

**MINUTES OF MENDOTA
REGULAR CITY COUNCIL MEETING**

Regular Meeting Tuesday July 23, 2013

Meeting called to order by Mayor Robert Silva at 6:02 p.m.

Roll Call

Council Members Present: Mayor Robert Silva, and Councilors S. Leo Capuchino, Joseph Riofrio, and Sergio Valdez.

Council Members Absent: Mayor Pro Tem Joseph Amador.

Flag Salute led by Councilor Joseph Riofrio

FINALIZE THE AGENDA

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

City Manager Atkins requested that a closed session item be added to the agenda regarding potential litigation, due to it being an urgent matter. A motion was made by Councilor Capuchino to adopt the agenda with the proposed adjustment, seconded by Councilor Riofrio; unanimously approved (4 ayes; absent: Amador).

PROCLAMATIONS

1. Proclamation No. 13-10: In honor of longtime Mendota resident Macaria Barajas de Oliva.

Mayor Silva introduced the item and City Clerk Flood read the proclamation into the record. Members of the Council thanked Mrs. Barajas de Oliva and her family, and a discussion was held on the history of Mendota and old photos.

PRESENTATIONS

1. Certificate of Recognition presented to Scott and Ruby Gordon for their contributions to the community.

Mayor Silva introduced the item, stating that the Gordons are being recognized for their constant contributions to the community, especially at school and youth events. City

Clerk Flood read the certificate and members of Council discussed the help that they have provided at various events and the manner in which they have been a positive example for the business community.

2. Julia Hernandez of Proteus, Inc. to present results of a survey taken in Mendota regarding the river and its usage.

Ms. Hernandez presented the results of a survey taken by Mendota residents on river knowledge and usage; she hopes that this data will facilitate the acquisition of grant funding related to parks and the river in the future; a total of 625 residents took the survey; reasons that people go to Pool Park and the river; and provided information on the rehabilitation of Jacob Myers Park in the City of Riverbank.

A discussion was held on the deterioration and vandalism of Pool Park; of certain groups within the community that leave it in poor condition; and an upcoming activity organized by Ms. Hernandez in which they will clean up Pool Park and areas by the river.

APPROVAL OF MINUTES AND NOTICE OF WAIVING OF READING

1. Minutes of the Regular City Council Meeting of July 9, 2013.
2. Notice of waiving of the reading of all resolutions and/or ordinances introduced and/or adopted under this agenda.

Councilor Capuchino requested that the minutes be corrected regarding the name of an organization. A motion for approval of the minutes with said correction was made by Councilor Valdez, seconded by Councilor Riofrio; unanimously approved (4 ayes; absent: Amador).

CITIZENS ORAL AND WRITTEN PRESENTATIONS

None offered.

CONSENT CALENDAR

1. JULY 9, 2013 THROUGH JULY 18, 2013
WARRANT LIST CHECKS NO. 36496 THRU 36556
TOTAL FOR COUNCIL APPROVAL = \$257,795.03

Councilor Valdez referred to warrant 36351 and asked if locks had been repaired at Rojas Pierce Park. Director of Public Works Demmers stated that it was for locks at his shop and at the Women's bathroom in Rojas Pierce Park, which is currently working.

Councilor Valdez referred to warrant 36508 and asked if the City is recovering costs when doing tests for DUI arrests. City Manager Atkins stated that the City gets a portion of the revenue from fines and that the previous City Attorney recommended requesting

to the judge that our cost be paid by the offender as part of the judgment.

A motion was made by Councilor Valdez to approve the warrant list, seconded by Councilor Riofrio; unanimously approved (4 ayes; absent: Amador).

2. Council adopt **Resolution No. 13-22**: A Resolution of the City Council of the City of Mendota in the matter of fixing the amount taxable on property within the City of Mendota during the 2013-2014 fiscal year.

Councilor Valdez asked if this resolution would raise property taxes. City Manager Atkins explained that this item is passed every year as part of payment for general bond obligations from 1977 and that it is not new.

(At 7:05 p.m. Councilor Riofrio left the chambers)

A motion was made by Councilor Valdez to adopt Resolution No. 13-22, seconded by Councilor Capuchino; unanimously approved (3 ayes; absent: Amador, Riofrio).

(At 7:07 p.m. Councilor Riofrio re-entered the chambers).

BUSINESS

1. Council discussion and consideration to adopt **Resolution No. 13-17**: A Resolution of the City Council of the City of Mendota in the matter of setting the general penalty amount for violations of the Mendota Municipal Code. [Director of Support Operations, Johnson]

Mayor Silva introduced the item and City Manager Atkins stated that the Mendota Municipal Code (MMC) has various provisions that reference a general penalty established by resolution for various infractions, but that there has been no recent resolution that staff has been able to find; this was brought to a previous meeting but that Council requested a list of all of the sections in the code that it will apply to before considering passage; and that staff recommends the general penalty be \$100 for the first violation, \$250 for the second, and \$500 for any subsequent violations, within a 12 month period.

Discussion was held on horses and other animals within the city and the difference between harboring and simply bringing them in; how enforcement will be carried out for infractions like illegal dumping; how an investigation is carried out by a code enforcement officer; the nature of the general penalty within the context of local law; Chief Galvin explained the Police Department's aim with code enforcement is to help people comply voluntarily; and the range of the amount the fine can be according to the MMC.

A motion was made by Councilor Valdez to adopt Resolution No. 13-17, seconded by Councilor Capuchino; unanimously approved (4 ayes; absent: Amador).

2. Council discussion and consideration to adopt **Resolution No. 13-18:** A Resolution of the City Council of the City of Mendota in the matter of approving and setting compensation and additional employee benefits for non represented employees as of July 9, 2013. [City Manager Atkins]

Mayor Silva introduced the item and City Manager Atkins stated that this item was tabled at a previous meeting; explained the terms of this agreement and how it was formed; the Cost of Living Adjustment (COLA) parity that currently exists between general employees and non represented employees.

