

**MINUTES OF MENDOTA  
REGULAR CITY COUNCIL MEETING**

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**Regular Meeting**                      **December 9, 2014**

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

**Roll Call**

**Council Members Present:**            **Mayor Robert Silva, Mayor Pro Tem Sergio Valdez, Councilors Joseph Amador, S. Leo Capuchino (until 6:10 p.m.), Joseph Riofrio, and Rolando Castro (sworn in and seated at 6:10 p.m.).**

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

**Flag salute led by Councilor Valdez in honor of those that served and died at Pearl Harbor**

**FINALIZE THE AGENDA**

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

City Manager DiMaggio reported that an amended agenda had been sent out removing what was previously business item 4 and City Attorney Boranian requested that the closed session item on potential litigation be reduced from 2 cases to 1. A motion was made by Councilor Riofrio to adopt the modified agenda, seconded by Mayor Pro Tem Amador; unanimously approved (5 ayes).

**CONFIRMING THE ELECTION**

1.     Adoption of **Resolution No. 14-47**: In the Matter of Confirming the Results of the Election Returns for the Consolidated General Election Held on November 4, 2014.

City Clerk Flood provided a brief report of the election results and a motion was made by Councilor Riofrio to adopt Resolution No. 14-47, seconded by Councilor Valdez; unanimously approved.

2.     City Clerk to Administer the Oath of Office to newly elected Council Members.

City Clerk Flood swore in the newly elected officers and explained to the public that he would be chairing the meeting until election of a Mayor by Council.

### **REORGANIZATION OF COUNCIL**

1. City Clerk to conduct City Council reorganization proceedings and accept nominations for the following offices:
  - a) Mayor

City Clerk Flood opened the floor for public comment.

**Leo Capuchino 390 K Street** - Supports Councilor Silva to serve as Mayor again, citing his involvement with various bodies and acknowledged Mr. Amador's ability to fulfill the position also. Also stated that he would like to run for council in the future and enjoys representing the City of Mendota on the Westside Mosquito Abatement District Board, the Catholic Church, and other organizations.

**Mike Lopez 748 Riofrio Street** - Acknowledged the work of Mayor Silva and Mayor Pro Tem Amador, pointed out the work that the Mayor has done to bring jobs to Mendota residents and supports Councilor Silva for Mayor.

Seeing no more members of the public wishing to comment, City Clerk Flood close the public comment portion and accepted nominations to serve as Mayor.

Councilor Valdez made a motion to nominate Councilor Silva as Mayor, seconded by Councilor Castro; unanimously approved. 5-0

Mayor Silva thanked the public for the support and talked about the duties of the office of Mayor.

#### b) Mayor Pro Tem

Mayor Silva accepted nominations to serve as Mayor Pro Tem.

A motion was made by Councilor Castro to nominate Councilor Valdez as Mayor Pro Tem, seconded by Mayor Silva. A motion was made by Councilor Riofrio to nominate Councilor Amador as Mayor Pro Tem.

Vote in the matter of Councilor Valdez serving as Mayor Pro Tem; unanimously approved (5 ayes).

Councilor Riofrio talked about the virtues of Mendota and the excellent service rendered, and the character of Mr. Leo Capuchino; and welcomed Councilor Castro.

Councilor Amador talked about all of the service that Mr. Capuchino has rendered and the work that has been done in this community.

Mayor Pro Tem Valdez thanked Mr. Capuchino for his service in the community and with the Catholic Church.

Mayor Silva praised Mr. Capuchino for the work he has done for Mendota, especially travelling to lobby for the community.

City Manager DiMaggio presented a plaque on behalf of the Council to Mr. Capuchino.

### **RECESS (15 MINUTES)**

At 6:26 p.m. Mayor Silva announced there would be a 15 minute recess.

At 6:42 p.m. the Council reconvened in open session absent Councilor Riofrio

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

(At 6:43 p.m. Councilor Riofrio re-entered the chambers.)

**Raul Varela (263 J Street)** - Congratulated new Council members, the Mayor, and Mayor Pro Tem; thanked Mr. Capuchino for his service to Mendota; Mrs. Silva for supporting her husband as he serves the community; suggested that Mr. Capuchino sit on the Public Safety Sub-committee meeting; the nature of the office of City Council; and thanked Council for their service.

### **DEPARTMENT REPORTS AND INFORMATIONAL ITEMS**

1. Code Enforcement
  - a) Monthly Report

Code Enforcement Administrative Assistant Maria Perez summarized her report for the month of November including notifying an owner of a large commercial property of tumbleweeds growing; the price of abating a vehicle; citations given and revenue gained in November; and the active code enforcement cases.

Discussion was held on the correspondence sent to the property owner with the tumbleweeds; City owned property by the Pool Park that has some debris in it; and a citizen that has some wood on the street on 3rd and Quince Streets.

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

1. Minutes of the Regular City Council Meeting of November 25, 2014 and the minutes of the December 3 and 4, 2014 Special City Council Meetings.
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 Mayor Pro Tem Valdez; unanimously approved (5 ayes).

### 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. NOVEMBER 21, 2014 THROUGH DECEMBER 5, 2014  
WARRANT LIST CHECKS NO. 38689 THRU 38747  
TOTAL FOR COUNCIL APPROVAL = \$249,907.32

Discussion was held on the current fuel levels and a motion was made by Councilor Riofrio to approve the Consent Calendar, seconded by Mayor Pro Tem Valdez; unanimously approved (5 ayes).

