

Successor Agency to Former Redevelopment Agency And Lindsay City Council Meeting Agenda

Joint Meeting
Council Chambers at City Hall
251 E. Honolulu, Lindsay, California
Tuesday, January 26, 2016
6:00PM

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1. a) Call to Order: 6:00 p.m..
b) Roll Call: Board members Salinas, Mecum, Kimball, Vice Chair Sanchez, & Chairman Padilla.
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2. PUBLIC COMMENT: The public is invited to comment on any subject under the jurisdiction of the SUCCESSOR AGENCY, including agenda items, other than noticed public hearings. Comments shall be limited to three minutes per person, with 30 minutes overall for the entire comment period, unless otherwise indicated by the Chairman.
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3. CONSIDERATION OF SUCCESSOR AGENCY RESOLUTION 16-01 (pg. 1-7)
ADOPTING THE RECOGNIZED OBLIGATION PAYMENT
SCHEDULE FOR JULY 1, 2016 THROUGH JUNE 30, 2017.
Presented by Bill Zigler, Interim Executive Director.
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4. ADJOURN SUCCESSOR AGENCY MEETING.
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1. a) Call to Order: 6:02 p.m..
b) Roll Call: Council members Salinas, Mecum, Kimball, Mayor Pro Tem Sanchez, Mayor Padilla.
c) Flag Salute: Mayor Pro Tem SANCHEZ.
d) Invocation
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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.
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3. COUNCIL REPORTS.
Presented by Council members.
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4. STUDENT REPORT.
Presented by Esmie Munoz.
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5. STAFF REPORTS.
Presented by Bill Zigler, Interim City Manager.
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6. 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.8-31)
 - 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,
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7. PUBLIC HEARING: FIRST READING & INTRODUCTION OF ORDINANCE 553 (pg.32-55)
AMENDING TITLE 8, OF THE LINDSAY MUNICIPAL CODE TO ADD PROHIBITIONS/
REGULATIONS FOR THE USE, CULTIVATION AND SALE OF MEDICAL MARIJUANA.
Presented by Bill Zigler, Interim City Manager.
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8. COUNCIL DISCUSSION REGARDING VISION/MISSION STATEMENT DEVELOPMENT. (pg. 56)
Presented by Bill Zigler, Interim City Manager.
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9. 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
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9. EXECUTIVE SESSION continued
CONFERENCE WITH LEGAL COUNSEL--ANTICIPATED LITIGATION
Initiation of litigation pursuant to paragraph (4) of subdivision (d) of Section 54956.9: 2 potential cases
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10. ADJOURN. The next Regular meeting is scheduled for **TUESDAY, FEB. 9, 2016 at 6:00 PM** in the Council Chambers at City Hall, 251 E. Honolulu, Lindsay, CA 93247.
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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 Recognized Obligation Payment Schedule (ROPS 16-17) - Report of Cash Balances
(Report Amounts in Whole Dollars)**

Pursuant to Health and Safety Code section 34177 (l), Redevelopment Property Tax Trust Fund (RPTTF) may be listed as a source of payment on the ROPS, but only to the extent no other funding source is available or when payment from property tax revenues is required by an enforceable obligation. For tips on how to complete the Report of Cash Balances Form, see CASH BALANCE TIPS SHEET									
A	B	C	D	E	F	G	H	I	
Cash Balance Information by ROPS Period		Fund Sources						RPTTF	Comments
		Bond Proceeds		Reserve Balance		Other	Non-Admin and Admin		
		Bonds issued on or before 12/31/10	Bonds issued on or after 01/01/11	period balances and DDR RPTTF balances retained	RPTTF distributed as reserve for future period(s)	Rent, grants, interest, etc.			
ROPS 15-16A Actuals (07/01/15 - 12/31/15)									
1	Beginning Available Cash Balance (Actual 07/01/15)						(127,252)		
2	Revenue/Income (Actual 12/31/15) RPTTF amounts should tie to the ROPS 15-16A distribution from the County Auditor-Controller during June 2015					6,668	853,696		
3	Expenditures for ROPS 15-16A Enforceable Obligations (Actual 12/31/15)								
4	Retention of Available Cash Balance (Actual 12/31/15) RPTTF amount retained should only include the amounts distributed as reserve for future period(s)							County withheld final \$100,000 due for the DDR from RPTTF payment to SA	
5	ROPS 15-16A RPTTF Balances Remaining								
6	Ending Actual Available Cash Balance C to G = (1 + 2 - 3 - 4), H = (1 + 2 - 3 - 4 - 5)	\$ -	\$ -	\$ -	\$ (100,000)	\$ 6,668	\$ 599,194		
ROPS 15-16B Estimate (01/01/16 - 06/30/16)									
7	Beginning Available Cash Balance (Actual 01/01/16) (C, D, E, G = 4 + 6, F = H4 + F4 + F6, and H = 5 + 6)	\$ -	\$ -	\$ -	\$ -	\$ 6,668	\$ 599,194		
8	Revenue/Income (Estimate 06/30/16) RPTTF amounts should tie to the ROPS 15-16B distribution from the County Auditor-Controller during January 2016					6,668	600,866		
9	Expenditures for ROPS 15-16B Enforceable Obligations (Estimate 06/30/16)								
10	Retention of Available Cash Balance (Estimate 06/30/16) RPTTF amount retained should only include the amounts distributed as reserve for future period(s)							August 1st Bond payment is \$572,328 + Loans \$75,000 minimum	
11	Ending Estimated Available Cash Balance (7 + 8 - 9 - 10)	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 107,408	Any remaining cash after 8-15-16 shall be applied to the HELP principal balance	

OVERSIGHT BOARD RESOLUTION NO. OB16-01

**A RESOLUTION OF THE LINDSAY OVERSIGHT BOARD ADOPTING THE
RECOGNIZED OBLIGATION PAYMENT SCHEDULE (ROPS) FOR THE
PERIOD JULY 1, 2016 THRU JUNE 30, 2017.**

At a Regular meeting of the Lindsay Oversight Board, duly held on the 21st day of January 2016, at the hour of 9:30 a.m. in the Council Chambers at City Hall, Lindsay, California 93247, the following resolution was adopted:

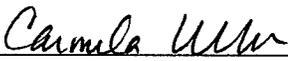
WHEREAS, the City of Lindsay agreed to serve as Successor Agency for the now former Lindsay Redevelopment Agency pursuant to Resolution 12-02 adopted on January 10, 2012, and

WHEREAS, the Lindsay Oversight Board for the dissolved Lindsay Redevelopment Agency will review the recognized obligation payment schedule on January 26, 2016 in support of adopting the ROPS for the period July 1, 2016 thru June 30, 2017.

NOW, THEREFORE BE IT RESOLVED, that the Lindsay Oversight Board hereby approves the Recognized Obligation Schedule for the period July 1, 2016 thru June 30, 2017 as attached and made a part hereof, contingent upon approval of the Successor Agency.

PASSED, APPROVED AND ADOPTED by the Lindsay Oversight Board this 21st day of January 2016.

ATTEST:



Carmela Wilson, City Clerk

LINDSAY OVERSIGHT BOARD



Greg McQueen, Chairman

CITY OF LINDSAY)
COUNTY OF TULARE)
STATE OF CALIFORNIA)

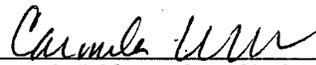
CITY CLERK CERTIFICATION

I, Carmela Wilson, Secretary for the Lindsay Oversight Board, do hereby certify that the foregoing is a full, true and correct copy of the original Resolution No.OB16-01 adopted by the Lindsay Oversight Board at a Regular meeting duly held on the 21st day of January, 2016, on motion of SCHIMELPFENING and second of MARTINEZ by the following vote, as the same appears of record and on file in my office:

AYES: SCHIMELPFENING, MARTINEZ, ZIGLER, McQUEEN.
NOES: None.
ABSENT: ISHIDA, STATTON, LARA.
ABSTAIN: None.

WITNESS my hand and Corporate Seal of Lindsay this 21st day of January 2016.

OFFICE OF THE CITY CLERK OF LINDSAY



Carmela Wilson, City Clerk

SUCCESSOR AGENCY RESOLUTION NO. SA16-01

A RESOLUTION OF THE SUCCESSOR AGENCY TO THE FORMER LINDSAY REDEVELOPMENT AGENCY ADOPTING THE RECOGNIZED OBLIGATION PAYMENT SCHEDULE FOR PERIOD JULY 1, 2016 1 THROUGH JUNE 30, 2017.

At a Joint meeting of the Successor Agency to the Former Redevelopment Agency, duly held on the 26th day of January 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 City of Lindsay agreed to serve as successor agency for the now dissolved Lindsay Redevelopment Agency pursuant to Resolution 12-02 adopted on January 10, 2012, and

WHEREAS, the Successor Agency for the dissolved Lindsay Redevelopment Agency has reviewed the Recognized Obligation Payment Schedule and seeks the adoption of ROPS for the period July 1, 2016 through June 30, 2017.

NOW, THEREFORE BE IT RESOLVED, that the Successor Agency to the Former Lindsay Redevelopment Agency hereby approves the *Recognized Obligation Payment Schedule* for the period July 1, 2016 through June 30, 2017 as attached and made a part hereof.

PASSED, APPROVED AND ADOPTED by the Successor Agency to the Former Lindsay Redevelopment Agency this 26th day of January 2016.

ATTEST:

Successor Agency to the Former Lindsay
Redevelopment Agency

Carmela Wilson, Secretary

Ramona Villarreal-Padilla, Chairman

Lindsay City Council Meeting Minutes

Pg. 8140

Regular Meeting
251 East Honolulu, Lindsay, California
Tuesday, January 12, 2016
6:00 P.M.

CALL TO ORDER.

Mayor PADILLA called the Regular Meeting of the Lindsay City Council to order at 6:00 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: Council member MECUM.

PUBLIC COMMENT:

Leo Correa Regarding issues/discrepancies with McDermont. Council advised that he set meeting with Interim City Manager to include Council members as allowed by the Brown Act.
Carlos Esparza-looking forward to a more beautiful 2016.

COUNCIL REPORTS

Council member MECUM – nothing to report.

Councilwoman KIMBALL–brief report on upcoming TCAG meetings, next meeting will be held in Lindsay.

Council member SALINAS – nothing to report.

Mayor Pro Tem SANCHEZ-nothing to report

Mayor PADILLA–no report, look forward to a great 2016 with unity & peace. Hoping that 2016 is prosperous for the City & able to move back from some mishaps that happened last year.

STUDENT REPORT -No Student Representative Report.

STAFF REPORT

Interim City Manager Bill Zigler reported included the following:

Report from Clint Ashcraft regarding Olive Bowl/Sports Complex Clean up day Jan. 16th with rain/weather permitting (bring the suggested tools)

Newly created Recreation Committee is very involved in this effort

Formal Oath of Office - Lt Hughes then introduced Jose Luis Ramos and provided education and family background. A formal Oath of Office for Public Safety Officer Ramos was administered by the City Clerk and followed by Pinning by his infant daughter.

