

**MINUTES OF MENDOTA
REGULAR CITY COUNCIL MEETING**

Regular Meeting

May 24, 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, Rolando Castro, and Joseph Riofrio.

Council Members Absent: None.

Flag salute led by Mayor Silva.

Invocation led by Jesus Sanchez of the Mendota First Baptist Church.

FINALIZE THE AGENDA

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

A motion was made by Councilor Riofrio to adopt the agenda, seconded by Councilor Amador; unanimously approved (5 ayes).

PRESENTATION

1. Conlin Reis from the Westside Mosquito Abatement District to present information about the Zika virus.

Conlin Reis presented information about the Zika virus including what the Zika virus is; the history of the Zika virus; various areas with local Zika transmission; what Aedes Aegypti mosquitoes are and where they have been found throughout the Central Valley; various ways to trap mosquitoes; and how to prevent the spread of Aedes Aegypti mosquitoes.

Discussion was held on where mosquitoes are locally concentrated.

CITIZENS ORAL AND WRITTEN PRESENTATIONS

Bradley Hogan (Mendota Police Officers Association [MPOA]) – state that he is the new president for the MPOA and thanked the Council for their support for the MPOA.

Council congratulated Officer Hogan for receiving an award recently and thanked the Mendota Police Officers for their service.

APPROVAL OF MINUTES AND NOTICE OF WAIVING OF READING

1. Minutes of the regular City Council meeting of May 10, 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 Councilor Amador to approve items 1 and 2, seconded by Councilor Castro; unanimously approved (5 ayes).

CONSENT CALENDAR

1. MAY 05, 2016 THROUGH MAY 19, 2016
WARRANT LIST CHECKS NO. 040948 THRU 041011
TOTAL FOR COUNCIL APPROVAL = \$304,797.24
2. Proposed adoption of **Resolution No. 16-38**, approving the City's participation in the HERO program and authorizing membership of the City in the Western Riverside Council of Governments JPA.

A motion was made to approve items 1 and 2 of the Consent Calendar by Councilor Castro, seconded by Councilor Amador; unanimously approved (5 ayes).

BUSINESS

1. Council discussion on the reorganization of the City Council.

Mayor Silva introduced the item and Councilor Castro reported that he has had conversations with various members of the public regarding the progress of Mendota; thanked Mayor Silva for allowing him the opportunity to shadow him for the past year and for being a great leader; explained different challenges that the City faces and various things that the City needs; funding that is available to the City, such as grants; the need to have competitive wages for the police officers; public opinion towards water rate increases; the positive progress that the City has had in economic development; staff continuing to search for other economic development opportunities the need to have the City continue to progress; and the need to reorganize the City

Council and appoint new leadership to lead the City in a different direction.

Discussion was held on the definition of democracy; the support that the City has had from various communities and individuals; various improvements that have been made to the City; the process of acquiring grant funding, such as Proposition 1 funding; the assistance that Mayor Lopez of Orange Cove has provided to City of Mendota; Councilor Castro wanting to do what is best for the community; the history of the establishing the Mendota Police Department; the need for the Council to communicate with each other and with staff; the lack of funding for improvement projects; the role that politics has played in acquiring funding; the impact that the lack of raising the water rates in the past currently has on the City; the type of government that the City of Mendota has; the role that the City Manager has; various goals that the Council and staff have established; various ways that the public can participate in local government and within the community; the duties that Mayor Silva performs as the Mayor of the City; the progress that the City has made; and the importance of members of the public to being involved.

At 7:10 p.m. Mayor Silva opened the hearing to the public.

Abraham Gonzalez (1297 Oller Street) – shared his background and that of his business; commended the Council and staff for their hard work; reported on the positive progress that the City has made and continues to make; and stated that he is against reorganizing the Council.

Oscar Rosales (606 Garcia Street) – thanked the Council and the staff for their hard work.

Alex Valdez (Fresno, CA) – shared his background and history with the City of Mendota, including his participation in the City Council; commended Councilor Castro for his comments related to the progression of the City; shared the goals and visions he had for Mendota when he was Mayor; the need for the Council to communicate with each other to visualize and achieve the goals; various challenges that the Council faced during the time that he served on the Council; commended the Council and staff for their service to the community; and emphasized the importance of moving forward so that the community progresses.

Victor Lopez (Mayor of Orange Cove, CA) – shared his background; reported on various goals that he and Mayor Silva have achieved; discussed their participation and membership in various agencies and organizations; the positive attention that Mayor Silva brings to the City; and the importance of retaining the current structure.

Jeff Roberts (Granville Homes) – stated that he is in favor of the Council retaining its current organizational structure; various things that Cities have that attract businesses; stated that Granville Homes is looking at western communities to develop affordable housing; and the positive attention that Mayor Silva brings to the City of Mendota and the County of Fresno.

