

## **MINUTES**

### **CITY OF DELANO CITY COUNCIL – REGULAR MEETING November 18, 2019**

#### **CALL TO ORDER**

Mayor Aguirre called the meeting to order at 5:31 p.m. in the City Hall Council Chambers, 1015 – 11<sup>th</sup> Avenue.

#### **INVOCATION**

Pastor David Vivas offered the invocation.

#### **FLAG SALUTE**

Council Member Vallejo led the flag salute.

#### **ROLL CALL**

Council members present: Joe Aguirre, Liz Morris, Joe Alindajao (Arrived at 5:42pm), Bryan Osorio, Grace Vallejo  
Council members absent: None

#### **OFFICIALS PRESENT**

City Manager Reyna, City Clerk Chavez, City Attorney Richman, Engineer Dowling, Finance Director Lara Rios, Chief of Police Nevarez, Chief of Corrections Marshall, Human Resources Director Zamudio, Interim Community Development Director Mynk, and Senior Planner Card

#### **PRESENTATIONS AND AWARDS**

Mayor Aguirre recognized Craig Wilson and presented a proclamation declaring “Craig Wilson Day.”

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

1. Richard Markham thanked the Council and Mayor for bringing the calendars up front.

*Council Member Alindajao arrived at 5:42pm.*

#### **CONSENT AGENDA**

- 1) Authorization to waive the reading of any ordinance in its entirety and consenting to the reading of such ordinances by title only

- 2) Warrant Register in the amount of \$2,760,347.56
- 3) Minutes of regular City Council meeting of November 4, 2019
- 4) Minutes of regular Pension Committee meeting for August 13, 2019
- 5) Minutes of special Pension Committee meeting for October 3, 2019
- 6) Approve agreement with Betts & Rubin for legal services and authorize the City Manager to execute agreement (**Agreement No. 2019-62**)
- 7) Authorize the City Manager to enter into and execute all required documents associated with Trinity Food Services Agreement Number 2019-20, to increase the current price per inmate meal by additional one cent (.01) (**Agreement No. 2019-63**)
- 8) Acceptance and Approval of the City of Delano Quarterly Investment Report for the quarter ending September 30, 2019
- 9) Second and final reading of an ordinance amending Title 6, §6.08.170 entitled: Work Permits Employees: work permits by adding subsection "C" allowing for conditional employees for 90-day period (**Ordinance No. 2019-1310**)
- 10) Second and Final Reading of an ordinance prohibiting the sale of flavored tobacco products and related paraphernalia (**Ordinance No. 2019-1311**)
- 11) Resolution adopting the 2020 City of Delano Animal Control Fee Schedule for the City's Animal Shelter Facility Services (**Tabled item to December 2, 2019 Council Meeting**)
- 12) Award the Rebid Water Well No. 41 Equipping Project to Unified Field Services Corporation for \$1,850,557.73 and authorize the City Manager to sign all documented needed to execute the project (**Agreement No. 2019-64**)
- 13) Resolution prohibiting parking of any unattached trailer or semi-trailer upon any street, alley, public way or public space within the City limits (**Resolution No. 2019-50**)

Motion was made by Council Member Vallejo to approve items 1-5, 7, 9, 12 on consent agenda;  
2<sup>nd</sup> by: Morris

**Vote: 5-0**

**Ayes:** Aguirre/Morris/ Alindajao/Osorio/Vallejo

**Nays:** None

**Absent:** None

**Abstentions:** None

**Item No. 6 pulled by:** Richard Markham

**Reason for being pulled:** Asked if the City is getting another lawyer.

Staff report was provided by Human Resources Director Zamudio.

Mr. Markham asked what the cost is.

City Manager Reyna clarified that it is an addition to the list of attorney firms and will be absorbed by the budget and will not be an additional cost.

**Motion made by:** Vallejo;

**2<sup>nd</sup> by:** Alindajao

**Vote: 5-0**

**Ayes:** Aguirre/Morris/Alindajao /Osorio/Vallejo

**Nays:** None

**Absent:** None

**Abstentions:** None

**Item No. 8 pulled by:** Council Member Osorio

**Reason for being pulled:** Inquired about the City Council gets involved about how much is being invested.

Staff report was provided by Finance Director Rios.

**Motion made by:** Osorio

**2<sup>nd</sup> by:** Morris

**Vote: 5-0**

**Ayes:** Aguirre/Morris/Alindajao /Osorio/Vallejo

**Nays:** None

**Absent:** None

**Abstentions:** None

**Item No. 10 pulled by:** Muhammed Azzandani

**Reason for being pulled:** Provided more information since Kern County's actions.

Council Member Osorio and Mr. Azzandani had further discussion regarding the subject.

