

MINUTES

CITY OF DELANO CITY COUNCIL – REGULAR MEETING October 19, 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

Council Member Aguirre offered the invocation.

FLAG SALUTE

Mayor Morris led the flag salute.

ROLL CALL

Council members present: Liz Morris, Joe Alindajao (via teleconference – arrived at 5:41pm), Joe Aguirre, Bryan Osorio (via teleconference), Grace Vallejo
Council members absent: None

OFFICIALS PRESENT

City Manager Reyna, City Clerk Chavez, City Attorney Richman, Finance Director Lara Rios, Interim Community Development Director Mynk, and Associate Engineer Nunez

PRESENTATIONS AND AWARDS

No Items.

ITEMS FROM THE PUBLIC

1. Michael Armendariz, General Manager of Maya Cinemas shared that they just completed their first weekend of reopening and thanked everyone who came out. He also offered the City of Delano to distribute information for the public regarding the pandemic.
2. Lupe Martinez stated that there is a Council Member among them that this being investigated by the Fair Political Practices Commission, which stems from back November 2014. He also stated the FPPC has tried to reach him without avail for the past three years and this Council Member has 12 counts against him. He specified that there was closed hearing of how to proceed with the pending violations. He asked if this Council Member able to sit up there legally or ethically? He asked the rest of the Council who associated with this Council Member what they have done or what will they do if

anything? He stated the City has an Attorney and Deputy DA as a member on the Council which appalls him that this has not been taken care of by them. He further asked who is being unethical; he who violates the law or a bunch young folks getting into what they're getting into.

3. Jordan Davis shared he grew up in Delano, but spent the last five years living in Houston. Now that he's recently moved back, he's very impressed of how Delano has grown.

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 \$2,407,584.23
- 3) Minutes of regular City Council meeting of October 5, 2020
- 4) Cancellation of regular City Council meeting scheduled for January 4, 2021
- 5) Acceptance of \$100 donation from Cynthia Melena for community events sponsored by the Delano Police Department.
- 6) Second and final reading of an Ordinance repealing and amending Title 20 Zoning, Chapter 20.11.200 Accessory Dwelling Units in its entirety and replacing Chapter 20.11.200 with Accessory Dwelling Units, Junior Accessory Dwelling Units and Garage Conversions, in addition to associated regulations for Chapter 20.4 Residential Districts and Chapter 20.13.20 Parking Regulations
(Ordinance No. 2020-1320)
- 7) Resolution approving submittal of a Grant Application to the CA Department of Housing and Community Development (HCD) for 2020 CalHome Program
(Resolution No. 2020-52)
- 8) Ratification of the "2020 Urgent Sewer Repair at the 1400 Block of the High-Main Alley Project" being performed by ConCastCo (General Engineering Contractor from Bakersfield CA), on a time and materials basis with a not to exceed budget of \$385,000.00 and authorization for the City Manager, or her designee, to sign the contract and any other documents needed to carry this project to completion **(Agreement No. 2020-54)**

Motion was made by: Aguirre to approved items 1 – 8 on consent;

2nd by: Vallejo

Vote: 4-0

Ayes: Morris/Aguirre/Osorio/Vallejo

Nays: None

Absent: Alindajao

Abstentions: None

PUBLIC HEARINGS

No Items.

REGULAR AGENDA

- 9) Consideration of amendment to City Manager's contract regarding vacation time and vacation accrual to be in accordance with the City of Delano Personnel Rules & Regulations (**Agreement No. 2020-55**)

Staff Report provided by City Attorney Richman.

Mayor Pro Tem Alindajao arrived on the dais (via teleconference).

Mayor Morris opened public comment.

No public comment.

Mayor Morris closed public comment.

Council Member Vallejo stated that this would be keeping all employees to be fair and in line in with personnel rules.

Council Member Osorio agreed with the same sentiment of Council Member Vallejo and stated this is correcting a logistical issue.

