

MINUTES

CITY OF DELANO CITY COUNCIL – REGULAR MEETING June 20, 2011

CALL TO ORDER

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

INVOCATION

Pastor Willweber offered the invocation

FLAG SALUTE

City Clerk Kraft 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, 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

PRESENTATIONS AND AWARDS

No items

ITEMS FROM THE PUBLIC

Angel Diaz, 501 High Street, thanked Mayor Chavez and former Councilman Hill for voting against the budget the last few years. He expressed concern regarding the budget.

Cal Rosi, regional Manager for Southern California Edison, presented the annual report on Southern California Edison. He thanked the staff for working with him throughout the year. Mr. Rosi noted that rates will stay flat this year and will probably increase next year.

Jasmine, 302 Garces Highway, stated there is nothing in the community for kids to do and no one in the community cares or wants to take action.

Daniel Flowers, manager of Delano Gardens, thanked the council for approving the Wal-Mart project and low-income housing.

James Chaney, 302 Garces Highway, stated we need to get out information regarding the library.

Carmen Garcia, 813 Anita Avenue, asked why is it taking so long to get stores in Block H.

Lena Mae Jones, 1116 Lexington Street, stated she has not heard anything about her requests. Mr. Salem stated he will meet with her Tuesday, June 21, at 2:00 p.m.

Lena Chaney, 302 Garces Highway, stated there is no family entertainment in Delano and she would like to have a dollar theater here.

Ethel Pickering, 102 Dover Place, stated the residents of the apartments behind her house park in the alley and people are not able to drive their cars through. Chief DeRosia informed her it is illegal to park in the alleys and told her people can call the police department to report such vehicles.

James Chaney Sr. 302 Garces Highway stated the bridge on Garces over the freeway is too narrow and bicycles have a hard time crossing. He was informed the bridge belongs to Caltrans.

CONSENT AGENDA

- 1) Warrant Register in the amount of \$1,676,747.13
- 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 June 6, 2011
- 4) Minutes of special City Council meeting of June 3, 2011
- 5) Minutes of special City Council meeting of June 6, 2011
- 6) Minutes of special City Council meeting of June 13, 2011
- 7) Resolution No. 2011-51 of the City Council of the City of Delano authorizing the city manager to execute the Certificate of Acceptance of Real Property Located at 1000 Garzoli Avenue, Delano, California; APN 521-050-11
- 8) Resolution No. 2011-52 of the City Council of the City of Delano adopting the City of Delano Investment Policy for fiscal years 2010-2011 and 2011-2012
- 9) Authorize the purchase of SC3000 asphalt paving material in the amount of \$170,000 from Vulcan Materials Company
- 10) Approval of amendments extending commercial and multi-family recycling agreements with Sunset Waste Systems Agreement No. 2011-41 Agreement No. 2011-42
- 11) Approve the purchase of five (5) Dell OptiPlex 780 small form factor computers for the transportation department in the amount of \$4,388 with funds from fiscal year 2008-2009 Transit Operating Assistance Grant funds
- 12) Resolution No. 2011-53 of the City Council of the City of Delano entering into a building lease agreement with Glacier Trucking, LLC for lease of a city owned building located at 1504 S. Lexington Street for the purpose of establishing a trucking business Agreement No. 2011-43
- 13) Approve an agreement between the City of Delano and the Delano Union School District for a school resource officer for the 2011-2012 school year and authorize the city manager to execute the agreement Agreement No. 2011-44
- 14) Approval of request for sponsorship in the amount of \$3,000 for the annual "Star Spangled Spectacular" fireworks show to the Kiwanis Club of Delano

- 15) Resolution No. 2011-54 of the City Council of the City of Delano approving General Plan Amendment Cycle No. 1 for 2011
- 16) Acceptance of final report "Neighborhood Revitalization Plan for Southwest Delano"
- 17) Accept donation from Bank of America of four (4) concrete benches

Mayor Chavez announced that items #1, #10, #12, #14, #15, #16, and #17 will be pulled for discussion.

Moved by Councilwoman Vallejo, seconded by Councilman Ramirez, and unanimously carried to approve the Consent Agenda with items #1, #10, #12, #14, #15, #16, and #17 pulled for discussion.

Item #1) Councilwoman Vallejo asked if it is possible to provide uniform service for shirts only for workers now receiving it except to continue both shirts and pants for the garage workers. She asked all departments to review city cell phone usage and determine if they are necessary. Mrs. Vallejo asked if the copiers can be returned after the rent agreement ends or if we are required to purchase them. She asked if the payment to R&F Tire is for a purchase or repair. She asked when staff will start painting the green curbs. Councilwoman Morris asked if the payment to the Red Cross is for First Aid Cards.

