



**LINDSAY CITY COUNCIL
REGULAR MEETING AGENDA
MINUTES**

City Hall, 251 E. Honolulu St., Lindsay, CA 93247

Notice is hereby given that the Lindsay City Council will hold a Regular Meeting on May 25, 2021 in person and via webinar. The webinar address for members of the public is https://www.bigmarker.com/griswold_lasalle/May-25-2021-Lindsay-Council-Meeting.

Persons with disabilities who may need assistance should contact the City Clerk at least 24 hours prior to the meeting at (559) 562-7102 ext. 8011 or via email at lindsay.cityclerk@lindsay.ca.us.

1. CALL TO ORDER

2. ROLL CALL

Present	Councilmember SERNA Mayor Pro Tem FLORES Mayor CAUDILLO Councilmember CERROS Councilmember SANCHEZ
Absent with Notice	N/A
Absent	N/A

3. PLEDGE

Led by Mayor Pro Tem FLORES.

4. APPROVAL OF AGENDA

Motion to Approve Agenda							
1 st	2 nd	Result	SERNA	FLORES	CAUDILLO	CERROS	SANCHEZ
CAUDILLO	CERROS	(5-0) Approved	Aye	Aye	Aye	Aye	Aye

5. PUBLIC COMMENT

- Guadalupe Gonzalez asked that City Council consider installing shade over the playground area in Ono City Park.
- A resident identifying herself as Irene spoke on behalf of Jimora Enterprises. She reported regarding the Lindsay Friday Night Market opening night on Friday, May 21, 2021. There was a great response on social media from the community expressing their excitement that the Market is back. Vendors were in 40% of prior year's attendance. Jimora is hoping to reinstate all vendors

once they receive the go-ahead from Tulare County. Additionally, Susana Mora of Jimora Enterprises requested that Council be notified of a \$5 increase in the fee for regular vendors and per space used for food vendors. Finally, Jimora Enterprises is working with Tulare County to bring community outreach wellness projects to the Lindsay Friday Night Market. Starting next Friday, there will be vaccine booths available at the Market; in order to finalize the project, the County is requiring Jimora Enterprises to submit a copy of the original contract. There was an issue with water not being turned on at the Market bathrooms last Friday; Jimora Enterprises hopes that facilities can be properly sanitized ahead of time.

6. COUNCIL REPORT

- Mayor CAUDILLO asked that the public be cautious over their water usage given low rainfall numbers.

7. CITY MANAGER REPORT

- City Manager expressed his thanks to the Lindsay Hospital District for their decision to contribute \$375,000 to the City over a three-year period; he praised the move and the Board's commitment to their partnership with the City.

8. LINDSAY HIGH SCHOOL STUDENT REPORT

Presented by Leonardo Andrade, ASB City Council Representative

- Mr. Andrade did not provide a student report.

9. RECOGNITION ITEMS

9.1 Proclamation in Recognition of Memorial Day (p. 4)

9.2 Spring Reading Challenge Super Reader Award in Recognition of Sara Jean Satko (p. 5)

- Nellie Martinez of the Lindsay Library Branch accepted the Super Reader Award on Sara Jean Satko's behalf and expressed excitement for the next Summer Reading Challenge starting in June.

10. CONSENT CALENDAR

Routine items approved in one motion unless an item is pulled for discussion.

10.1 Minutes from May 11, 2021 City Council Regular Meeting (pp. 6-11)

10.2 Warrant List for May 5, 2021 through May 18, 2021 (pp. 12-17)

10.3 Lindsay Letter of Support for Senate Bill 559 (p. 18)

10.4 Consider Approval of Resolution 21-12, Extending the Sunset Date for Collection of the Service Fee for the Abandoned Vehicle Abatement (AVA) Program in Tulare County to April 30, 2032 (pp. 19-21)

10.5 Consider Approval of Resolution 21-16, Ordering the Preparation of an Engineer's Report for Landscape and Lighting Maintenance Districts for Fiscal Year 2021-2022 (pp. 22-27)

- 10.6 Authorization for the City Manager to Extend Agreement with MV Cheng & Associates for an Interim Finance and Accounting Manager (pp. 28-32)
- 10.7 Consider Approval of Resolution 21-13, Establishing the Method of Collecting Sewer Fees and Charges (pp. 33-34)
- 10.8 Consider Approval of Resolution 21-14, Establishing the Method of Collecting Refuse Fees and Charges (pp. 35-36)
- 10.9 Consider Approval of Resolution 21-15, Establishing the Method of Collecting Delinquent Sewer, Refuse, and Water Fees and Charges (pp. 37-38)

