

## **MINUTES**

### **CITY OF DELANO CITY COUNCIL – REGULAR MEETING October 7, 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**

City Clerk Chavez led the flag salute.

#### **ROLL CALL**

Council members present: Joe Aguirre, Liz Morris, Joe Alindajao (Arrived at 5:37pm), 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 Police Nevarez, Chief of Corrections Marshall, Human Resources Director Zamudio, Recreation Manager Batth-Chavez, Transit Manager Zamora, Senior Planner Card and Interim Community Development Director Mynk

#### **PRESENTATIONS AND AWARDS**

Mayor Aguirre and Chief Nevarez recognized Cpl. Jose Madrigal and CPO Rafael Silva as recipients of the Jeffery Nacua Service Award.

Mayor Aguirre presented a proclamation for Code Enforcement Officer Appreciation Week to the Community Development Department.

Mayor Aguirre presented a proclamation for Delano Harvest Holidays Association, Grand Marshall and the Queen's Court.

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

1. Richard Markham requested to put calendars up front. Also asked if there is any way to get the Police Liaison Board here at the council meeting. He also asked if the meetings are recorded and how long are they kept.

## 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 \$2,106,317.20
- 3) Minutes of regular City Council meeting of September 16, 2019
- 4) Minutes of regular Community Law Enforcement Liaison Board meeting of July 18, 2019
- 5) Authorize purchase of 20 police dashboard cameras from Pro-Vision Video Systems in the amount of \$60,590.64
- 6) Lease Agreement between the City of Delano and Mr. Kurt Kruger at the Delano Municipal Airport (**Agreement No. 2019-47**)
- 7) Award Contract for The 10th Avenue Water Main Replacement Project in the Amount of \$269,900.00 to ConCastCo and Authorize the City Manager to sign any Documents needed to carry this Project to Completion (**Agreement No. 2019-48**)
- 8) Approve Budget Transfer Request in Water Fund 73
- 9) Approve the memorandum of understanding between the City Of Delano Transportation Department and Delano Regional Medical Center (DRMC) to provide dial-a-ride services to transport their clients (**Agreement No. 2019-49**)
- 10) Approval of the City's 2018 Consolidated Annual Performance and Evaluation Report (**Resolution No. 2019-45**)
- 11) Approve the purchase of a 370 New Camp Inmate Lockers for the Delano MCCF, from Jorgensen Industrial Companies, in the amount of \$44,530 and authorize the City Manager to execute all required documents
- 12) Amended proposed projects for State Of Good Repair (SGR) program
- 13) Second and final reading of ordinance no. 2019-1308 an amendment to City of Delano Municipal Code Title 10 Parking – section 10.16.330 Impoundment of Vehicles (**Ordinance No. 2019-1308**)
- 14) Resolution authorizing an application for and receipt of Senate Bill 2 (SB 2) Planning Grants Program Funds (**Resolution No. 2019-46**)

Motion was made by Council Member Morris to approve items 1 – 4, 6 – 14 on consent agenda;  
2<sup>nd</sup> by: Vallejo

**Vote: 5-0**

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

**Nays:** None

**Absent:** None

**Abstentions:** None

**Item No. 5 pulled by:** Richard Markham

**Reason for being pulled:** Mr. Markham asked if this is just the cameras when arresting people and also asked if the city can get a better price.

Staff report provided by Chief Nevarez.

Richard Markham asked if it is recorded on CD or DVD.

Chief Nevarez responded that it is recorded on to the cloud.

Mr. Markham asked how long is it kept.

Chief Nevarez and City Attorney Richman responded it's based on the retention schedule.

Mr. Markham hopes that it is kept as long as possible.

Mayor Aguirre requested that Chief Nevarez get back to Mr. Markham regarding the length of time the City retains those records.

Council Member Alindajao asked if there is an audio component like CHP.

Chief Nevarez responded that it records audio and video.

Council Member Alindajao asked if there is a mic on the officer.

Chief Nevarez responded in the negative.

Council Member Alindajao was asking as to the similarities of CHP.

Chief Nevarez added that CHP has the body cameras where they have it on the dashboard.

Council Member Osorio asked if there is a specific reason for the chose system.

Chief Nevarez shared it's due to the retention capabilities, sharing files, it automatically connects to the cloud and uploads.

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

**Vote: 5-0**

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

**Nays:** None

**Absent:** None

**Abstentions:** None

**PUBLIC HEARINGS**

- 15) Public hearing to obtain public comments for the proposed City of Delano's Rapid Transit Program projects for fiscal year 2019/2020 and fiscal year 2020/2021

Staff report provided by Transit Manager Zamora.

Mayor Aguirre opened the public comment.

Mayor Aguirre closed the public comment.

**Motion made 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**

16) Confirmation of Mayor's Appointment to Pension Committee

Council Member Vallejo supports the appointment.

Staff report provided by City Manager Reyna.

Council Member Osorio asked about the appointment process.

City Manager responded that it is the Mayor's discretion as to this committee.

**Motion made to appoint Joe Navarro to a four year term by:** Vallejo; 2<sup>nd</sup> by: Alindajao

**Vote: 5-0**

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

**Nays:** None

**Absent:** None

**Abstentions:** None

17) Downtown Color Palette Committee Selection

Staff report provided Interim Community Development Director Mynk.

Council Member Osorio asked if more business owners were interested, would they be allowed.

Interim Community Development Director Mynk shared that it can be extended those that are interested.

