

MINUTES

CITY OF DELANO CITY COUNCIL – REGULAR MEETING November 2, 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

Mayor Pro Tem Alindajao led the flag salute.

ROLL CALL

Council members present: Liz Morris, Joe Alindajao, Bryan Osorio, Grace Vallejo
Council members absent: Joe Aguirre

OFFICIALS PRESENT

City Manager Reyna, City Clerk Chavez, City Attorney Richman, City Engineer Dowling (via teleconference), Finance Director Lara Rios (via teleconference), Chief of Police Nevarez, Interim Community Development Director Mynk, and Senior Planner Card

PRESENTATIONS AND AWARDS

No Items.

ITEMS FROM THE PUBLIC

1. Juna Diego Hernandez read and submitted the following statement:
“Hello, my name is Juan Diego and I’m speaking today to speak out against what some on the city council might find annoying and even refuse to acknowledgeyoung people daring to hold public officials accountable. The City Council Mayor and the rest of the city council have shown that this city values civility and honorability. However, what this council has failed to reassure the community of is its value for public service through compassion for our ENTIRE community. I am asking that this city council fully support this denouncement and upset of two sitting councilors. Joe Alindajao got on a local media platform and proudly endorsed ICE and thanked them for their awesome work in ‘fighting terrorism.’ This is not only incredibly disturbing given that Alindajao was one of the only four “yes” votes for Delano’s notable “Sanctuary City” that passed back in

August 2019 - that I'm sure he'll use to downplay his disrespect to our immigrant community. What's infuriating is that Alindajao simply doesn't see and doesn't want to try to see just how cruel and out of touch his treacherous and unbending endorsement of ICE is. As Alindajao openly spoke on his stance to support ICE, he endorsed violent family separations at the hands of ICE, forgetting that one of the most tragic events happened here in Delano just a couple of years ago. He endorsed the work of femicide and forced hysterectomies against women happening at ICE facilities and he endorsed the human rights crisis happening to immigrants and refugees in custody at the border and detention facilities as near as Bakersfield and perhaps soon in McFarland. But, according to Alindajao, this is okay because they're "terrorists." It is clear that Alindajao, a prosecutor, can only have one view of our legal system, and apparently daring to hold them accountable for their violence and abuses is disrespectful to his patriotism. Just the other day, someone doing civil engagement in our community was thrown dehumanizing anti-immigrant slurs. This is what Alindajao empowers in our community, on-off social media with the help of so-called 'community pages' on Facebook. Alindajao believes in following the rules, remembering his disconnected and colorblind view on the law. Meanwhile, Joe Aguirre has consistently sat on this city council, ready to make paternalistic speeches on what's best for our community. It's usually the same: cops, more cops, and protect the golf course no matter what. And each time, Joe Aguirre warns us about the oncoming doom against his sensibilities as a conservative-accountability for his incompetence. Many of us know of the embarrassing lawsuit that Joe Aguirre is facing for being non-transparent about his campaign finances. It's a shame to see Joe Aguirre represent our community, it took him being served with a civil lawsuit from the Fair Political Practices Commission to finally address his 6 year-long disregard for the rules. Tomorrow is election day and nothing is sure on whether we'll have a new council soon or if the council remains the same. Nonetheless, I ask that this sitting council respect their own values of civility and honorability and denounce the actions by these city councilors." - Juan Diego to Delano Council

2. Yolanda Vega asked about the funding source for the new cameras that she has seen come up and would like it on the next council meeting. She would also like to know if this was from a grant and the source of funding for the cutting the trees in order to putting up the cameras.
3. Lupe Martinez asked for an update on the shootings that have taken place and whether the cameras have helped catch the perpetrator.
4. Pastor David Vivas posed the question, "How much does the general public and City Council think a human life is worth?" He stated he had lost his son due to a shooting in January doesn't believe there is not enough cameras installed in the community. He hopes that no one goes through hell those that have gone through in losing someone to violence.
5. Hector Jimenez shared about dozens and dozens of lives that have been lost at the hands of ICE and Border Patrol Agents which is the same organization endorsed by Council Member Joe Alindajao at the past forum. He also shared about the news article by

KBAK and learned about Council Member Aguirre broke election rules and would like to know if a statement will be given to that regard.

