

MINUTES

CITY OF DELANO CITY COUNCIL – REGULAR MEETING September 8, 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

Council Member Vallejo 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 (via teleconference), City Engineer Dowling, Finance Director Lara Rios (via teleconference), Recreation Manager Bath-Chavez, and Transit Manager Zamora

PRESENTATIONS AND AWARDS

Mayor Morris presented a proclamation to Delano Harvest Holidays Association.
Congressman TJ Cox presented the U.S. American Flag to North Kern Cemetery District.

ITEMS FROM THE PUBLIC

1. Public comment was submitted via email by Mr. Neil Evans and read aloud by City Clerk Chavez.
2. Anthony Cortez shared his disappointment in Council Member Osorio. He stated that on September 4th at 4am, Council Member Osorio participated in a protest outside Congressman Kevin McCarthy's home and said it was questionable as to why he was there. He didn't appreciate that Council Member Osorio represented him, though he did not vote for Council Member Osorio, he still represents him. Mr. Cortez also stated that Council Member Osorio's values and moral were definitely wrong. He also referenced

about a picture of Council Member Osorio with a raised fist when he was first sworn in which is a universal sign of revolution. He hopes that Council Member Osorio comes to his senses and knows that he's better than that as he further stated that he believes that Council Member Osorio owes them an apology.

3. Shirley Toddman-Mcneese Union Representative for the Delano Skilled Nursing Facility and they are currently in a contract dispute. She asked for support from the City Council to encourage Board President Jaime Mendoza to give workers a fair contract, affordable benefits, fair wages and to treat them with dignity. She encourages all Council Members to have a conversation with Mr. Mendoza. She thanked Council Member Osorio for his letter of support. She stated that they are working under harsh conditions. She said that it's not fair when the administrator has received an increase. She also shared that Delano District has received \$250k from the Federal and the State.
4. Jesse Rojas expressed his disappointment in Council Member Osorio that it was very inappropriate for Council Member Osorio to go to Congressman Kevin McCarthy's home. He stated that it was technically a misdemeanor, so he believes that Council Member Osorio should be thankful that he wasn't ticketed. He further believes that Council Member Osorio should apologize to his constituents and focus on real issues that matter to Delano.
5. Salvador Solorio-Ruiz shared that he is a City of Delano candidate. He shared that as all candidates' statement of responsibility for political signs are temporary. He was informed by a friend that political signs were up the day before the required date of September 4th, which he later confirmed to be by Council Member Joe Aguirre, Council Member Joe Alindajao, and Candidate Jaime Mendoza had their signs up on September 3rd. He stated that those that are on Council are taking advantage the authority and privilege they currently have and requested that they take upon themselves to remove their signs for a week.
6. Kevin Reed shared that he's a Kern County resident. He asked how can Council Member Osorio believes it is appropriate to go to a congressman's private residence when he's not there and intimidate his wife and family. He reminded Council Member Osorio that he wasn't even his congressman. He also asked Council Member Osorio to respond to the threat made to Congressman McCarthy made by the organization via social media stating "This is your first and last warning." He shared that it is a public disgrace to make a threat to a duly elected member of Congress and the City of Delano should be ashamed of him.

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 \$2,318,658.55

- 3) Minutes of regular City Council meeting of August 17, 2020
- 4) Minutes of special City Council meeting of August 27, 2020
- 5) Resolution of the City Council of the City of Delano accepting the Gann appropriations limit report for the Fiscal Year 2020-2021
- 6) Acceptance of the “2020 Oxford and Princeton Alley Urgent Sewer Line Replacement Project” and authorizing the filing of the Notice of Completion
- 7) Acceptance of the “2020 Urgent Sewer Repair-700 block of High-Main Alley Project” and authorizing the filing of the Notice of Completion
- 8) Approval of additional services task order with Provost & Pritchard Consulting Group for SWPPP, Material Testing, Construction and Electrical Oversight under agreement 2019-20 (1,2,3-tcp mitigation design for wells 26, 30, and 33 GAC treatment) for \$282,000.00 and authorization for the City Manager to sign any documents needed to carry out this project (**Agreement No. 2020-45**)
- 9) Authorization for purchase of one Ford CNG Bus in the amount of \$193,578.01 from A-Z Bus Sales and authorize the City Manager to execute any necessary agreements (**Agreement No. 2020-46**)
- 10) Resolution of the City Council of the City of Delano authorizing designated positions to execute any actions necessary for obtaining financial assistance provided by the California State of Good Repair (**Resolution No. 2020-50**)
- 11) Ratify the additional sidewalk improvements expenses of \$53,394.03 with MAC General Engineering for the 2019 CDBG High-Main Street Improvements Project to be paid from Fund 12 TDA (Transportation Development Act Fund) and authorize the City Manager to execute any documents needed to close out the project

