



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

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 April 25, 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. 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.

BUSINESS

1. Introduction and first reading 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 floor to receive any comment from the public*
 - d. *Council provide any input and waive the first reading of Ordinance No. 17-09, setting the public hearing for May 23rd.*
2. Council discussion and direction to staff on the City's policy on Code Enforcement.
 - a. *Receive report from City Manager DiMaggio*
 - 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*

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.
 - 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 **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.
 - 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*

DEPARTMENT REPORTS AND INFORMATIONAL ITEMS

1. Code Enforcement
 - a) Monthly Report

2. Police Department
 - a) Monthly Report

3. City Attorney
 - a) Update

4. City Manager

MAYOR AND COUNCIL REPORTS AND INFORMATIONAL ITEMS

1. Council Member(s)

2. Mayor

CLOSED SESSION

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

ADJOURNMENT

CERTIFICATION OF POSTING

I, Celeste Cabrera, Deputy City Clerk of the City of Mendota, do hereby declare that the foregoing agenda for the Mendota City Council Regular Meeting of May 9, 2017, was posted on the outside bulletin board located at City Hall, 643 Quince Street Friday, May 5, 2017 at 3:42 p.m.



Celeste Cabrera, Deputy City Clerk



MINUTES OF MENDOTA REGULAR CITY COUNCIL MEETING

Regular Meeting

April 25, 2017

Meeting called to order by Mayor Castro at 6:00 p.m.

Roll Call

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

Council Members Absent: None.

Flag salute led by Mayor Castro.

A moment of silence was held for Prestin Smith who had recently passed away.

Invocation led by Raymond Acquino.

FINALIZE THE AGENDA

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

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

PRESENTATION

1. Council to honor the Mendota High School Boys Varsity Soccer Team for their victory of the Division VI Valley Championship.

The Council moved forward with the next agenda item since the Boys Varsity Soccer Team was not present.

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 11, 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 Silva to approve items 1 and 2, seconded by Mayor Pro Tem Martinez; unanimously approved (5 ayes).

CONSENT CALENDAR

1. APRIL 17, 2017 THROUGH APRIL 19, 2017
WARRANT LIST CHECKS NO. 042363 THRU 042423
TOTAL FOR COUNCIL APPROVAL = \$299,594.14
2. Proposed adoption of the Addendum to the Memorandum of Understanding between the City of Mendota and Operating Engineers Local No. 3, on Behalf of the Mendota Police Officers Association
3. Proposed adoption of **Resolution No. 17-29**, setting a sole source standard for water meters and automated meter reading equipment.

A motion was made by Councilor Silva adopt items 1 through 3 of the Consent Calendar, seconded by Mayor Pro Tem Martinez; unanimously approved (5 ayes).

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 Castro introduced the item and Economic Development Manager Flood summarized the report including the City of Fresno passing an ordinance that addresses landlord accountability; the proposed ordinance having the same intention as the Fresno ordinance but being modified to address the needs specific to Mendota; and summarized how the landlord accountability process will work.

Discussion was held on what consists of a residential rental unit; whether the city can limit the amount of individuals living within the home; the purpose of the ordinance; the appeal process; and the penalties for violating the ordinance.

Raymond Acquino (772 Lolita Street) – stated the importance of being thorough in regards to the language contained in the ordinance, and spoke in favor of the ordinance.

A motion was made by Mayor Pro Tem Martinez to continue to item to the May 9th City Council Meeting with an addition of subsection to the ordinance that lists the appeal process, seconded by Councilor Mendoza; unanimously approved (5 ayes).

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

Mayor Castro introduced the item and City Manager DiMaggio summarized the report including the purpose of the code enforcement department; the possible consequences of having a strong or lenient code enforcement program; and requested that the council provide direction to staff on the type of violations that the Code Enforcement Department should focus on.

Discussion was held on whether the code enforcement officers have received training from an outside entity; various complaints that the council members have received; educating the public on violations; the guidelines that the officers should use when they perform their duties (Mayor Castro left the Council Chambers at 6:41 p.m. and returned at 6:43 p.m.); the various violations that code enforcement addresses; the amount of hours that the officers work; the status of current significant cases; the code enforcement department staff meeting with the city manager to make a list of violations; and the possibility of holding a workshop.

Raymond Acquino (772 Lolita Street) – suggested that that the City have a strong code enforcement program, and suggested that the officers be given additional work hours.

3. Council discussion and consideration of **Resolution No. 17-30**, opposing Senate Bill 54 – The California Values Act.

Mayor Castro introduced the item and City Manager DiMaggio summarized the report including the purpose of SB 54 (Mayor Pro Tem Martinez left the Council Chambers at 7:08 p.m.); the Mendota Police Department's role in immigration enforcement; various concerns regarding SB 54; SB 54's potential conflict with federal law; President Trump's Executive Order relating to sanctuary cities; the amount of federal funding that the city receives; the consequences that would result of the city lost federal funding; and the alternatives that are available to the council.

Police Chief Andreotti summarized the report, and emphasized on the progress that was made during the recent lobbying trip to Washington D.C. (Mayor Pro Tem Martinez returned to the Council Chambers at 7:25 p.m.).

Discussion was held on the purpose of SB 54; an incident in which an individual who had a warrant was pulled over; the importance of inclusion within the city; the purpose of the proposed resolution; and a the judge's temporary block on portions of President Trump's executive order.

Raymond Acquino (772 Lolita Street) – commented on the judge's temporary block on portions of President Trump's executive order.

Discussion was held on the alternatives that are available, and the potential consequences

A motion was made by Mayor Castro to table the item to a future City Council meeting, or hold a special meeting prior to the May 9th meeting to discuss the item if there is signs of imminent passage of the bill, seconded by Mayor Pro Tem Martinez; unanimously approved (5 ayes).

PUBLIC HEARING

1. Second reading and proposed adoption of **Ordinance No. 17-04**, approving amendments to Title 17 of the Mendota Municipal Code as it relates to outdoor advertising, and a finding of exemption from the California Environmental Quality Act.

Mayor Castro introduced the item and Economic Development Manager Flood summarized the report including the background of amending the sign ordinance; what is permitted under the current sign ordinance; the process of amending the sign ordinance; and the proposed changes to outdoor advertising.

Discussion was held on the importance of being business friendly.

At 7:55 p.m. Mayor Castro opened the hearing to the public and, seeing no one present wishing to comment, closed it in that same minute.

A motion was made by Councilor Silva to adopt Ordinance No. 17-04, seconded by Mayor Pro Tem Martinez; unanimously approved (5 ayes).

2. Second reading and proposed adoption of **Ordinance No. 17-05**, approving amendments to Title 17 of the Mendota Municipal Code relating to recreational marijuana use and cultivation, and a finding of exemption from the California Environmental Quality Act.

Mayor Castro introduced the item and City Attorney Kinsey summarized the report including the ordinance being in response to Adult Use of Marijuana Act (AUMA); what the Mendota Municipal Code currently allows; and the amendments included in the proposed ordinance.

Discussion was held on marijuana cultivation regulations under the ordinance.

At 8:00 p.m. Mayor Castro opened the hearing to the public and, seeing no one present wishing to comment, closed it in that same minute.

Discussion was held on the enforcement of the ordinance.

A motion was made by Mayor Pro Tem Martinez to adopt Ordinance No. 17-05, seconded by Councilor Rosales; unanimously approved (5 ayes).

3. Second reading and proposed adoption of **Ordinance No. 17-06**, approving amendments to Title 17 of the Mendota Municipal Code relating to permit application processing and siting locations for installations of new wireless telecommunications facilities, and a finding of exemption from the California Environmental Quality Act.

Mayor Castro introduced the item and City Attorney Kinsey summarized the report including the background of the issue (Mayor Castro left the Council Chambers at 8:02 p.m. and returned within the same minute), and the purpose of the proposed ordinance.

At 8:04 p.m. Mayor Castro opened the hearing to the public and, seeing no one present wishing to comment, closed it in that same minute.

A motion was made by Councilor Mendoza to adopt Ordinance No. 17-06, seconded by Councilor Rosales; unanimously approved (5 ayes).

4. Second reading and proposed adoption of **Ordinance No. 17-08**, amending sections 5.28.020 and 5.28.025 of the Mendota Municipal Code relating to the number of itinerant food vendors allowed within the city, and a finding of exemption from the California Environmental Quality Act.

Mayor Castro introduced the item and Economic Development Manager Flood summarized the report including that a local preference for itinerant food vendors was not allowed; the amount of time that vendors on the itinerant food vendor waiting list have to respond once it is their turn for a permit; and the costs associated with obtaining a permit.

At 8:08 p.m. Mayor Castro opened the hearing to the public and, seeing no one present wishing to comment, closed it in that same minute.

Discussion was held on the amount of itinerant food vendors that will be allowed in the city.

A motion was made by Councilor Silva to adopt Ordinance No. 17-08, seconded by Councilor Rosales; unanimously approved (5 ayes).

DEPARTMENT REPORTS AND INFORMATIONAL ITEMS

1. Public Works
 - a) Monthly Report

Director of Planning & Public Works Gonzalez summarized the report.

Discussion was held on the good work that the temporary Proteus employees are doing; the status of water system improvements; developers who may be interested in developing housing; and how members of the public can determine the zoning of properties.

2. City Attorney
 - a) Update

Nothing to report.

3. City Manager

Nothing to report.

Discussion was held on the services for Lt. Smith's son.

MAYOR AND COUNCIL REPORTS AND INFORMATIONAL ITEMS

1. Council Member(s)

Discussion was held on the on the Westside Youth Inc. carnival that was recently held, and the city related fees that the organizations will need to pay to hold a carnival in the future.

CLOSED SESSION

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

At 8:26 p.m. the Council moved into closed session.

At 8:53 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 8:53 p.m. by Councilor Silva, seconded by Councilor Mendoza; unanimously approved (5 ayes).

