

# California is Open What Does This Mean?

## California is Open, With Some Restrictions

As of June 15, California retired its Blueprint for a Safer Economy.<sup>1</sup> California's economy is now fully open. Restaurants, shopping malls, movie theaters, and most everyday places are operating as normal – with no capacity limits or physical distancing required.<sup>2</sup> However, everyone is still required to follow masking guidelines in select settings. Some restrictions also still exist for large events.



## Masking is Still Required In Some Settings

**EVERYONE**, regardless of vaccination status, is still required to wear masks on public transportation (buses, trains, planes, etc.) and some other places (like hospitals and shelters)<sup>3</sup> per CDC guidelines.

People who are **NOT fully vaccinated** must still wear masks in all **INDOOR** public settings (such as, but not limited to, the grocery store and the movie theater) and should wear masks in **OUTDOOR** crowded settings when that region is experiencing high [COVID transmission](#).



**Fully vaccinated**<sup>4</sup> people may go unmasked in most settings (except public transportation and places like hospitals and shelters). Workers must follow Cal/OSHA rules.

Read our [full masking guidance](#).

## Large Events are Subject to Some Restrictions

Some public health measures are still in place for large, or mega events, which include 5,000+ people indoors or 10,000+ outdoors. Think concerts, sporting events, festivals, and conventions. Mega events are high risk for spreading COVID-19 because they attract people from around the world, and people gather in crowds. Indoor mega event attendees will be required to confirm proof of vaccination or negative COVID-19 status to attend. Outdoor mega event attendees will be strongly encouraged to do so.



## What's Next

California will keep a close eye on COVID-19 vaccination and infection rates over the summer and will review these guidelines by September 1, 2021.

Scan the QR code to see interactive links on this flyer



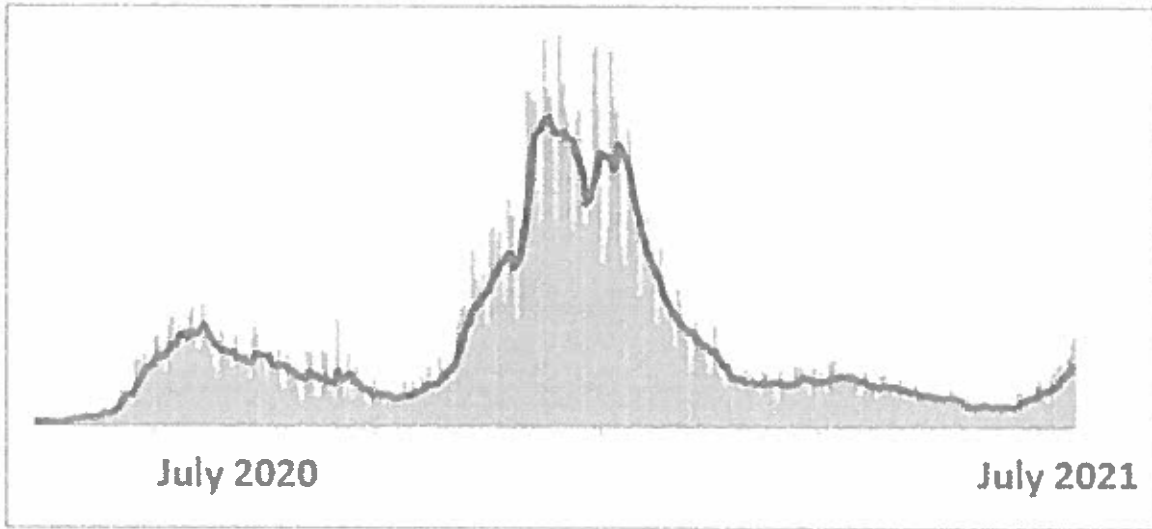
<sup>1</sup>See the full [Beyond the Blueprint guidance](#). Read the [Beyond the Blueprint Q&A](#).

<sup>2</sup>Local health jurisdictions may impose stricter criteria. In workplaces, employers are subject to the Cal/OSHA COVID-19 [Emergency Temporary Standards](#) (ETS) or in some workplaces the [Cal/OSHA Aerosol Transmissible Diseases Standard](#), and should consult those regulations for additional applicable requirements.

<sup>3</sup>This includes K-12 schools, childcare and other youth settings, healthcare settings (including long term care facilities), state and local correctional facilities and detention centers, homeless shelters, emergency shelters, and cooling centers.

<sup>4</sup>Someone is considered fully vaccinated two weeks or more after their second dose of Pfizer/Moderna or two weeks after receiving the single dose J&J vaccine.





SACRAMENTO COUNTY PUBLIC HEALTH EPIDEMIOLOGY COVID-19 DASHBOARD  
Epi-Curve by Episode Date. 23 July 2021

# City of Isleton

City Council  
Staff Report

DATE: July 27, 2021

ITEM#: 5.A

CATEGORY: Consent Calendar

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## MINUTES OF THE SPECIAL CITY COUNCIL MEETING OF JUNE 22, 2021 AND SPECIAL CITY COUNCIL MEETING MINUTES OF JUNE 29, 2021.

### SUMMARY

Review of the Special City Council Meetings of June 22, 2021 and Special City Council Meeting Minutes of June 29, 2021.

### FISCAL IMPACT

There is no fiscal impact associated with this action.

### RECOMMENDATION

City Council review and approve the draft minutes of the Special City Council Meeting on June 22, 2021 and June 29, 2021.

### ATTACHMENTS

Minutes of June 22, 2021 and June 29, 2021.

Reviewed by: Charles Bergson, City Manager 

Submitted and prepared by: Yvonne Zepeda, Deputy City Clerk 



**CITY OF ISLETON**

**Regular City Council Meeting Minutes**

Tuesday, June 22<sup>nd</sup>, 2021 at 6:00pm

208 Jackson Boulevard

Isleton, California 95641

You can call in to join our public meeting

**TELECONFERENCE MEETING**

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**1. OPENING CEREMONIES**

A. Welcome & Call to Order – Mayor Eric Pene called to order.

B. Pledge of Allegiance

C. Roll Call

PRESENT: Councilmember’s Paul Steele, Iva Walton, Vice Mayor Pamela Bulahan, Mayor Eric Pene, City Manager Charles Bergson, Deputy City Clerk Yvonne Zepeda.

**2. AGENDA CHANGES OR DELETIONS**

ACTION: None.

**3. PUBLIC COMMENT**

This is an opportunity for the public to speak to the Council on any item other than those listed for public hearing on this Agenda. Speakers are requested to use the podium in front of the Council and to begin by stating their name, whether they reside in Isleton and the name of the organization they represent if any. The Mayor may impose a time limit on any speaker depending on the number of people wanting to speak and the time available for the rest of the Agenda. In the event comments are related to an item scheduled on the Agenda, speakers will be asked to wait to make their comments until that item is being considered.

ACTION: None.

**4. COMMUNICATIONS**

A. None.

**5. CONSENT CALENDAR**

A. None.

**6. PUBLIC HEARINGS**

A. None.

**7. OLD BUSINESS**

**AMERICANS WITH DISABILITIES ACT NOTICE:** In compliance with the Americans with Disabilities Act, persons needing a disability-related modification or accommodation, including auxiliary aids or services, to participate in this meeting, may contact Deputy City Clerk Yvonne Zepeda, at (916) 777-7770, by fax at (916) 777-7775 or by email to [Yvonne.zepeda@cityofisleton.com](mailto:Yvonne.zepeda@cityofisleton.com) at least 48 hours prior to the meeting.

**GOV. CODE § 54957.5 NOTICE:** Public records related to an agenda item that are distributed less than 72 hours before this meeting are available for public inspection during normal business hours at Isleton City Hall located at 101 Second Street, Isleton, California 95641.

- A. **SUBJECT:** City Council Vacancy applications and appointment.

**RECOMMENDATION:** Appoint one new member for an interim term until the 2022 election.

**ACTION:** Councilmember Paul Steele motion to not appoint one new member and wait until election 2022. Councilmember Iva Walton second the motion. **AYES:** Councilmember's Paul Steele, Iva Walton, Vice Mayor Pamela Bulahan, Mayor Eric Pene. **NOES:** None. **ABSTAIN:** None. **ABSENT:** None. **PASSED** 4-0.

## 8. NEW BUSINESS

- A. **SUBJECT:** Wilson Ball Park 4<sup>th</sup> of July celebration encroachment permit request.

**RECOMMENDATION:** Grant encroachment permit 05-21 to Mr. Steele for use of the Wilson Ball Park on July 4th, 2021 and waive fees.

**ACTION:** Councilmember Iva Walton that City Council grant encroachment permit 05-21 to Mr. Steele for use of Wilson Ball Park on July 4, 2021 and waive fees. Vice Mayor Pamela Bulahan second the motion. **AYES:** Councilmember's Iva Walton, Vice Mayor Pamela Bulahan, Mayor Eric Pene. **NOES:** None. **ABSTAIN:** Councilmember Paul Steele. **ABSENT:** None. **PASSED** 3-1.

