

**MINUTES OF MENDOTA  
REGULAR CITY COUNCIL MEETING**

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**Regular Meeting**

**January 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 (6:03 p.m.).

**Council Members Absent:** None.

**Flag salute led by Councilor Castro.**

(At 6:03 p.m. Councilor Riofrio entered the chambers.)

**A moment of silence was held in honor of Mendota residents Rachel Amador, Tony Barajas, Alfred Sanchez, Rudy Lozano, and Trinidad Barboza, who had recently passed away.**

**FINALIZE THE AGENDA**

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

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

**CITIZENS ORAL AND WRITTEN PRESENTATIONS**

None offered.

**PRESENTATION**

1. Victor Bribiesca from the Fresno EDC on the new City website.

Jose Mora from the Fresno County EDC presented information regarding the Rural Development Initiative Grant; the new City website that was included within the grant; and the importance of cities having websites.

David Castillo from Vortal Me provided an overview of the new City website and mentioned that staff would receive training on maintaining the website.

Discussion was held on adding water related information onto the website; the different sections within the website; the cost to create the website; and the time needed to train staff.

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

1. Minutes of the Regular City Council meeting of January 13, 2015.
2. Notice of waiving of the reading of all resolutions and/or ordinances introduced and/or adopted under this agenda.

Deputy City Clerk Cabrera pointed out a correction to be made in regards to business item number two in order to specify the timeframe of the traffic study.

A motion was made by Councilor Riofrio to approve items 1 and 2, seconded by Mayor Pro Tem Valdez; unanimously approved (5 ayes).

### CONSENT CALENDAR

(At 6:15 p.m. Councilmember Castro left the dais and joined the audience)

1. JANUARY 08, 2015 THROUGH JANUARY 22, 2015  
WARRANT LIST CHECKS NO. 38898 THRU 38952  
TOTAL FOR COUNCIL APPROVAL = \$217,445.89
2. Council adopt **Resolution No. 15-05**, authorizing, approving, and ratifying the agreement for auto repair services with Rolando Castro pursuant to Government Code Section 1091(a).
3. Council adopt **Resolution No. 15-06**, making a donation from the Community Promotions Fund to two students for an educational trip.
4. Council adopt **Resolution No. 15-07**, declaring its intention to propose an amendment to the zoning ordinance.

A request to pull items 2 and 3 was made and Mayor Pro Tem Valdez reminded staff to purchase items from local businesses.

A motion was made to approve items 1 and 4 of the consent calendar by Councilor Riofrio, seconded by Mayor Pro Tem Valdez; unanimously approved (4 ayes; 1 abstention: Castro).

2. Council adopt **Resolution No. 15-05**, authorizing, approving, and ratifying the agreement for auto repair services with Rolando Castro pursuant to Government Code Section 1091(a).

Mayor Silva introduced the item and mentioned he wanted clarification for the public as to what Councilors can and cannot do. City Attorney Boranian reported on Government Code Section 1090; the exceptions within the Code; Councilmember Castro meeting the requirements as a remote interest; and assuring the Council that the business relationship that Councilor Castro has with the City is lawful.

A motion was made to adopt Resolution No. 15-05 by Mayor Pro Tem Valdez, seconded by Councilor Amador; unanimously approved (4 ayes; 1 abstention: Castro).

(At 6:28 p.m. Councilor Castro returned to the dais.)

3. Council adopt **Resolution No. 15-06**, making a donation from the Community Promotions Fund to two students for an educational trip.

Mayor Silva introduced the item and explained that the Council should increase the donation to the students.

Jessica Dominguez and Karla Barrera, Mendota High School students, provided a brief background about themselves and the Ivy League Project.

Discussion was held on the amount that the students have to raise in order to go on the trip; the timeline in which the students have to submit their payments; the students being able to promote Mendota on the East coast; and staff and other members of the public donating to the students as well.

A motion was made to donate \$200 to the students and adopt Resolution No. 15-06 by Councilor Amador, seconded by Mayor Pro Tem Valdez; unanimously approved (5 ayes).

## **BUSINESS**

1. Appointment of Mendota residents to the Mendota Baseball and Planning Commissions.

Mayor Silva introduced the item and Deputy City Clerk Cabrera summarized her report and mentioned that Mr. Paul Lopez would now be the Mendota Unified School District representative for the Baseball Commission.

Mayor Silva explained that someone should be selected that can gain valuable experience from the position and recommend that Martin Gamez and Juan Luna be appointed to the Planning Commission.

