



MINUTES OF MENDOTA REGULAR CITY COUNCIL MEETING

Regular Meeting

July 14, 2020

Meeting called to order by Mayor Castro at 6:02 p.m.

Roll Call

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

Council Members Absent: None

Flag salute led by Mayor Castro

FINALIZE THE AGENDA

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

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

PRESENTATIONS

1. Davena Witcher with the Alliance for Medical Outreach & Relief (AMOR) to provide an update on the AMOR Wellness Center.

Davena Witcher with the Alliance for Medical Outreach & Relief (AMOR) provided an update on the AMOR Wellness Center, including the status of the project; the layout of the building; various aspects of the center; the types of services that will be provided at the center; and the various agencies that will be providing services out of the center.

Discussion was held on the agencies that will be providing services from the center; available job opportunities at the center; and the possibility of holding a charitable

basketball game with AMOR staff; whether the playground at the site accommodates children with special needs; and the history of the project.

2. Jeff Tamkin with Public Facilities Investment Corporation to present information on the proposed combined City Hall/Police Department project.

Jeffrey Tamkin with Public Facilities Investment Corporation (PFIC) introduced the staff of the agency and provided information on the proposed project; provided information on the development steps that would be followed for the proposed project; the project proposal; the program and community benefits; and PFIC's contact information.

Discussion was held on prepayment opportunities; the total cost of the project; the ability to negotiate the pricing of various aspects of the project; and the possibility of PFIC providing a list of references to the City.

Charles Dellinger with PFIC provided background information on the agency, including the various services it provides and the various projects that it has participated in.

CITIZENS ORAL AND WRITTEN PRESENTATIONS

None offered.

APPROVAL OF MINUTES AND NOTICE OF WAIVING OF READING

1. Minutes of the regular City Council meeting of June 23, 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 Rosales to approve items 1 and 2, seconded by Councilor Riofrio; unanimously approved (5 ayes).

CONSENT CALENDAR

1. JUNE 16, 2020 THROUGH JULY 08, 2020
WARRANT LIST CHECKS NO. 46967 THROUGH 47045
TOTAL FOR COUNCIL APPROVAL = \$435,944,23
2. Proposed adoption of **Resolution No. 20-46**, concerning Local Transportation Purpose Funds (Measure C Extension Funds).
3. Proposed adoption of **Resolution No. 20-47**, authorizing the execution of an agreement with the Fresno County Rural Transit Agency for Safety and Security Services.

4. Proposed adoption of **Resolution No. 20-48**, ratifying the Letter of Authorization submitted to Fresno County for the submittal of a grant application to CalRecycle for the Oil Payment Program Cycle 11.
5. Proposed adoption of **Resolution No. 20-49**, awarding the bid for the Bass & Barboza Roundabout project to Cal Valley Construction, Inc. in the amount of \$969,092.00.
6. Proposed adoption of **Resolution No. 20-50**, accepting the Engineer's Report for Landscape and Lighting Maintenance District 2019-01 for Fiscal Year 2020/2021, declaring the intention to levy and collect assessments for Fiscal Year 2020/2021, and scheduling a public hearing for consideration of same.

Requests were made to pull items 5 and 6 for discussion.

A motion was made by Councilor Riofrio to approve items 1, 2, 3, and 4 of the Consent Calendar, seconded by Councilor Mendoza; unanimously approved (5 ayes).

5. Proposed adoption of **Resolution No. 20-49**, awarding the bid for the Bass & Barboza Roundabout project to Cal Valley Construction, Inc. in the amount of \$969,092.00.

Discussion was held on the variations in the costs between all of the bids submitted; the reasons as to why the bids vary significantly; the City Engineer contacting the lowest bidder in order to confirm the amount of the bid that was submitted; ensuring that the contractor provides quality work; various aspects of the bids that varied the most; whether Cal Valley Construction, Inc. has done work in the City before; ensuring that staff provides project updates to the City Council; various aspects that influence the Engineer's estimate for projects; additional CMAQ funding that is available that can be incorporated into the project; the project's timeline; how traffic in the area will be rerouted (at 7:14 p.m. Councilor Mendoza left the Council Chambers); how the winning bid is selected; and the project timeline for the Lozano and State Route 33 project.

6. Proposed adoption of **Resolution No. 20-50**, accepting the Engineer's Report for Landscape and Lighting Maintenance District 2019-01 for Fiscal Year 2020/2021, declaring the intention to levy and collect assessments for Fiscal Year 2020/2021, and scheduling a public hearing for consideration of same.

Discussion was held on whether additional lighting will be provided along Bass Avenue (at 7:18 p.m. Councilor Mendoza returned to the Council Chambers).

A motion was made by Councilor Rosales to approve items 5 and 6 of the Consent Calendar, seconded by Councilor Riofrio; unanimously approved (5 ayes).

