

City Hall
 City of Calipatria
 April 27, 2010
 6 PM

REGULAR MEETING OF THE CITY COUNCIL
 OF THE CITY OF CALIPATRIA

MINUTES

CALL TO ORDER: *6 pm*

PLEDGE OF ALLEGIANCE: *Chief Hall*

INVOCATION: *Smith*

ROLL CALL: Mayor Peter Fuentes, Mayor Pro Tem Raul Navarro, Brian Smith, Trevor Green, Fred R. Beltran

PRESENT: *Beltran, Smith, Green, Navarro, Fuentes*

ABSENT: *Smerdon*

ALSO PRESENT: *K. Lopez, R. Medina, Chief Hall, IPC Mara*

MAYOR'S MESSAGE/PUBLIC COMMENT

At this time the Council will hear comments on any agenda item and on any item not on this agenda. Personal attacks on individuals, slanderous comments or comments that may invade an individual's privacy are prohibited. If you wish to be heard, please stand and address yourself to the Mayor, we request that you limit your remarks to no more than three (3) minutes. *Dave Godsey, GSWC was advised that Ord. 10-002 was illegal, according to article 12 in the Ca. Constitution. It needs to be revised. Mr. Chris Frolich stated that more information needs to be given regarding large item pick ups.*

INFORMATION REPORTS

Johnson Controls- Judy Capps- *information provided for a solar power purchase agreement for a solar project at the wastewater treatment plant*

Façade Monthly Report- The Holt Group- *staff report provided to council*

Police Report

Fire Report

MOTION: *Smith* SECOND: *Navarro* VOTE: *Carried*

CONSENT AGENDA

1. Warrants
2. Minutes- April 13th

MOTION: *Smith* SECOND: *Green* VOTE: *Carried*

ADJOURN TO THE CONTINUATION OF PUBLIC HEARING FROM MARCH 23, 2010 REDEVELOPMENT AGENCY FOR THE ADOPTION OF THE FIVE-YEAR

IMPLEMENTATION PLAN PREPARED PURSUANT TO SECTION 33490 OF THE CALIFORNIA COMMUNITY REDEVELOPMENT LAW

DISCUSSION/DIRECTION

RDA Potential Projects Urban Futures- Marshal Linn

Smith motions to direct staff to continue with the tax allocation bond projects process; Green seconds; and it carries

NEW BUSINESS

MOTION: *Smith* SECOND: *Beltran* VOTE: *Carried*

RESOLUTION 10-23

A RESOLUTION OF THE CALIPATRIA REDEVELOPMENT AGENCY ADOPTING ITS 2009- 2014 IMPLEMENTATION PLAN FOR THE CALIPATRIA REDEVELOPMENT PROJECT R. Medina

WHEREAS, California community Redevelopment Law ([CCRL] California Health and Safety Code Section 33000 et seq.) Section 33490 (a) (1) (A) requires that on or before December 31, 1994, and each five years thereafter, each redevelopment agency that has adopted a redevelopment plan prior to December 31, 1993, shall adopt, after a public hearing, an Implementation Plan that shall contain the specific goals and objectives of the agency for the project area, the specific programs, including potential projects and estimated expenditures proposed to be made during the next five years, and an explanation of how the goals and objectives, and programs and expenditures will eliminate blight within the project area and implement the requirements of CCRL Sections 33334.2, 33334.4, 33334.6, and 33413; *and*

WHEREAS, CCRL Section 33490(b) stipulates that for a project area for which a redevelopment plan is adopted on or after January 1, 1994, the Implementation Plan prepared pursuant to subdivision (c) of Section 3352 shall constitute the initial Implementation Plan and thereafter the agency, after a public hearing shall adopt an Implementation Plan every five years commencing with the fifth year after the plan has been adopted; *and*

WHEREAS, CCRL Section 33490(a) (1)B) provides that adoption of an Implementation Plan shall not constitute a project within the meaning of Section 21000 of the Public Resources Code, and therefore, CEQA compliance is not required prior to approval and adoption of the Implementation Plan; *and*

WHEREAS, the 2009- 2014 Implementation Plan was made available for public review not less than seven days prior to April 27, 2010, the Calipatria Redevelopment Agency (the Agency) conducted and concluded the above-referenced duly noticed hearing; *and*

WHEREAS, all legal prerequisites to the adoption of this Resolution, including publication, postings, and mailing of the required notice pursuant to CCRL Section 33490(d), and California Government Code Section 6063, have occurred.

