



LINDSAY CITY COUNCIL MEETING: REGULAR MEETING

251 E. Honolulu St., Lindsay, CA 93247
Tuesday, August 27, 2019 @ 6:00 p.m.

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CALL TO ORDER: 6:00 p.m.
ROLL CALL: Council Members Sanchez, Flores, Watson, Cortes & Kimball
PLEDGE: Mayor Kimball
INVOCATION: Mary Sybesma, The Spirit and the Bride Kingdom Coalition

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 3-34

1. Successor Agency and City Council meeting minutes from August 13, 2019
2. Special City Council meeting minutes from August 20, 2019
3. Warrant list for August 6, 2019 to August 20, 2019
4. Resolution 19-51: Authorized Signer and Approval of Sale for 802 Orange Ave.
5. Approve East Ponds Monitoring Task Order
6. Accept Completed Well 15 Variable Frequency Drive Project; Direct Clerk to File Notification
7. Temporary Use Permit 19-30 for Kiwanis Carnival

Item 4: Proclamation for City Manager Bill Zigler and Comments from Bill Zigler

Presented by Mayor Kimball

Item 5: Study Session to Discuss Wellness Programming Committee Draft MOU

Presented by Ad Hoc Committee Members Cortes and Sanchez

Item 6: Creation of Transparency Ad Hoc Committee

[Minute Order] Presented by Finance Director Bret Harmon
Pages 35-36

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, August 27, 2019 @ 6:00 p.m.

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- Item 7: Consideration of Awarding Rehabilitation/Overlay Street Project to Bush Engineering, Inc.
[Minute Order] Presented by City Services Director Mike Camarena
Pages 37-41
-
- Item 8: Consideration of Awarding Cape Seal Street Project to VSS International, Inc.
[Minute Order] Presented by City Services Director Mike Camarena
Pages 42-45
-
- Item 9: Consideration of Issuance of Commercial Cannabis Retail Dispensary Regulatory Permit to Valley Pure
[Minute Order] Presented by Ad Hoc Committee Members Sanchez and Flores
Pages 46-47
-
- Item 10: PUBLIC HEARING (First Reading) of Ordinance 579: Sign Regulations
[Roll Call Vote] Presented by City Manager Bill Zigler
Pages 48-70
-
- Item 11: Second Reading of Ordinance 578: Accessory Dwelling Unit Regulations
[Roll Call Vote] Presented by City Manager Bill Zigler
Pages 71-75
-
- Item 12: Consideration of Employment Agreement with Bret Harmon as Interim City Manager
[Minute Order] Presented by City Attorney Mario Zamora
Pages 76-79
-
- Item 13: Requests for Future Items
[Minute Order]
-
- Item 14: Adjourn
[Minute Order]

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 September 10, 2019.



LINDSAY SUCCESSOR AGENCY & CITY COUNCIL MEETING: REGULAR MEETING

251 E. Honolulu St., Lindsay, CA 93247

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Tuesday, August 13, 2019 @ 5:55 p.m. (Successor Agency) and 6:00 p.m. (City Council)

SUCCESSOR AGENCY MEETING

CALL TO ORDER: 5:55 p.m.

ROLL CALL: Board Members Sanchez, Flores, Watson, Cortes & Chairperson Kimball

Item SA0: Public Comment

The public is invited to comment on any subject under the jurisdiction of the Lindsay Successor Agency. 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.

Item SA1: Certification of Pledged Tax Revenues

[Minute Order] Presented by Finance Director Bret Harmon

- Harmon: Detailed the routine nature of certification of pledged tax revenues, stating that city still receives ROPS and ROPS will still get paid.

Motion: Approve Certification Letter

1 st	2 nd	Result
Cortes	Watson	Approved 5-0

Item SA2: Adjourn

[Minute Order]

Motion: Adjourn

1 st	2 nd	Result
Watson	Flores	Approved 5-0

CITY COUNCIL MEETING

CALL TO ORDER: 6:00 p.m.

ROLL CALL: Council Members Sanchez, Flores, Watson, Cortes & Kimball

PLEDGE: Council Member Sanchez

INVOCATION: Elder Matthew Sonstegard, Bethel Primitive Baptist Church

Item 0: Public Comment

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



LINDSAY SUCCESSOR AGENCY & CITY COUNCIL MEETING: REGULAR MEETING

251 E. Honolulu St., Lindsay, CA 93247

Page 8515

Tuesday, August 13, 2019 @ 5:55 p.m. (Successor Agency) and 6:00 p.m. (City Council)

- Trudy Wischemann: Expressed concern about appointing of Jack Urquhart as City Clerk due to lack of transparency from current City Clerk Bret Harmon.
- Dale Rains: Expressed gratitude for city staff and council. Stated that he thinks staff and council are exercising great leadership.

Item 1: Proclamations for Jim Kliegl and Jan Owens
For Completion of Lindsay Community Theater Marquee Lighting
Presented by Mayor Kimball

- Mr. Kliegl and Mr. Owens were presented with proclamations and thanked for their efforts to enrich the community.

Item 2: Executive (Closed) Session
CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION
Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) of Section 54956.9:
(1 case)

- Council returned from closed session with nothing to report.

Item 3: Council Reports
City Council Members report on recent or upcoming events

- Flores: Reported that at National Night Out event, citizens expressed concern about the City's hiring process. Claimed that preferential treatment was extended to Jack Urquhart in hiring process because of his religion. Believes hire was part of a pattern of city hiring from a particular religion.
 - Watson: Reported that Lindsay will not have water rates increase as a result of negotiations with East Kaweah Sustainable Groundwater Agency, as potential state-mandated increases will not affect city residents.
 - Sanchez: Reported on Wellness Center Programming Committee meeting. Stated that committee wants to consolidate previous MOUs and other agreements into one MOU to avoid confusion. Reported that Valerie Velasquez will serve as chairperson, with Laura Cortes as secretary.
 - Cortes: Reported on a good start to the new school year and a unified vision in the school district. Reported on TSL Learning Facilitator Pipeline Program, which offers scholarships for LHS alumni and employees. Attended National Night Out and reported that it was a well-attended event. Wished for more press at the event. Announced that Lindsay Youth Football needs more players.
 - Kimball: Attended LCT Marquee Lighting event. Reported on upcoming Shakespeare in the Plaza.
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LINDSAY SUCCESSOR AGENCY & CITY COUNCIL MEETING: REGULAR MEETING

251 E. Honolulu St., Lindsay, CA 93247

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Tuesday, August 13, 2019 @ 5:55 p.m. (Successor Agency) and 6:00 p.m. (City Council)

Item 4: Staff Report

City Manager or designee reports on recent or upcoming events

- Reminded Council about Special Meeting for Council and Senior Staff on Aug. 20 for Harassment Prevention Training.
- Reported on next steps in retail cannabis application process.
- Called attention to flyers displaying pricing options for playground coverings.
- Cortes: Asked whether Bank of the Sierra has helped with projects like playground coverings.
- Zigler: Responded that BotS has helped on similar projects in other communities. Also stated that Kiwanis may be interested and able to help.
- Reported that water production is increasing. Well 14 is introducing increased air into the system. City Services is doing tests and researching solutions.
- Cortes: Asked whether a Facebook post could help residents know how to reduce air from the water at their homes.
- Camarena: Replied that residents could be instructed to improve the situation.
- Zigler: Stated that Frontier’s communication box is no longer obstructing traffic at Hermosa and Westwood roundabout.
- Reported that bids for two street project groups would be opened on Aug. 14.
- Reported on Cal Recycle coming on Aug. 14 to look at Organic Recycling Programs.
- Reported that 38 building permits were issued in July for a total evaluation of \$259,000.
- Reported on activities and programs at the Wellness Center.

Item 5: Consent Calendar

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

1. City Council meeting minutes from July 23, 2019
 2. Warrant List for July 17, 2019 through Aug. 5, 2019
 3. Treasurer’s Report for July 2019
 4. Resolution 19-50: Worker’s comp. for off-duty peace officers responding out of state
 5. State-required updates to personnel rules and regulations
 6. Assistant City Engineer and City Surveyor Assignments
 7. Temporary Use Permit 19-29: Shakespeare in the Plaza
- Flores: Requested that Item 4 be pulled for discussion.
 - Harmon: Explained that Res. 19-50 is needed for City’s insurance company to cover off-duty officers responding to crises out of state.

Motion:	Approve Consent Calendar Minus Item 4	
1 st	2 nd	Result
Cortes	Watson	Approved 5-0

Motion:	Approve Item 4	
1 st	2 nd	Result
Flores	Sanchez	Approved 5-0



LINDSAY SUCCESSOR AGENCY & CITY COUNCIL MEETING: REGULAR MEETING

251 E. Honolulu St., Lindsay, CA 93247

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Tuesday, August 13, 2019 @ 5:55 p.m. (Successor Agency) and 6:00 p.m. (City Council)

Item 9: Second Reading of Ordinance 577: Prezoning of Wastewater Treatment Plant
[Roll Call Vote] Presented by City Manager Bill Zigler

- Zigler: Presented that the Ordinance hasn't been changed since the first reading and the site needs to be prezoned in conjunction with its annexation.
- Kimball: Asked for confirmation that the property is owned by the City.
- Zigler: Confirmed.

Motion: Approve Ordinance 577

1 st	2 nd	Flores	Sanchez	Watson	Cortes	Kimball	Result
Cortes	Flores	Yes	Yes	Yes	Yes	Yes	Approved 5-0

Item 10: PUBLIC HEARING (First Reading) of Ordinance 578: Accessory Dwelling Unit Regulations
[Roll Call Vote] Presented by City Manager Bill Zigler

- Zigler: Reported that the new ordinance updates Municipal Code to conform with state law. Detailed the regulations.
- Kimball: Asked about size regulations.
- Zigler: Answered questions from the ordinance.

Motion: Declare first reading of Ord. 578 and waive full reading

1 st	2 nd	Flores	Sanchez	Watson	Cortes	Kimball	Result
Sanchez	Cortes	Yes	Yes	Yes	Yes	Yes	Approved 5-0

Item 11: Video Presentation for Rail Safety Month
[Minute Order] Presented by City Services Director Mike Camarena

- Camarena: Presented statistics on rail accidents and showed educational videos on preventing accidents and reporting dangerous rail situations.

Motion: Declare September "Rail Safety Month"

1 st	2 nd	Result
Watson	Cortes	Approved 5-0



LINDSAY SUCCESSOR AGENCY & CITY COUNCIL MEETING: REGULAR MEETING

251 E. Honolulu St., Lindsay, CA 93247

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Tuesday, August 13, 2019 @ 5:55 p.m. (Successor Agency) and 6:00 p.m. (City Council)

Item 12: Presentation of Housing Element Draft
[Minute Order] Presented by City Manager Bill Zigler

- Zigler: Explained that draft has been prepared by staff and is ready for Council and public review and comment. Summarized the element and highlighted priorities outlined in the draft.
- Cortes: Highlighted Lindsay’s growth due to recent developments in the City.

Motion: Direct staff to make Element available for public review and comment

1 st	2 nd	Result
Watson	Sanchez	Approved 5-0

Item 13: Resolution 19-47 Appoint Jack Urquhart as City Clerk
[Roll Call Vote] Presented by City Manager Bill Zigler

- Zigler: Explained the need for a new City Clerk and recommended Jack Urquhart for the position.
- Council discussed appointment.

Motion: Approve Res. 19-47 to appoint Jack Urquhart as City Clerk

1 st	2 nd	Flores	Sanchez	Watson	Cortes	Kimball	Result
Cortes	Watson	No	No	Yes	Yes	Yes	Approved 3-2

Item 14: Executive (Closed) Session
CONFERENCE WITH LABOR NEGOTIATORS (pursuant to Section 54957.6)
Agency designated representatives: Mayor Kimball and City Manager Bill Zigler
Unrepresented employee: Bret Harmon

- Council returned from closed session with nothing to report.

Item 15: Requests for Future Agenda Items
[Minute Order] Presented by Council Members

Motion: Have a study session on the Wellness Programming Committee MOU at Aug. 27 meeting

1 st	2 nd	Result
Sanchez	Cortes	Approved 5-0



LINDSAY SUCCESSOR AGENCY & CITY COUNCIL MEETING: REGULAR MEETING

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Tuesday, August 13, 2019 @ 5:55 p.m. (Successor Agency) and 6:00 p.m. (City Council)

Item 16: Adjourn
[Minute Order]

Motion:	Adjourn		
1 st	2 nd	Result	
Watson	Sanchez	Approved 5-0	

City Clerk

Mayor



LINDSAY CITY COUNCIL MEETING: SPECIAL MEETING

251 E. Honolulu St., Lindsay, CA 93247

Tuesday, August 20, 2019 @ 6:00 p.m.

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CALL TO ORDER: 6:00 p.m.

ROLL CALL: Present: Council Members Sanchez, Flores, Watson, Cortes
Absent with Notice: Kimball

PLEDGE: Mayor Pro Tem Cortes

Item 0: Public Comment

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

Item 1: Training Video on Harassment Prevention Presented by City Staff

- Senior staff and City Council signed in and viewed the training.

Item 2: Adjourn [Minute Order]

Motion:	Adjourn		Result
1 st	2 nd		
Watson	Sanchez		Approved 4-0

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 August 27, 2019.

City Clerk

Mayor

Check #	Fund	Date	Vendor #	Vendor Name	Description	Amount
TOTAL						448,304.16
151111						\$449.47
	101 - GENERAL FUND	8/16/2019	3977	AFLAC	DED:015 AFLAC	449.47
151112						\$416.96
	101 - GENERAL FUND	8/16/2019	4660	CITY OF LINDSAY	DED:052 WELLNESS	12.46
	101 - GENERAL FUND	8/16/2019	4660	CITY OF LINDSAY	DED:CDBG CDBG PMT	166.50
	101 - GENERAL FUND	8/16/2019	4660	CITY OF LINDSAY	DED:L203 CDBG LOAN	238.00
151113						\$1,128.09
	101 - GENERAL FUND	8/16/2019	451	CITY OF LINDSAY EMP	DED:0503 SEC 125	1,119.09
	101 - GENERAL FUND	8/16/2019	451	CITY OF LINDSAY EMP	DED:0505 SEC 125	9.00
151114						\$113.05
	101 - GENERAL FUND	8/16/2019	3192	SEIU LOCAL 521	DED:DUES UNION DUES	113.05
151115						\$92.38
	101 - GENERAL FUND	8/16/2019	6409	HYATT LEGAL PLANS,	DED:MET MET LAW	92.38
151116						\$5,925.12
	101 - GENERAL FUND	8/16/2019	453	LINCOLN LIFE	DED:0500 DEF COMP	2,538.45
	101 - GENERAL FUND	8/16/2019	453	LINCOLN LIFE	DED:0555 DC LOANPAY	839.95
	101 - GENERAL FUND	8/16/2019	453	LINCOLN LIFE	DED:151 DEFERCOMP	2,546.72
151117						\$50.82
	101 - GENERAL FUND	8/16/2019	2325	LINDSAY PUBLIC SAFE	DED:LPOA LPOA DUES	50.82
151118						\$152.25
	101 - GENERAL FUND	8/16/2019	6246	MCDERMONT VENTURE I	DED:051 MCDERMONT	152.25
151119						\$437.07
	101 - GENERAL FUND	8/16/2019	3042	STATE DISBURSEMENT	DED:0512 CHILD SUPT	437.07
151120						\$402.87
	101 - GENERAL FUND	8/16/2019	1955	TEAMSTERS LOCAL 856	DED:0508 TEAMSTERS	402.87
15121						\$608.68
	101 - GENERAL FUND	8/20/2019	2873	ADVANTAGE ANSWERING	8/1/19-8/31/19	608.68
15122						\$1,328.08
	101 - GENERAL FUND	8/20/2019	3898	AMERICAN INCORPORAT	133 W HONOLULU AC	563.29
	101 - GENERAL FUND	8/20/2019	3898	AMERICAN INCORPORAT	157 N MIRAGE AC	570.79
	553 - SEWER	8/20/2019	3898	AMERICAN INCORPORAT	23611 RD 186 WWTP A	194.00
15123						\$30.67
	101 - GENERAL FUND	8/20/2019	5457	AUTO ZONE COMMERCIA	BASIC BULB 04FORDCR	13.07
	101 - GENERAL FUND	8/20/2019	5457	AUTO ZONE COMMERCIA	ENGINE 87 WINDSHIEL	17.60
15124						\$358.00
	400 - WELLNESS CENTER	8/20/2019	5875	BMI	MUSIC LICENSE 2019	358.00
15125						\$100.00
	101 - GENERAL FUND	8/20/2019	4281	BRIAN E. WATSON	COUNCIL STIPEND	100.00
15126						\$213.00
	101 - GENERAL FUND	8/20/2019	4155	CALIFORNIA DIESEL C	STATEWIDE SMOKE OPA	213.00
15128						\$2,268.18
	101 - GENERAL FUND	8/20/2019	5832	CINTAS CORPORATION	OPERATING SUPPLIES	1,110.48
	552 - WATER	8/20/2019	5832	CINTAS CORPORATION	OPERATING SUPPLIES	289.41
	553 - SEWER	8/20/2019	5832	CINTAS CORPORATION	OPERATING SUPPLIES	289.41
	554 - REFUSE	8/20/2019	5832	CINTAS CORPORATION	OPERATING SUPPLIES	289.41
	556 - VITA-PAKT	8/20/2019	5832	CINTAS CORPORATION	OPERATING SUPPLIES	289.47
15129						\$584.00
	553 - SEWER	8/20/2019	279	CITY OF PORTERVILLE	30-016544 LAB 6/201	584.00

Check #	Fund	Date	Vendor #	Vendor Name	Description	Amount
TOTAL						448,304.16
15130						\$45.00
	101 - GENERAL FUND	8/20/2019	2319	COMPUTER SYSTEMS PL	ANTIVIRUS 7/31	45.00
15131						\$1,122.00
	552 - WATER	8/20/2019	5320	CRWA	M.CAMARENA FY19-20	1,122.00
15132						\$889.98
	552 - WATER	8/20/2019	102	CULLIGAN	18829 AVE 240	141.61
	552 - WATER	8/20/2019	102	CULLIGAN	18869 AVE 240	226.88
	552 - WATER	8/20/2019	102	CULLIGAN	18899 AVE 240	301.47
	552 - WATER	8/20/2019	102	CULLIGAN	23611 RD 196	8.50
	552 - WATER	8/20/2019	102	CULLIGAN	23965 RD 188	62.74
	552 - WATER	8/20/2019	102	CULLIGAN	24158 AVE 240	148.78
15133						\$2,724.24
	552 - WATER	8/20/2019	5741	CUMMINS PACIFIC	ANNUAL SERVICE 150D	1,128.92
	553 - SEWER	8/20/2019	5741	CUMMINS PACIFIC	ANNUAL SERVICE 500D	1,595.32
15134						\$1,050.00
	552 - WATER	8/20/2019	6118	CVIN LLC D.B.A. VAS	7/1/19-7/31/19	175.00
	552 - WATER	8/20/2019	6118	CVIN LLC D.B.A. VAS	8/1/19-8/31/19	175.00
	553 - SEWER	8/20/2019	6118	CVIN LLC D.B.A. VAS	7/1/19-7/31/19	175.00
	553 - SEWER	8/20/2019	6118	CVIN LLC D.B.A. VAS	8/1/19-8/31/19	175.00
	554 - REFUSE	8/20/2019	6118	CVIN LLC D.B.A. VAS	7/1/19-7/31/19	175.00
	554 - REFUSE	8/20/2019	6118	CVIN LLC D.B.A. VAS	8/1/19-8/31/19	175.00
15135						\$2,257.05
	552 - WATER	8/20/2019	388	DENNIS KELLER/JAMES	CCR,WELL15 WATER TE	962.75
	552 - WATER	8/20/2019	388	DENNIS KELLER/JAMES	DBP,TOC,WATER TEST	1,294.30
15136						\$200.72
	400 - WELLNESS CENTER	8/20/2019	3733	DIRECTV	8/8-9/7/19	200.72
15137						\$150.00
	400 - WELLNESS CENTER	8/20/2019	6366	DJ REY	7/25 SUMMER LIGHTS	150.00
15138						\$38.01
	261 - GAS TAX FUND	8/20/2019	119	DOUG DELEO WELDING	1/4 SS COUPLER	2.45
	261 - GAS TAX FUND	8/20/2019	119	DOUG DELEO WELDING	5' OF 1' RED GP HOS	10.82
	552 - WATER	8/20/2019	119	DOUG DELEO WELDING	WATER DEPT SUPPLIES	24.74
15139						\$223.00
	101 - GENERAL FUND	8/20/2019	6449	D-PREP	ORDER# 973863990	223.00
15140						\$223.00
	101 - GENERAL FUND	8/20/2019	6449	D-PREP	ORDER#973848348	223.00
15141						\$563.52
	552 - WATER	8/20/2019	6113	EAST KAWEAH GSA	CFF PLAN FY2019#2	563.52
15142						\$69,405.83
	553 - SEWER	8/20/2019	6446	ELK GROVE AUTO GROU	2019 RAM NEWTRUCK	28,522.75
	600 - CAPITAL IMPROVEI	8/20/2019	6446	ELK GROVE AUTO GROU	2019 RAM 1500 TRUCK	40,883.08
15143						\$12,966.40
	552 - WATER	8/20/2019	3461	FERGUSON ENTERPRISE	MAINT SUPPLIES	12,966.40
15144						\$185.00
	101 - GENERAL FUND	8/20/2019	803	FRESNO CITY COLLEGE	T.COLLISION COURSE	185.00
15145						\$3,835.44
	552 - WATER	8/20/2019	137	FRIANT WATER AUTHOR	FKC O & M BLLING	1,940.00
	552 - WATER	8/20/2019	137	FRIANT WATER AUTHOR	RECAPTURE WY2016	127.52
	552 - WATER	8/20/2019	137	FRIANT WATER AUTHOR	SLDMWA JULY 2019	1,767.92