## 9. COUNCIL REPORTS AND COMMITTEE UPDATES

- A. Councilmember Vacant - Vacant
- B. Councilmember Paul Steele – None.
- C. Councilmember Iva Walton – Website and sign at China Park.
- D. Vice Mayor Pamela Bulahan – None.
- E. Mayor Eric Pene – None.

## 10. STAFF GENERAL REPORTS AND DISCUSSION

- A. City Manager Report – Next Tuesday, City Council open to public.
- B. Fire Chief Report – None.

## 11. ADJOURNMENT

**AYES:**  
**NOES:**  
**ABSTAIN:**  
**ABSENT:**

\_\_\_\_\_  
MAYOR, Eric Pene

**ATTEST:**

\_\_\_\_\_  
DEPUTY CITY CLERK, Yvonne Zepeda

## CITY OF ISLETON

### Special City Council Meeting Minutes

Tuesday, June 29<sup>th</sup>, 2021 at 6:30pm

208 Jackson Boulevard

Isleton, California 95641

You can call in to join our public meeting

**TELECONFERENCE MEETING**

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#### 1. OPENING CEREMONIES

A. Welcome & Call to Order – Mayor Eric Pene called to order at 6:29pm.

B. Pledge of Allegiance

C. Roll Call

PRESENT: Councilmember's Paul Steele, Iva Walton, Vice Mayor Pamela Bulahan, Mayor Eric Pene, City Manager Charles Bergson and Deputy City Clerk, Yvonne Zepeda.

#### 2. AGENDA CHANGES OR DELETIONS

ACTION: City Manager asked to take Item 8.A and 8.C after consent calendar.

#### 3. PUBLIC COMMENT

This is an opportunity for the public to speak to the Council on any item other than those listed for public hearing on this Agenda. Speakers are requested to use the podium in front of the Council and to begin by stating their name, whether they reside in Isleton and the name of the organization they represent if any. The Mayor may impose a time limit on any speaker depending on the number of people wanting to speak and the time available for the rest of the Agenda. In the event comments are related to an item scheduled on the Agenda, speakers will be asked to wait to make their comments until that item is being considered.

ACTION: None.

#### 4. COMMUNICATIONS

A. None.

#### 5. CONSENT CALENDAR

A. **SUBJECT:** Approval of Minutes of the Regular City Council Meeting of May 25, 2021 and Regular City Council Meeting of June 8, 2021.

**RECOMMENDATION:** City Council review and approve draft minutes of the Regular City Council Meeting of May 25, 2021 and Regular City Council Meeting of June 8, 2021.

**ACTION:** Councilmember Iva Walton motion to approve draft minutes of the Regular City Council Meeting of May 25, 2021 and Regular City Council Meeting of June 8, 2021. Councilmember Paul Steele second the motion. **AYES:** Councilmember's Paul

**AMERICANS WITH DISABILITIES ACT NOTICE:** In compliance with the Americans with Disabilities Act, persons needing a disability-related modification or accommodation, including auxiliary aids or services, to participate in this meeting, may contact Deputy City Clerk Yvonne Zepeda, at (916) 777-7770, by fax at (916) 777-7775 or by email to [Yvonne.zepeda@cityofisleton.com](mailto:Yvonne.zepeda@cityofisleton.com) at least 48 hours prior to the meeting.

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Steele, Iva Walton, Vice Mayor Pamela Bulahan, Mayor Eric Pene. NOES: None.  
ABSTAIN: None. ABSENT: None. PASSED 4-0.

**6. PUBLIC HEARINGS**

- A. SUBJECT:** None.

**RECOMMENDATION:**

**7. OLD BUSINESS**

- A. SUBJECT:** Withdrawal Declaration of State of Emergency issued on March 18, 2020 pursuant to Isleton Municipal Code Section 5.40.060 as required by California Government Code Section 8558.

**RECOMMENDATION:** It is recommended that City Council discuss and rescind with conditions March 18, 2020, City of Isleton Declaration of State of Emergency.

**ACTION:** Councilmember Paul Steele motion to rescind with conditions March 18, 2020, City Declaration of State of Emergency. Councilmember Iva Walton second the motion. **AYES:** Councilmember's Paul Steele, Iva Walton, Vice Mayor Pamela Bulahan, Mayor Eric Pene. **NOES:** None. **ABSTAIN:** None. **ABSENT:** None. **PASSED 4-0.**

- B. SUBJECT:** TJKM presentation, Local Road Safety Plan (LRSP), contract award.

**RECOMMENDATION:** Staff recommends that the City Council award a contract to TJKM Transportation Consultants in the amount of \$74,764.13 for the City of Isleton Local Road Safety Plan.

**ACTION:** Councilmember Paul Steele motion that the City Council award a contract to TJKM Transportation Consultants in the amount of \$74,764.13 for the City of Isleton Local Road Safety Plan. Councilmember Iva Walton second the motion. **AYES:** Councilmember's Paul Steele, Iva Walton, Vice Mayor Pamela Bulahan, Mayor Eric Pene. **NOES:** None. **ABSTAIN:** None. **ABSENT:** None. **PASSED 4-0.**

**8. NEW BUSINESS**

- A. SUBJECT:** Mosquito Vector Control Presentation by Gary Goodman.

**RECOMMENDATION:** That City council receive Mosquito Vector Control Presentation and discussion.

**ACTION:** Luz Robles gave Mosquito Vector Control Presentation.

- B. SUBJECT:** A list of projects for Fiscal Year 2020-2021 funded by Senate Bill 1.

**RECOMMENDATION:** City Council approve Resolution 018-21, adopting a List of Projects for Fiscal Year 2021-2022 Funded by SB 1 the Road Repair and Accountability Act of 2017.



**ACTION:** Councilmember Iva Walton motion that City Council approve Resolution 018-21, adopting a List of Projects for Fiscal Year 2021-2022 Funded by SB 1 the Road Repair and Accountability Act of 2017. Mayor Eric Pene second the motion. **AYES:** Councilmember's Paul Steele, Iva Walton, Vice Mayor Pamela Bulahan, Mayor Eric Pene. **NOES:** None. **ABSTAIN:** None. **ABSENT:** None. **PASSED** 4-0.

- C. SUBJECT:** City Council finds City of Isleton subject to GHAD Law (Geological Hazard Abatement District).

**RECOMMENDATION:** City Council finds City of Isleton subject to GHAD Law (Geological Hazard Abatement District).

**ACTION:** Mayor Eric Pene motion that City Council finds City of Isleton subject to GHAD Law (Geological Hazard Abatement District). Councilmember Paul Steele second the motion. **AYES:** Councilmember's Paul Steele, Iva Walton, Vice Mayor Pamela Bulahan, Eric Pene. **NOES:** None. **ABSTAIN:** None. **ABSENT:** None. **PASSED** 4-0.

- D. SUBJECT:** Conditional Use Permit CUP 05-18 Revocation, 49 Main Street.

**RECOMMENDATION:** That City Council revoke Conditional Use Permit CUP 05-18 and Recommend Revocation of CUP 05-18 for violation of conditions of approval no. 3 and 7.

**ACTION:** Councilmember Paul Steele motion that City Council revoke Conditional Use Permit CUP 05-18 and Recommend Revocation of CUP 05-18 for violation of conditions of approval no. 3 and 7. Vice Mayor Pamela Bulahan second the motion. **AYES:** Councilmember's Paul Steele, Iva Walton, Vice Mayor Pamela Bulahan, Mayor Eric Pene. **NOES:** None. **ABSTAIN:** None. **ABSENT:** None. **PASSED** 4-0.

- E. SUBJECT:** Isleton Redevelopment Agency Obligation to San Joaquin Delta College.

**RECOMMENDATION:** City Council to approve Redevelopment Agency payment plan to San Joaquin Delta College.

**ACTION:** Councilmember Paul Steele motion that City Council approve Redevelopment Agency payment plan to San Joaquin Delta College. Councilmember Iva Walton second the motion. **AYES:** Councilmember's Paul Steele, Iva Walton, Vice Mayor Pamela Bulahan, Mayor Eric Pene. **NOES:** None. **ABSTAIN:** None. **ABSENT:** None. **PASSED** 4-0.

- F. SUBJECT:** Village on the Delta Fencing Alterations, 700 Annemarie Way; appeal.

**RECOMMENDATION:** Staff recommends City Council to sustain Planning Commission approval of wood only fencing alteration for 700 Annemarie Way.

**ACTION:** By consensus to have 700 Annemarie Way go back to Planning Commission.

- G. SUBJECT:** Fiscal Year 2021-2022 Draft Budget, City of Isleton.

**RECOMMENDATION:** Set public hearing on Fiscal Year 2021-2022 budget and adopt budget.

**ACTION:** Council and citizens discussed budget and set hearing on Fiscal Year 2021-2022 budget and adopt budget.

**9. COUNCIL REPORTS AND COMMITTEE UPDATES**

- A. Councilmember Vacant - Vacant
- B. Councilmember Paul Steele – None.
- C. Councilmember Iva Walton – Public Bathroom and Sign and for dogs poop bags.
- D. Vice Mayor Pamela Bulahan – None.
- E. Mayor Eric Pene – None.

