



CITY COUNCIL/SUCCESSOR AGENCY/PUBLIC FINANCE AUTHORITY MEETING AGENDA

**August 15, 2024
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 Meeting, on August 15, 2024 in the City Council Chambers located at 155 West Durian, Coalinga, CA. Persons with disabilities who may need assistance should contact the City Clerk at least 24 hours prior to this 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

1. Certificate of Recognition - 2024 Best High School Mascot in the Nation, Oscar of the Coalinga Horned Toads
2. Presentation of a Plaque to City Manager Marissa Trejo in Honor of her Many Years of Service to the City of Coalinga

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.

Citizen Comments submitted in writing to the City Clerk by 5:00pm on the day of the City Council meeting shall be distributed to the City Council and included in the record, however they will not be read.

4. PUBLIC HEARINGS

1. Consideration of Conditional Use Permit Application 24-05 and Further Adopting Resolution No. 4227 with Conditions, to Reestablish the Legal Non-Conforming Status of the Structure Located at 358 E. Polk Street

Sean Brewer, Community Development Director

2. Adopt General Plan Amendment Adopting Fresno Multi-Jurisdictional Housing Element 2023-2031

Sean Brewer, Assistant City Manager

5. CONSENT CALENDAR

1. Approve MINUTES - August 1, 2024
2. Informational Only: Items Funded by Measure J
3. Information Only - Status Update on the Passing of Canine Nitro
4. Consider and Adopt Resolution No. 4229– Intention to Vacate a Public Street Easement on adjoining APN 083-382-06s (733 Riesling Way Property) and Setting a Date for a Public Hearing
5. Adopt Resolution No. 4230 Authorized Designated Signatures for City's Bank Accounts with US Bank
6. Adopt Resolution No. 4231 Approving Revisions to the City's Natural Gas Purchase Policy
7. Accept Measure C Audit Report for Fiscal Year Ending June 30, 2022
8. Consideration of Bid Award for Sewer Collection System Improvements on Cherry Lane – N. Grant St. Project
9. Consideration of Bid Award for Pleasant Street Reconstruction & Sewer Main Replacement Project
10. Coalinga Police Department Monthly Report for July 2024

6. ORDINANCE PRESENTATION, DISCUSSION AND POTENTIAL ACTION ITEMS

1. Discussion, Direction and Potential Action regarding Amending Title 5 of the Coalinga Municipal Code by Adding Sections relating to Unsafe Camping and Public Hazards

Marissa Trejo, City Manager

2. Discussion, Direction and Potential Action regarding Updating the Council Rules of Procedure to Include a Process to Fill Vacancies on the City Council

Marissa Trejo, City Manager

7. ANNOUNCEMENTS

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

3. Mayor's Announcements

8. FUTURE AGENDA ITEMS

9. CLOSED SESSION

1. CITY MANAGER'S PERFORMANCE EVALUATION – Government Code 54957(b)
2. CONFERENCE WITH LABOR NEGOTIATORS – Government Code 54957.6.
CITY NEGOTIATORS: City Manager, Marissa Trejo; City Attorney, Mario Zamora.
EMPLOYEE (ORGANIZATION): Non-Represented Employees

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: Presentation of a Plaque to City Manager Marissa Trejo in Honor of her Many Years of Service to the City of Coalinga

Meeting Date:

From:

Prepared by:

I. RECOMMENDATION:

II. BACKGROUND:

III. DISCUSSION:

IV. ALTERNATIVES:

V. FISCAL IMPACT:

ATTACHMENTS:

File Name

Description

No Attachments Available

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

Subject: Consideration of Conditional Use Permit Application 24-05 and Further Adopting Resolution No. 4227 with Conditions, to Reestablish the Legal Non-Conforming Status of the Structure Located at 358 E. Polk Street

Meeting Date: Thursday, August 15, 2024

From: Marissa Trejo, City Manager

Prepared by: Sean Brewer, Community Development Director

I. RECOMMENDATION:

City Council approval of Resolution No. 4227, approving Conditional Use Permit application CUP 24-05 with conditions to reestablish the legal non-conforming status of the structure located at 358 E. Polk Street.

II. BACKGROUND:

On June 4, 2024 the Community Development Department received a conditional use permit application requesting the reestablishment of a structure's legal non-conforming status at 358 E. Polk Street.

In accordance with Section 9-6.210 of the Planning and Zoning Code no nonconforming use may be resumed, reestablished, reopened or replaced by any other nonconforming use after it has been abandoned or vacated for a period of six (6) months, except as provided for in this section. The nonconforming use of a legally established structure may be reestablished if the City Council approves a Conditional Use Permit with applicable findings.

Staff was able to review the code and as mentioned above, there is a remedy to reestablish the structure legal non-conforming status and then permit the rehabilitation of the existing structure. Therefore, the applicant is seeking approval from the City Council to reestablish the structures legal-nonconforming status in order to rehabilitate and construct an addition which will expand the residence including the addition of a new ADU on the property in accordance with Section 9-6.210.

III. DISCUSSION:

The structure located at 358 E. Polk Street was damaged beyond repair several years ago due to ground movement such as an earthquake and has been unoccupied for several years. As a result, the property was posted by the Building Official as unsafe to occupy and it would either need to be repaired or demolished and/or rebuilt. When originally constructed, the structure was legally establishment prior to the re-zoning of the property from Residential (1994 General Plan Update) to Mixed Use Commercial (2025 General Plan). Recently, the property owner submitted an application for a building permit to rehabilitate and construct an addition to the residence that is currently on this parcel. Unfortunately, staff was unable to issue a permit to demo and rebuild the structure do to the fact that it had lost it's legal non-conforming status since it has been vacated for more than six (6) months, therefore the property must be developed in accordance with the (MX) Mixed Use zoning designation.

Staff has reviewed the application and what possible impacts it would have to reestablish the legal non-conforming status of this property and it has been determined that it would not have a substantial impact to the surround properties.

FINDINGS

When determining whether a legal non-confirming status shall be reinstated, the following three (3) findings shall be considered:

1. The structure cannot be used for any conforming use because of its original design or because of legal structural changes made for a previous nonconforming use;

The existing structure is currently in disrepair and cannot be occupied. Demolishing the structure would create another vacant lot in the City that has limited interest for commercial development in addition to the fact that the properties to the north are currently occupied as residential uses. This location also lacks off-site improvements and has considerable access issues since Dorothy Street has never been improved to City standards (sidewalk, curb and gutter) and currently facilitates access to adjacent properties. Demolishing and rebuilding the residence would reduce future blight as well as provide additional housing where housing is limited in the City.

2. The structure can be reasonably expected to remain in active use for a period of twenty (20) years without requiring repairs or maintenance in excess of fifty (50) percent of the replacement cost of the structure, as defined in this chapter, within any five (5) year period; and

Rebuilding a new residence would establish a structure that would reasonable remain in active use for a period of twenty (20) years without requiring major repair except for the typical maintenance a residence would see such as painting, HVAC, roof, ect.

3. The continuation of the use or structure will not be incompatible with or detrimental to surrounding conforming uses.

Demolishing and rebuilding a new home with a new ADU at 358 E. Polk Street would reduce the existing blight as well as provide a compatible use based on the surrounding properties. The east, south properties are currently residential uses and commercial uses to the north and west which is not uncommon for residential uses to be adjacent to commercial uses considering the appropriate transitional standards are applied.

Should the City Council choose to reestablish the legal non-conforming status of the existing structure, staff would advise the applicant to proceed with an administrative site plan and subsequently the submission of a building permit application to rehabilitate the existing home that currently exists including the construction of a new ADU in accordance with Section 9-6.208 related to the restoration of damaged non-conforming structures. Staff feels that the exception for residential structures would apply in this situation allowing the rebuilding of the structure.

Section 9-6.208(b) Restoration when damage exceeds seventy-five (75) percent of value. (1) If any nonconforming structure or a structure containing a nonconforming use is destroyed by fire, explosion or other casualty or involuntary destruction to an extent of seventy-five (75) percent or greater of the replacement cost, as determined by the Building Official, then the structure may be restored and used only in compliance with the applicable regulations for the district where it is located, except as provided below.

(2) Exceptions for residential structures. Any nonconforming residential use may be reconstructed,

restored, or rebuilt up to the size and number of dwelling units prior to the damage and the nonconforming use, if any, may be resumed unless the City finds that:

(a.) The reconstruction, restoration, or rebuilding will be detrimental or injurious to the health, safety, or general welfare of persons residing or working in the neighborhood or will be detrimental or injurious to property and improvements in the neighborhood.

(b.) The existing nonconforming use of the building or structure can be more appropriately moved to a zoning district in which the use is permitted, or that there no longer exists a district in which the existing nonconforming use is permitted.

(c.) Any reconstruction, restoration, or rebuilding undertaken pursuant to this section shall conform to all applicable Building Code requirements.

(d.) A building permit shall be obtained within two (2) years after the date of the damage or destruction.

When adopting Resolution Number 4227 staff has included conditions of approval in order to facilitate the appropriate demolition and reconstruction of the legal non-confirming structure and construction of the new ADU. In addition to ensuring compliance with the standards for legal non-confirming structures and uses, staff has included conditions to facilitate compliance with property maintenance concerns that currently exist on the property such as stored trailers, and sea train containers. All of the conditions have been included as an attachment to the resolution.

Environmental (CEQA):

The proposed project has been reviewed for its conformance with the California Environmental Quality Act (CEQA) and determined that this project is to be categorically exempt pursuant to Section 15302 related to the replacement or reconstruction of existing structures and/or facilities.

Public Notification:

Public hearing notices were sent to all property owners within 300 feet of the site as required by Local and State law.

IV. ALTERNATIVES:

The City Council may choose not to approve Resolution No. 4227 and deny the Conditional Use Permit application.

V. FISCAL IMPACT:

None determined at this time.

ATTACHMENTS:

	File Name	Description
□	Site_Photo_1.jpg	Site Photo 1
□	Site_Photo_2.JPG	Site Photo 2
□	Site_Photo_3.JPG	Site Photo 3

Polk St

33



358 East Polk Street

Dorothy St

Dorothy St

Dorothy St

Coalinga Auto & Truck
Diesel Repair Center



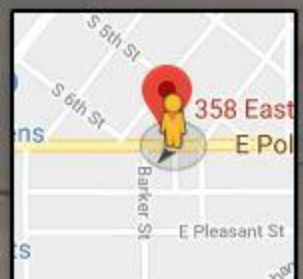
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E Valley St

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E Valley St

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RESOLUTION NO. 4227

A RESOLUTION OF THE CITY OF COALINGA CITY COUNCIL APPROVING WITH CONDITIONS CONDITIONAL USE PERMIT APPLICATION NUMBER 24-05, RE-ESTABLISHING THE LEGAL NON- CONFORMING STATUS OF THE STRUCTURE LOCATED AT 358 E. POLK STREET

WHEREAS, the City of Coalinga Community Development Department has received an application for a Conditional Use Permit to reestablish the legal non-conforming status of the structure located at 358 E. Polk Street; and

WHEREAS, The Coalinga Planning and Zoning Code permits the City Council reestablish the legal non-conforming status of a structure or use with the approval of a conditional use permit; and

WHEREAS, the City Council held the scheduled and noticed public hearing on August 15, 2024 to take testimony with regard to the proposed application, and;

WHEREAS, the City Council has determined that this project is exempt for further environmental review under CEQA in accordance with Government Code Section 15302 (Replacement or Reconstruction), and;

WHEREAS, the City Council completed its review of the proposed development and information contained in the staff report and has considered the testimony received during the public meeting process and comments provided via mail, and;

WHEREAS, the City Council has made the following findings regarding the reestablishment of the structures legal non-conforming status:

- The structure cannot be used for any conforming use because of its original design or because of legal structural changes made for a previous nonconforming use;
- The structure can be reasonably expected to remain in active use for a period of twenty (20) years without requiring repairs or maintenance in excess of fifty (50) percent of the replacement cost of the structure, as defined in this chapter, within any five (5) year period; and
- The continuation of the use or structure will not be incompatible with or detrimental to surrounding conforming uses.

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NOW THEREFORE BE IT RESOLVED, that the City Council approves the proposed mini-storage expansion as a non-conforming use with conditions (Exhibit A):

PASSED AND ADOPTED, by the City of Coalinga City Council at a regularly scheduled meeting held on the 15<sup>th</sup> Day of August 1024.

AYES:

NOES:

ABSTAIN:

ABSENT:

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Mayor/Mayor Pro-Tem

ATTEST:

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City Clerk/Deputy City Clerk

## Exhibit A

### Conditions of Approval – Conditional Use Permit 24-05 (358 E Polk Street)

REVISIONS: Any proposed change to the approved use or activity on the site shall require submittal, review and approval of an additional land use application. Any minor changes can be reviewed and approved by the Community Development Director unless determined that the City Council shall approve such change.

EXPIRATION: This approval shall become null and void if a demo permit has not been secured within 6 months of approval. In addition, all conditions must be completed, and the occupancy or use of the land must take place within one (1) year of the effective date of conditional approval. The applicant may request an extension from the Community Development Department of up to 2 years.

PERMITS: Prior to occupancy, all licenses and permits shall be obtained from all applicable City Departments (Fire department, Building Department, Business, ect.).

CONTINUOUS EFFECT: All of the conditions of this approval are continuously in effect throughout the operative life of the project for the uses approved. Failure of the property owner, tenant, applicant, developer or any operator to comply with any or all of the conditions at any time may result in a public hearing and revocation of the use provided adequate notice, time and opportunity is provided to the property owner or other party to correct the non-complying situation.

PROPERTY MAINTENANCE: The tenant and/or property owner shall continually maintain the property and its infrastructure so that it is visually attractive and not dangerous to the health, safety and general welfare of both its employees, patrons and surrounding properties.

ADDITIONAL CONDITIONS:

- AC-1. The applicant shall obtain the appropriate approvals from the San Joaquin Air Pollution Control District prior to the City issuing a demo permit.
- AC-2. The applicant shall file an application for an administrative site plan review with the Community Development Department for the reconstruction of the new residence and ADU prior to the issuance of a building permit.
- AC-3. Prior to issuance of building permit, the applicant shall pay all applicable city, special district, and regional development impact fees.
- AC-4. Prior to approval of a building permit, all stored equipment, trailers, and searain containers shall be removed from the property.

- AC-5. The legal non-conforming status of the structure shall remain in effect in accordance with Planning and Zoning Code. The legal non-conforming status shall only remain so long as the use is in constant existence.

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

**Subject:** Adopt General Plan Amendment Adopting Fresno Multi-Jurisdictional Housing Element 2023-2031  
**Meeting Date:** Thursday, August 15, 2024  
**From:** Marissa Trejo, City Manager  
**Prepared by:** Sean Brewer, Assistant City Manager

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**I. RECOMMENDATION:**

Staff recommends the Coalinga City Council take the following actions through adoption of Resolution 4228:

- Adopt a finding for a Common Sense Exemption pursuant to section 15061(b)(3) of CEQA Guidelines (ENV 2024-04); and
- Adopt a Resolution recommending the City Council approve a General Plan Amendment GPA 24-01 to replace the current Fresno Multi-Jurisdictional 2015-2023 Housing Element with the Fresno Multi-Jurisdictional 2023-2031 Housing Element including Appendix 1B-Coalinga Local Housing Element Section.

A copy of the housing element and the Coalinga appendix may be found [HERE](#).

**II. BACKGROUND:**

California Housing Law requires every jurisdiction to prepare and adopt a housing element as part of its General Plan. State Housing Element requirements are framed in the California Government Code, Sections 65580 through 65589, Chapter 1143, Article 10.6. The law requires the State Department of Housing and Community Development (HCD) to administer the law by reviewing housing elements for compliance with State law and by reporting its written findings to the local jurisdiction. Although State law allows local governments to decide when to update their general plans, State Housing Element law mandates that a housing element be updated every eight years.

The Housing Element must include: 1) an identification and analysis of existing and projected local housing needs; 2) an identification of resources and constraints; and 3) goals, policies, and implementation programs for the rehabilitation, maintenance, improvement, and development of housing for all economic segments of the population.

The Fresno County Multi-Jurisdictional 2023-2031 Housing Element represents a regional effort made up of 15 Fresno County jurisdictions, including unincorporated Fresno County, in collaboration with the Fresno County Council of County Council of Governments (FCOG).

The Planning Commission conducted a noticed public hearing on July 9, 2024 to consider the draft housing element and recommend approval by the City Council. The Planning Commission conducted the public hearing and approved resolution 024P-005.



### III. DISCUSSION:

#### Regional Housing Needs Allocation (RHNA)

The regional Housing Needs Assessment (RHNA) is determined by the State projecting future housing needs at various income levels and allocates units to Councils of Governments (COGs) Statewide. Each COG develops a methodology approved by HCD to evaluate factors for the distribution of units to each jurisdiction. Cities and counties are allocated these estimated units and need to accommodate enough land at appropriate densities to achieve their RHNA goals.

Fresno COG (FCOG) was allocated a RHNA of 58,298 units for the region. The City of Coalinga was allocated 566 units distributed between four income categories -- very low, low, moderate, and above moderate. The table below depicts this distribution of units by income category.

| Income Group   | 6 <sup>th</sup> Cycle RHNA |
|----------------|----------------------------|
| Very Low       | 157                        |
| Low            | 96                         |
| Moderate       | 89                         |
| Above Moderate | 224                        |
| <b>Total</b>   | <b>566</b>                 |

#### Coalinga Housing Element Programs

The regional section of the Housing Element includes six (6) goals and thirty-six (36) policies and Coalinga's location Housing Element Action Plan includes thirty-two (32) implementing programs. New and revised programs were as a result of public comments received, along with changes in State Law. The programs cover the following areas/activities shown on the far-left column of the table below.

| Goal                                                   | Program                | Program Name                                               |
|--------------------------------------------------------|------------------------|------------------------------------------------------------|
| <b>Regional Collaboration</b>                          | Program 1              | Regional Collaboration on Housing Opportunities            |
|                                                        | Program 2              | Review Annexation Standards in Memorandum of Understanding |
|                                                        | Program 3              | Homeless/Unhoused Needs                                    |
| <b>Adequate Sites</b>                                  | Program 4              | Annexation and Provision of Adequate Sites                 |
|                                                        | Program 5              | Water and Wastewater Service                               |
|                                                        | Program 6              | Use of Sites in Previous Cycles                            |
| <b>Affordable Housing Development and Preservation</b> | Program 7              | Affordable Housing Incentives                              |
|                                                        | Program 8              | Support Funding for Farmworker Housing                     |
|                                                        | Program 9              | Farmworker Preference in New Affordable Housing            |
|                                                        | Program 10             | Extremely Low-Income Households                            |
|                                                        | Program 11             | Preservation of At-Risk Housing Units                      |
|                                                        | Program 12             | Promote and Facilitate Accessory Units                     |
|                                                        | Program 13             | Replacement Units                                          |
|                                                        | Program 14             | Housing for a Variety of Needs                             |
|                                                        | Program 15             | Local Labor Program                                        |
| Program 16                                             | Zoning Code Amendments |                                                            |

| Goal                                       | Program    | Program Name                                                      |
|--------------------------------------------|------------|-------------------------------------------------------------------|
| <b>Removal of Governmental Constraints</b> | Program 17 | CLIP Requirements for Multifamily and Mixed-use developments      |
|                                            | Program 18 | Reasonable Accommodations and Universal Design                    |
|                                            | Program 19 | Lot Consolidation                                                 |
|                                            | Program 20 | Lot Splits                                                        |
|                                            | Program 21 | Monitoring of Planning and Development Fee                        |
|                                            | Program 22 | Preliminary applications (SB 330) and streamlined Approval (SB35) |
| <b>Housing Quality</b>                     | Program 23 | Objective Design Standards                                        |
|                                            | Program 24 | Fresno County Housing Assistance Rehabilitation Program (HARP)    |
|                                            | Program 25 | Fresno County Rental Rehabilitation program (RRP)                 |
| <b>Housing Assistance</b>                  | Program 26 | Code Enforcement                                                  |
|                                            | Program 27 | Fresno County Homebuyer Assistance Program                        |
|                                            | Program 28 | Energy Conservation                                               |
|                                            | Program 29 | Housing Choice Vouchers                                           |
|                                            | Program 30 | Housing Discrimination Monitoring and Referral                    |
|                                            | Program 31 | Improve Access to Resources                                       |
|                                            | Program 32 | Environmental Hazard Mitigation                                   |

## Community Engagement & Outreach

Housing Element outreach meetings were held to allow City of Coalinga residents an opportunity to provide their input on their Housing Element and RHNA distribution. Countywide meetings were held on October 25, 2022, November 15, 2022, and April 25, 2023. A local outreach meeting was also held in Coalinga on October 5, 2022. A Planning Commission Study Session to present the draft was held on May 23, 2023, and before the City Council on June 1, 2023.

Engagement efforts also included a regional project website and a community survey. Per California Government Code Section 65585, the draft Housing Element was made available for public review and comment for 30 days from May 10, 2023, through June 9, 2023. Public comment was received, and an additional 10 business days were allowed to consider and incorporate public comments into the draft revision before submitting to HCD. The draft was made available on the City’s website and was noticed to residents through the same methods as the Planning Commission and City Council meetings. Additional direct noticing was sent to local housing advocate groups and other stakeholders.

### Environmental

An environmental assessment for the project was prepared. Staff determined that the proposed project is exempt as a “common sense” exemption under State CEQA Guidelines Section 15061(b)(3).

The Housing Element was submitted to the California Department of Housing and Community Development on June 14, 2023 and the City received formal comments from HCD on the draft Housing Element document on October 23, 2023. The City went through 2 additional rounds of review with HCD submitting on November 14, 2023 and March 14, 2024. With the March 14 submittal to HCD, staff worked with HCD to address comments prior to the end of the review period. On May 2, 2024, the City received a letter from HCD stating that the revised draft element, incorporating edits, meets the statutory requirements of State Housing Element Law and addresses the statutory requirements described in HCD’s January 11, 2024,

review. The housing element will substantially comply with State Housing Element Law (Gov. Code, § 65580 et seq) when it is adopted, submitted to, and approved by HCD, in accordance with Government Code section 65585.

A copy of the housing element and the Coalinga appendix may be found [HERE](#).

The housing element is a state required element of the General Plan and is required by law to be completed every 8 years. There are defiantly benefits to making sure the housing element is completed each cycle and in-time such as eligibility for grant funding. Unfortunately, the consequences for inaction reach far and the state has issued specific guidance to Cities on the consequences of falling short in adopting or otherwise complying with housing elements. This ranges from legal suits, loss of permitting authority, financial penalties and court receivership. The attached document by Fresno COG provides in more detail the consequences of non-compliance which could have significant impacts on the City.

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

- The potential effects of the proposed General Plan amendment have been evaluated and have been determined not to be detrimental to the public health, safety, or welfare of the City.
- The proposed General Plan amendment is internally consistent and compatible with the goals, policies, and actions of the General Plan.
- 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.
- The proposed General Plan amendment has been processed in accordance with the applicable provisions of the California Government Code and the California Environmental Quality Act.

#### **IV. ALTERNATIVES:**

- None, the housing element must be adopted in order to maintain compliance with State housing law.