NOW THEREFORE, the Calipatria Redevelopment Agency resolves: Section 1. Pursuant to CCRL Section 33490, the Agency, having heard all testimony and having considered the content of the 2009- 2014 Implementation Plan, hereby approves and

adopts the 2009-2014 Implementation Plan for the Calipatria Redevelopment Project, incorporated herein by this reference.

MOTION: *Smith* SECOND: *Navarro* VOTE: *Carried*
RECONVENE TO OPEN SESSION

MOTION: *Smith* SECOND: *Beltran* VOTE: *Carried w/amendment*
FIRST READING OF ORDINANCE 10-001 REGULATING REFUSE DISPOSAL
IN THE CITY OF CALIPATRIA - R. Medina City Manager

Section 1: Findings and Purpose:

a) The City Council finds and determines that storage, accumulation, collection and disposal of refuse, trash, rubbish, solid waste, debris and other discarded material, as well as recyclable material, is a matter of great public concern, in that improper control of such matters creates a public nuisance, which may lead to air pollution, fire hazards, illegal dumping, vector breeding and infestation and other problems affecting the health, welfare and safety of the residents of the city and adjacent communities. The City Council further declares that regulations provided in this ordinance are designed to eliminate or alleviate such problems.

(b) Further, the legislature of the State of California has enacted the California Integrated Waste Management Act of 1989 (California Public Resources Code Division 30, Sections 40000 et seq.) (the "Act" hereinafter) which evidences the substantial public health, safety and welfare needs of the citizens of the state with regard to the appropriate utilization of the resources of the state and directs the cities thereof to embark upon aggressive solutions to the generation of solid waste and the disposal thereof. The Act declares that the responsibility for solid waste management is a shared responsibility of both the state and local governments and establishes goals and objectives for the management of solid waste, including substantial penalties for failure by local government to effectively manage the solid waste generated within the community by means of source reduction and recovery programs, including recycling activities. Pursuant to the Act, this city has adopted its source recovery and recycling element and this ordinance is intended to assist in the implementation thereof.

Section 2: Definitions:

For the purpose of this ordinance, the following words and phrases are defined and shall be construed as hereinafter set forth, unless it is apparent from the context that a different meaning was intended. If a term or word is not specifically defined herein but is defined in the California Integrated Waste Management Act of 1989 (California Public Resources Code Sections 40000 et seq.) it shall have the meaning prescribed therein.

Animal waste. Manure, fertilizer, or any form of solid excrement produced by any and all forms of domestic animals or commercial livestock.

City. The City of Calipatria.

City clerk. The city clerk of the City of Calipatria, and his or her authorized deputies.

City manager. The city manager of the City of Calipatria or his or her designee.

Commercial premises. Buildings, structures and areas used principally for business, commercial or industrial purposes, and including the following: Hotels, motels,

apartment buildings containing more than four (4) apartments, condominium buildings containing more than four (4) condominiums, and including all other places that are not defined as residential units in this section.

Construction and demolition waste. The waste building materials, packaging, plaster, drywall, cement and rubble resulting from construction, remodeling, repair and demolition operations on pavements, buildings and other structures (except asbestos-containing materials or hazardous waste).

Composting. The controlled biological decomposition of organic wastes that are source separated from the solid waste stream.

Composting center, station or facility. A facility the principal function of which is to receive and to process green waste through composting.

Council. The City Council of the City of Calipatria.

Green waste. Vegetative cuttings, shrubs, stumps, brush, tree trimmings, grasses and related materials which have been separated from other solid waste. Green waste does not include stumps or branches with a diameter exceeding eighteen (18) inches or a length exceeding four (4) feet.

Hazardous waste. Any waste materials or mixture of wastes defined as such pursuant to the Resource Conservation and Recovery Act, 42 USC §§ 6901 et seq., or the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), 42 USC §§ 9601 et seq., and all future amendments to either of them, or as defined by the California Environmental Protection Agency, the California Integrated Waste Management Board, or either of them and shall include medical waste and household hazardous waste. Where there is a conflict in the definitions employed by two (2) or more agencies having jurisdiction over hazardous or solid waste, the term hazardous waste shall be construed to have the broader, more encompassing definition.

