

MINUTES

CITY OF DELANO CITY COUNCIL – REGULAR MEETING June 3, 2019

CALL TO ORDER

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

INVOCATION

Pastor David Vivas offered the invocation.

FLAG SALUTE

City Clerk Chavez led the flag salute.

ROLL CALL

Council members present: Joe Aguirre, Joe Alindajao (Arrived at 5:47pm), Bryan Osorio, Grace Vallejo

Council members absent: Liz Morris

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, Human Resource Director Zamudio, Interim Community Development Director Mynk and Senior Planner Card

PRESENTATIONS AND AWARDS

No Items

ITEMS FROM THE PUBLIC

1. Sal Solorio shared that he feels that the pastor should not use “Jesus Christ” in his prayer. He also stated that the budget meeting should be held at 5:30pm.
2. Richard Markham shared that he agrees with Mr. Solorio. He also stated that he disagrees with two appointments on the Police Liaison Board which are from the same family and should stop. Lastly, he urges the city to cut the trees back.
3. Cecilia Quejada shared that she lives at the Jasmine Apartments complex. She shared that some kittens were left behind and her daughter has been taking care of them on her own expense and has got them fixed. She has seen the husband of the new manager set

traps and take the cats out into the fields. She believes that animals deserve respect and shouldn't be treated like that.

4. Pastor David Vivas stated that when he's asked to pray the invocation he takes it as an honor. He shared that congress has someone that offers invocation. Also, if there are people of different faiths or agnostic, when he prays he offers his prayers as good wishes and he has everyone's best intentions at heart. Furthermore, it is his way of praying and government should not be interfering with how one prays and this is how he prays. He also shared that it's been ruled in the Supreme Court. Lastly, he shared that he is not pushing his own beliefs upon anyone.
5. Lupe Martinez has a questions about the license plate reading technology. He wanted to know if the council will move forward with this and if so will there be town hall meetings with the community to make them aware due to the fear that they have and suggest to be cautious about this. Furthermore, with the 2020 Census coming up there is a questions regarding someone's status and it is important to have everyone counted.
6. Yolanda Vega representing the Delano Little League shared an update on the fields. They have been working with the county and will be moving forward with lights.

Council Member Alindajao arrived at 5:47pm.

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 \$2,308,048.04
- 3) Minutes of regular City Council meeting of May 20, 2019
- 4) Lease agreement from MailFinance for postage and processing indigent mail for the CDCR inmate population at DMCCF (**Agreement No. 2019-21**)
- 5) Memorandum of Understanding between the City of Delano Modified Community Correctional Facility and the Alliance Against Family Violence to provide victim services to the CDCR inmate population currently housed at DMCCF (**Agreement No. 2019-22**)
- 6) Ratification of change order no. 1 for VSS International on deep patch pavement repair on Lexington Street for the 2018 Lexington Street and Garces Highway Pavement Resurfacing and Rehabilitation Project STPL-5227(057) not to exceed amount of \$58,799.36 and authorize the city manager to sign the change order documents

- 7) Approval of purchase of one (1) New Service Truck (2019 Ford Super Duty F-250 SRW (F2A) XL 2WD Reg Cab with 8' Harbor Service Body and Ladder Rack) from National Auto Fleet Group, in the amount of \$47,826.41 and authorizing the city manager to execute all required documents
- 8) Approval of purchase of one (1) New Utility Truck (2019 Ford Super Duty F-250 SRW (F2A) XL 2WD Reg Cab 8' Box 142", Harbor Service Body Lift Gate and Ladder Rack) from National Auto Fleet Group, in the amount of \$50,035.62 and authorizing the city manager to execute all required documents
- 9) Authorizing the purchase of SC3000 asphalt paving material in the amount of \$250,000 from Delano Rock and Asphalt from Redding, CA, pending approval of the 2019/2020 Budget, effective July 1, 2019, and authorization for the City Manager to sign any change orders up to the approved amount
- 10) Acceptance of 2019/2020 Department of Alcoholic Beverage Control Alcohol Policing Partnership Grant in the amount of \$25,043.00(**Resolution No. 2019-18**) (**Agreement No. 2019-23**)
- 11) Ratify the electrical installation expenses of \$46,364.76 with Turnupseed Electric and approve an additional budget appropriation of \$75,000.00 for the Girard Storm Water Lift Station from Fund 43 (Drainage Impact Fee Fund) and authorize the City Manager to execute any documents needed to complete the project
- 12) Award the Construction Contract for the "2019 CDBG High-Main Street Improvements Project" to MAC General Engineering, Inc. in the amount of \$396,457.11 and authorize the City Manager to sign the construction contract (**Agreement No. 2019-24**)

City Attorney stated that on Item No. 9 the wording "Pending Approval of the 2019/2020 Budget" be removed.

