

## **MINUTES**

### **CITY OF DELANO CITY COUNCIL – REGULAR MEETING August 19, 2019**

#### **CALL TO ORDER**

Mayor Aguirre called the meeting to order at 5:31 p.m. in the City Hall Council Chambers, 1015 – 11<sup>th</sup> Avenue.

#### **INVOCATION**

Esteban Ramirez offered the invocation.

#### **FLAG SALUTE**

Mayor Aguirre led the flag salute.

#### **ROLL CALL**

Council members present: Joe Aguirre, Liz Morris (arrived at 5:33pm), Joe Alindajao (arrived at 6:01pm), Bryan Osorio, Grace Vallejo  
Council members absent: None

#### **OFFICIALS PRESENT**

City Manager Reyna, City Clerk Chavez, City Attorney Richman, Engineer Dowling, Finance Director Lara Rios, Chief of Corrections Marshall, Human Resource Director Zamudio, Interim Community Development Director Mynk, and Recreation Manager Batth-Chavez, Commander Alvizo and Senior Planner Card

#### **PRESENTATIONS AND AWARDS**

No Items

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

1. Salvador Solorio asked if the City Council would take consideration to live streaming the meetings. He also asked if the in-depth version of the agenda would be available before the council meeting. Lastly, he shared that Council Member Osorio and a few of them would get into informing the community of what a sanctuary city is and is not. Mr. Solorio added that they've knocked on over 200 doors, as well as handed out flyers as they have invited the public to a meeting this Saturday from 6-8pm at the Jefferson Center.

2. Devon Lee shared that he has a vision about the Posey Spray Park at Martin Luther King Park where he believes it would be nice if there was an exercise park there which would be a great benefit for the community.
3. Mike Gutierrez expressed some thoughts about the status of the city being a sanctuary city. He stated that long before this, the City of Delano had been a sanctuary city where people lived with relative harmony, tolerance and understanding of each other. He feels that we have now painted a target on our citizens who cannot support themselves with legal documentation and has fear for them.

### **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 \$3,394,653.41
- 3) Minutes of regular City Council meeting of August 5, 2019
- 4) Minutes of regular Planning Commission meeting of July 10, 2019
- 5) Minutes of regular Pension Committee meeting of May 13, 2019
- 6) Staff is recommending for City Council to approve the acceptance of a donation of \$528.23 from Sevier's Auto Supply for the purchase of shirts for the Junior Police Camp
- 7) Approval of the co-sponsorship to host the VSP Vision Care Mobile Health Tour in the total amount of \$180 for the Senate Rules Committee on behalf of Senator Hurtado on August 24, 2019 (**Pulled by Staff**)
- 8) Acceptance and Approval of the City of Delano Quarterly Investment Report for the Quarter Ending June 30, 2019
- 9) Authorization for the city manager and chief of police to enter into an agreement with the Delano Union Elementary School District for school resource officer services (**Agreement No. 2019-38**)
- 10) Acceptance of the 2018 Princeton Street Sewer Extension Project and authorizing the filing of the Notice of Completion
- 11) Approve Task Order #4 to On-Call Services Agreement 2016-97 with QK Inc. for Park Design Services for Tract 7339 for \$54,000.00 and authorize the City Manager to execute the task order and any other documents needed to carry out this project

- 12) Ratification of urgent Sewer and Water Repair Project being performed by JM Pipeline (General Engineering Contractor from Bakersfield CA), on a time and materials basis with a not to exceed budget of \$350,000.00, on Glenwood Street from Cecil Avenue to 17th Avenue, and authorization is requested for the City Manager to sign the contract and any other documents needed to carry this project to completion (**Agreement No. 2019-39**)

Motion was made by Council Member Vallejo to approve items 1 – 6, 8, 10 – 12 on consent agenda; 2<sup>nd</sup> by: Morris

**Vote: 4-0**

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

**Nays:** None

**Absent:** Alindajao

**Abstentions:** None

**Item No. 7 pulled by:** Staff

**Reason for being pulled:** Senator Hurtado staff's request.

**No action taken.**

**Item No. 9 pulled by:** Salvador Solorio

**Reason for being pulled:** He suggested that they should consider social works and believes that more cops does not equal safety and consider the message that's being sent.