Occupant. Includes every owner of, and every tenant or person in possession of, is the inhabitant of, or has the care and control of, an inhabited residence.

Permit. Written authority granted by the city to any refuse collector as evidenced by contract, franchise, certificate or other writing issued pursuant to this ordinance.

Permittee. Any person authorized by the City Council or the City Manager, as the case may be, to conduct business as a refuse collector within the city pursuant to this ordinance.

Person. Any individual, firm, corporation, association, or group or combination thereof acting as a unit.

Recyclable material or recyclables. Material which has been source separated or commingled with other, similar material and can be reused or processed into a form suitable for reuse through reprocessing or remanufacture, consistent with the requirements of the Act, and includes paper, newsprint, printed matter, pasteboard, paper containers, cardboard, glass, aluminum, PET and other plastics, beverage containers, compostable materials, and such other materials designated by city's city manager, or designated as recyclables by the California Integrated Waste Management Board, or other agency with jurisdiction, and which are collected by a permittee pursuant to this ordinance.

Recycling. The process of collecting, sorting, cleansing, treating, and reconstituting materials that would otherwise become solid waste, and returning them to the economic mainstream in the form of raw materials for new, reused, or reconstituted products which

meet the quality standards necessary to be used in the marketplace. Recycling does not include transformation as defined as the incineration, pyrolysis, distillation, gasification, or biological conversion other than composting.

Recycling center, station or facility. A facility whose principal function is to receive, store, convert, separate, or transfer recyclable materials for processing.

Refuse. Includes any and all types of rubbish, trash, garbage or other waste material referred to in this ordinance.

Refuse collector. Any person or persons, firm, copartnership, joint venture, association or corporation engaged in the collection, transportation and/or disposal of solid waste including recyclable material and green waste services in the city.

Residential unit. Each place used for residential purposes, including the following, but not restricted to: Single-family dwellings, multifamily dwellings, apartments and/or condominiums containing four (4) units or less, town houses, mobile home parks, and trailer courts, whether or not utilizing dumpster-type bins, and not including: Hospitals, convalescent homes, hotels and motels.

Rubbish. Includes, but is not restricted to, all non-biodegradable waste or debris such as paper, cardboard, grass, tree or shrub trimmings, rugs, straw, clothing, wood or wood products, crockery, glass, rubber, metal, plastic, construction waste and debris and other similar materials.

Rubbish disposal operator. Synonymous with refuse collector.

Salvage. To obtain, either for compensation or other consideration, directly from the transferor thereof, any recyclable material prior to the placement of the same in the solid waste stream or the disposal or discarding thereof whether by collecting, or causing to be collected, the same from the transferor thereof or by the transferor thereof transporting the same to the salvager.

Salvager. Includes any person engaged in salvaging recyclable material prior to the disposal or discarding of the same in the solid waste stream and includes the person generating the recyclable material if done by such person's own employees or any subsidiary thereof. Salvager does not include a nonprofit entity including, but not limited to, churches, schools, community organizations or groups obtaining recyclable materials for purposes such as, but not limited to, fundraising activities, rehabilitation and training programs.

Scavenge. Includes the extraction, segregation, removal or development of articles or material of value, including recyclable material, from solid waste.

Solid waste. All putrescible and non-putrescible solid, semi-solid and liquid wastes including garbage, trash, refuse, paper, rubbish, ashes, demolition and construction debris, industrial wastes, abandoned vehicles and parts thereof, discarded home and industrial appliances, manure, vegetable or animal solid and semisolid wastes and other solid and semi-solid wastes and recyclable materials discarded or placed for disposal in bins, containers or at curbside for collection, whether segregated by type or commingled. Solid waste does not include hazardous waste as defined herein.

Solid waste stream. The placement of items, including recyclable material, into authorized receptacles for collection by an authorized refuse collector.

Streets. The public and private streets, ways and alleys, except interstate highways, as the same now or may hereafter exist within the city.