Motion to add closed agenda item 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-20-102403 **was made by:** Vallejo;

2nd by: Alindajao

Vote: 4-0

Ayes: Morris/Alindajao/Osorio/Vallejo

Nays: None

Absent: Aguirre

Abstentions: None

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 \$1,827,321.94
- 3) Minutes of regular City Council meeting of October 19, 2020
- 4) Second and Final Reading of an ordinance amending Title 2 Administration, Chapter 2.36.010 Planning Commission – Creation- Members; Subsection A (**Ordinance No. 2020-1321**)
- 5) Second and Final Reading of an Ordinance amending Title 20, Chapter 20.14 Signs, Section 20.14.50.1 - Temporary Signs (**Ordinance No. 2020-1322**)
- 6) Resolution of the City Council of the City of Delano authorizing Certification of Right-Of-Way by the Public Works Director/City Engineer for all City road projects utilizing State or Federal funds (**Resolution No. 2020-53**)
- 7) Award of contract to the Duperon Corporation for the purchase of a Washer Compactor, authorizing the expenditure of funds in the amount of \$76,750.00 and authorizing the city manager to execute all required documents
- 8) Award of urgent well repair work on Wells 30 & 33 to Bakersfield Well & Pump Co. in the amount of \$87,960.00 and authorize the City Manager to sign any documents needed to carry this out (**Agreement No. 2020-56**)
- 9) Approval of Agreement with IB Consulting, LLC., for preparation of Utility Rate Study for Water, Sanitary Sewer, Solid Waste, and Street Cleaning for \$115,482.00 (**Agreement No. 2020-57**)

- 10) Approval of disposition of ferrous metal recyclables remaining from MCCF operations as scrap and debris to be sold to and be collected by SA Recycling, from Bakersfield, CA. (**Agreement No. 2020-58**)

Motion was made by: Vallejo **to approved items 1 – 7 & 10 on consent;**

2nd by: Alindajao

Vote: 4-0

Ayes: Morris/Alindajao/Osorio/Vallejo

Nays: None

Absent: Aguirre

Abstentions: None

Item No. 8 pulled by: Lupe Martinez

Reason for being pulled: Inquired whether this was funded through a grant or from where. Staff Report provided by City Engineer Dowling and specified it was from the water fund.

Motion made by: Vallejo

2nd by: Alindajao

Vote: 4-0

Ayes: Morris/Alindajao /Osorio/Vallejo

Nays: None

Absent: Aguirre

Abstentions: None

Item No. 9 pulled by: Lupe Martinez

Reason for being pulled: What triggered to get a study? Why are all the enterprises being included if it's only the water? Why do we have to have an increase?

Staff Report provided by City Engineer Dowling and specifically it does not mean adjustments have to be made, but in order to apply for grants, loans and address the impact fees we need to do updated adequate studies to know if increases are needed.

Mr. Martinez stated this study looks at the water, sanitary, sewer and street cleaning and asked if this was correct.

City Engineer Dowling responded in the affirmative, but clarified street cleaning and solid waste is one fund. He further added there are several mandates regarding solid waste.

Mr. Martinez asked when they last sued the city, street cleaning was removed from the increase because it was not part of any other ones, so has the law changed.

City Engineer Dowling responded it was always a part of the enterprise fund. He clarified during the challenge those increases were not implemented last time, so this has to look at the revenue expenses as to the street cleaning as well.

Mr. Martinez asked how soon will this study begin.

City Engineer Dowling responded as soon as it's approved and the City Council would see the results after about four months or so.

Mr. Martinez asked what's the process after the four months.

City Engineer Dowling responded it would be up to the City Council.

