



## LINDSAY CITY COUNCIL MEETING: REGULAR MEETING

251 E. Honolulu St., Lindsay, CA 93247

Tuesday, June 11, 2019 @ 6:00PM

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CALL TO ORDER: 6:00pm  
ROLL CALL: Council Members Sanchez, Flores, Watson, Cortes & Kimball  
PLEDGE: Council Member Flores  
INVOCATION: To Be Announced

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### 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.

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### Item 1: Council Reports

City Council Members report on recent or upcoming events

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### Item 2: Staff Report

City Manager or designee reports on recent or upcoming events

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### Item 3: Consent Calendar

[Roll Call Vote] Routine items approved in one motion unless item is pulled for discussion  
Pages 1-43

1. City Council meeting minutes from May 28, 2019
2. Warrant list for May 23, 2019 through June 4, 2019
3. Treasurer's Report for May 2019
4. Resolution 19-31 Fireworks application – Centro Christiano, La Puerta Abierta
5. Resolution 19-32 Fireworks application – Royal Rangers
6. Resolution 19-33 Fireworks application – Lindsay Cultural Arts/Fire Museum
7. Temporary Use Permit 19-19 – Shaved ice stand at Jess Automotive
8. Temporary Use Permit 19-18 – Fruit stand at 508 S. Mirage

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### Item 4: PUBLIC HEARING – Resolution 19-36 – Conditional Use Permit for an ABC License for Restaurant Birrieria y Mariscos El Apatzingan located at 380 N Highway 65

[Roll Call Vote] Presented by City Manager Zigler  
Pages 44-52

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### Item 5: PUBLIC HEARING – Resolution 19-37 – General Plan Amendment for APN 205-031-001 (Johnson)

[Roll Call Vote] Presented by City Manager Zigler  
Pages 53-58

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*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](http://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.*



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- Item 6: PUBLIC HEARING – First Reading of Ordinance 574 authorizing zoning change for APN 205-031-001 (Johnson)  
[Roll Call Vote] Presented by City Manager Zigler  
Pages 59
- 
- Item 7: PUBLIC HEARING – Resolution 19-38 – Conditional Use Permit authorizing a boxing gym located at 232 N. Mirage (Varela)  
[Roll Call Vote] Presented by City Manager Zigler  
Pages 60-65
- 
- Item 8: PUBLIC HEARING – First Reading of Ordinance 575 establishing sidewalk vendor permitting procedures and regulations  
[Roll Call Vote] Presented by City Manager Zigler  
Pages 66-80
- 
- Item 9: PUBLIC HEARING – First Reading of Ordinance 576 establishing noticing regulations and procedures for property subdivision  
[Roll Call Vote] Presented by City Manager Zigler  
Pages 81-88
- 
- Item 10: Presentation – FY 2019-2020 Proposed Budget and Five-Year Capital Projects Plan  
Presented by Director of Finance Harmon on behalf of the budget ad-hoc committee
- 
- Item 11: Requests for Future Agenda Items  
[Minute Order] Presented by Councilmembers
- 
- Item 12: Executive (Closed) Session  
1. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION (pursuant to Government Code Section 54956.9)  
Significant exposure to litigation pursuant to paragraph (2) or (3) of subdivision (d) of Section 54956.9: 1 Case
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- 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 June 25, 2019.
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## LINDSAY CITY COUNCIL MEETING: REGULAR MEETING

251 E. Honolulu St., Lindsay, CA 93247

Tuesday, May 28, 2019 @ 6:00PM

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CALL TO ORDER: 6:00pm

ROLL CALL: Present: Council Members Flores and Watson and Mayor Pro Tem Cortes  
Absent with Notice: Council Member Sanchez and Mayor Kimball

PLEDGE: Council Member Watson

INVOCATION: To Be Announced

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### Item 0: Public Comment

- Eric Sinclair – commented on the importance of Memorial Day and freedom. Commented about his aspirations to serve on City Council after the next election. Wants city departments to respond to him as if he were a military drill sergeant.
- Irene Ramirez – appreciates the improvements in the Friday Night Market. Concerned a child or someone may be injured at the end of the night when vendors come to take down market when it closes. Everything else with the market is perfect.
- Ramona Caudillo – asked about the car show's status of approval. Distributed an information piece about the Boulevard Nights event. Interested in bringing individuals with businesses related to acting and wanting to do a walk of fame with stars. Expressed her desire to build up the City. Had questions about fireworks going off and trash left behind.

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### Item 1: Council Reports

City Council Members report on recent or upcoming events

- Council Member Flores – received a phone call about the kind of pesticides the City uses, but accidentally deleted it. (Camarena – City Services also received the call. It deals with the notice of information dealing with glassy winged sharpshooter.) Likes the idea of the walk of fame. (Zigler explained that Ramona would meet with him first.)
- Council Member Watson – nothing at this time.
- Mayor Pro Tem Cortes – end of school year coming up. Promotion events for 8<sup>th</sup> graders moving to the high school. Had a good experience renting the pool last weekend. Read a proclamation for Irene McCall for her work as the school representative. Wished Irene the best and encouraged her to come back to Lindsay after she finishes as CSU Fullerton.

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### Item 2: LHS Student Representative Report

Student reports on recent or upcoming events

- McCall – shared updates about recognition events and the upcoming end of school year. There are many exciting events coming up in the next two weeks.

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### Item 3: Staff Report

City Manager or designee reports on recent or upcoming events

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- Shared update about the water system – all is going well and functioning well. Addressed the Frontier vault in the roundabout. Frontier should finally mobilize on the 10<sup>th</sup> of June to move the vault. No smoking signs are up at the City parks. The labyrinth is going in a City Hall. Addresses CalTrans's plans for highway 65—double-lane roundabout at Tulare Avenue and highway 65. The environment work begins in October 2019. If the work is likely five years away. The city services crew times will shift to summer hours on 6/3 to avoid the hottest times of the day. The Wellness Center is booked many days over the next month, things are going well there.

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### Item 4: Consent Calendar

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

1. City Council meeting minutes from May 14, 2019
2. Warrant list for May 7, 2019 through May 22, 2019
3. Resolution 19-25 to authorize agreement with TCAG for funds for land purchase for future transit center.
4. Resolution 19-26 to affirm City Manager's authority to sign the memorandum of understanding between the City of Lindsay and the Lindsay Public Safety Officers Association (LPOA)
5. Authorize City Manager to complete and return questionnaire for Prop 68 Program for per capita park grant funds from the state.
6. Authorize City Manager to execute an agreement for a school resource officer with Lindsay Unified School District for 2019-2020 school year.
7. Resolution 19-27 to establish tax rates for cannabis retail.
8. Resolution 19-30 supporting balanced energy solutions and maintaining local control of energy solutions.

Motion: Approve consent calendar

1 <sup>st</sup>	2 <sup>nd</sup>	Flores	Sanchez	Watson	Cortes	Kimball	Result
Flores	Watson	Yes	Absent	Yes	Yes	Absent	3-0 approved

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### Item 5: Resolution 19-28 Appoint Delegate to Two-Year Term on Citizen Oversight Committee

Presented by City Manager Zigler

- Provided background on the service the delegate provides on the Citizen Oversight Committee
- Cortes – asked about when the City Council hears about what is happening there.
- Zigler – shared that the council can receive more updated information.
- Flores – asked about the number on the committee
- Camarena – believes there are 16 on the committee

Motion: Appoint Gary Meling to another two-year term

1 <sup>st</sup>	2 <sup>nd</sup>	Flores	Sanchez	Watson	Cortes	Kimball	Result
Watson	Flores	yes	absent	yes	yes	absent	3-0 approved

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### Item 6: Resolution 19-29 Supporting the California Department of Parks and Recreation Proposition 68 Competitive Grant Application; Olive Bowl and Kaku Park

Presented by City Services Director Camarena





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- Reviewed the process to submit for the competitive grant application. There have been four outreach activities/meetings, including engagement at the Friday Night Market to seek community input. The community has come up with two main ideas for the Olive Bowl and Kaku Park over the last two months. Of the applicants in the past, one in nine received funding last time.
- Camarena – having assistance with this application will hopefully make a difference. Talked about the general components of the application. The City hopes to place the form-board models in the Wellness Center.
- Camarena – community members are able to give input at the Wellness Center on the two final plan options. Encouraged everyone to go and view the options at the Wellness Center. Most of the those participating so far are baseball and softball people.
- Zigler – this process has helped the baseball/softball community energize. The City has seen great community involvement and help at the Olive Bowl.

Motion: Approve Resolution 19-29

1 <sup>st</sup>	2 <sup>nd</sup>	Flores	Sanchez	Watson	Cortes	Kimball	Result
Watson	Flores	Yes	Absent	Yes	Yes	Absent	3-0 approved

### Item 7: Approval of Increasing Budgeted Expenses in the Local Transportation Fund to Match a Greater-Than-Expected Allocation in FY 2018-2019

Presented by City Services Director Camarena

- Camarena – Local Transportation Funds are available through a statewide sales tax that is distributed to Cities through the County. The City is receiving more than TCAG had estimated at the beginning of the year. The funds will be used for equipment purchases. The LTF can go into streets and roads for replacing equipment.
- Flores – asked about the equipment
- Camarena – the City would purchase five trucks, a backhoe, a tractor and tilt trailer.
- Cortes – asked what happens to the trucks they would replace.
- Camarena – it will likely take 60-90 days to get the new vehicles. The vehicles being replaced would go to auction.
- Flores – asked about how the auction is noticed.
- Camarena – explained it would be placed in the paper, noticed at the City and word of mouth.

Motion: Approved the budget increase

1 <sup>st</sup>	2 <sup>nd</sup>	Result
Flores	Watson	3-0 approved

### Item 8: Update on and Approval of Streets Program Construction Methods

Presented by City Services Director Camarena

- Camarena – presented the timeframe and the upcoming projects. Reviewed the projects changing construction method. Reviewed the staff report. The changes to Orange will also allow the City to make needed upgrade to the storm drain system.
- Watson – identified need to make sure this is publicized to the community.
- Flores – would like to make sure the contractors finish what they start.
- Cortes – asked about the timeline for these projects



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- Camarena – without being able to see what is underground, the City still hopes to bid within the next few weeks with construction beginning in July. Cape Seal are about a week. Rehabs are about four weeks.

Motion: Change the construction methods as requested

1 <sup>st</sup>	2 <sup>nd</sup>	Result
Watson	Flores	3-0 approved

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Item 9: Requests for Future Agenda Items  
Presented by Councilmembers

- None

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Item 10: Executive (Closed) Session  
None

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Item 11: 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 June 14, 2019.

Motion: To adjourn

1 <sup>st</sup>	2 <sup>nd</sup>	Result
Flores	Watson	3-0 approved

Check #	Fund	Date	Vendor #	Vendor Name	Description	Amount
<b>TOTAL</b>						<b>644,958.00</b>
<b>94559</b>						<b>\$3,292.25</b>
	101 - GENERAL FUND	5/23/2019	3536	BSN SPORTS	BATTERY -STRIPER	1,699.99
	101 - GENERAL FUND	5/23/2019	3536	BSN SPORTS	FREIGHT & TAX	472.34
	101 - GENERAL FUND	5/23/2019	3536	BSN SPORTS	GOLD PAINT-5 GALLON	559.96
	101 - GENERAL FUND	5/23/2019	3536	BSN SPORTS	WHITE PAINT-5 GALLO	559.96
<b>94560</b>						<b>\$75.00</b>
	101 - GENERAL FUND	5/23/2019	6418	GUILLERMO BUENROSTR	ARBOR DEPOSIT REFUN	75.00
<b>94561</b>						<b>\$100.00</b>
	101 - GENERAL FUND	5/23/2019	6417	LAURA SANCHEZ	ARBOR DEPOSIT REFUN	100.00
<b>94562</b>						<b>\$100.00</b>
	101 - GENERAL FUND	5/23/2019	6416	MARIA SANCHEZ	ARBOR DEPOSIT REFUN	100.00
<b>94563</b>						<b>\$100.00</b>
	101 - GENERAL FUND	5/23/2019	6415	MARY JANE DORAME	ARBOR DEPOSIT REFUN	100.00
<b>94564</b>						<b>\$15,000.00</b>
	553 - SEWER	5/23/2019	6414	NELSON AUCTIONS	TRACTOR	15,000.00
<b>94565</b>						<b>\$431.05</b>
	101 - GENERAL FUND	5/24/2019	3977	AFLAC	DED:015 AFLAC	431.05
<b>94566</b>						<b>\$242.61</b>
	101 - GENERAL FUND	5/24/2019	4660	CITY OF LINDSAY	DED:052 WELLNESS	4.61
	101 - GENERAL FUND	5/24/2019	4660	CITY OF LINDSAY	DED:L203 CDBG LOAN	238.00
<b>94567</b>						<b>\$1,128.09</b>
	101 - GENERAL FUND	5/24/2019	451	CITY OF LINDSAY EMP	DED:0503 SEC 125	1,119.09
	101 - GENERAL FUND	5/24/2019	451	CITY OF LINDSAY EMP	DED:0505 SEC 125	9.00
<b>94568</b>						<b>\$140.84</b>
	101 - GENERAL FUND	5/24/2019	3192	SEIU LOCAL 521	DED:DUES UNION DUES	140.84
<b>94569</b>						<b>\$92.38</b>
	101 - GENERAL FUND	5/24/2019	6409	HYATT LEGAL PLANS,	DED:MET MET LAW	92.38
<b>94570</b>						<b>\$5,751.26</b>
	101 - GENERAL FUND	5/24/2019	453	LINCOLN LIFE	DED:0500 DEF COMP	2,402.65
	101 - GENERAL FUND	5/24/2019	453	LINCOLN LIFE	DED:151 DEFERCOMP	2,420.98
	101 - GENERAL FUND	5/24/2019	453	LINCOLN LIFE	DED:0555 DC LOANPAY	927.63
<b>94571</b>						<b>\$50.82</b>
	101 - GENERAL FUND	5/24/2019	2325	LINDSAY PUBLIC SAFE	DED:LPOA LPOA DUES	50.82
<b>94572</b>						<b>\$145.32</b>
	101 - GENERAL FUND	5/24/2019	6246	MCDERMONT VENTURE I	DED:051 MCDERMONT	145.32
<b>94573</b>						<b>\$437.07</b>
	101 - GENERAL FUND	5/24/2019	3042	STATE DISBURSEMENT	DED:0512 CHILD SUPT	437.07
<b>94574</b>						<b>\$329.20</b>
	101 - GENERAL FUND	5/24/2019	1955	TEAMSTERS LOCAL 856	DED:0508 TEAMSTERS	329.20
<b>94575</b>						<b>\$100.00</b>
	101 - GENERAL FUND	5/30/2019	6201	LORENA LEON	ARBOR DEPOSIT	100.00
<b>94576</b>						<b>\$18,270.00</b>
	553 - SEWER	5/30/2019	6414	NELSON AUCTIONS	KUBOTA TRACTOR	18,270.00
<b>94577</b>						<b>\$48,937.50</b>
	266 - LTF-ART 8 STREETS	5/30/2019	1513	UNITED RENTALS, INC	BACKHOE	15,219.56
	552 - WATER	5/30/2019	1513	UNITED RENTALS, INC	BACKHOE	24,468.75
	553 - SEWER	5/30/2019	1513	UNITED RENTALS, INC	BACKHOE	9,249.19

Check #	Fund	Date	Vendor #	Vendor Name	Description	Amount
<b>TOTAL</b>						<b>644,958.00</b>
<b>94578</b>						<b>\$155.00</b>
	101 - GENERAL FUND	5/30/2019	6395	REYNA ARELLANO	ARBOR DEPOSIT	100.00
	101 - GENERAL FUND	5/30/2019	6395	REYNA ARELLANO	RENTAL FEE-CANCEL	55.00
<b>94579</b>						<b>\$502.71</b>
	400 - WELLNESS CENTER	6/6/2019	3023	AAA SECURITY, INC.	GUARD 5/24,5/26	502.71
<b>94580</b>						<b>\$26.60</b>
	101 - GENERAL FUND	6/6/2019	4259	AAA TRUCK SERVICE I	AIR FILTER-CHIPPER	26.60
<b>94581</b>						<b>\$33.34</b>
	101 - GENERAL FUND	6/6/2019	4877	ADAM ROMERO	REIMBURSEMENT	33.34
<b>94582</b>						<b>\$364.51</b>
	101 - GENERAL FUND	6/6/2019	2873	ADVANTAGE ANSWERING	5/1/19-5/31/19	91.13
	552 - WATER	6/6/2019	2873	ADVANTAGE ANSWERING	5/1/19-5/31/19	91.13
	553 - SEWER	6/6/2019	2873	ADVANTAGE ANSWERING	5/1/19-5/31/19	91.13
	554 - REFUSE	6/6/2019	2873	ADVANTAGE ANSWERING	5/1/19-5/31/19	91.12
<b>94583</b>						<b>\$1,264.34</b>
	101 - GENERAL FUND	6/6/2019	7	AG IRRIGATION SALES	OPERATING SUPPLIES	460.22
	101 - GENERAL FUND	6/6/2019	7	AG IRRIGATION SALES	CITY SIGN MATERIALS	186.65
	101 - GENERAL FUND	6/6/2019	7	AG IRRIGATION SALES	LINDSAY SIGN-MATERI	13.50
	552 - WATER	6/6/2019	7	AG IRRIGATION SALES	OPERATING SUPPLIES	213.20
	552 - WATER	6/6/2019	7	AG IRRIGATION SALES	TUBE BRASS	67.96
	552 - WATER	6/6/2019	7	AG IRRIGATION SALES	WATER DEPT PVC PIPE	9.15
	552 - WATER	6/6/2019	7	AG IRRIGATION SALES	WATER PLANT FILTERS	313.66
<b>94584</b>						<b>\$105.00</b>
	101 - GENERAL FUND	6/6/2019	1858	ALL PRO FIRE AND SA	ANNUAL-SENIOR CENTE	105.00
<b>94585</b>						<b>\$10,587.45</b>
	266 - LTF-ART 8 STREETS	6/6/2019	6420	BIG TEX TRAILERS -	BLACK/2019 TRAILER	10,587.45
<b>94586</b>						<b>\$200.00</b>
	101 - GENERAL FUND	6/6/2019	4281	BRIAN E. WATSON	COUNCIL STIPEND	100.00
	101 - GENERAL FUND	6/6/2019	4281	BRIAN E. WATSON	REISSUED CHK 92573	100.00
<b>94587</b>						<b>\$5,046.00</b>
	552 - WATER	6/6/2019	51	BSK	BACTI	1,300.00
	552 - WATER	6/6/2019	51	BSK	GENERAL	742.00
	552 - WATER	6/6/2019	51	BSK	MONTHLY ALK/TOC/EDT	135.00
	552 - WATER	6/6/2019	51	BSK	QTR DBP'S	2,504.00
	552 - WATER	6/6/2019	51	BSK	UCMR4	365.00
<b>94588</b>						<b>\$165.00</b>
	101 - GENERAL FUND	6/6/2019	5013	BUZZ KILL PEST CONT	157 N MIRAGE	30.00
	101 - GENERAL FUND	6/6/2019	5013	BUZZ KILL PEST CONT	476 MT VERNON	45.00
	886 - SAMOA	6/6/2019	5013	BUZZ KILL PEST CONT	165-173 W SAMOA	40.00
	887 - SWEETBRIER TOWI	6/6/2019	5013	BUZZ KILL PEST CONT	201-265 N SWEETBIER	50.00
<b>94589</b>						<b>\$323,363.00</b>
	660 - RDA OBLIGATION F	6/6/2019	4130	CALIFORNIA HOUSING	RDLP FY 19 ROPS PER	323,363.00
<b>94590</b>						<b>\$222.51</b>
	101 - GENERAL FUND	6/6/2019	76	CENTRAL VALLEY BUSI	SERVICE REQUEST FOR	222.51
<b>94591</b>						<b>\$1,209.00</b>
	101 - GENERAL FUND	6/6/2019	279	CITY OF PORTERVILLE	01-000680 ANIMAL MA	1,209.00
<b>94592</b>						<b>\$1,000.00</b>
	552 - WATER	6/6/2019	6090	CLEAN CUT LANDSCAPE	CONST METER DEPOSIT	1,000.00