He then finished by reporting on the following items:

Update on the City's Marijuana Ordinance

Update on Finance Department interviews

TCAG Local Motion Awards will be held in Lindsay

Chamber Awards Banquet scheduled for Jan. 23rd @McDermont

Water report, Annual conservation is 29.1%

Sand bags available at City Hall & fire station at Rd 196

DBCP Notices went out this week in compliance with the State

McDermont & Wellness Center update on maintenance projects and new & innovative programs

CONSENT CALENDAR:

a) Meeting Minutes for Dec.8, 2015.

b) Warrant List for Dec. 8th thru 31st of 2015.

c) Treasurer's Report for Dec. 31, 2015.

d) Transportation Development Act Funds Audited Financial Statements for
Fiscal Year ended June 30, 2015.

e) Salary & Job Classification Schedule (matrix) to comply with State Law

f) DBCP Notification Update

g) TCAG Qtrly Report for FY16 2nd Qtr

h) Res. Amending Bank Signers

i) Financial Update Mid-Year FY2015-16

ACTION:

On Motion by KIMBALL and Second by SALINAS, the Lindsay City Council approved the Consent Calendar, as presented, Via Minute Order. ALL AYE:MECUM, SANCHEZ, KIMBALL, SALINAS, PADILLA.

COMMITMENT TO STUDY SESSION FOR COUNCIL GOALS, OBJECTIVES AND CODE OF CONDUCT.

This item was introduced by Bill Zigler, Interim City Manager. He stated he had had conversation with Mayor Padilla concerning finding ways to create & improve unity among Council.

Interim City Manager stated that staff has experienced some challenges in determining which Council goals to pursue and are hoping this could assist in determining Council's overall goals and objectives, things that we all can agree on. There are some ways that that could be facilitated. If we can find things that we can agree upon and a process that we can go through we're hoping that we can find greater unity.

Then a simple Code of Conduct, identifying that is what we do or don't do as the Council for the City of Lindsay and you as a Council should determine that, it is fully yours. We talked about having Barry Sommer facilitate this and I have been working with him for a couple of months to try and schedule something for you. We have gotten a window now and I have contacted each of you on the available dates and times with one response. It's going to be a noticed public meeting where the public and the media can attend. The targeted date is next Tuesday, January 19th between 10a.m. and 2p.m., with lunch provided. We are looking for some commonality where staff knows what all Council's goals are and so you have rules that you are all comfortable with.

Mayor PADILLA: on the Council's goals and objectives, this would be for 2016 and forward because we already talked about goals and objectives for last year and discussed the 5-year plan.

Interim City Manager: You can make it what you want it to be because all we want is to get Council consensus so we know what you want it to be.

Mayor PADILLA: In the past we have done this during our council meeting and Council discusses goals that we want. I think last year the consensus was that roads was our concern, everybody wanted the roads fixed. Isn't that something that we could do at a Council meeting again rather than having a 4-hour study session and paying for that?

Interim City Manager: Council can do this any way that it wants. I did this in response to a request. The facilitator's job is to come in without any expectation of what the goal is going to be, he is simply there to help you find your goals and help define unanimity, things we can all agree upon and hopefully we can come up with something that represents all of you, that you can get behind and say staff this is the direction we would like you to go. You all have goals, but they are not the same goals and there needs to be unity in that sense and there is where I personally feel that a facilitator is worth the money.

Council member MECUM: and how much is that?

Interim City Manager: \$250 per hour for 4-hours.

Council member MECUM: I just as soon do it during a regular meeting and you know this is something that just occurred to me and I see where you are coming from because you guys work on things and you need to know what to work on. This idea just came to me and that is to do this during a regular meeting and this would be goals and objectives. We could each take a few minutes and say what our goals are for the year, overall or whatever each of us wants, state what our priorities are and make it very clear what we want and to make it a little more clear to you so you know what to work on. I don't see the need to hire someone because I am okay with what all five of us do or if I am the only one that didn't want to do something. I am okay with that because it's not personal to me. I think that would be good for you because I know that has been a concern for you after you have put time into doing something and then it did not end up passing. You can't ever guarantee that something is going to pass. But I appreciate this and think it is a good idea that we should be able to say what our priorities, values, goals and objectives were and provide information to staff. It would be a good way to start the year off. There is nothing wrong with that.

Council member KIMBALL: I think we would really benefit from using a facilitator. Like you were suggesting last month, our sharing our goals and objectives and help us get it all together.

Council member SALINAS: I was part of the Council when we were doing this as a City and I want to get back to that point because we are the voice of the City and when we all have the same objectives, you saw what got done. Regardless of what everyone thinks happened we need to get back to that and keep up what we have and look forward. I think a meeting like that would be great and we need to have something like that, a work-study away from this kind of meeting.

COMMITMENT TO STUDY SESSION FOR COUNCIL GOALS, OBJECTIVES & CODE OF CONDUCT cont.

Council member MECUM: If we do it during a regular meeting I don't mind it, we've had 3-hour plus meeting though I don't anticipate that it would take that long for me to give my goals. I anticipate this taking 5-minutes, it would be expeditious, I'll have it all prepared. I really don't like to have early meetings because it at least gives people a chance whether they show up or not it at least it gives people a chance to hear. I don't see a real reason to have it early.

Interim City Manager: I only have a couple of things to say about it. This facilitator is in high demand and his schedule kind of dictates when he is available and we provided him possible daytime dates of Jan. 19th or 20th. Another thing that we are not really hitting on is the Code of Conduct, the rules that you guys want to have and want to abide by, I think you need a facilitator to get you there and you may or may not want a large group there for that. Again it is your call, but the rules of engagement needs to be addressed and needs to be something that you are all comfortable with.

Council member MECUM: I would be willing to do it at a regular meeting with no facilitator, I don't want that.

Council member KIMBALL: Well at a special meeting we don't need to have all the staff there so it would be more informal.

Interim City Manager: I'm not planning on having any staff there other than myself and the City Clerk who will be recording the meeting.

Mayor PADILLA: Can we consider doing 2-hours or cutting it in half? 4 hours seems like way too long and I would need to take that time off from work

Interim City Manager: Absolutely, if you can get it done in less time. You could do it in an hour if you had some unanimity in coming up with the rules. Barry & I discussed that, if you can do it in less time, it would be good.

Mayor PADILLA: Also at the time we were in the planning stages we thought about it as a Retreat and now that I see it a little more defined in the discussion of Code of Conduct and Goals & Objectives, my vote would be to go for a couple of hours. If we are paying for 4-hours we may as well use them but f not...

Interim City Manager: And I don't know if he has a minimum cost, we settled for 4-hours to ensure we had enough time to really allow Council to dig in and do some work on some issues. You all know there are some things we need to improve on and not say we got to the 60-yard line and now we need to leave, that was the intent.

Council Member MECUM: I'm definitely not okay with the cost. Another idea is that we can do this at the next meeting. Do any other cities have that? If so, staff could submit them to us and we could go that route, that would be easier.

Mayor PADILLA: I think too the Code of Conduct is kind of like what we want, right? It is something pertinent to us.

Interim City Manager: So I just go back to the reason I suggested having a facilitator. I'm not invested in this personally other than seeing Council being able to establish goals and objectives and a Code of Conduct. I really believe that a person who is not invested in any particular outcome can assist us and can be money well spent if we can have a really productive 2016.

City Attorney: If I can add something, it is basically a wash on the cost for the facilitator because you will not be paying for me to attend. The facilitator is a little more expensive but you will only be paying for one of us.

Council member MECUM: I would be willing to do it during a regular meeting and have staff submit stuff to us.

Council member KIMBALL: I think having it at a regular meeting would be just a waste of time. For this type of work to be one, it takes time. It takes some privacy and for everybody being able to express themselves.

Council member MECUM: Well the law doesn't allow privacy. It's not an option

Council member SALINAS: I vote for the two hours also

COMMITMENT TO STUDY SESSION FOR COUNCIL GOALS, OBJECTIVES & CODE OF CONDUCT cont.

Interim City Manager: I am going to ask the Clerk to do a Roll Call for the record because I am hearing 2-people agreeing to 2-hours, one for 4-hours and one is just a no. Can we do a roll call for the 4-hours on the 19th?

Council member KIMBALL: I just think it takes what it takes

Council member SALINAS: That is what I meant

Mayor Pro Tem SANCHEZ: What was the time again

Interim City Manager: 10-2

Mayor Pro Tem: that would be hard for me

Council member MECUM: we could do it on the 19th, no facilitator. I am okay with that, just do a regular meeting, I don't want that cost.

City Clerk asked for individual vote on the following suggested proposal: Tuesday, January 19th from 10am to 2pm (and you don't have to use it all)

Mayor Pro Tem interjected: Is it possible to do it later?

Interim City Manager: The facilitator is the issue there

Council member MECUM: Well is it more important to have the Council here or the facilitator, because she works.

Interim City Manager: Both, its important to have both.

Council member MECUM: I can state my objectives without anyone else there. Is this man a mental health professional, or what is he?

Interim City Manager: He is a psychologist, so yes I guess so.

Council member SALINAS: Let's take a vote

ACTION:

The Lindsay City Council approved the COMMITMENT TO STUDY SESSION FOR COUNCIL GOALS, OBJECTIVES AND CODE OF CONDUCT TO BE FACILITATED BY BARRY SOMMER ON TUESDAY, JANUARY 19th FROM 10AM TO 2PM IN THE COMMUNITY DEVELOPMENT CONFERENCE ROOM, by the following vote:

AYES: SALINAS, KIMBALL, PADILLA.

NOES: MECUM, SANCHEZ.

ABSENT: None.

Council member MECUM: Can we also have goals and objectives on the meeting of the 26th because Sanchez isn't going able to attend, she works. I know the other is going to happen but can we also have goals and objectives at the regular meeting for public participation?

Council member SALINAS: I think that part of our duties as Council members it to make ourselves available for these kinds of meetings. If the other two can't make it, they just can't make it. There is life, there are kids, and there are jobs. We took an oath as council members, and part of that is making ourselves available attend these kinds of meetings. So with that I feel that if we make any kind of decisions on that day and they are approved by everybody, then the Council has to abide by them even though they are approved by only 3-members. Being on the Council and a Council member includes being at these meeting, attending extra curricular events, and representing the City on committees as representatives of the City, that is why we were voted into these positions. We could have another meeting right after this but we will have already approved what we approved, that is why the majority rules, regardless of what the outcome is. We all have lives outside the city, we have jobs and have to be places but this is part of our duty as a Council member.

COMMITMENT TO STUDY SESSION FOR COUNCIL GOALS, OBJECTIVES & CODE OF CONDUCT cont.

Mayor Pro Tem SANCHEZ: The time is not as easy since it is from 10-2. It would be easier for me if it was a little bit later, I'm not saying after 5 but maybe if it was after 1.

Interim City Manager: Part of the problem now is I've announced this several times via email and have only received one response. I've asked for RSVP's and received one response so I am doing my best to communicate this and when I am working with others outside the City I have to provide them some sort of response. They don't all have the same flexibility that I have, I will be where you guys need me to be when you want me to be there but I can't commit Barry to that. I think he is good, I think he is worth it and I think you will be better for it. I wish all 5 members could attend, and Tuesday was selected based on my understanding of your work schedules. I am hoping we can have unanimity in goals and objectives that you are all good with and a Code of Conduct that you can own.