Mr. Martinez shared that we have had eight years of increases and he understands all those things, but it has been difficult on people to pay, so to him it is an indicator with the study the City Council needs to go ahead and move forward on because we're going to need it anyway.

Council Member Osorio glad that it's below \$150,000 which is what was estimated.

Council Member Vallejo shared it is not about raising rates, but instead the company to do the study to get the data in order to look at the revenues versus the expenses. She knows in order to go after the grants they require such a study, so she clarified it simply to approve the agreement.

Motion made by: Vallejo

2nd by: Alindajao

Vote: 4-0

Ayes: Morris/Alindajao /Osorio/Vallejo

Nays: None

Absent: Aguirre

Abstentions: None

PUBLIC HEARINGS

- 11) First reading of an Ordinance of the City of Delano repealing chapter 14.60.190 of the Delano Municipal Code, adding a new chapter 14.60.190, thereby revising a section of the Floodplain Management Code in order to comply with FEMA requirements and participate in the National Flood Insurance Program

Staff Report provided by City Engineer Dowling.

Mayor Morris opened public comment.

No public comment.

Mayor Morris closed public comment.

Council Member Vallejo asked who is going to be collecting the data and who's doing the study. City Engineer Dowling responded it would be the developers which will be submitted to FEMA within six months with the City's endorsement.

Council Member Vallejo understands that they did file something with FEMA, so is the City aware of FEMA's response. She also believes that the older study removed that particular area out of the flood zone area, so has the developer received FEMA's response.

City Engineer Dowling stated the final studies approved have changed the maps which is where the data applies.

Council Member Vallejo stated if the developer received a response from FEMA.

City Engineer Dowling stated in general when developers due submit, the City does get revised maps from FEMA where lands are changed.

Council Member Vallejo asked about YK submitting something to FEMA.

City Engineer Dowling responded that he's not aware and as he has last checked, there has not been any response, but will follow up on this matter.

Council Member Vallejo clarified the reason why she's asking is because as leaders, they do need to be aware as they are marketing words in order to entice business to flood plains and should be concerned.

Motion made by: Alindajao

2nd by: Osorio

Vote: 4-0

Ayes: Morris/Alindajao/Osorio/Vallejo

Nays: None

Absent: Aguirre

Abstentions: None

- 12) Resolution of the City Council of the City of Delano adopting the mitigated negative declaration and approving Tentative Tract Map 7379 (APN 520-010-174) (**Resolution No. 2020-54**)

Staff Report provided by Interim Community Development Director Mynk.

Mayor Morris opened public comment.

Jim Robinson, Vice President of San Joaquin Valley Homes, stated their locally owned company has built at Visalia, Tulare, Hanford, Dinuba, Kingsburg and Bakersfield since 2013. He stated they were previously with McMillan Homes Company. They plan to build 1400 to 2250 sq. ft. homes at a price range \$280k to 340k. They are excited and are looking forward to being in the City of Delano. They also complimented staff and were in agreement with the conditions.

Juan Diego Hernandez shared his concern is that he feels so grateful wants to build more homes in Delano, as he noted his sarcasm. He further stated lots of property managers and property developers do not take into consideration the housing and equity that happens in Delano. Mr. Hernandez requested for Mr. Robinson and San Joaquin Valley Homes' representative to detail their intentions and if it is simply yet to put another suburban neighborhood that benefits those who have money, where the majority of Delano is low-income; then there are serious issues with the housing development in Delano.

Lupe Martinez asked if there was an environmental impact report, does it need one, or was it done prior to the market place, was it also for low-income housing; as well as all the questions made by Mr. Hernandez. Mr. Martinez shared that he's concerned that there is no participation from the community, but understands there is a need for low-income housing.

Council Member Vallejo clarified this is no near the market place, it is clear across town by the Tony's Firehouse Grill.

Interim Community Development Director Mynk responded in the affirmative in accordance to CEQA and described the process taken.

