

**MINUTES OF MENDOTA  
REGULAR CITY COUNCIL MEETING**

---

**Regular Meeting**                      **Tuesday October 14, 2014**

**Meeting called to order by Mayor Silva at 6:00 p.m.**

**Roll Call**

**Council Members Present:**        **Mayor Robert Silva, Mayor Pro Tem Joseph Amador, 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.

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

**CITIZENS ORAL AND WRITTEN PRESENTATIONS**

None Offered.

**DEPARTMENT REPORT**

1.     Code Enforcement  
      a) Monthly Report

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

1.     Minutes of the Special City Council Meeting of September 23, 2014.
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 Councilor Riofrio to approve items 1 and 2, seconded by

Councilor Capuchino; unanimously approved (4 ayes; abstain: Amador).

### 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. AUGUST 25, 2014 THROUGH SEPTEMBER 5, 2014  
WARRANT LIST CHECKS NO. 38297 THRU 38370  
TOTAL FOR COUNCIL APPROVAL = \$288,337.19
2. Council adopt **Resolution No. 14-37**, authorizing the submission of a grant application to the San Joaquin Valley Air Pollution Control District.
3. Council discussion and consideration to adopt **Resolution No. 14-38**, allowing the use of park impact fee funds for the construction of Wastewater Plant structures.

A request was made to pull item 2 for separate consideration. A motion was made by Councilor Riofrio to approve items 1 and 3, seconded by Mayor Pro Tem Amador; unanimously approved (5 ayes).

2. Council adopt **Resolution No. 14-37**, authorizing the submission of a grant application to the San Joaquin Valley Air Pollution Control District.

Councilor Riofrio reported that he believes this grant to be a positive step, asked about what departments the vehicles will go to, and expressed hope that the police department could acquire another car soon.

Councilor Valdez asked Director of Public Works Gonzalez if the City is going to have the capacity to effectively refuel all of the CNG vehicles that the City is acquiring, including the new street sweeper. Public Works Director Gonzalez reported on the possibilities of resolving this situation, including an agreement with Fresno County to use their equipment.

Discussion was held on how the CNG vehicles are charged; the cost of acquiring a fast-fill station; the lack of pressure in the current infrastructure that would not permit a fast fuel station to be very effective; the possibility of getting funding for a fast-fill station from the SJVAPCD if the City demonstrates the need; and the types of trucks that this grant will be acquiring for the City.

A motion was made by Councilor Riofrio to adopt Resolution No. 14-37, seconded by Councilor Valdez; unanimously approved (5 ayes).

### CITIZENS ORAL AND WRITTEN PRESENTATIONS

**Joe Gil Gomez 2033 7th Street** – asked what is required to get an item on the agenda and that he requested a meeting with the City Manager and has not received a response yet.

## **BUSINESS**

1. Council consider the Exclusive use of a portion of Rojas-Pierce Park for a religious gathering.

Mayor Silva introduced the item and Finance Administrative Supervisor Diaz reported that a church out of Mariposa is interested in using Rojas-Pierce Park for a tent revival and that they have provided proof of insurance and proof that they are a valid 501(c)3.

Discussion was held on the name of the church and ensuring that the City is covered appropriately so as to minimize liability risks; what is legally required in order to use the Rojas-Pierce Park; a revival that happened in Mendota a few years ago; the importance of giving back to the community; the exact location of the placement of the tent; the policy related to overnight parking or camping in the parks; the need for a waiver of liability so that the City is held harmless; allowing an RV for security to protect their property; the need to get amplified music permits and setting the sprinklers to not turn on during that time.

Pastor Ryan Horvath - asked what is required for liability purposes; provided information on his organization and how they are working with other churches as the lead church to put this event on; and their efforts that involve distributing clothes and food to families.

A motion was made by Mayor Pro Tem Amador to approve the use with the conditions that insurance and all other paperwork be submitted and a waiver to allow overnight camping be granted; seconded by Riofrio; unanimously approved (5 ayes).

