led the flag salute.

ROLL CALL

Council members present: Grace Vallejo, Ruben Hill, Joe Aguirre, Liz Morris
Council members absent: One (1) Vacancy

OFFICIALS PRESENT

Acting City Manager/City Engineer Dowling, City Clerk Chavez, City Attorney Richman, Finance Director Rios, Human Resource Director Zamudio, Interim Chief of Police Alvizo, and Chief of Corrections Marshall

PRESENTATIONS AND AWARDS

No Items

ITEMS FROM THE PUBLIC

1. Roberto Ibarra requested for a status of the letter regarding illegal immigration from the previous City Council Meeting which was tabled. The reason for his concern was due to the recent tragic accident that left five orphan kids without parents.
2. Richard Markham shared that last time the clock was off 30 seconds and City Manager Reyna stated that she would take care of it. Also wanted to thank City Clerk Chavez for the great calendar he developed that is easy to read. Mr. Markham also shared with the City Council that it looks really bad on Main Street. Mr. Markham requested that the City should take another look at the intersection in front of the tire shop because it's so confusing. Lastly, he stated that we need to watch out for the Delano PD.

3. Arthur Rodriguez relayed his concern to the Council regarding 7th and 8th where people are doing doughnuts and kids will get hurt.
4. Steve Kinsey shared various points of references as to his opposition of the closure of the armory for public use. *(Four other members of the audience provided their three minutes for Mr. Kinsey to utilize the full 15 minutes afforded to each subject)*
5. Janet Rabanal mentioned the annual city walk event on Saturday, March 24, 2018. Also announced partnership of Delano Chamber of Commerce and Kern County Hispanic Chamber to provide an eight week business class open to everyone at Bakersfield College.
6. Carina Morales expressed her concerns of the tragic accident this past Tuesday morning which resulted in the death of two residents. Asked the City Council what are they doing to actively protect of our community and farmworkers from the negative impacts from Trump's immigration policies? She also would like further discussions on this matter in future council meetings.
7. Eriberto Fernandez, shared that this week many are mourning the lives of two farmworkers whose lives were tragically taken away by unnecessary enforcement of immigration law. On behalf of the Farmworker Movement, he thanked the City Council, especially Mayor Vallejo for the resources in helping the family. Asked the Council how the United Farmworkers Foundation can partner up with the City Council to prevent tragedies like this in respect to the Police Department and ICE.

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 \$2,123,420.81
- 3) Minutes of regular City Council meeting of March 5, 2018
- 4) Resolution approving Agreement No. C1700182 with the State of California Franchise Tax Board to initiate the City of Delano's participation in exchanging data with the Franchise Tax Board from June 1, 2018 thru December 31, 2020 and authorizing the Mayor to execute the Agreement (**Resolution No. 2018-21**) (**Agreement No. 2018-25**)
- 5) Release funds from developer escrow account to the Vineyard Retail Center (Delano Market Place II) per MOU No. 2016-84 for the required offsite improvements in the amount of \$2,160.00 for payment application no. 15

- 6) Acceptance of the 2017 installation of SJVAPCD Class II Bike Lanes Project, by T & T Pavement Markings, and authorizing the filing of the notice of completion
- 7) Authorizing the Purchase of SC3000 Asphalt Paving Material in the amount of \$130,000.00 from Jaxon Enterprises dba Deer Creek Asphalt
- 8) Approval of agreement with QK, Inc. to provide engineering design services for the 2017-18 SB-1 Local Streets and Roads Resurfacing, Rehabilitation, and Reconstruction Maintenance Project for Various Streets in Delano (**Agreement No. 2018-26**)
- 9) Ratification of urgent well 26 & 33 repairs by Bakersfield Well & Pump Co. in the amount of \$360,000.00(**Agreement No. 2018-27**)
- 10) Authorize the City Manager to enter into and execute a service agreement with 1STOPRecruiting for the purpose of recruiting a doctor for the Delano Modified Community Correctional Facility (DMCCF) in compliance with the Federal Receiver's Office/ California Correctional Health Care Services (CCHCS) (**Agreement No. 2018-28**)
- 11) Authorize the City Manager to enter into and execute a service agreement with Barton Associates for the purpose of providing a doctor for the Delano Modified Community Correctional Facility (DMCCF) in compliance with the Federal Receiver's Office/ California Correctional Health Care Services (CCHCS) (**Agreement No. 2018-29**)
- 12) Ratification of emergency MCCF East Dorm Roof Repairs contract being performed by Flex Pro Inc. (a subsidiary of Marko Construction Group, Inc.) from Fresno, CA on a time and materials basis for \$328,350.00 and authorize the City Manager to sign the construction contract and any other documents needed to carry out the repairs (**Agreement No. 2018-30**)
- 13) Resolution awarding a contract to E.M. Tharp Inc. for the purchase of two (2) New Dump Trucks with 6 cubic yard bodies, authorizing the expenditure of budgeted funds in the amount of \$231,320.29 and authorizing the City Manager to execute all required documents (**Resolution No. 2018-22**) (**Agreement No. 2018-31**)
- 14) Approval of agreement with The Blackrock Group and Truview to perform pre-employment background investigations and internal investigations (**Agreement No. 2018-32**) (**Agreement No. 2018-33**)

