

## MINUTES OF MENDOTA REGULAR CITY COUNCIL MEETING

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**Regular Meeting**

**June 23, 2020**

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

### **Roll Call**

**Council Members Present:** Mayor Rolando Castro, Councilors Jesus Mendoza, Joseph Riofrio, and Oscar Rosales

**Council Members Absent:** Mayor Pro Tem Victor Martinez

**Flag salute led by Fresno County Supervisor Brian Pacheco**

### **FINALIZE THE AGENDA**

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

A motion was made by Councilor Mendoza to adopt the agenda, seconded by Councilor Rosales; unanimously approved (4 ayes, absent: Martinez).

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

**Fresno County Supervisor Brian Pacheco** – commented on a local event that he recently attended; the Council's requests for masks; that masks that he is providing to the City; the possibility of having a mobile COVID-19 testing station in the City; the County rolling over the current budget for the upcoming fiscal year; and the financial impact that COVID-19 has had on the County's revenues.

The Council thanked Mr. Pacheco for his contributions to the community, and discussion was held on a local event that was recently held; issues with individuals who not reside within the City coming to the City to be tested for COVID-19; issues with farmworkers continuing to work even if they have symptoms of the disease; issues with multiple families living in a single-family home; the possibility of the County acquiring trailers to house

individuals; the need for individuals to follow precautionary measures to prevent the spread of the disease; the status of Fresno County's Helping Underserved Businesses grant; the City's COVID-19 statistics; the need for local businesses to comply with the County's guidelines; issues with schools reopening in the fall; and the City's need for additional resources to combat COVID-19.

**Angela Gonzalez** – inquired as to what the consequences are for individuals who do not comply with COVID-19 regulations.

Discussion was held on the consequences of individuals not complying with COVID-19 regulations, including those caused by individuals who have tested positive for COVID-19; the possibility of limiting the business hours of local businesses; and ways to control the spread of COVID-19.

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

1. Minutes of the regular City Council meeting of June 9, 2020 and the special City Council meeting of June 16, 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 Councilor Riofrio to approve items 1 and 2, seconded by Councilor Mendoza; unanimously approved (4 ayes, absent: Martinez).

### **CONSENT CALENDAR**

1. JUNE 09 2020 THROUGH JUNE 16, 2020  
WARRANT LIST CHECKS NO. 46917 THROUGH 46966  
TOTAL FOR COUNCIL APPROVAL = \$288,201.85
2. Proposed adoption of **Resolution No. 20-41**, requesting that the Fresno County Clerk render specified services to the City of Mendota in order to conduct the municipal election to be held on November 3, 2020.
3. Proposed adoption of **Resolution No. 20-42**, adopting a list of street projects for Fiscal Year 2020-2021 funded by SB1: The Road Repair and Accountability Act of 2017.
4. Proposed adoption of **Resolution No. 20-43**, authorizing the City Manager or his designee to execute all documents necessary to receive the Active Transportation Program funding for ATPL-5285(021) "Mendota Junior High Safe Routes to School Project".
5. Proposed adoption of **Resolution No. 20-44**, authorizing application for and receipt of AB101 Local Early Planning Grant ("LEAP") Program Funds.

6. Proposed approval of an application from Westside Youth Inc. for a permit to sell firework.

Requests were made to pull items 1 and 6 for discussion.

A motion was made by Councilor Riofrio to approve items 2 through 5 of the Consent Calendar, seconded by Councilor Mendoza; unanimously approved (4 ayes, absent: Martinez).

1. JUNE 09 2020 THROUGH JUNE 16, 2020  
WARRANT LIST CHECKS NO. 46917 THROUGH 46966  
TOTAL FOR COUNCIL APPROVAL = \$288,201.85

Discussion was held on warrant number 46966; the condition of Black Street; and the need to install better quality speed humps.

6. Proposed approval of an application from Westside Youth Inc. for a permit to sell firework.

Discussion was held on the application being submitted late; Westside Youth, Inc requesting that the Council consider the item; whether staff needed to have taken action on the item, versus the Council; the Mendota Municipal Code's provisions on fireworks stand permits; and the reason why the application was submitted late.

**Dino Perez (Westside Youth, Inc.)** – stated the reason why the application was submitted late; the organization's need for revenue; that the organization has submitted the application in a timely manner in the past; and requested that the Council grant the application.

Discussion was held on the precedent that the Council's consideration and approval of the application may create; the need for staff to take action on late applications; a late application being considered and approved at the June 9<sup>th</sup> City Council meeting; the various events and programs that Westside Youth, Inc holds; and the name of the other organization that submitted its application late.

A motion was made by Councilor Riofrio to approve items 1 and 6 of the Consent Calendar, seconded by Councilor Mendoza; unanimously approved (4 ayes, absent: Martinez).

## **BUSINESS**

1. Council discussion and consideration of **Resolution No. 20-45**, ratifying and modifying Emergency Order No. 20-07 issued in response to the continuing COVID-19 pandemic emergency.

Mayor Castro introduced the item and City Manager Gonzalez stated that Westside Youth,

Inc. would like the City Council to consider authorizing open markets to operate, and that the organization has provided its operational plan should their open market be authorized to operate.

**Dino Perez and Sonya Mejia (Westside Youth, Inc.)** – provided information on the organization’s operational plan for holding the event.