Motion was made by Council Member Alindajao to approve items 1, 3, 4, 6 – 9, 11, 12 on consent agenda; 2nd by: Osorio

Vote: 4-0

Ayes: Aguirre/Alindajao/Osorio/Vallejo

Nays: None

Absent: Morris

Abstentions: None

Item No. 2 pulled by: Richard Markham

Reason for being pulled: Where is it going? Is it the same thing that he's asked about before?

Staff report provided by City Manager.

Motion made by: Vallejo; 2nd by: Alindajao

Vote: 4-0

Ayes: Aguirre/Alindajao/Osorio/Vallejo

Nays: None

Absent: Morris

Abstentions: None

Item No. 5 pulled by: Council Member Osorio

Reason for being pulled: What's the context of providing victim services?

Staff report provided by Chief of Corrections Marshal.

Council Member Osorio asked why the city is accepting this now.

Chief of Corrections Marshal shared that the state accepted it in 2012 and have always had an advocacy group, but now we're catching up with it.

Richard Markham stated that prison rape needs to stop on weak people.

Council Member Alindajao asked how is the service provided to these potential victims.

Chief of Corrections Marshal shared that it's by procedure via the advocacy.

Motion made by: Vallejo; 2nd by: Osorio

Vote: 4-0

Ayes: Aguirre/Alindajao/Osorio/Vallejo

Nays: None

Absent: Morris

Abstentions: None

Item No. 10 pulled by: Council Member Osorio

Reason for being pulled: How did the program work now from ten years ago?

Staff report provided by Chief of Police Nevarez.

Council Member Osorio asked how effective has the program been.

Chief of Police Nevarez shared that in his prior job, he has had experience with these grants and it has been effective because there is an education component.

Council Member Alindajao asked when the last DUI check point was.

Chief of Police Nevarez stated there has been two since the last quarter of last year.

Council Member Alindajao asked how many will this fund.

Chief of Police Nevarez stated about two or so.

Council Member Alindajao asked about if it would fund specialized training for officers.

Chief of Police Nevarez responded in the affirmative.

Motion made by: Alindajao 2nd by: Vallejo

Vote: 4-0

Ayes: Aguirre/Alindajao/Osorio/Vallejo

Nays: None

Absent: Morris

Abstentions: None

PUBLIC HEARINGS

- 13) Public Hearing to consider Zoning Amendment Application No. 2019-003 for City Council to approve a Zoning Map Amendment for Assessor's Parcel 411-200-074 from Single Family Residential (R-1) District to General Commercial (GC) District; the project site fronts on the west side of Lexington Street approximately 150 feet north of Cecil Avenue, and site address is 1615 Lexington Street, north and adjacent to Fastrip Convenience Store; adopt City Council Resolution No. 2019- ___ approving the Zoning Map Amendment for Assessor's Parcel 411-200-074 from Single Family Residential (R-1) District to General Commercial (GC) District; and Read by Title Only and Adopt Ordinance No. 2019-1306, amending the Official Zoning Map from Single Family Residential (R-1) district to General Commercial (GC) District for Assessor's Parcel 411-200-074 (**Resolution No. 2019-19**)

Mayor Aguirre opened public comment.

Staff report provided by Interim Community Development Director Mynk.

Craig Lincoln from Jamieson Hill Company stated that the current design can't handle the business that's why they are in need of the expansion and therefore rezoning the lot.

Arnold Morrison stated that the area is very crowded and hopes this passes.

Richard Markham stated that this store would be too busy and this would cause too much traffic. He also shared that we need residential, not eliminate it.

Mayor Aguirre closed public comment.

Council Member Vallejo shared that this would decrease the congestion by making this addition and she wants the businesses to be successful. She also added that the house that was there burned and there used to be drug action there.

Council Member Osorio asked if the company would communicate with the residents due to the disruption.

