



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 May 23, 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

PRESENTATION

1. Council to recognize Mike Martinez Sr. for holding the Exceptional Needs Football & Cheer Camp.
2. Commission on POST Assistant Executive Director Alvarez to present the POST Executive Certificate to Police Chief Andreotti.

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 regular City Council meeting of May 9, 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. MAY 10, 2017 THROUGH MAY 18, 2017
WARRANT LIST CHECKS NO. 042489 THRU 042548
TOTAL FOR COUNCIL APPROVAL = \$295,420.02
2. Proposed adoption of **Resolution No. 17-30**, opposing Senate Bill 54 – The California Values Act.
3. Proposed adoption of **Resolution No. 17-39**, scheduling two Special City Council Meetings to consider the budget for Fiscal Year 2017-2018.
4. Proposed adoption of **Resolution No. 17-40**, authorizing the execution of two professional services agreements for the reconstruction of a portion of 8th Street.
5. Proposed adoption of Supplement to Contract for Consulting Services #1 between the City of Mendota and Townsend Public Affairs, Inc.

BUSINESS

1. Council discussion and consideration to adopt **Resolution No. 17-37**, appointing voting delegates for the League of California Cities' annual business meeting.
 - 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 adopt Resolution No. 17-37*
2. Council discussion and consideration on **Resolution No. 17-38**, modifying Mendota Youth Recreation's Red Ribbon Exclusive Use Application.
 - 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 take action as appropriate*

3. Proposed adoption of modifications to **Resolution No. 17-31**, ordering a special all mail ballot election to be conducted August 29, 2017, to adopt an ordinance establishing a special parcel tax for public safety; and modifications to **Resolution No. 17-32**, requesting that the Fresno County Board of Supervisors render specified services to the City relating to the conduct of the August 29, 2017, election; and rescinding **Resolution No. 17-33**, establishing drop off centers for the mail ballot election.
 - a. *Receive report from City Manager DiMaggio and City Attorney Kinsey*
 - b. *Inquiries from Council to staff*
 - c. *Mayor opens floor to receive any comment from the public*
 - d. *Council provide direction to staff on how to proceed*

4. Proposed adoption of modifications to **Resolution No. 17-34**, ordering a special all mail ballot election to be conducted August 29, 2017, to adopt an ordinance increasing the sales and use tax for public safety; and modifications to **Resolution No. 17-35**, requesting that the Fresno County Board of Supervisors render specified services to the City relating to the conduct of the August 29, 2017, election; and rescinding **Resolution No. 17-36**, establishing drop off centers for the mail ballot election.
 - a. *Receive report from City Manager DiMaggio and City Attorney Kinsey*
 - b. *Inquiries from Council to staff*
 - c. *Mayor opens floor to receive any comment from the public*
 - d. *Council provide direction to staff on how to proceed*

PUBLIC HEARING

1. Second reading and proposed adoption of **Ordinance No. 17-09**, adding Chapter 8.28 to the Mendota Municipal Code, "The Landlord Accountability Act".
 - a. *Receive report from Economic Development Manager Flood*
 - 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. 17-09*

DEPARTMENT REPORTS AND INFORMATIONAL ITEMS

1. Public Works
 - a) Monthly Report

2. City Attorney
 - a) Update
 - b) Discussion regarding permissible activities for election
3. City Manager

MAYOR AND COUNCIL REPORTS AND INFORMATIONAL ITEMS

1. Council Member(s)
2. Mayor


CLOSED SESSION

1. CONFERENCE WITH LEGAL COUNSEL – POTENTIAL LITIGATION
Pursuant to Paragraph (4) of subdivision (d) of Section 54956.9 ([1] potential case).

ADJOURNMENT

CERTIFICATION OF POSTING

I, Matt Flood, City Clerk of the City of Mendota, do hereby declare that the foregoing agenda for the Mendota City Council Regular Meeting of May 23, 2017, was posted on the outside bulletin board located at City Hall, 643 Quince Street Friday, May 19, 2017 at 4:45 p.m.



Matt Flood, City Clerk



MINUTES OF MENDOTA REGULAR CITY COUNCIL MEETING

Regular Meeting

May 9, 2017

Meeting called to order by Mayor Pro Tem Martinez at 6:00 p.m.

Roll Call

Council Members Present: Mayor Pro Tem Victor Martinez, Councilors Jesse Mendoza, Oscar Rosales, and Robert Silva.

Council Members Absent: Mayor Rolando Castro.

Flag salute led by Mayor Pro Tem Martinez.

FINALIZE THE AGENDA

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

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

PRESENTATION

1. Ivette Rodriguez from Mid Valley Disposal to present the 3rd and 4th quarter update.

Mayor Pro Tem Martinez introduced the item.

Ivette Rodriguez with Mid Valley Disposal provided the 3rd and 4th quarter update for 2016 including reporting on the upcoming meeting with CalRecycle; meeting mandatory recycling requirements; expanding the AB 1826 program; Mid Valley Disposal's involvement in the community; the results of the commercial and residential site visits; results from the 2017 Spring Clean Up Event; statistics from the Construction and Demolition Program; and the upcoming recycling assessments.

Discussion was held on the possibility of holding additional community cleanup events and whether the City can compel residents to rent additional trash bins if needed.

CITIZENS ORAL AND WRITTEN PRESENTATIONS

None offered.

APPROVAL OF MINUTES AND NOTICE OF WAIVING OF READING

1. Minutes of the regular City Council meeting of April 25, 2017.
2. Notice of waiving of the reading of all resolutions and/or ordinances introduced and/or adopted under this agenda.

A motion was made by Councilor Rosales to approve items 1 and 2, seconded by Councilor Silva; unanimously approved (4 ayes, absent: Castro).

CONSENT CALENDAR

1. APRIL 20, 2017 THROUGH MAY 04, 2017
WARRANT LIST CHECKS NO. 042424 THRU 042488
TOTAL FOR COUNCIL APPROVAL = \$198,501.78
2. Proposed adoption of **Resolution No. 17-30**, opposing Senate Bill 54 – The California Values Act.
3. Proposed adoption of the proposal for engineering and construction services for the automated meter reader project.
4. Proposed adoption of an agreement with the Fresno County Transportation Authority and the City of Reedley to establish program eligibility and funding requirements for the Sustainable Aviation Project.

A motion was made by Councilor Silva adopt items 1, 3, and 4 of the Consent Calendar, seconded by Councilor Mendoza; unanimously approved (4 ayes, absent: Castro).

2. Proposed adoption of **Resolution No. 17-30**, opposing Senate Bill 54 – The California Values Act.

Discussion was held on the possible consequences of adopting the resolution; the purpose and status of SB 54; and staff's recommendation to take no action on the item.

A motion was made by Councilor Silva to adopt Resolution No. 17-30.

Discussion was held on other alternatives.

Councilor Silva withdrew his motion.

Discussion was held on tabling the item.

Enrique Mercado (645 Garcia Street) – stated that the loss of federal funds could have a significant negative impact.

Abdul Obaid (310 Gomez Street) – stated that the Council should take into consideration the amount of immigrants in the community.

Council consensus was reached to table the item to the May 23rd Council meeting.

BUSINESS

1. Introduction and first reading of **Ordinance No. 17-09**, adding Chapter 8.28 to the Mendota Municipal Code, “The Landlord Accountability Act”.

Mayor Pro Tem Martinez introduced the item and Economic Development Manager Flood summarized the report including staff adding the subsection regarding the appeal process, and the purpose of the ordinance.

Discussion was held on when the ordinance would go into effect, and the positive results that the ordinance will possibly produce.

Enrique Mendoza (645 Garcia Street) – spoke in favor of the ordinance.

Discussion was held on the process of investigating cases once Code Enforcement receives a report; the penalty amounts; who can submit a report; the implementation of the ordinance; and state laws that address tenant rights.

A motion was made by Councilor Silva to perform the first reading of Ordinance No. 17-09, with the second reading waived, seconded by Councilor Rosales; unanimously approved (4 ayes, absent: Castro).

2. Council discussion and direction to staff on the City’s policy on Code Enforcement.

Mayor Pro Tem Martinez introduced the item and Economic Development Manager Flood summarized the report including the types and quantities of citations given out by Code Enforcement.

Discussion was held on how amplified music violations are addressed.

Enrique Mendoza (645 Garcia Street) – shared an experience he had regarding reporting a violation of the noise ordinance and inquired on how to act on such issue in the future.

Discussion was held on the different types of violations that code enforcement addresses; having a strict code enforcement program; and the importance of educating the public on parking violations.

3. Proposed adoption of **Resolution No. 17-31**, ordering a special all mail ballot election to be conducted August 29, 2017, to adopt an ordinance establishing a special parcel tax for public safety; **Resolution No. 17-32**, requesting that the Fresno County Board of Supervisors render specified services to the City relating to the conduct of the August 29, 2017, election; and, **Resolution No. 17-33**, establishing drop off centers for the mail ballot election.

Mayor Pro Tem Martinez introduced the item and City Manager DiMaggio stated that City Attorney Kinsey would provide the report. City Attorney Kinsey summarized the report including that the purpose of the proposed measures is to generate revenue for the police department; performing an all-mail ballot election; when the election would occur; and the various resolutions that the Council needs to consider.

Discussion was held on the impact that the measures would have if they passed; the escalator that is attached to the proposed parcel tax; and the importance of investing in the community.

Albert Escobedo (807 Kate Street) – inquired on the amount of parcel taxes that senior citizens would have to pay under the measure.

Abdul Obaid (310 Gomez Street) – spoke on the importance of providing information to public on the Measures.

Enrique Mendoza (645 Garcia Street) – spoke on the importance of the passage of the measures and of campaigning for the Measures.

Discussion was held on campaigning for the Measures.

A motion was made by Councilor Rosales to adopt Resolution Nos. 17-31, 17-32, and 17-33 seconded by Councilor Mendoza; unanimously approved (4 ayes, absent: Castro).

4. Proposed adoption of **Resolution No. 17-34**, ordering a special all mail ballot election to be conducted August 29, 2017, to adopt an ordinance increasing the sales and use tax for public safety; **Resolution No. 17-35**, requesting that the Fresno County Board of Supervisors render specified services to the City relating to the conduct of the August 29, 2017, election; and, **Resolution No. 17-36**, establishing drop off centers for the mail ballot election.

Mayor Pro Tem Martinez introduced the item and City Manager DiMaggio stated that City Attorney Kinsey would provide the report, and City Attorney Kinsey stated that the report was the same as Business Item #3.

Bianca Prieto – stated that the implementation of surveillance could deter crime. Discussion was held on campaigning for the Measures.

A motion was made by Councilor Mendoza to adopt Resolution No. 17-34, seconded by Councilor Silva; unanimously approved (4 ayes, absent: Castro).

A motion was made by Councilor Rosales to adopt Resolution No. 17-35, seconded by Councilor Silva; unanimously approved (4 ayes, absent: Castro).

A motion was made by Councilor Rosales to adopt Resolution No. 17-36, seconded by Councilor Mendoza; unanimously approved (4 ayes, absent: Castro).

DEPARTMENT REPORTS AND INFORMATIONAL ITEMS

1. Code Enforcement
 - a) Monthly Report

Economic Development Manager Flood summarized the report; provided an update on the weed abatement process; and thanked the Council for the code enforcement policy direction.

Discussion was held on the status of the weed abatement process.

2. Police Department
 - a) Monthly Report

City Manager DiMaggio stated that he would pass on any questions the Council Members had to the Police Chief Andreotti.

3. City Attorney
 - a) Update

Nothing to report.

4. City Manager

City Manager DiMaggio provided an update on the budget for fiscal year 2017-18.

MAYOR AND COUNCIL REPORTS AND INFORMATIONAL ITEMS

1. Council Member(s)

Discussion was held on current outdoor watering restrictions.

Councilor Mendoza requested that the Council recognize Mike Martinez Sr. who organized the Exceptional Needs Football & Cheer Camp.

Councilor Silva reported on the upcoming Recreation Commission car wash; provided information regarding communications with Caltrans on the proposed roundabout; and shared that he was appointed as the Chairperson for LAFCo.

Mayor Pro Tem Martinez reported that he was made aware that individuals have not been able to use the McCabe Elementary soccer fields and inquired on whether there was anything the City could do.

CLOSED SESSION

1. CONFERENCE WITH LEGAL COUNSEL – POTENTIAL LITIGATION
Pursuant to Paragraph (4) of subdivision (d) of Section 54956.9 ([1] potential case).

At 8:13 p.m. the Council moved into closed session.

At 8:41 p.m. the Council reconvened in open session and City Attorney Kinsey stated 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 8:42 p.m. by Councilor Silva, seconded by Councilor Mendoza; unanimously approved (4 ayes, absent: Castro).

Victor Martinez, Mayor Pro Tem

ATTEST:

Matt Flood, City Clerk

CITY OF MENDOTA
CASH DISBURSEMENTS
05/10/2017 - 05/18/2017
Check # 042489 - 042548

Date	Check #	Amount	Vendor	Department	Description
May 10, 2017	42489	\$3,636.51	AMERITAS GROUP	GENERAL	DENTAL INSURANCE FOR JUNE 2017, VISION INSURANCE FOR JUNE 2017
May 16, 2017	42490	\$104,588.00	WESTAMERICA BANK	GENERAL	PAYROLL TRANSFER 5/1/2017 - 5/14/2017
May 17, 2017	42491	\$999.00	A1 JANITORIAL SUPPLY	SEWER	10 - ALL PRUPOSE CITRUS LIFE STATION DEGREASER
May 17, 2017	42492	\$5,630.00	ADMINISTRATIVE SOLUTIONS, INC.	GENERAL	HRA ADMINISTRATION (4) MAY 2017 - PD, MONTHLY MEDICAL ADMINISTRATION FEE (19), MEDICAL CHECK RUN 5/9/17
May 17, 2017	42493	\$77.17	AG & INDUSTRIAL SUPPLY INC	GENERAL - STREETS	CHAINSAW LINK - SHARPENED, CHAINSAW CHAIN LINK, STREET SWEEPER CRESENT 12 DR 7/16 DEEP SOC
May 17, 2017	42494	\$28.12	AIRGAS USA, LLC.	WATER	RENT CYL IND SMALL CARBON DIOXIDE FG/IND 20LB ALUMINUM
May 17, 2017	42495	\$119.55	TONY ALARCON	SEWER	EXPENSE REIMBURSEMENT - PURCHASED OPERATION OF WASTEWATER VOL 1, ENROLLEMENT FEE TO TAKE WASTEWATER TREATMENT CLASS
May 17, 2017	42496	\$245.97	AMERIPRIDE SERVICES, INC.	GENERAL-WATER-SEWER	PUBLIC WORKS UNIFORM WEEK 4/2/17-4/8/17, 4/9/17-4/15/17, 4/16/17-4/22/17, 4/23/17-4/29/17
May 17, 2017	42497	\$121.27	ANTHONY'S SHOP	WATER - STREETS	REPAIR ON DELCO REMY ALT FOR JD BACKHOE
May 17, 2017	42498	\$3,335.07	AT&T	GENERAL-WATER-SEWER	TELEPHONE SERVICES CITY WIDE: 1/25/17-2/22/17, TELEPHONE SERVICES CITY WIDE: 2/23/17-3/24/17, POLICE DEPARTMENT DISPATCH PHONE
May 17, 2017	42499	\$251.38	AUTOZONE, INC.	GENERAL	(1) WET TIRE SHINE- EAGLE ONE, (1) DURALAST GOLD BATTERY- 5YR (PD-#86), AUTOZONE DURALAST BATTERY- CODE ENFORCEMENT
May 17, 2017	42500	\$69,816.00	BB LIMITED	WATER	LEASE PAYMENT - 2ND INSTALLMENT FY 16/17
May 17, 2017	42501	\$790.23	BEST UNIFORM	GENERAL	(1) BODY ARMOR (J.URBIETA PD)
May 17, 2017	42502	\$329.50	BSK ASSOCIATES	WATER- SEWER	WEEKLY TREATMENT & DISTRIBUTION, WASTEWATER WEEKLY (WEEK 2-5), GENERAL EDT WEEKLY TREATMENT & DISTRIBUTION
May 17, 2017	42503	\$100.00	CALIFORNIA ASSOCIATION OF POLICE TRAINING OFFEICERS	GENERAL	2017 CAPTO DUES C.TSARIS, M. PEREZ
May 17, 2017	42504	\$842.00	CAL-VALLEY CONSTRUCTION INC.	WATER	REFUND FOR HYDRANT RENTAL DEPOSIT - 5/4/17-5/16/17
May 17, 2017	42505	\$2,825.00	CENTRAL VALLEY SWEEPING, LLC	STREETS	STREET SWEEPING WEDNESDAY ROUTE 4/26/17, 4/28/17
May 17, 2017	42506	\$246.84	COLONIAL LIFE	GENERAL	LIFE INSURANCE FOR APRIL 2017
May 17, 2017	42507	\$224.59	CROWN SHORTLAND CONCRETE	STREETS	CONCRETE (QTY 1 1/4 6-SACK MIX) SORENSEN & FLEMING
May 17, 2017	42508	\$1,600.00	D & D DISPOSAL	GENERAL	ANIMAL DISPOSAL FREEZER PICK-UP APRIL 2017 & MAY 2017
May 17, 2017	42509	\$157.00	DEPARTMENT OF JUSTICE ACCOUNTING OFFICE	GENERAL	(3) FINGERPRINTS APPS (1) RECORD REVIEW APRIL 2017 (PD)
May 17, 2017	42510	\$150.00	DISCOUNT SHRED	GENERAL	DOCUMENT DESTRUCTION 5/9/2017 POLICE DEPARTMENT
May 17, 2017	42511	\$4,408.10	STANTEC CONSULTING SERVICES	SEWER	GROUNDWATER SAMPLING AND REPORTING
May 17, 2017	42512	\$81.17	EINERSON'S PREPRESS	WATER- SEWER	BUSINESS CARDS J. LEKUMBERRY
May 17, 2017	42513	\$153.85	EMPLOYEE RELATIONS	GENERAL-WATER-SEWER	PRE-RMPLOYMENT BACKGROUND CHECK (ESTRADA I., SANDOVAL R.)

