

**MINUTES OF MENDOTA  
REGULAR CITY COUNCIL MEETING**

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**Regular Meeting                      Tuesday August 13, 2013**

**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 Mayor Pro Tem Amador**

**A moment of silence was observed due to the passing of Mr. Vernon Banta, who had worked at the Mendota Police Department.**

**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 Valdez; unanimously approved (5 ayes).

**PROCLAMATIONS**

1.     Proclamation No. 13-11: In honor of longtime Mendota residents Jesse and Isabel Maldonado.

City Clerk Flood read the Proclamation into the record. Council thanked the Maldonados for their contributions and service to the community.

**PUBLIC HEARING**

1.     Council take public comment and adopt **Resolution No. 13-23**: A Resolution of the City Council of the City of Mendota in the matter of authorizing the placement of special assessments on the 2013/2014 tax roll for the 2012/2013 nuisance abatement costs. [City Clerk, Flood]

Mayor Silva introduced the item and City Clerk Flood summarized the staff report, stating that notices were sent to property owners that had a dangerous amount of weeds in their properties; those that did not comply were forcefully abated by a private contractor hired by the City; the costs of abatement assigned to the individual parcels; that these will be assessed to the property owners if Council approves the cost report and adopts the resolution.

Discussion was held on the errors and inconsistencies in the cost report; the documentation with the cost breakdown from the contractor that cleaned the parcels and the Community Service Officers that took pictures of the lots before and after abatement; and other concerns that the Council has concerning the abatement process.

City manager Atkins recommended that Council table the resolution until staff is able to further analyze the reports.

At 6:28 p.m. Mayor Silva opened the hearing to the public.

Fernando Gomez (606 Naples) – asked how the City determines who the property owner is so as to send the notices to them; and pointed out three lots that had no charges from the contractor, but were included on the cost report.

Sandra Hernandez (796 Unida) – stated that items were taken away from her home that were not trash and that she had the right to keep such as ice chests, oil, bicycles, tools, and other equipment that was not trash; that she was told that she could go to a place and recover her items but when she went to get them, they were gone; and asked about being able to arrange a payment plan.

Joe Gomez (7<sup>th</sup> Street) – expressed a complaint regarding an unrelated topic, and was asked to bring it up during the portion dedicated to items not on the agenda.

At 6:46 p.m. Mayor Silva closed the hearing to the public.

Discussion was held on when toys out in a yard become a violation and officer discretion in citing individuals.

A motion was made by Councilor Capuchino to continue the item so staff can research and correct Council concerns, seconded by Councilor Valdez; unanimously approved (5 ayes).

## **PRESENTATIONS**

1. Update from the office of the Fresno County Clerk by Brandi Orth.

Fresno County Clerk Brandi Orth provided information about the presidential and special elections that took place recently; that turnout was consistent throughout the

district; statistics on how Mendota residents vote; the City had a 53% turnout rate for the general election; provided information on how to register to vote; the challenge related to helping more transient individuals to re-register upon changing addresses; and reminded everyone present that non-English speakers can request voter information in their native language before voting day.

Discussion was held on the newer housing development in the City not being on the polling place assignment map; the placement of the polling sites in the community; finding additional polling places in Mendota; that many non-citizens have successfully registered to vote; changes in technology within the field of elections; and the manner in which people should report fraud and how it is dealt with.

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

1. Minutes of the Regular City Council Meeting of July 23, 2013.
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 Amador; unanimously approved (5 ayes).

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

At this time members of the public may address the City Council on any matter not listed on the agenda involving matters within the jurisdiction of the City Council. Please complete a "request to speak" form and limit your comments to THREE (3) MINUTES. Please give the completed form to City Clerk prior to the start of the meeting. All speakers shall observe proper decorum. The Mendota Municipal Code prohibits the use of boisterous, slanderous, or profane language. All speakers must step to the podium, state their names and addresses for the record. Please watch the time.

Flor Larreynaga (201 Espinoza St.) – stated that various people in her neighborhood have the problem of being charged more than the minimum for water; that their bills are showing that they are using more water but believe that there is either a City infrastructure problem in their area or they are being overcharged.

Ana Hernandez (108 Rowe St.) – stated that she has also had to pay more than the minimum amount on her utility bill and believes that it is incorrect.

Discussion was held on how residents can request that their meter be re-read for \$5 and that if the City made a mistake, it will be corrected and they will not be charged \$5; that the charge is necessary to offset labor costs; and how the City does not deal with sewer backups found in the side of the property owner.

Anahi Milian (Kerman) – explained the different rates for ¾" and 1" meters.

Discussion was held on the ability of a resident to bring forward a concern for other residents as long as they have their permission; the difficulty in attempting to calibrate

residents' water meters.

