

## **MINUTES**

### **CITY OF DELANO CITY COUNCIL – REGULAR MEETING May 6, 2019**

#### **CALL TO ORDER**

Mayor Aguirre 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**

Mayor Aguirre led the flag salute.

#### **ROLL CALL**

Council members present: Joe Aguirre, Liz Morris, Joe Alindajao, Bryan Osorio, Grace Vallejo  
Council members absent: None

#### **OFFICIALS PRESENT**

City Manager Reyna, City Clerk Chavez, City Attorney Richman, City Engineer Dowling, Chief of Police Nevarez, Chief of Corrections Marshall, Finance Director Rios Lara and Interim Community Development Director Mynk, and Senior Planner Card

#### **PRESENTATIONS AND AWARDS**

Mayor Aguirre presented Proclamation for the 50th Anniversary of Municipal Clerks Week for May 5 - 11, 2019 to Clerk Chavez.

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

1. Craig Pope, Director of Public Works of Kern County, offered an apology to the residents of the City of Delano where a flyer was sent to in late March to the customers of South Tulare Richgrove Garbage Haul and all their customers. They apologized for the confusion.
2. Jesus Andrade, Central Valley Soccer League, shared that they've been in existence since 1983. They have 24 teams in the league. They are here to ask why Mr. Juan Serna was given authority to run the soccer park. They are an organized organization and therefore why weren't they take into consideration as they are always trying to bring youth to the sport. He warns the council that they will regret it.

3. Rafael Alvarez, President of Central Valley Soccer League, asked why they weren't taken into consideration. He believes that the city should be responsible for the parks. He believes that there will not be any games for the adults.
4. Genaro Velasquez, Central Valley Soccer League, believes that the sport provides discipline and we should exercise that as adults. He shared that they've been a part of the community for about 33 or 34 years and hopes they are taken into consideration. They have held their annual reunion at the Richgrove Hall for the last 20 years where it has been donated. He hopes they are taken into consideration.
5. Juan Hernandez asked if it is absolutely necessary to provide an address.

*City Attorney Richman stated no.*

6. Richard Markham asked if the City was going to provide information on the bad police due to the SB1421 records. He asked about the approval of his report and believes it's censorship. He inquired about the hotel that Dudley Steele used to own and spoke to the new owners and they informed him it would be a night club. He thanked Robert Massey for bringing a business that he asked them first to come to Delano. Also hopes Hodels would come to Delano. He's also glad they brought Harbor Freight to Delano. Lastly he suggests the council get a court report like the courts.
7. Joe Heide (Self-Help Visalia) works with the community of Sierra Vista and is accompanied by Sandra Blaylock who runs the water system. He shared that they have been dealing with water contamination for the last 10 years. He requests the city to put in a technical system request so they can work with other areas of influence to put together a feasibility study for infrastructure, water well, and connecting to the city.

*Council Member Alindajao arrived at 5:50pm.*

8. Gloria Herrera shared that she gets red water which is now turning the sidewalk red as well. She would rather not shower in that water, but she has to and she has to buy water to drink. She has spoken to the engineer and was told that it was on the list, but doesn't know when they will fix that problem.
9. Danny Sanchez, resident of Delano, is here in support of Central Valley Soccer League. He share that he's spoken to many folks over the last couple months regarding dealings with Mr. Serna in respect to dealings with broken promises, cash prizes in tournaments, and issues of promises. He questions why a contract was given to a person where there has been an organization that has been a requesting a contract since 2008/09. He believes a credible person to speak with is the McFarland Superintendent Mr. Resendez in which there was a donation that was supposed to have been given, but never given. There are issues of integrity, truthfulness, and failing to complete promises. There are many other credible organizations who have been around instead of giving it to an individual. He stated that if this was a political favor then shame on them. He is here in support of the Central Valley Soccer League and all the local soccer players who are in disagreement.

10. Stephanie Padilla, Attorney with ACLU of Southern California, is here to speak about the contract with Vigilant Solutions.

*Mayor Aguirre shared with Ms. Padilla that the item is on the agenda and can be discussed with the item is brought up.*

### **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 \$4,276,373.82
- 3) Minutes of regular City Council meeting of April 15, 2019
- 4) Ratification and authorization for the city manager and chief of police to enter into agreement between the City of Delano and Vigilant Solutions LLC, for automated license plate readers
- 5) Acceptance and Approval of the City of Delano Quarterly Investment Report
- 6) Approval of agreement for 2019 Grounds and Landscape Service Contract for maintenance districts with Perfect Care Landscape and Maintenance and authorization for the city manager to execute any documents needed to carry this out (**Agreement No. 2019-14**)
- 7) Request for water service at 46 Road 156 in Tulare County

Motion was made by Council Member Morris to approve items 1 – 3, 4 – 7 on consent agenda;  
2<sup>nd</sup> by: Alindajao

**Vote: 5-0**

**Ayes:** Aguirre/Morris/Alindajao/Osorio/Vallejo

**Nays:** None

**Absent:** None

**Abstentions:** None

**Item No. 4 pulled by:** Juan Hernandez

**Reason for being pulled:** Mr. Hernandez had concerns regarding the company Vigilant Solutions, the same company used by Tulare and Merced. He stated that an ACLU article found they shared information of immigrants. Also Vigilant Solutions has a contract with ICE. Mr. Hernandez shared an article from Homeland Security regarding privacy assessment. Therefore he strongly condemns the idea.

