



MINUTES OF MENDOTA REGULAR CITY COUNCIL MEETING

Regular Meeting

August 23, 2016

Meeting called to order by Mayor Silva at 6:01 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 Finance Director Marquez.

FINALIZE THE AGENDA

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

City Manager DiMaggio requested that the Council move Business items 2 and 3 to the Public Hearing section of the agenda.

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

CITIZENS ORAL AND WRITTEN PRESENTATIONS

Bianca Prieto (583 L Street) – asserted that it is against state law for the City Manager to not be elected and to not live within the City and inquired on the purpose of a Business License.

City Attorney Kinsey and City Manager DiMaggio stated that there is no state law that requires the City Manager to be elected and to live within the City.

San Juana Prieto (583 L Street) – stated that she has been unable to attain water services for her place of business; stated that she has spoken to the front staff regarding the issue and has attempted to speak to the City Manager on numerous occasions; reported on various residents selling food out of their homes illegally; and requested that the law be enforced equally throughout the City.

Discussion was held on staff investigating the situation regarding Ms. Prieto not having water service at her place of business and residents selling food out of their homes.

Joe Gomez (2033 7th Street) – stated that one of his tenants was cited for illegal truck parking; stated that he reported a parking violation to Code Enforcement and no one responded; stated that he was unaware that his tenant, Ms. Prieto, did not have water service at her place of business; and requested that the laws be enforced equally throughout the City.

William Coit (2334 S. Lyon Avenue) – emphasized the importance of water for the Central Valley and described what the future holds for Fresno County.

APPROVAL OF MINUTES AND NOTICE OF WAIVING OF READING

1. Minutes of the regular City Council meeting of August 9, 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 Mayor Pro Tem Valdez; unanimously approved (5 ayes).

CONSENT CALENDAR

1. AUGUST 09, 2016 THROUGH AUGUST 17, 2016
WARRANT LIST CHECKS NO. 041325 THRU 041362
TOTAL FOR COUNCIL APPROVAL = \$201,072.84
2. Proposed adoption of **Resolution No. 16-56**, opposing the passage of Proposition 64, also known as the California Marijuana Legalization Initiative.

A request to pull item 1 for discussion was made.

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

1. AUGUST 09, 2016 THROUGH AUGUST 17, 2016
WARRANT LIST CHECKS NO. 041325 THRU 041362
TOTAL FOR COUNCIL APPROVAL = \$201,072.84

Discussion was held on the poor condition of the right of way near the southern redirection railroad crossing and having staff determine the owners of the properties near the railroad crossing.

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

BUSINESS

1. Council discussion on the revision of the sign ordinance.

Mayor Silva introduced the item and Economic Development Manager Flood summarized his report including what the Mendota Municipal Code (MMC) currently allows in regards to outdoor advertising; presented pictures of signs throughout the City that represent either good or bad outdoor advertising; and shared staff's recommendation regarding modifying the provisions of outdoor advertising.

Discussion was held on the definition of a free standing sign; various illegal signs that are located throughout the City; the enforcement of the sign ordinance; what the MMC currently allows in terms of outdoor advertising; staff's recommendation on the possible modifications to the sign ordinance; and the downtown design guidelines not being mandated.

Staff reported that they would provide more information regarding the revision of the sign ordinance at a future meeting.

PUBLIC HEARING

1. Proposed adoption of **Resolution No. 16-57**, adopting a negative declaration prepared in conjunction with a proposed General Plan Amendment and Change of Zoning for the Warkentine and Tankersley Properties.

Mayor Silva introduced the item and City Attorney Kinsey summarized the report including that the City entered into a settlement agreement earlier this year regarding the Warkentine and Tankersley properties; the various conditions contained within the settlement agreement; the procedures by which the City can amend the General Plan and Zoning Map; and described the various motions that the Council would be making in regards to each public hearing item.

Councilor Castro inquired on whether he had to abstain from voting on the items.

City Attorney Kinsey stated that Councilor Castro was not required to abstain from voting on the items.

At 7:10 p.m. Mayor Silva opened the hearing to the public and, seeing no one present wishing to comment, closed it in that same minute.