But to do serial meetings is not beneficial and undermines the original meeting. I get that everyone wants to participate, but it undermines the original decision.

Mayor Pro Tem SANCHEZ: If I do participate, it will be about two hours, and I won't be there the whole time. Maybe in the morning, I don't want to commit myself when I know I can't. I do have to work sometimes from 6-6:30 and I can't guarantee you that I can be here 4 hours on that date. Shifting the schedule would make it a little bit easier for me.

Mayor PADILLA: Thank you Bill for your effort in scheduling this and it passed 3-2; we will be doing this on the 19th.

Interim City Manager: I will schedule it then.

Council member MECUM: What was the time?

Interim City Manager: 10am-2pm

Mayor PADILLA: Okay then on 19th for 4 hours if we need that long. On to the next item.

2nd READING AND ADOPTION OF ORDINANCE #552 ADDING CHAPTER 15.08 TO TITLE 15 OF THE LINDSAY MUNICIPAL CODE EXPEDITING THE PERMITTING PROCESS FOR SMALL RESIDENTIAL – ROOFTOP SOLAR SYSTEMS.

City Services Director Mike Camarena introduced this item. He stated this is a request to approve and adopt the 2nd reading of Ordinance 552, which will streamline the permitting process for rooftop solar systems. He stated the City already does this but needs to incorporate this language into the Municipal Code to comply with State mandated Assembly Bill 2188.

Following clarification on the permitting process for Mayor PADILLA, there were no further questions and the following action was taken:

ACTION:

On Motion by KIMBALL and Second by SALINAS, the Lindsay City Council approved and adopted the 2nd Reading of Ordinance 552 ADDING CHAPTER 15.08 TO TITLE 15 OF THE LINDSAY MUNICIPAL CODE EXPEDITING THE PERMITTING PROCESS FOR SMALL RESIDENTIAL-ROOFTOP SOLAR SYSTEMS AND COMPLYING WITH STATE MANDATED ASSEMBLY BILL 2188.

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

NOES: None.

ABSENT: None.

CONSIDERATION OF AMICUS LETTER TO THE CALIFORNIA SUPREME COURT REGARDING CHARTER HOME RULE CASE.

City Attorney Mario Zamora presented this item. He provided a detailed explanation to the City Council and suggested the City of Lindsay participate in letter of support for the Supreme Court to review the City of Vallejo's challenge of a court of appeal case. There would be no direct affect to the City of Lindsay and no cost, we would just like the issue reviewed from a Charter City perspective and not have to opt out on each and every case.

CONSIDERATION OF AMICUS LETTER TO THE CALIFORNIA SUPREME COURT REGARDING CHARTER HOME RULE CASE continued.

With no questions from Council, the entire Council supported directing the City Attorney to provide a letter of support.

With no other business scheduled for Council, 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 7:15 pm. A Special Study Session is scheduled for Tuesday January 19, 2016 at 10am in the Community Development Conference Room at City Hall. 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

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
85606	01/14/16	5344	99 PIPE LINE INC.	5524552	036000	\$4,246.38
85606	01/14/16	5344	99 PIPE LINE INC.	5524552	036000	\$7,649.41
85607	01/14/16	4861	ACOR PRIVATE SECURITY	4004400	069115	\$466.00
85608	01/14/16	2766	ADVANCED GRAPHIX INC	1014110	035000	\$95.30
85609	01/14/16	5677	AL JAMES REID JR.	3004300	055006	\$175.00
85610	01/14/16	5943	ALEJANDRA CARRANZA	3004300	055026	\$502.25
85611	01/14/16	5439	ALEXSIS ARGUELLES	3004300	055010	\$1,000.00
85612	01/14/16	4444	AMSCAN	3004300	069103	\$5,201.53
85613	01/14/16	5009	ANDY GARCIA	3004300	055019	\$150.00
85614	01/14/16	5674	ANTHONY GONZALEZ	3004300	055006	\$275.00
85615	01/14/16	4924	ASI ADMINISTRATIVE	1014090	015010	\$68.80
85616	01/14/16	5457	AUTO ZONE COMMERCIAL	1014120	021000	\$22.97
85617	01/14/16	3966	BEATWEAR INC.	3004300	055002	\$818.37
85618	01/14/16	3797	BETSON IMPERIAL PARTS	3004300	069113	\$1,447.20
85619	01/14/16	4778	BROWN ARMSTRONG	1014050	031009	\$1,300.00
85619	01/14/16	4778	BROWN ARMSTRONG	5524552	031009	\$3,500.00
85620	01/14/16	051	BSK	5524552	022001	\$30.00
85620	01/14/16	051	BSK	5524552	022001	\$200.00
85620	01/14/16	051	BSK	5524552	022001	\$200.00
85620	01/14/16	051	BSK	5524552	022001	\$150.00
85620	01/14/16	051	BSK	5524552	022001	\$120.00
85620	01/14/16	051	BSK	5524552	022001	\$120.00
85620	01/14/16	051	BSK	5524552	022001	\$120.00
85620	01/14/16	051	BSK	5524552	022001	\$80.00
85620	01/14/16	051	BSK	5524552	022001	\$80.00
85621	01/14/16	2052	CADENA CONSTRUCTION	8414140	065028	\$930.00
85621	01/14/16	2052	CADENA CONSTRUCTION	8414140	065028	\$930.00
85621	01/14/16	2052	CADENA CONSTRUCTION	8414140	065028	\$540.00
85621	01/14/16	2052	CADENA CONSTRUCTION	8414140	065028	\$2,550.00
85621	01/14/16	2052	CADENA CONSTRUCTION	8414140	065028	\$1,500.00
85621	01/14/16	2052	CADENA CONSTRUCTION	8414140	065028	\$1,600.00
85621	01/14/16	2052	CADENA CONSTRUCTION	8414140	065028	\$1,600.00
85622	01/14/16	1979	CALIFORNIA BUILDING	101	200258	\$108.90
85623	01/14/16	5970	CAPTO	1014110	037004	\$50.00
85626	01/14/16	5930	CHRIS ALLARD	3004300	069092	\$400.00
85626	01/14/16	5930	CHRIS ALLARD	4004400	069091	\$200.00
85627	01/14/16	5972	CHRISTINA P. TORRES	3004300	055010	\$750.00
85628	01/14/16	5832	CINTAS CORPORATION	1014120	022000	\$148.22
85628	01/14/16	5832	CINTAS CORPORATION	1014130	022000	\$148.22
85628	01/14/16	5832	CINTAS CORPORATION	1014210	022000	\$148.22
85628	01/14/16	5832	CINTAS CORPORATION	3004300	069102	\$13.08
85628	01/14/16	5832	CINTAS CORPORATION	3004300	069102	\$13.08
85628	01/14/16	5832	CINTAS CORPORATION	3004300	069091	\$418.41
85628	01/14/16	5832	CINTAS CORPORATION	3004300	069091	\$419.99
85628	01/14/16	5832	CINTAS CORPORATION	5524552	022000	\$148.22
85628	01/14/16	5832	CINTAS CORPORATION	5534553	022000	\$148.22
85628	01/14/16	5832	CINTAS CORPORATION	5544554	022000	\$148.22
85628	01/14/16	5832	CINTAS CORPORATION	5564556	022000	\$148.20

CHECK #	DATE	VENDOR #	VENDOR	FUND	ACCOUNT	AMOUNT
85684	01/14/16	279	CITY OF PORTERVILLE	1014110	031010	\$660.00
85684	01/14/16	279	CITY OF PORTERVILLE	1014110	031010	\$784.00
85685	01/14/16	279	CITY OF PORTERVILLE	1014120	022012	\$35.04
85685	01/14/16	279	CITY OF PORTERVILLE	1014130	022012	\$35.04
85685	01/14/16	279	CITY OF PORTERVILLE	1014210	022012	\$35.04
85685	01/14/16	279	CITY OF PORTERVILLE	2614160	022012	\$35.02
85685	01/14/16	279	CITY OF PORTERVILLE	5524552	022012	\$35.04
85685	01/14/16	279	CITY OF PORTERVILLE	5534553	031007	\$1,336.00
85685	01/14/16	279	CITY OF PORTERVILLE	5534553	022012	\$35.04
85685	01/14/16	279	CITY OF PORTERVILLE	5544554	022012	\$35.04
85629	01/14/16	2319	COMPUTER SYSTEMS PLUS	1014050	036008	\$45.00
85624	01/14/16	075	CSJVRMA	1014090	037000	\$816.00
85625	01/14/16	075	CSJVRMA	1014090	034000	\$14,793.00
85625	01/14/16	075	CSJVRMA	101	200510	\$68,414.00
85625	01/14/16	075	CSJVRMA	4004400	034000	\$3,500.00
85625	01/14/16	075	CSJVRMA	5524552	034000	\$5,000.00
85625	01/14/16	075	CSJVRMA	5534553	034000	\$5,000.00
85625	01/14/16	075	CSJVRMA	5544554	034000	\$1,000.00
85630	01/14/16	102	CULLIGAN	5524552	022000	\$62.41
85630	01/14/16	102	CULLIGAN	5524552	022000	\$7.75
85630	01/14/16	102	CULLIGAN	5524552	022000	\$211.26
85630	01/14/16	102	CULLIGAN	5524552	022000	\$55.89
85630	01/14/16	102	CULLIGAN	5524552	022000	\$110.88
85698	01/14/16	1463	DANNY SALINAS	1014010	037012	\$50.00
85631	01/14/16	388	DENNIS KELLER/JAMES WEGLEY	5524552	031000	\$140.25
85631	01/14/16	388	DENNIS KELLER/JAMES WEGLEY	6004552	064002	\$85.25
85632	01/14/16	111	DEPT OF CONSERVATION	101	200340	\$296.68
85633	01/14/16	316	DEPT OF JUSTICE	1014110	039001	\$422.00
85633	01/14/16	316	DEPT OF JUSTICE	1014110	039001	\$946.00
85634	01/14/16	2223	DIANE BUCAROFF	1014070	031000	\$150.00
85635	01/14/16	3733	DIRECTV	3004300	069069	\$168.97
85636	01/14/16	119	DOUG DELEO WELDING	3004300	069093	\$9.72
85636	01/14/16	119	DOUG DELEO WELDING	5524552	023000	\$30.00
85636	01/14/16	119	DOUG DELEO WELDING	5534553	022008	\$375.00
85636	01/14/16	119	DOUG DELEO WELDING	5534553	037000	\$448.65
85637	01/14/16	5969	EDUARDO ALCANTAR	1014110	037008	\$51.00
85638	01/14/16	4809	EDWARD SAVERY	3004300	055006	\$475.00
85639	01/14/16	5611	ELITE FITNESS & NUTRITION	3004300	055006	\$150.00
85639	01/14/16	5611	ELITE FITNESS & NUTRITION	3004300	069113	\$3,000.00
85596	01/07/16	5871	ERIK GONZALEZ, CPA	1014090	031000	\$1,035.00
85596	01/07/16	5871	ERIK GONZALEZ, CPA	1014050	031000	\$180.00
85596	01/07/16	5871	ERIK GONZALEZ, CPA	3004300	037000	\$1,480.00
85596	01/07/16	5871	ERIK GONZALEZ, CPA	5524552	031000	\$1,915.00
85596	01/07/16	5871	ERIK GONZALEZ, CPA	5534553	031000	\$1,915.00
85596	01/07/16	5871	ERIK GONZALEZ, CPA	660	031000	\$435.00
85640	01/14/16	4970	FARMERS INSURANCE GROUP	779	200351	\$530.28
85641	01/14/16	5973	FAUSTINO PEREZ	3004300	055010	\$1,000.00
85642	01/14/16	129	FEDEX	1014120	031000	\$11.04