Check #	Fund	Date	Vendor #	Vendor Name	Description	Amount
TOTAL						448,304.16
15146						\$1,260.13
	101 - GENERAL FUND	8/20/2019	6010	FRONTIER COMMUNICAT	209-042-9309	1.99
	101 - GENERAL FUND	8/20/2019	6010	FRONTIER COMMUNICAT	209-151-2650	57.30
	101 - GENERAL FUND	8/20/2019	6010	FRONTIER COMMUNICAT	209-151-2652	45.83
	101 - GENERAL FUND	8/20/2019	6010	FRONTIER COMMUNICAT	209-151-2656	45.83
	101 - GENERAL FUND	8/20/2019	6010	FRONTIER COMMUNICAT	209-151-2662	60.60
	101 - GENERAL FUND	8/20/2019	6010	FRONTIER COMMUNICAT	209-188-3200	8.58
	101 - GENERAL FUND	8/20/2019	6010	FRONTIER COMMUNICAT	562-2512	131.22
	552 - WATER	8/20/2019	6010	FRONTIER COMMUNICAT	209-150-2936	83.41
	552 - WATER	8/20/2019	6010	FRONTIER COMMUNICAT	209-151-2650	28.65
	552 - WATER	8/20/2019	6010	FRONTIER COMMUNICAT	209-188-3200	4.29
	552 - WATER	8/20/2019	6010	FRONTIER COMMUNICAT	562-1552	91.83
	552 - WATER	8/20/2019	6010	FRONTIER COMMUNICAT	562-7131	130.74
	553 - SEWER	8/20/2019	6010	FRONTIER COMMUNICAT	209-150-3621	116.21
	553 - SEWER	8/20/2019	6010	FRONTIER COMMUNICAT	209-151-2650	28.65
	553 - SEWER	8/20/2019	6010	FRONTIER COMMUNICAT	209-151-2654	45.83
	553 - SEWER	8/20/2019	6010	FRONTIER COMMUNICAT	209-151-2655	45.83
	553 - SEWER	8/20/2019	6010	FRONTIER COMMUNICAT	209-188-3200	4.29
	553 - SEWER	8/20/2019	6010	FRONTIER COMMUNICAT	562-6317	77.33
	553 - SEWER	8/20/2019	6010	FRONTIER COMMUNICAT	562-7132	251.72
15147						\$2,142.63
	101 - GENERAL FUND	8/20/2019	148	GOMEZ AUTO & SMOG	BLOWER MOTOR 122662	217.34
	101 - GENERAL FUND	8/20/2019	148	GOMEZ AUTO & SMOG	CLAIMATE MODULE 06T	300.67
	101 - GENERAL FUND	8/20/2019	148	GOMEZ AUTO & SMOG	OIL CHANGE LIC12266	68.79
	101 - GENERAL FUND	8/20/2019	148	GOMEZ AUTO & SMOG	OIL CHANGE LIC13667	166.30
	101 - GENERAL FUND	8/20/2019	148	GOMEZ AUTO & SMOG	OIL,AC 06FORDVIC	1,085.46
	101 - GENERAL FUND	8/20/2019	148	GOMEZ AUTO & SMOG	SMOG-LIC 1322839	95.92
	101 - GENERAL FUND	8/20/2019	148	GOMEZ AUTO & SMOG	STEERING WHEEL 11FO	208.15
15148						\$12,555.24
	101 - GENERAL FUND	8/20/2019	5647	GRISWOLD,LASSALLE,C	CITY COUNCIL	2,776.10
	101 - GENERAL FUND	8/20/2019	5647	GRISWOLD,LASSALLE,C	CITY MANAGER	915.00
	101 - GENERAL FUND	8/20/2019	5647	GRISWOLD,LASSALLE,C	CITY MANAGER SERVIC	58.50
	101 - GENERAL FUND	8/20/2019	5647	GRISWOLD,LASSALLE,C	CITY SERVICE SERVIC	865.30
	101 - GENERAL FUND	8/20/2019	5647	GRISWOLD,LASSALLE,C	CITY SERVICES	2,755.95
	101 - GENERAL FUND	8/20/2019	5647	GRISWOLD,LASSALLE,C	EXPENSES CITY MANAG	27.03
	101 - GENERAL FUND	8/20/2019	5647	GRISWOLD,LASSALLE,C	FINANCE	3,360.05
	101 - GENERAL FUND	8/20/2019	5647	GRISWOLD,LASSALLE,C	FINANCE SERVICE	73.75
	101 - GENERAL FUND	8/20/2019	5647	GRISWOLD,LASSALLE,C	FINNACE EXPENSES	145.62
	101 - GENERAL FUND	8/20/2019	5647	GRISWOLD,LASSALLE,C	LABOR RELATIONS	237.80
	101 - GENERAL FUND	8/20/2019	5647	GRISWOLD,LASSALLE,C	MID VALLEY CPI ADJU	45.00
	101 - GENERAL FUND	8/20/2019	5647	GRISWOLD,LASSALLE,C	NEW EXPENSE C.S	48.64
	101 - GENERAL FUND	8/20/2019	5647	GRISWOLD,LASSALLE,C	PLANNING	1,246.50
15149						\$100.00
	101 - GENERAL FUND	8/20/2019	6450	GUADALUPE SALAS	ARBOR DEPOSIT REFUN	100.00
15150						\$2,138.77
	101 - GENERAL FUND	8/20/2019	4258	HORIZON	SEED-SOCCER PARK	2,138.77
15151						\$1,216.96
	101 - GENERAL FUND	8/20/2019	5657	INTERNATIONAL CODE	19'CA COMPLETE COLL	1,216.96
15152						\$3,000.00
	261 - GAS TAX FUND	8/20/2019	5541	JACK DAVENPORT SWEE	JULY 2019	3,000.00

Check #	Fund	Date	Vendor #	Vendor Name	Description	Amount
TOTAL						448,304.16
15153						\$500.00
	101 - GENERAL FUND	8/20/2019	6346	JEFF PFEIFFER	SQUIRREL TREATMENT	500.00
15154						\$2,600.00
	101 - GENERAL FUND	8/20/2019	4378	JOSEPH H AVINA	7/23,7/26,7/30 & 8/	1,600.00
	101 - GENERAL FUND	8/20/2019	4378	JOSEPH H AVINA	8/5,8/9,8/12,8/16	1,000.00
15155						\$51,115.31
	101 - GENERAL FUND	8/20/2019	6100	KEENAN & ASSOCIATES	MEDICAL PLAN 8/1	51,115.31
15156						\$124.45
	552 - WATER	8/20/2019	201	KENS STAKES & SUPPL	6' ROUND WHISKERS	62.23
	553 - SEWER	8/20/2019	201	KENS STAKES & SUPPL	6' ROUND WHISKERS	62.22
15157						\$85.00
	101 - GENERAL FUND	8/20/2019	3600	KEVIN RILEY	9/9-9/13	85.00
15158						\$612.33
	101 - GENERAL FUND	8/20/2019	2471	L.N. CURTIS & SONS	FIRE NOMEX COAT	280.61
	101 - GENERAL FUND	8/20/2019	2471	L.N. CURTIS & SONS	FIREFIGHTER BOOTS	331.72
15159						\$100.00
	101 - GENERAL FUND	8/20/2019	6103	LAURA CORTES	COUNCIL STIPEND	100.00
15160						\$103.99
	101 - GENERAL FUND	8/20/2019	4956	LAWRENCE TRACTOR CO	BLADE	79.62
	101 - GENERAL FUND	8/20/2019	4956	LAWRENCE TRACTOR CO	FINANCE CHARGE	24.37
15161						\$74,130.49
	600 - CAPITAL IMPROVE	8/20/2019	6447	LEEHAN OF DAVIS INC	CITY SERVICES TRUCK	74,130.49
15162						\$2,958.00
	101 - GENERAL FUND	8/20/2019	6448	LEXIPOL	FIRE POLICY MANUAL	2,958.00
15163						\$4,189.62
	400 - WELLNESS CENTER	8/20/2019	5788	LINCOLN AQUATICS	CHEMICAL DEPOSIT	(360.00)
	400 - WELLNESS CENTER	8/20/2019	5788	LINCOLN AQUATICS	MURIATIC ACID	832.08
	400 - WELLNESS CENTER	8/20/2019	5788	LINCOLN AQUATICS	POOL CHEMICALS	2,708.68
	400 - WELLNESS CENTER	8/20/2019	5788	LINCOLN AQUATICS	PURE CHLORINE	1,008.86
15164						\$1,222.10
	101 - GENERAL FUND	8/20/2019	4067	LINCOLN NAT'L INSUR	AUG LIFE INSURANCE	1,222.10
15165						\$96.74
	101 - GENERAL FUND	8/20/2019	234	MARTIN'S TIRE & AUT	06FORD CRWON PARTS	96.74
15166						\$3,592.78
	101 - GENERAL FUND	8/20/2019	5400	MOTOROLA SOLUTIONS	FY18 GRANT (SHSGP)	3,592.78
15167						\$74.17
	101 - GENERAL FUND	8/20/2019	6149	NATIONAL BAND & TAG	DOG TAGS	74.17
15168						\$393.85
	101 - GENERAL FUND	8/20/2019	1565	OACYS.COM INC	EMAIL ACCOUNT JULY	13.95
	400 - WELLNESS CENTER	8/20/2019	1565	OACYS.COM INC	AUG INTERNET	189.95
	400 - WELLNESS CENTER	8/20/2019	1565	OACYS.COM INC	JULY INTERNET	189.95
15169						\$150.00
	101 - GENERAL FUND	8/20/2019	1426	PAM KIMBALL	COUNCIL STIPEND	150.00
15170						\$294.15
	101 - GENERAL FUND	8/20/2019	276	PORTERVILLE RECORDE	C.U.P NO 19-05	129.77
	101 - GENERAL FUND	8/20/2019	276	PORTERVILLE RECORDE	CHAPTER 18.14.060	164.38

Check #	Fund	Date	Vendor #	Vendor Name	Description	Amount
TOTAL						448,304.16
15171						\$25,750.52
	101 - GENERAL FUND	8/20/2019	399	QUAD KNOPF,INC.	PLANNING 4/21-5/18/	15,812.22
	101 - GENERAL FUND	8/20/2019	399	QUAD KNOPF,INC.	PLANNING 6/16-6/30/	4,679.60
	101 - GENERAL FUND	8/20/2019	399	QUAD KNOPF,INC.	PLANNING 7/1-7/13/1	3,449.50
	552 - WATER	8/20/2019	399	QUAD KNOPF,INC.	WATER LINE SYCAMORE	1,809.20
15172						\$855.00
	553 - SEWER	8/20/2019	5684	QUIK-ROOTER	PUMPED LIFT STATION	855.00
15173						\$750.78
	101 - GENERAL FUND	8/20/2019	285	QUILL CORPORATION	DEPT SUPPLIES	348.84
	101 - GENERAL FUND	8/20/2019	285	QUILL CORPORATION	PARKS-SUPPLIES	373.45
	101 - GENERAL FUND	8/20/2019	285	QUILL CORPORATION	THANK YOU NOTE	28.49
15174						\$4,000.00
	552 - WATER	8/20/2019	6095	RALPH GUTIERREZ WAT	C P O WATER TREATME	2,000.00
	553 - SEWER	8/20/2019	6095	RALPH GUTIERREZ WAT	WASTE WATER -JULY	2,000.00
15175						\$175.00
	101 - GENERAL FUND	8/20/2019	3622	RLH FIRE PROTECTION	FIRE ALARM MONITORI	175.00
15176						\$100.00
	101 - GENERAL FUND	8/20/2019	5511	ROSAENA SANCHEZ	COUNCIL STIPEND	100.00
15177						\$120.00
	101 - GENERAL FUND	8/20/2019	3924	SECURITY FIRST ALAR	LIBRARY -ALARM 7/16	120.00
15178						\$200.00
	101 - GENERAL FUND	8/20/2019	302	SEQUOIA TOWING	1366733	120.00
	101 - GENERAL FUND	8/20/2019	302	SEQUOIA TOWING	LIC1039918	80.00
15179						\$340.70
	101 - GENERAL FUND	8/20/2019	5314	SHRED-IT USA LLC	7/1 & 7/29	340.70
15180						\$539.91
	101 - GENERAL FUND	8/20/2019	5624	SIERRA SANITATION,	7-11-19-8-8-19	185.04
	101 - GENERAL FUND	8/20/2019	5624	SIERRA SANITATION,	FINANCE CHARGE	7.11
	101 - GENERAL FUND	8/20/2019	5624	SIERRA SANITATION,	OILVE & HERMOSA	173.88
	101 - GENERAL FUND	8/20/2019	5624	SIERRA SANITATION,	OLIVE& HERMOSA	173.88
15181						\$34,617.22
	101 - GENERAL FUND	8/20/2019	310	SOUTHERN CA. EDISON	2-00-424-8134	6,280.66
	101 - GENERAL FUND	8/20/2019	310	SOUTHERN CA. EDISON	3-033-5943-68	10.33
	261 - GAS TAX FUND	8/20/2019	310	SOUTHERN CA. EDISON	2-00-424-8134	(14,666.59)
	261 - GAS TAX FUND	8/20/2019	310	SOUTHERN CA. EDISON	3-023-0081-92	27.42
	261 - GAS TAX FUND	8/20/2019	310	SOUTHERN CA. EDISON	3-033-1133-77	44.87
	261 - GAS TAX FUND	8/20/2019	310	SOUTHERN CA. EDISON	3-033-1133-94	61.77
	261 - GAS TAX FUND	8/20/2019	310	SOUTHERN CA. EDISON	3-033-9421-46	36.74
	261 - GAS TAX FUND	8/20/2019	310	SOUTHERN CA. EDISON	3-033-9504-85	14.31
	261 - GAS TAX FUND	8/20/2019	310	SOUTHERN CA. EDISON	3-033-9591-42	146.11
	552 - WATER	8/20/2019	310	SOUTHERN CA. EDISON	2-00-424-8134	38,295.65
	553 - SEWER	8/20/2019	310	SOUTHERN CA. EDISON	2-00-424-8134	167.33
	553 - SEWER	8/20/2019	310	SOUTHERN CA. EDISON	3-001-1837-87	5,137.40
	553 - SEWER	8/20/2019	310	SOUTHERN CA. EDISON	3-035-4725-72	16.96
	556 - VITA-PAKT	8/20/2019	310	SOUTHERN CA. EDISON	2-00-424-8134	255.01
	883 - SIERRA VIEW ASSE	8/20/2019	310	SOUTHERN CA. EDISON	2-00-424-8134	(217.02)
	884 - HERITAGE ASSESSM	8/20/2019	310	SOUTHERN CA. EDISON	2-00-424-8134	10.26
	886 - SAMOA	8/20/2019	310	SOUTHERN CA. EDISON	2-00-424-8134	10.26
	887 - SWEETBRIER TOWI	8/20/2019	310	SOUTHERN CA. EDISON	2-00-424-8134	65.32
	888 - PARKSIDE	8/20/2019	310	SOUTHERN CA. EDISON	2-00-424-8134	10.26
	889 - SIERRA VISTA ASSE	8/20/2019	310	SOUTHERN CA. EDISON	2-00-424-8134	(126.95)
	890 - MAPLE VALLEY ASS	8/20/2019	310	SOUTHERN CA. EDISON	2-00-424-8134	(72.77)
	891 - PELOUS RANCH	8/20/2019	310	SOUTHERN CA. EDISON	2-00-424-8134	(912.23)
	891 - PELOUS RANCH	8/20/2019	310	SOUTHERN CA. EDISON	2-32-032-1755	22.12

Check #	Fund	Date	Vendor #	Vendor Name	Description	Amount
TOTAL						448,304.16
15182						\$3,538.86
	101 - GENERAL FUND	8/20/2019	6146	SUPERION, LLC	9/1/19-9/30/19	884.72
	552 - WATER	8/20/2019	6146	SUPERION, LLC	9/1/19-9/30/19	884.72
	553 - SEWER	8/20/2019	6146	SUPERION, LLC	9/1/19-9/30/19	884.72
	554 - REFUSE	8/20/2019	6146	SUPERION, LLC	9/1/19-9/30/19	884.70
15183						\$1,055.85
	261 - GAS TAX FUND	8/20/2019	4585	T & T PAVEMENT MARK	POUNDS OF AASHTO	1,055.85
15184						\$54,537.95
	552 - WATER	8/20/2019	1921	TELSTAR INSTRUMENTS	CONTROL UPGRADE WTP	52,951.95
	552 - WATER	8/20/2019	1921	TELSTAR INSTRUMENTS	WTP	1,586.00
15185						\$604.28
	101 - GENERAL FUND	8/20/2019	144	THE GAS COMPANY	031-415-9000	16.73
	101 - GENERAL FUND	8/20/2019	144	THE GAS COMPANY	033-515-9120-5	16.84
	101 - GENERAL FUND	8/20/2019	144	THE GAS COMPANY	115-454-6222-5	16.84
	101 - GENERAL FUND	8/20/2019	144	THE GAS COMPANY	163-715-6900	16.73
	101 - GENERAL FUND	8/20/2019	144	THE GAS COMPANY	163-715-8900	17.82
	400 - WELLNESS CENTER	8/20/2019	144	THE GAS COMPANY	098-628-2905	519.32
15186						\$35.00
	101 - GENERAL FUND	8/20/2019	6413	TRANS UNION LLC	BASIC SERVICE	35.00
15187						\$474.90
	101 - GENERAL FUND	8/20/2019	1513	UNITED RENTALS, INC	171827688-001	284.94
	552 - WATER	8/20/2019	1513	UNITED RENTALS, INC	171827688-001	94.98
	553 - SEWER	8/20/2019	1513	UNITED RENTALS, INC	171827688-001	94.98
15188						\$2,301.16
	101 - GENERAL FUND	8/20/2019	5747	UNITED STAFFING	MARIO 7/15-7/21/19	606.08
	101 - GENERAL FUND	8/20/2019	5747	UNITED STAFFING	MARIO 7/22-7/28	757.60
	101 - GENERAL FUND	8/20/2019	5747	UNITED STAFFING	MARIO 7/8-7/14/19	937.48
15189						\$5,586.35
	552 - WATER	8/20/2019	2960	UNITED STATES BUREA	5-07-20W428L	5,586.35
15190						\$7,617.06
	552 - WATER	8/20/2019	2960	UNITED STATES BUREA		7,617.06
15191						\$3,423.69
	552 - WATER	8/20/2019	5413	UNIVAR USA INC	WATER WELLS MATERIA	845.99
	552 - WATER	8/20/2019	5413	UNIVAR USA INC	WTP MATERIALS	2,577.70
15192						\$1,005.58
	552 - WATER	8/20/2019	356	USA BLUEBOOK	WELL 14 PUMP	621.17
	552 - WATER	8/20/2019	356	USA BLUEBOOK	WTP OPERATING SUPPL	384.41
15193						\$97.43
	101 - GENERAL FUND	8/20/2019	1041	VERIZON WIRELESS	642065758-00001	49.19
	552 - WATER	8/20/2019	1041	VERIZON WIRELESS	642065758-00001	16.09
	553 - SEWER	8/20/2019	1041	VERIZON WIRELESS	642065758-00001	16.09
	554 - REFUSE	8/20/2019	1041	VERIZON WIRELESS	642065758-00001	16.06
15194						\$258.60
	261 - GAS TAX FUND	8/20/2019	368	VOLLMER EXCAVATION,	LOAD OF DG 7/12/19	258.60
15195						\$100.00
	101 - GENERAL FUND	8/20/2019	4068	YOLANDA FLORES	COUNCIL STIPEND	100.00
15196						\$298.00
	261 - GAS TAX FUND	8/20/2019	382	ZUMAR INDUSTRIES IN	PERF TUBE	298.00
EDD80819						\$2,685.41
	101 - GENERAL FUND	8/8/2019	687	STATE OF CALIFORNIA	PRPD 8/02/2019	2,685.41
IRS80819						\$21,940.32
	101 - GENERAL FUND	8/8/2019	2011	INTERNAL REVENUE SE	PRPD 8/02/2019	21,940.32



STAFF REPORT

TO: City Council of the City Of Lindsay, CA
DATE: August 27, 2019
AGENDA #: 3
FROM: City Manager Bill Zigler

AGENDA ITEM

TITLE Resolution 19-51 approving the sale of 802 Orange Avenue.