Check #	Fund	Date	Vendor #	Vendor Name	Description	Amount
<b>TOTAL</b>						<b>644,958.00</b>
<b>94593</b>						<b>\$45.00</b>
	101 - GENERAL FUND	6/6/2019	5518	COMPUTER SYSYSTEMS P	4/30/19 ANTIVIRUS C	45.00
<b>94594</b>						<b>\$1,125.00</b>
	600 - CAPITAL IMPROVE	6/6/2019	91	CONSOLIDATED TESTIN	ROUNDAABOUT-COMPACTI	1,125.00
<b>94595</b>						<b>\$100.00</b>
	101 - GENERAL FUND	6/6/2019	6281	DENISE MARTINEZ	ARBOR DEPOSIT REFUN	100.00
<b>94596</b>						<b>\$3,356.76</b>
	552 - WATER	6/6/2019	388	DENNIS KELLER/JAMES	CCR,DBP,TOC,WATER T	1,606.15
	552 - WATER	6/6/2019	388	DENNIS KELLER/JAMES	PROJECT TECH REPORT	30.75
	552 - WATER	6/6/2019	388	DENNIS KELLER/JAMES	TEST WELL -CONST IN	1,719.86
<b>94597</b>						<b>\$4,400.11</b>
	553 - SEWER	6/6/2019	5978	DOMINO SOLAR LTD	4/1/19-4/30/19	4,400.11
<b>94598</b>						<b>\$294.35</b>
	101 - GENERAL FUND	6/6/2019	119	DOUG DELEO WELDING	1/2' BALL VALVE	53.70
	101 - GENERAL FUND	6/6/2019	119	DOUG DELEO WELDING	1/2"BLACK PLUG	6.61
	101 - GENERAL FUND	6/6/2019	119	DOUG DELEO WELDING	HOOKS WITHSAFETYLAT	13.81
	552 - WATER	6/6/2019	119	DOUG DELEO WELDING	WTP MATERIALS	24.50
	552 - WATER	6/6/2019	119	DOUG DELEO WELDING	WTP SUPPLIES	12.31
	552 - WATER	6/6/2019	119	DOUG DELEO WELDING	CUTOFFWHEEL	21.99
	552 - WATER	6/6/2019	119	DOUG DELEO WELDING	HITCH PIN	16.53
	552 - WATER	6/6/2019	119	DOUG DELEO WELDING	SQ DRIVE SOCKET	84.10
	552 - WATER	6/6/2019	119	DOUG DELEO WELDING	TRUCK 46-REPAIR MAI	41.33
	553 - SEWER	6/6/2019	119	DOUG DELEO WELDING	WWTP MATERIALS	4.47
	553 - SEWER	6/6/2019	119	DOUG DELEO WELDING	WWTP REPAIRS	15.00
<b>94599</b>						<b>\$21,600.00</b>
	556 - VITA-PAKT	6/6/2019	5760	ED & EDNA BROWER IR	LEASE ON LAND	21,600.00
<b>94600</b>						<b>\$223.57</b>
	101 - GENERAL FUND	6/6/2019	633	ENTENMANN-ROVIN CO	LIFESAVING MEDALS	223.57
<b>94601</b>						<b>\$2,023.63</b>
	552 - WATER	6/6/2019	3461	FERGUSON ENTERPRISE	WTP OPERATING SUPPL	359.24
	552 - WATER	6/6/2019	3461	FERGUSON ENTERPRISE	WTP MAINT SUPPLIES	1,664.39
<b>94602</b>						<b>\$7,661.65</b>
	552 - WATER	6/6/2019	137	FRIANT WATER AUTHOR	SLDMWA FOR MAY 2019	7,661.65
<b>94603</b>						<b>\$724.94</b>
	400 - WELLNESS CENTER	6/6/2019	6010	FRONTIER COMMUNICAT	559-562-3657	724.94
<b>94604</b>						<b>\$97.37</b>
	101 - GENERAL FUND	6/6/2019	1925	FRUIT GROWERS SUPPL	HEADGEAR W/SHIELD	62.13
	101 - GENERAL FUND	6/6/2019	1925	FRUIT GROWERS SUPPL	PARKPLUG/FILTER AIR	35.24
<b>94605</b>						<b>\$449.80</b>
	101 - GENERAL FUND	6/6/2019	1970	GIOTTO'S	REPLACE CONTROBATTE	449.80
<b>94606</b>						<b>\$463.50</b>
	101 - GENERAL FUND	6/6/2019	148	GOMEZ AUTO & SMOG	06FORDCROWSPEEDSENS	393.40
	101 - GENERAL FUND	6/6/2019	148	GOMEZ AUTO & SMOG	07FORDCROWN-OILCHAN	70.10
<b>94607</b>						<b>\$37.05</b>
	101 - GENERAL FUND	6/6/2019	151	GRAINGER INC	FLAT CHISEL	37.05
<b>94608</b>						<b>\$75.00</b>
	101 - GENERAL FUND	6/6/2019	6418	GUILLERMO BUENROSTR	ARBOR DEPOSIT REFUN	75.00
<b>94609</b>						<b>\$100.00</b>
	101 - GENERAL FUND	6/6/2019	6419	ISABEL MURGUIA	ARBOR DEPOSIT REFUN	100.00

Check #	Fund	Date	Vendor #	Vendor Name	Description	Amount
<b>TOTAL</b>						<b>644,958.00</b>
<b>94610</b>						<b>\$50.00</b>
	101 - GENERAL FUND	6/6/2019	2601	JOHN HIBLER WEATHER	WEATHER SERVICE APR	50.00
<b>94611</b>						<b>\$1,600.00</b>
	101 - GENERAL FUND	6/6/2019	4378	JOSEPH H AVINA	5/14,5/17,5/21,5/24	1,600.00
<b>94612</b>						<b>\$51,297.39</b>
	101 - GENERAL FUND	6/6/2019	6100	KEENAN & ASSOCIATES	COBRA-MEDICAL	1,493.11
	101 - GENERAL FUND	6/6/2019	6100	KEENAN & ASSOCIATES	COMPLETE CARE	895.57
	101 - GENERAL FUND	6/6/2019	6100	KEENAN & ASSOCIATES	MAY-MEDICAL PLAN	46,723.66
	101 - GENERAL FUND	6/6/2019	6100	KEENAN & ASSOCIATES	RETIEREE	2,185.05
<b>94613</b>						<b>\$100.00</b>
	101 - GENERAL FUND	6/6/2019	6103	LAURA CORTES	COUNCIL STIPEND	100.00
<b>94614</b>						<b>\$701.76</b>
	101 - GENERAL FUND	6/6/2019	4956	LAWRENCE TRACTOR CO	BLADE	157.51
	101 - GENERAL FUND	6/6/2019	4956	LAWRENCE TRACTOR CO	UNIVERSAL DRIVESHAFT	544.25
<b>94615</b>						<b>\$2,377.34</b>
	400 - WELLNESS CENTER	6/6/2019	5788	LINCOLN AQUATICS	BOTTLE DEPOSIT	(144.00)
	400 - WELLNESS CENTER	6/6/2019	5788	LINCOLN AQUATICS	GAL BOTTLE DEPOSIT	(160.00)
	400 - WELLNESS CENTER	6/6/2019	5788	LINCOLN AQUATICS	POOL CHEMICALS	2,681.34
<b>94616</b>						<b>\$4,026.42</b>
	101 - GENERAL FUND	6/6/2019	4067	LINCOLN NAT'L INSUR	JUNE-DENTAL PLAN	2,364.72
	101 - GENERAL FUND	6/6/2019	4067	LINCOLN NAT'L INSUR	LIFE INSURANCE	1,661.70
<b>94617</b>						<b>\$1,974.82</b>
	101 - GENERAL FUND	6/6/2019	1422	LINDSAY TRUE VALUE	PD	88.02
	101 - GENERAL FUND	6/6/2019	1422	LINDSAY TRUE VALUE	C.S	673.93
	101 - GENERAL FUND	6/6/2019	1422	LINDSAY TRUE VALUE	C.S	114.61
	101 - GENERAL FUND	6/6/2019	1422	LINDSAY TRUE VALUE	C.S	57.12
	101 - GENERAL FUND	6/6/2019	1422	LINDSAY TRUE VALUE	WELLNESS	495.71
	261 - GAS TAX FUND	6/6/2019	1422	LINDSAY TRUE VALUE	C.S	195.75
	552 - WATER	6/6/2019	1422	LINDSAY TRUE VALUE	C.S	174.92
	553 - SEWER	6/6/2019	1422	LINDSAY TRUE VALUE	C.S	163.90
	600 - CAPITAL IMPROVEMENT	6/6/2019	1422	LINDSAY TRUE VALUE	C.S	10.86
<b>94618</b>						<b>\$85.00</b>
	101 - GENERAL FUND	6/6/2019	5424	LINDSAY VETERINARY	251241 EXAM	85.00
<b>94619</b>						<b>\$1,932.99</b>
	101 - GENERAL FUND	6/6/2019	1442	LLOYD ANDERSON ELEC	CITY YARD-LIGHT POL	478.71
	552 - WATER	6/6/2019	1442	LLOYD ANDERSON ELEC	LIGHT FIXTURE WTP	301.62
	552 - WATER	6/6/2019	1442	LLOYD ANDERSON ELEC	WELL PUMPS REPAIR	440.54
	552 - WATER	6/6/2019	1442	LLOYD ANDERSON ELEC	SERVICE CALL WELL 1	328.50
	552 - WATER	6/6/2019	1442	LLOYD ANDERSON ELEC	WELL 14 -SERVICE CA	109.50
	553 - SEWER	6/6/2019	1442	LLOYD ANDERSON ELEC	REPAIR LIGHT@PUMPWW	201.12
	553 - SEWER	6/6/2019	1442	LLOYD ANDERSON ELEC	WWTP SERVICE CALL	73.00
<b>94620</b>						<b>\$75.00</b>
	101 - GENERAL FUND	6/6/2019	6422	MARIBEL CORTEZ	ARBOR DEPOSIT REFUND	75.00
<b>94621</b>						<b>\$100.00</b>
	101 - GENERAL FUND	6/6/2019	6421	MARINA AVILA	ARBOR DEPOSIT REFUND	100.00

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<b>TOTAL</b>						<b>644,958.00</b>
<b>94622</b>						<b>\$73.50</b>
	101 - GENERAL FUND	6/6/2019	6111	MARSHALL CHAIREZ	REIMBURSEMENT	73.50
<b>94623</b>						<b>\$832.39</b>
	101 - GENERAL FUND	6/6/2019	234	MARTIN'S TIRE & AUT	1WHEELSNEW9H6Z1007C	288.95
	101 - GENERAL FUND	6/6/2019	234	MARTIN'S TIRE & AUT	2TIRES 06FORDCROWN	543.44
<b>94624</b>						<b>\$2,090.97</b>
	552 - WATER	6/6/2019	6423	MCCROMETER	METER REPAIR ADDER	2,090.97
<b>94625</b>						<b>\$512.00</b>
	101 - GENERAL FUND	6/6/2019	6258	NATIONAL TRAINING C	ACTIVE SHOOTER RESP	512.00
<b>94626</b>						<b>\$499.17</b>
	101 - GENERAL FUND	6/6/2019	5625	NGLIC-SUPERIOR VISI	VISION PLAN	499.17
<b>94627</b>						<b>\$7,478.60</b>
	552 - WATER	6/6/2019	1991	NTU TECHNOLOGIES, I	926 APPROX 1,000 GA	7,478.60
<b>94628</b>						<b>\$189.95</b>
	400 - WELLNESS CENTER	6/6/2019	1565	OACYS.COM INC	INTERNET@ WELLNESS	189.95
<b>94629</b>						<b>\$150.00</b>
	101 - GENERAL FUND	6/6/2019	1426	PAM KIMBALL	COUNCIL STIPEND	150.00
<b>94630</b>						<b>\$1,844.79</b>
	552 - WATER	6/6/2019	5796	PRESORT OF FRESNO L	DELINQUENT 5/8	79.75
	552 - WATER	6/6/2019	5796	PRESORT OF FRESNO L	UB BILLING 5/8	535.18
	553 - SEWER	6/6/2019	5796	PRESORT OF FRESNO L	DELINQUENT 5/8	79.75
	553 - SEWER	6/6/2019	5796	PRESORT OF FRESNO L	UB BILLING 5/8	535.18
	554 - REFUSE	6/6/2019	5796	PRESORT OF FRESNO L	DELINQUENT 5/8	79.75
	554 - REFUSE	6/6/2019	5796	PRESORT OF FRESNO L	UB BILLING 5/8	535.18
<b>94631</b>						<b>\$3,687.93</b>
	553 - SEWER	6/6/2019	4618	PROVOST & PRITCHARD	GWM & R EAST PONDS	3,687.93
<b>94632</b>						<b>\$58.69</b>
	101 - GENERAL FUND	6/6/2019	2869	PORTERVILLE SHELTER	YURICO BUSINESS CAR	58.69
<b>94633</b>						<b>\$4,563.85</b>
	101 - GENERAL FUND	6/6/2019	399	QUAD KNOPF,INC.	SITE PLAN ATM BOA	1,312.80
	101 - GENERAL FUND	6/6/2019	399	QUAD KNOPF,INC.	WATSON T. PARCEL MA	338.20
	552 - WATER	6/6/2019	399	QUAD KNOPF,INC.	WATER LINE REPLACE	2,242.85
	600 - CAPITAL IMPROVE	6/6/2019	399	QUAD KNOPF,INC.	ENGINEERING SERVICE	670.00
<b>94634</b>						<b>\$2,515.08</b>
	101 - GENERAL FUND	6/6/2019	285	QUILL CORPORATION	CREDIT	(77.20)
	101 - GENERAL FUND	6/6/2019	285	QUILL CORPORATION	QB REMAN HP TONER	77.20
	101 - GENERAL FUND	6/6/2019	285	QUILL CORPORATION	QUILL BRAND PAPER	230.51
	400 - WELLNESS CENTER	6/6/2019	285	QUILL CORPORATION	24PK BATTERIES	10.10
	400 - WELLNESS CENTER	6/6/2019	285	QUILL CORPORATION	48PK BATTERIES AA	18.26
	400 - WELLNESS CENTER	6/6/2019	285	QUILL CORPORATION	FACILITY WIPES	278.36
	400 - WELLNESS CENTER	6/6/2019	285	QUILL CORPORATION	GHE TELESCOPING BLA	51.10
	400 - WELLNESS CENTER	6/6/2019	285	QUILL CORPORATION	OPERATING SUPPLES	949.85
	400 - WELLNESS CENTER	6/6/2019	285	QUILL CORPORATION	OPERATING SUPPLIES	412.58
	400 - WELLNESS CENTER	6/6/2019	285	QUILL CORPORATION	RED WRISTBANDS	107.63
	400 - WELLNESS CENTER	6/6/2019	285	QUILL CORPORATION	WIPE FACILITY WIPES	456.69



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<b>TOTAL</b>						<b>644,958.00</b>
<b>94635</b>						<b>\$519.12</b>
	101 - GENERAL FUND	6/6/2019	3016	QUINN COMPANY	VEH MAINT	173.04
	101 - GENERAL FUND	6/6/2019	3016	QUINN COMPANY	VEH MAINT	173.04
	552 - WATER	6/6/2019	3016	QUINN COMPANY	VEH MAINT	173.04
<b>94636</b>						<b>\$1,626.00</b>
	101 - GENERAL FUND	6/6/2019	3622	RLH FIRE PROTECTION	1ST QTR INSPECTION	719.00
	101 - GENERAL FUND	6/6/2019	3622	RLH FIRE PROTECTION	ANNUAL FIRE PUMP TE	742.00
	400 - WELLNESS CENTER	6/6/2019	3622	RLH FIRE PROTECTION	FIRE SPRINKLER INSP	165.00
<b>94637</b>						<b>\$100.00</b>
	101 - GENERAL FUND	6/6/2019	5511	ROSAENA SANCHEZ	COUNCIL STIPEND	100.00
<b>94638</b>						<b>\$443.66</b>
	101 - GENERAL FUND	6/6/2019	3004	SEQUOIA EQUIPMENT C	FINANCE CHARGE	203.74
	101 - GENERAL FUND	6/6/2019	3004	SEQUOIA EQUIPMENT C	LATE CHARGE	62.89
	552 - WATER	6/6/2019	3004	SEQUOIA EQUIPMENT C	BACKHOE UTILITIES	132.77
	553 - SEWER	6/6/2019	3004	SEQUOIA EQUIPMENT C	BACKHOE UTILITIES	44.26
<b>94639</b>						<b>\$2,721.33</b>
	552 - WATER	6/6/2019	4555	THATCHER COMPANY IN	10 150 #CYL CHLORIN	4,221.33
	552 - WATER	6/6/2019	4555	THATCHER COMPANY IN	CONTAINERS RETURNED	(1,500.00)
<b>94640</b>						<b>\$173.88</b>
	101 - GENERAL FUND	6/6/2019	5624	SIERRA SANITATION,	5/21/19-6-18-19	173.88
<b>94641</b>						<b>\$3,260.62</b>
	552 - WATER	6/6/2019	307	SILVAS OIL COMPANY	DIESEL FUEL	470.82
	553 - SEWER	6/6/2019	307	SILVAS OIL COMPANY	9 PAIL MOBIL SHC	2,318.98
	553 - SEWER	6/6/2019	307	SILVAS OIL COMPANY	DIESEL FUEL	470.82
<b>94642</b>						<b>\$11,218.76</b>
	101 - GENERAL FUND	6/6/2019	310	SOUTHERN CA. EDISON	3-023-0081-92	0.29
	101 - GENERAL FUND	6/6/2019	310	SOUTHERN CA. EDISON	3-033-5943-68	10.91
	261 - GAS TAX FUND	6/6/2019	310	SOUTHERN CA. EDISON	2-31-363-1293	120.71
	261 - GAS TAX FUND	6/6/2019	310	SOUTHERN CA. EDISON	3-023-0081-92	29.24
	261 - GAS TAX FUND	6/6/2019	310	SOUTHERN CA. EDISON	3-033-1133-77	37.12
	261 - GAS TAX FUND	6/6/2019	310	SOUTHERN CA. EDISON	3-033-1133-94	59.38
	261 - GAS TAX FUND	6/6/2019	310	SOUTHERN CA. EDISON	3-033-9421-46	43.28
	261 - GAS TAX FUND	6/6/2019	310	SOUTHERN CA. EDISON	3-033-9504-85	14.75
	261 - GAS TAX FUND	6/6/2019	310	SOUTHERN CA. EDISON	3-033-9591-42	134.12
	400 - WELLNESS CENTER	6/6/2019	310	SOUTHERN CA. EDISON	3-031-5675-04	10,729.88
	553 - SEWER	6/6/2019	310	SOUTHERN CA. EDISON	3-035-4725-72	16.80
	891 - PELOUS RANCH	6/6/2019	310	SOUTHERN CA. EDISON	2-32-032-1755	22.28
<b>94643</b>						<b>\$233.00</b>
	779 - 00-HOME-0487	6/6/2019	3634	STATE FARM GENERAL	L10852 ADELFA MARTI	233.00
<b>94644</b>						<b>\$2,488.13</b>
	400 - WELLNESS CENTER	6/6/2019	5899	SUPPLYWORKS	BATH TISSUE	62.89
	400 - WELLNESS CENTER	6/6/2019	5899	SUPPLYWORKS	CREDIT	(55.69)
	400 - WELLNESS CENTER	6/6/2019	5899	SUPPLYWORKS	MAINT SUPPLIES	2,480.93

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<b>TOTAL</b>						<b>644,958.00</b>
<b>94645</b>						<b>\$4,797.10</b>
	101 - GENERAL FUND	6/6/2019	5755	TELEPACIFIC COMMUNI	5/9/19-6/8/19	685.30
	101 - GENERAL FUND	6/6/2019	5755	TELEPACIFIC COMMUNI	5/9/19-6/8/19	685.30
	101 - GENERAL FUND	6/6/2019	5755	TELEPACIFIC COMMUNI	5/9/19-6/8/19	685.30
	400 - WELLNESS CENTER	6/6/2019	5755	TELEPACIFIC COMMUNI	5/9/19-6/8/19	685.30
	552 - WATER	6/6/2019	5755	TELEPACIFIC COMMUNI	5/9/19-6/8/19	685.30
	553 - SEWER	6/6/2019	5755	TELEPACIFIC COMMUNI	5/9/19-6/8/19	685.30
	554 - REFUSE	6/6/2019	5755	TELEPACIFIC COMMUNI	5/9/19-6/8/19	685.30
<b>94646</b>						<b>\$7,668.00</b>
	552 - WATER	6/6/2019	1921	TELSTAR INSTRUMENTS	MTNCE SERVICES	1,127.00
	552 - WATER	6/6/2019	1921	TELSTAR INSTRUMENTS	WTP TURNIDITY METER	6,541.00
<b>94647</b>						<b>\$3,583.64</b>
	101 - GENERAL FUND	6/6/2019	144	THE GAS COMPANY	163-715-8900	28.51
	101 - GENERAL FUND	6/6/2019	144	THE GAS COMPANY	031-415-9000	83.32
	101 - GENERAL FUND	6/6/2019	144	THE GAS COMPANY	163-715-6900	114.64
	400 - WELLNESS CENTER	6/6/2019	144	THE GAS COMPANY	098-928-2905	3,357.17
<b>94648</b>						<b>\$311.94</b>
	400 - WELLNESS CENTER	6/6/2019	3396	THYSSENKRUPP ELEVAT	6/1/19-6/30/19	311.94
<b>94649</b>						<b>\$3,751.93</b>
	101 - GENERAL FUND	6/6/2019	6326	CORPORATE PAYMENT S	MICHAEL STORES	22.79
	101 - GENERAL FUND	6/6/2019	6326	CORPORATE PAYMENT S	OFFICEMAX	21.66
	101 - GENERAL FUND	6/6/2019	6326	CORPORATE PAYMENT S	BILL Z. CCC SAVEMAR	14.47
	101 - GENERAL FUND	6/6/2019	6326	CORPORATE PAYMENT S	ORANGE WORKS -B.Z C	85.00
	101 - GENERAL FUND	6/6/2019	6326	CORPORATE PAYMENT S	STARBUCKS-BILL Z CC	16.95
	101 - GENERAL FUND	6/6/2019	6326	CORPORATE PAYMENT S	ADOBE -BRET CC	14.99
	101 - GENERAL FUND	6/6/2019	6326	CORPORATE PAYMENT S	CHEVRON-BRET CC	32.37
	101 - GENERAL FUND	6/6/2019	6326	CORPORATE PAYMENT S	TOGOS-BRET CC	6.47
	101 - GENERAL FUND	6/6/2019	6326	CORPORATE PAYMENT S	FIGAROS -BRET CC	77.51
	101 - GENERAL FUND	6/6/2019	6326	CORPORATE PAYMENT S	STAPLES	101.97
	101 - GENERAL FUND	6/6/2019	6326	CORPORATE PAYMENT S	ADOBE-CHIS CC	9.99
	101 - GENERAL FUND	6/6/2019	6326	CORPORATE PAYMENT S	CHRIS CC ADOBE	14.99
	101 - GENERAL FUND	6/6/2019	6326	CORPORATE PAYMENT S	DOUBLETREE CHRIS CC	580.96
	101 - GENERAL FUND	6/6/2019	6326	CORPORATE PAYMENT S	PANERA BREAD	89.04
	101 - GENERAL FUND	6/6/2019	6326	CORPORATE PAYMENT S	CHICAGO FIRE ELK GR	44.99
	101 - GENERAL FUND	6/6/2019	6326	CORPORATE PAYMENT S	DOUBLE TREE	580.96
	101 - GENERAL FUND	6/6/2019	6326	CORPORATE PAYMENT S	DOUBLETREE	580.96
	101 - GENERAL FUND	6/6/2019	6326	CORPORATE PAYMENT S	ADOBE	14.99
	101 - GENERAL FUND	6/6/2019	6326	CORPORATE PAYMENT S	DICKS SPORTING LISA	216.98
	101 - GENERAL FUND	6/6/2019	6326	CORPORATE PAYMENT S	HARBOR FREIGHT TOOL	64.80
	261 - GAS TAX FUND	6/6/2019	6326	CORPORATE PAYMENT S	DOWNTOWN LIGHTS AMA	834.60
	400 - WELLNESS CENTER	6/6/2019	6326	CORPORATE PAYMENT S	ADOBE	14.99
	552 - WATER	6/6/2019	6326	CORPORATE PAYMENT S	SMART SIGN	103.17
	553 - SEWER	6/6/2019	6326	CORPORATE PAYMENT S	SMART SIGN	103.17
	554 - REFUSE	6/6/2019	6326	CORPORATE PAYMENT S	SMART SIGN	103.16

