



CITY OF MENDOTA

"Cantaloupe Center Of The World"

ROLANDO CASTRO
Mayor

VICTOR MARTINEZ
Mayor Pro Tempore

JESSE MENDOZA

OSCAR ROSALES

ROBERT SILVA

AGENDA MENDOTA CITY COUNCIL

Regular City Council Meeting
CITY COUNCIL CHAMBERS

643 QUINCE STREET

July 25, 2017

6:00 PM

VINCE DiMAGGIO
City Manager

JOHN KINSEY
City Attorney

The Mendota City Council welcomes you to its meetings, which are scheduled for the 2nd and 4th Tuesday of every month. Your interest and participation are encouraged and appreciated. Notice is hereby given that Council may discuss and/or take action on any or all of the items listed on this agenda. **Please turn your cell phones on vibrate/off while in the council chambers.**

Any public writings distributed by the City of Mendota to at least a majority of the City Council regarding any item on this regular meeting agenda will be made available at the front counter at City Hall located at 643 Quince Street Mendota, CA 93640, during normal business hours, 8 AM - 5 PM.

CALL TO ORDER

ROLL CALL

FLAG SALUTE

INVOCATION

FINALIZE THE AGENDA

1. Adjustments to Agenda.
2. Adoption of final Agenda

CITIZENS ORAL AND WRITTEN PRESENTATIONS

At this time members of the public may address the City Council on any matter not listed on the agenda involving matters within the jurisdiction of the City Council. Please complete a "request to speak" form and limit your comments to THREE (3) MINUTES. Please give the completed form to City Clerk prior to the start of the meeting. All speakers shall observe proper decorum. The Mendota Municipal Code prohibits the use of boisterous, slanderous, or profane language. All speakers must step to the podium, state their names and addresses for the record. Please watch the time.

APPROVAL OF MINUTES AND NOTICE OF WAIVING OF READING

1. Minutes of the regular City Council meeting of July 11, 2017.
2. Notice of waiving of the reading of all resolutions and/or ordinances introduced and/or adopted under this agenda.

CONSENT CALENDAR

Matters listed under the Consent Calendar are considered to be routine and will be enacted by one motion and one vote. There will be no separate discussion of these items. If discussion is desired, that item will be removed from the Consent Calendar and will be considered separately.

1. JULY 11, 2017 THROUGH JULY 19, 2017
WARRANT LIST CHECKS NO. 042747 THRU 042787
TOTAL FOR COUNCIL APPROVAL = \$227,961.06
2. Approval of an agreement between the City of Mendota, City of Reedley, and CALSTART for the administration of the Measure C New Technology Grant.

BUSINESS

1. Introduction and first reading of **Ordinance No. 17-12**, Imposing a Transactions and Use Tax to Be Administered by the State Board of Equalization.
 - a. *Receive report from City Attorney Kinsey*
 - b. *Inquiries from Council to staff*
 - c. *Mayor opens floor to receive any comment from the public*
 - d. *Council provide any input and waive the first reading of Ordinance No. 17-12, setting the public hearing for August 8th.*
2. Council discussion and consideration to allow the use of Rojas-Pierce Park for the Annual Backpack Giveaway event.
 - a. *Receive verbal report from Mayor Castro*
 - b. *Inquiries from Council to staff*
 - c. *Mayor opens floor to receive any comment from the public*
 - d. *Council take action as appropriate*

PUBLIC HEARING

1. Council take public comment and consider **Resolution No. 17-46** and **Resolution No. 17-47**, authorizing the placement of special assessments on the 2017/2018 tax roll for the 2016 and 2017 nuisance abatement costs.
 - a. *Receive report from Chief of Police Andreotti*
 - b. *Inquiries from Council to staff*
 - c. *Mayor opens the public hearing, accepting comments from the public*
 - d. *Mayor closes the public hearing*
 - e. *Council provide any input and adopt Resolution Nos. 17-46 and 17-47*

DEPARTMENT REPORTS AND INFORMATIONAL ITEMS

1. Public Works
a) Monthly Report
2. City Attorney
a) Update
3. City Manager

MAYOR AND COUNCIL REPORTS AND INFORMATIONAL ITEMS

1. Council Member(s)
2. Mayor

ADJOURNMENT

CERTIFICATION OF POSTING

I, Celeste Cabrera, Deputy City Clerk of the City of Mendota, do hereby declare that the foregoing agenda for the Mendota City Council Regular Meeting of July 25, 2017, was posted on the outside bulletin board located at City Hall, 643 Quince Street Friday, July 21, 2017 at 4:00 p.m.



Celeste Cabrera, Deputy City Clerk



MINUTES OF MENDOTA REGULAR CITY COUNCIL MEETING

Regular Meeting

July 11, 2017

Meeting called to order by Mayor Castro at 6:00 p.m.

Roll Call

Council Members Present: Mayor Rolando Castro, Mayor Pro Tem Victor Martinez, Councilors Jesse Mendoza, Oscar Rosales, and Robert Silva.

Council Members Absent: None.

Flag salute led by Mayor Pro Tem Martinez.

Invocation led by Jesus Sanchez from the Mendota First Baptist Church.

FINALIZE THE AGENDA

1. Adjustments to Agenda.
2. Adoption of final Agenda.

A motion was made by Councilor Silva to adopt the agenda, seconded by Mayor Pro Tem Martinez; unanimously approved (5 ayes).

CITIZENS ORAL AND WRITTEN PRESENTATIONS

Chabelli Perez (436 Riofrio Street) – stated that she would not be able to accomplish her goals without the support of her parents, and requested that Council make Mendota a sanctuary city.

Bertha Tarelo and daughter (33171 W. El Progreso Street) – requested that Council adopt a resolution that declares the city a sanctuary city; stated that families fear that police officers are against them; requested that officers focus on making the community

safe instead of focusing on immigration related issues; and explained that she does not want funding to be used for efforts that are against the residents.

Cecilia Torres (260 Tuft Street) – stated that she is disappointed that the Council considered a resolution that opposes SB 54, but that she appreciates the decision to not take action; requested that the council draft a resolution that is in favor of SB 54; and explained that a large amount of residents are from other countries and their representatives should be doing things that favor the individuals that they represent.

Ilda Rivas (647 Perez Street) – requested that the Council follow the steps of other cities in California and adopt a resolution that declares the city a sanctuary city; the adoption of such a resolution would make residents feel at ease; and requested that police funding be used for other purposes not for immigration-related issues.

Aida Martinez (501 Oxnard Street) – stated that she has been living in Mendota for many years; she wants to unite with others on the issue, and wants members of the Council to unite with them as well; mentioned a significant case in Mendota relating to immigration; and stated that she understands the city's fear about having funds taken away.

Gabriela Lopez (405 Martinez Court) - requested that the adopt a sanctuary city resolution; stated that resources should be used to serve the community in a beneficial way; stated she voted for the members of the Council so that they can best represent residents; and stated that it is sad when families are torn apart due to deportation.

Tomas Perez (436 Riofrio Street) – requested that the Council adopt a sanctuary city resolution; stated that he sees on television that many parents are separated from their families; and stated that he is sometimes scared to return home from school when he hears that immigration enforcement is in town.

Angelina Saldana (300 Rios Street) – said that she was thankful that the members of the public could share their concerns with the Council; stated that they were there out of necessity; stated that the Council was elected so that they can serve the community; and she urged the Council to take the comments and concerns of the public into consideration.

Mayor Castro stated that he appreciated their comments, shared that he has had experiences similar to those that they have had, and stated that the Council would take their comments and concerns into consideration.

PRESENTATION

1. Council to honor the Mendota High School Girls Varsity Softball Team for winning the Division VI Valley Championship.

The Council congratulated the Mendota High School Girls Varsity Softball Team for

winning the Division VI Valley Championship.

APPROVAL OF MINUTES AND NOTICE OF WAIVING OF READING

1. Minutes of the special City Council meetings of June 6, 2017 and June 15, 2017 and regular City Council meeting of June 13, 2017.
2. Notice of waiving of the reading of all resolutions and/or ordinances introduced and/or adopted under this agenda.

A motion was made by Councilor Rosales to approve items 1 and 2, seconded by Mayor Pro Tem Martinez; unanimously approved (5 ayes).

CONSENT CALENDAR

1. JUNE 13, 2017 THROUGH JUNE 20, 2017
WARRANT LIST CHECKS NO. 042611 THRU 042664
TOTAL FOR COUNCIL APPROVAL = \$239,068.39
2. JUNE 26, 2017 THROUGH JULY 07, 2017
WARRANT LIST CHECKS NO. 042665 THRU 042746
TOTAL FOR COUNCIL APPROVAL = \$353,416.36
3. Proposed approval of an agreement with Price, Paige, & Company for audit services.
4. Proposed adoption of **Resolution No. 17-42**, claiming Measure C Extension Local Transportation Pass-Through Revenues for Fiscal Year 2017-2018.
5. Proposed adoption of **Resolution No. 17-43**, Resolution of Intention to Initiate an Amendment to the Mendota Municipal Code Relating to the Commercial Growing, Production, and Processing of Cannabis Products
6. Proposed adoption of **Resolution No. 17-44**, awarding the bid for the Derrick & 7th Intersection Beautification & Reconstruction Project to Avison Construction, Inc.
7. Proposed adoption of **Resolution No. 17-45**, authorizing the City Manager to sign a letter of authorization allowing Fresno County to submit a regional application for the Oil Payment Program, Cycle 8 (OPP8).

A request was made to pull item 5 for discussion.

A motion was made by Councilor Rosales adopt items 1 thru 4, 6, and 7 of the Consent Calendar, seconded by Mayor Pro Tem Martinez; unanimously approved (5 ayes).

5. Proposed adoption of **Resolution No. 17-43**, Resolution of Intention to Initiate an Amendment to the Mendota Municipal Code Relating to the Commercial

Growing, Production, and Processing of Cannabis Products

Discussion was held on the stance that the council has taken in this past on the issue; what the city's intentions are in regards to the issue; and the purpose of the resolution of intention.

A motion was made by Councilor Silva adopt item 2 of the Consent Calendar, seconded by Councilor Rosales; unanimously approved (5 ayes).

BUSINESS

1. Council discussion and consideration on the fiscal authority of the Recreation Commission.

Mayor Castro introduced the item and City Manager DiMaggio summarized the report including the lack of fiscal authority of the Recreation Commission, and recommended that the Council reaffirm its position that Commissions should not have fiscal authority and should only be able to make expenditure recommendations to the City Council.

Discussion was held on the Recreation Commission fundraising for recreational activities, Council reaffirming its position that Commissions should not have fiscal authority, and that they should make expenditure recommendations to the City Council.

DEPARTMENT REPORTS AND INFORMATIONAL ITEMS

1. Code Enforcement
 - a) Monthly Report

Economic Development Manager Flood reported that the Code Enforcement Department has transferred to the police department; provided and update on the weed abatement process; and stated that the water conservation measures are still in place.

Discussion was held on the importance of conserving water.

2. Police Department
 - a) Monthly Report

Police Chief Andreotti stated that he is the new Code Enforcement Department supervisor; thanked the Council for entrusting him with the responsibility; the ongoing duties of the Code Enforcement Department; provided a personnel update; and reported on significant cases.

The Council thanked Economic Development Manager Flood for his work as the Code Enforcement Department supervisor.

Discussion was held on sending a card to Sergeant Renteria and ensuring that the Noise Ordinance is enforced.

3. City Attorney
 - a) Update

City Attorney Kinsey reported on working with staff on ongoing issues; introduced Nicolas Cardella; and stated that Deputy City Attorney Helsley will be attending the August 8th City Council Meeting.

