

## MINUTES OF MENDOTA REGULAR CITY COUNCIL MEETING

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**Regular Meeting**

**May 10, 2016**

Meeting called to order by Mayor Silva at 6:00 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 and moment of silence led by Mayor Pro Tem Valdez in honor of 5 of his partners in the Department of Correction who had passed away.

Invocation led by Raymond Aquino.

A moment of silence was held in honor of Rowena Applewhite, Betty Jennings, and Richard Muñoz who had recently passed away.

### **FINALIZE THE AGENDA**

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

City Manager DiMaggio requested to add a department report to the agenda.

A motion was made by Councilor Amador to adopt the agenda as requested by staff, seconded by Councilor Castro; unanimously approved (4 ayes, absent: Riofrio).

### **SWEARING IN**

1. Deputy City Clerk Cabrera to swear in Sergeant Jose Arciga.

Police Chief Andreotti shared Sergeant Jose Arciga's background and experience in law

enforcement.

Deputy City Clerk Cabrera swore in Sergeant Arciga.

Sergeant Arciga thanked Council for allowing him the opportunity to serve as Police Sergeant for the City.

Council congratulated Sergeant Arciga.

At 6:12 p.m. Mayor Silva announced there would be a recess.

At 6:14 p.m. the Council reconvened in open session.

### **CITIZENS ORAL AND WRITTEN PRESENTATIONS**

**Craig Schmidt (Gill Ranch Storage)** – explained that Gill Ranch Storage is a natural gas storage facility; emphasized the importance of gas pipeline safety such as calling 811 to identify pipeline locations in an area that is scheduled to be excavated; reported on an event that Gill Ranch Storage held in October 2015 to receive input from the public in regards to the informational brochures; and reported that Gill Ranch Storage was interested in hosting an event in the City in the summer.

Discussion was held on placing information regarding Gill Ranch Storage and pipeline safety on the City's monthly newsletter; gas pipelines that exist near the City; and Gill Ranch Storage having an informational booth at the 21<sup>st</sup> Annual Driver Awareness Event.

### **APPROVAL OF MINUTES AND NOTICE OF WAIVING OF READING**

1. Minutes of the regular City Council meeting of April 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. APRIL 21, 2016 THROUGH MAY 04, 2016  
WARRANT LIST CHECKS NO. 040892 THRU 040947  
TOTAL FOR COUNCIL APPROVAL = \$260,982.76
2. Proposed adoption of **Resolution No. 16-31**, establishing the fee for the Permit to Exceed Noise Levels (Noise Permit).

3. Proposed adoption of **Resolution No. 16-32**, requesting that the Fresno County Clerk provide election services.

Discussion was held on the purpose of Resolution No. 16-32.

A request to pull item 2 for discussion was made.

A motion was made to approve items 1 and 3 of the Consent Calendar by Councilor Castro, seconded by Mayor Pro Tem Valdez; unanimously approved (4 ayes, absent: Riofrio).

2. Proposed adoption of **Resolution No. 16-31**, establishing the fee for the Permit to Exceed Noise Levels (Noise Permit).

Economic Development Manager Flood summarized the report including the background of modifying the noise ordinance; the purpose of the Permit to Exceed Noise Levels (Noise Permit); the new noise ordinance making noise provisions clear for residents; when residents need to obtain a Noise Permit; and the fee that staff recommends council establish for the permit.

Discussion was held on whether staff has purchased the decibel level meters; the costs associated with purchasing the equipment; the penalties for violating the noise ordinance; ensuring that Code Enforcement Officers have varying work schedules; the purpose of the noise permit; the importance of enforcing the noise ordinance; and Gonzalez Dance Hall playing loud music.

A motion was made to approve item 2 of the Consent Calendar by Councilor Amador, seconded by Mayor Pro Tem Valdez; unanimously approved (4 ayes; absent: Riofrio).

## **BUSINESS**

1. Council discussion and consideration of proposed Resolution No. 16-33 Modifying the Mendota Emergency Stabilization Agreement and Setting Required Conditions Upon Ability to Use the Fund.

Mayor Silva introduced the item and City Manager DiMaggio summarized the report including the purpose of proposed Resolution No. 16-33; the amount of reserve funds that are currently available; Council's decision at a previous meeting to defer the water rate increase that is scheduled for July 2016; the need to replace the \$88,000 that the City would have received if the water rate increase for July was not deferred; Council's desire for the Reserve Fund to loan the Enterprise Fund \$88,000; the need to modify the Emergency Fund Policy criteria in order for the Council to use the funds for that purpose; and the proposed resolution allowing the council to use Emergency Reserve Funds for non-emergency items as long as the Emergency Fund remains above \$600,000.

Discussion was held on the purpose of the City's Emergency Reserve Fund; the importance of having funds available in the Emergency Reserve Fund should an emergency exist; potential uses of the funds coming to the Council on a case-by-case basis; should Council decides to use the funds for a non-emergency then a funding source needs to be identified in order to pay back the funds; whether the current status of the water fund constitutes as an emergency; and directing staff to create a resolution that broadens the definition of what constitutes as an emergency.

A motion was made to continue the item to the May 24<sup>th</sup> City Council meeting by Mayor Pro Tem Valdez, seconded by Councilor Amador; unanimously approved (4 ayes, absent: Riofrio).

2. Council discussion and consideration to adopt **Resolution No. 16-34** deferring previously-adopted future water rate increases by one-year; and **Resolution No. 16-35** loaning funds in the amount of \$88,000 from the Mendota Emergency Fund.

