



**MINUTES OF MENDOTA  
REGULAR CITY COUNCIL MEETING**

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**Regular Meeting**

**May 28, 2019**

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

**Roll Call**

**Council Members Present: Mayor Robert Silva, Mayor Pro Tem Rolando Castro, and Councilor Jesse Mendoza**

**Council Members Absent: Councilors Victor Martinez and Oscar Rosales**

**Flag salute led by Mayor Silva**

**FINALIZE THE AGENDA**

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

A motion was made by Mayor Pro Tem Castro to adopt the agenda as requested by staff, seconded by Councilor Mendoza; unanimously approved (3 ayes, absent: Martinez and Rosales).

**PRESENTATION**

1. Council to recognize Robert Baeza for his service to the community.

Mayor Silva presented a plaque to Mr. Baeza for his service to the community.

The Council thanked Mr. Baeza for service and wished him well.

Mrs. Baeza thanked the Council on behalf of Mr. Baeza.

## **WORKSHOP**

1. Finance Officer Diaz to present the selection of design features at the Mendota Community Center for the Statewide Park Development and Community Revitalization Program.

Finance Officer Diaz presented information on the proposed design features for the new community center and requested the Council's input on potential design features.

Discussion was held on incorporating additional recreational facilities inside the proposed community center, and the need for meeting rooms.

## **CITIZENS ORAL AND WRITTEN PRESENTATIONS**

**Kevin Romero (160 Tuft Street)** – provided an update on Mendota High School sports.

**Celeste Cabrera-Garcia (Kerman, CA)** – provided information on the upcoming Fresno EOC listening session that will be held at the Mendota Branch Library.

**Raquel White (Construction Industry Force Account Council [CIFAC])** – provided information on the resources CIFAC provides.

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

1. Minutes of the regular City Council meeting of May 14, 2019.
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 Castro to approve items 1 and 2, seconded by Councilor Mendoza; unanimously approved (3 ayes, absent: Martinez and Rosales).

## **CONSENT CALENDAR**

1. MAY 10, 2019 THROUGH MAY 23, 2019  
WARRANT LIST CHECKS NO. 45335 THRU 45376  
TOTAL FOR COUNCIL APPROVAL = \$364,626.28

A motion was made by Mayor Pro Tem Castro to adopt item 1 of the Consent Calendar, seconded by Councilor Mendoza; unanimously approved (3 ayes, absent: Martinez and Rosales).

## **BUSINESS**

1. Appointment of Mendota residents to the Mendota Recreation and Planning Commissions.

Mayor Silva introduced the item and City Clerk Cabrera-Garcia summarized the report including the current vacancies on the Planning Commission and Recreation Commission; the notice that was published announcing the vacancies; the individuals who submitted applications; and the process for appointing commissioners.

Discussion was held on the applicants.

A motion was made by Mayor Pro Tem Castro to appoint Messrs. Romero and Urias to the Recreation Commission and to appoint Mr. Romero as the Alternate Planning Commissioner, seconded by Councilor Mendoza; unanimously approved (3 ayes, absent: Martinez and Rosales).

2. Introduction and first reading of **Ordinance No. 19-06**, amending the Mendota Municipal Code to eliminate the ban on cannabis dispensaries and to establish regulations for commercial cannabis businesses.

Mayor Silva introduced the item and City Manager Gonzalez deferred to City Attorney Kinsey who summarized the report including that the proposed ordinance was prepared by Assistant City Attorney Cardella; the state regulations that were approved earlier this year for cannabis businesses; the various amendments that will be made to the municipal code as a result of the regulations; and the Council also considering a resolution of intention to modify the City's zoning code in regards to cannabis businesses.

Discussion was held on how the City would obtain its tax revenue from cannabis businesses; and the issues surrounding the federal legality of cannabis businesses.

A motion was made by Mayor Pro Tem Castro to conduct the first reading of Ordinance No. 19-06 and set the public hearing for June 11<sup>th</sup>, seconded by Councilor Mendoza; unanimously approved (3 ayes, absent: Martinez and Rosales).

3. Council discussion and consideration of **Resolution No. 19-35**, a resolution of intention to initiate an amendment to Title 17 of the Mendota Municipal Code to permit commercial cannabis retail businesses within the C-3 zone.

Mayor Silva introduced the item and City Manager Gonzalez deferred to City Attorney Kinsey who summarized the report including that the purpose of the resolution is to initiate an amendment to the City's zoning code in regards to cannabis businesses.

A motion was made by Mayor Pro Tem Castro to adopt Resolution No. 19-35, seconded by Councilor Mendoza; unanimously approved (3 ayes, absent: Martinez and Rosales).

4. Council discussion and consideration of the proposed expansion of Rojas-Pierce Park.

Mayor Silva introduced the item and Engineer Brechmann presented the proposed site



plan for the proposed project.