Rolando Castro, Mayor

ATTEST:

Matt Flood, City Clerk

CITY OF MENDOTA
CASH DISBURSEMENTS
04/20/2017 - 05/04/2017
Check # 042424 - 042488

Date	Check #	Amount	Vendor	Department	Description
April 20, 2017	42424	\$367.02	MACARIO BANUELOS	WATER- SEWER	REIMBURSEMENT FOR HEALTH PREMIUM
April 20, 2017	42425	\$23,762.70	MENDOTA DESIGNATED LOCAL AUTHORITY	GENERAL	RDA - LOAN CITY HALL ADDITION
April 20, 2017	42426	\$160.19	FRANCISCO RENTERIA	GENERAL	REIMBURSEMENT FOR HEALTH PREMIUM PAID BY EMPLOYEE
April 20, 2017	42427	\$69.40	U.S. TREASURY	GENERAL	FORM 941-X ADJ EMPLOYERS 4TH QTR I.R.S.
April 25, 2017	42428	\$586.10	AFLAC	GENERAL	INSURANCE FOR APRIL 2017
April 25, 2017	42429	\$950.00	ARB, INC.	WATER	REIMBURSEMENT FOR HYDRANT WATER METER DEPOSIT
April 25, 2017	42430	\$645.52	CORBIN WILLITS SYS'S INC.	GENERAL- WATER- SEWER	ENHANCEMENT SERVICES FOR MOM SOFTWARE APRIL 2017
April 25, 2017	42431	\$175.00	DEPARTMENT OF JUSTICE ACCOUNTING OFFICE	GENERAL	MARCH 2017 BLOOD ALCOHOL ANALYSIS (5)- PD
April 25, 2017	42432	\$269.16	GONZALEZ TRANSPORT, INC.	SEWER	BALANCE FROM PRIOR INVOICE- TAX BULK BUILDING MATERIAL- BASE & ROCK
April 25, 2017	42433	\$10.00	GRANITE CONSTRUCTION	STREETS	BALANCE FROM PRIOR INVOICE # 1086298 UNDERPAID
April 25, 2017	42434	\$486.00	KERWEST NEWSPAPER	GENERAL	LEGAL NOTICES - LOCAL NOTICE CITY COUNCIL ORD 17.04- 17.07 (18), LEGAL NOTICES - LOCAL PLANNING COMMISION (9)
April 25, 2017	42435	\$220.00	LG ELECTRIC	WATER	REPAIRS ON WATER TREATMENT CHEMICAL TANK
April 25, 2017	42436	\$236.75	MID-VALLEY DISPOSAL, INC.	REFUSE	COMMUNITY CLEAN UP TIPPING FEES PLUS TIRES
April 25, 2017	42437	\$1,389.42	MUTUAL OF OMAHA	GENERAL	LIFE, AD&D, LTD, STD INSURANCE FOR MAY 2017
April 25, 2017	42438	\$48.50	NEW YORK LIFE INS. CO.	GENERAL	LIFE INSURANCE
April 25, 2017	42439	\$830.44	NORTHSTAR CHEMICAL	WATER	WTP- ODIUM HYPOCHLORITE- 12.5% MILL A (QTY 420.000)
April 25, 2017	42440	\$1,322.05	OFFICE DEPOT	GENERAL- WATER- SEWER	OFFICE SUPPLIES- RECORD BOOK CITY HALL, POST-IT, BROTHER INK (SENIOR CENTER), KLEENEX TISSUE (CITY HALL), CHAIR 9000 SERIES (2)
April 25, 2017	42441	\$8,546.50	PG&E	WATER- SEWER	WATER WELLS UTILITIES 3/14/17-4/11/17
April 25, 2017	42442	\$1,983.98	PURCHASE POWER	GENERAL- WATER- SEWER	POSTAGE METER REFILL 3/21/17, 4/13/17
April 25, 2017	42443	\$61.27	ERNEST PACKING SOLUTIONS	GENERAL	JANITORIAL SUPPLIES- ARTISAN WHITE 600 PROP- 6 CASES
April 25, 2017	42444	\$60.57	STATE OF CALIFORNIA DEPT. OF TRANSPORTATION	STREETS	SIGNAL & LIGHTING BILLING JAN- MARCH 2017
April 25, 2017	42445	\$85.37	UNIFIRST CORPORATION	GENERAL- WATER- SEWER	CITY RUGS- 4X6H & 3X5V, WET MOP LARGE, 36" DRY MOP - CITY HALL
April 25, 2017	42446	\$410.95	VULCAN MATERIALS COMPANY	STREETS	6.26 TONS ASPHALT
April 26, 2017	42447	\$3,500.00	LOUIE A. GONZALEZ	GENERAL	PURCHASE ANIMAL CONTROL TRUCK FORD 2006
April 27, 2017	42448	\$500.00	NICHOLS CONSULTING	GENERAL	1ST INSTALLMENT PREPARATION SB90/ STATE MANDATED COST CLAIMS

CITY OF MENDOTA
CASH DISBURSEMENTS
04/20/2017 - 05/04/2017
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April 28, 2017	42449	\$340.97	AG & INDUSTRIAL SUPPLY INC.	WATER- SEWER- REFUSE	HYD HOSE 1/4 2WIRE, GLOBAL FITTING (4), 21 MJIC ADAPTER, (BACKHOE PARTS) HYD HOSE 1/2 2WIRE, GLOBAL FITTING, DRILL BIT (SWEEPER PARTS)
April 28, 2017	42450	\$989.59	COMCAST	GENERAL- WATER- SEWER	XFINITY- PHONE, CABLE, INTERNET SERVICES (CITY HALL) (PD)
May 3, 2017	42451	\$90,688.00	WESTAMERICA BANK	GENERAL	PAYROLL TRANSFER FOR 4/17/2017 - 4/30/17
May 3, 2017	42452	\$3,330.00	LORIA ANN ADAMS	HOME LOAN PROGRAM	SERVICES - FEBRUARY, MARCH, APRIL (3) PORTFOLIO MANAGEMENT, (7) UPDATES ON ACCOUNTS, (10) PROVIDE SUPPORT TO CUSTOMERS
May 3, 2017	42453	\$262.28	ADT SECURITY SERVICES	GENERAL- WATER- SEWER	SECURITY SERVICES 5/13/17-6/12/17 CITY HALL, EDD, DMV
May 3, 2017	42454	\$96.53	GREGG ANDREOTTI	GENERAL	EXPENSE REIMBURSEMENT- SUPPLIES FOR PAINT JOB ON MARKED UNITS NEW VEHICLE#86 (PD)
May 3, 2017	42455	\$774.68	AUTOMATED OFFICE SYSTEMS	GENERAL- WATER- SEWER	MAINTENANCE CONTRACT FOR COPY MACHINE 4/1/17-4/30/17 CITY HALL MAINTENANCE CONTRACT FOR COPY MACHINE 4/1/17- 4/30/17 (PD)
May 3, 2017	42456	\$45.50	AT&T MOBILITY	GENERAL	AIRCARDS FOR 3/20/17 - 4/19/17 (PD)
May 3, 2017	42457	\$794.62	BELMONT NURSERY	GENERAL	TREES ON 7TH & ROJAS-PIERCE PARK ACER RUBRUM REDPOINT MAPLE - (2) PISTACIA C KEITH DAVEY #15 (5)
May 3, 2017	42458	\$1,745.00	BSK ASSOCIATES	WATER-SEWER	GENERAL EDT, WEEKLT TREATMENT & DISTRIBUTION, MONTHLY WATER SYSTEM WEEK 1, WASTE WATER WEEKLY ANALYSIS
May 3, 2017	42459	\$279.43	COMCAST	WATER- SEWER	XFINITY SERVICES 4/24/175-5/23/17- CITY YARD & WATER PLANT
May 3, 2017	42460	\$175.00	COMMUNITY MEDICAL CENTER	GENERAL	MARCH 2017 LEGAL BLOOD DRAW - PD
May 3, 2017	42461	\$113.80	CROWN SERVICES CO.	GENERAL-SEWER	TOILET 1XWK (PD) EXTRA SERVICE 4/12/17, TOILET WITH SINK 1XWK TOILET W/ SINK RENT
May 3, 2017	42462	\$223.35	DATAMATIC, INC.	WATER	MONTHLY SOFTWARE LICENSE AND SERVICE MAINTENANCE 06/01/17 - 06/30/17
May 3, 2017	42463	\$945.96	EWING, FRESNO	WATER-SEWER-STREETS	2.5 GL RANGER PRO LANDSCAPE MAINTENANCE (8) WEEDKILLER, BLK 1/2 2X6 CUT-OFF NIPPLE, 1/2 PVC COUPLING TXT
May 3, 2017	42464	\$434.00	FRESNO MOBILE RADIO, INC.	GENERAL	RADIO SERVICES (31) - APRIL 2017 (PD)
May 3, 2017	42465	\$520.00	HOLLISTER POWERSPORTS	GENERAL- WATER- SEWER	REPAIRS TO GEM - ZERO VOLT CARS (3)
May 3, 2017	42466	\$1,448.59	INTERNATIONAL CODE COUNCIL, INC.	GENERAL- WATER- SEWER	2016 CALIFORNIA COMPLETE COLLECTION- BUILDING STANDARDS
May 3, 2017	42467	\$142.48	JENSEN & PILEGARD	GENERAL- WATER- SEWER	STI AUTOCUT 25 BULK- MAINTENANCE PARTS
May 3, 2017	42468	\$175.88	JORGENSEN & COMPANY	GENERAL	(4) RECHARGED 10LB EXTINGUISHER, (1) RECHARGE 5LB EXTINGUISHER, HYDRO TEST, NEW VALVE STEM - PD
May 3, 2017	42469	\$405.00	KERWEST NEWSPAPER	GENERAL	LEGAL NOTICE- LOCAL ORDINANCE 17-08 (5), LOCAL ORDINANCE 17-03(6.5), LOCAL ORDINANCE 17-09 (5.5), LOCAL ORDINANCE 17-08
May 3, 2017	42470	\$435.68	METRO UNIFORM	GENERAL	UNIFORMS - PD
May 3, 2017	42471	\$2,800.00	MOUNTAIN VALLEY ENVIRONMENTAL SERVICES	SEWER	JUNE 2017 CITY WASTEWATER TREATMENT & CPO SERVICES
May 3, 2017	42472	\$526.69	MUNICIPAL MAINTENANCE EQUIPMENT	STREETS	STREET SWEEPER PARTS - REXROTH VALVE FOR COIL USE (1), FAN SEAL (1)
May 3, 2017	42473	\$327.23	NISSAN MOTOR ACCEPTANCE CORPORATION	GENERAL- WATER- SEWER	NISSAN ALTIMA LEASE PAYMENT FOR CM FOR MAY 2017

