



CITY OF MENDOTA

“Cantaloupe Center Of The World”

AGENDA

MENDOTA CITY COUNCIL

Regular City Council Meeting

City Council Chambers

643 Quince Street

Mendota, California 93640

September 12, 2023

6:00 PM

VICTOR MARTINEZ
Mayor

LIBERTAD “LIBERTY” LOPEZ
Mayor Pro Tem

JOSE ALONSO

JOSEPH R. RIOFRIO

OSCAR ROSALES

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, individuals requiring special assistance to participate at this meeting please contact the City Clerk at (559) 655-3291 or (559) 577-7692. Notification of at least forty-eight hours prior to the meeting will enable staff to make reasonable arrangements to ensure accessibility to the meeting.

Si necesita servicios de interpretación para participar en esta reunión, comuníquese con la Secretaria de la Ciudad al (559) 655-3291 o (559) 577-7692 entre las 8 a.m. y las 5 p.m. de lunes a viernes. La notificación de al menos veinticuatro horas antes de la reunión permitirá al personal adoptar las disposiciones necesarias para garantizar su participación en la reunión.

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 the 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 and 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 August 22, 2023.
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. AUGUST 16, 2023 THROUGH AUGUST 31, 2023
WARRANT LIST CHECK NOS. 53710 THROUGH 53786
TOTAL FOR COUNCIL APPROVAL = \$759,806.90
2. Proposed adoption of **Resolution No. 23-66**, approving the job description and salary schedule for the Deputy City Clerk/Recreation Coordinator.

BUSINESS

1. Discussion and consideration of **Resolution No. 23-67**, authorizing the formation of a City Council Ad Hoc Subcommittee to discuss and consider the Mendota Airport Land Plan.
 - a. *Receive report from City Clerk Cabrera-Garcia*
 - b. *Inquiries from City Council to staff*
 - c. *Mayor Martinez opens floor to receive any comment from the public*
 - d. *City Council appoints Subcommittee members and considers Resolution No. 23-67 for adoption*

PUBLIC HEARING

1. Public hearing and proposed adoption of **Ordinance No. 23-03**, amending Title 5 of the Mendota Municipal Code related to the regulation of mobile vending operations.
 - a. *Receive report from Assistant City Attorney Castro*
 - b. *Inquiries from City Council to staff*
 - c. *Mayor Martinez opens the public hearing*
 - d. *Once all comment has been received, Mayor Martinez closes the public hearing*
 - e. *Council considers waiving the second reading and adoption of Ordinance No. 23-03*

DEPARTMENT REPORTS AND INFORMATIONAL ITEMS

1. City Engineer
 - a) Update
2. City Attorney
3. City Manager

MAYOR AND COUNCIL REPORTS AND INFORMATIONAL ITEMS

1. Council Member(s)
2. Mayor

CLOSED SESSION

1. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
Ongoing litigation pursuant to paragraph (1) of subdivision (d) of Government Code section 54956.9 (one case).
Case unspecified to avoid jeopardizing service of process.
2. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION
Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) of Government Code section 54956.9 (two potential cases).

BUSINESS (CONTINUED)

2. Council discussion and consideration of the proposal received in response to the Request for Proposals for the Purchase and Potential Development of City Real Property.
 - a. *Receive report from City Manager Gonzalez*
 - b. *Inquiries from City Council to staff*
 - c. *Mayor Martinez opens floor to receive any comment from the public*
 - d. *City Council provides input and direction to staff on how to proceed*

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 12, 2023, was posted on the outside bulletin board located at City Hall, 643 Quince Street, on Friday, September 8, 2023, at 5:00 p.m.



Celeste Cabrera-Garcia, City Clerk



MINUTES OF MENDOTA REGULAR CITY COUNCIL MEETING

Regular Meeting

August 22, 2023

Meeting called to order by Mayor Martinez at 6:00 PM.

Roll Call

Council Members Present: Mayor Victor Martinez, Mayor Pro Tem Libertad “Liberty” Lopez, Council Members Jose Alonso and Oscar Rosales

Council Members Absent: Council Member Joseph Riofrio

Flag salute led by Chief of Police Kevin Smith

Invocation led by Police Chaplain Ophelia Lugo

FINALIZE THE AGENDA

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

A motion was made by Council Member Alonso to adopt the agenda seconded by Council Member Rosales; unanimously approved (4 ayes, absent: Riofrio).

PRESENTATION

1. City Council to recognize Mendota Police Lieutenant Gerardo Galaviz and Police Officer Anthony Aguilar for their success at the 2023 World Police & Fire Games.

Chief of Police Smith introduced Police Lieutenant Gerardo Galaviz and Police Officer Anthony Aguilar and shared information on the awards that Lieutenant Galaviz and Officer Aguilar received at the 2023 World Police & Fire Games (“the Games”).

A video highlighting the experience of the Officers at the Games was shown during the meeting.

Lieutenant Galaviz shared his experience at the Games.

The Council congratulated Lieutenant Galaviz and Officer Aguilar for their achievement.

CITIZENS ORAL AND WRITTEN PRESENTATIONS

Ramon Gonzalez provided an update on the drag racing event that he recently held, and inquired as to what the City Council thought of the event.

Discussion was held on the comments made by Mr. Gonzalez, including positive feedback that the City Council received from community members and the positive impacts it had on both the City and the Mendota Police Department.

Destiny Vargas stated that she would like to bring awareness to the issue of domestic violence in the community; inquired about ways she could possibly bring awareness to the community, including possibly having events and presenting at schools to bring awareness to the issue.

Discussion was held on the comments made by Ms. Vargas.

Karina Beltran shared information on a farm project she would like to bring to the City for children with special needs; shared information on the benefits of having a farm for children with special needs and inquired about possible locations for the farm that can either be rented or bought in the City.

Discussion was held on the information shared by Ms. Beltran.

Kevin Romero provided an update on local youth sports.

Discussion was held on the update provided by Mr. Romero.

APPROVAL OF MINUTES AND NOTICE OF WAIVING OF READING

1. Minutes of the regular City Council meeting of August 8, 2023.
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 Council Member Rosales to approve items 1 and 2, seconded by Mayor Pro Tem Lopez; unanimously approved (4 ayes, absent: Riofrio).

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. AUGUST 2, 2023 THROUGH AUGUST 14, 2023
WARRANT LIST CHECK NOS. 53650 THROUGH 53709
TOTAL FOR COUNCIL APPROVAL = \$1,227,945.36
2. Proposed ratification of a general letter of support for the Higher Education For All organization.
3. Proposed ratification of a letter of support for the Higher Education For All organization's Wonderful Grant Program.
4. Proposed ratification of a letter of support for Fresno County's Promoting Resilient Operations for Transformative, Efficient, and Cost-saving Transportation (PROTECT) Program.

A motion was made by Council Member Rosales to approve items 1 through 4, seconded by Council Member Alonso; unanimously approved (4 ayes, absent: Riofrio).

PUBLIC HEARING

1. City Council to continue the Development Agreement Annual Review Hearing for Odyssey Agricultural Development LLC.

Mayor Martinez introduced the item and Assistant City Attorney Castro provided the report.

Discussion was held on the report provided by Assistant City Attorney Castro; including whether Odyssey Agricultural Development LLC ("Odyssey") has provided proof of worker's compensation to the City.

Mayor Martinez opened the public hearing at 6:36 p.m.

Sergio Valdez inquired about who is overseeing Odyssey to ensure that they are complying with the Development Agreement and recommended that the City Council audit Odyssey every few months to ensure they are complying with the Development Agreement.

Discussion was held on the comments made by Mr. Valdez.

Joseph Amador commented on a recent tour he had of Odyssey's facility; on the large number of Mendota residents who work for Odyssey; on the benefits of the cannabis industry on the City; the drag racing event held by Ramon Gonzalez; and on the positive direction that the City is heading into.

Discussion was held on the comments made by Mr. Amador; the possible expansion of

Odyssey's facility; the need for Odyssey to ensure that they pay their employees; how public benefit fees have been invested into the community; and the investment of funds not associated with the cannabis industry into the City.

Mayor Martinez closed the public hearing at 6:45 p.m.

A motion was made by Council Member Rosales to agree that Odyssey Agricultural Development LLC is in good standing with its compliance with the Development Agreement, seconded by Mayor Pro Tem Lopez; unanimously approved (4 ayes, absent: Riofrio).

Business

1. City Council discussion and consideration of the Community Resilience Center grant program.

Mayor Martinez introduced the item and Finance Director Banda provided the report.

Discussion was held on the report provided by Finance Director Banda, including proceeding with the City's Community Center project without partnering with Westside Youth, Inc.

Mayor Martinez opened the public comment period.

Dr. Jean provided information on the Community Resilience Center ("CRC") grant; technical assistance that Westside Youth, Inc. received and commented on the possibility

of partnering with the Cities of Firebaugh and San Joaquin to increase the likelihood of receiving the CRC grant.

Discussion was held on the information shared by Dr. Jean; the City's ongoing grant projects and applications; and the City's desire to proceed with no partnerships and possibly look into partnerships in the future.

Mayor Martinez closed the public comment period.

A motion was made by Council Member Rosales to proceed with the Mendota Community Center Project as previously intended without partnering with Westside Youth, Inc., seconded by Council Member Alonso; unanimously approved (4 ayes, absent: Riofrio)

2. City Council discussion and consideration of appointing a resident to the Mendota Recreation Commission.

Mayor Martinez introduced the item and City Clerk Cabrera-Garcia provided the report.

Viviana Munguia shared information on her background; commented on why she would like to serve on the Recreation Commission, and on her visions for the Recreation Commission.

Discussion was held on the information shared by Ms. Munguia.

Mayor Martinez opened the public comment period.

Albert Escobedo stated that he is happy to see young community members interested in serving on the Recreation Commission.

Kevin Romero shared information on his experience serving on various commissions for the City and stated he is happy to see young community members interested in serving on the Recreation Commission.

Mayor Martinez closed the public comment period.

A motion was made by Mayor Martinez to appoint Viviana Munguia to the Recreation Commission; seconded by Council Member Rosales; unanimously approved (4 ayes; absent Riofrio).

3. City Council discussion and consideration of **Ordinance No. 23-03**, amending Title 5 of the Mendota Municipal Code related to the regulation of mobile vending operations.

Mayor Martinez introduced the item and Assistant City Attorney Castro provided the report.

Discussion was held on the report provided by Assistant City Attorney Castro; regulations for motorized and nonmotorized food vendors; the possibility of limiting hours of operation for mobile food vendors; enforcement of regulations already set in place; the City being

limited on what they can do to restrict mobile food vendors due to state laws; and on possible permit restrictions on mobile food vendors who violate laws and regulations.

Mayor Martinez opened the public comment period.

Albert Escobedo requested clarification on the differences between a motorized food vendor and a nonmotorized food vendor and on whether mobile food vendors are allowed to have tables and chairs permanently set up at their business locations.

Discussion was held on the comments made by Mr. Escobedo, including new requirements for mobile food vendors and what will be permitted under Ordinance No. 23-03 (the "Ordinance").

Joseph Amador commented on the possibility of the Fresno County Health Department providing a presentation on health requirements and requested information on commissary requirements for mobile food vendors.

Anthony Martinez requested information on which City department would be responsible for enforcing the proposed regulations.

Discussion was held on the comments made by Mr. Martinez; office hours offered by the Office of Esmeralda Soria at City Hall so residents can share their concerns regarding state matters; and fines associated with violations under the new Ordinance.

Sergio Valdez requested a copy of the Ordinance; commented on whether the Code Enforcement department will have the necessary training to enforce all compliance

measures set under the Ordinance and requested clarification on whether mobile food vendors are permitted to have electrical connections to permanent buildings.

Discussion was held on the comments made by Mr. Valdez.

Mayor Martinez left the council chambers at 7:26 p.m. and returned within the same minute.

Mayor Pro Tem Lopez left the Council Chambers at 7:27 p.m. and returned at 7:29 p.m.

Alfredo Arambula inquired as to whether mobile food vendors are allowed to have tables, chairs and portable restrooms permanently set up at their business locations.

Discussion was held on the comments made by Mr. Arambula and on what may be considered a public nuisance violation.

Mayor Martinez closed the public comment period.

A motion was made by Council Member Rosales to introduce and waive the first reading Ordinance No 23-03 and schedule its public hearing for September 12, 2023, seconded by Mayor Pro Tem Lopez; unanimously approved (4 ayes, absent Riofrio)

4. City Council to receive presentation on advertisements to be displayed in the City relating to Senate Bill 1383 and illegal dumping.

