

## **Dos Palos City Council Minutes**

### **September 19, 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 Thomas Pigg. Mayor Hogue announced that anyone interested in presenting an Invocation at a future meeting should contact Mr. Fonseca (City Manager Darrell Fonseca) for guidelines and scheduling.
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, Debbie Battles, Public Works Director Gordon Bonds, Barbara Branco, Geraldine Chambers, Suzie Cole, Anne Krippner Falaschi, Joelle Falaschi, City Manager/CEO Darrell Fonseca, Public Safety Director Dewayne Jones, Utilities Director Rick Marshall, City Engineer Garth Pecchenino, Virginia Pierce, Carmen Sousa, Finance and Personnel Director Manuela Sousa.

4. Urgency Additions or Deletions: None.
5. Public Forum: Anne Krippner Falaschi, introduced herself as a county resident on Bryant Road, Vice President of the Dos Palos District Cemetery Board, and Trustee of the Methodist Church, then asked, "What happened to the sign on Mumby's Hardware and was City equipment or personnel used in its removal. Staff replied, "No, to our knowledge, the City was not in any way involved in the sign's removal, perhaps she should inquire about it with a local sign collector. Virginia Pierce and Geraldine Chambers complained of cars drag racing on California Avenue on Sunday evenings. The police will look into the matter. Staff acknowledged that prior to the meeting Barbara Branco presented a check for \$200 from the Y.L.I. (Young Ladies Institute) to provide dog food at the Animal Control facility. The Y.L.I. was thanked with a round of applause.

**B. COMMENDATIONS, PRESENTATIONS, & PROCLAMATIONS:** None.

### C. CONSENT CALENDAR:

1. It was moved by Councilmember Pigg and seconded by Councilmember Lerner to approve the **Minutes** of the August 15, 2017 meeting. 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 **Pre-Paids** for August 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 **Warrants** for September 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 authorize the **Surplus** sale to the highest bidders of the following Lots: A. 1999 Dodge 2500 cab and chassis; B. 2000 Ford Explorer; C. 2006 Ford Crown Victoria; D. 2008 Ford Crown Victoria; all in excess of 100,000 miles; E. 2005 John Deere Buck 500 Quad ATV, minimum bid \$500; F. 2005 John Deere Buck 650 Quad ATV, minimum bid \$1,000; G. Utility Trailer, minimum bid \$500; H. Miscellaneous Bicycles and Bicycle Parts, best offers. The motion passed 5-0. AYES: Hogue, Thompson, Lerner, McGlynn, and Pigg. NOES: None.

### D. UNFINISHED BUSINESS:

1. **Ordinance 417** – Following a staff report on previous state and council action, it was moved by Councilmember McGlynn and seconded by Councilmember Lerner to **Waive the Second Reading** of Ordinance 417 which allows the indoor cultivation of up to six plants of **Marijuana** for personal use in residential zones only, and not including registration or fees. The motion passed 3-2 as follows: AYES: Lerner, McGlynn, and Pigg. NOES: Hogue and Thompson. A **Second Public Hearing** was opened at 6:14 pm. No one requested to speak. The Second Public Hearing was closed at 6:15 pm. It was then moved by Councilmember Pigg and seconded by Councilmember McGlynn to **Adopt Ordinance 417**. The motion passed 3-2 as follows: AYES: Lerner, McGlynn, and Pigg. NOES: Hogue and Thompson. ABSTENTIONS: None. ABSENT: None. Mayor pro Tem Thompson stated “I voted against it because I’m against Marijuana being legal, any of it.” Mayor Hogue said, “And I voted against it because it didn’t include registration and fees to generate revenue.”
2. Staff reported that the **Grand Jury**, which conducts annual police department inspections, has now placed their findings and recommendations online and that it would be appropriate for the City to respond. It was moved by Councilmember McGlynn and seconded by Councilmember Lerner to respond to the Grand Jury as follows: *“With regard to Police Department cleaning and maintenance, the responsibility to assign or contract for services to accomplish proper cleaning and*