Staff Report was provided by Chief of Police Nevarez.

Mayor Aguirre asked if this was the same policy Chief of Police Nevarez had at the City of Fresno.

Chief of Police Nevarez responded in the affirmative.

Council Member Alindajao asked if the “opt-out” is an annual renewable or how is it done.

Chief of Police Nevarez shared that it can be done in writing, email or simply checking a box.

Council Member Alindajao asked how the technology worked.

Chief of Police Nevarez provided a brief explanation.

Council Member Alindajao asked if the funding is federal.

Chief of Police Nevarez shared that it was the Byrne Grant.

Council Member Alindajao asked how is this camera system placed in a car.

Chief of Police Nevarez provided a brief explanation.

Council Member Vallejo clarified that information was mistakenly given by signing the contract and checking off certain boxes.

Chief of Police Nevarez shared that it was an oversight by that particular agency.

Council Member Vallejo asked if the City’s contract prohibits the company from sharing information with ICE.

Chief of Police Nevarez shared that it was a matter of marking a box in the software.

Council Member Vallejo shared that in Delano, they support 100% a sanctuary state and would not support anything about releasing any information dealing with ICE.

Council Member Osorio asked if they checked for multiple companies.

Chief of Police Nevarez stated that this company was the most used system with a track record by agencies in the central valley. Also stated that they are not in a business of targeting immigrants, but getting criminals.

Council Member Osorio inquired if we can hold off on the approval of this contract.

Veronica Vasquez provided documentation of articles to the City Council and requested the item to be tabled.

Yasmin Hernandez shared several concerns regarding LPRs as it would be an extreme invasion of privacy and referenced the Homeland Security article. She also shared that LPR information may be inappropriately shared and residents should have a right to vote on it, so therefore she requests to table this item. Her second concern is that Vigilant has a contract with ICE. She mentioned about the FOYA request submitted by ACLU showing that about 80 agencies sharing data with ICE including Merced Police Department, Tulare Police Department, Stanislaus Sheriff Department, Manteca Police Department, and San Luis Obispo Police Department. Those departments have stated that they do not want to cooperate with ICE, but have shared. Therefore, she asks about what procedures will be in place so that information will not be shared with ICE, what preventative measures the department will have in place to prevent information to be shared with ICE who will be in charge of oversight and what are the consequences if terms are violated. Lastly, will information obtained be shared with local agencies with is in Kern County which is overseen by a Sheriff who is not immigrant friendly.

Salvador Solorio is against license plate readers. Shared that there are articles showing cities sharing information with ICE. He posed the question, “What’s to say that it won’t happen in Delano?” He asked if this approved, how the residents will be notified of this.

Hector (from Delano) shared that he’s an undocumented student, undocumented worker, and undocumented resident. He stated that he loves this city. He agrees with Mr. Solorio of how we can know that this can’t happen in Delano which can mistakenly happen. He urged the council to know who it affects when they vote, but this affects his life, his sister, and his family.

Richard Markham disagrees with the license plate reader and is totally against this.

Valerie Gorospe wished happy birthday to Mayor Pro Tem Morris and Council Member Alindajao. She shared that after the 2016 election, the Delano Police Department went out of

their way on social media to encourage families to report crime and come forward without any fear of being deported. She had been contacted by a high school senior that they had heard on social media that ICE was utilizing Delano Police vehicles, so the interim police chief went out of his way to ensure the residents that they were just rumors and she appreciated that. She also had another student who was a freshman and her family didn't leave the house due to fear. Another student's parent were heading to work and turned around after seeing an unmarked vehicle. As fear is prevalent, she appreciates the chief's assurance, but she asks to postpone this item and not take any action and though the chief might get it in writing, it's not enough assurance.

Stephanie Padilla, Attorney with ACLU of Southern California, is here to speak about the contract with Vigilant Solutions. She encourages the city council to come up with real solutions. She provided examples throughout the nation of how these license plate readers were being misused. She requested that this item be tabled.

Council Member Alindajao asked if the implementation is on private or public streets.

Chief of Police Nevarez stated that it is on public.

Council Member Alindajao stated that there is contractual protection.

City Attorney Richman reaffirmed Council Member Alindajao's statement.

Council Member Alindajao also stated that there is statutory protection pursuant to SB54. He also shared that there is constitutional protection.

Mayor Pro Tem Morris stated that this is a difficult situation, but they are not here to catch immigrants. They are here to catch criminals.

