



AMENDED CITY COUNCIL/SUCCESSOR AGENCY/PUBLIC FINANCE AUTHORITY MEETING AGENDA

**July 16, 2020
6:00 PM**

The Mission of the City of Coalinga is to provide for the preservation of the community character by delivering quality, responsive City services, in an efficient and cost-effective manner, and to develop, encourage, and promote a diversified economic base in order to ensure the future financial stability of the City for its citizens.

Notice is hereby given that the City Council will hold a Regular Meeting, on July 16, 2020 via webinar only. The webinar can be accessed by visiting <https://us02web.zoom.us/j/84084292489?pwd=ejdrMIJhc0ZISUtiSWEyRHV0OHIRUT09> with PASSWORD: coalinga or by telephone at +1 (669) 900-9128 with WEBINAR ID: 840 8429 2489 and PASSWORD: 43675215. Persons with disabilities who may need assistance should contact the City Clerk at least 24 hours prior to the meeting at 935-1533 x113. Anyone interested in translation services should contact the City Clerk at least 24 hours prior to the meeting at 935-1533 x113. The Meeting will begin at 6:00 p.m. and the Agenda will be as follows:

1. CALL TO ORDER

1. Pledge of Allegiance
2. Changes to the Agenda
3. Council's Approval of Agenda

2. AWARDS, PRESENTATIONS, APPOINTMENTS AND PROCLAMATIONS (NONE)

3. CITIZEN COMMENTS

This section of the agenda allows members of the public to address the City Council on any item within the jurisdiction of the Council. Members of the public, when recognized by the Mayor, should come forward to the lectern, identify themselves and use the microphone. Comments are normally limited to three (3) minutes. In accordance with State Open Meeting Laws, no action will be taken by the City Council this evening and all items will be referred to staff for follow up and a report.

4. PUBLIC HEARINGS

1. City Council Adoption of a Local Government Plan and Authorize the City Manager to Execute and Submit a Permanent Local Housing Allocation (PLHA) Grant Application, Execute a Standard Agreement and Subsequent Amendments or Modifications as well as any other documents related to the Program or Grant Award

Sean Brewer, Assistant City Manager

5. CONSENT CALENDAR

1. Approve MINUTES - May 7, 2020
2. Approve MINUTES - May 21, 2020
3. Approval to Upgrade Police Department's Dispatch Flooring
4. Direct Staff to Go Out to Bid for Vehicle Maintenance on City Vehicles Outside of the Services Provided by City Service Center
5. Adopt Resolution No. 3980 Ad Valorem FY 2020-21 Property Tax Assessment for Public Safety Employees of the City of Coalinga
6. Adopt Resolution No. 3981 Regarding Certifications and Claims for Collection of Measure "C" Funds for Fiscal Year 2020-2021 and Authorization for the Financial Services Director to Sign the Local Transportation Pass Through Revenue Certifications and Claim Forms
7. Waive the Second Reading and Adoption of Ordinance No. 840 Amending the City of Coalinga's Commercial Cannabis Regulations to Permit a Second Retail Location and Establishing Regulations for Onsite Consumption (Consumption Lounge)
8. Waive the Second Reading and Adopt Ordinance No. 841 Amending the Commercial Cannabis Regulations Related to Establishing Regulations for Permitting Outdoor Cannabis Cultivation
9. Waive Second Reading and Adopt Ordinance No. 842 Rezoning the Property at 150 S. Hachman from Mixed Use Commercial (MU) to Residential Medium Density (RMD)
10. Direct City Manager to Draft an Ordinance regarding Timely Approval of City Council and Planning Commission Minutes
11. Police Department Second Quarter Report
12. Public Works & Utilities Monthly Report for July 2020

6. ORDINANCE PRESENTATION, DISCUSSION AND POTENTIAL ACTION ITEMS

1. Discussion, Direction and Potential Action related to Rehabilitating Fresno Street From Harvard to California
2. Introduce and Waive First Reading of Ordinance No. 843 Amending the Ordinance Related to Sidewalks, Curbs, and Gutters.

Sean Brewer, Assistant City Manager

Larry Miller, Public Works and Utilities Coordinator

3. Introduce and Waive First Reading of Ordinance No. 844 Amending the Ordinance Related to Trees and Shrubs

Larry Miller, Public Works and Utilities Coordinator

7. ANNOUNCEMENTS

1. City Manager's Announcements
2. Councilmembers' Announcements/Reports
3. Mayor's Announcements

8. FUTURE AGENDA ITEMS

9. CLOSED SESSION (NONE)

10. CLOSED SESSION REPORT

Closed Session: A "Closed" or "Executive" Session of the City Council, Successor Agency, or Public Finance Authority may be held as required for items as follows: personnel matters; labor negotiations; security matters; providing instructions to real property negotiators; legal counsel regarding pending litigation; and protection of records exempt from public disclosure. Closed session will be held in the Administration Building at 155 W. Durian Avenue and any announcements or discussion will be held at the same location following Closed Session.

11. ADJOURNMENT

STAFF REPORT - CITY COUNCIL/SUCCESSOR AGENCY/PUBLIC FINANCE AUTHORITY

Subject: City Council Adoption of a Local Government Plan and Authorize the City Manager to Execute and Submit a Permanent Local Housing Allocation (PLHA) Grant Application, Execute a Standard Agreement and Subsequent Amendments or Modifications as well as any other documents related to the Program or Grant Award

Meeting Date: July 16, 2020

From: Marissa Trejo, City Manager

Prepared by: Sean Brewer, Assistant City Manager

I. RECOMMENDATION:

Staff Is recommending that the City Council take the following actions:

- Approval of Resolution No. 3982 authorizing and adopting the Local government Plan and certifying that the public had adequate opportunity to review and comment on the Plan.
- Approval of Resolution No. 3983 authorizing the City Manager or Assistant City Manager to execute the PLHA Program Application, the PLHA Standard Agreement and any subsequent amendments or modifications thereto, as well as any other documents which are related to the Program or the PLHA grant awarded to Applicant, as the Department may deem appropriate

II. BACKGROUND:

The California Department of Housing and Community Development (Department) released a Notice of Funding Availability (NOFA) for approximately \$195 million in funding for the Permanent Local Housing Allocation (PLHA) program for Entitlement and Non-entitlement Local governments. The NOFA is funded from moneys deposited in the Building Homes and Jobs Trust Fund (Fund) in calendar year 2019.

Funding for this NOFA is provided pursuant to Senate Bill (SB) 2 (Chapter 364, Statutes of 2017). SB 2 established the Fund and authorized the Department to allocate 70 percent of moneys collected and deposited in the Fund, beginning in calendar year 2019, to Local governments for eligible housing and homelessness activities. The intent of the bill is to provide a permanent, on-going source of funding to Local governments for housing-related projects and programs that assist in addressing the unmet housing needs of their communities.

For the 2019-20 fiscal year, the Department will issue two separate NOFAs to award the (PLHA) funds:

- Entitlement and Non-entitlement Local government formula component NOFA; and
- Non-entitlement Local government competitive component NOFA (anticipated in August 2020)

The Entitlement and Non-entitlement formula allocation NOFA outlines threshold and application requirements, as well as defines the method in which funds will be distributed for Entitlement and Non-entitlement Local governments. Ninety percent of the money will be allocated based on the formula used

under Federal law to allocate CDBG funds within California, as specified in Title 42 United States Code (USC), Section 5306 and will be distributed to Entitlement Local governments and Non-entitlements local governments via a competitive grant program. Non-entitlement Local government allocations come from ten percent of the moneys available and allocated equitably among Non-entitlement local governments. Allocations are distributed on an annual basis in response to an application defining the eligible planned use of funds for five years.

Eligible activities include:

- Predevelopment, development, acquisition, rehabilitation and preservation of multifamily, residential live work, rental housing that is affordable to extremely low-, very low-, or moderate-income households, including necessary operating subsidies.
- Predevelopment, development, acquisition, rehabilitation, and preservation of affordable rental and ownership housing, including accessory dwelling units (ADUs), that meets the needs of a growing workforce earning up to 120 percent of Area Median Income (AMI), or 150 percent of AMI in High-cost areas. ADU's shall be available for occupancy for a term of no less than 30 days.
- Matching portions of funds into local or regional housing trust fund.
- Matching portions of funds available through the Low- and Moderate Housing Asset Fund pursuant to subdivision (d) of HSC Section 34176.
- Capitalize reserves for Services connected to the preservation and creation of new permanent supportive housing.
- Assist persons experiencing or At risk of homelessness, including, but no limited to, providing rapid rehousing, rental assistance, supportive/case management services that allow people to obtain and retain housing, operating and capital costs for navigation centers and emergency shelters, and the new construction, rehabilitation, and preservation of permanent and transitional housing.
- Accessibility modifications in Lower-income Owner-occupied housing.
- Efforts to acquire and rehabilitate foreclosed or vacant homes and apartments.
- Homeownership opportunities, including, but not limited to, down payment assistance.
- Fiscal incentives made by a county to a city within the county to incentivize approval of one or more affordable housing projects or matching funds invested by the county in an Affordable housing development project in a city within the county, provided that the city has made an equal or greater investment in the project.

III. DISCUSSION:

The proposed plan must describe the manner in which the allocated funds will be used for eligible activities. Describe the way the Local government will prioritize investments that increase the supply of housing for households with incomes at or below 60% of AMI. Describe how the Plan is consistent with programs set forth in the City's Housing Element. Be authorized and approved by resolution, and ensuring the public had adequate opportunity to review and comment on the contents of the Plan. The annual allocation for the City of Coalinga is \$103,109 for a five-year total of \$618,655.

The City of Coalinga proposed five-year plan activities are:

- Provide accessibility modification for owner-occupied homeowners, with incomes at or below 60% of AMI, and will provide Homeownership, via closing cost assistance, to households with incomes below 60% of AMI, to approximately 13 households per year in years one and two.
- Provide financing to two households per year for the development of an Accessory Dwelling Unit (ADU) in connection with the City's, "Cottage Home" Program (currently under development) in years three, four and five.
- Five-percent of each annual allocation can be used to cover administrative cost associated with the administration of the plan. Staffing and overhead cost directly related to carrying out the eligible activities are "activity costs" not subject to the cap on "administrative cost."

The application and approved five-year plan are due by 5:00 PM on July 27, 2020. Department anticipates issuing award letters between August 2020 and October 2020.

IV. ALTERNATIVES:

None Determined at this time.

V. FISCAL IMPACT:

The will incur \$2,500 for application preparation services in order to be eligible for \$618,655 over the next 5 years.

ATTACHMENTS:

| File Name | Description |
|---|----------------------------------|
| ☐ Resolution_3892_PLHA_Plan.docx | Resolution 3892 PLHA Plan |
| ☐ Resolution_3893_PLHA_application.docx | Resolution 3893 PLHA application |

RESOLUTION NO. 3892

CITY OF COALINGA

PERMANENT LOCAL HOUSING ALLOCATION PLAN ADOPTION RESOLUTION

All of the Council Members of the City of Coalinga, a municipality ("Applicant") hereby consents to, adopts and ratifies the following resolution:

- A. WHEREAS, the Department is authorized to provide up to \$195 million under the SB 2 Permanent Local Housing Allocation Program Formula Component from the Building Homes and Jobs Trust Fund for assistance to Cities and Counties (as described in Health and Safety Code section 50470 et seq. (Chapter 364, Statutes of 2017 (SB 2))).
- B. WHEREAS the State of California (the "State"), Department of Housing and Community Development ("Department") issued a Notice of Funding Availability ("NOFA") dated 02/26/2020 under the Permanent Local Housing Allocation (PLHA) Program;
- C. WHEREAS Applicant is an eligible Local government applying for the program to administer one or more eligible activities, or a Local or Regional Housing Trust Fund to whom an eligible Local government delegated its PLHA formula allocation.
- D. WHEREAS the Department may approve funding allocations for PLHA Program, subject to the terms and conditions of the Guidelines, NOFA, Program requirements, the Standard Agreement and other contracts between the Department and PLHA grant recipients;

NOW THEREFORE BE IT RESOLVED THAT:

- 1. Applicant in pursuant with threshold requirements outlined in the PLHA NOFA, has provided adequate opportunity for the public to review and comment on the proposed PLHA five-year plan.
- 2. Applicant hereby agrees the PLHA plan contains eligible activities as approved by the Department and in accordance with all Program requirements, Guidelines, other rules and laws, as well as in a manner consistent with Local government's Housing Element.
- 3. Applicant is hereby authorized and adopts the PLHA five-year plan for the formula allocations, as stated in Appendix C of the current NOFA of **\$618,655** in accordance with all applicable rules and laws.

4. **Marissa Trejo, City Manager or Sean Brewer, Assistant City Manager** are authorized to submit the hereby adopted five-year PLHA plan and execute the PLHA Program Application, the PLHA Standard Agreement and any subsequent amendments or modifications thereto, as well as any other documents which are related to the Program or the PLHA grant awarded to Applicant, as the Department may deem appropriate.

PASSED AND ADOPTED at a regular meeting of the City of Coalinga Council this 16th Day of July, 2020 by the following vote:

AYES:

ABSTENTIONS:

NOES:

ABSENT:

Mayor/Mayor Pro-Tem

CERTIFICATE OF THE ATTESTING OFFICER

The undersigned, Officer of The City Clerk, Shannon Jensen, does hereby attest and certify that the foregoing Resolution is a true, full and correct copy of a resolution duly adopted at a meeting of the City of Coalinga which was duly convened and held on the date stated thereon, and that said document has not been amended, modified, repealed or rescinded since its date of adoption and is in full force and effect as of the date hereof.

ATTEST: _____
Shannon Jensen, City Clerk

RESOLUTION NO. 3893

CITY OF COALINGA

AUTHORIZING RESOLUTION

All of the Council Members of the City of Coalinga, a municipality ("Applicant") hereby consents to, adopts and ratifies the following resolution:

- A. WHEREAS, the Department is authorized to provide up to \$195 million under the SB 2 Permanent Local Housing Allocation Program Formula Component from the Building Homes and Jobs Trust Fund for assistance to Cities and Counties (as described in Health and Safety Code section 50470 et seq. (Chapter 364, Statutes of 2017 (SB 2)).
- B. WHEREAS the State of California (the "State"), Department of Housing and Community Development ("Department") issued a Notice of Funding Availability ("NOFA") dated 02/26/2020 under the Permanent Local Housing Allocation (PLHA) Program;
- C. WHEREAS Applicant is an eligible Local government applying for the program to administer one or more eligible activities, or a Local or Regional Housing Trust Fund to whom an eligible Local government delegated its PLHA formula allocation.
- D. WHEREAS the Department may approve funding allocations for PLHA Program, subject to the terms and conditions of the Guidelines, NOFA, Program requirements, the Standard Agreement and other contracts between the Department and PLHA grant recipients;

NOW THEREFORE BE IT RESOLVED THAT:

- 1. If Applicant receives a grant of PLHA funds from the Department pursuant to the above referenced PLHA NOFA, it represents and certifies that it will use all such funds in a manner consistent and in compliance with all applicable state and federal statutes, rules, regulations, and laws, including without limitation all rules and laws regarding the PLHA Program, as well as any and all contracts Applicant may have with the Department.
- 2. Applicant is hereby authorized and directed to receive a PLHA grant, in an amount not to exceed the five-year estimate of the PLHA formula allocations, as stated in Appendix C of the current NOFA **\$618,655** in accordance with all applicable rules and laws.
- 3. Applicant hereby agrees to use the PLHA funds for eligible activities as approved by the Department and in accordance with all Program requirements, Guidelines, other rules and laws, as well as in a manner consistent and in compliance with the Standard Agreement and other contracts between the Applicant and the Department.

4. Applicant certifies that it was delegated by the City of Coalinga Council to submit an application on its behalf and administer the PLHA grant award for the formula allocation of PLHA funds, pursuant to Guidelines Section 300(c) and 300(d), and the legally binding agreement between the recipient of the PLHA funds and the Applicant is submitted with the PLHA application.
5. Applicant certifies that it has or will subgrant some or all of its PLHA funds to another entity or entities. Pursuant to Guidelines Section 302(c)(3), "entity" means a housing developer or program operator, but does not mean an administering Local government to whom a Local government may delegate its PLHA allocation
6. Applicant certifies that its selection process of these subgrantees was or will be accessible to the public and avoided or shall avoid any conflicts of interest.
7. Pursuant to Applicant's certification in this resolution, the PLHA funds will be expended only for eligible Activities and consistent with all program requirements.
8. Applicant shall be subject to the terms and conditions as specified in the Standard Agreement, the PLHA Program Guidelines and any other applicable SB 2 Guidelines published by the Department.
9. **Marissa Trejo, City Manager or Sean Brewer, Assistant City Manager** are authorized to execute the PLHA Program Application, the PLHA Standard Agreement and any subsequent amendments or modifications thereto, as well as any other documents which are related to the Program or the PLHA grant awarded to Applicant, as the Department may deem appropriate.

PASSED AND ADOPTED at a regular meeting of the City of Coalinga Council this 16th Day of July, 2020 by the following vote:

AYES:

ABSTENTIONS:

NOES:

ABSENT:

Mayor/Mayor Pro-Tem

CERTIFICATE OF THE ATTESTING OFFICER

The undersigned, Officer of the City Clerk, Shannon Jensen, does hereby attest and certify that the foregoing Resolution is a true, full and correct copy of a resolution duly adopted at a meeting of the City of Coalinga which was duly convened and held on the date stated thereon, and that said document has not been amended, modified, repealed or rescinded since its date of adoption and is in full force and effect as of the date hereof.

ATTEST: _____
Shannon Jensen, City Clerk

**STAFF REPORT - CITY COUNCIL/SUCCESSOR AGENCY/PUBLIC FINANCE
AUTHORITY**

Subject: Approve MINUTES - May 7, 2020
Meeting Date: July 16, 2020
From: Marissa Trejo, City Manager
Prepared by: Shannon Jensen, City Clerk

I. RECOMMENDATION:

II. BACKGROUND:

III. DISCUSSION:

IV. ALTERNATIVES:

V. FISCAL IMPACT:

ATTACHMENTS:

| | File Name | Description |
|---|---------------------------------|-----------------------|
| ▣ | MINUTES_For_Approval_050720.pdf | Minutes - May 7, 2020 |

MINUTES

CITY COUNCIL/SUCCESSOR

AGENCY/PUBLIC FINANCE AUTHORITY

MEETING AGENDA

May 7, 2020

1. **CALL TO ORDER 6:00PM** *Meeting conducted via teleconference.*

Council Members Present: Lander, Ramsey, Stolz, Adkisson, Singleton

Others Present: City Manager Marissa Trejo, City Attorney Mario Zamora, Chief of Police Darren Blevins, Assistant City Manager Sean Brewer, Financial Services Director Jasmin Bains, City Treasurer James Vosburg, Senior Administrative Analyst Mercedes Garcia, Fire Chief Dwayne Gabriel and Assistant to the City Manager/City Clerk Shannon Jensen

Council Members Absent: None

Others Absent: None

*Motion by Stolz, Second by Singleton to Discuss Item No. 6.2 and then Item No. 6.1 and to Approve the Agenda for the Meeting of May 7, 2020. Motion **Approved** by a 5/0 Majority Voice Vote.*

2. **AWARDS, PRESENTATIONS, APPOINTMENTS AND PROCLAMATIONS**

1. Proclamation: Lupus Awareness Month

Mayor Lander read the Lupus Awareness Month Proclamation into record.

2. Proclamation: Public Works Week 2020

Mayor Lander read the 2020 Public Works Week Proclamation into record.

3. **CITIZEN COMMENTS**

City Attorney Mario Zamora read a comment from Dr. Paul Griffin that was submitted via email to the City Manager. The Federal and State Governments are reopening the economy in the light of the stabilization of new cases and the economic reality that people need to provide for their families despite the prediction that increased economic activity and social interaction will likely result non an uptick in cases. It is hoped that warmer weather will help give us some respite but there is no guarantee of that happening. First business that are most compatible with social distancing are to open and if the case rate is stable there will be progression to the next phase of reopening. I would recommend doing exactly what the state of California issues as guidelines and if there is latitude it would be reasonable to give our town more latitude as we have very few if any cases at all, I personally know of none. My understanding is that stage 2 includes curbside business pickup, the theater, offices. Stage 3 would be restaurants gyms hair salons and places of worship, as well as sports. Stage 4 would include activities such as the derby, athletics with spectators. The derby is weeks away, I doubt very much the we will be at stage 4 at that point. My concern furthermore is that our good fortune of being almost free of any COVID would be put at risk with the incompatibility of the derby with social distancing

and hand hygiene etc. I just don't see it. The draw of out of town people, as well as carnival workers, inevitably puts our population at risk. We need to remember the mortality rate is 6% from this disease. One more thing, Center for Disease Control ("CDC") guidelines on distancing and face covering is less observed in Coalinga than any other place I've been, starting with ownership on down through staff and consumers, we need to communicate a position on this.

Mr. Zamora read a comment from Gregg Pimental of G.P. Recovery Fugitive Recovery Services that was submitted via email to the City Manager. I would like to offer up some suggestions in the midst of the Covid-19 hysteria. Six to seven weeks ago, when information on Covid-19 was in it's infancy, we can all understand the immediate need to want to protect ourselves and our loved ones. I think many decisions on a national level were knee-jerk reactions to political ambitions. Fast forward to today and we know so much more to include the reality of this threat, which is to say is very minimal. You may have seen the two Doctor's from Bakersfield that put on a press conference going over California's specific situation which results in 0.03% of our population dying from Covid-19. By all standards, this is not considered a legitimate threat to shut down our way of life. I will leave my political thoughts out of this and just speak to you based on facts and numbers. I don't believe our political leaders at the state and national levels are acting in our best interests, as far too often we see their actions result in the furtherance of their party's needs or wants. Never in my lifetime have we seen such panic and hysteria, pushed through the media with little facts to support the panic and hysteria. This leads me to the purpose of reaching out to you. I believe Coalinga should lead Fresno County, not follow, in the opening of our businesses and let our community get back to normal life before we lose any more businesses, homes, cars, jobs etc. I think it is up to you, our leaders of Coalinga to come out and at least clarify some sort of action plan. I belong to several of our local social media sites and see that the fear and arguments being made lack factual foundation and that the fear is really because there is no one setting any clear plans to open in the future. Adding to the confusion is, "what is necessary" and who determines this necessity? For instance, Fast food so long as they have a drive thru is apparently okay, gas stations are okay (although the only real need I can see is fuel which can literally be handled at the pump). I'm sure someone will have an explanation to why fast food is okay, but my barber shop is not. Although we can't really argue the success of social distancing, wearing masks and gloves, it definitely can't hurt as irritating and annoying as that can be, I think I'm not alone in saying, I'll gladly sacrifice these fashion no-no's in order to allow everyone to get back to their way of life. Let's not let our government (who have failed us time and time again) decide what's best for Coalinga. We should be taking our fate into our own hands and either reap the rewards or the consequences of our decided actions. There is clearly enough data and information out now to justify opening up the city. Many of our businesses, mine included make too much money to receive the government stimulus checks. So many of our citizens are in the same situation as I am, no work, no pay. This in turn will lead to months of financial ruin, late payments, possibly the loss of purchases, all which can have severe mental and physical health consequences in many lives. Can we really continue to justify the closure of Coalinga based on any threat that comes in at a whopping 0.03%?! If I had a 0.03% chance of being shot today by leaving my house, you would not find me on my couch. It would go a long way to address the town as to what the plan is going forward. Are we to open in stages adhering to universal precautions, open completely without restrictions or continue being closed with no direction or relief in sight? I am aware of the issues that are utmost in your minds and that you are working on it, but it's be nice to include the masses.

Coalinga Area Chamber of Commerce Executive Director Benjamin Kahikina spoke about Coalinga's 84th Annual Horned Toad Derby. On April 24, 2020, the Chamber released a plan of action to move forward with the historical celebration on a day-to-day basis. The health and safety of the community is a priority of the Chamber and we have worked tirelessly with event vendors to change business practices and ensure the safety of event attendees. I would like the community to know the importance of Chamber events, such as the Derby, provide an abundance of economic vitality to the City of Coalinga. It is easier as an organizer to continue to move forward with the event and have it shut down rather than struggling to start it up with little to no time for proper preparation. The Derby alone is well planned from September right up to the start of the event. The Chamber appreciates the partnership with Coalinga Huron Recreation and Parks District ("CHRPD") and respects their decision to decline our request to rent Olson Park. In combination with a decline

of event applications from the Fresno County Health Department, it is with deepest regret that I announce the postponement of the 84th Annual Horned Toad Derby until further notice. We will continue to work with our county health department to determine the future of the event. Mr. Kahikina thanked City Manager Marissa Trejo, Community Scholarship Alliance President Sean Brewer, West Hills College of Coalinga Brenda (could not hear last name clearly on recording), Coalinga Huron Unified School District Superintendent Lori Villanueva, Coalinga Police Chief Darren Blevins, Coalinga Fire Chief Dwayne Gabriel, Coalinga California Highway Patrol Office Rory Marks, Mr. Kahikina's family, the Coalinga Area Chamber of Commerce Board of Directors and its members. The Chamber will continue offering help and support to any businesses and quality events that enrich the livelihood of the community. We fight for each of you because we are in this together. I have said it before but in this moment, I mean it more than ever, together we can overcome anything because we are Coalinga strong.

4. PUBLIC HEARINGS (NONE)

5. CONSENT CALENDAR

1. Approve MINUTES - August 15, 2019
2. Approve MINUTES - September 5, 2019
3. Approve MINUTES - September 12, 2019 (Special)
4. Check Register: 03/01/2020 - 03/31/2020
5. Information on Cannabis Related Revenue for Quarter Ending March 31, 2020
6. Adopt Resolution No. 3962 Approving Filing Application to the State Water Resources Control Board for the Sanitary Sewer Collection System and Wastewater Treatment Plant Improvements
7. Waive Second Reading and Adopt Ordinance No. 838 (Informal Bidding Procedures)
8. Authorize Approving Contracts for 2019-20 Intergovernmental Transfer Program Participation
9. Approve Closed POD MOU with Fresno County Health Department
10. Information on City Actions relating to COVID-19
11. Adopt Resolution No. 3963 Requesting Governor Newsom Allow Local Control in Reopening Businesses

Mayor Pro-Tem Ramsey pulled Item No. 5.11 for discussion.

Mayor Pro-Tem Ramsey asked the City Manager, what will happen to the City if we adopt this resolution?

City Manager Mrs. Trejo recommended the adoption of Resolution No. 3963, explaining this is something the City has already been working on, but an approved Resolution will help our cause. If approved, the Resolution would be sent to the Governor's office with our request to allow local control rather than the State or County determining a one-size fits all approach for reopening. As we know, what works for San Francisco may not work for Coalinga. What works for Fresno may not work for Coalinga. We have been working on obtaining local control from the beginning and have been working with our Assemblymen, our lobbyists and with the League of California Cities. Nothing may come of it, but it shows that we are taking a formal position in seeking local control rather than going by a reopening strategy that is set by the State or County.

12. Adopt Resolution No. 3964 Declaring all Businesses in the City as Essential Businesses

Mayor Pro-Tem Ramsey pulled Item No. 5.12 for discussion.

Mayor Pro-Tem Ramsey asked the City Manager to explain Item No. 5.12.

Mrs. Trejo explained, this Resolution would declare all businesses in the City as essential businesses. If approved, it will show the Council has determined that all the businesses the State deemed non-essential, as essential in the City.

Mayor Por-Tem Ramsey asked if we would lose any government funding by adopting this Resolution.

Mrs. Trejo said, potentially. If the City went against the State order there are consequences, pros and cons. One benefit would be that Coalinga has several small businesses that may not make it through the shutdown, and we are dependent on the sales tax revenue they generate. There is some risk to it, however it is not something that is imminent or even something that we know for sure would happen, but we could find ourselves ineligible for State reimbursements for anything we have expensed related to the pandemic. The City of Fresno recently received a large amount of money from the State and from the Federal Government in relation to the CARES Act. We did not qualify because our population was under 500,000. We have been working with the Governor's office and the League of California Cities in trying to push for some funding for smaller cities. It looks promising right now, but we do not know what to expect. We may not be eligible if we take a firm position that we are not in compliance with the State order.

Councilwoman Stolz commented that Item No. 5.12 and Item No. 6.2 appear to be similar. Is it my understanding that if we approve Item No. 5.12 that means Item No. 6.2 will kind of automatically happen since they are basically the same thing? I do not understand why the two items were separated.

Mrs. Trejo explained, hypothetically, you could discuss and vote in agreement Item No. 6.2 in reopening and then adopt Resolution No. 3964. But yes, if you adopt the Resolution declaring all businesses as essential then that says we consider them as essential and therefore they can reopen.

City Attorney Mario Zamora said, that is correct.

Councilman Singleton asked, if we claim all businesses as essential and we reopen under that pretense, would we still be out of compliance?

Mrs. Trejo stated that would be a legal question for Mario.

Mr. Zamora explained, I believe you would be, only because of how the Resolution is written. The Governor's orders are still limited to certain sectors right now. The way we have drafted the Resolution is to include all businesses. So, technically yes you would be out of compliance.

Mayor Lander stated, as a barber, and others who work in hair salons, we are governed by the State of California. The California State Board of Barbering and Cosmetology has sent out a notice that states, if anyone does not fall into compliance with the Governor's order, which will be strictly enforced, there will be repercussions from the State Board. As the owner and person holding the license, I will not go against the Governor's order because I could stand to lose my license or be heavily fined. I spoke to a couple of other people in the business who heeded the same warning. The Governor gave another statement today about how the virus could run rampant through nail salons.

Councilman Adkisson stated there have been a few cities in the valley that have opened such businesses and they have not heard from the State yet. I know Parlier opened and even made the news and they have not heard from the State.

Mayor Lander stated he also saw that on the news. He said he called over there and they are waiting. Personally, I will not be opening my business and taking that chance.

Councilman Adkisson believes businesses should have the choice whether they want to reopen. I do not believe the Government, or Coalinga, should be telling them they cannot reopen. If they want to take a chance with the State, then let's let them. There are other counties, especially up north, who are opening anyway and a few down south.

Mayor Lander commented, with further research you will find the State Board has acted against them.

Councilman Adkisson said, they may have acted against some. When you are having the Governor tells us that he is not going to open salons or barber shops until October or November, who's business will make it that long?

Mayor Lander agreed.

Councilman Adkisson said, we are their last chance.

Mayor Lander said, I am in the same situation with my business.

Councilman Adkisson said, I know. This is the last stand for a lot of these small businesses. Either they are going to make it, or they are not. One man is directing approximately 40,000 people and holding everyone hostage. Our legislature has not voted on this. The State has failed businesses every step of the way. There is no business in Coalinga that has gotten any loan and they have not gotten the Paycheck Protection Plan. We have had several citizens who applied for unemployment in March and have yet to see a dime. They have not been approved, they do not know what their status is, it just says "pending". I am going to stand with these small businesses, so they have a fighting chance. If they choose to open their business that is their deal.

Mayor Lander commented that he knows of a small business in Fresno who has gotten a loan. I have received a loan and I have also received unemployment. There are some who are receiving assistance.

Councilman Adkisson said he had met with at least eight small business who stated they had all applied and none of them have received it. You are the first person I have heard it from.

Councilwoman Stolz said, it is my understanding that the City of Coalinga did not shutdown any businesses or tell anyone to shut down, it was the Governor's order that did. If the City of Coalinga did not shut anyone down, how do we reopen businesses? I am all about the small businesses and the citizens. I see and hear both sides, we do not want our businesses to fail, we do not want our citizens to get sick and the citizens want our services back. I do not know what the right answer is, but I keep thinking that we did not direct anyone to shut down so how would we direct them to open?

Councilman Adkisson agreed. I would say the State is counting on each individual City, particularly the Police Departments and Code Enforcement, to carry out their order. I would tell the State, you want to carry out your order, then you do it.

Councilwoman Stolz commented that we do not have Code Enforcement so that takes that off the table and it would depend on our police force. I personally do not feel that we have enough manpower to go around and micromanage the businesses.

Councilman Adkisson agreed.

Councilman Singleton said, and we shouldn't.

Mr. Zamora read a comment from Scott Netherton. I would very much like to ask the Council to approve the proposed Resolution to designate all businesses as essential because we are, not only to the community, but to our families. No one wants to get sick, however, facts are that people will. All we can do is our absolute best to minimize the risk by weighing the risk of an outcome. I have laid out my plans of what I will do to minimize risk as I will be reopening the theatre tomorrow. We have two choices, wait until our Governor allows Phase 3 to reopen, which in his words could be October or November. I do not believe there are any small businesses that would still be in operation five months from now. It is just not possible. We elected you to represent us. Governor Newsom does not represent us. If you feel that we are not important and valuable to our community then vote "no". If you feel small businesses are of value then please vote "yes" and declare us as essential, which would then put the burden on us as business owners. We are not asking for a free for all. I will be operating under 10% capacity, allowing one group in the lobby at a time. I am requiring everyone to have their temperature taken, I have installed face guards and floor distancing decals, my employees and I have signed the form from the Health Department, I have roped off two of every three rows to space everyone a minimum of 10 feet. Everyone has their choice on whether to open or not. They must make that decision for themselves. Everyone also has the right to determine whether they want to stay home or visit businesses. We deserve that right to decide for ourselves and I ask that you give us your blessing to make that decision. I hope you will stand for us, the people you have been elected to represent. I am taking a huge risk opening tomorrow. It would be nice to feel like you have our backs. Please, at the very least, vote "yes" and let us know you want us to survive. Thank you!

Councilman Adkisson mentioned, we heard from the Governor earlier, saying that he wants people who are healthy, to get together to make an army of volunteers. How could it be safe for them to go do volunteer work, but its not safe for employees to go to work? Why is it ok to go into Save Mart and look at their flowers, but I cannot go into Plants and Things? Why can Walmart be open, but these little mom and pop shops can't be? It seems like they are trying to help the corporations while trying to push out the mom and pop shops. I am not saying to open the floodgates. I am saying why not have every business abide by the same guidelines that essential businesses have had to follow? Why can't that be done? I do not understand it at all.

Councilwoman Stolz stated she liked what Mr. Netherton said. It makes a lot of sense. But again, if we did not close the City, why would we be held accountable for reopening it? If the theatre wants to open, then open. Its your business, not ours. If Plants and Things want to open, then open, etc. Now, if the City passes this Resolution and votes on Item No. 6.2, giving permission, what liability will the City have since we are basically defying the Governor's order?

