

**MINUTES OF MENDOTA
REGULAR CITY COUNCIL MEETING**

Regular Meeting **Tuesday June 10, 2014**

Meeting called to order by Mayor Robert Silva at 6:01 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

FINALIZE THE AGENDA

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

Staff requested to add the swearing in of two Mendota police officers and a presentation from the California Highway Patrol. A motion was made by Councilor Riofrio to adopt the agenda with the requested modifications, seconded by Councilor Capuchino; unanimously approved (5 ayes).

SWEARING IN

1. Swearing in of Mendota Police Officers Bradley Hogan and Eddie Torres

Mayor Silva introduced the item and Chief Galvin shared information on Officers Hogan and Torres and their families, education and work experience.

Chief Galvin administered the oath of office to the officers and they shared with the Council that they are grateful to be in Mendota to serve the community.

Council thanked the officers for coming to Mendota and committing to serve.

PRESENTATION

1. PIO Dean Emehiser of the California Highway Patrol to introduce himself.

PIO Emehiser introduced himself to the Council and reported that Mendota is in the area covered by the Los Banos CHP division and they are here to assist in any way they can; and reported on a recent car seat event they had in Los Banos.

Discussion was held on the importance of having community events; the amount of drunk driving that goes on in Mendota and the surrounding area; and the City of Mendota collaborating with the CHP.

CITIZENS ORAL AND WRITTEN PRESENTATIONS

Joel Warkentin (President of the Mendota Police Officers Association) – reported on correspondence that was previously sent to Council and the mission of the MPOA; the importance of keeping officers safe while on the job; and that there is a unanimous vote of no-confidence in the City Attorney.

DEPARTMENT REPORT

1. Code Enforcement
 - a) Monthly Report

Code Enforcement Administrative Assistant Maria Perez summarized the report for the month of May including focusing on businesses that are operating without licenses; significant cases; the high amount of voluntary compliance; citing semi-trucks that are illegally parked; citations given for other violations; abatement of inoperative vehicles; and revenue generated.

Discussion was held on semi-trucks parking in residential areas; and the importance of having a Community Service Officer working on the weekends in order to catch violators.

APPROVAL OF MINUTES AND NOTICE OF WAIVING OF READING

1. Minutes of the Special City Council Meeting of May 27, 2014.
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 Amador to approve items 1 and 2, seconded by Councilor Riofrio; unanimously approved (5 ayes).

CITIZENS ORAL AND WRITTEN PRESENTATIONS

Craig Schmidt (Fresno) – reported that he is representing the sponsors of the Bay Delta Conservation Plan; summarized the purpose of the plan; the possibilities of natural disasters affecting our water supply; and how the drought has taken attention away from the plan.

Discussion was held on the \$27 billion estimated cost of the plan; and what the governor proposed when a levee up north broke.

Mike and Victoria Rodriguez – read a letter that addressed concerns they have regarding damage to their property during the Smoot, Sorensen, McCabe project and issues they had communicating with staff in order to resolve these issues; a check they received from Avison Construction to settle the issues; and that they find the solution proposed by Avison and the City unacceptable.

Discussion was held on other property owners that had issues related to this project that were resolved; the dialogue between City employees, the Rodriguez', the contractors, and engineers; the conversation that the City Attorney had with Mrs. Rodriguez suggesting that she file a written claim with the City; and the importance of getting all the facts in order to resolve a conflict.

CONSENT CALENDAR

1. MAY 29, 2014 THROUGH JUNE 5, 2014
WARRANT LIST CHECKS NO. 37916 THRU 37963
TOTAL FOR COUNCIL APPROVAL = \$176,712.96
2. Council approve the proposal for Preliminary Engineering services with Provost & Pritchard for the Derrick/Oller Roundabout Project.
3. Council approve to issue a letter of authorization to Fresno County to participate in the Used Oil Payment Program 5 (OPP5).

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

4. Council authorize the filing of the Notice of Completion for the Smoot, Sorensen, McCabe Project and authorize the City Manager to execute all necessary documentation.

Mayor Silva introduced the item and Mayor Pro Tem Amador reported that an issue was brought up during the Public Safety Sub-Committee Meeting and stated that staff was not seeing things out in the community or communicating properly; and that the curb on Sorensen Street has not been painted red.

