

MINUTES OF MENDOTA REGULAR CITY COUNCIL MEETING

Regular Meeting

October 13, 2015

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 Councilor Riofrio in honor of the men and women serving in the armed forces.

Invocation led by Kenneth Faulkner.

A moment of silence was held for Fidel De La Cruz, Alfredo Murratalla, and Lupe Martinez who had recently passed away.

Robert Rasmussen (230 McCabe Avenue) – shared memories of Fidel De La Cruz.

FINALIZE THE AGENDA

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

City Manager DiMaggio requested that item 2 of the Consent Calendar be removed from the agenda and be rescheduled to the October 27th City Council meeting agenda.

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

CENSURE RESOLUTION

1. Mayor Pro Tem Valdez requests a censure resolution against Councilor Amador.

Mayor Silva introduced the item.

Councilors Riofrio and Castro stated that they would abstain from discussing the item and left the Council Chambers at 6:07 p.m.

Mayor Pro Tem Valdez reported on requesting a censure resolution against Councilor Amador due to Councilor Amador's recent negative demeanor; accusations that were made to him and Mayor Silva; the importance of Council working together to benefit the City; and stated that he would remove the item if Councilor Amador would improve his demeanor and work together with the rest of the Council.

Discussion was held on Councilor Amador being on the City Council for over 20 years; the judiciary rights that a Council Member has; the amount of professionalism that a Council Member should have; and issues related to the accusations of Council Members using staff for personal gain (at 6:12 p.m. Councilor Amador left the Council Chambers).

The City Council lacked a quorum and could not continue the meeting (at 6:13 p.m. Councilor Amador returned to the Council Chambers).

The City Council reestablished a quorum and continued the meeting.

Discussion was held on the role of a Council Member; the progress that the City has made in recent years; the need to support staff and respect their views; accusations that have been made; the need to speak to citizens with respect and in an appropriate manner; Councilor Amador recently asking staff for the audio recording of the August 25th City Council meeting; the benefits of having City delegates attend a trip to Israel in order to view the technology that will be used for a project at the Waste Water Treatment Plant; the various ways that the City can benefit if the tertiary treatment facility is constructed; the purpose of the sub-committee that was established for the Waste Water Treatment Plant project; and the importance of staff making fair decisions on issues.

A motion was made to remove the item by Mayor Pro Tem Valdez, seconded by Mayor Silva; unanimously approved (3 ayes; absent: Castro and Riofrio).

(at 6:34 p.m. Councilors Castro and Riofrio returned to the Council Chambers).

PRESENTATION

1. Acquisition Partners of America to present an update on grant writing services.

John Quiring from Acquisition Partners of America (APA) reported that the City was awarded the COPS grant which will be used to pay for half of an officer's salary for three years; stated that APA has sent 26 grant notifications and has completed four grants submissions within the past year; reported on two grants that are currently pending, the Safe Places to Play Program grant and the Water Recycling Planning Grant; the various requirements related to Proposition 1 funding; the Water Recycling Planning Grant being used for a Storm Water Feasibility Study; the different steps needed to take in order to receive Proposition 1 funding; the City competing with other counties and cities throughout the state for funding; various ways to utilize Proposition 1 funding; funding that is designated for disadvantaged communities; and AB 2 designating local agencies to establish Community Revitalization and Investment Authorities for infrastructure and economic development.

Discussion was held on how many consecutive times can the City apply for the COPS grant and when was the last time that the City applied for the grant.

CITIZENS ORAL AND WRITTEN PRESENTATIONS

Tom Cotter (2026 Gibson Avenue Clovis, Ca) – introduced himself and stated that he is the regional manager for Renew Financial; stated that Renew Financial is a Property Assessed Clean Energy (PACE) program provider; explained that CaliforniaFIRST gives homeowners and contractors a financing option that covers the entire cost of energy efficiency, water efficiency, and renewable energy generation projects and is not credit based; requested that a resolution, which will allow the City to opt into the program, be placed on a future City Council meeting agenda; CaliforniaFIRST being live in various jurisdictions throughout California; the high demand of contractors wanting the City to opt into the program; and the requirements for the City to participate in the program.

Discussion was held on staff contacting Mr. Cotter in the future.

Raul Hernandez (22312 White Street San Joaquin, Ca) – introduced himself and stated that he is a candidate for West Hills Board of Trustees for area 6 and reported on West Hills College Board Policy 6225 in regards to Resource Allocation including the percentage of funding being divided upon the various West Hills campuses.

Discussion was held on whether there is an individual that represents Mendota and its interests.

