

**MINUTES OF MENDOTA
REGULAR CITY COUNCIL MEETING**

Regular Meeting Tuesday October 8, 2013

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 Riofrio

FINALIZE THE AGENDA

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

City Attorney Boranian requested the addition of a closed session item regarding the potential for litigation. A motion was made by Councilor Riofrio to adopt the agenda with the recommended adjustment, seconded by Councilor Valdez; unanimously approved (5 ayes).

CLOSED SESSION

2. Conference with legal counsel - pursuant to paragraph (2) or (3) of subdivision (d) of Section 54956.9
 Significant exposure to litigation: 1 case

At 6:02 p.m. the Council moved into closed session.

At 6:27 p.m. the Council reconvened in open session.

City Attorney Boranian stated that no reportable action was taken.

PUBLIC HEARING (CONTINUED)

1. Council take public comment and adopt **Resolution No. 13-23**: A Resolution of

the City Council of the City of Mendota in the matter of authorizing the placement of special assessments on the 2014/2015 tax roll for the 2012/2013 nuisance abatement costs. [Interim City Manager, Pauley]

Mayor Silva introduced the item and Interim City Manager Pauley reported that in previous meetings the Council had received the reports on the weed abatements done around the City; and that at the public hearing that was held at the previous meeting, and being continued at the present, there were appeals heard from property owners that objected to the placing of liens on their property tax bill.

Discussion was held on the weed abatement process and the two appeals that were presented by property owners at the previous meeting.

Mayor Silva informed the public that the public hearing is still open and asked if anyone from the audience wished to comment on the item.

Fernando Gomez (606 Naples) – Inquired about the issue brought up regarding the legitimacy of forced abatements performed by the City; the question of City staff's capacity and qualifications to determine when a forced abatement is required and lawful; how the City determines who owns lots to be abated; and the importance of ensuring due process in such cases.

Discussion was held on the need to review parts of the municipal code concerning forced abatements to ensure they are clear and are consistent with the City's current organizational structure; the City's past use of other agencies to perform weed abatements; the use of other cities' policies as a template for creating local ordinances; the use of a designee by acting authorities to apply the law; and the method used to determine which lots contain abatable hazards.

At 6:41 p.m. Mayor Silva closed the hearing to the public.

Interim City Manager Pauley presented the staff recommendation that the Council adopt the presented resolution with the exception of the removal of APN's 013-255-06, 013-402-04S, 013-402-05S, 013-402-06S, 013-402-07S from the list of parcels that will have liens assessed on them.

A motion was made by Councilor Riofrio to adopt Resolution No. 13-23 with the modification of the removal of the aforementioned APN's, seconded by Mayor Pro Tem Amador; approved (4 ayes; No: Valdez).

PROCLAMATIONS

1. Proclamation No. 13-12 Declaring the week of October 20th-26th, 2013 "Freedom From Workplace Bullies Week".

City Clerk Flood read the proclamation into the record and a motion was made by

Councilor Valdez to adopt the proclamation, seconded by Councilor Riofrio; unanimously approved (5 ayes).

PRESENTATIONS

1. Update from the Office of the Assessor-Recorder presented by Fresno County Assessor-Recorder Paul Dictos.

Fresno County Assessor introduced himself and presented on his term of office; strength and limitations of the California property tax system; the duties of the Fresno County Assessor-Recorder; the connection between the tax roll and the economy; recent downsizing in staff at his office; the tools the Assessor needs to do the job correctly; the misconception that property tax money goes to the state when 100% of it stays within the County; how property taxes are apportioned; the tax allocation to each city in the County; crop values in Fresno; the effect of the Williamson Act on land value; the ability of Fresno County to be able to rescind or apply the Williamson Act; and the disparity in the percentage of benefits given in applying the Williamson Act.

Discussion was held on the amount of time a landowner has to commit to stay in the Williamson Act.

2. Update from representatives of the California Economic Development Department and Proteus on the 11th Annual Farmworker Appreciation Event.

(These presenters had previously notified that they are unable to make it)

APPROVAL OF MINUTES AND NOTICE OF WAIVING OF READING

1. Minutes of the Regular City Council Meeting of September 24, 2013.
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 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. SEPTEMBER 24, 2013 THROUGH OCTOBER 4, 2013

WARRANT LIST CHECKS NO. 36823 THRU 36900
TOTAL FOR COUNCIL APPROVAL

= \$233,106.48

2. Council authorize the City Manager and City Clerk to sign and certify the Notice of Completion for the Safe Routes to School project at Belmont and Quince Streets, and Quince and 3rd Streets, and to record it with Fresno County.
3. Council adopt **Resolution No. 13-30**, A Resolution of the City Council of the City of Mendota in the matter of establishing the Disadvantaged Business Enterprise (DBE) goal for federal fiscal year 2013/2014.

Councilor Riofrio made a comment that the button that needs to be pushed in order to activate the yellow lights on the crosswalk from the Safe Routes to School Project is not operating as it should.

A motion was made by Councilor Riofrio to approve the items on the Consent Calendar, seconded by Councilor Valdez; unanimously approved (5 ayes).