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<b>TOTAL</b>						<b>644,958.00</b>
<b>94650</b>						<b>\$2,258.60</b>
	101 - GENERAL FUND	6/6/2019	5747	UNITED STAFFING	M.SANCHE 4/22-4/28/	189.40
	101 - GENERAL FUND	6/6/2019	5747	UNITED STAFFING	M.SANCHEZ 4/29-5/5/	185.85
	101 - GENERAL FUND	6/6/2019	5747	UNITED STAFFING	M.SANCHEZ 5/6-5/12/	189.40
	101 - GENERAL FUND	6/6/2019	5747	UNITED STAFFING	M.SANCHE 4/22-4/28/	189.40
	101 - GENERAL FUND	6/6/2019	5747	UNITED STAFFING	M.SANCHEZ 4/29-5/5/	185.85
	101 - GENERAL FUND	6/6/2019	5747	UNITED STAFFING	M.SANCHEZ 5/6-5/12/	189.40
	101 - GENERAL FUND	6/6/2019	5747	UNITED STAFFING	M.SANCHE 4/22-4/28/	189.40
	101 - GENERAL FUND	6/6/2019	5747	UNITED STAFFING	M.SANCHEZ 4/29-5/5/	185.85
	101 - GENERAL FUND	6/6/2019	5747	UNITED STAFFING	M.SANCHEZ 5/6-5/12/	189.40
	552 - WATER	6/6/2019	5747	UNITED STAFFING	M.SANCHE 4/22-4/28/	189.40
	552 - WATER	6/6/2019	5747	UNITED STAFFING	M.SANCHEZ 4/29-5/5/	185.85
	552 - WATER	6/6/2019	5747	UNITED STAFFING	M.SANCHEZ 5/6-5/12/	189.40
<b>94651</b>						<b>\$806.97</b>
	552 - WATER	6/6/2019	5413	UNIVAR USA INC	WATER WELLS MATERIA	806.97
<b>94652</b>						<b>\$111.73</b>
	101 - GENERAL FUND	6/6/2019	356	USA BLUEBOOK	WRENCH PLASTIC PIPE	111.73
<b>94653</b>						<b>\$94.37</b>
	101 - GENERAL FUND	6/6/2019	1041	VERIZON WIRELESS	642065758-0001	1.81
	101 - GENERAL FUND	6/6/2019	1041	VERIZON WIRELESS	642065758-0001	15.43
	101 - GENERAL FUND	6/6/2019	1041	VERIZON WIRELESS	642065758-0001	15.43
	101 - GENERAL FUND	6/6/2019	1041	VERIZON WIRELESS	642065758-0001	15.43
	552 - WATER	6/6/2019	1041	VERIZON WIRELESS	642065758-0001	15.43
	553 - SEWER	6/6/2019	1041	VERIZON WIRELESS	642065758-0001	15.43
	554 - REFUSE	6/6/2019	1041	VERIZON WIRELESS	642065758-0001	15.41
<b>94654</b>						<b>\$258.60</b>
	552 - WATER	6/6/2019	368	VOLLMER EXCAVATION,	LOAD OF DG ON 5/15/	258.60
<b>94655</b>						<b>\$122.50</b>
	101 - GENERAL FUND	6/6/2019	4716	WALO'S AUTO REPAIR	32 KEYS AND CUTE	20.42
	101 - GENERAL FUND	6/6/2019	4716	WALO'S AUTO REPAIR	32 KEYS AND CUTE	20.42
	101 - GENERAL FUND	6/6/2019	4716	WALO'S AUTO REPAIR	32 KEYS AND CUTE	20.42
	552 - WATER	6/6/2019	4716	WALO'S AUTO REPAIR	32 KEYS AND CUTE	20.42
	553 - SEWER	6/6/2019	4716	WALO'S AUTO REPAIR	32 KEYS AND CUTE	20.42
	554 - REFUSE	6/6/2019	4716	WALO'S AUTO REPAIR	32 KEYS AND CUTE	20.40
<b>94656</b>						<b>\$110.00</b>
	101 - GENERAL FUND	6/6/2019	2790	WILLDAN INC.	BUILDING PLAN CHECK	110.00
<b>94657</b>						<b>\$2,880.32</b>
	556 - VITA-PAKT	6/6/2019	6424	WILLITTS PUMP	50 HP 480V PUMP PAN	2,880.32
<b>94658</b>						<b>\$100.00</b>
	101 - GENERAL FUND	6/6/2019	4068	YOLANDA FLORES	COUNCIL STIPEND	100.00
<b>94659</b>						<b>\$225.10</b>
	261 - GAS TAX FUND	6/6/2019	382	ZUMAR INDUSTRIES IN	R6-1R ONE WAY SIGN	225.10
<b>EDD52419</b>						<b>\$2,434.63</b>
	101 - GENERAL FUND	5/31/2019	687	STATE OF CALIFORNIA	EDD PRPD 5/24/19	2,434.63
<b>IRS52419</b>						<b>\$19,495.30</b>
	101 - GENERAL FUND	5/31/2019	2011	INTERNAL REVENUE SE	941 PRPD 5/24/19	6,152.10
	101 - GENERAL FUND	5/31/2019	2011	INTERNAL REVENUE SE	941 PRPD 5/24/19	13,343.20
<b>WIRE#1</b>						<b>\$2,599.55</b>
	660 - RDA OBLIGATION F	5/30/2019	1363	FIRST AMERICAN TITL	QUIT-CLAIM: 802 ORA	2,599.55



## Monthly Treasurer's Report

May 31, 2019

### Cash Balances Classified by Depository

#### CASH RESOURCES

LOCATION	GL ACCOUNT #	TYPE	BALANCE
Cash Register Funds (City Hall & Wellness)	100-102	RES	\$800
Bank of the Sierra - Payroll	100-106	GEN	\$560,318
Bank of the Sierra - AP/Operating	100-100	GEN	\$517,180
Bank of the Sierra - Wellness Center	100-500	GEN	\$84,559
Bank of the Sierra - Impound Account	100-120	RES	\$15,262
Bank of the Sierra - WWTP Project	100-553	RES	\$-
Bank of the Sierra - Water Project	100-552	RES	\$-
Bank of the Sierra- Depository Account	100-114	GEN	\$4,579,128
LAIF Savings: City & Successor Agency	100-103	INV-RES	\$427,434
<b>TOTAL</b>			<b>\$6,184,681</b>

#### CASH EXPENDED

ACCOUNTS PAYABLE & PAYROLL	AMOUNT
Accounts Payable	\$633,917
Payroll (May 10th Payday)	\$177,690
Payroll (May 24th Payday)	\$174,590
<b>TOTAL</b>	<b>\$ 986,197</b>

DEBT SERVICE	AMOUNT
Library	\$28,063
Tulare Road	\$21,707
<b>TOTAL</b>	<b>\$ 49,769</b>

#### INVESTMENTS

##### INVESTMENT POLICY COMPLIANCE

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

<b>INVESTED FUNDS</b>	<b>\$427,434</b>
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Respectfully submitted,

*Bret Harmon*

Director of Finance  
City of Lindsay

#### ABBREVIATIONS

GEN: GENERAL UNRESTRICTED

RES: RESTRICTED ACTIVITY

INV: INVESTMENT



## STAFF REPORT

AGENCY: CITY OF LINDSAY, CALIFORNIA  
DATE: JUNE 11, 2019  
AGENDA #: 3.4-3.6  
STAFF: WILLIAM ZIGLER, CITY MANAGER, 559-562-7102 EX. 8010,  
WZIGLER@LINDSAY.CA.US

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### AGENDA ITEM

TITLE	2019 Firework Booth TUP Requests (TUP 19-21, 19-22 & 19-23)
ACTION	Request Approval of Temporary Use Permits to operate Firework Vending Booths within the City of Lindsay.
PURPOSE	Discretionary Action
COUNCIL OBJECTIVE(S)	Live in a safe, clean, comfortable and healthy environment. Increase our keen sense of identity in a physically connected and involved community. Stimulate, attract and retain local businesses.

---

### RECOMMENDATION

Staff recommends approval of TUP 19-21, 19-22 & 19-23

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### BACKGROUND / ANALYSIS

In 1998 the city council adopted Ordinance No. 490, which allows fireworks stands within Lindsay. The city council may approve fireworks stands through the temporary use permit process. Since then, several non-profit organizations in the community have applied each summer to sell fireworks as fundraisers for their groups. To date, there have been no notable problems with the operation of the stands or with the purchase and use of fireworks in Lindsay. Three community organizations have filed applications for temporary use permits to sell fireworks during this Fourth of July season:

Centro Cristiano, La Puerta Abierta. Temporary Use Permit No. 19-21. Application for a firework stand located at 280 N. Mirage (in the parking lot between the church and Angel Garden flower shop).

Royal Rangers. Temporary Use Permit No. 19-22. Application for a firework stand located at 380 W. Hermosa (on east side of Tony's Pizza).

Lindsay Cultural Arts Council Fire Museum. Temporary Use Permit No. 19-23. Application for a firework stand located at the southeast corner of Hermosa and State Highway 65 (Olivewood Plaza Shopping Center, east of Starbucks Coffee and Little Caesars' pizza).

The locations of the proposed fireworks stands are shown on an attached map.

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## STAFF REPORT

AGENCY: CITY OF LINDSAY, CALIFORNIA  
DATE: JUNE 11, 2019  
AGENDA #: 3.4-3.6  
STAFF: WILLIAM ZIGLER, CITY MANAGER, 559-562-7102 EX. 8010,  
WZIGLER@LINDSAY.CA.US

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### *ALTERNATIVES*

- Approve with modifications
- Deny 1 or more requests
- Instruct staff to provide additional information

### *BENEFIT TO OR IMPACT ON CITY RESOURCES*

Anticipated benefits include providing opportunities for residents to purchase and use “safe and sane” fireworks and promotes a safe environment to celebrate the holiday. Anticipated impacts include additional staff resources to inspect and ensure booths are safe and operate per required standards. This impact is mitigated by charging an appropriate fee for booth applications to cover needed staff time and resources.

### *ENVIRONMENTAL REVIEW*

The California Environmental Quality Act finds the minor temporary use of land having negligible or no permanent effects on the environment to be categorically exempt, under CEQA Article 19, Section §15304.

### *POLICY ISSUES*

In sum, each applicant must adhere to the strict safety, operational, and location requirements of Ordinance 490. The temporary use permit process focuses on site-specific issues, such as:

- Zoning consistency
- Duration of the proposed temporary use
- Access
- Traffic congestion
- Parking
- Air Quality
- Other issues which may impact existing improvements, uses, and surrounding areas.

Other code requirements for fireworks stands are handled on an administrative basis by staff. These requirements include, for example:

- Business licensing
- Liability insurance requirements
- Site inspections for fire and building safety



## STAFF REPORT

AGENCY: CITY OF LINDSAY, CALIFORNIA  
DATE: JUNE 11, 2019  
AGENDA #: 3.4-3.6  
STAFF: WILLIAM ZIGLER, CITY MANAGER, 559-562-7102 EX. 8010,  
WZIGLER@LINDSAY.CA.US

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- Stand construction standards for safety
- Proper fire extinguishers kept on site
- Safe fireworks storage practices

### **Parking:**

In general, the proposed fireworks stands would be approximately 200 square feet in size. The Zoning Ordinance normally requires one parking space for every 200 square feet of floor area for retail uses. However, if the proposed use creates the need for two or less parking spaces, no additional parking is required (per Zoning Ordinance Section 18.13.020.F). No additional parking will be required per code for any of the proposed stands. Adequate temporary parking is generally available on or immediately adjacent to each proposed site.

### **Hours of Operation:**

City codes limit hours of operation for fireworks stands to between the hours of 9 a.m. to 11 p.m. daily. On the first possible day of sales, June 29th, sales may not begin until 12 noon. Due to the volunteer nature of the organizations, which are staffing these stands, actual hours of operation may vary. However, the hours of operation would be limited to those currently allowed by ordinance

### **Format for City Council Review:**

Each separate temporary use permit application must be reviewed separately. For each application, the following materials are presented for Council review:

- Project summary
- Staff recommendation
- One Overall Location Map with Zoning
- Applicants' site plans
- Proposed resolutions of approval

Council should review each application separately and make an individual decision on the particular merit and circumstances of the particular application. If Council wishes to approve an application, a separate resolution of approval should be adopted. Staff is recommending approval of each application, subject to the conditions outlined in the draft resolutions.





## STAFF REPORT

AGENCY: CITY OF LINDSAY, CALIFORNIA  
DATE: JUNE 11, 2019  
AGENDA #: 3.4-3.6  
STAFF: WILLIAM ZIGLER, CITY MANAGER, 559-562-7102 EX. 8010,  
WZIGLER@LINDSAY.CA.US

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### *PUBLIC OUTREACH*

[POSTED IN THIS AGENDA]

### *ATTACHMENTS*

- Zoning Map
- Site Plans
- Resolution 19-31
- Resolution 19-32
- Resolution 19-33

### *INDIVIDUAL PERMIT REQUEST REVIEW – TUP 19-21: CENTRO CHRISTIANO, LA PUERTA ABIERTA CHURCH*

#### **Discussion:**

**Request:** Centro Christiano, La Puerta Abierta Church is requesting approval of a Temporary Use Permit to operate a firework stand at 280 N. Mirage, in the parking lot between the church and Angel Garden flower shop. The proposed stand would be located on the west side of the lot, facing Mirage. The applicant operated a stand at this site last year.

**Zoning:** The site is zoned Central Commercial. The project would be consistent with this zoning designation.

**Duration of Use:** The proposed fireworks stand would be open from June 29 to July 4, consistent with code limitations. Hours of operation would be consistent with code limitations.

**Access:** The site would take vehicular access from Mirage.

**Traffic congestion:** Since the project would be interior to the site, and away from major drive aisles, there should be no potential for traffic congestion and parking is adequate within the lot and along Mirage.

**Other issues:** The operation would be subject to applicable fire and building safety codes.



## STAFF REPORT

AGENCY: CITY OF LINDSAY, CALIFORNIA  
DATE: JUNE 11, 2019  
AGENDA #: 3.4-3.6  
STAFF: WILLIAM ZIGLER, CITY MANAGER, 559-562-7102 EX. 8010,  
WZIGLER@LINDSAY.CA.US

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### *INDIVIDUAL PERMIT REQUEST REVIEW – TUP 19-22: ROYAL RANGERS*

#### **Discussion:**

**Request:** The local Royal Rangers are requesting approval of a Temporary Use Permit to operate a firework stand in the Tony's Pizza parking lot (380 W. Hermosa). The proposed stand would be located in the east portion of the parking lot. The proposed stand would cover two parking spaces and face north, towards Hermosa Street. The applicant operated a stand at this site last year.

**Zoning:** The site is zoned Mixed-Use. The project would be consistent with this zoning designation.

**Duration of Use:** The proposed fireworks stand would be open from June 29 to July 4, consistent with code limitations. Hours of operation would be consistent with code limitations.

**Access:** The site would take vehicular access from the Towne Centre parking lot, with indirect access from Hermosa or Ashland.

**Traffic congestion:** Since the project would be interior to the site, and away from major drive aisles, there should be no potential for traffic congestion.

**Other issues:** The operation would be subject to applicable fire and building safety codes.

### *INDIVIDUAL PERMIT REQUEST REVIEW – TUP 19-23: LINDSAY CULTURAL ARTS COUNCIL/FIRE MUSEUM*

#### **Discussion:**

**Request:** The Lindsay Cultural Arts Council/Fire Museum is requesting approval of a Temporary Use Permit to operate a firework stand at the Olivewood Plaza shopping center (southeast corner of Hermosa and State Highway 65). The proposed stand would be located in the center tier of parking spaces in the shopping center parking lot, just east of Starbucks Coffee and Little Caesars' Pizza. The proposed stand would cover three parking spaces and face north, towards the interior of the shopping center. The applicant operated a stand at this location last year.

**Zoning:** The site is zoned Central Commercial. The project would be consistent with this zoning designation.

**Duration of Use:** The proposed fireworks stand would be open from June 29 to July 4, consistent with code limitations. Hours of operation would be consistent with code limitations.

**Access:** The site would take vehicular access from the shopping center parking lot, with indirect access from Hermosa.



## STAFF REPORT

AGENCY: CITY OF LINDSAY, CALIFORNIA  
DATE: JUNE 11, 2019  
AGENDA #: 3.4-3.6  
STAFF: WILLIAM ZIGLER, CITY MANAGER, 559-562-7102 EX. 8010,  
WZIGLER@LINDSAY.CA.US

---

Traffic congestion: Since the project would be interior to the site, and away from major drive aisles, there should be no potential for traffic congestion.

Other issues: The operation would be subject to applicable fire and building safety codes.



# CITY OF LINDSAY ZONING MAP



**Legend**

City Limits

Railroad

State Highway

Streets

Parcels

**Zoning**

(CC) Central Commercial

(CH) Highway Commercial

(CN) Neighborhood Commercial

(CS) Service Commercial

(IH) Heavy Industrial

(IL) Light Industrial

(MXU) Mixed-Use

(PO) Professional Offices

(R-1-7) Single Family Residential

(RCO) Resource, Conserv. & Open Space

(RM-1.5) Office/High Density

(RM-3) Multi-Family Residential

(RM-MH8) Multi-Family Residential

Unknown

Cultural Arts

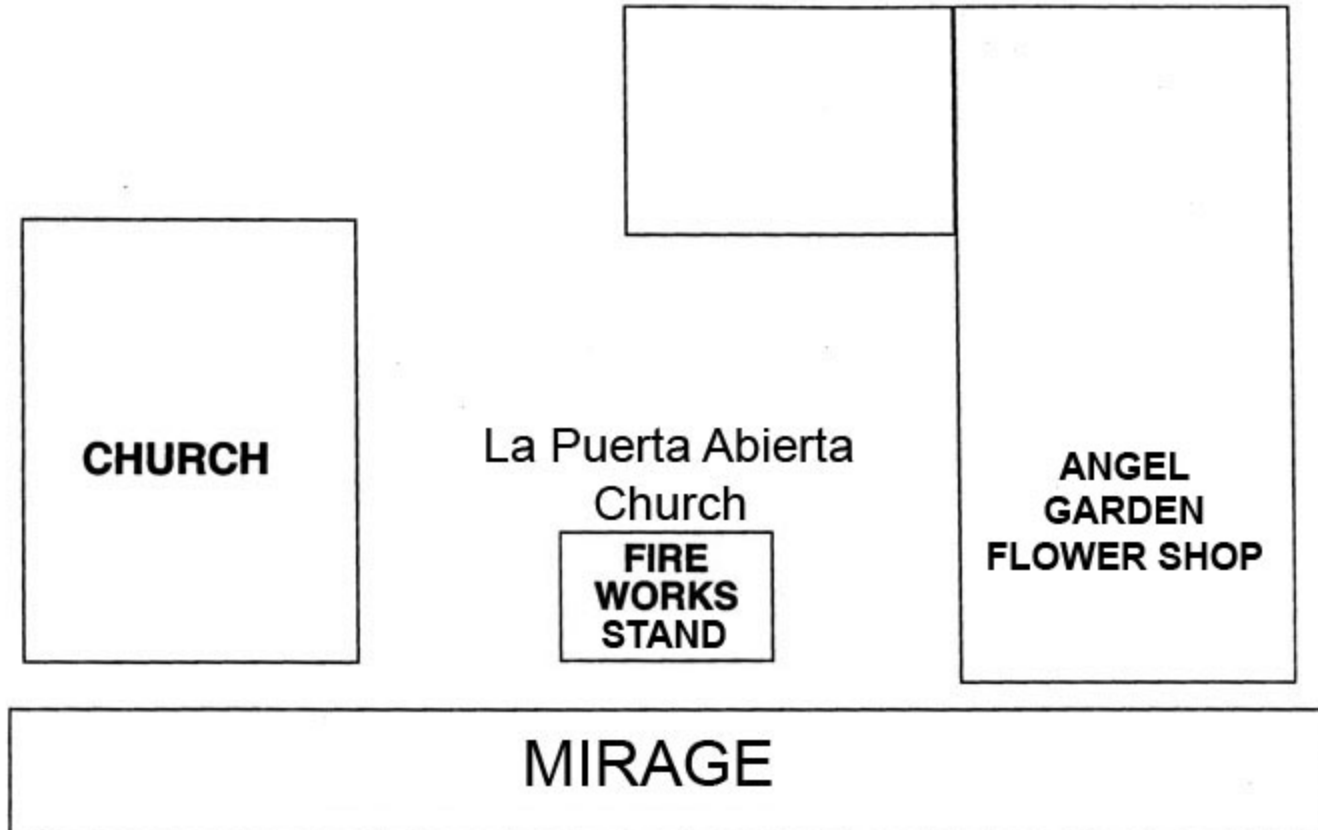
Royal Rangers

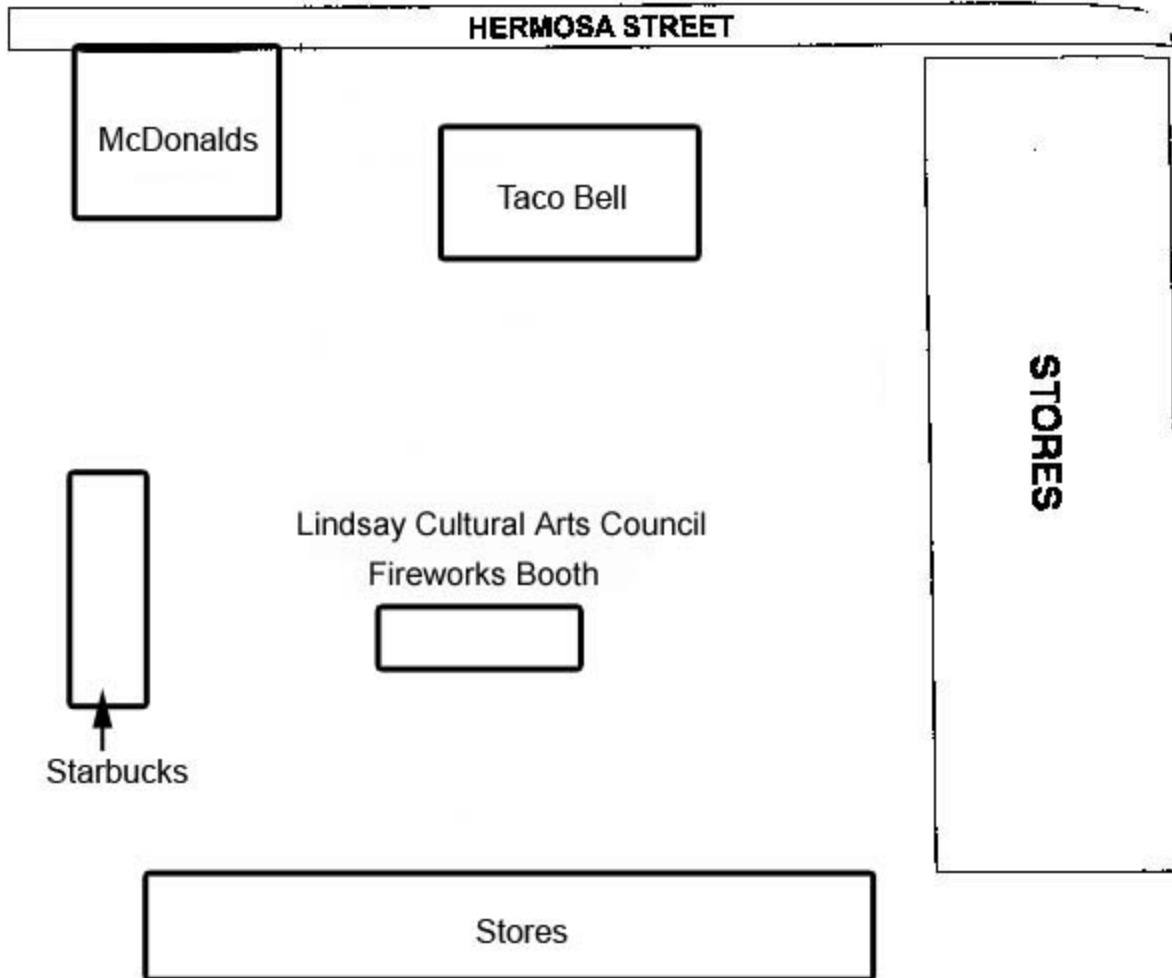
La Puerta Abierta Church

Base Data Provided by Tulare County  
Created by Brian Spaulhurst  
City of Lindsay  
Planning and Economic Development Department  
Created June 23, 2014  
  
The Features Produced by These Data Are  
Only for Representations and Are not Intended  
For Legal or Survey Purposes.







