

**MINUTES OF MENDOTA  
REGULAR CITY COUNCIL MEETING**

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**Regular Meeting**                      **Tuesday April 23, 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 and Sergio Valdez.**

**Council Members Absent:**        **Councilor Joseph Riofrio.**

**Flag Salute led by Councilor Capuchino**

**FINALIZE THE AGENDA**

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

A motion was made by Councilor Capuchino to adopt the agenda, seconded by Mayor Pro Tem Amador; unanimously approved (4 ayes; 1 absent: Riofrio).

**PUBLIC HEARING**

1.     Council to perform the Second Reading of, and take Public Comment on, **Ordinance No. 13-05:** An Ordinance of the City Council of the City of Mendota amending Section 6.52.040(D) of Chapter 6.52 of Title 6 of the Mendota Municipal Code pertaining to the conducting of animal hearings. [Director of Support Operations, Johnson]

Mayor Silva introduced the item and Director of Support Operations Charles Johnson stated that this is the second reading of the ordinance introduced at the previous regular meeting of the Council; and that this ordinance is meant to fix language in the Mendota Municipal Code (MMC) that allows appellants of dog hearings to win an appeal on unreasonable grounds, fixing the process.

Discussion was held on the difference between the words "may" and "shall" as it applies to the elements required to determine if an animal is vicious; and that the word "may" allows an animal control officer discretion so that they are not required to confirm all

findings, but only the appropriate amount of findings, to deem the animal vicious.

At 6:07 p.m. the hearing was open to the public and, seeing no one present wishing to be heard, closed the hearing in that same minute.

A motion was made by Councilor Capuchino to adopt **Ordinance No. 13-05**, seconded by Mayor Pro Tem Amador; approved (ayes: Silva, Amador, and Capuchino; No: Valdez; absent: Riofrio).

### **PRESENTATION**

1. Battalion Chief Vince Bergland of CALFIRE to present report for end of year 2012 and first quarter of 2013.

Battalion Chief Bergland presented statistics from the 4<sup>th</sup> quarter of 2012, the whole year of 2012, and the 1<sup>st</sup> quarter of 2013 including the total amount of calls, the breakdown of the types of calls; a summary of statistics from other stations throughout the county; and arsons that happened in the last quarter.

Discussion was held on the boundaries of Station 96; coverage provided by other stations and cities' fire departments; of when an ambulance goes out to accompany a fire crew on a call and vice versa; and thanked Battalion Chief Bergland and the crew at Station 96 for their service.

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

1. Minutes of the Regular City Council Meeting of April 9, 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 Capuchino, seconded by Councilor Valdez; unanimously approved (4 ayes; 1 absent: Riofrio).

### **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. APRIL 9, 2013 THROUGH APRIL 17, 2013  
WARRANT LIST CHECKS NO. 36124 THRU 36193  
TOTAL FOR COUNCIL APPROVAL = \$253,423.78

Council consented to pull warrant #36146 and exclude it from approval as it was to be for a lobbying trip for Mayor Silva that was postponed indefinitely.

Councilor Capuchino inquired as to warrant #36142, and City Manager Atkins responded that it is the final payment to Lara's Yard Service for a half month services rendered. Councilor Capuchino also requested a total for the cost of renovating the baseball field.

A motion was made by Councilor Capuchino to adopt the Consent Calendar, seconded by Councilor Valdez; unanimously approved (4 ayes; 1 absent: Riofrio).

## BUSINESS

1. Council discussion and consideration to adopt Resolution No. 13-09 to join the Employee Risk Management Authority (ERMA) program, and to authorize the City Manager to execute any and all associated agreements and documents between the City of Mendota and the CSJVRMA. [Director of Support Operations, Johnson]

Mayor Silva introduced the item and Director of Support Operations Johnson explained what ERMA is; that it provides benefits such as an employee hotline that can be used to report problems in the workplace or the ability to consult with an attorney; summarized the requirements for participating; and the other cities that currently have such an agreement.

Discussion was held on the possible variance of fees that can result, but that they will be nominal; how the program will be paid for; when coverage provided by it will start; and the process that involves ERMA reviewing the resolution passed by the Council to determine if the City of Mendota will be accepted to join.

A motion was made by Councilor Capuchino to adopt **Resolution No. 13-09**, seconded by Councilor Valdez; unanimously approved (4 ayes; absent: Riofrio).

2. Council discussion and consideration of amending the exclusive use permit of Westside Youth for the open market to allow setup at 4:00. [City Manager, Atkins]

Mayor Silva introduced the item and City Manager Atkins stated that staff received a request from Westside Youth to establish a start time of 4:00 p.m. for the market to allow vendors to set up before customers start arriving; and laid out the conditions that staff proposes apply to such an allowance.

