

**MINUTES OF MENDOTA
REGULAR CITY COUNCIL MEETING**

Regular Meeting

October 27, 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 Mayor Silva.

Invocation led by Mario Plascencia from Christian Life Tabernacle.

FINALIZE THE AGENDA

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

City Manager DiMaggio requested that item 7 of the Consent Calendar be removed from the agenda and be rescheduled to a future City Council meeting agenda and stated that staff requested to add a case of potential litigation to the Closed Session but needing approval by a majority if the Council.

A motion was made by Councilor Riofrio to add a case of potential litigation to the Closed Session, seconded by Councilor Castro; unanimously approved (5 ayes).

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

PRESENTATION

1. Ivette Rodriguez from Mid Valley Disposal to present 1st and 2nd quarter recycling updates.

Ivette Rodriguez from Mid Valley Disposal reported on the residential waste assessments that were done in the summer; the importance of educating the public on the type of waste that is designated to each bin; multi-family site visits and commercial site visits that were done and honoring the businesses that did well in their recycling efforts; various community events that Mid Valley Disposal participates in; the amount of tonnage that was collected during the Spring 2015 community clean-up event; the City not meeting its total diversion goal for 2014 but continuing to make progress; the total percent for C&D diversion; the new residential food waste recycling program in which food waste can be placed in the green bin; adding a drop-off location for light bulbs, batteries, and used motor oil; the possibility of having a mattress recycling program being implemented in the City; and the AB1826 business requirements in which businesses generating 8 CY organics/week are required to have organic waste recycling.

Discussion was held on the benefits of having all three garbage bins being collected weekly and the possibility of having a drop-off location in the City for landscapers to dispose of green waste.

2. Fresno County Clerk Brandi Orth to provide an update on the recent activities of her office.

Fresno County Clerk Brandi Orth reported on the turnout for 2014's election; the upcoming election for the West Hills Community College District Board; and legislation that was signed by the Governor for the new California Motor Voter bill in which individuals who apply for a driver's license will be registered to vote.

Discussion was held on individuals not receiving voting information for the upcoming election; the boundaries of the West Hills Community College District 6; and a new feature on the Fresno County Clerk's website that will be implemented in the future which will allow for voter verification.

CITIZENS ORAL AND WRITTEN PRESENTATIONS

Dino Perez (Westside Youth Inc.) - reported on the upcoming Cobra football game; sign-ups for the upcoming holiday toy giveaway were now being accepted; and the upcoming 2nd annual volunteer luncheon which will be held on November 11th.

APPROVAL OF MINUTES AND NOTICE OF WAIVING OF READING

1. Minutes of the Regular City Council meeting of October 13, 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. OCTOBER 09, 2015 THROUGH OCTOBER 22, 2015
WARRANT LIST CHECKS NO. 40054 THRU 40125
TOTAL FOR COUNCIL APPROVAL = \$579,183.69
2. Council adopt **Resolution No. 15-74**, approving the purchase of equipment for the Senior Center.
3. 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.
4. Council adopt **Resolution No. 15-73**, authorizing staff to issue a Request for Qualifications for engineering services for Federal Highway Administration funded projects.
5. Council adopt **Resolution No. 15-75**, authorizing the Chief of Police to enter into a Memorandum of Understanding with the Fresno County Rural Transit Agency.
6. Council adopt **Resolution No. 15-76**, awarding the construction contract for the Mendota Elementary School Pedestrian Improvements Project to Avison Construction, Inc.
7. Council approve the agreement for Criminal Activity Reporting Services.
[This item was tabled for consideration at a future meeting]

Requests were made to pull items 2, 3, 5, and 6 for discussion.

A motion was made to approve items 1 and 4 of the consent calendar by Councilor Riofrio, seconded by Councilor Castro; unanimously approved (5 ayes).

2. Council adopt **Resolution No. 15-74**, approving the purchase of equipment for the Senior Center.

Discussion was held on cameras being stolen from the Senior Center in the past and

installing an alarm system at the Senior Center.

A motion was made to install an alarm system at the Senior Center and approve item 2 of the consent calendar by Mayor Pro Tem Valdez, seconded by Councilor Riofrio; unanimously approved (5 ayes).

3. 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.