Motion to Approve Consent Calendar							
1 st	2 nd	Result	SERNA	FLORES	CAUDILLO	CERROS	SANCHEZ
CAUDILLO	CERROS	(5-0) Approved	Aye	Aye	Aye	Aye	Aye

11. ACTION ITEMS

11.1 Mid-Valley Disposal Franchise Agreement and Refuse Rates Increase (pp. 39-84)

- A. Consider Approval of the Municipal Solid Waste Franchise Agreement Between the City of Lindsay and Mid-Valley Disposal, LLC, and Authorize City Manager to Execute Agreement
- B. Consider Approval of Resolution 21-17 Declaring the City of Lindsay’s Intention to Increase Solid Waste Refuse Rates, and Setting the Time, Date, and Location of Public Hearing

Presented by Joseph M. Tanner, City Manager

- At the conclusion of his presentation, CITY MANAGER invited the President of Mid Valley Disposal Joseph KALPAKOFF to the podium to speak. Mr. KALPAKOFF explained that S.B. 1383 represents a billion-dollar unfunded mandate from the state. Cities are not in the position of adopting and figuring out how to navigate the S.B. 1383 process given that it is reinventing the solid waste process as we know it. There is a rate increase for Council to consider tonight through a Prop 218 process; Mid Valley is currently working with six other cities that will be undergoing this same process; in a sense the City of Lindsay is ahead of the game. Mid Valley is guaranteeing the City of Lindsay sufficient capacity for the remainder of the agreement, which is a new requirement under S.B. 1383. Mr. KALPAKOFF gave thanks to the City Manager and staff for their help in putting together the new Franchise Agreement.
- Councilmember SANCHEZ asked for confirmation that City of Lindsay residents would continue to have just three trash bins. Mr. KALPAKOFF responded that is correct.
- Mayor CAUDILLO asked whether Mid Valley will be reformulating their informational sheets as far as what is compostable. Mr. KALPAKOFF responded that compost rules ask residents to keep only vegetables, eggshells, and bread in their compost bins, no meat, and no plastic. Mayor CAUDILLO asked whether Mid Valley would be charging an additional administrative fee to residents. Mr. KALPAKOFF responded no; Mid Valley would only charge what is set out in the Franchise Agreement.

- Mayor CAUDILLO asked whether Mid Valley preferred to have Christmas trees cut up and placed in bins or put on the side. Mr. KALPAKOFF responded that either way works so long as trees are free and clean of all decorations such as tinsel.

Motion to Approve Item 11.1 A							
1 st	2 nd	Result	SERNA	FLORES	CAUDILLO	CERROS	SANCHEZ
CERROS	SERNA	(5-0) Approved	Aye	Aye	Aye	Aye	Aye

Motion to Approve Item 11.1 B							
1 st	2 nd	Result	SERNA	FLORES	CAUDILLO	CERROS	SANCHEZ
CAUDILLO	CERROS	(5-0) Approved	Aye	Aye	Aye	Aye	Aye

11.2 Consider Awarding Cannabis RFP to Elevate Lindsay for a Commercial Cannabis Business Dispensary (pp. 85-93)

Presented by Joseph M. Tanner, City Manager

- Councilmember CERROS asked the City Manager why Element 7 ranked number two. City Manager TANNER responded that in his personal evaluation of the applicants it seemed that the vision of Elevate Lindsay and the proposed location fit well with the City of Lindsay and overall, represented a better proposal.
- Councilmember SANCHEZ said that Elevate Lindsay’s presentation was very professional; their PowerPoint during the interview portion of the process hit all the questions asked; additionally, their proposal to establish a lounge and possibly have other attached business, hiring locally, and keeping management in the area were strong points in favor of Elevate.
- Christopher BLOOM of Element 7 provided a comment to City Council via webinar. Mr. BLOOM shared his opinion that Element 7 was the only RFP that was submitted on time in accordance with the first RFP deadline of November 23rd. Mr. BLOOM felt that the City’s decision to extend the deadline after the fact was not fair play and not in best practices for an RFP; Element 7 has now spent over \$50,000 in the process of securing a physical location; with Elevate being a “wild card,” Mr. BLOOM questioned how wise it was for the City to go in that direction. Element 7 did not submit a proposal for a lounge because it was not part of the RFP; Element 7 is also committed to hiring 100% locally.
- Courtney CARON of Elevate Lindsay provided a comment to City Council via webinar. Ms. CARON explained that Elevate is not a new cannabis company; there are 2 existing stores in Los Angeles and Elevate just won 2 more licenses in Oxnard; it is a well-funded operation with plenty of experience; while Element 7 is a known name, they only have 2 stores and were recently acquired by Glasshouse, which itself was just bought out; so who will be running Element 7, asked Ms. CARON. Elevate Lindsay is self-run and is not looking to sell any time soon. The RFP did ask applicants to present any ideas for cannabis or non-cannabis related businesses as part of their proposal. Ms. CARON identified herself as a cannabis attorney, with many clients and in this case, a part owner of Elevate Lindsay; as someone who knows cannabis law well, Ms.