APPROVAL OF MINUTES AND NOTICE OF WAIVING OF READING

1. Minutes of the Regular City Council meeting of September 22, 2015.
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 Mayor Pro Tem Valdez to approve items 1 and 2, seconded by Councilor Riofrio; unanimously approved (5 ayes).

CONSENT CALENDAR

1. SEPTEMBER 15, 2015 THROUGH OCTOBER 07, 2015
WARRANT LIST CHECKS NO. 39924 THRU 40053
TOTAL FOR COUNCIL APPROVAL = \$635,160.47
2. Council adopt **Resolution No. 15-67**, transferring funds from the City's bank account and financial records to the Mendota Community Corporation's bank account and financial records. [*This item was tabled for consideration at a future meeting*]
3. Council adopt **Resolution No. 15-68**, authorizing a contract with the Board of Administration California Public Employees' Retirement System for an actuarial valuation.
4. Council adopt **Resolution No. 15-70**, approving to enter into an agreement for engineering services for the CDBG Water Treatment Plant Improvement Project.
5. Council adopt **Resolution No. 15-71**, amending the engineering services agreement with Provost & Pritchard consulting group for the 6th Street Reconstruction.
6. Council adopt a Non-Disclosure Agreement related to a proposed Tertiary Treatment Project at the Waste Water Treatment Plant.
7. Council adopt an Exclusive Right to Negotiate related to a proposed Tertiary Treatment Project at the Waste Water Treatment Plant.
8. Council accept and file the Community Facilities District No. 2006-1 Annual Report for Fiscal Year 2015/16.
9. Council authorize staff to prepare a Request For Proposals for legal services.

A request was made to pull item 6 and 7 for discussion and item 9 be tabled until after the Closed Session.

A motion was made to approve items 1, 3-5, and 8 of the consent calendar by Councilor Riofrio, seconded by Councilor Amador; unanimously approved (5 ayes).

6. Council adopt a Non-Disclosure Agreement related to a proposed Tertiary Treatment Project at the Waste Water Treatment Plant.

Mayor Silva introduced the item and John Kinsey introduced himself as the attorney working on behalf of the City in regards to the tertiary treatment project and explained that the Non-Disclosure Agreement was requested by the individuals talking to the City about the proposed project at the Waste Water Treatment Plant; the purpose of the agreement being to place a duty of confidentiality on trade secrets; and how to properly address a Public Records Act request for confidential documents related to the project.

Discussion was held on who will sign the Non-Disclosure Agreement; the importance of agreements related to the tertiary treatment project being brought to Council; possible legal issues that can arise from the delegates attending the Israel trip; the parameters in which the delegates are able to attend the trip; the benefits of looking for projects that will benefit Mendota; the City being reimbursed for expenditures; and the limited waiver of state immunity that was also included in the Non-Disclosure Agreement.

A motion was made to approve item 6 of the consent calendar by Councilor Riofrio, seconded by Councilor Amador; unanimously approved (5 ayes).

7. Council adopt an Exclusive Right to Negotiate related to a proposed Tertiary Treatment Project at the Waste Water Treatment Plant.

Mayor Silva introduced the item and John Kinsey reported that the purpose of the Exclusive Right to Negotiate (ERN) is to memorialize that the City will be negotiating with Liberty Groves, LLC, and Water Solution Technologies, LLC; the ERN including that the City will only negotiate with Liberty Groves and Water Solutions Technology in regards to the tertiary treatment project; and the agreement also including that the City will be reimbursed for expenses including staff time and consultant time.

Discussion was held on who will be reimbursing the City for expenses regarding the project; verifying that there is no risk to the City in regards to the delegates travelling to Israel; and making sure that the City is reimbursed for expenses.

Robert Rasmussen (230 McCabe Avenue) – reported on the benefits that new opportunities bring to the City and wished the delegates well on their upcoming Israel trip.

A motion was made to approve item 7 of the consent calendar by Councilor Riofrio, seconded by Councilor Castro; unanimously approved (5 ayes).

BUSINESS

1. Council receive report on the costs of the July flash flood.

Mayor Silva introduced the item and City Manager DiMaggio summarized the report including that the flash flood that occurred in mid-July was caused by a thunderstorm that occurred in the coastal range mountains that dropped a significant amount of rain in a short time which then traveled down to Panoche Creek causing it to over flow; earthen berms that are along Belmont Avenue, that channeled the water, causing the flood; the fact that Fresno County failing to verify the City of the incoming flood did not allow the City to prepare accordingly; an investigation that concluded that Fresno County was aware of the flood from a report from the Sheriff's Office which allowed the Fresno County Public Works to begin the road closures but failed to notify the City and Caltrans; the amount of time that staff spent cleaning up the aftermath of the flood; the total cost incurred from the clean-up being \$25,904.15 which includes staff overtime and equipment rental; and the options available to address the costs incurred as a result of the flood.