Mayor Martinez introduced the item and Finance Director Banda provided the report.

Discussion was held on the report provided by Finance Director Banda, including where the advertisement will be displayed; vehicle service trucks illegally dumping tires outside of the City and ways to address the issue, and on the City's Mattress Recycling Program.

Mary Avitia inquired on how often community clean up events are held in the City.

Discussion was held on the inquiry made by Ms. Avitia.

A motion was made by Council Member Rosales to move forward with the advertisement relating to Senate Bill 1383 and illegal dumping; seconded by Council Member Alonso; unanimously approved (4 ayes, absent: Riofrio).

DEPARTMENT REPORTS AND INFORMATIONAL ITEMS

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

Chief Smith provided an update for the Code Enforcement Department, including the different events that were held by their department in the month of July; provided the update for the Animal Control Department, including an update on the number of dogs in their

facility; provided the update for the Mendota Police Department (“MPD”), including an update on an officer involved shooting, and commending the Fresno County Sheriff’s office for their work in providing assistance to the MPD; commending MPD officers for their response to the incident; commending the efficiency of all agencies involved in this incident; and thanked the community for the support they have offered the MPD.

Discussion was held on the updates provided by Chief Smith and on the police departments of neighboring cities bringing homeless individuals into the City.

2. City Attorney

Assistant City Attorney Castro provided an update on ongoing projects.

3. City Manager

City Manager Gonzalez commented on ongoing projects and thanked everyone who attended the meeting.

MAYOR AND COUNCIL REPORTS AND INFORMATIONAL ITEMS

1. Council Member(s)

Council Member Alonso provided an update on a recent health issue he dealt with; urged community members to visit the emergency room if they experience any negative symptoms after a surgery; stated that he is happy to be back working for the City and thanked everyone who attended the meeting.

Mayor Pro Tem Lopez thanked everyone who attended the meeting; provided an update on the reopening of the health clinic located near the AMOR Wellness Center; commented on mental health services offered by Turning Point; and on stray dogs in the City, including cages being available to assist the community with the capturing of stray dogs.

Council Member Rosales thanked everyone who attended the meeting; commented on the benefits of receiving public benefit fees from the cannabis industry and the positive impact this funding has had on the City; on the deteriorating condition of houses on Lolita Street and the need to address this issue; inquired about the possibility of a City owned gas station; provided an update on grants that he recently applied for to secure new buses for the Golden Plains Unified School District and thanked Mayor Martinez for his assistance in advocating for these grants; thanked Ramon Gonzalez for his drag racing event; and thanked Andres Godoy for his work with the City.

2. Mayor

Mayor Martinez thanked everyone who attended the meeting; thanked staff for their work; provided an update on the grand opening of the all-inclusive playground at Rojas-Pierce Park; commented on the City Council working to address concerns of community members,

including road repairs, a new soccer field, and new parks; urged community members to attend City Council meetings to offer their input; and thanked the City Council for their work.

CLOSED SESSION

1. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION
Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) of Government Code section 54956.9 (two potential cases).

At 8:08 p.m. the City Council moved into closed session.

At 8:41 p.m. the City Council reconvened in open session and Assistant City Attorney Castro stated that in regard to item 1 of the closed session there was no reportable action.

ADJOURNMENT

With no more business to be brought before the Council, a motion for adjournment was made at 8:41 p.m. by Council Member Alonso, seconded by Mayor Pro Tem Lopez; unanimously approved (4 ayes, absent: Riofrio).

Victor Martinez, Mayor

ATTEST:

Celeste Cabrera-Garcia, City Clerk

CITY OF MENDOTA
CASH DISBURSEMENTS
08/16/23 - 08/31/23
CK# 053710 - 053786

Check Date	Check Number	Check Amount	Vendor Name	Department	Description
August 16, 2023	53710	\$ 146,350.00	CITY OF MENDOTA PAYROLL	GENERAL	PAYROLL TRANSFER FOR 07/31/23 - 08/13/23
August 21, 2023	53711	\$ 56,557.39	WEST COAST RUBBER RECYCLING	REFUSE	GROUND RUBBER PLAY- RED NUGGETS (2000 LBS SUPER SACK)
August 22, 2023	53712	\$ 858.50	STEAM CLEANERS, INC.	GENERAL, WATER, SEWER, STREETS	(1) STEAM CLEANER BATTERY, SWITCH-KEY, FILTER AIR & OIL
August 22, 2023	53713	\$ 8,292.34	TONY'S FENCING CUSTOM DESIGNS	WATER	WTP- CHAIN LINK FENCING 20FTX6FT DOUBLE CHAIN LINK, WTP- INSTALLATION SAFETY SENSOR, EXISTING WIRE R&R
August 22, 2023	53714	\$ 46,072.97	NATIONAL AUTO FLEET GROUP	GENERAL	2023 DODGE DURANGO 4X4 VIN#: 1C4RDJFG3PC592377 (PD)
August 23, 2023	53715	\$ 30,138.07	AETNA LIFE INSURANCE COMPANY	GENERAL	MEDICAL INSURANCE FOR SEPTEMBER 2023
August 23, 2023	53716	\$ 775.92	AFLAC	GENERAL	AFLAC INSURANCES FOR AUGUST 2023
August 23, 2023	53717	\$ 72.73	AG & INDUSTRIAL SUPPLY INC.	SEWER, WATER	(1) SPRAY NUT BR, (1) TIP FLAT BR, (1) TIP EVEN BR, (1) HYD HOSE 1/2 2WIRE, (1) GLOBAL FLAT FACE ONE PC
August 23, 2023	53718	\$ 1,630.57	ALERT-0-LITE	GENERAL, WATER, SEWER, STREETS	(8) GLASS BEADS 602133 TYPE 2 50, (3) MINILPM - C/A MINI LIGHT BAR MAG
August 23, 2023	53719	\$ 198.00	ALTA LANGUAGE SERVICES, INC.	GENERAL, WATER, SEWER, REFUSE	(3) LISTENING & SPEAKING TEST LIVE- FRONT OFFICE
August 23, 2023	53720	\$ 500.00	MADERA DISPOSAL SYSTEMS INC	GENERAL	#439118 (20) TONS ANIMAL CONTROL DISPOSAL
August 23, 2023	53721	\$ 58.31	AVIDWATER, LLC	GENERAL	(2) CAP, 6" PIP MODLED 100# PIP
August 23, 2023	53722	\$ 450.00	BAR PSYCHOLOGICAL GROUP	GENERAL	POST PSYCHOLOGY SCREEN (PD)
August 23, 2023	53723	\$ 442.00	BSK ASSOCIATES	WATER, SEWER	WW WEEKLY GRAB SAMPLE BOD, TDS 07/25/23, GENERAL EDT WEEKLY TREATMENT & DISTRIBUTION 08/08/23
August 23, 2023	53724	\$ 117.90	CALIFORNIA BUILDING	GENERAL	BUILDING STANDARDS ADMINISTRATION FEES QTR2 APRIL - JUNE 2023
August 23, 2023	53725	\$ 235.00	CARDLOCK VENDING, INC.	GENERAL, STREETS, SEWER, WATER	ANNUAL SERV AGREE: INTERNET / CELLULAR SERVICE FOR GAS PUMPS
August 23, 2023	53726	\$ 52.40	DIVISION OF THE STATE ARCHITECT	GENERAL	DISABILITY ACCESS & EDUCATION FEE QTR2 APRIL - JUNE 2023
August 23, 2023	53727	\$ 173.89	CORELOGIC INFORMATION	GENERAL, WATER, SEWER	REALQUEST SERVICE FOR JULY 2023
August 23, 2023	53728	\$ 1,049.41	CORBIN WILLITS SY'S INC.	GENERAL, WATER, SEWER	ENHANCEMENT & SERVICE FEES MOMS SYSTEM - SEPTEMBER 2023
August 23, 2023	53729	\$ 20,103.04	FRESNO COUNCIL OF GOVERNMENTS	GENERAL	MULTI-JURISDICTIONAL HOUSING ELEMENT AUGUST 2023
August 23, 2023	53730	\$ 1,065.27	CROWN SERVICES CO.	GENERAL, SEWER	TOILET 2XWK SINK- ROJAS-PIERCE PARK, TOILET W/SINK 1XWK- WWTP, TOILET 1XWK AND RENT- POOL PARK
August 23, 2023	53731	\$ 23.21	DEPT. OF CONSERVATION	GENERAL	STRONG MOTION INSTRUM & SEISMIC QTR2 APRIL - JUNE 2023
August 23, 2023	53732	\$ 114.00	FRESNO CITY COLLEGE	GENERAL	(1) REGISTRATION BACKGROUND INVESTIGATIONS 07/24-27/2023 (PD)
August 23, 2023	53733	\$ 314.71	FERGUSON ENTERPRISES, INC 1423	WATER	(1) 1/2 AIR RELEASE VALVE WELL#5
August 23, 2023	53734	\$ 325.00	INSYARATH, KHAMPHOU	GENERAL	POLICE STATISTICS FOR JULY 2023
August 23, 2023	53735	\$ 550.68	SIMPLOT GROWER SOLUTIONS	WATER, SEWER	(15) GAL ROUNDUP POWERMAX- WTP&WWTP
August 23, 2023	53736	\$ 510.00	KERWEST NEWSPAPER	GENERAL, WATER, SEWER	(8) REQUEST FOR PROPOSALS- PROPERTY PURCHASES, (8) NOTICE OF PUBLIC HEARING- ORD. NO. 23-02
August 23, 2023	53737	\$ 2,100.00	LAW & ASSOCIATES	GENERAL	(3) LAW ENFORCEMENT BACKGROUND INVESTIGATION- (3) OFFICERS
August 23, 2023	53738	\$ 1,120.00	LIGHTHOUSE ELECTRICAL INC	SEWER	SERVICE AGREEMENT: 7447, ELECTRICIAN, TRAVEL
August 23, 2023	53739	\$ 4,569.03	MID VALLEY DISPOSAL, INC	REFUSE, STREETS	SERVICES FOR JULY 13-31, 2023 FOR CITY YARD