ACTION Approve Resolution 19-51

PURPOSE Contractual Requirement

COUNCIL OBJECTIVE(S) Live in a safe, clean, comfortable and healthy environment.

RECOMMENDATION

Approve Resolution 19-51

BACKGROUND | ANALYSIS

The City Council has approved the sale of 802 Orange Avenue via minute order on July 23, 2019. The minute order established the sale price as \$248,000. The buyer's lender has requested a resolution to justify the release of the funds. The purpose of this resolution is to provide the requested resolution to the lender and to authorize the City Manager to execute all documents associated with the sale.

ALTERNATIVES

- Approve Resolution 19-51
- Not approve Resolution 19-51 and provide direction to staff.

BENEFIT TO OR IMPACT ON CITY RESOURCES

The proceeds from the sale belong to HCD-related funds, so the proceeds are not for general city use.

ATTACHMENTS

- Resolution 19-51
-



RESOLUTION OF THE CITY OF LINDSAY

NUMBER 19-51

TITLE **APPROVE THE SALE OF 802 ORANGE AVENUE AND TO DESIGNATE THE CITY MANAGER AS THE CITY'S AUTHORIZED SIGNER.**

MEETING At a regularly scheduled meeting of the City of Lindsay City Council held on August 27, 2019 at 6:00PM at 251 E. Honolulu Street, Lindsay, CA 93247.

WHEREAS, the City Council authorized the sale of 802 Orange Avenue via minute order at the July 23, 2019 City Council meeting for the sale price of \$248,000.

WHEREAS, the buyer's lender has requested a resolution by the City Council authorizing the sale of the property.

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

- SECTION 1. The City Manager is designated as the City's authorized signer.
- SECTION 2. The City Manager is authorized to sell the property at 802 Orange Avenue for \$248,000.
- 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

AGENCY: City of Lindsay, California
DATE: August 27, 2019
AGENDA #: 3
STAFF: City Services Director Mike Camarena

AGENDA ITEM

<i>TITLE</i>	East Ponds Monitoring Task Order
<i>ACTION</i>	Approval of East Ponds Monitoring Task Order to Provost and Pritchard Consulting Group and authorize Mayor Kimball to execute Task Order
<i>PURPOSE</i>	Statutory/Contractual Requirement Council Vision/Priority Discretionary Action Plan Implementation
<i>COUNCIL OBJECTIVE(S)</i>	Live in a safe, clean, comfortable and healthy environment. Stimulate, attract and retain local businesses. Advance economic diversity. Yield a fiscally self-reliant city government while providing effective, basic municipal services.

RECOMMENDATION

Approval of East Ponds Monitoring Task Order to Provost and Pritchard Consulting Group and authorize Mayor Kimball to execute Task Order

BACKGROUND | ANALYSIS

Lindsay Olive Growers (LOG) ceased operations in 1993. With this closure, the City of Lindsay was left as the sole responsible party to develop a groundwater monitoring plan in the vicinity of the east and west brine ponds. The west brine pond is located on Road 188 between Avenue 240 and Avenue 242. This property was sold to Hilardes Dairy in 2002 and subsequently developed into the dairy operation that is currently on site. There has been no use of the west ponds by industry effluent since the property was acquired by Hilardes Dairy. As part of the development of the dairy, an approved closure of the west pond was developed and accomplished (by Hilardes Dairy). There remain some shared expenses between the City and Hilardes Dairy (primarily groundwater monitoring and data collection).

The east ponds are a network of 3 ponds (1 lined pond and 2 unlined ponds) located on the northern portion of the City wastewater property. These ponds are approximately 57 total acres in size.

The State of California Regional Water Quality Control Board (RWQCB) requires the City (and Hilardes Dairy) to monitor the status of groundwater affected by the LOG brine pond operation per the requirements of the Monitoring and Reporting Program No. 87-054 (MRP) on a semiannual basis.



STAFF REPORT

AGENCY: City of Lindsay, California
DATE: August 27, 2019
AGENDA #: 3
STAFF: City Services Director Mike Camarena

A network of twenty (20) monitoring wells is located between Road 180 and Road 196 to the west and east, and between Avenue 224 and Avenue 236 to the north and south. These monitoring wells are set in two monitoring zones: Zone A wells range from 27 to 80 feet below ground surface (BGS) and Zone B wells range from 135 to 177 feet BGS. Semi-annual groundwater monitoring is generally conducted in accordance with the MRP. The Monitoring and Reporting Program includes information per the Revised MRP requirements as follows:

- A description and discussion of the groundwater sampling event and results, including trends in the concentrations of pollutants and groundwater elevations in the wells, and how and when samples were collected;
- Groundwater contour or elevation maps showing groundwater flow direction and gradient;
- Tabulated groundwater measurement data;
- Tabulated groundwater quality data;
- Field logs that contain, at a minimum, water quality parameters measured before, during, and after purging, method of purging, depth of water, volume of water purged, etc.;
- Field analysis for temperature and pH, and laboratory analysis for electrical conductivity (EC), total dissolved solids (TDS), chloride, and sodium;
- A copy of the laboratory analytical data report;
- EC, TDS, chloride, and sodium shall be graphically presented on time plots for each monitoring well including historic results for trend evaluation;
- Analysis of whether the contaminant plume is stable, attenuating, or spreading; and
- A discussion of compliance with the MRP as well as effects of dry wells and new well locations as necessary.

With the past drought, the network of twenty (20) monitoring wells for the MRP has been severely affected. 15 of the wells are dry and cannot test groundwater; 1 well has water available but the water amount is insufficient for proper testing; 4 wells continue to provide ample water for testing. RWQCB continues to work closely with the City to determine an effective well replacement location for the dry wells. Work completed in the last 12 months has resulted in the installation of 1 new monitoring well. The near record rains of 2016-2017 allowed the City and the RWQCB to delay further monitoring well installations in 2017. Continuing to utilize the existing well network within the wastewater treatment plant along with the Hilardes Dairy well network has allowed flexibility with this MRP.

Funding the continued Monitoring and Reporting Program has been assigned to the City sewer budget and is funded in current and future budgets.

Provost and Pritchard Consulting Group of Visalia has provided groundwater monitoring consulting services to both Hilardes Dairy and the City of Lindsay.



STAFF REPORT

AGENCY: City of Lindsay, California
DATE: August 27, 2019
AGENDA #: 3
STAFF: City Services Director Mike Camarena

In 2015, Council approved the development of a Request for Qualifications (RFQ) process with the purpose of retaining consulting engineering firms to complete tasks for projects. Council accepted 6 consulting firms to conclude this portion of the RFQ process. Provost and Pritchard Consulting Group was approved through the RFQ process.

ALTERNATIVES

- Approval of East Ponds Monitoring Task Order to Provost and Pritchard as recommended
- Do not approve of East Ponds Monitoring Task Order and provide direction to staff.

BENEFIT TO OR IMPACT ON CITY RESOURCES

As the responsible party, the City is required to monitor and report findings of groundwater status. Each year funds are budgeted to continue this requirement.

ENVIRONMENTAL REVIEW

None at this time

POLICY ISSUES

State of California Regional Water Quality Control Board (RWQCB) requires the City to monitor the status of groundwater affected by the LOG brine pond operation per the requirements of the Monitoring and Reporting Program on a semiannual basis.

PUBLIC OUTREACH

Posted in this agenda

ATTACHMENTS

- Attachment A, Provost & Pritchard Task Order No. 2 Proposal.
- Site plan of west and east pond locations with groundwater monitoring well network.

August 8, 2019

Michael Camarena
City of Lindsay
150 North Mirage
Lindsay, CA 93247

**RE: Task Order 3, Master Engineering Services Agreement
Proposal for Consulting Services for Groundwater Monitoring and Reporting,
2019/20 Fiscal Year, East Ponds Area, Lindsay, California**

Dear Mr. Camarena:

Thank you for the opportunity to submit this proposal to provide environmental compliance consulting services for the City of Lindsay East Ponds site located northwest of Highways 65 and 137, Tulare County, CA. This proposal discusses our understanding of the project, recommends a scope of services together with associated fees, deliverables and approximate schedules, sets forth our assumptions and discusses other services that may be of interest as the project proceeds.

Project Understanding

The Regional Water Quality Control Board (RWQCB) requires semi-annual groundwater monitoring per Monitoring and Reporting Program No. 87-054 (MRP). A network of twenty (20) monitored wells is located between Road 180 and Road 196 to the west and east, respectively, and between Avenue 224 and Avenue 236 to the north and south. These monitoring wells are set in two monitoring zones: Zone A wells (MW-4, MW-5D, MW-6D, MW-7D, MW-9A, MW-11A, MW-13, MW-14D, MW-16A, MW-16D, MW-17, MW-18, MW-19, and MW-24A) range from 27 to 87 feet below ground surface (bgs) and Zone B wells (MW-6B, MW-9B, MW-11B, MW-13B, MW-14P, and MW-24B) range from 135 to 177 feet bgs.

Scope of Services

The Scope of work provided in this Task order shall consist of the following phases:

Phase F19 - Field Monitoring

The well network will be monitored for water level and water quality on a semi-annual basis. Samples will be collected and submitted to APPL laboratories in Clovis, CA.

Phase L19 - Laboratory Analysis

The samples will be analyzed for electrical conductivity (EC), total dissolved solids (TDS), chloride (Cl), and sodium (Na).

Phase R18 - Reporting

One Fall 2019 Semi-Annual and Annual Report and one Spring 2020 Semi-annual Report will be prepared and uploaded to Geotracker as submittal to the RWQCB and copied to the City. The Reports will include the following information as required by the RWQCB:

- A description and discussion of the groundwater sampling event and results,

including trends in the concentrations of pollutants and groundwater elevations in the wells, and how and when samples were collected;

- Groundwater contour or elevation maps showing groundwater flow direction and gradient;
- Tabulated groundwater measurement data;
- Tabulated groundwater quality data;
- Field logs that contain, at a minimum, water quality parameters measured before, during, and after purging, method of purging, depth of water, volume of water purged, etc.;
- Field analysis for temperature and pH, and laboratory analysis for electrical conductivity (EC), total dissolved solids (TDS), chloride, and sodium;
- A copy of the laboratory analytical data report;
- EC, TDS, chloride, and sodium shall be graphically presented on time plots for each monitoring well including historic results for trend evaluation;
- Analysis of whether the contaminant plume is stable, attenuating, or spreading; and
- A discussion of compliance with the MRP as well as effects of dry wells and new well locations as necessary.

Phase CON - Consulting

As of the spring 2019 report, 15 of the 20 wells are dry or do not contain sufficient groundwater to allow for sampling; 5 wells continue to provide ample water for sampling. Also, as of spring 2019, there has been much back and forth with the RWQCB regarding the best method to move forward. Potential new well installations, use of other wells, and pond closure have all been discussed. This task is to provide assistance to the City at the City’s request to help navigate a path forward. If a significant effort method is decided upon, an addendum to this Task order will be prepared to provide services for whichever path is chosen.

Phase MWI – Monitoring Well Installation

In the event that the RWQCB requires a monitoring well installation in the coming year, the remaining MWI budget is included in this task order. Scope of work would be defined if a well is required but could include a monitoring well installation workplan, office and field services for a well installation, plus (depending on the depth of the well) potentially cover drilling costs.

Time and Materials

Provost & Pritchard Consulting Group will perform the services in this task order on a time and materials basis, in accordance with our Standard Fee Schedule in effect at the time services are rendered. These fees will be invoiced monthly as they are accrued, and our total fees, including reimbursable expenses, will not exceed our estimate of fees without additional authorization. For budgeting purposes, we estimate that our fees will be as follows:

Proposed Fee – Task Order 3	
Phase	Estimated Fee
Phase F19 – Field monitoring and sampling	\$5,100
Phase L19 – Laboratory Analysis	\$1,200
Phase R19 - Reporting	\$10,000
Phase CON - Consulting	\$5,000
Phase MWI – Monitoring Well Installation	\$24,700
Total Estimated Fee:	\$46,000

Schedule

Provost & Pritchard is prepared to begin immediately upon authorization to proceed. We will work with the City to establish a mutually agreed upon schedule.

Terms & Conditions

Reference is made to the Master Engineering Services Agreement (Agreement) dated January 4, 2016. This proposal will serve as Task Order 3 to the Agreement and the same terms and conditions identified in the Agreement apply to this proposal.

If this proposal is acceptable, please sign below and return a copy to our office. This document will serve as our Notice to Proceed. This proposal is valid for 60 days from the date above.

Respectfully,
Provost & Pritchard Consulting Group



Linda G. Sloan, PG 8299, CHG 930
Project Manager



Dave Norman, Environmental Specialist
Principal-in-Charge

Terms & Conditions Accepted

By City of Lindsay

Signature

Printed Name

Title

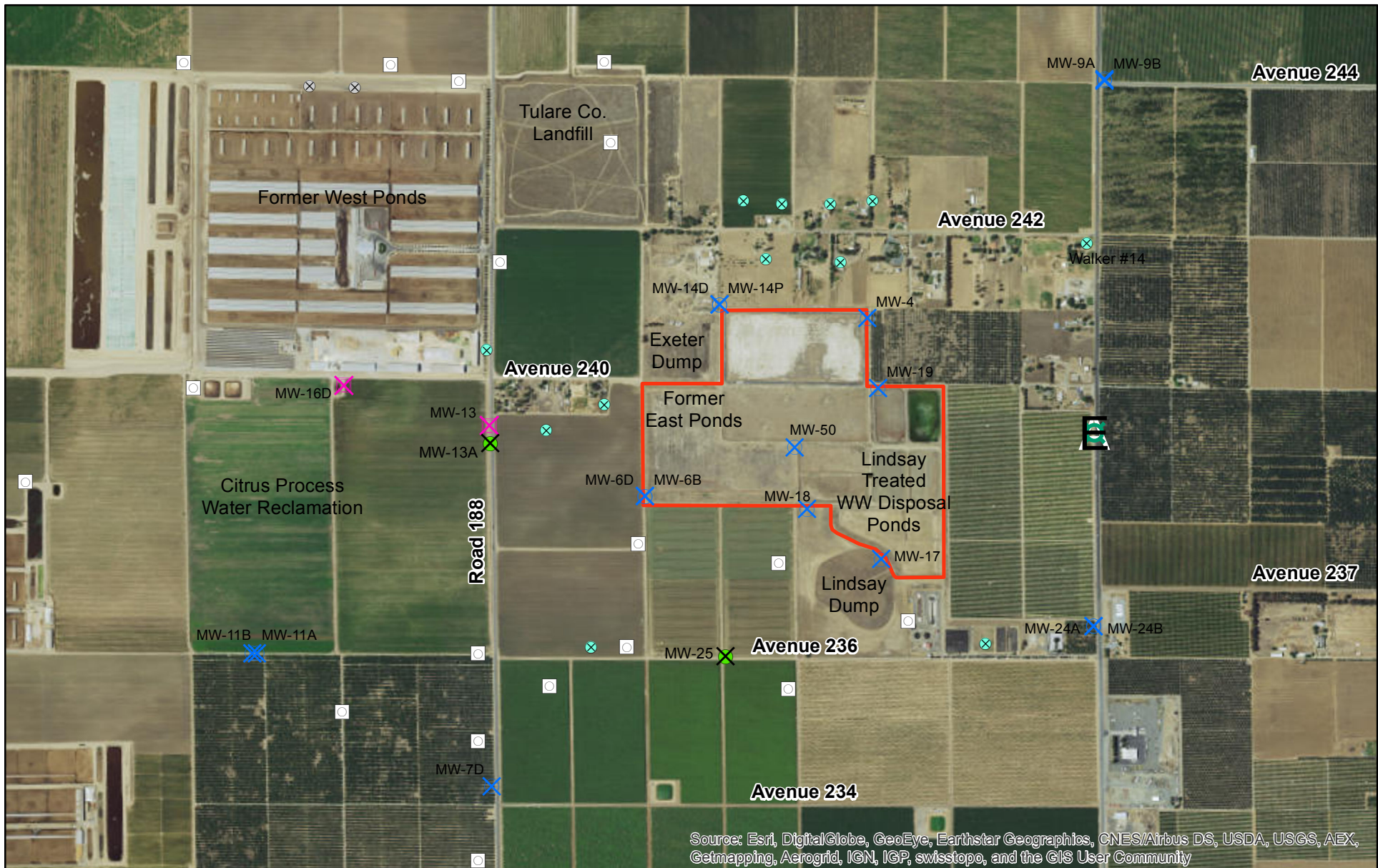
Date

Signature

Printed Name

Title

Date



0 600 1,200 Feet

PROVOST & PRITCHARD
EST. 1988
CONSULTING GROUP
An Employee Owned Company

130 N. Garden Street
Visalia, CA 93291
(559) 636-1166

Project Area	Domestic Well
City of Lindsay Monitoring Well	Irrigation Well
Shared Monitoring Well	
Proposed Monitoring Well	

**City of Lindsay
East Ponds Site**

Site Plan
Figure 1



STAFF REPORT

AGENCY: City of Lindsay, California
DATE: August 27, 2019
AGENDA #: 3
STAFF: City Services Director Mike Camarena

AGENDA ITEM

TITLE	Well 15 Variable Frequency Drive Project
ACTION	Accept project complete and authorize City Clerk to file Notice of Completion
PURPOSE	Statutory/Contractual Requirement
COUNCIL OBJECTIVE(S)	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. Stimulate, attract and retain local businesses. Advance economic diversity. Yield a fiscally self-reliant city government while providing effective, basic municipal services.

RECOMMENDATION

Council to accept project as Completed and direct the City Clerk to file a "Notice of Completion" with the County Recorder.

BACKGROUND | ANALYSIS

Telstar Instruments has completed the Well No. 15 Variable Frequency Drive Project and has requested acceptance at this time. Staff has reviewed the project and is satisfied that the work has been completed in accordance with the contract documents.

FINANCIAL REPORT

Contract Amount:	\$138,000.00
Contract Amendments:	\$0.00
Total Contract:	\$138,000.00

Contract Change Orders Approved;
None

ALTERNATIVES

- Accept the project as complete and authorize City Clerk to file Notice of Completion
 - Do not accept project as complete and delay action and provide direction to staff.
-



STAFF REPORT

AGENCY: City of Lindsay, California
DATE: August 27, 2019
AGENDA #: 3
STAFF: City Services Director Mike Camarena

BENEFIT TO OR IMPACT ON CITY RESOURCES

Completion of this project has allowed water operator to have a better control of Well production.

ENVIRONMENTAL REVIEW

None at this time.

POLICY ISSUES

None at this time.

PUBLIC OUTREACH

Posted in this agenda

ATTACHMENTS

- None



STAFF REPORT

AGENCY: City of Lindsay, California
DATE: August 27, 2019
AGENDA #: 3
STAFF: City Manager Bill Zigler

AGENDA ITEM

TITLE	Temporary Use Permit 19-30 (Kiwanis Hosted Carnival [California Carnival Company] at Community Center)
ACTION	Minute Order Approval
PURPOSE	Discretionary Action
COUNCIL OBJECTIVE(S)	Increase our keen sense of identity in a physically connected and involved community. Stimulate, attract and retain local businesses. Advance economic diversity.

