

**MINUTES OF MENDOTA  
REGULAR CITY COUNCIL MEETING**

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**Regular Meeting**                      **Tuesday January 14, 2014**

**Meeting called to order by Mayor Robert Silva at 6:01 p.m.**

**Roll Call**

**Council Members Present:**            **Mayor Robert Silva, Mayor Pro Tem Joseph Amador, and Councilors S. Leo Capuchino, Joseph Riofrio, and Sergio Valdez.**

**Council Members Absent:**            **None.**

**Flag Salute led by Councilor Riofrio**

**FINALIZE THE AGENDA**

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

Staff requested to receive the Code Enforcement report directly after the Public Hearing item and to hear Business Item 1 after the Code Enforcement report.

A motion was made by Mayor Pro Tem Amador to adopt the agenda with the recommended adjustments, seconded by Councilor Valdez; unanimously approved (5 ayes).

**SWEARING IN**

1.     Chief of Police Jerry Galvin to swear in new police officers Oscar Rivas and Armando Casas.

Chief Galvin introduced Officers Rivas and Casas to the Council; provided information on their experience and background and swore them in,

Officers Rivas and Casas thanked the Council for their support and expressed their desire to serve the community. Members of the Council thanked the officers for their service.

**PUBLIC HEARING (CONTINUED)**

1. Council to continue the public hearing on the River Ranch Specific Plan; perform the second reading and consider enactment of **Ordinance No. 13-07**, adopting the River Ranch Specific Plan and enacting the requisite zoning text amendments therein. [City Planner, O'Neal]

Mayor Silva introduced the item and Interim City Manager Pauley stated that this is the same item that was brought to Council at a previous meeting and that staff recommends to continue the public hearing.

A motion was made by Mayor Pro Tem Amador to continue the public hearing to the January 28<sup>th</sup> meeting, seconded by Councilor Valdez; unanimously approved (5 ayes).

**DEPARTMENT REPORTS AND INFORMATIONAL ITEMS**

2. Code Enforcement
  - a) Monthly Report

Code Enforcement Administrative Assistant Maria Perez gave the report for December 2013 including high voluntary compliance with yards that were a public nuisance; enforcement efforts made regarding a part of the fire code that requires that each house has numbers on it to identify it; significant enforcement cases; and non-operating vehicles.

Discussion was held on significant cases in the city; the need for code enforcement on the weekends; recent violations of the Amplified Music Permit policy; the disadvantage of having police officers citing for infractions of the Mendota Municipal Code (MMC); shopping carts that are being stolen from stores; the enforcement of "no burn" days by the local air district; and the importance of having construction companies water down the dirt at their sites.

**BUSINESS**

1. Council discussion and consideration of **Resolution No. 14-02** to support 6 days a week mail delivery service by the United States Postal Service. [City Clerk, Flood]

Mayor Silva introduced the item and City Clerk Flood reported that Mr. Eric Ellis from the California Association of Letter Carriers had contacted him requesting to have a resolution put before Council for consideration to support the retention of six-days-a-week letter delivery service. Mr. Ellis reported to the Council that his predecessor was Freddy Valdez, a former Mendota resident that had passed away; that proposed Assembly Bill 1486 will have negative impacts on the United States Postal Service (USPS); and the financial problems that have, and may, plague the USPS.

Discussion was held on a recent scandal involving purposeful non-delivery of mail by USPS agents.

A motion was made by Councilor Valdez to adopt Resolution No. 14-02, seconded by Mayor Pro Tem Amador; unanimously approved (5 ayes).

### **PRESENTATIONS**

1. Representatives from Price, Paige, & Company to present the results of the fiscal year 2012/2013 audit.

Mayor Silva introduced the presentation and Fausto Hinojosa from Price, Paige & Company presented the audit including its purpose; the risk assessment used for determining the risk of error or fraud; there were no instances of fraud, deficiencies, or other significant risks; the report of assets, liabilities, and the net position of the City's finances; the state of the general fund; the \$1.3 million set aside as an emergency contingency; the net position of proprietary (enterprise) funds; the finding that some credit adjustments on utility billing does not get credited to the correct accounts; the City is a low-risk auditee for federal grants; and the thorough job performed by the private contractor that comes at year-end to close out the books.

