

The City of Hanford
CALIFORNIA



**City Council Meeting
Agenda**

July 5, 2017

6:30 PM – Closed Session

7:00 PM – Regular Meeting

Council Chambers

400 N. Douty St.

6:30 PM CALL TO ORDER CLOSED SESSION:

ROLL CALL:

PUBLIC COMMENT - CLOSED SESSION:

Comments from the public are limited to items on the agenda (GC54954.3a). A maximum of five minutes is allowed for each speaker.

CLOSED SESSION FOR DISCUSSION OF THE FOLLOWING:

- A. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Government Code Section 54956.9(d)(1)

CASE NAME: San Joaquin Valley Environmental Defense Center v. City of Hanford

CASE NUMBER: Kings County No. 17C0142

- B. CONFERENCE WITH REAL PROPERTY NEGOTIATORS - Government Code Section 54956.8

Property: APN 007-350-028

Agency Negotiators: Darrel Pyle and Ty Mizote

Negotiating Party: Verizon Wireless

Under Negotiation: Terms and Price

7:00 PM CALL TO ORDER REGULAR SESSION:

ROLL CALL:

INVOCATION:

FLAG SALUTE:

RECOGNITIONS/PROCLAMATIONS:

STAFF COMMUNICATIONS:

PUBLIC COMMENT:

This is the time for citizens to comment on subject matters not on the agenda and that are within the jurisdiction of the Hanford City Council. This is also the public's opportunity to request an item from the Consent Calendar be pulled for discussion purposes or to comment on any item on the agenda. Comments related to Public Hearing items will be heard at the time the item is discussed.

*A maximum of **five minutes** is allowed for each speaker. Please begin your comments by stating your name and providing your city of residence*

CONSENT CALENDAR:

Consent Calendar items are considered routine and will be enacted in one motion. There will be no separate discussion of these matters unless a request is made and then the item will be removed from the Consent Calendar to be discussed and voted upon by a separate motion.

- A. City Clerk: Approve Minutes from the June 20, 2017 Meeting
- B. City Clerk: Deny claim for damages and direct the City Clerk to send out notification of such to Allissa Arvizu
- C. Public Works: Waive the second reading and adopt Ordinance 17-07 modifying water use regulations, deposits, services, and delinquencies.
- D. Public Works: Purchase of one 2018 Peterbilt 520 front loading refuse truck from Ruckstell California Sales Co., Inc., of Fresno, Ca., in the amount of \$302,768.45.
- E. Public Works: Purchase of replacement battery backup systems for traffic signal controllers in the amount of \$160,681.95 from JAM Services.
- F. Utilities and Engineering: Right of Way Acquisition for Public Street Purposes located at the southwest corner of Hanford Armona Road and 10-1/2 Avenue (APN 011-420-001).
- G. Utilities and Engineering: Right of Way Acquisition for Public Street Purposes located 246' north of Hanford Armona Road on the east side of Irwin Street (APN 012-231-036).
- H. Finance: Adopt Resolution 17-40-R authorizing investment of monies in the Local Agency Investment Fund and authorizing city officers to order deposit or withdrawal of monies in the Local Agency Investment Fund.

PUBLIC HEARINGS:

- A. Community Development: Introduce and waive the first reading of Ordinance 17-08 approving MUNICIPAL CODE AMENDMENT No. 2017-02, a request by the City of Hanford to amend the Hanford Municipal Code repealing section 8.32.070 of Title 8, the addition of Chapter 5.56 to Title 5 establishing the business regulations for commercial cannabis businesses; an amendment to Chapter 17.08 to amend Table 17.080.030 adding commercial cannabis uses as conditional uses in the I-H zone and addition of Chapter 17.69 “Cannabis Related Uses and Activity” to further regulate cannabis uses.

GENERAL BUSINESS:

- A. City Manager: Designation of voting delegate and alternates for the League of California Cities Annual Conference.
- B. Finance: Adopt Amendments to the 2016-17 and 2017-18 Fiscal Years Biennial Budgets

COUNCIL REPORTS/COMMENTS:

COUNCIL FUTURE AGENDA ITEMS:

ADJOURNMENT:

Materials related to an item on this Agenda submitted to the City Council after distribution of the agenda packet are available to public inspection in the City Clerk's Office located at 319 N. Douty Street, Hanford, California 93230, during normal business hours. Such agendas are also available at the city's website, www.cityofhanfordca.com subject to staff's ability to post the agenda before the meeting.

If you need a disability-related modification or accommodation, including auxiliary aids or services, to participate in this meeting, please contact the City Clerk's office, 559-585-2515, 319 N. Douty Street, Hanford, California 93230, at least 2 days prior to the meeting {28 CFR 35.102.35.104 ADA Title II}



**AGENDA
STAFF REPORT**

MEETING DATE: 7/5/2017	AGENDA SECTION: A
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SUBJECT:

City Clerk: Approve Minutes from the June 20, 2017 Meeting

RECOMMENDATION:

Approve the minutes from the June 20, 2017 City Council meeting.

FISCAL IMPACT:

ATTACHMENTS:

062017 Minutes



**CITY COUNCIL MEETING
MINUTES**

**June 20, 2017 7:00 PM
Council Chambers
400 N. Douty St.**

5:30 PM CALL TO ORDER STUDY SESSION & CLOSED SESSION:

Mayor David Ayers called the study session and closed session to order at 5:30 p.m.

ROLL CALL:

Present: Justin Mendes, Francisco Ramirez, Martin Devine, Sue Sorensen, David Ayers

PUBLIC COMMENT - STUDY SESSION & CLOSED SESSION:

Comments from the public are limited to items on the agenda (GC54954.3a). A maximum of five minutes is allowed for each speaker.

There were no comments given.

STUDY SESSION:

A. Mid Year Budget Update

Finance Manager Paula Lofgren provided an estimate of 2016-17 Fiscal Year Balances and an overview of revenues and expenses. The estimated fund balance is \$57,734,973 while the budgeted fund balance was \$56,916,140. She also discussed the proposed amendments for FY 2016-17 budget. The proposed amendments result in a net increase in the fund balance. Ms. Lofgren presented the proposed amendments for FY 2017-18 budget.

B. Courthouse HVAC Update

Public Works Director Lou Camara introduced their consultant Garen Lencioni of LP Engineers. Mr. Lencioni discussed the proposed design for the HVAC system. Mr. Camara stated that the cost is considerably higher than originally estimated. The projected costs will be over \$1,000,000. He also noted the difficulty of cooling the third floor with the open ceilings, so there would be additional costs to remodel the ceilings. Mr. Lencioni stated that improvements could be done in phases and address each floor one at a time, but it could cost more money in the long run. The consensus of the City Council directed staff to move forward with the design and obtain bids for the project and to ensure that \$500,000 is marked for this project and not listed as available funds in the ACO.

C. Maintenance of Parks

Parks Superintendent Alvin Dias provided an overview of the increased acreage for maintenance including medians and the Plunge. He also discussed current staffing levels and the need for additional employees if there was an increase in parks. Mr. Dias reviewed the park watering recommendations from the soil consultant, discussed the costs for rodent control in three large community parks, and the need for more efficient

equipment. He also requested Council direction on the street median landscape renovation project which is budgeted for fiscal year 2018.

The cost breakdown were \$65,500 for a Maintenance Worker; \$16,000 for soil amendments; \$18,000 for rodent control; and \$39,654.20 for equipment costs. Water costs increase would be \$159,244 at 100%, \$128,859 at 75%, and \$83,282 at 50%.

Staff responded to questions and comments by the City Council. The consensus of the Council was to approve the proposed costs and to increase the water costs at the 50% level. The Council also directed staff to continue with the installation of the stamped concrete to areas less than eight feet in width for the median project.

CLOSED SESSION FOR DISCUSSION OF THE FOLLOWING:

Mayor Ayers adjourned to closed session at 6:52 p.m.

A. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION - Government Code Section 54956.9(d)(2)

Number of Potential Cases - 1

B. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Government Code Section 54956.9(d)(1)

CASE NAME: San Joaquin Valley Environmental Defense Center v. City of Hanford
CASE NUMBER: Kings County No. 17C0142

C. CONFERENCE WITH LABOR NEGOTIATORS - Government Code Section 54957.6

Agency Designated Representatives: Darrel Pyle and Mario Zamora
Employee Organization:
Hanford Firefighters Local 3898, IAFF
Hanford Police Officers Association (HPOA)

7:00 PM CALL TO ORDER REGULAR SESSION:

Mayor Ayers called the regular session to order at 7:11 p.m.

ROLL CALL:

Attendee Name	Title	Status	Arrived
Martin Devine	Council Member	Present	7:00 PM
Sue Sorensen	Vice Mayor	Present	7:00 PM
David Ayers	Mayor	Present	7:00 PM
Francisco Ramirez	Council Member	Present	7:00 PM
Justin Mendes	Council Member	Present	7:00 PM

INVOCATION:

Bobby Guerra provided the invocation.

FLAG SALUTE:

Mayor Ayers led the flag salute.

CLOSED SESSION ACTION REPORT:

There was nothing to report.

RECOGNITIONS/PROCLAMATIONS:

A. Police: Oaths of Office - Officer Alfred Rivera and Officer Fabian Avalos

Police Chief Parker Sever introduced the new officers and City Clerk Jennifer Gomez

B. Retirement of Tom Dibble

Mayor Ayers thanked Tom Dibble on behalf of the community for his years of service to the City of Hanford as the Finance Director. City Manager Darrel Pyle reflected on Mr. Dibble's contributions to the organization and presented a plaque to him in honor of his service. The audience was invited for cake and refreshments.

Mayor Ayers called for a recess at 7:21 p.m.

Mayor Ayers reconvened the meeting at 7:36 p.m.

STAFF COMMUNICATIONS:

PUBLIC COMMENT:

This is the time for citizens to comment on subject matters not on the agenda within the jurisdiction of the Hanford City Council or to comment on items listed under the Consent Calendar or to request an item from the Consent Calendar be pulled for discussion purposes. Comments related to General Business items or Public Hearing items will be heard at the time the item is discussed.

*A maximum of **five minutes** is allowed for each speaker. Please begin your comments by stating your name and providing your city of residence.*

City Attorney Bob Dowd stated the purpose of Public Comment is for the public to comment on items on the agenda or issues within the jurisdiction of the City Council. Comments must be applicable to policies that the Council sets. Comments at meetings are limited and are not the same as first amendment rights in which someone can say anything they want in places such as a public square.

Travis Paden discussed a sales tax increase in Fresno that was specific for the zoo and stated that our community should invest in a sales tax specific for the youth and downtown. He would also like the residents to vote on the land next to Hidden Valley Park. He estimated it would be an increase of \$20,000,000 in revenue which could go to parks, recreation facilities, and downtown.

Bob Ramos disagreed with Mr. Paden and stated that the Council's focus should be on public safety, not on parks and recreation.

Les Vierra also wants the Council to make public safety a priority and that we need more officers and firefighters. He was disappointed that the sales tax measure was not approved by the voters.

Anthony Garcia of Que Pasa Mexican Cafe expressed his concern about Thursday Night Market and that he was not able to participate. He would like the regulations to be reconsidered.

Skip Athey stated that he read that sales tax revenue has increased and that money could go towards the improvements that are needed.

Nathan Odom read from a 1971 Medium and Long Range General Plan report and referenced the plan to develop the entire park space.

Anna Anderson expressed her concern over an area by 12th and Hanford-Armona Road and the potential fire hazard it possesses. She also expressed her support of the events that take place downtown, but would like the businesses and restaurants to stay open during them.

Mark Pratter stated that over 2,700 people signed a petition to give them the opportunity to vote on the zoning ordinance pertaining to the land next to Hidden Valley Park. He would like the Council to honor the wishes of the community.

Jeff Porterfield supported selling half of the land for housing and use the other half to expand the park space.

Mackenzie Hays of the local Democratic Committee commented on the success she had at collecting signatures for the referendum.

Paul Broussard expressed his opposition to selling the land and would like the zoning to be changed back.

Brian of the Democratic Central Committee does not believe that the Council is listening to the residents in regards to Hidden Valley Park.

CONSENT CALENDAR:

Consent Calendar items are considered routine and will be enacted in one motion. There will be no separate discussion of these matters unless a request is made and then the item will be removed from the Consent Calendar to be discussed and voted upon by a separate motion.

Motion to approve the Consent Calendar.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Justin Mendes, Council Member
SECONDER:	Sue Sorensen, Vice Mayor
AYES:	Devine, Sorensen, Ayers, Ramirez, Mendes

- A. City Clerk: Approve Minutes from the June 6, 2017 Meeting
- B. City Clerk: Deny claim for damages and direct the City Clerk to send out notification of such to Jimmy Mora
- C. Administration: Adopt Resolution 17-35-R to add one full time Property and Evidence Technician Position in the Police Department
- D. Administration: Approval of Memorandum of Understanding with the Executive Management Employees Association
- E. Public Works: Approval of 12th Avenue / Highway 198 Relinquishment Agreement - Amendment No.1 between City of Hanford and State of California Department of Transportation (Caltrans).
- F. Utilities and Engineering: Approval of Final Map and Subdivision Agreement for Tract No. 914, Mynderup Subdivision (12th Ave & Hume Ave)
- G. Finance: Adopt Resolution 17-33-R establishing the Fiscal Year 2017-2018 Appropriations Limit.

- H. Finance: Authorization for signatures of the Mayor and Finance Director on checks written on City accounts with Wells Fargo Bank.
- I. Finance: Adopt Resolution 17-39-R to give City Treasurer wire transfer authority
- J. Finance: Warrant Register

PUBLIC HEARINGS:

- A. Public Works: Conduct a public hearing for the formation of Landscape Assessment District No. 16-02 and adopt Resolution 17-37-R establishing the formation of the district and confirming the levy and collection of annual assessments. (12th Ave. and Hume Ave.)

Public Works Director Lou Camara provided background information for the Council's review and consideration.

Mayor Ayers opened the public comments of the public hearing at 8:14 p.m., and with no comments given closed the public comments at 8:14 p.m.

Motion to adopt Resolution 17-37-R.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Justin Mendes, Council Member
SECONDER:	Sue Sorensen, Vice Mayor
AYES:	Devine, Sorensen, Ayers, Ramirez, Mendes

GENERAL BUSINESS:

- A. Utilities and Engineering: Waive the first reading and pass to the second reading, Ordinance 17-07, modifying water use regulations, deposits, services, and delinquencies.

Public Works Director Lou Camara provided an overview of the proposed amendments to the ordinance. He noted that one of the changes is to exempt recreational areas that are over 2 acres in size and allow them to water on more days. Mr. Camara also recommended the following additional amendments to what is being proposed: Section 13.04.020(A)(1) where instead of "the city shall install a water meter" it shall read "the applicant shall be required to install a water meter"; and Section 13.04.030(B) where instead of "All deposits made with the water division" it shall read "All deposits made with the utility billing division".

Motion to waive the first reading and pass to the second reading Ordinance 17-07 as amended.

RESULT:	APPROVED AS AMENDED [UNANIMOUS]
MOVER:	Sue Sorensen, Vice Mayor
SECONDER:	Martin Devine, Council Member
AYES:	Devine, Sorensen, Ayers, Ramirez, Mendes

COUNCIL REPORTS/COMMENTS:

Council Member Mendes stated that he and Mayor Ayers will switch their representation on KCAG. Mr. Mendes expressed his disappointment in the Planning Commission and not citing findings for their decision. He stated that he believes this shows a bias by individuals and that in political positions they must make decisions that are not driven by that.

Council Member Ramirez had nothing to report.

Council Member Devine attended the Parks & Recreation Commission where they discussed whether they should submit a new recommendation regarding the selling of the land next to Hidden Valley Park. He also attended the Planning Commission meeting which has been continued to the 27th.

Vice Mayor Sorensen attended the Chamber of Commerce meeting and stated that they will be making some changes soon. They are working on the 4th of July event and planning a fundraiser on July 2nd. She also attended the American Legion flag burning ceremony. Main Street Hanford had a transformation meeting where they discussed how to bring activities to downtown.

Mayor Ayers went to Sacramento to attend a League of California Cities policy committee meeting. He has upcoming meetings for other agencies in the coming week.

COUNCIL FUTURE AGENDA ITEMS:

Mayor Ayers requested that an update on the Council's Goals and Objectives be presented at an upcoming meeting. Mr. Pyle stated that a study session will be scheduled at the second meeting in July for the Goals and Objectives. A new evaluation form will be used this year for the City Manager, and his evaluation will be scheduled for an August meeting.

Council Member Ramirez expressed his concern that not all local businesses are able to participate at Thursday Night Market. He will meet with Vice Mayor Sorensen so that she can address this with Main Street Hanford as that is their regulation. He would like a future discussion after the goals and objectives update to look at a potential sales tax measure based on the comments by Travis Paden.

ADJOURNMENT:

Mayor Ayers adjourned the meeting at 8:46 p.m.

Respectfully submitted,

Jennifer Gomez
City Clerk

Attachment: 062017 Minutes (2027 : Minutes 062017)



AGENDA STAFF REPORT

MEETING DATE: 7/5/2017	AGENDA SECTION: B
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SUBJECT:

City Clerk: Deny claim for damages and direct the City Clerk to send out notification of such to Allissa Arvizu

RECOMMENDATION:

That the City Council denies the following claim for damages and direct the City Clerk to send out notification of such to the claimant.

BACKGROUND:

A claim for damages against the City was received by the following claimant: Allissa Arvizu.

After review by the Third Party Administrator, it is Staff's recommendation to deny the claim.

FISCAL IMPACT:

ATTACHMENTS:



**AGENDA
STAFF REPORT**

MEETING DATE: 7/5/2017	AGENDA SECTION: C
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SUBJECT:

Public Works: Waive the second reading and adopt Ordinance 17-07 modifying water use regulations, deposits, services, and delinquencies.

RECOMMENDATION:

That the Council, by motion, waive the second reading and adopt Ordinance 17-07.

BACKGROUND:

Ordinance 17-07 was introduced and the first reading waived at the June 20, 2017 City Council meeting.

FISCAL IMPACT:

ATTACHMENTS:

Ordinance 17-07

ORDINANCE NO. 17-07**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HANFORD
AMENDING HANFORD MUNICIPAL CODE SECTIONS 13.04.020, 13.04.030,
13.04.050, 13.04.150 REGARDING WATER USE REGULATIONS, DEPOSITS,
SERVICES, AND DELIQUENCIES**

The City Council of the City of Hanford does ordain as follows:

Section 1: The City Council of the City of Hanford has included in the Fiscal Year 2018 budget a project to install new meters on all existing flat rate accounts to assist in water conservation; therefore, City staff will no longer be installing water meters for flat rate customers.

Section 2: This ordinance will add provisions to Hanford Municipal Code Chapter 13.04 that are contained in uncoded Council resolutions.

Section 3: Water service fees in significant amount are not paid by customers each year. As a result, this ordinance revises the city's existing rules regarding the application for water service, deposits required when water service is established, use of deposit funds if an account becomes delinquent, and remedies available to the city with respect to delinquent accounts.

Section 4: Due to operational restrictions on large public facilities such as public use hours and watering restriction hours, large public facilities are not able to be watered properly and still comply with the day and time restrictions established by the City Council. In order to allow for more efficient and effective watering of large public facilities that provide recreational benefit to the citizens of Hanford, the City Council finds that exempting these facilities from day and time restrictions on watering but not from water wasting provisions is of a public benefit.

Section 5: This Ordinance shall take effect thirty (30) days after its adoption and shall be published once in the Hanford Sentinel within fifteen (15) days after its passage or a summary of this ordinance shall be published in the Hanford Sentinel in a manner consistent with the requirements of the California Government Code.

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Attachment: Ordinance 17-07 (2023 : Ordinance 17-07)

Passed and adopted at a regular meeting of the City Council of the City of Hanford duly called and held on June 20, 2017, by the following roll call vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

APPROVED

DAVID AYERS,
MAYOR of the City of Hanford

ATTEST:

JENNIFER GOMEZ
CITY CLERK

STATE OF CALIFORNIA)
COUNTY OF KINGS) ss
CITY OF HANFORD)

I JENNIFER GOMEZ, City Clerk of the City of Hanford, do hereby certify the foregoing ordinance was duly introduced at a regular meeting of the City Council of the City of Hanford on the 20th day of June, 2017, and it was duly passed and adopted at a regular meeting of the City council of the City of Hanford held on the 5th day of July, 2017.

JENNIFER GOMEZ
CITY CLERK

Attachment: Ordinance 17-07 (2023 : Ordinance 17-07)

EXHIBIT “A”

Amended Hanford Municipal Code Section 13.04.020

13.04.020 Services Offered.

A. New applicants for domestic service which is an existing non-metered service may select to maintain the service as unmetered and pay the established unmetered flat rate. Once an applicant or customer has exercised its option to be served by either a flat or metered rate, it shall agree, while it remains a customer, to accept service under its selected rate schedule. All new connections to the water system shall be metered with a meter of at least one inch in size and installation of such meters shall be at the sole cost and expense of the applicant.

(1) Should a customer remodel, modify, change or alter its premises and the cost of such remodeling, modification, change or alteration exceeds five thousand dollars (\$5,000.00), the applicant shall be required to install a water meter to measure water use by the customer at the premises. The applicant shall pay the total cost of the purchase and installation of the meter, including without limitation, the cost of the meter-box.

(2) Should at any time, any federal, state or local law, regulation or ordinance mandate the installation of water meters for any type of water use, including, without limitation, the installation of water meters on currently unmetered service connections, then on the date any such federal, state or local law, regulation or ordinance is passed, adopted or enacted, the installation of water meters as required by such federal, state or local law, regulation or ordinance, shall be at the sole cost and expense of the owner of the real property upon which the meter is to be installed.

(3) If a customer's premises is demolished, destroyed or removed from the real property upon which it is located, reconnection to the water system shall require a meter and all costs shall be borne by the applicant.

(4) Installation of all new water services, including, without limitation, water meters, shall be performed by contractors and/or subcontractors who are duly licensed by the California State Licensing Board. All methods, materials, work procedures, and workmanship shall conform to City Standards and must be approved by the Utilities and Engineering Director or his/her designee.

(5) Customers who install meters shall only install City-approved meters, automated meter reading devices, and meter boxes. Determination of whether a turbine or compound meter is required shall be made by the Utilities and Engineering Director or his/her designee. All meters, automated meter reading devices, and meter boxes installed to the City's satisfaction shall become and remain the sole property of the City and shall be serviced and maintained by the City.

(6) Approved backflow devices that are required to be installed by the Utilities and Engineering Director or his/her designee are required to be tested annually and repaired so they remain in good working order at the sole expense of the customer by a certified tester approved by the Utilities and Engineering Director or his/her designee. If the customer fails to have the backflow device tested or repaired in the timeframes provided in the service notice from the

water division, the City reserves the right (but shall not be required) to test and/or repair said device at the sole cost of the customer and charge the customer for costs incurred and administrative and inspection fees established by separate resolution.

(7) Subsections (1) through (6) above shall also apply to any premises located outside of the city limits, but within a county area receiving water service from the city.

B. Applicants for commercial service or industrial service shall be served under metered rates.

C. The water division shall furnish water at customer service connections at such pressure as may be available from time to time in the normal operation of the water division. (Prior code § 6-6.02) (04-03, Amended, 04/06/2004)

EXHIBIT “B”

Amended Hanford Municipal Code Section 13.04.030

13.04.030 Applications for service—Establishment of credit.

A. Each applicant for water service may be required to establish credit before receiving service. Credit shall be deemed established if the applicant meets any one of the conditions established by separate Council resolution.

B. All deposits made with the utility billing division to establish credit shall be deposited in a special fund and shall be applied by the utility billing division to a customer's unpaid bill for water service when payment on a bill becomes delinquent or when service is discontinued. Such deposit, without interest, shall be refunded to a customer who has paid all bills for water service without delinquency for the previous twelve (12) consecutive months. Should the city draw against a customer's deposit, the city may require the customer to restore the deposit as a condition of ongoing water service.

C. The water division shall furnish temporary service, if feasible, to any applicant on the following conditions:

1. That the applicant be required to pay in advance the estimated cost of installing and removing the facilities necessary to furnish the service; and

2. That the applicant be required to establish credit in the manner provided in subsection A of this section. (Prior code § 66.03)

EXHIBIT “C”

Amended Hanford Municipal Code Section 13.04.050

13.04.050 Delinquencies and collections.

A. Water service charges, connection fees, and other charges identified in this chapter shall be collected by the director of finance.

B. Flat rate water service charges shall be billed monthly with other city utilities. All water service charges shall accrue in one-month increments, regardless of the date of the termination of water service, and no rebates shall be made for service termination occurring on a date other than the final day of a billing cycle.

C. Water service charges based on metered water use shall be billed monthly with other city utilities.

D. All other fees and charges not listed in subsections B and C shall be paid as set forth in this chapter. Fees and charges not requiring prepayment or payment at the time of issuance shall be included on the next monthly city utility bill to the customer.

E. Delinquencies.

1. Penalty Fees. In the event any customer fails to pay the water service charges, connection fees, and other required charges and fees identified in this section within fifteen (15) days after the date of the applicable city utility bill, the city may assess a basic penalty for late payment in the amount of ten percent (10%) of the delinquent water related charges and fees which amount shall be added to the delinquent charges and fees, and the director of finance shall collect the basic penalty along with the delinquent charges and fees. The city may also assess interest at the rate of one and one-half percent per month for nonpayment of the delinquent charges and fees and nonpayment of basic penalties.

2. Discontinuance of Service. In the event any customer fails to pay any charges or fees described in this chapter, including any penalty or interest, by 5 p.m. on the due date shown on the delinquent notice issued by the city, the city, in addition to all other remedies it may have, may discontinue furnishing water service and all other services identified on the applicable city utility bill and shall not resume the same until all outstanding charges and fees, together with any penalties, interest, service charges and/or connection fees necessitated by the resumption of water service, have been paid in full. Prior to discontinuing all services identified on the applicable city utility bill, the city shall send a written delinquent notice to the customer advising the customer that all utilities identified in the applicable city utility bill will be discontinued if payment of the total amount identified in said written notice is not paid to the city within ten (10) days after the date of said written notice. Reconnections will only be processed Monday through Friday from 8:00 a.m. to 12:00 p.m. and 1:00 p.m. to 4:00 p.m., and will not be processed on city observed holidays. Reconnection of service by unauthorized individuals will result in additional charges established by separate resolution and the incident will be reported to the proper authorities. Any check not honored by a financial institution that is used to make payment on a customer's utility account will result in additional fees established by separate resolution and will be a basis for the disconnection of service.

3. Court Action. In addition to the discontinuing all utilities identified on the applicable city utility bill, the city may file a civil action against the customer for the collection of any amount due and unpaid. Such remedy shall be cumulative and in addition to any other remedy provided in this chapter or by law.

