

## **MINUTES**

### **CITY OF DELANO CITY COUNCIL – REGULAR MEETING July 16, 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**

Pastor David Vivas 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

Council members absent: One (1) Vacancy

#### **OFFICIALS PRESENT**

City Manager Reyna, City Clerk Chavez, City Attorney Richman, City Engineer Dowling, Finance Director Rios, Chief of Corrections Marshall, Chief of Police Nevarez, Commander Alvizo, Recreation Manager Batth, Transit Manager Zamora and Interim Community Development Director Keene

#### **PRESENTATIONS AND AWARDS**

The Wonderful Company Presentation (*Rescheduled to future meeting*)

Proclamation for Philippine Weekend Festival was presented by Mayor Vallejo to Delilah Mascarinas, Jay Tamsi and committee members

Introduction of New Chief of Police Robert Nevarez was made by City Manager Reyna.

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

1. Javier Guerrero shared his negative experience with the Delano Police Department and animal control regarding an animal in distressed.
2. Richard Markham shared his approval of animal control and thanked City Manager Reyna and Engineer Dowling for the great job.

3. Angelica Rodriguez requested an update on the Delano Armory.
4. Clemente (first name was not distinguishable) shared the importance of 2020 Census and invited the Mayor and Council to participate.
5. Janet Rabanal, Delano Chamber of Commerce, invited everyone kick-off to Philippine Weekend Street Fair next Thursday.
6. Lupe Martinez sent his best wishes to Mayor Pro Tem Hill. Mr. Martinez questioned if the Department of Toxic Substance Control finally cleaned up the property at the new development next to the Chevron Station which the TCP and plumes were found.
7. Roberto Ibarra inquired about the status on his question about Dial-A-Ride from the last meeting.  
*Mayor Vallejo directed staff to check with Department of Toxic Substance Control on status.*
8. Gloria Herrera asked why the bathrooms at Cesar Chavez Park are still closed  
*Mayor Vallejo requested a departmental report at the next scheduled meeting.*
9. Johnny Munoz, welcomed Mayor Pro Tem Hill back. Mr. Munoz asked about cooling rooms in the city.
10. Pastor David Vivas reminded everyone about the March for Justice this weekend and clarified the purpose of this event.

### **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 \$4,535,610.51 and \$2,575,798.28
- 3) Minutes of regular City Council meeting of June 18, 2018
- 4) Minutes of special City Council meeting of June 25, 2018
- 5) Minutes of regular City Council meeting of July 2, 2018
- 6) Resolution approving submittal of a Grant Application to the CA Department of Housing and Community Development (HCD) for 2018 HOME Investment Partnership Program Funds (**Resolution No. 2018-46**)
- 7) Ratification of MOU agreement with the Alliance Against Family Violence and Sexual Assault (**Agreement No. 2018-56**)

- 8) Approval of MOU agreement with Forensic Nurse Specialists of Central California Inc. (**Agreement No. 2018-57**)
- 9) Approval of the co-sponsorship of a public meeting for the Human Services Transportation Center held by the Kern County Council of Governments (Kern COG) in the amount of \$30
- 10) Approval of the second amendment to the license agreement between the County of Kern and City of Delano for the use of space of at 925 Ellington Street (Delano Senior Center) to operate the Nutrition Program for seniors (**Tabled to August 6, 2018 Regular Scheduled Meeting**)
- 11) Adoption of Resolution providing for an adjustment of property tax revenue upon local agency jurisdictional change resulting from Annexation No. 49 consisting of 69 acres located west of Dover Parkway on the south side of Woollomes Avenue (**Resolution No. 2018-47**) (**Agreement No. 2018-58**)
- 12) Approve revised memorandum of understanding between the City of Delano and Kern COG in regards to the coordination of ongoing public transportation planning for funds (**Agreement No. 2018-59**)
- 13) Resolution allowing the City Engineer to sign Administering Agency-Federal Master Agreement No. 06-5227F15 and Program Supplement Agreement No. F-029 with the State to allow for reimbursements on the STPL-5227(057) Project (2018 Lexington Street and Garces Highway Pavement Rehabilitation and Resurfacing) (**Resolution No. 2018-48**) (**Agreement No. 2018-60**)
- 14) Award of contract for the 2018 Cecil Avenue Sewer Trunk Main Replacement Project in the amount of \$555,928.00 to Concastco and authorize the city manager to sign the construction contract and any other documents needed to carry this project to completion (**Agreement No. 2018-61**)
- 15) Award of contract for the 2017 Pond Road Pavement Resurfacing Project Stpl-5227(056) to Griffith Company in the amount of \$90,700.00 and authorize the city manager to sign the construction contract (**Agreement No. 2018-62**)
- 16) Award of contract for the 2017 SB1 Local Streets Roads Pavement Resurfacing And Rehabilitation Project to Bowman Asphalt in the amount of \$1,720,876.00 (which includes base bid and alternate bids #1 and #2) and authorize the city manager to sign the construction contract (**Agreement No. 2018-63**)
- 17) Award of contract for the 2018 Shoulder Improvement Project CML-5227(058) to Burtch Construction in the amount of \$293,817.00 and authorize the city manager to sign the construction contract (**Agreement No. 2018-64**)