Discussion was held on the conditions that have to be met in order to use the \$1.3 million; ways to increase investment opportunities; and previous CD's that the City held.

### **APPROVAL OF MINUTES AND NOTICE OF WAIVING OF READING**

1. Minutes of the Regular City Council Meeting of December 10, 2013 and the Special Meeting of December 17, 2013.
2. Notice of waiving of the reading of all resolutions and/or ordinances introduced and/or adopted under this agenda.

A motion for approval was made by Councilor Riofrio, seconded by Councilor Valdez; unanimously approved (5 ayes; Councilor Valdez abstained from the vote of the December 17, 2013 minutes, making a unanimous vote of 4 ayes; abstain: Councilor Valdez).

### **CITIZENS ORAL AND WRITTEN PRESENTATIONS**

At this time members of the public may address the City Council on any matter not listed on the agenda involving matters within the jurisdiction of the City Council. Please complete a "request to speak" form and limit your comments to THREE (3) MINUTES. Please give the completed form to City Clerk prior to the start of the meeting. All speakers shall observe proper decorum. The Mendota Municipal Code prohibits the use of boisterous, slanderous, or profane language. All speakers must step to the podium, state their names and addresses for the record. Please watch the time.

None offered.

**CONSENT CALENDAR**

Matters listed under the Consent Calendar are considered to be routine and will be enacted by one motion and one vote. There will be no separate discussion of these items. If discussion is desired, that item will be removed from the Consent Calendar and will be considered separately.

1. DECEMBER 10, 2013 THROUGH DECEMBER 18, 2013  
WARRANT LIST CHECKS NO. 37181 THRU 37233  
TOTAL FOR COUNCIL APPROVAL = \$263,151.62
  
2. DECEMBER 23, 2013 THROUGH JANUARY 8, 2014  
WARRANT LIST CHECKS NO. 37234 THRU 37308  
TOTAL FOR COUNCIL APPROVAL = \$221,669.13
  
3. Council adopt **Resolution No. 14-01** declaring the Rojas-Pierce Park skateboard park irrigation project as categorically exempt under Section 15303 of the California Environmental Quality Act.
  
4. Council adopt **Resolution No. 14-03** urging the Governor to declare a state of emergency due to unprecedented drought conditions.
  
5. Council waive the first reading of **Ordinance No. 14-01**, amendments to the Mendota Municipal Code to adopt by reference the 2013 California Building Standards codes, and set the public hearing for January 28, 2014.
  
6. Council receive, review, and file the Fiscal Year 2012/2013 Development Impact Fee Report and make the determination that it is necessary to retain all unspent funds.
  
7. Council authorize the Interim City Manager to sign the proposal and all associated documents for the purpose of purchasing two light poles for the Waste Water Treatment Plant.

Items 3 and 5 were pulled from the Consent Calendar for separate consideration. A motion was made by Councilor Riofrio to approve items 1, 2, 4, 6, and 7 of the Consent Calendar, seconded by Mayor Pro Tem Amador; unanimously approved (5 ayes).

3. Council adopt **Resolution No. 14-01** declaring the Rojas-Pierce Park skateboard park irrigation project as categorically exempt under Section 15303 of the California Environmental Quality Act.

Discussion was held on the purpose of the fee to be paid for this item, which is for a CEQA filing; the cost of the project; the amount that will be paid by grants; the problems that happened with the irrigation at the recently renovated baseball park; a request to get the amount of man hours spent on repair of the baseball diamond irrigation system; and using a slow-action valve to prevent damage to the irrigation system.

A motion was made by Mayor Pro Tem Amador to adopt Resolution No. 14-01, seconded by Councilor Valdez; unanimously approved (5 ayes).

5. Council waive the first reading of **Ordinance No. 14-01**, amendments to the Mendota Municipal Code to adopt by reference the 2013 California Building Standards codes, and set the public hearing for January 28, 2014.

