

**MINUTES OF MENDOTA
REGULAR CITY COUNCIL MEETING**

Regular Meeting **Tuesday February 11, 2014**

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, and Councilors S. Leo Capuchino, Joseph Riofrio, and Sergio Valdez.**

Council Members Absent: **None.**

Flag Salute led by Mayor Pro Tem Amador

FINALIZE THE AGENDA

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

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

PUBLIC HEARING

1. Council waive the second reading, conduct the public hearing of, and adopt **Ordinance No. 14-02** regarding zoning text amendments to streamline the processing of site plans, conditional use permits, and classification of use, and addressing social facilities and non-conforming uses. [City Planner, O'Neal]

Mayor Silva introduced the item and City Planner O'Neal reported that these changes are coming about to various frustrations on the part of applicants and representatives of the City, including the City Council and Planning Commission, regarding various aspects of planning processes; the Interim City Manager came up with an idea to change these inasmuch as it is feasible; and summarized the main changes regarding site plan review and conditional use permits, social facilities, non-conforming uses, classifications of use, and text clean-ups within these policies; the public notices associated with these changes; and the CEQA requirements.

Discussion was held on removing the requirement for consideration of an application by

the Planning Commission in the case of minor site plan reviews; the differences between major and minor site plan reviews; the distinction between outdoor use social facilities and indoor use social facilities; the difference between using a site one time, or irregularly, for a social gathering and using a site for a social gathering for business purposes; the use of public facilities for various events; sites and properties that are "grandfathered" in; provisions that prohibit alcohol sales or the use of alcohol in general; how an approval from ABC requires City approval also; the requirements for converting a building to be used as a social facility; what triggers the need to comply with building standards when modifying a building or changing its use; and the compliance with ADA standards.

At 6:45 p.m. Mayor Silva opened the hearing to the public and, seeing no member present wishing to comment, closed it in that same minute.

A motion was made by Mayor Pro Tem Amador to adopt Ordinance No. 14-02, seconded by Councilor Capuchino; unanimously approved (5 ayes).

PRESENTATIONS

1. CALFIRE Battalion Chief Vince Bergland to present 4th quarter update and 2013 year-end statistics for Station 96.

Battalion Chief Bergland gave a report on the activity of Station 96 during the 4th quarter of 2013 including fires, accidents, and other calls such as medical; broke down different fires by type; and reported how they helped property owners diagnose problems with their fire alarms. Battalion Chief Bergland also gave the year-end report for 2013 including the quantity of calls received; calls by type; total calls for all stations within the district; and that Station 96 was second in Fresno County in terms of calls for service, surpassed only by Station 83 out of Selma.

Discussion was held on the possibility of charging a fee for repeat false-alarm offenders; Chapter 8.32 of the Mendota Municipal Code (MMC) which treats alarm nuisances; a fire that occurred last night on Juanita Street and how Station 96's quick response saved a man's life; the ingress and egress routes for Station 96 during the reconstruction of the Smoot, Sorensen and McCabe streets; and a trip hazard in that same project area.

DEPARTMENT REPORT

1. Code Enforcement
 - a) Monthly Report

Code Enforcement Administrative Assistant Maria Perez summarized recent activities including a campaign to reach out to property owners to have them comply with the part of the State Fire Code that mandates visible address numbers on each building and the high amount of voluntary compliance with this; a recent fire in a shed on 6th Street;

nuisances on other streets in which the owners were very cooperative in abating them; vehicle abatements in the month of January; and revenue received in the month of January.

Discussion was held on how the amount of revenue received is determined for this report; wholesale buyers that do not have business licenses and are delivering to various stores around town; the problems associated with not having code enforcement coverage on the weekends; the prohibition on door-to-door sales in Mendota; signs that are at the city limits stating that vendors must be licensed in order to do business here.

APPROVAL OF MINUTES AND NOTICE OF WAIVING OF READING

1. Minutes of the Regular City Council Meeting of January 28, 2014.
2. Notice of waiving of the reading of all resolutions and/or ordinances introduced and/or adopted under this agenda.

A motion to approve items 1 and 2 was made by Councilor Riofrio, 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. JANUARY 28, 2014 THROUGH FEBRUARY 7, 2014
WARRANT LIST CHECKS NO. 37376 THRU 37442
TOTAL FOR COUNCIL APPROVAL = \$539,416.05
2. Council adopt **Resolution No. 14-06**, setting the fee schedule for use of the Benny Mares Sr. Baseball Field.
3. Council adopt **Resolution No. 14-07**, urging the President to declare a state of emergency due to unprecedented drought conditions.
4. Council adopt **Resolution No. 14-08**, opposing reductions to Fresno County's Medically Indigent Services Program (MISP).
5. Council approve an agreement with Nichols Consulting for the submittal of law enforcement SB 90 State mandated cost claims.
6. Council authorize the City Clerk to advertise for construction bids for the

Community Development Block Grant #13-471 to do access ramp and City Hall improvements.