Discussion was held on changing the Planning Commission to a 7-member commission; each of the applicants that applied; and the applicants involvement within the City of Mendota.

A motion to approve Mayor Silva's request to appoint Martin Gamez and Juan Luna to the Planning Commission was made by Mayor Pro Tem Valdez, seconded by Councilor Riofrio; unanimously approved (5 ayes).

Discussion was held on the duties of the Baseball Commission.

A motion was made to re-appoint John Flores, John Sanchez, and Juan Luna to the Mendota Baseball Commission by Councilor Amador, seconded by Mayor Pro Tem Valdez; unanimously approved (5 ayes).

Mayor Silva announced that there was a request to hear item 3 at this moment.

3. Council adopt **Resolution No. 15-08**, acknowledging receipt of the annual audit.

Mayor Silva introduced the item and Josh Giosa from Price, Paige, and Company summarized the results of the annual audit including not having any findings with the current year audit; having to perform a single audit; required supplementary information; awareness of cost increase; statement of activities; specification of the governmental fund; the creation of the Joint Powers Authority in the 1980s and its purpose; home loans being forgivable if it meets certain requirements; and the City being in good financial shape.

Discussion was held on the various amounts from City funds and accounts; the Council receiving the audit findings before the City Council meeting and not having enough time to review it; and having staff provide information regarding outstanding home loans.

A motion was made to adopt Resolution No. 15-08 by Mayor Pro Tem Valdez, seconded by Councilor Riofrio; unanimously approved (5 ayes).

2. Council to receive demonstration and provide direction to staff on the 7<sup>th</sup> St. street light project.

Mayor Silva Introduced the item and City Manager DiMaggio reported that prior City Manager Don Pauley had an idea to replace street lights along the 7<sup>th</sup> street corridor; the item being tabled until approval by the Public Utilities Commission; and now having the Council view the light demonstration on 7<sup>th</sup> street and provide direction to staff.

At 7:13 p.m. Mayor Silva announced that there would be a 10 minute recess to walk to 7<sup>th</sup> street and view the light demonstration.

At 7:25 p.m. the Council reconvened in open session, absent Councilor Riofrio.

Don Grey with D5 Enterprises described the characteristics of the light installed on 7<sup>th</sup> street (At 7:27 p.m. Councilor Riofrio entered the chambers); the cost to replace the lamps; the timeframe of installing the street lights; and other cities that have had these lights installed.

Discussion was held on having lights installed along the entire 7<sup>th</sup> street.

Council directs staff to move forward with the contract with D5 Enterprises and have it sent to the City Attorney for review.

4. Reconsideration of City Council policy prohibiting council members from being reserve police officers.

Mayor Silva introduced the item and Councilor Amador provided a brief background on his law enforcement experience; his passion about law enforcement; and the ways that he can help the City as a reserve officer.

City Attorney Boranian explained that the purpose of the restriction was due to the discretionary power that the Chief of Police has over reserve officers and that the situation could have the appearance of a conflict of interest.

Discussion was held on Councilor Amador's passion for law enforcement; discussions between members of the community and Mayor Silva; the possibility of making other officers feel uncomfortable; the issue of not having a permanent chief; tabling the item until the new chief is hired so that they can express their opinion; issues that can arise if the Councilor has to be disciplined as a reserve officer; the positive attributes that Councilor Amador brings to the community; Councilor Amador wanting to volunteer with the Explorer Program but being told he could not; and the different ways that Councilor Amador can volunteer without being a reserve officer.

**Raul Varela (263 "J" Street)**- stated that allowing Councilor Amador to be a reserve officer would be a positive attribute to the community; Council should ease the policy that prohibits City employees from being a member on a commission; and wanting to be on the Baseball Commission but not being allowed to.

**Macario Banuelos (630 Gaxiola Street)**- explained that allowing a councilmember to be a reserve officer can lead to other issues and that council should ease the policy that prohibits City employees from being a member on a commission.

**Ramiro Espinoza (837 Stamoules Street)**- explained that there are other ways that Councilor Amador can help the community; allowing a councilor to be a reserve officer brings the potential issue of conflict of interest; and about a conversation he had with Councilor Amador.

**Joel Warkentin (Mendota Police Officer Association)**- stated that the MPOA membership is against making any change to the current policy as it would place other officers in an unenviable position.

Councilor Amador withdrew his request.

### **PUBLIC HEARING**

1. Council hold a public hearing and adopt **Resolution No. 15-09**, approving amendments to the Fiscal Year 2014-15 budget.

