



CITY OF MENDOTA

"Cantaloupe Center Of The World"

ROLANDO CASTRO
Mayor

VICTOR MARTINEZ
Mayor Pro Tempore

JESSE MENDOZA

OSCAR ROSALES

ROBERT SILVA

AGENDA MENDOTA CITY COUNCIL

Regular City Council Meeting
CITY COUNCIL CHAMBERS

643 QUINCE STREET

April 11, 2017

6:00 PM

VINCE DiMAGGIO
City Manager

JOHN KINSEY
City Attorney

The Mendota City Council welcomes you to its meetings, which are scheduled for the 2nd and 4th Tuesday of every month. Your interest and participation are encouraged and appreciated. Notice is hereby given that Council may discuss and/or take action on any or all of the items listed on this agenda. **Please turn your cell phones on vibrate/off while in the council chambers.**

Any public writings distributed by the City of Mendota to at least a majority of the City Council regarding any item on this regular meeting agenda will be made available at the front counter at City Hall located at 643 Quince Street Mendota, CA 93640, during normal business hours, 8 AM - 5 PM.

CALL TO ORDER

ROLL CALL

FLAG SALUTE

INVOCATION

FINALIZE THE AGENDA

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

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.

APPROVAL OF MINUTES AND NOTICE OF WAIVING OF READING

1. Minutes of the special City Council meeting of March 13, 2017 and the regular City Council meeting of March 14, 2017.
2. Notice of waiving of the reading of all resolutions and/or ordinances introduced and/or adopted under this agenda.

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. MARCH 09, 2017 THROUGH MARCH 24, 2017
WARRANT LIST CHECKS NO. 042250 THRU 042321
TOTAL FOR COUNCIL APPROVAL = \$341,797.17
2. MARCH 28, 2017 THROUGH APRIL 06, 2017
WARRANT LIST CHECKS NO. 042322 THRU 042362
TOTAL FOR COUNCIL APPROVAL = \$132,664.52
3. Proposed adoption of **Resolution No. 17-15**, entering into a lease agreement with Fresno Area Workforce Investment Corporation.
4. Proposed adoption of **Resolution No. 17-28**, approving and accepting the public improvements of Tract No. 5847 and Tract No. 5925.

BUSINESS

1. Introduction and first reading of **Ordinance No. 17-04**, approving amendments to Title 17 of the Mendota Municipal Code as it relates to outdoor advertising, and a finding of exemption from the California Environmental Quality Act.
 - a. *Receive report from Economic Development Manager Flood*
 - b. *Inquiries from Council to staff*
 - c. *Mayor opens floor to receive any comment from the public*
 - d. *Council provide any input and waive the first reading of Ordinance No. 17-04, setting the public hearing for April 25th.*
2. Introduction and first reading of **Ordinance No. 17-05**, approving amendments to Title 17 of the Mendota Municipal Code relating to recreational marijuana use and cultivation, and a finding of exemption from the California Environmental Quality Act.
 - a. *Receive report from Deputy City Attorney Helsley*
 - b. *Inquiries from Council to staff*
 - c. *Mayor opens floor to receive any comment from the public*
 - d. *Council provide any input and waive the first reading of Ordinance No. 17-05, setting the public hearing for April 25th.*

3. Introduction and first reading of **Ordinance No. 17-06**, approving amendments to Title 17 of the Mendota Municipal Code relating to permit application processing and siting locations for installations of new wireless telecommunications facilities, and a finding of exemption from the California Environmental Quality Act.
 - a. *Receive report from Deputy City Attorney Helsley*
 - b. *Inquiries from Council to staff*
 - c. *Mayor opens floor to receive any comment from the public*
 - d. *Council provide any input and waive the first reading of Ordinance No. 17-06, setting the public hearing for April 25th.*

4. Introduction and first reading of **Ordinance No. 17-08**, amending sections 5.28.020 and 5.28.025 of the Mendota Municipal Code relating to the number of itinerant food vendors allowed within the city, and a finding of exemption from the California Environmental Quality Act.
 - a. *Receive report from Economic Development Manager Flood*
 - b. *Inquiries from Council to staff*
 - c. *Mayor opens floor to receive any comment from the public*
 - d. *Council provide any input and waive the first reading of Ordinance No. 17-08, setting the public hearing for April 25th.*

PUBLIC HEARING

1. Second reading and proposed adoption of **Ordinance No. 17-03**, amending Title 15 of the Mendota Municipal Code related to adoption, by reference, of the 2016 California Building Code and associated trade codes.
 - a. *Receive report from Planning & Public Works Director Gonzalez*
 - b. *Inquiries from Council to staff*
 - c. *Mayor opens the public hearing, accepting comments from the public*
 - d. *Mayor closes the public hearing*
 - e. *Council provide any input, waive second reading, and adopt Ordinance No. 17-03*

DEPARTMENT REPORTS AND INFORMATIONAL ITEMS

1. Code Enforcement
 - a) Monthly Report

2. Police Department
 - a) Monthly Report

3. City Attorney
 - a) Update

4. City Manager

MAYOR AND COUNCIL REPORTS AND INFORMATIONAL ITEMS

1. Council Member(s)
2. Mayor


CLOSED SESSION

1. CONFERENCE WITH LABOR NEGOTIATORS
CA Government Code 54957.6
Agency designated representatives: City Manager Vince DiMaggio
Employee organization: Mendota Police Officers Association
2. PUBLIC EMPLOYEE PERFORMANCE EVALUATION
CA Government Code § 54957(b)
Title: City Manager

ADJOURNMENT

CERTIFICATION OF POSTING

I, Celeste Cabrera, Deputy City Clerk of the City of Mendota, do hereby declare that the foregoing agenda for the Mendota City Council Regular Meeting of April 11, 2017, was posted on the outside bulletin board located at City Hall, 643 Quince Street Friday, April 7, 2017 at 10:15 a.m.



Celeste Cabrera, Deputy City Clerk



**MINUTES OF MENDOTA
MENDOTA CITY COUNCIL /PLANNING COMMISSION
JOINT WORK/STUDY SESSION**

Joint Work/Study Session Monday, March 13, 2017 1:00 PM

Meeting called to order by Mayor Rolando Castro 1:01 p.m.

ROLL CALL CITY COUNCIL

Council Members Present: Mayor Rolando Castro, and Council Members Oscar Rosales, and Robert Silva.

Council Members Absent: Mayor Pro Tem Victor Martinez.

ROLL CALL PLANNING COMMISSION

Commissioners Present: Commissioners Albert Escobedo, Jonathan Leiva, Abdul Obaid, and Kevin Romero.

Commissioners Absent: Chairperson Juan Luna and Vice-Chairperson Martin Gamez.

Staff Present: City Manager Vince DiMaggio, Finance Director Rudy Marquez, Chief of Police Gregg Andretti, Lieutenant Kevin Smith, Records Manager Ophelia Lugo, Director of Administrative Services Jennifer Lekumberry, Finance Administrative Supervisor Nancy Diaz, City Attorney John Kinsey, Planning & Public Works Director Cristian Gonzalez, Public Works Superintendant Teofilo Bautista, Public Utilities Superintendant Jeronimo Angel, Economic Development Manager Matt Flood, and Deputy City Clerk Celeste Cabrera.

Others Presnt: Jesse Mendoza.

WORK/STUDY SESSION

1. AB 1234 Ethics training.

City Attorney John Kinsey provided training including summarizing the purpose of conflict laws; government transparency laws including the Brown Act, the Public Records Act; laws relating to personal financial gain by public servants, prohibitions against gifts of public funds; the Political Reform Act; Section 1090: Void Contracts; due process requirements; and competitive bidding requirements for public contracts.

PUBLIC COMMENT

None Offered

ADJOURNMENT OF CITY COUNCIL

Consensus was reached to adjourn the work/study session at 3:00 p.m., unanimously approved (3 ayes).

Rolando Castro, Mayor

ATTEST:

Matt Flood, City Clerk



MINUTES OF MENDOTA REGULAR CITY COUNCIL MEETING

Regular Meeting

March 14, 2017

Meeting called to order by Mayor Castro at 6:01 p.m.

Roll Call

Council Members Present: Mayor Rolando Castro, Mayor Pro Tem Victor Martinez, Councilors Jesse Mendoza (at 6:07 p.m.), Oscar Rosales and Robert Silva.

Council Members Absent: None.

Flag salute led by Economic Development Manager Flood.

FINALIZE THE AGENDA

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

A motion was made by Councilor Silva to adopt the agenda, seconded by Mayor Pro Tem Martinez; unanimously approved (4 ayes).

SWEARING IN

1. City Clerk Flood to administer the Oath of Office to Jesse Mendoza.

City Clerk Flood swore in Councilor Mendoza.

At 6:04 p.m. Mayor Castro announced that there would be a recess.

At 6:07 p.m. the Council convened in open session and Councilor Mendoza took a seat on the dais.

PROCLAMATION

1. Proposed adoption of Proclamation No. 17-02, celebrating March 27th through March 31st "National Boys & Girls Club Week".

Mayor Castro introduced the item and Economic Development Manager Flood read the proclamation into the record.

Mayor Castro presented the proclamation to the members of the Boys and Girls Club.

CITIZENS ORAL AND WRITTEN PRESENTATIONS

Joe Gil Gomez (2033 7th Street) – stated that staff assisted him with an issue and it had been resolved.

The Council commented on the issue being resolved.

APPROVAL OF MINUTES AND NOTICE OF WAIVING OF READING

1. Minutes of the special City Council meeting February 21, 2017 and the special City Council meeting of February 28, 2017.
2. Notice of waiving of the reading of all resolutions and/or ordinances introduced and/or adopted under this agenda.

Deputy City Clerk Cabrera reported on an edit that needed to be made to the February 28th Special City Council meeting minutes.

A motion was made by Councilor Silva to approve items 1 and 2, seconded by Councilor Rosales; unanimously approved (5 ayes).

CONSENT CALENDAR

1. FEBRUARY 28, 2017 THROUGH MARCH 08, 2017
WARRANT LIST CHECKS NO. 042185 THRU 042249
TOTAL FOR COUNCIL APPROVAL = \$209,740.49
2. Proposed adoption of **Proclamation No. 17-01**, recognizing April 22, 2017 as Earth Day worldwide.
3. Proposed adoption of **Resolution No. 17-18**, entering into an agreement to provide police services to the Fresno County Rural Transit Agency.
4. Proposed adoption of **Resolution No. 17-23**, approving the facility use applications for 2017.

5. Proposed adoption of **Resolution No. 17-26**, declaring the Council's intention to adopt a landlord accountability ordinance.
6. Proposed adoption of **Resolution No. 17-27**, approving the delegation of the functions of the Integrated Waste Management Local Task Force to the AB 939 MOU committee.

A request was made to pull item 4 for discussion.

4. Proposed adoption of **Resolution No. 17-23**, approving the facility use applications for 2017.

Discussion was held on how to resolve conflicting requests.

Dino Perez (Westside Youth Center [WYC]) – stated that the organizations had met and reached an agreement on the use of Rojas-Pierce Park.

Jorge (Alcoholics Anonymous [AA]) – wanted clarification on the agreement that was reached between AA and Westside Youth Center.

Discussion was held on both organizations meeting with staff to discuss the issue; AA utilizing the community center instead; and the two carnivals that will be held this year.

Dino Perez (WYC) – requested that the Council waive city fees related to the WYC carnival.

Discussion was held on the areas that WYC is requesting to utilize for their carnival; how the carnival will benefit the community; the programs that WYC sponsors; and what fees WYC is requesting to be waived.

A motion was made by Councilor Silva adopt item 4 of the Consent Calendar with the modification of WYC facility use application for Rojas-Pierce Park to include the use of additional City facilities, and the inclusion of the waiving of fees associated with hosting the WSY and Mendota Youth Recreation carnivals, seconded by Councilor Rosales; unanimously approved (5 ayes).

BUSINESS

1. Proposed adoption of **Resolution No. 17-24**, discontinuing the City's participation in Fresno County's Urban Community Development Block Grant program.

Mayor Castro introduced the item and City Manager DiMaggio summarized the report including that the city participates in the CDBG through the County of Fresno's Urban County CDBG program and the potential benefits from withdrawing from the County's CDBG program.

Discussion was held on the process of withdrawing from the County's CDBG program; the potential consequences for leaving the program; the city leaving and rejoining the program in the past; the performance of the grant writers; and evaluating the the grant writers at a future meeting.

A motion was made by Mayor Pro Tem Martinez to adopt Resolution No. 17-24, seconded by Councilor Rosales; unanimously approved (5 ayes).

2. Proposed adoption of **Resolution No. 17-25**, forming of a sub-committee to examine the various options available for issuing bonds.

Mayor Castro introduced the item and City Manager DiMaggio reported on the council's direction to staff to research information on acquiring a bond for certain projects and forming a Council sub-committee to assist with the issue.

Discussion was held on the days and times that the subcommittee would meet.

A motion was made by Council Silva to appoint Mayor Pro Tem Martinez and Councilor Rosales to the sub-committee and adopt Resolution No. 17-25, seconded by Councilor Rosales; unanimously approved (5 ayes).

3. Introduction and first reading of **Ordinance No. 17-03**, amendments to the Mendota Municipal Code to adopt by reference the 2016 California Building Standards codes.

Mayor Castro introduced the item and Planning & Public Works Director Gonzalez summarized the report.

Discussion was held on the Building Code being updated every three years.

A motion was made by Councilor Rosales to perform the first reading of Ordinance No. 17-03, with the second reading waived, seconded by Mayor Pro Tem Martinez; unanimously approved (5 ayes).

PUBLIC HEARING

1. Proposed adoption of **Ordinance No. 17-02**, authorizing the use of mail ballot elections.

Mayor Castro introduced the item and City Attorney Kinsey reported on the purpose of the ordinance and the council's intention to hold a revenue related special election.

Discussion was held on the process of holding a special election to consider a public safety tax.

At 6:59 p.m. Mayor Castro opened the hearing to the public.

Marc Banuelos (930 Gaxiola Street) – inquired on the amount of the proposed tax.

At 7:00 p.m. Mayor Castro closed the hearing to the public.

A motion was made by Councilor Silva to adopt Ordinance No. 17-02, seconded by Councilor Rosales; unanimously approved (5 ayes).

DEPARTMENT REPORTS AND INFORMATIONAL ITEMS

1. Code Enforcement
 - a) Monthly Report

Economic Development Manager Flood reported on the purpose of the proposed landlord accountability ordinance and the department beginning the annual weed abatement process.

Discussion was held on whether city employees can perform weed abatements on private properties if the owners are disabled; the definition of the obstruction of city property; officers providing warnings to code violators; the importance of educating the public; the upcoming Town Hall Forum on immigration that will be held on March 22nd at 6 p.m.; and when to hold a Fireworks Show.

2. Police Department
 - a) Monthly Report

Chief of Police Andreotti provided an update on the graphics transition of police vehicles; provided a personnel update; reported on the probation and parole suppression; and provided information on the Explorer Program.

Council thanked the officers for their work and discussion was held on whether individuals who are arrested for alcohol or drug offenses are referred to alcohol or drug related programs.

3. City Attorney
 - a) Update

City Attorney Kinsey reported on the ethics training.

4. City Manager

City Manager DiMaggio reported on the upcoming Washington D.C. lobbying trip and commended Planning & Public Works Director Gonzalez and Public Utilities Superintendent Angel for assisting in the creation of levies at the waste water treatment plant.

Council thanked Planning & Public Works Director Gonzalez and Public Utilities

Superintendent Angel for their work and discussion was held on cancelling the March 28th regular City Council meeting, and the status of the project at the Mendota airport.

MAYOR AND COUNCIL REPORTS AND INFORMATIONAL ITEMS

1. Council Member(s)

Council Member Silva reported on the upcoming five year activation commemoration ceremony at FCI – Mendota.

2. Mayor

Mayor Castro reported on a Bingo event at WYC and reminded everyone about the upcoming Town Hall Forum on immigration.

Discussion was held on the possibility of scheduling a meeting with Senator Kamala Harris.

CLOSED SESSION

1. CONFERENCE WITH REAL PROPERTY NEGOTIATORS
CA Government Code § 54956.8
Property: Approximately 2,000 acres within Westlands Water District in the County of Fresno located south of the Ashlan Avenue alignment, west of Dos Palos Road/State Highway 33 (Derrick Avenue), north of Belmont Avenue, and east of Douglas Avenue
Agency Negotiator: Vince DiMaggio, City of Mendota
Negotiating Parties: Westlands Water District

At 7:44 p.m. the Council moved into closed session.

At 8:13 p.m. the Council reconvened in open session and City Attorney Kinsey reported that in regards to item 1 of the closed session, there was nothing to report.

ADJOURNMENT

With no more business to be brought before the Council, a motion for adjournment was made at 8:14 p.m. by Councilor Silva, seconded by Councilor Rosales; unanimously approved (5 ayes).

Rolando Castro, Mayor

ATTEST:

Matt Flood, City Clerk

CITY OF MENDOTA
CASH DISBURSEMENTS
03/09/2017 - 03/24/2017
Check # 042250 - 042321

Date	Check #	Amount	Vendor	Department	Description
March 9, 2017	42250	\$8,102.25	PG&E	WATER	UTLITIES FOR WATER WELL A&B 01/23/17- 03/08/17
March 15, 2017	42251	\$1,292.06	VERIZON	GENERAL-WATER-SEWER	CITY WIDE CELL PHONES 02/07/17-03/06/17
March 17, 2017	42252	\$116.61	ACE TROPHY SHOP	GENERAL	NAME PLATE- J. LUKEMBERRY, K. ROMERO, A. OBAID, J. MENDOZA PLAQUE- J. RIOFRIO
March 17, 2017	42253	\$4,640.00	ADMINISTRATIVE SERVICES, INC.	GENERAL	(6) HRA ADMINISTRATION FEES FOR MARCH 2017, (20) MONTHLY MEDICAL ADMINISTRATION FEE- MARCH 2017, MEDICAL CHECK RUN
March 17, 2017	42254	\$645.88	AFLAC	GENERAL	AFLAC INSURANCE FOR MARCH 2017
March 17, 2017	42255	\$26.68	AIRGAS USA, LLC	WATER	RENT CYLINDER IND SMALL CARBON DIOXIDE 20 LB ALUMINUM
March 17, 2017	42256	\$259.36	AMERIPRIDE SERVICES, INC.	GENERAL-WATER-SEWER	PUBLIC WORKS UNIFORMS WEEK 01/29/17-02/03/17, 02/04/17- 02/11/17, 02/12/17- 02/18/17, 02/19/17- 02/25/17
March 17, 2017	42257	\$21.00	GREGG ANDREOTTI	GENERAL	REIMBURSEMENT DMV LICENSE TRANSFER FROM COALINGA- MENDOTA
March 17, 2017	42258	\$75.00	AVITIA'S TRUCK & TRAILER AUTO REPAIR	WATER- STREETS	REPAIR TRANSMISSION- DUMP TRUCK
March 17, 2017	42259	\$393.60	BATTERIES PLUS BULBS	WATER	12V LEAD DURA 12-9F2 BACK UPS ES USB 750 VA BE750G, 12V LEAD DURA 2-8F2/ DURA 12- 18NB (CREDIT INVOICE 466-353678)
March 17, 2017	42260	\$1,820.30	BSK ASSOCIATES	WATER- SEWER	WEEKLY TREATMENT& DISTRIBUTION DRINKING WATER, WASTE WATER WEEKLY, WEEKLY TREATMENT & DISTRIBUTION
March 17, 2017	42261	\$175.00	CORELOGIC INFORMATION	GENERAL-WATER-SEWER	REALQUEST SERVICES FOR MAY 2017
March 17, 2017	42262	\$1,400.00	D&D DISPOSAL	GENERAL	ANIMAL DISPOSAL FREEZER PICK-UP FEBRUARY 2017, ANIMAL DISPOSAL- ON CALL PICKUP 04/18/2016
March 17, 2017	42263	\$223.35	DATAMATIC, INC.	WATER	MONTHLY SOFTWARE LICENSE & SERVICES MAINTENANCE 4/01/17-4/30/17
March 17, 2017	42264	\$253.00	DEPARTMENT OF JUSTICE	GENERAL	FINGERPRINTS APPLICATIONS (3) FINGERPRINTS- FBI (1) FEBRUARY 2017, FEBRUARY 2017 BLOOD ALCHOL ANALYSIS
March 17, 2017	42265	\$506.38	EXCEL SIGN CO.	PUBLIC SAFETY	(1) VEHICLE GRAPHICS PATROL CAR- INSTALL
March 17, 2017	42266	\$558.00	DAVID A. FIKE, ATTORNEY AT LAW	GENERAL	PROFESSIONAL SERVICES : SPECIAL LEGAL SERVICES FEBRUARY 2017
March 17, 2017	42267	\$233.24	FRESNO COUNTY SHERIFF	GENERAL	RMS-JMS ACCESS FEE FOR FEBRUARY 2017 ACCT# 4975, 17- PRISONER PROCESS SERVICES FOR FEBRUARY 2017- ACCT# 4841
March 17, 2017	42268	\$20.00	GONZALEZ TOWING, TIRE, AUTO & TRUCK DISMANTLING	STREETS	FORD PICK UP (1) TIRE REPAIR- STREETS
March 17, 2017	42269	\$53,023.75	MID-VALLEY DISPOSAL INC.	REFUSE	SANITATION CONTRACT SERVICES FOR FEBRUARY 2017
March 17, 2017	42270	\$904.90	NORTHSTAR CHEMICAL	GENERAL	WTP- 460- 1GM BULK SODIUM HYPOCHLORITE- 12.5%
March 17, 2017	42271	\$3,190.66	PG&E	GENERAL- WATER	WATER DEPARTMENT UTILITIES 02/10/17- 03/13/17
March 17, 2017	42272	\$7,250.00	PROVOST & PRITCHARD	STREETS	MARIE STREET & DIVISADERO STREET RECONSTRUCTION
March 17, 2017	42273	\$455.87	RAMON'S TIRE & AUTO SERVICE	GENERAL-WATER-SEWER	(1) ST205/75R15 TIRE REPAIR (BLACK TRAILER), (1) RERADIO PATCH BOX (1) FIRESTONE TUBE(JD LOADER), (1) 25X 11-12 REAPIR (JOHN DEERE)
March 17, 2017	42274	\$214.63	ERNEST PARCKING SOLUTIONS	GENERAL	PD- SKINTX NITRILE EXAM GLOVES SMALL(10) X-LARGE(23)

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March 17, 2017	42275	\$119.95	SIRCHIE	GENERAL	PD- TEST (15) METHANPHETAMINE/ (10) SEALING TAPE
March 17, 2017	42276	\$14.87	KEVIN SMITH	GENERAL	REIMBURSEMENT- DOOR KNOB FOR OFFICE DOOR
March 17, 2017	42277	\$311.57	UNION PACIFIC RAILROAD COMPANY	STREETS	PUBLIC ENCROACHMENT PERMIT 04/01/17- 04/30/17
March 17, 2017	42278	\$2.23	BOARD OF EQUALIZATION	WATER- SEWER	DIESEL FUEL TAX FOR JULY THRU SEPTEMBER 2016
March 17, 2017	42279	\$88.49	SUNNYSIDE TROPHY	GENERAL	PLAQUE FOR O.RIVAS 9X12 ROSEWOOD PIAR ENGRAVING LOGO- PD
March 17, 2017	42280	\$356.98	TRIANGLE ROCK PRODUCTS, LLC	STREETS	QTY 5.02 ST 3/8 SC3000 ENRINMENTAL FEE- AGG & ASPHALT
March 17, 2017	42281	\$14.70	USA BLUEBOOK	WATER	POLYPROP CENTER 1/2X1/2 TUBE 10 PK- CREDIT INVOICE # 194595
March 17, 2017	42282	\$190.00	VERIZON	WATER-SEWER	GPS- MONTHLY SERVICES FOR DECEMBER 2016- (10)
March 17, 2017	42283	\$213.20	VETERINARY MEDICAL CENTER	GENERAL	(10) CITY EUTHANASIA (1) MEDICAL WASTE DISPOSAL
March 20, 2017	42284	\$375.00	GREGG ANDREOTTI	GENERAL-WATER-SEWER	PER DIEM FOR WASHINGTON, D.C. TRIP 3/27/17-3/31/17
March 20, 2017	42285	\$594.81	PETTY CASH	GENERAL-WATER-SEWER	PETTY CASH TAG #404, 583-600, 405, 406
March 20, 2017	42286	\$380.39	ROBERT SILVA	WATER	MILEAGE FOR WELL ANNUAL CONFERENCE
March 20, 2017	42287	\$1,725.20	VINCE DIMAGGIO	GENERAL-WATER-SEWER	PER DIEM FOR WASHINGTON, D.C. TRIP 3/27/17-3/31/17
March 23, 2017	42288	\$99,860.00	WESTAMERICA BANK	GENERAL-WATER-SEWER	PAYROLL
March 23, 2017	42289	\$314.61	ADT SERCURITY SERVICES	GENERAL	SERCURITY SERVICES: ROJAS-PIERCE PARK CONCESSION STAND- 4/01/17-06/30/17, COMMUNITY CENTER 04/30/17-06/01/17
March 23, 2017	42290	\$1,508.24	AGRI-VALLEY IRRIGATION, INC.	WATER- SEWER-STREETS	PARTS- WELD CONE 10 GAUGE FLANGE FLAME PIERCE CUP, 6"X20' SUCTION W/6" KCNIP W/ BANDS 6" FLATES, TRANSFER LINE 10"X10" RINGLOCK
March 23, 2017	42291	\$1,335.93	ALERT-O-LITE	GENERAL- STREETS	CUTOFF WHEEL(1) SKID BOWL 91) ASPHALT RAKE (1), 8" GORMAN PUMP PARTS AND REPAIR
March 23, 2017	42292	\$2,394.95	AMERITAS GROUP	GENERAL	DENTAL INSURANCE FOR APRIL 2017
March 23, 2017	42293	\$17,548.30	BLUE SHIELD OF CALIFORNIA	GENERAL	MEDICAL INSURANCE FOR APRIL 2017
March 23, 2017	42294	\$845.87	COMCAST	GENERAL	XFINITY SERVICES (PHONE, INTERNET,& CABLE)
March 23, 2017	42295	\$116.61	CONSUMER CHOICE	GENERAL-WATER-SEWER	CASH REGISTER RECEIPT PAPER 48 ROLLS
March 23, 2017	42296	\$645.52	CORBIN WILLITS	GENERAL-WATER-SEWER	ENHANCEMENT SERVICES MOMS SOFTWARE MARCH 2017
March 23, 2017	42297	\$425.42	CROWN SHORTLAND CONCRETE	WATER	CONCRETE (3) YARD (6) SACK MIX 8TH/ STAMOULES
March 23, 2017	42298	\$955.58	DOOLEY ENTERPRISES, INC.	GENERAL	AMMUNITION (3) 40 S&W 180 GR. FULL METAL
March 23, 2017	42299	\$9,073.80	STANTEC CONSULTING SERVICES	SEWER	4TH QUARTER ANNUAL 2016 GROUND WATER MONITORING REPORT, GROUND WATER SAMPLING AND REPORTING