CHECK #	DATE	VENDOR #	VENDOR	FUND	ACCOUNT	AMOUNT
85642	01/14/16	129	FEDEX	4004400	022000	\$114.00
85643	01/14/16	3461	FERGUSON ENTERPRISES	5524552	023000	\$199.01
85644	01/14/16	5676	FIT FOR LIFE	4004400	055006	\$280.00
85645	01/14/16	2318	FRANK'S APPLIANCE INC	3004300	069092	\$325.74
85646	01/14/16	3478	FRESNO PIPE & SUPPLY	5534553	019000	\$239.87
85647	01/14/16	137	FRIANT WATER AUTHORITY	5524552	022010	\$10.78
85647	01/14/16	137	FRIANT WATER AUTHORITY	5524552	022010	\$5.76
85647	01/14/16	137	FRIANT WATER AUTHORITY	5524552	022010	\$1,706.00
85649	01/14/16	4527	GIANMARCO LASERNA	3004300	055019	\$425.00
85650	01/14/16	148	GOMEZ AUTO & SMOG	1014110	022015	\$19.18
85650	01/14/16	148	GOMEZ AUTO & SMOG	1014110	022015	\$101.58
85650	01/14/16	148	GOMEZ AUTO & SMOG	1014110	022015	\$104.52
85650	01/14/16	148	GOMEZ AUTO & SMOG	1014110	022015	\$112.72
85650	01/14/16	148	GOMEZ AUTO & SMOG	1014110	022015	\$159.02
85650	01/14/16	148	GOMEZ AUTO & SMOG	1014110	022015	\$264.48
85650	01/14/16	148	GOMEZ AUTO & SMOG	1014110	022015	\$329.87
85650	01/14/16	148	GOMEZ AUTO & SMOG	1014110	022015	\$379.78
85650	01/14/16	148	GOMEZ AUTO & SMOG	1014110	022015	\$571.70
85650	01/14/16	148	GOMEZ AUTO & SMOG	1014110	022015	\$812.47
85650	01/14/16	148	GOMEZ AUTO & SMOG	1014110	022015	\$704.86
85651	01/14/16	4837	GREG MULLINS	3004300	055006	\$350.00
85652	01/14/16	5647	GRISWOLD,LASSALLE,COBB	1014060	031000	\$33.75
85652	01/14/16	5647	GRISWOLD,LASSALLE,COBB	1014060	031000	\$57.91
85652	01/14/16	5647	GRISWOLD,LASSALLE,COBB	1014060	031000	\$217.89
85652	01/14/16	5647	GRISWOLD,LASSALLE,COBB	1014060	031000	\$351.00
85653	01/14/16	5680	GUTIERREZ SOCCER SHOP	3004300	055002	\$5,589.00
85655	01/14/16	4721	HUSSAIN RAYANI	3004300	055019	\$630.00
85656	01/14/16	5541	JACK DAVENPORT SWEEPING	2614160	023001	\$3,000.00
85657	01/14/16	192	JAMES WINTON & ASSOCIATES	5524552	031000	\$514.14
85658	01/14/16	5353	JERRY SILVA	5524552	015018	\$100.35
85658	01/14/16	5353	JERRY SILVA	5534553	015018	\$100.36
85659	01/14/16	2601	JOHN HIBLER WEATHER	1014120	031000	\$50.00
85659	01/14/16	2601	JOHN HIBLER WEATHER	1014120	031000	\$50.00
85660	01/14/16	4190	JUAN GUTIERREZ	3004300	055019	\$875.00
85661	01/14/16	5856	JULIAN ESPINO	3004300	055002	\$60.00
85662	01/14/16	3886	KAREN THOMPSON	3004300	069088	\$825.00
85662	01/14/16	3886	KAREN THOMPSON	3004300	069088	\$675.00
85663	01/14/16	5462	KATHY PREKOSKI	4004400	055006	\$930.00
85664	01/14/16	5804	KELSIE AVINA	4004400	055006	\$225.00
85665	01/14/16	3901	KIEFER SWIM PRODUCT	4004400	022000	\$113.90
85667	01/14/16	5448	KIRBY D. MANNON	4004400	055006	\$150.00
85668	01/14/16	5701	LAMAR COMPANIES	3004300	069084	\$1,287.00
85669	01/14/16	4427	LINDSAY AUTO PARTS	1014210	022000	\$29.71
85669	01/14/16	4427	LINDSAY AUTO PARTS	1014210	022015	\$56.69
85669	01/14/16	4427	LINDSAY AUTO PARTS	1014130	022000	\$76.78
85670	01/14/16	218	LINDSAY EQUIPMENT RENTALS	1014120	022000	\$18.09
85670	01/14/16	218	LINDSAY EQUIPMENT RENTALS	1014120	022000	\$18.09
85670	01/14/16	218	LINDSAY EQUIPMENT RENTALS	1014120	022000	\$18.09

CHECK #	DATE	VENDOR #	VENDOR	FUND	ACCOUNT	AMOUNT
85670	01/14/16	218	LINDSAY EQUIPMENT RENTALS	4004400	023000	\$66.18
85671	01/14/16	227	LIVICK TRUCK & BUS REPAIR	1014110	022015	\$564.80
85672	01/14/16	2656	LOURDES RENDON	1014110	031000	\$300.00
85673	01/14/16	4981	MARIA A. GUTIERREZ	3004300	055006	\$225.00
85674	01/14/16	234	MARTINS TIRE & AUTO	1014210	022015	\$16.00
85674	01/14/16	234	MARTINS TIRE & AUTO	1014210	022015	\$38.00
85674	01/14/16	234	MARTINS TIRE & AUTO	1014130	022015	\$76.04
85674	01/14/16	234	MARTINS TIRE & AUTO	1014210	022015	\$82.57
85674	01/14/16	234	MARTINS TIRE & AUTO	5524552	022015	\$76.05
85675	01/14/16	5916	MICHELLE CORONADO	3004300	055026	\$705.00
85676	01/14/16	5959	MIGUEL RODRIGUEZ	3004300	055019	\$210.00
85677	01/14/16	252	MORRIS LEVIN & SON	1014110	024000	\$65.69
85678	01/14/16	5243	NATIONAL GYM SUPPLY	3004300	069092	\$685.25
85679	01/14/16	5474	NAYELI COLUNGA	3004300	055002	\$165.00
85680	01/14/16	1565	OACYS.COM INC	1014110	037000	\$35.00
85680	01/14/16	1565	OACYS.COM INC	1014110	037000	\$106.23
85680	01/14/16	1565	OACYS.COM INC	1014050	033001	\$106.24
85680	01/14/16	1565	OACYS.COM INC	1014040	033001	\$106.24
85680	01/14/16	1565	OACYS.COM INC	3004300	069069	\$199.95
85680	01/14/16	1565	OACYS.COM INC	4004400	033001	\$106.24
85680	01/14/16	1565	OACYS.COM INC	4004400	069091	\$189.95
85681	01/14/16	5971	OSCAR VELASQUEZ	3004300	055019	\$180.00
85666	01/14/16	1426	PAM KIMBALL	1014010	037012	\$50.00
85682	01/14/16	3750	PEPSI-COLA	3004300	069116	\$1,446.74
85683	01/14/16	272	PITNEY BOWES INC.	1014090	037000	\$214.93
85683	01/14/16	272	PITNEY BOWES INC.	1014090	037000	\$354.32
85683	01/14/16	272	PITNEY BOWES INC.	1014090	037000	\$1,000.00
85686	01/14/16	276	PORTERVILLE RECORDER	1014070	035000	\$381.30
85687	01/14/16	5796	PRESORT OF FRESNO LLC	5524552	022000	\$377.26
85687	01/14/16	5796	PRESORT OF FRESNO LLC	5534553	022000	\$377.26
85687	01/14/16	5796	PRESORT OF FRESNO LLC	5544554	022000	\$377.27
85688	01/14/16	5602	PROFESSIONAL PRINT & MAIL, INC	1014120	031000	\$129.69
85689	01/14/16	2788	PTM DOCUMENT SYSTEM	1014120	037000	\$31.25
85689	01/14/16	2788	PTM DOCUMENT SYSTEM	1014050	024000	\$96.62
85689	01/14/16	2788	PTM DOCUMENT SYSTEM	3004300	037000	\$31.25
85689	01/14/16	2788	PTM DOCUMENT SYSTEM	4004400	037000	\$31.24
85690	01/14/16	5684	QUIK-ROOTER	5534553	036001	\$337.50
85690	01/14/16	5684	QUIK-ROOTER	5534553	036001	\$570.00
85690	01/14/16	5684	QUIK-ROOTER	5534553	036001	\$1,140.00
85691	01/14/16	285	QUILL CORPORATION	1014120	022000	\$10.03
85691	01/14/16	285	QUILL CORPORATION	1014110	022000	\$12.09
85691	01/14/16	285	QUILL CORPORATION	1014210	022000	\$29.99
85691	01/14/16	285	QUILL CORPORATION	1014120	021000	\$81.63
85691	01/14/16	285	QUILL CORPORATION	1014110	022000	\$229.33
85691	01/14/16	285	QUILL CORPORATION	3004300	069101	\$14.84
85691	01/14/16	285	QUILL CORPORATION	3004300	069101	\$7.08
85691	01/14/16	285	QUILL CORPORATION	3004300	069101	\$251.03
85691	01/14/16	285	QUILL CORPORATION	5524552	021000	\$30.23

