



# 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  
August 8, 2017  
6:00 PM

VINCE DiMAGGIO  
City Manager

JOHN KINSEY  
City Attorney

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

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

## **CALL TO ORDER**

## **ROLL CALL**

## **FLAG SALUTE**

## **INVOCATION**

## **FINALIZE THE AGENDA**

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

## **CITIZENS ORAL AND WRITTEN PRESENTATIONS**

At this time members of the public may address the City Council on any matter not listed on the agenda involving matters within the jurisdiction of the City Council. Please complete a "request to speak" form and limit your comments to THREE (3) MINUTES. Please give the completed form to City Clerk prior to the start of the meeting. All speakers shall observe proper decorum. The Mendota Municipal Code prohibits the use of boisterous, slanderous, or profane language. All speakers must step to the podium, state their names and addresses for the record. Please watch the time.

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

1. Minutes of the regular City Council meeting of July 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. JULY 25, 2017 THROUGH AUGUST 03, 2017  
WARRANT LIST CHECKS NO. 042788 THRU 042862  
TOTAL FOR COUNCIL APPROVAL = \$328,332.18

## BUSINESS

1. Consideration of a petition to install speed bumps on the 700 and 800 block of Lolita Street.
  - a. *Receive verbal report from Planning & Public Works Director Gonzalez*
  - b. *Inquiries from Council to staff*
  - c. *Mayor opens floor to receive any comment from the public*
  - d. *Council take action as appropriate*

## PUBLIC HEARING

1. Second reading and proposed adoption of **Ordinance No. 17-12**, imposing a Transactions and Use Tax to be administered by the State Board of Equalization.
  - a. *Receive report from City Manager DiMaggio*
  - b. *Inquiries from Council to staff*
  - c. *Mayor opens the public hearing, accepting comments from the public*
  - d. *Mayor closes the public hearing*
  - e. *Council provide any input, waive second reading, and adopt Ordinance No. 17-12*
2. Introduction of **Ordinance No. 17-13**, amending Title 17 of the Mendota Municipal Code creating a Commercial Marijuana Overlay District and amending Chapter 8.36 for consistency therewith.
  - a. *Receive report from City Manager DiMaggio*
  - b. *Inquiries from Council to staff*
  - c. *Mayor opens the public hearing, accepting comments from the public*
  - d. *Mayor closes the public hearing*
  - e. *Council provide any input and motion to waive the first reading of Ordinance No. 17-13.*

## **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 August 8, 2017, was posted on the outside bulletin board located at City Hall, 643 Quince Street Friday, August 4, 2017 at 3:05 p.m.

  
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Celeste Cabrera, Deputy City Clerk



## MINUTES OF MENDOTA REGULAR CITY COUNCIL MEETING

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**Regular Meeting**

**July 25, 2017**

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

### **Roll Call**

**Council Members Present:** Mayor Rolando Castro, Councilors Jesse Mendoza, Oscar Rosales, and Robert Silva.

**Council Members Absent:** Mayor Pro Tem Victor Martinez.

**Flag salute led by members of the CalFire Mendota Station-96.**

**Invocation led by Dr. El Sayed Ramadan the Imam of Masjid Fresno Islamic Center.**

### **FINALIZE THE AGENDA**

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

A motion was made by Councilor Silva to adopt the agenda, seconded by Councilor Mendoza; unanimously approved (4 ayes, absent: Martinez).

### **CITIZENS ORAL AND WRITTEN PRESENTATIONS**

**Bertha Tarelo (33171 W. El Progreso)** – stated that she is a member of the Our Lady of Guadalupe Catholic Church; explained that she is praying that the Council makes a favorable decision regarding becoming a sanctuary city; and stated that she and other members of the public will be waiting for the day the Council considers the issue.

**Joe Gomez (2033 7<sup>th</sup> Street)** – stated that he had requested to be placed on the agenda; stated that he has not received a response to the public records request he

recently submitted; reported that Council Members were not answering his phone calls; and requested that he be placed on the agenda for the next Council meeting

Discussion was held on the status of the public records request that Mr. Gomez submitted and staff advised Mr. Gomez that the issue he wants to discuss being under the public hearing section of the agenda and would be heard at a later portion of the meeting.

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

1. Minutes of the regular City Council meeting of July 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 Rosales to approve items 1 and 2, seconded by Councilor Mendoza; unanimously approved (4 ayes, absent: Martinez).

### **CONSENT CALENDAR**

1. JULY 11, 2017 THROUGH JULY 19, 2017  
WARRANT LIST CHECKS NO. 042747 THRU 042787  
TOTAL FOR COUNCIL APPROVAL = \$227,961.06
2. Approval of an agreement between the City of Mendota, City of Reedley, and CALSTART for the administration of the Measure C New Technology Grant.

A motion was made by Councilor Rosales adopt item 1 of the Consent Calendar, seconded by Councilor Silva; unanimously approved (4 ayes, absent: Martinez).

A motion was made by Councilor Mendoza adopt item 2 of the Consent Calendar, seconded by Councilor Silva; unanimously approved (4 ayes, absent: Martinez).

### **BUSINESS**

1. Introduction and first reading of **Ordinance No. 17-12**, Imposing a Transactions and Use Tax to Be Administered by the State Board of Equalization.

Mayor Castro introduced the item and City Attorney Kinsey summarized the report including the procedural requirements under state law for an increase in a sales; the timeline of the ordinance; and the ordinance being contingent upon the results of the mail ballot election.

Discussion was held on the measures that the people will consider and this ordinance only having to do with the sales and use tax.

A motion was made by Councilor Silva to perform the first reading of Ordinance No. 17-12, with the second reading waived, seconded by Councilor Rosales; unanimously approved (4 ayes, absent: Martinez).

2. Council discussion and consideration to allow the use of Rojas-Pierce Park for the Annual Backpack Giveaway event.

Mayor Castro introduced the item and reported that Gutierrez Recycling requested to use Rojas-Pierce Park for the Annual Backpack Giveaway event due to the closure of the Gutierrez Recycling establishment.

Discussion was held on the various agencies and organizations that will be attending.

A motion was made by Councilor Rosales to approve the usage of Rojas-Pierce Park for the Annual Backpack Giveaway event, seconded by Councilor Mendoza; unanimously approved (4 ayes, absent: Martinez).

### **PUBLIC HEARING**

1. Council take public comment and consider **Resolution No. 17-46** and **Resolution No. 17-47**, authorizing the placement of special assessments on the 2017/2018 tax roll for the 2016 and 2017 nuisance abatement costs.

Mayor Castro introduced the item and Economic Development Manager Flood summarized the report including that the City carried out weed abatements on properties that did not clean up their properties, and explained the various notices that were provided to the property owners.

Discussion was held on the public nuisance abatement process; the amount of time that property owners had to clean their properties; and the amount of notices that were sent to the property owners.

**Angela McGarrett Brown (573 Stamoules Street)** – stated that she had been unable to reach the Code Enforcement Department to request an extension of time to clean her property; she was unable to hire someone to clean the property within the time given; stated that the individuals inhabiting 585 Stamoules Street were throwing debris to her property; and requested that the Council remove or lower the fees that is owed to the City.

Discussion was held on the Council having the discretion in regards to the issue; the amount of notices that were sent out; the fees that Ms. Brown owes being from the 2016 public nuisance abatement process; the options available to Council; a meeting that staff will attend regarding 585 Stamoules Street; and staff meeting with Ms. Brown regarding the issue.

**Victor Miranda (4150 Vaughn Avenue)** – stated that he is the property owner of 977

Marie Street; explained that he feels that the fee is too high; and requested that the Council lower the fee.

Discussion was held on the amount of notices that were sent to Mr. Miranda.

A motion was made by Councilor Silva to adopt Resolution No. 17-46 with the removal of 573 Stamoules Street, seconded by Councilor Rosales; unanimously approved (4 ayes, absent: Martinez).

A motion was made by Councilor Rosales to adopt Resolution No. 17-47, seconded by Councilor Mendoza; unanimously approved (4 ayes, absent: Martinez).

## **DEPARTMENT REPORTS AND INFORMATIONAL ITEMS**

1. Public Works
  - a) Monthly Report

Planning & Public Works Director Gonzalez summarized the report and reported that the application to use the Lozano Park for the Joaquin Murrieta ride was approved.

Discussion was held on when 5<sup>th</sup> Street will be reconstructed; various construction projects going on throughout the community; replacing a trashcan near Cecilia's restaurant; ensuring that fire hydrants are operational; parks at Veteran's park not functioning properly; and the recruitment of an animal control officer.

2. City Attorney
  - a) Update

City Attorney Kinsey reported on working with staff on ongoing issues, and provided a timeline for cannabis cultivation ordinance.

Discussion was held on providing the Council with an update on the Quince Street issue.

**Jorge Gutierrez (487 Perez Street)** – wanted clarification on the proposed cannabis cultivation ordinance.

3. City Manager

City Manager DiMaggio stated that he continues to monitor the progress of SB 54, and stated that Attorney General Sessions announced possible restrictions on Department of Justice Grants.

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

### 1. Council Member(s)

Councilor Silva requested that the Council honor CHP Commander Mosley in December; reported on the upcoming Backpack Giveaway event; and reported on the application to the California Water Commission that was submitted for Prop 1 funding.

### 2. Mayor

Mayor Castro reported on the upcoming Backpack Giveaway event, and reminded everyone that National Night Out would be held on August 1<sup>st</sup>.

## **ADJOURNMENT**

With no more business to be brought before the Council, a motion for adjournment was made at 7:25 p.m. by Councilor Rosales, seconded by Councilor Mendoza; unanimously approved (4 ayes, absent: Martinez).

