

**MINUTES OF MENDOTA  
REGULAR CITY COUNCIL MEETING**

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**Regular Meeting**                      **Tuesday February 26, 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, and Sergio Valdez.**

**Council Members Absent:**            **None.**

**Flag Salute led by Councilor Sergio Valdez**

**FINALIZE THE AGENDA**

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

City Manager Bryce Atkins requested to add a closed session item to the agenda regarding the potential for litigation, and changing business item 2 to a closed session item to be considered at the March 12, 2013 regular meeting.

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

**PUBLIC HEARING**

1.     Council to perform the Second Reading of, and take Public Comment on, **Ordinance No. 13-01:** An Ordinance of the City Council of the City of Mendota amending Sections 8.12.030(c) and 8.12.100(a) and adding Section 8.12.120 of Chapter 8.12 of Title 8 of the Mendota Municipal Code relating to firework stands.

Mayor Silva introduced the item and City Manager Atkins stated that this ordinance amends the Mendota Municipal Code (MMC) so that it complies with the state fire code and summarized a change in the MMC that would allow fireworks stands to be in commercial districts.

At 6:04 p.m. Mayor Silva opened the hearing to the public.

Vince Bergland (CAL FIRE Battalion Chief) - Chief Bergland talked about the general requirements for fireworks stands and explained that he worked with City Manager Atkins in order to improve safety and prevent accidents.

Raul Varela (263 J Street) – Commented on what is allowed in terms of storage for those organizations that have a stand and are selling fireworks.

Discussion was held on the accidents involving fireworks that happen every year; the California State Fire Marshall and National Fire Protection Association standards for handling fireworks safely; and the law concerning the storage of fireworks.

At 6:12 p.m. Mayor Silva closed the hearing to the public.

Discussion was held on the exclusive operation of fireworks stands by non-profit organizations in Mendota; and the viability of allowing private citizens to operate a stand for profit.

A motion to adopt Ordinance No. 13-01 was made by Councilor Riofrio, seconded by Councilor Capuchino; unanimously approved (5 ayes).

## **PRESENTATION**

1. Ivette Rodriguez from Mid Valley Disposal to present Council with the 3<sup>rd</sup> and 4<sup>th</sup> Quarter update.

Ivette Rodriguez from Mid Valley Disposal presented information on their annual luncheon; the City's compliance with the provisions of AB341; outreach efforts made to local businesses to increase compliance; visits to schools to do informational presentations for students; awards presented to businesses that have done exceptional in diverting recyclables from the landfill; the multi-family residence recycling program; community events in Mendota that Mid Valley staff attended; the 2012 tonnage report for the 3<sup>rd</sup> and 4<sup>th</sup> quarter; how the overall diversion rate is calculated; and how all of this information is included in the report to the City.

Discussion was held on the feedback received when Mid Valley “tags” a bin for putting the items in the wrong bin, and the outreach and education activities that help prevent future violations; and the difficulty in recycling Styrofoam.

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

1. Minutes of the Regular City Council Meeting of February 12, 2013, and the Special City Council Meetings of January 12, 2013, January 30, 2013, and February 20, 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 Capuchino; unanimously approved for the meetings of January 12, 2013 and February 12, 2013 (5 ayes), approved (4 ayes and 1 abstention: Valdez) for the meeting of February 20, 2013, and approved (4 ayes and 1 abstention: Capuchino) for the meeting of January 30, 2013.

### 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.

3. Council conduct the first reading of **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, and set the public hearing for March 12, 2013.

Councilors Riofrio and Valdez requested to pull item 1 and Mayor Silva requested to pull item number 2 from the Consent Calendar for consideration.

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

1. FEBRUARY 8, 2013 THROUGH FEBRUARY 20, 2013  
WARRANT LIST CHECKS NO. 35869 THRU 35926  
TOTAL FOR COUNCIL APPROVAL = \$307,304.20

Councilor Riofrio referred to warrant number 35945 and asked if the street sweeper is working. Public Works Director Ron Demmers stated that it is but still breaks down and becomes inoperable often.

Councilor Riofrio referred to warrant number 35900 and asked what a Roll-Off exchange is. Finance Director Rudy Marquez explained that it is a large bin for dumping trash that is transported via a large truck.

