



# CITY OF MENDOTA

*"Cantaloupe Center Of The World"*

VICTOR MARTINEZ  
Mayor

LIBERTAD "LIBERTY" LOPEZ  
Mayor Pro Tempore

JOSE ALONSO

JOSEPH R. RIOFRIO

OSCAR ROSALES

## AGENDA MENDOTA CITY COUNCIL

Special City Council Meeting  
CITY COUNCIL CHAMBERS  
643 QUINCE STREET  
October 3, 2023  
4:00 PM

CRISTIAN GONZALEZ  
City Manager

JOHN KINSEY  
City Attorney

The Mendota City Council welcomes you to its meetings; Regular meetings are scheduled for the 2nd and 4th Tuesday of every month. Your interest and participation are encouraged and appreciated. Notice is hereby given that Council may discuss and/or take action on any or all of the items listed on this agenda. Please turn your cell phones on vibrate/off while in the council chambers.

Any public writings distributed by the City of Mendota to at least a majority of the City Council regarding any item on this regular meeting agenda will be made available at the front counter at City Hall located at 643 Quince Street Mendota, CA 93640, during normal business hours 8 AM – 5 PM.

In compliance with the Americans with Disabilities Act, individuals requiring special assistance to participate at this meeting please contact the City Clerk at (559) 655-3291. Notification of at least forty-eight hours prior to the meeting will enable staff to make reasonable arrangements to ensure accessibility to the meeting.

### CALL TO ORDER

### ROLL CALL

### FLAG SALUTE

### FINALIZE THE AGENDA

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

### CITIZENS ORAL AND WRITTEN PRESENTATIONS

At this time members of the public may address the City Council only on matters listed on the agenda. 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.

### NOTICE OF WAIVING OF READING

1. Notice of waiving of the reading of all resolutions introduced and/or adopted under this agenda.

## **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 7, 2023 THROUGH SEPTEMBER 19, 2023  
WARRANT LIST CHECK NOS. 53787 THROUGH 53868  
TOTAL FOR COUNCIL APPROVAL = \$1,221,777.20
2. Proposed adoption of **Resolution No. 23-68**, supporting and implementing timely use of funding in the matter of project delivery schedules for federal transportation project selection.
3. Proposed adoption of **Resolution No. 23-69**, approving an Interim Finance Director employment agreement between Rudy Marquez and the City of Mendota under Government Code Section 21221(H) effective October 2, 2023.

## **CLOSED SESSION**

1. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION  
Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) of Government Code section 54956.9 (two potential cases).

## **ADJOURNMENT**

### **CERTIFICATION OF POSTING**

I, Celeste Cabrera-Garcia, City Clerk of the City of Mendota, do hereby declare that the foregoing agenda for the Mendota City Council special meeting of Tuesday, October 3, 2023, was posted on the outside bulletin board located at City Hall, 643 Quince Street on Monday, October 2, 2023, at 3:55 p.m.