CITY OF MENDOTA
CASH DISBURSEMENTS
08/16/23 - 08/31/23
CK# 053710 - 053786

August 23, 2023	53740	\$ 8,603.61	NORTHSTAR CHEMICAL	WATER	(260) BLK SODIUM BISULFITE- 25%, (800) GM BULK SODIUM HYPOCHLORITE- 12.5% MILL A
August 23, 2023	53741	\$ 880.98	OFFICE DEPOT	GENERAL, WATER, SEWER	(3) COPY PAPER BX (2) BINDER CLIP LRG,(3) SCISSORS, (1) FILE EXP STAND - UP 8PK BLUE, (1)TONER HP 147A BLK
August 23, 2023	53742	\$ 36,238.18	PG&E	GENERAL, WATER, SEWER, STREETS	WATER DEPARTMENT UTILITIES- 07/10/2023 - 08/7/2023
August 23, 2023	53743	\$ 1,520.00	PRICE PAIGE & COMPANY CERTIFIED	GENERAL,STREETS, WATER, SEWER, REFUSE	PROFESIONAL SERVICE: GASB 68, STREET REPORTS, STATE CONTROLLERS
August 23, 2023	53744	\$ 4,071.15	PURCHASE POWER	GENERAL, WATER, SEWER	POSTAGE MACHINE METER REFILL 07/14, 07/18, 08/13
August 23, 2023	53745	\$ 132.27	R.G. EQUIPMENT COMPANY	GENERAL	(2) PULLEY - IDLER, FLAT FOR PARKS MOWER
August 23, 2023	53746	\$ 658.25	RAMON'S TIRE & AUTO	GENERAL, WATER, SEWER	UNIT#86- 2020 FORD INTERCEPTOR INSIDE PATCH LEFT, UNIT#89- FORD EXPLORER INSIDE PATCH REAR R (PD)
August 23, 2023	53747	\$ 659.33	RED TRIANGLE OIL COMPANY	STREETS	(12) 5 GAL PAIL FOR STREETS PAINT
August 23, 2023	53748	\$ 740.00	RED WING BUSINESS ADVANTAGE AC	WATER, SEWER	(4) BOOT REPLACEMENT PER MOU, A.SANDOVAL, J.GONZALEZ, G.LLANOS, R.BAEZA
August 23, 2023	53749	\$ 42,229.95	RRM DESIGN GROUP	GENERAL, WATER, SEWER	POLICE STATION CONSTRUCTION DOCUMENTS JULY 2023
August 23, 2023	53750	\$ 1,352.44	ERNEST PACKING SOLUTIONS	GENERAL, WATER, SEWER	(5) CAN LINER (5) PINE-SOL (4) CAN LINER (4) FRESH WAVE
August 23, 2023	53751	\$ 20.10	SEBASTIAN	GENERAL	POLICE DEPARTMENT SECURITY SYSTEM SERVICE 07/21/2023 - 08/20/2023
August 23, 2023	53752	\$ 386.80	UNION PACIFIC RAILROAD COMPANY	STREETS	PUBLIC ROADWAY ENCROACHMENT SEPTEMBER 2023
August 23, 2023	53753	\$ 535.00	MARK ANTHONY DUARTE	GENERAL, WATER, SEWER	PEST CONTROL SERV FOR ROJAS PIERCE PARK, DMV CITY HALL , YOUTH CENTER, PD, WWTP, PUBLIC WORKS 07/18/23
August 23, 2023	53754	\$ 5,000.00	TOWNSEND PUBLIC AFFAIRS, INC.	GENERAL,WATER,SEWER	CONSULTING SERVICES FOR AUGUST 2023
August 23, 2023	53755	\$ 440.30	TRANSUNION RISK AND ALTERNATIVE	GENERAL	TRANSUNION RISK & ALTERNATIVE DATA SERVICE JULY-DEC 2023
August 23, 2023	53756	\$ 1,114.34	TRIANGLE ROCK PRODUCTS,LLC	STREETS	(14.03 QTY) ST 1/2IN HMA TYPE A AGG & ASPHALT
August 23, 2023	53757	\$ 400.00	UNITED HEALTH CENTERS	GENERAL	(2) PRE-EMPLOYMENT PHYSICAL EXAM
August 23, 2023	53758	\$ 146.50	UNIFIRST CORPORATION	GENERAL,WATER, SEWER	(1) WET MOP, (2) MOPS-UNFRAMED, (100) TERRY CLOTHES
August 23, 2023	53759	\$ 373.69	USA BLUEBOOK	WATER	(1) BLACK HDPE TUBING; 3/8IN IDX1/2IN, (3) REAGENT REFILL/ DPD #1 TABLETS BOX
August 23, 2023	53760	\$ 938.28	VERIZON WIRELESS	GENERAL, WATER, SEWER	CITYWIDE CELL SERVICE FOR 07/07/2023-08/06/2023
August 23, 2023	53761	\$ 150.00	VORTAL	GENERAL, WATER, SEWER	CITY WEBSITE HOSTING AND MAINTENANCE- JULY 2023
August 23, 2023	53762	\$ 897.00	WANGER JONES HELSLEY PC ATTORNEY	GENERAL	LEGAL SERV: AIPORT BASIN EVICTION
August 23, 2023	53763	\$ 66.96	WECO	GENERAL, WATER, SEWER	(6) RENT CYL ACETYLENE #4,OXYGEN D, OXYGEN K 07/2023
August 24, 2023	53764	\$ 83.36	AGRI VALLEY IRRIGATION, INC.	SEWER	(4) GASKET FULL FACE 8", (4) GASKET RING 8"
August 24, 2023	53765	\$ 342.30	CHEMSEARCH	SEWER	CHERRY FLOW 5 GL, APRIL 2023
August 24, 2023	53766	\$ 869.07	CINTAS CORPORATION NO. 2	GENERAL, WATER, SEWER	FIRST AID SUPPLIES CH, PD, PW, WWTP, WTP
August 24, 2023	53767	\$ 250.00	ECN POLYGRAPH & INVESTIGATIONS	GENERAL	(1) POLYGRAPH (PD)
August 24, 2023	53768	\$ 21,422.50	LIGHTHOUSE ELECTRICAL INC	WATER	SERVICE AGREEMENTS: 7141 & 7140, SERVICE, TRAVEL, WELL 5 VFD INTERGRATION- INVOICE 2 OF 4 25%
August 24, 2023	53769	\$ 141.34	THARP'S FARM SUPPLY	SEWER	(40) NC GR8 CAPSCREW, (10) NC GR5 CAPSCREW
August 29, 2023	53770	\$ 13,103.86	PG&E CFM/PPC DEPARTMENT	SEWER	10-YEAR REFUNDABLE ADVANCE OPTION GAS & ELECTRIC

CITY OF MENDOTA
 CASH DISBURSEMENTS
 08/16/23 - 08/31/23
 CK# 053710 - 053786

August 30, 2023	53771	\$ 161,720.00	CITY OF MENDOTA PAYROLL	GENERAL	PAYROLL TRANSFER FOR 08/14/23 - 08/27/23
August 31, 2023	53772	\$ 1,330.00	A-1 NATIONAL FENCE	GENERAL	BASEBALL DIAMOND GATE 15'X6'8" CHAIN LINK FENCE
August 31, 2023	53773	\$ 896.25	ACME ROTARY BROOM SERVICE	STREETS	(1) 58' 4/3 HUB (HF) SCHWARZE AVALANCE POLY MAIN- SWEEPER
August 31, 2023	53774	\$ 70.99	ADT SECURITY SERVICES	WATER	SECURITY SERVICES FOR WTP 09/04/2023-10/03/2023
August 31, 2023	53775	\$ 753.04	ALERT-0-LITE	STREETS	(5) STRIPING PAINT YELLOW
August 31, 2023	53776	\$ 56.75	AUTOZONE, INC.	GENERAL	(2) ANTIBACTERIAL HAND WASH- FOR PARKS.(2) PEAK FINAL CHARGE- PEAK FINAL CHARGE GLOBAL 50/50
August 31, 2023	53777	\$ 2,726.39	BADGER METER	WATER	(4) COMMUNICATION DEVICE KITS, (9) WATER METERS AND SUPPLIES
August 31, 2023	53778	\$ 272.00	EDUARDO BARRERA	GENERAL	PER DIEM EXPENSE S.A.R.T SUMMIT 09/04-08/23 (PD)
August 31, 2023	53779	\$ 483.74	COMCAST BUSINESS	GENERAL	FRESNO COUNTY SHERIFF MENDOTA PD CIRCUIT AUGUST 2023
August 31, 2023	53780	\$ 518.28	CORE & MAIN LP	WATER	(10) TYLER G05 CI VB LID MK:WATER
August 31, 2023	53781	\$ 92,303.71	EMMETT VALLEY CONSTRUCTION INC	STREETS	2022 LOCAL STREET RECONSTRUCTION PROJECT 07/01/2023-08/03/2023
August 31, 2023	53782	\$ 272.00	JULIANA LOPEZ	GENERAL	PER DIEM EXPENSE S.A.R.T SUMMIT 09/04-08/2023 (PD)
August 31, 2023	53783	\$ 2,188.04	MUTUAL OF OMAHA	GENERAL	LIFE AD&D, LTD, STD INSURANCE FOR SEPTEMBER 2023
August 31, 2023	53784	\$ 25,711.11	PG&E	GENERAL, WATER, SEWER, STREETS	CITYWIDE UTILITIES FOR 07/10/2023-08/07/2023
August 31, 2023	53785	\$ 1,246.70	PROVOST & PRITCHARD	GENERAL	PASSTHRU: 22-10 RIVAS TPM SEPTEMBER 2022
August 31, 2023	53786	\$ 670.00	MARK ANTHONY DUARTE	GENERAL, WATER, SEWER	PEST CONTROL SERV FOR ROJAS PARK, AIRPORT, CITY HALL, DMV, YOUTH CENTER, PD, WTP, PUBLIC WORKS 08/22/23

\$ 759,806.90

AGENDA ITEM – STAFF REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS
FROM: JENNIFER LEKUMBERRY, DIRECTOR OF ADMINISTRATIVE SERVICES/ ASSISTANT CITY MANAGER
VIA: CRISTIAN GONZALEZ, CITY MANAGER
SUBJECT: APPROVING THE JOB DESCRIPTION AND SALARY SCHEDULE FOR THE DEPUTY CITY CLERK/ RECREATION COORDINATOR
DATE: SEPTEMBER 12, 2023

ISSUE

Shall the City Council adopt Resolution No. 23-66, approving the job description and salary schedule for the Deputy City Clerk/ Recreation Coordinator?

BACKGROUND

During fiscal year 2022-2023, the City Council added a temporary Deputy City Clerk/ Recreation Coordinator to the City of Mendota's ("City") budget. This position was created and added to the budget to assist the City Clerk's department with the various components of operations within that department including but not limited to City Clerk duties, facility use coordination, and with City and community events.

ANALYSIS

In the fiscal year 2023-2024 budget, the City Council approved the transition from a temporary position to a regular full-time Deputy City Clerk/ Recreation Coordinator position. Staff is seeking formal adoption of the job description and salary schedule for the regular full-time Deputy City Clerk/ Recreation Coordinator position.

FISCAL IMPACT

The payroll allocation is 40% General Fund, 30% Water, and 30% Sewer. This position is currently funded in the City's approved budget.

RECOMMENDATION

Staff recommends that the City Council adopt Resolution No. 23-66, approving the job description and salary schedule for the Deputy City Clerk/ Recreation Coordinator.

Attachments:

1. Resolution No. 23-66
2. Exhibit "A"- Job Description

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

**A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF MENDOTA APPROVING
THE JOB DESCRIPTION AND SALARY
SCHEDULE FOR THE DEPUTY CITY
CLERK/ RECREATION COORDINATOR**

RESOLUTION NO. 23-66

WHEREAS, the approved and adopted 2023-2024 fiscal year budget for the City of Mendota funded the regular full-time position of Deputy City Clerk/Recreation Coordinator; and

WHEREAS, this position is not included in the City’s salary schedule for regular full time positions; and

WHEREAS, the proposed duties and responsibilities of the Deputy City Clerk/Recreation Coordinator position have been evaluated by and are agreeable to the City Manager.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Mendota that the Deputy City Clerk/Recreation Coordinator’s job description is hereby approved in the form attached hereto as Exhibit “A.”

BE IT FURTHER RESOLVED, that the City Council of the City of Mendota hereby approves the salary schedule below for the Deputy City Clerk/Recreation Coordinator position:

Step	1	2	3	4	5	6
Hourly Rate	\$19.4423	\$20.4144	\$21.4351	\$22.5069	\$23.6322	\$24.8138

Victor Martinez, 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 12th day of September, 2023, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Celeste Cabrera-Garcia, City Clerk

EXHIBIT A



Job Description
Effective Date: July 2023

Title	Deputy City Clerk/ Recreation Coordinator
Reports To	City Clerk
Bargaining Unit	AFSCME
Definition	Under general supervision of the City Clerk, the Deputy City Clerk/ Recreation Coordinator is responsible for assisting with functions within the City Clerk's office and recreation functions.
Examples of Duties	<ul style="list-style-type: none"> • Assist with responsibilities for services and activities of the City Clerk's Office including preparation and recording of the activities and decisions of the City Council and other boards, commissions, and committees of the City and the Mendota Community Corporation (MCC). • Ensure the codification and maintenance of official City records. • Prepare and distribute the agendas of the City Council and other boards, commissions, and committees of the City and the MCC; attend meetings of these bodies (and other meetings as determined); record meeting minutes; and follow-up on action items as necessary. • Ensure accurate up-to-date filing of City ordinances, agreements, resolutions, and minutes of City Council, commissions, and committees and the MCC. • Aid in ensuring City agreements, contracts, and other legal documents are signed and recorded, associated records and documents are obtained, and public notices and ordinances are published. • Process public records requests, and coordinates with the City Attorney on the review of requests, if necessary, before being fulfilled. • Attend and take part in professional group meetings; and maintain awareness of new trends and developments in the fields related to the City Clerk's Office, including municipal records management and election administration. • Provide assistance with maintaining the City's website and social media accounts. • Assist with planning and executing City and MCC events and activities. • Attend evening meetings and occasionally works evenings and weekends. • Assist with City elections, as necessary. • Assist with processing claims, appeals, complaints and any other process as assigned. • Maintain confidentiality of sensitive information and data. • Organizes, conducts, and supervises recreation and leisure programs for the City, including programs for youth and adult participants. • Develops, prepares and distributes, program and event publicity, including flyers, brochures and pamphlets for the City Clerk's office and other departments as directed. • Ensure City compliance and incorporates new developments in recreation into appropriate programs by maintaining, creating, and updating City policies and regulations as they pertain to recreation. • Collaborates with organizations to coordinate variety of partnership activities, events, classes and clinics for community. • Manages and coordinates city facility use process, including acting as a liaison as necessary for coordination of related processes, such as securing one-day insurance policies and amplified music/alcohol permits. Coordinates with Public Works department staff on facility inspection and cleaning/maintenance of facilities. Maintains inventory of all recreation related items. • Acts as point-of-contact for parties seeking to host a special event within City limits. Acts as liaison with applicable departments in coordination and execution of special event. Ensures applicable permits and approvals are obtained prior to special event.