4. City Manager

City Manager DiMaggio stated that the FCI-Mendota participated in an annual tour around the city; provided an update on the flood threat; provided an update on SB 54; provided an update on the waste water tertiary treatment project; and provided an explanation for the transition of the Code Enforcement Department to the police department.

Discussion was held on why certain fire hydrants are covered.

MAYOR AND COUNCIL REPORTS AND INFORMATIONAL ITEMS

1. Council Member(s)

Councilor Silva reported on the League of California Cities Mayor and Council Members Executive Forum event that he recently attended.

2. Mayor

Mayor Castro reported on a meeting he had with Assembly member Arambula and Congressman Costa, and reminded everyone about the upcoming Appointed and Elected Officials charitable softball game that will be held on July 12th.

CLOSED SESSION

1. CONFERENCE WITH LEGAL COUNSEL – POTENTIAL LITIGATION
Pursuant to Paragraph (4) of subdivision (d) of Section 54956.9 ([1] potential case).
2. CONFERENCE WITH LEGAL COUNSEL – PENDING LITIGATION
Pursuant to Paragraph (1) of subdivision (d) of Govt. Code Section 54956.9; City of Mendota v. Villa, Fresno County Superior Court, Case No. 17 CE CL 04704.

At 7:19 p.m. the Council moved into closed session.

At 7:57 p.m. the Council reconvened in open session and City Attorney Kinsey stated that in regards to item 1 of the closed session, there was nothing to report.

ADJOURNMENT

With no more business to be brought before the Council, a motion for adjournment was made at 7:57 p.m. by Councilor Rosales, seconded by Mayor Pro Tem Martinez; unanimously approved (5 ayes).

Rolando Castro, Mayor

ATTEST:

Matt Flood, City Clerk

**CITY OF MENDOTA
CASH DISBURSEMENTS
07/11/2017 - 07/19/2017
Check # 042747 - 042787**

Date	Check #	Amount	Vendor	Department	Description
July 11, 2017	42747	\$89,368.00	WESTAMERICA	GENERAL	PAYROLL TRANSFER 6/26/17 - 7/9/17
July 17, 2017	42748	\$446.14	CAPITOL ONE COMMERCIAL	GENERAL-WATER-SEWER	INK CARTRIDGE AND OFFICE SUPPLIES
July 18, 2017	42749	\$28.12	AIRGAS USA, INC	WATER	(1) CYL CARBON DIOXIDE 20LB ALUM RENTAL JUNE 2017
July 18, 2017	42750	\$1,139.62	AUTOMATED OFFICE SYSTEMS	GENERAL-WATER-SEWER	MAINTENANCE CONTRACT FOR COPY MACHINE - JUNE 2017, MAINTENANCE CONTRACT FOR COPIER JUNE 2017 FOR PD
July 18, 2017	42751	\$5,364.00	BSK ASSOCIATES	STREETS-SEWER	PROFESSIONAL SERVICES JUNE 2017- PROPOSED 8TH ST RECONSTRUCTION, WASTE WATER WEEKLY ANALYSES
July 18, 2017	42752	\$235.00	DEPARTMENT OF JUSTICE	GENERAL	JUNE 2017 (PD) 3- BLOOD ALCOHOL ANALYSIS
July 18, 2017	42753	\$7,585.70	STANTEC CONSULTING SERVICES	SEWER	GROUNDWATER SAMPLING AND REPORTING 4TH QUARTER
July 18, 2017	42754	\$108.50	DAVID A FIKE	GENERAL	ATTORNEY FEES: SPECIAL SERVICES JUNE 2017
July 18, 2017	42755	\$185.24	FRESNO COUNTY SHERIFF	GENERAL	RMS JMS ACCESS FREE FOR JUNE 2017 (PD) PRISONER PROCESSING SERVICES FOR JUNE 2017 (PD)
July 18, 2017	42756	\$89,022.98	FRESNO COUNTY FIRE	GENERAL	FY 16/17 2ND INSTALLMENT - FIRE PROTECTION SERVICES FOR JAN-JUN 2017
July 18, 2017	42757	\$25.00	SANDRA GAMERO	GENERAL	REIMBURSEMENT FOR VIN VERIFICATION (PD CITATION)
July 18, 2017	42758	\$72.00	KERWEST NEWSPAPER	GENERAL	1-72 WORD CLASSIFIED AD-AMINAL CONTROL 6/28-7/05
July 18, 2017	42759	\$1,258.59	NORTHSTAR CHEMICAL	WATER	SODIUM HYPOCHLORITE - 12.5% MILL A 650 UNITS (WTP)
July 18, 2017	42760	\$1,857.08	SMITH & WESSON	PUBLIC SAFETY	(2) M&P 15 TS RIFLES - PD
July 18, 2017	42761	\$270.13	STATE OF CALIFORNIA	STREETS	SIGNALS & LIGHTING BILLING APRIL THRU JUNE 2017
July 18, 2017	42762	\$42.10	TRANSUNION RISK AND ALTERNATIVE DATA	GENERAL	TRANSUNION RISK AND ALTERNATIVE JUNE 2017 (PD)
July 18, 2017	42763	\$300.00	UNITED HEALTH CENTERS	GENERAL-WATER-SEWER	PRE-EMPLOYMENT SCREEN (3)
July 18, 2017	42764	\$1,200.00	U.S. TREASURY	GENERAL-WATER-SEWER	1099 FILING FEE FOR 2014
July 18, 2017	42765	\$11,293.19	WANGER JONES HELSLEY PC ATTORNEYS	GENERAL-WATER-SEWER	LEGAL SERVICES: GENERAL LEGAL SERVICES THRU 6/2017, LEGAL SERVICES: TERTIARY TREATMENT FACILITY 6/2017
July 19, 2017	42766	\$1,650.00	ADMINISTRATIVE SOLUTIONS, INC	GENERAL	20-MONTHLY MEDICAL ADMINISTRATIVE FEE FOR JULY 2017, MEDICAL CHECK RUN 7/12/17
July 19, 2017	42767	\$350.00	ALL VALLEY	GENERAL-WATER-SEWER	3RD QUARTER 2017 RETIREMENT PLAN ADMINISTRATION
July 19, 2017	42768	\$3,254.07	AMERITAS GROUP	GENERAL	DENTAL INSURANCE FOR AUGUST 2017 & VISION INSURANCE FOR AUGUST 2017
July 19, 2017	42769	\$20.37	AUTOZONE, INC.	GENERAL	1-SYLVANIA SILVERSTAR BULB FOR VEHICLE #M86 -PD
July 19, 2017	42770	\$315.50	BSK ASSOCIATES	WATER-SEWER	WASTE WATER WEEKLY ANALYSES, WEEKLY TREATMENT & DISTRIBUTION 7/11/17
July 19, 2017	42771	\$60.00	CLEARs CENTRAL CHAPTER	GENERAL	2-RECORDS TRAINING FOR PD

CITY OF MENDOTA
 CASH DISBURSEMENTS
 07/11/2017 - 07/19/2017
 Check # 042747 - 042787

July 19, 2017	42772	\$1,326.64	COMCAST	GENERAL-WATER-SEWER	INTERNET & TELEPHONE SERVICE 7/6/17 - 8/5/17
July 19, 2017	42773	\$175.00	CORELOGIC INFORMATION	GENERAL-WATER-SEWER	REALQUEST SERVICES FOR JULY 2017
July 19, 2017	42774	\$1,058.99	EINERSON'S PREPRESS	GENERAL-WATER-SEWER	20,000 WINDOW ENVELOPES
July 19, 2017	42775	\$1,029.34	CLEAR CHOICE COMPUTER SERVICES	WATER	2.5HR SCADA & PARTS/ SUPLLIES FOR SCADA REMOTELY, 2.25 HR WIRELESS INSTALL & PARTS/SUPPLIES (PD), SCADA MACHINES REMOTELY CHARGER
July 19, 2017	42776	\$275.00	MUNICIPAL CODE	GENERAL-WATER-SEWER	ADMINISTRATIVE SUPPORT FEE 17/18 MUNICIDE
July 19, 2017	42777	\$1,698.10	NORTHSTAR CHEMICAL	WATER	SODIUM HYPOCHLORITE - 12.5% MILL A 360 UNITS & 500 UNITS - WTP
July 19, 2017	42778	\$3,782.27	OFFICE DEPOT	WATER-SEWER	COUNCIL CHAMBERS CHAIRS (13), COPY PAPER (3), WHITEOUT (1) CARTRIDGE INK BLACK (WTP)
July 19, 2017	42779	\$861.10	R&B COMPANY	WATER	10"X1/2" SPACER FLANG FLF 10.5 (10), 2-1/2 FHT X 1/2 MHT HOSE ADAPTER
July 19, 2017	42780	\$49.08	RAMON'S TIRE & AUTO	GENERAL	FORD EXPLORER #M83 (1) OIL CHANGE/OIL/FILTER- PD
July 19, 2017	42781	\$724.42	RED WING SHOE STORE	GENERAL-WATER-SEWER	BOOT REPLACEMENT (5) PER MOU
July 19, 2017	42782	\$264.00	SAN JOAQUIN VALLEY AIR	WATER	17/18 PERMIT C-3914-1-0 CUMMINS EMERGENCY STANDBY POWERING DRINKING WATER SYSTEM
July 19, 2017	42783	\$311.57	UNION PACIFIC RAILROAD COMPANY	STREETS	PUBLIC ENCROACHMENT AUGUST 2017
July 19, 2017	42784	\$194.85	TCM INVESTMENTS	GENERAL	MPC3503 LEASE PAYMENT COPY MACHINE - PD JULY 2017
July 19, 2017	42785	\$85.37	UNIFIRST CORPORATION	GENERAL-WATER-SEWER	JULY 2017 SERVICE CHARGE-MOPS, TOWELS, RUGS
July 19, 2017	42786	\$524.00	ALEJANDRO VALENZUELA	GENERAL	RETURNING PROPERTY FROM CASE#15-0015- DISMISSED- PD
July 19, 2017	42787	\$150.00	CLAUDIA MEJIA	WATER	MQ CUSTOMER REFUND FOR MEJ0019
		\$227,961.06			

AGENDA ITEM – STAFF REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS
FROM: VINCE DIMAGGIO, CITY MANAGER
SUBJECT: AGREEMENT BETWEEN REEDLEY, MENDOTA, AND CALSTART FOR ADMINISTRATION OF THE MEASURE C NEW TECHNOLOGY GRANT
DATE: JULY 25, 2017

BACKGROUND

For over two years, the cities of Reedley and Mendota have utilized, at no charge, the administrative services of CALSTART, a nationwide organization dedicated to high-tech, clean air technologies. CALSTART was the applicant-partner of both Mendota and Reedley for the \$1.1 million Measure C New Technology grant.

The agreement before you, allows CALSTART to administer the implementation of the Measure C grant. This includes facilitating the purchase of the aircraft, hangers, electric chargers, and other support related aspects of the electric plane project.

This agreement works by CALSTART submitting invoices to both Reedley and Mendota for time they have spent administering the grant. Once both cities approve the invoices, Reedley submits payment to CALSTART and is reimbursed by the FCTA as per the grant rules. Mendota would not be required to put forth any funding.

This agreement is simply an efficient method for appropriately compensating CALSTART for their work in the implementation stages of this Measure C grant.

RECOMMENDATION

Staff recommends that the City Council approve the attached agreement.