- 18) Pavement Resurfacing And Rehabilitation Project STPL-5227(055) to VSS International Inc. in the amount of \$1,057,000 and authorize the city manager to sign the construction contract (**Agreement No. 2018-65**)
- 19) Acceptance of the 2018 CDBG East Side Fire Station Parking Lot Rehabilitation Project and authorizing the filing of the notice of completion
- 20) Acceptance of the 2018 CDBG Kensington Street Waterline Replacement And Resurfacing Project and authorizing the filing of the notice of completion
- 21) Acceptance of the 2016 Downtown Water And Sewer Mains Replacement Project and authorizing the filing of the notice of completion
- 22) Acceptance of the Delano Jefferson Center Project and authorizing the filing of the notice of completion
- 23) Acceptance of the Old Police Department Building Reroofing Project and authorizing the filing of the notice of completion
- 24) Resolution awarding a contract to Gibbs International Truck Center for the purchase of (1) one diesel powered 3-ton truck with flatbed dump, authorizing the expenditure of funds in the amount of \$93,055.10 and authorizing the city manager to execute all required documents (**Resolution No. 2018-49**) (**Agreement No. 2018-66**)
- 25) Rejecting all bids for the 2018 CDBG High Street Curb And Gutter and directing the city engineer to re-advertise
- 26) Award of contract for the 2018 Downtown Alley Improvements Project to DOD Construction in the amount of \$333,280.00 and authorize the city manager to sign the construction contract (**Agreement No. 2018-67**)
- 27) Acceptance of the 2016 Delano Animal Shelter Parking Lot Improvements Project and authorizing the filing of the notice of completion
- 28) Approval of Open Purchase Orders for \$35,000 or more for the period July to December 2018

Motion was made by Council Member Aguirre to approve agenda items 1-9, 12-15, and 17-27 on consent agenda; 2<sup>nd</sup> by: Morris

**Vote: 4-0**

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

**Nays:** None

**Absent:** None

**Abstentions:** None

**Item No. 10,** Pulled by Staff

**Reason for being pulled:** Tabled for August 6, 2018 council meeting.

**Item No. 11,** Pulled by Johnny Munoz

**Reason for being pulled:** Asked about the taxation that the city is losing to the county.

Staff Report was provided by Interim Community Development Director Keene.

Interim Community Development Director Keene also added this is consist with a prior agreement that the city had with the county back in 1995. Furthermore, the county wanted to include sales tax, but staff was able to negotiate that out of the tax sharing agreement. Lastly, the county is looking to have a master tax sharing agreement so they wouldn't have to do a case by case basis.

Mayor Vallejo thanked Dominic for his advocacy for the city in respect to the sales tax.

Mr. Munoz feels that it should be in reverse and 60% to the city and 40% to the county.

Mayor Vallejo informed Mr. Munoz that the county has the upper hand as it's up to the county to agree with the annexation.

Mr. Munoz suggested a moratorium and opposes said agreement.

Council Member Morris added that in approving this agreement, it prohibits the county from tapping into our sales tax.

Mr. Lupe Martinez asked in respect to the 69 acres, if the developer agreed to do housing.