Interim Community Development Director Mynk stated that the site plan review was required and a block wall was required to address the concern.

Mayor Aguirre asked if there was notification process for the neighborhood.

Interim Community Development Director Mynk stated that this is the public hearing.

Council Member Osorio asked how they are notified.

Interim Community Development Director Mynk stated that it is by mailing and publication.

Council Member Alindajao asked if there is anything as to environmental impact in regards to adding gas pumps.

Interim Community Development Director Mynk shared that it would go through the site plan review and abide by the all requirements.

Council member Alindajao asked if there are limitations as to the gas pumps.

Interim Community Development Director Mynk shared that there is no limitation by ordinance, but instead there is a requirement of parking spaces determined by square footage.

Motion made by: Vallejo; 2nd by: Osorio

Vote: 4-0

Ayes: Aguirre/Alindajao/Osorio/Vallejo

Nays: None

Absent: Morris

Abstentions: None

- 14) Public Hearing to consider Combined Development Permit No. 2019-001 for City Council approve a General Plan Map Amendment and Zoning Map (Rezoning) Amendment, adopt City Council Resolution No. 2019-___ adopting the CEQA Mitigated Negative Declaration (MND) and Mitigation and Monitoring Report (MMRP) and approval of the General Plan Map Amendment and Rezoning Map Amendment and read by title only and adopt Ordinance No. 2019-1307, amending the Official Zoning Map from Industrial (I) Zoning District to Community Retail Commercial (CRC) District for Assessor's Parcels APN 521-060-269, 251, 244 and 236 (**Resolution No. 2019-20**)

Staff report provided by Interim Community Development Director Mynk.

Mayor Aguirre opened public comment.

Richard Markham asked if this is by Wal-Mart and would agree to keep it as commercial.

Interim Community Development Director Mynk responded in the affirmative.

Mayor Aguirre closed public comment.

Council Member Alindajao asked what MND and MMRP meant, as well what a measure is.

Interim Community Development Director Mynk provided an explanation.

Council Member Alindajao asked what the intended project there is at the site.

Interim Community Development Director Mynk shared that it would be commercial.

Council Member Osorio asked about the expansion of road due to traffic.

Interim Community Development Director Mynk responded that the road has been built out.

Motion made by: Alindajao 2nd by: Vallejo

Vote: 4-0

Ayes: Aguirre/Alindajao/Osorio/Vallejo

Nays: None

Absent: Morris

Abstentions: None

- 15) 2019-2020 Action Plan Public Hearing and review of CDBG funding allocations (**Resolution No. 2019-21**)

Staff report provided by City Manager Reyna.

Mayor Aguirre opened public comment.

Richard Markham asked if this is from HUD and what is it for.

Mayor Aguirre reviewed the projects as repeated.

City Manager Reyna also added that due to the fact that the Memorial Park would be funded by federal funding, it would be required to be open to the public.

Angelica Rodriguez inquired about the administration cost as it's about 20%.

City Manager Reyna shared that it is determined by CDBG to administer the funds.

Arthur Rodriguez asked about traffic on Dover Way and that it would be a concern.

Mayor Aguirre closed public comment.

Lupe Martinez shared that the public doesn't have the same material as the council so they can come prepared to ask the questions.

Council Member Alindajao asked if the \$74k is in addition to what's already budgeted.

City Engineer Dowling responded in the affirmative.

Council Member Alindajao asked how necessary this is.

City Engineer Dowling shared that they have budgeted for about \$300k due to emergencies and try to spend more to try to catch up.

Council Member Osorio asked if the \$200k is a predetermined number.

City Manager Reyna responded that it was from a request by Delano Little League for all the improvements.

Council Member Osorio asked as City Manager Reyna said before that the field must remain public, so does that mean that it can't be leased out to Delano Little League.

City Manager Reyna responded in the affirmative and that it cannot be leased out to an exclusive group and must open for public use due to federal dollars.

Council Member Vallejo asked though it can't be exclusive to anyone party, but can someone submit a something to utilize the ball park on particular days.

City Manager Reyna responded in the affirmative.

Council Member Vallejo shared that much of the work on the ballpark can be done in phases. She also shared that she agrees to Council Member Osorio's prior statement in putting more funds to the waterlines because she doesn't want rate increases. She would suggest \$200k to the water fund and \$74k to Memorial Park.