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Rolando Castro, Mayor

ATTEST:

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Matt Flood, City Clerk



CITY OF MENDOTA  
CASH DISBURSEMENTS  
07/25/2017 - 08/03/2017  
Check # 042788 - 042862

Date	Check #	Amount	Vendor	Department	Description
July 25, 2017	42788	\$48.63	ADT SECURITY SERVICES	GENERAL	SECURITY SERVICES FOR COMMUNITY CENTER 8/03/17 - 9/2/17
July 25, 2017	42789	\$586.10	AFLAC	GENERAL	AFLAC INSURANCE FOR JULY 2017
July 25, 2017	42790	\$21,365.50	BLUE SHIELD OF CALIFORNIA	GENERAL	MEDICAL INSURANCE FOR AUGUST 2017
July 25, 2017	42791	\$329.99	NISSAN MOTOR ACCEPTANCE CORPORATION	GENERAL-WATER-SEWER	2015 NISSAN ALTIMA LEASE PAYMENT- JULY 2017
July 25, 2017	42792	\$300.00	MARIA PEREZ	DONATION	REIMBURSEMENT - NATION NIGHT OUT SUPPLIES
July 25, 2017	42793	\$18,191.85	PG&E	GENERAL-WATER-STREETS	WATER DEPARTMENT UTILITIES - 6/15/17-7/16/17
July 25, 2017	42794	\$1,109.98	PURCHASE POWER	GENERAL-WATER-SEWER	POSTAGE METER REFILL JULY 13, 2017
July 25, 2017	42795	\$1,300.51	VERIZON WIRELESS	GENERAL-WATER-SEWER	CITY WIDE CELL PHONE SERVICES FOR 6/7/2017 - 7/6/2017
July 25, 2017	42796	\$97,198.00	WESTAMERICA BANK	GENERAL	PAYROLL TRANSFER 7/10/17 - 7/23/17
July 26, 2017	42797	\$1,411.57	MUTUAL OF OMAHA	GENERAL	LIFE AD&D ATD STD INSURANCE FOR AUGUST 2017
July 26, 2017	42798	\$324.55	HOME DEPOT CREDIT SERVICES	STREETS	STREETS LIGHT REPAIR- WIRE CONNECTOR KIT, WINGNUT WIRE CONN & ELECTRICAL TAPE, 10 STRANDED THHN BLACK - 500FT
July 27, 2017	42799	\$18,192.55	GUTHRIE PETROLEUM INC	GENERAL-WATER-SEWER-STREETS	1974 GALLONS BLK DIESEL FUEL NO. & 5987 GALLONS BLK UNLEADED GASOLINE
August 3, 2017	42800	\$600.00	LORIE ANN ADAMS	CDBG	PORTFOLIO MANAGEMENT JUNE 2017- HOME CDBG
August 3, 2017	42801	\$41,539.58	AVISON CONSTRUCTION, INC.	STREETS	2ND PROGRESS PAYMENT (MARIE STREET & DIVISADERO STREET)
August 3, 2017	42802	\$150.00	FRESNO COUNTY	GENERAL	PARKING CITATIONS FOR JUNE 2017
August 3, 2017	42803	\$40.85	ID CARDS, INC.	GENERAL	(3) CUSTOM PVC CARDS JUNE 2017 - PD
August 3, 2017	42804	\$54,032.00	MID VALLEY DISPOSAL, INC.	REFUSE	SANTITATION CONTRACT SERVICES FOR JUNE 2017
August 3, 2017	42805	\$4,500.00	PROVOST & PRITCHARD	GENERAL-WATER-SEWER	CITY ENGINEERING SERVICES-RETAINER FY 16/17 JUNE 2017
August 3, 2017	42806	\$874.00	PURCHASE POWER	REFUSE	POSTAGE METER REFILL JUNE 2017- SENT DISPOSAL PAMPHLET
August 3, 2017	42807	\$620.00	R&S ERECTION TRI-COUNTY INC.	GENERAL-WATER-SEWER	REPAIR SHOP DOOR PW YARD
August 3, 2017	42808	\$18.22	SILVA FORD	WATER-SEWER	HANDLE ASY- E7TZ PART FOR CHEVROLET 2004
August 3, 2017	42809	\$70.32	FRESNO COUNTY TAX COLLECTOR	WATER-SEWER	FY 15/16 1759 7TH ST PROPERTY TAX - APN 013-222-14 & FY 16/17 1759 7TH ST PROPERTY TAX APN 013-222-14
August 3, 2017	42810	\$999.99	A1 JANITORIAL SUPPLY	SEWER	(10) ALL PURPOSE CITRUS LIFT STATION DEGREASER WWTP
August 3, 2017	42811	\$2,401.36	ACME ROTARY BROOM SERVICE	STREETS	STREET SWEEPER - (16) GUTTER BROOMS, SCHWARZE 7000
August 3, 2017	42812	\$29.22	AG & INDUSTRIAL SUPPLY INC.	GENERAL	CHAIN LOOP FOR CHAIN SAW

**CITY OF MENDOTA  
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Check # 042788 - 042862**

August 3, 2017	42813	\$138.16	ALERT-O-LITE	STREETS	(3) ASPHALT SS1 5-GAL PAIL
August 3, 2017	42814	\$968.66	AUTOMATED OFFICE SYSTEMS	GENERAL	MAINTENANCE CONTRACT FOR CITY HALL COPY MACHINE, MAINTENANCE CONTRACT FOR POLICE DEPARTMENT COPY MACHINE
August 3, 2017	42815	\$459.50	AT&T MOBILITY	GENERAL	AIRCARDS FOR PD 6/20/17 - 7/19/17
August 3, 2017	42816	\$34.72	AUTOZONE, INC.	GENERAL	(1) WET TIRE SHINE (2) DURALAST WIPER BLADE M87 - PD
August 3, 2017	42817	\$1,572.00	BSK ASSOCIATES	WATER-SEWER	GENERAL EDT WEEKLY TREATMENT & DISTRIBUTION, WASTE WATER WEEKLY, GENERAL EDT-DBP QUARTERLY 3RD QUARTER
August 3, 2017	42818	\$272.94	CEN-CAL MACHINERY CO INC	SEWER	VACUUM TRUCK - REPAIR BOOM
August 3, 2017	42819	\$118.88	CISCO SOLUTIONS CORP	STREETS	CONCENTRATED CONCRETE & ASPHALT CLEANER - LIQUID
August 3, 2017	42820	\$246.84	COLONIAL LIFE	GENERAL	LIFE INSURANCE FOR JULY 2017
August 3, 2017	42821	\$645.52	CORBIN WILLITS SYS INC	GENERAL-WATER-SEWER	ENHANCEMENT SERVICES FOR MOM SOFTWARE- AUGUST 2017
August 3, 2017	42822	\$206.59	CAPITOL ONE COMMERCIAL	GENERAL	PEDIGREE DRY DOG FOOD (5) KIRKLAND WATER CASE - 16 OZ
August 3, 2017	42823	\$171.60	CROWN SERVICES CO	GENERAL-SEWER	POOL PARK; PD; WWTP TOILET RENTAL
August 3, 2017	42824	\$223.35	DATAMATIC, INC.	WATER	MONTHLY SOFTWARE LICENSE AND SERVICE MAINTENANCE AUGUST 2017 FOR HANDHELD
August 3, 2017	42825	\$232.00	EINERSON'S PREPRESS	GENERAL	1000 NUMBER 10 ENVELOPES NO WINDOW - PD
August 3, 2017	42826	\$702.48	GUTHRIE PETROLEUM INC	WATER-SEWER-STREETS	(10) 2-1/3 GAL GST 32 OIL - WTP, (105) 3-1/3 GAL MEROPA 220 OIL- WWTP, 51.68 - BLK DIESEL FUEL NO.2 FOR BACKHOE & TRACTOR
August 3, 2017	42827	\$30.85	ID CARDS, INC.	GENERAL	(2) CUSTOM PVC CARDS DUAL SIDED JULY 2017- CODE ENFORCEMENT
August 3, 2017	42828	\$370.61	INDUSTRIAL CHEM LAB	SEWER	(50) FLOATING LIFT STATION DEGREASER
August 3, 2017	42829	\$73.66	J.P. COOKE RABIES	GENERAL	JULY 2017 - JUNE 2018 CITY OF MENDOTA DOG LICENSE TAGS
August 3, 2017	42830	\$659.98	KAY JAY SERVICES	SEWER	2 - CITRA LIFT ( LIFT STATION DEGREASER) - 5 GAL/PAIL
August 3, 2017	42831	\$288.00	KERWEST NEWSPAPER	GENERAL	(8) LEGAL NOTICES LOCAL NOTICE ORDINANCE NO. 17-05 & 17-13, (8) LEGAL NOTICES LOCAL NOTICE ORDINANCE 17-13
August 3, 2017	42832	\$124.59	LOWE'S BUSINESS ACCT	GENERAL-WATER-SEWER	RUBBER ELECTRICAL (2) BLUE WINGNUT (3) PROTAPE (1)
August 3, 2017	42833	\$5,175.00	MARIO'S LANDSCAPING	GENERAL	WEED ABATEMENT INVOICES FOR 2017
August 3, 2017	42834	\$917.00	MID VALLEY DISPOSAL, INC.	STREETS	SANITATION CONTRACT SERVICES 7.10 10YARD EXCHANGE
August 3, 2017	42835	\$1,707.40	NORTHSTAR CHEMICAL	WATER	SODIUM HYPOCHLORITE - 12.5% MILL A - WTP
August 3, 2017	42836	\$976.79	OFFICE DEPOT	GENERAL-WATER-SEWER	HP 90A BLACK TONER, 6" 3-TING BINDER, STICKY NOTES (CITY HALL) (4) TONER, MANILA FOLDER, ENVELOPES, POST-IT, TABS (PD)
August 3, 2017	42837	\$779.50	PET PARTNERS, LLC	GENERAL	ANIMAL CONTROL- (15) STRAY DOG EUTHANASIA

**CITY OF MENDOTA**  
**CASH DISBURSEMENTS**  
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August 3, 2017	42838	\$601.14	PURL'S SHEETMETAL & AIR	GENERAL-WATER-SEWER	REPAIR FOR AIR CONDITIONING SYSTEM CITY HALL
August 3, 2017	42839	\$5,515.57	R&B COMPANY	GENERAL-WATER	1-1/2 COMB FOG NOZZEL PART, (2) HYDRANT REPLACEMENT W/ DRAIN HOLES DRILLED & TAPPED COLOR SILVER, (200) CTS PE TUBING 250 PSI
August 3, 2017	42840	\$10,895.89	R.G. EQUIPMENT COMPANY	GENERAL	PARK MOWER 60" Z MASTER 6000 SERIES 26.5 KOHLER ENGINE, EDGER BLADE 7-11/16" X 1" UNSHARPENED
August 3, 2017	42841	\$1,479.01	RAMON'S TIRE	GENERAL-WATER-SEWER-STREETS	TRAILER - (2) FARM SPECIALIST CARLISLE (2) VALVE STEM, (1) RADIAL REPAIR UNIT PATCH & TIRE REPAIR, (2) FIRESTONE 12 PLY TRACTOR VALVE STEM
August 3, 2017	42842	\$495.00	RED WING SHOE STORE	WATER-STREETS	(3) BOOT REPLACEMENT PER MOU
August 3, 2017	42843	\$1,608.47	RON CAMPBELL TRUCKING INC	STREETS	75 - 3 LOADS OF 3/4 BASE ROCK DELIVEY
August 3, 2017	42844	\$855.34	ERNEST PACKING SOLUTIONS	GENERAL-WATER-SEWER	JANITORIAL SUPPLIES - CITY WIDE
August 3, 2017	42845	\$3,401.48	SEBASTIAN	GENERAL-WATER-SEWER	NEC SV9100 PHONE SYSTEM
August 3, 2017	42846	\$244.02	SIGNMAX	GENERAL	DECAL RD 14" TALL CITY OF MENDOTA LOGO & ANIMAL CONTROL TRUCK LOGO
August 3, 2017	42847	\$274.83	SIRCHIE	GENERAL	(3) BOX SEALING TAPE (1) EVIDENCE RIFLE BOX (PD)
August 3, 2017	42848	\$170.00	STATE WATER RESOURCES CONTROL BAORD	SEWER	WASTEWATER TREATMENT PLANT OPERATOR CERTIFICATION
August 3, 2017	42849	\$550.00	TECH-MASTER	GENERAL-WATER-SEWER-AVIATION	GENERAL PEST CONTROL FOR CITY HALL, DMV, EDD, SENIOR CENTER, PUBLIC WORKS YARD, WATER PLANT, WASTE WATER PLANT, AIRPORT, ROJAS
August 3, 2017	42850	\$130.40	THARP'S FARM SUPPLY	WATER	PUMP PARTS- SUCTION HOE, HOSE SHANK, & NYLON ADAPTER
August 3, 2017	42851	\$1,143.04	THOMASON TRACTOR COMPANY	GENERAL	MOWER DECK REPAIR - (1) SEAL BOLT LOCKNUT SUPPORT PULLEY, (6) BLADE, (1) BEARING
August 3, 2017	42852	\$3,500.00	TOWNSEND PUBLIC AFFAIRS, INC.	GENERAL-WATER-SEWER	CONSULTING SERVICES FOR JULY 2017
August 3, 2017	42853	\$8,272.31	TRIANGLE ROCK PRODUCTS, LLC	STREETS	5TH STREET REPAIR - (8) LOADS COLD MIX ASPHALT (9.99 TON, 10.09 TON, 10.15 TON, 10.11 TON), COLD MIX ASPHALT (10.06 TON, 10.02 TON,
August 3, 2017	42854	\$3,517.68	USA BLUEBOOK	WATER-SEWER	WACHEM SERIES PUMP REPAIR KIT, LAB EQUIPMENT- CAP MEMBRANE KIT, ZERO OXYGEN CALIBRATOR 500ML, HYDRANT GREASE, HYDRANT PARTS
August 3, 2017	42855	\$394.75	UNDERGROUND SERVICE ALERT	WATER-SEWER	ANNUAL FEE FOR UNDERGROUND SERVICE
August 3, 2017	42856	\$190.00	VERIZON WIRELESS GPS	GENERAL-WATER-SEWER	MONTHLY GPS FLEET SERICES FOR MAY 2017
August 3, 2017	42857	\$1,024.03	VULCAN MATERIALS COMPANY	STREETS	ST 1/2 HMA TYPE A HOT MIX 5TH STREET PATCHING
August 3, 2017	42858	\$474.89	WALMART COMMUNITY	GENERAL	(3) PEDIGREE DOG FOOD, POLICE DEPARTMENT SUPPLIES
August 3, 2017	42859	\$55.80	WECO	GENERAL-WATER-SEWER	(6) RENT CYL ( ACETYLENE #4, OXYGEN D, OXYGEN K)
August 3, 2017	42860	\$73.32	SALOME & LINDA ESPINOZA	WATER	MQ CUSTOMER REFUND FOR ESP0036
August 3, 2017	42861	\$94.94	LUZ M. ROMER	WATER	MQ CUSTOMER REFUND FOR ROM0023
August 3, 2017	42862	\$38.88	FERNANDO & ALEXANDRA ROSARIO	WATER	MQ CUSTOMER REFUND FOR ROS0019