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March 23, 2017	42300	\$243.51	EINERSON'S PREPRESS	GENERAL	BUSINESS CARDS J. MENDOZA, K. CORONADO, R. VACA
March 23, 2017	42301	\$10,833.33	FIREBAUGH POLICE DEPARTMENT	GENERAL	PD- DISPATCH SERVICES FOR 01/01/2017-01/31/2017
March 23, 2017	42302	\$26,377.00	FM CONTROLS	WATER	BOOSTER VFD REPLACEMENT WATER PROJECT INSTALLATION WTP-CHECK BYPASS SYSTEM ISSUES 911 FIX
March 23, 2017	42303	\$39.64	FUTURE FORD OF CLOVIS	GENERAL	FORD FUSION (PD) OIL CHANGE, FILTER, TIRE ROTATION
March 23, 2017	42304	\$1,658.81	HARDWARE DISTRIBUTION	WATER- SEWER-STREETS	10' TELSPAR SIGN POST (10) TELSPAR WELDED, (11) LIME BOMBER JACKETS L,XL, &XXL
March 23, 2017	42305	\$432.00	KERWEST NEWSPAPER	GENERAL	LEGAL NOTICE LOCAL ORD 17-01 OFFICIAL ZONE MAP (8), LEGAL NOTICES- LOCAL PUBLIC NOTICE ORD 17-02, LEGAL NOTICES- LOCAL NOTICE
March 23, 2017	42306	\$650.00	LG ELECTRIC	GENERAL- SEWER	STORM DRAIN PUMPS SORENSEN/ NAPLES DISC REMOVE PUMP, VETERANS PARK LIGHTING REMOVE OLD ADD NEW BREAKERS
March 23, 2017	42307	\$1,231.00	MID-VALLEY DISPOSAL INC.	REFUSE- STREETS	SANITATION CONTRACT SERVICES 10Y EXCHANGE(13.4), 30 YARD EXCHANGE(4.35), 10Y EXCHANGE(6.8)- STREET SWEEPER
March 23, 2017	42308	\$1,726.48	MUNICIPAL MAINTENANCE EQUIPMENT	STREETS	STREET SWEEPER- 5 STAGE DIAPHRAM PUMP, FLAP SET, STD HEAD W/ BLAST ORF AND HARDWARE
March 23, 2017	42309	\$211.98	PITNEY BOWES INC.	WATER-SEWER	(3) RED INK CARTRIDGE POSTAGE METER
March 23, 2017	42310	\$38,041.39	PROVOST & PRITCHARD	GENERAL-WATER-SEWER-STREETS	PROFESSIONAL SERVICES: JAN-FEB DERRICK ND 7TH INTERSECTION, ONGOING CITY PLANNING SERVICES FY2016-2017, PASS-THRU LAS PALMAS
March 23, 2017	42311	\$135.00	PYRAMID TIME SYSTEMS	GENERAL-WATER-SEWER-STREETS	TIME CARDS MODEL 3500, 3700
March 23, 2017	42312	\$363.15	R.G. EQUIPMENT COMPANY	GENERAL	BUMP& FEED TRIMMER HEAD FITS STHIL 6-2.6 OZ CYCLE MIX, TRIMMER LINE 105 MD SPOOL BLACK VORTEX
March 23, 2017	42313	\$70.00	ARMANDO SANDOVAL	WATER-SEWER	REIMBURSEMENT- D.O.T. PHYSICAL TEST (DMV) 3/03/17
March 23, 2017	42314	\$1,808.58	SHAPE INCORPORATED	SEWER	AC DRIVE 10 HP 230V 3 PH - STROM DRAIN LIFT STATION INVERTOR#2
March 23, 2017	42315	\$183.80	THOMASON TRACTOR COMPANY	GENERAL	(6) BLADE FOR MOWER- (PARKS)
March 24, 2017	42316	\$999.00	A1-JANITORIAL SUPPLY	SEWER	(10) ALL-PURPOSE CITRUS LIFT STATION DEGREASER
March 24, 2017	42317	\$708.73	COMCAST	GENERAL- WATER- SEWER	XFINITY SERVICES (PHONE, INTERNET,& CABLE) 3/20/2017-4/19/17
March 24, 2017	42318	\$175.00	COMMUNITY MEDICAL CENTER	GENERAL	PD- FEBRUARY 2017 LEGAL BLOOD DRAW (1)
March 24, 2017	42319	\$681.24	CLEAR CHOICE COMPUTER SERVICES	GENERAL	IT SERVICES- CITY HALL- INTERNET DOWN- FIX IP ADDRESS, CHARLES ARCHIVED E-MAIL ON X-DRIVE, INTERNET DOWN(PD), SETUP 2 LAPTOPS
March 24, 2017	42320	\$29,463.79	PG&E	GENERAL- WATER- SEWER	CITY-WIDE UTILITIES 02/08/2017-03/09/2017
March 24, 2017	42321	\$550.00	TECH-MASTER PEST MANAGEMENT	GENERAL- WATER- SEWER	PEST CONTROL FOR ROJAS-PIERCE PARK, CITY HALL, POLICE DEPARTMENT, AIRPORT, COMMUNITY CENTER, SENIOR CENTER, CITY
		\$341,797.17			

CITY OF MENDOTA
CASH DISBURSEMENTS
03/28/2017 - 04/06/2017
Check # 042322 - 042362

Date	Check #	Amount	Vendor	Department	Description
March 29, 2017	42322	\$18,297.20	GUTHRIE PETROLEUM INC	GENERAL-WATER-SEWER	DIESEL FUEL (P18) AND UNLEADED GASOLINE (6978)
March 29, 2017	42323	\$914.13	MUTUAL OF OMAHA	GENERAL	LIFE AD&D LTD STD INSURANCE FOR APRIL 2017
March 29, 2017	42324	\$2,031.17	PURCHASE POWER	WATER-SEWER	POSTAGE METER REFILL 02/28/2017 & 03/03/2017
March 31, 2017	42325	\$4,591.44	A&J AUTOBODY	WATER-SEWER	REINBURSEABLE FORD F-150 2007- REAR BUMPER LT PICK-UP BOX LT
March 31, 2017	42326	\$88.80	CROWN SERVICES CO.	GENERAL-SEWER	RENTAL- TOILET 1XWK(PD), RENTAL TOILET W/ SINK- 1XWK (WWTP)
March 31, 2017	42327	\$81.17	EINERSON'S PREPRESS	WATER	BUSINESS CARDS FOR C. GONZALEZ
March 31, 2017	42328	\$3,691.43	GONZALEZ TRANSPORT, INC.	WATER	BULK MATERIAL- SAND & DELIVERY
March 31, 2017	42329	\$142.00	KERWEST NEWSPAPER	WATER- SEWER	CLASSIFIED ADVERTISEMENT 03/22/17 & 03/29/17- HELP WANTED
April 5, 2017	42330	\$91,486.00	WESTAMERICA BANK	GENERAL-WATER-SEWER	PAYROLL TRANSFER 03/20/17-04/02/17
April 5, 2017	42331	\$262.28	ADT SECURITY SERVICES	GENERAL-WATER-SEWER	SECURITY SERVICES 04/13/17-05/12/17- CITY HALL, DMV, AND EDD
April 5, 2017	42332	\$630.05	ALERT-O-LITE	WATER	RAPID CRETE 50# PAIL HYDRAULIC (11), K-RAIL WATER FILLED 6'X42" (6)
April 5, 2017	42333	\$350.00	ALL VALLEY ADMINISTRATORS, LLC	GENERAL-WATER-SEWER	2ND QUARTER 2017 RETIREMENT PLAN ADMINISTRATION
April 5, 2017	42334	\$874.74	AUTOMATED OFFICE SYSTEMS	GENERAL-WATER-SEWER	MAINTENANCE CONTRACT COPIER 03/01/17-03/31/17
April 5, 2017	42335	\$425.41	AT&T MOBILITY	GENERAL	AIRCARDS FOR 02/20/17-03/19/17 (PD)
April 5, 2017	42336	\$375.00	BAR PSYCHOLOGICAL GROUP	GENERAL	POST PRE-EMPLOYMENT SCREEN M ESCOBEDO (PD)
April 5, 2017	42337	\$751.50	BSK ASSOCIATES	WATER- SEWER	WEEKLY WATER SYSTEM (WEEK 2-5)- SYSTEM #1010021, WEEKLY TREATMENT & DISTRIBUTION (DW)
April 5, 2017	42338	\$246.84	COLONIAL LIFE	GENERAL	LIFE INSURANCE FOR MARCH 2017
April 5, 2017	42339	\$155.67	COMCAST	WATER- SEWER	XFINITY SERVICES & INSTALL 03/24/17- 04/23/17- (WWTP)
April 5, 2017	42340	\$195.00	COOK'S COMMUNICATIONS	GENERAL	REPAIR FROM FACTORY- DRAA ROC BOARD UNIT#M82 (PD)
April 5, 2017	42341	\$244.74	CAPITAL ONE COMMERCIAL	GENERAL	PEDIGREE DOG FOOD 55# (3), CLOROX WIPES, 40 PACK WATER
April 5, 2017	42342	\$223.35	DATAMATIC, INC.	WATER	MONTHLY SOFTWARE LICENSE & SERVICE MAINTENANCE FOR MAY
April 5, 2017	42343	\$221.75	EINERSON'S PREPRESS	GENERAL-WATER-SEWER	1000 #10 ENVELOPES/ NO WINDOW (CITY HALL)
April 5, 2017	42344	\$103.90	JENNIFER LEKUMBERRY	GENERAL-WATER-SEWER	EXPENSE REIMBURSEMENT- CSJVRMA ORIENTATION AND MEETING
April 5, 2017	42345	\$327.23	NISSAN MOTOR ACCEPTANCE CORPORATION	GENERAL-WATER-SEWER	2015 NISSAN ALTIMA LEASE PAYMENT APRIL (CM)
April 5, 2017	42346	\$520.80	PAPE MACHINERY	SEWER- STREETS	JD- BACKHOE 310SG DIAGNOSTICS & REPAIR BRAKES

CITY OF MENDOTA
CASH DISBURSEMENTS
03/28/2017 - 04/06/2017
Check # 042322 - 042362

April 5, 2017	42347	\$19.60	SEBASTIAN	GENERAL	SECURITY ALARM SERVICES FOR PD MARCH 21, 2017 - APRIL 20, 2017
April 5, 2017	42348	\$4,014.42	BANKCARD CENTER	GENERAL-WATER-SEWER	CREDIT CARD EXPENSES 02/25/17-03/24/17, AMERICAN AIRLINES, AMERICAN AMBULANCE, CONFERENCING, NATIONAL AUTO & TRUCK
April 5, 2017	42349	\$50.00	TRANUNION RISK AND ALTERNATIVE DATA	GENERAL	TRANSUNION RISK ALTERNATIVE FOR FEB- MARCH 2017 (PD)
April 5, 2017	42350	\$85.37	UNIFIRST CORPORATION	GENERAL-WATER-SEWER	MARCH SERVICES- CITY RUGS (3), WET MOP LARGE 36", DRY MOP, TERRY CLOTHS
April 5, 2017	42351	\$33.73	WALMART COMMUNITY/ RFSCSLLC	GENERAL	PURCHASE 2/27/17 BATH TISSUE, AMONIA, ENVELOPE (PD)
April 5, 2017	42352	\$55.80	WECO	WATER- SEWER	RENTALS- CYL ACETYLENE #4 OXYGEN D OXYGEN K (6)
April 5, 2017	42353	\$150.00	ANA BARRERA	WATER	MQ CUSTOMER REFUND FOR BAR0058
April 5, 2017	42354	\$144.31	CELSO RMOERO GODLEN VIEW REALTY	WATER	MQ CUSTOMER REFUND FOR CEL0002
April 5, 2017	42355	\$47.68	MEELO CORPORATION	WATER	MQ CUSTOMER REFUND FOR COR0025
April 5, 2017	42356	\$50.97	JENNIFER ENRIQUEZ	WATER	MQ CUSTOMER REFUND FOR ENR0012
April 5, 2017	42357	\$63.87	YVONNE LEYVA	WATER	MQ CUSTOMER REFUND FOR LEY0002
April 5, 2017	42358	\$84.93	MARCOS MARTINEZ	WATER	MQ CUSTOMER REFUND FOR MAR0169
April 5, 2017	42359	\$149.24	ALEXANDER RAMOS	WATER	MQ CUSTOMER REFUND FOR RAM0137
April 5, 2017	42360	\$5.95	ROBERT RASMUSSEN	WATER	MQ CUSTOMER REFUND FOR RAS0003
April 6, 2017	42361	\$114.05	LEAGUE OF CALIFORNIA CITIES	GENERAL	SOUTH SAN JOAQUIN VALLEY DIVISION MEMBERSHIP DUES 2017
April 6, 2017	42362	\$363.00	BOARD OF EQUALIZATION	GENERAL-WATER-SEWER	2016 USE TAX RETURN
		\$132,664.52			

AGENDA ITEM – STAFF REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS
FROM: MATT FLOOD, ECONOMIC DEVELOPMENT MANAGER
VIA: VINCE DIMAGGIO, CITY MANAGER
SUBJECT: RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A LEASE WITH THE FRESNO AREA WORKFORCE INVESTMENT CORPORATION FOR THE USE OF OFFICE SPACE AT 655 QUINCE STREET.
DATE: APRIL 11, 2017

ISSUE

Shall the Council pass a Resolution authorizing the City Manager to enter into and agreement with the Fresno Area Workforce Investment Corporation (FAWIC) for the use of office space at the EDD building located at 655 Quince Street?

BACKGROUND

In July of 2016 members of Council and staff received word that the Employment Development Department (EDD) would be closing its office due to a state directive signed by governor Brown that would close smaller offices. Then Mayor Silva and members of staff contacted Senator Anthony Cannella, EDD Director Patrick Henning, and other state officials in an attempt to find a way to keep the EDD office in Mendota open.

The principal requirement for keeping the Mendota EDD office open would is to co-locate a partnering agency with the EDD (a mandate implemented mainly to reduce costs at the state level). Staff contacted Blake Konczal, Executive Director of the FAWIC, who was more than willing to find a partner agency to co-locate in that office.

Staff from the City of Mendota, including our contract attorneys, and staff from the FAWIC set out to create an agreement by which their partners could use the building. That agreement is attached herein as “Exhibit A” to Resolution No. 17-15.

ANALYSIS

Staff is requesting that the Council approve the agreement with the FAWIC in order to secure co-location and maintain the EDD office open in Mendota. Its main provisions are:

- 3-year term with an option for FAWIC to extend 2 additional years
- \$700 per month rent of approximately 537 ft² with a one-time security deposit of \$1,000
- Each year the rent will be adjusted base on the Consumer Price Index of the Western Region
- The City will need to create a doorway connecting the room FAWIC is to occupy

that is accessible from the EDD office space.

- Early termination of the lease is only possible if FAWIC is subject to a reduction in program funding.

As well as providing some revenue from the lease of rooms that have not been consistently used in the past, this arrangement will also provide the community the benefit of having an employee of Workforce Connection, with access to its accompanying services and programs, in Mendota on a constant basis.

FISCAL IMPACT

Initial one-time expenditure to perform the work connecting the necessary office spaces and annual revenue of approximately \$8,400 from the lease.

RECOMMENDATION

Staff recommends that Council adopt Resolution No. 17-15, authorizing and directing the City Manager to execute the lease agreement with FAWIC for the usage of office space located at 655 Quince Street.

**BEFORE THE CITY COUNCIL
OF THE
CITY OF MENDOTA, COUNTY OF FRESNO**

**A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF MENDOTA
AUTHORIZING THE CITY MANAGER
TO ENTER INTO AN AGREEMENT
WITH THE FRESNO AREA
WORKFORCE INVESTMENT
CORPORATION TO LEASE OFFICE
SPACE LOCATED AT 655 QUINCE
STREET**

RESOLUTION NO. 17-15

WHEREAS, the Employment Development Department (EDD) notified City of Mendota officials and staff of its intent to comply with new operational directives by closing the EDD office in Mendota; and

WHEREAS, City of Mendota officials and staff contacted staff from the Fresno Area Workforce Investment Corporation (FAWIC) to work out a co-location arrangement, whereby the requirements of the abovementioned operational directive could be met to keep the local EDD office open and operating; and

WHEREAS, FAWIC has agreed to renting shared space in the ED office located at 655 Quince Street in Mendota; and

WHEREAS FAWIC and City of Mendota staff have negotiated a proposed lease agreement, a copy of which is attached hereto as Exhibit "A."

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of Mendota does hereby authorize the City Manager to execute the attached agreement with FAWIC, attached herein as Exhibit "A," and authorizes the City Manager to execute all necessary documentation to fulfill the commitment of the City related to it.

Rolando Castro, Mayor

ATTEST:

I, Matt Flood, City Clerk of the City of Mendota, do hereby certify that the foregoing resolution was duly adopted and passed by the City Council at a special meeting of said Council, held at the Mendota City Hall on the 11th day of April, 2017, by the following vote:

**AYES:
NOES:
ABSENT:
ABSTAIN:**

Matt Flood, City Clerk

OFFICE LEASE

THIS OFFICE LEASE (this "Lease") is entered into on April __, 2017, by and between the **City of Mendota, a political subdivision of the State of California**, referred to in this Lease as "Landlord," and **Fresno Area Workforce Investment Corporation, a California public benefit corporation**, referred to in this Lease as "Tenant."

1. **Grant of Lease; Leased Space.** Subject to the terms and conditions set forth in this Lease, Landlord hereby leases to Tenant that certain space consisting of approximately 537 square-feet, more particularly described in **Exhibit "A"** attached hereto and incorporated herein by this reference (the "Leased Space") generally located in the building at **655 Quince Street, Mendota, California, 93640** (the "Building"). The Building is currently occupied by Landlord, the California Department of Motor Vehicles, and the Employment Development Department. The Leased Space is presently part of a complex and is not a specifically numbered address, but Landlord reserves the right to number the Leased Space at any time during this Lease.

2. **Term; Option to Extend.** The term of this Lease shall be for a period of three (3) years, which shall commence on the first day of the month following the completion of Landlord's Work (as defined Section 8 below) (the "Commencement Date"), and shall end on the last day of the month following three (3) years after the Commencement Date, unless sooner terminated or extended as herein provided (the "Term"). Tenant shall have the right and option to extend the terms of this Lease for an additional two (2) years. Tenant must notify Landlord of its intent to exercise its option to extend the Lease no later than three (3) months prior to the end of the Term. If extended, the additional two (2) years shall be considered a part of the "Term." Notwithstanding anything to the contrary contained herein, in no event shall the Term of this Lease commence, nor shall Tenant be obligated to commence the payment of Rent (as defined Section 4 below), before Landlord has completed all of Landlord's Work under Section 8 of this Lease.

3. **Early Termination.** Landlord expressly acknowledges that Tenant may terminate this Lease, or materially reduce the amount of Leased Space, without penalty in the event that Tenant or the Fresno Regional Workforce Development Board receives a material reduction of federal, state or local funding.

4. **Rent.** Tenant shall pay monthly rent of Seven Hundred and 00/100 Dollars (\$700.00) to Landlord on a monthly basis during the Term ("Rent"). The Rent shall be due in full, in advance, on the first day of each and every month, beginning on the Commencement Date and continuing to the end of the Term. In the event the Commencement Date falls on a day other than the first day of the month, the first Rent payment shall include a prorated amount of Rent for the prior month.

5. **Rent Adjustment.** Commencing with the 13th full month after the Commencement Date, and upon expiration of each twelve (12) months thereafter, Rent shall be adjusted according to any increase in the U.S. Consumer Price Index of the Bureau of Labor Statistics of the Department of Labor for All Urban Consumers ("CPI") for the West Region, based on the following formula: Rent will be multiplied by the most current CPI preceding the first calendar month during which the adjustment is to take effect, and divided by the most

recent CPI preceding the Commencement Date. In no event shall any adjusted Rent be less than the Rent for the month immediately preceding the adjustment. If the CPI is no longer published, then the adjustment to Rent shall be based on an alternate index that most closely reflects the CPI.

6. **Rent Paid to Landlord.** All Rent and other sums due and payable to Landlord hereunder shall be paid to the order of Landlord unless Landlord provides written notice specifying payment should be made to some other person or entity or to another address within the continental United States. Such notice, if any, shall be given to Tenant by Landlord in writing at least ten (10) days prior to the date when the next Rent payment is due.

7. **Security Deposit.** Tenant has, contemporaneously with the execution of this Lease, deposited with Landlord a security deposit in the sum of \$1,000.00 (the "Security Deposit"), the receipt of which is acknowledged by Landlord, to be held and applied by Landlord in the following manner:

(a) If, at any time during the Term, any of the Rent payable by Tenant to Landlord under this Lease should be overdue and unpaid, or if any other sums payable by Tenant to Landlord under the terms of this Lease should be overdue and unpaid, Landlord may, at Landlord's option, appropriate and apply any portion of the Security Deposit, up to the whole amount of the Security Deposit, to the payment of the overdue rent or sums. In the event of any such appropriation and application by Landlord, Tenant shall promptly, on receipt of written demand by Landlord, restore the amount so appropriated or applied from the Security Deposit. Tenant's failure to restore the Security Deposit within ten (10) days after receipt of the written demand by Landlord shall constitute a material breach of this Lease by Tenant;

(b) Should Tenant, at any time during the Term, be in default in the performance of any of the terms, covenants, and conditions of this Lease, Landlord may, after terminating this Lease, appropriate and apply any portion of the Security Deposit, up to the whole amount of the Security Deposit, that may be required to compensate Landlord for damages caused by Tenant's breach to the payment of those damages to Landlord; and

(c) Should Tenant fully and faithfully perform all the terms, covenants, and conditions of this Lease, including the prompt payment of Rent as required, Landlord shall, on termination of this Lease, return the full amount of the Security Deposit without interest to Tenant within ten (10) days after termination of the Lease.

8. **Delivery of Leased Space.** Landlord shall complete the following work ("Landlord's Work") prior to Tenant having any obligation to pay Rent hereunder: Landlord shall install a doorway between the two areas identified on the attached **Exhibit "B"** as the "HALL" and "OFFICE 1 VACANT", circled in cloud-shaped blue pen. Landlord's Work shall be completed on or before June 1, 2017. Landlord shall provide Tenant three (3)-days written notice prior to completing the Landlord's Work, after which time Rent will commence under Section 4 of this Lease.

9. **Use of Leased Space.** The Leased Space shall be used for general office purposes by Tenant and for no other use or uses without the prior express written consent of Landlord.

10. **Prohibited Uses.** Tenant shall not commit or permit the commission of any acts in or about the Leased Space, nor use or permit the use of the Leased Space, in any way that:

(a) Increases the existing rates for or causes cancellation of any fire, casualty, liability, or other insurance policy insuring the Building or its contents;

(b) Violates or conflicts with any law, statute, ordinance, or governmental rule or regulation, whether now in force or hereinafter enacted, governing the Leased Space or the Building;

(c) Obstructs or interferes with the rights of other tenants or occupants of the Building or injures or annoys them; or

(d) Constitutes the commission of waste on the Leased Space or the commission or maintenance of a nuisance as defined by the laws of California.

