

**MINUTES OF MENDOTA  
SPECIAL CITY COUNCIL MEETING  
IN LIEU OF THE REGULAR MEETING**

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**Regular Meeting**                      **Tuesday September 23, 2014**

**Meeting called to order by Mayor Robert Silva at 5:00 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 Amador.**

**Flag salute led by Councilor Valdez**

**FINALIZE THE AGENDA**

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

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

**CLOSED SESSION**

1.     CONFERENCE WITH LABOR NEGOTIATORS  
CA Government Code § 54957.6  
Agency Designated Representatives: Charles Johnson, Director of Support Operations and Vince DiMaggio, City Manager.  
Employee Organization:  
American Federation of State, County and Municipal Employees
2.     CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION  
CA Government Code § 54956.9(d)(2): 2 cases
3.     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.  
Barron v. Galvin/City of Mendota - Case No. FR94337

4. PUBLIC EMPLOYEE PERFORMANCE EVALUATION  
CA Government Code § 54957(b)  
Title: City Manager

At 5:02 p.m. the Council moved into closed session.

At 6:02 p.m. the Council reconvened into open session and City Attorney Boranian reported that with regards to items 1, 2, and 3, no reportable action was taken and that item 4 will be continued to a closed session just before adjournment.

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

None Offered

### **PRESENTATION**

1. Officer Graciela Torres Torres from the California Highway Patrol to provide information on AB 60 driver licenses.

Officer Graciela Torres and Sgt. Jose Gutierrez presented information on the law that will allow undocumented immigrants to obtain driver licenses (AB 60); the documentation that will be necessary to qualify; the efforts of the DMV to educate the public; what the State of California is still trying to figure out to ensure effective implementation; and offered the services of their office to provide outreach in the community.

Discussion was held on the benefits this will provide to undocumented individuals; the role that Homeland Security will play in terms of safety; the forecast of how many individuals will be pursuing a driver license; the test that they will have to take in order to get their license; the fact that other states already give licenses to undocumented individuals; provisions of NAFTA that allow international truck drivers to travel freely for business with some restrictions; and the benefits of this law.

### **SWEARING IN**

1. Deputy City Clerk Celeste Cabrera to be sworn in by City Clerk Matt Flood.

City Clerk Flood swore in Deputy City Clerk Celeste Cabrera.

### **PRESENTATION**

2. Jonathan Avedian from the County of Fresno to receive community input and

recommendations for use of CDBG, HOME, ESG Fiscal Year 2015-2019 Funds.

Jonathan Avedian, Christy Johnson and Yvette Quiroga explained the consolidated plan, CDBG, and the HOME programs; the guidelines for using these programs; and that they are present tonight to receive input on what projects the City of Mendota would like to see.

Discussion was held on the amount of funding that the City can receive; the projects that the City of Mendota could do; and doing sidewalk projects.

**Rolando Castro (315 Blanco)** - asked if speed bumps are eligible for these projects.

Discussion was held on the importance of CDBG and other such funding in Mendota; the renovation project that the Federal Housing Authority is doing in Mendota; the various programs that the County has for the purchase and rehabilitation of housing; the rate of success for applicants to County housing programs; the amount of senior citizens that apply for housing programs.

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

1. Minutes of the Regular City Council Meeting of September 9, 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 Capuchino; unanimously approved (3 ayes; abstain: Silva, absent: Amador).

### **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. SEPTEMBER 15, 2014 THROUGH SEPTEMBER 19, 2014  
WARRANT LIST CHECKS NO. 38371 THRU 38422  
TOTAL FOR COUNCIL APPROVAL = \$268,356.36
2. Proclamation declaring October 19<sup>th</sup>-25<sup>th</sup>, 2014 "Freedom from Workplace Bullies" week.

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

### **PUBLIC HEARING**

1. Council discussion and consideration to authorize staff to submit a Community Minutes of Special City Council Meeting 3 9/23/2014

## Development Block Grant for Fiscal Year 2015-2016.

Mayor Silva introduced the item and Director of Support Operations Johnson summarized his report including past CDBG projects and the purpose of the current public hearing.

Discussion was held on how the project came about; the efficacy of dedicating these funds to this project; the importance of investing in structures to protect the equipment at the water treatment plant; what the structure will actually cover; and when construction would be slated to start if the funds are acquired

At 6:52 p.m. Mayor Silva opened the hearing to the public and, seeing no one present willing to comment, closed it in that same minute.

A motion was made by Councilor Riofrio to adopt Resolution No. 14-33, seconded by Councilor Capuchino; unanimously approved (4 ayes; absent: Amador).

### **BUSINESS**

1. Council discussion and consideration to adopt **Resolution No. 14-34** approving the contract with Acquisition Partners of America for grant writing services.

