



CITY OF MENDOTA

"Cantaloupe Center Of The World"

JUAN LUNA
Chair
MARTIN GAMEZ
Vice-Chair
ALBERT ESCOBEDO
JONATHAN LEIVA
KEVIN ROMERO
ABDUL OBAID
Alternate Commissioner

CITY OF MENDOTA PLANNING COMMISSION AGENDA

City Council Chambers
Mendota, CA 93640
REGULAR MEETING
April 18, 2017
6:30 P.M.

VINCE DiMAGGIO
City Manager
CRISTIAN GONZALEZ
Public Works/Planning Director
JEFF O'NEAL
City Planner

The Mendota City Planning Commission welcomes you to its meetings, which are scheduled for the 3rd Tuesday every month. Your interest and participation are encouraged and appreciated. Notice is hereby given that Planning Commissioners may discuss and/or take action on any or all of the items listed on this agenda. **Please turn your cell phone off. Thank you for your respect and consideration.**

Any public writings distributed by the City of Mendota to at least a majority of the Planning Commission 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.

CALL TO ORDER

ROLL CALL

FLAG SALUTE

FINALIZE THE AGENDA

1. Adoption of final Agenda.

MINUTES AND NOTICE OF WAIVING OF READING

1. Approval of the minutes of the special meetings of March 13, 2017 and March 27, 2017.
2. Notice of waiving the reading of all resolutions introduced and/or adopted under this agenda.

PUBLIC HEARING

1. Public Hearing to adopt **Resolution No. PC 17-04**, recommending that the City Council adopt an ordinance adding Chapter 8.28 to the Mendota Municipal Code, "The Landlord Accountability Act".
 - a. *Receive report from Economic Development Manager Flood*
 - b. *Inquiries from Planning Commissioners to staff*
 - c. *Chair Luna opens the public hearing*
 - d. *Once all comment has been received, Chair Luna closes the public hearing*
 - e. *Commission considers Resolution No. PC 17-04 for adoption*

PUBLIC COMMENT ON ITEMS THAT ARE NOT ON THE AGENDA

The public is invited to speak to the Planning Commission at this time about any item that is not on the Agenda. Please limit your comments to five (5) minutes. Please note that the Planning Commission cannot take action on any item not listed on the agenda.

PLANNING DIRECTOR UPDATE

PLANNING COMMISSIONERS' REPORTS

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 Planning Commission Regular Meeting of Tuesday, April 18, 2017 was posted on the outside bulletin board of City Hall, 643 Quince Street on Thursday, April 13, 2017 at 11:25 a.m.



Celeste Cabrera, Deputy City Clerk



**MINUTES OF MENDOTA
MENDOTA CITY COUNCIL /PLANNING COMMISSION
JOINT WORK/STUDY SESSION**

Joint Work/Study Session Monday, March 13, 2017 1:00 PM

Meeting called to order by Mayor Rolando Castro 1:01 p.m.

ROLL CALL CITY COUNCIL

Council Members Present: Mayor Rolando Castro, and Council Members Oscar Rosales, and Robert Silva.

Council Members Absent: Mayor Pro Tem Victor Martinez.

ROLL CALL PLANNING COMMISSION

Commissioners Present: Commissioners Albert Escobedo, Jonathan Leiva, Abdul Obaid, and Kevin Romero.

Commissioners Absent: Chairperson Juan Luna and Vice-Chairperson Martin Gamez.

Staff Present: City Manager Vince DiMaggio, Finance Director Rudy Marquez, Chief of Police Gregg Andretti, Lieutenant Kevin Smith, Records Manager Ophelia Lugo, Director of Administrative Services Jennifer Lekumberry, Finance Administrative Supervisor Nancy Diaz, City Attorney John Kinsey, Planning & Public Works Director Cristian Gonzalez, Public Works Superintendant Teofilo Bautista, Public Utilities Superintendant Jeronimo Angel, Economic Development Manager Matt Flood, and Deputy City Clerk Celeste Cabrera.

Others Presnt: Jesse Mendoza.

WORK/STUDY SESSION

1. AB 1234 Ethics training.

City Attorney John Kinsey provided training including summarizing the purpose of conflict laws; government transparency laws including the Brown Act, the Public Records Act; laws relating to personal financial gain by public servants, prohibitions against gifts of public funds; the Political Reform Act; Section 1090: Void Contracts; due process requirements; and competitive bidding requirements for public contracts.