**10. STAFF GENERAL REPORTS AND DISCUSSION**

- A. City Manager Report – RDUSD. RDA debt. Boat ramp parking.
- B. Fire Chief Report – None.

**11. ADJOURNMENT**

AYES:

NOES:

ABSTAIN:

ABSENT:

\_\_\_\_\_  
MAYOR, Eric Pene

ATTEST:

\_\_\_\_\_  
DEPUTY CITY CLERK, Yvonne Zepeda

# City of Isleton

## Special City Council Staff Report

DATE: July 27, 2021

ITEM#: 7.A

CATEGORY: Old Business

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### VILLAGE ON THE DELTA FENCING ALTERATION, 700 ANNEMARIE WAY; APPEAL

#### SUMMARY

The City has received an application to place a new fence along a portion of the perimeter of one of the existing homes in the Village on the Delta (VOD) development. The Village on the Delta does not have an established Home Owner's Association or agreed upon Covenants, Conditions, and Restrictions (CC&R's) regulating alterations to the Village's design. Staff presented proposed alterations to the Architectural Design Review Committee (ADRC) and Planning Commission for approval. The fence was approved with condition that the fence material is to be real wood.

The owner, Jesus Ibarra, appealed the decision to City Council at their June 29<sup>th</sup>, 2021 meeting, requesting that he be allowed to erect a vinyl fence. City Council motioned to send the fencing application back to Planning Commission with better illustrative depictions of the vinyl fencing. Planning Commission maintained their original decision and Mr. Ibarra is now appealing again to City Council.

#### DISCUSSION

Planning Commission approved 4-1 vote for wood fencing only at their Meeting on May 4<sup>th</sup>, 2021 and again at their July 6<sup>th</sup>, 2021 meeting (see attachment 3 for meeting minutes).

The proposed fencing (see attachment 1 for site plan) will add approximately 75 feet of fencing at a continuous height to the north-east corner of property, analogous to fences put up on other corners lots in the VOD development over the years. Due to the nature of these homes and the neighborhood and the need for architectural consistency, it is recommended to use wood as the fence material.

The owner is appealing the Planning Commission's recommendation to use wood.

#### FISCAL IMPACT

There is no fiscal impact associated with this action.

#### RECOMMENDATION

Staff recommends City Council to sustain the Planning Commission's approval of wood only fencing for 700 Annemarie Way.

## ATTACHMENTS

1. Appeal submission with photos and site plan
2. IMC sec. 10.16.020 Nuisances designated.
3. IMC sec. 2004 Property maintenance.

Prepared by: James Gates, Assistant Planner

Reviewed by: Charles Bergson, City Manager

Submitted by: Yvonne Zepeda, Deputy City Clerk



**AGENDA ITEM REQUEST**

*All requests will be reviewed by City Manager*

Name: Jesse Ibarra Date: 07/07/2021

Address: 700 Annemarie Way

City: Isleton State: CA Zip: 95641

Phone: 916-280-6509 E-mail: \_\_\_\_\_

**City Council Meeting / Planning Commission Meeting**

(Please Circle One)

Date Requested: 07/13/2021

Agenda Item(s)

Requested: 1.) Request the City Council approve the use of PVC/vinyl rather than wood for the proposed fence for my side yard. Village on the Delta Fencing Alteration at 700 Annemarie Way

**Please provide detailed description of the item(s) that you will be discussing with the City Councilmember's.**

1.) I have provided both the Planning Commission and the City Council with evidence and images proving that PVC is at least as attractive as, and more durable and economical than wood. The 2 existing fences in the neighborhood are bare wood which according to your staff was admitted on an ad-hoc basis. I am attempting to cooperate with your desire to have a more formal recorded process. They stated that the Planning Commission would be the reviewing body, however, I went to the Planning Commission, who did not understand what a PVC fence was, then was told to appeal to the City Council, who sent me back to the Planning Commission, who have now sent me back to the City Council for approval, even though after reviewing my evidence the staff recommended allowing PVC. This is also allowed according to City Ordinance. Please approve PVC for my new fence without further delay. Thank you. (see attached)

[Signature]  
Requestor's Signature

07/07/2021  
Date

\_\_\_\_\_  
City Clerk / Staff Member

\_\_\_\_\_  
Date

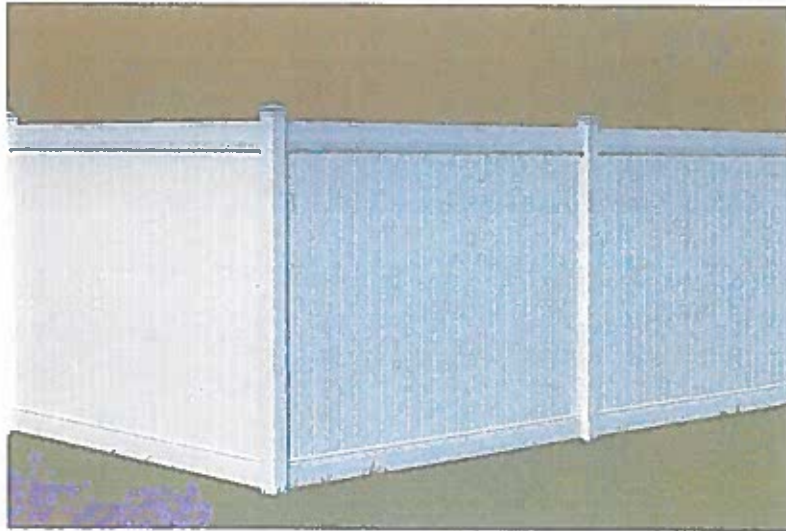
\_\_\_\_\_  
City Manager

\_\_\_\_\_  
Date

# Wood Fencing Material vs. PVC/Vinyl Fencing Materials

Wood Fence	PVC Fence
10 year warranty	Lifetime warranty
Bare, no finish	Comes in selected color/finish
High maintenance	Low maintenance
Far more expensive over the life of the fence for finishing, refinishing, maintenance and multiple replacements	Far less expensive over the life of the fence, low maintenance, no replacements, no re-finishing
<p>As stated in the Planning commission staff report of July 6, 2021, the zoning ordinances “allow(s) for flexibility in application of zoning standards, staff is recommending approval of the proposed fence.” (see attached)</p>	<p><b>There is no ordinance banning or reasonable objection to using PVC fencing instead of wood in this neighborhood in light of the facts regarding the differences in the longevity and quality of these materials.</b> The homeowner has been sent back and forth from PC to City Council, to PC and now back to City Council. In spite of reasonable arguments in favor of this fencing material, and the current staff recommendation in favor of allowing the PVC to be used instead of wood, both bodies continue to drag out what should be a simple approval process.</p>

## Typical PVC Fence with Proposed White Finish



## Wood Fence at 712 Annemarie Way





**700 Annmarle Way**  
Proposed fencing location



**Legend**  
Path Measure

Google Earth

30 ft





## 10.16.020 - Nuisances designated

It shall be unlawful for any person owning, leasing, occupying or having charge, possession or control of any property in the city to maintain such property in such manner that any of the following conditions are found to exist on or in connection with such property:

- A. Any building or structure which is abandoned, partially destroyed, or left in an unreasonable state of partial construction. An unreasonable state of partial construction is defined as any unfinished building or structure which has been in the course on construction two years or more, and where the appearance and other conditions of the unfinished building or structure substantially detracts from the appearance of the immediate neighborhood or reduces the values of properties in the immediate neighborhood.
- B. Any building or structure on which the condition of the paint or finishing has become so deteriorated as to permit decay, cracking, peeling, chalking, dry rot, warping, or termite infestation as to render the building or structure unsightly and in a state of disrepair.
- C. Broken windows constituting hazardous conditions an inviting trespassers and malicious mischief.
- D. Building exteriors, walls, fences, driveways, sidewalks, or walkways which are maintained in such condition as to become so defective, unsightly, or in such condition of deterioration or disrepair that the same reduces the values of properties in the immediate neighborhood or is materially detrimental to nearby properties and improvements.
- E. The accumulation of dirt, litter, or debris in vestibules, doorways, porches or the adjoining sidewalks of a building or structure.
- F. Lumber, junk, trash, debris, or salvage materials visible from a public street, alley, or adjoining property.
- G. Attractive nuisances dangerous to children, including abandoned, broken, or neglected equipment and machinery, hazardous pools, ponds, and excavations.
- H. Abandoned, discarded or unused furniture, stoves, sinks, toilets, cabinets, or other household fixtures or equipment visible from a public street, alley or from adjoining property.
- I. Construction equipment or machinery of any type or description parked or stored on the owner's property when it is visible from a public street, alley or from adjoining property, except while excavation, construction or demolition operations covered by an active building permit are in progress on the subject property or an adjoining property.
- J. Improper maintenance of signs relating to uses no longer conducted or products no longer sold on property.
- K.** Maintenance of property so out of harmony or conformity with the maintenance standards of adjacent properties as to cause substantial diminution of the enjoyment, use or property values of such adjacent properties.
- L. Vehicles parked in required front yard setbacks in a residential zone except when such vehicles are parked on a drive approach to a garage.
- M.** Property maintenance in relation to other neighboring properties so as to establish a prevalence of depreciated values, impaired investments, and social and economic maladjustments to such an extent that the capacity to pay taxes is reduced and tax receipts from such particular areas are inadequate for the cost of public services rendered therein.
- N. Maintenance of property in such condition as to be detrimental to the public health, safety or general

welfare or in such manner as to constitute a public nuisance as defined by Civil Code section 3480.