Mr. Zamora stated, I do not believe you would have any liability to the businesses themselves because, like you said, it is not the City who shut them down. These guidelines are coming from the State so the State could come in and do something. It is not just up to the City, there are other entities that do have control and that you may see an impact from.

Councilwoman Stolz said, is there any liability to the City from the State of California?

Mr. Zamora said, the answer to that we do not know. I see this as being very similar to the cannabis issue. Cannabis is still Federally illegal so the Federal government could come in and close the retail and growing facilities. Coalinga has said we are going to allow cannabis to occur. Is there some risk on that? Yes, there is a similar risk with doing something like this. Say there is an outbreak in Coalinga, the State could come back

later and say we are not going to give you funds to assist with that. At this point we do not know what they could do to us.

Councilwoman Stolz asked what happens if we do not approve Item No. 5.12 and 6.2, but the businesses still open? It makes me nervous to put in writing and then submitting it to the Governor when we did not originally shutdown the businesses. I do not want to miss out on funding because we choose to go against the order.

Councilman Adkisson asked for clarification, it is only Item No. 5.11 that we would be submitting to the Governor, correct?

Mrs. Trejo stated, that is correct.

Councilman Adkisson said, that is just asking him to allow us to have local control, it is not saying we are taking local control from him? I believe the real discussion is Item No. 6.2.

Councilwoman Stolz said that is correct, but if we pass Item No. 5.12 it will automatically affect Item No. 6.2.

Mayor Lander agreed, stating it appears that Item No. 5.12 and Item No. 6.2 go hand-in-hand.

Councilwoman Stolz suggested the Council take a vote on Consent Calendar Item Nos. 5.1 through 5.11 and then roll Item No. 5.12 in with Item No. 6.2.

Mr. Scott Netherton commented that the City did not direct us to close, but we did it because the information we were receiving was incorrect. We gave it seven weeks. Council did not close businesses and we are not asking the Council to reopen businesses. We are only asking that the Council deem all businesses as essential and if we open then it is our decision. We would like your support. We do not want handouts, just an opportunity to survive. It is my understanding that if businesses are declared essential the Police Department would not be required to respond to complaints. If the County or the State comes in then they would have that authority, but it would relieve the Coalinga Police Department from being the bad guys.

Mr. Ryan Adams asked how many businesses are closed? He commented the number of businesses closed are minimum compared to those that are already open. Mr. Adams is in favor of all businesses reopening.

Mr. Marcos Ponce of the Fitness Lab commented on a text message from a Police Officer stating the Fitness Lab would need to shut down or the Police Department would shut us down on the 21st of March. The Fitness Lab did not receive a loan and we were denied unemployment. We need to get back up and running or we will go under next month. We need to work.

Mr. James Vosburg commented, the point Mr. Zamora made about declaring all businesses essential does not necessarily give any kind of permission in lieu. Other governmental agencies may have a say so. We would simply be declaring all our businesses essential.

Barbara Rodriguez from District 3 commented, I believe all our businesses are essential to our community, not just Savemart and other grocery stores, dollar stores and sporting goods stores. Our hair salons, movie theater and churches are all important for our economy and citizens. We are so fortunate to have a Fire Department and a Police Department in our little town. Taxes from all our businesses support these services. Our small business owners have put everything on the line for us and its time for us to support them. Without them we are at risk for losing the essential services I just mentioned. Please save our town and reopen them.

Consensus of the Council was to combine Consent Calendar Item No. 5.12 with Item No. 6.2.

Motion by Singleton, Second by Adkisson to Approve Consent Calendar Item Nos. 5.1 through 5.11. Motion Approved by a Roll-Call 5/0 Majority Vote.

Motion by Adkisson, Second by Ramsey to Approve Item No. 5.12 Adopting Resolution No. 3964 Declaring all Businesses in the City as Essential Businesses. Motion Approved by a Roll-Call 4/1 Majority Vote. (Lander Voted "No").

6. ORDINANCE PRESENTATION, DISCUSSION AND POTENTIAL ACTION ITEMS

1. Discussion, Direction and Potential Action regarding Preparation of an Ordinance to Allow for an Additional Retail Cannabis Facility with On-Site Consumption (Consumption Lounge)

Sean Brewer, Assistant City Manager

Assistant City Manager Sean Brewer gave a brief overview of the item.

Councilman Adkisson asked Mr. Brewer to explain what a consumption lounge is.

Mr. Brewer explained, a consumption lounge is a location tied to a retail facility within a retail premise separate and distinct from the actual shopping area of the retail facility, where the consumption of cannabis may occur and with items purchased at that particular location.

Councilman Adkisson asked, basically it is a dispensary, but you can smoke or ingest cannabis products?

Mr. Brewer said yes, but through a separate door. So, if you walked into Have-A-Heart and after you purchased cannabis products you would then pass through another door within their store that lead to the consumption lounge. It is not quite the same, it is more separated, but it is like a cigar lounge. Cigar lounges or cigar shops that have a lounge component, those are all open ventilated spaces. Where you purchase your cigar, is where you consume your cigar. With the consumption lounge, the way the State has established regulations, you must move on to a separate location within that building by passing through a separate entrance to consume the product.

Councilman Adkisson asked, does that mean that Have-A-Heart will also be able to have a consumption lounge?

Mr. Brewer said, that would be up to the Council. That is how staff has drafted the language in the Ordinance. Essentially, we have said, if you are a retail facility, then consumption would be permitted within a retail facility in accordance with the current State law.

Councilman Adkisson asked, so we would allow two dispensaries, next to each other, who will compete, is that correct?

Mr. Brewer said yes, that is a possibility if it is next door. The selection process would determine where the other facility would be located. It would however be within the downtown district.

Councilman Adkisson asked, they would sell similar products as Have-A-Heart?

Mr. Brewer said yes, essentially the Council would be allowing for a second retail facility with the allowance to include on-site consumption. So, yes Have-A-Heart would have the ability to have on-site consumption. Unless you only allow one retail location to have on-site consumption and the other would have to operate just as retail. Those details are what we are asking the Council to give direction on.

Councilman Adkisson mentioned that it sounds like they may eventually be pitted against each other, and one may go out of business.

Mr. Brewer stated he could not say what would happen. Right now, we are working with the City Attorney to develop the language for the Ordinance revision to allow for that land use activity because staff is currently restricting any additional permits. Currently we are not accepting any other permits for an additional retail operation. Now we are discussion that option to allow for a second retail facility and including the caveat that consumption may be included on the premise.

Councilwoman Stolz asked, will it be like going into the smoke shop and then going into the hookah lounge?

Mr. Brewer said, yes because it is in a separate door that you pass through and it is ventilated because they allow consumption. Yes, it would be a similar structure. I believe the State is interpreting that it allows you to consume on-site with ventilation requirements and a special permit to be allowed to smoke indoors.

Mayor Pro-Tem Ramsey asked, we do not have a facility like this in Coalinga right now. I like Have-A-Heart, but competition is good. We cannot just have one grocery store in town because they could set their prices any way they want. Competition is good. We could do a development agreement with a company which would allow us to control how it would be built and everything beforehand.

Councilman Adkisson asked, do you know if Coalinga would be the first in the valley to have such a thing?

Mr. Brewer stated, I believe we would be. West Hollywood was the pioneer of it.

Mrs. Trejo stated, I believe Lemoore's consumption lounge is going to be open shortly.

Councilwoman Stolz commented, I believe there is one opening in Hanford also.

Mayor Pro-Tem Ramey said, I don't believe either were open yet.

Councilman Adkisson agreed, none are open yet.

Mr. Brewer commented, it would be hard to tell where the draw for a lounge will come from. Whether it would be a local draw or whether it would be from out of town. I know our retail facility does a lot of deliveries. They have been able to take advantage of not having many retail operations in the valley. There is a possibility for entertainment, however you would not be able to consume alcohol within a consumption lounge. Alcohol would have to be separated.

Councilwoman Stolz asked, separated from the building or a different room?

Mr. Brewer explained, if you are a cannabis owner, by law you cannot hold an ABC license. Essentially, the owner of the cannabis company, if they have a consumption lounge, would not be able to have an ABC license, instead they would have to partner with someone else. It would be a separate entity. You would go in and have your beer or wine and then you would leave that business and enter the retail facility, as if you were entering Have-A-Heart.

Mayor Pro-Tem Ramsey commented, some of the cannabis lounges I have read about have partnered with restaurants who would bring in food.

Mr. Zamora read a question (no name included), if we pass this, are we inviting people to come by to smoke and then drive away under the influence?

Mayor Pro-Tem Ramsey stated he would like to go with option 3: depending on the available locations which could accommodate a retail location with a consumption lounge, the Council could direct staff to seek out a cannabis company and develop a retail development agreement with a particular company or person. This is something different and it is legal now. Let's go for it.

Councilman Adkisson agreed, I think it is going to come here anyway.

Councilwoman Stolz asked, shouldn't they come to us with a proposal?

Mr. Brewer stated, the City Attorney assisted in drafting the Staff Report and developing the available options. From a planning perspective, I must look at how we would implement this after it is authorized as a permitted use.

Mr. Zamora explained, you would not necessarily have a full Request for Proposal (RFP) process, but it would be similar. Staff would make it known that Council is interested in doing something like this and ask that they give us your best proposal. Instead of going through a formal RFP process where you have people comply to the letter with their proposal. It may be just as simple as; we have five different companies that come back to us who are interested. We look at them and maybe one is local or maybe one is not local, but they are reputable. We can determine, out of those five, which one we would recommend.

Councilwoman Stolz asked, so it would be a similar process as the dispensary?

Mr. Zamora answered yes, just not as formal.

Councilwoman Stolz asked, where would these potential consumption lounge owners from? How are we going to advertise that we are going to do this?

Mayor Pro-Tem Ramsey said, I believe it would be first come, first served and then we could do a retail development agreement with whichever company we pick.

Mr. Brewer explained, the development agreement would come after. The selection process would need to determine how you would select the firm. We are looking for direction, so we know what the next step is. I will be bringing this ordinance before the Planning Commission. The ordinance will basically spell out the regulations for the consumption lounge. Our regulations would almost be boilerplate from the State's regulations. However, the State may, in the future, change those permitting requirements. We want to make sure that we are at least comfortable with the current language. The regulations can be updated if there are changes. And there are some technical changes that must be made to our ordinances to allow for a second facility and for consumption.

Councilwoman Stolz asked, we are looking at the downtown area, like the plaza, correct?

Mr. Brewer explained, it would be Commercial General and Commercial Service zones and it would be within the downtown overlay district. If you are looking at the map, the overlay is that sideways square over the downtown area. Van Ness to Sunset and Polk to Forest.

Councilwoman Stolz commented, a map would have helped. What about the schools and the library being in that area?

Mr. Brewer said, it would still be under what current State law allows. The current regulations for retail will not change. The distance requirements from "sensitive" areas will be in place. I do not believe the library is. There are other sensitive uses built into State law that must be adhered to and those are built into the ordinance. Even if we draw that big square there will still be several properties eliminated because they will not be permitted. With the retail proposals, one was eliminated for being too close to Wee Town.

Councilwoman Stolz asked, so you want us to tell you if we want to move forward with allowing a consumption lounge?

Mr. Brewer answered yes, we want to make sure the Council clearly understood what the process is and if you wanted staff to move forward. We are specifically looking for direction on the process of selecting that second retail facility. If you want us to start working on, say a notice that says the City is soliciting another retail facility and the we want to make sure there is a consumption component. This is where I believe a development

agreement would be helpful because we can spell that out. Or you would prefer the usual RFP process like we did on the first go around.

Mr. Zamora read a comment (no name given), when the people of Coalinga voted to approve cannabis, we approved one. If Mr. Ramsey and the Council want to add a second, third, fourth and so on, the people must vote to have their voices heard. If you care about your votes, you must put it to the people.

Mayor Lander asked, they said put it to the people, is that correct?

Mr. Zamora answered yes.

Mayor Lander agreed.

Police Chief Darren Blevins commented, I am not in favor of a consumption lounge, due to the possibility of people walking or driving away intoxicated. Especially in the downtown district where there are more cars than in the outlying areas.

Mayor Pro-Tem Ramsey commented, it is going to come eventually. I suggest we go with option 3 and pick someone we can do a development agreement with so we can control it.

Councilman Adkisson suggested we move forward with and take it from there. I would suggest number 3 because it would be quicker.

Councilman Singleton agreed with number 3.

Councilman Adkisson commented, I am worried about us losing the revenue generated by other cities like Hanford and Lemoore. I do not want to be behind the curve, I want to be out in front of it. I understand the issue with driving while intoxicated, but it is the same thing with bars. I believe, in time, these consumption lounges will be just like bars. They will be all over California.

Mayor Pro-Tem Ramsey agreed.

Councilwoman Stolz commented, I am concerned that some of the voters may feel as if they have been tricked.

Mayor Lander agreed. After hearing the Police Chief's comments, I am not agreeable at all with this.

Councilman Adkisson asked, when the voters passed the dispensary, did the language state a number?

Mr. Brewer asked the City Attorney, correct me if I am wrong, I believe the language stated taxing a single dispensary. And what I believe Mr. Zamora is eluding to in that part of the Staff Report is that it had to do with taxing a single dispensary, not limiting how many dispensaries. It is just how the language was written.

Councilwoman Stolz commented, it is creative language to trick the public on voting for it. I remember very well how that went.

Mr. Zamora stated, I do not know how the language was drafted as I was not here at the time. I did look at it and with my history while being here, I have always heard people say it was approval of a single dispensary. What the ballot measure language said was taxing of a single dispensary. There were also provisions in there that would allow the Council to amend the entire ordinance which would include: reducing, but not increasing the tax; changing the number, up or down, of retail facilities; and anything else in there that addressed that particular issue. It certainly was not clear from what was passed that it would be forever only one retail dispensary.

Mayor Lander suggested the original ordinance be distributed to the Council and the item tabled until the next meeting.

Councilwoman Stolz is agreeable and requested a map be included with the item.

Councilman Singleton agreed.

*Consensus of the Council it to **Table** Item No. 6.1 until the next Meeting in May and to include the additional information requested.*

2. Discussion, Direction and Potential Action regarding Reopening Businesses in Coalinga that were Deemed Non-Essential by the State of California with Safety Guidelines established by the City's Safety Officer

Marissa Trejo, City Manager

Discussion continued from Consent Calendar Item No. 5.12 above.

Mrs. Trejo clarified Councilman Adkisson requested this item so businesses deemed non-essential by the State could reopen at their discretion without interference from the City with adequate safety guidelines in place as established by the City's Safety Officer who is our Fire Chief.

Councilman Adkisson asked what happened when Clovis recently declared all their businesses as essential, do we know if anything has happened to them?

Mayor Lander commented that no one has heard anything. Although he did mention that Clovis Mayor announced their plans to reopen their meetings to the public. He did not mention how they would do it.

Councilman Adkisson read a statement from Bob Whalen, a Clovis City Councilmember. As we now trust our businesses to reopen, our businesses will be trusting its customers to abide by social distancing and good hygiene. Whether this was the right call will be determined by health and economic data over the next couple of months. Let's be smart and show our community that killing the virus doesn't mean you have to destroy the jobs which financially support your community. Because I am a firm believer in accountability here is our present marker (*and then he gives the numbers Clovis has*). The economic markers will not be known for months because the data is not yet available. We will be hit economically but how much in proportion to other similarly situation will be the economic marker I will be viewing. Keep your physical distance and practicing good hygiene. We will get through this.

Councilman Adkisson went on to state the City of Clovis is basically doing the same thing we are doing. Where is the line we draw for the Governor? We have done enough to help you. At first you wanted two weeks and here we are seven weeks later. Then you said October or November or even longer. And now you are saying we cannot get back to normal until there is a vaccine. We are so far away from a vaccine. It will be another year, at least, before we have a vaccine and can have it put into mass production for people. The Governor has gone above and beyond his duties and his powers. I believe we should show our businesses the respect they deserve. To tell them we are behind them and they are essential. Allow them to open and if the State wants to enforce their rules then let the State come and do that. What are we going to do when we have the loss of revenue from these businesses? Or over the long run, if they go out of business, what will we do over that loss of revenue? Who takes up to 70%-80% of the budget? Police and Fire do. What do you think the next move will have to be? We will be talking about layoffs. The implications are much greater than what we are talking about here.

Councilwoman Stolz asked, Councilman Adkisson were you reading Bob Whalen's comments from an article?

Councilman Adkisson stated he read it from his Facebook page.

Councilwoman Stolz stated there was an article written where all the Councilmembers commented. There are other opinions than just his.

Councilman Adkisson said he was not aware who put the item on their agenda, but he was just reading his comments.

Councilwoman Stolz said she is in support of small businesses and I do not have a problem with them reopening. We did not say they had to close so why do we need to say they can open. If they want to open, then they should just open.

Councilman Adkisson stated, if we are not united behind it then our Police Department is put in a bad position. We are trying to stand behind our businesses and ask our Police to stand behind them too. Hanford is voting on it on Friday. Parlier is going to voting on it. Visalia opened already. We are seeing it all over because we need to stand up, along with these other valley cities, against the Governor.

Mayor Pro-Tem Ramsey agrees with standing by our businesses. If we do not have any businesses, we don't have a town.

Councilwoman Stolz, referencing the safety orders listed, asked what will happen if they are not being adhered to? Sometimes I see people social distancing, but most times they are not. And I am included in that because I forget even when I am looking at the tape on the floor. I know that we are going to have to self-manage. No one is responsible for me, except me. So, when I am out and about, I must be conscience about being 6 feet away from the next person. But what if an area is getting congested and people are not following our resolution of orders and things get out of control?

Councilman Adkisson said, if we say all businesses are essential, everyone will have to abide by the same standards as what, quote-unquote, essential businesses are abiding by. Councilman Adkisson asked Mrs. Trejo if she and the Fire Chief came up with some safety guidelines for businesses?

Mrs. Trejo said yes, they are not listed on the agenda item, but it states that the action item being discussed would be that businesses can open without interferences from the City with adequate safety guidelines in place as established by the City Safety Officer. We do have drafts for most businesses, however there are some that we still need to work on, such as service clubs. Most of them are drafted from what we anticipate the State will require for salons and barber shops and the such when they are allowed to reopen.

Councilman Adkisson said if we do pass this, I am begging and pleading with the small businesses out there to please abide by the guidelines. Please do not do anything to draw attention to yourself. I think the fact that they have been out of work for seven weeks will make them hyper aware of what they need to do to stay under the radar. I hope so anyway.

Mayor Lander read a statement from the State Board of Cosmetology and Barbers. As the Board responsible for all the licensing of all barbers, cosmetologists, estheticians, manicurists shops, booth rentals, schools and tanning facilities, in addition the Board inspects all of these shops, tanning facilities and schools twice a year to ensure conditions. On Friday this Board took to social media threatening disciplinary action against anyone that is open and putting public health and safety at risk by not following the guidance to stay at home. If these business license individuals stay open the Board could and will take action against their license. The Board is not taking this lightly. I know that we have several hair salons who are closed, including my place of business, I am sure they are all aware of what the State Board can do to us.

Mayor Pro-Tem Ramsey stated everyone is responsible for their own business and if they decide to go ahead and open with a threat of a fine, and they get the fine, we will have to help support them. Not as the City, but as individuals. We will have to frequent their business and help them make up that money. Unless they do something really bad. We must support our community in every way we can.

Councilman Singleton state, we have done everything we were supposed to do, we have secluded and everything. I am not saying it is time to reopen, I am saying it is past time to reopen. This should have been over and done with. No one should be under the stress that we are under. No small business should be shutdown. It is time to get them up and going.

Councilman Adkisson agreed with Mayor Pro-Tem Ramsey and Councilman Singleton. Let us also remember the City of Fresno received \$92 million from the government. They used some of that to put it in to small business loans. What have we gotten from the government? Nothing, zero dollars. A lot of the other small cities, like us, have also gotten zero. What are we left to do? What are we supposed to do about our revenue stream?

Councilman Singleton said we must take care of our own, right here.

Councilwoman Stolz asked, would police enforcement be a meet and confer because it is essentially a code enforcement function? How would that work?

Mrs. Trejo stated that is not her understanding. Part of their job is to enforce Local, State and Federal laws. Their police powers give them that authority and so if they choose to enforce the State order, they have the right to do that. They have the right to use their discretion in how they respond to calls. If someone calls the Police Department to report that a business is operating against the State order, it will be up to them on how they respond. It would be a typical duty they would perform; it would be the same if they received a call for a disturbance at a business.

Councilwoman Stolz asked, it is the individual officer's judgment on how the call would be handled?

Mrs. Trejo answered, yes.

Mr. Nathan Vosburg commented that he agreed with the closure because the goal was to flatten the curve. We were told we would have 100,000 dead in California and 1 million dead in the United States. Those numbers have not come to fruition. We have about 50,000 to 70,000 dead in the whole United States. Every life is important and I think people should be safe, but I don't think this should override our Constitution. I do not think the public safety shows an urgency on a scale of being allowed to shut everything down. This just allows people to have the right to be open if they want to. A lot of people will probably still stay home. The shelter in place was done for the curve to take heat off all the emergency rooms and hospital beds. So far, we have seen that being a problem in Italy and New York, it has not really been a problem here. The emergency was built on those claims. I know there are people who have been waiting 30 days for unemployment. I know the business loans are pretty much dried up. I would suggest the Council create a path for reopening just like Clovis did. At least remove the emergency order that you have put in place that states what is essential and was is not essential. It would be nice for all the cities to band together and come up with a good idea to send to the Governor. I know it is a tough decision and I hope you make the right one.

Mr. Ryan Adams commented most people in Coalinga are essential, so why can't the businesses that support them open.

Mr. Scott Netherton commented he was just informed Governor Newsom mentioned today that Phase 3 could be as early as March 26. I would like the City Council to think about one thing, what has changed from last week or when he said Phase 3 would be October/November to this week when he is mentioning March 26th. The difference has nothing to do with the health and safety of California. It has to do with his announcement two months ago we had a \$23 billion surplus and now we are facing a \$43 billion deficit. It is all about the money, yet businesses are being shamed for putting profit over people. Opening the theatre up at 10% occupancy is not about profit, it is about survival. I am not saying the City has shamed us. The City has been supportive up to this point, now please tell us we are essential.

Mayor Lander asked if Mr. Netherton meant May 26th, not March?

Mr. Zamora said it was typed March, but he believes he meant May.

Councilman Adkisson stated, we took an oath to defend the Constitution and in my opinion the Governor is in violation of the first, fourth, fifth and fourteenth amendments. By my oath, I feel that I am required to try to fight the Governor at every step of the way and that is why I am going to vote yes on this.

Mrs. Trejo clarified the City did not have its own separate order from the State. When the State's order initially came out that certain businesses were not essential and we received complaints either at City Hall or through the Police Department about businesses being open, the Police Department did respond at the City's request. I did ask officers to respond to the business to inform them of the State's order and let them know they could not be open. I wanted to say that on the record so everyone knows we are not hiding the fact that officers did respond in the beginning to let them know that the State said they could not be open. And that was at the City's order, however the City did not have its own order for them to close or that the City took any action against the business. In the beginning, when certain businesses were continuing to operate outside of the State's order, they were contacted and informed there was a State order saying they were not allowed to be open.

Councilwoman Stolz asked, by passing this, there should be no complaints on businesses opening going through the Police Department, correct?

Mrs. Trejo said, I cannot guarantee that. I am sure there are still people who feel that businesses shouldn't open and so some still may call to say they are upset that businesses are open outside of the State's order.

Mayor Lander said, say tomorrow I open my business. I am a barber and I get busy. Say some guy comes by and says Ron is in violation even though he has a mask on. They call the Police Department; will the Police Department come and cite me? Warn me? What?

Mrs. Trejo stated she could not guarantee what they will do. It is like what they do when they make a traffic stop. I cannot direct them; this is who you ticket, and this is who you do not. This is who you warn, this is who you do not. It would be at their discretion on how they will respond. If the City has taken a position and they know the City is ok with businesses reopening, more than likely that is the position they would likely follow. I cannot guarantee they will not cite someone for violating the State order. They have the authority to do so if they choose to.

Mayor Lander said, that is my point. All hair people are governed by the State of California. So, is the Police Department going to uphold the law from the State of California? Or will they turn a blind eye?

Mrs. Trejo commented, I do not believe it is turning a blind eye. Their police powers give them discretion. Who they choose to arrest, who they choose to warn, and who they choose to cite, those are decisions they make multiple times a day. I would say it is more, if they feel like it requires an enforcement action like someone is in blatant violation of the safety rules, then maybe they would cite someone. Or they walk in and see that everything is going well when they responded to the call.

Mr. Zamora stated, even when you are essential, a business still needs to follow the distancing guidelines which would be enforceable by the Police Department. So, you can be open, but you could still be cited for not following the rest of the order which is the distancing requirements.

Mayor Lander said, that would kill my business.

Mayor Pro-Tem Ramsey asked the City Manager how long it would take for her and the Fire Chief to put the guidelines for reopening together?

Mrs. Trejo mentioned they already have most of them done. The only one I can think of that we still need to work on is the one for service clubs. We could probably have that done sometime early next week. Some of the items, like Mr. Scott Netherton, he did a lot of the work for us. He laid out his safety plan and it was very detailed, probably more detailed than what we would have included. There is not anything we would change from what he had planned to reopen. For the hair salons and barber shops, if I recall correctly, it is just asking the people who work there to wear a mask. Not necessarily their customers because depending on the service you provide that may not be possible. Make sure the chairs are spaced six feet apart and making sure it is one customer in and one out for each employee. So, if your next appointment shows up, they will wait outside until the person you are working on leaves. Frequent handwashing and a space available for customers to wash their hands or at least have hand sanitizer available.

Mayor Pro-Tem Ramsey asked when it would take effect if approved?

Mrs. Trejo stated it would be effective Monday, May 11th.

Mayor Lander stated Item No. 6.2 was a moot point as it was the consensus of the Council to combine the discussion of Consent Calendar Item No. 5.12 with the discussion of Item No. 6.2.

7. 3. Discussion and Direction regarding FY 2020-2021 Budget
Marissa Trejo, City Manager

City Manager Marissa Trejo explained, this is the first draft of next fiscal year budget. You will see general fund expenses which includes operations and personnel. It also includes operational expenses for only the enterprise funds. The next meeting in May you will see the personnel expenses for the enterprise funds. And for the first meeting in June you will see the revenue projections. This is our first step in presenting the budget for next fiscal year. We have gone through the process of cutting what we can, so department heads submitted their requests for next year and we determined what was a need and what was a want and we cut it further. The personnel costs are fixed. Our CalPERS rate went up from just under 1.5% to just over 1.5%. Most of the employer rates are under what we were previously paying for ICMA. Our CalPERS liability went up, which it will every year. Our medical insurance increased this year. Some of your priorities for Measure J revenues were 3 additional Firefighter/Paramedics and a Deputy Fire Chief. Those were initially planned for January 1, 2020; however they were pushed back to July 1, 2020. The numbers you see in the budget pushes those positions back even further to January 1, 2021 which is my recommendation with the current pandemic

and the anticipated decrease in sales tax revenue next year. You may certainly move those dates if you choose. You will also notice the Council's budget is significantly increased for next year and that is primarily because it is an election year, so we budgeted \$51,000. That is a conservative number. It may not be that high, but we will not know until the County sends us the bill. It is not a number we can determine because it is based on how many items are on the ballot for Fresno County. Previously we brought to you, consideration for outsourcing Code Enforcement and the direction from the Council at the time was to bring it back during budget preparations. We need direction on whether that should be added. The current draft does not include it. Secondly, we have received a request from the Coalinga Area Chamber of Commerce for an annual stipend from the City to the Chamber, which is a common practice in cities with a Chamber of Commerce. The amount varies, but historically the City had been providing a stipend up to 2003 when it stopped. At that time, the annual amount was \$10,000. I reached out to a handful of valley cities and it ranges from \$20,000 to \$80,000 depending on the size of the city, with Hanford being the largest. Our local Chamber is requesting \$25,000. This is also not included in the draft budget. I will need direction on whether to add it.

Councilwoman Stolz commented, on Item No. 1, I would suggest tabling Code Enforcement at the quoted amount of \$56,000. I do not feel like we can afford it at this time. I would like to see this come back. As much as I love the Chamber and as much as we help each other, I do not feel like we can afford \$25,000. I am not saying we cannot afford anything, just that \$25,000 is steep, times are tough right now.

Mayor Lander agrees. I recall when we had to cut the Chamber's stipend in 2003. It was difficult situation and decision. Every year the City had contributed towards the Chamber of Commerce. The budget was not nearly in as dire straights as we are now. When we cannot afford a Code Enforcement Officer of any kind how can we afford to give \$25,000 away to the Chamber. Yes, they do a lot of things for the community, but we do have budget constraints right now. Unfortunately, I do not believe we can do that right now.

Councilman Adkisson agreed.

Mayor Pro-Tem Ramsey agreed. I also recall having to cut that in 2003, it was very difficult.

Mayor Lander said, yes it was because the Chamber has done a lot for the City of Coalinga. I do not know what their budget was at the time, but I did know it was substantial. I do not know what it is now, but it is probably a lot less or they would not be asking for funding. I just do not know how we can do that.

Mrs. Trejo asked if that was the direction from the Council, that the Code Enforcement contract and the stipend for the Chamber of Commerce will not be included in the budget.

*Consensus of the Council is to **NOT** include amounts to fund a contract for Code Enforcement and an annual stipend to the Chamber of Commerce in the budget for the next fiscal year.*

Councilman Adkisson suggested we wait at least half the year, as suggested, to fund the Firefighter/Paramedic and Deputy Fire Chief positions.

Mrs. Trejo explained, the numbers in the budget assume that it is ok to fill those positions January 1, 2021. You can remove that if you wish. Another option, if we are planning a January 1, 2021 start date we would probably start recruitment around October 1st, so you could approve the budget with the positions included

and then you can always request an agenda item prior to the start of the recruitment process to postpone it if we don't have the revenues to support it.

Councilman Adkisson asked, do you know what the cost of that is?

Mrs. Trejo stated, I would estimate it is just over \$200,000.

Councilman Adkisson commented, that will give us a little bit of wiggle room if we need it.

Mrs. Trejo answered, yes. We plan to include the personnel costs for the enterprise funds at the next meeting in May. And the first meeting in June the budget will include revenue projections, which will be the first time you see a complete budget picture. You will be able to make changes up to that point. Hopefully, we will get as much direction as possible so we can have the budget adopted during the second meeting in June prior to the start of the new fiscal year.

Councilwoman Stolz thanked Jasmin and all the department heads who also worked on this.

Mrs. Trejo commented, it was a lot for everyone, but most of the work is done by Jasmin. She deserves credit. She prepares the document well and gets it done timely. It already looks good.

8. ANNOUNCEMENTS

City Manager's Announcements:

None

Council Member's Announcements:

Councilwoman Stolz announced we hit our 5th COVID case this afternoon.

Councilman Adkisson commented, it is on the County's website.

Mayor's Announcements:

Mayor Lander commented, since the pandemic I have been looking a lot around town and have noticed a lot of lots that need to be cleaned. Fire season is coming so we want to be cognizant of that.

9. FUTURE AGENDA ITEMS

Mayor Pro-Tem Ramsey requested the City Manager to contact Fresno County to request a COVID-19 testing center here in Coalinga for the residents.

Mayor Lander commented, I was listening to a webinar for the State of California last week and they said they were establishing a testing center in Fresno.

Financial Services Director Jasmin Bains stated, I believe it is located at Fresno City College.

Mayor Pro-Tem Ramsey mentioned the City of Sanger has one, as well as a couple of other cities. I do not think it would hurt to make the request for our community. We could push it through our Board of Supervisors.

Mayor Lander agreed. Great idea Ron.

Councilman Adkisson requested a Future Agenda Item to start a conglomerate of local cities who are like minded with Coalinga and try to band together against the Governor. I would also like to use that to file an amicus brief to send to the Governor and give us more control over our city.

Mayor Pro-Tem Ramsey agreed.

Councilman Adkisson mentioned he had spoke to a few other cities who were willing to join in with it, but it would be nice if we started it.

10. CLOSED SESSION (NONE)

11. CLOSED SESSION REPORT

None

12. ADJOURNMENT 8:02PM

Ron Lander, Mayor

Shannon Jensen, City Clerk

July 16, 2020

Date

**STAFF REPORT - CITY COUNCIL/SUCCESSOR AGENCY/PUBLIC FINANCE
AUTHORITY**

Subject: Approve MINUTES - May 21, 2020
Meeting Date: July 16, 2020
From: Marissa Trejo, City Manager
Prepared by: Shannon Jensen, City Clerk

I. RECOMMENDATION:

II. BACKGROUND:

III. DISCUSSION:

IV. ALTERNATIVES:

V. FISCAL IMPACT:

ATTACHMENTS:

| | File Name | Description |
|---|---------------------------------|------------------------|
| ▣ | MINUTES_For_Approval_052120.pdf | Minutes - May 21, 2020 |

MINUTES

CITY COUNCIL/SUCCESSOR

AGENCY/PUBLIC FINANCE AUTHORITY

MEETING AGENDA

May 21, 2020

1. CALL TO ORDER 6:00PM *Meeting conducted via teleconference.*

Council Members Present: Lander (*arrived at 6:08pm*) Ramsey, Stolz, Adkisson, Singleton

Others Present: City Manager Marissa Trejo, City Attorney Mario Zamora, Chief of Police Darren Blevins, Assistant City Manager Sean Brewer, Financial Services Director Jasmin Bains, City Treasurer James Vosburg, Senior Administrative Analyst Mercedes Garcia, Fire Chief Dwayne Gabriel

Council Members Absent: None

Others Absent: Shannon Jensen

Under Changes to the Agenda, City Manager Marissa Trejo clarified that the cubicles listed as surplus property by the Police Department in Consent Calendar Item No. 5.6 will not be apart of the surplus, instead the cubicles will be used by the Public Works Department.

*Motion by Adkisson, Second by Stolz to Approve the Agenda for the Meeting of May 21, 2020. Motion **Approved** by a 4/0 Majority Voice Vote. (Lander – Arrived Late).*

2. AWARDS, PRESENTATIONS, APPOINTMENTS AND PROCLAMATIONS (NONE)

3. CITIZEN COMMENTS

4. PUBLIC HEARINGS (NONE)

5. CONSENT CALENDAR

1. Approve MINUTES - October 10, 2019 (Special)
2. Approve MINUTES – November 7, 2019 Amended
3. Approve MINUTES – December 5, 2019
4. Approve MINUTES - January 2, 2020
5. Approve MINUTES - January 16, 2020
6. Declare Identified Police Department Property as Surplus and Approve Disposal
7. Approve the Repair of P15 Water Treatment Plant Pumps

8. Consideration and Approval of Bid Award for Median Island Landscaping Project
9. Adopt Resolution No. 3965 Establishing a Fire Reserve Pay Scale

Councilman Singleton pulled Item No. 5.9 for discussion.