PUBLIC COMMENT

None Offered

ADJOURNMENT OF CITY COUNCIL

Consensus was reached to adjourn the work/study session at 3:00 p.m., unanimously approved (3 ayes).

Rolando Castro, Mayor

ATTEST:

Matt Flood, City Clerk



CITY OF MENDOTA PLANNING COMMISSION MINUTES

Special Meeting

Monday, March 27, 2017

6:00 p.m.

Meeting called to order by Chairperson Luna at 6:03 PM.

Roll Call

Commissioners Present:

Chairperson Juan Luna, Albert Escobedo and Abdul Obaid.

Commissioners Absent:

Vice-Chairperson Martin Gamez, Commissioners Jonathan Leiva and Kevin Romero.

Staff Present:

Cristian Gonzalez, Planning & Public Works Director; Matt Flood, Economic Development Manager; and Celeste Cabrera, Deputy City Clerk.

Flag Salute led by Economic Development Manager Flood.

FINALIZE THE AGENDA

1. Adoption of final Agenda.

A motion was made by Commissioner Escobedo to adopt the agenda, seconded by Commissioner Obaid; unanimously approved (3 ayes, absent: Gamez, Leiva, and Romero).

MINUTES AND NOTICE OF WAIVING OF READING

1. Approval of the minutes of the regular meeting of February 21, 2017.
2. Notice of waiving the reading of all resolutions introduced and/or adopted under this agenda.

A motion to approve items 1 and 2 was made by Commissioner Escobedo, seconded by Commissioner Obaid; unanimously approved (3 ayes, absent: Gamez, Leiva, and Romero).

PUBLIC HEARING

1. Public Hearing to adopt **Resolution No. PC 17-01**, recommending that the City Council adopt an ordinance amending parts of the Mendota Municipal Code relating to outdoor advertising.

Chairperson Luna introduced the item and Economic Development Manager Flood summarized the report including modifying the Mendota Municipal Code (MMC) relating to outdoor advertising to be business friendly, and the proposed amendments to the MMC.

Planning & Public Works Director Gonzalez commended Director Flood for his work in modifying the sign ordinance.

Discussion was held on the amount of window space that businesses can cover with advertising.

At 6:12 p.m. Chairperson Luna opened the hearing to the public and, seeing no one present wishing to comment, closed it in that same minute.

A motion was made by Commissioner Escobedo to adopt Resolution No. PC 17-01, seconded by Commissioner Obaid; unanimously approved (3 ayes, absent: Gamez, Leiva, and Romero).

2. Public Hearing to adopt **Resolution No. PC 17-02**, recommending that the City Council adopt an ordinance amending the Mendota Municipal Code relating to permit application processing and siting locations for the installation of new wireless telecommunications facilities.

Chairperson Luna introduced the item and City Attorney Kinsey summarized the report including a report that staff received regarding wireless telecommunications providers creating facilities in public right-of-ways; regulating the construction of telecommunication facilities; and the ordinance providing clarification on application requirements.

At 6:15 p.m. Chairperson Luna opened the hearing to the public and, seeing no one present wishing to comment, closed it in that same minute.

A motion was made by Commissioner Escobedo to adopt Resolution No. PC 17-02, seconded by Commissioner Obaid; unanimously approved (3 ayes, absent: Gamez, Leiva, and Romero).

3. Public Hearing to adopt **Resolution No. PC 17-03**, recommending that the City Council adopt an ordinance amending Chapter 8.36 of the Mendota Municipal Code relating to recreational marijuana use and cultivation.

Chairperson Luna introduced the item and City Attorney Kinsey summarized the report including the recent modification of the medical marijuana ordinance; the passage of the Adult Use of Marijuana Act; the city still being able to regulate land use within the city's boundaries; and summarized the proposed amendments.

Discussion was held on regulations regarding the cultivation of marijuana.

At 6:20 p.m. Chairperson Luna opened the hearing to the public and, seeing no one present wishing to comment, closed it in that same minute.

A motion was made by Commissioner Escobedo to adopt Resolution No. PC 17-03, seconded by Commissioner Obaid; unanimously approved (3 ayes, absent: Gamez, Leiva, and Romero).

PUBLIC COMMENT ON ITEMS THAT ARE NOT ON THE AGENDA

None offered.

PLANNING DIRECTOR UPDATE

Planning & Public Works Director Gonzalez provided an update on various projects.

Discussion was held on the progress of the construction of the Catholic Church and the water conservation stage that the City is currently in.

PLANNING COMMISSIONERS' REPORTS

None offered.