CITY OF MENDOTA  
CASH DISBURSEMENTS  
07/25/2017 - 08/03/2017  
Check # 042788 - 042862

		\$328,332.18			
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## AGENDA ITEM

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**TO:** HONORABLE MAYOR AND COUNCILMEMBERS  
**FROM:** CRISTIAN GONZALEZ, DIRECTOR OF PLANNING & PUBLIC WORKS  
**VIA:** VINCE DIMAGGIO, CITY MANAGER  
**SUBJECT:** SPEED HUMP REQUEST ON LOLITA STREET AND ACTION PLAN  
**DATE:** AUGUST 8, 2017

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### **ISSUES**

Should the Department of Public Works install speed humps on Lolita Street between 7th and 9th Streets?

### **BACKGROUND**

On August 1st, 2017 the Department of Public Works received a request by Marcelina Gallardo, resident at 791 Lolita St, requesting the installation of speed humps on Lolita Street between 7th and 9th Streets. Also accompanying her request are signatures from 21 out of the 24 residents that reside on that block.

Currently, the administrative policy in place allows for residents to apply for a speed hump if they can provide signatures from at least 60% of affected residents in support. Public Works must analyze and assure that proper findings are made consistent with existing policy before either recommending or not recommending the installation of the speed hump to the City Council.

### **ANALYSIS**

Since the request was made fairly recent, Public Works will install temporary speed bumps while staff analyzes and prepares a recommendation for the Mendota City Council.

### **FISCAL IMPACT**

Minor, temporary speed humps are not cost prohibitive.

### **RECOMMENDATION**

The item at this point is informational only.

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

**AN ORDINANCE OF THE CITY OF MENDOTA  
IMPOSING A TRANSACTIONS AND USE TAX  
TO BE ADMINISTERED BY THE CALIFORNIA  
DEPARTMENT OF TAX AND FEE ADMINISTRATION**

**ORDINANCE NO. 17-12**

Section 1. TITLE. This ordinance shall be known as the City of Mendota Ordinance Increasing the Sales and Use Tax for Public Safety (the "Ordinance"). The City of Mendota hereinafter shall be called "City." This ordinance shall be applicable in the incorporated territory of the City.

Section 2. OPERATIVE DATE. "Operative Date" means the first day of the first calendar quarter commencing more than 110 days after the adoption of this ordinance, the date of such adoption being as set forth below.

Section 3. PURPOSE. This ordinance is adopted to achieve the following, among other purposes, and directs that the provisions hereof be interpreted in order to accomplish those purposes:

A. To impose a retail transactions and use tax in accordance with the provisions of Part 1.6 (commencing with Section 7251) of Division 2 of the Revenue and Taxation Code and Section 7285.91 of Part 1.7 of Division 2 which authorizes the City to adopt this tax ordinance which shall be operative if two-thirds of the electors voting on the measure vote to approve the imposition of the tax at an election called for that purpose.

B. To adopt a retail transactions and use tax ordinance that incorporates provisions identical to those of the Sales and Use Tax Law of the State of California insofar as those provisions are not inconsistent with the requirements and limitations contained in Part 1.6 of Division 2 of the Revenue and Taxation Code.

C. To adopt a retail transactions and use tax ordinance that imposes a tax and provides a measure therefore that can be administered and collected by the California Department of Tax and Fee Administration in a manner that adapts itself as fully as practicable to, and requires the least possible deviation from, the existing statutory and administrative procedures followed by the California Department of Tax and Fee Administration in administering and collecting the California State Sales and Use Taxes.

D. To adopt a retail transactions and use tax ordinance that can be administered in a manner that will be, to the greatest degree possible, consistent with the provisions of Part 1.6 of Division 2 of the Revenue and Taxation Code, minimize the cost of collecting the transactions and use taxes, and at the same time, minimize the burden of record keeping upon persons subject to taxation under the provisions of this ordinance.

Section 4. CONTRACT WITH STATE. Prior to the operative date, the City shall contract with the California Department of Tax and Fee Administration to perform all functions incident to the administration and operation of this transactions and use tax ordinance; provided, that if the City shall not have contracted with the California Department of Tax and Fee Administration prior to the operative date, it shall nevertheless so contract and in such a case the operative date shall be the first day of the first calendar quarter following the execution of such a contract.

Section 5. TRANSACTIONS TAX RATE. For the privilege of selling tangible personal property at retail, a tax is hereby imposed upon all retailers in the incorporated territory of the City at the rate of 1.0% of the gross receipts of any retailer from the sale of all tangible personal property sold at retail in said territory on and after the operative date of this ordinance.

Section 6. PLACE OF SALE. For the purposes of this ordinance, all retail sales are consummated at the place of business of the retailer unless the tangible personal property sold is delivered by the retailer or his agent to an out-of-state destination or to a common carrier for delivery to an out-of-state destination. The gross receipts from such sales shall include delivery charges, when such charges are subject to the state sales and use tax, regardless of the place to which delivery is made. In the event a retailer has no permanent place of business in the State or has more than one place of business, the place or places at which the retail sales are consummated shall be determined under rules and regulations to be prescribed and adopted by the California Department of Tax and Fee Administration.

Section 7. USE TAX RATE. An excise tax is hereby imposed on the storage, use or other consumption in the City of tangible personal property purchased from any retailer on and after the operative date of this ordinance for storage, use or other consumption in said territory at the rate of 1.0% of the sales price of the property. The sales price shall include delivery charges when such charges are subject to state sales or use tax regardless of the place to which delivery is made.

Section 8. ADOPTION OF PROVISIONS OF STATE LAW. Except as otherwise provided in this ordinance and except insofar as they are inconsistent with the provisions of Part 1.6 of Division 2 of the Revenue and Taxation Code, all of the provisions of Part 1 (commencing with Section 6001) of Division 2 of the Revenue and Taxation Code are hereby adopted and made a part of this ordinance as though fully set forth herein.

Section 9. LIMITATIONS ON ADOPTION OF STATE LAW AND COLLECTION OF USE TAXES. In adopting the provisions of Part 1 of Division 2 of the Revenue and Taxation Code:

A. Wherever the State of California is named or referred to as the taxing agency, the name of this City shall be substituted therefor. However, the substitution shall not be made when:

1. The word "State" is used as a part of the title of the State Controller, State Treasurer, California Department of Tax and Fee Administration, State Treasury, or the Constitution of the State of California;

2. The result of that substitution would require action to be taken by or against this City or any agency, officer, or employee thereof rather than by or against the California Department of Tax and Fee Administration, in performing the functions incident to the administration or operation of this Ordinance.

3. In those sections, including, but not necessarily limited to sections referring to the exterior boundaries of the State of California, where the result of the substitution would be to:

a. Provide an exemption from this tax with respect to certain sales, storage, use or other consumption of tangible personal property which would not otherwise be exempt from this tax while such sales, storage, use or other consumption remain subject to tax by the State under the provisions of Part 1 of Division 2 of the Revenue and Taxation Code, or;

b. Impose this tax with respect to certain sales, storage, use or other consumption of tangible personal property which would not be subject to tax by the state under the said provision of that code.

4. In Sections 6701, 6702 (except in the last sentence thereof), 6711, 6715, 6737, 6797 or 6828 of the Revenue and Taxation Code.

B. The word "City" shall be substituted for the word "State" in the phrase "retailer engaged in business in this State" in Section 6203 and in the definition of that phrase in Section 6203.

Section 10. PERMIT NOT REQUIRED. If a seller's permit has been issued to a retailer under Section 6067 of the Revenue and Taxation Code, an additional transactor's permit shall not be required by this ordinance.

#### Section 11. EXEMPTIONS AND EXCLUSIONS.

A. There shall be excluded from the measure of the transactions tax and the use tax the amount of any sales tax or use tax imposed by the State of California or by any city, city and county, or county pursuant to the Bradley-Burns Uniform Local Sales and Use Tax Law or the amount of any state-administered transactions or use tax.

B. There are exempted from the computation of the amount of transactions tax the gross receipts from:

1. Sales of tangible personal property, other than fuel or petroleum products, to operators of aircraft to be used or consumed principally outside the county in which the sale is made and directly and exclusively in the use of such aircraft as common carriers of persons or property under the authority of the laws of this State, the United States, or any foreign government.



2. Sales of property to be used outside the City which is shipped to a point outside the City, pursuant to the contract of sale, by delivery to such point by the retailer or his agent, or by delivery by the retailer to a carrier for shipment to a consignee at such point. For the purposes of this paragraph, delivery to a point outside the City shall be satisfied:

a. With respect to vehicles (other than commercial vehicles) subject to registration pursuant to Chapter 1 (commencing with Section 4000) of Division 3 of the Vehicle Code, aircraft licensed in compliance with Section 21411 of the Public Utilities Code, and undocumented vessels registered under Division 3.5 (commencing with Section 9840) of the Vehicle Code by registration to an out-of-City address and by a declaration under penalty of perjury, signed by the buyer, stating that such address is, in fact, his or her principal place of residence; and

b. With respect to commercial vehicles, by registration to a place of business out-of-City and declaration under penalty of perjury, signed by the buyer, that the vehicle will be operated from that address.