- Other duties as assigned.

Qualifications

Knowledge Of

Operational characteristics, services and activities of the City Clerk’s Office and recreation; research techniques, sources and availability of information, and principles of report presentation; English usage, spelling, grammar, and punctuation; knowledge of federal, state, and local laws, codes, rules and regulations related to the responsibilities of a City Clerk including the Ralph M. Brown Act, and etc.

Ability To

- Participate in the activities of the City Clerk’s Office
- Maintain and/ or prepare clear and concise reports, policies, programs, and/or inventory
- Analyze problems, identify alternatives solutions, and help implement goals assigned
- Provide effective customer service to those using the services of the City Clerk’s Office.
- Establish and maintain cooperative working relationships with a variety of citizens, public and private organizations, commissions/committees, City Council, and City staff.
- Communicate clearly and concisely, orally and in writing.
- Interpret and apply federal, state, and local policies, laws, and regulations
- Operate office equipment including computer systems and related software.

Education

High school diploma or GED required.

Experience

Any combination of training and experience which demonstrates ability to perform the duties as described. A typical qualifying background would include prior experience and/or training in work related to the tasks of the Office of City Clerk, recreation activities, and/or event coordinating.

Special Qualifications

Driver’s License

Possession of a valid California Class C Driver License is required. Individuals who do not meet this requirement due to physical disability will be reviewed on a case-by-case basis.

Certifications

Minimum typing speed of 45 words per minute (*typing certificate required with application, maximum 2 years old, internet generated certificates are not accepted*)

Physical Demands

Physical: To successfully perform the duties of this position, the primary functions require sufficient hand and finger dexterity to type on a typewriter or computer keyboard for extended periods of time and/or intermittently; sufficient hand and finger dexterity to operate computers, copiers, scanners, fax machines, and other standard office equipment; sufficient hand and finger dexterity to maintain filing system; sufficient physical ability stand for prolonged periods of time; sufficient ability to stand and sit intermittently; sufficient physical ability to lift, carry and/or push 20 pounds maximum.

Vision: See in the normal visual range with or without correction; vision sufficient to read computer screens and printed documents.

Hearing: Hear in the normal audio range with or without correction.

Environment: A standard office environment, with exposure to the public computer equipment, scanners, copiers, fax machines, and other standard office equipment. Also, an outdoor environment, with exposure to various weather conditions.

Mental Demands: While performing the duties of this class, an employee is regularly required to use written and oral communication skills; read and interpret data, information, and documents; analyze and solve problems; observe and interpret situations; learn and apply new information or skills; perform highly detailed work on multiple, concurrent tasks; work under deadlines with constant interactions with the City Clerk and members of the public.

Probationary Period

12 months

AGENDA ITEM – STAFF REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS
FROM: CELESTE CABRERA-GARCIA, CITY CLERK
VIA: CRISTIAN GONZALEZ, CITY MANAGER
SUBJECT: AUTHORIZING THE FORMATION OF A CITY COUNCIL AD HOC SUBCOMMITTEE TO DISCUSS AND CONSIDER THE MENDOTA AIRPORT LAND PLAN
DATE: SEPTEMBER 12, 2023

ISSUE

Shall the City Council adopt Resolution No. 23-67, authorizing the formation of a City Council Ad Hoc Subcommittee to discuss and consider the Mendota Airport Land Plan?

BACKGROUND

The City of Mendota (“City”) owns and maintains the William R. Johnston Municipal Airport (Federal Aviation Administration (“FAA”) Site No. 1882.2*A) (the “Airport”) and the approximately 110 acres of property on which the airport is situated. In October 2022, the California Department of Transportation (“Caltrans”) suspended the City’s Airport permit subject to costly repairs.

Due to the high cost of repairs, the low use of the Airport for years before the suspension of the City’s permit, and the greater, competing needs of the City’s residents, the City Council directed staff to explore options for the redevelopment of the Airport property. As a result, the City retained the City Planner, Provost & Pritchard Consulting Group, Inc., to provide planning services necessary to determine the future of the Airport property.

ANALYSIS

To facilitate the future land plans for the Airport property, it is necessary to create an Ad Hoc Subcommittee (the “Subcommittee”) consisting of two (2) Council Members and staff. The Subcommittee will be tasked with meeting with staff and consultants to discuss potential land uses for the Airport property. The Subcommittee will provide a recommendation to the City Council on the details of the land plan.

FISCAL IMPACT

There is no fiscal impact caused to the City by this item.

RECOMMENDATION

Staff recommends that the City Council select two (2) Council Members to serve as regular members on the Subcommittee and one alternate Council Member (who may participate in the discussions in the absence of a regular member) and adopt Resolution No. 23-67, authorizing the formation of a City Council Ad Hoc Subcommittee to discuss and consider the the Mendota Airport Land Plan.

Attachment:

1. Resolution No. 23-67

**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 FORMATION OF A CITY COUNCIL
AD HOC SUBCOMMITTEE TO DISCUSS
AND CONSIDER THE MENDOTA AIRPORT
LAND PLAN**

RESOLUTION NO. 23-67

WHEREAS, the City of Mendota (“City”) owns and maintains the William R. Johnston Municipal Airport (Federal Aviation Administration (“FAA”) Site No. 1882.2*A) (the “Airport”) and the approximately 110 acres of property on which the airport is situated; and

WHEREAS, in October 2022, the California Department of Transportation (“Caltrans”) suspended the City’s Airport permit subject to costly repairs; and

WHEREAS, due to the high cost of repairs, the low use of the Airport for years before the suspension of the City’s permit, and the greater, competing needs of the City’s residents, the City Council directed staff to explore options for the redevelopment of the Airport property; and

WHEREAS, on July 7, 2023, the City delivered a letter to Caltrans and the FAA requesting the revocation of the City’s Airport permit; and

WHEREAS, the City has retained the City Planner, Provost & Pritchard Consulting Group, Inc., to provide planning services necessary to determine the future of the Airport property; and

WHEREAS, it is necessary to create an Ad Hoc Subcommittee (“Subcommittee”) to help facilitate discussions regarding the future land plans for the Airport property; and

WHEREAS, the Subcommittee will provide its recommendations to the City Council during open session regarding the Airport property.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Mendota hereby authorizes the formation of a City Council Ad Hoc Subcommittee to discuss and consider the future Mendota Airport land plan, and to provide a recommendation to the City Council during open session at a subsequent regular meeting.

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BE IT FURTHER RESOLVED, that the City Council hereby appoints _____ and _____ to serve as regular members and _____ to serve as the alternate member on this Ad Hoc Subcommittee.

Victor Martinez, 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 12th day of September, 2023, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Celeste Cabrera-Garcia, City Clerk

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

**AN ORDINANCE OF THE CITY COUNCIL
OF THE CITY OF MENDOTA AMENDING
TITLE 5 OF THE MENDOTA MUNICIPAL
CODE RELATED TO THE REGULATION
OF MOBILE VENDING OPERATIONS**

ORDINANCE NO. 23-03

WHEREAS, the City of Mendota (“City”) is responsible for enforcing laws and regulations to protect the health and safety of its citizens; and

WHEREAS, to that end, the City has the authority to license, for either revenue or regulation, every kind of lawful business transacted within its borders (Cal. Const., art. XI, § 7; Gov. Code, § 37101; Bus. & Prof. Code, § 16000); and

WHEREAS, Senate Bill (“SB”) 946 was signed into law on September 17, 2018, and became effective on January 1, 2019; and

WHEREAS, SB 946 limited local governments’ authority to regulate sidewalk food vendors throughout the state, except in accordance with the specific regulations permitted by Government Code sections 51038 and 50139; and

WHEREAS, to achieve compliance with SB 946 and ensure the health and safety of its community, the City Council approved Ordinance No. 19-05 to establish regulations applicable to sidewalk vendors and amend those regulations applicable to motorized itinerant vendors; and

WHEREAS, in approving Ordinance No. 19-05, the City Council made the following determinations:

1. The establishment of a sidewalk vending program would benefit the City by facilitating entrepreneurship and providing economic opportunities for people to support themselves and their families, and by contributing to a diverse food options and lively streets; and
2. The act of vending on sidewalks and other areas of the public right-of-way also creates the potential for increased safety hazards, including, but not limited to, inhibiting the ability of disabled individuals and other pedestrians to follow a safe path of travel; interfering with the performance of police, firefighter, and emergency medical personnel services; encouraging pedestrians to cross mid-block or stand in roadways to purchase food; and creating obstacles and contributing to congestion for pedestrian, vehicle, and bicycle traffic; and

3. The regulation of vendors engaged in the sale of food and food products will help to ensure that sidewalk vendors obtain all necessary permits and comply with applicable sanitation, food preparation, and food handling laws, and thereby will protect the public health and safety against health problems such as food contamination, poor hygienic practices, and the threat of food poisoning; and
4. Regulations related to the collection and disposal of trash or other debris generated by sidewalk vending are necessary to ensure that such trash or debris is not left, thrown, discarded, or deposited on City streets, sidewalks, pathways, gutters, or storm drains, or upon public or private lots, so that the same might be or become a pollutant; and
5. Restrictions on sidewalk vending in public parks are necessary to ensure the public's use and enjoyment of natural resources and recreational opportunities, and to prevent an undue concentration of commercial activity that would unreasonably interfere with the scenic and natural character of these parks; and
6. Restrictions on sidewalk vending in residential areas are necessary to ensure that such areas are protected from excessive noise and traffic impacts while allowing economic opportunities for sidewalk vendors; and
7. The time, place, and manner regulations and requirements provided herein are directly related to the City's purpose of protecting of the health, safety, and welfare of its residents, businesses, and visitors.

WHEREAS, SB 972 was signed into law on September 23, 2022, and became effective on January 1, 2023; and

WHEREAS, SB 972 builds upon SB 946's requirements that local jurisdictions accommodate sidewalk vendors, and, among other things, decriminalizes violations of the California Retail Food Code committed by sidewalk food vendors and compact mobile food operations; and

WHEREAS, the City Council wishes to revise the Mendota Municipal Code ("MMC") to incorporate SB 972's provisions regarding a new term for sidewalk vendors who sell food, "compact mobile food operations" as defined in Section 113831 of the Health and Safety Code, to ensure the safe and up-to-date regulation of these businesses; and

WHEREAS, to achieve compliance with SB 972 and ensure the health and safety of its community, the City Council must revise the MMC provisions related to the imposition of penalties for regulatory violations committed by sidewalk vendors and compact mobile food operations; and

WHEREAS, following receipt of community complaints and feedback from City staff regarding expensive and ineffective enforcement efforts related to the City's sidewalk vendor and motorized itinerant vendor regulations, for clarity's sake, the City Council finds the MMC's provisions related to both sidewalk vendors and motorized itinerant vendors must also be amended to plainly state mobile vendors' permits are held and operations are allowed to continue in the City subject to continuing compliance with all applicable State, County, and City health and safety requirements that apply to their industry despite the fact that the Health and Safety Code tasks all local jurisdictions with enforcement of those State-level regulations; and

WHEREAS, those same findings and determinations that supported the City's adoption of Ordinance No. 19-05 remain, and the City Council reaches those same findings and makes those same determinations in the adoption of the instant Ordinance; and

WHEREAS, the City Council further finds and determines the time, place, and manner regulations and requirements provided herein are directly related to the City's intended purpose of protecting of the health, safety, and welfare of its residents, businesses, and visitors by ensuring, among other things, public rights-of-way remain open and unobstructed for both pedestrian and vehicular travel, mobile vending businesses throughout the community are properly licensed and subject to effective monitoring in connection with the many regulatory requirements applicable to their industry, and to ensure the peace and safety of the community by preventing the distribution of harmful goods or services; and

WHEREAS, the City Council of the City of Mendota hereby finds and determines that all of the Recitals above are true and correct.

