



LINDSAY CITY COUNCIL MEETING: REGULAR MEETING

251 E. Honolulu St., Lindsay, CA 93247

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

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CALL TO ORDER:	6:00 p.m.
ROLL CALL:	Council Members Sanchez, Flores, Watson, Cortes & Kimball
PLEDGE:	Mayor Kimball
INVOCATION:	Pastor John Gutierrez, First Presbyterian Church

Item 0: Public Comment

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

Item 1: Council Reports

City Council Members report on recent or upcoming events

Item 2: Staff Report

City Manager or designee reports on recent or upcoming events

Item 3: Consent Calendar

[Roll Call Vote] Routine items approved in one motion unless item is pulled for discussion
Pages 1-15

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

Item 4: Renewal of Community Services Employment Training (CSET) Lease Agreement

[Minute Order] Presented by Director of City Services Mike Camarena and Albert Cendejas
Pages 16-20

Item 5: PUBLIC HEARING – Resolution 19-45 – Continued Maintenance of Landscaping and Lighting Maintenance Districts and Confirmation of Engineer's Report and Assessment for the 2019-2020 Fiscal Year

[Roll Call Vote] Presented by Director of City Services Mike Camarena
Pages 21-32

Item 6: Second Reading of Ordinance 575 Establishing Sidewalk Vendor Permitting Procedures and Regulations

[Roll Call Vote] Presented by City Manager Bill Zigler
Pages 33-47

Materials related to an Agenda item submitted to the legislative body after distribution of the Agenda Packet are available for public inspection in the office of the City Clerk during normal business hours. Complete agenda is available at www.lindsay.ca.us. In compliance with the Americans with Disabilities Act & Ralph M. Brown Act, if you need special assistance to participate in this meeting, or to be able to access this agenda and documents in the agenda packet, please contact the office of the City Clerk at (559) 562-7102 x 8020. Notification 48 hours prior to the meeting will enable the City to ensure accessibility to this meeting and/or provision of an alternative format of the agenda and documents in the agenda packet.



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Item 7: Requests for Future Agenda Items
[Minute Order] Presented by Councilmembers

Item 8: Adjourn
The next regular Lindsay City Council meeting will be held in the City Council Chambers at 251 E. Honolulu Street in Lindsay, California beginning at 6:00 p.m. on July 23, 2019.



LINDSAY CITY COUNCIL MEETING: REGULAR MEETING

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Tuesday, June 25, 2019 @ 6:00 p.m.

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CALL TO ORDER:	6:00 p.m.
ROLL CALL:	Council Members Sanchez, Flores, Watson, Cortes & Kimball
PLEDGE:	Council Member Sanchez
INVOCATION:	Pastor John Gutierrez, First Presbyterian Church

Item 0: Public Comment

- Eric Sinclair – Expressed that as a young boy he was into data storage units, he used technology to work with U.S. and China relations to develop Bitcoin, and he doesn't trust China with our intellectual property.
- Fernando Aguilar – Expressed need for city water. Lives on avenue 240. Says the city promised water three years ago but they haven't gotten any. Said the situation has become stressful because of the inability to use water. Shared he keeps getting the same answer about the city needing to improve financial situation before alleviating their situation.
- Merci Herrera – Talked about how the budget didn't appear to be on the agenda. Staff and Council showed where that was.

Item 1: Council Reports

City Council Members report on recent or upcoming events

- Flores – Reported someone messaged her about who the city inspector was and how often they inspect areas.
- Watson – Reported on sustainable groundwater committee meeting. Talked about how director is planning on presenting at City Council meeting in July. Grateful for volunteers on that board. Reported that Harvard Park discussion has progressed.
- Kimball – Reported on TCAG meeting and One Voice meeting in Washington. Talked about newspaper article about the Lindsay Labyrinth.
- Sanchez – nothing to report
- Cortes – Reported resident who lives close to the city park wanted to thank the city for usability and maintenance of park. Referred to an article about Sen. Hurtado securing money for water projects.

Item 2: Staff Report

City Manager or designee reports on recent or upcoming events

- Zigler – Reported he discussed dates with Jan McGuire for Labrynth celebration. Reported on meetings with Ergostech and moving forward with environmental study. Upcoming CUP for recycling center on S Mirage. Reported next meeting will see annexation item for a waste water treatment facility. Workshop for Council on July 23 for yard sale signage regulation. Talked about accessory dwelling unit ordinance coming up on July 23. Reported city services is working with water plant production, and described what causes air in the system from the wells. Talked about Frontier box on roundabout. Shared Frontier is in

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the process of removing it and will begin work at beginning of July. The Lindsay Soccer Complex is getting prepared for next season and lines are being burned in. Reported that basin maintenance is complete at Sequoia Basin and Oak Street Basin; Mariposa Basin to be finished next week. New yellow stripes being painted at school crosswalks.

Item 3: Consent Calendar

[Roll Call Vote] Routine items approved in one motion unless item is pulled for discussion
Pages 1-18

1. City Council meeting minutes from June 11, 2019
2. Warrant list for June 7, 2019 through June 19, 2019
3. TUP 19-24 Ventura Circus at 455 S. Mirage (minute order)
4. Resolution 19-39 to approve the creation of Fund 260 to account for SB1 funds
5. Resolution 19-40 to authorize the opening of two bank accounts for the exclusive purpose of segregating CDBG and Home/CalHOME funds
6. City Council and Hospital Board joint meeting minutes from June 20, 2019

- Item 4 & 5 pulled for discussion
- Sanchez and Flores – asked questions about how Funds 260 and Fund 261 function, which funds go to street projects and how bank accounts work.
- Harmon – explained what Funds are, how they work, how the general ledger tracks information and how that flows to financial statements, and explained the purpose of the new bank accounts as a requirement by HCD.

Motion: Approve the consent calendar minus Items 4 and 5

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

Motion: Approve Items 4 and 5

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

Item 4: Second Reading of Ordinance 574 authorizing zoning change for APN 205-031-001 (Johnson)

[Roll Call Vote] Presented by City Manager Bill Zigler
Pages 19-23

- Zigler – Summarized the ordinance and described its purpose.

Motion: To approve Ordinance 574 [Change to what is said by Cortes]

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



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Item 5: Second Reading of Ordinance 576 establishing noticing regulations and procedures for property subdivision
 [Roll Call Vote] Presented by City Manager Bill Zigler
 Pages 24-31

- Zigler – Summarized the ordinance and described its purpose.

Motion: To approve Ordinance 576

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

Item 6: PUBLIC HEARING – First Reading of Ordinance 575 establishing sidewalk vendor permitting procedures and regulations (continued from June 11 meeting)
 [Roll Call Vote] Presented by City Manager Bill Zigler
 Pages 32-46

- Zigler – Summarized the ordinance and described its purpose.
- Kimball – opened Public Hearing
- Eric Sinclair – Expressed he is in favor. He wants people to be able to open up shop and obey rules and regulations to make money.
- Kimball – closed Public Hearing

Motion: Declare the first reading of ordinance 575 (as titled) as waived the reading in full

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

Item 7: 2019-2020 Landscape & Lighting Assessment Districts (LLADs) Renewals with Resolutions No. 19-41, 19-42, and 19-43

19-41: Ordering the preparation of an Engineer’s Report for the FY 2019-2020 Landscape and Lighting Maintenance Districts.

19-42: Giving Preliminary Approval of the Engineer’s Report for the FY 2019-2020 Landscape and Lighting Maintenance Districts.

19-43: Declaring the Intent to Levy & Collect Assessments for FY 2019-2020 and Setting a Public Hearing for July 9, 2019.

[Roll Call Vote] Presented by Director of City Services Mike Camarena
 Pages 47-79

- Cortes – Asked if Sierra Vista is the district where the revenues are being saved until they reach a certain amount to then be used toward a project.
- Camarena – Confirmed Cortes’ question.
- Cortes – Asked what year Sierra Vista was in for its five-year plan.
- Camarena – Its third year.

Motion: To approve Resolutions 19-41, 19-42 and 19-43 for All Districts except Maple Valley

1 st	2 nd	Flores	Sanchez	Watson	Cortes	Kimball	Result



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Watson	Cortes	Yes	Yes	Yes	Yes	Yes	Approved 5-0
Motion:	To approve Resolutions 19-41, 19-42 and 19-43 for Maple Valley						
1 st	2 nd	Flores	Sanchez	Watson	Cortes	Kimball	Result
Flores	Sanchez	Yes	Yes	Yes	Recused	Yes	Approved 4-0

Item 8: GENERAL PLAN UPDATE DISCUSSION – Including Housing Element, Environmental Justice and Land Use
Presented by Carl Schlaudt

- Schlaudt – Used a presentation to explain the housing element and next steps.
- Flores – Wanted to know where the five disadvantaged areas are.
- Schlaudt – Described areas. Displayed on Google Earth.
- Watson – Asked question about annexation obligation.
- Zigler – Talked about how we will be encouraged to improve services.
- Zigler – Talked about how our general plan has been challenged before and that new essential elements leave us with work to do. Shared general plan starts at a minimum of \$500,000.

Item 9: PUBLIC HEARING – Resolution 19-44 – Approval of Fiscal Year Operating Budget and Five-Year Capital Improvement Plan and GANN Appropriation Limit for FY 2019-2020
[Roll Call Vote] Presented by Director of Finance Bret Harmon on behalf of the budget ad-hoc committee
Pages 80-205

- Harmon – presented the budget, providing detailed commentary on any changes from the presentation given during the June 11th Council meeting.
- Flores – Wanted to know why there isn't more time to review budget.
- Staff and Council – Explained that this is nearly identical to what was presented a couple weeks ago, that the budget and budget presentation were on the City's website for the past two weeks. The budget and presentation were emailed to Council as part of the agenda packet.
- Watson – Expressed desire for presentation to focus on changes.
- Kimball – Clarified that general fund surplus dependent on two pending revenue sources.
- Kimball – opened public hearing
- Eric Sinclair – Said he's in favor of budget. Said we should get it flowing.
- Merci Herrera – Wanted to know on budget about meeting Wellness expenditures. Asked about debt service on Wellness Center.
- Harmon – Referred to amortization schedules on budget.
- M Herrera – Asked about McDermont needing to pay \$19,000 this year.
- Harmon – referred to fire systems expenses.
- M Herrera – Questioned \$0 for this year from McDermont.
- Harmon – Explained there are neither revenues nor expenses going forward, as the City is not operating McDermont.
- Kimball – closed public hearing



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- Flores – Pointed out household incomes of Lindsay residents and how low they are. Wondered why Lindsay residents aren't being hired into city positions.
- Zigler – Talked about hiring processes. Said city hires on a level playing field and hires people that are best for the community.
- Flores – Said jobs are not being announced where people can see them. Asked which portals jobs are being posted on. Talked about where Visalia jobs are being posted.
- Kimball – Expressed that questions are varying from agenda item.
- Flores – Expressed that pay structure for city employees should be changed.
- Sanchez – Asked if budget needs approval today.
- Harmon – Expressed that budget comes into effect on July 1 if not approved per city charter.
- Sanchez – Asked whether budget could be amended later if approved today.
- Harmon – Responded that budget amendments can come later.

