

MINUTES

CITY OF DELANO CITY COUNCIL – REGULAR MEETING July 15, 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

Council Member Vallejo led the flag salute.

ROLL CALL

Council members present: Joe Aguirre, Joe Alindajao (Arrived at 5:32pm), Bryan Osorio, Grace Vallejo

Council members absent: Liz Morris

OFFICIALS PRESENT

City Manager Reyna, City Clerk Chavez, City Attorney Richman, Chief of Police Nevarez, Chief of Corrections Marshall, Human Resource Director Zamudio, Interim Community Development Director Mynk, Senior Planner Card, and Transit Manager Zamora

PRESENTATIONS AND AWARDS

Mayor Aguirre presented a proclamation for the 45th Annual Philippine Weekend (July 26 – 28, 2019) to Delilah Mascarinas, Jay Tamsi and Executive Board.

Mayor Aguirre presented a proclamation for the retirement of Commander Lynn Venables.

ITEMS FROM THE PUBLIC

1. Augie Rivera thanked city officials, public officials and chief of police. He shared that he loves Delano and likes the direction that the city is going. He lastly thanked the council for their service and mentioned that it doesn't go unnoticed.
2. Juan Hernandez brought up some issues from the previous council meeting regarding Pastor Vivas' history lesson that there was no debate by the founding fathers. Mr. Hernandez stated that there is a debate concerning religion in a city entity and would love

for city staff for a discussion to be made about the California Constitution which states that there shall be no preference of religion or discrimination. Mr. Hernandez claims that Pastor Vivas' words of "Jesus Christ" and "Amen" which are not inclusive to all religions. He feels it is a violation of the California Constitution and requested to properly amend it. Mr. Hernandez does believe there is preferred treatment of Christianity. Mr. Hernandez would like a public discussion where the council can separate themselves.

3. Roberta Hunter referenced an unidentified 9th Circuit Court of Appeals ruling which allows such invocation.
4. Richard Markham stated that Mayor Aguirre is favoring Pastor Vivas even when Mr. Markham mentioned that Kathy was present.
5. Joan Smith thanked the City for working on her street and even got the city employees Gatorades. She also appreciated them for cutting her trees. She also suggested that the city make a priority of the construction at Princeton and Terrace Schools off of 20th Ave and hopes it would be finished before school starts.
6. Pastor Ana Belle from Delano Church of the Nazarene shared that she's been a minister for almost 20 years from Pasadena. She's been a chaplain at the Delano Police Department for eight years. She's also a supervisor at the Escuelita. She thanked the council and this nation to be given the freedom to do what one wants to be. She's willing to come and pray.
7. Eric Arias shared that AB634 – Roundabouts authored by Assembly Member Salas was just recently signed by Governor Newsome. Furthermore, he announced that Assembly Member Salas has teamed up with Delano Union School District for a stuff the bus event for back to school backpack donations.

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 \$2,580,595.52
- 3) Minutes of regular City Council Meeting of June 17, 2019
- 4) Minutes of regular City Council meeting of July 1, 2019
- 5) Minutes of regular Planning Commission meeting of June 12, 2019
- 6) Approve the memorandum of understanding between the City of Delano Transportation Department and OMNI Family Health Clinic to provide Dial-A-Ride services to transport their clients (**Agreement No. 2019-27**)

- 7) Adopt resolutions approving the revised class specifications for police commander (**Resolution No. 2019-33**)
- 8) Authorization for the city manager and chief of police to enter into an agreement with the Delano Joint Union High School District for school resource officer services (**Agreement No. 2019-28**)
- 9) Acceptance of \$100 donation from Delano Golf Management Group LLC to Delano Police Department for crime prevention events
- 10) Authorization for the city manager and chief of police to enter into an agreement with the County of Kern, Cities of Arvin, Bakersfield, California City, Delano, Maricopa, McFarland, Ridgecrest, Shafter, Taft, Tehachapi and Wasco for Operational Area Disaster Response Mutual Aid (**Agreement No. 2019-29**)
- 11) Replacement and installation of the intercom system at the Delano Modified Community Correctional Facility (**Agreement No. 2019-30**)
- 12) Resolution allowing the City Engineer to sign Administering Agency-State Agreement No. 00260S and Program Supplement Agreement No. S58 with the State to allow for reimbursements on the ATPL-5227(060) Project (ATP3 SRTS Sidewalk Gap Closure) (**Resolution No. 2019-34**) (**Agreement No. 2019-31**)
- 13) Resolution allowing the City Engineer to sign Administering Agency-State Agreement No. 00260S and Program Supplement Agreement No. S57 with the State to allow for reimbursements on the ATPL-5227(061) Project (Delano ATP3 SRTS Intersection Enhancement and Education) (**Resolution No. 2019-35**) (**Agreement No. 2019-32**)
- 14) Resolution authorizing the filing of an application for the Regional Surface Transportation Program (RSTP) funding and committing the necessary local match and stating the assurance to complete the project (**Resolution No. 2019-36**)
- 15) Lease agreement between the city of Delano (“city”) and Mr. Manikandan Shanmuganathan (“tenant”) at the Delano Municipal Airport (**Agreement No. 2019-33**)
- 16) Approval of amendment no. 3 to lease agreement 2012-119 for Wastewater Municipal Farm Property (Delano 2) with B&D Morris Farms and authorizing the Mayor to execute the amendment (**Agreement No. 2019-34**)