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May 17, 2017	42514	\$506.38	EXCEL SIGN CO.	PUBLIC SAFETY	VEHICLE GRAFICS SUV PATROL CAR #M83 - PD
May 17, 2017	42515	\$139.50	DAVID A. FIKE, ATTORNEY AT LAW	GENERAL	LEGAL SPECIAL SERVICES: APRIL 2017
May 17, 2017	42516	\$10,833.33	FIREBAUGH POLICE DEPARTMENT	GENERAL	POLICE DEPARTMENT DISPATCH SERVICES FOR 4/1/17 - 4/30/17
May 17, 2017	42517	\$1,331.07	FRESNO COUNTY ELECTIONS	GENERAL	NOVEMEBER 8, 2016 PRESIDENTIAL GENERAL ELECTION FEE
May 17, 2017	42518	\$137.24	FRESNO COUNTY SHERIFF	GENERAL	RMS JMS ACCESS FEE FOR APRIL 2017 - PD
May 17, 2017	42519	\$15.88	FUTURE FORD OF CLOVIS	GENERAL	LABOR: 2016 FORD FUSION #M92 - PD
May 17, 2017	42520	\$1,155.00	GONZALEZ TRANSPORT, INC.	STREETS	FREIGHT CHARGE FOR 5/1/17- 4HRS, FREIGHT CHARGE 5/2/17-7HRS
May 17, 2017	42521	\$816.18	GRANITE CONSTRUCTION CO.	STREETS	3/4" CALTRANS CLASS 2 AB 24.55 TON, 23.42 TON, & 24.02 TON, BASE ROCK FOR STREET REPAIR
May 17, 2017	42522	\$252.00	KERWEST NEWSPAPER	GENERAL	LEGAL NOTICES - LOCAL ORDINANCES #17-04 THRU 17-08 (14)
May 17, 2017	42523	\$600.00	LAW & ASSOCIATES	GENERAL	LAW ENFORCEMENT BACKGROUND INVESTIGATION 1-GURROLA (PD)
May 17, 2017	42524	\$78.00	LOU'S GLOVES, INC.	WATER-SEWER	NITRILE, EXAM GRADE, POWDER FREE, BLACK GLOVES (10 LARGE)
May 17, 2017	42525	\$53,243.39	MID VALLEY DISPOSAL INC.	REFUSE	SANITATION CONTRACT SERVICES FOR APRIL 2017
May 17, 2017	42526	\$1,598.75	MUNICIPAL MAINTENANCE EQUIPMENT	STREETS	STREET SWEEPER PARTS - HYDRAULIC PUMP (1), SLOW GUTTER BROOM REPAIR
May 17, 2017	42527	\$1,846.61	NORTHSTAR CHEMICAL	WATER	SODIUM HYPOCHLORITE 12.5% MILL A (400.000G) WTP, SODIUM BISULFITE 25% (235 UNITS)
May 17, 2017	42528	\$415.98	OFFICE DEPOT	GENERAL-WATER-SEWER	MORGAN STORAGE CABINET (HR), COIL CORD & WRISTREST (HR), COPY PAPER -3 (PD), COPY PAPER (1) CITY HALL, EPSON BLACK INK (PW)
May 17, 2017	42529	\$200.53	AT&T	GENERAL-WATER-SEWER	TELEPHONE (559) 266-6456 4/26/17- 5/25/17
May 17, 2017	42530	\$32.84	MARIA PEREZ	GENERAL	MILEAGE REIMBURSEMENT - CAPTO MEETING IN TULARE 45.8 MI & PICK-UP M92 - CLOVIS 15.6 MI
May 17, 2017	42531	\$8,147.10	PROVOST & PRITCHARD	GENERAL-WATER-SEWER	PASS-THRU LAS PALMAS VI, CITY ENGINEERING SERVICES RETAINER APRIL 2017
May 17, 2017	42532	\$40.00	RAMON'S TIRE & AUTO SERVICE	GENERAL-WATER-SEWER	VAN 78 - TIRE REPAIR & WHEEL BALANCE (1), TIRE REPAIR UNIT M82 - PD (1)
May 17, 2017	42533	\$1,546.13	RON CAMPBELL TRUCKING, INC.	STREETS	3/4 BASE-ROCK LOADS DELIVERED (QTY-75)
May 17, 2017	42534	\$30.00	HENRY SANCHEZ	WATER	EXPENSE REIMBURSEMENT - D1 WATER DISTRIBUTION EXAM
May 17, 2017	42535	\$617.74	ERNEST PACKING SOLUTIONS	GENERAL-WATER-SEWER	JANITORIAL SUPPLIES- SOLARIS- 500 CT TISSUE, BLEACH
May 17, 2017	42536	\$19.95	SEBASTIAN	GENERAL	SECURITY SERVICES FOR PD - APRIL 21, 2017- MAY 20, 2017
May 17, 2017	42537	\$2,226.28	SORENSEN MACHINE WORKS	GENERAL-WATER-SEWER-STREETS	APRIL 2017- BATTERY CORE, SPARK PLUG, 10 GAUGE GREEN WIRE, JB WELD, XL RAINCOATS, REFLECTOR SAFETY TAPE, TAPE MEASURE, SLIP JOINT
May 17, 2017	42538	\$311.57	UNION PACIFIC RAILROAD COMPANY	STREETS	PUBLIC ENCROACHMENT PERMIT 6/1/17 - 6/30/17

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 CASH DISBURSEMENTS
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May 17, 2017	42539	\$130.00	STATE WATER RESOURCE CONTROL BOARD DRINKING WATER OPERATOR CERT PROGRAM	WATER	CERTIFICATE WATER DISTRIBUTION OPERATOR 1 FEE (H. SANCHEZ), CERTIFICATE FOR WATER DISTRIBUTION OPERATOR GRADE 2 (J.SALOMON)
May 17, 2017	42540	\$194.85	TCM INVESTMENTS	GENERAL	MPC 3503 COPY LEASE PAYMENT FOR MAY 2017 (PD)
May 17, 2017	42541	\$37.78	THOMASON TRACTOR COMPANY	GENERAL	CHAINSAW PARTS - 12" BAR ST (1)
May 17, 2017	42542	\$2,112.61	TRIANGLE ROCK PRODUCTS, LLC	STREETS	5.2 TON ST 3/8 SC3000 AGG & ASPHALT, 2 LOADS (QTY 9.18 & 7.03 TON) ST 1/2 INMM AGG & ASPHALT, STREET PATCHING COLD MIX ST 1/2 INMM
May 17, 2017	42543	\$190.00	VERIZON WIRELESS - GPS	GENERAL	MONTHLY FLEET SERVICES FOR FEBRUARY 2017 (10)
May 17, 2017	42544	\$1,298.48	VERIZON WIRELESS	GENERAL-WATER-SEWER	CITY WIDE CELL PHONE SERVICES 4/7/17-5/6/17
May 17, 2017	42545	\$46.80	VETERINARY MEDICAL CENTER	GENERAL	(2) EUTHANASIA (1) MEDICAL DISPOSAL FEE
May 17, 2017	42546	\$972.85	VULCAN MATERIALS COMPANY	STREETS	8TH & RIOFRIO HOT MIX - 2 LOADS (QTY 9.65 & 5.2 TON) ASPHALT
May 17, 2017	42547	\$2,952.78	WANGER JONES HELSLEY PC ATTORNEYS	GENERAL	LEGAL SERVICES: SPECIAL LEGAL SERVICE THRU 4/15/17
May 18, 2017	42548	\$586.10	AFLAC	GENERAL	INSURANCE FOR MAY 2017
		\$295,420.02			

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

**A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF MENDOTA OPPOSING
SB 54, A LEGISLATIVE BILL THAT
PROHIBITS LOCAL LAW ENFORCEMENT
FROM SHARING INFORMATION WITH
FEDERAL IMMIGRATION OFFICIALS**

RESOLUTION NO. 17-30

WHEREAS, the federal government has authority, under the law, to regulate and enforce immigration into the United States; and

WHEREAS, in order to ensure the maximum level of safety and public protection in the community, local police departments require the discretion to cooperate with federal officials on a myriad of different law enforcement and crime prevention measures; and

WHEREAS, during the conduct of certain crime prevention and law enforcement activities, the immigration status of an individual under investigation for a criminal offense unrelated to immigration comes to the attention of local law enforcement personnel; and

WHEREAS, in the interest of continuing a cooperative working relationship with law enforcement at all governmental levels, local law enforcement will share information pertaining to an alleged violation of federal law with federal law enforcement officials; and

WHEREAS, the California Legislature is considering Senate Bill 54, which as drafted would prohibit local law enforcement from sharing certain information with federal law enforcement officials; and

WHEREAS, if signed into law, SB 54 would have a negative consequences for the local governments, including but not limited to the following:

- a. SB 54 could be interpreted to be in direct contradiction with federal law, specifically 8 U.S.C. § 1373, and places individual local government officials in a position where they must choose between violating state or federal law.
- b. SB 54 could result in the loss of hundreds of thousands or millions of dollars of federal funding to local communities that rely upon such funding by requiring California cities to ignore federal law, including immigration policies, and policies pertaining to grant eligibility.
- c. SB 54 substitutes the judgment local law enforcement in carrying out the specific duties for keeping their individual communities safe and replaces it

with a one-size-fits-all mandate that does not fit the needs of all local communities.

- d. SB 54 would adversely impact the cooperative efforts of law local enforcement and federal law enforcement to suppress the criminal activities of foreign-influenced gangs.
- e. SB 54 would eliminate or substantially harm the productive working relationships between local police departments and federal law enforcement agencies that is vital at combating violent crime.
- f. SB 54 may result in the loss of federal funding for other important municipal functions and projects, including public transportation, housing, roads, and public safety.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Mendota that the City Council expresses to the Legislature and the Governor of the State of California its opposition to Senate Bill 54 for the reasons set forth above.

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 23rd day of May, 2017, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Matt Flood, City Clerk

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

**A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF MENDOTA TO HOLD
TWO SPECIAL CITY COUNCIL MEETINGS
TO CONSIDER THE BUDGET FOR FISCAL
YEAR 2017-2018**

RESOLUTION NO. 17-39

WHEREAS, each year the City Council, by law, establishes the budget for the City of Mendota; and

WHEREAS, the City Council holds public hearings and receive public input on the proposed budget prior to its final adoption.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Mendota that the City Council hereby establishes the following schedule for Special City Council meetings to consider the budget for fiscal year 2017-2018:

June 6, 2017, 3:00pm to 5:00pm in the Council Chambers of City Hall
June 13, 2017, 3:00pm to 5:00pm in the Council Chamber of City Hall

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 23rd day of May, 2017, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Matt Flood, City Clerk

AGENDA ITEM

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: CRISTIAN GONZALES, PUBLIC WORKS DIRECTOR

VIA: VINCE DIMAGGIO, CITY MANAGER

SUBJECT: RECONSTRUCTION OF A PORTION OF
8th STREET FROM OLLER TO RIO FRIO
RECOMMENDATION FOR APPROVAL OF
ENGINEERING SERVICES AGREEMENT

DATE: May 23, 2017

ISSUE

Should the City Council adopt the attached resolution to authorize approval of the attached agreements with Provost & Pritchard Engineering Group and BSK Associates for the Reconstruction of a Portion of 8th Street, in the total amount of \$52,300.00?

BACKGROUND

At the June 28, 2016 City Council meeting, the City Council approved the Fiscal Year 2016-2017 budget and directed the Public Works Director to proceed with reconstruction of Marie Street (2nd to Divisadero), Divisadero Street (Marie to Lolita), 7th Street & Derrick, as well as an option for 8th Street (Pucheu to Rio Frio), using Measure C and LTF Street funds.

The Marie & Divisadero reconstruction project was designed and constructed in 2016 and the Derrick & 7th Intersection Project is currently out to bid for construction later in 2017. Staff would like to proceed with preparation of the construction documents for 8th Street reconstruction, with expanded limits from Oller Street (State Route 180) to Rio Frio Street with planned construction in the first half of calendar year 2018.

ANALYSIS

Staff has prepared and reviewed preliminary opinions of project costs for this project. The project will be designed and constructed in accordance with State and Federal accessibility laws.

The attached agreements with Provost & Pritchard Engineering Group and BSK Associates provide for the necessary surveying, design engineering and geotechnical analysis to prepare construction documents for use in the solicitation of bids for and the construction of the street improvements.. Compensation under the agreements will be as follows:

Geotechnical Investigation and Report (BSK)	\$6,800.00
Survey and Design Engineering (P&P)	\$45,500.00
Total Contracts:	\$52,300.00

FISCAL IMPACT

Compensation for these services will be paid from Measure C and LTF Street Funds. No General Funds will be expensed as part of this action. A complete budget impact report has been provided under separate cover.

RECOMMENDATION

Staff recommends that the City Council adopt the attached resolution authorizing approval of the attached agreements with Provost & Pritchard Engineering Group and BSK Associates for the Reconstruction of a Portion of 8th Street, in the total amount of \$52,300.00.

May 15, 2017

Vince DiMaggio, City Manager
City of Mendota
643 Quince Street
Mendota, CA 93640

**Subject: Proposal for Survey and Engineering Design Services
Reconstruction of a Portion of 8th Street from Oller to Rio Frio**

Dear Vince:

Thank you for the opportunity to submit this proposal to provide surveying and engineering design services for the subject project. This proposal discusses our understanding of the project, recommends a scope of services together with associated fees, deliverables and approximate schedules, sets forth our assumptions, and discusses other services that may be of interest as the project proceeds.