Staff report provided by Commander Alvizo.

City Manager Reyna added that the Elementary School District first decided not go with school resource officers due to some budgetary concerns, but after the meeting where the school resource officers were discussed for the high school, the elementary school district started to receive calls from concerned parents.

Susan Villaruz, Delano Elementary School Board Member, shared that they asked for two SROs wanted a quick response due to there being train tracks. She also shared especially with the baseless threat today at La Viña. She added that this was demanded by parents.

Council Member Vallejo shared that as a great grandparent she has a child attending grammar school and Officer Morris was able to help afterschool with the issue of traffic. She also said the other element was seen today with the baseless threat and sees that there is a benefit to have an officer there. Council Member Vallejo also inquired who had gone to the school board meeting to express their concerns or need for social workers, because that is where it's controlled.

Mayor Pro Tem Morris is in agreement with having officers on campus and it's been done. It helps to make the students feel safer and it builds trust.

Council Member Osorio asked if the police department would feel ready.

Commander Alvizo responded in the affirmative.

Council Member Osorio asked how the school resource officers would be distributing time among the three middle schools.

Commander Alvizo provided an explanation upon need.

Council Member Osorio provided a statistic from the Washington Post that over school shootings and the efficiency that would be entail in allocating the \$110k. He also recognized that he's spoken to many parents that want police on campus at the elementary schools.

Ms. Villaruz added that the Elementary School District did hire a social worker.

**Motion made by:** Vallejo; 2<sup>nd</sup> by: Morris

**Vote: 4-0**

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

**Nays:** None

**Absent:** Alindajao

**Abstentions:** None

## **PUBLIC HEARINGS**

No Items

## **REGULAR AGENDA**

### 13) Policy Discussion regarding Municipal Code §6.48 Fireworks Ordinance

Staff report provided by Interim Community Development Director Mynk.

Mayor Aguirre opened the public comment.

Salvador Solorio and Richard Markham shared their opposition of exempted organizations.

*Council Member Alindajao arrived at 6:01pm.*

Steve Kinsey shared his support for exempted organizations and provided some background as to how it got to this point. He did warn the lottery about getting diluted, as well as the sphere of influence in Tulare County.

Council Member Vallejo stated that last year it created emotions where a special meeting took place and directed staff. She is in agreement to strengthen the rules for nonprofit organizations. As to the population, she believes there would be an issue of perception, so to avoid that, she suggests a flat amount including the grandfathered booths, so it can be a total of eight. She also shared the concern of demand of manning the booths and not enough revenue. Council Member Vallejo did not support to make it a competitive bid as it would cost the city money to advertise the RFP. She shared that she believes the nonprofits should be within city limits and suggests that we should get in contact with Tulare County and they should follow our rules and regulations and amend or make an addendum to our Joint Powers Agreement (JPA). She also shared some background in respect to the three exempt organizations who have consistently pulled permits since 1996.

Mayor Pro Tem Morris agreed on some of Council Member Vallejo's points. She shared that there shouldn't be any more than eight booths as people are buying less and less fireworks. She added that unfortunately the illegal fireworks are competing against our booths. She also believes the nonprofits should be within the city limits.

Council Member Osorio asked if there is an overwhelming pattern of nonprofits applying for different permits.

Interim Community Development Director Mynk stated that it has happened and there is a potential for it to dilute the pool.

Council Member Osorio shared that he supports a fixed number. He added that he's not in critique of Mr. Kinsey's work, but more to have an RFP. He inquired about Council Member Vallejo's comments of the cost of publishing an RFP.