Motion was made by: Aguirre **to approved items 1 – 8, 10, 11 on consent;**

2nd by: Vallejo

Vote: 5-0

Ayes: Morris/Alindajao/Aguirre/Osorio/Vallejo

Nays: None

Absent: None

Abstentions: None

Item No. 9 pulled by: Vallejo

Reason for being pulled: Council Member Vallejo asked if this would be replacing or adding to the fleet.

Staff Report provided by Transit Manager Zamora.

Council Member Vallejo asked how big is the bus.

Transit Manager Zamora responded that it is a 20-passenger vehicle with two wheelchair spaces or 26 with the wheelchair slot spaces. She added that due to social distancing, they currently are filled up to ten passengers.

Council Member Vallejo asked if there are even 10 passengers to fill up the bus currently.

Transit Manager Zamora responded in the affirmative and added there they currently receiving a grant to cover the cost and even providing a shadow bus for the overflow.

Council Member Vallejo asked if there wasn't the free ridership would they have enough to fill up the bus.

Transit Manager Zamora responded in the affirmative.

Motion made by: Vallejo

2nd by: Aguirre

Vote: 5-0

Ayes: Morris/Alindajao/Aguirre/Osorio/Vallejo

Nays: None

Absent: None

Abstentions: None

PUBLIC HEARINGS

No Items.

REGULAR AGENDA

- 12) Reappointment of Planning Commission Members Terrance Monrian and Ralph Markham

Staff Report provided by City Manager Reyna.

Motion to reappoint Ralph Markham to the Planning Commission made by: Vallejo

2nd by: Aguirre

Vote: 5-0

Ayes: Morris/Alindajao/Aguirre/Osorio/Vallejo

Nays: None

Absent: None

Abstentions: None

Motion to reappoint Terrance Monrian to the Planning Commission made by: Vallejo

2nd by: Aguirre

Vote: 5-0

Ayes: Morris/Alindajao/Aguirre/Osorio/Vallejo

Nays: None

Absent: None

Abstentions: None

- 13) Staff is recommending for City Council to approve the acceptance of a donation of \$3,000 for Delano Senior Center from Vallarta

Staff Report provided by City Manager Reyna.

Mayor Morris presented check to Recreation Manager Batth-Chavez in behalf of the City of Delano Senior Center.

Motion made by: Vallejo

2nd by: Aguirre

Vote: 5-0

Ayes: Morris/Alindajao/Aguirre/Osorio/Vallejo

Nays: None

Absent: None

Abstentions: None

- 14) Introduction and first reading of an ordinance of the City Council of the City of Delano, California, amending and restating chapter 7.32 (property maintenance) of the Delano Municipal Code, adding sections 1.08.075 (general declaration of nuisance) and 2.20.060 (chief of police powers) to the Delano Municipal Code, and amending section 1.08.230 (fines)

Staff Report provided by City Attorney Richman.

Public comment opened by Mayor Morris.

No public comment.

Mayor Morris closed public comment.

Council Member Osorio stated he had discussed his concerns at a previous council meeting and appreciates Council Member Alindajao for speaking with him. He stated he wasn't able to find the effectiveness of the nuisance ordinance. He had concerns about the fees, but also referenced the dangers of this which he fears repercussions in the future and therefore opposes it.

Council Member Vallejo stated that she supports the language because it would be an additional tool to help the Chief of Police. She further stated that she's not as supportive of the fines, but was informed that these are administrative fines, so a person can appeal the fine.