NOW, THEREFORE, the City Council of the City of Mendota does 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 5.04.060 of Chapter 5.04 of Title 5 of the Mendota Municipal Code is amended to read as follows:

5.04.010 – Definitions.

For purposes of this Title, the following terms shall have the following meanings:

- A.** "Business" means trades, callings, professions, and occupations of every kind whether or not carried on for profit.
- B.** "Motorized itinerant vendor" means a person, other than a sidewalk vendor, engaged in the business of selling food, goods, wares, merchandise, or any other thing of value from a motorized unit.
- C.** "Person" or "party" means a firm, corporation, partnership, club, association, or other entity conducting or carrying on a business in the City.

- D.** "Sale" means the transfer, in any manner or by any means, of title to real or personal property for consideration, including a transaction whereby the possession of property is transferred and the seller retains legal title as security for payment of the purchase price.
- E.** "Sidewalk vendor" means a person who sells food or merchandise from a pushcart, stand, display, pedal-driven cart, wagon, showcase, rack, or other nonmotorized conveyance, or from one's person, ~~upon a public sidewalk or other pedestrian path.~~

SECTION 3. Section 5.04.060 of Chapter 5.04 of Title 5 of the Mendota Municipal Code is amended to read as follows:

5.04.060 – Issuance of Licenses.

- A. Persons may apply for a license by completing an application on forms prescribed by the ~~city clerk~~ **Finance Department** and paying the applicable license fee **listed in this Chapter or contained in the relevant portions of this Code.**
- B. Upon the payment of the license fees ~~imposed by this title~~, the **C**ity shall issue a license in such form as the ~~city clerk~~ **Finance Department** may prescribe. The license shall continue in full force and effect until:
 1. The licensee fails to make payments as required by this ~~title~~ **Code**;
 2. The license is revoked by the **C**ity ~~clerk~~ for violation of any of the provisions of this ~~title~~ **Code**;
 3. The business changes its address;
 4. The business is discontinued;
 5. The business ownership changes; or
 6. The date of expiration of the license.
- C. A licensee with no permanent business address, such as a sidewalk vendor, shall be issued a license showing the expiration date.
- D. No license issued under this title may be transferred or assigned, nor shall it authorize any person, other than the person therein named, to conduct business in the **C**ity.
- E. A mistake by the **F**inance **D**irector in calculating the amount of the license fees shall not prevent or prejudice collection of the correct amount due from the licensee.
- F. No license shall be issued to the holder of a delinquent license until all fees

and penalties have been paid in full.

SECTION 4. Section 5.04.090 of Chapter 5.04 of Title 5 of the Mendota Municipal Code is amended to read as follows:

5.04.090 – Posting and Exhibiting Licenses.

Every licensee carrying on a business at a fixed place of business shall keep the license posted and exhibited in a conspicuous place on the premises. Every licensee not having a fixed place of business shall carry such license with him ~~him~~ **them** at all times while carrying on the business. Every licensee shall produce and exhibit the license whenever requested to do so by a police officer, person authorized to issue or inspect licenses, or a person authorized to collect license fees for the City.

SECTION 5. Section 5.08.230 of Chapter 5.08 of Title 5 of the Mendota Municipal Code is amended to read as follows:

5.08.230 – Motorized Itinerant Vendor.

Persons engaged in the business of as a motorized itinerant vendor, ~~including lunch trucks,~~ shall pay an annual license fee in the amount set by Resolution of the City Council of ~~one hundred fifty dollars (\$150.00)~~ per year for each place of business.

SECTION 6. Section 5.08.340 of Chapter 5.08 of Title 5 of the Mendota Municipal Code is amended to read as follows:

5.08.340 – Reserved Sidewalk Vendor.

Persons engaged in business as a sidewalk vendor shall pay an annual license fee in the amount set by Resolution of the City Council for each place of business.

SECTION 7. Section 5.28.010 of Chapter 5.28 of Title 5 of the Mendota Municipal Code is amended to read as follows:

5.28.010 – Definitions.

The following words and phrases, whenever used in this Chapter, shall mean as follows:

- A.** “California Retail Food Code” shall mean Part 7 of Division 104 of the California Health and Safety Code, as amended from time to time.
- B.** "Certified farmers' market" shall mean a location operated in accordance with Chapter 10.5 of Division 17 of the Food and Agricultural Code and any regulations adopted pursuant to that chapter.
- C.** "City Manager" shall mean the City Manager of the City of Mendota, or ~~his or her~~ their designee.

- D.** **“Commissary” shall have the same meaning as the term is used in the California Retail Food Code.**
- E.** **“Compact mobile food operation” shall mean a sidewalk vendor who, in conjunction with a commissary or other permanent food facility, sells or distributes food at retail.**
- F.** "Person" shall mean one or more individuals, groups, businesses, business trusts, companies, corporations, joint ventures, joint stock companies, partnerships, entities, associations, clubs, or organizations composed of two or more individuals (or the manager, lessee, agent, servant, officer, or employee of any of them), whether engaged in business, nonprofit, or any other activity.
- G.** "Roaming sidewalk vendor" shall mean a sidewalk vendor who moves from place to place and stops only to complete a transaction.
- H.** "Sell" or "selling" shall mean to sell, offer for sale, display for sale, or solicit offers to purchase, food, food products, beverages, goods, or merchandise.
- I.** "Sidewalk vendor" shall mean a person who sells food or merchandise from a pushcart, stand, display, pedal-driven cart, wagon, showcase, rack, or other nonmotorized conveyance, or from one's person, ~~upon a public sidewalk or other pedestrian path.~~ A motorized itinerant vendor is not a sidewalk vendor.
- J.** "Stationary sidewalk vendor" shall mean a sidewalk vendor who sells from a fixed location.
- K.** "Swap meet" shall mean a location operated in accordance with Article 6 of Chapter 9 of Division 8 of the Business and Professions Code, and any regulations adopted pursuant to that article.
- L.** "Temporary special permit" shall mean a permit issued by the city for the temporary use of, or encroachment on, the sidewalk or any other public area, including, but not limited to, an encroachment permit, special event permit, or temporary event permit, for purposes including, but not limited to, city or privately sponsored filming, parades, or outdoor concerts.
- M.** "Vending cart" shall mean a pushcart, stand, display, pedal-driven cart, wagon, showcase, rack, or other non-motorized conveyance used for selling, whether mobile or stationary, that is not a vehicle as defined in the California Vehicle Code.

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SECTION 8. Section 5.28.020 of Chapter 5.28 of Title 5 of the Mendota Municipal Code is amended to read as follows:

5.28.020 – Permit Required.

No person shall conduct or engage in sidewalk vending within the City without first obtaining a sidewalk vendor permit pursuant to this Chapter.

SECTION 9. Section 5.28.030 of Chapter 5.28 of Title 5 of the Mendota Municipal Code is amended to read as follows:

5.28.030 – Sidewalk Vendor Permit Application.

A. **In addition to the other requirements of this Title, to** apply for a sidewalk vendor permit, a person must file an application with the City Manager, or their designee, accompanied by a nonrefundable application processing fee in an amount established by Resolution of the City Council. The application shall be in a form prescribed by the City Manager, or their designee, and shall contain, at a minimum, the following:

1. The legal name, and current address, and telephone number of the applicant;
2. If the applicant is an agent of an individual, company, partnership, corporation, or other entity, the name and business address of the principal;
3. A description of the food or merchandise offered for sale;
4. A description of the area(s) and time(s) **in which** the applicant intends to operate, **including information regarding the impact of proposed operations on site access and available parking as applicable**;
5. Whether the applicant intends to operate as a stationary sidewalk vendor and/or a roaming sidewalk vendor;
6. Sufficient information to determine whether the applicant will comply with the operating requirements set forth in Section 5.28.100;
7. A California seller's permit number pursuant to Section 6067 of the Revenue and Taxation Code;
8. Certification by the applicant that the information contained in the application is true to his or her **their** knowledge and belief;
9. If **the applicant intends to be a compact mobile food operation**—a vendor of food or food products, certification of completion of a food handler course and proof of all required approvals from the Fresno

County Department of Public Health, unless exempted from this requirement by the California Retail Food Code;

10. If the applicant intends to be a compact mobile food operation, proof of current commissary access and usage to the extent required by the California Retail Food Code.
11. Proof of liability insurance; and
12. Any other reasonable information regarding the time, place, and manner of the proposed vending.

B. If the application requests the applicant's social security number, the applicant may, in lieu of providing a social security number, provide a California driver's license or identification number, an individual taxpayer identification number, or a municipal identification number. The number collected shall not be available to the public for inspection, is confidential, and shall not be disclosed except as required to administer the permit or licensure program or comply with a State law or State or Federal court order.

SECTION 10. Section 5.28.040 of Chapter 5.28 of Title 5 of the Mendota Municipal Code is amended to read as follows:

5.28.040 – Sidewalk Vending Permit Fee.

Prior to the issuance of a sidewalk vendor permit, all applicants shall pay a nonrefundable sidewalk vendor permit fee in an amount established by resolution of the city council Section 5.08.340.

SECTION 11. Section 5.28.050 of Chapter 5.28 of Title 5 of the Mendota Municipal Code is amended to read as follows:

5.28.050 – Criteria for Approval or Denial of Permit.

- A. The City Manager, or their designee, shall approve the issuance of a sidewalk vendor permit unless ~~he or she~~ they determines that:
- ~~A-1.~~ Information contained in the application, or supplemental information requested from the applicant, is false in any material detail;
 - ~~B-2.~~ The applicant has failed to provide a complete application; after having been notified of the requirement to produce additional information or documents;
 - ~~C-3.~~ The applicant has failed to demonstrate an ability to conform to the operating standards set forth in Section 5.28.100; ~~or~~
 - ~~D-4.~~ The applicant has failed to pay the sidewalk vendor permit fees required pursuant to Sections 5.28.030, 5.28.040, or 5.08.340; or

~~E~~5. The applicant has failed to pay any previous administrative fines, complete any community service, and/or complete any other alternative disposition associated with a previous violation of this Chapter.

B. If the sidewalk vendor permit application is denied, written notice of such denial and the reasons therefor shall be provided to the applicant.

SECTION 12. Section 5.28.060 of Chapter 5.28 of Title 5 of the Mendota Municipal Code is amended to read as follows:

5.28.060 – Permit Expiration and Renewal.

A. A sidewalk vendor permit shall be valid for twelve (12) months from the date of issuance, and shall expire and become null and void on the anniversary of its issuance.

B. A person may apply for a permit renewal on a form provided by the City prior to the expiration of his or her their active sidewalk vendor permit.

1. For cases involving reissuance of a sidewalk vendor permit for a compact mobile food operation, said renewal application shall provide proof of commissary usage for the previous twelve (12) months, unless exempted from those requirements by the California Retail Food Code.

SECTION 13. Section 5.28.070 of Chapter 5.28 of Title 5 of the Mendota Municipal Code is amended to read as follows:

5.28.070 – Permit Rescission.

The City Manager, or their designee, may rescind a permit issued to a sidewalk vendor for a fourth violation or subsequent violation of this Chapter or any applicable provisions of the California Retail Food Code. A sidewalk vendor whose permit is rescinded may apply for a new sidewalk vending permit upon the expiration of the term of the rescinded permit.

SECTION 14. Section 5.28.080 of Chapter 5.28 of Title 5 of the Mendota Municipal Code is amended to read as follows:

5.28.080 – Appeals.

Any person aggrieved by the decision of the City Manager to issue, deny issuance, or rescind a sidewalk vendor permit may appeal the decision to the City Council. The appeal shall be filed with the City Clerk within fourteen (14) days following the date of the ~~city manager's~~ decision issued by the City Manager, or their designee. The appeal must be in writing and must clearly state the applicant's reasons for appealing the decision.

SECTION 15. Section 5.28.090 of Chapter 5.28 of Title 5 of the Mendota Municipal Code is amended to read as follows:

5.28.090 – Permits Nontransferable.

No permit granted pursuant to this Chapter shall be transferable.

SECTION 16. Section 5.28.100 of Chapter 5.28 of Title 5 of the Mendota Municipal Code is amended to read as follows:

5.28.100 – Operating Requirements.