Project Understanding:

At the June 28, 2016 City Council meeting, the City Council approved the Fiscal Year 2016-2017 budget and directed the Public Works Director to proceed with reconstruction of Marie Street (2nd to Divisadero), Divisadero Street (Marie to Lolita), 7th Street & Derrick, as well as 8th Street (Pucheu to Rio Frio), using Measure C and LTF Street funds.

The Marie & Divisadero reconstruction project was designed and constructed in 2016 and the Derrick & 7th Intersection Project is currently out to bid for construction later in 2017. The City has requested P&P to prepare the plans and specifications for 8th Street reconstruction, with expanded limits from Oller Street (State Route 180) to Rio Frio Street with planned construction in the first half of calendar year 2018.

Under the Americans with Disabilities Act (ADA), street reconstruction falls into the category of "alteration" and therefore, curb return ramps within the limits of work of the project must be provided or reconstructed to meet current ADA standards in locations where there is an existing, adjacent sidewalk.

We have provided below a scope of services that will provide the necessary plans, specifications and opinion of cost (PS&E). This proposal includes only the topographical surveying and design engineering that will begin this fiscal year. Bid phase services, construction administration and observation services will be provided as an amendment

to this agreement after the start of the new fiscal year and prior to soliciting bids for construction.

Scope of Services:

Our proposed initial scope of work for this project is segregated into two phases, described below.

Phase SUR: Field Survey

- Establish construction control centerlines using existing curbs, gutters and concrete improvements. No boundary survey will be provided as the limits of the existing street construction are not being expanded.
- Perform a topographical field survey to determine horizontal locations and existing elevations of gutter lips, crown elevations, top of curb, valve covers, manhole lids and storm drain inlets/outlets.
- Additional detail will be obtained at alley approaches and existing curb returns for use in confirming compliance of existing curb ramps or designing new ADA-compliant accessible curb ramps. We will locate existing signs, trees, above ground utilities, and other features that will impact curb ramp design.
- Prepare base map for use by design engineer.

We propose to complete the Field Survey Phase for the lump sum of **\$5,500**.

Phase PSE: Construction Documents (Plans, Specifications, and Cost Opinion)

- Prepare Notice of Exemption for CEQA, assuming the project is Categorically Exempt under Section 15302, Replacement or Reconstruction
- Contact dry utility providers with services in the area and research maps and information they provide. Incorporate utility infrastructure into base maps
- Review findings and recommendations of Geotechnical Engineer's investigation (to be provided by the City) and coordinate with the Geotechnical Engineer to determine the appropriate method of reconstruction.
- Design of street improvements, including pavement, striping, limited curb & gutter, alley approaches, valley gutters, and accessible curb ramps. Improvements to gutter drainage will be made where gutters are being replaced; however, there are drainage issues along 8th Street which are founded in factors outside of the project limits. This project will not be able to completely address all drainage issues within the project limits.
- Prepare plans, specifications and engineer's opinion of probable construction cost (PS&E). Plans will be single-window plan view only, at a scale of 1"=20' to allow for adequate illustration of detail. Specifications will be in CSI format.

- We anticipate one preliminary submittal to the City for review when PS&E are approximately 50% complete. This will ensure that we are proceeding in accordance with the City's direction. After review is complete, we will generate 100% final construction documents ready for use in bidding.
- Prepare concept traffic control plans and apply for a parent Encroachment Permit from Caltrans District 6. The construction contractor will need to pull the actual permit at the time of construction, at their own expense.

We propose to complete the Construction Documents Phase for the lump sum of **\$40,000**.

Total Compensation for the services proposed will be **\$45,500**.

Schedule:

Once we receive a signed contract and are authorized to proceed, we will move forward with the above scope and prepare plans and specifications for bidding purposes. Bidding for the project is anticipated to take place in early 2018, with construction of improvements planned to take place in the first half of 2018.

Assumptions:

- The City will separately retain BSK & Associates to prepare a geotechnical engineering report. Estimated cost of the necessary report is \$6,000 and is not a part of this proposal.
- No existing wet utilities, such as sewer, water, or storm drain will need to be designed or replaced as a part of this project, other than adjustment of lids and manholes covers to match finished grade.
- The City will provide video inspection and comments on existing sewer pipes and manholes within the limits of the project and will specifically identify any dilapidated manholes that should be reconstructed as part of this project. At this time, we are not including rehabilitation or redesign of the sewer system in our scope of services.
- The new infrastructure will not be capacity increasing, and is therefore eligible for a Categorical Exemption under CEQA.
- Existing curb and gutter will be replaced only on the westerly side of 8th Street between the Oller/Pucheu alley and Oller Street in addition to replacement at alley approaches and curb returns where ADA-compliant ramps will be constructed.
- New curb and gutter will be constructed on the east side of 8th Street between the Oller/Pucheu alley and Oller Street.
- No sidewalk construction is planned as part of this project, except for short transitional segments of walks at alley approaches and curb returns where ADA-compliant ramps will be constructed.

Mr. Vince DiMaggio

Job No. 333617005

Re: Proposal for Survey & Engineering Services for Reconstruction of 8th Street from Oller to Rio Frio

May 15, 2017

Page 4 of 4

- Construction limits for this project will not extend into the Caltrans SR 180 (Oller Street) right of way; however, an encroachment permit will be required for contractor's traffic control.

Terms and Conditions:

This work will be subject to the terms and conditions in the attached Consultant Services Agreement. If this is acceptable, please sign below and on the attached agreement and return copies of each to our office. These will serve as our Notice to Proceed.

Sincerely Yours,

Provost & Pritchard Consulting Group



Michael L. Osborn, PE
CE 66022
Project Manager, Project Engineer



David McGlasson, PE, PLS
CE 38482, PLS 6968
Principal-in-Charge

Terms and Conditions Accepted:

By the City of Mendota

Signature _____
Vince DiMaggio
City Manager

_____ Date



286 W. Cromwell Avenue
 Fresno, CA 93711-6162
 (559)449-2700
 FAX (559)449-2715
www.ppeng.com

CONSULTANT SERVICES AGREEMENT

CSA No:

Client	<u>City of Mendota</u>	Proposal No.	<u>333617005</u>
Attention	<u>Vince DiMaggio, City Manager</u>	Telephone	<u>559-655-3291</u>
Bill To	<u>City of Mendota</u>	Fax	<u></u>
Billing Address	<u>643 Quince Street</u>	E-Mail	<u>vincedimaggio@cityofmendota.com</u>
City, Zip Code	<u>Mendota, CA 93640</u>		
Project Title	<u>Reconstruction of a Portion of 8th Street from Oller to Rio Frio</u>	Location	<u>City of Mendota, CA</u>

Description of Services:

Surveying and Engineering design for Reconstruction of a Portion of 8th Street from Oller to Rio Frio.

The provisions set forth below and on the following paragraphs 1 through 42 are incorporated into and made a part of this Agreement. In signing, the Client acknowledges that they have read and approved all such terms and hires Provost & Pritchard Engineering Group, Inc., dba Provost & Pritchard Consulting Group, (Consultant) to perform the above described services.

TERMS AND CONDITIONS

Client and Consultant agree that the following terms and conditions shall be part of this agreement:

1. In providing services under this Agreement, the Consultant shall perform in a manner consistent with that degree of care and skill ordinarily exercised by members of the same profession currently practicing under similar circumstances at the same time and in the same or similar locality. The Consultant makes no warranty, express or implied, as to its professional services rendered under this Agreement.
2. Client acknowledges that Consultant is not responsible for the performance of work by third parties including, but not limited to, the construction contractor and its subcontractors.
3. Client agrees that if Client requests services not specified in the scope of services described in this agreement, Client will pay for all such additional services as extra services, in accordance with Consultant's billing rates utilized for this contract.

DOCUMENTS

4. Client acknowledges that all reports, plans, specifications, field data and notes and other documents, including all documents on electronic media, prepared by Consultant (collectively Work Product) are instruments of service which shall remain the property of Consultant and may be used by Consultant without the consent of Client. Consultant shall retain all common law, statutory law and other rights, including copyrights. Consultant grants Client a perpetual, royalty-free fully paid-up, nonexclusive and irrevocable license to copy, reproduce perform, dispose of, use and re-use the Work Product in connection with the Project, in whole or in part, and to authorize others to do so for the benefit of Client. Client acknowledges that its right to utilize Work Product pursuant to this agreement will continue only so long as Client is not in default, pursuant to the terms and conditions of this agreement, and Client has performed all its obligations under this agreement.
5. Client agrees not to reuse Work Product, in whole or in part, for any project other than the project that is the subject of this agreement. Client further agrees to waive all claims against Consultant resulting in any way from any unauthorized changes or unauthorized reuse of the Work Product for any other

project by anyone on Client's behalf. Client agrees not to use or permit any other person to use versions of Work Product which are not final and which are not signed and stamped or sealed by Consultant. Client shall be responsible for any such use of non-final Work Product. Client hereby waives any claim for liability against Consultant for use of non-final Work Product. If a reviewing agency requires that check prints be submitted with a stamp or seal, those shall not be considered final for purposes of this paragraph.

6. In the event Client (1) makes, agrees to, authorizes, or permits changes in Work Product, or (2) makes, agrees to, authorizes, or permits construction of such unauthorized changes, which changes are not consented to in writing by Consultant, or (3) does not follow recommendations prepared by Consultant pursuant to this agreement, resulting in unauthorized changes to the project, Client acknowledges that the unauthorized changes and their effects are not the responsibility of Consultant. Client agrees to release Consultant from all liability arising from such unauthorized changes, and further agrees to defend, indemnify and hold harmless Consultant, its officers, directors, employees and subconsultants from and against all claims, demands, damages or costs, including attorneys' fees, arising from such changes.
7. Under no circumstances shall delivery of Work Product for use by the Client be deemed a sale by the Consultant, and the Consultant makes no warranties, either express or implied, of merchantability and fitness for any particular purpose. In no event shall the Consultant be liable for indirect or consequential damages as a result of the Client's unauthorized use or reuse of the Work Product.
8. The Client is aware that differences may exist between electronic files delivered and the printed hard-copy construction documents. In the event of a conflict between the signed construction documents prepared by the Consultant and electronic files, the signed sealed hard-copy documents shall govern.

LIMITATIONS

9. Consultant makes no representations concerning soils or geological conditions unless specifically included in writing in this agreement, or by amendments to this agreement. If Consultant recommends that Client retain the services of a Geotechnical Engineer and Client chooses to not do so, Consultant shall not be responsible for any liability that may arise out of the making of or failure to make soils or geological surveys, subsurface soils or geological tests, or general soils or geological testing.
10. Client acknowledges that, unless specifically stated to the contrary in the proposal's description of services to be provided, Consultant's scope of services for this project does not include any services related in any way to asbestos and/or hazardous or toxic materials. Should Consultant or any other party encounter such materials on the job site, or should it in any other way become known that such materials are present or may be present on the job site or any adjacent or nearby areas which may affect Consultant's services, Consultant may, at its option, suspend or terminate work on the project until such time as Client retains a qualified contractor to abate and/or remove the asbestos and/or hazardous or toxic materials and warrant that the job site is free from any hazard which may result from the existence of such materials.

INDEMNIFICATION

11. To the fullest extent allowed by law, Consultant will indemnify and hold harmless, but shall have no duty to defend Client, its officers, directors, employees and agents (collectively, the "Client Indemnitees") from, for and against any and all claims, demands, damages, losses, expenses, liabilities and penalties arising out of or relating to the Project, but only to the extent caused by the negligent or other wrongful acts or omissions of Consultant, its subconsultants, or any person or entity for whose acts or omissions any of them are responsible, or by the failure of any such party to perform as required by this Agreement. To the fullest extent allowed by law, Client will indemnify and hold harmless, but shall have no duty to defend Consultant and its officers, directors, employees and agents from, for and against any and all claims, demands, damages, losses, expenses, liabilities and penalties arising out of or relating to the Project, but only to the extent caused by the negligent or other wrongful acts or omissions of Client or any person or entity for whose acts or omissions it is responsible, or by the failure of any such party to perform as required by this Agreement. The obligations and rights of this Section are in addition to other obligations and rights of indemnity provided under this Agreement or applicable law.

FINANCIAL

12. All fees and other charges due Consultant will be billed monthly and shall be due at the time of billing unless specified otherwise in this agreement. If Client fails to pay Consultant within sixty (60) days after invoices are rendered, Consultant shall have the right in its sole discretion to consider such

default in payment a material breach of this entire agreement, and, upon written notice, Consultant's duties, obligations and responsibilities under this agreement may be suspended or terminated for cause pursuant to Sections 26 through 31. In such event, Client shall promptly pay Consultant for all outstanding fees and charges due Consultant at the time of suspension or termination including all costs and expenses incurred in the performance of services up to suspension or termination.

13. Consultant shall not be liable to Client for any costs or damages that may result from the termination or suspension of services under this agreement due to Client's failure to pay Consultant invoices in accordance with the terms of this paragraph. In the event that Consultant agrees to resume terminated or suspended services after receiving full payment of all late invoices, Client agrees that time schedules and fees, as applicable, related to the services will be equitably adjusted to reflect any delays or additional costs caused by the termination or suspension of services.
14. In all cases where the proposal calls for payment of a retainer, that payment shall be made by Client to Consultant prior to commencement of services under this agreement. Upon receipt of retainer payment, the Consultant shall commence services as provided for under this Agreement. Unless otherwise provided for in the project proposal, such retainer shall be held by Consultant throughout the duration of the contract, and shall be applied to the final project invoice, and to any other outstanding AR, including late payment charges, on the project. Any amount of said retainer in excess of the final invoice and other outstanding AR shall be returned to the Client within 30 days of issuance of the final project invoice.
15. Client agrees that all billings from Consultant to Client will be considered correct and binding on Client unless Client, within ten (10) days from the date of receipt of such billing, notifies Consultant in writing of alleged inaccuracies, discrepancies, or errors in billing. In the event of a dispute over any billing or portion of billing, Client agrees to pay the undisputed portion of any billings in accordance with the payment terms set forth in Section 18.
16. Client agrees to pay a monthly late payment charge, which will be the lesser of one and one half percent (1-1/2%) per month or a monthly charge not to exceed the maximum legal rate, which will be applied to any unpaid balance commencing thirty (30) days after the date of the billing. Client acknowledges that payments applied first to unpaid late payment charges and then to unpaid balances of invoices.
17. In the event Consultant's fee schedule changes due to any increase of costs such as the granting of wage increases and/or other employee benefits to field or office employees or any taxes or fees imposed by local, state, or federal government on consultants' fees during the lifetime of this agreement, the new fee schedule shall apply to all subsequent work on time-and-materials contracts.
18. If payment for Consultant's services is to be made on behalf of Client by a third party lender, Client agrees that Consultant shall not be required to indemnify the third party lender, in the form of an endorsement or otherwise, as a condition to receiving payment for services. Client agrees to reimburse Consultant for all collection agency fees, legal fees, court costs, reasonable consultant staff costs and other expenses paid or incurred by Consultant in the event that collection efforts become necessary to enforce payment of any unpaid billings due to Consultant in connection with the services provided in this agreement.

