

MINUTES

**CITY OF DELANO
CITY COUNCIL – REGULAR MEETING
August 3, 2020**

CALL TO ORDER

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

INVOCATION

Mayor Morris offered a moment of silence.

FLAG SALUTE

City Clerk Chavez led the flag salute.

ROLL CALL

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

OFFICIALS PRESENT

City Manager Reyna, City Clerk Chavez, City Attorney Richman, City Engineer Dowling, Finance Director Lara Rios, Interim Community Development Director Mynk (via teleconference), and Human Resources Director Zamudio (via teleconference)

PRESENTATIONS AND AWARDS

No Items.

ITEMS FROM THE PUBLIC

No public comment.

Moved for Closed Session by: Vallejo

2nd by: Aguirre

Time: 5:35p.m.

Vote: 5-0

Ayes: Morris/Alindajao/Aguirre/Osorio/Vallejo

Nays: None

Absent: None

Abstentions: None

The City Clerk was excused. City Attorney was appointed as Acting City Clerk. City Attorney Richman and Chief of Police Nevarez were present.

CLOSED SESSION

- 1) CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION
Significant exposure to litigation pursuant to Government Code Section 54956.9(d)(2): (1 potential case) (*Moved ahead of agenda*)

Action: No Reportable action.

Moved for Open Session by: Aguirre

2nd by: Vallejo

Time: 6:46PM

Vote: 5-0

Ayes: Morris/Alindajao/Aguirre/Osorio/Vallejo

Nays: None

Absent: None

Abstentions: None

RETURN TO GENERAL SESSION

CONSENT AGENDA

- 2) Authorization to waive the reading of any ordinance in its entirety and consenting to the reading of such ordinances by title only
- 3) Warrant Register in the amount of \$3,473,781.48
- 4) Minutes of regular City Council meeting of July 20, 2020
- 5) Ratification of Letter of Support for Clinica Sierra Vista (CSV) in servicing the City of Delano within the Kern County Mental Health Geographic Service Area
- 6) Ratification of certification for receipt of funds pursuant to paragraphs (2) or (3) of subdivision (d) of control section 11.90 of the Budget Act of 2020 for expenditures incurred by COVID-19 (**Agreement No. 2020-38**)
- 7) Acceptance and Approval of the City of Delano Quarterly Investment Report
- 8) Approval of Open Purchase Orders for \$35,000 or more for the period July to December 2020
- 9) Resolution awarding a contract to Quinn Company for the purchase of one (1) new 2020 CAT 420 Backhoe Loader in the amount of \$133,897.03 and authorizing the city manager to execute all required documents (**Resolution No. 2020-44**) (**Agreement No. 2020-39**)

- 10) Resolution allowing the City Manager to sign and have the authority to make financial decisions, enter into contract, authorized to implement the new vehicle project, and authorizing the submittal of application for Public Benefit Grant Program/New Alternative Fuel Vehicle purchase with the San Joaquin Valley Air Pollution Control District (SJVAPCD) (**Resolution No. 2020-45**) (**Agreement No. 2020-40**)
- 11) Ratification of funds released from developer escrow account to the Vineyard Retail Center (Delano Market Place II) as per MOU No. 2016-084 for the Required Offsite Improvements in the amount of \$462,154.41 plus any accrued interest to date in the developer escrow account as a Final Disbursement and Close of Escrow Account (**Agreement No. 2020-41**)
- 12) Award of contract for the “2020 Various Streets Pavement Resurfacing and Rehabilitation STPL-5227(063) Project” to Mac General Engineering, Inc. in the amount of \$672,555.68 and authorize the City Manager to sign the construction contract (**Agreement No. 2020-42**)

Motion was made by: Aguirre **to approved items 2 – 12 on consent;**

2nd by: Vallejo

Vote: 5-0

Ayes: Morris/Alindajao/Aguirre/Osorio/Vallejo

Nays: None

Absent: None

Abstentions: None

PUBLIC HEARINGS

- 13) Introduction and first reading of an ordinance of the City Council of the City of Delano, California, amending and restating sections 9.90.010-9.90.070 of the Delano Municipal code, related to the ongoing major criminal investigation reward program

Staff Report provided by Chief of Police Nevarez.

Public hearing opened by Mayor Morris.

No public comment.

Public Hearing closed by Mayor Morris.

Council Member Osorio stated that this seems straight forward and should help the Chief. He asked the amount of the reward and how the secret witness program looks like.

Chief Nevarez referenced the amounts.

Council Member Aguirre stated that the Chief can come back to ask for more if the funds are exhausted. He further explained the ideology that when looking at the man hours to conduct the investigations, the reward of \$5,000 is a drop of the bucket.

