



## MINUTES OF MENDOTA REGULAR CITY COUNCIL MEETING

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**Regular Meeting**

**August 8, 2023**

**Meeting called to order by Mayor Martinez at 6:00 PM.**

### **Roll Call**

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

**Council Members Absent:** Council Member Jose Alonso

**Flag salute led by Mayor Martinez**

**Invocation led by Police Chaplain Robert Salinas**

### **FINALIZE THE AGENDA**

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

City Manager Cristian Gonzalez requested that the Business section of the agenda be heard and considered before the Public Hearing section.

A motion was made by Council Member Rosales to adopt the agenda as requested by staff, seconded by Council Member Riofrio; unanimously approved (4 ayes, absent: Alonso).

### **PRESENTATION**

1. City Council to recognize the Mendota Junior High School students Anthony Trinidad Cisneros, Jimmy Fuentes-Hernandez, Gerardo Portillo Mendoza, and Jonathan Alfaro Sarabia for winning the MESA National Engineering Design Competition.

The City Council recognized Mendota Junior High School Students Anthony Trinidad Cisneros, Jimmy Fuentes-Hernandez, Gerardo Portillo Mendez, and Jonathan Alfaro Sarabia, and congratulated them on their achievement.

Carlos Tamayo (Mendota Junior High School MESA Teacher Advisor) thanked the City Council for the recognition and commented on the MESA program and the work of the students.

Discussion was held on the FentaKNOW App that was created by the students and the possibility of the students participating in an upcoming trip to the State Capitol.

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

Dino Perez with Westside Youth, Inc. requested an update on the City's plans to address regulations related to mobile food vendors in the City and shared concerns he had on traffic and safety on Smoot Street during the organization's weekly open market.

Discussion was held on the comments made by Mr. Perez.

Deputy City Clerk Antonio Pizano shared a local youth sports update on behalf of Kevin Romero

Chief of Police Kevin Smith shared that Police Lieutenant Gerardo Galaviz and Police Officer Anthony Aguilar had an excellent performance at the 2023 Police & Fire World Games and returned with numerous medals, and that a formal presentation recognizing the officers would be held at the next City Council meeting.

Discussion was held on the information provided by Chief Smith.

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

1. Minutes of the regular City Council meeting of July 25, 2023.
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 Council Member Rosales to approve items 1 and 2, seconded by Council Member Riofrio; unanimously approved (4 ayes, absent: Alonso).

### **CONSENT CALENDAR**

Matters listed under the Consent Calendar are considered to be routine and will be enacted by one motion and one vote. There will be no separate discussion of these items. If discussion is desired, that item will be removed from the Consent Calendar and will be considered separately.

1. JULY 19, 2023 THROUGH JULY 31, 2023  
WARRANT LIST CHECK NOS. 53565 THROUGH 53649  
TOTAL FOR COUNCIL APPROVAL = \$1,389,801.29

2. Proposed adoption of **Resolution No. 23-61**, claiming Local Transportation Funds for Fiscal Year 2023-2024.
3. Proposed adoption of **Resolution No. 23-62**, concerning Local Transportation Purpose Funds (Measure “C” Extension Funds).
4. Proposed adoption of **Resolution No. 23-63**, approving the proposal submitted by Aqua Natural Solutions for treatment of the wastewater pond systems and authorizing the City Manager to execute all necessary documents to effectuate the proposal.

A motion was made by Council Member Rosales to approve items 1 through 4, seconded by Council Member Riofrio; unanimously approved (4 ayes, absent: Alonso).

### **BUSINESS**

1. Discussion and consideration of **Resolution No. 23-64**, authorizing the formation of a City Council Ad Hoc Subcommittee to evaluate proposals received in response to the Request for Proposals for the Purchase and Potential Development of City-Owned Real Property.

Mayor Martinez introduced the item and City Clerk Cabrera-Garcia provided the report.

Discussion was held on the report provided by City Clerk Cabrera-Garcia and which Council Members were interested in joining the Ad Hoc SubCommittee.

