

If you plan on attending the public meeting and need special accommodation because of a sensory or mobility impairment/disability or need an interpreter, please contact Catherine J. Hoff, City Clerk at 760-348-4141 ext. 2; with 48 hours notification to arrange for accommodations to be made.

City Hall
City of Calipatria
May 28, 2019
6 PM

REGULAR MEETING OF THE CITY COUNCIL
OF THE CITY OF CALIPATRIA
PLEASE TURN OFF ALL ELECTRONIC DEVICES
MINUTES

CALL TO ORDER: 6PM

PLEDGE OF ALLEGIANCE: *Hisel*

INVOCATION: *Spellins*

ROLL CALL: Mayor: *Maria N. Froelich*, Mayor Pro Tem: *Jim Spellins*, *Javier Amezcua*, *Huston Hisel*, *Hector Cervantes*

PRESENT: *Nava-Froelich*, *Spellins*, *Amezcua*, *Hisel*, *Cervantes*

ABSENT: *None*

ALSO PRESENT: *K. Lopez*, *B. Smerdon*, *Chief Mara*, *Deputy Fire Chief Salvador Flores*, *R. Medina*

THIS AGENDA CONTAINS A BRIEF GENERAL DESCRIPTION OF EACH ITEM TO BE CONSIDERED. EXCEPT AS OTHERWISE PROVIDED BY LAW, NO ACTION OR DISCUSSION SHALL BE TAKEN ON ANY ITEM NOT APPEARING IN THE FOLLOWING AGENDA

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.

NO COMMENT

ADJOURN TO PUBLIC HEARING:

MOTION: *Spellins* SECOND: *Amezcua* VOTE: *Carried*

The City of Calipatria will conduct a public hearing by the City Council to discuss the Fiscal Year 2019/20 use of Program Income and/or Community Development Block Grant (CDBG) General Allocation Application and to solicit citizen input for the following projects: 1) Hernandez Park; Ag water irrigation system and a Tot lot playground, 2) Delta Lift station improvements 3) Neighborhood cleanup program. *City Manager Medina gave information for this public hearing. 1) The Ag water pipeline runs under Young Road; have a verbal agreement with IID to hook up, cost \$229,000.00, the water delivery will be non-potable water. Looking at a Hernandez Park monument; concrete sidewalks, shade and playground equipment, 8 foot umbrella. The tot lot will be fenced for safety. The restrooms were closed due to vandals, if this council wishes, it can be reopened. Will assess to see how much repairs will be. 2) Delta Lift Station, last improvements were in 2010; this project will improve the electrical, pumps and upgrade outdated equipment. 3) City Manager did consider a program for neighborhood cleanup if there are funds left over.*

RECONVENE TO OPEN SESSION

MOTION: *Amezcua* SECOND: *Spellins* VOTE: *Carried*

INFORMATION REPORTS

Fire Report- Salvador Flores, *Deputy Fire Chief, introduced himself and Deputy Fire Alfredo Estrada who will be here at the city.*

MOTION: *Cervantes* SECOND: *Hisel* VOTE: *Carried*

CONSENT AGENDA

1. Warrants
2. Minutes- April 23rd

NEW BUSINESS

MOTION: *Amezcu* SECOND: *Cervantes* VOTE: *Carried*

RESOLUTION 19-27 R. Medina, City Manager

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALIPATRIA APPROVING A GRANT AGREEMENT WITH THE U.S. DEPARTMENT OF AGRICULTURE-RURAL DEVELOPMENT UNDER THE COMMUNITY FACILITES LOAN AND GRANT PROGRAM FOR THE FY 2017/2018

BE IT RESOLVED by the City Council of the City of Calipatria as follows:

SECTION 1

The City of Calipatria has been awarded funding from the U.S. Department of Agriculture-Rural Development in the amount of \$ **44,000.00** for the 2018 Emergency Response Vehicles (Patrol).

SECTION 2

The City Council has reviewed and hereby approves entering into the grant agreement with the U.S. Department of Agriculture-Rural Development (USDA-Rural Development) under the Community Facilities Loan and Grant Program for a grant in the amount of **\$44,000.00**.

SECTION 3

The City Council has authorized the commitment of **\$36,000.00** of non-federal dollars as matching funds for the project.

SECTION 4

The City Council of the City of Calipatria hereby authorized and direct the City Manager, Romualdo J. Medina or designee (s) to execute, in the name of the City of Calipatria grant agreements, any amendments thereto, and any and all other documents necessary or required by USDA-Rural Development to participate in the loan and grant program.

