

# DOS PALOS CITY COUNCIL

## REGULAR MEETING AGENDA

City-County Building, 1554 Golden Gate Avenue  
Dos Palos, California, USA

**6:00 pm, Tuesday, December 20, 2022**

### A. CALL TO ORDER:

*by Mayor April Hogue*

#### 1. Flag Salute:

*by Councilmember Debbie Orlando*

#### 2. Invocation:

*by Councilmember Thomas Pigg*

#### 3. Roll Call:

*by City Clerk Ysidro Garcia*

#### 4. Urgency Additions or Deletions:

*Requires urgency and four affirmative votes*

#### 5. Public Comment:

*At this time, anyone present may comment upon any city-related business item, which is not on this agenda. Please state your name and address for the record. Please be concise and avoid repetition. The mayor may limit you to one presentation not to exceed two minutes in length. State law now requires at least twice as much time be allotted to a member of the public who utilizes a non-English translator. Action, if necessary, is limited to staff referral, or with special conditions, placement on a future agenda.*

### B. UNFINISHED BUSINESS:

1. Certified Final Official Election Results of the  
November 8, 2022 Municipal Election.

Report  
Discussion  
Action

2. Oath of Office to Councilmembers Elect  
Thomas Pigg and Debbie Orlando.

Administered by  
City Attorney Michael Linden

3. Appoint Ysidro Garcia, City Clerk and Lori Lima,  
Treasurer to fill a Term Ending November 15, 2024.

Report  
Discussion  
Action

4. Oath of Office to City Clerk Ysidro Garcia and  
City Treasurer Lori Lima.

Administered by  
City Attorney Michael Linden

5. Oath of Office to Police Officer Adam Coronado  
and Reserve Officer Tommy Flores.

Administered by  
City Attorney Michael Linden

**C. CONSENT CALENDAR:**

Action

1. Approval of the Minutes of the November 15, 2022 Regular Meeting.
2. Approval of the Pre-Paid for November 2022.
3. Approval of the Warrants for December 2022.

**D. NEW BUSINESS:**

1. Hear Planning Commission Appeal for a Smoke Shop  
Located at 1657 Center Avenue. Report  
Discussion  
Action
2. Ordinance 433, Amending Dos Palos Municipal Code  
Section 17.60, Off-Sale and On-Sale of Alcohol. Waive Second Reading  
Second Public Hearing  
Adoption
3. Ordinance 435, Amending Dos Palos Municipal Code  
Section 6.09, Dangerous Dogs. Waive Second Reading  
Second Public Hearing  
Adoption
4. Review City Council Assignments. Report  
Discussion  
Action

**E. CORRESPONDENCE, EVENTS, COUNCIL & STAFF REPORTS:**

1. City Engineer.
2. Utilities.
3. Public Works.
4. Police.
5. City Attorney.
6. City Council.
7. Finance and Personnel.
8. City Manager.
9. Mayor.

**F. ADJOURNMENT *in memory of local departed:***

Archie Swindle Jr. 83  
Patricia Ann Jones 82  
Jim Christopher Neal 61  
Lavern Brewster Jenkins 70  
Glenn Leon Howard III 42  
Joey Orlando 37  
Zeferino Alvarado Vega 19

***Disclosures and Information:***

The 97<sup>th</sup> City Council consists of Mayor April Hogue, Mayor pro Tempore Armando Bravo, Councilmember Thomas Pigg, Councilmember Debbie Orlando, and Councilmember Marcus Porter. The 45<sup>th</sup> Council Session is now in session and ends on November 15, 2024. The next available numbers of record are Ordinance #436 and Resolution 2022-14. Per 54954.2(a)(1), the City's website [cityofdospalos.org](http://cityofdospalos.org) may be down intermittently or temporarily for maintenance or repairs.