3. The sale of tangible personal property if the seller is obligated to furnish the property for a fixed price pursuant to a contract entered into prior to the operative date of this ordinance.

4. A lease of tangible personal property which is a continuing sale of such property, for any period of time for which the lessor is obligated to lease the property for an amount fixed by the lease prior to the operative date of this ordinance.

5. For the purposes of subparagraphs (3) and (4) of this section, the sale or lease of tangible personal property shall be deemed not to be obligated pursuant to a contract or lease for any period of time for which any party to the contract or lease has the unconditional right to terminate the contract or lease upon notice, whether or not such right is exercised.

C. There are exempted from the use tax imposed by this ordinance, the storage, use or other consumption in this City of tangible personal property:

1. The gross receipts from the sale of which have been subject to a transactions tax under any state-administered transactions and use tax ordinance.

2. Other than fuel or petroleum products purchased by operators of aircraft and used or consumed by such operators directly and exclusively in the use of such aircraft as common carriers of persons or property for hire or compensation under a certificate of public convenience and necessity issued pursuant to the laws of this State, the United States, or any foreign government. This exemption is in addition to the exemptions provided in Sections 6366 and 6366.1 of the Revenue and Taxation Code of the State of California.

3. If the purchaser is obligated to purchase the property for a fixed price pursuant to a contract entered into prior to the operative date of this ordinance.

4. If the possession of, or the exercise of any right or power over, the tangible personal property arises under a lease which is a continuing purchase of such property for any period of time for which the lessee is obligated to lease the property for an amount fixed by a lease prior to the operative date of this ordinance.

5. For the purposes of subparagraphs (3) and (4) of this section, storage, use, or other consumption, or possession of, or exercise of any right or power over, tangible personal property shall be deemed not to be obligated pursuant to a contract or lease for any period of time for which any party to the contract or lease has the unconditional right to terminate the contract or lease upon notice, whether or not such right is exercised.

6. Except as provided in subparagraph (7), a retailer engaged in business in the City shall not be required to collect use tax from the purchaser of tangible personal property, unless the retailer ships or delivers the property into the City or participates within the City in making the sale of the property, including, but not limited to, soliciting or receiving the order, either directly or indirectly, at a place of business of the retailer in the City or through any representative, agent, canvasser, solicitor, subsidiary, or person in the City under the authority of the retailer.

7. "A retailer engaged in business in the City" shall also include any retailer of any of the following: vehicles subject to registration pursuant to Chapter 1 (commencing with Section 4000) of Division 3 of the Vehicle Code, aircraft licensed in compliance with Section 21411 of the Public Utilities Code, or undocumented vessels registered under Division 3.5 (commencing with Section 9840) of the Vehicle Code. That retailer shall be required to collect use tax from any purchaser who registers or licenses the vehicle, vessel, or aircraft at an address in the City.

D. Any person subject to use tax under this ordinance may credit against that tax any transactions tax or reimbursement for transactions tax paid to a district imposing, or retailer liable for a transactions tax pursuant to Part 1.6 of Division 2 of the Revenue and Taxation Code with respect to the sale to the person of the property the storage, use or other consumption of which is subject to the use tax.

Section 12. AMENDMENTS. All amendments subsequent to the effective date of this ordinance to Part 1 of Division 2 of the Revenue and Taxation Code relating to sales and use taxes and which are not inconsistent with Part 1.6 and Part 1.7 of Division 2 of the Revenue and Taxation Code, and all amendments to Part 1.6 and Part 1.7 of Division 2 of the Revenue and Taxation Code, shall automatically become a part of this ordinance, provided however, that no such amendment shall operate so as to affect the rate of tax imposed by this ordinance.

Section 13. ENJOINING COLLECTION FORBIDDEN. No injunction or writ of mandate or other legal or equitable process shall issue in any suit, action or proceeding in any court against the State or the City, or against any officer of the State or the City, to prevent or enjoin the collection under this ordinance, or Part 1.6 of Division 2 of the Revenue and Taxation Code, of any tax or any amount of tax required to be collected.

Section 14. USE OF TAX PROCEEDS AND EXPENDITURE PLAN. All proceeds of the tax levied and imposed hereunder shall be accounted for and paid into a special fund or account designated for use by the City of Mendota for police services only. For the purposes of this Section, "Police Services" means all programs, functions and operations of the Mendota Police Department including hiring additional police personnel; recruitment and retention of police officers; enhancing youth anti-gang and anti-drug programs; improving police training; purchasing, obtaining, furnishing, operating, and maintaining police equipment; enhancing graffiti abatement; increasing police presence in the City's neighborhoods, parks, and schools; and such other expenses for police services, including capital expenses, as are deemed necessary by the City Council for the benefit of the residents of the City. Because the proceeds of the tax shall be used for only for maintaining current police service levels, this section shall satisfy the expenditure plan requirement of Section 7285.91(c) of the Revenue and Taxation Code.

Section 15. SEVERABILITY. If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the ordinance and the application of such provision to other persons or circumstances shall not be affected thereby.

Section 16. EFFECTIVE DATE. If this ordinance is approved by two-thirds of the voters voting on the issue at the August 29, 2017 election, pursuant to Elections Code Section 9217, the tax shall become effective on January 1, 2018.

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The foregoing ordinance was introduced on the 25<sup>th</sup> day of July, 2017 and duly passed and adopted by the City Council of the City of Mendota at a regular meeting thereof held on the 8<sup>th</sup> day of August, 2017 by the following vote:

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

\_\_\_\_\_  
Rolando Castro, Mayor

ATTEST:

\_\_\_\_\_  
Matt Flood, City Clerk

APPROVED AS TO FORM:

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John Kinsey, City Attorney

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

**DATE:** July 26, 2017

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

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

**SUBJECT:** Resolution Recommending that the City Council of the City of Mendota Adopt [Proposed] Ordinance No. 17-13 An Ordinance of the Council of the City of Mendota Amending Title 17 of the Mendota Municipal Code Creating a Commercial Marijuana Overlay District and Amending Chapter 8.36 for Consistency Therewith.

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**RECOMMENDATION:**

Adopt a Resolution that:

- A. Recommends that the City Council adopt an ordinance that would add Chapter 17.99 to Title 17 and amend Sections 8.36.050, subd. (B) and 8.36.60, subd. (A) of Title 8, Chapter 8.36 of the Mendota Municipal Code (“MMC”) to create a Commercial Marijuana Overlay District and revise other provisions of the MMC for consistency therewith.
- B. Finds the Proposed Ordinance is not subject to environmental review under the California Environmental Quality Act.
- C. Directs the Secretary to schedule a public hearing before the City Council on the proposed amendments to Chapter 8.36 of the Mendota Municipal Code no less than ten (10) days nor more than forty (40) days after the adoption of the resolution.

**BACKGROUND:**

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

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

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

Following the adoption of the AUMA, the City adopted amendments to Chapter 8.36 of the Mendota Municipal Code pertaining to Medical Marijuana (the “Marijuana Ordinance”) to (i) regulate the cultivation of marijuana for personal use; (ii) prohibit the location of commercial marijuana operations and dispensaries within the City; (iii) prohibit the delivery of marijuana; (iv) clarify the City’s enforcement of any violations of Chapter 8.36; and (v) provide any further amendments needed to clarify the regulation of marijuana use and cultivation within the City. The effect of these amendments was to prohibit, among other things, commercial marijuana activities within the City.

Since the adoption of the amendments to the Marijuana Ordinance, both the City and several other surrounding communities have received inquiries from various commercial enterprises engaged in the commercial marijuana operations.

On July 11, 2017, the City Council adopted a Resolution No. 17-43: Resolution of Intention to Initiate an Amendment to the Mendota Municipal Code Relating to the Commercial Growing, Production, and Processing of Cannabis Products. A copy of the Resolution of Intention is attached as **Exhibit “A.”**

In response to the Resolution of Intention, City Staff has prepared proposed amendments to add Chapter 17.99 to Title 17 and revise Sections 8.36.050, subd. (B) and 8.36.60, subd. (A) of Title 8, Chapter 8.36. A draft of the proposed ordinance is attached as **Exhibit “B”** (the “Proposed Ordinance”).

## **DISCUSSION:**

Staff is recommending that the Planning Commission consider and adopt a resolution recommending that the City Council adopt the proposed amendments to Title 17 and Chapter 8.36 of the MMC.

The Proposed Ordinance will establish an overlay district to facilitate the establishment of commercial marijuana businesses within the City. It will also revise the City’s existing Marijuana Ordinance to ensure consistency with the new provisions.

The Proposed Ordinance maintains the Zoning Ordinance's existing use classifications and development standards within the Commercial Marijuana Overlay District ("Overlay District"). It then permits specified uses within the Overlay District that would otherwise be prohibited by the Zoning Ordinance and the Marijuana Ordinance, but only if a Conditional Use Permit ("CUP") is first obtained. These uses are: (1) indoor marijuana cultivation, (2) marijuana manufacturing, (3) marijuana testing services, and (4) marijuana distribution. The Proposed Ordinance specifically prohibits outdoor marijuana cultivation and marijuana dispensaries within the Overlay District.

To ensure an appropriate balance between allowing some commercial marijuana businesses and avoiding negative impacts associated with such businesses, the Proposed Ordinance requires the applicant to obtain a CUP before engaging in commercial marijuana activity in the Overlay District. The Proposed Ordinance incorporates existing CUP procedures, but supplements these procedures by requiring that thirteen additional findings be made before a CUP may be granted. These additional findings are designed to ensure that the marijuana activity permitted in the Overlay District does not negatively impact other land uses or the health, safety, and welfare of the citizens of Mendota.

Among other things, the Proposed Ordinance requires a finding that the applicant and the City have entered into a development agreement. The development agreement will contain the specific requirements that the applicant must adhere to in order to engage in the proposed use. This approach is intended to allow City officials the flexibility to regulate the proposed land use based on the particulars of the proposed use, rather than mandating specific requirements that may not be necessary or appropriate under the circumstances of a particular case. Additionally, it is contemplated that the development agreement will contain revenue-raising provisions, such as a fee based on the property's square footage, and, if desired, a fee based on the business's gross revenues. By incorporating these provisions into the development agreement, the City will have the freedom to devise revenue-raising measures without the need to hold an election for the imposition of a new tax, as required by Proposition 218.

Finally, the Ordinance makes two revisions to the City's existing Marijuana Ordinance. These revisions are intended solely to avoid any conflict between the Proposed Ordinance and the existing Marijuana Ordinance.

Staff is also recommending that the City follow the procedures set forth in Chapter 17.08.040 of the Mendota Municipal Code for the amendment, as the regulations affect land uses within the City. As a result, as part of its consideration and adoption of the proposed resolution, City Staff recommends that the Planning Commission direct the Secretary to file the resolution with the City Council, and schedule a public hearing on the proposed amendments to add Chapter 17.99 to Title 17 and revise Sections 8.36.050, subd. (B) and 8.36.60, subd. (A) of Title 8, Chapter 8.36 of the MMC no less than ten (10) days nor more than forty (40) days after the adoption of the resolution.