Transferor. Includes any person generating recyclable material who, for compensation or other consideration, donates, sells or otherwise conveys or transfers title thereto and possession thereof to a salvager and does not discard the same as solid waste. Transferor does not include a resident who conveys or transfers residential recyclable material, whether for consideration or as a donation, to a salvager or any nonprofit entity including, but not limited to, churches, schools, community organizations or groups.

Trash. Includes, but is not restricted to, every accumulation of animal, vegetable or other material:

- (1) Resulting from the preparation and consumption of edible foodstuffs; or
- (2) Resulting from decay, dealing in or storage of meats, fish, fowl, fruits or vegetables, including the cans, containers or wrappers wasted along with such materials; or
- (3) Such industrial, domestic and organic refuse or residue of animals sold for meat; or
- (4) Fruit, vegetable and animal matter from kitchens, dining rooms, markets, food establishments or any other place using, dealing in or handling meats, fish, fowl, fruits, vegetables or grains; or
- (5) Offal, animal waste, or the carcasses of animals, fish or fowl; or
- (6) Non-recyclable glass, paper or metal products.

Truck. Any truck, trailer, semitrailer, conveyance or vehicle used, or intended to be used, for the purpose of collecting solid waste and/or recyclable material or to haul or transport solid waste and/or recyclable material.

Section 3: Authority of City Council to issue permits for refuse collection and salvaging:

(a) Pursuant to California Public Resources Code Section 40059, as the same may be amended from time to time, or any successor provision or provisions thereto, and the police power, pursuant to Article II, § 7 of the California Constitution, the city shall have, and hereby retains, the authority to issue permits, including exclusive permits or franchises, for refuse collector services, or salvager services, as provided for in this ordinance and may, as a condition for issuing such permits, require a bond from the permittee in an amount determined by the City Council to insure the faithful performance of such collection, transportation and disposal in accordance with this ordinance and the terms and conditions imposed by the City Council. In the event that any permittee shall fail or refuse to conform to the conditions of the permit or this ordinance or any regulations promulgated hereunder, the Council, at its option and after a hearing called upon at least ten (10) days' notice prior written notice to the permittee, may revoke such permit. In issuing permits for refuse collector services, the city shall not be required to issue the same based upon the offer of lowest rates, but shall be free to issue such permits to the person deemed best suited to comply with the provisions of this ordinance and such other terms and conditions imposed by the City Council.

(b) The City Council determines that the collection, transportation and disposal of solid waste and green waste and recycling services are services to be performed in the city in accordance with the provisions of this ordinance. The city may from time to time issue permits to those parties meeting the criteria of this ordinance and such other standards as may be established by resolution of the City Council regarding the

collection, transportation and disposal of refuse, rubbish and other forms of solid waste, green waste and recyclables from residential and commercial units. So long as any such permit remains in force, collection, transportation and disposal of such material provided for therein may be made only in accordance with the terms and conditions thereof and this ordinance. Fees and charges for such refuse collector services shall be those which the City Council may from time to time hereafter approve by resolution and shall be in lieu of any business license tax imposed generally by city. No person shall engage in the refuse collector business within the city from any residential unit or commercial premises, nor transport the same over any public streets or rights-of-way, unless a permit to do so has first been obtained from the Council, such person complies with the provisions of this ordinance and any other regulations which have been adopted pursuant to this ordinance.

(c) The City Council finds that it is in the best interest of the city that "salvagers" and "salvaging," as those terms are defined herein, not be subject of the provisions of this ordinance at this time.

Section 4: Unlawful collection.

(a) No person shall act as a refuse collector within the city unless such person is a permittee, as defined in this ordinance, or is exempt in accordance with subsections (1) through (4) of this section. No person shall permit, allow or enter into any agreement whatsoever for the collection or transportation of solid waste, recyclable material, green waste or hazardous waste from any residential unit or commercial premises with any person who is not a permittee as herein defined, except as permitted in subsections (1) through (4) of this section.

(1) The collection and removal of grass clippings and shrubbery by individual residents, business owners and by individuals doing business as professional landscapers, when the collection is directly related to their work, shall be exempt from the permit system.

(2) A permittee shall not be required to collect hazardous waste as part of its regular collection activity. Liquid and dry caustics acids, flammable materials, explosive materials, insecticides, and similar substances shall not be deposited in collection receptacles. Any person collecting such substances shall, in addition to any requirements of state or federal law, obtain a permit therefor pursuant to the provisions of this ordinance.

