



LINDSAY CITY COUNCIL MEETING: REGULAR MEETING

251 E. Honolulu St., Lindsay, CA 93247

Tuesday, April 9, 2019 @ 6:00PM

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CALL TO ORDER: 6:00pm
ROLL CALL: Council Members Sanchez, Flores, Watson, Mayor Pro Tem Cortes & Mayor Kimball
PLEDGE: Council Member Sanchez
INVOCATION: Pastor Job Lara – First Baptist Church of Lindsay

Item 0: Proclamation 1: Recognition of OBF Queen, Court and Honored Couple
Proclamation 2: Recognition of Misty Villarreal and Students for Volunteer Work
Presented by Mayor Kimball

Item 0: Public Comment

The public is invited to comment on any subject under the jurisdiction of the Lindsay City Council, including agenda items, other than noticed public hearings. Speakers shall be limited to three minutes. Unless otherwise indicated by the Mayor, Public Comment period will end after 30 minutes. Blank speaker cards are on the back table. Give the completed speaker card to the Clerk before standing at the podium. Speakers should clearly state their name before they begin.

Item 1: Council Reports
City Council Members report on recent or upcoming events

Item 2: LHS Student Representative Report
Student reports on recent or upcoming events

Item 3: Staff Report
City Manager or designee reports on recent or upcoming events

Item 4: Consent Calendar
[Minute Order] Routine items approved in one motion unless item is pulled for discussion
Pages 1-5
1. Minutes from March 26, 2019 Meeting

Item 5: Information Item – Proclamation Declaring April Child Abuse Awareness Month
Presented by Dolores Cercado – Healthy Start Family Resource Center

Item 6: Resolution 19-14 Approval of ATM Kiosk for Bank of America at Olivewood Plaza
Shopping Center located at 208 Highway 65
[Roll Call Vote] Presented by QK Contract Planning Services
Pages 6-14

Item 7: Resolution 19-15 Approval of Daycare Located at 964 Maple Valley Way
[Roll Call Vote] Presented by QK Contract Planning Services
Pages 15-20

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

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- Item 8: Resolution 19-16 Watson Tentative Parcel Map Located at 1030 Parkside Avenue
[Roll Call Vote] Presented by QK Contract Planning Services
Pages 21-31
-
- Item 9: Study Session – Housing Element
Presented by City Manager Zigler
-
- Item 10: Resolution 19-13 Transit Agreement with County of Tulare
[Roll Call Vote] Presented by City Services Director Camarena
Pages 32-46
-
- Item 11: Requests for Future Agenda Items
[Minute Order] Presented by Councilmembers
-
- Item 12: Executive (Closed) Session
1. Conference with Legal Counsel regarding – GC §54956.9(d)(4)
Potential for Litigation
-
- Item 13: Adjourn
The next regular Lindsay City Council meeting will be held in the City Council Chambers at 251 E. Honolulu Street in Lindsay, California beginning at 6:00PM on April 23, 2019.
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LINDSAY CITY COUNCIL MEETING: REGULAR MEETING

251 E. Honolulu St., Lindsay, CA 93247

Tuesday, March 26, 2019 @ 6:00PM

Page 8471

CALL TO ORDER:	6:00pm
ROLL CALL:	All present
PLEDGE:	Councilmember Flores
INVOCATION:	Matt Sonstegard – Bethel Primitive Baptist Church

Item 0: Public Comment

- Eric Sinclair – Will run for election at the next election. Shared thoughts about restaurants and businesses. Will talk about Lindsay’s supremacy as a City. Talked about wanting to employ as many people as possible.
- Arturo Segura – has been in Lindsay for 40 years and want the money from the market to be used for the city.
- Karina Lopez – Las Palmitas. Presented proposal for the Friday Night Market. Would like the area on Sweetbrier up to their restaurant to be included in the market. Wants to support the local economy. Earn 70% of their income on Friday nights. Would like to have less competition for the local businesses than they have in the past.
- Diego Lopez – owner of Las Palmitas – would like to have a security guard to watch the parking to ensure China’s and barber shops’ customers can access the businesses. Spoke with City Manager supported their proposal. Reuben at China’s also supports the proposal.
- Merci Herrera – talked about McDermont and her perception of what has happened with City finances.
- Gutierrez – made comments about the financial impact on vendors with the Market not operating while the City goes through the RFP process.
- Magdalena Sanchez – spoke to the audience rather than the Council.
- Dustan Bagliere – is concerned about distribution of cannabis businesses. Would like clarification on the distribution part of the process.
- Irene Ramirez – is not understanding why the City would select a different market operator. Would like to see Virginia to operate the market. People struggle with change.
- Sylvia Contreras - from the furniture store – talked about the location of the market on Honolulu. Thanked everyone for agreeing to extend the Market back to Mirage.
- Sylvia De la Torres – commented on the good job the Council is doing. Appreciated the Council for listening to the community. Is bringing her business to Lindsay. Encouraged people to solve the problems with the Market.

Item 1: Council Reports

- Flores – commented on the importance of listening to those who came to comment today. Will go to a water consortium in Long Beach to understand methods to cleaning and reclaiming water for businesses.
- Watson – nothing to report

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- Sanchez – thanked the audience for coming tonight. Went to museum dinner on St. Patrick’s Day. Attended Harvard Park ad-hoc committee. Still working on the details. Attended the cannabis information meeting at the museum. It was very informative. Thanked City Attorney Zamora for sharing information at the meeting.
- Cortes – Thanked the audience for coming. Encouraged engagement on other issues too. The delegation from Ono Japan arrives tomorrow evening. The delegation will be here for five days filled with many activities. Introduced the annual fundraiser for the group going to Ono City next year. Expressed happiness in seeing the Lindsay Sports Complex being used every day. Lindsay Youth Softball and Baseball start on Saturday. Lindsay Skimmer starts April 15. Preschool registration is open. Kindergarten registration is first week of April. LUSD offers training for staff and others to become a certified teacher. Funding is available for a second wave of those interested in the program. The Orange Blossom Festival is coming up. Earth Day is in April. The City will have many activities like the Citywide Clean Up.
- Kimball – attend the TCAG committee meeting. Housing planning must be part of transportation planning. Important bills coming up on water and olive prices.

Item 2: LHS Student Representative Report

Student reports on recent or upcoming events

- McCall – talked about grad night and prom night (May 18). Shared information about tryouts and sports games.

Item 3: Staff Report

City Manager or designee reports on recent or upcoming events

- Zigler – Blue ribbons reminding of Child Abuse Prevention month will go up around town. Council will have a retreat next week. Discussed idea of information being projected on the screen prior to Council meeting's beginning. Discussed continued status of water system and positive news about surface water allocation this year. Waiting to hear about the bottom two aquifers in the test well drill. Discussed playground upgrades prior to OBF. Continuing to upgrade street lights to LED. Cannabis distribution will be included.

Item 4: Consent Calendar

[Roll Call Vote] Routine items approved in one motion unless item is pulled for discussion
Pages 1-27

1. Minutes from March 12, 2019 council meeting
2. Warrant List for March 20, 2019
3. Autumn Hills Subdivision Acceptance
4. DBP Quarterly Notification
5. Temporary Use Permit 19-10 Orange Blossom Festival Alley Closure
6. Resolution 19-09 Recognizing Importance of 2020 Census
7. Orange Blossom Festival Facility and Equipment Request
8. Dollar General Request for Project Extension

-

Motion: Move for approval

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



Item 5: Information Item - Earth Day

Presented by Council Member Cortes and Mid Valley Disposal Rep Sol Nunez

- Cortes – April 5th and 6th is the clean up date with \$10 per load up to two loads per day from the same address. Groups around the community will help clean up the community on Monday, April 22. Introduced the Bin There Dump That recycling contest amongst Council members.
- Camarena – working to identify a person the committee can help with property clean up – senior citizen, veteran, etc.

Item 6: Resolution 19-08 Authorizing City Manager to Negotiate with Jimora Enterprises regarding Farmers Market

[Roll Call Vote] Presented by Ad-Hoc Committee
Pages 28-31

-

Motion: Approval of Resolution 19-08

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

Item 7: Public Hearing – Consideration of Variance for Carport Set Back at 601 N. Westwood Ave.

[Roll Call Vote] Presented by City Manager Zigler
Pages 32-36

- Zigler – described the carport in question and identified other homes with similar variances. Informed the audience of how a setback works and its standard at 5 feet. This situation does not grant a special exception.
- Eric Sinclair – in favor of it.
- Edward Reynoso – shared why he did the carport like the rest of his house.
- Merci Herrera – in favor of it.
- Male from audience – in favor of it.
- None in opposition.
-

Motion: Moved for approval

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

Item 8: Ochoa Tentative Parcel Map at 996 Hamlin Way

[Roll Call Vote] Presented by City Manager Zigler
Pages 37-45

- Explained the tentative map and identified neighboring properties that are more than twice as long as they are wide. Granting this would not grant a special exception.

Motion: Approve Tentative Parcel Map



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

Item 9: [FY 2017/2018 Audit Report](#)
 [Minute Order] Presented by Ahmed Badawi
 Page 46

- Ahmed Badawi – presented the audit process and scope of auditing the basic financial statements, internal controls, compliance and appropriation limit schedule. Unmodified opinion with a Going Concern paragraph and non-compliance paragraph. City is managing its cash well. City has a healthy tax revenue to meet current demands. General Fund continues at a deficit.

Motion: Accept auditors report

1 st	2 nd	Result
Watson	Sanchez	5-0 approved

Item 10: [Authorize Staff to Release RFP for Cannabis Retailers](#)
 [Minute Order] Presented by City Manager Zigler

- Presented the area the Council identified as desirable for cannabis retailers. Limitations on location due to proximity to school and housing areas, so the City is considering an overlay district. The City would incentivize rehabilitating buildings downtown by adding points to their score. Other factors would also generate extra points like the relationship with the local government where the proposing business currently operates.

