



MINUTES OF MENDOTA REGULAR CITY COUNCIL MEETING

Regular Meeting

March 10, 2020

Meeting called to order by Mayor Castro at 6:01 p.m.

Roll Call

Council Members Present: Mayor Rolando Castro, Mayor Pro Tem Victor Martinez, Councilors Jesus Mendoza, Joseph Riofrio, and Oscar Rosales

Council Members Absent: None

Flag salute led by Councilor Jesse Mendoza

FINALIZE THE AGENDA

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

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

SWEARING IN

1. City Clerk Cabrera-Garcia to swear in Councilmember Joseph R. Riofrio.

City Clerk Cabrera-Garcia swore in Councilmember Joseph R. Riofrio (at 6:04 p.m. Councilor Riofrio took a seat on the dais).

CITIZENS ORAL AND WRITTEN PRESENTATIONS

Ashley Chanthaphuang (Mendota United Health Center) – stated that she will be transferring to the United Health Center clinic in Fresno; that she was appreciative of her opportunity to serve Mendota; and announced that Tom Bowser will be the Manager for the Mendota United Health Center clinic once again.

Discussion was held on when was Ms. Chanthaphuang's last day of work in Mendota; the possibility of scheduling a softball game between the clinic and the City; and the ongoing health concerns regarding COVID-19.

APPROVAL OF MINUTES AND NOTICE OF WAIVING OF READING

1. Minutes of the City Council meeting of February 25, 2020.
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 Mayor Pro Tem Martinez to approve items 1 and 2, seconded by Councilor Mendoza; approved (4 ayes, abstain: Riofrio).

CONSENT CALENDAR

1. FEBRUARY 25, 2020 THROUGH MARCH 5, 2020
WARRANT LIST CHECKS NO. 46503 THROUGH 46566
TOTAL FOR COUNCIL APPROVAL = \$268,394.39
2. Proposed adoption of **Resolution No. 20-10**, adopting an amended policy to provide English-Spanish translation services at public hearings.
3. Proposed adoption of **Resolution No. 20-11**, authorizing the City Manager or his designee to execute all documents necessary to receive the STBG funding for STPL-5285(020) "Citywide Railroad Corridor Crossing Improvements".
4. Proposed adoption of **Resolution No. 20-12**, conditionally approving the exclusive-use permits for City facilities for 2020.

A request was made to pull Consent Calendar item 2 for discussion.

A motion was made by Councilor Rosales to approve items 1, 3, and 4, seconded by Councilor Mendoza; unanimously approved (5 ayes).

2. Proposed adoption of **Resolution No. 20-10**, adopting an amended policy to provide English-Spanish translation services at public hearings.

Discussion was held on the policy providing clarification regarding how interpretation services can be requested; the quality of service that the contracted interpreter provides; and the certifications that the interpreter maintains.

A motion was made by Councilor Mendoza to approve items 1, 3, and 4, seconded by Councilor Riofrio; unanimously approved (5 ayes).

BUSINESS

1. Council discussion and consideration of **Resolution No. 20-09**, appointing a representative to serve on Fresno Westside Mosquito Abatement District Board of Trustees.

Mayor Castro introduced the item and City Clerk Cabrera-Garcia summarized the report, including that District Manager Conlin Reis of the Fresno Westside Mosquito Abatement District submitted a letter requesting that the City Council appoint a representative from Mendota to serve on their Board of Trustees; the requirements that the appointee must meet; the duration of the term being left to the discretion of the City Council; and that only Mr. S. Leo Capuchino has expressed his interest to serve in the position.

A motion was made by Councilor Mendoza to appoint Mr. S. Leo Capuchino as the City's representative on the Fresno Westside Mosquito Abatement District Board of Trustees for a four-year term, and adopt Resolution No. 20-09, seconded by Mayor Pro Tem Martinez; unanimously approved (5 ayes).

2. Introduction and first reading of **Ordinance No. 20-01**, amending Title 10, Chapter 10.12 of the Mendota Municipal Code to prohibit stopping, standing, and parking of vehicles in specified places.

Mayor Castro introduced the item and City Attorney Kinsey summarized the report, including that the proposed ordinance would extend parking restrictions to zones in front of mailboxes, and any portion of a street, alley, or public place during the listed days and hours for street sweeping; and that the ordinance will strengthen the City's parking enforcement capabilities.

Discussion was held on posting signage that includes the provisions of the proposed ordinance; the ordinance's purpose of strengthening the enforcement capabilities of law enforcement; issues with individuals parking their vehicles on the lawn; and the issues regarding the street sweeper sweeping around vehicles.

Sergio Valdez – stated that a lot of families have multiple vehicles and it may be a challenge for them to constantly move them; and inquired as to where families need to park their vehicles during the designated times, given that there is a lack of parking in certain areas of the City.

Discussion was held on the need to beautify the community through various means.

A motion was made by Councilor Rosales to waive the first reading of Ordinance No. 20-01 and set the public hearing for the March 24th City Council Meeting, seconded by; Mayor Pro Tem Martinez; unanimously approved (5 ayes).