#### **V. FISCAL IMPACT:**

Aside from internal staff time, consultant costs associated with the development of the Housing Element during FY 23-24 have been funded by Regional Early Action Planning (REAP) grant. The REAP grant is managed by Fresno COG.

#### **ATTACHMENTS:**

| File Name                             | Description                                   |
|---------------------------------------|-----------------------------------------------|
| ❏ Coalinga_CC_Resolution_No_4228.docx | Resolution No. 4228 - Cycle 6 Housing Element |

## RESOLUTION NO. 4228

### **A RESOLUTION OF THE COALINGA CITY COUNCIL ADOPTING THE 2023-2031 COALINGA HOUSING ELEMENT AND THE 2023-2031 FRESNO COUNTY MULTI-JURISDICTIONAL HOUSING ELEMENT AND DETERMINING THAT THE 2023-2031 CITY OF COALINGA HOUSING ELEMENT IS EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.**

WHEREAS, the City of Coalinga prepared Housing Element Update CEQA Exemption Technical Memorandum and Environmental Assessment "common sense" exemption under State CEQA Guidelines Section 15061(b)(3) and General Plan Amendment proposing to amend the City's General Plan by inclusion of the 2023-2031 City of Coalinga Housing Element, as required by State law.; and

WHEREAS, the City of Coalinga is required to update the Housing Element of the General Plan for the 2023-2031 planning period pursuant to Government Code Section 65580 et seq.; and

WHEREAS, the City prepared its Housing Element as part of a Multi-Jurisdictional 2023-2031 Housing Element regional effort in collaboration with the Fresno County Council of Governments, Fresno County, and thirteen other cities in Fresno County; and

WHEREAS, in accordance with Government Code Section 65585(b), the City posted the draft Housing Element and requested public comment for a 30-day review period from May 10, 2023, after responding to public comments, the Draft 2023-2031 Housing Element was transmitted to the State Department of Housing and Community Development (HCD) for review on June 14, 2023; and

WHEREAS, on October 23, 2023, HCD provided an initial letter with findings to the City stating that additional revisions to the Housing Element would be necessary to fully comply with the State Housing Element Law; and on November 14, 2023, the revised draft 2023-2031 Housing Element was transmitted to the HCD for a second review; and

WHEREAS, on January 19, 2024, HCD provided a second letter with further findings and revisions to fully comply with the State Housing Element Law; and On March 14, 2024, the revised draft 2023-2031 Housing Element was transmitted to the HCD for a third review; and

WHEREAS, as of May 2, 2024, HCD provided City staff with a letter stating that the housing element will substantially comply with State Housing Element Law (Gov. Code, § 65580 et seq) when it is adopted, submitted to and approved by HCD, in accordance with Government Code section 65585.

WHEREAS, the 2023-2031 Housing Element is exempt from the provisions of the California Environmental Quality Act (CEQA) (California Public Resources Code Sections 21000 et seq.), pursuant to the "common sense exemption" (Cal. Code Regs., Tit. 14, Sec. 15061(b)(3)), because it can be seen with certainty that there is no possibility that the proposed adoption of the revised 2023-2031 Housing Element may have a significant effect on the environment because it does not approve any development project or other physical change to the environment. Rather, the proposed 2023-2031 Housing Element is a document that sets forth the City's policies to plan for the City's regional housing needs allocation. Additionally, the 2023-2031 Housing Element does not grant any development entitlements or authorize development beyond what is allowed under the City's current General Plan and Zoning Code. Approval of any subsequent zoning amendments or housing development projects in accordance with the policies set forth in the proposed revised 2023-2031 Housing Element will comply with CEQA. Based on these

factors, it can be seen with certainty that the programs and policies set forth in the 2023-2031 Housing Element would not have a significant effect on the environment; and

WHEREAS, on August 15, 2024, the Coalinga City Council, following notification in the prescribed manner, conducted a continued public hearing at which the City Council considered the Project, received public testimony and evidence, and received a staff report and presentation on the environmental exemption.

NOW, THEREFORE BE IT RESOLVED, the Coalinga City Council, based on its independent review and judgement hereby finds and determines that, based on substantial evidence in the record:

1. The 2023-2031 Housing Element is exempt from the provisions of the California Environmental Quality Act (CEQA) (California Public Resources Code Sections 21000 et seq.), pursuant to the "common sense exemption" (Cal. Code Regs., Tit. 14, Sec. 15061(b)(3)), because it can be seen with certainty that there is no possibility that the proposed adoption of the revised 2023-2031 Coalinga Housing Element may have a significant effect on the environment because it does not approve any development project or other physical change to the environment.
2. The 2023-2031 Coalinga Housing Element and 2023-2031 Fresno County Multijurisdictional Housing Element were prepared to comply with the provisions of State law requirements of California Government Code Section 65580 et seq; and
3. The City of Coalinga should authorize the City Manager, or designee, to submit the adopted The 2023-2031 Coalinga Housing Element and 2023-2031 Fresno County Multijurisdictional Housing Element to the Department of Housing and Community Development (HCD) for certification.

This foregoing resolution is hereby approved and adopted at a regular meeting of the City Council of the City of Coalinga August 15, 2024, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

---

Mayor/Mayor Pro-Tem

ATTEST:

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City Clerk/Deputy City Clerk

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

**Subject:** Approve MINUTES - August 1, 2024  
**Meeting Date:** Thursday, August 15, 2024  
**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_080124.pdf | Minutes - August 1, 2024 |

# MINUTES

## CITY COUNCIL/SUCCESSOR AGENCY/PUBLIC FINANCE AUTHORITY

### MEETING AGENDA

#### August 1, 2024

#### 1. CALL TO ORDER 6:00 PM

Council Members Present: Horn, Vosburg, Schindler, Hedgecock

Others Present: City Manager Marissa Trejo, Assistant City Attorney Nick Matoian, Assistant City Manager Sean Brewer, Chief of Police Jose Garza, Financial Services Director Mai Vang, Fire Chief Greg DuPuis, Administrative Analyst Mercedes Garcia and City Clerk Shannon Jensen

Council Members Absent: Ramirez

Others Absent: City Treasurer Dawn Kahikina

Changes to the Agenda: City Manager Marissa Trejo announced the following Changes to the Agenda:

1. Special Meeting will run concurrently with the regular meeting and Consent Calendar Item 5.1 from the Special agenda will be added to the regular agenda as Consent Calendar Item No. 5.24; and
2. Consent Calendar Item No. 5.9 (Water Bonds) and Item No. 5.10 (Wastewater Bonds) will be moved to Ordinance Presentation, Discussion and Potential Action as Item Nos. 6.2 and 6.3.

*Motion by Schindler, Second by Horn to Approve the Agenda for the meeting of August 1, 2024. Motion **Approved** by 4/0 Roll-Call Majority Vote. (Ramirez – Absent)*

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

1. Presentation on Natural Gas Market and Future Outlook on Rates

Dan Bergmann of IGService presented the future outlook on the natural gas market and stated that staff will be bringing back an item for Council's consideration regarding recommended changes to the City's current long-term Natural Gas Purchase Policy.

### 3. CITIZEN COMMENTS

*The following individual(s) spoke under Citizen Comments:*

Kyle Savage, Fresno-Madera Field Representative from Congressman Duarte's office, announced that Congressman Duarte would be holding a Town Hall meeting at CHPD's Keck Community Center on Wednesday, August 28, 2024. The Town Hall is not a political campaign event, instead it is an opportunity for individuals from the community to speak one-on-one with the Congressman. Mr. Savage also announced that the EV Fair Trade Act of 2024 (H.R. 8495), a bill written by Congressman Duarte, was recently introduced to ensure electric vehicle manufactures do not use child, forced, or slave labor in the sourcing of materials or the manufacturing of electric vehicles, including batteries.

Chuck Yeadon announced National Night Out at the Center. Children are invited to bring the school supply items they received at the City's National Night Out event to Yeadon's Gold Star Wellness Center to customize the items for free. Mr. Yeadon also announced that the Center will be holding a rummage sale on August 3rd between 7:00am – 1:00pm) and August 4th (9:00am – 1:00pm). Other upcoming events include:

Fun Fitness – bonding time with your kiddos

Family Yoga – Every Wednesday at 6:00pm at 486 N. 5th Street

Mr. Yeadon also thanked the Public Works Department for their quick response on the fallen tree branch outside of Gimme Love Animal Shelter.

*The following individual(s) submitted written comment(s):*

None

### 4. PUBLIC HEARINGS

None

### 5. CONSENT CALENDAR

1. Approve MINUTES – July 18, 2024
2. Check Register: 06/01/2024 – 06/30/2024
3. Information Only: Cannabis Related Revenue Quarter Ending June 30, 2024
4. Information Only: Measure J Quarter Ending March 31, 2024
5. Information Only: Transient Occupancy Tax Quarter Ending March 31, 2024

*Item No. 5.5 was Pulled by Councilman Hedgecock for discussion.*

City Manager Marissa Trejo provided a brief overview of the item, stating that staff will take a closer look at the three lowest reporting hotels.

6. Information: Old Courtroom as a Cooling Center



7. Information Only: Data on Time/Cost Public Safety Spends on Homelessness
8. Adopt Amended Resolution No. 4211-A Calling for a Municipal Election to Submit to the Voters a Local Ballot Measure Extending the Sunset Date for the One-Percent Transactions and Use (Sales) Tax to Fund Coalinga City Services Including Police and Fire Protection; and Other General Services and Requesting the Boar of Supervisors of Fresno County to Consolidate a Municipal Election to be Held on November 5, 2024
9. Adopt Resolution No. 4218 and Coalinga Public Financing Authority Resolution No. PFA 24-02 Approving Proceedings to Finance Improvements to the City's Municipal Water System, Approving the Issuance of Revenue Bonds by the Coalinga Public Financing Authority for such Purposes and Approving related Documents and Official Actions

*Item No. 5.9 was Removed from the Consent Calendar and Moved to Ordinance Presentation and Potential Action Items during Changes to the Agenda.*

10. Adopt Resolution No. 4219 and Coalinga Public Financing Authority Resolution No. PFA 24-03 Approving Proceedings to Finance Improvements to the City's Municipal WasteWater System, Approving the Issuance of Revenue Bonds by the Coalinga Public Financing Authority for such Purposes and Approving related Documents and Official Actions

*Item No. 5.10 was Removed from the Consent Calendar and Moved to Ordinance Presentation and Potential Action Items during Changes to the Agenda.*

11. Adopt Resolution No. 4222 Revising the City Manager Pay Scale
12. Adopt Resolution No. 4223 Updating the General Fund and Enterprise Funds Reserve Policy for the City of Coalinga for Fiscal Year 2024-2025
13. Adopt Resolution No. 4224 Amending the City's Conflict of Interest Code regarding Designated Employees and Disclosure Categories as Requires by the Political Reform Act and Approving the 2024 Local Agency Biennial Notice
14. Adopt Resolution No. 4225 Amending the General Fund Pay Scale
15. Adopt Resolution No. 4226 Approving Meter Reader Job Description

City Manager Marissa Trejo provided a brief overview of the Police Recruit Sponsorship Program.

16. Approve Interim City Manager Employment Agreement Appointing Sean Brewer as Interim City Manager Effective September 2, 2024
17. Notice of Completion for Park Exercise Equipment Project
18. Authorize the Police Department to Purchase Two New Patrol Vehicles
19. Consideration of Bid Award for Birch, Durian & Lucille Ave Improvements
20. Direct Staff to Seek Grants for Quick Charge Electric Vehicle Charging Stations

*Item No. 5.20 was Pulled by Mayor Horn for discussion.*

City Manager Marissa Trejo provided a brief overview of the item, stating this was a Future Agenda Item by Mayor Horn.

Mayor Horn and Councilman Vosburg are in favor of seeking grants to place quick charge electric vehicle charging stations around town.

Councilman Hedgecock expressed concern over PG&E prioritizing EV projects such as this over businesses and residents who have been waiting to be energized.

21. Direct Staff to Obtain Quotes to Replace Projects Lights and Projector Motor in City Council Chambers
22. Direct Staff to Clean City-Owned Water Drainage Basins
23. Coalinga Police Department Monthly Report for June 2024
24. Direct City Manager to bring Council an Ordinance Addressing Unsafe Camping for Consideration

*Item No. 5.1 from the Special Agenda was added to the Regular Agenda as Item No. 5.24 during Changes to the Agenda.*

*Motion by Vosburg, Second by Horn to **Approve** Consent Calendar Item Nos. 5.1 through 5.8 and 5.11 through 5.24. **Approved** by a 4/0 Roll-Call Majority Vote. (Ramirez – Absent)*

*Item No. 5.9 was Removed from the Consent Calendar and Moved to Ordinance Presentation and Potential Action Items during Changes to the Agenda.*

*Item No. 5.10 was Removed from the Consent Calendar and Moved to Ordinance Presentation and Potential Action Items during Changes to the Agenda.*

## **6. ORDINANCE PRESENTATION, DISCUSSION AND POTENTIAL ACTION ITEMS**

1. Discussion, Direction and Potential Action regarding Selecting a Voting Delegate and Up to Two (2) Alternate Voting Delegates for the Annual Business Meeting at the League of California Cities 2024 Annual Conference in Long Beach, California  
**Marissa Trejo, City Manager**

City Manager Marissa Trejo provided a brief overview of the item.

*Motion by Horn, Second by Hedgecock to **Appoint** Mayor Horn to serve as the Voting Delegate and Councilman Vosburg to serve as the first Alternate Voting Delegate and Mayor Pro-Tem Ramirez to serve as the second Alternate Voting Delegate during the Annual Business Meeting at the League of California Cities 2024 Annual Conference. Motion **Approved** by 4/0 Roll-Call Majority Vote. (Ramirez – Absent)*

2. Adopt Resolution No. 4218 and Coalinga Public Financing Authority Resolution No. PFA 24-02 Approving Proceedings to Finance Improvements to the City's Municipal Water System, Approving the Issuance of Revenue Bonds by the Coalinga Public Financing Authority for such Purposes and Approving related Documents and Official Actions  
**Sean Brewer, Assistant City Manager**

*Item was Removed from the Consent Calendar and Moved to Ordinance Presentation and Potential Action Items during Changes to the Agenda.*

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

Senior Analyst and Director of Operations at Wulff, Hansen & Co, Rob Pankratz, presented the Water and WasteWater Revenue Bonds for the City's Municipal Water and Wastewater Systems.

*Motion by Hedgecock, Second by Horn to **Approve** Resolution No. 4218 and PFA 24-02 Approving Proceedings to Finance Improvements to the City's Municipal Water System. **Approved** by a 4/0 Roll-Call Majority Vote. (Ramirez – Absent)*

3. Adopt Resolution No. 4219 and Coalinga Public Financing Authority Resolution No. PFA 24-03 Approving Proceedings to Finance Improvements to the City's Municipal WasteWater System, Approving the Issuance of Revenue Bonds by the Coalinga Public Financing Authority for such Purposes and Approving related Documents and Official Actions  
**Sean Brewer, City Manager**

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

Senior Analyst and Director of Operations at Wulff, Hansen & Co, Rob Pankratz, presented the Water and WasteWater Revenue Bonds for the City's Municipal Water and Wastewater Systems.

*Motion by Schindler, Second by Horn to **Approve** Resolution No. 4219 and PFA 24-03 Approving Proceedings to Finance Improvements to the City's Municipal WasteWater System. **Approved** by a 4/0 Roll-Call Majority Vote. (Ramirez – Absent)*

## **7. ANNOUNCEMENTS**

### City Manager's Announcements:

City Manager Marissa Trejo announced the City's annual Nation Night Out will be held on Tuesday, August 6, 2024, from 5:00pm to 8:00pm, where the City will provide free school supplies to kids (TK through 12th grade) residing in the City of Coalinga.

### Council Member's Announcements:

None

### Mayor's Announcements:

Mayor Horn announced that Chief of Police Jose Garza and Fire Chief Greg DuPuis will be doing the dunk tank at National Night, so this is your chance to dunk the Chiefs.

**8. FUTURE AGENDA ITEMS**

Councilman Schindler requested a Future Agenda Item with an explanation for Measure J.

Councilman Vosburg asked about the availability of funding for an educational campaign on renewing Measure J.

City Manager Marissa Trejo stated that the City did contract with a 3rd party to poll residents on whether or not they would be in favor of Measure J. The city Manager will look into whether or not the services are under \$10,000. If it above her spending authority an item will be brought back for Council's consideration and approval at the August 15, 2024 meeting.

**9. CLOSED SESSION**

1. CITY MANAGER'S PERFORMANCE EVALUATION – Government Code Section 54957(b)

**10. CLOSED SESSION REPORT**

None

**11. ADJOURNMENT 7:19 PM**

**APPROVED:**

\_\_\_\_\_  
James Horn, Mayor

**ATTEST:**

\_\_\_\_\_  
Shannon Jensen, City Clerk

\_\_\_\_\_  
Date

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

**Subject:** Informational Only: Items Funded by Measure J  
**Meeting Date:** Thursday, August 15, 2024  
**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 Councilman Schindler and is informational only.

**II. BACKGROUND:**

The City Council placed Measure J on the November 6, 2018, ballot for the City of Coalinga which proposed increasing the sales tax by 1% (one cent for every dollar spent) for a period of 10 years. Citizens voted in favor of Measure J and the 1% sales tax went into effect on April 1, 2019.

On the November 5, 2024, Ballot, there is an item, known as Measure J, to extend the 1% sales tax for an additional 10 years.

Since 2019, funds generated by the 1% sales tax have been allocated to the City's General Fund that pays for Police and Fire Services, as well as other operating expenses for the City. The Police and Fire Departments account for nearly 62% of the General Fund budget.

The City had placed Measure J on the ballot because the City had a structural budget deficit. In Fiscal Year 24-25, Measure J is expected to bring in approximately \$2,166,042 in revenue.

Since 2011, with the passage of AB 109 and the closure of Claremont Custody Center, the City had been adopting budgets with a focus on reducing costs while maintaining services provided. When Measure C (a 1% sales tax on the ballot in 2017) failed, Fiscal Year 2017-2018 produced some necessary cuts to City services. In addition to cutting general operational expenses, these cuts eliminated:

- 5 uniformed and sworn Police Officers;
- All vacant Police and Fire Reserve positions;
- The City's Economic Development Coordinator position;
- Our one and only Custodian position;
- One Equipment Mechanic position; and
- The City's only Code Enforcement Officer position.

On September 6, 2018, the Coalinga City Council declared their priorities if Measure J was enacted. They declared their priorities to:

- Hire three additional Firefighter/Paramedic positions;
- Reinstate the ten Reserve Firefighter positions to assist with coverage for the community;
- Hire two additional Police Officer positions bringing the Police Department from 15 sworn positions

to 17;

- Have the Police Department reactivate the Investigations Unit which was currently closed due to lack of funding;
- Make needed upgrades to the City's Emergency Command Center;
- Hire additional public safety personnel as needed;
- Purchase a Building Wide Uninterruptable Power Supply (UPS) to ensure that emergency communication services are not dropped between the time of a power outage and the time the generator kicks on;
- Pay fair wages to employees, comparable to similar-sized cities in the Central Valley;
- Hire a Deputy Fire Chief;
- Improve recruitment, retention and employee morale; and
- Establish a safety net for the City to protect against the next economic downturn by instituting a financial reserve.

The City has successfully met each of these priorities, either as stated or by variation. In addition, Measure J funds the reinstated Code Enforcement Officer position, the Animal Control Officer position, 2 Police Officer positions in addition to those stated above, 4 Groundskeeper positions and the City's contract with Gimme Love animal shelter.

### **III. DISCUSSION:**

Currently, Measure J funds the following:

1. All Police and Fire Reserve positions;
2. Four full-time Police Officer positions;
3. All three full-time Battalion Chief positions;
4. The one and only full-time Animal Control Officer position;
5. All four full-time Groundskeeper positions;
6. The one and only full-time Code Enforcement Officer position;
7. The contract with Gimme Love for Animal Shelter Services;
8. Paying fair wages to City employees;
9. One time projects such as completing the new Animal Shelter and the Ramsey Park splash pad.

### **IV. ALTERNATIVES:**

None. This item is informational only.

### **V. FISCAL IMPACT:**

None.

#### **ATTACHMENTS:**

File Name

Description

No Attachments Available

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

**Subject:** Information Only - Status Update on the Passing of Canine Nitro  
**Meeting Date:** Thursday, August 15, 2024  
**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 Councilman Schindler and is informational only.

**II. BACKGROUND:**

Canine Nitro started his career with the Coalinga Police Department in March of 2022.

Nitro had several narcotic finds and had assisted with several building searches on various calls for service over his short career. His actions helped make calls for service that much safer for the officers he worked with. Nitro was not just a dog or another piece of equipment, he was a dedicated member of this department with the unselfish goal of making the community safer by helping find illegal drugs and criminals so they could be taken off the streets.

On July 8, 2024, Nitro passed away while at home.

**III. DISCUSSION:**

Councilman Schindler has requested an update regarding the untimely death of Nitro.

The death of Nitro is still under investigation.

Coalinga Police Chief Garza requested that Fresno County Sheriff's Office (FSO) conduct a criminal investigation. That investigation is ongoing. Information relating to this investigation will be released at the discretion of FSO as the investigating agency.

Once the criminal investigation is completed, an administrative investigation will be conducted. The City has retained an outside, independent investigator to conduct the administrative investigation. Administrative investigations pertain to allegations of internal policy violations that may result in discipline, up to and including termination. These are confidential personnel matters and the investigation and its findings are, therefore, confidential.

**IV. ALTERNATIVES:**

None. Informational Only.

**V. FISCAL IMPACT:**

None. Informational Only.

**ATTACHMENTS:**

File Name

Description

No Attachments Available



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

**Subject:** Consider and Adopt Resolution No. 4229– Intention to Vacate a Public Street Easement on adjoining APN 083-382-06s (733 Riesling Way Property) and Setting a Date for a Public Hearing

**Meeting Date:** Thursday, August 15, 2024

**From:** Marissa Trejo, City Manager

**Prepared by:** Sean Brewer, Assistant City Manager

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**I. RECOMMENDATION:**

Assistant City Manager recommends that the Council adopt Resolution No. 4229, setting September 5, 2024 at 6:00 p.m. in the City Council Chambers for a public hearing to vacate the property located at 733 Riesling Lane. Attached is a Resolution of Intention to Vacate a Public Street Easement and Setting Date of Public Hearing.

**II. BACKGROUND:**

The owner Maria Dolores Celis has requested to relocate the existing wood fence to the back of the existing public sidewalk with the intent of incorporating the 2 feet of unimproved dirt area between the original wood fence and sidewalk along the property side yard into the back yard landscaping. The City of Coalinga owns the 2 feet of unimproved dirt (right-of-way) and does not need the unimproved 2-foot dirt for public street purposes and recommends the City of Coalinga vacate the street easement.

**III. DISCUSSION:**

The existing 2-foot-wide intent to vacate public street easement is part of a total 54 foot wide public street easement Riesling Lane dedicated with Tract No. 5451 Warthan Meadows subdivision. Said intent to vacate easement contains approximately 185 square feet. Staff recommends that the City of Coalinga vacate the easement whereupon the underlying fee of said land will revert to the 733 Riesling Lane property and become the maintenance responsibility of the parcel owner.