Motion: To approve Resolution 19-44

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

Item 10: MINUTE ORDER – Request to Designate a Voting and Alternate Member for the 2019 League of California Cities Conference

Presented by City Clerk Bret Harmon

Page 206

- Zigler – Expressed benefits of the conference.
- Cortes will attend
- Flores will attend

Motion: To designate Mayor Pro Tem Cortes as voting delegate

1 st	2 nd	Result
Kimball	Flores	Approved 5-0

Item 11 MINUTE ORDER – Approval of Correspondence to Lindsay Unified School District Concerning Harvard Park

Presented by Director of City Services Mike Camarena

Pages 207-211

- Camarena – Letter will be sent to LUSD describing City's desires and alternatives for the park. Conversation will evolve from there.

Motion: To approve correspondence to LUSD regarding Harvard Park

1 st	2 nd	Result
Watson	Sanchez	Approved 5-0

Item 12: Requests for Future Agenda Items

[Minute Order] Presented by Councilmembers



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- Cortes – Expressed desire for more information on where past interns with Lindsay are from and where they have ended up. Talked about how the City should have interns and sees it as a good avenue for eventually being hired on by the city.
- No actionable items requested or voted on.

Item 13: 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
2. PERSONNEL EXEMPTION (54957 Ch. VI): The body may conduct a closed session to consider appointment, employment, evaluation of performance, discipline or dismissal of an employee: City Manager Employment

- Attorney – reported no reportable action on Item 1.
- Attorney – reported the following two motions and results related to Item 2:

Motion: To hire interim City Manager when Bill Zigler retires on August 31, 2019

1 st	2 nd	Result
Watson	Cortes	Approved 3-2

Motion: To offer the interim city manager position to Finance Director, Bret Harmon

1 st	2 nd	Result
Watson	Cortes	Approved 3-2

Item 12: Adjourn

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

- Meeting adjourned.

City Clerk

Mayor

Check #	Fund	Date	Vendor #	Vendor Name	Description	Amount
TOTAL						582,029.74
94750						\$384.68
	101 - GENERAL FUND	6/21/2019	1286	FRANCHISE TAX BOARD	DED:SUI FTB - PIT	384.68
94751						\$449.47
	101 - GENERAL FUND	6/21/2019	3977	AFLAC	DED:015 AFLAC	449.47
94752						\$242.61
	101 - GENERAL FUND	6/21/2019	4660	CITY OF LINDSAY	DED:052 WELLNESS	4.61
	101 - GENERAL FUND	6/21/2019	4660	CITY OF LINDSAY	DED:L203 CDBG LOAN	238.00
94753						\$1,128.09
	101 - GENERAL FUND	6/21/2019	451	CITY OF LINDSAY EMP	DED:0503 SEC 125	1,119.09
	101 - GENERAL FUND	6/21/2019	451	CITY OF LINDSAY EMP	DED:0505 SEC 125	9.00
94754						\$140.84
	101 - GENERAL FUND	6/21/2019	3192	SEIU LOCAL 521	DED:DUES UNION DUES	140.84
94755						\$92.38
	101 - GENERAL FUND	6/21/2019	6409	HYATT LEGAL PLANS,	DED:MET MET LAW	92.38
94756						\$5,730.96
	101 - GENERAL FUND	6/21/2019	453	LINCOLN LIFE	DED:0500 DEF COMP	2,382.35
	101 - GENERAL FUND	6/21/2019	453	LINCOLN LIFE	DED:0555 DC LOANPAY	927.63
	101 - GENERAL FUND	6/21/2019	453	LINCOLN LIFE	DED:151 DEFERCOMP	2,420.98
94757						\$50.82
	101 - GENERAL FUND	6/21/2019	2325	LINDSAY PUBLIC SAFE	DED:LPOA LPOA DUES	50.82
94758						\$152.25
	101 - GENERAL FUND	6/21/2019	6246	MCDERMONT VENTURE I	DED:051 MCDERMONT	152.25
94759						\$437.07
	101 - GENERAL FUND	6/21/2019	3042	STATE DISBURSEMENT	DED:0512 CHILD SUPT	437.07
94760						\$361.16
	101 - GENERAL FUND	6/21/2019	1955	TEAMSTERS LOCAL 856	DED:0508 TEAMSTERS	361.16
94761						\$474.24
	101 - GENERAL FUND	6/28/2019	2873	ADVANTAGE ANSWERING	6/1/19-6/30/19	474.24
94762						\$2,015.42
	101 - GENERAL FUND	6/28/2019	7	AG IRRIGATION SALES	1-20 ADS SPK HUNTER	28.80
	101 - GENERAL FUND	6/28/2019	7	AG IRRIGATION SALES	FLAGS,ADSSPK HUNTER	402.57
	101 - GENERAL FUND	6/28/2019	7	AG IRRIGATION SALES	HARVAD PARK EQUIP MA	100.08
	101 - GENERAL FUND	6/28/2019	7	AG IRRIGATION SALES	HARVARD EQUIP MAINT	14.74
	101 - GENERAL FUND	6/28/2019	7	AG IRRIGATION SALES	HARVARD PARK MAINT	212.41
	101 - GENERAL FUND	6/28/2019	7	AG IRRIGATION SALES	HARVARD PARK-EQUIP	282.32
	101 - GENERAL FUND	6/28/2019	7	AG IRRIGATION SALES	KAKU - EQUIP MAINT	3.96
	101 - GENERAL FUND	6/28/2019	7	AG IRRIGATION SALES	KAKU -MAINT SUPPLIE	25.47
	101 - GENERAL FUND	6/28/2019	7	AG IRRIGATION SALES	KAKU MAINT SUPPLIES	50.58
	101 - GENERAL FUND	6/28/2019	7	AG IRRIGATION SALES	KAKU-EQUIP MAINT	14.20
	101 - GENERAL FUND	6/28/2019	7	AG IRRIGATION SALES	KAKU-VALVE	39.19
	101 - GENERAL FUND	6/28/2019	7	AG IRRIGATION SALES	LANDSCAPING	6.99
	101 - GENERAL FUND	6/28/2019	7	AG IRRIGATION SALES	MARKING FLAGS-HARVA	20.66
	552 - WATER	6/28/2019	7	AG IRRIGATION SALES	2 BRASS WATER JET	305.87
	552 - WATER	6/28/2019	7	AG IRRIGATION SALES	HAND PUMP HOSE	41.53
	552 - WATER	6/28/2019	7	AG IRRIGATION SALES	PVCP VALVE	8.75
	552 - WATER	6/28/2019	7	AG IRRIGATION SALES	WATER PLANT	18.94
	552 - WATER	6/28/2019	7	AG IRRIGATION SALES	WATER PLANT FILTERS	403.43
	552 - WATER	6/28/2019	7	AG IRRIGATION SALES	WATER PLANT SUPPLIE	4.83
	552 - WATER	6/28/2019	7	AG IRRIGATION SALES	WATER-OPERATING SUP	30.10

Check #	Fund	Date	Vendor #	Vendor Name	Description	Amount
TOTAL						582,029.74
94763						\$1,067.57
	101 - GENERAL FUND	6/28/2019	3898	AMERICAN INCORPORAT	133 W HONOLULU AC	457.02
	552 - WATER	6/28/2019	3898	AMERICAN INCORPORAT	729 E HONOLULU AC	155.75
	553 - SEWER	6/28/2019	3898	AMERICAN INCORPORAT	WWTP AC	454.80
94764						\$65.00
	553 - SEWER	6/28/2019	5901	ASBURY ENVIRONMENTA	OIL SERVICE	65.00
94765						\$35.00
	101 - GENERAL FUND	6/28/2019	4924	ASI ADMINISTRATIVE	COBRA ADMIN -MAY 20	35.00
94766						\$93.48
	101 - GENERAL FUND	6/28/2019	3428	AT&T MOBILITY	877432145X5162019	93.48
94767						\$89.68
	101 - GENERAL FUND	6/28/2019	5457	AUTO ZONE COMMERCIA	ADAPTAR TRUCK 22	20.65
	101 - GENERAL FUND	6/28/2019	5457	AUTO ZONE COMMERCIA	BATTERY	161.94
	101 - GENERAL FUND	6/28/2019	5457	AUTO ZONE COMMERCIA	DIESEL ENGINE OIL	49.79
	101 - GENERAL FUND	6/28/2019	5457	AUTO ZONE COMMERCIA	DISEL ENGINE OIL	46.75
	101 - GENERAL FUND	6/28/2019	5457	AUTO ZONE COMMERCIA	DURALAST BATTERY	161.94
	101 - GENERAL FUND	6/28/2019	5457	AUTO ZONE COMMERCIA	HEAVY DUTY TOPTERMI	10.65
	101 - GENERAL FUND	6/28/2019	5457	AUTO ZONE COMMERCIA	PRIUS-WIPER BLADE	11.41
	101 - GENERAL FUND	6/28/2019	5457	AUTO ZONE COMMERCIA	RETURN BATTERY	(160.36)
	101 - GENERAL FUND	6/28/2019	5457	AUTO ZONE COMMERCIA	RETURN- BATTERY	(160.36)
	101 - GENERAL FUND	6/28/2019	5457	AUTO ZONE COMMERCIA	RETURN-FILTER BOBCA	(65.23)
	101 - GENERAL FUND	6/28/2019	5457	AUTO ZONE COMMERCIA	V BELT FOR CHIPPER	12.50
94768						\$50.00
	101 - GENERAL FUND	6/28/2019	4281	BRIAN E. WATSON	COUNCIL STIPEND	50.00
94770						\$4,421.00
	552 - WATER	6/28/2019	51	BSK	ALK TOC EDT	195.00
	552 - WATER	6/28/2019	51	BSK	ALK/TOC/EDT	135.00
	552 - WATER	6/28/2019	51	BSK	BACTI	1,930.00
	552 - WATER	6/28/2019	51	BSK	CRYPTOSPORIDIUM	1,015.00
	552 - WATER	6/28/2019	51	BSK	JEFFERSON-LEAD TEST	65.00
	552 - WATER	6/28/2019	51	BSK	JJ CAIRNS LEAD TEST	26.00
	552 - WATER	6/28/2019	51	BSK	KENNEDY-LEAD TEST	65.00
	552 - WATER	6/28/2019	51	BSK	LINCOLN-LEAD TESTIN	65.00
	552 - WATER	6/28/2019	51	BSK	REAGAN-LEAD TESTING	65.00
	552 - WATER	6/28/2019	51	BSK	ROOSEVELT-LEAD TEST	65.00
	552 - WATER	6/28/2019	51	BSK	UCMR	365.00
	552 - WATER	6/28/2019	51	BSK	UCMR4	365.00
	552 - WATER	6/28/2019	51	BSK	WASHINGTON-LEAD TES	65.00
94771						\$275.00
	552 - WATER	6/28/2019	873	CALIFORNIA RURAL WA	D1 -JOSE VEGA	275.00
94772						\$1,384.58
	101 - GENERAL FUND	6/28/2019	76	CENTRAL VALLEY BUSI	LASER CHECKS AP/PAY	593.38
	400 - WELLNESS CENTER	6/28/2019	76	CENTRAL VALLEY BUSI	LASER CHECKS AP/PAY	197.80
	552 - WATER	6/28/2019	76	CENTRAL VALLEY BUSI	LASER CHECKS AP/PAY	197.80
	553 - SEWER	6/28/2019	76	CENTRAL VALLEY BUSI	LASER CHECKS AP/PAY	197.80
	554 - REFUSE	6/28/2019	76	CENTRAL VALLEY BUSI	LASER CHECKS AP/PAY	197.80