Dino Perez of Westside Youth stated that it was principally the vendors that requested this, and that they do not want them starting to set up any earlier as it tends to create a traffic jam of cars that are leaving school.

A motion was made by Mayor Pro Tem Amador to allow the amendment of the exclusive use permit for Westside Youth, seconded by Councilor Capuchino; unanimously approved (4 ayes; absent: Riofrio).

3. Council to appoint seven Mendota residents to the recently formed Baseball Committee. [City Clerk, Flood]

Mayor Silva introduced the item and City Clerk Flood summarized the process undertaken by the Council in recent months to establish a committee to provide stewardship over the use and upkeep of the newly renovated baseball field at Rojas-Pierce Park; that one citizen had turned in an application to be on the committee; the requirements for being on the committee; and the recommendations for the obligatory representation on the committee from the Council, planning commission, and school district.

Discussion was held on the difficult balance of finding qualified people to serve on the committee that are not already involved in a baseball program; the possible need of changing the requirement of being a Mendota resident to be on the committee; the possibility of creating advisory members on the committee; the benefit of getting proactive individuals involved in the committee; the possibility of holding off on forming the committee until the requirement of Mendota residency changes; and the benefit of simply forming the committee right now and modifying the requirements to be on the committee later.

A motion was made by Councilor Capuchino to appoint residents Robert Silva, Juan Luna, Robert Salinas, and Israel "Eddie" Porras to the Mendota Baseball Committee, seconded by Councilor Valdez; approved (ayes: Silva, Capuchino, and Valdez; Abstention: Amador; absent: Riofrio).

4. Council discussion and consideration to authorize the increased scope for Change Order 1 for the Eastside Streets Reconstruction Project, in the amount of \$61,196.87. [City Engineer, McGlasson]

Mayor Silva introduced the item and City Engineer David McGlasson reported that the bid for the project came in lower than initially estimated and that this left room for the City to negotiate the addition of parts of the street and sidewalk to the project; that staff worked to add only the most efficient parts to the project so as to maximize this addition

and keep costs reasonable for the contractor; summarized the possible additions and their disadvantages and benefits; and that staff recommends the addition known as change order #1 which is to add on work on 9<sup>th</sup> and Inez Streets.

Discussion was held on what happens with unused funds that were budgeted for this project but will not be used, which will be held and rolled over towards future projects of a similar nature; the scope of change order #2; that the addition will not change the amount of time dedicated to the actual paving in the project; the possible interruption that work trucks and police officers will experience during the paving near the police department building; and the notices that have been given to the property owners concerning the project.

A motion was made by Mayor Pro Tem Amador to authorize change order #1, seconded by Councilor Valdez; unanimously approved (4 ayes; absent: Riofrio).

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

#### 1. City Manager

City Manager Atkins reported that staff is negotiating a different dental plan to improve it while keeping the same dentists that all employees use; that he and Chief of Police Jerry Galvin will be attending a MUSD Board of Trustees meeting in order to explore the possibility of having a school resource officer and how this would be arranged between the two agencies, with the possibility of MUSD funding the position completely.

#### 2. Public Works a) Monthly Report

City Manager Atkins summarized Public Works Director Demmer's report in his absence.

Discussion was held on the potholes throughout the city; the delay of fixing a leak on Derrick and Smoot Avenues due to employees calling in sick or other unforeseeable circumstances; the weeds in Rojas-Pierce Park; the use of the proper cleaning chemicals in the upkeep of the new baseball field; the maintenance of the community garden in the airport property; a project to build a boat ramp launching point in the Mendota Pool that was formulated some years ago; and the forum to analyze utility rates that will take place soon.

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

#### 1. Council Member(s)

Councilor Valdez reported that water is beginning to puddle on a part of 9<sup>th</sup> Street that was part of the recent renovation project.

Mayor Pro Tem Amador reported that he received a printout of the police dispatch call log and that a call that he made over the weekend to report amplified music was not on there. Chief Galvin stated that this is an issue that the dispatch center must work on, and that they had a multi-car accident involving an inebriated driver and that once they were done with that, they reported to the scene of the music and it was shut off.

2. Mayor


Mayor Silva reported that he will be travelling to Sacramento on May 8<sup>th</sup> with the Latino Caucus to discuss a few important issues and asked for Council consensus to be reimbursed for travel expenses; and highlighted the Earth Day activities that happened recently.

**ADJOURNMENT**

At the hour of 7:37 p.m., with no more business to be brought before the Council, a motion for adjournment was made by Councilor Valdez, with a second by Mayor Pro Tem Amador; unanimously approved (4 ayes; 1 absent: Riofrio).

  
Robert Silva, Mayor

ATTEST:

  
Matt Flood, City Clerk