Discussion was held on residents claiming they cannot get repairmen or other businesses out to Mendota to provide services at a reasonable price; the various funding sources of this project; the 10% contingency that can be retained if the contractor has not finished everything they are supposed to; the time period required after the Notice of Completion is filed; that the City cannot retain tens of thousands of dollars for a complaint registered by a citizen concerning the project; the dust control problems the contractor had; the process for an encroachment permit from Caltrans;

correspondence between City staff and the Rodriguez'; and the nature of the problems they had with their pool, air conditioning unit, and patio furniture cushions.

A motion was made by Councilor Riofrio to approve item 4 of the Consent Calendar, seconded by Mayor Pro Tem Amador; unanimously approved (5 ayes).

BUSINESS

1. Council discussion and direction regarding exploring the possibility of hiring a grant consultant. [City Manager, DiMaggio]

Mayor Silva introduced the item and City Manager DiMaggio reported on the City's previous experience with a contract grant writer and the shortcomings of the company as perceived by City staff; the City being contacted by the Office of Community and Economic Development at Fresno State, as well as others interested in providing grant writing services; conversations had with other staff members about the City of Mendota being competitive with grants; and staff asking for direction from Council on how to proceed.

Discussion was held on the negative aspects of contracting with a company via a traditional retainer and the positive aspects of having a grant writer based on commission; the past grant writer the City had; the problems with having a firm that serves various cities or other, possibly competing organizations; the need for a grant writer that just works for Mendota; and the obstacles present when trying to pay a grant writer with funds awarded through the grant.

DEPARTMENT REPORTS AND INFORMATIONAL ITEMS

1. City Manager

City Manager DiMaggio reported that staff has been focusing on preparing the budget.

Discussion was held on First 5 getting their board of directors decreased in number.

2. Police Department
 - a) Monthly Report

Chief Galvin summarized his report including the crime rate increase in various categories; a recent arrest made on a strong-arm robbery; the decrease of the overall crime rate; an update on personnel levels; the arrest of 27 drunk drivers, which is more than double the per capita amount of drunk driver arrests in Clovis.

Discussion was held on the Mendota Explorers; recent violent acts against law enforcement in the news and locally; how mental illness contributes to crime and other problems; and re-painting the lines in the street for safety purposes.

3. City Attorney
 - a) Update

Discussion was held on the role of the City Attorney during internal investigations.

MAYOR AND COUNCIL REPORTS AND INFORMATIONAL ITEMS

1. Council Member(s)

Mayor Pro Tem Amador reported on the DMV systems being out of service for a time and how they have not been treating customers in a very cordial way.

Councilor Valdez reported on upcoming youth baseball games being played by Mendota youth.

Councilor Capuchino reported that the new construction by the Westside Mosquito Abatement District in Firebaugh is essentially complete, and that they will have a meeting in the near future.

2. Mayor

Mayor Silva reported that he attended a meeting in Fresno with the representatives from the Fresno Grizzlies baseball team, who wants to get more youth from the area to attend their baseball games

CLOSED SESSION

1. CONFERENCE WITH LEGAL COUNSEL -- EXISTING LITIGATION
Government Code § 54956.9 (a)
Edward Warkentine and Daniel Tankersley v. City of Mendota, et al., USDC Eastern District Case No. 1:13-CV-01550.
Edward Warkentine v. City of Mendota - FCSC Case No. 13 CECG 03203.
2. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION
CA Government Code § 54956.9(d)(2): 1 case
3. PUBLIC EMPLOYMENT
CA Government Code § 54957(b)
Title: Public Utilities Director

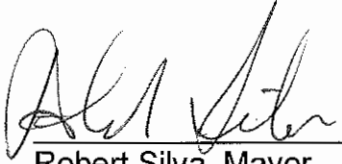
At 7:55 p.m. the Council moved into closed session.

At 8:46 p.m. the Council reconvened in open session.

City Attorney Boranian reported that in regards to items numbered 1, 2 and 3, no reportable action was taken.

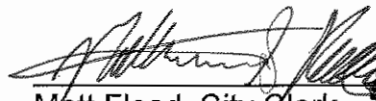
ADJOURNMENT

At the hour of 8:47 p.m., with no more business to be brought before the Council, a motion for adjournment was made by Mayor Pro Tem Amador, seconded by Councilor Capuchino; unanimously approved (5 ayes).



Robert Silva, Mayor

ATTEST:



Matt Flood, City Clerk

