

MINUTES

CITY OF DELANO CITY COUNCIL – REGULAR MEETING February 21, 2012

CALL TO ORDER

Mayor Vallejo called the meeting to order at 5:30 p.m. in the City Hall Council Chambers, 1015 – Avenue.

FLAG SALUTE

Councilman Morris led the flag salute.

ROLL CALL

Council members present: Aguirre (arrived 5:45 p.m.), Chavez, Morris, Ramirez, Vallejo
Council members absent: none

OFFICIALS PRESENT

City Manager Reyna, City Attorney Alan Peake, City Clerk Kraft, Finance Director Rios, Police Chief DeRosia, Community Development Director Cariño, City Engineer Dowling, Acting Human Resources Director Zamudio, Economic Development Specialist Castro

PRESENTATIONS AND AWARDS

No items

ITEMS FROM THE PUBLIC

Abraham Jimenez, 127 Dover Street, stated there is a need for bus service on Saturdays. He asked when the occupancy permit will be issued for the new shopping center. Mr. Jimenez stated that animals are being abused in our city, and he cannot get anyone at the police department to come when he calls.

Robert Gonzalez, 1848 Chaparral Circle, asked about R&F Disposal and why the city is forgiving the \$100,000 they owe. He asked why the city make a secret deal with them.

Lena Mae Jones thanked everyone for honoring her at the Black History Month event.

Nathan Ford stated that police dispatchers send an officer as soon as he calls. He asked how much the tax assessor will charge for doing our billing and how they will know who has paid or not. He stated that some people are billed for services not received and noted that his street is not swept. Mr. Ford added that he has met with the city manager and she gave as many answers as she could.

Lupe Martinez, 1215 Lexington Street, stated that people are up in arms about proposed change to utility billing. He said that the city needs to look at other solutions and asked how many jobs we will lose.

Valarie Gorospe, 1114 Weaver Street, asked council to keep in mind those people who will be affected by changes to the water bills.

Maria asked council to consider that citizens in our community are poor and many live week to week.

George Gorospe, 1114 Weaver Street, asked how we lose \$1 million on utility bills. He stated someone is not doing their job or made a big mistake. He stated that council looks bored and not respectful during public comments.

Sunshine Carter asked what the JPA with Tulare County is. She stated police are always busy with emergencies and can't always come out. Ms. Carter stated street sweeper can only do so much if they have to go around cars and trash cans in the street. She noted the sweeper does good job on her street.

CONSENT AGENDA

- 1) Warrant Register in the amount of \$1,319,466.79
- 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 February 6, 2012
- 4) Minutes of Pension Committee regular meeting of October 17, 2011; special meeting of October 24, 2011; special meeting of December 15, 2011; regular meeting of January 17, 2012
- 5) Acceptance of donation of \$300 from the Delano Chamber of Commerce for the downtown Christmas lights
- 6) Resolution of the City Council of the City of Delano entering into a land lease agreement with Paramount Citrus Packing Company for lease of 1.38 acres of land at the Delano Municipal Airport (pulled from agenda per request of Paramount Citrus Packing Co.)
- 7) Resolution No. 2012-11 of the City Council of the City of Delano adopting Federal fiscal year 2012 Certificates and Assurances for Federal Transit Administration Assistance Programs
- 8) Approval of plans and specifications for the CDBG waterline replacement project and authorize the City Clerk to advertise for bids
- 9) Approval of plans and specifications for well 20 rehabilitation project, a component of the city-wide arsenic mitigation project, and authorize the City Clerk to advertise for bids, pending state approval
- 10) Approve a one-year contract extension to the Landscape Districts Maintenance Service Agreement No. 2010-22 with Perfect Care Landscape and authorize the City Manager to sign the amendment Agreement No. 2012-07
- 11) Resolution No. 2012-12 of the City Council of the City of Delano authorizing the City Engineer to sign Program Supplemental Agreement No. N018 with the State to allow for reimbursement on the 2012 Street Rehabilitation Project Agreement No. 2012-08
- 12) Award contract for the 2012 Street Rehabilitation Project RSTPL-5227(041) to Granite Construction in the amount of \$1,235,957.50 and authorize the mayor to sign the construction contract Agreement No. 2012-09
- 13) Authorization to enter into a contract with Facility Designs in the amount of \$86,136.35 to acquire new furniture for the technology center and Serda's Plumbing in the amount of \$8,777.45 for plumbing modifications

- 14) Authorization for the Director of Finance to transfer \$7,000.00 from the general fund reserve to account 46-5700-210 for the purchase of equipment and materials for the Delano Community Correctional Facility
- 15) Acceptance of quote for service and authorize the Chief of Police to have services performed as indicated within the attached scope of services by ATRIX Systems, and authorize the Finance Director to transfer \$13,000.00 from the general fund reserve to account number 46-5520-210

Mr. Peake stated that Paramount Citrus Packing Company has requested item #6 be pulled from the agenda. He asked that item #13 be pulled for discussion. Councilwoman Morris asked that item #10 be pulled for discussion. Councilman Ramirez asked that item #14 be pulled for discussion.