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May 3, 2017	42474	\$14,178.78	PG&E	GENERAL- WATER- SEWER	CITY WIDE UTILITIES 3/10/17 - 4/07/17
May 3, 2017	42475	\$890.34	RAMON'S TIRE & AUTO SERVICE	GENERAL- WATER- SEWER- STREETS	20.525 TIRE REPAIR (LOCK-TYPE) RIGHT FRONT- JD LOADER, ROADMASTER, TRUCK VALVE STEM, TIRE MOUNT STREET SWEEPER, FIRESTONE OTR TUBE
May 3, 2017	42476	\$292.22	ROSENBALM ROCKERY INC.	GENERAL	BASEBALL DIAMOND - INFIELD MIX
May 3, 2017	42477	\$296.94	SIGNMAX	GENERAL	(10) 6X9 ALL GENDER RESTROOM ADA- WHITE BRAILLE SIGNS
May 3, 2017	42478	\$9,188.50	STATE WATER RESOURCES CONTROL BOARD	WATER	WATER SYSTEM FEE FOR 7/1/2016 THROUGH 6/30/2017
May 3, 2017	42479	\$107.98	SUNNYSIDE TROPHY	GENERAL	(1) 9X12 PLAQUE (PD)
May 3, 2017	42480	\$550.00	TECH-MASTER PEST MANAGEMENT	GENERAL-WATER-SEWER	PEST CONTROL SERVICES FOR APRIL 2017 - CITY-WIDE FACILITIES
May 3, 2017	42481	\$170.05	HOME DEPOT CREDIT SERVICES	WATER	AG WELL-25'X 1-1/4" FAT MAX TAPE, 8 STRAND
May 3, 2017	42482	\$263.32	THOMASON TRACTOR COMPANY	GENERAL	(2) V-BELT MOWER PARTS
May 3, 2017	42483	\$3,500.00	TOWNSEND PUBLIC AFFAIRS, INC.	GENERAL-WATER-SEWER	GRANT CONSULTING SERVICES FOR APRIL 2017
May 3, 2017	42484	\$260.00	VETERINARY MEDICAL CENTER	GENERAL	(12) CITY EUTHANSIA (2) MEDICAL WASTE DISPOSAL FEE (ANIMAL CONTROL)
May 3, 2017	42485	\$8,501.94	WANGER JONES HELSLEY PC ATTORNEYS	GENERAL-WATER-SEWER	GENERAL RETAINER LEGAL SERVICES THROUGH 4/15/2017
May 3, 2017	42486	\$54.00	WECO	GENERAL-WATER-SEWER	(6) RENTALS: CYL ACETYLENE #4, OXYGEN D, OXYGEN K
May 4, 2017	42487	\$5,383.42	BANKCARD CENTER	GENERAL-WATER-SEWER	CREDIT CARD EXPENSES 3/27/17-4/04/17-- AMERICAN AIRLINE, CAB WASHINGTON D.C., METRO WASHINGTON D.C., HYATT PLACE
May 4, 2017	42488	\$167.14	WALMART COMMUNITY/RFSCSLLC	GENERAL	STORE PUCHASES (PD)- HAND SANITIZER, AJAX, TISSUE, BRUSHES, TC ELECTRICAL BLUE, PAPER PLATES, ASSORTED CUTLERY
		\$198,501.78			

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

AYES:

NOES:

ABSENT:

ABSTAIN:

Matt Flood, City Clerk

May 4, 2017

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

**Subject: Proposal for Engineering and Construction Services
Automated Meter Reader Project**

Dear Vince:

Thank you for the opportunity to submit this proposal to provide engineering, construction administration and construction review 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:

The City has received funding from the State Water Resources Control Board, Drinking Water program, to pay for installation of automated reading water meters throughout the City, along with the associated radio reading and home office computer equipment needed for a full installation. All new meters will be equipped with cellular transmitters for centralized meter reading from the home office computer equipment. The installation of the new meters and equipment will be a contracted construction project. We have provided below a scope of services that will complete the necessary plans, specifications and estimate (PS&E), and provide construction administration and construction review services.

Scope of Services:

Our proposed scope of work for this project is presented in three phases, described below.

Phase PSE: Final Plans, Specifications, and Estimate for Bidding

- Attend kickoff meeting with the City and the Division of Drinking Water (DDW)
- Site visit and field reconnaissance

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Proposal.docx

- Prepare plans, specifications and engineer's opinion of probable construction cost (PS&E). Plans will be single-window plan-view only (no profile view), at a scale of 1"=100' or smaller, but large enough to provide clarity. We anticipate approximately 10 plan sheets. Plan view detail will be limited to identifying the locations at which new meters will be installed, since the new meters will be replacing existing meters in existing meter boxes and the locations won't be changing. Specifications will be in CSI 2004 (48-Division) format. A copy of the funding agreement from the SWRCB will be provided by the City. Incorporation of funding agreement requirements (i.e. – DBE and state/federal wage requirements) into the front-end documents will be coordinated with the City Attorney.
- Detail plans will be provided for installation of each meter type. Additional details will be provided for other needed constructions such as sidewalk repair and meter box replacement. We anticipate one or two detail sheets.
- 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.
- Plans will be submitted to DDW for their review at 50%, and their comments, if any, will be incorporated.
- After review is complete, we will generate 100% plans, specifications and an estimate for final review by DDW and for bidding purposes.
- Prepare bid package for advertisement. Bid package will include plans, specifications and a separate bidder's package including all necessary documents to be submitted at time of bid opening. We will provide 12 copies of the full size plan set and the project manual.
- Attend and run the pre-bid meeting and job walk (one meeting anticipated).
- Prepare any necessary clarifications and addenda during bid time resulting from bidder questions and requests for information (two addenda anticipated).
- Attend and run the bid opening, to be held at the City of Mendota (one meeting anticipated).
- Prepare bid canvass and make recommendation of the lowest responsible, responsive bidder to the City Council and prepare Notice of Award to successful bidder.

We propose to complete the Plans, Specifications, and Estimate Phase on a time-and-materials basis in accordance with our standard fee schedule. We estimate the total labor charges plus expenses will be approximately **\$38,300**.

Phase CA: Construction Administration and Inspection Services

- Perform construction administration for the project, including responding to Requests for Information (RFIs) (five RFIs anticipated) and reviewing submittals (five submittals anticipated).

- Periodic site visits by the Project engineer (three estimated) to assure the City that work is proceeding in general conformance with the plans and specifications.
- Review requests for potential change orders.
- Prepare and process progress payment requests to Contractor (four payment requests anticipated).
- Coordination with Contractor and City Staff for project updates and scheduling.
- Attend walk-through on site at time of Substantial Completion (one site visit anticipated).
- Prepare and deliver to Contractor a punch list of items to be completed prior to contract completion (one punchlist anticipated).
- Prepare final payment request for release of retention.
- Prepare Notice of Completion, deliver to Fresno County for recordation.

We propose to complete the Construction Administration Phase on a time-and-materials basis in accordance with our standard fee schedule. We estimate the total labor charges plus expenses will be approximately **\$25,800**.

Phase CR: Construction Review

- Resident Project Representative to be on site regularly but not full time during construction, and serve as the primary point of contact with the Contractor. Budgeted time for this is 24 hours per week, based on an estimated construction period of 12 weeks, including travel time.
- Resident Project Representative will be paid the prevailing wage rate required for such services by the California Department of Industrial Relations.

We propose to complete the Construction Review Phase on a time-and-materials basis in accordance with our standard fee schedule. We estimate the total labor charges plus expenses will be approximately **\$48,300**.

Compensation for the individual phases may vary from the estimates shown but the total compensation for the services proposed will not exceed the sum of the three estimated fees above, or **\$112,400**, without additional authorization. If the scope of work varies from what we have set forth in a way that requires additional services, we will provide you with a supplemental proposal setting forth the proposed additional scope of work and additional fee budget for your approval before we proceed.

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 happen in August of 2017. Construction of improvements is anticipated to begin in September or October of 2017.

Assumptions:

- The City will provide a list of all existing water services (street address and meter size) in MS Excel format.
- The City will purchase any software or hardware required for the centralized meter reading.
- No existing wet utilities, such as sewer, water, or storm drain will need to be designed or replaced as a part of this project.
- No dry utility research will be conducted as part of the design process.
- No radio equipment be required for the automatic meter reading system, as it will be cellular-based.
- New meters and cellular transmitters will be installed in existing meter boxes to replace existing meters. In general, new meter boxes, services or replacement of existing improvements will not be required for meter replacement, though some older boxes may be specified for replacement.
- The Project is eligible for a Categorical Exemption under CEQA, the City is preparing the necessary documentation and will submit it for recordation with the County and State Clearinghouse.
- In general, no existing curb and gutter will be replaced. Some patches may be required.
- Construction will last 12 weeks overall.
- No geotechnical engineering services are required or included.
- Topographic surveying or Construction surveying (staking) are not included in this proposal, but can be provided at the request of the City.
- Activities associated with ascertaining compliance with prevailing wage laws, including conducting interviews with Contractor's staff, is not included in this proposal, but can be provided at the request of the City.
- Payment of fees, including plan check or recordation fees, is not included in this proposal.
- The Project is exempt from Construction General Permit and Dust Control Plan requirements; preparation of a SWPPP and DCP is not included in this proposal.

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



David McGlasson, PE, PLS
CE 38482, PLS 6968
Principal Engineer



Matthew W. Kemp, PE
CE 66088
Vice President

Terms and Conditions Accepted:

By the City of Mendota

Signature

Vince DiMaggio
City Manager

Date

MEASURE "C"
**AGREEMENT TO ESTABLISH PROGRAM ELIGIBILITY
AND FUNDING REQUIREMENTS**

Regional Public Transit Program: New Technology Reserve Sub Program
Grantee: City of Mendota and City of Reedley
Project: Sustainable Aviation

This Program Eligibility and Funding Agreement ("**Agreement**") is made and entered into on _____, 2017 by and between the City of Mendota and the City of Reedley (hereinafter referenced collectively as "**Grantee**" (or alternatively as "**Partnering Agencies**"), on the one hand, and the Fresno County Transportation Authority ("**Authority**"), on the other hand.

RECITALS

WHEREAS, passage of the Measure C Extension created within the Regional Public Transit Program a subprogram entitled "New Technology Reserve" (aka Advanced Transportation Technology), the purpose of which was to finance research or, to provide funding for implementation of projects intended to reduce traffic congestion, energy consumption and air emissions resulting from less vehicular traffic and less surface street congestion; and, improve mobility in more densely developed areas by providing convenient and direct transit service; and

WHEREAS, in accordance with the Measure C Extension Expenditure Plan ("Expenditure Plan") and most notably Appendix B thereto, further details regarding the funding and implementation of the New Technologies Reserve ("NTR") subprogram are set forth in the "Measure "C" Extension Strategic Implementation Plan ("SIP"), the relevant pages of which have been excerpted and are attached as Appendix 1 hereto; and

WHEREAS, the SIP identifies entities eligible for NTR funding to include Fresno COG, Fresno County, and the cities within Fresno County; and, eligible projects to include evaluation, planning, design, and construction of new transit technologies; and

WHEREAS, in March 2016, Fresno COG issued a Call for Projects to those entities eligible for NTR funding for advanced transit projects of regional significance in the area of research, development, demonstration, and deployment that would advance public transit and transportation to be funded through the NTR; and

WHEREAS, the Partnering Agencies, acting in conjunction with Reedley College, California Energy Commission San Joaquin Valley Clean Transportation Center (CALSTART) and Mazzei Flying Service, submitted a "Project Application" that requested reservation from eligible Measure C Extension funds of \$1,071,348, with a matching fund commitment of \$1,765,880. Said application was evaluated by the New Technology Multidisciplinary Advisory Group ("MAG") who recommended full funding of the application; and