  
\_\_\_\_\_  
Celeste Cabrera-Garcia, City Clerk

CITY OF MENDOTA  
CASH DISBURSEMENTS  
09/07/23 - 09/19/23  
CK# 053787 - 053868

Check Date	Check Number	Check Amount	Vendor Name	Department	Description
September 7, 2023	53787	\$ 2,935.00	CIVICPLUS, LLC	GENERAL,WATER,SEWER	(1)CODEHOSTING, (1) FULL-SERVICE SUBSCRIPTION
September 7, 2023	53788	\$ 127.50	COLONIAL LIFE	GENERAL	LIFE INSURANCE PREMIUM AUGUST 2023
September 7, 2023	53789	\$ 46,072.97	NATIONAL AUTO FLEET GROUP	GENERAL	2023 DODGE DURANGO 4X4 VIN# 1C4RDJFG9PC605097 (PD)
September 7, 2023	53790	\$ 6,349.40	BANKCARD CENTER	GENERAL,WATER,SEWER	MENDOTA FOOD CENTER, AMAZON, LITTLE CAESERS, ADOBE, DOLLAR TREE, EVENTSURE, NATIONAL PENS CO.
September 7, 2023	53791	\$ 669.00	HOME DEPOT CREDIT CARD	GENERAL, WATER	LATE FEE REVERSAL 07/17/23, (1)SHADE FABRIC ROLL, (1)MKE M18 XC5.OP,(1)MKE M18 HACKZALL, (20)2X4- 8FT GC BROWN
September 7, 2023	53792	\$ 45.41	SANG SANG LE	WATER	MO CUSTOMER REFUND FOR LE 0003
September 7, 2023	53793	\$ 71.41	CHARISSA WALLACE	WATER	MO CUSTOMER REFUND FOR WAL0001
September 13, 2023	53794	\$ 170,662.00	CITY OF MENDOTA PAYROLL	GENERAL	PAYROLL TRANSFER FOR 08/28/2023 - 09/10/2023
September 15, 2023	53795	\$ 300.11	ADT SECURITY SERVICES	GENERAL, WATER, SEWER	SECURITY SERVICE FOR DMV,CH 09/13/2023 -10/12/2023
September 15, 2023	53796	\$ 215.00	JOSE ALONSO	GENERAL	PER DIEM FOR LEAGUE OF CA CITIES ANNUAL CONFERENCE
September 15, 2023	53797	\$ 8,192.36	AMERITAS GROUP	GENERAL	VISION AND DENTAL INSURANCE FOR OCTOBER 2023
September 15, 2023	53798	\$ 1,007.10	AT&T MOBILITY	GENERAL	POLICE DEPARTMENT CELL SERV 07/12/2023 - 08/11/2023
September 15, 2023	53799	\$ 31.00	AUTOZONE, INC.	GENERAL	(1) ARMOR ALL TIRE FOAM (PD),(1) COUPLER TRAILER MASTERLOCK LATCH LOCK (PD)
September 15, 2023	53800	\$ 532,077.90	AVISON CONSTRUCTION, INC.	SEWER	STORMWATER IMPROVEMENT PROJECT PAYMENT#1 AUGUST 2023
September 15, 2023	53801	\$ 2,274.30	BADGER METER	WATER	BEACON SERVICES FOR AUGUST 2023
September 15, 2023	53802	\$ 500.00	BAR PSYCHOLOGICAL GROUP	GENERAL	OIS FFDE (PD)
September 15, 2023	53803	\$ 195.29	BEATWEAR, INC.	GENERAL	SAFARILAND LEVEL 3 HOLSTERS FOR GEN 4 GLOCK (PD)
September 15, 2023	53804	\$ 1,841.00	BSK ASSOCIATES	WATE, SEWER	GENERAL EDT MONTHLY 8/01/2023, GENRAL EDT WEEKLY TREATMENT&DISTRIBUTION 08/15/23
September 15, 2023	53805	\$ 603.48	CALIFORNIA BUSINESS MACHINES	GENERAL, WATER, SEWER	COPIER CONTRACT SERV: BASE SEPTEMBER, USAGE AUGUST 2023
September 15, 2023	53806	\$ 761.00	CENTRAL VALLEY TOXOLOGY	GENERAL	(3) ETHYL ALCOHOL,(3) DRUG SCRIN- (PD) CASE#23-1794, CASE# :23-1797, CASE# :23-1765
September 15, 2023	53807	\$ 371.34	CHEMSEARCH	SEWER	(1) CHERRY FLOW 5GL AUGUST 2023
September 15, 2023	53808	\$ 764.42	CINTAS CORPORATION NO. 2	GENERAL,WATER,SEWER	FIRST AID SUPPLIES PD,CH,PW,WTP,WWTP 07/2023
September 15, 2023	53809	\$ 507.69	CIVICPLUS, LLC	GENERAL,WATER,SEWER	(25) MUNICODE PAGES, (1) MUNICODE ELECTRONIC MEDIA
September 15, 2023	53810	\$ 2,011.20	COMCAST	GENERAL,WATER,SEWER	CITYWIDE XFINITY PHONE&INTERNET 09/06/2023-10/05/2023
September 15, 2023	53811	\$ 173.89	CORELOGIC INFORMATION	GENERAL,WATER,SEWER	REALQUEST SERVICE FOR AUGUST 2023
September 15, 2023	53812	\$ 175.00	CORBIN WILLITS SY'S INC.	GENERAL,WATER,SEWER	HELPED WITH LATE NOTICES AND ADJUST.FOR BACKFLOWS
September 15, 2023	53813	\$ 1,065.17	CROWN SERVICES CO.	GENERAL,SEWER	TOILET 2XWK &SINK WIRENT-ROJAS-PIERCE PARK, WWTP, POOL PARK, LOZANO PARK, 3699 BASS AVE
September 15, 2023	53814	\$ 200.00	DATA TICKET, INC.	GENERAL	DAILY CITATIONS,DAILY NOTICES FOR JULY 2023 (PD)
September 15, 2023	53815	\$ 373.00	DEPARTMENT OF JUSTICE	GENERAL	(8) FINGERPRINT APPS, (3) CHILD ABUSE INDEX (PD)
September 15, 2023	53816	\$ 12,123.56	EMPLOYER DRIVEN INSURANCE SERVICE	GENERAL	BILLING SUMMARY FOR OCTOBER 2023, CLAIMS PAID FOR AUGUST 2023

