

## **Dos Palos City Council Minutes**

### **July 20, 2021 continued to July 29, 2021**

#### ***FIRST SESSION ON JULY 20, 2021:***

**A. CALL TO ORDER:** Mayor April Hogue called a regular meeting of the Dos Palos City Council to order at 6:05 pm in the City-County Building at 1546-1554 Golden Gate Avenue in Dos Palos, California on Tuesday, July 20, 2021.

1. **Flag Salute:** Councilmember Debbie Orlando led the Pledge of Allegiance.
2. **Invocation:** Councilmember Thomas Pigg led an Invocation.
3. **Roll Call:** City Clerk Darrell Fonseca called the Roll finding all five City Councilmembers present: Mayor April Hogue, Mayor pro Tem Thomas Pigg, Councilmember Debbie Orlando, Councilmember Armando Bravo, and Councilmember Marcus Porter.

Others present on July 20, 2021: Utilities Operator Nick Accardo, City Attorney Edward Amaral, Director of Public Works Gordon Bonds, Utilities Operator Ignacio Cervera, Suzanne Cole, Sgt. Gurdeep "Sonny" Deo, Taylor Darnell of Public Works, City Manager/CEO Darrell Fonseca, Frank "Butch" Fountain, Ysidro Garcia of Public Works, Greg Garrett of Public Works, Utilities Operator Nathan Garrett, Cemetery Board President Andrea Goncalves, Utilities Director Craig Hackett, Chief of Police Rich McEachin, Lynn Miles, Randy Miles, Janet Miller, Scott Miller, Finance Bookkeeper Tracy Mosby, City Engineer Garth Pecchenino, Director of Finance & Personnel Manuela Sousa, Utilities Operator Joey Toscano, Jeanne Wagner, and Richard Weaver of Public Works .

4. Urgency Additions or Deletions: None at this time. See Items H.1 & H.3 for later additions.
5. **Public Forum:** Everyone jointly wished Mayor pro Tem Thomas Pigg a Happy Birthday.

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

1. A proclamation honoring **National Night Out** on August 3, 2021 was read.

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

1. It was moved by Mayor pro Tem Pigg and seconded by Councilmember Orlando to approve the **Treasurer's Report** for January 2021. The motion passed 5-0 as follows: AYES: Hogue, Pigg, Orlando, Bravo, and Porter. NOES: None. ABSTENTIONS: None. ABSENT: None.
2. It was moved by Mayor pro Tem Pigg and seconded by Councilmember Orlando to approve the **Pre-Paids** for June 2021. The motion passed 5-0 as follows: AYES: Hogue, Pigg, Orlando, Bravo, and Porter. NOES: None. ABSTENTIONS: None. ABSENT: None.
3. It was moved by Mayor pro Tem Pigg and seconded by Councilmember Orlando to approve the **Warrants** for July 2021. The motion passed 5-0 as follows: AYES: Hogue, Pigg, Orlando, Bravo, and Porter. NOES: None. ABSTENTIONS: None. ABSENT: None.

4. It was moved by Mayor pro Tem Pigg and seconded by Councilmember Orlando to approve the **Minutes** of the June 15, 2021 Regular Meeting continued to June 29, 2021. The motion passed 5-0 as follows: AYES: Hogue, Pigg, Orlando, Bravo, and Porter. NOES: None. ABSTENTIONS: None. ABSENT: None.
5. It was moved by Mayor pro Tem Pigg and seconded by Councilmember Orlando to **Deny a Claim from Frontier Communications**. The motion passed 5-0 as follows: AYES: Hogue, Pigg, Orlando, Bravo, and Porter. NOES: None. ABSTENTIONS: None. ABSENT: None.

**D. OLD or UNFINISHED BUSINESS:**

1. Following a report by Public Works Director Gordon Bonds, it was moved by Councilmember Bravo and seconded by Councilmember Porter to authorize the purchase and installation of a low cost, portable, wireless **Amplification System** for city council meetings. The motion passed 5-0 as follows: AYES: Hogue, Pigg, Orlando, Bravo, and Porter. NOES: None. ABSTENTIONS: None. ABSENT: None.
2. A Covid **Virus** Update was presented.
3. It was moved by Mayor pro Tem Pigg and seconded by Councilmember Orlando to Authorize the Mayor to Sign and the City Clerk to Attest an Updated Associate Membership Agreement with **CALED** (California Enterprise Development Authority). The motion passed 5-0 as follows: AYES: Hogue, Pigg, Orlando, Bravo, and Porter. NOES: None. ABSTENTIONS: None. ABSENT: None.
4. It was moved by Councilmember Orlando and seconded by Councilmember Bravo to Authorize the **Surplus** Sale, Trade, or Recycle of two vehicles: a 2015 Ford Police Interceptor Utility (Unit 15) and a 2005 Ford Escape. The motion passed 5-0 as follows: AYES: Hogue, Pigg, Orlando, Bravo, and Porter. NOES: None. ABSTENTIONS: None. ABSENT: None.