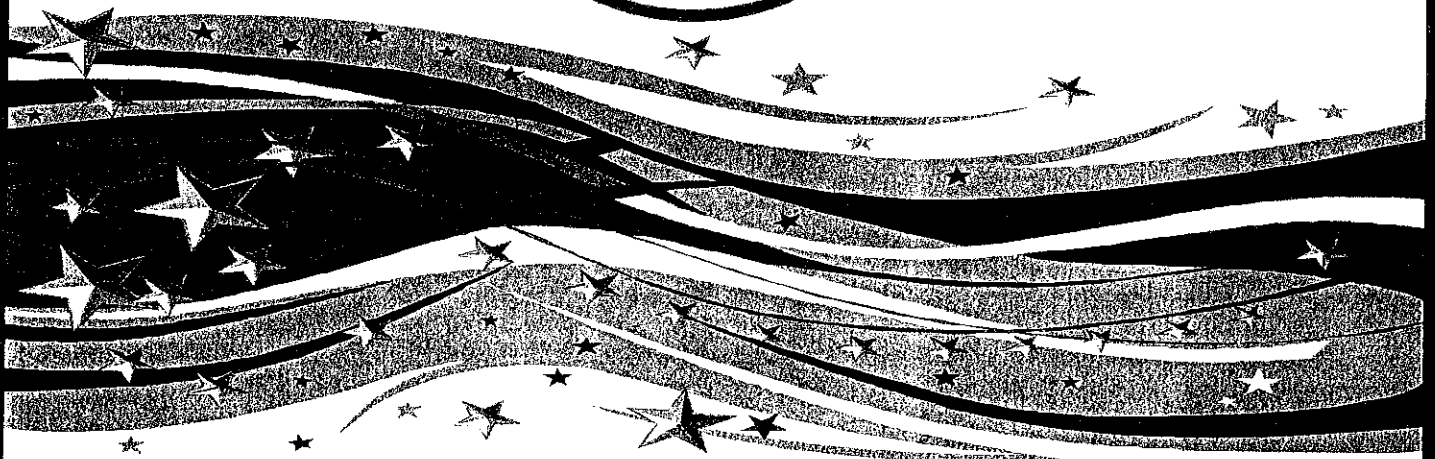
©City of Dos Palos, Inc., website: [www.cityofdospalos.org](http://www.cityofdospalos.org)  
2174 Blossom Street, Dos Palos CA 93620, (209) 392-2174, email:  
[cityofdp@cityofdp.com](mailto:cityofdp@cityofdp.com)



## **STATEMENT OF VOTE**

**GENERAL ELECTION  
NOVEMBER 8, 2022**

**DARLENE E. INGERSOLL  
REGISTRAR OF VOTERS**

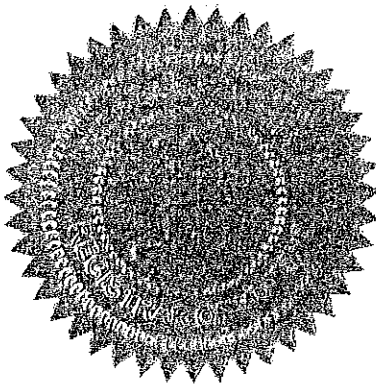


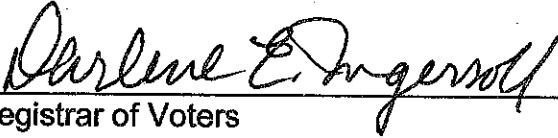
**CERTIFICATION OF  
REGISTRAR OF VOTERS OF THE  
RESULTS OF THE CANVASS  
OF THE NOVEMBER 8, 2022, GENERAL ELECTION**

STATE OF CALIFORNIA }  
COUNTY OF MERCED } ss.

I, **Darlene E. Ingersoll**, Registrar of Voters of County of Merced, do hereby certify that, in pursuance to the provisions of Elections Code Section 15300, et seq., I did canvass the results of the votes cast in the **General Election** held in said County on **November 8, 2022**, for measures and contests that were submitted to the vote of the voters, and that the Statement of Votes Cast, to which this certificate is attached is full, true and correct.

I hereby set my hand and official seal this **22<sup>nd</sup>** day of **November, 2022** at the **County of Merced**.



  
\_\_\_\_\_  
Registrar of Voters  
County of Merced  
State of California

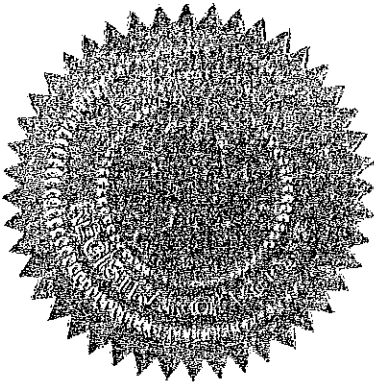
# HELP AMERICA VOTE ACT OF 2002 CERTIFICATION OF ELECTIONS OFFICIAL

STATE OF CALIFORNIA }  
COUNTY OF MERCED } ss.

Pursuant to the statewide voter registration list requirements set forth in the Help America Vote Act of 2002 (HAVA) 52 U.S.C § 21083),

I, **Darlene E. Ingersoll**, Registrar of Voters for the **County of Merced**, State of California, hereby certify that I complied with all provisions of Chapter 2 of Division 7 of Title 2 of the California Code of Regulations for the Federal election held on the **8<sup>th</sup> day of November 2022**, in the **County of Merced**, State of California, and all elections consolidated therewith.

I hereby set my hand and official seal this **22<sup>nd</sup> day of November, 2022** at the **County of Merced**.