WHEREAS, funding made available through this Agreement shall be available solely for purchase of four Pipistrel Alpha Electro trainer airplanes, installation of four electric aircraft chargers, installation of two aircraft hangers, as well as flight training cost assistance for low income students, and administrative costs for Partnering Agencies and CALSTART; and

WHEREAS, the Sustainable Aviation Project ("Project") will demonstrate the feasibility of advanced electrified aviation technology which can result in reduced air emissions and lower operating costs, and will provide low cost pilot training for veterans, youth, and others from disadvantaged communities; and

WHEREAS, Authority is authorized to approve funding for payment to Grantee in accordance with this Agreement, the SIP, and the Expenditure Plan, for funding of the Sustainable Aviation Project; and

WHEREAS, on December 7, 2016, based primarily on the recommendations of the MAG, which were based upon the MAG's review of the applications and supporting documentation submitted by applicants for NTR funding, the Authority's Board approved the reservation of \$1,071,348 in NTR funding to be made available for implementation of the Sustainable Aviation Project with the understanding that Grantee, or their pass-thru partners, would provide \$1,765,880 in matching funds and/or in-lieu services; and

WHEREAS, the Authority's Board further directed Authority staff to draft this Agreement, for the purpose of establishing program implementation requirements and the terms and conditions governing the rights and obligations of the respective parties hereunder; and

WHEREAS, Authority and Grantee now desire to enter into this Agreement, which serves to establish requirements for Grantee's use of the funding provided hereunder, as well as delineating the respective rights and obligations of the parties regarding use of Measure C funds as authorized for use by Grantee for the purposes

specified hereunder, including but not limited to conditions and limitations on Grantee's right to receipt of payment hereunder.

NOW, THEREFORE, in consideration of the mutual promises and undertakings herein made and the mutual benefits to be derived there from, the parties hereto represent, covenant and agree as follows:

AGREEMENT

ARTICLE I

Covenants of Grantee/Partnering Agencies

Grantee hereby expressly agrees to abide by the terms and conditions of this Agreement, the applicable provisions of the SIP, and the Grant Application ("the Application," a true and correct copy of which is attached hereto as Appendix 2 and incorporated by this reference as though fully set forth herein), which acknowledgment and agreement is a condition for Grantee's receipt of Measure "C" funds available under the NTR subprogram, and to comply with the Expenditure Plan, and all adopted Policies and Procedures of the Authority as applicable, as well as any subsequent amendments, updates, or other applicable plans.

- 1.1 **Project Scope, Schedule and Funding Program.** The respective City Councils of both the City of Mendota and the City of Reedley have approved, by appropriate Resolutions, the participation by Grantee as Partnering Agencies in applying for the grant funding for the Project. Grantee also shall enter into appropriate agreements with Reedley College, San Joaquin Valley Clean Transportation Center (CALSTART) and Mazzei Flying Service, to govern all expenditures of the pass-through funding authorized for distribution to Grantee hereunder, and the monitoring and reporting of same, in order to ensure that Grantee may fulfill its obligations to the Authority hereunder.
- 1.2 **Eligibility for Funding.** The Authority's Board has determined, in reliance upon the recommendation of the MAG which based its recommendation on its review of the Grant Application, that the Project meets one or more of the following eligibility requirements for NTR funding, as set forth in the Application and the SIP:
 - 1.2.1 Reduce traffic congestion and vehicle miles traveled

- 1.2.2 Reduce energy consumption and dependence on fossil fuels
 - 1.2.3 Reduce air emissions and greenhouse gas emissions.
 - 1.2.4 Improve access to safer, more convenient travel for Fresno County residents.
- 1.3 **Compliance with California PUC Code 142257.** Grantee agrees to the following:
- 1.3.1 Grantee shall account for Project funds received pursuant to Public Utilities Code Section 142257. Grantee shall maintain current records in accordance with generally accepted accounting principles, and shall separately record expenditures for each type of eligible purpose. Grantee shall make such records available to the Authority for inspection or audit at any time.
- 1.4 **Compliance with Other Laws.** In performance of its obligations relating to implementation and administration of Project, Grantee shall at all times comply with all federal, state and local laws, ordinances and regulations currently in force as well as those that are subsequently enacted, promulgated or amended and thereby become applicable during the term of this Agreement.
- 1.5 **Measure "C" Funds Defined.** For purposes of this Agreement, Measure "C" funds are deemed to be available under the NTR, subject to the limitations and conditions specified in this Agreement, the SIP, and the Application. Provided, however, that unless another amount receives formal advance approval by means of a subsequent written amendment to this Agreement, the total cumulative amount of Measure "C" funds allocated under the NTR for the Project shall not exceed the maximum amount of \$1,071,348 specified in the initial paragraph of Article II herein below.
- 1.6 **Maintenance of Project Records.** Grantee shall maintain complete and accurate records for the Project for which funding is made available hereunder. All such records shall be maintained on a generally-accepted accounting basis and be clearly identified and readily accessible. Grantee shall provide free access to the Authority at all times to such books and records. Grantee shall maintain all work data, documents, and proceedings relating to this Agreement for a period of five (5) years from the date of final audit from the Authority.

1.7 **Invoices.** Grantee shall submit invoices to the Authority no more frequently than monthly for activities conducted over the prior unbilled month. These documents shall include the following specified information:

1.7.1 **Monitoring Expenditures and Progress Payments.** Grantee will monitor expenditures and progress payments against the “not to exceed” limits specified both in Article II and Section 1.5 of this Agreement.

1.7.2 **Project Progress.** If Project costs have not been invoiced for a six-month period, Grantee agrees to submit a written explanation of the absence of the Project’s progress to the Authority, along with a target billing date and a target billing amount.

1.7.3 **Direct and Indirect Costs.** Grantee may include in the Project invoice, direct and indirect costs of the Project. Indirect costs (as defined by OMB Circular A-87) will be considered an eligible expense.

1.7.4 **Copies of Invoices.** Grantee shall provide the Authority with two (2) copies of appropriate source documentation to substantiate Project expenses or costs.

1.7.5 **Eligible Project Cost Request Deadline.** Invoices for eligible Project costs incurred by Grantee shall be submitted to the Authority on the approved form. The appropriation request will specify the use of the funding and the manner in which other sources of funding for the Project were applied. The Authority’s Executive Director will review invoices for accuracy and sufficiency in terms of compliance with the foregoing requirements. Unsatisfactory or inadequate invoices will be returned to Grantee for correction and resubmission. Upon receipt of a proper invoice, eligible Measure “C” NTR funds (as applicable) shall be provided to the Grantee within 45 days.

1.7.6 **Use of Funds.** Grantee shall use Measure “C” NTR funds in accordance with this Agreement and in a manner consistent with all applicable provisions of the Expenditure Plan and SIP, and the Application.

1.8 **Award of Project.** Grantee shall administer the Project, including but not limited to its advertisement and award of all contracts relating to the Project, in accordance with all applicable legal requirements as provided above in Section 1.4

and in full conformity with the standards applied by Grantee in the administration of its own projects or activities.

1.9 Subsequent Transfer of Title. Notwithstanding any inconsistent statement(s) contained in the Application, GRANTEE intends that ownership of the four (4) trainer airplanes to be supplied pursuant to this Agreement shall be shared by the Partnering Agencies as follows: two (2) shall be owned by the City of Mendota and two (2) shall be owned by the City of Reedley. In the event either of the Partnering Agencies subsequently sells or for any reason transfers title and ownership of any of the four (4) trainer airplanes prior to completion of the 10-year program described in GRANTEE's Application, that Partnering Agency shall pay to AUTHORITY, if requested by AUTHORITY, either the proceeds of such sale or transfer, or an amount equal to the fair market value of the airplane(s) at the time of sale or transfer, whichever is greater.

1.10 Separate Partnering Agency Agreements. The Partnering Agencies shall include, in each of their separate agreements with other contracting entities as referenced in Section 1.1 above, provisions substantially identical to those set forth in the immediately preceding Sections 1.3 through 1.8, inclusive, requiring full compliance therewith by the other contracting party (i.e., Reedley College, CALSTART or Mazzei Flying Service), in order to ensure that the Partnering Agencies may fulfill their obligations to the Authority as Grantee hereunder.

1.11 Substitution. Notwithstanding any other provision of this Agreement, Grantee may substitute, in place of Mazzei Flying Service, another person or entity to provide the operational support and maintenance of the aircraft and to furnish the flight instructors, if Grantee makes the determination that it is necessary or advisable to do in order to achieve the goals of the Project. Provided, however, that any decision by Grantee to make such substitution will have no effect whatsoever on Grantee's obligations hereunder, in that Grantee will remain fully responsible for performance of its obligations hereunder, and for meeting all material terms and objectives of the Project, as described in the Application.

ARTICLE II

Covenants of Authority

Authority agrees to provide to the Grantee Measure "C" Extension funds available under the NTR, up to the maximum amount of \$1,071,348 approved for the implementation of the Sustainable Aviation Project, in accordance with the terms and conditions set forth herein, and in compliance with the Expenditure Plan and the SIP,

the Application, and all adopted Policies and Procedures of the Authority as applicable, as well as any subsequent amendments, updates, or other applicable plans.

2.1 Eligible Project Cost Payments. The Authority shall make payments to Grantee for actual incurred eligible Project costs in accordance with the provisions of this Agreement and consistent applicable provisions of with the SIP. To receive payments for eligible Project work completed, Grantee shall comply with the following procedures:

2.1.1 Ineligible Costs. The Authority reserves the right to recover payment from Grantee if an invoice includes ineligible Project costs.

2.1.2 Payment Amount. The amount of payments to Grantee for eligible Project costs shall be made pursuant to the SIP and this Agreement.

2.1.3 Suspension of Payment. Payments for eligible Project costs shall be suspended without interest when a dispute arises as to whether or not a cost item(s) is eligible for payment.

2.1.3.1 Dispute Resolution. All disputes shall be settled in accordance with the laws of the State of California. Once a dispute has occurred, the Authority and Grantee shall attempt to resolve the dispute informally in a mutually agreeable manner.

2.2 Right to Conduct Audit. The Authority shall have the right to conduct an audit of all Grantee's records pertaining to the Project at any time following completion of the eligible Project work.

2.2.1 Notice of Audit. The Authority must provide at least 30 days' advance notice to Grantee if an audit is to be conducted.

ARTICLE III

Mutual Covenants

The Authority is released from any liability to Grantee regarding the Authority's administration and issuance of the Measure "C" proceeds except for any breach of Authority's fiduciary duty as set forth in the Expenditure Plan and SIP.

3.1 **Effective Date and Term.** This Agreement shall become effective as of the date of its full execution by the parties and shall remain in full force and effect following its final approval by the Authority's Board, for a period of twelve (12) months following the date of Grantee's completion of eligible Project work, unless sooner terminated as provided in Section 3.2 or in Section 3.4 or unless the Agreement's term is extended by formal approval of a subsequent amendment hereto in accordance with Section 3.8.