Sidewalk vendors shall comply with the following operating requirements:

- A. No sidewalk vendor shall vend in the following locations:
 1. Within fifteen (15) feet of any street intersection;
 2. Within ten (10) feet of any fire hydrant, fire call box, or other emergency facility;
 3. Within ten (10) feet of any driveway, ~~or~~ driveway apron, or alley approach;
 4. Upon or within any roadway, median strip, or dividing section;
 5. Upon or within any parkway or landscaped areas lacking paved pathways for travel;
 6. Within five hundred (500) feet of a permitted certified farmers' market, a swap meet, or an area designated for a temporary special permit. This prohibition shall be limited to the operating hours of the farmers' market or swap meet, or the limited duration of the temporary special permit;
 7. Within five hundred (500) feet of a public or private school site during school hours, and not within one hour before or one hour after school drop off and pick up operations;
 8. In any City-owned parking lot without prior written authorization from the City Manager, issued at the City Manager's sole discretion;
 9. On private property without the written consent of the property owner and their confirmation the proposed vending operations will not impede site access, parking, or other applicable health and safety requirements and conditions applicable to the property;
 10. Within fifty (50) feet of another sidewalk vendor; or

11. Within twenty-five (25) feet of an entrance to or exit from any building.

- B. No sidewalk vendor shall ~~sell~~ **vend** in a manner that blocks or obstructs the free movement of pedestrians or vehicles. Sidewalk vendors must at all times provide a clearance of not less than three **(3)** feet on all sidewalks or pedestrian areas so as to enable persons to freely pass while walking, running, or using mobility assistance devices **and to comply with the Americans with Disabilities Act.**
- C. Sidewalk vending is only permitted between the hours of 8:00 a.m. and 10:00 p.m., daily, except as follows:
1. In residential areas, sidewalk vending shall only be permitted between the hours of 7:00 a.m. and 7:00 p.m. on weekdays and between the hours of 9:00 a.m. and 6:00 p.m. on weekends and holidays.
 2. In nonresidential areas, the limit on hours of operation shall not be more restrictive than the hours of operation of other businesses or uses on the same street.
 3. In park areas, sidewalk vending shall be permitted only during hours when the park is open to the public.
- D. Stationary sidewalk vendors shall not ~~sell~~ **vend** in areas that are zoned exclusively residential.
- E. Roaming sidewalk vendors vending in areas that are zoned exclusively residential shall move continuously, except when conducting a sale which shall not last longer than fifteen (15) minutes.**
- F.** Stationary sidewalk vendors shall not ~~sell~~ **vend** at any park where the **C**ity has signed an agreement for concessions that exclusively permits the sale of food or merchandise by a concessionaire.
- G.** Sidewalk vendors shall provide a trash receptacle for customers and ensure proper disposal of customer trash. Prior to leaving any vending location, the sidewalk vendor shall pick up, remove, and dispose of all trash generated by the vending operations or the vendor's customers within a fifteen (15) foot radius of the vending location.
- H.** **Compact mobile food operations** ~~Vendors of food or food products~~ shall possess and display in plain view on the vending cart a valid public health permit from the Fresno County Department of Public Health, **unless exempted from this requirement by the California Retail Food Code.**
- I.** Sidewalk vendors shall possess **and display** ~~at all times while selling~~ a valid sidewalk vendor permit issued pursuant to this **C**hapter, as well as any other permit or license required by the **C**ity and any other appropriate governmental

agency, at all times while vending.

- J. Sidewalk vendors shall possess ~~at all times while selling~~ proof of current liability insurance at all times while vending.
- K. Sidewalk vendors shall comply with all applicable Federal, State, and local laws, including, without limitation, state food preparation, handling, and labeling, and storage requirements contained in the California Retail Food Code; fire codes and regulations; noise standards; alcoholic beverage, tobacco product, cannabis, electronic cigarette, smoking devices, and controlled substances regulations; sanitation and health standards set forth in this Code and the California Retail Food Code; and the Americans with Disabilities Act of 1990 and other disability access standards (both State and Federal).
- L. Vending carts shall not be chained, fastened, or affixed at any time to any building or structure, including, but not limited to, lampposts, parking meters, traffic signals, fire hydrants, benches, bus shelters, trash cans, street signs, trees, or other objects within the public right-of-way. No vending cart shall become a permanent fixture on any site or be considered an improvement to real property.
- M. Vending carts shall not be left unattended or stored on public property or within the public right-of-way. Vending carts shall be immediately removed from public property when not in active use by a sidewalk vendor. Vending carts and equipment left in public spaces or in the public right-of-way overnight, or outside the permitted hours for sidewalk vending operations, will be considered discarded and may be seized or disposed of by the City.
- N. Compact mobile food operations shall comply with all applicable commissary use and vending-cart storage requirements contained in the California Retail Food Code.
- O. Sidewalk vendors shall not place any type of fencing or other dividers around the vending cart.
- P. Sidewalk vendors shall not place tables, chairs, shade structures, or other furniture around the vending cart.
- Q. Sidewalk vendor advertising signage must be attached to the vending cart or the sidewalk vendor's person. No such signs or displays may be placed on public property.
- R. Sidewalk vendors shall not use any horns, music, lights, visual media, or sound amplifying devices that disturb the public peace and welfare in connection with vending operations unless expressly approved in their sidewalk vendor permit.

- S. Sidewalk vendors shall not use electrical outlets owned by the City. Sidewalk vendors shall not run power cords or extension cords across the sidewalk or other public right-of-way.**
- T. Sidewalk vendors shall not attach to water lines, electrical lines, or gas lines while vending.**
- U. Sidewalk vendors shall not vend to customers in vehicles.**
- V. Sidewalk vendors shall not sell lottery tickets, alcohol, cannabis, adult-oriented material, weapons, or tobacco or electronic cigarette products.**
- W. Sidewalk vending of services, including rental services, is prohibited.**
- X. Vending carts shall not physically alter or otherwise damage the underlying sidewalk.**
- Y. Sidewalk vendors' operations shall not discharge any liquid, including, but not limited to, water, grease, or oil, onto or into City streets, storm drains, catch basins, or sewer facilities.**
- Z. Sidewalk vendors shall immediately clean up any food, grease, liquid, or other item related to their vending operations that falls on public property.**
- AA. Stationary sidewalk vendors who operate after daylight hours shall provide adequate lighting sufficient to ensure customer safety. Such lighting shall be directed downward and away from adjacent properties.**

SECTION 17. Section 5.28.110 of Chapter 5.28 of Title 5 of the Mendota Municipal Code is amended to read as follows:

5.28.110 – Administrative Citations.

- A. A violation of this Chapter by a sidewalk vendor who has a valid sidewalk vendor permit from the City is punishable only by an administrative citation in amounts not to exceed the following:
 - 1. **A notice of violation detailing the violation.**
 - 2. One hundred dollars (\$100.00) for a ~~first~~ **second** violation **within one year of the first violation.**
 - 3. Two hundred dollars (\$200.00) for a ~~second~~ **third** violation within one year of the first violation.
 - 4. Five hundred dollars (\$500.00) for each additional violation within one year of the first violation.
- B. A person engaged in sidewalk vending **that would not otherwise be**

considered a compact mobile food operation without a valid **C**ity sidewalk vendor permit is punishable by an administrative citation in amounts not to exceed the following, in lieu of the amounts set forth in **P**aragraph **(A)**:

1. Two hundred fifty dollars (\$250.00) for a first violation.
2. Five hundred dollars (\$500.00) for a second violation within one year of the first violation.
3. One thousand dollars (\$1,000.00) for each additional violation within one year of the first violation.
4. Upon proof of a valid sidewalk vendor permit issued by the **C**ity, the administrative citations set forth in this paragraph shall be reduced to amounts set forth in **P**aragraph (A).

C. **A person engaged in vending that would be considered a compact mobile food operation, without a valid City sidewalk vendor permit, is punishable by an administrative citation in amounts identical to those forth in Paragraph (A). This Paragraph shall be effective until January 1, 2024, upon which date it shall be repealed.**

C. **A person engaged in vending that would be considered a compact mobile food operation, without a valid City sidewalk vendor permit, is punishable by an administrative citation in the amount of three (3) times the cost of a City sidewalk vendor permit pursuant to Section 5.08.340. This Paragraph shall become effective on January 1, 2024.**

D. A violation of this **C**hapter shall not be punishable as an infraction or misdemeanor. No person alleged to have violated the provisions herein shall be subject to arrest except when otherwise permitted by law.

E. Failure to pay an administrative citation issued pursuant to this **S**ection shall not be punishable as an infraction or misdemeanor. Additional fines, fees, assessments, or any other financial conditions beyond those authorized herein shall not be assessed.

F. When assessing administrative citations pursuant to this **S**ection, the hearing officer shall take into consideration the person's ability to pay the fine. The **C**ity shall provide the person with notice of his or her right to request an ability-to-pay determination and shall make available instructions or other materials for requesting an ability-to-pay determination. The person may request an ability-to-pay determination at adjudication or while the judgment remains unpaid, including when a case is delinquent or has been referred to a comprehensive collection program.

G. If the person meets the criteria described in **S**ubdivision (a) or (b) of Government Code Section 68632, the **C**ity shall accept, in full satisfaction, twenty (20) percent of an administrative citation imposed pursuant to this

Chapter.

- H. The hearing officer may allow a person to complete community service in lieu of paying the total administrative citation, may waive the administrative citation, or may offer an alternative disposition.

SECTION 18. Section 5.32.010 of Chapter 5.32 of Title 5 of the Mendota Municipal Code is amended to read as follows:

5.32.010 – Definitions.

For the purposes of this Chapter, the following words have the meanings set out in this Section:

- A. **“California Retail Food Code” shall mean Part 7 of Division 104 of the California Health and Safety Code, as amended from time to time.**
- B. **“Commissary” shall have the same meaning as the term is used in the California Retail Food Code.**
- C. "Merchandise" **shall** means any item of personal property whether tangible or intangible, or any service capable of sale.
- D. **“Mobile food facility” shall mean any motorized itinerant vendor who, in conjunction with a commissary or other permanent food facility, sells or distributes food at retail. “Mobile food facility” does not include a “transporter” used to transport packaged food from a food facility, or other approved source to the consumer.**
- E. "Motorized itinerant vendor" **shall** means a person, other than a sidewalk vendor, engaged in the business of selling food, goods, wares, merchandise, or any other thing of value from a motorized unit.
- F. **“Motorized unit” shall mean the motorized vehicle from which a motorized itinerant vendor conducts business.**
- G. "Nonprofit organization" **shall** means an organization which is capable of being so designated under the rules and regulations of the Internal Revenue Service.

SECTION 19. Section 5.32.015 is hereby added to Chapter 5.32 of Title 5 of the Mendota Municipal Code and reads as follows:

5.32.015 – Motorized Itinerant Vendor Permit Application.

- A. **In addition to the other requirements of this Title, to apply for a motorized itinerant vendor permit, a person must file an application with the City Manager accompanied by a nonrefundable application processing fee in an amount established by Resolution of the City**

Council. The application shall be in a form prescribed by the Finance Department and shall contain, at a minimum, the following:

- 1. The legal name, current address, and telephone number of the applicant;**
- 2. If the applicant is an agent of an individual, company, partnership, corporation, or other entity, the name and business address of the principal;**
- 3. A description of the food or merchandise offered for sale;**
- 4. A description of the area(s) and time(s) in which the applicant intends to operate , including information regarding the impact of proposed operations on site access and available parking as applicable;**
- 5. Sufficient information to determine whether the applicant will comply with the operating requirements set forth in Section 5.32.070;**
- 6. A California seller's permit number pursuant to Section 6067 of the Revenue and Taxation Code;**
- 7. Certification by the applicant that the information contained in the application is true to their knowledge and belief;**
- 8. If the applicant intends to be a mobile food facility, certification of completion of a food handler course and proof of all required approvals from the Fresno County Department of Public Health, unless exempted from this requirement by the California Retail Food Code;**
- 10. If the applicant intends to be a mobile food facility, proof of current commissary access and usage to the extent required by the California Retail Food Code.**
- 11. Proof of liability insurance; and**
- 12. Any other reasonable information regarding the time, place, and manner of the proposed vending.**

B. If the application requests the applicant's social security number, the applicant may, in lieu of providing a social security number, provide a California driver's license or identification number, an individual taxpayer identification number, or a municipal identification number. The number collected shall not be available to the public for inspection, is confidential, and shall not be disclosed except as required to administer the permit or licensure program or comply with a State law

or State or Federal court order.