ADJOURNMENT

At the hour of 6:26 p.m. with no more business to be brought before the Planning Commission, a motion for adjournment was made by Commissioner Escobedo, seconded by Commissioner Obaid; unanimously approved (3 ayes, absent: Gamez, Leiva, and Romero).

Juan Luna, Chairperson

ATTEST:

Matt Flood, City Clerk

AGENDA ITEM – STAFF REPORT

TO: HONORABLE MEMBERS OF THE PLANNING COMMISSION
FROM: MATT FLOOD, ECONOMIC DEVELOPMENT MANAGER
SUBJECT: RESOLUTION TO RECOMMEND THE CITY COUNCIL ADOPT VIA AN ORDINANCE THE “LANDLORD ACCOUNTABILITY ACT”
DATE: APRIL 18, 2017

ISSUE

Shall the Planning Commission adopt a Resolution recommending the Mendota City Council adopt an Ordinance implementing the “Landlord Accountability Act”?

BACKGROUND

Recently the City of Fresno passed an ordinance to hold landlords accountable when they do not fulfill their duty to keep their properties clean and maintained. Due to issues and complaints received by members of the Community, the Planning Commission, and the City Council over the years, staff formulated an ordinance with the same intention that has the potential to be implemented by our staff here in Mendota.

ANALYSIS

The proposed ordinance attached to the resolution in this report would add Chapter 8.28 to the Mendota Municipal Code (MMC). This Chapter would do three principal things:

- Establish a procedure by which City staff would schedule inspections
- Emphasize the role landlords have in complying with health and safety standards concerning the units they lease
- Provide local penalties for not complying with these standards

The way it is currently envisioned to work is that a party makes a formal report (including the exact location of the violation and a description of what the violation is), staff reports to the site to perform an inspection, and, based on the results of the inspection, a determination is made regarding corrections. This determination will consist of a Correction Notice that will give the landlord a certain reasonable amount of days (dependant on the work needed to be done), and if it is not done within that timeframe, the penalties listed in Section 8.28.100 will apply.

However, effective implementation will depend on how many resources are allocated to staffing, since an ordinance of this nature, once it is in full effect, will require at least one staff member dedicated completely to this operation. That is why staff crafted an ordinance that is reactive in nature, since the history of Mendota’s staffing levels has fluctuated depending on perceived priorities.

FISCAL IMPACT

Staff time to conduct inspections (how much will depend on demand and availability of time resources) and minor revenues from fines for non-compliance.

RECOMMENDATION

Staff recommends that the Planning Commission discuss the proposed ordinance, that the Chair open a hearing to take comment from the public, then the Commission adopt Resolution No. PC 17-04, forwarding a recommendation to the City Council to adopt Ordinance No. 17-09.

**PLANNING COMMISSION
OF THE CITY OF MENDOTA
FRESNO COUNTY, CALIFORNIA**

RESOLUTION NO. PC 17-04

**A RESOLUTION OF THE CITY OF MENDOTA PLANNING COMMISSION
RECOMMENDING THAT THE CITY COUNCIL OF THE CITY OF MENDOTA ADOPT
AN ORDINANCE ADDING CHAPTER 8.28 TO THE MENDOTA MUNICIPAL CODE,
“THE LANDLORD ACCOUNTABILITY ACT”**

WHEREAS, the City of Mendota Planning Commission is responsible for overseeing the more integral elements of urban development within the City of Mendota; and

WHEREAS, it is requested of the Planning Commission that, from time to time, it provide recommendations on ordinances that will impact the development of Mendota; and

WHEREAS, the City council has requested that more resources be made available for the enforcement of Health and Safety Codes, especially as it relates to housing; and

WHEREAS, City Staff has prepared a proposed Ordinance adding Chapter 8.28 to the Mendota Municipal Code that would implement a more specific reactive program that would ensure residents have appropriate and ample recourse to receive help when their living situation is substandard, which ordinance is attached hereto as “Exhibit A”; and

WHEREAS, on April 5, 2017, the City published notice in the Firebaugh Mendota Journal advising that the Planning Commission would conduct a public hearing on the Proposed Ordinance at its April 18, 2017, regular meeting; and

WHEREAS, on April 18, 2017, the Planning Commission conducted a duly-noticed public hearing on the proposed ordinance; and

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission for the City of Mendota hereby recommends to the City Council approval of the proposed ordinance, attached hereto and made a part of this resolution as “Exhibit A.”

BE IT FURTHER RESOLVED that the Planning Commission finds the approval of this ordinance is not subject to CEQA, pursuant to Section 15060(c)(2) of the CEQA Guidelines, on the grounds that the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment, and Section 15060(c)(3) of the CEQA Guidelines, on the grounds that the activity is not a project as defined in Section 15378 of the CEQA Guidelines, because it has no potential for resulting in physical change to the environment, directly or indirectly. Alternatively, the Planning Commission finds the approval of this ordinance is not a project under Section 15061(b)(3) of the

CEQA Guidelines because it has no potential for causing a significant effect on the environment.

PASSED AND ADOPTED by the Planning Commission of the City of Mendota at a regular meeting held on the 18th of April, 2017, upon a motion by Commissioner _____, a second by Commissioner _____, and by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Juan Luna, Chair

ATTEST:

Matt Flood, City Clerk

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

**AN ORDINANCE OF THE CITY COUNCIL
OF THE CITY OF MENDOTA, CALIFORNIA,
ADDING CHAPTER 8.28 TO THE
MENDOTA MUNICIPAL CODE, THE
“LANDLORD ACCOUNTABILITY ACT”**

ORDINANCE NO. 17-09

WHEREAS, the City Council is duly authorized and obligated to formulate policies that protects the health, safety, and peace of the community; and

WHEREAS, the City Council finds that within the community of Mendota there exists a preponderance of rented or leased housing that, due to negligence by the landlord or their agent, is in a substandard condition or otherwise not appropriate for reasonably comfortable human habitation; and

WHEREAS, the existence and continued support of such housing practices is not only a hazard to the health and welfare of the residents of Mendota, but a blight to the reputation of our City; and

WHEREAS, the exposition of significant cases in and around Mendota has brought to light the widespread practice of marginal property management methods that have put at risk the health and safety of surrounding dwellings; and

NOW THEREFORE, the City Council of the City of Mendota does ordain as follows:

SECTION 1. Chapter 8.28 of the Mendota Municipal Code is added, known hereby as the “Landlord Accountability Act”, and shall read:

8.28.010 – Purpose and Intent

It is the purpose and intent of this chapter to protect the health, safety, and general welfare of Mendota residents by emphasizing the importance of maintaining residential rental properties free of substandard living situations and to provide the City programmatic procedures and resources to facilitate and ensure correction when such situations are present.

It is also the purpose of this Chapter to provide a manner for residents within the City Limits to report, receive assistance with, and follow up on situations within their dwelling that pose a health and safety risk, especially to the most vulnerable populations, such as children and the elderly.

8.28.020 – Relationship with Other Laws

This chapter is not intended to, nor shall it be construed or given effect in a manner that causes it to conflict or supplant any Federal, State or other law that applies to housing, to the extent that application of this chapter would conflict with such law or would unduly interfere with the achievement of federal or state regulatory purposes. It is the intention of the City Council that this chapter shall be interpreted to be compatible and consistent with federal and state enactments and in furtherance of the purposes which those enactments express.

8.28.030 – Definitions

Notwithstanding any other provision in the Mendota Municipal Code, for purposes of this Chapter, the following terms shall have the following meanings:

“Director” shall mean the City Manager, or his or her designee.

“City” shall mean the City of Mendota and/or any agent hired to implement this article.

“Code” shall mean the Mendota Municipal Code unless otherwise specified.

“Health and Safety Standards” shall mean the standards set forth in California Civil Code 1941.1.

“Owner” means the person or entity identified and listed as having title by the latest property tax assessment roll, maintained by the Fresno County Assessor.

“Property” or “Residential Rental Property” means any lot or parcel of land containing Residential Rental Units, and all improvements thereon, including common areas.

“Residential Rental Unit” means any structure or part of a structure that is used or may be used by one or more persons as a home, residence, dwelling, or sleeping place for longer than thirty days, including single family dwellings, duplexes, triplexes, or multi-family (four units or more) residential buildings, or the residential component of any mixed-uses, which is not an owner occupied unit, including rooming houses, boarding houses, apartment units, condominium units, and single room occupancies, but excluding: (1) mobile home parks; (2) any dwelling unit in a building that is properly registered pursuant to Chapter 8.30 of this Code; (3) hotels, motels, and bed and breakfasts used for transient lodging; (4) any rental units in a state licensed hospital, hospice, community care facility, intermediate care facility, or nursing home; (5) rental housing units owned, managed or operated by an educational, religious, or medical institution, or by a third party for an educational, religious, or medical institution, when units are used for the sole purpose of

housing employees, students, clergy, patients, or others directly related to the operation or service of the institution; and (6) any temporary structure illegally established or inhabited that does not comply with the provisions of Title 15 of this Code and that qualifies as a Public Nuisance pursuant to any of the subsections of Section 8.20.050 of this Code.

