

**MINUTES OF MENDOTA
REGULAR CITY COUNCIL MEETING**

Regular Meeting **Tuesday January 22, 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, Councilors S. Leo Capuchino, Joseph Riofrio, and Sergio Valdez.**

Council Members Absent: **None.**

Flag salute led by City Clerk, Matt Flood.

FINALIZE THE AGENDA

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

City Manager Bryce Atkins requested that Consent Calendar item #2 be pulled from the agenda. With the requested adjustment, a motion was made to adopt the agenda by Councilor Riofrio, seconded by Councilor Valdez; unanimously approved (5 ayes).

APPROVAL OF MINUTES AND NOTICE OF WAIVING OF READING

1. Minutes of the Regular City Council Meeting of January 8, 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.

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. JANUARY 8, 2013 THROUGH JANUARY 16, 2013
WARRANT LIST CHECKS NO. 35715 THRU 35779
TOTAL FOR COUNCIL APPROVAL = \$176,316.34
2. Council conduct the first reading of **Ordinance No. 13-01**: An Ordinance of the City Council of the City of Mendota amending Sections 8.12.030(c) and 8.12.100(a) and adding Section 8.12.120 of Chapter 8.12 of Title 8 of the Mendota Municipal Code relating to firework stands, and set the public hearing for February 12, 2013. (Taken off of the agenda)
3. Council conduct the first reading of **Ordinance No. 13-02**: An Ordinance of the City Council of the City of Mendota amending Section 1.08.010 of Chapter 1.08 of Title 1 of the Mendota Municipal Code pertaining to the definition of sidewalks, and set the public hearing for February 12, 2013.
4. Council authorize filing the Notice of Completion for the Naples Street Reconstruction project with the County Recorder, and authorize the City Manager to execute all necessary documentation.
5. Council adopt the revised City of Mendota Injury and Illness Prevention Plan (IIPP).

A motion for approval of consent calendar was made by Councilor Valdez, seconded by Councilor Riofrio; unanimously approved (5 ayes).

BUSINESS

1. Council consideration to accept the audit of fiscal year 2011-2012, completed by Price, Paige & Company. Presented by Fausto Hinojosa.

Mayor Silva introduced the item and Mr. Hinojosa summarized the financial report from

fiscal year 2011-2012 including how the audit was carried out; explained that the financial state of the City of Mendota is sound; there were no findings; how an audit helps a municipality avoid fraud and be financially sound; the unqualified opinion of his firm's audit means that the results are clean; explained the Government Auditing Standards, the highest auditing standard that was used in the Mendota audit; and that there were no internal control findings.

Discussion was held on the City of Mendota's reserve fund and the law that dictates that cities be more specific when setting it aside for a specific use; the difference between those emergency contingency funds and other general funds; basic principles of budgeting; the effect of the debt of the former Mendota Redevelopment Agency (RDA) on the City; the revenues and expenditures of the City; the City's deficit and the change in employee insurance plans that will lessen it; and how grant and loan giving entities would consider a water fund that has a deficit.

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

PROCLAMATION

1. Proclamation No. 13-01: In Honor of longtime Mendota residents Jerry and Mary Gong Young.

Mayor Silva introduced the item and City Clerk Flood read the proclamation. Mayor Silva presented it to Mrs. Young and the City Council thanked her for her dedication to the community and for providing a place to work for so many people over the years.

BUSINESS

2. Council discussion and consideration of adopting the Temporary Reduction in Building Permit Fees Administrative Policy. [City Manager, Atkins]

Mayor Silva introduced the item and City Manager Atkins summarized the history of the revision of this policy, including its intended purpose; that the policy was brought to Council but was not deemed satisfactory; that the policy will not use International Code Council (ICC) estimates to base construction costs on, and rather give an estimate of the fee from the building inspector; the changes to the fee schedule; and the incentives for entrepreneurs that would have their fees reimbursed by hiring full-time people in Mendota.

Discussion was held on the one year duration of the policy; when the policy would become effective; what a full-time position is defined as for the purposes of the incentive; what Council would like full-time to be defined as; and the possibility of taking out the paragraph concerning incentives altogether.

A motion to approve the policy with the removal of the paragraph related to full time employee incentives was made by Councilor Riofrio, seconded by Councilor Capuchino; unanimously approved (5 ayes).

