

**MINUTES OF MENDOTA  
REGULAR CITY COUNCIL MEETING**

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**Regular Meeting**                      **Tuesday August 12, 2014**

**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.**

**FINALIZE THE AGENDA**

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

Staff reported that the presentation would be moved to a future meeting and requested that Consent Calendar item number 4 be continued to a future meeting for consideration. A motion was made by Councilor Riofrio to adopt the agenda with the requested modifications, seconded by Mayor Pro Tem Amador; unanimously approved (5 ayes).

**PUBLIC HEARING**

1.     Council hold a public hearing and adopt **Resolution No. 14-29**, approving the issuance of tax-exempt obligations and directing certain actions related thereto.

Mayor Silva introduced the item and City Manager Vince DiMaggio reported that staff received a request regarding a project and that the City will not incur any liability, but that the method of financing that will be used for the project requires a resolution from the local governing body. Planning and Economic Development Manager Flood reported that the City Council approved a similar resolution in 2011 for a renovation project and that a public hearing is required.

At 6:04 p.m. Mayor Silva opened the hearing to the public and seeing no one present wishing to comment, closed it in that same minute.

Discussion was held on the noticing requirements and how they were fulfilled by the company that requested the resolution.

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

2. Council hold a public hearing and the second reading of **Ordinance No. 14-04**, adding chapter 5.56 to title 5 of the Mendota Municipal Code related to abandoned shopping carts.

Mayor Silva introduced the item and Planning and Economic Development Manager Flood reported that staff is presenting two versions of the ordinance, based on Council's direction from the previous meeting and on a poll that was taken that showed the owners and managers of the markets that would be affected by the proposed ordinance.

Discussion was held on the fine that would apply to those that did not comply; what constitutes a violation; and what the ordinance does and does not address, such as the stealing of carts and the possession of carts to carry private property.

At 6:16 p.m. Mayor Silva opened the hearing to the public.

**Fernando Gomez (606 Naples)** – feels that this ordinance punishes the victim, which is the store when its carts are stolen.

At 6:18 p.m. seeing no one else present wishing to comment, Mayor Silva closed the hearing.

Discussion was held on the need to help stores reduce the incidences of shopping carts removed from their premises and the need to see if state law already has provisions in the Business Code to appropriately deal with this issue.

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

## **PRESENTATION**

1. Fresno County Clerk Brandi Orth to provide an update on the recent activities of her office.

*(Presentation postponed to a future meeting)*

## **DEPARTMENT REPORT**

1. Code Enforcement
  - a) Monthly Report

Code Enforcement Administrative Assistant Maria Perez summarized the July report including the focus on public nuisances; significant cases regarding weed control and weed abatement; the high level of voluntary compliance being experienced; the amount of parking citations issued; and the amount of revenue received.

Discussion was held on some properties that came up during a discussion in the Public Safety Sub-committee meeting; barrels of hazardous material at a property on Belmont and Oller; fence restrictions on Oller; and whether citations were actually issued for some significant cases mentioned in the report.

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

1. Minutes of the Special City Council Meeting of July 22, 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 Councilor Riofrio to approve the items, seconded by Mayor Pro Tem Amador; unanimously approved (5 ayes).

### **CITIZENS ORAL AND WRITTEN PRESENTATIONS**

None offered.

### **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. JULY 22, 2014 THROUGH AUGUST 7, 2014  
WARRANT LIST CHECKS NO. 38156 THRU 38228 AND WIRE TRANSFER  
TOTAL FOR COUNCIL APPROVAL = \$3,384,898.93
2. Council approve sending a letter to Governor Jerry Brown in support of the Bay Delta Conservation Plan (BDCP).
3. Council introduce and waive the first reading of **Ordinance No. 14-05**, amendments to Titles 8 and 17 of the Mendota Municipal Code related to the installation of swimming pools, and set the public hearing for August 26, 2014.
4. Council authorize City Manager to execute a contract for consultant services for Wastewater/Water Treatment Plants.
5. Council adopt **Resolution No. 14-28**, approving the job description for the Public Works Superintendent.

6. Council adopt **Resolution No. 14-30**, authorizing the installation and maintenance of curb markings on Derrick Avenue south of Tuft Street.
7. Council approve amendment No. 2 to the Provost & Pritchard Agreement for the Smoot, Sorensen, McCabe project in the amount of \$3,107.50.

Finance Director Marquez advised the Council that a large transfer was made to the Successor Agency to the Mendota Redevelopment Agency for money that the City owed to the Agency from when it existed.

Councilor Valdez requested to have item number 5 pulled for separate consideration.

A motion was made by Councilor Riofrio to approve items 1, 2, 3, 6, and 7, seconded by Councilor Capuchino; unanimously approved (5 ayes).

5. Council adopt **Resolution No. 14-28**, approving the job description for the Public Works Superintendent.

Councilor Valdez stated that this position is not needed and questioned why this is coming to Council for consideration.

Discussion was held on how this is an existing, unfiled position and that the purpose of this item is to amend the job description to take out the references to building inspection; the past possibility of this position having been eliminated when the current Public Works Director was promoted; the nature of this item as a modification to a job description; the position being open to anyone that wishes to apply and that it also provides an opportunity to promote from within; the duties of the public works director; the impact on the budget being minimal as the only cost incurred would be the cost difference of a promoted employee's old salary versus the new; the worry that City staff is becoming top-heavy; the difference between the Public Works Director and Superintendent; the need to provide employees the opportunity to grow; salary schedules for various positions within Public Works; the need to provide incentives so that employees are retained; and the fiscal woes associated with the current drought, including possible lower tax revenue.