*maintenance is assigned to the City's Director of Public Safety. This responsibility will be reassigned to a new Chief of Police once hired. With regard to the Evidence Room organization: The responsibility for keeping the evidence room organized and properly inventoried on a regular basis is assigned to the Senior Officer in Charge. This responsibility may be re-assigned once a new Chief of Police is hired. With regard to the Destruction of guns released by the court: The Chief of Police is directed to complete this process and implement an ongoing procedure for future weapons. With regard to the Installation of a gated fence for the police parking lot, city staff will research costs and seek grant or matching fund opportunities. A recommendation will proceed for council consideration and anticipated funding at the next budget adoption. With regard to having no debt, the City thanks the Grand Jury for acknowledging the elimination of over \$15 million in debt and that this effort helped the city to avoid bankruptcy during the recent economic crisis. With regard to Annexation of Midway and South Dos Palos, unification of our communities is indeed our goal. We are currently completing a Municipal Service Review with LAFCo and have been awarded a \$500,000 planning grant to study, test, draft, and design a new water treatment plant. State Water officials have informed the City that completion of the planning grant should make the City eligible as a disadvantaged community for 100% grant funding of a new \$8 million water treatment plant. We believe these efforts and a changing political environment will help facilitate the annexation process." The motion passed 5-0 as follows: AYES: Hogue, Thompson, Lerner, McGlynn, and Pigg. NOES: None. ABSTENTIONS: None. ABSENT: None.*

3. Following a staff report, it was moved by Mayor pro Tem Thompson and seconded by Councilmember Pigg to Adopt Resolution 2017-11 which Submits "Center Avenue North" as the City's 2017 **SB 1/RMRA Project** to the California Transportation Commission and Amends the City Budget by \$201,000 in SB 1 Funding. The "Center Avenue North" complete reconstruction multi-year project consists of street, curb, gutter, sidewalk, storm drainage, engineering, and environmental improvements to Center Avenue from Marguerite to Loraine Streets and Loraine Street from Center Avenue to Dos Palos Avenue with an estimated useful life of 30-40 years. The motion passed 5-0 as follows: AYES: Hogue, Thompson, Lerner, McGlynn, and Pigg. NOES: None. ABSTENTIONS: None. ABSENT: None.
4. Following a staff report that Measure V has now generated \$43,861 in street money and \$10,965 in sidewalk funds, and that the City has access to \$1,000 in CSJVRMA Sidewalk Repair Grant Money, city staff recommended that the RMA funding and Measure V sidewalk funding as it becomes available be combined toward elimination of three downtown sidewalk trip and fall sites, in front of Westamerica Bank and in front of Bubbles Hair Salon as its first Measure V Demonstration project. The \$24,840 Bubbles Segment includes approximately 160' of 9' wide sidewalk, curb, gutter, backflow, electrical, water lines, and other materials and mobilization. The \$7,680 Bank Segment includes 80' of 11' wide sidewalk, curb, and gutter. It was moved by Mayor pro Tem Thompson and seconded by

Councilmember Lerner to authorize the City Engineer to prepare engineering, environmental, planning, and bid documents for the “**Bank & Bubbles** Sidewalk Repair Project.” The motion passed 5-0 as follows: AYES: Hogue, Thompson, Lerner, McGlynn, and Pigg. NOES: None. ABSTENTIONS: None. ABSENT: None.

5. Utilities Director Rick Marshall presented the monthly monitoring report on water and wastewater. City Engineer Garth Pecchenino provided an update on the Water Planning Grant and that the City Manager asked him to begin an application for a Solar Project at the Wastewater Plant.