Discussion was held on the implications associated with authorizing open markets to operate; the amount of vendors that the organization anticipates will participate at the market; when the organization plans to begin operations; the location where the event will be held; the possibility of limiting the amount of vendors that are permitted; the amount of local vendors that will participate at the event; whether the City will be held liable if someone were to acquire the disease at the event; and whether the City will be able to repeal the authorization should individuals not comply with the regulations.

**Carlos Quintanar (Westside Youth, Inc.)** – provided information on the organization’s operational plan for holding the event, including how the organization will ensure that vendors and customers comply with COVID-19 regulations

Discussion was held on the organization’s operational plan; whether the organization will screen vendors for COVID-19.

**Denise Anguiano** – introduced herself; thanked the Council for approving the organization’s fireworks stand permit; commented on the positive impact that the organization has had on the community; the need for the organization to acquire revenue; and the organizational plan that the organization submitted.

The Council thanked the organization for submitting their organizational plan.

A motion was made by Councilor Rosales to take no action on the item, seconded by Councilor Riofrio; unanimously approved (4 ayes, absent: Martinez).

2. Introduction and first reading of **Ordinance No. 20-13**, amending the Mendota Municipal Code to establish a penalty for the possession or use of dangerous or illegal fireworks.

Mayor Castro introduced the item and City Manager Gonzalez summarized the report including issues with an increase in the possession and use of illegal fireworks in the community, and the proposed ordinances establishing local administrative fines.

Discussion was held on whether the police department has zero tolerance on the possession or use of illegal fireworks.

A motion was made by Councilor Rosales to conduct the first reading and schedule the public hearing for Ordinance No. 20-13, seconded by Councilor Riofrio; unanimously approved (4 ayes, absent: Martinez).

3. Council discussion and consideration of appeals submitted regarding the outcome of the scoring process following 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 Attorney Kinsey summarized the report, including the background of the item, including the proposals that were received and the results of the scoring committee; the appeals that were received in response the results of the scoring committee; COVID-19 pushing back the appeal hearing; the options that are available to the council; SG Mendota expressing that they would like to utilize a different property; and the issue with SG Mendota's deposit resulting in a return check not being something that would disqualify them from the process.

Discussion was held on potential legal ramifications that that City would face if the Council elects to pursue either option; the City Attorney's disagreeing with the legal arguments of both appeals; and the Council being able to consider the three applicants and make a decision on how to proceed.

**Daniel Parra** – stated that he is concerned with the City Attorney's statements regarding his legal opinion on SG Mendota's submission of a returned check.

**Daniel Pocius (Terra Retail Group)** – stated that he is available to answer any questions that the Council may have.

**Melissa Sanchez (SG Mendota)** – stated that SG Mendota has a valid lease with the location they intend to locate the business; and that she is confused about the appeal hearing process that were presented to the Council.

Discussion was held on issues that SG Mendota has had regarding their proposal; and the Council making a decision based on the merits of the various applicants.

**Amber Norwood (Element 7)** – stated that the Council should take into consideration the appeals that were submitted; and stated that she is available to answer any questions that the Council may have.

Discussion was held on the options that are available to the Council; appeals that were submitted.

A motion was made by Mayor Castro to grant Element 7's appeal to reconsider the Scoring Committee's findings, deny SG Mendota's appeal on the merits, and direct staff to commence negotiations with Terra and Element 7 as the two (2) remaining applicants who are to be placed on the qualified applicants list maintained by the City Manager, seconded by Councilor Riofrio; unanimously approved (4 ayes, absent: Martinez).

## **DEPARTMENT REPORTS AND INFORMATIONAL ITEMS**

### 1. Finance Officer

Finance Director Diaz presented her grant update, including the activity occurring on various grants.

### 2. City Engineer

City Engineer Osborn presented the City Engineer's report, including ongoing projects.

### 3. City Attorney

Nothing to report.

### 4. City Manager

City Manager Gonzalez reported on the upcoming community clean-up event that will occur in August.

Discussion was held on the status of the combined police department and city hall project; the status of the United Security Bank opening; and the status of the AMOR Wellness center.

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

### 1. Council Member(s)

Councilor Riofrio reported on an individual who preaches on a city property; and the posts that police department has posted on Facebook deterring illegal activity.

Councilor Rosales reported on a significant amount of parties that occur throughout the City; whether the police department is issuing fines for violations of COVID-19 regulations; local businesses that are not complying with COVID-19 regulations; and expressed his concerns regarding Cresco Labs' measures to prevent COVID-19.

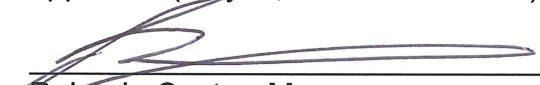
Discussion was held on the status of the 2020 Mendota Fireworks Show, and the possibility of livestreaming the Council meetings on Facebook.

### 2. Mayor

Nothing to report.

**ADJOURNMENT**

With no more business to be brought before the Council, a motion for adjournment was made at 8:44 p.m. by Councilor Rosales, seconded by Councilor Mendoza; unanimously approved (4 ayes, absent: Martinez).

  
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Rolando Castro, Mayor

ATTEST:

  
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Celeste Cabrera-Garcia, City Clerk