RECOMMENDATION

Staff recommends that the City Council approve the temporary use permit application with the following conditions:

- The applicant shall provide a certificate of liability insurance for a minimum of \$1,000,000 listing the City of Lindsay as a certificate holder.
 - The applicant shall coordinate with Tulare County Health Services to satisfy any food sale requirements they choose to impose.
 - The applicant shall coordinate with local waste services for the temporary use of a minimum of four regular three-yard trash bins and two three-yard recycle bins to be placed near the existing trash bin at the northwest corner of the Community Center parking lot and see that they are emptied as needed.
 - The applicant shall provide a minimum of four regular porta-potties with an additional handicap accessible porta-potty.
 - The applicant shall arrange with the City the placement of light towers for pedestrian safety at Ono City and Parkside for the opening day of the carnival. One would be placed at the corner of Ono City Parkway and Parkside Avenue and the other at the parking lot. On/off operation and refueling (diesel only) would be provided by carnival staff, as is done during the Orange Blossom Festival.
 - The applicant shall be responsible for leaving the site in the same condition as before the temporary use began.
 - The applicant shall coordinate with the City to schedule a health and safety inspection with both the Building Inspector and the Fire Marshal.
-



STAFF REPORT

AGENCY: City of Lindsay, California
DATE: August 27, 2019
AGENDA #: 3
STAFF: City Manager Bill Zigler

-The applicant shall ensure that the Carnival Company has obtained a temporary business license from the City of Lindsay.

- The applicant shall cover the cost of any City labor required for set-up, clean-up and the cost of any equipment needed, such as light towers and required fuel.

- City staff shall ensure site area landscape irrigation is turned off the week prior to the carnival setup.

BACKGROUND | ANALYSIS

Temporary Use Permit No. 18-26 is a request by the Lindsay Kiwanis to host a carnival run by California Carnival at the area surrounding the Lindsay Community Center from October 3 through October 6. California Carnival Company is the same company that operates during the annual Orange Blossom Festival. Carnival crews would begin setup on Sunday, September 29, with the carnival opening to the public on Thursday, October 3 and operate through Sunday, October 6. Tear down and clean up would be completed by Monday, October 7. Operations would typically start at 5pm on week nights, noon on Saturday and 3pm on Sunday and conclude by 10pm nightly.

The vacant lot north of the Community Center would be used for travel trailer and RV parking for carnival staff, similar to their operations during the Orange Blossom Festival. Fire extinguishers would be placed throughout the carnival as required by the Fire Marshal. Electricity would be provided by on-site generators. A minimum of four regular porta-potties along with an additional handicap accessible porta-potty would be provided by the applicant for customer convenience. Trash removal, cleaning services for the porta-potties and RV and travel trailer waste removal will be conducted as needed at the expense of the applicant with a minimum of one regular three-yard waste bin and one recycle three-yard waste bin. Parking would be provided by on-site parking opportunities in the parking lot adjacent to the Community Center as well as street-side parking. The applicant is also responsible for ensuring any requirements with Tulare County Health services are met for food sales. This is strictly a family-oriented event and no smoking or alcoholic beverages will be allowed.

The Kiwanis would conduct advance ticket sales from a table and easy-up at the southeast corner of the Jess Automotive site, located at 460 W. Hermosa. This location is frequently used for temporary flower sales by Angel Garden during Valentines' and Mothers' Day holidays, providing safe access and adequate parking. Site circulation would not be impeded.

The Kiwanis would arrange for the placement of two promotional banners on the Wind Machine at the intersection of Elmwood Avenue and Hermosa Street and one banner the Hwy 65 Hermosa Street intersection. Further, the Kiwanis would be responsible for their removal following the event.



STAFF REPORT

AGENCY: City of Lindsay, California
DATE: August 27, 2019
AGENDA #: 3
STAFF: City Manager Bill Zigler

ALTERNATIVES

- Approve with modification(s)
- Deny request
- Request Staff to research and provide additional information

BENEFIT TO OR IMPACT ON CITY RESOURCES

Benefits to the City include a potential increase in tourism as members of adjacent communities will likely attend this event. Staff expects this event to assist local dining and shopping businesses.

Impacts include staff resources needed to inspect the carnival site and event set-up to ensure it meets general safety requirements.

ENVIRONMENTAL REVIEW

California Environmental Quality Act (CEQA) Article 19 §15304 identifies minor alterations to land, including carnivals, as Categorically Exempt. A draft Notice of Exemption has been prepared and has been available for public review.

POLICY ISSUES

The project site is zoned Resource, Conservation and Open Space (RCO). 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.



STAFF REPORT

AGENCY: City of Lindsay, California
DATE: August 27, 2019
AGENDA #: 3
STAFF: City Manager Bill Zigler

D. The proposed temporary use will not adversely impact traffic circulation or result in traffic congestion in the project area.

E. Upon termination of a temporary use, or abandonment of the site, the applicant shall remove materials and equipment, and restore the premises to its original condition.

F. Reasonable time limits for hours of operation may be set by the city council as a condition of permit approval.

G. Applicants for temporary use permits shall secure all other applicable licenses and permits prior to issuance of a temporary use permit.

H. Signing for temporary uses shall be subject to the approval of the community development department.

I. The city council may deny an application for a temporary use permit if conditions exist which would be injurious or detrimental to existing improvements, land uses, or surrounding areas.

The following is an evaluation of this event as it pertains to the requirements of a Temporary Use Permit:

Access: The project site provides safe access from the south, via Ono City Parkway. Staff believes that this access would meet the required criteria for a temporary use permit.

Parking: With approximately 62 off-street parking spaces along with an abundance of street-side parking available on Ono City Parkway, adequate paved parking is available at the proposed site.

Hours of Operation: Reasonable hours of operation are proposed for this type of use; between 5pm and 10pm on weekdays, between noon and 10pm Saturday and between 3pm and 10pm Sunday.

Duration of Permit: Council may approve this temporary use permit request for a time period not exceeding a cumulative total of 6 months. The applicant is requesting this permit for a period of seven days, include set-up and tear-down/clean-up; October 2 through October 8, 2019.

Fire and Safety: Fire extinguishers would be placed as required by State fire regulations. The Fire Marshal would inspect and approve the carnival site prior to the commencement of operations. Adequate site access is available for emergency services from both Parkside Avenue Ono City Parkway. Any requirements from Tulare County Health Services shall be met by the applicant prior to the sale of food.

Security: Security would not be required, per Public Safety due to the nature of the event; which is a family-oriented event of short duration with a requirement to pay to participate on rides.

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



STAFF REPORT

AGENCY: City of Lindsay, California
DATE: August 27, 2019
AGENDA #: 3
STAFF: City Manager Bill Zigler

Site Cleanup: The applicant would be required to maintain the site and surrounding area in a clean and neat condition, free of all trash and debris. The emptying of trash receptacles and dumpster would be monitored and be the responsibility of the applicant. If the dumpster becomes full prior to its normal emptying date, a special emptying would be arranged with the waste management company with the cost being borne by the applicant. Upon the conclusion of the carnival, the site would be returned to its pre-carnival condition.

PUBLIC OUTREACH



Temporary Use Permits do not require public outreach.

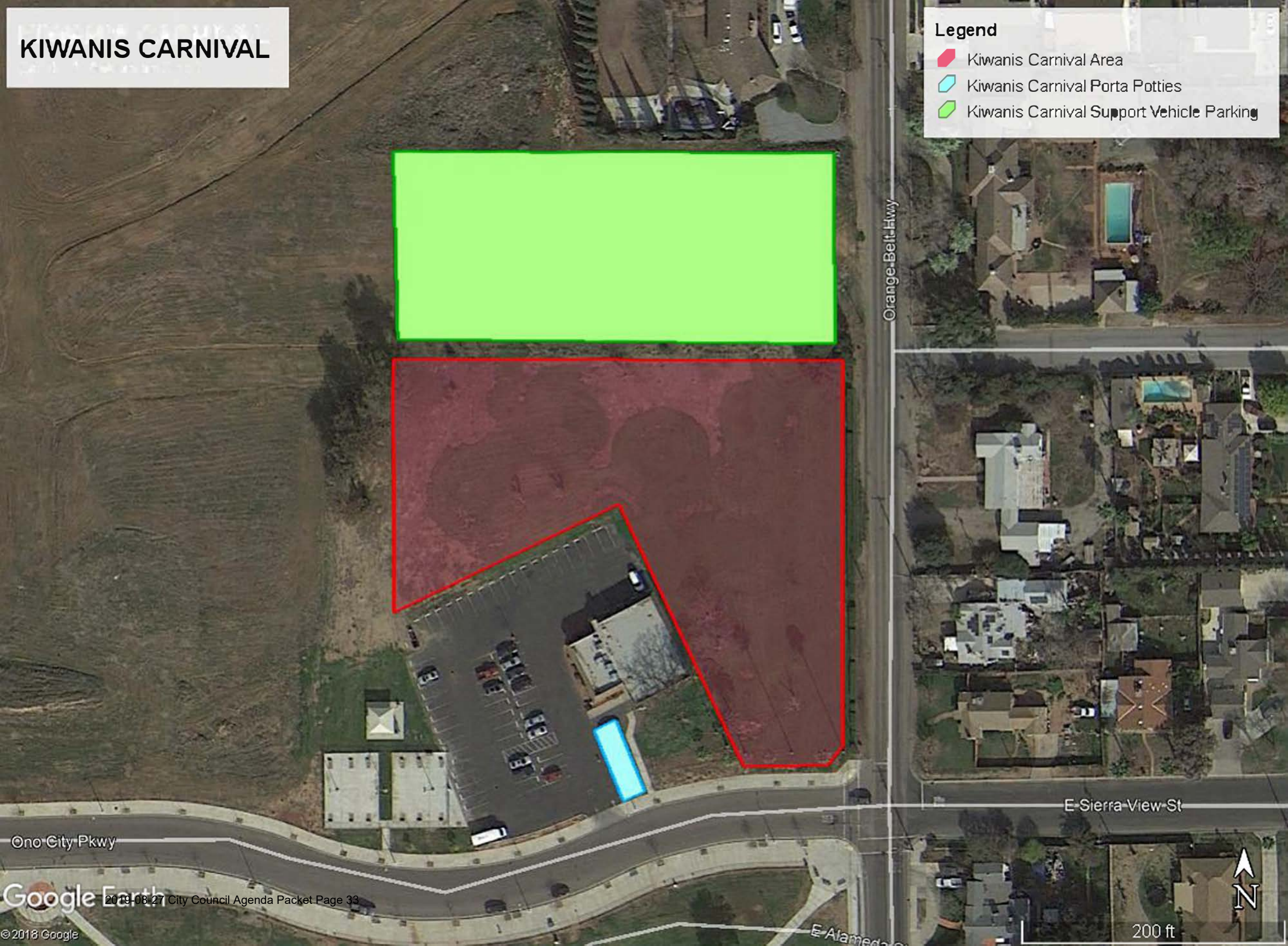
ATTACHMENTS

- Site Plan
- Zoning Map

KIWANIS CARNIVAL

Legend

-  Kiwanis Carnival Area
-  Kiwanis Carnival Porta Potties
-  Kiwanis Carnival Support Vehicle Parking



Ono City Pkwy

Orange Belt Hwy

E Sierra View St

E Alameda St

CITY OF LINDSAY ZONING MAP

CARNIVAL SITE

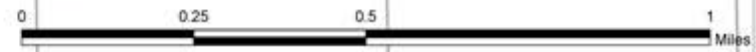
**ADVANCE TICKET SALES
(JESS AUTOMOTIVE)**

Legend

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

Zoning

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



Map Data Provided by Mason County
Created by Brian Stephenson
Planning and Economic Development Department
Created June 21, 2019
This Map is Produced by These Data and
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For Legal or Survey Purposes.



STAFF REPORT

TO: City Council of the City of Lindsay, CA
DATE: August 27, 2019
AGENDA #: 6
FROM: Finance Director Bret Harmon

AGENDA ITEM

<i>TITLE</i>	Establishment of an ad-hoc committee for transparency services
<i>ACTION</i>	Establish ad-hoc committee for transparency services and select two council members as participants on the ad-hoc committee.
<i>PURPOSE</i>	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. 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 Council consider and establish an ad-hoc committee for transparency services and to select two councilmembers as participants on the ad-hoc committee.

BACKGROUND | ANALYSIS

Staff recognizes councilmembers and the public are not familiar with all the activities, policies, procedures and practices of the City. Staff would like to work with an ad-hoc committee for transparency services to:

1. Discuss and select appropriate content for a public-facing dashboard.
 2. Consider the best design and update frequency of the selected content.
 3. Determine effective means to seek input from city residents on what they would like to see or better understand.
-



STAFF REPORT

TO: City Council of the City of Lindsay, CA
DATE: August 27, 2019
AGENDA #: 6
FROM: Finance Director Bret Harmon

ALTERNATIVES

- Establish the ad hoc committee for transparency services and select two councilmembers to participate on the committee.
- Do not establish the ad hoc committee for transparency. Staff would continue without a committee and determine the content.

BENEFIT TO OR IMPACT ON CITY RESOURCES

Enhance the transparency of the City's operations by finding ways to educate the Council and community on how the City operates and what it is accomplishing. Engage a broader range of city residents in discussing the City's recovery and performance.

ATTACHMENTS

- No Attachments



STAFF REPORT

AGENCY: City of Lindsay, California
DATE: August 27, 2019
AGENDA #: 7
STAFF: Director of City Services Mike Camarena

AGENDA ITEM

<i>TITLE</i>	2019 City of Lindsay Streets Rehabilitation/Overlay Projects
<i>ACTION</i>	Recommendation of Award of 2019 City of Lindsay Streets Rehabilitation/Overlay Projects
<i>PURPOSE</i>	Statutory/Contractual Requirement Council Vision/Priority Discretionary Action Plan Implementation
<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. 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 recommends Award of 2019 City of Lindsay Streets Rehabilitation/Overlay Projects to Bush Engineering, Inc.

BACKGROUND | ANALYSIS

On August 14, 2019, the City received bids for the 2019 City of Lindsay Streets Rehabilitation/Overlay Projects. There were 3 bids received and acknowledged. The bid results were;

- | | |
|--|----------------|
| • Bush Engineering, Inc., Hanford | \$839,901.00 |
| • MAC General Engineering, Inc., Porterville | \$907,314.93 |
| • Avison Construction, Sacramento | \$1,015,446.00 |

License check with the State of California Contractors Board found the licenses for these contractors were active and valid. Department of Industrial Relations (DIR) registration for low and second low



STAFF REPORT

AGENCY: City of Lindsay, California
DATE: August 27, 2019
AGENDA #: 7
STAFF: Director of City Services Mike Camarena

bidder (including listed subcontractors) was confirmed. Submitted bid bonds were also confirmed as valid. And finally, there were no listing of debarment with DIR.

The streets included with this project include;

1. Maple Avenue, Tulare Road to alley north of Alameda Street
2. Sequoia Avenue, Tulare Road to north of Tulare County office
3. Orange Avenue, Tulare Road to Alameda Street
4. Hermosa Street, Van Ness Avenue to Sweet Brier Avenue
5. Hermosa Street, Homassel Avenue to Elmwood Avenue roundabout

Budget and Funding

Local Streets Improvement Program funds are the identified source of funds and the 2019-2020 adopted Budget identified \$1,800,000 as the amount for the 2019 Streets Program projects.

The combined total with the Cape Seal projects is \$1,656,901.

ALTERNATIVES

- Award of 2019 City of Lindsay Streets Rehabilitation/Overlay Projects to Bush Engineering, Inc. as recommended
- Do not award as recommended and provide direction to staff

BENEFIT TO OR IMPACT ON CITY RESOURCES

Award of this contract will continue Lindsay's efforts to complete streets program project as identified and approved by City Council within the current adopted City Budget and Capital Improvement Program.

ENVIRONMENTAL REVIEW

None required

POLICY ISSUES

None at this time.

PUBLIC OUTREACH

Posted in this agenda

ATTACHMENTS

- Abstract of bids

2019 Rehabilitation/Overlay Projects
 ABSTRACT
 Bid Opening On August 14, 2019 at 2 pm

						Bush Engineering, Inc		MAC General Engineering		Avison Construction	
						Lic #888139		Lic #988712		Lic #823535	
1	Mobilization & Demobilization	1.00	L.S.	\$ 40,000.00	\$ 40,000.00	\$ 21,400.00	\$ 21,400.00	\$ 4,716.98	\$ 4,716.98	\$ 45,000.00	\$ 45,000.00
Area 1; Maple Ave											
Tulare Rd to Alley north of Alameda											
Item #	DESCRIPTION	QTY	UNIT	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE
2	Traffic Control	1.00	L.S.	\$ 15,000.00	\$ 15,000.00	\$ 5,000.40	\$ 5,000.40	\$ 688.05	\$ 688.05	\$ 3,000.00	\$ 3,000.00
3	Striping	1.00	L.S.	\$ 2,500.00	\$ 2,500.00	\$ 1,600.00	\$ 1,600.00	\$ 1,800.00	\$ 1,800.00	\$ 320.80	\$ 320.80
4	Remove & Replace Curb & Gutter	104.00	L.F.	\$ 55.00	\$ 5,720.00	\$ 64.00	\$ 6,656.00	\$ 111.00	\$ 11,544.00	\$ 80.00	\$ 8,320.00
5	Remove & Replace Sidewalk	310.00	S.F.	\$ 7.50	\$ 2,325.00	\$ 10.00	\$ 3,100.00	\$ 19.00	\$ 5,890.00	\$ 20.00	\$ 6,200.00
6	Remove & Replace Residential Drive Approach	60.00	S.F.	\$ 35.00	\$ 2,100.00	\$ 14.00	\$ 840.00	\$ 47.00	\$ 2,820.00	\$ 20.00	\$ 1,200.00
7	0.2 ft -Surface Gridding (Milling)	24,192.00	S.F.	\$ 0.50	\$ 12,096.00	\$ 0.30	\$ 7,257.60	\$ 0.18	\$ 4,354.56	\$ 0.60	\$ 14,515.20
8	0.2 ft - 1/2" HMA PG 64-10	388.00	Tons	\$ 100.00	\$ 38,800.00	\$ 85.00	\$ 32,980.00	\$ 120.00	\$ 46,560.00	\$ 130.00	\$ 50,440.00
TOTAL AREA 1					\$ 78,541.00	\$ 57,434.00		\$ 73,656.61		\$ 83,996.00	
Area 2; Sequoia Ave											
Tulare Rd to North of Tulare County office (connection to new pavement)											
Item #	DESCRIPTION	QTY	UNIT	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE
2	Traffic Control	1.00	L.S.	\$ 15,000.00	\$ 15,000.00	\$ 5,500.00	\$ 5,500.00	\$ 900.00	\$ 900.00	\$ 3,000.00	\$ 3,000.00
3	Striping	1.00	L.S.	\$ 8,000.00	\$ 8,000.00	\$ 2,700.00	\$ 2,700.00	\$ 2,848.00	\$ 2,848.00	\$ 6,600.00	\$ 6,600.00
4	0.2 ft -Surface Gridding (Milling)	54,720.00	S.F.	\$ 0.50	\$ 27,360.00	\$ 0.30	\$ 16,416.00	\$ 0.22	\$ 12,038.40	\$ 0.35	\$ 19,152.00
5	0.2 ft - 1/2" HMA PG 64-10	876.00	Tons	\$ 100.00	\$ 87,600.00	\$ 85.00	\$ 74,460.00	\$ 100.00	\$ 87,600.00	\$ 100.00	\$ 87,600.00
TOTAL AREA 2					\$ 137,960.00	\$ 99,076.00		\$ 103,386.40		\$ 116,352.00	

Area 3; Orange Ave
From Tulare Rd to Alameda

Item #	DESCRIPTION	QTY	UNIT	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE
2	Traffic Control	1.00	L.S.	\$ 5,000.00	\$ 5,000.00	\$ 6,000.00	\$ 6,000.00	\$ 3,100.00	\$ 3,100.00	\$ 3,000.00	\$ 3,000.00
3	Striping	1.00	L.S.	\$ 1,000.00	\$ 1,000.00	\$ 1,600.00	\$ 1,600.00	\$ 1,800.00	\$ 1,800.00	\$ 820.00	\$ 820.00
4	0.2 ft -Surface Gridding (Milling)	22,420.00	S.F.	\$ 0.50	\$ 11,210.00	\$ 0.30	\$ 6,726.00	\$ 0.55	\$ 12,331.00	\$ 0.70	\$ 15,694.00
5	0.2 ft - 1/2" HMA PG 64-10	360.00	Tons	\$ 100.00	\$ 36,000.00	\$ 85.00	\$ 30,600.00	\$ 120.00	\$ 43,200.00	\$ 130.00	\$ 46,800.00
6	Adjust Water Valves	2.00	E.A.	\$ 500.00	\$ 1,000.00	\$ 1,500.00	\$ 3,000.00	\$ 1,800.00	\$ 3,600.00	\$ 1,000.00	\$ 2,000.00
7	48" Storm Drain Manhole	1.00	E.A.	\$ 3,500.00	\$ 3,500.00	\$ 6,000.00	\$ 6,000.00	\$ 10,531.01	\$ 10,531.01	\$ 5,500.00	\$ 5,500.00
8	15" SDR-35 Storm Drain Pipe	590.00	L.F.	\$ 55.00	\$ 32,450.00	\$ 110.00	\$ 64,900.00	\$ 141.72	\$ 83,614.80	\$ 95.00	\$ 56,050.00
9	Tie into existing 15" Storm Drain by Alameda St	1.00	E.A.	\$ 800.00	\$ 800.00	\$ 2,800.00	\$ 2,800.00	\$ 3,815.58	\$ 3,815.58	\$ 3,000.00	\$ 3,000.00
TOTAL AREA 3					\$ 90,960.00		\$ 121,626.00		\$ 161,992.39		\$ 132,864.00