Mayor Silva introduced the item and City Manager DiMaggio reported that Council requested grant writers and that staff has been searching for a while; the benefits of the proposed company; the details of the proposal, including the milestone system that pays them based on performance;

John Quiring- Acquisition Partners of America – stated that he appreciates the opportunity to work with the city of Mendota; shared his firm's history; the approach they use to work with cities and other agencies to acquire grants; the services they offer; and the measures and metrics they use to ensure that they are working effectively for their clients.

Discussion was held on the different organizations that APA serves; the amount of staff that the firm has; the lobbying that is done on the bureaucratic officials that award grants; what APA has done to familiarize itself with Mendota; previous bad experiences that the Mendota Unified School District had with grant writing firms; the amount of cities and school districts that APA is currently working for; the problem that happens when grant firms write and compete for the same grant for nearby cities; the timeframe for the first three grants that are referenced in the contract; and the type of grants that are available.

A motion was made by Councilor Valdez to adopt Resolution No. 14-34, seconded by Councilor Riofrio; unanimously approved (4 ayes; absent: Amador).

2. Council discussion and consideration to adopt **Resolution No. 14-35** allowing the use of park impact fee funds for shade improvements to Rojas Pierce Park.

Mayor Silva introduced the item and City Manager DiMaggio reported that the Council requested shade structures as part of the budget and the opportunity that came up to use park impact fees to get more funding and turn it into a park improvement project.

Discussion was held on the need for shade structures; the timeline for doing the shade structures; the aesthetic look that the structures will have; the longevity of the mesh and structure; the effectiveness of shade structures already in place at the baseball field; and the material that the shade structure mesh is made of.

A motion was made by Councilor Valdez to adopt Resolution No. 14-35, seconded by Councilor Riofrio; unanimously approved (4 ayes; absent: Amador).

3. Council discussion and consideration to adopt **Resolution No. 14-36** approving a contract with Mountain Valley Environmental Services for water treatment and wastewater treatment oversight services.

Mayor Silva introduced and City Manager DiMaggio reported on the past action of the Council to pursue a contractor; the previously approved company, SUSP, failing during good faith negotiations; the result of the new search; the services that the new company proposed; and the nature of the item to approve the contract with the company.

Discussion was held on which employees the company would train; the provision in the contract that would require a member of City staff to respond to emergency call-outs along with employees from MVES; and the need to have divers inspect the water tanks.

A motion was made by Councilor Riofrio to adopt Resolution No. 14-36, seconded by Councilor Valdez; unanimously approved (4 ayes; absent: Amador).

## **DEPARTMENT REPORTS AND INFORMATIONAL ITEMS**

1. Public Works
  - a) Monthly Report

Director of Public Works Gonzalez summarized his report including the application with the MUSD that was awarded for funding 2nd and Bass Streets; the shade structures going in at Rojas-Pierce Park; the new security features installed at the baseball field concession stand; the fuel stock; the new ATM that will be activated this week; and the new Antojitos Guanacos Bakery that was also given a final approval.

Discussion was held on what the project will consist of; when the project will start; reports of people illegally residing in a caretaker residence at Naples and 9th Street; and weeds that are growing in a strip mall on Derrick.

2. Public Utilities
  - a) Monthly Report

Director of Public Utilities Lewis summarized his report including updating the condition of fire hydrants in the City; repairs on the water treatment plant; progress on mitigating erosion damage at the wastewater treatment plant; the installation of Scada systems at lift stations; and the new personnel that was hired.

Discussion was held on the illegal dumping that is being done in the city sewer system.

3. City Attorney

City Attorney Boranian reported on information she received from the League of California Cities.

4. City Manager

City Manager DiMaggio reported that there will be meetings of the Mendota Designated Local Authority and Oversight Boards tomorrow and of the State of the County breakfast that he and Councilor Valdez will attend.

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

1. Council Member(s)

Councilor Riofrio asked about the City contractor that does backflow testing and that he spoke with him and was not sure if he is to pay the contractor directly or will be assessed on his water bill and the Huling company between Mendota and Kerman that creates dangerous dust hazards on the highway.

2. Mayor

Mayor Silva reported that the Latino elected officials have acquired some fair tickets to give to community members and on interest to approach Westlands Water District about donating land to the City for development purposes.

### **CLOSED SESSION**


4. PUBLIC EMPLOYEE PERFORMANCE EVALUATION  
CA Government Code § 54957(b)  
Title: City Manager

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

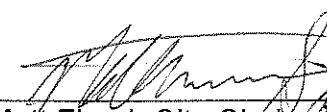
At 9:32 p.m. the Council reconvened into open session and City Attorney Boranian reported that with regards to item 4, no reportable action was taken.

**ADJOURNMENT**

With no more business to be brought before the Council, a motion for adjournment was made at 9:33 p.m. by Councilor Valdez, seconded by Councilor Capuchino; unanimously approved (4 ayes; absent: Amador).

  
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Robert Silva, Mayor

ATTEST:

  
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Matt Flood, City Clerk