11. **Alterations by Tenant.** No alteration, addition, or improvement to the Leased Space shall be made by Tenant without the written consent of Landlord. Concurrently with requesting Landlord's consent to the proposed alteration, addition, or improvement, Tenant shall submit to Landlord preliminary plans for the alteration, addition, or improvement. Landlord shall, in its reasonable discretion, approve or disapprove the proposed alteration, addition, or improvement, within 30 days after its receipt of Tenant's written request for approval. If Landlord fails to affirmatively approve or disapprove the proposed alteration, addition, or improvement within the same 30-day period, the proposed alteration, addition, or improvement shall be deemed disapproved. If Landlord gives such written consent to any alteration, addition, or improvement to the Leased Space, Landlord and Tenant shall agree in writing at that time to the date when that undertaking shall be completed. Tenant shall obtain all necessary governmental permits required for any alteration, addition, or improvement approved by Landlord and shall comply with all applicable governmental law, regulations, ordinances, and codes. Unless otherwise agreed to by Tenant and Landlord, any alteration, addition, or improvement made by Tenant after consent has been given, and any fixtures installed as part of the construction, shall at Landlord's option become the property of Landlord on the expiration or other earlier termination of this Lease; provided, however, that Landlord shall have the right to require Tenant to remove the fixtures at Tenant's cost on termination of this Lease. If Tenant is required by Landlord to remove the fixtures on termination of this Lease, Tenant shall repair and restore any damages to the Leased Space or Building caused by such removal.

12. **Mechanics' Liens.** If Tenant causes any alterations, additions, or improvements to be made to the Leased Space, Tenant agrees to keep the Leased Space free of liens for both labor and materials. If a lien is placed on the Leased Space or Building in connection with any construction, repair, or replacement work that Tenant may or must cause to be performed under this Lease which results in a final judgment, Landlord may pay the amount of that judgment. In the event that Landlord pays any amount on a judgment, and provides

Tenant with written notice and evidence that the judgment(s) has been paid, Tenant shall reimburse Landlord for the full amount paid within 15 days after Landlord provides such notice and evidence of payment. If Tenant fails to reimburse Landlord within such 15-day period after receiving written notice and evidence of payment, Tenant shall be in default of this Lease.

13. **Maintenance and Repairs.**

(a) During the Lease term, the Landlord shall maintain the Leased Space in good repair and tenantable condition, so as to minimize breakdowns and loss of Tenant's use of the Leased Space caused by deferred or inadequate maintenance, including, but not limited to: (i) generally maintaining the Leased Space in good, vermin-free, operating condition and appearance; (ii) furnishing prompt, good quality repair of the Building, equipment, and appurtenances, including but not limited to the HVAC unit(s); (iii) furnishing preventative maintenance, including, but not limited to, manufacturer's recommended servicing of equipment; (iv) furnishing and promptly replacing any inoperative bulbs, starters, and filters for the heating, ventilating and air conditioning equipment as required by manufacturer; (v) annual testing and maintenance of all fire extinguishers adjacent to the Leased Space; (vi) repairing and replacing parking signs, lot bumpers, and paving as necessary; (vii) repainting directional arrows, striping, etc., as necessary; (viii) on a weekly basis, sweeping parking areas and sidewalks, maintaining landscaped areas, including sprinklers, drainage, etc., in a growing, litter-free, weed-free, and neatly mowed and/or trimmed condition; and (ix) keeping all walkways, parking lots, entrances, and auxiliary areas free of water, oil spills, debris, or other materials which may be hazardous to users of the Building.

(b) Tenant shall during the term of this Lease maintain the Leased Space, in a good, clean, and safe condition, and shall on expiration or earlier termination of this Lease surrender the Leased Space to Landlord in as good condition and repair as existed on the date of this Lease, reasonable wear and tear and damage by the elements excepted. Tenant, at Tenant's own expense, shall repair all deteriorations or injuries to the Leased Space or to the Building occasioned by Tenant's lack of ordinary care including, but not limited to, cleaning, painting, and restoring the condition of the walls of the Leased Space.

(c) Except in the case of an emergency, Landlord shall not enter the Leased Space for the purpose of effecting the repairs, alterations, or improvements other than during normal business hours, and shall give Tenant 24-hours' notice of the intention to enter for those purposes.

(d) Except for cases of emergency, Landlord shall make all repairs required hereunder as soon as is practical. In the event Landlord has not made a repair referred to in a written notice from Tenant to Landlord within 10 days after the date of that notice, Tenant shall have the right to have the repair performed and be reimbursed by Landlord. If the full amount of reimbursement is not delivered by Landlord to Tenant within 15 days after Tenant's delivery to Landlord of a written statement or bill evidencing the cost of the repair, Tenant shall have the right to deduct the cost of the repair from the next monthly Rent payable to Landlord.

14. **Janitorial Services for the Leased Space.** Landlord shall be responsible for the cost of all janitorial services for the Leased Space; Landlord shall be responsible for the cost of all janitorial services for the common areas of the Building.

15. **Inspection by Landlord.** Tenant shall permit Landlord or Landlord's agents, representatives, or employees to enter the Leased Space, upon 24-hours' advance notice, at all reasonable times for the purpose of inspecting the Leased Space to determine whether Tenant is complying with the terms of this Lease and for the purpose of doing other lawful acts that may be necessary to protect Landlord's interest in the Leased Space under this Lease.

16. **Utilities Furnished by Landlord.** Landlord shall, at Landlord's own cost and expense, provide the following utilities to the Leased Space:

- (a) Water, gas and electricity for the Leased Space; and
- (b) Heating and air conditioning for the Leased Space.

17. **Tenant's Liability Insurance.** For the mutual benefit of Landlord and Tenant, Tenant shall during the term of this Lease cause to be issued and maintained public liability insurance in the sum of at least \$500,000 for injury to or death of one person, and \$1,000,000 for injury to or death of more than one person in any one accident, insuring the Tenant against liability for injury and/or death occurring in or on the Leased Space or the common areas of the Building. Landlord shall be named as an additional insured and the policy shall contain cross-liability endorsements. The Tenant shall maintain all such insurance in full force and effect during the Term of this Lease and shall pay all premiums for the insurance. Evidence of insurance and of the payment of premiums shall be delivered to Landlord upon Landlord's request. Said insurance may be in the form of a general coverage or floater policy covering these and other premises, provided that Landlord is named an additional insured in said policy.

18. **Insurance for Tenant's Personal Property.** Tenant agrees at all times during the term of this lease to keep, at Tenant's sole expense, all of Tenant's personal property, including trade fixtures and equipment of Tenant that may be on or in the Leased Space from time to time, insured against loss or damage by fire and by any peril included within fire and extended coverage insurance for an amount that will insure the ability of Tenant to fully replace the personal property, trade fixtures, and equipment.

19. **Indemnification.**

(a) **Tenant's Indemnification of Landlord.** Tenant shall indemnify, protect, defend and hold harmless Landlord and its agents, representatives, and partners, from and against any and all claims, loss of rents and/or damages, costs, liens, judgments, penalties, permits, attorneys' and consultants' fees, expenses and/or liabilities arising out of (i) Tenant's occupancy of the Leased Space, (ii) the conduct of Tenant's business, (iii) any act, omission or neglect of Tenant, its agents, contractors, employees or invitees, and (iv) any default or breach by Tenant in the performance in a timely manner of any obligation on Tenant's part to be performed under this Lease. The foregoing shall include, but not be limited to, the defense or pursuit of any claim or any action or proceeding involved therein, and whether or not (in the case of claims made against

Landlord) litigated and/or reduced to judgment, and whether well founded or not. In the event any action or proceeding is brought against Landlord by reason of any of the foregoing matters, Tenant, upon written demand from Landlord, shall defend the same at Tenant's expense by counsel reasonably satisfactory to Landlord, and Landlord shall cooperate with Tenant in such defense. Landlord need not have first paid any such claim in order to be so indemnified. Tenant, as a material part of the consideration to Landlord, hereby assumes all risk of damage to property or injury to persons in, upon or about the Leased Space arising from any cause, and Tenant hereby waives all claims in respect thereof against Landlord; provided, however, Tenant does not assume the risk for and shall have no obligation to defend, indemnify, hold harmless, or protect Landlord from claims to the extent caused by negligent, willful or criminal acts of Landlord, Landlord's agents, representatives, or partners, and Tenant does not waive such claims.

(b) Landlord's Indemnification of Tenant. Landlord shall indemnify, protect, defend and hold harmless Tenant and its agents, representatives, board members, and partners from and against any and all claims, losses and/or damages, costs, liens, judgments, penalties, permits, attorneys' and consultants' fees, expenses and/or liabilities arising out of (i) Landlord's ownership of the Building, (ii) any act, omission or neglect of Landlord, its agents, contractors, employees or invitees, and (iii) any default or breach by Landlord in the performance in a timely manner of any obligation on Landlord's part to be performed under this Lease. The foregoing shall include, but not be limited to, the defense or pursuit of any claim or any action or proceeding involved therein, and whether or not (in the case of claims made against Tenant) litigated and/or reduced to judgment, and whether well founded or not. In the event any action or proceeding is brought against Tenant by reason of any of the foregoing matters, Landlord, upon written demand from Tenant, shall defend the same at Landlord's expense by counsel reasonably satisfactory to Tenant, and Tenant shall cooperate with Landlord in such defense. Tenant need not have first paid any such claim in order to be so indemnified. Landlord, as a material part of the consideration from Tenant, hereby assumes all risk of damage to property or injury to persons in, upon or about the Building in areas other than the Leased Space arising from any cause, and Landlord hereby waives all claims in respect thereof against Tenant; provided, however, Landlord does not assume the risk for and shall have no obligation to defend, indemnify, hold harmless, or protect Tenant from claims to the extent caused by negligent, willful or criminal acts of Tenant, Tenant's agents, representatives, or partners, and Landlord does not waive such claims.

20. **Destruction of Leased Space or Building.** If the Leased Space or the Building is damaged or destroyed by any cause not the fault of Tenant and Tenant is prevented from occupying the Leased Space due to such damage or destruction, Landlord shall, at Landlord's sole cost and expense, promptly repair the damage, and the Rent payable under this Lease shall be abated for the time and to the extent Tenant is prevented from occupying the Leased Space. Notwithstanding the foregoing, if the Leased Space or the Building is damaged or destroyed and repair of the damage or destruction cannot be completed within 90 days:

(a) Landlord may, in lieu of making the repairs required by this Section 20, terminate this Lease by giving Tenant 30 days' written notice of termination. A notice of

termination must be given to Tenant not later than 30 days after the event causing the destruction or damage; or

(b) Tenant may terminate this Lease by giving Landlord 30 days' written notice of termination.

21. **Condemnation.** If all or any part of the Leased Space is taken by any public or quasi-public agency or entity under the power of eminent domain during the term of this Lease:

(a) Either Landlord or Tenant may terminate this Lease by giving the other party 10 days' written notice of termination.

(b) If only a portion of the Leased Space is taken by eminent domain and neither Landlord nor Tenant terminates this Lease, the Rent thereafter payable under this Lease shall be reduced by the same percentage that the floor area of the portion taken by eminent domain bears to the floor area of the entire Leased Space.

Any and all damages and compensation awarded or paid because of a taking of the Leased Space or the Building shall belong to Landlord. In that event, Tenant shall retain all rights allowed to it by law to bring claims against Landlord or the entity exercising eminent domain power for the value of the unexpired term of this Lease or any other right arising from this Lease.

22. **Assignment and Subletting.** Tenant shall not encumber, assign, sublet, or otherwise transfer this Lease, any right or interest in this lease, or any right or interest in the Leased Space without first obtaining the express written consent of Landlord. Landlord's consent under this Section 22 shall not be unreasonably withheld. Landlord, by executing this Lease, consents in writing to Tenant's subletting the Leased Space to job employment and training entities. Tenant shall not sublet the Leased Space or any part of it or allow any other persons, other than Tenant's employees and agents, to occupy or use the Leased Space or any part of it without the prior written consent of Landlord. A consent by Landlord to one assignment, subletting, or occupation and use by another person shall not be deemed to be a consent to any subsequent assignment, subletting, or occupation and use by another person. Any encumbrance, assignment, transfer, or subletting without the prior written consent of Landlord, whether voluntary or involuntary, by operation of law or otherwise, is void and shall, at the option of Landlord, be a default of this Lease.

23. **Default by Tenant.** The following shall constitute a default under, and a breach of, this Lease by Tenant:

(a) Any failure by Tenant to pay the Rent or to make any other payment required to be made by Tenant under this Lease within five (5) days that such payment is due under the terms of this Lease;

(b) The abandonment of the Leased Space by Tenant;

(c) A failure by Tenant to observe and perform any other provision of this Lease to be observed or performed by Tenant, when that failure continues for five (5)

days after written notice of Tenant's failure is given by Landlord to Tenant; provided, however, that if the nature of that default is such that it cannot reasonably be cured within a five (5) day period, Tenant shall not be deemed to be in default if Tenant commences that cure within the five day period and thereafter diligently prosecutes it to completion; or

(d) The making by Tenant of any general assignment for the benefit of creditors; the filing by or against Tenant of a petition to have Tenant adjudged a bankrupt or of a petition for reorganization or arrangement under any law relating to bankruptcy (unless, in the case of a petition filed against Tenant, it is dismissed within 60 days); the appointment of a trustee or receiver to take possession of substantially all of Tenant's assets located at the Leased Space or of Tenant's interest in this Lease, when possession is not restored to Tenant within 30 days; or the attachment, execution, or other judicial seizure of substantially all of Tenant's assets located at the Leased Space or of Tenant's interest in this Lease, when that seizure is not discharged within 30 days.

The notices provided for in subsections (a) through (d) of this Section 23 are not intended to replace, but rather are in addition to, any required statutory notices for unlawful detainer proceedings under Code of Civil Procedure Section 1161 et seq.

24. **Landlord's Remedies.** If Tenant breaches or is in default under this Lease and does not cure or begin to cure such breach or default within the time period(s) allowed under this Lease, Landlord, in addition to any other remedies given Landlord by law or equity, may:

(a) Continue this Lease in effect by not terminating Tenant's right to possession of the Leased Space and thereby be entitled to enforce all Landlord's rights and remedies under this Lease, including the right to recover the Rent specified in this Lease as it becomes due; or

(b) Terminate this Lease and all rights of Tenant under the Lease and recover from Tenant:

(i) The unpaid Rent earned at the time of termination of the Lease;

(ii) The amount of unpaid Rent for the balance of the Term remaining after the date of termination, excepting any such amount that Tenant proves Landlord could have reasonably avoided by Landlord mitigating its damages ;
and

(iii) Any other amount necessary to compensate Landlord for all detriment proximately caused by Tenant's failure to perform Tenant's obligations under this Lease; or

(c) In lieu of, or in addition to, bringing an action for any or all of the recoveries described in subsection (b) of this Section 24, bring an action to recover and regain possession of the Leased Space in the manner provided by the California law of unlawful detainer then in effect.

25. **Termination Notice.** No act of Landlord, including, but not limited to, Landlord's entry on the Leased Space or efforts to relet the Leased Space, or the giving by Landlord to Tenant of a notice of default, shall be construed as an election to terminate this Lease unless a written notice of the Landlord's election to terminate is given to Tenant.

26. **Waiver of Breach.** The waiver by Landlord of any breach by Tenant of any of the provisions of this Lease shall not constitute a continuing waiver or a waiver of any subsequent default or breach by Tenant either of the same or a different provision of this Lease.

27. **Notices.** Except as otherwise expressly provided by law, any and all notices or other communications required or permitted by this Lease or by law to be served on or given to either party to this Lease by the other party shall be in writing, and shall be deemed duly served and given when personally delivered to the party to whom it is directed or any managing employee of that party or, in lieu of personal service, when deposited in the United States Mail, first-class postage prepaid, addressed to: (a) for Landlord - City of Mendota (ATTN: Matt Flood), 643 Quince St, Mendota, CA 93640, or (b) for Tenant - Fresno Area Workforce Investment Corporation (ATTN: Paul Bauer), 2125 Kern Street, Suite 208, Fresno, CA 93721. Either party may change its address for purposes of this Section 27 by giving written notice of the change to the other party in the manner provided in this Section 27.

28. **Attorneys' Fees.** If any litigation is commenced between the parties to this Lease concerning the Leased Space, this Lease, or the rights and duties of either in relation to the Leased Space or the Lease, the party prevailing in that litigation shall be entitled, in addition to any other relief granted, to a reasonable sum as and for its attorneys' fees in the litigation, which shall be determined by the court in that litigation or in a separate action brought for that purpose.

29. **Asbestos.** Landlord hereby warrants and guarantees that the Leased Space will be operated and maintained free of hazard from Asbestos Containing Materials (ACM). Landlord specifically agrees that, in the event the Tenant elects to exercise its rights under the provisions of Section 19(b) of this Lease, any costs related to abatement or hazard from asbestos shall be the Landlord's responsibility.

30. **Americans With Disabilities Act.** Landlord agrees that the Building, the Leased Space, and all common areas and parking stalls used by Tenant's employees and invitees, comply with the ADA. Landlord shall indemnify, protect, and hold Tenant harmless from any and all claims resulting from Landlord's failure to comply with the ADA.

31. **Seismic Requirements.** Landlord represents that the Building complies with all seismic requirements and regulations adopted by State of California and the federal government, as adopted.

32. **General Provisions.**

(a) **Binding on Heirs.** This Lease shall be binding on and shall inure to the benefit of the heirs, executors, administrators, successors, and assigns of the parties, but nothing in this subsection (a) shall be construed as a consent by Landlord to any assignment of this Lease or any interest therein by Tenant except as provided in Section 22 of this Lease.

(b) Final Agreement. This Lease constitutes the sole and only full, final, and complete agreement between Landlord and Tenant respecting the Leased Space or the leasing of the Leased Space to Tenant, and correctly sets forth the obligations of Landlord and Tenant to each other as of its date. Any agreements or representations respecting the Leased Space or their leasing by Landlord to Tenant not expressly set forth in this Lease are null and void. All prior negotiations between the parties are subsumed into this Lease to the extent they have been agreed to, and if not agreed to by the parties such negotiations are not set forth in the terms and conditions of this Lease. This Lease may not be extended, amended, modified, altered, or changed, except in a writing signed by Landlord and Tenant.

(c) Amendment; Waiver. This Lease shall not be modified, amended or supplemented, in whole or part, without the prior written consent of the parties hereto. Any waiver under this Lease of any covenant, representation, warranty or any other provision hereof must be in writing and signed by each party whose interests are adversely affected by such waiver. No waiver granted in any one instance shall be construed as a continuing waiver applicable in any other instance.

(d) Interpretation; Exhibits. The parties agree that each party and its attorneys have reviewed and revised this Lease and that the normal rule of construction, to the effect that any ambiguities are resolved against the drafting party, shall not be employed in the interpretation of this Lease and no other rule of strict construction shall be used against any party. All exhibits and schedules attached or to be attached hereto, and all other agreements and instruments referred to herein, are hereby incorporated herein by reference, as fully as if copied herein verbatim.

(e) Governing Law. This Lease shall be governed by the laws of the State of California without regard to and excluding its principles of conflicts of laws.

(f) Cooperation. The parties agree that upon request, they shall do such further acts and deeds, and shall execute, acknowledge, deliver and record such other documents and instruments, as may be reasonably necessary from time to time to evidence, confirm or carry out the intent and purposes of this Lease.

(g) Severability. If any one or more of the provisions hereof shall for any reason be held invalid, illegal or unenforceable in any respect, such invalidity, illegality or unenforceability shall not affect the validity or enforceability of any other provision hereof, which shall be construed as if such invalid, illegal or unenforceable provision had never been contained herein. The parties intend that if any provision hereof is capable of two constructions, one of which would render the provision void and the other of which would render the provision valid, then the provision shall have the meaning which renders it valid.

(h) Counterparts. This Lease may be executed simultaneously in one or more counterparts, each of which shall be deemed an original, but all of which taken together shall constitute one in the same instrument, and it shall not be necessary that any single counterpart bear the signatures of all parties.

(i) Remedies Not Exclusive. Unless expressly stated to be exclusive, no remedy conferred herein shall be deemed to be exclusive of any other remedy conferred herein or any other remedy now or hereafter available at law or equity. All remedies conferred herein, and all remedies now or hereafter available at law or equity, shall be deemed to be cumulative and not alternative, and may be enforced concurrently or successively.

(j) Calculating Time. All periods of time shall include Saturdays, Sundays and legal holidays; provided that, if the last day to perform any act or give notice falls on a Saturday, Sunday or legal holiday, then such act or notice shall be timely performed if given on the next succeeding business day.

(k) Holdover. Any holding over by Tenant of the Leased Space after the expiration or termination of this Lease shall operate and be construed as a tenancy from month to month on all terms of this Lease, terminable by either party upon thirty (30) days prior written notice to the other.

(l) No Partnership. Nothing in this Lease shall be deemed or construed by the parties hereto or by any third party to create the relationship of principal and agent or of partnership or of joint venture or of any association between Landlord and Tenant, and no provision contained in this Lease nor any acts of the parties hereto shall be deemed to create any relationship between Landlord and Tenant other than the relationship of landlord and tenant.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

(m) Construction. Unless the context in which used clearly requires another construction, throughout this Lease, the masculine gender shall be deemed to include the neuter of feminine or both, the neuter gender shall include the masculine or both, and the singular of terms shall include the plural and vice versa. The section headings are for convenience only and shall not affect the construction hereof. The words “hereof”, “herein”, “hereunder”, and other words of similar import refer to this Lease as a whole and not to any specific article, section or subsection hereof. The word party” or “parties” means only those persons or entities who are signatories to this Agreement. The terms “include,” “includes,” “including,” or words of like import, shall be construed as being without limitation to the matters or items thereafter specified, notwithstanding any rule of construction to the contrary, unless an intention to be so limited is clearly expressed.

EXECUTED on April ____, 2017 at _____,
County, California.

“LANDLORD”

“TENANT”

**CITY OF MENDOTA, a political
subdivision of the State of California**

**FRESNO AREA WORKFORCE
INVESTMENT CORPORATION, a
California nonprofit corporation**

By: _____

Its: _____

By: _____

Its: _____

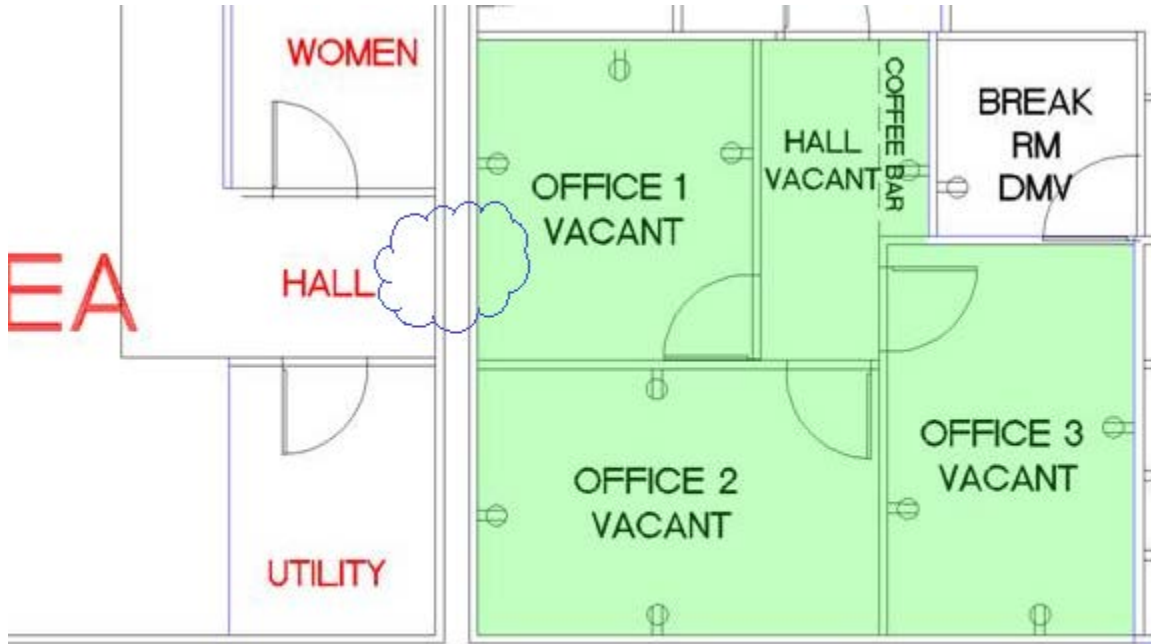
EXHIBIT "A"

Depiction of Leased Space



EXHIBIT "B"

Depiction of Landlord's Work



AGENDA ITEM

TO: HONORABLE MAYOR AND COUNCILMEMBERS
FROM: DAVID McGLASSON, PE, PLS, CITY ENGINEER
VIA: VINCE DIMAGGIO, CITY MANAGER
SUBJECT: ACCEPTANCE OF LAS PALMAS ESTATES PHASE IV & V
DATE: APRIL 11, 2017

ISSUE

Should the City Council adopt the attached resolution approving and accepting the public improvements of Tract No. 5847 and Tract No. 5925, respectively referred to as Las Palmas Estates Phases IV and V, and authorize the City Manager to release improvement securities?

