

## **MINUTES**

### **CITY OF DELANO CITY COUNCIL – REGULAR MEETING November 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**

Pastor David Vivas offered the invocation.

#### **FLAG SALUTE**

Council Member Morris led the flag salute.

#### **ROLL CALL**

Council members present: Grace Vallejo, Joe Aguirre, Liz Morris  
Council members absent: Ruben Hill, 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, Recreation Manager Batth, Interim Community Development Director Keene, and Senior Planner Card

#### **PRESENTATIONS AND AWARDS**

One Legacy's invitation for the Donate Life Rose Parade on December 12, 2018 presented by Pamela Harris & Christine Wilson

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

1. Maria Martinez shared that there was a decision that she was not in agreement with. She inquired about why R & F Disposal was given a 12 year extension to their contract and was the decision made to help friends and family? Lastly, she inquired to why some garbage trucks belonging to R & F Disposal have City of Delano logo.

*City Manager Reyna offered to meet with Ms. Martinez to answer her questions or for to be place the matter on a future agenda.*

*Council Member Aguirre, Council Member Morris and Mayor Vallejo gave staff direction to place said item on the next council meeting for November 19, 2018.*

2. Javier Cruz asked why yard signs for yards sales are not allowed, but yet political signs are allowed everywhere.

*City Manager Reyna offered to speak to Mr. Cruz to discuss regulation of yard sale signs.*

3. Richard Markham thanked the City of Delano for the installation of the bike lanes. He mentioned the Western Auto building is looking like a mess. He also asked if he can speak about the destruction of records at this point because he believes the police records should not be destroyed.

### **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 \$4,405,451.50
- 3) Minutes of regular City Council meeting of October 15, 2018
- 4) Approval MOU agreement with Forensic Nurse Specialists of Central California Inc. (**Agreement No. 2018-94**)
- 5) Acceptance of a donation in the amount of \$1500.00 from Father Loji, Scott Mejia, and Rudy Cavazos to purchase a bulletproof vest for K-9 Axle, the funds shall be deposit into the Delano Police Department K-9 fund 91-2233-027
- 6) Police Department – Destruction of public records pursuant to Government Code Section 34090 (**Resolution No. 2018-63**)
- 7) Supplemental Contract with Forensic Expert Services, LLC to provide one physician for Delano Modified Community Correctional Facility (**Agreement No. 2018-95**)
- 8) Approve an amendment to Agreement No. 2017-38 Article 14 Section "C" of the Miscellaneous Employee Bargaining Unit M.O.U. regarding certification pay (**Agreement No. 2018-96**)
- 9) Acceptance and Approval of the City of Delano Quarterly Investment Report.

- 10) Approval of the co-sponsorship of Delano City Employee Association (DCEA) Holiday Event in the total amount of \$900 for the usage of the Jefferson Center on December 8, 2018
- 11) Recommendation for City Council to approve the acceptance of a donation of \$300 for Delano Senior Citizens Center/Program from Wonderful Giving
- 12) Resolution authorizing all-way stop control at the intersection of County Line Road and Browning Road (**Resolution No. 2018-64**)
- 13) Acceptance of the 2018 Various Streets Pavement Resurfacing and Rehabilitation Project STPL-5227(055) and authorizing the filing of the notice of completion
- 14) Approval of one (1) additional full time refuse truck driver position and deletion of one (1) vacant full time Maintenance Worker I Position effective November 6<sup>th</sup>, 2018, within the solid waste fund, department 540

Motion was made by Council Member Morris to approve agenda items 1-5, 7-11, 13, 14 on consent agenda; 2<sup>nd</sup> by: Aguirre

**Vote: 3-0**

**Ayes:** Vallejo/Aguirre/Morris

**Nays:** None

**Absent:** Hill

**Abstentions:** None

**Item No. 6,** Pulled by Staff

**Reason for being pulled:** Correction.

City Attorney Richman provided an explanation of the changes to the resolution in which she had spoken to Chief Nevarez about the destruction of records would be held from two years to five years on internal investigations, criminal cases, citations, 911 printouts and departments memos therefore the 2010, 2011, and 2012 will be destroyed.

Richard Markham shared that he will look into this law, but he doesn't want anything destroyed due to avoiding a possible cover-up. Now that we have computers, we don't have to destroy records. This is just like the Kennedy assassination where they locked up records for 40-50 years and that's why Mr. Markham is here to stop the corruption.

City Attorney Richman reiterated that this is pursuant to the law and we are meeting the minimum requirement, but changed it to hold it longer than what the law requires.

Council Member Aguirre asked if the documents being proposed for destruction have been scanned.

Chief of Police Nevarez responded that the destruction of records will be in their entirety. He also added that those with appeal rights and pending litigation will not be destroyed.

Council Member Morris agreed with the change to five and understands the reasoning of the destruction of certain records.

Mayor Vallejo shared that other police departments' practice is a minimum of two years, but the Chief's recommendation is five years.

Chief of Police Nevarez responded in the affirmative.

Council Member Morris shared that every year those records exceeding five years would be destroyed.