Check #	Fund	Date	Vendor #	Vendor Name	Description	Amount
TOTAL						582,029.74
94774						\$1,651.88
	101 - GENERAL FUND	6/28/2019	5832	CINTAS CORPORATION	OPERATING SUPPLIES	807.22
	552 - WATER	6/28/2019	5832	CINTAS CORPORATION	OPERATING SUPPLIES	211.14
	553 - SEWER	6/28/2019	5832	CINTAS CORPORATION	OPERATING SUPPLIES	211.14
	554 - REFUSE	6/28/2019	5832	CINTAS CORPORATION	OPERATING SUPPLIES	211.14
	556 - VITA-PAKT	6/28/2019	5832	CINTAS CORPORATION	OPERATING SUPPLIES	211.24
94775						\$5,735.00
	260 - SB1 ROAD MAINT	6/28/2019	91	CONSOLIDATED TESTIN	ASPHALT CONCRETE CO	5,735.00
94776						\$1,050.00
	552 - WATER	6/28/2019	6118	CVIN LLC D.B.A. VAS	5/1/19-5/31/19	175.00
	552 - WATER	6/28/2019	6118	CVIN LLC D.B.A. VAS	6/1/19-6/30/19	175.00
	553 - SEWER	6/28/2019	6118	CVIN LLC D.B.A. VAS	5/1/19-5/31/19	175.00
	553 - SEWER	6/28/2019	6118	CVIN LLC D.B.A. VAS	6/1/19-6/30/19	175.00
	554 - REFUSE	6/28/2019	6118	CVIN LLC D.B.A. VAS	5/1/19-5/31/19	175.00
	554 - REFUSE	6/28/2019	6118	CVIN LLC D.B.A. VAS	6/1/19-6/30/19	175.00
94777						\$140.00
	101 - GENERAL FUND	6/28/2019	316	DEPT OF JUSTICE	BLOOD ALCOHOL ANALY	140.00
94778						\$469,947.77
	101 - GENERAL FUND	6/28/2019	6370	DOD CONSTRUCTION	ROUNDAABOUT PROJECT	83,943.00
	260 - SB1 ROAD MAINT	6/28/2019	6370	DOD CONSTRUCTION	ROUNDAABOUT PROJECT	9,103.80
	600 - CAPITAL IMPROVE	6/28/2019	6370	DOD CONSTRUCTION	ROUNDAABOUT PROJECT	376,900.97
94779						\$4,583.65
	553 - SEWER	6/28/2019	5978	DOMINO SOLAR LTD	5/1/19-5/31/19	4,583.65
94780						\$51.21
	101 - GENERAL FUND	6/28/2019	4460	EVANS FEED & LIVEST	BLACK GOLD-K9	51.21
94781						\$1,105.09
	779 - 00-HOME-0487	6/28/2019	6084	FARMERS INSURANCE E	SALEM A. L300	1,105.09
94782						\$6,702.79
	552 - WATER	6/28/2019	137	FRIANT WATER AUTHOR	SLDMWA JUNE 2019	6,702.79
94783						\$84.17
	553 - SEWER	6/28/2019	6010	FRONTIER COMMUNICAT	LIFT STATION	84.17
94784						\$1,422.97
	101 - GENERAL FUND	6/28/2019	148	GOMEZ AUTO & SMOG	BOBCAT-MAINT	712.18
	101 - GENERAL FUND	6/28/2019	148	GOMEZ AUTO & SMOG	JOHN DEERE-BUSHINGS	214.18
	400 - WELLNESS CENTER	6/28/2019	148	GOMEZ AUTO & SMOG	WATER PUMP	74.18
	552 - WATER	6/28/2019	148	GOMEZ AUTO & SMOG	2005 CHEV-OIL SERVI	269.18
	552 - WATER	6/28/2019	148	GOMEZ AUTO & SMOG	BACNK HOE HOSE REPL	153.25
94785						\$69.60
	552 - WATER	6/28/2019	151	GRAINGER INC	CANAL CHLORINE	69.60
94786						\$803.81
	101 - GENERAL FUND	6/28/2019	1391	HOME DEPOT	BLOWER REPLACE	466.38
	101 - GENERAL FUND	6/28/2019	1391	HOME DEPOT	LANDSCAPE MAINT	228.43
	553 - SEWER	6/28/2019	1391	HOME DEPOT	WWTP	109.00
94787						\$1,800.00
	101 - GENERAL FUND	6/28/2019	4378	JOSEPH H AVINA	INSPECTOR CHARGES	1,800.00
94788						\$1,223.37
	779 - 00-HOME-0487	6/28/2019	5459	KIRK LOWERY & LINDS	SURPLUS OF IMPOUNDS	1,223.37

Check #	Fund	Date	Vendor #	Vendor Name	Description	Amount
TOTAL						582,029.74
94789						\$73.76
	101 - GENERAL FUND	6/28/2019	2471	L.N. CURTIS & SONS	BRASS INSERT WRENCH	73.76
94790						\$50.00
	101 - GENERAL FUND	6/28/2019	6103	LAURA CORTES	COUNCIL STIPEND	50.00
94791						\$4,926.00
	101 - GENERAL FUND	6/28/2019	6225	LIFTOFF LLC	1 LICENSE	18.00
	101 - GENERAL FUND	6/28/2019	6225	LIFTOFF LLC	OFFICE 365	4,908.00
94792						\$120.00
	553 - SEWER	6/28/2019	5399	MARCOS LOYA	REPAINT KUBOTA TRAC	120.00
94793						\$50.00
	400 - WELLNESS CENTER	6/28/2019	6437	MORINDA MEDICAL GRO	SARAH DRAKE	50.00
94794						\$350.00
	101 - GENERAL FUND	6/28/2019	4815	MUNICIPAL CODE CORP	ADMIN-6/1/19 5/31/2	350.00
94795						\$115.00
	101 - GENERAL FUND	6/28/2019	4323	OASIS	JUNE-AUG2019	115.00
94796						\$75.00
	101 - GENERAL FUND	6/28/2019	1426	PAM KIMBALL	COUNCIL STIPEND	75.00
94797						\$195.75
	101 - GENERAL FUND	6/28/2019	272	PITNEY BOWES INC.	POSTAGE METER 4/1-6	195.75
94798						\$269.00
	101 - GENERAL FUND	6/28/2019	276	PORTERVILLE RECORDE	18ZONING CHAPTER18.	162.63
	101 - GENERAL FUND	6/28/2019	276	PORTERVILLE RECORDE	2019-2020 BUDGET P/	106.37
94799						\$183.73
	101 - GENERAL FUND	6/28/2019	285	QUILL CORPORATION	CABLE TIE	18.47
	101 - GENERAL FUND	6/28/2019	285	QUILL CORPORATION	OFFICE SUPPLIES	165.26
94800						\$50.00
	101 - GENERAL FUND	6/28/2019	5511	ROSAENA SANCHEZ	COUNCIL STIPEND	50.00
94801						\$65.00
	552 - WATER	6/28/2019	6053	RUDY HERNANDEZ	GRADE 2 REIMBURSMEN	65.00
94802						\$295.04
	101 - GENERAL FUND	6/28/2019	5624	SIERRA SANITATION,	6/13-7/11/2019	295.04
94803						\$647.94
	553 - SEWER	6/28/2019	307	SILVAS OIL COMPANY	DIESEL FUEL	647.94
94804						\$513.01
	101 - GENERAL FUND	6/28/2019	310	SOUTHERN CA. EDISON	3-033-5943-68	11.66
	261 - GAS TAX FUND	6/28/2019	310	SOUTHERN CA. EDISON	2-31-363-1293	123.40
	261 - GAS TAX FUND	6/28/2019	310	SOUTHERN CA. EDISON	3-023-0081-92	29.81
	261 - GAS TAX FUND	6/28/2019	310	SOUTHERN CA. EDISON	3-033-1133-77	38.83
	261 - GAS TAX FUND	6/28/2019	310	SOUTHERN CA. EDISON	3-033-1133-94	68.41
	261 - GAS TAX FUND	6/28/2019	310	SOUTHERN CA. EDISON	3-033-9421-46	50.78
	261 - GAS TAX FUND	6/28/2019	310	SOUTHERN CA. EDISON	3-033-9504-85	14.95
	261 - GAS TAX FUND	6/28/2019	310	SOUTHERN CA. EDISON	3-033-9591-42	136.00
	553 - SEWER	6/28/2019	310	SOUTHERN CA. EDISON	3-035-4725-72	15.78
	891 - PELOUS RANCH	6/28/2019	310	SOUTHERN CA. EDISON	2-32-032-1755	23.39

Check #	Fund	Date	Vendor #	Vendor Name	Description	Amount
TOTAL						582,029.74
94805						\$130.00
	552 - WATER	6/28/2019	5691	STATE WATER RESOURC	D1 TEST JOSE VEGA	50.00
	552 - WATER	6/28/2019	5691	STATE WATER RESOURC	R.HERNANDEZ T2 CERT	80.00
94806						\$60.00
	552 - WATER	6/28/2019	5691	STATE WATER RESOURC	D2 RENEWAL JOSE OLM	60.00
94807						\$100.00
	552 - WATER	6/28/2019	5691	STATE WATER RESOURC	D3 TEST RUDY H.	100.00
94808						\$4,794.77
	101 - GENERAL FUND	6/28/2019	5755	TELEPACIFIC COMMUNI	6/9/19-7/8/19	2,054.89
	400 - WELLNESS CENTER	6/28/2019	5755	TELEPACIFIC COMMUNI	6/9/19-7/8/19	684.97
	552 - WATER	6/28/2019	5755	TELEPACIFIC COMMUNI	6/9/19-7/8/19	684.97
	553 - SEWER	6/28/2019	5755	TELEPACIFIC COMMUNI	6/9/19-7/8/19	684.97
	554 - REFUSE	6/28/2019	5755	TELEPACIFIC COMMUNI	6/9/19-7/8/19	684.97
94809						\$711.59
	400 - WELLNESS CENTER	6/28/2019	6436	THE HOME DEPOT PRO	6 GLOVE LATEX MED	72.49
	400 - WELLNESS CENTER	6/28/2019	6436	THE HOME DEPOT PRO	MAINT SUPPLIES	639.10
94810						\$2,751.78
	101 - GENERAL FUND	6/28/2019	6326	CORPORATE PAYMENT S	ADOBE	39.97
	101 - GENERAL FUND	6/28/2019	6326	CORPORATE PAYMENT S	AMAZON	165.65
	101 - GENERAL FUND	6/28/2019	6326	CORPORATE PAYMENT S	ANNUAL SUBS	390.00
	101 - GENERAL FUND	6/28/2019	6326	CORPORATE PAYMENT S	ARMADILLO	60.32
	101 - GENERAL FUND	6/28/2019	6326	CORPORATE PAYMENT S	BANNERON THE CHEAP	453.89
	101 - GENERAL FUND	6/28/2019	6326	CORPORATE PAYMENT S	BRET CARD-ESMART	4.95
	101 - GENERAL FUND	6/28/2019	6326	CORPORATE PAYMENT S	BRET-CARD ADOBE	14.99
	101 - GENERAL FUND	6/28/2019	6326	CORPORATE PAYMENT S	OFFICE DEPOT	192.12
	101 - GENERAL FUND	6/28/2019	6326	CORPORATE PAYMENT S	PEPPERBALL INERT TR	185.99
	101 - GENERAL FUND	6/28/2019	6326	CORPORATE PAYMENT S	QUALITY MART	39.28
	101 - GENERAL FUND	6/28/2019	6326	CORPORATE PAYMENT S	TIGERDIRECT-CHROMEB	(108.74)
	101 - GENERAL FUND	6/28/2019	6326	CORPORATE PAYMENT S	UC ACSIT	5.00
	101 - GENERAL FUND	6/28/2019	6326	CORPORATE PAYMENT S	WPSG INC	193.58
	261 - GAS TAX FUND	6/28/2019	6326	CORPORATE PAYMENT S	AMAZON	203.88
	400 - WELLNESS CENTER	6/28/2019	6326	CORPORATE PAYMENT S	ADOBE	225.78
	400 - WELLNESS CENTER	6/28/2019	6326	CORPORATE PAYMENT S	AMAZON	61.98
	400 - WELLNESS CENTER	6/28/2019	6326	CORPORATE PAYMENT S	HOME DEPOT	8.72
	400 - WELLNESS CENTER	6/28/2019	6326	CORPORATE PAYMENT S	OPC DOSH	230.18
	552 - WATER	6/28/2019	6326	CORPORATE PAYMENT S	OFFICE DEPOT	192.12
	553 - SEWER	6/28/2019	6326	CORPORATE PAYMENT S	OFFICE DEPOT	192.12
94811						\$2,407.70
	101 - GENERAL FUND	6/28/2019	5747	UNITED STAFFING	M SANCHEZ 5/13-5/19	814.40
	101 - GENERAL FUND	6/28/2019	5747	UNITED STAFFING	M SANCHEZ 6/10-6/16	835.70
	101 - GENERAL FUND	6/28/2019	5747	UNITED STAFFING	SANCHEZ M. 6/3-6/9	757.60
94812						\$274.00
	101 - GENERAL FUND	6/28/2019	1032	US POSTMASTER	BOX #369 RENEWAL	274.00
94813						\$489.84
	552 - WATER	6/28/2019	356	USA BLUEBOOK	CHLORINE REAGENT SE	346.91
	552 - WATER	6/28/2019	356	USA BLUEBOOK	DISPOSABLE WIPES	142.93
94814						\$83.10
	101 - GENERAL FUND	6/28/2019	1041	VERIZON WIRELESS	642065758-00002	83.10