Moved by Councilwoman Vallejo, seconded by Councilman Ramirez and unanimously carried to approve agenda item #1, warrant register.

Item #10) Mr. Dowling reported that we currently have contracts with Sunset Waste Systems which have options for an additional five years with a 2% reduction in the service fee charged to the city. Daniel Lesanko, Sunset Waste Systems informed the council that the city is doing fairly well in its recycling. Their staff is working with commercial customers regarding recycling. He noted that this five year extension will give all agreements with Sunset the same expiration date.

There was discussion regarding Sunset sharing the cost of maintenance of the alleys.

Jeff Martin, American Refuse, Wasco, informed council his company has built a recovery system in Wasco and that the city will have options regarding recyclers.

Moved by Councilman Aguirre, seconded by Councilwoman Vallejo and unanimously carried to approve agenda item #10 and direct staff to negotiate with Sunset Waste Systems regarding alley maintenance.

Item #12) Councilwoman Vallejo asked if this will be for a school. She was informed it is not.

Moved by Councilwoman Vallejo, seconded by Councilman Aguirre and unanimously carried to approve agenda item #12, resolution to lease a city owned building to Glacier Trucking, LLC.

Item #14) Councilman Ramirez stated that every department's budget is being cut and the amount given for the fireworks should be cut to \$2,500.

Moved by Councilman Ramirez, seconded by Councilwoman Vallejo and carried by the following vote to approve sponsorship in the amount of \$2,500 for the annual "Star Spangled Spectacular" fireworks show.
AYES: Chavez, Ramirez, Vallejo NOES: Aguirre, Morris

Item #15) Mr. Woodcock provided some clarification regarding landscape maintenance.

Moved by Councilman Ramirez, seconded by Councilman Aguirre and unanimously carried to approve agenda item #15, Resolution No. 2011-54 approving General Plan Amendment Cycle No. 1 for 2011.

Item #16) Mr. Woodcock explained the intent for this item is to include it in the general plan.

Moved by Councilman Ramirez, seconded by Councilwoman Vallejo and unanimously carried to approve agenda item #16, acceptance of final report "Neighborhood Revitalization Plan for Southwest Delano."

Item #17) Councilwoman Vallejo asked that the benches be placed in parks.

Moved by Councilwoman Vallejo, seconded by Councilman Ramirez and unanimously carried to approve agenda item #17, acceptance of donation of benches, with direction that the benches be placed in parks.

PUBLIC HEARINGS

18) Public Hearing #2011-21, continued from May 16, 2011

- a) Adoption of a mitigated negative declaration (E-11-02) pursuant to the California Environmental Quality Act pertaining to City of Delano annexation No. 53, a proposal for annexation of approximately 60 acres into the City of Delano; General Plan Amendment No. 2011-02 amending the Land Use Element of the Delano General Plan from "Low Density Residential" to "High Density Residential" on an 18.7 acre portion; and Pre-zoning Amendment No. 2011-02 changing the zoning from County of Kern "A" (exclusive agriculture) "R-1" (low density residential) and R-1 PD (precise development combining) to City of Delano "R-1" (single family residential) and "R-3" (multiple family residential)
- b) Annexation No. 53, a proposal to annex approximately 60 acres into the City of Delano, located north of Matthews Avenue, west of Timmons Avenue and east of Melcher Road located one-fourth mile south of Cecil Avenue
- c) Approval of General Plan Amendment No. 2011-02, amending the Land Use Element of the Delano General Plan from "Low Density Residential" to "High Density Residential" on an 18.7 acre portion of the 60 acres
- d) Pre-zoning Amendment No. 2011-02 changing the zoning from County of Kern "A" (Exclusive Agriculture) "R-1" (Low Density Residential) and R-1PD (Precise Development Combining) to City of Delano "R-1" (Single Family Residential) and "R-3" (Multiple Family Residential)

Mr. Peake announced that he has a client with property located in the area being discussed and left the room during discussion of this item.

Mr. Woodcock presented the staff report. He noted that Marci Perez is here from his department to provide translation.

Councilman Aguirre left the meeting at 7:37 p.m.

Mr. Woodcock reported that staff has changed the recommendation regarding zoning for the vacant land located within the proposed annexation territory and now recommend it be zoned for single family. At the Planning Commission meeting held June 8, residents of the area presented a petition signed by 48 of 83 privately owned parcels. The wording indicated it was against the proposed zoning, but those who spoke indicated the signers are against the annexation. Staff now recommend against proceeding with the annexation.