**IV. ALTERNATIVES:**

- Do not approve Resolution No. 4229 – Staff does not recommend.
- Amend Resolution No. 4229 and direct staff accordingly

**V. FISCAL IMPACT:**

The general fund will not be affected by this project and the owner has submitted the appropriate funds to cover the costs for the City Engineer to prepare and execute the required abandonment documents.

ATTACHMENTS:

**File Name**

**Description**

- ▣ Resolution\_No\_4229\_Riesling\_Lane.pdf
- ▣ 3089\_Exhibit\_B\_08072024.pdf

- Resolution 4229
- Exhibit B

## **RESOLUTION NO. 4229**

### **A RESOLUTION OF THE CITY OF COALINGA CITY COUNCIL FOR INTENTION TO VACATE A PUBLIC STREET EASEMENT AND SETTING DATE OF PUBLIC HEARING**

WHEREAS, the legislative body of a local agency may summarily vacate an excess right-of-way for a street or highway not required for street or highway purposes, and;

WHEREAS, the City of Coalinga is vacating a Public Street Easement detailed in Exhibit "B", and;

WHEREAS, upon the abandonment of the described the Public Street Easement is no longer needed:

NOW THEREFORE IT IS HEREBY RESOLVED, by the City Council of the City of Coalinga, County of Fresno, State of California, as follows:

1. The City Council intends to vacate the Public Street Easement as described in Exhibit "B".
2. The vacation proceedings are to be conducted pursuant to Public Streets, Highways and Service Easements, Vacation Law of Chapter 1, Part 3, Division 9 of the Streets and Highway Code (Streets and Highway Code, '8300 et seq.).
3. A map showing the limits of vacation is on file in the office of the City Clerk of the City of Coalinga (Please refer to Exhibit B).
4. The 5<sup>th</sup> day of September 2024, at the hour of 6:00 p.m. in the City Council Chambers at 155 West Durian, Coalinga, California, is set as the time and place for a public hearing on any objections to the vacation of said Public Street Easement. At the hearing, the City Council will determine from all evidence whether the easement is unnecessary for the present or prospective future public use and any conditions, if any, required prior to the recordation of the vacation.
5. The City Clerk of the City of Coalinga is hereby directed to publish and post this resolution in accordance with Street and Highways Code, Section 8323.

I hereby certify that the foregoing resolution was duly and regularly passed and adopted by the City Council of the City of Coalinga at its meeting on August 15, 2024, by the following vote:

AYES:

NOES:

ABSENT:

ABSTENTION:

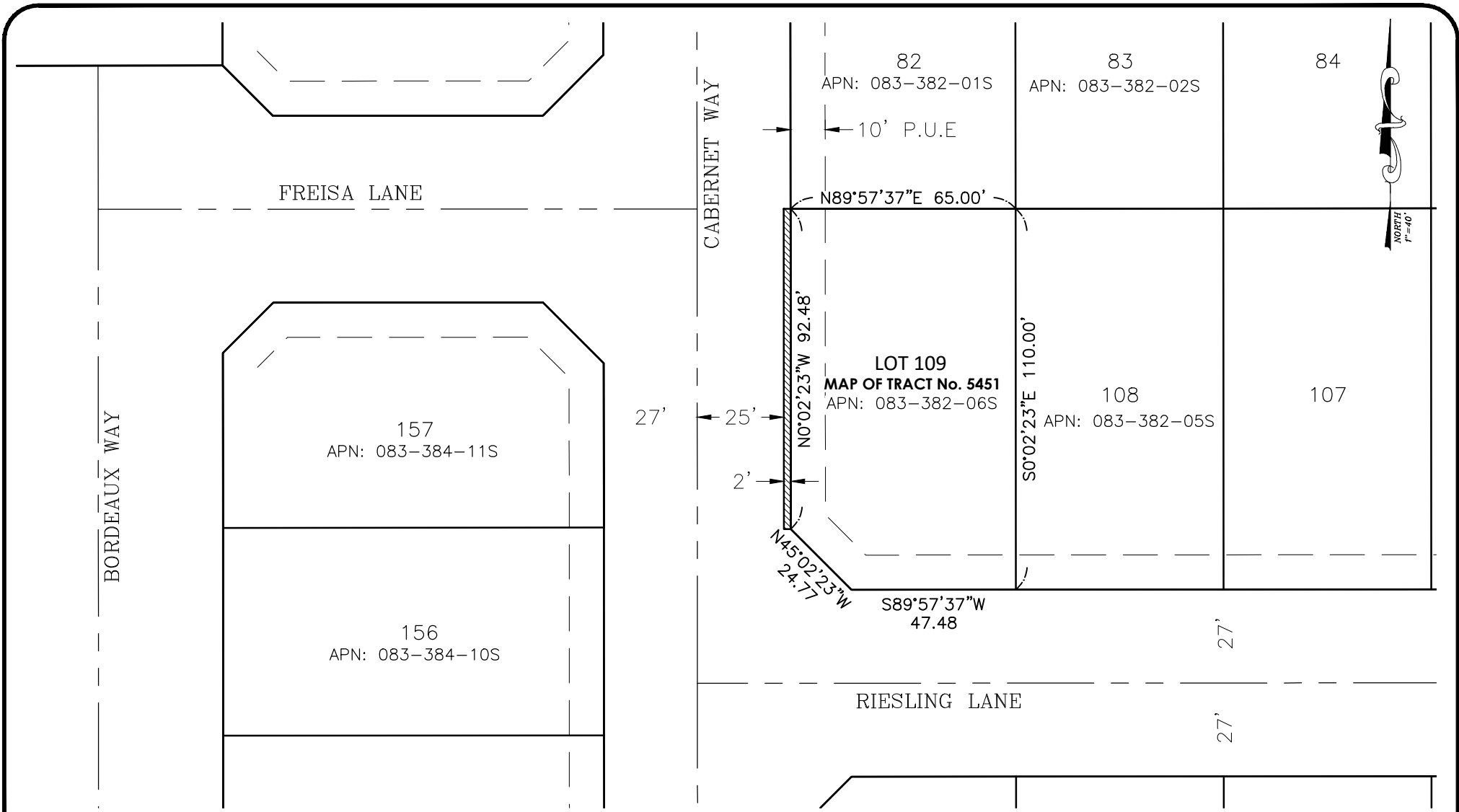
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The Honorable James Horn  
Mayor – City of Coalinga

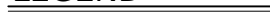
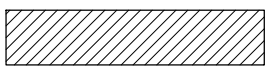
Attest:

---

City Clerk



**LEGEND**

-  EXISTING PROPERTY LINE
-  AREA OF EXISTING PUBLIC STREET EASEMENT TO BE VACATED. AREA: ±185 S.F.

**EXHIBIT "B"**

EXHIBIT FOR:  
**STREET ROW VACATION**  
 APN: 083-038-06S  
 COALINGA, RIESLING LANE 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"=40'  
 Date: 08/07/2024  
 Drwn: Z.M.  
 Chckd: D.J.  
 JN#: 3089

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

**Subject:** Adopt Resolution No. 4230 Authorized Designated Signatures for City's Bank Accounts with US Bank  
**Meeting Date:** August 15, 2024  
**From:** Marissa Trejo, City Manager  
**Prepared by:** Mai Vang, Financial Services Director

---

**I. RECOMMENDATION:**

Financial Services Director recommends City Council to Adopt Resolution No. 4230, authorizing designated signatures for the City's bank accounts with US Bank.

**II. BACKGROUND:**

Under Section 3-3.101 of the Municipal Code, it states that checks issued by the City shall bear the signatures of two (2) of the following: The Mayor, Mayor Pro Tempore, City Treasurer, City Manager, Finance Director, and/or other City Staff member(s) as designated by the Finance Director and approved by the City Manager.

Personnel with such authority is granted authorization to sign warrants and payroll checks which will be drawn from City's bank accounts.

In the event of such changes to the designated and authorized personnel, it is necessary to make such changes to the resolution authorized signatures currently on file with US Bank.

**III. DISCUSSION:**

Due to the departure of the City Manager, it is necessary to update the resolution authorizing designated signatures currently on file with US Bank.

**New Additions:**

Interim City Manager as Sean Brewer

**Removals:**

City Manager as Marissa Trejo

**Remaining Signers:**

Mayor as James Horn

Mayor Pro Tempore as Jose Manny Ramirez

Treasurer as Dawn Kahikina

Financial Services Director as Mai Vang

Financial Services Supervisor as Yasmin Gonzalez

**IV. ALTERNATIVES:**

None

**V. FISCAL IMPACT:**

None

**ATTACHMENTS:**

| File Name                                                                                       | Description         |
|-------------------------------------------------------------------------------------------------|---------------------|
| 20240806_-_RESO#_4230_Authorizing_Designated_Signatures_for_City_Bank_Accounts_with_US_Bank.pdf | Resolution No. 4230 |

## RESOLUTION NO. 4230

### A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COALINGA AUTHORIZING DESIGNATED SIGNATURES FOR CITY BANK ACCOUNTS WITH US BANK

**BE IT RESOLVED** by the City Council of the City of Coalinga, a municipal corporation, duly organized and existing under and by virtue of the laws of the State of California:

That this organization established in its name one or more accounts with the Coalinga Branch of US Bank upon such terms and conditions as may be agreed upon with said Bank and that the Financial Services Director of this organization be and is hereby authorized to establish such accounts; and

That either:

1. Mayor, James Horn
2. Mayor Pro-Tempore, Jose Manny Ramirez
3. City Treasurer, Dawn Kahikina
4. Interim City Manager, Sean Brewer
5. Financial Services Director, Mai Vang
6. Financial Services Supervisor, Yasmin Gonzalez

of this organization be, and they are hereby authorized to draw checks on said accounts of this organization, signed as provided herein with signatures duly certified to said Bank by the City Clerk of the City of Coalinga and said Bank is hereby authorized to honor and pay any and all checks so signed, including those drawn to the individual order of any officer or person authorized to sign the same; and

That all checks require two (2) signatures by Numbers 1, 2, 3, 4, 5, 6 as set forth above.

The foregoing Resolution was adopted at a regular meeting of the City Council of the City of Coalinga on the **15th day of August 2024**, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

APPROVED:

\_\_\_\_\_  
James Horn, Mayor

ATTEST:

\_\_\_\_\_  
Shannon Jensen, City Clerk



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

**Subject:** Adopt Resolution No. 4231 Approving Revisions to the City's Natural Gas Purchase Policy  
**Meeting Date:** Thursday, August 15, 2024  
**From:** Sean Brewer, Assistant City Manager  
**Prepared by:** Dan Bergmann, IGService

---

**I. RECOMMENDATION:**

The City Manager recommends the adoption of Resolution No. 4231 approving revisions to the City's Natural Gas Purchase Policy.

**II. BACKGROUND:**

The City Council approved a gas purchase policy establishing a structure for gas purchasing and annual reporting each year by the end of August. The Policy was implemented last year as Resolution No. 4156, dated May 4, 2023.

**III. DISCUSSION:**

Dan Bergmann of IGService continues to manage the City's gas portfolio, working closely with Assistant City Manager Sean Brewer. Following last winter, Mr. Bergmann's recommendation is to lower the purchase requirement from 100 percent to 80 percent of three-year historical winter usage amounts. The proposed revision is recommended to avoid the cost to ratepayers of selling back pre-purchased gas during warmer months when all the gas is not and the market prices have decreased. The revised policy also includes modifications to the volume table to adjust to purchasing all gas at the PG&E Citygate from the City's new supplier, NRG Business Marketing, LLC. Finally, the language in the resolution is revised for clarification of the current state of the purchase policy.

**IV. ALTERNATIVES:**

The alternative in the context of an ongoing gas purchase policy is to leave the policy at 100 percent of the three-year average.

**V. FISCAL IMPACT:**

The Fiscal Impact should be neutral to beneficial in most years. The Fiscal Impact last winter was an additional cost for gas supply approaching \$100,000 because the winter was warmer than average and winter prices fell. The revised policy assures too much gas will not be purchased by the City during any winter month. This protects from gas being sold back to NRG at a loss during a warm month. However, there is also the risk that a very cold month excess gas needed could be at a premium to gas already purchased. Regardless, adequate rate stability is being provided through purchasing at least 80 percent of the supply at fixed prices.

ATTACHMENTS:

**File Name**

**Description**

▣ RESO#4231\_Revising\_the\_City\_s\_Natural\_Gas\_Purchase\_Policy\_2024\_081524.pdf

Resolution No. 4231

## RESOLUTION NO. 4231

### A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COALINGA APPROVING REVISIONS TO THE CITY'S LONG-TERM NATURAL GAS PURCHASE POLICY

**WHEREAS**, the City of Coalinga operates a municipal natural gas distribution utility beneficial to City residents and businesses; and

**WHEREAS**, during the winter of 2022/23, wholesale gas prices in the Western States demonstrated extreme price volatility; and

**WHEREAS**, wholesale gas market spikes can be avoided through the implementation of a structured long-term gas purchase policy for wintertime gas purchases; and

**WHEREAS**, the City Council of Coalinga approved implementation of a gas purchase policy in Resolution No. 4156, dated May 4, 2023, which this Resolution supersedes; and

**WHEREAS**, following the first winter under the gas purchase policy, it is recommended to reduce the purchase quantities from 100 percent to 80 percent of the three-year monthly averages; and

**WHEREAS**, effective July 1, 2024, the City has a new natural gas supplier, NRG Business Marketing LLC, such that all winter purchases will now be made at the PG&E Citygate, no longer combined at Malin, Oregon and the PG&E Citygate; and

**WHEREAS**, because of the increasing magnitude of natural gas prices and volatility, the City Council continues to support a long-term gas purchase policy including annual reporting regarding the state of the natural gas enterprise.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Coalinga as follows:

1. City staff shall continue a long-term natural gas purchase policy as modified and defined herein. Staff shall take steps to ensure reasonable pricing for natural gas supply and may utilize outside consulting expertise as appropriate.
2. Winter months for the purpose of the gas purchase policy are defined as November through March.
3. Advanced purchases for each winter shall be made *no later than* the dates in the table herein. The intent is for purchases for each winter to be made over a three-year period.
4. Prior to November of each year, staff shall have purchased at least 80 percent of the three-year average demand for each month of the oncoming winter. The calculation of the three-year average demand shall be updated following each winter.

5. Fixed-price purchases may be made beyond the minimum timing requirements herein. Specifically, purchases may be made:
  - a. Ahead of the minimum timing requirements, and
  - b. Up to five years into the future, and
  - c. For all months, beyond winter, up to 100 percent of the three-year average.
  
6. The City Manager is authorized to execute gas purchase and transportation agreements as needed for gas supply to the city. The rationale for each purchase shall be documented, including the date of the transaction, volumes, prices paid, market price trends, and market conditions.

| Winters      |           | Volumes and Timeframe for Winter Natural Gas Purchases |                                  |           |           |           |           |           |           |           |           |        |
|--------------|-----------|--------------------------------------------------------|----------------------------------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|--------|
|              |           | By Nov-24                                              | By Mar-25                        | By Jul-25 | By Nov-25 | By Mar-26 | By Jul-26 | By Nov-26 | By Mar-27 | By Jul-27 | By Nov-27 | Totals |
| Winter 24/25 | 11/1/2024 | 670                                                    | DTh per Day at the PG&E Citygate |           |           |           |           |           |           |           |           | 670    |
|              | 12/1/2024 | 990                                                    |                                  |           |           |           |           |           |           |           |           | 990    |
|              | 1/1/2025  | 1,020                                                  |                                  |           |           |           |           |           |           |           |           | 1,020  |
|              | 2/1/2025  | 950                                                    |                                  |           |           |           |           |           |           |           |           | 950    |
|              | 3/1/2025  | 670                                                    |                                  |           |           |           |           |           |           |           |           | 670    |
| Winter 25/26 | 11/1/2025 | 220                                                    |                                  | 220       | 220       |           |           |           |           |           | 660       |        |
|              | 12/1/2025 | 330                                                    |                                  | 330       | 330       |           |           |           |           |           | 990       |        |
|              | 1/1/2026  | 340                                                    |                                  | 340       | 340       |           |           |           |           |           | 1,020     |        |
|              | 2/1/2026  | 320                                                    |                                  | 320       | 320       |           |           |           |           |           | 960       |        |
|              | 3/1/2026  | 220                                                    |                                  | 220       | 220       |           |           |           |           |           | 660       |        |
| Winter 26/27 | 11/1/2026 |                                                        |                                  | 220       |           | 220       | 220       |           |           |           | 660       |        |
|              | 12/1/2026 |                                                        |                                  | 330       |           | 330       | 330       |           |           |           | 990       |        |
|              | 1/1/2027  |                                                        |                                  | 340       |           | 340       | 340       |           |           |           | 1,020     |        |
|              | 2/1/2027  |                                                        |                                  | 320       |           | 320       | 320       |           |           |           | 960       |        |
|              | 3/1/2027  |                                                        |                                  | 220       |           | 220       | 220       |           |           |           | 660       |        |
| Winter 27/28 | 11/1/2027 |                                                        |                                  | 220       |           |           | 220       |           |           | 220       | 660       |        |
|              | 12/1/2027 |                                                        |                                  | 330       |           |           | 330       |           |           | 330       | 990       |        |
|              | 1/1/2028  |                                                        |                                  | 340       |           |           | 340       |           |           | 340       | 1,020     |        |
|              | 2/1/2028  |                                                        |                                  | 320       |           |           | 320       |           |           | 320       | 960       |        |
|              | 3/1/2028  |                                                        |                                  | 220       |           |           | 220       |           |           | 220       | 660       |        |

*Note: Volumes are 80% of the three-year average as of August 2024.*

7. City staff shall report to the City Council by the end of each August:
  - a. The results of the City's natural gas supply portfolio through the previous winter.
  - b. Projected gas costs for the next winter.
  - c. The economic state of the natural gas enterprise fund, including revenues, expenses, fund balance, and projections.
  - d. Recommended adjustments to rates for the next winter, if necessary.

The foregoing resolution was approved and adopted at a regular meeting of the City Council of the City of Coalinga held on the **15th day of August 2024**, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

**APPROVED:**

---

James Horn, Mayor

**ATTEST:**

---

Shannon Jensen, City Clerk

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

**Subject:** Accept Measure C Audit Report for Fiscal Year Ending June 30, 2022  
**Meeting Date:** Thursday, August 15, 2024  
**From:** Marissa Trejo, City Manager  
**Prepared by:** Mai Vang, Financial Services Director

---

**I. RECOMMENDATION:**

Financial Services Director recommends City Council accept the Measure C Audit Report for the Fiscal Year Ending June 30, 2022.

**II. BACKGROUND:**

The Fresno County Transportation Authority (FCTA) was created by the approval of Measure C by the voters of Fresno County (the County) in November 1986. Measure C authorized the imposition of a ½% sales and use tax (sales tax) in the County for 20 years. The proceeds of Measure C are principally reserved for highway improvements, local transportation improvements, growth management and regional planning purposes (programs) in the County. The ½% sales tax commenced July 1, 1987 and expired on June 30, 2007.

In November 2006, the County voters approved a ballot measure authorizing FCTA to continue the ½% retail transaction and use tax for an additional 20 years. Under the terms of the extension of the Measure C program, proceeds of Measure C are principally reserved for regional public transit, local transportation, regional transportation, alternative transportation and environmental enhancement programs in the County. The ½% sales tax commenced July 1, 2007 and will expire on June 30, 2027.

The sales tax revenue received by FCTA under Measure C, after deducting certain administrative costs, is to be spent for programs as set forth in the expenditure plan included in Measure C and approved by the voters of the County. All revenues, including interest and other revenues, not designated by Measure C for a specific purpose are to be spent on capital projects for other governmental agencies set forth in the expenditure plan. The expenditure plan will be updated every two years to adjust the projection of sales tax receipts. The City receives local allocations for the subprograms: Street Maintenance, ADA Compliance, and Flexible Funding under the Local Transportation Program.

**III. DISCUSSION:**

Summary of the financial statements for subprograms of Measure C Funds:

Balance Sheet for the Year Ended June 30, 2022

Total Assets 1,711,818  
Total Liabilities and Fund Balance 1,711,818

Statement of Revenues, Expenditures, and Changes in Fund Balance for the Year Ended June 30, 2022

Revenue 624,703  
Expenditure 64,574  
Net Change in Fund Balance 560,129

Fund Balance - Beginning 1,117,068  
Fund Balance - Ending 1,677,197

**IV. ALTERNATIVES:**

None

**V. FISCAL IMPACT:**

Measure C program activities are financially monitored and controlled within the following funds:

Fund 125 - Street Maintenance Fund  
Fund 126 - ADA Compliance Fund  
Fund 127 - Flexible Fund

All funds ending at 6/30/2022 has a positive fiscal impact to the Cash and Fund balances.

**ATTACHMENTS:**

| File Name                                                                        | Description                                                   |
|----------------------------------------------------------------------------------|---------------------------------------------------------------|
| <input type="checkbox"/> FCTAMC_Coalinga_Financial_Statements_2022_-_Final.pdf   | FY21/22 Audited Measure C Financial Statements                |
| <input type="checkbox"/> FCTAMC_Coalinga_Audit_Committee_Letter_2022_-_Final.pdf | FY21/22 Measure C Financial Statements Audit Committee Letter |

**CITY OF COALINGA, CALIFORNIA  
MEASURE C FUNDS  
LOCAL TRANSPORTATION PROGRAM**

**FINANCIAL STATEMENTS  
WITH  
INDEPENDENT AUDITOR'S REPORT  
AND  
COMPLIANCE REPORT**

**FOR THE YEAR ENDED  
JUNE 30, 2022**



**CITY OF COALINGA, CALIFORNIA  
MEASURE C FUNDS  
LOCAL TRANSPORTATION PROGRAM  
JUNE 30, 2022**

TABLE OF CONTENTS

|                                                                                                                                                                                                                                                                                                              | <u>Page</u> |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------|
| INDEPENDENT AUDITOR'S REPORT .....                                                                                                                                                                                                                                                                           | 1           |
| FINANCIAL STATEMENTS                                                                                                                                                                                                                                                                                         |             |
| Balance Sheet .....                                                                                                                                                                                                                                                                                          | 5           |
| Statement of Revenues, Expenditures and Changes in Fund Balance .....                                                                                                                                                                                                                                        | 6           |
| Notes to the Financial Statements .....                                                                                                                                                                                                                                                                      | 7           |
| SUPPLEMENTARY INFORMATION                                                                                                                                                                                                                                                                                    |             |
| Balance Sheet by Funding Source .....                                                                                                                                                                                                                                                                        | 13          |
| Statement of Revenues, Expenditures and Changes in Fund Balances<br>by Funding Source .....                                                                                                                                                                                                                  | 14          |
| COMPLIANCE REPORT                                                                                                                                                                                                                                                                                            |             |
| Independent Auditor's Report on Internal Control Over Financial Reporting and<br>on Compliance and Other Matters Based on an Audit of Financial Statements<br>Performed in Accordance with <i>Government Auditing Standards</i> and the Rules and<br>Regulations of the Measure C Enabling Legislation ..... | 16          |



INDEPENDENT AUDITOR'S REPORT

To the Board of Directors  
Fresno County Transportation Authority  
Fresno, California

**Report on the Audit of the Financial Statements**

***Opinions***

We have audited the accompanying financial statements of the Fresno County Transportation Authority's pass-through Measure C Funds (Measure C Funds) of the City of Coalinga, California (the City) as of and for the year ended June 30, 2022, and the related notes to the financial statements, which collectively comprise the Measure C Funds of the City's financial statements as listed in the table of contents.