LIMITATION OF LIABILITY

19. **Notwithstanding any other provisions of this Agreement to the contrary, the aggregate liability of the Consultant under this Agreement, whether for breach of contract, tort, strict liability or any other legal theory, will not exceed the total amount of Consultant's compensation for performing services under this Agreement or \$50,000, whichever is greater, however this limitation of Consultant's liability does not apply to third-party claims, or to the Client's reasonable attorneys' fees and expert witnesses' fees and litigation expenses arising out of or related to such third-party claims for which Consultant is liable.**

DISPUTE RESOLUTION

20. In an effort to resolve any conflicts or disputes that arise regarding performance under this agreement by either party, Client and Consultant agree that all such disputes shall be submitted to nonbinding mediation, using a mutually agreed upon mediation services experienced in the resolution of construction disputes. Unless the parties mutually agree otherwise, such mediation shall be a pre-condition to the initiation of any litigation. The parties further agree to include a similar mediation provision in their agreements with other independent contractors and consultants retained for the project and require them to similarly agree to these dispute resolution procedures. This provision shall not be interpreted to restrict the right of either party to file an action in a court of law, in the

County of Fresno, State of California, having appropriate jurisdiction or to preclude or limit the Consultant's right to record, perfect or to enforce any applicable lien or Stop Notice rights.

CONSTRUCTION PROJECTS

21. If the scope of services contained in this agreement does not include construction phase services for this project, Client agrees that such construction phase services will be provided by Client or by others. Client assumes all responsibility for interpretation of the contract documents and for construction observation and supervision and waives any claim against Consultant that may in any way be connected thereto. In addition, Client agrees to indemnify and hold Consultant harmless from any loss, claim, or cost, including reasonable attorneys' fees and costs of defense, arising or resulting from the performance of such services by other persons or entities and from any and all claims arising from the modification, clarification, interpretation, adjustments or changes made to the contract documents to reflect changed field or other conditions, except for claims arising from the negligence or other wrongful acts of Consultant, its employees, its subconsultants, or any other person or entity for which Consultant is responsible.
22. Client agrees to include provisions in its contract with the construction contractor to the effect that in accordance with generally accepted construction practices, the construction contractor will be required to assume sole and complete responsibility for job site conditions during the course of construction of the project, including safety of all persons and property, and that this requirement shall apply continuously and not be limited to normal working hours. Neither the professional activities of Consultant nor the presence of Consultant or its employees or subconsultants at a construction site shall relieve the contractor and its subcontractors of their obligations, duties and responsibilities including, but not limited to, construction means, methods, sequence, techniques or procedures necessary for performing, superintending or coordinating all portions of the work of construction in accordance with the contract documents and applicable health or safety requirements of any regulatory agency or of state law.
23. Client agrees to require its contractor and subcontractors to review the plans, specifications and documents prepared by Consultant prior to the commencement of construction phase work. If the contractor and/or subcontractors believe there are deficiencies, conflicts, errors, omissions, code violations, or other deficiencies in the plans, specifications and documents prepared by Consultant, contractors shall notify Client so those deficiencies may be corrected or otherwise addressed by Consultant prior to the commencement of construction phase work.
24. If, during the construction phase of the project, Client discovers or becomes aware of changed field or other conditions which necessitate clarifications, modifications or other changes to the plans, specifications, estimates or other documents prepared by Consultant, Client agrees to notify Consultant and, at Client's option, retain Consultant to prepare the necessary changes or modifications before construction activities proceed. Further, Client agrees to require a provision in its construction contracts for the project which requires the contractor to promptly notify Client of any changed field or other conditions so that Client may in turn notify Consultant pursuant to the provisions of this paragraph.
25. If, due to the Consultant's error, omission or negligence, a required item or component of the Project is omitted from the Consultant's construction documents, the Consultant shall not be responsible for paying the cost required to add such item or component to the extent that such item or component would have been required and included in the original construction documents. The Consultant will not be responsible for any cost or expense that enhances the value of the Project.

SUSPENSION AND TERMINATION

26. If the Project or the Consultant's services are suspended by the Client for more than thirty (30) consecutive calendar days, the Consultant shall be compensated for all services performed and reimbursable expenses incurred prior to the receipt of notice of suspension. In addition, upon resumption of services, the Client shall compensate the Consultant for expenses incurred as a result of the suspension and resumption of its services, and the Consultant's schedule and fees for the remainder of the Project shall be equitably adjusted.
27. If the Consultant's services are suspended for more than ninety (90) days, consecutive or in the aggregate, the Consultant may terminate this Agreement upon giving not less than five (5) calendar days' written notice to the Client.
28. If the Client is in breach of the payment terms or otherwise is in material breach of this Agreement, the Consultant may suspend performance of services upon five (5) calendar days' notice to the Client. The Consultant shall have no liability to the Client, and the Client agrees to make no claim for

any delay or damage as a result of such suspension caused by any breach of this Agreement by the Client. Upon receipt of payment in full of all outstanding sums due from the Client, or curing of such other breach that caused the Consultant to suspend services, the Consultant shall resume services, and there shall be an equitable adjustment to the remaining project schedule and fees as a result of the suspension.

29. Client acknowledges Consultant has the right to complete all services included in this agreement. In the event this agreement is terminated before the completion of all services, unless Consultant is responsible for such early termination, Client agrees to release Consultant from all liability for services not performed or completed by Consultant and from liability for any third-party reliance, use, interpretation or extrapolation of Consultant's work product. In the event all or any portion of the services by Consultant are suspended, abandoned, or otherwise terminated, Client shall pay Consultant all fees and charges for services provided prior to termination, not to exceed the contract limits specified herein, if any. Client acknowledges if the project services are suspended and restarted, there will be additional charges due to suspension of the services which shall be paid for by Client as extra services pursuant to Section 7. Client acknowledges if project services are terminated for the convenience of Client, Consultant is entitled to reasonable termination costs and expenses, to be paid by Client as extra services pursuant to Section 7.
30. The Client may terminate this Agreement for the Client's convenience and without cause upon giving the Consultant not less than seven (7) calendar days' written notice.
31. In the event of termination of this Agreement by either party, Consultant shall invoice Client for all outstanding services and expenses reasonably incurred by the Consultant in connection with the orderly termination of this Agreement, including but not limited to demobilization, reassignment of personnel, associated overhead costs and all other expenses directly resulting from the termination. The Client shall within thirty (30) calendar days of termination pay the Consultant for all services rendered and all reimbursable costs incurred by the Consultant up to the date of termination, in accordance with the payment provisions of this Agreement.

OTHER

32. This agreement shall be binding upon the heirs, executors, administrators, successors and assigns of Client and Consultant.
33. This agreement shall not be assigned by either Client or Consultant without the prior written consent of the other.
34. Consultant's or Client's waiver of any term, condition or covenant shall not constitute the waiver of any other term, condition or covenant. Consultant's or Client's waiver of any breach of this agreement shall not constitute the waiver of any other breach of the Agreement.
35. Client and Consultant agree that if any term or provision of this Agreement is determined to be illegal, in conflict with any law, void or otherwise unenforceable, and if the essential terms and provisions of this Agreement remain unaffected, then the validity of the remaining terms and provisions will not be affected and the offending provision will be given the fullest meaning and effect allowed by law.
36. This agreement shall be governed by and construed in accordance with the laws of the State of California.
37. Within the limits of the approved scope and fee, Consultant may engage the services of any subconsultants when, in the Consultant's sole opinion, it is appropriate to do so. Such subconsultants may include testing laboratories, geotechnical engineers and other specialized consulting services deemed necessary by the Consultant to carry out the scope of the Consultant's services.
38. Consultant shall be entitled to immediately, and without notice, suspend the performance of any and all of its obligations pursuant to this agreement if Client files a voluntary petition seeking relief under the United States Bankruptcy Code or if there is an involuntary bankruptcy petition filed against Client in the United States Bankruptcy Court, and that petition is not dismissed within fifteen (15) days of its filing. Any suspension of services made pursuant to the provisions of this paragraph shall continue until such time as this agreement has been fully and properly assumed in accordance with the applicable provisions of the United States Bankruptcy Code and in compliance with final order or judgment issued by the Bankruptcy Court.
39. This agreement shall not be construed to alter, affect or waive any design professional's lien, mechanic's lien or stop notice right, which Consultant may have for the performance of services pursuant to this agreement. Client agrees to provide to Consultant the current name and address of the record owner of the property upon which the project is to be located. Client also agrees to provide

Consultant with the name and address of any and all lenders who may loan money on the project and who are entitled to receive a preliminary notice.

- 40. Consultant shall not be liable for damages resulting from the actions or inactions of governmental agencies including, but not limited to, permit processing, environmental impact reports, dedications, general plans and amendments thereto, zoning matters, annexations or consolidations, use or conditional use permits, project or plan approvals, and building permits. Client agrees that it is the responsibility of Client to maintain in good standing all governmental approvals or permits and to timely apply for any necessary extensions thereof.
- 41. Consultant and Client each agree to waive consequential damages for claims, disputes or other matters in question arising out of or relating to this Agreement. This mutual waiver is applicable, without limitation, to all consequential damages due to either party's termination in accordance with paragraphs 26 through 31, except for termination expenses provided for in said paragraph 31. Client further agrees that to the fullest extent permitted by law, Consultant shall not be liable to Client for any special, indirect or consequential damages whatsoever, whether caused by Consultant's negligence, errors, omissions, strict liability, breach of contract, breach of warranty or other cause or causes whatsoever, including but not limited to, loss of use of equipment or facility, and loss of profits or revenue.
- 42. This Agreement is the entire Agreement between the Client and the Consultant. It supersedes all prior communications, understandings and agreements, whether oral or written. Amendments to this Agreement must be in writing and signed by both the Client and the Consultant.

Client	<u>City of Mendota</u>		Provost & Pritchard Engineering Group, Inc., dba Provost & Pritchard Consulting Group
By	_____	By	_____
Name/Title	<u>Vince DiMaggio, City Manager</u>	Name/Title	<u>David McGlasson, PE</u>
Date Signed	_____	Date Signed	_____

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

**A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF MENDOTA AUTHORIZING
EXECUTION OF TWO PROFESSIONAL
SERVICES AGREEMENTS FOR THE
RECONSTRUCTION OF A PORTION
OF 8TH STREET**

RESOLUTION NO. 17-40

WHEREAS, the City of Mendota and the City Engineer have determined that 8th Street from Oller Street (State Route 180) to Rio Frio Street, should be reconstructed; and

WHEREAS, the City intends to retain the City Engineer, Provost & Pritchard Engineering Group, Inc., to provide surveying and design engineering services necessary to prepare construction documents for use in the solicitation of bids for and the construction of the street improvements; and

WHEREAS, the City Engineer has submitted a proposal that is acceptable to City staff; and

WHEREAS, the City intends to enter an agreement with BSK Associates, to provide geotechnical engineering services necessary to bring the subject project to construction; and

WHEREAS, BSK Associates has submitted a proposal that is acceptable to City staff; and

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Mendota authorizes the City Manager to approve and execute the proposals received for this project which were presented to the Council at its regular meeting of May 23, 2017; specifically:

Agreement with BSK Associates:	
Geotechnical Investigation and Report	\$6,800.00
Agreement with Provost & Pritchard Engineering Group, Inc.:	
Field Survey and Design Engineering	<u>\$45,500.00</u>
Total Cost of the Two Agreements:	<u>\$52,300.00</u>

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 23rd day of May, 2017, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Matt Flood, City Clerk

**SUPPLEMENT TO
CONTRACT FOR CONSULTING SERVICES (#1)**

THIS SUPPLEMENT TO CONTRACT FOR CONSULTANT SERVICES ("Supplement") is made and entered into this 1st day of May 2017, by and between City of Mendota, a municipal agency ("Client") and Townsend Public Affairs, Inc., a California corporation ("Consultant").

RECITALS

- A. Client and Consultant have entered into that certain Contract for Consultant Services dated as of July 1, 2016 ("Contract").
- B. The parties to this Supplement desire to modify the term of the Contract as set forth herein.

NOW, THEREFORE, for good and valuable consideration, the receipt of which is hereby acknowledged, the parties hereto supplement and amend the Contract as hereinafter set forth.

- 1. The term is extended from July 1, 2017 through June 30, 2018.
- 2. All other terms and conditions of the Contract, except as set forth herein, including without limitation the Fee Schedule set forth in Exhibit "A" of the Contract, shall remain in full force and effect.

WHEREFORE, this Supplement is executed by the parties as of the date set forth above.

CLIENT: CITY OF MENDOTA

By: _____
Vince Dimaggio, City Manager

CONSULTANT: TOWNSEND PUBLIC AFFAIRS, INC.,
a California corporation

By: _____
Christopher Townsend, President

AGENDA ITEM – STAFF REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS
FROM: MATT FLOOD, ECONOMIC DEVELOPMENT MANAGER
VIA: VINCE DIMAGGIO, CITY MANAGER
SUBJECT: DESIGNATION OF VOTING DELEGATES FOR LOCC ANNUAL CONFERENCE
DATE: MAY 23, 2017

ISSUE

Who shall the City Council designate as voting delegate and alternate for this year's League of California Cities (LOCC) Annual Conference?

BACKGROUND

The League of California Cities requests that each City designate a voting delegate and alternate for its Annual Business Meeting that is held concurrently with the Annual Conference. This year's conference will be September 13th-15th in Sacramento.

ANALYSIS

Past practice, stemming from Council resolution, has been that the Mayor and Mayor Pro Tem represent the City at functions. If either (or both) the Mayor and/or Mayor Pro Tem cannot attend, it would be appropriate for the Council to designate another Council member (or members) to be the voting delegates at this time.

FISCAL IMPACT

None.

RECOMMENDATION

Council designate at least two members of Council as voting delegate and alternate for the upcoming LOCC Annual Conference, and to do so via the adoption of Resolution No. 17-37.



1400 K Street, Suite 400 • Sacramento, California 95814
Phone: 916.658.8200 Fax: 916.658.8240
www.cacities.org

Council Action Advised by July 31, 2017

May 3, 2017

TO: Mayors, City Managers and City Clerks

**RE: DESIGNATION OF VOTING DELEGATES AND ALTERNATES
League of California Cities Annual Conference – September 13 – 15, Sacramento**

The League's 2017 Annual Conference is scheduled for September 13 – 15 in Sacramento. An important part of the Annual Conference is the Annual Business Meeting (during General Assembly), scheduled for 12:30 p.m. on Friday, September 15, at the Sacramento Convention Center. At this meeting, the League membership considers and takes action on resolutions that establish League policy.

In order to vote at the Annual Business Meeting, your city council must designate a voting delegate. Your city may also appoint up to two alternate voting delegates, one of whom may vote in the event that the designated voting delegate is unable to serve in that capacity.

Please complete the attached Voting Delegate form and return it to the League's office no later than Friday, September 1, 2017. This will allow us time to establish voting delegate/alternate records prior to the conference.

Please note the following procedures that are intended to ensure the integrity of the voting process at the Annual Business Meeting.

- **Action by Council Required.** Consistent with League bylaws, a city's voting delegate and up to two alternates must be designated by the city council. When completing the attached Voting Delegate form, please attach either a copy of the council resolution that reflects the council action taken, or have your city clerk or mayor sign the form affirming that the names provided are those selected by the city council. Please note that designating the voting delegate and alternates must be done by city council action and cannot be accomplished by individual action of the mayor or city manager alone.
- **Conference Registration Required.** The voting delegate and alternates must be registered to attend the conference. They need not register for the entire conference; they may register for Friday only. To register for the conference, please go to our website: www.cacities.org. In order to cast a vote, at least one voter must be present at the

Business Meeting and in possession of the voting delegate card. Voting delegates and alternates need to pick up their conference badges before signing in and picking up the voting delegate card at the Voting Delegate Desk. This will enable them to receive the special sticker on their name badges that will admit them into the voting area during the Business Meeting.

- **Transferring Voting Card to Non-Designated Individuals Not Allowed.** The voting delegate card may be transferred freely between the voting delegate and alternates, but *only* between the voting delegate and alternates. If the voting delegate and alternates find themselves unable to attend the Business Meeting, they may *not* transfer the voting card to another city official.
- **Seating Protocol during General Assembly.** At the Business Meeting, individuals with the voting card will sit in a separate area. Admission to this area will be limited to those individuals with a special sticker on their name badge identifying them as a voting delegate or alternate. If the voting delegate and alternates wish to sit together, they must sign in at the Voting Delegate Desk and obtain the special sticker on their badges.