“Tenant’s Affirmative Obligations” shall mean the standards set forth in California Civil Code 1941.2. An Inspector’s determination that a tenant is or is not in substantial violation of Tenant’s Affirmative Obligations, or the cause of the existence of a dilapidation or violation, or interferes substantially with the Owner’s obligation to effect necessary maintenance or repairs is not intended as evidentiary proof of the condition of the unit, and shall be used only for purposes of implementing and enforcing this article.

8.28.40 – Scope

- A. The provisions of this article shall apply to all Residential Rental Units located within the city.**
- B. Provisions of this article shall be supplementary and complementary to all of the provisions of this Code, and any local, state or federal law. Nothing herein shall be construed or interpreted to limit any existing right or power of the city to abate and prosecute any and all nuisances or to enforce any other conditions in violation of state or local laws, including but not limited to any building, housing, property maintenance, and public nuisance law.**

8.28.050 – Inspections and Compliance with Applicable Codes and Standards

- A. Inspections. The Director, or his or her designee, hereinafter referred to as the Inspector, is authorized to inspect all Residential Rental Units to determine whether such Residential Rental Units meet minimum Health and Safety Standards.**
- B. Number of Units Inspected. Where there exists more than four Residential Rental Units on a Residential Rental Property, the Inspector may choose a percentage of representative units to inspect. The city shall have the right to select those Properties it has identified as frequent health and safety code violators, and/or to select all Residential Rental Units and inspect those Properties when implementing the program.**
- C. Compliance with Codes and Standards. Residential Rental Units shall be required to be in conformance and maintained in accordance with the code standard that was in effect at the time the Residential Rental Unit was constructed, substantially altered, or remodeled, erected, or**

converted, except for any additional requirements mandated by this Code or state law.

8.28.060 – Cause of Inspection

- A. An inspection shall take place when a formal report is received by the City that a property is not in compliance and there is probable cause that such report is legitimate.**
- B. Notwithstanding subsection (A) above, the City reserves the right to discretionarily modify the frequency of, or outright deny carrying out, an inspection if there is reasonable suspicion that a reporting party is endeavoring to utilize this Chapter to harass or otherwise burden a tenant, landlord, or other party with a legal interest in the reported property.**
- C. In the event that the owner or party in control of the property does not give consent to the Inspector to enter the premises and carry out an investigation, the City shall contact the owner via written correspondence and notify them that they have 7 days to comply with the request of the Inspector to allow access to the premises for an inspection. In case of refusal, the City Attorney shall procure a warrant for the completion of such. If the City discovers a violation of Health and Safety codes in such a property, the City shall have the right to recover costs related to any administrative or legal processes undertaken in order to gain access to the premises.**

8.28.70 – Exemption from Requirements of Inspection

- A. Any Owner that has their Residential Rental Property managed by a professional property management company licensed by the State of California, can submit an application to exempt those properties managed by said company from the inspections required in this Chapter.**
- B. Upon submittal of an application for exemption, the Inspector shall inspect the subject property pursuant to 8.28.050(B) of this Chapter and determine if the property complies in keeping with the Purpose and Intent of this Chapter. That application shall last three years, until a change of ownership, or until a change in the company that manages the property, whichever comes first.**
- C. Exemption forms shall be signed under penalty of perjury. It shall be unlawful to knowingly falsify any material information on a self-certification form, and any such falsification may be prosecuted as a misdemeanor.**

8.28.80 – Content, Time, and Compliance for Correction

A. Correction Notices.

- 1. Whenever it is determined by the Inspector that a violation of Health and Safety Standards exists, the Inspector shall issue a written correction notice. The notice shall contain a description of the violation, the specific action required to correct the violation, and a demand the violations be corrected within the specified time period listed in the notice. The notice shall contain the scheduled re-inspection date and time, and shall otherwise comply with any pertinent Regulations promulgated pursuant to Section 8.28.090 of this Code.**
- 2. The notice shall provide a reasonable time for correction. The time shall depend on the time it would take a reasonably diligent person to complete the required action; the potential harm to the public welfare, health and safety; the harm to the tenant or nearby properties; and the extent of the corrections required. Certain imminently dangerous life-safety violations in occupied units shall require immediate correction.**
- 3. Compliance re-inspections shall be conducted to verify the violations identified on the correction notice have been abated. Violations that were not noted on the initial correction notice but are discovered during any re-inspection due to subsequent activities, damage or deterioration, shall be subject to correction.**

