

Dos Palos City Council Minutes June 15 & 29, 2021

FIRST SESSION ON JUNE 15, 2021:

A. CALL TO ORDER: Mayor April Hogue called a regular meeting of the Dos Palos City Council to order at 6:01 pm in the City-County Building at 1546-1554 Golden Gate Avenue in Dos Palos, California on Tuesday, June 15, 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 June 15, 2021: City Attorney Edward Amaral, Sergeant Cliff Battles, Director of Public Works Gordon Bonds, Judy Coleman, Sgt. Gurdeep "Sonny" Deo, Magdalena Felix, City Manager/CEO Darrell Fonseca, Frank "Butch" Fountain, Fire Marshal Dewayne Jones, Gustine Police Sammy Joseph and members of the Livingston Police Department & Staff, Chief of Police John Markle and members of the Livingston Police Department & Staff, Israel Martinez, Rick McCord, Chief of Police Rich McEachin, Michael McGlynn, Members of the Livingston Lynn Miles, Randy Miles, Dan Orozco, Ismael Sanchez, Kimberly Sandoval, Director of Finance & Personnel Manuela Sousa, Barbara Tucci, Kailey Tucci, Ron Tucci, Yarely Valdes, Pedro Velasquez, and Jeanne Wagner.

4. **Urgency Additions or Deletions:** None.
5. **Public Forum:** Michael McGlynn said Dos Palos Radio 209 213-3022 is accepting information for the Community Calendar.

B. COMMENDATIONS, PRESENTATIONS, and PROCLAMATIONS:

1. Chief of Police Rich McEachin introduced and City Attorney Edward Amaral administered the **Oath of Office** to the following: Rick McCord as Community Service Officer (Animal Control & Code Enforcement), Yarely Valdes as Reserve Officer, Kailey Tucci as Dispatcher, and Magdalena Felix as Dispatcher.

C. CONSENT CALENDAR:

1. It was moved by Mayor pro Tem Pigg and seconded by Councilmember Orlando to approve the **Treasurer's Report** for December 2020. 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-Paid**s for May 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 June 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 May 18, 2021 Regular Meeting continued to May 25, 2021, and concluded on June 8, 2021. The motion passed 5-0 as follows: AYES: Hogue, Pigg, Orlando, Bravo, and Porter. NOES: None. ABSTENTIONS: None. ABSENT: None.

D. BUSINESS:

1. Applicant Pedro Velasquez **Appealed the Planning Commission Denial of CUP** (Conditional Use Permit) for Environmental Recycling at 1734 Redfern Avenue. A public hearing was opened. Applicant Pedro Velasquez spoke in favor. Ismael Sanchez operator of California Recycling spoke in opposition. The public hearing was closed. State recycling zones and stipends were explained. During council discussion, Councilmember Orlando asked Mr. Velasquez if would accept approval of a CUP for recycling of all other materials except plastic bottles and aluminum cans. Mr. Velasquez said no, he only wanted those items. It was moved by Councilmember Orlando and seconded by Councilmember Porter to sustain the denial. The motion passed 4-1 as follows: AYES: Hogue, Pigg, Orlando, and Porter. NOES: Bravo. ABSTENTIONS: None. ABSENT: None. Councilmember Porter told Mr. Velasquez that he will do all he can to get him in business.
2. With no new information available, Council meeting **amplification** and/or recording was continued to the next city council meeting to allow the Public Works Director time to obtain information and develop a proposal that Public Works staff could install.
3. A Covid **Virus** Update was presented. The Governor has lifted most restrictions, City Hall will adjust accordingly.
4. Following staff report by Public Works Director Bonds and council discussion, it was moved by Councilmember Orlando and seconded by Mayor pro Tem Pigg to adopt Administrative Policy 39 changing \$25 refundable deposit and \$25 fee to \$100 rental fee for **Oddfellow's Grove**, and ban bounce houses. The motion passed 5-0 as follows: AYES: Hogue, Pigg, Orlando, Bravo, and Porter. NOES: None. ABSTENTIONS: None. ABSENT: None.
5. City Manager Fonseca reported that the City of Dos Palos is eligible for \$1,322,176 in **American Rescue Act** funding and that water storage is an acceptable use. With the deadline to apply approaching before the end of June, he recommended that the City Council adopt Resolution 2021-10 authorizing staff to prepare an application and designate the rehabilitation of the 750,000 gallon tank for its use. At this time, the City only has an estimate of \$993,780 for the tank rehab portion, but estimates the roof removal will likely not exceed \$300,000. The funding is released in two tranches, half now, half later. Mayor Hogue said she would not like to see all the funds used for just one project and didn't feel comfortable approving without a firm bid. Staff will get an estimate for the roof removal for the next session but the application must be made before then. The council continued this item to the continued meeting with no action taken.

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

F. RECESS: The Council recessed the meeting for ten minutes in memory of:
Effie Carnell 96, Dawn Maiorino 86, Harold Weaver 74, Bob Butler 72, Esther Ortega 71,
Trini Regalado 66, Joann Esquivel 52, and Monica Camarena 51.

G. EXECUTIVE (Closed) SESSION: At 7:31 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. Did not meet regarding Miscellaneous Employees which was incorrectly listed.
3. Personnel: Police Officer, per California Government Code 54954 (e), 54957 (b)(1).
4. Personnel: Chief of Police, per California Government Code 54954 (e), 54957 (b)(1).
5. Anticipated Litigation: Allied Waste Services per California Government Code 54956.9

The Council emerged from Executive (Closed) Session at 8:04 pm with no action taken.

H. BUSINESS:

The City Council recessed at 8:05 pm, Tuesday, June 15, 2021 to Time Definite at 6:00 pm, Tuesday, June 29, 2021.