4. Notice of Liens. In the event a customer fails to pay, in full, all charges, fees or penalties identified in this chapter within ninety (90) days of the date of any city utility bill, the city shall notify the owner of the real property receiving the water service, in writing, of such

delinquency and that the delinquency shall be collected pursuant to the provisions of subsection (E)(5).

5. Collection through Tax Roll. In the alternative to filing a civil action against the customer, the city council, pursuant to the applicable provisions of the California Health and Safety Code, may elect to have all delinquent charges, fees and penalties collected on the tax roll in the same manner, at the same time and by the same persons together with and not separately from general taxes. Such delinquent charges, fees and penalties shall thereafter constitute a lien against the lot or parcel of land against which the charges have been imposed.

6. Recording of Lien. In addition to or in lieu of collecting delinquent fees through the tax roll, the City may, in accordance with California Health and Safety Code Section 5473.11, as may be amended, record a lien against real property for which fees are delinquent.

7. Restoration of Service. The utilities identified on the city utility bill shall not be restored until all charges, fees and penalties, including without limitation, all expenses of removal, discontinuance, disconnection, restoration and reconnection have been paid.

8. The city may discontinue water service without notice to the customer when the apparatus, appliances or equipment using water, in the sole opinion of the city, is found to be dangerous or unsafe. The city shall promptly notify the customer of the reasons for the discontinuance and the corrective action to be taken by the customer before service can be restored.

9. The city may discontinue service without notice to any customer when the use of water thereon by the apparatus, appliances, equipment or otherwise is found by the city in its sole discretion, to be detrimental or injurious to water service furnished to other customers. The city shall promptly notify the customer of the reasons for the discontinuance and the corrective action to be taken by the customer before service can be restored.

10. The city may discontinue water service without notice to any customer when it is determined by the city in its sole discretion, that the customer has obtained water service by fraudulent means or has diverted the water service for unauthorized use. The city shall not restore service until the customer has complied with all the rules and regulations of the city and the city has been reimbursed for the full amount of the service rendered and the actual cost to the water division incurred by reason of such fraudulent or unauthorized use. (Ord. 0511, 2005; prior code § 66.05)

EXHIBIT “D”

Amended Hanford Municipal Code Section 13.04.150

13.04.150 Water Use

A. Unlawful Acts. In the use of water supplied by the city no person shall:

(1) Sprinkle, irrigate or otherwise apply water to any yard, ground, landscaping, or vegetation except on the following designated days: properties with even-numbered addresses, Tuesday and Saturday, and properties with odd-numbered addresses, Wednesday and Sunday; or

(2) Sprinkle, irrigate or otherwise apply water to any yard, ground, landscaping or vegetation on any day of the week between the hours of ten a.m. and six p.m. during periods designated as “daylight savings time” (generally occurring between March and November); or

(3) Sprinkle, irrigate or otherwise apply water to any yard, ground, landscaping or vegetation except by the use of: (i) a hand-held hose or (ii) a sprinkling device or an approved sprinkling system controlled by an automatic shut-off device or a person who is in immediate attendance of the sprinkling device or system; or

(4) Sprinkle, irrigate or otherwise apply water to any yard, ground, landscaping or vegetation during and up to forty-eight (48) hours after measurable rainfall; or

(5) Sprinkle, irrigate or otherwise apply water to any ornamental turf on public street medians; or

(6) Sprinkle, irrigate or otherwise apply water to any yard, ground, landscaping or vegetation outside of a newly constructed home or building in a manner inconsistent with regulations or other requirements established by the California Building Standards Commission and the California Department of Housing and Community Development; or

(7) Allow water used to irrigate any yard, ground, landscaping or vegetation to run or waste onto non-irrigated areas, private or public walkways, sidewalks, driveways, streets or adjoining or adjacent property; or

(8) Keep, maintain, operate or use any water connection, hose, faucet, hydrant, pipe, outlet or plumbing fixture which is not tight and free from leakage and dripping; or

(9) Wash any type of vehicle, boat or trailer with water supplied by a hose unless the hose is fitted with a shut-off nozzle or device attached to it that causes it to cease dispensing water immediately when not in use; or

(10) Use water for sidewalk, driveway, or walkway washing or cleaning, except as required to address an immediate public health or safety need; or

(12) Operate water fountains or other decorative water fixtures without recirculation pumps; or

(13) Drain and fill a swimming pool or similar water feature more than once during a one (1) year period (all pool drainage must occur pursuant to a permit issued by the City's utilities and engineering department);

(14) Willfully or negligently waste water in any manner.

For purposes of this section 13.04.150, the term "water" shall mean potable and non-potable water unless otherwise stated.

All large recreational areas of 2 acres or more in turf areas that are publicly-owned or that are used for public purposes are excluded from Subsection (1) and (2) of this Section A.

B. Serving of Drinking Water. The serving of drinking water, other than upon request, in eating or drinking establishments, including, but not limited to, restaurants, hotels, cafes, cafeterias, bars, or other public places where food or drink are served or purchased, is prohibited.

C. Hotels and Motels. Operators of hotels and motels within the city shall provide guests with the option of choosing not to have towels and linens laundered daily. Each hotel and motel shall prominently display notice of this option in each bathroom using clear and easily understood language.

D. Planting of Rye Grass Prohibited. The planting of rye grass on any property serviced by the city's water system is prohibited due to the amount of water required to cultivate and maintain that type of turf.

E. Conditional Watering Permits. The City may issue Conditional Watering Permits that allow the watering of new landscaping on days and/or at times other than those identified in section A.; such exception to the limitations of subsection A. is necessary and appropriate to allow the establishment of new plants and trees. The terms and conditions under which each permit is granted shall be determined by the city's Utilities and Engineering Department; provided however, the issuance of Conditional Watering Permits shall occur in a manner consistent with all current and future state and federal laws and regulations.

F. Charity and Community Vehicle Wash Events Prohibited. Charity and community vehicle wash events are prohibited. For purposes of this Section 13.04.150, the term "charity and community vehicle wash events" shall include any event at which an individual or a group, which is not a commercial washing business operating legally in the city, offers to the general public or portion thereof the service of washing, with water, any type of vehicle, boat or trailer in exchange for a fee, donation, other form of compensation, or for no compensation. Nothing contained in this subsection F. shall be interpreted to prohibit: (i) the operations of

commercial washing businesses operating legally within the city, including, without limitation, commercial car washes operating at fixed sites and mobile car wash businesses; or (ii) an individual or business from washing his/her/its own vehicles, boats and trailers as long as all washing activities comply with the requirements and restrictions of this section 13.04.150.

G. Leaks in Customer's System. When a leak is discovered by a customer in a customer's water system and a customer is charged for water that it has not used, as a result of the leakage, it shall be the policy of the city to aid the customer in locating the leak. If the leak is repaired by the customer within a period of ten (10) days of the date the leak is discovered and the customer can establish that a portion of the charges identified in its water bill are in excess of the amount normally charged to the customer, that excess amount of water use caused by the leakage shall be charged to the customer at the standard water rate. If the leak is not repaired by the customer within the ten (10) day period, the portion of the excess water usage which results from the leakage will be billed at two (2) times the standard water rate until the leak is repaired by the customer. The city shall give prompt notice to a customer if the city obtains information indicating that a leak may exist in the customer's exclusive control.

H. Violations – Administrative Penalties. The violation of any provisions of subsections A, B, or C of this section shall result in the following actions by the city:

(Flat Rate Customers)

(1) First Violation. A written notice of the violation shall be issued by the utilities and engineering department personnel or police department to the respective water customer of the city.

(2) Second Violation. A written notice of the violation shall be issued by the utilities and engineering department personnel or police department to the respective water customer of the city and a penalty of fifty dollars (\$50.00) shall be imposed for such violation, which may be added to the customer's water bill. The customer shall pay the full amount of such penalty within thirty (30) days of the imposition date or the date of the customer's water bill reflecting the penalty, as applicable.

(3) Third Violation. A written notice of the violation shall be issued by the utilities and engineering department personnel or the police department to the respective water customer of the city and a water meter shall be installed by the city to meter all water use upon the real property where the violation occurred. All costs of the purchase and installation of the water meter, including without limitation, city overhead, shall be billed to the respective water customer of the city and the customer shall pay the full amount thereof within thirty (30) days of the date of the billing.

(4) Fourth Violation. A written notice of the violation shall be issued by the utilities and engineering department personnel or the police department to the respective water customer

of the city and a penalty of two hundred dollars (\$200.00) shall be imposed for such violation, which may be added to the customer's water bill. The customer shall pay the full amount of the charge within thirty (30) days of the imposition date or the date of the customer's water bill reflecting the penalty, as applicable.

(Metered Customers)

The notices and penalties for violations issued to metered water service customers shall be the same as those issued to flat rate water service customers with regard to violations identified in subdivisions (1), (2), and (4) of this subsection.

As regards to a third violation by a customer with metered service, a written notice of the violation shall be issued by the utilities and engineering department personnel or the police department to the respective water customer of the city and a penalty of one hundred dollars (\$100.00) shall be imposed for such violation, which may be added to the customer's water bill. The customer shall pay the full amount of the penalty within thirty (30) days of the imposition date or the date of the customer's water bill reflecting the penalty, as applicable.

(As to Flat Rate and Metered Service)

(5) Fifth Violation. A written notice of the violation will be issued by the utilities and engineering department personnel or the police department to the respective water customer of the city, a penalty of five hundred dollars (\$500.00), and a water flow restrictor shall be installed by the city to restrict water use upon residential property where the violation has occurred. All costs of purchase and installation of the water flow restrictor, including without limitation city overhead, shall be billed to the customer and the customer shall pay the full amount of such cost within thirty (30) days of the date of the billing. The flow restrictor shall remain installed until the customer has provided the city's utilities and engineering department with evidence that the customer has modified its water use so that it will not again violate the ordinance codified in this section. For commercial customers the fifth violation and all subsequent violations will result in a penalty of five hundred dollars (\$500.00).

I. Determination of Number of Offenses. For purposes of subsection H. above, all violations occurring within a one year period shall be countered when determining the applicable penalty for a subsequent violation.

J. Appeal of Administrative Penalties.

(1) Any person or entity receiving a notice of violation and/or associated penalty in accordance with subsection H. above that seeks to appeal must file a written notice of appeal with the city clerk within ten (10) days of the issuance of such notice of violation. The notice of appeal shall set forth in detail all facts supporting the appeal.

(2) Upon receipt of a written notice of appeal, the city clerk shall set the matter for hearing by the city council. After said hearing, the city council may affirm, overrule or modify the notice of violation and/or associated penalty. Following the city council's decision on a notice of appeal and/or associated penalty, an aggrieved party may seek judicial review of the city council's decision by filing a complaint with the Superior Court of Kings County, California during the period identified by California Code of Civil Procedure Section 1094.6, as may be amended.

K. Violations – Other Penalties. In addition to or in lieu of the administrative penalties identified in subsection H. above, the city may impose any criminal, civil, and/or other penalties authorized by statute, regulation, or other legal authority, including, without limitation, this municipal code, for violation of this Section 13.04.150.

(Ord. 14-07, 2014; Ord. 95-06 § 1, 1995; prior code § 6-6.15)



AGENDA STAFF REPORT

MEETING DATE: 7/5/2017	AGENDA SECTION: D
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SUBJECT:

Public Works: Purchase of one 2018 Peterbilt 520 front loading refuse truck from Ruckstell California Sales Co., Inc., of Fresno, Ca., in the amount of \$302,768.45.

RECOMMENDATION:

That the City Council, by motion, approve the purchase of one 2018 Peterbilt 520 front loading refuse truck from Ruckstell California Sales Co., Inc., of Fresno, Ca., in the amount of \$302,768.45.

BACKGROUND:

In order to implement the city's new state mandated commercial recycling program, development of a new commercial recycling collection route dedicated to providing the service will be required. The new route will require the purchase of an additional refuse collection vehicle. Staff is recommending that a front loading vehicle be purchased to provide the new service. A front loading refuse collection vehicle can service larger dumpster containers (6 cubic yard) verses up to three cubic yard containers that the city fleet currently services using rear loader vehicles. Recycling materials are bulky, thus to improve collection efficiency, larger containers will be offered. The containers will be placed in the back of shopping center stores and in multifamily complexes on skids for easy pickup. The proposed vehicle to be purchased is a Peterbilt 520 front loading refuse truck.

The City received a quote through the National Joint Powers Alliance (NJPA), which allows participating municipal agencies to purchase equipment for a lower overall purchase price due to larger overall quantity and contract pricing (Contract No. 112014-THC). The City of Hanford is a member of NJPA.

FISCAL IMPACT:

The FY 17/18 amended Capital Improvement Program Budget provides \$320,000.00 for the purchase of one new refuse vehicle to implement a commercial commingled recycling program.

Funds for this purchase will be allocated from Refuse Impact Fee Reserves. The current reserve fund balance is approximately \$430,000.00

ATTACHMENTS:

RUCKSTELL ESTIMATE #02994

RUCKSTELL

CALIFORNIA SALES CO., INC.

P.O. Box 12543

Fresno, CA 93778

Estimate

Date

Estimate #

5/24/2017

02994

Name / Address

City of Hanford
 public works
 900 s. 10th ave
 Hanford, CA 93230

Rep

Requested by:

FOB

P.O. No.

EI

WILL SMITH

FRESNO

Item	Description	Qty	Cost	Total
Equipment	23 CUBIC YARD HEIL HALF/PAK FRONT LOADER W / THE FOLLOWING FULL FACTORY MOUNT FRONT PUMP OUTSIDE AIR CONTROLS (ARMS, FORKS, AND PACKER) W / THROTTLE ADVANCE PETERSON MULTI-FUNCTION (SMART) LED STROBE BODY SIDE BACKING ASSIST LIGHTS AMBER STROBE LIGHT MOUNTED REAR OF BODY UPPER TAILGATE ROOF ACCESS LADDER HOPPER FLOOR LINER (3/16" - AR400) AR500 SEVERE DUTY WEAR BAR KIT 20 LB. FIRE EXTINGUISHER CAB PROTECTOR EXTENSION RAISE - MANUAL JACK PERMA COAT ON CAB PROTECTOR TOOL BOX BUMPER MOUNT - STEEL HOPS (HEIL AIR - WEIGH AXLE SCALES) SPILL KIT PRO-VISION 3 CAMERA SYSTEM W 7" QUAD MONITOR, 1 HOPPER CAM, 1 REAR VIEW CAM, 1 WEDGE MOUNTED ON CURBSIDE OF CAB TO ELIMINATE BLIND SPOT BROOM AND SHOVEL HOLDER INSIDE FRONT OF BODY, 1 MOUNTED OUTSIDE	1	276,415.80	276,415.80T
		1	0.00	0.00
Thank you for your business.		Subtotal		
		Sales Tax (7.25%)		
		Total		

Signature

Phone #

559-233-3277

Fax #

559-233-9844

E-mail

info@ruckstell.com

RUCKSTELL

CALIFORNIA SALES CO., INC.

P.O. Box 12543

Fresno, CA 93778

Estimate

Date

Estimate #

5/24/2017

02994

Name / Address

City of Hanford
 public works
 900 s. 10th ave
 Hanford, CA 93230

Rep

Requested by:

FOB

P.O. No.

EI

WILL SMITH

FRESNO

Item	Description	Qty	Cost	Total
Equipment	CAB MOUNTED STROBE LIGHTS, 2 FRONT FACING, 2 SIDE FACING			
Equipment	2018 PETERBILT 520 CHASSIS			
Equipment	TIRE RECYCLING FEE	1	17.50	17.50
Equipment	DOCUMENTARY FEE	1	45.00	45.00
Freight	ADMINISTRATION FEE	1	250.00	250.00
	IN BOUND	1	6,000.00	6,000.00
	THIS IS YOUR NJPA APPROVED COSTING BY HEIL ENVIRONMENTAL NJPA MEMBER CODE 112014-THC			
Thank you for your business.			Subtotal	\$282,728.30
Valid for 20 days from date of estimate. This estimate is not a contract or a bill. It is what we would expect the total price to complete the work stated above, based upon our initial inspection. If additional parts and/or labor are required, we will inform you prior to proceeding with the work. A signed estimate is required prior to beginning work stated above.			Sales Tax (7.25%)	\$20,040.15
			Total	\$302,768.45

Signature _____

Phone #

559-233-3277

Fax #

559-233-9844

E-mail

info@ruckstell.com



AGENDA STAFF REPORT

MEETING DATE: 7/5/2017	AGENDA SECTION: E
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SUBJECT:

Public Works: Purchase of replacement battery backup systems for traffic signal controllers in the amount of \$160,681.95 from JAM Services.

RECOMMENDATION:

That the City Council, by motion, approve the purchase of 22 replacement battery back up systems for traffic signal controllers, from JAM Services, Inc., of Livermore, Ca., in the amount of \$160,681.95.

BACKGROUND:

The City currently operates and maintains 50 traffic signals. Currently, 41 of those signals are equipped with a battery back up system that provides power to temporarily operate a traffic signal in the event of a power outage. The current systems are outdated and have become ineffective. The new UP Stealth Battery System allows traffic signals to operate 4-6 hours between charges and allows for fast exchange between locations, if needed (Batteries are interchangeable). The UP Stealth system utilizes a more environmentally friendly zinc product material instead of the bulky and hazardous lead systems currently in service. This allows for lower disposal costs when the batteries eventually expire. The new batteries come with a five year full replacement warranty and have a life span of approximately ten years.

The replacement of all 41 existing lead battery systems will be performed over a two year budget cycle. Batteries to be purchased will be installed by City staff.

FISCAL IMPACT:

The FY 17/18 Capital Improvement Program Budget provides \$180,000 for the purchase of replacement batteries for existing traffic signal controllers. Attached for Council review is a copy of budget page 238.

ATTACHMENTS:

Price quotation
Budget Page

JAM SERVICES, INC.

958 E Airway Blvd
LIVERMORE, CA 94550

Telephone (925) 455-5267
Fax (925) 455-5348

PRICE QUOTATION – JJM052617G REVISED 6/28/17

City of Hanford
5/26/17

JAM Services is pleased to provide the following price quotation for the subject project.

QTY (22) UPStealth Systems Each to Include:

- (1) Invertor for NEMA
- (2) 500W Panel for NEMA

UNIT PRICE: \$6,600.00/ea TOTAL PRICE: \$149,820.00

TAX (7.25%): \$ 10,861.95

FREIGHT: INCL

GRAND TOTAL: \$160,681.95

*Qty discount valid for purchases of 20 or more.

Prices include delivery, but are net of applicable sales tax. If I can be of further assistance, please contact me at 925-455-5267.

Thank you - Jason Momaney

Traffic Signal Battery Backup Retrofit

Project Background:

The City operates and maintains 50 traffic signals. Currently the City has 41 of those signals that are equipped with a battery backup system in the event of a short power outage. The current systems we have and use are out of date and becoming ineffective.

Existing Conditions:

Currently the city has 41 of its traffic signals on a battery backup system. There are three different backup systems currently in place. The Clary system has operational life expectancy of 8 to 10 years, and the Sentinel system only provides a four way flash for short period of time. Having three different backup systems is becoming difficult and costly to maintain. In addition, when a battery backup fails we have to wait for parts which could take one or two months to obtain.

Project Justification:

By updating all the city traffic control battery backup systems, the City can essentially ensure zero lag time in the event of a major power outage as the new system will be a simple system aligned for fast exchange between locations. The current systems require the use of car type batteries that are hazardous and costly to dispose of. The new system, which is made of recycled products comes with a five year warranty and can be exchanged for a discount once replacement is necessary.

Fiscal Implications:

Funding for this project will be allocated from gas tax reserves.

Project Budget Summary:

		6-Year Funding Allocation					
		2017	2018	2019	2020	2021	2022
Expenditure	Program or Project		Construction	Construction			
	Engineering / Inspection		2,500	2,500			
	Construction		160,000	160,000			
	Contingency		16,000	16,000			
	Department Overhead		1,500	1,500			
Total Expenditure		\$0	\$180,000	\$180,000	\$0	\$0	\$0
Revenue	Funding						
	044 Gas Tax (2103)		180,000	180,000			
Total Funding		\$0	\$180,000	\$180,000	\$0	\$0	\$0



AGENDA STAFF REPORT

MEETING DATE: 7/5/2017	AGENDA SECTION: F
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SUBJECT:

Utilities and Engineering: Right of Way Acquisition for Public Street Purposes located at the southwest corner of Hanford Armona Road and 10-1/2 Avenue (APN 011-420-001).

RECOMMENDATION:

That the City Council, by motion:

1. Authorize the purchase of street right-of-way located at the southwest corner of Hanford Armona Road and 10-1/2 Avenue from Anthony V. Santos, as shown on the attached map, in the amount of \$1,800.00, plus escrow fees.
2. Accept the attached Grant Deed for street right-of-way purposes from Anthony V. Santos and authorize the City Manager to execute and the City Clerk to attest and file said deed with the Kings County Recorder's Office.
3. Accept the attached Right of Way Agreement and authorize City staff to execute said agreement.
4. Authorize an appropriation in the amount of \$1,800.00, plus escrow fees, from the Unscheduled Arterial Upgrades & Traffic Signal Installation budget to fund this acquisition.

BACKGROUND:

City staff is preparing construction plans and coordinating the acquisition of street right of way necessary for the installation of a traffic signal and road widening improvements located at the intersection of Hanford Armona Road and Irwin Street/10 ½ Avenue. The right of way is necessary for development of street intersection improvements, including curb ramps, utility relocations, and the installation of a traffic signal system at the intersection.

An appropriation of \$1,800.00, plus escrow fees, from the Unscheduled Arterial & Traffic Signal Installation budget is needed to fund the acquisition of this property. The account current fund balance is \$150,000.00.

CEQA and NEPA environmental documents have been completed. Construction for the traffic signal installation project is anticipated to begin in spring of 2018.

FISCAL IMPACT:

The FY 15-16 Transportation Capital Improvement Program Budget provided \$25,000.00 for land acquisition for this project. This appropriation has been exhausted with the purchase of previous approved acquisitions at the intersection. An appropriation of \$1,800.00, plus escrow fees, is necessary from the Unscheduled Arterial Upgrades & Traffic Signal Installation budget to fund this acquisition.

A copy of FY 15/16 budget page 227 and FY 17/18 budget page 224 is attached for Council review.

ATTACHMENTS:

Budget Page 224 (17-18)

Budget Page 227 (15-16)

Grant Deed 011-420-001

Right of Way Agreement (011-420-001)

816620

Traffic Signal at Hanford Armona Road and Irwin Street

Project Background:

This project includes the installation of a traffic signal system at this intersection. Additional improvements will include pavement transitioning to facilitate the installation of additional travel lanes.

Existing Conditions:

The current traffic control at this intersection is a two way stop. This intersection meets current traffic signal warrants and is included in the City's Traffic Signal Priority List.

Project Justification:

This project will increase traffic flow efficiency and reduce intersection congestion by allowing more free flow traffic movements through the intersection. The project will also provide air quality benefits by reducing vehicle idling times.

Fiscal Implications:

Funding for this project will be allocated from CMAQ funding and gas tax reserves.

Project Budget Summary:

		6-Year Funding Allocation					
		2015	2016	2017	2018	2019	2020
Expenditure	Program or Project		Design	Construction			
	Engineering / Inspection		50,000				
	Right of Way		25,000				
	Construction			318,000			
	Contingency			30,000			
	Department Overhead			2,000			
Total Expenditure		\$0	\$75,000	\$350,000	\$0	\$0	\$0
Revenue	Funding						
	044 Gas Tax (2103)		53,000	41,000			
	055 Congest. Mitigation/Air Qual. (CMAQ)		22,000	309,000			
Total Funding		\$0	\$75,000	\$350,000	\$0	\$0	\$0

RECORDING REQUESTED BY:

CITY OF HANFORD

WHEN RECORDED MAIL TO:

CITY OF HANFORD
319 N. Douty Street
Hanford, CA 93230

SPACE ABOVE THIS LINE FOR RECORDER'S USE

MAIL TAX STATEMENTS TO:

CITY OF HANFORD
319 N. Douty
Hanford, CA 93230

DOCUMENTARY TRANSFER TAX \$....0....

..... Computed on the consideration or value of property conveyed; OR
..... Computed on the consideration or value less liens or encumbrances
remaining at the time of sale.

GRANT DEED

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, Anthony V. Santos,
hereby GRANTS to the City of Hanford, a municipal corporation, the real property in the City of Hanford, County of
Kings, State of California, described as:

See Exhibit "A" and "A-1" attached hereto.

A.P.N. 011-420-001Dated June 13, 2017
Anthony V. Santos

MAIL TAX STATEMENTS AS DIRECTED ABOVE

DEED CERTIFICATION

This is to certify that the interest in real property conveyed by the Grant Deed dated April __, 2017 from Anthony V. Santos to the City of Hanford, a municipal corporation, is hereby accepted in fee title interest by order of the City Council of the City of Hanford and the Grantee consents to recordation by its duly authorized officer.

DATED: _____, 2017

CITY OF HANFORD,
a municipal corporation

By: _____
Darrel Pyle, City Manager



**SIGN
HERE**

Attest: _____
City Clerk

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of Tulare

On June 13, 2017 before me, Daryl L. Balch, Notary Public,
(insert name and title of the officer)

personally appeared Anthony V. Santos
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature  (Seal)



LEGAL DESCRIPTION

EXHIBIT "A"

All that portion of the East half of Lot 1 of Thompson Colony, according to Map thereof recorded in Book 2 at Page 5 of Licensed Surveyors Plats, Kings County Records, lying in the Northeast Quarter of the Northwest Quarter of Section 1, Township 19 South, Range 21 East, Mount Diablo Base and Meridian, in the City of Hanford, County of Kings, State of California, according to the approved Government Township Plats thereof, described as follows:

BEGINNING at the North Quarter corner of said Section 1;

Thence, along the North line of said Northwest Quarter, North 89°45'42" West, a distance of 42.66 feet;

Thence, leaving said North line, South 00°14'18" West a distance of 40.00 feet, measured perpendicular, to a point on the existing South Right-of-Way line of Hanford-Armona Road as described in Deed recorded on July 8, 1991 as Document Number 9109926 of Official Records Kings County, also being the **TRUE POINT OF BEGINNING**;

Thence, along said Right-of-Way line, said line being 40.00 feet, measured perpendicular, South of and parallel with said North line, South 89°45'42" East a distance of 12.83 feet, to an angle point in said existing Right-of-Way line, said angle point being 30.00 feet, measured perpendicular, West of the East line of said Northwest Quarter;

Thence, continuing along said Right-of-Way line, South 44°52'59" East a distance of 7.09 feet to a point on the existing West Right-of-Way line of 10 ½ Avenue, said point being 25.00 feet West of last said East line and 45.00 feet South of last said North line, both distances measured perpendicular;

Thence, along last said Right-of-Way line said line being 25.00 feet, measured perpendicular, West of and parallel with last said East line, South 00°00'16" East a distance of 12.81 feet;

Thence, leaving said existing Right-of-Way line, North 44°54'34" West a distance of 25.25 feet to the **TRUE POINT OF BEGINNING**.