The Voting Delegate Desk, located in the conference registration area of the Sacramento Convention Center, will be open at the following times: Wednesday, September 13, 8:00 a.m. – 6:00 p.m.; Thursday, September 14, 7:00 a.m. – 4:00 p.m.; and Friday, September 15, 7:30 a.m.– Noon. The Voting Delegate Desk will also be open at the Business Meeting on Friday, but will be closed during roll calls and voting.

The voting procedures that will be used at the conference are attached to this memo. Please share these procedures and this memo with your council and especially with the individuals that your council designates as your city's voting delegate and alternates.

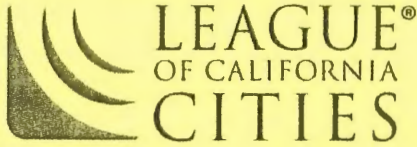
Once again, thank you for completing the voting delegate and alternate form and returning it to the League office by Friday, September 1. If you have questions, please call Carly Shelby at (916) 658-8279.

Attachments:

- Annual Conference Voting Procedures
- Voting Delegate/Alternate Form

Annual Conference Voting Procedures

1. **One City One Vote.** Each member city has a right to cast one vote on matters pertaining to League policy.
2. **Designating a City Voting Representative.** Prior to the Annual Conference, each city council may designate a voting delegate and up to two alternates; these individuals are identified on the Voting Delegate Form provided to the League Credentials Committee.
3. **Registering with the Credentials Committee.** The voting delegate, or alternates, may pick up the city's voting card at the Voting Delegate Desk in the conference registration area. Voting delegates and alternates must sign in at the Voting Delegate Desk. Here they will receive a special sticker on their name badge and thus be admitted to the voting area at the Business Meeting.
4. **Signing Initiated Resolution Petitions.** Only those individuals who are voting delegates (or alternates), and who have picked up their city's voting card by providing a signature to the Credentials Committee at the Voting Delegate Desk, may sign petitions to initiate a resolution.
5. **Voting.** To cast the city's vote, a city official must have in his or her possession the city's voting card and be registered with the Credentials Committee. The voting card may be transferred freely between the voting delegate and alternates, but may not be transferred to another city official who is neither a voting delegate or alternate.
6. **Voting Area at Business Meeting.** At the Business Meeting, individuals with a voting card will sit in a designated area. Admission will be limited to those individuals with a special sticker on their name badge identifying them as a voting delegate or alternate.
7. **Resolving Disputes.** In case of dispute, the Credentials Committee will determine the validity of signatures on petitioned resolutions and the right of a city official to vote at the Business Meeting.



CITY: _____

2017 ANNUAL CONFERENCE
VOTING DELEGATE/ALTERNATE FORM

Please complete this form and return it to the League office by Friday, September 1, 2017. Forms not sent by this deadline may be submitted to the Voting Delegate Desk located in the Annual Conference Registration Area. Your city council may designate one voting delegate and up to two alternates.

In order to vote at the Annual Business Meeting (General Assembly), voting delegates and alternates must be designated by your city council. Please attach the council resolution as proof of designation. As an alternative, the Mayor or City Clerk may sign this form, affirming that the designation reflects the action taken by the council.

Please note: Voting delegates and alternates will be seated in a separate area at the Annual Business Meeting. Admission to this designated area will be limited to individuals (voting delegates and alternates) who are identified with a special sticker on their conference badge. This sticker can be obtained only at the Voting Delegate Desk.

1. VOTING DELEGATE

Name: _____

Title: _____

2. VOTING DELEGATE - ALTERNATE

Name: _____

Title: _____

3. VOTING DELEGATE - ALTERNATE

Name: _____

Title: _____

PLEASE ATTACH COUNCIL RESOLUTION DESIGNATING VOTING DELEGATE AND ALTERNATES.

OR

ATTEST: I affirm that the information provided reflects action by the city council to designate the voting delegate and alternate(s).

Name: _____ E-mail _____

Mayor or City Clerk _____ Phone: _____
(circle one) (signature)

Date: _____

Please complete and return by Friday, September 1, 2017

League of California Cities
ATTN: Carly Shelby
1400 K Street, 4th Floor
Sacramento, CA 95814

FAX: (916) 658-8240
E-mail: cshelby@cacities.org
(916) 658-8279

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

**A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF MENDOTA APPOINTING
VOTING DELEGATES FOR THE LEAGUE
OF CALIFORNIA CITIES' ANNUAL
BUSINESS MEETING**

RESOLUTION NO. 17-37

WHEREAS, the League of California Cities (League) holds its Annual Conference every fall; and,

WHEREAS, the Annual Business Meeting (General Assembly) is held wherein the League takes actions on resolutions that establish its policy; and,

WHEREAS, any appointed official casting a vote for a member city must be specifically authorized by the legislative body of that city, in advance of the vote being cast, in order to do so.

NOW, THEREFORE, BE IT RESOLVED, that the City of Mendota hereby designates the Mayor and Mayor Pro Tem respectively as Voting Delegate and Alternate for the representation of the City in League matters at the 2017 meeting.

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 23rd day of May, 2017, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Matt Flood, City Clerk

AGENDA ITEM – STAFF REPORT

TO: HONORABLE MAYOR AND COUNCILORS
FROM: MATT FLOOD, ECONOMIC DEVELOPMENT MANAGER
VIA: VINCE DIMAGGIO, CITY MANAGER
SUBJECT: EXCLUSIVE USE FACILITY REQUEST FROM MENDOTA YOUTH RECREATION TO UTILIZE ROJAS-PIERCE PARK FOR A CARNIVAL TO COINCIDE WITH RED RIBBON WEEK.
DATE: MAY 23, 2017

ISSUE

Shall the City Council approve an exclusive use application for MYR to hold a Carnival at Rojas-Pierce Park that coincides with Red Ribbon Week?

BACKGROUND

Mendota Youth Recreation received approval for the use of Rojas-Pierce Park for Red Ribbon Day activities at the Council Meeting in March. They recently submitted another application in order to modify that request, changing it from a one-day event to a three-day carnival event.

ANALYSIS

The event is proposed to take place October 27th-29th and the requested area of use would be the soccer field, pavilion, concession stand, and the area west of the pavilion (for food/merchandise vendors). They have stated that they will not have alcohol present. Because they are a non-profit, they will receive a 50% reduction in the fees charged for use of the pavilion and concession stand.

The application is included herein and staff recommends that, if Council were to approve the use, the conditions be the ones requested by the Chief of Police (which have already been written on the application) as well as the conditions that would normally be imposed on the carnival they have in July. The latter conditions are included as Exhibit A to the attached resolution.

FISCAL IMPACT

Minor revenues from fees.

RECOMMENDATION

Staff recommends that the Council discuss the proposed application and, if there exists consensus to approve it, adopt Resolution No. 17-38.

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

**A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF MENDOTA
CONDITIONALLY APPROVING AN
EXCLUSIVE USE PERMIT FOR MYR
TO HOLD A RED RIBBON CARNIVAL AT
ROJAS-PIERCE PARK IN OCTOBER**

RESOLUTION NO. 17-38

WHEREAS, the City of Mendota is empowered to exercise discretion in the issuance of exclusive use permits, thereby protecting the health and safety of its residents by ensuring the controlled and reasonable use of public spaces; and

WHEREAS, Mendota Youth Recreation submitted an exclusive use application with the intent of modifying their previous request in both scope and length; and

WHEREAS, the City Council has reviewed the application and considered all conditions, which are stated in Exhibit A, included herein and made part hereof and has independently determined that the use of a city facility is a benefit to the community.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Mendota that the City Council hereby approves MYR's Exclusive Use Permit with the conditions provided on Exhibit A for the use of a city facility for an event or a reoccurring event.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the aforementioned organization is required to submit any required documentation for full approval at least 30 days before the first day of the event.

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 23rd day of May, 2017, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Matt Flood, City Clerk

Exhibit A

CITY OF MENDOTA CONDITIONAL APPROVAL

Mendota Youth Recreation - Red Ribbon Carnival October 27th-29th 2017

DATE	EVENT - FACILITY	ORGANIZATION	CONDITIONAL APPROVAL
October 27-29, 2017 Various Hours	Annual Red Ribbon Carnival Rojas-Pierce Park (Pavillion, area west of Pavillion, and Concession Stand) Soccer Field	Mendota Youth Recreation	<ul style="list-style-type: none">• Provide Detailed Itinerary of events• Provide Proof of Liability Insurance• Clean Facility Each Day• Contract Police Services (See Attached Application)• Contract Trash Services• Amplified Music Permit• Concession Stand Rental (50% reduction)• Pavilion Rental (50% reduction)• Comply with the Mendota Municipal Code, State and Federal requirements, and pay any applicable fees



CITY OF MENDOTA FACILITY USE APPLICATION

PLEASE COMPLETE ALL QUESTIONS OR ITEMS FOR WHICH INFORMATION IS REQUESTED. PRINT ALL ANSWERS EXCEPT THE SIGNATURE.

FOR EXCLUSIVE USE OF ALL OR SUBSTANTIALLY ALL OF THE ROJAS-PIERCE PARK PICNIC AREA AND BANDSTAND, OR MENDOTA POOL PARK BANDSTAND, VETERANS PARK, APPLICANTS MUST APPEAR BEFORE THE CITY COUNCIL FOR APPROVAL OF THE PERMIT.

NOTE: SECTION 12.20.050 APPLICATIONS FOR EXCLUSIVE USE SHALL BE FILED WITH THE CITY CLERK DURING THE MONTH OF FEBRUARY ANNUALLY AND SHALL BE SET FOR CONSIDERATION BY THE CITY COUNCIL AT ITS FIRST MEETING IN MARCH ANNUALLY. APPLICATIONS FOR EXCLUSIVE USE SHALL BE FILED NOT LESS THAN THIRTY (30) NOR MORE THAN ONE HUNDRED FIFTY (150) DAYS PRIOR TO THE USE OF THE FACILITY. PROMOTERS SHALL REQUEST AN AGREEMENT WITH THE CITY BESIDES THE APPLICATION.

NOTE: SECTION 12.20.110: APPLICANT MUST PROVIDE THE CITY WITH CERTIFICATES OF INSURANCE SPECIFYING THE CITY OF MENDOTA AS NAMED INSURED EVIDENCING LIABILITY AND PROPERTY DAMAGE LIMITS WITH A COMBINED SINGLE LIMIT OF NOT LESS THAN ONE MILLION DOLLARS (\$1,000,000).



1. This application is for the use of the following facility:

Rojas Park

2. The organization, individual, business or entity applying for the use permit:

Mendota Youth Recreation

3. The contact person on behalf of the applicant, regarding the event or activity for which use permit is requested together with all of the following information:

NAME: Sergio Valdez

ADDRESS (STREET AND CITY): P.O. Box / 667 Quince St Mendota

TELEPHONE NO.: 559) 647-4043 -

4. MONTH, DAY, AND TIME OF PROPOSED USE: ~~10 29 17 @ 6:00 Pm to 3:47~~

~~10 29 17~~

5. Please describe the exact park area or areas requested for Exclusive Use. (List below and circle the area on the attached map).

Pavilion Snack bar, Soccer Field

6. Purpose or function for which the permit is requested. Give statement of reasons for exclusive use. Note: Section 12.20.090(b)(c) Fees and Deposits as required.

Annual Red Ribbon Celebration

7. Number of persons expected to attend the function or event. 600 to 1000

8. Will alcoholic beverages be sold? Yes ___ No. X note: if yes, you must apply for and receive a separate permit from the state department of alcohol beverage control, if so, liquor liability insurance is required to be purchased thirty (30) days in advance by the applicant. The Fresno County Sheriff's department must be contacted regarding this application. The City of Mendota parks are tobacco free and alcohol free.

9. Has a promoter been contracted to present, produce, or otherwise be involved in the event, activity or entertainment during the event? Yes ___ No. X. Note: section 12.20.110, if yes, the promoter is required to provide certificate of insurance evidencing liability and property damage limits with a combined single limit of not less than \$1,000,000 with a deductible of nor more than \$500, and shall specify the City of Mendota and applicant as named insured.

<u>10-27-17</u>	<u>6pm - 12mid</u>	<u>FRIDAY</u>
<u>10-28-17</u>	<u>6pm - 12mid</u>	<u>SATURDAY</u>
<u>10-29-17</u>	<u>6pm - 10pm</u>	<u>SUNDAY</u>

10. If a promoter will present, produce, or otherwise be involved in the event, activity or entertainment, state the name, address and telephone number of the promoter and describe his/her/its participation in the event. Note: Section 5.08.030 Amusement Park Rides and Attractions; Section 5.08.300 Musical and Theatrical Shows. The Promoter is required to obtain a business license.

NAME:

ADDRESS:

PARTICIPATION/INVOLVEMENT:

N/A

11. Detailed description of all entertainment and activities, including equipment and vehicles to be used, the nature and times of use of such equipment, and the nature and times of use of any amplified sound equipment.

D.J. Carnival Rides, Food Vendors

12. Will concession stand(s) be used? Yes _____ No. Note: for baseball diamond concession, \$150.00 fee, per league, no exemptions.

13. Will there be an admissions charge to the event? If so, state the exact amount of each ticket \$ 0. State the reason for imposing this admission charge.

14. Will there be a live band at this function? _____ Yes No
(See attached municipal code regarding noise ordinance)

15. State the names and addresses of all persons or groups which will receive any of the proceeds from this event, including concessions, and how those proceeds will be divided among such persons or groups.

Mendota Youth Recreation

16. If this permit application is for all or substantially all of the park area, or all or substantially all of the picnic and bandstand area, state the overriding public interest or special circumstances which justify excluding residents of the City of Mendota from using their public park facilities.

17. I, Sergio Valdez have read the Mendota Municipal Code Chapter 12.20 re: park permits (attached). I understand all of the requirements for conducting an event or activity in the use of the Rojas-Pierce Park or any City facility. I agree on behalf of myself and _____ (name of applicant), the organization on whose behalf this application is made, to indemnify, defend and hold the City of Mendota harmless, from and against any and all claims, actions, suits, and proceedings for money damages or other relief for personal injury, property damage or other losses resulting from or caused by the activity or event for which this permit is issued. The keys to any facility or electrical panel will not be issued until this document is signed by the permittee requesting a facility and/or consent/hold harmless agreements are submitted to city staff and proof of insurance is provided and all fees and deposits are paid.

Signature of Permittee:

[Signature]

DATE:

4-20-17

I, S Valdez, declare I have read and understand the foregoing application and all attachments thereto. I further declare that I will abide by all City, State, County and Federal laws at said event.

Dated: 4-20-17
[Signature]
Signature of Permittee

CITY MANAGER APPROVAL

THIS APPLICATION IS APPROVED / REJECTED FOR USE OF THE _____ ON _____ . THE FOLLOWING CONDITIONS OF APPROVAL SHALL APPLY, MAY INCLUDE POLICE DEPARTMENT REQUIREMENTS.

CITY MANAGER: _____ DATE: _____

*** SECURITY REQUIREMENT OR CONDITIONS AS PER CITY OF MENDOTA POLICE DEPARTMENT:**

PVT. SECURITY REQUIREMENTS:

FRY 10/27: SIX (6) UNIFORMED GUARDS MINIMUM

SAT 10/28: EIGHT (8) UNIFORMED GUARDS MINIMUM

SUN 10/29: SIX (6) UNIFORMED GUARDS MINIMUM

*** ONE (1) POLICE OFFICER & ONE (1) RESERVE POLICE**

POLICE DEPT: [Signature] DATE: 05/15/2017

OFFICER EACH DAY DURING HOURS OF OPERATIONS.

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

DATE: April 20, 2017

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

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

SUBJECT: Proposed adoption of modifications to **Resolution No. 17-31**, ordering a special all mail ballot election to be conducted August 29, 2017, to adopt an ordinance establishing a special parcel tax for public safety; and modifications to **Resolution No. 17-32**, requesting that the Fresno County Board of Supervisors render specified services to the City relating to the conduct of the August 29, 2017, election; and rescinding **Resolution No. 17-33**, establishing drop off centers for the mail ballot election.

Proposed adoption of modifications to **Resolution No. 17-34**, ordering a special all mail ballot election to be conducted August 29, 2017, to adopt an ordinance increasing the sales and use tax for public safety; and modifications to **Resolution No. 17-35**, requesting that the Fresno County Board of Supervisors render specified services to the City relating to the conduct of the August 29, 2017, election; and rescinding **Resolution No. 17-36**, establishing drop off centers for the mail ballot election.

ISSUE:

Consider modifications to Resolutions ordering special election for a special parcel tax for public safety and increase of the sales and use tax for public safety, based on comments and suggestions from the County of Fresno, Registrar of Voters.

BACKGROUND:

The City is seeking to conduct an election on August 29, 2017, by mail-in ballot for a special parcel tax for public safety and increase of the sales and use tax for public safety.

On May 9, 2017, the City Council adopted **Resolution No. 17-31**, ordering a special all mail ballot election to be conducted August 29, 2017, to adopt an ordinance establishing a special parcel tax for public safety; **Resolution No. 17-32**, requesting that the Fresno County Board of Supervisors render specified services to the City relating to the conduct of the August 29, 2017, election; and **Resolution No. 17-33**, establishing drop off centers for the mail ballot election.

At the same meeting, the City Council adopted **Resolution No. 17-34**, ordering a special all mail ballot election to be conducted August 29, 2017, to adopt an ordinance increasing the sales and use tax for public safety; **Resolution No. 17-35**, requesting that the Fresno County Board of Supervisors render specified services to the City relating to the conduct of the August 29, 2017, election; and **Resolution No. 17-36**, establishing drop off centers for the mail ballot election.

Because the resolutions are somewhat complicated, City Staff scheduled the approvals of the resolutions on May 9, 2017, with the notion that the City would subsequently submit the resolutions to the County of Fresno Registrar of Voters, and incorporate any feedback or requested changes into new or modified resolutions for consideration May 23, 2017.

Following the May 9, 2017, meeting, City Staff received feedback from the Registrar of Voters regarding suggested minor modifications to the above resolutions. These comments include:

- Adding language in Resolutions Nos. 17-32 and 17-35 clarifying that the City will render services only if requested by the County of Fresno;
- Rescinding Resolutions Nos. 17-33 and 17-36, in light of the County's request that the election by mail-in ballot be conducted without drop-off centers;
- Shortening the language of Measure A (Special Parcel Tax) that will appear on the ballot; and
- Other minor clarifying language.

DISCUSSION:

City Staff appreciates the feedback received from the County of Fresno, Registrar of Voters. Although most of the edits are minor in scope, City Staff values the feedback received from the County, and desires to present resolutions to the County that resolve County Staff's comments. To address the County's comments, and to ensure the election will proceed as planned on August 29, 2017, City Staff recommends the approval of the modified versions of Resolutions Nos. 17-31, 17-32, 17-34, and 17-35, and the rescission of Resolutions Nos. 17-33 and 17-36.

RECOMMENDATION

Approve the following:

- Modifications to **Resolution No. 17-31**, ordering a special all mail ballot election to be conducted August 29, 2017, to adopt an ordinance establishing a special parcel tax for public safety, previously adopted May 9, 2017.
- Modifications to **Resolution No. 17-32**, requesting that the Fresno County Board of Supervisors render specified services to the City relating to the conduct of the August 29, 2017, election, previously adopted May 9, 2017.

- Modifications to **Resolution No. 17-34**, ordering a special all mail ballot election to be conducted August 29, 2017, to adopt an ordinance increasing the sales and use tax for public safety, previously adopted May 9, 2017.
- Modifications to **Resolution No. 17-35**, requesting that the Fresno County Board of Supervisors render specified services to the City relating to the conduct of the August 29, 2017, election, previously adopted May 9, 2017.

Rescind the following resolutions:

- **Resolution No. 17-33**, establishing drop off centers for the mail ballot election, adopted May 9, 2017.
- **Resolution No. 17-36**, establishing drop off centers for the mail ballot election, adopted May 9, 2017.

Attachments

Ex. "A": [Proposed] modified version of **Resolution No. 17-31**, ordering a special all mail ballot election to be conducted August 29, 2017, to adopt an ordinance establishing a special parcel tax for public safety, previously adopted May 9, 2017.

Ex. "B": [Proposed] modified version of **Resolution No. 17-32**, requesting that the Fresno County Board of Supervisors render specified services to the City relating to the conduct of the August 29, 2017, election, previously adopted May 9, 2017.

Ex. "C": [Proposed] modified version of **Resolution No. 17-34**, ordering a special all mail ballot election to be conducted August 29, 2017, to adopt an ordinance increasing the sales and use tax for public safety, previously adopted May 9, 2017.

Ex. "D": [Proposed] modified version of **Resolution No. 17-35**, requesting that the Fresno County Board of Supervisors render specified services to the City relating to the conduct of the August 29, 2017, election, previously adopted May 9, 2017.

Ex. "E": **Resolution No. 17-33**, establishing drop off centers for the mail ballot election, adopted May 9, 2017.

Ex. "F": **Resolution No. 17-36**, establishing drop off centers for the mail ballot election, adopted May 9, 2017.

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

**A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF MENDOTA, CALIFORNIA,
CALLING FOR A SPECIAL ALL MAIL
BALLOT ELECTION TO BE CONDUCTED
ON AUGUST 29, 2017 TO ADOPT AN
ORDINANCE ESTABLISHING A SPECIAL
PARCEL TAX FOR PUBLIC SAFETY**

RESOLUTION NO. 17-31

WHEREAS, the City of Mendota (the "City") has a duty to provide for the health, safety and welfare of its residents and members of the public; and

WHEREAS, in 2009, the City of Mendota reestablished the Mendota Police Department, and empowered it with the duty and responsibility to protect and serve the community and citizens of Mendota; and

WHEREAS, allocated staffing of law enforcement officers in the Mendota Police Department total twelve permanent full-time personnel; and

WHEREAS, since 2009, Mendota Police Officers have encountered subjects claiming affiliation or association with known criminal gangs; and

WHEREAS, over the past several years, Mendota Police Officers have noticed an increase in violent crimes associated with criminal gang-affiliated subjects; and

WHEREAS, criminal gang-affiliated subjects who reside or have been contacted in the City of Mendota have been connected to locations within the State of California and nationally where criminal activity is associated to them or their criminal gang; and

WHEREAS, the culture of criminal gangs includes criminal activity and the use of intimidation or violence; and

WHEREAS, limited law enforcement resources has a profoundly negative impact upon the health, safety and welfare of the community as a whole; and

WHEREAS, the City has reviewed its economic forecast and determined that without additional revenue, the City will be unable to provide essential public safety services at the level the citizens of the City deserve; and

WHEREAS, without additional funding, the City will have fewer police officers on the street and will reduce gang and drug prevention programs; and

WHEREAS, article XIII A, section 4 of the California Constitution, and Government Code section 50076 authorize a local government, upon approval of two-thirds of the votes cast by the voters voting upon the measure, to levy a qualified special tax for specified purposes; and

WHEREAS, the City Council wishes to call a special municipal election for the submission of a ballot measure to the voters of the City of Mendota to consider and approve a parcel tax on all non-exempt real property parcels within the City of Mendota to pay for essential police protection services (the "Measure"); and

WHEREAS, the subject Measure is referred to herein as the "2017 Ordinance Establishing a Special Parcel Tax for Public Safety"; and

WHEREAS, it is the purpose and intent of this Measure to authorize the levy of a tax on owners of real property within the city limits of the City of Mendota in order to provide additional funding for police protection services; and

WHEREAS, the Measure, and the parcel tax to be established therein, is submitted for approval by the voters under the Authority of, and in compliance with, Government Code Sections 37100.5, 50075, 50077, 53722, 53724, and 53739; and

WHEREAS, the tax is an excise tax and will not be determined according to, nor in any manner based upon, the value of property; rather, it will be based upon the availability of police protection services to properties within the City of Mendota; and

WHEREAS, article XIII C, section 2, subdivision (d) of the California Constitution requires an election to be conducted before any special tax may be renewed or imposed; and

WHEREAS, the City desires to conduct the Public Safety Special Tax Ballot Measure through special election by mail ballot on August 29, 2017.

WHEREAS, Section 2.40.020 of the Mendota Municipal Code authorizes the City Council to conduct an all-mail ballot election under the terms and conditions set forth therein; and

WHEREAS, section 4000, subdivision (c)(2) of the California Elections Code (the "Elections Code") authorizes the City to conduct an election on a special tax measure wholly by mail on an established mailed ballot election date; and

WHEREAS, an election by all-mail ballot is authorized here because the city has fewer than 5,000 registered voters, and the tax contemplated herein is a special tax within the meaning of Section 4 of Article XIII A and Article XIIC of the California Constitution because it will be used for specific purposes; and

WHEREAS, the revenues raised by this tax are to be used solely for the purposes of providing police protection services; and

WHEREAS, because some residents of the City of Mendota within Community Facilities District 2006-1 presently pay special taxes on property for the purpose of

providing police protection services that would be duplicative of the fees collected under the Measure, the City of Mendota intends, upon enactment of the Measure, to dissolve Community Facilities District 2006-1; and

WHEREAS, the City Council recognizes that residentially and non-residentially-developed properties both use police protection services, and that the City Council has thus determined that the tax should be imposed upon both residentially and non-residentially developed properties; and

WHEREAS, although parcels that are unimproved contain no occupants who may avail themselves of police services, such parcels generally require and benefit from some police protection services, and may be the response site of calls for service, and the City Council has therefore determined that the tax should be imposed upon the owners of unimproved parcels, as well; and

WHEREAS, the funds provided from this increase will have strict accountability provisions such as annual independent audits; and

WHEREAS, the State Board of Equalization shall collect the tax from property owners subject to the tax and remit the funds to the City; and

WHEREAS, the City Council has held a public hearing after due notice regarding the proposed authorization of the qualified special tax.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Mendota as follows:

SECTION 1. A special municipal all mail ballot election is hereby called on August 29, 2017.

SECTION 2. The City Council requests of the Fresno County Board of Supervisors that the election for this measure conducted by mail ballot on August 29, 2017, pursuant to Elections Code sections 4000 and 1500.

SECTION 3. At the special municipal all mail ballot election called pursuant to Section One of this Resolution, the following question shall be submitted to the registered voters of the City of Mendota:

<p>MEASURE A</p>	<p>YES</p>
<p>ORDINANCE ESTABLISHING SPECIAL PARCEL TAX FOR PUBLIC SAFETY</p> <p>To support local law enforcement activities, shall an ordinance be adopted imposing an annual special parcel tax amounting to: (i) \$400/unit upon developed multi-family residences or apartments; (ii) \$500/unit upon all other developed parcels; (iii) \$100/ unit upon developed parcels for senior citizens; (iv) \$50/unit upon undeveloped parcels for senior citizens; and (v) \$100/ parcel for all other undeveloped parcels?</p>	<p>NO</p>

SECTION 4. The following constitutes the synopsis of the measure to be voted on for purposes of meeting the publication requirements of Elections Code section 12111:

MEASURE TO BE VOTED ON

Notice is hereby given that the following measure is to be voted on at the general municipal election to be held in the City of Mendota, on August 29, 2017.

ADOPTION OF ORDINANCE ESTABLISHING A SPECIAL TAX FOR PUBLIC SAFETY.

The proposed ordinance would approve the assessment of a new special tax dedicated and expended only for purposes of providing local law enforcement services. The authority to levy the tax would continue in perpetuity. The current property tax ordinance would otherwise remain unchanged.

City Elections Official

Dated: _____

City of Mendota

SECTION 5. The full text of the ordinance submitted to the voters is attached as Exhibit "A." The full text of the proposed ordinance is not required to be printed in the Sample Ballot and Voters Pamphlet. However, the full text of the measure shall be made available at the Office of the Fresno County Clerk/Registrar of Voters and the Mendota City Clerk's Office.

SECTION 6. Passage of this measure requires a two-thirds majority of votes.

SECTION 7. The City of Mendota respectfully requests that the Fresno County Clerk/Registrar of Voters conduct the election and canvass the returns, and the City consents to reimburse the Registrar of Voters for all costs incurred by said services.

SECTION 8. The City of Mendota also respectfully requests that the letter designation "Measure A" be assigned to this Measure by the Registrar if such letter designation is available.

SECTION 9. In all particulars not recited in this resolution, the election shall be held and conducted as provided by law for holding municipal elections.

SECTION 10. Arguments in favor or against the proposed measure are permissible and shall be filed with the Fresno County Clerk/Registrar in accordance with Elections Code Section 9282. Mayor Castro and Mayor Pro Tem Victor Martinez are authorized to prepare and file a written argument in favor of the proposed measure not to exceed 300 words on behalf of the City Council. In the event that an argument is filed against the Measure, they are also authorized to submit a rebuttal argument on behalf of the City Council.

SECTION 11. The Fresno County Clerk/Registrar of Voters shall give the appropriate notices for the election and shall conduct the election pursuant to appropriate provisions of state law. The City of Mendota acknowledges the Fresno County Clerk/Registrar may conduct the election in accordance with Elections Code 10418.

SECTION 12. The City Attorney shall prepare an impartial analysis of the measure in accordance with Elections Code Section 9280 and file it with the Fresno County Clerk/Registrar of Voters.

SECTION 13. The City Clerk shall file a certified copy of this resolution with the Fresno County Clerk/Registrar of Voters as required by applicable law. The City Clerk is hereby authorized and directed to work with the Fresno County Clerk/Registrar of Voters and take all steps necessary to cause placement of the Measure on the ballot.

SECTION 14. The City Clerk and City Attorney are authorized to make any typographical, clerical, non-substantive corrections to this resolution as may be deemed necessary by the Fresno County Clerk/Registrar of Voters.

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 23rd day of May, 2017, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Matt Flood, City Clerk

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

**A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF MENDOTA REQUESTING
THE BOARD OF SUPERVISORS TO RENDER
SPECIFIED SERVICES TO THE CITY OF
MENDOTA RELATING TO THE CONDUCT OF
THE ALL MAIL BALLOT ELECTION TO BE
HELD ON AUGUST 29, 2017: SPECIAL
PARCEL TAX FOR PUBLIC SAFETY**

RESOLUTION NO. 17-32

WHEREAS, a special all mail ballot election is to be held in the City of Mendota on August 29, 2017; and

WHEREAS, in the course of conducting the special election, it is necessary for the City of Mendota to request services of the County of Fresno.

NOW THEREFORE the City Council of the City of Mendota does hereby resolve, declare, determine and order as follows:

Section 1. That pursuant to Section 10002 of the Elections Code of the State of California, the Board of Supervisors of the County of Fresno is hereby requested to permit the Registrar of Voters to render the following services to the City of Mendota, and to the extent the County of Fresno directs the City of Mendota to perform such services, in connection with the conduct of the special election to be held on August 29, 2017, to adopt an Ordinance Establishing a Special Parcel Tax for Public Safety:

- Prepare and furnish to the City of Mendota for use in conducting the election the computer record of the names and addresses of all eligible registered voters in the City of Mendota, to assist the City Clerk for the City of Mendota in conducting an all-mail ballot election; and
- Tabulate and certify the results of the election pursuant to state law; and
- Make available to the City of Mendota additional election equipment and assistance according to state law; and
- Print the official ballot; and
- Supervise and conduct the election; and
- Perform all acts necessary or incidental to the above functions as may be requested from time-to-time by the City Clerk for the City of Mendota.