Motion made by: Vallejo

2nd by: Aguirre

Vote: 5-0

Ayes: Morris/Alindajao/Aguirre/Osorio/Vallejo

Nays: None

Absent: None

Abstentions: None

- 10) Consideration and approval of providing Delano Union Elementary School District with assistance in the amount of \$43,000 of federal CARES Act funds to combat COVID-19

Staff Report provided by City Manager Reyna.

Mayor Morris opened public comment.

No public comment.

Mayor Morris closed public comment.

Mayor Pro Tem Alindajao reminded this was a discussion from before in helping a community partner. This originally started in providing internet access, so through several discussions it morphed via community service officer assistance which provides a benefit to both parties.

Council Member Vallejo clarified that they are not simply handing over \$43,000 and would be by way of reimbursement.

City Manager Reyna responded in the affirmative.

Council Member Vallejo further stated that this would be subject to regulation via CARES Act money and should be seen more as an allocation.

Council Member Osorio asked how did we come to the \$43,000.

City Manager Reyna responded it was through discussions with the superintendent.

Motion made by: Vallejo

2nd by: Alindajao

Vote: 5-0

Ayes: Morris/Alindajao/Aguirre/Osorio/Vallejo

Nays: None

Absent: None

Abstentions: None

- 11) Introduction and first reading of an ordinance amending Title 2 Administration, Chapter 2.36.010 Planning Commission – Creation Members; Subsection “A”

Staff Report provided by Interim Community Development Director Mynk.

Mayor Morris opened public comment.

No public comment.

Mayor Morris closed public comment.

Council Member Osorio asked what was the reasoning of having seven in the first place.

Interim Community Development Director Mynk does not have an answer to that, but did see other planning commissions did have different ranges.

Council Member Osorio asked about the efforts of promoting the vacancy of the planning commission and what do those efforts look like.

Interim Community Development Director Mynk responded it's via publication in the newspaper.

Council Member Osorio asked if they can do one last effort to see if there is any more interest and revisit this at the next Council Meeting.

Mayor Morris stated that this was visited several times.

Council Member Aguirre shared that Interim Community Development Director Mynk's predecessor was before them telling the Council he was recruiting people on the planning commission

Council Member Vallejo provided an explanation to Council Member Osorio's inquiry as why there was initially seven members on the Planning Commission. She further explained that there has been issues and added costs.

Council Member Aguirre asked whose people would be affected.

Interim Community Development Director Mynk stated that it would be the two vacancies as there are currently five members on the Planning Commission.

Council Member Osorio stated if staff has already made such attempt then he'd be comfortable to proceed.

Motion made by: Aguirre

2nd by: Vallejo

Vote: 5-0

Ayes: Morris/Alindajao/Aguirre/Osorio/Vallejo

Nays: None

Absent: None

Abstentions: None

- 12) Introduction and first reading of an ordinance amending Title 20, Chapter 20.14 Signs, Section 20.14.50.1 – Temporary Signs

Staff Report provided by Community Development Director Mynk.

Mayor Morris opened public comment.

No public comment.

Mayor Morris closed public comment.

Council Member Osorio appreciated City Manager Reyna clarity and fair for all parties.

Council Member Vallejo asked for reaffirmation that nothing changed as to the size of the signs.

Interim Community Development Director Mynk responded in the affirmative.

Mayor Pro Tem Alindajao reaffirmed this was City Manager Reyna's idea.

Motion made by: Vallejo

2nd by: Aguirre

Vote: 5-0

Ayes: Morris/Alindajao/Aguirre/Osorio/Vallejo

Nays: None

Absent: None

Abstentions: None

- 13) Update on the City's Urgency Ordinance prohibiting residential evictions for reasons related to COVID-19 financial impacts and the recently adopted statewide COVID-19 residential tenant eviction protections under the Tenant, Small Landlord and Homeowner Relief Act of 2020 (AB 3088)

Staff Report provided by City Attorney Richman.

Council Member Aguirre asked if what was done before needs to be dissolved.

