



LINDSAY CITY COUNCIL MEETING: REGULAR MEETING

251 E. Honolulu St., Lindsay, CA 93247

Tuesday, July 23, 2019 @ 6:00 p.m.

Page 1

CALL TO ORDER:	6:00 p.m.
ROLL CALL:	Council Members Sanchez, Flores, Watson, Cortes & Kimball
PLEDGE:	Council Member Flores
INVOCATION:	Pastor Natanael Lopez, La Puerta Abierta

Item 0: Public Comment

The public is invited to comment on any subject under the jurisdiction of the Lindsay City Council. Speakers should give the clerk a filled-out speaker card and clearly state their name at the podium to begin. Speakers shall be limited to three minutes each, with no more than 30 minutes for the total comment period, unless otherwise indicated by the Mayor.

Note: Public hearing items on the agenda will have their own public comment periods later in the meeting.

Item 1: Council Reports

City Council Members report on recent or upcoming events

Item 2: Staff Report

City Manager or designee reports on recent or upcoming events

Item 3: Consent Calendar

[Roll Call Vote] Routine items approved in one motion unless item is pulled for discussion
Pages 1-10

1. City Council meeting minutes from July 9, 2019
2. Resolution 19-48 Reassign Retirement Plan 457b Trustees
3. Warrant List for July 1, 2019 through July 16, 2019
4. Support of S.2012: Restoring Local Control Over Public Infrastructure Act

Item 4: Resolution 19-46: Annexation of Water Treatment Plant

Public Hearing (First Reading) of Ordinance 577: Prezoning Water Treatment Plant

[Roll Call Votes] Presented by City Manager Bill Zigler

Pages 11-19

1. Resolution 19-46: To initiate Annexation 19-27
2. Ordinance 577: To approve Prezoning 19-28, prezoning site to RCO (Resource, Conservation, and Open Space)

Item 5: Study Session for Accessory Dwelling Ordinance

Presented by Contract Planner

Item 6: Study Session for Sign Ordinance

Presented by Contract Planner

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, July 23, 2019 @6:00PM

Page 2

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- Item 7: Resolution 19-47 Appoint Jack Urquhart as City Clerk
[Roll Call Vote] Presented by City Manager Bill Zigler
Pages 20-22
-
- Item 8: Presentation on Refuse Rates and State Mandate
Presented by Director of Finance Bret Harmon
Pages 23-42
-
- Item 9: Discussion on Cannabis RFP Review Process
Presented by City Manager Bill Zigler
-
- Item 10: Discussion on Health Advisory Committee Member Term Length
Presented by City Manager Bill Zigler
-
- Item 11: Schedule Special Meeting for Council/Senior Staff Sexual Harassment and
Discrimination Training
Presented by City Manager Bill Zigler
-
- Item 12: Executive (Closed) Session
CONFERENCE WITH REAL PROPERTY NEGOTIATORS (pursuant to Government Code Section
54956.8)
Property: APN 201-090-044
Agency negotiator: Bill Zigler, City Manager
Negotiating parties: City of Lindsay
Under negotiation: Price
-
- Item 13: Requests for Future Agenda Items
[Minute Order] Presented by Councilmembers
-
- Item 14: Adjourn
The next regular Lindsay City Council meeting will be held in the City Council Chambers at 251 E.
Honolulu Street in Lindsay, California beginning at 6:00 p.m. on July 23, 2019.
-



LINDSAY CITY COUNCIL MEETING: REGULAR MEETING

251 E. Honolulu St., Lindsay, CA 93247

Tuesday, July 9, 2019 @ 6:00 p.m.

Page 8507

CALL TO ORDER:	6:00 p.m.
ROLL CALL:	Present: Council Members Sanchez, Flores, Watson, and Kimball Absent with notice: Mayor Pro Tem Cortes
PLEDGE:	Mayor Kimball
INVOCATION:	Pastor John Gutierrez, First Presbyterian Church

Item 0: Public Comment

- Eric Sinclair: Expressed that he had talked with Lindsay police about turning the lights off once or twice a month to save money to employ more officers. He is a river of money for the city.
- Virginia Loya: Questioned why the city is hiring a full-time finance manager.

Item 1: Council Reports

City Council Members report on recent or upcoming events

- Sanchez: Reported on health advisory committee meeting. The committee discussed appointing members every 12 months. Asked about payment schedule from general fund to wellness center.
- Harmon: Answered that typically funding goes to wellness center all at once toward the end of fiscal year.
- Kimball: Reported on meet and greet with State Senator Hurtado. Spoke with Hurtado about Lindsay's water needs.

Item 2: Staff Report

City Manager or designee reports on recent or upcoming events

- Zigler: Reported that the following items will be on the agenda next meeting or soon thereafter: a public hearing for a conditional use permit for a recycling center on S. Mirage, a public hearing for the annexation and rezoning of a water treatment plant, a sign ordinance update workshop, and a public hearing for a new accessory dwelling ordinance to comply with state law.

Reported that the water treatment plant has seen consistent production, but air is still coming into water from Wells 14 and 15. Frontier is out working on the communications box at the Hermosa St. and Westwood Ave. roundabout. Reported that city is taking advantage of a streetlight savings program for \$1,000 annually. NDS will be doing a community "treelifting" downtown event on July 12. Reported that 23 building permits were issued in June. Reported on police department performing nine illegal fireworks busts over the July 4 holiday.

Detailed wellness center activities, including public swim hours, swim lessons, and promotions. Reported that more than 500 attended Kids Day at the city park on June 27. Reported that on July 11, Lindsay Foothill Rotary will meet with Tulare County Supervisor District 1 candidate Larry Micari.

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LINDSAY CITY COUNCIL MEETING: REGULAR MEETING

251 E. Honolulu St., Lindsay, CA 93247
Tuesday, July 9, 2019 @6:00PM

Item 3: Consent Calendar
 [Minute Order] Routine items approved in one motion unless item is pulled for discussion
 Pages 1-15

1. City Council meeting minutes from June 25, 2019
2. Warrant list for June 20, 2019 through June 30, 2019
3. Treasurer’s Report for June 2019
4. Mandated Quarterly DBP Notice

Motion: Approve the consent calendar

1 st	2 nd	Result
Sanchez	Watson	Approved 4-0

Item 4: Renewal of Community Services Employment Training (CSET) Lease Agreement
 [Minute Order] Presented by Director of City Services Mike Camarena and Albert Cendejas
 Pages 16-20

- CSET Director Albert Cendejas: Presented on CSET programs and community partnerships.
- Kimball: Asked questions about transportation and meal delivery details.
- Cendejas shared details about the 10 meals delivered per delivery every other week and details about the special programs and transportation assistance they provide.

Motion: Approve lease renewal agreement with CSET

1 st	2 nd	Result
Watson	Sanchez	Approved 4-0

Item 5: PUBLIC HEARING – Resolution 19-45 – Continued Maintenance of Landscaping and
 Lighting Maintenance Districts and Confirmation of Engineer’s Report and
 Assessment for the 2019-2020 Fiscal Year
 [Roll Call Vote] Presented by Director of City Services Mike Camarena
 Pages 21-32

- Camarena: Summarized Landscape and Lighting District assessment for the 2019-2020 fiscal year. Reported that the information is the same as presented at the last council meeting.
- During the public hearing, Eric Sinclair was the only audience participant to speak. He expressed that he is in favor of resolution.

Motion: Approve Resolution 19-45

1 st	2 nd	Flores	Sanchez	Watson	Cortes	Kimball	Result
Watson	Sanchez	Yes	Yes	Yes	Absent	Yes	Approved 4-0

Item 6: Second Reading of Ordinance 575 Establishing Sidewalk Vendor Permitting
 Procedures and Regulations
 [Roll Call Vote] Presented by City Manager Bill Zigler
 Pages 33-47



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- Zigler: Stated that Council is seeing the ordinance for the second time and reminded Council of the purpose of the ordinance.

Motion: Approve Ordinance 575 as titled and to waive the reading thereof.

1 st	2 nd	Flores	Sanchez	Watson	Cortes	Kimball	Result
Watson	Sanchez	Yes	Yes	Yes	Absent	Yes	Approved 4-0

Item 7: Requests for Future Agenda Items

[Minute Order] Presented by Councilmembers

- Sanchez: Requested that information be provided at next council meeting about the Wellness Center Programming Committee appointment term length.
- Flores: Requested that information be provided at the next council meeting about the Cannabis Business RFP scoring process.

Motion: Have staff prepare information on Wellness Center Programming Committee appointment term length and process.

1 st	2 nd	Result
Watson	Sanchez	Approved 4-0

Motion: Have staff prepare information on Cannabis Business RFP scoring process.

1 st	2 nd	Result
Watson	Sanchez	Approved 4-0

Item 8: Adjourn

The next regular Lindsay City Council meeting will be held in the City Council Chambers at 251 E. Honolulu Street in Lindsay, California beginning at 6:00 p.m. on July 23, 2019.

- Meeting adjourned.

City Clerk

Mayor



STAFF REPORT

TO: CITY OF LINDSAY CITY COUNCIL
DATE: July 23, 2019
AGENDA #: 3
FROM: Bret Harmon, Director of Finance

AGENDA ITEM

TITLE Resolution 19-48 Removal of Maria Knutson and William Zigler as Trustees of the City of Lindsay 457b Retirement Plan and designating Mari Carrillo and Bret Harmon as Trustees.

ACTION To authorize the change in Trustees to ensure continuity of service.

PURPOSE Statutory/Contractual Requirement

RECOMMENDATION

Staff respectfully recommends council approve Resolution 19-48 to update the Trustees on the City of Lindsay 457b Retirement Plan.

BACKGROUND | ANALYSIS

The City of Lindsay provides a 457b retirement plan as a benefit for employees. The Plan, known as the City of Lindsay 457b Retirement Plan, requires trustees to ensure continuity of service and participation management.

Maria Knutson and William Zigler are the two trustees on the Plan. Maria Knutson retired in February 2019 and William Zigler will retire before September 2019. This necessitates a change in the trustees.

Mari Carrillo as the Human Resources Manager and Bret Harmon as the Director of Finance are recommended to serve as Trustees. This combination will ensure human resources and finance both have access to participation management for this benefit.

ALTERNATIVES

- Approve Resolution 19-48 as presented.
- Do not approve Resolution 19-48 as presented and provide direction to staff.

ATTACHMENTS

- Resolution 19-48
-



RESOLUTION OF THE CITY OF LINDSAY

NUMBER 19-48

TITLE **REMOVAL OF MARIA KNUTSON AND WILLIAM ZIGLER AS TRUSTEES OF THE CITY OF LINDSAY 457B RETIREMENT PLAN (PLAN) AND DESIGNATION OF MARI CARRILLO AND BRET HARMON AS TRUSTEES OF THE PLAN.**

MEETING At a regularly scheduled meeting of the City of Lindsay City Council held on July 23, 2019 at 6:00PM at 251 E. Honolulu Street, Lindsay, CA 93247.

WHEREAS, Maria Knutson retired in February 2019 and William Zigler will retire before September 2019.

WHEREAS, retired employees can no longer serve as trustees of the Plan.

WHEREAS, the Plan requires Trustees.

WHEREAS, Mari Carrillo as Human Resources Manager and Bret Harmon as Director of Finance are recommended to replace Maria Knutson and William Zigler as the Plan Trustees.

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

- SECTION 1. Maria Knutson and William Zigler are removed as Plan Trustees.
- SECTION 2. Mari Carrillo and Bret Harmon are designated as Plan Trustees, with Bret Harmon as main contact.
- SECTION 3. This resolution shall be effective immediately upon its approval and adoption.
- SECTION 4. The Mayor, or presiding officer, is hereby authorized to affix her/his signature to the Resolution signifying its adoption by the City Council of the City of Lindsay, and the City Clerk, or his duly appointed deputy, is directed to attest thereto.

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 AS DETAILED.

City Clerk

Mayor

Check #	Fund	Date	Vendor #	Vendor Name	Description	Amount
TOTAL						17,387.49
14950						\$486.31
	101 - GENERAL FUND	7/16/2019	3977	AFLAC	DED:015 AFLAC	486.31
14951						\$242.61
	101 - GENERAL FUND	7/16/2019	4660	CITY OF LINDSAY	DED:L203 CDBG LOAN	242.61
14952						\$1,128.09
	101 - GENERAL FUND	7/16/2019	451	CITY OF LINDSAY EMP	DED:0503 SEC 125	1,128.09
14953						\$140.84
	101 - GENERAL FUND	7/16/2019	3192	SEIU LOCAL 521	DED:DUES UNION DUES	140.84
14954						\$92.38
	101 - GENERAL FUND	7/16/2019	6409	HYATT LEGAL PLANS,	DED:MET MET LAW	92.38
14955						\$5,730.96
	101 - GENERAL FUND	7/16/2019	453	LINCOLN LIFE	DED:0500 DEF COMP	5,730.96
14956						\$50.82
	101 - GENERAL FUND	7/16/2019	2325	LINDSAY PUBLIC SAFE	DED:LPOA LPOA DUES	50.82
14957						\$152.25
	101 - GENERAL FUND	7/16/2019	6246	MCDERMONT VENTURE I	DED:051 MCDERMONT	152.25
14958						\$437.07
	101 - GENERAL FUND	7/16/2019	3042	STATE DISBURSEMENT	DED:0512 CHILD SUPT	437.07
14959						\$361.16
	101 - GENERAL FUND	7/16/2019	1955	TEAMSTERS LOCAL 856	DED:0508 TEAMSTERS	361.16
14960						\$400.00
	400 - WELLNESS CENTER	7/16/2019	6376	ANNA MAGDALENO	FIT TONE CLASS	400.00
14961						\$600.00
	400 - WELLNESS CENTER	7/16/2019	6039	DINA RESTIVO	YOGA CLASS	600.00
14962						\$225.00
	400 - WELLNESS CENTER	7/16/2019	6438	ELIZABETH MARTINEZ	YOGA -MEDITATION	225.00
14963						\$500.00
	101 - GENERAL FUND	7/16/2019	6346	JEFF PFEIFFER	SQUIRREL TREATMENT	500.00
14964						\$1,400.00
	101 - GENERAL FUND	7/16/2019	4378	JOSEPH H AVINA	6/25,6/28,7/2,7/5	1,400.00
14965						\$175.00
	400 - WELLNESS CENTER	7/16/2019	5804	KELSIE AVINA	ZUMBA CLASS	175.00
14966						\$200.00
	400 - WELLNESS CENTER	7/16/2019	5448	KIRBY D. MANNON	EXERCISE CLASS	200.00
14967						\$4,000.00
	552 - WATER	7/16/2019	6095	RALPH GUTIERREZ WAT	CPO WATER TREATMENT	2,000.00
	553 - SEWER	7/16/2019	6095	RALPH GUTIERREZ WAT	WASTE WATER TREATME	2,000.00
14968						\$300.00
	400 - WELLNESS CENTER	7/16/2019	3208	SHANNON PATTERSON	AQUA CLASS	300.00
14969						\$665.00
	400 - WELLNESS CENTER	7/16/2019	4914	STEPHANIE OROSCO	ZUMBA CLASS	665.00
14970						\$100.00
	400 - WELLNESS CENTER	7/16/2019	5912	YVETTE DURAN	ZUMBA CLASS	100.00

2018-2019

LEAGUE OFFICERS

President

Janet Arbuckle
Council Member,
Grass Valley

First Vice President

Randon Lane
Mayor Pro Tem, Murrieta

Second Vice President

John F. Dunbar
Mayor, Yountville

Immediate Past President

Rich Garbarino
Vice Mayor,
South San Francisco

Executive Director

Carolyn M. Coleman

July 15, 2019

The Honorable Dianne Feinstein
United States Senate
331 Hart Senate Office Building
Washington, D.C. 20510

Dear Senator Feinstein:

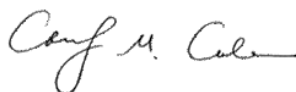
The League of California Cities is pleased to support **S. 2012**, the *Restoring Local Control Over Public Infrastructure Act*, which would restore the ability of local governments to regulate the deployment of wireless infrastructure in a fair and equitable manner.

Last year, the League, along with a broad coalition of California cities, local governments and utility companies from across the country, joined in challenging in court the regulations the Federal Communications Commission (FCC) adopted that limit the authority of cities and states to regulate small cell sites needed for the deployment of 5G technology.

The FCC's regulations were written without sufficient input from local leaders, leading to regulations that restrict cities from being able to require carriers to meet the needs of the communities in which they seek to operate. In addition, the FCC's order unnecessarily complicates existing agreements and negotiation between cities and wireless providers by imposing a one size-fits-all preemption of existing state and local policies. The FCC's limit on fees for use of publicly owned property by private companies is an unwarranted intrusion into a local affair that forces cities to subsidize development at the cost of other essential local services. It is clear that the FCC's regulations are misguided in their placement of interests of industry above our local communities.

Your leadership on this issue is critical, and we look forward to continuing our work together to ensure safe, reliable, and equitable deployment of broadband technology in our cities. If you have any questions or need additional information, please contact me or the League's Washington advocate, Leslie Pollner (leslie.pollner@hklaw.com) at 202.469.5149.

Sincerely,



Carolyn M. Coleman
Executive Director



Cc: Leslie Pollner, Holland & Knight

June 27, 2019

The Honorable Dianne Feinstein
United States Senate
331 Hart Senate Office Building
Washington, DC 20510

Dear Senator Feinstein:

As elected officials, we are committed to serving the residents of our cities by ensuring the digital infrastructure of tomorrow is safe, reliable, and is accessible for everyone. Cities and counties are not only leaders in innovation, but also have an obligation to the public to ensure safe, equitable deployment, and fiscally prudent broadband investment to their communities. It is essential that communities maintain control of the small cell application and review process to ensure safe deployment of this technology and that everyone benefits. The Federal Communications Commission (FCC) attempts to preempt this process in a rushed and overreaching manner. For these reasons, we applaud your effort in restoring authority to the rightful position of local jurisdictions and support S. 2012, Restoring Local Control over Public Infrastructure Act of 2019.

This bill would return local governments' ability to balance competing interests for the use of the public rights-of-way by overturning actions of the FCC in August and September of 2018. While we support the Commission's goal of ensuring affordable broadband access for every American, the Commission's actions do nothing to achieve that goal. It puts the interests of national corporations over the needs of our communities by making it impossible for local governments to manage the public rights-of-way effectively and equitably. It cedes control of local property to national corporations without fair compensation in return, and without taking into account considerations for closing the digital divide, public safety, public utility services such as water, sewer, and electricity, the travelling public, environmental concerns, economic development, and maintenance costs.

Your leadership in passing this legislation is critical to ensuring local governments have the necessary tools to manage local public assets in a manner that balances competing interests while encouraging responsible deployment of wireless broadband facilities. Without this action, communities will face financial strain and potentially delayed progress in adopting to the FCC's overreaching actions. It is necessary for both industry and our residents to reverse the FCC's rules on small cells and restore local control.

Sincerely,

Mayor Jenny Durkan
City of Seattle, WA

Mayor Sam Liccardo
City of San Jose, CA

Mayor Ted Wheeler
Portland, OR

Mayor Cassie Franklin
Everett, WA

Mayor Eric Garcetti
Los Angeles, CA

Mayor Lyda Krewson
St. Louis, MO

Mayor Donald M. Hahn
State College, PA

Mayor Lioneld Jordan
Fayetteville, AR

Mayor Paul S. Leon
Ontario, CA

Mayor Miguel Pulido
Santa Ana, CA

Mayor Jane Castor
Tampa, FL

Mayor London Breed
San Francisco, CA

Mayor Bill de Blasio
New York City, NY

Mayor Dan Horrigan
Akron, OH

Mayor Ethan Berkowitz
Anchorage, AK

Mayor Jim Kenney
Philadelphia, PA

Mayor Jennifer Gregerson
City of Mukilteo, WA

Mayor Lucy Vinis
Eugene, OR

Mayor Keisha Lance Bottoms
Atlanta, GA

Mayor Pauline Cutter
San Leandro, CA

Mayor Lori Lightfoot
Chicago, IL



STAFF REPORT

TO: CITY COUNCIL OF THE CITY OF LINDSAY, CALIFORNIA
DATE: July 23, 2019
AGENDA #: 4
FROM: City Manager Bill Zigler

AGENDA ITEM

TITLE	Annexation No. 19-27 and Rezoning No. 19-28: a request by the City of Lindsay for annexation of 110 acres into the City of Lindsay comprised of the City Wastewater Treatment Plant.
ACTION	Initiate Annexation No. 19-27 and approve Rezoning No. 19-28 by adoption of Resolution No. 19-46 and Introduction (first reading) of Ordinance No. 577
PURPOSE	Discretionary Action
COUNCIL OBJECTIVE(S)	Yield a fiscally self-reliant city government while providing effective, basic municipal services.

RECOMMENDATION

Staff recommends that City Council initiate Annexation No. 19-27 and approve Rezoning No. 19-28 by adoption of Resolution 19-46 and Introduction (first reading) of Ordinance 577.

BACKGROUND | ANALYSIS

The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Act) establishes procedures for local government changes of organization, including city incorporations, annexations to a city or special district, and city and special district consolidations. The City of Lindsay wishes to initiate proceedings to this Act, commencing with section 5600 of the California Government Code.

There are three parcels (APNs 197-090-017, 153-210-049, & 153-250-001) about a mile and a half west of the City of Lindsay that contain the Lindsay Wastewater Treatment Plan. The City of Lindsay owns these parcels, but they are under County jurisdiction because they are not inside the city limits. The City would like to officially annex the land into the city. As previously stated, the parcels are outside of the city limits and the city's sphere of influence. The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, specifically Government Code Section 56742 (a), states that noncontiguous territory not exceeding 300 acres may be annexed into the city when it is located within the same county, is owned by the city, and is being used for municipal purposes. Therefore, the city can legally annex the properties.



STAFF REPORT

TO: CITY COUNCIL OF THE CITY OF LINDSAY, CALIFORNIA
DATE: July 23, 2019
AGENDA #: 4
FROM: City Manager Bill Zigler

Government Code Section 56375(a)(7) requires that applicants to the Local Agency Formation Commission for annexation include rezoning for the territory. The territory will be rezoned with the Resource, Conservation, & Open Space (RCO) zone.

The annexation process involves the following formal steps:

1. The City Council must adopt the project's CEQA document and a resolution that initiates the annexation proceedings. The council must also rezone the sites to be annexed, so that LAFCo and public are made aware of the zoning that will be on the sites once they are annexed.
2. Applications and information are submitted to LAFCo staff, LAFCo holds a hearing and decides on the annexation.
3. Unless waived by LAFCo, another hearing is held by LAFCo to see if any property owners want to protest the annexation. The City resolution includes a request to LAFCo that the protest hearing be waived.
4. After the hearings are completed LAFCo staff records a document that formally brings the properties into the city limits.

ALTERNATIVES

- Approve with modification
- Deny the initiation of the annexation and rezoning
- Instruct Staff to provide additional information

BENEFIT TO OR IMPACT ON CITY RESOURCES

Bringing City-owned property has a number of benefits. When City-owned property is inside its city limits that property is not subject to the payment of property taxes. Also, the City instead of the County would have jurisdiction over zoning, land use regulations, and building code enforcement.

ENVIRONMENTAL REVIEW

A Categorical Exemption has been prepared and adopted in accordance with the California Environmental Quality Act (CEQA)



STAFF REPORT

TO: CITY COUNCIL OF THE CITY OF LINDSAY, CALIFORNIA
DATE: July 23, 2019
AGENDA #: 4
FROM: City Manager Bill Zigler

POLICY ISSUES

Annexation of the territory is consistent with the General Plan, Lindsay Municipal Code, and the Zoning Ordinance, and would not be detrimental to the public interest, health, safety, convenience, and welfare of the city.

PUBLIC OUTREACH

A notice of this meeting was mailed to adjacent property owners.

ATTACHMENTS

- Resolution initiating the annexation process
- Ordinance rezoning the site to RCO
- Exhibit "A" – legal description of the property to be annexed
- Exhibit "B" – map of property to be annexed



RESOLUTION OF THE CITY OF LINDSAY

NUMBER 19-46

TITLE **A RESOLUTION OF APPLICATION BY THE CITY COUNCIL OF THE CITY OF LINDSAY REQUESTING THE LOCAL AGENCY FORMATION COMMISSION OF TULARE COUNTY TO INITIATE PROCEEDINGS FOR ANNEXATION NO. 19-27**

MEETING At a regularly scheduled meeting of the City of Lindsay City Council held on July 23, 2019 at 6:00PM at 251 E. Honolulu Street, Lindsay, CA 93247.

WHEREAS, the City Council of the City of Lindsay desires to initiate proceedings pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, commencing with Section 56000 of the California Government Code; and

WHEREAS, notice of intent to adopt this resolution of application has been given, and this Board has conducted a public hearing based upon this notification; and,

WHEREAS, the principal reason for the proposed annexation is to bring City-owned property into the city limits; and,

WHEREAS, the City of Lindsay will be the only agency affected by the proposed jurisdictional change; and,

WHEREAS, the City of Lindsay is the only property owner affected by the proposed jurisdictional change; and,

WHEREAS, the territory proposed to be annexed is Uninhabited (contains less than twelve registered voters), and a map and description of the boundaries of the territory are attached hereto as Exhibits A & B and by this reference incorporated herein; and,

WHEREAS, the project is categorically exempt from the California Environmental Quality Act (CEQA), pursuant to CEQA Guidelines, Section 15319(a)

WHEREAS, this proposal is consistent with Government Code Section 56742 (a), which states that noncontiguous territory not exceeding 300 acres may be annexed to the city because it is located within the same county, it is owned by the City, and is being used for municipal purposes, and;

WHEREAS, the Lindsay City Council held a duly noticed public hearing at its July 23, 2019, meeting.

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

- SECTION 1. The City Council of the City of Lindsay hereby adopts the Notice of Exemption of the Project pursuant to CEQA.
- SECTION 2. This Resolution of Application is hereby adopted and approved by the City Council of the City of Lindsay, and the Local Agency Formation Commission of Tulare County is hereby requested to take proceedings for the annexation of territory as



RESOLUTION OF THE CITY OF LINDSAY

authorized and in the manner provided by the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000.

SECTION 3. The City Council of the City of Lindsay hereby directs City staff to complete, sign, and deliver application materials to the Local Agency Formation Commission of Tulare County to initiate the annexation process.

SECTION 4. The City Council of the City of Lindsay hereby requests that the Local Agency Formation Commission of Tulare County waive protest proceedings.

SECTION 5. This resolution shall be effective immediately upon its approval and adoption.

SECTION 6. The Mayor, or presiding officer, is hereby authorized to affix her/his signature to the Resolution signifying its adoption by the City Council of the City of Lindsay, and the City Clerk, or his duly appointed deputy, is directed to attest thereto.

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 AS DETAILED.

City Clerk

Mayor

ORDINANCE NO. 577

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LINDSAY ADOPTING PREZONE 19-28, PREZONING TERRITORY COMPRISING OF THE CITY WASTEWATER TREATMENT PLANT LOCATED AT A PORTION OF THE SOUTH HALF OF SECTION 3, TOWNSHIP 20 SOUTH, RANGE 26 EAST, MOUNT DIABLO BASE AND MERIDIAN, IN THE COUNTY OF TULARE IN THE STATE OF CALIFORNIA (APNS 197-090-017, 153-210-049, & 153-250-001)

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

ARTICLE 1: The real property owned by the City of Lindsay, described as follows: Being a portion of the South half of Section 34, Township 19 South, Range 26 East, Mount Diablo Base and Meridian, in the County of Tulare, State of California, more particularly described in Exhibit "A" (attached); said area containing approximately 130 acres in area, more or less, shall be and is hereby designated RCO (Resource, Conservation, & Open Space).

ARTICLE 2: Government Code Section 56375(a)(7) requires that applicants to the Local Agency Formation Commission for annexation include prezoning of the territory proposed for annexation.

ARTICLE 3: This ordinance is consistent with the City of Lindsay General Plan, Lindsay Municipal Code, and the Zoning Ordinance, and would not be detrimental to the public interest, health, safety, convenience, and welfare of the City.

ARTICLE 4: A Categorical Exemption has been prepared and adopted in accordance with the California Environmental Quality Act (CEQA)

ARTICLE 5: The City Planner of the City of Lindsay is hereby authorized, instructed and directed to make the changes to the official Zoning Map of the City of Lindsay made by Article One of this Ordinance, by outlining the boundaries of the described parcel of the Zoning Map adopted by Ordinance 437 of the City of Lindsay.

ARTICLE 6: The official Zoning Map shall be amended to reflect this change upon completion of annexation proceedings.

ARTICLE 7: This Ordinance shall be in full force and effect on and after the 30th day after its adoption by the City Council. Within 15 days 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.

The foregoing ordinance, read by title only with waiving of the reading in full, was introduced at a regularly scheduled meeting on the 23rd day of July 2019.

APPROVED at a regular meeting of the City Council held the 13th day of August 2019.

ATTEST:

CITY COUNCIL OF THE CITY OF LINDSAY

Bret Harmon, City Clerk

Pamela Kimball, Mayor

Exhibit "A"

Treatment Plant Annexation

DESCRIPTION

Being a portion of the South half of Section 34, Township 19 South, Range 26 East, Mount Diablo Base and Meridian and a portion of the North half of Section 3, Township 20 South, Range 26 East, Mount Diablo Base and Meridian, in the County of Tulare, State of California, more particularly described as follows;

Beginning at the Northeast corner of the West half of the Northeast quarter of said Section 3, Thence;

Course 1: South 00°04'40" East, along the East line of the West half of the Northeast quarter of said Section 3, a distance of 2054 feet, more or less, to the North line of the South 10 acres of the East half of the Northeast quarter of said Section 3; Thence,

Course 2: South 89°09'26" East along last said line, 621 feet, more or less, to the West Line of the City of Porterville Animal Control Site; Thence,

Course 3: South 0°10'14" West along last said line, 330 feet, more or less, to the South line of the Northeast quarter of said Section 3; Thence,

Course 4: North 89°09'28" West along last said line, 1940 feet, more or less, to the West line of the West half of the Northeast quarter of said Section 3; Thence,

Course 5: North 0°03'08" West along last said line, 1328 feet, more or less, to the South line of the Northeast quarter of the Northwest quarter of said Section 3; Thence,

Course 6: North 89°01'38" West along last said line, 1320 feet, more or less, to the West line of the Northeast quarter of the Northwest quarter of said Section 3; Thence,

Course 7: North 0°01'33" West along last said line, 1087 feet, more or less, to the North line of the Northwest quarter of said Section 3; Thence,

Course 8: South 88°25'46" East along last said line, 660 feet, more or less, to the West line of the Southeast quarter of the Southeast quarter of the Southwest quarter of Section 34; Thence,

Course 9: North 1°01'32" East along last said line, 660 feet, more or less, to the North line of the Southeast quarter of the Southeast quarter of the Southwest quarter of said Section 34; Thence,

Course 10: South 88°25'15" East along last said line and the North line of the Southwest quarter of the Southwest quarter of the Southeast quarter of said Section 34, a distance of 1320 feet, more or less, to the East line of the Southwest quarter of the Southwest quarter of the Southeast quarter of said Section 34; Thence,

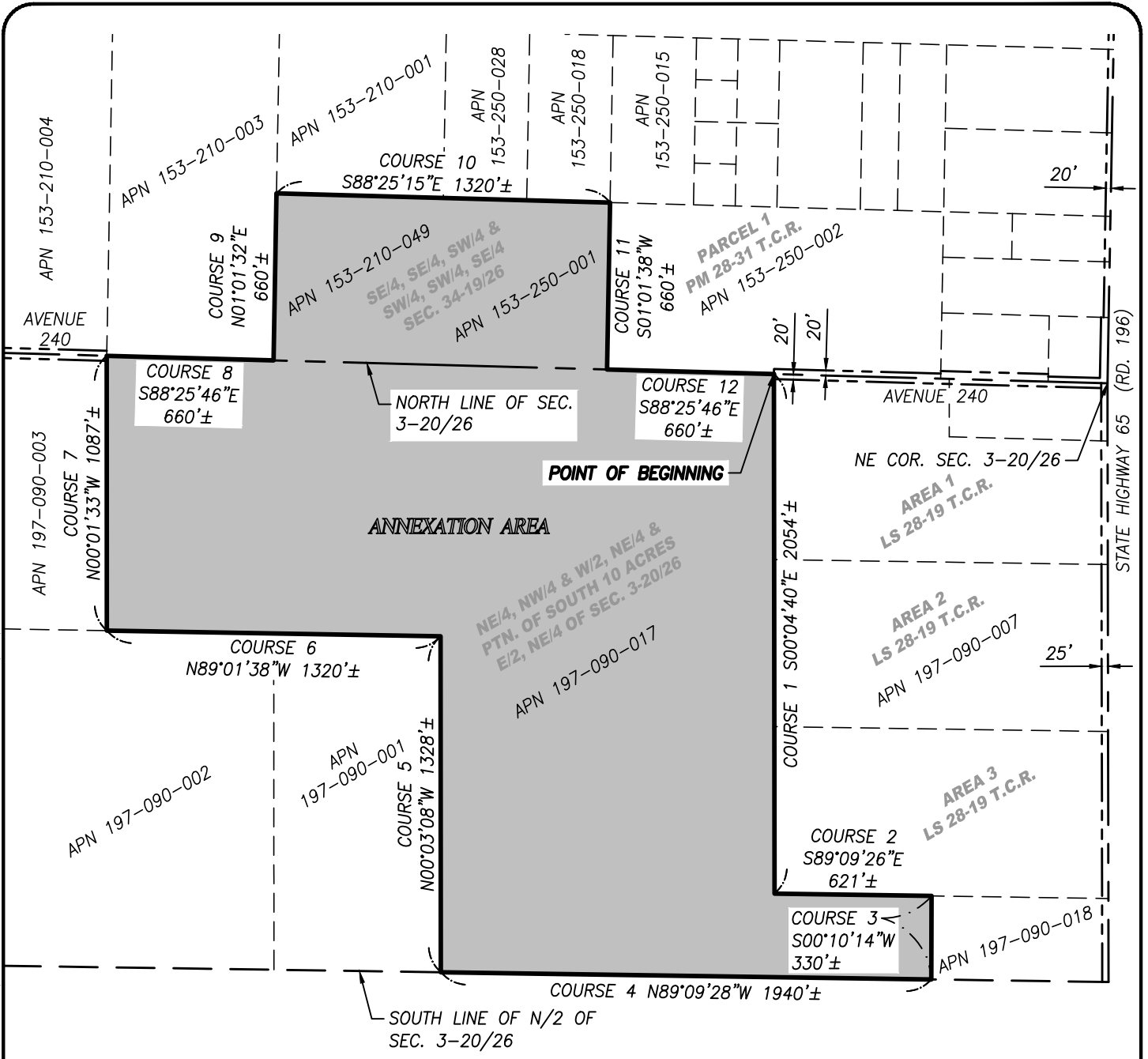
Course 11: South 1°01'38" West along last said line, 660 feet, more or less, to the North line of the Northeast quarter of said Section 3; Thence,

Course 12: South 88°25'46" East along last said line, 660 feet, more or less, to the East line of the West half of the Northeast quarter of said Section 3, and the Point of Beginning.

Containing 130 acres, more or less



L:\PROJECTS\2018\180454\ACAD\ANNEXATION\180454 - TREATMENT PLANT ANNEXATION.DWG 6/10/2019 10:00 AM



LEGEND



PROPOSED AREA OF ANNEXATION CONTAINING 130 ACRES, MORE OR LESS



0' 600'
SCALE: 1" = 600'

PROJECT NO.: 180454

DRAWN BY: PLH

QA/QC BY: ASW

SCALE: AS SHOWN

SHEET NO.:

1 of 1

EXHIBIT "B"

TREATMENT PLANT ANNEXATION



901 EAST MAIN STREET
VISALIA, CA 93292

TEL: (559) 733-0440
WWW.QKINC.COM

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STAFF REPORT

AGENCY: CITY OF LINDSAY, CALIFORNIA
DATE: July 23, 2019
AGENDA #: 7
STAFF: City Manager Bill Zigler

AGENDA ITEM

TITLE	Appointment of City Clerk
ACTION	Resolution 19-47
PURPOSE	Council Vision/Priority
COUNCIL OBJECTIVE(S)	Build a fiscally self-reliant city government while providing effective, basic municipal services.

RECOMMENDATION

The City Manager respectfully recommends the City Council approve Resolution 19-47 appointing Jack Urquhart as City Clerk.

BACKGROUND | ANALYSIS

Section 5.01 of the City Charter states that the City Manager shall recommend the person to be appointed as the City Clerk and the Council shall make the appointment.

Bret Harmon currently serves as the City Clerk. He is also the Director of Finance. He will become the interim City Manager on September 1, 2019. Bret Harmon will maintain the Director of Finance role while serving as Interim City Manager. It would be appropriate to relieve Bret Harmon of his City Clerk duties considering the additional responsibility he will be undertaking.

The City Manager recommends Jack Urquhart, who presently serves as the Deputy City Clerk, become the City Clerk. He has proven capable and ready to assume the role of City Clerk.

For Council information, Bret Harmon will assume the role of Deputy City Clerk to ensure there is an authorized individual to attest to resolutions, ordinances and other documents if the City Clerk is away from the office.

ALTERNATIVES

- Appoint Jack Urquhart as City Clerk
 - Do not appoint Jack Urquhart as City Clerk (Bret Harmon would continue as City Clerk)
-



STAFF REPORT

AGENCY: CITY OF LINDSAY, CALIFORNIA
DATE: July 23, 2019
AGENDA #: 7
STAFF: City Manager Bill Zigler

BENEFIT TO OR IMPACT ON CITY RESOURCES

The City will benefit from not hiring a new individual for the position of City Clerk.

ENVIRONMENTAL REVIEW

Appointment of a City Clerk is considered an administrative activity by a governmental agency and does not constitute a “project” pursuant to Section 15378(b)(2) of the CEQA’s Guidelines and therefore is exempt from CEQA review.

POLICY ISSUES

The City Council is vested with the sole authority to appoint the City Clerk.

PUBLIC OUTREACH

Posted in this agenda.

ATTACHMENTS

- Resolution 19-47



RESOLUTION OF THE CITY OF LINDSAY

NUMBER 19-47

TITLE **APPOINTMENT OF JACK URQUHART AS CITY CLERK PURSUANT TO CITY OF LINDSAY CHARTER ARTICLE V SECTION 5.01**

MEETING At a regularly scheduled meeting of the City of Lindsay City Council held on July 23, 2019 at 6:00PM at 251 E. Honolulu Street, Lindsay, CA 93247.

WHEREAS, according to Article V Section 5.01 of the City Charter of the City of Lindsay, the City Manager shall recommend the person to be appointed City Clerk and the Council shall appoint.

WHEREAS, the City Manager recommends Jack Urquhart become City Clerk.

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

- SECTION 1. Jack Urquhart is appointed to the position of City Clerk pursuant to City of Lindsay Charter Article V Section 5.01.
- SECTION 2. The effective date of the appointment will be August 23, 2019.
- SECTION 3. This resolution shall be effective immediately upon its approval and adoption.
- SECTION 4. The Mayor, or presiding officer, is hereby authorized to affix her/his signature to the Resolution signifying its adoption by the City Council of the City of Lindsay, and the City Clerk, or his duly appointed deputy, is directed to attest thereto.

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 AS DETAILED.

City Clerk

Mayor



STAFF REPORT

TO: CITY COUNCIL OF THE CITY OF LINDSAY, CALIFORNIA
DATE: July 23, 2019
AGENDA #: 8
FROM: Bret Harmon, Director of Finance

AGENDA ITEM

<i>TITLE</i>	Presentation on Refuse Fees and State Mandate
<i>ACTION</i>	No Action – Presentation Only
<i>PURPOSE</i>	Statutory/Contractual Requirement Council Vision/Priority Discretionary Action
<i>OBJECTIVE(S)</i>	<ul style="list-style-type: none">• Live in a safe, clean, comfortable and healthy environment.• 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 seeks feedback from Council on the topic of refuse rates and recommends council consider the information provided in the presentation for future action.

BACKGROUND | ANALYSIS

The purpose of the presentation is to:

1. Present information about the refuse service fees, a state mandate on organics recycling and the Prop 218 process to adjust and add related fees.
2. Present a draft of the Report on refuse rates.
3. Present a draft of the Public Notice the Council would issue for a Prop 218 on refuse rates.
4. Seek feedback on the draft documents before 8/13/19 City Council meeting.

The reason for the presentation is:

1. The City is mandated by the state to provide organics recycling services but does not have related rates on its fee schedule.
2. Refuse fees do not cover costs.

ATTACHMENTS

- Overview Presentation
 - Draft Report
 - Draft Notice
-

Refuse Services



A discussion in consideration of initiating a Proposition 218 Process for refuse services.

Organics



Mandatory Organics Recycling

October 2014

Governor Brown signed AB 1826 requiring businesses to recycle their organic waste.

January 1, 2019

Businesses that generate four (4) cubic yards or more of commercial solid waste (refuse) per week shall arrange for organic waste recycling services.

Mid Valley

System

Prop 218

Proposal

Organics



Understanding Organics

Mid Valley

System

Prop 218

Proposal

What is included?

- Food waste
- Green waste
- Landscape and pruning waste
- Non-hazardous wood waste
- Food-soiled paper waste

How is it recycled?

- Composting
- Mulching
- Anaerobic digestion

Organics

Mid Valley 

System

Prop 218

Proposal

Refuse Services

Mid Valley Disposal's services

- Trash hauling
- Recyclables collection
- Green waste plus new organics collection

Mid Valley Disposal's contract

- Assigned on September 30, 2014
- No rate increases without Prop 218

Organics

Mid Valley

System



Prop 218

Proposal



**MID VALLEY
DISPOSAL**

WWW.MIDVALLEYDISPOSAL.COM

Provides Services



Bills Monthly >
< Pays Monthly

< Bills Monthly
Pays Monthly >

Organics

Mid Valley

System

Prop 218 

Proposal

What is driving for a Prop 218?

State Mandated Organics Recycling

The City must conduct a Prop 218 to set service fees for organics recycling.

Cost Recovery

Service rates do not cover costs.

Organics

Mid Valley

System

Prop 218 

Proposal

What is the Process?

Step 1

Council considers Report on service fees.

Step 2

Council sets public hearing (45-day notice)

Step 3

Staff post public hearing notice and mail copies to all service locations.

Step 4

At public hearing, service recipients turn in votes opposing rate increases and additions.

Organics

Mid Valley

System

Prop 218



Proposal

What is the Process? (Cont.)

Step 5

Staff counts votes after public hearing closes.

Step 6

If the opposition vote tally is more than 50% of total number of service locations, then the adjustments fail. Otherwise, the adjustments pass.

Note

Only one vote per service location counts.