3. Introduction and first reading of **Ordinance No. 20-02**, amending Title 10, Chapter 10.20 of the Mendota Municipal Code regarding washing, repairing, or greasing vehicles.

Mayor Castro introduced the item and City Attorney Kinsey summarized the report, including the increasing number of instances where the Code Enforcement department have witnessed individuals washing and greasing their vehicles in public areas; the proposed ordinance seeking to amend the Mendota Municipal Code (MMC) to seek prohibitions of these activities in public areas; and City vehicles being exempted from the provisions of the ordinance.

Discussion was held on instances where individuals wash their vehicles in public areas due to space limitations on their properties; the harmful impacts that these activities have on the environment and the city's water system; the MMC currently prohibiting these activities on a public street; the ordinance extending these provisions to parks and sidewalks; the possibility of the City Council modifying the provisions of this section in the future; and the amount of personnel that the Police Department has to enforce these provisions.

Sergio Valdez – requested clarification on what the MMC currently states regarding washing, repairing, or greasing vehicles on public streets (at 6:35 p.m. Mayor Pro Tem Martinez left the Council Chambers and returned at 6:38 p.m.); stated whether these provisions will be truly enforced; and inquired about overarching purpose of the proposed ordinance.

Discussion was held on placing an item on the agenda for a future meeting regarding the MMC's provisions regarding washing vehicles on public highways; the length of time that the MMC has had its existing provisions on the issue; and whether the Police Department and Code Enforcement Department have enforced these provisions in the past.

A motion was made by Councilor Rosales to waive the first reading of Ordinance No. 20-02 and set the public hearing for the March 24th City Council Meeting, seconded by; Mayor Pro Tem Martinez; unanimously approved (5 ayes).

4. Council discussion and consideration of the outcome of the applications received in response to the Formal Invitation for the Submittal of Applications to Enter into a Development Agreement for Commercial Cannabis Activity.

Mayor Castro introduced the item and City Manager Gonzalez deferred to City Attorney Kinsey who summarized the report, including the background of the item; the provisions of the Mendota Municipal Code (MMC) regarding the scoring of the applications; the composition and purpose of the scoring committee; the scoring committee's evaluation and results; the City only being able to permit one cannabis retail business per 20,000 residents, but the MMC permitting the City to engage in negotiations with the top two applicants; and summarized the two options that the City Council has in regards to the issue.

Discussion was held on the amount of cannabis retail businesses that are currently permitted under the MMC; the possibility of modifying these provisions in the future; the applications that were submitted; the possibility of requesting that the applicants provide more information to the Council; allowing the City Council additional time to review the applications; and the amount of cannabis retail businesses that other cities have.

Ramon Gonzalez – stated that he has been a resident for over 42 years; commented on the proposal that a cannabis retail business submitted for his property; that he was surprised that the applicant received the score that they did; provided background information about the applicant; and requested that the City Council review the applications.

Josh Black (Element 7 Mendota, LLC) - provided the background of Element 7; stated that he was also surprised with the scoring; the inconsistency of the scoring with the requirements of the proposals; and the outreach that the company has done.

Melissa Sanchez (SG Mendota, LLC dba Authentic Mendota) – Introduced herself and the proposal submitted.

Discussion was held on SG Mendota’s application check being returned due to insufficient funds; where the business will be located; and the results of the scoring committee.

Daniel Pocius (Terra Retail Group, LLC) - provided information about the business he works for; and commented on which option he was in favor of.

Arthur Reyna (Terra Retail Group, LLC) – provided additional information about Terra Retail Group’s proposal.

Discussion was held on the location of Terra Retail Group, LLC’s proposed business; the business’s security plan; restrictions associated with the adult use of cannabis products; and whether the selected applicant has to coordinate with CalTrans regarding right-of-way issues.

Attorney retained by Element 7, LLC – inquired as to whether the top two scoring applications were qualified to begin with given that the first applicant’s check was returned; and requested that the City Council review the applications.

Marali Martinez – stated that she is an employee with Authentic 209; that she loves her place of employment; and that the business provides a lot of benefits to community members.

Discussion was held on how the employees of Authentic 209 were trained to perform their duties; how employees address customers that enter the store and are under the influence; and the limit that exists on how much cannabis products a customer can

purchase.

Ashley Owens – stated that she is an employee with Authentic 209; that she resides in Modesto; that the opening of the store added to value to the area where it is established; the benefits that the product that Authentic 209 sells provides to customers; and the pay that employees receive.

Rich Jones (representing SG Mendota, LLC dba Authentic Mendota) – provided his background; commented on the results of the scoring of the applications; stated that the parent company of SG Mendota, LLC, Shryne Group, that it is one of the most successful commercial cannabis companies in the state; that the company already has a lease with the landlord; and respectfully requested that the City Council proceed with option two.

City Attorney Kinsey provided clarification on what the MMC states regarding the qualified application list including the top two applicants; the MMC permitting an appeal for applicants that are not placed on the qualified application list; requested that the City Council establish an appeal period to permit the applicant that was not selected to submit an appeal, if they so choose to; the City Council hearing the appeal at a future meeting; setting March 25th as the appeal submittal deadline; and scheduling the appeal hearing for the April 14th City Council meeting as well as adding an agenda item that permits the City Council to provide direction to staff on how to proceed relevant to the this item.

