

Lindsay City Council Meeting Agenda

Regular Meeting
Council Chambers at City Hall
251 E. Honolulu, Lindsay, California
Tuesday, February 9, 2016
6:00PM

1. a) Call to Order: 6:00 p.m.
b) Roll Call: Council members Salinas, Mecum, Kimball, Mayor Pro Tem Sanchez, Mayor Padilla.
c) Flag Salute: Council member KIMBALL.
d) Invocation

 2. Public Comment: The public is invited to comment on any subject under the jurisdiction of the Lindsay City Council, including agenda items, other than noticed public hearings. Comments shall be limited to (3) minutes per person, with 30 minutes overall for the entire comment period, unless otherwise indicated by the Mayor.

 3. OATH & APPOINTMENT
OF PUBLIC SAFETY OFFICER CHRIS DEMPSIE.
Administered by City Clerk.

 4. COUNCIL REPORTS.
Presented by Council members.

 5. STUDENT REPORT.
Presented by Esmie Munoz.

 6. STAFF REPORTS.
Presented by Bill Zigler, Interim City Manager.

 7. Consent Calendar: These items are considered routine and will be enacted by one motion, unless separate discussion is requested by Council or members of the public.
Request for approval of the following: (pg.1-13)
 - a) Meeting Minutes for Jan.19th & 26th, 2016.
 - b) Warrant List for Jan. 29th, 2016.
 - c) Treasurer's Report for Jan. 31, 2016.

 8. SECOND READING & ADOPTION OF ORDINANCE #553 (pg.14-24)
AMENDING TITLE 8, OF THE LINDSAY MUNICIPAL CODE
REGARDING MEDICAL MARIJUANA SALE, USE & CULTIVATION
WITHIN THE LINDSAY CITY LIMITS.
Presented by Brian Spaunhurst, Assistant City Planner.

 9. CONSIDERATION OF RESOLUTION 16-02 APPROVING THE (pg. 25-26)
SUBMITTAL OF AN APPLICATION FOR HOUSING RELATED
PARKS PROGRAM GRANT FUNDS FOR 2015 PROGRAM YEAR.
Presented by Bill Zigler, Interim City Manager.

 10. REQUEST TO AWARD BID FOR 2016-2 HICKORY NORTH (pg. 27-28)
PEDESTRIAN PATHWAYS PROJECT.
Presented by Mike Camarena, City Services Director.

 11. REQUEST TO EXPAND THE PARKSIDE AVENUE CURB, GUTTER (pg. 29-33)
AND SIDEWALK PROJECT PAVING AREA.
Presented by Mike Camarena, City Services Director.

 12. DISCUSSION/INFORMATION CONCERNING THE POSSIBLE (pg. 34-40)
TRANSITIONING OF PUBLIC SAFETY OFFICER UNIFORMS.
Presented by Chris Hughes, Interim Public Safety Director.

 13. CONSIDERATION OF RESOLUTION 16-03 APPROVING THE (pg. 41-53)
DEVELOPMENT EXTENSION OF CONDITIONAL USE PERMIT/
VARIANCE FOR 655 N. WESTWOOD.
Presented by Brian Spaunhurst, Assistant City Planner.
-

14. COUNCIL DISCUSSION REGARDING VISION/MISSION STATEMENT
DEVELOPMENT AND GOALS & OBJECTIVES.

Presented by Bill Zigler, Interim City Manager.

15. EXECUTIVE SESSION

CONFERENCE WITH LEGAL COUNSEL--ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) of Section 54956.9: 1 potential case

16. ADJOURN. The next Regular meeting is scheduled for **TUESDAY, FEB. 23, 2016 at 6:00 PM** in the Council Chambers at City Hall, 251 E. Honolulu, Lindsay, CA 93247.

Materials related to an Agenda item submitted to the legislative body after distribution of the Agenda Packet are available for public inspection in the office of the City Clerk during normal business hours. Complete agenda is available at www.lindsay.ca.us In compliance with the Americans with Disabilities Act & Ralph M. Brown Act, if you need special assistance to participate in this meeting, or to be able to access this agenda and documents in the agenda packet, please contact the office of the City Clerk at (559) 562-7102 ext 8031. Notification 48 hours prior to the meeting will enable the City to ensure accessibility to this meeting and/or provision of an alternative format of the agenda and documents in the agenda packet.

Lindsay City Council Meeting Minutes
Special Study Session
251 East Honolulu, Lindsay, California
Tuesday, January 19, 2016
10:00 A.M.

Pg. 8146

CALL TO ORDER.

Mayor PADILLA called the Special Study Session of the Lindsay City Council to order at 10:00 a.m. in the Council Chambers at City Hall, 251 E. Honolulu, Lindsay, and California.

COUNCIL PRESENT: SALINAS, MECUM, KIMBALL, SANCHEZ, Mayor PADILLA.

COUNCIL ABSENT: None.

FLAG SALUTE: Council member SALINAS.

PUBLIC COMMENT:

Trudy Wischemann provided opinion on Council's Goals and Objectives.

STUDY SESSION REGARDING COUNCIL GOALS, OBJECTIVES AND CODE OF CONDUCT.

Facilitator Barry Sommer began the Workshop/Study Session by providing a brief overview of today's session. He provided a timeline for introduction of materials and proposed time for lunch break.

Goals for the participants included: build an effective and cohesive Council while clarifying Council Goals & Objectives; establish an agreed upon Code of Conduct and Agreements or Rules of Engagement and establish clear and behavioral rules of how you can work together to improve effective Council operation. He explained his commitment to the community in direct work for the School District for the last 11 years and provided information on his background prior to coming here.

He asked if anyone would like to express any hopes or fears for today's session. Hearing no immediate response, he continued. City Government & financial crisis is stressful and yet there is incredible opportunity. Lindsay is on the map all around the state because so many good things have been happening yet it is clear to the public that there is a crisis or conflict going on here. Using the Chinese Congi symbol for crisis he explained that the word conflict is compiled of two different symbols, if you isolate them one means danger and the other is opportunity. He explained that when you have danger & opportunity together, you have crisis. But when both of those exist it could be dangerous, but it can also provide great opportunity. It can also create an environment where we can have different positions, express ourselves transparently & openly and still get to consensus to move forward. Probably all of us have worked in places where there is conflict, it can destroy morale, polarize people and deepen differences instead of bringing us together. It can produce silence or violence and in general can be remarkably destructive. He suggested that with a few activities and authentic participation, we can move more toward opportunity.

He asked Council for their participation and asked that any media quote in the paper, be clear in their references.

Establishing a few rules that everybody says they can live with can really shift the culture, ensure respect, raise the standards and helps to achieve toward higher productivity. It's okay to have different positions because when that happens and we are comfortable with that that is when we are really productive. That is what effective conflict is and there are lots of reasons why you should do this and really no reason not to.

Energetic Council discussion with the facilitator followed and the following Working Agreement was established:

- Use real time
- Maintain confidentiality when applicable
- Listen actively – one person speaks at a time
- Take in public comments, maintain structure and stay focused on Council business
- Support decision making process of the majority of Council
- Be respectful – avoid judgment
- Separate people from their positions

He introduced the group to the platinum rule and explained why they should consider using this over the golden rule. This version is to treat others, as they want to be treated instead of, as you want to be treated. This can avoid a lot of conflict and separate people from their positions. So I can disagree with you but I don't have to bash you in the process. In public what works best is to say, "I disagree with *Ramona* on all sorts of stuff

STUDY SESSION REGARDING COUNCIL GOALS, OBJECTIVES AND CODE OF CONDUCT continued
but we also see eye to eye about these issues”, which means we can come together and still make progress.

Media offered that part of her job is to remind the public they have a role in this process and to keep them connected to this process.

Facilitator replied that how the media spins it makes a big difference. Media has a responsibility, even through disagreement, to shift and to say, “you know that despite our differences some clear agreements were made.”

He also responded directly to a comment made by a Council member on how to handle media questions. He suggested that they begin by “I disagree but the Council made this decision and then some explanation about why” and that is the work that they have done to influence. There is no right or wrong you are working together to help the City move forward.

“Is this an agreement you can live with,” I am checking only with Council.

All Council members responded, “yes”.

Good this is an agreement that was established by consensus and full agreement and will be a foundation to start to build trust and better communication over time.

Lunch Break from 12-1pm

The afternoon session of the workshop included reference to a book written by Patrick Lencioni *The Five Dysfunctions of a Team* that describes a business in San Francisco dealing with the absence of trust and why without that it is really hard to get anything done. Foundation and trust comes from people being open. Being able to achieve genuine buy in and a feeling of confidence that all opinions were considered and no stone was left unturned. That is critical because that contributes to accountability and gets us results.

Session then moved toward establishing trust, team building, clarifying of individual roles & implementation of a trustworthy system to enable success. Discussion included the facilitator and Council each taking 120 seconds to tell the group about themselves and a power point presentation involving a Ferrari Formula One Racing Team Pit Crew and a World-renowned Children’s Hospital Surgery Team.

All agreed that any team that has to work together could take some lessons from this short example. Everyone needs to know their role, be clear about their role, have a common mission and a way of achieving it. Council needs to establish a common goal to move the City forward and to create a better Lindsay. It is your job to come up with a set of agreements and be able to communicate them in a way that people understand them

The last point of discussion involved shared vision. Brief discussions regarding Council’s responsibilities followed and were determined to include:

COUNCIL RESPONSIBILITY	ANSWER
Review and approval of the annual budget	Yes you have done that
Establish long and short-term objectives and priorities haven’t done them (part of getting to that is taking the time).	some of these are on your list of things to do but you really
Oversee performance of local public employees managers, you provide direction and then you hire someone to	Yes, oversee the City Manager/Interim; you are governors not manage. So then you need to get out of his way so he can do it.
Oversee Effectiveness of Programs	that’s basically staff
Establish Tax Rates	Yes, you can do special tax rates. Responsible for Prop 218,
Enterprise Fund	Yes.
Enter into Legal Contracts	Yes.
Borrow Funds	Yes
Pass Ordinances and Resolutions	Yes
Modify City Charter	Yes, but big expensive job and very unattractive. If not
interested in this, this should probably be removed from the list.	
Regulate Land Use per Zoning Laws	Yes
Regulate Business Activity through Licensing & Regulation	Yes
Regulate Public Health & Safety	Yes
Exercise the Power of Eminent Domain	Yes, an irrevocable dedication for PUD, streets and sidewalks
Respond to Constituents Needs & Complaints	Yes & also work with TCAG, County, and State & Federal
Govt.	

STUDY SESSION REGARDING COUNCIL GOALS, OBJECTIVES AND CODE OF CONDUCT / COUNCIL RESPONSIBILITY continued

They further discussed the Agreement/Rules of Engagement which included confidentiality, being respectful, one person speaks at a time, staying focused on Council business, explain how the public comment process works and support the Council's decision.

Facilitator ended the workshop by recommending that the Council move toward developing a Vision/Mission Statement through an agenda item or workshop. Example "The Mission of the Lindsay City Council is to.. " If it were something you could all sign off on it would create a more unified Council. That, along with your rules of engagement, gives a really good solid step for building that foundation of trust and working towards getting results. He finished by asking for Council's participation in feedback on the day's session. Questions included things you liked about the session, things you would change, things you are still wondering about and things you didn't realize until today.

With no other business the program was concluded.

ADJOURN. Facilitator Barry Sommer concluded the program at 2:15p.m. The next Regular City Council Meeting will be held on **Tuesday, Jan. 26, 2016 at 6PM** in the Council Chambers at City Hall, 251 E. Honolulu, Lindsay, CA 93247.

ATTEST:

CITY COUNCIL OF THE CITY OF LINDSAY

Carmela Wilson, City Clerk

Ramona Villarreal-Padilla, Mayor

Successor Agency to Former Redevelopment Agency
and Lindsay City Council Joint Meeting Minutes
Joint Meeting
251 East Honolulu, Lindsay, California
Tuesday, January 26, 2016
6:00 P.M.

Pg. 8149

CALL TO ORDER.

Chairman PADILLA called the Successor Agency meeting noted above to order at 6:00 p.m. in the Council Chambers at City Hall, 251 E. Honolulu, Lindsay, and California.

BOARD PRESENT: SALINAS, MECUM, KIMBALL, Vice Chair SANCHEZ, Chairman PADILLA.

BOARD ABSENT: None.

PUBLIC COMMENT: None.

CONSIDERATION OF SUCCESSOR AGENCY RESOLUTION 16-01 ADOPTING THE RECOGNIZED OBLIGATION PAYMENT SCHEDULE FOR JULY 1, 2016 THROUGH JUNE 30, 2017.

Interim Executive Director Bill Zigler introduced this item. He advised the Board that this is a request for approval of the ROPS Schedule and is pretty much the same as those submitted in the past with the exception that this request will cover the period of July 1, 2016 through June 30, 2017 which deviates from the previous reporting period of about 6-months. With this reporting period extended, the frequency of the board meetings will probably also change unless there are other pressing items requiring the need for a meeting.

Chairman PADILLA asked if there were any questions on this item, seeing and hearing none she asked the Board members what if any action they would like to take on this request.

ACTION:

On Motion by MECUM and Second by KIMBALL, the Successor Agency Board Approved SUCCESSOR AGENCY RESOLUTION 16-01 ADOPTING THE RECOGNIZED OBLIGATION PAYMENT SCHEDULE FOR JULY 1, 2016 THROUGH JUNE 30, 2017.

AYES: MECUM, KIMBALL, SALINAS, SANCHEZ, PADILLA.

NOES: None.

ABSENT: None.

Meeting Adjourned at 6:03pm on Motion by SALINAS and Second by SANCHEZ.

CALL TO ORDER.

Mayor PADILLA called the Regular Meeting of the Lindsay City Council to order at 6:03 p.m. in the Council Chambers at City Hall, 251 E. Honolulu, Lindsay, and California.

COUNCIL PRESENT: SALINAS, MECUM, KIMBALL, SANCHEZ, Mayor PADILLA.

COUNCIL ABSENT: None.

FLAG SALUTE: Mayor Pro Tem SANCHEZ.

INVOCATION: led by Pastor Tom Elson

PUBLIC COMMENT:

Eric Sinclair – will be running for City Council in 2016 Election.

Vincent Salinas – Candidate for Tulare County Board of Supervisors District 1, invited Council and those present to Meet N Greet this Friday, 875 N Homassel, at 7pm.

Bill Haas – commended Bill Zigler on work thus far and expressed personal opinion of Council members.

COUNCIL REPORTS

Council member MECUM – provided report on the Jan. 19th Work Session for Goals & Objectives.

Councilwoman KIMBALL– reported on Lindsay History Book & TCAG meeting.

Council member SALINAS – attended Awards Dinner & ribbon cutting for new medical clinic at former Lindsay Medical Group site.

Mayor Pro Tem SANCHEZ-attended ribbon cutting for new medical clinic & Annual Awards Dinner @McDermont

Mayor PADILLA-no meetings recently but will be making FBLA presentation at Lindsay High School tomorrow.