(3) Biohazardous and/or medical waste (as defined in California Health and Safety Code Section 25117.5, as amended from time to time, or any successor provision or provisions thereto) shall not be collected by a permittee as part of its regular collection activity. Anyone producing such wastes shall store, handle and dispose of such materials only in the manner approved by the county health officer or designated deputy, and in accordance with the California Health and Safety Code. Disposal of biohazardous and/or medical waste shall be conducted pursuant to a permit issued under this ordinance in addition to any requirements imposed by state law.

(4) The removal and disposal of refuse from a residential unit by the occupant or owner thereof shall be exempt from the refuse permit system, subject to the provisions of Section 10 of this ordinance.

Section 5: Permittee may be granted exclusive rights--Exception.

(a) Excepting existing rights that the city reserves to itself, or as otherwise provided in this ordinance, persons to whom the city may issue a permit and the agents, servants and employees of any such person, while the permit is in effect, may be granted the exclusive right to gather, collect and remove solid waste, recyclables and/or green waste from premises within the city, subject to such terms and conditions as the Council may apply to the issuance of such permit.

Section 6: Collection in emergencies.

(a) In emergencies, such as the breakdown of equipment, or other unforeseen or unpreventable circumstances, where in the judgment of the city manager the particular situation justifies such action, the city manager may issue limited or temporary permits to private persons or corporations to perform any of the services regulated by this ordinance subject to such reasonable fees, charges and conditions as the circumstances may warrant and as the parties involved may agree upon; provided that such fees and charges received from or paid to any private persons or corporations under this section for any period exceeding twenty (20) days' duration shall be approved by the City Council.

Section 7: Hours of collection.

Except as otherwise provided in a franchise agreement approved by the City Council pursuant to Section 3 above, all solid waste and green waste collection from residential areas and areas immediately adjacent to residential areas shall be made between the hours of 7:00 a.m. and 8:00 p.m., and collections from commercial and industrial locations may start at 5:00 a.m.; provided, however, that the peace and quiet of residential neighborhoods is not disrupted. The city manager may require a permittee to change hours of operation in commercial and industrial areas if, in the city manager's opinion, disruption of residential neighborhoods occurs. In the event that more than one refuse collector is permitted to operate in the city, whether by area or premises, the city manager may, in his or her discretion, require that all refuse collection activities take place on the same day of the week in the specified area in order to minimize the traffic in any given area.

Section 8: Solid waste, green waste and recyclable material collection--Exception.

Permittees shall exercise all reasonable care and diligence in collection activities so as to prevent spilling, scattering or dropping solid waste, green waste and recyclable material, and shall immediately, at the time of occurrence, clean up any such spillage.

Section 9: Time and date of placement of receptacles.

(a) No person shall place, or cause to be placed, any solid waste, green waste and/or recyclable receptacle therefor, in any public highway or in any place or in any manner other than hereinabove provided, or at any time other than the days established by the city for the collection thereof on the particular route involved, earlier than sunset of the day preceding the day designated for collection, and all receptacles shall be removed from the place of collection prior to 10:00 p.m. of the day the receptacles have been emptied.

(b) Each owner, occupant, tenant or lessee of a residential unit or commercial premises shall maintain the same in a sanitary condition. If the containers or receptacles are not emptied and the contents removed on the date and time scheduled by the permittee, such person shall immediately notify the permittee or the city, and it shall be the duty of the permittee to forthwith arrange for the collection and disposal thereof.

(c) Refuse, trash, rubbish, green waste, recyclables and other solid waste which exceeds the limitations hereinabove set forth may, in the discretion of the permittee, be scheduled for special collection upon the application of the owner or occupant of the premises. Special collection charges may be assessed by the permittee for this service with prior approval from the above-mentioned occupant of the premises and subject to any requirements set forth in the permit.

(d) No person, other than the owner thereof, the owner's agents or employees or an officer or employee of the city or a permittee's agents or employees authorized for such purposes, shall tamper or meddle with any solid waste, green waste or recyclable material receptacle or the contents thereof, or remove the contents thereof, or remove any receptacle from the location where the same shall have been placed for collection.

Section 10: Solid waste removal.