In our opinion, the financial statements referred to above present fairly, in all material respects, the respective financial position of the Measure C Funds of the City, as of June 30, 2022, and the respective changes in financial position thereof for the year then ended in accordance with accounting principles generally accepted in the United States of America.

***Basis for Opinions***

We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States. Our responsibilities under those standards are further described in the Auditor's Responsibilities for the Audit of the Financial Statements section of our report. We are required to be independent of the City and to meet our other ethical responsibilities, in accordance with the relevant ethical requirements relating to our audit. We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinions.

***Emphasis of Matter***

As discussed in Note 1, the financial statements of the Measure C Funds of the City are intended to present the financial position and the changes in financial position attributable to the transactions related to the Fresno County Transportation Authority's pass-through Measure C Funds. They do not purport to, and do not present fairly the financial position of the City as of June 30, 2022, or the changes in its financial position for the year then ended in accordance with accounting principles generally accepted in the United States of America. Our opinion is not modified with respect to this matter.

***Responsibilities of Management for the Financial Statements***

Management is responsible for the preparation and fair presentation of the financial statements in accordance with accounting principles generally accepted in the United States of America, and for the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

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fax 559.299.2344

In preparing the financial statements, management is required to evaluate whether there are conditions or events, considered in the aggregate, that raise substantial doubt about the City's ability to continue as a going concern for twelve months beyond the financial statement date, including any currently known information that may raise substantial doubt shortly thereafter.

### ***Auditor's Responsibilities for the Audit of the Financial Statements***

Our objectives are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes our opinions. Reasonable assurance is a high level of assurance but is not absolute assurance and therefore is not a guarantee that an audit conducted in accordance with generally accepted auditing standards and *Government Auditing Standards* will always detect a material misstatement when it exists. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control. Misstatements are considered material if there is a substantial likelihood that, individually or in the aggregate, they would influence the judgment made by a reasonable user based on the financial statements.

In performing an audit in accordance with generally accepted auditing standards and *Government Auditing Standards*, we:

- Exercise professional judgment and maintain professional skepticism throughout the audit.
- Identify and assess the risks of material misstatement of the financial statements, whether due to fraud or error, and design and perform audit procedures responsive to those risks. Such procedures include examining, on a test basis, evidence regarding the amounts and disclosures in the financial statements.
- Obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the City's internal control as it relates to Measure C Funds. Accordingly, no such opinion is expressed.
- Evaluate the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluate the overall presentation of the financial statements.
- Conclude whether, in our judgment, there are conditions or events, considered in the aggregate, that raise substantial doubt about the City's ability to continue as a going concern for a reasonable period of time.

We are required to communicate with those charged with governance regarding, among other matters, the planned scope and timing of the audit, significant audit findings, and certain internal control-related matters that we identified during the audit.

### ***Required Supplementary Information***

Management has omitted the management's discussion and analysis and budgetary comparison information that accounting principles generally accepted in the United States of America require to be presented to supplement the financial statements. Such missing information, although not a part of the financial statements, is required by the Governmental Accounting Standards Board who considers it to be an essential part of financial reporting for placing the financial statements in an appropriate operational, economic, or historical context. Our opinion on the financial statements is not affected by this missing information.

### ***Supplementary Information***

Our audit was conducted for the purpose of forming opinions on the financial statements that collectively comprise the Measure C Funds of the City's financial statements. The accompanying Balance Sheet by Funding Source and the Statement of Revenues, Expenditures and Changes in Fund Balances by Funding Source (the Schedules), are presented for purposes of additional analysis and are not a required part of the financial statements. Such information is the responsibility of management and was derived from and relates directly to the underlying accounting and other records used to prepare the financial statements. The information has been subjected to the auditing procedures applied in the audit of the financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the financial statements or to the financial statements themselves, and other

additional procedures in accordance with auditing standards generally accepted in the United States of America. In our opinion, the Schedules are fairly stated, in all material respects, in relation to the financial statements as a whole.

**Other Reporting Required by Government Auditing Standards**

In accordance with *Government Auditing Standards*, we have also issued our report dated July 31, 2024, on our consideration of the City's internal control over financial reporting as it relates to the Measure C Funds and on our tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements and other matters. The purpose of that report is solely to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the City's internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the City's internal control over financial reporting and compliance as it relates to the Measure C Funds.

*Price Pange & Company*

Clovis, California  
July 31, 2024

## FINANCIAL STATEMENTS

**CITY OF COALINGA, CALIFORNIA  
MEASURE C FUNDS  
LOCAL TRANSPORTATION PROGRAM  
BALANCE SHEET  
JUNE 30, 2022**

|                                        |                         |
|----------------------------------------|-------------------------|
| <b>ASSETS</b>                          |                         |
| Cash and investments                   | \$ 1,668,044            |
| Due from FCTA                          | 43,438                  |
| Interest receivable                    | <u>336</u>              |
| <br>Total assets                       | <br><u>\$ 1,711,818</u> |
| <br><b>LIABILITIES</b>                 |                         |
| Accounts payable                       | <u>\$ 34,621</u>        |
| <br>Total liabilities                  | <br><u>34,621</u>       |
| <br><b>FUND BALANCES</b>               |                         |
| Restricted                             | <u>1,677,197</u>        |
| <br>Total liabilities and fund balance | <br><u>\$ 1,711,818</u> |

The accompanying notes are an integral part of these financial statements.

**CITY OF COALINGA, CALIFORNIA  
 MEASURE C FUNDS  
 LOCAL TRANSPORTATION PROGRAM  
 STATEMENT OF REVENUES, EXPENDITURES AND  
 CHANGES IN FUND BALANCE  
 FOR THE YEAR ENDED JUNE 30, 2022**

**REVENUES**

|                               |    |                    |
|-------------------------------|----|--------------------|
| Intergovernmental allocations | \$ | 623,684            |
| Interest                      |    | <u>1,019</u>       |
| <br>Total revenues            |    | <br><u>624,703</u> |

**EXPENDITURES**

|                                |        |                      |
|--------------------------------|--------|----------------------|
| Current:                       |        |                      |
| Public works                   |        | 47,588               |
| Capital outlay                 |        | <u>16,986</u>        |
| <br>Total expenditures         |        | <br><u>64,574</u>    |
| <br>Net change in fund balance |        | <br>560,129          |
| <br>Fund balance - beginning   |        | <br><u>1,117,068</u> |
| <br>Fund balance - ending      | <br>\$ | <br><u>1,677,197</u> |

The accompanying notes are an integral part of these financial statements.

## NOTES TO THE FINANCIAL STATEMENTS



**CITY OF COALINGA, CALIFORNIA  
MEASURE C FUNDS  
LOCAL TRANSPORTATION PROGRAM  
NOTES TO THE FINANCIAL STATEMENTS  
JUNE 30, 2022**

**NOTE 1 – SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES**

The financial statements of the Fresno County Transportation Authority's pass-through Measure C Funds (Measure C Funds) of the City of Coalinga, California (the City) have been prepared in conformity with accounting principles generally accepted in the United States of America (GAAP) as applied to governmental units. The financial statements presented are only from the accounts and financial transactions of the Measure C Funds of the City. Accordingly, they do not present the financial position or the results of operations of the City. The Governmental Accounting Standards Board (GASB) is the accepted standard-setting body for establishing governmental accounting and financial reporting principles. The City's significant accounting policies are described below.

**A. Reporting Entity**

The Fresno County Transportation Authority (FCTA) was created by the approval of Measure C by the voters of Fresno County (the County) in November 1986. Measure C authorized the imposition of a ½% sales and use tax (sales tax) in the County for 20 years. The proceeds of Measure C are principally reserved for highway improvements, local transportation improvements, growth management and regional planning purposes (programs) in the County. The ½% sales tax commenced July 1, 1987 and expired on June 30, 2007.

In November 2006, the County voters approved a ballot measure authorizing FCTA to continue the ½% retail transaction and use tax for an additional 20 years. Under the terms of the extension of the Measure C program, proceeds of Measure C are principally reserved for regional public transit, local transportation, regional transportation, alternative transportation and environmental enhancement programs in the County. The ½% sales tax commenced July 1, 2007 and will expire on June 30, 2027.

The sales tax revenue received by FCTA under Measure C, after deducting certain administrative costs, is to be spent for programs as set forth in the expenditure plan included in Measure C and approved by the voters of the County. All revenues, including interest and other revenues, not designated by Measure C for a specific purpose are to be spent on capital projects for other governmental agencies set forth in the expenditure plan. The expenditure plan will be updated every two years to adjust the projection of sales tax receipts.

The primary elements of the 2006 Measure C Extension Sub-Programs consist of the following:

- **Regional Public Transit Program** – will fund projects dealing with bus route maintenance, expansion of buses, bus services, bus shelters, and public transit safety measures.

- ♦ *Public Transit Agencies* (Fresno Area Express (FAX), Clovis Transit and Fresno County Rural Transit Agency (FCRTA))

The goal of all transit agencies within the County who derive funding allocations from this program is to improve the level of public transit services within the County and to continue to seek ways to coordinate and/or consolidate services in order to achieve a seamless passenger travel system for the public. Priority service improvements planned for each agency include improving frequency of service, extending weekend service hours, enhancing Para-transit services to the senior or disabled community, and installing and integrating a regional automated farebox system to enhance transit coordination.

- ♦ *Farmworker Car/Van Pools*

Farmworker Van Pool – Measure C Funds will be used to subsidize Farmworker Van Pool programs within the County, providing an equal opportunity for both public and private industry competition, as well as potential public/private partnerships. Vanpools must originate in the County and allow for safe effective transportation to and from work.

**CITY OF COALINGA, CALIFORNIA  
MEASURE C FUNDS  
LOCAL TRANSPORTATION PROGRAM  
NOTES TO THE FINANCIAL STATEMENTS  
JUNE 30, 2022**

**NOTE 1 – SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES** (Continued)

**A. Reporting Entity** (Continued)

• **Regional Public Transit Program** (Continued)

♦ *Farmworker Car/Van Pools* (Continued)

The Measure C Car Pool program is an incentive program to the County residents to carpool with at least one other person, two days per week. The program offers incentives in the form of cash prizes and services from participating vendors.

The Measure C Van Pool program offers a variety of subsidies and reimbursements to help ensure that commuters reach their destinations safely by using a cost-effective alternative to a single occupant vehicle.

• **Local Transportation Program** – Will go towards the local transportation program projects such as filling potholes, re-paving streets, improving sidewalks, catering to pedestrians and maintaining trails and bicycle systems.

♦ *Local Allocation*

Street Maintenance – A mandated 50% of the local transportation program must be earmarked for street maintenance/rehabilitation such as pothole repair, patching or overlay projects. An agency may reserve these funds for no more than five years to fund a large street maintenance project.

ADA Compliance – These funds are set aside for the local agencies to meet the current requirements of the Americans with Disabilities Act. Jurisdictions that receive less than \$200,000 annually from the total local transportation program would be exempt from this provision.

Flexible Funding – The flexible funding sub-program allows the local agency to utilize these funds on transportation related projects.

♦ *Pedestrian/Trails – Urban* (Clovis and Fresno Sphere of Influence) *and Rural*

Approximately 3% of Measure C is provided to fund significant improvements to the existing planned pedestrian and trail system. The funds can also be used for needs such as signage, striping and master plan updates. Jurisdictions with a population threshold less than 25,000 would be exempt from this provision and receive these funds in the Flexible Funding program.

♦ *Bicycle Facilities*

Approximately 1% of Measure C is provided to fund significant improvements to the existing and planned bicycle facilities and/or systems. Bicycle Trail funds may be used for Class II bicycle facilities, signage and striping and for the development of the master plan. Jurisdictions with a population threshold less than 25,000 would be exempt from this provision and receive these funds in the Flexible Funding program.

• **Regional Transportation Program** – Will fund projects centered on improving and making changes to the freeway land and commuter corridors. This fund will also cover road safety measures.

• **Alternative Transportation Program** – Will be used towards safety measures for emergency vehicle and school routes, reducing traffic congestion and facilitating new underpasses or overpasses.

• **Environmental Enhancement Program** – Will accommodate the school bus replacement programs and deal with other transit-related development.

• **Administration/Planning Program** – Will help to prepare updates for the expenditures plan and develop and administer other planning related activities.

**CITY OF COALINGA, CALIFORNIA  
MEASURE C FUNDS  
LOCAL TRANSPORTATION PROGRAM  
NOTES TO THE FINANCIAL STATEMENTS  
JUNE 30, 2022**

**NOTE 1 – SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES** (Continued)

**B. Basis of Presentation**

The City uses fund accounting to report on its financial position and the results of its operations. Fund accounting is designed to demonstrate legal compliance and to aid financial management by segregating transactions related to certain government functions or activities.

The operations of the Measure C Funds of the City are accounted for in a separate set of self-balancing accounts that comprise the funds' assets, liabilities, fund balance, revenues and expenditures.

The Measure C Funds of the City are accounted for in the special revenue fund type within the governmental category using the modified accrual basis of accounting, whereby revenues are recognized when they become measurable and available, and expenditures are recognized when the liabilities are incurred. The City considers revenues to be available if they are collected within 60 days of the end of the current fiscal period.

Intergovernmental revenues (primarily grants and subventions), which are received as reimbursement for specific purposes or projects, are recognized based upon the expenditures recorded. Intergovernmental revenues, which are usually unrestricted as to use are revocable only for failure to meet prescribed compliance requirements, and are reflected as revenues at the time of receipt or earlier, if they meet the availability criterion.

**C. Fund Balance Classification**

The governmental fund financial statements present fund balances based on classifications that comprise a hierarchy that is based primarily on the extent to which the City is bound to honor constraints on the specific purposes for which amounts in the respective governmental funds can be spent. The classifications used in the governmental fund financial statements are as follows:

Nonspendable

Amounts cannot be spent either because they are in nonspendable form (such as inventory or prepaid expense, and long-term loans and notes receivable) or because they are legally or contractually required to be maintained intact (such as principal of a permanent fund).

Restricted

Amounts with external constraints placed on the use of these resources (such as debt covenants, grantors, contributors, or laws or regulations of other governments, etc.) or imposed by law through constitutional provisions or enabling legislation.

Committed

Amounts that can only be used for specific purposes pursuant to constraints imposed by City Council, the City's highest level of decision-making authority, through an ordinance or resolution. These committed amounts cannot be used for any other purpose unless the City Council removes or changes the specified uses through the same type of formal action taken to establish the commitment.

**CITY OF COALINGA, CALIFORNIA  
MEASURE C FUNDS  
LOCAL TRANSPORTATION PROGRAM  
NOTES TO THE FINANCIAL STATEMENTS  
JUNE 30, 2022**

**NOTE 1 – SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES** (Continued)

**C. Fund Balance Classification** (Continued)

Assigned

Amounts that do not meet the criteria to be classified as restricted or committed but that are intended to be used for specific purposes. Intent is expressed by the City Council or its designee and may be changed at the discretion of the City Council or its designee. For all governmental funds other than the General Fund, any remaining positive amounts not classified as nonspendable, restricted or committed must be designated as assigned fund balance.

Unassigned

This classification includes amounts that have not been assigned to other funds or restricted, committed or assigned to a specific purpose within the City.

The City would typically use restricted fund balances first, followed by committed resources, and then assigned resources, as appropriate opportunities arise, but reserves the right to selectively spend unassigned resources first to deter the use of these other classified funds.

**NOTE 2 – CASH AND INVESTMENTS**

Cash is pooled with the City's cash and investments. Income from the investment of pooled cash is allocated based upon the actual balance of the fund as a percentage of the total pooled cash balance. The City values all of its cash and investments at fair value on a portfolio basis. The City manages its pooled idle cash and investments under a formal investment policy that is adopted and reviewed by the City, and that follows the guidelines of the State of California Government Code.

City-wide information concerning cash and investments for the year ended June 30, 2022, including authorized investments, custodial credit risk and interest rate risk for debt securities and concentration of investments, carrying amount and market value of deposits and investments, may be found in the notes of the City's annual financial report.

## SUPPLEMENTARY INFORMATION

**CITY OF COALINGA, CALIFORNIA  
 MEASURE C FUNDS  
 LOCAL TRANSPORTATION PROGRAM  
 BALANCE SHEET BY FUNDING SOURCE  
 JUNE 30, 2022**

|                                         | Street<br>Maintenance | ADA<br>Compliance    | Flexible<br>Funding   | Total                   |
|-----------------------------------------|-----------------------|----------------------|-----------------------|-------------------------|
| <b>ASSETS</b>                           |                       |                      |                       |                         |
| Cash and investments                    | \$ 955,815            | \$ 23,121            | \$ 689,108            | \$ 1,668,044            |
| Due from FCTA                           | 18,996                | 621                  | 23,821                | 43,438                  |
| Interest receivable                     | <u>194</u>            | <u>5</u>             | <u>137</u>            | <u>336</u>              |
| <br>Total assets                        | <br><u>\$ 975,005</u> | <br><u>\$ 23,747</u> | <br><u>\$ 713,066</u> | <br><u>\$ 1,711,818</u> |
| <b>LIABILITIES</b>                      |                       |                      |                       |                         |
| Accounts payable                        | <u>\$ 34,621</u>      | <u>\$ -</u>          | <u>\$ -</u>           | <u>\$ 34,621</u>        |
| <br>Total liabilities                   | <br><u>34,621</u>     | <br><u>-</u>         | <br><u>-</u>          | <br><u>34,621</u>       |
| <b>FUND BALANCES</b>                    |                       |                      |                       |                         |
| Restricted                              | <u>940,384</u>        | <u>23,747</u>        | <u>713,066</u>        | <u>1,677,197</u>        |
| <br>Total liabilities and fund balances | <br><u>\$ 975,005</u> | <br><u>\$ 23,747</u> | <br><u>\$ 713,066</u> | <br><u>\$ 1,711,818</u> |

**CITY OF COALINGA, CALIFORNIA  
 MEASURE C FUNDS  
 LOCAL TRANSPORTATION PROGRAM  
 STATEMENT OF REVENUES, EXPENDITURES AND  
 CHANGES IN FUND BALANCES BY FUNDING SOURCE  
 FOR THE YEAR ENDED JUNE 30, 2022**

|                               | Street<br>Maintenance | ADA<br>Compliance | Flexible<br>Funding | Total               |
|-------------------------------|-----------------------|-------------------|---------------------|---------------------|
| <b>REVENUES</b>               |                       |                   |                     |                     |
| Intergovernmental allocations | \$ 277,463            | \$ 9,252          | \$ 336,969          | \$ 623,684          |
| Interest                      | 616                   | 13                | 390                 | 1,019               |
| <br>                          |                       |                   |                     |                     |
| Total revenues                | <u>278,079</u>        | <u>9,265</u>      | <u>337,359</u>      | <u>624,703</u>      |
| <br>                          |                       |                   |                     |                     |
| <b>EXPENDITURES</b>           |                       |                   |                     |                     |
| Current:                      |                       |                   |                     |                     |
| Public works                  | 47,204                | -                 | 384                 | 47,588              |
| Capital outlay                | 16,683                | -                 | 303                 | 16,986              |
| <br>                          |                       |                   |                     |                     |
| Total expenditures            | <u>63,887</u>         | <u>-</u>          | <u>687</u>          | <u>64,574</u>       |
| <br>                          |                       |                   |                     |                     |
| Net change in fund balances   | 214,192               | 9,265             | 336,672             | 560,129             |
| <br>                          |                       |                   |                     |                     |
| Fund balances - beginning     | <u>726,192</u>        | <u>14,482</u>     | <u>376,394</u>      | <u>1,117,068</u>    |
| <br>                          |                       |                   |                     |                     |
| Fund balances - ending        | <u>\$ 940,384</u>     | <u>\$ 23,747</u>  | <u>\$ 713,066</u>   | <u>\$ 1,677,197</u> |

## COMPLIANCE REPORT





INDEPENDENT AUDITOR'S REPORT ON INTERNAL CONTROL OVER  
FINANCIAL REPORTING AND ON COMPLIANCE AND OTHER MATTERS  
BASED ON AN AUDIT OF FINANCIAL STATEMENTS PERFORMED IN  
ACCORDANCE WITH *GOVERNMENT AUDITING STANDARDS* AND THE RULES  
AND REGULATIONS OF THE MEASURE C ENABLING LEGISLATION

To the Board of Directors  
Fresno County Transportation Authority  
Fresno, California

We have audited, in accordance with the auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards* issued by the Comptroller General of the United States, the financial statements of the Fresno County Transportation Authority's pass-through Measure C Funds (Measure C Funds) of the City of Coalinga, California (the City), as of and for the year ended June 30, 2022, and the related notes to the financial statements, which collectively comprise City's Measure C Funds' financial statements, and have issued our report thereon dated July 31, 2024.

**Report on Internal Control over Financial Reporting**

In planning and performing our audit of the financial statements, we considered the City's internal control over financial reporting (internal control), as it relates to the Measure C Funds, as a basis for designing audit procedures that are appropriate in the circumstances for the purpose of expressing our opinions on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of City's internal control. Accordingly, we do not express an opinion on the effectiveness of the City's internal control.

A *deficiency in internal control* exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct, misstatements, on a timely basis. A *material weakness* is a deficiency, or a combination of deficiencies, in internal control, such that there is a reasonable possibility that a material misstatement of the City's Measure C Funds' financial statements will not be prevented, or detected and corrected, on a timely basis. A *significant deficiency* is a deficiency, or a combination of deficiencies, in internal control that is less severe than a material weakness, yet important enough to merit attention by those charged with governance.

Our consideration of internal control was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control that might be material weaknesses or, significant deficiencies. Given these limitations, during our audit we did not identify any deficiencies in internal control that we consider to be material weaknesses. However, material weaknesses or significant deficiencies may exist that were not identified.

570 N. Magnolia Avenue, Suite 100  
Clovis, CA 93611

tel 559.299.9540  
fax 559.299.2344

## **Report on Compliance and Other Matters**

As part of obtaining reasonable assurance about whether the City's Measure C Funds' financial statements are free from material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a direct and material effect on the financial statements. However, providing an opinion on compliance with those provisions was not an objective of our audit, and accordingly, we do not express such an opinion. The results of our tests disclosed no instances of noncompliance or other matters that are required to be reported under *Government Auditing Standards* or the Measure C Enabling Legislation.

## **Purpose of This Report**

The purpose of this report is solely to describe the scope of our testing of internal control and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the City's internal control or on compliance as it relates to the Measure C Funds. This report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the City's internal control and compliance. Accordingly, this communication is not suitable for any other purpose.

*Price Pange & Company*

Clovis, California

July 31, 2024



July 31, 2024

To the Board of Directors  
Fresno County Transportation Authority  
Fresno, California

We have audited the financial statements of Fresno County Transportation Authority's pass-through Measure C Funds (Measure C Funds) of the City of Coalinga, California (the City) for the year ended June 30, 2022. Professional standards require that we provide you with information about our responsibilities under generally accepted auditing standards and *Government Auditing Standards*, as well as certain information related to the planned scope and timing of our audit. We have communicated such information in our engagement letter. Professional standards also require that we communicate to you the following information related to our audit.

