

**MINUTES OF MENDOTA
REGULAR CITY COUNCIL MEETING**

Regular Meeting

March 22, 2016

Meeting called to order by Mayor Silva at 6:00 p.m.

Roll Call

Council Members Present: Mayor Robert Silva, Mayor Pro Tem Sergio Valdez (at 6:09 p.m.), Councilors Joseph Amador, Rolando Castro, and Joseph Riofrio.

Council Members Absent: None.

Flag salute led by Mayor Silva.

Invocation led by Arturo Montejano from the Iglesia Lugar de Refugio.

FINALIZE THE AGENDA

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

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

PRESENTATIONS

1. **Proclamation No. 16-01:** Honoring Candelaria "Candie" Caro.

Deputy City Clerk Cabrera read the proclamation into the record.

Council thanked Ms. Caro for her hard work and dedication to the community.

Ms. Caro thanked the City Council for the recognition.

2. **Proclamation No. 16-02:** Declaring the Week of March 20-26th as “Safe Place Week” in Mendota.

Deputy City Clerk Cabrera read the proclamation into the record.

Mayor Silva introduced Ramiro Espinoza with the Mendota Boys & Girls Club.

Ramiro Espinoza (Boys & Girls Club) – thanked the City Council on behalf of Joe Martinez with Fresno County EOC Sanctuary and Youth Services and extended an invitation to the Safe Place Partner Dedication at Mendota Boys & Girls Club on March 23rd.

A motion was made to adopt Proclamation Nos. 16-01 and 16-02 by Councilor Riofrio, seconded by Councilor Amador; unanimously approved (5 ayes).

CITIZENS ORAL AND WRITTEN PRESENTATIONS

Dino Perez (Westside Youth Inc. [WSY]) – reported on the upcoming youth football camp and the cub scouts program.

Discussion was held on when the WSY Farmers Market would begin (6:24 p.m. Councilor Amador left the Council Chambers and returned at 6:25 p.m.).

APPROVAL OF MINUTES AND NOTICE OF WAIVING OF READING

1. Minutes of the Special City Council meeting of March 8, 2016 and the Special Joint Meeting of the Mendota City Council and the Mendota Unified School District Board of Trustees of March 9, 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 Mayor Pro Tem Valdez to approve items 1 and 2, seconded by Councilor Castro; unanimously approved (4 ayes, abstain: Riofrio).

CONSENT CALENDAR

1. MARCH 08, 2016 THROUGH MARCH 16, 2016
WARRANT LIST CHECKS NO. 40689 THRU 40742
TOTAL FOR COUNCIL APPROVAL = \$657,913.63
2. Proposed adoption of **Resolution No. 16-14**, adopting the revised City of Mendota Personnel Rules.

3. Proposed adoption of **Resolution No. 16-20**, approving the Final Map of Tract No. 6111 and entering into a subdivision agreement.
4. Proposed adoption of **Resolution No. 16-23**, terminating the contract with Acquisition Partners of America for grant writing services.
5. Proposed adoption of **Resolution No. 16-24**, intention to initiate an amendment to the City's General Plan, modifying the land use designation and City zoning map relating to Fresno County Assessor's Parcel Nos. 013-141-02S and 013-152-27S.

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

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

2. Proposed adoption of **Resolution No. 16-14**, adopting the revised City of Mendota Personnel Rules.

Discussion was held on whether both employee unions agreed with the revised Personnel Rules; staff meeting with AFSCME representatives on multiple occasions; various attempts that were made to contact the Mendota Police Officer's Association; eliminating the Personnel Board; and the disciplinary action appeal process that will replace the Personnel Board.

Gage Dungy (Liebert, Cassidy, Whitmore) – explained the process for appealing disciplinary action including that the hearing officer will be from an outside agency.

Discussion was held on whether employees that possess a Class A CDL are subject to drug and alcohol testing.

A motion was made to approve item 2 of the consent calendar by Councilor Castro, seconded by Councilor Riofrio; approved (4 ayes, no: Valdez).

4. Proposed adoption of **Resolution No. 16-23**, terminating the contract with Acquisition Partners of America for grant writing services.