City Manager Marissa Trejo gave a brief overview of the item and clarified this item goes along with Consent Calendar Item No. 5.14.

Councilman Singleton asked if the City currently have reserve employees? Or is this item to establish reserves?

Fire Chief Dwayne Gabriel explained the job descriptions for these positions have existed. The job descriptions were changed in 2015, however they were never tied to a pay scale and then the positions were frozen. Staff is now trying to get the positions going again.

Mrs. Trejo explained there were also some changes made with CalPERS requirements. CalPERS requires the City have pay scales publicly available and posted and it must contain specific CalPERS criteria. All our pay scales are now structured using a template they provided.

Councilman Adkisson asked how this will save us money? Or how much it will cost?

Chief Gabriel explained these positions are already budgeted. The EMT positions will be paid-call, meaning there will be a residency requirement and must be able to respond within 20 minutes of the station and will be called in to assist only when we have a shortage. Paramedic Reserve positions do not have a residency requirement because we do not typically see paramedics in this area, so the ability to recruit EMTs is much greater. Approval of this item would give the department the ability to have these people available should the need arise.

Councilman Adkisson asked if Chief Gabriel recalled the amount budgeted?

Chief Gabriel stated he believed it was \$112,000.

Mrs. Trejo confirmed the amount to be \$112,000.

Councilman Adkisson asked what would happen if we did not approve this tonight?

Chief Gabriel explained we currently have one reserve working. It would not technically affect his position; however, we would not be able to recruit for the other positions to be filled.

Councilman Adkisson asked if we would save money by hiring for these positions?

Chief Gabriel explained, any time we use a reserve position instead of paying overtime it will save money.

Councilman Adkisson asked if these reserves will only be used to offset overtime costs?

Chief Gabriel answered, the current plan is to have them pull one shift a month to keep them in the station and stay active. The backfill would be in addition to that.

Councilman Adkisson stated, if I approve this, I want to do it because the City will save money on overtime. Will we show a net savings? Will we be saving \$112,000 in overtime?

Chief Gabriel stated we would not be saving \$112,000 in overtime costs, however what we are not paying out of the overtime line item we would be paying out of the \$112,000 in part-time pay.

Councilwoman Stolz asked, is this to compensate for the overtime? Or is it if someone calls in sick or something else happens and we need coverage?

Chief Gabriel answered, it would be for both.

Mayor Pro-Tem Ramsey stated, this money will only be spent when, or if, we need these people, correct?

Chief Gabriel answered, correct, except for the one shift per month. We do have to get them into the station periodically to maintain their training.

Councilman Adkisson asked, will it cost \$112,000 by doing the one shift a month?

Chief Gabriel answered, no.

Councilwoman asked, I believe the \$112,000 is only used, if needed, beyond the one shift per month, correct?

Chief Gabriel explained, the part-time line item pays for these positions. A portion of the money would be used for their required one shift per month and then the remainder would be used to offset the vacancy of a full-time employee. It essentially will come out of the \$112,000 for a reserve at a lower rate than paying a full-time employee overtime.

Mrs. Trejo explained, we currently have one reserve Firefighter. The Fire Department will be required to stay within the \$112,000 budgeted whether or not we only have that one reserve, or we end up with 10. The full \$112,000 budgeted may not be used.

Mayor Lander stated, it is only there if needed.

Councilman Adkisson asked, if we do not approve this, can the money be used to offset some of the shortfalls we are expecting to have?

Mrs. Trejo answered, you could, however it would not be the full \$112,000. We currently have one reserve so that person would continue to get paid for their hours worked. It could end up being \$4,000 for the year or \$70,000, up to the \$112,000. They do not have a set work schedule so it would be hard to determine how much they may work. You could approve the item and cut the budgeted amount down.

Councilman Adkisson suggested we keep the one reserve we currently have and then reevaluate the program in six months to see how we look financially.

Chief Gabriel stated, we could do that, however there is an opportunity to save on overtime costs with the reserve program.

Councilman Adkisson stated, I just know we are going to have a budget deficit with the pandemic. I really need to know what the overtime savings will be compared to what we will spend for the program.

Chief Gabriel stated, the other possibility with these reserve positions is the ability to staff a third unit, which will protect the town when the other two units are out. That could generate more revenue and offset any cost.

Councilman Adkisson stated, what I need to see to vote for this is that the cost for this program offsets more of the overtime costs and brings in more revenue from the third unit.

Chief Gabriel said, the problem with coming up with a dollar amount is there are so many different scenarios. These are voluntary positions. If we could not get someone to come fill-in and we had to wait for a paid person to come in from farther away, that would mean the ambulance would be down and we would not be saving any money. If we were able to use the reserves, we would be saving money and we would have another ambulance staffed which we may not otherwise been doing, so. it is hard to predict how often that could

happen. We could bring reserves in and end up not having a call, but in the meantime the City would have that protection.

Mayor Pro-Tem Ramsey suggested the Council keep the program for now and possibility cut it later. We will be going over the budget later and it can be pulled out at any time. Public Safety is important right now.

Councilwoman Stolz asked, this is an existing program?

Chief Gabriel said, yes that is correct. We just have been holding off on recruitment because the current job descriptions were not tied to the pay scale as required.

Councilwoman Stolz asked what was budgeted for this program in the previous Fiscal Year?

Mrs. Trejo stated, \$112,000.

Councilwoman Stolz asked, so we are just continuing with the program and approving based on tying the positions with the pay scale?

Chief Gabriel answered, correct.

10. Direct City Manager to Work with Fresno County to Establish a COVID-19 Testing Site in Coalinga
11. Authorize City Manager to Execute City Engineering Task Orders for Construction Engineering and Design Engineering for the Polk Street Rehabilitation Project (5th to Elm Ave SR198) Funded by the Surface Transportation Block Grant Program

Mrs. Mary Jones requested the item be pulled for a question.

Assistant City Manager Sean Brewer clarified that he made an error in the subject line of the item. The heading says it is from 5th to Elm, that was the first phase. It should be from Elm to the city limits as it is written in the Recommendation section of the Staff Report.

City Attorney Mario Zamora confirmed that was Mrs. Jones' question.

12. Council Authorization to Amend the Water Supply Agreement between the City and the Pleasant Valley Water Conveyance Partners, LLC
13. Public Works & Utilities Monthly Report for April 2020
14. Adopt Resolution No. 3966 Approving Fire Reserve and Paid Call Job Descriptions

Councilman Adkisson pulled Item No. 5.14 for discussion.

This item was discussed in conjunction with Item No. 5.9. Councilman Adkisson advised no further discussion was requested.

15. Direct City Attorney to File Amicus Brief on behalf of City of Coalinga

Councilwoman Stolz pulled Item No. 5.15 for discussion.

Mr. Zamora gave a brief overview of the item. This is all regarding COVID-19 and perhaps gaining more local control. There are basically three ways: (1) send a letter requesting the order be lifted; (2) find a city or county that is actively suing the Governor and request to be involved so we could give input on behalf of the City of Coalinga; or (3) take some kind of direct legal action on our own against the Governor.

Councilman Adkisson suggested the first option and send a letter. The sample letter provide for the City of Placerville is pretty good. Basically, we would be saying we want local control. Who knows Coalinga better than we do? There are several other cities who have said they will sign on with us.

Councilwoman Stolz asked, what is the point?

Mr. Zamora stated, if you look at the sample letters attached, you will see they requested more local control especially in the cases of the rural cities and counties that are not located close to each other. The letter would be used to help persuade the Governor, as we go through these phases, that we should have some discretion. I think it makes a lot of sense in Coalinga's case because you are in Fresno County which obviously has the City of Fresno; however, you are located so far away from Fresno itself. There is no real impact, besides travel, that Fresno would have on Coalinga. It is a different situation than what you would have, say in the Bay Area, where you have multiple counties right next to each other with very dense urban areas. The point would be to express to the Governor and request his consideration in providing some leeway or adjustment on how fast we move through the phases.

Councilwoman Stolz asked, why do this now? During the last meeting we gave the business community our blessing to go ahead and open. Why spend the time and money to prepare this letter now when we have already gone against the Governor?

Councilman Adkisson explained, we have given the community our blessing, but the State has not. The State could still come in and penalize businesses. This could help alleviate that threat for businesses.

Councilwoman Stolz asked, so you want to do this for businesses that hold a State license?

Councilman Adkisson answered, correct.

Councilwoman Stolz stated she agrees with doing the letter to make the request, but not with the \$600 cost associated with it. There was something similarly done through the League of California Cities.

Mr. Zamora suggested either the Mayor or Councilman Adkisson draft a letter and then let Marissa massage it and make any edits the Council may want.

Mrs. Trejo stated, the City has already sent two documents to the Governor requesting local control. One was the Resolution approved at the previous meeting and the other was the League's letter. Councilwoman Stolz had requested that as a Future Agenda Item, however I had already received the request from the League and the Mayor signed on to it. We could send another letter, but it was my understanding that Councilman Adkisson's initial thought was to send something that had a little more influence than just a letter.

Councilman Adkisson answered, yes because it will be attached to another lawsuit, correct?

Mr. Zamora commented, yes if you want to file an Amicus Brief, we will need to find another city or county that is actively suing the Governor.

Councilman Adkisson believes the more cities who sign on to it, the more pressure it will put on the Governor to lift some of the restrictions.

Mayor Lander stated he does not believe the Governor will lift restrictions for the City of Coalinga because it would set a precedent.

Councilman Adkisson stated, the pointed is to have the restrictions lifted for all the cities in the valley.

Mayor Lander stated, the hairdressers, barbers, and nail people have already filed litigation against the Governor. I believe there has been so much pressure that has been put on him and that is why Phase 3 is going to be implemented more quickly than what he originally stated. I do not believe we need to get into litigation.

Mr. Zamora clarified, the point is you want to give the Court and the State Coalinga's opinion on the matter, but you would not be a party to the lawsuit. You do have to obtain permission from the Judge presiding over the case to send in the Brief, but you do not become a party or have any exposure.

*Motion by Ramsey, Second by Singleton to Approve Consent Calendar Item Nos. 5.1 through 5.14. Motion **Approved** by Roll-Call 5/0 Majority Vote.*

*Motion by Adkisson to Approve the Filing of an Amicus Brief by the City Attorney on behalf of the City of Coalinga. Motion **Failed** from a lack of a Second.*

6. ORDINANCE PRESENTATION, DISCUSSION AND POTENTIAL ACTION ITEMS

1. Discussion and Direction regarding FY2020-2021 Budget Marissa Trejo, City Manager

City Manager Marissa Trejo gave a brief overview of the item, stating personnel expenses are now included. At the next meeting we will include revenue projections and at that time you will be seeing a full budget picture. The personnel expenses are what they are. Health Insurance premiums, CalPERS rates and unfunded liabilities have all increased. Places where adjustments can be made would be to the Deputy Fire Chief and three Firefighter/Paramedic positions which we are currently showing funding for half the Fiscal Year. These positions were part of your Measure J priorities. When you declared your priorities, you did not include a specific timeframe within the 10 years that you would institute those priorities, but they are currently included in the budget with a start date of January 1, 2021. This would be your flexibility without cutting current personnel. We are not focused on revenue projections tonight because we do not have those numbers however, we are looking at a General Fund deficit of about \$385,000 for next year. At the next meeting we will provide some recommended changes, however you will basically be looking at three options: (1) adopt a budget with a deficit (not recommended); (2) cut expenses; (3) find additional revenue.

Councilman Adkisson asked, why has administration doubled?

Mrs. Trejo explained, the Redevelopment Agency ("RDA") has gone away and through the Successor Agency we have been able to allocate funds towards administration costs for the wind-down of the former RDA. Those funds will continue to dissipate over time. The City Clerk's position had a large allocation from the RDA funds and now that it is going away those costs need to be absorbed into the General Fund.

Mayor Lander asked, when do you anticipate the RDA will be dissolved?

Jasmin Bains stated, it is not completely dissolved. We will continue to submit for an Administrative Allowance. In the previous years the City was requesting the full \$250,000 allowance allocation, however as the properties are sold off and the activities of the former RDA dwindle down, requesting the full \$250,000 was no longer justifiable nor would it pass the Fresno County Oversight Board.

Mayor Lander requested a roundtable workshop to go over the budget for possible cuts.

Consensus of the Council is to schedule an in-person Special Budget Workshop to review the budget.

2. Discussion and Potential Action Regarding the Development of a Cottage Home Program in Coalinga Sean Brewer, Assistant City Manager

Assistant City Manager Sean Brewer gave a brief overview of the item, stating should Council decide to move forward with this type of project it will take some time to setup. Staff will prepare a subsequent report to the Council and layout the process, timeline, cost, and implementation of the project. We have been working with Self-Help Enterprises ("SHE"), as they brought to our attention the Permanent Local Housing Allocation Grant Program ("PLHA") which we believe can fully fund the cottage home program. It is a six-year housing program

that addressed housing issues specifically to accessory and second dwelling units. I do have some quotes from SHE and our grant writers for costs associated with requesting the funding through the grant program. This is an entitled grant program, so it is not something we have to go out for competitive bid. There is an allocated amount to the City of Coalinga for this program we would just need to go through the process in requesting funds.

Mayor Lander said he is familiar with this program and is in favor of implementing the program in our City.

Councilman Adkisson asked if we would use the same three plans the City of Clovis is using or if we would come up with our own plans?

Mr. Brewer suggested we use our own plans - unique styles that fit with the City of Coalinga. The architect they used did a good job in terms of minimal space for the accessory units. We can put it out to a few architects and see what kind of concept designs we get back. We should be eligible for up to \$618,000 PLHA funds over a 5-year period which should be enough to implement the program. This would be coupled with other grant funds we will be receiving for alley improvements.

Councilman Adkisson requested the Council be able to approve the different design plans once prepared.

Mayor Lander confirmed Council will be able to approve the plans before moving forward with the program.

Mr. Brewer stated, the entire program package will come back to the Council for consideration and approval.

Mayor Lander is happy to hear we would be receiving additional grant funds for alleyway improvements.

Mrs. Mary Jones asked, how will this work with zoning and expectations of a neighborhood? Will this not cause a greater density in neighborhoods?

Mr. Brewer explained, the State of California requires local jurisdictions to provide for second dwelling units and it would be contrary to State law if we did not. The program is designed to provide additional affordable housing for the community. You may get a unique group of folks interested in the units since they are smaller, single bedroom spaces, only about 500 sf. Impact to sewer and water would be minimal as they would be connected to the existing residency. The units cannot be sold separately.

Councilman Adkisson asked if residents already can build a second residence on their property?

Mr. Brewer answered, yes if they meet certain criteria. State law has allowed for that to occur.

Mrs. Mary Jones asked, is the zoning irrelevant? I do not live off an alley so it will not affect me, however she does own property and it would not make me happy.

Consensus of the Council is for Staff to Pursue the Cottage Home Program.

3. Discussion, Direction and Potential Action regarding Preparation of an Ordinance to Allow for an Additional Retail Cannabis Facility with On-Site Consumption (Consumption Lounge) and Further Consider Negotiating a Development Agreement with Claremont Capital Partners in Order to Facilitate the Development and/or Use of the Property as a Medical and/or Recreational Cannabis Dispensary with Onsite-Consumption
Sean Brewer, Assistant City Manager

Assistant City Manager Sean Brewer gave a brief overview of the item. The additional information the Council requested at the previous meeting has been included with the Staff Report.

Mr. Zamora commented that Casey Dalton from Ocean Grown and David Hitchcock, her legal counsel, are both available to answer any questions.

Mrs. Mary Jones commented, it took a vote by the citizens to allow for a dispensary and now we want to double the original plan without consulting the residence. It sounds like this could present a problem.

Mayor Pro-Tem Ramsey asked if Mr. Zamora had reviewed the development agreement.

Mr. Zamora stated he had not had a chance to review the agreement.

Mayor Pro-Tem Ramsey suggested Casey have a moment to speak. *There was an issue with Mrs. Dalton being able to speak.*

Councilman Adkisson asked if the lounge would be taxed just like the dispensary.

Mr. Brewer answered, yes they would be on the same 10% gross receipts tax. Unless it is negotiated differently under the development agreement. I am not aware of any changes.

Mayor Pro-Tem Ramsey stated, Mary was correct we did vote and the only thing we cannot change is the tax.

Mr. Zamora confirmed the tax cannot be increased beyond what the voters originally approved, however the number of dispensaries allowed could be changed.

Mayor Lander asked if Police Chief Darren Blevins was available to speak.

Chief Blevins stated he would be recusing himself from the discussion for a conflict of interest.

Councilman Adkisson believes the development agreement is well drafted. He further believes the City is looking at budget shortfall after we spent so long trying to get out of debt and we need to find ways to increase revenues to the City. Part of how we do that is to make ourselves attractive to all new businesses. This could be a way we help close that shortfall. There is long term viability for a business such as this, cannabis, and a dispensary with a consumption lounge. I believe these lounges will be no different than bars are now. We have an opportunity for additional revenue and to be a leader in the valley again.

Mayor Pro-Tem Ramsey commented, there are other cities in the valley who are currently trying to do the same thing. We have some companies that want to pursue this. We need to be selective like we were with the original dispensary. I believe we have been fortunate with the companies we have worked with thus far and I would like to continue with that. I am in favor of going with Option No. 3 which includes the development agreement.

Councilman Adkisson agrees, the quicker we get on this the better and the more revenue we will generate. We may forfeit that revenue to another city otherwise if we do not act soon.

Mayor Pro-Tem Ramsey agreed.

Councilwoman Stolz asked if we approve this tonight what will be the turnaround time?

Mr. Brewer believes the development agreement will need to go through the public hearing process and would be subject to CEQA (California Environmental Quality Act). If the Council approves, we would begin negotiations and then bring back the development agreement for Council's approval after a noticed public hearing.

Councilman Singleton is against the onsite consumption. I understand the revenue potential, however I am just not sold on it. The citizens agreed to one retail facility, but they did not agree to the onsite consumption.

Councilman Adkisson believes after things have evolved enough over the past few years the public would be fine with it. Can anyone confirm if Lemoore and Hanford approved consumption lounges?

Mrs. Trejo stated, the Lemoore City Manager has told me they will be having a consumption lounge coming to their downtown area very soon. We share the same law firm as Hanford so perhaps Mr. Zamora may be able speak about their possibility of a consumption lounge.

Mr. Zamora stated he believes that is Hanford's intent, but is not aware of any solid plans as of yet.

Councilman Adkisson stated, if we are not going to be apart of the wave of the future we are going to lose out on a whole lot of revenue. We are already talking about losing a half million dollars in revenue. How are we going to make that up? Do we really want to layoff Fire and Police? This is how we can close the gap.

Mayor Pro-Tem Ramsey agreed. As a Council we did say if we were going to get into this, we were going to get into it all the way. We need to support the businesses we have now and do whatever it takes.

Councilman Adkisson stated, we should try to lead the way in this and try to be the first ones to open just like we were with cannabis. There were a lot of concerns with cannabis and none of it has happened. I think the people are more comfortable with cannabis now than they originally were. I think in general, they would support something like this.

Mayor Pro-Tem Ramsey suggested we try to get Mrs. Dalton back on to speak.

Mr. David Hitchcock stated, they prepared the development agreement along the lines of what was requested. My only additional comment is to request the Council to review it now.

Mrs. Casey Dalton commented, we have found the City of Coalinga to be an incredible partner for over four years now and have been able to contribute over \$974,000 in taxes throughout our project at the Claremont facility. When retail was an option, we intentionally did not throw our hats in the ring because we wanted another operator to be able to contribute to the City at the same time. Unfortunately, the applicant did not come through with the projections they presented to Council. We now have an opportunity to partner with a very large worldwide brand and bring a significant amount of revenue and attention to the City of Coalinga. By making Coalinga a destination we can create, not only the business and revenue dollars through the store and the consumption lounge, but also be able to offer a live music consumption lounge which is unheard of in California. The request for immediate action has to do with the opportunities that our partner has in other cities that are close to Coalinga. If we do not act soon, we could lose this opportunity. Mrs. Dalton asked the Council to consider what we have done for the City, our strong partnership and who we are, when making their decision. The consumption lounge is not something we take lightly and we appreciate Councilman Singleton's concerns, but after doing an immense amount of research, we found that most people who consume cannabis often do it within their vehicles within the first 10 minutes from making the purchase in the store. That puts someone who is under the influence on the road. Coalinga is in an area where most people will drive to pick up the products they are looking for. We believe the consumption lounge is similar to a bar where someone may walk in and order a beer, order a burger, watch a game and then get in their car and drive home, instead of that person who pulls over, walks into a liquor store, gets a tall can and drinks it on their drive home. We believe a consumption lounge is safe place to medicate, where staff can keep an eye on the patrons, the same way a bartender would watch how many drinks a consumer would drink in an hours' time at a bar. This lounge is going to be beautiful, about 1,500 sf, where someone can relax. We are planning on having local businesses, like The Salty Pickle. Have menus on the table, where a local business could bring over a sandwich. You could have a cup of coffee. You can consume your cannabis, all within a safe environment that is legal. Some people do not want to consume cannabis at home in front of their children. Some people don't want to consume cannabis in their cars. Times are changing and Coalinga has put their neck out and took that first step with us to allow cannabis. You were the first in Fresno County and the first in the central valley. I want to see Coalinga benefit and reap the rewards that come along with the taxation of our industry and be the first again. I would never put this City at risk. I have strong relationships with the people, and I want to protect Coalinga with everything in me. I had a long conversation with the Police Chief this morning and went over his

concerns. I feel as though all of those can be addressed through design. We are 100% committed to the Police Chief working on the security plan with us so the community feels comfortable.

Councilman Adkisson asked if Mrs. Dalton could say which company she is planning to partner with?

Mrs. Dalton stated, I would love to tell everyone, unfortunately they do not want their name out there until the development agreement has been signed. Once it is signed, we will shout it from the rooftops, and I can imagine there will be a lot of press surrounding the fact that Coalinga will have this kind of opportunity.

Barbara Rodriguez is in favor of having a consumption lounge.

Jeanine (no last name given) wrote in to say, the difference between going to a smoke lounge and a bar is that a person can be tested for driving while intoxicated by alcohol.

Mr. James Vosburg wrote in to say, I suspect if the Council approves this without putting it to the vote of the people, many people will feel as if the barn door has been opened when that wasn't necessary their intent.

Bob (no name given) wrote in to say, thank you for your assistance with running this meeting and the public comments. Recognizing the City of Coalinga is facing a budget shortfall, the allowance of an additional cannabis business to operate with onsite consumption is expected to generate additional revenue that can be allocated to providing essential services. Allowing a facility for consumption will create a destination for not only the residents but for others throughout Fresno County. Ocean Grown Extracts and Claremont Capital Partners have brought value to Coalinga and helped shape the framework of cannabis regulation that put Coalinga at the forefront of the valley and the State. This is another opportunity to be at the forefront.

Lilly (no last name given) wrote in to say, we need more choices in Coalinga. I want to be able visit a cannabis lounge. I think people will come from all over the valley to see this.

Mr. Nathan Vosburg commented, we went through this a long time ago. We put it to a vote of the people, and it passed. Nothing has changed since then. Ocean Grown has been there every time for the City. When this first started, Ocean Grown were the first to move forward and they were the ones who paid a lot of the City Attorney's fees. They bought the prison for \$4.1 million when the City was in its time of need. The next year, the City was still in debt by \$600,000 and they bought the animal shelter. My point is, they have come through. The City has raised over \$9 million in total sales in property. A lot of that went to the RDA which benefited the schools, libraries, etc., but no one sent money back. If you don't move forward you lose. We need to continue to move forward. There is no guarantee that any business will stay in business. I am always in favor of letting people move forward. I think that Ocean Grown and Claremont Capital have come through for the City. I think this will be a good thing. It was grueling when we were initially trying to bring in cannabis. We listened to everything bad and we took that all into consideration and none of the negative things came true. We have not had an increase in crime; we have not had a lot of people getting busted. I recall when Chief Salvador was there, I can count on one hand how many incidents that happened with the entire industry and most of them were theft from cars where people had stolen stuff at remote places. There is much more that happens at bars and much more that happens at local gas stations. I hope that the Council continues moving forward and receives revenues the City needs. This COVID thing is going to be a big deal. I looked at your budget and everything has gone up. Mayor Lander moving the budget discussion to a separate meeting was a brilliant idea, however I disappointed you do not already have revenue projections. If a new hospital was coming in, you wouldn't be asking for our opinions. You would be looking at an agreement and you would decide. I think this is the same thing. I would support this if I were up there.

Councilman Adkisson asked Mrs. Dalton if she knew how many jobs this may generate.

Mrs. Dalton answered, we are currently employing 53 full time employees with full benefits. *(Mrs. Dalton cut out for a moment)*. We anticipate the retail store and lounge would bring another 23 full time jobs with benefits.

Councilman Adkisson asked Mrs. Dalton if she could project what the tax revenue might be from this.

Mrs. Dalton answered, we have gauged, based on the population, and other stores we have opened with our partner, the revenue to the City would be in the neighborhood of \$800,000 annually.

Councilman Adkisson said, let's take your \$800,000 and say its going to be a terrible year and we are only going to get half of that \$800,000, so we are going to generate \$400,000 in revenue. How much will that help close the gap?

Mrs. Trejo stated, if our revenue projects show that we would have a deceit, and even with leaving in the Deputy Fire Chief and the three Firefighter/Paramedics positions for half the year, you would be looking at \$385,000 give or take. So even during a bad year that you are referencing, you would have a balanced budget.

Councilman Adkisson stated, we have led the way with cannabis in the valley. You have Lemoore and Hanford who have not even gotten on the band wagon yet and we are \$9 million ahead of them, overall. Whether you want to be a part of this or not, whether you partake in this or not, cannabis consumption lounges will be no different than bars 10 years from now. They will be everywhere. The people have voted, and they said they wanted cannabis in the City. They said they wanted it throughout the State. We need to lead the way. We have a lot of revenue that will come into the City, if we do.

Mayor Pro-Tem Ramsey was hoping to go ahead and approve the agreement tonight.

Mr. Brewer indicated the development agreement would require a public hearing process. It may also need to go through the Planning Commission prior to the Council.

Councilman Adkisson asked for clarification on approving the development agreement now?

Mr. Zamora stated, you should not as it has not gone through the right channels. I have not reviewed it because that was not the Council's direction. The direction at the previous meeting was to bring back more information. If that is what you want to do, Sean and I can go as fast as you want to get it pushed through.

Mayor Lander commented, the item says prepare an ordinance. Don't we have to have an ordinance in place before we can do a disposition and development agreement?

Mr. Brewer answered, I believe we can run it concurrently.

Mr. Zamora said, we can run it concurrently, but we cannot approve the development agreement ahead of the ordinance.

Councilman Adkisson asked, can we approve the ordinance and then approve the development agreement?

Mr. Brewer indicated we do not currently have an ordinance. The ordinance needs to be drafted, brought to the Planning Commission, and then brought to the Council just like any other ordinance. This is a land use ordinance so it will require a Planning Commission recommendation and Council approval and then a second reading.

Mrs. Dalton stated, it is my understanding that you can vote for the ordinance first and then an approval on this development agreement. We worked hard on it and did our research. We submitted it within the deadline so it could be considered tonight.

Mr. Zamora stated, I appreciate your opinion, but that is not correct. What the Council instructed us to do last time was to come back to them with these options. The applicant has submitted the development agreement, which they did on their own. So now that we have something, we can move forward if we also approve the ordinance. It is not on the agenda for approval of the development agreement.

Mrs. Trejo clarified; I believe that was the intent. Mayor Pro-Tem Ramsey submitted the development agreement asking for it to be placed on the agenda for consideration. He sent that in as a Future Agenda Item by the Council deadline to request items. Due to the fact it was listed on their as an option for number 3, I think that is why they thought they could take action it tonight.

Mr. Zamora stated, even then you must have the ordinance going forward. You can give the direction to advance the ordinance and for us to work on the agreement. The ordinance itself will take what, 60 days?

Mr. Brewer answered, about three meetings. Although I pretty much have the ordinance ready to go. We could get it noticed quickly and get it on the Planning Commission agenda for their June 9th meeting.

Councilman Adkisson asked if Mrs. Dalton's attorney could give his thoughts on it.

Mr. Hitchcock stated, I am not entirely sure why the ordinance must proceed the development agreement. I will also admit to the Council that government code and CEQA practice is not my primary practice so it is not something I am comfortable with. It would not be my place to advise the Council at all on those matters. Mario, why can't the development agreement stand on its own?

Mr. Zamora answered, because you can not have an agreement for something that is not legal. The way the zoning is right now, the lounge is not an allowable use, so we would have an agreement for something that, per the ordinance, is not allowed yet.

Mr. Hitchcock asked, but the development agreement authorizes the use, so why can't the development agreement create that use?

Mr. Zamora answered, because you cannot create zoning through a private party agreement like that.

Mr. Hitchcock stated, that is not my understanding of the process of development agreements, but again, respectfully I am not the Council's attorney.

Mayor Lander mentioned, as the Council we are obligated to listen to our City Attorney.

Mr. Zamora stated, if there is some need, short of the timeline we've laid out, it wouldn't be that big of deal to get the ordinance approved and then immediately have this on for a special meeting or whatever they needed. I am not sure what their timeline is, but we have to go through the proper process for changing the ordinance.

Mr. Hitchcock asked, isn't the retail use an allowed use?

Mr. Zamora answered, yes, but not the lounge.

Mayor Lander asked, so basically our hands are tied until the ordinance is put in place?

Mr. Zamora stated the ordinance is the primary thing that needs to be changed so we can get everything else rolling.

Mrs. Dalton asked, can we make the changes on the spot so at least we have the City Attorney present as well as our attorney. And then we can table the lounge portion and move forward with the retail since the retail is allowed.

Mrs. Dalton commented, I do not mean to be so pushy here, but my concern is that you are going to lose a worldwide operator due to timing. This is something that has been in the works and that we have been discussing over six months now. It was not easy procuring a partner this strong that is going to bring this kind of recognition and cash dollars to the City. We could potentially lose them. We thought we were going to have a vote last week. Our attorney has worked overtime to put this together and meet the deadline which was last Wednesday. We turned all of this in in hopes that Sean and Mario would have a chance to review it prior to the

meeting today. I cannot stress enough that we may lose this opportunity because we have strung this partner along. Anything we can do to show some good faith, maybe a retail and then have a special meeting for the lounge portion, that would be greatly appreciated.

Councilman Adkisson asked, what is the process for approving an ordinance, how long does it take?

Mr. Brewer answered, it takes three meetings. A public hearing at the Planning Commission meeting, a first reading at a City Council meeting and then a second reading at a subsequent City Council meeting. That is State law under planning and zoning.

Councilwoman Stolz asked, is there a certain timeframe in between each meeting?

Mr. Brewer answered, you must have 10 days' notice prior to the Planning Commission meeting, which we can do for the June 11th Planning Commission meeting. The first City Council meeting would be on July 2nd.

Councilwoman Stolz asked, if we must have an ordinance in place before we approve anything, is there a way to streamline this process through special meetings with the Planning Commission and the Council?

Mr. Brewer answered, yes as long we have time to give the appropriate public notice.

Councilwoman Stolz asked, is it 10 days for Planning Commission and not 72 hours like it is for Council?

Mr. Brewer indicated that is different. You have noticing requirements for agendas and then you have public notification for an ordinance. You need 10 days for a public hearing as well as the introduction and second reading.

Mr. Zamora asked Mrs. Dalton and Mr. Hitchcock if it would be helpful to have Council approve an agreement that would not be effective until the ordinance comes into effect?

Mrs. Dalton indicated that would be very helpful.

Mr. Zamora suggested Council proceed with the ordinance revisions and give direction to staff to review, with the City Attorney, and then enter into a development agreement with Claremont Capital Partners which would include language to say that it would not be effective until the ordinance was passed. It would not speed up the required public hearing process, but if it will help them show good faith to their partner, it is a possible solution.

Motion by Ramsey, Second by Stolz for Staff to Prepare and Ordinance for an Additional Retail Cannabis Facility with On-site Consumption and to Enter into an Agreement with Claremont Capital Partners in order to Facilitate the Development and Use of the Property with the Retail Cannabis Dispensary and On-site Consumption subject to, and not effective until, Council's Approval of the Ordinance. Motion Approved by a Roll-Call 3/2 Majority Vote. (Singleton and Lander Voted "No").

Mayor Lander asked, what will the process be now to move forward?

Mr. Zamora clarified, we will proceed with amending the ordinance and submit it through the Planning Commission with the proper noticing requirements and at that same time we will be working with Mrs. Dalton and Mr. Hitchcock on a development agreement that will not be effective until the ordinance is passed.

4. Discussion, Direction and Potential Action regarding the Preparation of Zoning Text Amendment to Allow Commercial Cannabis Outdoor Cultivation in the Manufacturing and Business Light (MBL) Zoning Designation.

Sean Brewer, Assistant City Manager

Assistant City Manager Sean Brewer gave a brief overview of the item.

Mayor Pro-Tem Ramsey asked if Mrs. Dalton would like to speak on the matter.

Mrs. Dalton stated, when we purchased the Claremont facility the goal was always to be able to farm on the land. We wanted to have manufacturing, a small amount of indoor cultivation and then also be able to do greenhouses on the acreage that we have, which is close to 23 acres. We purchased the animal shelter from the City with the ultimate intent of being able to cultivate outdoors. The price of greenhouse construction is astronomical, and not environmentally friendly in comparison to an outdoor grow. What we are asking for today with the cannabis ordinance is for the City to allow outdoor cultivation. We have spoken to the Police Chief regarding the security measures and have taken into consideration everything the City has asked for, as far as not being able to view the plant from a distance. We are asking to be able to move forward. Our plans would include starting with 5 acres of outdoor cannabis. With the current tax rate, the first 5 acres would generate more than \$1.4 million annually in tax revenues. However, our goal would be to scale up to 15 acres within year one. We would then be looking at being able to bring in more than \$4.5 million in tax revenues. Not to mention the additional jobs that would be created within the community.

Councilman Adkisson asked, can we change the one-mile radius for residential homes to one-mile radius within the City of Coalinga?

