



CITY OF MENDOTA

"Cantaloupe Center Of The World"

ROBERT SILVA
Mayor

ROLANDO CASTRO
Mayor Pro Tem

VICTOR MARTINEZ

JESSE MENDOZA

OSCAR ROSALES

AGENDA MENDOTA CITY COUNCIL

Regular City Council Meeting
CITY COUNCIL CHAMBERS
643 QUINCE STREET
September 24, 2019
6:00 PM

CRISTIAN GONZALEZ
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.

In compliance with the Americans with Disabilities Act, those requiring special assistance to participate at this meeting please contact the City Clerk at (559) 655-3291. Notification of at least forty-eight hours prior to the meeting will enable staff to make reasonable arrangements to ensure accessibility to the meeting.

CALL TO ORDER

ROLL CALL

FLAG SALUTE

FINALIZE THE AGENDA

1. Adjustments to Agenda
2. Adoption of final Agenda

PRESENTATIONS

1. Council to recognize Jeronimo Angel for his service to the community.

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 September 10, 2019.
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. SEPTEMBER 10, 2019 THROUGH SEPTEMBER 18, 2019
WARRANT LIST CHECKS NO. 45817 THRU 45882
TOTAL FOR COUNCIL APPROVAL = \$251,477.71
2. Proposed adoption of **Resolution No. 19-70**, authorizing the submittal of applications for all CalRecycle grants for which the City of Mendota is eligible for.
3. Proposed adoption of **Resolution No. 19-71**, approving an agreement with Mountain Valley Environmental Services for water and wastewater treatment oversight services and authorizing the City Manager to execute same.

BUSINESS

1. Council discussion and consideration of the second hearing and proposed adoption of **Ordinance No. 19-08**, amending the zoning code to permit commercial cannabis retail businesses in the C-3 district, subject to a conditional use permit.
 - a. *Receive report from City Attorney Kinsey*
 - b. *Inquiries from Council to staff*
 - c. *Mayor opens floor to receive any comment from the public*
 - d. *Council provide any input, waive second reading, and adopt Ordinance No. 19-08*
2. Council discussion and consideration of Agreement for Exclusive Right to Negotiate with Liberty Groves, LLC and Water Solutions Technologies, LLC regarding wastewater treatment plant improvements.
 - a. *Receive report from City Manager Gonzalez*
 - b. *Inquiries from Council to staff*
 - c. *Mayor opens floor to receive any comment from the public*
 - d. *Council provide direction to staff on how to proceed*

DEPARTMENT REPORTS AND INFORMATIONAL ITEMS

1. Administrative Services
a) Monthly Report
2. Finance Officer
a) Grant Update
3. City Attorney
a) Update
4. City Manager

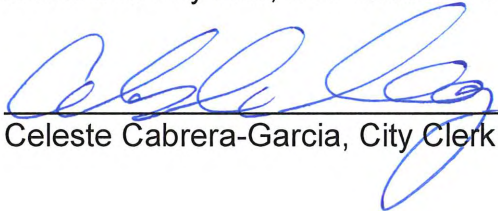
MAYOR AND COUNCIL REPORTS AND INFORMATIONAL ITEMS

1. Council Member(s)
2. Mayor

ADJOURNMENT

CERTIFICATION OF POSTING

I, Celeste Cabrera-Garcia, City Clerk of the City of Mendota, do hereby declare that the foregoing agenda for the Mendota City Council Regular Meeting of September 24, 2019, was posted on the outside bulletin board located at City Hall, 643 Quince Street Friday, September 20, 2019 at 3:50 p.m.



Celeste Cabrera-Garcia, City Clerk



MINUTES OF MENDOTA REGULAR CITY COUNCIL MEETING

Regular Meeting

September 10, 2019

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

Roll Call

Council Members Present: Mayor Robert Silva, Mayor Pro Tem Rolando Castro, Councilors Jesus Mendoza and Oscar Rosales

Council Members Absent: Councilor Victor Martinez

Flag salute led by Mayor Pro Tem Castro

FINALIZE THE AGENDA

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

City Manager Gonzalez deferred to City Clerk Cabrera-Garcia who stated that an updated staff report and resolution was provided for Business Item 1, and summarized the changes that were made to the documents.

Council consensus was reached to adopt the agenda as requested by staff.

CITIZENS ORAL AND WRITTEN PRESENTATIONS

Ofelia Ochoa – stated that she wanted to comment on various issues that residents are concerned about; that she met with representatives from the office of Fresno County Supervisor Brian Pacheco's regarding her concerns of the community; inquired as to which Council Member represents the area of the City in which she lives; inquired as to what can be done to address the issues with street lighting being blocked by tall trees; and commented on the condition of the streets throughout the City.

Discussion was held on the Council Members serving at-large and representing all residents; grants that the City was awarded in the past to install street lights; the condition of the streets; and upcoming street projects.

Kevin Romero – provided an update on the Mendota High School football team.

APPROVAL OF MINUTES AND NOTICE OF WAIVING OF READING

1. Minutes of the regular City Council meeting of August 27, 2019.
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 Mayor Pro Tem Castro; unanimously approved (4 ayes, absent: Martinez).

CONSENT CALENDAR

1. AUGUST 23, 2019 THROUGH SEPTEMBER 4, 2019
WARRANT LIST CHECKS NO. 45762 THRU 45816
TOTAL FOR COUNCIL APPROVAL = \$251,350.01
2. Proposed adoption of **Resolution No. 19-66**, declaring equipment as surplus and authorizing the sale or disposal of such property.
3. Proposed adoption of **Resolution No. 19-67**, awarding the bid for the Black Avenue & 5th Street Reconstruction project to Witbro Inc. DBA Seal Rite Paving and Grading in the amount of \$507,584.80, and retaining Provost & Pritchard Consulting Group and BSK Associates for professional construction phase services.
4. Proposed adoption of **Resolution No. 19-68**, approving a Health Reimbursement Plan between the City of Mendota and Administrative Solutions, Inc. and authorizing the City Manager to execute same.

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

BUSINESS

1. Council discussion and consideration of **Resolution No. 19-69**, adopting a policy to provide English-Spanish translation services at City Council meetings.

Mayor Silva introduced the item and Assistant City Attorney Cardella summarized the report including the background of the item; the Council's previous direction to staff to
Minutes of City Council Meeting 2 9/10/2019

identify available funding, and develop a policy for providing translation services at City Council meetings; staff acquiring proposals from various translation companies; the provisions within the translation policy; issues with translating documents; and the translation services only being provided for City Council meetings.

Discussion was held on how the translation will be performed during City Council meetings; and which City funding sources will be used to pay for the services.

Ofelia Ochoa – stated that translation services should also be offered for all other public meetings.

Discussion was held on the City providing residents a list of translators that they may contact to provide private translation services; the proposed translation services policy permitting the public to arrange to have a private translator present to translate for them, and allowing them to use the City's headsets; and the annual review provision within the policy.

Mariah Thompson (California Rural Legal Assistance, Inc.) - inquired as to when the contract with the translation company will be finalized, and whether the City will publicize translation services.

Discussion was held on the timeline for implementing the policy and finalizing the contract with the translation company; and the various ways that the City will publicize the services.

A motion was made by Councilor Mendoza to adopt Resolution No. 19-69, seconded by Councilor Rosales; unanimously approved (4 ayes, absent: Martinez)

2. Introduction and first reading of **Ordinance No. 19-10**, amending provisions of the Mendota Municipal Code regarding the abatement of abandoned, wrecked, dismantled, and inoperative vehicles.

Mayor Silva introduced the item and Assistant City Attorney Cardella summarized the report including the existing provisions in the Mendota Municipal Code (MMC) regarding the issue; and the amendments that are being proposed to the MMC.

Discussion was held on the process for designating a vehicle a nuisance.

A motion was made by Councilor Rosales to waive the first reading of Ordinance No. 19-10, and set the public hearing for the September 24th City Council Meeting, seconded by Councilor Mendoza; unanimously approved (4 ayes, absent: Martinez).

PUBLIC HEARING

1. Public hearing to consider the proposed adoption of **Resolution No. 19-64**, establishing the amount of the sidewalk vending permit fee and the motorized itinerant vendor permit fee.

Mayor Silva introduced the item and City Manager Gonzalez summarized the report including the background of the item; the fee study report that was prepared by the City Engineer; and provided the staff's recommendation.

Discussion was held on how the proposed fees were calculated; the possibility of increasing the fees; the existing business license and permit fees for motorized and non-motorized vendors; and the discrepancy between the existing fees and the proposed fees.

Council consensus was reached to table the item to a future meeting in order for staff to conduct additional research on the item.

2. Public hearing to consider the proposed adoption of **Resolution No. 19-65**, establishing the amount of the commercial cannabis business permit fee and the commercial cannabis development agreement processing fee.