Discussion was held on staff verifying that donations that are made to the Mendota Community Corporation are properly documented.

A motion was made to approve item 3 of the consent calendar by Councilor Amador, seconded by Mayor Pro Tem Valdez; unanimously approved (5 ayes).

5. Council adopt **Resolution No. 15-75**, authorizing the Chief of Police to enter into a Memorandum of Understanding with the Fresno County Rural Transit Agency.

Discussion was held on the money that is received from the Fresno Rural County Transit Agency (FCTRA) for Safety and Security Services going to the General Fund; The Memorandum of Understanding (MOU) being an annually recurring MOU; Officer Ayala being the officer assigned to board the bus and interact with the bus driver and passengers; and incidences in which there has been calls for service at bus stops.

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

6. Council adopt **Resolution No. 15-76**, awarding the construction contract for the Mendota Elementary School Pedestrian Improvements Project to Avison Construction, Inc.

Tom Lockwood (Todd Companies) – explained that he was the estimator that worked on the bid proposal for Todd Companies; stated that Todd Companies was the apparent low-bidder for the project, however the project is going to be awarded to the second lowest bid since the system that Todd Companies was going to install did not meet the specifications stated in the plans for the project; stated that the company was unaware of the sole source component of the system specifications; and requested that Todd Companies be allowed to rebid.

Discussion was held on manufacturers that offer the products that meet the specifications for the project; the other companies that bided on the project including systems in their bid that meets the specifications of the project; the specifications of the project requiring wireless in-roadway lights and Todd Companies bid including hardwire in-roadway lights; and the amount of companies that submitted bids.

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

BUSINESS

1. Council consider requests from Westside Youth, Inc. and Mendota Youth Recreation to continue the open market.

Mayor Silva introduced the item.

Mayor Pro Tem Valdez stated that he would abstain, stepped down from the dais, and joined the audience at 6:53 p.m.

Planning & Economic Development Manager Flood reported that Westside Youth Inc. (WY), has an open market on Wednesday evenings and Mendota Youth Recreation (MYR) has an open market on Saturday evenings; the Facility Use Application for the open market for Westside Youth Inc. ending the last week of October and the application from MYR ending early November; both organizations requesting to amend their Facility Use Applications and extend the length of their open markets; both organizations requesting to have the open market on Wednesdays; and the conditions that will need to be met should extensions to the Facility Use Applications be granted.

Discussion was held on the conflict of both organizations requesting to continue to the open market on Wednesday; MYR requesting to continue the open market on Wednesday since WY's Facility Use Application was going to end at the end of October; and the need for both organizations to fundraise in order to pay their bills and for recreational activities.

Dino Perez (Westside Youth Inc. [WY]) - reported that Westside Youth Inc. will be having its 38th anniversary this year; the increase of insurance, rent, and Cobra football costs creating the need for additional funding (at 7:05 p.m. Councilor Castro left the Council Chambers); purchasing supplies for residents that are in need; the possibility of needing to buy additional toys for the upcoming holiday (at 7:07 p.m. Councilor Castro returned to the Council Chambers); the possibility of the center offering more services in the future; and requested that WY be granted an extension to their Facility Use Application in order to continue having the open market on Wednesday.

Discussion was held on extensions to WY's Facility Use Application that have been approved in the past; the possibility of granting both organizations extensions to their Facility Use Applications and having both organizations alternate hosting the open market on Wednesdays; and allowing local businesses to sell at the open market.

Corina Banuelos and Sergio Valdez (Mendota Youth Recreation [MYR]) – stated that MYR was approached by vendors and were asked to continue the open market on Wednesday since WY's open market was only approved until the end of October; the increase of equipment costs for MYR; the need to purchase additional equipment for

recreational activities; explained that the recreational activities that are offered by MYR and WY serve as a deterrent for crime for youths; requesting to have open market on Wednesdays for a few months; the increase of insurance costs for both organizations; MYR seeking grant opportunities to purchased equipment; various events that MYR hosts throughout the year; and purchasing additional toys for children, aside from the toys received for Toys 4 Tots, for the upcoming holiday.