Motion was made by Council Member Vallejo to approve items 1 – 7, 9 – 16 on consent agenda;
2nd by: Alindajao

Vote: 4-0

Ayes: Aguirre/Alindajao/Osorio/Vallejo

Nays: None

Absent: Morris

Abstentions: None

Item No. 8 pulled by: Juan Hernandez

Reason for being pulled: Asked if the contract is between three parties as to the School District, City of Delano, and Police Department? Wanted to know who the three officers are. Wanted to know if there are amendments prohibiting officers carrying guns on campus. Also are the purpose of the officers beyond the sentiment of public safety such as suspension and expulsion. Asked if there is a clear process that tries to not have the purpose of arresting students. And how much discretion does the school district have within this contract.

City Manager Reyna responded that it only two parties which are the Delano Union School District and the City of Delano

Chief of Police Nevarez reaffirmed that the selection of the officers will be selected tomorrow with the school district. He further explains that the officers are there to adhere the rules of schools and don't have a focus on arrests.

Mr. Hernandez suggested that the council hold off on the contracts in order to add limitations.

Council Member Vallejo clarified that the school dictated a lot of this and they are the ones that are requesting this.

City Manager Reyna added that this item was requested by the superintendent to be placed on July 1st, but it didn't make it and still want it to be expedited due to the start of the school year.

Council Member Alindajao asked about the ideas of limiting police officers duties, but aren't they codified.

Chief of Police responded in the affirmative.

Council Member Alindajao asked if the police officer taking on this role on campus digest them under the duties under the statutory scheme.

Gloria Nunez asked if there is any training for the officers.

Chief of Police responded in the affirmative.

Council Member Alindajao asked if the hires are internal.

Chief of Police responded in the affirmative and that it will only be for one year. Also the elementary school district will not be having SROs.

Council Member Vallejo added it would be due to budget issues.

Jose Oriana, community organizer for Loud for Tomorrow stated his concern is the contract is 40% of the district's budget and there being a lack mental health services. In addition, the teachers don't have the capacity to serve the students. He also suggest there be more public forums to better understand this. Therefore, he would like to see what other services are to be provided beside the criminalization of the students and he hopes that the council hold on to the agenda item and

Council Member Vallejo understands the concern regarding the stress and the panic attacks. She just came from a senate committee meeting today, but it is up to the school district to being proactive as she shared about the incident at Taft. She stated that it was the school districts that

stepped forward. The city is supposed to do best for their budget, as the district is supposed to do the same.

Patty Torres shared her disappointment about the SROs not being at the elementary district and brought her trust back to the police department.

Eunice Romero stated that mental health is not the city member's job, it's the school system to see if there is a need for school resource officers and she hopes this is expedited to offer this resource.

Claribel Gutierrez shared that there has been a positive change due to the police department's impact.

Elizabeth shared that she never knew the SRO on her campus for four years. Furthermore, she was never able to speak to a therapist though she wanted to, but there was never one on campus. She feels that instead of spending 40-60% of the budget the city should focus on other issues.

Council Member Vallejo stated that this lady came to share about the need of another agency, so therefore, everyone in the audience should attend to address these changes to the school districts.

Salvador Solorio stated that he understands that they should address the district, but posed the question, "What happens if they vote 'No?'" He also suggested if they believe officers should not be on campus they can vote "No."

Joseph Wright shared that he was the senior chaplain with the Delano Police Department and stated that he saw those kids get help from the officers. He shared that they have helped troubled kids get back on track.

Larry Smith asked if Council Member Vallejo had stated the elementary district will not be police presence at the schools.

Council Member Vallejo responded in the affirmative.

Mr. Smith stated that he is in favor of this because he has two kids in the schools systems. He also suggest for Mayor Aguirre to reach out to the elementary school district. He thanked the Chief for the National Night Out. He applauds the City Council and Chief of Police for hiring officers of ethnicity.