#### Significant Audit Matters

##### *Qualitative Aspects of Accounting Practices*

Management is responsible for the selection and use of appropriate accounting policies. The significant accounting policies used by the City are described in Note 1 to the financial statements. No new accounting policies were adopted and the application of existing policies was not changed during 2022. We noted no transactions entered into by the City during the year for which there is a lack of authoritative guidance or consensus. All significant transactions have been recognized in the financial statements in the proper period.

Accounting estimates are an integral part of the financial statements prepared by management and are based on management's knowledge and experience about past and current events and assumptions about future events. Certain accounting estimates are particularly sensitive because of their significance to the financial statements and because of the possibility that future events affecting them may differ significantly from those expected. We are not aware of any significant estimates for the fiscal year ended June 30, 2022.

The financial statement disclosures are neutral, consistent, and clear.

##### *Difficulties Encountered in Performing the Audit*

We encountered no significant difficulties in dealing with management in performing and completing our audit.

##### *Corrected and Uncorrected Misstatements*

Professional standards require us to accumulate all known and likely misstatements identified during the audit, other than those that are clearly trivial, and communicate them to the appropriate level of management. There were no corrected or uncorrected misstatements noted during our audit for the year ended June 30, 2022.

##### *Disagreements with Management*

For purposes of this letter, a disagreement with management is a financial accounting, reporting, or auditing matter, whether or not resolved to our satisfaction, that could be significant to the financial statements or the auditor's report. We are pleased to report that no such disagreements arose during the course of our audit.

570 N. Magnolia Avenue, Suite 100  
Clovis, CA 93611

tel 559.299.9540  
fax 559.299.2344

### *Management Representations*

We have requested certain representations from management that are included in the management representation letter.

### *Management Consultations with Other Independent Accountants*

In some cases, management may decide to consult with other accountants about auditing and accounting matters, similar to obtaining a "second opinion" on certain situations. If a consultation involves application of an accounting principle to the City's financial statements or a determination of the type of auditor's opinion that may be expressed on those statements, our professional standards require the consulting accountant to check with us to determine that the consultant has all the relevant facts. To our knowledge, there were no such consultations with other accountants.

### *Other Audit Findings or Issues*

We generally discuss a variety of matters, including the application of accounting principles and auditing standards, with management each year prior to retention as the City's auditors. However, these discussions occurred in the normal course of our professional relationship and our responses were not a condition to our retention.

In our audit engagement letter previously provided to you, we communicated the following significant risks of material misstatement (significant risks) as part of our audit planning:

- Management override of controls
- Improper revenue recognition due to fraud

These risks were addressed within our audit procedures and we have no findings to report related to these risks.

### Restriction on Use

This information is intended solely for the information and use of the Board of Directors and management of the Fresno County Transportation Authority and is not intended to be, and should not be, used by anyone other than these specified parties.

Very truly yours,

*Price Page & Company*

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

**Subject:** Consideration of Bid Award for Sewer Collection System Improvements on Cherry Lane – N. Grant St. Project  
**Meeting Date:** Thursday, August 15, 2024  
**From:** Marissa Trejo, City Manager  
**Prepared by:** Sean Brewer, Assistant City Manager

---

**I. RECOMMENDATION:**

It is recommended that the Coalinga City Council award a Contract in the amount of \$232,850.00 to Mid Cal Pipeline & Utilities, Inc. 6931 Mariposa Way, Merced, CA 95341 for the Sewer Collection System Improvements on Cherry Lane – N. Grant St. Project. It is also recommended that a contingency of 10% (\$23,285.00) be included in the Council action to cover any unforeseen incidentals for a total authorization amount of \$256,135.00.

**II. BACKGROUND:**

In August 2023, the Coalinga City Council directed staff to prepare engineering plans and specifications and authorized a call for bids for the Sewer Collection System Improvements on Cherry Lane – N. Grant St. Project. The project includes topographic surveys, field investigations, and preparation of plans and specifications.

**III. DISCUSSION:**

City Staff received and opened four (4) bids for this project on July 30, 2024, at 1:30p.m. Mid Cal Pipeline & Utilities, Inc. was the apparent low bidder with a total bid proposal of \$232,850.00. The Engineer's Estimate was \$354,840.00. The entire bid summary is included as Attachment "A". Mid Cal Pipeline & Utilities, Inc. has furnished the required bid bond. If the City Council decides to award the project to Mid Cal Pipeline & Utilities, Inc. and the "Notice to Proceed" is issued, the contractor will have 30 working days to complete the work. The following is a tentative schedule:

|                             |                    |
|-----------------------------|--------------------|
| Award of Contract:          | August 15, 2024    |
| Start of Construction:      | September 23, 2024 |
| Completion of Construction: | November 4, 2024   |

The City Engineer proposes to provide Civil Engineering Construction Management Services for the Sewer Collection System Improvements on Cherry Lane – N. Grant St. Project for a not to exceed amount of \$16,500.00. The Work Order is included in this report.

AM Consulting proposes to provide Civil Engineering Construction Management Support Services for the Sewer Collection System Improvements on Cherry Lane – N. Grant St. Project for a not to exceed amount of \$19,000.00. The Work Order is included in this report.

#### **IV. ALTERNATIVES:**

The alternative to this council action would be to reject all bids. If all bids are rejected, the city would have to re-advertise or cancel the project. Staff believes that re-advertising the project will not result in lower bids.

#### **V. FISCAL IMPACT:**

Total authorization request for this contract is \$232,850.00 with an additional 10% contingency of \$23,285.00 for a total of \$256,135.00. Total authorization request for Construction Management Services is \$35,500.00 for a proposed total of \$291,635.00.

This project is funded by the Sewer Fund and will have no fiscal impact to the General Fund.

#### **ATTACHMENTS:**

| <b>File Name</b>                                               | <b>Description</b>       |
|----------------------------------------------------------------|--------------------------|
| ☐ 3051_-_Bid_Summary.pdf                                       | Bid Summary              |
| ☐ 3051_Construction_Engineering_Work_Order.pdf                 | TCE Work Order           |
| ☐ City_of_Coalinga_-_Sewer_Line_-_Bidding_and_Construction.pdf | AM Consulting Work Order |

City of Coalinga  
 PW 24-005 Grant & Cherry Sewer Main Improvements Project

ATTACHMENT "A" Bids 1-4

| Base Bid Items          |                                                |      |      |                      | 1<br>Mid Cal Pipeline |                      | 2<br>West Valley Construction |                      | 3<br>DG Construction, Inc. |                      | 4<br>Walsh Montgomery Construction |                      |
|-------------------------|------------------------------------------------|------|------|----------------------|-----------------------|----------------------|-------------------------------|----------------------|----------------------------|----------------------|------------------------------------|----------------------|
| Item                    | Description                                    | Unit | Qty. | Engineer's Est.      | Unit Price            | Extension            | Unit Price                    | Extension            | Unit Price                 | Extension            | Unit Price                         | Extension            |
| 1                       | Mobilization & Demobilization                  | LS   | 1    | \$ 20,000.00         | \$ 10,000.00          | \$ 10,000.00         | \$ 29,000.00                  | \$ 29,000.00         | \$ 57,000.00               | \$ 57,000.00         | \$ 60,000.00                       | \$ 60,000.00         |
| 2                       | Traffic Control                                | LS   | 1    | \$ 10,000.00         | \$ 2,000.00           | \$ 2,000.00          | \$ 1,700.00                   | \$ 1,700.00          | \$ 3,800.00                | \$ 3,800.00          | \$ 20,000.00                       | \$ 20,000.00         |
| 3                       | Demolition & Pipe Abandonment                  | LS   | 1    | \$ 25,000.00         | \$ 3,800.00           | \$ 3,800.00          | \$ 16,000.00                  | \$ 16,000.00         | \$ 20,800.00               | \$ 20,800.00         | \$ 37,000.00                       | \$ 37,000.00         |
| 4                       | Trench Shoring (if needed)                     | LS   | 1    | \$ 10,000.00         | \$ 1,000.00           | \$ 1,000.00          | \$ 3,300.00                   | \$ 3,300.00          | \$ 5,498.00                | \$ 5,498.00          | \$ 100.00                          | \$ 100.00            |
| 5                       | Sewer Bypass                                   | LS   | 1    | \$ 20,000.00         | \$ 1,800.00           | \$ 1,800.00          | \$ 5,000.00                   | \$ 5,000.00          | \$ 29,000.00               | \$ 29,000.00         | \$ 5,000.00                        | \$ 5,000.00          |
| 6                       | Furnish & Install 8-inch PVC SDR-35 Sewer pipe | LF   | 650  | \$ 178,750.00        | \$ 208.00             | \$ 135,200.00        | \$ 76.00                      | \$ 49,400.00         | \$ 115.00                  | \$ 74,750.00         | \$ 166.00                          | \$ 107,900.00        |
| 7                       | Class II Aggregate Base                        | TON  | 100  | \$ 4,000.00          | \$ 150.00             | \$ 15,000.00         | \$ 18.00                      | \$ 1,800.00          | \$ 192.66                  | \$ 19,266.00         | \$ 200.00                          | \$ 20,000.00         |
| 8                       | Furnish & Install Sanitary Sewer Manholes      | EA   | 6    | \$ 60,000.00         | \$ 4,000.00           | \$ 24,000.00         | \$ 13,500.00                  | \$ 81,000.00         | \$ 10,238.00               | \$ 61,428.00         | \$ 13,700.00                       | \$ 82,200.00         |
| 9                       | Existing Lateral Connections to New Sewer Main | EA   | 8    | \$ 20,000.00         | \$ 3,000.00           | \$ 24,000.00         | \$ 1,100.00                   | \$ 8,800.00          | \$ 4,520.00                | \$ 36,160.00         | \$ 3,500.00                        | \$ 28,000.00         |
| 10                      | Asphalt Pavement Restoration                   | TON  | 32   | \$ 3,840.00          | \$ 400.00             | \$ 12,800.00         | \$ 2,700.00                   | \$ 86,400.00         | \$ 854.00                  | \$ 27,328.00         | \$ 600.00                          | \$ 19,200.00         |
| 11                      | Video Inspect Sanitary Sewer Pipe              | LF   | 650  | \$ 3,250.00          | \$ 5.00               | \$ 3,250.00          | \$ 20.00                      | \$ 13,000.00         | \$ 4.57                    | \$ 2,970.00          | \$ 9.00                            | \$ 5,850.00          |
| <b>Base Bid Summary</b> |                                                |      |      | <b>\$ 354,840.00</b> |                       | <b>\$ 232,850.00</b> |                               | <b>\$ 295,400.00</b> |                            | <b>\$ 338,000.00</b> |                                    | <b>\$ 385,250.00</b> |

## **PROFESSIONAL SERVICES WORK ORDER CONSTRUCTION ENGINEERING SERVICES**

This agreement entered into the 15<sup>TH</sup> day of August, 20 24 between City of Coalinga (hereinafter called the Client) and the Consultant Tri City Engineering (hereinafter called Consultant) for services in connection with the following project: Grant Alley Sewer Main Replacement Project. The Client and Consultant's rights, duties, and obligations hereunder will be performed in accordance with the terms and conditions of the Agreement for Professional Services between Client and Consultant dated October 26, 2021 which is fully incorporated herein by reference.

I. Scope of Services. The Consultant's services will consist of the following:

- Construction Coordination; Coordinate administrative, inspection, quality assurance, materials testing activities. Coordinate Contractors pre-construction meeting, project site meetings, punch list, project closeout activities, Staff Report to Council authorizing Notice of Completion/Project Acceptance filing. Coordinate Response to Contractors Request for Information, Construction Clarifications and Project Inspectors Request for Information, Supervise Contractor Construction Site Meetings.
- Product Submittals; review contractor product submittals for compliance with the Project Plans and Specifications.
- Labor Compliance: Perform labor compliance task, including verifying Certified Payrolls, Subcontractor Utilization and Labor Interviews.
- Progress Reports: Review daily progress reports addressing progress of the work, the project schedule to include City Public Works Inspectors provided daily photographs documenting the progress of the work.
- Contract Change Orders: Prepare Change Orders in compliance with the plans and specifications for City of Coalinga approval.
- Progress Payments: Review contractor's initial schedule of values. Reconcile and document items of work in compliance with the plans and specifications; Review monthly progress payments for compliance with City of Coalinga funding procedures for City approval.
- Construction Oversight: Provide weekly inspection of the construction and the contractors operations. Review daily inspection field reports. Verify actions of the contractor. Clarify the continuity of the work (working days, delays, activities)

II. Additional Services. Any services not specifically provided for under Section I above shall be Additional Services. Only if mutually agreed to in writing by client or consultant shall consultant perform such additional services.

III. Consultant's Compensation. In consideration for Consultant providing the services noted above, the Client agrees to compensate the Consultant as follows:

**\$12,000.00**



Civil Sub-Consultant provided Bidding Phase and Construction Phase Services Fee:

**\$19,000.00**

Geotechnical Sub-Consultant provided Soils Engineering. R-Value/Compaction Testing Fee:

**\$4,500.00**

Retainer. The Client shall make an initial payment of     -0-     dollars (\$0.00) (retainer) upon execution of this Agreement. This retainer shall be held by the Consultant and applied against final invoices.

Payment Due. Invoices shall be submitted by the Consultant monthly, are due upon presentation, and shall be considered past due if not paid within ten (10) calendar days of the due date.

Interest. If payment in full is not received by the Consultant within 30 calendar days of the due date, invoices shall bear interest at one-and-one-half (1.5) percent of the PAST DUE amount per month, which shall be calculated from the invoice due date. Payment thereafter shall first be applied to accrued interest and then to the unpaid principal.

Collection Costs. If the Client fails to make payments when due and the Consultant incurs any costs in order to collect overdue sums from the Client, the Client agrees that all such collection costs incurred shall immediately become due and payable to the Consultant. Collection costs shall include, without limitation, legal fees, and expenses, court costs, collection bonds and reasonable Consultant staff costs at standard billing rates for the Consultant's time spent in efforts to collect. This obligation of the Client to pay the Consultant's collection costs shall survive the term of this agreement or any earlier termination by either party.

Set-offs, Back charges, Discounts. Payment of invoices shall not be subject to any discount or set-offs by the Client, unless agreed to in writing by the Consultant. Payment to the Consultant for services rendered and expenses incurred shall be due and payable regardless of any subsequent suspension or termination of this Agreement by either party.

In witness thereof, the parties hereto have accepted, made and executed this agreement upon the terms, conditions and provisions above stated, the day and year first above written.

Consultant: By \_\_\_\_\_  
Signature

Client: By \_\_\_\_\_  
Signature

Name: Daniel E. Jauregui  
For: Tri City Engineering

Name: Sean Brewer  
For: City of Coalinga

Title: President

Title: Assistant City Manager

Address: 4630 W Jennifer Ave #101  
Fresno, CA 93722

Address: 155 W. Durian Ave  
Coalinga, CA 93210



5150 N Sixth Street, Suite 124  
Fresno, CA 93710  
Phone 559.473.1371  
Fax 559.513.8449

May 14, 2024

Dan Jauregui  
Project Manager  
Tri City Engineering, Inc.  
4630 W. Jennifer Ave, Suite 101  
Fresno, CA 93722

**Re: City of Coalinga – Grant Ave Sewer Line Replacement – Bidding and Construction Phase**

Dear Dan,

We are pleased to submit this letter proposal to provide bidding and construction phase services to Tri-City Engineering for the replacement of approximately 700 feet of sewer line on an alley between N Grant St and Hwy 33. The sewer line was found to be severely damaged during a 2023 CCTV inspection. AM Consulting Engineers prepared construction documents for the replacement of the sewer line.

**SCOPE OF WORK**

Based on our understanding of the proposed improvements we have prepared the following Scope of work:

**Task 1 – Bidding phase services**

AMCE will provide the following services to Tri-City Engineering during bidding:

- Attend a pre-bid conference;
- Respond to bidder's questions and submit to City for review and approval;
- Prepare addenda to the construction documents as deemed necessary; and
- Assist City in evaluating bids received.

**Task 2 – Construction Phase Services**

AMCE will provide the following construction services:

- Attend a preconstruction conference.
- Conduct up to three site visits to review and monitor the contractor's work against the contract documents to ensure compliance.
- Review shop drawing submittals.
- Respond to RFIs.
- Review change order requests to determine changes in scope and conditions.
- Conduct a final inspection of the completed facilities and issue punch lists of uncompleted items where necessary.

AMCE proposes to complete this project on a time & materials basis for a not to exceed fee of \$19,000.

We are prepared to begin the work immediately upon notice to proceed. We look forward to start working with you on this project. Thank you once more for considering us for this project. If you have any questions or require any additional information, please call me at (559) 288-9172.

Sincerely,

A handwritten signature in blue ink, appearing to read "Alfonso Manrique", with a long horizontal flourish extending to the right.

Alfonso Manrique  
Principal Engineer

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

**Subject:** Consideration of Bid Award for Pleasant Street Reconstruction & Sewer Main Replacement Project  
**Meeting Date:** Thursday, August 15, 2024  
**From:** Marissa Trejo, City Manager  
**Prepared by:** Sean Brewer, Assistant City Manager

---

**I. RECOMMENDATION:**

It is recommended that the Coalinga City Council award a Contract in the amount of \$1,337,542.00 to DG Construction, Inc., 2167 Shaw Ave., Suite 115 #2092, Clovis, CA 93611 for the Pleasant Street Reconstruction & Sewer Main Replacement Project. It is also recommended that a contingency of 10% (\$133,754.20) be included in the Council action to cover any unforeseen incidentals for a total authorization amount of \$1,471,296.20.

**II. BACKGROUND:**

In October 2023, the Coalinga City Council directed staff to prepare engineering plans and specifications and authorized a call for bids for the Pleasant Street Reconstruction & Sewer Main Replacement Project. The primary scope of work, is to reconstruct approximately 2,640 linear feet of a City Sewer Main and full AC pavement structural section reconstruction on Pleasant Avenue located between Louisiana Street and South Hachman Street in Coalinga, CA. The work consists of, but is not limited to: saw cutting, abandoning of existing 10” sewer main and service laterals, abandonment of sewer manholes, construction of new 10” sewer main, new sewer manholes, new 4” service laterals, and all associated connections and appurtenances, full roadway AC pavement reconstruction, curb and gutter segments and sidewalk segments reconstruction.

**III. DISCUSSION:**

City Staff received and opened five (5) bids for this project on August 6, 2024, at 2:00 p.m.. DG Construction, Inc., was the apparent low bidder with a total bid proposal of \$1,337,542.00. The Engineer’s Estimate was \$1,394,095.00. The entire bid summary is included as Attachment “A”. DG Construction, Inc., has furnished the required bid bond. If the City Council decides to award the project to DG Construction, Inc., and the “Notice to Proceed” is issued, the contractor will have 60 working days to complete the work. The following is a tentative schedule:

|                             |                    |
|-----------------------------|--------------------|
| Award of Contract:          | August 15, 2024    |
| Start of Construction:      | September 23, 2024 |
| Completion of Construction: | December 19, 2024  |

**IV. ALTERNATIVES:**

The alternative to this council action would be to reject all bids. If all bids are rejected, the city would have to re-advertise or cancel the project. Staff believes that re-advertising the project will not result in lower bids.

## V. FISCAL IMPACT:

Total authorization request for this contract is \$1,337,542.00 with an additional 10% contingency of \$133,754.20 for a total of \$1,471,296.20. This project is funded by the Water Enterprise, Sewer Enterprise & Measure C Street Funds, and \$129,500.00 from the HCD Affordable Housing & Sustainable Communities Program for 11 additional curb ramps. There will be no fiscal impact to the General Fund.

### ATTACHMENTS:

|   | File Name              | Description |
|---|------------------------|-------------|
| □ | 3047_-_Bid_Summary.pdf | Bid Summary |