(At 7:17 p.m. Councilor Riofrio stepped out of the Chambers)

Discussion was held on the need for an update to many of the City's policies and the nature of adopting the California Building Standards codes.

A motion was made by Mayor Pro Tem Amador to waive the first reading of Ordinance No. 14-01 and set the public hearing for January 28<sup>th</sup>, seconded by Councilor Valdez; unanimously approved (4 ayes; absent: Riofrio).

(At 7:20 p.m. Councilor Riofrio re-entered the Chambers)

## **BUSINESS**

2. Council discussion and consideration to direct staff to write a letter of support for maintaining the County Library branches level of service. [Mayor Silva]

Mayor Silva introduced the item and reported that there is a need to send a letter encouraging the County Board of Supervisors to support maintaining the level of service they offer by not cutting hours.

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

3. Council review administrative policies related to event permits for non-profit organizations and city-sponsored events and direct staff to make appropriate changes and amendments. [Interim City Manager, Pauley]

Mayor Silva introduced the item and Interim City Manager Pauley reported that some administrative policies are out of date and need to be revised to conform with federal or state law; his recommendation on how to organize administrative policies; the importance of having consistent policies; how the need to revise and update the policies came about; the policies should have the City "sponsoring" events and not "hosting" them; and the staff recommendation to make the changes and amendments.

Discussion was held on the legality of reserving the whole park for an event and the use of City equipment in the past by private organizations being beneficial to the community.

Council consensus was reached to bring the policy to Council in the future for approval with the proposed recommendations.

4. Council discussion and consideration to direct staff to create an ordinance to modify the Potable Water Protection Regulation in the Mendota Municipal Code. [Interim City Manager, Pauley]

Mayor Silva introduced the item and Interim City Manager Pauley reported on various problems with the text in question, including the lack of qualifications for any given City Manager to act as a Health Official, the role municipal water users are given, and various other minor parts which make the policy inadequate.

Council consensus was reached to bring the changes in Title 17 of the MMC to Council in the future for consideration.

5. Council discussion and consideration to transport the Caterpillar bulldozer for diagnosing and repair. [Director of Public Works, Gonzalez]

Mayor Silva introduced the item and Director of Public Works Gonzalez reported that the bulldozer had been purchased to break the surfaces of the wastewater ponds to promote percolation, but that it was unsuitable to do the job; when it was brought out to be used on one occasion, it was found to have severe mechanical defects and was left at the site because the City does not have any truck that can transport it; the options to either have it sold or pay \$500 to transport and diagnose the problem.

Discussion was held on why it was purchased in the first place; what it is worth in the condition that it is in; the prospect of simply renting large machinery on a per-job basis in the future instead of purchasing; and the need to consult with experts before making large purchases such as this one.

A motion was made by Councilor Riofrio to surplus the bulldozer and sell it, seconded by Councilor Valdez; unanimously approved (5 ayes).

### **CLOSED SESSION**

1. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION  
CA Government Code Section 54956.9(b): 1 case

Mayor Silva announced that he would recuse himself from this closed session item and from the following business item due to a possible perceived conflict of interest.

At 7:52 p.m. the Council moved into closed session.

At 8:13 p.m. the Council reconvened in open session.

City Attorney Boranian stated that with regards to item number 1 no reportable action was taken.

## **BUSINESS**

6. Council discussion and consideration to authorize the mailing of a Notice of Intention to adopt a Resolution of Necessity to the property owner as a prerequisite to moving forward with the acquisition of an easement for street widening purposes at Derrick Avenue and 7<sup>th</sup> Street. [City Attorney, Boranian and Assistant City Engineer, Washburn]

Mayor Pro Tem Amador introduced the item and City Attorney Boranian reported that staff recommends that Council authorize a mailing of the Notice of Intention to adopt a resolution of necessity to initiate the process of acquisition of an easement for a public project.

A motion was made by Mayor Pro Tem Amador to approve the action, seconded by Councilor Valdez; unanimously approved (4 ayes; absent: Silva).

At 8:20 p.m. Mayor Silva re-entered the chambers.