CITY OF MENDOTA  
CASH DISBURSEMENTS  
09/07/23 - 09/19/23  
CK# 053787 - 053768

September 15, 2023	53817	\$ 176.61	EINERSON'S PREPRESS	GENERAL,WATER,SEWER	(2) 500 BUSINESS CARDS 16PT MATTE- C.CABRERA, J.ALONSO
September 15, 2023	53818	\$ 681.81	EMPLOYEE RELATIONS	GENERAL,WATER,SEWER	(05) CRIMINAL COURT/ACCESS FEES (PUBLIC WORKS)
September 15, 2023	53819	\$ 1,540.00	ENVIRONMENTAL SYSTEMS RESEARCH	GENERAL	ARCGIS ANNUAL SUBSCRIPTION- 10/13/2023-10/12/2024
September 15, 2023	53820	\$ 1,059.48	EXCEL SIGN CO.	GENERAL	(2) VEHICLE GRAPHICS&INSTAL-UNITS M96 & M97 (PD)
September 15, 2023	53821	\$ 29,945.07	FRESNO COUNTY SHERIFF	GENERAL,WATER	DISPATCH SERVICE FOR AUGUST,OCTOBER 2023 , RMS JMS SERVICE FOR JUNE (PD)
September 15, 2023	53822	\$ 560.00	FRESNO MOBILE RADIO INC.	GENERAL	(40) POLICE DEPARTMENT RADIOS FOR AUGUST 2023
September 15, 2023	53823	\$ 215.00	GONZALEZ, CRISTIAN	GENERAL	PER DIEM FOR LEAUGE OF CA CITIES ANNUAL CONFERENCE
September 15, 2023	53824	\$ 7,500.00	GONZALEZ TOWING & TRANSPORT	GENERAL,WATER,SEWER, STREETS	LABOR REPAIR FOR CATERPILLAR 14G MOTOR GRADER
September 15, 2023	53825	\$ 453.14	GRAINGER INC.	GENERAL, SEWER	(1) SOLENOID VALVE COIL, 120VAC, 60/50 HZ, (1) PORTABLE EVAP. COOLER,W/CREDIT #9809928428
September 15, 2023	53826	\$ 42,757.65	GUTHRIE PETROLEUM INC	GENERAL,WATER,SEWER, STREETS	(3657) BLK DIESEL FUEL NO.2, (4720)BLK UNLEADED GASOLINE, (10)CHEV.TRACTOR HYD FL
September 15, 2023	53827	\$ 159.75	HARBOR FREIGHT TOOLS	GENERAL,WATER,SEWER, STREETS	(2) CEVIS TRAILER PIN MOUNT, (1) 3500LB DROP LEG TRLR
September 15, 2023	53828	\$ 325.00	INSYARATH, KHAMPHOU	GENERAL	POLICE STATISTICS FOR AUGUST 2023
September 15, 2023	53829	\$ 550.68	SIMPLOT GROWER SOLUTIONS	WATER, SEWER	(15) GAL ROUNDUP POWERMAX 3
September 15, 2023	53830	\$ 180.00	KERWEST NEWSPAPER	GENERAL	(5) SUMMARY OF ORDINANCE 23-02,PROOF OF PUBLICATION
September 15, 2023	53831	\$ 306.49	LEAF	GENERAL, WATER, SEWER	(2) KYROCERA CPOER SYSTEMS AUGUST 2023
September 15, 2023	53832	\$ 431.39	M.C REPAIRS FULL DIAGNOSTIC	GENERAL	2015 FORD POLICE INTER:WATER PUMP DRIVE BELT, 2016 FORD FUSION-OIL CHANGE,BROKEN WIRES FIXED (PD)
September 15, 2023	53833	\$ 50.00	MARIA MACIEL	GENERAL	PAID PARKING TICKET TWICE, WASNT PUT INTO DATA TICKET
September 15, 2023	53834	\$ 109.86	DAVID MALDONADO	GENERAL	PAYROLL #18 REPLACEMENT FOR Z07990
September 15, 2023	53835	\$ 215.00	VICTOR MARTINEZ	GENERAL	PER DIEM FOR LEAGUE OF CA CITIES ANNUAL CONFERENCE
September 15, 2023	53836	\$ 1,191.18	MENDOTA 1 SMOG	GENERAL, STREETS	2015 FORD-POLICE INTERCEPTOR:CHECK CAR FOR VIBRATING (PD), 2008 FORD: CHECK FOR COOLANT LEAK
September 15, 2023	53837	\$ 121.24	METRO UNIFORM	GENERAL	(2) WMS CS POLO - FRONT STAFF
September 15, 2023	53838	\$ 94,397.31	MID VALLEY DISPOSAL, INC	SEWER	SANITATION CONTRACT SERVICES FOR JULY 2023
September 15, 2023	53839	\$ 3,000.00	NETXPERTS LLC	GENERAL,WATER, SEWER	MONTHLY MANAGED SERVICE CONTRACT MARCH, MAY, SEPTEMBER 2023
September 15, 2023	53840	\$ 1,822.50	NEXUS ADMINISTRATORS, INC.	GENERAL, WATER, SEWER	2022 ANNUAL RETIREMENT PLAN PARTICIPATION CHARGE, RETIREMENT PLAN(S) DOCUMENT AMENDMENTS
September 15, 2023	53841	\$ 2,721.31	NORTHSTAR CHEMICAL	WATER	(800) SODIUM HYPOCHLORITE 12.5% MILL A
September 15, 2023	53842	\$ 950.00	OUTFRONT MEDIA INC.	REFUSE	POSTER PRODUCTION- ILLEGAL DUMPING & SB1383, ILLEGAL DUMPING & SB1383 BILLBOARD- OLLER ST
September 15, 2023	53843	\$ 3,521.78	PLATT ELETRIC SUPPLY	STREETS	(6) LFU KLK030 600V, (9) BUS KTK-30 - FUSES, (3)LMK LAS45S-T4 4K ADJ.LUMEN, (18) IMT LED4536SC SPECIFIC GRADER
September 15, 2023	53844	\$ 64,217.08	PROVOST & PRITCHARD	WATER, STREETS, SEWER	PROF SERV:WELL # 10 & EXTENSION OF WTR TRANS.MAIN JULY 2023, PROF SEV: MENDOTA JR HIGH SRTS JULY 2023
September 15, 2023	53845	\$ 1,245.52	PURL'S SHEETMETAL & AIR	GENERAL	DIAGONSTIC DUCTLESS CONDENSER FAN MOTOR- CITY HALL
September 15, 2023	53846	\$ 138.11	R.G. EQUIPMENT COMPANY	GENERAL	(3)TRIMMER LINE .095 MD SPOOL BLACK VORTEX
September 15, 2023	53847	\$ 2,013.08	RAMON'S TIRE & AUTO	GENERAL, WATER, SEWER STREETS	EXPLORER M82-TIRE REPAIR PATCH (PD), BACKHOE 310 SG#11: TRACTOR VALVE STEAM, 2021 RAM 1500 CLASSIC:TIRE PATCH