**Motion made to appoint Morris and Alindajao to the Downtown Color Palette Committee with Osorio as an alternate by:** Vallejo; 2<sup>nd</sup> by: Aguirre

**Vote: 5-0**

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

**Nays:** None

**Absent:** None

**Abstentions:** None

18) Council Member Osorio's request for City Council Discussion and potential direction to staff regarding interest in the regulation of or further study into electronic cigarettes - "vaping" or "e-cigs"

Staff report provided by Council Member Osorio. He also added some statistics from the FDA and the State of California as his focus is on the younger population.

Council Member Vallejo shared that she is 100% behind this, but would like to take it a step further and would want a ban. She understands that the flavor is what entices the kids, she also understood the effect on their lungs.

City Manager shared that she saw a news report that vitamin D can act like tar inside the lungs.

Council Member Vallejo stated suggested to see what other cities are doing in banning this.

Council Member Alindajao thanked Council Member Osorio for bringing this important issue up and said that he's concerned has it disproportionately affect the junior high and high school students. He supports the ban of this with all the accessories. He suggests to work with the elementary and high school district to understand the problem. He would like to see some empirical data from the school districts as the problem they are being effected.

Mayor Pro Tem Morris agrees as she has seen all the information about this coming out. She also shared that the League of Cities is looking as legislation and if so, we need to call our local legislators to see what we can do. She added that she's all for it and would be in favor of banning it if we can.

Council Member Alindajao asked if there are cities who already have it banned.

City Attorney Richman shared some examples with San Francisco and just recently with Los Angeles County.

Council Member Vallejo shared that our legislators may come up with some legislation, but the City of Delano should take action and if they pass legislation, it wouldn't harm us unless it's stronger than ours. She thanked Council Member Osorio for bringing this forward and added that we should take steps of taking care our residents regardless of age and that's why she'd support the ban.

Council Member Alindajao would also be in favor of a complete ban.

Mayor Aguirre asked for a consensus of the entire City Council if they would be in favor of a complete ban and they responded in the affirmative.

Council Member Osorio added that they get more information.

Richard Markham shared that he's in support of the ban.

Arnold Morrison (High School District) and Susan Villaruz (Elementary School District) shared that the issue is the paraphernalia as to the tubes, USBs and gadgets. They added that because it is oil based they don't know the repercussions of the effect so they recommend to ban it all.

Council Member Alindajao asked if those USBs are allowed on campus.

Ms. Villaruz shared that they split up the parts so different students carry different parts and they're not caught with the entire thing.

Council Member Vallejo added that they also come in the design of pencils so it's hard to know.

Council Member Alindajao asked what the schools are doing to address the contraband in the schools.

Ms. Villaruz responded that they have zero tolerance policy where the kids are suspended or expelled.

Mayor Aguirre asked if the schools have a zero tolerance policy.

Ms. Villaruz and Mr. Morrison responded in the affirmative.

Pastor David Vivas shared he's done quite an extensive amount of research and found that the oil is 10x more potent than tobacco. He also added that a law passed where students cannot be suspend and worries on how teachers can maintain order. He strongly encourages the City Council to take such action.

Council Member Alindajao asked Chief Nevarez if this issue has been on their radar.

Chief Nevarez responded that the Police Department applied and was awarded \$35,000 to combat this issue with a variety of different techniques.  
Mayor Aguirre directed City Attorney Richman to fast track this item and draft an ordinance.  
City Attorney Ranchman responded in the affirmative.  
Council Member Alindajao asked if City Manager Reyna can work with the school districts in getting information regarding the extent of the issue.

## **DEPARTMENTAL REPORTS**

No Items.

## **COUNCIL STATEMENTS AND REPORTS**

Council Member Vallejo: She shared that she and Council Member Alindajao attended the Grand Marshal BBQ and the food was delicious. She also complimented on the how well the parade was done with no gaps in between. Lastly, she shared that City Manager Reyna has been working with Senator Florez and her for months regarding the problem of TCP-123. She shared that she brings this up so people can see the work that's being done and she shared that the City Manager is doing a great job with open communication with Senator Florez in getting a grant.

Council Member Alindajao: None

Council Member Osorio: Shared that he visited the new luxury apartments and attended the Harvest Holiday Parade together. He also welcomed Presidential Candidate Julian Castro to Delano at the 40 acres. Lastly, he invited everyone to event an event hosted by Central Valley Partnership with Congressman T.J. Cox regarding funding for public parks on Friday at 12:30 at Memorial Park.

Mayor Pro Tem Morris: Thanked everyone with Delano Harvest Holiday for their hard work and appreciates them continuing the tradition of this institution and is grateful.

Mayor Aguirre: None

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

**Time:** 6:29PM

**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 City Engineer Dowling, Interim Community Development Director Mynk and City Manager Reyna were present.

## **CLOSED SESSION**

- 19) CONFERENCE WITH REAL PROPERTY NEGOTIATORS pursuant to Government Code section 54956.8.  
Property: APN 059-280-67-00-5  
Agency negotiator: City Manager, City Engineer and City Attorney  
Negotiating parties: County of Kern  
Under negotiation: price and/or terms of payment

**Action: No Reportable Action**

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

**Time: 7:21pm**

**Vote: 5-0**

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

**Nays:** None

**Absent:** None

**Abstentions:** None

## **RETURN TO GENERAL SESSION**

### **ADJOURNMENT**

Moved by Council Member Morris, seconded by Council Member Alindajao, and unanimously carried 5-0 to adjourn the meeting at 7:21p.m.

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Ricardo G. Chavez, City Clerk