Mayor pro Tem Thomas Pigg left the meeting to care for his ailing wife.

5. Following a report from City Attorney Edward Amaral that the council is eligible for an increase, but that it won't take effect until at least one council member seat goes through a regular election at which time it would take effect for all five councilmembers at the same time. Mayor Hogue asked, "When is the next election?" Staff responded that the next regular election will be held in November of 2022. It was moved by Councilmember Porter and seconded by Council member Bravo to Introduce Ordinance 431 increasing city council salaries. The motion passed 4-0-1 as follows: AYES: Hogue, Orlando, Bravo, and Porter. NOES: None. ABSTENTIONS: None. ABSENT: Pigg. The First Public Hearing on Ordinance 431 was opened at 6:38 pm. Scott Miller reminded the council that they are public servants who should have known the salary before running for office. He questioned whether the increase to \$18,000 was necessary and wondered if the city can afford the increase. He asked about travel mileage reimbursement. Staff reported that council and staff can either use a city vehicle or be paid \$0.27 per mile. Randy Miles asked if the council receives medical insurance. Staff replied that they do not but are covered with business travel insurance. No one else requested to speak. The First Public Hearing was closed at 6:44 pm. It was then moved by Councilmember Bravo and seconded by Councilmember Orlando to Waive the First Reading of Ordinance 431. The motion passed

4-0-1 as follows: AYES: Hogue, Orlando, Bravo, and Porter. NOES: None. ABSTENTIONS: None. ABSENT: Pigg.

**E. CORRESPONDENCE, EVENTS, & REPORTS:** Various Reports were made.

1. **Utilities** Director Craig Hackett reported on recent plant and aqueduct problems and solutions, that a new pump was ordered, thanked Public Works for their assistance, and asked his Utilities Department Staff to stand and receive applause for their work. Utilities Director Hackett, Finance Director Sousa, and City Manager Fonseca jointly reported that the City of Dos Palos has received \$661,088 (half) of the \$1,322,176 in **American Rescue Act** funding it is eligible for. Mayor Hogue asked "When was that and where is it? Staff reported that it was received on July 13, 2021 by electronic transfer into a city account as reported in the agenda packet. With an estimate of \$1,090,730 and only controls and connections left to add, there will be enough to complete the 750,000 gallon tank replacement project as previously authorized by Resolution 2020-10. The contractor will be contacted. If they are willing to carry the balance fine, if not, a bridge loan or use of city funds which can be reimbursed will be used.
2. **Public Works** Director Gordon Bonds reported work on filling potholes, weed abatement, dead end barrier replacements, and street striping, and asked for his Public Works Department Staff to stand and receive applause for their work.
3. **Police** Chief Rich McEachin reported that recent arrests are sticking, new racial profiling requirements, CLETS system work, and work activity from the Animal Control/Code Enforcer.
4. **City Engineer** Garth Pecchenino reported work on planning and bidding documents, claims, Center Avenue followup, and Rate Study to be discussed on July 29<sup>th</sup>.
5. **Councilmember Porter** reported the Water JPA approval of the water pump purchase, said he enjoyed Senator Padilla's press conference and the staff work that went into it.
6. **Councilmember Orlando** said she enjoyed Senator Padilla's press conference and the staff work that went into it. He is the highest ranking official ever to visit Dos Palos!
7. **Councilmember Bravo** thanked Sergeant Deo for his work and assistance.
8. **Finance & Personnel** Director Manuela Sousa introduced her one employee, Tracy Mosby who was in the audience, applause followed, reported that interviews for the vacant Bookkeeper position will be held tomorrow, and said that it takes leadership to make a successful city and our leader is City Manager Darrell Fonseca. The entire audience gave a standing ovation and applause. The City Manager thanked everyone.
9. City Manager Fonseca said he felt the visit by **Senator Alex Padilla** to Dos Palos was a success and accomplished its purpose of drawing more powerful attention to our cause to receive funding for the water plant. He complimented the Mayor for a smooth introduction which was changed at the last minute.