Area 4; Hermosa St
From Van Ness to Sweet Brier Ave (West of Fastrip Driveway)

Item #	DESCRIPTION	QTY	UNIT	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE
2	Traffic Control	1.00	L.S.	\$ 20,000.00	\$ 20,000.00	\$ 22,000.19	\$ 22,000.19	\$ 3,030.00	\$ 3,030.00	\$ 10,000.00	\$ 10,000.00
3	Striping	1.00	L.S.	\$ 20,000.00	\$ 20,000.00	\$ 23,000.00	\$ 23,000.00	\$ 21,627.00	\$ 21,627.00	\$ 15,000.32	\$ 15,000.32
4	0.2 ft -Surface Gridding (Milling)	106,302.70	S.F.	\$ 0.50	\$ 53,151.35	\$ 0.30	\$ 31,890.81	\$ 0.27	\$ 28,701.73	\$ 0.25	\$ 26,575.68
5	0.2 ft - 1/2" HMA PG 64-10	1,700.00	Tons	\$ 100.00	\$ 170,000.00	\$ 85.00	\$ 144,500.00	\$ 100.00	\$ 170,000.00	\$ 95.00	\$ 161,500.00
6	Remove and Replace ADA Ramp (Including Curb & Gutter)	2.00	Each	\$ 2,500.00	\$ 5,000.00	\$ 5,000.00	\$ 10,000.00	\$ 10,150.00	\$ 20,300.00	\$ 10,000.00	\$ 20,000.00
TOTAL AREA 4					\$ 268,151.35		\$ 231,391.00		\$ 243,658.73		\$ 233,076.00

Area 5; Hermosa St 1
From west Alley from Mirage Ave to Homassel

Item #	DESCRIPTION	QTY	UNIT	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE
2	Traffic Control	1.00	L.S.	\$ 20,000.00	\$ 20,000.00	\$ 13,000.20	\$ 13,000.20	\$ 1,300.00	\$ 1,300.00	\$ 16,000.00	\$ 16,000.00
3	Striping	1.00	L.S.	\$ 20,000.00	\$ 20,000.00	\$ 4,500.00	\$ 4,500.00	\$ 4,017.00	\$ 4,017.00	\$ 11,500.60	\$ 11,500.60
4	0.2 ft -Surface Gridding (Milling)	53,456.00	S.F.	\$ 0.50	\$ 26,728.00	\$ 0.30	\$ 16,036.80	\$ 0.22	\$ 11,760.32	\$ 0.40	\$ 21,382.40
5	0.2 ft - 1/2" HMA PG 64-10	856.00	Tons	\$ 100.00	\$ 85,600.00	\$ 85.00	\$ 72,760.00	\$ 100.00	\$ 85,600.00	\$ 100.00	\$ 85,600.00
6	Remove & Replace Curb & Gutter	546.00	L.F.	\$ 55.00	\$ 30,030.00	\$ 65.00	\$ 35,490.00	\$ 48.00	\$ 26,208.00	\$ 75.00	\$ 40,950.00
7	Remove & Replace Sidewalk	3,080.50	S.F.	\$ 7.50	\$ 23,103.75	\$ 10.00	\$ 30,805.00	\$ 9.00	\$ 27,724.50	\$ 14.00	\$ 43,127.00
8	Install 6" Retaining Curb	300.00	L.F.	\$ 25.00	\$ 7,500.00	\$ 28.00	\$ 8,400.00	\$ 21.00	\$ 6,300.00	\$ 35.00	\$ 10,500.00
9	Remove & Replace Residential Drive Approach	144.00	S.F.	\$ 15.00	\$ 2,160.00	\$ 13.00	\$ 1,872.00	\$ 78.00	\$ 11,232.00	\$ 20.00	\$ 2,880.00

10	Remove & Replace Alley Approach	198.00	S.F.	\$ 15.00	\$ 2,970.00	\$ 14.00	\$ 2,772.00	\$ 40.00	\$ 7,920.00	\$ 20.00	\$ 3,960.00
11	Remove Tree w/ Tree Stump	3.00	Each	\$ 1,000.00	\$ 3,000.00	\$ 1,500.00	\$ 4,500.00	\$ 1,100.00	\$ 3,300.00	\$ 1,200.00	\$ 3,600.00
12	Plant 32" Box Chinese Pistachio Tree	3.00	Each	\$ 500.00	\$ 1,500.00	\$ 650.00	\$ 1,950.00	\$ 1,595.00	\$ 4,785.00	\$ 1,500.00	\$ 4,500.00
TOTAL AREA 5					\$ 222,591.75		\$ 192,086.00		\$ 190,146.82		\$ 244,000.00

Area 6; Mirage Ave
From North Samoa to South Hermosa

Item #	DESCRIPTION	QTY	UNIT	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE
2	Traffic Control	1.00	L.S.	\$ 15,000.00	\$ 15,000.00	\$ 4,500.00	\$ 4,500.00	\$ 1,100.00	\$ 1,100.00	\$ 12,000.00	\$ 12,000.00
3	Striping	1.00	L.S.	\$ 10,000.00	\$ 10,000.00	\$ 1,200.00	\$ 1,200.00	\$ 1,355.00	\$ 1,355.00	\$ 2,500.00	\$ 2,500.00
4	0.2 ft -Surface Gridding (Milling)	21,560.00	S.F.	\$ 0.50	\$ 10,780.00	\$ 0.30	\$ 6,468.00	\$ 0.20	\$ 4,312.00	\$ 0.30	\$ 6,468.00
5	0.2 ft - 1/2" HMA PG 64-10	345.00	Tons	\$ 100.00	\$ 34,500.00	\$ 85.00	\$ 29,325.00	\$ 120.00	\$ 41,400.00	\$ 100.00	\$ 34,500.00
6	Remove & Replace Curb & Gutter	320.00	L.F.	\$ 55.00	\$ 17,600.00	\$ 64.00	\$ 20,480.00	\$ 60.00	\$ 19,200.00	\$ 75.00	\$ 24,000.00
7	Remove & Replace Sidewalk	3,585.00	S.F.	\$ 7.50	\$ 26,887.50	\$ 9.00	\$ 32,265.00	\$ 10.00	\$ 35,850.00	\$ 14.00	\$ 50,190.00
8	Remove & Replace Commercial Drive Approach	850.00	S.F.	\$ 25.00	\$ 21,250.00	\$ 14.00	\$ 11,900.00	\$ 15.00	\$ 12,750.00	\$ 20.00	\$ 17,000.00
9	Remove Tree w/Tree Stump	5.00	Each	\$ 1,000.00	\$ 5,000.00	\$ 1,500.00	\$ 7,500.00	\$ 1,163.00	\$ 5,815.00	\$ 1,200.00	\$ 6,000.00
10	Plant 32" Box Chinese Pistachio Tree	5.00	Each	\$ 500.00	\$ 2,500.00	\$ 650.00	\$ 3,250.00	\$ 1,595.00	\$ 7,975.00	\$ 1,500.00	\$ 7,500.00
TOTAL AREA 6					\$ 143,517.50		\$ 116,888.00		\$ 129,757.00		\$ 160,158.00

TOTAL FOR AREA 1 THRU 6 + Mob & Demo=	\$ 981,721.60	Bid Amount:	\$ 839,901.00	\$ 907,314.93	\$ 1,015,446.00
10% Contingencies	\$ 98,172.16				
TOTAL FOR Overlay PROJECTS	\$ 1,079,893.76				

Engineer's Estimate \$ 980,000.00



STAFF REPORT

AGENCY: CITY OF LINDSAY, CALIFORNIA
DATE: August 27, 2019
AGENDA #: 8
STAFF: Director of City Services Mike Camarena

AGENDA ITEM

<i>TITLE</i>	2019 City of Lindsay Streets Cape Seal Projects
<i>ACTION</i>	Recommendation of Award of 2019 City of Lindsay Streets Cape Seal Projects
<i>PURPOSE</i>	Statutory/Contractual Requirement Council Vision/Priority Discretionary Action Plan Implementation
<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. 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 recommends award of 2019 City of Lindsay Streets Cape Seal Projects to VSS International, Inc.

BACKGROUND | ANALYSIS

On August 14, 2019, the City received bids for the 2019 City of Lindsay Streets Cape Seal Projects. There were 3 bids received and acknowledged. The bid results were;

- VSS International, Inc., West Sacramento \$817,000.00
- American Pavement Systems, Inc., Modesto \$832,798.00
- Pavement Coatings Company, Sacramento \$899,895.00

License check with the State of California Contractors Board found the licenses for these contractors were active and valid. Department of Industrial Relations (DIR) registration for low and second low bidder (including listed subcontractors) was confirmed. Submitted bid bonds were also confirmed as valid. And finally, there were no listing of debarment with DIR.



STAFF REPORT

AGENCY: CITY OF LINDSAY, CALIFORNIA
DATE: August 27, 2019
AGENDA #: 8
STAFF: Director of City Services Mike Camarena

The streets included with this project include;

1. Tulare Road, Oak Avenue to Foothill Avenue
2. Downtown area
 - a. Elmwood Avenue, Apia Street to north of roundabout
 - b. Honolulu Street, Sweet Brier Avenue to Mirage Avenue
 - c. Mirage Avenue, Honolulu Street to Samoa Street
 - d. Samoa Avenue, Sweet Brier Avenue to Mirage Avenue
 - e. Sweet Brier Avenue, Hermosa Street to south of Honolulu Street
 - f. Hermosa Street, alleys east and west of roundabout
3. Harvard Avenue, Tulare Road to Hermosa Street

Budget and Funding

Local Streets Improvement Program funds are the identified source of funds and the 2019-2020 adopted Budget identified \$1,800,000 as the amount for the 2019 Streets Program projects.

The combined total with the Rehabilitation/Overlay projects is \$1,656,901.

ALTERNATIVES

- Award of 2019 City of Lindsay Streets Cape Seal Projects to VSS International, Inc. as recommended
- Do not award as recommended and provide direction to staff

BENEFIT TO OR IMPACT ON CITY RESOURCES

Award of this contract will continue Lindsay's efforts to complete streets program project as identified and approved by City Council within the current adopted City Budget and Capital Improvement Program.

ENVIRONMENTAL REVIEW

None required

POLICY ISSUES

None at this time.

PUBLIC OUTREACH

Posted in this agenda

ATTACHMENTS

- Abstract of bids

2019 Asphalt Rubber Cape Seal Projects
 ABSTRACT
 Bid Opening on August 14, 2019 at 1:30 pm

Item #	DESCRIPTION	QTY	UNIT	UNIT PRICE	TOTAL PRICE	VSS International		American Pavement Systems		Pavement Coatings Co.	
						Lic # 293727		Lic # 943792		Lic # 303609	
1	Mobilization & Demobilization	1.00	L.S.	\$ 60,000.00	\$ 60,000.00	\$ 51,215.24	\$ 51,215.24	\$ 95,000.00	\$ 95,000.00	\$ 96,504.00	\$ 96,504.00

Area 1; Tulare Rd

Limits; Oak Ave to Foothill Ave

Item #	DESCRIPTION	QTY	UNIT	UNIT PRICE	TOTAL PRICE	VSS International		American Pavement Systems		Pavement Coatings Co.	
						UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE
2	Traffic Control	1.00	L.S.	\$ 20,000.00	\$ 20,000.00	\$ 19,420.00	\$ 19,420.00	\$ 50,000.00	\$ 50,000.00	\$ 5,000.00	\$ 5,000.00
3	Striping	1.00	L.S.	\$ 25,000.00	\$ 25,000.00	\$ 50,662.80	\$ 50,662.80	\$ 22,000.00	\$ 22,000.00	\$ 25,000.00	\$ 25,000.00
5	Asphalt Remove & Replace Area	7,000.00	S.F.	\$ 5.00	\$ 35,000.00	\$ 9.18	\$ 64,260.00	\$ 9.00	\$ 63,000.00	\$ 15.00	\$ 105,000.00
6	Cape Seal	44,350.00	YD ²	\$ 6.00	\$ 266,100.00	\$ 6.54	\$ 290,049.00	\$ 6.25	\$ 277,187.50	\$ 7.00	\$ 310,450.00
TOTAL AMOUNT AREA 1					\$ 346,100.00		\$ 424,391.80		\$ 412,187.50		\$ 445,450.00

Area 2; Downtown Area

Limits; Street Name

Elmwood Ave	Apia St (north crossgutter) TO North of Roundabout at Hermosa St (50 ft North of Island)
Honolulu St	Sweet Brier (from West RailRoad) TO Mirage Ave (East of crosswalk to Chevron DW)
Mirage Ave	South of Honolulu St TO North of Samoa St
Samoa Ave	Sweet Brier Ave TO East of Mirage Ave
Sweet Brier Ave	South of Hermosa TO South of Honolulu to South Property
Hermosa St	Alley West of Elmwood to Alley East of Elmwood

Item #	DESCRIPTION	QTY	UNIT	UNIT PRICE	TOTAL PRICE	VSS International		American Pavement Systems		Pavement Coatings Co.	
						UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE
2	Traffic Control	1.00	L.S.	\$ 15,000.00	\$ 15,000.00	\$ 14,180.00	\$ 14,180.00	\$ 25,000.00	\$ 25,000.00	\$ 5,000.00	\$ 5,000.00
3	Striping	1.00	L.S.	\$ 25,000.00	\$ 25,000.00	\$ 37,098.00	\$ 37,098.00	\$ 27,000.00	\$ 27,000.00	\$ 30,000.00	\$ 30,000.00
4	0.2 ft Grind -10 ft wide pass at each intersection	8,320.00	SF	\$ 1.00	\$ 8,320.00	\$ 3.56	\$ 29,619.20	\$ 3.50	\$ 29,120.00	\$ 1.90	\$ 15,808.00
5	Asphalt Remove & Replace Area	1,097.00	S.F.	\$ 8.00	\$ 8,776.00	\$ 11.88	\$ 13,032.36	\$ 11.50	\$ 12,615.50	\$ 29.00	\$ 31,813.00
6	Cape Seal	26,310.00	YD ²	\$ 6.00	\$ 157,860.00	\$ 6.54	\$ 172,067.40	\$ 6.25	\$ 164,437.50	\$ 7.00	\$ 184,170.00
TOTAL AMOUNT AREA 2					\$ 214,956.00		\$ 265,996.96		\$ 258,173.00		\$ 266,791.00

Area 3; Harvard Ave											
Hermosa St to Tulare Rd											
Item #	DESCRIPTION	QTY	UNIT	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE
2	Traffic Control	1.00	L.S.	\$ 8,500.00	\$ 8,500.00	\$ 5,484.00	\$ 5,484.00	\$ 3,500.00	\$ 3,500.00	\$ 5,000.00	\$ 5,000.00
3	Striping	1.00	L.S.	\$ 2,000.00	\$ 2,000.00	\$ 6,696.00	\$ 6,696.00	\$ 4,500.00	\$ 4,500.00	\$ 5,000.00	\$ 5,000.00
4	Asphalt Remove & Replace Area	3,037.50	S.F.	\$ 5.00	\$ 15,187.50	\$ 10.80	\$ 32,805.00	\$ 10.00	\$ 30,375.00	\$ 16.00	\$ 48,600.00
5	Cape Seal	4,650.00	YD ²	\$ 6.00	\$ 27,900.00	\$ 6.54	\$ 30,411.00	\$ 6.25	\$ 29,062.50	\$ 7.00	\$ 32,550.00
TOTAL AMOUNT AREA 3					\$ 53,587.50		\$ 75,396.00		\$ 67,437.50		\$ 91,150.00
TOTAL FOR AREA 1 THRU 3 + Mob & Demo=					\$ 674,643.50	Contract:	\$ 817,000.00		\$ 832,798.00		\$ 899,895.00
10% Contingencies					\$ 67,464.35						
TOTAL FOR CAPE PROJECTS					\$ 742,107.85						
Engineer's Estimate					\$ 680,000.00						



RETAIL CANNABIS AD-HOC COMMITTEE REPORT

TO: City Council of the City of Lindsay, CA
DATE: August 27, 2019
AGENDA #: 9
FROM: Council Members Sanchez and Flores

AGENDA ITEM

<i>TITLE</i>	Retail Cannabis RFP Result
<i>ACTION</i>	Award license to open and operate cannabis dispensary to Valley Pure
<i>PURPOSE</i>	Statutory/Contractual Requirement Council Vision/Priority Discretionary Action
<i>COUNCIL OBJECTIVE(S)</i>	Nurture attractive residential neighborhoods and business districts. Stimulate, attract and retain local businesses. Advance economic diversity. Yield a fiscally self-reliant city government while providing effective, basic municipal services.

RECOMMENDATION

The ad-hoc committee recommends the Council award Valley Pure a license to operate a cannabis dispensary.

BACKGROUND | ANALYSIS

The City released a retail cannabis request for proposals (RFP) on June 18, 2019. The RFP included three phases. Phase 1 (background) and Phase 2 (written proposal) had a submittal deadline of July 17, 2019 at 4:00 PM. The City received two responses to the RFP by the deadline. The two respondents were Valley Pure and Harvest of Lindsay.

The background check in Phase 1 was completed by the Public Safety Department. The proposal review in Phase 2 was conducted by the ad-hoc committee members (Councilmembers Sanchez and Flores), Bret Harmon and two outside economic/community development directors from Porterville and Tulare. Both respondents qualified for participation in Phase 3 (interviews) based on their performance in Phases 1 and 2.

After carefully considering the results of Phases 1 and 2 along with the experience interviewing both firms, the committee unanimously agreed Valley Pure is the best match for the City. While both firms are experienced in operating successful dispensaries, Valley Pure demonstrated a superior understanding of local needs, ways to engage the community, and determination to be a long-term community partner. Its local presence strengthens its availability and responsiveness to the City's needs.



RETAIL CANNABIS AD-HOC COMMITTEE REPORT

TO: City Council of the City of Lindsay, CA
DATE: August 27, 2019
AGENDA #: 9
FROM: Council Members Sanchez and Flores

ALTERNATIVES

- Award the license to Valley Pure as recommended
- Award the license to Harvest of Lindsay
- Award both a license
- Award neither a license

BENEFIT TO OR IMPACT ON CITY RESOURCES

Valley Pure is well positioned to be an excellent contributor to the community in addition to generating significant annual tax revenue. Additionally, Valley Pure plans to renovate a downtown location, which will improve the downtown.

ATTACHMENTS

- No attachments



STAFF REPORT

TO: City of Lindsay City Council
DATE: August 27, 2019
AGENDA #: 10
FROM: City Manager Bill Zigler

AGENDA ITEM

<i>TITLE</i>	Ordinance No. 579 of the Lindsay Zoning Code
<i>ACTION</i>	Request approval of Ordinance No. 579
<i>PURPOSE</i>	Discretionary Action
<i>OBJECTIVE(S)</i>	<ul style="list-style-type: none">• To provide standards by which the city shall regulate signs and evaluate building permit applications for permitted signage.

RECOMMENDATION

Staff recommends approval of Ordinance No. 579, an ordinance amending Chapter 18.14 of Title 18 Zoning of the Lindsay Municipal Code, repealing Section 18.14.040 and adding new Sections 18.14.110 through 18.14.390.

BACKGROUND | ANALYSIS

Ordinance No. 579 is a request by City Staff to amend Chapter 18.14 of Title 18 Zoning of the Lindsay Municipal Code. The ordinance pertains to the regulation of signs. This ordinance is being updated to conform to current best practices and recent court cases regarding the regulation of signs and the first amendment of the Constitution. The City Council held a study session regarding the ordinance at its July 23, 2019, meeting.