CHECK #	DATE	VENDOR #	VENDOR	FUND	ACCOUNT	AMOUNT
85691	01/14/16	285	QUILL CORPORATION	5534553	021000	\$30.23
85691	01/14/16	285	QUILL CORPORATION	7204720	095003	\$19.41
85691	01/14/16	285	QUILL CORPORATION	7204720	095003	\$15.10
85692	01/14/16	4452	RAMONA PADILLA	1014010	037012	\$75.00
85693	01/14/16	5573	RENEE ALVARADO	3004300	055010	\$750.00
85694	01/14/16	3840	RICHARD RIOS	1014210	030001	\$1,600.00
85695	01/14/16	3840	RICHARD RIOS	1014210	022000	\$1,030.00
85696	01/14/16	5511	ROSAENA SANCHEZ	1014010	037012	\$50.00
85654	01/14/16	2307	RYAN HEINKS	1014110	037008	\$51.00
85697	01/14/16	4698	SAL ESTRADA SR.	3004300	055019	\$375.00
85699	01/14/16	1766	SAN JOAQUIN PEST CONTROL	1014210	022000	\$125.00
85700	01/14/16	3208	SHANNON PATTERSON	4004400	055006	\$125.00
85701	01/14/16	5314	SHRED-IT USA LLC	1014090	037000	\$60.93
85701	01/14/16	5314	SHRED-IT USA LLC	1014090	037000	\$95.88
85702	01/14/16	2133	SHROPSHIRE CONTAINER	3004300	069113	\$99.00
85703	01/14/16	2062	SIERRA VETERINARY CENTER	1014110	031010	\$57.00
85704	01/14/16	310	SOUTHERN CA. EDISON	4004400	032006	\$3,260.29
85704	01/14/16	310	SOUTHERN CA. EDISON	5534553	032001	\$109.82
85704	01/14/16	310	SOUTHERN CA. EDISON	8914891	032001	\$27.00
85704	01/14/16	310	SOUTHERN CA. EDISON	8914891	032001	\$54.47
85705	01/14/16	5855	SPORTS TROPHIES	3004300	055019	\$162.37
85705	01/14/16	5855	SPORTS TROPHIES	3004300	055019	\$129.90
85706	01/14/16	2977	STAPLES CREDIT PLAN	1014120	022000	\$119.06
85706	01/14/16	2977	STAPLES CREDIT PLAN	4004400	022000	\$60.60
85707	01/14/16	3634	STATE FARM GENERAL INSURANCE	779	200351	\$686.00
85708	01/14/16	4914	STEPHANIE VELASQUEZ	3004300	055006	\$550.00
85708	01/14/16	4914	STEPHANIE VELASQUEZ	4004400	055006	\$200.00
85708	01/14/16	4914	STEPHANIE VELASQUEZ	4004400	055006	\$400.00
85709	01/14/16	5490	STEVEN A. MECUM	1014010	037012	\$50.00
85710	01/14/16	5899	SUPPLYWORKS	3004300	069091	\$726.65
85710	01/14/16	5899	SUPPLYWORKS	4004400	022000	\$109.15
85711	01/14/16	3682	SYSCO OF CENTRAL CA	3004300	069116	\$396.01
85712	01/14/16	518	TCAG	1014010	038002	\$135.00
85648	01/14/16	144	THE GAS COMPANY	4004400	032006	\$695.53
85713	01/14/16	3396	THYSSENKRUPP ELEVATOR	4004400	032007	\$282.21
85714	01/14/16	4943	TIMOTHY CULVER	3004300	055026	\$3,640.00
85715	01/14/16	336	TULARE COUNTY TAX COLLECTOR	779	200351	\$72.42
85716	01/14/16	5747	UNITED STAFFING	1014130	022000	\$210.00
85716	01/14/16	5747	UNITED STAFFING	1014120	022000	\$210.00
85716	01/14/16	5747	UNITED STAFFING	1014210	022000	\$336.00
85716	01/14/16	5747	UNITED STAFFING	8834883	022000	\$8.40
85716	01/14/16	5747	UNITED STAFFING	8844884	022000	\$16.80
85716	01/14/16	5747	UNITED STAFFING	8864886	022000	\$12.60
85716	01/14/16	5747	UNITED STAFFING	8874887	022000	\$12.60
85716	01/14/16	5747	UNITED STAFFING	8884888	022000	\$16.80
85716	01/14/16	5747	UNITED STAFFING	8914891	022000	\$16.80
85717	01/14/16	5413	UNIVAR USA INC	5524552	022004	\$636.18
85718	01/14/16	4865	VALLEY ELECTRICAL SUPPLIERS	3004300	069092	\$274.34

CHECK #	DATE	VENDOR #	VENDOR	FUND	ACCOUNT	AMOUNT
85719	01/14/16	4240	VALLEY UNIFORM CENTER	1014110	024005	\$583.28
85720	01/14/16	5942	VANESSA GUTIERREZ	3004300	055026	\$502.25
85721	01/14/16	1010	VERIZON CALIFORNIA	3004300	069111	\$371.34
85721	01/14/16	1010	VERIZON CALIFORNIA	3004300	069111	\$240.32
85722	01/14/16	1604	VISA	1014110	037004	\$9.99
85722	01/14/16	1604	VISA	1014040	037004	\$14.99
85722	01/14/16	1604	VISA	1014110	037004	\$14.99
85722	01/14/16	1604	VISA	1014090	037000	\$18.28
85722	01/14/16	1604	VISA	1014040	038002	\$22.64
85722	01/14/16	1604	VISA	1014090	037000	\$26.23
85722	01/14/16	1604	VISA	1014110	024004	\$30.00
85722	01/14/16	1604	VISA	1014110	037000	\$42.35
85722	01/14/16	1604	VISA	1014110	022000	\$50.88
85722	01/14/16	1604	VISA	1014120	022000	\$64.76
85722	01/14/16	1604	VISA	1014110	024004	\$137.14
85722	01/14/16	1604	VISA	1014090	037000	\$199.00
85722	01/14/16	1604	VISA	4004400	032007	\$1.50
85722	01/14/16	1604	VISA	4004400	038002	\$7.95
85722	01/14/16	1604	VISA	4004400	023000	\$1,256.13
85723	01/14/16	368	VOLLMER EXCAVATION, INC.	1014130	023000	\$109.00
85723	01/14/16	368	VOLLMER EXCAVATION, INC.	5524552	023000	\$109.00
85724	01/14/16	2790	WILLDAN INC.	1014120	031000	\$490.00
85725	01/14/16	4978	WILLIAM B. PETERSON	3004300	055019	\$210.00
85726	01/14/16	5912	YVETTE DURAN	3004300	055006	\$250.00
					TOTAL	\$216,545.45

CITY OF LINDSAY
STAFF REPORT
TEMPORARY USE PERMIT No. 16-01
(172 W. Honolulu Street)
January 26, 2016

GENERAL INFORMATION

1. Applicant: Michael Estrada
172 W. Honolulu St
Lindsay, CA 95374
2. Requested Action: **Minute Order Approval** of Temporary Use Permit request to close the alley behind the Orange Bar for a Super Bowl party from 10am February 7 to 2:00 am, February 8, 2016
3. Location: The alley directly behind the Orange Bar, located at 172 W. Honolulu Street (APN: 205271014).

PROJECT DESCRIPTION

Minute Order approval of Temporary Use Permit (TUP) No. 16-01 is a request by Michael Estrada to close the alley directly behind the Orange Bar to provide an outdoor seating area for a Super Bowl party of approximately 75 persons hosted by the Orange Bar, for property located at 172 W. Honolulu Street. The project site is bordered by the Honolulu Street to the north, an alley and the old jail to the south, a vacant lot to the east and a small parking lot and Friends' Liquor to the west.

The Super Bowl Party would be from 10 am, Sunday, February 7th to 2 am, Monday, February 8th, 2016. This temporary use would require the closure of the alley behind the Orange Bar. The outdoor seating area would include:

- Four tables
- Four trash cans
- Two porta-potties
- Temporary fencing to control access, placed along the southern, eastern, and western extent of the seating area. The Orange Bar would control all access.
- Access would be taken through the rear of the Orange Bar. This area would be staffed with security personnel provided by the Orange Bar.
- A minimum of three security personnel would be provided.

Identification would be checked by security personnel and identification bracelets would be issued to all patrons. All parking would be on-street and in public parking lots, per the Orange Bar's normal operating procedures.

SITE USE

The Super Bowl Party site would include the Orange Bar and that portion of the alley directly behind the Orange Bar. The alley behind the Orange Bar currently serves the only the Orange Bar and Friends' Liquor Store has adequate alley access, which will be kept open, as well as parking lot

access and street access from both Honolulu Street and Sweet Brier Avenue. The site is surrounded primarily by central commercial and service commercial uses.

PERMIT REQUIREMENTS

The Orange Bar is zoned Central Commercial. The proposed use is permitted, subject to approval of a temporary use permit by the City Council. Requirements for temporary use permits are listed in Zoning Ordinance Section 18.17.180:

SECTION 18.17.180 TEMPORARY USE PERMITS

Temporary use permits may be approved by the City Council. Temporary uses are defined as non-permanent, special promotional or seasonal land uses which are similar in nature and intensity to land uses in the underlying zone. The city council may approve temporary use permits, subject to the following findings and guidelines:

- A. Temporary use permits shall be for a fixed period of time, not to exceed thirty calendar days per year for each outdoor temporary use, and six months for all other uses or structures.*
- B. Adequate and safe ingress and egress shall be provided to the project site. Directional signing, barricades, fences, and landscaping may be required as a condition of permit approval. Private security personnel may also be required for promotional events.*
- C. Adequate parking facilities shall be provided for each temporary use.*
- D. The proposed temporary use will not adversely impact traffic circulation or result in traffic congestion in the project area.*
- E. Upon termination of a temporary use, or abandonment of the site, the applicant shall remove materials and equipment, and restore the premises to its original condition.*
- F. Reasonable time limits for hours of operation may be set by the city council as a condition of permit approval.*
- G. Applicants for temporary use permits shall secure all other applicable licenses and permits prior to issuance of a temporary use permit.*
- H. Signing for temporary uses shall be subject to the approval of the community development department.*
- I. The city council may deny an application for a temporary use permit if conditions exist which would be injurious or detrimental to existing improvements, land uses, or surrounding areas.*

EVALUATION

Access: The project site provides controlled access via the Orange Bar, where security personnel will be stationed. Temporary fencing will be placed to enclose the seating area and visual screening, as required per California Department of Alcohol Beverage Control standards, will be provided by screened fencing. Staff believes that the site preparation, site control, and nature of use would meet the criteria for a temporary use permit.

Parking: Adequate city parking spaces are available throughout the downtown area for this temporary use.

Hours of Operation: Reasonable hours of operation are proposed for this type of use: 10am February 7th to 2 am on February 8th.

Duration of Permit: Council may approve this temporary use permit request for a time period not exceeding a cumulative total of 6 months. The applicant is requesting this permit for a period of sixteen hours. Staff recommends that the permit expire no later than 2am February 8, 2016.

Fire and Safety: Fire extinguishers are available within the bar. The close proximity of these extinguishers is considered adequate for this temporary use. The Fire Department would inspect and approve the beer garden site prior to the beer garden opening for business.

Security: Security would be provided by a minimum of three security guards, arranged by and paid for by the applicant. The City Public Safety Department would verify and monitor security and reserve the right to require an increase in security staffing as conditions require, or close the private party, if necessary.

Insurance: The applicant would provide a certificate of liability insurance listing the City of Lindsay as a certificate holder, with coverage amounts acceptable to the City prior to the commencement of operations.

Site Cleanup: The applicant would be required to maintain the site and surrounding area in a clean and neat condition, free of all trash and debris. The emptying of trash receptacles would be monitored by the applicant. Upon the conclusion of the party, the site would be cleaned up and returned to its original condition.

Council Options: Council may take one of the three following options:

- Approve the TUP request via Minute Order. This would allow for the closure of the alley behind the Orange Bar for Beer Garden use.
- Disapprove the TUP request.
- Direct staff to take some other related action.

ENVIRONMENTAL REVIEW

California Environmental Quality Act (CEQA) Article 19 §15304 identifies the minor temporary use of land having negligible or no permanent effects on the environment as Categorical Exempt. A draft Notice of Exemption has been prepared.