Mayor Chavez asked for public comments.

Sharon Smith, 801 Contessa, spoke against annexation. She submitted a petition against annexation.

Hector Hernandez, 709 Contessa, spoke against annexation. He stated residents use city services and have a good relationship with the city. He stated they do their own recycling.

(unable to understand name), 812 Rose Court, spoke against annexation.

Raul Vallejo spoke against annexation. He stated residents there don't want apartments built and are afraid the zoning would be changed after annexation.

Mayor Chavez closed the public hearing.

There was discussion regarding development moving in the direction of the proposed annexation area, other projects that are being developed, the need to annex the territory so as not to create islands when other areas are annexed, LAFCO, the two ways to protest an annexation.

Councilman Aguirre returned to the meeting at 8:28 p.m.

There was further discussion regarding services currently provided by the city to the area, the possibility that LAFCO would set a protest hearing and deny the annexation based on the petition of the residents, the cost of the annexation process.

Moved by Councilman Ramirez, seconded by Councilman Aguirre and failed to pass by the following vote item b) Resolution No. 2011-56 proposing proceedings for reorganization of territory to the City of Delano as annexation no. 53, generally located ¼ mile north of Garces Highway, south of Matthews Avenue, east of Melcher Road, and west of Timmons Avenue. AYES: Aguirre, Ramirez NOES: Chavez, Morris, Vallejo

Due to the failure of item b) to pass, no action was taken on items a), c), or d).

Mayor Chavez called a recess at 8:36 p.m. The meeting reconvened at 8:44 p.m.

Moved by Councilman Ramirez, seconded by Councilwoman Vallejo and unanimously carried to hear agenda item #35 and the departmental report on the police department at this time.

#35) Presentation on solar energy by Philip Benguhe, Vice President of Regional Sales, EcoPlexus Fresh Air Energy Partnership

Mr. Newhouse introduced Mr. Benguhe who gave a power point presentation regarding solar energy power.

Departmental Report

Chief DeRosia introduced Max Medina, WLC Architects, Inc., who gave an update on the new police facility. He stated that solar panels were always in the scope of the project. The plans for the facility include conduit and a utility room. When the project goes out to bid, an alternate bid can be requested to include the solar panels.

Mr. Peake stated that staff request a number of items be continued or tabled and asked council to make a motion to that effect.

Moved by Councilman Ramirez, seconded by Councilwoman Vallejo and unanimously carried to continue agenda items #19 and #20 to July 18, continue item #21 to August 1, table items #22, #23, #24, continue item #25 to August 1, continue item #27 to July 18, and continue item #30 to August 1.

- 19) Public hearing #2011-13, **continued from May 16, 2011**: Resolution of the City Council of the City of Delano approving the placement of general plan amendment No. 2011-05, an amendment to the circulation element of the general plan establishing a roundabout policy, designating bicycle routes, and providing for the design of the 11th Avenue corridor, on the June 6, 2011, general plan amendment cycle

Per council action earlier during this meeting, this item continued to July 18, 2011.

- 20) Public hearing #2011-16, **continued from May 16, 2011**: An amendment to the general plan adopting a healthy Delano and wellness element to the general plan

Per council action earlier during this meeting, this item continued to July 18, 2011.

- 21) Public hearing #2011-17, **continued from May 16, 2011**: Introduction and first reading of an ordinance amending the zoning ordinance establishing procedures for site plan review applications

Per council action earlier during this meeting, this item continued to August 1, 2011.

- 22) Public hearing #2011-18, **continued from May 16, 2011**: An amendment of the general plan adopting an administration element to the general plan that would prescribe when updates to the general plan would be required and how the general plan would be maintained

Per council action earlier during this meeting, this item tabled.

- 23) Public hearing #2011-19, **continued from May 16, 2011**: An amendment to the general plan revising the safety element to include the new FEMA Flood Maps and criteria and to adopt the new design standards to implement crime prevention through environmental design (CEPTED)

Per council action earlier during this meeting, this item tabled.

- 24) Public Hearing #2011-20, **continued from May 16, 2011**: An amendment to the subdivision ordinance establishing new design standards for subdivisions related to park dedication requirements, access to major roads, access between subdivisions, lot orientation, reduction in cul-de-sacs, providing for landscaping strips, and bus-turnouts

Per council action earlier during this meeting, this item tabled.