Mayor Vallejo responded that it is commercial and residential.

Mr. Martinez further asked if there has been an EIR report as to the Chromium-6.

Interim Community Development Director Keene answered that there were two EIR reports.

Mr. Martinez asked if Chromium-6 was cleaned up then how it was cleaned up.

Engineer Dowling answered as to well 34, the City of Delano is in compliance with state regulations.

Mr. Martinez still believes the city has a problem.

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

**Vote: 4-0**

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

**Nays:** None

**Absent:** None

**Abstentions:** None

**Item No. 16,** Pulled by Lupe Martinez

**Reason for being pulled:** Due to its large amount being awarded, what are the streets, and why doesn't our employees do the job?

Staff Report was provided by Engineer Dowling. He also added that there is state law that regulates how the job is done.

Valerie Gorospe asked if the city can schedule these street projects during school hours, therefore is it possible to work around the school's schedules due to this occurring about two years ago when the roads were being worked on while kids were trying to get to school.

Engineer Dowling stated that this is done with smaller projects, but when it comes to bidding these bigger projects out, it becomes more expensive and difficult to putting restrictions.

Council Member Aguirre recalls that time that Ms. Gorospe brought up. Council Member Aguirre remembers a safety committee that met and if we can utilize that to help.

Valerie Gorospe felt that the city tries to keep the kids safe, but not putting restrictions on the developers would risk kids with respiratory issues is an afterthought.

Council Member Aguirre urged that we find a solution and see what other cities are doing. Council Member Aguirre shared what the hospital district does to control that on their construction site.

Engineer Dowling responded that the subcontractor has standards that they must meet. Furthermore, the city has great communication with the schools to keep them informed.

Council Member Aguirre requested the safety plan to be provided so we can monitor.

Lupe Martinez asked when can the city start investing in their employees to do the jobs.

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

**Vote: 4-0**

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

**Nays:** None

**Absent:** None

**Abstentions:** None

**Item No. 28,** Pulled by Arthur Rodriguez

**Reason for being pulled:** What is being purchased?

Staff Report was provided by Finance Director Rios.

Lupe Martinez questioned how the agenda item is titled as he interpreted the item to be a blank check as it would be unlimited without a cap.

Finance Director Rios responded that there is a cap of \$50,000, but furthermore it is sometimes not completed spent.

Richard Markham recommended the city to get an accountant.

City Attorney informed everyone that the staff report actually has the invoices and further explained that this process is often utilized.

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

**Vote: 4-0**

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

**Nays:** None

**Absent:** None

**Abstentions:** None

## **PUBLIC HEARINGS**

29) Public Hearing for Combined Development Permit (CDP 2018-001) to allow an amendment to the City's General Plan Land Use Map and subsequent Rezoning of the site to General Commercial which would allow the retail use of the property. The proposed land use amendment and rezoning allow for the construction of a Harbor Freight Tools retail establishment on the site (**Resolution No. 2018-50**)

1. Approve the General Plan Map Amendment from Industrial to Commercial Land Use

2. Introduction and First Reading of Zoning Ordinance No. 2018-1301 Amending the Official Zoning Map from General Commercial (GC) District to Planned Development (PD) District (APN 411-240-12, 13 & 21)
3. Approve the Planned Development Permit for the commercial project with conditions of approval

Staff report was provided by Interim Community Development Director Keene.

Richard Markham plead the city council to allow Harbor Freight to come into the city, as he shared that he personally asked them to come to Delano.

Robert Massey spoke in favor of the project as the applicant and shared the benefits to Delano.

Mayor Vallejo opened the public comment.

Johnny Munoz asked where the physical address is and instead of changing the general plan why doesn't the city issue a CUP instead.

Mayor Vallejo provided the location of said business.

Interim Community Development Director Keene provided the reasoning that this wasn't a significant undertaking in which it is simply the land use of the property. Furthermore, the business owners made a business decision to move from where Fresh and Easy used to be to where it is being located at this time.

Mr. Martinez asked if there's a reading, can he get what that reading is & if these are union jobs.

Mayor Vallejo directed Mr. Martinez to put in a records request.