BUSINESS

1. Council discussion and direction to staff regarding potential Mendota Municipal Code amendments requested by Canna-Hub to allow for the commercial distribution of cannabis.

Mayor Castro introduced the item and City Attorney Kinsey stated that Councilor Rosales needed to recuse himself (at 7:19 p.m. Councilor Rosales recused himself and stepped down from the dais), and summarized the report including the conditions of the development agreement between the City and Canna-Hub; the State adding a Type 9 License for Non-storefront Retail, which can allow Canna-Hub to deliver cannabis products to the general public; the State adding such as license after the development agreement between the two parties was negotiated and executed; and the City permitting Canna-Hub to bring forth their proposal to the City Council for discussion and consideration

Discussion was held on whether the City has the ability to permit such licenses within the City; and whether other business entities would be able to conduct such businesses if the City permits Canna-Hub to have a Type 9 license.

Tim McGraw (Canna-Hub) - stated that the Mendota campus is very secure building; the portion of the campus that is leased out; and that the allowance of the additional license would allow Canna-Hub to lease out the rest of the building.

Discussion was held on the amount of job opportunities that are currently available at the Canna-Hub campus; the total amount of fees that the business has paid to the City; the possibility of Canna-Hub leasing out the rest of the building; and the City's relationship with Canna-Hub.

Jonathan Charak (Canna-Hub) - provided information on the positive impact that the addition of the Type 9 license will have on Canna-Hub and on the community.

Discussion was held on how Canna-Hub's fees are being paid to the City; the discussion that staff had with Canna-Hub regarding the item; and whether such allowance would negatively impact the potential commercial cannabis business that will come to the City.

Jose Gutierrez - stated that he understood the Council's hesitance to permit the allowance of the Type 9 license; and that Council should allow Canna-Hub to add the delivery license.

Discussion was held on the need for Council to discuss and consider the item further; requested that Mr. McGraw meet with staff to discuss the item; and the possibility of creating a Council sub-committee to negotiate with Canna-Hub regarding the delivery license type.

Council consensus was reached to direct staff to bring back an agenda item at a future meeting that establishes a Council subcommittee to negotiate with Canna-Hub regarding the delivery license type.

2. Council discussion and consideration of **Resolution No. 20-51**, authorizing the formation of a City Council subcommittee to negotiate with commercial cannabis businesses.

Mayor Castro introduced the item and City Manager Gonzalez summarized the report including the Council's previous action on the item; and staff's recommendation that the Council establish a subcommittee to negotiate with Element 7 Mendota LLC and Terra Retail Group LLC.

Discussion was held on the number of meetings that the subcommittee will have; the process of the proposed project; how the subcommittee will ultimately decide which business to select to move forward; and whether an alternate member can be selected for the subcommittee.

A motion was made by Mayor Pro Tem Martinez to appoint Mayor Castro and Councilor Riofrio as regular members of the subcommittee and Councilor Mendoza as an alternate member and adopt Resolution No. 20-51, seconded by Councilor Riofrio; unanimously approved (5 ayes).

At 7:52 p.m. Councilor Rosales returned to the dais.

3. Council discussion and consideration of **Resolution No. 20-52**, approving a reimbursement agreement with Firebaugh Canal Water District for the use of well number 3.

Mayor Castro introduced the item and City Manager Gonzalez summarized the report including the agreements that the City has entered in with the Firebaugh Canal Water District (FCWD) since 1990; FCWD utilizing water from well 3 for agricultural purposes; and the terms of the reimbursement agreement, including the length and fees of the lease.

Discussion was held on the quality of water of well 3 and in the area surrounding the City; whether the City can further negotiate the terms of the reimbursement agreement; and whether the Council can view the water quality report for well 3.

A motion was made by Councilor Rosales to table the item for a future meeting, seconded by Mayor Pro Tem Martinez; unanimously approved (5 ayes).

4. Council discussion and consideration of **Resolution No. 20-53**, approving a lease agreement extension with the California Department of General Services for the premises located at 655 Quince Street.

Mayor Castro introduced the item and City Manager Gonzalez summarized the report including the provisions of the proposed agreement extension; and the benefits of having Department of Motor Vehicle (DMV) services being provided in the community.

Discussion was held on whether the DMV would increase their service days; and the benefits of having the DMV in the community.

Joshua Garcia – inquired as to the length of time of the proposed agreement; whether there is a possibility of DMV considering moving to a larger building; and issues with parking and customer lines near the DMV.

Discussion was held on the concerns of the community regarding the DMV.

A motion was made by Councilor Riofrio to adopt Resolution No. 20-53, seconded by Councilor Rosales; unanimously approved (5 ayes).

PUBLIC HEARING

1. Public hearing and proposed adoption 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 the provisions of the proposed ordinance; the item being the second hearing of the item; and the Council's desire to implement a local statute to address the possession or use of dangerous or illegal fireworks; and the ordinance being an additional measure to deter the illegal activity.