Motion: Move forward with the RFP as described by Bill

1 st	2 nd	Result
Flores	Cortes	5-0 approved

Item 11: [Study Session – Housing Element](#)
 Presented by City Manager Zigler

- Zigler asked to table for one meeting. He will share the summary points with Council prior to the next meeting.

Item 12: [McDermont X Financials Review](#)
 Presented by Director of Finance Harmon

- Harmon - Presented the McDermont X relationship with the City.
- Council – had questions about details in McDermont X financials
- Zamora – the contract requires us to verify financials, so staff will look into it.

Item 13: [Requests for Future Agenda Items](#)
 [Minute Order] Presented by Councilmembers

- Tabled to April 6th retreat



LINDSAY CITY COUNCIL MEETING: REGULAR MEETING

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Item 14: **Adjourn**

The next regular Lindsay City Council meeting will be held in the City Council Chambers at 251 E. Honolulu Street in Lindsay, California beginning at 6:00PM on April 9, 2019.

Motion: Moved to adjourned

1 st	2 nd	Result
Cortes	Watson	5-0 approved

ATTEST:

CITY COUNCIL OF THE CITY OF LINDSAY

Bret Harmon, City Clerk

Pamela Kimball, Mayor



STAFF REPORT

TO: CITY COUNCIL OF THE CITY OF LINDSAY, CALIFORNIA
DATE: April 9, 2019
AGENDA #: 6
FROM: Planning

AGENDA ITEM

TITLE	Site Plan Review No. 19-6 Bank of America ATM kiosk
ACTION	Site Plan Review approval to construct an ATM kiosk in the parking lot of the Olivewood Plaza shopping center located at 208 Highway 65 (APN: 199-210-040).
PURPOSE	Discretionary Action
COUNCIL OBJECTIVE(S)	Nurture attractive residential neighborhoods and business districts. Dedicate resources to retain a friendly, small-town atmosphere. Stimulate, attract and retain local businesses.

RECOMMENDATION

Staff recommends that the City Council approve Site Plan Review No. 19-6 by adopting Resolution No. 19-14, based on the findings and subject to the conditions found below and in the attached resolution:

- All work shall comply with the latest approved edition of the California Building Code, and in compliance with the latest ADA requirements.
- The building permit application shall show a complete accessible path of travel.
- All work shall be done in conformance with the latest City Development Standards and Specifications, and all applicable State and/or federal requirements.
- Provide erosion control and inlet protection for all storm drain inlets and catch basins.
- Any work to be constructed in the City street rights of way shall require a permit issued by the City Services Department and shall be performed under the inspection of the City Services inspector. These include, but not limited to, curb, gutter, sidewalk, drive approaches, water services, sewer laterals, and utility services.
- All engineering plans shall be prepared by the Registered Civil Engineer.

BACKGROUND | ANALYSIS

Site Plan Review No. 19-6 is a request by Anna Han to construct an ATM kiosk and modify existing parking to satisfy ADA requirements (site plan attached). The kiosk will consist of two (2) walk-up ATM machines that are accessible by parking as well as a pedestrian pathway connecting to Hermosa Street. While the kiosk area is roughly the size of two parking spaces, ADA requirements warrants the modification of existing parking as well as pedestrian improvements that connect to Hermosa Street. As a result of the project, three parking stalls will be removed and one standard stall will be converted to an ADA compliant stall.



STAFF REPORT

TO: CITY COUNCIL OF THE CITY OF LINDSAY, CALIFORNIA
DATE: April 9, 2019
AGENDA #: 6
FROM: Planning

It should be noted that this site plan has been approved by council before, specifically in the year 2015 as Site Plan Review No. 2015-41. The applicant is applying for the review again due to the fact that the prior site plan expired.

The Olivewood Plaza shopping center provides a variety of commercial uses that range from grocery and fast food to insurance services and auto parts. The shopping center is intended to serve as a one stop shop at which customers can access multiple businesses in a single area.

Currently there are two main points of ingress/egress located at the north and northeast end of the site that generally are accessed by costumers. Two secondary points of ingress/egress are located on the northwest and northeast corners of the site that generally are accessed by delivery trucks.

The businesses in Olivewood Plaza are oriented to outline the site with parking centrally located. This layout allows customers to park in a convenient location and access multiple businesses.

Surrounding land uses for the project site include:

- North: Jefferson Elementary School
- South: Multi-family residential apartments
- East: Multi-family residential apartments
- West: Highway 65

Zoning and Land Use: The proposed project is consistent with the policies, objectives, and standards of the Lindsay General Plan and Zoning Ordinance. Specifically, banks and drive-in banks are listed as a permitted use in the Central Commercial (CC) Zoning district. An ATM kiosk of this size is a permitted use and is consistent with the existing uses in the shopping center.

ALTERNATIVES

- Council can approve of the site plan with additional or modified conditions
- Council can deny the site plan

BENEFIT TO OR IMPACT ON CITY RESOURCES

The proposed project will have negligible impact on city resources.

ENVIRONMENTAL REVIEW

As an accessory use on an already developed site, this project is categorically exempt per Section 15303 (New Construction or Conversion of Small Structures) of Article 19 of the CEQA Guidelines.

POLICY ISSUES



STAFF REPORT

TO: CITY COUNCIL OF THE CITY OF LINDSAY, CALIFORNIA
DATE: April 9, 2019
AGENDA #: 6
FROM: Planning

The proposed project is a fitting accessory use to the site and will provide added convenience for site visitors. Zoning Ordinance Section 18.18.050 lists several findings that are needed for approving Site Plan Review applications. This includes findings that the project complies with all applicable codes and would not adversely impact public health, safety, or welfare. Staff finds that the proposed site plan is consistent with the requirements of the Zoning Ordinance. Staff recommends that the project be developed as proposed.

PUBLIC OUTREACH

This project has been posted on the agenda, which was posted for the public at least 72 hours before this meeting.

ATTACHMENTS

- Site Plan
- Project Location Aerial Photo
- Resolution



STAFF REPORT

TO: CITY COUNCIL OF THE CITY OF LINDSAY, CALIFORNIA
DATE: April 9, 2019
AGENDA #: 6
FROM: Planning

Site Plan



STAFF REPORT

TO: CITY COUNCIL OF THE CITY OF LINDSAY, CALIFORNIA
 DATE: April 9, 2019
 AGENDA #: 6
 FROM: Planning



- KEY NOTES**
- ① IMPROVEMENT
 - ② IMPROVEMENT
 - ③ IMPROVEMENT
 - ④ IMPROVEMENT

Bank of America
Olivewood Plaza
 208 Highway 65
 Lindsay, CA 95347

Gensler
 2000 Broadway, Suite 3000
 San Francisco, CA 94109
 Phone: 415.774.4000
 Fax: 415.774.4001

Scale: 1" = 20'-0"
A00.50
 0 10 20
 Feet



STAFF REPORT

TO: CITY COUNCIL OF THE CITY OF LINDSAY, CALIFORNIA
DATE: April 9, 2019
AGENDA #: 6
FROM: Planning

Project Location Aerial Photo



STAFF REPORT

TO: CITY COUNCIL OF THE CITY OF LINDSAY, CALIFORNIA
DATE: April 9, 2019
AGENDA #: 6
FROM: Planning





RESOLUTION OF THE CITY OF LINDSAY

NUMBER 19-14

TITLE **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LINDSAY APPROVING SITE PLAN REVIEW NO. 19-6, ATM KIOSK LOCATED IN THE PARKING LOT OF THE OLIVEWOOD PLAZA SHOPPING CENTER AT 208 HIGHWAY 65 (APN: 199-210-040).**

MEETING At a regularly scheduled meeting of the City of Lindsay City Council held on April 9, 2019, at 6:00PM at 251 E. Honolulu Street, Lindsay, CA 93247.

WHEREAS, the Site Plan Review No. 19-6 was filed pursuant to the regulations contained in Ordinance No. 437, the Zoning Ordinance of the City of Lindsay; and

WHEREAS, planning staff has prepared necessary investigations and prepared a staff report of information bearing upon the project; and

WHEREAS, the project is categorically exempt from CEQA, per Article 19 Section 15303 (New Construction or Conversion of Small Structures).

WHEREAS, that the City Council specifically finds that the Site Plan Review application is consistent with the required findings of Zoning Ordinance Section 18.18.050,

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

- SECTION 1. The City Council of the City of Lindsay hereby approves the Site Plan Review application on the real property described in accordance with the terms of this resolution under the provisions of Zoning Ordinance Section 18.18.030, subject to the following conditions:
- SECTION 2. *All work shall comply with the latest approved edition of the California Building Code, and in compliance with the latest ADA requirements.*
- SECTION 3. *The building permit application shall show a complete accessible path of travel.*
- SECTION 4. *All work shall be done in conformance with the latest City Development Standards and Specifications, and all applicable State and/or federal requirements.*
- SECTION 5. *Provide erosion control and inlet protection for all storm drain inlets and catch basins.*
- SECTION 6. *Any work to be constructed in the City street rights of way shall require a permit issued by the City Services Department and shall be performed under the inspection of the City Services inspector. These include, but not limited to, curb, gutter, sidewalk, drive approaches, water services, sewer laterals, and utility services.*
- SECTION 7. *All engineering plans shall be prepared by the Registered Civil Engineer.*
- SECTION 8. This resolution shall be effective immediately upon its approval and adoption.



