

## **Dos Palos City Council Minutes**

### **August 15, 2017**

**A. CALL TO ORDER:** Mayor April Hogue called a regular meeting of the Dos Palos City Council to order at 6:00 pm in the City-County Building at 1546-1554 Golden Gate Avenue in Dos Palos, California.

1. The Pledge of Allegiance was led by Mayor pro Tem Alice Thompson.
2. An Invocation was led by Councilmember Michael McGlynn.
3. Roll Call: Acting City Clerk Darrell Fonseca called the Roll finding all five City Councilmembers present: Mayor April Hogue, Mayor pro Tem Alice Thompson, Councilmember Joe Lerner, Councilmember Michael McGlynn, and Councilmember Thomas Pigg.

Others present included: City Attorney Edward Amaral, DPOLJUSD Trustee and Police Officer Lisa Areias, Police Officer Cliff Battles, Public Works Director Gordon Bonds, DPOLJUSD Trustee Jeff Chase, City Manager/CEO Darrell Fonseca, Frank Fountain, Public Safety Director Dewayne Jones, Chief of Police Barry Mann, Utilities Director Rick Marshall, Debbie Orlando, City Engineer Garth Pecchenino, Kevin Pierce, and Jeanne Wagner.

4. Urgency Additions or Deletions: It was moved by Councilmember Lerner and seconded by Councilmember Pigg to add Item C-7. The motion passed 5-0. AYES: Hogue, Thompson, Lerner, McGlynn, and Pigg. NOES: None.
5. Public Forum: No one requested to speak.

### **B. COMMENDATIONS, PRESENTATIONS, & PROCLAMATIONS:**

1. Rich Green, Director of the Transit Joint Powers Authority for Merced County presented an update on “**The Bus.**” Thanks to an idea and motion by City Manager Fonseca at the Technical Review Board, Measure V funding will live up to its commitment to improve mobility for Veterans, the Disabled, and Seniors 62 and over by offering free rides on fixed routes with a valid ID.

### **C. CONSENT CALENDAR:**

1. It was moved by Councilmember Pigg and seconded by Councilmember Lerner to approve the **Treasurer’s Report** for May 2017. The motion passed 5-0. AYES: Hogue, Thompson, Lerner, McGlynn, and Pigg. NOES: None.
2. It was moved by Councilmember Pigg and seconded by Councilmember Lerner to approve the **Minutes** of July 18, 2017. The motion passed 5-0. AYES: Hogue, Thompson, Lerner, McGlynn, and Pigg. NOES: None.

3. It was moved by Councilmember Pigg and seconded by Councilmember Lerner to approve the **Pre-Paids** for July 2017. The motion passed 5-0. AYES: Hogue, Thompson, Lerner, McGlynn, and Pigg. NOES: None.
4. It was moved by Councilmember Pigg and seconded by Councilmember Lerner to approve the **Warrants** for August 2017. The motion passed 5-0. AYES: Hogue, Thompson, Lerner, McGlynn, and Pigg. NOES: None.
5. It was moved by Councilmember Pigg and seconded by Councilmember Lerner to adopt **Resolution 2017-09** authorization for the City Manager to seek \$14,812 in **LTF funds** (Local Transportation Fund) for 2017-2018. The motion passed 5-0. AYES: Hogue, Thompson, Lerner, McGlynn, and Pigg. NOES: None.
6. It was moved by Councilmember McGlynn and seconded by Councilmember Lerner to adopt **Resolution 2017-10** acting as the Legislative Body for **Assessment** Districts 91-1 Cole Country Estates and 93-1 Dos Palos Estates.
7. It was moved by Councilmember Pigg and seconded by Councilmember Lerner to approve the **Treasurer's Report** for June 2017. The motion passed 5-0. AYES: Hogue, Thompson, Lerner, McGlynn, and Pigg. NOES: None.

