

MINUTES

CITY OF DELANO CITY COUNCIL – REGULAR MEETING March 2, 2020

CALL TO ORDER

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

INVOCATION

Mayor Morris offered a moment of silence.

FLAG SALUTE

Kalea Popoy from LaViña Middle School led the flag salute.

ROLL CALL

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

OFFICIALS PRESENT

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

PRESENTATIONS AND AWARDS

Supervisor Couch, Mike Gutierrez (DADD Director), Jim Wheeler (Flood Ministries Director), and Ana Lavan (BKHRC Director) presented the Delano Homelessness Collaborative Report on Delano Navigation Center.

Mayor Morris presented the Proclamation for Music in Our Schools Month for the month of March 2020 to Ms. Brenda Perry-Reed.

ITEMS FROM THE PUBLIC

1. Brian Thorburn, Southern California Edison, thanked the City Council and staff for a great partnership this past year in building multi-million-dollar infrastructure. He also reminded the City Council of their corporate giving request.
2. Jesse Hernandez complained about the trucks on Belmont from Cecil to 20th Ave.

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 \$2,197,143.69
- 3) Minutes of special City Council meeting of February 18, 2020
- 4) Minutes of regular City Council meeting of February 18, 2020
- 5) Acceptance by the City Council of the following audit reports City's Annual Financial Report (CAFR) for the year ended June 30, 2019, City's Pension Plan Financial Report for the year ended June 30, 2019, and City's Single Audit Report of Federal Awards for the year ended June 30, 2019
- 6) Authorization for travel expense and per-diem reimbursement for Mayor Morris

Motion was made by Council Member Vallejo to approve items 1 – 4 and 6 on consent agenda;
2nd by: Alindajao

Vote: 5-0

Ayes: Morris/Alindajao/Aguirre/Osorio/Vallejo

Nays: None

Absent: None

Abstentions: None

Item No. 5 pulled by: Council Member Osorio

Reason for being pulled: Inquired about the sales tax increase and decrease, as well as property taxes and decreasing employment

Finance Director Lara Rios explained that it was due to a decrease in sales with Delano Family Motors and change of the point of sale for Greg's Petroleum, it has affected the sales tax. She further explained that there was a miscalculation found via an audit which will be refunding the City \$600k. Lastly, she explained that there was an impact to the employment rate due to an increase of construction.

Council Member Aguirre added that there were layoffs from a Richgrove farming company of 500 employees and K-Mart closing impacted Delano.

Council Member Vallejo shared there was a decrease of employment in the ag industry.

Motion made by: Osorio

2nd by: Vallejo

Vote: 5-0

Ayes: Morris/Alindajao/Aguirre/Osorio/Vallejo

Nays: None

Absent: None

Abstentions: None

PUBLIC HEARINGS

- 7) Introduction and first reading of an ordinance regarding delinquent water bills and adoption of resolution of the City Council establishing a policy on the discontinuation of residential water service for nonpayment in compliance with the Water Shutoff Protection Act (SB 998)

Public hearing opened by Mayor Morris.

Staff report was provided by Finance Director Lara Rios.

Mayor Morris opened the public comment.

Arthur Rodriguez requested a copy of the presentation.

Finance Director Lara Rios provided her copy of said presentation.

Lupe Martinez inquired about how does someone kickoff the appeal process, how will the community be educated, who will hear the appeal, what about mobile/trailer homes, the \$150 reconnection fee, when does this take action and how soon would they be shut off.

Finance Director Lara Rios referenced her staff report. Regarding the number of accounts that are delinquent, it's about 200 accounts.

Council Member Aguirre asked how many of those are in dire straits.

Finance Director Lara Rios responded that there are stipulations that can be done to avoid a shutoff.

Council Member Aguirre shared his concern for people that are dependent on water due to a medical condition, like himself, so how will the City assure that the public will not be put in harms way. He asked if there is any wiggle room though this is being enforced by the state. He also understands how valuable the Finance Director and City Manager's time is and can't imagine the public lining up to appeal this process.

Finance Director Lara Rios shared that her staff speaks to the public in handling payment schedules.

Council Member Aguirre asked how these meetings are being conducted with the public.