3.2 **Discharge.** This Agreement shall be subject to discharge as follows:

3.2.1 **Termination by Mutual Consent.** This Agreement may be terminated at any time by mutual consent of Grantee and Authority. If this Agreement is mutually terminated by the parties, Grantee will no longer receive Measure "C" funds under the NTR for its proposed Sustainable Aviation Project, unless a new agreement between Grantee and Authority relating to such Project is formed; and in the event of such mutual termination, those funds remaining from the originally reserved funding allocation of \$1,071,348 shall be returned by the Authority to the general NTR funding pool.

3.2.2 **Discharge Upon Completion of Grantee's Program.** Except as to any rights or obligations which survive discharge as specified in Section 3.14, upon completion of Grantee's completion of eligible Sustainable Aviation Project work, this Agreement shall be discharged, and the parties shall have no further obligation to each other.

3.2.3 **Termination by Authority.** The Authority reserves the right to terminate the Agreement at any time by giving written notice to Grantee of such termination and specifying the effective date thereof. If this Agreement is terminated by the Authority as provided herein, Grantee will be paid by the Authority for eligible Project costs incurred prior to termination of the Agreement, consistent with the requirements of the Program referenced herein and in the SIP and Application. In that event, all finished or unfinished documents and other materials shall, at the option of the Authority, become its property subject to the terms and conditions of Section 1.6.

3.3 **Indemnity.** It is mutually understood and agreed, relative to the reciprocal indemnification of Authority and Grantee:

- 3.3.1 Grantee shall fully defend, indemnify and hold harmless Authority, and any officer or employee of Authority, against any and all damages, liabilities, claims and expenses, arising out of Grantee's errors, omissions, negligent acts or willful misconduct during the term of this Agreement. It is also fully understood and agreed that, pursuant to Government Code Section 895.4, Grantee shall fully defend, indemnify and hold the Authority harmless from any liability imposed for injury as defined by Government Code Section 810.8 occurring by reason of anything done or omitted to be done by Grantee under this Agreement or in connection with any work, authority, or jurisdiction delegated to Grantee under this Agreement.
- 3.3.2 Authority shall fully defend, indemnify and hold harmless Grantee, and any officer or employee of Grantee, against any and all damages, liabilities, claims and expenses, arising out of Authority's errors, omissions, negligent acts or willful misconduct during the term of this Agreement. It is also fully understood and agreed that, pursuant to Government Code Section 895.4, Authority shall fully defend, indemnify and hold Grantee harmless from any liability imposed for injury as defined by Government Code Section 810.8 occurring by reason of anything done or omitted to be done by Authority under this Agreement or in connection with any work, authority, or jurisdiction delegated to Authority under this Agreement.
- 3.4 **Limitation**. All obligations of the Authority under the terms of this Agreement are expressly subject to the Authority's continued authorization to collect and expend the sales tax proceeds provided by Measure "C" Extension funds. If for any reason the Authority's right to collect or expend such sales tax proceeds is terminated or suspended in whole or part, the Authority shall promptly notify the Grantee, and the parties shall consult on a course of action. If, after twenty-five (25) working days, a course of action is not agreed upon by the parties, this Agreement shall be deemed terminated by mutual or joint consent; provided, that any future obligation to fund from the date of the notice shall be expressly limited by and subject to: (i) the lawful ability of the Authority to expend sales tax proceeds for the purposes of the Agreement; and (ii) the availability, taking into consideration all the obligations of the Authority under all outstanding contracts, agreements to other obligations of the Authority, of funds for such purposes.

3.5 **Notices**. Except as may be otherwise required by law, any notice to be given shall be written and shall be either personally delivered, sent by facsimile transmission or sent by first class mail, postage prepaid and addressed as follows:

AUTHORITY:

Mike Leonardo, Executive Director
Fresno County Transportation Authority
2220 Tulare Street, Suite 411
Fresno, CA 93721
Ph: (559) 600-3282 Fax: (559) 600-1499

RESPONSIBLE AGENCIES:

Vince DiMaggio, City Manager
City of Mendota
643 Quince Street
Mendota, CA 93640
Ph: (559) 655-4298

Nicole Zieba, City Manager
City of Reedley
1717 9th Street
Reedley, CA 93654
Ph: (559) 637-2139

- 3.5.1 Notice personally delivered is effective when delivered. Notice sent by facsimile transmission is deemed to be received upon successful transmission. Notice sent by first class mail shall be deemed received on the fifth day after the date of mailing. Either party may change the above address by giving written notice pursuant to this paragraph.
- 3.6 **Additional Acts and Documents.** Each party agrees to do all such things and take all actions, and to make, execute and deliver such other documents and instruments, as shall be reasonably requested to carry out the provisions, intent and purpose of the Agreement.
- 3.7 **Integration.** This Agreement represents the entire Agreement of the parties with respect to the subject matter hereof. No representations, warranties, inducements or oral agreements have been made by any of the parties except as expressly set forth herein, or in other contemporaneous written agreements.
- 3.8 **Amendment.** This Agreement may not be changed, modified, or rescinded except in writing, signed by all parties hereto, and any attempt at oral modification of this Agreement shall be void and of no effect.

- 3.9 **Independent Agency**. Grantee renders services under this Agreement as an independent agency under the Agreement. None of the Grantee's agents or employees shall be agents or employees of the Authority and none of the Authority's agents or employees shall be agents or employees of the Grantee agency.
- 3.10 **Assignment**. The Agreement may not be assigned, transferred or pledged by any party without the express written consent of all parties hereto.
- 3.11 **Binding on Successors**. This Agreement shall be binding upon each of the parties and their respective successor(s), assignee(s) or transferee(s). Provided however that this provision shall not be construed as an authorization to assign, transfer, or pledge this Agreement, other than as provided in Section 3.10 above.
- 3.12 **Severability**. Should any part of this Agreement be determined to be unenforceable, invalid, or beyond the authority of either party to enter into or carry out, such determination shall not affect the validity of the remainder of this Agreement, which shall continue in full force and effect; provided that, the remainder of this Agreement can, absent the excised portion, be reasonably interpreted to give effect to the intentions of the parties.
- 3.13 **Counterparts**. This Agreement may be executed in one or more counterparts and shall become effective when one or more counterparts have been signed by all of the parties; each counterpart shall be deemed an original but all counterparts shall constitute a single document.
- 3.14 **Survival**. The following provisions in this Agreement shall survive discharge:
- 3.14.1 **Grantee**. As to the Grantee agencies, the following sections shall survive discharge: Section 3.3 (Indemnity),
- 3.14.2 **Authority**. As to Authority, the following section shall survive discharge: Section 2.2 (Right to Conduct Audit) and Section 3.3 (Indemnity).
- 3.15 **Time**. Time is and shall be of the essence of this Agreement and each and all of its provisions in which performance is a factor.

- 3.16 **Remedies Cumulative.** No remedy or election of remedies provided for in this Agreement shall be deemed exclusive, but shall be cumulative with all other remedies at law or in equity. Each remedy shall be construed to give the fullest effect allowed by law.
- 3.17 **Applicable Law.** This Agreement shall be governed by, and construed and enforced in accordance with the laws of the State of California. The parties agree that this contract is made in and shall be performed in Fresno County, California.
- 3.18 **Captions.** The captions in this Agreement are for convenience only and are not a part of this Agreement. The captions do not in any way limit or amplify the provisions of this Agreement and shall not affect the construction or interpretation of any of its provisions.
- 3.19 **No Continuing Waiver.** The waiver by any party of any breach of any of the provisions of this Agreement shall not constitute a continuing waiver or a waiver of any subsequent breach of the same, or of any other provision of this Agreement.
- 3.20 **No Rights in Third Parties.** Nothing in this Agreement, express or implied, is intended to confer any rights or remedies under or by reason of this Agreement on any third party, nor is anything in this Agreement intended to relieve or discharge the obligation or liability of any third party to any party to this Agreement, nor shall any provision of this Agreement give any third party any right of subrogation or action over or against any party to this Agreement.
- 3.21 **Attorney's Fees and Costs.** Authority and Grantee each will bear its own respective costs, including attorney's fees, in connection with any legal proceedings related to the interpretation or enforcement of this Agreement or any of the terms and conditions hereof.
- 3.23 **Exhibits and Recitals.** The Recitals and Exhibits to this Agreement are fully incorporated into and are integral parts of this Agreement.
- 3.24 **Signator's Warranty.** Each party warrants to each other that he or she is fully authorized and competent to enter into this Agreement in the capacity indicated by his or her signature and agrees to be bound by this Agreement as of the day and year first mentioned above upon the execution of this Agreement by each other party.

3.25 **Force Majeure**. Any party shall be excused from performing its obligations under this Agreement during the time and to the extent that it is prevented from performing by an unforeseeable cause beyond its control, including but not limited to: any incidence of fire, flood; acts of God; commandeering of material, products, plants or facilities by federal, state or local government; national fuel shortage; or a material act or omission by any party; when satisfactory evidence of such cause is presented to that other party, and provided further such nonperformance is unforeseeable, beyond the control and is not due to the fault or negligence of the party not performing.

Signatures on next page

IN WITNESS WHEREOF, the undersigned parties have executed this Agreement on the day and year first written above.

FRESNO COUNTY TRANSPORTATION AUTHORITY

ATTEST

By: _____
(Signature)

By: _____
(Signature)

Name: Ernest "Buddy" Mendes
(Typed)

Name: Mike Leonardo
(Typed)

Title: Chairman of the Authority

Title: Executive Director

APPROVED AS TO LEGAL FORM:
DANIEL C. CEDERBORG,
COUNTYCOUNSEL:

APPROVED AS TO ACCOUNTING
FORM

By: _____
(Signature)

By: _____
(Signature)

Name: Michael E. Rowe

Name: Oscar J. Garcia, CPA

Title: Senior Deputy County Counsel

Title: Auditor-Controller/Treasurer-Tax Collector

CITY OF MENDOTA

ATTEST

By: _____
(Signature)

By: _____
(Signature)

Name: Vince DiMaggio

Name: _____

Title: City Manager

Title: _____

APPROVED AS TO FORM

BY: _____

CITY OF REEDLEY

ATTEST

By: _____
(Signature)

By: _____
(Signature)

Name: Nicole Zieba

Name: _____

Title: City Manager

Title: _____

APPROVED AS TO FORM

BY: _____

AGENDA ITEM – STAFF REPORT

TO: HONORABLE MAYOR AND COUNCILORS
FROM: MATT FLOOD, ECONOMIC DEVELOPMENT MANAGER
VIA: VINCE DIMAGGIO, CITY MANAGER
SUBJECT: INTRODUCTION AND FIRST READING OF ORDINANCE NO. 17-09, THE LANDLORD ACCOUNTABILITY ACT
DATE: MAY 9, 2017

ISSUE

Shall the City Council conduct the first reading of Ordinance No. 17-09, the “Landlord Accountability Act”, and set the public hearing for the May 23rd City Council meeting?