City Attorney Richman stated the Governor's Executive Order supersedes the City's ordinance.

Council Member Vallejo asked it was by default.

City Attorney Richman responded in the affirmative.

Council Member Aguirre asked if we are still in the State of Emergency.

City Attorney Richman responded in the affirmative, but the eviction protections were given at the local level, so by the State's action it superseded the ordinance.

Council Member Vallejo asked when the City Attorney reviewed it specifically stated that it superseded the City's ordinance.

City Attorney Richman responded it would be up to interpretation and further clarified the executive order at the end of September and did not extend that portion.

Council Member Vallejo reiterated if there is language in the bill.

City Attorney Richman responded it would be semantics.

Council Member Vallejo asked if anyone asked about evictions who would they be referred.

City Attorney Richman stated they can be referred to the housing authority and she added there are layers of jurisdiction.

Council Member Vallejo asked if there was a process for paying landlords.

City Attorney Richman stated there is the ability to go small claims court for the landlord.

Council Member Osorio thanked the Council Members who supported the urgency ordinance.

Informational Only.

DEPARTMENTAL REPORTS

No Items

COUNCIL STATEMENTS AND REPORTS

Council Member Aguirre: None.

Council Member Osorio: He stated on October 6th, he gave public comment to the State Water Board to collect data on household water debt, so they can get a sense of the need to help cities like Delano. He partnered with the Community Water Center, as they intend to advocate for state investment in water rate assistance programs. On October 8th, he attended the sign unveiling with Ms. Morris and Ms. Vallejo at the intersection of High and Cecil, as he shared it is a really elegant sign. He thanked staff for having worked on this project and thanked our City Clerk who recorded it to upload onto our Facebook account as people really like to be updated in real time. On October 15th, he attended his monthly Delano Mosquito Abatement board meeting. He stated that he usually did not report on this, but he had been meaning to report since last time about the growing frequency of mosquito detection - he himself had been bit more than a handful of times. While the board's biologist believes the presence of mosquitos will dwindle down with the winter season, the biologist did state that they might see similar growing trends in the future and that they should take proactive steps on top of the work they're doing, such as checking for standing water in containers, keeping rain gutters clear, and having repellent. He informed the public if they do think they have a more serious issue, please contact him or they can contact the agency directly. He asked the biologist for flyers so that they can inform our community more and he was wondering if they can be placed on the city's social media pages and/or city website. On October 16th, he participated in another UFW Foundation Emergency Food box distribution. He hasn't given this individual a shoutout in the past, but he wanted to acknowledge and thank Olga Rodriguez for continuing to attend these distributions since May (these distributions started in April). She was at Delano high school at the time and she has since graduated, now taking online college courses. She is on this meeting today and I want to give her a shoutout. The next distribution is expected to be on October 30th, same time from 3pm until the boxes are gone. Council Member Osorio further stated that today, he had another meeting with the Hope and Heal Fund. He's been in contact with them since they had tragedies this summer where the city's families lost loved ones as a result of gang violence. Hope and Heal has been working with him, Judge Tafoya and Pastor Vivas in the hopes of developing a community stakeholder group to discuss possible solutions to gun violence in Delano and McFarland. Hope and Heal is a statewide philanthropic fund that works to reduce gun violence in communities across CA. He further added they have already started compiling data on gun and other violence related issues in this area and he thinks it's important for them to be aware of some of this information. While they are correctly focused on gun related homicides in Delano, they should also be concerned with the possible suicide rate. Mr. Rodriguez is working with Judge Tafoya to verify some of this data, but at this point it may seem that they have a considerable issue with deaths due to suicide as well. Council Member Osorio will provide an update as soon as he has more information on this issue, but suffice it to say, they are really looking forward to the exploration of addressing gun related deaths in the City of Delano and McFarland as well. He shared that they are excited that this statewide fund with expertise on this issue is working in our community. He also

