



MINUTES OF MENDOTA REGULAR CITY COUNCIL MEETING

Regular Meeting

August 8, 2017

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

Roll Call

Council Members Present: Mayor Rolando Castro, Mayor Pro Tem Victor Martinez, Councilors Jesse Mendoza, and Robert Silva.

Council Members Absent: Councilor Oscar Rosales.

Flag salute led by Mayor Pro Tem Martinez.

Invocation led by Pastor Mario Plascencia from Christian Tabernacle Church.

FINALIZE THE AGENDA

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

City Manager DiMaggio requested that an item be added to the Closed Session portion of the agenda.

A motion was made by Councilor Silva to adopt the agenda as requested by staff, seconded by Mayor Pro Tem Martinez; unanimously approved (4 ayes, absent: Rosales).

CITIZENS ORAL AND WRITTEN PRESENTATIONS

Dino Perez (Westside Youth Center) – stated that the center would like to proceed with holding the annual driver awareness event; that a facility-use application was submitted to request use of the park to hold the event; and requested to utilize the materials that the city has for the event.

Discussion was held on the facility-use application that was submitted; the need to acquire donations; the history of the driver awareness event; the request having to be administratively approved; and the date that was requested to use the park.

Joseph Amador (1890 7th Street) – stated that he is willing to help out for the event; explained how youth programs are beneficial to the community; and inquired on whether there are funds in the Driver Awareness account.

Gloria Ceja de Lopez (501 Oxnard Street) – requested that the Council adopt a resolution supporting the California Values Act, and stated that the community needs to work together to unite families.

Bertha Tarelo (33171 W. El Progresso) – stated that elected state officials are taking the lead by considering SB 54; requested that the Council hold a special meeting to discuss the issue; and requested the creation of a police policy that stating that no resources be used to assist immigration agents.

Carina Rivas (291 L Street) – stated that individuals come to the United States to feel safe; stated that people are afraid to be sent back to their countries; explained that immigrants come to America for the American dream; and that police officers should protect the community, and not separate families.

Maria Ochoa (1833 9th Street) – stated that she has lived here for many years; stated that people are afraid of being separated from their families; and asked the Council to make Mendota a sanctuary community.

Gabriela Lopez (405 Martinez Street) – requested that the police department create an internal policy that states that no resources be used to assist immigration agents; stated that resources should be used to help community, and not to help separate families; and stated that we will be judged by our works and not by citizenship status.

Kevin Romero (160 Tuft Street) – reported on the 2017 football schedule, and summarized the important games that the Aztecs will be playing in.

Joe Gomez (2033 7th Street) – stated that has requested to be on the Council agenda; stated that the abatement of weeds was not done properly on his properties; and inquired on whether the business that performed the weed abatements on behalf of the City had a business license.

Council informed Mr. Gomez that the issue that he wants to discuss had already been discussed at the previous meeting, and Council directed staff to check if the business that performed the weed abatements on behalf of the City had a business license.

Giovanni Aguilar (641 Garcia Street) – requested that the police department not assist immigration agents; stated that families come to American to work hard; and stated that these families produce hard working, law-abiding individuals.

Leticia Valencia – provided clarification on what the individuals that spoke to the Council were requesting.

Mayor Castro requested that City Manager DiMaggio provide a report to the public regarding a conversation that he had with Ms. Valencia.

City Manager DiMaggio reported that he had met with Ms. Valencia and that she had shared the group’s perspective on the issue with him; that he understands the concerns that the group has; stated that staff would collaborate with Ms. Valencia to create a policy regarding the issue; and that once the Governor signs SB 54, staff would seek direction from Council to implement SB 54.

APPROVAL OF MINUTES AND NOTICE OF WAIVING OF READING

1. Minutes of the regular City Council meeting of July 25, 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 Mendoza to approve items 1 and 2, seconded by Mayor Pro Tem Martinez; unanimously approved (4 ayes, absent: Rosales).