*Mayor Martinez opened the public comment period at 6:25 p.m.*

Joel Lozano with Boca Del Rio Agriculture LLC shared his background, his goals for Boca Del Rio Farms, and the business’s involvement in the community.

Ofelia Ochoa requested an update on the all-inclusive playground that is being constructed at Rojas-Pierce Park.

*Mayor Martinez closed the public comment period at 6:28 p.m.*

A motion made by Council Member Rosales to appoint Mayor Victor Martinez and Council Member Joseph Riofrio as regular members and Mayor Pro Tem Libertad Lopez as an alternate member of the Ad Hoc Subcommittee and adopt Resolution No. 23-64, seconded by Council Member Joseph Riofrio; unanimously approved (4 ayes, absent: Alonso).

2. Discussion and consideration of **Resolution No. 23-65**, authorizing the formation of a City Council Ad Hoc Subcommittee to discuss and consider the design and scope of the proposed Mendota Community Center.

Mayor Martinez introduced the item and City Clerk Cabrera-Garcia.

Discussion was held on the report provided by City Clerk Cabrera-Garcia and which Council Members were interested in joining the Ad Hoc Subcommittee.

*Mayor Martinez opened the public comment period at 6:31 p.m.*

Michael Plascencia asked if the proposed Mendota Community Center would replace Westside Youth, Inc. and whether Westside Youth, Inc. can partner with the City for the project.

Discussion was held on the comments made by Mr. Plascencia.

*Mayor Martinez closed the public comment at 6:34 p.m.*

A motion made by Council Member Rosales to appoint Mayor Pro Tem Libertad Lopez and Council Member Jose Alonso as regular members and Mayor Victor Martinez as an alternate member of the Ad Hoc Subcommittee and adopt Resolution No. 23-65, seconded by Council Member Joseph Riofrio; unanimously approved (4 ayes, absent: Alonso).

## **PUBLIC HEARING**

1. City Council to hold the Development Agreement Annual Review Hearing for Boca Del Rio Agriculture LLC.

Mayor Martinez introduced the item and Assistant City Attorney Castro provided the report.

Discussion was held on the report provided by Assistant City Attorney Castro.

*Mayor Martinez opened the public hearing at 6:37 p.m.*

Andres Godoy congratulated the City Council for their work and stated he is happy with the progress that is being made in the community.

Joel Lozano with Boca Del Rio Agriculture LLC (“Boca Del Rio”) provided an update on the business, including the Boca Del Rio Farm’s goals and revenue.

Discussion was held on the comments made by Mr. Lozano; and on Boca Del Rio farm’s workforce.

*Mayor Martinez opened the public hearing at 6:41 p.m.*

Discussion was held on the item including that Boca Del Rio is in good standing, but that the business must continue complying with the terms of the Development agreement to remain in good standing; on the current cannabis market in California; and the positive impacts that public contribution payments have on the City.

A motion was made by Council Member Rosales to agree that Boca Del Rio is in good standing with its compliance with the Development Agreement, seconded by Council Member Riofrio; unanimously approved (4 ayes, absent: Alonso).

2. City Council to hold the Development Agreement Annual Review Hearing for Odyssey Agricultural Development LLC.

Mayor Martinez introduced the item and Assistant City Attorney Castro provided the report.

Discussion was held on the report provided by Assistant City Attorney Castro; public contributions payments that have been made by Odyssey Agricultural Development LLC ("Odyssey"); the size of Odyssey's farm and revenue it has generated; and whether the City is able to visit the facility at any time.

Alex Freedman with Odyssey provided an update on the business, including Odyssey's goals and their desire to remain in good standing with the City.

*Mayor Martinez opened the public hearing at 6:50 p.m.*

Ofelia Ochoa commented on the public contribution payments being made by Odyssey and whether its employees are being treated fairly and receiving wages.

Discussion was held on the comments made by Ms. Ochoa.