Mayor Silva introduced the item and City Manager Gonzalez summarized the report including the Council previously establishing the regulations for commercial cannabis retail businesses; the fee study report that was prepared by the City Engineer; and the two separate fees that the resolution will establish.

At 6:39 p.m. Mayor Silva opened the hearing to the public and, seeing no one present willing to comment, closed it in that same minute.

Discussion was held on the average amount of revenue that cities of similar size receive from commercial cannabis retail businesses; and the zoning designation in which such businesses will be allowed in.

A motion was made by Councilor Mendoza to adopt Resolution No. 19-65, seconded by Councilor Rosales; unanimously approved (4 ayes, absent: Martinez).

3. Public hearing and second reading of **Ordinance No. 19-09**, amending the City's cannabis ordinance to modify the location requirements for commercial cannabis retail businesses.

Mayor Silva introduced the item and Assistant City Attorney Cardella summarized the report including modifications that the Council previously adopted for the cannabis ordinance to allow commercial cannabis retail businesses within the City; the purpose of the proposed ordinance being to reduce the location requirements of the businesses; and the status of the cannabis zoning code amendments.

At 6:43 p.m. Mayor Silva opened the hearing to the public and, seeing no one present willing to comment, closed it in that same minute.

A motion was made by Councilor Rosales to adopt Ordinance No. 19-09, seconded by Councilor Mendoza; unanimously approved (4 ayes, absent: Martinez).

DEPARTMENT REPORTS AND INFORMATIONAL ITEMS

1. Animal Control, Code Enforcement, and Police Department
 - a) Monthly Report

Chief of Police Andreotti provided his report for the Animal Control Department including that the department obtained new veterinarian services; obtained new disposal services; is realizing a savings costs by utilizing City-owned equipment; and the total amount of fines for the month.

Discussion was held on the amount of stray dogs running throughout the main highways, and the safety hazard that this poses; and the excellent ongoing collaboration between the department and the Public Works Department.

Chief Andreotti provided his report for the Code Enforcement Department including an update on a public nuisance case on the East side of the City.

Discussion was held on whether the organization that holds the open market on Sundays needs to provide portable restrooms for the public.

Chief Andreotti summarized the report for the Police Department including significant cases for the month.

Discussion was held on ensuring truck-trailers are complying with traffic laws; and the ongoing traffic enforcement near schools.

2. City Attorney
 - a) Update

Nothing to report.

3. City Manager

City Manager Gonzalez reported on the status of the Black Avenue and 5th Street Reconstruction project; the status of the Rojas-pierce Park Expansion project; that Cresco is fully operational and is planning a groundbreaking ceremony; and an upcoming pre-construction meeting with Engie.

Discussion was held on the timeframe for the Black Avenue and 5th Street Reconstruction project; Engie's anticipated donation to the Mendota Community

Corporation; and the frequency of the maintenance of Pool Park.

MAYOR AND COUNCIL REPORTS AND INFORMATIONAL ITEMS

1. Council Member(s)

Councilor Mendoza thanked City Manager Gonzalez and Chief Andreotti for their efforts in beautifying the community, and requested staff's due diligence in continuing to clean-up the community.

Discussion was held on the need for the public to report any public safety issues to dispatch; the status of installing a flag pole at the Robert Silva Plaza; and the status of the Axiom development.

2. Mayor

Nothing to report.

ADJOURNMENT

With no more business to be brought before the Council, a motion for adjournment was made at 7:07 p.m. by Mayor Pro Tem Castro, seconded by Councilor Rosales; unanimously approved (4 ayes, absent: Martinez).

Robert Silva, Mayor

ATTEST:

Celeste Cabrera-Garcia, City Clerk

CITY OF MENDOTA
CASH DISBURSEMENTS
9/10/2019 - 9/18/2019
Check# 45817 - 45882

Date	Check #	Amount	Vendor	Department	Description
September 10, 2019	45817	\$2,000.00	ADAMS ASHBY GROUP INC	RECREATION	GENERAL ADMINISTRATION - CORRESPOND TO STATE PI PROJECT PREP FOR NEPA
September 10, 2019	45818	\$3,370.00	ADMINISTRATIVE SOLUTIONS INC	GENERAL	(26) MONTHLY MEDICAL ADMINISTRATION FEES - SEPTEMBER 2019, (6) HRA ADMINISTRATION - SEPTEMBER 2019, MEDICAL CHECK RUN 9/3/2019
September 10, 2019	45819	\$36.38	AG & INDUSTRIAL SUPPLY INC	WATER-SEWER-STREETS	(1) HOSE EQUIP GRNSTP 5/16 FITTING (GREEN TRACTOR)
September 10, 2019	45820	\$33.87	AIRGAS USA LLC	WATER	(1) RENT CYL SMALL CARBON DIOXIDE FOR AUGUST 2019
September 10, 2019	45821	\$748.44	ALEX AUTO DIAGNOSTICS	GENERAL	UNIT#80 - RADIATOR CAP, RADIATOR, SYNTHETIC OIL (PD)
September 10, 2019	45822	\$250.00	ALL VALLEY ADMINISTRATORS	GENERAL-WATER-SEWER	RETIREMENT PLAN DOCUMENT AMENDMENTS
September 10, 2019	45823	\$5,828.12	AMERITAS GROUP	GENERAL	DENTAL & VISION INSURANCE FOR OCTOBER 2019
September 10, 2019	45824	\$20.00	GREGG ANDREOTTI	GENERAL	EXPENSE REIMBURSEMENT FOR NATIONAL NIGHT OUT FOOD SUPPLIES
September 10, 2019	45825	\$447.20	BSK ASSOCIATES	WATER-SEWER	(2) MONTHLY WASTEWATER WW MONTHLY (WEEK 2-5), GENERAL EDT WEEKLY TREATMENT & DISTRIBUTION
September 10, 2019	45826	\$1,625.00	CENTRAL VALLEY CLEAN WATER ASSOCIATES	SEWER	MEMBERSHIP RENEWAL 7/1/19 - 6/30/20 CV SALTS
September 10, 2019	45827	\$464.32	COLONIAL LIFE	GENERAL	LIFE INSURANCE FOR AUGUST 2019
September 10, 2019	45828	\$1,340.35	COMCAST	GENERAL-WATER-SEWER	CITYWIDE XFINITY PHONE & INTERNET SERVICES 9/6/19 - 10/5/19
September 10, 2019	45829	\$1,177.37	COMCAST BUSINESS	GENERAL	CIRCUIT - FRESNO COUNTY MENDOTA (PD) 7/16/19 - 9/30/19
September 10, 2019	45830	\$125.00	COOK'S COMMUNICATIONS	GENERAL	UNIT#81 - REPAIR BROKEN UNIT WITH DONATED PARTS BY FSO
September 10, 2019	45831	\$130.00	CORBIN WILLITS SYS INC	GENERAL-WATER-SEWER	ACCOUNTING SOFTWARE - CORRECT, REVERSE, UPDATE PERS & PAYROLL
September 10, 2019	45832	\$5,047.46	ECS HOUSE INDUSTRIES INC	SEWER	(1) GEAR REDUCER TA5 25:1 RATIO
September 10, 2019	45833	\$140.60	FRESNO COUNTY SHERIFF	GENERAL	RMS JMS ACCESS FEE FOR AUGUST 2019 (PD)
September 10, 2019	45834	\$245.00	JASMIN GONZALEZ DBA GONZALEZ GLASS	WATER-SEWER	2015 F-350 (1) WINDSHIELD AND INSTALLATION
September 10, 2019	45835	\$90.32	GUTHRIE PETROLEUM INC	WATER-SEWER-STREETS	(1) CHEV DELO 400 15-40 OIL & USED OIL FEE
September 10, 2019	45836	\$1,050.76	HAVEN'S FOR TOTAL SECURITY INC	GENERAL	(1) LABOR & TRIP TO FIX EDD NEXTTOUCH LEVER LOCK
September 10, 2019	45837	\$637.50	ICAD INC	WATER	WTP - REPLACE PUMP FAN, INTERNAL VFD FAN OUT
September 10, 2019	45838	\$37.26	ID CARDS INC	GENERAL	(1) PVC CARD DUAL SIDE , (2) CUSTOM PVC CARD SINGLE (PD)
September 10, 2019	45839	\$516.33	JORGENSEN & COMPANY	GENERAL	PD FIRE EXTINGUISHER ANNUAL MAINTENANCE & HYDRO TEST
September 10, 2019	45840	\$160.00	KERWEST NEWSPAPER	GENERAL	(8) ORDINANCE 19-09 AMEND COMMERCIAL CANNABIS
September 10, 2019	45841	\$2,522.00	MID VALLEY DISPOSAL INC	STREETS	ROLL OFF BIN EXCHANGE 10 YARD (QTY 7.11, 10.95, 14.25, 18.13)
September 10, 2019	45842	\$1,805.28	MUNICIPAL CODE CORPORATION	GENERAL-WATER-SEWER	(88) SUPPLEMENT PAGES, (8) BLANK PAGES, (1) UPDATE ELECTRONIC