Check #	Fund	Date	Vendor #	Vendor Name	Description	Amount
TOTAL						582,029.74
94815						\$50.00
	101 - GENERAL FUND	6/28/2019	4068	YOLANDA FLORES	COUNCIL STIPEND	50.00
EDD62119						\$2,340.93
	101 - GENERAL FUND	6/25/2019	687	STATE OF CALIFORNIA	EDD PRPD 6/21/19	2,340.93
IRS62119						\$21,549.28
	101 - GENERAL FUND	6/25/2019	2011	INTERNAL REVENUE SE	941 PRPD 6/21/19	21,549.28
IRS62519						\$1,173.10
	101 - GENERAL FUND	6/25/2019	2011	INTERNAL REVENUE SE	UNPAID BALANCE 3/31	1,173.10
SRV6194						\$21,621.81
	101 - GENERAL FUND	6/24/2019	457	PUBLIC EMPLOYEES RE	SRV 6-19-4 CL25355	1,650.40
	101 - GENERAL FUND	6/24/2019	457	PUBLIC EMPLOYEES RE	SRV 6-19-4 CL26330	2,017.08
	101 - GENERAL FUND	6/24/2019	457	PUBLIC EMPLOYEES RE	SRV 6-19-4 CL433 CI	3,924.65
	101 - GENERAL FUND	6/24/2019	457	PUBLIC EMPLOYEES RE	SRV 6-19-4 CL433 MB	2,502.09
	101 - GENERAL FUND	6/24/2019	457	PUBLIC EMPLOYEES RE	SRV 6-19-4 CL434 CI	7,827.60
	101 - GENERAL FUND	6/24/2019	457	PUBLIC EMPLOYEES RE	SRV 6-19-4 CL434 MB	3,699.99



Monthly Treasurer's Report
June 30, 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	\$498,769
Bank of the Sierra - AP/Operating	100-100	GEN	\$1,000,342
Bank of the Sierra - Wellness Center	100-500	GEN	\$107,501
Bank of the Sierra - Impound Account	100-120	RES	\$21,183
Bank of the Sierra- Depository Account	100-114	GEN	\$2,004,454
LAIF Savings: City & Successor Agency	100-103	INV-RES	\$2,427,434
TOTAL			\$6,060,483

CASH EXPENDED

ACCOUNTS PAYABLE & PAYROLL	AMOUNT
Accounts Payable	\$1,458,592
Payroll (June 7th Payday)	\$176,054
Payroll (June 21st Payday)	\$202,606
TOTAL	\$ 1,837,252

DEBT SERVICE	AMOUNT
CalHFA - RDLP	\$323,363
Sewer Plant	\$25,623
TOTAL	\$ 348,986

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).

INVESTED FUNDS	\$2,427,434
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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: JULY 9, 2019
AGENDA #: [3]
STAFF: MICHAEL CAMARENA, CITY SERVICES DIRECTOR

AGENDA ITEM

TITLE	Disinfection By Products (DBP) Notification Update
ACTION	None requested, informational item only
PURPOSE	Statutory Requirement
COUNCIL OBJECTIVE(S)	Live in a safe, clean, comfortable and healthy environment.

RECOMMENDATION

None requested, this item is presented as information only.

BACKGROUND | ANALYSIS

The quarterly notification for Disinfection By Products (DBP) is a requirement of the State of California Water Resources Control Board (DWR). This is the second quarter notification for 2019 and as long as our system exceeds the maximum contaminant level (MCL) for DBP, quarterly notification will be required by DHS. The first notification was released January, 2017 (for fourth quarter of 2016).

The template for this letter was provided by the DHS. It is their approved language; we update this notice with our sample result values, in a running annual average.

While the system exceeds the MCL for DBP, the notice states that this is not an emergency and that an alternate source of water is not needed. It also points out that persons with specific health concerns consult their doctor.

Disinfection byproducts are chemical, organic and inorganic substances that can form during a reaction of a disinfectant with naturally present organic matter in the water. Byproducts that are regulated are Total Trihalomethane (TTHM) and five Haloacidic acids (HAA5). The DBP's are a result of our primary chlorine disinfection process of surface water.

Staff is pursuing grant funding to develop more detailed project technical reports that will serve as basis for future construction funding.

PUBLIC OUTREACH

Done with this agenda.

ATTACHMENTS

- DBP Notification
-

IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER

Este informe contiene información muy importante sobre su agua potable.

Tradúzcalo o hable con alguien que lo entienda bien.

Si tiene alguna pregunta por favor llame al 559-562-7102 opción 4

City of Lindsay has levels of Disinfection Byproducts Above Drinking Water Standards

Our water system recently failed a drinking water standard. Although this is not an emergency, as our customers, you have a right to know what you should do, what happened and what we are doing to correct this situation.

We routinely monitor for the presence of drinking water contaminants. Test results continue show that our system exceeds the standard or maximum contaminant level (MCL), for Total Trihalomethane (TTHM) and/or 5 Haloacetic Acids (HAA5). The MCL standard for THM is 0.080 ug/L and for HAA5 is 0.060 ug/L. The running average level of TTHM and HAA5 over the last year at each site is listed below;

Site	TTHM	HAA5	Site	TTHM	HAA5	Site	TTHM	HAA5
S1	.089	.010	S2	.085	.070	S3	.077	.051
S4	.092	.057	S5	.038	.024	S6	.042	.022
S7	.040	.027	S8	.039	.029	S9	.089	.034

What should I do?

You do not need to use an alternative (e.g., bottled) water supply. This is not an immediate risk. If it had been, you would have been notified immediately.

Some people who drink water containing TTHM's in excess of the MCL over many years may experience liver, kidney, or central nervous system problems, and may have an increased risk of getting cancer.

Some people who drink water containing HAA5's in excess of the MCL over many years may have an increased risk of getting cancer.

If you have other health issues concerning the consumption of this water, you may wish to consult your doctor.

What happened? What was done?

Disinfection byproducts (TTHM and HAA5) are chemical, organic and inorganic substances that can form during a reaction of a disinfectant with naturally present organic matter in a water supply. TTHM and HAA5 samples are collected each quarter and a running annual average (RAA) is calculated for compliance.

The City has identified preliminary costs of renovating our primary disinfection process and until the project is funded and completed, will closely monitor operations to strive to lower TTHM and HAA5 levels. We will continue to sample and test TTHM and HAA5 at locations throughout the City and provide public notification as required.

We anticipate resolution of the problem within 19 months. If testing results show a reduction in TTHM and HAA5 levels, this will be identified in the next quarterly water system update. For more information, please contact Mike Camarena at 559-562-7102, ext.4 or at the following mailing address: P.O. Box 369, Lindsay, CA. 93247.

Please share this information with all the other people who drink this water, especially those who may not have received this notice directly (for example, people in apartments, nursing homes, schools, and businesses). You can do this by posting this notice in a public place or distributing copies by hand or mail.

Secondary Notification Requirements

Upon receipt of notification from a person operating a public water system, the following notification must be given within 10 days [Health and Safety Code Section 116450(g)]:

- SCHOOLS: Must notify school employees, students, and parents (if the students are minors).
- RESIDENTIAL RENTAL PROPERTY OWNERS OR MANAGERS (including nursing homes and care facilities): Must notify tenants.
- BUSINESS PROPERTY OWNERS, MANAGERS, OR OPERATORS: Must notify employees of businesses located on the property.

This notice is being sent to you by the City of Lindsay.



STAFF REPORT

AGENCY: CITY OF LINDSAY, CALIFORNIA
DATE: [July 9, 2018]
AGENDA #: [4]
STAFF: Michael Camarena, City Services Director

AGENDA ITEM

<i>TITLE</i>	Community Services Employment Training (CSET) Property License Agreement
<i>ACTION</i>	Approval of Property License Agreement
<i>PURPOSE</i>	Statutory/Contractual Requirement Council Vision/Priority Discretionary Action
<i>COUNCIL OBJECTIVE(S)</i>	Live in a safe, clean, comfortable and healthy environment. Increase our keen sense of identity in a physically connected and involved community. Nurture attractive residential neighborhoods and business districts. Dedicate resources to retain a friendly, small-town atmosphere. Stimulate, attract and retain local businesses. Advance economic diversity. Yield a fiscally self-reliant city government while providing effective, basic municipal services.

RECOMMENDATION

Staff recommends Approval of Property License Agreement

BACKGROUND | ANALYSIS

CSET has provided Senior Services programs at the Lindsay Community Center for many years. The agreement presented this evening is consistent with previous years agreements.

The Lindsay Facility is one of 8 centers operated by CSET in Tulare County. CSET continues to provide significant services to Lindsay area seniors. The senior meal program and home delivered meal programs are the most recognized programs CSET provides. Holiday and special event coordination are other significant events held at this facility for our Lindsay area seniors.

ALTERNATIVES

- Council approve the agreement and authorize City Manager and City Clerk to execute agreement;
 - Council not approve the agreement and provide direction to staff;
-



STAFF REPORT

AGENCY: CITY OF LINDSAY, CALIFORNIA
DATE: [July 9, 2018]
AGENDA #: [4]
STAFF: Michael Camarena, City Services Director

- Delay action at this time and provide direction to staff.