STUDENT REPORT –

Student Representative Reported on the following items:
1/11 was the first day of the 2nd Semester
LHS will be celebrating World Cup Week next week
Provided school sports schedules

STAFF REPORT

Interim City Manager Bill Zigler report included the following:
Thanked Council for attendance of the Study session on the 19th, commended all on their good work
Advised Council & Public that under Council's direction staff has placed copies of Council's Contact information at various areas throughout City Hall and reminded them they are also available on the city website
Reminded those present that the Interim City Manager is also available to answer questions for the public, contact his office any time or join him for Coffee in the Park on Friday mornings at 9am
Reported on items needing follow-up from Public Comment Leo Correa was contacted regarding his comment and staff is awaiting his response
DBCP level is now under the allowed 2.2 level; staff is working with the State on reporting requirements.
Streets & Projects Update
HRPP Update
Community Cleanup Day at Olive Bowl
McDermont Activities Update
Wellness Center Equipment Maintenance/Repair Update

CONSENT CALENDAR:

- a) Meeting Minutes for Jan.12th, 2016.
- b) Warrant List for Jan. 7th & 14th, 2016.
- c) Temporary Use Permit allowing Alley Closure on Feb. 7, 2016 for Special Event.
- d) Temporary Use Permit allowing Angel Garden to sell flowers at 460 W. Hermosa (Jess Automotive) from Feb. 11 to Feb. 14, 2016.

ACTION:

On Motion by SALINAS and Second by MECUM, the Lindsay City Council approved the Consent Calendar, as presented, Via Minute Order.

AYES: SALINAS, MECUM, KIMBALL, SANCHEZ, PADILLA.
NOES: None.
ABSENT: None.

PUBLIC HEARING: FIRST READING AND INTRODUCTION OF ORDINANCE #553 AMENDING TITLE 8, OF THE LINDSAY MUNICIPAL CODE REGARDING MEDICAL MARIJUANA SALE, USE AND CULTIVATION WITHIN THE LINDSAY CITY LIMITS.

Interim City Manager, Bill Zigler introduced this item and staff report. He explained that staff has prepared two ordinances for Council's review. The State of California wants to further regulate Medical Marijuana and has mandated that cities clarify language on their ordinances by the 1st of March or be subject to laws regulated by the State.

He described the ordinances for Council as "A" Expressly Prohibiting Marijuana Cultivation, Processing, Delivery or Dispensing within the City Limits and "B" Imposing Regulations on Marijuana Cultivation, Processing, Delivery or Dispensing within the City Limits.

Mayor PADILLA stated Council members, this is a Public Hearing, in a moment I will allow those people who are in favor of this item an opportunity to speak, then those who may be opposed an opportunity to speak. Before I open the Public Hearing are there any other questions from Council? She then asked for clarification from Legal Counsel as to how to proceed on the two Ordinances. Do we need to take a vote on each ordinance or separate the discussion?

City Attorney suggested Council could discuss what Ordinance they would be would be in support of and then open public hearing.

Council member MECUM asked for clarification on the prohibition.....

FIRST READING AND INTRODUCTION OF ORDINANCE #553 Amending Marijuana Use continued

Interim City Manager added that our Ordinance has simply stated that anything that is illegal under State or Federal law is illegal here. The state is now requiring that we have to be specific on those regulations or we will have to follow whatever the state mandates.

City Attorney suggested Council do a preliminary vote to determine which Ordinance they are supporting.

A PRELIMINARY VOTE BY SALINAS, MECUM, KIMBALL, SANCHEZ AND PADILLA YIELDED 5-0 VOTE IN FAVOR OF PROHIBITING RATHER THAN REGULATING MARIJUANA CULTIVATION, PROCESSING, DELIVERY OR DISPENSING WITHIN THE CITY LIMITS.

Mayor PADILLA announced the Public Hearing expressly prohibiting Marijuana Cultivation, Processing, Delivery or Dispensing within the City Limits was now open for those in favor of the ordinance at 6:41pm.

A member of the audience stood to express support and asked for clarification for which Ordinance the Council was voting on. Mayor PADILLA clarified they would be **supporting** the ordinance IMPOSING AN EXPRESS BANNING ON MARIJUANA WITHIN THE CITY LIMITS. That member chose not to support that ordinance. Mayor PADILLA called for anyone who would like to address the Council in FAVOR of the Express Banning on Marijuana? Seeing no one she asked if there was anyone who would like to address Council OPPOSING the Ordinance.

Eric Sinclair voiced his opposition to regulating marijuana

Philip Childers spoke in opposition to prohibition and stated his personal position on the matter

Mayor PADILLA then asked if anyone else would like to speak OPPOSING this ordinance. Seeing no one else she closed the Public Hearing at 6:44pm and asked if there were any further questions from Council. Seeing none, she asked what if any action Council would like to take on the First Reading & Introduction of Ordinance 553.

Brief Council discussion followed. Discussion included if we want dispensaries in our town and state dictating local control. Discussion also included that Council can come back and make changes as it sees fit.

There was a request from the audience to make a comment; Mayor PADILLA denied the request stating the Public Hearing/Public Comment portion of this item was closed. "An opportunity to address Council and make your comments known were adequately announced, that period is closed and the discussion is back to Council only. Sorry."

Mayor PADILLA asked Council if there were any further questions, hearing none, she asked what if any action would you like to take on Ordinance 553.

ACTION:

On Motion by MECUM and Second by SALINAS, The Lindsay City Council declared the First Reading of Ordinance 553 IMPOSING AN EXPRESS BAN ON MEDICAL MARIJUANA CULTIVATION, MARIJUANA PROCESSING, MARIJUANA DELIVERY, AND MARIJUANA DISPENSARIES IN THE CITY, AND ADDING CHAPTER 8.06 SECTION 8.06.010 THROUGH 8.06.060 OF TITLE 8 TO THE LINDSAY MUNICIPAL CODE AND WAIVED READING OF THE ORDINANCE IN FULL by the following vote:

AYES: MECUM, SALINAS, KIMBALL, SANCHEZ, PADILLA.

NOES: None.

ABSENT: None.

COUNCIL DISCUSSION REGARDING VISION/MISSION STATEMENT DEVELOPMENT.

Interim City Manager, Bill Zigler introduced this item and staff report. He stated "This information is being provided for your reference in support of continuing your discussion of the January 19th related to the City Council Vision and Mission Statements. "

Council member SALINAS suggested each member create their own individual goals and submit them to Bill. Those individual ideas can then be used to create the Mission Statement. All Council members agreed.

Interim Manager agreed Council could email him their goals where Council could then see where they agree for the direction of 2016.

COUNCIL DISCUSSION REGARDING VISION/MISSION STATEMENT DEVELOPMENT continued

It was also agreed that emails should only be sent to Bill, don't copy each other. Information received will be introduced at the next Council meeting and continued during the next regular meeting, meetings or workshop until we arrive at Council's desired document.

Interim Manager continued with the Mission Statement. He explained that lots of other mission statements contain the same stuff. He read a sample statement then suggested this could be used to craft something for Lindsay.

Mayor PADILLA asked if Staff had adequate direction, Staff replied, yes. She then thanked all for attending tonight's meeting. The Next Regular meeting is scheduled for Tuesday February 9, 2016. And announced Council will now go into Executive Session and read the following into the record:

EXECUTIVE SESSION

CONFERENCE WITH LEGAL COUNSEL--ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) of Section 54956.9: 1 potential case

CONFERENCE WITH LEGAL COUNSEL--ANTICIPATED LITIGATION

Initiation of litigation pursuant to paragraph (4) of subdivision (d) of Section 54956.9: 2 potential cases

Mayor PADILLA reconvened the Regular Council Meeting of the Lindsay City Council and announced there was nothing to report and no action taken.

With no further business, Mayor PADILLA asked for a motion to adjourn the meeting.

ADJOURN. Upon motion of **MECUM** and Second of **SALINAS**, Mayor PADILLA adjourned the Meeting of the Lindsay City Council at 7:20 pm. The next Regular City Council Meeting will be held on **Tuesday, Feb. 9, 2016 at 6PM** in the Council Chambers at City Hall, 251 E. Honolulu, Lindsay, CA 93247.

ATTEST:

CITY COUNCIL OF THE CITY OF LINDSAY

Carmela Wilson, City Clerk

Ramona Villarreal-Padilla, Mayor

CITY OF LINDSAY ORGANIZATIONAL CHART FOR 2015-2016

FUND /DEPT	TITLE/DESCRIPTION		
1014010	CITY COUNCIL		
1014040	CITY MANAGER		
1014050	FINANCE		
1014060	CITY ATTORNEY		
1014090	NON-DEPARTMENTAL		
1014110	PUBLIC SAFETY		
1014120	PUBLIC WORKS DEPT.		
1014130	STREETS		
1014210	PARKS		
1024111	ASSET FORFEITURE		RESTRICTED FUND
2614160	GAS TAX-MAINTENANCE		RESTRICTED FUND
2634180	TRANSPORTATION		RESTRICTED FUND
2644190	TRANSIT FUND		RESTRICTED FUND
3004300	MCDERMONT OPERATION		ENTERPRISE FUND
4004400	WELLNESS CENTER/AQUATIC		ENTERPRISE FUND
5524552	WATER		ENTERPRISE FUND
5534553	SEWER		ENTERPRISE FUND
5544554	REFUSE		ENTERPRISE FUND
5564556	LAND APPLICATION		SPECIAL REVENUE FUND
600	CAPITAL IMPROVEMENT FUND		ISF
8414140	CURB & GUTTER		SPECIAL REVENUE FUND
856	STORM DRAIN SYSTEM		SPECIAL REVENUE FUND
857	DOMESTIC WASTEWATER		SPECIAL REVENUE FUND
660	SUCCESSOR AGENCY FUND - RDA		
662	SUCCESSOR AGENCY FUND - LMI		
ASSESSMENT DISTRICTS:			
8834883	SIERRA VIEW	8884888	PARKSIDE ESTATES
8844884	HERITAGE PARK	8894889	SIERRA VISTA
8854885	INGOLDSBY	8904890	MAPLE VALLEY
8864886	SAMOA STREET	8914891	PELOUS RANCH
8874887	SWEETBRIER UNITS		
HOUSING AND COMMUNITY DEVELOPMENT:			
7004700	CDBG REVOLVING LN FUND		
7204720	HOME REVOLVING LN FUND		
779	IMPOUND ACCOUNT		

NOTE: All payments using the object code of 200: EXAMPLE XXX-200-XXX are Liability accounts for monies collected from other sources - i.e. payroll deductions, deposits, impounds, etc - and are not Expenses to City

CHECK #	DATE	VENDOR #	VENDOR	FUND	ACCOUNT	AMOUNT
85738	01/29/16	4861	ACOR PRIVATE SECURITY	3004300	069115	\$324.00
85738	01/29/16	4861	ACOR PRIVATE SECURITY	4004400	069115	\$304.00
85739	01/29/16	4908	AMERITAS LIFE INSURANCE	101	200260	\$444.72
85739	01/29/16	4908	AMERITAS LIFE INSURANCE	101	200260	\$3,048.56
85740	01/29/16	5910	BAKER COMMODITIES	3004300	069091	\$11.00
85741	01/29/16	5974	BARRY SOMMER	1014010	038002	\$1,000.00
85742	01/29/16	3982	BEHAVIOR ANALYSIS TRAININIG	1014110	037008	\$481.00
85743	01/29/16	2047	BLUE SHIELD	101	200260	\$66,609.71
85744	01/29/16	5975	BODEK AND RHODES	3004300	069102	\$214.35
85744	01/29/16	5975	BODEK AND RHODES	3004300	069102	\$18.00
85744	01/29/16	5975	BODEK AND RHODES	4004400	022000	\$125.82
85745	01/29/16	5976	CAL APPAREL	4004400	022000	\$77.00
85746	01/29/16	5960	CALIFORNIA BOILER	4004400	069091	\$579.60
85749	01/29/16	076	CENTRAL VALLEY BUSINESS FORMS	1014050	037000	\$102.60
85749	01/29/16	076	CENTRAL VALLEY BUSINESS FORMS	1014050	037000	\$233.89
85749	01/29/16	076	CENTRAL VALLEY BUSINESS FORMS	1014050	037000	\$252.07
85750	01/29/16	5832	CINTAS CORPORATION	3004300	069091	\$465.93
85750	01/29/16	5832	CINTAS CORPORATION	3004300	069091	\$469.46
85750	01/29/16	5832	CINTAS CORPORATION	3004300	069091	\$419.99
85750	01/29/16	5832	CINTAS CORPORATION	3004300	069091	\$383.42
85750	01/29/16	5832	CINTAS CORPORATION	3004300	069102	\$33.56
85750	01/29/16	5832	CINTAS CORPORATION	3004300	069102	\$13.08
85750	01/29/16	5832	CINTAS CORPORATION	3004300	069102	\$13.08
85750	01/29/16	5832	CINTAS CORPORATION	3004300	069102	\$13.08
85751	01/29/16	5739	COLUMBIA ELECTRIC MOTORS	3004300	069092	\$1,766.66
85747	01/29/16	075	CSJVRMA	1014090	034000	\$76,062.00
85748	01/29/16	075	CSJVRMA	1014090	034000	\$65,057.00
85752	01/29/16	102	CULLIGAN	5524552	022000	\$47.25
85752	01/29/16	102	CULLIGAN	5524552	022000	\$16.90
85752	01/29/16	102	CULLIGAN	6004552	064002	\$170.50
85752	01/29/16	102	CULLIGAN	6004552	064002	\$138.69
85752	01/29/16	102	CULLIGAN	6004552	064002	\$86.33
85752	01/29/16	102	CULLIGAN	6004552	064002	\$93.00
85752	01/29/16	102	CULLIGAN	6004552	064002	\$100.75
85752	01/29/16	102	CULLIGAN	6004552	064002	\$77.25
85752	01/29/16	102	CULLIGAN	6004552	064002	\$77.50
85752	01/29/16	102	CULLIGAN	6004552	064002	\$47.94
85753	01/29/16	5599	DEROSA SALES	3004300	069116	\$443.88
85753	01/29/16	5599	DEROSA SALES	3004300	069116	\$394.32
85753	01/29/16	5599	DEROSA SALES	3004300	069116	\$297.60
85754	01/29/16	3733	DIRECTV	3004300	069069	\$340.54
85754	01/29/16	3733	DIRECTV	3004300	069069	\$134.06
85754	01/29/16	3733	DIRECTV	4004400	055006	\$145.49
85755	01/29/16	2668	ELISEO MENDEZ	1014110	037008	\$272.00
85756	01/29/16	3808	FOSTER FARMS DAIRY	3004300	069116	\$353.45
85756	01/29/16	3808	FOSTER FARMS DAIRY	3004300	069116	\$361.75
85758	01/29/16	148	GOMEZ AUTO & SMOG	1014110	022015	\$67.78
85758	01/29/16	148	GOMEZ AUTO & SMOG	1014110	022015	\$85.59