PROFESSIONAL SERVICES CONTRACT

This Professional Services Contract ("Agreement"), is made and entered into by and between, CALSTART, Inc. (the "Consultant"), a California non-profit organization whose principal place of business is 48 S. Chester Avenue, Pasadena, California 91106, and the cities of Reedley and Mendota (the "Cities"), whose principal places of business are 1717 9th Street, Reedley, CA 93654, and 643 Quince St, Mendota, CA 93640, respectively.

NOW, THEREFORE, it is agreed as follows:

1. Term. The respective duties and obligations of the contracting parties shall be for the period commencing on August 1, 2017 and ending on September 30, 2018. Notwithstanding anything to the contrary set forth herein, this Agreement may be terminated by the Cities or the Consultant upon 30 days written notice by either party. The provisions contained in Section 3, Section 4 and Section 5 shall survive any termination of this Agreement.

2. Services. The Consultant shall perform the duties outlined in Appendix A - Statement of Work, included herein ("Work" or "Services").

3. Independent Contractor Relationship.

(a) The Consultant shall perform the services contemplated by this Agreement as an independent contractor. The Consultant acknowledges that it is not an agent or representative of the Cities and has no authority to act for or bind the Cities without prior written consent.

(b) The Consultant represents that it has the legal authority to enter and perform the requirements of this Agreement and will maintain such status to complete the Work hereunder.

(c) Indemnity for Professional Liability: When the law establishes a professional standard of care for Consultant's Services, to the fullest extent permitted by law, Consultant shall indemnify, protect, defend, and hold harmless the Cities and any and all of its officials, employees and agents ("Indemnified Parties") from and against any and all losses, liabilities, damages, costs, and expenses, including legal counsel's fees and costs to the extent same are caused in whole or in part by any negligent or wrongful act, error, or omission of Consultant, its officers, agents, employees, or Subconsultants (or any Agency or individual that Consultant shall bear the legal liability thereof) in the performance of professional services under this Agreement.

(d) Indemnity for Other Than Professional Liability: Other than in the performance of professional services and to the full extent permitted by law, Consultant shall indemnify, defend, and hold harmless the Cities, and any and all of its employees, officials and agents from and against any liability (including

liability for claims, suits, actions, arbitration proceedings, administrative proceedings, regulatory proceedings, losses, expenses or costs of any kind, whether actual, alleged or threatened, including legal counsels fees and costs, court costs, interest, defense costs, and expert witness fees), where the same arise out of, are a consequence of, or are in any way attributable to, in whole or in part, the negligent performance of this Agreement by Consultant or by any individual or Agency for which Consultant is legally liable, including, but not limited to, officers, agents, employees, or subcontractors of Consultant.

4. Insurance. Without limiting Consultant's indemnification of the Cities, and prior to commencement of Work, Consultant shall obtain, provide, and continuously maintain at its own expense during the term of this Agreement, and shall require any subconsultants to obtain and maintain, policies of insurance of the type and amounts described below and in a form satisfactory to the Cities.

- (a) Workers' Compensation. Consultant shall maintain Workers' Compensation Insurance (Statutory Limits) and Employer's Liability Insurance (with limits of at least one million dollars (\$1,000,000)).
- (b) General Liability. Consultant shall maintain commercial general liability insurance with coverage at least as broad as Insurance Services Office form CG 00 01, or equivalent, in an amount not less than one million dollars (\$1,000,000) per occurrence, two million dollars (\$2,000,000) general aggregate, for bodily injury, personal injury, and property damage, including without limitation, blanket contractual liability. General liability policies shall provide or be endorsed using Insurance Services Office forms CG 20 10 to provide that Agency and its officers, officials, employees, and agents shall be additional insureds under such policies.
- (c) Automobile Liability. If Consultant (or subconsultants) utilizes automobiles in the performance of services under this agreement, Consultant shall maintain automobile insurance at least as broad as Insurance Services Office form CA 00 01 covering bodily injury and property damage for all activities of the Consultant arising out of or in connection with Work to be performed under this Agreement, including coverage for any owned, hired, non-owned or rented vehicles, in an amount not less than one million dollars (\$1,000,000) combined single limit for each accident.
- (d) Professional Liability (Errors & Omissions). Consultant shall maintain professional liability insurance that insures against professional errors and omissions that may be made in performing the Services to be rendered in connection with this Agreement, in the minimum amount of one million dollars (\$1,000,000) Per claim and in the aggregate. Any policy inception date, continuity date, or retroactive date must be

before the effective date of this agreement, and Consultant agrees to maintain continuous coverage through a period no less than one year after completion of the Services required by this Agreement.

- (e) Proof of Insurance. Consultant shall provide to Agency, certificates of insurance and endorsements, as required, as evidence of the insurance coverage required herein. Insurance certificates and endorsements must be approved by Cities prior to commencement of performance. Current evidence of insurance shall be kept on file with the Cities at all times during the term of this Agreement. The Cities reserve the right to require complete, certified copies of all required insurance policies, at any time.
- (f) Acceptable Insurers. All insurance policies shall be issued by an insurance company currently authorized by the Insurance Commissioner to transact business of insurance in the State of California, with an assigned policyholders' Rating of A- (or higher) and Financial Size Category Class VII (or larger), in accordance with the latest edition of Best's Key Rating Guide, unless otherwise approved by the Cities.
- (g) Enforcement of Contract Provisions (non estoppel). Consultant acknowledges and agrees that any actual or alleged failure on the part of the Cities to inform Consultant of non-compliance with any requirement imposes no additional obligations on the Cities, nor does it waive any rights hereunder.
- (h) Specifications not Limiting. Requirements of specific coverage features or limits contained in this Section are not intended as a limitation on coverage, limits or other requirements, or a waiver of any coverage normally provided by any insurance. Specific reference to a given coverage feature is for purposes of clarification only as it pertains to a given issue and is not intended by any party or insured to be all inclusive, or to the exclusion of other coverage, or a waiver of any type.
- (i) Notice of Cancellation. Consultant agrees to oblige its insurance agent or broker and insurers to provide to Agency with thirty (30) days' notice of cancellation (except for nonpayment for which ten (10) days' notice is required) or nonrenewal of coverage for each required coverage.
- (j) Self-insured Retentions. Any self-insured retentions must be declared to and approved by Agency. Agency reserves the right to require that self-insured retentions be eliminated, lowered, or replaced by a deductible. Self-insurance will not be considered to comply with these specifications unless approved by Agency.

(k) Timely Notice of Claims. Consultant shall give Agency prompt and timely notice of claims made or suits instituted that arise out of or result from Consultant's performance under this Agreement, and that involve or may involve coverage under any of the required liability policies.

5. **Work Product.** Consultant agrees that all materials, notes, records, developments, discoveries and trade secrets conceived, discovered, developed by Consultant, solely or in collaboration with others, in performing the services of this Agreement, are the property of the Cities. Consultant further represents that all materials and content is provided free of royalty or other obligation. The Cities shall provide an unrestricted and no-cost license for Consultant to use work products developed under this project for public benefit purposes that are not competitive with this project and do not represent a conflict of interest with the project.

6. **Liability.** With regard to the Work to be performed by the Consultant pursuant to the terms of this Agreement, the Consultant shall not be liable to the Cities, or to anyone who may claim any right due to any relationship with the Cities, for any acts or omissions in the performance of Work on the part of the Consultant except (i) in the event of a breach by Consultant of its obligations under this Agreement or (ii) when said acts or omissions of the Consultant are due to the negligence or fraud of the Consultant.

7. **Compensation, Payment and Invoice Submission.** The maximum amount payable under this agreement is \$25,000.00. The Cities agree to reimburse Consultant for eligible time for Work as defined in Appendix A - Statement of Work from April 12, 2017, the effective date of the Program Eligibility and Funding Agreement between the cities of Mendota and Reedley and the Fresno County Transportation Authority. Services prior to this date are not eligible for reimbursement. The Cities have no obligation to pay more than \$25,000.00 without a future contract amendment authorized by the governing bodies.

Payments will be made as follows: the Consultant shall track all hours and expenses associated with the project and submit a detailed invoice to each city on a time and materials basis, according to the table below, no more than on a monthly frequency. All expenses shall be submitted with appropriate documentation such as receipts or other proof of payment. For ease of processing payments to Consultant, the City of Reedley agrees to be the lead agency to make payments to Consultant on behalf of both Cities and request reimbursements from the granting agency. Payments to Consultant shall only be made if both Cities do not contest any costs shown on invoices.

Government Billing Rates by Labor Class

Administrative/Intern Staff	\$98.35
Associate Project Manager	\$115.45
Project Manager	\$145.38
Program Manager/Senior Proj Mgr	\$222.34
Senior Program Mgr/Regional Dir	\$290.76
Senior Manager/Executive	\$474.63

Other direct costs will be burdened by a 12.54% indirect rate which is consistent with the Consultant's federally approved indirect rates and cost allocation plan.

8. Amendment; Waiver. No amendment, modification or waiver of any provision of this Agreement shall be effective unless such amendment, modification or waiver is mutually agreed upon in writing by the parties hereto. The failure of any party to enforce any of the provisions of this Agreement shall in no way be construed as a waiver of such provisions and shall not affect the right of such party thereafter to enforce each and every provision of this Agreement in accordance with its terms. The waiver by any party of a breach of any provision of this Agreement shall not operate or be construed as a waiver of any subsequent breach of any provision of this Agreement.

9. Governing Law. The provisions of this Agreement shall be governed by and construed in accordance with the laws of the State of California.

10. Arbitration. Any controversy or claim arising out of or relating to this Agreement, or the breach of this Agreement, that cannot be resolved by the parties in a reasonable amount of time, shall be settled by arbitration in accordance of the rules of the American Arbitration Association, and judgment upon the award rendered by the arbitrator(s) shall be entered in any court of competent jurisdiction. For that purpose, the parties hereto consent to the jurisdiction and venue of an appropriate court located in the State of California, County of Fresno. In the event that litigation results from or arises out of this Agreement or the performance hereof, the parties agree to reimburse the prevailing party's reasonable attorney's fees and reasonable out-of-pocket and documented expenses and court costs, whether or not taxable by the court as costs, in addition to any other relief to which the prevailing party may be entitled.

11. Counterparts and Facsimile Signatures. This Agreement may be executed in one or more counterparts and each of them shall be deemed to be one and the same instrument. This Agreement may be executed by facsimile signatures, including electronic format.

IN WITNESS WHEREOF, the parties have hereunto executed this Agreement as of the date first written below.

City of Reedley

By: _____
Nicole R. Zieba
City Manager

Date: _____

City of Mendota

By: _____
Vince DiMaggio
City Manager

Date: _____

CALSTART, Inc.

