

**MINUTES OF MENDOTA  
REGULAR CITY COUNCIL MEETING**

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**Regular Meeting                      Tuesday August 26, 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, Councilors S. Leo Capuchino, Joseph Riofrio, and Sergio Valdez.**

**Council Members Absent:            None.**

**Flag salute led by Director of Support Operations Charles Johnson**

**A moment of silence was held in honor of Jack Hall and Mendota Resident Richard McGinnis, who passed away recently.**

**FINALIZE THE AGENDA**

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

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

**PUBLIC HEARING**

1.     Council continue public hearing and the second reading of **Ordinance No. 14-04**, adding chapter 5.56 to title 5 of the Mendota Municipal Code related to abandoned shopping carts.

Mayor Silva introduced the item and Planning and Economic Development Manager Flood summarized the staff report including discussion and direction by Council at previous meetings; what State law offers in terms of enforcement; and the staff recommendation to not pass the proposed ordinance. City Attorney Boranian reported that the recommendation should be to withdraw the ordinance from the agenda; the ability for a local government to create an ordinance that is stricter than state law; and the sufficiency of the law contained in the Business and Professions Code for the purposes of the City of Mendota.

Discussion was held on who would enforce the statute as it is written in the Business and Professions Code; the need to make sure that the government does not overstep its bounds; and the possibility of code enforcement retrieving carts.

A motion was made by Councilor Riofrio to withdraw the ordinance from the agenda, seconded by Councilor Capuchino; unanimously approved (5 ayes).

### **PRESENTATION**

1. Becky Cline of the Fresno Westside Mosquito Abatement District to provide information on the prevention of West Nile Virus.

Information was provided on the amount of cases of West Nile Virus (WNV) in Fresno County; the affect the drought has on the proliferation of vectors; the composition and operation of the Westside Mosquito Abatement District; information on local mosquitoes species and the diseases they carry; surveillance, detection, and abatement methods; prevention of diseases; and an upcoming open house to present their recently renovated headquarters to the public.

Discussion was held on the need to get rid of standing water; the locations of confirmed WNV cases in the area; mosquito swarms at public events; and local activities undertaken to control mosquito populations.

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

1. Minutes of the Regular City Council Meeting of August 12, 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 Mayor Pro Tem Amador to approve the item, seconded by Councilor Capuchino; unanimously approved (5 ayes).

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

Craig Schmidt (Fresno) – provided a report as a representative of Gil Ranch Natural Gas Storage including the system used for subterranean transportation and the measures taken to ensure safety and security.

Discussion was held on the station that was recently built.

### **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 12, 2014 THROUGH AUGUST 21, 2014  
WARRANT LIST CHECKS NO. 38229 THRU 38296  
TOTAL FOR COUNCIL APPROVAL = \$226,167.77
2. Council introduce and waive the first reading of **Ordinance No. 14-05**, amendments to Titles 8 and 17 of the Mendota Municipal Code related to the installation of swimming pools, and set the public hearing for September 9, 2014.
3. Council adopt **Resolution No. 14-31**, requesting action by Congress on drought legislation.
4. Council authorize the City Manager to sign a Cooperative Agreement with Caltrans for the Derrick/Oller Roundabout Project.
5. Council adopt **Resolution No. 14-32**, authorizing the City Manager to enter into a contract with SUSP, Inc.

A request was made to pull items 1 and 5 for separate consideration.

A motion was made by Councilor Riofrio to approve items 2, 3, and 4 of the Consent Calendar, seconded by Councilor Capuchino; unanimously approved (5 ayes).

1. AUGUST 12, 2014 THROUGH AUGUST 21, 2014  
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TOTAL FOR COUNCIL APPROVAL = \$226,167.77

Discussion was held on the new street sweeper being delivered between December 2014 and February 2015; and the purchase of cases for mini iPads.

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

5. Council adopt **Resolution No. 14-32**, authorizing the City Manager to enter into a contract with SUSP, Inc.

City Manager DiMaggio provided information on the three companies that responded to the request for services; the differences between the companies that have been considered to provide services; the prospect of not hiring a Chief Plant Operator in order to save money; the salary of a Chief Plant Operator; the provision in the proposed agreement to terminate services with a 30 day notice; references received from clients of the proposed company; the frequency of being called out to respond to issues with the water system; and Council's direction to bring the agreement back to Council for consideration once it is created.

A motion was made by Councilor Capuchino to adopt Resolution No. 14-32, seconded

by Councilor Riofrío; unanimously approved (5 ayes).

## **BUSINESS**

1. Mayor to make an appointment to fill the vacancy on the Mendota Planning Commission.

Mayor Silva reported that staff received an application to serve on the Planning Commission and would like to appoint the applicant.

A motion was made by Councilor Riofrío to confirm the appointment by the Mayor, seconded by Councilor Valdez; unanimously approved (5 ayes).

Planning and Economic Development Manager Flood provided information on the purpose and role of the Planning Commission.

## **DEPARTMENT REPORTS AND INFORMATIONAL ITEMS**

1. City Manager

City Manager DiMaggio reported that staff will be meeting with a representative from First 5 regarding shade structure improvements at Rojas-Pierce Park; staff is going to apply for a Tire Derived Product grant; the City Planner will be working on policy to outlaw synthetic drugs within the city; reported on a break-in at the concession stand at Rojas-Pierce Park; and provided an update on SB1139.

Discussion was held on the nature of Consent Calendar item 5 and the hiring requirements for a Chief Plant Operator.

2. Public Works
  - a) Monthly report

Public Works Director Gonzalez summarized his report including the street sweeper the City will have in the future; shade structures at Rojas-Pierce Park; and storm drain maintenance to gear up for the wet season.

Discussion was held on how often the streets are swept.

3. Public Utilities
  - a) Monthly report

Public Utilities Director Lewis summarized his report including that staff had received fire hydrants and had been dealing with issues related to State requirements.

Discussion was held on getting a list of non-working fire hydrants to CALFIRE and the priority of fixing hydrants.

4. City Attorney

City Attorney Boranian reported that she is starting to plan for AB1234 training for 2015 and future closed session items.

**MAYOR AND COUNCIL REPORTS AND INFORMATIONAL ITEMS**

1. Council Member(s)

Councilor Valdez discussed problems associated with the drought and AB1486, which non-profit organizations are opposing as it makes it harder to fund-raise.

Councilor Riofrio announced the upcoming football game against Sierra.

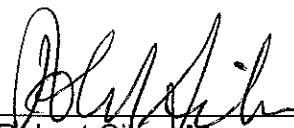
Mayor Pro Tem Amador reported on the upcoming Driver Awareness event.

2. Mayor


Mayor Silva commented on the food giveaways and desires to have a letter sent to Community Food Bank thanking them.

**ADJOURNMENT**

With no more business to be brought before the Council, a motion for adjournment was made at 8:14 p.m. by Mayor Pro Tem Amador, seconded by Councilor Riofrio; unanimously approved (5 ayes).

  
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Robert Silva, Mayor

ATTEST:

  
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Matt Flood, City Clerk