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

1. Police Officer in Charge Lisa Areias reported Dispatcher recruitment is underway.
2. Director Jones reminded Mayor Hogue, and Councilmembers McGlynn and Pigg to complete their State Ethics courses as required by law.
3. Councilmember McGlynn thanked the Lions Club for a successful Cotton Festival.
4. Councilmember Lerner reported that the Mosquito Abatement District recently contracted with Enterprise Fleet Management for all of its vehicles and he has asked them to contact the City for possible savings.
5. Director Sousa reported that the City’s bonding agent, Stocking & Cozzi have advised that the City Treasurer cannot serve as both Treasurer to reconcile accounts and act as a check signatory (signing warrants on behalf of the city). Thus, City Treasurer Lori Lima’s name must be removed from city **check signing authority** (at Westamerica Bank). The City Council agreed by unanimous consensus without objection (5-0) to implement this change immediately.
6. Clean Up Time will be held 8:00 am to 12 noon, Saturday, October 7, 2017.
7. The 80<sup>th</sup> Annual Halloween Parade will be held on Tuesday, October 31, 2017.

Mayor Hogue recessed the meeting at 6:37 pm.

The meeting was reconvened at 6:40 pm.

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

The Council entered into Conferences with Legal Counsel (City Attorney Edward Amaral) at 6:40 pm regarding:

1. Personnel: Chief of Police and Director of Public Safety per California Government Code 54954 (e); and

2. Personnel: Public Works Maintenance  
per California Government Code 54954 (e); 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 6:58 pm with No Action Taken.

**G. NEW BUSINESS:**

1. Following discussion, it was moved by Councilmember Lerner and seconded by Councilmember Pigg to open the Public Works Maintenance III position in-house only and not increasing the total number of employee positions. The motion passed 5-0 as follows: AYES: Hogue, Thompson, Lerner, McGlynn, and Pigg. NOES: None. ABSTENTIONS: None. ABSENT: None.
2. It was moved by Councilmember Pigg and seconded by Councilmember Lerner to not place the City's industrial property for sale; and to continue the existing month-to-month lease agreement first signed in 1987 of industrial property with Jerry Jones Harvesting, with no rent increase. The motion passed 5-0 as follows: AYES: Hogue, Thompson, Lerner, McGlynn, and Pigg. NOES: None. ABSTENTIONS: None. ABSENT: None.
3. The City Manager requested and was given direction by unanimous consensus without objection to proceed with the current process underway for the hiring of a new Police Chief and report back at the next meeting.

**H. ADJOURNMENT:** There being no further business to conduct at this time, the meeting was adjourned at **7:02 pm** in memory of:

1. Jack Rollins 88, taught metal shop at Dos Palos High School 1951-1966, taught Architectural Drawing, Engineering, and Drafting at Merced College.
2. Elaine Cunha 86, longtime Dos Palos dairy family, church volunteer.
3. Naomi Tharp 86, cook, business partner, bilingual teacher's aide, grandmother of City Utilities operator Nathan Garrett.
4. Mary Lou Herrera 81, longtime bookkeeper, mother-in-law of former Public Works employee Roy Raper.
5. Gerald "Jerry" Birdsell 77, former police officer, sheriff's deputy, mini-storage Co-owner, pavement company operator, husband of former city and county dispatch supervisor Margie Birdsell.

6. Joe Uremovic 69 Attorney, practiced agricultural law for 30 years, was Dos Palos FFA President, interned for Congressman B.F. Sisk, graduate of Dos Palos High School, Cal Poly, and Santa Clara Law School.
7. Eloisa Alvarez “Jauna” Robertson 68, mother of Mary Ann Jones.
8. David Goins 66, father of former Dos Palos Police Officer and now Undersheriff Jason Goins.
9. Silvestre Zeledon 59, co-owner and operator of Zeledon’s Sweet Bread bakery and manufacturing of Dos Palos.
10. Lynn Hamilton 59, State Farm Insurance agency owner in Fresno, was Miss Dos Palos, Los Banos May Day Fair Queen, Miss Merced County, Miss California, and a Fresno State Bulldog.
11. Russ Brinkley 58, Agricultural finance and credit assistance branch manager.
12. Emily Elizabeth Bryant 31, Store Manager.