RECOMMENDATION

The closure of the alley behind the Orange Bar for Beer Garden use during Super Bowl has been an annual tradition since at least 2007. The city has received no complaints regarding this temporary closure. Staff recommends **minute order approval** of the temporary use permit application, subject to the following conditions:

- The Super Bowl Party outdoor seating area layout would be generally consistent with the approved site plan, and would be limited to the area confined by the fencing, within the alley behind the Orange Bar.
- The placement of barricades and any visual warning devices identifying the alley closure would be coordinated with Public Safety and City Services.
- All California Department of Alcohol Beverage Control regulations would be met, including the screening of the outdoor private party seating area from public view.

- Temporary screened security fencing would be provided around the perimeter of the outdoor seating area in the alley.
- A controlled access point would be provided for the verification of identification cards. Security personnel would accomplish this function. Identification bracelets would be provided to all customers for the duration of this temporary use.
- A minimum of two trash cans and two portable toilets would be provided within the outdoor seating area.
- The temporary use would be limited to the hours between 10 am, Sunday, February 7th to 2 am, Monday, February 8th, 2016 for operation.
- The applicant would seek the approval of the City of Lindsay Fire Department regarding the acceptance of any fire and safety related items. The applicant would not open the outdoor seating area until such approval has been obtained.
- Security would be provided by a minimum of three security guards, arranged and paid for by the applicant. The City of Lindsay Public Safety Department would verify and monitor security and reserve the right to require an increase in security staffing as conditions require. The City of Lindsay Public Safety Department would reserve the right to close the private party if it determines that conditions warrant such closure.
- Liability insurance would be provided by the applicant in a form and amount acceptable to the City. The City would be listed as certificate holder.
- The site and surrounding area would be maintained in a clean and neat condition, free of all trash and debris. The emptying of trash receptacles would be monitored by the applicant. Upon conclusion of the temporary use, the site would be returned to its original condition.

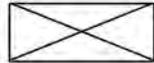
ATTACHMENTS

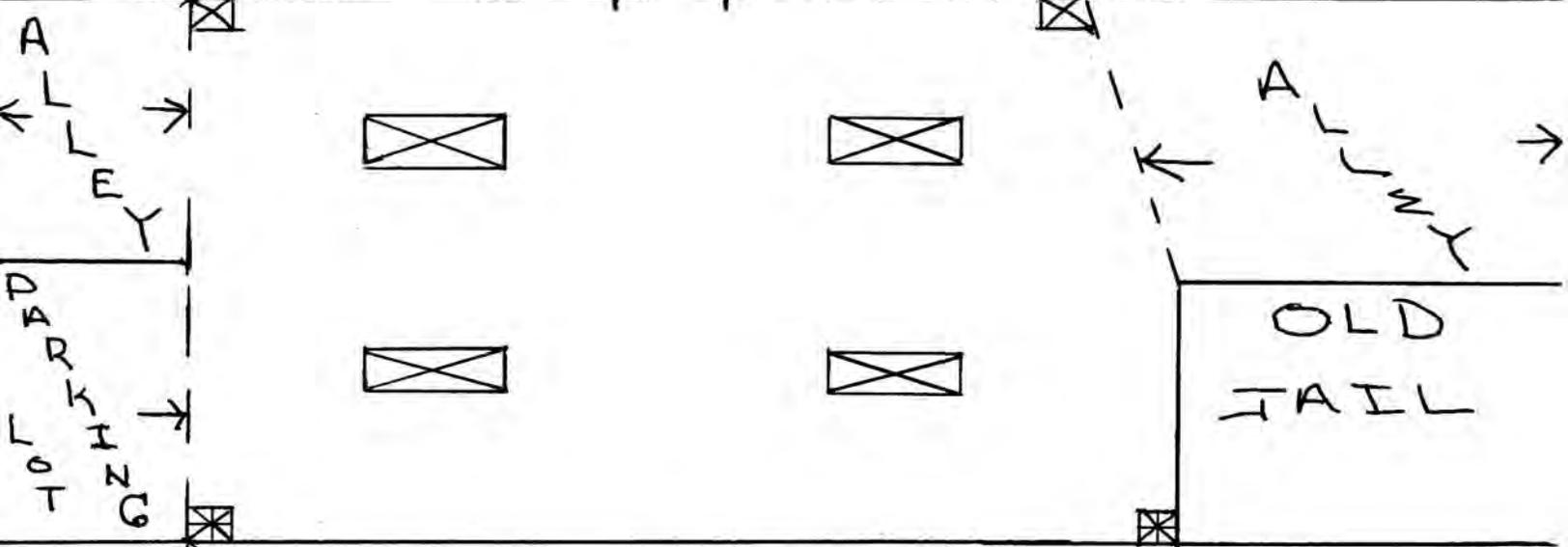
- Site Plan
- Zoning Map

HONOLULU STREET

THE
ORANGE
BAR

LEGEND

-  Table
-  Trash Can
-  Temporary Fencing
-  Portable Toilets



CITY OF LINDSAY
STAFF REPORT
TEMPORARY USE PERMIT No. 16-03
(460 W. HERMOSA ST)
January 26, 2016

GENERAL INFORMATION

1. Applicant: Maria Gutierrez
232 N. Mirage Ave
Lindsay, CA 93247
2. Requested Action: **Minute Order Approval** of Temporary Use Permit 16-03 to sell flowers at Jess Automotive from February 11 to February 14, 2016
3. Location: 460 W. Hermosa St parking lot, Jess Automotive (APN: 205-314-001).

PROJECT DESCRIPTION

Temporary Use Permit 16-03 is a request by Maria Gutierrez to sell Valentine's Day flowers in the parking lot at the northeast corner of the Jess Automotive parking lot (460 W. Hermosa St.). An easy-up with tables would be used for the sales area and include signage identifying her business as "Angel Garden Flowers and Gift Shop" to denote that this temporary use is an extension of a local, bricks-and-mortar business and not an itinerant merchant. The use would be fully contained on the Jess Automotive property. The project site is bordered by Hermosa Street to the north, Doug DeLeo Welding to the south, Ashland Avenue to the east, and Olive Avenue to the west.

The duration of the temporary use would be from February 11, 2016 through February 14, 2016. Daily hours of operation would be approximately 8am – 10pm.

SITE USE

The proposed site is part of the parking area for Jess Automotive. It is fully paved with several ingress/egress points.

PERMIT REQUIREMENTS

The project site is zoned Mixed Use (MXU). The proposed use is permitted, subject to approval of a temporary use permit by the City Council. Requirements for temporary use permits are listed in Zoning Ordinance Section 18.17.180:

SECTION 18.17.180 TEMPORARY USE PERMITS

Temporary use permits may be approved by the City Council. Temporary uses are defined as non-permanent, special promotional or seasonal land uses which are similar

in nature and intensity to land uses in the underlying zone. The city council may approve temporary use permits, subject to the following findings and guidelines:

- A. Temporary use permits shall be for a fixed period of time, not to exceed thirty calendar days per year for each outdoor temporary use, and six months for all other uses or structures.*
- B. Adequate and safe ingress and egress shall be provided to the project site. Directional signing, barricades, fences, and landscaping may be required as a condition of permit approval. Private security personnel may also be required for promotional events.*
- C. Adequate parking facilities shall be provided for each temporary use.*
- D. The proposed temporary use will not adversely impact traffic circulation or result in traffic congestion in the project area.*
- E. Upon termination of a temporary use, or abandonment of the site, the applicant shall remove materials and equipment, and restore the premises to its original condition.*
- F. Reasonable time limits for hours of operation may be set by the city council as a condition of permit approval.*
- G. Applicants for temporary use permits shall secure all other applicable licenses and permits prior to issuance of a temporary use permit.*
- H. Signing for temporary uses shall be subject to the approval of the community development department.*
- I. The city council may deny an application for a temporary use permit if conditions exist which would be injurious or detrimental to existing improvements, land uses, or surrounding areas.*

EVALUATION

Access: The project site provides safe access via two parking lot entrances from Hermosa Street and one from Ashland Avenue. Staff believes that these accesses meet the required criteria for a temporary use permit.

Parking: Adequate paved parking is available at and adjacent to the proposed site.

Hours of Operation: Reasonable hours of operation are proposed for this type of use: 8 am to 10 pm, daily.

Duration of Permit: Council may approve this temporary use permit request for a time period not exceeding a cumulative total of 6 months. The applicant is requesting an approval for four days (February 11 through February 14, 2016).

Site Cleanup: The applicant would be required to maintain the site and surrounding area in a clean and neat condition, free of all trash and debris. Upon the conclusion of operation the site would be returned to its original condition.

ENVIRONMENTAL REVIEW

California Environmental Quality Act (CEQA) Article 19 §15304 identifies the minor temporary use of land having negligible or no permanent effects on the environment as Categorically Exempt.

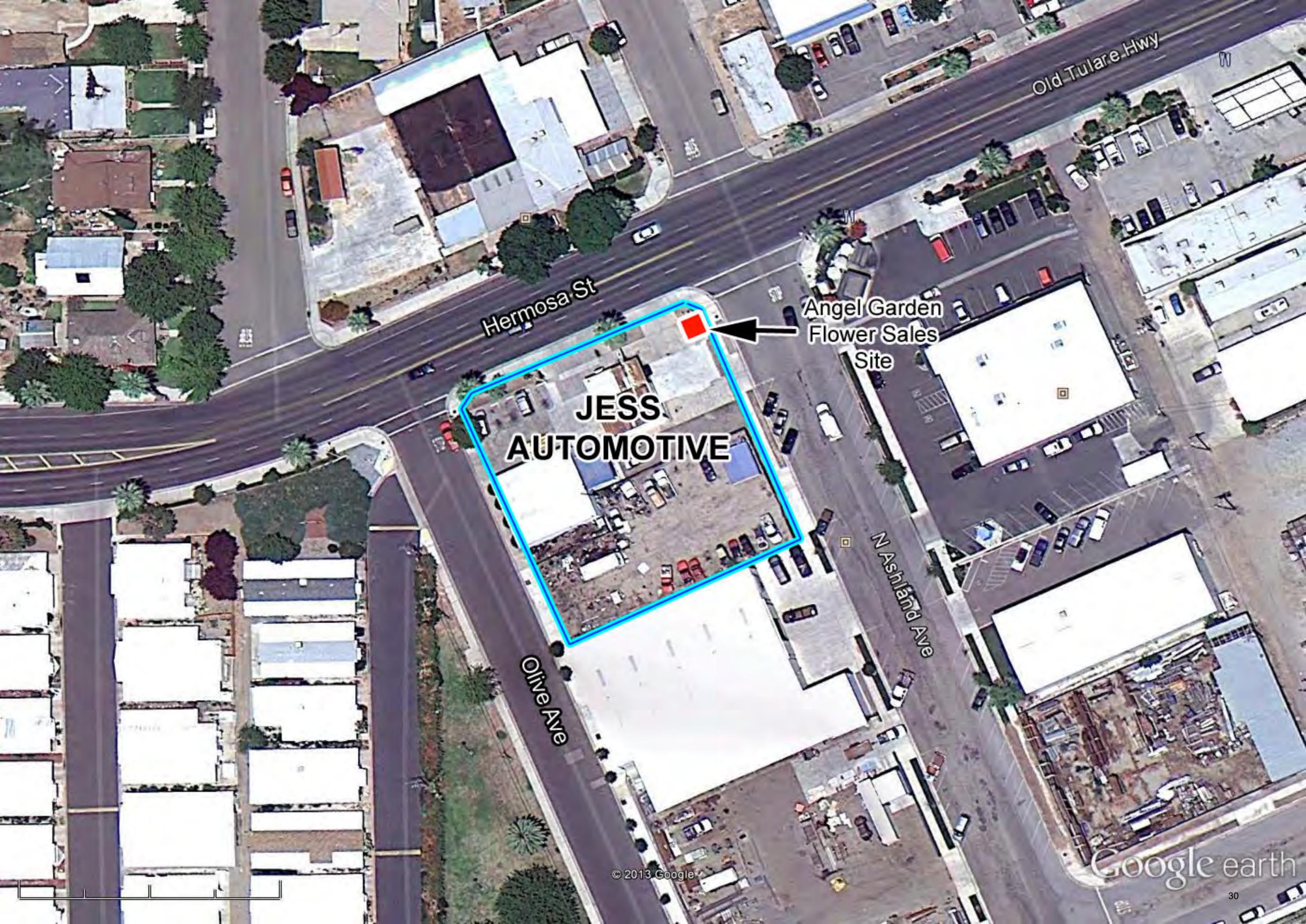
RECOMMENDATION

Ms. Gutierrez has sold flowers at this location several times in the past, without incident. Staff recommends that the City Council grant **Minute Order approval** of Temporary Use Permit No. 16-03, based on the findings and subject to the conditions found here.