- O. Dead, decayed, diseased or hazardous trees, weeds, and overgrown vegetation, cultivated or uncultivated, which is likely to harbor rats, mice or other vermin, or constitute an unsightly appearance, or is detrimental to neighboring properties or property values.
- P. Clotheslines in front yard areas and in side yard areas or corner lots no lower than 6 feet.
- Q. Any wall, fence, or hedge maintained in such condition of deterioration, neglect or disrepair as to constitute a hazard to persons or property or to cause depreciation in the value of any adjacent or nearby property.
- R. Any property utilized for commercial or industrial purposes with pooled oil accumulation, oil flowing onto public right-of-way, or excessive accumulations of grease or oil on paved surfaces, buildings, walls, or fences.
- S. Any landscaped setback areas which lack appropriate turf or plant materials so as to cause excessive dust, allow the accumulation of debris, or to cause depreciated values of adjacent properties and neighborhood.
- T. The existence of branches, grass, weeds, or other vegetation or obstructions on, across, or infringing any public street, alley or sidewalk, or which interfere with the visibility on or from, or access to or from, any public street, alley or sidewalk.
- U. The existence of weeds, other vegetation, garbage, trash or debris which, in the opinion of the City Fire Chief, is a fire danger or menace, or will be, or may attain such a growth as to become, a fire danger or menace when dry.
- V. Any compost pile, septic system or other operation, activity, container or apparatus which is of such a nature as to emit offensive odors or harmful gases, harbor or spread rats, mice, mosquitoes, other vermin or other diseases-carrying pests, animals or insects, or otherwise be unsanitary or unhealthy.
- W. Any other condition on or use of property which is a menace to the public peace, health, safety, welfare or aesthetics of the surrounding neighborhood or community.

(Ord. No. 309, § 2, 4-11-1990)

## Sec. 2004 - Property maintenance

- A. It is hereby declared to be a public nuisance for any person owning, leasing, occupying or having charge or possession of any property within the city to maintain such premises in such manner that any of the following conditions are found to exist thereon:
1. Building or structures which violate the city's building code by creating a fire hazard, danger to human life, or hazards to public health, safety and general welfare, including dilapidation, broken equipment, hazardous pools, excavations, neglected machinery, indiscriminate outdoor storage of household goods or equipment, the keeping and outdoor storage of vehicles incapable of moving under their own power, and other similar attractive nuisances.
  2. Premises unmaintained so as to constitute a fire hazard by reason of weeds, grasses, rank overgrowth or accumulation of debris, or which could harbor rats or other vermin, create unsightly appearance, or create conditions which are detrimental to neighboring properties.
  3. Broken windows or other structural defects which create hazardous conditions and invite trespassing and malicious mischief, including unsafe structural supports, boarded doorways and windows, dry rot, termites and similar hazards.
  4. Clothes lines within front yard areas.
  5. Garbage cans and garbage receptacles permanently stored within front yards which are visible from the public street and neighboring properties.
  6. Failure to maintain any wall, fence or hedge as to constitute a hazard to persons or property or to cause depreciation in the value of adjacent property.
- B. Whenever the building official determines that any building or premises is in violation of the provisions of this section, he or she shall give written notice thereof to the owner of record as shown on the last assessment roll, and shall post said written notice on the premises.
- C. If the owner, duly noticed under paragraph B of this section, fails to comply with directives requiring abatement of violations of this section, the building official shall file the official complaint with the city council, with a copy of said complaint being sent to the affected property owner by certified mail. Said complaint, or notice of complaint, shall be made the subject of a public hearing before the city council in the manner prescribed for the conduct of public hearings provided in sections 1004 and 1905 of this code.
- D. The city council shall hear the matter, review all pertinent testimony and information, and determine whether a public nuisance does in fact exist, and further determine the method by which abatement of the nuisance shall be accomplished by the affected property owner. A copy of the city council's decision shall be served by certified mail upon the affected property owner.
- E. Failure on the part of an affected property owner to abate a public nuisance determined by the city council to exist under the provisions of this section shall constitute an infraction, and shall be abated under the proceedings prescribed under section 2003.



# City of Isleton

City Council  
Staff Report

DATE: July 27, 2021

ITEM#: 7.B

CATEGORY: Old Business

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## **PREFERENTIAL PERMIT PARKING FOR CENTRAL COMMERCIAL/RESIDENTIAL DISTRICT; DISCUSSION OF RESIDENTIAL PARKING AND FEES**

### **BACKGROUND**

Following the commencement of more regular parking enforcement. Staff have been given direction by City Council to begin the process of establishing permanent parking districts for Main Street and Second Street.

### **DISCUSSION**

Staff would like to address two policy questions in regards to the permanent parking districts. The first issue is how to balance the parking needs of residential and commercial tenants on Main Street.

Establishing a PPD on Second Street and Main Street will make available more commercial parking as well as provide for residential parking. The proposed permit allotment is 1 parking permit per apartment and provisions for guest parking. These residential permits will allow the residents to be exempt from the "green zone" parking restrictions (e.g. 2 hour time limits, 4 hour time limits).

The problem that comes from this mixed use on Second and Main Streets is the use of the parking spaces for long term parking for residents, which reduces the number of commercial spaces.

Staff is proposing the residential cars be limited to a maximum of 30 days long term parking on Main Street and that residential cars not be allowed to park in dedicated business-only green spaces. These dedicated business-only green spaces will front active businesses. There is an estimated 100 parking spaces on Main Street. The number of "business-only green" spaces will be 20 parking spaces.

Staff justifies the need for two different Green Zones on the basis that Main Street is both the City's high density residential and commercial district and, since most buildings do not provide any off street parking, both uses rely on available on-street spaces for their total parking capacity. Having business-only green zones would improve traffic circulation and reduce conflict between the needs of commercial and residential tenants.

To clarify, staff is proposing a policy where no car with a residential parking permit may occupy the same space anywhere within a permanent parking district for more than 30-days continuously.

The second issue staff is presenting concerns fees for parking permits and citation fines for violations, discussed in the fiscal impact section below.

## FISCAL IMPACT

Listed below are the proposed preferential parking fees.

DESCRIPTION	COST
Except as otherwise provided in this Resolution it shall be unlawful for any person to park any motor vehicle on any street or street segment identified in this Resolution between the hours of 8:00am and 5:00pm, Monday through Friday without a properly displayed parking permit issued by the City of Isleton.	
The City may issue a maximum of <u>one (1)</u> Annual Resident Parking Permits per residence for which application is made.	
The City may issue a maximum of <u>two (2)</u> Annual Guest Parking Permits per residence for which application is made.	
Annual Resident Parking Permit	\$30
Annual Guest Parking Permit	\$5
Daily Guest Parking Permit	\$2
Re-issuance of an Annual Parking Permit	\$30
Re-issuance of an Annual Guest Parking Permit	\$2
Fine for parking without a Parking Permit	\$57.00
Fine for Parking without Displaying Parking Permit	\$27.00
Fine for Improperly Displaying Parking Permit	\$27.00
Business Hotel Guests & Employee Permits	\$20.00 each

## RECOMMENDATION

Staff is presenting these preferential parking district issues for discussion and direction.

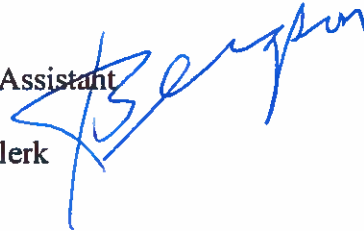
## ATTACHMENTS

- A. Resolution 014-21 Adoption of Fees for Preferential Parking District for Central Business District/Residential District
- B. Ordinance 2021-05 An Ordinance Establishing a Preferential Parking District for the Central Business District/Residential District

Prepared by: James Gates, Assistant Planner  
Diana O'Brien, Administrative Assistant

Reviewed by: Charles Bergson, City Manager

Submitted by: Yvonne Zepeda, Deputy City Clerk





**DRAFT**  
**RESOLUTION NO. 014-21**

**A RESOLUTION OF CITY COUNCIL OF THE CITY OF ISLETON ADOPTION OF  
FEES FOR PREFERENTIAL PARKING DISTRICT FOR CENTRAL BUSINESS  
DISTRICT/RESIDENTIAL DISTRICT**

**WHEREAS**, California Vehicle Code Section 22507 authorizes the City to establish preferential parking programs; and

**WHEREAS**, the City Council received a many complaints regarding public parking on 2<sup>nd</sup> Street and Main Street identified in this Resolution; and

**WHEREAS**, the City Council has found that currently unrestricted parking within the preferential parking areas established by Ordinance 2021-005 on certain days and certain times of the day creates a situation in which the streets cannot be used for parking by the residents or their guests which substantially and unreasonably, regularly interferes with the use of a majority of the available street parking within this preferential parking areas; and

**WHEREAS**, the City shall initially charge fees for residential parking permits as designated in this Resolution, which fee amount may be adjusted by subsequent actions of the City Council.