By: _____
Scott Carrano
Chief Financial Officer

Date: _____

Appendix A - Statement of Work

Consultant shall:

1. Assist the Cities of Reedley and Mendota with public engagement and outreach for the project. This work shall include, but not be limited to;
 - a. Presenting information about the project at national aviation association events and forums,
 - b. Providing interviews with local and national media about the project,
 - c. Providing information about and promoting the project with aviation industry representatives,
 - d. Developing content and providing updates through the project website,
 - e. Engaging Federal agencies and Congressional representatives, such as U.S. Department of Transportation, U.S. Department of Labor, and the White House to educate them about the project and work to address any regulatory issues that potentially impact the project,
 - f. Engaging State agencies such as the California Energy Commission, California Air Resources Board, and others to provide updates about the project and encourage their support and potential funding for project expansion.
 - g. Assist with fund raising and sponsor engagement to enhance and support project expansion.
2. Provide primary point of contact engagement with the Federal Aviation Administration and Pipistrel Aircraft regarding aircraft airworthiness certification, registration, and pilot training requirements.
3. Assist the City of Reedley and City of Mendota with hangar construction specifications and budget review, charger installation technical support, and any required liaison work with Pacific Gas and Electric company related to electric power requirements at the airport sites.
4. Work with the flight school selected for the project to deploy the four (4) Pipistrel Alpha Electros successfully in flight training operations.
5. Assist the City of Reedley and City of Mendota with lease-back contract development.
6. Develop and implement a data collection protocol for the project and work with site hosts for the chargers and flight school to gather the following data:
 - a. Number of flight hours logged per aircraft per month
 - b. Number of kWh of electricity used to charge each aircraft
 - c. Total kWh of electricity used to charge all four aircraft per month
 - d. Number of students trained in the aircraft per year and over the term of the project
 - e. Cost of maintenance for each aircraft per year and over the term of the project
 - f. Average flight time and range per charge per year
 - g. Battery state-of-charge performance of the term of the project

Pilot acceptance and instructor acceptance of the aircraft in the first two years (subjective evaluation)

A G E N D A I T E M - S T A F F R E P O R T

DATE: July 21, 2017

TO: Honorable Mayor and City Council Members

FROM: John P. Kinsey, City Attorney
Vince DiMaggio, City Manager

SUBJECT: Introduction of Ordinance No. 17-12: An Ordinance Increasing the Sales and Use Tax for Public Safety, and Give First Reading, By Title Only, with Second Reading Waived

ISSUE:

Consideration of an ordinance that would effectuate an increase of the sales and use tax for public safety, contingent upon the results of the mail ballot election to be conducted August 29, 2017.

BACKGROUND:

The City has duly scheduled an election on August 29, 2017, by mail-in ballot for a special parcel tax for public safety and increase of the sales and use tax for public safety.

One of the procedural requirements under state law for an increase in a sales and use tax is for the City, prior to the election, to adopt an ordinance effectuating such increase in advance of the election.

Staff has prepared a draft ordinance for consideration by the City Council, and has consulted with the California Department of Tax and Fee Administration regarding the form and content of the proposed Ordinance Increasing the Sales and Use Tax for Public Safety (the “Proposed Ordinance”).

The Proposed Ordinance is consistent with Measure B, which will be considered in an all-mail ballot election scheduled for August 29, 2017.

The Proposed Ordinance would not be effective unless and until the ballot measure is approved in the August 29, 2017, mail ballot election.

///

DISCUSSION:

Staff is recommending that the City Council conduct a first reading of the Proposed Ordinance. The Council's adoption of the Proposed Ordinance is an action the City must take to effectuate the proposed sales and use tax, contingent upon the approval of the measure on August 29, 2017.

RECOMMENDATION

Motion to introduce the enclosed ordinance and give first reading, by title only, with second reading waived.

**BEFORE THE CITY COUNCIL
OF THE
CITY OF MENDOTA, COUNTY OF FRESNO**

**AN ORDINANCE OF THE CITY OF MENDOTA
IMPOSING A TRANSACTIONS AND USE TAX
TO BE ADMINISTERED BY THE CALIFORNIA
DEPARTMENT OF TAX AND FEE ADMINISTRATION**

ORDINANCE NO. 17-12

Section 1. TITLE. This ordinance shall be known as the City of Mendota Ordinance Increasing the Sales and Use Tax for Public Safety (the "Ordinance"). The City of Mendota hereinafter shall be called "City." This ordinance shall be applicable in the incorporated territory of the City.

Section 2. OPERATIVE DATE. "Operative Date" means the first day of the first calendar quarter commencing more than 110 days after the adoption of this ordinance, the date of such adoption being as set forth below.

Section 3. PURPOSE. This ordinance is adopted to achieve the following, among other purposes, and directs that the provisions hereof be interpreted in order to accomplish those purposes:

A. To impose a retail transactions and use tax in accordance with the provisions of Part 1.6 (commencing with Section 7251) of Division 2 of the Revenue and Taxation Code and Section 7285.91 of Part 1.7 of Division 2 which authorizes the City to adopt this tax ordinance which shall be operative if two-thirds of the electors voting on the measure vote to approve the imposition of the tax at an election called for that purpose.

B. To adopt a retail transactions and use tax ordinance that incorporates provisions identical to those of the Sales and Use Tax Law of the State of California insofar as those provisions are not inconsistent with the requirements and limitations contained in Part 1.6 of Division 2 of the Revenue and Taxation Code.

C. To adopt a retail transactions and use tax ordinance that imposes a tax and provides a measure therefore that can be administered and collected by the California Department of Tax and Fee Administration in a manner that adapts itself as fully as practicable to, and requires the least possible deviation from, the existing statutory and administrative procedures followed by the California Department of Tax and Fee Administration in administering and collecting the California State Sales and Use Taxes.

D. To adopt a retail transactions and use tax ordinance that can be administered in a manner that will be, to the greatest degree possible, consistent with the provisions of Part 1.6 of Division 2 of the Revenue and Taxation Code, minimize the cost of collecting the transactions and use taxes, and at the same time, minimize the burden of record keeping upon persons subject to taxation under the provisions of this ordinance.

Section 4. CONTRACT WITH STATE. Prior to the operative date, the City shall contract with the California Department of Tax and Fee Administration to perform all functions incident to the administration and operation of this transactions and use tax ordinance; provided, that if the City shall not have contracted with the California Department of Tax and Fee Administration prior to the operative date, it shall nevertheless so contract and in such a case the operative date shall be the first day of the first calendar quarter following the execution of such a contract.

Section 5. TRANSACTIONS TAX RATE. For the privilege of selling tangible personal property at retail, a tax is hereby imposed upon all retailers in the incorporated territory of the City at the rate of 1.0% of the gross receipts of any retailer from the sale of all tangible personal property sold at retail in said territory on and after the operative date of this ordinance.

Section 6. PLACE OF SALE. For the purposes of this ordinance, all retail sales are consummated at the place of business of the retailer unless the tangible personal property sold is delivered by the retailer or his agent to an out-of-state destination or to a common carrier for delivery to an out-of-state destination. The gross receipts from such sales shall include delivery charges, when such charges are subject to the state sales and use tax, regardless of the place to which delivery is made. In the event a retailer has no permanent place of business in the State or has more than one place of business, the place or places at which the retail sales are consummated shall be determined under rules and regulations to be prescribed and adopted by the California Department of Tax and Fee Administration.

Section 7. USE TAX RATE. An excise tax is hereby imposed on the storage, use or other consumption in the City of tangible personal property purchased from any retailer on and after the operative date of this ordinance for storage, use or other consumption in said territory at the rate of 1.0% of the sales price of the property. The sales price shall include delivery charges when such charges are subject to state sales or use tax regardless of the place to which delivery is made.

Section 8. ADOPTION OF PROVISIONS OF STATE LAW. Except as otherwise provided in this ordinance and except insofar as they are inconsistent with the provisions of Part 1.6 of Division 2 of the Revenue and Taxation Code, all of the provisions of Part 1 (commencing with Section 6001) of Division 2 of the Revenue and Taxation Code are hereby adopted and made a part of this ordinance as though fully set forth herein.

Section 9. LIMITATIONS ON ADOPTION OF STATE LAW AND COLLECTION OF USE TAXES. In adopting the provisions of Part 1 of Division 2 of the Revenue and Taxation Code:

A. Wherever the State of California is named or referred to as the taxing agency, the name of this City shall be substituted therefor. However, the substitution shall not be made when:

1. The word "State" is used as a part of the title of the State Controller, State Treasurer, California Department of Tax and Fee Administration, State Treasury, or the Constitution of the State of California;

2. The result of that substitution would require action to be taken by or against this City or any agency, officer, or employee thereof rather than by or against the California Department of Tax and Fee Administration, in performing the functions incident to the administration or operation of this Ordinance.

3. In those sections, including, but not necessarily limited to sections referring to the exterior boundaries of the State of California, where the result of the substitution would be to:

a. Provide an exemption from this tax with respect to certain sales, storage, use or other consumption of tangible personal property which would not otherwise be exempt from this tax while such sales, storage, use or other consumption remain subject to tax by the State under the provisions of Part 1 of Division 2 of the Revenue and Taxation Code, or;

b. Impose this tax with respect to certain sales, storage, use or other consumption of tangible personal property which would not be subject to tax by the state under the said provision of that code.

4. In Sections 6701, 6702 (except in the last sentence thereof), 6711, 6715, 6737, 6797 or 6828 of the Revenue and Taxation Code.

B. The word "City" shall be substituted for the word "State" in the phrase "retailer engaged in business in this State" in Section 6203 and in the definition of that phrase in Section 6203.

Section 10. PERMIT NOT REQUIRED. If a seller's permit has been issued to a retailer under Section 6067 of the Revenue and Taxation Code, an additional transactor's permit shall not be required by this ordinance.

Section 11. EXEMPTIONS AND EXCLUSIONS.

A. There shall be excluded from the measure of the transactions tax and the use tax the amount of any sales tax or use tax imposed by the State of California or by any city, city and county, or county pursuant to the Bradley-Burns Uniform Local Sales and Use Tax Law or the amount of any state-administered transactions or use tax.

B. There are exempted from the computation of the amount of transactions tax the gross receipts from:

1. Sales of tangible personal property, other than fuel or petroleum products, to operators of aircraft to be used or consumed principally outside the county in which the sale is made and directly and exclusively in the use of such aircraft as common carriers of persons or property under the authority of the laws of this State, the United States, or any foreign government.

2. Sales of property to be used outside the City which is shipped to a point outside the City, pursuant to the contract of sale, by delivery to such point by the retailer or his agent, or by delivery by the retailer to a carrier for shipment to a consignee at such point. For the purposes of this paragraph, delivery to a point outside the City shall be satisfied:

a. With respect to vehicles (other than commercial vehicles) subject to registration pursuant to Chapter 1 (commencing with Section 4000) of Division 3 of the Vehicle Code, aircraft licensed in compliance with Section 21411 of the Public Utilities Code, and undocumented vessels registered under Division 3.5 (commencing with Section 9840) of the Vehicle Code by registration to an out-of-City address and by a declaration under penalty of perjury, signed by the buyer, stating that such address is, in fact, his or her principal place of residence; and

b. With respect to commercial vehicles, by registration to a place of business out-of-City and declaration under penalty of perjury, signed by the buyer, that the vehicle will be operated from that address.

3. The sale of tangible personal property if the seller is obligated to furnish the property for a fixed price pursuant to a contract entered into prior to the operative date of this ordinance.

4. A lease of tangible personal property which is a continuing sale of such property, for any period of time for which the lessor is obligated to lease the property for an amount fixed by the lease prior to the operative date of this ordinance.

5. For the purposes of subparagraphs (3) and (4) of this section, the sale or lease of tangible personal property shall be deemed not to be obligated pursuant to a contract or lease for any period of time for which any party to the contract or lease has the unconditional right to terminate the contract or lease upon notice, whether or not such right is exercised.

C. There are exempted from the use tax imposed by this ordinance, the storage, use or other consumption in this City of tangible personal property:

1. The gross receipts from the sale of which have been subject to a transactions tax under any state-administered transactions and use tax ordinance.

2. Other than fuel or petroleum products purchased by operators of aircraft and used or consumed by such operators directly and exclusively in the use of such aircraft as common carriers of persons or property for hire or compensation under a certificate of public convenience and necessity issued pursuant to the laws of this State, the United States, or any foreign government. This exemption is in addition to the exemptions provided in Sections 6366 and 6366.1 of the Revenue and Taxation Code of the State of California.