wanted to make a recommendation to check when our impact fees were last assessed. Lastly, Council Member Osorio wanted to end this report by addressing the ask of Pastor David Vivas who emailed them all last night. Over the weekend, Sunrise Kern used unnecessary, unconstructive, and hurtful language to defame the Kern County District Attorney who was canvassing for one of his colleagues. While he has attended one of their panels and participated in a demonstration with them, he is not a member of their group, so he does not speak for them. However, he does agree that their statements need to be condemned and denounced. He further stated that he agrees with goals and mission of the national Sunrise Movement organization to advocate for environmental justice, he cannot condone the recent actions of their local chapter. In the few times he has ran into Ms. Zimmer at SEIU events, she has shown him nothing but respect and accessibility. He has even seen her here at an event a few weeks ago to provide reassurance to families impacted by gang violence. While I understand this organization and our county District Attorney have a difference of political opinions, using ad hominem attacks is not productive nor should it be celebrated. I am well aware that Sunrise Kern uses their platform to criticize Governor Newsom and state leaders on their inaction of environmental policy, but I strongly hope that this vulgar attack was an isolated incident and that criticisms focus solely on policy differences. If not, I will have to refrain from supporting their efforts, no matter how community-oriented they may be.

Council Member Vallejo: She stated that she gave the Chief of Police a check in the amount of \$1,500 from the Tejon Tribe for masks and sanitizers for the community. She stated that it was due to her sending them a letter. She shared about the development going on with Tejon regarding the hotel, casino, and medical offices. She announced the trunk-or-treat drive thru will be at the parking lot next to the Delano Police Department. She thanked Bryan for his report about all his activities such as the Mosquito Abatement and food giveaways. She stated that they are faced with denouncing a group known as Kern Rise. She stated their spokes person made a statement about a candidate and referenced justice fighters. Council Member Vallejo read a quote from Kern Rise's letter about Cesar Chavez and stated that Cesar always fought for justice. She further elaborated that because she worked along side Cesar, no one needs to educate her on how Cesar thought or what he said. She further stated Cesar was a peaceful man, but when those who were violent, he denounced them for their violent actions. This seemed to be the case when DA Cynthia Zimmer was walking for a candidate as she has a right to support who ever she'd want to support. She shared that she knows her personally and the Chief of Police has good rapport with her. So as for as denouncing, she hopes the group denounces that individual who used the vulgar language or at least speak to that individual. She fought for many things such as justice, but were not allowed to use vulgar language. She spoke about the water and explained the cost of water rates. She applauded Veronica Vasquez for requesting the removal their endorsement of her. She stated though she's running she will respect who ever is elected as there is much work to do.

Mayor Pro Tem Alindajao: None

Mayor Morris: She complimented everyone who work on the sign design. She appreciated the Pandol Family who originally commissioned the original sign. She also thanked Susie Martinez and Monica Hernandez who designed the original sign. She attended the 75th Annual Harvest Holiday celebration as it started when she was born. She did share it was bit different this year as it was a drive-by, but a new queen was crown and she thanked the Grand Marshall Mr. Nunez for

all his dedication in the community. On a personal note, she was literally disturbed by remarks made by Sunrise Kern to the District Attorney Cynthia Zimmer as the profanity and vulgar language. Mayor Morris shared about the numerous occasions District Attorney Zimmer has supported the City of Delano. She stated Sunrise Kern has lost credibility in the community as the community is better than that and requested Sunrise Kern to stop spreading their vulgar rhetoric as it is uncalled for.

Moved for Closed Session by: Vallejo

2nd by: Alindajao

Time: 6:39PM

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 Manager and City Attorney were present in closed session.

CLOSED SESSION

- 14) PUBLIC EMPLOYEE PERFORMANCE EVALUATION - Govt. Code Section 54957: City Attorney

Action: Continued to November 2, 2002 City Council Meeting.

Moved for Open Session by: Osorio

2nd by: Alindajao

Time: 7:32pm

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 Vallejo, and unanimously carried 5-0 to adjourn the meeting at 7:33p.m.

Ricardo G. Chavez, City Clerk