

**MINUTES OF MENDOTA  
REGULAR CITY COUNCIL MEETING**

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**Regular Meeting**                      **Tuesday July 8, 2014**

**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 Mayor Silva**

**A moment of silence was held in honor of Planning Commissioner David Castaneda who passed away recently.**

**FINALIZE THE AGENDA**

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

Staff requested to add a third closed session item as existing litigation due to an immediate need to take action. A motion was made by Councilor Riofrio to adopt the agenda with the requested modifications, seconded by Councilor Capuchino; unanimously approved (5 ayes).

**PRESENTATION**

1.     Jessie Sandoval, Sam Olivas, and Juanita Orozco Gonzalez to present on their upcoming ride in honor of Joaquin Murrieta.

Information was provided on the event including the history and purpose of the ride; the proposed use of Lindgren-Lozano Park; the route that they take as they ride; the activities and ceremonies along the way; how they will miss the support of Mr. David Castaneda; the preserving of the history related to the ride; the original founders of the commemorative ride; the history of Joaquin Murrieta; and the upcoming separate ride that will take place in February.

## **DEPARTMENT REPORT**

1. Code Enforcement
  - a) Monthly Report

Code Enforcement Administrative Officer Maria Perez summarized the report for June including the focus on wrecked or abandoned vehicles; nuisance properties; significant cases related to improperly stored boats, trailers and other recreation vehicles; people inhabiting illegal dwellings; parking citations; and the total amount of revenue from code enforcement activities.

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

1. Minutes of the Special City Council Meeting of June 24, 2014.
2. Notice of waiving of the reading of all resolutions and/or ordinances introduced and/or adopted under this agenda.

A motion was made to approve items 1 and 2 by Mayor Pro Tem Amador, seconded by Councilor Riofrio; unanimously approved (5 ayes).

## **CITIZENS ORAL AND WRITTEN PRESENTATIONS**

None offered.

## **CLOSED SESSION**

1. PUBLIC EMPLOYMENT  
CA Government Code § 54957  
Title: Public Utilities Director
2. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION  
CA Government Code § 54956.9  
3 cases
3. CONFERENCE WITH LEGAL COUNSEL -- EXISTING LITIGATION  
Government Code § 54956.9 (a)  
Edward Warkentine and Daniel Tankersley v. City of Mendota, et al., USDC  
Eastern District Case No. 1:13-CV-01550

At 6:25 p.m. the Council moved into closed session.

At 7:24 p.m. the Council reconvened in open session.

City Attorney Boranian reported that in regards to items numbered 1, 2 and 3, no reportable action was taken.

## 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. JUNE 24, 2014 THROUGH JULY 2, 2014  
WARRANT LIST CHECKS NO. 38026 THRU 38092  
TOTAL FOR COUNCIL APPROVAL = \$296,779.91
2. Council adopt **Resolution No. 14-13**, modifying the benefits for management employees to allow the Public Utilities Director to use a vehicle to travel to and from work.
3. Council adopt **Resolution No. 14-14**, authorizing new positions, reclassifications, and salary schedules within various City departments.
4. Council adopt **Resolution No. 14-21**, authorizing opening a \$200,000 line of credit with Westamerica Bank to cover certain capital operating expenses.

A motion was made by Mayor Pro Tem Amador to approve items 3 and 4 of the Consent Calendar, seconded by Councilor Riofrio; unanimously approved (5 ayes).

1. JUNE 24, 2014 THROUGH JULY 2, 2014  
WARRANT LIST CHECKS NO. 38026 THRU 38092  
TOTAL FOR COUNCIL APPROVAL = \$296,779.91

Councilor Valdez questioned warrant number 38092 relative to lunch meetings had. City Manager DiMaggio responded that these were work-related lunch meetings where City business was discussed.

A motion was made by Councilor Valdez to approve item number 1 of the Consent Calendar, seconded by Mayor Pro Tem Amador; unanimously approved (5 ayes).

2. Council adopt **Resolution No. 14-13**, modifying the benefits for management employees to allow the Public Utilities Director to use a vehicle to travel to and from work.

Councilor Valdez stated that he disagrees with the changes proposed and believes it is a waste of taxpayer money.

A motion was made by Mayor Pro Tem Amador to approve item number 2 of the Consent Calendar, seconded by Councilor Riofrio; approved (4 ayes; no: Valdez).

**Fernando Gomez (606 Naples)** – stated that Council should not pass item number 2 on the Consent Calendar because the individuals in the resolution should not have vehicles and the City of Mendota needs to work harder to comply with greenhouse emissions requirements, compel employees to move closer to the city, and hire employees that will not increase costs; reported on a public records request that he made to have the cost of operating the vehicle of the Public Works Director; urged the Council to calculate the cost of the vehicles operated by City employees and cut them; and inquired as to whether or not the Public Utilities Director would have gotten a vehicle if the resolution had not passed.