CITY OF MENDOTA
CASH DISBURSEMENTS
9/10/2019 - 9/18/2019
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September 10, 2019	45843	\$935.85	NORTHSTAR CHEMICAL	WATER	(450) GALLON SODIUM HYPOCHLORITE 12.5 % MILL A
September 10, 2019	45844	\$1,075.21	OFFICE DEPOT	GENERAL-WATER-SEWER	MULTIPLE DEPARTMENT OFFICE SUPPLIES
September 10, 2019	45845	\$328.39	AT&T	GENERAL-WATER-SEWER	MONTHLY SERVICES 559-266-6456 8/26/19 - 9/25/19
September 10, 2019	45846	\$2,716.33	QUINN COMPANY	WATER-SEWER	(3) ONAN GENERATOR - ANNUAL SERVICES FOR WELL #9, WTP, & WWTP
September 10, 2019	45847	\$312.50	R&S ERECTION TRI-COUNTY INC	GENERAL	DOG POUND - ROLL UP DOOR REPAIRS
September 10, 2019	45848	\$481.50	RAMON'S TIRE	GENERAL-WATER-SEWER	MULTIPLE DEPARTMENT TIRE REPAIRS (3)
September 10, 2019	45849	\$1,257.04	RED WING BUSINESS ACCOUNT	WATER-SEWER	(7) BOOT REPLACEMENT PER MOU
September 10, 2019	45850	\$53.99	RTL ENTERPRISES DBA INTERSTATE BATTERIES	GENERAL	VEH #82 - ATCORE BATTERY REPLACEMENT (PD)
September 10, 2019	45851	\$19.95	SEBASTIAN	GENERAL	SECURITY SERVICES 8/21/19 - 9/20/19 (PD)
September 10, 2019	45852	\$765.27	SIGNMAX	STREETS	(15) 24 X 24 HIP ALUM BLK/YELLOW "BUMP" SIGNS
September 10, 2019	45853	\$3,079.45	SORENSEN MACHINE WORKS	GENERAL-WATER-SEWER	MULTIPLE DEPARTMENT SUPPLIES FOR AUGUST 2019
September 10, 2019	45854	\$5,639.53	BANKCARD CENTER	GENERAL-WATER-SEWER	CREDIT CARD EXPENSES 7/24/19 - 8/26/19 LEAGUE OF CITIES-AXIOM TOUR
September 10, 2019	45855	\$194.85	TCM INVESTMENTS	GENERAL	MPC3503 LEASE PAYMENT FOR PD COPIER
September 10, 2019	45856	\$1,541.09	THOMASON TRACTOR COMPANY	WATER-SEWER-STREETS	(1) FARM TRACTOR - RADIATOR, DRAIN, VALVE & PLUG, HOSE, & NUT
September 10, 2019	45857	\$4,599.66	TRIANGLE ROCK PRODUCTS LLC	STREETS	(6.16, 5.65, 6.29, & 50.71) AGG & ASPHALT FOR STREET PATCHING AND REPAIRS ON NAPLES STREET
September 10, 2019	45858	\$656.00	UNITED HEALTH CENTERS	GENERAL-WATER-SEWER	(3) PRE-EMPLOYMENT SCREEN (PW, CSO, & PD)
September 10, 2019	45859	\$2,000.00	VALLEY POWER SYSTEMS INC	SEWER	VACTOR - CLUTH & POWER STEERING REPAIRS
September 10, 2019	45860	\$65.10	WECO	GENERAL-WATER-SEWER	(6) RENT CYL ACETYLENE #4, OXYGEN D & K AUGUST 2019
September 18, 2019	45861	\$106,079.00	WESTAMERICA BANK	GENERAL	PAYROLL TRANSFER 9/2/2019 - 9/15/2019
September 18, 2019	45862	VOID			
September 18, 2019	45863	\$802.92	AFLAC INSURANCE	GENERAL	AFLAC INSURANCE FOR SEPTEMBER 2019
September 18, 2019	45864	\$49.94	ALERT-O-LITE	WATER-SEWER-STREETS	(1) SPRAY RIG GUN FOR CV UNITS (WEED/RIGHT-OF-WAY)
September 18, 2019	45865	\$367.81	AMERIPRIDE SERVICES INC	GENERAL-WATER-SEWER	PUBLIC WORKS UNIFORM WEEK 9/5/2019 & 9/12/2019
September 18, 2019	45866	\$26.55	CELESTE CABRERA	GENERAL-WATER-SEWER	REIMBURSEMENT FOR NOTARY PUBLIC OATH/BOND & INK REFILL FOR UTILITY BILLING
September 18, 2019	45867	\$69.00	CENTRAL VALLEY TOXICOLOGY INC	GENERAL	(1) ETHYL ALCOHOL (1) ABUSE SCREEN 8/23/2019 (PD)

CITY OF MENDOTA
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September 18, 2019	45868	\$337.99	CROWN SERVICES CO	GENERAL-WATER	(5) TOILET 1XWK - POLICE DEPARTMENT, WTP, POOL PARK, & LOZANO PARK
September 18, 2019	45869	\$57.00	DEPARTMENT OF JUSTICE	GENERAL	AUGUST 2019 - (1) FINGERPRINT (1) RECORD REVIEW (PD)
September 18, 2019	45870	\$11,666.67	FIREBAUGH POLICE	GENERAL	POLICE DISPATCH SERVICES FOR SEPTEMBER 2019
September 18, 2019	45871	\$1,446.43	HARDWARE DISTRIBUTION	STREETS	(20) 10' TELSPAR SIGN POST; (20) STREET SIGN POST
September 18, 2019	45872	\$180.00	KHAMPOU INSYARATH	GENERAL	CRIME STATISTICS FOR AUGUST 2019 (PD)
September 18, 2019	45873	\$950.00	LG ELECTRIC	WATER	WATER TREATMENT PLANT - SECURITY SYSTEM CONDUIT INSTALL
September 18, 2019	45874	\$966.53	MENDOTA SMOG & REPAIR	GENERAL-STREETS	COOLANT LEAK: (3) COOLANT (1) BELT (1) PUMP STREET SWEEPER, UNIT# 82 - R&R REAR BRAKES & TURN ROTORS
September 18, 2019	45875	\$1,104.22	METRO UNIFORM	GENERAL	RAZOR BODY ARMOR (PD), (1) VEST (2) CLASS B PANT (2) SHOULDER PATCH (PD)
September 18, 2019	45876	\$54,979.45	MID VALLEY DISPOSAL INC	REFUSE	SANITATION CONTRACT SERVICES FOR AUGUST 2019
September 18, 2019	45877	\$890.00	PRICE, PAIGE, & COMPANY	GENERAL-WATER-SEWER-STREETS-REFUSE	STATE CONTROLLER ANNUAL FINANCIAL REPORT
September 18, 2019	45878	\$777.70	PROVOST & PRITCHARD	GENERAL	2017 & 2018 HOUSING ELEMENT APR
September 18, 2019	45879	\$1,372.66	USA BLUEBOOK	WATER-SEWER	(5) FREE CHLORINE REAGENT SET, (1) 2.5" FLOW TESTER FOR HYDRANT METER TEST, (1) COOPER BUSSMAN FUSE, (1) RAPID GRIP WRENCH 3'
September 18, 2019	45880	\$1,024.78	VERIZON WIRELESS	GENERAL-WATER-SEWER	CITYWIDE CELL PHONE SERVICES 8/7/2019 - 9/6/2019
September 18, 2019	45881	\$10,058.79	WANGER JONES HELSLEY PC	GENERAL-WATER-SEWER	LEGAL SERVICES: GENERAL LEGAL THRU 8/15/2019, LEGAL SERVICES: SPECIAL SERVICES THRU 8/15/2019
September 18, 2019	45882	\$2,700.00	ADMINISTRATIVE SOLUTIONS INC	GENERAL	MEDICAL CHECK RUN 9/17/2019
		\$251,477.71			

AGENDA ITEM – STAFF REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS
FROM: NANCY M. DIAZ, FINANCE OFFICER
VIA: CRISTIAN GONZALEZ, CITY MANAGER
SUBJECT: RESOLUTION NO. 19-70 AUTHORIZING THE SUBMITTAL OF APPLICATIONS FOR ALL CALRECYCLE GRANTS FOR WHICH THE CITY OF MENDOTA IS ELIGIBLE FOR
DATE: SEPTEMBER 24, 2019

ISSUE

Shall the City Council adopt Resolution No. 19-70 authorizing the submittal of applications for all CalRecycle Grants for which the City of Mendota is eligible for?