Moved by Councilman Ramirez, seconded by Councilman Chavez, and unanimously carried to approve the Consent Agenda with item #6 pulled from the agenda and items #10, #13, and #14 pulled for discussion.

Item #10) Councilwoman Morris stated that she would like the city to oversee the work being done and noted that in the fall the pathways are full of leaves and not walkable.

Moved by Councilwoman Morris, seconded by Councilman Ramirez and unanimously carried to approve item #10.

Item #13) Mr. Peake noted that the title should state "Award of bids" not "enter into contracts."

Moved by Councilman Ramirez, seconded by Councilman Chavez and unanimously carried to approve item #13 with the change as noted.

Item #14) Councilman Ramirez asked for an overview of what approval of this item will mean and for assurances that the CCF will not become a money pit. Chief DeRosia reported that he had a walk-through with LA County today which went well. He added that this should be the last dollar amount staff ask for until a contract is signed.

Moved by Councilman Ramirez, seconded by Councilman Chavez and unanimously carried to approve item #14.

PUBLIC HEARINGS

- 16) Public hearing #2012-03: Receive comments related to unmet transit needs that may exist and can be reasonable met in the City of Delano

Mr. Lippitt presented the staff report. He noted that the fixed route service has been reduced. KernCOG has hired Moore & Associates to do a survey for ways to improve the transit service. Next year we will be considered an urban area and will have to meet 20% fare box recovery.

Mayor Vallejo asked for public comments.

Valarie Gorospe, 1114 Weaver Street, asked council not to raise the fare because there are people who need transportation and don't have cars. She noted the bus stops lack trees and shade. She added that if the system was revamped, more people would use it.

Steve Kinsey stated that the Community Alliance will be doing a community wide survey at the Community Walk and will include any questions the city would like.

Abraham Jimenez, 127 Dover Street, stated that 50,000 residents can't be served by only two Dial-A-Ride vehicles. He noted reservations for Saturday must be made on Friday. He added that the fixed routes are excellent.

Bill Hylton, 1515 – Avenue, stated that he used to argue about the transit service until he realized the most needs cannot be reasonably met. He said the price of gas keeps going up and this will make it harder to meet the fare box recovery rate.

Mayor Vallejo closed the public hearing.

There was discussion regarding Saturday service, ridership, and staffing. Mr. Lippitt noted that the consultants are doing a major study of everything related to the transit program including issued discussed now. Council asked that staff provide responses to comments made tonight.

Moved by Councilman Ramirez, seconded by Councilman Chavez and unanimously carried to continue the public hearing to March 5, 2012.

REGULAR AGENDA

- 17) Resolution of the City Council of the City of Delano providing the State of California Department of Housing and Community Development an assurance of ongoing operation funding for the Delano domestic violence shelter

Ms. Castro presented the staff report. She stated the adoption of the resolution is a special condition to receive funding to construct the center. She has spoken with Louis Gill, Executive Director of the Homeless Center and Alliance Against Family Violence and Sexual Abuse regarding funding and operations. The estimated cost of operation is a little over \$400,000 per year. Staff will be applying for grants. Ms. Reyna added that the city is rated for its use of CDBG funds every year and some of the funds should go towards housing. At some point, the city will want to consider turning over the shelter to the Alliance.

Moved by Councilman Ramirez, seconded by Councilman Chavez and unanimously carried to adopt Resolution No. 2012-13 providing an assurance of ongoing operation funding for the Delano domestic violence shelter.

- 18) Approval to appoint City Council member(s) to the Woollomes proposal selection committee

Ms. Castro presented the staff report. The committee will consist of the City Manager, City Engineer, Community Development Director, and Council Members. The committee will evaluate and rank the proposals to bring to council.

Moved by Councilman Ramirez, seconded by Mayor Vallejo and failed to pass by the following vote to appoint Mayor Vallejo and Councilman Ramirez to serve on the selection committee. AYES: Ramirez, Vallejo NOES: Aguirre, Chavez, Morris

Moved by Councilman Ramirez, seconded by Councilman Chavez and unanimously carried to appoint Mayor Vallejo and Councilman Aguirre to serve on the selection committee.