**NOW, THEREFORE IT IS RESOLVED BY THE CITY COUNCIL OF ISLETON AND ORDERED AS FOLLOWS:**

1. The terms used for business districts in this Resolution shall have the definitions ascribed to them in Section 802 of the City of Isleton Municipal Code.
2. Preferential Parking Central Commercial District/Residential District is established to include the residential uses only on the following streets and street segments (Attachment A and B– Map):

<b>Zone</b>	<b>Boundary 1</b>	<b>Boundary 2</b>
2 <sup>nd</sup> Street	C Street	Delta Avenue
Main Street	Tower Park & Ride	H Street

3. Except as otherwise provided in this Resolution it shall be unlawful or any person to park any motor vehicle on any street or street segment identified in this Resolution between the hours of 8:00am and 5:00pm, Monday through Friday without a properly displayed parking permit issued by the City of Isleton.
4. The City may issue a maximum of one (1) Annual Resident Parking Permits per residence for which application is made.

5. The fee for each Annual Resident Parking Permit shall initially be thirty dollars \$30.00.
6. The fee for each Annual Guest Parking Permit shall initially be five dollars (\$5).
7. The fee for each Daily Guest Parking Permit shall initially be two dollars (\$2) for the first ten (10) permits.
8. The fee for re-issuance of an annual Resident Parking Permit shall be thirty dollars \$30.00.
9. The fee for re-issuance of an Annual Guest Parking Permit shall be two dollars (\$2) for the first re-issued permit.
10. The fine for parking in the preferential parking district established pursuant to this resolution without a parking permit shall be fifty seven dollars \$57.00.
11. The fine for parking in the preferential parking district established pursuant to this resolution without displaying a parking permit shall be twenty seven \$27.00.
12. The fine for improperly displaying a parking permit shall be twenty seven \$27.00.
13. Commercial Business Permit will be issued to businesses in the district. The businesses will be allotted hotel patrons and employees permits. The fee for each permit shall be twenty dollars \$20.00.

PASSED AND ADOPTED by the City Council of the City of Isleton this \_\_\_\_\_ day of \_\_\_\_\_, 2021, by the following vote:

AYES:  
NOTES:  
ABSTAIN:  
ABSENT:

\_\_\_\_\_  
Eric Pene, Mayor

\_\_\_\_\_  
Yvonne Zepeda, Deputy City Clerk

\_\_\_\_\_  
City Attorney

**ATTACHMENT A – PREFERENTIAL PARKING DISTRICT,  
CENTRAL BUSINESS DISTRICT/RESIDENTIAL DISTRICT  
2ND STREET ZONE**



**ATTACHMENT B – PREFERENTIAL PARKING DISTRICT,  
CENTRAL BUSINESS DISTRICT/RESIDENTIAL DISTRICT  
MAIN STREET ZONE**



# DRAFT

## ORDINANCE NO. 2021-005

### AN ORDINANCE ESTABLISHING A PREFERENTIAL PARKING DISTRICT FOR THE CENTRAL BUSINESS DISTRICT/RESIDENTIAL DISTRICT

WHEREAS, California Vehicle Code Section 22507 authorizes the City to prohibit or to restrict the stopping, standing, or parking of vehicles on certain streets or highways, or portions thereof, during all or certain hours of the day; and

WHEREAS, Vehicle Code Section 22507 further authorizes the City to designate certain streets upon which preferential parking privileges are given to residents and merchants adjacent to the streets for their use and the use of their guests, under which designation said residents and merchants may be issued a permit or permits that exempt them from the prohibition or restriction of the ordinance or the resolution; and

WHEREAS, the City desires to establish a framework for the establishment of the following Preferential Parking Central Commercial District/Residential District is established to include the residential uses only on the following streets and street zones (Attachment A and B– Map):

CENTRAL BUSINESS DISTRICT/RESIDENTIAL DISTRICT PPD		
Zone	Boundary 1	Boundary 2
2 <sup>nd</sup> Street	C Street	Delta Avenue
Main Street	Tower Park & Ride	H Street

NOW, THEREFORE, THE CITY COUNCIL FOR THE CITY OF ISLETON DOES HEREBY DOES ORDAIN AS FOLLOWS:

Section 1. Section 802 “Preferential Parking Districts” is hereby added Isleton Municipal City Code and shall read as follows:

XX. Definitions. For purpose of this Article, the following words and phrases shall have the following meanings:

- a) “Dwelling Unit” or “Residence” shall mean a house, apartment, condominium, mobile home, or other type of residence, in conformance with the City’s Zoning Code. Apartments, mobile homes, or other type of residence having numbers or letters assigned in addition to the street address shall be deemed a dwelling unit.
- b) “Guest” shall mean any person visiting a dwelling unit located in a preferential parking district.
- c) “Guest Permit” shall mean a permit issued by the City of Isleton to residents of preferential parking districts, limited to use by guests of the resident within the district to which it is issued.
- d) “Motor Vehicle” shall include any licensed automobile, truck, motor-home, recreational vehicle, trailer, motorcycles, or other motor-drive form of transportation.

- e) "Parking Permit" or "Preferential Parking Permit" shall mean any valid resident, guest, or daily parking permit issued by the City of Isleton.
- f) "Preferential Parking District" shall mean a residential area with streets and boundaries designated by a City Council resolution wherein vehicles displaying a valid permit shall be exempt from parking restrictions established pursuant to this Article.
- g) "Qualified Petition" shall mean a City of Isleton approved petition that represents at least fifty-one percent (51%) of the households or occupants on a block segment. Each household gets one vote whether owner or renter occupied.
- h) "Resident" shall mean a person who lives in a dwelling unit located in a preferential parking district.

## **XX. Parking Privileges for Permit Holders**

Any motor vehicle properly displaying a valid preferential parking permit for a street within a preferential parking district may park on that street during the hours when parking on such street is prohibited to non-permitted vehicles. Except as otherwise provided in this Article, all other motor vehicles parked within a preferential parking district shall be subject to the parking restrictions and penalties as provided in this Article. A preferential parking permit shall neither guarantee nor reserve to the holder thereof any particular on-street parking space. A permitted vehicle shall obey all other parking rules, regulations, and restrictions.

## **XX. Designation of Preferential Parking Districts**

- a) The City Council may, by resolution, and at its discretion or upon receipt of a petition signed by at least fifty-one percent of a residential area, designate that area or areas to be a preferential parking district.
- b) A preferential parking district shall be created only where the City Council has found that unrestricted parking creates a situation in which the streets cannot be used for parking by the residents or their guests and that such unrestricted parking substantially and unreasonably, regularly interferes with the use of the available public street parking, is the source of unreasonable noise, traffic hazards, environmental pollution, or of other interference with the residential environment and detrimentally affects the public welfare.
- c) Resident Requests to Add or Remove Street Segments to an Existing Program Area. Residents may submit a qualified petition to request adding or removing a street segment to an existing program area. These petitions must be submitted to the Planning Department which will evaluate the City's ability to serve the area. Residents of the proposed street segment will be given at least thirty (30) days' notice prior to implementation of the preferential parking program.
- d) Dissolution of Preferential Parking Districts. The designation process set forth in this Section shall be utilized by the City Council in determining whether to dissolve a preferential parking district.

## XX. Installation of Signs

The preferential parking designation shall not apply to any specific street within the district until a sign giving adequate notice thereof has been installed on that street. The Transportation and Engineering Director will cause the installation of such signs on the streets preferential parking districts, in an order and timing in his or her discretion according to sound traffic engineering principles, indicating that there is no parking between specified hours except for vehicles which display a valid preferential parking permit.

## XX. Establishment and Enforcement of Hours

- a) Preferential parking referenced in this Article shall be in effect and enforced on such days of the week and during such time periods as shall be determined by the City Council and established by resolution, based upon sound traffic engineering principles, traffic investigation, and surveys made, and shall be posted upon such streets. Nothing in this Article shall be construed as permitting parking during times or hours or by type of vehicle otherwise prohibited in the City Code or by and provision of state law.

## XX. Exemptions

- a) The vehicles listed in this section may park in a preferential parking district without a preferential parking permit: vehicles lawfully displaying a special identification license plate or placard issued to a disabled person; vehicles of disabled veterans, emergency vehicles and other vehicles explicitly exempted from observing parking regulations pursuant to applicable provisions of state law.
- b) Those streets or street segment(s) in front of schools and parks which, as determined by the City Manager, are otherwise subject to parking restrictions that differ from those established for a preferential parking area.