The City Manager reported that on May 21, 2021, Mr. **George Gomez** called City Hall threatening to shoot the Police Chief and the City Manager. Mr. Gomez was arrested in the Police Department lobby for his attempted action. City Manager Fonseca did not press charges against Gomez because he felt that Mr. Gomez was merely overwhelmed by the responsibility of caring for his wife's medical condition (Parkinson's Disease) and hoped Gomez would get the help he needs. The District Attorney pursued the case. Gomez pleaded guilty to Resisting Arrest/Threatening an Officer, a Felony, and received one year of Supervised Release; Gomez also pleaded guilty to Attempted Criminal Threats, also a Felony, and received a Strike.

10. Mayor Hogue said it was "really neat" to meet the Senator (Padilla).

**F. RECESS:** The Council recessed from 7:14 to 7:24 in memory of:  
Leone Sorg 84, Bobbie Lee Pryor 72, and Rick Mancebo 69.

**G. EXECUTIVE (Closed) SESSION:** At 7:24 pm, the City Council entered into Executive (Closed) Session with City Attorney Edward Amaral regarding:

1. Personnel: Bookkeeper, per California Government Code 54954 (e), 54957 (b)(1).
2. Personnel: Sergeants.....per California Government Code 54954 (e), 54957 (b)(1).
3. Personnel: Dept. Heads.....per California Government Code 54954 (e), 54957 (b)(1).
4. Anticipated Litigation was not considered due to previous open session reporting.
5. Personnel: City Manager...per California Government Code 54954 (e), 54957 (b)(1).

The Council emerged from Executive (Closed) Session at 8:38 pm with no action taken.

#### **H. NEW BUSINESS:**

1. It was moved by Councilmember Bravo and seconded by Councilmember Orlando to **Add Item H-2** Resolution 2021-15 Rescinding the Hiring of a Police Lieutenant and instead authorizing the Chief of Police to designate and assign an Administrative Sergeant. The motion passed 4-0-1 as follows: AYES: Hogue, Orlando, Bravo, and Porter. NOES: None. ABSTENTIONS: None. ABSENT: Pigg.
2. It was moved by Councilmember Bravo and seconded by Councilmember Orlando to Adopt **Resolution 2021-15** Rescinding the Hiring of a Police Lieutenant and instead authorizing the Chief of Police to designate and assign the duty of an Administrative Sergeant. The motion passed 4-0-1 as follows: AYES: Hogue, Orlando, Bravo, and Porter. NOES: None. ABSTENTIONS: None. ABSENT: Pigg.
3. It was moved by Councilmember Porter and seconded by Councilmember Bravo to **Add Item H-4** Accepting advance notice and terms for the retirement of the City Manager. The motion passed 4-0-1 as follows: AYES: Hogue, Orlando, Bravo, and Porter. NOES: None. ABSTENTIONS: None. ABSENT: Pigg.
4. It was moved by Councilmember Porter and seconded by Councilmember Bravo to Accept the advance notice and terms for the retirement of the **City Manager** with full eligible benefits, cash outs, pay and time, tentatively scheduled for the end of March 2022. The motion passed 4-0-1 as follows: AYES: Hogue, Orlando, Bravo, and Porter. NOES: None. ABSTENTIONS: None. ABSENT: Pigg.

The City Council recessed at 8:45 pm, Tuesday, July 20, 2021 to Time Definite at 6:30 pm, Thursday, July 29, 2021.

***I. SECOND SESSION ON JULY 29, 2021***

- 1. RECALL TO ORDER** at 6:25 pm, Thursday, July 29, 2021.

- 2. ROLL CALL:**

City Clerk Darrell Fonseca called the roll finding all five council members present, Mayor April Hogue, Mayor pro Tem Thomas Pigg, and Council members Debbie Orlando, Armando Bravo, and Marcus Porter.

Others present included: City Attorney Ed Amaral, Public Works Director Gordon Bonds, City Manager/CEO Darrell Fonseca, Utilities Director Craig Hackett, Fire Marshal Dewayne Jones, Lynn Miles, Randy Miles, and City Engineer Garth Pecchenino.

- 3.** It was moved by Councilmember Porter and seconded by Mayor pro Tem Pigg to postpone the Workshop on "Decision Making/Form of Government" to closed session at the next regular meeting scheduled for August 17, 2021. The motion passed 5-0 as follows: AYES: Hogue, Pigg, Orlando, Bravo, and Porter. NOES: None. ABSTENTIONS: None. ABSENT: None.
- 4.** A Workshop on the Draft Rate Study was opened. The City Engineer presented the Draft Rate Study. The City Attorney provided information regarding the Proposition 218 process. Questions and discussion followed.

**J. ADJOURNMENT:** The meeting was adjourned at 7:27 pm.