Councilor Capuchino requested to pull item 5 and Councilor Valdez requested to pull item 2 for separate consideration.

Staff made a clarification on a typo on warrant number 37408, stating that the check was made out for the correct amount, which was \$3,000.00, even though the warrant list reflected the check was made for \$300.00. Councilor Capuchino asked for information regarding the purchase of a Ford Crown Victoria by the Police Department for \$8,000 and staff reported that it was made with USDA funds, had a little more than 3,000 miles on it, and was simply surplus by another department because they were switching to a different technology.

A motion was made by Mayor Pro Tem Amador to approve items 1,3,4, and 6 of the Consent Calendar, seconded by Councilor Valdez; unanimously approved (5 ayes).

2. Council adopt **Resolution No. 14-06**, setting the fee schedule for use of the Benny Mares Sr. Baseball Field.

Councilor Valdez clarified that he is on the Mendota Youth baseball board but is asking a question as a member of the community. Councilor Valdez asked about the fees for the use of the field, residents versus non-residents, and whether that will cover the cost for the wear and tear of the field; that over \$100,000 has been invested into the baseball field; and pointed out that the Mendota Unified School District requires \$50 for the use of their baseball field lights, while this proposed fee schedule is asking for \$20 for a half day.

Discussion was held on the cleaning deposit being used to cover any repairs that may be needed after use; the need to change the name of the "cleaning deposit" so as to not cause any confusion and to be able to apply it appropriately; the problems that can arise with the use of the field by various parties; the use of the field by non-residents even though it was officially reserved by a resident; the reasoning for the fee schedule based on a staff survey and approval by the baseball commission.

A motion to continue the item so that the rates for a deposit and electricity costs can be reconsidered was made by Mayor Pro Tem Amador, seconded by Councilor Valdez; unanimously approved (5 ayes).

5. Council approve an agreement with Nichols Consulting for the submittal of law enforcement SB 90 State mandated cost claims.

Councilor Capuchino inquired on the use of \$1500 to recover funds and the actual amount that the City can recover in reimbursable costs from the state. Interim City Manager Pauley explained SB90 and how cities can get reimbursed for certain mandated services which, in this case, the most applicable for Mendota are DUI and

domestic violence enforcement; if the City does not recover its money on an annual basis, 10% is taken from the reimbursable amount as a penalty; and that the City expects to get about \$20,000 in revenue from this application.

Discussion was held on the approximate timeframe in which the money will be collected.

A motion was made by Mayor Pro Tem Amador to approve the agreement, seconded by Councilor Capuchino; unanimously approved (5 ayes).

BUSINESS

1. Council input and direction on the implementation of outdoor watering restrictions contained in Mendota Municipal Code Chapter 13.32. [Interim City Manager, Pauley]

Mayor Silva introduced the item and Interim City Manager Pauley gave a report on what the MMC contains concerning water conservation including the 3 stages, with 3 being the most restrictive; that 1 and 2 are not very useful in the present situation; the problems with stage 3 are that hours in which one can irrigate are too restrictive; there are irresponsible fire hydrant restrictions; and would require that the splash park at Rojas-Pierce Park be turned off.

Discussion was held on the impacts to community recreation; the difficulty in not letting the school use their pool; the option of going to stage 2; the possibility of amending this part of the MMC; and the effect on the washing of vehicles.

Council consensus was reached to have the Interim City Manager activate Stage 2 conservation city-wide.

2. Council receive, review, and file the Fiscal Year 2012-13 Development Impact Fee Report as required by State law and make the determination that it is necessary to retain all unspent fees. [Interim City Manager, Pauley]

Mayor Silva introduced the item and Interim City Manager Pauley gave information on the Development Impact Report; that it is legally required by the state; if it is not done on an annual basis, the City would have to refund these fees upon request; occasional confusion on when to charge these fees; the fees have not been adjusted since 2007; the possibility of passing a resolution that will adjust the fees automatically, on par with the CPI or other reliable measure; other possible future issues; and staff's recommendation.

