



## MINUTES OF MENDOTA REGULAR CITY COUNCIL MEETING

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**Regular Meeting**

**January 9, 2018**

**Meeting called to order by Mayor Castro at 6:00 p.m.**

**Flag salute led by Mayor Castro.**

**Roll Call**

**Council Members Present:** Mayor Rolando Castro, Mayor Pro Tem Victor Martinez, Councilors Jesse Mendoza, Oscar Rosales, and Robert Silva.

**Council Members Absent:** None.

**Invocation led by Pastor Robert Lopez from Mendota Pentecostal Church of God.**

### **FINALIZE THE AGENDA**

1. Adjustments to Agenda.
2. Adoption of final Agenda.

City Manager DiMaggio requested that presentation #2 be tabled to a future meeting.

A motion was made by Councilor Silva to adopt the agenda as requested by staff, seconded by Mayor Pro Tem Martinez; unanimously approved (5 ayes).

### **PRESENTATION**

1. Planning & Public Works Director Gonzalez to present the Mendota Public Works Department's Employee of the Year award to Maria Alvarez.

Economic Development Manager Flood requested that the item be tabled until Ms. Alvarez arrived.

2. *Davena Witcher to provide an update on the AMOR project  
[Tabled to a future meeting.]*

### **CITIZENS ORAL AND WRITTEN PRESENTATIONS**

**Ramiro Espinoza (Mendota Boys & Girls Club)** – introduced himself and stated that the club is requesting to use the baseball field for flag football.

Discussion was held on the item being on the Recreation Commission's agenda, but due to the lack of a quorum, the Commission was unable to act on it; the days that the club is requesting to utilize the field; when other organizations begin their baseball leagues, and whether it would interfere with the request of the Boys & Girls Club; whether a city employee would need to be assigned to open the gate of the field and the restrooms; the possibility of placing the item on the agenda for the next City Council meeting; whether waiting for the item to be placed on the next City Council meeting's agenda would interfere with the schedule of the flag football; concerns that staff has had in the past regarding the usage of the baseball field; the damage that has occurred to the baseball field in the past; and the kids in the community wanting to participate in various extracurricular activities.

Council directed staff to move forward with the application

### **PRESENTATION**

1. Planning & Public Works Director Gonzalez to present the Mendota Public Works Department's Employee of the Year award to Maria Alvarez.

Director of Planning & Public Works Gonzalez introduced Ms. Alvarez and stated that the Public Works Department is beginning a new tradition of naming someone within the department as the Employee of the Year; that the award is to recognize the efforts and merits of an employee; stated that Ms. Alvarez initially began working with the city as a result of the Proteus program; that Ms. Alvarez remained with the city after the Proteus program ended; and that Public Works Superintendant Bautista concurred with his decision to name Ms. Alvarez as the 2017 Public Works Employee of the Year.

Council congratulated Ms. Alvarez and thanked her for hard work.

At 6:15 p.m. Mayor Castro announced that there would be a recess.

At 6:16 p.m. the Council reconvened in open session.

### **APPROVAL OF MINUTES AND NOTICE OF WAIVING OF READING**

1. Minutes of the regular City Council meeting of December 12, 2017, and the special City Council meeting of December 15, 2017.

2. Notice of waiving of the reading of all resolutions and/or ordinances introduced and/or adopted under this agenda.

A motion was made by Councilor Mendoza to approve items 1 and 2, seconded by Councilor Rosales; unanimously approved (5 ayes).

### CONSENT CALENDAR

1. DECEMBER 12, 2017 THROUGH JANUARY 5, 2018  
WARRANT LIST CHECKS NO. 043368 THRU 043460  
TOTAL FOR COUNCIL APPROVAL = \$1,003,554.07
2. Proposed adoption of **Resolution No. 18-04**, authorizing the City Manager to execute the planning services contract.

Discussion was held on the total amount of the warrant list.

A motion was made by Councilor Silva to adopt items 1 and 2 of the Consent Calendar, seconded by Mayor Pro Tem Martinez; unanimously approved (5 ayes).

### BUSINESS

1. Discussion/possible action on withdrawal of October 30, 2017, Request for Proposals for the Lease and Development of City Surplus Real Property to Establish Commercial Cannabis Operations.

Mayor Castro introduced the item and City Attorney Kinsey reported that Attorney General Sessions had repealed the Cole Memorandum the week prior; that the memorandum directed attorneys not to prosecute conduct relating to the usage and cultivation of medical marijuana; the uncertainty that the rescinding of the memo has inflicted related to the regulation of cannabis; that there is still conduct that remains legal under state law, but there is uncertainty under federal law; the purpose of the RFP that was released for the lease of city property; the potential consequences that would result if the city were to move forward with the RFP; and staff wanting to reevaluate the usage of the property in question.

Discussion was held on whether the city would still receive funds from the proposed cannabis cultivation facility at the silver creek packing building; staff's decision to withdraw the RFP and re-evaluate the usage of the property being the best decision; whether the property located next to the silver creek packing company is still available; whether the Council needs to take formal action to withdraw the RFP; what would occur to the RFPs that were submitted; whether the city would be reprimanded if it would follow through with the RFP process; whether the City could sell the property; and the Council reconsidering the item in the future when there is clearer picture of the issue.

A motion was made by Councilor Silva to withdraw the October 30, 2017, Request for Proposals for the Lease and Development of City Surplus Real Property to Establish Commercial Cannabis Operations, seconded by Councilor Mendoza; unanimously approved (5 ayes).