RESOLUTION OF THE CITY OF LINDSAY

SECTION 9. 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	April 9, 2019
MOTION	
2 nd MOTION	
AYES	
ABSENT	
ABSTAIN	
NAYS	

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

City Clerk

Mayor



STAFF REPORT

TO: CITY COUNCIL OF THE CITY OF LINDSAY, CALIFORNIA
DATE: April 9, 2019
AGENDA #: 7
FROM: Planning

AGENDA ITEM

TITLE	Site Plan Review No. 19-11 Daycare 964 Maple Valley Way
ACTION	Site Plan Review approval for a garage conversion to a Daycare business and the replacement of required covered parking.
PURPOSE	Discretionary Action
COUNCIL OBJECTIVE(S)	Increase our keen sense of identity in a physically connected and involved community. Dedicate resources to retain a friendly, small-town atmosphere. Stimulate, attract and retain local businesses. Advance economic diversity.

RECOMMENDATION

Staff recommends that the City Council approve Site Plan Review No. 19-11, based on the findings in the attached resolution.

BACKGROUND | ANALYSIS

Site Plan Review No. 19-11 is a request by Lorena Garcia to convert her garage at 964 Maple Valley Way to a Daycare business (APN 199-320-039). The Site Plan process has been enacted due to the fact that a garage conversion could potentially take away necessary parking as required in the R-1-7 district.

It should be noted that the applicant initially converted the garage without a building permit. The applicant is now applying for a Site Plan Review, with the intention of applying for a building permit once the Site Plan Review has been approved by City Council.

ALTERNATIVES

- Council can approve of the site plan with conditions
- Council can deny the site plan

BENEFIT TO OR IMPACT ON CITY RESOURCES

This project will not have an impact on city resources.



STAFF REPORT

TO: CITY COUNCIL OF THE CITY OF LINDSAY, CALIFORNIA
DATE: April 9, 2019
AGENDA #: 7
FROM: Planning

ENVIRONMENTAL REVIEW

As this proposed daycare is within an existing structure it is categorically exempt per Section 15301 (Existing Facilities) of Article 19 of the CEQA Guidelines. The carport is exempt under the same section as an accessory structure.

POLICY ISSUES

The property in question is located in the One-Family Residential District R-1-7. According to Section 18.07.00 of the Zoning Code, a “large family day care home” as defined by Section 1596.78(a) of the State Health and Safety Code is a permitted use in the R-1-7 zone with administrative approval.

According to Section 18.13.020 in the Zoning Ordinance, two parking spaces are required for each one-family dwelling unit, with at least one space within a garage or carport. Being that the original intent of the garage was for parking, the conversion of such garage would still require a covered parking space within a garage or carport. In order to mitigate the conflict with the code, the applicant has included the construction of a new carport in the site plan for review. This ensures that all zoning code requirements are met. The carport shall meet all setback requirements pursuant to Chapter 18.07.

PUBLIC OUTREACH

This project has been posted on the agenda, which was posted for the public at least 72 hours before this meeting.

ATTACHMENTS

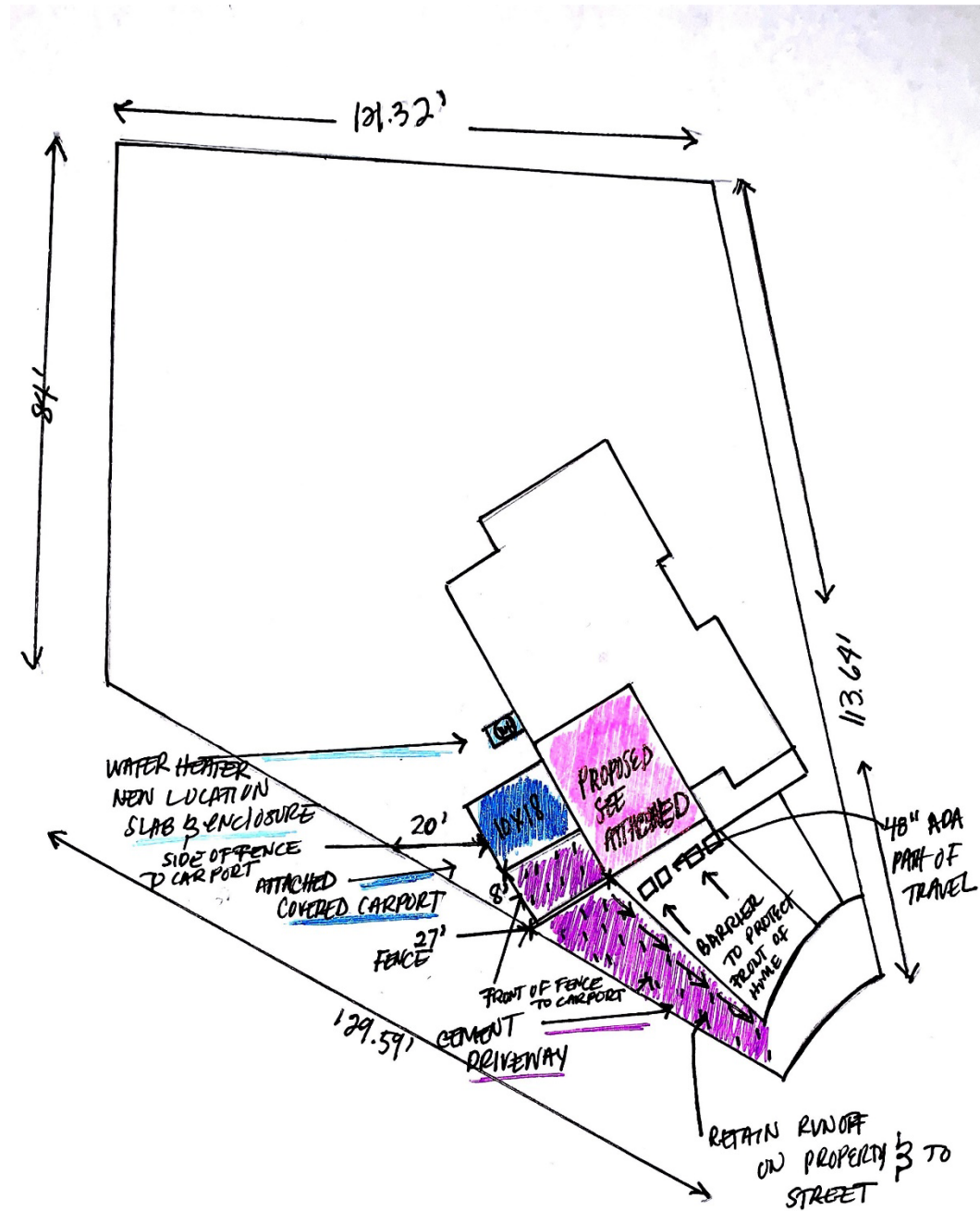
- Site Plan
- Aerial Imagery of Site
- Resolution



STAFF REPORT

TO: CITY COUNCIL OF THE CITY OF LINDSAY, CALIFORNIA
DATE: April 9, 2019
AGENDA #: 7
FROM: Planning

Site Plan



64 MAPLE VALLEY WAY
LINDSAY, CA 93247

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STAFF REPORT

TO: CITY COUNCIL OF THE CITY OF LINDSAY, CALIFORNIA
DATE: April 9, 2019
AGENDA #: 7
FROM: Planning

Aerial Imagery of Site





RESOLUTION OF THE CITY OF LINDSAY

NUMBER 19-15

TITLE **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LINDSAY APPROVING SITE PLAN REVIEW NO. 19-11, DAYCARE AT 964 MAPLE VALLEY WAY (APN 199-320-039).**

MEETING At a regularly scheduled meeting of the City of Lindsay City Council held on April 9, 2019 at 6:00PM at 251 E. Honolulu Street, Lindsay, CA.

WHEREAS, the Site Plan Review No. 19-11 was filed pursuant to the regulations contained in Ordinance No. 437, the Zoning Ordinance of the City of Lindsay; and

WHEREAS, planning staff has prepared necessary investigations and prepared a staff report of information bearing upon the project; and

WHEREAS, the project is categorically exempt from CEQA, per Section 15301 (Existing Facilities) of Article 19; and

WHEREAS, the City Council specifically finds that the Site Plan Review application is consistent with the required findings of the Zoning Ordinance Section 18.18.050,

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

- SECTION 1. The City Council of the City of Lindsay hereby approves the Site Plan Review application on the real property described in accordance with the terms of this resolution under the provisions of Zoning Ordinance Section 18.18.030, subject to the following condition:
- SECTION 2. The proposed carport shall meet all setback requirements pursuant to Chapter 18.07 of the Zoning Code.
- 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	April 9, 2019
MOTION	
2 nd MOTION	
AYES	



RESOLUTION OF THE CITY OF LINDSAY

ABSENT	
ABSTAIN	
NAYS	

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

City Clerk

Mayor



STAFF REPORT

TO: CITY COUNCIL OF THE CITY OF LINDSAY, CALIFORNIA
DATE: April 9, 2019
AGENDA #: 8
FROM: Planning

AGENDA ITEM

TITLE Tentative Parcel Map No. 19-04 Watson

ACTION Adoption of Resolution No. 19-16 approving Tentative Parcel Map 19-04

PURPOSE Discretionary Action

COUNCIL OBJECTIVE(S) Live in a safe, clean, comfortable and healthy environment.
Nurture attractive residential neighborhoods and business districts.

RECOMMENDATION

Staff recommends that the City Council adopt Resolution No. 19-16, formalizing its approval of Tentative Parcel Map No. 19-04.

BACKGROUND | ANALYSIS

Tentative Parcel Map 19-04 (APN: 201-131-006) is a request by Brian Watson for the division of property located at 1030 Parkside Avenue, in the R-1-7 zoning district. The existing parcel will be divided into two parcels. The proposed Parcel 1 is .92 acres or 40,128 square feet. The proposed Parcel 2 is .34 acres or 14,747 square feet. The project site currently has one home situated on its western half. The existing home and accessory structures would meet all setback and lot coverage requirements of what would become Parcel 1.