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

## **CONCLUSION**

Based on the foregoing, Staff recommends that the Planning Commission adopt a resolution recommending that the City Council adopt the Proposed Ordinance, which would add Chapter 17.99 to Title 17 and revise Sections 8.36.050, subd. (B) and 8.36.60, subd. (A) of Title 8, Chapter 8.36 of the MMC to create a Commercial Marijuana Overlay District and revise other provisions of the MMC for consistency therewith.

Staff also recommends that the Planning Commission direct the Secretary to file the resolution with the City Council, and schedule a public hearing on the proposed amendments to Chapter 8.36 of the Mendota Municipal Code no less than ten (10) days nor more than forty (40) days after the adoption of the resolution.

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

## **ATTACHMENT**

**Ex. “A”:** July 11, 2017, Resolution No. 17-43: Resolution of Intention to Initiate an Amendment to the Mendota Municipal Code Relating to the Commercial Growing, Production, and Processing of Cannabis Products

**Ex. “B”:** [Proposed] Ordinance No. 17-13 An Ordinance of the Council of the City of Mendota Amending Title 17 of the Mendota Municipal Code Creating a Commercial Marijuana Overlay District and Amending Chapter 8.36 for Consistency Therewith.



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**AGENDA ITEM – STAFF REPORT**

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**TO:** HONORABLE MAYOR AND COUNCILMEMBERS  
**FROM:** VINCE DIMAGGIO, CITY MANAGER  
**SUBJECT:** **SUPPLEMENTAL REPORT** - CONSIDERATION OF AN ORDINANCE ALLOWING THE CULTIVATION OF MARIJUANA WITHIN THE CITY  
**DATE:** AUGUST 8, 2017

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**BACKGROUND**

The technical dimensions of the ordinance being considered by the City Council have been outlined in detail in the City Attorney's report. This supplemental report attempts to outline larger policy considerations for the Council to consider.

**ANALYSIS**

*Land Use Regulations*

It is important to make clear at the outset that this ordinance does not permit, conditionally or otherwise, the establishment of retail marijuana dispensaries as has been erroneously reported in the media. The Council's direction on this issue has been made clear and unequivocal on several occasions in public meetings: the Council has no interest in allowing marijuana dispensaries. Staff, in assisting the Council in policy formation, agrees with the Council's direction on this matter.

The ordinance before you allows for the indoor commercial cultivation of cannabis under very specific circumstances. First, a conditional use permit is required for any proposed cannabis cultivation operation. A conditional use permit is a discretionary land use entitlement in which the decision making body must take into consideration a number of factors, such as location, security, overall community benefit, and similar factors before positively establishing a set of required findings in support of the proposal. The decision making body of the City – in this case, the Planning Commission (or City Council on appeal) - can deny any conditional use permit application where positive findings cannot be made.

Additionally, in this particular case, any applicant proposing to operate a commercial cannabis cultivation facility must enter into a development agreement with the City. A development agreement allows the imposition of additional conditions on a project, including a taxation element, and must be approved by the City Council *prior* to any action on the conditional use permit application.

Third, the ordinance is presented herein as a zoning overlay district – which in this case is a very small area of the City (see map attached to primary report). A zoning overlay district is used to add a specific use or set of regulations to a specific area of the City that do not otherwise apply to similarly zoned parcels elsewhere in the City.

The combined factors of requiring a discretionary-level land use entitlement (conditional use permit), an executed development agreement, and restricting the cultivation facilities to a geographically limited area of the City, all combine to provide a reasonable level of regulation and oversight.

### Fiscal Considerations

The quest by small, economically distressed communities for increased revenue in order to continue to provide the level of municipal services expected by the public is a perpetual challenge. In Mendota’s case, while economic development has resulted in enhanced sales tax revenues, those revenues are not sufficient to keep pace with the cost of providing municipal services. As has been discussed in public session numerous times, in order to stay fiscally healthy, Mendota must consider additional revenue streams either through new taxation measures or capitalizing on the opportunity to allow cannabis cultivation, or a combination of both.

Proposition 64 gives cities virtually unlimited authority in determining how they may tax marijuana cultivation operations. This authority has to be couched by certain market realities: taxes that are set too high will drive cultivators to cities with lower taxes and the opportunity to capitalize on the additional revenue potential will be lost. Presently, cities are using three taxing methods: an excise tax, a canopy tax, and/or a total building area tax.

The excise tax is simply a percentage of declared annual revenue that is payable to the City. The canopy tax is a certain charge per square foot of rented cultivation area, exclusive of common areas within a multi-tenant building. The building tax is a certain charge per square foot for the total square footage of building area of a cultivation operation, inclusive of hallways, common areas, etc...

The recommendation included within the ordinance uses a combined approach. An excise tax based on gross revenue for facilities with a total cultivation building area of under 250,000 square feet is required by this ordinance. The excise tax does not apply to facilities over 250,000 square feet. As we do not yet know the cultivators total annual revenue, it is impossible to estimate how much revenue this tax will potentially generate.

Secondly, the recommendation also includes a building tax applicable to the entire amount of square footage utilized for cultivation. A sliding scale, high to low, is used that results in larger cultivation operations paying less per square foot than smaller cultivation operations. As an example, per the recommendation in the ordinance, a 100,000 square foot building would be subject to *both* the excise tax and the building tax. The building tax would result in \$500,000 of additional revenue to the City plus 5% of annual revenue (which is indeterminate at this time).

Over the last several months, staff has met with a number of cultivators who have expressed interest in locating in Mendota, but who also varied in the degree of their preparedness and financial capitalization. The most qualified group, Canna-Hub, has expressed interest in developing a large, “campus” type facility of over 1 million square feet. Expanding the above example, a cultivation operation of that size would be exempted from the excise tax, but would be subject to the building tax at \$3.50 per square foot of total building area, generating \$3.5 million in potential annual revenue. This figure is more than one and a half times the annual General Fund budget of the City.

Based on conversations with cultivators and analysis of the tax rates of other California cities that have already adopted similar ordinances, staff feels that an appropriate balance has been achieved in the tax structure of the recommendation before you.

### Social Considerations

The social considerations surrounding approval of any type of marijuana-related ordinance typically revolves around two principle issues: opposition to retail dispensaries; and opposition to the legalization of marijuana. The first issue is remedied by the fact that the Council has a standing policy against retail marijuana dispensaries in Mendota and the ordinance before the Council makes no provision for such dispensaries, consistent with the Council’s policy direction.

The recreational use of marijuana was approved by California voters this past November as Proposition 64 (The Adult Use of Marijuana Act or AUMA). Although, Proposition 64 passed by a statistically significant margin, 43% of the electorate voted against it. Most of those in opposition cite the potential for increased crime, the potential for increases in the number of intoxicated drivers, and the social signal to minors that (certain drugs) are acceptable.

While it is important to consider the validity of the opposition points of view, certain realities need to be considered as well. Mendota is facing a number of “unfunded mandates” in the next several years placed on the City by state legislation. In order to comply with these various state mandates, additional revenue *must* be secured. At the time of this writing a special mail-in election is underway seeking additional revenue through both a parcel tax and an additional sales tax. Those two measures are vital in securing the long term existence of the City’s police department. If those measures should fail, the Council is left with little choice but to adopt an ordinance of this kind or face the eventual closure of the police department and elimination of other City services in the coming fiscal years.

Council can adopt this ordinance, while still maintaining a prohibition on the retail sale of marijuana. A cultivation operation will move the grown product through a distribution chain and onto legal retail outlets, none of which are permitted in Mendota. With this type of posture, the City can benefit from the additional revenue that taxing a cultivation operation will potentially produce, while continuing to oppose and prohibit the retail sale of the product. This position occupies the middle ground between capitalizing on the legalization of the product, while also respecting the position of a sizable minority who oppose its retail presence in the City.

### State-Federal Issues

The passage of Proposition 64 still leaves several unresolved issues pertaining to conflicting state and federal laws. For example, the federal government lists cannabis as a Schedule I drug under the Controlled Substances Act of 1990 – which means the federal government deems cannabis as a substance with no medicinal value and a high potential for abuse. This position is in obvious conflict with Proposition 64. Additionally, because state banks are under the regulatory jurisdiction of the federal government, there remains a question on how profits and proceeds from cannabis related operations will legally move through the banking system. Lastly, the current federal administration – specifically the United States Department of Justice – has repeatedly voiced a “hard line” approach on states that have legalized marijuana, but to date has yet to formally litigate the issue.

These inconsistencies are mentioned herein only as a reference and are not directly germane to the consideration of the ordinance. However, depending upon how the federal government chooses to deal with these inconsistencies could have an impact in the future on the long term continuation of cannabis cultivation.

### CONCLUSION

The ordinance before the Council takes advantage of the legalization of cannabis authorized by the passage of Proposition 64 to create a potentially lucrative revenue stream for the City, while still prohibiting the retail sale of marijuana through dispensary outlets. In working with cannabis cultivators and reviewing the ordinances adopted by other cities, staff has created a fair and equitable taxation system that maintains the profitability of the cultivation operation, while also capturing revenue necessary to ensure the long term viability of the City’s municipal operations.

### RECOMMENDATION

Staff recommends that the City Council take the necessary steps to approve the attached ordinance creating a cannabis cultivation overlay district.

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

**AN ORDINANCE OF THE CITY COUNCIL  
OF THE CITY OF MENDOTA AMENDING  
TITLE 17 OF THE MENDOTA MUNICIPAL  
CODE CREATING A COMMERCIAL  
MARIJUANA OVERLAY DISTRICT AND  
AMENDING CHAPTER 8.36 FOR  
CONSISTENCY THEREWITH**

**ORDINANCE NO. 17-13**

**WHEREAS**, pursuant to the authority granted the City by Article XI, Section 7 of the California Constitution, the City has the police power to adopt regulations designed to promote the public health, the public morals, or public safety; and

**WHEREAS**, comprehensive zoning regulations and regulations upon the use of land and property lie within the City's police power; and

**WHEREAS**, in 1996, the voters of the State of California adopted the Compassionate Use Act of 1996 ("CUA"), the intent being to enable persons who are in need of marijuana for medical purposes to be able to obtain and use it without fear of state criminal prosecution under limited, specified circumstances; and

**WHEREAS**, in 2003, Senate Bill 420, titled the "Medical Marijuana Program Act" ("MMPA"), was enacted to clarify the scope of the CUA and to promulgate rules by which counties and cities can adopt and enforce regulations consistent with its provisions; and

**WHEREAS**, in 2011, Assembly Bill 2650 was enacted, affirming that counties and cities can under state law adopt ordinances that control and restrict the location and establishment of a medical marijuana cooperative, collective, dispensary, operator, establishment, or provider; and

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

**WHEREAS**, in November 2016, the voters of the State of California adopted the Adult Use of Marijuana Act ("AUMA"), the intent being to establish a comprehensive system to legalize, control, and regulate the cultivation, processing, manufacturing,

distribution, testing, and sale of nonmedical marijuana, including marijuana products, for use by adults 21 years and older, and to tax the commercial growth and retail sale of marijuana; and

**WHEREAS**, in 2012, as amended in 2016 and 2017, the City adopted Chapter 8.36 of the Mendota Municipal Code pertaining to recreational and medical marijuana activities (the “Marijuana Ordinance”), which bans commercial marijuana cultivation, commercial deliveries of marijuana, and marijuana dispensaries in the City based upon various health, safety and welfare and land use findings relating to marijuana cultivation, dispensing, and consumption, which findings are incorporated herein by reference; and

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

**WHEREAS**, under the MMRSA and the AUMA, the City retains its police powers and land use authority regulate or ban marijuana activities, including commercial marijuana activities, for the health, safety, and welfare of the citizens of Mendota.