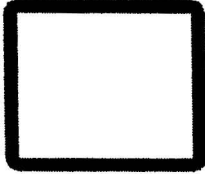


# HERMOSA

DRIVE APPROACH

DRIVE APPROACH

BAR-B-QUE



DRIVE APPROACH

ASHLAND



25'

TONY'S  
PIZZA

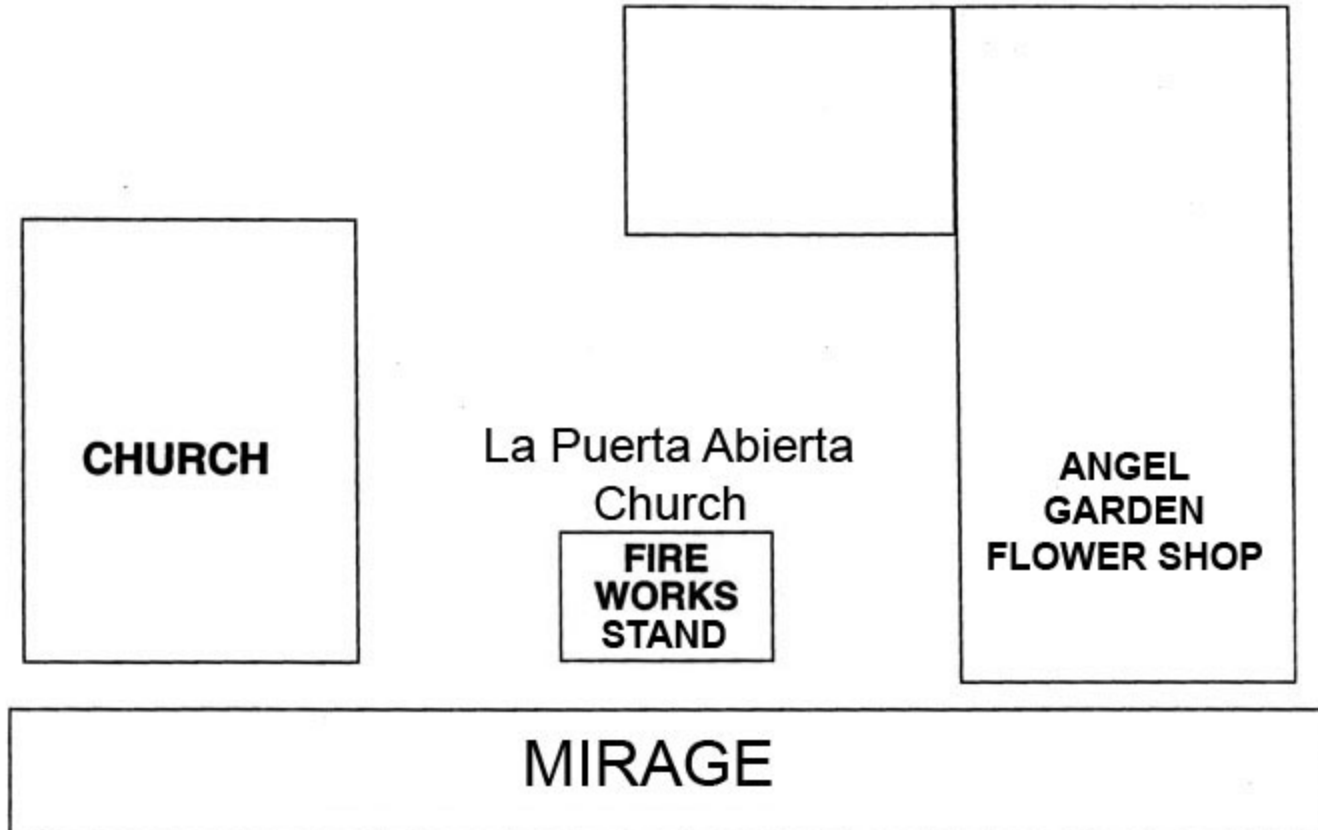
ALLEY

DRIVE APPROACH



WATERMILL EXPRESS







## RESOLUTION OF THE CITY OF LINDSAY

NUMBER 19-31

TITLE **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LINDSAY APPROVING TEMPORARY USE PERMIT NO. 19-21, A REQUEST BY CENTRO CHRISTIANO, LA PUERTA ABIERTA CHURCH, TO OPERATE A TEMPORARY FIREWORKS SALES STAND, FOR PROPERTY LOCATED AT 280 N. MIRAGE AVENUE (IN THE PARKING LOT BETWEEN THE CHURCH AND ANGEL GARDEN).**

**WHEREAS**, Temporary Use Permit Application No. 19-21 was filed pursuant to the regulations contained in Ordinance No. 437, the Zoning 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 June 11, 2019; and

**WHEREAS**, Planning staff has prepared necessary investigations and prepared a staff report of information bearing upon the Temporary Use Permit application; and

**WHEREAS**, the project is categorically exempt from the provisions of the California Environmental Quality Act, as the minor temporary use of land having negligible or no permanent effects on the environment.

**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 §15304

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LINDSAY FURTHER RESOLVES AS FOLLOWS:**

SECTION 1. That the stand be located consistent with the proposed site plan.

SECTION 2. That the stand shall not obstruct clear driveway access.

SECTION 3. That all necessary licenses, permits, and insurance be secured prior to opening the stand.

SECTION 4. That all provisions of Municipal Code Chapter 8.22, pertaining to the sale of safe and sane fireworks, be adhered to in the operation of



## RESOLUTION OF THE CITY OF LINDSAY

the temporary fireworks sales stand. Public Safety shall provide a copy of Municipal Code Chapter 8.22 to applicant for reference.

SECTION 5. That the applicant pays all applicable city fees.

SECTION 6. That the applicant complies with all applicable city codes and ordinances.

SECTION 7. That the applicant shall remove any and all weeds on the site within 50 feet of the fireworks stand.

SECTION 8. That the applicant shall control dust in the area of the stand as necessary.

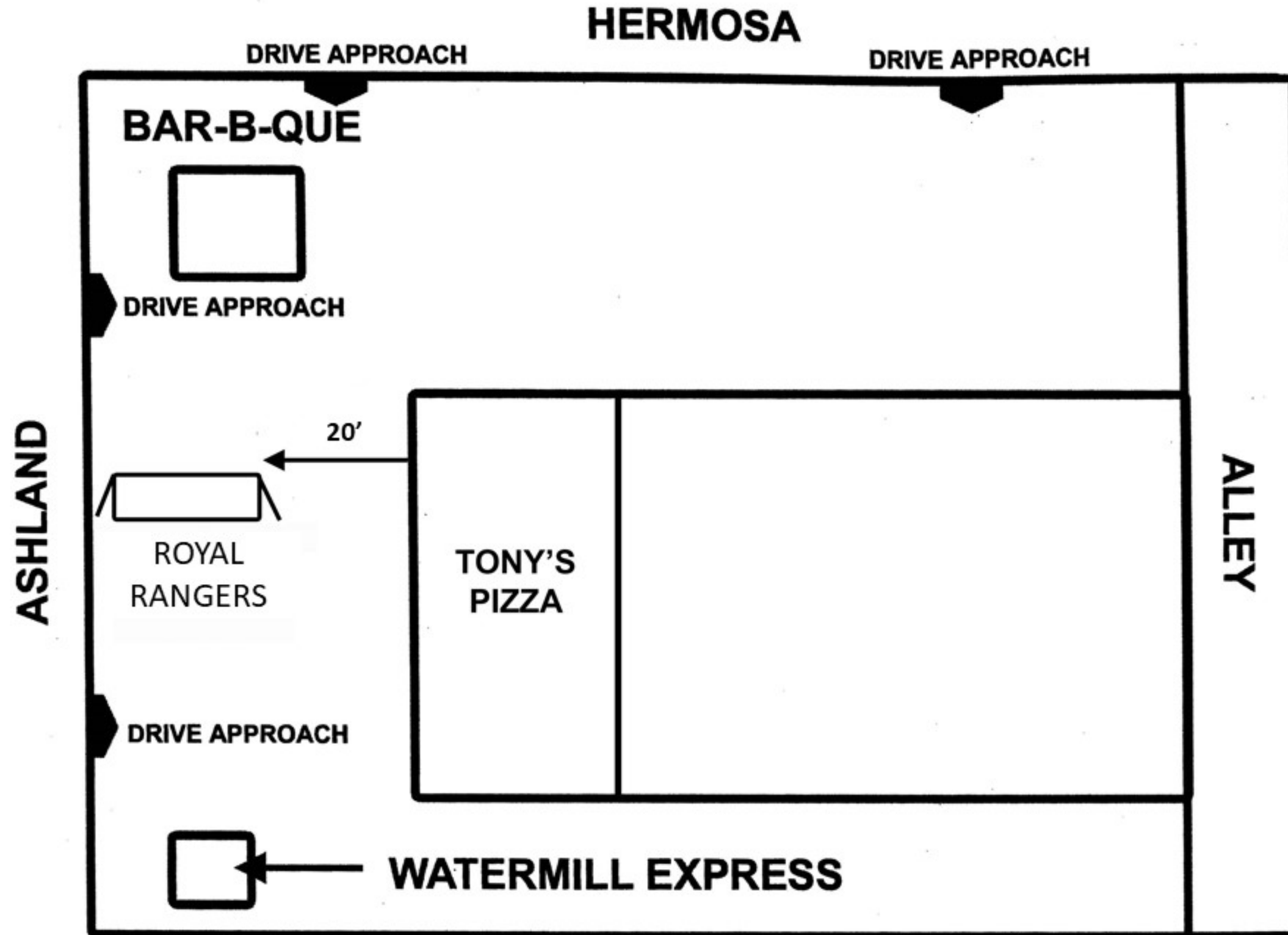
**PASSED AND ADOPTED** by the City Council of the City of Lindsay as follows:

MEETING DATE	
MOTION	
2 <sup>nd</sup> 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





## RESOLUTION OF THE CITY OF LINDSAY

NUMBER 19-32

TITLE **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LINDSAY APPROVING TEMPORARY USE PERMIT NO. 19-22, A REQUEST BY THE ROYAL RANGERS, TO OPERATE A TEMPORARY FIREWORKS SALES STAND, FOR PROPERTY LOCATED AT 370 W HERMOSA STREET (THE PARKING LOT EAST OF TONY'S PIZZA, ALONG ITS EASTERN FRONTAGE).**

**WHEREAS**, Temporary Use Permit Application No. 19-22 was filed pursuant to the regulations contained in Ordinance No. 437, the Zoning 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 June 11, 2019; and

**WHEREAS**, Planning staff has prepared necessary investigations and prepared a staff report of information bearing upon the Temporary Use Permit application; and

**WHEREAS**, the project is categorically exempt from the provisions of the California Environmental Quality Act, as the minor temporary use of land having negligible or no permanent effects on the environment.

**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 §15304

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LINDSAY FURTHER RESOLVES AS FOLLOWS:**

SECTION 1. That the stand be located consistent with the proposed site plan.

SECTION 2. That the stand shall not obstruct clear driveway access.

SECTION 3. That all necessary licenses, permits, and insurance be secured prior to opening the stand.

SECTION 4. That all provisions of Municipal Code Chapter 8.22, pertaining to the sale of safe and sane fireworks, be adhered to in the operation of



## RESOLUTION OF THE CITY OF LINDSAY

the temporary fireworks sales stand. Public Safety shall provide a copy of Municipal Code Chapter 8.22 to applicant for reference.

SECTION 5. That the applicant pays all applicable city fees.

SECTION 6. That the applicant complies with all applicable city codes and ordinances.

SECTION 7. That the applicant shall remove any and all weeds on the site within 50 feet of the fireworks stand.

SECTION 8. That the applicant shall control dust in the area of the stand as necessary.

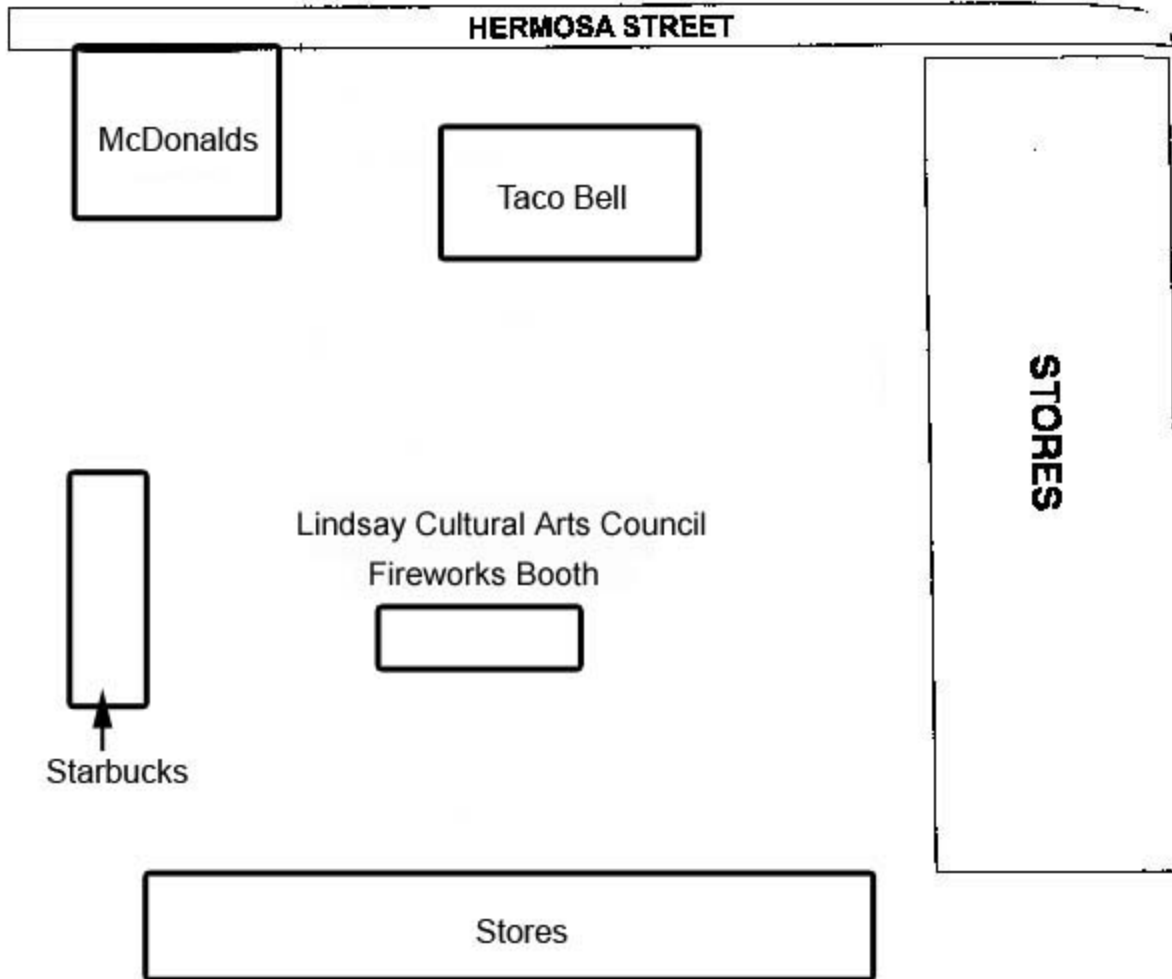
**PASSED AND ADOPTED** by the City Council of the City of Lindsay as follows:

MEETING DATE	
MOTION	
2 <sup>nd</sup> 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







## RESOLUTION OF THE CITY OF LINDSAY

NUMBER 19-33

TITLE **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LINDSAY APPROVING TEMPORARY USE PERMIT NO. 19-23, A REQUEST BY THE LINDSAY CULTURAL ARTS COUNCIL, TO OPERATE A TEMPORARY FIREWORKS SALES STAND, FOR PROPERTY LOCATED AT THE SOUTHEAST CORNER OF HERMOSA STREET AND HIGHWAY 65 (THE OLIVEWOOD PLAZA SHOPPING CENTER, EAST OF STARBUCKS AND LITTLE CAESAR'S PIZZA).**

**WHEREAS**, Temporary Use Permit Application No. 19-23 was filed pursuant to the regulations contained in Ordinance No. 437, the Zoning 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 June 11, 2019; and

**WHEREAS**, Planning staff has prepared necessary investigations and prepared a staff report of information bearing upon the Temporary Use Permit application; and

**WHEREAS**, the project is categorically exempt from the provisions of the California Environmental Quality Act, as the minor temporary use of land having negligible or no permanent effects on the environment.

**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 §15304

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LINDSAY FURTHER RESOLVES AS FOLLOWS:**

- SECTION 1. That the stand be located consistent with the proposed site plan.
- SECTION 2. That the stand shall not obstruct clear driveway access.
- SECTION 3. That all necessary licenses, permits, and insurance be secured prior to opening the stand.
- SECTION 4. That all provisions of Municipal Code Chapter 8.22, pertaining to the sale of safe and sane fireworks, be adhered to in the operation of



## RESOLUTION OF THE CITY OF LINDSAY

the temporary fireworks sales stand. Public Safety shall provide a copy of Municipal Code Chapter 8.22 to applicant for reference.

SECTION 5. That the applicant pays all applicable city fees.

SECTION 6. That the applicant complies with all applicable city codes and ordinances.

SECTION 7. That the applicant shall remove any and all weeds on the site within 50 feet of the fireworks stand.

SECTION 8. That the applicant shall control dust in the area of the stand as necessary.

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

MEETING DATE	
MOTION	
2 <sup>nd</sup> 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: June 11, 2019  
AGENDA #: 3.7

---

### AGENDA ITEM

TITLE	Temporary Use Permit 19-19 (APN 205-314-003)
ACTION	<b>Minute Order</b> Approval of Temporary Use Permit to operate a shaved ice stand for a period of six (6) months following completion of site cleanup.
PURPOSE	Discretionary Action
COUNCIL OBJECTIVE(S)	Nurture attractive residential neighborhoods and business districts. Stimulate, attract and retain local businesses.

---

### RECOMMENDATION

After seven (7) consecutive years of permitting this seasonal temporary use with no issues, staff recommends that the City Council grant Minute Order Approval of Temporary Use Permit No. 19-19, based on the findings and subject to these conditions.

- The shaved ice stand would be located consistent with the proposed site plan.
- The shaved ice stand would not obstruct clear driveway accesses.
- All necessary licenses and permits would be secured prior to operation.
- Restroom and clean water access will be provided to employees.
- The use would be limited to the hours between 8 AM and 10:00 PM for operation.
- The temporary use permit would be effective upon verification by Staff of the removal of the privacy slats from the existing fence as well as all equipment, vehicles and other debris. The temporary use permit would then be in effect for a period not to exceed six (6) months.
- The preparation and sale of any food on site would be certified by the Tulare County Health Department. Food would not be sold without said certificate.
- The site and surrounding area would be maintained in a clean and neat condition, free of all trash, weeds and debris. Upon conclusion of the temporary use, the site would be returned to its original condition.
- The applicant would comply with all applicable city codes and ordinances.
- Letter of permission dated May 5, 2019 from property owner to operate on premises has been provided to the Contract City Planner.



## STAFF REPORT

AGENCY: CITY OF LINDSAY, CALIFORNIA  
DATE: June 11, 2019  
AGENDA #: 3.7

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### *BACKGROUND | ANALYSIS*

Temporary Use Permit 19-19 is a request by Faustino Mendoza to operate a shaved ice stand on a fenced lot, located directly adjacent to 460 West Hermosa Street (APN 205-314-003). The project site is surrounded by a smog shop (north), a welding shop (south), commercial strip center (east) and mobile home park (west).

The duration of the temporary use was proposed to be from May 15, 2019 – November 15, 2019. Hours of operation would be between 8 am and 10 pm, daily. However, given that there is site cleanup needed prior to operation, Staff is proposing that the duration of the permit be six (6) months from when the applicant clears the equipment, vehicles and other debris from the site as well as the privacy fence slats. Staff will verify the removal of these items and issue an effective date for the temporary use permit, with an expiration date six (6) months from verification.

**Access:** The project site provides safe access via North Ashland Avenue or via fence opening on adjacent property to the north. Staff believes that both access points meet the required criteria for a temporary use permit.

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

**Hours of Operation:** Reasonable hours of operation are proposed for this type of use: 8 am to 10 pm, daily.

**Duration of Permit:** Council may approve this temporary use permit request for a time period not exceeding a cumulative total of 6 months. The applicant is allowed up to six months pursuant to the Municipal Code.

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

**Site Cleanup:** The applicant would be required to maintain the site and surrounding area in a clean and neat condition, free of all trash and debris. Upon the conclusion of operation, the site would be returned to its original condition.