BENEFIT TO OR IMPACT ON CITY RESOURCES

CSET manages and operates senior programs with no financial commitment from the City.

ENVIRONMENTAL REVIEW

None necessary

POLICY ISSUES

None at this time

PUBLIC OUTREACH

Posted in this agenda

ATTACHMENTS

- Property License Agreement and Agreement Concerning Rights and Obligations of the Parties

**PROPERTY LICENSE AGREEMENT
AND
AGREEMENT CONCERNING RIGHTS AND OBLIGATION OF THE PARTIES**

Parties

This license agreement regarding the Lindsay-Strathmore Community Center (“Center”) is entered into by and between the City of Lindsay (“City”) and Community Services and Employment Training (“CSET”).

Description of Property

1. City is owner of certain real property situated in the City of Lindsay, and more particularly described as the Lindsay-Strathmore Community Center located at 911 North Parkside, Lindsay, California.

Grant of License

2. In consideration for and in accordance with the terms and conditions of this agreement, City grants to CSET a License (“the License”) to perform the following acts on the Property:
 - a. CSET shall have access to a portion of the community room (southeast room, south of the foldable divider) for the purpose of Senior Programs Monday through Friday or each week between the hours of 8:30 a.m. and 2:30 p.m. CSET shall not expand the hours for Senior Programs unless City provides prior written approval.
 - b. CSET shall provide regular senior citizen meal programs, in compliance with California Department of Aging food service guidelines, and services commensurate with services provided elsewhere in the Kings/Tulare Area Agency on Aging (KTAAA) service area. CSET shall also offer senior services programs in conjunction with the senior meal program.
 - c. CSET will be permitted to utilize other Center spaces, such as kitchen area, on occasion and for special events such as holidays in support of senior programs. Advanced notification shall be submitted to the City for approval a minimum of thirty (30) days prior to use.
 - d. CSET shall be permitted to utilize an office at the Center that may be secured. The office shall be the southwest office space. CSET shall secure the office and shall provide a key to the City as requested.
 - e. CSET is responsible for the cleanliness of all areas utilized for senior citizen meals and programs. The City shall ensure that if the facility is utilized outside of the CSET hours, the facility will be cleaned prior to the next CSET senior program.
 - f. The Center shall be utilized by CSET for the purpose of senior meal and additional CSET senior programs and shall not be utilized as a CSET community office.

Incidental Rights and Obligations

3. The following incidental rights and obligations accompany the License and the use of the property:
 - a. CSET shall have full and exclusive management authority over the program areas during the times of program use, and shall assume full responsibility for the timely cleaning of all areas used.
 - b. CSET shall be permitted to install telephone services and assume all responsibility for installation, control of use, and service cost.

- c. CSET shall provide General Liability insurance certificate with the value of \$1,000,000 naming the City as additional insured and maintain certificate for the life of the License.
- d. CSET shall, to the fullest extent permitted by law, hold harmless, and indemnify City and its officers, officials, employees, and agents from and against all claims arising out of, pertaining to, or relating to the negligence, recklessness, or willful misconduct of CSET and its directors, officers, employees, volunteers, and agents, except where and to the extent caused by the negligence or willful misconduct of the City. Likewise, City shall, to the fullest extent permitted by law, hold harmless, and indemnify CSET and its directors, officers, employees, volunteers, and agents from and against all claims arising out of, pertaining to, or relating to the negligence, recklessness, or willful misconduct of City and its officers, officials, employees, and agent, except where and to the extent caused by the negligence or willful misconduct of the CSET. The provisions of this section survive completion of the services or the termination of this Agreement.
- e. CSET will be responsible for non-permanent interior modifications to accommodate their programs.
- f. The City shall provide facility management oversight, routine building and grounds maintenance, utility services, and schedule use of the building outside of the CSET operational hours.
- g. The City shall schedule all activities in the Center aside from CSET's daily 8:30 a.m. to 2:30 p.m. usage, and will notify CSET of the schedule.
- h. The City, CSET, and other users of the facility shall meet semi-annually to address any concerns and coordinate schedules and programmed use for the next six (6) months.
- i. In use of the property and provision of services at the property, CSET shall at times comply with all federal, state, and local laws.

In exercising these rights and obligations, CSET must use reasonable care and may not unreasonably increase the burden on the property.

License Non-assignable

4. This License is personal to CSET and shall not be assigned. This License shall terminate automatically upon assignment. No legal title or leasehold interest in the Property is created or vested in CSET by the grant of this License.

Term of License

5. This License shall be for a term of one year, commencing July 1, 2019, terminating on June 30, 2020.
6. This agreement may be terminated by either party without cause at any time by provision of a written 30 day notice.

Termination of Occupancy

7. On or before the termination date for this License specified in paragraph 5 of this agreement, CSET shall remove all of CSET's personal property from the Property. Upon termination of the License, CSET

shall ensure that the property is in good order and repair to the reasonable satisfaction of the City, normal wear and tear excepted.

Default

- 8. In the event CSET fails to comply with any of the material terms of this Agreement, in addition to any and all other remedies available under the law, this License may be revoked by the City, upon written notice of the violation to the Licenses and CSET’s failure to cure within ten (10) days. More time may be granted for the cure of any violations only if the City agrees in writing.

Termination

- 9. The parties understand that in the event the property is no longer available to the City, the License herein granted shall cease to be in effect, and the parties’ obligations to each other under this Agreement also cease.

Entire Agreement

- 10. This Agreement constitutes the entire Agreement between the City and CSET. Any prior agreements, promises, negotiations, or representations not expressly set forth in this Agreement are of no force and effect. Any amendment to this Agreement shall be of no force and effect unless it is in writing and signed by all the parties named above.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed on the ____ of _____, 2019.

COMMUNITY SERVICES AND EMPLOYMENT TRAINING, INC.

Mary Alice Escarsega-Fechner, Executive Director

CITY OF LINDSAY

William O Zigler, City Manger

Bret Harmon, City Clerk

APPROVED AS TO FORM

Mario Zamora, City Attorney



STAFF REPORT

AGENCY: CITY OF LINDSAY, CALIFORNIA
DATE: July 9, 2019
AGENDA #: [5]
STAFF: Michael Camarena, Director of City Services

AGENDA ITEM

TITLE	2019-2020 Landscape & Lighting Assessment Districts (LLADs) Renewal
ACTION	Authorize Renewal Process for eight (8) LLAD's, including; <ul style="list-style-type: none">Resolution No. 19-45. Ordering the continued maintenance of Landscape and Lighting Maintenance Districts and confirming the Engineer's Report and Assessment for Fiscal Year 2019-2020.
PURPOSE	Statutory/Contractual Requirement Discretionary Action Plan Implementation
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. Nurture attractive residential neighborhoods and business districts. Dedicate resources to retain a friendly, small-town atmosphere. Advance economic diversity. Yield a fiscally self-reliant city government while providing effective, basic municipal services.

RECOMMENDATION

Annually, a process of evaluation maintenance needs and establishing an assessment for each LLAD must be followed. At the June 25, 2019 meeting, the City Council preliminarily approved the annual Engineer's Report, which indicates the proposed assessments for the 2019-2020 fiscal year. The assessments, once approved by the City Council, are placed upon the tax bill of property owners as a special assessment, and collected by the County of Tulare.

Staff respectfully requests the City Council to:

Conduct a public hearing on the 2018-2019 Assessments for the Landscape and Lighting Maintenance Districts to take comments or receive protests on the proposed assessments and Adopt Resolution No 19-45 ordering the continued maintenance of Landscape and Lighting Maintenance Districts and confirming the Engineer's Report and Assessment for the 2019-2020 fiscal year.



STAFF REPORT

AGENCY: CITY OF LINDSAY, CALIFORNIA
 DATE: July 9, 2019
 AGENDA #: [5]
 STAFF: Michael Camarena, Director of City Services

BACKGROUND | ANALYSIS

Every year, the Engineer of Work (State Approved Title) is ordered to prepare the report for the upcoming Fiscal Year in accordance with Article 4, Division 15, of the Streets and Highways Code, “Landscaping and Lighting Act of 1972” of the State of California.

The Engineer’s report outlines the budgeted expenses for the present fiscal year, the actual expenses through June, and the projected expenses for the upcoming fiscal year. Each year there are adjustments made due to increases and/or actual expenses.

Attached are the engineer’s reports for the Assessment Districts. Said reports identify the cost for maintenance and administration of the districts for the 2019-2020 fiscal year based on 2018-2019 expenses. It is projected that all monies will be expended in these funds by the end of the fiscal year.

Summary of Charges per District;

	No. Lots	Maximum Allowed		2018-20019 FY		Proposed 2019-2020 FY		Increase/ Decrease per month
		Amount per Year/lot	Amount per Month/lot	Amount per Year/lot	Amount per Month/lot	Amount per Year/lot	Amount per Month/lot	
Landscape & Lighting Assessment Districts								
1 Sierra View Estates Assessment District 92-01	92	\$ 295.40	\$ 24.62	\$ 242.16	\$ 20.18	\$ 196.82	\$ 16.40	\$ (3.78)
2 Heritage Park Assessment District 96-01	37	\$ 260.30	\$ 21.69	\$ 256.28	\$ 21.36	\$ 193.58	\$ 16.13	\$ (5.23)
3 Parkside Estates Assessment District 01-01	44	\$ 307.72	\$ 25.64	\$ 160.06	\$ 13.34	\$ 127.18	\$ 10.60	\$ (2.74)
4 Sweet Brier Plaza (Samoa) Assessment District 02-01	6	\$ 1,929.83	\$ 160.82	\$ 736.30	\$ 61.36	\$ 706.28	\$ 58.86	\$ (2.50)
5 Sweet Brier Plaza (Hermosa) Assessment District 02-02	12	\$ 1,923.33	\$ 160.28	\$ 807.46	\$ 67.29	\$ 807.10	\$ 67.26	\$ (0.03)
6 Sierra Vista Assessment District 07-01	19	\$ 502.84	\$ 41.90	\$ 502.84	\$ 41.90	\$ 502.84	\$ 41.90	\$ -
7 Maple Valley Assessment District 07-02	42	\$ 120.00	\$ 10.00	\$ 50.00	\$ 4.17	\$ 40.00	\$ 3.33	\$ (0.83)
8 Pelous Ranch Assessment District 09-01	105	\$ 200.62	\$ 16.72	\$ 100.00	\$ 8.33	\$ 100.00	\$ 8.33	\$ -

ALTERNATIVES

- Approve renewal process as recommended
- Do not approve renewal process as recommended. The 2019-2020 assessments would default to the 2018-2019 values
- Do not approve renewal process and provide direction to staff

BENEFIT TO OR IMPACT ON CITY RESOURCES

LLAD process allows continued maintenance of districts. All LLAD’s are currently maintained by a landscape contractor and will continue to be. City staff provides monitoring and management of contract as well as management of this renewal process.



STAFF REPORT

AGENCY: CITY OF LINDSAY, CALIFORNIA
DATE: July 9, 2019
AGENDA #: [5]
STAFF: Michael Camarena, Director of City Services

ENVIRONMENTAL REVIEW

None at this time.