A motion was made to adopt Resolution No. 16-57 by Councilor Riofrio, seconded by Mayor Pro Tem Valdez; approved (5 ayes).

2. Proposed adoption of Resolution No. 16-58, adopting a general plan amendment to Change the Land Use Designation of Assessor's Parcel Number 013-152-27S and a portion of Assessor's Parcel Number 013-141-02S from Light Industrial to Heavy Industrial.

Mayor Silva introduced the item.

At 7:13 p.m. Mayor Silva opened the hearing to the public and, seeing no one present wishing to comment, closed it in that same minute.

A motion was made to adopt Resolution No. 16-58 by Councilor Riofrio, seconded by Mayor Pro Tem Valdez; approved (5 ayes).

3. Introduction of **Ordinance No. 16-07**: An ordinance amending the official zoning map of the City of Mendota to reflect a change of zone for a portion of Assessor's Parcel Number 013-141-02S from M-1 Light Manufacturing to M-2 Heavy Manufacturing, and Give First Reading, by Title only, with Second Reading waived.

Mayor Silva introduced the item.

At 7:15 p.m. Mayor Silva opened the hearing to the public and, seeing no one present wishing to comment, closed it in that same minute.

A motion was made to perform the first reading of Ordinance No. 16-07, with the second reading waived, by Councilor Riofrio, seconded by Mayor Pro Tem Valdez; unanimously approved (5 ayes).

DEPARTMENT REPORTS AND INFORMATIONAL ITEMS

1. Public Works
 - a) Monthly Report

City Manager DiMaggio stated that he would forward any questions Council had to Planning & Public Works Director Gonzalez.

Discussion was held on the status of the City complying with the state mandated water reduction goal; the penalties that the City would face if the water reduction goal is not met; a water leak at the Housing Authority; the costs associated with replacing pump #3 at the waste water lift station; and the status of the investigation of the Quince Street issues.

2. City Attorney

City Attorney Kinsey stated that he is working with the consultant to determine who is at fault for the Quince Street issues and that he would have a recommendation for Council regarding the issue at a future meeting.

4. City Manager

City Manager DiMaggio reported on an incident that occurred earlier in the day in which City employees, and residents, were able to save two individuals from a vehicle that had driven into a canal near Pool Park and was submerged in water; stated that the Annual Officials vs. Staff Mendota Community Corporation Charity Softball game will be held on September 15th; and reported that he met with Congressman David Valadao regarding making a trip to Washington D.C. to meet with officials to request discretionary funds.

Discussion was held on recognizing the City employees and residents that worked together to save the lives of two individuals at a future meeting and what discretionary funds can be utilized for.

MAYOR AND COUNCIL REPORTS AND INFORMATIONAL ITEMS

1. Council Member(s)
Council reports

Councilor Castro inquired on the performance of the grant writers.

Councilor Riofrio reported on vehicles parking in an unsafe manner near Latino Market; inquired on whether trucks are allowed to park in an alley to unload products; inquired on whether the Las Palmas homes are allowed to install fencing in their front yard; and described the negative impacts that the adoption of Proposition 64 would have.

Councilor Amador thanked staff for organizing the Mendota Community Business Meeting.

Mayor Pro Tem Valdez reported on businesses that operate in residential zones (7:53 p.m. Councilor Riofrio left the Council Chambers).

2. Mayor

Mayor Silva thanked staff for organizing the Mendota Community Business Meeting.

CLOSED SESSION

1. CONFERENCE WITH LEGAL COUNSEL – PENDING LITIGATION
Pursuant to Paragraph (1) of subdivision (d) of Govt. Code Section 54956.9;
Lemus v. City of Mendota, Workers' Compensation Appeals Board, Case Nos.
ADJ9178080, ADJ9178149, ADJ9178159, and ADJ9563329.

At 7:54 p.m. the Council moved into closed session.

At 8:06 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.

ADJOURNMENT

With no more business to be brought before the Council, a motion for adjournment was made at 8:07 p.m. by Councilor Amador, seconded by Mayor Pro Tem Valdez; unanimously approved (5 ayes).

Robert Silva, Mayor

ATTEST:

Matt Flood, City Clerk