BACKGROUND

The Department of Resources Recycling and Recovery (CalRecycle) administers various grant programs (grants) in upkeeping the State of California's (state) efforts to reduce, recycle and reuse solid waste generated in the state thus preserving landfill capacity and protecting public health and safety and the environment.

The CalRecycle grant application process requires, among other things, an applicant's governing body to declare by resolution certain authorizations related to the administration of CalRecycle grants.

ANALYSIS

CalRecycle allows applicants to submit a resolution for one grant or submit a resolution that authorizes the submittal of several grants within a five-year period. If this resolution is adopted, the City will be able to apply for any grant eligible under the administration of CalRecycle grants for up to five years from the date of the resolution and will save staff time by having the required document on file with CalRecycle.

FISCAL IMPACT

Increase in funds for the Enterprise Fund (to be determined during the grant application process).

RECOMMENDATION

Staff recommends that the City Council adopt Resolution No. 19-70 authorizing the submittal of applications for all CalRecycle Grants for which the City of Mendota is eligible for.

Attachments:

Resolution No. 19-70

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

**A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF MENDOTA AUTHORIZING
THE SUBMITTAL OF APPLICATIONS FOR ALL
CALRECYCLE GRANTS FOR WHICH THE
CITY OF MENDOTA IS ELIGIBLE FOR**

RESOLUTION NO. 19-70

WHEREAS, Public Resources Code sections 48000et seq. authorize the Department of Resources Recycling and Recovery (CalRecycle) to administer various grant programs (grants) in furtherance of the State of California's (state) efforts to reduce, recycle and reuse solid waste generated in the state thereby preserving landfill capacity and protecting public health and safety and the environment; and

WHEREAS, in furtherance of this authority CalRecycle is required to establish procedures governing the application, awarding, and management of grants; and

WHEREAS, CalRecycle grant application procedures require, among other things, an applicant's governing body to declare by resolution certain authorizations related to the administration of CalRecycle grants.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Mendota authorizes the submittal of applications to CalRecycle for all grants for which the City of Mendota is eligible for; and

BE IT FURTHER RESOLVED, that the City Manager and/or the Finance Officer is hereby authorized and empowered to execute in the name of the City of Mendota all grant documents, including but not limited to, applications, agreements, amendments and requests for payment, necessary to secure grant funds and implement the approved grant project; and

BE IT FURTHER RESOLVED, that these authorizations are effective for five (5) years from the date of adoption of this resolution.

Robert Silva, Mayor

ATTEST:

I, Celeste Cabrera-Garcia, City Clerk of the City of Mendota, do hereby certify

that the foregoing resolution was duly adopted and passed by the City Council at a regular meeting of said Council, held at the Mendota City Hall on the 24th day of September, 2019, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Celeste Cabrera-Garcia, City Clerk

AGENDA ITEM – STAFF REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS
FROM: CRISTIAN GONZALEZ, CITY MANAGER
SUBJECT: APPROVING A CONTRACT WITH MOUNTAIN VALLEY ENVIRONMENTAL SERVICES TO PROVIDE WATER TREATMENT AND WASTEWATER TREATMENT OVERSIGHT
DATE: SEPTEMBER 24, 2019

ISSUE

Should the City Council adopt Resolution No. 19-71, allowing the City Manager to execute a contract with Mountain Valley Environmental Services to provide water treatment and wastewater treatment oversight services for a not-to-exceed annual price of \$72,000.

BACKGROUND

Since 2016, the City's wastewater and drinking water treatment plants have been operated and managed by the City's Chief Plant Operator, along with support treatment staff. Earlier this week, the Chief Plant Operator submitted his two weeks' notice, to pursue other endeavors. Now the City must go through a transitional period, while we recruit for a new Chief Plant Operator, and will need wastewater and water treatment oversight.

In 2014, the City contracted with Mountain Valley Environmental Services for a period of about 2 years, for the exact services that are being proposed. During that time they were able to become familiar with our plant, which can take months, if not years, and the city experienced excellent service.

Due to the importance of ensuring clean drinking water always, and the immediate need to have efficient oversight, going through a lengthy RFP process is not an option. Compliance with regulations, reporting, and oversight are needed immediately.

ANALYSIS

The attached proposal with Mountain Valley Environmental Services (MVES) will provide qualified oversight from an individual possessing a Distribution Level 3 (D3), Water Treatment Level 3 (T3), and Wastewater treatment Level 5 (W5) certification. Additionally, an individual from MVES will be on site in Mendota twice a week. MVES will also provide oversight of hours for two Operators-in-Training (OIT's). MVES also has an excellent working relationship with the State Water Resources Control Board.

FISCAL IMPACT

Including salary and benefits, the individual previously occupying the position of Chief Plant Operator resulted in an annual budget expenditure of \$108,510. At this juncture, it is both more expedient and cost effective for the City to retain the services of an oversight consultant. It is anticipated that in the next 6-12 months, either a certified in-house Chief Plant Operator will be recruited, or staff members within will be obtaining certifications that will allow the scope of services of the consultant to be reduced and, in time, eventually eliminated.

RECOMMENDATION

Staff recommends that the City Council adopt Resolution No. 19-71, approving a contract with Mountain Valley Environmental Services for water treatment and wastewater treatment oversight services, and authorizing the City Manager to execute any necessary contracts/agreements.

Attachments:

Resolution No. 19-71

Agreement with Mountain Valley Environmental Services

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

**A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF MENDOTA APPROVING
AN AGREEMENT WITH MOUNTAIN VALLEY
ENVIRONMENTAL SERVICES FOR
WATER AND WASTEWATER TREATMENT
OVERSIGHT SERVICES AND AUTHORIZING
THE CITY MANAGER TO EXECUTE SAME**

RESOLUTION NO. 19-71

WHEREAS, the City of Mendota maintains water treatment and wastewater treatment facilities to provide potable water and wastewater treatment to the residents of the City; and

WHEREAS, due to the recent resignation of the Chief Plant Operator and the need to undergo a transitional period, the City will need oversight services for the City's water and wastewater treatment facilities; and

WHEREAS, the State of California requires that the City's facilities be operated by qualified individuals that possess certain certifications; and

WHEREAS, the service proposed to be provided by Mountain Valley Environmental Services, made part hereof by reference, will allow the city to operate its water treatment and wastewater treatment facilities in accordance with State mandated standards; and

WHEREAS, upon reviewing the attached proposal, the City has independently determined that Mountain Valley Environmental Services can provide the services needed to operate the aforementioned facilities and protect the public health, safety, and welfare of the residents of Mendota.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Mendota hereby approves the agreement with Mountain Valley Environmental Services, in substantial form presented as Exhibit "A," and all other documentation necessary to effectuate such agreement, and authorizes the City Manager to execute same.

Robert Silva, Mayor

ATTEST:

I, Celeste Cabrera-Garcia, City Clerk of the City of Mendota, do hereby certify that the foregoing resolution was duly adopted and passed by the City Council at a regular meeting of said Council, held at the Mendota City Hall on the 24th day of September, 2019, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Celeste Cabrera-Garcia, City Clerk

Exhibit A



RE: Scope of Services Agreement

Contract Operations for the City of Mendota

This Agreement is to provide services between Mountain Valley Environmental Services, 1050 Ben Hur Rd, Raymond, CA 93653, hereinafter referred to as MVES, and the City of Mendota, 643 Quince Street, Mendota, CA 93640, hereinafter referred to as City.

Term

This Agreement shall take effect on the _____ day of September 2019, and shall continue in effect for a period of six (6) months, including month to month renewal options, unless terminated by either party prior to the end of this Agreement.

Purpose of Agreement

To provide operation and supervision of City's water treatment, distribution and wastewater treatment facilities and Chief Plant Operator services.

Scope of Services

Responsibilities of MVES

1. MVES will provide a California Wastewater certified grade 2 or higher operator who will visit the WWTP site up to twice weekly. This operator will be the Chief Plant Operator and responsible for overseeing the operations and maintenance of the WWTP.
2. MVES will provide oversight, direction and onsite training for 2 OIT's.
3. MVES shall oversee all required water quality sampling for the influent and effluent as required by CRWQCB.
4. MVES shall submit the required Monitoring Reports to the CRWQCB in accordance with WDR Order No. 91-192.