MOTION: *Spellins* SECOND: *Hisel* VOTE: *Carried*

RESOLUTION 19-28 R. Medina, City Manager

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALIPATRIA ACKNOWLEDGING THE FORMATION OF THE CALIPATRIA BEAUTIFICATION COMMITTEE AND DIRECTING STAFF TO COOPERATE IN THE COMMITTEE'S EFFORTS BY ANY MEANS PROPER

WHEREAS, a group of concerned residents of the City of Calipatria have organized a Calipatria Beautification Committee; *and*

WHEREAS, the Calipatria Beautification Committee has expressed it desire to organize volunteer projects to perform clean up and beautification projects within the City of Calipatria; *and*

WHEREAS, the City Council appreciates the efforts of the Calipatria Beautification Committee and supports the Committee's goal of eliminating blight and beautifying the City; *and*

WHEREAS, the City has a program in place that would allow the City to loan City equipment and coordinate projects with volunteers:

NOW THEREFORE BE IT RESOLVED that City Council of the City of Calipatria acknowledges the existence of the Calipatria Beautification Committee and desires to support the efforts of the Calipatria Beautification Committee in any way that it can; *and*

BE IT FURTHER RESOLVED that City Staff is authorized to provide support to the Calipatria Beautification Committee in the form of loaning the Committee City equipment, provided that proper insurance is in place and that the person or persons that will operate said equipment are properly trained to operate the equipment safely; *and*

BE IT FURTHER RESOLVED that City Staff is authorized to coordinate with and participate in projects proposed by the Calipatria Beautification Committee.

MOTION: *Cervantes* SECOND: *Spellins* VOTE: *Carried*
RESOLUTION 19-29 C. Hoff, City Clerk

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALIPATRIA APPOINTING *JAVIER AMEZCUA* TO THE CITIZENS ADVISORY COMMITTEE

WHEREAS, Fred R. Beltran is no longer a City of Calipatria council member, leaving a vacancy on the Citizens Advisory Committee Member for the City of Calipatria effective December 11, 2018;

WHEREAS, with the vacancy approved; councilmember Javier Amezcua volunteered to become the representative for the Calipatria Police Department on the Citizens Advisory Committee; *and*

THEREFORE BE IT RESOLVED, that the Calipatria City Council hereby accepts the appointment.

MOTION: *Spellins* SECOND: *Cervantes* VOTE: *Carried*
RESOLUTION 19-30 R. Medina City Manager

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALIPATRIA ACKNOWLEDGING A SERVICE AGREEMENT BETWEEN THE CITY OF CALIPATRIA AND IMPERIAL COUNTY FIRE DEPARTMENT TO PROVIDE ONE CHIEF OFFICER

WHEREAS, this Agreement, made and entered into effect this 15th day of May, 2019 by and between the COUNTY OF IMPERIAL, a political subdivision of the State of California, through its Imperial County Fire Department, and the CITY OF CALIPATRIA , an incorporated general law city located within the County of Imperial, State of California; and

WHEREAS, in addition to said fire protection services, City desires to contract with County for one (1) Imperial County Fire Department Chief Officer to temporarily provide fire management services to the Calipatria Fire Department; and

WHEREAS, the term of this Agreement shall be effective from May 15, 2019 through July 15, 2019 unless otherwise modified or terminated as provided for herein; and

BE IT RESOLVED, the City shall pay County an amount not to exceed Fourteen Thousand, Seven Hundred Eleven Dollars and Seventeen Cents (\$14,711.17) for the performance of all obligations by County contemplated under this Agreement; and

MOTION: *Cervantes as amended* SECOND: *Hisel* VOTE: *Carried*
RESOLUTION 19-31 R. Medina City Manager

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF CALIPATRIA APPROVING AN APPLICATION FOR FUNDING THE STATE OF CALIFORNIA CDBG PROGRAM, AND AMENDMENT TO USE CITY OF CALIPATRIA PROGRAM INCOME FUNDS

WHEREAS the City Council of the City of Calipatria has conducted public hearings for the design and selection of projects eligible for use of the Program Income Funds, and

WHEREAS, uses of funds are for the following projects Delta Lift Station Improvements, Hernandez Park Non Potable Water irrigation system, and Hernandez Park Improvements in the amount of \$ 939,265.00 (Nine Hundred Thirty Nine, Two Hundred Sixty Five Dollars), *in the advent of surplus funds, the city will include a neighborhood cleanup program*; and

WHEREAS, the City acknowledges compliance with state and federal public participation requirements in the development of this application; and

WHEREAS, The City Council hereby approves the use of program income for the listed activities within the eligible project area

THEREFORE BE IT RESOLVED, the City Council of the City of Calipatria authorizes the City Manager or designee to sign this application and act on the City's behalf in all matters pertaining to this

application. If application is approved, the City Manager or designee enter into and sign funds requests and other required reporting forms.