Organics

Report Contents

Mid Valley

Organics Recycling
New to fee schedule

System

Traditional Services
Inflation increase from 2014 to 2019

Prop 218

Future Years
Annual inflation increases beginning in Year 2

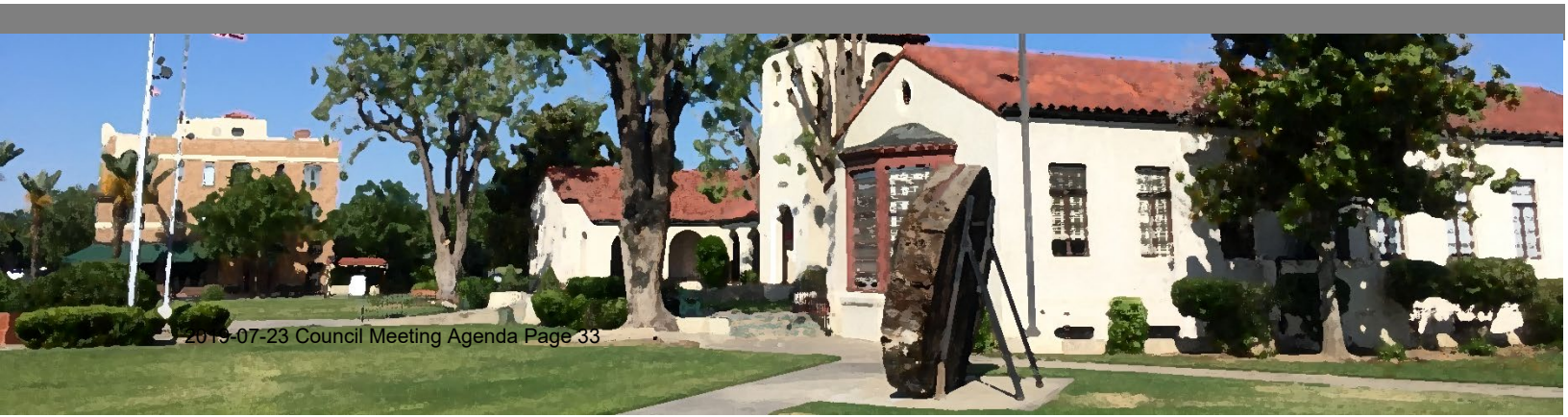
Proposal



Availability
Will be posted on City's website



REFUSE RATE CHANGES EXECUTIVE REPORT



Contents

Situation Summary.....	3
Background – Contract Services.....	3
Background – State Mandate.....	4
Background – Refuse Fee Schedule	4
Comparisons to other Jurisdictions.....	6
Conclusion.....	7
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SITUATION SUMMARY

The City of Lindsay contracts with Mid Valley Disposal (MVD) for refuse services. These services include residential, commercial and industrial trash hauling, recyclable collection and green waste collection. The service must expand to handle organics recycling to meet a new state mandate.

The situation is:

1. The state has mandated new organics recycling, which introduces new costs to the service,
2. The other services cost more to provide than the fees charged for those services,
3. The City must add the organics recycling service and the corresponding fees to cover its cost to the City's fee schedule, and
4. The City must also adjust the other refuse service fees on the City's fee schedule to pay for those services.

To add and adjust fees on the City's fee schedule, the City must follow the Proposition 218 process. The Proposition 218 process includes:

1. A public noticing of the intent to adjust fees posted in the Porterville Recorder and mailed to all service addresses.
2. A public hearing allowing affected rate payers an opportunity to speak in favor of or in opposition to the changes conducted during a City Council meeting.
3. A count of protest votes (only one vote permitted per service address)
4. The City identifies the number of service addresses that equate to 50% of the total number of service addresses as the vote threshold. If there are more protest votes than the vote threshold number, then the rate increase will not happen.

BACKGROUND – CONTRACT SERVICES

MVD became the City's refuse hauler on September 30, 2014.

The contract identifies what the City will do and what MVD will do in providing refuse services. The City bills and receives payments from customers. MVD manages and operates the entire waste hauling and recyclables collection processes. MVD bills the City for the services it provides at the rate per service type authorized by the contract. The City pays MVD from the payments made by customers to the City.

For the partnership between the City and MVD to work, MVD must be able to cover its costs and make a reasonable profit in providing the service. MVD has not received an inflation adjustment to its rates under the current contract. The reason for not receiving the increase is the City has not conducted a Proposition 218 process to authorize a rate increase. Without a rate increase, MVD's ability to provide the service becomes untenable. Costs related to fuel, transportation, taxes, state mandates and minimum wage have significantly increased the costs for MVD to provide refuse services to the City.

In addition to the payment to MVD for providing the service, the City must also pay internal costs related to the service. These costs include monitoring, data management, administration, postage, printing services, mailing services, payment processing, service coordination, electricity, office equipment maintenance, and staff compensation.

MVD cannot afford to continue to provide the service without a rate increase. The City cannot afford to absorb the cost of a rate increase without an increase in the rate charged to the customer.

BACKGROUND – STATE MANDATE

State law now mandates organics waste management. The City's fee schedule does not include organics waste. The City must amend its fee schedule to include organics waste to comply with State mandates. Beginning in 2019, MVD provides organic waste management services.

As these new services will have an associated service fee, the City must follow the Proposition 218 process to add these new fees to the fee schedule.

BACKGROUND – REFUSE FEE SCHEDULE

It is important for customers to understand clearly the charges they pay for services. There are three components to the total charge for refuse hauling/collection services.

1. Base Rate for the Service
2. Voter-approved tax for street improvement program (23.6%)
3. Utility Users Tax (UUT) for all utilities in the City (6.0%)

Due to a limitation with the City's software used to manage the billing process, the City can only display one tax rate on the bills customers receive. The voter-approved tax for the street improvement program has been included in the base rate customers see on their bills. The UUT has been displayed separately on their bills. Because customers are familiar with seeing the base rate inclusive of the voter-approved tax for the street improvement program, the City is presenting the proposed rates in the same way. That means the UUT rate will be in addition to the rates shown in the rate tables.

The new rates customers will see on their bills are based on this formula:

Base Rate in 2014 (includes MVD cost and City's direct internal costs) + inflation growth since 2014 + street improvement program rate.

- Base Rate in 2014 varies by type and frequency of service.
- Inflation growth is based on the consumer price index current series as established by the bureau of labor and statistics (all urban consumers – west)

Customers would experience a 3% increase annually to account for inflation beginning July 2020. By establishing the annual increases as part of the Proposition 218 process, the customers will not need to

participate in a Proposition 218 each year. The annual increases will stabilize the revenues for the City and MVD to ensure both can continue to provide the services as designed.

The new rate table is presented in **Exhibit A**.

[Remainder of page intentionally left blank]

COMPARISONS TO OTHER JURISDICTIONS

The following table provides a view of how the City of Lindsay's proposed new rates compare to the current rates of its neighbors .

1. Lindsay = The City of Lindsay's proposed 11/1/2019 rates paid by customers. This rate ***does not include*** the street improvement program or the UUT rates.
2. Woodlake, Exeter & Farmersville = Neighboring cities used for comparison.
3. Blue Dollars = Lindsay customers would pay less than in neighboring cities.
4. Gray Dollars = Lindsay customers would pay more than in neighboring cities.

Cost of Service. Does <u>not</u> include Street Improvement Tax or Utility Users Tax for comparability.	Lindsay	Woodlake	Exeter	Farmersville
Residential - Automated Service 1 X Week	\$20.26	\$24.45	\$20.64	\$22.63
Residential - Automated With 1 Extra Brown	\$4.84	\$13.19	\$7.65	
Residential - Automated With 1 Extra Green	\$4.84	\$13.19	\$7.65	
Residential - Automated With 1 Extra Blue	\$4.83	\$13.19	\$7.65	
Commercial - Automated	\$20.26			
Commercial - Automated - 64 Gal Trash Container	\$4.83	\$13.73		
Commercial - 1 Yd 1 X Week	\$56.49	\$64.83	\$48.00	\$45.69
Commercial - 1 Yd 2 X Week	\$104.95	\$111.25		
Commercial - 1.5 Yd 1 X Week	\$69.84			\$67.24
Commercial - 2 Yd 1 X Week	\$82.33	\$96.97	\$79.60	\$75.77
Commercial - 2 Yd 2 X Week	\$143.93	\$165.37	\$129.30	\$123.16
Commercial - 2 Yd 3 X Week	\$200.04	\$231.84		
Commercial - 2 Yd 5 X Week	\$343.97	\$422.48		
Commercial - 3 Yd 1 X Week	\$114.27	\$135.42	\$101.50	\$96.68
Commercial - 3 Yd 2 X Week	\$198.97	\$231.02	\$165.60	\$157.73
Commercial - 3 Yd 3 X Week	\$279.25	\$327.16		\$213.36
Commercial - 3 Yd 4 X Week	\$397.93	\$424.13		
Commercial - 3 Yd 5 X Week	\$450.94	\$505.16		
Commercial - 4 Yd 1 X Week	\$148.43	\$179.93	\$135.00	
Commercial - 4 Yd 2 X Week	\$240.39	\$307.66	\$249.00	
Commercial - 4 Yd 3 X Week	\$331.45	\$434.02		
Commercial - 6 Yd 1 X Week	\$229.04	\$218.38	\$169.50	\$157.73
Commercial - 6 Yd 2 X Week	\$398.05	\$366.17	\$329.00	\$315.45
Commercial - 6 Yd 3 X Week	\$564.04	\$512.85		
Commercial - 6 Yd 5 X Week	\$962.10	\$784.25		
Commercial Recycle - 90 Gallon	\$6.03	\$13.73		
Commercial Recycle - 1 Yd 1 X Week	\$35.76	\$52.74		
Commercial Recycle - 2 Yd 1 X Week	\$52.11	\$67.85	\$36.80	\$35.00
Commercial Recycle - 3 Yd 1 X Week	\$72.33	\$82.96	\$49.40	\$47.00
Commercial Recycle - 3 Yd 2 X Week	\$121.39		\$86.10	\$82.00
Commercial Recycle - 4 Yd 1 X Week	\$100.30	\$98.07		
Commercial Recycle - 6 Yd 1 X Week	\$145.04	\$128.29	\$81.90	\$78.00
Commercial Recycle - 6 Yd 2 X Week	\$252.31		\$161.70	\$154.00

The City of Woodlake recently updated its fees to adjust for inflation and administration costs, which makes it the best comparison for actual costs of service and service sustainability. The variances between the City of Lindsay and Woodlake are minor in most instances and almost always in favor of Lindsay customers.