Council Member Osorio suggested \$174k to the water fund and \$100k to Memorial Park.

Council Member Alindajao asked if these funds are received annually.

City Manager Reyna shared that the city is an entitlement city and receives funding based on population.

Council Member Alindajao asked if the \$200k for memorial park was a commitment to little league.

Council Member Alindajao asked if the \$100k is committed then would the city be prepared to commit the remaining \$100k.

Council Member Vallejo clarified that the \$100k can be provided by CDBG for next year. She also added that we need to discuss the breakdown of the cost as to lights and whatnot.

City Manager Reyna reminded the council of the breakdown of the \$200k worth of improvements provided by Delano Little League.

Susan Villaruz suggested that the city finish the project now.

Richard Markham shared that he heard through hearsay that the Resnick's were taking over the property.

Sal Solorio asked the council what more of a priority is and should think of the water as a priority.

Gloria Herrera agrees that we should fix the park, but believes that the city should focus on the water.

Steve Kinsey shared that \$100k for water will not make as much of a difference as the \$200 for the park now and stay with what's planned.

Lupe Martinez stated that water is critical, but this is only pennies, so he suggests that it should stay as proposed.

Council Member Vallejo suggests that there be a compromise.

Council Member Alindajao asked if the main field being discussed.

Mayor Aguirre provided clarification as

Council Member Alindajao shared that he's a product of little league and though little league has gone through so lows in the past decade, he believes that it is time and suggests that they proceed with \$200k.

Council Member Osorio asked how many water lines are needed to be fixed.

City Engineer Dowling shared that the city spent \$5 million in the last ten years and believe it would be the same in the next ten years for emergency lines.

Council Member Osorio asked how much is there in the next fiscal year.

City Engineer Dowling responded \$300k plus.

Council Member Osorio asked how long will it take care of the little league fields.

City Engineer Dowling estimated six months for the lights and 60-90 days for everything else.

Council Member Osorio disclosed that he is on the Delano Little League Board.

Council Member Alindajao asked if they waited, would that put the city in a negative situation.

City Engineer Dowling responded that every year they have less, but he would like to be at a point where they don't have to react because it's costing more due to the emergencies.

Council Member Alindajao asked if they spent \$200k this year, can they have \$200k for next year.

City Manager Reyna responded in the affirmative.

Council Member Vallejo explained to the audience of needing to pass this motion and if not, the city gets nothing and this is the deadline.

City Manager Reyna reminded the council that they are to approve the document and if they don't the city will not receive any funds.

Mayor Aguirre shared that he's a project guy. Therefore, when he sees a park unfinished, it doesn't register well with him. He reassured that if something fails in the city, it will get fixed.

Motion to transfer \$100k to the waterline project made by: Osorio; 2nd by: Vallejo

Vote: 2-2 (Motion Failed)

Ayes: Aguirre/Alindajao

Nays: Osorio/Vallejo

Absent: Morris

Abstentions: None

Motion to accept as proposed made by: Aguirre; 2nd by: Alindajao

Vote: 4-0

Ayes: Aguirre/Alindajao/Osorio/Vallejo

Nays: None

Absent: Morris

Abstentions: None

- 16) Public hearing and resolution to establish the annual assessment for all maintenance districts within the City of Delano and authorize the County of Kern to make collection of same (**Resolution No. 2019-22**)

Mayor Aguirre opened public comment.

Staff report provided by City Engineer Dowling.

Mayor Aguirre asked what a special district is.

City Engineer Dowling responded that a special district is where an assessment is generated for the maintenance of all the landscaping, blocked walls, sumps and lighting.

Lupe Martinez asked how many parcels the city has.

City Engineer Dowling responded 3,697 lots that are included in the districts.

Richard Markham asked what the city does with this.

City Engineer Dowling responded that the city administers the assessment that is generated for the maintaining all the landscaping, blocked walls, sumps and lighting.

Mayor Aguirre closed public comment.

Motion made by: Vallejo; 2nd by: Alindajao

Vote: 4-0

Ayes: Aguirre/Alindajao/Osorio/Vallejo

Nays: None

Absent: Morris

Abstentions: None

REGULAR AGENDA

- 17) Approval of resolution and agreement between the City of Delano and the County of Kern for fire protection duties and enforcement of state fire marshal regulations (**Resolution No. 2019-23**) (**Agreement No. 2019-25**)

Staff report provided by City Manager Reyna.