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

### *ALTERNATIVES*

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



## STAFF REPORT

AGENCY: CITY OF LINDSAY, CALIFORNIA  
DATE: June 11, 2019  
AGENDA #: 3.7

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### *BENEFIT TO OR IMPACT ON CITY RESOURCES*

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

### *ENVIRONMENTAL REVIEW*

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

### *POLICY ISSUES*

The project site is zoned Mixed Use Combining District. The proposed temporary commercial 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 personnel may also be required for promotional events.
- C. Adequate parking facilities shall be provided for each temporary use.
- D. The proposed temporary use will not adversely impact traffic circulation or result in traffic congestion in the project area.
- E. Upon termination of a temporary use, or abandonment of the site, the applicant shall remove materials and equipment, and restore the premises to its original condition.
- 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.



## STAFF REPORT

AGENCY: CITY OF LINDSAY, CALIFORNIA  
DATE: June 11, 2019  
AGENDA #: 3.7

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### *PUBLIC OUTREACH*

POSTED IN THIS AGENDA

### *ATTACHMENTS*

- Aerial Photo
- Site Plan

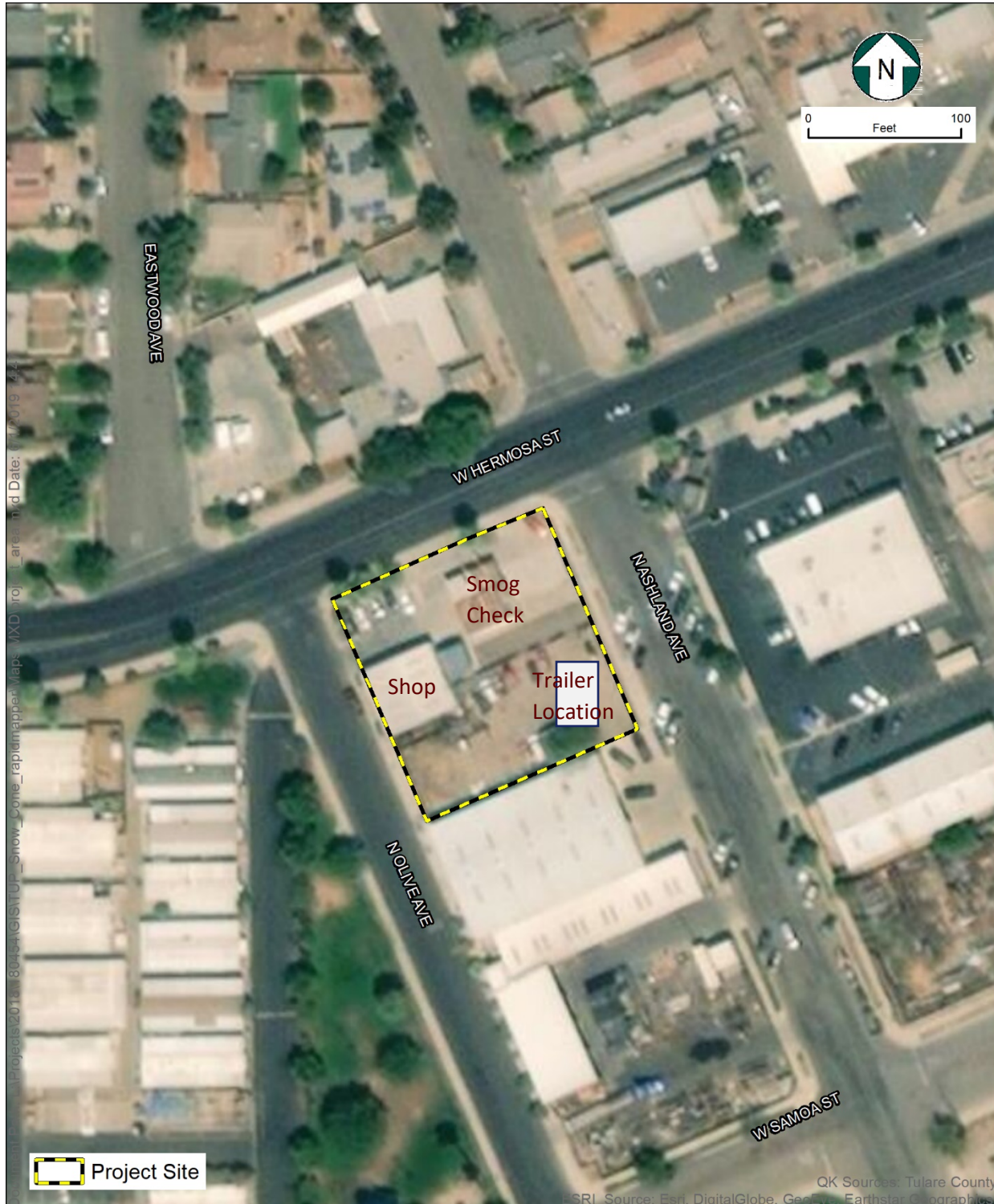




## STAFF REPORT

AGENCY: CITY OF LINDSAY, CALIFORNIA  
DATE: June 11, 2019  
AGENDA #: 3.7

### Aerial Photo – TUP 19-19

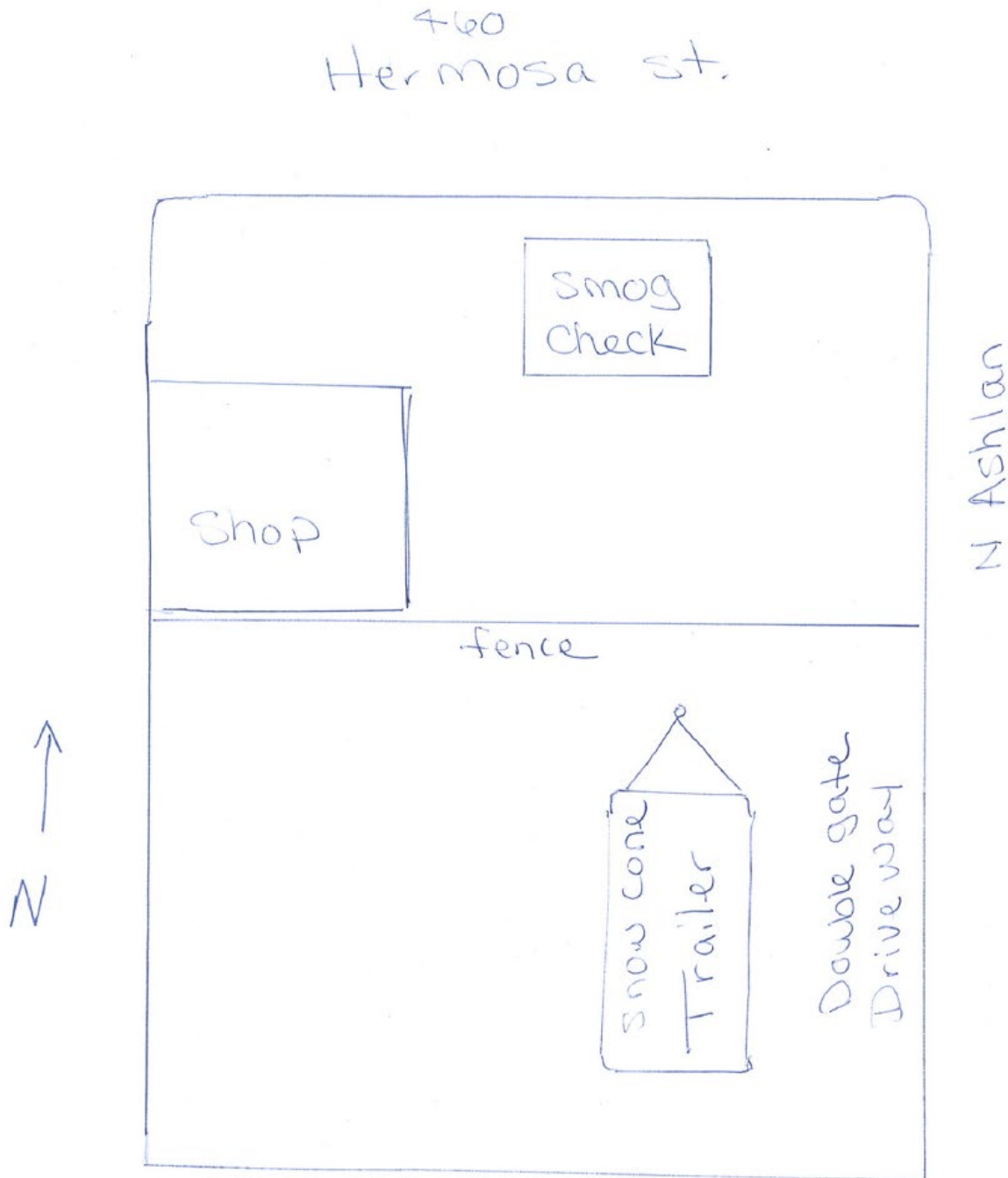




## STAFF REPORT

AGENCY: CITY OF LINDSAY, CALIFORNIA  
DATE: June 11, 2019  
AGENDA #: 3.7

### Site Plan provided by Applicant







## STAFF REPORT

AGENCY: CITY OF LINDSAY, CALIFORNIA  
DATE: June 11, 2019  
AGENDA #: 3.8

---

### AGENDA ITEM

TITLE	Temporary Use Permit 19-18 (APN 205-200-023)
ACTION	<b>Minute Order</b> Approval of Temporary Use Permit to operate a fruit stand from June 12, 2019 – December 12, 2019
PURPOSE	Discretionary Action
COUNCIL OBJECTIVE(S)	Nurture attractive residential neighborhoods and business districts. Stimulate, attract and retain local businesses.

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### RECOMMENDATION

Staff recommends that the City Council grant Minute Order Approval of Temporary Use Permit No. 19-18, based on the findings and subject to these conditions.

- The fruit stand would be located consistent with the proposed site plan.
  - The fruit stand would not obstruct clear driveway accesses.
  - All necessary licenses and permits would be secured prior to operation.
  - Restroom and clean water access will be provided to employees.
  - The use would be limited to the hours between 11:00 AM and 6:00 PM for operation.
  - The temporary use permit would be effective upon June 12, 2019 – December 12, 2019.
  - The preparation and sale of any food on site would be certified by the Tulare County Health Department. Food would not be sold without said certificate.
  - The site and surrounding area would be maintained in a clean and neat condition, free of all trash, weeds and debris. Upon conclusion of the temporary use, the site would be returned to its original condition.
  - The applicant would comply with all applicable city codes and ordinances.
  - Letter of permission from property owner's representative to operate on premises to be provided to City Planner before May 6, 2019.
- 

### BACKGROUND / ANALYSIS

Temporary Use Permit 19-18 is a request by Maria Lemus to operate a fruit stand at an existing gas station and convenience store located at 508 South Mirage Avenue (APN 205-200-023), between South Elmwood Avenue Street and West Lindmore Street (Avenue 224). The project site is surrounded by residential, commercial and industrial uses.

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## STAFF REPORT

AGENCY: CITY OF LINDSAY, CALIFORNIA  
DATE: June 11, 2019  
AGENDA #: 3.8

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The duration of the temporary use would be from June 12, 2019 – December 12, 2019. Hours of operation would be between 11 am and 6 pm, daily.

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

**Parking:** The project site is an existing gas station and convenience store with parking located within striped spaces as well as the fuel island. The fruit stand would likely occupy a minimum of two existing spaces along the southern property line but would not interfere with parking for the commercial business.

**Hours of Operation:** Reasonable hours of operation are proposed for this type of use: 11 am to 6 pm, daily.

**Duration of Permit:** Council may approve this temporary use permit request for a time period not exceeding a cumulative total of 6 months. The applicant is allowed up to six months (June 12, 2019 – December 12, 2019).

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

**Site Cleanup:** The applicant would be required to maintain the site and surrounding area in a clean and neat condition, free of all trash and debris. Upon the conclusion of operation, the site would be returned to its original condition.

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

### *ALTERNATIVES*

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

### *BENEFIT TO OR IMPACT ON CITY RESOURCES*

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

### *ENVIRONMENTAL REVIEW*

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

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## STAFF REPORT

AGENCY: CITY OF LINDSAY, CALIFORNIA  
DATE: June 11, 2019  
AGENDA #: 3.8

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### *POLICY ISSUES*

The project site is zoned Mixed Use. The proposed temporary commercial 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 personnel may also be required for promotional events.
- C. Adequate parking facilities shall be provided for each temporary use.
- D. The proposed temporary use will not adversely impact traffic circulation or result in traffic congestion in the project area.
- E. Upon termination of a temporary use, or abandonment of the site, the applicant shall remove materials and equipment, and restore the premises to its original condition.
- F. Reasonable time limits for hours of operation may be set by the city council as a condition of permit approval.
- G. Applicants for temporary use permits shall secure all other applicable licenses and permits prior to issuance of a temporary use permit.
- H. Signing for temporary uses shall be subject to the approval of the community development department.
- I. The city council may deny an application for a temporary use permit if conditions exist which would be injurious or detrimental to existing improvements, land uses, or surrounding areas.

### *PUBLIC OUTREACH*

POSTED IN THIS AGENDA

### *ATTACHMENTS*

- Aerial Photo
  - Site Plan provided by Applicant
-



## STAFF REPORT

AGENCY: CITY OF LINDSAY, CALIFORNIA  
DATE: June 11, 2019  
AGENDA #: 3.8

### Aerial Photo

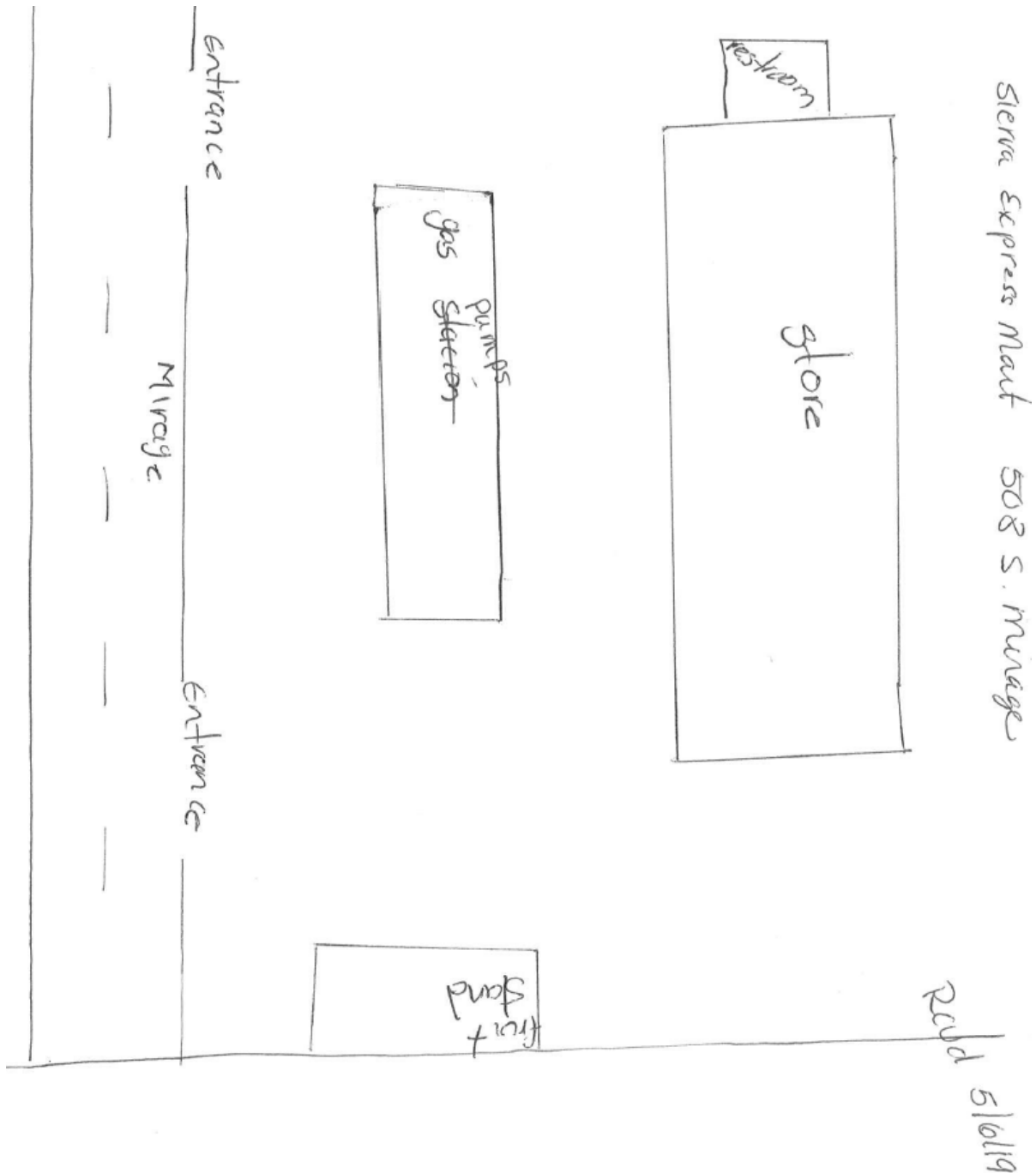




## STAFF REPORT

AGENCY: CITY OF LINDSAY, CALIFORNIA  
DATE: June 11, 2019  
AGENDA #: 3.8

### Site Plan provided by Applicant





## STAFF REPORT

TO: CITY COUNCIL OF THE CITY OF LINDSAY, CALIFORNIA  
DATE: June 11, 2019  
AGENDA #: 4

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### AGENDA ITEM

TITLE	Conditional Use Permit 19-20
	Applicant: Misael Huerta Jr. 26798 S Mooney Blvd Visalia CA 93277
	Location: 380 North Highway 65 (APN: 199-280-002)
ACTION	Conditional Use Permit request by Misael Huerta Jr. to operate a restaurant, Birrieria y Mariscos El Apatzingan, and include the sale of beer and wine.
PURPOSE	Discretionary Action
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.

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### RECOMMENDATION

Staff recommends that the City Council approves conditional use permit No. 19-20, based on these findings and subject to the following conditions, which are included in the attached draft resolution.

- A State of California ABC License type 41 would be required prior to providing any alcoholic beverage. Any other ABC license would require separate approval by Council.
  - The restaurant shall operate in accordance with the attached operations statement.
  - Upon approval, compliance with the zoning ordinance and use permit conditions of approval would be reviewed by staff at the following intervals:
    - 3 months
    - 6 months
    - 12 months
    - 18 months
    - And yearly thereafter
  - Any infractions of the zoning ordinance or use permit conditions of approval would result in the automatic suspension of the use permit and require a review by Council within 30 days where it could revoke the use permit or impose requirements to ensure full compliance.
  - Any new exterior signs would require separate review and approval by City staff.
-





## STAFF REPORT

TO: CITY COUNCIL OF THE CITY OF LINDSAY, CALIFORNIA  
DATE: June 11, 2019  
AGENDA #: 4

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### *BACKGROUND / ANALYSIS*

The site has served as a restaurant for many years, most recently as a Waffle House.

The site is surrounded by a mixture of commercial uses. To the north is a hotel. To the south is a fast food restaurant and gas station. The land west of the project site is vacant.

Staff finds that the request for conditional use permit approval for the sale of alcoholic beverages is consistent with the requirements of the zoning ordinance. Conditional use permit approval would allow for the sale of beer in conjunction with a restaurant. The site is an existing restaurant building with adequate parking.

Regarding the sale of alcohol, the City of Lindsay Municipal Code allows for a restaurant with alcohol sales with the issuance of a Conditional Use Permit. Council may, therefore, grant the sale of alcohol in conjunction with a restaurant. The following is excerpted from the California Department of Alcoholic Beverage Control “Common ABC License Types and Their Basic Privileges” to describe the type of alcohol license being requested:

- **41 ON SALE BEER AND WINE – EATING PLACE** - (Restaurant) Authorizes the sale of beer and wine for consumption on or off the premises where sold. Distilled spirits may not be on the premises (except brandy, rum, or liqueurs for use solely for cooking purposes). Must operate and maintain the licensed premises as a bona fide eating place. Must maintain suitable kitchen facilities, and must make a

\* To ensure compliance with the zoning ordinance and conditions of approval, section 18.17.130 of the zoning ordinance allows for the automatic suspension of a use permit upon violation of the zoning ordinance, or upon failure to comply with conditions of the approving resolution. Within 30 days, Council would consider the suspension and if not satisfied with the applicant’s compliance, could revoke the use permit or take actions necessary to ensure compliance.

### *ALTERNATIVES*

- Approve with modifications.
- Deny request.
- Table request for staff to present additional information.

### *BENEFIT TO OR IMPACT ON CITY RESOURCES*

The project is not anticipated to negatively impact City Resources. The business will be monitored closely to ensure Public Safety resources are not impacted.

### *ENVIRONMENTAL REVIEW*

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## STAFF REPORT

TO: CITY COUNCIL OF THE CITY OF LINDSAY, CALIFORNIA  
DATE: June 11, 2019  
AGENDA #: 4

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California Environmental Quality Act (CEQA) Article 19 §15301 identifies the minor alteration of an existing private facility as Categorical Exempt. A draft Notice of Exemption has been prepared and has been available for public review.

### *POLICY ISSUES*

The subject property is zoned CH (Highway Commercial) and is located on the east side of Highway 65, approximately 450 feet north of its intersection with West Hermosa Street. The zoning ordinance requires that the sale of alcoholic beverages for on-site consumption in the requested setting must be granted with the approval of a conditional use permit.

Section 18.17.070 of the zoning ordinance states that the city council may grant an application for a conditional use when the council makes *all* of the following findings:

- That there are circumstances or conditions applicable to the land, structure or use which makes the granting of a use permit necessary for the preservation and enjoyment of a substantial property right.
- That the proposed location of the conditional use is in accordance with the objectives of the zoning code and the purposes of the district in which the site is located.
- That the proposed use will comply with each of the applicable provisions of this title.

### *PUBLIC OUTREACH*

The agenda for this public hearing was posted on June 6, 2019

The public hearing for this conditional use permit application was noticed on June 1, 2019.

