

MINUTES OF MENDOTA REGULAR CITY COUNCIL MEETING

Regular Meeting

December 13, 2022

Meeting called to order by City Clerk Cabrera-Garcia at 6:00 p.m.

Roll Call

Council Members Present: Mayor Victor Martinez, Mayor Pro Tem Libertad “Liberty” Lopez and Councilors Jose Alonso, Joseph Riofrio, and Oscar Rosales

Council Members Absent: Mayor Pro Tem Jesus Mendoza

Flag salute led by City Clerk Cabrera-Garcia

Invocation led by Police Chaplain Robert Salinas

FINALIZE THE AGENDA

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

Assistant City Attorney Castro requested that Presentation item 2 be tabled to a future meeting, and reported that an updated staff report and resolution for Consent Calendar item 6 were provided due to the previous versions containing clerical errors.

A motion was made by Councilor Riofrio to adopt the agenda as requested by staff, seconded by Councilor Rosales; unanimously approved (3 ayes, absent: Mendoza).

CONFIRMING THE ELECTION

1. Proposed adoption of **Resolution No. 22-73**, confirming the results of the election returns for the consolidated General Election held on November 8, 2022.

A motion was made by Councilor Rosales to adopt Resolution No. 22-73, seconded by

Councilor Riofrio; unanimously approved (3 ayes, absent: Mendoza).

City Clerk Cabrera-Garcia presented an award of appreciation to outgoing City Council Member Riofrio.

Council Member Riofrio thanked the Council, community, and staff for their support during his time on the City Council, congratulated the newly elected council members, and shared memories he had of serving the community.

2. City Clerk Cabrera-Garcia to administer the Oath of Office to newly elected Council Members Rolando Castro, Libertad "Liberty" Lopez, and Victor Martinez

Dino Perez congratulated the newly elected Council Members and commented on the circumstances surrounding former Mayor Castro's resignation, commented on the reorganization of the City Council and requested that the Council consider appointing Councilor Martinez to the office of Mayor.

Lupe Flores congratulated the newly elected Council Members and requested that the Council consider appointing Councilor Lopez to the office of Mayor Pro Tem.

Sergio Valdez congratulated the newly elected Council Members, commented on the circumstances surrounding former Mayor Castro's resignation, and requested that the Council consider appointing Councilor Martinez to the office of Mayor and Councilor Lopez to the office of Mayor Pro Tem.

Marissa Navarro congratulated the newly elected Council Members and requested that Council consider appointing Councilor Martinez to the office of Mayor and Councilor Lopez to the office of Mayor Pro Tem.

Eliseo Gamino commented on the progress of the community; and commented on the newly elected Council Members.

Dino Perez requested that the Council consider appointing Councilor Lopez to the office of Mayor Pro Tem.

REORGANIZATION OF COUNCIL

1. City Clerk Cabrera-Garcia to conduct City Council reorganization proceedings and accept nominations for the following offices:
 - a) Mayor
 - b) Mayor Pro Tempore
 - a. *City Clerk Cabrera-Garcia to accept motions for nominations of Council Members for the office of Mayor*

City Clerk Cabrera-Garcia opened the floor to accept motions for nominations of Council Members for the office of Mayor.

A motion was made by Councilor Lopez to nominate Councilor Martinez to the office of Mayor, seconded by Councilor Rosales. Councilor Martinez accepted the nomination.

Hearing no other motions for nominations for the office of Mayor, City Clerk Cabrera-Garcia closed the floor to nominations.

City Clerk Cabrera-Garcia conducted a roll call vote for the appointment of Councilor Martinez to the office of Mayor.

Roll Call Vote:

Councilor Alonso: Yes; Councilor Lopez: Yes; Councilor Martinez: Yes; Councilor Rosales: Yes.

Councilor Martinez was appointed to the office of Mayor by a vote of four (4) ayes.

b. City Clerk Cabrera-Garcia to accept motions for nominations of Council Members for the office of Mayor Pro Tempore

City Clerk Cabrera-Garcia opened the floor to accept motions for nominations of Council Members for the office of Mayor Pro Tem.