Mr. Markham shared that he's against cigarettes and vaping.

Ali Muhammed shared his opposition of the ban.

Bernardo Ochoa from Tobacco Free Kern shared his support of the ban.

Council Member Alindajao asked how they are targeting minors.

Mr. Ochoa responded that they are near schools and advertisement.

Council Member Osorio asked how long has TFK been around.

Mr. Ochoa responded about 27 years.

Council Member Osorio asked Mr. Ochoa to speak more about the taking it out of the legal market would it be more unsafe to get to the black market.

Mr. Ochoa responded that is a scare tactic.

Council Member Osorio asked what are the consequences.

Mr. Ochoa responded that there are none.

Council Member Osorio asked Mr. Ochoa for recommendations and/or alternatives.

Mr. Ochoa provided some information as possible approaches to the issue.

Encanter Homran shared his opposition of the ban.

Genesis Talosa shared his opposition of the ban.

Paulette Garcia shared her opposition of the ban.

Mayor Pro Tem Morris shared that we still don't know what is in it and there still needs to be a full investigation. She's heard what they've said that they are still going to get it, but she was not going to make it that easy. That's why she supports the ordinance.

Council Member Osorio stated there is lots to consider with investigations happening. He added that he's not anyone to say what to do or not do. He hopes that they are able to listen and update the ordinance base what they find.

Council Member Vallejo added that if there wasn't anything wrong with this, then why the California Attorney General would be joining the lawsuit against the company regarding this issue. She also stated that because the County decided to hold off on it, doesn't be they're not going to be taking action. She doesn't feel that they should wait when it comes to the youth and agreed with Vice Mayor Morris that they can get it from somewhere else.

**Motion made by:** Morris;

**2<sup>nd</sup> by:** Vallejo

**Vote:** 5-0

**Ayes:** Aguirre/Morris/Alindajao /Osorio/Vallejo

**Nays:** None

**Absent:** None

**Abstentions:** None

**Item No. 11 pulled by:** Staff

**Reason for being pulled:** Being tabled to December 2, 2019 Council Meeting.

**Item No. 13 pulled by:** Council Member Osorio

**Reason for being pulled:** He would like to see an exception to the resolution allowing people live in these trailers.

Staff report was provided by City Engineer Dowling.

Mayor Pro Tem asked if isn't that a nuisance.

City Engineer Dowling responded in the affirmative.

Mayor Aguirre shared about a resident's neighbor and how they had a food truck where grease and cockroaches came out of it.

Mayor Aguirre opened public comment.

No public comments were given.

Mayor Aguirre closed the public comment.

Council Member Vallejo asked Council Member Osorio for a clarification.

Council Member Osorio stated that he's not against the ordinance, but reiterated his previous comments.

Council Member Vallejo further asked for the specific types of trailers.

Council Member Osorio responded his reasoning for the exception.

Council Member Vallejo asked how are street sweepers supposed to handle that if they're allowed to stay there.

Council Member Osorio responded that would be a question to be addressed, but would still want an exception.

Council Member Vallejo has a concern about that, especially with the health department and whether a resident or business having issues with them parking in front to live there.

City Engineer Dowling added that the resolution is in respect to unattached would be towed.

City Manager Reyna shared that they can have the trailer in their driveway.

Council Member Osorio suggested to give a warning.

Council Member Alindajao asked if there would be a contradiction to our current ordinance.

City Engineer Dowling responded there would be a health issue to due to a lack of utilities.

Council Member Osorio shared that he didn't see anything in the parking ordinances and didn't see if someone would be able to reside and that would be his concern as to homelessness.

Council Member Vallejo asked if there is an administrative hearing.

City Engineer Dowling responded there are no exceptions, it is not appealable, and it would be towed.

Council Member Osorio shared that he doesn't feel comfortable with the resolution in which it would contribute to the homelessness.

Richard Markham shared that for once he agrees with Council Member Osorio and furthered his opposition against the resolution.

Mayor Aguirre closed public comment.

**Motion made by:** Alindajao;

**2<sup>nd</sup> by:** Morris

**Vote:** 5-0

**Ayes:** Aguirre/Morris/Alindajao/Vallejo

**Nays:** Osorio

**Absent:** None

**Abstentions:** None

## **PUBLIC HEARINGS**

No Items

## **REGULAR AGENDA**

- 14) Council consideration of an Urgency Ordinance of the City Council of the City of Delano adopting the Tenant Protection Act of 2019 relating to the prohibition of no-fault terminations of tenancy and evictions and limiting rent increases for residential real property through December 31, 2019 (**Motion failed due to a lack of 4/5 Vote**)

Staff report provided by City Attorney Richman.

