

## **MINUTES**

### **CITY OF DELANO CITY COUNCIL – REGULAR MEETING April 4, 2011**

#### **CALL TO ORDER**

Mayor Chavez called the meeting to order at 6:30 p.m. in the City Hall Council Chambers, 1015 – 11<sup>th</sup> Avenue.

#### **INVOCATION**

Pastor Vivas offered the invocation

#### **FLAG SALUTE**

Councilman Aguirre led the flag salute.

#### **ROLL CALL**

Council members present: Aguirre, Chavez, Morris, Ramirez, Vallejo  
Council members absent: none

#### **OFFICIALS PRESENT**

City Manager Salem, City Attorney Alan Peake, City Clerk Kraft, Assistant City Manager Kivley, Finance Director DeDios, Police Chief DeRosia, Transportation and General Services Director Newhouse, Community Development Director Woodcock, City Engineer Dowling, Chief of Corrections Galaza, Economic Development & Redevelopment Director Reyna, Human Resources Director Kirkwood, Community Services Director Tracey

#### **PRESENTATIONS AND AWARDS**

Proclamation Declaring the Greater Delano and Surrounding Areas a Relay for Life Community

Proclamation Declaring April 2011 as Fair Housing Month in the City of Delano

#### **ITEMS FROM THE PUBLIC**

Lon Chaney, 1642 – 16<sup>th</sup> Place, thanked PAL for their donation of \$2,000 to the Sons of the American Legion for the children and youth program. He stated that the American Legion sponsors four high schools (Delano, Caesar E. Chavez, Robert F. Kennedy, McFarland) for Boys State. Last year and this year the Legion sent out letters to businesses and organizations requesting support for the program and received no responses.

Lupe Martinez, 1215 Lexington Street, asked the status of the arsenic project and when it will be completed. He asked if the project will take care of the water at the prison and if the prison is involved in helping to correct the issues. Mr. Salem referred Mr. Martinez to staff for information.

## CONSENT AGENDA

- 1) Warrant Register in the amount of \$1,589,552.39
- 2) Authorization to waive the reading of any ordinance or resolution in its entirety and consenting to the reading of such ordinances or resolutions by title only
- 3) Minutes of regular City Council meeting of March 21, 2011
- 4) Minutes of special City Council meeting of March 28, 2011
- 5) Approve Councilman Aguirre travel to attend the League of California Cities Legislative Action Days and Advanced Leadership Workshop May 18-20, and Councilman Ramirez travel to attend the League of California Cities Legislative Action Days May 18 & 19, 2011, in Sacramento
- 6) Approve Councilman Ramirez travel to attend the California Redevelopment Association 2011 CRA Annual Conference March 30 – April 1, 2011, in San Jose
- 7) Contract for Deposit of Moneys and Waiver Agreement with Citizens Business Bank Agreement No. 2011-18; Agreement No. 2011-19
- 8) Authorize the city manager to execute Client Service Agreement with Continental Labor & Staffing Resources to provide temporary employees for the public works department Agreement No. 2011-20
- 9) Approval of amendment to Agreement No. 2010-22 with Perfect Care Landscape for performance of maintenance services and authorize the city manager to sign the amendment Agreement No. 2011-21
- 10) Resolution No. 2011-26 of the City Council of the City of Delano authorizing the dedication of property to State of California for highway easement purposes for Woollomes Avenue interchange and transferring funds
- 11) Approval of Task Order Number Four with HydroScience Engineers for design of wellhead treatment of wells 19, 22, and 26 for arsenic mitigation project for an amount not to exceed \$260,930 and authorize the city manager to sign Agreement No. 2011-22
- 12) Approve contract change order 3 with Bakersfield Well Pump to drill and construct well column for well 37 in Cecil Park in the estimated amount of \$432,815 and authorize the city manager to execute the change order Agreement No. 2011-23
- 13) Resolution No. 2011-27 of the City Council of the City of Delano authorizing the city manager or his designee, on behalf of the City, to enter into an understanding with Ducks Unlimited to support their effort to pursue feasibility and funding for delivering wastewater from the city's wastewater treatment facility to nearby wetlands
- 14) Acceptance of the improvements for the 2010 Federal Safe Routes to School (SRTS) Improvement Project and authorizing the filing of the notice of completion

Councilwoman Morris asked items #5 and #6 be pulled for discussion. Councilwoman Vallejo asked item #8 be pulled for discussion.