A motion was made by Mayor Martinez to nominate Councilor Lopez to the office of Mayor Pro Tem, seconded by Councilor Lopez. Councilor Lopez accepted the nomination of Mayor Pro Tem.

A motion was made by Councilor Rosales to nominate Councilor Alonso to the office of Mayor Pro Tem, seconded by Councilor Alonso. Councilor Alonso accepted the nomination of Mayor Pro Tem.

Hearing no other motions for nominations for the office of Mayor Pro Tem, City Clerk Cabrera-Garcia closed the floor to nominations.

City Clerk Cabrera-Garcia conducted a roll call vote for the appointment of Councilor Lopez to the office of Mayor Pro Tem.

Roll Call Vote:

Councilor Alonso: No; Councilor Lopez: Yes; Mayor Martinez: Yes; Councilor Rosales: No.

The motion to appoint Councilor Lopez to the office of Mayor Pro Tem failed.

RECESS

At 6:59 p.m. City Clerk Cabrera-Garcia announced that there would be a brief recess of the meeting of the City Council and that Mayor Martinez would be presiding over the meeting once it reconvened.

At 7:20 p.m. the City Council reconvened its meeting.

PRESENTATION

1. City Council to recognize local Armed Forces Veterans David Gaxiola, Joe Gil Gomez, Edward E. Petry, Jose R. Ramirez, and Robert Joel Taylor.

Finance Director Banda presented information on the Veteran Banner Program. City Clerk Cabrera-Garcia presented the certificates of recognition to the honorees and their families.

Ms. Petry commented on the program.

The Council thanked the honorees and their families for their service.

2. *City Council to recognize the AMOR Wellness Center for its continued service to the community.*

Presentation tabled to a future City Council meeting.

3. City Council to select the winner of the “No Shave November” contest.

Chief of police Smith reported that the Mendota Police Department held a “No Shave November” beard competition that was held November 1- December 13, 2022, presented the participants, announced the winning prize, and requested that the City Council judge the participants and select a winner.

Upon completion of the scoring and tallying of the results, Mayor Martinez announced that Mr. Antonio Pizano was the winner.

CITIZENS ORAL AND WRITTEN PRESENTATIONS

Craig Tristau – requested that the council consider Consent Calendar item 6 separately and commented on the item.

APPROVAL OF MINUTES AND NOTICE OF WAIVING OF READING

1. Minutes of the regular City Council meeting of November 8, 2022.
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 Alonso; unanimously approved (4 ayes).

CONSENT CALENDAR

1. NOVEMBER 04, 2022 THROUGH DECEMBER 06, 2022
WARRANT LIST CHECK NOS. 52487 THROUGH 52644
TOTAL FOR COUNCIL APPROVAL = \$1,181,312.03
2. Proposed adoption of **Resolution No. 22-74**, authorizing the City Manager to execute agreements with the California Department of Tax and Fee Administration for implementation of the Mendota General Transactions and Use Tax.
3. Proposed adoption of **Resolution No. 22-75**, authorizing examination of Sales or Transactions and Use Tax records.
4. Proposed adoption of **Resolution No. 22-76**, awarding the bid for the Rojas-Pierce Park Expansion Phase 2 to Silverfox Electric, Inc.
5. Proposed adoption of **Resolution No. 22-77**, authorizing the City Manager to execute Amendment I to Agreement No. 21-551 with the County of Fresno for the Rojas-Pierce Park, Community Development Block Grant Project No. 20471.
6. Proposed adoption of **Resolution No. 22-78**, approving a contract with Marko Construction, approving an addendum to the contract with Public Facilities Investment Corporation, and approving an addendum to the contract with RRM Design Group for a total project cost of \$8,575,000 for the construction of the Mendota City Council Chambers and Police Station Project.

Discussion was held on Consent Calendar item 3 and the City's infrastructure.

