

**MINUTES OF MENDOTA
REGULAR CITY COUNCIL MEETING**

Regular Meeting **Tuesday March 12, 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 (6:01 p.m.), and Sergio Valdez.**

Council Members Absent: **None.**

Flag Salute led by Mayor Silva

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 Capuchino; unanimously approved (5 ayes).

PROCLAMATION

1. Proclamation No. 13-03: in honor of longtime Mendota resident Richard McGinnis.

Mayor Silva introduced the item and City Clerk Matt Flood read the proclamation into the record. Mr. McGinnis thanked the Council for the recognition.

PUBLIC HEARING

1. Council to perform the Second Reading of, and take Public Comment on, **Ordinance No. 13-03: An Ordinance of the City Council of the City of Mendota amending Mendota Municipal Code Chapter 12.20 of Title 12 relating to parks and recreation areas. [City Manager, Atkins]**

Mayor Silva introduced the item and City Manager Bryce Atkins summarized the changes that the ordinance would make related to the definitions of some terms, the

process of acquiring a permit for exclusive use, and the fees related to the use of the park.

Discussion was held on the criteria for requiring an exclusive use permit; using accessories such as inflatable bounce houses and waterslides in parks; the playing of soccer on grass that is not made for such; the problem of residents driving their cars in the park to drop off items for gatherings, or for other purposes; and the process of determining the amount of fees to be charged for use of the park.

At 6:14 p.m. Mayor Silva opened the hearing to the public and, seeing no members of the public interested in commenting, closed the hearing in that same minute.

A motion was made by Councilor Riofrio to adopt Ordinance No. 13-03, seconded by Councilor Valdez; unanimously approved (5 ayes).

2. Council to perform the Second Reading of, and take Public Comment on, **Ordinance No. 13-04:** An Ordinance of the City Council of the City of Mendota adding Chapter 8.30 to Title 8 of the Mendota Municipal Code related to abandoned residential property registration. [City Manager, Atkins]

Mayor Silva introduced the item and City Manager Bryce Atkins stated that this ordinance is based on one that the City of Selma has implemented with measured success; summarized the regulations that it would impose for recording, registering, fees, and penalties.

Discussion was held on the inclusion of provisions for dangerous buildings in the ordinance; how to deal with buildings that should be demolished; dealing with property owners that do not live in the area; that it applies to residential buildings only; and how the City is going to attempt to have owners cooperate willingly in complying with this law.

At 6:24 p.m. Mayor Silva opened the hearing to the public and, seeing no members of the public interested in commenting, closed the hearing in that same minute.

A motion was made by Councilor Riofrio to adopt Ordinance No. 13-04, seconded by Councilor Valdez; unanimously approved (5 ayes).

PRESENTATION

1. Julia Hernandez of Proteus, Inc. to present information on a new civic engagement grant received.

Mrs. Hernandez introduced information to the Council on a new grant that Proteus received to conduct an outreach program that would last 6 months and create focus groups for working around the San Joaquin River, including how the project will work; capacity building and implementation recommendations; economic development and

revitalization possibilities; and the timetable of the project.

APPROVAL OF MINUTES AND NOTICE OF WAIVING READING

1. Minutes of the Regular City Council Meeting of February 26, 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 Councilor Valdez; 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. FEBRUARY 26, 2013 THROUGH MARCH 6, 2013
WARRANT LIST CHECKS NO. 35927 THRU 35992
TOTAL FOR COUNCIL APPROVAL = \$161,053.17
2. Council accept the Belmont Avenue and State Route 33 Traffic Signalization Project as being complete and direct the City Clerk to record the Notice of Completion.
3. Council approve to direct the City Clerk to advertise the eastside streets project for construction bids in the Firebaugh-Mendota Journal, and set the bid opening date for Thursday, April 4, 2013.
4. Council adopt **Resolution No. 13-04**: A Resolution of the City Council of the City of Mendota in the matter of setting the registration fee for the Abandoned Residential Property Registration Code.
5. Council approve to enter into a professional engineering services agreement with Technicon for geotechnical engineering services, and authorize the City manager

to execute any and all associated agreements and documents.

Items 1 and 3 were pulled for separate consideration.

A motion was made by Councilor Riofrio to adopt items 2,4, and 5 on the Consent Calendar, seconded by Councilor Capuchino; unanimously approved (5 ayes).

1. FEBRUARY 26, 2013 THROUGH MARCH 6, 2013
WARRANT LIST CHECKS NO. 35927 THRU 35992,
TOTAL FOR COUNCIL APPROVAL = \$161,053.17

Discussion was held on the amount of sand that equals one load; the use of powder-coating on light fixtures at Rojas-Pierce Park; the amount the City pays for electricity and gas services; payment to the contract planner; and the possibility of saving money by purchasing oxygen tanks instead of renting them.

A motion was made by Councilor Riofrio to adopt item numbers 1 of the Consent Calendar, seconded by Councilor Valdez; unanimously approved (5 ayes).

3. Council approve to direct the City Clerk to advertise the eastside streets project for construction bids in the Firebaugh-Mendota Journal, and set the bid opening date for Thursday, April 4, 2013.

Discussion was held on the public interest concerning this project; the possibility of helping local contractors bid on some of these jobs; the regulations that all contractors must follow when bidding and working on public projects; and the strategy of having a list of bidders in City Hall that local contractors can refer to for sub-contractors.

A motion was made by Mayor Silva to adopt item number 3 of the Consent Calendar, seconded by Councilor Riofrio; unanimously approved (5 ayes).