Discussion was held on MYR continuing to have the open market on Saturday; MYR requesting to have the open market on Wednesday for a few months; the possibility of both organizations sharing the open market on Wednesday and alternating weekly; the limited amount of vendors that attend the open market on Saturday; and the importance of Council making a decision that will benefit both organizations.

Rosemary Gomez (Westside Youth Inc.) – stated that WY can share rest of the months of the Wednesday open market with MYR and contacting the Police Department to advise them that both organizations will alternate every Wednesday hosting the open market.

Discussion was held on a law enforcement contract being in place for the open market for both organizations; both organizations alternate hosting the Wednesday open market until December; and MYR and WY contacting City Hall to request an extension to their applications until February 2016.

Kevin Romero (160 Tuft Street) – stated that he volunteers with both organizations; reported on the benefits of participating in recreational activities; and stated that he enjoys going to the open market.

Richard Ray (Westside Youth Inc.) – inquired as to the length of the proposed extensions to the Facility Youth Applications for both organizations.

Ramiro Espinoza (Westside Youth Inc.) – stated that he would like for WY to solely continue to have the open market in the upcoming year.

Discussion was held on Council's motion to include various conditions.

A motion was made to approve the extensions of the Facility Use Applications for Westside Youth Inc. and Mendota Youth Recreation by Councilor Riofrio with the following conditions:

1. Both organizations shall have a law enforcement contract in place with the Mendota Police department;
2. The extension of the Facility Use Applications going until December with possible extension with approval by the City Manager until February 2016;
3. WY and MYR alternate hosting the Wednesday open market with one group hosting it one week and the other group hosting it the week after;
4. MYR will begin hosting the Wednesday open market on November 4th and then

alternate with WY after that.

The motion was seconded by Councilor Amador, approved (4 ayes, abstain: Valdez)

At 7:28 p.m. Mayor Pro Tem Valdez returned to the dais.

2. Council discussion on airport usage.

Mayor Silva introduced the item and Director of Administrative Services Johnson reported on Council's past discussion in regards to the possibility of closing the William Johnston Municipal airport; staff contacting Caltrans Divisions of Aeronautics in regards to the amount owed to the state for the City allocation of California Aid to Airports Program (CAAP) should the City decide to close the airport; the Division having the ability to waive repayment of funds if they determine that the airport is not necessary to the system of public airports; the total Airport Improvement Program (AIP) funding that was received from the Federal Aviation Administration (FAA); the FAA possibly requiring the City to reimburse the federal government for the approved AIP project funds received within the previous 20 years should the FAA decide to release grant funded improvements; FAA considers airport closures on a case-by-case basis; the process to close the airport is extensive; and the estimated total amount that would need to be paid in order to close the airport.

Discussion was held on the total amount that would need to be paid should the City decide to close the airport; the City needing to pay an unamortized amount of the AIP funds which will be determined by FAA; the possibility of converting the airport to an industrial business park and the benefits that the City can receive from doing so; the amount of funding that the City will need to go to the airport in order to create appropriate infrastructure for an industrial business park; staff contacting the FAA in order to determine the actual AIP funds that will need to be paid; the possibility of selling or leasing airport property; the timeline of closing the airport should the City decide to do so; the amount of revenue received from the airport; the airport being classified as unclassified which limits the usage of the airport; Council establishing development impact fees for industrial uses and staff analyzing road impact fees should the City develop an industrial business park; and staff determining the actual total AIP funds that will need to be reimbursed to the federal government and analyzing the possibility of selling or leasing airport property and report to Council in the future.

3. Council discussion on the use of commercial properties for private parties.

Mayor Silva introduced the item and City Manager DiMaggio reported on a private party that occurred on the Star Market property; a meeting that was held between the owner of the Star Market property and staff in regards to them not being able to charge an outside party to hold an event at the property; the owner stating that they were going to have a family gathering at the property and that the gathering actually occurred; construction work that has occurred inside the building without the appropriate building permits; deficiencies with the buildings fire protection; the owner being cited however

the legality of the citation being questionable; and Council directing staff to make the appropriate changes to the Mendota Municipal Code or how to enforce regulations in the future so everyone is treated fairly.