*Darlene E. Ingersoll*  
Registrar of Voters  
County of Merced  
State of California

Merced County  
General Election  
November 8, 2022

Summary Results Report  
Official Certified Results  
Final Election Update

**City of Atwater Mayor**

Vote For 1

	TOTAL
JOHN GALEN CALE	1,977
MIKE NELSON	4,221
Write-In Totals	49
Not Assigned	49
<b>Total Votes Cast</b>	<b>6,247</b>
Overvotes	3
Undervotes	386
Contest Totals	6,636
Precincts Reporting	14 of 14

**City of Atwater Councilmember, District 3**

Vote For 1

	TOTAL
DANNY AMBRIZ	533
JAMES E. MURPHY III	482
Write-In Totals	11
Not Assigned	11
<b>Total Votes Cast</b>	<b>1,026</b>
Overvotes	1
Undervotes	104
Contest Totals	1,131
Precincts Reporting	3 of 3

**City of Atwater Councilmember, District 4**

Vote For 1

	TOTAL
BRIAN RAYMOND	1,533
Write-In Totals	74
Not Assigned	74
<b>Total Votes Cast</b>	<b>1,607</b>
Overvotes	0
Undervotes	359
Contest Totals	1,966
Precincts Reporting	3 of 3

**City of Dos Palos Councilmember**

Vote For 2

	TOTAL
DEBORAH ANN ORLANDO	520
THOMAS LEE PIGG	668
Write-In Totals	24
Not Assigned	24
<b>Total Votes Cast</b>	<b>1,212</b>
Overvotes	0
Undervotes	866
Contest Totals	2,078
Precincts Reporting	6 of 6

## **Dos Palos City Council Minutes**

**November 15th, 2022**

- A. CALL TO ORDER:** Mayor April Hogue called a regular meeting of the Dos Palos City Council to order at 5:34 pm in the City-County Building at 1546-1554 Golden Gate Avenue in Dos Palos, California on Tuesday, November 15<sup>th</sup> 2022.
1. Roll Call: City Clerk Ysidro Garcia called Roll finding all City Councilmembers present: Mayor April Hogue, Councilmember Thomas Pigg, Councilmember Armando Bravo, and Councilmember Marcus Porter. Absent: Mayor Pro Tem Orlando.
- B.** Adjourned to Close Session at 5:35pm.
1. Conference with Legal Counsel per California Government Code 54954€, 54957(b)(1); Personnel: Chief of Police.
  2. Conference with Legal Counsel per California Government Code 54954€, 54957(b)(1); Personnel: Utility Operator.
- C.** Reconvene in Open Session at 6:01pm.
1. The Pledge of Allegiance was led by Mayor Hogue.
  2. Invocation was led by Councilmember Thomas Pigg.
  3. Urgency, Additions or Deletions: None.
  4. Public Forum: Olga Flores thanked the council for their support of the Halloween Festivities. Also adding she was ready for the Toy Drive December 18<sup>th</sup>.

**Others Present** Included: City Attorney Mike Linden , City Manager Dewayne Jones, and Various others.

**D. Commendations, Presentations, and Proclamations:**

1. A proclamation honoring Larry Bonds Sr was presented to his son Larry Bonds Jr. Larry thanked Dos Palos and the Council for the proclamation.
2. A presentation for SB 1383 was presented by Joe Heisdorf and Billy from Mid Valley Disposal.



#### **E. Consent Calendar:**

1. It was moved by Councilmember Pigg and Seconded by Councilmember Bravo to approve the Pre-Paid for October 2022. The motion passed 4-0 as follows: AYES: Hogue, Pigg, Bravo, and Porter. NOES: None. ABSENTATIONS: None. ABSENT: Mayor Pro Tem Orlando.
2. It was moved by Councilmember Pigg and Seconded by Councilmember Bravo to approve the Warrants for November 2022. The motion passed 4-0 as follows: AYES: Hogue, Pigg, Bravo, and Porter. NOES: None. ABSENTATIONS: None. ABSENT: Mayor Pro Tem Orlando.

#### **F. Business:**

1. Ordinance 433, Off-Sale and On-Sale of Alcohol was tabled.
2. Ordinance 434 , Adopting by Reference, the 2022 California Building Codes was presented by City Manager Dewayne Jones. Following the report it was moved by Councilmember Pigg and Seconded by Councilmember Porter to Waive the Second Reading. The motion passed 4-0 as follows: AYES: Hogue, Pigg, Bravo, and Porter. NOES: None. ABSENTATIONS: None. ABSENT: Mayor Pro Tem Orlando. After the Second Public Hearing it was moved by Councilmember Pigg and Seconded by Councilmember Porter to adopt Ordinance 434. The motion passed 4-0 as follows: AYES: Hogue, Pigg, Bravo, and Porter. NOES: None. ABSENTATIONS: None. ABSENT: Mayor Pro Tem Orlando.
3. Following a staff report for Ordinance 435, Amending Dos Palos Municipal Code Section 6.09, Dangerous Dog, it was moved by Councilmember Bravo and Seconded by Councilmember Pigg to waive the first reading. After public hearing it was moved by Councilmember Porter and Seconded by Councilmember Pigg to Introduce Ordinance 435. The motion passed 4-0 as followed AYES: Hogue, Pigg, Bravo, and Porter. NOES: None. ABSENTATIONS: None. ABSENT: Mayor Pro Tem Orlando.
4. Following a Staff Report and Public Discussion it was moved by Councilmember Bravo and Seconded by Councilmember Pigg to Rescind Administrative Policy 15, Travel Policies, and Create Administrative Policy 39, Travel Policy. The motion passed 4-0 as followed AYES: Hogue, Pigg, Bravo, and Porter. NOES: None. ABSENTATIONS: None. ABSENT: Mayor Pro Tem Orlando.
5. Following a Staff Report and Discussion it was moved by Councilmember Bravo and Seconded by Councilmember Pigg for the Authorization to Surplus, Sale, Trade or Recycle

