

**MINUTES OF MENDOTA
REGULAR CITY COUNCIL MEETING**

Regular Meeting Tuesday September 10, 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 Director of Support Operations Charles Johnson

A moment of silence was observed for the victims of September 11, 2001 and their families.

FINALIZE THE AGENDA

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

City Manager Atkins requested the removal of Public Hearing Item number 1 and warrant #36754 from the warrant list; and to add a closed session item for Public Employment pursuant to California Government Code 54957(b)(1). A motion was made by Councilor Riofrio to adopt the agenda with the recommended modifications, seconded by Councilor Valdez; unanimously approved (5 ayes).

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 2014/2015 tax roll for the 2012/2013 nuisance abatement costs. [City Clerk, Flood]

[This item was removed from the agenda]

2. Council take public comment on and adopt **Resolution No. 13-26**: In the matter of adopting an expenditure plan for the fiscal year 2013-2014 COPS grant. [City

Clerk, Flood]

Mayor Silva introduced the item and City Clerk Flood reported that this item has been brought before Council every year for a public hearing and approval as required to receive funding; explained the COPS program; the level of funding; and what the funds will be used for.

Discussion was held on how long the City has received COPS funding; the amount that has actually been paid out in past years; and the overtime and miscellaneous expenses that are used by the Police Department.

At 6:05 p.m. Mayor Silva opened the hearing to the public and, seeing no individual wishing to comment on the matter, closed the hearing in that same minute.

Discussion was held on the need for COPS funding; the benefits it provides to the community; and various spending freezes that are being mandated by the State.

A motion was made by Mayor Pro Tem Amador to adopt Resolution No. 13-26, seconded by Councilor Valdez; unanimously approved (5 ayes).

APPROVAL OF MINUTES AND NOTICE OF WAIVING OF READING

1. Minutes of the Regular City Council Meeting of August 27, 2013 and the Special Meetings of July 30, 2013 and October 23, 2012.
2. Notice of waiving of the reading of all resolutions and/or ordinances introduced and/or adopted under this agenda.

A motion for approval was made by Councilor Riofrio, seconded by Mayor Pro Tem Amador; unanimously approved (5 ayes; Councilor Valdez abstained from the vote of the October 23, 2012 minutes, making a unanimous vote of 4 ayes; abstain: Councilor Valdez).

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. AUGUST 27, 2013 THROUGH SEPTEMBER 5, 2013
WARRANT LIST CHECKS NO. 36706 THRU 36762
TOTAL FOR COUNCIL APPROVAL = \$302,020.14

2. Council adopt **Resolution No. 13-27**: confirming support for Pacific Gas &
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Electric Company's application to establish an Enhanced Economic Development rate.

3. Council award the bid to APC Contractors for \$4,745.00 for the removal of identified asbestos located at 643 and 667 Quince Street.
4. Council award bid to Tony & Sons Construction for \$12,700.00 to remove the existing roof and install a new thermal plastic cool roof system at 643 and 667 Quince Streets.

A request was made to pull items 2 and 4 of the Consent Calendar for discussion.

A motion was made by Councilor Riofrio to approve items 1 and 3 of the Consent Calendar of the Consent Calendar, seconded by Councilor Valdez; unanimously approved (5 ayes).

2. Council adopt **Resolution No. 13-27**: confirming support for Pacific Gas & Electric Company's application to establish an Enhanced Economic Development rate.

Mayor Silva commented on how high Pacific Gas & Electric (PG&E) rates are in the Central Valley due to the hot weather; that there would be a meeting in Sacramento next week in which various cities would be going to express their opinion on the proposed rate; and that this new rate will be good for attracting businesses to the Central Valley.

A motion was made by Councilor Valdez to approve item 2 of the Consent Calendar, seconded by Councilor Riofrio; unanimously approved (5 ayes).

4. Council award bid to Tony & Sons Construction for \$12,700.00 to remove the existing roof and install a new thermal plastic cool roof system at 643 and 667 Quince Streets.

Discussion was held on the manner in which the bid was advertised; the need for it to be in writing so that all bidders receive the same specifications; the possibility of rejecting the bid due to its cost and the lack of specificity in the proposal; the possible consequences of the upcoming rain season; how the project was advertised; and how the bids were received.

City Engineer McGlasson explained the manner the scope of work is presented before soliciting bids on a public works project and City Attorney Boranian explained the possibility of a perception of a lack of compliance with the City purchasing policy because the total of the two projects is over \$10,000.

Discussion was held on the importance of effective communication between staff and Council; the importance of conducting business transactions in writing; the risk incurred

by accepting the bids or rejecting all of them and re-advertising; and the advantage of hiring local businesses.

A motion was made by Councilor Capuchino to have staff newly request bids with a written scope of work, seconded by Councilor Riofrio; approved (4 ayes; no: Amador).