## XX. Preferential Parking Permit – Application and Issuance

- a) Parking permits for preferential parking district shall be issued by the City Manager or his designee.
- b) The City shall make available preferential parking permit applications and shall issue permits upon proper application therefor. Each application and reapplication shall be on a form provided by the City and shall contain sufficient information to satisfy the City as to the identity the applicant including the address and daytime telephone number of the applicant; the applicant's registered ownership; the applicant's driver license number; the license number, make, model, and year of the vehicle; proof of current vehicle insurance and current registration; and such other information as deemed necessary by the City. Permits shall be issued within thirty (30) days of the City's receipt of a complete and conforming application.
- c) Each application, reapplication, and renewal application shall be accompanied by the nonrefundable fees specified by resolution of the City Council.
- d) Parking permits shall not be issued to any person who has outstanding parking tickets.

- e) Parking permits become invalid and shall be returned to the City when the permit holder moves out of a preferential parking district.

#### **XX. Resident Parking Permits**

- a) The number of resident parking permits to be issued to each residence for which application is made shall be determined by the parking conditions within each district and set forth by resolution of the City Council. Resident parking permits are issued to the resident for the resident's vehicle. The resident parking permit is not transferable between vehicles. The resident permit is valid for one year after the date of issuance.
- b) Resident parking permits shall be affixed to the inside bottom left of the front windshield or hanging from the rear view mirror.

#### **XX. Guest Parking Permit - Annual**

- a) The number of annual guest parking permits to be issued to each residence for which application is made shall be determined by the parking conditions within each district and set forth by resolution of the City Council. Annual guest parking permits are transferable among the resident's guest vehicles. Residents who do not possess a driver's license and who do not otherwise qualify for the resident parking permit, may not purchase guest parking permits. Guest parking permits are to be used only by the resident's bona fide transient guests. The guest permit is valid for one year after the date of issuance.
- b) Annual guest parking permits shall be displayed by hanging the same from the rear view mirror.

#### **XX. Guest Parking Permit - Daily**

- a) The number of daily guest parking permits to be issued to each residence for which application is made shall be determined by the parking conditions within each district and set forth by resolution of the City Council. Daily guest permits are to be used by the resident's bona fide transient guests. Daily guest permits are valid only on the day for which it is issued and shall expire at 12:00 noon following the effective date of the permit.
- b) Daily guest parking permits shall be displayed by hanging the same from the rear view mirror.

#### **XX. Commercial Permits - TBA**

#### **XX. Permit Content**

Each preferential parking permit shall state the street(s) on or preferential parking district in which it is valid, the expiration date, and any additional information required by the City.

#### **XX. Replacement Parking Permits**

The City may issue a duplicate or replacement resident or annual guest permit to any person who has qualified for and who has been issued a parking permit under the provisions of this Article.



The permit holder must furnish proof that said permit has been lost or destroyed, including submittal of a police report, or the vehicle to which the original permit was affixed has been disposed of, for which new vehicle registration must be provided. The duplicate or replacement parking permit will be reissued at the standard cost of the original parking permit that it replaces. The cost of the duplicate or replacement permit will not be pro-rated. Permit holders shall report to the City a lost, stolen, or missing parking permit within five (5) days of loss, at which time that permit shall be cancelled and a new permit issued for a replacement fee.

#### XX. Preferential Parking Permit Exemptions

Vehicles readily identifiable as emergency or government vehicles shall be exempt from the parking restrictions in this Article. Vehicles readily identifiable as commercial, delivery, service, utility, or construction vehicles, while actually engaged in providing maintenance repair, or service work to a residence in a program area, shall be exempt from the parking restrictions of this Article.

#### XX. Preferential Parking Permit Revocation

- a) The City Manager or designee are authorized to revoke the parking permits of any person on any of the following grounds:
  1. Ineligibility for a permit under the terms of this Article at the time of the application;
  2. Ceasing to be eligible during the term of the permit;
  3. Failing to comply with or violating any condition imposed on the issuance of a permit; or
  4. Failing to comply with or violating any provision of this Article or any related law or regulation.

Upon written notification, the permit holder shall surrender such permit to the requesting authority. The permit shall be considered void on the fifth day after the date of notification. Failure to surrender a revoked parking permit when requested shall constitute a violation of this Article. Upon revocation, parking permit fees will not be refunded.

- a) Any person whose permit has been revoked shall not be issued a new permit without reapplication and establishing eligibility pursuant to this Article.
- b) The action of the City Manager or designee to revoke a parking permit may be appealed to the City Council. Notice of such an appeal shall be filed with the City Clerk within ten (10) days after the revocation. If such an appeal is timely filed, revocation shall be stayed until the City Council's decision is made. Upon failure of the permit holder to file such notice within the ten (10) day period, the action of the City Council shall be final and conclusive. The hearing on the appeal shall be conducted pursuant to rules and procedures established by the City. The City Council's determination shall be final and conclusive determination on the matter and shall be subject to review only as provided in the California Code of Civil Procedure. The failure of the permit holder to appeal as provided in this Section shall be considered an exhaustion of their administrative remedies.

## **XX. Parking Permit Fee**

The parking permit fees for all City parking permit programs shall be established by resolution of the City Council. Separate rates may be established for different permit types and/or permit locations.

## **XX. Permit Parking Penalty Provisions**

It is unlawful and a violation of this Article to do any of the following, which violations shall be subject to the civil parking penalties established by the City Council:

- a) Unless exempted by the provisions of this Article, no person shall stand or park a motor vehicle in any preferential parking district established pursuant to this Article in violation of any parking restrictions established pursuant to this Article. A violation of this Section shall constitute an infraction which shall be punishable by a fine established by resolution of the City Council.
- b) No person shall falsely represent himself as eligible for a parking permit or furnish false information to the City in an application for a preferential parking permit.
- c) No permit issued pursuant to this Article shall thereafter be assigned, transferred, or used for any consideration, monetary or otherwise.
- d) No person shall copy, produce or create a facsimile of or counterfeit a parking permit, nor shall any person use or display a facsimile or counterfeit preferential parking permit.
- e) No person shall hold a valid parking permit and allow the use or the display of such permit on a motor vehicle other than that for which the permit was issued. Such conduct shall constitute an unlawful act both by the person who holds the valid parking permit and the person who displays the parking permit.
- f) No person shall alter or deface a parking permit or intentionally conceal an expiration date or otherwise attempt to present false information as true and genuine, on the face of a parking permit which is displayed in a vehicle parked on a City street.
- g) No person shall fail to display or improperly display a parking permit required and issued pursuant to this Article.
- h) It shall be the sole responsibility of the owner, operator, manager, or driver of a vehicle for which a parking permit has been issued to become familiar with the provisions for and limitations on the use of the parking permits and ignorance of these provisions and limitations shall not be claimed as a defense in any action brought for illegal or improper use of the parking permit and shall not be sufficient grounds to void any citation issued for any violation of this Article.

Section 2. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of any competent jurisdiction, such decision shall not affect the validity of the remaining portions of this

ordinance. The City Council of the City of Isleton hereby declares that it would have passed this ordinance, and each and every section, subsection, clause and phrase thereof not declared invalid or unconstitutional.

Section 3. This ordinance shall take effect thirty (30) days from and after its adoption

Section 4. The Deputy City Clerk of the City of Isleton is hereby directed to cause the following summary of this ordinance to be published by one (1) insertion in the Rio Vista Beacon, a newspaper of general circulation printed, published, and circulated in the City of Isleton and hereby designated for that purpose by the City Council of Isleton.

“Section 802 of the Isleton Municipal Code to establish preferential parking districts within the City of Isleton”

This ordinance was introduced and read on the \_\_\_\_ day of \_\_\_\_\_ 2021, and passed and adopted on the \_\_\_\_ day of \_\_\_\_\_, 2020, by the following vote:

**AYES:**  
**NOES:**  
**ABSTAIN:**  
**ABSENT:**

\_\_\_\_\_  
Mayor, Eric Pene

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Deputy City Clerk, Yvonne Zepeda

\_\_\_\_\_  
//s//  
City Attorney

**ATTACHMENT A - PREFERENTIAL PARKING DISTRICT  
CENTRAL BUSINESS DISTRICT/RESIDENTIAL DISTRICT  
2<sup>ND</sup> STREET ZONE**



**ATTACHMENT B – PREFERENTIAL PARKING DISTRICT  
CENTRAL BUSINESS DISTRICT/RESIDENTIAL DISTRICT  
MAIN STREET ZONE**





# City of Isleton

City Council  
Staff Report

DATE: July 27, 2021

ITEM#: 8.A

CATEGORY: New Business

## **DRAFT MEMORANDUM OF UNDERSTANDING FOR EXPANSION OF BROADBAND**

### **BACKGROUND**

The City received request to be the lead agency for the National Telecommunications and Information Administration (NTIA) project to improve broadband service to the Delta.