Vehicles and Equipment. Items include Television/VHS/DVD Combo, Dryer, Washing Machine and a 2016 Ford Focus Electric Vehicle. The motion passed 4-0 as followed AYES: Hogue, Pigg, Bravo, and Porter. NOES: None. ABSENTATIONS: None. ABSENT: Mayor Pro Tem Orlando.

6. Following a Staff Report and Discussion it was moved by Councilmember Pigg and Seconded by Councilmember Porter to Authorize the City Manager to apply the revenue received from surplus items to pay off remaining balance on vehicle assigned to Administration. The motion passed 4-0 as follows. AYES: Hogue, Pigg, Bravo, and Porter. NOES: None. ABSENTATIONS: None. ABSENT: Mayor Pro Tem Orlando.

**G. Correspondence, Events, Council and Staff Reports:**

Various Reports were Presented.

**H. Adjournment:** The meeting was adjourned at 7:08pm in memory of:

George Ribeiro Goncalves 62

Respectfully Submitted By,

Ysidro Garcia

A handwritten signature in black ink, appearing to be 'Ysidro Garcia', written over a large, faint circular stamp or watermark.

## Pre-Paid Listing Nov 2022

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21894 Lozano Smith Attorneys at Law	11/15/2022	\$	1,787.67
21904 Co Power - Department 34604	11/16/2022	\$	17.50
21907 Keenan & Associates	11/16/2022	\$	1,395.20
21911 Ford Motor Credit Company	11/18/2022	\$	9,978.09
21912 Yarely Valedes Montebello	11/18/2022	\$	242.78
21913 Madera Carports, Inc.	11/28/2022	\$	1,557.52
21914 Mid Valley IT	11/29/2022	\$	4,760.24
<b>Grand Total</b>			<b>\$ 19,739.00</b>

BR-Board Audit (12/07/2022 - 8:12 AM)

## **Warrant Listing - December 2022**

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21925	Amazon Capital Services	12/15/2022	\$	46.32
21926	APEX Annex Health Center	12/15/2022	\$	424.00
21927	Aramark	12/15/2022	\$	356.94
21928	AT&T	12/15/2022	\$	384.67
21929	Baker, Manock & Jensen	12/15/2022	\$	59.00
21930	Bankcard Center	12/15/2022	\$	45.85
21931	Bankcard Center	12/15/2022	\$	48.56
21932	Bankcard Center	12/15/2022	\$	202.88
21933	Bankcard Center	12/15/2022	\$	147.64
21934	Clifton Battles	12/15/2022	\$	8.80
21935	Larry, Sr Bonds	12/15/2022	\$	105.00
21936	Bureau of Reclamation	12/15/2022	\$	116.64
21937	Jeannie Carey	12/15/2022	\$	27.50
21938	Casey Moving Systems	12/15/2022	\$	45.00
21939	Central California Irrigation	12/15/2022	\$	4,575.00
21940	Lidia Chavez	12/15/2022	\$	72.99
21941	Cintas	12/15/2022	\$	614.55
21942	City of Dos Palos	12/15/2022	\$	1,500.00
21943	Comcast	12/15/2022	\$	1,346.11
21944	Covanta Enviroments	12/15/2022	\$	401.10
21945	CSG Consultants, Inc.	12/15/2022	\$	1,468.00
21946	Department of Justice	12/15/2022	\$	706.00
21947	Dos Palos Fire Dept.	12/15/2022	\$	225.00
21948	Electric Drives, Inc.	12/15/2022	\$	4,463.62
21949	Elite Uniforms	12/15/2022	\$	712.21
21950	Jose Esparza	12/15/2022	\$	371.32
21951	Far West Laboratories, Inc.	12/15/2022	\$	4,430.00
21952	Ford Motor Credit Company	12/15/2022	\$	597.14
21953	Fresno Mobile Radio Inc.	12/15/2022	\$	350.00
21954	Frontier Communications	12/15/2022	\$	59.62

