

## **MINUTES**

### **CITY OF DELANO CITY COUNCIL – REGULAR MEETING August 18, 2014**

#### **CALL TO ORDER**

Mayor Vallejo called the meeting to order at 5:30 p.m. in the City Hall Council Chambers, 1015 – 11<sup>th</sup> Avenue.

#### **INVOCATION**

Mayor Vallejo asked for a moment of silence.

#### **FLAG SALUTE**

Councilwoman Morris led the flag salute.

#### **ROLL CALL**

Council members present: Aguirre, Chavez, Morris, Pascual, Vallejo

Council members absent: none

#### **OFFICIALS PRESENT**

City Manager Reyna, City Attorney Garcia, City Clerk Kraft, Finance Director Rios, Police Chief DeRosia, Interim Community Development Director Keene, City Engineer Dowling, Human Resources Director Zamudio, Interim MCCF Chief Venables

#### **PRESENTATIONS AND AWARDS**

Proclamation Proclaiming September 2014 as Childhood Cancer Awareness Month

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

Richard Markham, 315 Dover Drive, thanked the city for sending someone to check his water after he had mentioned a problem at the last council meeting. He congratulated the new Chinese restaurant. He stated that the police should not help the Housing Authority because they are corrupt.

Dorothy Morgan stated she is the mother of Cody Harris who was killed last November in Kalibo Park. She stated that she cannot afford security for a fund raiser she wants to have in Kalibo Park September 13 to raise funds for a bench to be placed there. She asked what the community can do to stop violence.

Elaina Mendez asked what the water has in it that makes metal corrode. Mayor Vallejo requested Mr. Dowling do a report at next meeting on the city's water.

Larry Moray stated that a vacant house behind his caught fire due to wires in the trees and stated he is concerned about wires in the trees.

Henry Mendez stated he had a question regarding the sale of the VFW building. He was informed that item is on the agenda and he will have an opportunity to speak when the item is discussed.

## CONSENT AGENDA

- 1) 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
- 2) Warrant Register in the amount of \$1,959,436.08
- 3) Minutes of regular City Council meeting of August 4, 2014 and special City Council meeting of August 7, 2014
- 4) Minutes of Pension Committee regular meeting of February 3, 2014; regular meeting of May 5, 2014; special meeting of May 9, 2014
- 5) Approve agreement with West Coast Accessibility Consultants for on-call building inspection and plans examiner services Agreement No. 2014-65
- 6) Approve license agreement for use of the exhibit building located at Kern County Memorial Park for a term of five (5) years as a gratuitous service to the city and authorize the city manager to execute all required documents Agreement No. 2014-66
- 7) Approval of Task Order Number 2014-08 with Quad Knopf to Agreement No. 2011-28 to continue providing interim on-call planning services; appropriate funds in the amount of \$100,000 to cover expenses through the end of the 2014 calendar year; and authorize the city manager to execute the task order Agreement No. 2014-67
- 8) Approval of agreement with Ruetters & Schuler to provide design services for the traffic signal improvements at Cecil Avenue and Albany Street and authorize the city manager to execute the agreement and any other documents needed to complete this phase of the project Agreement No. 2014-68
- 9) Approval of request of property owners of 233 W. 15<sup>th</sup> Avenue and 706 Dover Place to waive the requirement of ADA compliant sidewalk at the frontage of their property due to hardship caused by fire as per Section 12.20.060 of the Delano Municipal Code
- 10) Resolution No. 2014-69 of the City Council of the City of Delano rescinding Resolution No. 2014-61 and awarding the contract to Gibbs International, Inc. for the lease purchase of one (1) 2000 gallon water truck, and authorizing the expenditure of funds in the amount of \$118,409.83 for a term of four (4) years, with semi-annual payments of \$14,801.23, and authorizing the city manager to execute all required documents
- 11) Approval of amendment to contract with Supplemental Health Care to provide medical staffing for the MCCF to include a certified nursing assistant, nurse practitioner or physician assistant Agreement No. 2014-69

Suzanne Villaruz asked that item #11 be pulled for discussion.