Discussion was held on which actions can be taken by the City Manager and which need to be taken to the Council; the COLA for non represented employees being separate from that of the general employees; the effect of this resolution not passing, which would be that the COLA increase would be received by all employees; the difference between a raise in pay due to exceptional performance and a COLA increase; and the addition of conditions that restore the COLA parity between general and non represented employees and changing the language of the resolution under exceptional performance pay to require Council approval for any such increase in pay to take effect.

A motion was made by Councilor Capuchino to adopt Resolution No. 13-18, modified to restore COLA parity among general and non represented employees and changing the language under exceptional performance pay to require that such increases be approved by Council before becoming effective, seconded by Councilor Riofrio; approved (ayes: Silva, Capuchino, and Riofrio; noes: Valdez; absent: Amador).

3. Council discussion and consideration to adopt **Resolution No. 13-19:** A Resolution of the City Council of the City of Mendota in the matter of amending the Memorandum of Understanding between the City of Mendota and the General Employees' Union for a 3% Cost of Living Adjustment increase. [City Manager Atkins]

Mayor Silva introduced the item and City Manager Atkins reported that negotiations with the general employees' union resulted in the conditions contained within the proposed resolution.

Discussion was held about these adjustments already being planned and included in this year's budget.

A motion was made by Councilor Riofrio to adopt Resolution No. 13-19, seconded by Councilor Capuchino; unanimously approved (4 ayes; absent: Amador).

4. Council discussion and consideration to amend the Fiscal Year 2013-2014 Budget. [City Manager Atkins]

Mayor Silva introduced the item and City Manager Atkins stated that due to the services of the City Attorney costing less than what was budgeted, re-allocation of funds was made; and reported the items that were modified or created with the reallocated funds.

Discussion was held on how much the Police Department budget is; and the Utility Users Tax (UUT) and the other measure on the ballot for the recently passed election.

A motion was made by Councilor Riofrio to approve the amended budget items, seconded by Councilor Capuchino; unanimously approved (4 ayes; absent: Amador).

DEPARTMENT REPORTS AND INFORMATIONAL ITEMS

1. City Manager

City Manager Atkins reported that the Mendota Community Services Network recently began meeting again and that City staff attended in order to get more information; reminded the public and Council that the National Night Out event at the Police Station will be on Tuesday, August 6th from 7-9 p.m.; that starting in August, the Department of Motor Vehicles office in Mendota will be open on Thursdays and Fridays; staff is looking into the policy that determines if a speed bump will be installed in a neighborhood where the residents requested one via a petition; and that tomorrow he will be attending a COG regional assessment meeting.

Mayor Silva commended Code Enforcement employees for their efforts in getting a property owner to comply voluntarily and abate serious issues with his property.

2. Public Works a) Monthly Report

Director of Public Works Demmers presented his report and stated that he met with Caltrans on an issue with a gutter, that they need to get their hydraulics division out here to address it, and that he will keep the Council updated on it; and that he did a recent listserv request to cities in California about what kind of sweeper they use and got back some responses of companies that are willing to do demonstrations.

Discussion was held on getting a list of fire hydrants throughout the city that are not working.

City Attorney Boranian reported on a program that was implemented in Woodlake where a student representative from the local high school assists the Council and sits with them at meetings, as a representative; and that this program could possibly be implemented in Mendota.

Edmer Archila (273 Pucheu St.) – Stated that his family wishes to thank the Police Department for their efforts in recovering a stolen 1997 Honda in June; and that, although identity theft occurred, they are glad to have their car back.

MAYOR AND COUNCIL REPORTS AND INFORMATIONAL ITEMS

1. Council Member(s)

Councilor Valdez reported that the Westside Cable Authority meeting took place recently and that Mendota will be getting 4 quarters worth of pay; and that the Harvest Fiesta was slow and he will have numbers from it soon.

Councilor Riofrio referred to an e-mail about 7th Street being dark for lack of strong lighting and a swimming pool water park in Coalinga.

Councilor Capuchino stated that a flood control ditch on Bass Avenue on the way to the pool park is getting filled with weeds and needs to be cleaned.

2. Mayor

Mayor Silva reminded everyone about the backpack giveaway this coming Sunday; upcoming events related to water in the valley, including one on August 3rd at Fresno State by the Latino Water Coalition; and reported on the RAD meeting hosted by the Housing Authority and the Economic Development Corporation.

CLOSED SESSION

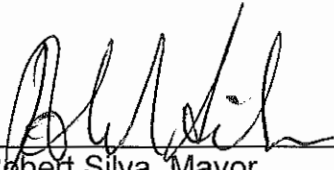
1. Pursuant to California Government Code Section 54956.8:
Instruction to Real Property Negotiator regarding the Mendota Airport.
Negotiator for City: Bryce Atkins, City Manager
2 cases.
2. PUBLIC EMPLOYEE PERFORMANCE EVALUATION
Government Code Section 54957.6
Title: City Manager
3. Anticipated Litigation
Pursuant to Government Code Section 54956.9(b)(1) and (b)(2)
One case

At the hour of 8:18 p.m. the Council went into closed session.

At the hour of 9:04 p.m. Mayor Silva reconvened the Council to Open Session and City Attorney Boranian stated that with regards to items 1 and 2, no reportable action was taken; and with regards to item 3, a claim was presented to Council which was rejected.


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 Valdez, seconded by Councilor Capuchino; unanimously approved (4 ayes; absent: Amador).



Robert Silva, Mayor

ATTEST:


Matt Flood, City Clerk