



MINUTES OF MENDOTA REGULAR CITY COUNCIL MEETING

Regular Meeting

February 9, 2016

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

Roll Call

Council Members Present: Mayor Robert Silva, Mayor Pro Tem Sergio Valdez, Councilors Joseph Amador and Rolando Castro.

Council Members Absent: Councilor Joseph Riofrio.

Flag salute led by Director of Administrative Services Johnson.

FINALIZE THE AGENDA

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

A motion was made by Mayor Pro Tem Valdez to adopt the agenda, seconded by Councilor Castro; unanimously approved (4 ayes, absent: Riofrio).

CITIZENS ORAL AND WRITTEN PRESENTATIONS

Kenneth Faulkner (5662 S. Washoe Avenue) – explained that prayer is essential; read the last verse of the Star Spangled Banner; and explained the importance of planning for the best outcomes while also preparing for the worst.

PRESENTATION

1. Council to recognize and thank Sergeant Joel Warkentin for his service with the Mendota Police Department.

Chief of Police Andreotti explained that Sergeant Warkentin has been with the Mendota Police Department since its re-establishment in 2009; thanked Sergeant Warkentin for

his assistance to all of the officers; and stated that Sergeant Warkentin has been hired with Merced County.

Sergeant Warkentin thanked the City Council for the recognition; explained his experience and participation during the re-establishment of the police department; and highlighted the improvements that the City has made throughout the years.

Council thanked Sergeant Warkentin for his service to the City and discussion was held on the collaborative efforts of various individuals that were necessary in order to re-establish the police department; and the dedication that the police officers have in serving the community.

APPROVAL OF MINUTES AND NOTICE OF WAIVING OF READING

1. Minutes of the Regular City Council meeting of January 26, 2016.
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 Mayor Pro Tem Valdez to approve items 1 and 2, seconded by Councilor Amador; unanimously approved (4 ayes, absent: Riofrio).

CONSENT CALENDAR

1. JANUARY 26, 2016 THROUGH FEBRUARY 03, 2016
WARRANT LIST CHECKS NO. 40488 THRU 40557
TOTAL FOR COUNCIL APPROVAL = \$435,894.08
2. Proposed adoption of **Resolution No. 16-07**, authorizing the submission of a grant application to San Joaquin Valley Air Pollution Control District.

A motion was made to approve item 1 and 2 of the consent calendar by Councilor Amador, seconded by Councilor Castro; unanimously approved (4 ayes, absent: Riofrio).

BUSINESS

1. Council receive mid-year budget report.

Mayor Silva introduced the item and City Manager DiMaggio summarized the report including the actual revenues and expenditures up to this point of the fiscal year; the adoption of the initial budget authorizing the City Manager to make appropriate line item changes; reallocating funding to other line items if it was necessary; certain line items that remain unchanged; the major impact that health care costs has on the budget; the amount of funds that was used to balance the General Fund; and the various changes that were made to the budget.

Discussion was held on legal services exceeding the amount that was budgeted; renaming certain line items in order to make them clearer; the possibility of having the Code Enforcement Officers attend trainings; purchasing additional fuel for City vehicles; combining the fuel line item in the specific budget for each department into one joint line item; the postage line item exceeding its budgeted amount due to the notices that were sent out to property owners and tenants regarding water and sewer rate increases; POST reimbursing the City for costs incurred to send officers to trainings; the impact that the additional vehicles purchased by the City have on the budget; and when the budget hearings for the 2016-2017 fiscal year budget will take place.

2. Proposed adoption of **Resolution No. 16-08**, Resolution of Intention to Initiate an Amendment to Chapter 8.36 of the Mendota Municipal Code Relating to the Establishment and Operation of Medical Marijuana Dispensaries, the Indoor and Outdoor Cultivation of Medical Marijuana, and the Delivery of Medical Marijuana.

Mayor Silva introduced the item and City Attorney Kinsey summarized the report including that the Medical Marijuana Regulation and Safety Act provides a statewide program for the licensing and regulation of commercial cannabis activity; the extended deadline for local governments to either issue regulations in regards to medical marijuana businesses or to prohibit such operations; the resolution of intent authorizes staff to proceed with the preparation of amendments to the Mendota Municipal Code which would prohibit the establishment and operation of medical marijuana businesses within the City; staff presenting a draft ordinance to the Planning Commission in March; and the proposed ordinance coming to the City Council in April.

Discussion was held on the opinions of Mendota residents on the issue; the stance that the County of Fresno has taken on the issue; and various options that the City has.

Robert Rasmussen (2230 McCabe Avenue) – requested that the City Council make the ordinance in regards to medical marijuana as strict as possible.

Kenneth Faulkner (5662 S. Washoe Avenue) – stated that allowing the establishment of medical marijuana businesses within the City can cause an increase in criminal activity.

A motion was made to adopt Resolution No. 16-08 by Councilor Amador, seconded by Mayor Pro Tem Valdez; unanimously approved (4 ayes, absent: Riofrio).

PUBLIC HEARING

1. Proposed adoption of **Ordinance No. 16-01**: Adopting Chapter 5.17 (Cable Television Franchise) and Chapter 13.17 (Cable Video Services and Fees) of the Mendota Municipal Code, and Repealing Ordinance No. 284, and Give First Reading, by Title only, with Second Reading waived.