The project site is bound by Parkside Avenue on the west, Whitney Street on the south, and Bond Way on the west.

Residential uses lie to the north, south, east, and west.

The Lindsay General Plan designates the site for low density residential development (Low Density), and the site is zoned R-1-7 (Single Family Residential use). The proposed project is consistent with the requirements of General Plan, Zoning Ordinance, and Subdivision Ordinance of the City of Lindsay.

Parcel 1 takes access from Parkside Avenue. Parcel 2 can take access to Whitney Street or Bond Way. An additional dedication is planned from Whitney Drive. All required street improvements are listed in the conditions of approval.



STAFF REPORT

TO: CITY COUNCIL OF THE CITY OF LINDSAY, CALIFORNIA
DATE: April 9, 2019
AGENDA #: 8
FROM: Planning

Section 17.24.060 of the Subdivision Ordinance includes four key elements for approval of tentative parcel maps:

- Lots created shall conform to the applicable requirements of the Zoning Ordinance.
- Utility easements and street rights-of-way shall be offered for dedication.
- Water supply and sewage disposal shall be satisfactory to the City Engineer.
- Public improvements shall be satisfactory to the City Engineer.

Section 17.28.030 of the Subdivision Ordinance requires “all lots or parcels created by the subdivision of land shall have access to a public street....” This requirement is founded in the basic planning principal that residential lots should have unobstructed street frontage for direct vehicular access. The proposed project meets this requirement.

In addition, Section 17.28.040.G of the Subdivision Ordinance states “A lot depth in excess of twice the width shall be avoided whenever possible”. This guideline is founded in the basic planning principal that residential lots of excessive depth should be avoided where possible. In this case, the newly created lots will have lot depths in excess of twice the width, but this is consistent with other lots in the surrounding area including lots to the east and south. An attached exhibit, “Surrounding Nonconforming Lots” shows nearby parcels that also have lot depths in excess of twice the width.

The site is within a convenient response time of public safety services. Existing and proposed water supply and conveyance facilities would provide adequate fire suppression capabilities. The project would require the installation and extension of utilities to serve the site, as listed in the conditions of approval.

Staff recommends that the City Council approve Tentative Parcel Map No. 19-04, based on the findings and subject to the following conditions of approval:

Street Improvements:

1. Construct City Standard curb, gutter and sidewalk with parkway along Parcel 1 along Parkside Avenue, curb return ramp, and sidewalk adjacent to curb along Whitney Drive. At the City’s discretion, City may allow deferment to a certain future date or event.
 2. Construct sidewalk adjacent to curb and curb return ramp on Parcel 2 along Whitney Drive and Bond Way at time of development.
 3. Construct drive approach for Parcel 2 at time of development.
 4. Dedicate an additional 8 feet of right of way along Bond Way and Whitney Drive on Parcel 2.
 5. Dedicate an additional 8 feet of right of way on Whitney Drive and 22 feet on Parkside Avenue on Parcel 1. Parkside is designated as an arterial street with an ultimate right of way of 84 feet. If City
-



STAFF REPORT

TO: CITY COUNCIL OF THE CITY OF LINDSAY, CALIFORNIA
DATE: April 9, 2019
AGENDA #: 8
FROM: Planning

defers improvements along the Parcel 1 frontages, the dedications along Parcel 1 may be irrevocable offers of dedication subject to the City's discretion.

Utilities:

6. Verify any easements for existing utilities and existing poles along street frontages or on-site.

Water:

7. Install metered water service to connect Parcel 2 to City water system at time of development in accordance with City Standards.

8. Abandon any existing on-site water wells in accordance with City Standards and Tulare County Standards.

Sanitary Sewer:

9. Install sewer lateral to connect Parcel 2 to City Sewer system at time of development in accordance with City Standards.

10. Abandon any existing on-site septic tanks in accordance with City Standards and Tulare County Standards.

Storm Drainage:

11. Parcels 1 and 2 shall surface drain to the street in accordance with City Standards.

12. Property is in FEMA Flood Zone X. All development shall conform to the requirements of Zone X.

Other:

13. Parcels 1 and 2 are zoned R-1-7 (single family residential)

14. Parcel 2 shall have residential refuse service.

15. Any work to be constructed in the City street rights of way shall require a permit issued by the City Services Department and shall be performed under the inspection of the City Services inspector. These include, but not limited to, curb, gutter, sidewalk, drive approaches, water services, sewer laterals, and utility services.

16. All work shall be done in conformance with the latest City Development Standards and Specifications, and all applicable State and/or federal requirements.

17. All engineering plans shall be prepared by a Registered Civil Engineer.

18. The Final Map shall be prepared by a Licensed Land Surveyor.

Fees:

19. All applicable City fees shall be paid at time of approval of the Final Parcel Map. A list of the fees is available upon request at City Hall.



STAFF REPORT

TO: CITY COUNCIL OF THE CITY OF LINDSAY, CALIFORNIA
DATE: April 9, 2019
AGENDA #: 8
FROM: Planning

ALTERNATIVES

- Council can approve of the Tentative Parcel Map with additional or modified conditions
- Council can deny the Tentative Parcel Map

BENEFIT TO OR IMPACT ON CITY RESOURCES

The project will not impact city resources.

ENVIRONMENTAL REVIEW

California Environmental Quality Act (CEQA) Article 19 §15315 identifies “Minor Land Divisions” as Categorical Exempt. A draft Notice of Exemption has been prepared.

PUBLIC OUTREACH

This project has been posted on the agenda, which was posted for the public at least 72 hours before this meeting.

ATTACHMENTS

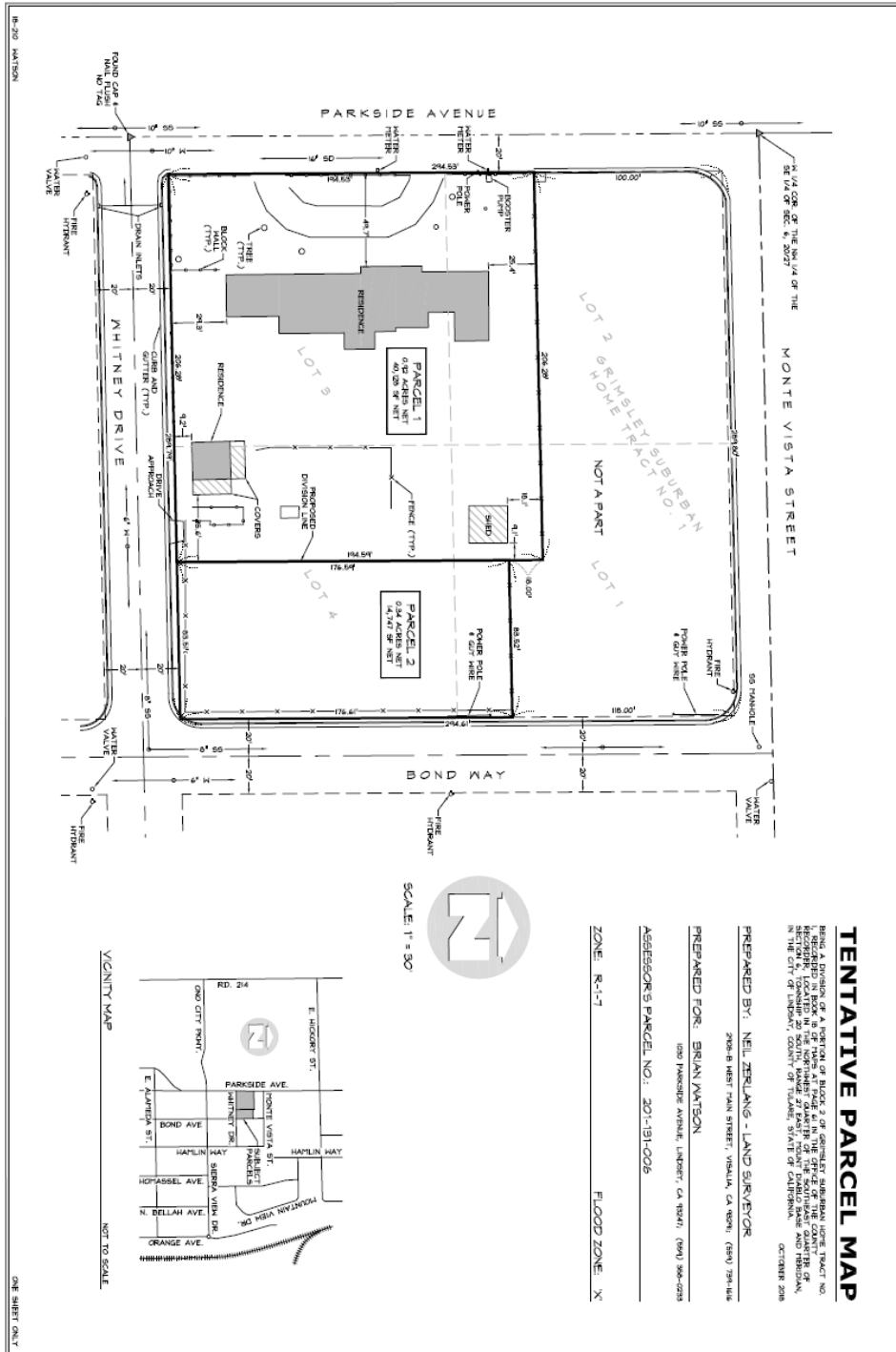
Tentative Parcel Map
City Engineer Letter – January 28th, 2019
Existing Parcel Map
Resolution 19-16



STAFF REPORT

TO: CITY COUNCIL OF THE CITY OF LINDSAY, CALIFORNIA
 DATE: April 9, 2019
 AGENDA #: 8
 FROM: Planning

Tentative Parcel Map





STAFF REPORT

TO: CITY COUNCIL OF THE CITY OF LINDSAY, CALIFORNIA
DATE: April 9, 2019
AGENDA #: 8
FROM: Planning

City Engineer Letter:



MEMO

Date: January 28, 2019 **Project No.:** 190044/03
To: Mike Camarena, Director of City Services
From: Jeff Cowart, City Engineer
Subject: Tentative Parcel Map for Brian Watson (APN 201-131-006)
cc: Jessica Bispels, Planner

It is recommended that the following engineering considerations be included as conditions of approval for the Tentative Parcel Map for Brian Watson.