### BUSINESS

1. Council adopt **Resolution No. 14-46**: A Resolution of the City Council of the City of Mendota declaring personal property surplus and authorizing the sale or disposal of such property.

Mayor Silva Introduced the item and Planning and Economic Development Manager Flood explained the surplus process; the discussion held at the previous meeting to explore the possibility of a private company doing the process in order to save money; and staff's results and recommendation to perform the surplus process in house.

Deputy City Clerk Cabrera gave a report on how the private companies would charge and what the process would be, including staff time that would still be required.

Discussion was held on the importance of ensuring that staff maximizes its time usage for this project.

A motion was made by Councilor Riofrio to adopt Resolution No. 14-46, seconded by Mayor Pro Tem Valdez; unanimously approved (5 ayes).

2. Council adopt **Resolution No. 14- 48**: A Resolution of the City Council of the City of Mendota authorizing the execution of professional services agreements for the Derrick/Oller Roundabout project.

Mayor Silva introduced the item and City Engineer McGlasson reported that this is the follow-up to an item previously brought to Council, which is a proposal to contract with three firms to move the project forward; the nature of the contracts which are traffic analysis, geotechnical engineering; and what Provost and Pritchard will handle for other aspects of the project such as CEQA, NEPA, landscape, and other elements.

Discussion was held on various projects brought up at a COG meeting, including a new roundabout at Jensen Avenue near Kerman that has had some complications; and the need for staff to look into the complaints related to that project.

A motion was made by Councilor Riofrio to adopt Resolution No. 14-48, seconded by Councilor Amador; unanimously approved (5 ayes).

3. Council adopt **Resolution No. 14-49**: A Resolution of the City Council of the City Mendota approving a facility use application filed on behalf of the office of the Salvadoran consulate and waiving the applicant fee for the liability insurance.

Planning and Economic Development Manager Flood reported that staff had received a request to use the community center to accommodate a visit from the Salvadoran Consulate; members of the Salvadoran community submitted the application on behalf of the consulate but requested that the City cover the cost for the liability insurance as it will provide a benefit to many members of the community.

**Flor Larreynaga (201 Espinoza Street)** - Reported on contact they had with the office of the Consulate and the hardship that people face in paying someone to take them to San Francisco, just to get in a line and not be seen.

Discussion was held on requiring the residents to pay the 107.40 insurance fee; that it has been 7 years since the Salvadoran Consulate has come to Mendota; the amount charged to give a ride to a Mendota resident to the Consulate in San Francisco or Los Angeles.

**Liberty Lopez (RCS)** - reported that her organization can possibly cover the insurance.

A motion was made by Mayor Pro Tem Valdez to adopt Resolution No.14-49, seconded by Councilor Amador; unanimously approved (5 ayes).

## **DEPARTMENT REPORTS AND INFORMATIONAL ITEMS**

1. Police Department
  - a) Monthly Report

Interim Police Chief Doug Johnson gave his report for November including a fatal pedestrian versus vehicle accident; a prisoner from FCI-Mendota that walked away from the camp; drunk driving and public intoxication issues in the community; a spike in auto thefts in the community; and a personnel update.

Discussion was held on arsons that occurred; the communication breakdown when the prisoner walked away from FCI-Mendota; the individual that was struck and killed by a vehicle and the dark conditions that exist at that part of town; and the recent theft of Christmas ornaments.

2. City Attorney

Nothing to report.

3. City Manager

City Manager DiMaggio reported on San Joaquin City Manager Cruz Ramos' retirement and that they have hired a Police Lieutenant from Huron to be the new City Manager.

**MAYOR AND COUNCIL REPORTS AND INFORMATIONAL ITEMS**

1. Council Member(s)

Councilor Riofrio thanked City Attorney Boranian for providing dinner.

Councilor Amador reported on a River Restoration Meeting he attended today in Mendota.

City Manager DiMaggio reminded Council about the upcoming special Council meeting on December 12<sup>th</sup>.

Councilor Valdez talked about the upcoming Christmas Parade; a storm that will be coming in and it is expected to be strong; and a meeting with a company that is supposed to retrofit City street lights with LED.

2. Mayor

Mayor Silva reported on a meeting of the Elected Officials Committee and that they have received their 501(C)3 status; an aide from the office of Assemblymember Perea providing information on grants that may be available to help disadvantaged communities with their water infrastructure and to get him information on what the City needs through State funding; and a rumor about First 5 working with Toys For Tots.

**CLOSED SESSION**

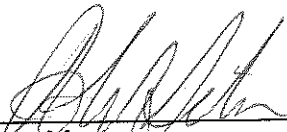
1. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION  
CA Government Code § 54956.9(d)(2): 1 case

At 8:07 p.m. the Council moved to closed session.


8:18 p.m. the Council reconvened in open session and City Attorney Boranian reported that in regards to the item, there is nothing to report.

**ADJOURNMENT**

With no more business to be brought before the Council, a motion for adjournment was made at 8:18 p.m. by Councilor Amador, seconded by Mayor Pro Tem Valdez; unanimously approved (5 ayes).

  
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Robert Silva, Mayor

ATTEST:

  
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Matt Flood, City Clerk