### **DISCUSSION**

Staff is providing Attachment A – Memorandum of Understanding (MOU) between the City and Digital Path. Digital Path Inc. and Delta Protection agency are trying to put together a grant application.

### **FISCAL IMPACT**

None at this time

### **RECOMMENDATION**

Staff is presenting Memorandum of Understanding (MOU) between the City of Isleton and Digital Path, Inc. for discussion.

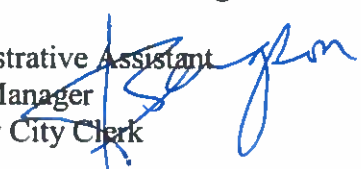
### **ATTACHMENTS**

- A. Digital Path, Inc. Memorandum of Understanding

Prepared by: Diana O'Brien, Administrative Assistant

Reviewed by: Charles Bergson, City Manager

Submitted by: Yvonne Zepeda, Deputy City Clerk







## Memorandum of Understanding

Between

*City of Isleton and DigitalPath, Inc.*

This Memorandum of Understanding (“MOU”) is entered into by and between the City of Isleton (hereinafter collectively, “Isleton”), and DigitalPath, Inc., a Delaware corporation (hereinafter “DigitalPath, Inc.”), for the purposes of pursuing funding from the NTIA for the expansion of broadband in and around the community of Isleton, CA. Isleton and DigitalPath, Inc. may be referred to individually as “Party” and collectively as “Parties.” This MOU has been created to clearly define the roles and expectations for Isleton and DigitalPath, Inc.

### **I. Background**

The National Telecommunications and Information Administration (NTIA) has made funding available to public/private partnerships for the expansion of broadband in areas lacking speeds of 25 megabits download and 3 megabits upload. The Parties would like to explore the possibility of entering into this type of relationship for the submission of an application for funding from the NTIA. The activities associated with submitting the application and the implementation of any activities funded by the NTIA program hereinafter known as (the “Project”).

### **II. Roles and Responsibilities**

Isleton and DigitalPath, Inc. each agree to be direct and proactive with each other in raising any concerns relating to this MOU. The purpose of the Project is to make available, through funding from the NTIA, wireless broadband service to residents in and around the City of Isleton. The wireless service will provide a minimum performance of 100 megabits download and 20 megabits upload, as required by the NTIA grant. The expectations of the Parties, individually and mutually, are specified below:

#### **A. Isleton agrees to:**

1. Diligently assist with the collection of data, acquisition of sites, permit processing, promotion of services and participation in the completion of the application, to the fullest extent of its ability.
2. Be responsible for its’ own costs and expenses. To the extent feasible, such costs and expenses may be reimbursed through the NTIA funding.
3. Agree to transfer ownership and control of any network or infrastructure installed or constructed with funding from the NTIA.
4. Comply with any responsibilities or obligations assigned to Isleton as described in Paragraph IV.

B. DigitalPath, Inc. agrees to:

1. Diligently participate in the completion of the application, including providing a preliminary network design and cost estimate.
2. Be responsible for its' own costs and expenses. To the extent feasible, such costs and expenses may be reimbursed through the NTIA funding.
3. Operate the wireless network within the terms and conditions specified in the application and/or the final NTIA grant.
4. Comply with any responsibilities or obligations assigned to DigitalPath, Inc. as described in Paragraph IV.

C. The Parties mutually agree to:

1. Work in a collaborative and cohesive manner to support each other in carrying out the goals and terms of the Project.
2. Comply with any responsibilities or obligations mutually assigned to the Parties as described in Paragraph IV.

### III. Term of Agreement

This MOU shall be considered effective July 22, 2021 and shall remain in effect until July 31, 2022, unless otherwise mutually agreed upon in writing by the Parties. Any Party may terminate this MOU without cause by providing thirty (30) days' advance written notice to the other Party. Upon termination, the Project will be terminated unless the non-terminating Party chooses to assume any and all responsibilities and obligations associated with the Project.

### IV. Miscellaneous Terms and Conditions

A. Jurisdiction and Venue

This MOU shall be construed in accordance with the laws of the State of California and the Parties hereto agree that venue shall be in central California.

B. Confidentiality

1. Maintenance of Confidential Information. Confidential information may consist of information that is either oral or written or both. Any confidential information disclosed in writing shall be clearly marked by the Disclosing Party as "Confidential Information." Any confidential information orally disclosed shall be reduced to writing by the Disclosing Party with a copy marked "Confidential Information" provided to the Receiving Party within thirty (30) days.

The Receiving Party hereby agrees:

- a. not to use the Confidential Information except in accordance with the Project,
- b. to safeguard Confidential Information against disclosure to others with not less than the same degree of care as it exercises with its own confidential information of a similar nature; and
- c. not to disclose Confidential Information to others (except to its employees, agents, or consultants who are bound to by a like obligation of confidentiality) without the express written permission of the Disclosing Party.

Except that the Receiving Party shall not be prevented from using or disclosing any Confidential Information:

- a. which the Receiving Party can demonstrate by written records was previously known to it;
- b. which is now, or becomes in the future, publicly known other than through acts or omissions of the Receiving Party; or
- c. which is lawfully obtained by the Receiving Party from sources independent of the Disclosing Party.
- d. which the Receiving Party can demonstrate was independently developed by employees of the Receiving Party without use of or reference to Confidential Information of the Disclosing Party; or
- e. which is required by law or the action of a court of competent jurisdiction to be disclosed, provided that the Receiving Party notifies the Disclosing Party of such requirement or action such that the Disclosing Party, at its expense, may seek a protective order or other remedy to prevent disclosure of Confidential Information.

It is further agreed that the furnishing of Confidential Information shall not constitute any grant or license to the Receiving Party under any legal rights now or hereinafter held by the Disclosing Party.

The parties agree to abide by all United States export control regulations. Notwithstanding the foregoing, no export-controlled materials or information/data shall be transferred from one party to the other under this MOU.

### C. Indemnification

DigitalPath, Inc. agrees to defend, indemnify and hold Isleton harmless from and against any and all claims, liability, loss, expense, reasonable attorneys' fees, or claims for injury or damages arising out of the performance of this MOU, but only in proportion to and to the extent such liability, loss, expense, attorneys' fees, or claims for injury or damages are caused by or result from the negligent or intentional acts or omissions of DigitalPath, Inc., its officers, agents or employees.

Isleton agrees to defend, indemnify and hold harmless DigitalPath, Inc. from and against any and all claims, liability, loss, expense, reasonable attorneys' fees, or claims for injury or damages arising out of the performance of this MOU, but only in proportion to and to the extent such liability, loss, expense, attorneys' fees, or claims for injury or damages are caused by or result from the negligent or intentional acts or omissions of Isleton, its officers, agents, or employees.

D. Limitation of Liability.

1. OTHER THAN AS EXPRESSLY PROVIDED IN THE MOU, NEITHER PARTY MAKES ANY WARRANTIES, WHETHER EXPRESS OR IMPLIED, AND EXPRESSLY DISCLAIMS THE IMPLIED WARRANTIES OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE. I. FURTHER, DIGITALPATH, INC. SERVICES ARE PROVIDED "AS-IS, AS AVAILABLE" WITHOUT ANY WARRANTY OF ANY KIND INCLUDING, WITHOUT LIMITATION, ANY WARRANTY WITH RESPECT TO THE QUALITY, PERFORMANCE OR FUNCTIONALITY OF THE DIGITALPATH, INC. SERVICES OR WITH RESPECT TO THE QUALITY OR ACCURACY OF ANY INFORMATION OBTAINED FROM OR AVAILABLE THROUGH USE OF DIGITALPATH, INC. SERVICES OR THAT DIGITALPATH, INC. SERVICES WILL BE UNINTERRUPTED OR ERROR-FREE. DIGITALPATH, INC. DISCLAIMS ALL WARRANTIES, EXPRESS OR IMPLIED, INCLUDING, WITHOUT LIMITATION, WARRANTIES OF QUIET ENJOYMENT AND NON-INFRINGEMENT AND ANY IMPLIED WARRANTIES OF MERCHANTABILITY, WARRANTIES OF TITLE, FITNESS FOR A PARTICULAR PURPOSE, MERCHANTABILITY OF COMPUTER PROGRAMS AND INFORMATIONAL CONTENT. THIS MOU EXCLUDES ACTS OF NATURE, ACTS OF GOD, CRIMINAL ACTS, OR OTHER EXTENUATING CIRCUMSTANCES BEYOND DIGITALPATH, INC.'S CONTROL.

