



**MINUTES OF MENDOTA
REGULAR CITY COUNCIL MEETING**

Regular Meeting

August 22, 2017

Meeting called to order by Mayor Castro at 5:59 p.m.

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.

Flag salute led by Mayor Castro.

Invocation led by Pastor Robert Lopez from the Mendota Pentecostal Church.

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 Councilor Mendoza; unanimously approved (5 ayes).

CITIZENS ORAL AND WRITTEN PRESENTATIONS

Joseph Amador (1890 7th Street) – provided an update on the driver awareness event.

Joe Gomez (2033 7th Street) – stated that the weed abatement was not done properly on his property; stated that he attempted to clean his property but was not allowed to do so on the day that the forceful abatement was scheduled to occur; claimed that one of his properties did not pose a fire hazard and did not have to be abated; and inquired on whether the assessments can be reconsidered.

Discussion was held on the appeal process for the weed abatement assessments, and that the public hearing regarding the assessments had already been conducted at a previous meeting.

Bianca Prieto (583 L Street) – commented on Mr. Gomez’s situation regarding weed abatement.

Eileen De Raadt (Congressman Valadao’s Office) – introduced herself, and stated that the Congressman’s office would be happy to help the City in any way it can.

Council thanked Ms. De Raadt for attending the meeting.

APPROVAL OF MINUTES AND NOTICE OF WAIVING OF READING

1. Minutes of the regular City Council meeting of August 8, 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 Silva to approve items 1 and 2, seconded by Councilor Rosales; unanimously approved (5 ayes).

CONSENT CALENDAR

1. AUGUST 04, 2017 THROUGH AUGUST 16, 2017
WARRANT LIST CHECKS NO. 042863 THRU 042922
TOTAL FOR COUNCIL APPROVAL = \$399,788.19
2. Proposed adoption of **Resolution No. 17-48**, authorizing the payment of retainage to the contractor for the Marie & Divisadero Streets Reconstruction Project.
3. Proposed adoption of **Resolution No. 17-49**, fixing the amount taxable on property within the city for the purpose of paying the principal and interest on 1977 general obligation bonds during the 2017-2018 fiscal year.
4. Execution of Settlement Agreement and Mutual Release of Claims by and between the City and Crisanto Villa, settling the case of *City of Mendota v. Crisanto Villa, et al.* (Fresno County Superior Court Case No. 17CECL04704) regarding the failure of Crisanto Villa to comply with the terms and conditions of a written Property Lease Agreement for real property located at 359 Airport Circle, Mendota, California, 93640.
5. Execution of First Amendment to Settlement Agreement and Mutual Release by and between the City and Felipe Gonzalez, amending Section 1 of the Settlement Agreement and Mutual Release dated June 16, 2017 regarding the

payment schedule for satisfaction of the City's claims.

A request was made to pull item 1 for discussion.

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

1. AUGUST 04, 2017 THROUGH AUGUST 16, 2017
WARRANT LIST CHECKS NO. 042863 THRU 042922
TOTAL FOR COUNCIL APPROVAL = \$399,788.19

Discussion was held on various warrants.

A motion was made by Mayor Pro Tem Martinez adopt item 1 of the Consent Calendar, seconded by Councilor Rosales; unanimously approved (5 ayes).

BUSINESS

1. Discussion and consideration of **Resolution No. 17-50**, naming the new plaza to be constructed at 7th Street and Derrick Avenue as "Robert Silva Plaza".

Mayor Castro introduced the item and City Manager DiMaggio summarized the report including that a new plaza area will be created as a result of the 7th Street/Derrick Avenue road improvement project, and that Mrs. Young requested that the new plaza be named "Robert Silva Plaza" in honor of Mr. Silva's contributions to the city.

Joseph Amador (1890 7th Street) - stated that the Young family should be honored by honoring their wish.

Mary Young – explained that she wants to honor Councilor Silva for his work and dedication to the community, and stated that she would appreciate it if the city named the new plaza after Councilor Silva.

Council thanked Mrs. Young for her family's contributions to the city, and discussion was held on honoring the Young family in the future.

A motion was made by Councilor Rosales to approve Resolution No. 17-50, seconded by Mayor Pro Tem Martinez; approved (4 ayes, abstain: Silva).

2. Discussion and consideration of attendance issues with the Planning Commission.

Mayor Castro introduced the item and City Manager DiMaggio summarized the report including that staff had made numerous unsuccessful attempts to contact Commissioners Martin Gamez and Abdul Obaid, and due to the lack of responsiveness, staff was unable to confirm residency for both individuals.

Economic Development Manager Flood stated that Commissioner Gamez contacted staff earlier in the day, but did not provide proof of permanent residency.

Discussion was held on the Mendota Unified School District boundaries being the boundary lines for eligibility, and the possibility of the gentlemen re-applying in the future.

Joseph Amador (1890 7th Street) – inquired on what the residency boundary lines were.

A motion was made by Councilor Silva to approve Resolution No. 17-51, seconded by Mayor Pro Tem Martinez; approved (5 ayes).