CITY OF MENDOTA  
CASH DISBURSEMENTS  
09/07/23 - 09/19/23  
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September 15, 2023	53848	\$ 1,458.17	RED WING BUSINESS ADVANTAGE	SEWER, WATER	(9) BOOT REPLACEMENT PER MOU PUBLIC WORKS AND PUBLIC UTILITIES
September 15, 2023	53849	\$ 215.00	OSCAR ROSALES	GENERAL	PER DIEM FOR LEAGUE OF CA CITIES ANNUAL CONFERENCE
September 15, 2023	53850	\$ 730.54	ERNEST PACKING SOLUTIONS	GENERAL, WATER, SEWER	(2) CLNR/DEGRSR BATH KABOOM, (3) CT Y-NOTCH RT 800' WHITE,(3)MUTLIFOLD PREM
September 15, 2023	53851	\$ 200.00	SEBASTIAN	GENERAL	CITYHALL- CHECK / FIX VOICEMAILS NOT WORKING 08/30/2023
September 15, 2023	53852	\$ 737.49	SIGNMAX	STREETS	(2) CUSTOM STENCIL 96"X48" 30" (1) KEEP (1) CLEAR, (1) 24X30 BLK/WHIT EG/ALUM- KEEP APPROACH CLEAR
September 15, 2023	53853	\$ 3,694.86	SITEONE LANDSCAPE SUPPLY LLC	GENERAL	(1) HUNTER ICC2 MODULAR CONTROLLER, (1) HUNTER EXPAN., (12)RAIN BIRD 8005 ADJUSTABLE STAINLESS STEEL ROTR
September 15, 2023	53854	\$ 4,568.48	SORENSEN MACHINE WORKS	GENERAL,STREETS,WATER SEWER	CITYWIDE DEPARTMENT SUPPLIES FOR JULY 2023
September 15, 2023	53855	\$ 4,366.25	THE BANK OF NEW YORK MELLON	SEWER	MJPFA LEASE REVENUE BOND, SERIES 2022
September 15, 2023	53856	\$ 6,227.29	THOMASON TRACTOR COMPANY	GENERAL, STREETS	JOHN DEERE 6420- SCV LEAK REPAIR, 310 BACKHOE- REPLACE REAR DRIVE LINE, 310 BACKHOE- STEERING AND REPLACED PARTS
September 15, 2023	53857	\$ 5,000.00	TOWNSEND PUBLIC AFFAIRS, INC.	GENERAL, WATER, SEWER	CONSULTING SERVICES FOR SEPTEMBER 2023
September 15, 2023	53858	\$ 1,443.47	USA BLUEBOOK	WATER, SEWER	W04:SPECIAL/SOLUTION TUBE CV505, YSI PRO201 DO METER: 4-M CABLE GALAVANIC
September 15, 2023	53859	\$ 680.20	VETERINARY MEDICAL CENTER	GENERAL	(15)CITY EUTHANASIA,(1)MEDICAL WASTE FEE (PD)
September 15, 2023	53860	\$ 2,009.67	VULCAN MATERIALS COMPANY	STREETS	(7.93)ST 3/8 COM SC3000 AGG&ASPHALT- STREETS, (6)ST 1/2IN HMA TYPE A AGG&ASPHALT - STREETS
September 15, 2023	53861	\$ 11,868.36	WANGER JONES HELSLEY PC ATTORNEY	GENERAL, WATER, SEWER	PASS THRU: LEGAL SERV: ODYSSEY DEVELOPMENT,LEGAL SERV: GENERAL LEGAL SERVICES 08/15/23
September 15, 2023	53862	\$ 66.96	WECO	GENERAL, WATER, SEWER	(6)RENT CYL ACETYLENE # 4, OXYGEN D, OXYGEN K AUGUST 2023
September 18, 2023	53863	\$ 5,000.00	GONZALEZ, CRISTIAN	GENERAL	LEAGUE OF CALIFORNIA CITIES ANNUAL CONFERENCE
September 19, 2023	53864	\$ 517.28	AFLAC	GENERAL	AFLAC INSURANCES FOR SEPTEMBER 2023
September 19, 2023	53865	\$ 110,441.00	CSJVRMA	GENERAL	2023/2024 2ND QUARTER DEPOSITS
September 19, 2023	53866	\$ 3,350.00	CENTRAL VALLEY CLEAN WATER ASS.	SEWER	ASSOCIATION DUES FOR JULY 2023-JUNE 2024
September 19, 2023	53867	\$ 494.64	PETTY CASH	GENERAL,WATER,SEWER	PETTY CASH EXPENSE TAG #804-812 07/13/2023-09/18/2023
September 19, 2023	53868	\$ 3,455.00	REGROUP	GENERAL, WATER, SEWER	REGROUP MASS NOTIF ANNUAL SUB. 09/10/2023-09/09/2024