Mayor Silva introduced the item and City Manager DiMaggio reported on necessary budget adjustments that need to be made; revenue that the City will receive; having to increase the utility rates in the future; and why the line item regarding police overtime was increased.

Discussion was held regarding the purpose of the mid-year budget adjustment; the causes to why certain line items are exceeding their amount; how salaries are projected on the budget; how many Community Facility District homes are in default; and why departments share the work on certain projects.

At 8:26 p.m. Mayor Silva opened the hearing to the public.

**Raul Varela (263 "J" Street)**- explained that Public Works and Public Utilities departments share the work on certain projects due to crew knowledge and the possibility of shortage of man power, and the importance of hiring more workers for both departments.

**Macario Banuelos (630 Gaxiola Street)**- asked for clarification on which sections of the budget pay for the Public Works and Public Utilities salaries.

At 8:32 p.m. seeing that there was not anyone else wishing to comment, Mayor Silva closed the hearing to the public.

A motion was made to adopt **Resolution No. 15-09** by Councilor Riofrio, seconded by Mayor Pro Tem Valdez; unanimously approved (5 ayes).

## DEPARTMENT REPORTS AND INFORMATIONAL ITEMS

1. Public Works
  - a) Monthly Report

Director of Public Works Gonzalez summarized his report including focusing on filling potholes throughout the City; the landscape extension at the Rojas Pierce Park is complete and crews are now focusing on the shade structures; and an addition to the fuel stock due to the low cost of fuel.

Discussion was held on the City keeping a record on dog vaccinations related to impounded dogs; the last time that fee schedules were visited; issues regarding staff being allowed to provide complain directive to City Council members; the chain of command that City employees have to follow regarding an issue; the necessity of Council members knowing certain issues; importance of maintaining the organizational order; the status of water pumps that were not able to be used during a recent storm; and the use of City equipment by other government entities.

2. Public Utilities
  - a) Monthly Report

Director of Public Utilities Lewis reported on the recent replacement of some impellers; the operation of the booster pump near the prison; the upcoming delivery of the filter media for the water treatment plant; construction of the shade structure at the water treatment plant; repairs and calibrations made to the Scada system; and maintenance to various wells and piping systems.

Discussion was held on how long it would take to complete the installation of the filter media and the cause of a recent failure of booster pumps.

2. City Attorney
  - a) Update

City Attorney Boranian reported on the upcoming March 10th AB1234 ethics training from 3-5 p.m. for elected officials and a meeting she had with employees interested in a new grant for education training.

Discussion was held on the amount of companies that provide training for elected officials.

3. City Manager
  - a) Report

City Manager DiMaggio reported on the quarterly report received from the City's grant consultant company.

Discussion was held on the prospect of getting solar facilities in the City and the benefit that would bring.

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

1. Council Member(s)  
Council reports

Councilor Amador reminded the public of the Farm worker Appreciation Day and Resource Fair that will happen this Friday, January 30<sup>th</sup>.

2. Mayor

Mayor Silva reported on the recent visit of the Salvadoran Consulate and the large amount of people that came for it and being contacted by the Nisei Farmer's League regarding donations of various materials to Mendota.

Discussion was held on talking with Assemblymember Perea about having the DMV open for an additional day.

### **CLOSED SESSION**

1. PUBLIC EMPLOYMENT  
CA Government Code § 54957(b)  
Title: Police Chief
2. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION  
CA Government Code § 54956.9(d)(2): 1 case
3. CONFERENCE WITH LEGAL COUNSEL -- EXISTING LITIGATION  
Government Code § 54956.9 (a)  
Martha Rodriguez v. Mendota Police Department- EEOC Charge No. 485-2014-00311


At 9:17 p.m. the Council moved into closed session.

At 10:04 p.m. the Council reconvened in open session and City Attorney Boranian reported that in regards to items 1, 2, and 3 of the closed session, there was nothing to report.

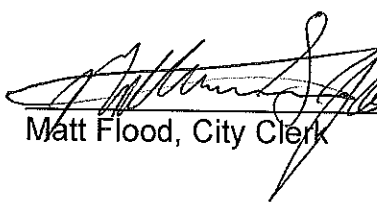
### **ADJOURNMENT**

With no more business to be brought before the Council, a motion for adjournment was made at 10:04 p.m. by Mayor Pro Tem Valdez, seconded by Councilor Amador; unanimously approved (5 ayes).



  
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Robert Silva, Mayor

ATTEST:

  
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Matt Flood, City Clerk