3. If the purchaser is obligated to purchase the property for a fixed price pursuant to a contract entered into prior to the operative date of this ordinance.

4. If the possession of, or the exercise of any right or power over, the tangible personal property arises under a lease which is a continuing purchase of such property for any period of time for which the lessee is obligated to lease the property for an amount fixed by a lease prior to the operative date of this ordinance.

5. For the purposes of subparagraphs (3) and (4) of this section, storage, use, or other consumption, or possession of, or exercise of any right or power over, tangible personal property shall be deemed not to be obligated pursuant to a contract or lease for any period of time for which any party to the contract or lease has the unconditional right to terminate the contract or lease upon notice, whether or not such right is exercised.

6. Except as provided in subparagraph (7), a retailer engaged in business in the City shall not be required to collect use tax from the purchaser of tangible personal property, unless the retailer ships or delivers the property into the City or participates within the City in making the sale of the property, including, but not limited to, soliciting or receiving the order, either directly or indirectly, at a place of business of the retailer in the City or through any representative, agent, canvasser, solicitor, subsidiary, or person in the City under the authority of the retailer.

7. "A retailer engaged in business in the City" shall also include any retailer of any of the following: vehicles subject to registration pursuant to Chapter 1 (commencing with Section 4000) of Division 3 of the Vehicle Code, aircraft licensed in compliance with Section 21411 of the Public Utilities Code, or undocumented vessels registered under Division 3.5 (commencing with Section 9840) of the Vehicle Code. That retailer shall be required to collect use tax from any purchaser who registers or licenses the vehicle, vessel, or aircraft at an address in the City.

D. Any person subject to use tax under this ordinance may credit against that tax any transactions tax or reimbursement for transactions tax paid to a district imposing, or retailer liable for a transactions tax pursuant to Part 1.6 of Division 2 of the Revenue and Taxation Code with respect to the sale to the person of the property the storage, use or other consumption of which is subject to the use tax.

Section 12. AMENDMENTS. All amendments subsequent to the effective date of this ordinance to Part 1 of Division 2 of the Revenue and Taxation Code relating to sales and use taxes and which are not inconsistent with Part 1.6 and Part 1.7 of Division 2 of the Revenue and Taxation Code, and all amendments to Part 1.6 and Part 1.7 of Division 2 of the Revenue and Taxation Code, shall automatically become a part of this ordinance, provided however, that no such amendment shall operate so as to affect the rate of tax imposed by this ordinance.

Section 13. ENJOINING COLLECTION FORBIDDEN. No injunction or writ of mandate or other legal or equitable process shall issue in any suit, action or proceeding in any court against the State or the City, or against any officer of the State or the City, to prevent or enjoin the collection under this ordinance, or Part 1.6 of Division 2 of the Revenue and Taxation Code, of any tax or any amount of tax required to be collected.

Section 14. USE OF TAX PROCEEDS AND EXPENDITURE PLAN. All proceeds of the tax levied and imposed hereunder shall be accounted for and paid into a special fund or account designated for use by the City of Mendota for police services only. For the purposes of this Section, "Police Services" means all programs, functions and operations of the Mendota Police Department including hiring additional police personnel; recruitment and retention of police officers; enhancing youth anti-gang and anti-drug programs; improving police training; purchasing, obtaining, furnishing, operating, and maintaining police equipment; enhancing graffiti abatement; increasing police presence in the City's neighborhoods, parks, and schools; and such other expenses for police services, including capital expenses, as are deemed necessary by the City Council for the benefit of the residents of the City. Because the proceeds of the tax shall be used for only for maintaining current police service levels, this section shall satisfy the expenditure plan requirement of Section 7285.91(c) of the Revenue and Taxation Code.

Section 15. SEVERABILITY. If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the ordinance and the application of such provision to other persons or circumstances shall not be affected thereby.

Section 16. EFFECTIVE DATE. If this ordinance is approved by two-thirds of the voters voting on the issue at the August 29, 2017 election, pursuant to Elections Code Section 9217, the tax shall become effective on January 1, 2018.

The foregoing ordinance was introduced on the 25th day of July, 2017 and duly passed and adopted by the City Council of the City of Mendota at a regular meeting thereof held on the 8th day of August, 2017 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Rolando Castro, Mayor

ATTEST:

Matt Flood, City Clerk

APPROVED AS TO FORM:

John Kinsey, City Attorney

AGENDA ITEM – STAFF REPORT

TO: HONORABLE MEMBERS OF THE CITY COUNCIL
FROM: GREGG ANDREOTTI, CHIEF OF POLICE
VIA: VINCE DIMAGGIO, CITY MANAGER
SUBJECT: 2016 WEED ABATEMENT ASSESSMENTS PUBLIC HEARING
DATE: JULY 17, 2017

BACKGROUND

City of Mendota Code Enforcement has performed abatements on properties within the City with weeds on them constituting a public nuisance. A total of 17 properties were forcibly abated, with one property owner reimbursing the City for the cost of the abatement after the fact, making 16 properties on the cost report to be assessed.

Following a first “initial” notice and a second “courtesy” notice, properties were checked for compliance, and if they still failed were informed that if they did not comply, the City would proceed with a forced abatement. While some property owners abated the nuisance on their own, those that did not do so were forcefully abated by a private contractor hired by the City.

The attached resolution includes the cost that will be assessed to each parcel to recover City cost incurred through abatement. The Cost Report and Summary attached to the resolution was submitted and filed with the City Clerk. All detected properties were abated before the 4th of July holiday in order to decrease the risk of a destructive fire on those properties. This is what is being considered by Council to be added to the 2017/2018 tax rolls.

A notice of this public hearing was posted on each property and mailed to each property owner impacted, along with a Notice of Public Hearing, posted on the kiosk outside City Hall on or before July 21st. Letters were also mailed out to the property owners detailing the amount that is owed, notifying them that they have the ability to pay the abatement costs prior to the assessment and that they also have the right to submit a written or oral protest before or during the public hearing at this Council meeting.

Each property owner will have the corresponding amount levied on their annual property tax bill to be paid.

FISCAL IMPACT:

Approximately \$15,421.06 spent to abate, which will be recovered by assessing the property owner on their tax bill.

RECOMMENDED ACTION:

Council consideration and approval to adopt Resolution No.17-46: A Resolution of the City Council of the City of Mendota in the matter of authorizing the Placement of Special Assessments on the 2017-2018 Tax Roll for the 2016 Nuisance Abatement Costs.

**BEFORE THE CITY COUNCIL
OF THE
CITY OF MENDOTA, COUNTY OF FRESNO**

**A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF MENDOTA IN THE
MATTER OF AUTHORIZING THE
PLACEMENT OF SPECIAL ASSESSMENTS
ON THE 2017-2018 TAX ROLL FOR 2016
NUISANCE ABATEMENT COSTS**

RESOLUTION NO. 17-46

WHEREAS, the City of Mendota pursuant to Mendota Municipal Code Chapter (MMC) 8.20 served due process to property owners to abate nuisances on their properties; and

WHEREAS, weed abatement notices were posted on each property and mailed to all property owners; and

WHEREAS, the property owners failed to abate nuisances on their properties after receiving notice by the City to do so; and

WHEREAS, the City thereafter forcibly abated the respective nuisances in compliance with California Fire Code 15.24.010 and MMC Section 8.20.080, which entitles the City to reimbursement for said costs, which are not based on property valuation; and

WHEREAS, notices were given to the property owners that they could protest or object to the Cost Report and Account to the City Council at a public hearing held on July 25, 2017; and

WHEREAS, the City Council of the City of Mendota conducted said public hearing on July 25, 2017 and, upon conclusion of the hearing, by motion allowed or overruled any or all objections; and

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Mendota, hereby approves the following costs (as reflected in the Cost Report & Account) attached hereto as Exhibit "A" and authorizes the placement of the expense of said abatement on the tax roll (Tax Code 6657), as provided in MMC Section 8.20.130, of each individual parcel as an assessment to be collected on the annual tax assessment bill as follows:

<u>APN</u>	<u>FEE</u>
013-162-02s	\$ 1071.60
013-241-15	\$ 909.60
013-183-01	\$ 909.60

013-313-17s	\$ 990.60
013-153-08	\$ 940.60
<u>APN</u>	<u>FEE</u>
013-230-37	\$ 909.60
013-161-13	\$ 936.60
013-087-08	\$ 801.60
013-215-08	\$ 1287.60
013-253-15	\$ 963.60
013-086-18	\$ 936.60
013-086-19	\$ 936.60
013-192-03	\$ 1017.60
013-201-14	\$ 909.60
013-201-13	\$ 909.60
013-118-07	\$ 990.60

THEREFORE, BE IT FURTHER RESOLVED, that the abated weeds, grasses, dead trees, dead shrubs and waste matter constitute a public nuisance and on that basis was abated by the City in accordance with Chapter 8.20 of the Mendota Municipal Code.

Rolando Castro, Mayor

ATTEST:

I, Matt Flood, City Clerk of the City of Mendota, do hereby certify that the foregoing resolution was duly adopted and passed by the City Council at a regular meeting of said Council, held at the Mendota City Hall on the 25th day of July, 2017, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Matt Flood, City Clerk

Schedule of Fees

Address: N/A
 APN: 013-230-37
 Date: 07/02/2016

		<u>Quantity</u>	<u>Total Cost</u>
1 <u>Tractor Scraping</u>			
A. per hour	\$ 135.00	2.4	\$ 324.00
2 <u>Hand Labor</u>			
A. per hour	\$ 40.00	2	\$ 80.00
3 <u>Mobilization Fee</u>			
A. per hour	\$ 135.00	1	\$ 135.00
			\$ -
			\$ -
			\$ -
4 <u>Debris Remediation (Includes chipping, grinding, and/or shredding)</u>			
A. trash	\$ 35.60	1	\$ 35.60
5 <u>Administrative Fee Pursuant to MMC 8.20.110</u>			
A. per parcel	\$ 100.00	1	\$ 100.00
6 <u>Attorney Services (when appropriate)</u>			
A. per hour	\$ 185.00	1	\$ 185.00
7 <u>Miscellaneous Fees Per Parcel</u>			
A. special inspection fee	\$ 50.00		\$ -
B. abatement lien	\$ 50.00	1	\$ 50.00
D. release of abatement lien	\$ 75.00		\$ -
E. notary public	\$ 20.00		\$ -
F. file duplication fee	\$ 50.00		\$ -
	(Reimbursement of cost)		
8 <u>Fees due to the City</u>			\$ 909.60

Schedule of Fees

Address: 573 Stamoules St
 APN: 013-215-08
 Date: 07/01/2016

		<u>Quantity</u>	<u>Total Cost</u>
1 <u>Tractor Scraping</u>			
A. per hour	\$ 135.00	5.2	\$ 702.00
2 <u>Hand Labor</u>			
A. per hour	\$ 40.00	2	\$ 80.00
3 <u>Mobilization Fee</u>			
A. per hour	\$ 135.00	1	\$ 135.00
			\$ -
			\$ -
			\$ -
4 <u>Debris Remediation (Includes chipping, grinding, and/or shredding)</u>			
A. trash	\$ 35.60	1	\$ 35.60
5 <u>Administrative Fee Pursuant to MMC 8.20.110</u>			
A. per parcel	\$ 100.00	1	\$ 100.00
6 <u>Attorney Services (when appropriate)</u>			
A. per hour	\$ 185.00	1	\$ 185.00
7 <u>Miscellaneous Fees Per Parcel</u>			
A. special inspection fee	\$ 50.00		\$ -
B. abatement lien	\$ 50.00	1	\$ 50.00
D. release of abatement lien	\$ 75.00		\$ -
E. notary public	\$ 20.00		\$ -
F. file duplication fee	\$ 50.00		\$ -
			(Reimbursement of cost)
8 <u>Fees due to the City</u>			\$ 1,287.60