BUSINESS

1. Council approve a budget line amendment to the Council Travel/Meetings fund and approve for Mayor Silva to travel to Sacramento to participate in the One Voice lobbying trip. [City Clerk, Flood]. [City Clerk, Flood]

Mayor Silva introduced the item and City Clerk Flood stated that Mayor Silva had received a request from the Fresno Council of Governments to join them on behalf of the City for a trip to Sacramento for lobbying purposes; that this would require an amendment to the line on the budget of about \$3,000 related to Council travel and training, which currently shows a deficit due to the League of California Cities Conference being more expensive than usual because of the location; and that it would cost approximately \$700 to send the Mayor to Sacramento to lobby for Mendota and the region.

A motion for approval of the line item budget amendment and to have Mayor Silva travel to Sacramento to represent Mendota was made by Councilor Riofrio, seconded by Councilor Valdez; unanimously approved (5 ayes).

2. Council discussion and consideration regarding the applications for exclusive use of City facilities for the year 2013. [City Manager, Atkins. [City Manager, Atkins]

Mayor Silva introduced the item and City Manager Atkins stated that this is an annual item that determines the approval of exclusive use permits requested by various organizations for public facilities; and that the approval will be conditional as many organizations have not, as of yet, provided all of the necessary documentation to satisfy the requirements.

Discussion was held on the status of negotiating City ownership of the Community Center with the Mendota Unified School District; the ability of the City to be able to provide exclusive use; the compliance of the Community Center with the Americans with Disability Act (ADA) requirements, and the calculated risk the City takes because of this.

Raul Varela (263 J Street) – requested that the Council consider raising the amount of the deposit required in order to use the Community Center so that there is more of an incentive to not damage it and to clean it.

Discussion was held on the ability of the City to justly determine if a deposit should be returned or not; the controlling of keys; the condition of the Heating, Ventilation, and Air Conditioning (HVAC) system in the Community Center; and how the deposit to use the Center is calculated.

Hector Garcia (Iglesia Maranatha) – commented on the poor condition that the Community Center was left in when a party had rented it a day before he rented it on a Sunday.

Discussion was held on the possibility of letting Iglesia Maranatha put new blinds up in the Community Center, and City Manager Atkins said that the Mendota Unified School District would have to determine that since they are the legal owners.

A motion for approval was made by Councilor Mayor Pro Tem Amador, seconded by Councilor Riofrio; unanimously approved (5 ayes, with Councilor Valdez abstaining from voting on Mendota Youth Recreation's exclusive use permit).

DEPARTMENT REPORTS AND INFORMATIONAL ITEMS

1. City Manager

City Manager Atkins reported that Mayor Silva, Mayor Pro Tem Amador, and staff recently visited with Assemblymember Perea and representatives from the Department

of Motor Vehicles and CalTrans in Sacramento regarding local issues and that it was successful; that the court monitoring setup is projected to finish under budget and that staff will have a training with personnel from Fresno County on the 19th of March; that staff submitted a grant to Pacific Gas and Electric (PG&E) for \$2500 to help beautify Rojas-Pierce Park; that staff met with a representative from Fastenal about possibly locating a store in Mendota; and that the Fastenal vending machines are up and running in the public works department.

2. Code Enforcement
a) Monthly Report

Code Enforcement Administrative Assistant Andreina Ochoa reported on activities including the abatement of properties with a hazardous amount of weeds on them; the problems related to abandoned homes; and the new Community Service Officer that was hired.

3. Police Department
a) Monthly Report

Chief of Police Jerry Galvin reported on the increase in crime that happened in February; the challenges that occur when Fresno County does not discourage recidivism by releasing inmates before they complete their whole sentence; traffic issues within the City; the false bomb alarm at Mendota High School; the stabbing at Ambiente Tropical Restaurant including the subsequent suspension of their license to hold dances; and other significant cases that resulted in the seizure of drugs.

Discussion was held on the conditions under which the City and its volunteers can enter private property to abate a health and safety hazard; abandoned cars that were towed; operations other cities carry out that are undermined by the early release of those caught by the County; the drug problem that exists in Mendota; the fear that exists among residents of calling the police to report neighbors or people they know; drag-racing that occurs on certain streets; the hazard faced by minors walking to school crossing Derrick by Straw and Tuft Streets; and the California Highway Patrol towing vehicles.

MAYOR AND COUNCIL REPORTS AND INFORMATIONAL ITEMS

1. Council Members

Councilor Valdez asked about the basis for the \$50 deposit required by organizations to be able to have a fireworks stand. City Manager Atkins stated that it is a deposit in order to provide an additional reason for organizations to restore the space that they use to its original condition immediately after they are done.

Councilor Valdez asked for clarification on the purpose of the Amplified Music Permit and discussion was held on the original intention of it and how the provisions of the law would apply to different scenarios.

2. Mayor
 - a) WELL Water Conference

Mayor Silva stated that he has been invited to a conference that will be next week in Los Angeles that will focus on water distribution and use; that there are more scholarships available for those that wish to attend.

CLOSED SESSION

1. Anticipated Litigation
Pursuant to Government Code Section 54956.9(b)(1) and (b)(2)
Two (2) cases
2. 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)


At the hour of 8:10 p.m. the Council went into closed session.

At the hour of 9:07 p.m. Mayor Silva reconvened the Council to Open Session and City Attorney Watson stated that there was no reportable interests on the first item; and that on the second item, the City Manager was provided instructions from Council.

Mayor Pro Tem Amador reported that he took a tour with the City Manager and that they discovered a lot of issues that needed to be addressed.

ADJOURNMENT

At the hour of 9:10 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 Valdez; unanimously approved (5 ayes).



Robert Silva, Mayor

ATTEST:

