



LINDSAY CITY COUNCIL MEETING: REGULAR MEETING

251 E. Honolulu St., Lindsay, CA 93247

Tuesday, May 8, 2018 @ 6:00PM

Page 1

CALL TO ORDER:	6:00pm
ROLL CALL:	Council Members Velasquez, Watson, Cortes, Mayor Pro Tem Salinas & Mayor Kimball
PLEDGE:	Council Member Cortes
INVOCATION:	Father James Rouse, St. James Anglican
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 three minutes per person, with 30 minutes overall for the entire comment period, unless otherwise indicated by the Mayor. Participants speak at the stand after clearly stating their name for the Clerk.

1 COUNCIL REPORTS Council Members	City Council Members report on recent, current or upcoming events, activities or matters.
---	---

2 LHS STUDENT REPORT Denise Macias	Student reports on recent, current or upcoming events, activities or matters related to the High School.
--	--

3 STAFF REPORT Bill Zigler, City Manager	City Manager reports on recent, current or upcoming events, activities or matters.
--	--

4 CONSENT CALENDAR Mayor Kimball Agenda Packet Pages 1-14	<ol style="list-style-type: none">1. City Council Meeting Minutes for April 24, 20182. Warrant List for May 1, 20183. Treasurer's Report April 20184. Temporary Use Permit 17-08 – Shaved Ice Stand
--	--

5 RESOLUTION 18-20 Bret Harmon, City Clerk Agenda Packet Pages 15-18	Resolution Requesting and Consenting to Consolidation of Election and Setting Forth the Specifications of the Election Order
---	--

6 RESOLUTION 18-21 Bret Harmon, City Clerk Agenda Packet Pages 19-22	Resolution Requesting the Board of Supervisors of Tulare County consent to Permitting the Registrar of Voters to Render Specified Services to the City.
---	---

7 RESOLUTION 18-27 Bret Harmon, Director of Finance Agenda Packet Pages 23-26	Resolution 18-22 Opposing the Tax Fairness, Transparency and Accountability Act of 2018 A part of a unified effort to protect local control of revenues for providing general services.
--	--

8 RESOLUTION 18-23 Bret Harmon, Director of Finance	A resolution of the City Council of the City of Lindsay to update schedules for the repayment of advances approved by Resolution 17-44 to ensure
---	--

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 x 8020. Notification 48 hours prior to the meeting will enable the City to ensure accessibility to this meeting and/or provision of an alternative format of the agenda and documents in the agenda packet.



LINDSAY CITY COUNCIL MEETING: REGULAR MEETING

251 E. Honolulu St., Lindsay, CA 93247

Tuesday, May 8, 2018 @ 6:00PM

Page 2

Agenda Packet Pages 28-31

the City has sufficient funds to balance the General Fund budget in Fiscal Year 2018-2019 and to build a limited General Fund reserve.

9 RESOLUTION 18-24

Bret Harmon, Director of Finance

Agenda Packet Pages 32-36

A resolution of the City Council of the City of Lindsay authorizing the examination of sales or transactions and use tax records.

10 ORDINANCE No. 564

Marsha Buelna, Code Enforcement Officer

Agenda Packet Pages 37-48

Ordinance No. 564- **PUBLIC HEARING**

Amend Municipal Code Title 8 Health and Safety, Title 8 Chapter 8.22 Fireworks, Section 8.22.140 Violations, to enforce Administrative Citations.

11 MINUTE ORDER

Mike Camarena, Director of City Services

Agenda Packet Pages 49-52

2018-2 Housing Related Parks Program (HRPP) Soccer Fields Renovation Project

Award Base Bid contract to Clean Cut Landscape Incorporated, for the Bid amount of \$256,700

12 MINUTE ORDER

Mike Camarena, Director of City Services

Agenda Packet Pages 53-56

2018-2 Housing Related Parks Program (HRPP) Clubhouse Remodel Project Award Base Bid contract to Vahnn Blue Construction, Inc. for the Bid amount of \$43,728.00.

13 DISCUSSION & MINUTE ORDER

Mayor Pro-Tem Salinas and

Council member Cortes

Ad Hoc Committee – Explored the City's Relationship with the Chamber of Commerce

14 DISCUSSION

Bret Harmon, Director of Finance

Discussion regarding City Council question about Utility Bill Due Dates and potential changes thereto.

15 FUTURE AGENDA ITEMS

Council Member

Council members request items for future agendas.

16 ADJOURN

Mayor Kimball

Council adjourns meeting. The next Regular City Council meeting will be held at 251 E. Honolulu Street, Lindsay at 6:00PM on May 22, 2018.

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 x 8020. Notification 48 hours prior to the meeting will enable the City to ensure accessibility to this meeting and/or provision of an alternative format of the agenda and documents in the agenda packet.



LINDSAY CITY COUNCIL MEETING: REGULAR MEETING

251 E. Honolulu St., Lindsay, CA 93247

Tuesday, April 24, 2018 @ 6:00PM

Page 8378

- CALL TO ORDER:** 6:00pm
- ROLL CALL:** Council Members Velasquez, Watson, Cortes, Mayor Pro Tem Salinas & Mayor Kimball
Present: All Present
- PLEDGE:** Council Member Watson
- INVOCATION:** Bishop Kirk Ingoldsby, The Church of Jesus Christ of Latter-Day Saints
- 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 three minutes per person, with 30 minutes overall for the entire comment period, unless otherwise indicated by the Mayor. Participants speak at the stand after clearly stating their name for the Clerk.

Speaker	Comments
Eric Sinclair	Went by the name of Steve Livingston as a stage name. His half-brother is Vin Diesel, which is Mark Sinclair's stage name. He started the show Modern Family. He loves the City of Lindsay.
Trudy Wischemann	Spoke of concerns she has about the planning process and public hearing on 4/10/2018. Submitted a letter of complaint related to the public hearing on the roundabout on 4/10/2018 City Council meeting. Wishes the public were more involved in the planning process.
Mr. Segura	Petitioned the Council to change the utility billing due date to a date after the 3 rd of each month so he is not charged a \$10 late fee. He receives his social security check on the 3 rd of the month.

1 COUNCIL REPORTS

City Council Members report on recent, current or upcoming events, activities or matters

Council Members

Speaker	Comments
Velasquez	Nothing to report
Watson	Nothing to report
Cortes	Nothing to report
Salinas	Expressed appreciation for all who helped with Orange Blossom Festival.
Kimball	Expressed appreciation for all who helped with OBF included Councilmember Cortes and Mayor Pro Tem Salinas. Recounted key events from the TCAG trip to Washington, D.C. The TCAG group shared its important messages with legislative and the executive branches. One important topic was changing the mandated frequency for updating the regional transportation plan to reduce the cost and burden to local governments. Another topic was the infrastructure package and its impact on the San Joaquin Valley. As it stands now, the Valley would not qualify for the rural set aside in the bill. Asked for assistance for dairy roads improvements. The TCAG budget is tight for this next year. Transit in the county is facing challenges with rising costs. TCAG voted to fund plans for transit stops in Lindsay and other local cities without a transit stop.

2 LHS STUDENT REPORT

Student reports on recent, current or upcoming events, activities or matters related to the High School

Denise Macias

Speaker	Comments
Macias	Not in attendance.

3 STAFF REPORT

City Manager reports on recent, current or upcoming events, activities or matters

Bill Zigler, City Manager

Speaker	Comments
Zigler	Shared updates on the budget committee's plan to meet with the Finance Director, water system functioning well right now, soccer complex bids due next week, increases in Wellness Center memberships and progress in securing a tenant for part of the Wellness Center. Reminded about dollars for scholars on April 28 th at the Aquatic Center.



LINDSAY CITY COUNCIL MEETING: REGULAR MEETING

251 E. Honolulu St., Lindsay, CA 93247

Tuesday, April 24, 2018 @ 6:00PM

Page 8379

4 CONSENT CALENDAR

Mayor Kimball

Agenda Packet Pages 1-16

1. City Council Meeting Minutes for April 10, 2018
2. Warrant List for April 17, 2018
3. Treasurers Report for February 2018
4. Treasurers Report for March 2018
5. Temporary Use Permit 18-13 Mother's Day Flower Stand

Motion & Vote

1 st	2 nd	Velasquez	Watson	Cortes	Salinas	Kimball	Result
Velasquez	Watson	Yes	Yes	Yes	Yes	Yes	5-0 Approved

5 INFORMATIONAL ITEM

Economic Development Corporation (EDC) Update

Paul Saldana

Speaker	Comments
Saldana	Presented information about what is happening at the EDC. They are the only accredited ED Organization in California now. EDC has streamlined and optimized its services. It is reducing the cost to client jurisdictions. Adding business financing services. Shared information about the Opportunity Zone Program. Every City in the County has an Opportunity Zone designation except Woodlake. Shared employment and living place demographics. Expressed appreciation for City's participation in the EDC.
Watson	Asked about projects in Lindsay
Saldana	Energy-related company 20 jobs; Manufacturing 150 jobs; Manufacturing 300 jobs; Office/Lab 40 jobs; Manufacturing 50 jobs; Manufacturing 50 jobs; and Distribution 50 jobs.
Salinas	Asked about when the Opportunity Zone will become active
Saldana	The regulations are not in place yet. Expect more information and direction in the next 60 days.
Velasquez	Reviewed how much EDC has accomplished.

6 RESOLUTION 18-19

Conditional Use Permit No. 18-10 – Public Hearing

Brian Spaunhurst, Assistant City Planner

Agenda Packet Pages 17-23

To establish an ambulance service in the Central Commercial (CC) district.

Speaker	Comments
Camarena	Reviewed the staff report with Council. Showed the site plan/image.
Watson	Asked if Imperial will become the main service provider or continue in the rotation.
Camarena	Imperial would stay in the rotation.
Zigler	The property owner sought out the ambulance company. Shared background on the location's zoning. Staff has not had conversations with the ambulance company.
Kimball	Opened public hearing.
Eric Sinclair	In favor of the proposal.
Kimball	Closed public hearing.
Salinas	Commented it is a new business coming to the City and will have benefit in the new location.
Watson	Confirmed the County helps coordinate the rotation of ambulance company. Does not want to have delay in response time.

Motion & Vote

1 st	2 nd	Velasquez	Watson	Cortes	Salinas	Kimball	Result
Salinas	Cortes	Yes	Yes	Yes	Yes	Yes	5-0 Approved

7 RESOLUTION No. 18-15

Chief Hughes

Agenda Packet Pages 24-29

Reducing Crime & Keeping California Safe Act of 2018

Will help crack down on repeat offenders and protect our most vulnerable victims from dangerous individuals who take advantage of our laws, our businesses and our communities.

Speaker	Comments
---------	----------



LINDSAY CITY COUNCIL MEETING: REGULAR MEETING

251 E. Honolulu St., Lindsay, CA 93247

Tuesday, April 24, 2018 @ 6:00PM

Page 8380

Chief Hughes	Presented the staff report and impact of Proposition 57. The Act would help clean up language related to violent crimes currently eligible for early release. Asked the Council to support the resolution.
Kimball	Asked for clarification on what is the next step.
Chief	It would be on the ballot as the next step.
Cortes	Asked what happens with the resolution if passed.
Chief	It would go to the group coordinating the support effort. Visalia and others have supported it.

Motion & Vote

1 st	2 nd	Velasquez	Watson	Cortes	Salinas	Kimball	Result
Velasquez	Cortes	Yes	Yes	Yes	Yes	Yes	5-0 Approved

8 RESOLUTION No. 18-16

Chief Hughes

Agenda Packet Pages 30-31

2018 Tulare County Multi-Jurisdictional Local Hazard Mitigation Plan

The City of Lindsay in accordance with Tulare County and surrounding communities have created a multi-jurisdictional hazard mitigation plan to share resources in the event of a catastrophic event requiring the combined efforts of multiple agencies as required by state and federal officials.

Speaker	Comments
Chief Hughes	Shared the staff report with Council. Discussed how the agencies in the County would work together in case of an emergency. The City needs to update the document to qualify for grants and to have an agreement to support each other.

Motion & Vote

1 st	2 nd	Velasquez	Watson	Cortes	Salinas	Kimball	Result
Watson	Cortes	Yes	Yes	Yes	Yes	Yes	5-0 Approved

9 MINUTE ORDER

Mike Camarena, Director of City Services

Agenda Packet Pages 32-34

Request Authorization to bid

Proposition 1 – Well 14 and New Production Test Well

Speaker	Comments
Camarena	Reviewed staff report and map with the Council. The City would drill a test well before drilling the new production well. The City will receive funding to help pay for test well. The test site and possible production well would be in the area of the soccer fields.
Velasquez	Asked about noise
Camarena	The City would need to communicate with the neighbors.
Watson	Asked how deep it would be.
Camarena	About 600 feet deep.
Salinas	Asked about the location and its potential impact on the aesthetics of the area.
Camarena	Explained they could do appropriate fencing and vines or other walls to make it work. The engineer recently notified the City of this potential site.
Zigler	Other locations would require condemning land. Found this could be a location after Council approved the soccer fields.
Camarena	The layout of 100' by 175' allows for filtration if necessary. If the well produces sufficiently and cleanly, then it would not need the extra space.
Salinas	Expressed concern about the way it would look.
Velasquez	Recognized the well is going to serve a lot of people.
Camarena	The Sequoia Road main line is 8" and the Tulare Road main line is 12". The grant for the project must be spent by December.
Zigler	If the Council wants more time, then staff could do more study.
Salinas	Suggested using the wall around the well as signage space for the soccer complex or to switch the locations of the test well and production well.



LINDSAY CITY COUNCIL MEETING: REGULAR MEETING

251 E. Honolulu St., Lindsay, CA 93247

Tuesday, April 24, 2018 @ 6:00PM

Page 8381

MOTION	To approve moving forward with test well with the understanding there will be options for the location of the final production well. Staff will include the desire in the RFP to ask the bidders to consider more than one option within the property for the final production well.
--------	--

Motion & Vote

1 st	2 nd	Velasquez	Watson	Cortes	Salinas	Kimball	Result
Watson	Salinas	Yes	Yes	Yes	Yes	Yes	5-0 Approved

10 MINUTE ORDER

Mike Camarena, Director of City Services
Agenda Packet Pages 35-57

Energy Audit Request for Proposals (RFP)

The City is proposing to pursue a qualified consultant via a Request for Proposal (RFP) process for development and implementation of an energy efficiency program and projects.

Speaker	Comments
Camarena	Presented the staff report. Identified the facilities to be included in the audit.
Zigler	Explained why the various locations were selected

Motion & Vote

1 st	2 nd	Velasquez	Watson	Cortes	Salinas	Kimball	Result
Velasquez	Watson	Yes	Yes	Yes	Yes	Yes	5-0 Approved

11 RESOLUTION No. 18-17

Mike Camarena, Director of City Services
Agenda Packet Pages 58-74

2017-2018 Transit Agreement between The City of Lindsay and the County of Tulare

This service agreement specifically provides Dial-A-Ride (DAR) services (also referred to as Demand Services) for Lindsay residents inside the City Limits

Speaker	Comments
Camarena	Presented the staff report to the Council. Ridership has decreased significantly over recent years. Explained the funding mechanism for the service. Explained the County is looking for a fixed route for dial-a-ride and other options/adjustments.
Velasquez	Commented on the significant decline in ridership.
Camarena	The County increased costs and made ridership changes, which may have led to lower ridership.

Motion & Vote

1 st	2 nd	Velasquez	Watson	Cortes	Salinas	Kimball	Result
Cortes	Velasquez	Yes	Yes	Yes	Yes	Yes	5-0 Approved

12 RESOLUTION No. 18-18

Mike Camarena, Director of City Services
Agenda Packet Pages 75-79

Resolution of the City of Lindsay to Adopt a List of Projects Funded by SB1, The Road Repair and Accountability Act.

Speaker	Comments
Camarena	Reviewed the staff report with the Council and reviewed the list of potential projects. The resolution is necessary for participation in / receipt of SB 1 dollars.
Kimball	Asked questions about how SB1 funds would or could be used.
Watson	Asked questions about if SB1 funds, other funds and the roundabout.
Salinas	Recused himself because he owns property near the sites for SB1 improvement.
Zigler	Shared staff's hope that the cost of roundabout will be less than projected.

Motion & Vote

1 st	2 nd	Velasquez	Watson	Cortes	Salinas	Kimball	Result
Watson	Velasquez	Yes	Yes	Yes	Recused	Yes	4-0 Approved



LINDSAY CITY COUNCIL MEETING: REGULAR MEETING

251 E. Honolulu St., Lindsay, CA 93247

Tuesday, April 24, 2018 @ 6:00PM

Page 8382

13 ACTION ITEM

Bill Zigler, City Manager

Agenda Packet Pages

Request for Council members to serve on an Ad Hoc Committee to Explore the City's Relationship with the Chamber of Commerce

Speaker	Comments
Zigler	Reviewed the history of the FNM agreement. Worked with the Chamber's accountant to understand the chamber's financials. Discussed the need to have an ad-hoc committee review the relationship with the chamber. The City's costs are \$2,000 per session of the FNM, so the City does not receive sufficient revenue from the FNM to provide upkeep for the downtown.
Velasquez	The relationship with the City and Chamber has changed over the years. Trusts the Chamber. The City needs to recoup its costs for the events in the City. Some market sellers purchase items in town.
Salinas	The City cannot gift public funds. Presented an idea of the chamber owning their own products and equipment and pay the session fee.
Zigler	The contract needs to be changed by council if that is what the council wants.
Kimball	Forming a committee allows the Council to look at the situation.
Cortes	The ad-hoc committee would improve communication.
Chamber	Shared view of how the City benefits from the FNM.
Watson	Transparency is critical.
Council	Salinas and Cortes will serve on the committee.

Motion & Vote

1 st	2 nd	Velasquez	Watson	Cortes	Salinas	Kimball	Result
Velasquez	Watson	Yes	Yes	Yes	Yes	Yes	5-0 Approved

14 FUTURE AGENDA ITEMS

Council members request items for future agendas.

Council Members

Speaker	Comments
Watson	Wants to ensure the sales tax and transactions and use tax from construction projects.
Harmon	Will talk with consultant about construction projects.

15 ADJOURN

Mayor Kimball

Council adjourns meeting. The next Regular City Council meeting will be held at 251 E. Honolulu Street, Lindsay at 6:00PM on May 8, 2018.

ATTEST:

CITY COUNCIL OF THE CITY OF LINDSAY

Bret Harmon, City Clerk

Pamela Kimball, Mayor

(SP 34-35)

FUND	Check #	Date	Vendor #	Vendor Name	Description	Amount
TOTAL						\$ 131,236.54
101 - GENERAL FUND	92110	4/20/2018	6282	ANN ESPARZA MORA	ARBOR REFUND	100.00
101 - GENERAL FUND	92111	4/20/2018	3428	AT&T MOBILITY	CHRIS WIRELESS BILL	92.26
101 - GENERAL FUND	92112	4/20/2018	5457	AUTO ZONE COMMERCIA	HALOGEN CAPSULE	270.12
101 - GENERAL FUND	92116	4/20/2018	5013	BUZZ KILL PEST CONT	801 ELMWOOD GOLF CO	1,524.00
101 - GENERAL FUND	92117	4/20/2018	76	CENTRAL VALLEY BUSI	ADMIN CITATION	728.24
101 - GENERAL FUND	92118	4/20/2018	5832	CINTAS CORPORATION	621426213	753.32
101 - GENERAL FUND	92119	4/20/2018	279	CITY OF PORTERVILLE	CNG FEB.18	1,425.31
101 - GENERAL FUND	92121	4/20/2018	4717	COUNTY OF TULARE /	PRINT CHARGES FOR F	16.28
101 - GENERAL FUND	92125	4/20/2018	6281	DENISE MARTINEZ	ARBOR REFUND	100.00
101 - GENERAL FUND	92126	4/20/2018	316	DEPT OF JUSTICE	BLOOD ALCOHOL ANALY	1,357.00
101 - GENERAL FUND	92128	4/20/2018	119	DOUG DELEO WELDING	ACETYLENE/OXYGEN	264.40
101 - GENERAL FUND	92130	4/20/2018	4460	EVANS FEED & LIVEST	K 9 BLACK GOLD	51.77
101 - GENERAL FUND	92132	4/20/2018	6010	FRONTIER COMMUNICAT	DETECTIVE OFFI56247	1,960.39
101 - GENERAL FUND	92133	4/20/2018	148	GOMEZ AUTO & SMOG	2011 FORD OILFILTER	3,042.42
101 - GENERAL FUND	92134	4/20/2018	5647	GRISWOLD,LASSALLE,C	22752.105	3,209.06
101 - GENERAL FUND	92135	4/20/2018	6283	HANNAH HUSTED	ARBOR REFUND	100.00
101 - GENERAL FUND	92137	4/20/2018	6214	IMSA	MEM.RENEWAL-M.CHAIR	100.00
101 - GENERAL FUND	92139	4/20/2018	4378	JOSEPH H AVINA	BLD INSP. 3/25-4/7/	896.00
101 - GENERAL FUND	92140	4/20/2018	6100	KEENAN & ASSOCIATES	MEDICAL PLAN APRIL	47,746.98
101 - GENERAL FUND	92141	4/20/2018	201	KENS STAKES & SUPPL	48" LATH STAKES/OBF	34.48
101 - GENERAL FUND	92142	4/20/2018	4956	LAWRENCE TRACTOR CO	CR. ON MOWER BLADES	1,195.79
101 - GENERAL FUND	92143	4/20/2018	4067	LINCOLN NAT'L INSUR	MAY 2018 DENTAL PL	2,555.88
101 - GENERAL FUND	92144	4/20/2018	5424	LINDSAY VETERINARY	251475 HUSKY	201.05
101 - GENERAL FUND	92145	4/20/2018	234	MARTIN'S TIRE & AUT	12FORD FUSION 2TIRE	1,747.58
101 - GENERAL FUND	92146	4/20/2018	2735	MEZQUITE NURSERY, I	BARK-MEMORIAL BLD	320.27
101 - GENERAL FUND	92147	4/20/2018	6280	MINERAL KING TOXICO	ACCT88992102	331.00
101 - GENERAL FUND	92148	4/20/2018	5625	NGLIC-SUPERIOR VISI	APRIL VISION PLAN	498.65
101 - GENERAL FUND	92152	4/20/2018	3260	PACIFIC EMPLOYERS	SEIU NEGOTIATIONS	1,880.05
101 - GENERAL FUND	92153	4/20/2018	276	PORTERVILLE RECORDE	PUBLIC NOTICE ORDIN	303.23
101 - GENERAL FUND	92155	4/20/2018	285	QUILL CORPORATION	DISPATCH,RECORDS,EV	1,035.83
101 - GENERAL FUND	92156	4/20/2018	5356	RAY MORGAN COMPANY	CANON 3035 MARCH	1,155.72
101 - GENERAL FUND	92158	4/20/2018	302	SEQUOIA TOWING	2015 ALTIMA NISSAN	180.00
101 - GENERAL FUND	92159	4/20/2018	307	SILVAS OIL COMPANY	DIESEL FUEL	956.17
101 - GENERAL FUND	92160	4/20/2018	4585	T & T PAVEMENT MARK	TEMP. WHITE TAPE. O	183.79
101 - GENERAL FUND	92161	4/20/2018	5755	TELEPACIFIC COMMUNI	4/9/18-5/8/18	5,779.02
101 - GENERAL FUND	92162	4/20/2018	144	THE GAS COMPANY	11545462225/139SWEE	4,122.98
101 - GENERAL FUND	92163	4/20/2018	5792	THOMSON REUTERS - W	03/01/18-3/31/18	239.00
101 - GENERAL FUND	92164	4/20/2018	6284	TRACTOR SUPPLY CRED	ROUND UP	378.83
101 - GENERAL FUND	92165	4/20/2018	1041	VERIZON WIRELESS	642065758-00002	193.52
101 - GENERAL FUND	92166	4/20/2018	612	WEISENBERGERS ACE H	MASK FACE SHIELDS	54.09
101 - GENERAL FUND	92167	4/24/2018	4281	BRIAN E. WATSON	STIPEND: FEB 2018 & MAR 2018	100.00
101 - GENERAL FUND	92168	4/24/2018	1463	DANNY SALINAS	STIPEND: FEB 2018 & MAR 2018	100.00
101 - GENERAL FUND	92169	4/24/2018	6103	LAURA CORTES	STIPEND: FEB 2018 & MAR 2018	100.00
101 - GENERAL FUND	92170	4/24/2018	1426	PAM KIMBALL	STIPEND: FEB 2018 & MAR 2018	150.00
101 - GENERAL FUND	92171	4/24/2018	364	STEVE VELASQUEZ	STIPEND: FEB 2018 & MAR 2018	100.00
261 - GAS TAX FUND	92127	4/20/2018	113	DEPT OF TRANSPORTAT	JAN-MARCH 18 LIGHTI	421.82
261 - GAS TAX FUND	92138	4/20/2018	5541	JACK DAVENPORT SWEE	MARCH SERV.ST.SWEEP	3,000.00
300 - MCDERMONT OPER	92136	4/20/2018	6253	HARDCASTLE SPECIALT	FIRE ALARM MONITORI	175.00
300 - MCDERMONT OPER	92157	4/20/2018	3622	RLH FIRE PROTECTION	FIRE SPRINKLER INSP	1,652.00
400 - WELLNESS CENTER	92113	4/20/2018	5381	AWAKE SKATE SHOP	POLO SHIRTS WELLNES	613.78
400 - WELLNESS CENTER	92149	4/20/2018	4323	OASIS	FIRE ALARM INSPECTI	85.00
400 - WELLNESS CENTER	92151	4/20/2018	4204	ORKIN PEST CONTROL	SERVICE 4/17/18	121.89
552 - WATER	92114	4/20/2018	51	BSK	CRYPTOPORDIUM/TURBI	930.00

FUND	Check #	Date	Vendor #	Vendor Name	Description	Amount
552 - WATER	92122	4/20/2018	102	CULLIGAN	154799	404.13
552 - WATER	92123	4/20/2018	3147	DAVID & SONS BACKHO	HOMASSEL/SAMOA JOB	9,800.00
552 - WATER	92129	4/20/2018	6113	EAST KAWEAH GSA	FY2018 CFF GOVERNAN	8,129.03
552 - WATER	92131	4/20/2018	3461	FERGUSON ENTERPRISE	WATER/MATERIALS	2,859.11
553 - SEWER	92124	4/20/2018	1235	DELTA VECTOR CONTRO	2017 WEED CONTROL	167.47
553 - SEWER	92154	4/20/2018	4618	PROVOST & PRITCHARD	2017 GWM REPORTING	465.00
600 - CAPITAL IMPROVEN	92150	4/20/2018	2885	OMNI MEANS INC.	ROUNABOUT PROJECT	11,932.50
883 - SIERRA VIEW ASSES	92120	4/20/2018	6090	CLEAN CUT LANDSCAPE	SIERRA VIEW EST. LN	2,845.33



Monthly Treasurer's Report
April 30, 2018
Cash Balances Classified by Depository

CASH RESOURCES

LOCATION	GL ACCOUNT #	TYPE	BALANCE
Cash Register Funds (City Hall & Wellness)	100-102	RES	\$800
Bank of the Sierra - Payroll	100-106	GEN	\$250,508
Bank of the Sierra - AP/Operating	100-100	GEN	\$354,632
Bank of the Sierra - McDermont	100-500	GEN	\$143,307
Bank of the Sierra - Impound Account	100-120	RES	\$5,944
Bank of the Sierra - WWTP Project	100-553	RES	\$3,128
Bank of the Sierra - Water Project	100-552	RES	\$152
Bank of the Sierra- Depository Account	100-114	GEN	\$2,043,038
LAIF Savings: City & Successor Agency	100-103	INV-RES	\$416,404
TOTAL			\$3,217,913

CASH EXPENDED

ACCOUNTS PAYABLE & PAYROLL	AMOUNT
Accounts Payable (Includes Debt Services Pmts)	\$677,369
Payroll (April 13 Payday)	\$179,000
Payroll (April 27 Payday)	\$180,548
TOTAL	\$ 1,036,917

DEBT SERVICE	AMOUNT
TOTAL	\$ -

INVESTMENTS

INVESTMENT POLICY COMPLIANCE

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

INVESTED FUNDS	\$416,404
-----------------------	------------------

Respectfully submitted,

Bret Harmon

Director of Finance
 City of Lindsay

ABBREVIATIONS

GEN: GENERAL UNRESTRICTED
 RES: RESTRICTED ACTIVITY
 INV: INVESTMENT



STAFF REPORT

AGENCY: CITY OF LINDSAY, CALIFORNIA
DATE: MAY 8, 2018
AGENDA #: 4.4
STAFF: BRIAN SPAUNHURST, ASSISTANT CITY PLANNER, 559-562-7102 EX. 8032, BSPAUNHURST@LINDSAY.CA.US

AGENDA ITEM

TITLE Temporary Use Permit 18-14 (APN 205-264-019)

ACTION **Minute Order** Approval of Temporary Use Permit to operate a shaved ice stand from May 9, 2018 - November 9, 2018

PURPOSE Discretionary Action

COUNCIL OBJECTIVE(S) Nurture attractive residential neighborhoods and business districts. Stimulate, attract and retain local businesses.

RECOMMENDATION

After six consecutive years of permitting this seasonal temporary use with no issues, staff recommends that the City Council grant Minute Order Approval of Temporary Use Permit No. 18-14, based on the findings and subject to these conditions.

- The shaved ice stand would be located consistent with the proposed site plan.
 - The shaved ice stand would not obstruct clear driveway accesses.
 - All necessary licenses and permits would be secured prior to operation.
 - Restroom and clean water access will be provided to employees.
 - 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 May 9, 2018 – November 9, 2018.
 - The preparation and sale of any food on site would be certified by the Tulare County Health Department. Food would not be sold without said certificate.
 - The site and surrounding area would be maintained in a clean and neat condition, free of all trash, weeds 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.
 - Letter of permission from property owner to operate on premises to be provided to City Planner before May 9, 2018.
-

BACKGROUND | ANALYSIS

Temporary Use Permit 18-14 is a request by Faustino Mendoza to operate a shaved ice stand in the vacant lot on Elmwood Ave. known as APN 205-264-019 mid-block between Hermosa Street and Samoa Street. The project site is surrounded by commercial uses.



STAFF REPORT

AGENCY: CITY OF LINDSAY, CALIFORNIA
DATE: MAY 8, 2018
AGENDA #: 4 .4
STAFF: BRIAN SPAUNHURST, ASSISTANT CITY PLANNER, 559-562-7102 EX. 8032, BSPAUNHURST@LINDSAY.CA.US

The duration of the temporary use would be from May 9, 2018 – November 9, 2018. Hours of operation would be between 8 am and 10 pm, daily.

Access: The project site provides safe access via Elmwood Avenue. Staff believes that this access meets the required criteria for a temporary use permit.

Parking: While the project site is a vacant, unimproved lot, staff believes there is adequate street parking available for this temporary use.

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 allowed up to six months (May 9, 2018 – November 9, 2018).

Food Safety: The preparation and sale of food would be certified by the Tulare County Health Department, which would also be verified by the City Fire Department.

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.

Restroom Facilities: Restroom access for employees is arranged with the adjacent restaurant per written agreement between the applicant and restaurant owner. A copy of this agreement is included in the project file.

ALTERNATIVES

- Approve with modifications.
- Deny request.
- Instruct Staff to provide additional information.

BENEFIT TO OR IMPACT ON CITY RESOURCES

Staff does not anticipate and benefits or impacts on City Resources.



STAFF REPORT

AGENCY: CITY OF LINDSAY, CALIFORNIA
DATE: MAY 8, 2018
AGENDA #: 4.4
STAFF: BRIAN SPAUNHURST, ASSISTANT CITY PLANNER, 559-562-7102 EX. 8032, BSPAUNHURST@LINDSAY.CA.US

ENVIRONMENTAL REVIEW

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

POLICY ISSUES

The project site 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 personal 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.



STAFF REPORT

AGENCY: CITY OF LINDSAY, CALIFORNIA
DATE: MAY 8, 2018
AGENDA #: 4.4
STAFF: BRIAN SPAUNHURST, ASSISTANT CITY PLANNER, 559-562-7102 EX. 8032, BSPAUNHURST@LINDSAY.CA.US

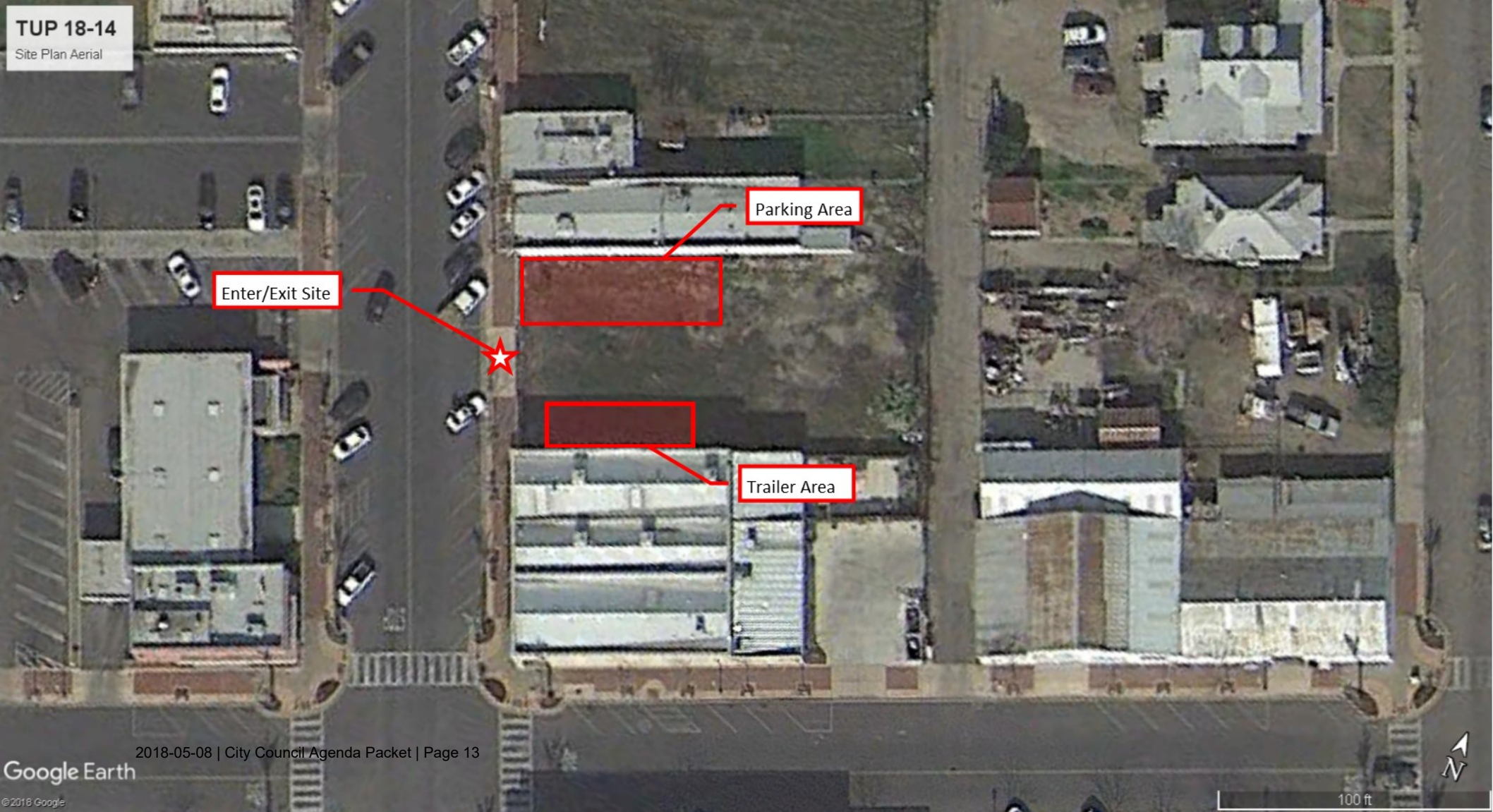
- F. Reasonable time limits for hours of operation may be set by the city council as a condition of permit approval.
- G. Applicants for temporary use permits shall secure all other applicable licenses and permits prior to issuance of a temporary use permit.
- H. Signing for temporary uses shall be subject 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.

PUBLIC OUTREACH

POSTED IN THIS AGENDA

ATTACHMENTS

- Site Plan
- Zoning Map



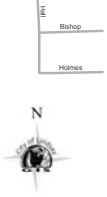
Enter/Exit Site

Parking Area

Trailer Area



CITY OF LINDSAY ZONING MAP



Project Site

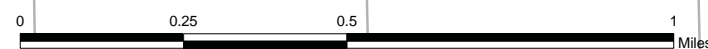
Legend

- 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-MHB) Multi-Family Residential
- Unknown

Base Data Provided by Tulare County
 Created by Brian Spanghurst
 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.





STAFF REPORT

AGENCY: CITY OF LINDSAY, CALIFORNIA
DATE: May 8, 2018
AGENDA #: 5
STAFF: Bret Harmon, City Clerk, bharmon@lindsay.ca.us x 8020

AGENDA ITEM

TITLE	Resolution 18-20: Requesting and Consenting to Consolidation of Elections; and Setting Specifications of the Election Order
ACTION	Adopt Resolution 18-20
PURPOSE	Statutory/Contractual Requirement

RECOMMENDATION

Staff respectfully recommends the City Council approve 18-20, a required resolution for the November 2018 general election.

BACKGROUND | ANALYSIS

The City Charter establishes the process for the election of City Council members. The City Council members (including the Mayor and Mayor Pro Tem) serve on the Council on four-year terms. To maintain continuity, two of the five council members are elected in a general election year. The other three of five council members are elected in the next general election year. Two council member seats are scheduled for election on November 6, 2018.

The Tulare County Elections Office manages the elections for communities within Tulare County. Resolution 18-20 formally requests the County's Election Office to manage the election for the City, consents to the consolidation of the election, and sets the specific election order.

Mayor Pro-Tem Salinas's and Council Member Velasquez's seats are up for election in November.

ALTERNATIVES

- Postpone the adoption of Resolution 18-20 until a later council meeting in May or June. It must be filed with the County before July 1.

BENEFIT TO OR IMPACT ON CITY RESOURCES

The City will be required to pay for the cost of the election. The Election Office allocates the costs based on proportionate use of Election Office resources.



STAFF REPORT

AGENCY: CITY OF LINDSAY, CALIFORNIA
DATE: May 8, 2018
AGENDA #: 5
STAFF: Bret Harmon, City Clerk, bharmon@lindsay.ca.us x 8020

POLICY ISSUES

City Charter requires the City conduct City Council elections every two years.

PUBLIC OUTREACH

Posted in this agenda

ATTACHMENTS

- Resolution 18-20

BEFORE THE CITY COUNCIL OF THE

City Of Lindsay

(Name of City)

Resolution Requesting and Consenting to)
Consolidation of Elections; and Setting) RESOLUTION
Specifications of the Election Order) NO. 18-20

WHEREAS, the City Council has ordered a Municipal Election to be held on Tuesday, November 6, 2018, to fill certain municipal offices; and

WHEREAS, other elections may be held in whole or in part of the territory of the city and it is to the advantage of the city to consolidate pursuant to Elections Code Section 10400; and

WHEREAS, Elections Code Section 10242 provides that the governing board shall determine the hours of opening and closing the polls; and

WHEREAS, Elections Code Section 10002 requires the city to reimburse the county in full for the services performed upon presentation of a bill to the city by the county elections official; and

WHEREAS, Elections Code Section 13307(3c) requires that before the nominating period opens, the governing body must determine whether a charge shall be levied against each candidate submitting a candidate's statement to be sent to the voters; and

WHEREAS, Elections Code Section 12101 requires the publication of a notice of the election once in a newspaper of general circulation in the city;

NOW, THEREFORE, IT IS ORDERED that an election be held in accordance with the following specifications:

SPECIFICATIONS OF THE ELECTION ORDER

1. The Election shall be held on Tuesday, the 6th day of November, 2018. The purpose of the election is to choose successors for the following offices (list offices, terms and candidate's name):

Council Member Mayor Pro-Tem Salinas

Council Member Velasquez

Council Member _____

Council Member _____

2. This city council hereby requests and consents to the consolidation of this election with other elections which may be held in whole or in part of the territory of the city, as provided in Elections Code 10400.

3. The city hereby designates the hours the polls are to be kept open shall be from 7:00 A.M. to 8:00 P.M.

4. The city will reimburse the county for the actual cost incurred in conducting the election upon receipt of a bill stating the amount due as determined by the elections official.

5. The city council has determined that the Candidate will pay for the Candidate's (City or Candidate) Statement. The Candidate's Statement will be limited to 200 words.

6. The city requests that the Registrar of Voters publish the Notice of Election in the following newspaper, which is a newspaper of general circulation that is regularly circulated in the city: Porterville Recorder.

7. The city directs that a certified copy of this Resolution be forwarded to the Registrar of Voters, and the Board of Supervisors of Tulare County.

THE FOREGOING RESOLUTION WAS ADOPTED upon motion of Council member _____, seconded by Council member _____, at a regular meeting on this 8 day of May, 2018, by the following vote:

AYES : _____

ABSTAIN: _____

ABSENT: _____

NAYS : _____

(City Clerk)

Bret Harmon

(Date)

G:\Elections\2018 November General\City-District Packets\CITY\City Resolution Calling Election Nov 2018.doc



STAFF REPORT

AGENCY: CITY OF LINDSAY, CALIFORNIA
DATE: May 8, 2018
AGENDA #: 6
STAFF: Bret Harmon, City Clerk, bharmon@lindsay.ca.us x 8020

AGENDA ITEM

TITLE Resolution 18-21: Requesting the Tulare County Board of Supervisors Permit the County Registrar of Voters to Render Specified Services to the City

ACTION Adopt Resolution 18-21

PURPOSE Statutory/Contractual Requirement

RECOMMENDATION

Staff respectfully recommends the City Council approve 18-21, a required resolution for the November 2018 general election.

BACKGROUND | ANALYSIS

Resolution 18-20 was the first of two resolutions relating to the November election, at which the City will elect two council members. Resolution 18-20 authorized the County to consolidate the election. Resolution 18-21 is the second of two resolutions relating to the November election. Resolution 18-21 gives authorizes the specific services the County will provide in managing the election, such as printing and mailing sample ballots, providing a polling location, counting and recounting votes, etc.

ALTERNATIVES

- Postpone the adoption of Resolution 18-21 until a later council meeting in May or June. It must be filed with the County before July 1.

BENEFIT TO OR IMPACT ON CITY RESOURCES

The City will be required to pay for the cost of the election. The Election Office allocates the costs based on proportionate use of Election Office resources.



STAFF REPORT

AGENCY: CITY OF LINDSAY, CALIFORNIA
DATE: May 8, 2018
AGENDA #: 6
STAFF: Bret Harmon, City Clerk, bharmon@lindsay.ca.us x 8020

POLICY ISSUES

City Charter requires the City conduct City Council elections every two years.

PUBLIC OUTREACH

Posted in this agenda

ATTACHMENTS

- Resolution 18-21

BEFORE THE CITY COUNCIL OF THE

City Of Lindsay

(Name of City)

Resolution Requesting the Tulare County)	
Board of Supervisors Permit the County)	RESOLUTION
Registrar of Voters to Render Specified)	NO <u>18-21</u>
Services to the City)	

WHEREAS, pursuant to the Elections Code, the governing body of any city may, by Resolution, request the Board of Supervisors of the County to permit the county elections official to render specified services to the city relating to the conduct of an election; and

WHEREAS, the city has ordered an election be held within the boundaries of the city on November 6, 2018,

NOW, THEREFORE, BE IT RESOLVED by the city council:

The Board of Supervisors of Tulare County is hereby requested to permit the County Registrar of Voters to render services to the city relating to the conduct of the November 6, 2018 Municipal Election as follows:

- a. Distribute and file nomination papers and candidate statements for candidates for city offices.
- b. Make all required publications.
- c. Prepare, print and mail to the qualified electors of the city sample ballots and voter pamphlets.
- d. Provide Vote by Mail ballots for said Municipal Election for use by the qualified electors who may be entitled to Vote by Mail ballots in the manner provided by law.
- e. Order consolidation of precincts, appoint precinct boards, designate polling places and instruct election officers concerning their duties.
- f. Conduct and canvass the returns of the election and certify the votes cast to the city.
- g. Receive and process Vote by Mail ballot voter applications.
- h. Prepare, print and deliver to the polling places supplies, including the official ballots and a receipt for said supplies.
- i. Recount votes, if requested, in accordance with state law.
- j. Conduct the above election duties in accordance with the Voting Rights Act of 1975.
- k. Perform all other pertinent services required to be performed for said election other than the requirements of the Fair Political Practices Commission; said Fair Political Practices Commission requirements to be performed by the city clerk.

The city clerk is hereby authorized and directed to transmit certified copies of this Resolution to the Board of Supervisors and to the County Registrar of Voters.

PASSED AND ADOPTED this 8th day of May, 2018, by the following vote:

AYES : _____

NAYS : _____

ABSTAIN: _____

ABSENT: _____

STATE OF CALIFORNIA)
COUNTY OF TULARE)ss
CITY OF)

I, **Bret Harmon**, City Clerk of the City of **Lindsay**, certify the foregoing is the full and true Resolution **18-21** passed and adopted by the council of the City of **Lindsay**, at a regular meeting held on the **8th** day of **May**, 2018.

Signed: _____

Date: _____



STAFF REPORT

AGENCY: CITY OF LINDSAY, CALIFORNIA
DATE: May 8, 2018
AGENDA #: 7
STAFF: Bret Harmon, Director of Finance, 562.7102 x 8020

AGENDA ITEM

TITLE	Resolution 18-22 Opposing the Tax Fairness, Transparency and Accountability Act of 2018
ACTION	Adopt Resolution 18-22
PURPOSE	Council Vision/Priority Discretionary Action
COUNCIL OBJECTIVE(S)	Live in a safe, clean, comfortable and healthy environment. Increase our keen sense of identity in a physically connected and involved community. Nurture attractive residential neighborhoods and business districts. Dedicate resources to retain a friendly, small-town atmosphere. Stimulate, attract and retain local businesses. Advance economic diversity. Yield a fiscally self-reliant city government while providing effective, basic municipal services.

RECOMMENDATION

Staff respectfully recommends the City Council adopt Resolution 18-22 as part of a unified effort to protect local control of revenues for providing general services.

BACKGROUND | ANALYSIS

In 2014, Berkeley, CA passed the first sugar-sweetened beverages tax in the Country. In 2016, the City of Albany, CA passed a sugar-sweetened beverages tax as well. While these taxes may not be ones City Council members or members of the community might agree with, the right of the residents in a City to decide how to best provide for their own needs is a right vital to democracy. The beverage industry spent heavily to defeat both initiatives. The beverage industry, in coordination with the California Business Roundtable (an organization that represents some of the largest interest groups in California) sponsored the Tax Fairness, Transparency Act of 2018. The purpose of the act is to make it more difficult for other jurisdictions to enact similar laws, which would be costly to the businesses to fight. The coalitions strategy is to diminish or eliminate local jurisdictions' ability to implement, adjust or apply taxes and fees. The initiative limits local control over new revenues, annexations, development, and self-governance.

The initiative would have the following negative impacts on the City of Lindsay in addition to others:



STAFF REPORT

AGENCY: CITY OF LINDSAY, CALIFORNIA
DATE: May 8, 2018
AGENDA #: 7
STAFF: Bret Harmon, Director of Finance, 562.7102 x 8020

1. Eliminate local authority to impose a tax for general purposes by majority vote and instead requires all local proposed tax increases subject to a two-thirds vote. Measure O would have passed because it reached the two-thirds threshold yet could have triggered significant layoffs had it not.
2. Require two-thirds approval of all members of the local legislative body before a tax can be placed on the ballot. This equates to a four-out-of-five council member vote in Lindsay.
3. Require a two-thirds vote to “extend” a tax to new territory, a new class of payor, or expanded base. For cities, not only would this limit all future annexations by requiring a separate two-thirds vote of the affected residents prior to applying any existing city tax, but also would potentially prevent the City from adding new industries (e.g. cannabis) to the City’s business license ordinance without an 80% vote of City Council and two-thirds vote of the residents. Other limitations may apply to a local interpretation that an existing local tax applies to a business or product, which could exempt future industries or technologies from paying appropriately.
4. Expand the definition of a tax to include payments voluntarily made in exchange for a benefit received, which may cover local franchise fees, recreation fees and other service fees.
5. Authorize a referendum on City Council decisions to impose, increase or extend a fee or charge by only 5% of affected voters.
6. Narrow the legal threshold from “reasonable” to “actual” costs for fees applied to local services, permits, licenses, etc.

ALTERNATIVES

- Do not approve the resolution.

BENEFIT TO OR IMPACT ON CITY RESOURCES

The impact is primarily in the future. The City does not have new fees or taxes passed since January 1, 2018 that would be potentially revoked by this initiative. In the future, the City would not only lose revenues necessary to provide essential services, but also face election costs any time the Council wished to adjust fee schedules, include new goods or services in a classification, change the rates for recreation programs, or adjust taxes to meet service demands.



STAFF REPORT

AGENCY: CITY OF LINDSAY, CALIFORNIA

DATE: May 8, 2018

AGENDA #: 7

STAFF: Bret Harmon, Director of Finance, 562.7102 x 8020

POLICY ISSUES

Local Control – the local governing body and the voters should control the City’s ability to care for its own needs.

PUBLIC OUTREACH

Posted in this agenda

ATTACHMENTS

- Resolution 18-22



RESOLUTION OF THE CITY OF LINDSAY

NUMBER 18-22

TITLE A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LINDSAY OPPOSING THE TAX FAIRNESS, TRANSPARENCY AND ACCOUNTABILITY ACT OF 2018.

WHEREAS, not only does the City of Lindsay follows strict guidelines and existing state law regarding the establishment of reasonable fees and the required voter approval of all local taxes, but also reaffirms the necessity for democracy in establishing those reasonable fees and voter approval of all local taxes; and

WHEREAS, there is a signature-gathering campaign for a state ballot measure currently sponsored by the California Business Roundtable and strongly supported by the beverage industry that would severely harm the ability of the City of Lindsay and other local governments to continue to provide quality services by imposing onerous roadblocks to democracy and local control of fee and tax revenues to address community needs, services and infrastructure improvements; and

WHEREAS, it is important for local community members, in concert with their duly elected officials—rather than a special interest group in Sacramento—to determine the services and funding levels appropriate for their own cities; and

WHEREAS, the proposed ballot measure would allow businesses to escape from their existing obligations to pay the full cost of services they request and receive from local agencies and from which they receive benefit; and

WHEREAS, the proposed ballot measure would shift the burden of these uncovered costs from business interests to local general funds supported by taxpayers, and thereby reduce general funds available to support police, fire, park, planning, and other community services.

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

SECTION 1. The City of Lindsay hereby opposes the Tax Fairness, Transparency and Accountability Act of 2018 sponsored by the California Business Roundtable on the grounds this measure would harm the ability of local communities to adequately fund services; and

SECTION 2. The City Manager is hereby directed to email a copy of this adopted resolution to the League of California Cities at cityletters@cacities.org

PASSED AND ADOPTED by the City Council of the City of Lindsay as follows:

MEETING DATE	May 8, 2018
--------------	-------------



RESOLUTION OF THE CITY OF LINDSAY

MOTION	
2 nd MOTION	
AYES	
ABSENT	
ABSTAIN	
NAYS	

CERTIFICATION OF THE FOREGOING RESOLUTION AS FULL, TRUE, PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF LINDSAY AS DETAILED.

Bret Harmon, City Clerk

Pamela Kimball, Mayor



STAFF REPORT

AGENCY: CITY OF LINDSAY, CALIFORNIA
DATE: May 8, 2018
AGENDA #: 8
STAFF: Bret Harmon, Director of Finance, x 8020

AGENDA ITEM

TITLE	Resolution 18-23 A resolution of the City Council of the City of Lindsay to update schedules for the repayment of advances approved by Resolution 17-44 to ensure the City has sufficient funds to balance the General Fund budget in Fiscal Year 2018-2019 and to build a limited General Fund reserve.
ACTION	Adopt Resolution 18-23
PURPOSE	Discretionary Action
COUNCIL OBJECTIVE(S)	Live in a safe, clean, comfortable and healthy environment. Increase our keen sense of identity in a physically connected and involved community. Nurture attractive residential neighborhoods and business districts. Dedicate resources to retain a friendly, small-town atmosphere. Yield a fiscally self-reliant city government while providing effective, basic municipal services.

RECOMMENDATION

Staff respectfully recommends adoption of Resolution 18-23.

BACKGROUND | ANALYSIS

The City Council created a series of Advances To and Advances From multiple funds in Resolution 17-44. The repayment of these Advances is scheduled to begin in December 2018. The first payment will be \$206,000. Due to an increase in CalPERS Unfunded Liabilities from FY 2017-2018 and FY 2018-2019 of more than \$100,000 and lower than expected revenue growth, the City does not have sufficient resources to balance the General Fund in FY 2018-2019 after making the first advance payment. Further, the General Fund does not have a reserve, so a general fund deficit will require additional interfund borrowing or significant cost reductions.

Resolution 18-23 postpones the start of the advance repayments by five years to prevent new interfund borrowing or significant cost reductions that will risk basic services.



STAFF REPORT

AGENCY: CITY OF LINDSAY, CALIFORNIA
DATE: May 8, 2018
AGENDA #: 8
STAFF: Bret Harmon, Director of Finance, x 8020

ALTERNATIVES

- Do not adopt Resolution 18-23
- Postpone the repayment start by a different number of years.

BENEFIT TO OR IMPACT ON CITY RESOURCES

Adoption of Resolution 18-23 allows the City to close 206,000 of the projected deficit in the FY 2018-2019 General Fund.

Repayment of the advances will take longer due to the postponement. There is not a penalty for delaying the start of the repayment.

PUBLIC OUTREACH

Posted in this agenda

ATTACHMENTS

- Resolution 18-23



RESOLUTION OF THE CITY OF LINDSAY

NUMBER 18-23

TITLE **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LINDSAY TO UPDATE SCHEDULES FOR THE REPAYMENT OF ADVANCES APPROVED BY RESOLUTION 17-44 TO ENSURE THE CITY HAS SUFFICIENT FUNDS TO BALANCE THE GENERAL FUND BUDGET IN FISCAL YEAR 2018-2019 AND TO BUILD A LIMITED GENERAL FUND RESERVE.**

WHEREAS, The City of Lindsay adopted Resolution 17-44 in October 2017 to formalize the repayment of interfund borrowing as advances to the borrowing funds and advances from the lending funds. Resolution 17-44 establishes the order and terms of the repayment schedule. The first advance payment is due in December 2018 for \$206,000.

WHEREAS, Projections of the City's revenue in FY 2018-2019 and an increase in CalPERS Unfunded Liability in FY 2018-2019 compared to FY 2017-2018 of more than \$100,000 leaves the City with insufficient funds to make the advance repayment in FY 2018-2019.

WHEREAS, the General Fund does not have a reserve. The City would need to create new interfund borrowing or reduce basic services to pay the advance repayment. The General Fund needs time to build a reserve to protect against times of economic contraction.

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

- SECTION 1. Postpone the start of the advance repayment schedule by five years to ensure resources are available for preserving basic services as much as possible and to build a limited reserve.
- SECTION 2. The City Council directs the Director of Finance to adjust the repayment schedule to reflect the five-year postponement.

PASSED AND ADOPTED by the City Council of the City of Lindsay as follows:

MEETING DATE	
MOTION	

RESOLUTION NO. 18-23
Page 1 of 2



RESOLUTION OF THE CITY OF LINDSAY

2 nd MOTION	
AYES	
ABSENT	
ABSTAIN	
NAYS	

CERTIFICATION OF THE FOREGOING RESOLUTION AS FULL, TRUE, PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF LINDSAY.

Bret Harmon, City Clerk

Pamela Kimball, Mayor



STAFF REPORT

AGENCY: CITY OF LINDSAY, CALIFORNIA
DATE: May 8, 2018
AGENDA #: 9
STAFF: Bret Harmon, Director of Finance, x 8020

AGENDA ITEM

TITLE	Resolution 18-24 A resolution of the City Council of the City of Lindsay authorizing the examination of sales or transactions and use tax records.
ACTION	Adopt Resolution 18-24
PURPOSE	Contractual Requirements
COUNCIL OBJECTIVE(S)	Yield a fiscally self-reliant city government while providing effective, basic municipal services.

RECOMMENDATION

Staff respectfully recommends adoption of Resolution 18-24.

BACKGROUND | ANALYSIS

The City entered into a contract with MuniServices, LLC to examine and audit sales or transactions and use tax records in March 2017. The contract at the time included language authorizing MuniServices to audit sales or transactions and use tax on the City's behalf. Since that time, Lindsay voters passed Measure O and the State Board of Equalization merged into a new department, the California Department of Tax and Fee Administration (CDTFA). CDTFA now requires the City to specifically identify the transactions and use tax by measure name in its contract and resolution.

Consequently, staff is bringing a new resolution to the City Council. Simultaneously, the City Manager will sign an amendment in the contract with MuniServices to specifically identify Measure O and the City's transactions and use tax revenue MuniServices is authorized to monitor and audit on the City's behalf.

ALTERNATIVES

- Do not approve Resolution 18-24
 - Postpone consideration
 - Direct staff to take a different action
-



STAFF REPORT

AGENCY: CITY OF LINDSAY, CALIFORNIA
DATE: May 8, 2018
AGENDA #: 9
STAFF: Bret Harmon, Director of Finance, x 8020

BENEFIT TO OR IMPACT ON CITY RESOURCES

Approving Resolution 18-24 allows a third party to conduct transactions and use tax audits and monitoring. The City neither has the staff capacity nor access to sufficient data to properly conduct such an audit on its own. These audits help ensure the City of Lindsay is receiving the transactions and use tax it should from Measure O. It is a vital service to the City's general fund revenue.

PUBLIC OUTREACH

Posted in this agenda

ATTACHMENTS

- Resolution 18-24
- Letter agreement amending contract



RESOLUTION OF THE CITY OF LINDSAY

NUMBER 18-24

TITLE **A RESOLUTION AUTHORIZING THE EXAMINATION OF SALES OR TRANSACTIONS AND USE TAX RECORDS.**

WHEREAS, pursuant to Ordinance Nos. 560, the City of Lindsay entered into a contract with the State Board of Equalization to perform all functions incident to the administration and collection of the Transactions and Use Tax Ordinances and the local sales and use taxes; and

WHEREAS, City deems it necessary for authorized representatives of City to examine confidential sales and transactions and use tax records of the Board or its successor agency, the California Department of Tax and Fee Administration, (collectively, or in the alternative, the "Agency") pertaining to sales and transactions and use taxes collected for City by the Agency; and

WHEREAS, Section 7056 of the California Revenue and Taxation Code sets forth certain requirements and conditions for the disclosure of Agency records and establishes criminal penalties for the unlawful disclosure of information contained in, or derived from sales or transactions and use tax records of the Agency; and

WHEREAS, Section 7056 of the California Revenue and Taxation Code requires that any person designated by City shall have an existing contract to examine City's sales and transactions and use tax records.

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

SECTION 1. That the City Manager, Director of Finance, or other officer or employee of City designated in writing by the City Manager or Director of Finance to the Agency is hereby appointed to represent City with authority to examine all of the sales and transactions and use tax records of the Agency pertaining to sales and transactions and use taxes collected for City by the Agency pursuant to the contract between City and the Agency. The information obtained by examination of Agency records shall be used for purposes related to the collection of City's sales and transactions and use taxes by the Agency pursuant to the contract.

SECTION 2. That the City Manager, Director of Finance, or other officer or employee of City designated in writing by the City Manager or Director of Finance, to the Agency, is also hereby appointed to represent City with the authority to examine those sales



RESOLUTION OF THE CITY OF LINDSAY

and transactions and use tax records of the Agency for purposes related to the following governmental functions of City:

- a) tracking and economic development
- b) forecasting and budget related functions
- c) detection of misallocations and deficiencies

The information obtained by examination of Agency records shall be used only for those governmental functions of City listed above.

SECTION 3:

That MuniServices, LLC is hereby designated and authorized to examine all of the sales and transactions and use tax records of the Agency pertaining to all sales and use taxes collected for City and any transaction and use taxes collected for City under the following Transactions and Use Tax Ordinances and any future Transactions and Use Tax Ordinances that may be enacted in the City:

new 1% Transactions and Use Tax "Measure O"

The person or entity designated by this section meets all of the following conditions:

- a) has an existing contract with City to examine sales and transactions and use tax records;
- b) is required by that contract to disclose information contained in, or derived from those sales and transactions and use tax records only to an officer or employee authorized under Section 1 (or Section 2) of this resolution to examine the information;
- c) is prohibited by that contract from performing consulting services for a retailer during the term of that contract;
- d) is prohibited by that contract from retaining the information contained in, or derived from those sales and transactions and use tax records after that contract has expired.

BE IT FURTHER RESOLVED that the information obtained by examination of Agency records shall be used only for purposes related to the collection of City's sales and transactions and use taxes by the Agency pursuant to the contracts between City and the Agency and for purposes relating to the governmental functions of City listed in Section 2 of this resolution.

SECTION 4:

This resolution supersedes all prior sales and transactions and use tax resolutions of City adopted pursuant to subdivision (b) of Revenue and Taxation Code Section 7056.



RESOLUTION OF THE CITY OF LINDSAY

PASSED AND ADOPTED by the City Council of the City of Lindsay as follows:

MEETING DATE	
MOTION	
2 nd MOTION	
AYES	
ABSENT	
ABSTAIN	
NAYS	

CERTIFICATION OF THE FOREGOING RESOLUTION AS FULL, TRUE, PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF LINDSAY.

Bret Harmon, City Clerk

Pamela Kimball, Mayor



RULES FOR CITY OF LINDSAY PUBLIC HEARING PROCEDURES

1. OPENING

Mayor opens the public hearing.

2. ARGUMENTS

Proponents (those in favor) are permitted to speak first. The Council may ask questions of the proponents and they may respond.

Opponents (those against) are permitted to speak second. The Council may ask questions of the opponents and they may respond.

3. REBUTTALS

Proponents and Opponents are permitted to offer rebuttals.

4. COUNCIL QUESTIONS

Council may ask additional questions. However, the parties may not engage in further debate.

5. CLOSING

Mayor closes the Public Hearing

Council discusses the subject of the public hearing

Council members make a motion, if necessary

Council votes



STAFF REPORT

AGENCY: CITY OF LINDSAY, CALIFORNIA
DATE: May 8, 2018
AGENDA #: 10
STAFF: MARSHA BUELNA, CODE ENFORCEMENT OFFICER, 559-331-0550,
MBUELNA@LINDSAY.CA.US

AGENDA ITEM

TITLE Ordinance No. 564

ACTION Amend Municipal Code Title 8 Health and Safety, Title 8 Chapter 8.22 Fireworks, Section 8.22.140 Violations, to enforce Administrative Citations.

PURPOSE To protect the public health, safety and welfare of the citizens of the city.

COUNCIL OBJECTIVE(S) Live in a safe, clean, comfortable and healthy environment.
Increase our keen sense of identity in a physically connected and involved community.
Nurture attractive residential neighborhoods and business districts.
Dedicate resources to retain a friendly, small-town atmosphere.
Yield a fiscally self-reliant city government while providing effective, basic municipal services.

RECOMMENDATION

Staff Recommends Approval

BACKGROUND | ANALYSIS

Ordinance No. 564 is a request by City Staff to amend Title 8 Health and Safety, Chapter 8.22 Fireworks, Section 8.22.140 Violations of the Lindsay Municipal Code to enforce violations through the Administrative Citation process. The proposed amendment reads as follows:

Proposed Amendment

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



STAFF REPORT

AGENCY: CITY OF LINDSAY, CALIFORNIA
DATE: May 8, 2018
AGENDA #: 10
STAFF: MARSHA BUELNA, CODE ENFORCEMENT OFFICER, 559-331-0550,
MBUELNA@LINDSAY.CA.US

Title 8

HEALTH AND SAFETY

Chapters:

8.04 Health Regulations

8.05 Smoking regulations

8.08 Abandoned Vehicles

8.12 Solid Waste

8.14 Curbside Solid Waste Collection and Disposal Franchises

8.16 Garage Sales

8.18 Lost, Stolen or Abandoned Shopping Carts

8.20 Noise Control

8.22 Fireworks

8.24 Public Park Hours

8.28 Weed Abatement

8.32 Recycling and Diversion of Construction and Demolition Debris

The proposed table of contents outlines clear and concise titles for the proposed sections to aid in ease of readability and referencing.

8.22.140 Violations.

~~Any person or persons violating any condition of this chapter shall be punished in accordance with provisions set forth in Chapter 1.16 of the Lindsay Municipal Code. (Ord. 490 Section 3, 1998)~~

A. Administrative Citations Authorized. This section authorizes the imposition of administrative fines or penalties on any person who violates any provision of this chapter. Its purpose is to encourage and obtain compliance with the provisions of this chapter for the benefit and protection of the entire community. Said administrative fines are imposed under authority of Government Code Section 53069.4, Health and Safety Code Section 12557, and the police power of the city.

1. The issuance of citations imposing administrative fines may be performed at the discretion of the officials of the City of Lindsay; and the issuance of a citation to any person constitutes but one remedy of the city to redress violations of this code by any person. By adopting this article, the city does not intend



STAFF REPORT

AGENCY: CITY OF LINDSAY, CALIFORNIA
DATE: May 8, 2018
AGENDA #: 10
STAFF: MARSHA BUELNA, CODE ENFORCEMENT OFFICER, 559-331-0550,
MBUELNA@LINDSAY.CA.US

to limit its authority to employ any other remedy, civil or criminal, to redress any violation of this code by any person, which this city may otherwise pursue.

2. The adoption of this article does not in any way affect or repeal the California Fire Code, as adopted by the City of Lindsay.

3. The imposition of fines related to “dangerous fireworks” under this article shall be limited to persons, including responsible persons, who possess, sell, use and/or display, or the seizure of, 25 pounds or less (gross weight) of such dangerous fireworks.

4. Fines collected pursuant to this article related to “dangerous fireworks” shall not be subject to Health and Safety Code Section 12706, which section provides that certain fines collected by a court of the state be deposited with, and disbursed by, the County Treasurer.

5. The city shall provide cost reimbursement to the State Fire Marshal if required pursuant to regulations to be adopted by the State Fire Marshal addressing the State Fire Marshal’s cost for the transportation and disposal of “dangerous fireworks” seized by the city, which costs will be part of any administrative fine imposed. However, such cost reimbursement shall not be required unless and until the State Fire Marshal provides services for the disposal of “dangerous fireworks.”

6. Because of the serious threat of fire or injury posed by the use of “dangerous fireworks” that can result from persistent or repeated failures to comply with the provisions of this code and the effect of such conditions or activities on the safety and the use and enjoyment of surrounding properties and to the public health, safety and welfare, this article imposes strict civil liability upon the owners of residential real property for all violations of this code existing on their residential real property. Each contiguous use, display and/or possession shall constitute a separate violation and shall be subject to a separate administrative fine.

B. Issuance of Administrative Citations. Whenever a Code Enforcement Officer (CEO) determines that a violation of the code has occurred, the CEO may issue an administrative citation on a city-approved form listing the code violation(s) and the amount of the administrative fine required to be paid by the responsible person(s) in accordance with the provisions of this article and Lindsay Municipal Code Title 1, Chapter 1.13.

C. Administrative Fines. Each person who violates any provision of this code, or any provision of state law, as it relates to the possession, use, storage, sale and/or display of “dangerous fireworks” or each person that is considered to be a “responsible person” for a location where dangerous fireworks are possessed, used, stored, sold, or displayed, shall be subject to the imposition and payment of an administrative fine or fines as provided below:



STAFF REPORT

AGENCY: CITY OF LINDSAY, CALIFORNIA
 DATE: May 8, 2018
 AGENDA #: 10
 STAFF: MARSHA BUELNA, CODE ENFORCEMENT OFFICER, 559-331-0550, MBUELNA@LINDSAY.CA.US

<u>Number of offenses</u>	<u>Amount of Administrative Penalty</u>
<u>First</u>	<u>\$ 1,000</u>
<u>Second</u>	<u>\$ 2,000</u>
<u>Third and subsequent violations</u>	<u>\$ 3,000</u>

1. Payment of the administrative fine shall not excuse or discharge a citee from the duty to immediately abate and correct a violation of the code, nor from any other responsibility or legal consequences for a continuation or a repeated occurrence(s) of a violation of the code.