Alex Freedman provided a personnel update for Odyssey; shared information on a situation where the company experienced a delay with paying their employees; apologized to anyone that was affected by the situation; and shared information on how to prevent the problem in the future.

Discussion was held on the comments made by Mr. Freedman, and whether Odyssey provides workers compensation insurance for its employees, whether the contractors that Odyssey uses are licensed, and a receipt that Odyssey employees were asked to sign when they received their wages.

Sarait Martinez with Binational Center for the Development of Oaxacan Indigenous Communities ("Binational Center") shared her background and the purpose of the organization; stated that some Odyssey employees approached the organization and reported that they were owed wages and that Odyssey conducted various labor violations; requested that the City consider entering into agreements with businesses that comply with laws and regulations; requested that the City take responsibility in ensuring that businesses that have agreements with the City are complying with laws and regulations; commented on an incident where employees had to wait in high temperatures to receive their wages, and letters that the Binational Center has sent to Odyssey to demand that they pay remaining employee wages.

Discussion was held on the comments made by Ms. Martinez; whether the Binational Center has reached out to the California Labor Commissioner's Office regarding the issues that the employees have experienced.

Sarait Martinez stated that the Binational Center has reached out to the California Labor Commissioner's Office; that Odyssey is not meeting the worker's compensation insurance requirements as listed in the Development Agreement between the City and Odyssey; and that the Binational Center wanted to inform the City Council of the issue.

Discussion was held on the comments made by Ms. Martinez, and the role of a labor contractor company.

Nieves Flores stated that her husband does not have a contractor's license and is only a foreman and that they had made Odyssey aware of this; and that she requested verification of income, and that Odyssey would not provide accurate proof so it affected her daughter's eligibility for health insurance.

Discussion was held on the comments made by Ms. Flores.

*Council Member Riofrio left the chambers at 7:15 p.m. and returned at 7:16 p.m.*

Carlos Lopez stated that he served as the foreman for the employees; that he asked Odyssey to pay employees weekly; the last month that they worked, Odyssey would not pay employee wages; that he does not have a contractor's license, but Odyssey labeled him as a contractor; that he attempted to open business accounts and that he is still owed money by Odyssey to cover expenses related to the issue.

Discussion was held on the comments made by Mr. Lopez; on a meeting that Mayor Pro Tem Lopez held with the Binational Center and some of the Odyssey employees; on the history of the issue; the receipt that the employees were required to sign; the City's role in the matter; the provisions of the Development Agreement between the City and Odyssey, including Odyssey being required to ensure that worker's compensation insurance is paid; potential actions that the City Council can take in regard to the item.

Emilia Hilario commented on Odyssey not paying employee wages and stated that she would like to receive her wages.

Discussion was held on the information provided by Ms. Hilario.

Ofelia Ochoa requested that the City further investigate the matter.

Discussion was held on the City Council being able to table the annual review hearing for the following meeting, and on whether Odyssey can address the issue.

Jon David with Odyssey provided information on how the matter can be resolved, including Mr. Lopez providing Odyssey with an invoice to be paid.

Discussion was held on the comments made by Mr. David, and on both parties resolving the issue.

A motion was made to table the item to the next regular City Council meeting so that Odyssey can provide proof of worker's compensation insurance.

Discussion was held on the item.

*Mayor Martinez closed the public hearing at 7:40 p.m.*

A motion was made by Council Member Rosales to table the item to the August 22<sup>nd</sup> regular City Council meeting so that Odyssey can provide proof of worker's compensation insurance to the City, seconded by Mayor Pro Tem Lopez; unanimously approved (4 ayes, absent: Alonso).

3. Public hearing and proposed adoption of **Ordinance No. 23-02**, amending Title 15 of the Mendota Municipal Code related to adoption by reference of the 2022 California Building Code and Associated Trade Codes.

Mayor Martinez introduced the item and City Manager Gonzalez provided the report.