Council Member Vallejo added that the funds are carried over so it gets bigger.

Chief Nevarez stated that the reward is capped at \$20,000.

Council Member Vallejo thanked the Chief for looking at this and making it better. She added that this would be beneficial to work with the County.

Council Member Aguirre stated that he's ready to move forward with a motion.

Mayor Pro Tem Alindajao applauded the Chief for his efforts in upping the ante.

Mayor Morris stated that she's glad this will help with investigations.

Motion made by: Aguirre

2nd by: Vallejo

Vote: 5-0

Ayes: Morris/Alindajao/Aguirre/Osorio/Vallejo

Nays: None

Absent: None

Abstentions: None

REGULAR AGENDA

- 14) Discussion of an urgency ordinance to enforce the wearing of face coverings as provided for by the governor and state public health officer orders

Staff Report provided by Mayor Pro Tem Alindajao.

Public hearing opened by Mayor Morris.

Anthony Cortez asked how will this be addressed to the public. He suggested that a public service announcement be done.

Yolanda Chacon suggested notifications to be done in the utility bill.

Lupe Martinez stated that this wouldn't be enforcement without compliance. He further asked how would this be mitigated; would it be with fines?

City Attorney Richman stated that this ordinance would allow code enforcement or a police officer to issue an administrative fine by way of a citation.

Veronica Vasquez shared her concern that there was a public event where three council members and the Chief of Police were present and they did not once educate the public on this order that's been in place since June. She further stated that the emcee at the event wasn't even wearing a mask. She further stressed since this order; the City wasn't doing the basic necessities which that particular weekend was the highest reported numbers. She added that yet the Governor suggested not have any public community events, but three elected officials and the Chief of Police were at this event, and asked why wasn't the order being followed then. She also stated that she hasn't heard any collaboration on the Public House press conferences about the numerous services for the community such as PPP loans.

Israel Quiroz asked how are they going to force the community to wear a mask and alienate the community against the Delano Police Department. He stressed that this is not a dictatorship; this is America. He informed the Council that veterans and servicemen have died for this country. He also stated various examples of how people can get exposed to COVID-19.

Public Hearing closed by Mayor Morris.

Council Member Aguirre stated as a healthcare professional, he knows that one is either to wear a mask or distance themselves by six feet, so therefore you wouldn't need to wear a mask if you're social distancing. He emphasized that it doesn't make sense to him for people to wear a

mask in their vehicle or out in the open park. He doesn't believe that an officer has the right to stop him if he's social distancing and he's old enough to take care of himself.

Council Member Osorio commended Council Member Alindajao for bring this forward. He asked Council Member Alindajao what is his ideal enforcement of this supposed to look like.

Mayor Pro Tem Alindajao responded reasonable enforcement and provided examples.

Council Member Osorio asked how would they get the word out and be empathetic.

Mayor Pro Tem Alindajao reaffirmed the reasonable method and added that he doesn't envision anyone getting fined, but if people are not complying and putting others in danger than they would be warned and told to place their mask on. He believes it's about loving thy neighbor and reminded the public that we are in the middle of a pandemic, so we need to watch over one another.

Council Member Osorio asked if the misdemeanor aspect can be dropped.

City Attorney Richman responded that it is the state law, but it can focus on the administrative aspect.

Mayor Pro Tem Alindajao would be agreeable, but if the State wants to pursue this they certainly can. He doesn't believe the City would be pursuing a misdemeanor.

Council Member Osorio ask if Mayor Pro Tem Alindajao would reduce the fines.

City Attorney Richman responded that the fines are set in the code, but she doesn't believe there would be an issue to lower them.

Mayor Pro Tem Alindajao responded that he wouldn't have an issue to adjusting the fine. He shared that he believes in the citizens of the Delano and has faith in them. It can also be dealt with an administrative hearing.

Council Member Osorio proposed to reducing all the proposed fines to half.

Mayor Pro Tem Alindajao stated that he didn't have a problem with that.

Mr. Quiroz asked how long would this mandate last.

City Attorney Richman responded that it would be mimicking what the Governor has, but it can be repealed at whatever time the Council would like.

Mayor Pro Tem Alindajao stated that he doesn't believe there would be an issue due to this being a temporary order.

City Attorney Richman stated that it can also be done by way of the emergency order as another option.