5. MVES will provide personnel with at least California T-2 and D-3 level certifications to provide Chief Plant Operator and Chief Distribution Operator services and oversight operations of the city's water system covering water distribution and water treatment on a weekly basis.
6. An MVES Operator shall be available by phone for consultation by the City during normal working hours and after hours for emergency response as needed.
7. MVES will provide all needed insurance at the appropriate levels as determined by contract.
8. MVES will provide troubleshooting and systems evaluation on those issues associated with the daily operations of the city's water and wastewater treatment systems.
9. MVES will review and submit monthly monitoring reports as required by the primacy agencies.
10. Additional Services - Additional services outside the scope of this proposal requested by the City of Mendota can be provided on an as needed basis at an hourly rate of \$80 per hour plus mileage charges.

Responsibilities of CITY

The CITY shall provide the following as part of the Scope of Services.

1. Existing as-built drawings, Waste Discharge Requirements, Operations and Maintenance manuals, operations plans and other information currently on file pertaining to City's wastewater treatment, water treatment and water distribution operations.
2. Historical reports and data on file pertinent to all phases of operations.
3. Access to areas of City sites as required for MVES to complete the Scope of Services.
4. OIT's at City's expense.
5. All repair services.
6. City operations staff to respond to all after hours emergency call-outs.
7. Availability of key City staff for meetings at reasonable times and with reasonable notice.

Indemnification

To the furthest extent allowed by law, MVES shall indemnify, hold harmless, and defend CITY and each of its officers, officials, employees, agents, and volunteers from any and all loss, liability, fines, penalties, forfeitures, costs, and damages (whether in contract, tort, or strict liability, including but not limited to personal injury, death at any time and property damage), and from any and all claims, demands, and actions in law or equity (including reasonable attorney's fees and litigation expense) that arise out of, pertain to, or related to the negligence, recklessness, or willful misconduct of MVES, its principals, officers, employees, agents, or volunteers in the performance of this Agreement.

To the furthest extent allowed by law, CITY shall indemnify, hold harmless, and defend MVES and each of its officers, officials, employees, agents, and volunteers from any and all loss, liability, fines, penalties, forfeitures, costs and damages (whether in contract, tort, or strict liability, including but not limited to personal injury, death at any time, and property damage), and from any and all claims, demands, and

actions in law or equity (including reasonable attorney's fees and litigation expense) that arise out of, pertain to, or related to the negligence, recklessness, or willful misconduct of CITY, its principals, officers, employees, agents, or volunteers in the performance of this Agreement.

Insurance Types and Limits

MVES, at its sole cost and expense, shall procure and maintain for the duration of this Agreement, the following types and limits of insurance:

Type	Limits	Form
Commercial General Liability	\$1,000,000 per occurrence. \$3,000,000 Aggregate	At least as broad as ISO CG 0001 and Property Damage
Workers Compensation	Statutory limits.	

If at any time during the life of the Agreement or any extension, MVES fail to maintain any required insurance in full force and effect, all services and work under this Agreement shall be discontinued immediately, and all payments due or that become due to MVES shall be withheld until notice is received by CITY that the required insurance has been restored to full force and effect and that the premiums therefore have been paid for a period satisfactory to CITY. Any failure to maintain the required insurance shall be sufficient cause for CITY to terminate this Agreement. No action taken by CITY pursuant to this section shall in any way relieve MVES of its responsibilities under this Agreement. This phrase "fail to maintain any required insurance" shall include, without limitation, notification received by CITY that an insurer has commenced proceedings, or has had proceedings commenced against it, indicating that the insurer is insolvent.

Termination of Agreement

Either party may terminate this Agreement upon receipt of thirty (30) days written notice from one party to the other. In the event of such termination, CITY shall pay MVES consulting fees for all services provided by MVES prior to the date CITY gives notice of termination.

Compensation

CITY shall compensate MVES for the Scope of Services already provided, as herein described, \$6,000.00 per month payable, in advance, on the first day of each and every month for the duration of the Agreement, or by the 15th of the month that City gives notice of termination; for a total annual fee of \$72,000.00.

To the extent possible, all work will be performed during normal working hours, which term is defined as Monday to Friday between 7 AM and 4 PM.

Independent Contractor

In the furnishing of the services provided for herein, MVES is acting solely as an independent contractor. Neither MVES, nor any of its officers, agents, or employees shall be deemed an officer, agent, employee, joint venture, partner, or associate of CITY for any purpose. CITY shall have no right to control or supervise or direct the manner or method by which MVES shall perform its work and functions. However, CITY shall retain the right to administer this Agreement so as to verify that MVES is performing its obligations in accordance with the terms and conditions thereof.

1. **General Conditions Notices.** Any notice required or intended to be given to either party under the terms of this Agreement shall be in writing and shall be deemed to be duly given if delivered personally, transmitted by facsimile followed by telephone confirmation of receipt, or sent by United States registered or certified mail, with postage prepaid, return receipt requested, addressed to the party which notice is to be given at the party's address set forth on the signature page of this Agreement or at such other address as the parties may from time to time designate by written notice. Notices served by United States mail in the manner above described shall be deemed sufficiently served or given at the time of mailing thereof.
2. **Assignment.** This Agreement is personal to MVES and there shall be no assignment by MVES of its rights or obligations under this Agreement without the prior written approval of the CITY Manager or his designee.
3. **Compliance with Law.** In providing the services required under this Agreement, MVES shall at all times comply with all applicable laws of the United States, the State of California, and CITY, and with all applicable regulations promulgated by federal, state, regional, or local administrative and regulatory agencies, now in force and as they may be enacted, issued, or amended during the term of this Agreement.
4. **Waiver.** The waiver by either party of a breach by the other of any provision of this Agreement shall not constitute a continuing waiver or a waiver of any subsequent breach of either the same or a different provision of this Agreement. No provisions of this Agreement may be waived unless in writing and signed by all parties to this Agreement. Waiver of any one provision herein shall not be deemed to be a waiver of any other provision herein.
5. **Governing Law and Venue.** This Agreement shall be governed by, and construed and enforced in accordance with, the laws of the State of California, excluding, however, any conflict of laws rule which would apply the law of another jurisdiction. Venue for purposes of the filing of any action regarding enforcement or interpretation of this Agreement and any rights and duties hereunder shall be Madera County, California.

Miscellaneous

All notices permitted or required under this Agreement shall be given to the respective Parties at the following address, or at such other address as the respective parties may provide in writing for this purpose:

MVES: Mountain Valley Environmental Services
Attn: Randy D. Johnson

1050 Ben Hur Rd.
Raymond, CA 93653
[E-mail: rjohnson@MVEnvironmental.com](mailto:rjohnson@MVEnvironmental.com)

CITY: City of Mendota
Attn: Cristian Gonzalez, City Manager
643 Quince Street
Mendota, CA 93640
[E-mail: Cristian@cityofmendota.com](mailto:Cristian@cityofmendota.com)

Such notice shall be deemed made when personally delivered or when mailed, forty-eight (48) hours after deposit in the U.S. Mail, first class postage prepaid and addressed to the party at its applicable address. Notice sent via e-mail shall be deemed made when sent unless notice of failure of transmission is received. Actual notice shall be deemed adequate notice on the date actual notice occurred, regardless of the method of service. Any party may change the address to which notice may be given by providing the other parties with written notice of such change at least fifteen (15) calendar days prior to the effective date of the change.

*If you are in agreement with this contract, please sign, date and return this to:
MVES, 1050 Ben Hur Rd, Raymond, CA 93653 - Attention: Randy Johnson or via [Email at rjohnson@MVEnvironmental.com](mailto:rjohnson@MVEnvironmental.com)*

MOUNTAIN VALLEY ENVIRONMENTAL SERVICES

Date: _____ By: _____
Randy D. Johnson
Title: Owner _____

CITY OF MENDOTA

Date: _____ By: _____
Cristian Gonzalez
Title: City Manager _____

AGENDA ITEM – STAFF REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS
FROM: CRISTIAN GONZALEZ, CITY MANAGER
SUBJECT: PROPOSED AMENDMENTS TO THE MENDOTA ZONING CODE PERMITTING COMMERCIAL CANNABIS RETAIL BUSINESSES IN THE C-3 DISTRICT SUBJECT TO A CONDITIONAL USE PERMIT
DATE: SEPTEMBER 24, 2019

ISSUE

Shall the City Council conduct the second reading and adopt Ordinance No. 19-08, amending the zoning code to permit commercial cannabis retail businesses in the C-3 district subject to a conditional use permit?

BACKGROUND

Last year, the City amended Title 17 of the MMC by adding Chapter 17.99, which created a commercial cannabis overlay district and permitted indoor cannabis cultivation, cannabis manufacturing, cannabis testing, and cannabis distribution within the overlay district, subject to a conditional use permit (CUP). The amendments expressly prohibited outdoor cannabis cultivation and cannabis dispensaries.