Base Bid Items

|                         |                                         |      |         |                        | 1<br>DG Construction, Inc. |                        | 2<br>R.J. Berry, Jr., Inc. |                        | 3<br>Cal Valley Construction |                        | 4<br>A.J. Excavation, Inc. |                        | 5<br>Sierra Construction, Inc. |                        |
|-------------------------|-----------------------------------------|------|---------|------------------------|----------------------------|------------------------|----------------------------|------------------------|------------------------------|------------------------|----------------------------|------------------------|--------------------------------|------------------------|
| Item                    | Description                             | Unit | Qty.    | Engineer's Est.        | Unit Price                 | Extension              | Unit Price                 | Extension              | Unit Price                   | Extension              | Unit Price                 | Extension              | Unit Price                     | Extension              |
| 1                       | MOBILIZATION / GENERAL REQUIREMENTS     | LS   | 1       | \$ 91,701.00           | \$70,400.00                | \$ 70,400.00           | \$ 78,000.00               | \$ 78,000.00           | \$142,000.00                 | \$ 142,000.00          | \$48,000.00                | \$ 48,000.00           | \$ 44,100.00                   | \$ 44,100.00           |
| 2                       | WORKER SAFETY/ TRENCH SHORING           | LS   | 1       | \$ 2,900.00            | \$ 5,000.00                | \$ 5,000.00            | \$ 3,000.00                | \$ 3,000.00            | \$ 2,500.00                  | \$ 2,500.00            | \$ 5,000.00                | \$ 5,000.00            | \$ 15,030.00                   | \$ 15,030.00           |
| 3                       | TRAFFIC CONTROL                         | LS   | 1       | \$ 25,800.00           | \$ 3,000.00                | \$ 3,000.00            | \$ 24,000.00               | \$ 24,000.00           | \$190,200.00                 | \$ 190,200.00          | \$42,000.00                | \$ 42,000.00           | \$203,550.00                   | \$ 203,550.00          |
| 4                       | DUST CONTROL                            | LS   | 1       | \$ 3,800.00            | \$22,800.00                | \$ 22,800.00           | \$ 14,000.00               | \$ 14,000.00           | \$ 550.00                    | \$ 550.00              | \$ 2,000.00                | \$ 2,000.00            | \$ 24,990.00                   | \$ 24,990.00           |
| 5                       | EROSION & SEDIMENT CONTROL              | LS   | 1       | \$ 1,000.00            | \$ 700.000                 | \$ 700.00              | \$ 2,500.00                | \$ 2,500.00            | \$ 1,750.00                  | \$ 1,750.00            | \$24,000.00                | \$ 24,000.00           | \$ 14,870.00                   | \$ 14,870.00           |
| 6                       | 8"D AC AND AB COLD MILLING AND DISPOSAL | CY   | 2,381   | \$ 71,430.00           | \$ 17.000                  | \$ 40,477.00           | \$ 21.90                   | \$ 52,143.90           | \$ 33.00                     | \$ 78,573.00           | \$ 25.00                   | \$ 59,525.00           | \$ 61.00                       | \$ 145,241.00          |
| 7                       | CONCRETE REMOVAL AND DISPOSAL           | CY   | 96      | \$ 19,200.00           | \$ 221.292                 | \$ 21,244.00           | \$ 610.00                  | \$ 58,560.00           | \$ 380.00                    | \$ 36,480.00           | \$ 400.00                  | \$ 38,400.00           | \$ 240.00                      | \$ 23,040.00           |
| 8                       | SUBGRADE COMPACTION, AND GRADING        | SF   | 102,428 | \$ 51,214.00           | \$ 0.41                    | \$ 42,000.00           | \$ 0.48                    | \$ 49,165.44           | \$ 0.35                      | \$ 35,849.80           | \$ 0.50                    | \$ 51,214.00           | \$ 1.50                        | \$ 153,642.00          |
| 9                       | 3.5"D HOT MIX ASPHALT TYPE A (HMA-A)    | TON  | 2,105   | \$ 210,500.00          | \$ 121.40                  | \$ 255,547.00          | \$ 109.00                  | \$ 229,445.00          | \$ 120.00                    | \$ 252,600.00          | \$ 121.00                  | \$ 254,705.00          | \$ 200.00                      | \$ 421,000.00          |
| 10                      | 4.5"D AGGREGATE BASE CLASS II           | TON  | 2,470   | \$ 86,450.00           | \$ 50.00                   | \$ 123,500.00          | \$ 37.40                   | \$ 92,378.00           | \$ 45.00                     | \$ 111,150.00          | \$ 40.00                   | \$ 98,800.00           | \$ 68.00                       | \$ 167,960.00          |
| 11                      | CONCRETE 6" CURB AND GUTTER             | LF   | 676     | \$ 27,040.00           | \$ 60.00                   | \$ 40,560.00           | \$ 66.50                   | \$ 44,954.00           | \$ 45.00                     | \$ 30,420.00           | \$ 65.00                   | \$ 43,940.00           | \$ 97.00                       | \$ 65,572.00           |
| 12                      | CONCRETE SIDEWALK                       | SF   | 1,773   | \$ 35,460.00           | \$ 13.000                  | \$ 23,049.00           | \$ 21.00                   | \$ 37,233.00           | \$ 10.00                     | \$ 17,730.00           | \$ 30.00                   | \$ 53,190.00           | \$ 31.00                       | \$ 54,963.00           |
| 13                      | CONCRETE CURB RAMP                      | SF   | 1,490   | \$ 37,250.00           | \$ 44.000                  | \$ 65,560.00           | \$ 32.00                   | \$ 47,680.00           | \$ 21.00                     | \$ 31,290.00           | \$ 50.00                   | \$ 74,500.00           | \$ 25.00                       | \$ 37,250.00           |
| 14                      | CONCRETE VALLEY GUTTER                  | SF   | 850     | \$ 17,000.00           | \$ 22.000                  | \$ 18,700.00           | \$ 28.00                   | \$ 23,800.00           | \$ 17.00                     | \$ 14,450.00           | \$ 38.00                   | \$ 32,300.00           | \$ 83.00                       | \$ 70,550.00           |
| 15                      | RELOCATE FENCE                          | LS   | 1       | \$ 1,500.00            | \$13,440.00                | \$ 13,440.00           | \$ 5,000.00                | \$ 5,000.00            | \$ 7,200.00                  | \$ 7,200.00            | \$18,000.00                | \$ 18,000.00           | \$ 17,550.00                   | \$ 17,550.00           |
| 16                      | CONSTRUCTION SURVEYING                  | LS   | 1       | \$ 4,500.00            | \$11,500.00                | \$ 11,500.00           | \$ 20,000.00               | \$ 20,000.00           | \$ 19,200.00                 | \$ 19,200.00           | \$21,000.00                | \$ 21,000.00           | \$ 41,630.00                   | \$ 41,630.00           |
| 17                      | ABANDON EXISTING SEWER IN PLACE         | LS   | 1       | \$ 10,000.00           | \$ 7,800.00                | \$ 7,800.00            | \$ 5,000.00                | \$ 5,000.00            | \$ 4,000.00                  | \$ 4,000.00            | \$ 5,000.00                | \$ 5,000.00            | \$ 32,000.00                   | \$ 32,000.00           |
| 18                      | ABANDON EXISTING SEWER MANHOLE          | EA   | 6       | \$ 9,600.00            | \$ 2,179.00                | \$ 13,074.00           | \$ 2,600.00                | \$ 15,600.00           | \$ 2,000.00                  | \$ 12,000.00           | \$ 2,500.00                | \$ 15,000.00           | \$ 960.00                      | \$ 5,760.00            |
| 19                      | SEWER MAIN 8" PVC SDR 35                | LF   | 45      | \$ 4,950.00            | \$ 147.69                  | \$ 6,646.00            | \$ 105.00                  | \$ 4,725.00            | \$ 100.00                    | \$ 4,500.00            | \$ 110.00                  | \$ 4,950.00            | \$ 140.00                      | \$ 6,300.00            |
| 20                      | SEWER MAIN 10" PVC SDR 35               | LF   | 2,640   | \$ 290,400.00          | \$ 89.150                  | \$ 235,356.00          | \$ 105.00                  | \$ 277,200.00          | \$ 100.00                    | \$ 264,000.00          | \$ 115.00                  | \$ 303,600.00          | \$ 150.00                      | \$ 396,000.00          |
| 21                      | SEWER LATERALS 4" PVC SDR 35            | EA   | 81      | \$ 275,400.00          | \$2,915.000                | \$ 236,115.00          | \$ 2,655.00                | \$ 215,055.00          | \$ 2,500.00                  | \$ 202,500.00          | \$ 3,600.00                | \$ 291,600.00          | \$ 5,050.00                    | \$ 409,050.00          |
| 22                      | SEWER MANHOLE 48"                       | EA   | 8       | \$ 112,000.00          | \$8,393.000                | \$ 67,144.00           | \$ 4,300.00                | \$ 34,400.00           | \$ 4,000.00                  | \$ 32,000.00           | \$ 4,500.00                | \$ 36,000.00           | \$ 13,880.00                   | \$ 111,040.00          |
| 23                      | 8" INSERTION GATE VALVE                 | EA   | 2       | \$ 5,000.00            | \$6,965.000                | \$ 13,930.00           | \$ 12,500.00               | \$ 25,000.00           | \$ 12,000.00                 | \$ 24,000.00           | \$13,000.00                | \$ 26,000.00           | \$ 19,130.00                   | \$ 38,260.00           |
| <b>Base Bid Summary</b> |                                         |      |         | <b>\$ 1,394,095.00</b> |                            | <b>\$ 1,337,542.00</b> |                            | <b>\$ 1,358,839.34</b> |                              | <b>\$ 1,514,942.80</b> |                            | <b>\$ 1,548,724.00</b> |                                | <b>\$ 2,499,348.00</b> |

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

**Subject:** Coalinga Police Department Monthly Report for July 2024  
**Meeting Date:** Thursday, August 15, 2024  
**From:** Marissa Trejo, City Manager  
**Prepared by:** Jose Garza, Chief of Police

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**I. RECOMMENDATION:**

**II. BACKGROUND:**

**III. DISCUSSION:**

**IV. ALTERNATIVES:**

**V. FISCAL IMPACT:**

**ATTACHMENTS:**

| File Name                       | Description                  |
|---------------------------------|------------------------------|
| 📎 July_2024_Monthly_Report.docx | CPD July 2024 monthly report |

# July 2024 Monthly Report

The Coalinga Police Department, in partnership with the community, continues to do an outstanding job in addressing crime in the city. According to the Month to Month and Year to Year Table of Part 1 Crimes (See Table below), crimes are down by 20% Year to Date compared to last year 2023. For the month of July 2024, Part 1 crimes were down by 6% compared to July 2023, which was primarily due to a decrease in the number of larcenies. However, we did have an increase in number of assaults (8 assaults), which included 6 domestic violence related. We need to keep the momentum going and work together to hold these criminals accountable for their actions.

| PART 1 CRIMES         |           |           |            |            |            |             |
|-----------------------|-----------|-----------|------------|------------|------------|-------------|
|                       | Last JUL  | This JUL  | % CHANGE   | YTD 2023   | YTD 2024   | % CHANGE    |
| HOMICIDE              | 0         | 0         | 0%         | 0          | 1          | 100%        |
| RAPE                  | 0         | 0         | 0%         | 5          | 2          | -60%        |
| ROBBERY               | 0         | 0         | 0%         | 2          | 2          | 0%          |
| ASSAULT               | 4         | 12        | 200%       | 68         | 81         | 19%         |
| BURGLARY              | 2         | 1         | -50%       | 11         | 10         | -9%         |
| LARCENY               | 9         | 2         | -78%       | 60         | 26         | -57%        |
| AUTO THEFT            | 3         | 2         | -33%       | 11         | 4          | -64%        |
| <b>TOTAL PART ONE</b> | <b>18</b> | <b>17</b> | <b>-6%</b> | <b>157</b> | <b>126</b> | <b>-20%</b> |

I would like to share the following four Notable Investigation and Arrests press releases:

**The Police Department's Real Time Crime Center alerted the video surveillance camera system twice in the month of July that vehicles inputted by officers were traveling within the City (both cases are listed below).**

On July 1, 2024, at about 3pm, officers were alerted by the video surveillance camera system that a vehicle that was inputted by officers due to the owner having outstanding warrants, was traveling within the city. Officers located the vehicle and initiated a traffic stop on it at 7<sup>th</sup> and Durian. The driver, 63-year-old Coalinga resident Joel Lee White, was arrested for multiple outstanding arrest warrants for numerous vehicle code and narcotics violations. During the arrest for his warrants, White attempted to discard a baggie a methamphetamine that he was hiding inside of his pants by throwing it in the roadway. White was booked into the Coalinga City Jail and later transported to the Fresno County Jail on his warrants, possession of a controlled substance, and driving on a suspended license.

On July 21, 2024, at about 6pm, officers were alerted by the video surveillance camera system that a vehicle that was inputted by officers due to the owner having outstanding arrest warrants, was traveling within the city. The driver, 51-year-old Coalinga resident Benny Benito Gonzalez was arrested for outstanding arrest warrants for false imprisonment/domestic violence. Gonzalez was booked into the Coalinga City Jail and later transported to the Fresno County Jail on his warrants.



### **Coalinga Police Department Canine Passes Away**

It is with great sadness that the police departments announces that K-9 Nitro passed away on July 8<sup>th</sup> while at home. K-9 Nitro suffered a medical emergency in the early morning and was rushed to the emergency veterinarian in Fresno by his handler. Unfortunately, K-9 Nitro succumbed to the medical emergency and passed away. K-9 Nitro has been with the police department since March 2022 and was certified in handler protection and narcotics detection.

K-9s and their handlers go through hundreds of hours of training and develop a close relationship of trust in one another, but that bond does not end at training. Police K-9s are not only working dogs and once training is done, but they also go home with the handler and are a part of the handler's family. Our thoughts and prayers are with the handler and his family during this tragic loss.

### **Auto Thefts Increase**

In the Month of July, the Coalinga Police Department has had a recent increase in vehicle thefts and vehicle vandalism within the City of Coalinga. We urge the citizens of Coalinga to remember the importance of vehicle safety and how they can avoid being targeted by criminals.

Here are a few tips you can remind yourself of to reduce the risk of vehicle theft:

1. Take your keys and lock your vehicle
2. Remove valuable items or move them out of view
3. Use a steering wheel lock
4. Install/ Enable Audible alarms
5. Install tracking system or immobilizer system
6. Install video surveillance at your home that face your vehicle(s)
7. Park in a well-lit area
8. Always be aware of your surroundings and report any unusual activity in your neighborhood

### **Animal Control Officer Rescues Kittens from Rooftop**

On July 16, 2024, at about 9:30am, the Coalinga Police Department was notified of several individuals trying to rescue five kittens from the rooftop rain gutter at 144 E. Durian Avenue. Animal Control Officer Bell was dispatched to the scene to try and rescue the kittens from the rain gutter due to them not being able to get down. Once Animal Control Officer Bell arrived, he was told that two of the kittens had already fallen off the roof. Animal Control Officer Bell was able to climb onto the awning and make his way to the remaining kittens that were still trapped in the rain gutter. Animal Control Officer Bell rescued the remaining 3 kittens and took them to Gimme Love Animal Shelter where they were turned over to the staff.

Respectfully,  
Jose V Garza  
Chief of Police

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

**Subject:** Discussion, Direction and Potential Action regarding Amending Title 5 of the Coalinga Municipal Code by Adding Sections relating to Unsafe Camping and Public Hazards  
**Meeting Date:** Thursday, August 15, 2024  
**From:** Marissa Trejo, City Manager  
**Prepared by:** Marissa Trejo, City Manager

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**I. RECOMMENDATION:**

There is no staff recommendation at this time.

This item was requested as a Future Agenda Item by Councilman Vosburg.

**II. BACKGROUND:**

The U.S. Supreme Court recently granted cities more power to arrest, cite and fine people who sleep outside in public places - overturning six years of legal protections for homeless residents in California and other western states.

**III. DISCUSSION:**

This item allows the Council to review and discuss the attached draft ordinance which adds Chapters 17 and 18 to Title 5 of the Coalinga Municipal Code relating to unsafe camping and public hazards.

**IV. ALTERNATIVES:**

None at this time.

**V. FISCAL IMPACT:**

None.

**ATTACHMENTS:**

| File Name                                                           | Description                                            |
|---------------------------------------------------------------------|--------------------------------------------------------|
| <input type="checkbox"/> Ordinance_-_Unsafe_Camping_Final_Draft.pdf | Draft Ordinance - Adding Chapters 17 and 18 to Title 5 |

**ORDINANCE NO. XXX**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COALINGA ADDING CHAPTERS 17 AND 18 TO TITLE 5 OF THE COALINGA MUNICIPAL CODE RELATING TO UNSAFE CAMPING AND PUBLIC HAZARDS**

The City Council of the City of Coalinga does hereby ordain as follows:

Section 1. Chapter 17 is hereby added to Title 5 of the Coalinga Municipal Code to read:

Chapter 17

Unsafe Camping

Section 5-17.01. Sitting, lying, or sleeping or storing, using or maintaining or placing personal property in the public right-of-way.

- (a) **Sitting, Lying, or Sleeping:** These activities are prohibited in the public right-of-way when the intent is to occupy the space beyond what is considered normal and reasonable use. This means that temporary, short-term use such as resting briefly on a bench or sitting for a moment is permitted. However, using the area for extended periods in a manner that obstructs or impedes the normal flow of pedestrians or traffic is not allowed.
- (b) **Storing, Using, Maintaining, or Placing Personal Property:** The storage, use, maintenance, or placement of personal property in the public right-of-way is prohibited when it extends beyond normal and reasonable use. This means that personal belongings should not be left unattended, stored, or arranged in a way that obstructs public access or creates a hazard. Normal, brief use of personal items that does not impede public access or safety is permitted.
- (c) No person shall obstruct a street, sidewalk, alleyway or other public right-of-way:
  - (1) By sitting, lying, or sleeping, or by storing, using, maintaining, or placing personal property in a manner that impedes passage, as provided by the Americans with Disabilities Act of 1990, as amended;
  - (2) By sitting, lying, or sleeping, or by storing, using, maintaining, or placing personal property within twenty-five (25) feet of any operational or utilizable driveway or loading zone;

- (3) By sitting, lying, or sleeping, or by storing, using, maintaining, or placing personal property within twenty-five (25) feet of any operational or utilizable building entrance or exit;
  - (4) By sitting, lying, or sleeping, or by storing, using, maintaining, or placing personal property within ten (10) feet of any fire hydrant, fire plug, or other fire department connection;
  - (5) By sitting, lying, or sleeping, or by storing, using, maintaining, or placing personal property within ten (10) feet of a utility meter, utility connection or street light;
  - (6) By sitting, lying, or sleeping, or by storing, using, maintaining, or placing personal property within the public right-of-way in a manner that obstructs or unreasonably interferes with the use of the right-of-way for any activity for which the City has issued a permit.
- (d) No person shall obstruct any portion of any street or other public right-of-way to use by motor vehicles, or any portion of a bike lane, bike path, or other public right-of-way open to use by bicycles, by sitting, lying or sleeping, or by storing, using, maintaining, or placing personal property, anywhere within the street, alley, bike lane, bike path, or other public right-of-way as specified.
- (e) Except as limited by subsection (d), no person shall:
- (1) Sit, lie, sleep, or store, use, maintain, or place personal property in or upon any street, alley, sidewalk, or other public right-of-way within the distance stated on the posted signage (up to a maximum of 1,000 feet) of a property designated as sensitive use. For a property to be designated as “sensitive use,” the property must be a school (public or private), childcare facility, public park, public library, warming center, cooling center, or City-permitted shelter for the unhoused;
  - (2) Sit, lie, sleep, or store, use, maintain, or place personal property in or upon any street, alley, sidewalk, or other public right-of-way within the distance stated on the posted signage (up to a maximum of 500 feet) of a bridge or pedestrian bridge where the City Council determines, by Resolution, that the public health, safety or welfare is served by the prohibition, including, without limitation, by finding that sleeping or lodging within stated proximity to the designated area is unhealthy, unsafe or incompatible with safe passage;

- (3) Sit, lie, sleep, or store, use, maintain, or place personal property in or upon any street, alley, sidewalk, or other public right-of-way that has been posted with signage prohibiting sitting, lying, sleeping, or storing, using, maintaining, or placing personal property. In order to designate a section of street, sidewalk, or other public right-of-way as prohibited under this subdivision, the City Council shall determine, in a designating resolution, and based on specific documentation, that the circumstances of continued sitting, sleeping, lying or storing or personal property, or otherwise obstructing the public right-of-way at the location poses a particular and ongoing threat to public health or safety.
- (f) No person shall be found to be in violation of any prohibition set forth in Subsection (c) unless and until (i) the City Council has taken action by resolution to designate specified areas for enforcement against sitting, lying, sleeping, or storing, using, maintaining, or placing personal property, other otherwise obstructing the public right-of-way; (ii) the City has posted signage at the designated area or areas set forth in the resolution, with such signage including reference to any required findings adopted in the resolution and giving notice of the date after which no sitting, lying, sleeping, or storing, using, maintaining, or placing personal property, or otherwise obstructing the public right-of-way will be allowed; and (iii) at least fourteen (14) calendar days have passed from the date on which the signage is posted at the designated area or areas.
- (g) The City shall adhere to State law as it pertains to mobile and sidewalk vendors.

#### Section 5-17.02. Utilizing public water sources.

- (a) No person shall use a fountain or other public water feature for bathing.

#### Section 5-17.03. Defecation and Urination.

- (a) It is unlawful for any person to defecate or urinate on public property or in any public place.
- (b) A person who is found defecating or urinating in a public place in violation of Section 5-17.03 shall be guilty of a misdemeanor.

#### Section 5-17.04. Camping.

- (a) No person shall camp, lodge, sleep or tarry overnight on any public property or in any public place.

- (b) No person shall camp, lodge, sleep, or tarry overnight in a private structure or place without permission of the owner.
- (c) Unless otherwise permitted in Section 4-4.722.1. of the Code, the use of vehicles and other recreational vehicles for human habitation is prohibited.
- (d) Unless otherwise permitted in Section 4-4.722.2. of the Code, long-term parking of recreational vehicles, boats and boat trailers on city streets or public ways is prohibited.
- (e) Unless otherwise permitted in Section 10-1.12. of the Code, overnight camping is prohibited.

Section 5-17.05. Violations

- (a) Notwithstanding any other provision within the Municipal Code, violations of this Section may be prosecuted as criminal misdemeanors by the District Attorney or the City Attorney per [Govt C §36900\(a\)](#).

SECTION 2. Chapter 18 is hereby added to Title 5 of the Coalinga Municipal Code to read:

Chapter 18

Public Hazards

Section 5-18.01. Storage of Personal Property.

5-18.02. Definitions.

5-18.03. Regulations and Impoundment of Stored Personal Property. Discard of Certain Stored Personal Property.

5-18.04. Notice.

5-18.05. Storage and Disposal.

5-18.06. Repossession.

5-18.07. Power of the City Manager to Make Rules and Regulations.

SECTION 5-18.01. STORAGE OF PERSONAL PROPERTY.

The City enacts this section to balance the needs of the residents and public at large to access clean and sanitary public areas consistent with the intended uses for the public areas with the needs of the individuals, who have no other alternatives for the storage of personal property, to retain access to a limited amount of personal property in public areas. This section attempts to balance the needs of all of the City's residents.

Section 5-18.02. DEFINITIONS.

The definitions contained in this subsection shall govern the construction, meaning, and application of words and phrases used in this article.

- (a) "Alley" means any roadway not exceeding 25 feet in width which is primarily for access to the rear or side entrances of abutting property.
- (b) "Bikeway" means all facilities that provide primarily for, and promote, bicycle travel.
- (c) "City Employee" means any full or part-time employee of the City of Coalinga, or a contractor retained by the City for the purpose of implementing this Section.
- (d) "Essential Personal Property" means any and all Personal Property that cumulatively is less than two cubic feet in volume, which, by way of example, is the amount of property capable of being carried within a backpack.
- (e) "Excess Personal Property" means any and all Personal Property that cumulatively exceeds the amount of property that could fit in a 60-gallon container with lid closed.
- (f) "Highway" means a way of place of whatever nature, publicly maintained and open to the use of the public for purposes of vehicular travel.
- (g) "Parkway" means the area of the Street between the back of the curb and the Sidewalk that typically is planted and landscaped.
- (h) "Person" means any individual.
- (i) "Personal Property" means any tangible property, and includes, but is not limited to, goods, materials, merchandise, tents, tarpaulins, bedding, sleeping bags, hammocks, sheds, structures, mattresses, couches, chairs, other furniture, appliances, and personal items, such as household items, luggage, backpacks, clothing, documents, and medication.
- (j) "Public Area" or "Public Areas" means all property that is owned, managed by the City, and shall include, but not be limited to, any Street, medial strip, space, ground, building or structure.
- (k) "Roadway" means that portion of a road or street improved, designed or ordinarily used for vehicular travel.
- (l) "Sidewalk" means a paved walkway at the side of the street or road, other than the Roadway, set apart by curbs, barriers, markings or delineation, for pedestrian travel.
- (m) "Storage Facility" means any facility, whether operated by a public, non-profit or private provider, which allows and has capacity for voluntary storage, free of charge, for a homeless person to store Personal Property up to the equivalent of the amount of property that would fit into a single 60-gallon container with the lid closed.

(n) "Store", "Stored", "Storing" or "Storage" means to put Personal Property aside or accumulate for use when needed, to put for safekeeping, and/or to place or leave in a Public Area. Moving Personal Property to another location in a Public Area or returning Personal Property to the same block on a daily or regular basis shall be considered Storing and shall not be considered to be removing the Personal Property from a Public Area. This definition shall not include any Personal Property that, pursuant to statute, ordinance, permit, regulation or other authorization by the City or state, is Stored with the permission of the City or state on real property that is owned or controlled by the City.

(o) "Street" includes every Highway, avenue, lane, Alley, court, place, square, Sidewalk, Parkway, curbs, Bikeway or other public way in this City which has been or may hereafter be dedicated and open to public use, or such other public property so designated in any law of this state.

(p) "Tent" means a collapsible shelter made of fabric, such as nylon or canvass or a tarp stretched and sustained by supports, which is not open on all sides, and which hinders an unobstructed view behind or into the area surrounded by the fabric. In order to qualify as a Tent for purposes of this subsection, a Tent, when deconstructed, must be able to fit within a 60-gallon container with the lid closed.