21955	Gall's , an Aramark Company	12/15/2022	\$	938.55
21956	Great America Financial Services	12/15/2022	\$	309.08
21957	Hawks & Associates CPAs, LLP	12/15/2022	\$	3,550.00
21958	Home Depot Credit Services	12/15/2022	\$	3,481.14
21959	Ingraham Trophies	12/15/2022	\$	1,388.86
21960	JG Hardware Store	12/15/2022	\$	95.81
21961	Justin's Tire and Auto	12/15/2022	\$	766.86
21962	Madera Uniform & Accessory	12/15/2022	\$	191.64
21963	Marlin Business Bank	12/15/2022	\$	661.64
21964	McClatchy Company, LLC	12/15/2022	\$	870.00
21965	Melin Enterprises, INC	12/15/2022	\$	650.00
21966	Merced County Environmental	12/15/2022	\$	512.00
21967	Mid Valley Disposal	12/15/2022	\$	51,679.52
21968	Mid Valley IT	12/15/2022	\$	4,388.60
21969	Midway Community Water District	12/15/2022	\$	8,907.51
21970	Mikalino's Pizzeria	12/15/2022	\$	85.49
21971	N & S Tractor Co.	12/15/2022	\$	118.38
21972	Nicoletti Oil Inc.	12/15/2022	\$	4,754.11
21973	Northstar Chemical	12/15/2022	\$	6,328.90
21974	Orozco Yard Maintenance	12/15/2022	\$	1,555.00
21975	Pace Supply Corp	12/15/2022	\$	5,333.00
21976	Pacific Gas & Electric	12/15/2022	\$	23,111.02
21977	Pacific Tire	12/15/2022	\$	500.00
21978	Paramount Pest Control	12/15/2022	\$	342.00
21979	Pegboard	12/15/2022	\$	1,174.53
21980	Pitney Bowes	12/15/2022	\$	170.17
21981	Price Paige & Company	12/15/2022	\$	150.00
21982	Quad Knopf	12/15/2022	\$	15,332.75
21983	Quantum FSD, Inc.	12/15/2022	\$	124.95
21984	Quest Diagnostics	12/15/2022	\$	52.00
21985	Rick's Smog Shop	12/15/2022	\$	495.00
21986	San Luis & Delta Mendota Water	12/15/2022	\$	2,913.92

21987	Simpot Grower Solutions Fil	12/15/2022	\$	1,291.50
21988	Smile Business Products, In	12/15/2022	\$	129.15
21989	South Dos Palos Water Dist	12/15/2022	\$	4,414.31
21990	Sparkletts	12/15/2022	\$	87.93
21991	Springbrook Holding Comp	12/15/2022	\$	722.00
21992	Staples	12/15/2022	\$	78.23
21993	Stocking & Cozzi Ins. Agy, Ir	12/15/2022	\$	965.00
21994	James M. Stofle	12/15/2022	\$	3,950.00
21995	SWRCB Accounting Office	12/15/2022	\$	44,516.00
21996	Taylor ER Veterinary Emerg	12/15/2022	\$	733.00
21997	The Office City	12/15/2022	\$	401.71
21998	The Westside Express	12/15/2022	\$	210.00
21999	Trans-Rock Trucking	12/15/2022	\$	709.45
22000	ULINE	12/15/2022	\$	473.50
22001	USABlue Book	12/15/2022	\$	384.98
22002	USDA, Service Center Rural	12/15/2022	\$	17,127.17
22003	Utility Service Co., Inc	12/15/2022	\$	11,043.54
22004	Valley Animal Hosptial	12/15/2022	\$	688.30
22005	Verizon Wireless	12/15/2022	\$	1,052.26
22006	Westamerica Bank	12/15/2022	\$	1,503.84
22007	Westamerica Bank	12/15/2022	\$	741.92
	GRAND TOTAL		\$	<u>256,067.68</u>

BR-Board Audit (12/14/2022 - 9:47 AM)

## City of Dos Palos

Pursuant to Government Code section 36933(c), the following constitutes a summary of an ordinance introduced on October 18, 2022, and scheduled for adoption on December 20, 2022, by the City Council for the City of Dos Palos at its regular meeting in Dos Palos, California.

A certified copy of the full text of the ordinance is posted and available for review in the City Clerk's Office at 2174 Blossom Street, Dos Palos, California.

This ordinance shall be in full force and effective on the 31st day following its adoption and after publication and posting as required by law.

### ORDINANCE NO. 433

#### AN ORDINANCE OF THE CITY OF DOS PALOS AMENDING TITLE 17, CHAPTER 60, SECTION 070 OF THE CITY OF DOS PALOS MUNICIPAL CODE

The proposed ordinance provides a framework for the application, distribution, and maintenance of business licenses that contain the off-sale or on-sale of alcohol at business establishments within the City. The proposed ordinance adds a bona fide eating place with a limited amount of brewing of beer as place within the City that can obtain a business license. The proposed ordinance also increases to allowable number of business licenses for the sale of on-sale beer and wine at a restaurant from a number not to exceed one location per one thousand inhabitants to a number not to exceed one location per seven hundred and fifty inhabitants.

