

MINUTES OF MENDOTA REGULAR CITY COUNCIL MEETING

Regular Meeting **March 8, 2016**

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.**

Flag salute led by Councilor Amador.

Invocation led by Omaged Mondol from the Iglesia Cristiana Highlands.

A moment of silence was held in honor of Vaness French who had recently passed away.

FINALIZE THE AGENDA

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

City Manager DiMaggio requested that item 4 of the Consent Calendar be removed from the agenda.

A motion was made by Councilor Riofrio to adopt the agenda as requested by staff, seconded by Councilor Amador; unanimously approved (5 ayes).

CITIZENS ORAL AND WRITTEN PRESENTATIONS

None offered.

APPROVAL OF MINUTES AND NOTICE OF WAIVING OF READING

1. Minutes of the Special City Council meeting of February 2, 2016 and the Regular City Council meeting of February 9, 2016.
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 items 1 and 2, seconded by Councilor Amador; unanimously approved (5 ayes).

CONSENT CALENDAR

1. FEBRUARY 23, 2016 THROUGH MARCH 03, 2016
WARRANT LIST CHECKS NO. 40614 THRU 40688
TOTAL FOR COUNCIL APPROVAL = \$320,530.80
2. Proposed adoption of **Resolution No. 16-12**, declaring its intention to reimburse expenditures paid for an infrastructure project.
3. Proposed adoption of **Resolution No. 16-13**, authorizing the City Manager to execute all documents for a financing agreement from the State Water Resources Control Board.
4. *Proposed adoption of **Resolution No. 16-14**, adopting the revised City of Mendota Personnel Rules.
[Removed from the agenda.]*
5. Proposed adoption of **Resolution No. 16-15**, authorizing the use of the City's emergency reserves to fund portions of the City's settlement in the matter of *Warkentine v. Soria*.
6. Proposed adoption of **Resolution No. 16-16**, conditionally approving the exclusive use permits for City facilities for 2016.

Requests to pull items 2, 5, and 6 for discussion were made.

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

2. Proposed adoption of **Resolution No. 16-12**, declaring its intention to reimburse expenditures paid for an infrastructure project.

Discussion was held on an automated water meter grant that the City is applying for.

A motion was made to approve item 2 of the Consent Calendar by Mayor Pro Tem Valdez, seconded by Councilor Castro; unanimously approved (5 ayes).

5. Proposed adoption of **Resolution No. 16-15**, authorizing the use of the City's emergency reserves to fund portions of the City's settlement in the matter of *Warkentine v. Soria*.

Discussion was held on the names of the plaintiffs of the case; conditions included in the settlement agreement; utilizing the City's emergency reserve fund to meet the initial payment obligation portion of the agreement; and modifying the resolution to reflect that the City will pay additional subsequent payments of \$60,000/year for five years to the plaintiffs.

A motion was made to approve item 5 of the Consent Calendar with the aforementioned modification by Councilor Amador, seconded by Councilor Riofrio; unanimously approved (5 ayes).

6. Proposed adoption of **Resolution No. 16-16**, conditionally approving the exclusive use permits for City facilities for 2016.

Discussion was held on the various organizations that will be utilizing various City facilities; fees that are being charged; Council only approving the exclusive use permits conditionally; the organizations needing to meet all conditions prior to the use of the City facility; the possibility of repairing the soccer field resulting in scheduling conflicts; and staff ensuring that no scheduling conflicts exist between the organizations.

At 6:25 p.m. Mayor Pro Tem Valdez stated that he would abstain and stepped down from the dais.

Corina Banuelos & Sergio Valdez (Mendota Youth Recreation [MYR]) – inquired as to what fees MYR would need to pay for.

Discussion was held on MYR needing to obtain a business license for the Harvest Festival; the possibility of the City waiving the business license fees; and the process for MYR to request that the City waive the business license fees.

Dino Perez (Westside Youth, Inc.) – inquired as to whether the fees to contract police services has been increased.

A motion was made to approve item 6 of the Consent Calendar by Councilor Riofrio, seconded by Councilor Castro; approved (4 ayes, abstain: Valdez).

At 6:30 p.m. Mayor Pro Tem Valdez returned to the dais.

BUSINESS

1. Council discussion and consideration to adopt a resolution favoring the best traffic control device at the intersection of Derrick and Oller Avenues.

Mayor Silva introduced the item and City Manager DiMaggio summarized the report including that Council directed staff to create a resolution in favor of the roundabout; the traffic study that was done at the intersection; the animations that were presented to Council at a previous meeting; a presentation that John Liu of Caltrans gave to Council in favor of the roundabout; the total amount of funding that is available for intersection improvements; the amount of funding available from the San Joaquin Valley Air Pollution Control District (SJVAPCD) that is particularly for the roundabout; the uncertainty of the possibility of utilizing the SJVAPCD funding to develop a traffic signal at the intersection; being in favor of developing a traffic signal at the intersection instead of a roundabout; various issues regarding the roundabout; and Council making a decision in regards to favoring the best traffic control measure at the intersection.

Discussion was held on the possibility of utilizing SJVAPCD funding to develop a traffic signal; various areas of land that the City needs to acquire to develop either traffic control measure; roundabouts throughout Fresno County; Caltran's position on the issue; safety concerns related to the roundabout; and the importance of improving the intersection in a timely manner.

Gabriel Llanes – explained that warning signs can be used to inform drivers to slow down prior to entering the roundabout.

Liberty Lopez – explained that flashing lights can be placed in the areas surrounding the roundabout to inform drivers about it.

A motion was made to adopt Resolution No. 16-17 by Councilor Amador, seconded by Councilor Riofrio; motion fails (2 ayes, no: Castro, Silva, and Valdez).