Manuel Cunha (Nisei Farmers League) – thanked the Council and staff for their service; reported on the various duties that the Mayor performs; the importance of communication; the efforts of various organizations and individuals to achieve water project funding; and various issues that are important to California and the Central Valley.

Espi Sandoval – requested that the City of Mendota acquire more programs for residents; the lack of community involvement; the lack of positive comments from the public; and the importance of the City progressing.

Alfredo Leon – shared his background; reported on the lack of diverse jobs within the City; stated that he wants to play a role in improving the City and wants to learn how local government functions; and explained that he wants to improve the aesthetic look of the City by participating in various beautification projects.

Victor Martinez – shared his background; stated that he has seen progress in Mendota within the past 2 years; emphasized the importance of improving current water conditions, road conditions, and housing issues; explained that he is in favor of Council reorganization; shared the public's opinion towards the City Council and the City; and the need to address the challenges that the City faces.

Jonathan Leiva – shared his background; stated that there is a need for an increase the beautification of City parks, such in Pool Park; explained that he is willing to participate in ensuring that Mendota progresses in a positive direction; the effects that the drought has had on the City; the need to improve the condition of Pool Park; and the need to create Recreational Department in the City.

Discussion was held on the establishment of a Beautification Commission in the past and decorating 7th Street with American flags in honor of Memorial Day.

Marissa Navarro – reported on the low numbers of residents of Mendota that vote; various reasons of why residents do not vote; provided ways that the City can increase voter registration and participation; and reported on individuals who want to change the current system of local government.

Discussion was held on the youth participating in local government; teaching the youth the importance of participating in local government; Council increasing their involvement with the youth (8:17 p.m. Councilor Castro left the Council Chambers and returned at 8:18 p.m.); having residents join in the efforts of beautifying the community; the possibility of acquiring funding to pursue various projects; and the increase of alcohol consumption, drug use, and overcrowding in homes in the City (8:26 p.m. Councilor Amador left the Council Chambers and returned at 8:27 p.m.).

Nancy Diaz – stated that the City has made progress and that individuals should be thankful for the opportunities that currently exist.

Macario Banuelos (630 Gaxiola Street) – explained the importance of allocating funds appropriately; his son being discouraged from actively participating in local government; and thanked the Council for their service to the City.

At 8:55 p.m. Mayor Silva closed the hearing to the public.

City Attorney Kinsey provided information on when the Mendota Municipal Code (MMC) allows for the reorganization of the Council; the timeframe of modifying the MMC; and legal risks that can arise should the Council amend the conditions to reorganize outside of what the MMC currently allows.

Discussion was held on why the Council was not informed of the legal risks of reorganizing prior to the meeting; ensuring that the Council does not violate the Brown Act; Council not being informed of Planning Commissioner Garcia's seat being vacated; the importance of staff communicating to Council accordingly; and the costs associated with amending the MMC code related to the reorganization of the Council.

A motion was made to continue the item to the June 14th City Council meeting in order to determine the costs associated with amending the MMC by Councilor Castro, seconded by Councilor Amador; unanimously approved (5 ayes).

At 8:55 p.m. Mayor Silva announced that there would be a recess.

At 9:00 p.m. the Council reconvened in open session.

2. Introduction of **Ordinance No. 16-06**: An Ordinance Authorizing a Contract between the City Council of the City of Mendota and the Board of Administration of the California Public Employees' Retirement System, and Give First Reading, by Title only, with Second Reading waived.

Mayor Silva introduced the item and Director of Administrative Services Johnson summarized his report including what CalPERS is; the amount of agencies participate in it; Council setting a goal at the Goal Setting Session in which the Council requested that staff look into the feasibility of joining it; the estimated contribution rate for employees, including the different rate for public safety participants; the need to get the approval of bargaining units to participate; the concern expressed by employees of how much employees must contribute, and the options presented to try and mitigate those concerns; the costs associated with being CalPERS members; and the recommendation from staff to Council to read the ordinance and give the appropriate staff the authority to execute the documents in order to participate.

Discussion was held on the more unstable aspects of CalPERS; the election process for bargaining units to vote to participate; the risks associated with participating in CalPERS, such as the increase of the City's contribution rate; the insecurity related to additional costs of new employee member costs; the rate amount that the public safety

employees would have to contribute if they participated; what other cities offer and participate in; the insecurity intrinsic to the PERS system; the tight timeline for approval of this item, with delays causing a new actuarial that may be higher; the fact that all other cities on the West side of Fresno County are members of CalPERS; and the difficulty in retaining good employees without an adequate retirement programs.

A motion was made to continue the item to the May 31st Special City Council Meeting by Mayor Pro Tem Valdez, seconded by Councilor Amador; unanimously approved (5 ayes).