Not all jurisdictions provide the same service options, which is why some of the comparison values are missing for neighboring cities.

CONCLUSION

The City must meet state mandates for refuse management. The City has partnered with MVD to accomplish its objectives and requirements for refuse management, which now include organics in addition to the traditional services of trash hauling, recyclable collection and green waste collection.

Currently, expenses for the service exceed the revenue from providing the service. This imbalance requires adjustment to ensure continuation of service. Adjusting the fee structure for inflation and including an annual inflation adjustment will rebalance the service. The required method to make the adjustments is the Proposition 218 process.

The Proposition 218 process includes the following steps:

1. Presentations to City Council on July 23 and August 13 to introduce and finalize this report.
2. City Council provides formal direction to proceed with the Proposition 218 Public Hearing.
3. Post the Public Hearing Notice in the newspaper and mail notices to residents with 45 days' notice.
4. City Council conducts a Public Hearing on October 8.
5. City Council directs staff to count protest votes in accordance with the steps outlined in the Situation Summary at the beginning of this report.
6. The rate increase is either enacted or fails depending on the voting rules.

Reminder – Exhibit A shows the rates the customers will see on their bills inclusive of the street improvement program, which is why the amounts per service differ from those in the comparison table above. The comparison table did not include the street improvement program because it is unique to Lindsay.

[Remainder of page intentionally left blank]

EXHIBIT A – PROPOSED RATES

<i>Services charges by month unless noted. Does not include City's Utility Users Tax rate of 6.0%. Does include City's street improvement tax rate of 23.6%.</i>	Present Rates	Proposed Rates				
	7/1/2019	11/1/2019	7/1/2020	7/1/2021	7/1/2022	7/1/2023
		% Change	3.0%	3.0%	3.0%	3.0%
RESIDENTIAL REFUSE SERVICE						
Residential - Automated Service 1 X Week	\$22.68	\$25.04	\$25.79	\$26.56	\$27.36	\$28.18
Residential - Automated With 1 Extra Brown	5.41	5.99	6.17	6.35	6.54	6.74
Residential - Automated With 1 Extra Green	5.41	5.99	6.17	6.35	6.54	6.74
Residential - Automated With 1 Extra Blue	5.41	5.97	6.15	6.34	6.53	6.72
COMMERCIAL REFUSE SERVICE						
Commercial - Automated	\$22.68	\$25.04	\$25.79	\$26.56	\$27.36	\$28.18
Commercial - Automated - 64 Gal Trash Container	5.41	5.97	6.15	6.34	6.53	6.72
Commercial - 1 Yd 1 X Week	63.22	69.82	71.91	74.07	76.29	78.58
Commercial - 1 Yd 2 X Week	117.47	129.72	133.61	137.62	141.74	146.00
Commercial - 1.5 Yd 1 X Week	78.17	86.32	88.91	91.58	94.32	97.15
Commercial - 2 Yd 1 X Week	92.15	101.77	104.82	107.96	111.20	114.54
Commercial - 2 Yd 2 X Week	161.10	177.90	183.24	188.74	194.40	200.23
Commercial - 2 Yd 3 X Week	223.88	247.24	254.66	262.30	270.17	278.28
Commercial - 2 Yd 5 X Week	384.98	425.15	437.90	451.04	464.57	478.51
Commercial - 3 Yd 1 X Week	127.90	141.24	145.47	149.84	154.33	158.96
Commercial - 3 Yd 2 X Week	222.69	245.93	253.30	260.90	268.73	276.79
Commercial - 3 Yd 3 X Week	312.55	345.16	355.51	366.18	377.16	388.48
Commercial - 3 Yd 4 X Week	445.38	491.84	506.60	521.80	537.45	553.57
Commercial - 3 Yd 5 X Week	504.70	557.36	574.08	591.30	609.04	627.31
Commercial - 4 Yd 1 X Week	166.14	183.46	188.97	194.64	200.48	206.49
Commercial - 4 Yd 2 X Week	269.05	297.12	306.03	315.21	324.67	334.41
Commercial - 4 Yd 3 X Week	370.96	409.67	421.96	434.62	447.66	461.09
Commercial - 6 Yd 1 X Week	256.36	283.10	291.59	300.34	309.35	318.63
Commercial - 6 Yd 2 X Week	445.51	491.99	506.75	521.95	537.61	553.74
Commercial - 6 Yd 3 X Week	631.29	697.16	718.07	739.62	761.80	784.66
Commercial - 6 Yd 5 X Week	1,076.81	1,189.16	1,224.84	1,261.58	1,299.43	1,338.41
COMMERCIAL RECYCLING SERVICE						
Commercial Recycle - 90 Gallon	\$5.41	\$7.45	\$7.67	\$7.90	\$8.14	\$8.38
Commercial Recycle - 1 Yd 1 X Week	30.12	44.19	45.52	46.88	48.29	49.74
Commercial Recycle - 1.5 Yd 1X Week	49.25	54.38	56.01	57.69	59.42	61.21
Commercial Recycle - 2 Yd 1 X Week	43.92	64.41	66.34	68.33	70.38	72.49
Commercial Recycle - 3 Yd 1 X Week	60.95	89.40	92.08	94.84	97.69	100.62
Commercial Recycle - 3 Yd 2 X Week	102.30	150.03	154.54	159.17	163.95	168.87
Commercial Recycle - 4 Yd 1 X Week	112.27	123.98	127.70	131.53	135.47	139.54
Commercial Recycle - 6 Yd 1 X Week	122.23	179.28	184.65	190.19	195.90	201.78
Commercial Recycle - 6 Yd 2 X Week	212.60	311.86	321.21	330.85	340.77	351.00
COMMERCIAL ORGANICS SERVICE						
Commercial Organics - 90 Gallon 1 X Week	new	\$24.88	\$25.63	\$26.40	\$27.19	\$28.00
Commercial Organics - 90 Gallon 2 X Week	new	43.73	45.04	46.39	47.78	49.22
Commercial Organics - 2 Yd 1 X Week	new	98.01	100.96	103.98	107.10	110.32
Commercial Organics - 2 Yd 2 X Week	new	177.93	183.27	188.77	194.43	200.27
MISCELLANEOUS FEES						
Enclosure Access	new	\$24.72	\$25.46	\$26.23	\$27.01	\$27.82
Locking Lid Fee	new	30.90	31.83	32.78	33.77	34.78
Push / Pull Charge	new	24.72	25.46	26.23	27.01	27.82
Extra Pick Up per Cubic Yard						
Municipal Solid Waste	new	46.56	47.96	49.40	50.88	52.40
Recycle	new	25.61	26.38	27.17	27.98	28.82
Organics	new	44.66	46.00	47.38	48.80	50.26
ROLL OFF (DROP BOX) SERVICE						
Hauling and Exchange per Box	new	\$265.12	\$273.08	\$281.27	\$289.71	\$298.40
Delivery Fee per Box	new	47.59	49.01	50.48	52.00	53.56
Tonnage Fee per Ton	new	as billed	as billed	as billed	as billed	as billed

CITY OF LINDSAY

NOTICE OF PUBLIC HEARING FOR PROPOSED INCREASED REFUSE RATES

To inform ratepayers and to comply with California Proposition 218, (California Constitution Article XIII D, Section 6), the City of Lindsay gives the following notice:

HEARING DATE: Tuesday, October 8, 2019.

HEARING LOCATION: City of Lindsay City Council Chambers, 251 E. Honolulu, Lindsay, CA, 93247,

PLEASE TAKE NOTICE THAT on Tuesday, October 8, 2019, at or after 6:00 p.m., the Lindsay City Council will hold a public hearing to consider proposed additions and increases to refuse charges for services provided by the City, and to hear and consider objections and protests to the proposed refuse rate additions and changes and the Report described below.