SECTION 20. Section 5.32.020 of Chapter 5.32 of Title 5 of the Mendota Municipal Code is amended as follows:

5.32.020 – Criteria for Approval or Denial of Permit.

~~All motorized itinerant vendor equipment and vehicles must be inspected and approved by the local health officer prior to the issuance or renewal of a motorized itinerant vendor permit and such permit shall be displayed in plain sight on the vehicle. The permit fee for an annual permit shall be set by resolution of the city council. Permits shall be issued for a period of one year. The application fee for an annual permit shall be set by resolution of the city council.~~

A. Subject to the limitations on the amount of motorized itinerant vendor permits and order of priority of applications for motorized itinerant vendor permits contained in this Chapter, the City Manager, or their designee, shall approve the issuance of a motorized itinerant vendor permit unless they determine that:

- 1. Information contained in the application, or supplemental information requested from the applicant, is false in any material detail;**
- 2. The applicant failed to provide a complete application after having been notified of the requirement to produce additional information or documents;**
- 3. The applicant has failed to demonstrate an ability to conform to the operating standards set forth in Section 5.32.100;**
- 4. The applicant has failed to pay the motorized itinerant vendor fees required pursuant to Sections 5.32.015, 5.32.020, or 5.08.230; or**
- 5. The applicant has failed to pay any previous administrative fines, complete any community service, and/or complete any other alternative disposition associated with a previous violation of this Chapter.**

B. If the motorized itinerant vendor permit application is denied, written notice of such denial and the reasons therefor shall be provided to the applicant.

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SECTION 21. Section 5.32.030 of Chapter 5.32 of Title 5 of the Mendota Municipal Code is amended as follows:

5.32.030 – Number of Permits Issued.

One motorized itinerant vendor permit shall be issued for each one thousand five hundred (1,500) residents or a portion thereof, in the City, as established by an official census.

SECTION 22. Section 5.32.035 is hereby added to Chapter 5.32 of Title 5 of the Mendota Municipal Code and reads as follows:

5.32.035 – Permits Nontransferable.

No permit granted pursuant to this Chapter shall be transferable.

SECTION 23. Section 5.32.040 of Chapter 5.32 of Title 5 of the Mendota Municipal Code is amended as follows:

5.32.040 – Issuance of New Permits.

New motorized itinerant vendor permits shall be issued to the qualified person who has applied for a motorized itinerant vendor's license permit for the longest period of time. If there is no such person or it is impossible to determine the identity of that person, the new permittee shall be chosen by lot. Permit renewals shall be issued consistent with the provisions of Sections 5.28.020 and 5.28.060.

SECTION 24. Section 5.32.045 is hereby added to Chapter 5.32 of Title 5 of the Mendota Municipal Code and reads as follows:

5.32.045 – Permit Expiration and Renewal.

- A. A motorized itinerant vendor permit shall be valid for twelve (12) months from the date of issuance, and shall expire and become null and void on the anniversary of its issuance.**
- B. Subject to the other provisions of this Chapter, a person may apply for a permit renewal on a form provided by the City prior to the expiration of their active motorized itinerant vendor permit.**
 - 1. For cases involving reissuance of a motorized itinerant vendor permit for a mobile food facility, said renewal application shall provide proof of commissary usage for the previous twelve (12) months, unless exempted from those requirements by the California Retail Food Code.**

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SECTION 25. Section 5.32.050 of Chapter 5.32 of Title 5 of the Mendota Municipal Code is amended as follows:

5.32.050 - Notices When Less Than All Permits Are Issued.

Whenever ~~there are~~ less than the maximum number of motorized itinerant vendor permits **have been** issued in the City, the City clerk shall post notice in City Hall, mail notice to any person who held a motorized itinerant vendor permit during the prior year who failed to renew that permit, and mail notice to persons who made written request for such notice and paid a fee of five dollars (\$5.00) to cover processing costs. Written requests for notice more than twelve (12) months old will not be honored.

SECTION 26. Section 5.32.060 of Chapter 5.32 of Title 5 of the Mendota Municipal Code is amended as follows:

5.32.060 - Priority ~~to~~ of Existing Permits.

Persons holding a motorized itinerant vendor permit shall have priority on the reissuance and renewal of their **motorized itinerant vendor** permits subject to the following conditions:

- A. The **motorized itinerant vendor** permittee shall have complied with all provisions of this Code with respect to the operation of the motorized unit **in the preceding twelve (12) months**;
- B. The motorized unit shall have been approved by the local health officer, **unless exempted from this requirement by law**; and
- C. The **motorized itinerant vendor** permittee shall have actively exercised the **motorized itinerant vendor** permit during the prior permit period by operating in the City during substantially all of the permit period.

SECTION 27. Section 5.32.070 of Chapter 5.32 of Title 5 of the Mendota Municipal Code is amended as follows:

5.32.070 – ~~Sitting and Outdoor Seating~~ Operating Requirements.

Motorized itinerant vendors shall comply with the following operating requirements:

- A. **No motorized itinerant vendor shall vend in the following locations:**
 - 1.** The motorized unit shall not be located closer than **Within** fifty (50) feet from a permitted restaurant;
 - 2.** **Within fifteen (15) feet of any street intersection;**
 - 3.** **Within ten (10) feet of any fire hydrant, fire call box, or other**

emergency facility;

4. Within ten (10) feet of any driveway, driveway apron, or alley approach;
5. Within five hundred (500) feet of a permitted certified farmers' market, a swap meet, or an area designated for a temporary special permit. This prohibition shall be limited to the operating hours of the farmers' market or swap meet, or the limited duration of the temporary special permit;
6. Within five hundred (500) feet of a public or private school site during school hours, and not within one hour before or one hour after school drop off and pick up operations;
7. In any City-owned parking lot without prior written authorization from the City Manager, issued at the City Manager's sole discretion; or
8. On private property without the consent of the property owner and their confirmation the proposed vending operations will not impede site access, parking, or other applicable health and safety requirements and conditions applicable to the property.

B. Disposal of grease, water, or oil shall conform to all applicable health and safety requirements, including, but not limited to, those contained in the California Retail Food Code.

C. No motorized itinerant vendor shall vend in a manner that blocks or obstructs the free movement of pedestrians or vehicles.

D. Motorized itinerant vending is only permitted between the hours of 8:00 a.m. and 10:00 p.m., daily, except as follows:

1. In residential areas, motorized itinerant vending shall only be permitted between the hours of 7:00 a.m. and 7:00 p.m. on weekdays and between the hours of 9:00 a.m. and 6:00 p.m. on weekends and holidays.
2. In nonresidential areas, the limit on hours of operation shall not be more restrictive than the hours of operation of other businesses or uses on the same street.
3. In park areas, sidewalk vending shall be permitted only during hours when the park is open to the public.

E. Motorized itinerant vendors shall provide a trash receptacle for customers and ensure proper disposal of customer trash. Prior to leaving any vending location, the motorized itinerant vendor shall pick

up, remove, and dispose of all trash generated by the vending operations or the vendor's customers within a fifteen (15) foot radius of the vending location.

- F. Mobile food facilities shall possess and display in plain view on the motorized unit a valid public health permit from the Fresno County Department of Public Health, unless exempted from this requirement by the California Retail Food Code.**
- G. Motorized itinerant vendors shall possess and display a valid motorized itinerant vendor permit issued pursuant to this Chapter, as well as any other permit or license required by the City and any other appropriate governmental agency, at all times while vending.**
- H. Motorized itinerant vendors shall possess proof of current liability insurance at all times while vending.**
- I. Motorized itinerant vendors shall comply with all applicable Federal, State, and local laws, including, without limitation, food preparation, handling, labeling, and storage requirements contained in the California Retail Food Code; fire codes and regulations; noise standards; alcoholic beverage, tobacco product, cannabis, electronic cigarette, smoking devices, and controlled substances regulations; sanitation and health standards set forth in this Code and the California Retail Food Code; and the Americans with Disabilities Act of 1990 and other disability access standards (both State and Federal).**
- J. Mobile food facilities shall comply with all applicable commissary use and vending-cart storage requirements contained in the California Retail Food Code.**
- K. Motorized itinerant vendors shall not place any type of fencing or other dividers around the motorized unit.**
- L. Motorized itinerant vendors shall not place tables, chairs, shade structures, or other furniture around the motorized unit.**
- M. Motorized itinerant vendors advertising signage must be attached to the motorized unit. No signs or displays may be placed on public property.**
- N. Motorized itinerant vendors shall not use any horns, music, lights, visual media, or sound amplifying devices that disturb the public peace and welfare in connection with vending operations unless expressly approved in their motorized itinerant vendor permit.**
- O. Motorized itinerant vendors shall not use electrical outlets owned by the City. Motorized itinerant vendors shall not run power cords or extension cords across the sidewalk or other public right-of-way.**

- P. Motorized itinerant vendors shall not attach to water lines, electrical lines, or gas lines while vending.**
- Q. Motorized itinerant vendors shall not vend to customers in vehicles.**
- R. Motorized itinerant vendors shall not sell lottery tickets, alcohol, cannabis, adult-oriented material, weapons, or tobacco or electronic cigarette products.**
- S. Motorized units shall not physically alter or otherwise damage the underlying sidewalk.**
- T. Motorized itinerant vendors shall immediately clean up any food, grease, liquid, or other item related to their vending operations that falls on public property.**
- U. Motorized itinerant vendors who operate after daylight hours shall provide adequate lighting sufficient to ensure customer safety. Such lighting shall be directed downward and away from adjacent properties.**
- V. Notwithstanding the other provisions of this Section, the motorized itinerant vendor permittee may, by application for an encroachment permit and payment of required fees, request the City's approval for a temporary street-side location for its motorized unit. In addition, the **motorized itinerant vendor** permittee may, by application for an encroachment permit, and payment of required fees, request the City's approval for the temporary placement of tables and/or chairs on the City sidewalk, within the City's street right-of-way, adjacent to the motorized unit. In considering the **motorized itinerant vendor** permittee's encroachment permit application, the City shall make the following findings.

 1. That adequate parking exists for customers of the temporary facility.
 2. That placement of tables and chairs shall provide adequate setback for pedestrian traffic on the sidewalk, as demonstrated by a written site plan, and as demonstrated by placement on the sidewalk.
 3. That tables and chairs shall only be allowed during the period of June 1 to September 30 of each year.**

SECTION 28. Section 5.32.080 of Chapter 5.32 of Title 5 of the Mendota Municipal Code is amended as follows:

5.32.080 – Revocation of Permit.

- A. Whenever a motorized itinerant vendor operating under a permit issued pursuant to this Chapter is violating any provision of this Chapter **or any applicable provisions of the California Retail Food Code**, the City shall deliver a written citation enumerating the violations to the owner or any

employee of the owner.

- 1.** Upon receipt of a citation, the permittee **motorized itinerant vendor** shall immediately cease all business operations conducted under the **motorized itinerant vendor** permit until the enumerated violations have been corrected.
 - 2.** If the permittee does not correct the violations within the time specified in the citation, and there is no appeal pending, then the **motorized itinerant vendor** permit shall be automatically revoked and the permittee must cease conducting any further business **thereunder**.
- B.** Once a motorized itinerant vendor permit has been revoked, the **motorized itinerant vendor** owner must apply for a new permit and pay a new fee **as provided in this Chapter**.
- C.** The **motorized itinerant vendor** permittee may appeal the issuance of the citation to the **City Manager, or their designee**, by submitting a request in writing to the **City Clerk** manager within fourteen (14) days from the date the citation is issued.

SECTION 29. Section 5.32.085 is hereby added to Chapter 5.32 of Title 5 of the Mendota Municipal Code and reads as follows:

5.32.085 – Appeals.

Any person aggrieved by the decision of the City Manager to issue, deny issuance, or rescind a motorized itinerant vendor permit may appeal the decision to the City Council. An appeal shall be filed with the City Clerk within fourteen (14) days following the date of the City Manager’s decision. The appeal must be in writing and must clearly state the applicant’s reason for appealing the decision.

SECTION 30. Section 5.32.100 of Chapter 5.32 of Title 5 of the Mendota Municipal Code is amended as follows:

5.32.100 – Violation – Penalty.

Any motorized itinerant vendor who operates within the **C**ity limits without a permit or after his **their** permit has been revoked is guilty of a misdemeanor. The owner, manager, and/or operator shall be responsible for any violation of this **C**hapter.

SECTION 31. Any provisions of the Mendota Municipal Code or other ordinances of the City that are inconsistent with this ordinance are repealed to the extent of the inconsistencies herewith and no further.