CHECK #	DATE	VENDOR #	VENDOR	FUND	ACCOUNT	AMOUNT
85758	01/29/16	148	GOMEZ AUTO & SMOG	1014110	022015	\$429.92
85758	01/29/16	148	GOMEZ AUTO & SMOG	1014110	022015	\$476.31
85759	01/29/16	1391	HOME DEPOT	4004400	022000	-\$5.00
85759	01/29/16	1391	HOME DEPOT	4004400	022000	\$66.90
85760	01/29/16	221	HOUSE OF GLASS	3004300	069093	\$24.00
85761	01/29/16	5881	IHEART MEDIA-FRESNO	3004300	069084	\$1,041.75
85762	01/29/16	4901	KEYS UPHOLSTERY	4004400	023000	\$126.00
85764	01/29/16	1457	LESLIE'S POOL SUPPLY	4004400	069076	\$27.82
85765	01/29/16	4067	LINCOLN NAT'L INSURANCE	101	200260	\$499.07
85766	01/29/16	4427	LINDSAY AUTO PARTS	1014110	022015	\$2.25
85766	01/29/16	4427	LINDSAY AUTO PARTS	1014120	022000	\$50.67
85767	01/29/16	078	LINDSAY CHAMBER OF COMMERCE	1014010	037002	\$200.00
85768	01/29/16	218	LINDSAY EQUIPMENT RENTALS	3004300	095002	\$39.14
85768	01/29/16	218	LINDSAY EQUIPMENT RENTALS	3004300	095002	\$27.65
85769	01/29/16	1422	LINDSAY TRUE VALUE	1014110	023000	\$33.13
85769	01/29/16	1422	LINDSAY TRUE VALUE	1014120	023000	\$47.49
85769	01/29/16	1422	LINDSAY TRUE VALUE	1014130	023000	\$396.07
85769	01/29/16	1422	LINDSAY TRUE VALUE	1014210	064046	\$650.99
85769	01/29/16	1422	LINDSAY TRUE VALUE	1014120	023000	\$577.77
85769	01/29/16	1422	LINDSAY TRUE VALUE	3004300	069092	\$332.59
85769	01/29/16	1422	LINDSAY TRUE VALUE	4004400	023000	\$479.93
85769	01/29/16	1422	LINDSAY TRUE VALUE	5524552	023000	\$8.29
85769	01/29/16	1422	LINDSAY TRUE VALUE	5534553	019000	\$147.91
85769	01/29/16	1422	LINDSAY TRUE VALUE	8834883	022000	\$40.00
85769	01/29/16	1422	LINDSAY TRUE VALUE	8844884	022000	\$34.73
85769	01/29/16	1422	LINDSAY TRUE VALUE	8864886	022000	\$34.74
85769	01/29/16	1422	LINDSAY TRUE VALUE	8874887	022000	\$34.74
85769	01/29/16	1422	LINDSAY TRUE VALUE	8884888	022000	\$34.74
85769	01/29/16	1422	LINDSAY TRUE VALUE	8914891	022000	\$40.00
85770	01/29/16	234	MARTINS TIRE & AUTO	1014110	022015	\$49.00
85771	01/29/16	744	MATTHEW BENDER & CO	1014110	037004	\$196.45
85772	01/29/16	5595	MG'S AIR CONDITIONING	3004300	069092	\$750.00
85772	01/29/16	5595	MG'S AIR CONDITIONING	3004300	069093	\$76.30
85773	01/29/16	5625	NGLIC-SUPERIOR VISION	101	200260	\$623.42
85774	01/29/16	1565	OACYS.COM INC	4004400	035000	\$910.00
85763	01/29/16	1426	PAM KIMBALL	1014010	037012	\$320.00
85775	01/29/16	5941	PENA'S DISPOSAL SERVICE	3004300	069091	\$180.30
85776	01/29/16	3750	PEPSI-COLA	3004300	069116	\$2,626.03
85776	01/29/16	3750	PEPSI-COLA	3004300	069116	\$1,167.59
85776	01/29/16	3750	PEPSI-COLA	3004300	069116	\$690.39
85777	01/29/16	276	PORTERVILLE RECORDER	1014070	035000	\$183.69
85778	01/29/16	2869	PORTERVILLE SHELTERED WORKSHOP	3004300	069084	\$279.63
85778	01/29/16	2869	PORTERVILLE SHELTERED WORKSHOP	3004300	069084	\$135.43
85778	01/29/16	2869	PORTERVILLE SHELTERED WORKSHOP	3004300	069084	\$118.78
85779	01/29/16	285	QUILL CORPORATION	1014050	037000	-\$25.90
85779	01/29/16	285	QUILL CORPORATION	1014050	037000	\$17.27
85779	01/29/16	285	QUILL CORPORATION	1014050	037000	\$12.95
85779	01/29/16	285	QUILL CORPORATION	1014050	037000	\$128.14

CHECK #	DATE	VENDOR #	VENDOR	FUND	ACCOUNT	AMOUNT
85779	01/29/16	285	QUILL CORPORATION	3004300	069101	\$20.50
85779	01/29/16	285	QUILL CORPORATION	4004400	022000	\$12.59
85779	01/29/16	285	QUILL CORPORATION	4004400	022000	-\$58.32
85779	01/29/16	285	QUILL CORPORATION	4004400	022000	\$287.70
85780	01/29/16	3832	RICK'S VENDING & DISTRIBUTING	3004300	069090	\$1,629.30
85781	01/29/16	5977	RMP USA	6004775	064002	\$12,349.99
85782	01/29/16	298	SAVE MART SUPERMARKETS	3004300	069103	\$207.96
85782	01/29/16	298	SAVE MART SUPERMARKETS	3004300	069103	\$221.15
85782	01/29/16	298	SAVE MART SUPERMARKETS	3004300	069103	\$140.83
85782	01/29/16	298	SAVE MART SUPERMARKETS	3004300	055025	\$105.58
85782	01/29/16	298	SAVE MART SUPERMARKETS	3004300	069103	\$115.82
85782	01/29/16	298	SAVE MART SUPERMARKETS	3004300	055025	\$55.34
85782	01/29/16	298	SAVE MART SUPERMARKETS	3004300	055025	\$56.81
85782	01/29/16	298	SAVE MART SUPERMARKETS	3004300	055025	\$57.91
85782	01/29/16	298	SAVE MART SUPERMARKETS	3004300	055025	\$59.31
85782	01/29/16	298	SAVE MART SUPERMARKETS	3004300	055025	\$70.64
85782	01/29/16	298	SAVE MART SUPERMARKETS	3004300	055025	\$29.07
85782	01/29/16	298	SAVE MART SUPERMARKETS	3004300	069116	\$18.27
85782	01/29/16	298	SAVE MART SUPERMARKETS	3004300	055025	\$20.62
85782	01/29/16	298	SAVE MART SUPERMARKETS	3004300	055025	\$24.86
85782	01/29/16	298	SAVE MART SUPERMARKETS	3004300	069116	\$25.86
85782	01/29/16	298	SAVE MART SUPERMARKETS	3004300	069116	\$26.81
85782	01/29/16	298	SAVE MART SUPERMARKETS	3004300	069116	\$27.39
85782	01/29/16	298	SAVE MART SUPERMARKETS	3004300	069116	\$8.79
85782	01/29/16	298	SAVE MART SUPERMARKETS	3004300	055025	\$9.96
85782	01/29/16	298	SAVE MART SUPERMARKETS	3004300	055025	\$12.19
85782	01/29/16	298	SAVE MART SUPERMARKETS	3004300	069116	\$12.56
85783	01/29/16	5314	SHRED-IT USA LLC	1014090	037000	\$60.36
85784	01/29/16	1776	SMART & FINAL	3004300	069116	\$354.92
85784	01/29/16	1776	SMART & FINAL	3004300	069116	\$304.39
85784	01/29/16	1776	SMART & FINAL	3004300	069116	\$256.91
85784	01/29/16	1776	SMART & FINAL	3004300	055025	\$60.94
85784	01/29/16	1776	SMART & FINAL	3004300	055025	\$53.46
85784	01/29/16	1776	SMART & FINAL	3004300	055025	\$72.04
85784	01/29/16	1776	SMART & FINAL	3004300	069116	\$72.82
85784	01/29/16	1776	SMART & FINAL	3004300	055025	\$13.47
85784	01/29/16	1776	SMART & FINAL	3004300	055025	\$26.14
85784	01/29/16	1776	SMART & FINAL	4004400	069115	\$206.16
85785	01/29/16	5267	SUNGARD PUBLIC SECTOR	1014050	037000	\$32.00
85785	01/29/16	5267	SUNGARD PUBLIC SECTOR	1014120	037000	\$605.00
85785	01/29/16	5267	SUNGARD PUBLIC SECTOR	1014050	037000	\$605.00
85785	01/29/16	5267	SUNGARD PUBLIC SECTOR	3004300	037000	\$605.00
85785	01/29/16	5267	SUNGARD PUBLIC SECTOR	5524552	037000	\$605.00
85785	01/29/16	5267	SUNGARD PUBLIC SECTOR	5534553	019000	\$605.00
85786	01/29/16	5899	SUPPLYWORKS	3004300	069091	\$285.75
85787	01/29/16	3682	SYSCO OF CENTRAL CA.	3004300	069116	\$1,072.18
85787	01/29/16	3682	SYSCO OF CENTRAL CA.	3004300	069116	\$1,278.63
85787	01/29/16	3682	SYSCO OF CENTRAL CA.	3004300	069116	\$849.55

CHECK #	DATE	VENDOR #	VENDOR	FUND	ACCOUNT	AMOUNT
85787	01/29/16	3682	SYSCO OF CENTRAL CA.	3004300	069116	\$522.89
85787	01/29/16	3682	SYSCO OF CENTRAL CA.	3004300	069116	\$467.83
85788	01/29/16	5755	TELEPACIFIC COMMUNICATIONS	1014120	033001	\$437.23
85788	01/29/16	5755	TELEPACIFIC COMMUNICATIONS	1014210	033001	\$437.23
85788	01/29/16	5755	TELEPACIFIC COMMUNICATIONS	1014130	033001	\$437.24
85788	01/29/16	5755	TELEPACIFIC COMMUNICATIONS	5524552	033001	\$437.23
85788	01/29/16	5755	TELEPACIFIC COMMUNICATIONS	5534553	033001	\$437.23
85788	01/29/16	5755	TELEPACIFIC COMMUNICATIONS	5544554	033001	\$437.23
85757	01/29/16	144	THE GAS COMPANY	1014110	032002	\$1,835.10
85757	01/29/16	144	THE GAS COMPANY	3004300	069109	\$381.79
85789	01/29/16	5792	THOMPSON REUTERS - WEST	1014110	037004	\$150.15
85790	01/29/16	4265	TROPICALE FOODS, INC	3004300	069116	\$83.52
85791	01/29/16	341	TUL-KINGS VETERINARY	1014110	031010	\$166.00
85792	01/29/16	1010	VERIZON CALIFORNIA	1014120	033001	\$0.50
85792	01/29/16	1010	VERIZON CALIFORNIA	1014110	033001	\$2,812.91
85792	01/29/16	1010	VERIZON CALIFORNIA	5524552	033001	\$348.26
85792	01/29/16	1010	VERIZON CALIFORNIA	5534553	033001	\$297.40
85793	01/29/16	370	WALMART COMMUNITY	3004300	055026	\$80.90
					TOTAL	\$269,960.07



Treasurer's Report

JANUARY 2016

Cash Balances Classified by Depository

	GL ACT#	TYPE	Balance	Current Annual Yield	Interest Earned This Period
Petty Cash/Cash Register Funds	100-102	RES	\$2,628.00	N/A	
Bank Of Sierra - Payroll	100-106	GEN	\$61,408.01	N/A	
Bank Of Sierra - AP/Operating	100-100	GEN	\$232,137.19	N/A	
Bank Of Sierra - McDermont	100-500	GEN	\$6,739.55	N/A	
Bank of Sierra - 90 Day Investment CD	100-117	INV-RES	\$238,931.69	0.45	57.74
Bank Of Sierra - Impound Account	100-120	RES	\$11,718.13	0.05	0.38
Bank Of Sierra - WWTP Project	100-553	RES	\$5,794.30	0.02	0.25
Bank Of Sierra - Water Project	100-552	RES	\$2,491.66	0.05	
LAIF Savings: City & Successor Agency	100-103	INV-RES	\$321,041.90	0.35	83.38
Total Cash Balances @ January 31, 2016			\$882,890.43		141.75

JAN 2016 Accounts Payable	\$424,119
JAN Payroll & Benefits 01/08/2016	\$242,178
JAN Payroll & Benefits 01/22/2016	\$236,806

JAN DEBT SERVICE: -349,846.77

USDA Wellness Center Loan	-45,896.66	1/20
USBANK Refunding Bond	-303,950.11	1/29

JAN 2016 Total Expenditures \$903,102

Compliance with Investment Policy

As of January 31, 2016, the investments were in compliance with the requirements of the City's investment policy. This report reflects all cash and investments of the City of Lindsay (O/S checks not reflected in End Cash Balance).

Invested Funds
\$559,973.59

Respectfully submitted,

Nicole Bolaños
Account Clerk

GEN=GENERAL UNRESTRICTED
RES=RESTRICTED ACTIVITY
INV=INVESTMENT

CITY OF LINDSAY

STAFF REPORT

Municipal Code Amendment No. 16-02
February 9, 2016

GENERAL INFORMATION

1. Applicant: City of Lindsay
2. Requested Action: Amend Title 8 (Health and Safety) to prohibit the use, cultivation, and sale of medical marijuana; Second Reading of Ordinance.
3. Location: Citywide, for all zoning districts.

DESCRIPTION

The Second Reading of Municipal Code Amendment No. 16-02 is a request by the City of Lindsay to prohibit the use, cultivation and sale of medical marijuana.

DISCUSSION

It has been identified that cities that do not have an ordinance in place by March 1, 2016 may lose the ability to regulate medical marijuana. Upon further research, staff has identified two main options that other cities in Tulare County and throughout California have applied. These options are to either *regulate* or *prohibit* the use, cultivation and sale of medical marijuana. In order to meet the deadline of March 1, 2016, staff has prepared two versions of Ordinance 553; one version to address the *regulation* of medical marijuana and one version to *prohibit* medical marijuana.

During the City Council Meeting on January 26, 2016, Council had the first reading of Ordinance 553 and opted to **prohibit** medical marijuana within the City of Lindsay. The following are the proposed amendments to prohibit medical marijuana:

Proposed Amendments (Prohibition)

- Proposed deleted text is shown in ~~strikethrough text~~.
- Proposed new text is shown in *underline italic* text.
- Commentary (not part of the proposed ordinance, but provided for explanation and background/rationale purposes) is shown in *highlighted italic* text.

Chapter 8.06 Medical Marijuana

Sections:

- 8.06.010 Legislative Findings and Statement of Purpose
- 8.06.020 Definitions.
- 8.06.030 Prohibited Activities.
- 8.06.040 Public Nuisance.
- 8.06.050 Violations.
- 8.06.060 Severability.

Sec. 8.06.010 Legislative Findings and Statement of Purpose.

- A. The City Council finds that the prohibitions on marijuana cultivation, marijuana processing, marijuana delivery, and marijuana dispensaries are necessary for the preservation and protection of the public health, safety, and welfare for the City and its community. The City Council’s prohibition of such activities is within the authority conferred upon the City Council in its Charter and state law.

- B. On October 9, 2015, the governor signed the “Medical Marijuana Regulation and Safety Act” (“Act”) into law. The Act became effective January 1, 2016 and contains new statutory provisions that:
 - 1. Allow local governments to enact ordinances expressing their intent to prohibit the cultivation of marijuana and their intent not to administer a conditional use permit program pursuant to Health and Safety Code Section 11362.777 for the cultivation of marijuana (Health and Safety Code Section 11362.777(c)(4);

 - 2. Expressly provide that the Act does not supersede or limit local authority for local law enforcement activity, enforcement of local ordinances, or enforcement of local permit or licensing requirements regarding marijuana (Business and Professions Code Section 19315(a));

 - 3. Expressly provide that the Act does not limit the authority or remedies of a local government under any provision of law regarding marijuana, including but not limited to a local government’s right to make and enforce within its limits all police regulations not in conflict with general laws (Business and Professions Code Section 19316(c)); and

 - 4. Require a local government that wishes to prevent marijuana delivery activity, as defined in Business and Professions Code section 19300.5(m) of the Act, from operating within the local government’s boundaries to enact an ordinance affirmatively banning such delivery activity (Business and Professions Code Section 19340(a));

- C. The City Council finds that this chapter: (1) expresses its intent to prohibit the cultivation of marijuana in the City and to not administer a conditional use permit program pursuant to Health and Safety Code Section 11362.777 for the cultivation of marijuana in the City; (2) exercises its local authority to enact and enforce local regulations and ordinances, including those regarding the permitting, licensing, or other entitlement of the activities prohibited by this chapter; (3) exercises its police power to enact and enforce regulations for the public benefit, safety, and welfare of the City and its community; and (4) expressly prohibits the delivery of marijuana in the City.