Eric Vice worked with SROs at CCHS and they claims they were a huge help.

Laurie Guzman stated that she was a security guard at DT and CC for three years. Her presence at the schools didn't have any influence, but when the officers were there they approached the students and even bought them lunch. Also, she said that the mental health issue starts at home.

Parneet Sahota shared that she's currently going to be a senior a Cesar Chavez High School and she feels that students are intimidated by the police officers and are comfortable with security, but don't know who they are. Furthermore, how does mental health start at home when parents don't know what's going on at school as some parents aren't from here and don't know how it works.

Annette Salim-Wesir shared that she's volunteered in various capacities as a parent. She would rather have police officer on campus if there was a gunman on campus. She's also seen an officer calm, understanding while dealing with an erratic person and provided the necessary help. Lastly, it takes a village to raise a child.

Tom Soto from Past Commander of Merle Reed Post 124 shared that he has been a campus supervisor at Delano High School, Robert F. Kennedy High School, and Cesar Chavez High School during the Taft Shootings. He's had the honor working with the police department and encourages everyone to come out and vote. He also suggests that we ask what our police needs and help them with those resources.

Veronica Vasquez suggested that instead of three police officers, the city can get two police officers with two social workers and to table this item as well.

Rafael Silva, Delano Police Crime Prevention Officer shared that they've had two block parties Nueva Vista, Almond Tree and Albany Schools. He also shared the positive impacts of National Night Out and various services.

Rosanna Paniaqua suggested that the council take more time.

Mayor Aguirre closed the public comment.

Council Member Vallejo asked in respect to Ms. Vasquez's question, if this is approved, can we let them out of this contract so they can get social workers.

City Attorney Richman responded in the affirmative if both parties are in agreement.

City Manager Reyna informed the City Council that the latest version of the contract is signed.

Also she reminded the City Council that this contract is only for one year and not three years.

Council Member Alindajao asked what the spirit of the SRO program is.

Chief of Police Nevarez shared that they are like coaches, counselors, and cop.

Council Member Alindajao asked if this Safety and security of the students.

Chief of Police Nevarez responded in the affirmative.

Council Member Alindajao asked if the SRO program was born from an active shooting.

Chief of Police Nevarez responded in the affirmative from an incident 27 years ago.

Veronica Vasquez clarified his earlier comments that she suggested for the City of Delano to look into social workers to collaborate with law enforcement.

Council Member Osorio stated that he ran on three platforms. He wanted to invest the water infrastructure without a financial burden on the residents, advocate for modernized communities, and inspire and represent young people's interests. He's seen young people advocate for themselves and encourages people to go to the school board meetings. He also sees that there is disconnect with the young people. He also met with members of Loud for Tomorrow advocating the interest of young people in Delano. He sees this not being a matter of truancy and simply sees the young people coming back as college graduates concerned for their peers.

Motion made by: Council Member Osorio to delay this contract until the next meeting.

2nd: None

Motion dies for a lack of 2nd.

Mayor Aguirre shared that he will be speaking to the board members and informing them of the void at their school district.

Motion made by: Alindajao; 2nd by: Vallejo

Vote: 3-0-1

Ayes: Aguirre/Alindajao/ Vallejo

Nays: None

Absent: Morris

Abstentions: Osorio

PUBLIC HEARINGS

No Items

REGULAR AGENDA

- 17) Mayor Aguirre's resolution to affirm and adopt the national motto "In God We Trust" and implementing the public display on city property

Staff report provided by Mayor Aguirre and Pastor David Vivas.

Council Member Osorio stated that he wishes that there was a world where people respect their beliefs and believe what you want. He added that after he voted "No" on the "In God We Trust" decals, there were posts made "You're Stupid", "You're Dumb", "You're Not Patriotic", and "You're an Atheist." He responded that they can say whatever they want and they can believe whatever they want.

Esteban Ramirez, Salvador Solorio, Maribel Servin, Richard Markham, Angelica Rodriguez, and Hector Jimenez shared their opposition for said item.

Roberta Hunter, Ana Bell, Eunice Romero, Samuel Dany, Laurie Guzman, Chris Quinonez shared their support for said item.

Council Member Alindajao shared that he agrees with the legal doctrine. There is nothing about this resolution that advances a religion, instead that historical and traditional legacy of the United States. He stated that it's in over 700 counties and cities, it's been coined in the money, and it is in our preamble of the US Constitution. He therefore supports the resolution.

Council Member Osorio shared that there is an assumption that they are attacking religion. In regards to why people come to this country isn't because simply to express their faith, but also of freedom of persecution and democracy. He shared that he is not atheist and he's in fact Catholic. He also shared that he spoke to a very religious man and he learned that words don't matter to God, instead actions matter.

