

MINUTES OF MENDOTA REGULAR CITY COUNCIL MEETING

Regular Meeting **January 26, 2016**

Meeting called to order by Mayor Silva at 6:01 p.m.

Roll Call

Council Members Present: **Mayor Robert Silva, Mayor Pro Tem Sergio Valdez, Councilors Joseph Amador, Rolando Castro, and Joseph Riofrio.**

Council Members Absent: **None.**

Flag salute led by Councilor Castro.

Invocation led by Dr. El Sayed Ramadan the Imam of Masjid Fresno Islamic Center.

FINALIZE THE AGENDA

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

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

CITIZENS ORAL AND WRITTEN PRESENTATIONS

Carlos Diaz (252 Espinoza Street) – stated that his father was cited by Code Enforcement due to an amplified music violation; explained that the officers did not give him a warning prior to citing him; and inquired as to when a resident needs to obtain an amplified music permit.

Discussion was held on when an individual is violating the amplified music regulations; staff working on modifying the City's noise ordinance so that it complies with the

General Plan; the appeal process that Mr. Diaz can follow to appeal the citation; and the way that Code Enforcement and the Police Department handle these situations.

Raul Varela (263 J Street) – stated that he used to be a Code Enforcement Officer and explained that the officers should warn individuals about the violations prior to citing them.

Discussion was held on modernizing the zoning ordinance in order for it to comply with the General Plan.

John Anderson - stated that during his time working in law enforcement he experienced various issues with noise ordinances.

PRESENTATION

1. Rich Mostert from the Valley Small Business Development Corporation to provide information on their services.

Rich Mostert from the Valley Small Business Development Corporation (VSBDC) introduced himself including that he is the TRAC director with the corporation; shared the history of VSBDC; explained that the Corporation emphasizes on providing loans to individuals who are trying to create or expand their business; other resources that the corporation provides such as free counseling, technical assistance, and workshops; and stated that VSBDC is willing to come out to Mendota to offer their services to individuals who are interested.

Discussion was held on types of businesses that the VSBDC provides loans too; qualifications that individuals need to meet in order to receive a loan from the VSBDC; the various resources that are currently available for individuals who want to create or expand their business; and the resources that VSBDC can offer in Mendota.

2. Receive presentation from Price, Paige, & Company on the 2014/2015 City audit.

David Dybas introduced himself and thanked staff for assisting them during the audit; reported on the City's financial statement; the City's responsibilities in regards to the audit; the process in which they performed the City's audit; the auditors having an unmodified opinion of the City's financial statements; the City's consistency on accounting practices; the benefits of the City having a significant amount in the emergency contingency fund; the City remaining current on its long-term liabilities; and the audit procedures that were completed for state and federal funding also resulted in an unmodified opinion.

Discussion was held on the possibility of increasing the amount of funds in the emergency contingency fund; the sanitation fund having a negative amount; and Council receiving the results of the audit in a timely manner in the future.

APPROVAL OF MINUTES AND NOTICE OF WAIVING OF READING

1. Minutes of the Special City Council meeting of December 28, 2015 and the Regular City Council meeting of January 12, 2016.
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 Castro; unanimously approved (5 ayes).

CONSENT CALENDAR

1. JANUARY 07, 2016 THROUGH JANUARY 22, 2016
WARRANT LIST CHECKS NO. 40436 THRU 40487
TOTAL FOR COUNCIL APPROVAL = \$181,893.51
2. Proposed adoption of **Resolution No. 16-03**, approving the salary schedule for Police Lieutenant.
3. Proposed adoption of **Resolution No. 16-04**, adjusting the salary schedule for the Public Works Director position.
4. Proposed adoption of **Resolution No. 16-05**, authorizing to release final payment of the retention to AJ Excavation, Inc., the contractor for the 6th Street Reconstruction Project.
5. Proposed adoption of **Resolution No. 16-06**, approving the submittal for the upcoming Regional Surface Transportation Program call for projects.

Requests were made to pull items 2, 3, 4, and 5 for discussion.

A motion was made to approve item 1 of the consent calendar by Councilor Amador, seconded by Councilor Castro; unanimously approved (5 ayes).

2. Proposed adoption of **Resolution No. 16-03**, approving the salary schedule for Police Lieutenant.

Discussion was held on utilizing the funds from the vacant sergeant position for the lieutenant position and the current number of sergeant positions in the police department.

A motion was made to adopt Resolution No. 16-03 by Councilor Riofrio, seconded by Councilor Amador; unanimously approved (5 ayes).

3. Proposed adoption of **Resolution No. 16-04**, adjusting the salary schedule for the Public Works Director position.

Discussion was held on which step the Public Works Director would start at and the decision being at the discretion of the City Manager upon the completion of the performance evaluation of the Public Works Director.

A motion was made to adopt Resolution No. 16-04 by Councilor Amador, seconded by Councilor Castro; approved (4 ayes, no: Valdez).

4. Proposed adoption of **Resolution No. 16-05**, authorizing to release final payment of the retention to AJ Excavation, Inc., the contractor for the 6th Street Reconstruction Project.

Discussion was held on a portion of 8th street that needs gutter reparation.

A motion was made to adopt Resolution No. 16-05 by Mayor Pro Tem Valdez, seconded by Councilor Amador; unanimously approved (5 ayes).