BACKGROUND

The development of Vesting Tentative Map No. 5483 for Las Palmas Estates, a single family residential development in northwest Mendota, has been proceeding in phases for over 10 years. In February 2015, the Subdivision Agreement for Tract No. 5847 (Phase IV) was executed, followed by the execution of the Subdivision Agreement for Tract No. 5925 (Phase V) in September 2015. Subsequent phases, VI through IX, are currently in various stages of plan review and construction, with Phase IX being the final phase. As part of the Subdivision Agreements for each phase, the developer, KSA Investments, LLC, furnished improvement securities of the estimated costs of all work and improvements associated with the approved Final Maps and Plans.

Public improvements for these subdivisions include curbs, gutters, sidewalks, asphalt pavement, sanitary sewer systems, storm drain systems, domestic water, street lighting, and signage.

The public improvements for Phase IV were constructed between April and September, 2015. This overlapped with the construction of the public improvements for Phase V, which ran from August 2015 through January 2016. Final punch-list items were not addressed by the developer's contractors until the week of March 27, 2017.

ANALYSIS

The public improvements for both Tract No. 5847 and Tract No. 5925 have been inspected by the City Engineer and tested and found to be in accordance with Title 16, Chapter 16.32 of the

Municipal Code of the City of Mendota, the City Standard Specifications, the State of California Department of Transportation Standard Specifications, and the approved construction plans, as stipulated in the subdivision agreements for each phase.

FISCAL IMPACT

Upon adoption of the attached resolution, the City will release in whole the improvement securities provided per the subdivision agreements for each phase, per Government Code 66499.7. This will have no direct fiscal impact to the City.

RECOMMENDATION

Staff recommends that the City Council adopt the attached resolution approving and accepting the public improvements of Tract No. 5847 and Tract No. 5925, Las Palmas Estates Phases IV and V, respectively, and authorizing the City Manager to release the Performance and Labor & Materials securities for each tract.

**BEFORE THE CITY COUNCIL
OF THE
CITY OF MENDOTA, COUNTY OF FRESNO**

**A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF MENDOTA TO APPROVE
AND ACCEPT THE PUBLIC IMPROVEMENTS
OF TRACT NO. 5847 AND TRACT NO. 5925**

RESOLUTION NO. 17-28

WHEREAS, Vesting Tentative Map No. 5483 for the Las Palmas Estates was approved by the City Council on March 22, 2005;

WHEREAS, Tract No. 5847 is Phase IV of Vesting Tentative Map No. 5483;

WHEREAS, Tract No. 5925 is Phase V of Vesting Tentative Map No. 5483;

WHEREAS, all work within the public rights-of-way and all street improvements have been completed by the Owner in accordance with Title 16, Chapter 16.32 of the Municipal Code of the City of Mendota, the City of Mendota Standard Specifications, the State of California Department of Transportation Standard Specifications and the approved construction plans, as stipulated in the subdivision agreements for each tract, and as inspected by the City Engineer and tested by approved testing laboratories; and

WHEREAS, performance and labor securities were furnished to the City in accordance with the subdivision agreements for each tract.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Mendota that the the public improvements of Tract No. 5847 and Tract No. 5925 are approved and accepted, and authorization is given to the City Manager to release the securities for said improvements in accordance with the conditions and rules of Government Code 66499.7.

Rolando Castro, Mayor

ATTEST:

I, Matt Flood, City Clerk of the City of Mendota, do hereby certify that the foregoing resolution was duly adopted and passed by the City Council at a regular meeting of said Council, held at the Mendota City Hall on the 11th day of April, 2017, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Matt Flood, City Clerk

AGENDA ITEM – STAFF REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS
FROM: MATT FLOOD, ECONOMIC DEVELOPMENT MANAGER
SUBJECT: PROPOSED ORDINANCE MODIFY THE ZONING CODE AS IT PERTAINS TO
OUTDOOR ADVERTISING (SIGNS)
DATE: APRIL 11, 2017

ISSUE

Shall the City Council waive the first reading and set the public hearing for the adoption of Ordinance No. 17-04 modifying the Zoning Code as it relates to Outdoor Advertising (Signs) in Commercial Districts?

BACKGROUND

Members of the business community had requested that, in an effort to be more business-friendly, the City Council consider modifying the Zoning Code as it relates to outdoor advertising (signs). In the past two years the City council, Planning Commission, staff, and the public have been working on adjusting the regulations to increase flexibility while still preserving the health, safety, and aesthetic look of our community.

As part of the process of formulating these changes, staff analyzed the needs and practices of our business community, what laws other municipalities have and how they are implemented, and other considerations that would provide an appropriate and comparable perspective while facilitating the modernization of our Zoning Code.

With those elements acquired, staff presented the information to the City Council at a couple of its meetings and left with the following recommendations to implement in commercial sectors:

- Allow 50% of window space to contain signs advertising products or services.
- Allow free-standing signs in the C-3 district.
- Allow A-frame type signs.
- Allow temporary signs to advertise certain irregular and limited occasions.

Staff formulated an ordinance to apply these changes and took it to the Planning Commission for input and review. The Planning Commission adopted a resolution (attached herein) to recommend that the City Council adopt the ordinance.

ANALYSIS

Once implemented, the changes proposed will provide more options to the Business Community for legally advertising their products and services while at the same time making it clear for Planning and Code Enforcement to process and apply the codes as it relates to signage.

Part of an appropriate analysis of such a law is understanding the overarching philosophical principle in the creation of outdoor advertising ordinances. Each community has different provisions depending on their need, with “need” being defined in this case as balancing what businesses want with the type of image the community (both residents and businesses) wishes to convey to visitors. In other words, the ordinance needs to help businesses as well as keep the business districts safe, clean, and beautiful.

The provisions contained in this ordinance satisfy this need by creating an unprecedented flexibility while still providing the limits and enforcement tools that are needed in order to maintain the health, safety, and aesthetic look of our community.

FISCAL IMPACT

None.

RECOMMENDATION

Staff recommends that the City Council take any comment from the public on this matter, waive the first reading, and set the second reading and public hearing for the adoption of Ordinance No. 17-04 for the April 25th regular Council Meeting.

**PLANNING COMMISSION
OF THE CITY OF MENDOTA
FRESNO COUNTY, CALIFORNIA**

RESOLUTION NO. PC 17-01

**A RESOLUTION OF THE CITY OF MENDOTA PLANNING COMMISSION
RECOMMENDING THAT THE CITY COUNCIL OF THE CITY OF MENDOTA ADOPT
AN ORDINANCE AMENDING PARTS OF THE ZONING CODE (TITLE 17 OF THE
MENDOTA MUNICIPAL CODE) RELATING TO OUTDOOR ADVERTISING
(SIGNS)**

WHEREAS, on February 15, 2017, the City Council voted to adopt a Resolution of Intention to Initiate an Amendment to various sections of the Zoning Code (Title 17 of the Mendota Municipal Code [MMC]) relating to Outdoor Advertising (Signs) provisions; and

WHEREAS, Section 17.08.040(B) of the Mendota Municipal Code provides that "Amendments to this title may be initiated in the following manner . . . The council may propose an amendment by a resolution of intention"; and

WHEREAS, Section 17.08.040(B) of the Mendota Municipal Code provides that the secretary shall set a public hearing on any proposed amendments by the Planning Commission "no less than ten (10) days nor more than forty (40) days . . . after the adoption of a resolution of intention by the commission or the council"; and

WHEREAS, City Staff has prepared a proposed Ordinance Amending the provisions of Title 17 that relate to the changes desired by Council, a copy of which is attached hereto as Exhibit "A" (the "Proposed Ordinance"); and

WHEREAS, on March 15, 2017, the City published notice in the Firebaugh Mendota Journal advising that the Planning Commission would conduct a public hearing on the Proposed Ordinance at its March 27, 2017, special meeting; and

WHEREAS, on March 27, 2017, the Planning Commission conducted a duly-noticed public hearing on the Proposed Ordinance; and

WHEREAS, Staff has reviewed the Proposed Ordinance, and has determined that the approval of the Proposed Ordinance is not subject to the California Environmental Quality Act, Public Resources Code, § 21000, *et seq.* ("CEQA"), pursuant to Section 15060(c)(2) of the CEQA Guidelines, on the grounds that the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment, and Section 15060(c)(3) of the CEQA Guidelines, on the grounds that the activity is not a project as defined in Section 15378 of the CEQA Guidelines, because it has no potential for resulting in physical change to the environment, directly or indirectly. Staff has also determined that, alternatively, the Proposed Ordinance is not a project under Section 15061(b)(3) of the CEQA Guidelines because it has no potential for causing a significant effect on the environment.

WHEREAS, Section 17.08.040(H) of the Mendota Municipal Code provides that the City Council shall hold a public hearing on the proposed amendments “not less than ten days nor more than forty (40) days after the filing of the commission’s resolution by the council,” and that notice of said council hearing “shall be given as provided in Section 17.08.040(F).”

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission for the City of Mendota hereby recommends to the City Council approval of the Proposed Ordinance, attached hereto and made a part of this resolution as Exhibit “A.”

BE IT FURTHER RESOLVED that the Planning Commission finds the approval of this ordinance is not subject to CEQA, pursuant to Section 15060(c)(2) of the CEQA Guidelines, on the grounds that the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment, and Section 15060(c)(3) of the CEQA Guidelines, on the grounds that the activity is not a project as defined in Section 15378 of the CEQA Guidelines, because it has no potential for resulting in physical change to the environment, directly or indirectly. Alternatively, the Planning Commission finds the approval of this ordinance is not a project under Section 15061(b)(3) of the CEQA Guidelines because it has no potential for causing a significant effect on the environment.

BE IT FURTHER RESOLVED that the Secretary shall file this Resolution No. PC 17-01 with the City Council, and shall schedule a public hearing before the City Council on the Proposed Ordinance no less than ten (10) days nor more than forty (40) days after the adoption of this resolution. The Secretary shall also provide notice of the City Council hearing as provided under Section 17.08.040 of the Mendota Municipal Code no later than 10 days before the hearing.

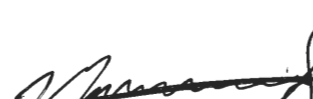
PASSED AND ADOPTED by the Planning Commission of the City of Mendota at a special meeting held on the 27th of March, 2017, upon a motion by Commissioner Escobedo, a second by Commissioner Obaid, and by the following vote:

AYES: 3 – Chairperson Luna, and Commissioners Escobedo and Obaid.
NOES: 0
ABSTAIN: 0
ABSENT: 3 – Vice-Chairperson Gamez, and Commissioners Leiva and Romero.

ATTEST:



Juan Luna, Chair



Matt Flood, City Clerk



**BEFORE THE CITY COUNCIL
OF THE
CITY OF MENDOTA**

**AN ORDINANCE OF THE CITY COUNCIL
OF THE CITY OF MENDOTA AMENDING
SECTIONS 17.04.110, 17.44.050(K),
17.52.050(K), 17.56.050(K), AND
17.88.010, OF THE MENDOTA
MUNICIPAL CODE RELATED TO
OUTDOOR ADVERTISING (SIGNS)**

ORDINANCE NO. 17-04

The City Council of the City of Mendota does hereby ordain as follows:

Section 1. The following definition is added to Subsection (C) of Section 17.04.110 of Chapter 17.04 of Title 17 of the Mendota Municipal Code:

“Temporary Sign” means a sign that is installed, erected, or displayed on the property of a business advertising the opening, establishment, or new location of a business, change of ownership of the business, or sales related to the opening or closing of that business.

Section 2. Subsection (g) of Subsection (11) of Subsection (A) of Section 17.88.010 of Chapter 17.88 of Title 17 of the Mendota Municipal Code is hereby added to read as follows:

g. Temporary signs may be permitted in a non-residential district for a maximum of thirty (30) days, subject to the following regulations:

- i. A sign permit is obtained from the planning department prior to the installation of such a sign, via a completed sign application, and a graphical color rendering of the sign.**
- ii. The content of such a sign contains no more than the name, address, phone number, website, hours of operation, logo of the business, and nature of the event.**
- iii. It is composed of a wood, plastic, banner, flag or similarly durable material.**
- iv. The size of such a sign is no more than fifty (50) square feet.**
- v. Only one such sign is allowed per street frontage, per business.**

Section 3. Subsections (g) and (h) of Subsection (1) of Subsection (K) of Section 17.44.050 of Chapter 17.44 of Title 17 of the Mendota Municipal Code is hereby added to read as follows:

g. Where County, State, or Federal law does not prohibit such, the posting of signs without a permit on the inside of a window advertising the business, services, and products offered on the premises, not to exceed 50% of the total area of the window and be done in a manner that inhibits the ability of law enforcement to see inside of the business.

h. One A-frame or other standing sign of a temporary nature per street frontage without a permit, not to exceed ten (10) square feet in area, including the area occupied by any fixture at or near parallel to the face of the sign, and four (4) feet in height, placed within five (5) feet of the building that the business occupies and not encroaching on the public-right-of way.

Section 4. Subsection (K) of Section 17.52.050 of Chapter 17.52 of Title 17 of the Mendota Municipal Code is hereby amended to read as follows:

K. Outdoor Advertising. The provisions of the C-1 district, Section 17.44.050(K)(1)(a), (b), (d), and (f), (g), and (h) shall apply, with one free-standing sign per street frontage permitted, subject to the following regulations:

- 1. The sign shall only contain the name of the business or businesses, principal services provided, and the address of the location.**
- 2. The sign shall not exceed seventy-five (75) square feet in area or twenty (20) feet in height.**
- 3. Any lighting or other forms of illumination utilized shall not create a hazard to drivers or cause a visual or noise disturbance to any surrounding residential area.**

Section 5. Subsection (K) of Section 17.56.050 of Chapter 17.56 of Title 17 of the Mendota Municipal Code is hereby amended to read as follows:

K. Outdoor Advertising. The provisions of the C-1 district, Section 17.44.050(K)(1)(a), (b), (d), (e), and (f), (g), and (h) shall apply.

Section 6. The City Council of the City of Mendota hereby finds that the amendments contained herein solely constitute changes to regulations, and do not authorize or approve any development or physical changes. As such, they have no potential to significantly affect the environment, and are therefore not subject to the California Environmental Quality Act (CEQA) as indicated in CEQA Guidelines §15061(b)(3).

Section 7. If any section, subsection, sentence, clause, phrase, or word of this ordinance is for any reason held to be unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The Mendota City Council hereby

declares that it would have passed and adopted this ordinance and each and all provisions thereof irrespective of the fact that any one or more of said provisions be declared unconstitutional.

Section 8. Within fifteen (15) days of the adoption of this Ordinance, a summary thereof, including the names of the City Council Members voting for and against it, shall be prepared by the City Attorney for publication in the *Firebaugh-Mendota Journal*, and a certified copy of the Ordinance shall be posted in the office of the City Clerk.

Section 9. This ordinance shall become effective and in full force at 12:00 midnight on the 31st day following its adoption.

* * * * *

The foregoing ordinance was introduced on the 11th day of April, 2017 and duly passed and adopted by the City Council of the City of Mendota at a regular meeting thereof held on the 25th day of April, 2017 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Rolando Castro, Mayor

ATTEST:

Matt Flood, City Clerk

APPROVED AS TO FORM:

John Kinsey, City Attorney

A G E N D A I T E M - S T A F F R E P O R T

DATE: April 11, 2017

TO: Honorable Mayor and City Council Members

FROM: Vince DiMaggio, City Manager
John P. Kinsey, City Attorney

SUBJECT: Introduction of Ordinance No. 17-05: An Ordinance Amending Chapter 8.36 of the Mendota Municipal Code Relating to Recreational Marijuana Use and Cultivation, and Give First Reading, By Title Only, With Second Reading Waived

ISSUE:

Consideration of an ordinance that would provide a comprehensive update to Chapter 8.36 of the Mendota Municipal Code, including provisions to (i) regulate the cultivation of marijuana for personal use; (ii) prohibit the location of commercial marijuana operations and dispensaries within the City; (iii) prohibit the delivery of marijuana; (iv) clarify the City's enforcement of any violations of Chapter 8.36; and (v) provide any further amendments needed to clarify the regulation of marijuana use and cultivation within the City.

BACKGROUND:

In 1996, California voters approved Proposition 215, the Compassionate Use Act, which exempted qualified patients and their primary caregivers from criminal liability for the possession and cultivation of marijuana for medical purposes. In 2003, the California Legislature enacted additional regulations through the passage of Senate Bill 420, the Medical Marijuana Program Act, to establish and implement a program for voluntary registration of qualified patients and their primary caregivers through a statewide identification card.

In late 2015, the Legislature passed, and the Governor signed, three pieces of legislation, AB 266, AB 243 and SB 643, collectively called the Medical Marijuana Regulation and Safety Act (the "Act"). The Act is effective as of January 1, 2016. The Act provides a statewide program for the licensing and regulation of commercial cannabis activity, specifically, the operation of medical marijuana dispensaries and the delivery and cultivation of marijuana. The Act provides that, in accordance with the California Constitution and as expressly held by the California Supreme Court, local authority remains intact, and the City may adopt ordinances to either regulate medical marijuana businesses or to prohibit such operations and related activities altogether.

On November 8, 2016, the voters of the State of California adopted the Adult Use of Marijuana Act ("AUMA"). The purpose of AUMA is to establish a comprehensive system to legalize, control and regulate the cultivation, processing, manufacture, distribution, testing, and sale of

nonmedical marijuana, including marijuana products. Adults, age 21 and older, will be allowed to possess marijuana and grow certain amounts at home for personal use.

As a result of the foregoing, City Staff has been exploring potential amendments to the City of Mendota Municipal Code concerning the cultivation of marijuana for personal use, and the location of marijuana operations and dispensaries in the City.

On January 24, 2017, the City Council adopted Resolution No. 17-09: Resolution of Intention to Initiate an Amendment to Chapter 8.36 of the Mendota Municipal Code Relating to Recreational Marijuana Use and Cultivation. (**Exhibit “C.”**)

On March 15, 2017, the City published notice in the Firebaugh Mendota Journal advising that the Planning Commission would conduct a public hearing on the Proposed Ordinance at its March 27, 2017, meeting. At the March 27, 2017, meeting, the Planning Commission conducted a public hearing, and recommended that the City Council approve the Proposed Ordinance. (**Exhibit “D.”**)

DISCUSSION:

Staff is recommending that the City Council conduct a first reading of the Proposed Ordinance amending Chapter 8.36 of the Mendota Municipal Code which, if enacted, would (i) regulate the cultivation of marijuana for personal use; (ii) prohibit the location of commercial marijuana operations and dispensaries within the City; (iii) prohibit the delivery of marijuana; (iv) clarify the City’s enforcement of any violations of Chapter 8.36; and (v) provide any further amendments needed to clarify the regulation of marijuana use and cultivation within the City.

Staff also recommends that the City Council find the Proposed Ordinance is not subject to environmental review under the California Environmental Quality Act.

Purpose and Intent of the Ordinance

In recommending the above measures, staff is making no judgment on whether individuals obtain some medical benefit from marijuana. The sole purpose of the Ordinance would be to protect the City’s residents, business owners, and visitors from the detrimental secondary effects that such activities can create. The adoption of this Ordinance would allow the City to retain local control over the regulation of the cultivation and sale of marijuana.

Secondary Effects of Medical Marijuana Activities

Much of the criminal activity associated with marijuana dispensary operations is due to the fact that federal law still classifies marijuana as a Schedule I drug, considered one of the most dangerous controlled substances along with heroin, LSD, Ecstasy and others. As long as it remains so classified, banks face severe monetary penalties or even closure, and individual bankers can be criminally prosecuted and banned from the industry, if they assist dispensary owners with opening and maintaining bank accounts. As a result, dispensaries must generally operate as a cash-only business. The Los Angeles Times recently reported that the “\$700-million-a-year cannabis industry run[s] almost entirely on cash.” (**Exhibit “B.”**) With so much cash moving around, it is perhaps no surprise that dispensaries and related marijuana

activities are a magnet for crime. In addition to robberies at dispensaries, grow houses have been broken into, and the Times reported that gangs in Denver have targeted couriers moving dispensary cash around the city.

Even a very cursory web search confirms that dispensaries are particularly vulnerable to criminal activity: in 2015 alone, at least three Los Angeles dispensaries were robbed; security guards at two of them were injured and an employee was injured at the third. A security guard was shot and killed at a San Bernardino dispensary in February. And an armed robbery of a dispensary in Upland in January 2015 led to a stand-off with the SWAT team at a nearby apartment building.

The City of Mendota Police Department, the County of Fresno, and the Fresno County Sheriff, have each determined that medical marijuana cultivation poses a threat to the public peace, health and safety. Many medical marijuana grows have recently emerged in Fresno County, which are visible to the public, including children and youths. Some of these grows contain booby-trap devices that threaten severe bodily harm or death to those who attempt to access them. There is also a threat of violent crime due to the size, location, and monetary value of these mature medical marijuana grows.

Proposed Features of the Potential Ordinance

Staff's proposed amendments to Chapter 8.36 of the Mendota Municipal Code would (i) regulate the cultivation of marijuana for personal use; (ii) prohibit the location of commercial marijuana operations and dispensaries within the City; (iii) prohibit the delivery of marijuana; (iv) clarify the City's enforcement of any violations of Chapter 8.36; and (v) provide any further amendments needed to clarify the regulation of marijuana use and cultivation within the City.

CEQA. Staff has found that the approval of this ordinance is not subject to the California Environmental Quality Act, Public Resources Code, § 21000, *et seq.* ("CEQA"), pursuant to Section 15060(c)(2) of the CEQA Guidelines, on the grounds that the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment, and Section 15060(c)(3) of the CEQA Guidelines, on the grounds that the activity is not a project as defined in Section 15378 of the CEQA Guidelines, because it has no potential for resulting in physical change to the environment, directly or indirectly. In addition, and in the alternative, the approval of this ordinance is not a project under Section 15061(b)(3) of the CEQA Guidelines because it has no potential for causing a significant effect on the environment.

RECOMMENDATION

Motion to introduce the enclosed ordinance and give first reading, by title only, with second reading waived.

Attachments

Ex. "A": [Proposed] Ordinance Amending Chapter 8.36 of the Mendota Municipal Code Relating to Recreational Marijuana Use and Cultivation.

Ex. “B”: *Limited by U.S. banking rules, pot businesses rely on bags of cash and armed guards,* Los Angeles Times, December 19, 2015.

Ex. “C”: City Council, City of Mendota, Resolution No. 17-09, Resolution of Intention to Initiate amending Chapter 8.36 of the Mendota Municipal Code relating to recreational marijuana and cultivation.

Ex. “D”: Planning Commission, City of Mendota, Resolution No. PC 17-03.

**BEFORE THE CITY COUNCIL
OF THE
CITY OF MENDOTA, COUNTY OF FRESNO**

**AN ORDINANCE OF THE CITY COUNCIL
OF THE CITY OF MENDOTA, CALIFORNIA,
AMENDING CHAPTER 8.36 OF THE
MENDOTA MUNICIPAL CODE RELATING
TO RECREATIONAL MARIJUANA USE AND
CULTIVATION**

ORDINANCE NO. 17-05

WHEREAS, in 1996, the People of the State of California approved Proposition 215, the Compassionate Use Act, which exempted qualified patients and their primary caregivers from criminal liability for the possession and cultivation of marijuana for medical purposes; and

WHEREAS, in 2003, the California Legislature enacted additional regulations through the passage of Senate Bill 420, the Medical Marijuana Program Act, to establish and implement a program for voluntary registration of qualified patients and their primary caregivers through a statewide identification card; and

WHEREAS, in late 2015, the Legislature passed, and the Governor signed, three pieces of legislation, AB 266, AB 243 and SB 643, collectively called the Medical Marijuana Regulation and Safety Act (the "Act"), which provides a statewide program for the licensing and regulation of commercial medical cannabis activity, specifically, the operation of medical marijuana dispensaries and the delivery and cultivation of medical marijuana; and

WHEREAS, on November 8, 2016, the voters of the State of California adopted the Adult Use of Marijuana Act ("AUMA"). The purpose of AUMA is to establish a comprehensive system to legalize, control and regulate the cultivation, processing, manufacture, distribution, testing, and sale of nonmedical marijuana, including marijuana products. Adults, age 21 and older, will be allowed to possess marijuana and grow certain amounts at home for personal use.

WHEREAS, in 2012, as amended in 2016, the City adopted Chapter 8.36 of the Mendota Municipal Code pertaining to Medical Marijuana (the "Marijuana Ordinance"). The Marijuana Ordinances bans commercial marijuana cultivation, commercial deliveries, and dispensaries in the City based upon various health, safety and welfare, and land use findings relating to marijuana cultivation, dispensing, and consumption, which findings are incorporated herein by reference.