Pursuant to the requirements of the California Administrative Code Section 17331(H) of Article 5 of Chapter 3 of Division 7 of Title 14, all solid waste, green waste and recyclable material created, produced or accumulated in or about a residential unit or commercial premises in the city shall be removed at least once each week. No person who is the occupant of any of the above-described premises shall fail or neglect to provide for the removal of such material at least as often as prescribed in this section.

Section 11: Refuse disposal.

The permittee shall dispose of collected wastes, at permittee's expense, at a city approved landfill or transfer station (as defined in California Public Resources Code Section 40200) in a manner satisfactory to the city and in accordance with all federal, state and local laws and regulations.

Section 12: Special provisions regarding method of disposal.

(a) The removal of wearing apparel, bedding or other refuse from residential units or other places where highly infectious or contagious diseases have been present shall be performed under the supervision and direction of the county health officer and such refuse shall neither be placed in receptacles nor left for regular collection and disposal.

(b) Highly flammable or explosive or radioactive refuse shall not be placed in receptacles for regular collection and disposal, but shall be removed as permitted by law at the expense of the owner or possessor of the material.

(c) Refuse or other solid waste containing water or other liquids shall be drained before being placed in a container or receptacle. Matter which is subject to decomposition shall be wrapped in paper or other material before being placed in a container or receptacle.

(d) No battery acid, poisonous, caustic or toxic material or any other substance capable of damaging clothing or causing injury to the person shall be mixed or placed with any rubbish, solid waste or other refuse which is to be collected, removed or disposed of by a

permittee. Such items shall be removed at the occupant's expense only after arrangements have been made with the permittee or city for such removal.

(e) With the exception of packaged domestic animal waste and packaged animal waste associated with permitted on premises temporary raising of live stock for programs such as 4-H Clubs, animal waste, as defined in Section 2, shall not be placed in receptacles for regular collection and disposal, but shall be removed at the occupant's expense.

Section 13: Burning, burial or dumping.

No person shall burn, bury or dump refuse within the city.

Section 14: Disposition of recyclable material--Green waste.

Refuse collectors shall sell, give, donate or otherwise transfer recyclable material to a recycling center, station or facility and all green waste shall be sold, given, donated or otherwise transferred to a composting center, station or facility or to a landfill authorized and permitted to accept green waste as and for refuse cover. In no event shall the refuse collector dispose of recyclable material or green waste in a landfill or solid waste facility (as defined by California Public Resources Code Section 40194) except upon written approval of the city manager.

Section 15: Use of trucks.

(a) Any person who desires to operate privately owned vehicles for transportation of solid waste, hazardous waste, green waste and/or recyclable material under provisions of this ordinance shall utilize vehicles which are reasonably watertight and are provided with a tight cover to the reasonable satisfaction of the city manager. The city manager shall require the permittee to remove from service or repair any vehicle that allows or permits offensive odors to escape and/or material to be blown, dropped or spilled therefrom.

Section 16: No parking of trucks on any city street.

(a) No person, between the hours of 8:00 p.m. and 5:00 a.m., shall leave a truck utilized pursuant to Section 15 hereof parked on any city street.

(b) No person, between the hours of 5:00 a.m. and 8:00 p.m., shall leave a truck utilized pursuant to section 15 hereof parked on any city street for more than one hour unless the city manager is notified that a breakdown or emergency exists.

Section 17: Specifications and restrictions on solid waste collection trucks.

(a) All trucks used for solid waste collection within the city shall be required:

(1) To be completely enclosed with a nonabsorbent cover while transporting solid waste, green waste or recyclable materials in or through the city. "Completely enclosed with a nonabsorbent cover" means that refuse, trash or rubbish shall not be visible from the street, nor shall any of the substances be permitted to leak, spill or become deposited along the public streets;

(2) All trucks used in the course of solid waste, green waste and/or recyclable material collection shall be painted in colors approved by the city manager and identified by truck numerals, a company logo, and local telephone number and shall be kept clean and in good repair at all times.

Section 18: Charges for refuse collector service.