CONSENT CALENDAR

1. JULY 25, 2017 THROUGH AUGUST 03, 2017
WARRANT LIST CHECKS NO. 042788 THRU 042862
TOTAL FOR COUNCIL APPROVAL = \$328,332.18

A motion was made by Councilor Silva adopt item 1 of the Consent Calendar, seconded by Mayor Pro Tem Martinez; unanimously approved (4 ayes, absent: Rosales).

BUSINESS

1. Consideration of a petition to install speed bumps on the 700 and 800 block of Lolita Street.

Mayor Castro introduced the item and Planning & Public Works Director Gonzalez summarized the report including that he received a request to install speed bumps on the 700 and 800 block of Lolita Street; the request also being accompanied by signatures of 21 out of the 24 residents on the block; the administrative policy in place regarding speed bump installation; and stated that temporary speed bumps will be installed while staff analyses whether to install permanent bumps.

Discussion was held on the amount of cars that speed down Lolita Street; the importance of calling dispatch; the costs associate with installing temporary and permanent speed bumps; and the council thanked the residents of Lolita Street for voicing their concerns.

Art Gallardo (791 Lolita Street) - stated that his family has lived on Lolita Street for many years; stated that he is thankful for the support from the Council and staff; and that he is glad that action is being taken to install speed bumps.

Raymond Aquino (772 Lolita Street) – spoke about recent accidents that occurred on the street; stated that the residents are worried about the children; and thanked Council for their consideration.

PUBLIC HEARING

1. Second reading and proposed adoption of **Ordinance No. 17-12**, imposing a Transactions and Use Tax to be administered by the State Board of Equalization.

Mayor Castro introduced the item and City Manager DiMaggio summarized the report.

Discussion was held on how the fees are collected, and the amount of revenue that the proposed measure would generate.

At 7:06 p.m. Mayor Castro opened the hearing to the public and, seeing no one present wishing to comment, closed it in that same minute.

A motion was made by Mayor Pro Tem Martinez to adopt Ordinance No. 17-12, seconded by Councilor Mendoza; unanimously approved (4 ayes, absent: Rosales).

2. 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 City Manager DiMaggio stated that there are two separate reports, one by the City Attorney, and one by him; he summarized his report including that the ordinance is specific to the indoor cultivation of cannabis; the ordinance being a zoning overlay that effects few properties in the east area of the city; the various requirements contained in the ordinance regarding the indoor commercial cannabis cultivation; various of unfunded mandates that are coming down from the State including the minimum wage increase and SGMA; seeking revenue streams to assist in funding such mandates; the possibility of the police department being unsustainable if additional revenue streams are not acquired; the social considerations that were taken into consideration; the inconsistency between the stance of the state and the federal government regarding the issue; stated that there is a revised recommendation, and requested that the Council take no action on the item.

Discussion was held on the requirements contained in the ordinance regarding the indoor commercial cannabis cultivation, and the amount of cities that are looking into allowing commercial cannabis cultivation in the city.

Economic Development Manager Flood requested that the public hearing be continued to the August 22nd City Council Meeting in order to comply with noticing requirements.

Discussion was held on the amount of cities that are looking into allowing commercial cannabis cultivation in the city, and the importance of the special mail-in ballot election.

At 7:24 p.m. Mayor Castro opened the hearing to the public.

Edie Hatton (1677 N. Garfield) – stated that she was looking for property within the City to purchase; stated that she is concerned about proposed ordinance; stated that the Silver Creek building could be used to for other purposes; reported that the public is unaware that the Council is considering the item; and offered to volunteer her time to the community.

Sergio Valdez – reported on the purpose of Red Ribbon Week, and summarized the negative effects that allowing commercial cannabis cultivation in the city would have on the community.

Jorge Gutierrez (487 Perez Street) – stated that the commercial cultivation of cannabis will be beneficial to the community because of the amount of jobs that will be created and the revenue that will be generated.