On January 16, 2019 the Office of Administrative Law officially approved state regulations developed by the Bureau of Cannabis Control (Bureau) for cannabis business across the supply chain (Regulations). Among other things, the Regulations, at 16 C.C.R. § 5416(d) state that “a [cannabis] delivery employee may deliver to *any jurisdiction* within the State of California provided that such delivery is conducted in compliance with all delivery provisions of this division.” Previously, state law had permitted local jurisdictions to prohibit deliveries within its jurisdiction.

As a result of this change, the City’s former ban on dispensaries, which included cannabis delivery businesses, no longer achieved its intended public health and safety benefits in that it could not prevent delivery businesses located in other jurisdictions from consummating cannabis deliveries in the City. Consequently, in light of the potential tax revenue associated with potential deliveries to consumers located in the City, and the fact state law preempts the City’s ability to prohibit deliveries to consumers in the City, the City amended its municipal code to eliminate the ban on commercial cannabis dispensaries with Ordinance No. 19-06.

Among other things, Ordinance No. 19-06 established location requirements for cannabis retail businesses, including a requirement that no cannabis retail business shall be located within 800 feet of another cannabis retail business, a school, a day care center, or a youth center. This requirement is now codified in Section 8.37.090 of the MMC.

As the commercial cannabis overlay district is not located in a commercial use area, and commercial cannabis retail is suitable to being located in a commercial use area, the City now desires to amend its Zoning Code to permit a limited number of commercial cannabis retail businesses in the C-3 district subject to a conditional use permit.

On July 16, 2019, the City Planning Commission considered a proposed ordinance amending the City's Zoning Code to permit a limited number of commercial cannabis retail businesses in the C-3 district subject to a conditional use permit. The Planning Commission recommended approval of the proposed ordinance on the condition that the City amend Section 8.37.090 to provide that no cannabis retail business shall be located within 500 feet of another cannabis retail business, a school, a day care center, or a youth center, rather than 800 feet as originally required when Ordinance No. 19-06 was adopted.

On August 12, 2019 the City Council conducted a public hearing and first reading for Ordinance 19-08. At the conclusion of the public hearing, the City Council voted to accept the Planning Commission's recommendation and directed staff to amend Section 8.37.090 of the MMC to provide that no cannabis retail business shall be located within 500 feet of another cannabis retail business, a school, a day care center, or a youth center.

On August 27, 2019 the City Council conducted a public hearing and first reading for Ordinance No. 19-09, amending Section 8.37.090 of the MMC to provide that no cannabis retail business shall be located within 500 feet of another cannabis retail business, a school, a day care center, or a youth center. On September 10, 2019, the City Council adopted Ordinance No. 19-10.

Having now amended Section 8.37.090 in accordance with the Planning Commission's recommendation, staff is requesting that the City Council adopt Ordinance No. 19-08. As the City Council conducted a public hearing and first reading on August 12, 2019, and no changes have been made to Ordinance No. 19-08, the ordinance will be finally adopted upon the affirmative vote of a majority of the City Council.

ANALYSIS

The proposed amendment makes only one change to the City's Zoning Code. It amends Section 17.52.030 by adding Subdivision KK, which identifies "cannabis retail businesses" as a use permitted subject to a conditional use permit in the C-3 central business and shopping center district.

On July 16, 2019, the Planning Commission considered and adopted Resolution No. PC 19-02 (attached) recommending approval of Ordinance No. 19-08. During the approval of the aforementioned resolution, the Planning Commission also included a recommendation for the City Council to consider reducing the distance from which commercial cannabis retail businesses must be located from certain parcels from 800 feet to 500 feet.

In accordance with the Planning Commission's recommendation, on September 10, 2019, the City Council adopted Ordinance No. 19-09, which amended Section 8.37.090 of the MMC to reduce the distance from which commercial cannabis retail business must be located from certain parcels from 800 feet to 500 feet.

FISCAL IMPACT

The City will likely incur additional costs to the extent these amendments prompt additional regulatory oversight. However, any increased costs will largely be offset by increased revenue from cost recovery requirements, permit fees, business license fees, and development agreement provisions.

RECOMMENDATION

Staff recommends that the Council conduct the second reading, and that the Council adopt Ordinance No. 19-08.

Attachments:

Resolution No. PC 19-02: A Resolution of the Planning Commission of the City of Mendota recommending Approval of Proposed Zoning Code Amendments to Permit Commercial Cannabis Retail Businesses in the C-3 District subject to a Conditional Use Permit.

Proposed Ordinance No. 19-08, Permitting Commercial Cannabis Retail Businesses in the C-3 District Subject to a Conditional Use Permit.

**BEFORE THE PLANNING COMMISSION
OF THE
CITY OF MENDOTA, STATE OF CALIFORNIA**

RESOLUTION NO. PC 19-02

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MENDOTA
RECOMMENDING APPROVAL OF PROPOSED ZONING CODE AMENDMENTS TO
PERMIT COMMERCIAL CANNABIS RETAIL BUSINESSES IN THE C-3 DISTRICT
SUBJECT TO A CONDITIONAL USE PERMIT**

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

WHEREAS, in 2017, the City enacted Ordinance No. 17-13, which created the Commercial Cannabis Overlay District to allow the establishment of commercial cannabis businesses involving the cultivation, manufacturing, distribution, and testing of cannabis products in a limited area of the City, but retained the ban on cannabis dispensaries;

WHEREAS, in light of the developments to state laws and regulations regarding commercial cannabis retail businesses, the City Council directed staff to prepare an ordinance permitting commercial cannabis uses and permitting a limited number of commercial cannabis retail businesses in its primary commercial district, the C-3 district, subject to a conditional use permit.

WHEREAS, in 2019, the City enacted Ordinance No. 19-06, which amended Chapter 8.36 of the MMC to eliminate the ban on cannabis dispensaries, and added Chapter 8.37 to the MMC, which established regulations for the operation of commercial cannabis businesses, including cannabis dispensaries, referred to therein as commercial cannabis retail businesses;

WHEREAS, Ordinance No. 19-06 contemplated an amendment to the City's Zoning Code to permit commercial cannabis retail businesses in the C-3 district subject to a conditional use permit;

WHEREAS, pursuant to Section 17.08.040, amendments to the City's Zoning Code which change any property from one district to another, or impose any regulation not heretofore imposed, or remove or modify any such regulations heretofore imposed shall be initiated and adopted by the procedure specified therein;

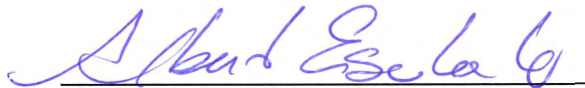
WHEREAS, the proposed amendments to the Zoning Code, attached hereto as Exhibit "A" and incorporated herein by this reference, remove or modify a regulation

heretofore imposed and are therefore subject to the procedure specified in Section 17.08.040;

WHEREAS, pursuant to Section 17.08.040(G)(3), if the Planning Commission determines that it is appropriate to recommend approval of the proposed amendments to the City Council, it must do so by adopting a resolution to that effect.

WHEREAS, the Planning Commission determines to recommend approval of the proposed amendments with the request that the City Council consider modifications to the location requirements for commercial cannabis retail businesses, including reducing the distance from which such businesses must be located from certain parcels; and

NOW, THEREFORE, BE IT RESOLVED, by the Planning Commission of the City of Mendota, State of California, the proposed amendments to the zoning code, attached hereto as Exhibit "A," are hereby recommended for approval by the City Council.


Albert Escobedo, Chairperson

ATTEST:

I, Celeste Cabrera-Garcia, City Clerk of the City of Mendota, do hereby certify that the foregoing resolution was duly adopted and passed by the Planning Commission at a regular meeting of said Commission, held at the Mendota City Hall on the 16th day of July, 2019, by the following vote:

- AYES:** 5 – Vice-Chairperson Escobedo, Commissioners Alonso, Gutierrez, Leiva, and Romero
- NOES:** 0
- ABSENT:** 1 – Chairperson Luna
- ABSTAIN:** 0


Celeste Cabrera-Garcia, City Clerk



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

**AN ORDINANCE OF THE CITY COUNCIL
OF THE CITY OF MENDOTA AMENDING
THE ZONING CODE TO PERMIT
COMMERCIAL CANNABIS RETAIL
BUSINESSES IN THE C-3 DISTRICT
SUBJECT TO A CONDITIONAL USE PERMIT**

ORDINANCE NO. 19-08

WHEREAS, pursuant to the authority granted the City of Mendota (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 cannabis 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 cannabis 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 cannabis dispensaries and the delivery and cultivation of medical cannabis; 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 cannabis, including cannabis products, for use by adults 21 years and older, and to tax the commercial growth and retail sale of cannabis; and

WHEREAS, in June of 2017, the Governor approved the Medicinal and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA), which established a uniform licensing regime for both medical and adult-use cannabis, thereby supplanting the MMRSA and adjusting various provisions of the AUMA; and

