

**MINUTES OF MENDOTA  
REGULAR CITY COUNCIL MEETING**

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**Regular Meeting**

**February 10, 2015**

**Meeting called to order by Mayor Silva at 6:00 p.m.**

**Roll Call**

**Council Members Present:** Mayor Robert Silva, Mayor Pro Tem Sergio Valdez, Councilors Joseph Amador, Rolando Castro, and Joseph Riofrio.

**Council Members Absent:** None.

**A moment of silence was held in honor of Mendota resident Petra Diaz who had recently passed away.**

**Flag salute led by Councilor Riofrio in honor of Petra Diaz, her son Charlie, and those serving in the military.**

**FINALIZE THE AGENDA**

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

A motion was made by Councilor Riofrio to adopt the agenda, seconded by Mayor Pro Tem Valdez; unanimously approved (5 ayes).

**CITIZENS ORAL AND WRITTEN PRESENTATIONS**

**Augie Perez-** stated that he was a long time resident of Mendota; has retired from UC Berkeley; provided a summary of his various volunteer experiences; his involvement with volunteers in Mendota; (6:06 p.m. Councilor Riofrio left the Council Chambers) thanked Mayor Silva and Councilor Amador for their service within the City of Mendota(6:07 Councilor Riofrio returned to the Council Chambers); explained that a brick on the Fresno State Honor Wall has been purchased in order to honor their support for education; and presented a plaque to Councilor Amador.

**John Anderson-** stated that he is the new district representative for State Senator Anthony Cannella; he is visiting various towns on the Westside to introduce himself; and wishes the City well with the recruitment of the new Chief of Police.

Discussion was held on having State Senator Cannella visit the cities on the Westside and meet with City officials and Mr. Anderson was thanked for his service to the public during his time in law enforcement.

**Carlos Quintanar (739 Peach Avenue)** - introduced Marissa Navarro, a student from Mendota High School and president of a club called JSA; Marissa provided a background of JSA; and read two letters that were written by students in the club that provided their opinion on economic development in Mendota.

Discussion was held on bringing different industries to Mendota; the economic development process; different ways to bring potential businesses; the alcohol problem within the City; the different ways that the City is trying to stop the alcohol problem; and regulations that do not allow the City to do so.

### **DEPARTMENT REPORTS AND INFORMATIONAL ITEMS**

1. Code Enforcement
  - a) Monthly Report

Code Enforcement Administrative Assistant Perez explained that there were now two Code Enforcement Officers; provided a summary of the monthly report for January, including parking violations; the total amount of infractions; and growing weeds on empty lots being an issue.

Discussion was held on who issues citations for public intoxication and open container.

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

1. Minutes of the Regular City Council meeting of January 27, 2015.
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 Valdez to approve items 1 and 2, seconded by Councilor Amador; unanimously approved (5 ayes).

### **CONSENT CALENDAR**

1. JANUARY 27, 2015 THROUGH FEBRUARY 3, 2015  
WARRANT LIST CHECKS NO. 38953 THRU 39013  
TOTAL FOR COUNCIL APPROVAL = \$193,297.90
2. Council perform the first reading of **Ordinance No. 15-01**: amending section 2.36.020 of Chapter 2.36 of Title 2 of the Mendota Municipal Code pertaining to

the membership of the Planning Commission, and set the public hearing for February 24, 2015.

A request to pull item 2 for discussion was made.

A motion was made to approve item 1 of the consent calendar by Mayor Pro Tem Valdez, seconded by Councilor Riofrio; unanimously approved (5 ayes).

2. Council perform the first reading of **Ordinance No. 15-01**: amending section 2.36.020 of Chapter 2.36 of Title 2 of the Mendota Municipal Code pertaining to the membership of the Planning Commission, and set the public hearing for February 24, 2015.

Mayor Silva introduced the item and explained that there has been a growing interest regarding the Planning Commission.

Discussion was held on increasing the membership of the Planning Commission to a 7-member body; the issues in the past with having trouble filling vacancies; the possibility of having alternates; the advantages of having alternates; and tabling the item to have the Planning Commission weigh in on the issue and bring back a recommendation to the Council.

A motion was made to table item 2 by Mayor Pro Tem Valdez, seconded by Councilor Amador; unanimously approved (5 ayes).

## **BUSINESS**

1. Council discussion and consideration to adopt **Resolution No. 15-12**, making a donation from the Community Promotions Fund to five students for an educational trip.

Mayor Silva introduced the item and Planning & Economic Development Manager Flood summarized his report.

Fatima Escobar, a Mendota High School Student, introduced herself and provided a provided a brief background about herself and the Ivy League Project.

Discussion was held on the possibility of staff doing a line item adjustment in order to donate \$200 to each of the five students; information on the other students; and the reasons why the Ivy League trip is a positive experience for the students.

A motion was made to donate \$200 to the students and adopt Resolution No. 15-12 by Councilor Riofrio, seconded by Mayor Pro Tem Valdez; unanimously approved (5 ayes).

## PUBLIC HEARING

1. Council hold a public hearing and adopt **Resolution No. 15-10**, adoption of a mitigated negative declaration prepared in conjunction with Tentative Parcel Map No. 14-01 and **Resolution No. 15-11**, in the matter of Application No. 14-09, Tentative Parcel Map No. 14-01.