WHEREAS, in light of the adoption of the AUMA, the City seeks to update the Marijuana Ordinance.

WHEREAS, the City of Mendota has identified a number of health, safety, and welfare concerns associated with marijuana activities. These concerns are set forth in the original reports accompanying the Medical Marijuana Ordinance, and are incorporated herein by reference. These concerns continue and have been exemplified throughout Fresno County and the State as evidenced by numerous area agency police reports and news articles and stories. Some of the continued documented problems include offensive odors, trespassing, theft, violent encounters, fire hazards and problems associated with mold, fungus, and pests.

WHEREAS, under the Act and the AUMA, the City retains its police powers and land use authority to regulate or ban marijuana activities, including commercial marijuana operations, cultivation, distribution and consumption for the health, safety, and welfare of the citizens of Mendota.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MENDOTA, CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1: Chapter 8.36 of the Mendota Municipal Code amended in its entirety to read as follows:

8.36.010 – Purpose & intent.

It is the purpose and intent of this Chapter 8.36, pursuant to Section 25123(d) of the Government Code to regulate the cultivation, processing, extraction, manufacturing, testing, distribution, transportation, sale, and consumption of marijuana to preserve the public peace, health, safety and general welfare of the citizens of the City of Mendota. It is also the purpose and intent of this Chapter 8.36 to continue in effect the City of Mendota's prohibition of marijuana dispensaries and limitations on the places where marijuana may be consumed.

8.36.020 – Relationship with other laws.

This chapter is not intended to, nor shall it be construed or given effect in a manner that causes it to apply to, any activity that is regulated by federal or state law to the extent that application of this chapter would conflict with such law or would unduly interfere with the achievement of federal or state regulatory purposes. It is the intention of the City Council that this chapter shall be interpreted to be compatible and consistent with federal and state enactments and in furtherance of the purposes which those enactments express. It is the intention that the provisions of this chapter will supersede any other provisions of this Mendota Municipal Code found to be in conflict.

8.36.030 – Definitions.

Notwithstanding any other provision in the Mendota Municipal Code, for purposes of this Chapter 8.36, the following terms shall have the following meanings:

“Act” means the Adult Use of Marijuana Act (“AUMA”) or Proposition 64. The terms “Act,” “Adult Use of Marijuana Act,” “AUMA,” and “Proposition 64” may be used interchangeably, but shall have the same meaning.

“Cannabis” or “marijuana” shall have the meaning set forth in California Business and Professions Code Section 19300.5(f). “Cannabis” and “marijuana” may be used interchangeably, but shall have the same meaning.

“Collective or cooperative cultivation” means the association within California of qualified patients, persons with valid identification cards, and the designated primary caregivers of patients and persons with identification cards to cultivate medical marijuana.

“Commercial marijuana operation” means any commercial cannabis activity as set forth in California Business and Professions Code Section 19300.5(k) and allowed under the Act, and all uses permitted under any subsequently enacted State law pertaining to the same or similar uses for recreational cannabis.

“Cultivation” means any activity involving the planting, growing, harvesting, drying, curing, grading, storing or trimming of medical marijuana.

“Delivery” means the commercial transfer of medical marijuana from a dispensary to a qualified patient, primary caregiver or person with an identification card, as defined in Section 11362.7 of the California Health & Safety Code, through any means of transport or delivery service. The term “Delivery” also includes the use by a medical marijuana dispensary, as defined herein, of any technology platform that enables qualified patients or primary caregivers to arrange for or facilitate the transfer of medical marijuana by a dispensary.

“Medical marijuana” or “medical cannabis” means “medical cannabis” as defined in Section 19300.5, subdivision (af) of the California Business & Professions Code.

“Marijuana dispensary” or “dispensary” means any facility or location, whether fixed or, where marijuana is offered, provided, sold, made available or otherwise distributed to more than two (2) persons.

“Person” means any individual, partnership of any kind, corporation, limited liability company, association, joint venture, or other organization or entity, however formed.

“Recreational marijuana” or “recreational marijuana use” means all uses of cannabis not included within the definition of “medical marijuana use.”

8.36.040 – Regulations applicable to the consumption of marijuana.

No person shall smoke, ingest, or otherwise consume either recreational or medical marijuana in the city of Mendota unless such smoking, ingesting or consumption occurs

entirely within that person's principal place of residence or on the premises of that person's principal place of residence but out of public view. "Out of public view" shall mean out of view from public rights-of-way where members of the public are lawfully entitled to be. The phrase "inside a private residence" shall mean inside habitable areas and shall include garages, whether attached or detached, and other accessory buildings.

Medical marijuana may also be consumed within a clinic, health care facility, residential care facility, or residential hospice licensed pursuant to applicable provisions of the California Health and Safety Code.

All consumption shall be done in a manner so as to not cause a nuisance to nearby residents with noxious odors or other adverse health and safety impacts.

8.36.050 – Cultivation of marijuana.

- A. Personal use cultivation. An individual person shall be allowed to cultivate medical or recreational marijuana to the extent permitted by applicable State law, within his or her private residence, in an attached garage, or in an accessory building if the property is detached single-family residential. Cultivation for personal use shall be subject to the following requirements:
1. Area. The marijuana cultivation area shall not exceed thirty-two (32) square feet measured by the canopy and not exceed ten feet (10') in height per residence. This limit applies regardless of the number of qualified patients or persons residing in the residence. The cultivation area shall be a single designated area.
 2. Lighting. Marijuana cultivation lighting shall not exceed a total of one thousand two hundred (1,200) watts.
 3. Building code requirements. Any alterations or additions to the residence, including garages and accessory buildings, shall be subject to applicable building and fire codes, including plumbing and electrical, and all applicable zoning codes, including lot coverage, setback, height requirements, and parking requirements.
 4. Gas products. The use of gas products (CO₂, butane, etc.) for marijuana cultivation or processing is prohibited.
 5. Evidence of cultivation. From a public right-of-way or other public space there shall be no exterior evidence of marijuana cultivation occurring on the site.
 6. Residence. The person shall reside in the residence where the marijuana cultivation occurs.

7. Cultivation elsewhere in City. The person shall not participate in marijuana cultivation in any other location within the City of Mendota.
8. Incidental use. The residence shall maintain kitchen, bathrooms, and primary bedrooms for their intended use and not be used primarily for marijuana cultivation.
9. Ventilation. The marijuana cultivation area shall include a ventilation and filtration system designed to ensure that odors from the cultivation are not detectable beyond the residence, or property line for detached single-family residential, and designed to prevent mold and moisture and otherwise protect the health and safety of persons residing in the residence and cultivating the marijuana. This shall include, at a minimum, a system meeting the requirements of the current, adopted edition of the California Building Code Section 1203.4, Natural Ventilation, or 402.3, Mechanical Ventilation (or its equivalent(s)).
10. Storage of chemicals. Any chemicals used for marijuana cultivation shall be stored outside of the habitable areas of the residence and outside of public view from neighboring properties and public rights-of-way.
11. Nuisance. The marijuana cultivation area shall: not adversely affect the health or safety of the nearby residents by creating dust, glare, heat, noise, noxious gases, odor, smoke, traffic, vibration, or other impacts; and not be hazardous due to the use or storage of materials, processes, products or wastes, or from other actions related to the cultivation.
12. Property owner authorization. For rental property, the lessee shall obtain written authorization from the property owner or property management company to cultivate marijuana.
13. Notification. The owner and any lessee of the residence upon which cultivation will occur shall inform the Police Department of the intent to cultivate marijuana and pick up a handout setting forth the owner and lessee responsibilities under this section. This notification shall be provided prior to the commencement of the cultivation except that, for existing cultivation, the information shall be provided within ten (10) days of the effective date of this chapter. The Police Department may direct the owner and lessee to the Department of Planning and Development Services for more information about building code and permit requirements that may be applicable if alterations or additions to the residence are contemplated. The Police Department and Department of Planning and Development Services shall keep patient information confidential to the extent required by law.

14. Additional requirements for garages and accessory buildings. The following additional requirements shall apply for personal use cultivation that occurs in a garage or accessory building: the garage or accessory building shall be secure, locked, and fully enclosed, with a ceiling, roof or top, and entirely opaque. The garage or building shall include a burglar alarm monitored by an alarm company or private security company. The garage or building, including all walls, doors, and the roof, shall be constructed with a firewall assembly of green board meeting the minimum building code requirements for residential structures and include material strong enough to prevent entry except through an open door.

B. Collective or cooperative cultivation. The collective or cooperative cultivation of marijuana shall be prohibited in the City.

8.36.60 – Marijuana dispensaries.

- A. Commercial marijuana operations. Commercial marijuana operations as defined in Section 8.36.030 are prohibited within the City.
- B. Dispensaries. Marijuana dispensaries as defined in Section 8.36.030 are prohibited within the City.
- C. Exceptions. The following facilities providing medical marijuana to qualified patients are not subject to the dispensary ban so long as they comply with this section, the Mendota Municipal Code, Health and Safety Code Sections 11362.5 and 11362.7 *et seq.* and all other applicable laws, and hold a current and valid state license duly issued in accordance with the applicable California law:
 1. A clinic, as defined in Section 1200 of the Health & Safety Code;
 2. A health care facility, as defined in Section 1250 of the Health & Safety Code;
 3. A residential care facility for persons with chronic life-threatening illness, as defined in Section 1568.01 of the Health & Safety Code;
 4. A residential care facility for the elderly, as defined in Section 1569.2 of the Health & Safety Code;
 5. A home health agency, as defined in Section 1727 of the Health & Safety Code, or a hospice that operates in accordance with Section 1726 of the Health & Safety Code; and
 6. A pharmacy, as defined in Section 4037 of the Business and Professions Code.

- D. Deliveries. The delivery of marijuana as defined in Section 8.36.030 is prohibited in the City regardless of whether the delivery is initiated within or outside of the City, and regardless of whether a technology platform is used for delivery by the dispensary.

8.36.070 – Violation and enforcement.

Each and every violation of this chapter shall constitute a separate violation and shall be subject to all remedies and enforcement measures authorized by Title 1, Chapter 1.20 of this Code. Additionally, as a nuisance *per se*, any violation of this chapter shall be subject to injunctive relief, payment to the city of any and all monies unlawfully obtained, costs of abatement, costs of investigation, attorney fees, civil penalties as set by the city council by resolution and any other relief or remedy available at law or equity. The city may also pursue any and all remedies and actions available and applicable under local and state laws for any violations of this chapter. The Mendota Police Department, with administrative assistance from the city manager's office, shall have primary responsibility for enforcement of the provisions of this chapter; however, nothing herein shall limit the ability of the City's designated code enforcement officer to enforce the provisions of this chapter as may be necessary from time-to-time.

Should a court of competent jurisdiction subsequently determine that the criminal penalty provision renders this Chapter unlawful, the City intends that such penalties be severable from the remaining penalty provisions and the City will only pursue non-criminal remedies for violations of this Chapter.

Nothing in this chapter shall be construed as imposing on the enforcing officer or the City of Mendota any duty to issue any notice to abate, nor to abate, nor to take any other action with regard to any violation of this chapter, and neither the enforcing officer nor the city of Mendota shall be held liable for failure to issue an order to abate, nor for failure to abate, nor for failure to take any other action with regard to any violation of this chapter.

8.36.080 – Judicial Review.

Judicial review of a decision made under this Chapter may be had by filing a petition for a writ of mandate with the superior court in accordance with the provisions of the Section 1094.5 of the California Code of Civil Procedure. Any such petition shall be filed within ninety (90) days after the day the decision becomes final as provided in Section 1094.6 of the California Code of Civil Procedure, which shall be applicable for such actions.

8.36.090 – Severability.

If any part of this chapter is for any reason held to be invalid, unlawful, or unconstitutional, such invalidity, unlawfulness or unconstitutionality shall not affect the validity, lawfulness, or constitutionality of any other part of this chapter.

SECTION 2. The City Council finds the approval of this ordinance is not subject to the California Environmental Quality Act, Public Resources Code, § 21000, *et seq.* ("CEQA"), pursuant to Section 15060(c)(2) of the CEQA Guidelines, on the grounds that the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment, and Section 15060(c)(3) of the CEQA Guidelines, on the grounds that the activity is not a project as defined in Section 15378 of the CEQA Guidelines, because it has no potential for resulting in physical change to the environment, directly or indirectly. Alternatively, the City Council finds the approval of this ordinance is not a project under Section 15061(b)(3) of the CEQA Guidelines because it has no potential for causing a significant effect on the environment.

SECTION 3. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is held for any reason to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the Ordinance. The City Council of the City of Mendota hereby declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions be declared invalid or unconstitutional.

SECTION 4. The Mayor shall sign and the City Clerk shall certify to the passage of this Ordinance and will see that it is published and posted in the manner required by law.

SECTION 5. This ordinance shall become effective and in full force at 12:00 midnight on the 31st day following its adoption.

* * * * *

The foregoing ordinance was introduced on the 11th day of April, 2017 and duly passed and adopted by the City Council of the City of Mendota at a regular meeting thereof held on the 25th day of April, 2017, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Rolando Castro, Mayor

ATTEST:

Matt Flood, City Clerk

APPROVED AS TO FORM:

John Kinsey, City Attorney

Nation

Limited by U.S. banking rules, pot businesses rely on bags of cash and armed guards



Kristi Kelly owns Good Meds, a medical marijuana company. Banks face prosecution for working with marijuana dispensaries, forcing businesses like Kelly's to operate almost entirely on cash. (David Kelly / For The Times)

By **David Kelly**

DECEMBER 19, 2015, 3:00 AM | REPORTING FROM DENVER

The Fourth Corner Credit Union occupies a prime spot in downtown Denver, not far from the state Capitol. It has a big safe, four teller windows, drive-up service and a banner out front that says, "The Fourth Corner Credit Union Coming Soon."

But there's a problem.

The Federal Reserve Bank of Kansas City, which oversees Denver, has refused Fourth Corner's request for a "master account," essentially a bank account allowing it to do business.

"You can't have a bank chartered by the state of Colorado and then nullified by the federal government," said Mark Mason, an attorney for the credit union.

Unless the Fed simply doesn't like the customers.

And in this case, the customers work in the cannabis trade. Fourth Corner hopes to be the first financial institution in the nation catering exclusively to the marijuana business.

But although pot is legal here, it remains a Schedule 1 controlled substance along with LSD and heroin in the eyes of the federal government. That means any bank working with the weed business faces prosecution.

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"Banks face a number of risks if they choose to serve the industry, up to and including closure of their institutions," said Amanda Averch, director of communications for the Colorado Bankers Assn.

"Regulators can impose civil money penalties, cease-and-desist orders, fines and can ban bankers from their careers for life."

Political remedies are being considered but major roadblocks remain, leaving the \$700-million-a-year cannabis industry running almost entirely on cash. Bags of it are taken to grocery stores to buy money orders to pay staff. Houses are rented and filled with safes full of cash. Phony bank accounts are created and then shut down when the money arrives reeking of pot.

Nearly everyone in the marijuana business has had bank accounts closed.

"So far we have lost 25 bank accounts," said Kristi Kelly, owner of the Good Meds medical marijuana dispensaries near Denver. "Our biggest area of exposure is what we do with our cash. Then how do we pay our bills? We are not talking about \$20 but five- and six-figure bills."

Those who can have hired armed private security to guard the product and ferry cash around Colorado in armored vans.

The guards are often former military personnel with combat experience in Iraq and Afghanistan.

On a recent morning, Tom Morton, a towering former Marine, cruised through a warren of faceless warehouses in North Denver before pulling into a side alley, walking up a few steps and ringing a bell.

The doors opened, revealing a bright, cavernous room with dozens of workers busily tending marijuana plants as tall as summer corn. An alcove flickered with 48 cameras trained on every employee.

Morton, 27, is a supervisor with the security company Helix TCS, checking on Travis Dombrowski, 26, a

guard who carries a semiautomatic pistol on his hip.

"I feel comfortable that I can defend the people here from any threat that comes through that door," Dombrowski said.

Morton nodded.

"Travis and I served together in Afghanistan. I know I can trust him with my life," he said. "I know in a gunfight he won't back down."

The day before, Morton was driving \$20,000 in cash and 50 pounds of pot around Denver in a van, a guard toting an AR-15 assault rifle perched in the back.

"It's totally legal," he said. "But it feels sketchy."

Criminals have targeted dozens of pot businesses. Earlier this year, shots were fired during two robberies. In another incident, a man crashed a pick-up through a grow house and chopped down \$15,000 worth of plants. And then there was a gang preying on couriers moving cash around the city.

No one has been killed, but many believe it's just a matter of time. And that's what got 26-year-old Alex Mason thinking.

He had a lot of friends in the marijuana industry and was appalled at the obstacles they faced conducting a legitimate business. So he and his father, Mark Mason, came up with the idea of a credit union servicing the cannabis business. They assembled a staff, a chief executive and a board of directors, and last year they received a state charter.

"Forget whether you are for or against cannabis, there is no rational argument to keep it an all-cash economy," said credit union Executive Vice President Mark Goldfogel. "There is no scenario where black marketing cash from a legal business is sustainable."

According to Mark Mason, the situation pushes the cannabis industry to the margins of legality.

"Most have figured out a workaround to get money to the state and others through friends or under management companies," he said. "But it all comes very close to the textbook definition of money laundering."

Mason has filed suit against the Federal Reserve for denying the credit union a master account and a hearing is set for Dec. 28 in federal court here.

A Fed spokesman declined comment.

Last year, the Obama administration issued new guidelines for banks wishing to do business with marijuana dealers that lessened the threat of prosecution but didn't offer immunity from it.

According to the Colorado Bankers Assn., 12 small banks are now working with the cannabis industry on a limited basis, but they have been warned by federal regulators not to expand those accounts, which are being closely monitored.

Blue Line Protection Group, a security firm, is doing compliance checks for such banks to ensure their cannabis clients are obeying the law.

"We know the dispensary owners, what questions to ask and how much cash and product they produce," said Blue Line Vice President Michael Jerome. "We do on-site compliance for the banks and they provide accounts for the businesses."

Blue Line is also opening a 12,000-square foot fortified "vaulting and cash processing facility" to safeguard their clients' money.

Kelly, the dispensary owner, recently opened an account with a bank that asked not to be identified. She knows it could be shut at any time.

"When my first account was closed I felt indignant," she said, "like I was being discriminated against."

It reminded Kelly of her grandmother, who had moved from China to Washington and stuffed her mattress with money because no one would give her a bank account.

"So these Chinese immigrants got together and opened their own credit union," she said. "I think there are some interesting parallels here. History has shown we can get through this, that we can remedy historical inequities."

The best solution may be an act of Congress.

Lawmakers including Colorado Sens. Michael Bennet, a Democrat, and Cory Gardner, a Republican, have introduced legislation giving marijuana businesses access to banking while barring regulators from punishing banks who legally work with them.

It's supported by the Colorado banking industry and Gov. [John Hickenlooper](#), a Democrat who opposed marijuana legalization.

But until something changes, dispensary owners and growers will continue to play hide-and-seek with criminals and rely on outfits such as Helix to protect their crops and cash.

In Greenwood Village, just south of Denver, Zachary Venegas monitored the movement of his security guards across the region from his office. If one of their unmarked vans carrying cash or marijuana veers off course, he's instantly alerted.

Venegas is a West Point graduate and former infantry officer who has owned security businesses in Africa and the Middle East before becoming chief executive of Helix. Nearly all his employees are former members of the military.

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"We are all comfortable in a mission-oriented culture," he said.

Still, he believes it's just a matter of time before a major crime targeting the cannabis industry results in significant casualties.

"A lot of people are saying, 'Well, let's just see how it goes,' as if there's not an actual threat," he said. "But I think the illegal side is out there just watching and waiting to strike."

Kelly is a special correspondent.

ALSO

[Tesla Motors receives \\$39 million in sales tax incentives from state](#)

[Northern California woman found dead at home was possibly killed by her 2 dogs](#)

[San Bernardino shooter's friend Enrique Marquez accused of fraud in \\$200-per-month marriage](#)

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A version of this article appeared in print on December 19, 2015, in the News section of the Los Angeles Times with the headline "Legal pot shops are a high-risk business to banks" — [Today's paper](#) | [Subscribe](#)

This article is related to: [John Hickenlooper](#)

**BEFORE THE CITY COUNCIL
OF THE
CITY OF MENDOTA, COUNTY OF FRESNO**

**RESOLUTION OF INTENTION TO INITIATE
AN AMENDMENT TO CHAPTER 8.36 OF
THE MENDOTA MUNICIPAL CODE
RELATING TO RECREATIONAL MARIJUANA
USE AND CULTIVATION**

RESOLUTION NO. 17-09

WHEREAS, in 1996, the People of the State of California approved Proposition 215, the Compassionate Use Act, which exempted qualified patients and their primary caregivers from criminal liability for the possession and cultivation of marijuana for medical purposes; and

WHEREAS, in 2003, the California Legislature enacted additional regulations through the passage of Senate Bill 420, the Medical Marijuana Program Act, to establish and implement a program for voluntary registration of qualified patients and their primary caregivers through a statewide identification card; and

WHEREAS, in late 2015, the Legislature passed, and the Governor signed, three pieces of legislation, AB 266, AB 243 and SB 643, collectively called the Medical Marijuana Regulation and Safety Act (the "Act"), which provides a statewide program for the licensing and regulation of commercial medical cannabis activity, specifically, the operation of medical marijuana dispensaries and the delivery and cultivation of medical marijuana; and

WHEREAS, on November 8, 2016, the voters of the State of California adopted the Adult Use of Marijuana Act ("AUMA"). The purpose of AUMA is to establish a comprehensive system to legalize, control and regulate the cultivation, processing, manufacture, distribution, testing, and sale of nonmedical marijuana, including marijuana products. Adults, age 21 and older, will be allowed to possess marijuana and grow certain amounts at home for personal use.

WHEREAS, in 2012, as amended in 2016, the City adopted Chapter 8.36 of the Mendota Municipal Code pertaining to Medical Marijuana (the "Marijuana Ordinance"). The Marijuana Ordinance bans commercial marijuana cultivation, commercial deliveries, and dispensaries in the City based upon various health, safety and welfare, and land use findings relating to marijuana cultivation, dispensing, and consumption, which findings are incorporated herein by reference.

WHEREAS, in light of the adoption of the AUMA, the City seeks to update the Marijuana Ordinance.

WHEREAS, the City of Mendota has identified a number of health, safety, and welfare concerns associated with marijuana activities. These concerns are set forth in the original reports accompanying the Medical Marijuana Ordinance, and are incorporated herein by reference. These concerns continue and have been exemplified throughout Fresno County and the State as evidenced by numerous area agency police reports and news articles and stories. Some of the continued documented problems include offensive odors, trespassing, theft, violent encounters, fire hazards and problems associated with mold, fungus, and pests.

WHEREAS, under the Act and the AUMA, the City retains its police powers and land use authority to regulate or ban marijuana activities, including commercial marijuana operations, cultivation, distribution and consumption for the health, safety, and welfare of the citizens of Mendota.

WHEREAS, Section 17.08.040 of the Mendota Municipal Code provides the procedure for the enactment of amendments to the City's Zoning Code, which is located at Title 17 of the Mendota Municipal Code; and

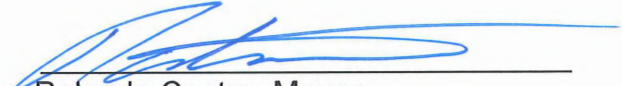
WHEREAS, although the Chapter 8.36 is not located in Title 17, the regulation of certain aspects of medical marijuana, including cultivation and dispensaries, imposes potential regulations on land use, and therefore the City in an abundance of caution is employing the procedures set forth in Section 17.08.040 to consider an amendment to Chapter 8.36 of the Mendota Municipal Code; and

WHEREAS, Section 17.08.040(B) of the Mendota Municipal Code provides that "Amendments to this title may be initiated in the following manner . . . The council may propose an amendment by a resolution of intention"; and

WHEREAS, Section 17.08.040(B) of the Mendota Municipal Code provides that the secretary shall set a public hearing on any proposed amendments by the Planning Commission "no less than ten (10) days nor more than forty (40) days . . . after the adoption of a resolution of intention by the commission or the council."

NOW, THEREFORE, BE IT RESOLVED that the City Council for the City of Mendota hereby authorizes Staff to proceed with the preparation of a comprehensive update to Chapter 8.36 of the Mendota Municipal Code to (i) regulate the cultivation of marijuana for personal use; (ii) prohibit the location of commercial marijuana operations and dispensaries within the City; (iii) prohibit the delivery of marijuana; (iv) clarify the City's enforcement of any violations of Chapter 8.36; and (v) provide any further amendments needed to clarify the regulation of marijuana use and cultivation within the City.

BE IT FURTHER RESOLVED that the Secretary shall schedule a public hearing before the Planning Commission on the proposed amendments to Chapter 8.36 of the Mendota Municipal Code no less than ten (10) days nor more than forty (40) days after the adoption of this resolution.