WHEREAS, on January 16, 2019 the Office of Administrative Law officially approved state regulations developed by the Bureau of Cannabis Control (Bureau) for cannabis businesses across the supply chain (Regulations); and

WHEREAS, the Regulations at 16 C.C.R. § 5416, subd. (d) expressly provide that “a [cannabis] delivery employee may deliver to **any jurisdiction** within the State of California provided that such delivery is conducted in compliance with all delivery provisions of this division”; and

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

WHEREAS, in 2017, the City enacted Ordinance No. 17-13, which created the Commercial Cannabis Overlay District to allow the establishment of commercial cannabis businesses involving the cultivation, manufacturing, distribution, and testing of cannabis products in a limited area of the City, but retained the ban on cannabis dispensaries; and

WHEREAS, in 2019, the City enacted Ordinance No. 19-06, which amended Chapter 8.36 of the MMC to eliminate the ban on cannabis dispensaries, and added Chapter 8.37 to the MMC, which established regulations for the operation of commercial cannabis businesses, including cannabis dispensaries, referred to therein as commercial cannabis retail businesses; and

WHEREAS, in light of the developments to state laws and regulations regarding commercial cannabis retail businesses, the City now desires to permit a limited number of commercial cannabis retail businesses in its primary commercial district, the C-3 district, subject to a conditional use permit; and

WHEREAS, on July 16, 2019, the City’s Planning Commission recommended approval of a proposed ordinance amending the City’s zoning code to permit a limited number of commercial cannabis retail businesses in the C-3 district, subject to a conditional use permit, on the condition that the City amend Section 8.37.090 of the MMC, as set forth in Ordinance No. 19-06, to provide that cannabis retail business shall be located at least 500 feet from other cannabis retail businesses, schools, day care centers, and youth centers, rather than at least 800 feet; and

WHEREAS, on August 12, 2019 the City Council voted to accept the Planning Commission's recommendation and directed staff to amend Section 8.37.090 of the MMC to provide that cannabis retail business shall be located at least 500 feet from other cannabis retail businesses, schools, day care centers, and youth centers, rather than at least 800 feet; and

WHEREAS, on August 27, 2019 the City Council conducted a public hearing and first reading for Ordinance No. 19-09, amending Section 8.37.090 of the MMC to provide that cannabis retail businesses shall be no close than 500 feet from any other cannabis retail business, school, day care center, or youth center; and

WHEREAS, on September 10, 2019 the City Council adopted Ordinance No. 19-09, amending Section 8.37.090 of the MMC to provide that cannabis retail businesses shall be no close than 500 feet from any other cannabis retail business, school, day care center, or youth center; and

WHEREAS, having amended Section 8.37.090 in accordance with the Planning Commission's recommendation, the City now desires to adopt the proposed ordinance amending the City's zoning code to permit a limited number of commercial cannabis retail businesses in the C-3 district, subject to a conditional use permit.

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. Section 3 amends Title 17, Chapter 17.52, Section 17.52.030 by adding Subdivision KK.

SECTION 3. Title 17, Chapter 17.52, Section 17.52.030 is hereby amended to read as follows:

17.52.030 - Uses permitted subject to conditional use permit.

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

- A. Auditoriums;
- B. Automatic self-serve car wash;
- C. Automobile parts sales;
- D. Automobile service stations (with incidental repair);
- E. Bakeries (wholesale);
- F. Bars, provided that no bar may be located within five hundred (500) feet of a church, school or other bar;
- G. Bowling establishments;
- H. Buildings with heights greater than two stories;

- I. Bus stations;
- J. Car sales (new and used);
- K. Churches;
- L. Clinics and laboratories;
- M. Communications substations, gas regulator stations, utility pumping stations, radio and television stations;
- N. Convenience markets;
- O. Drive-in restaurants;
- P. Dry cleaners;
- Q. Hospitals;
- R. Janitorial services;
- S. Linen supply services;
- T. Mortuaries;
- U. Nurseries (within or behind the main buildings);
- V. Nursing and convalescent hospitals or homes;
- W. Private clubs, lodges;
- X. Public grounds and buildings;
- Y. Parking lots, in conjunction with permitted uses;
- Z. Radio and television repair;
- AA. Restaurant/bars;
- BB. Significant tobacco retailers, provided that no significant retailer may be located within five hundred (500) feet of a school;
- CC. Theaters;
- DD. Trade and professional schools;
- EE. Day nurseries, child care nurseries or nursery schools, not exceeding two hundred fifty (250) children;
- FF. Light Manufacturing (where required for the repair or assembly of pre-manufactured components of the retailed goods, and where the floor space devoted to the repair and/or assembly process is less than ten (10) percent of the total floor are of business);
- GG. Pool halls and billiards clubs.
- HH. Planned developments, including mixed commercial-residential and/or mixed office-residential uses, pursuant to Chapter 17.84.
- II. Social facilities;
- JJ. Wireless telecommunications facilities-;
- KK. Cannabis retail businesses.

SECTION 4. Severability. If any part of this Ordinance is held to be invalid for any reason, such decision shall not affect the validity of the remaining portions of this Ordinance, and the City Council hereby declares that it would have passed the remainder of this Ordinance, as if such invalid portion thereof had been deleted.

SECTION 5. The City Council hereby finds and determines that its adoption of this Ordinance is not subject to environmental review under the Public Resources Code, § 21000 *et seq.*, the California Environmental Quality Act (CEQA), because the amendments to the zoning code, in and of themselves, do not have the potential for

resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment and therefore are not considered a "project" under CEQA. (Pub. Res. Code, § 21065; 14 Cal. Code Regs., § 15378(a).) Further, the uses permitted as a result of the amendments contained herein may never actually occur and therefore any potential environmental impacts remain wholly speculative. (14 Cal. Code Regs., §15064(d)(3).) Finally, any uses permitted as a result of the amendments contained herein will be subject to environmental review under CEQA prior to the issuance of a conditional use permit. Accordingly, the City Clerk is hereby directed to file a Notice of Exemption.

SECTION 6.This ordinance shall take effect thirty (30) days after its passage.

SECTION 7.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.

The foregoing ordinance was introduced on the 13th day of August, 2019 and duly passed and adopted by the City Council of the City of Mendota at a regular meeting thereof held on the 24th day of September, 2019 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Robert Silva, Mayor

ATTEST:

Celeste Cabrera-Garcia, City Clerk

APPROVED AS TO FORM:

John Kinsey, City Attorney

AGENDA ITEM – STAFF REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS
FROM: CRISTIAN GONZALEZ, CITY MANAGER
SUBJECT: COUNCIL DISCUSSION AND CONSIDERATION TO DIRECT THE CITY MANAGER TO TERMINATE THE AGREEMENT FOR EXCLUSIVE RIGHT TO NEGOTIATE WITH GREYSTONE EQUITIES, LLC
DATE: SEPTEMBER 24, 2019

ISSUE

Should the City Council direct the City Manager to rescind the letter to terminate the Exclusive Right to Negotiate with Greystone Equities, LLC?

BACKGROUND

The City entered into an Agreement for Exclusive Right to Negotiate with Greystone Equities, LLC back in 2015, in order to allow them to begin their due diligence in the feasibility of them installing a wastewater treatment plant that would be able to treat 80% of the city's wastewater effluent. Due to poor percolation, the city needed, and still needs, a permanent solution for the effluent in order to serve potential future development. In early 2018, the City began talks with a cannabis company who was interested in purchasing city-owned land to cultivate cannabis. During those talks, there was mention of the possibility of using treated wastewater to cultivate the cannabis.

In May 2019, the City Council directed staff to send a Termination Letter to Greystone Equities, so that staff can freely discuss options with the cannabis company. Just recently Greystone Equities contacted staff to provide an update on the project and they stated that they never received the Termination Letter. I explained that the Council had directed staff to terminate the agreement months ago, and served him with the termination letter then. The letter has a 30-day period that allows for the Council to rescind or cancel the termination.

Greystone Equities is still committed to the project, and should have an estimate for the price of the treatment plant in January. Shortly thereafter, they will be able to decide if the project is feasible, or not. Attached is documentation that was provided by Greystone Equities showing the fees that they have spent on the project up to this point.

ANALYSIS

The City needs a solution to dealing with wastewater effluent. Available land to construct new ponds at the wastewater treatment plant is running out and the city needs to continue growing. The project that Greystone Equities is proposing would provide capacity for future growth, while also providing an opportunity to create revenue from water that would otherwise be useless. On the other hand, there is a cannabis grower that might be able to use the water, sooner than

Greystone can provide it. The amount of water that the cannabis grower needs is minimal, but without it, the cannabis project could stall.

