

**MINUTES OF MENDOTA
REGULAR CITY COUNCIL MEETING**

Regular Meeting **Tuesday February 25, 2014**

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

Roll Call

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

Council Members Absent: **Mayor Pro Tem Joseph Amador.**

A moment of silence was held for CHP Officers Juan Gonzalez and Brian Law, who recently lost their lives in the line of duty.

Flag Salute led by Councilor Valdez

FINALIZE THE AGENDA

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

A motion was made by Councilor Riofrio to adopt the agenda, seconded by Councilor Capuchino; unanimously approved (4 ayes; absent: Amador).

PUBLIC HEARING

1. Council receive public comment and adopt **Resolution No. 14-04**: A Resolution declaring that public interest and necessity require acquisition of an easement for street widening purposes over a portion of the property known as APN 013-244-16. [City Engineer, McGlasson]

[At 6:03 p.m. Mayor Silva recused himself and left the Chambers]

Councilor Riofrio introduced the item and City Engineer McGlasson reported that the Council approved staff to move forward with a notice of resolution of necessity to the owner of a property with the purpose of securing an easement; staff has not been able to secure all of the right-of-way necessary for the Derrick and 7th Street Project; and the staff recommendation to approve so that staff can move forward with this project.

Discussion was held on the notifications sent to the involved parties.

At 6:05 p.m. Councilor Riofrio opened the hearing to the public.

Alex Aretakis (Attorney for property owner Mr. Adel Mohamed Ali) – explained that negotiations had been ongoing between the City and Mr. Ali for a transfer of the property; they believed that the terms of the contract were agreed upon but in the presented agreement the agreed upon conditions were not included such as the re-sealing of the parking lot; then they suddenly stopped hearing from City representatives and received no notices from the City regarding eminent domain proceedings; and moving forward with condemning the property will take time and money from both parties.

Mr. Aretakis submitted a copy of the agreement revised by him and signed by Mr. Ali, stated that the City just needs to sign it to complete the agreement, and that they believe the price is now agreeable.

City Clerk Flood reported that Council and the public have been given the information sent to Mr. Ali informing him of the proceedings.

At 6:12 p.m. Councilor Riofrio closed the hearing to the public.

City Attorney Boranian recommended that the Council make a finding that an emergency closed session is necessary so that Council can review the agreement provided by Mr. Ali.

A motion was made by Councilor Valdez to hold an emergency closed session pursuant to Government Code Section 54956.8: Real Property Negotiation with Interim City Manager Don Pauley as Negotiator for the City, seconded by Councilor Capuchino; unanimously approved (3 ayes; absent: Silva and Amador).

At 6:13 p.m. the Council moved into closed session.

At 6:27 p.m. the Council reconvened into open session.

City Attorney Meggin Boranian stated that with respect to the closed session item there is nothing to report.

A motion was made by Councilor Capuchino to adopt Resolution No. 14-04, seconded by Councilor Valdez; unanimously approved (3 ayes; absent: Silva and Amador).

At 6:30 p.m. Mayor Silva re-entered the Chambers.

PRESENTATION

1. Ivette Rodriguez of Mid Valley Disposal to provide the 3rd and 4th Quarter

updates.

Mrs. Rodriguez provided the annual report including the goals that the City strives for in terms of landfill diversion; the need to improve the diversion rate; the plan to implement an organics recycling program; recent residential waste assessments; businesses in Mendota that did an excellent job of recycling; partnerships with Fresno County and other entities in order to provide a hazardous material drop-off location; doing outreach to businesses to share resources; the upcoming community clean-up event; the tonnage report for commercial and residential recycling; and summarized outreach activities to schools and the rest of the community.

Discussion was held on how Mid-Valley compares with other waste collection providers in terms of diversion percentages; the population of Mendota and other similar communities; the State of California changing their standard from diversion percentage to pounds per person per day ratios; people illegally searching in the dumpsters for recyclables at night; cross contamination of recyclables and trash in apartment complexes; improvement that the City needs to make in diversion rates; and using the media to perform outreach.

APPROVAL OF MINUTES AND NOTICE OF WAIVING OF READING

1. Minutes of the Regular City Council Meeting of February 11, 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 Valdez; unanimously approved (4 ayes; absent: Amador).

CITIZENS ORAL AND WRITTEN PRESENTATIONS

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. FEBRUARY 12, 2014 THROUGH FEBRUARY 20, 2014
WARRANT LIST CHECKS NO. 37443 THRU 37492
TOTAL FOR COUNCIL APPROVAL = \$293,554.42
2. Council waive the first reading of **Ordinance No. 14-03**: amending the Mendota Municipal Code pertaining to potable water protection regulations, and set the public hearing for March 11, 2014.