Rolando Castro, Mayor


ATTEST:

I, Matt Flood, City Clerk of the City of Mendota, do hereby certify that the foregoing resolution was duly adopted and passed by the City Council at a regular meeting of said Council, held at the Mendota City Hall on the 24th day of January, 2017, by the following vote:

AYES: 5 – Mayor Castro, Mayor Pro Tem Martinez, Councilors Amador, Rosales, and Silva.
NOES: 0
ABSENT: 0
ABSTAIN: 0



Matt Flood, City Clerk



**BEFORE THE PLANNING COMMISSION
OF THE
CITY OF MENDOTA, COUNTY OF FRESNO**

RESOLUTION NO. PC 17-03

**RESOLUTION RECOMMENDING THAT THE CITY COUNCIL OF THE CITY OF
MENDOTA ADOPT AN ORDINANCE AMENDING CHAPTER 8.36 OF THE
MENDOTA MUNICIPAL CODE RELATING TO RECREATIONAL MARIJUANA USE
AND CULTIVATION**

WHEREAS, on January 24, 2017, the City Council voted to adopt a Resolution of Intention to Initiate an Amendment to Chapter 8.36 of the Mendota Municipal Code Relating to Recreational Marijuana Use and Cultivation (the "Resolution of Intention"); and

WHEREAS, although Chapter 8.36 is not located in Title 17, the regulation of certain aspects of recreational marijuana, including cultivation and dispensaries, imposes potential regulations on land use, and therefore the City in an abundance of caution is employing the procedures set forth in Section 17.08.040 to consider an amendment to Chapter 8.36 of the Mendota Municipal Code; and

WHEREAS, Section 17.08.040(B) of the Mendota Municipal Code provides that "Amendments to this title may be initiated in the following manner . . . The council may propose an amendment by a resolution of intention"; and

WHEREAS, Section 17.08.040(B) of the Mendota Municipal Code provides that the secretary shall set a public hearing on any proposed amendments by the Planning Commission "no less than ten (10) days nor more than forty (40) days . . . after the adoption of a resolution of intention by the commission or the council"; and

WHEREAS, City Staff has prepared a proposed Ordinance Amending Chapter 8.36 of the Mendota Municipal Code Relating to Recreational Marijuana Use and Cultivation, a copy of which is attached hereto as Exhibit "A" (the "Proposed Ordinance"); and

WHEREAS, on March 15, 2017, the City published notice in the Firebaugh Mendota Journal advising that the Planning Commission would conduct a public hearing on the Proposed Ordinance at its March 27, 2017, special meeting; and

WHEREAS, on March 27, 2017, the Planning Commission conducted a duly-noticed public hearing on the Proposed Ordinance; and

WHEREAS, Staff has reviewed the Proposed Ordinance, and has determined that the approval of the Proposed Ordinance is not subject to the California Environmental Quality Act, Public Resources Code, § 21000, *et seq.* ("CEQA"), pursuant to Section 15060(c)(2) of the CEQA Guidelines, on the grounds that the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment, and Section 15060(c)(3) of the CEQA Guidelines, on the grounds that the activity is not a project as defined in Section 15378 of the CEQA Guidelines,

because it has no potential for resulting in physical change to the environment, directly or indirectly. Staff has also determined that, alternatively, the Proposed Ordinance is not a project under Section 15061(b)(3) of the CEQA Guidelines because it has no potential for causing a significant effect on the environment.

WHEREAS, Section 17.08.040(H) of the Mendota Municipal Code provides that the City Council shall hold a public hearing on the proposed amendments “not less than ten days nor more than forty (40) days after the filing of the commission’s resolution by the council,” and that notice of said council hearing “shall be given as provided in Section 17.08.040(F).”

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission for the City of Mendota hereby recommends to the City Council approval of the Proposed Ordinance, attached hereto and made a part of this resolution as Exhibit “A.”

BE IT FURTHER RESOLVED that the Planning Commission finds the approval of this ordinance is not subject to CEQA, pursuant to Section 15060(c)(2) of the CEQA Guidelines, on the grounds that the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment, and Section 15060(c)(3) of the CEQA Guidelines, on the grounds that the activity is not a project as defined in Section 15378 of the CEQA Guidelines, because it has no potential for resulting in physical change to the environment, directly or indirectly. Alternatively, the Planning Commission finds the approval of this ordinance is not a project under Section 15061(b)(3) of the CEQA Guidelines because it has no potential for causing a significant effect on the environment.

BE IT FURTHER RESOLVED that the Secretary shall file this Resolution No. PC 17-03 with the City Council, and shall schedule a public hearing before the City Council on the Proposed Ordinance no less than ten (10) days nor more than forty (40) days after the adoption of this resolution. The Secretary shall also provide notice of the City Council hearing as provided under Section 17.08.040 of the Mendota Municipal Code no later than 10 days before the hearing.

PASSED AND ADOPTED by the Planning Commission of the City of Mendota at a special meeting held on the 27th of March, 2017 upon a motion by Commissioner Escobedo, a second by Commissioner Obaid, and by the following vote:

AYES: 3 – Chairperson Luna, and Commissioners Escobedo and Obaid.
NOES: 0
ABSTAIN: 0
ABSENT: 3 – Vice-chairperson Gamez, and Commissioners Leiva and Romero.

ATTEST:


Matt Flood, Secretary




Juan Luna, Chair

A G E N D A I T E M – S T A F F R E P O R T

DATE: April 5, 2017

TO: Honorable Members of the Planning Commission of the City of Mendota

FROM: Vince DiMaggio, City Manager
John P. Kinsey, City Attorney

SUBJECT: Introduction of Ordinance No. 17-06: An Ordinance Amending the Mendota Municipal Code Relating to Permit Application Processing and Siting Locations for the Installation of New Wireless Telecommunications Facilities

ISSUE:

Consideration of ordinance that would provide a comprehensive update to Title 17 of the Mendota Municipal Code (“MMC”) to (i) regulate the time, place, and manner of construction of new wireless telecommunications facilities; (ii) restrict or limit the siting of wireless telecommunications facilities in residential and commercial zoning districts to the extent allowed under applicable state or federal laws; and (iii) clarify the application requirements and procedures for construction of new wireless telecommunications facilities (“WCF”).

BACKGROUND:

In 1996, Congress passed the Telecommunications Act of 1996 (“TCA”), in order to increase competition within the telecommunications industry by creating lower prices, higher quality service, and rapid technological development, and while preserving the authority of local governments over zoning and land use matters. Section 253(a) of the TCA precludes state and local governments from enacting ordinances that prohibit or have the effect of prohibiting the provision of telecommunications services, including wireless services. However, under section 253(c), cities and local governments may exercise reasonable control over the time, place, and manner of construction of WCF. Furthermore, under section 332(c)(8), cities generally retain local zoning authority over WCF siting locations, subject to some limitations.

Previously, City Staff had been advised of incidents of telecommunications companies erecting wireless facilities within public rights-of-way without (i) notice to the local government(s) in question or (ii) engaging in any permitting process for the construction and placement of such facilities. In addition, area cities have all been approached by at least one company claiming to be a telecommunications company, and purporting to “inform” the local agencies that they are going to commence work on a telecommunications tower within a public right-of-way.

On November 22, 2016, the City Council adopted Ordinance No. 16-12, an interim urgency ordinance, “Enacting a Temporary Moratorium on New and Relocated Wireless

Telecommunications Facilities within Public Rights-of-Ways, Pursuant to Government Code Section 65858.” The interim urgency ordinance temporarily halted the issuance of any permits for new and relocated WCFs until the City could fully analyze the impacts of WCF installations on public rights of way. The urgency ordinance was extended by the City Council on December 13, 2016.

On January 24, 2017, the City Council adopted Resolution No. 17-08: Resolution of Intention to Initiate an Amendment to Title 17 of the Mendota Municipal Code Relating to Permit Application Processing and Siting Locations for Installations of New Wireless Telecommunications Facilities. (**Exhibit “B.”**)

On March 15, 2017, the City published notice in the Firebaugh Mendota Journal advising that the Planning Commission would conduct a public hearing on the Proposed Ordinance at its March 27, 2017, meeting. At the March 27, 2017, meeting, the Planning Commission conducted a public hearing, and recommended that the City Council approve the Proposed Ordinance. (**Exhibit “C.”**)

DISCUSSION:

The City presently does not have any provisions of its Ordinance that govern the erection of wireless facilities within the City. In light of the foregoing, City Staff believes it is important to consider reasonable restrictions on the permitting of wireless facilities within the City, including the permitting of wireless facilities within public rights-of-way. City Staff wishes to implement a comprehensive update to the MMC for regulating the installation of WCF without triggering preemption under the TCA or applicable state law.

As a result of the foregoing, Staff has developed proposed modifications to Title 17 of the Mendota Municipal Code to (i) regulate the time, place, and manner of construction of new wireless telecommunications facilities; (ii) restrict or limit the siting of wireless telecommunications facilities in residential and commercial zoning districts to the extent allowed under applicable state or federal laws; and (iii) clarify the application requirements and procedures for construction of new wireless telecommunications facilities. A copy of the proposed ordinance is attached hereto as **Exhibit “A.”**

Staff also recommends that the Council find the Proposed Ordinance is not subject to environmental review under the California Environmental Quality Act.

RECOMMENDATION

Motion to introduce the enclosed ordinance and give first reading, by title only, with second reading waived.

Attachments

Ex. “A”: [Proposed] Ordinance No. 17-06: An Ordinance Amending the Mendota Municipal Code Relating to Permit Application Processing and Siting Locations for the Installation of New Wireless Telecommunications Facilities

Ex. “B”: City Council Resolution No. 17-08: Resolution of Intention to Initiate an Amendment to Title 17 of the Mendota Municipal Code Relating to Permit Application Processing and Siting Locations for Installations of New Wireless Telecommunications Facilities.

Ex. “C”: Planning Commission Resolution No. PC 17-02: Resolution Recommending that the City Council of the City of Mendota Adopt an Ordinance Amending the Mendota Municipal Code Relating to Permit Application Processing and Siting Locations for Installations of New Wireless Telecommunications Facilities.

**BEFORE THE CITY COUNCIL
OF THE
CITY OF MENDOTA, COUNTY OF FRESNO**

**AN ORDINANCE OF THE CITY COUNCIL
OF THE CITY OF MENDOTA, CALIFORNIA,
AMENDING THE MENDOTA MUNICIPAL
CODE RELATING TO PERMIT APPLICATION
PROCESSING AND SITING LOCATIONS
FOR THE INSTALLATION OF NEW WIRELESS
TELECOMMUNICATIONS FACILITIES**

ORDINANCE NO. 17-06

WHEREAS, in 1996, Congress passed the Telecommunications Act of 1996 (“TCA”), in order to increase competition within the telecommunications industry by creating lower prices, higher quality service, and rapid technological development, and while preserving the authority of local governments over zoning and land use matters; and

WHEREAS, section 253(a) of the TCA precludes state and local governments from enacting ordinances that prohibit or have the effect of prohibiting the provision of telecommunications services, including wireless services; and

WHEREAS, under section 253(c) of the TCA and section 7901.1 of the California Public Utilities Code, the City may exercise reasonable control over the time, place, and manner of construction of wireless telecommunications facilities (“WCF”); and

WHEREAS, under section 332(c)(7) of the TCA, the City generally retains local zoning authority over WCF siting locations subject to certain, narrow limitations; and

WHEREAS, California Public Utilities Code section 7901 provides that the City may require telecommunications companies to obtain permits before constructing WCF on public rights of way; and

WHEREAS, the City has been advised of recent incidents of telecommunications companies erecting WCF within public rights-of-way without notice to the local government authorities or engaging in any permitting process for the construction and placement of such facilities. In addition, area cities have all been approached by at least one company claiming to be a telecommunications company, and purporting to “inform” the local agencies that they are going to commence work on a telecommunications tower within a public right-of-way; and

WHEREAS, the City presently does not have any provisions of its Ordinance that govern the erection of WCF within the City; and

WHEREAS, the City believes it is important to consider reasonable restrictions on the permitting of WCF within the City, including the permitting of WCF within public

rights-of-way; and

WHEREAS, in light of the foregoing, the City seeks to add and amend provisions to the Municipal Code relating to the application process for installations and siting locations of WCF.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MENDOTA, CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1: Title 17 of the Mendota Municipal Code amended to read as follows:

Chapter 17.16 – R-A SINGLE-FAMILY RESIDENTIAL/AGRICULTURAL DISTRICT

17.16.040 – Uses expressly prohibited.

Uses expressly prohibited in the R-A single-family residential/agricultural district are as follows:

[. . .]

E. Advertising structures;

F. Wireless telecommunications facilities

Chapter 17.20 - R-1-A SINGLE-FAMILY/LOW DENSITY RESIDENTIAL DISTRICT

17.20.040 - Uses expressly prohibited.

Uses expressly prohibited in the R-1-A single-family/low density residential district are as follows:

[. . .]

F. Truck parking;

G. Wireless telecommunications facilities

Chapter 17.24 - R-1 SINGLE-FAMILY/MEDIUM DENSITY RESIDENTIAL DISTRICT

17.24.040 - Uses expressly prohibited.

In the R-1 single-family/medium density residential district, uses expressly prohibited are as follows:

[. . .]

G. Labor camps;

H. Wireless telecommunications facilities.

Chapter 17.28 - R-2 MEDIUM/HIGH DENSITY RESIDENTIAL DISTRICT

17.28.040 - Uses expressly prohibited.

In the R-2 medium/high density residential district, uses expressly prohibited are as follows:

[. . .]

E. Truck parking;

F. Wireless telecommunications facilities

Chapter 17.32 - R-3 HIGH DENSITY MULTIPLE-FAMILY RESIDENTIAL DISTRICT

17.32.040 - Uses expressly prohibited.

In the R-3 high density multiple-family residential district, uses expressly prohibited are as follows:

[. . .]

F. Truck parking;

G. Wireless telecommunications facilities

Chapter 17.40 - MHP MOBILEHOME PARK DISTRICT

17.40.040 - Uses expressly prohibited.

In the MHP mobilehome park district, uses expressly prohibited are as follows:

[. . .]

E. Truck parking;

F. Wireless telecommunications facilities.

Chapter 17.44 - C-1 NEIGHBORHOOD SHOPPING CENTER DISTRICT

17.44.030 - Uses permitted subject to conditional use permit.

In the C-1 neighborhood shopping center district, uses permitted subject to conditional use permit are as follows:

[. . .]

E. Water pump station;

F. Wireless telecommunications facilities.

Chapter 17.48 - C-2 COMMUNITY SHOPPING CENTER DISTRICT

17.48.030 - Uses permitted subject to conditional use permit.

In the C-2 community shopping center district, uses permitted subject to conditional use permit are as follows:

[. . .]

L. Water pump stations;

M. Wireless telecommunications facilities.

Chapter 17.52 - C-3 CENTRAL BUSINESS AND SHOPPING DISTRICT

17.52.030 - Uses permitted subject to conditional use permit.

In the C-3 central business and shopping center district, uses permitted subject to conditional use permit are as follows:

[. . .]

II. Social facilities;

JJ. Wireless telecommunications facilities.

Chapter 17.56 - S-C SPECIAL COMMERCIAL DISTRICT

17.56.030 - Uses permitted subject to conditional use permit.

In the S-C special commercial district, uses permitted subject to conditional use permit are as follows:

[. . .]

J. Wireless telecommunications facilities;

K. Other uses as determined by the planning commission.

Chapter 17.60 - M-1 LIGHT MANUFACTURING DISTRICT

17.60.030 - Uses permitted subject to conditional use permit.

[. . .]

S. Banquet hall;

T. Wireless telecommunications facilities.

Chapter 17.64 - M-2 HEAVY MANUFACTURING DISTRICT

17.64.030 - Uses permitted subject to conditional use permit.

In the M-2 heavy manufacturing district, uses permitted subject to conditional use permit are as follows:

[. . .]

AAA. Other uses which by written decision are determined by the commission to be obnoxious or detrimental to the public welfare by reason of the emission of odor, dust, smoke, gas, noise, vibration or other causes;

BBB. Wireless telecommunications facilities.

Chapter 17.68 - P OFF-STREET PARKING DISTRICT

17.68.030 - Uses permitted subject to conditional use permit.

In the P off-street parking district, uses permitted subject to conditional use permit are as follows:

[. . .]

B. Incidental commercial uses within a parking structure with a height greater than two stories;

C. Wireless telecommunications facilities.

Chapter 17.72 - A-D AIRPORT DEVELOPMENT DISTRICT

17.72.030 - Uses permitted subject to conditional use permit.

In the A-D airport development district, uses permitted subject to conditional use permit are as follows:

[. . .]

C. Caretakers' residences;

D. Wireless telecommunications facilities.

Chapter 17.76 - UR URBAN RESERVE DISTRICT

17.76.030 - Uses permitted subject to conditional use permit.

In the UR urban reserve district, uses permitted subject to conditional use permit are as follows:

A. Water pump stations;

B. Wireless telecommunications facilities.

Chapter 17.80 - P-F PUBLIC FACILITIES DISTRICT

17.80.030 - Uses permitted subject to conditional use permit.

In the P-F public facilities district, uses permitted subject to conditional use permit are as follows:

[. . .]

L. Sewer and water treatment plants;

M. Wireless telecommunications facilities.

[. . .]

Chapter 17.100 – WIRELESS TELECOMMUNICATIONS FACILITIES (“WCF”)

17.100.010 – Purpose.

The purpose and intent of this Section is to provide a uniform and comprehensive set of standards for the development, siting, and installation of wireless telecommunications facilities. These regulations are intended to protect and promote the public health, safety and welfare of the residents of the City of Mendota, to preserve community character, protect aesthetic quality in accordance with the guidelines and intent of the Telecommunications Act of 1996, and to encourage siting in preferred locations to minimize aesthetic impacts and to minimize the intrusion of these uses into residential areas.

17.100.020 – Definitions.

The following abbreviations, phrases, terms, and words shall have the meanings assigned in this Section or, as appropriate, in this Chapter of the Mendota Municipal Code, as may be amended from time to time, unless the context indicates otherwise. Words that are not defined in this Section or other Chapters or Sections of the Mendota Municipal Code shall have the meanings as set forth in Chapter 6 of Title 47 of the United States Code, Part 1 of Title 47 of the Code of Federal Regulations, and, if not defined therein, their common and ordinary meaning.

Antenna. A device used in communications designed to radiate and/or capture electromagnetic signals and its associated equipment. The term includes a macrocell Antenna and a microcell Antenna.

Base station. A structure or equipment at a fixed location that enables FCC-licensed or authorized wireless communications between user equipment and a communications network. The term does not encompass a tower as defined

herein or any equipment associated with a tower. The term Base Station includes, without limitation:

1. Equipment associated with wireless communications services such as private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.
2. Radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration (including Distributed Antenna Systems (“DAS”) and small-cell networks).
3. Any structure other than a tower that, at the time the relevant application is filed with the City under this section, supports or houses equipment described in paragraphs 1 and 2 above that has been reviewed and approved by the City.

Collocation. The installation of antennas operated by different entities in close proximity so that use of substantial elements of the facility such as the antenna tower, equipment shelter, or fenced enclosures are shared.

Collocation also includes replacement of an existing tower with one capable of supporting additional antennas.

Facility. See wireless telecommunications facility.

Radio frequency (“RF”). Electromagnetic radiation in the portion of the spectrum from 3 kilohertz (kHz) to 300 gigahertz (GHz).

Stealth design. Design techniques that blend the facility or additions with the natural or man-made environment in such a manner as to be effectively unnoticeable.

Stealth structure. A self-supporting antenna tower designed to closely resemble a commonplace object that effectively blends with its surroundings.

Tower. See antenna tower.

Wireless communications. The transmission and/or reception of information through space using electromagnetic energy.

Wireless telecommunications facility (“WCF”). Structures and/or equipment, including antennas, antenna towers, equipment cabinets, buildings, generators, fencing, access roads and the land upon which they are situated, associated with wireless communications.

Wireless communications service. All FCC-licensed back-haul and other fixed wireless services, broadcast, private, and public safety communication services, and unlicensed wireless services.

17.100.030 – Application Requirements

In addition to meeting standard application submittal requirements for conditional use permits pursuant to Section 17.08.050 of this title, all applicants

for wireless telecommunications facilities shall provide the information listed below. The City may waive any of the submittal requirements listed below or require additional information based upon specific project factors:

A. Geographic Service Area. Identify the geographic service area for the subject installation, including a map showing all the applicant's existing sites in the local service network associated with the gap the facility is meant to close. Describe how this service area fits into and is necessary for the company's service network.

B. Visual Impact Analysis. A visual impact analysis shall be provided showing the maximum silhouette, viewshed analysis, color and finish palette, and proposed screening. The analysis shall include photo simulations and other information as necessary to determine visual impact of the facility. A map depicting where the photos were taken shall be included.

C. Narrative.

1. Height. Show the height of the facility. Carriers must provide evidence that establishes that the proposed facilities have been designed to the minimum height required from a technological standpoint for the proposed site. If the tower will exceed the maximum permitted height limit, as measured from grade, a discussion of the physical constraints (topographical features, etc.) making the additional height necessary shall be required.

2. Maintenance. Describe the anticipated maintenance and monitoring program for the antennas, back-up equipment, and landscaping.

3. Noise/Acoustical Information. As part of the Application for Environment Initial Study, provide manufacturer's specifications for all equipment such as air conditioning units and back-up generators, and a depiction of the equipment location in relation to adjoining properties.

4. Concept Landscape Plan. Provide a plan showing all proposed landscaping, screening, and proposed irrigation with a discussion of how the chosen material at maturity will screen the site.

5. Fire Service. Provide evidence of compliance with applicable fire safety regulations or a service letter from the applicable fire district.

6. Hazardous Materials. Listing of all hazardous materials to be used onsite.

7. For all applications for facilities located in the public right of way, include on the plot plan the location of parking for maintenance personnel.

8. A letter stating the applicant's willingness to allow other carriers to co-locate on their facilities wherever technically and economically feasible, and aesthetically desirable.

9. The lease area of the proposed wireless telecommunications facility on the plot plan.

10. For all applications for wireless telecommunications facilities operating below 1200 megahertz, submit a copy of the Federal Communications Commission Licensing Application Form 601, Main Form, Pages 1 through 4, Schedule A, Page 1, Schedule D, Page 1 and Schedule H, Pages 1 through 3. The application shall be reviewed by the Sheriff's Wireless Services Unit to determine potential interference with the Regional Communication System. Interference with that system may be grounds for denial.

17.100.050 – Application Procedure

A. Tiered Permitting System. Applications for installation or modification of wireless telecommunication facilities will be designated into one of three tiers.

1. Tier 1 Permits. Tier 1 permit application procedure will apply to:

a. Any modification of an existing tower or base station that does not substantially change the physical dimensions of that tower or base station and involves: (i) the collocation of new transmission equipment, (ii) the removal of transmission equipment, or (iii) the replacement of transmission equipment.

b. Any collocation that does not substantially change the physical dimensions of an existing tower or base station.

2. Tier 2 Permits. Tier 2 permit application procedure will apply to any modification that substantially changes the physical dimensions of an existing tower or base station. Substantial changes as determined within this section shall include:

a. For facilities not located in the public rights-of-way:

i. The height of the Tower is increased by (I) more than ten (10) percent, or (II) by the height of one additional Antenna array with separation from the nearest existing Antenna not to exceed twenty (20) feet, whichever is greater; or

ii. There is added an appurtenance to the body of the Tower that would protrude from the edge of the Tower by (I) more than twenty (20) feet, or (II) more than the width of the Tower at the level of the appurtenance, whichever is greater.

b. For facilities located in the public rights-of-way and for all Base Stations:

- i. The height of the Tower or Base Station is increased by more than ten (10) percent or ten (10) feet, whichever is greater; or**
- ii. There is added an appurtenance to the body of that structure that would protrude from the edge of that structure by more than six (6) feet; or**
- iii. It involves the installation of ground cabinets that are more than ten (10) percent larger in height or overall volume than any other ground cabinets associated with the structure; or**
- iv. It involves the installation of any new equipment cabinets on the ground if there is no pre-existing ground cabinet associated with that structure.**

c. For any existing tower or base station at the time an application is filed:

- i. It involves the installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four (4) cabinets; or**
- ii. There is entailed in the proposed modification any excavation or deployment outside of the current site of the tower or base station; or**
- iii. The proposed modification would cause the concealment/camouflage elements of the tower or base station to be defeated; or**
- iv. The proposed modification would not comply with the conditions associated with the prior siting approval of construction or modification of the tower or base station, unless the non-compliance is due to an increase in height, increase in width, addition of cabinets, or new excavation that does not exceed the corresponding thresholds in this section.**

d. To measure changes in height for the purposes of this section, the baseline is:

- i. For deployments that are or will be separated horizontally, measured from the original Support Structure;**

3. Tier 3 Permits. Any installation of a new wireless telecommunications facility that is not a (3) A Tier 3 WCF Permit shall be required for the siting

of any new WCF that is not a Collocation subject to a Tier 1 or 2 WCF Permit.

