

## MINUTES OF MENDOTA SPECIAL CITY COUNCIL MEETING

**Special Meeting**

**Tuesday, March 25, 2014**

**Meeting called to order by Mayor Robert Silva at 5:00 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 City Clerk Flood.**

### **FINALIZE THE AGENDA**

Adjustments to the Agenda.

Adoption of the final Agenda.

With no adjustments recommended, a motion was made by Councilor Riofrio to adopt the agenda, seconded by Mayor Pro Tem Amador; unanimously approved (5 ayes).

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

None offered.

### **CLOSED SESSION**

1. Pursuant to California Government Code 54957  
PUBLIC EMPLOYMENT  
Title: CITY MANAGER

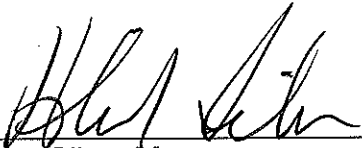
At 5:01 p.m. the Council moved into closed session.

At 5:57 p.m. the Council reconvened into open session and City Attorney Boranian and reported that concerning the closed session item no reportable action was taken.

### **ADJOURNMENT**

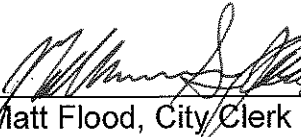
At the hour of 5:57 p.m., with no more business to be brought before the Council, a

motion for adjournment was made by Councilor Riofrio, seconded by Mayor Pro Tem Amador; unanimously approved (5 ayes).



Robert Silva, Mayor

ATTEST:



Matt Flood, City Clerk



**MINUTES OF MENDOTA  
REGULAR CITY COUNCIL MEETING**

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**Regular Meeting**                      **Tuesday March 25, 2014**

**Meeting called to order by Mayor Robert Silva at 6:00 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 City Clerk Flood**

**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 (5 ayes).

**PRESENTATION**

1.     James Cook of First Solar to provide an update on their solar project just west of FCI – Mendota.

Mayor Silva introduced the presenter and Mr. Cook provided information on the 16 megawatt solar plant that will be built west of the Federal Prison; the timeline for construction; the total area the project will take; other projects his company has; information and history on First Solar; how hiring is going to happen; and that union and non-union jobs will be available.

Discussion was held on using the local workforce; other solar projects in Fresno County; the logistics of directing people to work and where they will park; the relationship his company has with FCI-Mendota; and how Mr. Cook wishes to come back in a couple of months with the site construction manager to present more information.

## APPROVAL OF MINUTES AND NOTICE OF WAIVING OF READING

1. Minutes of the Regular City Council Meeting of March 11, 2014.
2. Notice of waiving of the reading of all resolutions and/or ordinances introduced and/or adopted under this agenda.

City Clerk Flood pointed out a correction that was made on item #4 regarding the record of who motioned and seconded. A motion was made by Councilor Riofrio to approve items 1 and 2, seconded by Councilor Capuchino; unanimously approved (5 ayes).

## 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. MARCH 12, 2014 THROUGH MARCH 19, 2014  
WARRANT LIST CHECKS NO. 37554 THRU 37617  
TOTAL FOR COUNCIL APPROVAL = \$205,848.46
2. Council approve the Memorandum of Understanding with the Mendota Police Officer's Association and authorize the City Manager to execute the agreement.
3. Council adopt **Resolution No. 14-10** to enter into an agreement with Westamerica Bank for funds transfer s and electronic payment services.
4. Council authorize the City Manager and City Clerk to sign and certify the Notice of Completion for the USDA Light Pole Grant Project and to record it with Fresno County.

A motion was made by Councilor Riofrio to approve the consent calendar, seconded by Councilor Valdez; unanimously approved (5 ayes).

## BUSINESS

1. Council consideration and direction regarding an agreement with the Firebaugh Canal Water District for the use of Well #3. [Interim City Manager, Pauley]

Mayor Silva introduced the item and Interim City Manager Pauley reported that the City has an agreement for the testing of well #3; the amount that can be pumped from there; the testing done by the District; the proposed agreement to reimburse the City for water pumped; and the conditions under which the District can cease use of the well.