BUSINESS

1. Council discussion and direction on the disposition of a public health hazard at 443 and 446 Naples Street. [Interim City Manager, Pauley]

Mayor Silva introduced the item and Interim City Manager Don Pauley reported on the arson fire that was perpetrated on this property the previous week; that there have been a numerous amount of such hazardous situations at this property, making it a significant public health hazard; previous pursuits of demolishing it have proved too expensive due to the presence of asbestos, with the lowest of recent quotes amounting to approximately \$35,000; and that staff will continue to seek other solutions.

Discussion was held on the source of funds that would be used to do any demolition on the property; the possibility of, and problems associate with, acquiring a quote just for the removal of the asbestos; the difficulty in ascertaining who actually owns the property; methods used by other cities to identify funds for such projects; transients living in the property and the dangers they face; and the progress being made with another property within the City that needs to be demolished.

Council consensus was reached to direct staff to continue searching for options that would provide a solution.

2. Council discussion and direction regarding changing the discussion of traffic safety for the new elementary school site from the regular Council Meeting of October 22nd to November 26th. [Interim City Manager, Pauley]

Mayor Silva introduced the item and Interim City Manager Pauley reported that he was contacted by the Mendota Unified School District's (MUSD) contract architect, Paul

Bunton, to re-schedule, due to a scheduling conflict, his appearance at the upcoming meeting, to discuss potential traffic issues that will arise at the new elementary school site; and that doing so will not affect the construction timeline.

Discussion was held on the proximity of the Council meeting to the Thanksgiving Holiday.

Council consensus was to direct staff to re-schedule Mr. Bunton to present at the November 26th meeting.

DEPARTMENT REPORTS AND INFORMATIONAL ITEMS

1. City Manager

Interim City Manager Pauley reported that he attended a meeting in Kerman regarding the Sustainable Communities Strategy and that he will be bringing a presentation to the Council at the next meeting; and that the State Department of Finance is currently in the process of auditing the Designated Local Authority.

2. Code Enforcement a) Monthly Report

Code Enforcement Administrative Assistant Maria Perez reported on recent Code Enforcement activities including vehicles that are parked on lawns and other illegal places; significant cases involving public nuisances due to junk and rubbish, and inoperative vehicles; and reported on the amount of revenue from citations.

Manuel Lozano (1790 9th Street) – came before the Council to ask why his mother received a citation for a property that is not a hazard.

Discussion was held on the schedule change of the Community Service Officers; the dumping of containers filled with oil by an apartment complex at Stamoules and 6th Streets; the responsibility that property owners have to make sure their tenants are keeping their buildings and surroundings up to code; and the fine levied for parking illegally near a fire hydrant compared to that of illegally parking on the lawn or in a parking stall reserved for the handicapped.

3. Police Department a) Monthly Report

Chief Galvin summarized his report including the first murder that the City had since 2011 and the rape of a minor; the long-term positive trend in the crime rate continues; the improvement of part 1 offense ratios in the City; the personnel levels in the department; filling current vacancies for reserve officers; the problem with homeless encampments; a recent meeting with the police chiefs in the region; progress on the electronic filing funding and system; and acquiring a crime analyst to serve the west

side cities of Fresno County.

Discussion was held on the problem of drag racing in the city; the presence of intoxicated people loitering and walking the streets; officers that recently got trained and can now use the radar gun; the crime issue in the housing authority residences, especially concerning drugs and alcohol; an arson case and other vandalism that happened behind the Catholic church; and a lady that gives food to a lot of drunk men, thereby enabling them.

4. City Planner
a) Update

(A written report was provided and no discussion was held.)

5. City Engineer
a) Update

City Engineer David McGlasson reported on a pre-bid meeting for the Smoot, Sorensen, McCabe Streets Project and the projected start date.

6. City Attorney

City Attorney Meggin Boranian reported on the upcoming sexual harassment training for all elected officials and employees.

MAYOR AND COUNCIL REPORTS AND INFORMATIONAL ITEMS

1. Council Member(s)

Councilor Riofrio reported on Mendota High School's upcoming football game versus Dos Palos and the game versus Sierra last Friday.

Councilor Valdez asked for an update on the giving to the City of fire hydrants in an abandoned development.

Mayor Pro Tem Amador thanked all who helped carry out the Driver Awareness Event.

2. Mayor

Mayor Silva reported that he recently attended a meeting of the Big Fresno Fair board, the signing by Governor Brown of AB60; and the infestation of ants in Rojas-Pierce Park.

CLOSED SESSION

1. Conference with labor negotiators pursuant to CA Government Code 54957.6

Agency designated representatives: Interim City Manager Don Pauley and Director of Support Operations Charles Johnson
Employee organization: Mendota Police Officers Association

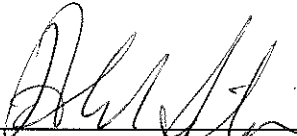
At 8:32 p.m. the Council moved into closed session.

At 8:48 p.m. the Council reconvened in open session.

City Attorney Boranian reported that there was no reportable action taken on item 1.

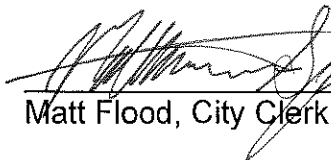
ADJOURNMENT

At the hour of 8:48 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; unanimously approved (5 ayes).



Robert Silva, Mayor

ATTEST:



Matt Flood, City Clerk

