

## **MINUTES**

### **CITY OF DELANO CITY COUNCIL – REGULAR MEETING October 15, 2018**

#### **CALL TO ORDER**

Mayor Vallejo called the meeting to order at 5:31 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 Aguirre 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, Human Resource Director Zamudio, Chief of Police Nevarez, Chief of Corrections Marshall, and Recreation Manager Batth

#### **PRESENTATIONS AND AWARDS**

No Items

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

1. Richard Markham shared that a person brought to his attention that his bill was too high, so he requests the council to look into that. Mr. Markham also feels that the police liaison board meeting should be revised. Lastly, he requests for the theater to be cleaned up or tear it down.
2. Soledad De la Cruz shared that she has been a resident of Delano since 1961 and a retired teacher. She just turned 91 years old. She shared two concerns. Her first concern was due to the local animal shelter no longer accepting cats. Her second concern is that she has 24 cats in her ward. She hopes that the City of Delano starts accepting cats at the animal shelter.

3. Steve Kinsey brought up the matter of the Delano National Armory to be placed back on the agenda so it can be available to the residents.

*Mayor Vallejo requested a departmental report on the Delano National Armory.*

*City Manager Reyna provided a departmental report on the Delano National Armory. Direction has been given by the City Council to make it available to the public. As a result, staff needs to address the deficiencies of the facility to get it up to code and in compliance with the general plan. Once everything is addressed, the matter will be brought up to the City Council for approval.*

*Mayor Vallejo added that the city hired a private company for inspection so there wouldn't be any issue of bias to address the compliance of the building.*

4. Lupe Martinez asked on July 16<sup>th</sup> if they knew the status of trichloroethylene on the property where the Omni Clinic building is being built. He wanted to know if it had been cleaned up before the permits were given. After not getting any answers, he contacted the Department of Toxic Substance Control and he was informed that the site is contaminated with high levels. They will try to find ways to mitigate it. On the 24<sup>th</sup>, the state will be coming down to report how high those levels are and it will be reported at their office located 1012 Jefferson Street.

#### **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 \$2,728,139.21
- 3) Minutes of regular City Council meeting of October 1, 2018
- 4) Amend the Fund Balance Reserve Policy for the General Fund (**Resolution No. 2018-62**)
- 5) Approval of purchase of one (1) new 2018 Backhoe Loader Caterpillar Model 40F2 from Quinn Company, in the amount of \$117,791.61 and authorizing the city manager to execute all required documents
- 6) Approval of purchase of new Tot Lot Equipment from Miracle Play Systems, Miracle Structure Model 704-S066J for MLK Park, in the amount of \$49,999.76 and authorizing the city manager to execute all required documents
- 7) Approval of two (2) temporary (October 16, 2018 thru June 30, 2019) part time Office Assistant I positions for engineering and community development

- 8) Ratification of purchase orders for elevator repairs with sole source vendor Thyssenkrupp Elevator Corporation, with a cumulative total of \$63,991.37
- 9) Award of contract for the 2018 Princeton Street Sewer Extension Project in the amount of \$509,283.60 to Superior Construction and authorize the city manager to sign the construction contract and any other documents needed to carry this project to completion (**Agreement No. 2018-91**)
- 10) Request approval to renew service agreement No. 2014-27 with LexisNexis to provide inmate on line law library service at the Delano Modified Community Correctional Facility (**Agreement No. 2018-92**)

Motion was made by Council Member Morris to approve agenda items 1-10 on consent agenda;  
2<sup>nd</sup> by: Hill

**Vote: 4-0**

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

**Nays:** None

**Absent:** None

**Abstentions:** None

## **PUBLIC HEARINGS**

No items

## **REGULAR AGENDA**

- 11) Consideration of amendment to agreement no. 1996-82 with R&F Disposal, Inc., extending the term an additional twelve years (**Agreement No. 2018-93**)

Staff Report was provided by City Engineer Dowling.

Steve Kinsey remembered that this company was in arrears, so he wanted to know if they are current.

City Manager Reyna responded that they are current.

Council Member Aguirre shared that he's a little confused. He asked why he would commit the city a long term agreement, without any wiggle room to negotiate with the vendor and where they were just given an extension last year.

City Engineer Dowling responded that he doesn't have the answer to that question and he had hoped the contractor would have been present tonight. He clarified that this is up to the consideration of the council as the request was made by the contractor.

Council Member Aguirre asked said company pays \$10k of franchise fees annually to the city.

City Engineer Dowling confirmed, as well 5% of the gross receipts.

Council Member Aguirre stated that if the city starts to grow, with inflation and costs increase, we are locked in. Therefore, the fees to the residents can increase, but not our fees to the vendor. He feels that we would be protecting the vendor and not the community. He expressed that something doesn't sit well with him and he's having a hard time with this. In that case, he would like to pass a resolution to not raise rates to our residents until 2042, but that wouldn't go well

because we don't know where we would be 5-10 years from now, but the vendor would know as to the cost. He feels that we are setting up ourselves and emphasized that he wants to go on the record on this that he's very concerned about this.

Council Member Morris said she's ok with this. They've done a good job and with the number of years they've been with us, she doesn't see an issue extending their contract.

Mayor Vallejo inquired about a clarification if there is a cost to the city and that this is the roll off and not the recyclables.

Council Member Aguirre added that STRR pays 29%.

