

CORRECTED MINUTES

**CITY OF DELANO
CITY COUNCIL – REGULAR MEETING
February 17, 2015**

CALL TO ORDER

Mayor Pascual called the meeting to order at 5:51 p.m. in the City Hall Council Chambers, 1015 – 11th Avenue.

INVOCATION

Mr. Barajas offered the invocation.

FLAG SALUTE

Councilwoman Morris led the flag salute.

ROLL CALL

Council members present: Hill, Morris, Pascual, Vallejo

Council members absent: Chavez

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 Chief of Corrections Komin, Senior Planner Card

PRESENTATIONS AND AWARDS

Proclamation – Read Across America Day

ITEMS FROM THE PUBLIC

No items

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 \$2,037,126.02
- 3) Minutes of regular City Council meeting of February 2, 2015
- 4) Approve the re-classification of two (2) Public Safety & Communications Operator positions (currently vacant) to Public Safety & Communications Dispatcher I; approve the re-classification of one (1) Part-Time Maintenance Worker I, Transit to Full Time Maintenance Worker I, Transit; adopt Resolution No. 2015-10 of the City Council of the City of Delano adopting the class specification of Building Maintenance Supervisor (new position); adopt Resolution No. 2015-11 of the City Council of the City of Delano adopting the Miscellaneous Unit Salary Schedule for fiscal year 2014-2015 effective February 21, 2015

- 5) Authorize the purchase of security cameras for the transportation station and the corporation yard from TYCO Integrated Security in the amount of \$43,197.52 and authorize the Transportation Director and Public Works Director to sign maintenance agreements. Funds for purchase of equipment will be used from the Prop 1B fy 11/12 and 12/13 monies Agreement No. 2015-08 Transit; Agreement No. 2015-09 Corporation Yard
- 6) Award of contract for the 2014 Federal Safe Routes to School Improvements Project SRTSL-5227(042) to DOD Construction in the amount of \$328,886 Agreement No. 2015-10
- 7) Resolution No. 2015-12 of the City Council of the City of Delano accepting an offer of dedication from Divine Commercial Inc. for street right of way on Dover Parkway, approving a certificate of acceptance, and directing the city clerk to record the documents

Moved by Councilwoman Morris, seconded by Councilwoman Vallejo, and unanimously carried by all those present to approve the Consent Agenda.

PUBLIC HEARINGS

- 8) Public Hearing #2015-01: Receive comments related to unmet transit needs that may exist and can be reasonably met

Ms. Zamudio presented the staff report.

Mayor Pascual asked for public comments.

Andrew Barragan stated there should be covers over the seats at the bus stops and there should be bike lanes.

Richard Markham asked if this hearing was for the local service only and congratulated the city on the bus route to Bakersfield College.

Mayor Pascual closed the public hearing.

Moved by Councilwoman Vallejo, seconded by Councilwoman Morris and unanimously carried by all those present to approve the item as presented.

- 9) Public Hearing #2015-02:
 - a) Adoption of a Mitigated Negative Declaration filed for Combined Development Permit Application No. 2014-01
 - b) Consideration of a Combined Development Permit Application No. 2014-01 which includes a Zone Amendment to amend the Official Zoning Map of the City of Delano by changing the existing zone district from "I" (Industrial) to "CRC" (Community Retail Commercial) on a 7.28 acre parcel located on the west side of Garzoli Avenue south of Woollomes Avenue; and a Conditional Use Permit with proposed conditions of approval for a proposed hotel project located on APN 521-060-16, 17, 18, and a portion of 19

Mr. Keene and Mr. Card presented the staff report. It was noted the applicant is requesting an increase in allowable height from 45 to 53 feet. It was also noted for the record that one letter from YK America which expressed concerns about the economic viability of two hotels located in the same, approximate area was received prior to the meeting and was distributed to council members for inclusion into the record for the proposal.

Mayor Pascual asked for public comments.

Max Bacerra, Maximus III Company stated he is representing the applicant Bahadar Shergill who is unable to attend this meeting due to illness. Mr. Bacerra stated they concur with the conditions of approval. He noted that a study was conducted by PKF Consulting regarding the need for a business class hotel in Delano. It was determined that Delano would be able to support a single, business class hotel.

Nathan Ford expressed concerns regarding rezoning, noting that in the past builders had requested property be rezoned and then sold it at a higher value. Mr. Ford stated the public should be notified and maps provided when rezoning items are on the agenda.

Richard Markham stated agreement with Mr. Ford and added that things are being done without the public knowing.