SECOND SESSION ON JUNE 29, 2021:

AA. RECALL TO ORDER:

Mayor Hogue recalled the regular meeting to order at 6:00 pm, Tuesday, June 29, 2021.

AA.1 Councilmember Orlando led a second **Flag Salute**.

AA.2 Mayor pro Tem Pigg led a second **Invocation**.

AA.3 **Roll Call:** City Clerk Fonseca reported all five councilmembers present.

Others Present included: Kacey Auston-Tibbetts, Public Works Director Gordon Bonds, City Manager/CEO Darrell Fonseca, Frank "Butch" Fountain, Utilities Director Craig Hackett, Merced County Registrar of Voters Darlene Ingersoll, Police Chief Rich McEachin, Randy Miles, Finance Director Manuela Sousa, and Jeanne Wagner.

AA.4 **Urgency Additions.** It was moved by Mayor pro Tem Pigg and seconded by Councilmember Orlando to Add Items H-9 (SB-1 funding) and H-10 (RSTP funding) to the Agenda. The motion passed unanimously 5-0 as follows: **AYES:** Hogue, Pigg, Orlando, Bravo, and Porter. **NOES:** None. **ABSTENTIONS:** None. **ABSENT:** None.

AA.5 Public Forum:

- a. Randy Miles thanked Public Works Director Bonds for cleaning up the Hospital landscaping.
- b. Merced County Registrar of Voters Darlene Ingersoll introduced herself and presented information regarding the Voter's Choice Act and information number 1-800 561-0619.

H. BUSINESS (resumed):

5.R Staff reported that it applied for **American Rescue Act** funding and would like the council to designate the rehabilitation of the 750,000 gallon tank for its use. Following lengthy council discussion, it was moved by Councilmember Orlando and seconded by Councilmember Porter to Adopt **Resolution 2021-10**. The motion passed 4-1 as follows:

AYES: Hogue, Pigg, Orlando, and Porter. NOES: None. ABSTENTIONS: None.
ABSENT: None. NOT VOTING: Bravo.

The next item was taken out of sequence to accommodate an out of town speaker.

8. Following reports by staff and Ms. Kacey Auston-Tibbetts speaking on behalf of Mid Valley Disposal, and a comment from Randy Miles that he had good assistance from Mid Valley in the Oro Loma area during flooding in the past, it was moved by Councilmember Orlando and seconded by Mayor pro Tem Pigg to Adopt **Resolution 2021-12** approving the **Transfer of the City's Franchise Agreement for Solid Waste** and related services from Allied (Republic) to Mid Valley Disposal. The motion passed unanimously 5-0 as follows: AYES: Hogue, Pigg, Orlando, Bravo, and Porter. NOES: None. ABSTENTIONS: None. ABSENT: None.
6. Following a staff report regarding the **Appropriations Limit**, a Public Hearing on the Appropriations Limit was opened at 6:39 pm. No one requested to speak. The Public Hearing on the Appropriations Limit was closed at 6:40 pm. It was moved by Councilmember Bravo and seconded by Mayor pro Tem Pigg to Adopt **Resolution 2021-06** Setting the Appropriations Limit at \$10,279,941. The motion passed 5-0 as follows: AYES: Hogue, Pigg, Orlando, Bravo, and Porter. NOES: None. ABSTENTIONS: None. ABSENT: None.
7. **The Budget.** Following staff report and council discussion, Mayor Hogue asked that Council-Manager Form of Government be removed from the Budget Resolution. As this would change the city's complete operations in just two days (on July 1st) City Manager Fonseca asked for a separate motion and vote if the council wanted to do so. No action was taken. Councilmembers Porter and Bravo each said they want to be more involved in decision making. Following discussion, the Council by consensus directed that a Council Salaries Increase ordinance and a Workshop including Decision Making and Form of Government be placed on the next agenda. A Public Hearing on the Budget was opened at 7:45 pm. No one requested to speak. The Public Hearing on the Budget was closed at 7:46 pm. It was then moved by Councilmember Orlando and seconded by Mayor pro Tem Pigg to Adopt **Resolution 2021-11** The City Budget changing item "M" language regarding Police Reserve pay at the request of Councilmember Bravo, and changing item "MM" language regarding Department Head spending from \$250 to \$500 at the request of Mayor Hogue, with all other items remaining as presented. The motion passed 5-0 as follows: AYES: Hogue, Pigg, Orlando, Bravo, and Porter. NOES: None. ABSTENTIONS: None. ABSENT: None.
9. Following staff report and questions from council, it was moved by Councilmember Bravo and seconded by Mayor pro Tem Pigg to Adopt Resolution 2021-13 Adopting a List of Projects for SB 1 RmRa (Road Maintenance & Rehabilitation Account) for \$108,297. The motion passed unanimously as follows: AYES: Hogue, Pigg, Orlando, Bravo, and Porter. NOES: None. ABSTENTIONS: None. ABSENT: None.
10. Following staff report and questions from council, it was moved by Councilmember Bravo and seconded by Mayor pro Tem Pigg to Adopt Resolution 2021-14 Authorizing the Filing of a Claim for RSTP (Regional Surface Transportation Program) funding for \$67,030.15. The motion passed unanimously as follows: AYES: Hogue, Pigg, Orlando, Bravo, and Porter. NOES: None. ABSTENTIONS: None. ABSENT: None.

H. ADJOURNMENT: The meeting was adjourned at 7:45 pm pm in memory of:

Alma Fay Comer 82,
Tim Palmer 46,
Emmanuel Espinoza 34,
Samuel Adrian Espinoza 28, and
Garrett Moore 21.