3. Council accept and file the Community Facilities District No. 2006-1 Annual Report for Fiscal Year 2013/14.
4. Council adopt the amended Administrative Policy 2004.01 pertaining to event permits for non-profit organizations.
5. Council authorize the Mayor to sign a letter of support for the construction of passing lanes on SR 180 from Yuba Avenue to Lake Avenue.
6. Council approve the extension of the agreement with Fresno County Superior Court for the use of City facilities on Tuesdays.
7. Council authorize the City Manager to enter into an agreement with Occu-Med Company for Fitness-For-Duty (FFD) and Intensive Return-To-Work Program (IRWP) services.

A request was made to pull items 2, 4, and 7 for separate consideration.

Councilor Valdez referred to warrant number 37490 and stated that he reported to staff last summer that the City is paying \$13,000 too much for fire protection services.

A motion was made by Councilor Riofrio to approve items 1,3,5, and 6 of the Consent Calendar, seconded by Councilor Capuchino; unanimously approved (4 ayes; absent: Amador).

2. Council waive the first reading of **Ordinance No. 14-03**: amending the Mendota Municipal Code pertaining to potable water protection regulations, and set the public hearing for March 11, 2014.

Mayor Silva stated that he understands the need for requirements pertaining to backflow devices but asked why a business that just does income taxes or insurance have to have a backflow device installed.

Discussion was held on a survey that is conducted by a third party to assess the need to have a backflow device in each building; the discretion that the Public Works Director has in determining which buildings need it and which do not; the need for the determination to be made on a case-by-case basis due to all of the elements involved in determining if there is a risk to the water system; and the backflow ordinance just applying to commercial and industrial sites.

A motion was made by Mayor Silva to waive the first reading and set the public hearing, seconded by Councilor Riofrio; unanimously approved (4 ayes; absent: Amador).

4. Council adopt the amended Administrative Policy 2004.01 pertaining to event permits for non-profit organizations.

Mayor Silva introduced the item and Councilor Valdez asked why this was on the agenda again. Interim City Manager Pauley reported that he made a mistake and inadvertently did not strike a necessary part of the policy when it was brought to Council the first time, necessitating its review and approval by Council again.

A motion was made by Councilor Valdez to approve the policy, seconded by Councilor Riofrio; unanimously approved (4 ayes; absent: Amador).

7. Council authorize the City Manager to enter into an agreement with Occu-Med Company for Fitness-For-Duty (FFD) and Intensive Return-To-Work Program (IRWP) services.

Mayor Silva introduced the item and City Attorney Boranian reported that two components of this agreement are missing: a hold harmless clause and an exhibit referenced in an attachment to the agreement; therefore staff recommends that the agreement be approved contingent to the addition of those two items.

A motion was made by Councilor Riofrio to approve the agreement with the condition that the two items be added, seconded by Councilor Capuchino; unanimously approved (4 ayes; absent: Amador).

BUSINESS

1. Council discussion and consideration regarding options for the layout of the intersection at Black and Sorensen Avenues. [City Engineer, McGlasson]

Mayor Silva introduced the item and City Engineer McGlasson reported on the uses of traffic calming devices; examples of different devices, including the tactic of narrowing the street so drivers slow down, and how other cities use them; the purpose, specific to the Smoot, Sorensen, McCabe Project, of the initially proposed bulb-outs on the corner of Black and Sorensen; the dimensions and elements of the design; the guidelines used by AASHTO when designing this project; and the approximate cost of \$12,000 to make a change.

Discussion was held on the ability to see crossing traffic when stopped at the stop sign on Black and Sorensen.

Council consented to not take any action at this time.

2. Council discussion and direction regarding changes to the business license application. [Interim City Manager, Pauley]

Mayor Silva introduced the item and Interim City Manager Pauley reported that staff has secured business license applications from other cities in Fresno County and all require varied kinds of information; staff recommends to add state sellers permit information, food license requirements, any professional licenses given or regulated by the State, and a copy of identification, such as a driver's license, that they may have, so that they can be tracked in case of non-payment or other serious issues.

Discussion was held on vendors coming into town to sell holiday items on February 14th; and the need for vendors to get business licenses even if they will only be here for one day.

Council consented to allow staff to make the necessary changes on the business license application.