3. Proposed adoption of **Resolution No. 16- 36**, approving a contract between the Board of Administration of the California Public Employees' Retirement System and the City of Mendota.

As a companion item to item 2, item 3 was also continued to the May 31st Special City Council meeting.

4. 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 actions and discussions leading up to this item, with direction by Council; the policy consisting of Council declaring an emergency with 4/5ths vote or the Council using in it in a non-emergency situation as long as the account stays at \$600,000; measures that will be taken to pay back the funds in the future; examples of emergencies and non-emergencies that could be applicable; and the recommendation by staff to make the amendments and approve the policy.

Discussion was held on the different costs related to distinct emergencies and funds that will be received due to restructuring of bonds.

A motion was made to adopt Resolution No. 16-33 by Councilor Riofrio, seconded by Mayor Pro Tem Valdez; approved (4 ayes, no: Castro).

5. 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.

Mayor Introduced the item and City Manager DiMaggio summarized the purpose of the item and the compliance of Council's action with the recently modified Reserve Fund policy.

Discussion was held on the bond money being able to pay off the debt incurred from this item.

A motion was made to adopt Resolution Nos. 16-34 and 16-35 by Mayor Pro Tem Valdez, seconded by Councilor Amador; approved (4 ayes, no: Castro).

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 prohibition on the cultivation, dispensing, and other activities related to marijuana; the reason this ordinance is necessary; the public notices and other legal requirements that are necessary in order to take this action; and staff's recommendation to waive the first reading and have the second reading at the next meeting.

Discussion was held on the stance law enforcement has taken concerning this issue; the future possibilities of the law changing to facilitate these types of businesses; different areas within and outside the city where marijuana was being cultivated; and the power of cities and other local agencies to retain control of land use.

At 9:43 Mayor Silva opened the hearing to the public and, seeing no one present wishing to comment, closed it in that same minute.

Discussion was held on the hazards related to marijuana growing and manufacturing and the inability of cooperatives and dispensaries to use banks for their process.

A motion was made to perform the first reading of Ordinance No. 16-05, with the second reading waived, by Councilor Amador, seconded by Mayor Pro Tem Valdez; unanimously approved (5 ayes).

DEPARTMENT REPORTS AND INFORMATIONAL ITEMS

1. Public Works
 - a) Monthly Report

Director of Public Works Gonzalez summarized the report.

Discussion was held on street lights on Oller Avenue turning on at different times, this being related to the minor differences in the photocells; the lights in Rojas-Pierce basketball court being on late; dust problems related to the street sweeper; and the street light near the concession stand being changed recently.

2. City Attorney

a) Update

City Attorney Kinsey reported on being in contact with underwriter concerning bond redemption; the Council's emphasis on communication between staff and Council, including ensuring compliance with the law, with the possibility of doing a workshop to help foster more effective communication.

Discussion was held on ensuring that the City keeps proper records; the water use reductions that cities will be required to make; and the wells that the City has.

3. City Manager

City Manager DiMaggio stated that the Community Relations Board meeting will be held on May 25th at FCI Mendota; reported on a meeting with Council of Governments staff and representatives to express displeasure with the allocation of RSTP funds; the City Council budget meetings that will be held on May 31st from 3pm- 5 pm to discuss the Enterprise Funds and June 7th from 3 p.m. – 5 p.m. to discuss the General Fund; approving the 2016-2017 Fiscal Year budget at the June 14th City Council meeting; shared his experience on a ride along that he participated in; and re-branding police vehicles in the future.

MAYOR AND COUNCIL REPORTS AND INFORMATIONAL ITEMS

1. Council Member(s)
Council reports

Councilor Castro reported on individuals parking illegally by a red curb in the Mendota Elementary School parking lot.

Councilor Amador emphasized on the importance of communication between staff and Council Members and stated that he desired to evaluate the City Manager and the City Attorney.

The City Attorney summarized the requirements of evaluating the City Manager and the City Attorney.

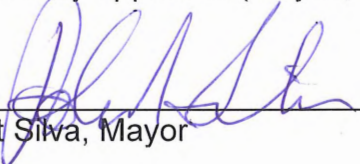
2. Mayor

Mayor Silva reported on the various meetings he had attended recently.

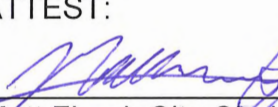
At 10:25 p.m. Councilor Amador left the Council Chambers.

ADJOURNMENT

With no more business to be brought before the Council, a motion for adjournment was made at 10:26 p.m. by Mayor Pro Tem Valdez, seconded by Councilor Riofrio; unanimously approved (4 ayes, absent: Amador).



Robert Silva, Mayor

ATTEST:


Matt Flood, City Clerk