## **DEPARTMENT REPORTS AND INFORMATIONAL ITEMS**

1. City Manager

Interim City Manager Pauley reported that he hopes to bring the results of the RFQ for the Police Space Study to the January 28<sup>th</sup> Council meeting; that 7 applications were received for the City Manager position, that he will perform an initial screening via a background check that he will perform, and summarized the interview and selection process that will take place after that; and that he met with representatives of the EDC serving Fresno County that want to expand their efforts for economic development on the west side of Fresno County, and that they have funds to do an overhaul of the City website if there is interest.

Discussion was held on the new Catholic Church plans that are pending.

3. Police Department
  - a) Monthly Report

Chief Galvin gave the year-end report for 2013 including the decrease in the crime rate; the positive things that have happened within the community; and the state of the Mendota Police Department. He then reported on the month of December 2013 including the slight decrease in crime compared to previous months; the problems with drunk drivers; the crime rate compared to December 2012; an update on personnel; and recent information on a wanted fugitive.

Discussion was held on the crime trends of 2013; the amount of overtime paid to officers; the reasons for paying overtime; and meeting with the Mendota Unified School District regarding a School Resource Officer.

4. City Attorney  
a) Update

City Attorney Boranian reported that she met with code enforcement staff and established goals; and that she will go out and visit some of the sites that are of interest for code enforcement in the near future.

Discussion was held on the problems faced with abandoned housing.

5. Director of Support Operations  
a) Update

Director of Support Operations Johnson reported that the City received \$1,000 from employees and contractors of First Solar, a company that will be building a 60 megawatt solar farm west of the federal prison, and that another \$1,000 will be matched from First Solar itself, which will go to purchasing equipment for the Senior Center; and that staff is working on revising the City Personnel Rules.

6. City Engineer  
a) update

City Engineer McGlasson provided an update on the progress of the Smoot, Sorensen, and McCabe Streets Project and discussion was held on sidewalk construction adjacent to an empty lot.

### **MAYOR AND COUNCIL REPORTS AND INFORMATIONAL ITEMS**

1. Council Member(s)

Councilor Riofrio thanked the staff in charge of the Adult Offender Work Program for cleaning tree grates in the public right-of-way.

Mayor Pro Tem Amador commented that a blue post office mailbox in front of the post office is no longer there.

Councilor Capuchino expressed concern about individuals hanging around Fastrip asking people for money and drunks loitering in public places.

Councilor Valdez spoke about an update to the inventory list; the truck used by the Building Inspector and the public works employee that takes care of electrical work; the price of gas for government entities; and the success of the annual Christmas Parade.

2. Mayor

Mayor Silva reported on the upcoming trip to Sacramento on January 16<sup>th</sup> to rally for



increased water to the valley via an emergency declaration by the governor.

**CLOSED SESSION**

1. CONFERENCE WITH LEGAL COUNSEL -- EXISTING LITIGATION  
Govt. Code § 54956.9 (a)  
City of Mendota v. Carlos Amaya - FCSC Case No. 11 CECG 01390  
City of Mendota v. Awadh Al Abdulqawi - FCSC Case No. 12 FISC 00008  
Edward Warkentine v. City of Mendota - FCSC Case No. 13 CECG 03203
  
2. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION  
CA Government Code Section 54956.9(b): 1 case
  
3. PUBLIC EMPLOYEE PERFORMANCE EVALUATION  
Government Code Section 54957.6  
Title: City Attorney

At 9:19 p.m. the Council moved into closed session.

At 9:54 p.m. the Council reconvened in open session.

City Attorney Boranian stated that with regards to items number 1 and 2 no reportable action was taken and that item 3 was continued until the January 28<sup>th</sup> Council meeting.

**ADJOURNMENT**

At the hour of 9:55 p.m., with no more business to be brought before the Council, a motion for adjournment was made by Councilor Riofrio, with a second by Councilor Valdez; unanimously approved (5 ayes).

  
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Robert Silva, Mayor

ATTEST:

  
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Matt Flood, City Clerk