Street Improvements:

1. Construct City Standard curb, gutter and sidewalk with parkway along Parcel 1 along Parkside Avenue, curb return ramp, and sidewalk adjacent to curb along Whitney Drive. At the City's discretion, City may allow deferment to a certain future date or event.
2. Construct sidewalk adjacent to curb and curb return ramp on Parcel 2 along Whitney Drive and Bond Way at time of development.
3. Construct drive approach for Parcel 2 at time of development.
4. Dedicate an additional 8 feet of right of way along Bond Way and Whitney Drive on Parcel 2.
5. Dedicate additional right of way of 8 feet on Whitney Drive and 22 feet on Parkside Avenue on Parcel 1. Parkside is designated as an arterial street with an ultimate right of way of 84 feet. If City defers improvements along the Parcel 1 frontages, the dedications along Parcel 1 may be irrevocable offers of dedication subject to the City's discretion.

Utilities

6. Verify any easements for existing utilities and existing poles along street frontages or on-site.

Water

7. Install metered water service to connect Parcel 2 to City water system at time of development in accordance with City Standards.
8. Abandon any existing on-site water wells in accordance with City Standards and Tulare County Standards.

Sanitary Sewer

9. Install sewer lateral to connect Parcel 2 to City Sewer system at time of development in accordance with City Standards.
10. Abandon any existing on-site septic tanks in accordance with City Standards and Tulare County Standards.

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www.qkinc.com



STAFF REPORT

TO: CITY COUNCIL OF THE CITY OF LINDSAY, CALIFORNIA
DATE: April 9, 2019
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FROM: Planning



MEMO

PAGE 2 OF 2

Storm Drainage

11. Parcels 1 and 2 shall surface drain to the street in accordance with City Standards.
12. Property is in FEMA Flood Zone X. All development shall conform to the requirements of Zone X.

Other

13. Parcels 1 and 2 are zoned R-1-7 (single family residential)
14. Parcel 2 shall have residential refuse service.
15. Any work to be constructed in the City street rights of way shall require a permit issued by the City Services Department and shall be performed under the inspection of the City Services inspector. These include, but not limited to, curb, gutter, sidewalk, drive approaches, water services, sewer laterals, and utility services.
16. All work shall be done in conformance with the latest City Development Standards and Specifications, and all applicable State and/or federal requirements.
17. All engineering plans shall be prepared by a Registered Civil Engineer.
18. The Final Map shall be prepared by a Licensed Land Surveyor.

Fees

19. All applicable City fees shall be paid at time of approval of the Final Parcel Map. A list of the fees is available upon request at City Hall.

If you have any questions, please contact me at (559) 781-2700 or jeff.cowart@qkinc.com.

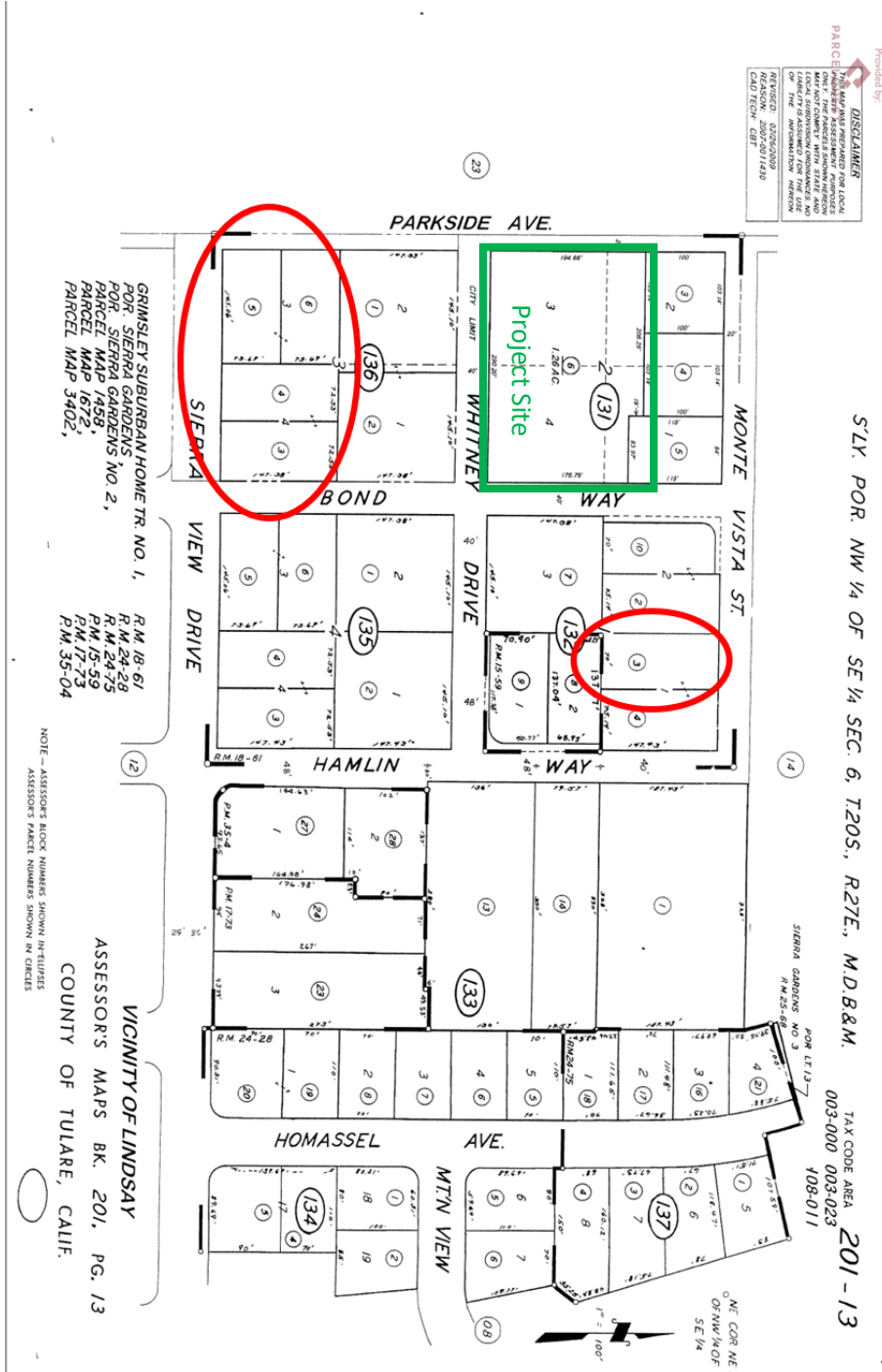
jsc



STAFF REPORT

TO: CITY COUNCIL OF THE CITY OF LINDSAY, CALIFORNIA
 DATE: April 9, 2019
 AGENDA #: 8
 FROM: Planning

Surrounding Nonconforming Lots:





RESOLUTION OF THE CITY OF LINDSAY

NUMBER 19-16

TITLE **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LINDSAY APPROVING TENTATIVE PARCEL MAP NO. 19-04, A REQUEST BY BRIAN WATSON TO DIVIDE ONE PARCEL INTO TWO PARCELS, WITHIN THE SINGLE FAMILY RESIDENTIAL (R-1-7) ZONING DISTRICT, FOR PROPERTY LOCATED AT 1030 PARKSIDE AVENUE (APN 201-131-006).**

MEETING At a regularly scheduled meeting of the City of Lindsay City Council held on April 9, 2019 at 6:00PM at 251 E. Honolulu Street, Lindsay, CA.

WHEREAS, Tentative Parcel Map No. 19-04 was filed pursuant to the regulations contained in Ordinance No. 17.28, the Subdivision Ordinance of the City of Lindsay; and

WHEREAS, the City Council of the City of Lindsay, did hold a public meeting before said Council on April 9, 2019; and

WHEREAS, Planning staff has prepared necessary investigations and prepared a staff report of information bearing upon the tentative parcel map application; and

WHEREAS, the project is categorically exempt from the California Environmental Quality Act as minor land divisions.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LINDSAY DOES HEREBY RESOLVE that the project is exempt from further environmental review pursuant to CEQA Article 19, Section §15315.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LINDSAY DOES HEREBY FURTHER RESOLVE that the City Council of the City of Lindsay finds that the proposed tentative parcel map application is consistent with the provisions of the City of Lindsay Subdivision Ordinance (Municipal Code Title 17). Specifically, the application meets all applicable city codes and ordinances, per the requirements of Section 17.24.060.

BE IT FURTHER RESOLVED that that the City Council of the City of Lindsay hereby approves Tentative Parcel Map No. 18-28, subject to the following conditions:

SECTION 1. Street Improvements:

1. Construct City Standard curb, gutter and sidewalk with parkway along Parcel 1 along Parkside Avenue, curb return ramp, and sidewalk adjacent to curb along Whitney Drive. At the City's discretion, City may allow deferment to a certain future date or event.
2. Construct sidewalk adjacent to curb and curb return ramp on Parcel 2 along Whitney Drive and Bond Way at time of development.
3. Construct drive approach for Parcel 2 at time of development.
4. Dedicate an additional 8 feet of right of way along Bond Way and Whitney Drive on Parcel 2.