Published: December 7, 2022

Ysidro Garcia, City Clerk

## **ORDINANCE NO. 433**

### **AN ORDINANCE OF THE CITY OF DOS PALOS AMENDING TITLE 17, CHAPTER 60, SECTION 070 OF THE CITY OF DOS PALOS MUNICIPAL CODE**

#### **RECITALS**

**WHEREAS**, Section 070 of Chapter 60 of Title 17 of the Municipal Code (entitled “Off-sale and on-sale of alcohol” and hereinafter referred to as “Section 070”) governs licenses within the City for the off-sale and on-sale of alcohol at business establishments within the City; and

**WHEREAS**, Section 070 currently allows for the distribution of business license that contains the off-sale or on-sale of alcohol within the City based on certain license types of the California’s Department of Alcohol Beverage Control (“ABC”), including Type 20 (sale of beer and wine for consumption off the package store premises where sold), Type 21 (sale of beer, wine, and distilled spirits for consumption off the package store premises where sold), Type 41 (the sale of beer and wine for consumption on the restaurant premises where sold), and Types 47 and 48 (sale of beer, wine, and distilled spirits for consumption on the restaurant, bar, or night club premises where sold); and

**WHEREAS**, based on the provisions of Section 070, the City currently has three existing business licenses out of the five allowed for Type 20, four existing business licenses out of the five allowed for Type 21, five existing business licenses out of the five allowed for Type 41, and two existing business licenses out of the two allowed for Type 47 or Type 48; and

**WHEREAS**, the ABC Type 75 license (Brewpub-Restaurant) authorizes the sale of beer, wine, and distilled spirits for consumption on a bona fide eating place plus a limited amount of brewing of beer, and Section 070 does not currently allow for such a



premises, which would contribute to the economic vitality of the City.

**WHEREAS**, there are currently business license holders for the on-sale and off-sale of alcohol within the City that do not have active business establishments, and thus the licenses are not being utilized as intended for the purpose of serving the City's citizens and contributing to the City's economic vitality; and

**WHEREAS**, the City currently does not have a system for the processing of applications for business license that contains the off-sale or on-sale of alcohol, including the establishment of a priority for such applicants to obtain an alcohol license when one becomes available; and

**WHEREAS**, the City Council desires through the passage of this Ordinance to amend Section 070 in its entirety, so as to provide the framework for the application, distribution, and maintenance of business licenses that contain the off-sale or on-sale of alcohol at business establishments within the City.

**NOW, THEREFORE**, the City Council for the City of Dos Palos hereby ordains as follows:

#### **SECTION 1. FINDINGS**

The City Council has duly considered the full record before it, which may include but is not limited to such things as the staff report, testimony by staff and the public, and other materials and evidence submitted or provided to the City Council. Furthermore, the recitals set forth above are found to be true and correct and are incorporated herein by reference.

#### **SECTION 2. PURPOSE**

The purpose of this Ordinance to Ordinance to amend Section 070 of Chapter 60

of Title 17 of the Municipal Code in its entirety, so as to provide the framework for the application, distribution, and maintenance of business licenses that contain the off-sale or on-sale of alcohol at business establishments within the City.

### **SECTION 3. AMENDMENT TO MUNICIPAL CODE**

Section 070 of Chapter 60 of Title 17 of the Municipal Code is hereby amended to read as follows:

17.60.070 Off-sale and on-sale of alcohol.

A. The conditions set forth in this chapter and section shall apply in all districts or zones.

B. No business license within the City that contains the off-sale or on-sale of alcohol shall be issued or maintained without a demonstration to the City's satisfaction that an appropriate license type from the State of California's Department of Alcohol Beverage Control ("ABC") for the off-sale or on-sale of alcohol has been issued and is current.

C. If upon application for a business license that contains the off-sale or on-sale of alcohol at a business establishment, and no such licenses are available based upon the provisions of this section, the applicant shall be placed on a waiting list for such a license, where the order of priority is based upon the date of the application is deemed complete by the City. Upon the availability of a license, the applicant at the top of the waiting list shall be contacted by the City to determine whether that applicant still desires to obtain a license. If this applicant no longer desires to obtain a license or is not able to be contacted by the City, then the next applicant in order on the waiting list shall be contacted.

D. In all calculations of allowable outlets per inhabitants in this chapter, the number of inhabitants shall be that number counted within the City limits in the last federal decennial census, not adjusted or mid-decade figures.

E. In all calculations of allowable outlets per inhabitants in this chapter, a major fraction thereof shall not allow or provoke an additional permit or license.

F. No business license shall be issued for the retail sale of off-sale beer and wine (ABC Type 20) if the total number of licensed locations exceeds one location per one thousand inhabitants.

G. No business license shall be issued for the retail sale of off-sale of beer, wine, and distilled spirits (ABC Type 21) if the total number of licensed locations exceeds one location per one thousand inhabitants.

H. No business license shall be issued for the sale of on-sale beer and wine at a restaurant (ABC Type 41) if the total number of licensed locations meets or exceeds one location per seven hundred and fifty inhabitants.