3. Council discussion and consideration of staff's recommendation to reject all proposals for the Police Station Space Study and future acquisition plans. [Interim City Manager, Pauley]

Mayor Silva introduced the item and Interim City Manager Pauley reported that staff received a quote from 5 firms that responded and they were provided to Council; but that none of the firms have a feasible offer and the best option is to attempt to negotiate a purchase of the building the Police Department is currently in; and that staff recommends Council reject all offers and direct staff to negotiate with the property owner of the current building.

Discussion was held on the water and mineral rights appertaining to the land on which the current building is on.

A motion was made by Councilor Valdez to reject all offers and have staff begin negotiations with the owner of the current building, seconded by Councilor Riofrio; unanimously approved (4 ayes; absent: Amador).

4. Council discussion and adoption of **Resolution No. 14-06**: establishing the fee schedule for the use of the Benny Mares Sr. Baseball Field. [City Clerk, Flood]

Mayor Silva introduced the item and City Clerk Flood reported that this item was brought to Council at a previous meeting; request was made by Council to review the surveys and studies that were made and make additional ones to determine the actual electricity cost the City would incur; as a result of this discussion, the name of the deposit required by parties to put down on the field for its use has been changed and the cost to use the lights for the field was decreased.

Discussion was held on the wear and tear to the lighting system upon use; the maintenance of the field and the surrounding area in general; spikes placed on the lights to prevent birds from landing on them; the cost to clean and repair any messes

made; the cost for private parties that use the field; and the need for a City employee to do an inspection before and after the use of the field.

A motion was made by Councilor Valdez to adopt Resolution No. 14-06, seconded by Councilor Riofrio; unanimously approved (4 ayes; absent: Amador).

DEPARTMENT REPORTS AND INFORMATIONAL ITEMS

1. City Manager

Interim City Manager Pauley reported that he met with Sally Tripp from the USDA regarding food assistance during the drought and that the Foodbank would be directing the majority of food distributions in the area; that rain is forecasted in the near future and we are hoping for more; and the interviews for the City Manager position will be held on Friday, February 28th.

2. Public Works a) Monthly Report

Public Works Director Gonzalez summarized his report.

Discussion was held on the amount of fuel the City is saving due to the use of electric and CNG vehicles; the recent problems related to the roof repair job at the Mendota Youth Recreation building; the efficacy of a warranty against leaks; and the responsibility of the contractor for the success of the job despite who he sub-contracts with.

3. City Attorney

City Attorney Boranian reported that she will be here on Friday to assist with the City Manager interview process.

Discussion was held on action needed to address abandoned housing; Mendota Municipal Code enforcement; and the asbestos in an old apartment complex on 6th and Riofrio Streets.

MAYOR AND COUNCIL REPORTS AND INFORMATIONAL ITEMS

1. Council Member(s)

Councilor Capuchino reported that there is an architect working with Stamoules to build the new Catholic Church and that it looks like it will cost approximately \$5 million.

Councilor Riofrio reported on the numerous vendors selling items on Valentine's Day and that once the Smoot, Sorensen, McCabe Project is completed the Police Department needs to make sure they are catching speeders.

Councilor Valdez reported that the City needs to consider getting a new vehicle that is small that the City Council can use when needed to go to events and meetings out of town.

2. Mayor

Mayor Silva reported that he has been attending a lot of meetings out of town lately; he participated in a water panel at the International Ag Show in Tulare; is working on getting donations for local youth sports teams; and that he received a letter from Dana Davis of the SBA.

CLOSED SESSION

1. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION
CA Government Code § 54956.9(a): 1 case
2. CONFERENCE WITH LEGAL COUNSEL -- EXISTING LITIGATION
Government Code § 54956.9 (a)
City of Mendota v. Carlos Amaya - FCSC Case No. 11 CECG 01390
City of Mendota v. Benjamin Bunton - Claim Number FR95076

At 8:28 p.m. the Council went into closed session.

At 8:45 p.m. Mayor Silva reconvened the Council to Open Session and City Attorney Boranian stated that in regards to items 1 and 2, no reportable action was taken.

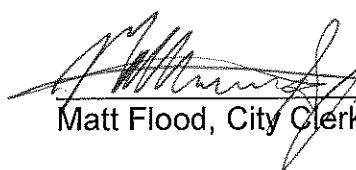
ADJOURNMENT

At the hour of 8:45 p.m., with no more business to be brought before the Council, a motion for adjournment was made by Councilor Valdez, seconded by Councilor Capuchino; unanimously approved (4 ayes; absent: Amador).



Robert Silva, Mayor

ATTEST:


Matt Flood, City Clerk