MOTION: *Cervantes*

SECOND: *Amezcuca*

VOTE: *Carried*

FIRST READING

ORDINANCE 19-001 B. Smerdon City Attorney

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CALIPATRIA, CALIFORNIA,
AMENDING THE CITY'S BUSINESS LICENSE FEE ORDINANCE

THE CITY COUNCIL OF THE CITY OF CALIPATRIA, CALIFORNIA, DOES HEREBY
ORDAIN AS FOLLOWS:

1. Purpose:

1.1 The purpose of this ordinance is to update the City of Calipatria's business license ordinance so that it complies with developments in the law since the current ordinance was adopted.

1.2 The purpose of the fees imposed herein is to confer a privilege directly to the payor that is not provided to those not charged. The fees that shall be imposed herein are either less than, or the same as, fees currently imposed according to the City's existing business license fee schedule.

2. Definitions:

2.1 The word "Business" means and includes every business, profession, trade, calling, avocation or other occupation as set forth in this ordinance for which a license fee is established or required whether conducted for profit or not, and every business, profession, trade, calling, avocation or other occupation by which a person earns all or part of his livelihood or which is conducted for profit.

2.2 "Business license." The business license issued pursuant to the provisions of this ordinance constitutes a receipt for the license fee paid, and shall not be construed as a permit or approval from the city for the specific nature or location of any business for which a business license is issued.

2.3 "Director of finance," as used herein, shall mean the director of finance of the city.

2.4 "Fixed place of business" means a premises where a business is regularly transacted and where the circumstances show an intention to be an established part of the business life of the city.

2.5 "Gross receipts" shall include the total amount of the sale price of all sales and the total amount charged or received for the performance of any act or service, of whatever nature it may be, for which a charge is made or credit allowed, whether or not such act or service is done as a part of or in connection with the sale of material, goods, wares or merchandise; and included in "gross receipts" shall be all receipts, cash, credits and property of any kind or nature, without any deduction therefrom on account of the cost of the property sold, the cost of the materials used, labor or service costs, interest paid or payable or losses or other expenses whatsoever. Excluded from "gross receipts" shall be:

2.5.1 Cash discounts allowed and taken on sales.

2.5.2 Credit allowed on property accepted as part of the purchase price and which property may later be sold.

2.5.3 Any tax required by law to be included in or added to the purchase price and collected from the consumer or purchaser.

2.5.4 Such part of the sale price of property returned by purchasers upon rescissions of the contract of sale as is refunded whether in cash or by credit.

2.5.8 Amounts collected for others where the business is acting as agent or trustee to the extent that such amounts are paid to those for whom collected; provided that the agent or trustee has furnished the collector with the names and addresses of the others and the amounts paid to them.

2.5.9 That portion of the receipts of a general building contractor which represent payments to subcontractors; provided that, such subcontractors are licensed under the provisions of this article; and provided that, the general building contractor furnishes the director of finance with the names and addresses of the subcontractors and the amounts paid each subcontractor.

2.6 "Person" means any individual, individuals, all domestic and foreign corporations, joint venturers, associations, partnerships, clubs, fraternal organizations, joint stock companies, estates, business or common law trusts, syndicates or any other individual, group or combination acting as a unit and engaged in any business in the city other than as an employee.

2.7 "Sidewalk vendor" means a person who does not operate from a fixed place of business, who sells food, beverages, or merchandise at retail from a pushcart, stand, display, pedal-driven cart, wagon, trailer, showcase, rack, or other non-motorized conveyance, or from one's person, upon a public sidewalk, pedestrian path, parking lot, or other open space within the city, whether public or private.

2.8 "Special event vendor" means a person who does not operate from a fixed place of business who desires to sell food, beverages, or merchandise at retail from a stand, trailer, or vehicle during a special event authorized or sponsored by the City Council.