BACKGROUND

As discussed at the April 25th Council Meeting, 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.

ANALYSIS

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 City Council discuss the proposed ordinance, that the Mayor open a hearing to take comment from the public, then the Council conduct the first reading of Ordinance No. 17-09 and set the public hearing for the May 23rd Council Meeting.

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

**AN ORDINANCE OF THE CITY COUNCIL
OF THE CITY OF MENDOTA, CALIFORNIA,
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

AGENDA ITEM – STAFF REPORT

TO: HONORABLE MAYOR AND COUNCILORS
FROM: MATT FLOOD, ECONOMIC DEVELOPMENT MANAGER
VIA: VINCE DIMAGGIO, CITY MANAGER
SUBJECT: INFORMATION REQUESTED BY COUNCIL REGARDING THE TYPES AND QUANTITIES OF CITATIONS GIVEN BY CODE ENFORCEMENT
DATE: MAY 9TH, 2017

ISSUE

Information requested by Council regarding the types and quantities of citations given out by Code Enforcement.

BACKGROUND

At the April 25th Council Meeting it was requested that staff provide a breakdown of the citations Code Enforcement gives. Attached is that breakdown, using the time period of March 2016 through March 2017.

ANALYSIS

Staff has divided the citations into the categories listed in the attached table. They have been combined based on citations that are similar in nature. Please feel free to ask me any questions you may have related to specific citations.

FISCAL IMPACT

None, for informational purposes only.

RECOMMENDATION

Staff recommends Council ask any questions related to the statistics on the attached page.

**March 2016 to March 2017
CODE ENFORCEMENT ANALYSIS**

<u>TYPE</u>	<u>QUANTITY</u>	<u>PERCENTAGE OF ALL CITATIONS/WARNINGS</u>
PARKING (CALIFORNIA VEHICLE CODE AND MMC VIOLATIONS ON STREET)	271	30.8%
ILLEGAL STORAGE OF VEHICLES/TRAILERS (ON PRIVATE PROPERTY)	137	15.6%
WATER CONSERVATION VIOLATIONS	102	11.6%
PUBLIC NUISANCE (WEEDS AND STRUCTURES, INCLUDING FENCES)	76	8.6%
BUSINESS LICENSE VIOLATIONS	62	7.0%
OBSTRUCTION OF PUBLIC RIGHT-OF-WAY	39	4.4%
ABANDONED SHOPPING CARTS	38	4.3%
ILLEGAL AND UNPERMITTED SIGNS/BANNERS	34	3.9%
AMPLIFIED MUSIC PERMIT VIOLATIONS	27	3.1%
TRASH/LITTERING (INCLUDING ACCUMULATED JUNK ON PROPERTIES)	22	2.5%
ILLEGAL HABITATION OF BUILDINGS OR TRAILERS (INCLUDING TRESPASSING)	21	2.4%
ILLEGAL CONSTRUCTION/NO BUILDING PERMIT	17	1.9%
HARBORING OF ILLEGAL ANIMALS	17	1.9%
SCAVENGING (DUMPSTER DIVING)	13	1.5%
PUBLIC URINATION (USUALLY BEING DRUNK IN PUBLIC)	4	0.5%
TOTAL CITATIONS	880	

**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, 500075, 50077, 53722, 53724, 53739, and 53978; 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)(8) 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 A SPECIAL PARCEL TAX FOR PUBLIC SAFETY</p> <p>To provide funding for law enforcement to combat recent increases in criminal gang activity, following the dissolution of Community Facilities District No. 2006-001, shall an ordinance be adopted imposing an annual special parcel tax in the following amounts: (i) \$400 per unit upon developed multi-family residences or apartments; (ii) \$500 per unit upon all other developed parcels including single-family residences; (iii) \$100 per unit upon developed parcels for senior citizens; (iv) \$50 per unit upon undeveloped parcels for senior citizens; and (v) \$100 per parcel for all other undeveloped parcels, which will raise approximately \$500,000?</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 police protection 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 9th day of May, 2017, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Matt Flood, City Clerk

EXHIBIT "A"

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

**AN ORDINANCE OF THE CITY COUNCIL
OF THE CITY OF MENDOTA, CALIFORNIA,
ESTABLISHING A SPECIAL PARCEL TAX
FOR PUBLIC SAFETY**

ORDINANCE NO. 17-10

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, in order for the City to augment the resources of the Mendota Police Department to impact the criminal gang activity occurring within the City, it is necessary to impose an annual special parcel tax (the "Special Parcel Tax") upon each parcel of

real property within the City as follows: (i) \$400 per unit upon developed multi-family residences or apartments; (ii) \$500 per unit upon all other developed parcels including single-family residences; (iii) \$100 per unit upon developed parcels for senior citizens; (iv) \$50 per unit upon undeveloped parcels for senior citizens; and (v) \$100 per parcel for all other undeveloped parcels; 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 estimates that the Special Parcel Tax will raise approximately \$500,000 annually and will be imposed in perpetuity, beginning January 1, 2018; and

WHEREAS, on May 9, 2017, the City Council adopted Resolution No. 17-31 calling for a Special All Mail Ballot Election (the "Special Election") to be held on August 29, 2017, for the purpose of submitting this Ordinance to voters as a measure entitled "2017 Ordinance Establishing a Special Parcel Tax for Public Safety"; and

WHEREAS, two-thirds of the qualified voters of the City voting in the Special Election approved the 2017 Ordinance Establishing a Special Parcel Tax for Public Safety.

NOW, THEREFORE, THE PEOPLE OF THE CITY OF MENDOTA DO ORDAIN AS FOLLOWS:

Section 1 – Recitals.

The Recitals set forth above are incorporated herein and by this reference made an operative part hereof.

Section 2 – Special Parcel Tax.

There is hereby established for the City of Mendota (the "City") a special parcel tax (the "Special Parcel Tax") for the specific purpose of funding additional law enforcement activities. The City Council has authority, by resolution, to determine that a particular expenditure or appropriation of the Special Parcel Tax is proper and within the scope of this Ordinance, which determination shall be conclusive.

Section 3 – Special Account.

The proceeds of the Special Parcel Tax shall be deposited in a special account, created and maintained by the City, and used only for the specific purposes identified in this Ordinance.

Section 4 – Accountability Measures.

For so long as any proceeds of the Special Parcel Tax remain unexpended, the City shall cause a report to be prepared by an independent auditor, which shall include, at a minimum: (i) the amount of the Special Parcel Tax proceeds collected and expended in such year; and (ii) the status of any projects or description of any programs funded from proceeds of the Special Parcel Tax.

Section 5 – Application of Special Parcel Tax.

The Special Parcel Tax shall be assessed to the owner of each parcel of real property within the City, unless the owner is exempt from taxation, in which case, the Special Parcel Tax imposed shall be assessed to the holder of any possessory interest in such parcel, unless such holder is also by law exempt from taxation.

Section 6 – Imposition of Special Parcel Tax; Rate Schedule.

The Special Parcel Tax shall be levied each year, commencing January 1, 2018, on all taxable parcels of real property, improved or unimproved, within the boundaries of the City, in accordance with the rate schedule (the “Special Parcel Tax Rate Schedule”) set forth in this section. The Special Parcel Tax Rate Schedule is hereby established as follows:

Developed Parcel Rate	
Senior Citizen	\$100 per unit*
Single-family Residential	\$500 per unit
Multi-family Residential	\$400 per unit
Apartments	\$400 per unit
All Other Developed Parcels	\$500 per acre or portion thereof, not to exceed \$1,000 per parcel
Undeveloped Parcel Rate	
Senior Citizen	\$50 per parcel*
All Other Undeveloped Parcels	\$100 per parcel
*Senior Citizen Discount	
Parcel owned by a senior citizen who applies for a senior citizen discount pursuant to this Ordinance. For purposes of this discount, a “senior citizen” is a person 62 years of age or older.	

Section 7 – Community Facilities District 2006-001

Upon the enactment of the Special Parcel Tax, the City will commence proceedings to dissolve Community Facilities District 2006-1.

Section 8 – Interpretation and Implementation.

The City Council is hereby authorized, by resolution, to issue interpretations of this Ordinance and/or take any action in order to implement the provisions of this Ordinance.

Section 9 – Severability.

The Special Parcel Tax shall not apply to any person, entity or property as to whom which it is beyond the power of the City to impose the tax herein provided. If for any reason any provision of this Ordinance or the application thereof is found to be invalid, or if the Special Parcel Tax is found inapplicable to any particular parcel of real property within the City by a court of competent jurisdiction, the balance of this Ordinance and the application of the Special Parcel Tax to the remaining parcels of real property within the City shall not be affected and, to this end, the provisions of this Ordinance are severable.

Section 10 – Certification; Publication.

The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same to be published according to law.

I, Matt Flood, City Clerk of the City of Mendota, do hereby certify that the foregoing ordinance was **PASSED, APPROVED AND ADOPTED** by the people of the City of Mendota voting on the 29th day of August, 2017.

ATTEST:

APPROVED:

Matt Flood, City Clerk

Rolando Castro, Mayor

**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 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 9th 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.

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 9th 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, 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)(8) 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 law enforcement activities to combat recent increases in criminal gang activity and violent crimes, 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 police protection 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 9th day of May, 2017, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Matt Flood, City Clerk

EXHIBIT "A"
**BEFORE THE CITY COUNCIL
OF THE
CITY OF MENDOTA, COUNTY OF FRESNO**

**AN ORDINANCE OF THE CITY COUNCIL
OF THE CITY OF MENDOTA, CALIFORNIA,
INCREASING THE SALES AND USE TAX
FOR PUBLIC SAFETY**

ORDINANCE NO. 17-11

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, with the steady increase of violent crime associated with criminal gangs and the lack of revenue currently available to maintain Mendota Police Department staffing, the Mendota Police Department is not effectively staffed or equipped to directly impact the criminal gang activity occurring within the City; and

WHEREAS, in order for the City to augment the resources of the Mendota Police Department to impact the criminal gang activity occurring within the City, it is necessary to increase funding for the Mendota Police Department through the increase of the City's sales and use tax from 0.980% to 1.980%; and

WHEREAS, the City estimates that the increase in the City's Sales and Use Tax will raise \$500,000 annually and will be imposed for in perpetuity, beginning January 1, 2018; and

WHEREAS, on May 9, 2017, the City Council adopted Resolution No. 17-34 calling for a Special All Mail Ballot Election (the "Special Election") to be held on August 29, 2017, for the purpose of submitting this Ordinance to voters as a measure entitled "2017 Ordinance Increasing the Sales and Use Tax for Public Safety"; and

WHEREAS, two-thirds of the qualified voters of the City voting in the Special Election approved the 2017 Ordinance Increasing the Sales and Use Tax for Public Safety.