Section 8.06.020 Definitions.

For the purposes of this Chapter, the following definitions shall apply:

- A. “Marijuana” means any or all parts of the plant Cannabis Sativa Linnaeus, Cannabis Indica, or Cannabis Ruderalis, whether growing or not; the seeds thereof; the resin or separated resin, whether crude or purified, extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin, including marijuana infused in foodstuff or any other ingestible or consumable product containing marijuana. The term “marijuana” shall also include “medical marijuana” as such phrase is used in the August 2008 Guidelines for the Security and Non-Diversion of Marijuana Grown for Medical Use, as may be amended from time to time, that was issued by the office of the Attorney General for the state of California or subject to the provisions of California Health and Safety Code Section 11362.5 (Compassionate Use Act of 1996) or California Health and Safety Code Sections 11362.7 to 11362.83 (Medical Marijuana Program Act).
- B. “Marijuana Cultivation” means growing, planting, harvesting, drying, curing, grading, trimming, or processing of marijuana.
- C. “Marijuana Processing” means any method used to prepare marijuana or its byproducts for commercial retail and/or wholesale, including but not limited to: drying, cleaning, curing, packaging, and extraction of active ingredients to create marijuana related products and concentrates.
- D. “Marijuana Dispensary” or “Marijuana Dispensaries” means any business, office, store, facility, location, retail storefront or wholesale component of any establishment, cooperative or collective that delivers (as defined in Business and Professions Code Section 19300.5(m) or any successor statute thereto) whether mobile or otherwise, dispenses, distributes, exchanges, transmits, transports, sell or provides marijuana to any person for any reason, including members of any medical marijuana cooperative or collective consistent with the August 2008 Guidelines for the Security and Non-Diversion of Marijuana Grown for Medical Use, as may be

amended from time to time, that was issued by the office of the Attorney General for the state of California, or for the purposes set forth in California Health and Safety Code Section 11362.5 (Compassionate Use Act) of California Health and Safety Code Sections 11362.7 to 11362.83 (Medical Marijuana Program Act).

E. “Medical Marijuana Collective” or “cooperative or collective” means any group that is collectively or cooperatively cultivating and distributing marijuana for medical purposes that is organized in the manner set forth in the August 2008 Guidelines for the Security and Non-Diversion of Marijuana Grown for Medical Use, as may be amended from time to time, that was issued by the office of the Attorney General for the state of California, or for the purposes set forth in California Health and Safety Code Section 11362.5 (Compassionate Use Act) of California Health and Safety Code Sections 11362.7 to 11362.83 (Medical Marijuana Program Act).

8.06.030 Prohibited Activities.

Marijuana cultivation, marijuana processing, marijuana delivery, and marijuana dispensaries shall be prohibited activities in the City, except where the City is preempted by federal or state law from enacting a prohibition on any such activity. No use permit, variance, building permit, or any other entitlement, license, or permit, whether administrative or discretionary, shall be approved or issued for the activities of marijuana cultivation, marijuana processing, marijuana delivery, or the establishment or operation of a marijuana dispensary in the City, and no person shall otherwise establish or conduct such activities in the City, except where the City is preempted by federal or state law from enacting a prohibition on any such activity for which the use permit, variance, building permit, or any other entitlement, license, or permit is sought.

8.06.040 Public Nuisance.

Any violation of this chapter is hereby declared to be a public nuisance.

8.06.050 Violations.

Any violation of this chapter shall be punishable and subject to remedies as any other code violation and as provided in this Code, including but not limited to Chapters 1.16, 8.28, and 9.50.

8.06.060 Severability.

In any section, subsection, sentence or clause of this chapter is, for any reason, held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this chapter.

EVALUATION

Staff finds that the proposed Municipal Code Amendment would be consistent with the required findings of the Municipal Code and would prepare the City of Lindsay for potential State and/or Federal regulation changes.

ENVIRONMENTAL REVIEW

In accordance with the California Environmental Quality Act (CEQA) and the CEQA guidelines, the City of Lindsay has determined that this zoning amendment is exempt from CEQA under section 15300.1, in relation to Ministerial Projects. Section §1.4000 of Title 47 of the Code of Federal Regulations governs the siting of the new facilities mentioned herein.

RECOMMENDATION

Staff recommends that the City Council approves the second reading of Ordinance No. 553 for the prohibition of medical marijuana (attached).

ATTACHMENT

- Ordinance No. 553 (Prohibition)

ORDINANCE NO. 553

AN ORDINANCE OF THE COUNCIL OF THE CITY OF LINDSAY IMPOSING AN EXPRESS BAN ON MEDICAL MARIJUANA CULTIVATION, MEDICAL MARIJUANA PROCESSING, MEDICAL MARIJUANA DELIVERY, AND MEDICAL MARIJUANA DISPENSARIES IN THE CITY, AND ADDING CHAPTER 8.06 SECTIONS 8.06.010 THROUGH 8.06.060 OF TITLE 8 TO THE LINDSAY MUNICIPAL CODE

WHEREAS, in 1996, the voters of the State of California approved Proposition 215 (codified as Health and Safety Code Section 11362.5 et seq. and entitled “The Compassionate Use Act of 1996” referred to herein as the “CUA”);

WHEREAS, the intent of the CUA was to enable seriously ill Californians to legally possess, use, and cultivate marijuana for medical use under state law once a physician has deemed the use beneficial to a patient’s health;

WHEREAS, in 2003, the California Legislature adopted SB 420, the Medical Marijuana Program (“MMP”), codified as Health and Safety Code Section 11362.7 et seq., which permits qualified patients and their primary caregivers to associate collectively or cooperatively to cultivate marijuana for medical purposes without being subject to criminal prosecution under the California Penal Code;

WHEREAS, neither the CUA nor the MMP require or impose an affirmative duty or mandate upon a local government to allow, authorize, or sanction the establishment of facilities that cultivate or process medical marijuana within its jurisdiction;

WHEREAS, in May 2013, the California Supreme Court issued its decision in *City of Riverside v. Inland Empire Patients Health and Wellness Center, Inc., et al.* holding that cities have the authority to ban medical marijuana land uses;

WHEREAS, under the Federal Controlled Substances Act, codified in 21 U.S.C. Section 801 et seq., the use, possession, and cultivation of marijuana are unlawful and subject to federal prosecution without regard to a claimed medical need;

WHEREAS, on October 9, 2015, Governor Jerry Brown signed the “Medical Marijuana Regulation and Safety Act” (“Act”), which is comprised of the state legislative bills known as AB 243, AB 266, and SB 643, into law;

WHEREAS, the Act became effective January 1, 2016 and contains provisions that govern the cultivating, processing, transporting, testing, and distributing of medical cannabis to qualified patients. The Act also contains new statutory provisions that:

- Allow local governments to enact ordinances expressing their intent to prohibit the cultivation of marijuana and their intent not to administer a conditional use permit program pursuant to Health and Safety Code Section 11362.777 for the cultivation of marijuana (Health and Safety Code Section 11362.777(c)(4));
- Expressly provide that the Act does not supersede or limit local authority for local law enforcement activity, enforcement of local ordinances, or enforcement of local permit or licensing requirements regarding marijuana (Business and Professions Code Section 19315(a));

- Expressly provide that the Act does not limit the authority or remedies of a local government under any provision of law regarding marijuana, including but not limited to a local government's right to make and enforce within its limits all police regulations not in conflict with general laws (Business and Professions Code Section 19316(c)); and
- Require a local government that wishes to prevent marijuana delivery activity, as defined in Business and Professions Code section 19300.5(m) of the Act, from operating within the local government's boundaries to enact an ordinance affirmatively banning such delivery activity (Business and Professions Code Section 19340(a));

WHEREAS, several California cities have reported negative impacts of marijuana cultivation, processing and distribution activities, including offensive odors, illegal sales and distribution of marijuana, trespassing, theft, violent robberies and robbery attempts, fire hazards, and problems associated with mold, fungus, and pests;

WHEREAS, marijuana plants, as they begin to flower and for a period of two months or more, produce a strong odor, offensive to many people, and detectable far beyond property boundaries if grown outdoors;

WHEREAS, in the case of multiple qualified patients who are in control of the same legal parcel, or parcels, of property, or in the case of collective or cooperative cultivation, or in the case of a caregiver growing for numerous patients, a very large number of plants could be cultivated on the same legal parcel, or parcels, within the City of Lindsay;

WHEREAS, the strong smell of marijuana creates an attractive nuisance, alerting persons to the location of the valuable plants, and creating a risk of burglary, robbery or armed robbery;

WHEREAS, the indoor cultivation of marijuana has potential adverse effects to the structural integrity of the building, and the use of high wattage grow lights and excessive use of electricity increases the risk of fire which presents a clear and present danger to the building and its occupants;

WHEREAS, the Attorney General's August 2008 Guidelines for the Security and Non-Diversion of Marijuana Grown for Medical Use recognizes that the cultivation or other concentration of marijuana in any location or premises without adequate security increases the risk that nearby homes or businesses may be negatively impacted by nuisance activity such as loitering or crime;

WHEREAS, based on the experience of other cities, these negative effects on the public health, safety, and welfare are likely to occur, and continue to occur, in the City due to the establishment and operation of marijuana cultivation, processing and distribution activities;

WHEREAS, Section 3.06 of the City's Charter vests the City Council with the authority to make and enforce all laws, rules and regulations with respect to municipal affairs subject only to the restrictions and limitations contained in the Charter and the State Constitution, and the power to exercise, or act pursuant to any and all rights, powers, and privileges, or procedures granted or prescribed by any law of the State of California;

WHEREAS, the Lindsay Municipal Code does not expressly address the cultivation, processing, delivery, and distribution of medical marijuana, and instead Section 18.01.090 provides that no use of land shall be permitted within the city limits if such use is in violation of local, state or federal laws;

WHEREAS, prior to the effective date of this ordinance, the cultivation, processing and distribution or medical marijuana is prohibited in the City to the extent such activities are prohibited by the Federal Controlled Substances Act or other law;

WHEREAS, based on the findings above, the potential establishment of the cultivation, processing, delivery, and/or distribution will result in the aforementioned threat to public health, safety, and welfare;

WHEREAS, according to the provisions of the Act, unless local agencies have an ordinance in place by March 1, 2016, that expressly regulates or prohibits the cultivation of marijuana within their jurisdictions, the State will have sole licensing authority for cultivation activities; and

WHEREAS, it is in the interest of the City, its residents, and its lawfully permitted businesses that the City adopts this ordinance to expressly prohibit the establishment and operation of marijuana cultivation, processing, delivery, and dispensary activities as well as the issuance of any permit, variance, building permit, or any other entitlement, license or permit for any such activity, except where the City is preempted by federal or state law from enacting a prohibition on any such activity or a prohibition on the issuance of any use permit, variance, building permit, or any other entitlement, license, or permit for any such activity.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LINDSAY DOES ORDAIN, AS FOLLOWS:

ARTICLE 1: Recitals. The City Council of the City of Lindsay hereby finds that the above recitals are true and correct and are incorporated into the substantive portion of this ordinance.

ARTICLE 2: The City Council hereby adds Chapter 8.06, Sections 8.06.010 through 8.06.060, entitled "Medical Marijuana" to Title 8 of the City of Lindsay Municipal Code to read as follows:

Sec. 8.06.010 Legislative Findings and Statement of Purpose.

- A. The City Council finds that the prohibitions on marijuana cultivation, marijuana processing, marijuana delivery, and marijuana dispensaries are necessary for the preservation and protection of the public health, safety, and welfare for the City and its community. The City Council's prohibition of such activities is within the authority conferred upon the City Council in its Charter and state law.
- B. On October 9, 2015, the governor signed the "Medical Marijuana Regulation and Safety Act" ("Act") into law. The Act became effective January 1, 2016 and contains new statutory provisions that:
 - 1. Allow local governments to enact ordinances expressing their intent to prohibit the cultivation of marijuana and their intent not to administer a conditional use permit program pursuant to Health and Safety Code Section 11362.777 for the cultivation of marijuana (Health and Safety Code Section 11362.777(c)(4));
 - 2. Expressly provide that the Act does not supersede or limit local authority for local law enforcement activity, enforcement of local ordinances, or enforcement of local permit or licensing requirements regarding marijuana (Business and Professions Code Section 19315(a));
 - 3. Expressly provide that the Act does not limit the authority or remedies of a local

government under any provision of law regarding marijuana, including but not limited to a local government's right to make and enforce within its limits all police regulations not in conflict with general laws (Business and Professions Code Section 19316(c)); and

4. Require a local government that wishes to prevent marijuana delivery activity, as defined in Business and Professions Code section 19300.5(m) of the Act, from operating within the local government's boundaries to enact an ordinance affirmatively banning such delivery activity (Business and Professions Code Section 19340(a));
- C. The City Council finds that this chapter: (1) expresses its intent to prohibit the cultivation of marijuana in the City and to not administer a conditional use permit program pursuant to Health and Safety Code Section 11362.777 for the cultivation of marijuana in the City; (2) exercises its local authority to enact and enforce local regulations and ordinances, including those regarding the permitting, licensing, or other entitlement of the activities prohibited by this chapter; (3) exercises its police power to enact and enforce regulations for the public benefit, safety, and welfare of the City and its community; and (4) expressly prohibits the delivery of marijuana in the City.

Section 8.06.020 Definitions.

For the purposes of this Chapter, the following definitions shall apply:

- A. "Marijuana" means any or all parts of the plant *Cannabis Sativa* Linnaeus, *Cannabis Indica*, or *Cannabis Ruderalis*, whether growing or not; the seeds thereof; the resin or separated resin, whether crude or purified, extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin, including marijuana infused in foodstuff or any other ingestible or consumable product containing marijuana. The term "marijuana" shall also include "medical marijuana" as such phrase is used in the August 2008 Guidelines for the Security and Non-Diversion of Marijuana Grown for Medical Use, as may be amended from time to time, that was issued by the office of the Attorney General for the state of California or subject to the provisions of California Health and Safety Code Section 11362.5 (Compassionate Use Act of 1996) or California Health and Safety Code Sections 11362.7 to 11362.83 (Medical Marijuana Program Act).
- B. "Marijuana Cultivation" means growing, planting, harvesting, drying, curing, grading, trimming, or processing of marijuana.
- C. "Marijuana Processing" means any method used to prepare marijuana or its byproducts for commercial retail and/or wholesale, including but not limited to: drying, cleaning, curing, packaging, and extraction of active ingredients to create marijuana related products and concentrates.
- D. "Marijuana Dispensary" or "Marijuana Dispensaries" means any business, office, store, facility, location, retail storefront or wholesale component of any establishment, cooperative or collective that delivers (as defined in Business and Professions Code Section 19300.5(m) or any successor statute thereto) whether mobile or otherwise, dispenses, distributes, exchanges, transmits, transports, sell or provides marijuana to any person for any reason, including members of any medical marijuana cooperative or collective consistent with the August 2008

Guidelines for the Security and Non-Diversion of Marijuana Grown for Medical Use, as may be amended from time to time, that was issued by the office of the Attorney General for the state of California, or for the purposes set forth in California Health and Safety Code Section 11362.5 (Compassionate Use Act) of California Health and Safety Code Sections 11362.7 to 11362.83 (Medical Marijuana Program Act).