5. Proposed adoption of **Resolution No. 16-06**, approving the submittal for the upcoming Regional Surface Transportation Program call for projects.

Discussion was held on searching for funding to fund the 7th Street and Derrick Avenue project.

A motion was made to adopt Resolution No. 16-06 by Councilor Amador, seconded by Councilor Castro; unanimously approved (5 ayes).

NEW BUSINESS

1. Public Hearing: Introduction of **Ordinance No. 16-01**: Adopting Chapter 5.17 (Cable Television Franchise) and Chapter 13.17 (Cable Video Services and Fees) of the Mendota Municipal Code, and Repealing Ordinance No. 284, and Give First Reading, by Title only, with Second Reading waived.

Mayor Silva introduced the item and Director of Administrative Services Johnson summarized the report including that the City has managed the operations of cable company access since the early 1980s; the access of the management being authorized by Ordinance No. 284 which articulates the terms by which franchises shall operate within the City; the City joining a JPA with other Westside cities which formed the Westside Cities Cable Television Authority; the JPA's purpose to regulate and impose conditions on franchises of cable television system within each city; the JPA was dissolved and the City has to comply with Digital Infrastructure and Video Competition Act; the proposed ordinance will authorize the City to receive franchise and PEG fees; and that the proposed ordinance would repeal Ordinance 284.

Discussion was held on the proposed ordinance replacing Ordinance 284 and allowing the City to collect franchise fees; the franchise fee that the City can receive being capped by law; developers being required to include fiber optics for new developments; and the amount of individuals that utilize Comcast for cable television services.

A motion was made to approve the first reading of Ordinance No. 16-01 by Councilor Riofrio, seconded by Mayor Pro Tem Valdez; unanimously approved (5 ayes).

DEPARTMENT REPORTS AND INFORMATIONAL ITEMS

1. Public Works
 - a) Monthly Report

Discussion was held on the street sweeper often needing repairs; the length of the warranty on the street sweeper; the Adult Offender Work Program cleaning various areas of the city; the possibility to continue having individuals, that are funded by Proteus, work for the City; improving the lighting on the welcome sign north of the City; the status of the City-wide street light retrofit; a business sign that was damaged and was on the public right-of-way; and the status of the reparation of the play areas at Rojas-Pierce Park.

2. City Attorney
 - a) Update

City Attorney Kinsey reported on legislation that was adopted in late 2015 that creates a program for licensing and the regulation of medical marijuana; the State becoming the sole licensing and regulatory authority for the cultivation should the City not have a zoning ordinance that addresses cultivation which would become effective on March 1st; staff creating an urgency ordinance that addresses the cultivation of medical marijuana; meeting with staff to discuss the issue; staff researching how other cities are addressing the issue (7:42 p.m. Mayor Pro Tem Valdez left the Council Chambers); properties along Belmont Avenue that have not complied with the court injunction regards berms/levees; and sending letters to the property owners to inform them of the injunction (7:43 p.m. Mayor Pro Tem Valdez returned to the Council Chambers).

Discussion was held on school berms/levees along Belmont Avenue that have not been removed; the county's ongoing efforts to redirect the water to other areas; whether the injunction carries on to the new owner if the properties are sold; and notices that staff sent out to the property owners.

3. City Manager

City Manager DiMaggio reported on the upcoming City Council goal setting meeting which will be held on February 2nd; on the Proposition 1 funding including that the JPA is considering to divide the fees that each City needs to pay to the JPA; the fees being divided between the cities based on population; and an upcoming JPA meeting that will

be held to discuss the issue.

Discussion was held on the likelihood that the cities will be willing to divide the fees that need to be paid to the JPA: the status of the tertiary treatment project at the Wastewater Treatment Plant; STP funding being over programmed which could result in the removal or delay of certain projects; the status of the development of the new Catholic Church; the timeline of the Highway 180 extension project; and the upcoming Joint City Council/Mendota Unified School Board meeting that will be held on March 9th.

MAYOR AND COUNCIL REPORTS AND INFORMATIONAL ITEMS

1. Council Member(s)
Council reports

Councilor Castro inquired as to purchasing additional fuel for City vehicles in case fuel prices increase.

Mayor Pro Tem Valdez reported that the lack of drainage at Derrick Avenue and Smoot Street causes stagnant water to smell.

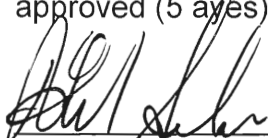
Councilor Amador reported on the upcoming Farm Worker Appreciation event which will be held on January 29th at Gonzalez Dance Hall.

2. Mayor

Mayor Silva reported on the Groundbreaking Ceremony for McDonalds and AutoZone that was held recently; the Planning Commission meeting that was held recently in which Planning Commissioners received training; the upcoming Joint City Council/Mendota Unified School Board meeting that will be held on March 9th; and congratulated Raul Varela for becoming the President of the school board.

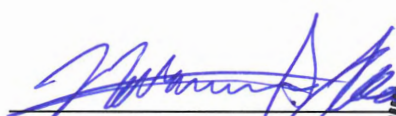
ADJOURNMENT

With no more business to be brought before the Council, a motion for adjournment was made at 8:09 p.m. by Councilor Amador, seconded by Councilor Castro; unanimously approved (5 ayes).



Robert Silva, Mayor

ATTEST:



Matt Flood, City Clerk

Minutes of Regular City Council Meeting



1/26/2016