A motion was made to adopt Resolution No. 16-18 by Councilor Castro, seconded by Mayor Pro Tem Valdez; approved (3 ayes, no: Amador and Riofrio).

2. Introduction of **Ordinance No. 16-02**: An Ordinance of the City Council of the City of Mendota, California, Repealing Chapter 9.05 (Excessive Noise) of the Mendota Municipal Code and Adopting New Chapter 9.05 (Noise Control), and Give First Reading, by Title only, with Second Reading waived.

Mayor Silva introduced the item and City Attorney Kinsey summarized the report including modifying the City's noise ordinance for clarity and so that it comply with the City's General Plan (6:58 p.m. Councilor Riofrio left the Council Chambers); new provisions that are included such as sound level limits; Code Enforcement and Police Department officers being able to measure sound levels through the use of decibel meters; improving the amplified music permit process (7:01 p.m. Councilor Riofrio

returned to the Council Chambers); and the various noise disturbance exceptions of the noise ordinance.

Discussion was held on the public being confused as to when they need to acquire an amplified music permit; whether decibel meters are accurate; the cost of decibel meters; and ways that the current noise ordinance can be enforced.

3. Introduction of **Ordinance No. 16-03**: An Ordinance of the City Council of the City of Mendota, California, (A) Repealing Chapter 8.20 (Weeds, Rubbish, and/or Nuisance Abatement), Chapter 2.24 (Trash and Junk), and Chapter 8.28 (Public Nuisance) of the Mendota Municipal Code and (B) Adopting Chapter 8.20 (Public Nuisance Abatement), and Give First Reading, by Title only, with Second Reading waived.

Mayor Silva introduced the item and City Attorney Kinsey summarized the report including that the proposed ordinance contains existing portions of Chapter 8.28 and the nuisance abatement process.

Discussion was held on whether a list that shows when the City contracted someone to forcefully abate properties exists and the importance of working together with the public to beautify the community.

DEPARTMENT REPORTS AND INFORMATIONAL ITEMS

1. Code Enforcement
 - a) Monthly Report

Economic Development Director Flood summarized the report including the Code Enforcement Department ensuring that property owners maintain the weeds on their properties in order to beautify the community and educating the public on the variety of municipal code violations (7:29 p.m. Mayor Pro Tem Valdez left the Council Chambers).

Discussion was held on properties that have overgrown weeds and ensuring that property owners maintain their properties.

2. Police Department
 - a) Monthly Report

Chief of Police Andreotti reported that the documents to purchase the new vehicles has been submitted; submitting the necessary documents to purchase assault weapons through grant funding; a significant arrest of a known auto theft suspect (7:32 p.m. Mayor Pro Tem Valdez returned to the Council Chambers); the Homeland Security grant that was dedicated to improving the infrastructure security program; submitting a grant in order to acquire funding for the Community Service Officer position; provided an update on the hiring of a Sergeant, Lieutenant, and Phlebotomist; and provided an update on a sensitive investigation.

2. City Attorney
 - a) Update

City Attorney Kinsey reported on the proposed medical marijuana ordinance going before the Planning Commission on March 15th; reported on SB 493, which authorizes cities with populations less than 100,000 to transition from at-large elections to district-wide elections (7:38 p.m. Councilor Castro left the Council Chambers); and explained the benefits of converting from at-large elections to district-wide elections (7:40 p.m. Councilor Castro returned to the Council Chambers).

Discussion was held on whether Council Members have to abstain from voting on the minutes for a meeting that they did not attend.

3. City Manager

Nothing to report.

Discussion was held on the upcoming joint meeting with the Mendota Unified School Board of Trustees and the various issues that will be discussed at the meeting.

MAYOR AND COUNCIL REPORTS AND INFORMATIONAL ITEMS

1. Council Member(s)
 - Council reports

Councilor Castro reported on street lights that were out in various areas of the City.

Councilor Riofrio provided an update on the championship soccer game in which the Mendota High School soccer team is participating in.

Mayor Pro Tem Valdez reported on individuals discussing City issues on social media.

Councilor Amador reported on his experience of the WELL Conference and that he recently gave a presentation to the police Explorers Program.

Discussion was held on individuals who are discussing City issues on social media.

2. Mayor

Mayor Silva reported on the WELL Conference that he recently attended including a facility tour of the Santa Clara Valley Water District Recycling Project.

Discussion was held on whether the City has been completely reimbursed for expenses acquired for the delegation's trip to Israel.

CLOSED SESSION

1. CONFERENCE WITH LEGAL COUNSEL – POTENTIAL LITIGATION
Pursuant to Paragraph (2) of subdivision (d) of Section 54956.9 ([1] potential case).

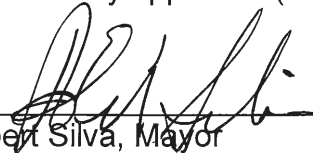
At 7:54 p.m. the Council moved into closed session.

At 8:19 p.m. the Council reconvened in open session and City Attorney Kinsey reported that in regards to item 1 of the closed session, there was nothing to report.

Discussion was held on the possibility of having the Public Safety Sub-Committee meetings monthly instead of quarterly.

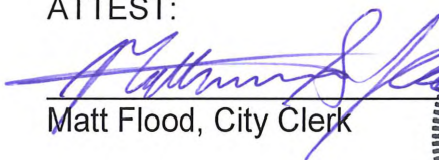
ADJOURNMENT

With no more business to be brought before the Council, a motion for adjournment was made at 8:21 p.m. by Mayor Pro Tem Valdez, seconded by Councilor Castro; unanimously approved (5 ayes).



Robert Silva, Mayor

ATTEST:



Matt Flood, City Clerk