- E. “Medical Marijuana Collective” or “cooperative or collective” means any group that is collectively or cooperatively cultivating and distributing marijuana for medical purposes that is organized in the manner set forth in the August 2008 Guidelines for the Security and Non-Diversion of Marijuana Grown for Medical Use, as may be amended from time to time, that was issued by the office of the Attorney General for the state of California, or for the purposes set forth in California Health and Safety Code Section 11362.5 (Compassionate Use Act) of California Health and Safety Code Sections 11362.7 to 11362.83 (Medical Marijuana Program Act).

8.06.030 Prohibited Activities.

Marijuana cultivation, marijuana processing, marijuana delivery, and marijuana dispensaries shall be prohibited activities in the City, except where the City is preempted by federal or state law from enacting a prohibition on any such activity. No use permit, variance, building permit, or any other entitlement, license, or permit, whether administrative or discretionary, shall be approved or issued for the activities of marijuana cultivation, marijuana processing, marijuana delivery, or the establishment or operation of a marijuana dispensary in the City, and no person shall otherwise establish or conduct such activities in the City, except where the City is preempted by federal or state law from enacting a prohibition on any such activity for which the use permit, variance, building permit, or any other entitlement, license, or permit is sought.

8.06.040 Public Nuisance.

Any violation of this chapter is hereby declared to be a public nuisance.

8.06.050 Violations.

Any violation of this chapter shall be punishable and subject to remedies as any other code violation and as provided in this Code, including but not limited to Chapters 1.16, 8.28, and 9.50.

8.06.060 Severability.

In any section, subsection, sentence or clause of this chapter is, for any reason, held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this chapter.

ARTICLE 3: If any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, sentence, clause or phrase hereof, irrespective of the fact that any one (1) or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

ARTICLE 4: The City Council finds the approval of this ordinance is not subject to the California

Environmental Quality Act (“CEQA”) pursuant to CEQA Guidelines Sections 15060(c)(2) – the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment, and 15060(c)(3) – the activity is not a project as defined in Section 15378 of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly. Alternatively, the City Council finds the approval of this ordinance is not a project under CEQA Regulation Section 15061(b)(3) because it has not potential for causing a significant effect on the environment.

ARTICLE 5: This Ordinance shall be in full force and effect on and after the 30th day after its adoption by the City Council. Within 15 days of its adoption by the City Council, this Ordinance shall be published in full text or in summary in a newspaper of general circulation in the City of Lindsay.

The foregoing ordinance, read by title only with waiving of the reading in full was introduced at a regularly scheduled meeting on the 26th day of January, 2016.

APPROVED AND ADOPTED at a regular meeting of the City Council held on the 9th day of February, 2016.

ATTEST:

CITY COUNCIL OF THE CITY OF LINDSAY

Carmela Wilson, City Clerk

Ramona Villarreal-Padilla, Mayor



Date: February 9, 2016
To: Honorable Mayor Ramona Padilla and Esteemed Council
From: William Zigler, Interim City Manager
Re: Resolution 16-02 – Housing-Related Parks Program

ACTION:

- Public Hearing
- Ordinance
- Consent Calendar
- Action Item**
- Report Only

Staff was directed to apply for the 2015 Housing Related Parks Program which is due to the state by Feb. 4, 2016.

The HRP Program rewards jurisdictions for building affordable housing are in compliance with State housing element laws with Awards based on a per-bedroom count. Each residential unit must be affordable to very low and low income households. The awarded funds are to be used to create or rehabilitate parks and/or recreational facilities.

Staff was able to meet the Program threshold requirements set forth in the program guidelines. The attached Resolution #16-02 was submitted to the Department with the application. However, the applicant must also provide an approved resolution within 30 days of grant submission.

Thank you.

Action Required

Approval of Resolution 16-02

RESOLUTION NO. 16-02

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LINDSAY AUTHORIZING SUBMITTAL OF AN APPLICATION FOR HOUSING RELATED PARKS GRANT FOR THE 2015 PROGRAM YEAR.

At a regularly scheduled meeting of the City Council of the City of Lindsay, held February 9, 2016, at the hour of 6:00 p.m. in the Council Chambers at City Hall, Lindsay, California 93247, the following resolution was adopted:

WHEREAS, The State of California, Department of Housing and Community Development (Department) has issued a Notice of Funding Availability dated December 10, 2015 (NOFA), under its Housing Related Parks (HRP) Program; and

WHEREAS, The City of Lindsay desires to apply for a HRP Program grant and submit the 2015 Designated Program Year Application Package released by the Department for the HRP Program; and

WHEREAS, The Department is authorized to approve funding allocations for the HRP Program, subject to the terms and conditions of the NOFA, Program Guidelines, Application Package and Standard Agreement, and

NOW THEREFORE BE IT RESOLVED THAT:

1. Applicant is hereby authorized and directed to apply for and submit to the Department the HRP Program Application Package released December 10, 2015 for the 2015 Designated Program Year in an amount not to exceed \$375,000.00. If the application is approved, the Applicant is hereby authorized and directed to enter into, execute and deliver a State of California Standard Agreement (Standard Agreement) in an amount not to exceed \$375,000.00 and any and all other documents required or deemed necessary or appropriate to secure the HRP Program Grant from the Department and all other amendments thereto (collectively, the "HRP Gant Documents").

2. Applicant shall be subject to the terms and conditions as specified in the Standard Agreement. Funds are to be used for allowable capital asset project expenditures to be identified in Exhibit A of the Standard Agreement. The Application in full is incorporated as part of the Standard Agreement. Any and all activities funded, information provided and timelines represented in the applications are enforceable through the Standard Agreement. Applicant hereby agrees to use the funds for eligible capital asset(s) in the manner presented in the application as approved by the Department and in accordance with the NOFA, Program Guidelines and Application Package.

3. That the City Manager is authorized to execute, on behalf of the Applicant, the HRP Program Application Package and the HRP Grant Documents as required by the Department for participation in the HRP Program.

PASSED AND ADOPTED by the City Council of the City of Lindsay this 9th day of February, 2016.

ATTEST:

CITY COUNCIL OF THE CITY OF LINDSAY

Carmela Wilson, City Clerk

Ramona Villarreal Padilla, Mayor



DATE : February 9, 2016
 TO : Mayor Padilla and City Council Members
 FROM : Michael Camarena, City Services Director
 RE : 2016-2 Hickory Street North Pedestrian Pathway Project

On January 28, 2016, the City received bids for the Hickory Street Pedestrian Project. There were a total of 11 bids received and acknowledged. There were several contractors who did not submit the required issued Addendum #1. Detail of the 11 bids is listed below:

	Contractor Name	Base Bid	Submitted	
			Bond	Addendum #1
1	MAC General Engineering	\$ 130,314.00	X	X
2	Vollmer Excavation	\$ 139,391.20	X	
3	CVA	\$ 149,654.00	X	X
4	Pierce Construction	\$ 149,760.00	X	X
5	Dawson-Mauldin Construction	\$ 153,619.07	X	X
6	TODD Companies	\$ 162,949.00	X	
7	Seal Rite Paving & Grading	\$ 163,865.00	X	
8	Bush Engineering	\$ 164,853.00	X	X
9	DOD Construction	\$ 169,420.00	X	X
10	Serna Construction	\$ 179,910.80	X	
11	Cen-Cal Construction	\$ 192,828.65	X	X

The engineer's estimate for the construction of this project was \$165,000. An abstract was created to review and verify the 3 lowest responsive bids:

1. MAC General Engineering, Porterville, CA
2. CVA, Lindsay CA
3. Pierce Construction, Fresno CA

Council Approved Project Budget: \$350,000;
 Bike/Ped TCAG Fund; \$350,000

Recommendations;

1. Award Base Bid contract to the lowest responsible bidder, MAC General Engineering, Inc. for the Bid amount of \$130,314.00
2. Do not award the contract to the lowest responsible bidder and provide direction to staff.

Attachments:
 Abstract

Abstract

2016-2 Hickory St North Pedestrian Pathway Project
 Bid Opening on 1/28/2016 @ 2:00 pm

1. MAC General Engineering, Inc
 988712

2. CVA
 Lic # 777434

3. Pierce Construction
 501341

Item No.	DESCRIPTION	UNIT	QTY	UNIT COST	TOTAL	UNIT COST	TOTAL	UNIT COST	TOTAL
1	Mobilization & Demobilization	LS	1	\$4,513.00	\$4,513.00	\$1,500.45	\$1,500.45	\$10,000.00	\$10,000.00
2	Traffic Control	LS	1	\$1,600.00	\$1,600.00	\$4,260.00	\$4,260.00	\$1,000.00	\$1,000.00
3	Striping	LS	1	\$1,400.00	\$1,400.00	\$950.00	\$950.00	\$1,050.00	\$1,050.00
4	6" Barrier Curb & Gutter	LF	655	\$30.00	\$19,650.00	\$30.40	\$19,912.00	\$34.00	\$22,270.00
5	Concrete Sidewalk	SF	4500	\$5.50	\$24,750.00	\$5.30	\$23,850.00	\$4.70	\$21,150.00
6	Handicap Return	Each	1	\$2,400.00	\$2,400.00	\$5,570.00	\$5,570.00	\$3,185.00	\$3,185.00
7	Commercial Approach	SF	154	\$14.00	\$2,156.00	\$40.45	\$6,229.30	\$20.00	\$3,080.00
8	Asphalt Saw-cutting	LF	750	\$0.50	\$375.00	\$1.00	\$750.00	\$0.85	\$637.50
9	3" Asphalt Overlay	Tons	220	\$96.00	\$21,120.00	\$149.20	\$32,824.00	\$111.00	\$24,420.00
10	6" CL II AB	Tons	405	\$36.00	\$14,580.00	\$27.25	\$11,036.25	\$45.50	\$18,427.50
11	Storm Drain Inlet	Each	1	\$4,300.00	\$4,300.00	\$6,500.00	\$6,500.00	\$7,600.00	\$7,600.00
12	24" Storm Drain Tie In	Each	1	\$4,800.00	\$4,800.00	\$4,500.00	\$4,500.00	\$4,740.00	\$4,740.00
13	48" Storm Drain Manhole	Each	1	\$4,900.00	\$4,900.00	\$4,500.00	\$4,500.00	\$6,550.00	\$6,550.00
14	Tree Well Irrigation	LS	1	\$11,750.00	\$11,750.00	\$12,092.00	\$12,092.00	\$9,800.00	\$9,800.00
15	24" Box Trees (Camphor)	Each	15	\$565.00	\$8,475.00	\$531.00	\$7,965.00	\$530.00	\$7,950.00
16	3" Sch 40 PVC Street Lighting Underground Conduit	LF	250	\$12.50	\$3,125.00	\$22.86	\$5,715.00	\$25.00	\$6,250.00
17	Concrete Handhole per SCEdison (10.5" x 17" x 24")	Each	3	\$140.00	\$420.00	\$500.00	\$1,500.00	\$550.00	\$1,650.00

	Total	\$ 130,314.00	\$ 149,654.00	\$ 149,760.00
	Bid Total	\$ 130,314.00	\$ 149,654.00	\$ 149,760.00
	Difference	\$ -	\$ -	\$ -



DATE : February 9, 2016
TO : Mayor Padilla and City Council Members
FROM : Michael Camarena, City Services Director
RE : Parkside Avenue Curb, Gutter and Sidewalk Project

The Parkside Avenue Curb, Gutter and Sidewalk Project will be utilizing the Housing and Parks Related Program (HRPP) grant funds to construct this project. Staff will be bidding this project along with the concrete sidewalk project that will remove all existing granite pathways and install concrete sidewalks.

The Parkside Avenue Project will install new curb, gutter, sidewalk and street paving necessary to allow all storm runoff to move to Ono City Parkway and ultimately to our storm drain system. In an effort to take advantage of economy of scale with this project, staff has expanded the paving area to include the entire area of Parkside Avenue, from Alameda Street to Ono City Parkway as well as the short, southern extension of Parkside Avenue. It is estimated that the City contribution to this portion of the project will be \$60,000 and these funds would come from our existing streets program budget.

Requested Action:

Staff is requesting approval to expand the paving portion of the Parkside Avenue Curb, Gutter and Sidewalk Project as noted above.

Attachments:

1. Parkside Avenue Curb, Gutter and Sidewalk Project Plans
2. Park Concrete Flatwork Project Plan

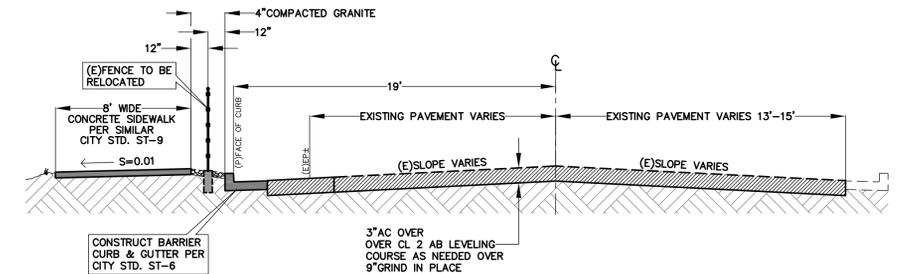
PARKSIDE CURB, GUTTER PARKSIDE CURB, GUTTER & SIDEWALK PROJECT

for
City of Lindsay

JAMES WINTON & ASSOCIATES
150 WEST MORTON AVENUE
PORTERVILLE, CALIFORNIA 93257

GENERAL NOTES

1. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF LINDSAY DEVELOPMENT STANDARDS & CALTRANS STANDARD SPECIFICATIONS.
2. CONSTRUCTION WORK TO BE DONE IN ACCORDANCE WITH APPLICABLE SECTIONS OF STANDARD SPECIFICATIONS FOR PUBLIC WORKS CONSTRUCTION, LATEST EDITION, WHERE NOT IN CONFLICT WITH THESE PLANS AND THE LINDSAY DEVELOPMENT STANDARDS.
3. ALL CONSTRUCTION TO COMPLY WITH STATE OF CALIFORNIA DIVISION OF INDUSTRIAL SAFETY AND ALL APPLICABLE REQUIREMENTS OF OSHA SAFETY AND HEALTH STANDARDS FOR CONSTRUCTION AND THE MANUAL OF TRAFFIC CONTROLS.
4. R-VALUE AND SIEVE ANALYSIS TEST RESULTS FOR CL.2 A.B. SHALL BE SUBMITTED TO THE CITY PRIOR TO USE.
5. CLASS 2 AGGREGATE BASE SHALL CONFORM TO SECTION 26 OF CALTRANS STANDARD SPECIFICATIONS.
6. PAVING SHALL CONFORM TO SECTION 39 OF CALTRANS STANDARD SPECIFICATIONS USING TYPE B (1/2 MAXIMUM) AR-4000 ASPHALT CONCRETE.
7. ANY DEVIATION FROM THESE PLANS, THE CITY STANDARD PLANS AND/OR STANDARD SPECIFICATIONS SHALL BE APPROVED BY THE CITY ENGINEER PRIOR TO INSTALLATION.
8. DAMAGE CAUSED SHALL BE REPLACED AT CONTRACTORS EXPENSE.