2. Council discussion and consideration to adopt **Resolution No. 14-39**, allowing the use of Measure C Fund balance to offset the new scope of work for 6<sup>th</sup> Street road improvements.

Mayor Silva introduced the item and City Manager DiMaggio reported that the Director of Public Works has been working hard on the use of Measure C and other funding to implement a multi-year pavement improvement plan. Public Works Director Gonzalez presented the Pavement Condition Survey prepared to demonstrate what each street needs; the proposed project area for the 14/15 budget year on 6th Street from Oller to Riofrio; the budget amendment that would need to take place in order to fund this project; and the recommendation of taking care of the rest of 6th Street the following budget year to finish it from Oller to Derrick Avenues.

Discussion was held on the funds being used; the engineer's estimate for the project; the origin and nature of Measure C funds; how the City receives the revenue that goes towards these projects; the possibility of increasing the scope of the project in order to

do 6th Street all at once; other streets that could be worked on concurrently; the disadvantage of doing parts of streets; and how the City of Avenal was able to reconstruct all of their streets.

A motion was made by Councilor Riofrio to adopt Resolution No. 14-39, seconded by Mayor Pro Tem Amador; unanimously approved (5 ayes).

## **DEPARTMENT REPORTS AND INFORMATIONAL ITEMS**

### 1. Code Enforcement a) Monthly Report

Code Enforcement Administrative Assistant Perez reported on activities undertaken in the month of September including significant cases involving weed abatement, public nuisances, and vehicle abatements; the revenue collected from citations; and a summary of a list of active cases.

Discussion was held on out of town property owners that need to be contacted and asked to clean their properties; demolition that was going on without a permit recently that caused dust and other problems; the need to cite those that do not have business licenses; and the need to abate weeds at the airport.

Joe Gomez (2033 7th Street) - asked a question regarding a property his family owns that he was asked to clean up or fix; complained of a property on which was being built an illegal fence; some railroad ties that are laying on a property; and mistakes that the Code Enforcement employees have made.

(At 7:15pm Councilor Riofrio left the Chambers and returned at 7:19 p.m.)

### 2. Police Department a) Monthly Report

Chief Galvin summarized his report for September including the decrease in crime, except for auto thefts; significant case regarding a narcotics arrest; proposition 47 that will be on the ballot that will increase crime by reducing felonies to misdemeanors; and an update on personnel levels.

Discussion was held on releasing names of suspects in crimes at a public meeting; the liability the City could possibly incur by releasing names; the homeless encampment that is at the north end of town; and individuals staying in a culvert south of town.

### 3. City Manager

City Manager DiMaggio provided an update on the acquisition of Family Dollar and a letter sent to ABC regarding Town and Country Liquor violating the terms of their license.

## MAYOR AND COUNCIL REPORTS AND INFORMATIONAL ITEMS

### 1. Council Member(s)

Councilor Riofrio commented on loud music heard throughout the City; intoxicated individuals that cause problems and the measures other cities use to control them.

Mayor Pro Tem Amador thanked staff for efforts during the Driver Awareness event.

Councilor Valdez commented on the problems associated with stores selling alcohol illegally with the sole purpose of making money.

### 2. Mayor

Mayor Silva reported on Westside Youth not getting the funds they need from CDBG and the efforts everyone is making to help them find funds and the upcoming solar groundbreaking ceremony.

## CLOSED SESSION

1. PUBLIC EMPLOYEE PERFORMANCE EVALUATION  
CA Government Code § 54957(b)  
Title: City Manager


At 8:12 p.m. the Council moved into closed session.

At 8:44 p.m. the Council reconvened into open session.

City Attorney Boranian reported that in regards to the closed session item, there is nothing to report.

## ADJOURNMENT

With no more business to be brought before the Council, a motion for adjournment was made at 8:44 p.m. by Councilor Riofrio, seconded by Councilor Valdez; unanimously approved (5 ayes).

  
\_\_\_\_\_  
Robert Silva, Mayor

ATTEST:

  
\_\_\_\_\_  
Matt Flood, City Clerk