2. Receive report on animal control impoundment and redemption.

Mayor Castro introduced the item and City Manager DiMaggio summarized the report including that Councilor Mendoza asked staff to look into the costs associated with impounding dogs, and the fees that owners have to pay to redeem their dogs; the total amount of fees that owners have to pay to redeem their dogs; costs associated with euthanizing and disposing unclaimed dogs; the amount of dogs that are redeemed by their owners; the possible reasons as to why owners may not claim their dogs; the veterinarian assisting the city by attempting to adopt unclaimed dogs out, and giving the city a credit for every dog that is adopted out; staff posting pictures of the dogs that are available for adoption on the city's Facebook page; staff's recommendation to enact a "no penalty-first offense" program for six months to determine whether the costs to redeem a dog are discouraging owners from doing so; informing the public of the program by putting it on the Facebook page and newsletter; and he thanked Councilor Mendoza for bringing the issue up to staff's attention.

**Willie Macias (1775 5<sup>th</sup> Street)** – stated that aggressive dogs should not be returned by to their owners; requested that dangerous dogs not be allowed to be redeemed; and reported on an incident in which an aggressive dog almost hurt a child.

Discussion was held on the separate process that is followed for dangerous dogs; the state's opinion on dangerous dogs; and reminding the public to call dispatch if they encounter an aggressive dog.

A motion was made by Councilor Mendoza to enact the "no penalty-first offense" program for six months, seconded by Councilor Silva; unanimously approved (5 ayes).

3. Discussion and consideration on nominating a candidate to the San Joaquin Valley Air Pollution Control District Governing Board.

Mayor Castro introduced the item and Deputy City Clerk Cabrera reported that there is a vacancy on the San Joaquin Valley Air Pollution Control District Governing Board; the requirement to fill the vacancy; the applicant that is to be nominated; and the staff recommendation.

Discussion was held on the qualifications for nomination to the Board.

A motion was made by Councilor Silva to adopt Resolution No. 18-01, seconded by Mayor Pro Tem Martinez; unanimously approved (5 ayes).

4. Discussion and consideration on appointing alternates to represent the City for the Fresno COG, FCTRA, and FCRTMF Agency board meetings.

Mayor Castro introduced the item and Economic Development Manager Flood reported that the Fresno County Board of Supervisors recently changed the Fresno COG's conflict of interest code; the revised code requires that cities designate an alternate representative for Fresno COG, FCTRA, and FCRTMF; that Mr. Silva has attended the meetings when neither the Mayor Castro or Mayor Pro Tem Martinez cannot attend; that Mr. Silva has also been required to file forms declaring his economic interests since he has attended the meetings; and requested that the Council officially nominate Mayor Pro Tem Martinez and Councilor Silva.

Discussion was held on formally designating Mr. Silva as an additional alternate.

A motion was made by Councilor Mendoza to officially nominate Mayor Pro Tem Martinez and Councilor Silva and adopt Resolution No. 18-06, seconded by Councilor Rosales; unanimously approved (5 ayes).

#### **DEPARTMENT REPORTS AND INFORMATIONAL ITEMS**

1. Code Enforcement & Police Department
  - a) Monthly Report

Chief of Police Andreotti summarized the report for the police department including that staff has been busy covering shifts as a result of vacation schedules; the positive relationship with the Fresno County Sheriff's Office; the Coffee with a Cop and Councilmember event that was held; the department's participation in the Annual Christmas Parade; that calls for service have gone down; and he thanked Councilor Mendoza for attending the event the Coffee with a Cop and Councilmember event.

Chief of Police Andreotti summarized the report for the code enforcement department including that that the house at 902 Riofrio Circle had been sold and was being rehabilitated; the possibility of the county's public administrator's office becoming involved with a property on 7<sup>th</sup> street between Marie and Lolita Streets; and the officer dedicating herself to addressing nuisance properties and reports of violations.

Discussion was held on the amount of hours that the code enforcement officer works; whether the departments would benefit from having additional work hours or staff; the possibility of increasing the officers work hours; revisiting the issue in the future to determine whether the budget would allow for additional work hours and personnel; the impact that the code enforcement department has on the community; and the possibility of holding a workshop to analyze the budget in the future.

2. Economic Development
  - a) Monthly Report

Economic Development Manager Flood reported that United Way would be holding free tax services; stated that he will be providing Council with information regarding the grand-opening and ribbon cutting of Taco Bell in the future; that he has been taking a survey of local businesses on credit and debit card usage in the hopes that the results will attract a bank; and reminded staff and Council that FCI-Mendota's Community Relations Board meeting will be on January 10<sup>th</sup> at 9 am.

Discussion was held on the holiday decorating contest, and on the status of the walkway on Black Street.

3. City Attorney
  - a) Update

Nothing to report.

4. City Manager

City Manager DiMaggio stated that the Robert Silva Plaza dedication ceremony would be held on January 23<sup>rd</sup>; that he has had communication with Assemblymember Arambula's office regarding holding a health fair in April; and that the police department and city hall offices would be closed on January 15<sup>th</sup> in observance of the Martin Luther King Jr. holiday.

Council thanked Mr. DiMaggio and staff for their hard work, and thanked the members of the public who attended the meeting.

### **MAYOR AND COUNCIL REPORTS AND INFORMATIONAL ITEMS**

1. Council Member(s)

Councilor Mendoza requested that staff prepare a letter for Council to sign that will be sent to the City's congressional representatives regarding TPS and DACA, and thanked staff and the public.

Mayor Pro Tem Martinez encouraged members of the public to attend future City Council meetings.

2. Mayor

Mayor Castro thanked staff for their work.

**ADJOURNMENT**

With no more business to be brought before the Council, a motion for adjournment was made at 7:20 p.m. by Councilor Rosales, seconded by Mayor Pro Tem Martinez; unanimously approved (5 ayes).

  
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Rolando Castro, Mayor

ATTEST:

  
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Matt Flood, City Clerk