Mr. Martinez asked if there any comments or concerns from the community, if there were how many; and were they addressed.

Interim Community Development Director Mynk responded there were zero comments.

Mars Reyes stated he's been resident since 1984 as a low-income and was not a recipient of welfare or Medi-Cal. He further stated that he now sees Delano get beautiful housing, but people are complaining there isn't enough low-income housing. He knows if you look, you can find a house, but feels when developers come to Delano people are playing the "low-income" card too much. He thanked the builder for coming to Delano.

Mayor Morris closed public comment.

Council Member Osorio asked Mr. Robinson about the price range and to explain the methodology of coming up with that range.

Mr. Robinson responded that they've been looking at Delano for years, so they've developed a market research as what buyers would want in respect to the square footage, they were able to add up the cost of land, development, fees, and the home is how the price they came up with.

Council Member Osorio asked if they considered the average household income of Delano.

Mr. Robinson responded it was the first thing they looked at as they would have to find 280 buyers for the 280 households.

Council Member Osorio asked about guidelines of CalTrans being stricter than the City.

Interim Community Development Director Mynk responded the guidelines are simply options if the City decides to use them.

City Engineer Dowling stated CalTrans is very dedicated to roundabouts, but they are not feasible for Delano and are much more expensive. He also added the City of Delano guidelines are in compliance with CalTrans.

Council Member Osorio asked if the roundabouts are tied to the bicycling.

City Engineer Dowling responded it is one of the aspects to roundabouts. He also added there will be a bike lane on the shoulder.

Mayor Pro Tem Alindajao welcomed Mr. Robinson to Delano as there is much needed housing.

Council Member Vallejo asked if the drainage pond will be similar to the one at Jefferson.

Interim Community Development Director Mynk responded in the affirmative.

Council Member Vallejo she asked if this would be feasible here.

Interim Community Development Director Mynk responded it can definitely look at the option.

Council Member Vallejo welcomed Mr. Robinson to Delano. She also added there are many professionals looking for higher end homes who unfortunately live in Bakerfield, so we do need a balance of housing. She asked Mr. Robinson how many parcels are on the larger sides as to the tract map and if they'd be the corners

Mr. Johnson responded their approach is to sell the same number of homes, but it would be dependent on the market and what the buyer wants. He also added they will have three model homes built, but will have the other two models at other cities for their buyers to take a look.

Council Member Vallejo asked if the larger lots can have a smaller home in order to have a larger backyard.

Mr. Robinson stated they do look at the lot size to have an adequate size backyard.

Council Member Vallejo asked how many parcels will have two story or is that dependent on the buyer of what they want.

Mr. Robinson responded in the affirmative.

Council Member Vallejo shared she looks forward to the groundbreaking.

Mr. Robinson stated they're planning for the first of the year.

Mayor Morris welcomed Mr. Robinson and thanked him for investing in Delano.

Motion made by: Vallejo

2nd by: Alindajao

Vote: 4-0

Ayes: Morris/Alindajao/Osorio/Vallejo

Nays: None

Absent: Aguirre

Abstentions: None

REGULAR AGENDA

No Items.

DEPARTMENTAL REPORTS

City Manager Reyna reported on the CARES Act money from HUD.

COUNCIL STATEMENTS AND REPORTS

Council Member Aguirre: Absent.

Council Member Osorio: Shared he attended the groundbreaking for the Larry Morris Park. He also shared about the next UFW food distribution.

Council Member Vallejo: Shared about her exciting for the Halloween Trick or Treat drive by. She said she received so many comments and thankyou's from parents. She also stated it was great for the kids to have somewhere to wear their costumes. She said there was so much candy distributed, as well as masks. She said the turnout was unbelievable as there was 2000 bags of candy they bagged. Lastly, she encourage everyone to go out and vote.

Mayor Pro Tem Alindajao: Congratulated the Chief of Police on a great job as it was well organized.

