

**MINUTES OF MENDOTA
REGULAR CITY COUNCIL MEETING**

Regular Meeting Tuesday June 25, 2013

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 City Clerk Flood

FINALIZE THE AGENDA

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

Staff requested that the agenda be adjusted to add the swearing in ceremony of a reserve officer, which would be presented first, followed by the scheduled proclamation, then the presentation. A motion was made by Mayor Pro Tem Amador to adopt the agenda as adjusted, seconded by Councilor Riofrio; unanimously approved (5 ayes).

SWEARING IN

1. Swearing in of Reserve Officer Jonathan Hissong.

Chief Galvin introduced Officer Hissong and noted that this is a special privilege to be able to swear him in as his father, John Hissong II, was killed in the line of duty on July 4, 1981 while working for the Fresno Police Department. Chief Galvin introduced Officer Hissong's family and swore him in.

PROCLAMATIONS

1. Proclamation No. 13-09: in recognition of longtime Mendota resident Jose Guevara.

Mayor Silva introduced the item and City Clerk Flood read the proclamation. Members of the Council thanked Mr. Guevara for his service in the community and Mr. Guevara thanked the Council for the recognition.

PRESENTATIONS

1. Presentation by Al Solis of Westlands Solar providing information on a solar project along the I-5 near the southern border of Fresno County.

Mayor Silva introduced the presentation and Mr. Solis summarized a private project to place solar panels on the southern edge of Fresno County, near Butte and Interstate 5; and the process involved in its approval, construction, and operation.

Discussion was held on the possibility of employing local people to build and operate the project; other solar projects in the region; and the timeline for the completion of the project.

PUBLIC HEARING

1. Council perform the second reading and take public comment on **Ordinance No. 13-06**: An Ordinance of the City Council of the City of Mendota amending sections 9.05.020, 9.05.040 and 9.05.045 relating to excessive noise and Amplified Music Permits. [City Manager, Atkins]

Mayor Silva introduced the item and City Manager Atkins summarized the process of this ordinance including the public forum held to take public comment and the consensus by Council in revising the law; summarized the provisions proposed in the revised ordinance, including the time limit change to midnight, and some small changes, such as one "may" being changed to "shall" and other grammatical changes.

Discussion was held on the change from 1 security guard for every 50 people, to every 75 people.

At 6:29 p.m. Mayor Silva opened the hearing to the public.

Joe Gomez (2033 7th Street) – Asked what the numbers on the ordinance meant. City Attorney Tom Watson answered that they are ordinance numbers. Mr. Gomez asked how the proposed ordinance would change the excessive noise provisions; that he is against the proposed ordinance because people need to get up early to work.

Flor Larreynaga (201 Espinoza) – Is in favor of the proposed ordinance to loosen restrictions; stated that there will always be drunk people; and suggested that the permit state specifically how loud the music can be.

Neli Larreynaga (424 Derrick) – Stated that there is not a party every weekend but fairly often; and is in favor of modifying the ordinance to allow music until midnight.

Teresa Ayala (628 Juanita) – Stated that the issues of drunk individuals and loud music were addressed; and that she is in favor of allowing music until midnight even if every other provision in the ordinance stays the same.

At 6:50 p.m. Mayor Silva closed the hearing to the public.

Discussion was held on the interest of keeping the amount of security guards required at 1 per every 50 people; the problem that Disc Jockey equipment causes; and the difficulty of citing based on the decibel level.

A motion was made by Mayor Pro Tem Amador to keep only the changes proposed in section 1 that would alter the permitted time from 10 p.m. to midnight, seconded by Councilor Capuchino; unanimously approved (5 ayes).

APPROVAL OF MINUTES AND NOTICE OF WAIVING OF READING

1. Minutes of the Regular City Council Meeting of June 11, 2013.
2. Notice of waiving of the reading of all resolutions and/or ordinances introduced and/or adopted under this agenda.

A motion for approval was made by Councilor Riofrio, seconded by Mayor Pro Tem Amador; 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.

(At 6:35 p.m. Councilor Riofrio stepped out of the chambers.)

Mary Rios (885 Stamoules) – Came to complain about the abandoned housing problem; has lived in Mendota 84 years and put her house up for sale; and asked why the Council cannot do anything about it.

(At 6:47 p.m. Councilor Riofrio entered the chambers.)

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. JUNE 11, 2013 THROUGH JUNE 21, 2013

WARRANT LIST CHECKS NO. 36378 THRU 36433
TOTAL FOR COUNCIL APPROVAL = \$321,635.84

2. Council approve the issuance of the Letter of Authorization and Designation to Fresno County for the submittal of an application for the Used Oil Payment Program 4 (OPP4) from the California Department of Resources Recycling and Recovery (CalRecycle).
3. Council adopt **Resolution No. 13-14**: A Resolution of the City Council of the City of Mendota in the matter of approving the inclusion of a measure on the June 3, 2014 Fresno County Primary ballot to extend the Abandoned Vehicle Abatement program for a ten year period.

A request was made to pull item 1 for separate consideration. A motion was made by Councilor Riofrio to approve items 2 and 3 of the Consent Calendar, seconded by Mayor Pro Tem Amador; unanimously approved (5 ayes).