LOCATION OF REPORT: A report dated August 13, 2019, describing details of the refuse rate modifications and increases and the method used to calculate the rate increases (the "Report") has been prepared, and the contents of the report submitted to the Council. The Report is on file at Lindsay City Hall, 251 E. Honolulu Street, Lindsay, and can also be found on the City of Lindsay website. A copy of the Report can also be reviewed or obtained upon request. This information, along with the various refuse rate options, was presented and discussed during public workshops at the City Council meetings held on July 23, 2019, and August 13, 2019.

AMOUNT OF PROPOSED RATE MODIFICATIONS FOR YOU: The amounts of refuse rates (existing and proposed) are included as Exhibit "A".

REASON FOR THE PROPOSED MODIFICATION OF REFUSE RATES: The proposed modification of Lindsay's refuse rates is to make the rate structure consistent with the cost of services provided and to include state mandated organic recycling in the fee schedule. The increases are primarily to cover contracted costs for service provided by Mid Valley Disposal. The revenue from the rates and charges will not be more than the funds required for the City to provide refuse service to you and other City customers.

BASIS FOR PROPOSED MODIFICATIONS OF REFUSE RATES: A description of how the modifications were calculated can be found in the Report on file at Lindsay City Hall and on the City of Lindsay website. A copy of the Report can also be reviewed or obtained upon request.

PROCEDURE FOR HEARING AND DETERMINING MAJORITY PROTEST: At the time stated above, the Council will hear and consider all objections and protests, if any, to the proposed refuse rate modifications and other matters described in the Report. The Council may continue the hearing in accordance with public hearing rules. Prior to the close of the hearing, if **written protests** against the proposed modified refuse rates are presented and not withdrawn by a majority of the record owners of the parcels that would be subject to the modified refuse rates, then the City may not impose the modified refuse rates; instead, refuse rates would continue at their existing, previously-approved amounts. If, at the close of the protest hearing, there is no majority protest as described above, the Council may approve the refuse rate modifications, as proposed or as changed by the Council, to be effective commencing October 9, 2019.

PRESERVING THE RIGHT TO CHALLENGE: Any person who wants to preserve the opportunity to file a lawsuit challenging the proposed refuse rate modifications, if imposed, or other matters described in the Report **must file a written protest** with the Council, stating the specific grounds of the protest. Any grounds not stated in a **written protest** filed with the Council before the close of the protest hearing on October 8, 2019, will be deemed waived and may not be raised in any subsequent lawsuit.

HOW TO PROTEST THE PROPOSED RATE INCREASES: All owners and tenants of property receiving refuse service, and interested persons are invited to attend the Public Hearing noticed above. Written protests must be received (*not postmarked*) by the City Clerk before or during the public hearing. Council will not count written protests submitted after the conclusion of the public hearing. Any protest submitted by e-mail or other electronic means will not be accepted. The protest must be signed by the property owner(s) or tenant(s) and must include the assessor's parcel number(s) or street address(es) of all property(ies) serviced, and your statement that you protest the changes in the refuse rates fee schedule. Only one written protest per identified parcel or property will be counted for purposes of determining whether there is a majority protest.

ADDITIONAL INFORMATION: For additional information and answers to questions about the proposed refuse rate proceeding, contact Bret Harmon, Director of Finance, (559) 562-7102 x 8020, or bharmon@lindsay.ca.us.

EXHIBIT "A"

<i>Services charges by month unless noted. Does not include City's Utility Users Tax rate of 6.0%. Does not include City's street improvement tax rate of 23.6%.</i>	Present Rates		Proposed Rates			
	7/1/2019	10/9/2019	7/1/2020	7/1/2021	7/1/2022	7/1/2023
		% Change	3.0%	3.0%	3.0%	3.0%
RESIDENTIAL REFUSE SERVICE						
Residential - Automated Service 1 X Week	\$18.35	\$20.26	\$20.86	\$21.49	\$22.13	\$22.80
Residential - Automated With 1 Extra Brown	4.38	4.84	4.99	5.14	5.29	5.45
Residential - Automated With 1 Extra Green	4.38	4.84	4.99	5.14	5.29	5.45
Residential - Automated With 1 Extra Blue	4.38	4.83	4.98	5.13	5.28	5.44
COMMERCIAL REFUSE SERVICE						
Commercial - Automated	\$18.35	\$20.26	\$20.86	\$21.49	\$22.13	\$22.80
Commercial - Automated - 64 Gal Trash Container	4.38	4.83	4.98	5.13	5.28	5.44
Commercial - 1 Yd 1 X Week	51.15	56.49	58.18	59.93	61.72	63.58
Commercial - 1 Yd 2 X Week	95.04	104.95	108.10	111.34	114.68	118.12
Commercial - 1.5 Yd 1 X Week	63.24	69.84	71.93	74.09	76.31	78.60
Commercial - 2 Yd 1 X Week	74.56	82.33	84.81	87.35	89.97	92.67
Commercial - 2 Yd 2 X Week	130.34	143.93	148.25	152.70	157.28	162.00
Commercial - 2 Yd 3 X Week	181.13	200.04	206.04	212.22	218.58	225.14
Commercial - 2 Yd 5 X Week	311.47	343.97	354.29	364.92	375.87	387.14
Commercial - 3 Yd 1 X Week	103.48	114.27	117.70	121.23	124.87	128.61
Commercial - 3 Yd 2 X Week	180.17	198.97	204.94	211.09	217.42	223.94
Commercial - 3 Yd 3 X Week	252.87	279.25	287.63	296.26	305.15	314.30
Commercial - 3 Yd 4 X Week	360.34	397.93	409.87	422.16	434.83	447.87
Commercial - 3 Yd 5 X Week	408.33	450.94	464.47	478.40	492.75	507.54
Commercial - 4 Yd 1 X Week	134.42	148.43	152.89	157.47	162.20	167.06
Commercial - 4 Yd 2 X Week	217.68	240.39	247.60	255.03	262.68	270.56
Commercial - 4 Yd 3 X Week	300.13	331.45	341.39	351.63	362.18	373.05
Commercial - 6 Yd 1 X Week	207.41	229.04	235.91	242.99	250.28	257.79
Commercial - 6 Yd 2 X Week	360.44	398.05	409.99	422.29	434.96	448.01
Commercial - 6 Yd 3 X Week	510.75	564.04	580.97	598.39	616.35	634.84
Commercial - 6 Yd 5 X Week	871.21	962.10	990.97	1,020.70	1,051.32	1,082.86
COMMERCIAL RECYCLING SERVICE						
Commercial Recycle - 90 Gallon	\$4.38	\$6.03	\$6.21	\$6.39	\$6.58	\$6.78
Commercial Recycle - 1 Yd 1 X Week	24.37	35.76	36.83	37.93	39.07	40.24
Commercial Recycle - 1.5 Yd 1X Week	39.84	44.00	45.32	46.68	48.08	49.52
Commercial Recycle - 2 Yd 1 X Week	35.53	52.11	53.68	55.29	56.94	58.65
Commercial Recycle - 3 Yd 1 X Week	49.31	72.33	74.50	76.73	79.04	81.41
Commercial Recycle - 3 Yd 2 X Week	82.77	121.39	125.03	128.78	132.64	136.62
Commercial Recycle - 4 Yd 1 X Week	90.83	100.30	103.31	106.41	109.60	112.89
Commercial Recycle - 6 Yd 1 X Week	98.89	145.04	149.40	153.88	158.49	163.25
Commercial Recycle - 6 Yd 2 X Week	172.01	252.31	259.88	267.68	275.71	283.98
COMMERCIAL ORGANICS SERVICE						
Commercial Organics - 90 Gallon 1 X Week	new	\$20.13	\$20.73	\$21.36	\$22.00	\$22.66
Commercial Organics - 90 Gallon 2 X Week	new	35.38	36.44	37.53	38.66	39.82
Commercial Organics - 2 Yd 1 X Week	new	79.30	81.68	84.13	86.65	89.25
Commercial Organics - 2 Yd 2 X Week	new	143.96	148.28	152.73	157.31	162.03
MISCELLANEOUS FEES						
Enclosure Access	new	\$20.00	\$20.60	\$21.22	\$21.85	\$22.51
Locking Lid Fee	new	25.00	25.75	26.52	27.32	28.14
Push / Pull Charge	new	20.00	20.60	21.22	21.85	22.51
Extra Pick Up per Cubic Yard						
Municipal Solid Waste	new	37.67	38.80	39.96	41.16	42.40
Recycle	new	20.72	21.34	21.98	22.64	23.32
Organics	new	36.13	37.21	38.33	39.48	40.66
ROLL OFF (DROP BOX) SERVICE						
Hauling and Exchange per Box	new	\$214.50	\$220.94	\$227.56	\$234.39	\$241.42
Delivery Fee per Box	new	38.50	39.66	40.84	42.07	43.33
Tonnage Fee per Ton	new	as billed	as billed	as billed	as billed	as billed