

MINUTES

CITY OF DELANO CITY COUNCIL – REGULAR MEETING November 16, 2020

CALL TO ORDER

Mayor Morris called the meeting to order at 5:32 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), Bryan Osorio (via teleconference), 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, Chief of Police Nevarez, Human Resources Director Zamudio and Recreation Manager Batth-Chavez (via teleconference)

PRESENTATIONS AND AWARDS

No Items.

ITEMS FROM THE PUBLIC

1. Veronica Vasquez commented on the Delano Police Department's nearly hired commander. She stated this individual started as a community service officer and was retired from Fresno PD. She shared people with concern reached out to her which concerned her as well in asked what professional development and education is provided to the dedicated employees with many years of experience. Ms. Vasquez further states how it is stated "How great the Delano Police is," but it is not good enough to promote from within for the top management positions. She stated a red flag was when this commander came to DPD as a CSO for a couple of months, she asked the question, "Why not a sworn Police Officer?" She stated another red flag was that they now have their Chief and a commander from Fresno, so if an emergency takes place it will take them

about 45 minutes to an hour and a half to get here in person. She stated as result of this, a local mid-management person would have to step up to handle the emergency. She stated another issue would be mid-management training this new commander and not receiving commander pay which leads to low morale, toxic work environment and discourages staff to work for promotion as people are hired from the outside, but she feels Delano deserves better hiring practices. She stated how many employees have dedicated their careers to our community for 10, 15, 20 years with dignity and respect, guidance and support in order to be eligible to be promoted from within. Therefore, she asks for the hiring of the commander position to be placed on hold until further looked at in respect to the hiring practices. She stated the reason why she's bringing this up is because she wants this on the minutes and any employee to reach out to her as she knows how serious it is when someone speaks out and retaliation happens. She stressed this is not ok as this is the only way someone can get a pay raise by way of a promotion and it is not fair, they are shut away due to favoritism as it is not a good look for the City and should be frowned upon.

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 \$2,034,458.78
- 3) Minutes of regular City Council meeting of November 2, 2020
- 4) Minutes of regular Pension Committee meeting of November 12, 2019
- 5) Minutes of regular Pension Committee meeting of May 12, 2020
- 6) Minutes of regular Pension Committee meeting of August 11, 2020
- 7) Minutes of special Pension Committee meeting of October 13, 2020
- 8) Acceptance and Approval of the City of Delano Quarterly Investment Report
- 9) Approval of acceptance of a donation of \$1,500 for health materials COVID-19 prevention distribution events from Tejon Indian Tribe
- 10) Award of contract for the "2020 Glenwood & High Guard Rail Replacement Project" to Rudnick Fence Co., in the amount of \$65,563.00 and authorize the City Manager to sign any documents needed to complete this project (**Agreement No. 2020-59**)
- 11) Second reading and adoption 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 (**Ordinance No. 2020-1323**)

- 12) Approval of the Application for Statewide Park Development and Community Revitalization Program grant funds for the City of Delano Martin Luther King Jr. Park Expansion (**Resolution No. 2020-55**)

Motion was made by: Vallejo to approved items 1 – 12 on consent;

2nd by: Osorio

Vote: 4-0

Ayes: Morris/Alindajao/Osorio/Vallejo

Nays: None

Absent: Aguirre

Abstentions: None

PUBLIC HEARINGS

No items.

REGULAR AGENDA

- 13) An urgency ordinance of the City Council of the City of Delano, California, repealing Ordinance Nos. 2019-1311 and 2020-1314 which added sections 6.64.020 and 6.64.030 prohibiting the sale of flavored tobacco products and having the State Law SB 793 flavored tobacco products ban apply (**Ordinance No. 2020-1324**)

Staff report provided by City Attorney Richman.

Mayor Morris opened public comment.

No public comment.

Mayor Morris closed public comment.

Council Member Vallejo thanked staff for the report and summarized for the public as the City will be abiding by the state law which will be superseding the City's ordinance.

Council Member Osorio shared the same sentiments as Council Member Vallejo and hopes the state law takes effect in two months.

Mayor Pro Tem Alindajao asked if there is a timeframe to get rid of the inventory in respect to the state law.

City Attorney Richman responded the law will come into effect on January 1st of next year.

Mayor Pro Tem Alindajao asked if January 1st is a firm date.

City Attorney Richman responded in the affirmative.

Mayor Morris asked if the State's is better than the City's.

City Attorney Richman responded it isn't whether one is better than the other, it's simply anything that is less restrictive than the State; the state law will apply. She stated this provides less confusion for retailers and the County who implements this.

Motion was made by: Vallejo;

2nd by: Osorio

Vote: 4-0

Ayes: Morris/Alindajao/Osorio/Vallejo

Nays: None

Absent: Aguirre

Abstentions: None

- 14) Declaration of surplus property regarding city owned property located at 2310 high street, Delano (**Resolution No. 2020-56**)

Staff report provided by City Attorney Richman.

Mayor Morris opened public comment.

No public comment.

Mayor Morris closed public comment.

Council Member Osorio stated staff briefed him and it's logical thing to do.