Mayor Pro Tem Alindajao stated that there really isn't anything in the market to deal with those that are hospitalized. He sees that the most reasonable time for a vaccine would be for December or May/June of next year. He thanked the recommendations by CDC for our community. He thanked the faith based community that have taken these recommendations to heart and specifically thanked Pastor Gabriel Diaz, Pastor Eric Juarez, Pastor David Vivas, and the pastor from his Vineyard Church where these churches have stopped in person services and is his understanding that they are modifying or social distancing when meeting. He responded to the caller that referred to this as a political issue, he explained this is an issue about public health, safety and protecting one another. He quoted scripture Matthew 22:37 in which "We are to love our neighbor, as we are to love ourselves." He encourages everyone to follow the guidelines and support this mandate.

Council Member Vallejo was grateful for Vice Mayor Alindajao to bring this forward. She reminded everyone that this is for discussion and this is why the City Attorney will see what can be done. She explained that under California law, it would be an administrative citation. She shared that she went to a busines, while she was wearing her mask, and the owner and employee weren't wearing a mask. She asked if they knew that they were required and they respond that

they didn't know. She agrees with Ms. Chacon and Ms. Vasquez that we need to educate the public. She also referenced that the Latino community is heavily hit by COVID-19 and that it was due to lack of education. She believes if the school districts and others give out masks, we can accomplish more. She stated that she knows Mayor Pro Tem Alindajao's intention wasn't about the fines, but instead to protect them. She believes that the Council is making decisions to help everyone without infringing their rights, but still have a right to good health. Mayor Morris feels that wearing a mask is so important and they should continuously encourage people to continue wearing masks. She doesn't agree on the fines and she believes in our community as well.

City Manager Reyna clarified that no motion is needed, but would request direction for staff. Council Member Vallejo stated that this item be brought back after hearing the from the Council and be brought for action.

Mayor Morris asked for consensus from the Council and received unanimous support to bring this time back on a future agenda for action.

No motion made.

15) Discussion of installing and purchasing surveillance cameras for community parks

Staff Report provided by Mayor Pro Tem Alindajao.

Public hearing opened by Mayor Morris.

Pastor David Vivas shared his support for the item.

Lupe Martinez asked what is the tune of the money they're looking at and was this only for Kalibo Park or all the parks.

City Manager Reyna stated that Mayor Pro Tem Alindajao brought this item forward and the intent to have cameras at all the parks. She stated as to the cost can vary from \$10-20k

Mayor Pro Tem Alindajao stated that their strategy would be that it would be a phasing this project in as an approach.

Yolanda Chacon asked where were the cameras approved in February installed.

City Manager Reyna responded that the locations of the cameras are not disclosable, but should be installed this Thursday and it is separate from the February project.

Council Member Vallejo shared that the staff report was confusing and had believed this was an addition of the order placed before.

City Manager Reyna stated that Council Member Vallejo is correct and explained to expedite it and can be added to the existing order. Also, the project is a different quality of the cameras.

Mayor Morris closed public comment.

Council Member Aguirre asked where did the idea of the cameras in the park come from as there were cameras approved earlier in the year.

Chief Nevarez explained this is an expansion of the project as what was approved before was more focused on thorough fares, where this project is more refined as to the parks.

Council Member Aguirre asked what's being installed this Thursday.

Chief Nevarez explained the installation is from the project approved earlier this year.

Council Member Aguirre asked if the cameras for the parks are seeking for approval.

Chief Nevarez specified that it's actually for discussion as it was brought forth by Council Member Alindajao.

Council Member Aguirre reaffirmed that these cameras will be installed in the next couple of weeks.

Chief Nevarez stated he was informed that they will be install this Thursday.

Council Member Aguirre asked various questions as to the logistics of the cameras.

City Manager Reyna stated that staff needed Council's direction before moving further.

Council Member Aguirre asked about the stats at the parks.

Chief Nevarez provided those statistics.

Council Member Aguirre asked about the degree of calls.

Chief Nevarez shared the details of the stats and shared that he was surprised about the nature of the crimes.

Council Member Vallejo shared that there isn't anything about parks in the staff report.

Finance Director Rios-Lara shared her rationale and stated that Sebastian did a walkthrough.

Council Member Aguirre asked if a police officer participated in the walkthrough.

IT Specialist Enriquez responded in the negative.

Finance Director Rios-Lara shared that staff tried to get the estimated cost and bring it forth for discussion in behalf of Council Member Alindajao.

Council Member Vallejo asked that she'd rather wait until she has more information.

City Manager Reyna apologized for the confusion as she explained that her thought was to provide an idea of the cost. She further explained that they believed that public works, PD, and IT were to be involved. She stated that this needed Council approval is a whole in order to proceed.

Council Member Vallejo asked how much time was expended with the first project.

Council Member Aguirre asked if this was an IP or analog system.

IT Specialist Enriquez responded IP.