Discussion was held on the rumored closure of the American Avenue landfill and the checking of city owned buildings for asbestos.

Councilor Valdez referred to warrant number 35888 and asked if staff has received any information on the city's ability to recuperate costs related to tests done during the course of DUI investigations.

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

2. Council conduct the first reading of **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, and set the public hearing for March 12, 2013.

Mayor Silva stated that he would like City Manager Atkins to summarize the provisions of this ordinance as its changes are many.

City Manager Atkins summarized the changes the ordinance would make to the chapter of the MMC in question including the permit processing and fees; the ability it gives to assess a fee for the use of the Community Center; other fees that could be charged for the use of other facilities; the Mendota Unified School District's action planned for the near future to resolve ownership of the Community Center; the amount budgeted for Americans with Disabilities Act (ADA) improvements; the policies specific to each park; the problems and challenges related to the Pool Park; the clarification of the definition of the timely submittal of an application; and having the Council be the determining party in setting appropriate compensation for the use of parks.

Discussion was held on the soccer field and the lack of recreation opportunities for those that want to play soccer; the riding of horses in Mendota parks; the allowance of beer gardens; how fees for permits will be decided; and the use of reserve officers in and by Firebaugh for events.

A motion was made by Mayor Silva to adopt item number 2 of the Consent Calendar, seconded by Councilor Riofrio; unanimously approved (5 ayes).

## **BUSINESS**

1. Council discussion and consideration of the structure and nature of the proposed Baseball Committee. [City Manager, Atkins]

Mayor Silva introduced the item and City Manager Atkins summarized the discussion that has been held in other meetings concerning the formation of this committee and stated that if the committee is to be delegated authority that the MMC dictates the committee have a certain structure and follow certain rules.

Discussion was held on the nature of the Public Safety Sub-committee as an advisory committee; the frequency of meetings; and the motion and action needed to formally form the committee.

A motion was made by Councilor Riofrio to officially form the City of Mendota Baseball Committee, seconded by Councilor Valdez; unanimously approved (5 ayes).

2. Council discussion and consideration regarding the Lara Landscaping contract.  
[City Manager, Atkins]

(This item was continued, as an adjustment to the agenda, to be scheduled as a closed session item at a future meeting.)

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

1. City Manager

City Manager Atkins reported that on March 6<sup>th</sup>, Staff would be traveling to Sacramento to meet with Assemblymember Henry T. Perea, and leadership of the Department of Motor Vehicles and Caltrans; today an optional pre-bid meeting was held for the Safe Route to School project that will begin soon; and the Designated Local Authority and Oversight Board of the Successor Agency of the Mendota Redevelopment Agency will meet this Friday.

2. Public Works
  - a) Monthly Report

Public Works Director Demmers summarized his report and emphasized that the public works staff would be using a combination of hot and cold mix to patch up the streets around Mendota; and that the Fastenal vending and locker machines will be here by the end of the month.

Discussion was held on the lack of graffiti in Mendota due to the diligent follow-up by public works employees; that the baseball field will be ready for opening day ceremonies; the lack of percolation in the Waste Water Treatment Ponds; and the training that will be provided for employees before the newly installed vehicle lift is used.

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

1. Council Member(s)

Councilor Capuchino reported that there are problems with traffic congestion on Barboza Street and Bass Avenue, as well as Perez Street, such as people traveling in the wrong direction in order to avoid a U-turn to arrive at the health clinic.

Councilor Valdez inquired as to the status of the installation of new hydrants and how many currently do not work.

2. Mayor

Mayor Silva reported that he and staff met with some City Managers from the west side of Fresno County and that good info was shared and received.

**CLOSED SESSION**

1. Pursuant to California Government Code Section 54956.9(b)(1): existing facts and circumstances that there is a significant exposure to litigation.  
One (1) case.

At 7:42 p.m. the Council moved to closed session.

At 8:09 p.m. the Council reconvened into open session and City Manager Atkins reported that with respect to the item in question there was discussion and no reportable action.


Mayor Pro Tem Amador requested that staff look into, and bring back info on, expediting the repair of the Pool Park.

**ADJOURNMENT**

At the hour of 8:10 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 Capuchino; unanimously approved (5 ayes).

  
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Robert Silva, Mayor

ATTEST:

  
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Matt Flood, City Clerk