FISCAL IMPACT

At this point it is truly unknown what the fiscal impact of this can be, since there are many variables.

RECOMMENDATION

Staff recommend that the City Council direct staff to one of the following options:

- A. Rescind and cancel the termination letter with Greystone Equities, keeping the agreement as is.
- B. Direct staff to work with Greystone Equities to modify the agreement to allow for the City to negotiate with the Cannabis Cultivator and Greystone Equities simultaneously.
- C. Do nothing and allow for the termination to take effect, terminating the agreement with Greystone Equities.

Attachments:

Letter from Greystone Equities, LLC.

Greystone Equities, LLC - Mendota Wastewater Treatment Plant costs

Igal Treibatch

Water Solutions Technologies LLC

3201 Wilshire Blvd. suite 306 | Santa Monica, Ca 90403

Tel. (310) 829-7111 | igal@greystonellc.com

Dear council members

I am writing to ask that you reconsider your decision to end our agreement. We believe this project can offer the City great benefits and we are pleased to be able to tell you that a process to reliably treat the difficult wastewater effluent to Title 22 standards has recently been completed and has been developed to the point where we can now develop construction and operational costs. This may not sound like much but achieving such a design has required four years and over \$550,000 in water testing, engineering and other related expenses. We have fronted all those expenses and continue to move forward on the project.

We will have all the design documentation from Mekorot, the process engineers, by the end of this month, and immediately will commission Lyles Construction to prepare a full and detailed construction and operational cost estimate. From those estimates, we will be able to determine the overall cost model for the project and will be able to prepare a formal proposal to the City. This proposal would include, as we have discussed, construction of necessary improvements, operation of the Advanced Wastewater Treatment Plant and disposal of the product water so that you would no longer be faced with your current effluent evaporation situation. In addition, the proposal will include construction of new temporary effluent evaporation basin at the WWTP, to help the City deal with gradually increasing wastewater flows during construction of the new Advanced Wastewater Treatment Plant.

With the completion of preliminary design and start of cost estimating we have turned a major corner in our own timeline. We know that meeting times get scarce in November and December, and we want to meet the commitment we make to you today. We ask that you would give us until January 31, 2020 to bring you a formal proposal for your consideration. If by that time you still wish to terminate the agreement, you have that right. But let's continue to work together and see what opportunities there may be for us both.

Respectfully yours

Water Solutions Technologies LLC
Greystone Equities LLC, manager
Igal Treibatch CEO

Date: August 26th, 2019

Memo: Breakdown of costs incurred to-date in relation to the proposed Mendota Wastewater Treatment Plan (“Mendota WWTP”) project

Year:	2015	2016	2017	2018	2019	2015-2019
Engineering	\$ 44,068	\$ 67,492	\$ 84,572	\$ 67,185	\$ 23,154	\$ 286,472
Legal	\$ 31,332	\$ 54,525	\$ 44,037	\$ 15,698		\$ 145,592
Mendota City - Reimbursements	\$ 40,813	\$ 5,187		\$ 15,613	\$ 12,326	\$ 73,939
Mekorot		\$ 25,000				\$ 25,000
Travel	\$ 5,919	\$ 18,897		\$ 8,448		\$ 33,263
Total	\$122,133	\$171,101	\$128,608	\$106,943	\$ 35,480	\$ 564,266

Igal Treibatch
 Chief Executive Officer
 Greystone Equities LLC,

Manager of Water Solution Technologies, LLC
 Manager of Liberty Groves, LLC

AGENDA ITEM – STAFF REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS
FROM: JENNIFER LEKUMBERRY, DIRECTOR OF ADMINISTRATIVE SERVICES
VIA: CRISTIAN GONZALEZ, CITY MANAGER
SUBJECT: MONTHLY REPORT- AUGUST 2019
DATE: SEPTEMBER 24, 2019

HUMAN RESOURCES

- Completed the recruitment and onboarding for the two regular full-time Administrative Assistant positions
- Completed the recruitment and onboarding for the temporary full-time Maintenance Worker position
- Processed the new hire paperwork for the new employees
- Completed an exit interview with a departing employee

RISK MANAGEMENT

Claims

- One new claim was filed against the City

Worker's Compensation Claims

- No new worker's compensation claims were filed

SENIOR CENTER

There was a daily average of 11 participants at the Mendota Senior Center.

SPECIAL PROJECTS

I submitted the vehicle usage reports due to the San Joaquin Valley Air Pollution Control District.

Grant Information

Grant Name	Application Due Date	Award Date	Agency: Federal/State/County/ Private	Pass-thru	Matching	Award Amount	Purpose of Grant	Notes	Comments by Council or Staff
Per Capita Grant Program	6/3/2019	Late Summer '19	State	N	N	TBD	Local park rehabilitation, creation and improvement grants	One-time basis	
Tobacco Grant Program	7/12/2019	9/30/2019	State	NA	N	\$ 89,909.00	Tobacco Ordinance, Retailers Compliance Checks and Community Outreach	Reimbursement Grant	
California Aid to Airports Program	7/31/2019	10/31/2019	State	N	N	\$ 10,000.00	Annual credit grant to fund operational costs at the airport		
National Fitness Campaign 2020	8/1/2019	10/1/2020	Private	N	Y	\$ 30,000.00	Fitness Court	Applying for grant in conjunction with Prop.68	
Proposition 68 - Parks	8/5/2019	12/31/2019	State	NA	N	\$ 7,839,960.00	New Construction of Community Center and Park Recreation Features	Reimbursement Grant	
Rubberized Pavement Grant Program	10/3/2019	12/31/2019	State	N	N	up to \$350,000	City Hall alley way		
Access to Historical Records: Archival Projects	10/3/2019	7/1/2020	Federal	N	Y	up to \$100,000	Digitize public records and make freely available online		
SB 2 Planning Grant Program	11/30/2019	TBD	State	N	N	up to \$160,000	Update planning documents and processes of housing approvals/production		
Beverage Container Recycling City/County Payment Program	12/17/2019	2/28/2020	State	N	N	\$ 5,000.00	Litter prevention and cleanup; Public education promoting beverage container recycling	If you don't expend the full \$5,000.00, you must repay CalRecycle.	
Key: Applied for Grants									
In process									
Approved									

Potential Grant Opportunities

Grants	Priority by Council	Application Due Date	Agency	Matching	Award Amount	Purpose of Grant	Comments by Council or Staff
Tire-Derived Product Grant Program		TBD	State	TBD	up to \$150,000	Landscape Projects or Playground Projects with tire-derived products	
Clean, Safe and Reliable Drinking Water		Open	State	TBD	TBD	Planning grant for water storage: pressure booster and water quality	
Community Facilities Direct Loan & Grant Program		TBD	Federal	TBD	TBD	Construction of Police Department	
Community Facilities Direct Loan & Grant Program		Open	Federal	TBD	TBD	Construction of Animal Control Facility	
Walmart Community Grant		12/31/2019	Private	N	up to \$5,000	sustainability	
Proposition 68 - Parks		TBD	State	N	up to \$8,000.00	Improvements to Mendota Pool Park	
Community Development Grants		TBD - Eligible in 2020	County	TBD	TBD	Construct or improve public facilities such as senior centers, parks, playgrounds, community center	Eligible for funding in FY 20/20.
Clean Green Yard Machines: Commercial		TBD	District	TBD	TBD	Replacement of landscaped maintenance equipment	
New Alternative Fuel Vehicle Purchase		TBD	District	TBD	up to \$20,000	Purchase a new alternative fueled vehicles (Electric, Plug-in Hybrid, CNG,LNG)	
Airport Improvement Plan Grant		TBD	State	TBD	TBD	Improvements to Airport	Need to complete a NEPA for the pre-application process: Cost Estimate is \$30,000. This item would need to be budgeted for FY 20/21 and the next funding round will be FY 22/23.
Caltrans Sustainable Transportation Grant		10/11/2019	State			Local and regional multimodal transportations and land use planning projects to further the region's RTP.SCS.	City will apply for this type of grant when population reaches 25,000 or above.
CMAQ & STBG Programs		TBD	Federal	TBD	TBD	Paving alley way	
Consolidated Rail Infrastructure and Safety Improvements Grant Program		10/18/2019	Federal	Yes	TBD	Projects that address congestion challenges, highway-rail grade crossings, upgrade short-line railroad infrastructure, relocate rail lines, improve intercity passenger rail capital assets.	Researching if project is eligible for new crossings and how often do the grant opportunities occur.
Recreational Trails and Greenways Grant Program		10/11/2019	State	TBD	up to \$4,000,000	Projects must provide non-motorized infrastructure development and enhancements that promote new or alternate access to parks, waterways, outdoor recreational pursuits, and forested or natural environments.	Technical Assistance will be Thursday, Sept. 26