### *ATTACHMENTS*

- Aerial Photo
- Operations Statement
- Draft Resolution 19-36

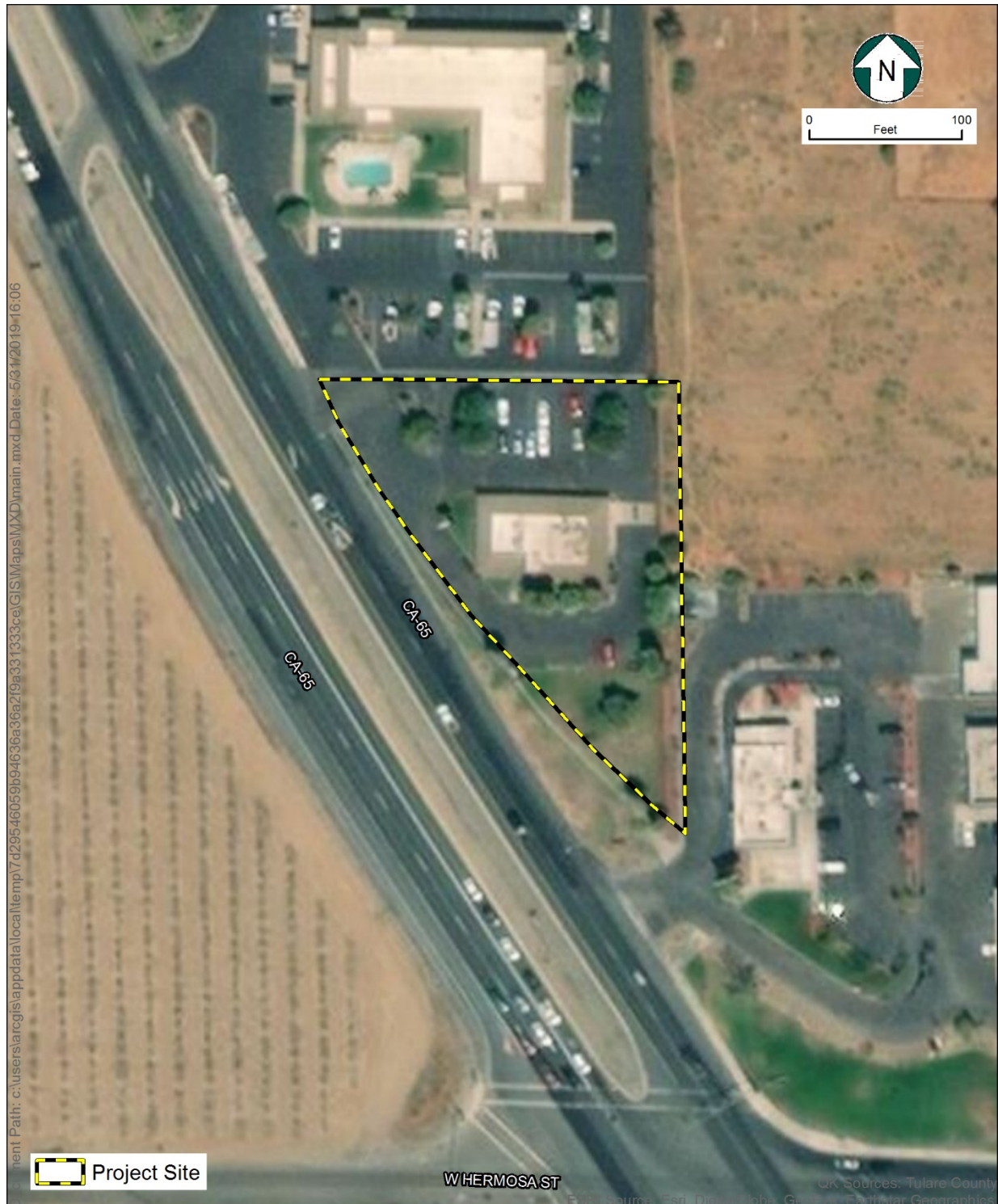




## STAFF REPORT

TO: CITY COUNCIL OF THE CITY OF LINDSAY, CALIFORNIA  
DATE: June 11, 2019  
AGENDA #: 4

### Aerial Photo





## STAFF REPORT

TO: CITY COUNCIL OF THE CITY OF LINDSAY, CALIFORNIA  
DATE: June 11, 2019  
AGENDA #: 4

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### Operations Statement

#### BUSINESS PROPOSAL LETTER

May 14, 2019

To Whom It May Concern,

A pleasant day to you. On behalf of Birrieria y Mariscos El Apatzingan, I Misael Huerta would like to Take a moment of your day to present to you my current proposal in regards to obtaining A beer and wine licence.

Birrieria Y Mariscos El Apatzingan is a family Restaurant located at 380 N Highway 65 in the city limits of Lindsay CA. I aim to begin operation of the restaurant On May 20 2019, The establishment is located in a Highway Commercial zone next to big establishments such as Motel 8, Burger King, and Arco gas station. With direct access from Highway 65 there is plenty of traffic flow for potential clientele. The restaurant is a small business consisting of 5 employees and myself, with the intent to expand if deemed successful. We have a seating capacity for 100 guests which i believe is plenty of space for diners to take their time and feel unrushed. The Restaurant will operate from the hours of 7:00 am - 9:00 pm to correspond with other businesses in the area.

In line with the foregoing relevant points, this proposal is for the intent operation of a type 41 beer and wine licence with food. I am currently in the process of obtaining a type 41 beer and wine licence, however if granted I still seek the approval by the city of Lindsay to conduct Business properly. If both are granted beer and wine shall be consumable accompanied by a meal. I strongly believe this will be an essential for the success of the restaurant.

If you have inquiries or concerns about this proposal or the business in general, you can contact me with this number 818-877-5841 or email me at [Huerta.misa@gmail.com](mailto:Huerta.misa@gmail.com) . I would also want to hear your suggestions and recommendations. I am hoping for your positive response.

With thanks,

Misael Huerta Jr  
Current Business Owner  
Birrieria Y Mariscos El Apatzingan  
380 N Highway 65 Lindsay Ca 93247

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# City of Lindsay

## Planning Application

OFFICE USE ONLY	
Date Received	5/14/2019
Date Accepted	5/14/2019
Received by	Kira Rogers
Project #	
Fee	\$300
Receipt #	48211

Planning, 150 N. Mirage Avenue, Lindsay, CA 93247 phone: (559) 562-5945 fax (559) 562-5748 email: gis@lindsay.ca.us

Please type or print clearly in ink. Incomplete applications will be returned.

### Applicant

Name: Miguel Huerta JR  
Address: 26798 S Mooney Blvd  
Visalia CA 93277  
Phone #: 818-877-5841

### Applicant #2

(If more than one applicant)

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Phone #: \_\_\_\_\_

### Property Owner

(If different from applicant)

Name: Maninder S Sandhu  
Address: \_\_\_\_\_  
Phone #: \_\_\_\_\_

### Agent

(architect or engineer)

Name: KW Commercial  
Address: 7625 Palm Ave #106  
Fresno CA 93711  
Phone #: 559-302-8698

### Application Type

(Please check what you are applying for)

- |  |             |  |             |
|--|-------------|--|-------------|
| <input type="checkbox"/> Annexation                        | \$ 1,360.00 | <input type="checkbox"/> Tentative Parcel Map      | \$ 950.00   |
| <input checked="" type="checkbox"/> Conditional Use Permit | 300 TBD*    | <input type="checkbox"/> Tentative Subdivision Map | \$ 1,200.00 |
| <input type="checkbox"/> General Plan Amendment            | \$ 500.00   | <input type="checkbox"/> Temporary Use Permit      | \$ 145.00   |
| <input type="checkbox"/> Planned Unit Development          | \$ 2,000.00 | <input type="checkbox"/> Variance                  | \$ 230.00   |
| <input type="checkbox"/> Site Plan Review                  | TBD*        | <input type="checkbox"/> Zone Change               | \$ 475.00   |
| <input type="checkbox"/> Lot Line Adjustment               | \$ 275.00   |  |             |

\* - To be determined by planning staff at time of application. Dependent on project size & complexity.

### Project Information

Project Address: 380 N Highway 65 Lindsay CA 93247  
Zoning Designation of Site: (CH) Commercial Highway  
Assessor Parcel Number(s): 199-28-002  
Existing Use of Project Site: Restaurant Birrieria y Mariscos El Apotzingan  
Description of Proposal: Application for Conditional Use Permit &  
Approval to Exercise Beer & wine licence  
Reason for Request: Permission to Exercise type 41 Beer & wine  
with food licence. Requirement For ABC licencing.

Temporary Use Permit: Date/Time from: \_\_\_\_\_ / \_\_\_\_\_ to: \_\_\_\_\_ / \_\_\_\_\_

## BUSINESS PROPOSAL LETTER

May 14, 2019

To Whom It May Concern,

A pleasant day to you. On behalf of Birrieria y Mariscos El Apatzingan, I Misael Huerta would like to Take a moment of your day to present to you my current proposal in regards to obtaining A beer and wine licence.

Birrieria Y Mariscos El Apatzingan is a family Restaurant located at 380 N Highway 65 in the city limits of Lindsay CA. I aim to begin operation of the restaurant On May 20 2019, The establishment is located in a Highway Commercial zone next to big establishments such as Motel 8, Burger King, and Arco gas station. With direct access from Highway 65 there is plenty of traffic flow for potential clientele. The restaurant is a small business consisting of 5 employees and myself, with the intent to expand if deemed successful. We have a seating capacity for 100 guests which i believe is plenty of space for diners to take their time and feel unrushed. The Restaurant will operate from the hours of 7:00 am - 9:00 pm to correspond with other businesses in the area.

In line with the foregoing relevant points, this proposal is for the intent operation of a type 41 beer and wine licence with food. I am currently in the process of obtaining a type 41 beer and wine licence, however if granted I still seek the approval by the city of Lindsay to conduct Business properly. If both are granted beer and wine shall be consumable accompanied by a meal. I strongly believe this will be an essential for the success of the restaurant.

If you have inquiries or concerns about this proposal or the business in general, you can contact me with this number 818-877-5841 or email me at [Huerta.misa@gmail.com](mailto:Huerta.misa@gmail.com) . I would also want to hear your suggestions and recommendations. I am hoping for your positive response.

With thanks,



Misael Huerta Jr  
Current Business Owner  
Birrieria Y Mariscos El Apatzingan  
380 N Highway 65 Lindsay Ca 93247



## RESOLUTION OF THE CITY OF LINDSAY

NUMBER 19-36

TITLE **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LINDSAY APPROVING CONDITIONAL USE PERMIT NO. 19-20, A REQUEST BY MISEAL HUERTA JR. TO OPERATE A RESTAURANT AND INCLUDE THE SALE OF BEER AND WINE, WITHIN THE COMMERCIAL HIGHWAY (CH) ZONING DISTRICT, FOR PROPERTY LOCATED AT 380 NORTH HIGHWAY 65 (APN 199-280-002).**

MEETING At a regularly scheduled meeting of the City of Lindsay City Council held on June 11, 2019 at 6:00PM at 251 E. Honolulu Street, Lindsay, CA 93247.

**WHEREAS**, Conditional Use Permit No. 19-20 was filed pursuant to the regulations contained in Ordinance No. 437, the Zoning Ordinance of the City of Lindsay; and

**WHEREAS**, the City Council of the City of Lindsay, after ten (10) days published notice, did hold a public hearing before said Council on June 11, 2019; and

**WHEREAS**, the Planning Department staff has prepared necessary investigations and prepared a staff report of information bearing upon the conditional use permit application; and

**WHEREAS**, the project is categorically exempt from the California Environmental Quality Act as the minor alteration of an existing public facility (Class 1),

**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 §15301.

**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 conditional use permit application is consistent with the provisions of the City of Lindsay Zoning Ordinance (Municipal Code Title 18). Specifically, the application meets all applicable city codes and ordinances, per the requirements of Sections 18.17.030 and 18.17.070.C.

**BE IT FURTHER RESOLVED** that that the City Council of the City of Lindsay hereby approves Conditional Use Permit Application No. 19-20, subject to the following conditions:

**SECTION 1.** That a California Department of Alcoholic Beverage Control type 41 license shall be obtained prior to selling any alcoholic beverage. No other license type shall be permitted under this condition of approval, and conditions of said license shall be complied with.

**SECTION 2.** The restaurant shall operate in accordance with the submitted operations statement.

**SECTION 3.** That compliance with the zoning ordinance and use permit conditions of approval, listed herein, shall be reviewed by staff at the following intervals:

- a) Three (3) months
- b) Six (6) months
- c) Twelve (12) months
- d) Eighteen (18) months
- e) Yearly thereafter.



## RESOLUTION OF THE CITY OF LINDSAY

**SECTION 4.** That any infraction of the zoning ordinance or use permit conditions of approval shall result in the automatic suspension of the use permit and shall require a review by City Council within thirty (30) days. Upon review, City Council may at its discretion, revoke the use permit, impose requirements to ensure full compliance, or allow the use to continue.

**SECTION 5.** That if, in the opinion of the Chief of Police, based on historical evidence, an undue burden has been placed upon Public Safety, the use permit shall be subject to review and modification, or revocation.

**SECTION 6.** That all exterior signs shall require separate review and approval by the City Planner. A sign permit shall be required for any new exterior signs, prior to sign installation. All permanent and temporary signs, banners, and/or other special promotional signage shall comply with all applicable Zoning Ordinance sign standards.

**SECTION 8.** That all other City codes and ordinances shall apply.

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

MEETING DATE	June 11, 2019
MOTION	
2 <sup>nd</sup> 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: June 11, 2019  
AGENDA #: 5

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### AGENDA ITEM

TITLE	General Plan Amendment and Zone Change 19-07
	Applicant: Clinton Johnson P. O. Box 10053 Terra Bella CA 93247
	Location: APN 205-301-001
ACTION	Approval of a General Plan Amendment from light industrial to low density residential and a Zone Change from IL to R-1-7.
PURPOSE	Discretionary Action
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.

---

### RECOMMENDATION

Staff recommends approval of the draft resolution 19-37.

### BACKGROUND / ANALYSIS

General Plan Amendment and Zone Change 19-07 is a request by Clinton Johnson to change the General Plan land use designation from light industrial to low density residential and to change the zoning designation from IL to R-1-7 of a four acre parcel bound by Eastwood Ave. to the west, North Mt. Vernon Ave. to the north and east, and West Frazier St. to the south.

A General Plan Amendment and Zone Change are discretionary approvals. Council may deny the requests or approve the requests.

### ALTERNATIVES

- Approve with modifications.
- Deny request.
- Table request for staff to present additional information.

### BENEFIT TO OR IMPACT ON CITY RESOURCES

There are no anticipated benefits or impacts to City resources.

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## STAFF REPORT

TO: CITY COUNCIL OF THE CITY OF LINDSAY, CALIFORNIA  
DATE: June 11, 2019  
AGENDA #: 5

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### ENVIRONMENTAL REVIEW

California Environmental Quality Act (CEQA) Article 19 §15332 identifies In-fill Development Projects as Categorically Exempt. A draft Notice of Exemption has been prepared and has been available for public review. Council may adopt the Notice of Exemption with the project approval, with the attached resolution.

### POLICY ISSUES

**General Plan Amendment:** The General Plan Land Use Element does not dictate specific procedures to amend land use designations for light industrial land uses. Instead, the Plan relies on the land use diagram (map) and basic allocations of land areas between various existing and future land uses. The land use diagram provides a framework for future growth and development that provides for a balanced range of land uses in locations that are compatible and consistent with City goals. Any amendment to the Plan should consider impacts of the proposed amendment on other Plan goals, policies, objectives, and standards (such as the Circulation Element). State law allows the City Council to amend any element of the Plan up to four times per year.

**Change of Zone:** Since the General Plan relies on the land use diagram (map) and basic allocations of land areas between various existing and future land uses as a resource in determining land use amendments, the proposed amendment would not be in conflict with the policies, objectives, and standards of the General Plan.

Zoning Ordinance Section 18.22.050.A provides criteria for review of zone changes:

*“At the public hearing, the City Council shall review the application or the proposal and may receive pertinent evidence and testimony as to why and how the proposed change is necessary to achieve the objectives of the Zoning Ordinance prescribed in Section 18.01.020, and how or why the proposed change is consistent with the General Plan and the stated purposes and application intended for the zone classification proposed.”*

The proposed land use designation and zoning designation of low density residential (R-1-7) is consistent with property to the west of the project site. Approval of the project would allow for development of the site that is consistent with the goals and policies of the General Plan.

**Circulation:** Access to the subject property can be provided via Eastwood Avenue, North Mt. Vernon Avenue, and/or West Frazier Street.

**Public Services:** The site is within a convenient response time of public safety services, and the existing and available water supply and conveyance facilities provide adequate fire suppression capabilities. Sanitary sewer and municipal water services are available at the site.





## STAFF REPORT

TO: CITY COUNCIL OF THE CITY OF LINDSAY, CALIFORNIA  
DATE: June 11, 2019  
AGENDA #: 5

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### **Environmental Setting:**

Flood Potential: The subject property, like the immediate area surrounding it, is not within a flood hazard area.

### *PUBLIC OUTREACH*

Posted in this agenda and noticed in the newspaper.

### *ATTACHMENTS*

- Aerial Photo
- Draft Resolution 19-38



## STAFF REPORT

TO: CITY COUNCIL OF THE CITY OF LINDSAY, CALIFORNIA  
DATE: June 11, 2019  
AGENDA #: 5

---

### Aerial Photo



**RESOLUTION NO. 19-37**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LINDSAY APPROVING GENERAL PLAN AMENDMENT NO. 19-07, A REQUEST BY CLINTON JOHNSON TO CHANGE THE LAND USE DESIGNATION FROM LIGHT INDUSTRIAL TO LOW DENSITY RESIDENTIAL, FOR PROPERTY BOUND BY EASTWOOD AVE. TO THE WEST, NORTH MT. VERNON AVE. TO THE NORTH AND EAST, AND WEST FRAZIER ST. TO THE SOUTH (APN: 205-301-001).**

At a regularly scheduled meeting of the City Council of the City of Lindsay, held June 11, 2019, at the hour of 6:00 p.m. in the Council Chambers at City Hall, Lindsay, California 93247, the following resolution was adopted:

**THAT WHEREAS**, General Plan Amendment Application No. 19-07 was filed by Clinton Johnson (P. O. Box 10053, Terra Bella CA 93247); and

**WHEREAS**, the City Council, after twenty (10) days published notice, did hold a public hearing before said Council on June 11, 2019; and

**WHEREAS**, Planning staff has prepared necessary investigations and prepared a staff report of information bearing upon the General Plan Amendment application; and

**WHEREAS**, a Notice of Exemption was prepared consistent with the provisions of the California Environmental Quality Act, Article 19, §15332 which identifies In-fill Development Projects as Categorically Exempt.

**NOW, THEREFORE, BE IT RESOLVED**, that the project is exempt from further environmental review pursuant to CEQA Article 19, Section §15332.

**BE IT FURTHER RESOLVED**, that the City Council finds that the proposed General Plan Amendment would be consistent with the policies and intent of the General Plan.

**BE IT FURTHER RESOLVED**, that City Council considered public testimony and a staff report and analysis pertaining to this request, and makes the following specific findings in support of this project:

1. The request would align designated land use with existing land use in the project area and allow for development of the site consistent with General Plan goals and policies.

**BE IT FURTHER RESOLVED**, that that the City Council of the City of Lindsay hereby approves General Plan Amendment No. 19-07.

**PASSED, APPROVED AND ADOPTED** by the City Council of the City of Lindsay this 11th day of June 2019.

ATTEST:

CITY COUNCIL OF THE CITY OF LINDSAY

RESOLUTION NO. 19-37

Page 1 of 2

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Bret Harmon, City Clerk

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Pamela Kimball, Mayor

**ORDINANCE NO. 574**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LINDSAY AMENDING THE ZONING DESIGNATION FOR A FOUR ACRE PARCEL BOUND BY EASTWOOD AVE. TO THE WEST, NORTH MT. VERNON AVE. TO THE NORTH AND EAST, AND WEST FRAZIER ST. TO THE SOUTH. (APN: 205-301-001), AND THE LINDSAY ZONING MAP AS ADOPTED BY ORDINANCE 437 OF THE CITY OF LINDSAY.**

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

**ARTICLE 1:** The real property located in the City of Lindsay and described as follows: That West half of Southeast quarter of Northwest quarter of Section 7, Township 20 South, Range 27 East, Mount Diablo Base and Meridian in the City of Lindsay, County of Tulare, State of California, as per map recorded on May 15, 1924 of the Official Map of the City of Lindsay in Book 17, Page 57 of Maps, Tulare County Records, Sheet 11, labeled as follows: Lots 1 thru 22 of Block 50; said area containing approximately 4 acres in area, more or less, shall be and is hereby designated as R-1-7 (Single Family Residential).

**ARTICLE 2:** The City Planner of the City of Lindsay is hereby authorized, instructed and directed to make the changes to the official Zoning Map of the City of Lindsay made by Article One of this Ordinance, by outlining the boundaries of the described parcel of the Zoning Map adopted by Ordinance 437 of the City of Lindsay.

**ARTICLE 3:** This Ordinance shall be in full force and effect on and after the 30th day after its adoption by the City Council. Within 15 days after its adoption by the City Council, this Ordinance shall be published in full text or in summary in a newspaper of general circulation in the City of Lindsay.

The foregoing ordinance, read by title only with waiving of the reading in full, was introduced at a regularly scheduled meeting on the 11th day of June 2019.

**APPROVED** at a regular meeting of the City Council held the 11th day of June 2019.

ATTEST:

CITY COUNCIL OF THE CITY OF LINDSAY

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Bret Harmon, City Clerk

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Pamela Kimball, Mayor



## STAFF REPORT

TO: CITY COUNCIL OF THE CITY OF LINDSAY, CALIFORNIA  
DATE: June 11, 2019  
AGENDA #: 7

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### AGENDA ITEM

TITLE Conditional Use Permit 19-15

Applicant: Nestor O. Varela  
483 Rosewood Ct.  
Lindsay CA 93247

Location: 232 North Mirage Avenue (APN: 205-261-013)

ACTION Conditional Use Permit request to operate a boxing gym.

PURPOSE Discretionary Action

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.

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### RECOMMENDATION

Staff recommends approval of the draft resolution subject to the following conditions:

- The overall site is to be maintained in good condition and free of any debris and/or trash.
- The boxing gym shall operate in accordance with the attached Operations Statement.
- All signage requires a separate permit through the Planning and Building Department.

### BACKGROUND / ANALYSIS

Conditional Use Permit 19-15 is a request by Nestor Varela to establish a boxing gym within the Central Commercial (CC) zoning district at 232 North Mirage Avenue, Lindsay, CA 93247. The proposed use would occupy an existing structure and requires no alterations as presented. A boxing gym is allowed in a Central Commercial (CC) zone with the approval of a conditional use permit and is compatible with surrounding land uses.

The granting of a CUP is a discretionary approval. Council may deny the request, approve the request, or approve the request with conditions.

### ALTERNATIVES

- Approve with modifications.
  - Deny request.
-



## STAFF REPORT

TO: CITY COUNCIL OF THE CITY OF LINDSAY, CALIFORNIA  
DATE: June 11, 2019  
AGENDA #: 7

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- Table request for staff to present additional information.

### *BENEFIT TO OR IMPACT ON CITY RESOURCES*

There are no anticipated benefits or impacts to City resources.

