

**MINUTES OF MENDOTA
REGULAR CITY COUNCIL MEETING**

Regular Meeting **Tuesday September 24, 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, Councilors S. Leo Capuchino, Joseph Riofrio (6:01 p.m.), and Sergio Valdez.**

Council Members Absent: **None.**

Flag Salute led by Councilor S. Leo Capuchino

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 Capuchino; 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]

Mayor Silva introduced the item and City Clerk Flood reported that the City carried out weed abatements on properties that did not clean up their properties; explained the notices provided to these property owners consistent with the Mendota Municipal Code (MMC); the process of allowing property owners to pay any costs incurred by the City; of having the cost added to their property tax bill; and the total cost to abate the 22 parcels that are currently up for consideration.

Discussion was held on the cost charged by the contractors to abate parcels; the opportunity property owners had to pay for their abatement before a lien is put on their property; the notices sent to property owners and how it is determined to which

addresses those notices are sent; the ability of the property owners to appeal and be heard regarding action taken on their property; details on the private contractor used to perform the abatements; and the duty of the City to protect the health and safety of its residents.

At 6:16 p.m. Mayor Silva opened the hearing to the public.

Joe Wu (Turlock, CA) – represents Sun Vista LLC and owns one of the properties that was abated. Mr. Wu stated that there is one empty lot left from the subdivision he built; that he had various materials that he was planning on using or cleaning up; claimed the City abated the property two days before the date that he was told it would happen; and sent the City an invoice for the damage caused on his property when it was abated.

Discussion was held on the specific notices that Mr. Wu received.

City Attorney Boranian stated that she has reviewed the process that the City uses to carry out these abatements and that it is legally acceptable.

Fernando Gomez (606 Naples) – asked who authorized the abatements; claimed that only the Fire Department can authorize abatement; and cited City correspondence from 2006 that does not allow anyone to go on private property without a warrant.

Discussion was held on the different changes in law that could have come about since 2006.

Joe Gomez (2033 7th Street) – stated that weed nuisances are a minor issue and that he saw one of the City Yards from a second story staircase at a nearby apartments and that it was not clean.

Sandra Hernandez (796 Unida) – stated that code enforcement went to her house; there are \$300 worth of charges from cleaning the nuisance at her property; and that she wishes to appeal the charges.

Discussion was held on the possibility of a waiving of fees for these abatements being perceived as a gift of public funds.

At 6:59 p.m. Mayor Silva closed the hearing to the public.

Discussion was held on being more accurate in the execution of the process, especially documentation; making sure code enforcement is following up with the contractor; how much the contractor charges for their services and if it is the best deal for the City; the possibility of getting a new contractor; improving the weed abatement process overall; the importance of creating an accurate report; and the need to have the contractor present for the meeting.

A motion was made by Councilor Capuchino to continue the public hearing to the

October 8th Council Meeting so that staff can compile more information, seconded by Councilor Riofrio; unanimously approved (5 ayes).

PRESENTATIONS

1. Ivette Rodriguez of Mid Valley Disposal to provide the 1st Quarter update on recycling and waste management.

Ms. Rodriguez reported to the Council on recent residential waste assessments; commercial site visits in the business community, including multi-family residential units; the tonnage report from the spring community clean-up; the City's recent increase in the diversion of recyclable material from landfills; the upcoming household hazardous waste event; and other updates concerning waste management within the City.

Discussion was held on illegal dumping and how to address it.

APPROVAL OF MINUTES AND NOTICE OF WAIVING OF READING

1. Minutes of the Regular City Council Meeting of September 10, 2013 and the Special Meetings of September 6, 2013 and September 12, 2013.
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 Councilor Capuchino; 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.

Joe Gomez (2033 7th Street) – claimed that he was charged by the City for weed abatement services that were not provided; wishes to contest the lien on his property; and complained about impartiality in applying the laws related to truck parking on 7th Street.

CONSENT CALENDAR

1. SEPTEMBER 5, 2013 THROUGH SEPTEMBER 19, 2013
WARRANT LIST CHECKS NO. 36763 THRU 36822
TOTAL FOR COUNCIL APPROVAL = \$259,479.67

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2. Council adopt **Resolution No. 13-29**: reaffirming support for the Safe, Clean and Reliable Drinking Water Supply Act of 2010 and the importance of above-ground water storage, delta improvements and regional water infrastructure.