Finance Director Lara Rios shared that she has designated staff that speaks to them in the lobby, but she does speak to them in her office when asked to speak to the Finance Director.

Council Member Aguirre has concern in respecting the public's dignity.

Finance Director Lara Rios shared that the policy will be disseminated by way of their water bill as well as posting the policy online and her thoughts on implementation would be letting it sit for a while for the community to get familiarized with the policy.

City Attorney Richman shared that as long as they have a payment schedule, there is flexibility to the law to work with residents.

Council Member Aguirre shared that he believes it gets challenging for someone to decide to pay \$5 for water or a gallon of milk and he added that there should be a contingency plan.

Finance Director Lara Rios stated that the City currently does not have that data.

Council Member Aguirre feels that this should be monitored quarterly and should be scrutinized by the officials. He also stressed that they should be hyper sensitive to this.

Mr. Martinez asked if this is going to be online or how will people be informed.

City Manager Reyna stated that this is stricter than what the City currently has in place.

Arthur Rodriguez shared that there was already a lawsuit on the water bills and people are going to get angry so there will be consequences.

Mayor Morris opened the public comment.

Council Member Vallejo stated that this ordinance isn't the City's choice, it was due to Mr. Dodd putting out this bill. She also stressed that the State Water Board is pushing this and if the City does not adhere to this, the City will be fined \$1,000 a day. The City was offering 90 days where this would only offer 60 days. Therefore, we are giving this language to the Finance Department to work with the people. She also reminded the public that there are people that simply won't pay. She added that this bill was passed in 2015, so the City is just beginning to implement this policy.

Council Member Osorio shared that he echoes those concerns as well. He doesn't agree with the bill. He doesn't agree with the reconnection fee. He asked what the cost of the reconnection fee is during working hours and nonworking hours.

Finance Director Lara Rios its currently \$25 regardless of the time.

Council Member Osorio requested to formalize the process in steps.

Mayor Pro Tem Alindajao agreed with Council Member Aguirre in being compassionate with members in the community. He asked in what ways is AB104 stricter.

Finance Director Lara Rios responded that shutoff is going from 90 days to 60 days.

Mayor Pro Tem Alindajao asked what the financial impact is of implementing this system.

Finance Director Lara Rios responded that the translation would be costly into five languages and staff time due to tracking the accounts.

City Manager Reyna clarified that it is stricter in which a customer must meet all the requirements to allow payment arrangements, not just some of the requirements.

Mayor Pro Tem Alindajao asked how can a customer fall under the 200% of the poverty level.

City Manager Reyna responded that the City would have to gather documents to verify and could have accepted one factor such as a life-threatening illness, but if they are not within the 200% poverty rate, they would comply for the exemption. She also added there is also the possibility of abuse.

Mayor Pro Tem Alindajao asked if the reconnection fees are shared with the State or does it stay with the City.

Finance Director Lara Rios responded that it stays with the City.

Mayor Pro Tem Alindajao asked if there is a negotiation with the fee or some discretion for reconnection.

City Attorney Richman responded that it would be up to said limit.

Council Member Vallejo asked if it's only to recover costs.

Mayor Pro Tem Alindajao asked Finance Director Lara Rios asked if she sees a negative impact on the current delinquent accounts.

Finance Director Lara Rios responded in the negative.

Mayor Pro Tem Alindajao asked about a discretion or grandfather issue where this will be applied going forward.

City Attorney Richman shared bills are done on a perspective basis and that these situations tend to play themselves out.

Council Member Aguirre just wanted to remind everyone that this legislation was written due to the drought and that crisis does not exist anymore.

Council Member Vallejo added that it's a valid point, but it's the legislators that put this on and if we don't follow this the City will be fined one thousand dollars a day.

Council Member Aguirre stated that they should have lobbyists lined up here to fight in Sacramento.

Council Member Vallejo and Finance Director Lara Rios suggested the League of Cities Policy Committee.

Mayor Morris asked at what point does the City notify the customer they are delinquent.

Finance Director Lara Rios stated that a courtesy reminder is sent once it become delinquent, then after the 15th of the month of every month another is sent until the 45th day, then another courtesy letter is sent.

Mayor Morris responded that people have every opportunity to inform the City of their circumstance and make payment arrangements.