B. Permit Review Time Periods. The timeframe for review of an application shall begin to run when the application is submitted, but shall be tolled if the City finds the application incomplete and requests that the applicant submit additional information to complete the application. Such requests shall be made within 30 days of submission of the application. After submission of additional information, the City will notify the applicant within 10 days of this submission if the additional information failed to complete the application.

1. Tier 1 Processing Time. For Tier 1 permits, the City will act on the WCF application together with any other City permits required for a proposed WCF modification, within 60 days, adjusted for any tolling due to requests for additional information or mutually agreed upon extensions of time.

2. Tier 2 Processing Time. For Tier 2 permits, the City will act on the application within 90 days, adjusted for any tolling due to requests for additional information or mutually agreed upon extensions of time.

3. Tier 3 Processing Time. For Tier 3 permits, the City will act on the application within 150 days, adjusted for any tolling due to requests for additional information or mutually agreed upon extensions of time.

C. Development Standards.

Except as otherwise provided in this Section, a proposed WCF Project shall comply with the following standards:

- 1. Shall utilize the smallest footprint possible;**
- 2. Shall be designed to minimize the overall height, mass, and size of the cabinet and enclosure structure;**
- 3. Shall be screened from public view;**
- 4. Shall be architecturally compatible with the existing site;**
- 5. Shall be placed at a location that would not require the removal of any required landscaping or would reduce the quantity of landscaping to a level of noncompliance with the Zoning Code;**
- 6. An Antenna, Base Station, or Tower shall be designed to minimize its visibility from off-site locations and shall be of a “camouflaged” or “stealth” design, including concealment, screening, and other techniques to hide or blend the Antenna, Base Station, or Tower into the surrounding area;**

- 7. A building-mounted Antenna, Base Station, or Tower shall be architecturally compatible with the existing building on which the Antenna, Base Station, or Tower is attached;**
- 8. For any Tier 2 or Tier 3 WCF proposed to be attached on an historic building or, as designated by Section 15.04.130, historic review shall also be required;**
- 9. Except as otherwise permitted by the Spectrum Act, a building-mounted WCF may extend fifteen (15) feet beyond the permitted height of the building in the zone district;**
- 10. Except as otherwise permitted by the Spectrum Act, a tower or other stand-alone Tier 3 WCF Project shall not exceed sixty-five (65) feet in height; and**
- 11. A tower or other stand-alone Tier 3 WCF may encroach into the interior/street side and rear setback.**

D. Conditions for Approval.

In addition to any other conditions of approval permitted under federal and state law and this Code that the zoning administrator deems appropriate or required under this Code, all WCF Projects approved under this Chapter, whether approved by the zoning administrator or deemed granted by operation of law, shall be subject to the following conditions of approval:

- 1. Permit conditions. The grant or approval of a WCF Tier 1 Permit shall be subject to the conditions of approval of the underlying permit, except as may be preempted by the Spectrum Act.**
- 2. As-built plans. The applicant shall submit to the zoning administrator an as-built set of plans and photographs depicting the entire WCF as modified, including all Transmission Equipment and all utilities, within ninety (90) days after the completion of construction.**
- 3. Applicant shall hire a radio engineer licensed by the State of California to measure the actual radio frequency emission of the WCF and determine if it meets FCC's standards. A report, certified by the engineer, of all calculations, required measurements, and the engineer's findings with respect to compliance with the FCC's radio frequency emission standards shall be submitted to the Planning Division within one year of commencement of operation.**
- 4. Indemnification. To the extent permitted by law, the applicant shall indemnify and hold harmless the City, its City Council, its officers, employees and agents (the "indemnified parties") from and against any claim, action, or proceeding brought by a third party against the**

indemnified parties and the applicant to attack, set aside or void, any permit or approval authorized hereby for the Project, including (without limitation) reimbursing the City for its actual attorneys' fees and costs incurred in defense of the litigation. The City may, in its sole discretion and at Applicant's expense, elect to defend any such action with attorneys of its own choice.

5. Compliance with applicable laws. The applicant shall comply with all applicable provisions of the Code, any permit issued under this Code, and all other applicable federal, state and local laws (including without limitation all building code, electrical code and other public safety requirements). Any failure by the City to enforce compliance with any applicable laws shall not relieve any applicant of its obligations under this code, any permit issued under this code, or all other applicable laws and regulations.

6. Compliance with approved plans. The proposed Project shall be built in compliance with the approved plans on file with the Planning Division.

E. Denial of Application. If the City denies a wireless telecommunications facility application, the City will notify the applicant of the denial in writing of the reasons for the denial.

F. Removal of Abandoned Equipment. A WCF (Tier 1, Tier 2, or Tier 3) or a component of that WCF that ceases to be in use for more than ninety (90) days shall be removed by the applicant, Wireless Communications Service provider, or property owner within ninety (90) days of the cessation of use of that WCF. A new conditional use permit shall not be issued to an owner or operator of a WCF or a Wireless Communications Service provider until the abandoned WCF or its component is removed.

G. Permit Revocation. The zoning administrator may revoke any WCF permit if the permit holder fails to comply with any condition of the permit. The zoning administrator's decision to revoke a permit shall be appealable to the planning commission and the decision of the planning commission may be appealed to the city council, as provided in Section 17.08.050.

SECTION 2. The City Council finds the approval of this ordinance is not subject to the California Environmental Quality Act, Public Resources Code, § 21000, *et seq.* ("CEQA"), pursuant to Section 15060(c)(2) of the CEQA Guidelines, on the grounds that the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment, and Section 15060(c)(3) of the CEQA Guidelines, on the grounds that the activity is not a project as defined in Section 15378 of the CEQA Guidelines, because it has no potential for resulting in physical change to the environment, directly or indirectly. Alternatively, the City Council finds the approval of this ordinance is not a project under Section 15061(b)(3) of the CEQA Guidelines because it has no potential for causing a significant effect on the environment.

SECTION 3. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is held for any reason to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the Ordinance. The City Council of the City of Mendota hereby declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions be declared invalid or unconstitutional.

SECTION 4. The Mayor shall sign and the City Clerk shall certify to the passage of this Ordinance and will see that it is published and posted in the manner required by law.

SECTION 5. This ordinance shall become effective and in full force at 12:00 midnight on the 31st day following its adoption.

* * * * *

The foregoing ordinance was introduced on the 11th day of April, 2017 and duly passed and adopted by the City Council of the City of Mendota at a regular meeting thereof held on the 25th day of April, 2017, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Rolando Castro, Mayor

ATTEST:

Matt Flood, City Clerk

APPROVED AS TO FORM:

John Kinsey, City Attorney

**BEFORE THE CITY COUNCIL
OF THE
CITY OF MENDOTA, COUNTY OF FRESNO**

**RESOLUTION OF INTENTION TO INITIATE
AN AMENDMENT TO TITLE 17 OF THE
MENDOTA MUNICIPAL CODE RELATING
TO PERMIT APPLICATION PROCESSING
AND SITING LOCATIONS FOR
INSTALLATIONS OF NEW WIRELESS
TELECOMMUNICATIONS FACILITIES**

RESOLUTION NO. 17-08

WHEREAS, in 1996, Congress passed the Telecommunications Act of 1996 (“TCA”), in order to increase competition within the telecommunications industry by creating lower prices, higher quality service, and rapid technological development, and while preserving the authority of local governments over zoning and land use matters; and

WHEREAS, section 253(a) of the TCA precludes state and local governments from enacting ordinances that prohibit or have the effect of prohibiting the provision of telecommunications services, including wireless services; and

WHEREAS, under section 253(c) of the TCA and section 7901.1 of the California Public Utilities Code, the City may exercise reasonable control over the time, place, and manner of construction of wireless telecommunications services (“WCF”); and

WHEREAS, under section 332(c)(7) of the TCA, the City generally retains local zoning authority over WCF siting locations subject to certain, narrow limitations; and

WHEREAS, California Public Utilities Code section 7901 provides that the City may require telecommunications companies to obtain permits before constructing WCF on public rights of way; and

WHEREAS, the City has been advised of recent incidents of telecommunications companies erecting wireless facilities within public rights-of-way without notice to the local government authorities or engaging in any permitting process for the construction and placement of such facilities. In addition, area cities have all been approached by at least one company claiming to be a telecommunications company, and purporting to “inform” the local agencies that they are going to commence work on a telecommunications tower within a public right-of-way; and

WHEREAS, the City presently does not have any provisions of its Ordinance that govern the erection of WCF within the City; and

WHEREAS, the City believes it is important to consider reasonable restrictions on the permitting of WCF within the City, including the permitting of WCF within public rights-of-way; and

WHEREAS, in light of the foregoing, the City seeks to add and amend provisions to the Municipal Code relating to the application process for installations and siting locations of WCF;

WHEREAS, Section 17.08.040 of the Mendota Municipal Code provides the procedure for the enactment of amendments to the City's Zoning Code, which is located at Title 17 of the Mendota Municipal Code; and

WHEREAS, although the Chapter 8.36 is not located in Title 17, the regulation of certain aspects of medical marijuana, including cultivation and dispensaries, imposes potential regulations on land use, and therefore the City in an abundance of caution is employing the procedures set forth in Section 17.08.040 to consider an amendment to Chapter 8.36 of the Mendota Municipal Code; and

WHEREAS, Section 17.08.040(B) of the Mendota Municipal Code provides that "Amendments to this title may be initiated in the following manner . . . The council may propose an amendment by a resolution of intention"; and

WHEREAS, Section 17.08.040(B) of the Mendota Municipal Code provides that the secretary shall set a public hearing on any proposed amendments by the Planning Commission "no less than ten (10) days nor more than forty (40) days . . . after the adoption of a resolution of intention by the commission or the council."

NOW, THEREFORE, BE IT RESOLVED that the City Council for the City of Mendota hereby authorizes Staff to proceed with the preparation of a comprehensive update to Title 17 of the Mendota Municipal Code to (i) regulate the time, place, and manner of construction of new wireless telecommunications facilities; (ii) restrict or limit the siting of wireless telecommunications facilities in residential and commercial zoning districts to the extent allowed under applicable state or federal laws; and (iii) clarify the application requirements and procedures for construction of new wireless telecommunications facilities.

BE IT FURTHER RESOLVED that the Secretary shall schedule a public hearing before the Planning Commission on the proposed amendments to Chapter 8.36 of the Mendota Municipal Code no less than ten (10) days nor more than forty (40) days after the adoption of this resolution.



Rolando Castro, Mayor

ATTEST:

I, Matt Flood, City Clerk of the City of Mendota, do hereby certify that the foregoing resolution was duly adopted and passed by the City Council at a regular meeting of said Council, held at the Mendota City Hall on the 24th day of January, 2017, by the following vote:

AYES: 5 – Mayor Castro, Mayor Pro Tem Martinez, Councilors Amador, Rosales, and Silva.

NOES: 0

ABSENT: 0

ABSTAIN: 0



**BEFORE THE PLANNING COMMISSION
OF THE
CITY OF MENDOTA, COUNTY OF FRESNO**

RESOLUTION NO. PC 17-02

**RESOLUTION RECOMMENDING THAT THE CITY COUNCIL OF THE CITY OF
MENDOTA ADOPT AN ORDINANCE AMENDING THE MENDOTA MUNICIPAL
CODE RELATING TO PERMIT APPLICATION PROCESSING AND SITING
LOCATIONS FOR THE INSTALLATION OF NEW WIRELESS
TELECOMMUNICATIONS FACILITIES**

WHEREAS, on January 24, 2017, the City Council voted to adopt a Resolution of Intention to Initiate an Amendment to Title 17 of the Mendota Municipal Code Relating to Permit Application Processing and Siting Locations for Installations of New Wireless Telecommunications Facilities (the "Resolution of Intention"); and

WHEREAS, Section 17.08.040(B) of the Mendota Municipal Code provides that "Amendments to this title may be initiated in the following manner . . . The council may propose an amendment by a resolution of intention"; and

WHEREAS, Section 17.08.040(B) of the Mendota Municipal Code provides that the secretary shall set a public hearing on any proposed amendments by the Planning Commission "no less than ten (10) days nor more than forty (40) days . . . after the adoption of a resolution of intention by the commission or the council"; and

WHEREAS, City Staff has prepared a proposed Ordinance Amending Title 17 of the Mendota Municipal Code Relating to Permit Application Processing and Siting Locations for Installations of New Wireless Telecommunications Facilities, a copy of which is attached hereto as Exhibit "A" (the "Proposed Ordinance"); and

WHEREAS, on March 15, 2017, the City published notice in the Firebaugh Mendota Journal advising that the Planning Commission would conduct a public hearing on the Proposed Ordinance at its March 27, 2017, special meeting; and

WHEREAS, on March 27, 2017, the Planning Commission conducted a duly-noticed public hearing on the Proposed Ordinance; and

WHEREAS, Staff has reviewed the Proposed Ordinance, and has determined that the approval of the Proposed Ordinance is not subject to the California Environmental Quality Act, Public Resources Code, § 21000, *et seq.* ("CEQA"), pursuant to Section 15060(c)(2) of the CEQA Guidelines, on the grounds that the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment, and Section 15060(c)(3) of the CEQA Guidelines, on the grounds that the activity is not a project as defined in Section 15378 of the CEQA Guidelines, because it has no potential for resulting in physical change to the environment, directly or indirectly. Staff has also determined that, alternatively, the Proposed Ordinance is not a project under Section 15061(b)(3) of the CEQA Guidelines because it has no potential for causing a significant effect on the environment.

WHEREAS, Section 17.08.040(H) of the Mendota Municipal Code provides that the City Council shall hold a public hearing on the proposed amendments “not less than ten days nor more than forty (40) days after the filing of the commission’s resolution by the council,” and that notice of said council hearing “shall be given as provided in Section 17.08.040(F).”

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission for the City of Mendota hereby recommends to the City Council approval of the Proposed Ordinance, attached hereto and made a part of this resolution as Exhibit “A.”

BE IT FURTHER RESOLVED that the Planning Commission finds the approval of this ordinance is not subject to CEQA, pursuant to Section 15060(c)(2) of the CEQA Guidelines, on the grounds that the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment, and Section 15060(c)(3) of the CEQA Guidelines, on the grounds that the activity is not a project as defined in Section 15378 of the CEQA Guidelines, because it has no potential for resulting in physical change to the environment, directly or indirectly. Alternatively, the Planning Commission finds the approval of this ordinance is not a project under Section 15061(b)(3) of the CEQA Guidelines because it has no potential for causing a significant effect on the environment.

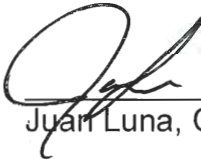
BE IT FURTHER RESOLVED that the Secretary shall file this Resolution No. PC 17-02 with the City Council, and shall schedule a public hearing before the City Council on the Proposed Ordinance no less than ten (10) days nor more than forty (40) days after the adoption of this resolution. The Secretary shall also provide notice of the City Council hearing as provided under Section 17.08.040 of the Mendota Municipal Code no later than 10 days before the hearing.

PASSED AND ADOPTED by the Planning Commission of the City of Mendota at a special meeting held on the 27th of March, 2017 upon a motion by Commissioner Escobedo, a second by Commissioner Obaid, and by the following vote:

AYES: 3 – Chairperson Luna, and Commissioners Escobedo and Obaid.
NOES: 0
ABSTAIN: 0
ABSENT: 3 – Vice-Chairperson Gamez, and Commissioners Leiva and Romero.

ATTEST:


Matt Flood, Secretary


Juan Luna, Chair



AGENDA ITEM – STAFF REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS
FROM: MATT FLOOD, ECONOMIC DEVELOPMENT MANAGER
VIA: VINCE DIMAGGIO, CITY MANAGER
SUBJECT: FIRST READING AND SETTING THE PUBLIC HEARING FOR ORDINANCE NO. 17-08, INCREASING THE AMOUNT OF PERMITTED ITINERANT FOOD VENDORS WITHIN THE CITY
DATE: APRIL 11, 2017

ISSUE

Shall the Council adopt an ordinance increasing the amount of Itinerant Food Vendors (IFV) within the City Limits?

BACKGROUND

Staff is bringing forth a request to increase the amount of IFV's within the City by adjusting the language of the ordinance so that one vendor is allowed for every 1,500 residents in the community as opposed to the current one per 2,000 that currently is in the Mendota Municipal Code (MMC).

An Itinerant Vendor is one that does business from a mobile unit (in other words, does not have a traditional brick-and-mortar place of business, such as an office building, warehouse, or other structure). The MMC currently prohibits all types of Itinerant Vendors (MMC 5.32.020) with a few exceptions, one of those being IFV's (MMC 5.32.030).

IFV's are separated into two categories: motorized and non-motorized and the current number permitted is based on the section of the code that states one shall be allowed for every 2,000 residents or a portion thereof. This means that, for example, if Mendota had 10,000 residents, five IFV's would be allowed, but if Mendota had 10,001 residents, six would be allowed (because that "1" represents a portion of the next "2,000").

Since the official population count from the 2010 Census was 11,014, the maximum number of IFV's that can be permitted is currently six. If the number from the attached proposed ordinance was implemented, to be one vendor for every 1,500 in population or a portion thereof, the maximum number would be eight.

Attached is a proposed ordinance.

ANALYSIS

The projected impacts of allowing a 25% increase in the amount of IFV's permitted appears to be minimal. No new process is being implemented and the true population of Mendota more than likely can justify such an increase. It is up to the City Council to determine if this change would be appropriate and meet the needs of the community.

FISCAL IMPACT

Slight increase in revenues due to increased number of permits issued.

RECOMMENDATION

Council waive the first reading and set the public hearing of Ordinance No. 17-08 for the April 25th regular Council Meeting.

**BEFORE THE CITY COUNCIL
OF THE
CITY OF MENDOTA, COUNTY OF FRESNO**

**AN ORDINANCE OF THE CITY COUNCIL
OF THE CITY OF MENDOTA, CALIFORNIA,
AMENDING SECTIONS 5.28.020 AND
5.28.025 OF THE MENDOTA MUNICIPAL
CODE RELATING TO THE NUMBER OF
ITINERANT FOOD VENDORS ALLOWED
WITHIN THE CITY**

ORDINANCE NO. 17-08

WHEREAS, the City Council is duly authorized and obligated to formulate policy that protects the health, safety, and peace of the community; and

WHEREAS, City staff has performed a review of the existing requirements of the Mendota Municipal Code regarding the number of motorized and nonmotorized itinerant food vendor permits that may be authorized within the City, which are located at Sections 5.28.020 and 5.28.025 of the Chapter 5.28; and

WHEREAS, City staff has determined that the limitations on the number of permits is unduly restrictive, and that it is in the best interest of the City to increase the number of motorized and nonmotorized itinerant food vendors within the City; and

NOW THEREFORE, the City Council of the City of Mendota does ordain as follows:

SECTION 1. Section 5.28.020 of Chapter 5.28 of Title 5 of the Mendota Municipal Code is hereby amended to read as follows:

One motorized *itinerant* food vendor permit for lunch truck or food items shall be issued for each ~~two thousand (2,000)~~ **one thousand five hundred (1,500)** residents or a portion thereof, in the city, as established by an official census.

SECTION 2. Section 5.28.025 of Chapter 5.28 of Title 5 of the Mendota Municipal Code is hereby amended to read as follows:

One nonmotorized (i.e., push cart or bicycle carts) *itinerant* food vendor permit for any food items shall be issued for each ~~two thousand (2,000)~~ **one thousand five hundred (1,500)** residents or a portion thereof, in the city, as established by an official census. The permit fee for an annual permit shall be set by resolution of the city council. All nonmotorized *itinerant* food vendor equipment shall be inspected and approved by the local health officer prior to the issuance or renewal of an itinerate food

vendor permit and such permit shall be displayed in plain sight on the vehicle or cart.

SECTION 3. The City Council finds the approval of this ordinance is not subject to the California Environmental Quality Act, Public Resources Code, § 21000, *et seq.* ("CEQA"), pursuant to Section 15060(c)(2) of the CEQA Guidelines, on the grounds that the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment, and Section 15060(c)(3) of the CEQA Guidelines, on the grounds that the activity is not a project as defined in Section 15378 of the CEQA Guidelines, because it has no potential for resulting in physical change to the environment, directly or indirectly. Alternatively, the City Council finds the approval of this ordinance is not a project under Section 15061(b)(3) of the CEQA Guidelines because it has no potential for causing a significant effect on the environment.

SECTION 4. If any section, subsection, sentence, clause, phrase, or word of this ordinance is for any reason held to be unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The Mendota City Council hereby declares that it would have passed and adopted this ordinance and each and all provisions thereof irrespective of the fact that any one or more of said provisions be declared unconstitutional.

SECTION 5. The adoption of any provision of this Ordinance does not affect any prosecution, civil action or administrative proceeding for any ordinance violation committed prior to the effective date of this ordinance; does not waive any fee, penalty, license or permit requirement due or in effect on the date this ordinance is adopted; and does not affect the validity of any bond or cash deposit posted, filed or paid pursuant to the requirements of any Ordinance.

SECTION 6. Within fifteen (15) days of the adoption of this Ordinance, a summary thereof, including the names of the City Council Members voting for and against it, shall be prepared by the City Attorney for publication in the *Firebaugh-Mendota Journal*, and a certified copy of the Ordinance shall be posted in the office of the City Clerk.

SECTION 7. This ordinance shall become effective and in full force at 12:00 midnight on the 31st day following its adoption.

* * * * *

The foregoing ordinance was introduced on the 11th day of April, 2017 and duly passed and adopted by the City Council of the City of Mendota at a regular meeting thereof held on the 25th day of April, 2017 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Rolando Castro, Mayor

ATTEST:

Matt Flood, City Clerk

APPROVED AS TO FORM:

John Kinsey, City Attorney

AGENDA ITEM

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: CRISTIAN GONZALEZ, DIRECTOR OF PLANNING & PUBLIC WORKS

VIA: VINCE DIMAGGIO, CITY MANAGER

SUBJECT: SECOND READING AND PUBLIC READING OF ORDINANCE NO. 17-03,
CITY OF MENDOTA BUILDING CODE

DATE: APRIL 11, 2017

ISSUES

Should the Council waive the second reading, hold a public hearing and adopt Ordinance number 17-03, adopting the 2016 code standards, including the Mendota Building Code.

BACKGROUND

Title 15 of the Mendota Municipal Code, Buildings and Construction, incorporates by reference the California Building Standards Code, including the California Building Code and associated trade codes in order to address compliance with industry-standard health and safety practices related to construction. The various state building and related trade codes are generally updated by the California Building Standards Commission (CBSC) on a triennial basis, most recently in 2017. In early 2014, the City incorporated by reference the then-current 2013 set of California standard codes. The newly adopted 2016 set of California standard codes must be enforced by the building department starting in 2017.

As the standard codes adopted by the CBSC take effect, typically on January 1 of the calendar year following their adoption, all agencies are required to implement the provisions of those codes, unless local circumstances dictate that amendments are appropriate. Due to a city's ability to amend the California codes thusly, it must adopt by reference the new standard codes as they become available rather than proactively consenting to enforce any future updates.

At its March 14th meeting, the City Council waived the first reading and set the hearing for this meeting.

ANALYSIS

The City has followed all procedures necessary to proceed and as discussed. This item is ministerial in nature and necessary to comply with state standards.

FISCAL IMPACT

None.

RECOMMENDATION

Staff recommends that the City Council waive the second reading, hold a public hearing, and adopt Ordinance No. 17-03, amendments to the City of Mendota Building Code.

**BEFORE THE CITY COUNCIL
OF THE
CITY OF MENDOTA, COUNTY OF FRESNO**

**AN ORDINANCE OF THE CITY COUNCIL
OF THE CITY OF MENDOTA AMENDING
TITLE 15 OF THE MENDOTA MUNICIPAL
CODE RELATED TO ADOPTION BY
REFERENCE OF THE 2016 CALIFORNIA
BUILDING CODE AND ASSOCIATED
TRADE CODES**

ORDINANCE NO. 17-03

The City Council of the City of Mendota does hereby ordain as follows:

Section 1. Section 15.08.010 of Chapter 15.08 of Title 15 of the Mendota Municipal Code is hereby amended to read as follows:

15.08.010 California Building Code adopted by reference.

The California Building Code, including the Appendices as referenced in the ~~2013~~ **2016** California Building Code Standards and the International Building Code Standards is adopted by reference.

Section 2. Section 15.12.010 of Chapter 15.12 of Title 15 of the Mendota Municipal Code is hereby amended to read as follows:

15.12.010 California Mechanical Code adopted by reference.

The ~~2013~~ **2016** Edition of the California Mechanical Code, including Appendices A, B, , and D, is adopted by reference in its entirety.

Section 3. Section 15.16.010 of Chapter 15.16 of Title 15 of the Mendota Municipal Code is hereby amended to read as follows:

15.16.010 California Electrical Code adopted by reference.

The ~~2013~~ **2016** Edition of the California Electrical Code, including Annex A through Annex H, is adopted by reference.