BUSINESS

1. Council discussion and consideration to adopt **Resolution No. 13-28**: accepting the Offers of Dedication made by property owner Arnold C. Stewart in connection with the approval of Final Tract Map 4230. [City Attorney, Boranian]

Mayor Silva introduced the item and City Attorney Boranian reported that this item is to take action that should have been taken years ago concerning a record of ownership of Outlot B (ponding basin) on Perez Street; the concern of the owner that the City never formally accepted ownership of it due to the acceptance of the City appearing to pre-date documents demonstrating the offering of it; and that the recommendation is to approve the resolution, formally accepting the offer of that land.

Discussion was held on ensuring that accurate info is contained in the maps; and prior inconsistencies in recorded documents.

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

DEPARTMENT REPORTS AND INFORMATIONAL ITEMS

1. City Manager

City Manager Atkins reported on a meeting that staff had with Laserfiche regarding an electronic document management system; that the director of the Fresno County Transportation Authority is willing to sign off on the 7th Street realignment project funding; and a check issued to the City regarding a recent settlement.

Discussion was held on the savings from the signal light projects and how those can be utilized; scope changes that can possibly still be requested for the 7th Street realignment project; and checks issued to the City from the Westside Cable Authority.

2. Code Enforcement
 - a) Monthly Report

Chief Galvin reported that voluntary compliance has been high; Code Enforcement continues to be a significant challenge in Mendota with three part-time employees; and summarized significant cases including safety issues related to hazardous materials in a couple of properties.

Discussion was held on the visible improvement in animal control within the City; problems with DJ's playing music too loudly; and the decrease in the number of Amplified Music Permits requested recently.

3. Police Department
a) Monthly Report

Chief Galvin reported that there was a small increase in part one offenses last month; there have only been three serious crimes committed so far this month; summarized a significant case of a stabbing of a security guard at Mi Ranchito; the crime rate is down 10% this year; the resignation and hiring of officers; the number of traffic citations and arrests; the requirements of the fire code for every house and business to display their address where it can be seen clearly by emergency responders; his attendance at a job fair in Tranquillity for youth; and the efforts with other police departments in the area to apply for a CALGRIP grant.

Discussion was held on the opportunity to do community service for residents of Mendota; the impounding of vehicles of drunk drivers; the amount of DUI arrests this year compared to previous years; nuisance problems with transients; thefts of metal that is taken to recyclers for money; recent vandalism and tagging in the city; and a fire hazard that exists on Quince Street.

Mr. Joe Wu from Sun Vista LLC (San Jose, CA) expressed his discontent stemming from weed abatement costs that he is being charged with. The Council informed him that he can come at a future meeting to appeal during a public hearing.

MAYOR AND COUNCIL REPORTS AND INFORMATIONAL ITEMS

1. Council Member(s)

Councilor Valdez asked about a brick fence that Burger King was supposed to put up when it was built; a power box at Rojas-Pierce Park that needs to be fixed as it may be a hazard; how he was approached by a business owner that was lamenting the amount of shopping carts that go missing; and questioned about progress on the Smoot, Sorensen, McCabe Street Project.

Councilor Capuchino requested information on the progress of the construction of the new elementary school and reported that the annual Kermés in September that the Catholic Church puts on has been cancelled.

Mayor Pro Tem Amador reported on fund raising and organization efforts for the 18th annual Driver Awareness event and information about a meeting with Corrections Corporation of America.

Councilor Riofrio reported on the recent victory of the Mendota High School football team.

2. Mayor
 - a) Summary of recent meetings attended

Mayor Silva reported on meetings related to the Enhanced Economic Development Rate proposed by PG&E; the 2014 water bond that is planned to be on the General Election ballot; First Solar, which is planning to install solar panels next to the federal prison; and the Baseball Commission.

CLOSED SESSION

1. Conference with Legal Counsel pursuant to CA Government Code 54956.9 Existing Litigation (2 cases):

Mendota Unified School District v. Sunvista LLC, et al., Fresno County Superior Court, (Case No. 13CECG00655); and

Mendota Unified School District v. Stewart, et al., Fresno County Superior Court, (Case No. 13CECG00657).

2. Pursuant to California Government Code 54957(b)(1)
PUBLIC EMPLOYMENT- INTERIM CITY MANAGER

At 7:51 p.m. the Council moved into closed session.

At 8:54 p.m. the Council reconvened in open session.

City Attorney Boranian reported that in regards to both cases on item 1, the City has agreed to the settlement; and that in regards to item 2 there was no reportable action.

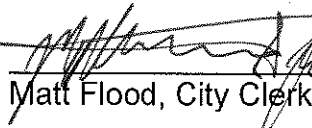
ADJOURNMENT

At the hour of 8:54 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 (5 ayes).



Robert Silva, Mayor

ATTEST:



Matt Flood, City Clerk