Mr. Brewer indicated we would only have regulation over the City of Coalinga. It would apply to anywhere within the City limits.

Councilman Adkisson asked, what would the permit fees be on something like this?

Mr. Brewer answered, that is something we will need to look at, unless we identify it as the cultivation fee that we currently have. Since we don't have outdoor cultivation fees, we will need to look at updating those fees to include them.

Councilman Adkisson asked, it would be the Council's decision on what those fees would be?

Mr. Brewer stated, we would take our normal base rate and then we work with our consultants to figure out how long it takes for an inspection of an outdoor cultivation as opposed to an indoor cultivation. They would give us a fee breakdown like they did recently for microbusinesses. It would be the same exercise. Unless its Council decides the process should be the same for any cultivation operation, then it would just be based on size. We would bring the recommendation back to Council for consideration.

Councilman Adkisson asked, the State's licensing fee is only \$1,500 per acre, correct?

Mr. Brewer stated, unfortunately I do not follow the fees at the State level.

Mr. William Bordeaux commented, that Ocean Grown bailed us out and I think we should all be trying to help them succeed. I would like to echo many of the comments in favor of supporting her with the last agenda item. This is a no brainer; we have regulation that requires greenhouses where it has been proven the location is one of the best growing regions in the world so why would you add the additional costs. The taxes are already so burdensome. They are trying to help the community help its Police and Fire. We are in dire straights and we have no idea what is going to happen coming out of the coronavirus. If have expertise that will help the community, I am willing to lend it. I want to help create opportunity and jobs for the City of Coalinga.

Mrs. Dalton asked for the Council to act tonight. The ordinance changes we submitted by the deadline last Wednesday to be on the agenda and I am asking if we can move forward with them. The reason why our attorney David Hitchcock is on the phone is to assist with any changes to the ordinance. We understand this is going to require a Conditional Use Permit ("CUP"). Everything will be addressed through the CUP process. Many other cities and counties are doing outdoor cultivation. The most popular outdoor grow is in Lake County. Their outdoor cultivation is \$1 per square foot. We have a unique opportunity with the former prison, it will be more secure for this type of use and it is located just outside of the City limits. As William shared, he

along with many other with expertise in agriculture, are willing to help us cultivate this land in an economic fashion and environmentally safe, all while creating tax revenue for the City. This type of tax revenue is beyond what we are currently doing and is sustainable. Right now, we contribute about a quarter of million dollars with our existing use. This, with just the 5 acres, would create more than \$1.5 million to the City, in addition to the retail dollars we spoke to earlier.

Mayor Pro-Tem Ramsey asked Mrs. Dalton how much she thought the 5 acres could bring into the City in its initial phase.

Mrs. Dalton explained, it is \$7 per square foot so 5 acres would generate \$1,524,000 to the City; however we anticipate we would scale up to 15 acres considering we have over 22 acres at the Claremont site. The first year we could guarantee we could farm on 5 acres, but I can reassure you that 10 acres is right around the corner and would happen within the first year as well. We plan to use autoflowed seeds. Those seeds are designed to replant several times a year. We are looking at a 75 day turn around each time you plant. We will be able to work through a lot of kinks, whether it is water lines or the way the sun is hitting them, we will be able to work through quickly and scale up to additional acres.

Councilman Adkisson asked if we were determining permit fees now?

Mayor Pro-Tem Ramsey believed they are looking for direction on all the blue sections that have been added.

Mr. Brewer indicated he had reviewed the additional language; however, the changes will have to follow the same process as we discussed during the last agenda item.

Mayor Lander suggested, this ordinance be brought back at the same time as the other one.

Mr. Zamora stated, there is no way to shortcut the process for this item, but we can set it up to go along with the other ordinance.

Mr. Brewer stated, it could be brought as one ordinance or two separate ordinances, but it could all be done at the same time. Mr. Brewer laid out the formal process for ordinance approvals per the State law for the Council. In the meantime, we can begin working with the applicant on everything else.

Mrs. Trejo stated, we just need that direction from the Council whether you are ok with outdoor cultivation and for Staff to move forward.

Motion by Ramsey, Second by Adkisson for Staff to proceed with a Zoning Text Amendment to Allow Commercial Cannabis Outdoor Cultivation in the Manufacturing and Business Light (MBL) Zoning Designation. Motion Approved by a Roll-Call 5/0 Majority Vote.

7. ANNOUNCEMENTS

City Manager's Announcements:

Mrs. Trejo announced Fresno County recently moved to Phase 2.5 for reopening. There are some guidelines for restaurants to allow dine-in service. Information has been posted on the City's Facebook page. The County is stating there is a form restaurants must complete and submit to the County to reopen. The County is also allowing retail stores to reopen if they follow the guidelines.

The Public Works Department has been working with the Coalinga Huron Unified School District to display banners of the high school graduates on the poles in the downtown area. The City does not own enough poles to recognize all the seniors at once so the banners will be rotated every two weeks until all the senior banners have been displayed.

On Tuesday, May 26, 2020 City Hall will have a soft reopening and will be open by open only and the Building Official will begin processing pool and solar applications and permits.

The next regularly scheduled City Council Meeting will be held on Thursday June 11, 2020.

Mayor Pro-Tem Ramsey asked, the veteran banners will go up after the high school senior banners have come down, correct?

Mrs. Trejo answered yes, they will go up as soon as the other banners come down. They usually stay up through Veteran's Day, however they will stay up however long they are delayed by the senior banners to help make up that time.

Council Member's Announcements:

Mayor Pro-Tem Ramsey announced they are having Memorial Day service at the flagpole at 8:00am and 5:00pm.

Mayor's Announcements:

Mayor Lander thanked everyone for following the social distancing as much as they can. That is why are virus statistics are lower than most places. Yesterday, I, the City Manger and Councilwoman Stolz had a conference with TJ Cox about the hospital. We also had two Hospital Bandmembers, Bill Lewis and Linda Balling as well as the CEO representing the Hospital on the call. The topic was how we can all work together to speed up the opening of the hospital. Contrary to what some people think, the hospital is still planning to reopen. It was a positive call.

8. FUTURE AGENDA ITEMS

Councilman Adkisson requested a Future Agenda Item to use another platform for conducting the webinar meetings.

9. CLOSED SESSION

1. CONFERENCE WITH LABOR NEGOTIATORS – Government Code 54957.6. CITY NEGOTIATORS: City, Marissa Trejo and City Attorney, Mario Zamora. EMPLOYEE (ORGANIZATION): Nonrepresented Employees

10. CLOSED SESSION REPORT

None

11. ADJOURNMENT 8:24PM

Ron Lander, Mayor

Shannon Jensen, City Clerk

July 16, 2020

Date

**STAFF REPORT - CITY COUNCIL/SUCCESSOR AGENCY/PUBLIC FINANCE
AUTHORITY**

Subject: Approval to Upgrade Police Department's Dispatch Flooring
Meeting Date: July 16, 2020
From: Marissa Trejo, City Manager
Prepared by: Darren Blevins, Chief of Police

I. RECOMMENDATION:

The police department is bringing back to council the request to replace the Dispatch flooring and to complete the video surveillance project.

II. BACKGROUND:

On February 6, 2020, the council approved the replacement of the dispatch flooring, while waiting for the installer to put the department on calendar for the install, the council requested at the April 2, 2020 council meeting to suspend the installation due to the COVID -19 pandemic.

III. DISCUSSION:

As of today, city businesses are back open and the police department's dispatch flooring is in need of replacement. The previous quote of \$5,528.00 is still good and if approved the installer will be able to order the materials and place the department on his installation calendar.

IV. ALTERNATIVES:

Do not approve the request.

V. FISCAL IMPACT:

This is a General Fund expense that is not budgeted in the current Fiscal Year. The Police Department does have \$3,000 available in 101-413-8030 (Building Repairs and Maintenance) which could be used, leaving the unbudgeted expense at about \$2,528.

ATTACHMENTS:

| | File Name | Description |
|---|-----------------------|----------------------|
|  | IMG_0506.jpg | Pictures of dispatch |
|  | IMG_0508.jpg | Pictures of dispatch |
|  | Flooring_Estimate.pdf | Flooring Quote |





ESTIMATE

Coalinga Police Department
Coalinga , Ca 93210

Shaun Ferry Cal Floors #1021481

155 Peirce St
Coalinga, Ca 93210
Phone: (559) 821-8086
Email: shaunandrewferry@gmail.com

Estimate # 000081
Date 01/23/2020
Business / Tax # 1021481

| Description | Total |
|---|------------|
| Coalinga Police department Dispatch | \$5,528.00 |
| The following is for material and labor | |
| -please note this doesn't include moving any "I.T" communications or any electronics- | |
| Modern surfaces Luxury vinyl plank (commercial application) 445sqft color TBD- | |
| Modern surfaces Lvp adhesive (3) | |
| Burke 4inch rubber base- | |
| Remove existing flooring and prep concrete subfloor- | |
| Skim float concrete/moisture control | |
| Install 445Sqft Modern surfaces lvp in specific areas- | |
| Install Burke rubber Base- color TBD- | |

| | |
|----------|------------|
| Subtotal | \$5,528.00 |
| Total | \$5,528.00 |

Coalinga Police Department

**STAFF REPORT - CITY COUNCIL/SUCCESSOR AGENCY/PUBLIC FINANCE
AUTHORITY**

Subject: Direct Staff to Go Out to Bid for Vehicle Maintenance on City Vehicles Outside of the Services Provided by City Service Center
Meeting Date: July 16, 2020
From: Marissa Trejo, City Manager
Prepared by: Sean Brewer, Assistant City Manager

I. RECOMMENDATION:

There is no recommendation as this was a future agenda item requested by Councilman Adkisson.

II. BACKGROUND:

Councilman Adkisson is interested in bidding for vehicle maintenance outside the services provided by the Service Center at the Public Works Yard.

III. DISCUSSION:

IV. ALTERNATIVES:

Do not direct staff.

V. FISCAL IMPACT:

There is no fiscal impact associated with bidding.

ATTACHMENTS:

| File Name | Description |
|--------------------------|-------------|
| No Attachments Available | |

**STAFF REPORT - CITY COUNCIL/SUCCESSOR AGENCY/PUBLIC FINANCE
AUTHORITY**

Subject: Adopt Resolution No. 3980 Ad Valorem FY 2020-21 Property Tax Assessment for Public Safety Employees of the City of Coalinga
Meeting Date: July 16, 2020
From: Marissa Trejo, City Manager
Prepared by: Jasmin Bains, Financial Services Director

I. RECOMMENDATION:

Financial Services Director recommends City Council adopt Resolution No. 3980 to continue an existing ad valorem pension property tax at a rate of \$0.0720 per \$100 of assessed property value for the purpose of raising revenue to fund the City's obligation to the pension and retirement fund for the City's public safety employees. The property tax will be continued at the same rate that was imposed in the 1982-83 fiscal year as permitted by Revenue and Taxation Code Section 96.31(a)(4).

II. BACKGROUND:

The ad valorem pension property tax is provided through the State of California Revenue and Taxation Code Section 96.31, paragraph, (a) (4) which reads as follows:

“For the 1985-86 fiscal year and for each fiscal year thereafter, a jurisdiction shall not impose a property tax rate pursuant to subdivision (a) of section 93, unless it is imposed for one of more of the following purposes (4) to make payments in support of pension programs approved by the voters before July 1, 1978, provided that the local agency imposed the property tax rate in the 1982-83 fiscal year.”



III. DISCUSSION:

IV. ALTERNATIVES:

V. FISCAL IMPACT:

For Fiscal Year 2020, revenue received was \$432,566 and retirement program costs were \$355,501. This property tax funded an estimated 1.22% of retirement program costs for public safety employees appropriated from the general fund for Fiscal Year 2020.

ATTACHMENTS:

| File Name | Description |
|---|---|
|  Ad_Valorem_Resolution_No._3980_FY_20-21.pdf | Ad Valorem Resolution No. 3980 FY 20-21 |
|  Ad_Valorem_Public_Safety_Pension_Rev_vs_Exp.pdf | Ad Valorem Public Safety Pension Rev vs Exp |

RESOLUTION NO. 3980

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COALINGA
DETERMINING THE NECESSITY OF RAISING REVENUE BY TAXATION
FOR THE PURPOSE OF MEETING THE CITY'S OBLIGATION
TO THE PENSION AND RETIREMENT FUND FOR
PUBLIC SAFETY EMPLOYEES OF THE CITY**

BE IT HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF COALINGA.

WHEREAS, the State Supreme Court has ruled that the indebtedness created by the electorate to pay for a City pension fund is within the specific tax authority provided by the voters in Article XIII-A on pension plans instituted prior to July 1, 1978; and;

WHEREAS, the ad valorem property tax is provided through the State of California Revenue and Taxation Code Section 96.31, paragraph (a) (4).

WHEREAS, it is necessary to raise money in order to meet the City's obligation to the retirement fund for the public safety employees of the City; and;

WHEREAS, it is determined that an amount of \$0.0720 on each \$100 of assessed property value is necessary to raise sufficient revenue to pay the cost thereof;

NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF COALINGA:

That an ad valorem property tax in the amount of \$0.0720 on each \$100 of assessed property value is hereby fixed for the Fiscal Year 2020-2021 for the purpose of meeting the City's obligation to the pension and retirement fund for public safety employees of the City and to be collected by the Fresno County Auditor's Office.

The foregoing Resolution was adopted at a regular meeting of the City Council of the City of Coalinga on **July 16th, 2020**, by the following roll call vote.

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED

Ron Lander, Mayor

ATTEST

City Clerk/Deputy City Clerk

| Ad Valorem Pension Property Tax | | | | | | | | | | | | |
|---------------------------------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|
| Retirement | | Actual | Actual | Actual | Actual | Actual | Actual | Actual | Actual | Actuals | Actual | Budget |
| Expense | | 10-11 | 11-12 | 12-13 | 13-14 | 14-15 | 15-16 | 16-17 | 17-18 | 18-19 | 19-20 | 20-21 |
| POLICE | 401 | 271,455 | 199,686 | 145,548 | 15,631 | 14,259 | 72 | - | - | - | - | - |
| PERS:effective 1/1/13 | PERS | | | 83,474 | 176,934 | 181,930 | 157,390 | 176,886 | 152,254 | 141,478 | 157,229 | 198,505 |
| | PERS UL | | | | | | | | | | | 31,740 |
| | 457 | 14,126 | 16,529 | 15,089 | 2,824 | 15,301 | 17,316 | 16,467 | 15,541 | 15,510 | 14,896 | 12,006 |
| | | 285,581 | 216,215 | 244,111 | 195,389 | 211,490 | 174,778 | 193,353 | 167,795 | 156,988 | 172,125 | 242,251 |
| | | | | | | | | | | | | |
| FIRE | 401 | 180,669 | 176,328 | 106,855 | 13,592 | 10,861 | - | - | - | - | - | - |
| PERS:effective 1/1/13 | PERS | | | 66,456 | 144,358 | 137,229 | 101,348 | 119,168 | 120,183 | 124,188 | 159,756 | 217,634 |
| | PERS UL | | | | | | | | | | | 33,902 |
| | 457 | 29,273 | 28,834 | 30,480 | 26,786 | 25,087 | 20,996 | 27,986 | 32,213 | 25,747 | 23,620 | 64,877 |
| | | 209,942 | 205,162 | 203,791 | 184,736 | 173,177 | 122,344 | 147,154 | 152,396 | 149,935 | 183,376 | 316,413 |
| | | | | | | | | | | | | |
| | | | | | | | | | | | | |
| TOTAL EXPENSE | | 495,523 | 421,377 | 447,902 | 380,125 | 384,667 | 297,122 | 340,507 | 320,191 | 306,923 | 355,501 | 558,664 |
| REVENUE | | | | | | | | | | | | |
| 101-400-40080/40090 | | 210,413 | 328,304 | 328,377 | 337,315 | 366,362 | 356,772 | 391,002 | 402,151 | 400,918 | 432,566 | 430,000 |
| | | | | | | | | | | | | |
| Funded Obligation | | 0.42 | 0.78 | 0.73 | 0.89 | 0.95 | 1.20 | 1.15 | 1.26 | 1.31 | 1.22 | 0.77 |

STAFF REPORT - CITY COUNCIL/SUCCESSOR AGENCY/PUBLIC FINANCE AUTHORITY

Subject: Adopt Resolution No. 3981 Regarding Certifications and Claims for Collection of Measure “C” Funds for Fiscal Year 2020-2021 and Authorization for the Financial Services Director to Sign the Local Transportation Pass Through Revenue Certifications and Claim Forms

Meeting Date: July 16, 2020

From: Marissa Trejo, City Manager

Prepared by: Jasmin Bains, Financial Services Director

I. RECOMMENDATION:

City Manager and Financial Services Director recommends City Council adopt Resolution No. 3981 to submit the Local Transportation Purposes Certifications and Claim Forms to Fresno County Transportation Authority (FCTA) for the City of Coalinga to collect its share of Measure “C” for fiscal year 2020-21 and authorize the Financial Services Director to sign the Local Transportation Pass Through Revenue Certifications and Claim Forms.

II. BACKGROUND:

On June 3, 2020, the FCTA Board adopted their Board Resolution No. 2020-01 (Resolution attached) for Measure C Extension Local Transportation Purposes Pass-Through Projects and Program Funds apportionment for fiscal year 2020-21. The following is the Local Transportation Program Pass-Through and Subprograms of which the City of Coalinga will receive Measure C funding:

- 1.83% of \$11,007,248 for Street Maintenance Category sub program, or City’s share \$201,071;
- 1.84% of \$382,235 for ADA Compliance Category sub program, or City’s share \$7,037;
- 2.19% of \$10,990,932 for Flexible Funding Category sub program, or City’s share \$241,000.

Each subprogram has various requirements and exemptions for spending the funds and is outlined in the Measure C Extension 2007 Local Agency Handbook. These are the estimated apportionments scheduled for FY 2020-2021 for the City of Coalinga Measure C Extension Program.

To receive these funds monthly, the City must file a separate 2020-2021 Certification and Claim form for each sub program (forms attached) along with a City Council Resolution which is to be submitted to the Fresno County Transportation Authority. Once these documents have been accepted, each agency will receive a separate check for each sub program. Measure “C” funds will be distributed on a proportional basis as funds are received.

III. DISCUSSION:

Staff is requesting that the City Council adopt Resolution No. 3981 to submit the City’s Local

Transportation Program Certifications and Claim forms to the Fresno County Transportation Authority and authorize the signing of the claim forms by the Financial Services Director for the City to begin receiving its share of Measure “C” funds totaling \$449,108.

IV. ALTERNATIVES:

V. FISCAL IMPACT:

The 2020-2021 Measure C funding will augment other local transportation fund sources to carry out street maintenance programs and other public transportation improvements during the fiscal year.

ATTACHMENTS:

| File Name | Description |
|---|--|
| <input type="checkbox"/> Measure_C_Resolution_No._3981_FY20-21.pdf | Measure C Resolution No. 3981 FY20-21 |
| <input type="checkbox"/> FY2020-21.MeaC_Ext_Coalinga_LTPClaim.ADA.pdf | FY2020-21.MeaC Ext Coalinga LTPClaim.ADA |
| <input type="checkbox"/> FY2020-21.MeaC_Ext_Coalinga_LTPClaim.Flex.pdf | FY2020-21.MeaC Ext Coalinga LTPClaim.Flex |
| <input type="checkbox"/> FY2020-21.MeaC_Ext_Coalinga_LTPClaim.StreetMaintenance.pdf | FY2020-21.MeaC Ext Coalinga LTPClaim.StreetMaintenance |
| <input type="checkbox"/> RESOLUTION_NO_2020-01_ExtensionProgram-ProjectsAllocationFY20-21(Executed).pdf | RESOLUTION NO 2020-01 ExtensionProgram-ProjectsAllocationFY20-21(Executed) |

RESOLUTION NO. 3981

RESOLUTION OF THE CITY OF COALINGA IN THE MATTER CONCERNING LOCALTRANSPORTATION PURPOSE FUNDS (MEASURE “C” EXTENSION FUNDS) FOR FISCAL YEAR 2020-2021

WHEREAS, the *City of Coalinga* is an eligible claimant of funds for Measure C Extension Local Transportation Pass-Through Projects and Program Funds pursuant to California Public Utilities Code Section 142257; and

WHEREAS, the Fresno County Transportation Authority has adopted a Resolution of Apportionment for FY 2020-2021 Measure C Extension Local Transportation Pass-Through Projects and Program Funds, setting the *City of Coalinga's* percentages at the following:

- 1.83% of \$11,007,248 (or \$201,071) for the Local Transportation Program, Local Allocation – Street Maintenance Category sub program;
- 1.84% of \$382,235 (or \$7,037) for the Local Transportation Program, Local allocation – ADA Compliance Category sub program;
- 2.19% of \$10,990,932 (or \$241,000) for the Local Transportation Program, Local Allocation – Flexible Funding Category sub program; which shall be the proportionate share of Measure C Extension Local Transportation Pass-Through Projects and Program Funds to the City shall be entitled within the fiscal year.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

- 1) The *City of Coalinga* hereby submits its Local Transportation Purposes Certification and Claims for Fiscal Year 2020-2021 Measure C Extension Local Transportation Pass-Through Projects and Program Funds;
- 2) The *City of Coalinga* hereby requests the release of funds to the City on a monthly payment basis consistent with the adopted percentages listed above, based on actual receipts;
- 3) The City Council of the *City of Coalinga* further certifies:
 - a) That Local Transportation Purpose Funds will not be used to substitute for property tax funds which the *City of Coalinga* had previously used for local transportation purposes; and
 - b) That the *City of Coalinga* has and will segregate property tax revenues used to support local transportation purposes so that verification of non-substitution can be proved through audit; and
 - c) That the *City of Coalinga* shall separately account for Local Transportation Purposes Funds received, pursuant to Public Utilities Code Section 142257. The City shall maintain records in accordance with generally accepted accounting principles, and shall separately record expenditures for each type of eligible purpose. The City shall

make such records available to the Authority for inspection or audit at any time.

- 4) The **City of Coalinga** understands that should a financial or compliance audit reveal that the **City of Coalinga** violated any of the requirements set forth in paragraph 3 (a) (b) or (c), that the Fresno County Transportation Authority may seek to take immediate steps to resolve the violation in accordance with its adopted procedures.
- 5) The **City of Coalinga** understands that it intends to complete the reporting requirements for the 2019-2020 Measure C expenditures to the Board by November 15, 2020.

I do hereby certify that the foregoing resolution was duly adopted and passed by the City Council of the City of Coalinga at a regular meeting held on the 16th day of **July 2020**, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

Ron Lander, Mayor

ATTEST:

City Clerk / Deputy City Clerk

**MEASURE C EXTENSION
LOCAL TRANSPORTATION PASS THROUGH REVENUES
CERTIFICATION AND CLAIM FOR FY2020-21**

TO: Fresno County Transportation Authority

FROM: City of Coalinga
Local Agency Name

Address: 155 W. Duran, Coalinga, CA 93210 Contact: Jasmin Bains, Financial Services Director

Telephone: (559) 935-1533 FAX: _____ Email Address: jbains@coalinga.com

1. Applicable Funding Program: (Check One)

Regional Public Transit Program

- ☐ Fresno Area Express
- ☐ Clovis Transit
- ☐ FCRTA
- ☐ PTIS/Transit Consolidation
- ☐ ADA/Seniors/Paratransit
- ☐ Farmworker Van Pools
- ☐ Car/Van Pools
- ☐ New Technology Reserve

Local Transportation Program

- ☐ Street Maintenance
- ☒ ADA Compliance
- ☐ Flexible Funding
- ☐ Pedestrian/Trails Urban
- ☐ Pedestrian/Trails Rural
- ☐ Bicycle Facilities
- Regional Transportation Program*
- ☐ Fresno Airports

Alternative Transportation Program

- ☐ Rail Consolidation Subprogram
- Environmental Enhancement Program*
- ☐ School Bus Replacement
- ☐ Transit Oriented Infrastructure for In-Fill

Administrative/Planning Program

- ☐ Fresno COG

2. The City of Coalinga ("claimant") is an eligible claimant of funds for local transportation purposes pursuant to
Local Agency Name
California Public Utilities Code Section 142257.

3. The Fresno County Transportation Authority has adopted a Resolution of Apportionment for Fiscal Year 2020-2021 setting 1.84% of \$382,235 (or \$7,037) for the Subprogram or Category of funds checked above and available to the claimant. On behalf of claimant, I hereby request release of the funds to claimant in accordance with:

- (a) Monthly payments consistent with adopted percentage, based on actual receipts
- (b) Compliance with Steps A and B of the Strategic Implementation Plan (SIP) – Local Agency Pass Through Funding programs and Other Revenue Program Funding

4. On behalf of claimant, I hereby certify as follows:

- (a) That the Subprogram or Category of funds checked above are not being used to substitute for property tax funds which claimant had previously used for local transportation purposes. Such substitution of property tax funds is prohibited by California Public Utilities Code Section 142257.
- (b) That claimant has segregated property tax revenues from claimant's other general fund revenues used to support the Subprogram or Category of funds checked above so that verification of non-substitution can be proved through audit or that the non-substitution of funds shall apply to claimant's entire general fund.
- (c) That claimant shall account for Subprogram or Category of funds checked above and received pursuant to Public Utilities Code Section 142257. Claimant shall maintain current records in accordance with generally accepted accounting principles and shall separately record expenditures for each type of eligible purpose. Claimant shall make such records available to the Authority for inspection or audit at any time.

5. Claimant understands that should financial or compliance audit exceptions be found, the Fresno County Transportation Authority will take immediate steps to resolve the exceptions in accordance with its adopted procedures.

Authorized Signature: _____

Title: Financial Services Director

Date: July 16, 2020

ATTACHMENT: Evidence of Formal Action for Approval and Submittal

Approved by: Fresno County Transportation Authority Board on: _____

**MEASURE C EXTENSION
LOCAL TRANSPORTATION PASS THROUGH REVENUES
CERTIFICATION AND CLAIM FOR FY2020-21**

TO: Fresno County Transportation Authority

FROM: City of Coalinga
Local Agency Name

Address: 155 W. Duran, Coalinga, CA 93210 Contact: Jasmin Bains, Financial Services Director

Telephone: (559) 935-1533 FAX: _____ Email Address: jbains@coalinga.com

1. Applicable Funding Program: (Check One)

Regional Public Transit Program

- ☐ Fresno Area Express
- ☐ Clovis Transit
- ☐ FCRTA
- ☐ PTIS/Transit Consolidation
- ☐ ADA/Seniors/Paratransit
- ☐ Farmworker Van Pools
- ☐ Car/Van Pools
- ☐ New Technology Reserve

Local Transportation Program

- ☐ Street Maintenance
- ☐ ADA Compliance
- ☒ Flexible Funding
- ☐ Pedestrian/Trails Urban
- ☐ Pedestrian/Trails Rural
- ☐ Bicycle Facilities
- Regional Transportation Program*
- ☐ Fresno Airports

Alternative Transportation Program

- ☐ Rail Consolidation Subprogram
- Environmental Enhancement Program*
- ☐ School Bus Replacement
- ☐ Transit Oriented Infrastructure for In-Fill

Administrative/Planning Program

- ☐ Fresno COG

2. The City of Coalinga ("claimant") is an eligible claimant of funds for local transportation purposes pursuant to
Local Agency Name
California Public Utilities Code Section 142257.

3. The Fresno County Transportation Authority has adopted a Resolution of Apportionment for Fiscal Year 2020-2021 setting 2.19% of \$10,990,932 (or \$241,000) for the Subprogram or Category of funds checked above and available to the claimant. On behalf of claimant, I hereby request release of the funds to claimant in accordance with:

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- (b) That claimant has segregated property tax revenues from claimant's other general fund revenues used to support the Subprogram or Category of funds checked above so that verification of non-substitution can be proved through audit or that the non-substitution of funds shall apply to claimant's entire general fund.
- (c) That claimant shall account for Subprogram or Category of funds checked above and received pursuant to Public Utilities Code Section 142257. Claimant shall maintain current records in accordance with generally accepted accounting principles and shall separately record expenditures for each type of eligible purpose. Claimant shall make such records available to the Authority for inspection or audit at any time.

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Authorized Signature: _____

Title: Financial Services Director

Date: July 16, 2020

ATTACHMENT: Evidence of Formal Action for Approval and Submittal

Approved by: Fresno County Transportation Authority Board on: _____

**MEASURE C EXTENSION
LOCAL TRANSPORTATION PASS THROUGH REVENUES
CERTIFICATION AND CLAIM FOR FY2020-21**

TO: Fresno County Transportation Authority

FROM: City of Coalinga
Local Agency Name

Address: 155 W. Duran, Coalinga, CA 93210 Contact: Jasmin Bains, Financial Services Director
Telephone: (559) 935-1533 FAX: _____ Email Address: jbains@coalinga.com

1. Applicable Funding Program: (Check One)

Regional Public Transit Program

- ☐ Fresno Area Express
- ☐ Clovis Transit
- ☐ FCRTA
- ☐ PTIS/Transit Consolidation
- ☐ ADA/Seniors/Paratransit
- ☐ Farmworker Van Pools
- ☐ Car/Van Pools
- ☐ New Technology Reserve

Local Transportation Program

- ☒ Street Maintenance
- ☐ ADA Compliance
- ☐ Flexible Funding
- ☐ Pedestrian/Trails Urban
- ☐ Pedestrian/Trails Rural
- ☐ Bicycle Facilities
- Regional Transportation Program*
- ☐ Fresno Airports

Alternative Transportation Program

- ☐ Rail Consolidation Subprogram
- Environmental Enhancement Program*
- ☐ School Bus Replacement
- ☐ Transit Oriented Infrastructure for In-Fill

Administrative/Planning Program

- ☐ Fresno COG

2. The City of Coalinga ("claimant") is an eligible claimant of funds for local transportation purposes pursuant to
Local Agency Name
California Public Utilities Code Section 142257.

3. The Fresno County Transportation Authority has adopted a Resolution of Apportionment for Fiscal Year 2020-2021 setting 1.83% of \$11,007,248 (or \$201,071) for the Subprogram or Category of funds checked above and available to the claimant. On behalf of claimant, I hereby request release of the funds to claimant in accordance with:

- (a) Monthly payments consistent with adopted percentage, based on actual receipts
- (b) Compliance with Steps A and B of the Strategic Implementation Plan (SIP) – Local Agency Pass Through Funding programs and Other Revenue Program Funding

4. On behalf of claimant, I hereby certify as follows:

- (a) That the Subprogram or Category of funds checked above are not being used to substitute for property tax funds which claimant had previously used for local transportation purposes. Such substitution of property tax funds is prohibited by California Public Utilities Code Section 142257.
- (b) That claimant has segregated property tax revenues from claimant's other general fund revenues used to support the Subprogram or Category of funds checked above so that verification of non-substitution can be proved through audit or that the non-substitution of funds shall apply to claimant's entire general fund.
- (c) That claimant shall account for Subprogram or Category of funds checked above and received pursuant to Public Utilities Code Section 142257. Claimant shall maintain current records in accordance with generally accepted accounting principles and shall separately record expenditures for each type of eligible purpose. Claimant shall make such records available to the Authority for inspection or audit at any time.

5. Claimant understands that should financial or compliance audit exceptions be found, the Fresno County Transportation Authority will take immediate steps to resolve the exceptions in accordance with its adopted procedures.

Authorized Signature: _____

Title: Financial Services Director

Date: July 16, 2020

ATTACHMENT: Evidence of Formal Action for Approval and Submittal
Approved by: Fresno County Transportation Authority Board on: _____

**BEFORE THE
FRESNO COUNTY TRANSPORTATION AUTHORITY BOARD
RESOLUTION NO 2020-01**

| | | |
|------------------------------|---|-----------------------------|
| In the Matter of: |) | |
| FRESNO COUNTY TRANSPORTATION |) | RETAIL TRANSACTIONS AND USE |
| IMPROVEMENT ACT |) | TAX FUNDS FOR EXTENSION |
| CALIFORNIA PUBLIC UTILITIES |) | LOCAL TRANSPORTATION |
| <u>CODE SECTION 142257</u> |) | PURPOSES PASS-THROUGH |
| |) | PROJECTS AND PROGRAMS FOR |
| |) | <u>FY 2020-21</u> |

WHEREAS, the Fresno County Transportation Authority is the administrator of the Retail Transactions and Use Tax (½ percent) Funds collected pursuant to the Fresno County Transportation Improvement Act as provided by Part 1.6 (commencing with Section 7251) of Division 2 of the Revenue and Taxation Code and Public Utilities Code Sections 142000, et seq.,

WHEREAS, California Public Utilities Code Section 142257 provides that the 2006 Measure C Extension Expenditure Plan, which was approved prior to and provided the basis for the ballot measure considered by the voters at the November 7, 2006 election, shall specify the amount and the formula by which the retail transactions and use tax shall be allocated to each participating jurisdiction for Measure C Extension Program and Project Funds Local Transportation Purposes determined to be priority projects by local governments to which funds are allocated, and

WHEREAS, the 2006 Measure C Extension Expenditure Plan creates a number of transportation programs to be funded by participating jurisdictions with Measure C funds passed-through from the Authority to the jurisdiction submitting eligible project claims, and

WHEREAS, these various programs have differing requirements, exemptions, and formulas for calculating pass-through funding levels, and

WHEREAS, the programs and subprograms identified below are eligible for pass-through funding,

Regional Public Transit Program

Public Transit Agencies
Public Transportation Infrastructure Study (PTIS)
ADA/Seniors/Paratransit
Ag-worker/Car/Van Pools

Local Transportation Program

Local Allocation
Pedestrian/Trails
Bicycle Facilities

Regional Transportation Program
Fresno Airports

Administration/Planning Program
Council of Fresno County Governments

and

WHEREAS, the program requirements and exemptions for these programs may change from time to time as local jurisdiction population changes or mandated programs are satisfied, and

WHEREAS, in an effort to fully explain the various program provisions, the Authority, together with the Fresno Council of Governments, created and will update as needed the Measure C Extension Strategic Implementation Plan which among other things discusses each pass-through program in detail and provides the basis for calculating pass-through funding levels for each program in the 2020-21 fiscal year, and

WHEREAS, the Authority procedures for administration of funds for local transportation purposes as identified in the Measure C Extension Administrative Code calls for an annual Resolution of Apportionment to determine the percentage and amount of funds to be available within the forthcoming fiscal year, and

WHEREAS, the attached schedule of apportionment for FY 2020-21 is based upon the Measure C Extension Strategic Implementation Plan.

NOW THEREFORE, BE IT RESOLVED, that the Fresno County Transportation Authority hereby approves the attached schedule of apportionment for FY 2020-21 as indicated in the Measure C Extension Strategic Implementation Plan, which schedule is hereby made a part of this resolution, and approves the allocations, to be distributed as they are received and in accordance with claims submitted by eligible claimants.

BE IT FURTHER RESOLVED, that the Fresno County Auditor-Controller/Treasurer-Tax Collector cause the revised Resolution of Apportionment to be paid in the manner and time directed by the Executive Director of the Fresno County Transportation Authority.

THE FOREGOING RESOLUTION was passed and adopted by the Fresno County Transportation Authority Board this 3rd day of June, 2020.


AYES: (8) Mendes, Ashbeck, Brand, Brandau, Caprioglio, Cardenas, Dhaliwal, Sihota

NOES: (0)

ABSTAIN: ()

ABSENT: ()

VACANT: (1)

SIGNED: 
Ernest "Buddy" Mendes, Chairman
Fresno County Transportation Authority

ATTEST:

I hereby certify that the foregoing is a true copy of a resolution of the Fresno County Transportation Authority duly adopted at a regular meeting thereof held on June 3, 2020.

SIGNED: 
Mike Leonardo, Executive Director
Fresno County Transportation Authority

/dd/reso/PassThru-Allocation-2020-01

RESOLUTION OF ALLOCATION 2020-01
FY2020-21 MEASURE C EXTENSION ESTIMATED ALLOCATIONS

Table 1
Measure C Sales Tax Revenue
2020/21
Approved by the FCTA Board 6/3/20

| | | |
|---|----------------|-------------------|
| Sales Tax Estimate | | \$72,711,059 |
| Program Services and Supplies | | \$768,262 |
| Net Distributed Sales Tax Estimate | | \$71,942,797 |
| Funding Allocation Programs | Percent | Allocation |
| Regional Public Transit Program | | |
| Public Transit Agencies | | |
| Fresno Area Express (FAX) | 13.70% | 9,856,163 |
| Clovis Transit | 1.97% | 1,417,273 |
| Fresno County Rural Transit Agency (FCRTA) | 3.99% | 2,870,518 |
| Public Transportation Infrastructure Study (PTIS) | 0.29% | 208,634 |
| ADA / Seniors / Paratransit | 0.79% | 568,348 |
| Farmworker / Car / Van Pools | | |
| Farmworker Van Pools | 0.58% | 417,268 |
| Car/Van Pools | 0.58% | 417,268 |
| New Technology Reserve | 2.10% | 1,510,799 |
| Local Transportation Program | | |
| Local Allocation | 30.60% | 22,014,496 |
| Pedestrian/Trails | | |
| Urban (Fresno/Clovis) | 2.15% | 1,546,770 |
| Rural | 0.95% | 683,457 |
| Bicycle Facilities | 0.90% | 647,485 |
| Regional Transportation Program | | |
| Urban | 14.70% | 10,575,591 |
| Rural | 14.70% | 10,575,591 |
| Airports | 1.00% | 719,428 |
| Alternative Transportation Program | | |
| Grade Separation | 6.00% | 4,316,568 |
| Environmental Enhancement | | |
| School Bus Replacement | 2.30% | 1,654,684 |
| Transit Oriented Infrastructure for In-Fill | 1.20% | 863,314 |
| Administration/Planning Program | | |
| Fresno County Transportation Authority (FCTA) | 1.00% | 719,428 |
| Fresno Council of Governments (FCOG) | 0.50% | 359,714 |
| Total | 100.00% | 71,942,797 |

**RESOLUTION OF ALLOCATION 2020-01
LOCAL TRANSPORTATION SUB PROGRAM FY2020-21 ALLOCATIONS**

**Table 2
FRESNO COUNTY TRANSPORTATION AUTHORITY
MEASURE C FUND APPORTIONMENT
Local Allocation Sub Program
FY2020/21**

6/3/2020 Presented to the FCTA Board

| | Street Maintenance | ADA Compliance | Flexible Funding | Ped/Trails Urban | Ped/Trails Rural | Bicycle Facilities | Total |
|------------------|-----------------------|-------------------|---------------------|---------------------|---------------------|-----------------------|-------------------|
| Clovis | 1,090,243 | 9.90% | 9.57% | 260,025 | 0 | 65,987 | 2,506,498 |
| Coalinga | 201,071 | 1.83% | 2.19% | 0 | 0 | 0 | 449,107 |
| Firebaugh | 118,035 | 1.07% | 1.23% | 0 | 0 | 0 | 257,732 |
| Fowler | 111,671 | 1.01% | 1.14% | 0 | 0 | 0 | 241,282 |
| Fresno | 4,761,442 | 43.26% | 41.81% | 1,190,798 | 0 | 298,865 | 11,012,547 |
| Huron | 109,581 | 1.00% | 1.14% | 0 | 0 | 0 | 238,805 |
| Kerman | 188,067 | 1.71% | 2.05% | 0 | 0 | 0 | 419,561 |
| Kingsburg | 173,782 | 1.58% | 1.85% | 0 | 0 | 0 | 383,417 |
| Mendota | 152,587 | 1.39% | 1.65% | 0 | 0 | 0 | 338,880 |
| Orange Cove | 133,998 | 1.22% | 1.41% | 0 | 0 | 0 | 293,876 |
| Parlier | 180,275 | 1.64% | 1.97% | 0 | 0 | 0 | 403,352 |
| Reedley | 277,956 | 2.53% | 2.44% | 0 | 0 | 0 | 626,704 |
| San Joaquin | 86,206 | 0.78% | 0.89% | 0 | 0 | 0 | 183,712 |
| Sanger | 290,855 | 2.64% | 2.55% | 0 | 0 | 0 | 656,077 |
| Selma | 264,747 | 2.41% | 2.93% | 0 | 0 | 0 | 596,228 |
| County of Fresno | 2,866,736 | 26.04% | 25.17% | 95,947 | 276,334 | 178,677 | 6,284,430 |
| TOTAL | 11,007,248 | | 10,990,932 | 1,546,770 | 391,756 | 573,267 | 24,892,208 |

RESOLUTION OF ALLOCATION 2020-01

Table 3
FRESNO COUNTY TRANSPORTATION AUTHORITY
FRESNO COUNTY FUND APPORTIONMENT CALCULATIONS
Local Allocation Sub Program
6/3/2020 Presented to the FCTA Board
FY2020/21

| City | Population | | Road Miles | 75% | 25% | Percent | Percent | \$100,000 Min | Formula Above Minimum | | Local Allocation Program | Street Maint. 50% of Local Allocation | Total Allocable to Program | Redistribute Ped/Trails | | Redistribute Bic.Fac. | ADA Compliance | Flexible Funding | Ped/Trails | | Bicycle Facilities | Total |
|------------------|------------|---------|------------|---------|--------------|-------------|-----------|---------------|-----------------------|------------|--------------------------|---------------------------------------|----------------------------|-------------------------|------------|-----------------------|----------------|------------------|------------|--|--------------------|-------|
| | 2020 | 2018 | | | | | | | Urban | Rural | | | | | | | | | | | | |
| Clovis | 119,175 | 336.9 | *** | 10.19% | 0.087341136 | 0.014571042 | 100.000 | 2,080,486 | 2,180,486 | 1,090,243 | 2,506,498 | 0 | 0 | 38,159 | 1,052,084 | 260,025 | 0 | 65,987 | 2,506,498 | | | |
| Coalinga | 17,199 | 58.3 | | 1.48% | 0.012604827 | 0.002195487 | 100.000 | 302,141 | 402,141 | 201,071 | 449,107 | 37,383 | 9,583 | 7,037 | 241,000 | 0 | 0 | 0 | 449,107 | | | |
| Firebaugh | 7,981 | 21.7 | | 0.67% | 0.005949126 | 0.000816196 | 100.000 | 136,069 | 236,069 | 116,035 | 257,732 | 17,347 | 4,316 | 4,131 | 135,597 | 0 | 0 | 0 | 257,732 | | | |
| Fowler | 6,454 | 34.8 | | 0.60% | 0.0074730016 | 0.001318688 | 100.000 | 123,342 | 233,342 | 111,671 | 241,282 | 14,028 | 3,912 | 3,908 | 125,703 | 0 | 0 | 0 | 241,282 | | | |
| Fresno | 545,769 | 1,635.3 | | 46.16% | 0.3998983926 | 0.061594159 | 100.000 | 9,422,884 | 9,522,884 | 4,761,442 | 11,012,547 | 0 | 0 | 166,650 | 4,594,792 | 1,190,798 | 0 | 298,865 | 11,012,547 | | | |
| Huron | 7,299 | 13.0 | | 0.58% | 0.005439301 | 0.00048776 | 100.000 | 119,161 | 219,161 | 109,581 | 238,805 | 15,865 | 3,779 | 3,835 | 125,390 | 0 | 0 | 0 | 238,805 | | | |
| Kerman | 15,950 | 48.8 | | 1.35% | 0.011689458 | 0.001836917 | 100.000 | 276,134 | 376,134 | 188,067 | 419,561 | 34,669 | 8,582 | 6,582 | 224,912 | 0 | 0 | 0 | 419,561 | | | |
| Kingsburg | 12,883 | 71.3 | | 1.21% | 0.009441711 | 0.002665131 | 100.000 | 267,563 | 367,563 | 173,782 | 383,417 | 28,002 | 7,852 | 6,082 | 203,554 | 0 | 0 | 0 | 383,417 | | | |
| Mendota | 12,514 | 23.3 | | 1.01% | 0.009717277 | 0.000879069 | 100.000 | 205,173 | 305,173 | 132,587 | 336,880 | 27,000 | 6,507 | 5,341 | 180,953 | 0 | 0 | 0 | 336,880 | | | |
| Orange Cove | 9,456 | 34.5 | | 0.82% | 0.006930126 | 0.001299062 | 100.000 | 167,995 | 267,995 | 133,998 | 293,876 | 20,553 | 5,328 | 4,690 | 155,189 | 0 | 0 | 0 | 293,876 | | | |
| Parlier | 15,990 | 29.7 | | 1.28% | 0.011644885 | 0.001117518 | 100.000 | 260,550 | 360,550 | 180,275 | 403,352 | 34,538 | 8,264 | 6,310 | 218,767 | 0 | 0 | 0 | 403,352 | | | |
| Reedley | 25,917 | 88.6 | | 2.23% | 0.018994086 | 0.003338617 | 100.000 | 455,911 | 555,911 | 277,956 | 626,704 | 0 | 0 | 9,728 | 268,228 | 56,333 | 14,460 | 626,704 | | | | |
| San Joaquin | 4,142 | 13.6 | | 0.35% | 0.003035595 | 0.000511489 | 100.000 | 72,412 | 172,412 | 86,206 | 183,712 | 9,003 | 2,297 | 0 | 97,506 | 0 | 0 | 0 | 183,712 | | | |
| Sanger | 27,485 | 97.5 | | 2.36% | 0.019923308 | 0.003673081 | 100.000 | 481,710 | 581,710 | 290,855 | 656,077 | 53,113 | 13,622 | 10,180 | 280,675 | 0 | 59,089 | 0 | 656,077 | | | |
| Selma | 24,436 | 83.1 | | 2.10% | 0.017908689 | 0.003129853 | 100.000 | 529,493 | 629,493 | 284,747 | 684,430 | 0 | 0 | 9,266 | 322,416 | 0 | 0 | 0 | 684,430 | | | |
| County of Fresno | 171,108 | 3,997.2 | | 27.60% | 0.125401663 | 0.150552619 | 100.000 | 4,633,472 | 5,233,472 | 2,866,736 | 6,294,438 | 0 | 0 | 100,336 | 2,766,400 | 95,947 | 276,334 | 178,677 | 6,294,438 | | | |
| TOTAL | 1,023,358 | 6,637.5 | | 100.00% | 0.750000 | 0.250000 | 1,600,000 | 20,414,496 | 22,014,496 | 11,007,248 | 24,892,208 | 291,701 | 74,218 | 382,235 | 10,990,932 | 1,546,770 | 391,756 | 573,267 | 24,892,208 | | | |

| | Urban Population | Rural Population | Pedestrian/Trials Urban | Rural | Redistribute to Flexible Funding | Bicycle Fac. Sub Program | Redistribute to Flexible Funding |
|------------------|------------------|------------------|-------------------------|-----------|----------------------------------|--------------------------|----------------------------------|
| Clovis | 119,175 | | 260,025 | | 0 | 65,987 | 0 |
| Coalinga | | 17,199 | | | 37,383 | 37,383 | 9,583 |
| Firebaugh | | 7,981 | | | 17,347 | 4,316 | 4,316 |
| Fowler | | 6,454 | | | 14,028 | | 3,912 |
| Fresno | 545,769 | | 1,190,798 | | 0 | 298,865 | 0 |
| Huron | | 7,299 | | | 15,865 | 3,779 | 3,779 |
| Kerman | | 15,950 | | | 34,669 | 8,758 | 8,758 |
| Kingsburg | | 12,883 | | | 28,002 | 7,852 | 7,852 |
| Mendota | | 12,514 | | | 27,200 | 6,507 | 6,507 |
| Orange Cove | | 9,496 | | | 20,553 | 5,328 | 5,328 |
| Parlier | | 15,890 | | | 34,538 | 8,264 | 8,264 |
| Reedley | | 25,917 | | | 56,333 | 0 | 0 |
| San Joaquin | | 4,142 | | | 9,003 | 2,297 | 2,297 |
| Sanger | | 27,185 | | | 59,089 | 0 | 0 |
| Selma | | 24,436 | | | 53,113 | 13,622 | 13,622 |
| County of Fresno | 43,975 *** | 127,133 | 95,947 | 276,334 | 53,113 | 178,677 | 0 |
| TOTAL | 708,919 | 314,439 | 1,546,770 | 683,457 | 291,701 | 647,485 | 573,267 |
| | | 1,023,358 | 1,546,770 | 683,457 | | | 647,485 |
| | | | | 2,230,227 | | 391,756 | |

STAFF REPORT - CITY COUNCIL/SUCCESSOR AGENCY/PUBLIC FINANCE AUTHORITY

Subject: Waive the Second Reading and Adoption of Ordinance No. 840 Amending the City of Coalinga's Commercial Cannabis Regulations to Permit a Second Retail Location and Establishing Regulations for Onsite Consumption (Consumption Lounge)

Meeting Date: July 16, 2020

From: Marissa Trejo, City Manager

Prepared by: Sean Brewer, Assistant City Manager

I. RECOMMENDATION:

Staff is recommending that the City Council Waive the Second Reading and Adopt Ordinance No. 840, a City initiated zoning text amendment (No. ZTA 20-03) amending the Commercial Cannabis Regulations Related to Permitting a Second Retail Location and Establishing Regulations for onsite consumption (Consumption Lounge)

II. BACKGROUND:

In March 2020, the City Council directed City Staff to proceed with a zoning text amendment to allow for a second retail cannabis facility including on-site consumption (consumption lounge) in the downtown district where cannabis and cannabis products may be ingested or topically applied on the premises of a licensed retail facility. In order to accomplish this request the planning and zoning code must be amended through a zoning text amendment.

The Zoning Map and the Zoning Ordinance text may be substantially amended in two (2) ways: (1) Reclassification of the zoning applicable to a specific property, designating a change from one district to another district, commonly called "rezoning", (2) Changes in the permitted uses or regulations on property within particular zones or citywide, commonly called "text amendments".

Article 1 of Chapter 5 of the Coalinga planning and zoning code establishes local regulations applicable to commercial cannabis operations as may be permitted under the California Medicinal and Adult-Use Cannabis Regulation and Safety Act (SB 94), approved by the Governor on June 27, 2017 or subsequently enacted State law pertaining to the same.

The proposed zoning text amendment will allow for a second retail cannabis permit in the City's downtown overlay district and further permit on-site consumption (consumption lounge) where cannabis can be vaped, smoked, ingested or topically applied on the premises of a licensed cannabis retail facility. This would be consistent with Business and Professions Code section 26200(g) which allows for onsite consumption on the premise of a State licensed cannabis retailer.

On June 9, 2020 the Planning Commission conducted a public hearing and received public comment and then approved Resolution No. 020P-006 recommending approval of Ordinance No. 840 by the City Council. Some of the comments were in favor of the text amendment and others were related to product movement, restrictions on the sale of plants or seeds, and questions about separating the consumption area from the retail area.

On June 18, 2020 the City Council approved the zoning text amendment and subsequently introduced and waived the first reading of Ordinance No. 840.

III. DISCUSSION:

The proposed zoning text amendment will do the following:

1. Amend section 9-2.302 (Table 2.5) to identify the permitted number of retail facilities in the City's downtown overlay district including provisions for on-site consumption.
2. Amend the definitions section of the planning and zoning code related to retail cannabis to include consumption lounges and cafes.
3. Changes to the retail cannabis regulations (Section 9-02.129) to coincide with the permitted uses.

A copy of Ordinance No. 840 including a definition of a consumption lounge, is attached for the City Council's review and consideration.

General Plan/Zoning Consistency: The proposed zoning text amendment is consistent with the general plan policies and implementation measures including zoning consistency for commercial cannabis operations. The intent of the Coalinga Commercial Cannabis regulations were to implement state law as it relates to regulating commercial cannabis and cannabis products. The proposed changes in regulations to permit a second retail facility in the City and permit on-site consumption would not be contrary to state law. The State of California has established regulations for permitting on-site consumption which have been incorporated into the ordinance language.

Public Notification: On June 8, 2020 public hearing notices were posted at multiple public locations and emailed to local paper in accordance with State and local law.

Environmental Determination: This text amendment has been reviewed in accordance with CEQA and staff has determined that this ordinance change would not have a detrimental effect on the health, safety and welfare of the community and fall under Section 15061(b)(3) - General Rule Exemption. In addition, CEQA will be further reviewed during the permitting process as a Conditional Use Permit is required for both a retail cannabis license as well as onsite consumption.

Reasons for Recommendation

The following standard findings must be made for each Zoning Ordinance amendment:

1. The proposed Zoning Ordinance amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the City.
2. The proposed Zoning Ordinance amendment is consistent and compatible with the goals, policies, and actions of the General Plan, and the other applicable provisions of the Zoning Ordinance.
3. If applicable, the site is physically suitable (including, but not limited to access, provision of utilities, compatibility with adjoining land uses, and absence of physical constraints) for the requested zoning designations and anticipated land uses/developments.
4. The proposed Zoning Ordinance amendment has been processed in accordance with the applicable provisions of the California Government Code and the California Environmental Quality Act.


IV. ALTERNATIVES:

- Do not waive the second reading and adopt Ordinance No. 840.

V. FISCAL IMPACT:

The City anticipates additional tax revenue from the added on-site consumption provisions.

ATTACHMENTS:

| File Name | Description |
|---|--|
|  Ordinance_No._840_-_Cannabis_Retail_Consumption_Lounge_(final).docx | Ordinance No. 840 - Cannabis Retail Consumption Lounge |

ORDINANCE NO. 840

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COALINGA: (1) AMENDING TABLE 2.5 OF TITLE 9, CHAPTER 2, ARTICLE 3 PERTAINING TO LAND USES PERMITTED FOR RETAIL CANNABIS FACILITIES; (2) AMENDING THE DEFINITIONS SECTION OF TITLE 9, CHAPTER 1, ARTICLE 2 TO UPDATE THE “RETAIL SALES, CANNABIS” TERM TO INCLUDE CONSUMPTION LOUNGES/CAFES; (3) ADDING A NEW DEFINITION RELATED TO “CANNABIS CONSUMPTION LOUNGES/CAFES” TO SECTION 9-5-129(a); (4) AMENDING SECTION 129 TO TITLE 9, CHAPTER 5 TO THE COALINGA DEVELOPMENT CODE PERTAINING TO THE STANDARDS FOR RETAIL COMMERCIAL CANNABIS OPERATIONS IN THE CITY, AND; (5) AMENDING SECTION 3-9.02 OF THE COALINGA MUNICIPAL CODE

BE IT ORDAINED BY THE COUNCIL AND THE PEOPLE OF THE CITY OF COALINGA:

SECTION 1. AMENDMENT OF SECTION 9-2.302 Table 2.5

Coalinga Municipal Code Table 2.5 of Title 9, Chapter 2, Article 3 is hereby amending the additional development regulations for retail sales of Cannabis to read as follows:

| Use Classification | CG | CR | CS | MX | Additional Development Regulations |
|---|---------------|----|---------------|----|---|
| Retail Sales, Cannabis | CUP (4)(5) | NO | CUP (4)(5) | NO | <u>Section 9-5.129</u> , Cannabis Retail Facilities No more than two (2) permitted Retail Cannabis Operations. |
| (5) Onsite Consumption Permitted (café/lounge) – Section 9-5.129(m) | | | | | |

SECTION 2. AMENDMENT OF DEFINITIONS SECTION OF TITLE 9

The Definition of Retail Sales, Cannabis in Article 2, of Chapter 1, of Title 9, of the Coalinga Municipal Code are hereby amended to read as follows:

Article 2. - Definitions.

Retail sales, cannabis. The retail sale and delivery of cannabis or cannabis products to both adult-use and medicinal cannabis customers. A retailer shall have a licensed premise which is a physical location from which commercial cannabis activities are conducted. This definition includes microbusinesses and consumption lounges and cafes.

SECTION 3. AMENDMENT OF SECTION 9-5.129 DEFINITIONS

The following definition is added to section 9-5.129(a) to read as follows:

Cannabis Consumption Lounge shall mean a location with both onsite retail sale and areas to consume cannabis or cannabis products. A consumption cafe/lounge shall have a licensed retail premises that is a physical location from which commercial cannabis activities are conducted. The consumption cafe/lounge shall only sell cannabis or cannabis products to adults 21 years of age or older for onsite consumption, either through smoking, vaping, or ingestion of edible or topical products. The space occupied by a consumption cafe/lounge shall be definite and distinct from the space where other activities licensed are exercised and shall be accessed through a separate entrance. Onsite Consumption lounges and cafes shall only be permitted in the Downtown Overlay District.

SECTION 4. AMENDMENT OF SECTION 9-2.129

Various language (changes) to Section 9-2.129 are amended as follows:

(c) Permitting.

- (1) Any cannabis retail facility must obtain a commercial cannabis regulatory permit from the City of Coalinga through the process stated in Section 9-5.128(e) et seq. of this code.
- (2) A property owner need not be permitted, and permits shall be held by an applicant. Permittees must also obtain a conditional use permit pursuant to Section 9-5.128(f). If an existing permitted retail facility seeks a consumption lounges or café, an amended CUP must be approved to permit such activity.
- (3) All employees of the cannabis retail facility must obtain an employee permit to work in the cannabis retail facility within the City of Coalinga pursuant to Section 9-5.128 et seq. of this code.
- (4) Applicants must also comply with all other state laws and regulations related to cannabis retail facility operations at all times and shall comply with any amendments to this code or state law or regulations.
- (5) No more than two (2) regulatory permits shall be issued City wide. Nothing herein shall require the City to issue the maximum number of permits allowed by this Section.

(d) Minimum operating requirements and restrictions. In addition to all other state laws and regulations, cannabis retail facilities shall comply with all of the following operating standards including Section 9-5.128(d) subsections (1), (2), (8), (11), (14), (15), (16), ((17)(a), (b), (d)), (20) and (21):

- (1).Cannabis Retail facilities may not be operated by any persons who have been convicted of a felony in the last five (5) years or a prescribed by law.
- (2).No dispensing of cannabis to a customer shall be permitted more than twice a day.

- (3). *Hours:* The hours of operation of cannabis Retail facilities shall be no earlier than 6:00 a.m. and no later than 9:00 p.m unless approved for different hours under an approved CUP and prescribed by state law.
- (4). Cannabis retail facilities shall display their customer rules and/or regulations in a conspicuous place that is readily seen by all persons entering the Cannabis retail facility.
- (5). Unless operating as a consumption lounge, smoking, ingesting or otherwise consuming cannabis products on the premises of a cannabis Retail facility is prohibited. Each building entrance to a cannabis Retail facility shall be clearly and legibly posted with a notice indicating that smoking, ingesting or consuming cannabis or cannabis edibles on the premises or in the vicinity of the Retail facility is prohibited.
- (6). Each building entrance to a cannabis Retail facility shall be clearly and legibly posted with a notice indicating that persons under the age of eighteen (18) are precluded from entering the premises unless they are qualified patients and they are accompanied by their parent or legal guardian. In order to protect the public health, safety and welfare, the Police Chief may require alternative or secondary entrance for a consumption lounge/café.
- (7). All cannabis Retail facilities shall display a copy of the inspection receipt issued by the Fresno County Office of Weights and Measures Division for all weighing and measuring devices.
- (8). An up-to-date inventory of all hazardous materials stored and used onsite shall be maintained on the premises of the Retail facility available for inspection on demand of the City.
- (9). Location from Sensitive Uses
 - (1) A retail premises/facility permitted under this division shall not be located within a 600-foot radius of a school providing instruction in kindergarten or any grades 1 through 12, day care center, or youth center that is in existence at the time the license is issued.
 - (2) A retail premises/facility shall not be located within one-hundred (100) feet of a residential district.
 - (3) The distance specified in this section shall be measured in the same manner as provided in subdivision (c) of Section 11362.768 of the Health and Safety Code unless otherwise provided by law.
- (10). Cannabis Retail facilities shall maintain all necessary permits, and pay all required taxes and fees. Retail facilities shall also provide invoices to vendors to ensure vendor's tax liability responsibility.
- (11). Cannabis Retail facilities shall implement their policies and procedures as outlined in their Operations Manual. Cannabis Retail facilities shall comply with any and all conditions of their conditional use permit and regulatory permit.
- (12). *Parking:* Off-street parking shall be provided as required for food and beverage retail sales under section 9-4.302 of this code. All required parking shall be off-street and on-site unless located in the plaza on 5th Street between Cedar and

Elm Ave and on Durian Between 4th and 6th Street. This ~~required~~ requirement applies to existing and new facilities.

(13). *Facility Size*: The cannabis retail facility size shall be limited to 10,000 square feet.

(14). *Signage*. One attached sign per street frontage shall not to exceed twelve (12) square feet in area or 20 percent of the window area of the retail facility, whichever is less, is permitted unless a larger sign is permitted under a conditional use permit not exceeding that of the Downtown Overlay District. A detached sign is not permitted.

(1). All retail facilities shall display on their wall sign or identification sign, the name and emergency contact phone number of the operator or manager in letters at least two inches in height.

(2). Retail Facilities shall post a legible indoor sign in a conspicuous location containing the following warnings:

- a. That the use of cannabis is for persons at least twenty-one (21) years of age, or an age younger as prescribed by law;
- b. That the use of cannabis may impair a person's ability to drive a motor vehicle or operate machinery; and
- c. That loitering on and around ~~the dispensary~~ a retail site is prohibited by California Penal Code Section 647(e).

(m) Consumption lounge/café.

(1) Consumption lounge/cafe shall be permitted with a valid conditional use permit and cannabis retail permit issued by the City of Coalinga and State of CA with a specified consumption cafe/lounge designation unless at any time the State of California adopts regulations requiring a specific/separate license for a consumption café/lounge.

(2) A consumption cafe/lounge shall not be allowed to operate and sell cannabis, cannabis products, and non-cannabis products between the hours of 2:00 a.m. and 6:00 a.m.

(3) A consumption cafe/lounge shall only sell cannabis to an individual in an amount reasonable for onsite consumption.

(4) Cannabis and cannabis products purchased onsite may be removed from their packaging and consumed onsite.

(5) Cannabis and cannabis products not fully consumed onsite may be resealed in their original packaging, placed in opaque packaging, and taken off site by the consumer.

(6) Noncannabis products, such as food and beverages, may be prepared and sold onsite.

(7) A consumption cafe/lounge shall comply with all applicable provisions of the California Retail Food Code (Chapter 1 (commencing with Section 113700) of Part 7 of Division 104 of the Health and Safety Code) when preparing and selling non-cannabis food and beverage products.

(8) A consumption cafe/lounge shall not sell live plants or seeds.

(9) A consumption cafe/lounge shall not allow the sale or consumption of alcohol or tobacco on the premises.

(10) Smoking, vaping, or ingestion of cannabis or cannabis products shall not be visible from any public place or nonage-restricted area.

SECTION 5. AMENDMENT TO SECTION 3-9.02

Section 3-9.02 of Chapter 9, Title 3 of the Coalinga Municipal Code are hereby amended to read as follows:

Sec. 3-9.02. - Dispensary gross receipts tax.

The owner/operator of a cannabis dispensary located in the City of Coalinga shall pay a ten (10) percent gross receipts tax. "Gross receipts" is defined as: the total amount actually received or receivable from all cannabis dispensary sales; the total amount of compensation actually received or receivable for the performance of any act or service, of whatever nature it may be, for which a charge is made or credit allowed, whether or not such act or service is done as a part of or in connection with the sale of materials, goods, wares or merchandise; discounts, rents, royalties, fees, commissions, dividends, and gains realized. Included in "gross receipts" shall be all receipts, cash, credits and property of any kind or nature, without any deduction therefrom on account of the cost of the property sold, the cost of the material used, labor or service costs, interest paid or payable, or losses or other expenses whatsoever.

SECTION 6. EFFECTIVE DATE.

This Ordinance shall take effect 30 days after its adoption.

SECTION 7. PUBLICATION.

The City Clerk is authorized and directed to cause this ordinance or a summary of this ordinance to be published once in a newspaper of general circulation published and circulated in the City of Coalinga, within 15 days after its adoption. If a summary of this ordinance is to be published, then the City Clerk shall cause a summary of the proposed ordinance to be published and a certified copy of the full text of the proposed ordinance to be posted in the office of the City Clerk at least five days prior to the Council meeting at which the ordinance is adopted, and also shall cause a certified copy of the full text of the adopted ordinance to be posted in the office of the City Clerk after the meeting at which the ordinance is adopted. The summaries shall be approved by the City Attorney.

* * * *

The foregoing ordinance was introduced by the City Council of the City of Coalinga, California, at a regular meeting held on June 18, 2020, and was passed and adopted by the City Council on July 16, 2020 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

Mayor/Mayor Pro-Tem

ATTEST:

City Clerk/Deputy City Clerk

STAFF REPORT - CITY COUNCIL/SUCCESSOR AGENCY/PUBLIC FINANCE AUTHORITY

Subject: Waive the Second Reading and Adopt Ordinance No. 841 Amending the Commercial Cannabis Regulations Related to Establishing Regulations for Permitting Outdoor Cannabis Cultivation

Meeting Date: July 16, 2020

From: Marissa Trejo, City Manager

Prepared by: Sean Brewer, Assistant City Manager

I. RECOMMENDATION:

Waive the Second Reading and Adopt Ordinance No. 841 amending the Commercial Cannabis Regulations Related to Establishing Regulations for Permitting Outdoor Cultivation.

II. BACKGROUND:

In May 2020, the City Council directed City Staff to proceed with a zoning text amendment to establish regulations for permitting outdoor cannabis cultivation. In order to accomplish this request the planning and zoning code must be amended through a zoning text amendment.

The Zoning Map and the Zoning Ordinance text may be substantially amended in two (2) ways: (1) Reclassification of the zoning applicable to a specific property, designating a change from one district to another district, commonly called "rezoning", (2) Changes in the permitted uses or regulations on property within particular zones or citywide, commonly called "text amendments".

Article 1 of Chapter 5 of the Coalinga planning and zoning code establishes local regulations applicable to commercial cannabis operations as may be permitted under the California Medicinal and Adult-Use Cannabis Regulation and Safety Act (SB 94), approved by the Governor on June 27, 2017 or subsequently enacted State law pertaining to the same.

The proposed zoning text amendment will establish regulations for the permitting of outdoor cannabis cultivation in the City with restrictions as to location, visibility and environmental considerations.

On June 9, 2020, the Planning Commission conducted a Public Hearing and adopted Resolution 020P-007 recommending to the City Council approval of Ordinance No. 841.

On June 18, 2020 the City Council approved the zoning text amendment and further introduced and waived the first reading of Ordinance No. 841.

III. DISCUSSION:

The proposed zoning text amendment will do the following:

1. Amend Section 9-5.128 and establish a definition for outdoor cultivation, identify permitted uses, create specific regulations for outdoor cultivation as to distance from residential uses, security, and

processing of products.

General Plan/Zoning Consistency: The proposed zoning text amendment is consistent with the general plan policies and implementation measures including zoning consistency for commercial cannabis operations. The intent of the Coalinga Commercial Cannabis regulations were to implement state law as it relates to regulating commercial cannabis and cannabis products. The proposed changes in regulations to permit outdoor cultivation would not be contrary to state law. The State of California has established regulations for licensing outdoor cultivation operations.

The ordinance amendment will permit outdoor cultivation in the Manufacturing and Business Light (MBL) zoning designation with a one (1) mile distance from residential zoning designations. This will help in limiting the over concentration of cannabis outdoor cultivation in the City and limit odor and visibility.

Environmental Determination: This text amendment has been reviewed in accordance with CEQA and staff has determined that this ordinance change would not have a detrimental effect on the health, safety and welfare of the community and fall under Section 15061(b)(3) - General Rule Exemption. In addition, CEQA will be further reviewed during the permitting process as a Conditional Use Permit will be required for any outdoor cultivation operation.

Findings:

The following standard findings must be made for each Zoning Ordinance amendment:

1. The proposed Zoning Ordinance amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the City.
2. The proposed Zoning Ordinance amendment is consistent and compatible with the goals, policies, and actions of the General Plan, and the other applicable provisions of the Zoning Ordinance.
3. If applicable, the site is physically suitable (including, but not limited to access, provision of utilities, compatibility with adjoining land uses, and absence of physical constraints) for the requested zoning designations and anticipated land uses/developments.
4. The proposed Zoning Ordinance amendment has been processed in accordance with the applicable provisions of the California Government Code and the California Environmental Quality Act.

IV. ALTERNATIVES:

- Do not waive the second reading and adopt Ordinance No. 841.

V. FISCAL IMPACT:

Establishing and permitting outdoor cultivation will expand the City's revenue from taxes and licensing from additional operations.