Motion was made by Council Member Hill to approve agenda items 1-5, 7, 8, 10-12, 14 on consent agenda; 2nd by: Aguirre

Vote: 4-0

Ayes: Vallejo/Hill/Aguirre/Morris

Nays: None
Absent: None
Abstentions: None

Item No. 6, Pulled by Steve Kinsey

Reason for being pulled: Mr. Kinsey inquired if these are to markings on the lanes. Also inquired how this cleans his air.

City Engineer Dowling provided information.

Mayor Vallejo suggested that this should promote bicycling like Mr. Ibarra and Mr. Markham.

Roberto Ibarra commented that the city forgot to place biking lanes on Dover Parkway. Also that the Diaz stretch to Wal-Mart is narrow and he barely fits due to lack of bike lanes.

Staff report provided by City Engineer Dowling and shared that there are projects for next year in that area.

Moved by: Morris **2nd by:** Hill

Vote: 4-0

Ayes: Vallejo/Hill/Aguirre Morris

Nays: None

Absent: None

Abstentions: None

Item No. 9, Pulled by Roberto Ibarra

Reason for being pulled: Why is the cost so high?

Staff report provided by City Engineer Dowling.

Moved by: Aguirre **2nd by:** Morris

Vote: 4-0

Ayes: Vallejo/Hill/Aguirre Morris

Nays: None

Absent: None

Abstentions: None

Item No. 13, Pulled by Steve Kinsey

Reason for being pulled: Mr. Kinsey asked what's the need for two dump trucks and what will they be used for? Also has the city looked at used vehicles? What's the financing of these trucks?

Staff report provided by City Engineer Dowling.

Moved by: Morris **2nd by:** Aguirre

Vote: 4-0

Ayes: Vallejo/Hill/Aguirre Morris

Nays: None

Absent: None

Abstentions: None

PUBLIC HEARINGS

No Items

REGULAR AGENDA

- 15) Request for appointment of the Aquatic Center & Park Conceptual Design Committee

Mayor Vallejo appointed Council Member Aguirre and Council Member Morris to Said Committee

- 16) Discussion and Direction from City Council regarding calling a Special Election or making an Appointment for City Council Vacancy as the result of Councilmember Pascual's resignation

Council Member Aguirre suggested taking this matter to an election for November.

Council Member Morris clarified that an appointment would only serve until November. City Attorney Richman affirmed said statement.

Council Member Morris would be in favor of an appointment.

City Attorney Richman provided staff report. City Attorney Richman also further elaborated that as the Council has discretion as to what the appointment process looks like if they chose to go that route, as she has seen it done in different ways in different cities.

Mayor Pro Tem Hill shared that he would rather wait until November for a special election. He felt that the four Council Members should be able to handle the business without difficulty.

Mayor Vallejo expressed that she is in favor of an appointment.

Council Member Aguirre asked City Attorney Richman if an appointment can be challenged by the public. City Attorney Richman responded that it is within the Council's authority to appoint.

Council Member

Mayor Vallejo opened the public comment.

Steve Kinsey shared that he experienced a recall back in 1983 for disappointing the citizens of Delano. He also shared his reasons for being in favor of an appointment.