**Jeff Bryant (Firebaugh Canal Water District)** – commented that he is familiar with the City and its leaders; the lack of maintenance and repair on the well; and the purpose of the agreement being having a reliable well that they can use when needed.

Discussion was held on why well #3 is being activated at this time; the low quality of the water being pumped; limitations on the use of the well; what the City paid in 2009 for water from the District; the use of the well is limited to the City and the District; the value of the water that comes from well #3; the term of the agreement; and what repairs on well #3 would cost.

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

2. Engineer Mike Giersch of Giersch and Associates to provide an update of the repairs to the Water Treatment Plant. [Interim City Manager, Pauley]

Mayor Silva introduced the item and Interim City Manager Pauley gave background information regarding the visit of Mr. Giersch and his current work in Mendota and the need to train employees on the different functions of city equipment.

**Mike Giersch (Giersch and Associates)** – commented on the needed installations and repairs to the Water Treatment Plant; history of problems with water hammering and tuberculation; valve issues due to contractor error; the options for doing the repairs; the purchase and installation of new valves, including speed controls; the need to backwash the filter media; erroneous acid washing of the media that has been done in the past; issues related to sodium bisulfate and chlorination; the issues related to returning to a system that uses hydrochloride; iron and manganese problems that result from a lack of effective chlorination; training that will be done on the computer systems and wells; other units and apparatuses that work fine; his role in principally being available for phone consultation; possible future water quality issues; and the overall capacity of the plant.

Discussion was held on the repairs and upgrades that will need to be done; the new SCADA service and computer that will be purchased; the estimate of how much it is going to cost to get it back on-line; the difficulty in providing an estimate due to the discovery of a new problem each time something is taken apart to evaluate it; the cost of the filter media; the importance of getting the plant up and running at full efficacy; and the timeline of having it fully operating.

3. Council consideration and direction regarding the scheduling of a public hearing to receive public comment on entering into a service contract to provide testing and maintenance of backflow devices. [Interim City Manager, Pauley]

Mayor Silva introduced the item and Interim City Manager Pauley reported that the City had received a proposal from a Mr. Mark McKeever to enter into an agreement to do

backflow testing; his investigation to ensure that such a proposal does not require a hearing, which the City Attorney said it does not; the need for a public hearing in order to ensure that all members of the public affected would be aware of such an agreement; that the staff recommendation is to send out these notices in English and Spanish to owners and renters of any affected premises, inviting them to a public hearing when Council deliberates entering into this agreement;

Discussion was held on the need to do the right thing; how this proposal was brought to Council; possible conflicts of interest when voting; and the possible administrative costs related to such a service;

A motion was made by Councilor Valdez to continue the item, seconded by Councilor Capuchino; unanimously approved (5 ayes).

4. Council consideration and direction regarding the lease and rent credit settlement for 1647 6<sup>th</sup> Street (American Ambulance). [Interim City Manager, Pauley]

Mayor Silva introduced the item and Interim City Manager Pauley reported that the lease expired at the beginning of 2013 and, as a result, a raise in the lease amount happened; how he talked to the representatives of American Ambulance and they submitted a proposal to apply the shortfall of payment to tenant improvements they have made; and other provisions of the proposed agreement.

Discussion was held on documentation related to improvements done and permits that were pulled when they were done.

Erik Peterson (American Ambulance) – answered questions on the nature of the remodel that took place that are applicable to the proposed tenant improvement credit provision.

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

5. Council authorize staff to accept a settlement offer from the San Joaquin Valley Air Pollution Control District and pay a \$600 fine. [Interim City Manager, Pauley]

Mayor Silva introduced the item and Interim City Manager Pauley reported that a settlement has been reached with the SJVAPCD; the history of the violation; the fine being reduced to \$600 on the condition that the Public Works Director attend a training; and the proposal to sell the AV tank that Public Works Director Gonzalez will bring back in the future.

Discussion was held on the possibility of sending more employees to training and the timeline for selling the AV tank.