ATTACHMENTS:

| File Name | Description |
|--|---|
| DRAFT_Ordinance_No._841_-_Outdoor_Cultivation_-_Final.docx | Ordinance No. 841 - Outdoor Cultivation - Final |

ORDINANCE NO. 841

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COALINGA AMENDING SECTION 129 TO TITLE 9, CHAPTER 5 TO THE COALINGA DEVELOPMENT CODE PERTAINING TO THE STANDARDS OUTDOOR COMMERCIAL CANNABIS OPERATIONS IN THE CITY

BE IT ORDAINED BY THE COUNCIL AND THE PEOPLE OF THE CITY OF COALINGA:

SECTION 1. AMENDMENT OF SECTION 9-5.128

Section 9-5.128 of the Coalinga Municipal Code is hereby amended to read as follows:

Sec. 9-5.128. - Cannabis cultivation, manufacturing, testing, transportation and distribution.

- (a) *Purpose.* The purpose of this section is to adopt local regulations applicable to commercial cannabis operations as may be permitted under the California Medicinal and Adult-Use Cannabis Regulation and Safety Act (SB 94), approved by the Governor on June 27, 2017 or subsequently enacted State law pertaining to the same.
- (b) *Definitions.* Except as set forth herein, or where a different meaning is clearly intended by the language, the definitions set forth in the Act shall apply to interpretations under this section.

Act means the Medicinal and Adult-Use Cannabis Regulation and Safety Act or a subsequent cannabis related law adopted by the State.

Applicant means a person who is required to file an application for a permit under this section.

Business owner means the owner(s) of the cannabis operations. For corporations and limited liability companies, business owner means the President, Vice President, and any shareholder owning a twenty (20) percent or greater share of the corporation or company. For partnerships, business owner means all general partners and managing partners.

Cannabis shall have the meaning set forth in California Business and Professions Code section 19300.5(f).

City means the City of Coalinga.

Commercial cannabis operation means any commercial cannabis activity allowed under the Act and the implementing regulations, as the Act and the implementing regulations may be amended from time to time, and all uses permitted under any subsequently enacted State law pertaining to the same or similar uses for recreational cannabis.

Commercial cannabis regulatory permit or *regulatory permit* means the permit required under this section to have a commercial cannabis operation, and any prior permit granted by the City under Urgency Ordinance No. 791 pursuant to the registration process.

Co-Location of Businesses shall mean the existence of multiple cannabis operations located at a single location (parcel, building or structure) or as defined by the State of California. This also includes the co-location of both adult-use and medicinal commercial cannabis operations as prescribed by law.

Employee permit means the permit required under this section for every employee or independent contractor working at a commercial cannabis operation or involved in transportation/delivery related services for a commercial cannabis operation.

Non-commercial and adult-use cannabis activity means all uses not included within the definition of commercial cannabis operation, including the personal use, cultivation, or consumption of cannabis, whether medicinal or for adult-use.

Operator means the business owner and any other person designated by the business owner as responsible for the day to day cannabis operations.

Ordinance means the ordinance adopting this section, and including the terms of this section, which may be commonly referred to as the City's "Commercial Cannabis Ordinance".

Outdoor Cultivation means the cultivation of cannabis, outside of a structure, without the use of artificial lighting in the canopy area at any point in time. Cultivation within a hoop structure is considered outdoor cultivation. No artificial lighting is permissible for outdoor cultivation, including within hoop structures.

Police Chief means the Police Chief of the City of Coalinga or his or her designee.

Premises means the designated structure or structures and land specified in the application that is owned, leased, or otherwise held under the control of the applicant or licensee where the commercial cannabis activity will be or is conducted. The premises shall be a contiguous area and shall only be occupied by one licensee.

Premises owner means the fee owner(s) of the premises where cannabis operations are occurring.

Responsible party shall mean the business owner, operator, manager(s), and any employee having significant control over the cannabis operations.

(c) *Permitted uses and zoning.* Business owners meeting the requirements of this section, unless specified otherwise, shall be allowed to conduct the following commercial cannabis operations in the MBL - Light Manufacturing/Business Zone District of the City:

- Indoor cultivation
- Outdoor Cultivation
- Manufacturing (nonvolatile).
- Manufacturing (volatile).
- Testing laboratory.

- Distributer.
- Nursery.
- Microbusiness.

The commercial cannabis operation shall at all times be in compliance with this section or as otherwise specified as it may be amended from time to time or repealed and replaced by another section governing the commercial cannabis operation.

(d) *Minimum operational requirements and restrictions.* The following operational requirements and restrictions shall apply to all commercial cannabis operations:

- (1) *The Act and other state laws.* The cannabis operations shall at all times be in compliance with the Act and the implementing regulations, as they may be amended from time to time, as well as all required State license(s) under the Act, and any other applicable State law. The operator shall obtain required licenses under the Act prior to opening for business, or if the State is not ready to issue licenses under the Act prior to the time of opening, within twelve (12) months of the State being ready to issue the required license(s). Provided, however, that the operator shall at all times be in compliance with all other requirements of the Act and implementing regulations, and any other applicable State law, regardless of the timing of the issuance of a license under the Act.
- (2) *Register of employees.* The operator shall maintain a current register of the names of persons required to have employee permits. The register shall be available to the Police Chief at all times immediately upon request.
- (3) *Signage.* There shall be no signage or markings on the premises, or off-site, which in any way evidences that cannabis operations are occurring on the property. Interior building signage is permissible provided the signage is not visible outside of the building.
- (4) *Cannabis consumption.* No cannabis shall be smoked, ingested or otherwise consumed on the premises. Adequate signage of this prohibition shall be displayed throughout the facility.
- (5) *Distribution.* There shall be no distribution of cannabis or cannabis containing products from a cannabis operation except by another State or local licensed or permitted cannabis business holding a distributor license.
- (6) *Manufacturers.* Manufacturers shall adhere to Assembly Bill 2679, applicable State Law and subsequent state regulations.
- (7) *Testing Facilities.* Testing Facilities shall meet all the requirements of State Law (including B&P Code 26100 and all subsequent State Department Regulations).
 - a. Testing laboratories shall dispose of any waste byproduct resulting from their operations in the manner required by State and local laws and regulations.
- (8) *Non-commercial cannabis activity.* No non-commercial cannabis activity shall occur on the licensed premises.
- (9) *Retail sales.* The retail sale of cannabis is permitted in accordance with Section 9-5.129.

- (10) *Public access.* There shall be no public access to the commercial cannabis operations premises except for retail facilities.
- (11) *Minors.* It shall be unlawful for any operator to employ any person who is not at least twenty-one (21) years of age, or any older age if set by the State.
- (12) *Distance separation from schools.* Cannabis operations shall comply with the distance separation requirements from schools as required by State law. In addition, a commercial cannabis operation shall not be located within 1,800 feet from any existing school or proposed school site as identified in the General Plan. Measurements shall be from property boundary to property boundary. For purposes of this section, school means any public or private school providing instruction in kindergarten or grades 1—12, inclusive, but does not include any private school in which education is primarily conducted in private homes.
- (13) *Hours of operation.* Commercial cannabis operations shall be allowed to operate per the requirements of an approved conditional use permit and subject to the City's noise and nuisance ordinances.
- (14) *Building and related codes.* The cannabis operation shall be subject to the following requirements as applicable:
- a. The premises in which the cannabis operations occur shall comply with all applicable local, state and federal laws, rules, and regulations including, but not limited to, building codes and the Americans with Disabilities Act, as certified by the Building Official of the City. The operator shall obtain all required building permits and comply with all applicable City standards.
 - b. The responsible party shall ensure that the premises has sufficient electrical load for the cannabis operations.
 - c. Butane and other flammable materials are permitted to be used for extraction and processing provided the operator complies with all applicable fire and building codes, and any other laws and regulations relating to the use of those products, to ensure the safety of that operation. The Coalinga Fire Department shall inspect and approve the premises for use of the products prior to City's issuance of a certificate of occupancy, or otherwise prior to opening for business, to ensure compliance with this requirement.
 - d. The operator shall comply with all laws and regulations pertaining to use of commercial kitchen facilities for the cannabis operations.
 - e. The operator shall comply with all environmental laws and regulations pertaining to the cannabis operations, including the use and disposal of water and pesticides, and shall otherwise use best practices to avoid environmental harm.
- (15) *Odor control.* Except for outdoor cultivation, cannabis operations shall provide a sufficient odor absorbing ventilation and exhaust system so that odor generated inside the facility that is distinctive to its operation is not detected outside the premises, outside the building housing of the cannabis operations, or anywhere on adjacent property or public rights-of-way. As such, cannabis operations must install and maintain the following

equipment or any other equipment which the City's Building Official and Police Chief determines has the same or better effectiveness, if a smell extends beyond a property line:

- a. An exhaust air filtration system with odor control that prevents internal odors and pollen from being emitted externally; or
 - b. An air system that creates negative air pressure between the cannabis facility's interior and exterior so that the odors generated inside the cannabis facility are not detectable outside the cannabis facility.
- (16) *Consumable products.* Cannabis operations that manufacture products in the form of food or other comestibles shall obtain and maintain the appropriate approvals from the appropriate State and Local Agencies for the provision of food or other comestibles, unless otherwise governed by the Act and licensed by the State.
- (17) *Secure building.* All cannabis operations, except outdoor cultivation, shall occur entirely inside of a building that shall be secure, locked, and fully enclosed, with a ceiling, roof or top.
- a. The building shall include a burglar alarm monitored by an alarm company or private security company.
 - b. The primary building, including all walls, doors, and the roof, shall be of solid construction meeting the minimum building code requirements for industrial structures (including, without limitation, commercial greenhouse structures), and include material strong enough to prevent entry except through an open door. The roof may be of solid translucent material provided other security measures exist to ensure that the cannabis operation cannot be seen, heard or smelled beyond the property line.
 - c. Greenhouses shall be considered ancillary to the primary use/structure and constructed in accordance with the California Building Code related to utility structures. Greenhouses shall be secured in way, as approved by the Police Chief, to prevent vehicle intrusion.
 - d. The precise building construction and material to be used shall be identified and provided to the City prior to construction and provided with the application.
- (18) *Premises security.* The following security conditions shall apply:
- a. Alarm system (both perimeter, fire and panic).
 - b. Remote monitoring of alarm systems.
 - c. Perimeter lighting systems (motion sensor) for after-hours security.
 - d. Perimeter security and lighting as approved by the Police Chief and Community Development Director.
 - e. Use of drive gates with card key access or similar to access the facility.
 - f. Entrance areas to be locked at all times areas, and under the control of a designated responsible party.
 - g. Use of access control systems to limit access to cannabis related areas.

- h. Exterior and interior camera systems approved by the Police Chief. The camera systems shall meet the minimum requirements of the Act, include interior monitoring of all access points of the site from the interior, and be of a minimum resolution in order to read license plates and facial recognition from all exterior and interior locations.
- i. All security systems at the site are attached to an uninterruptable power supply that provides twenty-four (24) hours of power.
- j. Security patrols by a recognized security company licensed by the California Department of Consumer Affairs or otherwise acceptable to the Police Chief.
- k. All current contact information regarding the security company shall be provided to the Police Chief.
- l. Coalinga Police Department or department designee shall have access to all security systems.
- m. Subject to the provisions below regarding the use and handling of confidential information, IP access for remote monitoring of security cameras by the Coalinga Police Department or Department designee.
- n. Subject to the provisions below regarding the use and handling of confidential information, any and all video or audio tape recordings made for security or other purposes shall be marked with the date and time made and shall be kept, in an unaltered state, for a period of thirty (30) days and must be made available to the Coalinga Police Department or Department designee for duplication upon demand. In addition, upon request by the Coalinga Police Department the Responsible Party shall duplicate the records for the Coalinga Police Department or Department designee.
- o. Hardened bullet resistant windows, or an alternative method of protection such as safety and security window film, approved by the Police Chief, for exterior windows as part of any new or existing construction.
- p. Accounting software systems need to be in place to provide audit trails of both product and cash, where applicable.
- q. Electronic track and trace systems for cannabis products as approved by the Police Chief.
- r. Premises may be inspected and records of the business owner audited by the City for compliance at any time.
- s. State of the art network security protocols and equipment need to be in place to protect computer information.
- t. The foregoing requirements shall be approved by the Police Chief prior to commencing operations. The Police Chief may supplement these security requirements once operations begin, subject to review by the City Council if requested by the business owner.

Confidentiality Statement

The City, Police Chief, Police Department employees, and any other law enforcement official acting under the direction of the Police Chief who access the premises and video and/or audio feeds or recordings of the premises ("recipients") may receive or be provided with confidential information relating to the cannabis operations, which may include the following: Data, records, plans, and matters relating to customers, vendors, tenants, agreements, and business records (collectively "confidential information").

To the extent confidential information is acquired from access to the premises and video and/or audio feeds or recordings as authorized under this section, the recipients shall, to the maximum extent possible, keep such confidential information confidential and not disclose the confidential information to any third parties. Provided, however, that the recipients may disclose confidential information to the State or Federal courts in California in connection with any criminal law enforcement action against the business owner or operator, (including its employees, contractors and agents conducting business within the premises) arising from or related to the cannabis operations, but only to the extent it is necessary and relevant to such criminal prosecution, and the recipients shall file any such documents under seal to the extent they contain any confidential information.

Notwithstanding the foregoing, the City may disclose confidential information:

1. As may be required by the California Public Records Act or pursuant to a civil subpoena, provided however, the City shall notify the operator and provide the operator with a reasonable opportunity to obtain a protective order before disclosing the confidential information.

2. In connection with any City enforcement proceeding relating to compliance with City's Municipal Code and this section, but only to the extent the confidential information is relevant to the proceeding.

- (19) *Deliveries of supplies and transportation of product.* The transportation of cannabis and cannabis products shall only be conducted by persons holding a State distributor license or employees of those persons and shall follow all the regulations and safety standards established by the Bureau of Cannabis Control.

- (20) *Premises maintenance.* The business owner, operator, and all responsible parties shall continually maintain the premises and its infrastructure so that it is visually attractive and not dangerous to the health, safety and general welfare of employees, patrons, surrounding properties, and the general public. The premises or commercial cannabis operation shall not be maintained in a manner that causes a public or private nuisance.

- (21) *Location of uses.* The commercial cannabis operation permitted by this section shall only be allowed in the locations designated on the diagram and floor plan of the premises submitted with the application for a regulatory permit. The commercial cannabis operation shall not operate at any place other than the address of the cannabis operation stated in the regulatory permit.

- (22) Outdoor Cultivation.

- (a) *Distance separation from Residences.* No outdoor cultivation will be permitted within one (1) mile of any Residential Zoning District at the time a conditional use permit is

issued. Measurements shall be from property boundary to property boundary. Areas where cannabis is cultivated shall be screened from public view adjacent to the premises by fencing, structures or vegetation.

(b) *Premises Security.* Security requirements for outdoor cultivation shall be approved by Council resolution. Absent a resolution by the City Council, the Police Chief shall establish reasonable security requirements for the cannabis operation through the issuance of the regulatory permit.

(c) *Processing of Cannabis Products.* Outdoor cannabis operation shall occur in a primary structure and constructed/improved in accordance with the California Building Code related to main or utility structures unless the crop is directly distributed to a licensed manufacturing or processing facility on the same parcel. Outdoor cultivation on undeveloped vacant lots shall have a main building that is Title 24 compliant to support the operations.

(d) *Environmental Considerations.* All persons engaging in the cultivation of cannabis outdoors shall comply with the State of California's General Environmental Protection Measures including: (1) have a legal water source on the premises, (2) not draw groundwater for the purposes of irrigation, (3) not allow illicit discharges of irrigation or storm water from the premises, (4) not allow the off-site drift or discharge of chemicals, (5) and; be connected to the City of Coalinga sewer system.

(e) *Disposal of Waste Material.* Cannabis waste material shall be disposed in accordance with State Law. No burning of cannabis waste is permitted.

(f) *Cultivation Plan.* A cultivation plan shall be submitted to the City as part of the application process for conditional use permit and regulatory permit. The requirements for the cultivation plan shall be consistent with that of Section 8106 of the California Code of Regulations or as amended.

(e) *Commercial cannabis regulatory permit.* No person or entity shall operate a commercial cannabis operation within the City of Coalinga without first obtaining a commercial cannabis regulatory permit from the City. The regulatory permit shall be site specific and shall specifically identify the commercial cannabis activity that will be allowed at that site. No commercial cannabis activity will be allowed unless specifically identified in the regulatory permit.

(f) *Conditional use permit.* Prior to, or concurrently with, applying for a regulatory permit, the applicant shall process a conditional use permit as required by the City's Land Use Regulations. Information that may be duplicative in the two (2) applications can be incorporated by reference. The conditional use permit shall run with the land.

(g) *Applications for regulatory permits and responsible party designation.*

(1) *Application.* Applications for regulatory permits shall be filed by the proposed business owner(s) with the Police Chief and include the information set forth herein. The Police Chief may request such information he or she deems necessary to determine who the

applicant is. The applicant shall certify under penalty of perjury that all of the information contained in the application is true and correct. The application shall contain the following items for the business owner, operator and all responsible parties known at the time (if different than the business owner), and any other party designated below, to the extent the same shall apply:

- a. The full name, present address, and telephone number, including such information to the premises owner.
- b. Date of birth.
- c. Tax identification number.
- d. The address to which notices relating to the application is to be mailed.
- e. Previous addresses for the five (5) years immediately preceding the present.
- f. The height, weight, color of eyes and hair.
- g. Photographs for identification purposes (photographs shall be taken by the Police Department).
- h. All business, occupation, or employment for the five (5) years immediately preceding the date of submittal of the application form.
- i. The cannabis operation business history, including whether the business owner and responsible parties while previously operating in this or another city, county or state has had a cannabis related license revoked or suspended, the reason therefore, and the business or activity or occupation subsequent to such action of suspension or revocation.
- j. Complete property ownership and lease details, where applicable. If the business owner is not the premises owner, the application form must be accompanied with a notarized acknowledgment from the premises owner that cannabis operations will occur on its property.
- k. A descriptive business plan for the cannabis operation, including a detailed list of all cannabis operations proposed to occur on the premises.
- l. A diagram and floor plan of the entire premises, denoting all the use of areas proposed for cannabis operations, including, but not necessarily limited to, cultivation, processing, manufacturing, testing, transportation, deliveries, and storage. The diagram and floor plan need not be professionally prepared, but must be drawn to a designated scale or drawn with marked dimensions of the interior of the premises to an accuracy of plus or minus six (6) inches.
- m. The name or names of the operator. The operator shall designate one or more responsible parties, one of which shall at all times be available as a point of contact for the City, twenty-four (24) hours per day. The contact information and schedule of the operator and responsible parties shall be provided to the Police Chief and updated within twenty-four (24) hours of any changes.
- n. The proposed security arrangements for insuring the safety of persons and to protect the premises from theft.

- o. An accurate straight-line drawing prepared within thirty (30) days prior to the application depicting the building and the portion thereof to be occupied by the cannabis operation and the property line of any school as set forth in the operational requirements.
 - p. A descriptive operations plan for the cannabis operation that shall include, but not be limited to, standard operating procedures, training program, number of employees, inventory procedures, waste management plan, quality control procedures, pest management, estimated water use, and equipment storage.
 - q. Authorization for the City, its agents and employees to seek verification of the information submitted.
- (2) *Improper or incomplete application.* If the applicant has completed the application improperly, or if the application is incomplete, the Police Chief shall, within thirty (30) days of receipt of the original application, notify the applicant of such fact.
 - (3) *Changes in information.* Except as may otherwise be provided, the information provided in this subsection shall be updated to the Police Chief upon any change within ten (10) days.
 - (4) *Other permits or licenses.* The fact that an applicant possesses other types of State or City permits or licenses does not exempt the applicant from the requirement of obtaining a regulatory permit.
- (h) *Employee permits.*
 - (1) *Permit required.* Every employee or independent contractor working at a commercial cannabis operation shall obtain an employee permit. It shall be the duty of the operator to ensure that employee permits are obtained from the Police Department prior to the employee or independent contractor commencing work. Persons who are listed as a business owner on a regulatory permit shall not be required to obtain an employee permit if such person also serves as an employee or contractor. All responsible parties, except the business owner, shall be required to obtain an employee permit.
 - (2) *Application.* Each employee and independent contractor shall be required to provide the following information under penalty of perjury, so that the Police Department can perform a background check:
 - a. Name, current resident address, and telephone number.
 - b. Date of birth.
 - c. Tax identification number.
 - d. Height, weight, color of eyes, and hair.
 - e. Photographs for identification purposes (photographs shall be taken by the Police Department).
 - f. Be fingerprinted by the Police Department.
 - g. Such other identification and information as deemed necessary by the Police Chief and pertinent to the employee permit.

- h. Authorization for the City, its agents and employees to seek verification of the information contained within the application.
 - i. The name of the business owner holding the regulatory permit and the operator for which such person is proposed to work.
- (i) *Application fees.* Every application for a regulatory permit and employee permit shall be accompanied by a nonrefundable fee, as established by resolution of City Council. This fee shall be in addition to any other business license fee or permit fee imposed by this Code or other governmental agencies. The fee shall include an amount to cover the costs of fingerprinting, photographing, background checks as well as general review and processing of the application.
- (j) *Investigation and action on application.*
- (1) Upon the filing of a properly completed application and the payment of the fee, the police chief shall conduct an investigation of the application, including a background check of the applicant and all employees and independent contractors. All applicants for a regulatory permit and employee permit shall be required to submit to a fingerprint-based criminal history records check conducted by the Coalinga Police Department.
 - (2) For regulatory permits, after the background checks and investigation are complete, the Police Chief shall issue a recommendation that the City Council approve or deny a regulatory permit in accordance with the provisions of this section. The recommendation for approval shall include conditions the Police Chief deems reasonable under the circumstances to protect the public health, safety, and welfare of the community. The recommendation shall be forwarded to the City Council for action following any required noticing and public hearings, and may be processed concurrently with any other entitlements necessary for the cannabis operation.
 - (3) For employee permits, after the background checks and investigation are complete, the Police Chief shall either approve or deny an employee permit. At the discretion of the Police Chief, employee permits may be conditionally approved pending the background investigation.
- (k) *Term of permits and renewals.* Regulatory permits issued under this chapter shall expire one year following the date of issuance. Applications for renewal shall be made at least forty-five (45) days prior to the expiration date of the permit and shall be accompanied by the nonrefundable fee referenced in this section. When made less than forty-five (45) days before the expiration date, the expiration of the permit will not be stayed. Applications for renewal shall be acted on similar to applications for permits except that the Police Chief shall renew annual permits for additional one year periods if the circumstances and information provided with the initial application have not materially changed.
- (l) *Grounds for denial of regulatory permit.* The grounds for denial of a regulatory permit shall be one or more of the following:
- (1) The business or conduct of the business at a particular location is prohibited by any local or State law, statute, rule or regulation.
 - (2) The business owner or operator has been issued a local or state permit related to cannabis operations at any other location in California, or another state, and that permit was

suspended or revoked, or the business owner or operator has had disciplinary action relating to the permit.

- (3) The business owner or operator has knowingly made a false statement of material fact or has knowingly omitted to state a material fact in the application.
- (4) Consistent with the Act or other applicable State law, the business or its owners or operators, or any responsible person, has been ineligible for a license under the Acts requirements.
- (5) Consistent with the Act or other applicable State law, the business owner or operator has engaged in unlawful, fraudulent, unfair, or deceptive business acts or practices.
- (6) The business owner or operator is under twenty-one (21) years of age, or any older other age set by the State.
- (7) The cannabis operation does not comply with the zoning ordinance standards of the City of Coalinga or the development standards set forth in this title.
- (8) The required annual business license fee, annual regulatory fee or revenue raising fee has not been paid.
- (m) *Grounds for denial of employee permit.* The grounds for denial of an employee permit shall be one or more of the following:
 - (1) The applicant has been issued a local or state permit related to cannabis operations at any other location in California, or another state, and that permit was suspended or revoked, or the applicant has had disciplinary action relating to the permit.
 - (2) The employee is ineligible for employment under the requirements of the Act.
 - (3) Consistent with the Act or other applicable State law, the applicant has engaged in unlawful, fraudulent, unfair, or deceptive business acts or practices.
 - (4) The applicant has committed any act, which, if done by a permittee, would be grounds for suspension or revocation of a permit.
 - (5) An applicant is under twenty-one (21) years of age, or any older age set by the State.
- (n) *Notice of decision and final action.*
 - (1) *Regulatory permit.* Action on the regulatory permit shall be as follows:
 - a. The Police Chief shall cause a written notice of his or her recommendation on the issuance or denial of a regulatory permit, and the date and time when the City Council will consider action on the regulatory permit, to be personally delivered or mailed to the applicant by certified U.S. mail, postage prepaid.
 - b. Following a public hearing before the City Council, the Council may grant the regulatory permit subject to such conditions as it deems reasonable under the circumstances to protect the public health, safety, and welfare of the community, or it may deny the issuance of the regulatory permit for any of the grounds specified in this section. The decision of the Council shall be final, subject to judicial review below.
 - (2) *Employee permit.* Action on the employee permit shall be as follows:

- a. The Police Chief shall cause a written notice of his or her determination on the issuance or denial of an employee permit to be personally delivered or mailed to the applicant by certified U.S. mail, postage prepaid. The Police Chief's decision on an employee permit shall be final, subject to judicial review.
- (o) *Suspension and revocation of regulatory permit or employee permit.*
- (1) *Regulatory permit.* The City Council may suspend or revoke the regulatory permit of a commercial cannabis operation when any of the following occur:
 - a. The cannabis operation is conducted in violation of any provision of this section, the Act, or any other applicable state law.
 - b. The cannabis operation is conducted in such a manner as to create a public or private nuisance.
 - c. A failure to pay the regulatory fee or revenue raising fee required by this section.
 - d. A failure to take reasonable measures to control patron conduct, where applicable, resulting in disturbances, vandalism, or crowd control problems occurring inside of or outside the premises, traffic control problems, or obstruction of the operation of another business.
 - e. A failure to comply with the terms and conditions of the regulatory permit or any conditional use permit issued in connection therewith.
 - f. Any act which would be considered grounds for denial of the regulatory permit in the first instance.
 - g. Failure to reasonably comply with the recommendations and action items identified on the City's monitoring and compliance reports.
- (2) *Employee permit.* The Police Chief may suspend or revoke an employee permit when the permittee or the employee has committed any one or more of the following acts:
 - a. Any act which would be considered a ground for denial of the permit in the first instance.
 - b. Violates any provision of this section, the Act, or any other applicable law relating to the cannabis operation.
 - c. Violates or fails to comply with the terms and conditions of the employee permit.
- (3) *Procedures for revoking regulatory permits.* For regulatory permits, the procedures for revoking conditional use permits shall be utilized except that the matter shall be heard by the City Council in the first instance, and shall be subject to the same judicial process as applied to a conditional use permit. (See, Coalinga Municipal Code Section 9-6.114, Effective dates, expiration, extensions, modifications, and revocation of approvals.)
- (4) *Procedures for revoking employee permits.* Prior to suspension or revocation of an employee permit, the Police Chief shall conduct a hearing. Written notice of the time and place of such hearing shall be served upon the permittee at least five (5) calendar days prior to the date set for such hearing. The notice shall contain a brief statement of the grounds to be relied upon for revoking or suspending the permit. Notice may be given either by personal delivery or by certified U.S. mail, postage prepaid. Any permittee

aggrieved by the decision of the Police Chief in suspending or revoking an employee permit shall have no appeal rights and the Police Chief's decision shall be final, subject to judicial review as set forth in this section.

- (5) *Immediate suspension.* The Police Chief may immediately suspend or revoke a regulatory permit and an employee permit without notice or a hearing, subject to the appeal rights set forth herein, under either of the following circumstances:
- a. The business owner or operator is convicted of a public offense in any court for the violation of any law which relates to the cannabis operation, or in the case of an employee permit, the employee is convicted of a public offense in any court for the violation of any law which relates to the permit.
 - b. The Police Chief determines that immediate suspension is necessary to protect the public health, safety, and welfare of the community. The Police Chief shall articulate the grounds for the immediate suspension in writing and the suspension shall only be for as long as necessary to address the circumstances which led to the immediate suspension.
- (p) *Effect of denial or revocation.* When the City Council shall have denied a regulatory permit or revoked a regulatory permit, or the Police Chief shall have denied or revoked an employee permit, no new application for a regulatory permit and no new application for an employee permit shall be accepted and no regulatory permit or employee permit shall be issued to such person or to any corporation in which he or she shall have any beneficial interest for a period of one year after the action denying or revoking the regulatory permit or employee permit.
- (q) *Abandonment.* In addition to the suspension or revocation of a regulatory permit, a regulatory permit shall be deemed abandoned if cannabis operations cease for a period of more than ninety (90) consecutive days. Before restarting operations, a new regulatory permit shall be secured. The ninety-day period shall be tolled during periods of force majeure, which shall be defined as follows: War; insurrection; strikes; lock-outs; riots; floods; earthquakes; fires; casualties; supernatural causes; acts of the "public enemy"; epidemics; quarantine restrictions; freight embargoes; lack of transportation; unusually severe weather; inability to secure necessary labor, materials or tools; delays of any contractor, subcontractor or supplier; or any other causes beyond the reasonable control of the permittee.
- (r) *Water availability.* As a condition of opening for business, the premises owner, business owner, operator, and all responsible parties shall be deemed to have acknowledged and agreed to the following if the cannabis operation is connected to the City's water system.

The City's source of water comes through a contract with the Bureau of Reclamation ("Bureau"). The Bureau has indicated that it will report the use of City water for cannabis operations to the Department of Justice. While the City believes that supplying water to the site does not impair the Bureau contract, should the Bureau, Department of Justice, or other governing agency take actions affecting the City's Bureau contract because of the cannabis operation, the City may be forced to curtail or commingle water supply to the Site. Under those circumstances, the cannabis operation may be required to find alternative sources of water supply. If that happens, the City agrees to work with the premises owner, business owner, and operator to find an alternative water source, which may include the commingling of water, accessing a well, or having water delivered to the site by separate contract, but the City cannot provide any guarantees. The premises owner, business

owner, and operator assume all risk associated with water supply to the Site, including all costs associated therewith. The premises owner, business owner, operator, and all responsible parties shall hold harmless, release, indemnify, and defend the City, its officers, employees, and agents, from any liability associated with the curtailment of water because of the foregoing. This release includes any damages to the premises owner, business owner, operator, and all responsible parties, its employees and contractors, and third parties, and includes the risk of lost revenue, profits and consequential damages.

(s) *Fees and taxes.* All cannabis operations shall pay applicable fees and taxes, which may include one or more of the following:

- (1) *Business license fee.* The business owner shall at all times maintain a current and valid business certificate and pay all business taxes required by Title 3, Chapter 1, of the Coalinga Municipal Code pertaining to business licensing.
- (2) *Regulatory license fee.* The business owner shall pay an annual regulatory license fee ("regulatory fee") to cover the costs of anticipated enforcement relating to the cannabis operation. The amount of the fee shall be set by resolution of the City Council and be supported by the estimated additional costs of enforcement and monitoring associated with the cannabis operation. The regulatory fee shall be due and payable prior to opening for business and thereafter on January 1st each year thereafter. The regulatory fee may be amended from time to time based upon actual costs.
- (3) *Revenue raising fee (voter approved tax).* An annual revenue raising fee ("revenue fee") for the privilege of having the right to operate in the City as approved by the local citizens or by applicable Council Resolution.
 - a. *Terms of payment.* The square footage calculation shall be determined by including all portions of the premises under the control of the business owner and deducting therefrom driveways, sidewalks, landscaping, vacant unused space, areas used exclusively for office space, employee break rooms, restrooms, and storage space unrelated to the commercial cannabis operation (such as a janitorial closet). Anywhere cannabis is located or is expected to be located shall be subject to the revenue fee square foot calculation.

If more than one commercial cannabis operation operates on the premises, whether within a single building or multiple buildings, each regulatory permit holder shall be responsible for paying the fee. The fee shall be payable in advance, in not less than quarterly installments, with the first quarterly payment due prior to issuance of a certificate of occupancy. The first payment shall be prorated so that future payments coincide with calendar year quarters, but in no event shall the first payment be less than the equivalent of one full quarterly payment. Except for the first quarterly payment, all quarterly payments shall be received by the City no later than 30 days after the the end of the quarter.

(4) All other state and local rules.

(t) *Record keeping.* The responsible party shall make and maintain complete, accurate and legible records of the permitted cannabis operations evidencing compliance with the requirements of this section. Those records shall be maintained for a minimum of five (5) years and shall be accessible to the City of Coalinga upon request.

(u) *Inspection.* Cannabis operations shall be open for inspection by any City law enforcement officer, staff member or any other City designated agent at any time the cannabis operation is operating, at any other time upon responding to a call for service related to the property where the Cannabis operations is occurring, or otherwise upon reasonable notice. Recordings made by security cameras at any cannabis operation shall be made immediately available to the Police Chief upon verbal request. No search warrant or subpoena shall be needed to view the recorded materials.

(v) *Indemnification.* In authorizing commercial cannabis operations under this section, the City makes no guarantees or promises as to the lawfulness of the approved activity under State or Federal law, and the business owner, operator and all responsible parties are obligated to comply with all applicable laws. To the fullest extent permitted by law, the City shall not assume any liability whatsoever with respect to the adoption of this section or the operation of any commercial cannabis operation approved pursuant to this section or under State or federal law. The business owner, operator and all responsible parties shall defend, hold harmless, release, and indemnify the City, its agents, officers, and employees, from any liability associated with the approved use or adverse determinations made by the State or Federal government. An adverse determination could include cessation of operations.

The business owner agrees to reimburse the City for any court costs and attorney fees that the City may be required to pay as a result of any legal challenge related to commercial cannabis operations operating under the authority of this section. The City may, at its sole discretion, participate at its own expense in the defense of any such action, but such participation shall not relieve the permittee of its obligation hereunder.

If requested by the City Attorney, the business owner shall execute an agreement memorializing the requirements of this subsection.

(w) *Insurance.* The business owner shall at all times carry a comprehensive general liability policy in the minimum amount of one million dollars (\$1,000,000.00) combined single limit policy, as shall protect the business owner and city from claims for such damages, and which policy shall be issued by an "A" rated insurance carrier. Such policy or policies shall be written on an occurrence form. The City Manager, in consultation with City's Risk Manager, may allow the business owner to obtain lesser amounts of insurance where multiple business Owners are operating on the premises, provided at all times the minimum insurance set forth herein is applicable to the cannabis operations.