Council Member Vallejo clarified for the benefit of the public this is only the strip of property and not the entire parcel.

City Attorney Richman added it is only .5 acres.

Motion was made by: Vallejo;

2nd by: Osorio

Vote: 4-0

Ayes: Morris/Alindajao/Osorio/Vallejo

Nays: None

Absent: Aguirre

Abstentions: None

- 15) Burke, Williams & Sorensen, LLP Agreement for a 10% Reduction in City Attorney Rates (**Agreement No. 2020-60**)

Staff report provided by City Attorney Richman.

Mayor Morris opened public comment.

No public comment.

Mayor Morris closed public comment.

Council Member Osorio thanked City Attorney Richman.

Mayor Pro Tem Alindajao thanked City Attorney Richman and her firm especially during COVID.

Council Member Vallejo thanked City Attorney Richman especially at the 10% as all the departments reduced their costs.

Mayor Morris thanked City Attorney Richman.

City Attorney Richman shared that she appreciates the opportunity to work with the City.

Motion was made by: Alindajao;

2nd by: Vallejo

Vote: 4-0

Ayes: Morris/Alindajao/Osorio/Vallejo

Nays: None

Absent: Aguirre

Abstentions: None

DEPARTMENTAL REPORTS

City Manager Reyna reported on an inquiry requested at the previous Council Meeting regarding the fund source of the cameras and tree trimming came from the transit department.

City Attorney provided an update on Council Member Osorio's inquiry of a sugar tax and transit occupancy tax. She stated there cannot adopt any taxes until 2031 regarding a sugar tax. As for the transit occupancy tax, it would have to be approved by the City Council, then it would have to be approved by the voters.

COUNCIL STATEMENTS AND REPORTS

Council Member Aguirre: Absent.

Council Member Osorio: Stated he helped at a UFW food distribution event. He also attended drive-thru celebration for WWII Veteran Martin Medrano's 102nd Birthday with Mayor Pro Tem Alindajao and City Clerk Chavez. He also asked as we all celebrate Thanksgiving; we stay safe and follow precautions as there are surging COVID cases. Lastly, he thanked staff for preparations of the reports and answering any questions.

Council Member Vallejo: She stated she will be different than someone she will not name and concede as she congratulated Mr. Sal Solorio and Ms. Veronica Vasquez. She asked of the public to be supportive that sits up there. She said though there might be some mistakes by the decision they make, she insisted it is not an intention to hurt the City and would attribute it to information that may be lacking. Therefore, she recommended to the City Council to reach out to staff members who have the experience. Though there might be sometimes a 3-2 vote, she prays whatever the votes will make the City of Delano a better place to live. She stated that she wants us to move forward in unity and the five people sitting up here will be working hard and we need to support them. Therefore, she asked to give them a chance to make the best decisions for Delano and for the employees too. She recommended people in the County to sponsor a wreath and challenged everyone to sponsor one wreath as they are trying to get 4,000 wreaths for the veterans at the cemetery. She stated that she will be donating anywhere from 40-50 wreaths, because it is important to honor our veterans.

Mayor Pro Tem Alindajao: None.

Mayor Morris: She wished Mr. Martin Medrano a happy birthday. She stated she had a league meeting, but was able to join the parade. She wished a Happy Thanksgiving to everyone and make sure to take precautions to stay safe.

Moved for Closed Session by: Vallejo

2nd by: Alindajao

Time: 6:10PM

Vote: 4-0

Ayes: Morris/Alindajao/Osorio/Vallejo

Nays: None

Absent: Aguirre

Abstentions: None

The City Clerk was excused. City Manager was appointed as Acting City Clerk. City Manager, Human Resources Director and City Attorney were present in closed session. Human Resources Director was not present in during item No. 20.

CLOSED SESSION

- 16) LIABILITY CLAIMS Pursuant to Government Code Section 54956.95
Claimant: Edwin Ardon; Claim no. FR98789
Agency claimed against: City of Delano

Action: No reportable action.

- 17) LIABILITY CLAIMS Pursuant to Government Code Section 54956.95
Claimant: Pablo Simental Jr.; Claim no. FR98789
Agency claimed against: City of Delano

Action: No reportable action.

- 18) LIABILITY CLAIMS Pursuant to Government Code Section 54956.95
Claimant: Isaac Ruiz; Claim no. FR98789
Agency claimed against: City of Delano

Action: No reportable action.

- 19) LIABILITY CLAIMS Pursuant to Government Code Section 54956.95
Claimant: Isai Ruiz; Claim no. FR98789
Agency claimed against: City of Delano

Action: No reportable action.

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

Action: Continued to Special Meeting.

Moved for Open Session by: Vallejo

2nd by Alindajao

Time: 6:37pm

Vote: 4-0

Ayes: Morris/Alindajao/Osorio/Vallejo

Nays: None

Absent: Aguirre

Abstentions: None

RETURN TO GENERAL SESSION

ADJOURNMENT

Moved by Council Member Vallejo, seconded by Council Member Alindajao, and unanimously carried 4-0 to adjourn the meeting at 6:38p.m.

Ricardo G. Chavez, City Clerk