City Attorney Richman added that not without council's approval pursuant to government code.

Motion was made by Council Member Morris to approve agenda item 6 on consent agenda; 2<sup>nd</sup> by: Aguirre

**Vote: 3-0**

**Ayes:** Vallejo/Aguirre/Morris

**Nays:** None

**Absent:** Hill

**Abstentions:** None

**Item No. 12,** Pulled by Valerie Gorospe

**Reason for being pulled:** Requested the staff report.

Staff report was presented by City Engineer Dowling.

Mayor Vallejo added that the study was conducted by an outside company Ruetters & Schuler.

Ms. Gorospe asked when the study was done and time of day.

City Engineer Dowling responded that it was done over various days, but it did not pass for pedestrian, but instead it was warranted for the volume of traffic.

Mayor Vallejo inquired with Ms. Gorospe as what was her position on the item.

Ms. Gorospe shared that this would make the traffic worse and longer. The city didn't put a stoplight where Shaylin died on Summer Drive and Browning, but instead we put a stoplight because of Wonderful School. So now because we have more students at Wonderful School, they are putting a stop sign instead of where we really need it. She also shared that farmworkers have the fear on their way home like Santos and his wife who passed away at the hands of ICE. They have a long journey home to get to their kids. Also, due to the many products that come from that area, it will cause lots of traffic and requests for this item not be approved tonight.

City Engineer Dowling shared that it is a requirement upon development with the academy which is supposed to be done within five years or after reaching a certain amount of students. Due to the heavy traffic both ways it has caused many accidents. Therefore, this action would mitigate the issue of accidents and a light signal would be the last implementation.

Council Member Aguirre asked if we're in collaboration with Tulare County.

City Engineer Dowling shared that collaborating with Tulare County is why it took longer to implement and approved due to discussions about the shared property.

Council Member Aguirre inquired how this study gets triggered.

City Engineer Dowling explained that accidents and close calls trigger the study, when we get petitions by law the city must conduct a study.

Council Member Aguirre asked if the study was conducted after the accident that Ms. Gorospe referenced.

City Engineer Dowling responded in the affirmative. Also at that intersection, a study was conducted twice and it did not warrant a stop. The City is not allowed to install stop signs without a warrant and by meeting the pedestrian criteria, speed, and traffic.

Council Member Aguirre inquired if the California Highway Patrol evaluates that study.

City Engineer Dowling stated that the study draws the information from the CHP database.

Council Member Aguirre asked who reviews the study.

City Engineer Dowling responded that the City needs a registered traffic engineer to put the study together with all that data. It's mathematical and there is a discussion with a consultant about different aspects and if the warrant is met, then the City moves forward.

Ms. Gorospe reiterated that the studies warrant a stop sign, so with two studies being done after Shaylin, no major safety stop lights were put in. Then when Wonderful School comes in, they build an ideal perfect street on 20<sup>th</sup> Avenue and as they would get more students, Veneto Avenue would open up with a traffic light because there was a study that warranted a stop sign, so they put a stop sign, but she asked what study warranted the number of stop signs on a street in Legacy Estates where a major donor, of many of our local politicians, lives. There are lots of stop signs on that particular street where this person lives and not on any other streets. Therefore, stop signs that should be put in for safety are being put in where she sees money.

City Engineer Dowling shared that in the ten years or so he's been here there has never been stop signs installed without a warrant study, therefore he's unfamiliar with other types of installations, as the City has always abided by the law.

Mayor Vallejo inquired that the city required Wonderful to install stop sign pursuant to the City's request.

Council Member Aguirre asked if it's only because Wonderful is doing it, that's okay, but can the City also install it as well.

City Engineer Dowling shared that it is okay as long as it's warranted.

Council Member Morris shared that she has mixed feelings as she understands Ms. Gorospe's point. So she can see that traffic would get very congested there.

City Engineer Dowling responded that the theory would be to make it safer. A traffic light would make it safer and faster, but the focus is safety in the interim.

Council Member Aguirre stated that this would then be a temporary solution.

Mayor Vallejo asked if this can be funded with SB-1 as to the signal.

City Engineer Dowling shared that half can allocated to side of the City.

City Attorney Richman stated in respect to Council Member Morris' statement, if the City doesn't take this action, the City now has a report indicating what would make the intersection safer, so if the City doesn't take action, then the City would be liable if an accident takes place.

Council Member Aguirre shared that sometimes you don't want a report because it tells you something that you don't want to know.

Mayor Vallejo shared that she understand that it can be difficult, but is familiar with the intersection.

Maria Martinez brought a meeting that was held by the State of California at the office of Center Race Poverty and the Environment and requests to be placed on the next council meeting.

Mayor Vallejo shared that this isn't the time for said matter because it has not been on the agenda and reiterated that for the public and we can take care of the business of the City.

Richard Markham brought up the lighting issue on an intersection off of Girard.

Mayor Vallejo informed Mr. Markham that the council cannot discuss this matter as it is not on the agenda.