3. Required for carrying on business:

It is unlawful for any person to transact or carry on any business, trade, profession, calling or occupation in the city without first having procured a license from the city to do so, or without complying with any and all applicable provisions of this article.

4. Separate license for branch establishments:

A separate license must be obtained for each branch establishment or location where the business is transacted and carried on and for each such separate type business at the same location, and each license shall authorize the licensee to transact and carry on only the business licensed thereby at the location or in the manner designated in such license. Warehouses and distributing plants used in connection with and incidental to a business licensed under the provisions of this section shall not be deemed to be separate places of business or branch establishments. Any individual conducting several businesses at one location, incidental to his principal business, may obtain a license for the principal business and include all others therein, in which event the license tax will be based on the classification and schedule applicable to the principal business.

5. Exemptions:

No business license shall be required of or from the following:

5.1 Exempt under state and federal law. Those exempt from municipal license fees by virtue of either the Constitution or the laws of the United States of America, or of the state.

5.2 Educational institutions. Any educational institution not conducted for profit. As used herein, the term "educational institution" means a public or parochial institution conducting regular academic instruction at the kindergarten, elementary, secondary or collegiate levels, including graduate schools, universities and research institutions. Such institutions must either:

5.2.1 Offer general academic instruction equivalent to the standards prescribed by the state board of education; or

5.2.2. Confer degrees as a college or university of undergraduate or graduate standing; or

5.2.3 Conduct research.

5.3 Charities. Any enterprise or entertainment conducted or operated for not more than five (5) consecutive days during any calendar year when the receipts derived therefrom are to be appropriated to the sole benefit of any church, school, charitable, welfare, fraternal or patriotic organization, and from which no profit is derived either directly or indirectly, by any private individual or person.

5.4 Resident farmers, etc. Resident farmers, poultrymen or horticulturists for selling exclusively their own produce, either to stores, or from house to house. This exemption shall not apply to nurseries or to any commercial establishment, or to any person who buys goods for resale as well as selling his own goods.

5.5 Nonresident professions. Any doctor, lawyer, architect, dentist or other professional person not having a fixed place of business within the city who is called upon to render such professional services within the city; provided, however, that he does not advertise for or solicit business within the city.

5.6 Ministers. Ministers engaging in their duties as such.

5.7 Employees of licensees. Any person who is acting solely as an employee or as the direct representative of a business which pays the required license fee to the city and is named as licensee in an unrevoked license.

5.8 Persons under court order. Any person performing only an act required by order of a court of competent jurisdiction for performing such an act.

5.9 Students. Students under eighteen (18) years of age who are engaged in part-time occupations.

5.10 Veterans. Any honorably discharged or honorably relieved soldier, sailor, marine or airman of the United States who is entitled to the benefits set forth in section 16001 or 16001.5 of the Business and Professions Code of the state shall furnish the director of finance with satisfactory proof that he is

physically unable to obtain a livelihood by manual labor and that he is a voter of this state. Such proof as to such veteran's inability to obtain a livelihood by manual labor shall be evidenced by a certificate of a duly licensed physician and issued by such physician within three (3) months prior to the veteran's application for a license.

6. Interstate commerce exemption—Filing statement.

6.1. Every person claiming to be entitled to exemption from the payment of any license fee provided for in this ordinance upon the ground that such license fee casts a burden upon his right to engage in commerce with foreign nations or among the several states, or conflicts with the regulations of the United States Congress respecting interstate commerce, shall file a verified statement with the director of finance, disclosing the interstate or other character of his business entitling such exemption. Such statement shall contain:

6.1.1 The name and location of the company or firm for which the orders are to be solicited or secured.

6.1.2 The name of the nearest local or state manager, if any, and his address.

6.1.3. The kind of goods, wares or merchandise to be delivered.

6.1.4 The place from which the same are to be shipped or forwarded.

6.1.5 The method of solicitation or taking orders.

6.1.6 The location of any warehouse, factory or plant within the state.

6.1.7 The method of delivery.

6.1.8 The name and location of the residence of the applicant.

6.1.9 Any other facts necessary to establish such claim of exemption.

6.2 A copy of the order blank, contract form or other papers used by such person in taking orders shall be attached to the affidavit for the information of the director of finance.