NOW, THEREFORE, THE PEOPLE OF THE CITY OF MENDOTA DO ORDAIN AS FOLLOWS:

SECTION 1. The Recitals set forth above are incorporated herein and by this reference made an operative part hereof.

SECTION 2. Section 3.12.020 of the Mendota Municipal Code is hereby amended to read as follows:

3.12.020 – Rate.

The rate of the city sales and use tax shall be 0.980% through December 31, 2017. The rate of the city sales and use tax shall be 1.980% beginning January 1, 2018.

SECTION 3. This ordinance shall be submitted to the voters at an election to be held on August 29, 2017, by mail ballot. Upon approval by a two-thirds majority of the voters of the City voting on this ordinance, the additional one percent (1%) Transactions and Use Tax enacted by this Ordinance shall be operative on the first day of the calendar quarter, or prior to the first day of the first calendar quarter, commencing more than 110 days after the adoption of the ordinance.

SECTION 4. If any provision of this ordinance or the application thereof to any person or circumstance is held invalid by a court of competent jurisdiction, the remainder of the ordinance and the application of such provision to the other persons or circumstances shall not be affected thereby. The voters of the City of Mendota hereby declare that they would have adopted each and every provision of this ordinance regardless of the invalidity of any other provision.

SECTION 5. Upon adoption of this ordinance pursuant to the voter approval referenced herein, the City Clerk, in consultation with the City Attorney, is hereby authorized and directed to codify this ordinance in the Mendota Municipal Code.

SECTION 6. The City Council is hereby authorized, by resolution, to issue interpretations of this Ordinance and/or take any action in order to implement the provisions of this Ordinance.

SECTION 7. The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same to be published according to law.

I, Matt Flood, City Clerk of the City of Mendota, do hereby certify that the foregoing ordinance was **PASSED, APPROVED AND ADOPTED** by the people of the City of Mendota voting on the 29th day of August, 2017.

ATTEST:

APPROVED:

Matt Flood, City Clerk

Rolando Castro, Mayor

**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 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 9th 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.

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

AYES:

NOES:

ABSENT:

ABSTAIN:

Matt Flood, City Clerk

AGENDA ITEM – STAFF REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS
FROM: MATT FLOOD, ECONOMIC DEVELOPMENT MANAGER
VIA: VINCE DIMAGGIO, CITY MANAGER
SUBJECT: CODE ENFORCEMENT REPORT FOR APRIL 2017
DATE: MAY 9, 2017

In April, Code Enforcement focused on increasing the amount of warnings given, also reducing the amount of citations given. Since the Council has requested it in its most recent meetings, Code Enforcement has been endeavoring to increase our education efforts.

As an example, this month Code Enforcement staff will be visiting all of our local businesses handing out information on the recent changes in the sign ordinance adopted by Council.

In the Month of May the Code Enforcement Department will also continue to focus on the abatement of public nuisances, specifically those related to weeds, trailers that are being illegally stored or inhabited, and abandoned buildings. Concerning the weeds, the Code Enforcement Department will shortly be sending out a “Notice and Order” to anyone that has not appropriately cleaned up their property. If the property is not cleaned up within the timeframe dictated in the Notice and Order, a forced abatement could happen on their property with the costs being assessed on their tax bill.

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

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

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

Address	Type of Case	1st Notice	2nd Notice	Deadline	Status
1640 NINTH ST	ABANDONED VEHICLE	4/1/2017	N/A	4/4/2017	CLEARED
1744 FOURTH ST	NO R.V. PARKING	4/4/2017	N/A	N/A	CLEARED
585 STAMOULES ST	PUBLIC NUISANCE	4/5/2017	N/A	4/19/2017	NOTICE AND ORDER
772 RIOFRIO ST	OBSTRUCTION OF CITY PROPERTY	4/7/2017	N/A	N/A	CITED
954 OLLER ST	PARKED OVER 18" FROM CURB	4/8/2017	N/A	N/A	CITED
611 KATE ST	PARKED OVER 18" FROM CURB	4/8/2017	N/A	N/A	CITED
585 J ST	OBSTRUCTION OF CITY PROPERTY	4/10/2017	N/A	N/A	CITED
MARIE ST AND TENTH ST	PUBLIC NUISANCE	4/11/2017	N/A	N/A	CLEARED
730 STAMOULES ST	ABANDONED VEHICLE	4/11/2017	N/A	N/A	CLEARED
720 OLLER ST	SHOPPING CARTS	4/11/2017	N/A	N/A	CITED
239 VALENZUELA ST	WATER CONSERVATION	4/11/2017	N/A	N/A	WRITTEN WARNING
404 MARTINEZ ST	WATER CONSERVATION	4/12/2017	N/A	N/A	WRITTEN WARNING
513 MARIE ST	CLOTHES VISIBLE TO PUBLIC	4/13/2017	N/A	N/A	WRITTEN WARNING
THIRD ST AND PUCHEU ST	PARKED ON LAWN	4/18/2017	N/A	N/A	WRITTEN WARNING
NINTH ST AND PUCHEU ST	ABANDONED VEHICLE	4/28/2017	N/A	5/1/2017	CLEARED
911 SIERRA ST MADERA CA	ITINERANT FOOD VENDOR	4/28/2017	N/A	N/A	CITED
911 SIERRA ST MADERA CA	NO BUSINESS LICENSE	4/28/2017	N/A	N/A	CITED



POLICE

M E N D O T A

MEMORANDUM

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

Significant Cases:

Graffiti vandalism at a local park. Witnesses identified the suspect who was gone upon officers arriving.

Vehicle stop at 9th/Naples discovered an outstanding warrant. He was arrested, cited and released.

Officers assisted Code Enforcement by storing a vehicle in violation of MMC parking ordinance.

Subject check by a local park discovered he was in possession of an open container of alcohol. He was cited and released.

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

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

Hit and run traffic collision reported in the parking lot of a local bar. The victim discovered her car damaged upon returning from the business.

Vehicle stop by 5th/Marie found the driver was driving on a suspended CDL and had active warrants for his arrest. He was arrested and a meth pipe was found in the vehicle. He was cited and released.

Subject check on Rio Frio of a person yelling and complaining of pain. He is a known drug addict and was found in possession of syringes. He also had an active warrant for his arrest. He was turned over to EMS for transport to CRMC for evaluation. CRMC security released him after treatment instead of notifying MPD he was ready for transport to Jail. Follow-up is ongoing.

Subject check on Marie Street of a known wanted person. She was seen entering and then exiting a travel trailer. She admitted to drugs being in the trailer, but not being the resident of the location. No one else was inside. A search warrant was obtained and served. Drugs and paraphernalia were located inside and seized. She was arrested and transported to Jail.

Disturbance on 4th Street discovered outstanding warrants on the subject causing. He was arrested and transported to Jail.

Vehicle stop by Hwy 33/Bass discovered the driver was driving on a suspended CDL and with active warrants. He was arrested, cited and released.

Non-injury traffic collision. Commercial vehicle snagged an overhead wire and knocked down a light pole. Public works was notified.

Vandalism on 7th/Lolita to a parked vehicle. The victim reported an unknown suspect smashed a passenger window.

A victim reported that during a prior disturbance she was hit by the suspect. The suspect is also wanted on an unrelated outstanding warrant.

Subject check in the alley along Stamoules discovered an active warrant. She was cited and released.

Subject check by Juanita/6th found him to be intoxicated. He was arrested and transported to Jail.

A deceased body was located on San Mateo N/O Hwy 180. Sheriff's detectives determined the death was a homicide. Officers assisted Homicide detectives with follow up in Mendota.

Officers assisted Cal Fire investigators with a fire investigation at a residence on Stamoules. Officers detained a possible suspect and turned him over to investigators.

Subject check at Rio Frio/6th found him to be intoxicated. He was arrested, cited and released to a sober adult.

Subject check at J/2nd discovered an outstanding warrant. He was arrested, cited and released.

Subject check at Stamoules/6th found an open container of alcohol. He was cited and released.

Subject check on Derrick found active warrants. He was arrested, cited and released.

A subject drove into the PD parking lot and met with office staff regarding a code enforcement issue. Upon leaving office staff informed Officers the subject smelled of alcohol and may be intoxicated. He was contacted as he attempted to drive away. He was found to be intoxicated, arrested for DUI and transported to Jail.

Subject check at Oller/10th of a person holding an open container of alcohol. He was detained and refused to sign the promise to appear. He was arrested and transported to Jail.

Theft of a bicycle on Derrick. Unknown subject stole the victim's bicycle from their yard.

Vehicle Theft from I Street. The victim said her car was stolen by an unknown suspect during the evening hours.

A suspended student came onto campus and confronted another student in an argument. He was contacted and arrested for trespassing on school property and driving with no CDL. He was cited and released to parents.

Suspicious subjects in a vehicle by a local restaurant on Derrick. One subject was found to have an outstanding warrant. He was cited and released.

Non injury hit and run traffic collision at Derrick/Smoot. The suspect vehicle fled after causing the collision.

Vandalism to a building on Juanita Street. Unknown suspect caused damage to the structure.

Vandalism to property on Derrick. Unknown suspect broke into the victim's shop and dented a vehicle while inside.

Patrol check at a local laundry mat on Seventh Street discovered an intoxicated subject. He was arrested and transported to Jail.

Non injury hit and run traffic collision in a business parking lot on Derrick. Unknown suspect caused damage to the victim's vehicle while it was parked.

Report of suspicious subjects smoking drugs on Barajas Street. Officers contacted the subjects and discovered they were possibly gang affiliated. One was also found to be on parole. Both were FI'ed for information.

Vehicle stop on Jennings Street found the driver to be intoxicated. He was arrested for DUI, cited and released to a sober family member.

Subject check by 6th/Rio Frio of a subject known to be on probation. An active warrant was discovered. He was arrested, cited and released.

Officers assisted CalFire at the scene of a house fire on Divisadero. Fire Investigators were not able to find any connection between this fire and others in town over the last couple weeks.

Subject check in the alley along Rio Frio discovered he was in possession of an open container of alcohol. He was cited and released.

Non injury hit and run by Divisadero/Kate. Unknown suspect hit the victim vehicle and then fled. Minor damage reported.

Vehicle stop of a vehicle that nearly went head on with a patrol car discovered the driver was intoxicated. He was arrested for DUI, cited and released to a sober family member.

Report of shots fired by a party at 6th/Stamoules. Upon arriving officers witnessed a subject pass a handgun over to another subject. Both were detained and eventually arrested and transported to Jail.

Vehicle stop by Lolita/Divisadero found an active warrant on the driver. He was arrested, cited and released.