Discussion was held on the continued possession or use of dangerous or illegal fireworks in the community.

At 8:12 p.m. Mayor Castro opened the hearing to the public.

Josh Garcia – inquired about the existing penalties for the possession or use of dangerous or illegal fireworks.

Discussion was held on the fines that the police department has issued (at 8:14 p.m. Councilor Riofrio left the Council Chambers); and the continued possession or use of dangerous or illegal fireworks in the community.

At 8:16 p.m. Mayor Castro closed the hearing to the public.

A motion was made by Councilor Rosales to adopt Ordinance No. 20-13, seconded by Mayor Castro; unanimously approved (5 ayes).

2. Public hearing and proposed adoption of **Emergency Ordinance No. 20-14**, amending Chapter 2.44 of Title 2 of the Mendota Municipal Code to provide for administrative fines for violations of state and local orders addressing the COVID-19 pandemic.

Mayor Castro introduced the item and City Manager Gonzalez summarized the report including that the item has the purpose of enforcing state and local orders addressing the COVID-19 pandemic; existing orders not allowing the police department to cite businesses for not enforcing orders issued in response to COVID-19; and the proposed ordinance allowing the police department and code enforcement department to enforce state and local orders.

Discussion was held on whether barbershops can continue operations outdoors; social gatherings that continue to occur throughout the City (at 8:23 p.m. Mayor Castro left the Council Chambers and returned in the same minute); and individuals throughout the community who do not comply with COVID-19 regulations.

At 8:24 p.m. Mayor Castro opened the hearing to the public.

Josh Garcia – stated that church that he attends will not be holding any church services; that he believes that the City should have stricter enforcement measures; individuals who do not comply with state and local orders; and regulations that his church implemented in response to COVID-19.

Discussion was held on individuals not complying with COVID-19 regulations; the need for the police to enforce COVID-19 regulations in a stricter manner; the City's current COVID-19 statistics; and a recent case of car theft.

At 8:32 p.m. Mayor Castro closed the public hearing.

A motion was made by Mayor Pro Tem Martinez to adopt emergency Ordinance No. 20-14, seconded by Councilor Riofrio; unanimously approved (5 ayes).

DEPARTMENT REPORTS AND INFORMATIONAL ITEMS

1. 1. Animal Control, Code Enforcement, and Police Department
 - a) Monthly Report

Chief of Police Andreotti provided the monthly report for the Animal Control Department, including the statistics for the department (at 8:32 p.m. Mayor Castro left the Council Chambers).

Discussion was held on how the department addresses injured animals.

Chief Andreotti provided the monthly report for the Code Enforcement Department including the status of the weed abatement process (at 8:34 p.m. Mayor Castro returned to the Council Chambers); stated that he will be meeting with City Manager Gonzalez to discuss open Code Enforcement investigations; and that the department has been in contact with the owner of the trailer park regarding potential improvements.

Discussion was held on whether the Code Enforcement officers enforce COVID-19

regulations; and whether the officers are addressing unlicensed businesses.

Chief Andreotti provided the monthly report for the Police Department, including current COVID-19 statistics for the City; officers being in contact with individuals who have tested positive of COVID-19; a personnel update; and significant cases.

Discussion was held on whether the officers disinfect the area where individuals that have tested positive of COVID-19 have been; issues with individuals speeding throughout the City; and a speed bump that was recently installed.

2. City Attorney

Nothing to report.

3. City Manager

Nothing to report.

MAYOR AND COUNCIL REPORTS AND INFORMATIONAL ITEMS

1. Council Member(s)

Councilor Mendoza requested that City staff continue to follow COVID-19 regulations.

Councilor Riofrio stated that Mendota resident Benny Mares had recently passed away.

2. Mayor

Mayor Castro requested that City staff and community members follow COVID-19 regulations; and requested that community members report violations to dispatch.

CLOSED SESSION

1. 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

2. PUBLIC EMPLOYEE PERFORMANCE EVALUATION

CA Government Code § 54957(b)


Title: City Manager

At 8:51 p.m. the Council moved into closed.

At 10:18 p.m. the Council reconvened in open session and City Attorney Kinsey stated that in regard to items 1 and 2 of the closed session, there was no reportable action.

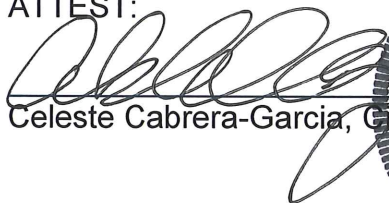
ADJOURNMENT

With no more business to be brought before the Council, a motion for adjournment was made at 10:18 p.m. by Mayor Pro Tem Martinez, seconded by Councilor Riofrio; unanimously approved (5 ayes).



Rolando Castro, Mayor

ATTEST:



Celeste Cabrera-Garcia, City Clerk