(q) "Unattended" means no Person is present with the Personal Property who asserts or claims ownership over the Personal Property. Conversely, property is considered "Attended" if a Person is present with the Personal Property and the Person claims ownership over the Personal Property.

#### Section 5-18.03. REGULATION AND IMPOUNDMENT OF STORED PERSONAL PROPERTY; DISCARD OF CERTAIN STORED PERSONAL PROPERTY.

(a) No person shall Store any Unattended Personal Property in a Public Area. With pre-removal notice as specified in Section 10-2204(a), the City may impound any unattended Personal Property in a Public Area, regardless of volume. Post-removal notice shall be provided as set forth in Section 5-18.03(b), below.

(b) No Person shall Store any Attended Excess Personal Property in a Public Area. With pre-removal notice as specified in Section 5-18.04(a), the City may impound any Attended Excess Personal Property Stored in a Public Area. Post-removal notice shall be provided as set forth in Subsection 5-18.04(b).

(c) No person shall Store any Personal Property in a Public Area in such a manner as to obstruct City operations, including a Street or Sidewalk maintenance or cleaning. Without prior notice, the City may temporarily move Personal Property, whether Attended or Unattended, which is obstructing City operations in a Public Area, including a Street or Sidewalk maintenance or cleaning, during the time necessary to conduct the



City operations. The City may also impound Personal Property that is obstructing City operations in a Public Area, pursuant to Sections 5-18.03(a) or 5-18.03(b).

(d) No Person shall Store any Personal Property in a Public Area in such a manner that it does not allow for passage as provided by the Americans with Disabilities Act of 1990, as amended. Without prior notice, the City may move and may immediately impound any Personal Property, whether Attended or Unattended, Stored in a Public Area in such manner that it does not allow for the passage as required by the Americans with Disabilities Act of 1990. Post-removal notice shall be provided as set forth in Section 5-18.04(b). A violation of this section is governed by Section 5-17.01(f) of this Code.

(e) No person shall Store any Personal Property, whether Attended or Unattended, within:

- (1) Twenty five (25) feet of any operational or utilizable driveway or loading dock;
- (2) Twenty five (25) feet of any operational or utilizable building entrance or exit;
- (3) Ten (10) feet of any fire hydrant, fire plug, or other fire department connection;
- (4) Ten (10) feet of any utility meter, utility connection or street light;
- (5) One thousand (1,000) feet of a property designated as sensitive use pursuant to Section 5-17.01.c.1;
- (6) Five hundred (500) feet of a bridge or pedestrian bridge; or
- (7) A area with posted signage pursuant to a Resolution adopted by Coalinga City Council.

Without prior notice, the City may move or may immediately impound any Personal Property, whether Attended or Unattended, Store in a Public Area in violation of this section. Post-removal notice shall be provided as set forth in Section 5-17.01(f) of this Code.

(f) No person shall Store any Personal Property in a Public Area that has a clearly posted closure time any Personal Property after that posted closure time any Personal Property after that posted closure time. Without prior notice, the City may remove and impound Personal Property, whether Attended or Unattended, Stored in a Public Are that has a clearly posted closure time, provided the Personal Property is removed and impounded after the posted closure time.

(g) No person shall Store any Personal Property in a Public Area if the Personal Property, whether Attended or Unattended constitutes an immediate threat to the health or safety of the public. Without prior notice, the City may remove and may discard any Personal Property Stored in a Public Area if the Personal Property poses an immediate threat to the health or safety of the public.

(h) No person shall Store any Personal Property in a Public Area if the Personal Property, whether Attended or Unattended, constitutes evidence of a crime or contraband. Without prior notice, the City may remove and discard any Personal Property that constitutes evidence of a crime or contraband, as permissible by law.

(i) No Person shall Store any Personal Property, whether Attended or Unattended, in such a manner that obstructs or interferes with any activity in a Public Area for which the City has issued a permit. Without prior notice, the City may move any Personal Property Stored in a Public Area in violation of this section. With pre-removal notice as specified in Section 5-18.04(a), the City may impound any Personal Property Stored in violation of this section. Post-removal notice shall be provided as set forth in Section 5-18.04(b). A violation of this section is governed by Section 5-17.01(f) of this code.

(j) No Person shall Store any Personal Property, whether Attended or Unattended, in such a manner as to obstruct any portion of a street or other public right-of-way open to use by motor vehicles, a designated bike lane or bike path, or other public right-of-way open exclusively to use bicycles. Without prior notice, the City may move and may immediately impound any Personal Property, whether Attended or Unattended, in violation of this section. Post-removal notice shall be provided as set forth in Section 5-18.04(b). A violation of this section is governed by Section 5-17.01(f) of this Code.

(k) No Person shall Store any Personal Property, whether Attended or Unattended, in violation of Section 5-17.01(c) of this Code. The City may move and may immediately impound any Personal Property, whether Attended or Unattended, in violation of this section. Pre-removal notice and post-removal will be provided by erecting signage providing notice that Storage of Personal is a violation of 5-17.01, which may result in removal or impoundment of Personal Property. This signage must also provide information on retrieval of Personal Property and provide notice that the Personal Property may be discarded, if not claimed within 90 days. A violation of this section is governed by Section 5-17.01(f) of this code.

(l) No Person shall Store any Personal Property, whether Attended or Unattended, in violation of Section 5-17.01(e) of this Code. With pre-removal notice as specified in Section 5-18.04(a) or posted signage, the City may impound any Personal Property, whether Attended or Unattended, in violation of this section. If the City has not posed signage, a post-removal notice shall be provided as set forth in Section 5-18.04(b). A violation of this section is governed by Section 5-17.01(f) of this Code.

Section 5-18.04. NOTICE.

(a)Pre-Removal Notice. Pre-removal notice shall be deemed provided if a written is provided to the Person who is Storing or claims ownership of the Personal Property or is posted conspicuously on or near the Personal Property or is posted conspicuously on or near the Personal Property and the actual removal commences no more than 48 hours after the pre-removal notice is posted. The written notice shall contain the following:

- (1) A general description of the Personal Property to be removed.
- (2) The location from which the Personal Property will be removed.
- (3) The date and time the notice was posted.
- (4) A statement that the Personal Property has been stored in violation of Section 5-18.03.
- (5) A statement that the Personal Property may be impounded if not removed from Public Areas within 24 hours.
- (6) A statement that moving Personal Property to another location in a Public Area shall not be considered removal of Personal Property from a Public Area.
- (7) The address where the removed Public Property will be located, including a telephone number and the internet website of the City through which a Person may receive information as to impounded Personal Property as well as information as to voluntary storage location(s).
- (8) A statement that impounded Personal Property may be discarded if not claimed within 60 days after impoundment.

(b)Post-Removal Notice. Upon removal of Stored Personal Property, written notice shall be conspicuously posted in the area from which the Personal Property was removed. The written notice shall contain the following:

- (1) A general description of the Personal Property removed.
- (2) The date and approximate time the Personal Property was removed.
- (3) A statement that the Personal Property has been stored in violation of Section 5-18.03.
- (4) The address where the removed Personal Property will be located including a telephone number and internet website of the City through which a Person may receive information as to impound Personal Property.
- (5) A statement that impounded Personal Property may be discarded if not claimed within 60 days after impoundment.

Section 5-18.05. STORAGE AND DISPOSAL

(a) Except as specified herein, the City shall move Personal Property to a place of storage.

(b) Except as specified herein, the City shall store impounded Personal Property for 60 days, after which time, if not claimed, may be discarded. The City shall not be required to undertake any search for, or return, any impounded Personal Property store for longer than 60 days.

(c) The City shall maintain a record of the date any impounded Personal Property was discarded.

Section 5-18.06. REPOSSESSION.

The owner of impounded Personal Property may repossess the Personal Property prior to its disposal upon submitting satisfactory proof of ownership. A person may establish proof of ownership by, among methods, describing the location from and date when the Personal Property was impounded from a Public Area, and providing a reasonably specific and detailed description of the Personal Property. Valid, governmental-issued identification is not required to claim impounded Personal Property.

Section 5-18.07. POWER OF THE CITY MANAGER TO MAKE RULES AND REGULATIONS.

The City Manager is hereby charged with serving as the Designated Administrative Agency for the purpose of this ordinance. The Designated Administrative Agency shall promulgate rules, protocols, and procedures for the implementation and enforcement of this ordinance, consistent with the provisions herein.

SECTION 3. This ordinance shall become effective and in full force and effect at 12:01 a.m. on the thirty-first day after its final passage.

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

**Subject:** Discussion, Direction and Potential Action regarding Updating the Council Rules of Procedure to Include a Process to Fill Vacancies on the City Council  
**Meeting Date:** Thursday, August 15, 2024  
**From:** Marissa Trejo, City Manager  
**Prepared by:** Marissa Trejo, City Manager

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**I. RECOMMENDATION:**

The City Manager recommends the City Council approve the changes to the Code of Conduct that relate to the appointment process to fill vacancies on the City Council.

This item was requested as a Future Agenda Item by Councilman Vosburg.

**II. BACKGROUND:**

The Council provided direction to staff to update the Code of Conduct in order to provide a clear process to fill vacancies on the City Council. The legislature designates that before December 31st of each year the City must draft an appointments list which is meant to notify the public about the appointive terms that will expire next year; containing basic information about the vacancy and the necessary qualifications for each vacancy. (Gov. Code § 54972) The list must be made available to the public on the City's website or at a public library. (Gov. Code § 54973) The list does not prevent the City from making an emergency appointment should an emergency exist, and the appointment is valid until the final appointment.

**III. DISCUSSION:**

A redline Council of Conduct (attached) includes a new section regarding the appointment process and required appointment list provides a process for Council to follow in the event of a vacancy.

**IV. ALTERNATIVES:**

Council may choose not to adopt the revisions to the Code of Conduct.

**V. FISCAL IMPACT:**

None.

**ATTACHMENTS:**

| File Name                                                                                                                            | Description                                                      |
|--------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------|
|  Coalinga_Code_of_Conduct_2024_-_Final_Draft.docx | Council Code of Conduct - Revised to Include Appointment Process |

## **Decorum of City Council Members**

1. Council Members shall:
    - a. put constituents first at all times;
    - b. treat each other, Staff, and the Public with dignity, courtesy, and respect;
    - c. value all opinions, be tolerant of new and different ideas, and encourage creativity and innovation;
    - d. follow through on commitments and be accountable to each other;
    - e. clarify when items are discussed in confidence and maintain appropriate confidentiality;
    - f. be attentive to others, limiting interruptions and distractions;
    - g. encourage dissent in debate while being mindful not to prolong discourse or block consensus;
    - h. be candid with each other about ideas and feelings, and resolve conflicts directly;
    - i. keep comments clear, concise, and on-topic to maximize opportunities for all to express themselves;
    - j. continuously strive to improve how members work as a team;
    - k. place clear and realistic demands on staff resources and time when requesting action;
    - l. start and end meetings on time, work from an agenda, and be present, attentive, and prepared;
    - m. present problems in a way that promotes discussion and resolution;
    - n. continually work to build trust in each other;
    - o. treat each other and everyone with courtesy and refrain from inappropriate behavior and derogatory comments at all times, including but not limited to Council Meetings, social media, and public events;
    - p. be fair, impartial, and unbiased when voting on quasi-judicial actions;
    - q. move to require the Mayor to enforce these Rules, and the Mayor shall do so upon an affirmative vote of a majority of the Council Members present;
    - r. preserve order and decorum during the meeting;
    - s. not delay or interrupt the proceedings or the peace of the council, nor disturb any Council Member while speaking, by conversation or otherwise;
    - t. prohibit disclosure of confidential communications and authorize public
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- censure for failure to comply;
  - u. support the Rules established by the Council;
  - v. abide by these Rules in conducting the business of the City of Coalinga;
  - w. value each other's time;
  - x. attempt to build consensus on an item through an opportunity for dialogue; but when this is not possible, the majority vote shall prevail and the majority shall show respect for the opinion of the minority;
  - y. have the right to dissent from, protest, or comment upon any action of the Council;
  - z. respect each other's opportunity to speak and, if necessary, agree to disagree;
  - aa. avoid offensive negative comments and shall practice civility and decorum during discussions and debate;
  - bb. assist the Mayor's exercise of the affirmative duty to maintain order;
  - cc. speak to the City Manager directly on issues and concerns but not give individual direction;
  - dd. treat staff professionally and refrain from publicly criticizing individual employees;
  - ee. avoid involvement in personnel issues except during Council closed sessions regarding Council-appointed staff such as the City Manager and City Attorney, including hiring, firing, promoting, disciplining, and other personnel matters;
  - ff. discuss directly with the City Manager and/or City Attorney any displeasure with a department or Staff;
  - gg. request answers to questions on agenda items from the City Manager, City Attorney, City Clerk, City Treasurer, Department Directors, or Division Managers prior to the meeting whenever possible;
  - hh. be deemed to have forfeited his or her title to office upon failing to attend four (4) consecutive Regular City Council Meetings without excuse;
  - ii. may present via audio, visual, presentation or other means of communications any agenda item requested to be placed on the agenda by that Council Member; and
  - jj. disclose conflicts of interest:
    - ⓐ The Political Reform Act prohibits any public official from making, participating in making, or in any way attempting to use his/her official position to influence a governmental decision in which the public official knows or has reason to know he/she has a financial interest.
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(i) A Public Official who holds an office specified in Government Code Section 87200, and who has a disqualifying financial interest in a decision, shall identify the conflict of interest or potential conflict of interest, and immediately, prior to the consideration of the matter, do all of the following:

- publicly identify the financial interest that gives rise to the conflict of interest or potential conflict of interest in detail sufficient to be understood by the public, except that disclosure of the exact street address of a residence is not required;
- recuse himself/herself from discussing and voting on the matter, or otherwise acting in violation of Government Code Section 87100;
- Leave the room until after the discussion, vote, and any other disposition of the matter is concluded, unless the matter has been placed on the portion of the agenda reserved for uncontested matters;
- And, the Public Official may speak on the issue during the time the general public speaks on the issue, but not from the dais.

(ii) Public Officials who have a disqualifying conflict of interest shall also comply with the administrative regulations of the Fair Political Practices Commission, as may be amended or adopted, from time to time, for implementing this rule.

kk. direct all contracts to City Manager for signature.

ll. strive to pass balanced budgets in a timely manner.

mm. not submit requests for non-budgeted expenses as those types of agenda items should originate on the City Council agenda from City Staff via the City Manager if it relates to City building maintenance, staffing, personnel, City vehicles, repairs or upgrades.

nn. refrain from interfering in City administrative duties assigned to the City Manager and Department Heads. All requests from City Staff should flow through their supervisors and the City Manager.

oo. not be involved in the day-to-day work of the City Staff and should make sure not to interfere in the maintenance, personnel needs, City structures and Staff requests.

pp. not interfere with the execution by the City Manager of his or her powers or duties. Except for purposes of inquiry, the Council and its members shall deal with the portion of the administrative services for which the City Manager is responsible solely through him or her. Council Members are not allowed to interfere and/or influence the City Manager in making purchases of any materials, supplies or increase in personnel that come from a City Staff Member or department that have not gone through the chain of command and

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- have approval from the City Manager.
- qq. set policy, but it is the City Manager who actually implements the policies. This means it is not the role of the Council Member to supervise City employees on the job or become involved in the day-to-day administration of City affairs such as personnel, building repairs, and maintenance and all requests from City Staff shall go through the City Manager.
  - rr. not be authorized to interfere with the City Manager's administration of City government. Council Members may not give orders to Staff, Department Heads or other City employees. To do its job, however, Council may request information from City Staff on how the City is operating, however any actions from those conversations that could impact the budget or disrupt from the City Manager's ability to lead should originate from City Staff and follow their chain of command. This does not stop Council from asking questions to City Staff pertaining to a Future Agenda Item they are working on unrelated to duties of the City Manager.
  - ss. understand it is the City Manager who has the power, and it shall be his or her duty, to appoint, discipline and remove all employees of the City under his or her jurisdiction, subject to civil service requirements.
  - tt. receive individual emails from the City Clerk monthly outlining each individual Council Member's travel and training budget balance.

### **Decorum of City Staff**

1. City Staff shall:
    - a. prepare well-written staff reports and provide accompanying documents on all agenda items in accordance with the agenda format and preparation schedule;
    - b. be available for questions from Council Members in accordance with the Brown Act prior to and during meetings;
    - c. respond to questions from the public during meetings only when requested to do so by Council Members or the City Manager;
    - d. refrain from arguing with the Public or Council Members;
    - e. switch any electronic equipment such as pagers and cellular telephones to silent, airplane mode or off during Council Meetings;
    - f. remain objective on issues and should not be advocates for issues unless so directed by the City Manager; and
    - g. disclose conflicts of interest:
      - (i) The Political Reform Act prohibits any Staff Member from making, participating in making, or in any way attempting to use his/her official position to influence a governmental decision in which the public official knows or has reason to know he/she has a financial interest.
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(ii) A Staff Member who holds an office specified in Government Code Section 87200, and who has a disqualifying financial interest in a decision, shall identify the conflict of interest or potential conflict of interest, and immediately, prior to the consideration of the matter, do all of the following:

- publicly identify the financial interest that gives rise to the conflict of interest or potential conflict of interest in detail sufficient to be understood by the public, except that disclosure of the exact street address of a residence is not required;
- recuse himself/herself from discussing the matter, or otherwise acting in violation of Government Code Section 87100;
- Leave the room until after the discussion, vote, and any other disposition of the matter is concluded, unless the matter has been placed on the portion of the agenda reserved for uncontested matters;
- And, the Staff Member may speak on the issue during the time the general public speaks on the issue, but not from the dais.

(iii) Staff Members who have a disqualifying conflict of interest shall also comply with the administrative regulations of the Fair Political Practices Commission, as may be amended or adopted, from time to time, for implementing this rule.

### **Decorum of the Public**

1. Any Member of the Public who is a Lobbyist shall identify themselves and the client(s), business, or organization they represent before speaking to the Council.
  2. Members of the Public attending Council meetings shall observe the same rules and decorum applicable to the Council Members and staff as noted above.
  3. Members of the Public attending Council meetings shall not bring food items into the Council Chambers. Water is okay so long as the container it is in has a closed top.
  4. No person shall engage in conduct that is intended to or is likely to provoke violent or riotous behavior, nor shall any person engage in conduct that disturbs the orderly conduct of the Council meeting. Examples of disorderly conduct include, but are not limited to, feet-stamping, whistling, yelling or shouting, organized silent demonstrations, physically threatening conduct, name calling, cursing, and similar demonstrations.
  5. The Mayor shall request that a person who is breaching the rules of decorum cease the conduct. If the person does not cease the conduct immediately, the Mayor may declare that person to be in disorder as a result of their conduct and order the
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person to leave the Council Meeting. The Coalinga Police Department shall assist the Mayor in enforcing the rules of decorum, including removing disorderly persons upon order of the Mayor.

6. Any person who willfully engages in conduct which is designed to or is likely to provoke others to engage in violent or riotous behavior, disturbs the peace of the meeting by loud and unreasonable noise, engages in other disruptive conduct which substantially interferes with the orderly conduct of business before the Council, and who fails, upon request of the Mayor, or representative acting in the capacity of the Mayor, to cease such activity, shall be barred from further attendance at such meeting unless permission to remain and/or address the Council is granted by a majority vote of the Council. A person violating this subsection may be charged with a misdemeanor.

### **Addressing the Council**

1. Purpose of Citizen Comments. During City Council meetings, the City provides opportunities for the public to address the Council as a whole in order to listen to the public's opinions regarding matters within the jurisdiction of the City.
    - a. Citizen Comments should not be addressed to individual Council Members not to City Officials, but rather to the Council as a whole regarding City business.
    - b. While Members of the Public may speak their opinions on City business, personal attacks on Council Members and City Officials, use of swear words, and signs or displays of disrespect for individuals are discouraged as they impede good communication with the Council.
    - c. Consistent with the Brown Act, the public comment periods on the agenda are not intended to be "Question and Answer" periods or conversations with the Council and City Officials.
    - d. Members of the Public with questions concerning Consent Calendar items may contact the Staff person who provided the report prior to the meeting.
  2. Citizens interested in making comments related to a specific agenda item shall complete a Public Comment Card and provide it to the City Clerk prior to the vote on the item they wish to speak on.
  3. Speaker time limits. In the interest of facilitating the Council's conduct of City Business, the following time limits apply to Members of the Public (speakers) who wish to address the Council during the meeting.
    - a. Matters within the jurisdiction of the City. Three (3) minutes per speaker.
    - b. Time limits per meeting.
      - (i) Each speaker shall limit his/her remarks to the specified time allotment.
      - (ii) The City Clerk shall consistently utilize the timing system.
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- (iii) In the further interest of time, speakers may be asked to limit their comments to new materials and not repeat what a prior speaker said. Organized groups may choose a single spokesperson who may speak for the group, but with no increase in time.
- (iv) Speakers shall not concede any part of their allotted time to another speaker.
- (v) The Mayor, with consensus of Council, may further limit, or expand, the time allotted for public comments per speaker or in total for the orderly conduct of the meeting; such limits shall be fairly applied.

### **Electronic Devices**

1. Members of the Public shall turn their electronic devices that are capable of emitting sound – including cellular telephones, personal data devices, pagers, digital tablets, laptop computers, etc. – to the off or silent mode during Council Meetings.
2. Cameras. Cameras and recording equipment may be used during Council Meetings only if:
  - a. the devices are silent during use; and
  - b. the devices are used in a manner and at locations that do not impede walkways or others views of the meeting or disrupt the conduct of the meeting.

### **Location of Speaker**

1. Members of the Public shall not approach the dais without the express consent of the Mayor.
2. Members of the Public wishing to address the Council must approach the podium when recognized by the Mayor and speak only from the podium.
3. Members of the Public should, but are not required, to state their name and address before beginning comments.

## **MEETING TYPES AND SCHEDULES**

### **Regular Meetings**

1. The Council shall meet the first and third Thursday of each month generally beginning at 6:00 p.m. in the City Hall Council Chambers, 155 W. Durian Ave, Coalinga, California, except as otherwise provided in the annually adopted meeting schedule or as otherwise revised by the Council.
  2. Whenever possible, Special Workshops shall take place in the Council Chambers.
  3. All City Council Meetings, Regular or Special, other than Emergency Meetings,
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including workshops, shall not be scheduled before 5:00 p.m.

### **Adjourned Meetings**

As permitted by law, the Council may adjourn any Regular, Adjourned Regular, Special, or Adjourned Special Meeting to a time and place specified in the motion of adjournment.

Any Regular, Adjourned Regular, Special, or Adjourned Special Meeting of the Council may be adjourned to a time and place specified in the order of the adjournment. Less than a quorum may so adjourn from time to time. If all the members of the Council are absent from a Regular or Adjourned Regular Meeting, the City Clerk or Deputy City Clerk may declare the meeting adjourned to a stated time and place and shall cause a written notice of the adjournment to be delivered personally or by mail to each member of the Council, the City Attorney, and to each local newspaper of general circulation and radio or television station requesting notice in writing. Such notice shall be delivered personally or by mail at least twenty-four (24) hours before the time of such meeting as set forth in the notice. A copy of the order or notice of an adjournment shall be conspicuously posted on or near the door of the place where the Regular, Adjourned Regular, Special, Adjourned Special Meeting was held within twenty-four (24) hours after the time of the adjournment. When a Regular or Adjourned Regular Meeting is adjourned as provided in this section, the resulting Adjourned Regular Meeting shall be a Regular Meeting for all purposes. When an order of adjournment of any meeting fails to state the hour at which the Adjourned Meeting is held, it shall be held at the hour specified for Regular Meetings by ordinance, resolution, law, or other rules.