#### **D. UNFINISHED BUSINESS:**

1. **Ordinance 417** – Following a report that the City must take action or accept State regulation, Councilmember Pigg expressed reluctance; Mayor pro Tem Thompson expressed opposition to the legalization of marijuana in any form; Mayor Hogue expressed a preference to charge a revenue generating registration fee like a dog license for personal marijuana cultivation or use; Councilmember McGlynn expressed opposition to registration, stating that it would be a major invasion of privacy, and a burden to our staff who don't need additional work, and a safety concern as people would become a target for theft; and Councilmember Lerner expressed concern with privacy since registration would be a matter of public record. It was moved by Councilmember Lerner and seconded by Councilmember McGlynn to **Introduce** Ordinance 417 which allows the indoor cultivation of up to six plants of marijuana for personal use in residential zones only and striking the words, "*register with the City and.*" The motion passed 3-2 as follows: AYES: Lerner, McGlynn, and Pigg. NOES: Hogue and Thompson. Following staff report, questions, and answers, the **First Public Hearing** on Ordinance 417 was held as now amended and introduced, was opened at 6:28 pm. Jeff Chase asked a procedural question. Council comments as expressed earlier were repeated. The First Public Hearing was closed at 6:33 pm. It was then moved by Councilmember McGlynn and seconded by Councilmember Lerner to Waive the **First Reading** of Ordinance 417. The motion passed 3-2 as follows: AYES: Lerner, McGlynn, and Pigg. NOES: Hogue and Thompson.

2. Utilities Director Rick Marshall presented the monthly monitoring report on water and wastewater. City Engineer Garth Pecchenino provided an update.

**E. CORRESPONDENCE, EVENTS, & REPORTS:** Various reports including:

1. Public Works Director Bonds reported that 120' of sinking **Sewer Main Line** on Almond Street was replaced in three days from manhole to manhole.
2. Director Jones reported two structure fires, one industrial, the other residential, that **Fire** Call Volume is over 700 this year already, that the Youth **Recreation** Flag Football Sign-up deadline is 12 noon, Monday, September 11, 2017, and the Youth Soccer Sign-up deadline is 12 noon, Monday, October 2, 2017.
3. City Manager Fonseca as Acting City Clerk reported that the State is changing the **Voting** method for smaller counties, requiring absentee and drop off voting centers, those interested in the Language Accessibility Advisory Committee for non-English speaking and the Voter Accessibility Advisory Committee for the Disabled were invited to attend an organizational meeting on Wednesday, August 30, 2017 at the Elections Department in the County Administration Building. As a Board Member of the Merced Area **Crime Stoppers** he reported that Dos Palos is only 2% of the county's population yet it produced 10% of tips to Crime Stoppers this month.
4. Councilmember Pigg encouraged everyone to attend the 48<sup>th</sup> Annual Lions Club **Cotton Festival**, Queen's Pageant on Thursday, Parade at 6:00 pm Friday, Mayor Hogue and Councilmember McGlynn will ride on the Fire Truck, Softball, Horseshoe and Corn Hole Bean Bag Tournaments on Saturday and Sunday, Midway Carnival, Rib Barbecue and Live Music nightly.
5. Councilmember Lerner, as a **Mosquito Abatement** District Board Member reported that Merced County has its first case of West Nile Virus this year and to consult the MCMAD website regarding spraying requests.
6. The **City-County** Relations Committee Dinner will be held in Atwater on Tuesday, September 26, 2017, thus far, Councilmember McGlynn, City Manager Fonseca, and Director Jones will attend. Other councilmembers will notify attendance later.
7. Mayor Hogue reported during her summer off from school she helped coordinate five **Farmer's Markets**, did the billing at the Dos Palos Sun **Newspaper**, and removed rocks and repainted the **American Legion** front.

**F. EXECUTIVE (Closed) SESSION:**

The Council entered into Conferences with Legal Counsel (City Attorney Edward Amaral) at 7:06 pm regarding:

1. Personnel: Chief of Police and Director of Public Safety per California Government Code 54954 (e); and
2. Potential Litigation: Sara Chavez, Reginaldo Martinez, and Eric Martinez, per California Government Code 54956; and
3. Real Property Negotiator (City Manager) re: APN 012-030-47 Industrial Lot 66, per California Government Code 54956.8.

The Council emerged from Executive Closed Session at 7:38 pm with No Action Taken.

**G. NEW BUSINESS:**

1. Following discussion, it was moved by Councilmember Lerner and seconded by Councilmember Pigg to authorize the acceptance of a prorated settlement claim for \$4,837.80 from Farmers Insurance on behalf of Reginaldo Martinez regarding a traffic collision on June 14, 2017 with a city streetlight. The motion passed 5-0. AYES: Hogue, Thompson, Lerner, McGlynn, and Pigg. NOES: None.
2. No action was taken regarding city owned Industrial property.

**H. ADJOURNMENT:** There being no further business to conduct at this time, the meeting was adjourned at **7:42 pm** in memory of Gabriel Locatelli 91, Jackie Merrell 75, Oscar Avila 48, and Clayton Ogden 48.