RESOLUTION OF THE CITY OF LINDSAY

5. Dedicate an additional 8 feet of right of way on Whitney Drive and 22 feet on Parkside Avenue on Parcel 1. Parkside is designated as an arterial street with an ultimate right of way of 84 feet. If City defers improvements along the Parcel 1 frontages, the dedications along Parcel 1 may be irrevocable offers of dedication subject to the City's discretion.

SECTION 2. Utilities:

6. Verify any easements for existing utilities and existing poles along street frontages or on-site.

SECTION 3. Water:

7. Install metered water service to connect Parcel 2 to City water system at time of development in accordance with City Standards.

8. Abandon any existing on-site water wells in accordance with City Standards and Tulare County Standards.

SECTION 4. Sanitary Sewer:

9. Install sewer lateral to connect Parcel 2 to City Sewer system at time of development in accordance with City Standards.

10. Abandon any existing on-site septic tanks in accordance with City Standards and Tulare County Standards.

SECTION 5. Storm Drainage:

11. Parcels 1 and 2 shall surface drain to the street in accordance with City Standards.

12. Property is in FEMA Flood Zone X. All development shall conform to the requirements of Zone X.

SECTION 6. Other:

13. Parcels 1 and 2 are zoned R-1-7 (single family residential)

14. Parcel 2 shall have residential refuse service.

15. Any work to be constructed in the City street rights of way shall require a permit issued by the City Services Department and shall be performed under the inspection of the City Services inspector. These include, but not limited to, curb, gutter, sidewalk, drive approaches, water services, sewer laterals, and utility services.

16. All work shall be done in conformance with the latest City Development Standards and Specifications, and all applicable State and/or federal requirements.

17. All engineering plans shall be prepared by a Registered Civil Engineer.

18. The Final Map shall be prepared by a Licensed Land Surveyor.

SECTION 7. Fees:

19. All applicable City fees shall be paid at time of approval of the Final Parcel Map. A list of the fees is available upon request at City Hall.

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

MEETING DATE	April 9, 2019
--------------	---------------



RESOLUTION OF THE CITY OF LINDSAY

MOTION	
2 nd MOTION	
AYES	
ABSENT	
ABSTAIN	
NAYS	

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

City Clerk

Mayor



STAFF REPORT

AGENCY: CITY OF LINDSAY, CALIFORNIA
DATE: April 9, 2019
AGENDA #: 10
STAFF: Michael Camarena, Director of City Services

AGENDA ITEM

<i>TITLE</i>	Resolution No. 19-13 2018-2019 Transit Agreement between The City of Lindsay and the County of Tulare
<i>ACTION</i>	Approval of Resolution No. 19-13
<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. 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 approval of Resolution No. 19-13 and authorize the Mayor to execute the Agreement.

BACKGROUND | ANALYSIS

Consistent with previous years, this service agreement specifically provides Dial-A-Ride (DAR) services (also referred to as Demand Services) for Lindsay residents inside the City Limits. Exhibit A shows the boundary of this demand response service and this request is to approve the operational agreement and supporting resolution for transit users inside the city limits only.

The funding for this service has been and is proposed to be provided by Lindsay's share of the State of California's Transit Assistance Fund (STA). The STA funds are intended for the development and support of public transportation needs. For 2018-19, there are other transit funding sources proposed to offset the impact to the STA funds as well (identified below).



STAFF REPORT

AGENCY: CITY OF LINDSAY, CALIFORNIA
 DATE: April 9, 2019
 AGENDA #: 10
 STAFF: Michael Camarena, Director of City Services

State Transit Assistance (STA) and Other Transit Funding Sources

The sales tax on gasoline is used to reimburse the state coffers for the impacts of the one-quarter cent sales tax used for Local Transportation Fund. Any remaining funds are available to the counties for local transportation purposes. In FY 2018/19, the City of Lindsay is projected to receive \$77,011.38 from this source. Tulare County Area Transit staff has provided complete budget information with regard to expense and revenue distribution. The calculated cost for the Dial-A-Ride service for Lindsay is \$64,699. Any remaining funds from the Lindsay STA accounts are able to be carried over for qualified transit projects in the future.

The Road Repair and Accountability Act of 2017, Senate Bill (SB) 1 (Chapter 5, Statutes of 2017), signed by the Governor on April 28, 2017, includes a program that will provide additional revenues for transit infrastructure repair and service improvements. This investment in public transit will be referred to as the State of Good Repair (SGR) program. This program provides funding of approximately \$105 million annually to the State Transit Assistance (STA) Account. These funds are to be made available for eligible transit maintenance, rehabilitation and capital projects. The City scheduled to receive \$17,358 of SB1 SGR funds in this category.

Lindsay does not operate transit services directly, but with this agreement, provides public the benefit of a localized DAR service. As the provider of transit services to the City, Tulare County Area Transit (TCAT) is an authorized and approved California transit provider and has the need and ability to expend transit funds for necessary improvements within its transit program. The City has agreed to transfer its share of SB1 funds to TCAT, less 10%, to reduce the impact to Lindsay’s STA fund.

A recap of the 2018-19 cost and the proposed funding;

2018-19 City of Lindsay Transit Service Projected Cost:	\$,41,340.93
SB1 SGR Funds:	\$17,246-10%= (\$15,622.20)

Total Projected Transit Cost funded from City of Lindsay STA account	\$25,719.00
--	-------------

ALTERNATIVES

- Approve Resolution 19- as recommended;
- Do not approve Resolution 19- . This action would require the City to pursue an alternate method of providing a similar public transit system. If an alternate system is not secured, the ability to receive State of California’s Transit Assistance Funds and Local Transportation Funds would be jeopardized;
- Direct staff to pursue some other action



STAFF REPORT

AGENCY: CITY OF LINDSAY, CALIFORNIA
DATE: April 9, 2019
AGENDA #: 10
STAFF: Michael Camarena, Director of City Services

BENEFIT TO OR IMPACT ON CITY RESOURCES

Approval of this service agreement specifically provides Dial-A-Ride (DAR) services for Lindsay residents inside the City Limits.

ENVIRONMENTAL REVIEW

None currently.

POLICY ISSUES

As identified above, by not approving Resolution 19-13 would require the City to pursue an alternate method of providing a similar public transit system. If an alternate system is not secured, the ability to receive State of California's Transit Assistance Funds and Local Transportation Funds would be jeopardized.

PUBLIC OUTREACH

POSTED IN THIS AGENDA

ATTACHMENTS

- Resolution No. 19-13
- 2018-2019 Transit Agreement;
- Exhibit A, Boundary Map and Schedule of Service



RESOLUTION OF THE CITY OF LINDSAY

NUMBER 19-13

TITLE 2018-2019 Transit Agreement between The City of Lindsay and the County of Tulare

WHEREAS, the City Council has entered into annual agreements with the County of Tulare for the provision of certain transit services in the past; and

WHEREAS, the City Council has determined that it is in the City’s interest to continue the agreement for provisions of transit services by the County of Tulare for the fiscal year of July 1, 2018 through June 30, 2019; and

WHEREAS, the City Council desires to approve the Agreement with the County of Tulare for provision of transit services for the 2018/2019 fiscal year, effective July 1, 2018.

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

SECTION 1. The City Council of the City of Lindsay hereby approves the Agreement with the County of Tulare for provisions of transit services for the fiscal year 2018/2019.

SECTION 2. The Agreement with the County of Tulare for such services, attached hereto and incorporated herein by reference is hereby approved and the Mayor is authorized to execute the Agreement on behalf of the City of Lindsay, effective July 1, 2018

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.



RESOLUTION OF THE CITY OF LINDSAY

City Clerk

Mayor

1 **AGREEMENT**

2 THIS AGREEMENT, made and entered into this ____ day of _____, 2019,
3 by and between the CITY OF LINDSAY, hereinafter referred to as the “City” and the COUNTY
4 OF TULARE, hereinafter referred to as the “County”.

5 **WITNESSETH:**

6 WHEREAS, the City and the County desire to provide coordinated transit service in the
7 Lindsay area; and

8 WHEREAS, it is mutually beneficial for the City and the County to provide this transit
9 service by agreement; and

10 WHEREAS, the County operates Tulare County Transit, a public transit system; and

11 WHEREAS, there are and will continue to be, citizens of the County who can reasonably be
12 served by a demand response transit system within the City, and there are and will continue to be,
13 citizens of the City who can reasonably be served by the County’s demand response transit system;
14 and

15 WHEREAS, there are and will continue to be, citizens of the County who can reasonably be
16 served by a fixed-route transit system operating within the City, and there are and will continue to
17 be, citizens of the City who can reasonably be served by the County’s fixed-route transit system;
18 and

19 WHEREAS, the County and City recognize the goals of providing a transportation system
20 to the general public at a reasonable fare and that of providing coordinated public transportation
21 service within the Lindsay area.

22 NOW, THEREFORE, the City and the County mutually agree as follows:

- 23 1. **Scope of Work.** The County shall operate and manage a demand response public
24 transit service within the Service Areas as shown on Exhibit “A” attached hereto and fully
25 incorporated herein by this reference and shall provide transit service to those residents of
26 the City desiring to use the demand response services of the County transit system. The
27 operation and management of the demand response transit service shall be the responsibility
28 of the County. The service area may be modified by mutual agreement of the City Manager
29 and the County Director of Transportation. The County shall also continue to operate a fixed-
30 route service per the route maps shown on Exhibit “B” attached hereto and fully incorporated
31 herein by this reference and shall provide transit service to those residents of the City desiring
32 to use the regularly scheduled services of this County transit system. The operation and
33 management of the fixed-route service shall be the responsibility of the County. The route
34 may be modified by mutual agreement of the City Manager and the County Director of
35 Transportation.