Roberto Ibarra asked if it would go by way of an appointment how would it be shared with the public.

Mayor Vallejo stated that would be again up to the discretion of the Council of how they would approach the process if that's the route it would be taken.

Richard Markham shared his reasons of why he's in favor to go to a special election. He also shared this sadness to seeing Council Member Pascual go as he felt that he was outstanding.

Lupe Martinez asked if there can be a special election before November.

City Attorney Richman stated that the City has a consolidated election with the county which can only be done in November as it is too late for June.

Suzanne Villaruz shared how important it is to be elected on the council, though eight months be a long time to be without a fifth council member and would provide someone an opportunity and would opt for the council to appoint someone or at least attempt to appoint someone.

Council Member Morris added that she felt they don't have anything to lose as they can start the process if they cannot agree upon an appointee then they simply go to an election.

Mayor Pro Tem Hill expressed that he had had received numerous phone calls on this matter and has gotten political. He stressed that this council has not been 2-2 on everything, but it's being made seem that there is constant 2-2 voting on every item, but on the contrary where city business has been gotten done.

Council Member Aguirre added that he has also been receiving calls as to an appointment and agreed that this a highly political charged situation which is not healthy. He also stated that he

feels it forces the council to communicate and provides the council a unique situation to build a more cohesive team.

Mayor Vallejo stated that she was elected to work with her colleagues to best represent the city and if that was to appoint or attempt to appoint someone that was what she would be willing to do. She felt that 8 months is too long to be without a fifth council member.

Motion was made for a resolution to be brought at the next council meeting for a special election: Aguirre 2nd by: Hill

Vote: 2-2 (Motion failed due to lack of majority vote)

Ayes: Hill/Aguirre

Nays: Vallejo/Morris

Absent: None

Abstentions: None

Motion was made to continue matter to the next schedule council meeting for April 16, 2018: Vallejo 2nd by: Aguirre

Vote: 4-0

Ayes: Vallejo/Hill/Aguirre/Morris

Nays: None

Absent: None

Abstentions: None

DEPARTMENTAL REPORTS

No items

COUNCIL STATEMENTS AND REPORTS

Council Member Aguirre: Requested that Mr. Kinsey's item be placed on the next agenda for discussion.

Council Member Morris: None

Mayor Pro Tem Hill: Made an inquiry as to the immigration matter as to their rights.

Mayor Vallejo: Shared that she understands that there has been efforts of educating people in Delano. She has seen that the community and the UFW has help this family during this tragedy. There has been a furniture store owner who has managed to provide for the kids. A teacher from Robert F. Kennedy who's helped the kids with groceries. There has also been Linda Hinojosa with the Community Alliance to start the Go Fund Me account for the family. Mayor Vallejo also praised the great work that the Community Alliance for their continuous work in the City. As a representative of the City, it is difficult when it comes to this matter has she has strong beliefs as to DACA. She understands the difficulty of this process to come to this country. At the end of the day we are all human beings and she couldn't determine who's illegal or not, but the letter that came before the letter will be coming before the council in the future. On the

business end, Mayor Vallejo shared that she attended her first KernCOG meeting and shared some details of a presentation called “Are you Ready Kern.”

Moved for Closed Session by: Morris 2nd by: Hill

Time: 6:55PM

Vote: 4-0

Ayes: Vallejo/Hill/Aguirre/Morris

Nays: None

Absent: None

Abstentions: None

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

CLOSED SESSION

- 17) CONFERENCE WITH LEGAL COUNSEL- ANTICIPATED LITIGATION
Significant Exposure to Litigation Pursuant to Government Code Section 54956.9
(d)(2) Number of cases: 1
Action: Information was given. No reportable action. Direction was given.

Moved for Open Session by: Morris 2nd by: Hill

Time: 7:15PM

Vote: 4-0

Ayes: Vallejo/Hill/Aguirre/Morris

Nays: None

Absent: None

Abstentions: None

RETURN TO GENERAL SESSION

ADJOURNMENT

Moved by Council Member Morris, seconded by Council Member Hill, and unanimously carried 4-0 to adjourn the meeting at 7:16p.m.

Ricardo G. Chavez, City Clerk