Containing 146 Square Feet, more or less.

Attached hereto is a Plat labeled Exhibit "A-1" and by this reference made a part hereof.



APN 011-420-001

EXHIBIT "A-1"

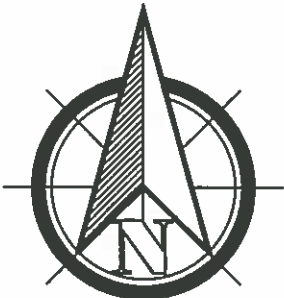
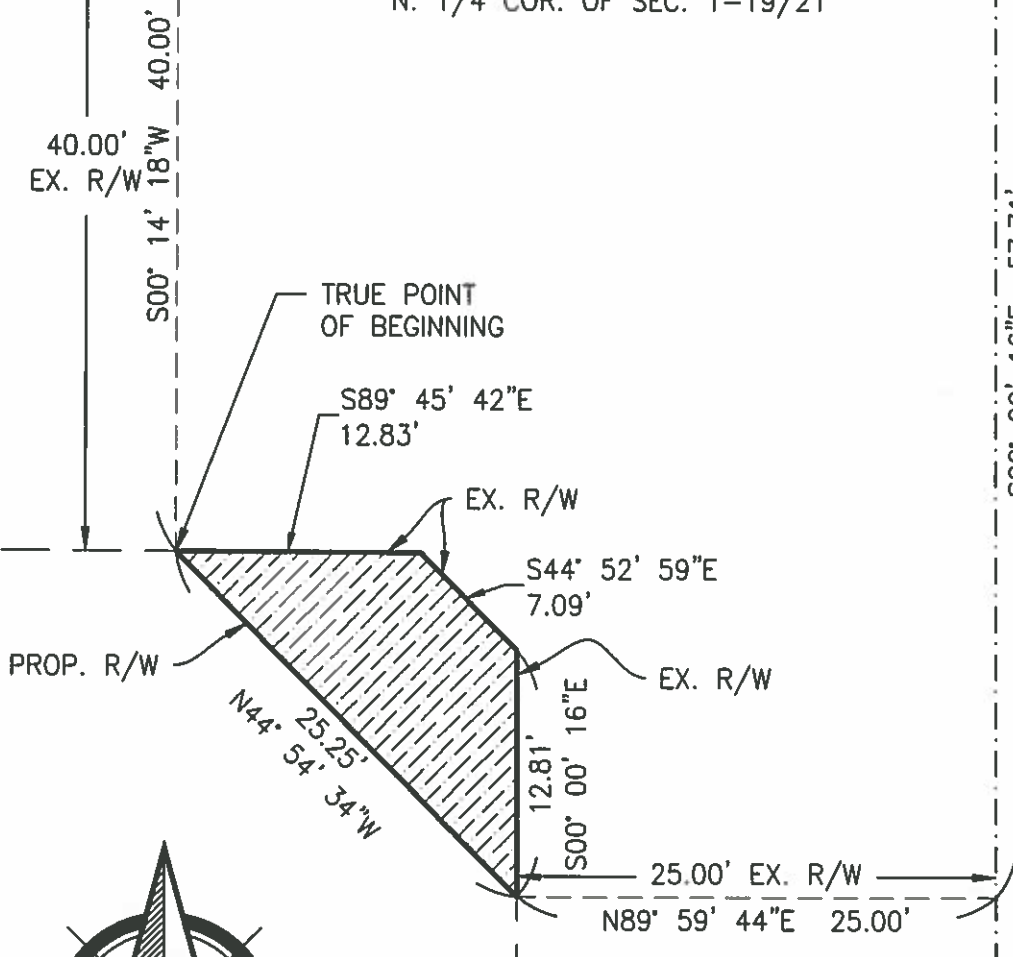
APN 011-420-001

HANFORD-ARMONA ROAD

N89° 45' 42"W 42.66'

POINT OF BEGINNING
N. 1/4 COR. OF SEC. 1-19/21

10-1/2 AVENUE



SCALE: 1"=10'

LEGEND



SUBJECT AREA = 146 S.F.



CIVIL ENGINEERS
ZUMWALT
HANSEN &
LAND SURVEYORS

609 N. Irwin St.
 Hanford, CA 93230
 Office: (559) 582-1056
 Fax: (559) 584-4143

RIGHT-OF-WAY
ACQUISITION PLAT
 FOR
CITY OF HANFORD

Job No. 0752811
 Drawn By: JRJ
 Checked By: R²
 Indexed By:
 Date: 1/5/2017

Sheet No.

1 of 1

PARCEL NO.: 011-420-001

Federal Project No. CML-5091(059)

PROJECT: City of Hanford - Hanford Armona Road at Irwin Street

RIGHT OF WAY AGREEMENT

THIS AGREEMENT is made and entered into by and between Anthony V. Santos, hereinafter called "Grantor," and the City of Hanford, a municipal corporation, hereinafter called "City."

Instruments in the form of a Grant Deed ("Deed") covering the 146 square foot area of land particularly described therein, have been executed concurrently with this Agreement and delivered to City representatives.

In consideration of which, and other considerations hereinafter set forth, it is mutually agreed as follows:

1. The parties have herein set forth the whole of their agreement. The performance of this Agreement constitutes the entire consideration for said document and shall relieve the City of all further obligation or claims on this account, or on account of the location, grade or construction of the proposed street improvements, except as stated in Paragraph 2.E. below.

2. The City shall:

A. PAYMENT. Pay to the order of the Grantor the sum of One Thousand Eight Hundred and 00/100 Dollars (\$1,800.00) as consideration in full for the herein real property interests, for the loss, replacement and moving of any improvements, and for entering into this Agreement. Said sum shall be paid when title to said real property has vested in the entity as grantee under the Deed free and clear of all liens, encumbrances, assessments, easements and leases recorded or unrecorded, except for recorded public utility easements, public right of way, taxes for the current year, and other encumbrances approved by City.

B. RECORDATION OF INSTRUMENT. Accept the Deed herein referenced and cause the same to be recorded in the office of the Kings County Recorder at such time as when clear title can be conveyed.

C. MISCELLANEOUS COSTS. Pay all title insurance and recording fees incurred in this transaction.

D. CLEARANCE OF BONDS ASSESSMENTS OR DELINQUENT TAXES. Have the authority to deduct and pay from the amount shown in Clause 2.A. above any amount necessary to satisfy any bond demands and delinquent taxes due in any year except the year in which this escrow closes, together with penalties and interest

thereon, and/or delinquent and unpaid non-delinquent assessments which have become a lien at the close of escrow.

E. INDEMNIFICATION. Defend, indemnify, and hold harmless Grantor from any and all claims, damages, costs, judgments, or liability caused by City or its officers, employees or agents specifically arising from City construction and restoration work on Grantor's real property.

3. The Grantor:

A. PAYMENT ON MORTGAGE OR DEED OF TRUST. Agrees that any or all monies payable under this Agreement up to and including the total amount of the unpaid principal and interest on the note(s) secured by mortgage(s) or deed(s) of trust, if any, and all other amounts due and payable in accordance with the terms and conditions of said mortgage(s) or deed(s) of trust, shall upon demand(s) be made payable to the mortgagee(s) or beneficiary(s) entitled thereunder.

B. LEASE INDEMNIFICATION. Warrants there are no oral or written leases on all or any portion of the herein referenced real property exceeding a period of one month, or if there are such leases, Grantor agrees to hold the City harmless and reimburse City for any and all of its losses and expenses occasioned by reason of any lease of said property held by tenant of Grantor for a period exceeding one month.

C. POSSESSION. Except as provided herein, Grantor shall retain possession of the property conveyed up to and including June 30, 2017, or the date of recording of the Instruments conveying title to City, whichever occurs first, upon which date possessory rights shall pass to City. Grantor agrees that the amount shown in Clause 2.A. includes but is not limited to full payment for such possession and use, including damages, if any, from said date.

E. HAZARDOUS MATERIAL. The acquisition price of the property being acquired in this transaction reflects the fair market value of the property without the presence of contamination. If the property being acquired is found to be contaminated by the presence of hazardous waste which requires mitigation under Federal or State law, the City may elect to recover its cleanup costs from those who caused or contributed to the contamination.

4. The Parties agree:

A. MISCELLANEOUS REALTY ITEMS ACQUIRED. Payment in Clause 2.A. includes, but is not limited to, payment for lawn in the right of way area.

B. JUDGEMENT IN LIEU OF DEED. In the event Grantor is unable to deliver title in a reasonable time under the terms of the Agreement, the City may file an action in eminent domain to pursue the acquisition of the real property interests described in the referenced Deed, and this Agreement shall constitute a stipulation which may be filed in said proceedings as final and conclusive evidence of the total amount of damages for the taking, including all of the items listed in Section 1260.230 of the Code of Civil Procedure, regarding said property rights.

C. ARTICLE HEADINGS. Article headings in this Agreement are for convenience only and are not intended to be used in interpreting or construing the terms, covenants and conditions of this Agreement.

D. COMPLETE UNDERSTANDING. This Agreement constitutes the entire understanding between the parties with respect to the subject matter hereof, superseding all negotiations, prior discussions, and preliminary agreements or understandings, written or oral. This Agreement may not be amended except in writing by the parties hereto or their successors or assigns.

E. CITY COUNCIL APPROVAL. This Agreement is subject to and conditioned upon approval and ratification by the Hanford City Council. This Agreement is not binding upon the City until executed by the appropriate City official(s) acting in their authorized capacity.

F. NO THIRD-PARTY BENEFICIARIES INTENDED. Unless specifically set forth, the parties to this Agreement do not intend to provide any other party with any benefit or enforceable legal or equitable right or remedy.

G. BINDING EFFECT. This Agreement shall inure to the benefit of and constitute a binding obligation upon the successors and assigns of the parties hereto.

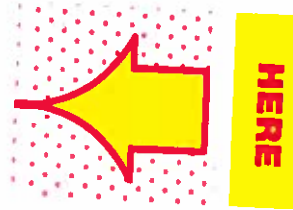
H. COUNTERPARTS. This Agreement may be executed in counterparts, each of which so executed shall irrespective of the date of its execution and delivery be deemed an original, and all such counterparts together shall constitute one and the same document.

No Obligation Other Than Those Set Forth Herein Will Be Recognized.

Dated: _____

GRANTOR: Anthony V. Santos


Anthony V. Santos



GRANTOR'S MAILING ADDRESS:

11044 10 ½ Avenue
Hanford, CA 93230

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

By _____
Name:
Title:

By _____
Name:
Title:

CITY OF HANFORD

By _____
Name:
Title:

MAILING ADDRESS OF CITY:
900 S. 10th Avenue
Hanford, CA 93230

ATTEST:

By _____
, City Clerk



AGENDA STAFF REPORT

MEETING DATE: 7/5/2017	AGENDA SECTION: G
-------------------------------	--------------------------

SUBJECT:

Utilities and Engineering: Right of Way Acquisition for Public Street Purposes located 246' north of Hanford Armona Road on the east side of Irwin Street (APN 012-231-036).

RECOMMENDATION:

That the City Council, by motion:

1. Authorize the purchase of street right-of-way located 246' north of Hanford Armona Road on the east side of Irwin Street from The Church God, as shown on the attached map, in the amount of \$3,200.00, plus escrow fees.
2. Accept the attached Grant Deed for street right-of-way purposes from The Church God and authorize the City Manager to execute and the City Clerk to attest and file said deed with the Kings Couty Recorder's Office.
3. Accept the attached Right of Way Agreement and authorize City staff to said agreement.
4. Authorize an appropriation in the amount of \$3,200.00, plus escrow fees, from the Unscheduled Arterial Upgrades & Traffic Signal Installation budget to fund this acquisition.

BACKGROUND:

City staff is preparing construction plans and coordinating the acquisition of street right of way necessary for the installation of a traffic signal and road widening improvements located at the intersection of Hanford Armona Road and Irwin Street/10 ½ Avenue. The right of way is necessary for development of street intersection improvements, including curb ramps, utility relocations, and the installation of a traffic signal system at the intersection.

An appropriation of \$3,200.00, plus escrow fees, from the Unscheduled Arterial & Traffic Signal Installation budget is needed to fund the acquisition of this property. The account current fund balance is \$150,000.00.

CEQA and NEPA environmental documents have been completed. Construction for the traffic signal installation project is anticipated to begin in spring of 2018.

FISCAL IMPACT:

The FY 15-16 Transportation Capital Improvement Program Budget provided \$25,000.00 for land acquisition for this project. This appropriation has been exhausted with the purchase of previous approved acquisitions at the intersection. An appropriation of \$3,200.00, plus escrow fees, is necessary from the Unscheduled Arterial Upgrades & Traffic Signal Installation budget to fund this acquisition.

A copy of FY 15/16 budget page 227 and FY 17/18 budget page 224 is attached for Council review.

ATTACHMENTS:

Budget Page 224 (17-18)

Budget Page 227 (15-16)

Grant Deed 012-231-036

Right of Way Agreement (012-231-036)

816620

Traffic Signal at Hanford Armona Road and Irwin Street

Project Background:

This project includes the installation of a traffic signal system at this intersection. Additional improvements will include pavement transitioning to facilitate the installation of additional travel lanes.

Existing Conditions:

The current traffic control at this intersection is a two way stop. This intersection meets current traffic signal warrants and is included in the City's Traffic Signal Priority List.

Project Justification:

This project will increase traffic flow efficiency and reduce intersection congestion by allowing more free flow traffic movements through the intersection. The project will also provide air quality benefits by reducing vehicle idling times.

Fiscal Implications:

Funding for this project will be allocated from CMAQ funding and gas tax reserves.

Project Budget Summary:

		6-Year Funding Allocation					
		2015	2016	2017	2018	2019	2020
Expenditure	Program or Project		Design	Construction			
	Engineering / Inspection		50,000				
	Right of Way		25,000				
	Construction			318,000			
	Contingency			30,000			
	Department Overhead			2,000			
Total Expenditure		\$0	\$75,000	\$350,000	\$0	\$0	\$0
Revenue	Funding						
	044 Gas Tax (2103)		53,000	41,000			
	055 Congest. Mitigation/Air Qual. (CMAQ)		22,000	309,000			
Total Funding		\$0	\$75,000	\$350,000	\$0	\$0	\$0

RECORDING REQUESTED BY:

CITY OF HANFORD

WHEN RECORDED MAIL TO:

CITY OF HANFORD
319 N. Douty Street
Hanford, CA 93230

SPACE ABOVE THIS LINE FOR RECORDER'S USE

MAIL TAX STATEMENTS TO:

CITY OF HANFORD
319 N. Douty
Hanford, CA 93230

DOCUMENTARY TRANSFER TAX \$....0....

..... Computed on the consideration or value of property conveyed; OR
..... Computed on the consideration or value less liens or encumbrances
remaining at the time of sale.

GRANT DEED

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,

The Church of God Inter-State Camp Meeting Assembly, a corporation

hereby GRANT(S) to the City of Hanford, a municipal corporation

the real property in the City of Hanford, County of Kings, State of California, described as

See Exhibit "A" and "A-1" attached hereto.

A.P.N. 012-231-036

Dated

11/20/17

BY: Chris Conedy, President

BY:

MAIL TAX STATEMENTS AS DIRECTED ABOVE

DEED CERTIFICATION

This is to certify that the interest in real property conveyed by the Grant Deed dated _____, 2017 from

Church of God Inter-State Camp Meeting Assembly, a corporation

to the City of Hanford, a municipal corporation, is hereby accepted in fee title interest by order of the City Council of the City of Hanford and the Grantee consents to recordation by its duly authorized officer.

DATED: _____, 2017

CITY OF HANFORD,
a municipal corporation

By: _____
Darrel Pyle, City Manager



Attest: _____
City Clerk

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of Nevada
County of Clark

On 4/20/2017 before me, Gwendolyn M. Jones, Notary
(insert name and title of the officer)

personally appeared Christopher Conedy
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

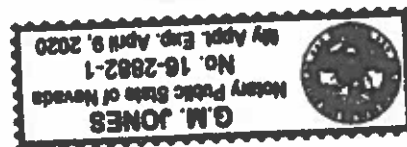
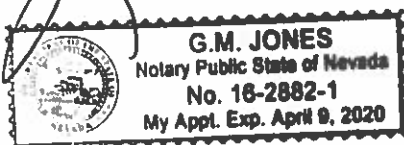
I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature

G.M. Jones

(Seal)



LEGAL DESCRIPTION

EXHIBIT "A"

All that portion of the West half of Lot 22 of Robertson's Addition to the City of Hanford as shown on the Map thereof recorded in Book 1 at Page 90 of Licensed Surveyors Plats, Kings County Records, lying in the Southwest Quarter of the Southeast Quarter of Section 36, Township 18 South, Range 21 East, Mount Diablo Base and Meridian, in the City of Hanford, County of Kings, State of California, according to the approved Government Township Plats thereof, described as follows:

The West 10.00 feet of said Lot 22, excepting the North 100.00 feet therefrom;

Also excepting therefrom the West 5.00 feet thereof previously granted to the City of Hanford by Deed recorded July 17, 1953 as Document Number 6712 in Book 562, Page 58 of Official Records Kings County.

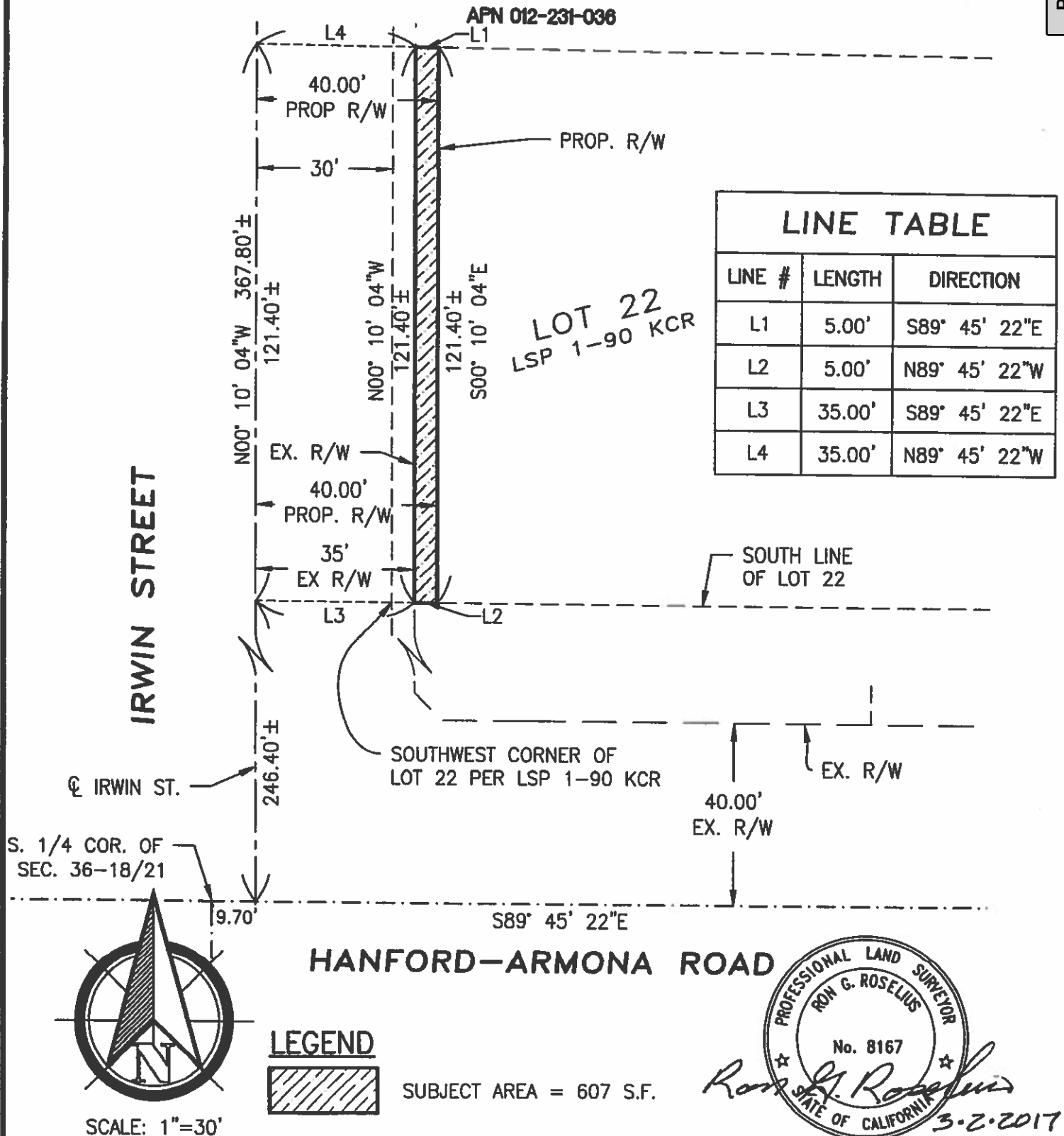
Containing 607 Square Feet, more or less.

Attached hereto is a Plat labeled Exhibit "A-1" and by this reference made a part hereof.



APN 012-231-036

EXHIBIT "A-1"



609 N. Irwin St.
Hanford, CA 93230
Office: (559) 582-1056
Fax: (559) 584-4143

**RIGHT-OF-WAY
ACQUISITION PLAT**
FOR
CITY OF HANFORD

Job No. 0752811
Drawn By: JRJ
Checked By: R²
Indexed By:
Date: 1/5/2017

Sheet No.
1 of 1

PARCEL NO.: 012-231-036

Federal Project No. CML-5091(059)

PROJECT: City of Hanford - Hanford Armona Road at Irwin Street

RIGHT OF WAY AGREEMENT

THIS AGREEMENT is made and entered into by and between The Church of God Inter-State Camp Assembly, a corporation, hereinafter called "Grantor," and the City of Hanford, a municipal corporation, hereinafter called "City."

Instruments in the form of a Grant Deed ("Deed") covering the 607 a square foot area of land particularly described therein, have been executed concurrently with this Agreement and delivered to City representatives.

In consideration of which, and other considerations hereinafter set forth, it is mutually agreed as follows:

1. The parties have herein set forth the whole of their agreement. The performance of this Agreement constitutes the entire consideration for said document and shall relieve the City of all further obligation or claims on this account, or on account of the location, grade or construction of the proposed street improvements, except as stated in Paragraph 2.E. below.

2. The City shall:

A. PAYMENT. Pay to the order of the Grantor the sum of Three Thousand Two Hundred and 00/100 Dollars (\$3,200.00) as consideration in full for the herein real property interests, for the loss, replacement and moving of any improvements, and for entering into this Agreement. Said sum shall be paid when title to said real property has vested in the entity as grantee under the Deed free and clear of all liens, encumbrances, assessments, easements and leases recorded or unrecorded, except for recorded public utility easements, public right of way, taxes for the current year, and other encumbrances approved by City.

B. RECORDATION OF INSTRUMENT. Accept the Deed herein referenced and cause the same to be recorded in the office of the Kings County Recorder at such time as when clear title can be conveyed.

C. MISCELLANEOUS COSTS. Pay all title insurance and recording fees incurred in this transaction.

D. CLEARANCE OF BONDS ASSESSMENTS OR DELINQUENT TAXES. Have the authority to deduct and pay from the amount shown in Clause 2.A. above any amount necessary to satisfy any bond demands and delinquent taxes due in any year except the year in which this escrow closes, together with penalties and interest

thereon, and/or delinquent and unpaid non-delinquent assessments which have become a lien at the close of escrow.

E. INDEMNIFICATION. Defend, indemnify, and hold harmless Grantor from any and all claims, damages, costs, judgments, or liability caused by City or its officers, employees or agents specifically arising from City construction and restoration work on Grantor's real property.

3. The Grantor:

A. PAYMENT ON MORTGAGE OR DEED OF TRUST. Agrees that any or all monies payable under this Agreement up to and including the total amount of the unpaid principal and interest on the note(s) secured by mortgage(s) or deed(s) of trust, if any, and all other amounts due and payable in accordance with the terms and conditions of said mortgage(s) or deed(s) of trust, shall upon demand(s) be made payable to the mortgagee(s) or beneficiary(s) entitled thereunder.

B. LEASE INDEMNIFICATION. Warrants there are no oral or written leases on all or any portion of the herein referenced real property exceeding a period of one month, or if there are such leases, Grantor agrees to hold the City harmless and reimburse City for any and all of its losses and expenses occasioned by reason of any lease of said property held by tenant of Grantor for a period exceeding one month.

C. FENCE RELOCATION. Payment shown in Clause 2.A. includes compensation to Grantor for the replacement of 121.4 linear feet of three foot high chain link fencing. Work is to be completed by Grantor within 60 days of the close of escrow.

D. POSSESSION. Except as provided herein, Grantor shall retain possession of the property conveyed up to and including June 30, 2017, or the date of recording of the Instruments conveying title to City, whichever occurs first, upon which date possessory rights shall pass to City. Grantor agrees that the amount shown in Clause 2.A. includes but is not limited to full payment for such possession and use, including damages, if any, from said date.

E. HAZARDOUS MATERIAL. The acquisition price of the property being acquired in this transaction reflects the fair market value of the property without the presence of contamination. If the property being acquired is found to be contaminated by the presence of hazardous waste which requires mitigation under Federal or State law, the City may elect to recover its cleanup costs from those who caused or contributed to the contamination.

4. The Parties agree:

A. MISCELLANEOUS REALTY ITEMS ACQUIRED. Payment in Clause

2.A. includes, but is not limited to, payment for 10 linear feet of 6 foot high chain link fencing.

B. JUDGEMENT IN LIEU OF DEED. In the event Grantor is unable to deliver title in a reasonable time under the terms of the Agreement, the City may file an action in eminent domain to pursue the acquisition of the real property interests described in the referenced Deed, and this Agreement shall constitute a stipulation which may be filed in said proceedings as final and conclusive evidence of the total amount of damages for the taking, including all of the items listed in Section 1260.230 of the Code of Civil Procedure, regarding said property rights.

C. ARTICLE HEADINGS. Article headings in this Agreement are for convenience only and are not intended to be used in interpreting or construing the terms, covenants and conditions of this Agreement.

D. COMPLETE UNDERSTANDING. This Agreement constitutes the entire understanding between the parties with respect to the subject matter hereof, superseding all negotiations, prior discussions, and preliminary agreements or understandings, written or oral. This Agreement may not be amended except in writing by the parties hereto or their successors or assigns.