Council Member Vallejo shared that they get phone call and text messages to remember the election. She reminds everyone that people should not simply base their vote on one action. She shared that she works her "ass" off and she takes those calls and text messages as threats. She shared that she was not at the council meeting where the decals were voted, but she respected the decision. She shared that 43,000 people haven't told her what they want. She also stated that everyone has their own God. She stated that she doesn't believe that this should be advertised on city property. She referred to her time as mayor, she would give a moment of silence at the point of the invocation.

Motion made by: Alindajao; 2nd by: Aguirre

Vote: 2-2 (Motion Fails)

Ayes: Aguirre/Alindajao

Nays: Osorio/Vallejo

Absent: Morris

Abstentions: None

- 18) Council Member Osorio's resolution of the City Council of the City of Delano, California, to formally declare the City of Delano as a sanctuary city and to carry out measurable strides towards protecting our immigrant community

Council Member Osorio provided the staff report.

Salvador Solorio, Hector (No last name given), Maria Martinez, Elizabeth (No last name given), Angelica Rodriguez, Valerie Gorospe, Yasmin Hernandez, Maribel (No last name given), and Juan Hernandez shared their support for said item.

Monty Harrelson, Richard Markham, Tim Nunez, and Antony Cortez shared their opposition for said item.

Council Member Osorio stated that the City of Delano is technically a sanctuary city because the State of California is a sanctuary state.

City Manager Reyna shared that the City of Delano receives \$5.4 million in federal funds.

Council Member Osorio clarified that it's only community oriented policing grants.

Mayor Aguirre stated it would only be the beginning. He also referenced an article that ICE is targeting sanctuary cities.

Council Member Osorio responded that he's heard that conversation before. He further stated that ICE would come regardless whether we are a sanctuary city or not, but giving residents that hope.

Council Member Alindajao stated that the \$5.4 million of federal funds doesn't include future funding that we'd be applying for.

City Manager Reyna responded in the affirmative.

Council Member Osorio asked how much of it was in police funding.

City Manager Reyna shared it's over \$450k.

Council Member Osorio shared the resolution is in response to the fear of immigrants. He also stated that he appreciates the police department's statement that they would not be cooperating with ICE, but it's simply a statement.

Joan Smith stated that she is not in favor or against, but instead asked the questions if we need to enforce this, are we prepared to take on asylum seekers, are nonprofits ready and if this is adopted... do we have a plan?

Council Member Osorio stepped down from the dais at 8:50pm.

Esteban Ramirez shared that the youth is out in force and as a community we're doing a fantastic job.

Council Member Osorio returned to the dais at 8:52pm.

Mayor Aguirre closed public comments.

Council Member Vallejo stated that the one thing she wanted to share is that all those immigrants are not available to file for refunds so we keep all that money. She also referenced how CDCR has millions of dollars helping inmates getting better lives through obtaining GEDs and college degrees.

Council Member Alindajao asked Council Member Osorio if the spirit of the resolution that he's drafted is to calm the fears of the immigrant community.

Council Member Osorio shared that it is to relieve fear and a statement of courage in behalf of the council. Also for the immigrants knowing their rights and having them in city buildings and filing for residency.

Council Member Alindajao asked if the resolution is purely symbolic.

Council Member Osorio responded that it is not purely symbolic and it is a tangible step precedent for future policy.

Council Member Alindajao asked if this has any legal force.

Council Member Osorio stated that it would be decided and understands the Chief of Police already has policy, but if doesn't, it sets a legal precedent.

Council Member Alindajao asked City Attorney Richman if this resolution is simply symbolic or if it has any legal force.

City Attorney Richman shared that the intent was to not go beyond SB54. Furthermore, without speaking for Council Member Osorio, she reviewed his resolution and made some comments. As a result, what's here is different than how she would recommend for said resolution to be adopted in order to stay within the confines of SB54. She also added that police policies have been consistent with SB54.

Council Member Alindajao asked how the resolution is currently drafted, it goes beyond the bounds of SB54.

City Attorney Richman stated that there were numerous changes and comments that she recommended to Council Member Osorio to be consistent with SB54. Council Member Alindajao asked Council Member Osorio if this resolution does not pass today, what happens to the plight of immigrant community since the State of California is already a sanctuary state and the Chief of Police made number overtures reiterating that and plenty of information out there stating that we're not going to help that enforcement of immigration.

Council Member Osorio shared it would show the city take a stand on the issue. He does commend the Chief for his community outreach, but there's been distrust built over generations with the police department. He further adds it being the reason why the City of Delano making a comment on its own.