*At 7:41 p.m. Mayor Martinez opened the public hearing and, seeing no one willing to comment, closed it within the same minute.*

A motion was made by Council Member Rosales to waive the second reading of and adopt Ordinance No. 23-02, seconded by Council Member Riofrio; unanimously approved (4 ayes, absent: Alonso).

### **DEPARTMENT REPORTS AND INFORMATIONAL ITEMS**

Council Member Rosales thanked the members of the audience for their attendance; thanked the City Council and staff for their work; and wished Ramon Gonzalez success with his upcoming drag racing event that was recently held.

Ramon Gonzalez thanked the City Council and City Manager Gonzalez for their help with his drag racing event; stated that he believes that if the event is successful, the community can hold many more drag racing events; and commented on the positive impact that the event will have on the community.

Discussion was held on the comments made by Mr. Gonzalez, and on the logistics for the event.

Michael Plascencia shared his background.

Mayor Martinez commented on scheduling the ribbon cutting event for the all-inclusive playground at Rojas-Pierce Park.

*Council Member Rosales left the Council Chambers at 7:49 p.m.*

Discussion was held on scheduling the event for September 30<sup>th</sup> and the City Council directed staff to plan the event; and the status of the City Council addressing regulations related to mobile food vendors.

*Mayor Pro Tem Lopez left the Council Chambers at 7:51 p.m. and the meeting was momentarily paused due to a lack of quorum. The meeting resumed at 7:52 p.m.*

Ofelia Ochoa asked if the City Council would be implementing security measures for the all-inclusive playground.

## **DEPARTMENT REPORTS AND INFORMATIONAL ITEMS**

1. Finance Director
  - a) Grant Update

Finance Director Banda provided an update on ongoing grants and City projects.

Discussion held on update provided by Finance Director Banda, including on the possibility of providing a grant for local businesses for façade improvements.

2. City Engineer
  - a) Update

City Engineer Osborn provided an update on ongoing projects, including the 2022 Local Street Reconstruction Project; the stormwater improvement project; Fleming and McCabe project.

Discussion was held on the update provided by City Engineer Osborn, including the details of the Mendota Stormwater Improvement Project.

3. City Attorney

Assistant City Attorney Castro provided an update on ongoing projects and stated that he will answer any questions the Council might have.

Discussion was held on addressing regulations related to mobile food vendors, and the City Council's previous direction concerning the noise ordinance.



4. City Manager

City Manager Gonzalez commented on coordinating with the Fresno County Health Department potentially presenting at a future meeting; and reported the upcoming National Night Out event.

Discussion was held on the status of the catholic church project, and the Mendota Stormwater Improvement Project.

**MAYOR AND COUNCIL REPORTS AND INFORMATIONAL ITEMS**

1. Council Member(s)

Mayor Pro Tem Lopez commented on being a judge for the national night out event; commented on sports physicals being offered by the AMOR Wellness Center; shared that she was proud of the form Odyssey employees attending the meeting to express their concerns; and thanked staff for their work.

Council Member Riofrio commented on modifying regulations related to motorized itinerant vendors; vehicles speeding in the City; and commented on the upcoming drag racing events.

Discussion was held on the drag racing events, and the facility use process.

*Council Member Riofrio left the Council Chambers at 8:16 p.m. and the meeting was momentarily paused due to a lack of quorum. The meeting resumed at 8:17 p.m.*

2. Mayor

Mayor Martinez thanked the Council and staff for their work; commented on the drag racing event; street projects that have been completed and those that are upcoming; the Pool Park Rehabilitation Project; the proposed Triangle Park; encouraged the community to attend meetings; and the facility use application process.

**ADJOURNMENT**

With no more business to be brought before the Council, a motion for adjournment was made at 8:20 p.m. by Council Member Riofrio, seconded by Mayor Pro Tem Lopez; unanimously approved (4 ayes, absent: Alonso).

  
Victor Martinez, Mayor

ATTEST:

  
Celeste Cabrera-Garcia, City Clerk