Section 4. Section 15.20.010 of Chapter 15.20 of Title 15 of the Mendota Municipal Code is hereby amended to read as follows:

15.20.010 California Plumbing Code adopted by reference.

The ~~2013~~ **2016** Edition of the California Plumbing Code and Appendices and the International Association of Plumbing and Mechanical Officials (IAPMO) Installation Standards are adopted by reference.

Section 5. Section 15.24.010 of Chapter 15.24 of Title 15 of the Mendota Municipal Code is hereby amended to read as follows:

15.24.010 California Fire Code adopted by reference.

The ~~2013~~ **2016** Edition of the California Fire Code is adopted by reference in its entirety.

Section 6. Section 15.32.010 of Chapter 15.32 of Title 15 of the Mendota Municipal Code is hereby amended to read as follows:

15.32.010 California Administrative Code adopted by reference.

The ~~2013~~ **2016** Edition of the California Building Standards Administrative Code is adopted by reference in its entirety.

Section 7. Section 15.40.010 of Chapter 15.40 of Title 15 of the Mendota Municipal Code is hereby amended to read as follows:

15.40.010 California Referenced Standards Code adopted by reference.

The ~~2013~~ **2016** Edition of the California Referenced Standards Code, with appendices, is adopted by reference in its entirety.

Section 8. Section 15.44.010 of Chapter 15.44 of Title 15 of the Mendota Municipal Code are hereby amended to read as follows:

15.44.010 California Energy Code adopted by reference

The ~~2013~~ **2016** Edition of the California Energy Code is adopted by reference in its entirety.

Section 9. Section 15.48.010 of Chapter 15.48 of Title 15 of the Mendota Municipal Code is hereby added to read as follows:

15.48.010 California Residential Code adopted by reference.

The ~~2013~~ **2016** Edition of the California Residential Code, including Appendices A through R, is adopted by reference in its entirety.

Section 10. Section 15.52.010 of Chapter 15.52 of Title 15 of the Mendota Municipal Code is hereby added to read as follows:

15.52.010 California Green Building Standards Code adopted by reference.

The ~~2013~~ **2016** Edition of the California Green Building Standards Code, including Appendices A4 and A5, is adopted by reference in its entirety.

Section 11. This ordinance shall become effective and in full force at 12:00 midnight on the 31st day following its adoption.

* * * * *

The foregoing ordinance was introduced on the 14th day of March, 2017 and duly passed and adopted by the City Council of the City of Mendota at a regular meeting thereof held on the 11th day of April, 2017, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Rolando Castro, Mayor

ATTEST:

Matt Flood, City Clerk

APPROVED AS TO FORM:

John Kinsey, City Attorney

AGENDA ITEM – STAFF REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS
FROM: MATT FLOOD, ECONOMIC DEVELOPMENT MANAGER
VIA: VINCE DIMAGGIO, CITY MANAGER
SUBJECT: CODE ENFORCEMENT REPORT FOR MARCH 2017
DATE: APRIL 11, 2017

In March, Code Enforcement continued to focus on violations related to parking, water conservation, and made a special effort to expedite any processes related to Public Nuisances. The latter is a constant struggle due to the various and complicated factors involved in a legal process such as this one.

However we are happy to convey that, thanks to the continued stance this Council has taken on community cleanliness, many residents continue to voluntarily comply with our requests. Some of these cases involve action from our department ranging from a verbal warning to citations, but for the most part we have avoided forced abatements.

That most likely will change this month as we have a few cases in which the involved parties are refusing to cooperate. One has to do with a mobile trailer being inhabited on Kate Street, and the other has to do with the most recent target of the vagrant population, 585 Stamoules. As Council knows, the latter caught on fire and is most likely a total loss, and Code Enforcement staff continues to send them notices and monitor the situation. A party claiming responsibility for the residence has committed to boarding up and securing the property, and any failure on their part to do so will result in a notice from the City notifying them of an imminent forced abatement.

Concerning weed abatements: courtesy notices were sent out on March 23rd, inviting property owners to take care of their properties year-round, but especially during the time of year when the weeds tend to dry up. We are monitoring all properties and in the last week of April will take a survey of all properties to see which ones need to be sent a “Notice and Order” to clean it up. The Notice and Order is the first step in the process to abate, and any properties that are not appropriately taken care of, and that will pose a risk, will be taken care of via forced abatement in early June. So property owners will have until that June date to clean up their property without incurring forced abatement charges.

As always, here are the numbers that members of the public can call to report Code Enforcement issues:

- Dispatch at (559) 655-4294 if it is urgent
- CE tip line at (559) 517-6340 for any non-urgent, ongoing issues
- Anonymous submittal of information through our City website by going to the “Departments” tab and selecting “Economic Development & Code Enforcement”, then filling out the form in the middle of the page below “Report a Violation”.

Attached is the monthly update on citations given out during the month of March.

Address	Type of Case	1st Notice	2nd Notice	Deadline	Status
307 BLANCO ST	TRUCK PARKING NOT ZONED	3/1/2017	N/A	N/A	CITE
248 PUCHEU ST	OBSTRUCTION OF CITY PROPERTY	3/3/2017	N/A	N/A	CITE
954 SECOND ST	WATER CONSERVATION	3/3/2017	N/A	N/A	WRITTEN WARNING
619 GAXIOLA ST	OBSTRUCTION OF CITY PROPERTY	3/4/2017	N/A	N/A	CITE
9662 W. KEARNEY AVE FRESNO CA	TRUCK PARKING NOT ZONED	3/7/2017	N/A	N/A	CITE
325 SILVA ST	OBSTRUCTION OF CITY PROPERTY	3/8/2017	N/A	N/A	WRITTEN WARNING
189 PETRY ST	OBSTRUCTION OF CITY PROPERTY	3/8/2017	N/A	N/A	WRITTEN WARNING
561 QUINCE ST	OBSTRUCTION OF CITY PROPERTY	3/9/2017	N/A	N/A	WRITTEN WARNING
230 GREGG CT N	NO R.V. PARKING	3/9/2017	N/A	N/A	WRITTEN WARNING
216 K ST	NO R.V. PARKING	3/10/2017	N/A	N/A	WRITTEN WARNING
276 K ST	YARD SALE SIGNS	3/10/2017	N/A	N/A	CITE
349 PUCHEU ST	NO BUILDING PERMIT	3/10/2017	N/A	N/A	WORK STOP ORDER
254 L ST	PARKED OVER 18" FROM CURB	3/10/2017	N/A	N/A	CITE
325 PETRY ST	ABANDONED VEHICLE	3/11/2017	N/A	N/A	CLEARED
429 BANDONI CR	PARKED OVER 18" FROM CURB	3/11/2017	N/A	N/A	CITE
BANDONI ST AND PETRY ST	OBSTRUCTION OF CITY PROPERTY	3/11/2017	N/A	N/A	WRITTEN WARNING
625 FOURTH CT	WATER CONSERVATION	3/11/2017	N/A	N/A	WRITTEN WARNING
1466 FOURTH ST	WATER CONSERVATION	3/14/2017	N/A	N/A	WRITTEN WARNING
307 GOMEZ CR	PARKED OVER 18" FROM CURB	3/15/2017	N/A	N/A	WRITTEN WARNING
305 RIOS ST	PARKED OVER 18" FROM CURB	3/15/2017	N/A	N/A	CITE
711 OXNARD ST	YARD SALE SIGNS	3/15/2017	N/A	N/A	CITE
711 OXNARD ST	NO YARD SALE PERMIT	3/15/2017	N/A	N/A	CITE
1161 OLLER ST #17	PARKED OVER 18" FROM CURB	3/17/2017	N/A	N/A	CITE
SECOND ST AND MARIE ST	ABANDONED VEHICLE	3/18/2017	N/A	N/A	CLEARED
1132 SIXTH ST	NO YARD SALE PERMIT	3/18/2017	N/A	N/A	CITE
284 GREGG CT	NON CONFOMING USE	3/18/2017	N/A	N/A	CITE
611 DIVISADERO CR	PARKED OVER 18" FROM CURB	3/22/2017	N/A	N/A	CITE
638 N JUANITA ST	PARKED OVER 18" FROM CURB	3/22/2017	N/A	N/A	CITE
749 PUCHEU ST	OBSTRUCTION OF CITY PROPERTY	3/23/2017	N/A	N/A	WRITTEN WARNING
1109 CLARK ST MADERA CA	NO BUSINESS LICENSE	3/23/2017	N/A	N/A	CITE
240 FLEMING ST	OBSTRUCTION OF CITY PROPERTY	2/24/2017	N/A	N/A	CITE
616 DE LA CRUZ ST	WATER CONSERVATION	3/24/2017	N/A	N/A	WRITTEN WARNING
635 LOZANO ST	OBSTRUCTION OF CITY PROPERTY	3/24/2017	N/A	N/A	WRITTEN WARNING

2323 CURLEW RD DUNLPIN, FL 34698	NO BUSINESS LICENSE	3/25/2017	N/A	N/A	CITE
663 LOZANO ST	OBSTRUCTION OF CITY PROPERTY	3/25/2017	N/A	N/A	WRITTEN WARNING
1675 NINTH ST	ABANDONED VEHICLE	3/28/2017	N/A	N/A	CLEARED
888 E. DIVISADERO ST FRESNO, CA	PARKED OVER 18" FROM CURB	3/29/2017	N/A	N/A	CITE
190 ROWE ST	WATER CONSERVATION	3/30/2017	N/A	N/A	WRITTEN WARNING
150 ROWE ST	WATER CONSERVATION	3/30/2017	N/A	N/A	WRITTEN WARNING



POLICE

M E N D O T A

MEMORANDUM

Date: April 1, 2017
To: Vince DiMaggio, City Manager
Mendota City Council Members
From: Gregg L. Andreotti, Chief of Police
Subject: Monthly Report for March 2017

Significant Cases:

Stabbing by Smoot and Derrick. Multiple suspects chased the victim down and upon catching him he was stabbed. The suspects then fled in a vehicle known to police. The victim was stable and transported to CRMC by EMS. Officers located the vehicle with only a driver. He and the vehicle were subsequently identified. He was interviewed, arrested and transported to Jail. The investigation is ongoing.

Subject check of two in the alley along Stamoules. Both subjects had confirmed warrants for their arrest. They were arrested cited and released.

Another subject check in the same alley discovered an outstanding warrant. She was arrested, cited and released.

Subject check at Lolita/ 5th discovered an active warrant. He was arrested, cited and released.

Subject check at Rio Frio/6th discovered he was wanted on active warrants. He was also found to be in possession of methamphetamine. He was arrested, cited and released.

Subject check of two along 7th Street discovered multiple warrants for the arrest of both. They were arrested, cited and released.

Subject check at 6th/Rio Frio found an active warrant. He was also in possession of a meth pipe. He was arrested and transported to Jail.

Petty theft of a ladder from a residence on Valenzuela Street. The suspect was located carrying the ladder. The victim pressed charges and the suspect was arrested and then transported to Jail.

Identity theft reported to MPD that occurred in Fresno. Courtesy report taken and forwarded to Fresno PD.

Disturbance at a residence on Oller discovered the causing party was intoxicated in the parking lot of an apartment complex. He was arrested and transported to Jail.

Vehicle stop at Belmont/9th discovered the driver was wanted on outstanding warrants. He was arrested and transported to Jail.

Two vehicles were towed for being parked on the street with registration expired over six months.

Report of a disturbance where the suspect hit the victim causing injury. The suspect was gone before officers could affect an arrest.

Subject check by a residence on Stamoules located an outstanding warrant. He was arrested and transported to Jail.

Subject check at Rio Frio/7th of a person who officers witnessed throw a small baggie to the ground. The contents were found to be methamphetamine. He was arrested, cited and released.

Subject check at Oller/8th discovered he was in possession of methamphetamine. He was cited and released.

Vehicle stop at Oller/9th found an active warrant on the driver. She was cited and released.

Report of a subject on the ground at Maples/6th. Officers discovered he was intoxicated. He was cited and released to a sober adult.

Subject check by Rio Frio/6th discovered outstanding warrants. She was arrested, cited and released.

Bicycle stop at 8th/Stamoules resulted in an FI for information.

Officers located an outstanding felony suspect and took him into custody. He was transported to Jail.

Fraudulent check totaling \$250 at City Hall. Suspect known.

Bicycle stop at Jennings/Quince discovered the rider was in possession of Methamphetamine. He was arrested, cited and released.

Subject check by City Hall resulted in a FI for information.

Report of a vehicle burglary where unknown suspect stole stereo speakers and sunglasses.

Vehicle stop of a reported vehicle continuously cruising by a local school. The driver was FI'ed for information.

Report of a subject on the ground on Quince Street. He was found to be intoxicated, arrested and transported to Jail.

Vehicle stop discovered the driver was unlicensed and had an active warrant for his arrest. The passenger was found to also have an active warrant. Methamphetamine was located in the vehicle and was claimed by the driver. Both subjects were arrested, cited and released.

Report of an intoxicated subject at Lolita/7th. Officers located, arrested and transported him to Jail.

Subject check at 5th/Quince discovered a warrant for his arrest. He was cited and released.

Subject check in the parking lot of a local mini mart on Oller. He was found to be in possession of an open container. He was cited and released.

Disturbance by a residence on Sorenson discovered an unwanted subject refusing to leave. He refused to comply with officers but was ultimately arrested and transported Jail.

Subject check at 8th/Oller discovered an outstanding warrant. After the subject was arrested methamphetamine and a meth pipe was discovered in his possession. He was transported to Jail.

Vehicle stop by 6th/Quince discovered the driver was intoxicated. He was arrested, cited and released to a sober adult family member.

Subject check at the scene of a disturbance discovered he was associated with a known gang. He was FI'ed for information.

Report of a theft from a vehicle on Puchue discovered an unknown suspect stole the stereo.

Bicycle stop at 6th/Quince discovered he attempted to discard a meth pipe. He was cited and released.

Vehicle stop related to a disturbance discovered the driver was intoxicated. He was arrested for DUI, cited and released to a sober adult.

Subject check at Derrick/Straw discovered he was in possession of Methamphetamine. He was arrested, cited and released.

Officers assisted ABC with a Shoulder Tap operation along Oller Avenue. One person was cited for purchasing alcoholic beverage for a minor.

Report of a suspicious subject on 6th Street. He was located and found to be intoxicated. He was arrested, cited and turned over to a sober family member.

The following was the results of a Directed patrol and Suppression Operation:

During a parole compliance check on Lozano Street four subjects were FI'ed for information.

During an arrest warrant service on 6th Street one subject was taken into custody and transported to Jail.

During a parole and probation compliance check on Gaxiola one subject was arrested for possession of methamphetamine and probation violation and another was FI'ed for information. The arrestee was transported to Jail.

During probation compliance check on Lolita a large amount of methamphetamine was located along with a sawed off shotgun, money and drug sales paraphernalia. Two subjects were arrested on numerous charges to include probation violation and transported to Jail.

During probation compliance check at another address on Lolita methamphetamine was located with sales paraphernalia. The suspect was not present and is outstanding. Another probationer was at the residence and was arrested for probation violation. He was transported to Jail.

During parole compliance check at a residence on 6th Street the investigation discovered the parolee was in violation. He was not present and is now wanted for violation.

During a parole arrest on Naples the wanted parolee was located in a travel trailer on the business property. Also located were two other subjects. One was arrested on outstanding warrants. The other was in possession of methamphetamine and drug paraphernalia. All three were transported to Jail.

During an arrest warrant service on Quince the wanted subject was located, taken into custody and transported to Jail.

During a vehicle stop on Oller the driver and two passengers were FI'ed for information.

MAGEC assisted with uniform suppression and arrested two subjects: One for possession of methamphetamine and drug paraphernalia and another on outstanding warrants. MAGEC also FI'ed 8 subjects for information.

DHS/ICE assisted and arrested three subjects on outstanding warrants and placed detainers on four of the other arrested subjects.

Residential burglary on Straw discovered an unknown subject entered an unlocked residence and stole a small amount of cash.

Firebaugh PD conducted a vehicle stop and discovered it was stolen from I Street in Mendota. MPD contacted the owner and confirmed the vehicle was stolen. FPD handled the suspect arrest and vehicle recovery. MPD handled the stolen report.

Subject check at Derrick/7th found him in possession of an open container of alcohol. He was cited and released.

Business burglary on 9th Street discovered an unknown suspect stole approx \$5000 in cash from inside the building.

Bicycle stop on Oller/8th discovered the rider was in possession of an illegal knife. He was arrested and transported to Jail.

Subject check of two at a local mini mart on Oller discovered they each had outstanding warrants. One also had methamphetamine and a meth pipe in his possession. Both were arrested and transported to Jail.

Attempt burglary to a business on Oller discovered the unknown suspect was not able to gain entry.

Disturbance at a residence on Airport Blvd found the victim was hit by the suspect who fled prior to officers arriving.

Hit and Run traffic collision on Petry discovered an unknown suspect hit the victim's car while it was parked.

Subject check at Smoot/Derrick resulted in an FI for information.

Report of threats to cause harm to the victim on Puchue. The known suspect was not present during the investigation.

An outstanding wanted subject was contacted and arrested. He was transported to Jail.

Subject check at Puchue/7th discovered an outstanding warrant. He was cited and released.

Theft of cement bags from a construction site on Barajas. Suspect unknown.

Bicycle stop at Marie/2nd resulted in an FI for information.

Vehicle stop on Lolita resulted in three FIs for information.

Non-injury traffic collision. A cargo truck fell on its side after hitting a pot hole on Naples.

Non-injury Traffic Collision at Oller/6th. Both vehicles and drivers remained on scene.

Report of a stabbing by Holmes/Sorenson. Upon contacting the caller, the incident was discovered to be unfounded. The caller continued to give officers false names and dates of birth. He was arrested and his true identity was discovered. He was found to have outstanding warrants for his arrest. He was transported to Jail.

Theft of a vehicle license plate on Quince. An unknown suspect stole the plate during the evening hours.

A subject was checked by a local school where gang related graffiti was located. An investigation is underway to determine his involvement, if any.

Non-injury hit and run on 2nd Street. An unknown suspect caused the damage during the evening hours.

Unwanted subject at a property on Quince. Upon officers arriving he continued to refuse to leave. The owner conducted an arrest for trespassing. He was transported to Jail.

Vehicle stop at Oller/3rd. The driver was driving on a revoked CDL and the passenger was on probation. Methamphetamine was found in the passenger's possession. He was arrested, cited and released.

Subject check on 7th Street led to the discovery of outstanding warrants. He was arrested, cited and released.

Subject check at 7th/Kate found active warrants. She was arrested, cited and released.

Subject check at Quince/6th discovered he was in possession of an open container of alcohol. He was cited and released.

Subject check on Marie found an outstanding warrant. He was arrested, cited and released.

Subject check on 2nd resulted in an FI for information.

Subject check at Rio Frio/6th discovered an outstanding warrant. She was arrested and transported to Jail.

Subject check at Rio Frio/6th found him in possession of an open container of beer. He was cited and released.

Vehicle burglary on L Street. Unknown suspect broke into a vehicle over a weekend and removed property.

Vehicle stop at Kate/8th discovered a false registration tag on the vehicle and the vehicle registration to be expired. The driver was also wanted on outstanding warrants. He was arrested, cited and released.

Theft from an unlocked vehicle. The victim left her keys in her car and discovered them missing at a later time.

Report of a missing rifle on Inez led to it being located. Additional investigation found the rifle was reported stolen 20 years ago and the current owner bought it from a known friend around that time. The case is ongoing.

Disturbance by Juanita/6th discovered the subject causing hit another person with a metal pipe. She was arrested and found to be in possession of methamphetamine and a meth pipe. She was transported to Jail.

Report of threats and an object being thrown at a moving vehicle on Quince. Officers located the suspect. She was arrested and transported to Jail.

Theft of a truck tail gate on Kate. Unknown suspect stole the item during the evening hours.

Subject check on Stamoules discovered an open container of alcohol. He was cited and released.

Bicycle stop at Oller/9th discovered the rider was wanted on outstanding warrants. He was also found to be in possession of methamphetamine. He was arrested and transported to Jail.

Subject check on Oller discovered he was intoxicated. He was arrested, cited and released to a sober adult.

Disturbance at a residence on Kate Street. The victim was attacked by the suspect who hit and scratched him on his face. The suspect is outstanding.

Subject check on Rio Frio of a known wanted person. Officers chased the person into a residence and detained him. He was arrested on outstanding warrants and transported to Jail.

Report of shots fired on Rio Frio was discovered to be unfounded. During the investigation six (6) persons were FI'ed for information.

Disturbance at a residence on I Street found the victim was hit by the suspect. The suspect was arrested and transported to Jail.

Vehicle stop on Naples/9th found the driver was driving on a suspended CDL and was in possession of methamphetamine. She was arrested and transported to Jail.

A subject was contacted by another as he was leaving a local store and asked for money. When the victim said he did not have any the unknown suspect took the victim's groceries and fled.

Subject check at Pucheu and 8th located outstanding warrants. He was arrested, cited and released.

Police Impersonator used red light to stop a vehicle. He then followed-up at the person's residence threatening to arrest the person, but left when confronted by family members. Officers followed up on the incident and identified the suspect. Fresno Sheriff's deputy located the suspect in the county and detained him for MPD. He was arrested and transported to Jail. A search warrant was served on his vehicle and incriminating items to include the red light were seized.

Subject check at Oller/8th found him to be in possession of an open container of alcohol and to be intoxicated. He was arrested and transported to Jail.

Theft of a rim and tire from a vehicle on Pucheu Street. Suspect unknown.

Disturbance at a local laundry mat on 7th Street. The investigation discovered both parties involved were mutually causing the problem. Both were FI'ed for information.

Report of a court order violation. The mother did not return the children to their father as per the custody order by the court.

Vehicle stop at Belmont/Oller discovered the driver was intoxicated. He was arrested for DUI, cited and turned over to a sober adult.

Report of a disturbance at a local bar on Oller. Officers located the subject causing who was found to be intoxicated. He was arrested and transported to Jail.

Restraining order violation on Marie. The restrained party entered the residence then fled and was located in the back yard of the protected party. He was arrested and transported to Jail.

Theft of tail lights from the victim's truck on Kate Street. Unknown suspect stole the lights during the night.

Subject check on 6th Street discovered the person to be extremely intoxicated. He was turned over to EMS for transport to CRMC for evaluation.

Subject check on Oller/3rd resulted in an FI for information.

The victim was approached by the suspect who took her vehicle by force and then hit a parked vehicle as he fled. The victim was knocked to the ground during the process. The suspect fled and was located in Firebaugh by FPD. MPD was notified and took custody of him. He was eventually transported to Jail.

Identity theft on Peach Street. The victim had three charge accounts opened in her name without permission.

Subject check at 6th/Rio Frio discovered outstanding warrants. He was cited and released.

A wanted subject turned herself in at MPD. During processing she was found in possession of Methamphetamine. She was processed and then transported to Jail.

Report of drug use on Rio Frio. Officers located a subject on probation and in possession of a meth pipe. He was arrested and transported to Jail.

Report of a disturbance on Rio Frio found it was only verbal. One of the parties had an outstanding warrant. She was arrested, cited and released.

Vehicle burglary on Holmes occurred during the early morning hours. Unknown suspect stole paperwork from the vehicle.

Report of a young child alone at 2nd/Bass. Officers located the child walking in the street and were able to reunite her with her mother.

Report of a subject under the influence of methamphetamine on Oller. Officers located the subject who fought with officers striking them with his fists. He was subdued and taken into custody. He was transported to CRMC for evaluation and then to Jail.

Subject check at Stamoules/7th discovered he was on probation. During a search drug paraphernalia was discovered in his possession. He was arrested, cited and released.

Bicycle stop on Derrick found the rider lied about her name to avoid detection she was wanted. Under her true name she was found to be on probation. She was also in possession of methamphetamine and paraphernalia. She was arrested and transported to Jail.

Report of a person urinating in public behind a local church, 5th/Quince. Officers located the subject and discovered he was intoxicated. He was arrested and transported to Jail.

Subject check on Quince discovered he was intoxicated. He was arrested and transported to Jail.

Report of a subject passed out in front of a local school. Officers located the subject and discovered he was intoxicated and had active warrants for his arrest. He was arrested and transported to Jail.

Subject check at Lolita/5th discovered active warrants. He was arrested, cited and released.

Subject check on Stamoules of a known probationer. He was found in possession of drug paraphernalia. He was arrested, cited and released.

Subject check at Oller/3rd discovered an active warrant. He was arrested, cited and released.

Subject check on Oller/6th of a known parolee. He was found to have an active warrant. He was cited and released.

Non injury traffic collision at Oller/8th. Both parties remained on scene.

Strategic Planning:

- An S&W rifle was returned to the factory for maintenance
- Vehicle 90 was picked up from Avenal Prison, received new graphics and placed into service.
- Vehicle 83 was delivered to Avenal Prison for new paint
- Purged old equipment, property and evidence from storage
- Four personnel attended CPR/First Aid/AED training at American Ambulance

Personnel Information:

- Officer Escobedo continues to progress in the FTO program
- Candidates were interviewed for anticipated Officer vacancies
- March 26th was Officer Rivas' last day with Mendota