John Quiring (Acquisition Partners of America [APA]) - stated that APA wanted to carry on grant writing services; offered suggestions to improve the services that APA provides to the City; reported on important grants that are currently pending; and reported on the possibility of APA continuing to provide grant writing services to the City for a period of 30-90 days with a reduction of fees.

Discussion was held on why the City was not receiving grants that other disadvantaged communities were receiving; the sensitivity that the City has towards Prop 1 funding; various grants that are currently pending; the amount of monthly fees that the City pays

to APA; continuing the relationship between the City and APA for a period of time in order to complete grants that are currently pending; and APA providing a monthly report to the City every 30 days.

A motion was made to remain in contract with APA for a 60 day period and to direct to meet with APA to discuss a possible reduction of contract costs by Councilor Riofrio, seconded by Councilor Amador; unanimously approved (5 ayes).

3. Proposed adoption of **Resolution No. 16-20**, approving the Final Map of Tract No. 6111 and entering into a subdivision agreement.

Discussion was held on the item being related to phase 6 of the Las Palmas subdivision; the ongoing negotiations with the developer for park improvements; the proposed Rojas-Pierce Park expansion layout design that was provided to the City; creating a development agreement; the costs associated with the Rojas-Pierce Park improvements; ensuring that enough parking is available; and the associated provisions of a new ponding basin.

BUSINESS

1. Council receive status report on state mandated emergency water reduction regulation order.

Mayor Silva introduced the item and Public Utilities Director Lewis summarized the report including that the City did not achieve its state mandated water reduction goal and the various options that are available to achieve the goal.

Discussion was held on waiting to see how much water will be allocated to the Cities; the probable water allocations that farmers will receive this year; the amount of water capacity that the state has; the amount of water that the City has saved; and ensuring that the City obeys water conservation regulations.

A motion was made to direct staff to create an ordinance to modify water conservation regulations by Mayor Pro Tem Valdez, seconded by Councilor Castro; unanimously approved (5 ayes).

PUBLIC HEARING

1. Proposed adoption of **Resolution No. 16-21**, adopting the negative declaration prepared in conjunction with the 2015-2023 Housing Element, and **Resolution No. 16-22**, approving the General Plan amendment adopting the 2015-2023 Housing Element.

Mayor Silva introduced the item and City Planner O'Neal summarized the report including that the Housing Element is a component of the General Plan; the Department of Housing and Community Development (HCD) reviewed the Multi-Jurisdictional

Housing Element (MJHE) and provided numerous comments; the City participating in the 5th cycle with the County of Fresno and numerous other jurisdictions; the various components of the MJHE; the City being the last of participating Fresno County agencies to adopt the MJHE; the negative declaration document associated with the MJHE; and various policies and programs that are included in the MJHE that the City has to implement in order to ensure that the City is facilitating and endorsing housing developments with the City.

At 7:28 p.m. Mayor Silva opened the hearing to the public and, seeing no one present willing to comment, closed it in that same minute.

Ted Holzem (Mintier Harnish) - reported on the various jurisdictions included in the MJHE (7:29 p.m. Councilor Castro left the Council Chambers); the different portions of the MJHE; the Regional Housing Needs Assessment (RHNA); the City meeting RHNA requirements; the comments that the HCD made on the MJHE; various revisions that were made to the MJHE; the different programs that the HCD requested to be implemented; and the timeline of the adoption of the HCD.

Discussion was held on whether the City has enough water and sewer capacity to accommodate new housing developments.

A motion was made to adopt Resolution No. 16-21 by Mayor Pro Tem Valdez, seconded by Councilor Castro; unanimously approved (5 ayes).

A motion was made to adopt Resolution No. 16-22 by Mayor Pro Tem Valdez, seconded by Councilor Castro; unanimously approved (5 ayes).

2. Proposed adoption of **Ordinance No. 16-02**, repealing Chapter 9.05 (Excessive Noise) of the Mendota Municipal Code and Adopting New Chapter 9.05 (Noise Control), and give Second Reading, by Title only, with further reading waived.

Mayor Silva introduced the item and Deputy City Attorney Helsley requested that the Council make a motion to waive the second reading of the ordinance and hold a public hearing.