Moved by Councilman Ramirez, seconded by Councilwoman Vallejo, and unanimously carried to approve the Consent Agenda with items #5, #6, and #8 pulled for discussion.

Item #5) Councilwoman Morris noted that the travel requests for items #5 and #6 total about \$3,000. At recent meetings, travel expenditures have been discussed and staff was asked to cut back on travel. She stated she cannot vote to approve these travel requests. Councilman Aguirre offered to pay his own expenses. Councilman Ramirez noted that there will be a general session at the League conference when votes on several items will take place. He added that if council does not want him to attend, that is OK with him. Councilwoman Vallejo stated that Councilman Aguirre should attend because he is a new council member and this will be a learning experience for him.

Moved by Councilwoman Vallejo, seconded by Councilman Ramirez and carried by the following vote to approve Councilman Aguirre's attendance at the League of California Cities Legislative Action Days and Advanced Leadership Workshop May 18 – 20. AYES: Aguirre, Chavez, Ramirez, Vallejo NOES: Morris

Item #6) Councilwoman Vallejo noted that this conference has already taken place. Councilman Ramirez added that he attended because Ms. Reyna had already made reservations to attend but was not able to go.

Moved by Councilman Ramirez, seconded by Councilwoman Morris and unanimously carried to approve agenda item #6.

Item #8) Councilwoman Vallejo asked if the contract section 4.3 had always been in the agreement. Mr. Peake explained that it is a requirement from Continental Labor & Staffing Resources. Mr. Salem added that the previous agreement had the same language.

Moved by Councilman Ramirez, seconded by Councilman Aguirre and unanimously carried to approve agenda item #8.

## **PUBLIC HEARINGS**

- 15) Public hearing #2011-04: Second reading and final adoption of Ordinance No. 2011-1224 of the City of Delano adopting the City of Delano Employee Pension Plan Trust Agreement as restated effective July 1, 2010

Mr. Peake presented the staff report.

Mayor Chavez asked for public comments. There were no public comments.

Mayor Chavez closed the public hearing.

Moved by Councilwoman Vallejo, seconded by Councilman Aguirre and unanimously carried to approve the second reading and final adoption of Ordinance No. 2011-1224 of the City of Delano adopting the City of Delano Employee Pension Plan Trust Agreement as restated effective July 1, 2010.

- 16) Public hearing #2011-05: Amended resolution of the City Council of the City of Delano adopting user fee schedule for the public use of the Delano soccer park

Mr. Tracey presented the staff report.

Mayor Chavez asked for public comments. There were no public comments.

Mayor Chavez closed the public hearing.

Moved by Councilwoman Vallejo, seconded by Councilman Ramirez and unanimously carried to adopt Resolution No. 2011-28 adopting user fee schedule for the public use of the Delano soccer park.

- 17) Public hearing #2011-06: Introduction and first reading of an ordinance of the City of Delano amending Chapter 2 of the Delano Municipal Code by amending Section 2.04.050 related to presiding officer elections and duties

Mr. Salem presented the staff report.

Mayor Chavez asked for public comments. There were no public comments.

Mayor Chavez closed the public hearing.

Moved by Councilman Ramirez, seconded by Councilwoman Vallejo and carried by the following vote to approve the introduction and first reading of Ordinance No. 2011-1125 amending Chapter 2 of the Delano Municipal Code by amending Section 2.04.050 related to presiding officer elections and duties. AYES: Chavez, Morris, Ramirez, Vallejo NOES: Aguirre

### **REGULAR AGENDA**

- 18) Resolution of the City Council of the City of Delano adopting a general plan amendment cycle for 2011

Mr. Woodcock presented the staff report.

Moved by Councilman Ramirez, seconded by Councilwoman Vallejo and unanimously carried to adopt Resolution No. 2011-29 adopting a general plan amendment cycle for 2011.

- 19) Resolution of the City Council of the City of Delano approving participation in the Institute for Local Government's Recognition Program, the Beacon Award: Local Leadership Toward Solving Climate Change

Mr. Woodcock presented the staff report.