Discussion was held on the Caltrans employees that helped contain the flood; the failure of Fresno County to notify the City and Caltrans about the flood; and the various factors that contributed to the flood.

A motion was made to submit a bill to Fresno County for the costs incurred from the flood by Mayor Pro Tem Valdez, seconded by Councilor Riofrio; unanimously approved (5 ayes).

2. Council discussion and consideration to adopt **Resolution No. 15-65**, setting the application fee for public dances and dance halls.

Mayor Silva introduced the item and Planning & Economic Development Manager Flood stated that Council was handed a copy of the revised resolution; reported that he contacted the police department in regards to the amount of the public dance permit fee that was charged in the past and that no record was found; he contacted businesses that will be affected by the permit fee for public dances and the owners stated that they would comply; and the proposed fee being set at \$50.

Discussion was held on whether a public dance permit fee will need to be paid for the Annual Harvest Fiesta Carnival and an upcoming event in the City that will be held in a building that does not comply with various safety codes and business regulations.

Ramon Gonzalez (Gonzalez Dance Hall) – stated that dance hall owners need to have their business comply with all regulations in order to operate (at 7:52 p.m. Councilor Riofrio left the Council Chambers).

Discussion was held on Mr. Gonzalez's cooperation in complying with building and safety regulations and the amount of fees that dance hall owners have to pay (at 7:54 p.m. Councilor Riofrio returned to the Council Chambers).

A motion was made to adopt Resolution No.15-65 by Mayor Pro Tem Valdez, seconded by Mayor Silva; denied (2 ayes, No: Amador, Castro, Riofrio).

3. Council discussion and consideration to adopt **Resolution No. 15-72**, approving a Solar Power Services Agreement with Mendota Solar 1, LLC.

Mayor Silva introduced the item and Fnan Araia introduced himself as a private developer with Borrego Solar; shared a solar project at the City of Kerman's Waste Water Treatment Plant which was completed in 2013 and has been performing above its design expectations; introduced Kyle Kearney who is the Vice President of Project Development; reported on the qualifications of Borrego Solar including being in business for over 35 years, have done over 60 mega-watts of projects throughout California, and is the #2 commercial solar developer in the country; Borrego Solar's focus on commercial and industrial operations; installed over 1,000 solar installations across the countries; Borrego Solar is privately held and profitable company; its in-house engineering capabilities which allows the project to stay on schedule and on budget; the ability to work with other sub-contractors in order to facilitate the design and construction of the project; proposing a 1 mega-watt of ground mounted solar at the Waste Water Treatment Plant which includes a tracker that will track the sun throughout the day to capture more energy; the total amount of savings that the City can expect to save; the RES-BCT program that allows local governments to generate electricity at one account and transfer any available excess bill credit to another account owned by the same local government; the type of technology that will be installed at the Waste Water Treatment Plant; the company being willing to negotiate with local contractors as applicable; the preliminary timeline of the project; the projects 95% performance guarantee for 10 years; and the benefits of installing the solar plant now.

Discussion was held on previously adjusting the PG&E rate tariffs and entering into an agreement with D5 Enterprises to install energy efficient light bulbs which will result in savings; the benefits of having a solar plant at the Waste Water Treatment Plant; the credits that are produced going to the City; the length of the lease agreement (at 8:31 p.m. Councilor Amador left the Council Chambers); the difference between paying a flat rate versus an escalating rate (at 8:33 Councilor Amador returned to the Council Chambers); and the benefits of purchasing the solar system versus renting it.

A motion was made to adopt Resolution No.15-72 by Councilor Amador, seconded by Councilor Castro; approved (4 ayes, No: Valdez).

DEPARTMENT REPORTS AND INFORMATIONAL ITEMS

1. Code Enforcement
 - a) Monthly Report

Planning & Economic Development Manager Flood reported on the department's focus on shopping cart violations, illegal home conversions, and yard sale violations, such as the prohibition of yard sales at commercial locations and yard sale sign regulations.