1 2. **Hours of Operation.** The demand response transit service will operate on a dial-
2 a-ride basis, Monday through Friday except on those holidays that the senior citizen meal
3 sites are not open. The hours of operation shall be set by mutual agreement of the City
4 Manager and the County Director of Transportation. The fixed-route service shall operate
5 Monday through Sunday except on those holidays that are recognized by Tulare County
6 Transit. The hours of operation shall be set by mutual agreement of the City Manager and
7 the County Director of Transportation.

8 3. **Management.** The County shall manage and operate the transit system in an
9 appropriate manner, insuring a cost effective operation, including marketing the system and
10 collecting fares from the riders.

11 4. **Fuel, Oil and Storage.** The City shall provide fuel, oil and storage facilities for
12 the transit vehicles. Only the cost of the fuel and oil provided for the vehicles shall be billed
13 to the County. The cost of the storage facilities shall be borne by the City.

14 5. **Collection of Fares.** For the demand response transit service, the City shall count,
15 collect, receipt and secure all cash fares delivered to the City by County Agent on a daily
16 basis. The City shall return all said cash fares to the County according to schedules and
17 procedures acceptable to the City Manager and the County Director of Transportation. No
18 additional compensation shall be due either party to this Agreement for this service. Fares
19 collected on the fixed-route service shall be collected, counted and secured by the County.

20 6. **Compensation.** The City shall compensate the County the sum of \$41,340.93 for
21 service provided under this Agreement. Compensation is based on the prorated share of the
22 City's and County's previous year ridership on the dial-a-ride transit service, and an agreed
23 upon amount contributed by the City to help offset the operational costs of the fixed-route
24 service. The City hereby authorizes, by execution of this Agreement, the Tulare County
25 Association of Governments (TCAG) to transfer said compensation from the City's
26 2018/2019 Transportation Development Act Apportionment to the County's 2018/2019
27 Transportation Development Act Apportionment. The County shall then submit a claim to
28 TCAG for the amount specified as 2018/2019 Compensation. Said compensation shall be as
29 follows:
30

	COMPENSATION	SOURCE
Lindsay	\$41,340.93	Local Transportation Fund and/or State Transit Assistance Funds

31

1
2 7. **Credits.** The City has allowed the County to apply on its behalf for various transit
3 funding sources, not directly available to the City. The County agrees to reduce the
4 compensation requirement discussed in paragraph 6 by 90% of the aggregate amount of these
5 funding sources (detailed below):

6

	<u>CREDIT</u>	<u>SOURCE</u>
7		
8		
9	Lindsay \$17,358	SB1 – State of Good Repair Funding
10	(90% = 15,622.20)	

11 In the event the County does not receive any of the transit funding sources described
12 above in full, the City’s credits will be reduced and they will be responsible for payment
13

14 8. **Indemnification-City.** City shall hold harmless, defend and indemnify County, its
15 agents, officers and employees from and against any liability, claims, actions, costs, damages
16 or losses of any kind, including death or injury to any person and/or damage to property,
17 arising out of the activities of City or its agents, officers and employees under this
18 Agreement. This indemnification specifically includes any claims that may be made against
19 County by any taxing authority asserting that an employer-employee relationship exists by
20 reason of this Agreement, and any claims made against County alleging civil rights violations
21 by City under Government Code section 12920 et seq. (California Fair Employment and
22 Housing Act). This indemnification obligation shall continue beyond the term of this
23 Agreement as to any acts or omissions occurring under this Agreement or any extension of
24 this Agreement.

25 9. **Indemnification-County.** County shall hold harmless, defend and indemnify City,
26 its agents, officers and employees from and against any liability, claims, actions, costs,
27 damages or losses of any kind, including death or injury to any person and/or damage to
28 property, arising out of the activities of County or its agents, officers and employees under
29 this Agreement. This indemnification obligation shall continue beyond the term of this
30 Agreement as to any acts or omissions occurring under this Agreement or any extension of
31 this Agreement.

32 10. **Insurance-Liability.** The County shall provide comprehensive general public
33 liability and comprehensive automotive liability insurance with single limit coverage of not
34 less than \$5,000,000 or equivalent self-insurance covering their activities under this
35 Agreement. Prior to commencing operations, the County shall file with the Clerk of the other
36 party certificates of insurance evidencing the coverage required herein and naming the other

1 party, its officers, agents and employees as additional insureds. Such certificates shall state
2 that the named additional insureds are not responsible for the payment of any premium or
3 assessment and shall provide that in the event of a cancellation or material change of policy,
4 the insurer shall give the named additional insureds no less than thirty (30) days advance
5 written notice of such cancellation or change. Upon request, the County shall provide the
6 City with a complete copy of the insurance policy or policies or evidence and terms of self-
7 insurance as required herein. The insurance, and evidence thereof, required by this
8 Agreement may be provided either directly by the County or, if the County contracts with an
9 independent contractor/operator to provide the services required by this Agreement, by the
10 operator of the County's system as deemed appropriate by the County.

11 **11. Term of Agreement.** Except as to the obligations described in Section 11(c) this
12 Agreement shall become effective July 1, 2018 and shall terminate June 30, 2019, unless
13 terminated earlier as provided in this Agreement.

14 **12. Termination.** The right to terminate this Agreement under this provision may be
15 exercised without prejudice to any other right or remedy to which the terminating party may
16 be entitled at law or under this Agreement.

17 (a) Without Cause. County shall have the right to terminate this Agreement
18 without cause by giving City SIXTY (60) days prior written notice of its intention to
19 terminate pursuant to this provision, specifying the date of termination.

20 (b) With Cause. This Agreement may be terminated by either party should the
21 other party:

- 22 (i) be adjudged a bankrupt, or
- 23 (ii) become insolvent or have a receiver appointed, or
- 24 (iii) make a general assignment for the benefit of creditors, or
- 25 (iv) suffer any judgment which remains unsatisfied for 30 days, and which
26 would substantively impair the ability of the judgment debtor to perform under
27 this Agreement, or
- 28 (v) materially breach this Agreement.

29 For any of the occurrences except item (v), termination may be effected upon
30 written notice by the terminating party specifying the date of the termination. Upon a
31 material breach, the Agreement may be terminated following the failure of the
32 defaulting party to remedy the breach to the satisfaction of the non-defaulting party
33 within FIVE (5) days of written notice specifying the breach. If the breach is not
34 remedied within that FIVE (5) day period, the non-defaulting party may terminate the
35 Agreement on further written notice specifying the date of termination.

1 If the nature of the breach is such that it cannot be cured within a FIVE (5) day
2 period, the defaulting party may, submit a written proposal within that period which
3 sets forth a specific means to resolve the default. If the non-defaulting party consents
4 to that proposal in writing, which consent shall not be unreasonably withheld, the
5 defaulting party shall immediately embark on its plan to cure. If the default is not cured
6 within the time agreed, the non-defaulting party may terminate upon written notice
7 specifying the date of termination.

8 (c) Effects of Termination. Termination of this Agreement shall not terminate
9 any obligations to indemnify, to maintain and make available any records pertaining to
10 the Agreement, to cooperate with any audit, to be subject to offset, or to make any
11 reports of pre-termination contract activities.

12 **13. Conditions to Continuing the Agreement.** This Agreement is entered into with
13 the anticipation of certain funds being available, either locally or from the State or Federal
14 governments, and such funding for any reason is no longer available, this Agreement may be
15 terminated by County on written notice specifying the date of termination.

16 **14. Notices.** Any notices to be given shall be written and served either by personal
17 delivery or by first class mail, postage prepaid and addressed as follows:

18 /
19 /
20 /
21 City: City Manager
22 City of Lindsay
23 P. O. Box 369
24 Lindsay, California 93274

25
26 County: County Director of Transportation
27 Resource Management Agency
28 5961 S. Mooney Blvd.
29 Visalia, California 93277

30 **15. Integration.** This Agreement constitutes the sole and only Agreement between the
31 parties hereto as to the services to be provided hereunder. Any prior agreements, promises,
32 negotiations or representations as to such services not expressly referred to herein are of no
33 force and effect.

34 **16. Modification.** Except as otherwise specifically provided herein, this Agreement
35 shall be modified or amended only with the prior written consent of the parties.

36 **17. Surveys.** Either the City or the County may conduct periodic ridership surveys.
37 Said surveys shall not interfere with the operation of the system.

1 **18. Legal Operation.** City and County each shall carry out its obligations under this
2 Agreement in full compliance with all applicable federal, state and local laws, ordinances,
3 rules and regulations.

4 **19. Construction.** This Agreement reflects the contributions of both parties and
5 accordingly the provisions of Civil Code section 1654 shall not apply to address and interpret
6 any uncertainty.

7 **20. Governing Law.** This Agreement shall be interpreted and governed under the laws
8 of the State of California without reference to California conflicts of law principles. Any
9 litigation arising out of this Agreement shall be brought in Tulare County California. City
10 waives the removal provisions of California code of Civil Procedure Section 394.

11 **21. Conflict with Laws or Regulations/Severability.** This Agreement is subject to
12 all applicable laws and regulations. If any provision of this Agreement is found by any court
13 or other legal authority, or is agreed by the parties, to be in conflict with any code or
14 regulation governing its subject, the conflicting provision shall be considered null and void.
15 The remainder of the Agreement shall continue in full force and effect.

16 **22. Headings.** Section headings are provided for organizational purposes only and do
17 not in any manner affect the scope, meaning or intent of the provisions under the headings.

18 **23. No Third Party Beneficiaries.** Unless specifically set forth, the parties to this
19 Agreement do not intend to provide any other party with any benefit or enforceable legal or
20 equitable right or remedy.