2. For purposes of this article, in calculating the amount of an administrative fine, the number of offenses shall include every offense documented in the last three years, unless the citation was vacated pursuant to an appeal.

D. Right to an Administrative Hearing. Any citee may contest the violation(s) by filing a request for an administrative hearing on a city-approved form with Code Enforcement within 20 calendar days from the issuance date of a citation. Any applicable administrative hearing fee imposed by the City of Lindsay shall apply at the then applicable rate. If Code Enforcement does not receive the request in the required time period, the citee shall have waived a right to a hearing and the citation shall be deemed confirmed and final.

E. Administrative Hearing Procedures. The issuance of any citation pursuant to this article, the conduct of any administrative hearing therefor, and any other matter of procedure not addressed herein shall be conducted in accordance with Lindsay Municipal Code Chapter 1.13, except as otherwise provided herein.

F. Administrative Hearing—Mitigating Factors.

1. In cases where the citation is issued to a property owner, a lessee, or a holder of a special events permit, parent or guardian of minors caught with dangerous fireworks, as the responsible person, and the citee was not present on the property at the time the citation was issued, it is a defense to the citation that the citee, as the responsible person, did not explicitly or implicitly consent to or condone the use of dangerous fireworks on his or her property and could not, in spite of the exercise of reasonable care and diligence, control the use of dangerous fireworks on his or her property and/or at his or her special event. The hearing officer may consider the following factors in determining if the citee exercised reasonable care and diligence:

a. Whether the citee provided express notice to relevant persons that the use of dangerous fireworks is strictly prohibited at all times;

b. Whether, based on the circumstances known to the citee at the time of the violation, the citee could have reasonably foreseen that dangerous fireworks might be used, including, but not limited to, whether the citee, any individual occupying the property, or any individual attending the special event, has



STAFF REPORT

AGENCY: CITY OF LINDSAY, CALIFORNIA
DATE: May 8, 2018
AGENDA #: 10
STAFF: MARSHA BUELNA, CODE ENFORCEMENT OFFICER, 559-331-0550,
MBUELNA@LINDSAY.CA.US

received, or otherwise been involved in, any citation issued for the use of dangerous fireworks in the past five years;

c. Whether the citee took any reasonable measures designed to ensure that dangerous fireworks would not be used, and if so, the extent and effectiveness of such measures;

d. Any other information reasonably related to the citee's culpability, or lack thereof, with respect to permitting or allowing the use of dangerous fireworks.

e. If, based on the considerations above, the hearing officer determines that the citee took reasonably prudent action to prevent and discourage the use of dangerous fireworks on the property, then the hearing officer may vacate the citation or modify the amount of the penalty, as appropriate.

The proposed amendment would allow the Code Enforcement Officer to provide a localized method to hold parties responsible when they fail or refuse to comply with the provisions of this code.

ALTERNATIVES

- Approve with modification
- Direct staff to provide additional information
- Deny request

BENEFIT TO OR IMPACT ON CITY RESOURCES

Benefits include increased ability to protect the public health, safety and welfare of the citizens of the city.

Potential impacts to the City include increased resources to identify fireworks related violations throughout the community.

ENVIRONMENTAL REVIEW

The proposed addition is exempt from the California Environmental Quality Act (CEQA) as it is not a project pursuant to Section 15378 of the CEQA Guidelines.



STAFF REPORT

AGENCY: CITY OF LINDSAY, CALIFORNIA
DATE: May 8, 2018
AGENDA #: 10
STAFF: MARSHA BUELNA, CODE ENFORCEMENT OFFICER, 559-331-0550,
MBUELNA@LINDSAY.CA.US

POLICY ISSUES

None

PUBLIC OUTREACH

Public outreach includes posting in the local newspaper (see attachment), and posting at public bulletin boards located at City Hall and the Lindsay Library.

ATTACHMENTS

- Ordinance No. 564
- Receipt for Newspaper Publishing

ORDINANCE NO. 564
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LINDSAY
AMENDING TITLE 8 HEALTH AND SAFETY, CHAPTER 8.22 FIREWORKS, SECTION 8.22.140
VIOLATION OF THE LINDSAY MUNICIPAL CODE PERTAINING TO FIREWORKS.

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

ARTICLE 1: Title 8 Health and Safety, Chapter 8.22 Fireworks, Section 8.22.140 Violation of the Lindsay Municipal Code shall be amended to read as follows:

Chapter 8.22

FIREWORKS

Sections:

8.22.010	Procedures
8.22.020	Permit issuance
8.22.030	Hours of operation-Sales-Discharge
8.22.040	Vendor liability insurance required
8.22.050	Compliance with local, state and federal regulations
8.22.060	Temporary use permit
8.22.070	Temporary sales tax permit required
8.22.080	Booth dimensions-Temporary status only
8.22.090	General requirements
8.22.100	Operation of stand
8.22.110	Fireworks limitations and prohibitions
8.22.120	Fire department inspection
8.22.130	Enforcement-Penalties
8.22.140	Violations

8.22.140 Violations.

A. This article authorizes the imposition of administrative fines or penalties on any person who violates any provision of this chapter. Its purpose is to encourage and obtain compliance with the provisions of this chapter for the benefit and protection of the entire community. Said administrative fines are imposed under authority of Government Code Section 53069.4, Health and Safety Code Section 12557, and the police power of the city.

1. The issuance of citations imposing administrative fines may be performed at the discretion of the

officials of the City of Lindsay; and the issuance of a citation to any person constitutes but one remedy of the city to redress violations of this code by any person. By adopting this article, the city does not intend to limit its authority to employ any other remedy, civil or criminal, to redress any violation of this code by any person, which this city may otherwise pursue.

2. The adoption of this article does not in any way affect or repeal the California Fire Code, as adopted by the City of Lindsay.

3. The imposition of fines related to “dangerous fireworks” under this article shall be limited to persons, including responsible persons, who possess, sell, use and/or display, or the seizure of, 25 pounds or less (gross weight) of such dangerous fireworks.

4. Fines collected pursuant to this article related to “dangerous fireworks” shall not be subject to Health and Safety Code Section 12706, which section provides that certain fines collected by a court of the state be deposited with, and disbursed by, the County Treasurer.

5. The city shall provide cost reimbursement to the State Fire Marshal if required pursuant to regulations to be adopted by the State Fire Marshal addressing the State Fire Marshal’s cost for the transportation and disposal of “dangerous fireworks” seized by the city, which costs will be part of any administrative fine imposed. However, such cost reimbursement shall not be required unless and until the State Fire Marshal provides services for the disposal of “dangerous fireworks.”

6. Because of the serious threat of fire or injury posed by the use of “dangerous fireworks” that can result from persistent or repeated failures to comply with the provisions of this code and the effect of such conditions or activities on the safety and the use and enjoyment of surrounding properties and to the public health, safety and welfare, this article imposes strict civil liability upon the owners of residential real property for all violations of this code existing on their residential real property. Each contiguous use, display and/or possession shall constitute a separate violation and shall be subject to a separate administrative fine.

B. Issuance of Administrative Citations. Whenever a Code Enforcement Officer (CEO) determines that a violation of the code has occurred, the CEO may issue an administrative citation on a city-approved form listing the code violation(s) and the amount of the administrative fine required to be paid by the responsible person(s) in accordance with the provisions of this article and Lindsay Municipal Code Title 1, Chapter 1.13.

C. Administrative Fines. Each person who violates any provision of this code, or any provision of state law, as it relates to the possession, use, storage, sale and/or display of “dangerous fireworks” or each person that is considered to be a “responsible person” for a location where dangerous fireworks are possessed, used, stored, sold, or displayed, shall be subject to the imposition and payment of an administrative fine or fines as provided below:

Number of offenses	Amount of Administrative Penalty
First	\$ 1,000
Second	\$ 2,000
Third and subsequent violations	\$ 3,000

1. Payment of the administrative fine shall not excuse or discharge a city from the duty to immediately abate and correct a violation of the code, nor from any other responsibility or legal consequences for a continuation or a repeated occurrence(s) of a violation of the code.

2. For purposes of this article, in calculating the amount of an administrative fine, the number of offenses shall include every offense documented in the last three years, unless the citation was vacated pursuant to an appeal.

D. Right to an Administrative Hearing. Any city may contest the violation(s) by filing a request for an administrative hearing on a city-approved form with Code Enforcement within 20 calendar days from the issuance date of a citation. Any applicable administrative hearing fee imposed by the City of Lindsay shall apply at the then applicable rate. If Code Enforcement does not receive the request in the required time period, the city shall have waived a right to a hearing and the citation shall be deemed confirmed and final.

E. Administrative Hearing Procedures. The issuance of any citation pursuant to this article, the conduct of any administrative hearing therefor, and any other matter of procedure not addressed herein shall be conducted in accordance with Lindsay Municipal Code Chapter 1.13, except as otherwise provided herein.

F. Administrative Hearing—Mitigating Factors.

1. In cases where the citation is issued to a property owner, a lessee, or a holder of a special events permit, parent or guardian of minors caught with dangerous fireworks, as the responsible person, and the city was not present on the property at the time the citation was issued, it is a defense to the citation that the city, as the responsible person, did not explicitly or implicitly consent to or condone the use of dangerous fireworks on his or her property and could not, in spite of the exercise of reasonable care and diligence, control the use of dangerous fireworks on his or her property and/or at his or her special event. The hearing officer may consider the following factors in determining if the city exercised reasonable care and diligence:

a. Whether the city provided express notice to relevant persons that the use of dangerous fireworks is strictly prohibited at all times;

b. Whether, based on the circumstances known to the city at the time of the violation, the city could have reasonably foreseen that dangerous fireworks might be used, including, but not limited to, whether the city, any individual occupying the property, or any individual attending the special event, has received, or otherwise been involved in, any citation issued for the use of dangerous fireworks in the past five years;

c. Whether the city took any reasonable measures designed to ensure that dangerous fireworks would not be used, and if so, the extent and effectiveness of such measures;

d. Any other information reasonably related to the city's culpability, or lack thereof, with respect to permitting or allowing the use of dangerous fireworks.

e. If, based on the considerations above, the hearing officer determines that the city took reasonably prudent action to prevent and discourage the use of dangerous fireworks on the property, then the hearing officer may vacate the citation or modify the amount of the penalty, as appropriate.

ARTICLE 2. The City Council declares that this ordinance is exempt from the California Environmental Quality Act (CEQA) because it is not a project pursuant to Section 15378 of the CEQA Guidelines.

ARTICLE 3: This ordinance shall be in full force and effect on or after the 30th day after its adoption by the City Council. Within 15 days after 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.

APPROVED at a regular meeting of the City Council held on the May 8, 2018.

ATTEST:

CITY COUNCIL OF THE CITY OF LINDSAY

Bret Harmon, City Clerk

Pamela Kimball, Mayor

**In the Superior Court of the State of California
In and for the County of Tulare**

NOTICE OF PUBLIC HEARING

to Consider Amendment of Municipal Code Title 8 Health and Safety, Chapter 8.22 Fireworks, Section 8.22.140 Violations, to enforce Administrative Citations

Purpose of Hearing: Amend Municipal Code Title 8 Health and Safety, Chapter 8.22 Fireworks, Section 8.22.140 Violations, to enforce Administrative Citations

Public Comment Period: Written comments on this proposed revisions and additions will be accepted until May 8, 2018. Written comments should reference the purpose of hearing and be mailed to:

City of Lindsay
Department of Public Safety
185 N Gale Hill
Lindsay, CA 93247

Comments may also be faxed to (559) 562-2511 or e-mailed to mbuelna@lindsay.ca.us. Interested persons are invited to attend the public hearing and provide comments on the proposed revision as well.