The regulation of signs is one of the components of the City's Zoning Ordinance. Signage has the potential to affect the aesthetic character, public safety and environmental values of nearly every part of the city. The purpose of the ordinance update is to allow the City to more effectively regulate signage in the City. The regulations will:

1. Provide minimum standards to safeguard life, health, property, public welfare, and traffic safety by controlling the design, quality of materials, construction, illumination, size, location, and maintenance of signs and sign structures;
 2. Preserve and enhance the visual attractiveness of the city;
 3. Protect and enhance property values and community appearance by encouraging signs that are compatible with the architectural style, character, and scale of the building to which they relate and with adjacent buildings and businesses;
-



STAFF REPORT

TO: City of Lindsay City Council
DATE: August 27, 2019
AGENDA #: 10
FROM: City Manager Bill Zigler

4. Restrict signs that may create visual clutter or a nuisance to nearby properties, violate privacy, create hazards or unreasonable distractions for pedestrians and drivers, or interfere with vehicular ingress and egress;
5. Provide adequate opportunity for the exercise of the free speech by display of a message or image on a sign, while balancing that opportunity with other community and public interests;
6. Ensure that commercial signs are accessory or auxiliary to a principal business or establishment on the same premises, rather than functioning as general advertising for hire.

Due to a recent Supreme Court decision, the method of categorizing and regulating signs must be changed to avoid violating free speech rights. All signage would now be regulated under one of four main categories:

1. Permanent Building Signs
2. Permanent Freestanding Signs
3. Temporary Building Signs
4. Temporary Freestanding Signs

Signs can no longer be regulated based on what they say. The City can regulate the physical properties, characteristics, and locations of signage but cannot regulate the content of the signage itself. It is the City's policy to regulate signs in a constitutional manner that is content neutral as to noncommercial messages, which are within the protections of the First Amendment to the U.S. Constitution and the corollary provisions of the California Constitution.

BENEFIT TO OR IMPACT ON CITY RESOURCES

The revised ordinance will be more legally defensible and will better clarify the types of signs that are allowed. The project will not impact city resources.

ENVIRONMENTAL REVIEW

The proposed addition is exempt from the California Environmental Quality Act (CEQA) according to Article 19 §15060(c)(2), §15061(b)(3), and §15378(b)(2).

PUBLIC OUTREACH

Public hearing notice posted in the Porterville Recorder and this agenda.

ATTACHMENTS

Ordinance 579

ORDINANCE NO. 579

**AN ORDINANCE AMENDING CHAPTER 18.14 OF TITLE 18 OF THE
LINDSAY MUNICIPAL CODE, REMOVING AND ADDING
PROCEDURES FOR THE REGULATION OF SIGNS**

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

Section 1. PURPOSE. The ordinance intends to provide standards by which the city shall regulate signs and evaluate building permit applications for permitted signage.

Section 2. CODE AMENDMENT. Lindsay Municipal Code Section 18.14.040 is hereby repealed. Sections 18.14.110 through 18.14.390 shall be added to the Lindsay Municipal Code, and shall read as follows:

- 18.14.110 Purpose.**
- 18.14.120 Applicability and severability.**
- 18.14.130 No discrimination against noncommercial speech.**
- 18.14.140 Exempt signs.**
- 18.14.150 Prohibited signs.**
- 18.14.160 Permits required.**
- 18.14.170 Rules for sign measurement.**
- 18.14.180 Sign regulations on developed sites by zone district.**
- 18.14.190 Sign regulations on undeveloped or developing sites.**
- 18.14.200 Offsite temporary signs for residential subdivisions.**
- 18.14.210 Flags and flagpoles.**
- 18.14.220 Search lights and klieg lights.**
- 18.14.230 Signs in public rights-of-way.**
- 18.14.240 Temporary sign standards.**
- 18.14.250 Size of signs on windows.**
- 18.14.260 Signs with non-electronic changeable copy.**
- 18.14.270 Signs with electronic changeable copy.**
- 18.14.280 Illumination of signs.**
- 18.14.290 Concealed electrical systems.**
- 18.14.300 Master sign program.**
- 18.14.310 Variances and minor deviations.**
- 18.14.320 Wall mural placement and design criteria.**

- 18.14.330 Nonconforming signs.**
- 18.14.340 Maintenance of signs.**
- 18.14.350 Hazardous signs.**
- 18.14.360 Abandoned or obsolete signs.**
- 18.14.370 Illegal signs.**
- 18.14.380 Enforcement.**
- 18.14.390 Definitions.**

18.14.110 Purpose.

A. The purpose of this chapter is to regulate signs as an information system that preserves and enhances the aesthetic character and environmental values of the City of Lindsay. Specifically, these regulations are intended to implement the General Plan and to:

1. Provide minimum standards to safeguard life, health, property, public welfare, and traffic safety by controlling the design, quality of materials, construction, illumination, size, location, and maintenance of signs and sign structures;
2. Preserve and enhance the visual attractiveness of the city;
3. Protect and enhance property values and community appearance by encouraging signs that are compatible with the architectural style, character, and scale of the building to which they relate and with adjacent buildings and businesses;
4. Restrict signs that may create visual clutter or a nuisance to nearby properties, violate privacy, create hazards or unreasonable distractions for pedestrians and drivers, or interfere with vehicular ingress and egress;
5. Provide adequate opportunity for the exercise of the free speech by display of a message or image on a sign, while balancing that opportunity with other community and public interests;
6. Ensure that commercial signs are accessory or auxiliary to a principal business or establishment on the same premises, rather than functioning as general advertising for hire.

B. It is the City’s policy to regulate signs in a constitutional manner that is content neutral as to noncommercial messages which are within the protections of the First Amendment to the U.S. Constitution and the corollary provisions of the California Constitution.

18.14.120 Applicability and severability.

This chapter regulates signs that are located or mounted on private property within the jurisdictional boundaries of Lindsay. The provisions in this Chapter apply in all Zoning Districts within the city. No sign within the regulatory scope of this Chapter shall be erected or maintained anywhere in the city except in conformance with this Chapter. If any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word in this chapter is declared invalid, such invalidity shall not affect the validity or enforceability of the remaining portions of the chapter.

18.14.130 No discrimination against noncommercial speech.

Subject to the property owner's consent, a noncommercial message of any type may be substituted, in whole or in part, for any commercial message or any other noncommercial message provided that the sign structure or mounting device is legal without consideration of message content. Such substitution of message may be made without any additional approval or permitting. This provision prevails over any more specific provision to the contrary within this title. The purpose of this provision is to prevent any inadvertent favoring of commercial speech over noncommercial speech or favoring of any particular noncommercial message over any other noncommercial message. This provision does not create a right to increase the total amount of signage on a parcel, nor does it affect the requirement that a sign structure or mounting device be properly permitted.

18.14.140 Exempt signs.

A. The following signs are exempt from the permit requirements of this chapter and do not count toward the total sign area limit for a site, if they conform to applicable standards:

1. One nameplate per residence or business premises, not exceeding two (2) square feet in area, identifying the owner, address and/or business hours of the property.
2. Barber poles, not exceeding 18 inches in height, located in a non-residential zone district and containing no lettering.
3. Signs on vehicles, provided that the message pertains to the establishment of which the vehicle is an instrument or tool, and the sign does not utilize changeable copy or special illumination.
4. Holiday and cultural observance decorations on private property that do not include commercial advertising. This exemption includes strings of lights associated with a holiday decoration.
5. Official notices issued by a court or public agency and posted in the performance of a public duty; notices posted by a utility or other quasi-public agency; signs erected by a governmental agency to direct or regulate pedestrian or vehicular traffic; noncommercial bus stop signs erected by a public transit agency, or other signs required or authorized by law. This exemption also covers signs and banners for special civic events erected by the City, which may be displayed in public rights-of-way.
6. Signs that are located entirely within a building or enclosed structure and are not visible from the public right-of-way.
7. Signs located on a private area of a lot that is not accessible by the general public, such as a backyard, and are not visible from the public right-of-way.
8. Signs and menu display boards fixed to mobile vending carts, up to a maximum of eight (8) square feet of sign area, plus a menu display board.
9. Signs that are part of a vending machine, gas pump, or similar device.
10. Signs mounted on carrier vehicles such as buses, taxicabs, and limousines that legally pass through the city.
11. Window signs that conform to the standards of Chapter 18.14.

B. Exempt signs that have electrical connections or engineered supports shall obtain the appropriate building permit, as required by the California Building Code.

18.14.150 Prohibited signs.

A. The following signs shall be prohibited in all zones:

1. Signs that it could reasonably be perceived to interfere with, or be confused with any official traffic control device, traffic signal, or official directional guide sign.
2. Signs placed within 30 feet of the intersecting curb lines of a street, except for signs erected by a governmental agency to direct or regulate pedestrian or vehicular traffic.
3. Signs so located as to prevent free ingress and egress from any door or fire escape.
4. Signs extending above or beyond the face of the building, the fascia of the roof, the peak of a pitched roof, or the parapet line of a flat roof.
5. Glaring, flashing, sparkling, glittering, twinkling, or shimmering signs.
6. Signs with open letters that can be viewed from the reverse side.
7. Streamers, mylar balloons, and blimps secured with a rope or string, unless specifically permitted with a temporary use permit.
8. Signs located, placed, or erected in or upon any public right-of-way, except as specifically allowed by this chapter.
9. Signs located, placed or attached upon any tree, utility pole, or fence, except as specifically allowed by this chapter.
10. Signs placed on private property without permission of the property owner.
11. Nonconforming signs and sign structures associated with an activity, business, product, or service that has not been sold, produced, provided, or conducted on the premises for a period of 90 days.
12. Signs that revolve or are animated, except public service signs, such as time and temperature units and barber poles.
13. Signs containing statements, words, symbols, or characters of an obscene nature.
14. Signs emitting sound.
15. Murals that contain commercial speech or logos.
16. Signs located within five (5) feet of a fire hydrant, street sign, or traffic signal.
17. Signs on gas pump canopies facing residential zone districts shall not be illuminated.

18.14.160 Permits required.

A. No permanent sign shall be erected, altered, reconstructed, or relocated without a sign permit unless the sign is specifically exempted from the permit requirements. A permit is not required for ordinary maintenance and repairs to signs and for temporary signs on private property that conform to the standards of this chapter. The City Manager, or designee will review all applications for sign permits for consistency with this chapter.

B. Signs that have electrical connections or engineered supports shall obtain the appropriate building permit, as required by the California Building Code.

C. Signs that project over or extend into a public street or sidewalk shall also require approval of an encroachment permit by the City Engineer pursuant to the provisions of Title 12 of the Municipal Code.

D. Consent of the property owner and business owner is required before any sign permit may be approved.

18.14.170 Rules for sign measurement.

A. For the purposes of this chapter, lot frontage shall be calculated as follows:

1. If a lot fronts on two streets, both frontages may be used to determine the allowable sign area.

2. If a lot fronts on three or more streets, the length of only two contiguous sides shall be added together to determine allowable sign area.

B. The building frontage shall be the building facade in which main customer access is provided to the establishment. A building's frontage is considered continuous if projections or recesses in the building facade do not exceed 15 feet in any direction. For buildings with two or more frontages, the length of the wall and allowable sign area shall be calculated separately for each building frontage.

C. The area of an individual sign shall be calculated as follows.

1. Sign area shall include the entire area within a single continuous perimeter composed of squares or rectangles that enclose the extreme limits of all sign elements, including, but not limited to, sign structures or borders, written copy, logos, symbols, illustrations, and color. Supporting structures such as sign bases and columns are not included in sign area if they contain no lettering or graphics.

2. Where two faces of a double-faced sign are located two (2) feet or less from one another at all points or located at an interior angle of 45 degrees or less from one another, the sign area shall be calculated as the area of one (1) face. Where the two (2) faces are not equal in size, the larger sign face shall be used. Where two (2) faces of a double-faced sign are located more than two (2) feet or 45 degrees from one another, both sign faces shall be counted toward sign area.

3. On a three-faced sign, where at least one interior angle is 45 degrees or less, the sign area shall be calculated as the sum of the largest and the smallest face. In all other situations involving a sign with three or more sides, sign area shall be calculated as the sum of all faces.

4. Three-Dimensional Signs. The size of signs that consist of, or have attached to them, one or more three-dimensional objects (i.e., balls, cubes, clusters of objects, sculpture, or statue-like trademarks), shall be calculated as the sum of the square footage of the two adjacent sides of the smallest theoretical cube that would encompass the sign.

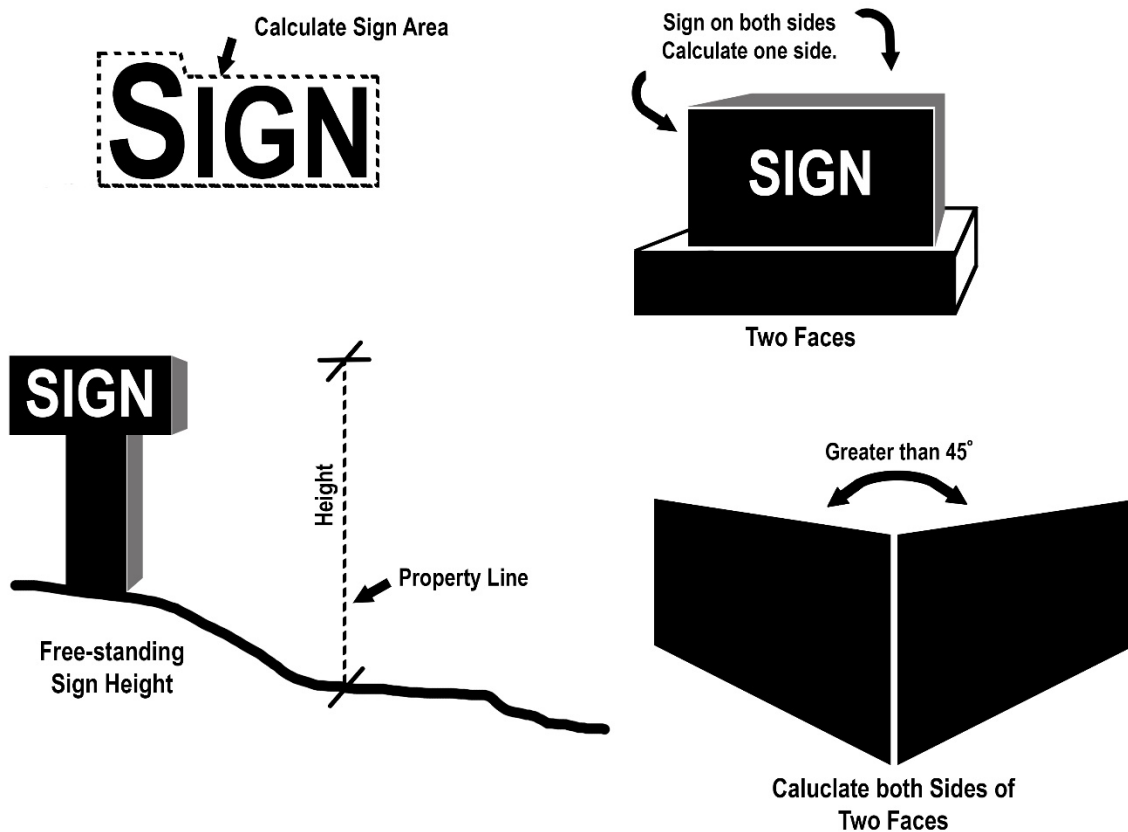
D. The height of a sign shall be calculated as follows.

1. The height of a sign that is not a freestanding sign shall be the vertical distance measured from the ground level directly beneath the sign to the highest point at the top of the sign, including any structural or architectural components of the sign.

2. The height of a freestanding sign shall be measured as the vertical distance from grade at the edge of the right-of-way along which a freestanding sign is placed to the highest point of the freestanding sign, including any structural or architectural components of the sign. When the grade at the edge of the right-of-way is higher than the site on which the sign is placed, that portion of the sign below the grade at the edge of the right-of-way shall not be included in determining the freestanding sign's overall height. Freestanding signs oriented towards a freeway shall be measured from the site's finished grade or pad, whichever is lower.

E. Sign clearance shall be measured as the smallest vertical distance between finished grade and the lowest point of the sign, including any framework or other embellishments.

F. For the purpose of determining the allowed number and size of signs, an integrated shopping center shall be considered as one site.



18.14.180 Sign regulations on developed sites by zone district.

For the purpose of this section, signs are grouped into four types: building signs, freestanding signs, temporary building signs, and temporary freestanding signs.

This section establishes standards for the number of signs, size of signs, placement of signs, and illumination of signs for developed sites based on the zone district in which the signs are located. Table 18.14.180(A) establishes specific regulations by zone district for building signs, and freestanding signs. Table 18.14.080(B) establishes specific regulations by zone district for

temporary building signs and temporary freestanding signs. Signs shall not be placed on private property except in conformance with Table 18.14.180(A) and Table 18.14.180(B).

Table 18.14.180(A)

Number and Size of Permanent Signs by Zone		
Zone District	Permanent Building Signs	Permanent Freestanding Signs
R-A, R, and RM districts with 4 or less residences per site	1 sign per residence maximum. 4 sq.ft. maximum size per sign. Placement a maximum 8 feet high. External illumination only.	None allowed.
R-A, R, and RM districts with 5 or more residences per site or with non-residential uses on site	1 sign per street frontage maximum. 30 sq.ft. maximum size per sign. Placement a minimum 5 feet below roofline. External illumination only.	1 sign per frontage maximum. 20 sq.ft. maximum size. 6 feet high maximum. External illumination only.
PO districts	2 sq.ft. per 1 lineal foot of building frontage up to 60 sq.ft. on primary frontage. 1 sq.ft. per 1 lineal foot up to 30 sq.ft. on secondary frontage.	1 monument sign per street frontage: Less than 50 feet of frontage: 20 sq.ft., 6 feet high maximum 50-150 feet of street frontage: 36 sq.ft., 6 feet high maximum 150-300 feet of street frontage: 64 sq.ft., 8 feet high maximum 5-foot minimum setback from property line

Number and Size of Permanent Signs by Zone		
Zone District	Permanent Building Signs	Permanent Freestanding Signs
CN, CS, and CH districts	<p>Number of signs per business establishment limited to 6. Allowed square footage per building frontage is cumulative.</p> <p>Primary building frontage: 2 sq.ft. per 1 lineal foot up to a maximum 350 sq.ft. along primary frontage. 50 sq.ft. allowed regardless of frontage length.</p> <p>Secondary building frontage: 1 sq.ft. per lineal foot up to a maximum 200 sq.ft. per secondary frontage. 35 sq.ft. allowed regardless of frontage length.</p>	<p>1 sign per establishment maximum. 60 sq.ft. maximum sign face size. 20 feet high maximum if set back 10 feet or more from property line. 10 feet high maximum if set back 5 to 10 feet from property line.</p> <p>Sites with an integrated shopping center: 1 additional freestanding sign up to 200 sq.ft. Maximum height not greater than the average height of the buildings.</p> <p>5-foot setback minimum from front lot line 15-foot setback minimum from side or rear line</p>
CC districts	<p>2 sq.ft. per 1 lineal foot of building frontage up to 60 sq.ft. on primary frontage.</p> <p>1 sq.ft. per 1 lineal foot up to 30 sq.ft. on secondary frontage.</p>	<p>Shopping centers only: 1 freestanding sign per frontage based on the following:</p> <p>Less than 50 feet of frontage: 20 sq.ft., 10 feet high maximum 50-150 feet of street frontage: 40 sq.ft., 15 feet high maximum 150-300 feet of street frontage: 65 sq.ft., 20 feet high maximum</p> <p>5-foot setback minimum from property line</p>

Number and Size of Permanent Signs by Zone		
Zone District	Permanent Building Signs	Permanent Freestanding Signs
I district	No limit to number of signs per business establishment. 1 sq.ft. per lineal foot of property line adjoining a street, or 100 sq.ft. per acre of site area in use, whichever is greater, to a maximum of 600 sq. ft. of sign face.	1 sign per frontage maximum. 60 sq.ft. maximum sign face size. 20 feet high maximum. 5-foot setback from front lot line 15-foot setback from side lot line
RCO district	1 sign per street frontage maximum. 30 sq.ft. maximum size per sign. External illumination only.	1 sign per site maximum. 20 sq.ft. maximum size. 6 feet high maximum. External illumination only. 5-foot setback from all lot lines.

Table 18.14.180(B)

Number and Size of Temporary Signs by Zone		
Zone District	Temporary Building Signs	Temporary Freestanding Signs
R-A, R, and RM districts with 4 or less residences per site	1 sign per site 12 sq.ft. maximum per sign. Placement a maximum 15 feet high. No illumination.	Up to 4 per site maximum. 32 cumulative sq.ft. maximum sign size. First sign maximum 5 feet high, all other signs maximum 3 feet high. No illumination.
R-A, R, and RM districts with 5 or more residences per site or with non-residential uses on site	1 sign per street frontage. 32 sq.ft. maximum size per sign. Placement a minimum 3 feet below roofline. No illumination.	Up to 4 per site maximum. 32 cumulative sq.ft. maximum sign size. First sign maximum 5 feet high, all other signs maximum 3 feet high. No illumination.