A motion was made to continue the item to the May 24<sup>th</sup> City Council meeting by Mayor Pro Tem Valdez, seconded by Councilor Amador; unanimously approved (4 ayes, absent: Riofrio).

## **PUBLIC HEARING**

1. Introduction of **Ordinance No. 16-05**: An Ordinance Amending 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, and Give First Reading, by Title only, with Second Reading waived.

Mayor Silva introduced the item and City Attorney Kinsey summarized the report including the purpose of the ordinance is to provide a comprehension update to the MMC regarding Medical Marijuana; the City still maintaining authority regarding local land use; the process amending the code regarding Medical Marijuana; and the position that other Cities are taking towards Medical Marijuana.

Discussion was held on continuing the item to the May 24<sup>th</sup> City Council meeting.

A motion was made to continue the item to the May 24<sup>th</sup> City Council meeting by Councilor Amador, seconded by Councilor Castro; unanimously approved (4 ayes, absent: Riofrio).

## **DEPARTMENT REPORTS AND INFORMATIONAL ITEMS**

1. City Engineer
  - a) Update

Assistant City Engineer Osborn reported on the issues related to Quince Street including that the reconstruction of Quince Street was completed in November 2015; uplifting and cracking that has been occurring on Quince Street between 9<sup>th</sup> and 10<sup>th</sup> Streets; various individuals who have visited the site in an attempt to determine the cause of the uplifting and cracking; possible causes for the uplifting and cracking; and the ongoing investigation to determine the exact cause.

Discussion was held on possible causes for the uplifting and cracking; whether the contractor that reconstructed the portion of Quince Street has committed to share the costs of the investigation ; the road reconstruction process; ensuring that staff meets with the City Attorney in regards to the issue; and the importance of determining the cause of the uplifting and cracking.

2. Code Enforcement
  - a) Monthly Report

Economic Development Manager Flood summarized the report including that the Code Enforcement Department has been focusing on substandard housing and public nuisances due to the influx as a result of the upcoming work season; responding to complaints in a timely manner; collaborating with the Building Department to ensure that individuals have the appropriate permits; attempting to limit the amount of signs that stores place on their windows (7:27 p.m. Mayor Pro Tem Valdez left the Council Chambers); and the benefits of have stores reduce the amount of signs on their windows.

Discussion was held on the amount of store window space that needs to remain free of signs (7:28 p.m. Mayor Pro Tem Valdez returned to the Council Chambers); contacting Alcoholic Beverage Control in regards to store window signs; properties that have an excessive amount of weeds; individuals inhabiting trailers; and a red zone near Rojas-Pierce Park that reduces the amount of parking available to the public.

3. Police Department
  - a) Monthly Report

Chief of Police Andreotti summarized the report including various pursuits that officers were involved in; issues with homeless individuals inhabiting properties; an increase in assaults; and a decrease in auto thefts.

Discussion was held on the good work that the officers do.

4. City Attorney

a) Update

City Attorney Kinsey reported on an upcoming meeting with the Mendota Designated Local Authority regarding the City's collecting bond funds; Governor Brown extending the order for water use reductions; various options that are available in regards to the City providing translation services during City Council meetings; and the benefits of providing translation services to the public.

Discussion was held on whether Council Member should speak to members of the public in Spanish during City Council meetings.

5. City Manager

City Manager DiMaggio reported that he attended a meeting with the Executive Director of the Council of Governments and the Regional Director of Caltrans regarding the proposed roundabout; resolutions that the City has received from the Fresno County Board of Supervisors and the Mendota Unified School District that are in favor of a traffic signal at the intersection of Derrick and Oller Avenues; Regional Surface Transportation Projects that were selected for funding; the 7<sup>th</sup> and Derrick Avenue project not being selected; ongoing negotiations with the Firebaugh Police Department regarding dispatch services; and the proposed costs for dispatch services.

**MAYOR AND COUNCIL REPORTS AND INFORMATIONAL ITEMS**

1. Council Member(s)  
Council reports

Councilor Castro reported on ensuring that Public Works employees have complete uniforms.

Mayor Pro Tem Valdez reported on the status of the Benny Mares Sr. Baseball Field; the Cinco de Mayo event that Mendota Youth Recreation recently held; and street lights that are not working properly.

Councilor Amador reported on requesting that Caltrans representatives attend the Public Safety Sub-Committee meetings and letters that will be sent to various agencies and organizations regarding the 21<sup>st</sup> Annual Driver Awareness Event.

2. Mayor

Mayor Silva reported on individuals riding all-terrain vehicles within the City; a meeting he attended with Assemblyman Joaquin Arambula (8:17 p.m. Councilor Castro left the Council Chambers and returned at 8:18 p.m.); various cities combining their efforts to acquire funding for their police departments; an event that he will be attending in which Fresno State President Joseph Castro will be receiving an award on behalf of the

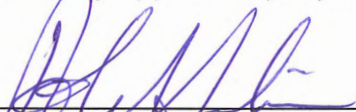
Consulate of Mexico; and the Mendota Learn4Life Charter School looking for a place to rent in order to better serve students.

Councilor Amador requested that City crews clean debris along 7<sup>th</sup> street.

Discussion was held on the good job that the Adult Offenders Worker Program individuals do.

**ADJOURNMENT**

With no more business to be brought before the Council, a motion for adjournment was made at 8:21 p.m. by Mayor Pro Tem Valdez, seconded by Councilor Amador; unanimously approved (4 ayes, absent: Riofrio).

  
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Robert Silva, Mayor

ATTEST:  
  
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Matt Flood, City Clerk