IN NO EVENT SHALL DIGITALPATH, INC. BE LIABLE UNDER ANY SECTION OF THIS MOU OR UNDER CONTRACT, NEGLIGENCE, STRICT LIABILITY OR ANY OTHER LEGAL OR EQUITABLE THEORY FOR ANY DIRECT, INDIRECT, INCIDENTAL, EXEMPLARY OR CONSEQUENTIAL DAMAGES (INCLUDING, WITHOUT LIMITATION, LOSS OF USE, LOST PROFITS, LOSS OF DATA OR INFORMATION OF ANY KIND OR LOSS OF BUSINESS GOODWILL OR OPPORTUNITY) WHETHER OR NOT DIGITALPATH, INC. HAS BEEN ADVISED OF THE POSSIBILITY OF SUCH LOSS OR DAMAGES. DIGITALPATH, INC. SHALL NOT BE LIABLE FOR THE COST OF PROCUREMENT OF SUBSTITUTE GOODS, SERVICES OR TECHNOLOGY AND IN NO

EVENT SHALL DIGITALPATH, INC.'S LIABILITY TO ISLETON EXCEED THE GREATER OF ONE DOLLAR (\$1.00) OR ANY AMOUNTS ACTUALLY PAID IN CASH BY ISLETON TO DIGITALPATH, INC. NO ACTION, REGARDLESS OF FORM, ARISING OUT OF THIS MOU OR OUT OF THE DIGITALPATH, INC. SERVICES MAY BE BROUGHT BY ISLETON OR DIGITALPATH MORE THAN ONE (1) YEAR AFTER THE EVENT WHICH GAVE RISE TO THE CAUSE OF ACTION HAS OCCURRED.

2. The amount of any losses for which indemnification is provided under Section IV.C, above shall be net of (i) any amounts actually recovered by the indemnified party pursuant to any indemnification by or indemnification agreement with any third party, and (ii) any insurance proceeds or other cash receipts or sources of reimbursement actually received as an offset against such losses (each source named in clauses (i) and (ii), a "Collateral Source"). Indemnification under Section IV.C above shall not be available unless the indemnified party first uses commercially reasonable efforts to seek recovery under all insurance policies and all other Collateral Sources. If the amount to be netted hereunder in connection with a Collateral Source from any payment required under Section IV.C, above, is determined after payment by the indemnifying party of any amount otherwise required to be paid to the indemnified party, the indemnified party shall repay to the indemnifying party, promptly after such determination, any amount that the indemnifying party would not have had to pay had such determination been made at the time of such payment.

Acknowledged and agreed:

For Isleton:

\_\_\_\_\_  
(insert name & title)

\_\_\_\_\_  
Date

For DigitalPath, Inc.:

\_\_\_\_\_  
Andrew Cardin, SVP Operations

\_\_\_\_\_  
Date

## Charles Bergson

---

**From:** Gardiner, Virginia@DPC <Virginia.Gardiner@delta.ca.gov>  
**Sent:** Friday, July 23, 2021 10:45  
**To:** Andrew Cardin; David Espinoza; Charles Bergson; Diana O'brien; Tara Thronson; Lee Gerney; Eduardo Gonzalez; Newaj, David [ISD]  
**Cc:** Vink, Erik@DPC  
**Subject:** Re: Follow up on NTIA Call - List of Application Requirements

**Importance:** High

All,

Some questions and information in advance of the call this morning. Please feel free to forward this to anyone in your organization that you think appropriate.

- Applicants are required to have current registration in electronic System for Award Management (SAM.gov). We still do not know whether all applicants are required to have it, but I'm combing through the FAQs to see if that question has been answered. In any case, City of Isleton, you provided a DUNS number (thank you!) but do you also have current SAM registration? If not that should happen right now, because it takes anywhere from 3 days to three weeks - it is free and apparently must be done annually.
- The lead applicant is the governmental entity (City of Isleton), which will assume primary operational and financial responsibility for completing the project, if awarded.
- Matching funds are not required, but a 10% or greater non-federal cost share will be "favorably considered." Anyone want to volunteer non-federal funds? Can be in the form of cash or in-kind contributions, so we could consider this. (Has to meet Uniform Admin Requirements).
- More than one provider can be included in the partnership. Would any participants like to include additional providers? If so they should be brought on board right away. Note that a provider of broadband service is not required to be designated as an eligible telecommunications carrier - I can't recall if Yolo County includes a non-profit or cooperative that owns or operates broadband network.
- Applications will be prioritized based first on proposing a covered broadband project designed to provide service to the greatest number of unserved household in an eligible service area.
- The main submittal is a 20 (single-spaced) to 40 (double-spaced) page Project Narrative responsive to the program description, statutory purposes, funding priorities, and evaluation criteria for the grant. PN includes:
  - a. A 2-page Exec Summary.
  - b. Description of the covered partnership - organizations involved, qualifications and experience of key personnel responsible for implementing the project. This includes a table showing funded project participants and unfunded collaborators, and resumes of key personnel.
  - c. Description of the covered broadband project to be funded. To include services, speeds, or tiers of speeds, proposed prices, and technical details such as type of technology and revenue and expense projections.
  - d. Description of area to be served including list of census blocks or portions of, percentage of unserved to be served, and number of unserved households, businesses, and community anchor institutions the project plans to connect.

- e. Description of which of the statutory funding priorities the project would address, and how (want to be priority 1)
  - f. Description of how project addresses the evaluation criteria - project beneficiaries, service area level of need, project sustainability and expected outcomes.
  - g. Description of how deployment will scale over time for greater capability (eg, using 5G or fiber).
  - h. Project plan describing all major project activities, timelines and key deployment milestones.
  - i. Brief description of project physical area including how project will comply with NEPA and NHPA, sufficient for an NEPA finding.
  - j. Description of support provided to the ISP such as grants and loans from state or feds, high-cost universal service support, grants provided under Am Recovery and Reinvestment Act of 2009, etc.
  - k. Description of whether and if so how, the project will incorporate strong labor standards such as local hire, wages at or above prevailing rates, etc.
- There's also a budget narrative and detailed budget justification, indirect cost rate agreement if applicable.
  - Letters of Commitment from authorized representative of each member of covered partnership.
  - Maps of proposed services area (Shapefiles or similar)
  - Pro forma financials - balance sheets, income statements, cash flow, etc.
  - Network diagram(s) and system design(s).

We can discuss how to assign the above requirements at today's call, to the extent possible.

Thanks, all!

VG  
Virginia Gardiner  
Program Manager  
Delta Protection Commission  
Main: 916.375.4800  
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**From:** Andrew Cardin <acardin@digitalpath.com>

**Sent:** Thursday, July 22, 2021 5:04 PM

**To:** David Espinoza <david.espinoza@valleyvision.org>; Gardiner, Virginia@DPC <Virginia.Gardiner@delta.ca.gov>; Charles Bergson <cbergson@cityofisleton.com>; Diana O'brien <dianaobrien@cityofisleton.com>; Tara Thronson <Tara.Thronson@yolocounty.org>; Lee Gerney <Lee.Gerney@yolocounty.org>; Eduardo Gonzalez <edgonzalez@csufresno.edu>; Trish Kelly <Trish.Kelly@valleyvision.org>

**Subject:** RE: Follow up on NTIA Call

All,

Attached is a draft MOU to review. This one is specific to the City of Isleton but could be adapted to include other entities as necessary. It is somewhat vague, with the expectation that the application process will more specifically define the project.

Andy

**From:** David Espinoza <david.espinoza@valleyvision.org>

**Sent:** Monday, July 19, 2021 11:10 AM

**To:** Gardiner, Virginia@DPC <Virginia.Gardiner@delta.ca.gov>; Charles Bergson <cbergson@cityofisleton.com>; Diana O'brien <dianaobrien@cityofisleton.com>; Andrew Cardin <acardin@digitalpath.com>; Tara Thronson <Tara.Thronson@yolocounty.org>; Lee Gerney <Lee.Gerney@yolocounty.org>; Eduardo Gonzalez <edgonzalez@csufresno.edu>; Trish Kelly <Trish.Kelly@valleyvision.org>

**Subject:** Follow up on NTIA Call

Hi all,

Thank you again for your time and for assisting the efforts of this potential NTIA project application. From our meeting on Friday, I have the following action items:

- Identifying and reaching out to the owners of the Clarksburg Fire Department Tower (Tara/Lee/Virginia)
- Reaching out to Crown Castle to expedite assessment of available towers and space in the Delta Region (David)
- Providing information of unserved priority areas in the Delta Region from the San Joaquin Valley Consortium (Eduardo)
- Continue running the wireless coverage analysis (design, footprint, cost) for the project (Andrew)
- Reaching out to Sac County about ownership and availability of a tower in the project area (Virginia)
- Reaching out to NTIA with questions about the co-applicant structure and ISP retaining ownership of the infrastructure and equipment. Additionally, a question about RDOF census blocks.
- Reviewing NTIA grant application items and sending list of items to the group (Virginia). For putting together and writing the application, the California Emerging Technology Fund (CETF) has also offered assistance to regional broadband consortia. Once we identify the application items, if needed, we could reach out to CETF for additional assistance to make sure we make it to the mid-August deadline. We can discuss this item in more detail in the meeting on Friday.

Thank you and please do not hesitate to reach out to the group if you might have any questions on these items.

Thank you,

David Espinoza



**David Espinoza**  
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