SECTION 2. That pursuant to Resolution No. 17-31, the City Council for the City of Mendota has directed that this election be conducted as an all-mail ballot election.

SECTION 3. That the City of Mendota shall reimburse the County of Fresno for services performed when the work is completed and upon presentation to the City of Mendota a properly prepared invoice.

SECTION 4. That the City Clerk for the City of Mendota is directed to forward a certified copy of this Resolution to the Clerk of the County of Fresno Board of Supervisors and the Elections Department of the County of Fresno.

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 23rd day of May, 2017, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Matt Flood, City Clerk

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

A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF MENDOTA
ESTABLISHING DROP OFF CENTERS FOR
THE MAIL BALLOT ELECTION CALLED BY
RESOLUTION NO. 17-31 [CALLING FOR
ELECTION ON SPECIAL PARCEL TAX]

RESOLUTION NO. 17-33

WHEREAS, a special election to be held on August 29, 2017, has been called by Resolution No. 17-31, adopted by the City Council for the City of Mendota; and

WHEREAS, it is necessary to establish certain locations where a voter may return the mail ballot in person rather than returning the mail ballot by United States mail.

NOW THEREFORE the City Council of the City of Mendota does hereby resolve, declare, determine and order as follows:

SECTION 1. That for purpose of holding the special election called by Resolution No. 17-31, there is established the following drop off centers in addition to the office of the County Elections Official.

Drop Off Center No. 1:

City Hall
643 Quince Street
Mendota, CA 93640

Drop Off Center No. 2:

Mendota Senior Center
415 Sorensen
Mendota, CA 93640

SECTION 2. That the county elections office shall be available for voters to drop off voted ballots Monday-Friday, from 8:30 a.m. to 5:00 p.m.

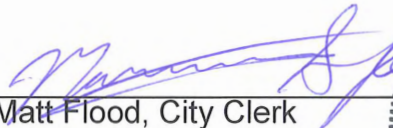


Victor Martinez, Mayor Pro Tem

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 9th day of May, 2017, by the following vote:

AYES: 4 – Mayor Pro Tem Martinez, Councilors Mendoza, Rosales, and Silva.
NOES: 0
ABSENT: 1 – Mayor Castro.
ABSTAIN: 0



Matt Flood, City Clerk



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

**A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF MENDOTA, CALIFORNIA,
ORDERING A SPECIAL ALL MAIL BALLOT
ELECTION TO BE CONDUCTED ON
AUGUST 29, 2017 TO ADOPT AN ORDINANCE
INCREASING THE SALES AND USE TAX
FOR PUBLIC SAFETY**

RESOLUTION NO. 17-34

WHEREAS, the City of Mendota (the “City”) has a duty to provide for the health, safety and welfare of its residents and members of the public; and

WHEREAS, in 2009, the City of Mendota reestablished the Mendota Police Department, and empowered it with the duty and responsibility to protect and serve the community and citizens of Mendota; and

WHEREAS, allocated staffing of law enforcement officers in the Mendota Police Department total twelve permanent full-time personnel; and

WHEREAS, since 2009, Mendota Police Officers have encountered subjects claiming affiliation or association with known criminal gangs; and

WHEREAS, over the past several years, Mendota Police Officers have noticed an increase in violent crimes associated with criminal gang-affiliated subjects; and

WHEREAS, criminal gang-affiliated subjects who reside or have been contacted in the City of Mendota have been connected to locations within the State of California and nationally where criminal activity is associated to them or their criminal gang; and

WHEREAS, the culture of criminal gangs includes criminal activity and the use of intimidation or violence; and

WHEREAS, limited law enforcement resources has a profoundly negative impact upon the health, safety and welfare of the community as a whole; and

WHEREAS, the City has reviewed its economic forecast and determined that without additional revenue, the City will be unable to provide essential public safety services at the level the citizens of the City deserve; and

WHEREAS, without additional funding, the City will have fewer police officers on the street and will reduce gang and drug prevention programs; and

WHEREAS, California Revenue and Taxation Code section 7285.9 authorizes the City to levy or increase a sales and use tax for special purposes by ordinance

following approval by two-thirds of the City Council and a majority vote of the qualified electors of the City voting in an election on the issue; and

WHEREAS, the funds provided from this increase will have strict accountability provisions such as annual independent audits; and

WHEREAS, the City Council desires to submit to the voters of the City of Mendota a ballot measure proposal to increase the existing rate of the Sales and Use Tax; and

WHEREAS, increase of the Sales and Use Tax requires adoption of an ordinance amending Section 3.12.020 of the Mendota Municipal Code defining the new rate to be 1.980%; and

WHEREAS, the increased Sales and Use tax will be dedicated exclusively to public safety; and

WHEREAS, the State Board of Equalization shall collect the tax from retailers subject to the tax and remit the funds to the City; and

WHEREAS, any tax measure submitted to voters must be consolidated with a regularly scheduled general election for members of City Council except in cases of emergency as determined by a unanimous vote of the Council pursuant to article XIII C of the Constitution; and

WHEREAS, the City desires to conduct the Public Safety Sales Tax Ballot Measure (the "Measure") through special election by mail ballot on August 29, 2017; and

WHEREAS, the subject Measure is referred to herein as the "2017 Ordinance Increasing the Sales and Use Tax for Public Safety"; and

WHEREAS, Section 2.40.020 of the Mendota Municipal Code authorizes the City Council to conduct an all-mail ballot election under the terms and conditions set forth therein; and

WHEREAS, section 4000, subdivision (c)(2) of the California Elections Code (the "Elections Code") authorizes the City to conduct an election on a special tax measure wholly by mail on an established mailed ballot election date; and

WHEREAS, an election by all-mail ballot is authorized here because the city has fewer than 5,000 registered voters, and the tax contemplated herein is a special tax within the meaning of Section 4 of Article XIII A and Article XIIC of the California Constitution because it will be used for specific purposes; and

WHEREAS, the revenues raised by this tax are to be used solely for the purposes of providing police protection services; and

WHEREAS, the City Council has held a public hearing after due notice regarding the proposed authorization of the qualified special tax.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Mendota as follows:

SECTION 1. The City Council submits to the voters of the City of Mendota at the special municipal election to be held on August 29, 2017, a ballot measure for increasing the Sales and Use Tax.

SECTION 2. The City Council requests of the Fresno County Board of Supervisors that the election for this measure conducted by mail ballot on August 29, 2017, pursuant to Elections Code sections 4000 and 1500.

SECTION 3. The question to be submitted to the voters with respect to the ballot measure shall be printed on the election ballot with the title and in the form set forth as follows:

MEASURE B ORDINANCE INCREASING THE SALES AND USE TAX FOR PUBLIC SAFETY To provide additional funding for local law enforcement services, shall the ordinance increasing the City's Sales and Use Tax from .980% to 1.980% which will raise approximately \$500,000 annually be adopted?	YES
	NO

SECTION 4. The following constitutes the synopsis of the measure to be voted on for purposes of meeting the publication requirements of Elections Code Section 12111:

MEASURE TO BE VOTED ON

Notice is hereby given that the following measure is to be voted on at the general municipal election to be held in the City of Mendota, on August 29, 2017.

ADOPTION OF ORDINANCE APPROVING INCREASE OF TRANSACTIONS AND USE (SALES) TAX FROM CURRENT RATE .980% TO 1.980% FOR PUBLIC SAFETY.

The proposed ordinance would approve the increase of the City's current sales and use tax rate (.980%) by one percent (1.980%). The funds raised through the one percent increase shall be dedicated to and expended only for purposes of providing local law enforcement services. The authority to levy the tax would continue in perpetuity. Otherwise, the current sales tax ordinance would otherwise remain unchanged.

City Elections Official

Dated: _____

City of Mendota

SECTION 5. The full text of the ordinance submitted to the voters is attached as Exhibit "A." The full text of the proposed ordinance is not required to be printed in the Sample Ballot and Voters Pamphlet. However, the full text of the measure shall be made available at the Office of the Fresno County Clerk/Registrar of Voters and the Mendota City Clerk's Office.

SECTION 6. Passage of this measure requires a two-thirds majority of votes.

SECTION 7. The City of Mendota requests that the Fresno County Clerk/Registrar of Voters conduct the election and canvass the returns, and the City consents to reimburse the Registrar of Voters for all costs incurred by said services.

SECTION 8. The City of Mendota also respectfully requests that the letter designation "Measure B" be assigned to this Measure by the Registrar if such letter designation is available.

SECTION 9. In all particulars not recited in this resolution, the election shall be held and conducted as provided by law for holding municipal elections.

SECTION 10. Arguments in favor or against the proposed measure are permissible and shall be filed with the Fresno County Clerk/Registrar in accordance with Elections Code Section 9282. Mayor Castro and Mayor Pro Tem Victor Martinez are authorized to prepare and file a written argument in favor of the proposed measure not to exceed 300 words on behalf of the City Council. In the event that an argument is filed against the Measure, they are also authorized to submit a rebuttal argument on behalf of the City Council.

SECTION 11. The Fresno County Clerk/Registrar of Voters shall give the appropriate notices for the election and shall conduct the election pursuant to appropriate provisions of state law. The City of Mendota acknowledges the Fresno County Clerk/Registrar may conduct the election in accordance with Elections Code 10418.

SECTION 12. The City Attorney shall prepare an impartial analysis of the measure in accordance with Elections Code Section 9280 and file it with the Fresno County Clerk/Registrar of Voters.

SECTION 13. The City Clerk shall file a certified copy of this resolution with the Fresno County Clerk/Registrar of Voters as required by applicable law. The City Clerk is

hereby authorized and directed to work with the Fresno County Clerk/Registrar of Voters and take all steps necessary to cause placement of the Measure on the ballot.

SECTION 14. The City Clerk and City Attorney are authorized to make any typographical, clerical, non-substantive corrections to this resolution as may be deemed necessary by the Fresno County Clerk/Registrar of Voters.

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 23rd day of May, 2017, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Matt Flood, City Clerk

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

**A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF MENDOTA REQUESTING
THE BOARD OF SUPERVISORS TO RENDER
SPECIFIED SERVICES TO THE CITY OF
MENDOTA RELATING TO THE CONDUCT
OF THE ALL MAIL BALLOT ELECTION
TO BE HELD ON AUGUST 29, 2017:
ORDINANCE INCREASING THE SALES
AND USE TAX FOR PUBLIC SAFETY**

RESOLUTION NO. 17-35

WHEREAS, a special all mail ballot election is to be held in the City of Mendota on August 29, 2017; and

WHEREAS, in the course of conducting the special election, it is necessary for the City of Mendota to request services of the County of Fresno.

NOW THEREFORE the City Council of the City of Mendota does hereby resolve, declare, determine and order as follows:

Section 1. That pursuant to Section 10002 of the Elections Code of the State of California, the Board of Supervisors of the County of Fresno is hereby requested to permit the Registrar of Voters to render the following services to the City of Mendota, and to the extent the County of Fresno directs the City of Mendota to perform such services, in connection with the conduct of the special election to be held on August 29, 2017, to adopt an Ordinance Increasing the Sales and Use Tax for Public Safety:

- Prepare and furnish to the City of Mendota for use in conducting the election the computer record of the names and addresses of all eligible registered voters in the City of Mendota, to assist the City Clerk for the City of Mendota in conducting an all-mail ballot election; and
- Tabulate and certify the results of the election pursuant to state law; and
- Make available to the City of Mendota additional election equipment and assistance according to state law; and
- Print the official ballot; and
- Supervise and conduct the election; and
- Perform all acts necessary or incidental to the above functions as may be requested from time-to-time by the City Clerk for the City of Mendota.

SECTION 2. That pursuant to Resolution No. 17-34, the City Council for the City of Mendota has directed that this election be conducted as an all-mail ballot election.

SECTION 3. That the City of Mendota shall reimburse the County of Fresno for services performed when the work is completed and upon presentation to the City of Mendota a properly prepared invoice.

SECTION 4. That the City Clerk for the City of Mendota is directed to forward a certified copy of this Resolution to the Clerk of the County of Fresno Board of Supervisors and the Elections Department of the County of Fresno.

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 23rd day of May, 2017, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Matt Flood, City Clerk

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

A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF MENDOTA
ESTABLISHING DROP OFF CENTERS FOR
THE MAIL BALLOT ELECTION CALLED BY
RESOLUTION NO. 17-34 [CALLING FOR
ELECTION ON SALES & USE TAX]

RESOLUTION NO. 17-36

WHEREAS, a special election to be held on August 29, 2017, has been called by Resolution No. 17-34, adopted by the City Council for the City of Mendota; and

WHEREAS, it is necessary to establish certain locations where a voter may return the mail ballot in person rather than returning the mail ballot by United States mail.

NOW THEREFORE the City Council of the City of Mendota does hereby resolve, declare, determine and order as follows:

SECTION 1. That for purpose of holding the special election called by Resolution No. 2017-34, there is established the following drop off centers in addition to the office of the County Elections Official.

Drop Off Center No. 1:

City Hall
643 Quince Street
Mendota, CA 93640

Drop Off Center No. 2:

Mendota Senior Center
415 Sorensen
Mendota, CA 93640

SECTION 2. That the county elections office shall be available for voters to drop off voted ballots Monday-Friday, from 8:30 a.m. to 5:00 p.m.

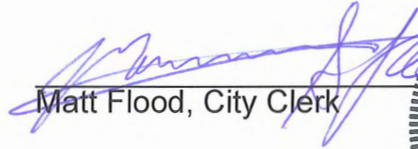


Victor Martinez, Mayor Pro Tem

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 9th day of May, 2017, by the following vote:

AYES: 4 – Mayor Pro Tem Martinez, Councilors Mendoza, Rosales, and Silva.
NOES: 0
ABSENT: 1 – Mayor Castro.
ABSTAIN: 0


Matt Flood, City Clerk



AGENDA ITEM – STAFF REPORT

TO: HONORABLE MAYOR AND COUNCILORS
FROM: MATT FLOOD, ECONOMIC DEVELOPMENT MANAGER
VIA: VINCE DIMAGGIO, CITY MANAGER
SUBJECT: SECOND READING, PUBLIC HEARING, AND ADOPTION OF ORDINANCE NO. 17-09, THE LANDLORD ACCOUNTABILITY ACT
DATE: MAY 23, 2017

ISSUE

Shall the City Council conduct the second reading and public hearing of, and adopt Ordinance No. 17-09, the “Landlord Accountability Act”?

BACKGROUND

The Council performed the first reading and took public comment on this ordinance at its April 25th and May Council Meetings. As discussed at these meetings, the City of Fresno recently passed an ordinance to hold landlords accountable when they do not fulfill their duty to keep their properties clean and maintained. Because of problems they have faced in their city and the measures that their ordinance proposed, it received overwhelming support from different sectors of the community.

Due to issues and complaints received by residents in our community, the Planning Commission, and the City Council over the years, staff has formulated an ordinance with the same intention that has the potential to be implemented by our staff here in Mendota. This “potential” is further explained in the “Analysis” section.

At the April 25th Meeting, the City Council requested that staff insert a subsection in the portion of the Ordinance that deals with appeals (proposed subsection MMC 8.28.110[C]) to make it abundantly clear that any party that has gone through the appeals process may eventually appeal to the Council. These were added and the first reading was performed at the May 9th Council Meeting.

ANALYSIS

As previously discussed, the proposed ordinance would add Chapter 8.28 to the Mendota Municipal Code (MMC). This Chapter would do three principal things:

- Emphasize the role landlords have in complying with health and safety standards concerning the units they lease
- Establish a procedure by which City staff would schedule inspections
- Provide locally enforced penalties for not complying with these standards

The way it is currently envisioned to work is that a party makes a formal report (including the exact location of the violation and a description of what the violation is), staff reports to the site to perform an inspection, and, based on the results of the inspection, a determination is made regarding corrections. This determination will consist of a Correction Notice that will give the landlord a certain reasonable amount of days (dependant on the work needed to be done), and if it is not done within that timeframe, the penalties listed in Section 8.28.100 will apply.