Mayor Silva introduced the item and City Planner O'Neal summarized his report and a list of errata that needed to be included within the resolutions.

Discussion was held on the possibility of basin tapping to another water basin located nearby; the size of the proposed on-site storm water basin; the location of the water runoff (6:55 Councilor Amador stepped out of the Council Chambers); and City Engineer McGlasson clarified questions regarding the Belmont Avenue drainage System (6:57 Councilor Amador returned to the Council Chambers).

At 7:01 p.m. Mayor Silva opened the hearing to the public.

**Lewis Smitt-** stated that he concurred with staff's request.

At 7:02 p.m. seeing that there was not anyone else wishing to comment, Mayor Silva closed the hearing to the public.

A motion was made to adopt Resolution No. 15-10 ,with the stated errata, by Mayor Pro Tem Valdez, seconded by Councilor Riofrio; unanimously approved (5 ayes).

A motion was made to adopt Resolution No. 15-11 ,with the stated errata, by Councilor Riofrio, seconded by Councilor Amador; unanimously approved (5 ayes).

## DEPARTMENT REPORTS AND INFORMATIONAL ITEMS

1. Police Department
  - a) Monthly Report

Interim Chief of Police Johnson summarized his report including an incident in which a juvenile stabbed another juvenile; the juvenile that was injured is okay; the suspect of the incident is still outstanding; a personnel update; and an update on the hiring of the new Chief of Police.

Discussion was held on having Interim Chief of Police Johnson at the joint School Board/City Council meeting; the officers that first responded to the incident with the juveniles were thanked for their life-saving actions; the victim's family being grateful for the officer's actions; and that the suspect's parents are being cooperative.

2. City Attorney  
a) Update

City Attorney Boranian reported on the upcoming March 10<sup>th</sup> AB1234 ethics training from 3-5 p.m. for elected officials and other agencies.

3. City Manager  
a) Report

City Manager DiMaggio reported on the goal setting session that was held earlier in the day; the joint School Board/City Council meeting to be held on February 11<sup>th</sup>; City Hall being closed starting February 13<sup>th</sup> to February 16<sup>th</sup> due to presidential holidays; and a COG meeting that he will be attending.

Discussion was held on the One Voice trip to Washington D.C. that Mayor Silva and City Manager DiMaggio will be attending.

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

1. Council Member(s)  
Council reports

Councilor Castro stated that it is not safe for only one City employee to be in City Hall during the lunch hour.

Mayor Pro Tem Valdez asked about the timeframe of the installation of the new front doors to City hall.

Discussion was held on having another employee in the building during lunch hour; the issues that can happen when there is only one employee in the building; the importance of safety; and the timeframe of the installation of City Hall's and Council Chamber's new entrance area.

2. Mayor

Mayor Silva reported that the 12<sup>th</sup> Annual Farm Worker Appreciation Day was well attended; a meeting he attended in which Mendota was chosen to receive more food distributions; and having staff send a letter of thanks to the Community Food Bank and Farmer's League.

## **CLOSED SESSION**

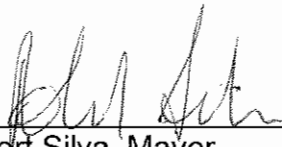
1. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION  
CA Government Code § 54956.9: 1 case
2. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION  
CA Government Code § 54956.9: 1 case  
Macias v. City of Mendota (Government Claim)
3. CONFERENCE WITH REAL PROPERTY NEGOTIATORS  
CA Government Code § 54956.8  
Properties: APN 013-221-06; 013-221-07  
Agency Negotiator: Vince DiMaggio, City of Mendota  
Negotiating Parties: Ernestine Torres, Owner; David Hernandez, Owner
4. PUBLIC EMPLOYMENT  
CA Government Code § 54957(b)  
Title: Police Chief
5. CONFERENCE WITH LEGAL COUNSEL -- EXISTING LITIGATION  
CA Government Code § 54956.9  
Martha Rodriguez v. Mendota Police Department- EEOC Charge No. 485-2014-00311
6. PUBLIC EMPLOYEE PERFORMANCE EVALUATION  
CA Government Code § 54957(b)  
Title: City Attorney

At 7:18 p.m. the Council moved into closed session.

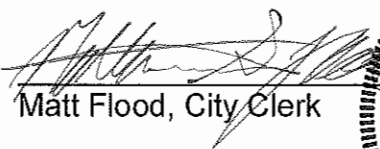
At 8:29 p.m. the Council reconvened in open session and City Attorney Boranian reported that in regards to items 1, 2, 3, 4, and 5 of the closed session, there was nothing to report. Item 6 of the closed session was tabled to the March 24, 2015 City Council meeting.

## **ADJOURNMENT**

With no more business to be brought before the Council, a motion for adjournment was made at 8:31 p.m. by Mayor Pro Tem Valdez, seconded by Councilor Amador; unanimously approved (5 ayes).

  
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Robert Silva, Mayor

ATTEST:

  
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Matt Flood, City Clerk

