

**MINUTES OF MENDOTA  
REGULAR CITY COUNCIL MEETING**

---

**Regular Meeting**                      **Tuesday November 12, 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, and Councilors S. Leo Capuchino, Joseph Riofrio, and Sergio Valdez.**

**Council Members Absent:**            **None.**

**Flag Salute led by Councilor Valdez**

**A moment of silence was observed to honor veterans that have served for our country.**

**FINALIZE THE AGENDA**

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

Mayor Silva requested to have the Code Enforcement Report heard right after Citizens Oral and Written Presentations. A motion was made by Mayor Pro Tem Amador to adopt the agenda with the recommended adjustment, seconded by Councilor Valdez; unanimously approved (5 ayes).

**PROCLAMATIONS**

1.     Proclamation No. 13-13: In Honor of Longtime Mendota Resident David "El Indio" Garcia Martinez.

Mayor Silva introduced the item and City Clerk Flood explained that Mr. Garcia is not able to be here today but requested that the proclamation be read into the record, then given to him by his friend, Councilor Riofrio.

2.     Proclamation No. 13-14: In Honor of the Veterans of Mendota.

Mayor Silva introduced the item and City Clerk Flood read the proclamation; Mayor

Silva asked all veterans present to stand and be recognized for their service; and thanked them for their service.

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

1. Minutes of the Regular City Council Meeting of October 22, 2013 and the Special Meeting of October 29, 2013.
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 (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 7<sup>th</sup> Street)** – inquired as to why he is not on the agenda despite requesting it in written form.

City Clerk Flood explained the deadline for requesting to be on the agenda; that Mr. Gomez missed it; and that his request is on time for inclusion in the next agenda.

### **DEPARTMENT REPORTS**

1. Code Enforcement
  - a) Monthly Report

Code Enforcement Administrative Assistant Maria Perez summarized the monthly report, stating that they have been focusing on Recreational Vehicles (RV's), boats, and other vehicles that are not appropriately stored; the notices that they have given to encourage voluntary compliance; the success with those that choose to voluntarily comply; and significant cases that they have had.

Discussion was held on the laws concerning RV's; the 72 hours that residents have to move them and comply; the 6-foot fence requirement for storing them; provisions in the California Vehicle Code (VC) that apply to these situations; nuisance problems related to vehicles; the disturbance that semi trucks make in residential areas in the early morning; the available truck parking within the City; itinerant food vendors and the difference between those that cook food outside to sell it in stores; and the revenue from October.

**Joe Gomez (2033 7<sup>th</sup> Street)** – Mr. Gomez commented on the importance of protecting the aesthetic look of the community and of various code violations past and present.

2. Police Department
  - a) Monthly Report

Chief Galvin summarized his monthly report, stating that the Mendota-Firebaugh Football game went very well; working with the Carmen Meza Center to address domestic violence problems in the community; the decrease in crime that the city continues to experience; the cost per citizen to provide police services in the City and how it compares to other cities; the importance of providing incentives such as PERS to retain police officers; and an update on police department personnel.

Discussion was held on the possibility of passing a tax, such as a utility tax, to benefit the general fund; the percentage of votes required to pass such a tax; and the double stabbing that is being investigated.

## **PRESENTATIONS**

1. City Planner Jeff O'Neal to give an informational overview of the River Ranch Specific Plan.

Mayor Silva introduced the item and City Planner O'Neal provided an update on the River Ranch Specific Plan (RRSP) including the public hearing to be held at a future meeting; the history and nature of the project; that the RRSP is not because a developer is ready to build, but to lay the planning groundwork for when one is ready; the zones, overlay districts, traffic circulation, on-street parking master plan, bicycle and pedestrian trail master plan, open space plan, and the water and sewer systems elements of the RRSP; and the proposed phases of the plan.

Discussion was held on the different uses of the distinct zones within the plan; how the building of schools fits into the plan, especially the route that children will take when walking to and from; the details that need to be taken into account to ensure travel accessibility to bicyclists and pedestrians; the benefits of roundabouts; traffic calming devices; the responsibility to maintain storm drains and other utilities; the different types of lots and houses that could be available; the traffic circulation plan and how it might change given the current recommended route of the SR180 extension; the meeting that staff will have with Caltrans personnel; the need to annex the land before development is done; the possibility and benefits of creating a lighting and landscape or community facilities district; and the intent of staff to bring back this item for action at the next Council meeting.

## **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. OCTOBER 22, 2013 THROUGH NOVEMBER 7, 2013  
WARRANT LIST CHECKS NO. 36964 THRU 37065  
TOTAL FOR COUNCIL APPROVAL = \$283,666.22
2. Council adopt Resolution No. 13-32 accepting offers of dedication for public right-of-way made by the Fresno County Housing Authority.
3. Council approve the purchase of a new SCADA Computer and RS View Software from Telstar to run the Water Plant.

Councilor Valdez requested to pull item number 4 from the Consent Calendar.

A motion was made by Councilor Riofrio to approve items 1 through 3 on the Consent Calendar, seconded by Councilor Capuchino; unanimously approved (5 ayes).

4. Council adopt the revised job description for the Public Works Director and the job description for the Public Utilities Director.

Mayor Silva introduced the item and discussion was held on the percentage that the Public Works Director has to be inside compared to outside; the rationalization for them being inside more than outside such as doing reports, attending meetings; Council consensus to change the amount of the percentage or remove it; the inclusion of animal control under the Public Works Director; the physical requirements of the Public Works Director position; the education level required; and the need for consistency in formatting within both job descriptions.