Moved by Councilman Ramirez, seconded by Councilwoman Vallejo and unanimously carried to adopt Resolution No. 2011-30 approving participation in the Institute for Local Government's Recognition Program, the Beacon Award: Local Leadership Toward Solving Climate Change.

20) Report from the Community Center Committee

Ms. Reyna reported that the appraisals have not yet been submitted to staff, but should be completed by this week.

No. Council action required.

21) Mid-year budget review

a) Discussion regarding fund balances in water, sewer, and refuse

b) i) Report on travel and training, non-mandated, from July 2008 through March 2011  
ii) Discussion regarding travel policy for balance of fiscal year 2010-2011

c) Discussion regarding vacant positions and possible hiring freeze

a) Mr. Salem presented the staff report. After brief discussion it was decided to hold a special council meeting to be able to have an in-depth discussion regarding the water, sewer, and refuse funds.

b) Ms. Kivley presented the staff report. There was brief discussion.

Moved by Councilman Ramirez, seconded by Councilwoman Vallejo and unanimously carried to freeze all non-mandated travel for the next 3 months unless approved by the city manager or council.

c) Each department head addressed council regarding the vacant positions in their department. There was lengthy discussion regarding the Police Department and Community Services Department

Moved by Councilman Aguirre, seconded by Councilman Ramirez and unanimously carried to authorize filling : 5 police officer positions including 1 grant funded and 2 to be in-house recruitments, 1 office assistant, 1 part-time code enforcement officer, 1 jailer/custodial officer.

Moved by Councilwoman Vallejo, seconded by Councilwoman Morris and carried by the following vote to authorize filling: 1 maintenance worker I, part-time gym supervisors; 1 recreation leader; lifeguards; and the pool to be open for only 10 weeks. AYES: Aguirre, Chavez, Morris, Vallejo NOES: Ramirez

Moved by Councilwoman Vallejo, seconded by Councilwoman Morris and carried by the following vote to authorize filling: part-time custodian, part-time cook. AYES: Aguirre, Chavez, Morris, Vallejo NOES: Ramirez

Moved by Councilman Aguirre, seconded by Councilwoman Vallejo and carried by the following vote to authorize filling: food service manager, facility maintenance supervisor, 2 correctional sergeants, cook, 6 relief correctional officers. AYES: Aguirre, Chavez, Morris, Vallejo NOES: Ramirez

Moved by Councilwoman Morris, seconded by Councilwoman Vallejo and carried by the following vote to authorize filling: accounting technician. AYES: Aguirre, Chavez, Morris, Vallejo NOES: Ramirez

Moved by Councilwoman Morris, seconded by Councilwoman Vallejo and carried by the following vote to authorize filling: wastewater treatment plant senior utility maintenance worker, laboratory analyst. AYES: Aguirre, Chavez, Morris, Vallejo NOES: Ramirez

## INFORMATION

No items

## DEPARTMENTAL REPORTS

No items

## COUNCIL STATEMENTS AND REPORTS

Councilman Aguirre: no items

Councilwoman Morris: Councilwoman Morris asked about the rails on Main Street next to JC Penney's. Mr. Dowling reported it is temporary until the grating arrives.

Councilwoman Vallejo: Councilwoman Vallejo stated the Velasco family will be leaving April 13, to go to the Philippines and will be taking a proclamation and items from the city to present to our sister city Kalibo.

Councilman Ramirez: no items

Mayor Chavez: Mayor Chavez thanked everyone involved for their work and participation in the City Walk.

## CLOSED SESSION

Moved by Councilman Ramirez, seconded by Councilwoman Vallejo, and unanimously carried that the City Council adjourn to Closed Session at 9:26 p.m. The City Clerk was excused. Mayor Chavez was appointed Acting City Clerk. The City Attorney and City Manager were asked to remain.

- 22) Conference with legal counsel: threat of litigation (one case); govt. code section 54956.9(c)

## RETURN TO GENERAL SESSION

Moved by Councilman Ramirez, seconded by Councilwoman Vallejo and unanimously carried to reconvened in Open Session at 9:35 p.m. Mr. Peake provided a report on closed session as follows:

- 22) Information was provided and by unanimous consent, direction was given.

## ADJOURNMENT

Moved by Councilman Ramirez, seconded by Councilwoman Vallejo, and unanimously carried to adjourn the meeting at 9:36 p.m.

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Phyllis A. Kraft, City Clerk