**Fernando Gomez (606 Naples)** – commented on the length of time that the position has been vacant; cited an incident in which the County of Fresno realized they did not need a position when one employee took an extensive leave; how the organizational charts of nearby cities would compare to Mendota's; the concern he has that calling everyone a supervisor or like title is more money out of his pocket; and what the process is for an employee to get from a "I" to a "II" classification within a position.

**Macario Banuelos (630 Gaxiola)** – pointed out that many of the employees in Public Works and Utilities have reached the top scale of their pay schedule; the need to have employees promote to different job classifications; that he is against having a Public Works Superintendent position; and that he has never seen anyone promote from a

Maintenance I to a Maintenance II.

Discussion was held on the need for employees to increase their qualifications if they wish to promote; the position being open first to current employees of the City that demonstrate interest, then open to others if there is no internal interest.

**Rolando Castro (315 Blanco)** – asked about the lead positions that exist within the two departments and the domino effect that will cause the City to eventually hire a completely new employee if someone is hired internally for the Superintendent position.

Discussion held on how other cities promote their employees; their financial states; the positive direction that the current City Manager is attempting to encourage; the City of Mendota has not had to lay off employees and offers good health benefits; and reviving a previous “succession program” that the City had previously.

**Oscar Robles (606 Garcia)** – stated that he works for the IRS and that he agrees that the Public Works Superintendent position should not exist.

**Liberty Lopez (431 Lolita)** – asked if the budget could be amended.

Discussion was held on what State law says about amending a budget; giving raises to employees on the bottom rung of the ladder; and the purpose of the resolution that is being considered.

**Debbie Macias (AFSCME Employee)** – stated that she does not object to having a Public Works Superintendent but doesn't like to lose an employee from the bargaining unit; questioned how an employee can be in a Maintenance I position all of their life; and that employee benefits are under attack right now by management staff.

Discussion was held on the need to require drug and physical fitness test to the job description; how those are already required for all employees; that United Health Center is conducting those tests currently for the City; and whether the position has to be on-call or standby.

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

## **BUSINESS**

1. Council direction on the creation of a Lieutenant position within the Mendota Police Department.

Mayor Silva introduced the item and City Manager DiMaggio reported on the reason that this is being brought to Council for consideration including the need to have someone that can act in the stead of the Chief when he is not available; the diminishing level of exceedingly high-quality applicants due to the improvement of the economy; the

need to increase the amount and quality of supervision; and issues that have arisen because the department has simply been “making due” with the departmental limitations that exist.

Discussion was held on the difficulty of retaining officers when other agencies begin to hire; the budget considerations that need to be taken into account when creating such a position; the need to have middle management in the department; the amount of DUI's in the city; the low quality of service that the Sheriff's Department provided previously; the taxes that residents in other cities pay in order to support public safety services and the need to implement such a tax in the future; the pay of police officers compared to other employees of the City of Mendota; and the amount of time needed in order to bring back a specific salary scale for consideration.

Direction was provided by Council for staff to move forward with studies on a salary schedule for the position.

## **DEPARTMENT REPORTS AND INFORMATIONAL ITEMS**

### 1. City Manager

City Manager DiMaggio reported on City staff determining not to participate in a Calgrip grant application with other cities on the west side due to the monetary match and administrative responsibilities required; that the City was not able to get a “safe routes to school” grant this round; that the iPads for Council arrived and will be used for the next Council Meeting; staff's efforts with Covanta to combat SB1139; and the approval received for a CDBG project that will enclose key components of the Water Treatment Plant.

Discussion was held on what the Calgrip grant is and what it would have done for the west side; the Police Department's efforts to stifle gang activity in the city; and the first day of school and minor issues related to it.

### 2. Police Department a) Monthly Report

Chief Galvin provided the monthly report for July including the crime rate showing no significant change; a sharp increase in auto theft; recent interviews and hires; the difficulties faced due to the County's action; the amount of DUI's; and recent serious incidences involving drugs and stolen property.

Discussion was held on the current Explorers having aspirations to work at the Mendota Police Department in the future; statistics on domestic violence; the amount of students attending school; and the recent successful National Night Out event.

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

1. Council Member(s)

Councilor Valdez asked about the possibility of changing the cost of business licenses for DJ's; requested an update from staff on the maintenance and repair of fire hydrants in the city; and the recent striping of lines in the street for safety purposes.

Councilor Capuchino reported on a recent meeting he had with Farmer Joe Del Bosque and a representative from the United States Bureau of Reclamation regarding the shortage of water.

Discussion was held on fallowed fields and the water bond proposals by Assemblymember Perea and Governor Brown.

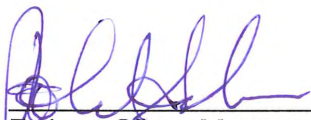
Mayor Pro Tem Amador gave an update on the Driver Awareness event coming up in October.

2. Mayor

Mayor Silva reported on the backpack giveaway that was sponsored by Gutierrez Recycling; that they are gearing up to do Toys for Tots; and the representatives that will be here this month to screen people for solar jobs.

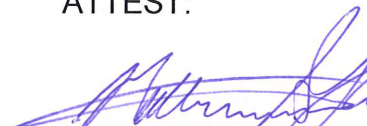
**ADJOURNMENT**

At the hour of 8:53 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 Riofrio; unanimously approved (5 ayes).



Robert Silva, Mayor

ATTEST:

  
Matt Flood, City Clerk