- 25) Public hearing #2011-25: Resolution of the City Council of the City of Delano adopting the 2010 Urban Water Management Plan

Per council action earlier during this meeting, this item continued to August 1, 2011.

- 26) Public hearing #2011-26: Resolution of the City Council of the City of Delano confirming the benefit assessment of all maintenance districts within the City of Delano for fiscal year 2011-2012 and authorizing the County of Kern to make collections of same

Mr. Dowling presented the staff report. He stated there will be no impact to the general fund.

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. 2011-58 confirming the benefit assessment of all maintenance districts within the City of Delano for fiscal year 2011-2012 and authorizing the County of Kern to make collections of same.

- 27) Public hearing #2011-27: Introduction and first reading of an ordinance of the City of Delano amending the Municipal Code by adding Section 2.64.040, deleting Section 2.64.040 in its entirety and adding a new Section 2.64.040, and amending Section 2.64.060 related to the Community Law Enforcement Liaison Board

Per council action earlier during this meeting, this item continued to July 18, 2011.

- 28) Public hearing #2011-28: Resolution of the City Council of the City of Delano authorizing the city manager or designee to file an application for funding from the State Community Development Block Grant (CDBG) Program, 2008 Disaster Recovery Initiative Grant allocation in the amount of \$250,000, and to sign any and all grant related documents, contracts, or amendments

Mr. Woodcock presented the staff report. He stated there is no cost to the city and no match is required.

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 unanimously carried to adopt Resolution No. 2011-59 authorizing the city manager or designee to file an application for funding from the State CDBG 2008 Disaster Recovery Initiative Grant.

- 29) Public hearing #2011-29:
- a) Adoption of a Mitigated Negative Declaration (E-10-01) pursuant to the California Environmental Quality Act pertaining to City of Delano Annexation No. 50, a proposal for annexation of 321 acres into the City of Delano and Rezoning Amendment No. 2011-04 to change the zoning of the 321 acre site from County of Kern A (exclusive agriculture) to City of Delano "I" (industrial)
 - b) Annexation No. 50, a proposal to annex 321 acres into the City of Delano, generally located south of Schuster Road, east of Browning Road, north of Pond Road and west of the north-south midsection line of Section 30, T25S, R26E, MDBM
 - c) Rezoning Amendment No. 2011-04 changing the zoning of the same 321 acre site from County of Kern A (exclusive agriculture) to City of Delano "I" (industrial)

Mr. Woodcock presented the staff report. He stated this is 320 acres located east of Railex at Browning Road and Pond Road. Staff was notified last week that the property owner is no longer interested in moving forward with the annexation. The owner has invested in the farming operation and has not cancelled the Williamson Act agreement. The city has incurred approximately \$85,000 in costs associated with the project. Staff is recommending that if the project comes to the city again in the future, the owner be required to pay those costs. Typically the applicant pays 100% of the cost of annexation. When the project was proposed, council directed staff to move forward.

Moved by Councilwoman Vallejo, seconded by Councilwoman Morris and carried by the following vote to not move forward with annexation number 50. AYES: Aguirre, Morris, Vallejo NOES: Chavez, Ramirez

- 30) Public hearing #2011-30:
- a) Adoption of a Mitigated Negative Declaration (E-10-05) pursuant to the California Environmental Quality Act pertaining to City of Delano Annexation No. 52, a proposal for annexation of 172 acres into the City of Delano and Rezoning Amendment No. 2011-03
 - b) Annexation No. 52, a proposal to annex 172 acres into the City of Delano, located west of Garzoli Avenue and State Route 99, south of Millennium Drive (a proposed City street), north of Schuster Road, and one-half mile east of Stradley Road on the west
 - c) Rezoning Amendment No. 2011-03 changing the zoning of the same 172 acre annexation site from County of Kern A (exclusive agriculture), A-1 (limited agriculture), CH (highway commercial), M-1 PD FPS (light manufacturing / precise development combining / floodplain secondary combining), M-2 PD (medium industrial / precise development combining) and M-2 PD H (medium industrial / precise development combining / airport approach height combining) to City of Delano "I" (industrial) and "A" (agricultural)

Per council action earlier during this meeting, this item continued to August 1, 2011.

REGULAR AGENDA

- 31) Resolution of the City Council of the City of Delano, California, declaring that there is a need for a Housing Authority to function in the city, declaring that the members of the City Council shall be the commissioners of the Housing Authority, and designating the first interim chairman of the Housing Authority

Ms. Reyna presented the staff report. She stated we hope to salvage funds for low-moderate housing that usually go to the Redevelopment Agency.