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

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

**SECTION 2.** This ordinance amends the City’s Zoning Ordinance, Title 17, by adding Chapter 17.99, and amends the City’s Marijuana Ordinance, Title 8, Chapter 8.36 by revising Sections 8.36.050, subd. (B) and 8.36.60, subd. (A). The ordinance will create an overlay zone to allow the establishment of commercial marijuana businesses and activity which will involve the cultivation, manufacturing, distribution, and testing of marijuana products, and will revise the City’s Marijuana Ordinance for consistency therewith.

**SECTION 3.** Chapter 17.99 is hereby added to Title 17 of the Mendota Municipal Code to read as follows:

### **17.99.010 Purpose and Intent**

A. There is created a Commercial Marijuana Overlay District, the boundaries of which are shown on the map entitled, "Commercial Marijuana Overlay District", which is on file at city hall. Said map is adopted and made a part of this ordinance.

B. This chapter is enacted to preserve and promote the public health, safety, and welfare of the citizens of Mendota, to facilitate the establishment of permitted commercial marijuana businesses within the City while ensuring that such businesses do not interfere with other lawful land uses, and to provide new sources of revenue to fund City services.

### **17.99.020 Definitions**

"Canopy" means a roof-like cover, supported from the ground or from the floor or walls of a structure, for protection from the sun or weather.

"Commercial marijuana business" means any business engaged in commercial marijuana activity.

"Commercial marijuana activity" shall have the same meaning set forth in Business and Professions Code Section 26001, subd. (d).

"Cultivation" shall have the same meaning set forth in Business and Professions Code Section 26001, subd. (e).

"Delivery" shall have the same meaning set forth in Business and Professions Code Section 26001, subd. (h).

"Distribution" shall have the same meaning set forth in Business and Professions Code Section 26001, subd. (j).

"Manufacture" or "manufacturing" shall have the same meaning set forth in Business and Professions Code Section 26001, subd. (q).

"Marijuana" or "cannabis" shall have the same meaning set forth in California Business and Professions Code Section 19300.5, subd. (f).

"Marijuana dispensary" means any facility or location, whether fixed or mobile, where marijuana is offered, provided, sold, made available or otherwise distributed for commercial purposes to more than (2) persons.

"Testing" or "testing service" shall have the same meaning set forth in Business and Professions Code Section 26001, subd. (bb).

### **17.99.030 Conflict between regulations**

Where a conflict occurs between the Commercial Marijuana Overlay District and any other section of the zoning code, or any provision of the Mendota Municipal Code, the Commercial Marijuana Overlay District regulations shall prevail.

### **17.99.040 Use classifications**

The use classifications allowed in the Commercial Marijuana Overlay District shall be those use classifications allowed in the underlying base zoning district.

### **17.99.050 Development standards**

The development standards for all development within the Commercial Marijuana Overlay District shall be those standards of the underlying base zoning district.

### **17.99.060 Permitted uses**

A. The following uses shall be permitted in the Commercial Marijuana Overlay District if a conditional use permit is obtained:

1. Indoor marijuana cultivation
2. Marijuana manufacturing
3. Marijuana testing services
4. Marijuana distribution

B. In addition to the findings required by Section 17.08.050, the following findings shall also be made before any conditional use permit for commercial marijuana activity is granted:

1. That a development agreement has been entered into by and between the City and the applicant, which is consistent with the provisions of this Chapter and promotes the purposes and intent of the Commercial Marijuana Overlay District.
2. That marijuana odors will not be detectable from the property boundary or public right-of-way and that, in multi-tenant buildings, marijuana odors will not be detectable from the building exterior, or from the exterior and/or interior common areas, such as walkways, hallways, breezeways, foyers, lobby areas, or any other areas available for use by common tenants or the visiting public or within any other unit located inside the same building as the proposed use.
3. That all commercial marijuana activities will occur within an enclosed building and will not be visible from the property boundary or public right-of-way.



4. If buildings are proposed for growing purposes that would cause light to be emitted from any building roof or window (sometimes referred to as “light-assisted” or “mixed-light” greenhouses), that no light will be visible through the roof and windows of grow areas from dusk to dawn.
5. That all pesticide use will comply with the State Department of Pesticide Regulations.
6. That a Water Recycling Management Plan has been prepared demonstrating sufficient water supply for the proposed use, including a certification that the applicant may use that water legally under state law, and, if water is used for irrigation purposes, that irrigation water will be recycled to the maximum extent feasible using best management practices.
7. That a Site Security Plan has been prepared demonstrating sufficient site security measures to prevent all unauthorized access to the site.
8. That a Power Use Plan has been prepared demonstrating sufficient power supply for the proposed use.
9. That the applicant has obtained all necessary state permits and authorizations to engage in the proposed use.
10. That the applicant has provided to the City all information required by state authorities pursuant to Business and Professions Code Section 26050 *et seq.*
11. That the applicant will provide to the City all information required by the state for any renewal of a state license related to commercial marijuana activity as well as the state licensing authority’s decision on any such renewal.
12. That the applicant has consented to the City’s inspection, without notice, of any and all records required to be maintained under any local, state, or federal law.
13. That the applicant will immediately provide notice to the City of any suspension or revocation of any state license issued pursuant to Business and Professions Code Section 26050 *et seq.*

**17.99.070 Conditions of development**

The development agreement required pursuant to Section 17.99.060(B)(1) shall include the following terms:

- A. The applicant agrees to pay to the City, within ninety days from the date of initial operations, and each subsequent year thereafter, a fee of 5% of gross revenues earned from the proposed use.

1. The first payment of the above fee shall be a flat amount of \$10,000. At the end of the first year of operations, the applicant and the City will calculate the applicant's actual gross revenues from the first year of operations. If 5% of the applicant's end-of-year gross revenues are greater than \$10,000, then the applicant shall pay to the City the difference. If 5% of the applicant's end-of-year gross revenues are less than \$10,000, then the City shall pay to the applicant the difference.

2. For every year thereafter, the above fee shall be based on the gross revenue from the preceding year's operations.

3. If at any time the property is developed with a building (or buildings) of at least 250,000 square feet, excluding canopy, then the applicant shall be relieved of the obligation to pay the above fee beginning the following year.

B. The applicant agrees to pay a fee based on the total square footage of the developed portions of the property, excluding canopy, in an amount as follows:

1. \$5.00 per square foot for so long as the developed portions of the property, excluding canopy, are less than 200,000 square feet.

2. \$4.00 per square foot for so long as the developed portions of the property, excluding canopy, are between 200,000 square feet and 499,999 square feet.

3. \$3.50 per square foot for so long as the developed portions of the property, excluding canopy, are 500,000 square feet or greater.

C. The applicant agrees to provide to the City, at times and places designated by the City, all records the City determines, in its sole discretion, are necessary to verify the applicant's compliance with this section.

#### **17.99.080 Prohibited uses**

The following uses shall be prohibited in the Commercial Marijuana Overlay District:

A. Outdoor marijuana cultivation

B. Marijuana dispensaries

#### **17.99.090 Severability**

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

**SECTION 4.** Chapter 8.36, Section 8.36.050, subd. (B) is hereby amended to read in full as follows (additions indicated in bold and underline):

B. Collective or cooperative cultivation. **Except as provided in Chapter 17.99,** the collective or cooperative cultivation of marijuana shall be prohibited in the City.

**SECTION 5.** Chapter 8.36, Section 8.36.60, subd. (A), is hereby amended to read in full as follows (additions indicated in bold and underline):

A. Commercial marijuana operations. **Except as provided in Chapter 17.99,** **commercial** marijuana operations as defined in Section 8.36.030 are prohibited within the City.

**SECTION 6.** The City Council finds the approval of this ordinance is not subject to the California Environmental Quality Act, Public Resources Code, Section 21000, *et seq.* (“CEQA”), pursuant to Section 15060(c)(2) of the CEQA Guidelines, on the ground 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 ground 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 7.** If any section, subsection, sentence, clause, phrase or portion of this Ordinance is held for any reason to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the Ordinance. The City Council of the City of Mendota hereby declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions be declared invalid or unconstitutional.

**SECTION 8.** The Mayor shall sign and the City Clerk shall certify to the passage of this Ordinance and will see that it is published and posted in the manner required by law.

**SECTION 9.** This ordinance shall become effective and in full force at 12:00 midnight on the 31<sup>st</sup> day following its adoption.

\* \* \* \* \*

The foregoing ordinance was introduced on the 8<sup>th</sup> day of August, 2017 and duly passed and adopted by the City Council of the City of Mendota at a regular meeting thereof held on the 22<sup>nd</sup> day of August, 2017, by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

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Rolando Castro, Mayor

ATTEST:

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Matt Flood, City Clerk

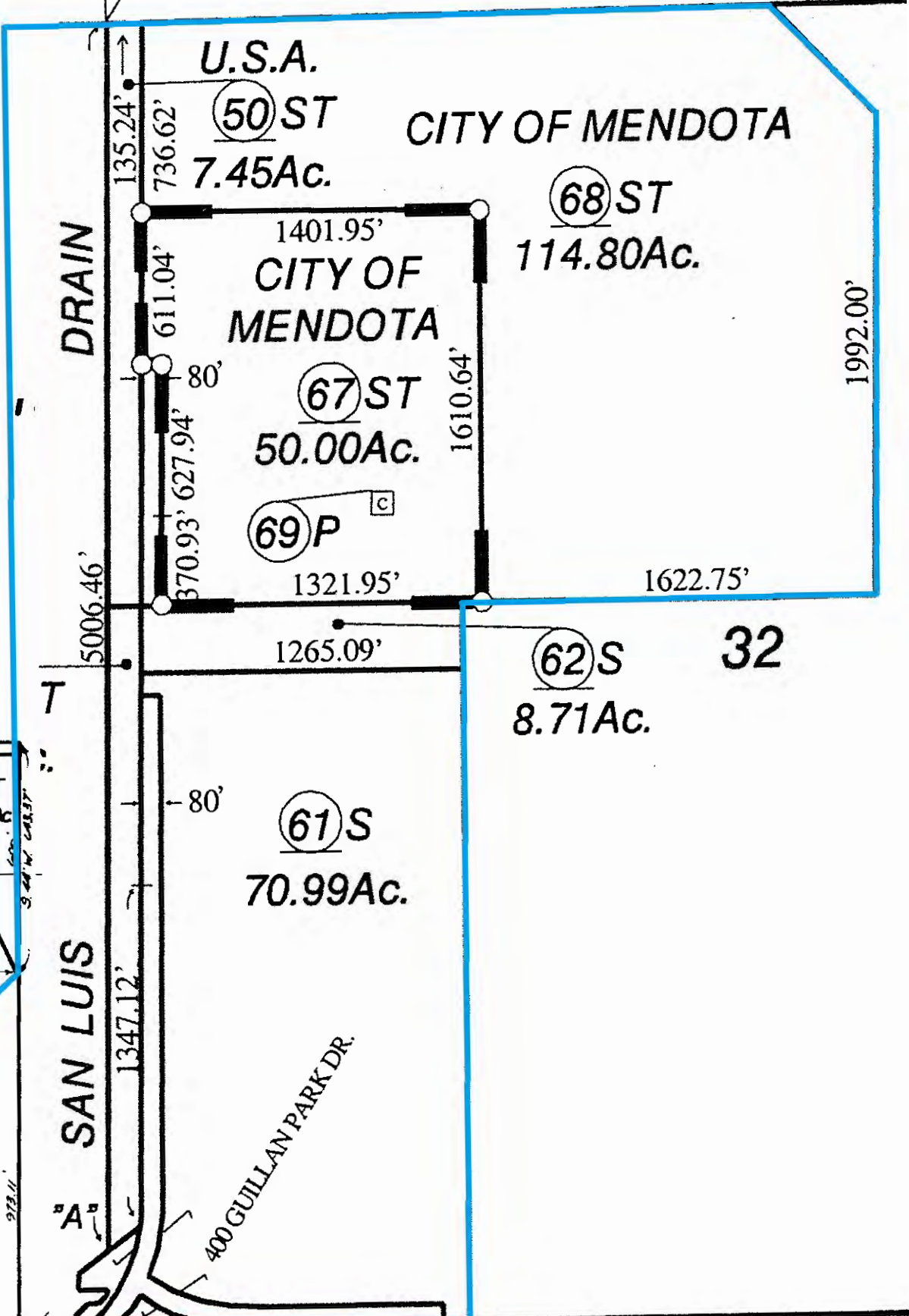
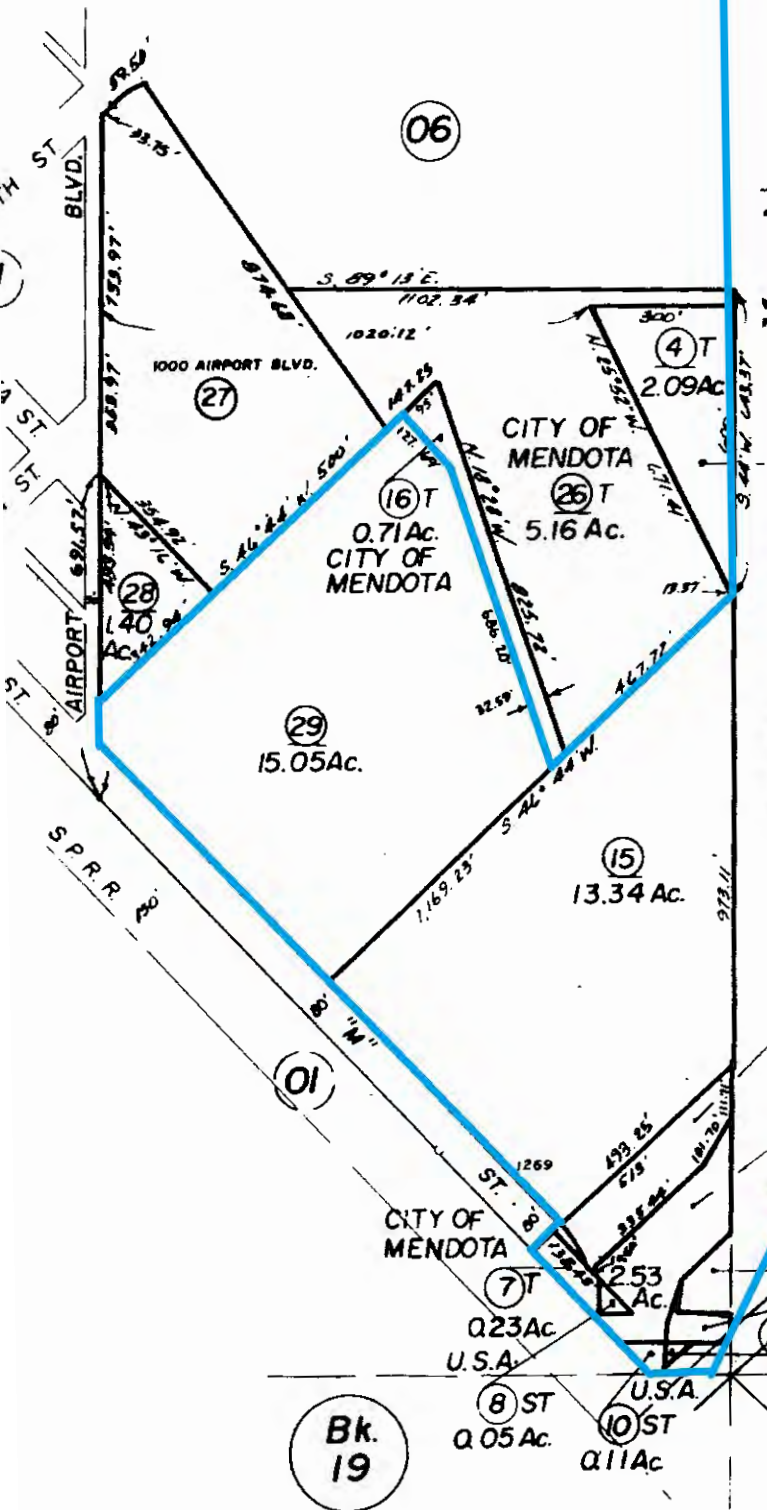
APPROVED AS TO FORM:

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John Kinsey, City Attorney

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# POLICE

M E N D O T A

## MEMORANDUM

**Date:** August 2, 2017  
**To:** Vince DiMaggio, City Manager  
Mendota City Council Members  
**From:** Gregg L. Andreotti, Chief of Police  
**Subject:** Monthly Report for July 2017

### Significant Cases:

Subject Check by 7<sup>th</sup>/Tule discovered active warrants. He was arrested and transported to Jail.

Subject check at 7<sup>th</sup>/Oller discovered he was in possession of marijuana. He then gave a false name to officers to avoid his true identity. He was identified by another subject and eventually arrested, cited and released.

Subject check at 7<sup>th</sup>/Stamoules resulted in an FI for information.

Disturbance on Marie Street resulted in the known suspect causing minor cut injuries to the victim. The victim was able to take the knife from the suspect who then fled the scene.

Non-injury traffic collision on Lozano discovered the driver causing was intoxicated. He was arrested for DUI, cited and released.

Disturbance on Oller discovered the known suspect hit the victim. She was gone upon officers arriving.

Missing sisters (ages 7yrs and 11mos) from their day care provider's residences on Perez Street. City Code Enforcement, Police Admin Assistant and Public Works personnel assisted in the search. The girls were located safe at a relative's residence. Great teamwork by everyone.

Intoxicated subject in the City Hall lobby. He was contacted and also found to have outstanding warrants. He was arrested and transported to Jail.

An unknown suspect stole the victim's personal documents from his vehicle while parked in a local mini mart parking lot.

Vehicle stop by Quince/6<sup>th</sup> discovered the driver was intoxicated. He was arrested for DUI and transported to Jail.

Bicycle stop by Marie/7<sup>th</sup> discovered the rider was in possession of Methamphetamine. He was arrested, cited and released.

Unknown suspect vandalized the victim's vehicle while it was parked on Sorenson Avenue.

Officers observed a known wanted suspect by 2<sup>nd</sup>/Marie and took him into custody. He was transported to Jail.

Non-injury traffic collision at Lolita/7<sup>th</sup>. Then driver causing was found to have an outstanding warrant. He was arrested, cited and released.

An unknown suspect vandalized the tires on the victim's vehicle.

Mail theft of checks from a mailbox on Marie Street. One of the checks was cashed by an unknown suspect.

Subject check at Stamoules/9<sup>th</sup> discovered he was in possession of Methamphetamine. He was arrested, cited and released.

Officer witnessed a hand to hand drug sale by Tule/8<sup>th</sup> and then contacted both suspects. One suspect resisted but was subdued. He was arrested and marijuana was located in his possession. He was transported to JJC.

Subject check in an alley along Derrick discovered an active warrant. He was arrested, cited and released.

Officers were contacted by a Florida based company regarding a fraud case traced to a Mendota address. The investigation is ongoing.

Officers located a Homeless camp development in dirt lot at end of Smoot Avenue. Public Works was contacted to assist with abatement and cleanup.

Officers assisted Code Enforcement with the enforcement of health and licensing regulations with street vendors at 5<sup>th</sup>/Quince and 6<sup>th</sup>/Lolita.

Officers discovered homeless moved back into Oleanders' in Community Center parking lot. Location abated and subject admonished regarding trespassing.

Vehicle vandalism on Rios. Unknown suspect painted the victim's vehicle tires.

Subject check of a person passed out on a city bench on 7<sup>th</sup> Street. An open container of alcohol was in his possession. He was found to be intoxicated, arrested, cited and released to a sober adult.

Subject check on 6<sup>th</sup> Street found him to be intoxicated and in possession of a newly purchased can of beer. He identified the store where the alcohol was purchased. He was arrested, cited and released to a sober adult. Report forwarded to ABC.

Vehicle stop on Oller discovered the driver was intoxicated and an open bottle of alcoholic was in possession of the rear seat passenger. A young child was in a child restraint seat which was not secured in the vehicle. The driver was arrested and transported to Jail.

Subject check by 7<sup>th</sup>/Quince discovered paraphernalia in his possession. He was arrested, cited and released.

Vehicle stop at Tuft/Derrick found an active warrant for the driver's arrest. He was arrested, cited and released.

Disturbance at a residence on Puchue discovered the victim was hit by the suspect. The suspect was arrested and transported to Jail.

Vehicle stop at Derrick/Tuft located a loaded firearm on the floorboard of the vehicle. The driver was illegally in possession. He was arrested and transported to Jail.

An unknown suspect stole the tailgate from the victim's truck on Blanco Street.

Bicycle stop on Rio Frio Street located an outstanding warrant. He was arrested, cited and released.

Disturbance at a residence on Quince Street discovered the subject causing had an active warrant for his arrest. He was arrested and transported to Jail.

Subject check of a person lying by a fence on Oller/2<sup>nd</sup>. He was found to be intoxicated. He was arrested, cited and released to a sober adult.

Unknown person looking into a bedroom window on 2<sup>nd</sup> Street. He was gone upon officers arriving.

Subject check by a local market on 7<sup>th</sup> Street discovered he was in possession of an open container of alcohol. He was cited and released.

Subject check by a local market on 7<sup>th</sup> Street found he was wanted on active warrants. Upon arrest a meth pipe was found in his possession. He was cited and released.



Unwanted subject making threats to employees at a local business on 7<sup>th</sup> Street. Officers contacted the subject and discovered an employee was hit and the subject threatened him with harm. He was arrested and then threatened officers with harm. He was transported to Jail.

