

**MINUTES OF MENDOTA  
REGULAR CITY COUNCIL MEETING**

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**Regular Meeting**                      **Tuesday June 11, 2013**

**Meeting called to order by Mayor Robert Silva at 6:04 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 City Manager Bryce Atkins**

**FINALIZE THE AGENDA**

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

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

**PRESENTATIONS**

1.     Commendation by Chief of Police Jerry Galvin of Corporal Joel Warkentin and Corporal Martha Rodriguez for outstanding and professional action on the afternoon of April 24, 2013.

Mayor Silva read the item and City Clerk Flood read the commendation. Chief Galvin gave background information on the incident, Certificates of Recognition were presented to the officers by the Council and they were thanked for their efforts.

**PROCLAMATIONS**

1.     Proclamation No. 13-08: Proclaiming 2013 as the "Year of the Child".

Mayor Silva introduced the item and City Clerk Flood read the proclamation into the record.

## **PUBLIC HEARING**

1. Council take public comment and adopt **Resolution No. 13-13**: A Resolution of the City Council of the City of Mendota in the matter of authorizing the placement of special assessments on the 2013/2014 tax roll for the 2012/2013 nuisance abatement costs. [City Clerk, Flood]

Mayor Silva introduced the item, City Clerk Flood summarized his report stating that weeds on various properties have been abated by the City because of the property owner's failure to do so; requirements for levying the cost incurred on the property owners in the form of a tax assessment on the property; and the cost to be recuperated for the abatement of the involved properties. Code Enforcement Administrative Assistant Andreina Ochoa summarized how offending properties are identified; the notices sent out; the abatement; cost report; and the appeal hearing requirement.

Discussion was held on the purpose of keeping property within the City clean; and the hazards presented by weeds, animals; and fires.

At 6:16pm Mayor Silva opened the hearing to the public and seeing no one wishing to speak, closed the hearing in that same minute.

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

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

1. Minutes of the Regular City Council Meeting of May 28, 2013 and the Special Meeting of June 4, 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 Mayor Pro Tem Amador; unanimously approved (5 ayes).

## **CITIZENS ORAL AND WRITTEN PRESENTATIONS**

Joe Gomez (2033 7<sup>th</sup> Street) – Stated that the Community Service Officers should focus on illegal housing problems; Council should pay attention to the specific noise concerns that people bring up; that the abatement of weeds by the City is an intrusion of private property rights; unresolved situations regarding Fire Prevention Services and a beautification task force; and that he is receiving bills from a collection company for an unpaid bill that was charged by the City.

**CONSENT CALENDAR**

1. MAY 30, 2013 THROUGH JUNE 6, 2013  
WARRANT LIST CHECKS NO. 36331 THRU 36377  
TOTAL FOR COUNCIL APPROVAL = \$429,567.27
2. Council conditionally approve the fireworks sales permits for 2013.
3. Council approve to enter into the Fiscal Year 2013-2014 Agreement with the Economic Development Corporation serving Fresno County, and authorize the City Manager to execute all associated contracts and documents.
4. Council authorize Amendment No. 2 to Agreement No. 2012-0705 for the Eastside Streets Reconstruction Project, in the amount of \$3,825.00.
5. Council approve to enter into the Waste Collection and Recycling Franchise Agreement with Mid-Valley Disposal, and authorize the Mayor to execute any and all associated agreements and documents.

Councilor Riofrio requested to pull items 1 and 4, and Councilor Valdez requested to pull item 2 from the Consent Calendar.

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

1. MAY 30, 2013 THROUGH JUNE 6, 2013  
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TOTAL FOR COUNCIL APPROVAL = \$429,567.27

Councilor Riofrio referred to warrant #36375, that also covers Consent Calendar item 4, and led a discussion on ensuring that the quality of work done on the Eastside Streets project is acceptable.

Councilor Valdez referred to warrant #36350 and asked about the cost of purchasing a rotary tiller as opposed to renting one.

2. Council conditionally approve the fireworks sales permits for 2013.

Councilor Valdez led a discussion on the nature of the process and application to be able to run a fireworks stand in the City, including the need for front office staff to not accept an application until all the appropriate documentation has been turned in with it. City Manager Atkins stated that all applicants did not have the City of Mendota listed as additional insured on their insurance certificate, and that is why staff is recommending an approval of all applications with the condition that all organizations turn in the required backup documentation.

Lee Ann Eager (CEO, Economic Development Corporation) – Referring to Consent Calendar item 3, reported to the City Council on the new employers on the west side of Fresno County, as well as various programs implemented to help businesses.