The business owner shall furnish a notarized certificate of insurance countersigned by an authorized agent of the insurance carrier on a form approved by City setting forth the general provisions of the insurance coverage. This countersigned certificate shall name City and its respective officers, agents, employees, and volunteers, as additionally insured parties under the policy, and the certificate shall be accompanied by a duly executed endorsement evidencing such additional insured status. The certificate and endorsement by the insurance carrier shall contain a statement of obligation on the part of the carrier to notify City of any material change, cancellation or termination of the coverage at least thirty (30) days in advance of the effective date of any such material change, cancellation or termination.

Coverage provided hereunder by the business owner shall be primary insurance and not be contributing with any insurance maintained by City, and the policy shall contain such an endorsement. The insurance policy or the endorsement shall contain a waiver of subrogation for the benefit of City.

(x) *Bond requirement.* The applicant shall provide proof of a bond in the amount of twenty-five thousand dollars (\$25,000.00) to cover the costs of destruction of cannabis or cannabis products if necessitated by a violation of licensing requirements.

(y) *Violations: Enforcement.*

- (1) Any person that violates any provision of this section shall be guilty of a separate offense for each and every day during any portion of which any such person commits, continues, permits, or causes a violation thereof, and shall be penalized accordingly.
- (2) Any use or condition caused or permitted to exist in violation of any of the provisions of this section shall be and is hereby declared a public nuisance and may be summarily abated by the City pursuant to the City of Coalinga Municipal Code.
- (3) Any person who violates, causes, or permits another person to violate any provision of this section commits a misdemeanor.
- (4) The violation of any provision of this section shall be and is hereby declared to be contrary to the public interest and shall, at the discretion of City, create a cause of action for injunctive relief.
- (5) In addition to the civil remedies and criminal penalties set forth above, any person that violates the provisions of this section may be subject to an administrative fine of up to one thousand dollars (\$1,000.00) for each violation and for each day the violation continues to persist.

(z) *Severability.* The provisions of this section are hereby declared to be severable. If any provision, clause, word, sentence, or paragraph of this section or of the regulatory permit issued pursuant to this section, or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions of this section.

(aa) *Judicial review.* Judicial review of a decision made under this section or any actions taken pursuant to this section, may be had by filing a petition for a writ of mandate with the superior court in accordance with the provisions of the California Code of Civil Procedure Section 1094.5. Any such petition shall be filed within ninety (90) days after the day the decision becomes final as provided in California Code of Civil Procedure Section 1994.6, which shall be applicable for such actions.

SECTION 5. EFFECTIVE DATE.

This Ordinance shall take effect 30 days after its adoption.

SECTION 6. PUBLICATION.

The City Clerk is authorized and directed to cause this ordinance or a summary of this ordinance to be published once in a newspaper of general circulation published and circulated in the City of Coalinga, within 15 days after its adoption. If a summary of this ordinance is to be

published, then the City Clerk shall cause a summary of the proposed ordinance to be published and a certified copy of the full text of the proposed ordinance to be posted in the office of the City Clerk at least five days prior to the Council meeting at which the ordinance is adopted, and also shall cause a certified copy of the full text of the adopted ordinance to be posted in the office of the City Clerk after the meeting at which the ordinance is adopted. The summaries shall be approved by the City Attorney.

* * * *

The foregoing ordinance was introduced by the City Council of the City of Coalinga, California, at a regular meeting held on June 18, 2020, and was passed and adopted by the City Council on July 16, 2020 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

Mayor/Mayor Pro-Tem

ATTEST:

City Clerk/Deputy City Clerk

STAFF REPORT - CITY COUNCIL/SUCCESSOR AGENCY/PUBLIC FINANCE AUTHORITY

Subject: Waive Second Reading and Adopt Ordinance No. 842 Rezoning the Property at 150 S. Hachman from Mixed Use Commercial (MU) to Residential Medium Density (RMD)
Meeting Date: July 16, 2020
From: Marissa Trejo, City Manager
Prepared by: Sean Brewer, Assistant City Manager

I. RECOMMENDATION:

City Council approval of the following:

1. Waive the Second Reading of Ordinance No. 842 Re-Zoning the property at 150 S. Hachman from Mixed Use Commercial (MU) to Residential Medium Density (RMD).

II. BACKGROUND:

On February 25, 2020, the City of Coalinga received an application from Fair Find Enterprises for a Tentative Subdivision Map approval to subdivide the parcel at 150 Hachman into five (5) 5,000 square foot parcels for residential development.

The project site is located at 150 South Hachman Street in the City of Coalinga. The site is approximately 0.57-acre and contains three existing residential units totaling 2,910 square feet (s.f.) with 960 s.f. of paved walkways/driveways. The proposed project would include the subdivision of the parcel into five, 5,000-s.f. parcels for future residential development. The proposed project would not include the development or redevelopment of the site at this time, and all existing on-site structures would remain until future development plans are submitted to the City (administrative site plan review).

The current Coalinga General Plan land use designation for the site is Mixed-Use and the site is zoned Mixed-Use (MU). The proposed project requires approval of a General Plan Amendment from Mixed-Use to Residential Medium Density (RMD) and a Rezone from MU to Residential Medium Density (RMD). Approval of a Tentative Subdivision Map is also required for the proposed project.

On May 26, 2020 the City of Coalinga Planning Commission conducted a public hearing and after conducting the public hearing adopted Resolution 020P-004 recommending to the City Council adoption the of combined development.

On June 18, 2020 the City Council approved the combined development application and introduced and waived the first reading of the rezone ordinance.

III. DISCUSSION:

The proposed project includes the subdivision and development of detached single-family residential homes.

The proposed single-family subdivision's average lot size would be 5,000 sq. ft. Access to the proposed project would be provided from South Hachman, E. Polk Street and E. Valley. The proposed project includes curb, gutter, and sidewalk improvements that would connect the project site with the existing surrounding residential neighborhood. The General Plan designation for the subject parcel is Mixed Use (MX) with a zoning designation of Mixed Use (MX). In order for the project to be consistent with the general plan and zoning regulations a general plan amendment and rezone are required.

General Plan Amendment/Zone Change

The proposed General Plan Amendment and Zone Change proposes a change in land use and zoning designation from MX (Mixed-Use) to RMD (Residential Medium Density). Staff has carefully reviewed the General Plan Amendment and Zoning Change request to determine how it relates to the specific site, and affects its neighborhood and the community. Staff wants to be sure that any development allowed as a result of a general plan amendment and zone change will "fit in" with the surrounding area and support adopted community goals.

IV. ALTERNATIVES:

None determined at this time

V. FISCAL IMPACT:

Rezone Findings

The following standard findings must be made for each Zoning Ordinance amendment. Specific findings may also be required by the decision-making body on a case-by-case basis.

1. The proposed Zoning Ordinance amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the City.
2. The proposed Zoning Ordinance amendment is consistent and compatible with the goals, policies, and actions of the General Plan, and the other applicable provisions of the Zoning Ordinance.
3. If applicable, the site is physically suitable (including, but not limited to access, provision of utilities, compatibility with adjoining land uses, and absence of physical constraints) for the requested zoning designations and anticipated land uses/developments.
4. The proposed Zoning Ordinance amendment has been processed in accordance with the applicable provisions of the California Government Code and the California Environmental Quality Act.

ATTACHMENTS:

| File Name | Description |
|--------------------------------|---|
| Rezonning_Ordinance_No_842.doc | Rezoning Ordinance No. 842 - 150 S. Hachman |

ORDINANCE NO. 842

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COALINGA AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF COALINGA BY REZONING PARCEL 083-121-06S, FROM MIXED USE COMMERCIAL (MU) TO RESIDENTIAL MEDIUM DENSITY (RMD) DISTRICT

WHEREAS, the owners of record, Fair Find Enterprises of real property designated Assessor's Parcel No. 083-121-06S Coalinga, California (the "Property"), have submitted an application to amend the Official Zone Map of the City of Coalinga related to the Property; and

WHEREAS, the Planning Commission of the City of Coalinga held a duly noticed public hearing on the 26th day of May 2020, and after considering all oral and written testimony and evidence both for and against the rezone, adopted Resolution 020P-004 recommending approval to the City Council for rezoning of 150 S. Hachman from MU to RMD; and

WHEREAS, the Planning Commission has determined that, subject to the City Council's approval of the above, the proposed rezone will be consistent with the provisions of the City of Coalinga General Plan, Land Use Elements and Government Code Section 65860; and

WHEREAS, a public hearing by the Coalinga City Council on the proposed rezone has been advertised pursuant to the Coalinga Municipal Code, and public comment has been solicited by the City Council, and;

WHEREAS, all property owners within a 300 feet radius of the property, as determined by the current Fresno County Assessor's Tax Roll, the owner of the Property, the applicant and to all local agencies expected to provide essential facilities or services to the project whose ability to provide those facilities or services may be significantly affected by this action, were notified of the public hearing by U.S. Postal Service first class mail, and;

WHEREAS, notice of the public hearing also was advertised and also posted June 8, 2020, and;

WHEREAS, the City Council duly conducted the public hearing to consider the recommendation of the Planning Commission on the proposed rezone at their regularly scheduled June 18, 2020 meeting, and;

WHEREAS, after considering all oral and written testimony and evidence presented, the City Council of the City of Coalinga has determined that it is in the public interest to amend Official Zone Map of the City of Coalinga related to the property as requested by the owners and recommended by the Planning Commission, and;

WHEREAS, the City Council has made the following findings pertaining to the change of land use designation and re-zoning of the property:

1. The potential effects of the proposed Zone Change has been evaluated and has been determined not to be detrimental to the public health, safety, or welfare of the City.

2. The proposed Zone Change is internally consistent and compatible with the goals, policies, and actions of the General Plan and Zoning Ordinance.
3. If applicable, the site is physically suitable (including, but not limited to access, provision of utilities, compatibility with adjoining land uses, and absence of physical constraints) for the requested zoning designations and anticipated land uses/developments.
4. The proposed Zone Change has been processed in accordance with the applicable provisions of the California Government Code and the California Environmental Quality Act.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF COALINGA ORDAINS AS FOLLOWS:

1. Subject to the Council's adoption of a resolution, the official Zoning Map of the City of Coalinga is hereby amended to change the zoning on 083-121-06S from MU to RMD.
2. The City Clerk is authorized and directed to cause this ordinance or a summary of this ordinance to be published once in a newspaper of general circulation published within 15 days after its adoption. This ordinance shall take effect thirty (30) days after its adoption.

ATTEST:

The foregoing Ordinance was introduced by the City Council of the City of Coalinga, California, at a regular meeting held on June 18, 2020, and was passed and adopted by the City Council at a regular meeting held on July 16, 2020, by the following vote

AYES:

NOES:

ABSTAIN:

ABSENT:

Date: _____ 2020

City Clerk, City of Coalinga

Honorable Mayor, City of Coalinga

**STAFF REPORT - CITY COUNCIL/SUCCESSOR AGENCY/PUBLIC FINANCE
AUTHORITY**

Subject: Direct City Manager to Draft an Ordinance regarding Timely Approval of City Council and Planning Commission Minutes
Meeting Date: Thursday, July 16, 2020
From: Marissa Trejo, City Manager
Prepared by: Marissa Trejo, City Manager

I. RECOMMENDATION:

There is no staff recommendation. This item was requested as a Future Agenda Item by Mayor Lander.

II. BACKGROUND:

There is currently no timeframe in which City Council meeting minutes and Planning Commission meeting minutes must be placed on the agendas for City Council or Planning Commission approval.

III. DISCUSSION:

This item directs the City Manager to draft an Ordinance which would then be brought back to Council for consideration and approval.

IV. ALTERNATIVES:

Do not approve.

V. FISCAL IMPACT:

None.

ATTACHMENTS:

| File Name | Description |
|--------------------------|-------------|
| No Attachments Available | |

**STAFF REPORT - CITY COUNCIL/SUCCESSOR AGENCY/PUBLIC FINANCE
AUTHORITY**

Subject: Police Department Second Quarter Report
Meeting Date: Thursday, July 16, 2020
From: Marissa Trejo, City Manager
Prepared by: Darren Blevins, Chief of Police

I. RECOMMENDATION:

None

II. BACKGROUND:

III. DISCUSSION:

Coalinga Police Department's Second Quarter Report.

IV. ALTERNATIVES:

None

V. FISCAL IMPACT:

None

ATTACHMENTS:

| File Name | Description |
|---|-------------------------------|
|  Second_Quarter_2020_Monthly_Report.docx | Secind Quarter Monthly Report |



COALINGA POLICE DEPARTMENT'S
SECONDS QUARTER REPORT

Apr through Jun 2020

Staffing Report:

| | |
|--|----------------------------------|
| ▶ Authorized Strength: | 16 sworn/ 17 funded FY 2019/2020 |
| ▶ # of Personnel Available: | 12 |
| ▶ # of Personnel Modified Duty/Leave, Injured: | 1 |
| ▶ # of Personnel in field training: | 1 |
| ▶ # of Full Time Vacancies: | 2 |

Our Successes:

| | |
|-----------------------------|------|
| Total Incidents | 3886 |
| Calls for Service | 2785 |
| Officer Initiated Incidents | 1101 |
| Traffic Stops | 275 |
| Other OIA Incidents | 826 |
| Bus/Building checks | 140 |
| Veh/Ped Check | 119 |

| | |
|-----------------------|-----|
| Total Officer Reports | 287 |
| Collision | 14 |
| Courtesy | 6 |
| Criminal Collision | 0 |
| Felony | 63 |
| Information | 84 |
| Infraction | 2 |
| Misdemeanor | 94 |
| Voided | 4 |
| Unclassified Reports | 20 |

| | |
|------------------------------------|----|
| Total Misdemeanor & Felony Arrests | 70 |
| Misdemeanor Arrests | 46 |
| Felony Arrests | 24 |

| | |
|-----------------|-----|
| Total Citations | 102 |
| Infraction | 30 |
| Misdemeanor | 6 |
| Moving Vehicle | 15 |
| Muni Code | 1 |
| Parking | 48 |
| Unclassified | 2 |

| | |
|-----|---|
| Fls | 4 |
|-----|---|

Quarterly UCR Report

| | 2020 | Second Quarter | 2019 | Second Quarter | Diff |
|----------------|------|-------------------|------|-------------------|---------|
| Homicide | | 0 | | 0 | 0% |
| Rape | | 4 | | 0 | 100% |
| Robbery | | 1 | | 1 | 0.0% |
| Felony Assault | | 12 | | 9 | 33.33% |
| Misd Assault | | 7 | | 10 | -30% |
| Burglary | | 5 | | 10 | -50.0% |
| Theft | | 15 | | 38 | -17.14% |
| Arson | | 1 | | 1 | 0% |
| Vehicle Thefts | | 3 | | 4 | -25% |

The City has shown a reduction in Part 1 Crimes in the following areas: Rape, Aggravated Assault, Burglaries and Thefts, however, there has been an increase in the areas of Robbery, and Simple Assaults. The officers and support staff are working hard to keep crime down in the city even with a reduction in staff.

DA Filing Rate: 2020 Second Quarter

| | | |
|-------------------------------|----|-------|
| Cases Submitted to DA | 27 | |
| Charges Filed | 12 | (44%) |
| Declined to Prosecute | 15 | (56%) |
| Other Disposition from DA | 0 | |
| Reasons Declined to Prosecute | | |
| Furtherance of Justice | 0 | |
| Lack of Evidence | 1 | (7%) |
| Mutual Combat | 0 | |
| Pending FU | 0 | |
| Pled to another charge/case | 0 | |
| Statue of Limitations | 0 | |
| Victim Request | 0 | |
| Other | 14 | (93%) |

Notable Second Quarter Activity:

Shots Fired at a Vehicle

On Saturday, May 9, 2020, around 9:15pm, Officers were dispatched the area of Phelps and Gregory regarding several shots being fired. Upon arriving, Officers learned that two vehicles, one being similar to a newer Dodge Challenger, were involved in the shooting. After the shooting, both vehicles fled in opposite directions. Officers did recover some evidence at the scene. It is unknown if the vehicles were shooting at each other at this time.

The case is still being investigated and the department asks if anyone had information regarding this case, to please call the Coalinga Police Department at (559) 935-1525 option #1, you can remain

Gang Member Arrested for Firearms Charges

On Sunday, May 17, 2020, around 10:30pm, Officers initiated a traffic stop of a vehicle for expired registration. The driver of the vehicle, Coalinga resident, Gracie Pulido, was found to be unlicensed and was issued a citation for driving without a license, no insurance and expired registration as of 2015.

Upon completing an inventory of the vehicle prior to it being towed, a loaded .357 Magnum revolver was located under the passenger seat. Coalinga resident, and known Bulldog Criminal Street Gang member, Ricardo Aguilera, who had initially tried to leave the area when the vehicle stop was initiated, was arrested for possession of a firearm by a felon / addict, felon carrying a loaded firearm and being a criminal street gang member in possession of a firearm. Aguilera was transported to the Fresno County Jail.

Burglary Case Update on May 18, 2020

On February 6, 2020, Coalinga resident Oscar Remy Garcia was arrested for charges including battery, dissuading a witness, stalking, petty theft, discharge of a firearm or BB device, possession of a drug paraphernalia, robbery and for making criminal threats after being released on a burglary case.

On Friday, May 15, 2020, Garcia pled to several charges, including harassing a witness, witness intimidation, domestic battery, burglary, and reckless discharge of a firearm and will be sentenced to at least 3 years in prison.

GANG-RELATED SHOOTINGS THROUGHOUT TOWN

On Sunday, June 21, 2020, at about 9:53pm, officers responded to the area of Warthan Street and Sacramento Street regarding a report of shots fired. Upon arriving, the reporting party stated their friend had been shot at by unknown subjects in a dark colored sedan. Several shell casings were recovered in the area. The vehicle was last seen fleeing westbound on Sacramento Street. The victim in this case refused to provide any information.

On Tuesday, June 23, 2020, at about 12:20am, officers responded to the Tara Glenn Apartment Complex on a report of shots being fired into an apartment. Upon arriving, officers contacted the victim who said she was inside her apartment with her two young children when she heard a loud bang and noticed the glass from her window break. During the investigation, it was found a 12-gauge shotgun was used by the suspect(s). One round was fired into the apartment, narrowly missing one of the victim's children. It is believed the intended target was a neighboring gang member.

On Tuesday, June 23, 2020, at about 12pm, officers responded to the West Wood Apartment Complex on a report of people being shot at. The victims, known Norteno Criminal Street Gang Members, were sitting outside of their apartment when a dark colored sedan passed by, firing

several rounds at the group. The group ran inside of their apartment and the vehicle fled the area, through the apartments. Nobody was injured during the shooting. Shell casings were recovered at the scene.

DOMESTIC VIOLENCE STANDOFF LEADS TO ARREST

On Wednesday, June 24, 2020, at about 3am, Officers were dispatched to the Save Mart parking lot to meet with a victim of alleged domestic violence. Upon arriving, officers contacted the victim, who related that her boyfriend, and father of her two children, had physically attacked her after arguing with her. The victim said that her boyfriend, 30-year-old Coalinga resident John Canfield, had dragged her out of the bed by her hair and then kicked her in the face and stomped on her back several times as he pushed her out the front door, off the porch and onto the walkway. The victim said their two children were left inside the residence, so she walked to Save Mart and called the police.

Officers then contacted Canfield at their residence the 100 block of E. Houston. Canfield refused to come out of the house for the next few hours despite officers attempts to talk him out. During that time officers could see Canfield inside the residence, drinking alcohol and smoking marijuana.

Due to Canfields uncooperative state and given the fact that he was becoming more intoxicated as he continued to drink and smoke, officers were given no other option but to force their way into the residence to take Canfield into custody and for the welfare of the infant children. Canfield immediately surrendered and was taken into custody without further incident. The children were found safe in their bedroom and turned over to their mother.

Canfield was transported and booked into the Fresno County Jail for charges including Domestic Violence and Child Endangerment.

WELFARE CHECK LEADS TO DISCOVERY OF A BODY

On Thursday, June 25, 2020, at about 10:30pm, Officers were dispatched to the 800 block of Circle Drive for a welfare check on a neighbor that had not been seen in several days. Upon arriving, Officers located a body inside of the trailer. Upon discovering the body, the Fresno County Coroner was contacted and responded. There were no signs of foul play upon examining the trailer and the body. The body was taken to the Fresno County Coroners Office for further examination.

NARCAN

During the month of June 2020, 3 Officers attended a train the trainer course on the proper way to administer Narcan. Narcan is used to counter act the effects of certain narcotics. The Police department was added to the State of California's list of trained law enforcement agencies on the use of Narcan and has received their first order of Narcan. There is NO cost to the city for the Narcan while the city is enrolled in the current program. All officers will be trained over the next few weeks on how to properly administer the drug and will receive their Narcan.

Respectfully Submitted:

Darren L. Blevins

Darren Blevins
Chief of Police

**STAFF REPORT - CITY COUNCIL/SUCCESSOR AGENCY/PUBLIC FINANCE
AUTHORITY**

Subject: Public Works & Utilities Monthly Report for July 2020
Meeting Date: July 16, 2020
From: Marissa Trejo, City Manager
Prepared by: Sean Brewer, Assistant City Manager

I. RECOMMENDATION:

Approve Public Works & Utilities Monthly Report for July 2020

II. BACKGROUND:

III. DISCUSSION:

IV. ALTERNATIVES:

V. FISCAL IMPACT:

ATTACHMENTS:

| | File Name | Description |
|---|------------------------------|--------------------------|
| ▣ | Monthly_Report_June_2020.pdf | Monthly Report June 2020 |



**PUBLIC WORKS AND UTILITIES DEPARTMENT
MONTHLY REPORT FOR
JUNE 2020**

***Note: New items and updates from last month's report are in bold print.**

PUBLIC WORKS

Natural Gas Distribution:

- 5 gas service lines installed for D.R. Horton
- 2020 Annual Cathodic Protection Survey was conducted
- **2020 Annual Gas Leak Survey was completed**
- **Repaired Gas Ballard W. Houston**
- **40% of Gas leaks detected from Survey have been completed**
- **Repaired broken gas riser E Kinney St.**
- **Repaired gas leak 601 W. Pleasant**

Water Distribution:

- Repaired 6" water main Derrick and Palmer
- Repaired 4" water main Warthan and E. Pleasant
- Repaired 2" water leak N. Joaquin
- Repaired 1 1/2" Water leak 185 E. Polk
- Installed new Fire Hydrant in Shopping Center 100 blk W. Polk
- Installed 4 -1" Backflows Cherry Ln
- Installed new 2" water service line for Splash Pad
- **Repaired 6" water main leak Derrick and Palmer**
- **Replaced 1" service line due to leak at 304 Dartmouth**
- **Replaced 1" service line due to leak 315 Cambridge**

Wastewater Collection:

- Sewer Blockage on Sunflower ran several lines and cleared out several manholes in area.
- **Installed stub out 4" sewer line for Splash Pad**
- **Cleared sewer blockage 7th and Sunset**
- **Cleared sewer blockage in front of 450 W. Elm**

Sidewalks:

Nothing to report at this time.

Repaired section of curb in front of 270 Coalinga Plaza

Parks:

Reinstalled basketball rims at both Sandalwood and Centennial Parks
Installed new signs with covid 19 information and rules
Sprayed down and disinfected play structures

Miscellaneous:

- Crack sealed California St. from Washington to Cambridge
- Worked on Cherry Ln medians converting to a deep well system for all trees-Completed
- Crews have been working on median islands making sure watering system are working in prep for contractor median island landscaping. – Continued to adjust and repair leaks and get watering system up and running correctly **-Continued**
- Received 50 trees from “Tree Fresno” from a grant and planted them along W. Forest and Pacific St.
- Installed High School Banners on City owned light poles-**Continued**
- **Installed concrete pads for backflows along Cherry Ln.**
- **Installed tree stakes on new trees along Washington and Monterey**
- **Painted curb yellow Baker/Grant**
- **Removed tree that was hit by vehicle in front of 297 W. Elm**

UTILITIES

- City wide fire hydrant flushing. **Next city flushing July 23 & 24**

PUBLIC UTILITIES COORDINATOR

LRSP (Local Road and Safety Plan)

LRSP(Local Road and Safety Plan) is a grant fund that is intended to help discover unsafe areas in regard to road safety.

- Received Project ID and Advantage ID from DLAE.

Water Plant/Wastewater Video Surveillance

I was asked to build out a site-to-site networked surveillance system for both the water plant and the wastewater plant.

- Annotated changes needed on proposed security system and submitted to American Office Solutions.
- **In light of recent quotes from American Office Solutions, Public Works has determined that they are able to more cost effectively implement their own solution that performs at a similar level. Design of system is currently in progress.**

SCADA Updates/WTP Network

- **Updated SCADA remote systems.**
- **Updated WTP network hardware.**

Cross Connection Control

- 185 Backflows have been tested.
- **Backflow report has been submitted with Annual Water Report**

Natural Gas System

I have been working with the Public Works department and Dan Bergman to help with the Natural Gas Audit of 2018. Additionally, I have been assisting with the response to PHMSA regulatory requirements.

- Coordinated completion of CP survey.
- **Resurveyed all points. Found considerable increases in potential readings. With this in mind it is likely sufficient for compliance if a depolarization survey is completed.**
- **Drafted RFP for depolarization survey. Bids are under review.**

2015 UWMP

I have been asked to draft and submit for proposal on the 2015 UWMP.

- Data has been supplied to ACME.
- **Received notice that UWMP should be ready by end of July.**

Water System Analysis (MKN)

To move forward with plans to rehab/rebuild Derrick Reservoir, a hydraulic study must be done to see if our current water system configuration can run in four different scenarios while Derrick is offline being repaired.

- Water model is fully completed.

Council Room Modernization

- **98% of the hardware has arrived. Small changes were needed as install came near close.**
- **All hardware that is on site is installed and functioning properly. Awaiting delivery of final hardware.**

Tree & Sidewalk Ordinance

- Completed the initial rewrite of our tree and sidewalk ordinance. Currently under review.
- **Submitted staff report for first reading of each respective ordinance.**

Annual Water Report

- Completed annual water report and submitted to the State.

Palmer & Derrick Reservoir Inspections

Based on information gathered through investigating Derrick Reservoir rehabilitation efforts, there is a potential need for 3 MG additional storage. This is due to a loss of reservoir capacity that will likely come with rehabilitation. Additionally, more investigation is required to determine if the Derrick reservoir roof can be repaired or must be replaced entirely.

- Drafted RFP outlining needs at both “North” Palmer and Derrick.
- Advertised RFP
- Currently waiting for responses.
- **Bids for Palmer came in too high. We only pursued bids to inspect the roof of Derrick reservoir. Work is to be completed by Mistras.**

Uniform Public Construction Cost Accounting

- Submitted resolution and letter indicating our desire to begin UPCCA to State Controllers office.
- **Received notification from the State Controllers Office that everything was in order. We are ready to pursue Uniform Public Construction Cost Accounting.**
- **Currently organizing methods to track and present all data required by the State.**

WWTP Improvement Plan

I am assisting in the coordination of the WWTP Improvement plan, which includes a security system, fence, and automation upgrades.

- Submitted all documents to Tri-City Engineering relative to improvement plan.

USBR

- **Submitted 2018 & 2019 updates on water management plan.**

WATER TREATMENT PLANT (WTP)

City staff is working with Carter Redding on PHA for Fresno County. **In progress**

Hach equipment quarterly maintenance is scheduled for July 6th.

P15 motor and pump will be out of service. Being sent out for repairs and maintenance. P15 repairs have started. It will take 16 weeks to get the pump bowl sets in. Pump is expected to be returned mid September.
In Progress

South Moss screen is running and currently working.

VFD quotes for P-1 & P-3. In progress quotes being reviewed by staff. **Electric Motor Shop will be installing the VFD.**

OSG cells have arrived and is being scheduled for installation. **OSG Cells have been installed and working again.**

AC unit replacement for hypo building quotes. Quotes are being reviewed by staff. **Garza's AC will be installing the new ac unit once it gets back from being coated.**

WTP standby backup generator quotes from Cat, Sunbelt & United rental companies. All three quotes being reviewed by staff.

Westland canal 24-hour algae treatment 7am-7am May 20-21. Complete. Next treatment schedule for July 1 -2. **Treatment has been completed.**

Anthracite filter media for beds 1, 2 & 4 was delivered. **Installation will start soon.**

NW Reservoir transmission line air locked again. City crew were able to get air vac working correctly and transmission line back in services. **Complete**

New Surface Scatter for raw water turbidimeter has arrived and waiting for installation. **Should be installed by the end of July.**

TU5300 turbidimeters being installed.

Hypo PLC programmer went out. Had to get Telstar to reprogram the unit. We also order extra part to have on hand.

Alum sledge removal project expected to start mid July.

WASTEWATER TREATMENT PLANT (WWTP)

- City crew working on getting pond 3 & 4 cleaned by spraying and burning the weeds, cattails and small trees. Ponds 3 & 4 starting to look good, but still have spraying and burning to do. **On going**
- Effluent water is being directed to the old school farm now. Radio field repair work. Complete
- Control room equipment up grade. **In progress**
- New facility lighting. **In progress**
- Quote for new recycle water meter. **In progress**
- **Removing sledge out of the new basin.**
- **CWS will be covering WWTP for the month of July.**

ASSISTANT CITY MANAGER

PUBLIC WORKS/UTILITIES

- **Budget:** Adopted – Staff is working on scheduling a water/sewer rate workshop with the Council to discuss the needs for the water and sewer enterprise funds.
- **Street Light Acquisition:** Staff has been researching funding opportunities for the acquisition. Once this has been determined staff will bring to the council a contract to proceed with the next steps.
- **TTHM:** Project is shovel ready and is expected to be funded by the impending future water bond.
- **Derrick Bypass / Reservoir Assessment:** MKN presented the hydraulic analysis to understand the water system as a whole when the City either rehabilitates/replaces the Derrick Reservoir. Staff has been digesting the information which will assist staff in developing a rehabilitation plan for the derrick reservoir.
- **SCADA:** The city engineer is currently preparing the bid documents for review by staff and once complete the project will go out to bid. This project will be funded through 2012 water bond proceeds.
- **Coalinga Water Plant PSM/RMP:** Environmental Permitting Specialist is finalizing all PSM/RMP programs for staff review in the next month.

- **County Inspection (Water Plant):** Fresno County department of environmental health inspected the water plant and provided a correction plan which staff is currently working on to complete in the 30 days given by the County. Staff has completed all of the corrective actions that the County has requested at this time. Once the PSM RMP is complete the final items the County has requested will be addressed.
- **Secondary WWTP Access Road:** The City Engineer is reviewing the location and will then begin working on obtaining the appropriate easements for dedication. Property owners will need to be contacted in the near future. This is a low priority project as this time considering the other items staff is working on.
- **Center Median Rehab:** The project began construction on June 8th and will take approximately 20-30 days.
- **Grants:** Staff has been meeting with Blais and Associates on a monthly basis in accordance with their grant contract to review possible grant opportunities. Below is a status update on all grant activity within the Public Works/Utilities and Community Development Department(s):
 - **State Parks Per Capita Program:** Staff working on final items to complete at Centennial and Sandalwood Parks in addition to waiting on the state to confirm funding allocations.
 - **HOME** application for housing rehabilitation and first-time home buyer program has been submitted.
 - The City's **AHSC** Affordable Housing Grant Application for Pacific and Elm Ave was submitted in February by the deadline. On June 25, 2020 the City of Coalinga was notified that it was awarded funding for the project. More details to come.
 - **STBG (2015):** Forest Phase 4 (Elm -1st) – This project is under construction and should be complete by fall due to PG&E Delays, the project will be placed in suspension until PG&E can energize the lights.
 - **CMAQ (2015):** Alley Paving – this project is currently under design and expected to go to construction in later 2020. Due to budget restrictions the shared costs from the sewer, water and gas enterprise funds had to be removed. Staff is proceeding with the original grant scope.
 - **ATP Cycle 3:** Sidewalk Gaps and Safety Enhancements – Staff received notice in early May that the scope change was approved by the California transportation Commission so the project is moving forward and currently under preliminary engineering.
 - **CMAQ:** Trail Segments 10-12 – This project is currently under design with the City Engineers office.
 - **ATP Cycle 4** – Trail segments, 9, 4 and 3 (portion) – Staff advertised the RFP in March and is currently reviewing proposals. Staff plans to bring a recommended consulting firm before the Council in July.
 - **STBG (2017)** – Design is currently underway for the Polk Street Reconstruction project from 5th Street to Elm Ave. Construction is anticipated for later 2020.
 - **CMAQ (2019):** The City was notified of two grant awards that the City applied for in early 2020. Under the CMAQ program the City was awarded an alley project in amount of \$681,000 and another segment of our master trail system in the amount of \$1.1 million.
 - **STBG (2019)** – The City was awarded funding for the reconstruction of Polk Street from Elm to Monterey. Design will proceed once authorization has been granted which is expected in 2021.
 - **CDBG** – Staff received notice that the City will not be eligible for CDBG funding at this time for Van Ness Storm Drain Project due to the income levels the state has listed for the block in which the project is located. With that, this project will be shovel ready in the coming weeks and staff will be working with Self Help to look into a broader income study or wait for the release of the 2020 census data which is expected to be favorable to the City in terms of eligibility.
 - **LSRP** – Staff is currently working on a local safety roadway plan that will allow the City to be eligible for future Highway Safety Improvement Program grant funds. The next cycle of HSIP funding will be in September 2020.
 - **LEAP** – The City has applied for housing funds through the local Early Action Planning Grant for \$65,000 in order to support the kickstart to the City's Cottage home program.