City Manager Reyna stated that those cameras are already at facilities.

Council Member Aguirre asked how much time would staff need to get some good numbers.

IT Specialist Enriquez responded about 30 days.

Council Member Vallejo believes that the Chief should also have buy-in regarding the parks and stated how all this started regarding the vandalism at the parks' bathrooms.

Council Member Aguirre stated that it was good that they waited and especially with technology has gotten so much better and cheaper than before.

Council Member Vallejo stated she simply needs more information. She also suggested that the County Supervisor can help since it is a county park.

Council Member Aguirre asked Council Member Alindajao if he would mind to give Mike and Rosa more time on this item.

Mayor Pro Tem Alindajao responded that he didn't have a problem with that. He further provided context on placing this item on the agenda for discussion in order to get an indication and feel from the City Council as a whole. He also added that the reason this is two phases in which the first cameras are very robust and would have been overkill to place in the parks, as well as the cost would be at a much-reduced cost and therefore it would help in this gang initiative.

Council Member Vallejo stated that this would help for food for thought and have more detailed information to give direction to staff.

Mayor Pro Tem Alindajao stated that he didn't have an issue with the 30 days. He also shared that he was taken aback at the significant level of crimes.

Council Member Aguirre requested the information to be broken down by park.

Council Member Vallejo asked for the crime stats be provided in the same way as well.

Council Member Osorio shared the information would be helpful. He asked Chief Nevarez as to the investment being made in these cameras could it have been better spent on a program or somewhere else.

Chief Nevarez shared that cameras beneficial because they have a proactive effect and it has a time solving factor, so there is tremendous value.

Council Member Osorio asked if crime disperses into the community or somewhere else.

Chief Nevarez responded that parks were designed for congregation, so it has compounded effect.

Council Member Osorio asked which parks would Chief Nevarez be willing to invest in.

Chief Nevarez shares that his initial thought would be where there is most calls, but he would have to take a deeper look, so depending what the data supports.

Mayor Morris concurred with the statement made. She would depending the crime activity would focus on the parks that has the highest crime activity.

City Manager Reyna stated that she's received direction to get more information and bring it back to Council for direction.

No motion made.

16) Discussion on Anti-Gang Campaign in the City of Delano (Mayor Pro Tem Alindajao) (*Consolidated with Item No. 18*)

Staff Report provided by Mayor Pro Tem Alindajao. He asked to continue the discussion on the gang injunction, but would like to discuss the ordinance change on gang activity in respect to property owners.

City Attorney Richman provided a status that this hasn't been updated since 1989, so there are some areas that can be given some clarity in order to provide a modern tool for the Police Department. She stated that she will provide a staff report for discussion on a future meeting.

No motion made.

17) Discussion on providing internet access for households with students in the City of Delano (Mayor Pro Tem Alindajao)

Mayor Pro Tem Alindajao shared about his meeting with Superintendent Rosalina Rivera and Superintendent Jason Garcia. He shared about how now kids are distant learning and there are a lot of kids that are low-income and cannot afford internet access. His thoughts is that this is where the City of Delano can step up and help out. His thought is that on principal that it is the City's duty to help the students and teachers. His thought would be to help by way of the CARES Act money. He asked of the process of reimbursement with said money from the County. He then itemized a number of items for said purpose for the Police Department and stated that if the City can prioritize notebooks, software and hand sanitizers for them, then why not for the parents, students and teachers for a reasonable amount during this time of emergency and need. His proposal is to send a message to the students, parents and teachers that they want to help them.

Public hearing opened by Mayor Morris.

Jesse Ortega shared that he supports the proposal, but believes that parents from Earlimart and Richgrove ask for their kids to be serviced by the City of Delano because the Delano Joint High School District's jurisdiction expands beyond the City of Delano.

Lupe Martinez believes that the other outlying rural areas where it's really bad such as Allensworth that should be considered as well to be helped.

Public Hearing closed by Mayor Morris.

Council Member Vallejo asked about the staff report from the Finance Director.

Finance Director Lara Rios shared that she's available for questions.

Council Member Vallejo shared that this is nice gesture to assist the schools. She stated that she spoke to a board member from the high school district and she was informed that they have all their students taken care of and they were ready to go. As to the Elementary School District, she spent with an hour with Superintendent Rivera that they were supplying internet for their student's homes, as well as their nana's, sitter's, and other family member's house. She further explained that the district has already provided internet, as they addressed this at the end of the previous school year. She further inquired about what exactly is the district looking at and she was informed about a deal with Spectrum for \$30 instead of hotspots which are difficult to get. She offered to look for corporate sponsors and thought about the CARES Act, but saw that this will be ongoing, as no one knows when this will end. Council Member Vallejo then asked what the district would need, and Superintendent responded maybe \$200-\$300, but directed her to Assistant Superintendent Sandra Rivera in which put in contact with Finance Director Rios-Lara. Finance Director Rios-Lara stated that she had reached out to Ms. Rivera, but they have not gotten all the data in respect to number of households which she estimated 500 households. She also stated that they came to the conclusion that providing the internet was much more feasible than purchasing hotspots. She was also informed by Ms. Rivera that they were also receiving funding by the CARES Act as well, so then you'd have the issue of supplanting.