E. CITY COUNCIL APPROVAL. This Agreement is subject to and conditioned upon approval and ratification by the Hanford City Council. This Agreement is not binding upon the City until executed by the appropriate City official(s) acting in their authorized capacity.

F. NO THIRD-PARTY BENEFICIARIES INTENDED. Unless specifically set forth, the parties to this Agreement do not intend to provide any other party with any benefit or enforceable legal or equitable right or remedy.

G. BINDING EFFECT. This Agreement shall inure to the benefit of and constitute a binding obligation upon the successors and assigns of the parties hereto.

H. COUNTERPARTS. This Agreement may be executed in counterparts, each of which so executed shall irrespective of the date of its execution and delivery be deemed an original, and all such counterparts together shall constitute one and the same document

No Obligation Other Than Those Set Forth Herein Will Be Recognized.

Dated: 4/20/17

GRANTOR: The Church of God Inter-State Camp Meeting Assembly, a corporation

By [Signature]
 Name: Chris Conedy
 Its: President

By [Signature]
 Name: Gwendolyn M Jones
 Its: Secretary

GRANTOR'S MAILING ADDRESS:

6117 Tarrant Ranch Road
 Las Vegas, NV 89131



APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

By _____
 Name:
 Title:

By _____
 Name:
 Title:

CITY OF HANFORD

By _____
 Name:
 Title:

MAILING ADDRESS OF CITY:
 900 S. 10th Avenue
 Hanford, CA 93230

ATTEST:

By _____
 , City Clerk



AGENDA STAFF REPORT

MEETING DATE: 7/5/2017	AGENDA SECTION: H
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SUBJECT:

Finance: Adopt Resolution 17-40-R authorizing investment of monies in the Local Agency Investment Fund and authorizing city officers to order deposit or withdrawal of monies in the Local Agency Investment Fund.

RECOMMENDATION:

That the City Council, by motion, approve the resolution authorizing investment of monies in the Local Agency Investment Fund and authorizing the Finance Director, Accountant and Account Technician to order deposit and withdrawal of monies in the Local Agency Investment Fund.

BACKGROUND:

The Local Agency Investment Fund (LAIF) was created in 1976 by State Statutes as a pooled investment fund in the State Treasury administered by the State Treasurer. The LAIF is a low risk pooled investment medium for local agencies providing the quick liquidity of monies (deposits or withdrawals daily).

With the selection of a new Finance Director and changes to staff in the Finance Division, it is necessary to re-designate, by Council action, those persons who are authorized to invest, order deposits and order withdrawals of monies in the Local Agency Investment Fund. It is staff recommendation that Council approve the actions presented. A copy of the Resolution Authorizing Investment of Monies in the Local Agency Investment Fund is attached.

FISCAL IMPACT:

This report does not impact the fiscal year budget.

ATTACHMENTS:

LAIF Resolution 070517

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY OF HANFORD
AUTHORIZING INVESTMENT OF MONIES IN THE LOCAL AGENCY INVESTMENT FUND**

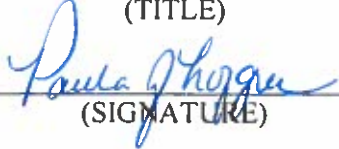
At a regular meeting of the City Council of the City of Hanford, duly called and held on the 5th day of July, 2017 on motion of Council Member _____, seconded by Council Member _____, and duly carried, the following Resolution was adopted:

WHEREAS, Pursuant to Chapter 730 of the statutes of 1976 Section 16429.1 was added to the California Government Code to create a Local Agency Investment Fund in the State Treasury for the deposit of money of a local agency for purposes of investment by the State Treasurer; and

WHEREAS, the City Council of the City of Hanford does hereby find that the deposit and withdrawal of money in the Local Agency Investment Fund in accordance with the provisions of Section 16429.1 of the Government Code for the purpose of investment as stated therein as in the best interests of the City of Hanford.

NOW THEREFORE, BE IT RESOLVED, that the City Council of the City of Hanford does hereby authorize the deposit and withdrawal of City of Hanford monies in the Local Agency Investment Fund in the State Treasury in accordance with the provisions of Section 16429.1 of the Government Code for the purpose of investment as stated therein, and verification by the State Treasurer's Office of all banking information provided in that regard.

BE IT FURTHER RESOLVED, that the following City of Hanford officers holding the title(s) specified **or their successors in office** are each hereby authorized to order the deposit or withdrawal of monies in the Local Agency Investment Fund and may execute and deliver any and all documents necessary or advisable in order to effectuate the purposes of this resolution and the transactions contemplated hereby:

_____ Paula J Lofgren (NAME)	_____ Alejandro Solorio Lopez (NAME)	_____ Debbie Fowler (NAME)
_____ Finance Director (TITLE)	_____ Accountant (TITLE)	_____ Accounting Technician (TITLE)
 (SIGNATURE)	 (SIGNATURE)	 (SIGNATURE)

This resolution shall remain in full force and effect until rescinded by the City Council of the City of Hanford by resolution and a copy of the resolution rescinding this resolution is filed with the State Treasurer's Office.

STATE OF CALIFORNIA)
COUNTY OF KINGS) ss
CITY OF HANFORD)

I, Jennifer Gomez, City Clerk of the City of Hanford, do hereby certify the foregoing Resolution was duly passed and adopted at a regular meeting of the City Council of the City of Hanford held on ____ day of _____.

Date: _____

APPROVED: _____
Mayor of the City of Hanford

ATTEST: _____
Jennifer Gomez
City Clerk and Clerk
of the Hanford City Council



AGENDA STAFF REPORT

MEETING DATE: 7/5/2017	AGENDA SECTION: A
-------------------------------	--------------------------

SUBJECT:

Community Development: Introduce and waive the first reading of Ordinance 17-08 approving MUNICIPAL CODE AMENDMENT No. 2017-02, a request by the City of Hanford to amend the Hanford Municipal Code repealing section 8.32.070 of Title 8, the addition of Chapter 5.56 to Title 5 establishing the business regulations for commercial cannabis businesses; an amendment to Chapter 17.08 to amend Table 17.080.030 adding commercial cannabis uses as conditional uses in the I-H zone and addition of Chapter 17.69 “Cannabis Related Uses and Activity” to further regulate cannabis uses.

RECOMMENDATION:

Staff recommends the City Council introduce and waive the first reading of Ordinance 17-08 approving Municipal Code Amendment 2017-02.

BACKGROUND:

See Attached Staff Report

FISCAL IMPACT:

ATTACHMENTS:

CC Staff Report MCA 2017-02
Ordinance No. 17-08
Notice of Exemption
Final Zoning Map Effective 06-01-2017



CITY OF HANFORD CITY COUNCIL

MEETING DATE: June 13, 2017

MUNICIPAL CODE AMENDMENT No. 2017-02, is a request by the City of Hanford to amend the Hanford Municipal Code repealing section 8.32.070 of Title 8, the addition of Chapter 5.56 to Title 5 establishing the business regulations for commercial cannabis businesses; an amendment to Chapter 17.08 to amend Table 17.080.030 adding commercial cannabis uses as conditional uses in the I-H zone and addition of Chapter 17.69 "Cannabis Related Uses and Activity" to further regulate cannabis uses.

STAFF RECOMMENDATION

Staff recommends the City Council introduce and waive the first reading of Ordinance 17-08 approving Municipal Code Amendment 2017-02.

The Planning Commission reviewed the proposed amendments to Title 17 and recommended approval on June 13, 2017. The Planning Commission's recommendation included an amendment to Section 17.69.040 (b)(1) from 200 feet to 500 feet and Section 17.69.040 (b)(2) from 600 feet to 1,500 feet.

RECOMMENDED MOTION

1. I move to introduce and waive the first reading of Ordinance 17-08 approving Municipal Code Amendment 2017-02.

PROJECT DESCRIPTION

The project includes several amendments to various sections of the Municipal Code to establish regulations allowing commercial medical cannabis businesses in the City of Hanford.

Currently, with the exception of personal use, all commercial cannabis activities are prohibited in the City of Hanford. The proposed municipal code amendments can be divided in three parts as follows:

1. Repeal Section 8.32.070. The repeal of the section in Chapter 8.32 pertaining to commercial cannabis. The remainder of Chapter 8.32 would remain as it regulates personal use of cannabis in the City of Hanford.

~~8.32.070 Commercial marijuana operations, dispensaries, and deliveries prohibited.~~

~~A. Commercial Marijuana Operations. Commercial marijuana operations are prohibited within all zone districts in the city.~~

~~B.— Dispensaries. Marijuana dispensaries are prohibited within all zone districts in the city.~~

~~C.— Deliveries. The delivery of marijuana is prohibited in the city regardless of whether the delivery is initiated within or outside of the city, and regardless of whether a technology platform is used for delivery by the dispensary.~~

~~No person shall deliver any marijuana-infused product, including, without limitation, tinctures and baked and baked goods and other consumable products, to any location within the city from a mobile marijuana dispensary, regardless of where the mobile marijuana dispensary is located, or engage in any operation for this purpose.~~

~~D.— Public Nuisance Declared. Operation of any mobile marijuana dispensary within the city in violation of the provisions of this chapter and is hereby declared a public nuisance and may be abated pursuant to all available remedies.~~

2. Add Chapter 5.56, attached as Exhibit A. Chapter 5.56 establishes the regulations for commercial cannabis businesses. The proposed ordinance clearly identifies that only medical cannabis businesses are allowed and no dispensaries are allowed in the City of Hanford. Within the ordinance is reference to adopting a resolution. The resolution will establish the permit application process, establishes the number of permits and the regulatory fee for each permit. This portion of the regulatory process is being done by resolution rather than ordinance to allow for ease in addressing issues if changes become necessary. The resolution will be presented to the City Council at the same meeting as the second reading of the ordinance for adoption. This will allow the City Council to make any changes prior to adoption.
3. Amend Title 17, specifically Table 17.08.030 to add cultivation, manufacturing, distribution, transportation, laboratory testing and dispensaries to the list of conditional uses in the IH (Heavy Industrial) zone. The proposed amendments to the table are found in Exhibit B of the resolution, new text in bold and deleted text in strikethrough. Line 123 of the Zoning Table, shows that dispensaries are not permitted in any zone within the City.
4. Add Chapter 17.69, attached as Exhibit C. The proposed language includes limitations on proximity to residential zoned property as well as schools, daycares and other youth facility. Any proposed commercial cannabis facility will be required to be at least 200 feet from any residential zoned property, Section 17.69.040(b)(1) and 600 feet from schools, daycares and youth facilities, Section 17.69.040(b)(2). The Planning Commission recommended that the two distances be increased from 200 to 500 and from 600 to 1,500.

The proposed language substantially consistent to the language reviewed during the Joint City Council and Planning Commission meeting held on May 10th.

Cannabis Permits

There was discussion on May 10, 2017 to limit the number of permits. Staff still proposes a limitation, however, there was interest at the joint meeting to create an

additional category of “Cannabis Campus or Cannabis Park.” A definition of Cannabis Campus has been included in the ordinance. The definition is consistent with the State definitions.

A campus would be a larger facility designed to accommodate a variety of cannabis businesses. Staff recommends that the City limit the number of campuses to a maximum of three in the City of Hanford. Further, staff recommends that the City Council phase in the number of cannabis permits that will be issued as follows:

Freestanding Facilities

- (1) Cultivation: maximum of (2)
- (2) Manufacturing: maximum of two (2)
- (3) Transporting: maximum of two (2)
- (4) Testing: maximum of two (2)
- (5) Distribution: maximum of two (2)

Cannabis Campus: Maximum of three (3)

- (a) Five (5) Permits year one, (5) permits year 2, (10) permits year 3 and each subsequent year.
- (b) The on-going issuance of permits may be affected by the failure of a future tax initiative.

Staff suggests that the City Council review staff’s recommendation and provide feedback. The final decision on number of permits to be issued will be reflected in a resolution to be presented to the City Council at the meeting the City Council considers the second reading of the ordinance. As stated in “b” above, the decision to continue to issue cannabis permits may change if a tax measure is not passed in 2018. In that event, those businesses that have obtained a permit will continue as a grandfathered business, but no expansion would be allowed.

Cost Recovery

Although a tax measure cannot be put on a ballot before the November 2018 election, staff recommends that the City Council adopt a fee for permits based on full cost recovery to regulate the industry. A recommendation on the fee will be included in the resolution presented to the City Council at the next meeting. The fee will be based on the final decision on how many permits may be issued. Each year, it is anticipated that staff will evaluate the costs and establish the fee by resolution for the next year. HdL Companies will be assisting the City with the analysis to establish the application fees.

BACKGROUND INFORMATION

In October of 2016 an interested party approached the City of Hanford about allowing the cultivation of medical cannabis in the City. In November of 2016 the City Council directed staff to begin the process to draft an ordinance to allow cannabis businesses in the heavy industrial zone and prohibit all dispensaries in the City of Hanford. In April of 2017, the City Council authorized a contract with HdL Companies to assist in the drafting of the proposed ordinances, tax measure and regulatory documents.

On May 10, 2017, the City Council and the City Planning Commission held a joint study session to review the first draft of a set of ordinances to regulate medical cannabis. The City has currently entered into two cost reimbursement agreement with two potential medical cannabis businesses.

On October 9, 2015 Governor Brown signed Assembly Bills (AB) 243 and 266 and Senate Bill (B) 643 implementing the Medical Marijuana Regulation and Safety Act.

On November 9, 2016 California voters legalized recreational marijuana.

The Bureau of Medical Cannabis Regulation will not begin issuing permits until January 1, 2018. The BMCR is currently in the rulemaking process. Any commercial facility in the City of Hanford will also be required to comply with the State rules and obtain a State permit.

ENVIRONMENTAL DOCUMENT

Staff recommend that the project be determined to be exempt from environmental review pursuant to Section 15061(b)(3) of the California Environmental Quality Act (CEQA). Section 15061(b)(3) states that where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. No significant environmental impacts would occur as a result of the proposed ordinance.

ORDINANCE NO. 17-08

AN ORDINANCE REPEALING SECTION 8.32.070 OF TITLE 8 PERTAINING TO COMMERCIAL CANNABIS OPERATIONS, DISPENSARIES AND DELIVERIES; THE ADDITION TO TITLE 5 ADDING CHAPTER 5.56 ESTABLISHING THE BUSINESS REGULATIONS FOR COMMERCIAL CANNABIS BUSINESSES IN THE CITY OF HANFORD; AN AMENDMENT TO HANFORD ZONING ORDINANCE CHAPTER 17.08 TO AMEND TABLE 17.08.030 ADDING COMMERCIAL MEDICAL CANNABIS USES AS CONDITIONAL USES IN THE I-H (HEAVY INDUSTRIAL) ZONE; AND ADD CHAPTER 17.69 CANNABIS RELATED USES AND ACTIVITY TO FURTHER REGULATE CANNABIS LAND USES.

WHEREAS, the City of Hanford is a general law city organized pursuant to Article XI of the California Constitution; and

WHEREAS, pursuant to the authority granted the City by Article XI, Sections 5 and 7 of the California Constitution, the City has the power to make and enforce within its limits all ordinances and regulations in respect to municipal affairs not in conflict with general laws and its own charter; and

WHEREAS, comprehensive zoning regulations and regulations upon the use of land and property lie within the City's police powers; and

WHEREAS, on November 5, 1996, California voters approved Proposition 215, the Compassionate Use Act of 1996 (CUA), codified at California Health and Safety Code Section 11362.5, the intent of which was to enable persons with a demonstrated need for marijuana for medical/therapeutic purposes, as recommended by a health care provider, to obtain and to use marijuana, or marijuana-derived compounds, under limited and specified circumstances; and

WHEREAS, on January 1, 2004, Senate Bill 420 codified as California Health and Safety Code Section 11362.7 et seq. and entitled the "Medical Marijuana Program Act" (MMPA) became law to clarify the scope of the CUA. Pursuant to California Health and Safety Code Section 11362.77(a), a qualified patient or primary caregiver was permitted to possess no more than eight (8) ounces of dried marijuana plant material per patient. In addition, they were also able to maintain no more than six mature or twelve immature marijuana plants per patient unless a doctor authorized an additional amount; and

WHEREAS, the CUA is limited in scope in that it only provides a defense from criminal prosecution for possession and cultivation of commercial cannabis to qualified patients and their primary caregivers. The MMPA also is limited in scope in that it establishes a statewide identification program and affords qualified patients, persons with recommendation cards, and their primary caregivers, an affirmative defense to certain enumerated criminal sanctions that would otherwise apply to transporting, processing, administering or distributing marijuana; and

WHEREAS, on October 9, 2015, Governor Brown signed into law the Medical Marijuana Regulation and Safety Act (MMRSA) now known as the Medical Cannabis and Safety Act (MCRSA) which consisted of three interrelated pieces of legislation (SB 643, AB 243, and AB 266), intended to provide a comprehensive regulatory framework for the licensing, control, and taxation of commercial cannabis related businesses in California; and

WHEREAS, the MCRSA expressly protects a City's local licensing practices, zoning authority, and other local actions taken under the City's constitutional municipal and police powers; and

WHEREAS, the MCRSA contains statutory provisions that:

- (1) Allow local governments to enact ordinances expressing their intent to allow or prohibit the cultivation of cannabis and their intent to administer or not administer a conditional permit program pursuant to California Health and Safety Code Section 11362.777 for the cultivation of cannabis;
- (2) Expressly provide that the Act does not supersede or limit local authority for local law enforcement activity, enforcement of local ordinances or enforcement of local permit or licensing requirements regarding cannabis per California Business and Professions Code Section 19315(a);
- (3) Expressly provide that the Act does not limit the civil or administrative authority or remedies of a local government provision of law regarding cannabis including, but not limited to, a local government's right to make and to enforce within its limits all regulations not in conflict with general laws per California Business and Professions Code Section 19316(c);
- (4) Specifically requires, as a condition of state licensure, compliance with any and all local requirements for all cannabis-related operations;

WHEREAS, the California Supreme Court has made clear that neither the CUA nor the MMPA expressly or impliedly preempts the authority of cities or counties, under their traditional land use and police powers, to allow, restrict, limit or entirely exclude facilities that distribute medical marijuana. The MMPA allowed cities and counties to adopt local ordinances that regulate the location, operation or establishment of commercial cannabis collectives and to enforce such ordinances. (City of Riverside v. Inland Empire Patients Health and Wellness Center, Inc. (2013) 56 Cal.4th 729; Health and Safety Code Section 11362.83). The same authority encompasses the regulation, operation, or establishment of cannabis cultivation. (Maral v. City of Live Oak (2013) 221 Cal. App. 4th 975.) That authority remains undisturbed under MCRSA; and

WHEREAS, on November 8, 2016, Proposition 64 the "Adult Use Marijuana Act" known as ("AUMA") was approved by California voters for the purpose of providing a

comprehensive regulatory framework for the licensing, control, and taxation of non-medical commercial cannabis related businesses in California; and

WHEREAS, MCRSA and AUMA expressly protects a City's local licensing practices, zoning authority, and other local actions taken under the City's constitutional municipal and police powers for the purpose of commercial cannabis activities; and

WHEREAS, marijuana remains an illegal substance under the Federal Controlled Substances Act, 21 USC 801 et seq., which makes it unlawful for any person to cultivate, manufacture, distribute or dispense, or possess with intent to manufacture, distribute or dispense marijuana. The Federal Controlled Substances Act contains no statutory exemption for the cultivation of marijuana for medical purposes. Federal law lists marijuana as a Schedule I drug, meaning that it has a high potential for abuse, it has no currently accepted medical use in treatment, and there is a lack of accepted safety for use under medical supervision; and

WHEREAS, despite this classification and treatment under federal law, federal executive and law enforcement agencies have issued memoranda and other guidelines allowing for the development of state-specific regulatory schemes that include the provision of marijuana and marijuana-derived products for medical purposes, as long as the administration of those schemes is consistent with the aims of federal law; and

WHEREAS, the City has received inquiries from individuals and incorporated entities inquiring about the ability to open commercial cannabis related businesses within the City, including dispensaries, cultivation locations, and manufacturing/processing businesses. Other than a general prohibition of dispensaries and cultivation, the City has not yet adopted land use controls or regulations or other requirements for the operation of these businesses once established; and

WHEREAS, without sufficient regulations and standards in effect and which are enforceable pursuant to an adopted ordinance, there is a current and immediate threat to the public health, safety, and welfare of current and future residents of the City, from the establishment of commercial cannabis related businesses in the City in a manner which is likely to lead to confusion, public harm, and possible violation of federal executive guidelines; and

WHEREAS, the California Attorney General's 2008 Guidelines for the Security and Non-Diversion of Marijuana Grown for Medical Use recognizes that cultivation or other concentration of marijuana in any location or premises without adequate security increases the risk that nearby homes or businesses may be impacted negatively by nuisance activity such as loitering, or more significant levels of crime; and

WHEREAS, Hanford Municipal Code Chapter 17 provides that no land may be used for any purpose other than as permitted and in conformance with the City's zoning laws and other ordinances; and

WHEREAS, the City Council recognizes that the investigation and research of the therapeutic uses for commercial cannabis and natural marijuana-derived compounds continues to progress, with at least some demonstrated positive impact on users following the advisement and encouragement of their health care providers, for a variety of ailments, including severely debilitating and terminal illnesses; and

WHEREAS, the City Council recognizes, upon consultation with law enforcement, that supply chains for commercial cannabis and marijuana-related products as they currently exist, in the absence of state and local regulatory schemes, can and do benefit criminal elements to the detriment of residents of the State of California, the County of Kings, and very likely the City of Hanford, without full regard for public safety, health, and welfare issues; and

WHEREAS, the City Council recognizes the individual freedom and privacy interests that surround the choice of what to take into one's body, following consultation with one's chosen health care provider(s), and for one's own health-related purposes, and in a manner, that is responsible in its impacts on others in the community, including children; and

WHEREAS, the City Council also recognizes its obligation to provide guidance on appropriate community standards of health, safety, and welfare, and, where appropriate, to protect residents—especially residents of particularly vulnerable populations like children—from violation and abuse of those community standards; and

WHEREAS, the City Council desires to establish reasonable land use controls and reasonable regulations on the operation of commercial cannabis related businesses which are intended to operate in conjunction with the zoning and land use regulations of the City of Hanford, and which are intended to address the negative impacts, nuisance impacts, and criminal impacts of unregulated cannabis-related businesses; and

WHEREAS, commercial cannabis related businesses will be subject to the zoning and land use regulations of the zoning district in which such businesses establish and operate, as set forth in Chapter 17 of the Hanford Municipal Code (the Hanford Zoning Code), and as otherwise established by the City; and

WHEREAS, the City Council finds that the activities permitted under this ordinance are consistent with and implement the goals and policies of the Hanford General Plan; and

WHEREAS, the City Council finds that the adoption of this ordinance is exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to the following sections of the CEQA Guidelines, 14 Cal. Code of Regulations, Chapter 3:

A. The ordinance is exempt under Section 15061(b) (3) because it can be seen with certainty that there is no possibility that the activity in question may have a significant

effect on the environment. The ordinance permits a very limited number of commercial cannabis businesses, and the commercial cannabis businesses will have no impacts that are different than the farming, manufacturing, distribution, laboratory, and delivery activities already authorized within the City. Furthermore, the ordinance contains requirements that prevent any potential impacts on the environment that may be unique to businesses involving medical and non-medical cannabis. For example, the ordinance establishes prohibitions on nuisance odors, glare, excess energy usage, and establishes safety protections to prevent crime or deterioration of the business area into blight, prohibition on usages of hazardous chemicals except for those usages that are consistent with state standards for those chemicals, and a prohibition on usage of excess water in violation of drought laws etc. Further, there is no possibility that this ordinance would create cumulative impacts that are significant because this ordinance does not authorize a total number of businesses in the city than would have been otherwise authorized, does not authorize construction or other related activities or any other activities that are not already permitted, except that the ordinance allows the same activities but with a different material (medical cannabis and nonmedical cannabis) that is being grown, sold, transported, or otherwise utilized in some form; there are no other significant impacts that could occur as a result of this ordinance, and there are no unusual circumstances that would cause any such significant impacts;

B. The ordinance is also exempt under Section 15183 (projects consistent with a community plan, general plan, or zoning) since the types of businesses permitted by the ordinance are consistent with those contemplated by general plan and zoning, such as farming, manufacture, and distribution of other agriculture products and/or products to be used as pharmaceuticals;

NOW THEREFORE, The City Council of the City of Hanford does ordain as follows:

SECTION 1. Section 8.36.070 of the Hanford Municipal Code entitled "Commercial Cannabis Dispensaries, Cultivation of Marijuana and All Commercial Cannabis Uses in the City", is hereby repealed in its entirety.

SECTION 2. Chapter 5.56 of the Hanford Municipal Code entitled "Commercial Cannabis Activity" is enacted as attached as Exhibit A.

SECTION 3. Chapter 17.08 and 17.69 of the Hanford Municipal Code are enacted as attached as Exhibit B.

SECTION 4. That that Municipal Code Amendment 2017-02 is exempt from CEQA in accordance with Section 15061(b)(3) of the CEQA Guidelines.

SECTION 5. That the City Council hereby finds that the Municipal Code Amendment 2017-02 is consistent with the Hanford General Plan and Section 17.02.020 of the Zoning Ordinance as adopted on April 24, 2017 and May 2, 2017 respectively.

SECTION 6. That the ordinance shall take effect thirty (30) days after its passage, and shall be published once in the Hanford Sentinel within fifteen (15) days after its passage or a summary of this ordinance shall be published in the Hanford Sentinel in a manner consistent with the requirements of the California Government Code.

Passed and adopted at a regular meeting of the City Council of the City of Hanford duly called and held on July 5, 2017, by the following roll call vote:

AYES: _____

NOES: _____

ABSTAIN: _____

ABSENT: _____

APPROVED

Dave Ayers,
MAYOR of the City of Hanford

ATTEST:

JENNIFER GOMEZ
CITY CLERK

STATE OF CALIFORNIA)
COUNTY OF KINGS) ss
CITY OF HANFORD)

I JENNIFER GOMEZ, City Clerk of the City of Hanford, do hereby certify the foregoing ordinance was duly introduced at a regular meeting of the City Council of the City of Hanford on the 5th day of July, 2017, and it was duly passed and adopted at a regular meeting of the City Council of the City of Hanford held on the ____ day of _____, 2017.

JENNIFER GOMEZ
CITY CLERK

Exhibit A

Chapter 5.56 COMMERCIAL CANNABIS ACTIVITY.