### 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. JULY 23, 2013 THROUGH AUGUST 8, 2013  
WARRANT LIST CHECKS NO. 36557 THRU 36645  
TOTAL FOR COUNCIL APPROVAL = \$214,894.08
2. Council approve to enter into an agreement with Fresno County for the Community Development Block Grant for Fiscal Year 2013/2014, and authorize the City Manager to execute all associated documents and agreements.
3. Council authorize the City Manager to sign and accept the Proposal and Consultant Services agreement #2013-0726 with Provost and Pritchard.
4. Council adopt **Resolution No. 13-24**: A Resolution of the City Council of the City of Mendota authorizing the City Manager to sign the right-of-way certificate and associated documents for the Smoot, Sorensen, and McCabe Street Rehabilitation Project, and authorize the City Clerk to advertise for project construction bids.
5. Council approve sending a letter in support of recognition to the National Multiple Sclerosis Society.
6. Council Adopt **Resolution No. 13-25**: A Resolution of the City Council of the City of Mendota in the matter concerning Local Transportation Purpose Funds (Measure "C" extension funds).
7. Council award bid to Alert-O-Lite in the amount of \$4,126.57 for the purchase of two pallets of traffic paint.

Discussion was held on warrant number 36573 regarding the company that did the weed abatement; number 36576 regarding who AFLAC coverage is for; numbers 36644, 36645, and 36590 concerning the cost for legal services rendered; number 36608 regarding equipment installed in police vehicles.

Members of Council requested to pull item 7 for discussion and consideration.

A motion was made by Councilor Valdez to adopt items 1 through 6 of the Consent Calendar, seconded by Mayor Pro Tem Amador; unanimously approved (5 ayes).

7. Council award bid to Alert-O-Lite in the amount of \$4,126.57 for the purchase of two pallets of traffic paint.

Discussion was held on the paint purchased and why the bid that was selected was truly the lowest, as one of the bids came in without any taxes included.

A motion was made by Councilor Riofrio to approve item 7 of the Consent Calendar, seconded by Mayor Pro Tem Amador; unanimously approved (5 ayes).

## **BUSINESS**

1. Council award bid to R&B Company for the emergency purchase of a Watts 10" Automatic Control Valve. [Director of Public Works, Demmers]

Mayor Silva introduced the item and Director of Public Works Demmers explained the urgent need to purchase a new ACV so that the media filter is not washed out; that it would take 4 to 6 weeks to receive a new valve that can last up to 25 years, or 16 to 18 weeks to fix it via a custom-made part that may make it last another 5 years.

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

2. Council discussion and consideration of entering into a lease agreement with the Fresno Westside Mosquito Abatement District, and authorize the City Manager to execute any and all associated agreements and documents. [City Manager, Atkins]

Councilor Capuchino recused himself for this item due to his current service as a trustee on the Mosquito Abatement District.

Mayor Silva introduced the item and City Manager Atkins reported that negotiations with the District resulted in the terms contained in this agreement; explained the general terms of it; the renewal options for the District that must be approved by Council; options to cancel the agreement; where revenue made from the agreement will be used; and that attorneys from the City and the District have approved of the language contained in it.

Discussion was held on the loading of chemicals that will be done at the airport and that chemicals will not be stored at the airport; an incident from approximately 20 years ago related to a chemical spill at the airport that released pesticides over homes on the east side of Mendota; the City ordinance that bans agriculture sprayers at the airport; the chemicals that they will use are non-toxic to humans; the negotiations between the Johnston family and the District for the hangars that are currently at the airport; and the District's responsibility to maintain the area around those structures.

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

3. Council discussion and consideration of eliminating the Public Works/Chief Plant Operator and Building Inspector/Public Works Superintendent positions and proposed salary schedule, and create the Public Works Director and Public Utilities Director positions at the step levels indicated. [City Manager, Atkins]

Mayor Silva introduced the item and City Manager Atkins reported that pursuant to Council consensus, staff is bringing forth this proposal to split the Public Works Department into two separate Departments: Public Works and Public Utilities, each with their own director; Public Utilities would deal with water and sewer maintenance and issues, and Public Works would deal with everything else: parks, streets, animal control, etc.; if approved, job descriptions for these directors would be provided to Council for review; the budget of the two employees that would currently fill those positions was added up and split in half in order to create a pay scale that is even for the two positions and so that the overall budget is not changed; and summarized the duties that each position would have.

Discussion was held on the problems with having the pay of the two directors equal when their qualifications and job duties could be completely different; the feeling that higher pay scales are being created for different individuals; the difference in the job positions, especially in the requirements for the positions, the oversight and supervision required to be exercised; added administrative duties for the proposed Public Works Director; how to cover for Directors when they are not able to be there; the amount of inspections done per hour by the City Building Inspector; that it is Council consensus that prompted staff to start this process of re-assigning employees and creating these positions; the hope of creating a higher level of accountability and getting more things accomplished; the perception of how many duties each Director will have and whether the level of pay is deserved by the proposed Public Works Director; and that increased professionalism should increase morale among employees.