CARON is confident that Elevate Lindsay can start the licensing process so long as Elevate Lindsay has control of the property; in this case even a lease of the property would be sufficient.

- Councilmember CERROS asked CITY MANAGER what his thoughts were. CITY MANAGER responded that he, like the majority of evaluators, had Elevate Lindsay as a top scorer.
- CITY ATTORNEY Megan Dodd shared her opinion at the RFP in fact did allow the proposal of any new business, cannabis and non-cannabis related; education components go towards community benefit, and the lounge itself would be permitted by code.
- CITY MANAGER confirmed that when the City decided to extend the RFP deadline there were no other changes to the RFP other than the deadline date.
- Councilmember CERROS shared that it did not sound like the City acted in a foul manner. CITY MANAGER agreed that he did not believe so, and that the deadline extension had been properly notified.
- CITY ATTORNEY added that the extension was a move in the city’s best interest, as the point was for the City to have the best options to weigh.
- Mayor CAUDILLO asked for clarification regarding expungement benefits. Mayor Pro Tem FLORES explained that many cannabis businesses help expunge or “clean” the records of people with past criminal histories with marijuana infractions.

Motion to Approve Item 11.2							
1 st	2 nd	Result	SERNA	FLORES	CAUDILLO	CERROS	SANCHEZ
FLORES	SANCHEZ	(5-0) Approved	Aye	Aye	Aye	Aye	Aye

12. BREAK

13. DISCUSSION ITEMS

13.1 Residential Development Overview and Update (p. 94)

Presented by Michael Camarena, Director of City Services

- Councilmember CERROS asked for clarification regarding the Residential Housing Projects and what it would look like, such as homes or apartments. DIRECTOR OF CITY SERVICES responded that as proposed, the development would be townhomes and homes.
- Mayor CAUDILLO shared that the City has over 50% in renters in the City, while homeowners will bring home equity and raise property values. DIRECTOR OF CITY SERVICES responded that as of now, there will be no low-income rentals.
- Mayor CAUDILLO asked about Homeowners Associations (HOAs). DIRECTOR OF CITY SERVICES answered that was to be determined; for example, the Sweetbrier homes on Hermosa are also gated but there is no HOA.
- Mayor Pro Tem FLORES stressed the City’s need for medium income rentals.

13.2 Fiscal Year 2021-2022 Budget and Five-Year Capital Outlay and Improvement Plan (CIP) Overview and Update (pp. 95-111)

Presented by Juana Espinoza, Director of Finance

14. EXECUTIVE (CLOSED) SESSION

14.1 Evaluation of Performance of Public Employee Pursuant to Cal Gov. Code § 54957(b)(1):

City Manager

15. REQUEST FOR FUTURE ITEMS

- Mayor Pro Tem FLORES inquired about charging station for electrical cars. CITY MANAGER responded that some charging stations had been proposed as part of a housing project form Self Help; City would look into the matter.
- Councilmember SERNA asked about bringing scooters to the City.
- Councilmember CERROS asked about the possibility of a dog park in Lindsay.
- Mayor CAUDILLO proposed a movie night at the Wellness Center perhaps with some food and beverage vending.

16. ADJOURNMENT

Lindsay City Council meetings are held in the City Council Chambers at 251 E. Honolulu Street in Lindsay, California beginning at 6:00 P.M. on the second and fourth Tuesday of every month unless otherwise noticed. 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 Deputy City Clerk at (559) 562-7102 x 8025. 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.