Moved by Councilman Ramirez, seconded by Councilwoman Vallejo and unanimously carried to adopt Resolution No. 2011-60 declaring there is a need for a Housing Authority to function in the city, declaring that the members of the City Council shall be the commissioners of the Housing Authority, and declaring the Mayor to be the first interim chairman of the Housing Authority.

- 32) Approval of sales agreement by and between the California Department of Education and the City of Delano for the re-locatable building currently located at 140 W. 11th Avenue in the amount of \$255,000

Ms. Reyna presented the staff report. She stated we need to have a new appraisal done because the current one is over one year old. Item #3 on page 2 of the agreement should be changed to state payment is due by July 31 not June 30.

Moved by Councilman Ramirez, seconded by Councilwoman Vallejo and unanimously carried to approve the sale agreement by and between the California Department of Education and the City of Delano for the re-locatable building currently located at 140 W. 11th Avenue. Agreement No. 2011-45

- 33) Approve in form and content of an agreement between the City of Delano and selected police officer trainee and authorize the city manager to execute the agreement with the selected individual

Chief DeRosia presented the staff report.

Moved by Councilman Ramirez, seconded by Councilwoman Vallejo and unanimously carried to approve in form and content an agreement between the City of Delano and selected police officer trainee.

- 34) Contract with Southern California Edison "California Energy Efficiency Strategic Plan Implementation Contract" to complete the City of Delano Strategic Plan for Energy Efficiency for the City of Delano

Staff requested this item be continued to July 5, 2011.

Moved by Councilman Ramirez, seconded by Councilwoman Morris and unanimously carried to continue item #34 to July 5, 2011.

INFORMATION

- 35) Presentation on solar energy by Philip Benguhe, Vice President of Regional Sales, EcoPlexus Fresh Air Energy Partnership

Presentation made earlier during this meeting.

DEPARTMENTAL REPORTS

Reports presented earlier during this meeting.

COUNCIL STATEMENTS AND REPORTS

Councilwoman Vallejo: Councilwoman Vallejo thanked everyone for staying during this late meeting and thanked the staff for their work on the budget meetings.

CLOSED SESSION

Moved by Councilman Ramirez, seconded by Councilwoman Vallejo, and unanimously carried that the City Council adjourn to Closed Session at 9:59 p.m. The City Clerk was excused. Mayor Chavez was appointed Acting City Clerk. The City Attorney and City Manager were asked to remain.

- 36) Conference with legal counsel: anticipated threat of litigation (one cases); govt. code section 54956.9(b)
- 37) Conference with legal counsel: anticipated initiation of litigation (one case); govt. code section 54956.9(c)
- 38) Conference with labor negotiators Abdel Salem, Alan Peake, and Rick Kirkwood regarding negotiations with the Central California Association of Public Employees / SEIU Local 521 (miscellaneous employees unit, correctional officers and custodial officers / jailers employee unit); govt. code section 54956.7
- 39) Conference with labor negotiators Abdel Salem, Alan Peake, and Rick Kirkwood regarding negotiations with MEG employee group; govt. code section 54956.7
- 40) Conference with labor negotiators Abdel Salem, Alan Peake, and Rick Kirkwood regarding negotiations with the Delano Police Officers Association; govt. code section 54956.7
- 41) Public employee appointment / employment – city manager; pursuant to govt. code section 54957

- 42) Conference with labor negotiator Alan Peake regarding negotiations with city manager; govt. code section 54956.7

Mr. Peake left the meeting.

- 43) Performance evaluation: city manager, pursuant to govt. code section 54957

RETURN TO GENERAL SESSION

Moved by Councilman Ramirez, seconded by Councilwoman Vallejo and unanimously carried to reconvene in Open Session at 11:55 p.m. Mayor Chavez provided a report on closed session as follows:

- 36) Information was provided; no action taken.
- 37) Information was provided and by unanimous consent, direction was given.
- 38) Information was provided and by unanimous consent, direction was given.
- 39) Information was provided and by unanimous consent, direction was given.
- 40) Information was provided and by unanimous consent, direction was given.
- 41) Information was provided; no action taken.
- 42) Information was provided and by unanimous consent, direction was given.
- 43) Information was provided and instructions were given to the city manager.

ADJOURNMENT

Moved by Councilwoman Vallejo, seconded by Councilman Ramirez, and unanimously carried to adjourn the meeting at 11:56 p.m.

Phyllis A. Kraft, City Clerk