\$ 1,221,777.20

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**AGENDA ITEM – STAFF REPORT**

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**TO:** HONORABLE MAYOR AND COUNCILMEMBERS  
**FROM:** MICHAEL OSBORN, CITY ENGINEER  
**VIA:** CRISTIAN GONZALEZ, CITY MANAGER  
**SUBJECT:** SUPPORTING AND IMPLEMENTING TIMELY USE OF FUNDING IN THE MATTER OF PROJECT DELIVERY SCHEDULES FOR FEDERAL TRANSPORTATION PROJECT SELECTION  
**DATE:** OCTOBER 3, 2023

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**ISSUE**

Shall the City Council adopt Resolution No. 23-68, supporting the timely use of funding in the matter of project delivery schedules for federal transportation project selection?

**BACKGROUND**

Approval of Assembly Bill (“AB”) 1012 requires that both State and Federal funds be used in a “timely” manner. In order to avoid losing any Federal or State funds to our Region, the “use it or lose it” requirements of AB 1012 place local governmental agencies in a position that they must be able to deliver their projects on time. That is, they must be able to meet their project delivery schedules as proposed and as programmed within the Federal Transportation Improvement Program (“FTIP”).

Because the issue of “project delivery is so important, each agency must be able to assure that their project(s) can be delivered timely. Therefore, each application for Congestion Mitigation and Air Quality (“CMAQ”) or Surface Transportation Block Grant (“STBG”) funding must be accompanied by a formal Council Resolution stating that each project will meet project delivery schedules and that staff be directed to ensure that projects are delivered timely.

Regional bid projects must be delivered in the programmed year specified and within the programming years of the FTIP (covering federal fiscal years 2024/25, 2025/26, 2026/27, and 2027/28). If a regional bid project is delayed due to unforeseen circumstances, projects, at any phase, may be pushed out. If the project is delayed more than two FTIP cycles, the project will be programmed based on financial capacity and at Fresno Council of Governments’ (“FCOG’s”) discretion.

**ANALYSIS**

The City Engineer and staff intend on submitting applications during the 2023 Call for Projects for the regional bid (competitive) for the following projects:

- CMAQ – Marie Street Complete Street Project
- STBG – Divisadero Reconstruction from Lolita Street to Inez Street

**FISCAL IMPACT**

There is no fiscal impact for the preparation of the CMAQ and STBG applications requesting funding for the listed projects. Should the projects be awarded funding, City's street funds - Gas Tax, LTF, Measure C and/or RMRA (SB1) funds - will be utilized for preliminary engineering, right-of-way clearance, construction management and the standard 11.47% local match of federal funds.

**RECOMMENDATION**

Staff recommends that the City Council adopt Resolution No. 23-68, supporting the timely use of funding in the matter of project delivery schedules for Federal Transportation project selection.