Suspicious subject in an alley along Quince Street. Officers located him lying in a carport area. He was found to be intoxicated. He was arrested and transported to Jail.

Subject with a knife at a residence on 5<sup>th</sup> Street. Officers discovered two known suspects threatened two victims and stole their money. The suspects were captured and arrested. They were transported to Jail.

Subject check by Oller/8<sup>th</sup> located an active warrant for his arrest. He was arrested, cited and released.

Report of an extortion attempt by a subject demanding money from the victim or she would release private information on the victim.

Vehicle stop by Marie/7<sup>th</sup> discovered a passenger lied about his identity. His true identity was discovered and he was cited and released.

The driver of a vehicle stopped by police at 9<sup>th</sup>/Marie fled on foot. He was recognized as a wanted subject. Officers chased him over fences and subsequently arrested him hiding in a back yard on Lolita. He was transported to Jail.

An unknown subject stole the victim's vehicle registration from his vehicle on Rios.

Bicycle stop at Naples/9<sup>th</sup> discovered methamphetamine in his possession. He was arrested, cited and released.

Subject check on 2<sup>nd</sup> Street located an outstanding warrant for his arrest. He was cited and released.

Vehicle stop at Perez/Barboza for running a stop sign discovered the driver was intoxicated. He was arrested, for DUI, cited and released to a sober adult.

Theft from an opened garage on Rio Frio. The victim said an unknown suspect stole tools from the garage.

Subject check at 6<sup>th</sup>/Stamoules located methamphetamine in his possession. He was arrested, cited and released.

Subject check at 6<sup>th</sup>/Oller discovered outstanding warrants for his arrest. He was arrested, cited and released.

Disturbance at a residence on Jennings discovered the victim was hit by the suspect. The suspect was located and arrested. He was transported to Jail.

Two subjects were contacted trying to sneak into the Carnival at Rojas Pierce Park. They were FI'ed for information and released.

Possible attempt theft from a vehicle. The victim discovered an unknown subject inside his vehicle who fled upon being confronted.

Subject check of two by 9<sup>th</sup>/Naples located methamphetamine in ones possession and the other wanted on outstanding warrants. Both were arrested, cited and released.

Subject located passed out in a running vehicle in the parking lot of a local mini mart on Oller Avenue. He was found to be intoxicated. He was arrested for DUI, cited and released to a sober adult.

Subject check at 6<sup>th</sup>/Rio Frio located an outstanding warrant for his arrest. He was arrested, cited and released.

Suspicious subject contacted in an alley along Stamoules. Upon contact he was found to be a gang associate from Kerman and in possession of an open container of alcohol. He was FI'ed for information, cited and released.

During the early morning hours an unknown suspect smashed the windows of the victim's truck on Lolita.

Subject check by a local market on 7<sup>th</sup> Street discovered he was intoxicated and had an outstanding warrant for his arrest. He was arrested and transported to Jail.

Subject check by 7<sup>th</sup>/Rio Frio discovered he was in possession of an open container of alcohol. He was cited and released.

Subject check in the alley by Derrick/7<sup>th</sup> Street located an open container of alcohol in his possession. He was cited and released.

Trespasser on city property in the community center parking lot. The subject was discovered living in the oleanders and refused to leave when instructed. He was arrested for trespassing and methamphetamine was found in his possession. He was transported to Jail.

Subject check of two at 6<sup>th</sup>/Rio Frio. One was found to be intoxicated and the other had an open container of alcohol in his possession. The intoxicated subject was arrested and transported to Jail. The other was cited and released.

Subject check of a person lying on the sidewalk in front of a local church. He was found to be intoxicated with his pants down. He was arrested and transported to Jail.

Vehicle stop by Oller/5<sup>th</sup> found the driver to be intoxicated. He was arrested for DUI, cited and transported to Jail

Assault by Gregg Court/Sorenson. Unknown suspects attacked the victim and stabbed him in the body. Victim suffered non-life threatening injuries and was transported to CRMC. Investigation is ongoing.

Suspicious subjects armed with a machete on L Street. Upon officers arriving one is detained and found to have outstanding warrants for his arrest. An illegal knife is subsequently located which was previously in his possession. The second subject fled the scene prior to officers arriving, but is located by officers. The second subject attempts to flee but is apprehended after he robs a victim of his bicycle for use in his attempted get away. Both are arrested and transported to Jail.

Bicycle stop by Fleming/Sorenson discovered the rider was in possession of methamphetamine. He was arrested, cited and released.

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

Disturbance on Derrick found the person responsible was intoxicated and had an active warrant for his arrest. He was arrested and transported to Jail.

Subject check in an alley along Stamoules discovered an active warrant. He was arrested, cited and released.

Disturbance where the known suspect pushed the victim to the ground. The suspect fled prior to officers arriving. He is currently wanted.

Offices stopped a vehicle matching the description of a suspect vehicle wanted by Cal Fire investigators. The information was turned over to Cal Fire.

Vehicle stop on Marie found the driver was wanted on an outstanding warrant. He was cited and released.

Subject check of three and a vehicle at a local park. All were FI'ed for information.

Vehicle stop by Oller/Belmont found an active warrant for the driver's arrest. He was arrested and transported to Jail.

Theft of money from the victim's bedroom. Possible suspect known, but the victim does not know his name.

Report of a person exposing himself by Loliita/Divisadero. Upon arriving officers located the intoxicated subject lying on the ground with his pants down. He was arrested and transported to Jail.

Disturbance at Blanco/Lozano discovered the subject causing was intoxicated. He was arrested and transported to Jail.

Disturbance at Tule/7<sup>th</sup> discovered one of the parties had an outstanding warrant for his arrest. He was arrested, cited and released.

Disturbance at a residence where the victim reported two known suspects hit him in the head. Investigation is ongoing.

Non-injury Hit and run by Derrick/7<sup>th</sup>. The suspect vehicle fled after the incident and prior to officers arriving.

Subject check at Sorenson/Black discovered an outstanding warrant. He was arrested, cited and released.

Subject check by Derrick/Belmont revealed a warrant for his arrest. He was arrested, cited and released.

Subject lying on the ground at 7<sup>th</sup>/Quince was found to be intoxicated. He was arrested and transported to Jail.

Subject check by a local store on 7<sup>th</sup> Street found an open container of alcohol in his possession and an outstanding warrant for his arrest. He was arrested and transported to Jail.

Bicycle stop at Tule/7<sup>th</sup> discovered methamphetamine in the rider's possession. He was arrested, cited and released.

Prior disturbance where the known suspected hit the victim. The suspect was not present when officers were contacted by the victim.

Subject check in an alleyway along Stamoules discovered a meth pipe in his possession. He was arrested, cited and released.

Subject check in an alleyway by a local market along 7<sup>th</sup> Street discovered he was in possession of an open container of alcohol. He was cited and released.

Bicycle stop at Tule/6<sup>th</sup> discovered the rider was in possession of a meth pipe. He was cited and released.

Subject check by Oller/8<sup>th</sup> discovered he was on probation. He was found in possession of an illegal knife, meth pipe and methamphetamine. He was arrested and transported to Jail. His probation was violated.

Bicycle stop at Pucheu/7<sup>th</sup> discovered the rider was in possession of an illegal knife. He was arrested and transported to Jail.

Vehicle stop with five subjects at Belmont/Quince. All subjects had addresses from out of the country. They were all FI'ed for information.

Sale of alcohol to an intoxicated subject at a local alcohol sales location. The subject also had an active warrant for his arrest. He was arrested and transported to jail. The report will be forwarded to ABC for administrative action.

Subject check at Oller/5<sup>th</sup> Street discovered he was intoxicated and in possession of an open container of alcohol. When instructed to dump the remaining alcohol into the gutter he did so and then threw the empty can onto the sidewalk approx 20 feet away. He was arrested and transported to Jail.

Fresno County Probation contacted and advised a probationer had removed his monitor. Officers responded to the address and while interviewing his parents the probationer returned home. He was arrested and admitted he removed the monitor so he could leave and get high with friends. He was transported to JJC.

Identify theft on Oller Street. The victim's parents reported their 6 yr old sons identity was stolen and social security number used.

Disturbance at a residence on Lozano Street. A known suspect hit the victim during the disturbance. The suspect was contacted and arrested. He was transported to Jail.

Subject check by Solar Site on Belmont discovered an active warrant. She was cited and released.

Disturbance at a residence on I Street. The subject causing was found to have warrants for his arrest from out of state. He was arrested and transported to Jail to await extradition.

Subject check in an alley along Quince discovered he was in possession of an open container of alcohol and had an active warrant for his arrest. He was arrested, cited and released.

Subject check in a business parking lot at Derrick/7<sup>th</sup> discovered he was in possession of an open contain of alcohol. He was cited and released.

Vehicle stop by Blanco/De La Cruz fond the driver to be intoxicated. He was arrested for DUI, cited and released to a sober adult.

Property theft from a residence on Maldonado Street. The victim removed an item from a safe and left it in her room. Upon returning to get it the item was missing.

Subject check by Belmont/Derrick discovered an active warrant. He was placed under arrest, cited and released.

Disturbance on Straw Street discovered the known suspect hit the victim. The victim pressed charges, but the suspect was gone upon officers arriving. Suspect is outstanding.

Traffic collision on Espinoza Street. Vehicle hit a pedestrian. Non-life threatening. The pedestrian was transported by EMS. The driver remained on scene.

Subject check by 6<sup>th</sup>/Rio Frio discovered an active warrant. She was arrested, cited and released.

Subject check of two lying in a dirt lot by Quince/7<sup>th</sup> discovered they were intoxicated. One also had an active warrant for his arrest. Both were arrested and transported to Jail.

Non-injury hit and run on Lolita Street. Witnesses reported a vehicle hit two parked cars and then fled the scene. The front bumper of the suspect vehicle remained on scene. Investigation is ongoing.

Non-injury traffic collision at Oller/8<sup>th</sup>. Both parties remained on scene.

Disturbance at a residence on Pucheu. A known suspect hit the victim. She was arrested and transported to Jail.

An unknown suspect stole gas from a parked vehicle.

Vehicle stop by Straw/Derrick found an active warrant. He was arrested, cited and released.

Disturbance at a residence on Oller discovered the suspect hit the victim. The suspect was located and arrested. He was transported to Jail.

Report of three unwanted subjects by a mobile food vendor on 7<sup>th</sup> Street. The three were contacted and found to be intoxicated and in possession of open containers of alcohol. Two of the subjects had active warrants for their arrest. All three were arrested and transported to Jail.

Disturbance at a residence on Jennings discovered the suspect attacked the victim with a stabbing instrument. The victim received a minor laceration. The suspect was contacted and arrested. She was transported to Jail.

**Strategic Planning:**

- The Code Enforcement Office was moved to the Police Department.
- Denied Office of Traffic Safety Grant
  - Submitted letters to political representatives
- Attended Back Pack Giveaway at Rojas Pierce Park

**Personnel Information:**

- A Police Officer candidate entered backgrounds to be hired.
- Officer Esqueda provisionally appointed to Acting Sergeant.
- One Police Officer position remains frozen.
- Sgt. Renteria off long term recovering from OJI surgery. Reevaluated in September.
- Sgt. Tsaris off due to personal injury. Reevaluated in August.