City Attorney Richman explained that there is a copy of the agenda packet with all the agenda items for the public to review in the finance department counter.

Arthur Rodriguez suggested that this business should look at the old bowling alley.

Mayor Vallejo closed public comment.

Council Member Aguirre asked if this has already gone through the planning commission.

Interim Community Development Director Keene explained the process that it was changed to planned development.

Mayor Pro Tem Hill is excited for the sales he saw in the newspaper.

Council Member Morris is excited to see that we give our residents more options to shop.

Council Member Aguirre welcomed Mr. Massey back to invest in Delano as he grew up in Delano.

Mayor Vallejo dittoed what Council Member Aguirre in respect to Mr. Massey attending school in Delano.

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

**Vote:** 4-0

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

**Nays:** None

**Absent:**

**Abstentions:** None

## **REGULAR AGENDA**

No Items

## DEPARTMENTAL REPORTS

Delano Area Rapid Transit (DART) – Dial-A-Ride Services was presented by Transit Manager Zamora

*Roberto Ibarra further inquired if someone who is not handicapped can utilize the dial-a-ride service.*

*Transit Manager Zamora explained what dictated whether they can get a ride depending on the service area.*

*Council Member Aguirre inquired about the taxing source reimbursement of said service. Mayor Vallejo and City Manager Reyna elaborated on the transit system.*

*Johnny Munoz asked about transportation to the prisons.*

*Transit Manager Zamora reiterated what that it depends on the service area.*

Cost of Improving City Owned Little League Field (Next to Delano Golf Course) was presented by City Manager Reyna.

*Council Member Aguirre requested a timeframe to move the wheel.*

*City Manager Reyna requested from the Little League group who is in attendance to provide their request in writing which would be a great help.*

*Filimon Garcia, President of Delano Little League, shared that the city's investment would be greatly appreciated and they prefer to stay in the area due to its history.*

*Mayor Vallejo emphasized that the city is waiting on the Little League's request to determine what they want.*

*Richard Markham shared that the fields look terrible.*

*Bryan Osorio requested for a detailed list of estimated costs and inquired a timeline.*

*Yolanda Vega stated that due to trying to implement a softball program they need to meet in order review the improvements and then she would like to schedule a meeting to review the improvements, but was definitely looking forward working. She also asked about Prop. 68. Lastly, she spoke about the various program at City of Henderson in the State of Nevada.*

Measure "I" Fiscal Year 2017-2018 was presented by Finance Director Rios.

*Susanne Villaruz asked what was beautified.*

*Finance Director Rios responded the abatement of properties.*

*Ms. Villaruz asked is the shelter up and running.*

*City Manager Reyna responded that Alliance Against Family Violence and Sexual Assault is ramping with staff and furnishing, as well so some additional improvements for the new building.*

*Richard Markham asked if they are going provide one from women then there should be one for men, as he referenced the Unrue Act named after Judge Unrue.*

*Lupe Martinez shard that the numbers seem low.*

*Finance Director Rios responded that the city didn't receive these funds until 2 months later.*

*Council Member Aguirre suggested that we have an annual report so we don't have to have a subcommittee.*



*Lupe Martinez emphasized transparency. Also brought up the site committee and believes that the Measure "U" had the same language as that of Measure "I" so therefore there needs to be a site committee as well.*

*Finance Director Rios said that the committee members from the previous measure will be asked if they would like to serve on the new committee.*

*Mayor Vallejo asked if that needs to be going before council.*

*City Manager Reyna stated that the current members will simply be asked if they wish to serve.*

*Luis Pulido doesn't understand that this Measure "I" money couldn't be tracked two years ago, but now the money is being tracked.*

*Mayor Vallejo stated that she emphasized that there must be way to track Measure "I" funds.*

*Council Member Aguirre stated that the city would earmark and identify said funds for those projects.*

*Mayor Pro Tem Hill believed Mr. Pulido is confused how this measure was passed from 50% to 66% as this was passed by 50% so it goes to general fund.*

*There was further discussion about the misunderstanding of funding of Measure "I"*

*City Attorney Richman explained that this is a very common accounting practice just like the city accounts for state and federal funding.*