Chief of Police thanked the City Council for their support. He also stated Parks and Recreation was awesome. He also thanked the committee he assigned to this event: Rafael Silva, Veronica Maldonado, Susana Mendoza Jenny Recondo.

Mayor Pro Tem Alindajao also thanked Life House Church for their contribution. He congratulated the Mayor for the dedication of the Larry Morris Park and apologized for not being able to attend as he was at work. He responded to the comments made by Juan Diego Hernandez and Hector Jimenez. Mayor Pro Tem Alindajao wanted to set the record straight on this issue about "endorsing" Homeland Security. He stated they should all support all members of the law enforcement community, but he understands there are bad actors in every organization, but it doesn't make the organization bad. He shared it reminded him about a prosecution in Kern County about some McDonalds employee spitting in food of a police officer. He does not condone ill treatment of immigrant detainees though that's what Juan and Hector are trying to make him like, but he's not. He does not condone the separation of children from their families. He believes those some 500 children should be returned to their families as soon as possible. He does not condone the action of a few bad apples within this federal agency, but that doesn't make it bad. Mayor Pro Tem Alindajao reminded everyone Homeland Security is in charge of counterterrorism, cyberterrorism security, aviation security, border security, protection against chemical and biological threats and disasters, so this is a very important part of our law enforcement community. He shared about the Porfirio Family and what happened to Santo and Marcelina was tragic, but he further stressed was more tragic was the children without their parents. He also wonders if Juan and Hector know the names of those children they left behind, because he knows Rufina, Mario, Carmela, and Oscar. He shared the reason he knows their names is because he has had them over for spaghetti dinner. He also asked whether Juan and Hector know that Oscar wants to be a security guard. He also shared about how his wife has given these children rides to their functions and he wonders if Juan and Hector know that. He stated Juan and Hector try to make him sound that he supports the worse of this agency that they vilify. He and his wife have supported this family through their church. He also stated that he's not spouting comments at City Council meetings or the internet supporting the immigrant community, because he is actually doing it. He stated that everyone can say they are supporting

the immigrant community or are you putting the money where your mouth is. Lastly, he said this is the kind of divisive misinformation that really divides us at the end of the day.

Mayor Morris: Share that she's grateful for the groundbreaking at the Larry Morris Park and those that had a street name after. She also stated how grateful Larry would have been for this honor. She also mentioned why she wasn't able to be at the Halloween, but she was at the Church Halloween event alleviating theirs. She also stated that November is the Thanksgiving Month and every day she wants to be thankful for something and today she is thankful she is not a candidate running in this election, but she did send her best wish for all the candidates.

Moved for Closed Session by: Vallejo

2nd by: Alindajao

Time: 7:03PM

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

- 13) CONFERENCE WITH REAL PROPERTY NEGOTIATORS pursuant to Government Code section 54956.8. Property: SWC County Line Road and 99 Highway, Delano, CA 93215
APN: 410-020-04
Agency negotiator: City Manager, City Engineer and City Attorney
Negotiating parties: S&S Petroleum
Under negotiation: price and/or terms of payment

Action: No reportable action.

- 14) CONFERENCE WITH LEGAL COUNSEL—ANTICIPATED LITIGATION
Significant exposure to litigation pursuant to Government Code Section 54956.9(d)(2): (1 potential case)

Action: No reportable action.

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

Action: Continued to next Council Meeting.

- 16) 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-20-102403 (*Added via motion*)

Action: Information provided. No reportable action.

Moved for Open Session by: Vallejo

2nd by Osorio

Time: 8:20pm

Vote: 4-0

Ayes: Morris/Alindajao/Osorio/Vallejo

Nays: None

Absent: Aguirre

Abstentions: None

RETURN TO GENERAL SESSION

ADJOURNMENT

Moved by Council Member Alindajao, seconded by Council Member Osorio, and unanimously carried 4-0 to adjourn the meeting at 8:22p.m.

Ricardo G. Chavez, City Clerk