(a) *Collection charge.* A charge for the collection of solid waste, green waste and recyclables shall be imposed on the owner or occupant of each residential unit or commercial premises to which service is made available. The amount of such charge shall be fixed and changed from time to time and shall be collected at such time and in such manner as prescribed by the City Council. The charge so fixed shall be a civil debt due and owing to the city or permittee from the owner or occupant of the residential unit or commercial premises to which the service is made available. Unpaid charges shall become a lien on the parcel and shall be placed on the tax role. The City Council hereby specifically finds and determines that the periodic collection of solid waste, green waste and recyclables from all residential units and commercial premises benefits all occupants and residents of the city, provides for the health, safety and welfare of all persons in the city and, therefore, all such occupants or owners are liable for the payment of collection service provided for hereunder, whether or not any such owner or occupant avails himself or herself of such collection service. Charges of collection of solid waste, green waste and recyclables shall continue to accrue whether or a structure is occupied.

(b) *Rate adjustments.* All revisions in charges levied must be submitted to the City Council for review and action and must be approved by resolution of the City Council following a public hearing upon at least ten (10) days' prior written notice to the permittee.

Section 19: Recyclable material and green waste collection services--Minimum standards.

Refuse collectors shall:

(1) Provide an original and any replacement recyclable materials receptacle(s) to each customer. The type of receptacle(s) shall be approved by the City Council and shall not cause health or safety hazards to customers or refuse collector personnel. The receptacle(s) shall be provided without charge and remain the refuse collector's property.

(2) Collect recyclable material and/or green waste at least once a week, on the same day, and during the hours specified for regular solid waste collection. No alternate collection schedule is permitted unless approved in writing by the city manager. Refuse collectors may collect the receptacles therefor in the same manner as regular solid waste collection.

(3) Provide recyclable material and/or green waste collection services to each location within the area(s) that the refuse collector serves for regular solid waste collection. Such service shall be provided at nondiscriminatory rates approved by the City Council.

Section 20: Right of provision modification.

The city specifically retains the right to repeal, amend, add to, or modify each and every provision of this ordinance.

Section 21: Enforcement.

(a) Violation of this ordinance is a misdemeanor, punishable by a fine of not more than \$1,000 and or imprisonment in the county jail for no more than 90 days, unless in the judgment of the City Attorney a violation should be prosecuted as an infraction.

(b) All remedies shall be cumulative and the use of one or more remedies by the city shall not bar the use of any other remedy for the purpose of enforcing the provisions of this article.

Section 22: Effective Date.

(a) The city clerk shall, within fifteen (15) days of its passage, cause this ordinance to be posted in at least three public places in the city and a summary of this ordinance shall be published in a newspaper of general circulation. The ordinance shall take effect thirty (30) days from and after the date of its final passage and adoption.

MOTION: *Green* SECOND: *Navarro* VOTE: *Carried to table*
 FIRST READING OF ORDINANCE 10-02 REGULATING WASTEWATER SERVICE
 WITHIN THE CITY OF CALIPATRIA -R. Medina City Manager

Section 1. Purpose:

(a) The City Council finds and determines that the proper collection and treatment of wastewater is a matter of important public concern. The improper control of such matters creates a public nuisance and can result in serious hazards to the public health and well being. The City Council further declares that regulations provided in this ordinance are designed to eliminate or alleviate such problems.

(b) This ordinance is not intended to repeal or revise Calipatria Ordinance 08-002 pertaining to wastewater pretreatment standards, which ordinance shall remain in full force and effect.

(c) This ordinance is not intended to repeal, but is intended to revise Calipatria Ordinance 05-002. The revisions of Calipatria Ordinance 05-002 are contained in Section 4 below.

Section 2. Sewer connection as prerequisite to occupation of structures:

It shall be unlawful for any person to occupy a house or any other structure in this city or to rent any such house or structure, either as owner or agent, or to camp or live in any premises within the city, unless such house, other structure or such premises is properly connected with a public sewer whenever such house or other structure or such premises abuts upon a street or alley in either of which there exists a public sewer, whether or not such street or alley is a public street or alley, or where such house or other structure or such premises abuts upon a public sewer located upon a private right-of-way and which sewer is a part of the public sewer system of the city and which, when upon such right-of-way other than a public or private street or alley, is not more than one hundred sixty (160) feet from such house or other structure or such premises and the right-of-way admits of such connection.