**Attachment:**

1. Resolution No. 23-68

**BEFORE THE CITY COUNCIL  
OF THE  
CITY OF MENDOTA, COUNTY OF FRESNO**

**A RESOLUTION OF THE CITY COUNCIL  
OF THE CITY OF MENDOTA SUPPORTING  
AND IMPLEMENTING TIMELY USE OF  
FUNDING IN THE MATTER OF PROJECT  
DELIVERY SCHEDULES FOR FEDERAL  
TRANSPORTATION PROJECT SELECTION**

**RESOLUTION NO. 23-68**

***WHEREAS***, Assembly Bill (“AB”) 1012 has been enacted into State Law in part to provide for the “timely use” of State and Federal funding; and

***WHEREAS***, the City of Mendota (“City”) is able to apply for and receive Federal and State funding under the Federal Transportation Act and the Surface Transportation Block Grant (“STBG”) Program (formerly Regional Surface Transportation Program); and

***WHEREAS***, the City desires to ensure that its projects, as listed herein, are delivered in a timely manner to prevent the Fresno Region (the “Region”) from losing those State and Federal funds for non-delivery; and

***WHEREAS***, the City wishes to pursue Congestion Mitigation and Air Quality (“CMAQ”) funding for the Marie Street Complete Street Project, and STBG funding for Divisadero Street Reconstruction (Lolita Street to Inez Street); and

***WHEREAS***, the City understands that failure to meet project delivery dates for any phase of a project may jeopardize Federal or State funding to the Region; and

***WHEREAS***, the City must demonstrate dedicated and available local matching funds for these projects.

***NOW, THEREFORE, BE IT RESOLVED***, by the City Council of the City of Mendota that the City Council hereby agrees to ensure that all project delivery deadlines for all project phases of the projects identified herein will be met or completed ahead of schedule.

***BE IT FURTHER RESOLVED***, that the City acknowledges failure to meet project delivery deadlines may be deemed as sufficient cause for the Fresno Council of Governments Policy Board to terminate an agency’s project and reprogram Federal/State funds as deemed necessary.

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***BE IT FURTHER RESOLVED***, that the City Council directs its management and engineering staff to ensure all projects identified herein are carried out in a timely manner pursuant to the requirements of AB 1012 and this directive.

\_\_\_\_\_  
Victor Martinez, Mayor

ATTEST:

I, Celeste Cabrera-Garcia, City Clerk of the City of Mendota, do hereby certify that the foregoing resolution was duly adopted and passed by the City Council at a special meeting of said Council, held at the Mendota City Hall on the 3<sup>rd</sup> day of October, 2023, by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

\_\_\_\_\_  
Celeste Cabrera-Garcia, City Clerk

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**AGENDA ITEM – STAFF REPORT**

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**TO:** HONORABLE MAYOR AND COUNCILMEMBERS  
**FROM:** JENNIFER LEKUMBERRY, DIRECTOR OF ADMINISTRATIVE SERVICES/ ASSISTANT CITY MANAGER  
**VIA:** CRISTIAN GONZALEZ, CITY MANAGER  
**SUBJECT:** APPROVAL OF EMPLOYMENT AGREEMENT AND APPOINTMENT OF RUDY MARQUEZ TO INTERIM FINANCE DIRECTOR  
**DATE:** OCTOBER 3, 2023

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**ISSUE**

Shall the City Council adopt Resolution No. 23-69, approving an employment agreement and appointment of Rudy Marquez to Interim Finance Director?

**BACKGROUND**

The City of Mendota (“City”) is actively recruiting for the City’s next Finance Director, which can take anywhere from 3 to 12 months to fill contingent on qualified candidates applying and moving forward in the recruitment process to the final candidate successfully passing their background exam.

**ANALYSIS**

Rudy Marquez worked for the City of Mendota for over 20 years, specifically in the Finance department. His experience will allow him to provide oversight of the department, ensuring operations of the department runs smoothly during the recruitment process.

The decision to enter into such an agreement requires the City to be in the process of undergoing a recruitment for the successor. The recruitment for Finance Director is in progress, and the recruitment announcement is attached.

Under the California laws that govern public sector retirements, a retired annuitant may be employed by a CalPERS agency for no more than 960 hours in a fiscal year, and may be paid no more than a regular employee in the same capacity.

Finally, Government Code 21221(h) provides that such an agreement must be adopted by resolution of the City Council.

**FISCAL IMPACT**

The only net cost to the City would be the base salary amount noted above and specified in the agreement. There are no benefit or retirement costs paid by the City beyond the hourly rate specified in the agreement.

These costs are within the City's authority and budget. Costs will be limited by both the 960-hour

limit specified in the law and by the six-month duration of the agreement, and will be funded with the cost savings from the vacant position. No additional monies need to be approved.

The fiscal impact may be up to \$53,306.88, depending on the number of hours worked. This would be paid from the General Fund, Water, Sewer, refuse, Measure C, and LTF funding sources.

**RECOMMENDATION**

Staff recommends that the City Council adopt Resolution No. 23-69, approving an employment agreement and appointment of Rudy Marquez to Interim Finance Director.

**Attachments:**

1. Current Finance Director Recruitment
2. Resolution No. 23-69
3. Exhibit "A" - Interim Finance Director Employment Agreement

# CITY OF MENDOTA

643 Quince Street, Mendota, CA 93640 (559) 655-3291

## FINANCE DIRECTOR RECRUITMENT OPEN UNTIL FILLED

### The Finance Director Position:

The Director of Finance is a regular full-time exempt and at-will position. Under direction of the City Manager, plans, organizes, manages and directs centralized accounting, financial administration programs, and grant administration; provides administrative direction and oversight for purchasing, budget and fiscal analysis for the City and for the Mendota Community Corporation (MCC); may serve as City Controller and City Treasurer. Under general direction, identifies funding sources and prepares applications for grants processes awarded grants and performs related work as required.