- The temporary use would not impede the normal flow of traffic for Jess Automotive, nor would it obstruct driveway accesses.
- The use would be limited to the hours between 8 AM and 10:00 PM for operation.
- The temporary use permit would be effective upon February 11, 2016, and would expire after operating hours on February 14, 2016.
- The site and surrounding area would be maintained in a clean and neat condition, free of all trash and debris. Upon conclusion of the temporary use, the site would be returned to its original condition.
- The applicant would comply with all applicable city codes and ordinances.

ATTACHMENTS

- Aerial Map Showing Site
- Zoning Map



Old Tulare Hwy

Hermosa St

Angel Garden
Flower Sales
Site

**JESS
AUTOMOTIVE**

N Ashland Ave

Olive Ave

CITY OF LINDSAY ZONING MAP

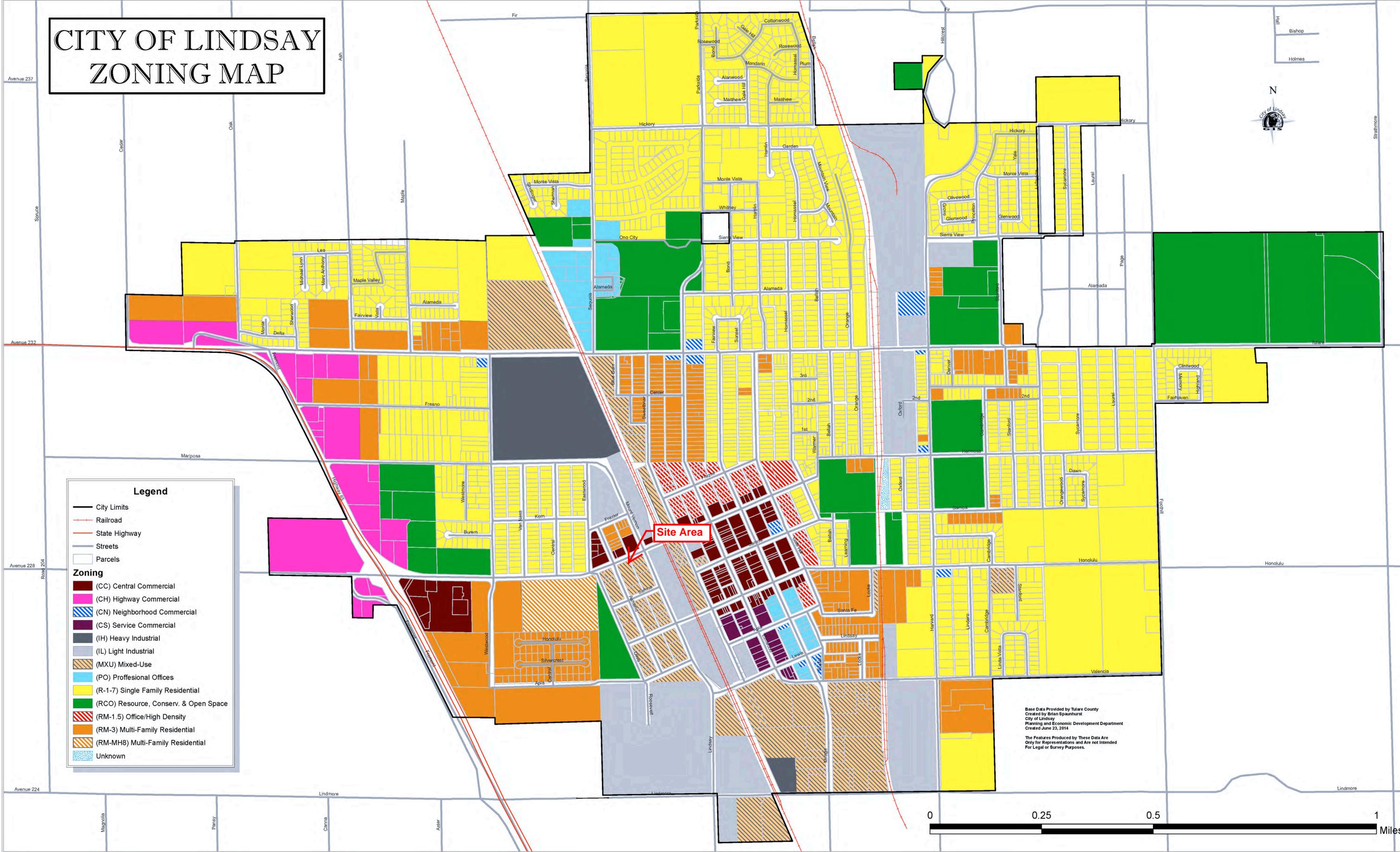


Legend

- City Limits
- Railroad
- State Highway
- Streets
- Parcels

Zoning

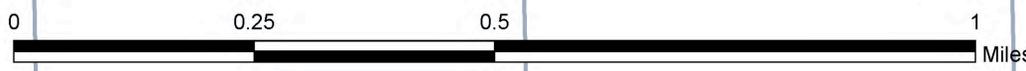
- (CC) Central Commercial
- (CH) Highway Commercial
- (CN) Neighborhood Commercial
- (CS) Service Commercial
- (IH) Heavy Industrial
- (IL) Light Industrial
- (MXU) Mixed-Use
- (PO) Professional Offices
- (R-1-7) Single Family Residential
- (RCO) Resource, Conserv. & Open Space
- (RM-1.5) Office/High Density
- (RM-3) Multi-Family Residential
- (RM-MH8) Multi-Family Residential
- Unknown



Site Area

Base Data Provided by Tulare County
 Created by Brian Spaurhurst
 City of Lindsay
 Planning and Economic Development Department
 Created June 23, 2014

The Features Produced by These Data Are
 Only for Representations and Are not Intended
 For Legal or Survey Purposes.



PUBLIC HEARING PROCEDURES

The following rules shall apply:

1. OPEN the public hearing.
2. PROPOSERS (those in favor). The Council may ask questions of the proponents and they may respond.
3. OPPOSERS (those against). The Council may ask questions of the opponents and they may respond.
4. REBUTTAL each side.
5. FURTHER QUESTIONS from Council, but the parties may not engage in further debate.
6. CLOSE the public hearing.
7. COUNCIL DISCUSSION.
8. MOTION (if necessary).
9. COUNCIL VOTE.

CITY OF LINDSAY

STAFF REPORT

Municipal Code Amendment No. 16-02
January 26, 2016

GENERAL INFORMATION

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

DESCRIPTION

The First Reading of Municipal Code Amendment No. 16-02 is a request by the City of Lindsay to add prohibitions or regulations for 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 addresses the *regulation* of medical marijuana and one version to *prohibit* medical marijuana.

The City of Lindsay is not the only community that has taken notice of this deadline and many entities in Tulare County have already taken steps to address this matter. In order to provide a unified response on the subject, staff has utilized language from the City of Exeter for the prohibition version along with language from Visalia and Tulare County for the regulation version. The proposed amendments are attached for your review.

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 one of the three available options:

1. Approve the first reading of Ordinance No. 553 for the prohibition of medical marijuana (attached).
2. Approve the first reading of Ordinance No. 553 for the regulation of medical marijuana (attached).
3. Decline to both options one and two and defer the regulation of medical marijuana to the State of California.

ATTACHMENT

- Proposed Amendments for Prohibition
- Proposed Amendments for Regulation
- Ordinance No. 553 (Prohibition)
- Ordinance No. 553 (Regulation)

Attachments:

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.

Proposed Amendments (Regulation)

- 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.
- Text marked with a “*” are utilized from the City of Visalia’s Municipal Code Chapter 8.64.
- Text marked with a “+” are utilized from Tulare County’s Zoning Ordinance Section 15.3.

Chapter 8.06 Use, Cultivation, and Sale of Medical Marijuana

Sections:

8.06.010 Legislative Findings and Statement of Purpose.

8.06.020 Definitions.

8.06.030 Regulations applicable to individual use or consumption of medical marijuana.

8.06.040 Regulations applicable to cultivation of medical marijuana.

8.06.050 Medical marijuana dispensaries, collectives and cooperatives.

8.06.060 Separation of use.

Sec. 8.06.010 Legislative Findings and Statement of Purpose.

A. The City Council finds that the regulations 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 regulation 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 regulate the cultivation of marijuana 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

C. The City Council finds that this chapter: (1) expresses its intent to regulate 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 regulated by this chapter; and (3) exercises its police power to enact and enforce regulations for the public benefit, safety, and welfare of the City and its community.

8.06.020 Definitions.

The following definitions shall apply under this chapter:

"Medical Marijuana" is defined in strict accordance with California Health and Safety Code Sections 11362.5 and 11362.7 et seq.*

"Cultivation of medical marijuana" means the growing of medical marijuana for medical purposes as defined in strict accordance with California Health and Safety Code Sections 11362.5 and 11362.7 et seq.*

"Collective" and/or "Cooperative" and/or "Dispensary" means any facility or location whether fixed or mobile, where marijuana, marijuana products, or devices for the use of marijuana or marijuana products, either individually or in any combination, are offered, carried, transported, transmitted, manufactured, stored, placed, cultivated, sold, traded, exchanged, bartered, made available to and/or distributed, expressly including an establishment that delivers marijuana or marijuana products as part of a retail sale.