A motion was made by Mayor Pro Tem Amador to approve the acceptance of the settlement offer, seconded by Councilor Riofrio; unanimously approved (5 ayes).

6. Council authorize the Mayor and City Attorney to sign the updated agreement with the Fresno County Traffic Authority and forward to the FCTA Board for approval. [Assistant City Engineer, Washburn]

Mayor Silva introduced the item and City Engineer McGlasson reported that the City had received approximately \$4 million to do signal projects at Belmont Avenue and Bass Avenue on State Route 33; due to good bids there is leftover money that could be used for other projects that are currently in the works, such as the Derrick-Oller Roundabout and the 7<sup>th</sup> Street Realignment; and corrected a mathematical error on the FCTA calculations included in the report.

Discussion was held on an upcoming FCTA meeting in which determinations will be made.

A motion was made by Mayor Pro Tem Amador to have the Mayor and City Attorney sign the updated agreement, seconded by Councilor Capuchino; unanimously approved (5 ayes).

7. Council conditionally award the bid for the CDBG Access Ramp and City Hall Improvements Project to Hobbs Construction in the amount of \$162,940.00. [Assistant City Engineer, Washburn]

Mayor Silva introduced the item and City Engineer McGlasson reported that there was a bid opening a couple of weeks ago with the results coming back more expensive than expected; and that he received approval earlier today to make a conditional offer to the lowest bidder.

Discussion was held on the source of funds for this project; the origin of the idea for this project; and the timeframe to complete it.

A motion was made by Mayor Pro Tem Amador to conditionally award the project to Hobbs Construction, seconded by Councilor Riofrio; unanimously approved (5 ayes).

(at 7:36 p.m., Mayor Silva recused himself and exited the Chambers)

8. Council approve the final agreement for a right-of-way easement on 7<sup>th</sup> and Derrick, authorize the City Manager to sign the agreement, issue a warrant in the amount of \$20,500. [City Engineer, McGlasson]

Mayor Pro Tem Amador introduced the item and City Engineer McGlasson explained that this agreement will finalize the property acquisition for the 7<sup>th</sup> Street realignment project.

Discussion was held on the source of the funds that will be used to complete this project.

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

(At 7:37 p.m. Mayor Silva re-entered the Chambers).

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

1. City Manager

Nothing to report at this time.

2. Public Works  
a) Monthly Report

Director of Public Works Gonzalez summarized his report.

Discussion was held on the Smoot, Sorensen, McCabe Project and when they are projected to finish it; the restrictions on parking on Black Street, including painting the curb red; the drainage repair on Smoot and Derrick; and damage done by vandals at the concession stand.

3. City Attorney

Nothing to report at this time.

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

1. Council Member(s)

Councilor Riofrio inquired about the rehabilitation plan for the apartments at 1178 Oller.

Mayor Pro Tem Amador reminded all that the new Amplified Music Permit regulations allow for music to be played until midnight.

2. Mayor

Mayor Silva reported on a recent rally in Firebaugh that he attended and an upcoming one in Tulare.



**CLOSED SESSION**

1. CONFERENCE WITH LEGAL COUNSEL -- EXISTING LITIGATION  
Government Code § 54956.9 (a)  
Edward Warkentine and Daniel Tankersley v. City of Mendota, et al., USDC  
Eastern District Case No. 1:13-CV-01550.  
Edward Warkentine v. City of Mendota - FCSC Case No. 13 CECG 03203.
2. Pursuant to California Government Code 54957  
PUBLIC EMPLOYMENT  
Title: CITY MANAGER

At 7:59 p.m. the Council moved into closed session.

At 8:16 p.m. the Council reconvened into open session and City Attorney Boranian announced that, with regards to items 1 and 2, there is nothing to report.

**ADJOURNMENT**

At the hour of 8:17 p.m., with no more business to be brought before the Council, a motion for adjournment was made by Councilor Valdez, seconded by Councilor Riofrio; unanimously approved (5 ayes).

  
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Robert Silva, Mayor

ATTEST:

  
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Matt Flood, City Clerk