Council Member Vallejo asked then if the district is receiving CARES Act funding, the City cannot supplement them with the same CARES Act funding that the City is receiving.

Finance Director Rios-Lara responded in the affirmative, but said that she did inform Council Member Alindajao on more clear guidance of the CARES Act funding.

Council Member Vallejo shared that it's good to get informed about this, as she spent a lot of time talking to the school district. She stated, as she referenced the Mayor shaking her head in agreement, that they should wait to see what they are covered. She was also informed by a school board member from the high school that they were covered.

Council Member Osorio stated that he shares the same sentiment as Council Member Vallejo as he listened in the last high school board meeting and in speaking with a school board member, he was reassured that they have the technology. He also added that he is in the same page in alleviating the difficulty of the pandemic, but doesn't see internet as being such an urgency such as a lack of food or money for rent. He would also be in support of continuing this discussing, but not so narrow, but in providing some kind of COVID-19 relief in a broader level such as Mayor Pro Tem Alindajao thanked the comments made by Council Members Vallejo and Osorio. He stated that he also had questions about the same items and would like to understand the depth of the issue of the needs of the families. He also wanted to know about the reimbursement if they had given funds to the schools districts if they would in fact be a reimbursable item, but has yet to be determined.

Finance Director Rios-Lara responded in the affirmative.

Mayor Pro Tem Alindajao agreed with the comments made about getting more information before moving forward.

Mayor Morris thanked Council Member Vallejo for doing her research.

Mayor Pro Tem Alindajao suggested that staff look into the depth of need for the elementary and high school districts. He also added that the City is in a supplemental position of need to the school districts. He also addressed the issue of jurisdiction where that is not a decision that the City will have to make, but instead that falls on the school districts.

Council Member Vallejo wanted to know if the CARES Act money would be similar to tax payer money.

Council Member Aguirre shared that it extends beyond the City because this is what they're dealing in Shafter with the outlying communities. He further clarified that it's the Kern County Superintendent of Schools is providing the funding.

Council Member Vallejo also stated that based on the comment made by Council Member Osorio regarding assistance by way of the CARES Act in which Kern County and City of Bakersfield isn't touching it because it would be difficult to implement.

Mayor Pro Tem Alindajao asked Finance Director Rios-Lara how much time she may need to research.

Finance Director Rios-Lara responded it would depend on the county, so maybe 30 days or she may inform him that she would need more time.

Council Member Vallejo also added that she would need the response of the school districts as well.

No Motion made.

- 18) Discussion on future City actions to address and reduce criminal gang activities in the City of Delano (Mayor Pro Tem Alindajao) (*Consolidated with Item No. 16*)

Item was consolidated for discussion with item no. 16 at the request of Mayor Pro Tem Alindajao.

No Motion made.

DEPARTMENTAL REPORTS

No Items.

COUNCIL STATEMENTS AND REPORTS

Council Member Aguirre: no itmes.

Council Member Osorio: Thanked staff for asking if he had any questions on the agenda and thanked Ms. Reyna for answering his questions on the agenda. He updated everyone that he attended a UFW food distribution. He also attended a global COVID testing event with Mayor Morris. He also requested through the Mayor about having a discussion for mask distribution event.

Council Member Vallejo: She shared that she supports the discussion about a mask distribution event and shared about her experience at Harbor Freight where a gentleman didn't have a mask and two young girls provided a mask to him which they just bought. She also mentioned that

there will be blood drive on the 6th hosted at the police department and invited everyone to give blood so it can save lives.

Mayor Pro Tem Alindajao: He jokingly asked if there are higher fines for council member not wearing masks as referred to Council Member Aguirre. Secondly, he stated that he's said enough for tonight.

Mayor Morris: no items.

CLOSED SESSION

Item was moved ahead of agenda.

RETURN TO GENERAL SESSION

ADJOURNMENT

Moved by Council Member Vallejo, seconded by Council Member Aguirre, and unanimously carried 5-0 to adjourn the meeting at 9:19 p.m.

Ricardo G. Chavez, City Clerk