Section 5.56.010 Purpose and Intent

It is the purpose and intent of this Title to accommodate the needs of medically-ill persons in need of marijuana for medical purposes, as advised and recommended by their health care provider(s), and to implement the Adult Use Marijuana Act which was passed by the voters of California while imposing regulations on the use of land to protect the City's neighborhoods, residents, and businesses from negative impacts. It is a further purpose and intent of this Title to regulate the cultivation, manufacturing, processing, testing, transporting, delivery, and distribution of medical cannabis and medical cannabis-related products in a manner which is responsible, which protects the health, safety, and welfare of the residents of Hanford, and to enforce rules and regulations consistent with state law. In part to meet these objectives, an annual permit shall be required to own and/or to operate a commercial medical cannabis business within Hanford. Nothing in this Title is intended to authorize the possession, use, or provision of cannabis for purposes which violate state or federal law. The provisions of this Title are in addition to any other permits, licenses and approvals which may be required to conduct business in the City, and are in addition to any permits, licenses and approval required under state, county, or other law.

Section 5.56.020. Legal Authority.

Pursuant to Sections 5 and 7 of Article XI of the California Constitution, and the provisions of the Medical Cannabis Regulation and Safety Act (hereinafter "MCRSA"), and the Adult Use Marijuana Act (hereinafter "AUMA") the City of Hanford is authorized to adopt ordinances that establish standards, requirements and regulations for local licenses and permits for medical cannabis and medical cannabis-related activity. Any standards, requirements, and regulations regarding health and safety, security, and worker protections established by the State of California, or any of its departments or divisions, shall be the minimum standards applicable in the City of Hanford to medical cannabis, and/or medical cannabis-related activity.

Section 5.56.030. Cannabis Cultivation and Commercial Medical Cannabis Business Activities Prohibited Unless Specifically Authorized by this Title.

Except as specifically authorized in this Title, the cultivation, possession, manufacture, processing, storing, laboratory testing, labeling, transporting, dispensing, distribution, delivery, or sale of medical cannabis or medical cannabis product is expressly prohibited in the City of Hanford.

Section 5.56.040. Compliance with Laws.

It is the responsibility of the owners and operators of the commercial medical cannabis business to ensure that it is, always, operating in a manner compliant with all applicable state and local laws, and any regulations promulgated thereunder. Nothing in this Title shall be construed as authorizing any actions which violate federal, state law or local law with respect to the operation of a commercial medical cannabis business. It shall be the responsibility of the owners and the operators of the commercial medical cannabis business to ensure that the commercial medical cannabis business is, at all times, operating in a manner compliant with all applicable federal, state and local laws, the 2008 Attorney General Guidelines, any subsequently enacted state law or regulatory, licensing, or certification requirements, and any specific, additional operating procedures or requirements which may be imposed as conditions of approval of the commercial medical cannabis business permit. Nothing in this Title shall be construed as authorizing any actions which violate federal or state law regarding the operation of a commercial medical cannabis business.

Section 5.56.050 Definitions.

Section 5.56.050. When used in this Title, the following words shall have the meanings ascribed to them as set forth herein. Any reference to California statutes includes any regulations promulgated thereunder, and is deemed to include any successor or amended version of the referenced statute or regulatory provision.

- (a) "Cannabis" means all parts of the *Cannabis sativa* Linnaeus, *Cannabis indica*, or *Cannabis ruderalis*, whether medical or nonmedical, growing or not; the seeds thereof; the resin, whether crude or purified, extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. "Cannabis" also means the separated resin, whether crude or purified, obtained from marijuana. "Cannabis" also means marijuana as defined by Section 11018 of the California Health and Safety Code as enacted by Chapter 14017 of the Statutes of 1972. "Cannabis" does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination. For the purpose of this Chapter, "cannabis" does not mean industrial hemp as that term is defined by Section 81000 of the California Food and Agricultural Code or Section 11018.5 of the California Health and Safety Code.
- (b) "Cannabis concentrate" means manufactured cannabis that has undergone a process to concentrate the cannabinoid active ingredient, thereby increasing the product's potency.

- (c) "Canopy" means all areas occupied by any portion of a cannabis plant, inclusive of all vertical planes, whether contiguous or noncontiguous on any one site.
- (d) "Caregiver" or "primary caregiver" has the same meaning as that term is defined in Section 11362.7 of the California Health and Safety Code.
- (e) "City" or "City of Hanford" means the City of Hanford, a California General Law City.
- (f) "Cultivation" means any activity, whether occurring indoors or outdoors, involving the propagation, planting, growing, harvesting, drying, curing, grading, and/or trimming of cannabis plants or any part thereof for any purpose, including marijuana.
- (g) "Cultivation site" means a facility where cannabis is cultivated, propagated, planted, grown, harvested, dried, cured, graded, or trimmed, or that does all or any combination of those activities, and where the operator holds a valid commercial medical cannabis business permit for cultivation from the City of Hanford and a valid state license to cultivate cannabis as required by state law.
- (h) "Delivery" means the commercial transfer of cannabis or cannabis products from a dispensary, up to an amount determined to be authorized by the State of California, or any of its departments or divisions, to anyone for any purpose. "Delivery" also includes the use by a dispensary of any technology platform owned, controlled, and/or licensed by the dispensary, or independently licensed by the State of California under the MCRSA or AUMA (as the same may be amended from time-to-time), that enables anyone to arrange for or facilitate the commercial transfer by a licensed dispensary of cannabis or cannabis products.
- (i) "Dispensary" means a commercial medical cannabis business facility where cannabis, cannabis products, or devices for the use of cannabis or cannabis products are offered, either individually or in any combination, for retail sale, including an establishment (whether fixed or mobile) that delivers, pursuant to express authorization, cannabis and cannabis products as part of a retail sale, and where the operator holds a valid commercial medical cannabis business permit from the City of Hanford authorizing the operation of a dispensary, and a valid state license as required by state law to operate a dispensary.
- (j) "Dispensing" means any activity involving the retail sale of medical cannabis or medical cannabis products from a dispensary.

- (k) "Distribution" means the wholesale procurement, and sale, of cannabis or cannabis products between entities licensed pursuant to MCRSA, AUMA and any subsequent State of California legislation regarding the same.
- (l) "Distributor" means a person holding a valid commercial medical cannabis business permit for distribution issued by the City of Hanford, and, a valid state license for distribution, required by state law to engage in the business of purchasing cannabis from a licensed cultivator, or cannabis products from a license manufacturer, for sale to a licensed dispensary.
- (m) "Dried flower" means all dead cannabis that has been harvested, dried, cured, or otherwise processed, excluding leaves and stems.
- (n) "Edible cannabis product" means manufactured cannabis that is intended to be used, in whole or in part, for human consumption. An edible cannabis product is not considered food as defined by Section 109935 of the California Health and Safety Code or a drug as defined by Section 109925 of the California Health and Safety Code. An edible cannabis product shall not be deemed to be adulterated pursuant to Section 19347.6 of the Business and Professions Code solely because it contains cannabis.
- (o) "Greenhouse" means a fully enclosed permanent structure that is clad in transparent material with climate control, such as heating and ventilation capabilities and supplemental artificial lighting, and that uses a combination of natural and supplemental lighting for cultivation.
- (p) "Live plants" means living cannabis flowers and plants, including seeds, sprouts, immature plants (including unrooted clones), and vegetative stage plants.
- (q) "Manufacturer" means a person that conducts the production, preparation, propagation, or compounding of manufactured medical cannabis, as defined in this section, or medical cannabis products either directly or indirectly or by extraction methods, or independently by means of chemical synthesis at a fixed location that packages or repackages medical cannabis or medical cannabis products or labels or relabels its container, where the operator holds a valid commercial medical cannabis business permit for manufacturing from the City of Hanford and, after January 1, 2018 or as soon as permitted by the state granting agency, department or division, a valid state license for manufacturing pursuant to MCRSA and/or AUMA. A manufacturer may also be a person that infuses cannabis in its products but does not perform its own extraction.
- (r) "Manufactured cannabis" means raw cannabis that has undergone a process whereby the raw agricultural product has been transformed into a

concentrate, extraction or other manufactured product intended for internal consumption through inhalation or oral ingestion or for topical application.

- (s) "Manufacturing site" means a location that produces, prepares, propagates, or compounds medical cannabis or medical cannabis products, directly or indirectly, by extraction methods, independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, and is owned and operated by a person issued a valid commercial medical cannabis business permit for manufacturing from the City of Hanford and, a valid state license as required for manufacturing of medical cannabis products.
- (t) "Marijuana" means "cannabis," as that term is defined in this Title.
- (u) "Cannabis product" means a product containing medical or nonmedical cannabis, including, but not limited to, manufactured cannabis, - intended to be sold for use by medical cannabis patients in California pursuant to the Compassionate Use Act of 1996 (Proposition 215), found at Section 11362.5 of the California Health and Safety Code (as the same may be amended from time-to-time) or pursuant to the Adult Use of Marijuana Act. For purposes of this Title, "medical cannabis" does not include industrial hemp as defined by Section 81000 of the California Food and Agricultural Code or Section 11018.5 of the California Health and Safety Code.
- (v) "Commercial cannabis activity" includes cultivation, manufacture, processing, laboratory testing, transporting, delivery, distribution, or sale of cannabis or a cannabis product, within the meaning of California Business and Professions Code 19300 and/or California Business and Professions Code 26050, et seq.
- (w) "Commercial medical cannabis business" means any business or operation which engages in either/or medical or nonmedical commercial cannabis activity.
- (x) "Commercial medical cannabis business permit" means a regulatory permit issued by the City of Hanford pursuant to this Title to a commercial medical cannabis business, and is required before any commercial cannabis activity may be conducted in the City. The initial permit and annual renewal of a commercial medical cannabis business permit is made expressly contingent upon the business' ongoing compliance with all of the requirements of this Title and any regulations adopted by the City governing the commercial cannabis activity at issue.
- (y) "Patient" or "qualified patient" shall have the same definition as California Health and Safety Code Section 11362.7 et seq., as it may be amended,

and which means a person who is entitled to the protections of California Health & Safety Code Section 11362.5.

- (z) "Person" means an individual, firm, partnership, joint venture, association, corporation, limited liability company, estate, trust, business trust, receiver, syndicate, or any other group or combination acting as a unit and includes the plural as well as the singular number.
- (aa) "Person with an identification card" shall have the meaning given that term by California Health and Safety Code Section 11362.7.
- (bb) "State License" means a permit or license issued by the State of California, or one of its departments or divisions, under MCRSA or AUMA to engage in commercial cannabis activity.
- (cc) "Topical cannabis" means a product intended for external application and/or absorption through the skin. A topical cannabis product is not considered a drug as defined by Section 109925 of the California Health and Safety Code.
- (dd) "Testing laboratory" means a facility, entity, or site in the City of Hanford that offers or performs tests of cannabis or cannabis products and that is both of the following:
 - (1) Accredited by an accrediting body that is independent from all other persons involved in the cannabis industry in the state.
 - (2) Licensed by the Bureau of Marijuana Control, and is owned and operated by a person issued a valid commercial medical cannabis business permit for laboratory testing from the City of Hanford.
- (ee) "Transport" means the transfer of cannabis or medical/nonmedical cannabis products from the permitted business location of one licensee to the permitted business location of another licensee, for the purposes of conducting commercial cannabis activity authorized by the MCRSA and/or AUMA.
- (ff) "Transporter" means a person issued a state license, and a commercial medical cannabis business permit by the City of Hanford, authorizing the transport of cannabis or cannabis products in amounts authorized by the State of California, or by one of its departments or divisions under the MCRSA and/or AUMA.
- (gg) "Nursery" means a person that produces only clones, immature plants, seeds and other agricultural products used specifically for the planting, propagation, and cultivation of medical/nonmedical cannabis.

- (hh) Cannabis Business Park” a park or campus is one contiguous commercial area of land which has many cannabis related businesses grouped together. Each individual business would be clearly defined, which has a unique entrance and immovable physical barriers between uniquely licensed premises.

Section 5.56.060. Commercial Medical Cannabis Business Permit Required to Engage in Commercial Medical Cannabis Business.

- (a) No person may engage in any commercial medical cannabis business or in any commercial cannabis activity within the City of Hanford including cultivation, manufacture, processing, laboratory testing, transporting, dispensing, distribution, or sale of cannabis or a cannabis product unless the person (1) has a valid commercial medical cannabis business permit from the City of Hanford and (2) is currently in compliance with all applicable state and local laws and regulations pertaining to the commercial medical cannabis business and the commercial cannabis activities, including the duty to obtain any required state licenses.
- (b) Until Health & Safety Code Section 11362.775, subdivision (a), is repealed, the City intends that person's eligible to operate collectives or cooperatives under that subdivision shall be eligible to apply for a City permit to conduct commercial cannabis activities, but only to the degree those activities are authorized under state law for collectives and cooperatives. When the Health & Safety Code Section 11362.775, subdivision (a), is repealed, or as soon as collectives and cooperatives are no longer permitted to engage in commercial cannabis activity under state law, any City permit holder operating a commercial medical cannabis business under a collective or cooperative who has not already obtained a state license for the commercial cannabis activities they are engaged in shall automatically forfeit his or her City commercial medical cannabis business permit. At that point, they shall no longer be authorized to engage in any commercial cannabis activities in the City until they obtain both a City issued commercial medical cannabis business permit and a state license for that commercial cannabis activity.

Section 5.56.070. Cannabis Employee Permit Required.

- (a) Any person who is an employee or who otherwise works or volunteers within a commercial medical cannabis business must be legally authorized to do so under applicable state law. Employees, workers, or volunteers at businesses that are permitted by the City of Hanford as cannabis business cultivators, manufacturers, distributors, or delivers that are operating pursuant to Health & Safety Code Section 11362.775 (a) as collectives or

cooperatives until that subsection is repealed must be qualified patients or primary caregivers as required by state law.

- (b) Any person who is an employee or who otherwise works or volunteers within a commercial medical cannabis business must obtain a commercial medical cannabis employee work permit from the City prior to performing any work at any commercial medical cannabis business.
- (c) Applications for a commercial cannabis employee work permit shall be developed and made available by the Chief of Police or his/her designee(s), and shall include, but not be limited to, the following information:
 - (1) Name, address, and phone number of the applicant;
 - (2) Age and verification of applicant. A copy of a birth certificate, driver's license, government issued identification card, passport or other proof that the applicant is at least twenty-one (21) years of age must be submitted with the application;
 - (3) Name, address of the commercial medical cannabis businesses where the person will be employed, and the name of the primary manager of that business;
 - (4) A list of any crimes enumerated in California Business and Professions Code Section 26507(b)(4) for which the applicant has been convicted;
 - (5) Name, address, and contact person for any previous employers from which the applicant was fired, resigned, or asked to leave and the reasons for such dismissal or firing;
 - (6) The application shall be accompanied by fingerprints and a recent photograph of the applicant in a form and manner as required by the Chief of Police or his/her designee(s).
 - (7) A signed statement under penalty of perjury that the information provided is true and correct.
 - (8) If applicable, verification that the applicant is a qualified patient or primary caregiver.
 - (9) A fee paid in an amount set by resolution of the City Council in an amount necessary to cover the costs of administering the employee work permit programs. The fee is non-refundable and shall not be returned in the event the work permit is denied or revoked.

- (d) The Chief of Police or his/her designee(s) shall review the application for completeness, shall conduct a background check to determine whether the applicant was convicted of a crime or left a previous employer for reasons that show the applicant:
- (1) Is dishonest; or
 - (2) Has committed a felony or misdemeanor involving fraud, deceit, embezzlement; or
 - (3) Was convicted of a violent felony, a crime of moral turpitude; or
 - (4) The illegal use, possession, transportation, distribution or similar activities related to controlled substances, as defined in the Federal Controlled Substances Act, except for medical cannabis related offenses for which the conviction occurred after the passage of the Compassionate Use Act of 1996.

Discovery of these facts showing that the applicant is dishonest or has been convicted of those types of crimes are grounds for denial of the permit. Where the applicant's sentence (including any term of probation, incarceration, or supervised release) for possession of, possession for sale, sale, manufacture, transportation, or cultivation of a controlled substance is completed, such underlying conviction shall not be the sole ground for denial of a commercial cannabis work permit. Furthermore, an applicant shall not be denied a permit if the denial is based solely on any of the following (i) a conviction for any crime listed in subsection (d) (4) above for which the applicant has obtained a certificate of rehabilitation pursuant to Chapter 3.5 (commencing with Section 4852.01) of Title 6 of Part 3 of the California Penal Code or (ii) a conviction that was subsequently dismissed pursuant to Sections 1203.4, 1203.4a, or 1203.41 of the California Penal Code or any other provision of state law allowing for dismissal of a conviction.

- (e) The Chief of Police or his/her designee(s) shall issue the commercial cannabis work permit or a written denial to the applicant within ninety (90) days of the date the application was deemed complete. Upon the request of a commercial medical cannabis business and while processing the application for a work permit, the Chief of Police or his/her designee(s) may issue a temporary work permit for an employee if the business demonstrates to the Chief of Police or his/her designee(s) that the employee is necessary for the operation of the business. The temporary permit may be immediately revoked by the Chief of Police or his/her designee(s) upon determination that the applicant has failed the background check.

- (f) A work permit shall be valid for a twelve (12) month period and must be renewed on an annual basis. Renewal applications shall contain all the information required in subsection (b) above including the payment of a renewal application fee in an amount to be set by resolution of the City Council.
- (g) In the event a person changes employment from one commercial medical cannabis business in the City to another, the work permit holder shall notify the Chief of Police or his/her designee(s) in writing of the change within ten (10) days, or the work permit shall be suspended or revoked and such person shall not be permitted to work at any commercial medical cannabis business in the City.
- (h) The City may immediately revoke the commercial cannabis work permit should the permit holder be convicted of a crime listed in subsection (c) and (d) above or if facts become known to the Chief of Police or his/her designee(s) that the permit holder has engaged in activities showing that he or she is dishonest.
- (i) The Chief of Police or his/her designee(s) is hereby authorized to promulgate all regulations necessary to implement the work permit process and requirements.
- (j) The applicant may appeal the denial or revocation of a commercial cannabis work permit by filing a notice of appeal with the City Clerk within ten (10) days of the date the applicant received the notice of denial, which appeal shall be conducted as set forth in Section 5.56.140 of this Title.
- (k) The Chief of Police or his/her designee(s) shall issue a permit in the form of a personal identification card that can be worn by the employee. The personal identification card shall be worn approximately chest-high on their outermost garment, in a prominent and visible location. The identification card shall be maintained in good and readable condition at all times.

Section 5.56.080 Maximum Number and Type of Authorized Commercial Medical Cannabis Businesses Permitted.

The number of each type of commercial medical cannabis business that shall be permitted to operate in the City shall be established by resolution of the City Council.

- (a) Section 5.56.080 is only intended to create a maximum number of commercial medical cannabis businesses that may be issued permits to operate in the City under each category. Nothing in this Title creates a mandate that the City Council must issue any or all of the commercial medical cannabis business permits if it is determined that the applicants do

not meet the standards which are established in the application requirements or further amendments to the application process.

- (b) Each year following the City Council's initial award of permits, if any, or at any time in the City Council's discretion, the City Council may reassess the number of commercial medical cannabis business permits which are authorized for issuance. The City Council, in its discretion, may determine by resolution that the number of commercial medical cannabis permits should stay the same, or be expanded.

Section 5.56.090 Initial Application Procedure.

- (a) The City Council shall adopt by resolution the procedures which will govern the application process, and the manner in which the decision will ultimately be made regarding the issuance of any commercial medical cannabis business permit(s). The resolution shall authorize the Community Development Director or his/her designee(s) to prepare the necessary forms, adopt any necessary rules to the application, regulations and processes, solicit applications, conduct initial evaluations of the applicants, and to ultimately provide a final recommendation to the City Council.
- (b) At the time of filing, each applicant shall pay an application fee established by resolution of the City Council, to cover all costs incurred by the City in the application process.
- (c) After the initial review, the Community Development Director or his/her designee(s) will make a recommendation to the City Council, and the City Council shall make a final determination in accordance with Chapter 5.56.090.
- (d) **THE CITY'S RESERVATION OF RIGHTS:**

The City reserves the right to reject any or all applications. The City may also modify, postpone, or cancel any request for applications, or the entire program under this title, at any time without liability, obligation, or commitment to any party, firm, or organization. Persons submitting applications assume the risk that all or any part of the program, or any particular category of permit potentially authorized under this Title, may be cancelled at any time prior to permit issuance. The City further reserves the right to request and obtain additional information from any candidate submitting an application. In addition to any other justification provided a failure to comply with other requirements in this Title, an application RISKS BEING REJECTED for any of the following reasons:

- (1) Proposal received after designated time and date.

- (2) Proposal not containing the required elements, exhibits, nor organized in the required format.
- (3) Proposal considered not fully responsive to this request for permit application.
- (4) Proposal contains excess or extraneous material not called for in the request for permit application.

Section 5.56.100. Expiration of Commercial Medical Cannabis Business Permits.

Each commercial medical cannabis business permit issued pursuant to this Title shall expire twelve (12) months after the date of its issuance. Commercial medical cannabis permits may be renewed as provided in Section 5.56.120.

Section 5.56.110. Revocation of Permits.

Commercial medical cannabis business permits may be revoked for any violation of any law and/or any rule, regulation and/or standard adopted pursuant to this Title 5.56.130.

Section 5.56.120. Renewal Applications.

- (a) An application for renewal of a commercial medical cannabis business permit shall be filed at least sixty (60) calendar days prior to the expiration date of the current permit.
- (b) The renewal application shall contain all the information required for new applications.
- (c) The applicant shall pay a fee in an amount to be set by the City Council to cover the costs of processing the renewal permit application, together with any costs incurred by the City to administer the program created under this Title.
- (d) An application for renewal of a commercial medical cannabis business permit shall be rejected if any of the following exists:
 - (1) The application is filed less than sixty (60) days before its expiration.
 - (2) The commercial medical cannabis business permit is suspended or revoked at the time of the application.

- (3) The commercial medical cannabis business has not been in regular and continuous operation in the four (4) months prior to the renewal application.
 - (4) The commercial medical cannabis business has failed to conform to the requirements of this Title, or of any regulations adopted pursuant to this Title.
 - (5) The permittee fails or is unable to renew its State of California license.
 - (6) If the City or state has determined, based on substantial evidence, that the permittee or applicant is in violation of the requirements of this Title, of the City's Municipal Code, or of the state rules and regulations, and the City or state has determined that the violation is grounds for termination or revocation of the commercial medical cannabis business permit.
- (e) The Community Development Director or his/her designee(s) is authorized to make all decisions concerning the issuance of a renewal permit. In making the decision, the Community Development Director or his/her designee(s) is authorized to impose additional conditions to a renewal permit, if it is determined to be necessary to ensure compliance with state or local laws and regulations or to preserve the public health, safety or welfare. Appeals from the decision of the Community Development Director or his/her designee(s) shall be handled pursuant to Chapter 5.56.140.
- (f) If a renewal application is rejected, a person may file a new application pursuant to this Title no sooner than one (1) year from the date of the rejection.

Section 5.56.130. Effect of State License Suspension, Revocation, or Termination.

Suspension of a license issued by the State of California, or by any of its departments or divisions, shall immediately suspend the ability of a commercial medical cannabis business to operate within the City, until the State of California, or its respective department or division, reinstates or reissues the State license. Should the State of California, or any of its departments or divisions, revoke or terminate the license of a commercial medical cannabis business, such revocation or termination shall also revoke or terminate the ability of a commercial medical cannabis business to operate within the City of Hanford.

Section 5.56.140. Appeals

Unless specifically provided elsewhere to the contrary, whenever an appeal is provided for in this Title from a decision of the Chief of Police or Community Development Director or his/her designee(s), the appeal shall be conducted as prescribed in this Section.

Section 5.56.150. Written request for Appeal.

- (a) Within ten (10) calendar days after the date of a decision of the Chief of Police or Community Development Director or his/her designee(s) to revoke, suspend or deny a permit, or to add conditions to a permit, an aggrieved party may appeal such action by filing a written appeal with the City Clerk setting forth the reasons why the decision was not proper.
- (b) At the time of filing the appellant shall pay the designated appeal fee, established by resolution of the City Council from time to time.

Section 5.56.160. Appeal Hearing.

- (a) Upon receipt of the written appeal, the City Clerk shall set the matter for a hearing before the City Council. The City Council shall hear the matter de novo, and shall conduct the hearing pursuant to the procedures set forth by the City.
- (b) The appeal shall be held within a reasonable time after the filing the appeal, but in no event later than ninety (90) days from the date of such filing. The City shall notify the appellant of the time and location at least ten (10) days prior to the date of the hearing.
- (c) At the hearing, the appellant may present any information they deem relevant to the decision appealed. The formal rules of evidence and procedure applicable in a court of law shall not apply to the hearing.
- (d) At the conclusion of the hearing the City Council may affirm, reverse or modify the decision appealed. The decision of the City Council shall be final.

Section 5.56.170 Permittee Selection Process.

- (a) The City Council shall adopt by resolution a procedure guideline by which the top applicants in each category of each commercial medical cannabis business will be presented to the City Council for a final determination at a public hearing.

- (b) The top final applicants for each category may be invited to attend the City Council meeting, where they may be expected to make a public presentation introducing their team and providing an overview of their proposal. In order to provide adequate time, presentations may be divided over more than one meeting over multiple days as determined to be necessary.
- (c) At least ten (10) days prior to the hearing, notice of the hearing shall be sent to all property owners located within five hundred (500) feet of the proposed business locations of each of the finalists to be considered by the City Council.
- (d) The City Council shall either deny or approve the final candidates and shall select the top candidates in each category of the commercial medical cannabis businesses. The City Council's decision as to the selection of the prevailing candidates shall be final.
- (e) Official issuance of the commercial medical cannabis business permit(s), however, is conditioned upon the prevailing candidate(s) obtaining all required land use approvals. Following the Council's selection, the prevailing candidate(s) shall apply to the City's Community Development Department to obtain any required land use approvals or entitlements for the permittee's location, if any. Land use approvals shall include compliance with all applicable provisions of CEQA. The Chief of Police or his/her designee(s) shall formally issue the commercial medical cannabis business permit(s) once the Community Development Director or his/her designee(s) affirms that all of the required land use approvals have been obtained.
- (f) Issuance of a commercial medical cannabis business permit does not create a land use entitlement. The commercial medical cannabis business permit shall only be for a term of twelve (12) months, and shall expire at the end of the twelve (12) month period unless it is renewed as provided herein. Furthermore, no permittee may begin operations, notwithstanding the issuance of a permit, unless all of the state and local laws and regulations, including but not limited to the requirements of this Title and of the permit, have been complied with.
- (g) Notwithstanding anything in this Title to the contrary, the City Council reserves the right to reject any or all applications if it determines it would be in the best interest of the City, taking into account any health, safety and welfare impacts on the community. Applicants shall have no right to a commercial medical cannabis business permit until a permit is actually issued, and then only for the duration of the permits term. Each applicant assumes the risk that, at any time prior to the issuance of a permit, the City Council may terminate or delay the program created under this Title.