Mayor Aguirre opened public comment.

Mayor Aguirre asked if the last fire contract was five years.

City Manager Reyna responded in the affirmative.

Richard Markham shared that the Delano Fire Department is doing a great job and is very responsive.

Maria Martinez shared that there was an accident on her street about six months ago and she went to the city to fix the sidewalk, but yet they haven't fixed it. It will be until someone falls when they fix it.

Mayor Aguirre closed public comment.

Council Member Vallejo agrees with Mr. Markham and thanks the city manager and previous chief for negotiating this contract.

Council Member Osorio asked if this is typical as to the 2.5% increase.

City Manager Reyna explained that how negotiations fundamentally work.

Motion made by: Vallejo; 2nd by: Osorio

Vote: 4-0

Ayes: Aguirre/Alindajao/Osorio/Vallejo

Nays: None

Absent: Morris

Abstentions: None

18) Reappointment of Planning Commission Members

Staff report provided by City Manager Reyna.

Mayor Aguirre opened public comment.

Richard Markham asked how long the term was for.

City Manager Reyna responded four years.

Mayor Aguirre closed public comment.

Motion made to reappointed Thom Casey and Rosa Romero to four year terms by: Osorio;
2nd by: Vallejo

Vote: 4-0

Ayes: Aguirre/Alindajao/Osorio/Vallejo

Nays: None

Absent: Morris

Abstentions: None

19) Mayor Aguirre's Town Hall Meeting – Delano Armory Building Report

Staff report provided by Mayor Aguirre.

Arnold Morrison shared that they offered \$4.5 million to the college district, but didn't receive a counter offer.

Mayor Aguirre clarified that they received two different offers for the whole property and a section.

City Manager Reyna shared that it was an appraisal.

Richard Markham asked if there is a chance for people to use the quinceanera building.

Mayor Aguirre responded that he would if the building is up to code.

Mayor Aguirre opened public comment.

Steve Kinsey thanked the mayor and council for the town hall meeting and suggested to have an opportunity for another town hall meeting.

Mr. Markham agrees with Mr. Kinsey.

Susan Villaruz was happy to see consultants were hired. When the VFW was torn down, she wasn't provided supporting documents from the previous city clerk, but there wasn't any. She also added that the building can be restored to historical code if it had been declared a historical building.

Mayor Aguirre closed public comment.

Council Member Alindajao supports Mayor Aguirre to get more input to better address the issue.

Council Member Osorio commended Mayor Aguirre for the town hall meeting. He also reminds the council to consider the possible litigation.

Mayor Aguirre announced that he will be holding another town hall meeting.

Mayor Aguirre thanked Council Member Osorio and Senior Planner Card.

No Action needed.

DEPARTMENTAL REPORTS

No Items.

COUNCIL STATEMENTS AND REPORTS

Council Member Vallejo: Thanked the Chief of Police for his community outreach and keeping the city safe.

Council Member Alindajao: Shared his thoughts and prayers for Council Member Morris.

Council Member Osorio: Attended a press conference on a public meeting for (inaudible). Thanked City Manager Reyna and Finance Director Rios for putting the budget together.

Mayor Pro Tem Morris: Absent.

Mayor Aguirre: Shared his thoughts and prayers for Council Member Morris and the family of the city manager of McFarland.

Moved for Closed Session by: Vallejo 2nd by: Alindajao

Time: 8:01PM

Vote: 4-0

Ayes: Aguirre/Alindajao/Osorio/Vallejo

Nays: None

Absent: Morris

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

- 20) LIABILITY CLAIMS Pursuant to Government Code Section 54956.95
Claimant: Christian Nocon Carino
Claim no. FR98500
Agency claimed against: City of Delano

Action: No reportable action.

Moved for Open Session by: Vallejo 2nd by: Alindajao

Time: 8:13PM

Vote: 4-0

Ayes: Aguirre/Alindajao/Osorio/Vallejo

Nays: None

Absent: Morris

Abstentions: None

RETURN TO GENERAL SESSION

ADJOURNMENT

Moved by Council Member Osorio, seconded by Council Member Alindajao, and unanimously carried 4-0 to adjourn the meeting at 8:13p.m.

Ricardo G. Chavez, City Clerk