*Lupe Martinez reminded the council that the intent of these funds weren't used for what its intended use and shared that he believes this to be the problem.*

*Andrew Barragan stated that public safety includes are air, water and kids. Also as to the accounting, the site committee should be meet more often and suggested citizen budgeting.*

*Mayor Vallejo explained the water funds and how it works as it has restrictions.*

*City Manager explained that these funds that are being discussed are enterprise funds and they do have restrictions of how they are utilized.*

*Lupe Martinez wasn't too sure, but Measure "I" was being used for the water because there were lost accounts and there was used to pay employee as there was discussion about bankruptcy.*

*City Manager Reyna said that the general fund has subsidized the enterprise funds, but not vice versa. Due to the fact there has not been enough revenue from the rate payers that has been the case year to year.*

*Mayor Vallejo also emphasized that those water lines are expensive.*

*Mayor Pro Tem Hill shared that the city was going to be in trouble like a whole lot of other cities, therefore he was in favor of this tax in order to run the city how it is supposed to be ran. He further added that we are now running without laying off police and firemen. He also stated that there are cities trying to do the same now and doesn't understand why people are against paying a penny to continue theses services and believes this new measure will help continue that, as well he understand those that didn't vote for this measure.*

*Lupe Martinez emphasized that he was never against it, but instead focus on the relief on the tax payers and the fact that the people were told it was supposed to be used differently then what the residents were told.*

*Valerie Gorospe didn't vote for this measure, but it was not voting against the betterment of Delano.*

*Gloria Herrera focused on the transparency of the measure as where this money was going.*

*City Manager Reyna shared that it was not specific, for if it was it would require the higher voter approval of 66%, but stated that it can be used for such things for example, it would go to the general fund.*

*Veronica Vasquez stated that she was discourage on how decisions were made and how these major decisions were made without making the constituents aware as didn't meet.*

*Finance Director Rios made a point that the meeting did meet once a year except this past year.*

*City Manager Reyna did explain the role of this committee that it is an oversight, but discretionary over the spending as they are given a report annually as Council Member Aguirre referenced earlier.*

*Mayor Vallejo suggested that the city reach out to the committee members to see if they are interested to stay on the new committee.*

*Gloria Herrera stated that she spoke to Phyllis and she kept calling her about meeting, but was never informed of when they were supposed to have met.*

## **COUNCIL STATEMENTS AND REPORTS**

Council Member Aguirre: None.

Council Member Morris: Hopes everyone goes out to support Philippine Weekend this month.

Mayor Pro Tem Hill: Wanted to thank all the people who prayed for him as he had a stroke a month ago was in bed since last week. Also wanted to thank Lupe Martinez and everyone for giving him a chance to talk as he has speech therapy tomorrow.

Mayor Vallejo: Also reminded everyone to enjoy the festivities. Made a point that sometimes we don't appreciate the value of an individual until they're not sitting here. So emphasized that we should reach out to those in needs as she often reached out to Mayor Pro Tem Hill's wife and granddaughter to offer help.

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

**Time:** 8:35PM

**Vote:** 4-0

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

**Nays:** None

**Absent:** None

**Abstentions:** None

*Mayor Pro Tem left the council meeting at 8:36pm*

The City Clerk was excused. City Manager was appointed as Acting City Clerk. City Attorney Rachel Richman, Human Resource Director Zamudio and City Manager Reyna were present.

### **CLOSED SESSION**

- 30) CONFERENCE WITH LEGAL COUNSEL- ANTICIPATED LITIGATION  
Initiation of litigation pursuant to Government Code section 54956.9(d)(4): (1 potential case)  
**Action:** No reportable action.

**Moved for Open Session by:** Aguirre **2<sup>nd</sup> by:** Morris

**Time:** 8:54PM

**Vote:** 3-0

**Ayes:** Vallejo/Aguirre/Morris

**Nays:** None

**Absent:** Hill

**Abstentions:** None

### **RETURN TO GENERAL SESSION**

### **ADJOURNMENT**

Moved by Council Member Morris, seconded by Council Member Aguirre, and unanimously carried 3-0 to adjourn the meeting at 8:55p.m.

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Ricardo G. Chavez, City Clerk