City Manager Reyna shared that it would be simply advertising it.  
Council Osorio responded that its much less that he thought it would be. He also asked if we have had organizations from outside the city limits.  
Interim Community Development Director Mynk responded that not yet, but it can happened.  
Council Member Osorio asked if there have been any complaints about the lottery.  
Interim Community Development Director Mynk responded in the negative as Senior Planner Card has consistently been handling the lottery system.  
Council Member Osorio asked if the exempt organization been consistent since 1996.  
Interim Community Development Director Mynk responded in the affirmative.  
Council Member Osorio asked if little league has done it.  
Interim Community Development Director Mynk explained the three exemptions being Chamber of Commerce, Babe Ruth, and the one that will be providing the fireworks show.  
Council Member Osorio asked if the Babe Ruth and Little League are different organizations.  
Interim Community Development Director Mynk responded if they are a subset of an organization, then they would be disqualified, but if they are a nonprofit, they would qualify.  
Mayor Pro Tem Morris informed Council Member Osorio that sometimes organizations team up to man the booths.  
Council Member Osorio disclosed that he's been on the Little League Baseball board since last year and was curious.  
Council Member Vallejo shared that people that man the booths say there are too many days and shared what other cities in the county has in respect to days of sales.  
Mr. Kinsey stated that it helps to gain more sales and it provides booths that prerogative.  
Interim Community Development Director Mynk responded that they have received enough comments today and will bring it back to the council.  
Council Member Vallejo asked if he will be reaching out to the Tulare County Supervisors.  
Interim Community Development Director Mynk responded in the affirmative.  
Council Member Vallejo also suggest to deal with the enforcement authority in respect to the JPA or an MOU with Tulare County.

**No action taken.**

#### 14) Community Development Department Code Enforcement Program

Staff report provided by Interim Community Development Director Mynk.  
Council Member Vallejo thanked staff.  
Council Member Alindajao asked if code enforcement is properly staffed.  
Interim Community Development Director Mynk responded in the affirmative.  
Mayor Pro Tem Morris thanked staff for the great job.  
Council Member Osorio asked where canopies fall under.  
Interim Community Development Director Mynk responded it would be an encroachment or building permit violation.  
Council Member Osorio thanked staff.

**No action taken.**

## DEPARTMENTAL REPORTS

No Items.

## COUNCIL STATEMENTS AND REPORTS

Council Member Vallejo: Shared that she visited the animal shelter and saw that they only have three employees taking care of all the duties that entail regarding the animals throughout the city. In respect to her concern that they are short staffed, she asked staff that since there is one additional staff member in the budget for code enforcement be move to another area.

*Interim Community Development Director Mynk shared that the two code enforcement officers need clerical support.*

Council Member Vallejo then suggested that staff take a look at the budget in respect to the cost of a part-time and the cost of a code enforcement officer and see if they can provide a staff member at both code enforcement and at the animal shelter.

*City Manager Reyna responded that they will do a cost analysis on said request.*

Council Member Alindajao: He reiterated what Council Member Vallejo in regarding to spending some time at the Animal Shelter and visiting with Luis Herrera. He understands that staff has remained the same with the new animal shelter working, but believes there is a need for additional staff.

Council Member Osorio: Shared that Luis Herrera expressed to him that they need more staff out there. He also stated that last week he met with two unions. He met with Union of Healthcare Workers to raise awareness about methadone crisis at Kaiser. He also met with SEIU Local 721 in which they'll be having a press conference in Delano on their way to Sacramento. Lastly, he shared about a town hall meeting this Saturday regarding sanctuary city status.

Mayor Pro Tem Morris: None.

Mayor Aguirre: Informed Interim Community Development Director Mynk that when that position was approved, there was an intent to provide flexibility for after 5 o'clock and weekends. He also requested a copy of the soccer field contract for the entire council as he would like to revisit that as to the subject of RFPs.

**Moved for Closed Session by: Vallejo 2<sup>nd</sup> by: Alindajao**

**Time:** 6:59PM

**Vote:** 5-0

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

**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) CONFERENCE WITH LEGAL COUNSEL – Existing Litigation Pursuant to Government Code Section 54956.9(a):  
Claimant: Jose Santiago; Workers' Compensation Claim No. FR180686;

**Action:** No reportable action.

**Moved for Open Session by:** Vallejo 2<sup>nd</sup> **by:** Alindajao

**Time:** 7:04PM

**Vote:** 5-0

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

**Nays:** None

**Absent:** None

**Abstentions:** None

### **RETURN TO GENERAL SESSION**

### **ADJOURNMENT**

Moved by Council Member Alindajao, seconded by Council Member Vallejo, and unanimously carried 5-0 to adjourn the meeting at 7:04p.m.

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Ricardo G. Chavez, City Clerk