POLICY ISSUES

For the continued maintenance of the 8 LLAD's, this renewal process is required and when completed will be submitted to the Tulare County Tax Assessor for inclusion on the respective property tax rolls.

PUBLIC OUTREACH

Posted in this agenda

Public Notice posted in Newspaper

Public Notice was mailed directly to property owners

ATTACHMENTS

- Resolution No. 19-45
- Sierra View Financial Status Report
- Heritage Financial Status Report
- Samoa Town Homes Financial Status Report
- Hermosa Town Homes Financial Status Report
- Parkside Financial Status Report
- Sierra Vista Estates Financial Status Report
- Maple Valley Estates Financial Status Report
- Pelous Ranch Financial Status Report



RESOLUTION OF THE CITY OF LINDSAY

NUMBER 19-45

TITLE A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LINDSAY, ORDERING THE CONTINUED MAINTENANCE OF LANDSCAPING AND LIGHTING MAINTENANCE DISTRICTS AND CONFIRMING THE ENGINEER'S REPORT AND ASSESSMENT FOR THE 2019-2020 FISCAL YEAR

WHEREAS, the City Council of the City of Lindsay did on the 25th day of June 2019, adopt its Resolution of Intention No. 19-45 to order the therein described work in the connection with the continuation of assessment procedures in Landscape and Lighting Maintenance Districts, which Resolution on Intention No.19-45 was duly and legally published in the time, form and manner as required by Law, shown by the Affidavit of Publication of said Resolution of Intention on file in the Office of the City Clerk; and

WHEREAS, said City Council having duly received and considered evidence, oral and documentary, concerning the jurisdiction facts in the proceeding and concerning the necessity for the contemplated work and the benefits to be deprived there from, and said City Council having now acquired jurisdiction to order the proposed work;

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

SECTION 1. IT IS HEREBY RESOLVED by the City Council of the City of Lindsay that the public interest and convenience require the continuation of assessment procedures for the districts, and said City Council hereby orders that the work and assessment, as set forth and described in said Resolution of Intention No. 19-45 by done and made; and

SECTION 2. BE IT FURTHER RESOLVED that the report filed by the Engineer is hereby finally approved; and

SECTION 3. BE IT FURTHER RESOLVED that the assessments for fiscal year 2019-2020 and method assessment in the Engineer's Report are hereby approved; and

BE IT FINALLY RESOLVED that the assessments are in compliance with California Code, that they are without regard to property valuation, and in compliance with Chapter 1, Article 4, and Chapter 3, Division 15 of the Streets and Highway Code allowing the placement of the charge on the tax roll for collection.



RESOLUTION OF THE CITY OF LINDSAY

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

MEETING DATE	
MOTION	
2 nd MOTION	
AYES	
ABSENT	
ABSTAIN	
NAYS	

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

City Clerk

Mayor

Heritage Park Financial Status Report

ENGINEER'S REPORT FOR ASSESSMENT DISTRICT 96-01

Maintenance cost breakdown based on 37 lots with an estimated maint. Area of 11,600 square feet.

	Budgeted 2018-2019			Spent 2018-2019		Projected 2019-2020		
COUNTY FEES								
Assessment Fee	37	\$ 1.00	\$ 37.00	\$ 37.00	37	\$ 1.00	\$ 37.00	
Roll Corrections	0	\$ 25.00	\$ -	\$ -	0	\$ 25.00	\$ -	
Reporting Fee	1	\$ 200.00	\$ 200.00	\$ 200.00	1	\$ 200.00	\$ 200.00	
TOTAL			\$ 237.00	\$ 237.00			\$ 237.00	
CITY COSTS								
Engineering		\$ per hr	# hr			\$ per hr	# hr	
Office Support Staff		\$ 33.34	8	\$ 266.68		\$ 33.34	8	\$ 266.68
City Services Director		\$ 69.40	2	\$ 138.80		\$ 69.40	2	\$ 138.80
Associate Engineer		\$ 41.46	16	\$ 663.36		\$ 41.46	16	\$ 663.36
Administration								
City Manager		\$ 104.09	1	\$ 104.09		\$ 104.09	1	\$ 104.09
City Attorney		\$ 125.00		\$ -		\$ 125.00		\$ -
Finance Director		\$ 64.45	1	\$ 64.45		\$ 64.45	1	\$ 64.45
TOTAL			\$ 1,237.38	\$ 1,050.00			\$ 1,237.38	
WALL MAINTENANCE								
Graffiti Incidents				\$ -				\$ -
TOTAL				\$ -				\$ -
UTILITIES		\$ per month	# months		\$ per month	# months		
Water used for irrigation		\$ 95.00	12	\$ 1,140.00	\$ 1,245.16	\$ 104.00	12	\$ 1,248.00
SCE (Irrigation + Lighting)	6	\$ 15.00	12	\$ 1,080.00	\$ 1,126.93	\$ 16.00	12	\$ 1,152.00
TOTAL			\$ 2,220.00	\$ 2,372.09			\$ 2,400.00	
CITY MAINTENANCE (Landscaping & Irrigation Maintenance/plants)		\$/hr	hrs			\$/hr	hrs	
Senior Employee		\$ 18.92	0	\$ -		\$ 18.92	0	\$ -
Regular Employee		\$ 14.50	0	\$ -		\$ 14.50	0	\$ -
Regular Employee		\$ 14.50	0	\$ -		\$ 14.50	0	\$ -
Specialty Contract Maintenance		\$ 274.00	12	\$ 3,288.00	\$ 3,288.00	\$ 274.00	12	\$ 3,288.00
Operational Supplies (Landscaping Equipment, Fuel & Oil, Seeding, Fertilizer, Plants, Trees, etc)				\$ 2,500.00	\$ 115.70			\$ -
TOTAL				\$ 5,788.00	\$ 3,403.70			\$ 3,288.00
SUBTOTAL COSTS				\$ 9,482.38	\$ 7,062.79			\$ 7,162.38
Total Capital Improvement								
Total assets				\$ 8,865.23				
TOTAL COSTS				\$ 9,482.38	\$ 7,062.79			\$ 7,162.38
Costs per square foot of area	13635			\$ 0.82				\$ 0.62
				\$ 256.28				\$ 193.58
Assessment per Lot;	37			\$ 256.28				\$ 193.58

\$ (62.70) Proposed decrease/increase per lot/year
 \$ (5.23) Proposed decrease/increase per lot/month

Budgeted 18-19	\$ 9,482.36
Received as of June 16, 2019	\$ 8,989.08
Balance deducting the County Fees	\$ (256.28)
Per County Report as of June 6, 2019, Unpaid Balance from previous years	\$ (682.60)
Total Owed to the City	\$ (938.88)

Maple Valley Estates Financial Status Report

ENGINEER'S REPORT FOR ASSESSMENT DISTRICT 07-02

Maintenance cost breakdown based on 42 lots with an estimated maint. Area of 1,720 square feet.

COUNTY FEES		Budgeted 2018-2019			Spent 2018-2019		Projected 2019-2020		
Assessment Fee		42	\$ 1.00	\$ 42.00	\$ 42.00	42	\$ 1.00	\$ 42.00	
Roll Corrections		0	\$ 25.00	\$ -		0	\$ 25.00	\$ -	
Reporting Fee		1	\$ 200.00	\$ 200.00	\$ 200.00	1	\$ 200.00	\$ 200.00	
TOTAL				\$ 242.00	\$ 242.00			\$ 242.00	
CITY COSTS									
Engineering		\$ per hr	# hr			\$ per hr	# hr		
Office Support Staff		\$ 33.34	0.5	\$ 16.67		\$ 33.34	0.5	\$ 16.67	
City Services Director		\$ 69.40	0.5	\$ 34.70		\$ 69.40	0.5	\$ 34.70	
Associate Engineer		\$ 41.46	2	\$ 82.92		\$ 41.46	2	\$ 82.92	
Administration									
City Manager		\$ 104.09	0.5	\$ 52.05		\$ 104.09	0.5	\$ 52.05	
City Attorney		\$ 125.00	0	\$ -		\$ 125.00	0	\$ -	
Finance Director		\$ 64.45	0.25	\$ 16.11		\$ 64.45	0.25	\$ 16.11	
TOTAL				\$ 202.46	\$ 202.46			\$ 202.46	
WALL MAINTENANCE									
Graffiti Incidents				\$ -	\$ -			\$ -	
TOTAL				\$ -	\$ -			\$ -	
UTILITIES	No. of Street Lights	\$ per month	# months			\$ per month	# months		
Irrigation Timer Electrical costs (Will discontinue in FY17-18)		\$ -	12	\$ -		\$ -	12	\$ -	
Water used for irrigation		\$ 117.08	12	\$ 1,404.99	\$ 508.00	\$ 42.33	12	\$ 508.00	
SCE (Irrigation + Lighting)	4	\$ 23.82	12	\$ 1,143.53	\$ 1,143.53	\$ 23.82	12	\$ 1,143.53	
TOTAL				\$ 2,548.52	\$ 1,651.53			\$ 1,651.53	
CITY MAINTENANCE (Landscaping & Irrigation Maintenance/plants)		\$/hr	hrs			\$/hr	hrs		
Senior Employee		\$ 18.92		\$ -		\$ 18.92		\$ -	
Regular Employee		\$ 14.50		\$ -		\$ 14.50		\$ -	
Regular Employee		\$ 14.50		\$ -		\$ 14.50		\$ -	
Specialty Contract Maintenance		\$ 45.00	12	\$ 540.00	\$ 540.00	\$ 45.00	12	\$ 540.00	
Operational Supplies (Landscaping Equipment, Fuel & Oil, Seeding, Fertilizer, Plants, Trees, etc)				\$ -	\$ 115.75			\$ -	
TOTAL				\$ 540.00	\$ 655.75			\$ 540.00	
SUBTOTAL COSTS				\$ 3,532.98	\$ 2,751.74			\$ 2,635.99	
Total Capital Improvement									
Total assets				\$ 10,907.30					
TOTAL COSTS				\$ 3,532.98	\$ 2,751.74			\$ 2,635.99	
Costs per square foot of area	1720			\$ 84.12				\$ 62.76	
Assessment per Lot;	42			\$ 50.00				\$ 40.00	

\$ (10.00) Proposed decrease/increase per lot/year
 \$ (0.83) Proposed decrease/increase per lot/month

Budgeted 18-19	\$ 2,100.00
Received as of June 16, 2019	\$ 1,808.00
Balance deducting the County Fees	\$ (50.00)
Per County Report as of June 6, 2019, Unpaid Balance from previous years	\$ (132.66)
Total Owed to the City	\$ (182.66)

Parkside Estates Financial Status Report

ENGINEER'S REPORT FOR ASSESSMENT DISTRICT 01-01

Maintenance cost breakdown based on 44 lots with an estimated maint. Area of 7,536 square feet.