Public Hearing Schedule: A public hearing shall be held before the Lindsay City Council on Tuesday, May 8, 2018 at 6 p.m. in the City Hall Council Chambers, at 251 E. Honolulu Street, Lindsay, California.

Proposed Addition Description: The proposed Admen Municipal Code Title 8 Health and Safety, Chapter 8.22 Fireworks, Section 8.22.140 Violations, to enforce Administrative Citations

Potential Significant Impacts on the Environment: CEQA, Article 19, Section §15378 lists the proposed addition as Categorical Exempt. A draft notice of exemption has been prepared and is available for review at the City of Lindsay Planning and Economic Development Department, 150 N. Mirage Avenue, Lindsay, California, between the hours of 8 a.m. and 5 p.m. on business days.

Date: April 11, 2018
Date Published: April 14, 2018
Marsha Buelna
Code Enforcement Officer
00072661
April 14 1-T

State of California . SS.

County of Tulare

Declarant says:

That at all times herein mentioned Declarant is and was a resident of said County of Tulare, over the age of twenty-one years; not a party to nor interested in the within matter; that Declarant is now and was at all times herein mentioned the Principal Clerk of the Porterville Recorder, a daily newspaper, which said newspaper was adjudged a newspaper of general circulation on October 15, 1951, by Superior Court Order No. 42369 as entered in Book 57 Page 384 of said Court; and that said newspaper is printed and published every day except Sunday published LEGAL NOTICE TO PUBLIC NOTICE in said newspaper April 14, 2018 and that such publication was made in the regular issues of said paper (and not in any supplemental edition or extra there of). I declare under penalty of perjury that the forgoing is true and correct. Executed April 14, 2018 at Porterville, California.


Declarant



STAFF REPORT

AGENCY: CITY OF LINDSAY, CALIFORNIA
DATE: May 8, 2018
AGENDA #: 11
STAFF: Michael Camarena, Director of City Services

AGENDA ITEM

TITLE	2018-2 Housing Related Parks Program (HRPP) Soccer Fields Renovation Project
ACTION	Recommend Award of Bid
PURPOSE	Statutory/Contractual Requirement Council Vision/Priority Discretionary Action
COUNCIL OBJECTIVE(S)	Live in a safe, clean, comfortable and healthy environment. Increase our keen sense of identity in a physically connected and involved community. Stimulate, attract and retain local businesses. Advance economic diversity. Yield a fiscally self-reliant city government while providing effective, basic municipal services.

RECOMMENDATION

Award Base Bid contract to Clean Cut Landscape Incorporated, for the Bid amount of \$256,700.

BACKGROUND | ANALYSIS

Staff had a mandatory pre-bid meeting with qualified contractors on April 20, 2018. 3 companies attended this meeting. This project was advertised as a design/build contract with the items listed below as the scope of the project, but contractors also must meet Department of Industrial Relations (DIR) and prevailing wage requirements for the project.

On May 1, 2018, the City received bids for the soccer field renovation project. There was a total of two bids received. Evergreen Landscape decided not to bid due to timing issues. Listed below are the results of the two bidders received and acknowledged:



STAFF REPORT

AGENCY: CITY OF LINDSAY, CALIFORNIA
 DATE: May 8, 2018
 AGENDA #: 11
 STAFF: Michael Camarena, Director of City Services

Item No.	DESCRIPTION	QTY	UNITS	1. Clean Cut Landscape		2. All Purpose Landscape Services, LLC	
				UNIT COST	TOTAL	UNIT COST	TOTAL
				722882		683038	
1	Demolition	1.00	LS	\$42,000.00	\$42,000.00	\$26,150.00	\$26,150.00
2	Grading	1.00	LS	\$60,470.00	\$60,470.00	\$44,750.00	\$44,750.00
3	Hydro seed	250,000.00	SF	\$0.14	\$35,000.00	\$0.22	\$55,000.00
4	Irrigation	1.00	LS	\$64,230.00	\$64,230.00	\$197,700.00	\$197,700.00
5	Import Suitable Top Soil for Fill	2,200.00	Tons	\$25.00	\$55,000.00	\$105.00	\$231,000.00
			Total Base Bid:		\$256,700.00		\$554,600.00

Budget Breakdown;

Field Renovation \$260,000*
 Clubhouse Remodel \$ 50,000
 \$310,000

*Alternate item for importing suitable top soil to fill is \$55,000 (based on estimated volume).

Additional items to be contracted upon availability of funds;

Fence \$20,000
 Re-roof \$ 8,000
 HVAC \$13,000
 Windows \$ 6,500
 \$47,500

Funding Source; Housing Related Parks Program Grant

Total Grant; \$330,275

ALTERNATIVES

- Award Base Bid contract to Clean Cut Landscape Incorporated, for the Bid amount of \$256,700.
- Do not award contract and risk losing HRPP project funding and provide direction to staff.

BENEFIT TO OR IMPACT ON CITY RESOURCES

Transition to soccer park will allow greater use of open space.

ENVIRONMENTAL REVIEW

None at this time



STAFF REPORT

AGENCY: CITY OF LINDSAY, CALIFORNIA
DATE: May 8, 2018
AGENDA #: 11
STAFF: Michael Camarena, Director of City Services

POLICY ISSUES

None at this time

PUBLIC OUTREACH

Posted Notice Inviting Bids on City Website and Direct contact with qualified contractors

ATTACHMENTS

- Bid Abstract

Abstract
2018-2 HRPP Soccer Fields Project
Bid Opening on 5/1/2018 @ 2:00 pm

Item No.	DESCRIPTION	QTY	UNITS	Lic #		1. Clean Cut Landscape 722882		2. All Purpose Landscape Services, LLC 683038	
				UNIT COST	TOTAL	UNIT COST	TOTAL		
1	Demolition	1.00	LS	\$42,000.00	\$42,000.00	\$26,150.00	\$26,150.00		
2	Grading	1.00	LS	\$60,470.00	\$60,470.00	\$44,750.00	\$44,750.00		
3	Hydro seed	250,000.00	SF	\$0.14	\$35,000.00	\$0.22	\$55,000.00		
4	Irrigation	1.00	LS	\$64,230.00	\$64,230.00	\$197,700.00	\$197,700.00		
5	Import Suitable Top Soil for Fill	2,200.00	Tons	\$25.00	\$55,000.00	\$105.00	\$231,000.00		
Total Base Bid:						\$256,700.00		\$554,600.00	



STAFF REPORT

AGENCY: CITY OF LINDSAY, CALIFORNIA
DATE: May 8, 2018
AGENDA #: 12
STAFF: Michael Camarena, Director of City Services

AGENDA ITEM

<i>TITLE</i>	2018-2 Housing Related Parks Program (HRPP) Clubhouse Remodel Project
<i>ACTION</i>	Recommend Award of Bid
<i>PURPOSE</i>	Statutory/Contractual Requirement Council Vision/Priority Discretionary Action
<i>COUNCIL OBJECTIVE(S)</i>	Live in a safe, clean, comfortable and healthy environment. Increase our keen sense of identity in a physically connected and involved community. Stimulate, attract and retain local businesses. Advance economic diversity. Yield a fiscally self-reliant city government while providing effective, basic municipal services.

RECOMMENDATION

Award Base Bid contract to Vahn Blue Construction, Inc. for the Bid amount of \$43,728.00.

BACKGROUND | ANALYSIS

A component of the soccer park project is to prepare the golf course club house for new occupancy and use (existing food service contract to remain). There are components of this project that have been included in previous City Capital Improvement Program (roofing and mechanical specifically), that are now scheduled to be completed (pending meeting overall budget). This project was advertised as a design/build contract with the items listed below as the scope of the project, but contractors also must meet Department of Industrial Relations (DIR) and prevailing wage requirements for the project

This request is for the items identified below only.

On May 1, 2018, the City received bids for the club house project. There was a total of two bids received. One was disqualified due to not meeting bid requirements. Listed below are the results of the one bidder acknowledged.



STAFF REPORT

AGENCY: CITY OF LINDSAY, CALIFORNIA
 DATE: May 8, 2018
 AGENDA #: 12
 STAFF: Michael Camarena, Director of City Services

Bid Abstract;

Vahnn Blue Construction					
Item No.	DESCRIPTION	QTY	UNITS	UNIT COST	TOTAL
1	Remodel of Restroom	1.00	LS	\$14,653.00	\$14,653.00
2	Remodel Office	1.00	LS	\$6,240.00	\$6,240.00
3	Alternate Item; Exterior Painting	1.00	LS	\$8,840.00	\$8,840.00
4	Install Interior and Exterior Lights	1.00	LS	\$1,950.00	\$1,950.00
5	Furnish and install 4 hollow metal doors & frames	1.00	LS	\$9,549.00	\$9,549.00
6	Drop down Patio columns 2" to give it slope	1.00	LS	\$520.00	\$520.00
7	Furnish and install 40 gallon water heater	1.00	LS	\$1,976.00	\$1,976.00
Total Base Bid:					\$43,728.00

Proposed Budget Breakdown;

Soccer Field Renovation \$260,000*
 Clubhouse Remodel \$ 50,000
 \$310,000

*Alternate item for importing suitable top soil to fill is \$55,000 (based on estimated volume).

Additional items needed;

Fence \$20,000
 Re-roof \$ 8,000
 HVAC \$13,000
 Windows \$ 6,500
 \$47,500

Funding Source; Housing Related Parks Program Grant

Total Grant; \$330,275

ALTERNATIVES

- Award Base Bid contract to Vahnn Blue Construction, Inc. for the Bid amount of \$43,728.00.
- Do not award contract and risk losing HRPP project funding and provide direction to staff.

BENEFIT TO OR IMPACT ON CITY RESOURCES

Transition to soccer park will allow greater use of open space.



STAFF REPORT

AGENCY: CITY OF LINDSAY, CALIFORNIA
DATE: May 8, 2018
AGENDA #: 12
STAFF: Michael Camarena, Director of City Services

ENVIRONMENTAL REVIEW

None at this time

POLICY ISSUES

None at this time

PUBLIC OUTREACH

Direct contact with qualified contractors

ATTACHMENTS

- Bid Abstract

**2018-2 HRPP Clubhouse Remodel Project
Grant #15-HRPP-10950
BASE BID**

Vahnn Blue Construction

Item No.	DESCRIPTION	QTY	UNITS	UNIT COST	TOTAL
1	Remodel of Restroom	1.00	LS	\$14,653.00	\$14,653.00
2	Remodel Office	1.00	LS	\$6,240.00	\$6,240.00
3	Alternate Item; Exterior Painting	1.00	LS	\$8,840.00	\$8,840.00
4	Install Interior and Exterior Lights	1.00	LS	\$1,950.00	\$1,950.00
5	Furnish and install 4 hollow metal doors & frames	1.00	LS	\$9,549.00	\$9,549.00
6	Drop down Patio columns 2" to give it slope	1.00	LS	\$520.00	\$520.00
7	Furnish and install 40 gallon water heater	1.00	LS	\$1,976.00	\$1,976.00
Total Base Bid:					\$43,728.00

Prevailing Wage Hourly Rates

Item No.	DESCRIPTION	QTY	UNITS	UNIT COST
1	Tile Installer	1.00	Hourly	None
2	Electrician	1.00	Hourly	\$100.00
3	Carpenter	1.00	Hourly	\$100.00
4	Saw Cutting Concrete	1.00	Hourly	None
5	Cement Mason	1.00	Hourly	\$100.00
6	Painter	1.00	Hourly	\$75.00
7	Plumber	1.00	Hourly	\$140.00
8	General Building Labor	1.00	Hourly	\$100.00