A motion to continue the item until the job descriptions are reviewed by the City Attorney was made by Mayor Pro Tem Amador, seconded by Councilor Valdez; unanimously approved (5 ayes).

## **BUSINESS**

1. Council discussion and consideration to award the bid to Tony & Sons Construction for the removal and installation of a new roof on 643 Quince Street (City Hall) and 667 Quince Street (Old Library). [Public Works Director, Gonzalez]

Public Works Director Gonzalez summarized his report and stated that this item was brought to a previous meeting and Council requested that it be put out to bid; that one company responded and that it meets the requirements to be awarded.

Discussion was held on the need to circulate the request for bids in a way that attracts more bidders; the difficulties in attracting more bids for a job that is not significant in size, scope, or money; and previous bidders that did not respond this time.

A motion to award the bid was made by Councilor Riofrio, seconded by Mayor Pro Tem Amador; approved (4 ayes; Valdez:No).

2. Council discussion and consideration to amend a budget line item, transferring \$60,000 budgeted to put a down payment on a sweeper to contract temporary street sweeping services; and award the bid for those services to Central Valley Sweeping. [Public Work Director, Gonzalez]

Public Works Director Gonzalez summarized his report and stated that this item was also brought to a previous meeting; that it was put out to bid with a minimum of providing 6 months of service; and that two companies responded, with the lowest bid being Central Valley Sweeping.

Discussion was held on the Buy America waiver that the City is waiting on to buy a new sweeper with; making sure that the company providing the sweeping services do so in an effective way; and the time that it will take to build a sweeper for the City.

A motion to award the bid was made by Mayor Pro Tem Amador, seconded by Councilor Capuchino; unanimously approved (5 ayes).

3. Council discussion and consideration to authorize the use of up to \$100,000 of Storm Drain Capital fund toward the Smoot, Sorensen, and McCabe project. [City Engineer, McGlasson]

Mayor Silva introduced the item and City Engineer McGlasson reported that the contractor is set to start working on this project tomorrow; that staff recently figured out a way to fix the unpleasantly smelling drain intake on Derrick Avenue, which would include the usage of funds from the storm drain account, which would also help finish Smoot Avenue.

Discussion was held on the amount of money currently in the storm drain funds account.

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

4. Council discussion and consideration to release a Request for Qualifications and Proposals for a Police Department Space Study to qualified firms in the Central San Joaquin Valley. [Interim City Manager, Pauley]

Mayor Silva introduced the item and Interim City Manager Pauley provided information on what has lead to the need for a space study for the Police Department; that the current owner of the building in which the department works is not interested in selling; the possibility of getting a loan from USDA; the need to get information on exactly what size of building will be needed in the present as well as in 50 years from now in order to increase the chance of qualifying for such a loan, and to give us an idea of how much

such a building would cost; the possibility of building it at the airport; the need to look for land just in case that will not work; and that a person, group, or entity that donates land for a building can get a deduction from the IRS.

Discussion was held on how much the space study is going to cost and how it is going to be funded.

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

## **DEPARTMENT REPORTS AND INFORMATIONAL ITEMS**

### 1. City Manager

Interim City Manager Pauley provided information on consideration of the County wide housing element; and that the COG Policy Board adopted a recommendation of Scenario B for the Sustainable Communities Strategy.

### 2. City Attorney a) Update

City Attorney Boranian reported that she finished recent training for staff.

City Clerk Flood provided an update regarding upcoming events including the groundbreaking ceremony at the new elementary school site, an upcoming visit from representatives of the Bureau of Reclamation, and the cancellation of the RCDI workshop.

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

### 1. Council Member(s)

Councilor Valdez provided information on railroad ties that are stacked up within the City; and the City's water conservation plan; and the upcoming Senior Citizens Thanksgiving Luncheon.

Discussion was held on the water availability projections for the upcoming year and the impacts it could have on the community and region.

Councilor Riofrio asked if something could be done about the landscaping at the Library that the County should be taking care of; the crossing at the high school not working and how staff has ordered parts to fix it.

Discussion was held on the fire hydrants that were at the new elementary school site and how the owner wanted to sell them to the City at a price that was not reasonable.

2. Mayor
  - a) Notifying public agencies, non-profits and other agencies about winter food assistance needs in Mendota.

Mayor Silva provided an update on a meeting with State Secretary for Natural Resources John Laird; the labeling of the valley's potential upcoming water problem; that the state will be proactive in providing assistance; and the possibility of having a drought year.

**CLOSED SESSION**

1. Conference with Legal Counsel – existing litigation pursuant to CA Government Code 54956.9(d)(1)  
Name of case: Edward Warkentine v. City of Mendota
2. Conference with Legal Counsel - anticipated litigation  
Significant exposure to litigation pursuant to CA Government Code 54956.9(d)(2): 1 case

At 8:37 p.m. the Council moved into closed session.

At 9:03 p.m. the Council reconvened in open session.

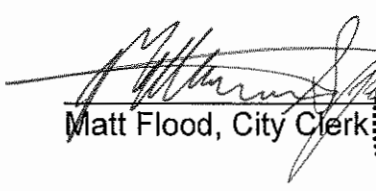
City Attorney Boranian stated that with regards to items number 1 and 2, no reportable action was taken.

**ADJOURNMENT**

At the hour of 9:04 p.m., with no more business to be brought before the Council, a motion for adjournment was made by Councilor Riofrio, with a second by Councilor Capuchino; unanimously approved (5 ayes).

  
\_\_\_\_\_  
Robert Silva, Mayor

ATTEST:

  
\_\_\_\_\_  
Matt Flood, City Clerk