	Budgeted 2018-2019			Spent 2018-2019	Projected 2019-2020		
COUNTY FEES							
Assessment Fee	44	\$ 1.00	\$ 44.00	\$ 44.00	44	\$ 1.00	\$ 44.00
Roll Corrections	0	\$ 25.00	\$ -	\$ -	0	\$ 25.00	\$ -
Reporting Fee	1	\$ 200.00	\$ 200.00	\$ 200.00	1	\$ 200.00	\$ 200.00
TOTAL			\$ 244.00	\$ 244.00			\$ 244.00
CITY COSTS							
Engineering		\$ per hr	# hr			\$ per hr	# hr
Office Support Staff		\$ 33.34	8	\$ 266.68		\$ 33.34	8
City Services Director		\$ 69.40	2	\$ 138.80		\$ 69.40	2
Associate Engineer		\$ 41.46	5.5	\$ 228.03		\$ 41.46	5.5
Administration							
City Manager		\$ 104.09	1	\$ 104.09		\$ 104.09	1
City Attorney		\$ 125.00		\$ -		\$ 125.00	
Finance Director		\$ 64.45	1	\$ 64.45		\$ 64.45	1
TOTAL			\$ 802.05	\$ 790.00			\$ 802.05
WALL MAINTENANCE							
Graffiti Incidents			\$ -	\$ -			\$ -
TOTAL			\$ -	\$ -			\$ -
UTILITIES		\$ per month	# months			\$ per month	# months
Water used for irrigation	# Street Lights	\$ 93.85	12	\$ 1,126.16	\$ 1,131.56	\$ 94.30	12
SCE (Irrigation + Lighting)	6	\$ 83.91	12	\$ 1,006.89	\$ 1,054.93	\$ 87.91	12
TOTAL			\$ 2,133.05	\$ 2,186.49			\$ 2,186.49
CITY MAINTENANCE (Landscaping & Irrigation Maintenance/plants)		\$/hr	hrs			\$/hr	hrs
Senior Employee		\$ 18.92		\$ -		\$ 18.92	
Regular Employee		\$ 14.50		\$ -		\$ 14.50	
Regular Employee		\$ 14.50		\$ -		\$ 14.50	
Specialty Contract Maintenance		\$ 197.00	12	\$ 2,364.00	\$ 2,364.00	\$ 197.00	12
Operational Supplies (Landscaping Equipment, Fuel & Oil, Seeding, Fertilizer, Plants, Trees, etc)				\$ 1,500.00	\$ 22.85		
TOTAL				\$ 3,864.00	\$ 2,386.85		\$ 2,364.00
SUBTOTAL COSTS				\$ 7,043.10	\$ 5,607.34		\$ 5,596.54
Total Capital Improvement				\$ -	\$ -		\$ -
Total assets				\$ 8,859.04			
TOTAL COSTS				\$ 7,043.10	\$ 5,607.34		\$ 5,596.54
Costs per square foot of area	7368			\$ 0.96			\$ 0.76
				\$ 160.07			\$ 127.19
Assessment per Lot:	44			\$ 160.07			\$ 127.18

\$ (32.89) Proposed decrease/increase per lot/year
 \$ (2.74) Proposed decrease/increase per lot/month

Budgeted 18-19	\$ 7,043.08
Received as of June 16, 2019	\$ 6,934.64
Balance deducting the County Fees	\$ 135.56
Per County Report as of June 6, 2019, Unpaid Balance from previous years	\$ 1,695.54
Total Owed to the City	\$ 1,831.10

Pelous Ranch Financial Status Report

ENGINEER'S REPORT FOR ASSESSMENT DISTRICT 09-01

Maintenance cost breakdown based on 105 lots with an estimated maint. Area of 27,593.1 square feet.

	Budgeted 2018-2019			Spent 2018-2019		Projected 2019-2020		
COUNTY FEES								
Assessment Fee	105	\$ 1.00	\$ 105.00	\$ 105.00		105	\$ 1.00	\$ 105.00
Roll Corrections	0	\$ 25.00	\$ -			0	\$ 25.00	\$ -
Reporting Fee	1	\$ 200.00	\$ 200.00	\$ 200.00		1	\$ 200.00	\$ 200.00
TOTAL			\$ 305.00	\$ 305.00				\$ 305.00
CITY COSTS								
Engineering		\$ per hr	# hr			\$ per hr	# hr	
Office Support Staff		\$ 33.34	1	\$ 33.34		\$ 33.34	1	\$ 33.34
City Services Director		\$ 82.99	1.5	\$ 124.48		\$ 82.99	1.5	\$ 124.48
Associate Engineer		\$ 43.97	8	\$ 351.77		\$ 43.97	8	\$ 351.77
Administration								
City Manager		\$ 114.06	0.5	\$ 57.03		\$ 114.06	0.5	\$ 57.03
City Attorney		\$ 125.00	0.5	\$ 62.50		\$ 125.00	0.5	\$ 62.50
Finance Director		\$ 69.98	0.5	\$ 34.99		\$ 69.98	0.5	\$ 34.99
TOTAL				\$ 664.10	\$ 664.10			\$ 664.10
WALL MAINTENANCE								
Graffiti Incidents				\$ -	\$ -			\$ -
TOTAL				\$ -	\$ -			\$ -
UTILITIES		\$ per month	# months			\$ per month	# months	
Water used for irrigation	# Street Lights	\$ 269.00	12	\$ 3,228.00	\$ 3,693.57	\$ 269.00	12	\$ 3,228.00
SCE (Irrigation + Lighting)	29	\$ 17.50	12	\$ 6,090.00	\$ 5,578.36	\$ 17.50	12	\$ 6,090.00
TOTAL				\$ 9,318.00	\$ 9,271.93			\$ 9,318.00
CITY MAINTENANCE (Landscaping & Irrigation Maintenance/plants)		\$/hr	hrs			\$/hr	hrs	
Senior Employee		\$ 18.92		\$ -		\$ 18.92		\$ -
Regular Employee		\$ 14.50		\$ -		\$ 14.50		\$ -
Regular Employee		\$ 14.50		\$ -		\$ 14.50		\$ -
Specialty Contract Maintenance		\$ 509.00	12	\$ 6,108.00	\$ 6,108.00	\$ 509.00	12	\$ 6,108.00
Operational Supplies (Landscaping Equipment, Fuel & Oil, Seeding, Fertilizer, Plants, Trees, etc)				\$ -				\$ -
TOTAL				\$ 6,108.00	\$ 6,108.00			\$ 6,108.00
SUBTOTAL COSTS				\$ 16,395.10	\$ 16,349.03			\$ 16,395.10
Total Capital Improvement								
Total assets				\$ 24,452.33				
TOTAL COSTS				\$ 16,395.10	\$ 16,349.03			\$ 16,395.10
Costs per square foot of area	25877			\$ 0.63				\$ 0.63
				\$ 156.14				\$ 156.14
Assessment per Lot;	105			\$ 100.00				\$ 100.00

\$ - Proposed decrease/increase per lot/year
 \$ - Proposed decrease/increase per lot/month

Budgeted 18-19	\$ 10,500.00
Received as of June 16, 2019	\$ 10,195.00
Balance deducting the County Fees	\$ -
Per County Report as of June 6, 2019, Unpaid Balance from previous years	\$ -
Total Owed to the City	\$ -

Sweet Brier-Samoa Financial Status Report

ENGINEER'S REPORT FOR ASSESSMENT DISTRICT 02-01

Maintenance cost breakdown based on 6 lots with an estimated maint. Area of 4,924 square feet.

		Budgeted 2018-2019			Spent 2018-2019		Projected 2019-2020		
COUNTY FEES									
Assessment Fee		6	\$ 1.00	\$ 6.00	\$ 6.00	6	\$ 1.00	\$ 6.00	
Roll Corrections		0	\$ 25.00	\$ -	\$ -	0	\$ 25.00	\$ -	
Reporting Fee		1	\$ 200.00	\$ 200.00	\$ 200.00	1	\$ 200.00	\$ 200.00	
TOTAL				\$ 206.00	\$ 206.00			\$ 206.00	
CITY COSTS									
Engineering									
		\$ per hr	# hr			\$ per hr	# hr		
Office Support Staff		\$ 33.34	1	\$ 33.34		\$ 33.34	1	\$ 33.34	
City Services Director		\$ 69.40	1	\$ 69.40		\$ 69.40	1	\$ 69.40	
Associate Engineer		\$ 41.46	6	\$ 248.76		\$ 41.46	6	\$ 248.76	
Administration									
City Manager		\$ 104.09	0.5	\$ 52.05		\$ 104.09	0.5	\$ 52.05	
City Attorney		\$ 125.00	0	\$ -		\$ 125.00	0	\$ -	
Finance Director		\$ 64.45	0.5	\$ 32.23		\$ 64.45	0.5	\$ 32.23	
TOTAL				\$ 435.77	\$ 450.00			\$ 435.77	
WALL MAINTENANCE									
Graffiti Incidents				\$ -	\$ -			\$ -	
TOTAL				\$ -	\$ -			\$ -	
UTILITIES									
		\$ per month	# months			\$ per month	# months		
Water used for irrigation		\$ 32.50	12	\$ 390.00	\$ 262.06	\$ 32.50	12	\$ 390.00	
SCE (Irrigation + Lighting)		\$ 45.00	12	\$ 540.00	\$ 374.51	\$ 30.00	12	\$ 360.00	
TOTAL				\$ 930.00	\$ 636.57			\$ 750.00	
ASPHALT FEES									
		SF	\$/SF			SF	\$/SF		
Resurfacing		3,128.00	\$ -	\$ -	\$ -	3,128.00	\$ -	\$ -	
Striping		1.00	\$ -	\$ -	\$ -	1.00	\$ -	\$ -	
TOTAL				\$ -	\$ -			\$ -	
CITY MAINTENANCE (Landscaping & Irrigation Maintenance/plants)									
		\$/hr	hrs			\$/hr	hrs		
Senior Employee		\$ 18.92	0	\$ -		\$ 18.92	0	\$ -	
Regular Employee		\$ 14.50	0	\$ -		\$ 14.50	0	\$ -	
Regular Employee		\$ 14.50	0	\$ -		\$ 14.50	0	\$ -	
Specialty Contract Maintenance		\$ 133.00	12	\$ 1,596.00	\$ 1,596.00	\$ 133.00	12	\$ 1,596.00	
Operational Supplies (Landscaping Equipment, Fuel & Oil, Seeding, Fertilizer, Plants, Trees, etc)				\$ 1,250.00	\$ 1,683.18			\$ 1,250.00	
TOTAL				\$ 2,846.00	\$ 3,279.18			\$ 2,846.00	
SUBTOTAL COSTS				\$ 4,417.77	\$ 4,571.75			\$ 4,237.77	
Total Capital Improvement				\$ -	\$ -			\$ -	
Total assets				\$ 3,377.90					
TOTAL COSTS				\$ 4,417.77	\$ 4,571.75			\$ 4,237.77	
Costs per square foot of area	4924			\$ 0.90				\$ 0.86	
				\$ 736.29				\$ 706.29	
Assessment per Lot:	6			\$ 736.30				\$ 706.28	

\$ (30.02) Proposed decrease/increase per lot/year
 \$ (2.50) Proposed decrease/increase per lot/month

Budgeted 18-19	\$ 4,417.80
Received as of June 16, 2019	\$ 4,211.80
Balance deducting the County Fees	\$ 0.00
Per County Report as of June 6, 2019, Unpaid Balance from previous years	\$ -
Total Owed to the City	\$ 0.00

Sierra View Estates Financial Status Report

ENGINEER'S REPORT FOR ASSESSMENT DISTRICT 92-01

Maintenance cost breakdown based on 92 lots with an estimated maint. Area of 46,096 square feet.