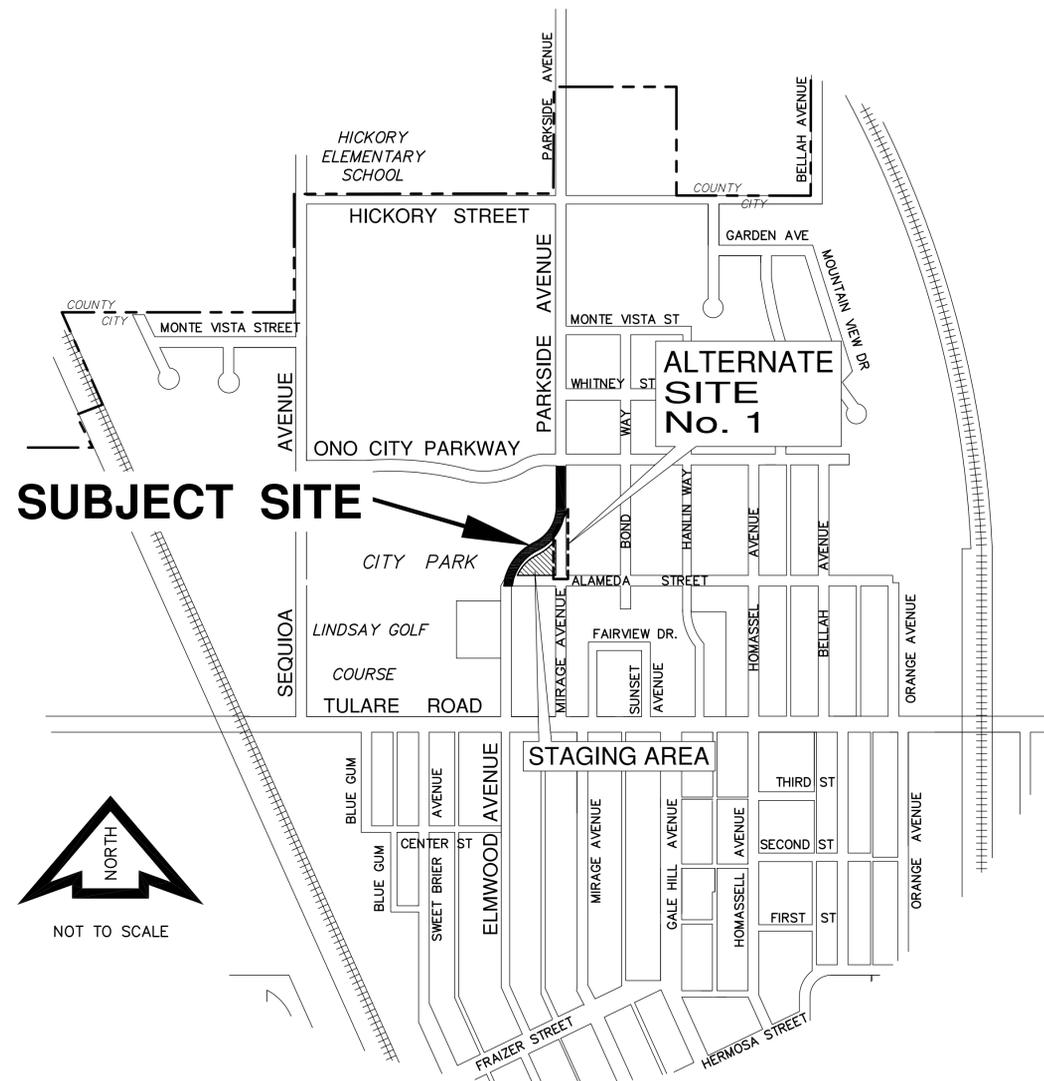
TYPICAL SECTION
SCALE: 1" = 5'

LEGEND

---	CENTERLINE	← S=0.002	DIRECTION/SLOPE
---	PROPERTY LINE	☀	LIGHT POLE
STA	STATION	S	IRRIGATION SPRINKLER HEAD
BC	BEGIN CURB RETURN	▲	SIGN
EC	END CURB RETURN	⊕ TP	TELEPHONE POLE
BW	BACK OF WALK	---	(E) CONCRETE
EP	EDGE OF PAVEMENT	---	(P) CONCRETE
GB	GRADE BREAK	▨	(P) PAVEOUT AREA
TC	TOP OF CURB	▨	(P) 8" WIDE CONCRETE SIDEWALK
FL	FLOW LINE		
P	PAVEMENT		
C	CONCRETE		
CR	CROWN		
GL	GUTTER LIP		
P.O.	PAVEOUT ANGLE POINT		
AP	PROPOSED GRADE		
(P)	EXISTING GRADE		
(E)			
75.00 TC			
72.71 OB			

TEMPORARY BENCH MARK

TOP OF CONCRETE, CENTER CIRCLE
SOUTH WEST CORNER
ONO CITY PARKWAY & PARKSIDE AVENUE
STA 9+39.26, 40' LEFT
ELEVATION: 72.67



LOCATION

NOT TO SCALE

CALL U.S.A.
(UNDERGROUND SERVICE ALERT)
1-881/800-227-2600
TWO WORKING DAYS BEFORE EXCAVATION



SHEET INDEX

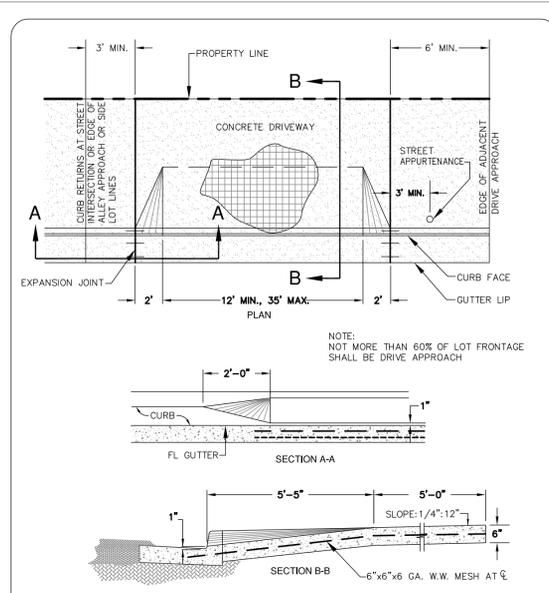
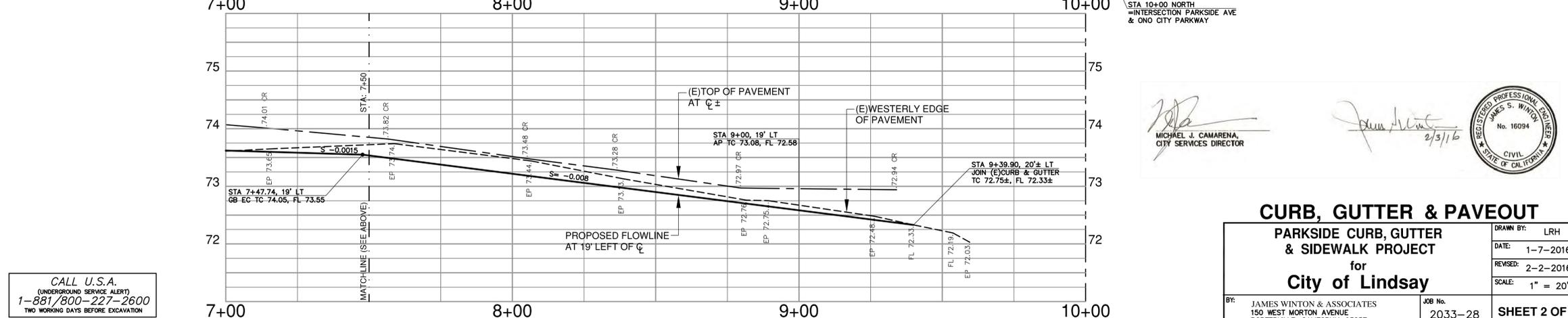
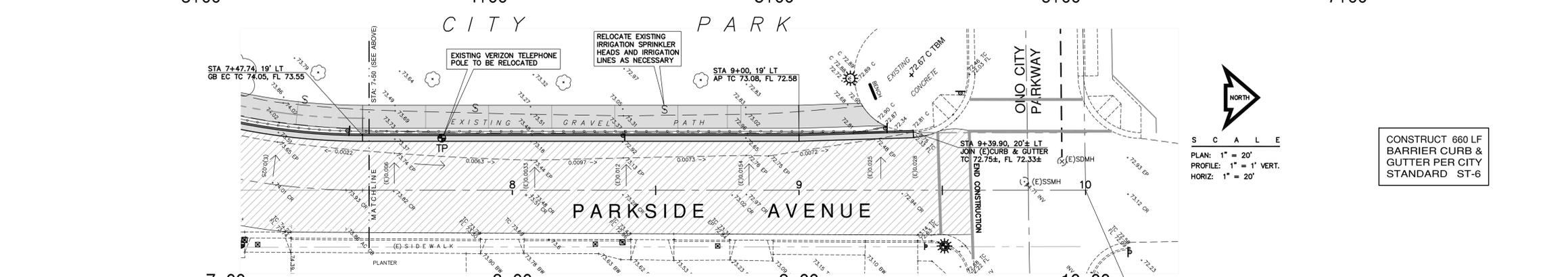
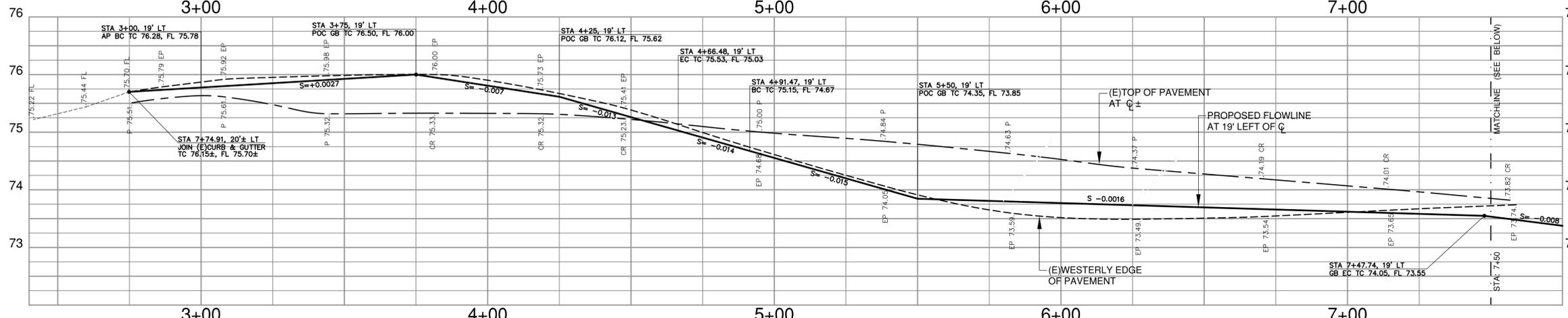
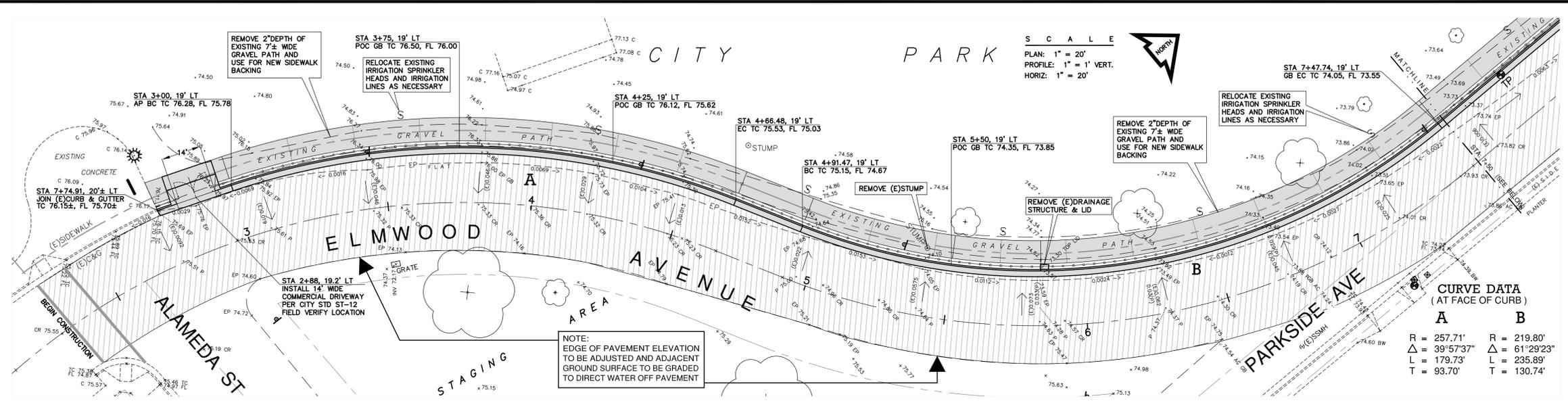
- 1 GENERAL NOTES, TYPICAL SECTION
- 2 NEW CURB, GUTTER & PAVEOUT
- 3 NEW 8' WIDE SIDEWALK & STREET STRIPING

[Signature]
MICHAEL J. CAMARENA,
CITY SERVICES DIRECTOR

[Signature]
JAMES S. WINTON,
CITY ENGINEER

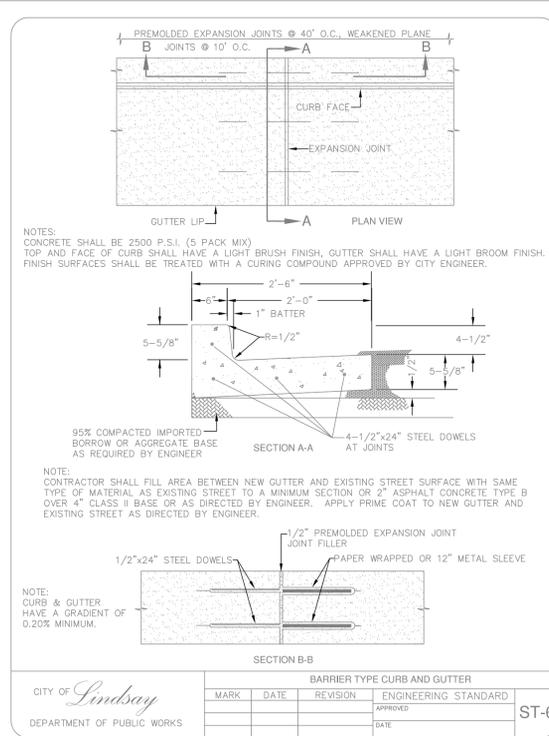


PARKSIDE CURB, GUTTER & SIDEWALK PROJECT		DRAWN BY: LRH
for City of Lindsay		DATE: 1-7-2016
BY: JAMES WINTON & ASSOCIATES 150 WEST MORTON AVENUE PORTERVILLE, CALIFORNIA 93257		REVISD: 2-2-2016
JOB No. 2033-28	SCALE: 1" = 20'	
SHEET 1 OF 3		



NOTES:
 1. CONCRETE SHALL BE 2500 P.S.I. (5 SACK MIX)
 2. APPROACH SHALL HAVE A HEAVY BROOM FINISH.
 3. CURING COMPOUND SHALL BE APPLIED AS APPROVED BY THE CITY ENGINEER.

COMMERCIAL DRIVE APPROACH				
MARK	DATE	REVISION	ENGINEERING STANDARD	
			JAMES S. WINTON	ST-12
			DATE	9-13-79



NOTES:
 CONTRACTOR SHALL FILL AREA BETWEEN NEW GUTTER AND EXISTING STREET SURFACE WITH SAME TYPE OF MATERIAL AS EXISTING STREET TO A MINIMUM SECTION OR 2" ASPHALT CONCRETE TYPE B OVER 4" CLASS II BASE OR AS DIRECTED BY ENGINEER. APPLY PRIME COAT TO NEW GUTTER AND EXISTING STREET AS DIRECTED BY ENGINEER.