Schedule of Fees

Address: 612 Oller St
 APN: 013-183-01
 Date: 07/01/2016

		<u>Quantity</u>	<u>Total Cost</u>
1 <u>Tractor Scraping</u>			
A. per hour	\$ 135.00	2.4	\$ 324.00
2 <u>Hand Labor</u>			
A. per hour	\$ 40.00	2	\$ 80.00
3 <u>Mobilization Fee</u>			
A. per hour	\$ 135.00	1	\$ 135.00
			\$ -
			\$ -
			\$ -
4 <u>Debris Remediation</u> (Includes chipping, grinding, and/or shredding)			
A. trash	\$ 35.60	1	\$ 35.60
5 <u>Administrative Fee Pursuant to MMC 8.20.110</u>			
A. per parcel	\$ 100.00	1	\$ 100.00
6 <u>Attorney Services</u> (when appropriate)			
A. per hour	\$ 185.00	1	\$ 185.00
7 <u>Miscellaneous Fees Per Parcel</u>			
A. special inspection fee	\$ 50.00		\$ -
B. abatement lien	\$ 50.00	1	\$ 50.00
D. release of abatement lien	\$ 75.00		\$ -
E. notary public	\$ 20.00		\$ -
F. file duplication fee	\$ 50.00		\$ -
			(Reimbursement of cost)
8 <u>Fees due to the City</u>			\$ 909.60

Schedule of Fees

Address: 661 S Kate St
 APN: 013-086-18
 Date: 07/02/2016

		<u>Quantity</u>	<u>Total Cost</u>
1 <u>Tractor Scraping</u>			
A. per hour	\$ 135.00	2.6	\$ 351.00
2 <u>Hand Labor</u>			
A. per hour	\$ 40.00	2	\$ 80.00
3 <u>Mobilization Fee</u>			
A. per hour	\$ 135.00	1	\$ 135.00
			\$ -
			\$ -
			\$ -
4 <u>Debris Remediation</u> (Includes chipping, grinding, and/or shredding)			
A. trash	\$ 35.60	1	\$ 35.60
5 <u>Administrative Fee Pursuant to MMC 8.20.110</u>			
A. per parcel	\$ 100.00	1	\$ 100.00
6 <u>Attorney Services</u> (when appropriate)			
A. per hour	\$ 185.00	1	\$ 185.00
7 <u>Miscellaneous Fees Per Parcel</u>			
A. special inspection fee	\$ 50.00		\$ -
B. abatement lien	\$ 50.00	1	\$ 50.00
D. release of abatement lien	\$ 75.00		\$ -
E. notary public	\$ 20.00		\$ -
F. file duplication fee	\$ 50.00		\$ -
			(Reimbursement of cost)
8 <u>Fees due to the City</u>			\$ 936.60

Schedule of Fees

Address: 697 S Kate St
 APN: 013-086-19
 Date: 07/02/2016

		<u>Quantity</u>	<u>Total Cost</u>
1 <u>Tractor Scraping</u>			
A. per hour	\$ 135.00	2.6	\$ 351.00
2 <u>Hand Labor</u>			
A. per hour	\$ 40.00	2	\$ 80.00
3 <u>Mobilization Fee</u>			
A. per hour	\$ 135.00	1	\$ 135.00
			\$ -
			\$ -
			\$ -
4 <u>Debris Remediation (Includes chipping, grinding, and/or shredding)</u>			
A. trash	\$ 35.60	1	\$ 35.60
	(Reimbursement of cost)		
5 <u>Administrative Fee Pursuant to MMC 8.20.110</u>			
A. per parcel	\$ 100.00	1	\$ 100.00
6 <u>Attorney Services (when appropriate)</u>			
A. per hour	\$ 185.00	1	\$ 185.00
7 <u>Miscellaneous Fees Per Parcel</u>			
A. special inspection fee	\$ 50.00		\$ -
B. abatement lien	\$ 50.00	1	\$ 50.00
D. release of abatement lien	\$ 75.00		\$ -
E. notary public	\$ 20.00		\$ -
F. file duplication fee	\$ 50.00		\$ -
			(Reimbursement of cost)
8 <u>Fees due to the City</u>			\$ 936.60

Schedule of Fees

Address: 772 Tule St
 APN: 013-253-15
 Date: 07/02/2016

		<u>Quantity</u>	<u>Total Cost</u>
1 <u>Tractor Scraping</u>			
A. per hour	\$ 135.00	2.8	\$ 378.00
2 <u>Hand Labor</u>			
A. per hour	\$ 40.00	2	\$ 80.00
3 <u>Mobilization Fee</u>			
A. per hour	\$ 135.00	1	\$ 135.00
			\$ -
			\$ -
			\$ -
4 <u>Debris Remediation (Includes chipping, grinding, and/or shredding)</u>			
A. trash	\$ 35.60	1	\$ 35.60
5 <u>Administrative Fee Pursuant to MMC 8.20.110</u>			
A. per parcel	\$ 100.00	1	\$ 100.00
6 <u>Attorney Services (when appropriate)</u>			
A. per hour	\$ 185.00	1	\$ 185.00
7 <u>Miscellaneous Fees Per Parcel</u>			
A. special inspection fee	\$ 50.00		\$ -
B. abatement lien	\$ 50.00	1	\$ 50.00
D. release of abatement lien	\$ 75.00		\$ -
E. notary public	\$ 20.00		\$ -
F. file duplication fee	\$ 50.00		\$ -
(Reimbursement of cost)			
8 <u>Fees due to the City</u>			\$ 963.60

Schedule of Fees

Address: 866 Oller St
APN: 013-192-03
Date: 07/01/2016

		<u>Quantity</u>	<u>Total Cost</u>
1 <u>Tractor Scraping</u>			
A. per hour	\$ 135.00	3.2	\$ 432.00
2 <u>Hand Labor</u>			
A. per hour	\$ 40.00	2	\$ 80.00
3 <u>Mobilization Fee</u>			
A. per hour	\$ 135.00	1	\$ 135.00
			\$ -
			\$ -
			\$ -
4 <u>Debris Remediation (Includes chipping, grinding, and/or shredding)</u>			
A. trash	\$ 35.60	1	\$ 35.60
5 <u>Administrative Fee Pursuant to MMC 8.20.110</u>			
A. per parcel	\$ 100.00	1	\$ 100.00
6 <u>Attorney Services (when appropriate)</u>			
A. per hour	\$ 185.00	1	\$ 185.00
7 <u>Miscellaneous Fees Per Parcel</u>			
A. special inspection fee	\$ 50.00		\$ -
B. abatement lien	\$ 50.00	1	\$ 50.00
D. release of abatement lien	\$ 75.00		\$ -
E. notary public	\$ 20.00		\$ -
F. file duplication fee	\$ 50.00		\$ -
	(Reimbursement of cost)		
8 <u>Fees due to the City</u>			\$ 1,017.60

Schedule of Fees

Address: 977 Marie St
 APN: 013-118-07
 Date: 07/02/2016

		<u>Quantity</u>	<u>Total Cost</u>
1 <u>Tractor Scraping</u>			
A. per hour	\$ 135.00	3	\$ 405.00
2 <u>Hand Labor</u>			
A. per hour	\$ 40.00	2	\$ 80.00
3 <u>Mobilization Fee</u>			
A. per hour	\$ 135.00	1	\$ 135.00
			\$ -
			\$ -
			\$ -
4 <u>Debris Remediation</u> (Includes chipping, grinding, and/or shredding)			
A. trash	\$ 35.60	1	\$ 35.60
5 <u>Administrative Fee Pursuant to MMC 8.20.110</u>			
A. per parcel	\$ 100.00	1	\$ 100.00
6 <u>Attorney Services</u> (when appropriate)			
A. per hour	\$ 185.00	1	\$ 185.00
7 <u>Miscellaneous Fees Per Parcel</u>			
A. special inspection fee	\$ 50.00		\$ -
B. abatement lien	\$ 50.00	1	\$ 50.00
D. release of abatement lien	\$ 75.00		\$ -
E. notary public	\$ 20.00		\$ -
F. file duplication fee	\$ 50.00		\$ -
			(Reimbursement of cost)
8 <u>Fees due to the City</u>			\$ 990.60

Schedule of Fees

Address: 1067 Pucheu St
 APN: 013-201-14
 Date: 06/30/2016

		<u>Quantity</u>	<u>Total Cost</u>
1 <u>Tractor Scraping</u>			
A. per hour	\$ 135.00	2.4	\$ 324.00
2 <u>Hand Labor</u>			
A. per hour	\$ 40.00	2	\$ 80.00
3 <u>Mobilization Fee</u>			
A. per hour	\$ 135.00	1	\$ 135.00
			\$ -
			\$ -
			\$ -
4 <u>Debris Remediation (Includes chipping, grinding, and/or shredding)</u>			
A. trash	\$ 35.60	1	\$ 35.60
5 <u>Administrative Fee Pursuant to MMC 8.20.110</u>			
A. per parcel	\$ 100.00	1	\$ 100.00
6 <u>Attorney Services (when appropriate)</u>			
A. per hour	\$ 185.00	1	\$ 185.00
7 <u>Miscellaneous Fees Per Parcel</u>			
A. special inspection fee	\$ 50.00		\$ -
B. abatement lien	\$ 50.00	1	\$ 50.00
D. release of abatement lien	\$ 75.00		\$ -
E. notary public	\$ 20.00		\$ -
F. file duplication fee	\$ 50.00		\$ -
			(Reimbursement of cost)
8 <u>Fees due to the City</u>			\$ 909.60

Schedule of Fees

Address: 1079 Pucheu St
APN: 013-201-13
Date: 06/30/2016

		<u>Quantity</u>	<u>Total Cost</u>
1 <u>Tractor Scraping</u>			
A. per hour	\$ 135.00	2.4	\$ 324.00
2 <u>Hand Labor</u>			
A. per hour	\$ 40.00	2	\$ 80.00
3 <u>Mobilization Fee</u>			
A. per hour	\$ 135.00	1	\$ 135.00
			\$ -
			\$ -
			\$ -
4 <u>Debris Remediation (Includes chipping, grinding, and/or shredding)</u>			
A. trash	\$ 35.60	1	\$ 35.60
5 <u>Administrative Fee Pursuant to MMC 8.20.110</u>			
A. per parcel	\$ 100.00	1	\$ 100.00
6 <u>Attorney Services (when appropriate)</u>			
A. per hour	\$ 185.00	1	\$ 185.00
7 <u>Miscellaneous Fees Per Parcel</u>			
A. special inspection fee	\$ 50.00		\$ -
B. abatement lien	\$ 50.00	1	\$ 50.00
D. release of abatement lien	\$ 75.00		\$ -
E. notary public	\$ 20.00		\$ -
F. file duplication fee	\$ 50.00		\$ -
			(Reimbursement of cost)
8 <u>Fees due to the City</u>			\$ 909.60