Vehicle stop by Kate/9th found the driver was intoxicated. He was arrested, cited and released to a sober family member.

Subject check in the men's restroom at a local park discovered outstanding warrants for his arrest. He was arrested, cited and released.

Subject check by Oller/8th discovered he was intoxicated. He was arrested and transported to Jail.

Vehicle Stop at Lozano/Hwy33 discovered the driver was intoxicated. He was arrested for DUI, cited and released to a sober family member.

Vehicle stop at Bass/Hwy33 found the driver had an active warrant. He was arrested and transported to Jail.

Check fraud at a local store on Derrick. Unknown suspect created payroll checks using the business account.

Subject check at Lolita/6th resulted in an FI for information.

Assault upon the victim by a known suspect. The suspect also threatened to kill the victim. The suspect was not located.

Unwanted subject disturbing customers at a local store on Oller. Officers located the subject and found her to be intoxicated. She was arrested, cited and released to EMS for transport to CRMC for evaluation.

Subject check on 7th Street resulted in homicide follow up information. Information forwarded to Sheriff's Homicide Detectives.

Subject check of a person lying on the ground at 6th/Rio Frio. He was found to be intoxicated. He was arrested, cited and released to a sober adult.

Identity theft on Quince. The victim reported the IRS informed her that an unknown suspect has used her SS number to report income.

Non injury traffic collision at Oller/11th discovered active arrest warrants for the unlicensed driver causing. He was arrested, cited and released.

Suspicious vehicle in the parking lot of a local market discovered its interior had a strong odor of marijuana within it. Marijuana and use paraphernalia was found inside. The driver was a person of interest in a prior theft case. He was interviewed, cited for the marijuana and released.

A person came to MPD to obtain a vehicle release for a prior stored vehicle. While there he was discovered to be a suspect in an ongoing investigation. Officers found he had changed the registered owner on the vehicle to himself and was now attempting to fraudulently take possession of it. After being confronted with evidence of his fraud he confessed and was arrested. He was transported to Jail.

Subject check on 6th by Rio Frio discovered he was in possession of an open container of alcohol. He was also found to possess an illegal knife. He was arrested and transported to Jail.

Identity theft on Kate. The victim discovered an unknown suspect used her information to send money to Europe.

Unwanted subjects in front of 1798 6th Street. Upon contact officers discovered a subject causing in possession of an open container of alcohol and wanted on outstanding warrants. He was arrested, cited and released.

Subject check at 7th/Tule discovered active warrants for his arrest. He was cited and released.

Vehicle stop at Belmont/Oller discovered the subject was intoxicated. He was arrested for DUI, cited and released to a sober family member.

A victim reported he was hit by a known suspect and wanted to pursue criminal charges. The suspect was not located.

Subject check of two on Rios Street. Both claimed to be from outside the USA and migrated to Mendota. They were FI'ed for information.

Vehicle vs. pedestrian hit and run at Oller/8th Street. The victim received minor injuries and refused EMS. The suspect was located, arrested and transported to Jail.

Disturbance on I Street discovered a subject screaming and hysterical. She reported a known person entered her residence and hit her. As he fled he threatened to kill her. The suspect was gone upon officers arriving.

Report of a non injury hit and run at Quince/5th. Unknown suspect hit the parked vehicle during the evening hours.

Unwanted subject at a residence on Pachue Street. Officers located the subject in the back yard and he refused to leave. The property owner ordered him to leave and he continued to stay. Officers attempted to arrest him and he resisted. During the struggle an MPD Sergeant received an injury to his upper right chest. The suspect was taken into custody and transported to Jail. The injured Sergeant was treated at Kaiser Hospital and released.

Trespassing at a residence on Tuft Street discovered a known suspect attempted to enter the residence. He was contacted in the back yard and while being physically detained by a resident he pulled a knife and attempted to stab the victim. The suspect fled prior to officers arriving.

Burglary to a residence on Tuft Street. The unknown suspect broke a window to enter and then stole money from inside the home.

Officers located the trespassing and assault suspect from Tuft Street and were able to connect him to the Burglary on Tuft Street. He was arrested and transported to Jail. The stolen money was returned to the burglary victim.

Officers on a follow-up investigation located the knife, which was discarded by the suspect, used in the assault on Tuft Street.

Unwanted known subject at a residence on I Street who threatened to kill the victim. Officers located him after he ran from officers. He was found to have active warrants and arrested. He was transported to JJC.

Vandalism to a vehicle on L Street. Unknown suspect scratched the victim's car.

Theft from a residence on Rio Frio. Unknown suspect entered the victim's yard and stole his children's bicycle and Chihuahua dog.

Subject check at a local mini mart on Oller discovered active warrants. He was cited and released to EMS for transport to CRMC for evaluation.

Subject check at 7th/Stamoules discovered outstanding warrants for her arrest. She was arrested, cited and released.

Non injury hit and run on Straw Street. Unknown suspect side swiped the victim's vehicle causing damage and then fled the scene.

Burglary to a residence on Silva Street. Unknown suspect(s) stole kitchen appliances from an uninhabited home under construction.

Subject check in front of a residence on Derrick. Officers discovered the subject is a restrained person and the protected parties reside at the address. He was arrested and transported to Jail.

Vehicle stop at 5th/Quince discovered the driver and passenger were associated with a local gang. They were both FI'ed for information.

Intoxicated subject on Lolita. Officers located the individual and discovered he was very intoxicated and had outstanding warrants for his arrest. He was arrested and transported to Jail.

Non injury traffic collision on Oller. Both parties remained on scene.

Bicycle stop at 7th/Quince discovered the rider had outstanding warrants. He was arrested, cited and released.

Petty theft from a local store on Oller. Video surveillance identified the suspect. He was identified as a carnival employee, contacted, arrested, cited and released.

Vandalism to a vehicle on Naples Street. The victim believes an ex-friend is the suspect. Investigation is ongoing.

Disturbance at a residence on Barboza Street. Officers discovered the restrained party was at the residence and hit the protected party. The suspect was contacted and found to be in possession of methamphetamine and a parolee. He was arrested and his parole was violated. He was transported to Jail.

Disturbance on 7th Street by Stamoules discovered a victim was hit by a known suspect. The suspect was gone upon officers arrival.

Disturbance at a residence on Rio Frio found the subject causing to be on probation and under the influence of drugs. A meth pipe and methamphetamine was located in his possession. He was arrested and his probation was violated. He was transported to Jail.

Report of a suspicious person on Tule discovered a previously reported missing person. He was not at risk and able to care for himself. He was removed from the missing person's database.

Disturbance on 7th Street discovered the victim was hit and threatened by the suspect. The suspect was gone upon offices arriving.

Unwanted subject on Puchue. The known suspect entered the victim's property without permission and initially refused to leave when instructed to by the residents. He also challenged the resident to fight. He finally fled when told the police were called. He was gone upon officers arriving.

An unknown suspect stole the license plates from a vehicle on Divisadero.

Non injury traffic collision on 7th Street. Both parties remained on scene.

Vehicle stop at 9th/Oller. The driver was found to have an active warrant for his arrest. He was arrested, cited and released.

Suspicious subjects at 4th/I Street with one possibly in possession of a handgun. Officers contacted two subjects matching at 2nd/K Street. No weapon was located. They were FI'ed for information.

Subject check of five at a local carnival. Some were gang associated. All were FI'ed for information.

Non injury traffic collision on Valenzuela Street. Both parties remained on scene.

Disturbance on Quince Street discovered a belligerent person who was intoxicated and had an active warrant for his arrest. He was arrested and transported to Jail.

Officers were at Kate/7th on an unrelated investigation when they heard screaming and noticed a fight. As officers approached they noticed a person with a knife in their hands and another fall to the ground with knife wounds. The suspect was taken into custody and the injured victim was found to have two stab wounds. The victim was transported to CRMC with non-life threatening injuries. The suspect had additional knives in her possession. She was transported to Jail.

Vandalism to a residence on 5th Street. An unknown female smashed one of the victim's flower pots on the victim's front porch.

Officers attempted a bicycle stop at Divisadero/Marie, but the rider failed to yield. Officers followed as the rider turned into an alley and witnessed him throw methamphetamine onto the ground before stopping. He was arrested and transported to Jail.

Non injury traffic collision at Bass/Hwy 3. Both parties remained on scene.

Package Theft from the porch of a residence on Holmes. Possible suspect is known.

Disturbance at a residence on Rios Street. The investigation discovered the suspect hit the victim. The suspect causing was arrested and transported to Jail.

Prowler by a residence on Rio Frio Circle. The home owner notices subjects walking around her front and back yard. When the unknown suspects noticed the homeowner they ran to a vehicle and drove away.

Subject check at Derrick/5th discovered an active warrant for her arrest. She was arrested, cited and released.

Vehicle stop discovered the driver was driving on a suspended CDL and the passenger was found in possession of a meth pipe. Both were arrested, cited and released.

Suspicious subject by Quince/7th found him to be an adult under the influence of drugs and to be a missing person. His mother was contacted in Firebaugh and responded. He was released to his mother.

Subject check of four at Kate/I Street discovered juveniles smoking marijuana. All were issued citations and released to parents.

Subject check at 5th/Rio Frio discovered active warrants for his arrest. He was arrested, cited and released.

Unruly student at a school. Officers identified he was possibly associated with a local gang. He was FI'ed for information.

Subject check by Marie/2nd discovered active warrants for his arrest. He was arrested and transported to Jail.

Subject check by Marie/7th discovered active warrants. She was arrested, cited and released.

Subject check by 7th/Tule discovered he was drinking an open container of beer in public. He was cited and released.

Vandalism on Kate Street. Unknown suspect broke the window on the victim's car.

Injury traffic collision at McCabe/Derrick. Driver causing was found to be intoxicated. Both drivers were transported to CRMC. Investigation is ongoing.

A missing person from Mendota was located in good condition by law enforcement in Oklahoma. He was removed from the missing person's database.

Non injury traffic collision at Oller/7st. Both drivers remained on scene.

Bicycle stop by City Hall on Quince Street discovered outstanding warrants. He was arrested, cited and released.

Subject check at 7th/Quince discovered he was intoxicated. He was arrested, cited and released to a sober adult.

Strategic Planning:

- The S&W rifle has been returned to service
- MHS Auto Body students completed the detail to vehicle 84 and it is back in service
- Vehicle 83 was completed at Avenal prison and transported to Excel Signs in Clovis
- New Vehicle 86 was transported to Avenal Prison for painting

Personnel Information:

- Officer Escobedo continues to progress in the FTO program
- Juan Gurrola entered backgrounds for hiring as a Temporary Full-time Police Officer
- Sgt. Renteria received an in the line of duty upper chest injured and will be off on extended medical leave.
- Officer Lim submitted his two week notice and will be taking a position with a costal police agency.