- (h) If an application is denied, a new application may not be filed for one (1) year from the date of the denial.
- (i) Each person granted a commercial medical cannabis business permit shall be required to pay the permit fee established by resolution of the City Council, to cover the costs of administering the commercial medical cannabis business permit program created in this Title.

5.56.180 Change in location; updated registration form.

- (a) Any time the dispensing, cultivation, manufacturing, transportation and distribution location specified in the regulatory permit is changed, the applicant shall re-register with the Chief of Police or his/her designee(s). The process and the fees for re-registration shall be the same as the process and fees set forth for registration in sections 5.56.090 and 5.56.120.
- (b) Within fifteen (15) calendar days of any other change in the information provided in the registration form or any change in status of compliance with the provisions of this chapter, including any change in the commercial medical cannabis business ownership or management members, the applicant shall file an updated registration form with the Chief of Police or his/her designee(s) for review along with a registration amendment fee, as set forth in section 5.56.090 and 5.56.120.

Section 5.56.190. City Business License.

Prior to commencing operations, a commercial medical cannabis business shall obtain a City of Hanford business license.

Section 5.56.200. Building Permits and Inspection.

Prior to commencing operations, a commercial medical cannabis business shall be subject to a mandatory building inspection, and must obtain all required permits and approvals which would otherwise be required for any business of the same size and intensity operating in that zone. This includes but is not limited to obtaining any required building permit(s), Fire Department approvals, Health Department approvals and other zoning and land use permit(s) and approvals.

Section 5.56.210. Certification from the Community Development Director.

Prior to commencing operations, a commercial medical cannabis business must obtain a certification from the Community Development Director or his/her designee(s) certifying that the business is located on a site that meets all of the requirements of the Title 17 of the City's Municipal Code. .

Section 5.56.220. Right to Occupy and to Use Property.

As a condition precedent to the City's issuance of a commercial medical cannabis business permit pursuant to this Title, any person intending to open and to operate a commercial medical cannabis business shall provide sufficient evidence of the legal right to occupy and to use the proposed location. In the event the proposed location will be leased from another person, the applicant shall be required to provide a signed and notarized statement from the owner of the property, acknowledging that the property owner has read this Title and consents to the operation of the commercial medical cannabis business on the owner's property.

Section 5.56.230. Limitations on City's Liability.

To the fullest extent permitted by law, the City of Hanford shall not assume any liability whatsoever with respect to having issued a commercial medical cannabis business permit pursuant to this Title or otherwise approving the operation of any commercial medical cannabis business. As a condition to the approval of any commercial medical cannabis business permit, the applicant shall be required to meet all of the following conditions before they can receive the commercial medical cannabis business permit:

- (a) They must execute an agreement, in a form approved by the city attorney, agreeing to indemnify, defend (at applicant's sole cost and expense), and hold the City of Hanford, and its officers, officials, employees, representatives, and agents, harmless, from any and all claims, losses, damages, injuries, liabilities or losses which arise out of, or which are in any way related to, the City's issuance of the commercial medical cannabis business permit, the City's decision to approve the operation of the commercial medical cannabis business or activity, to process used by the City in making its decision, or the alleged violation of any federal, state or local laws by the commercial medical cannabis business or any of its officers, employees or agents.
- (b) Maintain insurance at coverage limits, and with conditions thereon determined necessary and appropriate from time to time by the city attorney.
- (c) Reimburse the City of Hanford for all costs and expenses, including but not limited to attorney fees and costs and court costs, which the City of Hanford may be required to pay as a result of any legal challenge related to the City's

approval of the applicant's commercial medical cannabis business permit, or related to the City's approval of a commercial cannabis activity. The City of Hanford may, at its sole discretion, participate at its own expense in the defense of any such action, but such participation shall not relieve any of the obligations imposed hereunder.

Section 5.56.240. Records and Recordkeeping.

- (a) Each owner and operator of a commercial medical cannabis business shall maintain accurate books and records in an electronic format, detailing all of the revenues and expenses of the business, and all of its assets and liabilities. On no less than an annual basis (at or before the time of the renewal of a commercial medical cannabis business permit issued pursuant to this Title), or at any time upon reasonable request of the City, each commercial medical cannabis business shall file a sworn statement detailing the number of sales by the commercial medical cannabis business during the previous twelve-month period (or shorter period based upon the timing of the request), provided on a per-month basis. The statement shall also include gross sales for each month, and all applicable taxes paid or due to be paid. On an annual basis, each owner and operator shall submit to the City a financial audit of the business's operations conducted by an independent certified public accountant. Each permittee shall be subject to a regulatory compliance review and financial audit as determined by the City Manager or his/her designee(s).
- (b) Each owner and operator of a commercial medical cannabis business shall maintain a current register of the names and the contact information (including the name, address, and telephone number) of anyone owning or holding an interest in the commercial medical cannabis business, and separately of all the officers, managers, employees, agents and volunteers currently employed or otherwise engaged by the commercial medical cannabis business. The register required by this paragraph shall be provided to the Chief of Police or his/her designee(s) upon a reasonable request.
- (c) Each commercial medical cannabis business shall maintain a record of all persons, patients, collectives and primary caregivers served by the commercial medical cannabis business, for a period of no less than four (4) years.
- (d) All commercial medical cannabis businesses shall maintain an inventory control and reporting system that accurately documents the present location, amounts, and descriptions of all cannabis and cannabis products for all stages of the growing and production or manufacturing, laboratory testing and distribution processes until purchase by or distribution to a

qualified patient, primary caregiver for medical purpose or an adult twenty-one (21) years of age or older who qualifies to purchase nonmedical cannabis as set forth in AUMA.

- (e) Subject to any restrictions under the Health Insurance Portability and Accountability Act (HIPPA) regulations, each commercial medical cannabis business shall allow City of Hanford officials to have access to the business's books, records, accounts, together with any other data or documents relevant to its permitted commercial medical cannabis activities, for the purpose of conducting an audit or examination. Books, records, accounts, and any and all relevant data or documents will be produced no later than twenty-four (24) hours after receipt of the City's request, unless otherwise stipulated by the City. The City may require the materials to be submitted in an electronic format that is compatible with the City's software and hardware.

Section 5.56.250. Security Measures.

- (a) A permitted commercial medical cannabis business shall implement sufficient security measures to deter and prevent the unauthorized entrance into areas containing cannabis or cannabis products, and to deter and prevent the theft of cannabis or cannabis products at the commercial medical cannabis business. Except as may otherwise be determined by the Chief of Police or his/her designee(s), these security measures shall include, but shall not be limited to, all of the following:
 - (1) Preventing individuals from remaining on the premises of the commercial medical cannabis business if they are not engaging in an activity directly related to the permitted operations of the commercial medical cannabis business.
 - (2) Establishing limited access areas accessible only to authorized commercial medical cannabis business personnel.
 - (3) Except for live growing plants which are being cultivated at a cultivation facility, all cannabis and cannabis products shall be stored in a secured and locked room, safe, or vault. All cannabis and cannabis products, including live plants which are being cultivated, shall be kept in a manner as to prevent diversion, theft, and loss,
 - (4) Installing 24-hour security surveillance cameras of at least HD-quality to monitor all entrances and exits to and from the premises, all interior spaces within the commercial medical cannabis business which are open and accessible to the public, all interior spaces where cannabis, cash or currency, is being stored for any period of time on

a regular basis and all interior spaces where diversion of cannabis could reasonably occur. The commercial medical cannabis business shall be responsible for ensuring that the security surveillance camera's footage is remotely accessible by the Chief of Police or his/her designee(s), and that it is compatible with the City's software and hardware. In addition, remote and real-time, live access to the video footage from the cameras shall be provided to the Chief of Police or his/her designee(s). Video recordings shall be maintained for a minimum of forty-five (45) days, and shall be made available to the Chief of Police or his/her designee(s) upon request. Video shall be of sufficient quality for effective prosecution of any crime found to have occurred on the site of the commercial medical cannabis business.

- (5) Sensors shall be installed to detect entry and exit from all secure areas.
 - (6) Panic buttons shall be installed in all commercial medical cannabis businesses.
 - (7) Having a professionally installed, maintained, and monitored alarm system.
 - (8) Any bars installed on the windows or the doors of the commercial medical cannabis business shall be installed only on the interior of the building.
 - (9) Security personnel shall be on-site 24 hours a day or alternative security as authorized by the Police Chief or his/her designee(s). Security personnel must be licensed by the State of California Bureau of Security and Investigative Services personnel and shall be subject to the prior review and approval of the Chief of Police or his/her designee(s), with such approval not to be unreasonably withheld.
 - (10) Each commercial medical cannabis business shall have the capability to remain secure during a power outage and shall ensure that all access doors are not solely controlled by an electronic access panel to ensure that locks are not released during a power outage.
- (b) Each commercial medical cannabis business shall identify a designated security representative/liaison to the City of Hanford, who shall be reasonably available to meet with the Chief of Police or his/her designee(s) regarding any security related measures or and operational issues.

- (c) As part of the application and permitting process each commercial medical cannabis business shall have a storage and transportation plan, which describes in detail the procedures for safely and securely storing and transporting all cannabis, cannabis products, and any currency.
- (d) The commercial medical cannabis business shall cooperate with the City whenever the Chief of Police or his/her designee(s) makes a request, upon reasonable notice to the commercial medical cannabis business, to inspect or audit the effectiveness of any security plan or of any other requirement of this Title.
- (e) A commercial medical cannabis business shall notify the Chief of Police or his/her designee(s) within twenty-four (24) hours after discovering any of the following:
 - (1) Significant discrepancies identified during inventory. The level of significance shall be determined by the regulations promulgated by the Chief of Police or his/her designee(s).
 - (2) Diversion, theft, loss, or any criminal activity involving the commercial medical cannabis business or any agent or employee of the commercial medical cannabis business.
 - (3) The loss or unauthorized alteration of records related to cannabis, registering qualifying patients, primary caregivers, or employees or agents of the commercial medical cannabis business.
 - (4) Any other breach of security.

Section 5.56.260. Restriction on Alcohol Sales.

No person shall cause or permit the sale, dispensing, or consumption of alcoholic beverages on or about the premises of the commercial medical cannabis business.

Section 5.56.270. Compliance with Laws.

It is the responsibility of the owners and operators of the commercial medical cannabis business to ensure that it is, at all times, operating in a manner compliant with all applicable state and local laws, and any regulations promulgated thereunder. Nothing in this Title shall be construed as authorizing any actions which violate state law or local law with respect to the operation of a commercial medical cannabis business. It shall be the responsibility of the owners and the operators of the commercial medical cannabis business to ensure that the commercial medical cannabis business is, at all times, operating in a manner compliant with all applicable state and local laws, the 2008 Attorney

General Guidelines, any subsequently enacted state law or regulatory, licensing, or certification requirements, and any specific, additional operating procedures or requirements which may be imposed as conditions of approval of the commercial medical cannabis business permit. Nothing in this Title shall be construed as authorizing any actions which violate state law with regard to the operation of a commercial medical cannabis business.

Section 5.56.280. Fees and Charges.

- (a) No person may commence or continue any commercial cannabis activity in the City, without timely paying in full all fees and charges required for the operation of a commercial cannabis activity. Fees and charges associated with the operation of a commercial cannabis activity shall be established by resolution of the City Council which may be amended from time to time.
- (b) All commercial medical cannabis businesses authorized to operate under this Title shall pay all sales, use, business and other applicable taxes, and all license, registration, and other fees required under federal, state and local law. Each commercial medical cannabis business shall cooperate with City with respect to any reasonable request to audit the commercial medical cannabis business' books and records for the purpose of verifying compliance with this section, including but not limited to a verification of the amount of taxes required to be paid during any period.

Section 5.56.290. Miscellaneous Operating Requirements.

- (a) Commercial medical cannabis businesses may operate only during the hours specified in the commercial medical cannabis business permit issued by the City.
- (b) Restriction on Consumption. Cannabis shall not be consumed on the premises of any commercial medical cannabis businesses or elsewhere in the City of Hanford other than within private residences.
- (c) No cannabis or cannabis products or graphics depicting cannabis or cannabis products shall be visible from the exterior of any property issued a commercial medical cannabis business permit, or on any of the vehicles owned or used as part of the commercial medical cannabis business. No outdoor storage of cannabis or cannabis products is permitted at any time.
- (d) Reporting and Tracking of Product and of Gross Sales. Each commercial medical cannabis business shall have in place a point-of-sale or management inventory tracking system to track and report on all aspects of the commercial medical cannabis business including, but not limited to,

such matters as cannabis tracking, inventory data, gross sales (by weight and by sale) and other information which may be deemed necessary by the City. The commercial medical cannabis business shall ensure that such information is compatible with the City's record-keeping systems. In addition, the system must have the capability to produce historical transactional data for review. Furthermore, any system selected must be approved and authorized by the Chief of Police or his/her designee(s) prior to being used by the permittee.

- (e) All cannabis and cannabis products sold, distributed or manufactured shall be cultivated, manufactured, and transported by licensed facilities that maintain operations in full conformance with the State and local regulations.
- (f) There shall not be a physician located in or around any commercial medical cannabis business at any time for the purpose of evaluating patients for the issuance of a medical marijuana prescription or card where applicable.
- (g) Prior to dispensing medical cannabis or medical cannabis products to any person, the commercial medical cannabis business shall obtain verification from the recommending physician that the person requesting medical cannabis or medical cannabis products is a qualified patient.
- (h) Emergency Contact. Each commercial medical cannabis business shall provide the Chief of Police or his/her designee(s) with the name, telephone number (both land line and mobile, if available) of an on-site employee or owner to whom emergency notice can be provided at any hour of the day.
- (i) Signage and Notices.
 - (1) In addition to the requirements otherwise set forth in this section, business identification signage for a commercial medical cannabis business shall conform to the requirements of the Hanford Municipal Code, including, but not limited to, seeking the issuance of a City sign permit.
 - (2) No signs placed on the premises of a commercial medical cannabis business shall obstruct any entrance or exit to the building or any window.
 - (3) Each entrance to a commercial medical cannabis business shall be visibly posted with a clear and legible notice indicating that smoking, ingesting, or otherwise consuming cannabis on the premises or in the areas adjacent to the commercial medical cannabis business is prohibited.

- (4) Business identification signage shall be limited to that needed for identification only, and shall not contain any logos or information that identifies, advertises, or lists the services or the products offered. No commercial medical cannabis business shall advertise by having a person holding a sign and advertising the business to passersby, whether such person is on the premises of the commercial medical cannabis business or elsewhere including, but not limited to, the public right-of-way.
 - (5) Signage shall not be directly illuminated, internally or externally. No banners, flags, billboards or other prohibited signs may be used at any time.
 - (6) Holders of commercial medical cannabis business permits agree that, as an express and ongoing condition of permit issuance and subsequent renewal, the holder of the permit shall be prohibited from advertising any commercial medical cannabis business located in the City of Hanford utilizing a billboard (fixed or mobile), bus shelter, placard, aircraft, or other similar forms of advertising, anywhere in the state. This paragraph is not intended to place limitations on the ability of a commercial medical cannabis business to advertise in other legally authorized forms, including on the internet, in magazines, or in other similar ways.
- (j) Minors.
 - (1) Persons under the age of twenty-one (21) years shall not be allowed on the premises of a commercial medical cannabis business and shall not be allowed to serve as a driver for a mobile delivery service. It shall be unlawful and a violation of this Title for any person to employ any person at a commercial medical cannabis business who is not at least twenty-one (21) years of age.
 - (2) The entrance to the commercial medical cannabis business shall be clearly and legibly posted with a notice that no person under the age of twenty-one (21) years of age is permitted to enter upon the premises of the commercial medical cannabis business.
- (k) Odor Control. Odor control devices and techniques shall be incorporated in all commercial medical cannabis businesses to ensure that odors from cannabis are not detectable off-site. Commercial medical cannabis businesses shall provide a sufficient odor absorbing ventilation and exhaust system so that odor generated inside the commercial medical cannabis business that is distinctive to its operation is not detected outside of the facility, anywhere on adjacent property or public rights-of-way, on or about the exterior or interior common area walkways, hallways, breezeways,

foyers, lobby areas, or any other areas available for use by common tenants or the visiting public, or within any other unit located inside the same building as the commercial medical cannabis business. As such, commercial medical cannabis businesses must install and maintain the following equipment, or any other equipment which the Community Development Director or his/her designee(s) determine is a more effective method or technology:

- (1) An exhaust air filtration system with odor control that prevents internal odors from being emitted externally;
 - (2) An air system that creates negative air pressure between the commercial medical cannabis business's interior and exterior, so that the odors generated inside the commercial medical cannabis business are not detectable on the outside of the commercial cannabis business.
- (l) Display of Permit and City Business License. The original copy of the commercial cannabis business permit issued by the City pursuant to this Title and the City issued business license shall be posted inside the commercial medical cannabis business in a location readily-visible to the public.
- (m) Background Check. Pursuant to California Penal Code Sections 11105(b)(11) and 13300(b)(11), which authorizes city authorities to access state and local summary criminal history information for employment, licensing, or certification purposes; and authorizes access to federal level criminal history information by transmitting fingerprint images and related information to the Department of Justice to be transmitted to the Federal Bureau of Investigation, every person listed as an owner, manager, supervisor, employee or volunteer, of the commercial medical cannabis business must submit fingerprints and other information deemed necessary by the Chief of Police or his/her designee(s) for a background check by the Hanford Police Department. Pursuant to California Penal Code Sections 11105(b)(11) and 13300(b)(11), which requires that there be a requirement or exclusion from employment, licensing or certification based on specific criminal conduct on the part of the subject of the record. No person shall be issued a permit to operate a commercial medical cannabis business or a related work permit unless they have first cleared the background check, as determined by the Chief of Police or his/her designee(s), as required by this section. A fee for the cost of the background investigation, which shall be the actual cost to the City of Hanford to conduct the background investigation as it deems necessary and appropriate, shall be paid at the time the application for a commercial medical cannabis business permit is submitted.

- (n) Loitering. The owner and/or operator of a commercial medical cannabis business shall prohibit loitering by persons outside the facility both on the premises and within fifty (50) feet of the premises.
- (o) Permits and other Approvals. Prior to the establishment of any commercial medical cannabis business or the operation of any such business, the person intending to establish a commercial medical cannabis business must first obtain all applicable planning, zoning, building, and other applicable permits from the relevant governmental agency which may be applicable to the zoning district in which such commercial medical cannabis business intends to establish and to operate.
- (p) If a commercial medical cannabis business permittee is operating as a collective or cooperative under Health and Safety Code Section 11362.775, subdivision (a), members of the applicant authorized to possess cannabis shall sign an agreement with the commercial medical cannabis business which states that members shall not distribute cannabis or cannabis products to non-members or in violation of the "Memorandum for all United States Attorneys," issued by the United States Department of Justice, from James M. Cole, Deputy Attorney General and any other applicable state and federal laws, regulations, or guidelines.
- (q) If the commercial medical cannabis business permittee is operating as a collective or cooperative under Health and Safety Code Section 11362.775, subdivision (a), the commercial medical cannabis business shall terminate the membership of any member violating any of the provisions of this Title.

Section 5.56.290. Operational Requirements.

The City Manager or his/her designee may develop other commercial medical cannabis business operational requirements or regulations as are determined to be necessary to protect the public health, safety and welfare.

Section 5.56.300. Dispensary not permitted in the City.

- (a) It shall be unlawful for any person, limited liability company, corporation, collective, cooperative or any other entity to manage or operate a dispensary or retail business which sales, exchanges, barter, transfers, deliveries and/or promotes, any cannabis or cannabis products in the City for commercial purpose.

Section 5.56.310. Operating Requirements for Cultivation Facilities.

- (a) Outdoor Cultivation Prohibited. The cultivation of all cannabis must occur indoors. All outdoor cultivation is prohibited.
- (b) In no case, shall cannabis plants be visible from a public or private road, sidewalk, park or any common public viewing area.
- (c) If a Commercial medical cannabis cultivation is permitted in the City of Hanford then it shall only be allowed to cultivate the square feet of canopy space permitted by state law.
- (d) Cannabis cultivation shall be conducted in accordance with state and local laws related to land conversion, grading, electricity, water usage, water quality, woodland and riparian habitat protection, agricultural discharges, and similar matters.
- (e) Pesticides and fertilizers shall be properly labeled and stored to avoid contamination through erosion, leakage or inadvertent damage from pests, rodents or other wildlife.
- (f) In no case, shall any hazardous, flammable or explosive substances be used to process or manufacture cannabis products on site.
- (g) The cultivation of cannabis shall at all times be operated in such a way as to ensure the health, safety, and welfare of the public, the employees working at the commercial medical cannabis business, visitors to the area, neighboring properties, and the end users of the cannabis being cultivated, to protect the environment from harm to streams, fish, and wildlife; to ensure the security of the cannabis being cultivated; and to safeguard against the diversion of cannabis.
- (h) All applicants for a cannabis cultivation permit shall submit the following in addition to the information generally otherwise required for a commercial medical cannabis business:
 - (1) A cultivation and operations plan that meets or exceeds minimum legal standards for water usage, conservation and use; drainage, runoff, and erosion control; watershed and habitat protection; and proper storage of fertilizers, pesticides, and other regulated products to be used on the parcel, and a description of the cultivation activities (indoor, mixed-light) and schedule of activities during each month of growing and harvesting, or explanation of growth cycles and anticipated harvesting schedules for all-season harvesting (indoor, mixed-light).
 - (2) A description of a legal water source, irrigation plan, and projected water use.

- (3) Identification of the source of electrical power and plan for compliance with applicable Building Codes and related codes.
- (4) Plan for addressing odor and other public nuisances which may derive from the cultivation site.

Section 5.56.320. Delivery Services or Non-Retail Shall Not Be Permitted.

Mobile delivery of cannabis by a delivery service or a nonretail business shall not be permitted pursuant to this Chapter. It shall be unlawful for any person, limited liability company, corporation, collective, cooperative or any other entity to manage or operate a delivery service operation which sales, exchanges, barter, transfers, deliveries and/or promotes, any cannabis or cannabis products in the City for commercial purpose.

Section 5.56.340. Cannabis Manufacturing: Edibles and Other Cannabis Products; Sale or Distribution of Edible and Other Cannabis Products.

The manufacturing of food or other products infused with or which otherwise contain cannabis may be manufactured within the appropriate manufacturing zoning districts as described in Title 17, subject to the regulations set forth in this Title, and subject to whatever additional regulations may be promulgated hereunder by an ordinance or resolution of the City Council.

Section 5.56.350. Packaging and Labeling.

- (a) Before a commercial cannabis manufacturer delivers any edible cannabis or edible cannabis product to a dispensary, the same shall be labeled and placed in tamper-evident packaging which at least meets the requirements of California Business and Professions Code Section 19347, as the same may be amended from time-to-time or superseded or replaced by subsequent State legislation or by any department or division of the State of California.
- (b) All items to be sold or distributed shall be individually wrapped at the original point of preparation by the business permitted as a commercial cannabis manufacturer.
- (c) Labeling must include a warning if nuts or other known allergens are used, and must include the total weight (in ounces or grams) of cannabis in the package.

- (d) A warning that the item is a medication and not a food must be clearly legible on the front of the package and/or must comply with state packing requirements.
- (e) The package must have a label warning that the product is to be kept away from children.
- (f) The label must also state that the product contains cannabis and must specify the date of manufacture.
- (g) Any edible cannabis product that is made to resemble a typical food product must be in a properly labeled opaque (non-see-through) package before it leaves the commercial cannabis manufacturing business.
- (h) Deliveries must be in a properly labeled opaque package when delivered.
- (i) The City Council may impose additional packaging and labeling requirements on cannabis or cannabis products by resolution, as permitted by law.

Section 5.56.360 Operating Requirements for Cannabis Manufacturing (Level one and two): Extraction, etc.

- (a) Cannabis manufacturing facilities requiring a Type-6 or Type-7 state license (using non-volatile and volatile solvents) as defined in Business and Professions Code §19341, may be permitted to operate within those zone districts as defined in Title 17 of the City of Hanford Municipal Code.
- (b) Any compressed gases used in the manufacturing process shall not be stored on any property within the City of Hanford in containers that exceeds the amount which is approved by the Fire Department and authorized by the regulatory permit. Each site or parcel subject to a Commercial Medical Cannabis business permit shall be limited to a total number of tanks as authorized by the Fire Department on the property at any time.
- (c) Cannabis manufacturing facilities may use the hydrocarbons N-butane, isobutane, propane, or heptane or other solvents or gases exhibiting low to minimal potential human-related toxicity approve by the Community Development Department. These solvents must be of at least ninety-nine percent purity and any extraction process must use them in a professional grade closed loop extraction system designed to recover the solvents, work an environment with proper ventilation, controlling all sources of ignition where a flammable atmosphere is or may be present.

- (d) If an extraction process uses a professional grade closed loop CO₂ gas extraction system where every vessel is certified by the manufacturer for its safe use as referenced in 5.56.360 (f). The CO₂ must be of at least ninety-nine percent purity.
- (e) Closed loop systems for compressed gas extraction systems must be commercially manufactured and bear a permanently affixed and visible serial number.
- (f) Certification from an engineer licensed by the State of California must be provided to the Community Development Department for a professional grade closed loop system used by any commercial cannabis manufacturing manufacturer to certify that the system was commercially manufactured, is safe for its intended use, and was built to codes of recognized and generally accepted good engineering practices, including but not limited to:
 - (1) The American Society of Mechanical Engineers (ASME);
 - (2) American National Standards Institute (ANSI);
 - (3) Underwriters Laboratories (UL); or
 - (4) The American Society for Testing and Materials (ASTM)
- (g) The certification document must contain the signature and stamp of the professional engineer and serial number of the extraction unit being certified.
- (h) Professional closed loop systems, other equipment used, the extraction operation, and facilities must be approved for their use by the Fire Department and meet any required fire, safety, and building code requirements specified in the California Building Reference Codes.
- (i) Cannabis Manufacturing Facilities may use heat, screens, presses, steam distillation, ice water, and other methods without employing solvents or gases to create keef, hashish, bubble hash, or infused dairy butter, or oils or fats derived from natural sources, and other extracts.
- (J) Cannabis Manufacturing Facilities may use food grade glycerin, ethanol, and propylene glycol solvents to create or refine extracts. All Ethanol must be removed from the extract in a manner to recapture the solvent and ensure that it is not vented into the atmosphere.