Henry Mendez stated there is a major traffic issue on Woollomes. He noted that 40 acres north of Home Depot is zoned CRC and asked why the property in discussion should be rezoned industrial.

There was discussion regarding the rezoning process. Councilwoman Vallejo stated that any applicant is free to propose a project on their property and that sometimes a rezoning is required to achieve what a property owner wants to develop. It was noted that this particular rezoning will allow other commercial development besides the hotel and it is a benefit to the city since no industrial development had occurred in the area. It was also stated that staff is required by law to analyze proposals' consistency with the city's adopted General Plan when any projects are proposed. The Community Development Director stated that the proposed rezoning is consistent with the existing general plan designation of the area. Moreover, the conditions of approval address traffic issues and the construction and extension of Dover Parkway and southward to Millennium Drive.

The audience was informed that a public hearing notice was published in the newspaper 20 days before the Planning Commission held its hearing on this project and a notice was published 20 days before this council hearing. The public was also told that they can request to be notified by the Community Development Department when public hearings are scheduled.

Mayor Pascual closed the public hearing.

Council members stated that they want to continue to see the development of the city, but there is a specific process to follow. Conditions are put on projects to insure the city has what is needed from the project to alleviate any associated impacts, such as additional traffic or air quality degradation.

Moved by Councilwoman Vallejo, seconded by Councilwoman Morris and unanimously carried to adopt Resolution No. 2015-13 of the City Council of the City of Delano adopting the Mitigated Negative Declaration for Combined Development Permit Application No. 2014-01 in compliance with CEQA prepared for Combined Development Permit No. 2014-01 APN 521-060-16, 17, 18, 19, 20, 21, and 22.

Moved by Councilwoman Vallejo, seconded by Councilwoman Morris and unanimously carried to approve the introduction and first reading of Ordinance No. 2015-1272 of the City Council of the City of Delano approving the zone amendment portion of Combined Development Permit Application No. 2014-01.

Moved by Councilwoman Vallejo, seconded by Councilwoman Morris and unanimously carried to adopt Resolution No. 2015-14 of the City Council of the City of Delano approving a conditional use permit to allow construction and establishment for a four story hotel on the west side of Garzoli Road APN 521-060-16, 17, 18, and a portion of 19; Combined Development Permit 2014-01.

REGULAR AGENDA

No items

DEPARTMENTAL REPORTS

Chief DeRosia and Mr. Dowling presented a report on animal control.

There was discussion regarding chipping animals and adopting an ordinance regarding repeat offenders. A master plan for the shelter was discussed including the possibility of moving the modular units formerly used by the detectives to be used as an office and pre-fabricated metal buildings for kennels. This would be a several years plan with staff doing some of the work.

COUNCIL STATEMENTS AND REPORTS

Councilman Chavez absent

Councilwoman Morris no items

Councilwoman Vallejo stated trucks are parking on the east side of Browning Road, and cars cannot see around them. She asked staff to bring the item back at future meeting. She stated that along Randolph Street from Garces Highway north to University Heights housing development on the east side of the road there is no area for children to walk on their way to school. She asked if we can submit an application for the Safe Routes to Schools grant for that area.

Councilman Hill no items

Mayor Pascual stated he would like to see a Master Plan for animal pound as soon as possible.

CLOSED SESSION

Moved by Councilwoman Vallejo, seconded by Councilwoman Morris, and unanimously carried that the City Council adjourn to Closed Session at 7:28 p.m. The City Clerk was excused. Mayor Pascual was appointed Acting City Clerk. The City Attorney and City Manager were asked to remain.

- 10) Conference with legal counsel: settlement authority for worker comp case: Carol Savery; govt. code section 54956.95
- 11) Conference with legal counsel: settlement authority for claim of Ranbir Bhatti pursuant to govt. code section 54961
- 12) Public employee performance evaluation, City Manager; govt. code section 54957

RETURN TO GENERAL SESSION

Moved by Councilwoman Vallejo, seconded by Councilwoman Morris and unanimously carried by all those present to reconvene in Open Session at 7:45 p.m. Mr. Garcia provided a report on closed session as follows:

- 10) Information was provided and by unanimous consent of all those present direction was given.
- 11) Information was provided and by unanimous consent of all those present direction was given.
- 12) This item was tabled to the March 2, 2015 City Council meeting.

ADJOURNMENT

Moved by Councilwoman Vallejo, seconded by Councilman Hill, and unanimously carried to adjourn the meeting at 7:46 p.m.

Phyllis A. Kraft, City Clerk