Discussion was held on individuals conducting business within the City without the appropriate permits; citizens not reporting amplified music violations; the issue of individuals parking portable toilets along the sidewalks; how the Bin Enclosure Guidelines are enforced (at 9:01 p.m. Councilor Riofrio left the Council Chambers); how business owners can comply with the Bin Enclosure Guidelines if the building does not have a bin enclosure (at 9:02 p.m. Councilor Riofrio returned to the Council Chambers); communicating with Mid Valley Disposal to make sure that garbage truck drivers are aware of the Bin Enclosure Guidelines (at 9:04 p.m. Councilor Castro left the Council Chambers); and monitoring water usage and enforcing water conservation regulations (at 9:05 p.m. Councilor Castro returned to the Council Chambers).

2. Police Department
 - a) Monthly Report

Chief of Police Andreotti reported that an officer was bitten by a dog and the dog was consequently put down; all officer positions for field services being filled; the police department entering into a partnership with FCI-Mendota for the use of prison's firing range; a link on the police department page on the City website that allows individuals to view crimes that have occurred in the City and surrounding areas; stated that he will be gone next week for an executive development course; reported on the decrease of narcotic and warrant arrests; the increase of DUIs; the increase of auto thefts which was followed by a decrease due to the arrest of an individual that is known for committing auto theft crimes; the ability to buy jail beds to hold suspects of high price property crimes; the increase of residential burglaries; a recent homicide that is being investigated by the Fresno County Sheriff's Office; and provided a personnel update.

Kevin Romero (160 Tuft Street) – reported on the increase of residential burglaries on Tuft Street and requested that officers increase their patrol in the area (at 9:25 p.m. Councilor Riofrio left the Council Chambers and returned at 9:27 p.m.).

Discussion was held on the criminal activity near that area of town and the agreement between the police department and the Housing Authority in regards to criminal activity reporting services.

3. City Attorney
 - a) Monthly Report

Nothing to report.

4. City Manager

City Manager DiMaggio reported on a future meeting with the healthcare broker to change the healthcare provider from Aetna to BlueShield; San Joaquin Valley Joint Powers Agreement (JPA) related to water storage; and removing Mendota and Orange Cove from the JPA.

MAYOR AND COUNCIL REPORTS AND INFORMATIONAL ITEMS

1. Council Member(s)
Council reports

Councilor Castro reported on raises that managers have received and that he spoke to employees that only work part-time.

Discussion was held on the dynamics of the budget and previous requests from City Management for more staffing.

Councilor Amador mentioned companies that he has met at various conferences that are offering products to the City and a contact that he had met from PG&E with who he shared about a gas odor that some residents had complained about.

Discussion was held on continuing to seek funds for the 7th Street Alignment project.

2. Mayor

Mayor Silva reported on discussions held with Caltrans as to whether the City wants a roundabout or other traffic mitigation measures where Highway 180 meets Highway 33.

Mayor Pro Tem Valdez reported on some vagrants that had settled behind the Pool Hall on 6th Street and on Mendota Youth Recreation's upcoming Red Ribbon Events.

CLOSED SESSION

1. PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE
CA Government Code §54957(b)(1); City Attorney
 - Council to take appropriate action resulting from Closed Session.

At 9:46 p.m. the Council moved into closed session.

At 10:30 p.m. the Council reconvened in open session and City Manager DiMaggio announced that in regards to the Closed Session item Council desires to dismiss City Attorney Boranian, continue to retain David Fike for ongoing litigation, and invite Mr. Fike to serve as Interim City Attorney.

A motion was made to dismiss City Attorney Boranian, continue to retain Assistant City Attorney David Fike for ongoing litigation, and invite Mr. Fike to serve as Interim City Attorney by Mayor Silva, seconded by Councilor Amador; approved (4 ayes, no: Valdez).

CONSENT CALENDAR

9. Council authorize staff to prepare a Request For Proposals for legal services.

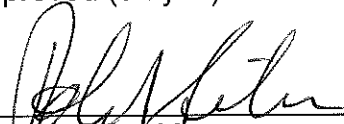
Discussion was held as to whether the item is covered by motion that resulted from the Closed Session.

A motion was made to approve item 9 of the Consent Calendar by Councilor Amador, seconded by Councilor Castro; approved (4 ayes, no: Valdez).

Meggin Boranian asked to address the Council; thanked the Council for having the opportunity to serve the Council and the community; stated that she will continue to serve the community; stated that she is proud for having served with integrity; and reminded the Council of trainings that they need to receive.

ADJOURNMENT

With no more business to be brought before the Council, a motion for adjournment was made at 10:36 p.m. by Councilor Amador, seconded by Councilor Castro; unanimously approved (5 ayes).



Robert Silva, Mayor

ATTEST:



Matt Flood, City Clerk