- (j) Cannabis Manufacturing Facilities creating marijuana extracts must develop standard operating procedures, good manufacturing practices, and a training plan prior to producing extracts for the marketplace.
- (k) Any person using solvents or gases in a closed looped system to create marijuana extracts must be fully trained on how to use the system, have direct access to applicable material safety data sheets and handle and store the solvents and gases safely.
- (l) Parts per million for one gram of finished extract cannot exceed state standards for any residual solvent or gas when quality assurance tested.

Section 5.56.370. Promulgation of Regulations, Standards and Other Legal Duties.

- (a) In addition to any regulations adopted by the City Council, the City Manager or his/her designee is authorized to establish any additional rules, regulations and standards governing the issuance, denial or renewal of commercial medical cannabis business permits, the ongoing operation of commercial medical cannabis businesses and the City's oversight, or concerning any other subject determined to be necessary to carry out the purposes of this Title.
- (b) Regulations shall be published on the City's website.
- (c) Regulations promulgated by the City Manager shall become effective upon date of publication. Commercial medical cannabis businesses shall be required to comply with all state and local laws and regulations, including but not limited to any rules, regulations or standards adopted by the City Manager or his designee.
- (d) Testing Labs, Transporters and Distribution facilities shall be subject to state law and shall be subject to additional regulations as determined from time to time as more regulations are developed under Section 5.56.370 (a) of this Title.

Section 5.56.380. Community Relations.

- (a) Each commercial medical cannabis business shall provide the name, telephone number, and email address of a community relations contact to whom notice of problems associated with the commercial medical cannabis business can be provided. Each commercial medical cannabis business shall also provide the above information to all businesses and residences

located within one hundred (100) feet of the commercial medical cannabis business.

- (b) During the first year of operation pursuant to this Title, the owner, manager, and community relations representative from each commercial medical cannabis business holding a permit issued pursuant to this Title shall attend a quarterly meeting with the City Manager or his/her designee(s) and other interested parties as deemed appropriate by the City Manager, to discuss costs, benefits, and other community issues arising as a result of implementation of this Title. After the first year of operation, the owner, manager, and community relations representative from each such commercial medical cannabis business shall meet with the City Manager or his/her designee(s) when and as requested by the City Manager or his/her designee(s).
- (c) Commercial medical cannabis businesses to which a permit is issued pursuant to this Title shall develop and make available to youth organizations and educational institutions a public education plan that outlines the risks of youth addiction to cannabis, and that identifies resources available to youth related to drugs and drug addiction.

Section 5.56.390. Fees Deemed Debt to City of Hanford.

The amount of any fee, cost or charge imposed pursuant to this Title shall be deemed a debt to the City of Hanford that is recoverable via an authorized administrative process as set forth in the Municipal Code, or in any court of competent jurisdiction.

Section 5.56.400. Permit Holder Responsible for Violations.

The person to whom a permit is issued pursuant to this Title shall be responsible for all violations of the laws of the State of California or of the regulations and/or the ordinances of the City of Hanford, whether committed by the permittee or any employee or agent of the permittee, which violations occur in or about the premises of the commercial medical cannabis business whether or not said violations occur within the permit holder's presence.

Section 5.56.410. Inspection and Enforcement.

- (a) The City Manager, Chief of Police or his/her designee(s) charged with enforcing the provisions of the Hanford Municipal Code, or any provision thereof, may enter the location of a commercial medical cannabis business at any time, without notice, and inspect the location of any commercial medical cannabis business as well as any recordings and records required

to be maintained pursuant to this Title or under applicable provisions of State law.

- (b) It is unlawful for any person having responsibility over the operation of a commercial medical cannabis business, to impede, obstruct, interfere with, or otherwise not to allow, the City to conduct an inspection, review or copy records, recordings or other documents required to be maintained by a commercial medical cannabis business under this Title or under state or local law. It is also unlawful for a person to conceal, destroy, deface, damage, or falsify any records, recordings or other documents required to be maintained by a commercial medical cannabis business under this Title or under state or local law.
- (c) The City Manager, Chief of Police or his/her designee(s) charged with enforcing the provisions of this Title may enter the location of a commercial medical cannabis business at any time during the hours of operation and without notice to obtain samples of the cannabis to test for public safety purposes. Any samples obtained by the City of Hanford shall be logged, recorded, and maintained in accordance with the Hanford Police Department standards for evidence.

Section 5.56.420. Concurrent Regulation with State.

It is the stated intent of this Title to regulate commercial medical cannabis activity in the City of Hanford concurrently with the State of California.

Section 5.56.430. Violations declared a public nuisance.

Each and every violation of the provisions of this Title is hereby deemed unlawful and a public nuisance.

Section 5.56.440. Each violation a separate offense.

Each and every violation of this Title shall constitute a separate violation and shall be subject to all remedies and enforcement measures authorized by the Hanford Municipal Code. Additionally, as a nuisance per se, any violation of this Title shall be subject to injunctive relief, any permit issued pursuant to this Title being deemed null and void, disgorgement and payment to the City of any monies unlawfully obtained, costs of abatement, costs of investigation, attorney fees, and any other relief or remedy available at law or in equity. The City of Hanford may also pursue any and all remedies and actions available and applicable under state and local laws for any violations committed by the commercial medical cannabis business or persons related to, or associated with, the commercial medical cannabis activity. Additionally, when there is determined to be an

imminent threat to public health, safety or welfare, the City Manager, Chief of Police or his/her designee(s), may take immediate action to temporarily suspend a commercial medical cannabis business permit issued by the City, pending a hearing before the City Council.

Section 5.56.450. Criminal Penalties.

Each and every violation of the provisions of this Title may be prosecuted as a misdemeanor and upon conviction be subject to a fine not to exceed one thousand dollars (\$1,000) or imprisonment in the county jail for a period of not more than twelve (12) months, or by both such fine and imprisonment. Each day a violation is committed or permitted to continue shall constitute a separate offense.

Section 5.56.460. Remedies cumulative and not exclusive.

The remedies provided herein are not to be construed as exclusive remedies. The City is authorized to pursue any proceedings or remedies provided by law.

Exhibit B

17.08.030 Commercial, Office, and Industrial Zone Use Table

A. The following table identifies which land uses are permitted by right, require a use permit, or are not allowed in the C-N, C-R, C-S, C-H, MX-N, MX-C, MX-D, O-R, O, I-L, I-H, AP, PF, and CO zones.

B. A “P” means that the use is permitted by right in that zone. A “C” means the use requires a conditional use permit in that zone. An “A” means the use requires an administrative use permit in that zone. A “T” means the use requires a temporary use permit in that zone. A blank box means the use is not allowed in that zone.

C. Land uses are grouped generally by type of use, and then listed alphabetically. The land use groups are Accessory and Support Uses; Eating and Drinking Establishment Uses; Education, Religious, and Assembly Uses; Manufacturing and Processing Uses; Office and Medical Uses; Public and Quasi-Public Uses; Recreation Uses; Residential Uses; Retail Uses; Service Uses; Transportation and Storage Uses; and Other Uses.

D. Land uses with specific land use standards shall meet the requirements found in the identified Section in the last column of the table.

Table 17.08.030

Commercial, Office, and Industrial Use Table															
P = Use is Permitted by Right C = Use Requires Conditional Use Permit A = Use Requires Administrative Use Permit T = Use Requires Temporary Use Permit Blank = Use is Not Allowed															
Land Uses		Commercial Zones				Mixed Use Zones			Industrial and Office Zones				Other Zones		
		C-N	C-R	C-S	C-H	MX-N	MX-C	MX-D	O-R	O	I-L	I-H	AP	PF	CO
	Accessory and Support Uses														
A1	Automated teller machine (ATM)	P	P	P	P	P	P	P		P	P	P		P	
A2	Caretaker residence or quarters					A	A	A	A		A	A	A		
A3	Cottage food operation					A	A	A	A						17.60.050

Commercial, Office, and Industrial Use Table																
P = Use is Permitted by Right C = Use Requires Conditional Use Permit A = Use Requires Administrative Use Permit T = Use Requires Temporary Use Permit Blank = Use is Not Allowed																
Land Uses		Commercial Zones				Mixed Use Zones			Industrial and Office Zones				Other Zones			Specific Land Use Standards (See identified Section)
		C-N	C-R	C-S	C-H	MX-N	MX-C	MX-D	O-R	O	I-L	I-H	AP	PF	CO	
A4	Day care primarily for children of employees on the same site as a permitted use	P	P	P	P	P	P	P	P	P	P	P	P	P		17.60.060
A5	Drive-thru pick-up window, not in conjunction with a restaurant	P	P	P	P	P	P	C								17.60.070
A6	Electric vehicle recharging facility	A	A	A	A	A	A	A		A	A	A		A		
A7	Food service primarily for employees on the same site as a permitted use	P	P	P	P	P	P	P		P	P	P	P	P		
A8	Games of skill or amusement, eight (8) or less	P	P	P	P	P	P	P			P			P		
A9	Games of skill or amusement, more than eight (8)	C	C	C	C	C	C	C			C			C		
A10	Home occupation					A	A	A	A				A			17.78
A11	Keeping of household pets					P	P	P	P				P			Title 6

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Commercial, Office, and Industrial Use Table															
P = Use is Permitted by Right C = Use Requires Conditional Use Permit A = Use Requires Administrative Use Permit T = Use Requires Temporary Use Permit Blank = Use is Not Allowed															
Land Uses		Commercial Zones				Mixed Use Zones			Industrial and Office Zones				Other Zones		
		C-N	C-R	C-S	C-H	MX-N	MX-C	MX-D	O-R	O	I-L	I-H	AP	PF	CO
		Specific Land Use Standards (See identified Section)													
A12	Keeping of large animals as pets												P		Title 6
A13	Marijuana cultivation														
A14	Mobile vending or food truck	C	C	C	C	C	C	C		C	C	C			
A15	Outdoor advertising structure														
A16	Outdoor storage ancillary to and on the same site as a permitted use	P	P	P	P	P	P	P			P	P	P	P	17.60.120
A17	Temporary materials and/or equipment storage yard	T	T	T	T	T	T	T		T	T	T	T	P	
A18	Temporary sales office (including parking lot)					T	T	T							
A19	Vending machines	P	P	P	P	P	P	P		P	P	P	P	P	17.60.150

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		C-N	C-R	C-S	C-H	MX-N	MX-C	MX-D	O-R	O	I-L	I-H	AP	PF	CO	
A20	Accessory or ancillary Office use; medical, dental, or optometry, that the Community Development Director determines is customarily associated with, and subordinate to, a primary permitted use.	P		P	P	P	P	P	P	P	P	P	P	P		
A21	Other accessory or ancillary use or structure that the Community Development Director determines is customarily associated with, and subordinate to, a primary permitted use.	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
	Eating and Drinking Establishment Uses															
B1	Artisan food and beverage production and sales	P	P	P	P	P	P	P			P					
B2	Bar, nightclub, or lounge		C	C	C		C	C								

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Land Uses		Commercial Zones				Mixed Use Zones			Industrial and Office Zones				Other Zones			Specific Land Use Standards (See identified Section)
		C-N	C-R	C-S	C-H	MX-N	MX-C	MX-D	O-R	O	I-L	I-H	AP	PF	CO	
B3	Brewpub	C	P	P	C	C	P	P								
B4	Microbrewery		C	P	C		C	C								
B5	Restaurant, full service	P	P	P	P	P	P	P								
B6	Restaurant, limited service with drive-thru pickup window	P	P	P	P	P	P	P								
B7	Restaurant, limited service without drive-thru pickup window	P	P	P	P	P	P	P								
	Education, Religious and Assembly Uses															
C1	Auditorium						P	P						P		
C2	Card room			C												
C3	Club, lodge, or private meeting hall			P			P	P								
C4	Carnival or circus		T	T	T		T	T								
C5	College or university, public or private			C			C	C						P		

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Land Uses		Commercial Zones				Mixed Use Zones			Industrial and Office Zones				Other Zones			Specific Land Use Standards (See identified Section)
		C-N	C-R	C-S	C-H	MX-N	MX-C	MX-D	O-R	O	I-L	I-H	AP	PF	CO	
C6	Convention or conference center				P		P	P								
C7	Funeral home or mortuary			P			C		P	C						
C8	Library, museum, or cultural facility						P	P								
C9	Pool hall or billiard parlor			C			C									
C10	Religious institution or facility			P			C	C		C	C					
C11	School, private (kindergarten to 12 th grade)													C		
C12	School, public (kindergarten to 12 th grade)													P		
C13	School; charter, trade, vocational, art, business, or professional		C	P			C	C	C	C	C			P		
C14	Studio for martial arts, music, dance, yoga, exercise, gymnastics or similar	P		P		P	P	P		P	P					
C15	Theater, live or movie		P					P								

Commercial, Office, and Industrial Use Table

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Land Uses		Commercial Zones				Mixed Use Zones			Industrial and Office Zones				Other Zones			Specific Land Use Standards (See identified Section)
		C-N	C-R	C-S	C-H	MX-N	MX-C	MX-D	O-R	O	I-L	I-H	AP	PF	CO	
	Manufacturing and Processing Uses															
D1	Agricultural crop production											P	P	P	P	
D2	Agricultural products packing, packaging, preparing or processing										C	P	C			
D3	Animal raising												P			
D4	Brewery, winery, or distillery										C	C				
D5	Hazardous waste facility											C				
D6	Industrial or manufacturing facility, heavy											P				
D7	Industrial or manufacturing facility, light										P	P				
D8	Marijuana <u>cultivation</u> , <u>manufacture</u> , <u>distribution</u> , <u>transportation and laboratory testing</u>											<u>C</u>				<u>See Chapters 5.56 and 17.69</u>

Commercial, Office, and Industrial Use Table

P = Use is Permitted by Right C = Use Requires Conditional Use Permit
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Land Uses		Commercial Zones				Mixed Use Zones			Industrial and Office Zones				Other Zones			Specific Land Use Standards (See identified Section)
		C-N	C-R	C-S	C-H	MX-N	MX-C	MX-D	O-R	O	I-L	I-H	AP	PF	CO	
D9	Meat packing or slaughterhouse											C				
D10	Mining, quarry, or sand and gravel excavation											C	C			
D11	Research and development facility			P	C					P	P	C				
	Office and Medical Uses															
E1	Business support service			P			P	P	P	P						
E2	Call center		C		C					C						
E3	Communications broadcasting or media studio			P			C	P		P	C					
E4	Laboratory; general, medical or dental			P	C		P	C		P	C					
E5	Hospital, general or psychiatric									P				P		
E6	Office; medical, dental, or optometry	P		P		P	P	P	P	P						
E7	Office; professional or commercial	P		P		P	P	P	P	P						

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		C-N	C-R	C-S	C-H	MX-N	MX-C	MX-D	O-R	O	I-L	I-H	AP	PF	CO
		Specific Land Use Standards (See identified Section)													
E8	Pharmacy	P	P	P		P	P	P		P					
E9	Urgent care center or other walk-in clinic	P	C	C		P	P	P		P					
	Public and Quasi-Public Uses														
F1	Cemetery												P		
F2	Community center or facility	P		P		P	P	P							
F3	Community garden			P		P	P	P		P			P	P	
F4	Day care, up to eight (8) persons					P	P	P	P						17.60.060
F5	Day care, nine (9) to fourteen (14) persons			C		A	A	A	A						17.60.060
F6	Day care, over fourteen (14) persons			C		C	C	C	C						17.60.060

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Land Uses		Commercial Zones				Mixed Use Zones			Industrial and Office Zones				Other Zones			Specific Land Use Standards (See identified Section)
		C-N	C-R	C-S	C-H	MX-N	MX-C	MX-D	O-R	O	I-L	I-H	AP	PF	CO	
F7	Electrical distribution and transmission and substation, gas regulator station, communications equipment building, public service pumping station or elevated pressure tank	A	A	A	A	A	A	A	A	A	A	A	A	A	A	
F8	Fairgrounds													P		
F9	Government office; local, state, or federal						P		P					P		
F10	Post office						P	P	P					P		
F11	Public corporation yard, utility yard, or vehicle and heavy equipment maintenance and storage yard										C	P	P	P		
F12	Public safety facility or station	P	P		P	P	P	P			P		P	P		
F13	Social service office, assistance center, or guidance center						P		C							
F14	Storm drainage basin, with or without a park	P	P	P	P	P	P		P	P	P	P	P	P	P	

City of Hanford Municipal Code Title 17 - Zoning Ordinance

Commercial, Office, and Industrial Use Table																
P = Use is Permitted by Right C = Use Requires Conditional Use Permit A = Use Requires Administrative Use Permit T = Use Requires Temporary Use Permit Blank = Use is Not Allowed																
Land Uses		Commercial Zones				Mixed Use Zones			Industrial and Office Zones				Other Zones			Specific Land Use Standards (See identified Section)
		C-N	C-R	C-S	C-H	MX-N	MX-C	MX-D	O-R	O	I-L	I-H	AP	PF	CO	
F15	Wireless communication facility (WCF)		C	P	P		C	C		C	P	P		P		17.62
	Recreation Uses															
G1	Athletic complex or ball field													P		
G2	Commercial recreation facility, indoor	C	C	P	P	C	P	C			C					
G3	Commercial recreation facility, outdoor				C						C	C	C	C		
G4	Golf course or country club												C	C		
G5	Health or fitness facility, large			P	C		P	P		C						
G6	Health or fitness facility, small	P	P	P	P	P	P	P		P	C					
G7	Park or playground						P						P	P		
	Residential Uses															
H1	Assisted living, skilled nursing, or hospice facility					C	C	C	C							

City of Hanford Municipal Code Title 17 - Zoning Ordinance

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		C-N	C-R	C-S	C-H	MX-N	MX-C	MX-D	O-R	O	I-L	I-H	AP	PF	CO	Specific Land Use Standards (See identified Section)
H2	Bed and breakfast inn				C		C	C	C							17.60.040
H3	Boarding or rooming house				C	C	P	P								
H4	Emergency shelter								P					P		
H5	Employee housing for six (6) or fewer employees					P	P	P	P							
H6	Hotel or motel		C	C	P		P	P								
H7	Live/work facility			P		P	P	P	P							
H8	Mobile home park															17.60.100
H9	Multi-family dwelling, two (2) units per building (duplex)					P	P	P	P							
H10	Multi-family dwelling, three (3) or four (4) units per building (triplex or fourplex)					P	P	P	C							

City of Hanford Municipal Code Title 17 - Zoning Ordinance

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		C-N	C-R	C-S	C-H	MX-N	MX-C	MX-D	O-R	O	I-L	I-H	AP	PF	CO	
H11	Multi-family dwelling, five (5) or more units per building					P	P	P								
H12	Recreational vehicle park				C						C					
H13	Residential care facility					P	P	P	P							
H14	Residential dwelling located in same building with office or commercial use			C		P	P	P	P				P			
H15	Single-family dwelling, attached					P	P	P								
H16	Single-family dwelling, detached					P	P	P	P				P			
H17	Single-room occupancy (SRO)						P	P	P							
H18	Supportive housing					P	P	P	P				P			
H19	Transitional housing					P	P	P	P				P			
	Retail Uses															

City of Hanford Municipal Code Title 17 - Zoning Ordinance

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Land Uses		Commercial Zones				Mixed Use Zones			Industrial and Office Zones				Other Zones			Specific Land Use Standards (See identified Section)
		C-N	C-R	C-S	C-H	MX-N	MX-C	MX-D	O-R	O	I-L	I-H	AP	PF	CO	
I1	Adult entertainment establishment		A	A			A									17.62
I2	Auction or sales house			P			P	P								
I3	Auction or sales yard			C							C					
I4	Automobile and pick-up sales, new and used			P	P			P								17.60.140
I5	Automobile and pick-up sales, used only			P	P											17.60.140
I6	Boat, recreational vehicle (RV), and truck sales			P	C											
I7	Building materials and supply or home improvement store		P	P			P	P			C					
I8	Convenience store, with or without fuel sales	P	P	P	P	P	P	P			C					
I9	Farm or construction equipment sales or service			P	C											
I10	Farmers market		A	A				A						A		

City of Hanford Municipal Code Title 17 - Zoning Ordinance

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		C-N	C-R	C-S	C-H	MX-N	MX-C	MX-D	O-R	O	I-L	I-H	AP	PF	CO	
I11	Feed and seed store			P							P					
I12	Food market	P	P	P	P	P	P	P								
I13	Food produce stand	A	A	A	A	A	A			A	A	A	A	A		
I14	Fuel sales, fleet or cardlock			P	P						P	P		P		
I15	Fuel sales, retail	P	P	P	P	P	P	P			C					
I16	Furniture store with less than 15,000 sq.ft. of floor space devoted to the display and sale of furniture		P				P	P								
I17	Furniture store with 15,000 to 20,000 sq.ft. of floor space devoted to the display and sale of furniture		C				C	P								
I18	Furniture store with over than 20,000 sq.ft. of floor space devoted to the display and sale of furniture							P								

City of Hanford Municipal Code Title 17 - Zoning Ordinance

Commercial, Office, and Industrial Use Table

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 Blank = Use is Not Allowed

Land Uses		Commercial Zones				Mixed Use Zones			Industrial and Office Zones				Other Zones			Specific Land Use Standards (See identified Section)
		C-N	C-R	C-S	C-H	MX-N	MX-C	MX-D	O-R	O	I-L	I-H	AP	PF	CO	
I19	Garden shop		P	P			P	P								
I20	Landscape nursery			P			C				C	C	C			
I21	Liquor store	P	P	P	P	P	P	P								
I22	Manufactured home sales yard			C									C			
I23	Marijuana dispensary or sales															<u>See Chapters 5.56 and 17.69</u>
I24	News, magazine or flower stand, outdoor				C			P								
I25	Optical retailers		P				P	P								
I26	Pawn shop			P				P								
I27	Pet store	P	P	P		P	P	P								
I28	Retail sales store	P	P	P	P	P	P	P								Also see Lines I16, I17, and I18 related to sales of furniture

City of Hanford Municipal Code Title 17 - Zoning Ordinance

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Land Uses		Commercial Zones				Mixed Use Zones			Industrial and Office Zones				Other Zones			Specific Land Use Standards (See identified Section)
		C-N	C-R	C-S	C-H	MX-N	MX-C	MX-D	O-R	O	I-L	I-H	AP	PF	CO	
I29	Retail sales solely via internet, direct mail, or telephone			P			P		C	C						
I30	Secondhand or thrift store			P				P								
I31	Swap meet or flea market			C							C	C		C		
I32	Tobacco or smoke shop		C	P	P		P	P								
	Service Uses															
J1	Ambulance service			P			P			C						
J2	Bank or credit union, main branch							P								
J3	Bank or credit union, secondary branch	P				P	P	P								
J4	Barber shop, hair salon, nail care, massage therapy, or day spa	P	P	P	P	P	P	P	C	C	C					
J5	Car wash, automatic or full service	C	C	P	P	C	P									
J6	Car wash, self-service			C	C		C									

City of Hanford Municipal Code Title 17 - Zoning Ordinance

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Land Uses		Commercial Zones				Mixed Use Zones			Industrial and Office Zones				Other Zones			Specific Land Use Standards (See identified Section)
		C-N	C-R	C-S	C-H	MX-N	MX-C	MX-D	O-R	O	I-L	I-H	AP	PF	CO	
J7	Carpet cleaning and dyeing			P			C				P					
J8	Construction materials recycling											C		P		
J9	Copy, printing, or mailing service	P	P	P	P	P	P	P		P	P					
J10	Crematorium or columbarium			C			C				C					
J11	Dry cleaning or laundromat	P		P	P	P	P	P								
J12	Equipment rental yard			P							P					
J13	Exterminator or pest control service			P			P	C			P	P				
J14	Food catering			P			P	P	C							
J15	Fortunetelling			P							P					
J16	Fuel distributing			P							P	P				
J17	Kennel or animal boarding			P	P		C				C					
J18	Linen, diaper, or uniform supply service			P							P	P				

City of Hanford Municipal Code Title 17 - Zoning Ordinance

Commercial, Office, and Industrial Use Table

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 A = Use Requires Administrative Use Permit T = Use Requires Temporary Use Permit
 Blank = Use is Not Allowed

Land Uses		Commercial Zones				Mixed Use Zones			Industrial and Office Zones				Other Zones			Specific Land Use Standards (See identified Section)
		C-N	C-R	C-S	C-H	MX-N	MX-C	MX-D	O-R	O	I-L	I-H	AP	PF	CO	
J19	Motor vehicle repair or service, major			P	P		C				P	P				
J20	Motor vehicle repair or service, minor		C	P	P		P	C			P					
J21	Payday lenders or check cashing establishment			C			C	C								
J22	Pet grooming	C	C	P		C	P	C								
J23	Photography studio	P	P	P		P	P	P	C	P						
J24	Recycling, small collection facility (CRV only)	P	P	P	P	P	P	P			P			P		
J25	Recycling, large collection facility			C							P	P		P		
J26	Recycling, processing or sorting facility										C	C				
J27	Repair shop, large appliance or equipment			P			P	C								
J28	Repair shop, small appliance or equipment	C		P		C	P	P	C							
J29	Shooting range, indoor			C							C		C	C		

Commercial, Office, and Industrial Use Table																
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Land Uses		Commercial Zones				Mixed Use Zones			Industrial and Office Zones				Other Zones			Specific Land Use Standards (See identified Section)
		C-N	C-R	C-S	C-H	MX-N	MX-C	MX-D	O-R	O	I-L	I-H	AP	PF	CO	
J30	Shooting range, outdoor															
J31	Specialty construction or trade service			P							P	P				
J32	Tailoring or clothing alterations	P		P		P	P	P	P							
J33	Tattooing or body art			C			C	P								
J34	Veterinary clinic or office		C	P			C			P						
J35	Veterinary hospital										C		C			
	Transportation and Storage Uses															
K1	Airport or heliport												P	P		
K2	Bus, transit, or train station							P						P		
K3	Cold storage or ice house			C							P	P	P			
K4	Food locker			P							P		P	P		
K5	Junk yard, wrecking yard, or salvage facility											C				

City of Hanford Municipal Code Title 17 - Zoning Ordinance

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Land Uses		Commercial Zones				Mixed Use Zones			Industrial and Office Zones				Other Zones			Specific Land Use Standards (See identified Section)
		C-N	C-R	C-S	C-H	MX-N	MX-C	MX-D	O-R	O	I-L	I-H	AP	PF	CO	
K6	Mini-warehouse or self-storage facility			P	C		C				C					
K7	Parking facility, off-site		C	C				C		C						
K8	Truck stop or travel center				C											
K9	Trucking or transportation terminal											P				
K10	Vehicle impound yard			C							P	P				
K11	Warehouse or distribution center										P	P				
	Other Uses															
L1	Other uses not listed that are determined by the Community Development Director to be similar in nature to a listed use that is permitted in the same zone	P	P	P	P	P	P	P	P	P	P	P	P	P	P	

Commercial, Office, and Industrial Use Table															
P = Use is Permitted by Right C = Use Requires Conditional Use Permit A = Use Requires Administrative Use Permit T = Use Requires Temporary Use Permit Blank = Use is Not Allowed															
Land Uses		Commercial Zones				Mixed Use Zones			Industrial and Office Zones				Other Zones		
		C-N	C-R	C-S	C-H	MX-N	MX-C	MX-D	O-R	O	I-L	I-H	AP	PF	CO
L2	Other uses not listed that are determined by the Community Development Director to be similar in nature to a listed use that requires an administrative use permit in the same zone	A	A	A	A	A	A	A	A	A	A	A	A	A	A
L3	Other uses not listed that are determined by the Community Development Director to be similar in nature to a listed use that requires a conditional use permit in the same zone	C	C	C	C	C	C	C	C	C	C	C	C	C	C

17.08.050 Addition of a use to land use tables.

Upon an application or on its own initiative and pursuant to Chapter 17.86, the City Council may add a use to the land use tables established in this chapter if the Council makes all of the following findings:

- That the addition of the use to the land use table will be in accordance with the purposes of this title and of the zone district or districts in which the use will be permitted;
- That the use has similar basic characteristics as the present uses allowed in the district;
- That the use will not generate a noticeably greater amount of odor, dirt, smoke, noise, vibration, illumination, glare, unsightliness or any other objectionable influence or hazard than

City of Hanford Municipal Code Title 17 - Zoning Ordinance

the amount normally created by any of the other uses permitted in the district or districts in which the use will be permitted.