BARRIER TYPE CURB AND GUTTER				
MARK	DATE	REVISION	ENGINEERING STANDARD	
			JAMES S. WINTON	ST-6
			DATE	

CALL U.S.A.
 (UNDERGROUND SERVICE ALERT)
 1-881-800-227-2600
 TWO WORKING DAYS BEFORE EXCAVATION



SCALE
 PLAN: 1" = 20'
 PROFILE: 1" = 1' VERT.
 HORIZ: 1" = 20'



SCALE
 PLAN: 1" = 20'
 PROFILE: 1" = 1' VERT.
 HORIZ: 1" = 20'

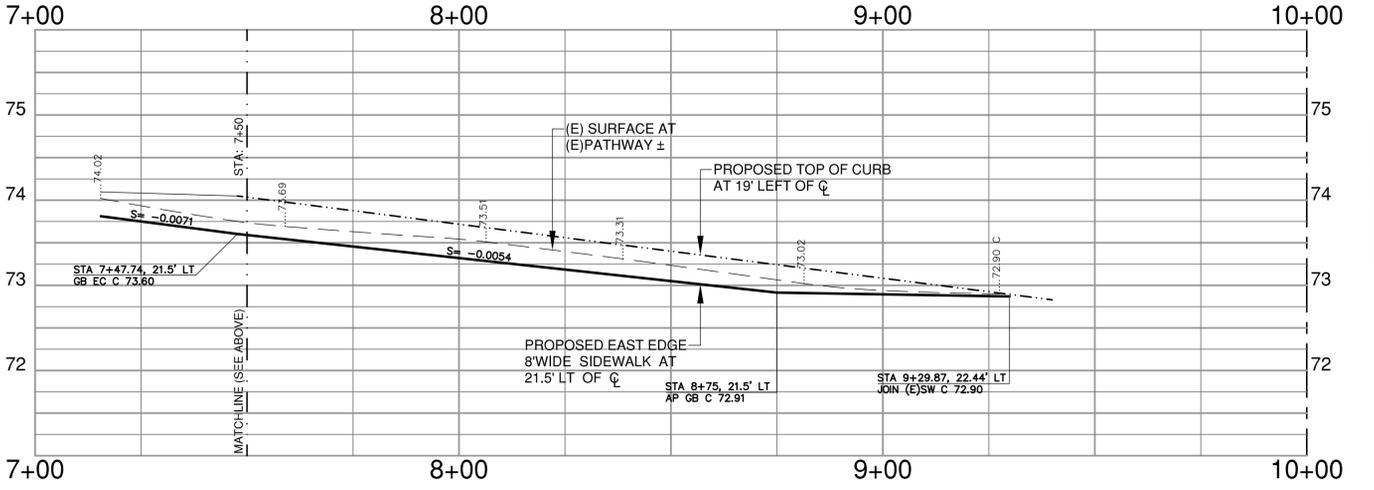
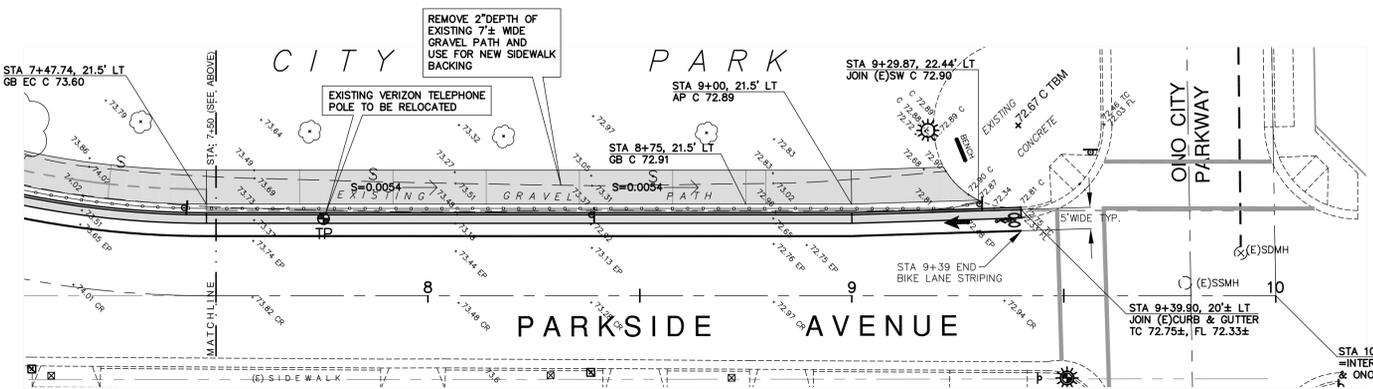
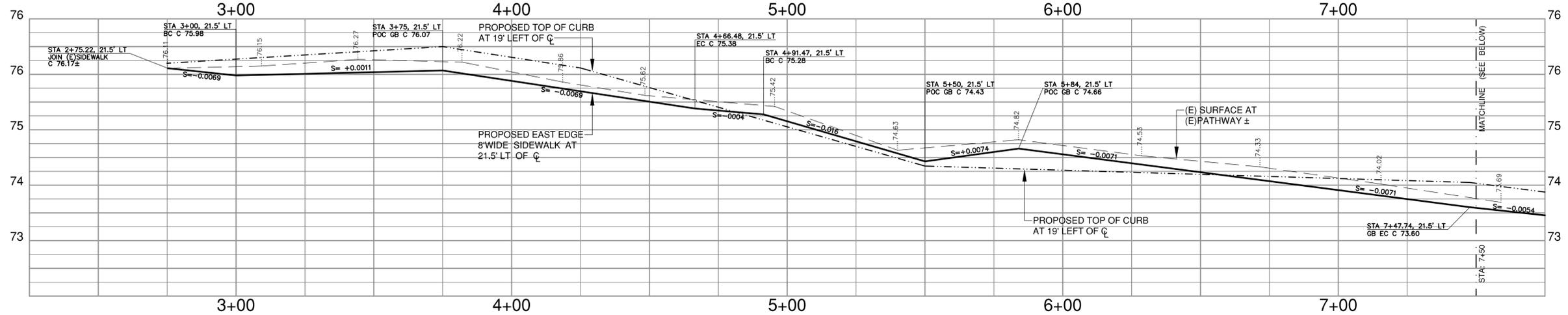
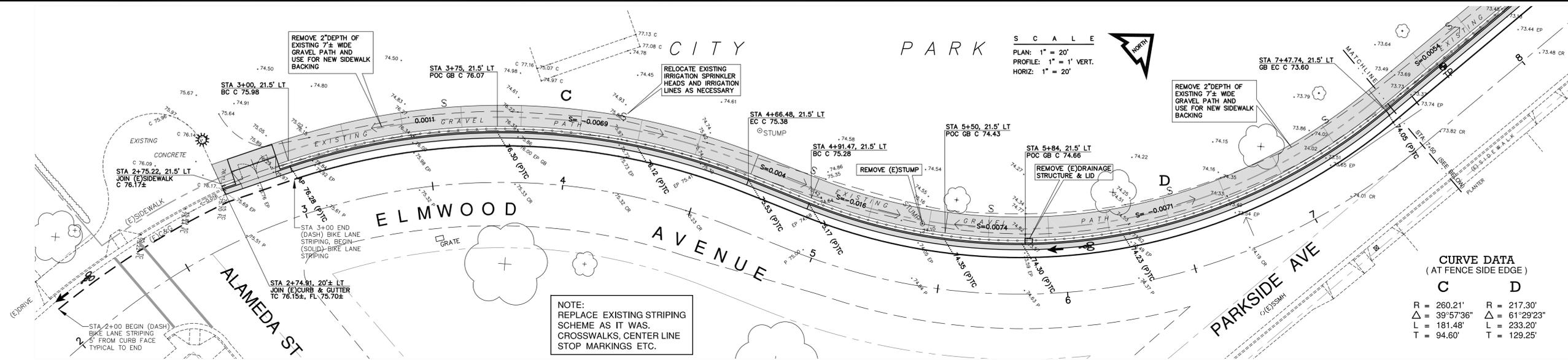
MICHAEL J. CAMARENA
 CITY SERVICES DIRECTOR



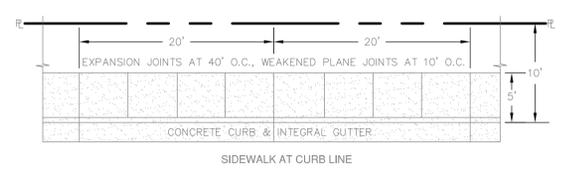
CURB, GUTTER & PAVEOUT
PARKSIDE CURB, GUTTER & SIDEWALK PROJECT
 for
City of Lindsay

BY: JAMES WINTON & ASSOCIATES 150 WEST MORTON AVENUE PORTERVILLE, CALIFORNIA 93257	JOB No. 2033-28	SHEET 2 OF 3
--	-----------------	--------------

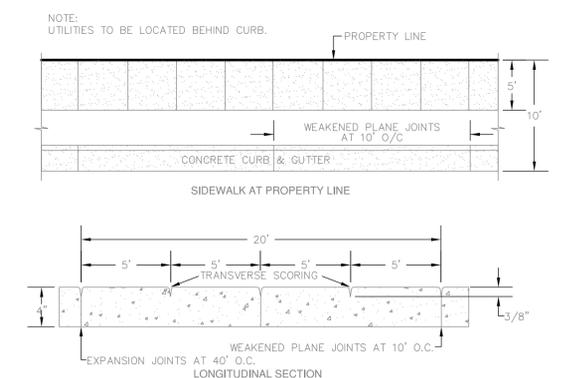
DATE: 1-7-2016
 REVISED: 2-2-2016
 SCALE: 1" = 20'



- NOTES:**
1. CONCRETE SHALL BE 2500 P.S.I. (5 SACK MIX)
 2. SIDEWALK SHALL HAVE MEDIUM SWEAT FINISH.
 3. CURING COMPOUND SHALL BE APPLIED AS APPROVED BY THE CITY ENGINEER.



THE WALK BETWEEN EXPANSION JOINTS SHALL BE DIVIDED INTO 5' BLOCKS BY SCORING TRANSVERSELY. THE SCORING SHALL EXTEND 3/8" BELOW THE SURFACE OF THE CONCRETE SLAB AND SHALL MATCH CURB & GUTTER SCORING. COMMERCIAL SIDEWALK PATTERN SHALL EXTEND FULL WIDTH FROM PROPERTY LINE TO BACK OF CURB.



MARK	DATE	REVISION	ENGINEERING STANDARD
			ST-9

CITY OF *Lindsay*
 DEPARTMENT OF PUBLIC WORKS

CALL U.S.A.
 (UNDERGROUND SERVICE ALERT)
 1-881/800-227-2600
 TWO WORKING DAYS BEFORE EXCAVATION

Michael J. Camarena
 MICHAEL J. CAMARENA,
 CITY SERVICES DIRECTOR

James S. Winton
 REGISTERED PROFESSIONAL ENGINEER
 No. 16094
 CIVIL
 STATE OF CALIFORNIA

SIDEWALK & STREET STRIPING

PARKSIDE CURB, GUTTER & SIDEWALK PROJECT for City of Lindsay		DATE:	1-7-2016
		REVISED:	2-2-2016
		SCALE:	1" = 20'
BY: JAMES WINTON & ASSOCIATES 150 WEST MORTON AVENUE PORTERVILLE, CALIFORNIA 93257	JOB No. 2033-28	DRAWN BY: LRH	
		SHEET 3 OF 3	



City of Lindsay



DEPARTMENT OF PUBLIC SAFETY

P.O. BOX 369 • LINDSAY, CALIFORNIA 93247 • (559) 562-2511
POLICE AND FIRE SERVICES • 185 NORTH GALE HILL AVE. • FAX (559) 562-7126

To: Lindsay City Council

Date: February 2, 2016

From: Lt. Chris Hughes, Public Safety

Subject: Safariland Ballistic Vest Carriers

One of the most common problems associated with law enforcement is lower back pain. As an officer carries approximately 20 pounds of equipment around his waist day after day over the span of his career he/she will develop back pain. The department currently supplies officer's with back pain, a shoulder harness that attaches to the duty belt to lift some of the weight off the hips and lower back. These harnesses cost the department approximately \$250.00 per officer. These harnesses have provided some relief but are uncomfortable and cumbersome.

A new trend has developed over the last several years in the law enforcement community. Departments are purchasing ballistic vest carriers to be worn outside the uniform. This carrier allows the officer to place his ballistic shield in the carrier and attach all the equipment from his duty belt to the vest thus placing the weight of the equipment on the shoulders as much as possible. The firearm remains on the duty belt in its traditional place. The overall opinion of officers in the field who have transitioned to these carriers has been positive in reducing back pain.

The Lindsay Police Officers Association has approached the department about transitioning the current uniform into the new ballistic carrier type. The challenge for the department is cost and balancing the appearance of the officer vs a soldier in combat. The department and the LPOA believe we have found that balance in the style of carrier selected and a policy that controls the appearance of the carrier and what the officer can place on the carrier. Attached you will find photographs of the carriers and the policy to be adopted. This carrier is an option that individual officers can take advantage of if they choose but is not mandatory. Officers not wanting to transition to the carrier can remain in the more traditional uniform if they choose.

The department and the LPOA have chosen the Safariland brand ballistic vest carrier in navy blue which is compatible with our current uniforms and ballistic



vests. The cost of the carriers is approximately \$412.20 per officer. The cost of this transition if done with every officer would cost the department approximately \$5000.00 in total expense. These costs would be spread out during the transition by outfitting two officers per month as we move forward.

The department began entertaining this concept in September of 2015 by outfitting one officer with the Safariland Ballistic Vest Carrier. During the field testing period the officer noted significant relief to his lower back pain during patrol and performance as a peace officer. The officer's corresponding Sergeant contacted citizens who came in contact with the officer during the course of field testing and asked their opinions of the carriers. Several citizens approved of the vest carriers while others did not even notice the difference from the current uniform. The Sergeant nor the department to date has received any negative comments regarding the carrier.

This memo is being submitted with the intent of the department transitioning to this uniform option in the future. However the department and LPOA recognize the need for the public and council to also approve of the officers appearance as we represent the City of Lindsay and its image. The department and LPOA desire the support of the council and community in this process and would welcome any and all feedback prior to any transition taking place. During the city council meeting, with approval of Mayor Padilla and council members I would like to allow the citizens in attendance to comment if they so choose on the appearance as well.

Officer Eddie Alcantar will be present at the city council meeting wearing the Safariland Ballistic Vest Carrier so council and the citizens can see the uniform. I look forward to hearing all comments and suggestions from everyone at the city council meeting.





(phone) 510-839-5111
 (toll free) 800-443-3556
 (fax) 510-839-5325
 oaksales@lncurtis.com

L.N.CURTIS & SONS

TOOLS FOR HEROES® since 1929

Pacific North Division
 1800 Peralta Street
 Oakland, California 94607
 www.LNCURTIS.com

QUOTATION

DATE 01/26/16	TERMS NET 30 DAYS	F.O.B. SP NW	BASE CODE	QUOTATION NO. 1384463-00
------------------	----------------------	----------------------	-----------	-----------------------------

TO: CITY OF LINDSAY DPS
 LT. CHRIS HUGHES
 185 N. GALE HILL RD.
 LINDSAY, CA 93247

This quotation subject to acceptance within 30 days. Shipment contingent upon strikes, fires, accidents or other delays beyond reasonable control for the company. L.N. Curtis and Sons retains ownership and title to all equipment until fully paid for in legal money of the United States of America. All prices quoted subject to applicable Federal, State, County or City Taxes and Licenses.