8.28.090 – Rules, Regulations, and Operating Procedure

- A. The City Manager may make rules and regulations enforceable hereunder, which are not inconsistent with the provisions of this article and which may be necessary or desirable to aid in the administration or enforcement of the provisions of this article.**

8.28.100 – Violations and Penalties

- A. If, after a correction notice has been issued in accordance with subsection 8.28.080(A) and the Owner fails to correct the violations, the Owner will be charged with a misdemeanor and assessed the following penalties:**
- 1. A fine of \$100 per unit not in compliance.**

2. An additional fine of \$250 per unit not in compliance if the unit is not corrected within 15 days from the deadline given.
 3. An additional fine of \$500 per unit not in compliance if the unit is not corrected in 30 days from the deadline.
 4. An additional fine of \$500 per unit for every 30 days that passes thereafter in which the unit is not corrected.
- B.** The violation may be declared a public nuisance and the City may proceed with all remedies available under law to compel compliance, including, but not limited to, execution of the actions and procedures contained in Chapter 8.20 of this Code, issuing administrative citations, abatement proceedings, civil injunction, and/or criminal prosecution, or any combination of remedies, so long as violations are not caused by tenant's breach of Tenant's Affirmative Obligations, and may recover its costs through the process outlined in Section 8.20.150 of this Code or by any other legal means.
- C.** Additionally, in any other action or proceeding brought by the City to enforce this article, the City shall be entitled to recover its costs, including attorney's fees, when it is the prevailing party. The City may, at its discretion, charge any violation of this ordinance as either an infraction or a misdemeanor.
- D.** If it is found that a false statement was made in the fulfillment of the requirements contained in Section 8.28.070 of this Code, a fine of \$250 shall be issued to the signer of the application.

8.28.110 – Appeals

- A.** The Owner of a Residential Rental Unit or a party with a legal property interest in the unit may file an appeal in writing with the City Manager on any action taken pursuant to this Chapter within 15 days of said action. Upon submittal of the appeal, the City Manager or his/her designee will review the facts of the case and make a determination whether to grant a hearing. If a hearing is denied, the City Manager shall notify the appealing party in writing.
- B.** Any hearing granted under this Chapter shall be scheduled within 15 days of the City Manager having received the appeal, and a written decision shall be rendered and sent to the appealing party within 5 days after the scheduled hearing.

SECTION 2. The City Council finds the approval of this ordinance is not subject to the California Environmental Quality Act, Public Resources Code, § 21000, *et seq.* ("CEQA"), pursuant to Section 15060(c)(2) of the CEQA Guidelines, on the grounds that the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment, and Section 15060(c)(3) of the CEQA Guidelines, on the grounds that the activity is not a project as defined in Section 15378 of the CEQA Guidelines, because it has no potential for resulting in physical change to the environment, directly or indirectly. Alternatively, the City Council finds the approval of this ordinance is not a project under Section 15061(b)(3) of the CEQA Guidelines because it has no potential for causing a significant effect on the environment.

SECTION 3. If any section, subsection, sentence, clause, phrase, or word of this ordinance is for any reason held to be unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The Mendota City Council hereby declares that it would have passed and adopted this ordinance and each and all provisions thereof irrespective of the fact that any one or more of said provisions be declared unconstitutional.

SECTION 4. The adoption of any provision of this Ordinance does not affect any prosecution, civil action or administrative proceeding for any ordinance violation committed prior to the effective date of this ordinance; does not waive any fee, penalty, license or permit requirement due or in effect on the date this ordinance is adopted; and does not affect the validity of any bond or cash deposit posted, filed or paid pursuant to the requirements of any Ordinance.

SECTION 5. Within fifteen (15) days of the adoption of this Ordinance, a summary thereof, including the names of the City Council Members voting for and against it, shall be prepared by the City Attorney for publication in the *Firebaugh-Mendota Journal*, and a certified copy of the Ordinance shall be posted in the office of the City Clerk.

SECTION 6. This ordinance shall become effective and in full force at 12:00 midnight on the 31st day following its adoption.

* * * * *

The foregoing ordinance was introduced on the 9th day of May, 2017 and duly passed and adopted by the City Council of the City of Mendota at a regular meeting thereof held on the 23rd day of May, 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