Number and Size of Temporary Signs by Zone		
Zone District	Temporary Building Signs	Temporary Freestanding Signs
PO district	<p>1 sign per establishment. 10 sq.ft. plus an additional 1 sq.ft. per 2 lineal feet of primary building frontage maximum size. Placement a minimum 3 feet below roofline. No illumination.</p>	<p>1 sign per site, plus 1 additional sign for every 300 lineal feet of street frontage, rounded down to the nearest whole number. 16 sq.ft. maximum sign size. 6 feet high maximum. No illumination.</p>
CN district	<p>1 sign per establishment. 10 sq.ft. plus an additional 1 sq.ft. per 2 lineal feet of primary building frontage maximum size. Placement a minimum 3 feet below roofline. No illumination.</p>	<p>1 sign per site, plus 1 additional sign for every 300 lineal feet of street frontage, rounded down to the nearest whole number. One half of signs, 32 sq.ft. maximum sign size. Other half of signs, 16 sq.ft. maximum sign size. 6 feet high maximum. No illumination.</p>
CC, CS, and CH districts	<p>1 sign per establishment. 10 sq.ft. per establishment, plus an additional 1 sq.ft. per 2 lineal feet of primary building frontage maximum size. No illumination.</p>	<p>1 sign per site. 10 sq.ft. maximum sign size. If placed on sidewalk the sign shall allow for a minimum 4-foot wide path of travel. No illumination. Freestanding banners are not allowed.</p>
I district	<p>1 sign per street frontage. 32 sq.ft. maximum size per sign. Placement a minimum 3 feet below roofline. No illumination.</p>	<p>Up to 4 per site maximum. 32 cumulative sq.ft. maximum sign size. First sign maximum 5 feet high, all other signs maximum 2 feet high. No illumination.</p>
RCO district	<p>None allowed.</p>	<p>Up to 4 per site maximum. 32 cumulative sq.ft. maximum sign size. No illumination.</p>

18.14.190 Sign regulations on undeveloped or developing sites.

A. Undeveloped sites shall be allowed a maximum one temporary freestanding sign of a maximum size of 32 square feet. Illumination of the sign is prohibited. The maximum height shall be 10 feet.

B. Developing sites, i.e. construction sites, shall be allowed a maximum two temporary freestanding signs of a maximum size of 32 square feet each. Illumination is prohibited. Temporary signs that are not visible from any public right-of-way shall not be counted in the maximum number or size of signs. The maximum height shall be 10 feet

C. Developing residential subdivision sites where ten (10) or more new residences will be offered for sale shall be allowed one temporary sign of a maximum size of 32 square feet. Illumination of the sign is prohibited. The sign may be mounted on a building or may be a freestanding temporary sign of a maximum height of 12 feet. Additional temporary signs, temporary freestanding signs, and flags may be maintained within the boundaries of a residential subdivision if they are not visible from outside the residential subdivision.

18.14.200 Offsite temporary signs for residential subdivisions.

A. Residential subdivision sites where ten (10) or more new residences are offered for sale shall be allowed up to four (4) offsite temporary freestanding signs with a size not to exceed 32 square feet and a height not to exceed eight (8) feet per residential subdivision. Signs shall be located on private, non-residential zoned parcels, or on private, residential zoned parcels that are unoccupied, vacant and otherwise free from any structures or buildings. Signs shall not be made or constructed from cloth, bunting, plastic, paper or similar material. Banners and flags with or without an advertising message shall not be permitted offsite.

B. In addition to any sign permitted pursuant to Subsection A. above, up to four (4) nonilluminated offsite temporary freestanding signs in an A-frame configuration, with a size not to exceed 12 square feet per face or four (4) feet in height, may be permitted per residential subdivision. A-frame signs shall be located on private, non-residential property or on public property behind any existing sidewalks, and in such a manner to not to create a safety hazard by obstructing the clear view of, or otherwise hinder or impede, pedestrian and vehicular traffic. A-frame signs may only be displayed during the operating hours for the residential subdivision sales office and shall be located no further than 1,500 feet from the subject residential subdivision entry.

18.14.210 Flags and flagpoles.

A. Flags on flagpoles shall not count toward the maximum sign area.

B. Flagpoles shall not be located within any required side or rear building setback areas. Flagpoles may be mounted on the ground or on the roof or wall of a building.

C. The maximum height of a flagpole shall be as follows:

1. Flagpoles located in the C or I zones shall have a maximum height of 50 feet or a maximum height equal to twice the distance from the base of the pole to the closest lot line, to a maximum of 100 feet, whichever is greater.

2. Flagpoles located in the R-A, R, or RM zones shall have a maximum height of 30 feet.

18.14.220 Search lights and klieg lights.

Search lights and klieg lights are prohibited, except when used for public safety purposes or when specifically approved with a temporary use permit for a special event.

18.14.230 Signs in public rights-of-way.

The following signs are allowed in the public right-of-way:

- A. Building signs in the CC zone that project into the public right-of-way, provided that the projecting width of the projecting sign is a maximum of three (3) feet, and that the bottom of the sign is seven (7) feet above the finished grade.
- B. Building signs located on or under awnings in the CC zone that meet the provisions of this chapter.
- C. Temporary freestanding signs placed on the sidewalk in the CC zone that meet the provisions of this chapter and when a minimum 4-foot wide clear path of travel is provided.
- D. Signs placed by a public agency for a public purpose, such as traffic signs.
- E. Signs specifically authorized by the City Manager or the City Services Director that do not negatively impact public health or safety.
- F. Temporary non-commercial signs that are placed at locations pre-specified by City Council with the size of sign, sign materials, and dates/times of posting approved by the City Manager.
- G. Temporary freestanding signs not larger than 8 square feet when approved along with a temporary use permit.

18.14.240 Temporary sign standards.

- A. Temporary signs shall require a temporary sign permit.
- B. Temporary freestanding signs in non-residential zones shall not be located:
 - 1. In any public right-of-way, except as provided in Section 18.14.130;
 - 2. In parking lot driving lanes, aisles or spaces;
 - 3. On multi-use trails or sidewalks if they would block a four-foot wide pedestrian path of travel;
 - 4. At any location where they would block pedestrian access;
 - 5. Within one 100 feet on either side, or in front of a permanent freestanding sign;
 - 6. Within 20 feet from any other temporary freestanding sign; or
 - 7. Within 30 feet from a drive approach (driveway entrance) or intersection of two streets.
- C. Temporary building signs shall be removed after a period of 30 days. After removal, no temporary building sign may be placed on the site for a period of 30 days.
- D. Banners shall not be used as permanent signs for more than 60 days.
- E. Banners and feather banners shall be constructed of durable, weather-resistant materials not subject to rapid deterioration or fading and shall be professional in appearance. Acceptable

materials include but are not limited to vinyl, nylon reinforced vinyl, polyethylene or polyester-like materials, or durable fabric.

F. Temporary freestanding signs shall be affixed to supporting structures made of a durable, rigid material such as, wood, plastic or metal. Freestanding signs placed on hard surfaces in conformance with this chapter are exempt from this subsection if they have a weight and mass that makes them not inadvertently movable and they do not block a four-foot wide pedestrian path of travel.

G. Temporary signs in addition to those allowed in Section 18.14.180 may be conditionally allowed as part of a permit issued for a temporary use.

18.14.250 Size of signs on windows.

Signs affixed to windows shall not cover more than 20% of each window. They shall not be counted toward the maximum allowable sign size.

18.14.260 Signs with non-electronic changeable copy.

Non-electronic changeable copy shall represent no more than 20% of the total allowable sign area. Changeable copy shall not be changed more than once every 24 hours.

18.14.270 Signs with electronic changeable copy.

A. Electronic copy that will change more than once per day is allowed as a display medium on freestanding signs in the commercial zone districts upon issuance of a Conditional Use Permit, issued pursuant to Chapter 18.17.

B. Signs with electronic changeable copy shall meet the following standards:

1. The electronic sign face shall be directed in a manner that is not visible from the front or side of residential properties located in a residential zone district.
2. The electronic sign face shall be an integral part of the remainder of the sign area.
3. Electronic copy shall be limited to no more than 30 lumens output, measured at ten (10) feet from the sign face.
4. No portion of the electronic sign face shall change more frequently than once every six (6) seconds.
5. The electronic sign shall not emit any audible sound, buzz, or noise.
6. The electronic sign shall be operative only during the hours of operation of the associated business establishment.
7. Sign copy or electronic picture displays shall be limited to commercial advertising related to the use(s) on the premises on which the freestanding sign is located, except for message substitution, as allowed in Section 18.14.130.
8. No change of lighting intensity may occur during a display or between displays except to respond to a change in ambient lighting conditions.

18.14.280 Illumination of signs.

The illumination of signs, from either an internal or external source, must be designed to avoid negative impacts on surrounding rights-of-way and properties. The following standards apply to all illuminated signs:

- A. Sign lighting shall not be of an intensity or brightness that will create a nuisance for residential uses in a direct line of sight to the sign. Illuminated signs located adjacent to any residential area shall be controlled by a rheostat or other acceptable method to reduce glare.
- B. Internally illuminated signs shall be designed with an opaque, semi-opaque, or matte finish background on the sign face.
- C. Light sources for externally illuminated signs shall meet the following standards:
 - 1. Light sources shall be so arranged and maintained so that the light source is not directly visible from a public right-of-way or adjacent property.
 - 2. Light sources shall be fully shielded to minimize undesirable light into the night sky.
 - 3. Metal halide and fluorescent light sources shall be filtered. Most glass, acrylic, or translucent enclosures satisfy these filter requirements.
 - 4. Mercury vapor light sources shall be prohibited.

18.14.290 Concealed electrical systems.

External conduits, boxes, and other connections related to the function of a sign and associated lighting shall not be exposed.

18.14.300 Master sign program.

- A. The purpose of the master sign program provisions is to provide a coordinated and flexible design approach to signage for Lindsay's commercial shopping districts, industrial districts, and office parks. A master sign program is required for any site that contains more than three (3) commercial establishments
- B. A master sign program shall be reviewed by the City Manager or designee as an administrative use permit. The City Council shall approve a master sign program when it is proposed with a development project that requires a conditional use permit.
- C. A master sign program shall not be used to grant a special privilege nor provide more visibility or exposure than is available to similarly situated properties.
- D. Master sign programs shall feature a unified and coordinated approach to the materials, color, size, type, placement, and general design of signs proposed for a project or property.
- E. Reasonable conditions of approval may be imposed to achieve the purposes of this section and ensure internal sign design consistency on the site.
- F. After approval of a master sign program, no sign shall be erected, placed, or maintained, except in conformance with such program, and such program shall be enforced in the same way as any provision in this section.
- G. The master sign program and all conditions of approval shall be attached to the lease agreements for all leasable space subject to the master sign program.

H. Approval of a master sign program does not waive the permit requirements for individual signs that are subject to the program.

I. The City Manager or designee may approve minor amendments to a master sign program that are in substantial conformance with the original approval. All other amendments, including amendments to conditions of approval, shall be processed as a new application. Proposed amendments shall include written concurrence by the property owner.

18.14.310 Variances and administrative adjustments.

A variance or an administrative adjustment to the standards in this chapter may be granted in accordance with Chapter 18.21.

18.14.320 Wall mural placement and design criteria.

A. “Wall mural” or “mural” means an art form consisting of paint applied to a wall surface depicting a scene, personal experience, or observation. A wall mural is to be public art, not for the purpose of identifying, advertising, or drawing attention to a particular business, service, or economic activity.

B. Words and/or images may not be incorporated within the mural which specifically identifies or reflects the business, products, and/or services provided by any business service or economic activity.

C. Wall murals must be painted directly onto an exterior wall surface or a flat material permanently attached to the wall, such as aluminum composite sheet. Wall murals may occupy an entire single wall on which the mural is applied. The wall mural must be architecturally incorporated into the building so that it does not appear to be a sign attached to the building or have the appearance that the structure is ancillary to the mural. The wall mural may not be mounted on the building roof or extend above the cornice of a flat roof or above the roof eave of a gable or mansard roof.

D. A wall mural must be completed within 90 days after the date painting commences. The final anti-graffiti protective clear-coat must be applied within this 90-day period. Time extensions may be granted by the City Manager or designee in 30-day increments up to a maximum of 60 days upon a showing of good cause.

E. Wall murals shall not be illuminated unless such lighting is incidentally and indirectly illuminated from surrounding street and building lighting.

F. Maintenance of the wall mural is the responsibility of the property owner. It shall be the property owner’s responsibility to remove the wall mural if it is not maintained as required. Proper maintenance shall include periodic painting so that the wall mural does not exhibit chipping, peeling, or fading and other required maintenance as identified in conditions of approval issued by the City Manager or designee. Wall murals not maintained as required shall be deemed a nuisance. In addition to its other remedies, the City shall have the right to require removal of the wall mural and if the wall mural is not removed within the time period designated by the City, the City shall have the right to remove the wall mural at the property owner’s expense.

G. No person shall paint a wall mural on the exterior of any structure or change any existing mural on the exterior of any structure prior to the issuance of a wall mural permit issued by the City Council. An application for a wall mural permit shall be submitted on the form prescribed

by the City Manager and shall include a colored detailed drawing or sketch of the mural plus any other information as prescribed on the application form. The application must be made by the owner of the structure or include the written consent of the owner of the structure consenting to the painting of the wall mural on the structure consistent with the mural identified in the application.

H. The City Council shall identify conditions of approval to the issuance of a wall mural permit.

I. As a condition of approval of any wall mural permit, the applicant, the owner of the structure, and the artist shall agree pursuant to language prepared by the City to indemnify, defend, and hold the City of Lindsay its officials, officers, employees, and agents harmless from and against any and all damages or liabilities of whatever nature arising out of or in connection with the wall mural.

18.14.330 Nonconforming signs.

A sign or outdoor advertising display of any character lawfully occupying a site prior to the adoption of this zoning code or on the effective date of applicable amendments to the zoning code that, as a result of the adoption or amendment to the zoning code, does not conform with the standards for subject matter, location, size, lighting, or movement prescribed for the district in which it is located, shall be deemed to be a nonconforming sign or outdoor advertising structure and may be displayed and maintained in said district, except as otherwise provided in this section.

18.14.340 Maintenance of signs.

A. All signs and associated supporting structures shall be maintained in like-new condition, without rips, tears, fading, and similar damage that inevitably occurs as a result of normal wear and aging.

B. All signs shall be reasonably free from deterioration, rot, rust, and loosening so that they do not create a hazard to persons or property or constitute a nuisance.

C. Any sign or sign structure that is sagging, leaning, fallen, decayed, broken, deteriorated, ripped, torn, faded, or other deteriorating or dilapidated condition shall be promptly repaired to the satisfaction of the City or removed.

D. Graffiti on a sign shall be removed within two (2) days of notice of its placement on such sign.

18.14.350 Hazardous signs.

Whenever any sign, by virtue of its physical nature and condition, poses an immediate and serious threat to the public safety, the same may be removed by City personnel, or its physical deficiency cured, to the extent necessary to protect the public safety. The cost of such removal or repair shall be assessed against the sign owner.

18.14.360 Abandoned or obsolete signs.

An on-premise sign advertising an activity, business, service, or product must be removed within 60 days following the actual discontinuance of the activity, business, service, or product. If the sign is not so removed, the City Manager or designee may have the sign removed in accordance with the public nuisance abatement provisions of this title. A sign structure is not required to be

removed, however, the sign face shall be removed or replaced with a blank face or other sign face consistent with this chapter.

18.14.370 Illegal signs.

Any sign, banner, or sign structure not erected, constructed, or located in conformance with this chapter and not classified as a legal nonconforming sign is an illegal sign and is subject to abatement in accordance with the public nuisance abatement procedures of the Lindsay Municipal Code.

18.14.380 Enforcement.

Signs which do not conform to the provisions of this chapter and are erected after its effective date and signs erected after the effective date of this chapter without obtaining a permit that is required are declared to be unlawful and a public nuisance. All signs declared to be unlawful by this chapter and all persons erecting or maintaining them shall be subject to the provisions of Lindsay Municipal Code. The City Manager shall take necessary actions or proceedings for the abatement, removal and enjoinder pursuant to the Lindsay Municipal Code.

18.14.390 Definitions.

As used in this chapter, the following terms are defined in this section. The images are intended to illustrate some of the sign types that are defined in this section.

“A-Frame sign” means a sign made of wood, plastic or other lightweight and rigid material having the capability to stand on its own support(s) and being portable and movable.

"Animated sign" means a sign with action or motion, whether by flashing lights, color changes, wind, rotation, movement of any parts of the sign or letters or parts of the sign structure, or other motion.

"Awning" means a shelter supported entirely from the exterior wall of a building and composed of a collapsible frame covered completely with nonrigid material.

"Banner" means any flexible material, such as cloth, plastic, vinyl, paper, cardboard or thin metal, with or without a "message", attached outdoors to a building, structure or mounting device, or attached indoors to a building, structure or mounting device so as to be visible from the exterior of a building, or structure. This definition includes a pennant, flag, or bunting.

"Business premises" means a specific business occupancy within a building or upon a parcel of land, typically having a specific address and discrete entrance(s) and exit(s) to maintain a specific business identity and location.

"Changeable copy" refers to the display of a message that can change by means of moveable letters, slats, lights, light emitting diodes, or moveable background material.

"Erect" means and includes erect, construct, place, relocate, enlarge, substantially alter, attach, suspend, paint, post, maintain and display.

"Externally illuminated sign" means a sign which has light cast on its surface from an artificial exterior source installed for the purpose of illuminating the sign.

“Feather banner” means a banner that is taller than it is wide and is attached to the ground by a single pole.

"Freestanding sign" means a sign which is permanently supported on the ground by one or more uprights, braces, poles, or other similar structural components that are not attached to any building. This category includes both monument and pole signs.

"Frontage, building" means the distance between the two most distant corners of a building measured in a straight line along the building face.

"Frontage, street" means the distance between the two most distant corners of a site along a single street measured in a line along the street curb, including drive approaches, but excluding curb returns at street intersections.

"Height" means the distance measured vertically from grade to the highest point or portion of the object to be measured.

"Internally illuminated sign" means any sign whose illumination originates from within the structure of the sign and the source of which is not visible from the exterior of the sign.

"Message" means any form of visual communication presented on any type of media. It is not material whether the communication has any logical, practical, literary, or artistic significance or not. It includes any form or combination of letters, graphics, symbols or designs. The term is not intended to include mono-color paint applied to the exterior, trim, fascia, or other architectural elements of a building for protection against the elements.

"Mural" means a sign painted on the exterior wall of a building consisting of graphics or images, either alone or in combination with letters.

"Outdoors" means a location on undeveloped property or to the exterior of a building or structure.

"Outdoor advertising" refers to the placement of a message on signs or banners located outdoors or located indoors in a manner such that the message is visible from the exterior of a building or structure.

"Outdoor advertising structure" means a structure erected or maintained for the main purpose displaying commercial outdoor advertising and located on a site other than the site on which the advertised commercial use is located or on which the advertised commercial product is produced.

"Painted Sign" refers to a sign that comprises only paint applied on a building or structure.

"Parapet wall" means an exterior wall which extends vertically above the roof line.

"Parcels" or "property" or similar references or descriptions shall refer to parcels defined or delineated by assessor parcel numbers maintained by the County tax assessor or as defined in the Glossary of this Code.

"Pedestrian access" means a doorway which has been designed for the primary use of the patrons or customers of that particular use.

"Permanent sign" means a sign that is solidly attached to a building, structure, or the ground by means of mounting brackets, bolts, welds, or other combination of attachment methods, thereby rendering the sign non-moveable or difficult to reposition without the use of machinery, cutting devices, or mechanical devices. See also "temporary sign."

"Placed" includes constructing, erecting, posting, painting, printing, tacking, nailing, gluing, sticking, carving or otherwise fastening, affixing, or making visible in any manner whatsoever.

"Pole sign" means a permanently mounted, freestanding sign which is supported above the ground by one or more uprights, braces, poles, or other similar structural components.

"Roof line" means the highest point of a parapet wall or the main roof structure or a highest point of a parapet wall other than such architectural features as cupolas, pylons, projections or raised portions of the roof.

"Rooftop or roof-mounted sign" means a sign that extends above the ridgeline of the roof of a building or a sign attached to any portion of the roof of a building. Rooftop or roof-mounted signs are not allowed.