Moved by Councilman Chavez, seconded by Councilman Pascual, and unanimously carried to approve the Consent Agenda with item #11 pulled for discussion.

Item #11) Suzanne Villaruz asked for clarification of the position titles listed on the agenda. She was informed the agreement is for a certified nursing assistant, nurse practitioner, or physician assistant.

Moved by Councilman Chavez, seconded by Councilwoman Morris and unanimously carried to approve item #11.

## **PUBLIC HEARINGS**

- 12) Public Hearing #2014-09: Introduction and first reading of an ordinance amending Title 6 of the Delano Municipal Code by adding Chapter 6.64 relating to reusable bags at retail establishments

Mr. Keene presented the staff report.

Mayor Vallejo asked for public comments.

Richard Markham stated we have to do everything we can for the environment, and it has to be reasonable for small stores.

Valerie Gorospe stated the proposed ordinance sounds good on paper. She asked what businesses would be considered to be a small business. She was informed a small business is one that is less than 10,000 square feet and the use of reusable bags would be their choice.

Brea Connor asked if staff had looked at what other cities have done and if the city would require small businesses to itemize the sale of reusable bags. Mr. Keene explained that under state law they would be required to report the information.

Gloria Herrera asked if customers would be able to use their own shopping bags. She was informed they would.

Suzanne Villaruz noted that some customers have been stealing items by putting them in the reusable bags inside the store and then stating the items had been brought into the store in the bags by mistake. She noted store employees would need to be educated regarding this.

Valerie Gorospe stated we need to teach conservation and that if we create a culture of conservation, small stores may follow the requirement. She suggested the city may put the new city logo on bags to be given to small stores.

Martha stated she sees a lot of waste at stores regarding plastic bags and bottles. She stated each person needs to be educated to see the damage being caused to the city.

Mayor Vallejo closed the public hearing.

Moved by Councilman Aguirre, seconded by Councilman Pascual and unanimously carried to approve the introduction and first reading of Ordinance No. 2014-1271 amending Title 6 of the Delano Municipal Code by adding Chapter 6.62 relating to reusable bags at retail establishments.

## **REGULAR AGENDA**

- 13) Presentation by Richard Harmon, Townsend & Associates regarding various grants. No council action required

Richard Harmon, Townsend & Associates, presented the report. He reported that in the first ten months of their work they have secured a total of \$422,463 from the California Arts Council and the California Transportation Commission. This represents a rate of return to the city of more than 8:1. He reviewed the legislative and administrative issues on which they have assisted. Mr. Harmon reviewed the breezeway project, Safe Routes to School grants, grants for the police department, parks and recreation, and other areas. He also mentioned upcoming applications.

Councilman Pascual informed Mr. Harmon the city needs assistance with the Little League baseball field. Mayor Vallejo asked him to contact Airica Belis in Assemblyman Salas' Bakersfield office regarding handicap playground equipment and the Kaboom organization.

- 14) Approval of Purchase and Sale Agreement by and between the City of Delano and the Central California Foundation for Health, dba Delano Regional Medical Center for the sale of Veterans' Hall (VFW) located at 1025 Garces Highway, APN 037-130-01 for the amount of \$610,000

Mayor Vallejo announced that Councilman Aguirre had left the room during discussion of this item due to a conflict of interest. He is an employee of the Delano Regional Medical Center (DRMC).

Ms. Reyna presented the staff report. She stated the city had received an unsolicited offer from DRMC to purchase the VFW building. She reviewed the income generated through rental use of the building and the cost to maintain it and noted the facility goes into the red every year. She also noted that upgrades and repairs are needed on the building.

Suzanne Villaruz stated the building is important to many people. She has heard that DRMC wants to tear the building down and that the city should not sell it until we know what DRMC wants to do. Ms. Villaruz stated that it would be nice to see the building preserved or shuttered until funds can be found to repair and preserve it.