Finance Director Lara Rios affirmed that the public is aware.

Mr. Martinez clarified that this is not paying a penalty it's shutting off the water.

Council Member Vallejo stated that it's always been done this way.

Mr. Martinez asked if there is a penalty.

Finance Director Lara Rios responded in the affirmative and for every month that it's not paid.

Mayor Morris closed public comment.

Motion to approve and placed on regular agenda made by: Vallejo

2nd by: Osorio

Vote: 4-1

Ayes: Morris/Alindajao/Osorio/Vallejo

Nays: Aguirre

Absent: None

Abstentions: None

- 8) Public Hearing to receive comments related to unmet transit needs that may exist and can be reasonably met

Public hearing opened by Mayor Morris.

Staff report was provided by Transit Manager Zamora.

Mayor Morris opened the public comment.

No comments from the public.

Mayor Morris closed the public comment.

Motion made by: Vallejo

2nd by: Osorio

Vote: 5-0

Ayes: Morris/Alindajao/Aguirre/Osorio/Vallejo

Nays: None

Absent: None

Abstentions: None

- 9) Update on progress of Delano General Plan

Public hearing opened by Mayor Morris.

Staff report was provided by Interim Community Development Director Mynk.

Mayor Morris opened the public comment.

Susan Villaruz shared about a history of developing a color palette years ago.

Johnny Munoz asked if this was a general plan amendment or a new general plan for the next ten years.

Interim Community Development Director Mynk responded that it would be for the next 20-30 years.

Mr. Munoz requested to be appointed to the committee.

Mayor Morris closed the public comment.

Council Member Aguirre nominated Johnny Munoz.

City Manager Reyna stated that the City Council can simply submit their nominations and can be voted on at the next council meeting.

City Attorney Richman stated if the Council didn't have anyone in mind now, they can certainly pick someone two weeks out.

Council Member Osorio nominated Lupe Martinez.

Council Member Vallejo reserved her nomination.

Mayor Pro Tem Alindajao nominated Jaime Mendoza.

Mayor Morris reserved her nomination.

No action taken.

- 10) Introduction and first reading of an ordinance amending and repealing portions of Title 6, Business Regulations §6.48 Fireworks, § 6.48.030 Sale Time Limit, §6.84.040(a)(b)(c) – Permits

Public hearing opened by Mayor Morris

Staff report was provided by Interim Community Development Director Mynk.

Mayor Morris opened the public comment.

No comments from the public.

Mayor Morris closed the public comment.

Council Member Aguirre inquired if we can do anything about Tulare County firework booths along County Line.

Interim Community Development Director Mynk responded that they have a meeting with Tulare County and will be addressing some other issues, but will be discussing this item.

Mayor Morris asked if these were the same changes from the last time this item was discussed.

Interim Community Development Director Mynk responded in the affirmative.

Council Member Aguirre inquired about days of sale.

Interim Community Development Director Mynk responded that the start of sales will be from June 28 to July 1.

Motion made by: Vallejo

2nd by: Aguirre

Vote: 5-0

Ayes: Morris/Alindajao/Aguirre/Osorio/Vallejo

Nays: None

Absent: None

Abstentions: None

- 11) Introduction and first reading of an ordinance of City Council of the City of Delano amending Chapters 6.24, 6.25, and 6.26 of the Delano Municipal Code, related to Sidewalk Vending

Public hearing opened by Mayor Morris

Staff report was provided by Interim Community Development Director Mynk.

Mayor Morris opened the public comment.

No comments from the public.

Mayor Morris closed the public comment.

Council Member Vallejo stated that she brought this matter up a while ago to establish procedures/restrictions. She added it was due to a flower vendor blocking a person on a wheelchair, then there was another time when they ran out to the cars while stopped at the red light. She also stressed the importance for health reasons and the Department of Health's approval making sure there is a safety for the vendors and residents. Lastly, she added how Los Angeles started this and needed to regulate it.

Mayor Pro Tem Alindajao inquired if this code section covers activities such as fundraisers.

Interim Community Development Director Mynk deferred to City Attorney Richman.

City Attorney Richman stated this section would encompass that scenario.