Schedule of Fees

Address: 1084 OLLER ST
 APN: 013-153-08
 Date: 06/30/2016

		<u>Quantity</u>	<u>Total Cost</u>
1 <u>Tractor Scraping</u>			
A. per hour	\$ 135.00	3	\$ 405.00
2 <u>Hand Labor</u>			
A. per hour	\$ 40.00	2	\$ 80.00
3 <u>Mobilization Fee</u>			
A. per hour	\$ 135.00	1	\$ 135.00
			\$ -
			\$ -
			\$ -
4 <u>Debris Remediation (Includes chipping, grinding, and/or shredding)</u>			
A. trash	\$ 35.60	1	\$ 35.60
5 <u>Administrative Fee Pursuant to MMC 8.20.110</u>			
A. per parcel	\$ 100.00	1	\$ 100.00
6 <u>Attorney Services (when appropriate)</u>			
A. per hour	\$ 185.00	1	\$ 185.00
7 <u>Miscellaneous Fees Per Parcel</u>			
A. special inspection fee	\$ 50.00		\$ -
B. abatement lien	\$ 50.00	1	\$ 50.00
D. release of abatement lien	\$ 75.00		\$ -
E. notary public	\$ 20.00		\$ -
F. file duplication fee	\$ 50.00		\$ -
			(Reimbursement of cost)
8 <u>Fees due to the City</u>			\$ 940.60

Schedule of Fees

Address: 1278 OLLER ST
 APN: 013-161-13
 Date: 6/30/2016

	<u>Quantity</u>	<u>Total Cost</u>
1 <u>Tractor Scraping</u>		
A. per hour	\$135.00	2.6 \$351.00
2 <u>Hand Labor</u>		
A. per hour	\$40.00	2 \$ 80.00
3 <u>Mobilization Fee</u>		
A. per hour	\$ 135.00	1 \$ 135.00 \$ - \$ - \$ -
4 <u>Debris Remediation</u> (Includes chipping, grinding, and/or shredding)		
A. trash	\$ 35.60	1 \$ 35.60
5 <u>Administrative Fee Pursuant to MMC 8.20.110</u>		
A. per parcel	\$ 100.00	1 \$ 100.00
6 <u>Attorney Services</u> (when appropriate)		
A. per hour	\$ 185.00	1 \$ 185.00
7 <u>Miscellaneous Fees Per Parcel</u>		
A. special inspection fee	\$ 50.00	\$ -
B. abatement lien	\$ 50.00	1 \$ 50.00
D. release of abatement lien	\$ 75.00	\$ -
E. notary public	\$ 20.00	\$ -
F. file duplication fee	\$ 50.00	\$ -
	(Reimbursement of cost)	
8 <u>Fees due to the City</u>		\$ 936.60

AGENDA ITEM – STAFF REPORT

TO: HONORABLE MEMBERS OF THE CITY COUNCIL
FROM: GREGG ANDREOTTI, CHIEF OF POLICE
VIA: VINCE DIMAGGIO, CITY MANAGER
SUBJECT: 2017 WEED ABATEMENT ASSESSMENTS PUBLIC HEARING
DATE: JULY 17, 2017

BACKGROUND

City of Mendota Code Enforcement has performed abatements on properties within the City with weeds on them constituting a public nuisance. A total of 9 properties were forcibly abated making 9 properties on the cost report to be assessed.

Following a first “initial” notice and a second “courtesy” notice, properties were checked for compliance, and if they still failed were informed that if they did not comply, the City would proceed with a forced abatement. While some property owners abated the nuisance on their own, those that did not do so were forcefully abated by a private contractor hired by the City.

The attached resolution includes the cost that will be assessed to each parcel to recover City cost incurred through abatement. The Cost Report and Summary attached to the resolution was submitted and filed with the City Clerk. All detected properties were abated before the 4th of July holiday in order to decrease the risk of a destructive fire on those properties. This is what is being considered by Council to be added to the 2016-17 tax rolls.

A notice of this public hearing was posted on each property and mailed to each property owner impacted, along with a Notice of Public Hearing, posted on the kiosk outside City Hall on or before July 21st. Letters were also mailed out to the property owners detailing the amount that is owed, notifying them that they have the ability to pay the abatement costs prior to the assessment and that they also have the right to submit a written or oral protest before or during the public hearing at this Council meeting.

Each property owner will have the corresponding amount levied on their annual property tax bill to be paid.

FISCAL IMPACT:

Approximately \$8,190.00 spent to abate, which will be recovered by assessing the property owner on their tax bill.

RECOMMENDED ACTION:

Council consideration and approval to adopt Resolution No.17-47: A Resolution of the City Council of the City of Mendota in the matter of authorizing the Placement of Special Assessments on the 2017/2018 Tax Roll for the 2017 Nuisance Abatement Costs.

**BEFORE THE CITY COUNCIL
OF THE
CITY OF MENDOTA, COUNTY OF FRESNO**

**A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF MENDOTA IN THE
MATTER OF AUTHORIZING THE
PLACEMENT OF SPECIAL ASSESSMENTS
ON THE 2017/2018 TAX ROLL FOR 2017
NUISANCE ABATEMENT COSTS**

RESOLUTION NO. 17-47

WHEREAS, the City of Mendota pursuant to Mendota Municipal Code Chapter (MMC) 8.20 served due process to property owners to abate nuisances on their properties; and

WHEREAS, weed abatement notices were posted on each property and mailed to all property owners; and

WHEREAS, the property owners failed to abate nuisances on their properties after receiving notice by the City to do so; and

WHEREAS, the City thereafter forcibly abated the respective nuisances in compliance with California Fire Code 15.24.010 and MMC Section 8.20.080, which entitles the City to reimbursement for said costs, which are not based on property valuation; and

WHEREAS, notices were posted on each property and mailed to the property owners that they could protest or object to the Cost Report and Account to the City Council at a public hearing held on July 25, 2017; and

WHEREAS, the City Council of the City of Mendota conducted said public hearing on July 25, 2017 and, upon conclusion of the hearing, by motion allowed or overruled any or all objections; and

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Mendota, hereby approves the following costs (as reflected in the Cost Report & Account) attached hereto as Exhibit "A" and authorizes the placement of the expense of said abatement on the tax roll (Tax Code 6657), as provided in MMC Section 8.20.130, of each individual parcel as an assessment to be collected on the annual tax assessment bill as follows:

<u>APN</u>	<u>FEE</u>
013-087-18	\$ 855.00
013-162-02s	\$ 950.00
013-224-10	\$ 855.00

013-106-06	\$ 765.00
013-253-15	\$ 602.50
<u>APN</u>	<u>FEE</u>
013-117-02	\$ 1485.00
013-201-14	\$ 715.00
013-153-08	\$ 907.50
013-230-37	\$ 1055.00

THEREFORE, BE IT FURTHER RESOLVED, that the abated weeds, grasses, dead trees, dead shrubs and waste matter constitute a public nuisance and on that basis was abated by the City in accordance with Chapter 8.20 of the Mendota Municipal Code.

Rolando Castro, Mayor

ATTEST:

I, Matt Flood, City Clerk of the City of Mendota, do hereby certify that the foregoing resolution was duly adopted and passed by the City Council at a regular meeting of said Council, held at the Mendota City Hall on the 25th day of July, 2017 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Matt Flood, City Clerk

Schedule of Fees

Address: 7th St and S. Kate St

APN: 013-087-18

Date: 07/01/2017

		<u>Quantity</u>	<u>Total Cost</u>
1 <u>Tractor Scraping</u>			
A. per square foot	\$ 0.05	9,600	\$ 480.00
2 <u>Mobilization Fee</u>			
A. per lot	\$ 25.00	1	\$ 25.00
			\$ -
			\$ -
			\$ -
3 <u>Debris Remediation (Includes chipping, grinding, and/or shredding)</u>			
A. trash per bag	\$ 15.00	1	\$ 15.00
4 <u>Administrative Fee Pursuant to MMC 8.20.110</u>			
A. per parcel	\$ 100.00	1	\$ 100.00
5 <u>Attorney Services (when appropriate)</u>			
A. per hour	\$ 185.00	1	\$ 185.00
6 <u>Miscellaneous Fees Per Parcel</u>			
A. special inspection fee	\$ 50.00		\$ -
B. abatement lien	\$ 50.00	1	\$ 50.00
D. release of abatement lien	\$ 75.00		\$ -
E. notary public	\$ 20.00		\$ -
F. file duplication fee	\$ 50.00		\$ -
			(Reimbursement of cost)
7 <u>Fees due to the City</u>			\$ 855.00

Schedule of Fees

Address: 11th St and Oller St

APN: 013-162-02s

Date: 07/01/2017

		<u>Quantity</u>	<u>Total Cost</u>
1 <u>Tractor Scraping</u>			
A. per square foot	\$ 0.05	10,000	\$ 500.00
2 <u>Mobilization Fee</u>			
A. per lot	\$ 25.00	1	\$ 25.00
			\$ -
			\$ -
			\$ -
3 <u>Debris Remediation (Includes chipping, grinding, and/or shredding)</u>			
A. trash per bag	\$ 15.00	6	\$ 90.00
4 <u>Administrative Fee Pursuant to MMC.8.20.110</u>			
A. per parcel	\$ 100.00	1	\$ 100.00
5 <u>Attorney Services (when appropriate)</u>			
A. per hour	\$ 185.00	1	\$ 185.00
6 <u>Miscellaneous Fees Per Parcel</u>			
A. special inspection fee	\$ 50.00		\$ -
B. abatement lien	\$ 50.00	1	\$ 50.00
D. release of abatement lien	\$ 75.00		\$ -
E. notary public	\$ 20.00		\$ -
F. file duplication fee	\$ 50.00		\$ -
			(Reimbursement of cost)
7 <u>Fees due to the City</u>			\$ 950.00

Schedule of Fees

Address: 706 Lolita St
 APN: 013-106-06
 Date: 07/01/2017

		<u>Quantity</u>	<u>Total Cost</u>
1 <u>Tractor Scraping</u>			
A. per square foot	\$ 0.05	7,500	\$ 375.00
 2 <u>Mobilization Fee</u>			
A. per lot	\$ 25.00	1	\$ 25.00
			\$ -
			\$ -
			\$ -
 3 <u>Debris Remediation (Includes chipping, grinding, and/or shredding)</u>			
A. trash per bag	\$ 15.00	2	\$ 30.00
 4 <u>Administrative Fee Pursuant to MMC 8.20.110</u>			
A. per parcel	\$ 100.00	1	\$ 100.00
 5 <u>Attorney Services (when appropriate)</u>			
A. per hour	\$ 185.00	1	\$ 185.00
 6 <u>Miscellaneous Fees Per Parcel</u>			
A. special inspection fee	\$ 50.00		\$ -
B. abatement lien	\$ 50.00	1	\$ 50.00
D. release of abatement lien	\$ 75.00		\$ -
E. notary public	\$ 20.00		\$ -
F. file duplication fee	\$ 50.00		\$ -
			(Reimbursement of cost)
 7 <u>Fees due to the City</u>			\$ 765.00

Schedule of Fees

Address: 772 Tule St
 APN: 013-253-15
 Date: 07/01/2017

		<u>Quantity</u>	<u>Total Cost</u>
1 <u>Tractor Scraping</u>			
A. per square foot	\$ 0.05	4,550	\$ 227.50
2 <u>Mobilization Fee</u>			
A. per lot	\$ 25.00	1	\$ 25.00
			\$ -
			\$ -
			\$ -
3 <u>Debris Remediation</u> (Includes chipping, grinding, and/or shredding)			
A. trash per bag	\$ 15.00	1	\$ 15.00
4 <u>Administrative Fee Pursuant to MMC 8.20.110</u>			
A. per parcel	\$ 100.00	1	\$ 100.00
5 <u>Attorney Services</u> (when appropriate)			
A. per hour	\$ 185.00	1	\$ 185.00
6 <u>Miscellaneous Fees Per Parcel</u>			
A. special inspection fee	\$ 50.00		\$ -
B. abatement lien	\$ 50.00	1	\$ 50.00
D. release of abatement lien	\$ 75.00		\$ -
E. notary public	\$ 20.00		\$ -
F. file duplication fee	\$ 50.00		\$ -
			(Reimbursement of cost)
7 <u>Fees due to the City</u>			\$ 602.50