A question was asked, related to warrant number 36776 of the warrant list, about the lifespan, fitting for employees, and function of body armor for the Police Department.

Mayor Silva summarized the importance of supporting the initiative sponsored by the Fresno COG related to creating a sustainable water supply.

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

BUSINESS

1. Council discussion and consideration to authorize the creation of a new Finance Administrative Supervisor position and amend the Personnel Allocation (PA) included in the Fiscal Year 2013/2014 Budget to reflect the new position.
[Director of Support Operations, Johnson]

Mayor Silva introduced the item and Director of Support Operations Johnson reported on the current staffing levels of the finance department; the need for a mid-level management position within the department; the specific elements of the proposal to implement such a position; and the tasks that the individual in that position would perform, their supervisory responsibilities, and their compensation.

Discussion was held on the compensation level for that position and how the specific qualifications of an individual vying for that job would affect it; the details of the tasks that a person newly hired in that position would carry out; and the annual evaluation of that individual and how that would fit into their salary step increases.

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

DEPARTMENT REPORTS AND INFORMATIONAL ITEMS

1. City Manager

City Manager Atkins reported on a regional Cal-Grip grant that the City did not make the deadline for; the audit that the Designated Local Authority (DLA) is going through at the present time; and thanked the Council for being allowed to spend almost 7 years working at the City of Mendota.

Discussion was held on the miscommunication that led to the City not being able to apply for the grant; and the work that City Manager Atkins has done through the years.

2. Public Works
a) Monthly Report

Director of Public Works Gonzalez reported on the completion of road striping, the Safe Routes to School project; work done on city-owned parks and facilities; the possibility of getting more shrubs at Rojas-Pierce Park, 7th Street, and Oller Avenue; the repairing of flower barrels on 7th Street; the purchase of a new animal freezer; and a recent purchase of fuel.

Discussion was held on the drip irrigation system at Rojas-Pierce Park; the possibility of acquiring trees from Tree Fresno; saving fuel using electric carts; appealing the violation of a fuel burner at the public works yard given by the air district; the accumulation of dirt, leaves, and other debris and that these are affecting the drain inlets; the progress on getting a new street sweeper; the replacement of trees on 7th Street; and the problem related to people living in abandoned housing.

3. Public Utilities
a) Monthly Report

Director of Public Utilities Demmers summarized his report and gave information on the recent fluctuation in water pressure.

Discussion was held over the recent inappropriate treatment of employees by the Firebaugh Fire Chief; the upcoming Smoot Sorensen, McCabe project; traffic flow at the proposed new elementary school; a survey crew that was recently working in Mendota; and the problems that can arise at Bass Avenue and 2nd Street once the new elementary school is built.

MAYOR AND COUNCIL REPORTS AND INFORMATIONAL ITEMS

1. Council Member(s)

Councilor Riofrio reported on a recent lobbying trip he made to the California Public Utilities Commission to support PG&E's proposed Enhanced Economic Development rate.

Mayor Pro Tem Amador reported on the upcoming Driver Awareness Event and invited all to come out and participate.

Councilor Capuchino reported on the League of California Cities (LOCC) annual conference and the different sessions that were attended by the Council.

2. Mayor

Mayor Silva gave information on the DLA and its recent activity; summarized other

activities at the LOCC conference; a recent food giveaway in Mendota; and the possibility of working with Lee Ayers from Tree Fresno.

CLOSED SESSION

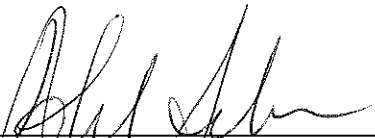
1. Pursuant to Government Code 54957(b)(1)
Public employee Discipline/Dismissal/Release

At 8:54 p.m. the Council went into closed session.

At 9:25 p.m. Mayor Silva reconvened the Council to Open Session, minus the presence of Mayor Pro Tem Amador, and City Attorney Boranian stated that in regards to item 1, no reportable action was taken.

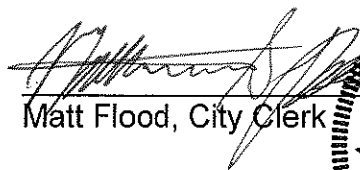
ADJOURNMENT

At the hour of 9:26 p.m., with no more business to be brought before the Council, a motion for adjournment was made by Councilor Valdez, seconded by Councilor Capuchino; unanimously approved (4 ayes; absent: Amador).



Robert Silva, Mayor

ATTEST:



Matt Flood, City Clerk