Discussion was held on soccer fields that are serve as ponding basins; the timeline of the project; the need to acquire public right-of-way from Westlands Water District to extend Amador Street and Smoot Street; and the possibility of installing turf at both fields.

5. Council discussion and consideration to direct the City Manager to terminate the Letter Agreement for Exclusive Right to Negotiate with Greystone Equities, LLC.

Mayor Silva introduced the item and City Attorney Kinsey reported on the background of the project with Greystone Equities, Inc; the lack of progress for the project; the negative impacts that the lack of progress will have on the City; and the proposal for Council to consider terminating the Letter Agreement for Exclusive Right to Negotiate in order to move forward with meeting with other agencies.

Discussion was held on the communication between the City and Greystone Equities, LLC.

Council consensus was reached to direct staff to authorize the City Manager to terminate the agreement.

### **PUBLIC HEARING**

1. Public hearing and second reading of **Ordinance No. 19-05**, amending the Mendota Municipal Code to regulate sidewalk vendors in accordance with SB 946.

Mayor Silva introduced the item and City Manager Gonzalez deferred to City Attorney Kinsey who summarized the report including the provisions of SB 946; current Mendota Municipal Code regulations regarding itinerant vendors; and the provisions of the proposed ordinance.

At 7:08 p.m. Mayor Silva opened the hearing to the public and, seeing no one present willing to comment, closed it in that same minute.

A motion was made by Mayor Pro Tem Castro to adopt Ordinance No. 19-05, seconded by Councilor Mendoza; unanimously approved (3 ayes, absent: Martinez and Rosales).

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

1. Administrative Services
  - a) Monthly Report

Director of Administrative Services Lekumberry summarized her report including personnel items; no new claims; the average number of Senior Center attendees; and

special projects.

2. City Attorney
  - a) Update

City Attorney Kinsey thanked Assistant City Attorney Cardella for his work.

The Council thanked the City Attorney and Assistant City Attorney for their work.

3. City Manager

City Manager Gonzalez reported that the budget hearing meeting will be rescheduled.

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

1. Council Member(s)

Mayor Pro Tem Castro reported on an individual who is interested in leasing City-owned property near Pool Park.

Councilor Mendoza requested an update on cannabis businesses who are interested in bringing their business to the City; the status of the Axiom project; and reported on the amount of abandoned shopping carts and mattresses throughout the City.

Discussion was held on the status of the Axiom project; existing regulations regarding abandoned shopping carts; how to report abandoned carts; and ensuring that staff is taking a proactive approach to ensure the beautification of the community.

2. Mayor

Mayor Silva reported on a meeting he attended regarding water infrastructure.

### **CLOSED SESSION**

1. Conference with legal counsel regarding potential initiation of litigation pursuant to Government Code § 54956.9(c)–1
2. CONFERENCE WITH LABOR NEGOTIATORS  
Pursuant to CA Government Code §54957.6  
Agency Designated Representatives: Cristian Gonzalez, City Manager; Jennifer Lekumberry, Director of Administrative Services  
Employee Organization: Mendota Police Officers Association

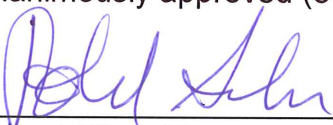
3. CONFERENCE WITH LABOR NEGOTIATORS  
Pursuant to CA Government Code §54957.6  
Agency Designated Representatives: Cristian Gonzalez, City Manager; Jennifer Lekumberry, Director of Administrative Services  
Employee Organization: American Federation of State, County and Municipal Employees
  
4. REAL PROPERTY NEGOTIATIONS  
Pursuant to CA Government Code § 54956.8
  - a) Address: 643 Quince Street, Mendota, CA 93640
  - b) Negotiator: Cristian Gonzalez, City Manager
  - c) Negotiating Party: United Security Bank
  - d) Under Negotiation: Lease of Property
  
5. REAL PROPERTY NEGOTIATIONS  
Pursuant to CA Government Code § 54956.8
  - a) Address: 655 Quince Street, Mendota, CA 93640
  - b) Negotiator: Cristian Gonzalez, City Manager
  - c) Negotiating Parties: Employment Development Department & Workforce Connection
  - d) Under Negotiation: Lease of Property

At 7:25 p.m. the Council moved into closed session.

At 8:50 p.m. the Council reconvened in open session and City Attorney Kinsey stated that in regards to item 1 of the closed session, Council consensus was reached to direct the City's consultant to move forward with the foreclosure process for the properties on the provided list. In regards to items 2 through 5 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 8:50 p.m. by Mayor Pro Tem Castro, seconded by Councilor Mendoza; unanimously approved (3 ayes, absent: Martinez and Rosales).

  
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Robert Silva, Mayor

ATTEST:  
  
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Celeste Cabrera-Garcia, City Clerk