However, the potential of this ordinance to be enforced (referenced in the “Background” section), thereby reaching its maximum effectiveness, will depend on how many resources are allocated to staffing, since an ordinance of this nature, once it is in full effect, will require at least one staff member dedicated completely to this operation. That is why staff crafted an ordinance that is reactive in nature, providing flexibility and discretion in enforcement, since the history of Mendota’s staffing levels has fluctuated depending on perceived priorities.

FISCAL IMPACT

Dependant on the level of attention and resources allocated to the implementation of this ordinance, minor to moderate expenditure impacts due to staff conducting inspections, and minor revenues from fines for non-compliance.

RECOMMENDATION

Staff recommends that the Mayor perform the public hearing, that the Council conduct the second reading, and adopt Ordinance No. 17-09.

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

**AN ORDINANCE OF THE CITY COUNCIL
OF THE CITY OF MENDOTA, CALIFORNIA,
ADDING CHAPTER 8.28 TO THE
MENDOTA MUNICIPAL CODE, THE
“LANDLORD ACCOUNTABILITY ACT”**

ORDINANCE NO. 17-09

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

WHEREAS, the City Council finds that within the community of Mendota there exists a preponderance of rented or leased housing that, due to negligence by the landlord or their agent, is in a substandard condition or otherwise not appropriate for reasonably comfortable human habitation; and

WHEREAS, the existence and continued support of such housing practices is not only a hazard to the health and welfare of the residents of Mendota, but a blight to the reputation of our City; and

WHEREAS, the exposition of significant cases in and around Mendota has brought to light the widespread practice of marginal property management methods that have put at risk the health and safety of surrounding dwellings; and

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

SECTION 1. Chapter 8.28 of the Mendota Municipal Code is added, known hereby as the “Landlord Accountability Act”, and shall read:

8.28.010 – Purpose and Intent

It is the purpose and intent of this chapter to protect the health, safety, and general welfare of Mendota residents by emphasizing the importance of maintaining residential rental properties free of substandard living situations and to provide the City programmatic procedures and resources to facilitate and ensure correction when such situations are present.

It is also the purpose of this Chapter to provide a manner for residents within the City Limits to report, receive assistance with, and follow up on situations within their dwelling that pose a health and safety risk, especially to the most vulnerable populations, such as children and the elderly.

8.28.020 – 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 conflict or supplant any Federal, State or other law that applies to housing, 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.

8.28.030 – Definitions

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

“Director” shall mean the City Manager, or his or her designee.

“City” shall mean the City of Mendota and/or any agent hired to implement this article.

“Code” shall mean the Mendota Municipal Code unless otherwise specified.

“Health and Safety Standards” shall mean the standards set forth in California Civil Code 1941.1.

“Owner” means the person or entity identified and listed as having title by the latest property tax assessment roll, maintained by the Fresno County Assessor.

“Property” or “Residential Rental Property” means any lot or parcel of land containing Residential Rental Units, and all improvements thereon, including common areas.

“Residential Rental Unit” means any structure or part of a structure that is used or may be used by one or more persons as a home, residence, dwelling, or sleeping place for longer than thirty days, including single family dwellings, duplexes, triplexes, or multi-family (four units or more) residential buildings, or the residential component of any mixed-uses, which is not an owner occupied unit, including rooming houses, boarding houses, apartment units, condominium units, and single room occupancies, but excluding: (1) mobile home parks; (2) any dwelling unit in a building that is properly registered pursuant to Chapter 8.30 of this Code; (3) hotels, motels, and bed and breakfasts used for transient lodging; (4) any rental units in a state licensed hospital, hospice, community care facility, intermediate care facility, or nursing home; (5) rental housing units owned, managed or operated by an educational, religious, or medical institution, or by a third party for an educational, religious, or medical institution, when units are used for the sole purpose of

housing employees, students, clergy, patients, or others directly related to the operation or service of the institution; and (6) any temporary structure illegally established or inhabited that does not comply with the provisions of Title 15 of this Code and that qualifies as a Public Nuisance pursuant to any of the subsections of Section 8.20.050 of this Code.

“Tenant’s Affirmative Obligations” shall mean the standards set forth in California Civil Code 1941.2. An Inspector’s determination that a tenant is or is not in substantial violation of Tenant’s Affirmative Obligations, or the cause of the existence of a dilapidation or violation, or interferes substantially with the Owner’s obligation to effect necessary maintenance or repairs is not intended as evidentiary proof of the condition of the unit, and shall be used only for purposes of implementing and enforcing this article.

8.28.40 – Scope

- A. The provisions of this article shall apply to all Residential Rental Units located within the city.**
- B. Provisions of this article shall be supplementary and complementary to all of the provisions of this Code, and any local, state or federal law. Nothing herein shall be construed or interpreted to limit any existing right or power of the city to abate and prosecute any and all nuisances or to enforce any other conditions in violation of state or local laws, including but not limited to any building, housing, property maintenance, and public nuisance law.**

8.28.050 – Inspections and Compliance with Applicable Codes and Standards

- A. Inspections. The Director, or his or her designee, hereinafter referred to as the Inspector, is authorized to inspect all Residential Rental Units to determine whether such Residential Rental Units meet minimum Health and Safety Standards.**
- B. Number of Units Inspected. Where there exists more than four Residential Rental Units on a Residential Rental Property, the Inspector may choose a percentage of representative units to inspect.**
- C. Compliance with Codes and Standards. Residential Rental Units shall be required to be in conformance and maintained in accordance with the code standard that was in effect at the time the Residential Rental Unit was constructed, substantially altered, or remodeled, erected, or converted, except for any additional requirements mandated by this Code or state law.**

8.28.060 – Cause of Inspection

- A. The City may perform an inspection (i) whenever probable cause exists that any Residential Rental Units do not conform to any requirement of the Code or state law, or (ii) to perform a baseline inspection to determine compliance with the requirements of the Code or state law. For purposes of prioritizing baseline inspections, the City shall have the right to select those properties it has identified as having frequent health and safety code violation, and inspect those Properties first when implementing the program.**
- B. In the event that the owner or party in control of the property does not give consent to the Inspector to enter the premises and carry out an investigation, the City shall contact the owner via written correspondence and notify them that they have 7 days to comply with the request of the Inspector to allow access to the premises for an inspection. In case of refusal, the City Attorney shall procure a warrant for the completion of such. If the City discovers a violation of Health and Safety codes in such a property, the City shall have the right to recover costs related to any administrative or legal processes undertaken in order to gain access to the premises.**

8.28.70 – Exemption from Requirements of Inspection

- A. Any Owner that has their Residential Rental Property managed by a professional property management company licensed by the State of California, can submit an application to exempt those properties managed by said company from the inspections required in this Chapter.**
- B. Upon submittal of an application for exemption, the Inspector shall inspect the subject property pursuant to 8.28.050(B) of this Chapter and determine if the property complies in keeping with the Purpose and Intent of this Chapter. That application shall last three years, until a change of ownership, or until a change in the company that manages the property, whichever comes first.**
- C. Exemption forms shall be signed under penalty of perjury. It shall be unlawful to knowingly falsify any material information on a self-certification form, and any such falsification may be prosecuted as a misdemeanor.**

8.28.80 – Content, Time, and Compliance for Correction

- A. Correction Notices.**
 - 1. Whenever it is determined by the Inspector that a violation of Health and Safety Standards exists, the Inspector shall**

issue a written correction notice. The notice shall contain a description of the violation, the specific action required to correct the violation, and a demand the violations be corrected within the specified time period listed in the notice. The notice shall contain the scheduled re-inspection date and time, and shall otherwise comply with any pertinent Regulations promulgated pursuant to Section 8.28.090 of this Code.

2. The notice shall provide a reasonable time for correction. The time shall depend on the time it would take a reasonably diligent person to complete the required action; the potential harm to the public welfare, health and safety; the harm to the tenant or nearby properties; and the extent of the corrections required. Certain imminently dangerous life-safety violations in occupied units shall require immediate correction.
3. Compliance re-inspections shall be conducted to verify the violations identified on the correction notice have been abated. Violations that were not noted on the initial correction notice but are discovered during any re-inspection due to subsequent activities, damage or deterioration, shall be subject to correction.

8.28.090 – Rules, Regulations, and Operating Procedure

- A. The City Manager may make rules and regulations enforceable hereunder, which are not inconsistent with the provisions of this article and which may be necessary or desirable to aid in the administration or enforcement of the provisions of this article.

8.28.100 – Violations and Penalties

- A. If, after a correction notice has been issued in accordance with subsection 8.28.080(A) and the Owner fails to correct the violations, the Owner will be assessed the following penalties:
 1. A fine of \$100 per unit not in compliance.
 2. An additional fine of \$250 per unit not in compliance if the unit is not corrected within 15 days from the deadline given.
 3. An additional fine of \$500 per unit not in compliance if the

unit is not corrected in 30 days from the deadline.

4. An additional fine of \$500 per unit for every 30 days that passes thereafter in which the unit is not corrected.
- B. The violation may be declared a public nuisance and the City may proceed with all remedies available under law to compel compliance, including, but not limited to, execution of the actions and procedures contained in Chapter 8.20 of this Code, issuing administrative citations, abatement proceedings, civil injunction, and/or criminal prosecution, or any combination of remedies, so long as violations are not caused by tenant's breach of Tenant's Affirmative Obligations, and may recover its costs through the process outlined in Section 8.20.150 of this Code or by any other legal means.
 - C. Additionally, in any other action or proceeding brought by the City to enforce this article, the City shall be entitled to recover its costs, including attorney's fees, when it is the prevailing party. The City Attorney, working in consultation with the Director, may charge any violation of this ordinance as either an infraction or a misdemeanor.
 - D. If it is found that a false statement was made in the fulfillment of the requirements contained in Section 8.28.070 of this Code, a fine of \$250 shall be issued to the signer of the application, in addition to any other remedies that may be available.

8.28.110 – Appeals

- A. The Owner of a Residential Rental Unit or a party with a legal property interest in the unit may file an appeal in writing with the City Manager on any action taken pursuant to this Chapter within 15 days of said action. Upon submittal of the appeal, the City Manager or his/her designee will review the facts of the case and make a determination whether to grant a hearing. If a hearing is denied, the City Manager shall notify the appealing party in writing.
- B. Any hearing granted under this Chapter shall be scheduled within 15 days of the City Manager having received the appeal, and a written decision shall be rendered and sent to the appealing party within 5 days after the scheduled hearing.
- C. If the owner wishes to appeal the decision of the City Manager, the owner shall submit, within 15 days of the City Manager's determination, a written request to have the appeal heard at the next regular City Council Meeting. The decision of the City Council shall be final.

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 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 4. 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 5. 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 6. 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 9th day of May, 2017 and duly passed and adopted by the City Council of the City of Mendota at a regular meeting thereof held on the 23rd day of May, 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

PUBLIC WORKS REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS
FROM: CRISTIAN GONZALEZ, PUBLIC WORKS DIRECTOR
VIA: VINCE DIMAGGIO, CITY MANAGER
SUBJECT: PUBLIC WORKS MONTHLY REPORT
DATE: MAY 23, 2017

STREETS AND ROADS

- Street sweeping continues as usual. The City street sweeper was down for a couple of weeks. To assure sweeping schedules were met, staff used contract sweeper.
- Crews will continue addressing potholes citywide along with right of way weed abatement.
- The 7th and Derrick realignment project bid opening is set for June 8th. This work is scheduled to commence in the early summer.

PARKS AND PUBLIC BUILDINGS

- Public Works continues to maintain the parks for the community. Staff has focused on trimming at all parks, including the Pool Park.
- Benches and structures at the Pool Park have been given a fresh coat of paint.
- The stadium lights at the Benny Mares Baseball Diamond are being repaired. There are a few of them not operating.

DRINKING WATER

- Meter reads are complete.
- The city's Automated Water Meter conversion project continues to move forward. Staff is working with DWR to finalize the financial package. Formal award of the grant funds should take place late July with construction specifications and plans to follow in order to go to bid.

WASTE WATER

- Monthly samples have been submitted.
- Crews continue to transfer water from semi-full ponds to shallow empty ponds to build up capacity and increase evaporation.
- The Fresno Slough water levels adjacent to the waste water treatment plant are not concerning at this point. Work was done to the levees to prevent flooding.

ANIMAL CONTROL

- Animal Control Department acquired a newer animal control vehicle. Staff hopes to have it painted before it is used full time in the department.
- Animals impounded: 30
- Animals euthanized: 29
- Animals redeemed by owner: 1
- Graffiti abated: 2
- Citations issued: 3

ADULT OFFENDER WORK PROGRAM

- AOWP continue working on public right of ways and alley weed abatement, including all tree-wells and City owned lots and the Pool Park.

BUILDING PERMITS ISSUED

- A list of new permits is attached to the report.

PLANNING

- No significant planning updates.

STAFFING FOR PUBLIC WORKS

- 13 full time employees
- 3 part time employees
- 9 Proteus employees

FUEL STOCK

- Unleaded: 5,244 gallons
- Diesel: 1,344 gallons

Permits Issued

Report Date Range : 04/20/2017 to 05/17/2017

Permit #	Type of Permit	Date Issued	Job Address
20170094	434(a) NEW PATIO 260 SQFT PER APPROVED PLAN	4/21/2017	260 Holmes Ave
20170095	434(a) 40 GALLON WATER HEATER REPLACEMENT	4/21/2017	217 Espinoza St
20170096	434(a) 40 GALLON WATER HEATER REPLACEMENT	4/21/2017	647 Perez St
20170098	434(b) FULL CUT IN A/C 3.5 TON PER APPROVED PLAN	5/4/2017	741 H St
20170099	434(a) SHED FOR TOOLS- 108 SQFT PER APPROVED PLAN	5/4/2017	411 BANDONI CT
20170100	437(a) INSTALL 3 NEW ANTENNAS ON EXISTING MOUNTS 3 NEW RRELS 11 DIPLEXES ON NEW H-FRAME REPLACE 3 TIME UPGRADE BREAKER TO 60A/2POLE & CONC TO MIN 1" W/3 #6 THWN CU AND (1) #8 THWN CU GRND	5/4/2017	468 Oller St
20170101	434(a) RE-ROOF 1300 SQ FT PER APPROVED PLAN SHINGLES - 5/12 PITCH	5/5/2017	425 L St
20170102	329(b) INSTALL 20 MODULES OF SOLAR MAIN PANEL DE-RATE 100 AMP	5/8/2017	651 Lozano St
20170103	329(b) 22 PHOTOVOTAIC MODULES INSTALLED- MAIN PANEL DE-RATE	5/8/2017	327 Blanco St
20170104	434(a) NEW PATIO 312 SQFT PER APPROVED PLAN	5/8/2017	297 Marie St
20170105	434(a) NEW PATIO 180 SQFT PER APPROVED PLAN	5/10/2017	315 Blanco St
20170106	434(a) NEW PATIO 180 SQFT PER APPROVED PLAN	5/10/2017	411 BANDONI CT
20170107	434(a) RE-ROOF 1400 SQ FT PER APPROVED PLAN REPLACE EXISTING COMPOSITION PITCH 4:12 50% MORE ADDED FOR WORKING WITHOUT A PERMIT	5/11/2017	280 Black Ave
20170108	645 DEMOLISH OLD HOME 1112 SQ FT PER APPROVED PLAN	5/16/2017	680 Divisadero St

Permits Issued

Report Date Range : 04/20/2017 to 05/17/2017

Permit #	Type of Permit	Date Issued	Job Address	Developer / Owner
Total Number of Permits List		14		