SECTION 32. This ordinance shall become effective and in full force at 12:00 midnight on the 31st day following its adoption.

SECTION 33. Severability. If any part of this Ordinance is held to be invalid for any reason, such decision shall not affect the validity of any remaining portions of this Ordinance, and the City Council of the City of Mendota declares it would have passed the remainder of this Ordinance as if such invalid portion thereof had been deleted.

SECTION 34. CEQA. The adoption of this Ordinance is not subject to environmental review under the under Public Resources Code section 21000 et seq., the California Environmental Quality Act (“CEQA”), because the amendments 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, subd. (a).)

* * * * *

The foregoing ordinance was introduced the 22nd day of August, 2023 and duly passed and adopted by the City Council of the City of Mendota at a regular meeting thereof held on the 12th day of September, 2023 by the following vote:

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

Victor Martinez, Mayor

ATTEST:

Celeste Cabrera-Garcia, City Clerk

APPROVED AS TO FORM:

John Kinsey, City Attorney

Memorandum

To: City Council via Cristian Gonzalez, City Manager

From: Michael Osborn, City Engineer
Jeff O'Neal, City Planner

Subject: City Engineer's Report to City Council

Date: September 6, 2023

Engineering Projects:

1. Rojas Pierce Park:
 - Working with County for CDBG funding for Phase 3: Restroom & Concession Building
2. Well 10 and Water Main Relocation
 - Design in progress; coordination with USBR and BB Limited
3. Citywide RRXG Improvements:
 - Coordinating crossing improvements with Railroad, Caltrans & CPUC
 - Construction anticipated in Spring 2023
4. 2022 Local Street Reconstruction Project
 - Construction with SB1 funding is completed
5. Backwash Reclaim Project
 - Design is underway; looking for funding opportunities for construction
6. Mendota Stormwater Improvement Project
 - Prop 68 UFGP funded: Construction began in August
 - Construction to continue into Winter 2023/24
7. Derrick & Oller Roundabout
 - CEQA & NEPA completed
 - 100% Construction Documents to be completed this month
 - Construction anticipated in Spring 2024
8. Westside Water Tank & Booster Pump
 - ARPA funded design in progress
 - Construction anticipated in late Winter/early Spring
9. 5th & Quince Street Reconstruction:
 - Design in progress
 - Construction funded with STBG funds in FFY 23/24
10. Fleming & McCabe Street Reconstruction:
 - Design in progress
 - Construction funded with SB1 funds, targeting late Fall 2023
11. 2024 Local Street Reconstruction:
 - Includes segments of Tule Street, Quince Street & Jennings Street
 - Design to start in October 2023
 - Construction funded with SB1 funds in summer 2024

Planning/Development Projects

1. Rojas Pierce Park Annexation
 - Continuing discussions with USBR about whether and how the WWD land retirement program affects the project.
2. Housing Element Update
 - Working with Fresno COG and its consultant to prepare the 6th Cycle Multijurisdictional Housing Element
4. Airport Reuse
 - Request of closure sent to Caltrans and FAA
 - Phase 1 of Land Use planning commencing this month
5. Proposed Residential Developments
 - Working with applicants to submit and process SB9 residential parcel maps
 - Discussing a General Plan amendment and rezone for a small apartment project near Derrick Avenue

Grant Applications:

1. Amador & Smoot Extension:
 - \$874,000 in STBG & CMAQ TPP funds; Construction authorization in FFY 23/24
 - Design to start in September 2023
2. Triangle Park & Pool Park:
 - Assisted in various Grant applications for both parks
3. Marie Street Reconstruction:
 - Preliminary design to start in September 2023 to apply for CMAQ funding in late September 2023
4. Divisadero Street Reconstruction:
 - Preliminary design to start in September 2023 to apply for STBG funding in October 2023

On-going (this month):

1. Representation of the City at FCOG TTC
2. Coordination of road projects with Caltrans
3. Assistance to Finance Director for grant opportunities
4. Coordination with USACOE for Panoche Creek flood study

Overall P&P Staff engaged (month of July):

- Engineers: 7
- Planners: 2
- Surveyors: 0
- Environmental Specialist: 2
- GIS/CAD Specialists: 2
- Construction Manager: 1
- Project Administrator: 3

Abbreviations:

EOPCC – Engineer's Opinion of Probable Construction Cost
NTP – Notice to Proceed
CUCCAC – California Uniform Construction Cost Accounting Commission

STBG – Surface Transportation Block Grant
CMAQ – Congestion Mitigation and Air Quality (grant)
ATP – Active Transportation Plan (grant)
RFP – Request for Proposal

RFA- Request for Authorization (for grant funding)
FCOG – Fresno Council of Governments
ADA – Americans with Disabilities Act
DBE – Disadvantaged Business Enterprise

TTC – Technical Transportation Committee (through FCOG)
RTP/SCS – Regional Transportation Plan, Sustainable
Communities Strategies

From: [Cristian Gonzalez](#)
To: [Celeste Cabrera-Garcia](#)
Subject: FW: RFP for 10 acre land
Date: Tuesday, August 29, 2023 4:17:12 PM

From: [REDACTED]
Sent: Tuesday, August 8, 2023 2:36 PM
To: Cristian Gonzalez <Cristian@cityofmendota.com>
Subject: RFP for 10 acre land

Joel Lozano

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

My name is Joel Lozano. I was raised here in the City of Mendota since I was three years old. I graduated from Mendota High School in 2007. My grandfather, Emilio Coronado, was the mechanic for the city. My grandmother was the cook for McCabe Elementary and McCabe Jr. High School. My mother is an aid for students with special needs at Mendota High School. I am the middle child with 2 sisters that also graduated from Mendota High School. Both with Honors. I have 2 beautiful children with another on the way, who will grow up here just as I have. I have been with my now wife for 16 years. We bought a home here in the city to set our own roots deep in this community.

I would work in the fields as young as 13 to help pay for my school clothes and supplies. At 16 I enrolled in a school program that gave me the opportunity to learn vital work experience. I was allowed to work as a butcher at 17 for 3 months due to the school program. I then became a butcher for a total of 7 and a half years. I was supervisor of my department for 2 years before leaving the company. I then worked in construction, as a HVAC technician, and as an Electrician. I have helped in the construction of a small remodeling company based in Fresno. In 2021 I was fortunate enough to be a part of the start up at Boca del Rio Farms. I started as a Lead Cultivator but was quickly promoted to Cultivation and Operations Manager. Now under new owners at Boca del Rio Farms I have been promoted to Chief Operating Officer. Overseeing all aspects of the farm.

I know with all the knowledge that I have obtained; I will have no problem putting this new farm in order. To make it profitable for the people and the City of Mendota. A farm that will not have a bad reputation.

I want to leave a name for myself just like my family has.

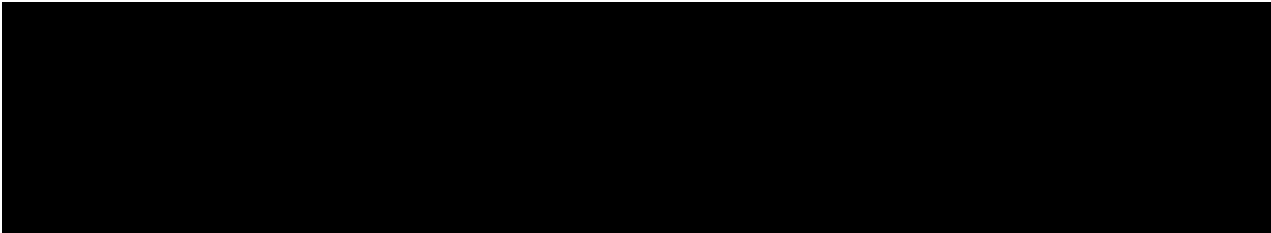
Thank you,

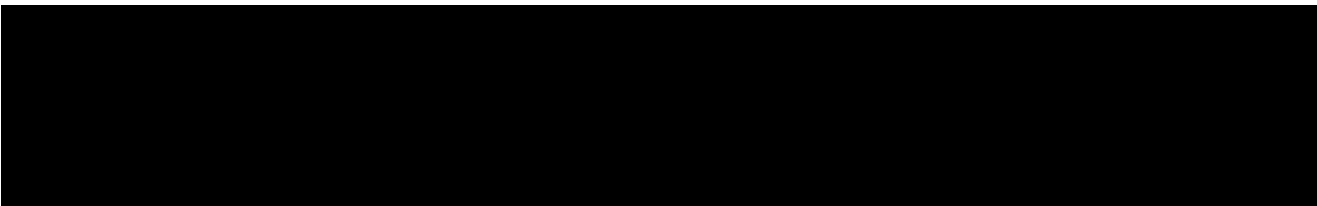
Joel Lozano.

I myself will be running the farm in the operation and compliance aspect and my partner Israel Gonzalez, will be financing, cultivating, and constructing the farm.

- The price we estimated for the 10 acres is \$250,000. If we underestimated the price for the land, we will be more than willing to discuss it.
- The 10 acres will be used to cultivate and process cannabis. We will be cultivating outdoors.
- The 435,600sq.ft. of land will be completed with the highest urgency. Which should be completed in no more than 5 months.
 - Phase 1
 - Clearing the land
 - Licensing and permits from city, county, and state.
 - Making the farm OSHA compliant for the safety and wellbeing of the workers
 - Phase 2
 - Infrastructure which includes plumbing and electrical
 - Fencing the farm
 - Phase 3
 - Staffing
 - Bring plants to the farm to start cultivation.

- Add possible hoop houses to continue work year-round.
- Many of the staff on the farm will be local citizens. I myself live here in Mendota. We have more positions with local people ready to fill them.
- The farm will need work during the construction phase.
 - Any tools or equipment can be purchased here at Sorensen's Machine Works.
 - Tony's Construction would be a great help for the infrastructure.
 - Llamas could help supply temporary labor.
 - Guthrie Petroleum could provide us with diesel for the construction vehicles.
 - The pvc used for the pipes could be purchased from any of the local irrigation providers.
- The future of the community is our focus. We want to bring work to the local community. We also want to provide a safe work environment that people will be proud to work in. Growing up in Mendota, there were not that many programs after school. We would like to make several donations throughout the year to the MCC. One focus we have is to take care of the youth. We would be giving to non-profit organizations as well such as the boxing club. We would also like to aid in the youth sport programs here in Mendota. We would like to have our farm open to the public. So that anyone can visit the farm and learn more about the plant and its benefits.
- There will be a small amount of office staff that will include a Sprayer/PCA Lic. (50k/yr.), an Office Administrator (36k/yr.), Quality Control (45k/yr.), and a Compliance Officer (55k/yr.). I myself would take on the role of C.O.O. and my partner will be the Cultivator. There will be many more positions on the farm for the cultivation side. They will be ranging from \$16.50 to \$20 hourly.

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- Security and safety will be our main priority. We will be looking to contact Mendota P.D. We will have guards posted on the farm 24/7. We will be installing a security fence that has perimeter cameras to have a full view year-round.
 - Having worked with Boca del Rio, we are fully aware of the expansion need to have proper drainage, electricity, water and roads that will lead to the farm.

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- We are willing to place a \$200,000 city tax for the cultivation tax. It will be quarterly at \$50,000. We will be operating the land ourselves. We will not have tenants working for us.

- References

- BDR Ag LLC.

- Chief Operating Officer
 - My employer
 - My contact information is on the cover page. If a different contact is needed, please let me know.
 - Start up farm from a clean slate. Remove all old plumbing and build hoop houses to have a year-round farm. Completed compliance and operations.

- Boca del Rio Farms LLC.

- Cultivation and Operations Manager
 - Current farm under the old owners.
 - Dustin Moore (Owner of Boca del Rio)

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- I was there for the start up of the farm. Assisted with many aspects from the clearing of the land to managing the labor force we had. Designed the plumbing for the irrigation. Organize the layout of the plants on the farm. Fully manage the harvesting of the farm.

- We have made ourselves known to the state. We need the land to continue with the licensing. We will have one cultivation license that will cover the farm. A processing license and a distribution license. All are needed to properly. To obtain these licenses will take about 4 months according to the state. The cultivation license is our priority. The processing and distribution licenses will be submitted at the same time but will not be rushed due to us not needing them till the end of summer 2024.

Thank you for your consideration,

Joel Antinio Lozano

Israel Perez Gonzalez