A motion was made by Councilor Rosales to approve items 1 through 6 of the Consent Calendar, with the inclusion of the updated Resolution No. 22-78, seconded by Councilor Mayor Martinez; unanimously approved (4 ayes).

BUSINESS

1. Council discussion and consideration of **Resolution No. 22-79**, acknowledging receipt of the annual audit of City funds.

Mayor Martinez introduced the item and Finance Director Banda deferred to Fausto Hinojosa with Price Paige and Company who presented the City's Financial Statements for Fiscal Year 2021-2022.

Discussion was held on the item.

A motion was made by Councilor Rosales to adopt Resolution No. 22-79, seconded by Mayor Martinez; unanimously approved (4 ayes).

DEPARTMENT REPORTS AND INFORMATIONAL ITEMS

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

Chief of Police Smith provided the report for the Code Enforcement department including monthly statistics for the month of October, and events that the department attended.

Chief Smith provided the report for the Animal Control Department including monthly statistics for the month of October, and the capacity of the dog pound.

Discussion was held on illegal dumping, trash that has accumulated throughout the City, illegal semi-truck and trailer parking in the community, municipal code violations and safety issues in the community, and the Council thanked Ms. Gil for her service to the animal control department and the community.

Chief Smith provided the report for the Police Department for the month of December including monthly statistics.

Discussion was held on the homeless population in the community, gunshots that have been heard throughout the community, the great work ethic of the police officers, and to that the department received refurbished bikes to provide to the community.

2. Finance Director
 - a) Grant Update

Finance Director Banda provided an update on various grant projects, and the status of various grant applications.

Discussion was held on the various projects and grant applications.

3. City Engineer
 - a) Update

City Engineer Osborn congratulated the newly elected Council Members and provided his report including the status of various engineering projects, planning projects, grant applications, and development projects.

Discussion was held on the status of local street projects that are planned, and the Pool Park project; the possibility of holding a town hall meeting to discuss future road projects; and the passage of the local transactions and use tax.

4. City Attorney
 - a) Update

Assistant Castro congratulated the newly elected Council Members; reported on filling the Council vacancy, and upcoming trainings that will be held in 2023.

Discussion was held on filling the Council vacancy.

5. City Manager

City Manager Gonzalez congratulated the newly elected Council Members; reported on the passage of the local transactions and use tax; a meeting he had with the property owner at the corner of Derrick and Belmont Avenues regarding the potential development of a truck stop; the upcoming community clean up event that will be held in January; possible flooding near the Silver Creek; and the upcoming employee luncheon, and shared that Sran the owner of Save a Dollar donated the lunch.

MAYOR AND COUNCIL REPORTS AND INFORMATIONAL ITEMS

1. Council Member(s)

Council Rosales congratulated the newly elected City Council members.

Mayor Pro Tem Lopez stated that she will be out of the office on vacation for the next few weeks.

2. Mayor

Mayor Martinez commented on working together with the council and staff.

CLOSED SESSION

1. CONFERENCE WITH LABOR NEGOTIATORS
Pursuant to Government Code sections 54954.5, subdivision (f), 54957.6
 - a. Agency Designated Representative: Cristian Gonzalez, City Manager
 - b. Employee Organization: Mendota Police Officers Association

2. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION
Potential initiation of litigation pursuant to paragraph (4) of subdivision (d) of Government Code section 54956.9 (two potential cases).

3. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
Ongoing litigation pursuant to paragraph (1) of subdivision (d) of Government Code section 54956.9 (one case).
Calzona Ag Management, Inc. v. Odyssey Agricultural Development, LLC, et al., Fresno County Superior Court, Case No. 22CECG01617

At 8:53 p.m. the Council moved into closed session.


At 9:53 p.m. the Council reconvened in open session and Assistant City Attorney Castro stated that in regard to items 1 through 3 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 9:53 p.m. by Councilor Rosales, seconded by Mayor Martinez; unanimously approved (3 ayes, absent: Alonso).


Victor Martinez, Mayor

ATTEST:


Celeste Cabrera-Garcia, City Clerk