3. Mayoral appointment of three Mendota residents to the Mendota Planning Commission with Council approval. [City Clerk, Flood]

Mayor Silva introduced the item and City Clerk Flood explained that three of the Planning Commissioners' terms were set to expire at the end of January, necessitating a vacancy notice and solicitation for applicants to fill the positions; three individuals applied to fill the vacancies, two being those that are currently serving, and one who had applied for a vacancy at an earlier time, but was not appointed.

Mayor Silva requested Council approval to appoint the three individuals that applied to the three positions to the City of Mendota Planning Commission.

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

DEPARTMENT REPORTS AND INFORMATIONAL ITEMS

1. City Manager

City Manager Atkins reported that a budget update would be forthcoming at a Council Meeting in the near future; that the city inventory has been completed and a copy given to each member of the Council; the City of Mendota was selected by the Fresno County Superior Court as a remote processing site.

2. Public Works
 - a) Monthly Report

Director of Public Works Ron Demmers summarized his report and discussion was held on the possibility of putting darker striping or reflectors on the streets for safe passage; ways to prevent vandalism, unsafe situations, and an ant infestation at the Rojas-Pierce Park; and who pays the electricity costs of street lights.

MAYOR AND COUNCIL REPORTS AND INFORMATIONAL ITEMS

1. Council Member(s)

Councilor Capuchino requested that local restaurants be contacted and encouraged to consider accommodating deliveries to employees at the federal prison.

Councilor Valdez inquired why there is no alarm system at City Hall; the progress he has made in contacting the Cal Ripken association in order to host a youth tournament here at the recently remodeled baseball park; and discussion was held on various

aspects of the preparations being done on the baseball field. Councilor Valdez asked if there could be a process made for a permit that would allow bands to play at the park with a permit, with Council consenting.

Councilor Riofrio thanked the Public Works, Police, and other City departments for the radar trailer and other traffic enforcement devices that have been deployed recently.

2. Mayor

Mayor Silva reported on the morning show that he attended with Alex Delgado of KSEE Channel 24 where he and Ricardo Gonzalez of the California Employment Development Department promoted the Farmworker Appreciation event; a meeting that he attended about energy rates and their implication on Mendota residents; and the need to do more to raise money for improvements to Rojas-Pierce Park.

CLOSED SESSION

At 7:41 p.m. the Council moved to closed session.

At 8:54 p.m. the Council moved back into open session and City Attorney Tom Watson reported on the following items:

1. Pursuant to California Government Code Section 54957.6:
Negotiation of new Franchise Agreement for Collection of Solid Waste
City Negotiator: Bryce Atkins, City Manager

Information was provided to the negotiator.

2. Pursuant to California Government Code Section 54956.8:
Instruction to Real Property Negotiator regarding APN 12-021-03T.
Negotiator for City: Bryce Atkins, City Manager

Instructions were provided to the negotiator.

3. Pursuant to Government Code Section 54957.6:
Labor Negotiations
City Negotiator: Bryce Atkins, City Manager
Employee Organization:
Operating Engineers Local 3 (OE3)/Police Officers Association (POA)

Information was provided to Council by the negotiator.

4. Pursuant to California Government Code Section 54957.6:
Negotiation of new Police Department Contract
City Negotiator: Bryce Atkins, City Manager

Information was provided to Council by the negotiator.

5. Pursuant to California Government Code Section 54957.6:
Public Employee Performance Evaluation
Title: City Manager

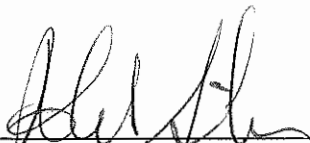
Information was provided to the City Manager by Council.

6. Pursuant to California Government Code Section 54956.9(b)(1): existing facts and circumstances that there is a significant exposure to litigation.
One (1) case.

Discussion took place.

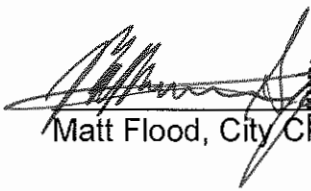
ADJOURNMENT

At the hour of 8:56 p.m., with no more business to be brought before the Council, a motion for adjournment was made by Councilor Riofrio, with a second by Councilor Capuchino; unanimous approval (5 ayes).



Robert Silva, Mayor

ATTEST:



Matt Flood, City Clerk