A motion was made by Councilor Riofrio to adopt items 1, 2, and 4 of the Consent Calendar, seconded by Mayor Pro Tem Amador; unanimously approved (5 ayes).

## **BUSINESS**

1. Council perform the first reading of **Ordinance No. 13-06**: An Ordinance of the City Council of the City of Mendota amending sections 9.05.020, 9.05.040 and 9.05.045 relating to excessive noise and Amplified Music Permits, and set the public hearing for June 25, 2013. [City Manager, Atkins]

Mayor Silva introduced the item and City Manager Atkins reported that a public forum was held, and testimony taken, concerning the item at hand, and that staff created an ordinance with the proposed changes included.

Olivia Morales (316 J St.) – Summarized the history of those that have been working to change the ordinance; wants a permit to allow residents to play music until 12 a.m.; and complained about the manner in which the Police Department reported to a call at her house.

Lucy (219 Santa Cruz) – Stated that parties are mostly held during the summer months and only last for hours; and suggested that the DJ's reduce the amount of speakers that they have.

Flor Larreynaga (201 Espinoza) – Stated that residents should be allowed to play music until midnight and stated that it is better to have people in houses recreating safely than to be out causing trouble.

Blanca Ibarra (No Address Given) – Stated that houses are purchased for homeowners to enjoy certain rights; is opposed to the limit of 10 p.m.; and is happy that Mendota has a Police Department.

Mary Avitia (618 Juanita) – Stated that a solution needs to be found; that the new regulations proposed are good, but that there should also be a measure regulating the volume of the music.

Code Enforcement Administrative Assistant Andreina Ochoa provided information regarding the intention and purpose behind the issuance of an Amplified Music Permit; and the routine courtesy notice that the Community Service Officers give to those with permits.

Discussion was held on the balance that the City Council is trying to achieve between those that want to have ample time to celebrate with music and those that want peace and quiet.

Martha Ibarra (No Address Given) – Stated that turning off the music at 10 p.m. does not allow residents much time to have fun.

Discussion was held on the problems that can arise by extending the Amplified Music Permit until midnight; alcohol use posing a security problem; the importance of the host controlling the party; staff being consistent in the way they explain the terms of the Amplified Music Permit; and the problems that arise from residents calling Council Members and residents having confrontations with police.

Chief Galvin explained that the Police Department cites those that do not have permits and that it is the department's responsibility to enforce the law.

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

2. Council discussion and consideration of the proposal by Baker Farms to rent City land at the Wastewater Plant for the pumping of water into the Mendota Pool.  
[City Manager, Atkins]

Mayor Silva read the item and City Manager Atkins reported that staff received a request to lease City land to pump water into the Mendota Pool; summarized the report of findings from the investigation into the possibility of doing so and the meetings with representatives from Baker Farms; problems the City had in the past with pumps used by Fordel, Inc.; the problems related to the pumping of aquifer water; and other water issues such as salinity, and costly litigation with other interested parties.

Barry Baker (Baker Farms) – Stated that he is looking for a place to get water for farming on the west side of Fresno County; that he will not take any more water than he is allotted, but just trying to get it from different sources; and that this water district got a poor allocation of water from the federal water project.

Discussion was held on the problems associated with well drilling; the concerns of drawdown of the water table; and how Baker Farms normally manages the water table, salinity issues, etc. when pumping water.

Bill Pipes (Consultant for the Mendota Pool Group) – Stated that he represents 11 farmers that make up his group; that a lot of money was spent on doing EIS/EIR's, and the agreements made with the parties involved; the water is going to be pumped whether by Mr. Baker's operation or by another as it is contracted; the water quality varies at the slough; once the requested well becomes operational, others will be stopped so as to pump the same amount of water; and that water quality would improve

Discussion was held on the amount of wells Fordel was operating; the 2,000 acre-feet that the City of Mendota is allocated each year and the actual process used to transfer that water; the Council's responsibility to protect the health and safety of its citizens; the benefit of receiving revenues versus the cost of overextending natural resources; deals made in the past with other entities in order to help put people to work; the controversy that comes from the pumping of water by the Mendota Pool Group; and the direction of travel of the underground aquifer.

Steve Chedester (San Joaquin River Exchange Contractors Water Authority) – Stated that BB Ltd. Wants a controlled environment around the Mendota Pool; that they have had a good relationship with the City; and would like to see the agreement denied so that this can be worked out amongst the parties involved internally. Mr. Chedester gave a history of the drought from 1987-1992; groundwater pumping that has caused groundwater degradation; and expressed desire to maintain order and control over the exchange group.