"Shopping center" means a primarily retail commercial site with three or more separate businesses sharing common pedestrian and parking areas.

"Sign" means any letter or symbol made of cloth, metal, paint, paper, wood or other material of any kind whatsoever placed for advertising, identification or other similar purposes on the ground or on any wall, post, fence, building, structure, vehicle or on any place whatsoever.

"Sign area" means the geometric area of a sign including all elements such as board or frames, perforated or a solid background, ornamental embellishments, arrows or other sign media. For the purposes of a freestanding sign the structural elements necessary to support the sign are included in the sign area.

"Sign copy" means any words, letters, numbers, figures, designs, or other symbolic representations incorporated into a sign face and/or its structure with the purpose of attracting attention to the subject matter.

"Sign face" means the panel surface of a sign which carries the advertising, information, or identification message.

"Sign structure" means any structure which supports or is capable of supporting any sign. A sign structure may or may not be an integral part of a building. For the purpose of a freestanding sign, the sign structure shall include the aggregate area of the sign including the sign copy and all structural elements of the sign.

"Temporary sign" means a sign that is easily moveable, and which is not attached to a building, structure, or the ground in such a manner as to be rendered a permanent sign.

Section 3. CEQA REVIEW. The City Council hereby finds that this ordinance is not subject to review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15060(c)(2) [the activity will not result in a direct or reasonably foreseeable indirect physical changes in the environment] Section 15061(b)(3) [there is no possibility the activity in question may have a significant effect on the environment]. In addition to the foregoing general exemptions, the City Council further finds that the ordinance is exempt from review under CEQA because the ordinance involves continuing administrative activities in accordance with CEQA Guidelines Section 15378(b)(2). The City Manager is hereby directed to ensure that a *Notice of Exemption* is filed pursuant to CEQA Guidelines section 15062 [14 C.C.R. § 15062].

Section 4. NO LIABILITY. The provisions of this ordinance shall not in any way be construed as imposing any duty of care, liability or responsibility for damage to person or property upon the City of Lindsay, or any official, employee or agent thereof.

Section 5. PENDING ACTIONS. Nothing in this ordinance or in the codes hereby adopted shall be construed to affect any suit or proceeding pending or impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance or code repealed by this ordinance, nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

Section 6. SEVERABILITY. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, is for any reason held to be invalid or unenforceable, such invalidity or unenforceability shall not affect the validity or enforceability of the remaining sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases of this ordinance, or its application to any other person or circumstance. The City Council of the City of Lindsay hereby declares that it would have adopted each section, subsection, subdivision, paragraph, sentence, clause or phrase hereof, irrespective of the fact that any one or more other sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases hereof be declared invalid or unenforceable.

Section 7. CONSTRUCTION. The City Council intends this ordinance to supplement, not to duplicate or contradict, applicable state and federal law and this ordinance shall be construed in light of that intent. To the extent, the provisions of the Lindsay Zoning Code as amended by this ordinance is similar in comparison to the provisions in the Lindsay Zoning Code existing prior to the effectiveness of this ordinance, then those amended provisions shall be construed as a replacement of the earlier provisions.

Section 8. EFFECTIVE DATE. The foregoing ordinance shall take effect thirty (30) days from the date of the passage hereof. Prior to the expiration of fifteen (15) days from the enactment hereof a certified copy of this ordinance shall be posted in the office of the City Clerk pursuant to Government Code section 36933(c)(1) and a summary shall be published once in the Porterville Recorder, a newspaper printed and published in the City of Porterville, State of California, together with the names of the Council members voting for and against the same.

THE FOREGOING ORDINANCE was passed and adopted by the City Council of the City of Lindsay, State of California, on September 10, 2019, at a regular meeting of said Council duly and regularly convened on said day by the following vote:

AYES: _____

NOES: _____

ABSTAIN: _____

ABSENT: _____

CITY COUNCIL OF THE CITY OF LINDSAY

Pamela Kimball, Mayor

ATTEST:

Jack Urquhart, City Clerk



STAFF REPORT

TO: City of Lindsay City Council
DATE: August 27, 2019
AGENDA #: 10
FROM: City Manager Bill Zigler

AGENDA ITEM

TITLE Ordinance No. 578 of the Lindsay Zoning Code

ACTION Request approval of Ordinance No. 578

PURPOSE Discretionary Action

OBJECTIVE(S)

- To provide an affordable housing option for residents.
- To expedite the process for permitting Accessory Dwelling Units.

RECOMMENDATION

Staff recommends approval of Ordinance No. 578, an ordinance amending Chapter 18.14, Section 18.14.060 of Title 18 Subdivisions of the Lindsay Zoning Code, replacing the entire chapter (18.14.060) for Secondary Dwelling Units and adding procedures and standards of Accessory Dwelling Units.

BACKGROUND | ANALYSIS

Ordinance No. 578 is a request by City Staff to amend Section 18.14.060 of Title 18 Secondary Dwelling Units of the Lindsay Zoning Code. The original ordinance pertains to Secondary Dwellings Units. Although similar, this ordinance will update the Secondary Dwelling Unit section, in order to conform with Government Code Section 65852.2

18.14.060 Accessory Dwelling Units

- A. **Applicability.** The provisions of this section shall apply to all accessory dwelling units approved on or after the effective date of the ordinance codified in this section. This section provides standards by which the city shall evaluate building permit applications for permitted accessory dwelling units in the UR, RA, R, RM, and PO zoning districts.
- B. **Lot Requirements.** An accessory dwelling unit shall be permitted on a lot or parcel that meets the following:
1. Contains an existing or proposed single-family main dwelling.
 2. Meets the minimum lot size of the applicable zoning district.
 3. Is served by municipal water and sewer service.
 4. Does not currently contain an accessory dwelling unit.
-



STAFF REPORT

TO: City of Lindsay City Council
DATE: August 27, 2019
AGENDA #: 10
FROM: City Manager Bill Zigler

- C. Development Standards. All accessory dwelling units shall meet the following standards:
1. Floor Area. An accessory dwelling unit shall not exceed 1,200 square feet of floor area if separated from the existing main dwelling. If attached to the existing main dwelling, the floor area of the accessory dwelling unit also shall not exceed fifty percent of the existing living area of the existing main dwelling. A manufactured home shall not be less than eight feet wide by 40 feet long and 320 square feet in floor area.
 2. Location. An accessory dwelling unit shall be located either to the side or to the rear of the existing single-family residence and shall be either attached to the existing main dwelling or be separated from the existing main dwelling by not less than 10 feet or, alternatively, the separation allowed by the Uniform Building Code, whichever is less.
 3. Owner Occupancy. Either the existing main dwelling or the accessory dwelling unit shall be occupied by the owner of the property. Prior to issuance of a building permit for the accessory dwelling unit, the owner shall record a deed restriction in a form approved by the city that: includes a prohibition on the sale of the accessory dwelling unit separate from the sale of the main dwelling; requires owner occupancy consistent with the above; and restricts the size and attributes of the accessory dwelling unit to those that conform with this section.
 4. Off-Street Parking. If the accessory dwelling unit is to be detached from the main dwelling and the site is more than ½ mile from a public transit stop then one additional parking space is required on the site. The parking space is not required to be covered and may be located in the front yard setback area. The addition of the accessory dwelling unit shall not decrease the amount of existing on-site parking.
 5. Utility Services. Accessory dwelling units shall be provided with water, sewer, and other utilities as determined by the building official. A separate connection from the main dwelling is not required.

BENEFIT TO OR IMPACT ON CITY RESOURCES

The project will streamline the entitlement process The project will not impact city resources.

ENVIRONMENTAL REVIEW

The proposed addition is exempt from the California Environmental Quality Act (CEQA) according to Article 19 §15060(c)(2), §15061(b)(3), and §15378(b)(2).

PUBLIC OUTREACH

Public hearing notice posted in the Porterville Recorder and this agenda.

ATTACHMENTS

Ordinance 578

ORDINANCE NO. 578

AN ORDINANCE AMENDING CHAPTER 18.14 OF TITLE 18 OF THE LINDSAY MUNICIPAL CODE, REMOVING AND ADDING PROCEDURES FOR ACCESSORY DWELLING UNITS

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

Section 1. PURPOSE. The ordinance intends to provide standards by which the city shall evaluate building permit applications for permitted accessory dwelling units.

Section 2. CODE AMENDMENT. Lindsay Zoning Code Section 18.14.060 of Title 18 is hereby amended to read as follows (the original text of Section 18.14.060, shall be deleted entirely and replaced:

18.14.060 Accessory Dwelling Units

A. **Applicability.** The provisions of this section shall apply to all accessory dwelling units approved on or after the effective date of the ordinance codified in this section. This section provides standards by which the city shall evaluate building permit applications for permitted accessory dwelling units in the UR, RA, R, RM, and PO zoning districts.

B. **Lot Requirements.** An accessory dwelling unit shall be permitted on a lot or parcel that meets the following:

1. Contains an existing or proposed single-family main dwelling.
2. Meets the minimum lot size of the applicable zoning district.
3. Is served by municipal water and sewer service.
4. Does not currently contain an accessory dwelling unit.

C. **Development Standards.** All accessory dwelling units shall meet the following standards:

1. **Floor Area.** An accessory dwelling unit shall not exceed 1,200 square feet of floor area if separated from the existing main dwelling. If attached to the existing main dwelling, the floor area of the accessory dwelling unit also shall not exceed fifty percent of the existing living area of the existing main dwelling. A manufactured home shall not be less than eight feet wide by 40 feet long and 320 square feet in floor area.

2. **Location.** An accessory dwelling unit shall be located either to the side or to the rear of the existing single-family residence and shall be either attached to the existing main dwelling or be separated from the existing main dwelling by not less than 10 feet or, alternatively, the separation allowed by the Uniform Building Code, whichever is less.

3. **Owner Occupancy.** Either the existing main dwelling or the accessory dwelling unit shall be occupied by the owner of the property. Prior to issuance of a building permit for the accessory dwelling unit, the owner shall record a deed restriction in a form approved by the city that: includes a prohibition on the sale of the accessory dwelling unit separate from the sale of the main dwelling; requires owner occupancy consistent with the above; and restricts the size and attributes of the accessory dwelling unit to those that conform with this section.

4. **Off-Street Parking.** If the accessory dwelling unit is to be detached from the main dwelling and the site is more than ½ mile from a public transit stop then one additional parking space is required on the site. The parking space is not required to be covered and may be located in the front yard setback area. The addition of the accessory dwelling unit shall not decrease the amount of existing on-site parking.

5. **Utility Services.** Accessory dwelling units shall be provided with water, sewer, and other utilities as determined by the building official. A separate connection from the main dwelling is not required.

Section 3. CEQA REVIEW. The City Council hereby finds that this ordinance is not subject to review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15060(c)(2) [the activity will not result in a direct or reasonably foreseeable indirect physical changes in the environment] Section 15061(b)(3) [there is no possibility the activity in question may have a significant effect on the environment]. In addition to the foregoing general exemptions, the City Council further finds that the ordinance is exempt from review under CEQA because the ordinance involves continuing administrative activities in accordance with CEQA Guidelines Section 15378(b)(2). The City Manager is hereby directed to ensure that a *Notice of Exemption* is filed pursuant to CEQA Guidelines section 15062 [14 C.C.R. § 15062].

Section 4. NO LIABILITY. The provisions of this ordinance shall not in any way be construed as imposing any duty of care, liability or responsibility for damage to person or property upon the City of Lindsay, or any official, employee or agent thereof.

Section 5. PENDING ACTIONS. Nothing in this ordinance or in the codes hereby adopted shall be construed to affect any suit or proceeding pending or impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance or code repealed by this ordinance, nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

Section 6. SEVERABILITY. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, is for any reason held to be invalid or unenforceable, such invalidity or unenforceability shall not affect the validity or enforceability of the remaining sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases of this ordinance, or its application to any other person or circumstance. The City Council of the City of Lindsay hereby declares that it would have adopted each section, subsection, subdivision, paragraph, sentence, clause or phrase hereof, irrespective of the fact that any one or more other sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases hereof be declared invalid or unenforceable.

Section 7. CONSTRUCTION. The City Council intends this ordinance to supplement, not to duplicate or contradict, applicable state and federal law and this ordinance shall be construed in light of that intent. To the extent, the provisions of the Lindsay Zoning Code as amended by this ordinance is similar in comparison to the provisions in the Lindsay Zoning Code existing prior to the effectiveness of this ordinance, then those amended provisions shall be construed as a replacement of the earlier provisions.

Section 8. EFFECTIVE DATE. The foregoing ordinance shall take effect thirty (30) days from the date of the passage hereof. Prior to the expiration of fifteen (15) days from the enactment hereof a certified copy of this ordinance shall be posted in the office of the City Clerk pursuant to Government Code section 36933(c)(1) and a summary shall be published once in the Porterville Recorder, a newspaper printed and published in the City of Porterville, State of California, together with the names of the Council members voting for and against the same.

THE FOREGOING ORDINANCE was passed and adopted by the City Council of the City of Lindsay, State of California, on August 27, 2019, at a regular meeting of said Council duly and regularly convened on said day by the following vote:

AYES: _____

NOES: _____

ABSTAIN: _____

ABSENT: _____

CITY COUNCIL OF THE CITY OF LINDSAY

Pamela Kimball, Mayor

ATTEST:

Jack Urquhart, City Clerk

EMPLOYMENT AGREEMENT

EMPLOYMENT AGREEMENT BETWEEN THE CITY OF LINDSAY AND BRET HARMON

WHEREAS, the City of Lindsay, hereafter referred to as "City" desires to hire Bret Harmon ("Harmon"), as its interim City Manager;

WHEREAS, Harmon, desires to be employed as the interim City Manager of the City of Lindsay;

WHEREAS, the City of Lindsay defines interim City Manager and City Manager to be synonymous and equal in all ways except interim denotes a fixed, temporary term in the position;

WHEREAS, it is the desire and intent of the parties to create an Employment Agreement;

WHEREAS, the City desires to employ the services of Harmon, as interim City Manager of the City as provided by Section 4.01 of the Charter of the City of Lindsay;

WHEREAS, it is the desire of the City Council to provide certain benefits, establish certain conditions of employment and to set working conditions of the interim City Manager; and

WHEREAS, it is the desire of the City Council to:

- (1) Secure and retain the services of the interim City Manager and provide inducement for him to remain in such employment;
- (2) To make possible full work productivity by assuring the interim City Manager's morale and peace of mind with respect to future security; and
- (3) To provide a just means for terminating the interim City Manager's services at such time as he may be unable to discharge his duties or when the City may desire to otherwise terminate his employment.

NOW, THEREFORE, in consideration of the mutual covenants herein contained, the parties agree to enter into this Employment Agreement, as follows:

Section 1. Compensation

September 1, 2019, and thereafter, City agrees to employ and pay the interim City Manager at the rate of the sum of \$10,000 per month, as compensation for the retention of the above mentioned services, and such compensation thereafter as the City Council may, from time to time, determine. Said compensation shall be paid at the same times and in the same manner as other employees of the City are paid. The City Council shall additionally allow the City Manager to maintain his position as Director of Finance and Deputy City Clerk, at no additional cost to the City, as authorized in Section 7.01 (E) of the Lindsay Municipal Charter.

Section 2. Term of Service

The term of this interim City Manager employment agreement shall be no more than six months starting September 1, 2019. During this term, the City Council shall conduct a search for a permanent City Manager.

Before voluntarily returning to his prior position of Director of Finance, the interim City Manager agrees to give the City Council at least three (3) months' notice in writing of his intention to return to his prior position of Director of Finance. The City shall notify Harmon of its intent to cancel this agreement with seven (7) days written notice.

Section 3. Severance Pay

Harmon shall not be entitled to any severance pay upon termination of this agreement.

Section 4. Dues, Travel and Conferences

The City hereby agrees to annually budget and allocate sufficient funds to pay for the dues and expenses of the interim City Manager's necessary travel and living while representing the City at the International City Managers Association (ICMA) Annual Conference, Annual League of California Cities Conference, conferences of the City Manager's Department of the League of California Cities and conferences or meetings of state committees or commissions upon which the Manager serves as a member, said membership in ICMA and on said committees or commissions being subject to the approval of the Council, and for such other official conferences, meetings and/or travel as are reasonably necessary for the interim City Manager to carry out his professional responsibilities as the appointed executive of the City.

Section 5. Regular Benefits

All provisions of the City Charter and Code and Rules and Regulations of the City relating to vacation, sick leave, retirement and pension system contributions, holidays and other fringe benefits and working conditions as they now exist or hereafter may be amended shall apply to the interim City Manager as they would to other management employees of the City, in addition to any other benefits enumerated herein specifically for the benefit of the interim City Manager, except as otherwise provided in this Employment Agreement.

Section 6. Supplemental Benefits

In addition to the regular benefit provided for in Section 4 herein above, the interim City Manager shall be entitled to the following supplemental benefits:

- a) He shall be entitled to participate in the City employee's deferred compensation program, wherein the City will continue to contribute the maximum contribution of 7.5% of his annual salary, as he now receives as Director of Finance;
- b) Interim City Manager shall accrue, and have credited to his personal account, vacation and sick leave at the same rate as other upper management level employees. Interim City Manager may not accrue more than 300 hours combined vacation and administrative leave annually. Interim City Manager must take or forfeit any hour accrued above the 300-hour limit;
- c) The City shall pay for interim City Manager's monthly cellular telephone service at \$75 per month; provided that he shall be available and accessible to City Council Members by means of these communication devices seven (7) days a week, twenty-four (24) hours a day, unless he has first otherwise notified the Council of his unavailability for an approved reason or basis.

Section 7. General Expenses

The City recognizes that certain expenses of a non-personal job-related nature will be incurred by the interim City Manager while on City business. Such expenses include, but are not limited to, meals with potential tenants, developers, representatives of businesses interested in locating in the City, or already located in the City, and other federal, state and local agency officials. The City agrees to reimburse or to pay said general expenses to the extent legally permitted and the Director of Finance is hereby authorized to disperse such money upon receipt of duly executed expense or petty cash vouchers, receipts, statements or personal affidavits, after review by the Director of Public Safety if the interim City Manager is also the Director of Finance. Such receipts and supporting documentation shall be made available to the Mayor and City Council, and the City Council may designate one of its members or another individual to audit the interim City Manager's expenses. The interim City Manager shall provide the City Council with his expense and reimbursement records upon request.

Section 8. Automobile Allowance

The City agrees to provide the interim City Manager with a vehicle allowance in the amount of \$400.00 per month unless interim City Manager opts to utilize a City vehicle, in which case no vehicle allowance will be provided. The interim City Manager will maintain the ability to use the City vehicle upon arrival to work, but not personal use if the allowance is selected. Any allowance shall not be considered part of interim City Manager's salary for the purposes of PERS final compensation.

Section 9. Civic Club Membership

The City recognizes the desirability of representation in and before local civic and other organizations and the interim City Manager is authorized to become a member of such club(s) and organization(s). City shall pay related and reasonable expenses thereto and allow the interim City Manager to participate on City time.

Section 10. Other Terms and Conditions of Employment

The parties shall, by written amendment to this Employment Agreement, fix such other terms and conditions of employment from time to time as may be determined relating to the performance of the interim City Manager of the City, provided such terms and conditions are not inconsistent or in conflict with the provisions of this Employment Agreement or City Charter. All such writings are subject to approval by the City Council.

Section 11. Evaluation

The interim City Manager's performance shall be formally evaluated in executive (closed) session at the first council meeting in December 2019 by the City Council. Said evaluation process shall include written goals and objectives for the interim City Manager being set for the final three months of the interim employment contract by the City Council. This provision does not prohibit the Council from holding closed sessions to informally evaluate, discuss, or otherwise discuss the employment of the Interim City Manager as allowed by law.

Section 12. General Provisions

If a provision or any portion thereof contained in this Employment Agreement is held to be unconstitutional, invalid or unenforceable, the remainder of this Employment Agreement or portion thereof shall be deemed to be severable, shall not be affected and shall remain in full force and effect. This Employment Agreement supersedes any and all prior Employment Agreements between the parties. This Employment Agreement is entered in to and is to be performed in Tulare County, California. All modifications to this agreement must be in writing and signed by both parties. This agreement contains all terms agreed to by the parties and any terms not stated herein are not part of any such agreement.

Dated this 27th day of August 2019

CITY OF LINDSAY

Pamela Kimball
Mayor of the City of Lindsay

Bret Harmon

ATTEST:

Jack Urquhart
City Clerk and Clerk of the
Council of the City of Lindsay

APPROVED AS TO FORM:

Mario U. Zamora
City Attorney