7. Interstate commerce – Adjustment of fee:

7.1 None of the license fees provided for by this article shall be so applied as to occasion an undue burden upon interstate commerce. In any case where a license fee is believed by a licensee or applicant for license to place an undue burden upon such commerce, he may apply to the director of finance for an adjustment of the fee so that it shall not be discriminatory or unreasonable as to such commerce. Such application may be made before, at or within six (6) months after payment of the prescribed license fee. The applicant shall, by affidavit and supporting testimony, show his method of business and the gross volume or estimated gross volume of business and such other information as the director of finance may deem necessary in order to determine the extent, if any, of such undue burden on such commerce.

7.2 The director of finance shall then conduct an investigation, and after having first obtained the written approval of the city attorney, shall fix as the license fee for the applicant, an amount that is reasonable and nondiscriminatory, or if the license fee has already been paid, shall order a refund of the amount over and above the license fee so fixed. In fixing the license fee to be charged, the director of finance shall have the power to base the license fee upon a percentage of gross receipts or any other measure which will assure that the license fee assessed shall be uniform with that assessed on businesses of like nature, so long as the amount assessed does not exceed the license fee as prescribed by this chapter. Should the director of finance determine the gross receipts measure of license fee to be the proper basis, he may require the applicant to submit, either at the time of termination of applicant's business in the city or at the end of each three (3) month period, a sworn statement of the gross receipts of the applicant and to pay the amount of license fee therefor; provided, that no additional license fee during any one calendar year shall be required after the licensee shall have paid an amount equal to the annual license fee as prescribed in this chapter.

7.3 The director of finance, after giving notice and a reasonable opportunity for hearing to a licensee, may revoke any license granted pursuant to the provisions of this section upon information that the licensee is not entitled to the exemption as provided herein.

8. Issuance when permit required as prerequisite:

No license shall be issued to engage in any business when the provisions of this ordinance, or any other ordinance of this city, or any law of the State, or applicable ordinance of the County of Imperial require a permit to be obtained as a prerequisite to engaging in such business, until such permit is first obtained.

9. Preparation, issuance, contents:

9.1 All licenses required by this article shall be prepared and issued by the director of finance or by a person duly appointed to do so by the director of finance. Each license shall state upon its face at least the following:

- 9.1.1 The person to whom issued.
- 9.1.2 The kind of business licensed thereby.
- 9.1.3 The location of such business.
- 9.1.4 The effective date of such license.
- 9.1.5 The expiration date of such license.
- 9.1.6 Such other information as shall be deemed necessary by the director of finance.

10. Transferability, change of location:

No license issued pursuant to this ordinance shall be transferable or assignable; provided, that where a license is issued authorizing a person to transact and carry on a business, a licensee may, upon application therefor and paying a prescribed fee, have the license amended to authorize the transacting and carrying on of such business under such license at some other location to which the business is to be moved. Any business for which such a license change must be made shall pay a fee of nine dollars (\$9.00) for the handling and processing of such address change.

11. Posting and exhibition:

Every person having a license under the provisions of this ordinance and carrying on a business at a fixed place of business shall keep such current license posted and exhibited in some conspicuous part of such place of business near and visible to the principal business invitee entrance. Every person shall have such license or identification, as provided, with him or her at all times while carrying on the business for which the same was granted.

12. Duplicate copy:

A duplicate license may be issued by the director of finance to replace any license previously issued under this article which has been lost or destroyed upon the licensee filing an affidavit to such fact and paying the director of finance a fee of nine dollars (\$9.00) for the processing of such duplicate license.

13. License denied to debtor:

No license for any ensuing, current or unexpired license period shall knowingly be issued to any person who, at the time of making application for any license is indebted to the city for any unpaid license fee.

14. Enforcement:

The conviction and punishment of any person for engaging in any business without first obtaining a license to conduct such business shall not relieve such person from paying the license fee due and unpaid at the time of such conviction, nor shall the payment of any license fee prevent a criminal prosecution for the violation of any of the provisions of this ordinance. All remedies prescribed hereunder shall be cumulative and the use of any 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 ordinance.

15. Administrative rules and regulations:

The director of finance may promulgate and adopt reasonable rules and regulations for the purpose of administering the provisions of this ordinance which rules so promulgated and adopted shall be in writing, approved by the city council, and be filed in the office of such director of finance and shall be open to public inspection.

16. Powers and duties of chief of police:

16.1 The chief of police of the city and his duly authorized officers shall have and exercise the power to enter free of charge at any time any place of business or premises for which a license is required by this article and to demand the exhibition of such license hereof for the current term from any person engaged or employed in the transaction of such business.