8.06.030 Regulations applicable to individual use or consumption of medical marijuana.

No person shall smoke, ingest, or otherwise consume medical marijuana in the city unless each of the following conditions is met:*

A. Such smoking, ingesting or consumption occurs entirely within a private residence, and*

B. No smoke or odor resulting from such smoking, ingesting or consumption may be detected from any neighboring property or residence.*

8.06.040 Regulations applicable to cultivation of medical marijuana.

A. No person shall cultivate medical marijuana in the city unless each of the following conditions is met.*

1. Such cultivation occurs in the R-1-7 (Single Family Residential) Zone.* Minor alteration to exclude agricultural zones
2. All cultivation shall occur within a building or structure.
3. The building or structure within which cultivation occurs, and any improvements within such building or structure, meet all applicable building and zoning requirements (including but not limited to required setbacks, height limitations and fire sprinkler requirements), and the structure and improvements themselves have been properly permitted and inspected.*
4. The total area dedicated to cultivation shall be limited to a total of 100 square feet per parcel.*
5. The person responsible for such cultivation maintains evidence of qualification to use and cultivate medical marijuana as required by state law.*
6. Cultivation does not constitute the establishment of a medical marijuana dispensary, collective, or cooperative in violation of Section 8.06.050.*
7. Any chemicals or other materials used in such cultivation are used in a manner that is consistent with any applicable rules and regulations pertaining to chemical handling and storage, and no hazardous materials are maintained or allowed to exist on the premises.*

B. All cultivation must comply with all state and federal laws, regulations, and local ordinances, including City ordinances and regulations.

8.06.050 Medical marijuana dispensaries, collectives, and cooperatives.

A. Medical marijuana dispensaries, collectives and cooperatives as defined in this chapter shall not be established or located in any zone

in the City of Lindsay, not shall any building or land be used for such dispensaries, collectives, or cooperatives, other than those located in a CS (Service Commercial), IL (Light Industrial), or IH (Heavy Industrial) zone district.+ Minor alteration to apply Lindsay Zoning districts.

B. Medical marijuana dispensaries, collectives and cooperatives shall comply with all state and federal laws, regulations, and local ordinances, including City ordinances and regulations.

8.06.060 Separation of use.

A. Property lines of medical marijuana dispensary, collective, and cooperative locations shall be a minimum of 1,000 feet radius from the following:+

1. Existing public or private schools, day care facilities as defined by the State of California, parks or other recreational facilities where minors congregate.+
2. Planned or existing park set forth in the general plan or other recreational facility where minors congregate.+
3. Existing places of religious worship.+
4. Other public or private facilities, including but not limited to theaters, bus stops, dog parks, and other open space or facilities where minors may congregate.+
5. Other medical marijuana dispensaries, collectives or cooperatives.+
6. As used in this section, “existing” means existing at the time the dispensary, collective or cooperative is to be established.+

B. Property lines of medical marijuana dispensary, collective, and cooperative locations shall be a minimum of 500 feet radius from the following:

1. Existing residential dwellings.
2. As used in this section, “existing” means existing at the time the dispensary, collective or cooperative is to be established.

Discussion: Staff recommends a 500 foot radius from residential dwellings in order to prevent the entire city limits from being inaccessible to the establishment of a medical marijuana dispensary, collective, or cooperative.

The distances set forth above shall be measured in a straight line, without regard to intervening structures, as a radius from the property line of the dispensary, collective or cooperative to the property line of the other use. +

ORDINANCE NO. 553

AN ORDINANCE OF THE COUNCIL OF THE CITY OF LINDSAY IMPOSING AN EXPRESS BAN ON MARIJUANA CULTIVATION, MARIJUANA PROCESSING, MARIJUANA DELIVERY, AND 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 at a regular meeting of the City Council held on the 26th day of January, 2016.

ATTEST:

CITY COUNCIL OF THE CITY OF LINDSAY

Carmela Wilson, City Clerk

Ramona Villarreal-Padilla, Mayor

ORDINANCE NO. 553

AN ORDINANCE OF THE COUNCIL OF THE CITY OF LINDSAY IMPOSING REGULATIONS ON MARIJUANA CULTIVATION, MARIJUANA USE, AND 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 regulate 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)); and

- 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));

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, product 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 of 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, and/or distribution will result in the aforementioned threat to public health, safety, and welfare without regulation;

WHEREAS, according 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 regulate the establishment and operation of marijuana cultivation, processing, use, 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 regulation on any such activity or a regulation on the issuance of any use permit, variance, building permit, or any other entitlement, license, or permit for any such activity.

THE CITY COUNCIL OF THE CITY OF LINDSAY DOES ORDAIN AS FOLLOWS:

ARTICLE 1: Chapter 8.06 of the Lindsay Municipal Code shall be amended to read as follows:

Chapter 8.06 Use, Cultivation, and Sale of Medical Marijuana

Sections:

- 8.06.010 Purpose and Intent.
- 8.06.020 Definitions.
- 8.06.030 Regulations applicable to individual use or consumption of medical marijuana.
- 8.06.040 Regulations applicable to cultivation of medical marijuana.
- 8.06.050 Medical marijuana dispensaries, collectives and cooperatives.
- 8.06.060 Separation of use.

8.06.010 Purpose and Intent.

A. It is the purpose of this chapter to promote the health, safety, morals, general welfare and enjoyment of private property of the residents within the city by restricting the public use and consumption of marijuana for medical purposes and by regulating both the individual and group cultivation of medical marijuana.

B. The City Council finds that the regulation established by this Chapter 8.06 is necessary in order to avoid adverse effects that would occur in the absence of any local regulations due to the uncertainty caused by the fact that state law expressly permits activity that is prohibited under federal law. However, in enacting this ordinance, the City Council does not intend to create new or separate permissive authority for the use, cultivation or consumption of any substance that is prohibited by federal law. Accordingly, in the event state law defining medical marijuana and making its possession, cultivation and use permitted under state criminal laws is repealed, or in the event federal law is determined to preempt state law on this issue, the City Council intends Chapter 8.06 to also be repealed to correspond to state law, or to be preempted by action of federal law, as the case may be.

8.06.020 Definitions.

The following definitions shall apply under this chapter:

“Medical Marijuana” is defined in strict accordance with California Health and Safety Code Sections 11362.5 and 11362.7 et seq.

“Cultivation of medical marijuana” means the growing of medical marijuana for medical purposes as defined in strict accordance with California Health and Safety Code Sections 11362.5 and 11362.7 et seq.

“Collective” and/or “Cooperative” and/or “Dispensary” means any facility or location whether fixed or mobile, where marijuana, marijuana products, or devices for the use of marijuana or marijuana products, either individually or in any combination, are offered, carried, transported, transmitted, manufactured, stored, placed, cultivated, sold, traded, exchanged, bartered, made available to and/or distributed, expressly including an establishment that delivers marijuana or marijuana products as part of a retail sale.

8.06.030 Regulations applicable to individual use or consumption of medical marijuana.

No person shall smoke, ingest, or otherwise consume medical marijuana in the city unless each of the following conditions is met:

- A. Such smoking, ingesting or consumption occurs entirely within a private residence, and
- B. No smoke or odor resulting from such smoking, ingesting or consumption may be detected from any neighboring property or residence.

8.06.040 Regulations applicable to cultivation of medical marijuana.

- A. No person shall cultivate medical marijuana in the city unless each of the following conditions is met:
 - 1. Such cultivation occurs in the R-1-7 (Single Family Residential) Zone.
 - 2. All cultivation shall occur within a building or structure.
 - 3. The building or structure within which cultivation occurs, and any improvements within such building or structure, meet all applicable building and zoning requirements (including but not limited to required setbacks, height limitations and fire sprinkler requirements), and the structure and improvements themselves have been properly permitted and inspected.
 - 4. The total area dedicated to cultivation shall be limited to a total of 100 square feet per parcel.

5. The person responsible for such cultivation maintains evidence of qualification to use and cultivate medical marijuana as required by state law.
6. Cultivation does not constitute the establishment of a medical marijuana dispensary, collective, or cooperative in violation of Section 8.06.050.
7. Any chemicals or other materials used in such cultivation are used in a manner that is consistent with any applicable rules and regulations pertaining to chemical handling and storage, and no hazardous materials are maintained or allowed to exist on the premises.

- B. All cultivation must comply with all state and federal laws, regulations, and local ordinances, including City ordinances and regulations.

8.06.050 Medical marijuana dispensaries, collectives, and cooperatives.

- A. Medical marijuana dispensaries, collectives and cooperatives as defined in this chapter shall not be established or located in any zone in the City of Lindsay, not shall any building or land be used for such dispensaries, collectives, or cooperatives, other than those located in a CS (Service Commercial), IL (Light Industrial), or IH (Heavy Industrial) zone district.
- B. Medical marijuana dispensaries, collectives and cooperatives shall comply with all state and federal laws, regulations, and local ordinances, including City ordinances and regulations.

8.06.060 Separation of use.

- A. Property lines of medical marijuana dispensary, collective, and cooperative locations shall be a minimum of 1,000 feet radius from the following:
 1. Existing public or private schools, day care facilities as defined by the State of California, parks or other recreational facilities where minors congregate.
 2. Planned or existing park set forth in the general plan or other recreational facility where minors congregate.
 3. Existing places of religious worship.
 4. Other public or private facilities, including but not limited to theaters, bus stops, dog parks, and other open space or facilities where minors may congregate.
 5. Other medical marijuana dispensaries, collectives or cooperatives.
 6. As used in this section, "existing" means existing at the time the dispensary, collective or cooperative is to be established.
- B. Property lines of medical marijuana dispensary, collective, and cooperative locations shall be a minimum of 500 feet radius from the following:

1. Existing residential dwellings.
2. As used in this section, "existing" means existing at the time the dispensary, collective or cooperative is to be established.

The distances set forth above shall be measured in a straight line, without regard to intervening structures, as a radius from the property line of the dispensary, collective or cooperative to the property line of the other use.

ARTICLE 2: The City Council declares that this ordinance 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.

ARTICLE 3: 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 at a regular meeting of the City Council held on the 26th day of January, 2016.

ATTEST:

CITY COUNCIL OF THE CITY OF LINDSAY

Carmela Wilson, City Clerk

Ramona Villarreal-Padilla, Mayor

MEMORANDUM

Date: January 26, 2016
To: Lindsay City Council
From: William Zigler, Interim City Manager
Subject: Council Discussion Item: Vision/Mission Statement Development

The following is provided for your reference in support of continuing your discussion of Jan 19 related to City Council Vision and Mission Statements.

A **Vision Statement** exists on page C-2 of the City Charter, which states, *“The citizens of the City of Lindsay do enact this Charter to form a better City government for all citizens of the City, to provide for the public health, safety, welfare and morals of its residents, property owners and businesses, and to preserve and to enhance the quality of life for ourselves, our families, our neighbors, and our businesses, for now and the future.”*

This seems to relate specifically to the creation of the Charter; therefore, Council could create and adopt its own vision statement if desired.

A Council **Mission Statement** for the 2015/16 Budget exists on page 35 of the budget which states, *“The mission of the City Council is to develop plans and programs, provide adequate financial and physical resources for, and to implement fully such plans and programs as it finds necessary to accomplish the duties and obligations set out in the City Charter, and State and federal law.”*

This statement comes from Section 2.06 (Duties and Obligations of the City Council) on page C-3 of the City Charter and seems to mirror what our facilitator discussed as applying to all councils.

Respectfully Submitted,



William Zigler
Interim City Manager