Motion was made by Council Member Hill to approve agenda item 11; 2<sup>nd</sup> by: Morris

**Vote: 4-0**

**Ayes:** Vallejo/Hill/Morris

**Nays:** Aguirre

**Absent:** None

**Abstentions:** None

- 12) Consideration of amendment to agreement no. 2017-35 with South Tulare-Richgrove Refuse, Inc., extending the term an additional twelve years **(Tabled)**

Council Member Aguirre inquired with Mayor Vallejo as to why item 12 and 13 were being tabled.

Mayor Vallejo stated that staff tabled the items.

City Manager Reyna responded that the reason was to provide time for staff to speak to STRR as to the history with the city.

Council Member Aguirre asked what the concern is.

City Manager Reyna responded it is due to their short time of one year with the city.

Council Member Aguirre stated that we are getting 24% more from STRR and questioning it, yet we're getting 5% from R & F and we're extending their contract. That's what he doesn't get. Something doesn't look right.

- 13) Consideration of amendment to agreement no. 2001-19 with South Tulare-Richgrove Refuse, Inc., extending the term an additional twelve years **(Tabled)**
- 14) Opposition of the proposed fee increase for Hospital EMS designations by the County of Kern **(Resolution No. 2018-61)**

*Council Member Aguirre abstained due to conflict of interest of employer and left the council chambers at 6:01pm.*

Staff Report was provided by City Manager Reyna.

Matthew Cauthron and Emily Dunn from Delano Regional Medical Center spoke in support of the opposition letter and resolution by the Delano City Council.

Mayor Vallejo shared that she met with Mr. Cauthron regarding this matter to go before the council to expand on the matter.

Mr. Cauthron and Ms. Dunn explained the process about the pediatric designation and logistics with the county in which Kern County EMS would be taking such patients to Bakersfield instead of DRMC.

Council Member Morris asked if this is some sort of accreditation.

Ms. Dunn confirmed and further explained that the county would be charging each hospital per designation.

Council Member Morris asked if this designation is one of the highest in the State of California.

Ms. Dunn responded in the affirmative.

Mayor Vallejo asked why the county is asking with such a high amount.

Ms. Dunn shared that they had inquired about the same question.

City Attorney Richman explained the action that would take place if the council approved the item.

Council Member Morris asked if there was a counter or where did this come from.

Ms. Dunn responded that this number of \$25k was what they started with and has been across the board and further explained the consequences of not obtaining said designation from the EMS service.

Motion was made by Council Member Morris to approve agenda item 14; 2<sup>nd</sup> by: Hill

**Vote: 4-0**

**Ayes:** Vallejo/Hill/Morris

**Nays:** None

**Absent:** None

**Abstentions:** Aguirre

*Council Member Aguirre returned to the council chambers at 6:10pm.*

## **DEPARTMENTAL REPORTS**

Recreation Manager Batth provided a departmental report regarding some upcoming activities. She shared that this Friday they have trivia night at the Hyatt Place which has been their 10<sup>th</sup> event where the participation has increased from four teams to eight teams. Ms. Batth also shared about their collaboration with Delano Police Department for the Annual City of Delano Trunk or Treat event on October 29, 2018. She also shared about the opening of the 11<sup>th</sup> Avenue community center with their very first game this past Saturday which Mayor Pro Tem Hill attended.

Mayor Pro Tem Hill shared that this is a great program and though they have to pay, he would still would like to see underprivileged kids get the same opportunity which he believes Sumeet is going to work on that.

Ms. Batth thanked the council for their continuous support.

Mayor Vallejo shared that she spoke to another council member from another city which there was sponsorship for the kids' participation.

Ms. Batth responded that they are working on that as well.

Ms. Batth shared that the Jefferson Center has opened and the senior nutrition program is now being ran from the Jefferson Center.

Mayor Vallejo further explained that the seniors voted to move over to the Jefferson Center. Mayor Pro Tem Hill inquired about the not putting anything on the wall. Ms. Bath responded due to the wall being brick, they will be installing bulletin boards.

### **COUNCIL STATEMENTS AND REPORTS**

Council Member Aguirre: Directed an inquiry to City Attorney Richman about the practice of placing items on the agenda in comparison to the other cities she represents.

Council Member Morris: Invited everyone to the POWER program at Pioneer School on October 25 where kids are bussed over from all the schools and they're offering free flu shots.

Mayor Pro Tem Hill: Shared that he will be there for the candy, but not to be stuck by a needle.

Mayor Vallejo: Thanked the recreation department where they include all the ages. She also hoped that this winter there is indoor walking and thanked Recreation Manager Bath.

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

**Time:** 6:22PM

**Vote:** 4-0

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

**Nays:** None

**Absent:** None

**Abstentions:** None

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

### **CLOSED SESSION**

- 15) LIABILITY CLAIMS Pursuant to Government Code Section 54956.95  
Claimants: Mike Towery, Michelle McMurtrey, and Julie Bortolussi  
Agency claimed against: City of Delano  
Claim No. FR97974;  
**Action:** No reportable action

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

**Time:** 6:53PM

**Vote:** 4-0

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

**Nays:** None

**Absent:** None

**Abstentions:** None

**RETURN TO GENERAL SESSION**

**ADJOURNMENT**

Moved by Council Member Aguirre, seconded by Council Member Hill, and unanimously carried 4-0 to adjourn the meeting at 6:53p.m.

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Ricardo G. Chavez, City Clerk