Schedule of Fees

Address: 891 Marie St
 APN: 013-117-02
 Date: 07/01/2017

		<u>Quantity</u>	<u>Total Cost</u>
1 <u>Tractor Scraping</u>			
A. per square foot	\$ 0.05	22,500	\$ 1,125.00
2 <u>Mobilization Fee</u>			
A. per lot	\$ 25.00	1	\$ 25.00
			\$ -
			\$ -
			\$ -
3 <u>Debris Remediation</u> (Includes chipping, grinding, and/or shredding)			
A. trash per bag	\$ 15.00	0	\$ -
4 <u>Administrative Fee Pursuant to MMC 8.20.110</u>			
A. per parcel	\$ 100.00	1	\$ 100.00
5 <u>Attorney Services</u> (when appropriate)			
A. per hour	\$ 185.00	1	\$ 185.00
6 <u>Miscellaneous Fees Per Parcel</u>			
A. special inspection fee	\$ 50.00		\$ -
B. abatement lien	\$ 50.00	1	\$ 50.00
D. release of abatement lien	\$ 75.00		\$ -
E. notary public	\$ 20.00		\$ -
F. file duplication fee	\$ 50.00		\$ -
			(Reimbursement of cost)
7 <u>Fees due to the City</u>			\$ 1,485.00

Schedule of Fees

Address: 1067 Pucheu St
 APN: 013-201-14
 Date: 07/01/2017

		<u>Quantity</u>	<u>Total Cost</u>
1 <u>Tractor Scraping</u>			
A. per square foot	\$ 0.05	6,750	\$ 337.50
 2 <u>Mobilization Fee</u>			
A. per lot	\$ 12.50	1	\$ 12.50
			\$ -
			\$ -
			\$ -
 3 <u>Debris Remediation</u> (Includes chipping, grinding, and/or shredding)			
A. trash per bag	\$ 15.00	2	\$ 30.00
 4 <u>Administrative Fee Pursuant to MMC 8.20.110</u>			
A. per parcel	\$ 100.00	1	\$ 100.00
 5 <u>Attorney Services</u> (when appropriate)			
A. per hour	\$ 185.00	1	\$ 185.00
 6 <u>Miscellaneous Fees Per Parcel</u>			
A. special inspection fee	\$ 50.00		\$ -
B. abatement lien	\$ 50.00	1	\$ 50.00
D. release of abatement lien	\$ 75.00		\$ -
E. notary public	\$ 20.00		\$ -
F. file duplication fee	\$ 50.00		\$ -
			(Reimbursement of cost)
 7 <u>Fees due to the City</u>			 \$ 715.00

Schedule of Fees

Address: 1084 Oller St
 APN: 013-153-08
 Date: 07/01/2017

		<u>Quantity</u>	<u>Total Cost</u>
1 <u>Tractor Scraping</u>			
A. per square foot	\$ 0.05	10,000	\$ 500.00
 2 <u>Mobilization Fee</u>			
A. per lot	\$ 12.50	1	\$ 12.50
			\$ -
			\$ -
			\$ -
 3 <u>Debris Remediation</u> (Includes chipping, grinding, and/or shredding)			
A. trash per bag	\$ 15.00	4	\$ 60.00
 4 <u>Administrative Fee Pursuant to MMC 8.20.110</u>			
A. per parcel	\$ 100.00	1	\$ 100.00
 5 <u>Attorney Services</u> (when appropriate)			
A. per hour	\$ 185.00	1	\$ 185.00
 6 <u>Miscellaneous Fees Per Parcel</u>			
A. special inspection fee	\$ 50.00		\$ -
B. abatement lien	\$ 50.00	1	\$ 50.00
D. release of abatement lien	\$ 75.00		\$ -
E. notary public	\$ 20.00		\$ -
F. file duplication fee	\$ 50.00		\$ -
	(Reimbursement of cost)		
 7 <u>Fees due to the City</u>			\$ 907.50

Schedule of Fees

Address: Jennings St and 9th St

APN: 013-230-37

Date: 07/01/2017

		<u>Quantity</u>	<u>Total Cost</u>
1 <u>Tractor Scraping</u>			
A. per square foot	\$ 0.05	13,600	\$ 680.00
2 <u>Mobilization Fee</u>			
A. per lot	\$ 25.00	1	\$ 25.00
			\$ -
			\$ -
			\$ -
3 <u>Debris Remediation</u> (Includes chipping, grinding, and/or shredding)			
A. trash per bag	\$ 15.00	1	\$ 15.00
4 <u>Administrative Fee Pursuant to MMC 8.20.110</u>			
A. per parcel	\$ 100.00	1	\$ 100.00
5 <u>Attorney Services</u> (when appropriate)			
A. per hour	\$ 185.00	1	\$ 185.00
6 <u>Miscellaneous Fees Per Parcel</u>			
A. special inspection fee	\$ 50.00		\$ -
B. abatement lien	\$ 50.00	1	\$ 50.00
D. release of abatement lien	\$ 75.00		\$ -
E. notary public	\$ 20.00		\$ -
F. file duplication fee	\$ 50.00		\$ -
			(Reimbursement of cost)
7 <u>Fees due to the City</u>			\$ 1,055.00

PUBLIC WORKS REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS
FROM: CRISTIAN GONZALEZ, PUBLIC WORKS DIRECTOR
VIA: VINCE DIMAGGIO, CITY MANAGER
SUBJECT: PUBLIC WORKS MONTHLY REPORT
DATE: JULY 25, 2017

STREETS AND ROADS

- Street sweeping continues as usual.
- Crews will continue addressing potholes citywide.
- A pre-construction meeting was held for the 7th and Derrick Realignment project. Construction will begin in a few weeks.
- Staff and consultants continue to work on creating a scope of work for the storm drain improvement grant that was approved for the city. The planning efforts would ultimately define projects that the city would request funds for.

PARKS AND PUBLIC BUILDINGS

- Public Works continues to maintain the parks for the community.
- The stadium lights at the Benny Mares Baseball Diamond have been repaired.

DRINKING WATER

- Meter reads are complete.
- The City received funding for a water leak detection audit. A specialist is set to begin and complete his work this week. The information the city will receive will include: reports and graphs, estimated amounts of current water loss and cost estimates for repairs. Those cost estimates will be used to apply for Prop 1 construction monies to implement the repairs/improvements.
- Staff and consultants had meetings with members from Self Help Enterprises to develop a scope of work to apply for a planning grant to identify options for increasing the city's water supply in order to account for new growth.

- Fire hydrant flushing is complete. Public Works will conduct this type of maintenance periodically throughout the year.
- Fire hydrant repair is ongoing. All hydrants will be operational.

WASTE WATER

- Monthly samples have been submitted.
- Crews continue to transfer water from semi-full ponds to shallow empty ponds to build up capacity and increase evaporation.
- The Fresno Slough water levels adjacent to the waste water treatment plant are currently not a threat.

ANIMAL CONTROL

- Animals impounded: 17
- Animals euthanized: 16
- Animals redeemed by owner: 0
- Graffiti abated: 3
- Citations issued: 0

ADULT OFFENDER WORK PROGRAM

- AOWP continue working on public right of ways and alley weed abatement, including all tree-wells and City owned lots and the Pool Park.

BUILDING PERMITS ISSUED

- A list of new permits is attached to the report.

PLANNING

- No significant planning updates.

STAFFING FOR PUBLIC WORKS

- 13 full time employees
- 2 part time employees

- 6 Proteus employees

FUEL STOCK

- Unleaded: 7,890 gallons
- Diesel: 2,185 gallons

Permits Issued

Report Date Range : 06/22/2017 to 07/19/2017

Permit #	Type of Permit	Date Issued	Job Address
20170132	434(a) RE-ROOF 3456 SQ FT ROOF TYPE: shingles ROOFING MATERIAL: shingles # OF LAYERS: 1	6/22/2017	1583 7th St
20170133	437(a) INSTALL TWO NEW MICROWAVE DISHES	6/22/2017	468 Oller St
20170134	434(b) REPLACING EXISTING A/C ON ROOF PER APPROVED PLAN 1200 SQFT	6/22/2017	855 Quince St
20170135	434(a) INSTALL 40 GALLON WATER HEATER	6/22/2017	647 Perez St
20170136	437(a) RE-ROOF EXISTING; ROL LED ROOF PROPOSE:FOAM 3 EXISTING LAYERS PITCH: FLAT ROOF	6/22/2017	690 Oller St
20170137	434(a) BUILDING TYPE: Corridor/ Patio 280 Sq. Ft. per approved plan	6/26/2017	237 I St
20170138	434(b) REPLACING EXISTING A/C ON ROOF PER APPROVED PLAN 1200 SQFT	6/26/2017	855 Quince St
20170139	434(a) REPLACE 40 GALLON WATER HEATER 38000 BTU	6/28/2017	611 N Kate St
20170140	434(a) MAIN SERVICE PANEL UPGRADE	6/28/2017	2041 8th St
20170141	434(a) NEW PORCH/PATIO 348 SQ FT PER APPROVED PLAN	6/29/2017	540 BARAJAS CT
20170142	328 Tenant Improvements to an Existing 10,000 SQFT Building	6/30/2017	111 BELMONT
20170143	434(a) RE-ROOF 4680 SQ FT PROPOSED ROOF TYPE NON-AR ASPHALT SHINGLES 1 EXISTING LAYER	7/6/2017	1209 5th St
20170144	434(a) RE-ROOF 1600 SQ FT PROPOSED ROOF TYPE SHINGLES 2 EXISTING LAYER SHINGLES	7/6/2017	1143 Pucheu St
20170145	434(a) RE-ROOF 1000 SQ FT PROPOSED ROOF TYPE COMPOSITION 2 EXISTING LAYER	7/6/2017	436 L St
20170146	MISC FENCE PERMIT - NEW SIDE FENCE PLASTIC	7/6/2017	425 Pucheu St

Permits Issued

Report Date Range : 06/22/2017 to 07/19/2017

Permit #	Type of Permit	Date Issued	Job Address
20170147	434(a) NEW PORCH/PATIO 208 SQ FT PER APPROVED PLAN	7/6/2017	540 Black Ave
20170148	329(b) SOLAR PANEL INSTALLATION PER APPORVED PLAN	7/10/2017	312 Gomez St
20170149	329(b) 8 PV PANELS; ROOF MOUNT: TILE ; 2.4 KW	7/10/2017	143 CERVANTEZ ST
20170150	329(b) SOLAR PANEL INSTALLATION PER APPROVED PLAN	7/10/2017	411 BANDONI CT
20170151	434(a) ELECTRICAL PANEL CHANGE OUT	7/10/2017	1143 Pucheu St
20170152	434(a) Install 100amp meter main electrical service on pole PER APPROVED PLAN	7/10/2017	450 Oller St
20170153	645 DEMOLISH OLD HOME 1100 SQ FT PER APPROVED PLAN	7/17/2017	731 Juanita St
20170155	434(b) REPLACING A/C UNIT 1200 SQFT PER APPROVED PLAN	7/17/2017	1583 7th St

Total Number of Permits List

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