Mayor Silva introduced the item and Director of Administrative Services Johnson summarized the report including that the City has managed the operations of cable company access since the early 1980s; the access of the management being authorized by Ordinance No. 284 which articulates the terms by which franchises shall operate within the City; the City joining a JPA with other Westside cities which formed the Westside Cities Cable Television Authority; the JPA's purpose to regulate and impose conditions on franchises of cable television system within each city; the JPA was dissolved and the City has to comply with Digital Infrastructure and Video Competition Act; the proposed ordinance will authorize the City to receive franchise and Public, Education, and Government Access fees; and that the proposed ordinance would repeal Ordinance 284.

A motion was made to adopt Ordinance No. 16-01 by Mayor Silva, seconded by Mayor Pro Tem Valdez; unanimously approved (4 ayes, absent: Riofrio).

DEPARTMENT REPORTS AND INFORMATIONAL ITEMS

1. Code Enforcement
 - a) Monthly Report

Economic Development Manager Flood summarized the report for January including the department educating the public in regards to planning, zoning, and building regulations and the various citations that the officers gave for public and parking nuisances.

Discussion was held on ensuring that businesses have business licenses; updating the process for the issuance of business licenses; whether Code Enforcement officers have the legal authority to give citations; updating the noise ordinance; ensuring that property owners maintain the weeds on their properties; and having the officers attend trainings.

2. Police Department
 - a) Monthly Report

Chief of Police Andreotti summarized the report including that only two auto thefts occurred during the month of January; the increase of intoxication arrests and DUIs; a Humvee vehicle that the department received, which the Avenal State Prison might paint for free; searching for third party funding to fund a Community Service Officer position; the possibility of acquiring additional vehicles; and provided a personnel update.

Discussion was held on utilizing the Humvee to build relationships with the community.

Liberty Lopez (431 Lolita Street) – inquired as to the possibility of utilizing the funding for the Lieutenant position to hire additional police officers.

Discussion was held on the Lieutenant position being funded through the funding that was available for the vacant Sergeant position.

3. City Attorney
 - a) Update

City Attorney Kinsey reported on working with staff in regards to the medical marijuana ordinance, the noise ordinance, as well as other issues that are of importance to the City.

Dino Perez (Westside Youth Inc.) – inquired on the noise ordinance regulations.

Discussion was held on the current noise regulations and updating the noise ordinance to comply with the General Plan.

3. City Manager

City Manager DiMaggio reported on the City Council goal setting meeting that was held on February 2nd; summarized the various staff and City Council goals that were established for 2015, which were achieved, and why certain 2015 goals are still ongoing; summarized the goals that were established for 2016; and reported on the upcoming joint meeting with the Mendota Unified School Board which will be held on March 9th.

Discussion was held on the various goals that were established for 2016 and the additional funding that is needed to develop the solar farm at the Waste Water Treatment Plant.

MAYOR AND COUNCIL REPORTS AND INFORMATIONAL ITEMS

1. Council Member(s)
 - Council reports

Councilor Castro requested that staff ensure that the Adult Offender Work Programs workers utilize proper safety equipment and that weeds are maintained on City properties and public right-of-ways.

Mayor Pro Tem Valdez inquired as to the possibility of transferring the canopy covers located at 195 Smoot over to the City.

Councilor Amador reported that the First 5 commission was seeking another commissioner.

2. Mayor

Mayor Silva reported on a Latino Mayors Coalition that he recently attended; having James Ritchie from the Fresno County Department of Behavioral Health attend a future meeting to report on the services that are available to the homeless (7:46 p.m. Mayor Pro Tem Valdez left the Council Chambers); the possible reductions of STIP funding; the upcoming joint meeting with the Mendota Unified School Board which will be held on March 9th.

CLOSED SESSION

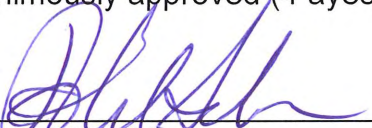
1. CONFERENCE WITH LEGAL COUNSEL -- EXISTING LITIGATION
CA Government Code § 54956.9(d)(1)
Edward Warkentine et al. v. Hector J. Soria, et al., U.S. District Court Eastern District Case No. 13-cv-01550;
2. CONFERENCE WITH REAL PROPERTY NEGOTIATORS
CA Government Code § 54956.8
Property: 301 Naples Street, Mendota, CA 93640
Agency Negotiator: Vince DiMaggio, City of Mendota
Negotiating Parties: Juan Pimentel

At 7:49 p.m. the Council moved into closed session.

At 8:39 p.m. the Council reconvened in open session and City Attorney Kinsey reported that in regards to item 1 of the closed session, there was nothing to report. In regards to item 2 of the closed session, Council gave direction to have staff look into further details regarding the sale that need to be addressed.

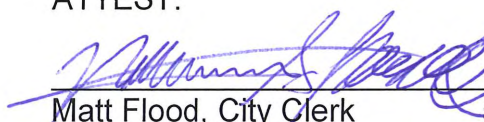
ADJOURNMENT

With no more business to be brought before the Council, a motion for adjournment was made at 8:40 p.m. by Mayor Pro Tem Valdez, seconded by Councilor Amador; unanimously approved (4 ayes, absent: Riofrio).



Robert Silva, Mayor

ATTEST:



Matt Flood, City Clerk

Minutes of Regular City Council Meeting



2/9/2016