16.2 Any information obtained pursuant to the provisions of this article shall be confidential and not be subject to public inspection, except for the disclosure of the name and address of business licensees.

17. Misrepresentation:

No person shall knowingly or intentionally misrepresent to any officer or employee of the city any material fact in procuring the licenses provided for in this article.

18. Unexpired licenses heretofore issued:

Where a license has been issued to any business by the city and the fee therefor under the provisions of any ordinance heretofore enacted and the term of such license has not expired, then the license fee described for such business by this article shall not be payable until the expiration of the term of such unexpired license.

19. Fee deemed debt.

The amount of any license fee imposed by this ordinance shall be deemed a debt to the city. Any person carrying on any business covered in this ordinance without having lawfully procured a license from the city to do so shall be liable to an action in the name of the city in any court of competent jurisdiction for the amount of the required license fee. Such license fee shall be due and payable once a year, except as otherwise provided in this ordinance, and the person or business so assessed shall pay to the city the amount of the fee in advance of the calendar year.

20. Payment of fee required:

Every person carrying on or conducting a business in the city shall pay a license fee.

21. Failure to pay fee; penalty:

For failure to pay any license fee under this ordinance when due the director of finance shall add a penalty of ten (10) percent of such license fee on the day following the delinquent date, and a similar penalty each month thereafter, provided that, the amount of such penalty to be added shall in no event exceed fifty (50) percent of the amount of the license fee originally due.

22. Fee schedule:

22.1 Retailers:

22.1.1 Every retailer having a fixed place of business in the city, and every retailer not having a fixed place of business in the city, but whose principal retail business is carried on in the city, shall pay on the gross receipts of all business transacted by them in the city a license fee computed as follows:

Quarterly Gross Receipts:	Quarterly License Fee:
\$0 - \$10,000	\$15.00
\$10,000 - \$20,000	\$17.00
\$20,000 - \$30,000	\$19.00
\$30,000 - \$40,000	\$21.00
\$40,000 - \$50,000	\$23.00
over \$50,000	\$25.00

22.1.2 Each such retailer shall at the first of each quarter furnish to the finance director a verified statement showing the total gross receipts from said retailer's business during the quarter immediately preceding. Such statement shall not be conclusive on the city as to the matters therein set forth and the city may fix and demand a higher license fee than indicated therein if the facts stated in said statement are incorrect. The license fee for the current quarter shall be based upon the gross receipts of the business license for the previous quarter.

22.1.3 For any new business commenced during any quarter the person conducting said business shall pay the minimum quarterly license fee of fifteen dollars (\$15.00) for said portion of the quarter. At the first of the next quarter such person shall furnish the finance director a verified gross receipt statement for said

portion of the quarter preceding, and the finance director shall compute the license fee for the current quarter upon the basis of said gross receipts statement for the portion preceding quarter by calculating the amount of gross receipts said business would have had if had been in operation during the entire quarter.

22.2 Non retailers:

Every non-retailers having a fixed place of business in the city, transacting or offering to transact any business or rendering or offering to render any service in the city, including all manufacturers, wholesalers, jobbers, processors, agents, brokers, contractors, distributors, professional business persons, exhibitors, hotel, auto court, and rooming house proprietors, an owner or operator renting or offering to rent three or more apartments or three or more rooms and persons having trades or other specialized occupations shall pay, in advance a quarterly fee of fifteen dollars (\$15.00) for each such fixed place of business.

22.3 Sidewalk Vendors:

Every sidewalk vendor shall pay, in advance a quarterly fee of fifteen dollars (\$15.00).

22.4 Special Event Vendors:

Every special event vendors shall pay, in advance a daily fee of five dollars (\$5.00), however the fee shall not exceed fifteen dollars (\$15.00) during any quarter.

22.5 Occupations not otherwise specified:

Every person not having a fixed place of business in the city but who transacts or offers to transact any business, or renders or offers to render any service in the city whose license fees have not been provided for in sections 22.1, 22.2, 22.3, or 22.4, shall before pursuing or transaction any business or carrying on his or her occupation in the city, shall pay a quarterly fee of fifteen dollars, (\$15.00).

23. Additional fees:

The City Council reserves the right to impose additional fees and conditions as it deems necessary and appropriate on persons that engage in certain occupations within the city. Likewise, this ordinance shall not be interpreted in such a manner as to repeal any existing ordinance or resolution of the City Council establishing fees and conditions already established for particular occupations conducted in the City unless said repeal is specifically stated herein.