The ideal candidate will have experience in directing, managing, and operations of a Finance Department in a Public Sector environment, excellent communication skills, ability to cultivate positive relationships, approachable, responsive, and innovative.

### Education:

Equivalent to a **bachelor's degree** from an accredited college or university with major course work in finance, accounting, business administration, economics, or a closely related field. CPA is preferred.

### Experience:

Five years progressively responsible administrative and management experience in accounting and financial work.

The successful candidate must possess strong written and oral communications skills, strong leadership qualities, possess a commitment to community service and the highest public service practices, policies and ethics. The successful applicant will be expected to become an active member and leader in the community. Bilingual (English and Spanish), while not a requirement will be considered an asset.

### Compensation:

Annual Salary	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6
Finance Director	\$90,495.85	\$95,020.65	\$99,771.68	\$104,760.26	\$109,998.28	\$115,498.19

Salary will be dependent on qualifications with a high value placed on the level of responsibilities for this executive position.

## Benefits:

The City offers a comprehensive benefit package including:

- City paid medical, dental and vision insurance for employee and dependents. Employee with health insurance coverage from a non-City source may elect to receive payment in lieu of coverage in the amount of \$500 per month
- Life insurance - \$50,000 term life paid for by City
- The City provides a 401(k) plan with both a Traditional and Roth option
- CalPERS Retirement
- SDI paid for by City
- Social security coverage
- Employer paid for Employee Assistance Program for employee and qualifying family members
- Paid Holidays- (14) - eight hour observed holidays; (3) – four hour observed holidays; and (1) – eight hours floating holiday
- Vacation leave accruals start at 6.67 hours per month
- Sick leave accrues at 8 hours per month
- Administration leave is 96 hours per fiscal year

## Application and Selection Process:

This is a confidential process and will be handled accordingly throughout the various stages of the process.

All interested candidates should apply by submitting a complete City of Mendota employment application, a resume, a cover letter, and supplemental questionnaire to the Director of Administrative Services/Assistant City Manager, Jennifer Lekumberry at City of Mendota, 643 Quince Street, Mendota, CA 93640.

INCOMPLETE OR FAXED APPLICATIONS WILL NOT BE ACCEPTED.

Applications will be screened and the most qualified candidates will be invited to participate in the interview process. Upon completion of the interviews, the City will conduct a thorough reference and background check, including a credit check.

## Equal Opportunity Employer:

The City of Mendota is an Equal Opportunity Employer. Women, minorities and people with disabilities are encouraged to apply. In compliance with the Americans with Disabilities Act, the City of Mendota will provide reasonable accommodations to qualified individuals with disabilities and encourages both prospective and current employees to discuss potential accommodations with the employer.

*The information contained within this recruitment announcement may be modified or revoked without notice and does not constitute either an expressed or an implied contract.*

**BEFORE THE CITY COUNCIL  
OF THE  
CITY OF MENDOTA, COUNTY OF FRESNO**

**A RESOLUTION OF THE CITY COUNCIL  
OF THE CITY OF MENDOTA APPROVING  
AN INTERIM FINANCE DIRECTOR  
EMPLOYMENT AGREEMENT BETWEEN  
RUDY MARQUEZ AND THE CITY OF MENDOTA  
UNDER GOVERNMENT CODE SECTION 21221(H)  
EFFECTIVE OCTOBER 2, 2023**

**RESOLUTION NO. 23-69**

**WHEREAS**, the City of Mendota (“City”) lacks a Finance Director at this time, and the City cannot function efficiently while this position remains vacant; and

**WHEREAS**, the City intends to appoint an Interim Finance Director to fill this vacant position to prevent stoppage of public business while the City undertakes recruitment efforts to find a replacement Finance Director; and

**WHEREAS**, the City Council intends to appoint Rudy Marquez as the City’s Interim Finance Director, effective October 2, 2023, because he has the skills needed to perform this work and can prevent the undesirable stoppage of public business during the City’s ongoing recruitment efforts for a replacement Finance Director; and

**WHEREAS**, this interim appointment shall not to last beyond September 27, 2024, and shall terminate immediately upon the City’s appointment of a replacement Finance Director; and

**WHEREAS**, Government Code section 7522.56 provides that the City may not retain a retired annuitant collecting public retirement system benefits within 180 days from the date of that person’s retirement, except in the case of limited exceptions; and

**WHEREAS**, Rudy Marquez retired from the City in the position of Finance Director on July 1, 2021, well beyond Government Code section 7522.56’s 180-day bar to retention by the City; and

**WHEREAS**, an appointment under Government Code section 21221, subdivision (h), requires an active, publicly posted recruitment for a permanent replacement; and

**WHEREAS**, the City is actively undertaking recruitment efforts to find a permanent replacement as required by law; and