1. Staff addressed an inquiry into warrant #36388 concerning a purchase of fertilizer that was made a time ago, but just recently paid; and an inquiry into warrant # 36408 regarding repairs to the splash park, which was the purchase of a replacement circuit board that is radio controlled to turn the system on and off at the appropriate times.

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

BUSINESS

1. Council approve the lease amendment with the Department of Motor Vehicles, and authorize the City Manager to execute the amendment. [City Manager, Atkins]

Mayor Silva introduced the item and City Manager Atkins stated that Mayor Silva and Mayor Pro Tem Amador visited Sacramento recently; that one of their meetings was with representatives from the DMV, asking for more service days; and that the DMV followed through and wants to agree to two days of service, with the other day to be determined.

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

2. Council discussion and consideration of the request to waive airport rental fees from the Fresno Westside Mosquito Abatement District. [City Manager Atkins]

(At 7:01 p.m. Councilor Capuchino recused himself due to his membership on the Board of the Fresno Westside Mosquito Abatement District.)

Mayor Silva introduced the item and City Manager Atkins stated that staff received a request to waive the fees associated with the use of the airport and hangars; that the reason a waiver was requested is because they are a public health agency; staff is making a recommendation for some compensation.

Discussion was held on the revenue that the Mosquito Abatement District receives from taxes, including pass through from property taxes paid to the County; that the City denied the waiver one time in the past; and the going rate for hangar fees.

A motion was made by Councilor Riofrio to deny the request; seconded by Mayor Pro Tem Amador; unanimously approved (4 ayes; absent: Capuchino).

DEPARTMENT REPORTS AND INFORMATIONAL ITEMS

1. City Manager
 - a) Upcoming Special Meetings

City Manager Atkins informed the Council about the upcoming meetings on June 26th and June 28th to discuss and pass the budget.

Council consented to cancel the June 26th meeting due to scheduling conflicts that would not permit the entire Council to be present.

City Manager Atkins reported that he will be attending a training with the Risk Management Authority; and the contractor and engineers on the Eastside Streets Project will be going over the streets with instruments to address any unacceptable irregularities in the streets.

Discussion was held on having Community Service Officers address issues with standing water in the City; the health hazards of standing water; where water tends to collect; and who to contact to deal with standing water.

2. Public Works
 - a) Monthly Report

Public Works Director Demmers summarized his report and stated that the Consumer Confidence Report for 2012 was completed, that he is waiting for approval from the Department of Health to send it out to the residents.

Chief Galvin informed the Council about a significant case of a homicide that happened in Dos Palos where a 16 year old killed a 15 year old and hid in Mendota, but was arrested.

MAYOR AND COUNCIL REPORTS AND INFORMATIONAL ITEMS

1. Council Member(s)

Councilor Valdez thanked Public Works Director Demmers for the effort made during the recent baseball tournament hosted by Mendota Youth Recreation; asked if photocells could be put on the lights in the concession stand; asked if the garbage cans in the park can be emptied at 3pm on Wednesdays because of the farmer's market; electricity in the pavilion is still on, with people using it at random times; and inquired about what was done about the illegal dumping in the alley behind Cecilia's Restaurant.

Discussion was held on individuals continuing to ride ATV's in the city.

Councilor Riofrio thanked the Salvadoran and Central American communities for not tolerating violence; reported that the signage across the street from Garcia's Market was damaged; and reported that he received a packet of information from Fernando Gomez.

Mayor Pro Tem Amador thanked Anahi for her efforts in helping organize Driver Awareness.

2. Mayor

Mayor Silva commended Mendota Youth Recreation for their work on the recent baseball tournament.

CLOSED SESSION

1. Anticipated Litigation
Pursuant to Government Code Section 54956.9(b)(1) and (b)(2)
Two (2) cases
2. Pursuant to California Government Code 54957
PUBLIC EMPLOYMENT- CITY ATTORNEY
3. LABOR NEGOTIATIONS Pursuant to California Government Code 54957.6
City Negotiator: Bryce Atkins, City Manager

Employee Organizations:

American Federation of State, County and Municipal Employees

At 7:40 p.m. the Council convened into closed session.

At 9:07 p.m. the Council reconvened into open session and City Attorney Tom Watson reported that in regards to item 1, in one case there was discussion with legal counsel; in 1 case there was consensus to accept the settlement offer from Fresno County on

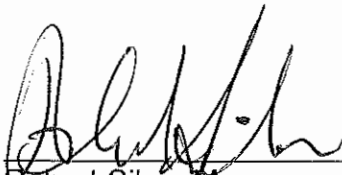
the Property Tax Administration Fee. A motion was made by Councilor Riofrio to accept the settlement, seconded by Councilor Valdez; unanimously approved (5 ayes).

In regards to items 2 and 3, instruction was provided by Council to the City Manager as negotiator.

City Attorney Watson thanked Council, staff, and the public for the time that he has been permitted to serve as the Mendota City Attorney.


ADJOURNMENT

At the hour of 9:10 p.m., with no more business to be brought before the Council, a motion for adjournment was made by Councilor Valdez, with a second by Councilor Capuchino; unanimously approved (5 ayes).



Robert Silva, Mayor

ATTEST:



Matt Flood, City Clerk