### **Special Meetings**

A Special Meeting of the City Council may be called at any time by the Mayor, Mayor Pro-Tem, or by a majority of the members of the Council by delivering personally or by mail a written notice to each member of the Council, the City Attorney, and to each local newspaper of general circulation and radio or television station requesting notice in writing. Such notice shall be delivered personally or by mail at least twenty-four (24) hours before the time of such meeting as set forth in the notice. The call and notice shall set forth the time and place of the Special Meeting and the business to be transacted. No other business shall be considered at such meeting. Such written notice may be dispensed with as to any member who, at or prior to the time the meeting convenes, files with the City Clerk or Deputy City Clerk, a written waiver of the notice. Such waiver may be given by telephone or by telegram. Such written notice may also be dispensed with as to any member who is actually present at the meeting as the time it convenes.

### **Emergency Meetings**

1. In the case of an emergency situation involving matters upon which prompt
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action is necessary due to the disruption or threatened disruption of public facilities, the legislative body may hold an Emergency Meeting without complying with either the 72-hour or 24-hour notice and posting requirements for Regular and Special Meetings, but shall otherwise comply with the Brown Act procedures generally stated below.

2. Each local newspaper of general circulation and radio or television station that has requested notice of Special Meetings pursuant to the Brown Act, shall be notified by the Mayor of the legislative body, or designee thereof, at least one hour prior to the Emergency Meeting, or in the case of a dire emergency, at or near the time that the Mayor or designee notifies the Council of the Emergency Meeting.
3. This notice shall be given by telephone call to the numbers provided in the most recent request for notification.
4. In the event that telephone services are not functioning, the notice requirements of this section shall be deemed waived, and the legislative body, or designee of the legislative body, shall notify those newspapers, radio stations, or television stations of the Emergency Meeting, the purpose of the meeting, and any action taken at the meeting as soon after the meeting as possible.
5. During an Emergency Meeting, the legislative body may meet in closed session pursuant to the Brown Act if agreed to by a two-thirds vote of the members present, being not less than four votes of the Council.
6. All Special Meeting requirements in the Brown Act shall be applicable to an Emergency Meeting, with the exception of the 24-hour notice and posting requirement.
7. The minutes of an Emergency Meeting; a list of persons who the Mayor or designee of the Council, notified or attempted to notify; a copy of the roll call vote; and any actions taken at the meeting, shall be posted for a minimum of ten (10) days in a public place as soon after the meeting as possible.

### **Closed Sessions**

1. Closed Sessions generally shall be conducted on the first and third Thursday of every month or during Special Meetings held immediately prior to Regular Meetings.
  2. In accordance with the Brown Act, the public may speak regarding any Closed Session item prior to the Closed Session during the Citizen Comments portion of the agenda.
  3. All Closed Session information, verbal or written, is privileged and confidential and shall not be shared with any person not at the Closed Session. Any Council Member sharing information in violation of this rule may be subject to censure by
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the Council consistent with the Council's confidentiality policy then in effect.

4. The City Attorney shall report out in open session any reportable actions that were taken by Council and the vote on such actions in accordance with the Brown Act.

### **Public Hearings**

1. The City Clerk shall set Public Hearing dates on all matters that require a notice and Public Hearing before the Council, such as matters received from the planning division and appeals to the Council.
2. Public Hearings will not be withdrawn or continued without the full knowledge and concurrence of the Council Members within whose districts/jurisdiction the issue resides.
3. The Council may refuse to grant a continuance of any Public Hearing unless there is a valid legal reason why the Public Hearing must be continued.
4. Continuances.
  - a. Any person (applicant, appellant, or designated representative) scheduled for a Public Hearing before the Council:
    - (i) may obtain one continuance for a period not to exceed the second Regular Meeting after the original scheduled Public Hearing date, as a matter of right, without personally appearing before the Council on the scheduled hearing date, provided a written request for the continuance must be delivered to the City Clerk by noon on the day prior to the scheduled Public Hearing. Any person, who has once obtained a continuance by any procedure, may not obtain a subsequent continuance by notifying the City Clerk as provided in this Rule 6.F.a(i).
    - (ii) who wants to obtain a continuance of the Public Hearing beyond the second Regular Meeting after the original scheduled Public Hearing date, or has not notified the City Clerk as provided in Rule 6.F.4.a(i), may obtain a continuance only by appearing before the Council at the time the original Public Hearing is scheduled and requesting a continuance. This continuance is not a matter of right and will not be granted unless the Council is satisfied that good cause exists for the continuance and that a substantial number of people will not be inconvenienced by such continuance.
    - (iii) who has once obtained a continuance of a Public Hearing either by notice to the City Clerk per Rule 6.F.4.a(i) or by personal appearance per Rule 6.F.4.a(ii), may obtain a further continuance only by appearing before the Council at the scheduled Public Hearing and satisfying the Council that extraordinary circumstances exist that

would justify this second continuance.

- (M) who has twice obtained a continuance of a Public Hearing, may obtain an additional continuance only by appearing before the Council at the scheduled hearing and satisfying the Council that a miscarriage of justice would result from the refusal of the Council to grant a continuance.
- b. City Staff may request and upon Council's approval obtain a continuance based on the need of the originating department or on behalf of a Council Member. Department staff may request, via the City Clerk, as many continuances as needed to complete and ready the project or appeal for the Public Hearing process; however, Staff may not serve as a requestor on behalf of an applicant or appellant.
- c. Any organized group of residents or neighborhood associations, not recognized as an applicant or appellant, may contact their Council Member and request a continuance as needed to complete and ready the project or appeal for the hearing process. The Council Member, in his or her sole discretion, may request the Council approve the continuance for good cause.
- d. At the meeting when the Public Hearing is scheduled, but before the hearing starts, any Council Member may request the Council approve a continuance.
- e. Disputes regarding the length of a continuance will be decided by the Council at the scheduled hearing if City Staff or the City Clerk cannot obtain mutual agreement between the parties beforehand.

## **MEETING AGENDAS**

### **Requirements for Agenda Item Submission**

1. The City Manager and City Clerk shall develop the agenda for Council Meetings in consultation with the Mayor and Mayor Pro-Tem.
  2. Council Members may submit items for inclusion on a future agenda by submitting the request via email within ten (10) days of the next finalized agenda via email or written notice.
  3. Council Members may submit staff reports or descriptions of oral reports to the City Clerk and or the City Manager for placement on the agenda.
  4. Department directors, subject to the discretion of the City Manager, may submit staff reports or descriptions of oral reports to the City Clerk for placement on the agenda.
  5. Outside agencies may submit agenda items in accordance with the following:
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- a. Items from outside agencies must be sponsored for agenda placement by Council Members or department Staff; and
  - b. All agenda items must be submitted in accordance with the agenda packet submission and preparation requirements.
6. All Items placed on a City Council agenda, including all exhibits and attachments, shall be reviewed and approved by the City Attorney prior to finalizing the agenda.

### **Declaration of Policy**

1. No ordinance, resolution, motion, or item of business shall be introduced or acted upon at a meeting of a legislative body of the City without it appearing on a duly noticed and posted agenda in accordance with the Brown Act. Exceptions to this rule are limited to those provided by state law.
2. No ordinance, resolution, motion, or item of business will be considered that:
  - a. does not affect the conduct of the business of the City of Coalinga or its powers or duties as a municipal corporation, or
  - b. supports or disapproves of any legislation or action
    - (i) of the State of California;
    - (ii) of the Congress of the United States; or
    - (iii) before any officer or agency of the state or nation,unless the proposed legislation or action, if adopted, will affect the conduct of the municipal business or the powers or duties of the City of Coalinga or its officers or employees.
  - c. Rule 7.B.2 may be invoked only before Public Comment or Council deliberation on the matter and by three affirmative votes on the question: "Shall the Council consider this matter?"

### **Procedures for Submission of Reports**

1. A written staff report should be prepared and submitted for agenda review in accordance with the agenda review procedure.
  2. Staff reports shall include a section reflecting review by the City Attorney as appropriate.
  3. "Continued" items do not require a new staff report if there are no changes other than the agenda date. If there is any other change, a new staff report meeting all applicable requirements must be submitted.
  4. Staff reports shall contain the name of the staff member or department head putting the item on the agenda.
  5. Staff reports shall include any fiscal information as it relates to the City budget or
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spending or saving money.

### **Written Communications from the City and the Public**

1. The City Clerk, City Manager, and or City Attorney shall manage communications to Council Members regarding meeting topics to ensure compliance with the Brown Act.
  - a. Except for records exempt from disclosure under the California Public Records Act and otherwise by law, agendas or any other writings distributed to all or a majority of the Council Members for discussion or consideration at a Public Meeting are disclosable to the public, and shall be made available upon request without delay.
  - b. Materials distributed to the Council Members during the meeting shall be available for viewing by the public during the meeting if the materials were prepared by the City or a Council Member, or at the conclusion of the meeting if prepared by another person.
2. Interested parties or their authorized representatives may address the Council by written communications regarding anything within the jurisdiction of the City. Citizen Comments submitted in writing to the City Clerk by 5:00pm on the day of the City Council meeting shall be distributed to the City Council and included in the record, however they will not be read..
  - a. Written communications received by the City Clerk prior to posting of the agenda will be included in the agenda packet material. Written communications received by the City Clerk after that deadline will be delivered to the Council Members at the Council Meeting if related to an item on the meeting agenda.
  - b. Documents (10 copies recommended) that members of the public submit to the City Council at the meeting shall be given directly to the City Clerk for distribution and shall not be given directly to the Council. The documents will be made available to the public.

### **Preparation of the Agenda Packet**

1. No later than 6:00 p.m. on the Monday prior to each regularly scheduled meeting, the City Clerk shall finalize the agenda packet.
  2. Agenda Packet Contents.
    - a. The agenda packet shall include the agenda, the staff reports, draft resolutions and ordinances, contract, and other attachments. Items noted as “To Be Delivered” on the agenda will be delivered prior to the start of the Council Meeting and published to the City’s website no later than the following day. No item shall be required to be considered by the Council if the applicable written material is not delivered to the Council before the agenda item is discussed and
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made available to the public at the same time.

- b. Corrections or supplements to a staff report or other written materials already included in the agenda packet may be delivered separately.
- c. All agreements on the agenda shall be available for review by the Council and the Public prior to the meeting, or at the meeting location during the meeting, unless determined otherwise by the City Attorney.

### **Distribution of the Packet**

1. The City Clerk shall distribute the agenda packet to the Council Members and persons requesting copies of the agenda packet no later than Monday at 6:00 p.m. prior to the regularly scheduled meeting.
2. Paper or electronic copies of the agenda packet shall be available for the news media and other such organizations, agencies, institutions, or persons who so subscribe.

### **Posting of Agenda**

1. The City Clerk shall post the agenda of each Regular or Adjourned Regular Meetings of the legislative body at least 72 hours in advance of the meeting in a location that is freely accessible to members of the public as required by the Brown Act.
2. The City Clerk shall maintain an affidavit indicating the location, date, and time of posting each agenda.
3. Agendas will generally be published to the City's website by the end of business on the Monday before Regular Meetings.
4. Staff reports including attachments, exhibits, and agreements will generally be published to the City's website by end of business on the Monday before Regular Meetings.
5. If technical difficulties occur, the agenda and reports will be published on the City's website as soon as those difficulties are resolved.

### **Failure to Meet Agenda Deadlines**

1. The City Clerk shall not, without the consent of the City Manager or City Attorney, accept any agenda item or revised agenda item after the deadlines established and noted in these Rules.

### **Exceptions to the Agenda Requirement**

1. Matters not included on the published agenda may be discussed and acted upon by the legislative body only in the following situations:
    - a. at a meeting during which a majority of the Council Members determine in open
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- session that the matter in question constitutes an “emergency”; or
- b. Upon a determination by two-thirds of the Council Members, or if less than two-thirds are present by unanimous vote of the Council Members present, that:
    - (i) there is a need to take immediate action; and
    - (ii) the need for action came to the attention of the City after the agenda had been posted; or
  - c. the item was posted for a prior meeting occurring not more than five (5) calendar days prior to the date action is taken on the item, and at the prior meeting the item was continued to the meeting at which action is being taken.

### **Types of Agenda Items**

1. Closed Sessions – confidential discussions with the legislative body as permitted by the Brown Act.
  2. Ceremonial Matters – the presentation and receipt of ceremonial resolutions and celebrations not requiring formal legislative body action.
  3. Administrative Matters – consent items making clerical corrections to previous legislative documents and to ensure accurate legislative history.
  4. Consent Calendar – considered one item, consisting of informational items, matters routine in nature or only requiring a yes or no response without formal discussion and not likely to be subject to debate or inquiry by the Council Members or the public; typically adopted in one motion.
  5. Public Hearings – duly noticed hearings as mandated by local, state, or federal law, providing an opportunity for public review and comment of a proposed action by the Council.
  6. New Business – non-routine items requiring an oral presentation and discussion before action is taken.
  7. Information Items – items when staff is required by federal or state law or city code to inform Council of an issue when authority has been delegated to a person, position, board, or commission.
  8. Public Comment – oral communications from the public regarding matters within the subject matter jurisdiction of the City.
  9. City Council Reports and Requests:
    - a. Brief oral or written reports summarizing meeting or conference attendance at City expense, as required by AB 12349;
    - b. Requests that City Manager or Staff report on various issues;
    - c. Requests to place items on a future Council Meeting agenda must be approved (consensus by Council must be received);
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- d. Reports on district and citywide activities or news.

### **Ordinances and Non-Binding Resolutions**

1. Ordinances on the agenda may be passed for publication or adopted in accordance with established procedures.
2. Ordinance changes during the review and adoption process.
  - a. The text of an ordinance receiving the necessary votes to bring the matter to Council shall be the text that is included in the published agenda as pass-for-publication.
  - b. The text of an ordinance passed for publication shall be the text that is included in the published agenda for the meeting at which the adoption of the ordinance is discussed.
  - c. Notwithstanding subsections a, b, and c, typographical and clerical errors may be corrected at any time during the ordinance review and adoption process.
  - d. If a Staff Member intends to make a substantive (i.e., anything not typographical or clerical) change to an ordinance after it is included in a published agenda, at or before the time the ordinance adoption item is called on the agenda the Staff Member shall distribute sufficient written copies of the proposed change so that all other members, the Council Members, relevant City Staff, and the public audience have copies.
  - e. Consideration of a proposed substantive change from the ordinance text that was included in the published agenda shall be continued until the next Regular Council Meeting unless another meeting date is approved by Council.
  - f. If the Council's motion to adopt an ordinance includes a change to the ordinance text from that published in the agenda, prior to the vote the City Attorney or City Clerk shall repeat verbatim the proposed change or otherwise indicate the change is reflected in the circulated written copy of the change.

## **COUNCIL APPOINTMENTS**

### **Local Appointments List**

1. On or before December 31 of each year, the City Council shall prepare an appointments list of all regular and ongoing boards, commissions, and committees which are appointed by the City Council. The list shall contain the following information:
    - a. A list of all appointive terms which will expire during the next calendar year, with the name of the incumbent appointee, the date of appointment, the date the term expires, and the necessary
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qualifications for the position.

- b. A list of all boards, commissions, and committees whose members serve at the pleasure of the City Council, and the necessary qualifications for each position.
2. The Local Appointments List shall be made available to the public for a reasonable fee which shall not exceed the actual cost. The City Council shall either post a copy of the list on the City's website or at the public library.
3. A special vacancy notice shall be posted in the City's clerk office, on either the City's website or at the public library, and in other places as directed by the City Council, not earlier than 20 days before or not later than 20 days after the vacancy occurs. Final appointment to the board, commission, or committee shall not be made by the City Council for at least 10 working days after the posting of the notice in the clerk's office.
  - a. Notwithstanding the above, the City Council may, if it finds that an emergency exists, fill the unscheduled vacancy immediately. A person appointed to fill the vacancy shall serve only on an acting basis until the final appointment is made.
4. The applicants for the vacancy shall submit a completed application to the city clerk by the deadline posted.
  - a. The City Council may not appoint anyone who failed to submit a timely application.

## **CONDUCT OF MEETING**

### **Call to Order – Mayor**

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1. The Mayor, or in the Mayor's absence the Mayor Pro-Tem, shall take the chair at the hour appointed for the meeting and shall immediately call the meeting of the Council to order.
2. In the absence of the Mayor and Mayor Pro-Tem, the City Clerk shall call the meeting to order and a Mayor *Pro-Tempore* shall be appointed from the members present.
3. Upon the arrival of the Mayor, the Mayor Pro-Tem or Mayor Pro-Tempore shall immediately relinquish the chair at the conclusion of the business then before the Council.
4. Call to Order includes Pledge of Allegiance, Changes to the Agenda, and Council's Approval of Agenda.

### **Roll Call / Attendance**

1. A majority of the members of the Council then in office and present within the City limits of Coalinga shall constitute a quorum.
2. Before the Council proceeds with the business before it, the City Clerk shall call the roll and note the Council Members present for the minutes. The late arrival of Council Members shall be entered into the minutes.
3. A Council Member shall be considered present at a meeting if the member either is physically in the Council Chambers or is participating in the meeting through teleconference in accordance with the Brown Act. Meeting attendance of Council Members through teleconference will be permitted on a case-by-case basis, determined by the majority of Council.
4. Council Members attending a council meeting through a teleconference are counted when determining a quorum.
5. Council Members must be physically present at the Council Chamber dais or teleconference location to vote. Proxy or absentee voting is not permitted.

### **Order of Discussion**

The order of business is typically carried out as listed on the agenda or as set out below; however, the Mayor, Mayor Pro-Tem and or City Manager may request the items, unless Council Members object.

Council Members may request items be reordered by motion.

2. Awards, Presentations, Appointments and Proclamations.
    - a. Ceremonial presentations, proclamations, or recognition shall be presented by Department Heads, City Manager, or the requesting Council Member.
  3. Citizen Comments will be held at the beginning of the meeting.
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4. Public Hearings.

a. The order of Public Hearings will generally be as follows:

- (i) Open Public Hearing
- (ii) Staff comments, information, and reports, followed by Council Member questions.
- (iii) Proponent, if applicable, speaks, followed by Council Member questions.
- (iv) Opponent, if applicable, speaks, followed by Council Member questions.
- (v) If the Public Hearing is on an appeal that does not require Council *de novo* review, then the appellant (opponent) speaks before the applicant (proponent) in accordance with the allotted time.
- (vi) Public Comments.
- (vii) If the Public Hearing is a *de novo* review appeal, the applicant speaks in rebuttal, but if not a *de novo* review appeal, the appellant speaks in rebuttal.
- (viii) Closure of Public Comment.
- (ix) Further Council Member discussion.
- (x) Motion to close Public Hearing and take action. See Rule 6.F regarding continuances.

b. The Mayor may direct speakers to avoid repetition in order to permit maximum information to be provided the Council within the time allotted to the hearing.

5. Consent Calendar

a. Consent Calendar items removed for discussion.

- (i) Council Members or the City Manager may request that an item be removed from the Consent Calendar for separate consideration.
- (ii) Members of the Public wishing to have an item removed from the Consent Calendar for separate consideration may make a request to a Council Member or the City Manager prior to the beginning of council meeting.

b. All matters remaining on the Consent Calendar shall be approved by a single action, such single action to have the legal effect of individual action on each matter.

c. If Consent Calendar items are removed, they shall be discussed immediately, public comment shall be heard from members of the public who completed comment cards and then items shall be voted on individually after adoption of the balance of the Consent Calendar.

6. Ordinance, Presentation, Discussion and Potential Action

a. The order of discussion after introduction of an item by the Mayor will

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generally be as follows:

- (i) Staff comments, information, and reports, followed by questions from the Council Members.
    - (ii) Council Member discussion, comments from members of the public who completed comment cards, Council motion, and Council action.
  - b. Once the item is placed before the Council for discussion, motion, or action, no member of Staff or the Public shall be allowed to address the Council without the consent of the Mayor or Council Members.
7. Announcements
- a. City Manager's Announcements
  - b. Councilmember's Announcements/Reports
  - c. Mayor's Announcements
8. Future Agenda Items
9. Closed Session
- a. Closed or Executive Session 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.
10. Closed Session Report
11. Adjournment

### **Oral Communications from the Audience**

1. As required by the Brown Act, a portion of each Council Meeting agenda will provide an opportunity for members of the Public to address the Council on any item within the jurisdiction of the City, including Closed Session, Consent Calendar and Discussion items.
2. In response to Citizen Comments, Council Members may individually:
  - a. ask questions for clarification;
  - b. request that Staff follow up with the Community Member; and
  - c. request Staff, with consensus of Council, to place a matter of business on a future agenda as needed.

### **Quorum Call**

1. During the course of the meeting, should the presiding officer note a quorum is lacking, the Mayor shall call this fact to the attention of the City Clerk.
  2. The Mayor then shall issue a quorum call. If a quorum has not been restored
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within two minutes of a quorum call, the Mayor may declare a recess for a reasonable period of time in order to reestablish a quorum.

3. If no quorum is reestablished within a reasonable time, the Mayor shall adjourn the meeting.

### **Obtaining the Floor**

1. Any Council Member wishing to speak must first obtain the floor by being recognized by the Mayor. The Mayor shall recognize any Council Member who seeks the floor when appropriately entitled to do so.
2. With the concurrence of the Mayor, a Council Member holding the floor may address a question to another Council Member and that Council Member may respond while the floor is still held by the member asking the question. A Council Member may opt not to answer a question while another member has the floor.

### **Motions to Reconsider an Item**

1. A motion to reconsider any action taken by Council may be made only on the day such action was taken. It may be made either immediately during the same session, or at a recessed or adjourned session thereof. Such motion must be made by one of the prevailing side, but may be seconded by a member, and may be made at any time and have precedence construed to prevent any member of the Council from making or remaking the same or any other motion at a subsequent meeting of the Council so long as the ability to make such motion meets the requirements of applicable law.

### **Tabled Items**

1. If an item is tabled to a future City Council Meeting date, prior to placing the tabled item on the agenda, the City Clerk and/or City Manager will confirm with the originator of the item that the item should be placed back on the agenda.

### **Motions**

1. *Robert's Rules of Order, a manual of parliamentary procedure* shall be used for the management of motions.

### **Swearing in of New City Council Members**

1. Newly elected City Council Members shall be sworn in during a Special City Council Meeting beginning at 5:00pm on the first Thursday of January following an election, when possible.

### **Selecting a Mayor and Mayor Pro Tem**

1. The Mayor and Mayor Pro-Tem positions are selected by a majority of the
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Council at any new Council term, or at any time a reorganization is called for and approved by a majority of the Council. Members eligible for those positions must have served on the Council at least one year in any term on the Council. Members without one year of Council experience are ineligible.

**Council Salary**

Council members are paid a salary in accordance with Sec. 2-1.203. of the City of Coalinga Municipal Code.

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**Review**

1. The Council Rules of Procedure will be reviewed annually by the Coalinga City Council on or about each February.
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