### *ENVIRONMENTAL REVIEW*

California Environmental Quality Act (CEQA) Article 19 §15301 identifies Existing Facilities as Categorically Exempt. A draft Notice of Exemption has been prepared and has been available for public review. Council may adopt the Notice of Exemption with the project approval, with the attached resolution.

### *POLICY ISSUES*

In certain districts, conditional uses are permitted subject to the granting of a use permit. Because of their unusual characteristics, conditional uses require special considerations so that they may be located properly with respect to the objectives of the zoning code and their effects on surrounding properties. In order to achieve these purposes, and thus give the district use regulations of this title additional flexibility necessary to achieve the objectives of this title, the city council is empowered to grant and to deny applications for use permits and to impose reasonable conditions upon the granting of use permits (Ord. 437 § 1 (part), 1989).

**Zoning and Land Use:** The subject property is zoned CC (Central Commercial), and general surrounding land uses include Central Commercial (CC) to the north, west, and south; and CN (Neighborhood Commercial) to the east.

**Zoning Characteristics:** The Central Commercial zoning district is intended to serve the entire community with commercial uses that are centrally located.

**Circulation:** Access to the subject property is provided via North Mirage Avenue.

**Public Services:** The site is within a convenient response time of public safety services, and the existing and available water supply and conveyance facilities provide adequate fire suppression capabilities. Sanitary sewer and municipal water services are available at the site.

**Environmental Setting:**

Flood Potential: The subject property, like the immediate area surrounding it, is not within a flood hazard area

### *PUBLIC OUTREACH*

POSTED IN THIS AGENDA

POSTED IN NEWSPAPER

### *ATTACHMENTS*

- Aerial Photo
  - Operations Statement
  - Draft Resolution 19-38
-





## STAFF REPORT

TO: CITY COUNCIL OF THE CITY OF LINDSAY, CALIFORNIA  
DATE: June 11, 2019  
AGENDA #: 7

### Aerial Photo







## STAFF REPORT

TO: CITY COUNCIL OF THE CITY OF LINDSAY, CALIFORNIA  
DATE: June 11, 2019  
AGENDA #: 7

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### Operations Statement

To Whom it may concern

My name is Nestor Varela, I would like to open up a boxing gym at 232 N. Mirage in Lindsay. This will be a family business run by my three sons Sergio Varela, Nestor Varela II, Ivan Varela and myself. At this time we currently have 15 boxers and looking to grow, my son Ivan Varela is currently a professional boxer and my other son Nestor Varela II will become a professional boxer very soon as well. I have been coaching boxing for 20 years now I am a registered amateur coach as well. The ages we would have set for the gym will be from 7 years old and up. There is parking in front of the building and there is parking behind the building as well so parking will not be an issue.

Nestor Varela



## RESOLUTION OF THE CITY OF LINDSAY

NUMBER 19-38

TITLE **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LINDSAY APPROVING CONDITIONAL USE PERMIT NO. 19-15, A REQUEST BY NESTER O. VALERA TO ESTABLISH A BOXING GYM, WITHIN THE CENTRAL COMMERCIAL (CC) ZONING DISTRICT, FOR PROPERTY LOCATED AT 232 NORTH MIRAGE AVENUE (APN 205-261-013).**

MEETING At a regularly scheduled meeting of the City of Lindsay City Council held on June 11, 2019 at 6:00PM at 251 E. Honolulu Street, Lindsay, CA 93247.

**THAT WHEREAS,** Conditional Use Permit Application No. 19-15 was filed pursuant to the regulations contained in Ordinance No. 437, the Zoning Ordinance of the City of Lindsay; and

**WHEREAS,** the City Council of the City of Lindsay, after ten (10) days published notice, did hold a public hearing before said Council on June 11, 2019; and

**WHEREAS,** planning staff has prepared necessary investigations and prepared a staff report of information bearing upon the Conditional Use Permit application; and

**WHEREAS,** the project is categorically exempt from the provisions of the California Environmental Quality Act, as a project within existing facilities.

**NOW, THEREFORE, BE IT RESOLVED** that the project is exempt from further environmental review pursuant to CEQA Article 19, Section §15301.

**NOW, THEREFORE, BE IT FURTHER RESOLVED** that the City Council of the City of Lindsay finds the proposed Conditional Use Permit to be consistent with the provisions of the City of Lindsay Zoning Ordinance (Municipal Code Title 18).

**BE IT FURTHER RESOLVED,** that the City Council of the City of Lindsay hereby approves the above described Conditional Use Permit application, subject to the following conditions:

**SECTION 1.** That the overall site shall be maintained in good condition and free of any debris and/or trash.

**SECTION 2.** The boxing gym shall operate in accordance with the Operations Statement.

**SECTION 3.** That all signage shall require a separate permit.

**SECTION 4.** That all other City codes and ordinances shall apply.



## RESOLUTION OF THE CITY OF LINDSAY

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

MEETING DATE	June 11, 2019
MOTION	
2 <sup>nd</sup> 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 of Lindsay City Council  
DATE: June 11, 2019  
AGENDA #: 8

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### AGENDA ITEM

<i>TITLE</i>	Ordinance No. 575 of the Lindsay Municipal Code
<i>ACTION</i>	Request approval of Ordinance No. 575
<i>PURPOSE</i>	Discretionary Action
<i>OBJECTIVE(S)</i>	<ul style="list-style-type: none"><li>• Live in a safe, clean, comfortable and healthy environment.</li><li>• Increase our keen sense of identity in a physically connected and involved community.</li></ul>

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### RECOMMENDATION

Staff recommends approval of Ordinance No. 575, an ordinance enacting Chapter 5.32 and amending Section 5.04.520 of Title 5 Business Taxes, Licenses and Regulations of the Lindsay Municipal Code, pertaining to sidewalk vending.

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### BACKGROUND / ANALYSIS

In 2018 the State Legislature adopted, and the Governor signed, a law limiting the authority of cities in California to prohibit and/or regulate street vending. This law became effective January 1, 2019. The new law prohibits cities from regulating sidewalk vendors, except in accordance with the provisions of the law. The law would require a city that elects to adopt a sidewalk vending program to, among other things, not require a sidewalk vendor to operate within specific parts of the public right-of-way, except when that restriction is directly related to objective health, safety, or welfare concerns, and not restrict sidewalk vendors to operate only in a designated neighborhood or area. The law does authorize a city to adopt additional requirements regulating the time, place, and manner of sidewalk vending if the requirements are directly related to objective health, safety, or welfare concerns.

The law also authorizes city to prohibit sidewalk vendors in areas located within the immediate vicinity of a permitted certified farmers' market and a permitted swap meet, and to restrict or prohibit sidewalk vendors within the immediate vicinity of an area designated for a temporary special permit issued by the local authority, as specified. Violators of city regulations could be punishable only by an administrative fine, pursuant to an ability-to-pay determination, and proceeds would be deposited in the treasury of the city. The law prohibits cities from making street vending a crime, as was the practice in some cities around the State.

Using the allowances and limitations of the new law, the City staff have drafted a street vending ordinance that would be used to regulate the time, place, and manner of sidewalk vending. These

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## STAFF REPORT

TO: City of Lindsay City Council  
DATE: June 11, 2019  
AGENDA #: 8

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regulations would be based on the objective health, safety, and welfare concerns that are described at the beginning of the ordinance.

The new Chapter 5.32 is divided into nine sections. They can be summarized as follows:

- Section 5.32.010 describes the purpose and intent, listing the health, safety, and welfare concerns of street vending.
- Section 5.32.020 provides definitions for the ordinance.
- Section 5.32.030 states when, when, and how sidewalk vending activities would be prohibited.
- Section 5.32.040 describes the permitting process.
- Section 5.32.050 describes the issuance of permits.
- Section 5.32.060 states the permit application fee.
- Section 5.32.070 states the regulation of sidewalk vendors, receptacle, and activities.
- Section 5.32.080 provides procedures for penalties and violations.
- Section 5.32.090 describes the permit revocation process.

The ordinance is intended to regulate street vending within the limitations placed by the State. The wording of this ordinance is similar to other ordinances that are being adopted by other California cities.

In addition, Section 5.04.520 would be amended to allow for a business license tax to be collected from street vendors. The current tax of \$7 per day or \$50 per month has not been amended since 1978. The City plans to review and adjust fees to more appropriate levels citywide in the near future. This will remain at the current level of \$7 per day or \$50 per month in the interim.

### *BENEFIT TO OR IMPACT ON CITY RESOURCES*

The Ordinance will benefit Lindsay by providing clear regulations describing where street vending is and is not allowed in the City. It will protect the public health, safety, and welfare of the community and its residents. There are adequate enforcement and permitting mechanisms to administer the street vending program.

### *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) and (4).

### *PUBLIC OUTREACH*

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

### *ATTACHMENTS*

Ordinance 575

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## **ORDINANCE NO. 575**

### **AN ORDINANCE ENACTING CHAPTER 5.32 AND AMENDING SECTION 5.04.520 OF THE LINDSAY MUNICIPAL CODE ESTABLISHING PERMITTING PROCEDURES, FEES, AND REGULATIONS PERTAINING TO SIDEWALK VENDING**

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

**Section 1. PURPOSE.** The provisions of this ordinance are intended to permit and regulate sidewalk vending businesses in the City of Lindsay.

**Section 2. CODE ENACTMENT.** Lindsay Municipal Code Chapter 5.32 Sidewalk Vending Regulations is hereby added as follows:

#### **Chapter 5.32**

#### **SIDEWALK VENDING REGULATIONS**

##### **Sections:**

- 5.32.010 Purpose and Intent.**
- 5.32.020 Definitions.**
- 5.32.030 Sidewalk Vending Activities Prohibited in Designated Areas.**
- 5.32.040 Permit Required.**
- 5.32.050 Issuance of Permit.**
- 5.32.060 Permit Application Fee.**
- 5.32.070 Regulation of Sidewalk Vendors, Receptacle, and Activities.**
- 5.32.080 Penalties and Violations.**
- 5.32.090 Permit Revocation.**

##### **5.32.010 Purpose and Intent.**

A. The City Council hereby finds that, to promote the health, safety and welfare, restrictions on sidewalk vending are necessary to avoid negative impacts on the health, safety and welfare of the residents, including but not limited to the following:

1. Proliferation of illegal sales;
2. Potential public exposure to food-borne illnesses due to unlicensed vendors and unsanitary conditions;

3. Increase in trash and debris in public rights-of-way;
4. Overcrowded sidewalks impacting safe pedestrian movement;
5. Interference to the performance of police, firefighter, and emergency medical personnel, including the ability to safely enter buildings or view through windows;
6. Disruption to the flow of pedestrian and vehicular traffic including ingress or egress from, any residence, public building, place of business, or from the street to the sidewalk by persons exiting or entering parked or standing vehicles;
7. Disruption of reasonable access for the use and maintenance of sidewalks, pathways, poles, posts, traffic signs or signals, hydrants, restrooms, trash receptacles, firefighting apparatus, mailboxes, and locations used for public transportation services;
8. Exposure to legal liability to the City due to personal injury or claims for damage and litigation due to use of public property; and
9. Exposure of adult and minor residents to vendors with certain criminal history and background.

B. The City Council further finds that the unique characteristics of the City require certain area specific restrictions on sidewalk vending as follows:

1. City hall and the various public safety buildings in the city house other critical infrastructure and equipment. Vending restrictions are necessary to ensure that public safety apparatuses are readily accessible and critical infrastructure is maintained and accessible at all times;
2. Restrictions on sidewalk vending in or around parks is necessary to protect the health, safety, and general welfare of those persons engaged in active parks and sports activities as well as spectators of sporting events and park activities;
3. Many of the sidewalks and pathways in the City are under eight (8) feet wide and sidewalk vending in these areas unreasonably interfere with the flow of pedestrians and disrupt the access for persons with disabilities or decrease safety for users of the City's sidewalks; and
4. Due to the close interaction between sidewalk vendors and seniors, children, and residents generally, the restrictions placed on sidewalk vending are intended to protect the health, safety, and general welfare of the public and criminal history investigations are necessary to protect the general public.

#### **5.32.020 Definitions.**

For the purpose of this Chapter, the words, terms, and phrases shall be defined as set forth herein, unless the context clearly indicates a different meaning is intended. Words, terms, and phrases used in this Chapter that are not specifically defined shall be construed according to their context and the customary usage of the language.

“Certified farmers’ market” means a location operated in accordance with Chapter 10.5 (commencing with Section 47000) of Division 17 of the Food and Agriculture Code and any regulations adopted pursuant to that chapter.

“City Manager” means the City Manager of the City of Lindsay, or his/her designated representative.



“Fire station” means any facility where fire engines and other emergency-related equipment of the City of Lindsay or the Tulare County Fire Department are housed.

“Food” means any item provided in Health and Safety Code section 113781, as the same may be amended from time to time.

“Heating element” means any device used to create heat for food preparation.

“Merchandise” means any item(s) that may be sold and immediately obtained from a sidewalk vendor, which is not considered food.

“Park” means the parks owned and/or controlled by the City of Lindsay.

“Parkway” means that portion of a street or highway, other than the roadway or the sidewalk, and is generally identified as the space between the street and the sidewalk, or street medians.

“Pathway” means a paved path or walkway owned by the City of Lindsay or other public entity that is specifically designed for pedestrian travel, other than a sidewalk.

“Police station” means any facility located in the City of Lindsay where City of Lindsay Police or Tulare County Sheriff vehicles and other equipment are housed.

“Public property” means all property owned or controlled by the City of Lindsay, including but not limited to buildings, parks, pathways, parkways, sidewalks, roadways, streets, and parking lots.

“Residential” means any area zoned exclusively as residential in Title 18 of the Lindsay Municipal Code or is designated exclusive for residential use as part of a conditional use permit, planned development permit, Specific Plan, residential overlay district, planned unit development (PUD), or equivalent.

“Roadway” means that portion of the street which is improved, designed, or ordinarily used for vehicular travel.

“Roaming sidewalk vendor” shall mean a sidewalk vendor who moves from place to place and stops only to complete a transaction.

“Sidewalk” means that portion of the highway or street other than the roadway or parkway, set apart by curbs, barriers, markings, or other delineation which is used principally for pedestrian travel.

“Sidewalk vendor” shall mean a person who vends food or merchandise from a pushcart, stand, display, pedal-driven cart, wagon, showcase, rack, or other nonmotorized conveyance or from one’s person, upon a public sidewalk or other pedestrian path, or such other meaning of such term as may be ascribed by Government Code section 51036(a) from time to time.

“Sidewalk vendor activities” or “sidewalk vending activity” means actions that qualify a person as a sidewalk vendor or actions done in or upon public rights-of-way in anticipation of becoming a sidewalk vendor such as, but not limited to, placement or maintenance of any sidewalk vendor facilities.

“Sidewalk vending facilities” or “sidewalk vendor facilities” means a pushcart, stand, display, pedal-driven cart, wagon, showcase, rack, or other non-motorized conveyance used for sidewalk vending activities.

“Sidewalk vendor permit” or “permit” shall mean the permit issued by the City Manager and required prior to any person engaging in sidewalk vending activities in the City.

“Stationary sidewalk vendor” shall mean a sidewalk vendor who vends from a fixed location.

“Swap meet” means a location operated in accordance with Article 6 (commencing with Section 21660) of Chapter 9 of Division 8 of the Business and Professions Code, and any regulations adopted pursuant to that article.

### **5.32.030 Sidewalk Vending Activities Prohibited in Designated Areas.**

Notwithstanding this Chapter and any provisions of the Lindsay Municipal Code, it is unlawful for any person to engage in sidewalk vending activities within the following locations or areas within the City:

- A. Any public property that does not meet the definition of a sidewalk or pathway, including but not limited to, any roadway, street, alley, or parking lot;
- B. Within any area zoned for residential purposes, provided that roaming sidewalk vending activities operated in compliance with this ordinance shall not be prohibited;
- C. On any sidewalk or pathway that is not a minimum width of eight (8) feet.
- D. Within 500 feet of the following:
  - 1. An area designated for a temporary use permit issued in accordance with Section 18.17.180, provided that any notice, business interruption mitigation, or other rights provided to affected businesses or property owners under the City’s temporary use permit are also provided to a sidewalk vendor permitted to operate in the area, if applicable. A prohibition on sidewalk vendor activities pursuant to this paragraph shall only be effective for the duration of the temporary use permit;
  - 2. Lindsay City Hall, a police station, or a fire station;
  - 3. Any public or private school, or a child day-care facility, between the hours of 6:00 a.m. and 6:00 p.m.;
  - 4. Any place of assembly or worship, between one hour before and one hour after scheduled event or presentation times;
  - 5. An area designated for a permitted certified farmers' market during the limited operating hours of that certified farmers' market;
  - 6. Any sheriff or police officer, firefighter, or emergency medical personnel who are actively performing their duties or providing services to the public;
- E. Within fifty (50) feet of any public picnic area, playground area, playground equipment, public community center, athletic field or court, or public restroom;
- F. Within fifty (50) feet of another sidewalk vendor;
- G. Within ten (10) feet of a marked crosswalk, a curb return of an unmarked crosswalk, a fire hydrant, a fire call box, a fire department connection, other emergency facility, a bus bench, a transit or bus shelter, a driveway or driveway apron, a curb which has been designated as white, yellow, green, blue, or red zone, an ATM or other vending machine, an entrance or exit to a building, structure or facility, or a bike rack;

- H. Within ten (10) feet ahead, and forty-five (45) feet to the rear, of a sign designating a bus stop;
- I. Within ten (10) feet of a commercial outdoor dining or patio dining area;
- J. At any park, or the sidewalk adjacent to any park, where the City has signed an agreement for concessions that exclusively permits the sale of food or merchandise by a concessionaire;
- K. In or on the median of any street, road, or highway;
- L. In or immediately adjacent to any area designed for parking, bus zones, stopping, or loading;
- M. In any location where the sidewalk vending activities would block manholes, utility access points, vents, or views through windows;
- N. In any location where the operation of sidewalk vending activities would result in or cause a violation of applicable law, including but not limited to the Americans with Disabilities Act; and
- O. Notwithstanding any specific prohibition in this ordinance, any location or area where the operation of sidewalk vending activities creates a reasonably foreseeable danger to the safety of persons or property.

**5.32.040 Permit Required.**

A. No person, either for themselves or any other person, shall engage in any sidewalk vendor activities within the City without first applying for and receiving a permit from the City Manager under this Chapter; and maintaining at all times in full force and effect, the sidewalk vending permit, a business license pursuant to Chapter 5.04 of this Code, and any other permits, authorizations, or approvals required by law from the City or other governmental agency that is applicable to sidewalk vending activities.

B. Any person wishing to engage in sidewalk vendor activities as defined in this Chapter shall file an application with the City Manager on forms approved by the City Manager. Such application shall contain the following information:

1. The name, address, and telephone number of the person applying to become a sidewalk vendor;
2. The name, address, and telephone number of the person who will be in charge of any roaming sidewalk vendors, sidewalk vending activity and/or be responsible for the person(s) working at the sidewalk vending receptacle;
3. The name, address, and telephone number of all persons that will be employed as roaming sidewalk vendors or at a sidewalk vending receptacle;
4. The number of sidewalk vending receptacles the sidewalk vendor will operate within the City under the permit;
5. The location(s) in the City where the sidewalk vendor intends to operate;
6. The day(s) and hours of operation the sidewalk vendor intends to operate at such location(s);
7. Whether the vendor intends to operate as a stationary sidewalk vendor or a roaming sidewalk vendor and, if roaming, the intended path of travel;

8. The dimensions of the sidewalk vendor's sidewalk vending receptacle(s), including a picture of each sidewalk vending receptacle operating under the permit and any signs that will be affixed thereto;
  9. Whether the sidewalk vendor will be selling food, merchandise, or both;
  10. If the sidewalk vendor is selling food, a description of the type of food to be sold, whether such foods are prepared on site, whether such foods will require a heating element inside or on the sidewalk vending receptacle for food preparation, and the type of heating element, if any;
  11. If the vendor is selling merchandise, a description of the merchandise to be sold;
  12. If the vendor is selling food, the name and address of the food commissary in which the sidewalk vending receptacle is stored and maintained;
  13. A copy of the public health permit required for any sidewalk vendors selling food, as required by Tulare County Environmental Health Department;
  14. Proof the person possesses a valid California Department of Tax and Fee Administration seller's permit which notes the City as a location or sublocation, which shall be maintained for the duration of the sidewalk vendor's permit;
  15. An acknowledgement that the sidewalk vendor will comply with all other generally applicable local, state, and federal laws;
  16. A certification that, to their knowledge and belief, the information contained within the application is true;
  17. An agreement by the sidewalk vendor to defend, indemnify, release and hold harmless the City, its City Council, commissions, officers, and employees from and against any and all claims, demands, obligations, damages, actions, causes of action, suits, losses, judgements, fines, penalties, liabilities, costs, and expenses (including without limitation, attorney's fees, disbursements, and court costs) of every kind and nature whatsoever which may arise from or in any manner relate (directly or indirectly) to the permit or the vendor's sidewalk vending activities. This indemnification shall include, but not be limited to, damages awarded against the City, if any, costs of suit, attorneys' fees, and other expenses incurred in connection with such claim, action, or proceeding whether incurred by the permittee, City, and/or the parties initiating or bringing such proceeding;
  18. An acknowledgement that use of public property is at the sidewalk vendor's own risk and that the City does not take any steps to ensure public property is safe or conducive to the sidewalk vending activities, and that the sidewalk vendor uses the public property at the vendor's own risk and assumes such risks;
  19. An acknowledgement that the sidewalk vendor will obtain and maintain throughout the duration of any permit issued under this Chapter, any insurance required by the City's Risk Manager; and
  20. Any other relevant information required by the City Manager.
- C. As part of the application, a vendor shall cooperate with the City Manager and submit to a local and state summary criminal history information investigation and certify whether disqualifying criminal history has been discovered. Accordingly, pursuant to Penal Code Sections 11105 and 13300, the city council explicitly authorizes the City Manager to obtain such

information as it relates to disqualifying convictions or conduct related to the crimes and offenses described in this Chapter.