Discussion was held on whether the code automatically disqualifies applications when they do not meet certain requirements; the results of the scoring committee; the applicants reaching out to the Council Members to provide them with additional information prior to the consideration of the item; encouraging the selected applicant to assist local non-profits; and staff's recommendation for the City Council to set March 25th as the appeal submittal deadline, schedule the appeal hearing for the April 14th City Council meeting, and direct staff to prepare an item for the April 14th agenda that permits the City Council to provide direction to staff on how to proceed in relevance to the this item.

A motion was made by Mayor Pro Tem Martinez to set March 25th as the appeal submittal deadline, to schedule the appeal hearing for the April 14th City Council meeting, and to direct staff to prepare an item for the April 14th agenda that permits the City Council to provide direction to staff on how to proceed relevant to the this item, seconded by Councilor Rosales; unanimously approved (5 ayes).

At 8:07 p.m. Councilor Mendoza left the Council Chambers and returned at 8:09 p.m.

DEPARTMENT REPORTS AND INFORMATIONAL ITEMS

1. Animal Control, Code Enforcement, and Police Department

Chief of Police Andreotti provided his report for the Animal Control Department and commented on the positive partnership with Fresno Humane Animal Control services.

Discussion was held on the ongoing proactive approach to have dogs adopted out.

Chief Andreotti provided his report for the Code Enforcement Department including the ongoing abatement cases; and other significant cases that are being addressed.

Discussion was held on whether a burned vehicle on Fourth Street was addressed; and on vehicles that park on the bus turnaround at Mendota Elementary School.

Chief Andreotti summarized the report for the Police Department including a personnel update; that the department received its sea train container that will be used for evidence storage; that a primary auto thief plead guilty and is going to prison; the decrease in the amount of auto thefts; and ongoing traffic enforcement.

Discussion was held on an Officer representing the City in a competition and the Mendota Community Corporation potentially considering a donation for him; an update on the department's Explorers Program; and on Chief Andreotti reaching out to the Los Banos California Highway Patrol commander regarding providing additional traffic enforcement support in Mendota.

2. City Attorney

Nothing to report.

3. City Manager

City Manager Gonzalez congratulated Councilor Riofrio for his appointment to the City Council; provided an update on the Mendota Earth Day event; and stated that he attended a teleconference regarding COVID-19 and provided an update.

Mayor Castro reported on an organization that wants to have a workshop and requested the City's assistance with making that event come to fruition.

Discussion was held on the organization needed to provide proof of liability insurance coverage.

Mayor Pro Tem Martinez inquired as to the possibility of acquiring additional funding for the construction of a new Police Department.

Discussion was held on contacting with financial analysts to determine how much funding can be allocated to that project; the City not being a sanctuary city; the federal government's response to sanctuary cities; significant cases that led to the creation of sanctuary cities; and the possibility of scheduling a joint meeting between the City Council and the Mendota Unified School District Board of Trustees.

MAYOR AND COUNCIL REPORTS AND INFORMATIONAL ITEMS

1. Council Member(s)

Councilor Rosales congratulated Councilor Riofrio for his appointment to the City Council; commented on the Mendota Community Corporation holding activities in the future, and recused himself from the meeting at 8:40 p.m.

Councilor Mendoza thanked the Public Works staff for repairing the potholes throughout the City.

Councilor Martinez congratulated Councilor Riofrio for his appointment to the City Council; commented about an event that will be held at the Mendota High School; and inquired about the status of the roundabout.

Discussion was held on the upcoming rabies vaccine clinic that will be held on March 14th;

Councilor Riofrio thanked the Council for having confidence in his abilities to serve; commented on former Mayor Silva's years of service; the needs of the community; the duties of officials; ongoing projects for the City; and the importance of garnering support from County, State, and Federal officials.

2. Mayor

Mayor Castro stated that he recently met with Mr. Silva.

CLOSED SESSION

1. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION
 - a. Potential initiation of litigation pursuant to paragraph (4) of subdivision (d) of Government Code Section 54956.9 (two potential cases)

At 8:53 p.m. the Council moved into closed session.

At 9:39 p.m. the Council reconvened in open session and City Attorney Kinsey stated that in regards to item 1 of the closed session, there was no reportable action.

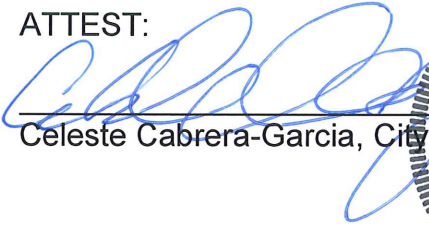
ADJOURNMENT

With no more business to be brought before the Council, a motion for adjournment was made at 9:39 p.m. by Councilor Mendoza, seconded by Councilor Riofrio; unanimously approved (4 ayes, absent: Rosales).



Rolando Castro, Mayor

ATTEST:



Celeste Cabrera-Garcia, City Clerk