Section 3. Renting of premises lacking sewer connection:

It shall be unlawful for any person, either as owner or agent, to rent any house or other structure or premises not connected with a sewer as provided in Section 2.

Section 4. Rate schedule:

(a) The monthly sewerage disposal rates for users of the city sewerage system as set forth in Calipatria Ordinance 05-002 are hereby confirmed. Ordinance 05-002 is hereby amended to provide that the charges for sewer availability and use may be amended by ordinance of the City Council. However, before any change in such rates shall become effective, the procedures and prerequisites set forth in California Health and Safety Code Section 5470 and following shall be met.

(b) Property outside the boundaries of the city may be connected to the city sewerage system if the city council finds that there is sufficient capacity in the system to serve such property. The council may require annexation of the subject property into the city at the property owner's expense as a precondition or condition subsequent to the actual connection of the property to the sewerage system. The property owner shall pay for all labor and materials needed to implement the connection to the sewerage system and shall comply with all other applicable city codes and regulations.

Section 5. Connection to water service:

(a) It shall be a misdemeanor for any agency, company, person or other entity to commence water delivery service to any structure or parcel situated within the City of Calipatria unless said agency, company, person or other entity has been provided proof issued by the City of Calipatria that arrangements have been made to provide waste water disposal services to the structure or parcel from the City of Calipatria.

(b) Any person or entity desiring to arrange for water delivery service to any structure or parcel situated in the City of Calipatria shall arrange for waste water disposal service from the City of Calipatria.

(c) The City Finance Director, or her designate shall develop and circulate to local water service providers a standardized form that shall be used by the City as proof that a potential water customer has arranged for wastewater disposal service with the City.

(d) A violation of this Section 5 shall be punishable by a fine of up to \$1,000 and confinement in the County Jail for not more than six months.

Section 6. Termination of water service:

(a) In the event that charges billed for waste water disposal services for any structure or parcel within the boundaries of the city are unpaid for a period of thirty days, the City Finance Director or her designate shall notify the company, agency, person or entity supplying water service to that customer that the waste water treatment charges are delinquent and that water service must be discontinued within five days of the receipt of the notice.

(b) Any company, agency, person or entity supplying water service to structures or parcels within the boundaries of the City of Calipatria must terminate water service to any structure or parcel within the boundaries of the City of Calipatria upon receipt of written notice from the City's Finance Director or designate that charges billed for waste water disposal for said parcel or structure are more than 30 days' delinquent.

(c) In the event water service is terminate pursuant to a notice of delinquency discussed above, no company, entity, person or agency providing water service within the boundaries of the City of Calipatria shall recommence water delivery service to said

parcel unless and until the City Finance Director provides the company, entity or agency written notice that the delinquency has been satisfied.

(d) Any company, entity, person or agency providing water service within the boundaries of the City of Calipatria that fails to discontinue water service within five days of receiving a notice of delinquency from the City Finance Director shall be guilty of a misdemeanor.

(e) Any company, entity, person or agency providing water service within the boundaries of the City of Calipatria that recommences water service after receiving a notice of delinquency from the City Finance Director without first receiving written notice from the City Finance Director that the delinquency has been satisfied shall be guilty of a misdemeanor.

(f) A violation of this Section 5 shall be punishable by a fine of up to \$1,000 and confinement in the County Jail for not more than six months.

Section 7. Effective Date:

This ordinance shall take effect sixty days from and after its adoption, and prior to the expiration of 15 days from the passage thereof shall be published at least once in the Imperial Valley Press, a newspaper of general circulation.

COUNCIL REPORTS:

Beltran: *None*

Smith: *IVEDC have we heard anything? (Clerk: I've emailed him twice and no response)*
 2. *North Brown & Hwy 111(east side) big tumbleweeds (that is in court).* 3. *Bike track for Hernandez Park? (This needs to be on workshop agenda)*

Green: *None*

Navarro: *What about the city contracts? Have we gone out for RFP? Will report back by next meeting.*

Fuentes: *None*

Medina: *We were awarded an air quality grant for motor on sewer machine. State representatives are in town for CDBG programs (audit) Linda Boyle and Steven Marshall*

Hoff: *please send me your project list for the up coming workshop*

MOTION: *Beltran* SECOND: *Navarro* VOTE: *Carried*

ADJOURN: 8:23 pm