**WHEREAS**, Government Code section 21221 provides the compensation paid to retirees cannot be less than the minimum nor exceed the maximum monthly base salary paid to other employees performing comparable duties, divided by 173.333 to equal the hourly rate; and

**WHEREAS**, the Interim Finance Director employment agreement between Rudy Marquez and the City has been reviewed by this body and is attached hereto as Exhibit “A”; and

**WHEREAS**, the maximum base salary for the Finance Director position is \$9,624.85 per month with an hourly equivalent of \$55.5280, and the minimum base salary for this position is \$7,541.32 per month with an hourly equivalent of \$43.5076; and

**WHEREAS**, the hourly rate paid to Rudy Marquez as Interim Finance Director will be \$55.5280, which is Step 6 of the City’s Finance Director salary range; and

**WHEREAS**, pursuant to Government Code section 21221, subdivision (h), Rudy Marquez has not and will not receive any other benefit, incentive, compensation in lieu of benefit, or other form of compensation in addition to this hourly pay rate.

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council of the City of Mendota hereby approves the offer of employment for the position of Interim Finance Director, in substantially the form attached hereto as Exhibit “A”, during the City’s recruitment for the Finance Director position.

**BE IT FURTHER RESOLVED**, that the City Council of the City of Mendota hereby authorizes the City Manager, or his designee, to execute any document reasonably required to effect the interim appointment discussed herein.

\_\_\_\_\_  
Victor Martinez, Mayor

ATTEST:

I, Celeste Cabrera-Garcia, City Clerk of the City of Mendota, do hereby certify that the foregoing resolution was duly adopted and passed by the City Council at a special meeting of said Council, held at the Mendota City Hall on the 3<sup>rd</sup> day of October 2023, by the following vote:

**AYES:**  
**NOES:**  
**ABSENT:**  
**ABSTAIN:**

\_\_\_\_\_  
Celeste Cabrera-Garcia, City Clerk

# **EXHIBIT A**



## INTERIM FINANCE DIRECTOR EMPLOYMENT AGREEMENT

This Employment Agreement ("Agreement") is effective as of October 2, 2023 between the City of Mendota ("Employer") and Rudy Marquez ("Retired Annuitant").

1. The City of Mendota desires to retain the services of Retired Annuitant in order to utilize his experience, abilities, and knowledge until such time a suitable replacement can be found and trained.
2. Retired Annuitant desires to be in the employ of Employer and is willing to do so under the terms and conditions set forth below.

THEREFORE, in consideration of the above recitals and of mutual promises and conditions in this Agreement, it is agreed as follows:

- A. **TERM OF EMPLOYMENT.** Subject to earlier termination as provided for in this Agreement, Retired Annuitant shall be employed as an at-will employee while the Employer recruits for a Finance Director for a term beginning October 2, 2023, and ending on or before September 27, 2024, subject to the 960-hour per fiscal year limitation placed on PERS retirees.
- B. **DUTIES AND AUTHORITY.** Employer shall employ Retired Annuitant as Interim Finance Director as outlined in the attached recruitment brochure and Mendota City Council Resolution No. 23-69.
- C. **REASONABLE TIME AND EFFORT.** During his employment, Retired Annuitant shall devote such time, interest, and effort to the performance of this Agreement as is necessary. However, absent a mandated schedule, Retired Annuitant shall be expected to devote approximately 16-24 hours weekly to the performance of these described duties. In no event shall Retired Annuitant work more than 960 hours per fiscal year during the term of this Agreement.
- D. **WAGES.** During the term of this Agreement, Employer agrees to pay Retired Annuitant the hourly rate of \$55.5280. Pay will be processed on a bi-weekly basis and made subject to all applicable withholdings and deductions.
- E. **ADDITIONAL BENEFITS.** Except as provided for above, or as required by state and federal law, during the employment term, Retired Annuitant shall not be entitled to receive other benefits of employment generally available to Employer's other employees, including, but not limited to, benefits, incentives, compensation in lieu of benefits, or any other forms of compensation in addition to the hourly rate.
- F. **TERMINATION OF AGREEMENT.** Employer may terminate Retired Annuitant's employment at any time during the term of this Agreement.
- G. **TERMINATION OR RESIGNATION.** Retired Annuitant may terminate this Agreement by giving Employer at least two weeks' prior written notice of resignation. Unless otherwise agreed to by the parties, termination of employment by resignation shall result in no post-resignation compensation being paid to Retired Annuitant.

- H. CONFORMANCE WITH RETIREMENT LAW. This Agreement may be modified in writing by Retired Annuitant and City Manager or their designee provided that such changes are in conformance with current California Public Employee's Retirement law involving post-retirement employment under Government Code section 21221(h).
  
- I. CITY COUNCIL APPROVAL. This Agreement shall be of no force and effect unless approved by the City Council of the City of Mendota.

SIGNATURES:

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Cristian Gonzalez  
City Manager

Date

Rudy Marquez  
Retired Annuitant

Date