Fernando Gomez (606 Naples St.) – stated that he feels there are too many chiefs and not enough indians; that this process may make accountability more difficult; desires the building inspector duties to be contracted out; and explained a problem that he has had related to backflows.

William Membreno (800 Garcia St.) – agrees with Councilor Valdez in that this change does not make sense.

A motion was made by Councilor Capuchino to approve the item, seconded by Councilor Riofrio; approved (4 ayes; no: Valdez).

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

1. City Manager

City Manager Atkins reported that he had a meeting today with Westside Youth

representatives Dino Perez and Sonia Hall, among others, about collaborating with the City as the lead applicant, and with other cities in the area pursuing a grant that would increase programs to help prevent juvenile crime; that Westside Youth would manage the grant; and that it is still in the planning and development phase. He also reminded the Council of the upcoming Community Relations Board at the federal prison on August 20<sup>th</sup>.

Discussion was held on possible grant sources that may help with financing a facility for the Police Department; identifying a new source for water as the water table is going down due to increased well pumping; the level of the water table that the City uses currently; the possibility of pumping in different locations where the table is higher; that the City Attorney is working on a plan of action for the abandoned buildings problem in the City and that a database tracking those properties has been created and will be referred to in the future; the challenges arising related to the Smoot, Sorensen, and McCabe project; and the acquisition of a permanent building for the Police Department and a street sweeper.

2. Code Enforcement  
a) Monthly Report

Chief Galvin summarized the monthly report; voluntary compliance is high; complimented former Administrative Assistant Andreina Ochoa for her service in Mendota; gave information on the bidding process for getting a weed abatement contractor; problems with abandoned buildings that individuals continue to break into; recent successes in the abatement of abandoned houses; introduced Ramiro Espinoza who is managing the Adult Offender Work Program; and showed Council pictures of the new code enforcement van.

Discussion was held on the effects of AB109 and transporting prisoners; the difficulty of taking trespassers to be booked into county jail; the possibility of building private prisons to hold criminals; the issues with how the weed abatements were billed; and the recent fire at the corner of Oller and 6<sup>th</sup> Street.

3. Police Department  
a) Monthly Report

Chief Galvin summarized his report, stating that the City had its lowest rate of part 1 offenses (12) since the department was re-established and that there are already ten for the current month; every crime category is down except arson; arrests are up and response times are down; significant case involving a gang-related shooting; the amount of DUI's and drunks in public; and informed the Council of the recent hiring of a new code enforcement administrative assistant, Maria Perez.

Discussion was held on speed bumps within neighborhoods that are having problems with unsafe drivers and the recent success had by patrols that were put in those places; personnel getting sent to receive radar gun training; the theft that occurred on a

Laundromat on Oller; an incident where a man was arrested with a machete in his pants; citations given for parking in front of hydrants; and fire hydrants being placed behind fences that might make them not as accessible as they should be.

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

1. Council Member(s)

Councilor Valdez asked about the hydrant list that is being updated.

Mayor Pro Tem Amador complimented all involved with the National Night Out event.

2. Mayor

Mayor Silva reported on recent items related to economic development; the backpack giveaway hosted by Gutierrez Recycling that was a success; that he has met with Dr. Joseph Castro on three different occasions recently; he spoke with Supervisor Phil Larson about Mendota and doing something positive with Pool Park; and the aid that was rendered by mutual aid partners during the big fire on 6<sup>th</sup> St. and Oller Ave.

### **CLOSED SESSION**

1. Public employee Discipline/Dismissal/Release

2. Conference with legal counsel - anticipated litigation  
Significant exposure to litigation pursuant to paragraph (2) or (3) of subdivision (d) of Section 54956.9: 3 cases

3. Public Employment  
Title: City Manager

At 8:48 p.m. the Council moved into closed session.

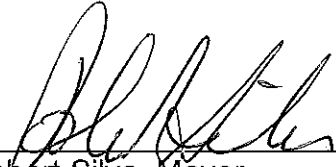
At 9:36 p.m. the Council reconvened in open session, absent Councilor Valdez.

City Manager Atkins reported that there was no reportable action taken on items 1 and 2; and that in regards to item 3 direction was given to the City manager.

### **ADJOURNMENT**

At the hour of 9:36 p.m., with no more business to be brought before the Council, a motion for adjournment was made by Mayor Pro Tem Amador, with a second by Councilor Capuchino; unanimously approved (4 ayes; absent: Valdez).



  
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Robert Silva, Mayor

ATTEST:

  
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Matt Flood, City Clerk