Mayor Pro Tem Alindajao asked Chief Nevarez if that activity is covered by the vehicle code and if it's actively monitored by the police department.

Chief of Police Nevarez responded that they don't actively monitor said activity.

Mayor Pro Tem Alindajao asked if Interim Community Development Director Mynk foresees any issues for regulating in the evenings or weekends.

Interim Community Development Director Mynk responded in the negative.

Council Member Aguirre asked what kind of background are we trying to clear if these people are trying to work and feed their families.

Interim Community Development Director Mynk responded it would be similar to ice cream trucks for being allowing in the public domain.

City Attorney Richman added that there can be terms of probation which might be specific, such as penal code 290 registrant, but not a simply misdemeanor or a speeding ticket.

Council Member Osorio stated that the reason why he brought this up was due to complaints about street vendors. He added that he is in agreement with 6.24 and 6.25. As to 6.26 he would suggest to remove the requirement for liability insurance and the administrative fee, but would suggest to taking this up for later time.

Council Member Aguirre asked if the fees are the State's or the City's numbers.

Interim Community Development Director Mynk responded it is by the State.

Council Member Osorio added that he doesn't want to discourage street vendors and it seems a bit much.

Council Member Vallejo explained that some vendors are dropped off, so therefore they work for someone. She posed the question, "Who will be cited, the employee or the boss?"

Interim Community Development Director Mynk shared that someone could get a business permit and indicate designees, so then that person would get cited, but if there is no permit, then it would be the person selling.

Mayor Morris asked should there be a display of the permit.

Council Member Vallejo stated that brick and mortar businesses have complained for years, but there wasn't anything we could do about it.

Mayor Pro Tem Alindajao asked if the food safety issue is addressed.

Interim Community Development Director Mynk responded in the affirmative via Department of Health.

Council Member Vallejo asked who would be held liable if there is not requirement for insurance.

City Attorney Richman shared that a person could say they don't have assets or insurance, but that doesn't stop anyone naming the City in a lawsuit.

Council Member Vallejo asked if they wait or consider to address in during the 2nd reading.

City Attorney Richman reviewed the Council's options.

Mayor Morris asked when someone takes out a permit, are they given a copy of the criteria and all they are liable for.

Interim Community Development Director Mynk responded in the affirmative.

Mayor Morris asked Chief Nevarez how many vendors are caught and do we have enough code enforcement to catch them and check if they have a permit.

Chief Nevarez responded that would primarily stay in code enforcement and would not recommend police officers to be enforcing code violations though they can assist. He added that he hopes in starting, then the word would get out and people would be discouraged.

Interim Community Development Director Mynk added that the Health Department does periodic check-ups where they came by during Valentine's Day and worked with code enforcement which lead to find 14 sellers without permits.

Council Member Vallejo suggested that the permit be visible.

Motion made by: Alindajao

2nd by: Vallejo

Vote: 3-2

Ayes: Morris/Alindajao/Vallejo

Nays: Aguirre/Osorio

Absent: None

Abstentions: None

REGULAR AGENDA

- 12) Mayor Morris' request for donation to Municipality of Kalibo, Province of Aklan, Republic of Philippines

Staff report provided by Mayor Morris.

Mayor Morris opened public comment.

Lupe Martinez and Susan Villaruz supported the approval of said item.

Mayor Morris closed public comment.

Council Member Vallejo shared that she's sympathetic but this will set a precedent with tax payer dollars and is concerned that this will not be the only request.

Council Member Osorio asked if the City has previously donated to this City in the past.

City Manager Reyna responded in the negative.

Council Member Alindajao added that he would be open to lower it for it to pass.

Mayor Pro Tem Alindajao asked if this is a civil building or government building that they City would help in rebuilding.

City Manger Reyna stated that it is a public market where community sells public goods. Mayor Pro Tem Alindajao stated that it seems like a public facility which raises concerns if it's not going to government aspect. He also added that he shared the same concerns that were brought up by Council Member Vallejo as to a precedent.

Mayor Morris stated that she does not believe the City will get many solicitations from other sister cities. She added that this is not like another organization in the City and that the livelihood of these people depend on it. She stressed the idea if we can't help our sister city, then what are they good for especially for it not being much money.