Council Member Alindajao asked if the urgency language is to fill in the gap until the law takes effect.

City Attorney Richman responds in the affirmative.

Council Member Alindajao asked the language or resolution has some retroactive effect.

City Attorney Richman responded that it mimics the current law.

Council Member Alindajao asked if to the City Attorney's knowledge this isn't addressing in particular any known issues in the city.

City Attorney Richman responded that it is not up to her to determine that, but instead it's up to the Council.

Mayor Aguirre opened public comment.

Richard Markham shared that it is great to give residents protection.

Mayor Aguirre closed public comment.

Council Member Osorio stated that this is not doing anything above the law.

**Motion made by:** Vallejo;

**2<sup>nd</sup> by:** Osorio

**Vote: 3-2 (Motion failed due to a lack of 4/5 Vote)**

**Ayes:** Morris /Osorio/Vallejo

**Nays:** Aguirre/Alindajao

**Absent:** None

**Abstentions:** None

## **DEPARTMENTAL REPORTS**

No Items.

## **COUNCIL STATEMENTS AND REPORTS**

Council Member Vallejo: She shared that he attended a round table discussion on water with the chairman of the State Water Resource Board that all the cities apply for grants to for relief for cost of mediation of water wells where there are nitrants and THC-123. She also shared that she's been on the phone with former Senator Florez and Congressman T.J. Cox in assistance of various grants. She also added that she mentions this so people know they are getting assistance from our lobbyist and representatives.

Council Member Alindajao: None.

Council Member Osorio: Thanked city staff for being available. He attended a rally hosted by Trilo in support of DACA. He shared that he attended the Cesar Chavez High School playoff game. He met with Southern California Edison regarding a program called Outward 2045 in which we divert the dependence from oil and gas to electricity and renewable gas.

Mayor Pro Tem Morris: None

Mayor Aguirre: Turned it over to Pastor Vivas for some announcements. Pastor Vivas invited everyone to the Law Enforcement Liaison Board meeting. Pastor Vivas also invited the City Council and City Manger the annual Community Thanksgiving Service at the First Assembly of God.

**Moved for Closed Session by:** Vallejo

**2<sup>nd</sup> by:** Alindajao

**Time:** 7:01PM

**Vote:** 5-0

**Ayes:** Aguirre/Morris/Alindajao/Osorio/Vallejo

**Nays:** None

**Absent:** None

**Abstentions:** None

The City Clerk was excused. City Manager was appointed as Acting City Clerk. City Attorney Richman Chief of Police Nevarez, Human Resources Director Zamudio and City Manager Reyna were present for items 15-18. City Attorney Richman, Chief of Police Nevarez, and Human Resources Director Zamudio were not present for item no. 19.

### **CLOSED SESSION**

- 15) LIABILITY CLAIMS Pursuant to Government Code Section 54956.95  
Claimant: Edwin Ardon; Claim no. FR98789  
Agency claimed against: City of Delano

**Action: No Reportable Action**

- 16) LIABILITY CLAIMS Pursuant to Government Code Section 54956.95  
Claimant: Pablo Simental Jr.; Claim no. FR98789  
Agency claimed against: City of Delano

**Action: No Reportable Action**

- 17) LIABILITY CLAIMS Pursuant to Government Code Section 54956.95  
Claimant: Isaac Ruiz; Claim no. FR98789  
Agency claimed against: City of Delano

**Action: No Reportable Action**

- 18) LIABILITY CLAIMS Pursuant to Government Code Section 54956.95  
Claimant: Isai Ruiz; Claim no. FR98789  
Agency claimed against: City of Delano

**Action: No Reportable Action**

- 19) Public employee performance evaluation, City Manager govt. code section 54957  
**(Agreement No. 2019-65)**

**Action:** Satisfactory performance.

**Motion made by:** Vallejo

**2<sup>nd</sup> by:** Alindajao

**Vote:** 5-0

**Ayes:** Aguirre/Morris/Alindajao/Osorio/Vallejo  
**Nays:** None  
**Absent:** None  
**Abstentions:** None

**Moved for Open Session by:** Vallejo  
**2<sup>nd</sup> by:** Alindajao  
**Time:** 8:14pm  
**Vote:** 5-0

**Ayes:** Aguirre/Morris/Alindajao/Osorio/Vallejo  
**Nays:** None  
**Absent:** None  
**Abstentions:** None

## **RETURN TO GENERAL SESSION**

### **ADJOURNMENT**

Moved by Council Member Vallejo, seconded by Council Member Osorio, and unanimously carried 5-0 to adjourn the meeting at 8:16p.m.

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Ricardo G. Chavez, City Clerk