- 19) Memorandum of agreement between the City of Delano and the Kern Council of Governments regarding funding to provide technical assistance for the development of a Healthy Delano and Wellness Element and a Sustainable Delano Element of the Delano General Plan

Ms. Cariño presented the staff report.

Moved by Councilwoman Morris, seconded by Councilman Aguirre and unanimously carried to approved an agreement with Kern Council of Governments regarding funding to provide technical assistance. Agreement No. 2012-10

- 20) Resolution of the City Council of the City of Delano approving amendment to the Subdivision Improvement Agreement, the Improvement Security Agreement and the Developer Escrow Agreement for construction of public improvements for Parcel Map 11480

Mr. Dowling presented the staff report.

Moved by Councilman Chavez, seconded by Councilman Ramirez and unanimously carried to adopt Resolution No. 2012-14 approving an amendment to the Subdivision Improvement Agreement, Agreement No. 2012-11; the Improvement Security Agreement, Agreement No. 2012-12; and the Developer Escrow Agreement, Agreement No. 2012-13.

- 21) Resolution of the City Council of the City of Delano approving the Amended Financial Agreement with Delano Retail Center, LLC, for construction of public improvements

Mr. Dowling presented the staff report.

Moved by Councilman Ramirez, seconded by Councilman Chavez and unanimously carried to adopt Resolution No. 2012-15 approving the Amended Financial Agreement with Delano Retail Center, Agreement No. 2012-14

- 22) Approve Contribution Agreement and City Escrow Agreement with Wal-Mart Real Estate Business Trust and Delano Retail Center, LLC for public improvements for Parcel Map 11480

Mr. Dowling presented the staff report. Mr. Peake asked that approval of the contribution agreement be subject to Wal-Mart purchasing Parcel 10, and that the escrow agreement be approved subject to agreed upon changes with the parties and escrow agent to be approved by the city attorney and city manager.

Moved by Councilman Ramirez, seconded by Councilman Chavez and unanimously carried to approve the Contribution Agreement subject to Wal-Mart purchasing Parcel 10. Agreement No. 2012-15

Moved by Councilman Ramirez, seconded by Councilman Chavez and unanimously carried to approve City Escrow Agreement with Wal-Mart Real Estate Business Trust and Delano Retail Center, LLC subject to agreed upon changes with the parties and escrow agent to be approved by the City Attorney and City Manager. Agreement No. 2012-16

- 23) **ACTIONS BY CITY COUNCIL AS SUCCESSOR AGENCY TO THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF DELANO**

- a) Warrant Register in the amount of \$361,140.44

Moved by Councilman Ramirez, seconded by Councilman Chavez and unanimously carried to approve the warrant register.

- b) Resolution of the City Council of the City of Delano in its capacity as the Successor Agency to the Community Redevelopment Agency of the City of Delano approving the Initial Enforceable Obligation Payment Schedule, the Draft Recognized Obligation Payment Schedule and approving certain related actions

Ms. Rios presented the staff report. She explained there are minor amendments to the EOPS adopted January 30 due to the code. There are no financial differentiations or obligations.

There was brief discussion regarding the successor agency.

Moved by Councilman Ramirez, seconded by Councilman Chavez and unanimously carried to adopt Resolution No. 2012-16

DEPARTMENTAL REPORTS

No items

COUNCIL STATEMENTS AND REPORTS

Councilman Aguirre no items

Councilman Chavez no items

Councilwoman Morris thanked YK America for the groundbreaking event.

Councilman Ramirez requested that a crosswalk be put in front of Ellington gym since many parents park across the street from the facility.

Mayor Vallejo thanked YK America for the groundbreaking event.

CLOSED SESSION

Moved by Councilman Ramirez, seconded by Councilman Chavez, and unanimously carried that the City Council adjourn to Closed Session at 7:54 p.m. The City Clerk was excused. Mayor Vallejo was appointed Acting City Clerk. The City Attorney and City Manager were asked to remain.

- 24) Conference with legal counsel: Workers Comp Claim of Crystal Barbey vs. City of Delano pursuant to govt. code section 54956.9(a)

RETURN TO GENERAL SESSION

Moved by Councilman Ramirez, seconded by Councilman Chavez and unanimously carried to reconvened in Open Session at 8:10 p.m. Mr. Peake provided a report on closed session as follows:

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

ADJOURNMENT

Moved by Councilman Chavez, seconded by Councilman Aguirre, and unanimously carried to adjourn the meeting at 8:11 p.m.

Phyllis A. Kraft, City Clerk