Henry Mendez offered his services to be sure the city is selling the building for a good value. He stated the city should be getting around \$800,000 for the building.

Valerie Gorospe stated this is another hit to veterans. She stated we need to preserve the building and push for grants for ADA compliance.

Gloria Herrera stated the city needs to take more time to consider this. She noted the building is a landmark and \$600,000 is a very low price.

Councilwoman Morris stated she is opposed to the sale. She noted a bid of history would be wiped out and there are very few facilities in the city to rent.

Councilman Chavez stated he would not mind postponing the sale if another buyer could be found. He would be open to preservation, but stated the city should not spend money on the preservation.

Councilman Pascual noted the city got the building for almost nothing from the county. It would be too expensive to fix and that money spent on the VFW could be put into the new community center. He noted the money from the sale would go to pay down the debt.

Mayor Vallejo stated that it is not cities that save historic building but outside groups. She noted that sooner or later the VFW would be condemned as unsafe. She stated that staff has looked at many ways to get money for needed repairs, but there are few grants. She added that it is not the responsibility of the city to provide banquet rooms for the public use. The council is responsible for the city budget.

Moved by Councilman Chavez, seconded by Councilwoman Morris and failed to pass by the following vote to postpone the vote on the approval of the sale agreement for thirty days to allow the city to solicit other offers. AYES: Chavez, Morris NOES: Pascual, Vallejo ABSENT: Aguirre

Moved by Councilman Pascual, seconded by Mayor Vallejo and carried by the following vote to approve the purchase and sale agreement by and between the city and the Central California Foundation for Health, dba Delano Regional Medical Center for the sale of Veterans' Hall (VFW) located at 1025 Garces Highway, APN 037-130-01 for the amount of \$610,000. Agreement No. 2014-70 AYES: Chavez, Pascual, Vallejo NOES: Morris ABSENT: Aguirre

Councilman Aguirre returned to the meeting.

### **DEPARTMENTAL REPORTS**

No items

### **COUNCIL STATEMENTS AND REPORTS**

Councilman Chavez no items

Councilwoman Morris stated it was good to see the city's heavy equipment on display at the National Night Out.

Councilman Pascual no items

Councilman Aguirre no items

Mayor Vallejo stated the National Night Out is a good opportunity for children to connect with police officers. She requested an invitation be sent to the Caesar Chavez High School football players who cleaned streets to attend the next city council meeting and be recognized.

### **CLOSED SESSION**

Moved by Councilman Chavez, seconded by Councilman Pascual, and unanimously carried that the City Council adjourn to Closed Session at 7:31 p.m. The City Clerk was excused. Mayor Vallejo was appointed Acting City Clerk. The City Attorney and City Manager were asked to remain.

- 15) Conference with legal counsel: potential threat of litigation, one case, Sunset Waste Management; pursuant to govt. code section 54956.9
- 16) Conference with labor negotiators Maribel Reyna, Bonny Garcia, and Human Resources Director Noemi Zamudio regarding negotiations with the Delano City Employees Association (miscellaneous employees unit); govt. code section 54957.6
- 17) Conference with labor negotiators Maribel Reyna, Bonny Garcia, and Human Resources Director Noemi Zamudio regarding negotiations with MEG employee group; govt. code section 54957.6

### **RETURN TO GENERAL SESSION**

Moved by Councilwoman Morris, seconded by Councilman Chavez and unanimously carried to reconvene in Open Session at 8:28 p.m. Mr. Garcia provided a report on closed session as follows:

- 15) Information was provided; no action taken
- 16) Information was provided; no action taken
- 17) Information was provided; no action taken

### **ADJOURNMENT**

Moved by Councilman Chavez, seconded by Councilwoman Morris, and unanimously carried to adjourn the meeting at 8:28 p.m.

---

Phyllis A. Kraft, City Clerk