3. Discussion and consideration of an application for an exclusive-use permit to hold a circus on the city-owned lot on 7th Street and Riofrio Street.

Mayor Castro introduced the item and Economic Development Manager Flood summarized the report including that staff received an exclusive use application for the rental of the city's property on 7th and Riofrio Streets for a circus; staff brought the application to the Council since the applicant requested to have the fees waived; staff's recommendation to deny the application due to the loss of revenue; and recommending that the circus company contact the city directly in order to hold the circus on the property.

Sergio Valdez (Mendota Youth Recreation) – provided information regarding how the company's request was handled last year; the company initially wanting to use the park, but due to the location of the park not being ideal, the company wanted to rent the city's property once again; and requested that the Council waive the fees associated with renting the lot.

Discussion was held on the days that the circus will take place; the fees associated with renting the park; the fees that the company paid last year; the city receiving a percentage of the proceeds; the inspection fee amount; and the fee that should be paid for the rental of the lot.

A motion was made by Councilor Silva to approve the application with the addition of the total amount of fees paid to the city be \$1,000 (\$375 inspection fee + \$625 rental fee), seconded by Councilor Mendoza; unanimously approved (5 ayes).

PUBLIC HEARING

1. Introduction of **Ordinance No. 17-13**, amending Title 17 of the Mendota Municipal Code creating a Commercial Marijuana Overlay District and amending Chapter 8.36 for consistency therewith.

Mayor Castro introduced the item and continued the public hearing.

City Attorney Kinsey reported that the ordinance initially came before the Council at the August 8th Council meeting; the ordinance that would only allow limited indoor cultivation of cannabis; the underlying zoning would not change under the ordinance; the various requirements contained in the ordinance regarding the indoor commercial cannabis cultivation; clarified the payment structure; and provided a timeline for the consideration and adoption of the ordinance.

Discussion was held on whether dispensaries would be allowed under the ordinance; the circumstances in which cannabis cultivation would be allowed; the amount of revenue that the city will receive; how the fees were developed; how the city will receive the revenue; and the uncertainty regarding certain aspects of the issue including whether the city will be penalized by the federal government.

Tim McGraw, CEO and Founder Canna-Hub, introduced himself and provided information about his real-estate development company; provided a brief history about the legalization of medical cannabis; it currently being a mostly a cash-based business; the implementation of state licensing next year, and the impacts that it will have; permits that protect operators from federal prosecution; the importance of zoning the property to allow for the indoor cultivation of marijuana; the importance of having regulated environments; the amount of revenue that the city will receive; additional property that Canna-Hub is interested in purchasing; the economic impact that such opportunity will have on the city; and ways that Canna-Hub participates in communities.

Discussion was held on the amount of jobs that the development will create; the type of operators that will be attracted to the city; the kind of security that the development will have; the process and timeline to allow such developments in the city; the location that Canna-Hub is interested in purchasing; how the city will receive the revenue; the location of the overlay district; and the various requirements contained in the ordinance regarding the indoor commercial cannabis cultivation.

Sergio Valdez – inquired on how Canna-Hub found Mendota, and how the city will receive revenue from the development.

Jose Gutierrez - inquired on how the city will receive revenue from the development, and stated that staff should continue to research the issue.

Sergio Valdez – stated that the Council should consider the amount of water that will be used.

Discussion was held on the Council not considering a specific business plan at the moment, and issues with each business being addressed with development agreements in the future.

At 7:42 p.m. the public hearing was closed.

A motion was made by Councilor Rosales to perform the first reading of Ordinance No. 17-13, with the second reading waived, seconded by Councilor Silva; approved (3 ayes, no: Castro and Martinez).

DEPARTMENT REPORTS AND INFORMATIONAL ITEMS

1. Administrative Services
 - a) Monthly Report

Administrative Services Director Lekumberry summarized the report.

Discussion was held on special project management.

2. Public Works
 - a) Monthly Report

City Manager DiMaggio stated that he would forward any questions that the Council might have to Planning & Public Works Director Gonzalez.

3. City Attorney
 - a) Update

City Attorney Kinsey provided an update on 585 Stamoules Street.

3. City Manager

City Manager DiMaggio reported on an upcoming special City Council meeting that will be held on August 29th, and stated that city crews will be shutting off water services city-wide overnight to replace a water flow valve.

MAYOR AND COUNCIL REPORTS AND INFORMATIONAL ITEMS

1. Council Member(s)

Councilor Mendoza inquired on the possibility of bringing a pharmacy and a bank to Mendota, and requested an update on El Charro market.

Discussion was held on economic development in the city.

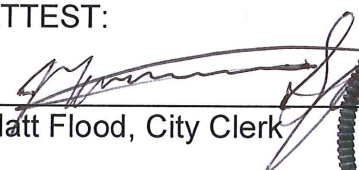
ADJOURNMENT

With no more business to be brought before the Council, a motion for adjournment was made at 7:58 p.m. by Mayor Pro Tem Martinez, seconded by Councilor Mendoza; unanimously approved (5 ayes).



Rolando Castro, Mayor

ATTEST:



Matt Flood, City Clerk