24. Penalty for violation:

24.1 Any person violating any of the provisions of this ordinance or knowingly or intentionally misrepresenting to any officer or employee of the city in any material fact in procuring the license provided for in this ordinance is guilty of an infraction, and upon conviction thereof shall be punishable by a fine of not more than five hundred dollars (\$500.00). The conviction of any person for engaging in any business without first obtaining a license to conduct such business shall not relieve such person from paying the license fee to conduct such business, nor shall the payment of any license fee prevent a criminal prosecution for the violation of any of the provisions of this ordinance.

24.2 Any person operating a business in the city without first obtaining a license pursuant to this ordinance may be cited each and every day that said business remains operating without the required license. Each day that a person operates a business in the city without first obtaining a license may be prosecuted as a separate offense.

24.3 Any person who has been convicted of violating any provision of this ordinance who commits a subsequent violation of any provision of this ordinance within two years of the first conviction shall be guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine of not more than one thousand five hundred dollars (\$1,500.00).

25. Public nuisance:

25.1 The City Council declares that any person who operates a business in the city without first complying with the provisions of this ordinance is creating a public nuisance. The city attorney is authorized to seek a temporary restraining order and if necessary a permanent injunction to abate said nuisance.

25.2 In the event that the city attorney files an action to abate a public nuisance pursuant to this section, the person operating a business in violation of this ordinance shall be liable to the city for the costs of suit and reasonable attorneys' fees incurred therein.

26. Discretion to waive fee:

The City Council hereby reserves the right to waive any of the fees called for herein in the event that the City Council makes a finding that waiving the required fee is in the best interests of the residents of the city.

27. Repeal:

City of Calipatria Ordinance Number 231 is hereby repealed.

28. Effective date:

This ordinance shall be effective thirty (30) days after its adoption and the City Clerk shall cause a certified copy of this ordinance to be published one time within fifteen (15) days after its adoption in the Imperial Valley Press, a newspaper of general circulation printed in Imperial County and circulated in the City of Calipatria.

MOTION: *Spellins* SECOND: *Amezcuca* VOTE: *Carried*
 ADJOURN TO CLOSED SESSION

- 1) Conference with Real Property Negotiator (Cal. Govt. Code Sec. 54956.8)
 3-cases
 Property: (Confidential) {DISCUSSION/DIRECTION
 Negotiator: City Manager
 Under Negotiation: Price and Terms
- 2) Conference with Legal Counsel- Existing Litigation (Cal. Govt. Code Sec. 54956.9(d)(1)
 Name of Case: Loshek v. City DISCUSSION/DIRECTION
- 3) Public Employment Appointment- (Cal. Govt. Code Section 54957)
 Position: Fire Chief DISCUSSION/DIRECTION
- 4) Public Employee Performance Evaluation- (Cal. Govt. Code 54957.6)
 1 Case: City Manager M/S/C *Spellins, Cervantes, carried*
 Conference with Labor Negotiator- (Cal. Govt. Code 54957.6)
 1 Case: City Manager M/S/C *Hisel, Spellins, carried*

COUNCIL REPORTS:

Cervantes: I brought SCAG information; it is very informative.

Hisel: Res. 19-28, can they just get a back hoe? (No, they must be trained and insured.)

Amezcuca: No police report? (Chief Mara replied, the first week of the month) also, do we tow cars? Yes, \$75. The All-stars start June 15th

Spellins: Did the police ever catch the kid on the motorized bike? No.

Nava-Froelich: Attended ICTC last Wednesday, budget hearing- LAFCO meeting. The General Assembly is on May 30th, includes the May League of Cities. The Lions T-Shirts are for sale, \$25.00. The Imperial Chamber will donate reading glasses to students, so they can have one pair at home and one pair at school.

STAFF:

Medina: Lion's Club membership is at 34 members. The north Brown project hasn't started- waiting for revised agreement from Cal Trans; will bring the construction contract to council. The wastewater board has a hard time releasing funds; RCAC providing bridge loan; waiting for change order. Will bring the budget back next meeting and the attorney is working on rehabilitation loans.

Hoff: Nothing to report

MOTION: *Spellins* SECOND: *Cervantes* VOTE: *Carried*
 ADJOURN: 8:20 PM