Mayor Pro Tem Alindajao is very encouraged by this legislation and believes it will have a positive effect on how crime is fought in the City of Delano. He stated that in isolation it may not have much effect, but the multi-prong approach it would be an effective tool in totality. He also stated that this shows the support of the Police Department and letting them know that they are taking the burden in the fight against crime. He was encouraged that the Chief of Police has experience with this ordinance at the City of Fresno and its effectiveness. Mayor Pro Tem Alindajao asked Chief Nevarez if the Chief would be administering the process.

Chief Nevarez responded in the affirmative. He also added that this is for cooperation and remedy the problem locations before taking the next step. He clarified that this is not to go after people who can't afford it, but instead the absentee landlords or property owners who stopped caring.

Mayor Pro Tem Alindajao stated that he has all the confidence in the world that the Chief would administer this in an equitable manner.

Council Member Osorio asked what happens if people are not able to pay the citations.

City Attorney Richman responded that there is no substantial change to the ordinance, but simply clarification. She further added that there is an administrative process. Council Member Osorio asked what does the appeal process look like. City Attorney Richman provided a synopsis of the appeal process. Council Member Osorio referenced anyone who's interested in knowing more about his opposition, he referenced the American Civil Liberties Union website one can read about civil liberty rights.

Motion made by: Aguirre

2nd by: Alindajao

Vote: 4-1

Ayes: Morris/Alindajao/Aguirre/Vallejo

Nays: Osorio

Absent: None

Abstentions: None

DEPARTMENTAL REPORTS

No Items.

COUNCIL STATEMENTS AND REPORTS

Council Member Aguirre: Invited everyone to Sunday, September 20th at 6pm for a vigil of the victims who had been slayed this year with a group of ministers at City Hall.

Council Member Osorio: Shared about attending last Friday's UFW food distribution. He also shared that he recognizes the voices on the call and hear the sentiments. He stated that he can go into a variety of reasons regarding that issue, but it's a partisan issue, so when he's up there it is suppose to be nonpartisan and would be will to discuss that with Mr. Cortez. Lastly, he shared the historical context about the Delano Grape Strike that occurred 55 years ago on September 8th.

Council Member Vallejo: She requested staff to bring back on the October 5th the political sign ordinance section and possible action to amend, but would leave it to staff. She has been working with the Chief on a mask giveaway and has been working on getting donations to also provide a liter of sanitizer. She encouraged everyone to keep informed that it will be out next to the Police Department as it was done before. She also wanted to give a shoutout to the parents who are working with their kids at home and are practically working as teacher aids. She also referenced her granddaughter who has three daughters at three different grade levels, while one of them is autistic and stated that it is quite a challenge as she is not the only one. Lastly, she also thanked staff and her colleagues.

Mayor Pro Tem Alindajao: Reminded the public that they are still in a pandemic and encouraged them to wear a mask, as well as they should be smart while gathering. He added that though people are getting weary, the virus isn't getting weary at all. He also shared that since he first introduced the mask mandate on July 20th there has been over 900 cases in Delano. He sent a

special shoutout to the teachers in Delano and shared an experience while he stayed home as his wife conducted a class as a teacher. He sees all their hard work and thanks them.

Mayor Morris: She directed her comments to Council Member Osorio and shared that it was brought to her attention by some board members at the skilled nursing facility that they had received a letter from you on a City of Delano letterhead. She felt disturbed by the letter which went out on City stationery without authorization by the rest of the City Council. She believes that this is his own personal interest and not the interest of the rest of the Council. She stressed that he doesn't know the struggle of that facility has had to keep the residents safe especially from Coronavirus and keeping the facility going. She further stated if he would have spoken to the administrator or the board of directors, Council Member Osorio would have then understood those struggles of keeping those employees employed. She added that she understands the concerns of the employee as many became her friends while her mother was there for 13 years, but stated this is not their fight. She further stated that she served on that board for ten years and understands what it took to keep that facility going. She acknowledged that Council Member Osorio put a little note at the bottom of the letter stating that it represented your own views, but it went out on a City Letterhead without checking how the rest of the Council felt and believe it was inappropriate.

CLOSED SESSION

No Items.

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 6:46 p.m.

Ricardo G. Chavez, City Clerk