Motion was made by Council Member Morris to approve agenda item 12 on consent agenda; 2<sup>nd</sup> by: Aguirre

**Vote: 3-0**

**Ayes:** Vallejo/Aguirre / Morris

**Nays:** None

**Absent:** Hill  
**Abstentions:** None

## **PUBLIC HEARINGS**

- 15) Public hearing to consider the approval of a proposed Development Agreement and Tentative Tract Map 7339 to subdivide a 40-acre parcel into 172 single family residential lots and a 2.14-acre parcel for park purposes. The site is generally located south of Del Sol Parkway and easterly of Albany Street. The applicant is LeOra, LLC (APN 521-010-01 and 521-010-02). Staff recommends the City Council take the following actions:
1. Conduct the Public Hearing
  2. Adopt City Council Resolution approving the Tentative Tract Map No. 7339 with findings and conditions of approval (**Resolution No. 2018-65**)
  3. Introduce and Read by Title Only City Council Ordinance No. 2018-1303 an Ordinance of the City of Delano approving a Development Agreement between the City of Delano, a California municipal corporation and LeOra, LLC, a California limited liability company, for a Residential Subdivision known as Tentative Tract Map 7339

Staff report provided by Interim Community Development Director Keene.

Mayor Vallejo opened the public hearing.

No comments from the public.

Mayor Vallejo closed the public hearing.

Council Member Aguirre asked if there would a public restroom.

Interim Community Development Director Keene responded that aspect will be determined in the planning phase.

Council Member Morris shared that this will be a great addition to the community.

Mayor Vallejo likes the fact that though the house may not be started, the streets, curbs and gutters will be done first, as well as the removal of the power poles has started.

Motion was made by Council Member Morris to approve agenda item 16; 2<sup>nd</sup> by: Aguirre

**Vote: 3-0**

**Ayes:** Vallejo/ Aguirre/Morris

**Nays:** None

**Absent:** Hill

**Abstentions:** None

## **REGULAR AGENDA**

- 16) Consider request by Aviator Casino to oppose action by Bureau of Gambling Control by sending letter signed by Mayor

Staff report provided by City Manager Reyna.

Mayor Vallejo opened the public comment.

No comment.

Mayor Vallejo closed the public comment.

Council Member Morris shared that our casino doesn't have slot machines, so if they don't play blackjack or 21, then what are they going to play. She felt that Mr. Adler has been a great tenant for the City of Delano and she's in agreement.

Mayor Vallejo stated that the letter from the Bureau of Gambling Control is directed to all casinos, not just the Aviator Casino.

Motion was made by Council Member Morris to approve agenda item 16; 2<sup>nd</sup> by: Aguirre

**Vote: 3-0**

**Ayes:** Vallejo /Aguirre/Morris

**Nays:** None

**Absent:** Hill

**Abstentions:** None

- 17) Approval of MOU agreement with Wonderful College Prep Academy for a school resource officer recommendation (**Agreement No. 2018-97**)

Staff Report was provided by Chief of Police Nevarez.

Council Member Morris asked why only to the 20 days.

Chief of Police Nevarez responded that he's not too sure, but maybe they'd like to try this out for the rest of the year.

Mayor Vallejo opened the public comment.

No comment.

Mayor Vallejo closed the public comment.

Council Member Aguirre asked if the city attorney has reviewed the agreement.

City Attorney Richman stated that she did review the agreement and has made changes acceptable to Wonderful College Prep Academy.

Mayor Vallejo asked if the cost is similar with the other schools.

Chief of Police Nevarez responded in the affirmative.

Motion was made by Council Member Morris to approve agenda item 17; 2<sup>nd</sup> by: Aguirre

**Vote: 3-0**

**Ayes:** Vallejo/Aguirre/Morris

**Nays:** None

**Absent:** Hill

**Abstentions:** None

### **DEPARTMENTAL REPORTS**

City Manager Reyna announced that the Delano Golf Course will be open tomorrow.

### **COUNCIL STATEMENTS AND REPORTS**

Council Member Aguirre: No comment.

Council Member Morris: Congratulated the Delano Police Department and Delano Recreation Department for the Trunk-or-Treat. She personally thanked Chief of Police Nevarez and Recreation Manager Bath for their collaboration. Lastly, she urged everyone to vote tomorrow on Election Day as everyone's vote matters.

Mayor Pro Tem Hill: Absent.

Mayor Vallejo: Shared that she was at the Halloween Trunk-or-Treat and she went through twelve huge bags at her station. She referenced that Delano Recreation obtained pallets of bags of candy. The parents felt safe with their kids. The kids were having fun and also many took pictures with our police officers as they dressed up. Many commented in how it was such a fun event, because they weren't planning on taking their kids to trick-or-treating. She knows that it was a lot of work and thanked the Delano Police Department and Delano Recreation Department, as she was there early and saw all the work that was done. Mayor Vallejo also shared that there were people from other cities that were present and commented that they've never seen and couldn't believe what a great event our community had.

### **CLOSED SESSION**

No Items

### **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 6:48 p.m.

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Ricardo G. Chavez, City Clerk