- **PLHA** - The City has applied for additional housing funds through the Permanent Local Housing Allocation program to complement the City's Cottage home program by offering down payment assistance and rehabilitation funds to income qualifying residents.
- Wastewater Consultant and City Engineer are working on opportunities for future uses of waste discharge, capital needs, and grant opportunities. -*Ongoing*
- **Clean Water State Revolving Fund Grant Application** – Staff is finalizing the application to be submitted to the state for a planning grant to study needed improvements the waste collection and wastewater treatment plant.
- **2015 Urban Water Management Plan:** Staff is expected to have a draft copy of the UWMP in early July to review and bring before the Council.
- **Garlic Plant Discharge:** The City is preparing for accepting discharge water into the sewer system from Valley Garlic once they installed a screen to capture the organics (peels, skins, ect.).
- Continued discussions with Staff, IGS and City Engineer on developing a long-range **Capital Improvement Program** for the Water and Wastewater Infrastructure in preparation of a summer water rate discussion.
- Developing a list of amenities for the parks related to the **Per Capita Parks Program**
- **Surge Tanks:** Due to unexpected costs associated with a major pump repair at the water plant, this project will be shovel ready and staff has been entertaining ideas as to how to fund the project.
- **Frame Park Splash Pad:** Public Works staff have completed the preliminary works for the splash pad (sewer/water tie-in & minor tree removal) in anticipation of the contractor installing the splash pad infrastructure. This project is expected to be advertised for bidding in July/August 2020.
- Staff is working on policies for property owner responsibility for tree trimming and sidewalk repairs, and an additional policy for construction water.
- **Gale Ave Rehabilitation:** This project is complete.
- **S. Princeton Drainage Issues:** Staff is still awaiting a response from PG&E regarding some improvements that may be cause of the damage. Due to COVID-19, G&E has been reluctant to meet staff on site.
- **Crosswalk on Polk Street at California Street:** A new crosswalk will be installed as part of the Polk Street Reconstruction Project.
- **Training:** None at this time.
- **Pavement Management System:** The pavement management system is operational, and staff will be utilizing its full potential for determining treatments for streets, budgeting and prioritization.
- **Phelps Ave Reconstruction Project** – Project is nearing completion and the contractor is currently completing their punch list items.
- **Elm/Pacific Parcel Map** – Staff is working with the City Engineer to finalize the parcel map at Pacific and Elm to support future development and the future trail system.
- **Sunset Street Reconstruction:** Plans and Specifications are complete and the staff is expecting to bid this project in August/September.
- **WWTP Hydraulic Control Boxes** – Bids have been awarded, contracts have been signed and construction should be taking place in the next 30 days.

COMMUNITY DEVELOPMENT

- Cottage Home Program – *Staff is working with Self Help Enterprises on a fund request to obtain program funds to start the development of the cottage home ADU program. This is being accomplished through the LEAP and PLHA programs.*
- Continuing coordination with the County and surrounding agencies regarding Community Choice Solar. *Ongoing*
- *Council Chambers Technology Modernization* staff has been working on the upgrades in Council Chambers as well as in the conference room. There are only a few more items that need to be delivered and installed to get the city in a position to begin live streaming meetings once we have returned to normal operation.
- Staff continuing to work with Tyler Technologies on Energov Migration. A go live date is nearing sometime in the summer.

- Family Dollar building, landscape and sign plans have been approved. Permits are expected to be pulled anytime. No word from FD in the last 2 months.
- Council approved the rehabilitation of the hotel units on Valley Street. Staff issued the approval letter to the applicant with conditions. Awaiting response from applicant.
- The City Engineer is currently reviewing the Luxe Estates Final Map application. This project is located on the northeast corner of La Questa and Phelps. The developer has placed the review on hold until further notice.
- Staff is working with Ranch WIFI on a CUP application for a wireless network within the City of Coalinga. Waiting on additional information from the applicant to accept and begin processing.
- Staff is working on an ordinance that will update the Large Family Daycare regulations to be consistent with State law related to land use.
- Zoning Code 5 Year Update – Staff is continuing to work with the Planning Commission on the 5-year zoning code update going through all sections of zoning code. This is expected to be an ongoing project throughout 2020.
- ZTA 20-02 - Staff is working on an ordinance to update fence setbacks, particularly those on street side reverse corner lots.
- CDA 17-01 - 150 Hachman Subdivision Map, General Plan Amendment and Re-Zone – This project was approved by the City Council on June 18, 2020.
- CUP 20-02 – New AT&T Cell Tower (monopine) – staff has accepted and currently reviewing an application for a new 70' monopine cell tower to be located behind Dollar General at 117 Truman. Staff will be reviewing the CUP application along with a variance consideration for the height. The Planning Commission will be considering this application on July 14, 2020.
- ZTA 20-03 – Cannabis Consumption Lounge/Café – staff is currently working on a zoning text amendment to establish regulations to permit the consumption of cannabis at licensed retail cannabis operations in the City including allowing for (1) additional retail location in the downtown area. The City Council approved this ordinance revision on June 18, 2020.
- ZTA 20-04 – Outdoor Cannabis Cultivation – staff is currently working on a zoning text amendment to permit outdoor commercial cannabis cultivation with restrictions. The City Council approved this ordinance revision on June 18, 2020.

STAFF REPORT - CITY COUNCIL/SUCCESSOR AGENCY/PUBLIC FINANCE AUTHORITY

Subject: Discussion, Direction and Potential Action related to Rehabilitating Fresno Street From Harvard to California
Meeting Date: July 16, 2020
From: Marissa Trejo, City Manager
Prepared by: Sean Brewer, Assistant City Manager

I. RECOMMENDATION:

This is a future agenda item requested by Councilman Adkisson. Staff is looking for direction from the City Council as to how to proceed.

II. BACKGROUND:

Councilman Adkisson has requested staff look into the costs and scope of work for rehabilitating Fresno Street from Washington to Harvard as it has been continuing to degrade and breakdown.

III. DISCUSSION:

Staff in working with the City Engineer developed a scope of work and rough cost estimate to rehabilitate Fresno Street from Washington to Harvard. This scope of work is based on the assumption that there is enough base to support and overlay.

Project Description: Fresno Street from Washington to Harvard; Pulverization of existing AC pavement, grading of base material, application of 3-inch AC pavement cap, adjustment of existing utilities, replacement of curb & gutter, and reconstruction of valley gutters.

Cost Estimate: Approximately \$355,000

IV. ALTERNATIVES:

None at this time as staff is seeking direction.

V. FISCAL IMPACT:

The fiscal Year 2021 Budget does not include additional funds to rehabilitate Fresno Street in the amount of \$355,000. The Council may direct staff to redistribute or prioritize this project should there be extra funds available from future project savings or add it to the fiscal year 2022 budget as the City will have additional funds at that time.

ATTACHMENTS:

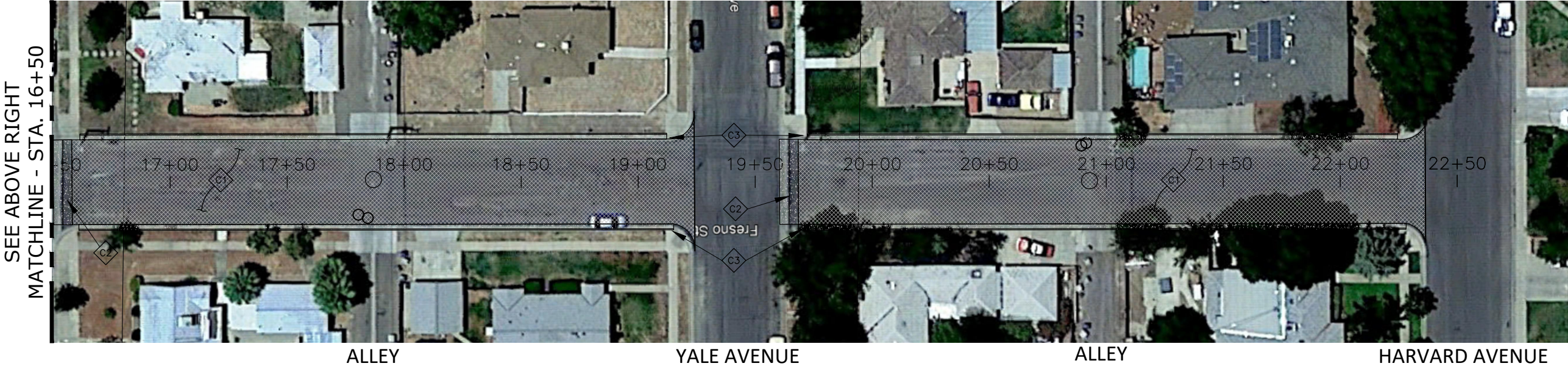
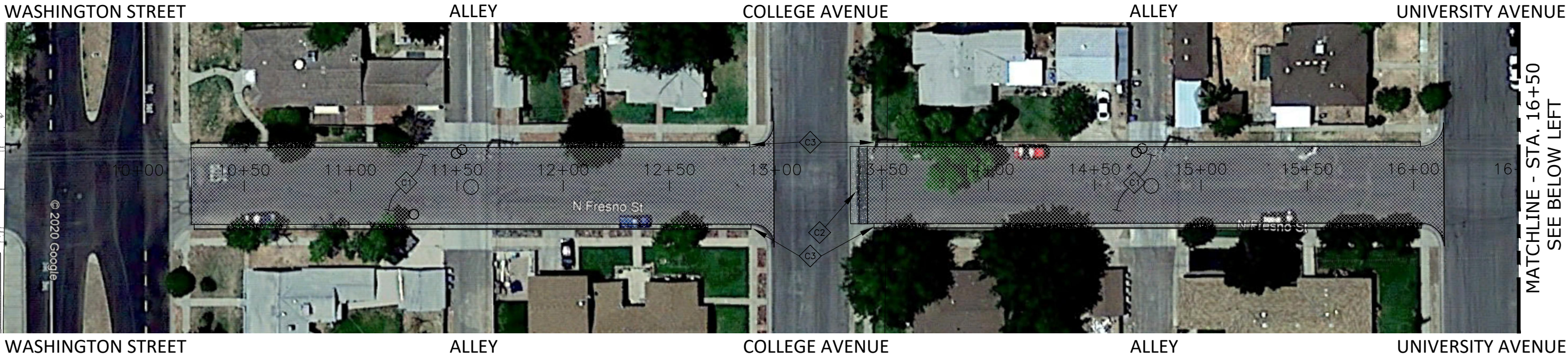
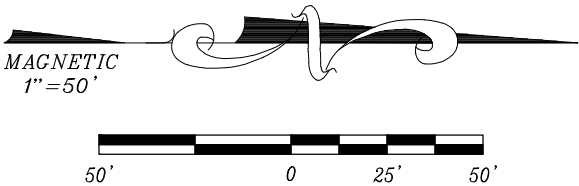
| File Name | Description |
|--------------------------------|--|
| 2867_Project_Scope_Exhibit.pdf | Project Scope |
| | 2867 Fresno Street Reconstruction Cost Estimate Scaled |

2867_Fresno_Street_Reconstruction_Cost_Estimate_Scaled_Option.pdf Option

2867_Fresno_Street_Reconstruction_Cost_Estimate_Full_Scope.pdf 2867 Fresno Street Reconstruction Cost Estimate Full Scope

FRESNO STREET RECONSTRUCTION

WASHINGTON TO HARVARD



CONSTRUCTION KEYNOTES

- C1 2" AC PAVEMENT OVER 4" CLASS II AGGREGATE BASE
- C2 REPLACE (E)4' VALLEY GUTTER UPDATE TO CITY STANDARD
- C3 REPLACE (E)CURB & GUTTER

PROJECT NOTES

FULL SCOPE = C1 + C2 + C3
~PROJECT EST. = \$352,825

SCALED OPTION = C1 ONLY
~PROJECT EST. = \$198,565

ALL CURB RETURNS WITHIN PROJECT AREA TO BE REPLACED AS PART OF ATP3 - SIDEWALK GAP CLOSURE & PEDESTRIAN IMPROVEMENT PROJECT

FRESNO STREET RECONSTRUCTION
WASHINGTON TO HARVARD
COALINGA, CALIFORNIA



Tri City Engineering, Inc.
Engineers Surveyors

4630 W. Jennifer Ave. #101
Fresno, CA 93722-6415
PH: 559-447-9075
FAX 559-447-9074
www.TriCityEngineering.com

| DATE | APPRVD. | REVISION |
|------|---------|----------|
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Scale: 1"=50'
Date: 2020.Jul.07
Drwn: CM
Chckd: DJ
JN#: 2867



4630 W. Jennifer Ave. Suite 101
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PRELIMINARY ENGINEER'S OPINION OF PROBABLE COST

City of Coalinga - Fresno Street Reconstruction (Washington to Harvard)

Scaled Option

Created: **July 2, 2020**

JN 2867

Revised: **July 7, 2020**

GENERAL ITEMS

| Item No. | Description | Unit | Qty. | Unit Price | Extension |
|-------------|-------------------------------------|------|------|-------------|----------------------|
| 1 | MOBILIZATION / GENERAL REQUIREMENTS | LS | 1 | \$ 8,280.00 | \$ 8,280.00 |
| 2 | WORKER SAFETY | LS | 1 | \$ 750.00 | \$ 750.00 |
| 3 | TRAFFIC CONTROL | LS | 1 | \$ 2,500.00 | \$ 2,500.00 |
| 4 | DUST CONTROL | LS | 1 | \$ 1,500.00 | \$ 1,500.00 |
| 5 | CONSTRUCTION SURVEYING | LS | 1 | \$ 4,500.00 | \$ 4,500.00 |
| 6 | SAWCUTTING | LF | 250 | \$ 2.50 | \$ 625.00 |
| 7 | ROADWAY EXCAVATION AND GRADING | CY | 750 | \$ 30.00 | \$ 22,500.00 |
| 8 | HOT MIX ASPHALT TYPE A (HMA-A) | TON | 500 | \$ 100.00 | \$ 50,000.00 |
| 9 | AGGREGATE BASE TYPE II | TON | 990 | \$ 40.00 | \$ 39,600.00 |
| 10 | ADJUST EXISTING MANHOLE | EA | 4 | \$ 1,250.00 | \$ 5,000.00 |
| 11 | ADJUST EXISTING WATER/GAS VALVE | EA | 9 | \$ 900.00 | \$ 8,100.00 |
| ST-1 | GENERAL ITEMS SUBTOTAL | | | \$ | \$ 143,355.00 |

ENGINEERING, PERMIT, CONNECTION FEES

| Item No. | Description | Unit | Qty. | Unit Price | Extension |
|-------------|----------------------------------|------|------|--------------|---------------------|
| 12 | ENGINEERING DESIGN SERVICES | LS | 1 | \$ 25,810.00 | \$ 25,810.00 |
| 13 | CONSTRUCTION ENGINEERING | LS | 1 | \$ 15,060.00 | \$ 15,060.00 |
| PE-1 | ENGINEERING FEES SUBTOTAL | | | \$ | \$ 40,870.00 |

SUMMARY OF CONSTRUCTION COST

| Section | Description | Subtotal |
|---------|---------------------------|----------------------|
| ST-1 | GENERAL ITEMS SUBTOTAL | \$ 143,355.00 |
| PE-1 | ENGINEERING FEES SUBTOTAL | \$ 40,870.00 |
| | CONSTRUCTION TOTAL | \$ 184,225.00 |
| | 10% CONTINGENCY | \$ 14,340.00 |
| | CONSTRUCTION TOTAL | \$ 198,565.00 |



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PRELIMINARY ENGINEER'S OPINION OF PROBABLE COST

City of Coalinga - Fresno Street Reconstruction (Washington to Harvard)

Full Scope

Created: **July 2, 2020**

JN 2867

Revised: **July 7, 2020**

GENERAL ITEMS

| Item No. | Description | Unit | Qty. | Unit Price | Extension |
|-------------|-------------------------------------|------|-------|--------------|-------------------|
| 1 | MOBILIZATION / GENERAL REQUIREMENTS | LS | 1 | \$ 16,700.00 | \$ 16,700.00 |
| 2 | WORKER SAFETY | LS | 1 | \$ 1,200.00 | \$ 1,200.00 |
| 3 | TRAFFIC CONTROL | LS | 1 | \$ 3,250.00 | \$ 3,250.00 |
| 4 | DUST CONTROL | LS | 1 | \$ 2,000.00 | \$ 2,000.00 |
| 5 | CONSTRUCTION SURVEYING | LS | 1 | \$ 4,500.00 | \$ 4,500.00 |
| 6 | SAWCUTTING | LF | 250 | \$ 2.50 | \$ 625.00 |
| 7 | CONCRETE REMOVAL & DISPOSAL | CY | 150 | \$ 150.00 | \$ 22,500.00 |
| 8 | ROADWAY EXCAVATION AND GRADING | CY | 730 | \$ 30.00 | \$ 21,900.00 |
| 9 | HOT MIX ASPHALT TYPE A (HMA-A) | TON | 490 | \$ 100.00 | \$ 49,000.00 |
| 10 | AGGREGATE BASE TYPE II | TON | 1,190 | \$ 40.00 | \$ 47,600.00 |
| 11 | ADJUST EXISTING MANHOLE | EA | 4 | \$ 1,250.00 | \$ 5,000.00 |
| 12 | ADJUST EXISTING WATER/GAS VALVE | EA | 9 | \$ 900.00 | \$ 8,100.00 |
| 13 | CONCRETE CURB & GUTTER | LF | 2,060 | \$ 30.00 | \$ 61,800.00 |
| 14 | CONCRETE VALLEY GUTTER | SF | 880 | \$ 12.00 | \$ 10,560.00 |
| ST-1 | GENERAL ITEMS SUBTOTAL | | | \$ | 254,735.00 |

ENGINEERING, PERMIT, CONNECTION FEES

| Item No. | Description | Unit | Qty. | Unit Price | Extension |
|-------------|----------------------------------|------|------|--------------|------------------|
| 15 | ENGINEERING DESIGN SERVICES | LS | 1 | \$ 45,860.00 | \$ 45,860.00 |
| 16 | CONSTRUCTION ENGINEERING | LS | 1 | \$ 26,750.00 | \$ 26,750.00 |
| PE-1 | ENGINEERING FEES SUBTOTAL | | | \$ | 72,610.00 |

SUMMARY OF CONSTRUCTION COST

| Section | Description | Subtotal |
|---------|---------------------------|----------------------|
| ST-1 | GENERAL ITEMS SUBTOTAL | \$ 254,735.00 |
| PE-1 | ENGINEERING FEES SUBTOTAL | \$ 72,610.00 |
| | CONSTRUCTION TOTAL | \$ 327,345.00 |
| | 10% CONTINGENCY | \$ 25,480.00 |
| | CONSTRUCTION TOTAL | \$ 352,825.00 |

**STAFF REPORT - CITY COUNCIL/SUCCESSOR AGENCY/PUBLIC FINANCE
AUTHORITY**

Subject: Introduce and Waive First Reading of Ordinance No. 843 Amending the Ordinance Related to Sidewalks, Curbs, and Gutters.
Meeting Date: July 16, 2020
From: Marissa Trejo
Prepared by: Larry Miller, Public Works and Utilities Coordinator

I. RECOMMENDATION:

Staff is recommending that the City Council approve an amendment by introducing and waiving the first reading of Ordinance No. 843, amending Chapter 2. – SIDEWALKS, CROSSWALKS, CURBS, GUTTERS AND DRIVEWAYS.

II. BACKGROUND:

Ordinance No. 843 establishes regulations regarding curbs, sidewalks, and gutters. As it is currently written, lacks any language to indicate who is responsible to maintain sidewalks, who inherits liability, and enforcement pathways. It only outlines permitting related to new sidewalk construction. This is often a point of confusion with many residents, as clear rules are not set forth.

III. DISCUSSION:

Staff has prepared revisions to the existing ordinance that would generally shift the responsibility of sidewalk repair and maintenance to the abutting property owner and define enforcement of such.

The purpose of this revision is not to levy citizens with the burden of repairing all of Coalinga's sidewalk. Public Works will still pursue repairs or replacements as much as is economically feasible. Either through inclusion of repair in large projects related to thoroughfare or through targeted maintenance activity. The intent is to create clear language that defines responsibility congruent to what many other cities abide by and create a pathway to enforcement for egregious offenders of purposeful or negligent destruction.

A copy of the ordinance has been attached to this report to see the changes.

IV. ALTERNATIVES:

Do not introduce and waive the first reading of Ordinance No. 843. Staff does not recommend.

V. FISCAL IMPACT:

This will have no fiscal impact.

ATTACHMENTS:

File Name

Description

| | |
|--|---|
| ORDINANCE_NO_843_SIDEWALKS_CROSSWALKS_CURBS_GUTTERS_AND_DRIVEWAYS_.pdf | Ordinance No. 843 - Sidewalks, Curbs, and Gutters |
|--|---|

ORDINANCE NO. 843

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COALINGA AMENDING CHAPTER 2 OF TITLE 7 OF THE COALINGA MUNICIPAL CODE RELATING TO SIDEWALKS, CROSSWALKS, CURBS, GUTTERS, AND DRIVEWAYS

The City Council of the City of Coalinga does hereby ordain as follows:

Section 1. Section 7-2.01. Definitions is hereby amended to read as follows:

"Director of public works" as used in this chapter means the director of public works of the city, his designee, or the person appointed by the city manager to perform the duties of the director of public works as specified in this chapter.

"Sidewalk" as used in this chapter means an improved public thoroughfare designed for pedestrian and other non-motorized travel, and includes a park or parking strip maintained in the area between the property line and the street line, and also includes curbing, bulkheads, retaining walls or other works for the protection of any sidewalk or of any such park or parking strip.

"Third person" as used in this chapter means an individual or a person, including a public agency, but does not refer to the city, its officers, employees, or agents.

Section 2. Section 7-2.06 – Duty to maintain sidewalks. Is hereby amended to read as follows:

The owners of lots or portions of lots fronting on any portion of a public street or place when that street or place is improved or if and when the area between the property line of the adjacent property and the street line is maintained as a park or parking strip, shall maintain any sidewalk in such condition that the sidewalk will not endanger persons or property and maintain it in a condition which will not interfere with the public convenience in the use of those works or areas save and except as to those conditions created or maintained in, upon, along, or in connection with such sidewalk by any third person other than the owner, under and by virtue of any permit or right granted to him by law or by the city authorities in charge thereof, and such third persons shall be under a like duty in relation thereto.

Section 3. Section 7-2.07. – Notice to repair. Is hereby amended to read as follows:

A. When any portion of the sidewalk is out of repair or pending reconstruction and in condition to endanger persons or property or in condition to interfere with the public convenience in the use of such sidewalk, the director of public works or his designee shall notify the owner of such sidewalk so out of repair, to repair the sidewalk.

B. Notice to repair may be given by delivering a written notice personally to the owner or to the person in possession of the property facing upon the sidewalk so out of repair, or by mailing a postal card, postage prepaid, to the person in possession of such property, or to the owner thereof at his last known address as the same appears on the last equalized assessment rolls of the city or to the name and address of the person owning such property as shown in the records of the office of the clerk.

Section 4. Section 7-2.08. – Contents of postal card notice. Is hereby amended to read as follows:

A. The postal card shall contain a notice to repair the sidewalk so out of repair, and the director of public works or his designee shall, immediately upon mailing of the notice, cause a copy thereof printed on a card of not less than eight inches by ten inches in size, to be posted in a conspicuous place on the property. In lieu of posting a copy of the mailed notice on the property as provided in this section, the director of public works may, not less than seven days nor more than ten days after the mailing of the first postal card notice, mail an additional postal card, postage prepaid, marked "Second Notice," to the person to whom the first postal card notice was addressed. The second notice shall otherwise contain the material required by this section, but shall not extend the time for commencing repairs specified by this chapter.

B. The notice shall particularly specify what work is required to be done, and how it is to be done, and what materials shall be used in the repair and shall further specify that if the repair is not commenced within two weeks after notice is given and diligently and without interruption prosecuted to completion, the director of public works shall make such repair, and the cost of same shall be a lien on the property.

Section 5. Section 7-2.09. – Repair by director of Public Works – Notice and hearing. Is hereby amended to read as follows:

If the repair is not commenced and prosecuted to completion with due diligence, as required by the notice, the director of public works shall forthwith repair the sidewalk. Upon the completion of the repair, the director of public works shall cause notice of the cost of the repair to be given in person or by mail in the manner specified above for the notice to repair, which notice shall specify the day, hour and place when the legislative body will hear and pass upon a report by the director of public works of the cost of repair, together with any objections or protests, if any, which may be raised by any property owner liable to be assessed for the cost of such repair and any other interested persons.

Section 6. Section 7-2.10. – Report of repairs. Is hereby amended to read as follows:

Upon the completion of the repair, the director of public works shall prepare and file with the city council a report specifying the repairs which have been made, the cost of the repairs, a description of the real property adjacent to the repairs

and the assessment against each lot or parcel of land proposed to be levied to pay the cost thereof. Any such report may include repairs to any number of parcels of property, whether contiguous to each other or not.

Section 7. Section 7-2.11. – Hearing and assessment – Notice of Lien. Is hereby amended to read as follows:

A. Upon the day and hour fixed for the hearing, the city council shall hear and pass upon the report of the director of public works, together with any objections or protests which may be raised by any of the property owners liable to be assessed for the work of making such repair and any other interested persons. Thereupon the city council may make such revision, correction or modifications in the report as it may deem just, after which, by motion or resolution, the report as submitted, or as revised, corrected or modified, shall be confirmed. The city council may adjourn the hearings from time to time. The decisions of the city council on all protests and objections shall be final and conclusive.

B. The cost of repair may be assessed by the city council against the parcel of property fronting upon the sidewalk upon which such repair was made, and such cost so assessed, if not paid within five days after its confirmation by the city council, shall constitute a special assessment against that parcel of property, and shall be a lien on the property for the amount thereof which lien shall continue until the assessment and all interest thereon is paid, or until it is discharged of record.

Section 8. 7-2.12. – Owner liable for injury from out of repair sidewalks. Is hereby amended to read as follows:

The person or entity required by Section 7-2.05 to maintain and repair the sidewalk area shall owe a duty to members of the public to keep and maintain the sidewalk area in a safe and non-dangerous condition. If, as a result of the failure of any property owner to maintain the sidewalk area in a non-dangerous condition as required by this chapter, any person suffers injury or damage to person or property, the property owner shall be liable to such person for the resulting damages or injury.

Section 9. The City Clerk is further directed to cause this ordinance or a summary of this ordinance to be published once in a newspaper of general circulation published and circulated within the City of Coalinga, within fifteen (15) days after its adoption. If a summary of the ordinance is published, then the City Clerk shall cause a certified copy of the full text of the proposed ordinance to be posted in the office of the City Clerk at least five days prior to the Council meeting at which the ordinance is adopted. The summary shall be approved by the City Attorney.

This Ordinance shall take effect thirty (30) days after its adoption

ATTEST:

The foregoing Ordinance was introduced by the City Council of the City of Coalinga, California, at a regularly scheduled meeting held on July 16, 2020, and was passed and adopted by the City Council at a regular meeting held on _____, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Date: _____, 2020

Mayor, City of Coalinga

City Clerk, City of Coalinga

STAFF REPORT - CITY COUNCIL/SUCCESSOR AGENCY/PUBLIC FINANCE AUTHORITY

Subject: Introduce and Waive First Reading of Ordinance No. 844 Amending the Ordinance
Related to Trees and Shrubs

Meeting Date: July 16, 2020

From: Marissa Trejo

Prepared by: Larry Miller, Public Works and Utilities Coordinator

I. RECOMMENDATION:

Staff is recommending that the City Council approve an amendment by introducing and waiving the first reading of Ordinance No. 844, amending Title 7 Chapter 3. – TREES AND SHRUBS, an ordinance related to establishing clear rules on maintaining trees and shrubs in the city.

II. BACKGROUND:

Ordinance No. 844 establishes regulations regarding trees and shrubs. As it is written, it does not make clear who is responsible for maintaining trees in various settings. It is often a point of confusion with many residents.

III. DISCUSSION:

Staff has prepared revisions to the existing ordinance that would establish clear language on who is to maintain which trees within city limits. Much of the revision is dedicated to defining what a “Parking Strip” is and whom is to maintain trees within those areas. Additionally, language was added to clearly define who is responsible for “Street Trees”. In most cases, these revisions will solidify responsibility to the abutting property owner. Except in cases where irrigation systems already exist, for example Elm street where the City maintains a large portion of the trees with irrigation.

A copy of the ordinance has been attached to this report to see the changes.

IV. ALTERNATIVES:

Do not introduce and waive the first reading of Ordinance No. 844. Staff does not recommend.

V. FISCAL IMPACT:

This will have no fiscal impact.

ATTACHMENTS:

| File Name | Description |
|---------------------------------------|--------------------------------------|
| ORDINANCE_NO_844_TREES_AND_SHRUBS.pdf | Ordinance No. 844 - Trees and Shrubs |

ORDINANCE NO. 844

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COALINGA AMENDING CHAPTER 3 OF TITLE 7 OF THE COALINGA MUNICIPAL CODE RELATING TO TREES AND SHRUBS

The City Council of the City of Coalinga does hereby ordain as follows:

Section 1.

Section 7-3.102. – Definitions. Is hereby amended to read as follows:

The provisions of this chapter shall not apply to the trimming, pruning, or removal of trees or shrubs:

"Director of Public Works" shall include the Director and his designees.

"Hedge" shall mean any plant material when planted in a dense continuous line or area so as to form a thicket or barrier.

"Park" shall mean any open space maintained by the City or other public agency for recreational purposes.

"Parking Strip" Shall mean the area between the property line and the street line.

"Plant" shall mean all plant material not defined herein as a "hedge", "shrub", or "tree", which is nonwoody, annual or perennial in nature and not necessarily hardy.

"Public place" shall mean all open areas, not defined herein as "park" or "street", which is open to the public and owned or leased to or under the control of the City or other public agency.

"Shrub" shall mean a woody perennial plant which is normally low and not over ten (10) to fifteen (15) feet in height, usually with several permanent stems, adaptable to shaping, trimming or pruning without injury.

"Street" shall mean a way or place of whatever nature, publicly maintained and open to the use of the public for purposes of vehicular travel, including alleys and walks, and including not only the improved or paved area but also parkways, sidewalks, public utility easements and maintenance easements.

"Street tree" shall mean any tree as defined herein planted or maintained within a park or street, or planted and/or maintained on private or public property to the extent it encroaches, overhangs, or is proximate to a park, parking lot, accessway, or street.

"Tree" means any woody perennial plant having a single main axis or stem and usually many branched. It is usually over ten (10) feet in height at maturity and is capable of being pruned and shaped to develop a branch-free trunk.

Section 2.

Section 7-3.201. – Responsibility for trees and shrubs. Is hereby amended to read as follows:

Trees or shrubs within parks, public spaces, shall be the responsibility of the city to maintain and care for, including but not limited to periodic and regular watering, pruning, trimming, weed control, or removal.

Trees or shrubs within parking strips or private property to the extent it may encroach or overhang a public place, park, or street shall be the responsibility of the owner or occupant, including but not limited to periodic and regular watering, pruning, trimming, weed control, or removal.

Street trees shall be the responsibility of the owner of any irrigation system designated to the street tree. Should the tree lack an irrigation system, the responsible party defaults to the owner or occupant abutting the trees location.

Responsibility of trees within parking strips shall be assumed by the owner or occupant of the abutting property.

Any tree or shrub growing in a parking strip, public place, or in private property which is endangering or which in any way may endanger the security or usefulness of any public place, park, parking strip, street, or utility is declared to be a nuisance; and the city may remove or trim such trees, or may require the property owner to trim or remove any such tree.

Section 3.

Section 7-3.204. – Planting of trees and shrubs. Is hereby amended to read as follows:

All trees and shrubs planted in parks, public places or streets, parking strips, or planted on private property to the extent it may encroach or overhang a park, public place or street, as defined in this chapter, shall be located and planted under the supervision of the Director of Public Works, who shall supervise such planting and locating. In the performance of such supervision, consideration shall be given to the following factors; provided that, setbacks and considerations of safety do not interfere:

- (a) Trees and shrubs that must be removed shall be replaced by a new planting, except in unusual circumstances;
- (b) Whenever possible, trees and shrubs shall be planted near old and dying ones in anticipation of their removal;
- (c) Unnatural regularity of spacing and arrangement shall be avoided, staggered or irregular locations or a simulated forest arrangement being preferred;
- (d) Species selected may vary, depending upon location, with a preference for native species; the Director is to nominate several species to be perpetuated as the dominant forest trees within the City;
- (e) The coordinating of tree and shrub planting on public ways with landscaping on private property so as to achieve the above purposes is deemed desirable;
- (f) All street trees and shrubs shall be planted between the curb and the sidewalk, and/or within planting and maintenance easements, and/or within in other areas as determined by the Director of Public Works;
- (g) No street tree or shrub shall be planted or maintained if it obscures adequate site distances at intersections and, in no event, within thirty (30) feet of the curb lines of intersecting streets; and
- (h) Street trees shall be a minimum twenty-four-inch box type. However, fifteen (15) gallon type street trees may be planted as part of the City's street tree removal and replacement program along collector streets and local streets.

Section 4. Section 7-3.205. – Trimming of trees and shrubs. Is hereby amended to read as follows:

The wood or roots of any trees and shrubs planted in parks, public places or streets, parking strips, or planted on private property to the extent it may encroach or overhang a park, public place or street, as defined herein, shall be trimmed, pruned or shaped under the supervision of the Director of Public Works, who shall supervise such trimming, pruning and shaping. In the performance of such supervision, consideration shall be given to the following factors; provided, that setbacks and considerations of safety do not interfere:

- (a) Trimming, pruning and shaping of limbs, not in excess of one-inch diameter on trees and shrubs that have been planted for more than five (5) years shall be permitted by right;
- (b) All limb cuts made on trees and shrubs shall be smooth and flush with the trunk or larger branch on which cuts are made, and in the case of cuts larger than one (1) inch must be treated with an approved preservative; and
- (c) All trimming, pruning and shaping shall be done in accordance with accepted methods of horticulture; and
- (d) All limbs that encroach on a pedestrian walkway shall be trimmed to a minimum height of seven (7) feet; and
- (e) All limbs that encroach on a vehicular path of travel shall be trimmed to a minimum height of fourteen (14) feet.

Section 5. Section 7-3.206. – Removal of trees and shrubs. Is hereby amended to read as follows:

No tree or shrub planted in parks, public places or streets, parking strip, or planted on private property to the extent it may encroach or overhang a park, public place or street, as defined herein, shall be cut down or removed without the permission and supervision of the Director of Public Works, who shall permit and supervise such cutting or removal. In the performance of such supervision, consideration shall be given to the following factors, provided that setbacks and considerations of safety do not interfere:

- (a) The health or condition of the tree or shrub;
- (b) Removal is justified by reason of good forestry practice or the poor health or dangerous condition of the tree or shrub; or
- (c) Construction or other improvements on private property.

Section 6. The City Clerk is further directed to cause this ordinance or a summary of this ordinance to be published once in a newspaper of general circulation published and circulated within the City of Coalinga, within fifteen (15) days after its adoption. If a summary of the ordinance is published, then the City Clerk shall cause a certified copy of the full text of the proposed ordinance to be posted in the office of the City Clerk at least five days prior to the Council meeting at which the ordinance is adopted. The summary shall be approved by the City Attorney.

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ATTEST:

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AYES:

NOES:

ABSTAIN:

ABSENT:

Date: _____, 2020

Mayor, City of Coalinga

City Clerk, City of Coalinga