Council Member Vallejo stated that the sister city program was established for the exchange of culture and she has concerns of establishing this precedent. She added that that it didn't have to be a sister city, it can be any organization in the City.

Mayor Morris stated that about the sister city in Mexico where the City donated money.

Council Member Vallejo responded that all those funds were donated because she specifically asked about that.

Mayor Pro Tem Alindajao shared an alternative plan for the City of Delano being a conduit for donations instead of giving public funds.

Motion made by: Aguirre

2nd by: Osorio

Vote: 3-2

Ayes: Morris/Aguirre/Osorio

Nays: Alindajao/ Vallejo

Absent: None

Abstentions: None

DEPARTMENTAL REPORTS

An update on the improvement to baseball field was provided by City Manager Reyna.

COUNCIL STATEMENTS AND REPORTS

Council Member Osorio: Shared the SEIU town hall meeting. He also attended the Senator Hurado roundtable on public safety with Council Member Vallejo. He attended the employee luncheon with Mayor Morris and Council Member Vallejo and appreciated the employees' dedication. Lastly, he has two reading sessions for Reading Across America.

Council Member Aguirre: none.

Council Member Vallejo: She inquired about the bus stop in front of the hospital. She stated that she received an email from one of the trades and they asked about placing the bids online on the website. She also agreed to participate in Reading Across America. A week ago, she met with Matthew Cauthron and David, the CEO of Adventist Health regarding their intensions of putting a clinic with specialties in the southwest of Delano. She attended coffee with elected officials with Congressman TJ Cox. She reaffirmed her attendance of the roundtable and thought that it was going to be about public safety with the police, so when they opened the door about the MCF, she gave them an earful with the official from the Governor's Office Anthony Williams.

She also has been working with the City Manager where Assembly Member Rudy Salas has been helping. She also stated that the Crab Feed was a great success and it was a sellout. She also attended the roundtable on homeless hosted by Assembly Member Salas. She inquired about the centennial time capsule that is supposed to be buried that is currently at the historical park. Lastly, she thanked Mr. Mynk on working on that ordinance and staff getting ready for the meetings.

Mayor Pro Tem Alindajao: none

Mayor Morris: Thanked staff. She also reminded everyone to get out and vote.

Moved for Closed Session by: Morris/Alindajao/ Aguirre/Osorio/Vallejo

2nd by: Morris/Alindajao/ Aguirre/Osorio/Vallejo

Time: 8:18PM

Vote: 5-0

Ayes: Morris/Alindajao/ Aguirre/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 Resources Director Zamudio (Item No. 13 only), and City Manager Reyna were present.

City Attorney Richman announced item no. 15 will not be discussed in closed session.

CLOSED SESSION

- 13) CONFERENCE WITH LEGAL COUNSEL – Existing Litigation Pursuant to Government Code Section 54956.9(a):
Claimant: Jesus Murguia; Workers' Compensation Claim No. FR190581;

Action: No Reportable Action.

- 14) CONFERENCE WITH LEGAL COUNSEL- EXISTING LITIGATION pursuant to Government Code Section 54956.9(d)(1): House of Fun Smokeshop, LLC v. City of Delano, Case No BCV-20-100439

Action: City Attorney Richman announced City Council gave direction to the City Attorney to defend the City in the House of Fun Lawsuit.

- 15) CONFERENCE WITH REAL PROPERTY NEGOTIATORS pursuant to Government Code section 54956.8.
Property: SEC County Line Road and High Street, Delano, CA 93215
APN: 410-020-04 and a portion of 410-020-05

Agency negotiator: City Manager, City Engineer and City Attorney
Negotiating parties: Surinder Singh Basra
Under negotiation: price and/or terms of payment

Action: *Item was not discussed.*

Moved for Open Session by: Alindajao

2nd by: Vallejo

Time: 8:54PM

Vote: 5-0

Ayes: Morris/Alindajao/Aguirre/Osorio/Vallejo

Nays: None

Absent: None

Abstentions: None

RETURN TO GENERAL SESSION

ADJOURNMENT

Moved by Council Member Aguirre, seconded by Council Member Osorio, and unanimously carried 5-0 to adjourn the meeting at 8:55p.m.

Ricardo G. Chavez, City Clerk