**5.32.050 Issuance of Permit.**

A. Within thirty (30) calendar days of receiving a completed application, the City Manager shall issue a sidewalk vendor permit, with appropriate conditions, as provided for herein, if the City Manager finds all of the following:

1. The conduct of the sidewalk vendor will not unduly interfere with traffic or pedestrian movement, or tend to interfere with or endanger the public peace or rights of nearby tenants to the quiet enjoyment and peaceable enjoyment of their property, or otherwise be detrimental to the public peace, health, safety, or general welfare;
2. The conduct of the sidewalk vendor will not unduly interfere with normal governmental or City operations, threaten to result in damage or detriment to public property, or result in the City incurring costs or expenditures in either money or personnel not reimbursed in advance by the vendor;
3. The conduct of such sidewalk vending activity will not constitute a fire hazard, and all proper safety precautions will be taken;
4. The conduct of such sidewalk vending activity will not require the diversion of law enforcement officers to properly police the area of such activity as to interfere with normal law enforcement protection for other areas of the City;
5. The sidewalk vendor's application contains all required information;
6. The sidewalk vendor has not made a materially false, misleading or fraudulent statement of fact to the City in the application process;
7. The sidewalk vendor has satisfied all the requirements of this Chapter;
8. The sidewalk vendor has paid all applicable fees as set by City Council resolution;
9. The sidewalk vendor's sidewalk vending receptacle and proposed activities conform to the requirements of this Chapter;
10. The sidewalk vendor has adequate insurance to protect the City from liability associated with the sidewalk vendor's activities, as determined by the City's Risk Manager, or designee;
11. The sidewalk vendor, or any other person for whom information is required to be provided pursuant to this Chapter, has not within the past three years, been convicted of or pled no contest to any felony or of any misdemeanor crime involving moral turpitude or such crime that is substantially related to the qualifications, functions, or duties of a sidewalk vendor, including but not limited to, the crimes listed under of the California Penal Code, Part 1, Title 9 - Of Crimes Against the Person Involving Sexual Assault, and Crimes Against Public Decency and Good Morals.

B. The City Manager, in granting any permit under this Chapter, may also impose such reasonable conditions with respect to the use and scope of such permit as is determined to be necessary to protect the public health, safety, and welfare, and to implement the intent and purpose of this Chapter.

C. All permits issued under this Chapter shall expire 12 months from the date of issuance. A sidewalk vendor permit is non-transferable. Any change in ownership or operation of a sidewalk vendor or sidewalk vending receptacle requires a new permit under this ordinance. Only one sidewalk vendor permit may be issued to any single person, company, or entity and the permit shall specify whether the permit is for roaming sidewalk vending or stationary sidewalk vending. No person, company, or entity shall conduct both roaming and stationary sidewalk vending under a permit.

D. The City Manager shall consider and review applications for permit renewals pursuant to the criteria set forth in this Section. Failure of a permittee to file an application to renew a permit at least thirty (30) calendar days before the expiration thereof shall require the filing of a new application and the payment of the associated fee.

#### **5.32.060 Permit Application Fee.**

Each application for a sidewalk vendor permit, and each application for an annual renewal of a sidewalk vendor permit, shall be accompanied by a non-refundable applicable fee, or non-refundable application renewal fee, as applicable, each in an amount established by resolution of the City Council.

#### **5.32.070 Regulation of Sidewalk Vendors, Receptacle, and Activities.**

A. All persons engaging in sidewalk vending activities within the City of Lindsay shall, in addition to any conditions imposed as a condition of permit issuance, comply with the following conditions:

1. The sidewalk vendor permit issued by the City shall be displayed conspicuously at all times on the sidewalk vending receptacle or the vendor's person.
2. If applicable, a permit issued by the County of Tulare shall be displayed conspicuously at all times on the sidewalk vending receptacle or the vendor's person.
3. Sidewalk vendors must operate in compliance with all applicable federal, state, county, and local laws.
4. Sidewalk vendors shall not store or leave their sidewalk vending receptacle unattended on public property for any reason, including but not limited to for the purpose of soliciting business.
5. The sidewalk vending receptacle shall not be chained, fastened, tethered, or otherwise attached to any pole, sign, tree or other object in the public right-of-way.
6. Sidewalk vending activities are prohibited between the hours of 10:00 p.m. and 7:00 a.m., daily.
7. The sidewalk vending receptacle shall not be located on any public property when the receptacle is not being actively utilized for sidewalk vending activities.
8. Sidewalk vendors shall allow a law enforcement officer, firefighter, life safety services officer, code enforcement officer, health inspector, or other government official charged with enforcing laws related to sidewalk vendor activities, at any time during the operation of such activities, to inspect the sidewalk vending receptacle for compliance with the requirements of this Chapter, the sidewalk vending permit, and to ensure the safe operation thereof.



9. If a sidewalk vending receptacle requires more than one person to conduct the sidewalk vending activity, all such persons associated with the sidewalk vending receptacle shall be within five (5) feet thereof when conducting sidewalk vending activities.

10. Sidewalk vendors shall ensure that all customer queuing, waiting areas, or lines do not block, hinder, or interfere with the free flow of pedestrian or vehicular traffic along, over, or across public property, and otherwise comply at all times with the location-related restrictions set forth in this ordinance relative to sidewalk vending activities.

11. Sidewalk vendors shall comply with the noise standards provided in of the Lindsay Municipal Code and shall not utilize any amplifying or sound-generating equipment or devices in connection with sidewalk vendor activities, with the exception of one (1) bell with maximum diameter of two (2) inches.

12. Sidewalk vendors shall maintain a trash container in or on the sidewalk vending receptacle, and immediately clean up any food, waste, grease or other fluid or item related to sidewalk vending activities from public property. The trash receptacle must be large enough to accommodate customer trash without utilizing existing trash receptacles located on any block for use by the general public. A sidewalk vendor may not dispose of customer trash in existing trash receptacles on public property.

13. Sidewalk vendors shall not discharge or allow to discharge any fluids, liquids, grease, or hazardous materials on private or public property.

14. Sidewalk vendors shall ensure that, at all times, that a ten (10) foot area immediately surrounding the sidewalk vending receptacle is free and clear from trash, litter, and debris at all times.

15. Sidewalk vendors shall, at all times, maintain a minimum four (4) foot-wide area over and across any pathway, sidewalk, or public property that is free from and clear from all obstructions associated with sidewalk vendor activities, including but not limited to sidewalk vending receptacle and customer queuing areas. Notwithstanding the specifics of this subsection, the area to be kept free and clear shall be at least as large as necessary to comply with the Americans with Disabilities Act.

B. All sidewalk vending receptacles utilized for sidewalk vending activities shall, in addition to any conditions imposed as a condition of permit issuance, comply with the following conditions:

1. Except as may otherwise be approved in a sidewalk vending permit, sidewalk vending receptacles and any attachments thereto, including but not limited to food, merchandize, or signage, shall not exceed a total height of four (4) feet, a total width of four (4) feet, and a total length of four (4) feet. In approving sidewalk vending receptacles of greater size, the City Manager shall evaluate such requests by balancing: (a) the sidewalk vendor's reasonable need for a larger sidewalk vending receptacle given the nature of the sidewalk vending activities to be operated, the merchandise or food to be sold, and the location where the sidewalk vending activities are proposed to be operated, against; (b) the risk to the public health, welfare, and safety created by the larger sidewalk vending receptacle.

2. All signage and advertising related in any way to the sidewalk vendor shall comply with the terms and conditions of the permit, and shall be attached to the sidewalk vending receptacle, if any, or the sidewalk vendor's person.

3. Sidewalk vendors shall not utilize any electrical, flashing, wind powered, or animated signs.
4. Sidewalk vending receptacles shall not touch, lean against or be affixed at any time to any other building or structure including, but not limited to lampposts, parking meters, mailboxes, traffic signals, fire hydrants, benches, bus shelters, news racks, trashcans, trees, or traffic barriers.
- C. No person engaging in sidewalk vending activities shall engage in any of the following:
  1. Renting of merchandise to customers.
  2. Displaying of merchandise or food that is not available for immediate sale.
  3. Selling of alcohol, cannabis, adult oriented material, tobacco products, products that contain nicotine, or any product used to smoke/vape nicotine or cannabis, or any other business or occupation that is not permitted or is prohibited by the Lindsay Municipal Code.
  4. Using an electrical outlet or power source that is owned by the City or another person other than the sidewalk vendor.
  5. Utilizing a portable generator in connection with sidewalk vending activities.
  6. Conducting sidewalk vending activities under shaded structures, awnings, gazebos, and band shells in parks, except as authorized by an agreement with the City.
  7. Continuing to offer food or merchandise for sale to any person who has been offered food or merchandise by the sidewalk vendor and has declined the offer, or following or otherwise harassing any such person, or otherwise making any statements, gesture, or other communication that would be perceived as threatening by a reasonable person.
  8. Knowingly making false statements or misrepresentations during the course of offering food or merchandise for sale.
  9. Blocking or impeding the free flow of any pedestrian or vehicle traversing public property.

#### **5.32.080 Penalties and Violations.**

A. Violators of this Ordinance shall not be prosecuted as infractions or misdemeanors and shall only be punished by the following administrative citations and revocation structure:

1. Except as otherwise provided in this ordinance, any violation of this Ordinance shall be subject to administrative fines in the following amounts:
  - (a) An administrative fine not exceeding one hundred dollars (\$100) for a first violation;
  - (b) An administrative fine not exceeding two hundred dollars (\$200) for a second violation within one (1) year of the first violation; and
  - (c) An administrative fine not exceeding five hundred dollars (\$500) for each additional violation within one (1) year of the first violation.
2. If any person violates any portion of this Ordinance and cannot present proof of a valid permit, the sidewalk vendor shall be assessed administrative fines in the following amounts:
  - (a) An administrative fine not exceeding two hundred and fifty dollars (\$250) for a first violation;
  - (b) An administrative fine not exceeding five hundred dollars (\$500) for a second violation within one (1) year of the first violation; and

(c) An administrative fine not exceeding one thousand dollars (\$1,000) for each additional violation within one (1) year of the first violation.

3. Upon proof of a valid permit issued by the City, the administrative fines set forth in subsection (B) shall be reduced to the administrative fines set forth in subsection (A).

B. If the person meets the criteria described in subdivision (a) or (b) of Section 68632 of the California Government Code, the local authority shall accept, in full satisfaction, 20 percent of the administrative fine imposed.

C. Notwithstanding the foregoing, the City Manager, or City Council on appeal, may allow a person to complete community service in lieu of paying the total administrative fine, may waive the administrative fine, or may offer an alternative disposition for violations of this subsection.

#### **5.32.090 Permit Revocation.**

A. Permits issued under the provisions of this chapter may be revoked by the City Council, after a noticed hearing, for any of the following causes:

1. Fraud, misrepresentation or false statement contained in the application for a permit;
2. Conducting the business in an unlawful manner, or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety or general welfare of the public;
3. Upon a sidewalk vendor being issued a fourth or subsequent citation for violations of ordinance within one (1) calendar year of the first violation.

B. Notice of the hearing for revocation of a license shall be given in writing, setting forth specifically the grounds of complaint and the time and place of hearing. Such notice shall be mailed, postage prepaid, to the licensee, at the last known address of the licensee, at least five days prior to the date set for hearing.

**Section 3. CODE AMENDMENT.** Lindsay Municipal Code Section 5.04.520 is hereby amended to read as follows (text to be added is underlined, text to be deleted is in strikeout):

#### **5.04.520 Hawker, peddler, solicitor, street vendor, or canvasser.**

Any person who does not maintain a fixed place of business in the city, not otherwise specifically licensed under other sections of this chapter, conducting, carrying on or managing a business of peddling merchandise of any class or character to persons not regularly engaged in or carrying on such lines of business shall pay a business license tax in the sum of seven dollars per day or fifty dollars per month.

**Section 4. 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 and the creation of government funding mechanisms and activities that do not involve any commitment to any specific project which may result in a potentially significant physical impact on the environment, in accordance with CEQA Guidelines Section 15378(b)(2) and (4). 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 5. 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 6. 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 7. 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 8. 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 Municipal Code as amended by this ordinance are substantially the same as provisions in the Lindsay Municipal Code existing prior to the effectiveness of this ordinance, then those amended provisions shall be construed as continuations of the earlier provisions and not as new enactments.

**Section 9. 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 June 11, 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:

\_\_\_\_\_  
Bret Harmon, City Clerk



## STAFF REPORT

TO: City of Lindsay City Council  
DATE: June 11, 2019  
AGENDA #: 9

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### AGENDA ITEM

<i>TITLE</i>	Ordinance No. 576 of the Lindsay Municipal Code
<i>ACTION</i>	Request approval of Ordinance No. 576
<i>PURPOSE</i>	Discretionary Action
<i>OBJECTIVE(S)</i>	<ul style="list-style-type: none"><li>• Live in a safe, clean, comfortable and healthy environment.</li><li>• Increase our keen sense of identity in a physically connected and involved community.</li></ul>

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### RECOMMENDATION

Staff recommends approval of Ordinance No. 576 , an ordinance amending Chapters 17.04, 17.16, and 17.24 of Title 17 Subdivisions of the Lindsay Municipal Code, adding procedures for public noticing of Tentative Subdivision Maps and Parcel Maps178.16.100.

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### BACKGROUND / ANALYSIS

Ordinance No. 576 is a request by City Staff to amend Chapters 17.04, 17.16, and 17.24 of Title 17 Subdivisions of the Lindsay Municipal Code to require a noticed public hearing as part of the processing of Tentative Maps and Parcel Map Subdivision applications. The text clean-ups also address the current absence of a Planning Commission while allowing for one to be established in the future. The proposed amendments read as follows:

#### Proposed Amendment

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

### Chapter 17.04 General Provisions

#### 17.04.090 Planning Commission responsibilities

The city planning commission, if established, shall act as the advisory agency to the city council. It is charged with making investigations, reports and recommendations on proposed

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## STAFF REPORT

TO: City of Lindsay City Council  
DATE: June 11, 2019  
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subdivisions as to their conformance to the general plan, the environmental design plans and this title. The planning commission shall report its actions and recommendations concerning the subdivision to the city council.

*The text addresses the fact that the City of Lindsay does not have a planning commission at this time.*

### Chapter 17.16 Tentative Map

#### 17.16.100 Planning Commission action

Within fifty days after the filing of a tentative map of a subdivision or at such later date as may be required to concurrently process the appurtenant environmental impact review documents required by state law and local ordinances, unless such time is extended by agreement with the subdivider, the planning commission, if established, shall act thereon. The planning commission shall hold a public hearing on each application for tentative map. Notice of the public hearing shall be given not less than ten days nor more than twenty-five days prior to the date of the hearing by (1) mailing postage prepaid, a notice of the time and place of the hearing to the names and last known addresses of the recorded legal owners of all properties within 300 feet of each boundary of the site, as shown on the latest adopted assessment roll of Tulare County; and (2) by publishing a notice at least once in a newspaper of general circulation in the city. If the planning commission finds that the proposed map complies with the requirements of this title and the Subdivision Map Act, it shall recommend approval of the map. If the planning commission finds that the proposed map does not meet the requirements of this title and the Subdivision Map Act, it shall recommend conditional approval or disapproval of the map.

*The additional text requires a noticed public hearing be conducted by the planning commission, if established, to review a tentative map. This will allow for a more informed public and afford nearby property owners the opportunity to comment on a tentative map application.*

#### 17.16.110 Council action

Within ten days after receipt of the report of the planning commission on the tentative map, or at its next regular meetings the city council shall act thereon. The City Council shall hold a public hearing on each application for tentative map. Notice of the public hearing shall be given not less than ten days nor more than twenty-five days prior to the date of the hearing by (1) mailing postage prepaid, a notice of the time and place of the hearing to the names and last known addresses of the recorded legal owners of all properties within 300 feet of each boundary of the site, as shown on the latest adopted assessment roll of Tulare County; and (2) by publishing a notice at least once in a newspaper of general circulation in the city. If the city council finds

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## STAFF REPORT

TO: City of Lindsay City Council  
DATE: June 11, 2019  
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that the proposed map complies with the requirements of this title and the Subdivision Map Act, it shall approve the map. If the city council finds that the proposed map does not meet the requirements of this title and the Subdivision Map Act, it shall conditionally approve or disapprove the map.

*The additional text requires a noticed public hearing be conducted by the city council to review a tentative map. This will allow for a more informed public and afford nearby property owners the opportunity to comment on a tentative map application.*

### Chapter 17.24 Parcel Map Subdivision

#### 17.24.040 Tentative parcel map—Consideration

The planning commission, or the city council if there is no planning commission established, shall review and approve, conditionally approve or disapprove the tentative parcel map. The planning commission, or the city council if there is no planning commission established, shall hold a public hearing on each application for tentative map. Notice of the public hearing shall be given not less than ten days nor more than twenty-five days prior to the date of the hearing by (1) mailing postage prepaid, a notice of the time and place of the hearing to the names and last known addresses of the recorded legal owners of all properties within 300 feet of each boundary of the site, as shown on the latest adopted assessment roll of Tulare County; and (2) by publishing a notice at least once in a newspaper of general circulation in the city. within fifty days after the date of filing with the planning director or at such later date as may be required to concurrently process the appurtenant environmental impact review document required by state law and local regulations.

*The additional text requires a noticed public hearing be conducted to review a tentative parcel map. This will allow for a more informed public and afford nearby property owners the opportunity to comment on a tentative parcel map application.*

#### 17.24.050 Tentative parcel map-Planning commission action.

A. If the planning commission determines that the tentative parcel map complies with all of the provisions of this chapter, it shall approve the map.

B. If the tentative parcel map fails to meet one or more requirements set forth in this chapter, the planning commission may approve the map subject to such conditions as may be necessary to conform to the requirements.

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C. When approving or conditionally approving the tentative parcel map, the planning shall specify the dedications and improvements to be made by the owner.

D. Within seven days after the action by the planning commission, written notice of the action by the planning commission shall be mailed to the applicant.

E. Upon approval of the tentative parcel map by the planning commission, the tentative parcel map shall be so marked and all conditions of approval and required dedications and improvements clearly specified on or with the map. Copies of the approved tentative parcel map shall be filed with the planning director, the public works director and the city engineer.

F. If a planning commission has not been established, the city council shall be the decision-making authority.

*The text addresses the fact that the City of Lindsay does not have a planning commission at this time.*

### *BENEFIT TO OR IMPACT ON CITY RESOURCES*

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 576

## ORDINANCE NO. 576

### AN ORDINANCE AMENDING CHAPTER 17.04, CHAPTER 17.16, AND CHAPTER 17.24 OF TITLE 17 OF THE LINDSAY MUNICIPAL CODE, ADDING PROCEDURES FOR PUBLIC NOTICING OF TENTATIVE SUBDIVISION MAPS AND PARCEL MAPS

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

**Section 1. PURPOSE.** The provisions of this ordinance are intended to permit and regulate sidewalk vending businesses in the City of Lindsay.

**Section 2. CODE AMENDMENT.** Lindsay Municipal Code Sections 17.04.090, 17.16.100, 17.16.110, 17.24.040, 17.24.050 of Title 17 are hereby amended to read as follows (text to be added is underlined, text to be deleted is in strikeout):

#### **17.04.090 Planning Commission responsibilities**

The city planning commission, if established, shall act as the advisory agency to the city council. It is charged with making investigations, reports and recommendations on proposed subdivisions as to their conformance to the general plan, the environmental design plans and this title. The planning commission shall report its actions and recommendations concerning the subdivision to the city council.

#### **17.16.100 Planning Commission action**

Within fifty days after the filing of a tentative map of a subdivision or at such later date as may be required to concurrently process the appurtenant environmental impact review documents required by state law and local ordinances, unless such time is extended by agreement with the subdivider, the planning commission, if established, shall act thereon. The planning commission shall hold a public hearing on each application for tentative map. Notice of the public hearing shall be given not less than ten days nor more than twenty-five days prior to the date of the hearing by (1) mailing postage prepaid, a notice of the time and place of the hearing to the names and last known addresses of the recorded legal owners of all properties within 300 feet of each boundary of the site, as shown on the latest adopted assessment roll of Tulare County; and (2) by publishing a notice at least once in a newspaper of general circulation in the city. If the planning commission finds that the proposed map complies with the requirements of this title and the Subdivision Map Act, it shall recommend approval of the map. If the planning commission finds that the proposed map does not meet the requirements of this title and the Subdivision Map Act, it shall recommend conditional approval or disapproval of the map.

### **17.16.110 Council action**

Within ten days after receipt of the report of the planning commission on the tentative map, or at its next regular meetings the city council shall act thereon. The City Council shall hold a public hearing on each application for tentative map. Notice of the public hearing shall be given not less than ten days nor more than twenty-five days prior to the date of the hearing by (1) mailing postage prepaid, a notice of the time and place of the hearing to the names and last known addresses of the recorded legal owners of all properties within 300 feet of each boundary of the site, as shown on the latest adopted assessment roll of Tulare County; and (2) by publishing a notice at least once in a newspaper of general circulation in the city. If the city council finds that the proposed map complies with the requirements of this title and the Subdivision Map Act, it shall approve the map. If the city council finds that the proposed map does not meet the requirements of this title and the Subdivision Map Act, it shall conditionally approve or disapprove the map.

### **17.24.040 Tentative parcel map—Consideration**

The planning commission, or the city council if there is no planning commission established, shall review and approve, conditionally approve or disapprove the tentative parcel map. The planning commission, or the city council if there is no planning commission established, shall hold a public hearing on each application for tentative map. Notice of the public hearing shall be given not less than ten days nor more than twenty-five days prior to the date of the hearing by (1) mailing postage prepaid, a notice of the time and place of the hearing to the names and last known addresses of the recorded legal owners of all properties within 300 feet of each boundary of the site, as shown on the latest adopted assessment roll of Tulare County; and (2) by publishing a notice at least once in a newspaper of general circulation in the city. within fifty days after the date of filing with the planning director or at such later date as may be required to concurrently process the appurtenant environmental impact review document required by state law and local regulations.

### **17.24.050 Tentative parcel map-Planning commission action.**

- A. If the planning commission determines that the tentative parcel map complies with all of the provisions of this chapter, it shall approve the map.
- B. If the tentative parcel map fails to meet one or more requirements set forth in this chapter, the planning commission may approve the map subject to such conditions as may be necessary to conform to the requirements.
- C. When approving or conditionally approving the tentative parcel map, the planning shall specify the dedications and improvements to be made by the owner.
- D. Within seven days after the action by the planning commission, written notice of the action by the planning commission shall be mailed to the applicant.

E. Upon approval of the tentative parcel map by the planning commission, the tentative parcel map shall be so marked and all conditions of approval and required dedications and improvements clearly specified on or with the map. Copies of the approved tentative parcel map shall be filed with the planning director, the public works director and the city engineer.

F. If a planning commission has not been established, the city council shall be the decision-making authority.

**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 Municipal Code as amended by this ordinance are substantially the same as provisions in the Lindsay Municipal Code existing prior to the effectiveness of this ordinance, then those amended provisions shall be construed as continuations of the earlier provisions and not as new enactments.

**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 June 11, 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:

\_\_\_\_\_  
Bret Harmon, City Clerk