I. No business license shall be issued for the sale of on-sale beer, wine, and distilled spirits at restaurant (ABC Type 47) or a bar or night club (ABC Type 48) if the total number of licensed locations meets or exceeds one location per two thousand inhabitants.

J. No business license shall be issued for the sale of on-sale beer, wine, and distilled spirits at a bona fide eating place with a limited amount of brewing of beer (ABC Type 75) if the total number of licensed locations meets or exceeds one location per five thousand inhabitants.

K. The change in ownership, title, or ABC license status shall be cause to require a new business license application for the off-sale or on-sale of alcohol.

L. For any business establishment holding a business license that contains the off-sale or on-sale of alcohol, the entitlement to maintain such a license is contingent upon the active status of that business establishment. Upon actual notice by the City that the holder of such a license no longer has an active business establishment connected to that license, the City Council, at a public hearing and with notice to the license holder, may revoke the license upon a finding that the license is no longer connected to an active business establishment.

#### **SECTION 4. VALIDITY OF ORDINANCE**

If any article, section, sub-section, sentence, clause, or phrase of this Ordinance is held by a court of competent jurisdiction to be invalid, such decision shall not affect the remaining portions this Ordinance.

#### **SECTION 5. SUMMARY OF ORDINANCE**

The City Clerk is hereby directed to cause a summary of this Ordinance to be published by one insertion in a newspaper of general circulation in the County at least five (5) days prior to adoption and again fifteen (15) days after its adoption. If a summary of the Ordinance is published, then the City Clerk shall cause a certified copy of the full text of the proposed Ordinance to be posted in the office of the City Clerk at least five (5) days prior to the City Council meeting at which the Ordinance is adopted, and again after the meeting at which the Ordinance is adopted. The summary shall be approved by the City Attorney.

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The foregoing Ordinance was adopted this \_\_\_\_\_ day of \_\_\_\_\_,  
2022, by the following vote.

Mayor Hogue voted: \_\_\_\_\_

Mayor Pro-Tem Pigg voted: \_\_\_\_\_

Councilmember Bravo voted: \_\_\_\_\_

Councilmember Orlando voted: \_\_\_\_\_

Councilmember Porter voted: \_\_\_\_\_

\_\_\_\_\_  
Mayor, City of Dos Palos

ATTEST:

\_\_\_\_\_  
City Clerk

Approved as to Legal form:  
CITY ATTORNEY

By \_\_\_\_\_

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## City of Dos Palos

Pursuant to Government Code section 36933(c), the following constitutes a summary of an ordinance introduced on November 15, 2022, and scheduled for adoption on December 20, 2022, by the City Council for the City of Dos Palos at its regular meeting in Dos Palos, California.

A certified copy of the full text of the ordinance is posted and available for review in the City Clerk's Office at 2174 Blossom Street, Dos Palos, California.

This ordinance shall be in full force and effective on the 31st day following its adoption and after publication and posting as required by law.

### ORDINANCE NO. 435

#### AN ORDINANCE AMENDING CHAPTER 6.09 OF THE CITY OF DOS PALOS MUNICIPAL CODE RELATED TO DANGEROUS DOGS

The proposed ordinance amends sections of the City of Dos Palos Municipal Code providing for administrative hearings related to dangerous dogs. The amendments provide for a single hearing officer to consider administrative appeals from citations related to dangerous dogs.

Published: December 7, 2022

Ysidro Garcia, City Clerk

**ORDINANCE NO. 435**

**AN ORDINANCE AMENDING CHAPTER 6.09 OF THE CITY OF DOS PALOS  
MUNICIPAL CODE RELATED TO DANGEROUS DOGS**

**RECITALS**

**WHEREAS**, Chapter 6.09 of the City of Dos Palos Municipal Code addresses the subject of dangerous dogs, and the City Council desires through the passage of this Ordinance to amend Sections 060, 070, 080, and 090 Chapter 6.09 with respect to administrative hearings.

**NOW, THEREFORE**, the City Council for the City of Dos Palos hereby ordains as follows:

**SECTION 1. FINDINGS**

The City Council has duly considered the full record before it, which may include but is not limited to such things as the staff report, testimony by staff and the public, and other materials and evidence submitted or provided to the City Council. Furthermore, the recitals set forth above are found to be true and correct and are incorporated herein by reference.

**SECTION 2. PURPOSE**

The purpose of this Ordinance to Ordinance to amend Sections 060, 070, 080, and 090 Chapter 6.09 with respect to administrative hearings related to dangerous dogs.

**SECTION 3. AMENDMENTS TO MUNICIPAL CODE**

Sections 060, 070, 080, and 090 of Chapter 6.090 of the Municipal Code are hereby amended to read as follows:

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#### **6.09.060 Hearing.**

If the Chief of Police or his/her designee receives a timely written request for a hearing, the chief of police or his his/her designee shall immediately request a hearing before the city's designated hearing officer within ten (10) days of impoundment. It shall be the chief of police or his/her designee's responsibility to notify the owner of the animal of the time and place of the hearing as soon as the hearing has been officially scheduled.