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

3. Council discussion and consideration of staff's recommendation to surplus a

Caterpillar bulldozer. [Director of Public Works, Gonzalez]

Director of Public Works Gonzalez summarized previous reports and action on the Caterpillar bulldozer; the problem that was diagnosed with the motor and what it would cost to repair; and other options for surplus the bulldozer.

Discussion was held on the original cost of the bulldozer; the specific problems with the engine; the need for a radiator rebuild if repairs are to be made; the original purpose for which the bulldozer was bought; implementation of a checklist system to maintain smaller City vehicles; the obstacles related to implementing a checklist system for heavy equipment, specifically the time it would take to perform upon each use; and a previous City Manager keeping a log for every City vehicle.

A motion was made to surplus the bulldozer for parts to Quinn company was made by Councilor Valdez, seconded by Councilor Capuchino; unanimously approved (5 ayes).

4. Council discussion and consideration to offer a monetary award for information that leads to the arrest of arson suspects. [Chief of Police, Galvin]

Chief of Police Galvin reported on the arsons that have occurred in the past, especially recently; that Crimestoppers is good for many things, but that it is difficult to apprehend arsonists without witnesses coming forward; previous attempts to solve arson crimes; and the request that Council approve a reward of up to \$500 for information that leads to an arrest of an arsonist.

Discussion was held on the problems with including "leading to a conviction" instead of simply for an arrest, and that the PD will not make an arrest unless they have conclusive evidence; and the source of the money used for the reward.

A motion was made by Mayor Pro Tem Amador to approve the reward as recommended by staff, seconded by Councilor Capuchino; unanimously approved (5 ayes).

DEPARTMENT REPORTS AND INFORMATIONAL ITEMS

1. City Manager

Interim City Manager Pauley reported that he provided info from the Census of how many people work in agriculture in our area; the need for computer systems replacements for the waste water treatment plant, and that the aerators and headworks are fine; that the visit of President Obama had him postpone the interviews for a new City Manager to February 28th; and that there are 3 candidates remaining for the position.

2. Police Department
 - a) Monthly Report

Chief of Police Galvin thanked the Council for approving the arson reward; that the department is healthy overall; crime is lower compared to this same time last year; personnel levels have remained the same; traffic enforcement has been going well; DUI arrests that were made recently; citations being handed out; that the City is going to apply for another grant to have saturation patrols to prevent DUI's; and that collision rates in the City are going down.

3. City Attorney
a) Update

City Attorney Boranian reported that she did a ride-along with Code Enforcement personnel; it was very helpful as she saw sites that needed attention; and that she continues to look for resources that will help the City deal with such blight and hazards.

MAYOR AND COUNCIL REPORTS AND INFORMATIONAL ITEMS

1. Council Member(s)

Mayor Pro Tem Amador thanked staff and the community for helping Mr. Steve Fugate, the "Love Life" walker, feel at home while he stayed in Mendota and attended the Public Safety Sub-committee meeting; and provided information on the upcoming WELL Conference in late March.

Councilor Riofrio talked about a recent interview with KVPR radio concerning the drought and its effects on the community and inquired as to anyone having information on President Obama's upcoming visit.

Councilor Capuchino reported that he met with representatives of the Mexican Consulate on Monday and had a nice discussion with them.

Councilor Valdez reported on information from the Baseball Commission meeting about the bathrooms being cleaned before the open market; that on Sunday on Sportscenter, ESPN will be featuring a short documentary on the Mendota Aztec Football Team; and the building that Mendota Youth Recreation is occupying and how sub-contractors are regulated by the City.

2. Mayor

Mayor Silva reported on the successful Annual Farmworker Appreciation Day and Resource Fair event; that he attended a meeting in Hanford regarding water; that he will be participating on a speaker's panel during the international ag show in Tulare; and that he has had a lot of media inquiries due to the effects of the drought.

CLOSED SESSION

1. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

CA Government Code § 54956.9(a): 1 case

2. CONFERENCE WITH LEGAL COUNSEL -- EXISTING LITIGATION
Government Code § 54956.9 (a)
City of Mendota v. Carlos Amaya - FCSC Case No. 11 CECG 01390
3. PUBLIC EMPLOYMENT
Government Code § 54957(b)
Title: Public Utilities Director
4. PUBLIC EMPLOYMENT
Government Code § 54957(b)
Title: Interim City Manager

At 9:01 p.m. the Council moved into closed session.

At 9:49 p.m. the Council reconvened in open session.

City Attorney Boranian stated that with regards to items number 1 through 4 there is nothing to report.

ADJOURNMENT

At the hour of 9:49 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).



Robert Silva, Mayor

ATTEST:



Matt Flood, City Clerk