Rigoberto Alvarado (270 Valenzuela Street) – stated that he is in favor of the City allowing cannabis cultivation; stated that such allowance would generate jobs for local residents; and stated that it could provide the much needed revenue.

Bianca Prieto (583 L Street) – inquired on who is tax exempt in regards to the proposed sales and use tax measure.

A motion was made by Councilor Mendoza to continue the public hearing to the August 22nd City Council Meeting, seconded by Mayor Pro Tem Martinez; unanimously approved (4 ayes, absent: Rosales).

DEPARTMENT REPORTS AND INFORMATIONAL ITEMS

1. Code Enforcement
 - a) Monthly Report

Chief of Police Andreotti reported on officers having positive contact with members of the community; that Officer Coronado would be going on maternity leave soon; and significant cases for the month of July.

Discussion was held on ensuring that properties are maintained by property owners.

2. Police Department
 - a) Monthly Report

Chief of Police Andreotti summarized the report including significant cases for the month of July; the department's participation in the annual back-to-school backpack giveaway event; provided a personnel update; and stated that the Explorers were honored by the Mendota Unified School District Board of Trustees.

Discussion was held on the success of national night out.

3. City Attorney
 - a) Update

Nothing to report.

3. City Manager

City Manager DiMaggio stated that he has been driving through the city more often.

Council thanked City Manager DiMaggio for his hard work.

MAYOR AND COUNCIL REPORTS AND INFORMATIONAL ITEMS

1. Council Member(s)

Councilor Silva reported on the success of the annual back-to-school backpack giveaway event; requested that the Council honor Mr. Gutierrez at a future meeting; provided an update on proposed passing lanes on Highway 180; and requested an update on the AMOR project.

Economic Development Manager Flood reported on the upcoming charitable softball game; provided information regarding the election; and reported on how to return mail-in ballots.

Councilor Mendoza inquired on the possibility of bringing a pharmacy and a bank to Mendota.

Discussion was held on a lack of existing commercial buildings in the city to hold businesses, and the date of the grand opening of Dollar Tree.

Councilor Mendoza reported that he received a complaint from residents on I Street regarding an infestation, and inquired on whether the city could do something about it.

2. Mayor

Mayor Castro reported on the re-opening ceremony of Washington Elementary School.

Sergio Valdez (Mendota Youth Recreation [MYR]) – thanked the city on behalf of MYR for sponsoring the Harvest Fiesta.

Discussion was held on the importance of helping non-profit organizations.

Chief of Police Andreotti thanked Mayor Castro for his participation in the national night out event.

CLOSED SESSION

1. CONFERENCE WITH LEGAL COUNSEL – POTENTIAL LITIGATION
Pursuant to Paragraph (4) of subdivision (d) of Section 54956.9 ([1] potential case).

2. CONFERENCE WITH LEGAL COUNSEL – PENDING LITIGATION
*Pursuant to Paragraph (1) of subdivision (d) of Govt. Code Section 54956.9; City of Mendota v. Villa, Fresno County Superior Court, Case No. 17 CE CL 04704.
[added to the agenda]*

At 8:11 p.m. the Council moved into closed session.

At 8:33 p.m. the Council reconvened in open session and City Attorney Kinsey stated that in regards to items 1 and 2 of the closed session, there was nothing to report.

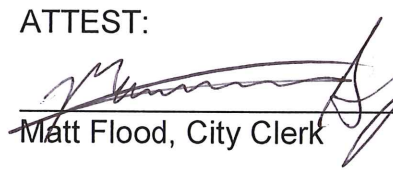
ADJOURNMENT

With no more business to be brought before the Council, a motion for adjournment was made at 8:33 p.m. by Mayor Pro Tem Martinez, seconded by Councilor Mendoza; unanimously approved (4 ayes, absent: Rosales).



Rolando Castro, Mayor

ATTEST:



Matt Flood, City Clerk