Discussion was held on how the Council and staff work hard to have a balanced budget; the composition of the budget, including the positions that were created; the benefit resolution for management employees that was passed in 2013; the City Manager's prerogative to supply employees with vehicles when he deems it necessary that they have one; how many times management employees with vehicles have been called out after hours and on weekends; the certifications that the newly hired Public Utilities Director possesses; the City's CNG vehicles; the need to use financial resources wisely; and the cost of driving a vehicle propelled by propane.

## **BUSINESS**

1. Council discussion and consideration to adopt **Resolution No. 14-22**, waiving the encroachment permit fee for the annual backpack giveaway.

Mayor Silva introduced the item and Mr. Ignacio Gutierrez and his daughter provided information on the upcoming backpack giveaway that they organize every year; the amount of children they were able to help last year; the information booths that they will have; and their request to have the fee for the encroachment permit waived.

Discussion was held on the importance of having the area where the event will take place kept clean; the activities that will be available for the children; and the different organizations that are donating or participating in some way.

A motion was made by Councilor Riofrio to waive the fees for the encroachment permit, seconded by Mayor Pro Tem Amador; unanimously approved (5 ayes).

2. Council discussion and consideration of **Resolution No. 14-23**, allowing exclusive use of the whole of Rojas-Pierce Park by Mendota Youth Recreation for the Annual Harvest Festival.

*(Councilor Valdez stepped off the dais and joined the audience)*

Mayor Silva introduced the item and Corina Banuelos and Sergio Valdez of Mendota Youth Recreation gave information on the upcoming Harvest Festival; referred to a letter that was sent to Council by VPES Security; the need of having exclusive use of Rojas-Pierce Park; a past incident regarding a drunk man that was belligerent, yet did

not get access to the park during the festival; and that they will not deny entrance to anyone who wishes to get into the park.

Discussion was held on the family-friendly nature of the event; the band that will be playing during the festival; other events that have beer gardens; the amber alert-like protocol in place at the Kerman festival; the time needed to set up before the actual event; staff's concern related to turning people away from the park based on how they look or what clothes they are wearing; and the potential liability the City could expose itself to if first amendment rights are violated.

*(Councilor Valdez rejoined the Council at the dais)*

A motion was made by Mayor Pro Tem Amador to waive the fees for the encroachment permit, seconded by Councilor Riofrio; approved (4 ayes; abstain: Valdez).

3. Mayor to make an appointment to fill the vacancy on the Mendota Planning Commission.

Mayor Silva introduced the item and Planning and Economic Development Manager Flood reported that there are two vacancies on the planning Commission and staff received an application to fill one of them.

Discussion was held on the applicant's current involvement with the community, especially the youth.

A motion was made by Councilor Riofrio to confirm the appointment by the Mayor of the applicant to the Planning Commission, seconded by Mayor Pro Tem Amador; unanimously approved (5 ayes).

## **DEPARTMENT REPORTS AND INFORMATIONAL ITEMS**

1. City Manager

City Manager DiMaggio reported that the City received a formal application for the new Catholic Church and that there was a baby legally abandoned at the Fire Station today.

Discussion was held on doing a mitigated negative declaration for the proposed Catholic Church; the problem that they might have building the church due to entitlements by the railroad; and purchasing tablets for the Council so as to be able to go paperless.

2. Police Department
  - a) Monthly Report

Chief Galvin gave his report for June including elaborating on the baby that was dropped off, which is currently under the care of Child Protective Services; the recent

tragedies related to drunk driving in which Mendota residents were killed; the commendations for officers Warkentin, Martinez, and Tsaris within the report; the decrease in crime this month; and provided an update on personnel levels.

Discussion was held on the proliferation of illegal during the Independence holiday; the citations that were given; the fires that happened north of town; and a recent incident in which someone was assaulted and battered.

**MAYOR AND COUNCIL REPORTS AND INFORMATIONAL ITEMS**

1. Council Member(s)
2. Mayor

Mayor Silva commented on the landscaping issue at the library; the Farm Labor Resource Fair coming up on Friday; and recent visits from the media regarding the drought.

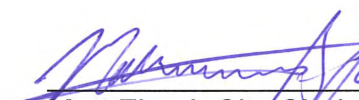
Discussion was held on the story about the Mendota High School Football team that came out on Dateline.

**ADJOURNMENT**

At the hour of 8:42 p.m., with no more business to be brought before the Council, a motion for adjournment was made by Councilor Riofrio, seconded by Mayor Pro Tem Amador; unanimously approved (5 ayes).

  
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Robert Silva, Mayor

ATTEST:

  
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Matt Flood, City Clerk