The hearing officer shall hear and consider any relevant evidence concerning, (a) whether the dog is dangerous or vicious, (b) whether the owners have failed to take the steps to minimize the dog's dangerousness as ordered by the chief of police or his/her designee, and (c) whether there are any courses of action short of destruction of the dog which can be taken which will both allow the dog to live and insure the public safety.

#### **6.09.070 Hearing determination.**

At the hearing, the chief of police or his/her designee shall bear the burden to prove, by a preponderance of the evidence, that the dog is dangerous, and that destruction of the dog is necessary to protect the public safety. However, proof of the failure of the owner to take the steps ordered by the chief of police or his/her designee within the time specified pursuant to Section 6.09.010 of this chapter, or evidence of a prior failure of the owners to comply with any order of the chief of police or his/her designee or of the hearing officer involving the same dog, shall constitute prima facie evidence that no alternative short of destruction of the dog exists to protect the public safety.

#### **6.09.080 Hearing officer decision.**

Following the hearing, the hearing officer shall issue a written decision upholding the decision to destroy the dog or ordering that the dog be returned to its owners. If the



hearing officer orders return of the dog, the hearing officer may stay such return until the owner of the dog takes whatever steps the hearing officer deems necessary and feasible to prevent the dog from again becoming a threat to the public safety, provided, however, that the decision of the hearing officer shall be consistent with Chapter 06.08 of the Dos Palos Municipal Code.

#### **6.09.090 Destruction.**

Should the owner not take the preventative measures ordered by the hearing officer within fourteen (14) calendar days of the decision, the dog shall be deemed abandoned and thereafter be humanely destroyed and disposed of by the chief of police or his/her designee.

### **SECTION 4. VALIDITY OF ORDINANCE**

If any article, section, sub-section, sentence, clause, or phrase of this Ordinance is held by a court of competent jurisdiction to be invalid, such decision shall not affect the remaining portions this Ordinance.

### **SECTION 5. SUMMARY OF ORDINANCE**

The City Clerk is hereby directed to cause a summary of this Ordinance to be published by one insertion in a newspaper of general circulation in the County at least five (5) days prior to adoption and again fifteen (15) days after its adoption. If a summary of the Ordinance is published, then the City Clerk shall cause a certified copy of the full text of the proposed Ordinance to be posted in the office of the City Clerk at least five (5) days prior to the City Council meeting at which the Ordinance is adopted, and again after the meeting at which the Ordinance is adopted. The summary shall be approved by the City Attorney.

\* \* \* \* \*

The foregoing Ordinance was adopted this \_\_\_\_\_ day of \_\_\_\_\_,  
2022, by the following vote.

Mayor Hogue voted: \_\_\_\_\_

Mayor Pro-Tem Pigg voted: \_\_\_\_\_

Councilmember Bravo voted: \_\_\_\_\_

Councilmember Orlando voted: \_\_\_\_\_

Councilmember Porter voted: \_\_\_\_\_

\_\_\_\_\_  
Mayor, City of Dos Palos

ATTEST:

\_\_\_\_\_  
City Clerk

Approved as to Legal form:  
CITY ATTORNEY

By \_\_\_\_\_

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## **CITY ASSIGNMENTS**

### **Mayor April Hogue**

MCAG Governing Board/Transit JPA/Regional Waste Mgt Authority – Past Chair/Member  
CALCOG (California Association of Councils of Governments) - Alternate  
CAL-REAP (Regional Early Action Planning) - Small Cities Representative  
LAFCo  
Mayor's Appointment Selection Committee  
City Planning Commission Appointment – Olga Flores

### **Mayor pro Tem Debbie Orlando**

San Joaquin Valley Air Pollution Control District Selection Committee  
Mayor pro Tempore to November 15, 2022  
City Warrant Review #2 and Check Signing  
City Planning Commission Appointment – Jennifer Vincent  
*Lions Club Auxiliary*

### **Councilmember Thomas Pigg**

City Warrant Review #1 and Check Signing  
City Planning Commission Appointment – David Castillo, Chair  
*Lions Club Past President/Member*  
*Bronco Hall of Fame Board Member*

### **Councilmember Armando Bravo**

MCAG Governing Board/Transit JPA/Regional Waste Mgt Authority - Alternate  
Westside Regional Measure V Committee Member  
Mayor's Selection Committee Alternate  
City Groundwater Sustainability Agency Chairman  
Labor Contract Co-Negotiator (POA in 2022)  
City Planning Commission Appointment – David Jacobo  
Wastewater JPA Member #2  
Water JPA Alternate  
*Lions Club Member*  
*Toy Drive Committee*

### **Councilmember Marcus Porter**

Planning Commission Appointment – Marcus Porter  
Labor Contract Co-Negotiator (POA in 2022)  
Wastewater JPA Member #1  
Water JPA Member  
*Toy Drive Committee*