Chief of Police Nevarez reaffirmed Mayor Pro Tem Morris' statement and has heard what's been said and would not like for any of that to happen.

Mayor Pro Tem Morris shared that she sees all the hard work Chief of Police Nevarez has done and if someone breaks the law, then they have to catch them, but if they aren't doing anything then they leave them alone.

Council Member Alindajao asked how critical these license plate readers are.

Chief of Police Nevarez shared that if he was asked last year under those circumstances that there was great need. Now they are making inroads now.

Council Member Vallejo had many concerns and thoughts. She would like the city to contact those cities get informed of the situations of each city and county on whether they opted out and if their information was shared regardless. She wouldn't vote on this without this being done. She also would request the contract to be reviewed by the city attorney and specific language in the contract because she doesn't see it in the contract. She prefers that they hold off on this until she gets further information.

Council Member Osorio shared that he's opposed to technology that would aid immigration enforcement and would be for tabling this item.

**Motion to table item No. 4 to a future meeting made by:** Vallejo; 2<sup>nd</sup> by: Osorio

**Vote: 3-2**

**Ayes:** Aguirre/Osorio/Vallejo

**Nays:** Morris/Alindajao

**Absent:** None

**Abstentions:** None

## PUBLIC HEARINGS

- 8) Public Hearing to consider adoption of an ordinance amending the text of Title 20 (Zoning), Chapter 20.5 - Commercial Districts, §20.5.30, Commercial Use Regulations, Table 5A, Uses with Commercial Districts, a proposed amendment to Commercial Use #16 -Automotive and light truck sales/service to include truck repair for vehicles exceeding 6,000 gross weight as either a conditional use. The property is located at 1300 Fremont Street (APN 038-020-186). Read by Title Only Adopting Zoning Ordinance No. 2019-1304 Amending the Official Zoning ordinance text of Title 20 (Zoning), Chapter 20.5 - Commercial Districts, §20.5.30, Commercial Use Regulations, Table 5A, Uses with Commercial Districts, by adding text to Commercial Use #16 Automotive and light truck sales/service to include truck repair for vehicles exceeding 6,000 gross weight as conditional use

Interim Community Development Director Mynk provided a staff report.

Council Member Vallejo commented she felt that this is the best solution for the area as to the location for this business right off the freeway. She appreciates the departments work and shows the city is being flexible and trying to work with businesses.

Mayor Aguirre opened the public comment.

Richard Markham agrees with this item.

Mayor Aguirre closes public comment.

Council Member Osorio asked if other businesses are getting fines and operating under a different zoning ordinance.

Interim Community Development Director Mynk asked for clarification of Council Member Osorio's question, but shared that the city tries not change the code for an individual person. Instead this was a good solution by issuing a conditional use permit

Council Member Osorio further clarified his question.

Interim Community Development Director Mynk provided a more detailed response to the process of accommodating businesses and ultimately it would be to the purview of the city council.

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

**Vote:** 5-0

**Ayes:** Aguirre/Morris/Alindajao/Osorio/Vallejo

**Nays:** None

**Absent:** None

**Abstentions:** None

## REGULAR AGENDA

- 9) Direction and Review regarding Application for Law Enforcement Liaison Board from Mr. Ralph Markham

Staff Report provided by City Manager Reyna.

Council Member Vallejo asked if Mr. Ralph Markham is on the planning commission.  
City Manager Reyna responded in the affirmative.  
Mayor Pro Tem Morris asked if he will serve on both.  
City Manager Reyna responded in the affirmative.

**Motion made to appoint Ralph Markham as the Council At-Large appointment by: Vallejo  
2<sup>nd</sup> by: Morris**

**Vote: 5-0**

**Ayes:** Aguirre/Morris/Alindajao/Osorio/Vallejo

**Nays:** None

**Absent:** None

**Abstentions:** None

### **DEPARTMENTAL REPORTS**

No Items.

### **COUNCIL STATEMENTS AND REPORTS**

Council Member Vallejo: Commended the Chamber for great job done at the Prayer's Breakfast. Also shared as serving on KernCOG, she will be attending a conference in Lemoore which will be attended by Sen. Hurtado and Sen. Caballero.

Council Member Alindajao: Invited everyone to a slice of birthday cake for his and Mayor Pro Tem Morris' birthday.

Council Member Osorio: Wished happy birthday to Ms. Morris and Mr. Alindajao. He also shared that he was a panelist at the Latino Summit. Also, as always was thankful to staff.

Mayor Pro Tem Morris: No items.

Mayor Aguirre: Wished happy birthday to Morris and Alindajao.

### **CLOSED SESSION**

No Items.

### **RETURN TO GENERAL SESSION**

### **ADJOURNMENT**

Moved by Council Member Vallejo, seconded by Council Member Alindajao, and unanimously carried 5-0 to adjourn the meeting at 7:05p.m.

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Ricardo G. Chavez, City Clerk