A motion was made to waive the second reading of Ordinance No. 16-02 by Mayor Pro Tem Valdez, seconded by Councilor Castro; unanimously approved (5 ayes).

At 7:43 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 to adopt Ordinance No. 16-02 by Councilor Riofrio, seconded by Councilor Castro; unanimously approved (5 ayes).

3. Proposed adoption of **Ordinance No. 16-03**, (A) Repealing Chapter 8.20 (Weeds, Rubbish, and/or Nuisance Abatement), Chapter 2.24 (Trash and Junk), and Chapter 8.28 (Public Nuisance) of the Mendota Municipal Code and (B) Adopting Chapter 8.20 (Public Nuisance Abatement), and Give Second Reading, by Title only, with further reading waived.

Mayor Silva introduced the item and Deputy City Attorney Helsley requested that the Council make a motion to waive the second reading of the ordinance and hold a public hearing.

A motion was made to waive the second reading of Ordinance No. 16-03 by Mayor Pro Tem Valdez, seconded by Councilor Castro; unanimously approved (5 ayes).

At 7:57 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 to adopt Ordinance No. 16-03 by Councilor Riofrio, seconded by Councilor Castro.

DEPARTMENT REPORTS AND INFORMATIONAL ITEMS

1. Public Works
 - a) Monthly Report

Council welcomed back Public Utilities Director Lewis and Finance Director Marquez. Discussion was held on a section of Quince Street in which the road is uneven; City crews attempting to identify the cause; the party that is responsible to fix the road; the timeline of the City-wide Street Light Retrofit; and the status of Rojas-Pierce park repairs.

2. City Attorney
 - a) Update

Deputy City Attorney Helsley reported on an upcoming Central Valley Regional Water Quality Control Board meeting in which the human right to water will be discussed.

Discussion was held on the impact that human right to water will have on state mandated water reduction regulations.

3. City Manager

Nothing to report.

MAYOR AND COUNCIL REPORTS AND INFORMATIONAL ITEMS

1. Council Member(s)
Council reports

Councilor Castro inquired on the Mendota Youth Recreation (MYR) Easter Egg Hunt event.

Discussion was held on the MYR Easter Egg Hunt event and the various organizations that will be in attendance.

Councilor Castro inquired on the possibility of upgrading utility bill payment methods.

Discussion was held on having staff look into the costs associated with upgrading payment methods.

Councilor Riofrio reported on the labor force of the community.

2. Mayor

Mayor Silva reported that he was appointed to the San Joaquin Valley Water Infrastructure Authority (SJVWIA); various meeting that the SJVWIA Board will be attending in Sacramento; and the possibility of removing a Commissioner from the Planning Commission due to comments that were made on social media.

Discussion was held on the possibility of the individual's comments being considered freedom of speech and placing the issue at a future City Council meeting agenda for discussion.

Councilor Castro inquired on changing the frequency of the Public Safety Sub-Committee meetings and appointing new members.

Discussion was held on placing the issue at a future City Council meeting agenda for discussion.

Councilor Riofrio reported on considering being a member of a West Hills bond oversight committee and that he will attend an upcoming meeting.

CLOSED SESSION

1. CONFERENCE WITH LEGAL COUNSEL – POTENTIAL LITIGATION
Pursuant to Paragraph (2) of subdivision (d) of Section 54956.9 ([1] potential case).

At 8:29 p.m. the Council moved into closed session.

At 8:41 p.m. the Council reconvened in open session and City Attorney Kinsey reported that in regards to item 1 of the closed session, there was nothing to report.

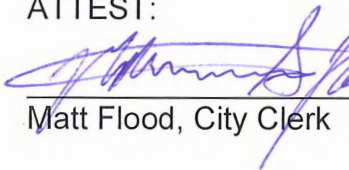
ADJOURNMENT

With no more business to be brought before the Council, a motion for adjournment was made at 8:41 p.m. by Mayor Pro Tem Valdez, seconded by Councilor Riofrio; unanimously approved (5 ayes).



Robert Silva, Mayor

ATTEST:



Matt Flood, City Clerk