Council Member Alindajao stated that he's a proud son of immigrants and he's very much concerned with the plight of immigrants in the community. He shared that his heart goes to the families. He stated that he's also a public official and he has to take on the matters into consideration such as public safety and the fact that the currently resolution is beyond SB54. He also stated that on its face he doesn't have an issue supporting it, but how it's drafted he would have concerns for the City of Delano. He suggests that this item be tabled until it works its way through the federal court system and it be consistent with SB54.

Council Member Osorio responded that he's more than willing to change the resolution in which he believes that it's one clause that doesn't specify to state law.

City Attorney Richman shared that she believes it can be drafted better and submitted said suggestions.

Council Member Alindajao feels that it's premature as this issue works through the federal systems.

Council Member Osorio shared there are other cities that have taken such stances without such security of losing money. He's also open to get more security, but the people have waited long enough as he's brought this two years ago.

Council Member Vallejo asked if this does not comply with SB54 as it's written and have this be tabled so the language may comply.

City Attorney Richman stated that it does reference cooperation with certain types of crime which was her concern.

Council Member Osorio stated that was the reason why he suggested "as required by law", but can also add "unless required by SB54."

City Attorney Richman stated that she had several edits.

Council Member Vallejo suggests that we table this for the next meeting and referenced how the grants works as to a point system. She asked City Attorney Richman as to the recent ruling where more point can be awarded.

City Attorney Richman affirmed as to the recent ruling there is preference given to those cities.

Council Member Alindajao shared that he wouldn't want the City of Delano to be on the short end of the stick as these ruling start coming out in regards to federal funding.

Council Member Osorio asked the chief for his thoughts on what language should be amended and on the grants portion.

Chief of Police Nevarez shared that he applauds Council Member Osorio's efforts. His concern was in related to SB54 which included provisions for the last couple of months. He added that there was much discussion and vetting where exceptions of the most dangerous people of our society. He further added that he should be cautious of ignoring all that went into this legislation which was substantial. Lastly, he added that we be consistent with SB54.

Council Member Osorio, Chief of Police Nevarez, and City Attorney Richman discussed suggestions to altering the resolution.

Council Member Osorio asked the chief if he will be applying for cops grants.

Chief of Police Nevarez responded in the affirmative.

Council Member Osorio stated that if we would amend or combine both clauses, so it would be within SB54, it would be with the assumption of voting on it, because there is no point of making such an amendment if they will not be voting on it later on.

Council Member Vallejo suggested tabling the item.

Council Member Osorio asked if it's possible to making the amendment in order to vote on it.

City Attorney Richman shared that a motion can be made, but if it dies, then another motion can be made. She added that she did have several edits.

Motion made to table item no. 17 for 60-90 days by: Alindajao; 2nd by: Aguirre

Vote: 2-2 (Motion Fails)

Ayes: Aguirre/Alindajao

Nays: Osorio/Vallejo

Absent: Morris

Abstentions: None

Motion made to table item no. 17 for August 5th meeting for the item to be in compliance with SB54 by: Vallejo; 2nd by: Osorio

Vote: 3-1

Ayes: Alindajao/Osorio/Vallejo

Nays: Aguirre

Absent: Morris

Abstentions: None

DEPARTMENTAL REPORTS

No Items.

COUNCIL STATEMENTS AND REPORTS

Council Member Vallejo: She attended the senate committee meetings earlier that are being held throughout the state with Senator Holly Mitchell, Senator Melissa Hurtado, and Senator Susan Rubio where it was discussed to increase funding for psychiatry residency programs and

physician assistants for schools. She encourages everyone to contact Senator Holly Mitchell, Senator Melissa Hurtado, and Senator Susan Rubio.

Council Member Alindajao: Thanked staff and shared his thoughts and prayers for Mayor Pro Tem Morris.

Council Member Osorio: Thanked Mayor Aguirre for allowing this discussion to happen as it was important to him and many other constituents in the community. Thanked the people that were here for speaking up. Attended a youth leadership program hosted by Supervisor Eddie Valero. He also attend Lights for Liberty. He also thanked Maribel Reyna, Rachel Richman, and Rosa Rios for helping him the last two weeks.

Mayor Pro Tem Morris: Absent.

Mayor Aguirre: Thanked everyone for being here, for being patient and reminded everyone that “God is good.”

CLOSED SESSION

No Items

RETURN TO GENERAL SESSION

ADJOURNMENT

Moved by Council Member Vallejo, seconded by Council Member Alindajao, and unanimously carried 4-0 to adjourn the meeting at 9:39p.m.

Ricardo G. Chavez, City Clerk