Discussion was held on a business owner who complied with all code regulations and went through the appropriate process to have a dance hall within the City; the use of the Star Market building changing so the building has to comply with current occupancy codes; the citations that were given out as a result of the event; the process that the owner has to go through in order to convert the building into a dance hall; the importance of the City not infringing into an individual's property rights; the property being included in the Economic Incentive Zone; and staff continuing to work with the individual.

4. Council receive report from Mayor Silva and City Manager DiMaggio on the Israel trip.

Mayor Silva introduced the item and City Manager DiMaggio presented information on the Israel trip including that the Mekerot Group is an Israeli Government owned water company; provided background information on the creation of Israel and various wars that occurred in which outside countries attacked Israel and resulted in Israel capturing land; reported that the entire water system for Israel begins in Galilee and that water system was built into a mountain due to the Sea of Galilee being water source for Syria; various facilities that the delegates traveled to; the Mekerot Development and Enterprise business which initiates projects in countries around the world such as Mexico and Cyprus; Mekerot supplies 85% of the drinking water in Israel and reuses 60% of Israel's treated wastewater; the various types of water that the company treats; the company is able to supply water from the sea of Galilee within 7 days and provide desalinated water within 3 hours; various water treatment facilities throughout Israel; Mekerot operates 13 wastewater treatment and effluent reuse plants; (at 8:29 p.m. Councilor Castro left the Council Chambers) Mekerot's reclaiming of the treated wastewater for agricultural use is a world record; Mekerot seeds clouds in order to increase rainfall; Mekerot has less than 3% water loss mitigation; and described a BOT project in which the company will maintain ownership for 25 years and then it transfers to their customer.

Director of Public Works Gonzalez presented pictures of water treatment facilities that the delegates visited on the Israel trip.

Discussion was held on the next steps of the proposed tertiary project at the Wastewater Treatment Plant; a company called Severin Trent that has done similar work as Mekerot in the United Kingdom and the United States; and the advantages of having such a company as Mekerot in Mendota.

DEPARTMENT REPORTS AND INFORMATIONAL ITEMS

1. City Attorney
 - a) Monthly Report

Interim City Attorney Fike reiterated that he accepted to be the Interim City Attorney.

2. City Manager

Nothing to report.

MAYOR AND COUNCIL REPORTS AND INFORMATIONAL ITEMS

1. Council Member(s)
Council reports

Mayor Pro Tem Valdez reported on the upcoming Senior Thanksgiving Luncheon and the upcoming MCC Softball game, and reported on a Fresno COG Meeting that he attended.

Councilor Riofrio reported on upcoming Mendota High School Football games against Tranquillity and Firebaugh.

Councilor Amador reported on attending the retirement dinner for John Navarrete.

2. Mayor

Mayor Silva reported on a program previously adopted by other cities regarding a Code of Conduct for Council and Staff and the impact of Hurricane Patricia.

CLOSED SESSION

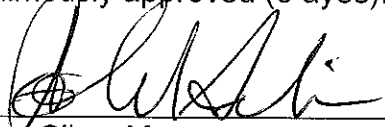
1. CONFERENCE WITH LEGAL COUNSEL -- EXISTING LITIGATION
CA Government Code § 54956.9 (a)
Edward Warkentine et al. v. Hector J. Soria, et al., U.S. District Court Eastern District Case No. 13-cv-01550
2. CONFERENCE WITH LEGAL COUNSEL -- EXISTING LITIGATION
CA Government Code § 54956.9 (a)
Martha Rodriguez v. City of Mendota, Fresno County Superior Court Case No. 15 CECG 00834
3. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION
CA Government Code § 54956.9(d)(2): 1 case

At 9:16 p.m. the Council moved into closed session.

At 9:49 p.m. the Council reconvened in open session and Interim City Attorney Fike reported that in regards to items 1-3 of the closed session, there was nothing to report.

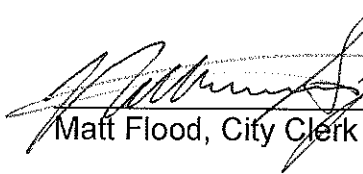
ADJOURNMENT

With no more business to be brought before the Council, a motion for adjournment was made at 9:49 p.m. by Mayor Pro Tem Valdez, seconded by Councilor Riofrio; unanimously approved (5 ayes).



Robert Silva, Mayor

ATTEST:



Matt Flood, City Clerk