L.N. CURTIS AND SONS

By NATHAN BELCHER

QUANTITY	UNIT	PART NUMBER	DESCRIPTION	UNIT PRICE	TOTAL PRICE
1	EA	DN6313 SAFARILAND	NAVY BLUE CARRIER PER THE BELOW ** DIRECT ORDER ** SIZING PER SERIAL NUMBERS: 14021440 & 14021439 WITH PATCHES ON FRONT AND BACK TO READ: POLICE	200.00	200.00
1	EA	TP10YMK SAFARILAND	NAVY BLUE POUCHES PER THE BELOW ** DIRECT ORDER ** 1-TP21 UNIVERSAL RADIO POUCH 2-TP14 SINGLE EXPANDABLE 1-TP17A DOUBLE HANDCUFF 2-TP10A DOUBLE SIDE ARM MAG POUCH	140.00	140.00
Sub Total					340.00
Transportation					45.00
Sales Tax					27.20
Total					412.20

Last Page

FROM: 689



Order #WR1539072

Order Date: December 29, 2015

Invoice #IV1580972

Shipping Address

JUAN ALCANTAR

Billing Address

JUAN ALCANTAR

United States
T: 5598539061

United States
T: 5598539061

Shipping Method

Free Ground Shipping

Payment Method

Credit Card (Secure)

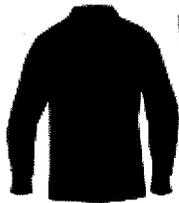
Credit Card Type:

Visa

Credit Card Number:

XXXX-3462

Items Invoiced

PRODUCT NAME	SKU	PRICE	QTY INVOICED	SUBTOTAL
 <p>LS B.DU™ ARMORSKIN® BASE SHIRT</p> <p>Color Size Length Dark Navy M 35</p> <p>Style: 8781</p>	8781 -04- 35- M	\$54.99	1	\$54.99
 <p>B.DU™ TACTICAL PANT</p> <p>Hemming Color 31" Dark Navy</p> <p>Size Length 36 REG</p> <p>Style: 8830</p>	8830 -04- 30- 36- HEM -31	\$84.99	1	\$84.99
Subtotal				\$139.98
Discount				\$14.00
Grand Total				\$125.98

Load Bearing Vest and Accessories-

As an option to the duty equipment and accessories being carried on the Sam Brown belt or Nylon Duty belt, and for the Class "D" Uniform only, Officers may be outfitted with a load bearing vest system that conforms to the following guidelines:

The Load Bearing Vest shall be the Safariland Oregon City Armor Carrier, colored in Navy Blue. The Vest will be equipped with high visibility white "POLICE" patches on the back and left chest. The Officer may display the name of any specialty unit to which he/she is assigned under the front "Police" patch in the same font and coloring. The Officer's name will be displayed in white letters on the right chest. The Officer's normal duty badge will be displayed in the usual location.

The vest may be equipped with any combination of the following accessory pouches, which shall be Safariland pouches colored in Navy Blue:

Double Magazine Pouch (1)

Double Handcuff Pouch (1)

Radio Pouch (1)

Flashlight Pouch (1)

Baton/OC Pouch (1)

The Taser Conducted Energy Weapon may also be carried on the vest in an approved holster.

No other pouches or accessories shall be attached to the vest without the express permission of the Director of Public Safety.

Firearms and Firearm holsters shall not be carried on the vest and will continue to be attached to an approved duty belt as outlined in this manual.

Any remaining optional or required equipment not listed above shall be carried on an approved duty belt or other approved carrying system.

**CITY OF LINDSAY
STAFF REPORT
DEVELOPMENT EXTENSION REVIEW 16-04
February 9, 2016**

GENERAL INFORMATION

1. Applicant: Alma Rocha
655 N. Westwood Ave.
Lindsay, CA 93247
2. Requested Action: Development Extension Review to extend CUP/VAR 14-36.
3. Location: 655 N. Westwood Ave Lindsay, CA 93247 (APNs 199-070-016 and 199-070-017)

PROJECT DESCRIPTION

Development Extension Review 16-04 is a request by Alma Rocha (property owner) to extend previously approved Conditional Use Permit/Variance 14-36 for a period of one year. The CUP/VAR was approved on February 10, 2015 to construct a new two-story, two-unit apartment building, reconstruct two single-story apartment buildings, and receive a one-space variance to the overall complex parking requirement. Due to financial circumstances the applicant was unable to complete this project and is requesting an extension.

Despite the project not being finished, several improvements have been made to the site; the following is a list of site improvements that were identified for CUP/VAR 14-36 to be completed:

- Installation of parking bumpers at each new and existing parking space for safety and to protect property.
- Installation of concrete pads and screened fencing for new units to provide trash can storage and screening.
- Installation of slats in perimeter chain link fencing to provide screening (a small section of chain link fence exists without slats in northwest corner of property).
- Removal of trash and debris from the site.
- Repair and covering of exposed wires and other unsafe items on existing dwelling units (none were observed during most recent site visit; however, this requirement will be confirmed by the building inspector).
- Screening of roof mounted equipment.
- Installation of a van accessible handicapped parking space located adjacent to the new duplex.
- Each new and reconstructed unit must have at least two bedrooms.

- Each new and reconstructed unit must have a closet in each bedroom.
- All curb and gutters must be repaired.
- All new, reconstructed, and existing units must have laundry facilities.
- Installation of a 3,177 square foot park that must include the following:
 - Three Chinese Pistachio trees with wrap around benches.
 - One arbor over a concrete pad.
 - Two picnic tables.
 - Ivy along the park fence.
 - Wax leaf privets or similar bushes in planters.
 - Grass area.
- Installation of landscaping around parking areas.
- Submittal of a landscape and irrigation plan.
- Installation and maintenance of automatic irrigation.
- Installation and maintenance of all driveway and parking surfaces including the hammerhead turnaround.
- Installation of a total of twenty-one parking spaces.

Planning staff conducted a survey of the site on February 2, 2016. Of the twenty-three site improvements, nine have been completed with an additional five that are contingent on the completion of the entire project. This leaves nine requirements that have not been met.

Two requirements that have not been met, that are of great concern to planning staff, are the failure to remove trash and debris from the site along with the failure to repair and cover any exposed wiring and other unsafe items. Pictures indicating the findings that staff has made are attached for review.

SITE BACKGROUND

The applicant had approached the city prior to 2009 with a request to improve the apartments on the property along with constructing a new two-story duplex. The site was located within the R-1-7 zoning district, and so the request was unusual. Council reviewed the site and request and determined that there were special circumstances related to the configuration and density of the site that warranted consideration of the project request. From that review Council determined that it was in the best interest of the residents and of the community to improve the site and promote a suitable environment for family life by permitting the development and redevelopment of the property along with requiring adequate space for recreation.

In 2009 the City Council approved conditional use permit 09-16 for this project. In sum, that request was to demolish and reconstruct two (2) apartment units that were below grade, construct a new two-story, two-unit apartment, and develop an on-site park for residents. Following approval the applicant made several site improvements including completion of driveway paving, concrete pads and screened fencing for trash cans, increased fence screening, landscaping, trash removal, and repair of unsafe items. It is also worth noting that the site plan has not been altered from that originally approved.

From 2010 to 2013 project extensions were granted as progress was made by the applicant, however, the latest extension expired on August 9, 2014 without a request for a new extension. The applicant approached staff approximately a month following the expiration of the final extension and was informed that a new review of the project would be required by Council for approval.

On February 10, 2015 Council approved conditional use permit/variance 14-36 for a period of one year. Since this approval staff has noted the following site improvements:

- Installed parking bumpers at each new and existing parking space.
- Installed a van accessible handicapped parking space located adjacent to the new duplex (Duplex is not yet constructed and the parking space is not marked or signed as handicap accessible).
- Installed a 3,177 square foot park including the following:
 - Installation of one park arbor.
 - Grass area.
- Installed landscaping around parking areas.
- Submitted a landscape and irrigation plan.
- Installed and maintained automatic irrigation.

Surrounding land uses include single family residential use to the north, south, and west, and heavy industrial use to the east.

COMPATIBILITY WITH EXISTING ZONING, PLANS AND POLICIES

Conditional Use Permit Review: In certain districts, conditional uses are permitted subject to the granting of a use permit. Because of their unusual characteristics, conditional uses require special considerations so that they may be located properly with respect to the objectives of the zoning code and their effects on surrounding properties. In order to achieve these purposes, and thus give the district use regulations of this title additional flexibility necessary to achieve the objectives of this title, the city council is empowered to grant and to deny applications for use permits and to impose reasonable conditions upon the granting of use permits (Ord. 437 § 1 (part), 1989). Further, Municipal Code Section 18.17.170 allows that, “A use permit granted under the provisions of this chapter or a conforming conditional use established prior to the enactment of this title may be revised as to features of the site plan previously approved; provided that such revisions are minor, as determined by city council.”

Variance Permit Review: Section 18.21.020 of the zoning ordinance states that “the city council may grant variances to the regulations prescribed by this title only with respect to fences and walls, site areas, width, frontage, depth, coverage, front yard, rear yard, side yards, height of structures, distances between structures, off-street parking facilities and off-street loading facilities.”

The city council may grant a variance if it makes the following findings:

- That there are special circumstances or conditions applicable to the property involved, such that strict or literal interpretation and enforcement of the specified regulation would deprive the applicant of privileges enjoyed by owners of other properties classified in the same zoning district.
- That the granting of the variance will not constitute a grant of special privilege inconsistent with the limitations on other properties classified in the vicinity and in the same zoning district.

Zoning and Land Use: The subject property is zoned R-1-7 (Single-Family Residential), and is surrounded by single family residential and heavy industrial land uses.

Zoning Characteristics: The R-1-7 zoning district is intended primarily to provide living areas at locations designated by the general plan for low density, involving single-family dwellings, with

regulation intended to promote and encourage a suitable environment for family life.

Circulation: Access to the subject property is provided via Westwood Avenue.

Public Services: The site is within a convenient response time of public safety services, and the existing and available water supply and conveyance facilities provide adequate fire suppression capabilities. Sanitary sewer and municipal water services are available at the site.

Environmental Setting:

Flood Potential: The subject property, like the immediate area surrounding it, is not within a flood hazard area.

PROJECT EVALUATION

The applicant is requesting City Council approval for a development extension to conditional use permit/variance 14-36. This extension will allow the applicant to construct a new two-story, two-unit apartment building and reconstruct two single-story buildings. The applicant would also make several site improvements including the following:

- Installation of concrete pads and screened fencing for new units to provide trash can storage and screening.
- Installation of slats in perimeter chain link fencing to provide screening.
- Removal of trash and debris from the site.
- Repair and covering of exposed wires and other unsafe items on existing dwelling units.
- Screening of roof mounted equipment.
- Provide at least two bedrooms in each new and reconstructed unit.
- Provide a closet in each bedroom for new and reconstructed units.
- Repair all curb and gutters.
- Provide laundry facilities in each new, reconstructed, and existing unit.
- Plant three Chinese Pistachio trees and install wrap around benches.
- Install two picnic tables.
- Plant Ivy along the park fence.
- Installation and maintenance of all driveway and parking surfaces including the hammerhead turn around.
- Installation of a total of twenty-one parking spaces.

Staff finds this request for an extension of the conditional use permit/variance to be in keeping with that originally approved with CUP/VAR 14-36.

Open Space: Open space for the recreational use of on-site tenants is now currently available and the proposed project provides 10% of the net site area to be dedicated as landscaped and active play space excluding required yard areas per Lindsay's General Plan.

Parking: As proposed, the requirement for this project is twenty-two (22) parking spaces; however, after development only twenty-one (21) spaces would be provided. The applicant would also provide parking bumpers for all parking spaces.

ENVIRONMENTAL REVIEW

The California Environmental Quality Act (CEQA) finds that in-fill development projects to be categorically exempt, under CEQA Article 19 Section 15332. A Notice of Exemption has been prepared and available for public review.

RECOMMENDATION

The findings made during the survey of the site have are of great concern to staff; primarily for the safety of the children that frequently play on-site. In order to ensure these concerns are addressed immediately, staff recommends a ***development extension of forty-five (45) days***.

During this forty-five day period the applicant must complete the following:

- Vacate the site of all debris, trash, and any other unsafe items that may cause harm.
- Before the 30th day the applicant must complete a follow up health and safety survey of the site with Planning Staff.
- Before the 30th day the applicant must submit an application with fees for an additional development extension.

If the above requirements are met, then staff will provide a report to Council on staff findings and make a recommendation on the approval or denial of an additional development extension at the next available council meeting after the 30th day.

ATTACHMENTS

- Resolution 16-03
- Site Photos

RESOLUTION NO. 16-03

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LINDSAY APPROVING THE DEVELOPMENT EXTENSION OF CONDITIONAL USE PERMIT/VARIANCE NO. 14-36 FOR A PERIOD OF FORTY-FIVE DAYS FOR PROPERTY LOCATED AT 655 N. WESTWOOD, LINDSAY, CA 93247 (APNS: 199-070-016 AND 017)

At a regularly scheduled meeting of the City Council of the City of Lindsay, held February 9, 2016, at the hour of 6:00 p.m. in the Council Chambers at City Hall, Lindsay, California 93247, the following resolution was adopted:

THAT WHEREAS, Conditional Use Permit/Variance Application No. 14-36 was approved on February 10, 2015; and

WHEREAS, the applicant has filed an application requesting an extension for the Conditional Use Permit/Variance No. 14-36; and

WHEREAS, the Planning Department staff has prepared necessary investigations and prepared a staff report of information bearing upon the request for extension application; and

WHEREAS, the Planning Department staff has found trash, debris, and other unsafe items located on the project site; and

WHEREAS, the Planning Department staff recommends a development extension of forty-five days; and

WHEREAS, the City Council of the City of Lindsay, deems it to be in the best interest of the residents, and of the community, to improve the site and promote a suitable and safe environment for family life; and

WHEREAS, the project is categorically exempt from the provisions of the California Environmental Quality Act, as infill development.

NOW, THEREFORE, BE IT RESOLVED that the project is exempt from further environmental review pursuant to CEQA Section §15332.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the City Council of the City of Lindsay finds the proposed development extension of the Conditional Use Permit/Variance to be consistent with the provisions of the City of Lindsay Zoning Ordinance (Municipal Code Title 18).

BE IT FURTHER RESOLVED, that the City Council of the City of Lindsay hereby approves the above described development extension of the Conditional Use Permit/Variance application, subject to the following conditions:

SECTION 1. That Conditional Use Permit/Variance No. 14-36 shall be extended for forty-five (45) days.

SECTION 2. That the applicant shall vacate the site of all trash, debris, and other unsafe items.

SECTION 3. That the applicant shall complete a follow up health and safety survey of the site with planning staff before March 10, 2016.

SECTION 4. That the applicant shall submit a development extension request application on or before March 10, 2016.

SECTION 5. That the applicant shall be responsible for fees associated with the development extension request application.

SECTION 6. That should the above sections be satisfied, planning staff shall report findings from the follow up health and safety survey at the next scheduled Council meeting after March 10, 2016.

SECTION 5. That all other City codes and ordinances shall apply.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Lindsay this 9th day of February, 2016.

ATTEST:

CITY COUNCIL OF THE CITY OF LINDSAY

Carmela Wilson, City Clerk

Ramona Villarreal-Padilla, Mayor











California
5EHW285