	Budgeted 2018-2019			Spent 2018-2019		Projected 2019-2020		
COUNTY FEES								
Assessment Fee	92	\$ 1.00	\$ 92.00	\$ 92.00	92	\$ 1.00	\$ 92.00	
Roll Corrections	0	\$ 25.00	\$ -	\$ -	0	\$ 25.00	\$ -	
Reporting Fee	1	\$ 200.00	\$ 200.00	\$ 200.00	1	\$ 200.00	\$ 200.00	
TOTAL			\$ 292.00	\$ 292.00			\$ 292.00	
CITY COSTS								
Engineering		\$ per hr				\$ per hr		
Office Support Staff		\$ 33.34	7	\$ 233.35	\$ 233.35	\$ 33.34	7	\$ 233.35
City Services Director		\$ 69.40	3	\$ 208.20	\$ 208.20	\$ 69.40	3	\$ 208.20
Associate Engineer		\$ 41.46	5	\$ 207.30	\$ 207.30	\$ 41.46	5	\$ 207.30
Administration								
City Manager		\$ 104.09	1	\$ 104.09	\$ 104.09	\$ 104.09	1	\$ 104.09
City Attorney		\$ 125.00	0.5	\$ 62.50	\$ -	\$ 125.00	0.5	\$ 62.50
Finance Director		\$ 64.45	1	\$ 64.45	\$ 64.45	\$ 64.45	1	\$ 64.45
TOTAL				\$ 879.89	\$ 817.39			\$ 879.89
WALL MAINTENANCE								
Graffiti Incidents								
TOTAL				\$ -				\$ -
UTILITIES		\$ per month	# months			\$ per month	# months	
Water used for irrigation				\$ 1,620.00	\$ 1,528.76	\$ 100.00	12	\$ 1,200.00
SCE (Irrigation + Lighting)	# Street Lights	\$ 135.00	12	\$ 1,938.00	\$ 1,838.58	\$ 9.60	12	\$ 2,188.80
TOTAL	19	\$ 8.50	12	\$ 3,558.00	\$ 3,367.34			\$ 3,388.80
CITY MAINTENANCE (Landscaping & Irrigation Maintenance/plants)		\$/hr	hrs			\$/hr	hrs	
Senior Employee				\$ -				\$ -
Regular Employee				\$ -				\$ -
Regular Employee				\$ -				\$ -
Specialty Contract Maintenance		\$ 1,129.00	12	\$ 13,548.00	\$ 13,548.00	\$ 1,129.00	12	\$ 13,548.00
Operational Supplies (Landscaping Equipment, Fuel & Oil, Seeding, Fertilizer, Plants, Trees, etc)		\$ 4,000.00	1	\$ 4,000.00	\$ 902.60	\$ -	1	\$ -
TOTAL				\$ 17,548.00	\$ 14,450.60			\$ 13,548.00
SUBTOTAL COSTS				\$ 22,277.89	\$ 18,927.33			\$ 18,108.69
Total Capital Improvement				\$ -				\$ -
Total assets				\$ 3,470.27				
TOTAL COSTS				\$ 22,277.89	\$ 18,927.33			\$ 18,108.69
Costs per square foot of area	46096			\$ 0.48				\$ 0.39
Assessment per Lot:	92			\$ 242.16				\$ 196.83

\$ (45.34) Proposed decrease/increase per lot/year
 \$ (3.78) Proposed decrease/increase per lot/month

Budgeted 18-19	\$ 22,278.72
Received as of June 16, 2019	\$ 21,865.64
Balance deducting the County Fees	\$ (121.08)
Per County Report as of June 6, 2019, Unpaid Balance from previous years	\$ -
Total Owed to the City	\$ (121.08)

Sierra Vista Estates Financial Status Report

ENGINEER'S REPORT FOR ASSESSMENT DISTRICT 07-01

Maintenance cost breakdown based on 19 lots with an estimated maint. Area of 22,200 square feet.

COUNTY FEES		Projected in 2007-2008 Maintenance			2018-2019			Spent 2018-2019	Projected 2019-2020		
Assessment Fee		19	\$ 1.00	\$ 19.00	19	\$ 1.00	\$ 19.00	\$ 19.00	19	\$ 1.00	\$ 19.00
Roll Corrections		1	\$ 25.00	\$ 25.00	0	\$ 25.00	\$ -	\$ -	0	\$ 25.00	\$ -
Reporting Fee		1	\$ 200.00	\$ 200.00	1	\$ 200.00	\$ 200.00	\$ 200.00	1	\$ 200.00	\$ 200.00
TOTAL				\$ 244.00			\$ 219.00	\$ 219.00			\$ 219.00
CITY COSTS											
Engineering		\$ per hr	# hr		\$ per hr	# hr			\$ per hr	# hr	
Office Support Staff		\$ 33.34	8	\$ 266.72	\$ 33.34	0	\$ -	\$ -	\$ 33.34	0	\$ -
City Services Director		\$ 82.99	5	\$ 414.95	\$ 69.40	6.5	\$ -	\$ -	\$ 69.40	6.5	\$ -
Associate Engineer		\$ 43.97	17	\$ 747.49	\$ 41.46	19	\$ -	\$ -	\$ 41.46	19	\$ -
Administration							\$ -	\$ -			\$ -
City Manager		\$ 114.06	1	\$ 114.06	\$ 104.09	1	\$ -	\$ -	\$ 104.09	1	\$ -
City Attorney		\$ 125.00	1	\$ 125.00	\$ 125.00	0.5	\$ -	\$ -	\$ 125.00	0.5	\$ -
Finance Director		\$ 69.98	1	\$ 69.98	\$ 64.45	1	\$ -	\$ -	\$ 64.45	1	\$ -
TOTAL				\$ 1,738.20							
WALL MAINTENANCE											
Graffiti Incidents				\$ 1,140.00			\$ -	\$ -			\$ -
TOTAL				\$ 1,140.00			\$ -	\$ -			\$ -
UTILITIES											
	No. of Street Lights	\$ per month	# months		\$ per month	# months			\$ per month	# months	
Irrigation Timer Electrical costs (Will discontinue in FY17-18)		\$ 70.00	12	\$ 840.00	\$ -	12	\$ -	\$ -	\$ -	12	\$ -
Water used for irrigation		\$ 140.00	12	\$ 1,680.00	\$ -	12	\$ -	\$ -	\$ -	12	\$ -
SCE (Irrigation + Lighting)	4	\$ 11.01	12	\$ 528.48	\$ 18.00	12	\$ 864.00	\$ 932.18	\$ 77.68	12	\$ 932.18
TOTAL				\$ 3,048.48			\$ 864.00	\$ 932.18			\$ 932.18
CITY MAINTENANCE (Landscaping & Irrigation Maintenance/plants)											
		\$/hr	hrs		\$/hr	hrs			\$/hr	hrs	
Senior Employee		\$ 18.92	27.5	\$ 520.30	\$ -	40	\$ -	\$ -	\$ -	40	\$ -
Regular Employee		\$ 14.50	70	\$ 1,015.00	\$ -	70	\$ -	\$ -	\$ -	70	\$ -
Regular Employee		\$ 14.50	70	\$ 1,015.00	\$ -	70	\$ -	\$ -	\$ -	70	\$ -
Specialty Contract Maintenance					\$ 83.33	12	\$ 999.96	\$ 999.96	\$ 83.33	12	\$ 999.96
Operational Supplies (Landscaping Equipment, Fuel & Oil, Seeding, Fertilizer, Plants, Trees, etc)				\$ 837.76			\$ -	\$ 4,250.00			\$ -
TOTAL				\$ 3,388.06			\$ 999.96	\$ 5,249.96			\$ 999.96
SUBTOTAL COSTS				\$ 9,558.74			\$ 2,082.96	\$ 6,401.14			\$ 2,151.14
Total Capital Improvement				\$ 40,000.00							
Total assets				\$ -			\$ -	\$ -			\$ -
TOTAL COSTS				\$ 9,558.74			\$ 42,082.96	\$ 6,401.14			\$ 2,151.14
Costs per square foot of area		22200		\$ 0.43							
				\$ 503.09			\$ 2,214.89				
Assessment per Lot:		19		\$ 502.84			\$ 502.84				\$ 502.84

\$0.00
\$0.00

Budgeted 17-18 \$ 9,553.96
 Received as of June 13, 2018 \$ 9,083.54
 Balance deducting the County Fees \$ 251.42

 Per County Report as of April 30, 2018, Unpaid Balance from previous years \$ (119.52)



STAFF REPORT

TO: City of Lindsay City Council
DATE: July 9, 2019
AGENDA #: 6
FROM: City Manager Bill Zigler

AGENDA ITEM

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

RECOMMENDATION

Staff recommends approval of the second reading of Ordinance No. 575, an ordinance enacting Chapter 5.36 and amending Section 5.04.520 of Title 5 Business Taxes, Licenses and Regulations of the Lindsay Municipal Code, pertaining to sidewalk vending.

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



STAFF REPORT

TO: City of Lindsay City Council
DATE: July 9, 2019
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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 5.36 is divided into nine sections. They can be summarized as follows:

- Section 5.36.010 describes the purpose and intent of the ordinance, while also listing the health, safety, and welfare concerns of street vending.
- Section 5.36.020 provides definitions for the ordinance.
- Section 5.36.030 states when, where, and how sidewalk vending activities would be prohibited.
- Section 5.36.040 describes the permitting process.
- Section 5.36.050 describes the issuance of permits.
- Section 5.36.060 states the permit application fee.
- Section 5.36.070 states the regulation of sidewalk vendors, receptacle, and activities.
- Section 5.36.080 provides procedures for penalties and violations.
- Section 5.36.090 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 is 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 proposed license tax will be \$100 per month.

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 (first reading) and this agenda.

ATTACHMENTS

Ordinance 575

ORDINANCE NO. 575

AN ORDINANCE ENACTING CHAPTER 5.36 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 5.36 Sidewalk Vending Regulations is hereby added as follows:

Chapter 5.36

SIDEWALK VENDING REGULATIONS

Sections:

- 5.36.010 Purpose and Intent.**
- 5.36.020 Definitions.**
- 5.36.030 Sidewalk Vending Activities Prohibited in Designated Areas.**
- 5.36.040 Permit Required.**
- 5.36.050 Issuance of Permit.**
- 5.36.060 Permit Application Fee.**
- 5.36.070 Regulation of Sidewalk Vendors, Receptacle, and Activities.**
- 5.36.080 Penalties and Violations.**
- 5.36.090 Permit Revocation.**

5.36.010 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 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 interferes with the flow of pedestrians and disrupts the access for persons with disabilities or decreases 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.

5.36.020 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.

5.36.030 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.

5.36.040 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.

5.36.050 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.

5.36.060 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.

5.36.070 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.

5.36.080 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.

5.36.090 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~~ 100 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. Any pending actions shall follow the requirements of Government Code 51039, Sections (d)(1-2) and (g)(1-2).

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.

This item was introduced via a public hearing at a regularly scheduled meeting on June 11, 2019. The public hearing was opened and the item continued until June 25, 2019.

The foregoing ordinance, read by title only with waiving of the reading in full, was discussed at a regularly scheduled meeting on the 25th day of June 2019.

ADOPTED at a regular meeting of the City Council held the 9th day of July 2019.

AYES: _____

NOES: _____

ABSTAIN: _____

ABSENT: _____

ATTEST: CITY COUNCIL OF THE CITY OF LINDSAY

Bret Harmon, City Clerk

Pamela Kimball, Mayor