Darrell Vincent (BB Limited) – Stated that his company shut off its own wells in order to protect the water and avoid a race to the bottom of the aquifer; is entitled to 2,000 acre-feet but never draws it; and has abandoned wells next to some City wells.

Discussion was held on the attractiveness of the offer by Baker farming; that the Police Department is currently leasing a building owned by Baker Farms; the high likelihood of litigation in this case; and the merit of following the staff recommendation.

A motion was made by Councilor Capuchino to deny the proposal from Baker Farms; seconded by Councilor Valdez; unanimously approved (5 ayes).

3. Council discussion and consideration of a potential budget amendment in the General Fund to the Police Explorer's Fund. [City Manager, Atkins]

Mayor Silva introduced the item and City Manager Atkins reported that Mayor Silva made a request to donate from the Community Promotions fund to the Mendota Police Explorers.

A motion was made by Councilor Riofrio to donate the balance of the Community Promotions fund to the Mendota Police Explorers; seconded by Mayor Pro Tem Amador; unanimously approved (5 ayes).

4. Council discussion and consideration of the Mayor's attendance at the League of California Cities Latino Caucus meeting on July 12-13. [City Manager, Atkins]

Mayor Silva introduced the item and City Manager Atkins stated that Mayor Silva requested to attend the annual meeting of the League of California Cities Latino Caucus; that a reservation to the hotel had already been made in order to lock in a discounted rate before a certain deadline; and the reservation could be cancelled without penalty if the Council does not approve the item.

Mayor Silva explained what the LOCC Latino Caucus is and that he is a member of its board.

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

## **DEPARTMENT REPORTS AND INFORMATIONAL ITEMS**

### 1. City Manager

City Manager Atkins reported that staff has received an agreement from the Department of Motor Vehicles and that it will be brought up in the near future; Staff met with David Fey, the new Executive Director of LAFCO, and spoke with him about the Don Alejandro project annexation, Westlands Water District land donation, and other pertinent issues; Staff met with Jesse Lopez of one of the Joaquin Murrieta groups; Ron Manfredi of Firebaugh reported that Horizon Nuts might locate between Firebaugh and Mendota, which could provide a significant amount of jobs in the region in the near future; and that he would be out of the office June 13-14 on vacation.

### 2. Code Enforcement a) Monthly Report

Code Enforcement Administrative Assistant Andreina Ochoa reported that they have been working on sending out emergency weed and other nuisance abatement notices to additional properties; that they have been driving around to survey for potential future problems; gave a summary of significant cases recently dealt with; recent efforts to cite vendors that are operating illegally; and the work of the department on abandoned properties.

Discussion was held on problems with transients and others in abandoned housing; and having property owners take care of the alleys adjacent to their properties.

### 3. Police Department a) Monthly Report

Chief Galvin reported that there has been a decrease in the overall crime rate; that traffic enforcement efforts continue; eight drunk drivers were arrested last month; violent crime is down 42%, but property crime is up 21%; and that the department recovered an assault rifle on a significant case.

Discussion was held on vandalism in parks; a recent incident where a group of young men were destroying the barbecue pit in Rojas-Pierce Park.

**MAYOR AND COUNCIL REPORTS AND INFORMATIONAL ITEMS**

1. Council Member(s)

Councilor Valdez inquired as to why Code Enforcement positions were not advertised when the new animal control position and public works positions were; Mendota Youth Recreation will be hosting the under-10 qualifier tournament next week, and that something should be done about the flagpole and parking at the baseball field; and asked if the Community Service Officers are still using the Police Department's marked cars.

2. Mayor

Mayor Silva reported that there is a problem in Mendota with the amount of dogs that are running loose.

**CLOSED SESSION**

1. Anticipated Litigation  
Pursuant to Government Code Section 54956.9(b)(1) and (b)(2)  
One (1) case

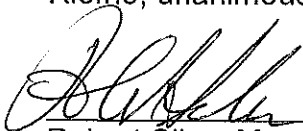
At 8:41pm the Council moved into closed session

At 8:46pm the Council reconvened in open session.

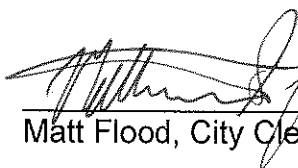
City Attorney Tom Watson stated that there was no reportable action taken.

**ADJOURNMENT**

At the hour of 8:46 p.m., with no more business to be brought before the Council, a motion for adjournment was made by Councilor Capuchino, with a second by Councilor Riofrio; unanimously approved (5 ayes).

  
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Robert Silva, Mayor

ATTEST:

  
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Matt Flood, City Clerk