21 **24. Waivers.** The failure of either party to insist on strict compliance with any
22 provision of this Agreement shall not be considered a waiver of any right to do so, whether
23 for that breach or any subsequent breach. The acceptance by either party of either
24 performance or payment shall not be considered to be a waiver of any preceding breach of
25 the Agreement by the other party.

26 **25. Exhibits and Recitals.** The Recitals and the Exhibits to this Agreement are fully
27 incorporated into and are integral parts of this Agreement.

28 **26. Further Assurances.** Each party agrees to execute any additional documents and
29 to perform any further acts which may be reasonably required to effect the purposes of this
30 Agreement.

31 **27. Assurances of Non-Discrimination.** City expressly agrees that it will not
32 discriminate in employment or the provision of services on the basis of any characteristic or
33 condition upon which discrimination is prohibited by state or federal law or regulation.

34 **28. Assignment/Subcontracting.** Neither party shall assign or transfer any rights or
35 privileges or any parts thereof of this agreement without the other's prior written consent.

1 29. **Drivers.** The parties shall require that all transit drivers meet all licensing
2 requirements of the State of California.
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5 **REMAINDER OF THIS PAGE LEFT BLANK INTENTIONALLY**
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1 //IN WITNESS WHEREOF, the parties have caused this Agreement to be executed as of the date
2 first above written.

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COUNTY OF TULARE

By _____
Chairman, Board of Supervisors
"County"

ATTEST:
County Administrative Officer/
Clerk of the Board of Supervisors.

By _____
Deputy

CITY OF LINDSAY

By _____
Title:
"City"

ATTEST: City Clerk,
CITY OF LINDSAY

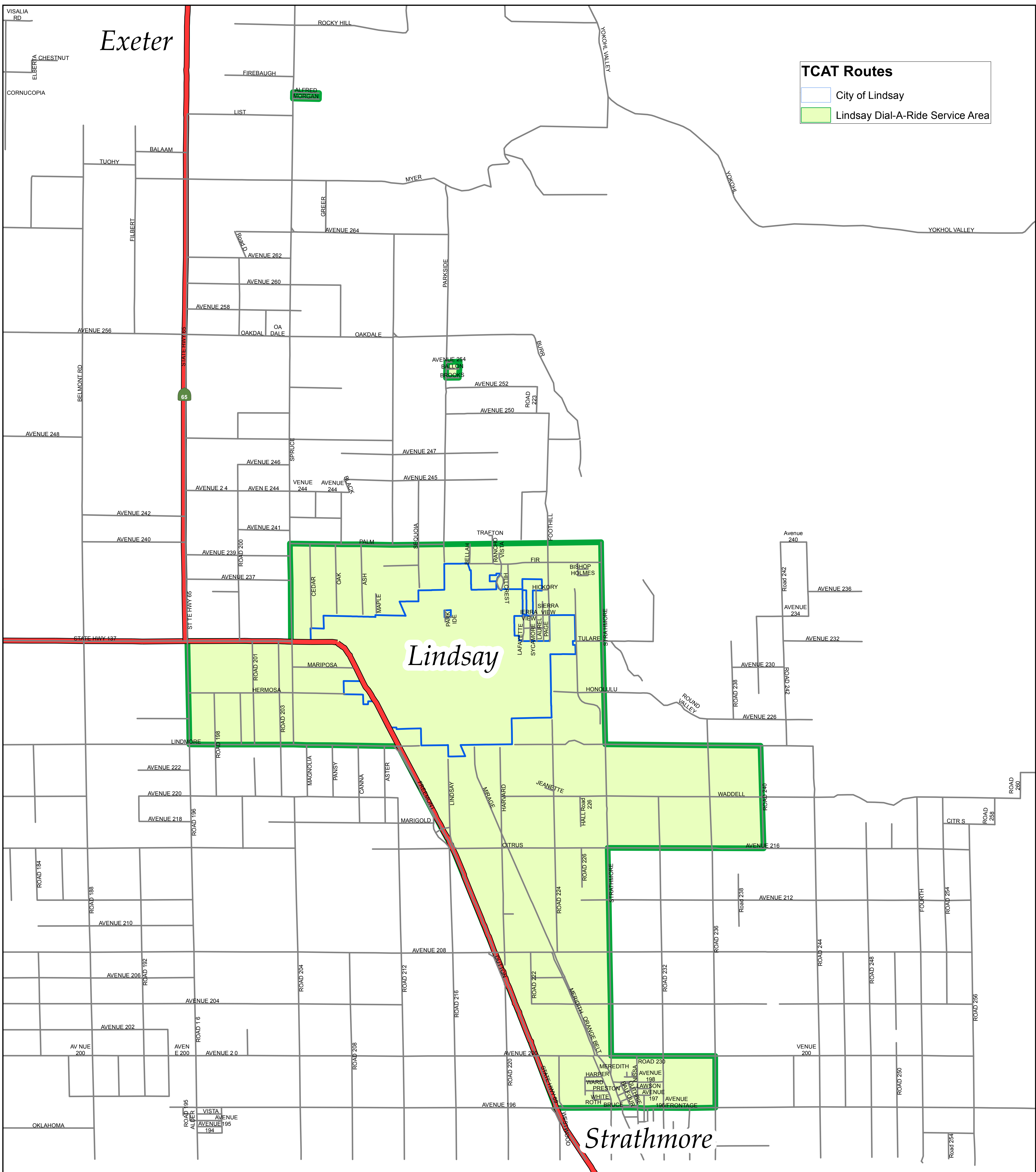
By _____

Approved as to form,
County Counsel

By _____
Deputy

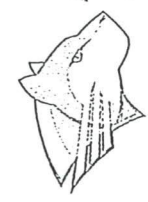
EXHIBIT "A" BOUNDARY MAP

Lindsay Area Dial-A-Ride Service Area



Pass Sales Outlets

- Porterville Transit Center 35 W. Oak St., Porterville
- Tulare County Government Plaza 5961 S. Mooney Blvd., Visalia
- Tulare Transit Center 360 N. 'K' St., Tulare
- Visalia Transit Center Oak & Santa Fe, Visalia

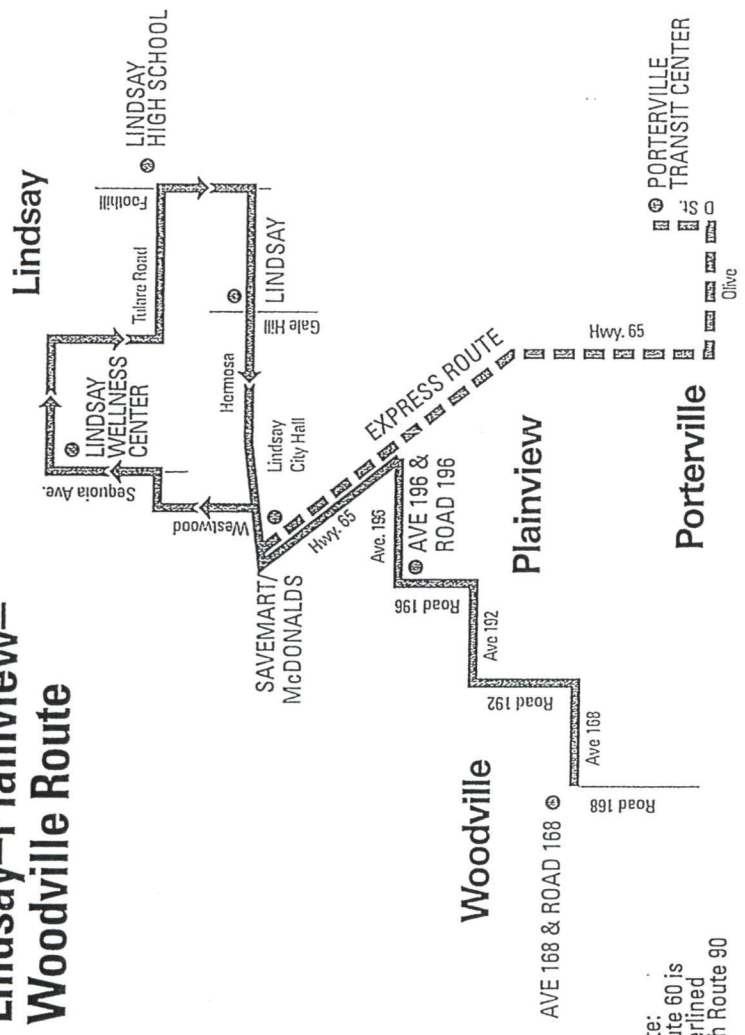


TCSAT



1-877-40 GO GREEN
 Your Bus Info Help Line. 1-877-404-6473
 www.gotularecounty.com

60 Lindsay-Plainview-Woodville Route



This map is NOT to scale

Exhibit B

LINDSAY	PLAINVIEW Ave.196 & Rd.196	WOODVILLE Ave.168 & Rd.168	PORTERVILLE
LINDSAY Savemart/ McDonalds	PLAINVIEW Ave.196 & Rd.196	WOODVILLE Ave.168 & Rd.168	PORTERVILLE Transit Center
7:45	6:20	6:30	7:00
12:15	8:00	8:10	8:40
2:30	12:30	12:40	1:10
6:05	6:20	6:30	2:50
	EXPRESS ROUTE	EXPRESS ROUTE	EXPRESS ROUTE
	↑	↑	↑
	EXPRESS ROUTE	EXPRESS ROUTE	EXPRESS ROUTE
	↑	↑	↑
	7:05	7:25	7:45
	11:35	11:55	12:15
	1:15	2:10	2:30
	4:50	5:45	6:05

Light type = AM Bold type = PM