D. That the establishment of the use in the zone district or districts in which it will be permitted will not be detrimental to the public health, safety or welfare;

Chapter 17.69 COMMERCIAL CANNABIS RELATED USES AND ACTIVITY

Section 17.69.010 Purpose. The purpose of this part is to further fulfill the purposes and intents set forth in Title 5 of the Hanford Municipal Code. No person shall operate a commercial medical cannabis business without first obtaining a City commercial medical cannabis business permit and complying with all the requirements of Title 5 of the Hanford Municipal Code and complying with all applicable state law requirements including obtaining a license or permit required by the state to operate a commercial cannabis business.

Section 17.69.020. Definitions. Unless otherwise provided herein, the terms used in this part shall have the meanings ascribed to them in Title 5 of the Hanford Municipal Code.

Section 17.69.030. Location of Commercial Cannabis Businesses- Dispensaries.

Commercial cannabis dispensaries shall not be permitted in any zone in the City.

Section 17.69.040. Location of Commercial Medical Cannabis Businesses- All Types Other Than Dispensaries: Cultivation, Manufacturing, Testing Facilities, Distributors and Transporting.

Commercial medical cannabis businesses other than dispensaries, including those permitted to engage in cultivation, manufacturing, testing, distribution and transporting of cannabis and cannabis products shall be permitted only if all the following requirements are met:

- (a) The commercial medical cannabis business other than a dispensary must be located on property zoned I-H-Heavy Industrial District.
- (b) The property on which the commercial medical cannabis business is located must also meet all of the following distance requirements:
 - (1) It shall be no closer than two hundred (200) feet of any residentially zoned parcel in the City, including any legal non-conforming residential uses as of the date the commercial medical cannabis business permit is issued. If any part of an I-H zoned parcel falls within the two hundred (200) foot radius from residentially zoned properties within the City, then the entire parcel shall be excluded from allowing the commercial medical cannabis business.
 - (2) It shall be no closer than six hundred (600) feet from any portion of any parcel containing any of the following:
 - A. A school (whether public, private, or charter, including pre-school, transitional kindergarten, and K-12);

- B. A daycare facility serving nine or more children and is licensed by the county;
- C. Any youth facility.

Section 17.69.050. Distances measured; Applicable properties.

The distance between parcels shall be the horizontal distance measured in a straight line from any property line of the sensitive use to the closest property line of the lot on which the commercial medical cannabis business is to be located, without regard to any intervening structures. The distance requirements in this Chapter shall only be applicable with respect to properties located in the City's limits, unless otherwise required by state law. The distance requirements shall not be applicable with respect to any property located outside the City limits.

Section 17.69.060. Certification from the Community Development Director.

Prior to commencing operations, a commercial medical cannabis business must obtain a certification from the Community Planning Director or his/her designee certifying that the business is located on a site that meets all the requirements of this Title and Title 5.

DRAFT

Notice of Exemption 2017-07

Appendix E

To: ☐ Office of Planning and Research
P.O. Box 3044, Room 212
Sacramento, CA 95812-3044

From: City of Hanford
317 North Douty Street
Hanford, CA 93230

☒ County Clerk
County of Kings
Kings County Government Center
Hanford, CA 93230

Project Title: Municipal Code Amendment 2017-11

Project Location – City of Hanford

Project Location – City: Hanford

Project Location – County: Kings County

Description of Nature, Purpose and Beneficiaries of Project: MUNICIPAL CODE AMENDMENT No. 2017-02, is a request by the City of Hanford to amend the Hanford Zoning Ordinance Title 17, specifically Chapter 17.08 amending Table 17.08.030 adding commercial medical cannabis uses as conditional uses in the I-H (Heavy Industrial) zone and add Chapter 17.69 Cannabis Related Uses and Activity to further regulate cannabis land uses.

Name of Public Agency Approving Project: City of Hanford, Planning Division

Name of Person or Agency Carrying Out Project: City of Hanford

Exempt Status: **(check one)**

- ☐ Ministerial (Sec. 21080(b)(1); 152698);
☐ Declared Emergency (Sec. 21080(b)(3); 15269 (a));
☐ Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
☐ Categorical Exemption: State type and section number:
☒ Statutory Exemption. State code number: 15061(b)(3) General Rule

Reasons why project is exempt:

The City of Hanford determined the project to be exempt from environmental review pursuant to Section 15061(b)(3) of the California Environmental Quality Act (CEQA). Section 15061(b)(3) states that where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. No significant environmental impacts would occur as a result of the proposed ordinance.

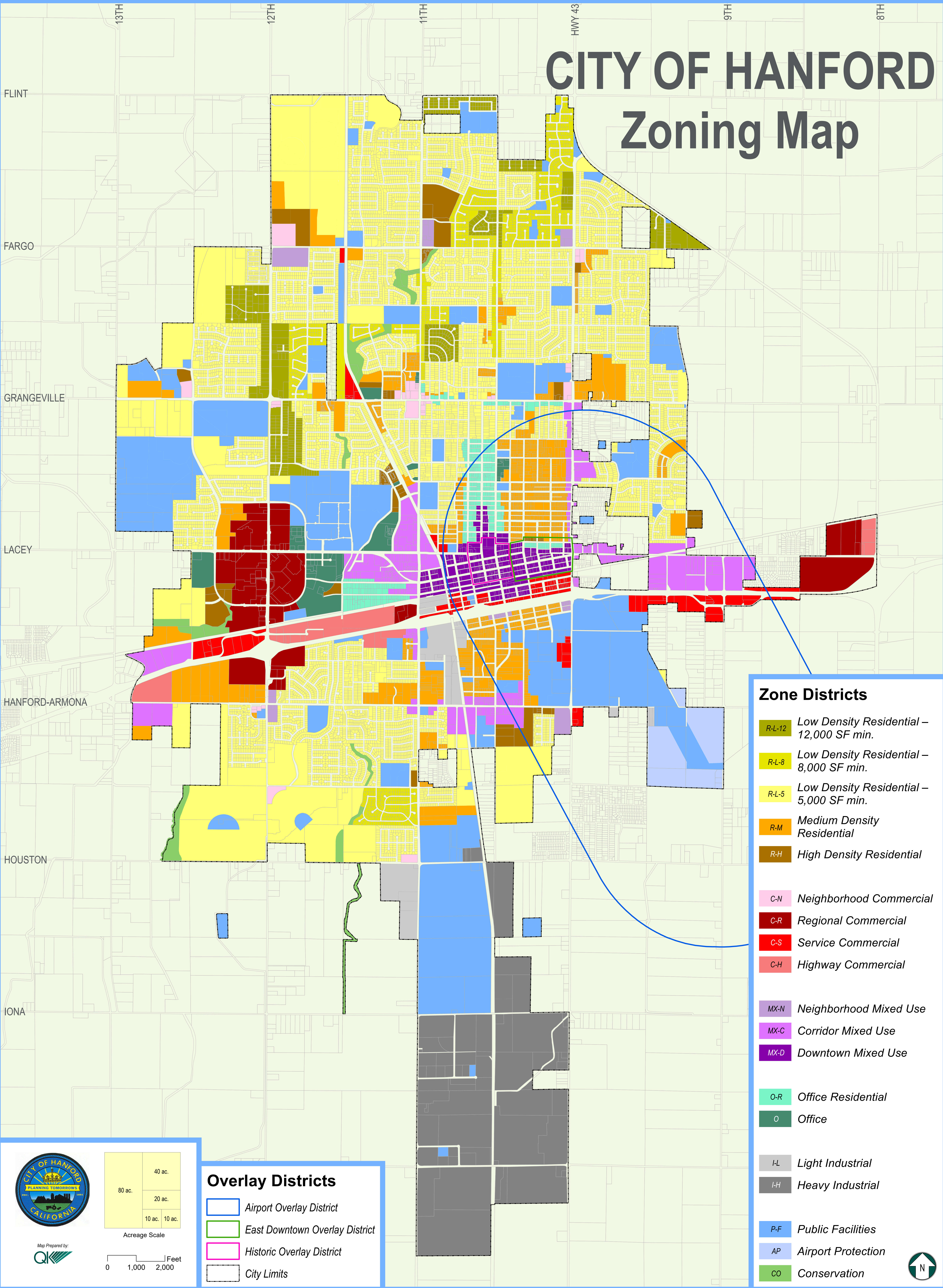
Lead Agency

Contact Person: Darlene R. Mata Area Code/ Telephone: (559) 585-2590

Signature: _____ Date: June 2, 2017 Title: Community Development Director

☒ Signed by Lead Agency Date received for filing at OPR: _____
☐ Signed by Applicant

Attachment: Notice of Exemption (2026 : Cannabis Ordinance)

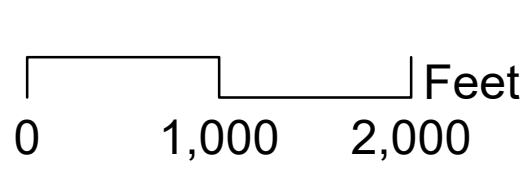
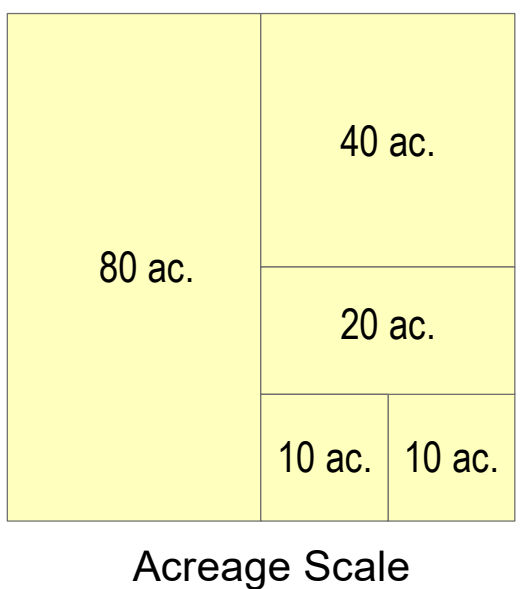


CITY OF HANFORD

Zoning Map

- ### Zone Districts
- R-L-12** Low Density Residential – 12,000 SF min.
 - R-L-8** Low Density Residential – 8,000 SF min.
 - R-L-5** Low Density Residential – 5,000 SF min.
 - R-M** Medium Density Residential
 - R-H** High Density Residential
 - C-N** Neighborhood Commercial
 - C-R** Regional Commercial
 - C-S** Service Commercial
 - C-H** Highway Commercial
 - MX-N** Neighborhood Mixed Use
 - MX-C** Corridor Mixed Use
 - MX-D** Downtown Mixed Use
 - O-R** Office Residential
 - O** Office
 - I-L** Light Industrial
 - I-H** Heavy Industrial
 - P-F** Public Facilities
 - AP** Airport Protection
 - CO** Conservation

- ### Overlay Districts
- Airport Overlay District**
 - East Downtown Overlay District**
 - Historic Overlay District**
 - City Limits**



Map Prepared by:
Q



AGENDA STAFF REPORT

MEETING DATE: 7/5/2017	AGENDA SECTION: A
-------------------------------	--------------------------

SUBJECT:

City Manager: Designation of voting delegate and alternates for the League of California Cities Annual Conference.

RECOMMENDATION:

That the Council, by motion, designate a voting delegate and alternates for the League of California Cities Annual Conference, and authorize the City Clerk to complete and submit the Voting Delegate Form.

BACKGROUND:

The League's 2017 Annual Conference is scheduled for September 13 - 15 in Sacramento. An important part of the Annual Conference is the Annual Business Meeting (at the General Assembly) scheduled for 13:30 p.m. on Friday, September 15, at the Sacramento Convention Center. At this meeting, the League membership considers and takes action on resolutions that establish League policy.

The City Council must choose a Voting Delegate in order to vote in the Annual Business Meeting. The League also encourages each City Council to choose up to two alternates in the event that the designated Voting Delegate is for some reason unable to attend the meeting.

Council Member Ramirez has registered for the conference.

FISCAL IMPACT:

ATTACHMENTS:

Correspondence



1400 K Street, Suite 400 • Sacramento, California 95814
 Phone: 916.658.8200 Fax: 916.658.8240
www.cacities.org

Council Action Advised by July 31, 2017

May 3, 2017

TO: Mayors, City Managers and City Clerks

RE: DESIGNATION OF VOTING DELEGATES AND ALTERNATES
League of California Cities Annual Conference – September 13 – 15, Sacramento

The League's 2017 Annual Conference is scheduled for September 13 – 15 in Sacramento. An important part of the Annual Conference is the Annual Business Meeting (during General Assembly), scheduled for 12:30 p.m. on Friday, September 15, at the Sacramento Convention Center. At this meeting, the League membership considers and takes action on resolutions that establish League policy.

In order to vote at the Annual Business Meeting, your city council must designate a voting delegate. Your city may also appoint up to two alternate voting delegates, one of whom may vote in the event that the designated voting delegate is unable to serve in that capacity.

Please complete the attached Voting Delegate form and return it to the League's office no later than Friday, September 1, 2017. This will allow us time to establish voting delegate/alternate records prior to the conference.

Please note the following procedures that are intended to ensure the integrity of the voting process at the Annual Business Meeting.

- **Action by Council Required.** Consistent with League bylaws, a city's voting delegate and up to two alternates must be designated by the city council. When completing the attached Voting Delegate form, please attach either a copy of the council resolution that reflects the council action taken, or have your city clerk or mayor sign the form affirming that the names provided are those selected by the city council. Please note that designating the voting delegate and alternates must be done by city council action and cannot be accomplished by individual action of the mayor or city manager alone.
- **Conference Registration Required.** The voting delegate and alternates must be registered to attend the conference. They need not register for the entire conference; they may register for Friday only. To register for the conference, please go to our website: www.cacities.org. In order to cast a vote, at least one voter must be present at the

Business Meeting and in possession of the voting delegate card. Voting delegates and alternates need to pick up their conference badges before signing in and picking up the voting delegate card at the Voting Delegate Desk. This will enable them to receive the special sticker on their name badges that will admit them into the voting area during the Business Meeting.

- **Transferring Voting Card to Non-Designated Individuals Not Allowed.** The voting delegate card may be transferred freely between the voting delegate and alternates, but *only* between the voting delegate and alternates. If the voting delegate and alternates find themselves unable to attend the Business Meeting, they may *not* transfer the voting card to another city official.
- **Seating Protocol during General Assembly.** At the Business Meeting, individuals with the voting card will sit in a separate area. Admission to this area will be limited to those individuals with a special sticker on their name badge identifying them as a voting delegate or alternate. If the voting delegate and alternates wish to sit together, they must sign in at the Voting Delegate Desk and obtain the special sticker on their badges.

The Voting Delegate Desk, located in the conference registration area of the Sacramento Convention Center, will be open at the following times: Wednesday, September 13, 8:00 a.m. – 6:00 p.m.; Thursday, September 14, 7:00 a.m. – 4:00 p.m.; and Friday, September 15, 7:30 a.m.– Noon. The Voting Delegate Desk will also be open at the Business Meeting on Friday, but will be closed during roll calls and voting.

The voting procedures that will be used at the conference are attached to this memo. Please share these procedures and this memo with your council and especially with the individuals that your council designates as your city's voting delegate and alternates.

Once again, thank you for completing the voting delegate and alternate form and returning it to the League office by Friday, September 1. If you have questions, please call Carly Shelby at (916) 658-8279.

Attachments:

- Annual Conference Voting Procedures
- Voting Delegate/Alternate Form

Annual Conference Voting Procedures

1. **One City One Vote.** Each member city has a right to cast one vote on matters pertaining to League policy.
2. **Designating a City Voting Representative.** Prior to the Annual Conference, each city council may designate a voting delegate and up to two alternates; these individuals are identified on the Voting Delegate Form provided to the League Credentials Committee.
3. **Registering with the Credentials Committee.** The voting delegate, or alternates, may pick up the city's voting card at the Voting Delegate Desk in the conference registration area. Voting delegates and alternates must sign in at the Voting Delegate Desk. Here they will receive a special sticker on their name badge and thus be admitted to the voting area at the Business Meeting.
4. **Signing Initiated Resolution Petitions.** Only those individuals who are voting delegates (or alternates), and who have picked up their city's voting card by providing a signature to the Credentials Committee at the Voting Delegate Desk, may sign petitions to initiate a resolution.
5. **Voting.** To cast the city's vote, a city official must have in his or her possession the city's voting card and be registered with the Credentials Committee. The voting card may be transferred freely between the voting delegate and alternates, but may not be transferred to another city official who is neither a voting delegate or alternate.
6. **Voting Area at Business Meeting.** At the Business Meeting, individuals with a voting card will sit in a designated area. Admission will be limited to those individuals with a special sticker on their name badge identifying them as a voting delegate or alternate.
7. **Resolving Disputes.** In case of dispute, the Credentials Committee will determine the validity of signatures on petitioned resolutions and the right of a city official to vote at the Business Meeting.



CITY: _____

2017 ANNUAL CONFERENCE VOTING DELEGATE/ALTERNATE FORM

Please complete this form and return it to the League office by Friday, September 1, 2017. Forms not sent by this deadline may be submitted to the Voting Delegate Desk located in the Annual Conference Registration Area. Your city council may designate one voting delegate and up to two alternates.

In order to vote at the Annual Business Meeting (General Assembly), voting delegates and alternates must be designated by your city council. Please attach the council resolution as proof of designation. As an alternative, the Mayor or City Clerk may sign this form, affirming that the designation reflects the action taken by the council.

Please note: Voting delegates and alternates will be seated in a separate area at the Annual Business Meeting. Admission to this designated area will be limited to individuals (voting delegates and alternates) who are identified with a special sticker on their conference badge. This sticker can be obtained only at the Voting Delegate Desk.

1. VOTING DELEGATE

Name: _____

Title: _____

2. VOTING DELEGATE - ALTERNATE

Name: _____

Title: _____

3. VOTING DELEGATE - ALTERNATE

Name: _____

Title: _____

PLEASE ATTACH COUNCIL RESOLUTION DESIGNATING VOTING DELEGATE AND ALTERNATES.

OR

ATTEST: I affirm that the information provided reflects action by the city council to designate the voting delegate and alternate(s).

Name: _____ E-mail: _____

Mayor or City Clerk _____ Phone: _____
 (circle one) (signature)

Date: _____

Please complete and return by Friday, September 1, 2017

League of California Cities
 ATTN: Carly Shelby
 1400 K Street, 4th Floor
 Sacramento, CA 95814

FAX: (916) 658-8240
 E-mail: cshelby@cacities.org
 (916) 658-8279



AGENDA STAFF REPORT

MEETING DATE: 7/5/2017

AGENDA SECTION: B

SUBJECT:

Finance: Adopt Amendments to the 2016-17 and 2017-18 Fiscal Years Biennial Budgets

RECOMMENDATION:

That the City Council, by motion, adopt amendments to the 2016-17 and 2017-18 Fiscal Years Biennial Budgets to provide appropriations summarized below for the execution of City business in accordance with the Council's established Goals and Objectives.

BACKGROUND:

At the Council Study Session of June 20, 2017, the Council and staff reviewed the actual revenues and expenditures as compared to the original budgets for the 2016-17 fiscal years. It was noted that some revenues, such as Property Tax Revenues and Sales Tax Revenues, were estimated through the end of the fiscal year. Additionally, estimated, unpaid expenses through June 30, 2017 were included in this review. Council requested to see a 10-year analysis of property tax and sales tax revenue totals along with the General Fund revenues and expenditures to review with the amendment requests. Council was informed that the General Fund should end the fiscal year with revenues meeting or slightly exceeding expenditures. It is recommended that the Council approve the implementation of the following budget adjustments with a net increase/(decrease) to fund balances listed below:

	<u>FY16-17</u>	<u>FY17-18</u>
General Fund (001):	\$ 47,456	\$(577,390)
Accumulated Capital Outlay (004):	335,000	(500,000)
Fire Capital/Equip. Repl. Reserve (450) :	(13,075)	-0-
Refuse/Recycle Impact Fee (187):	-0-	(380,000)
Refuse Operations Fund (306):	-0-	(143,900)
Storm Drainage Fund (358):	-0-	(70,540)
Wastewater Reserve Fund (361):	-0-	(46,000)

Water Operations Fund (390): -0- (120,000)

FISCAL IMPACT:

The additional appropriations for the 2016-17 Fiscal Year in the General Fund will be supported by anticipated additional revenues over anticipated expenditures. The additional appropriations for the other funds for the 2017-18 Fiscal Year will be covered by cash balances and operational revenues, which were established to support these operations and specific projects.

ATTACHMENTS:

Budget Amendments FY17 FY18

Budget Amendments For Fiscal Year 2016-17 and 2017-18

Dept/Project	Funding Source	Description	Amount
Budget Year 2016-17 Amendments			
City Council	General Fund	Payment to Chamber to cover costs of 4th of July	(11,475.00)
General Fund	General Fund	Increase Sales Tax Revenue	117,000.00
City Council	General Fund	Costco/Pinnacle Point Agreement	(58,069.00)
		Total General Fund	47,456.00
ACO	ACO Reserve	Increase Appropriations for Longfield Center Re-roof Project	(85,000.00)
ACO	ACO Reserve	Increase Appropriations for Police Department Re-roof Project	(80,000.00)
ACO	ACO Reserve	Decrease Appropriations for Bastille Building Renovation Project	500,000.00
		Total ACO Fund	335,000.00
Fire	Fire Cap Rep Resv	Replace HVAC	(13,075.00)
		Total Fire Capital/Equip Repl Reserve	(13,075.00)
Budget Year 2017-18 Amendments			
City Council	General Fund	Payment to Chamber to cover costs of 4th of July	(10,000.00)
City Council	General Fund	Costco/Pinnacle Point Agreement	(250,000.00)
General Fund	General Fund	Increase Estimated Sales Tax Revenue	500,000.00
General Fund	General Fund	Increase Appropriations for SEIU Salary Increases	(675,000.00)
Police Oper.	General Fund	Replace Outdated Tasers for Police Officers	(74,790.00)
Police Commun	General Fund	Increase Revenue from Lemoore Dispatch Contract	220,000.00
Police Supp Svcs	General Fund	Add FT Property and Evidence Technician	(72,000.00)
Parks & Rec	General Fund	Additional FT Maintenance Worker for parks maintenance	(65,500.00)
Parks & Rec	General Fund	Increase Appropriations for additional water usage in parks	(83,300.00)
Parks & Rec	General Fund	Increase Appropriations for additional soil amendments for parks	(16,000.00)
Parks & Rec	General Fund	Increase Appropriations for Rodent Control Contract for parks	(18,000.00)
Parks & Rec	General Fund	Purchase of Mulch Trailer for use on Medians	(25,700.00)
Parks & Rec	General Fund	Purchase of Aerator for increased water penetration in soil - net	(7,100.00)
		Total General Fund	(577,390.00)
ACO	ACO Reserve	Courthouse HVAC	(500,000.00)
		Total ACO Fund	(500,000.00)

City of Hanford
Budget Amendments For Fiscal Year 2016-17 and 2017-18

14.B.a

Dept./Project	Funding Source	Description	Amount
Refuse	Refuse Impact Fees	Purchase Front Load Refuse Collec. Vehicle & Refuse Bins	(380,000.00)
		Total Refuse Impact Fees	(380,000.00)
Refuse	Refuse Enterprise	Purchase Skid Mounted Debris Vacuum	(4,800.00)
Refuse	Refuse Enterprise	Additional FT Refuse Collector and PT Refuse Collector	(134,100.00)
Parks & Rec	Refuse Reserves	Purchase of Leaf Vacuum	(5,000.00)
		Total Refuse Operations	(143,900.00)
Storm Drainage	Storm Drainage Ent.	Add One Maintenance Worker Position	(70,540.00)
		Total Storm Drainage Operations	(70,540.00)
Wastewater	Wastewater Resv.	Wastewater Treatment Plant Mixing System Upgrade	(46,000.00)
		Total Wastewater Reserves	(46,000.00)
Water Operations	Water Enterprise	Purchase Additional Chemical Supplies	(120,000.00)
		Total Water Fund	(120,000.00)

Attachment: Budget Amendments FY17 FY18 (2015 : Budget Amendments FY17 and FY18)

City of Hanford
Budget Amendments
Biennial Fiscal Years 2016-17 and 2017-18

Accumulated Capital Outlay (004) - \$335,000:

See attached CIP Budget page.

Fire Operations – Fire Capital/Equipment Replacement Reserve (450) - \$(13,075):

The roof on Fire Station 2 is well past its expected life and can no longer be repaired due to obsolete parts. A replacement of the unit is needed. The estimate of \$13,075 includes removal and installation of the new system including an adapter and thermostat. The new system will be covered under a 10-year warranty. This project will be paid through the Fire Capital and Equipment Replacement Reserve fund.

Police Operations – General Fund (001) - \$(74,790):

The Tasers currently being used by the police officers are at the end of their useful lifecycle. When repairs are needed, the parts are no longer available to repair them. The additional funding of \$74,790, along with Grant funding, will allow for a total of \$92,790 to be used to replace these outdated Tasers and ensure that the officers have sufficient and operational less-than-lethal equipment options.

Police Operations – General Fund (001) - \$220,000:

The previous Agreement with Lemoore Dispatch was extended, which resulted in additional funds received in the General Fund for Fiscal Year 2016-17. It is expected that Lemoore will continue contracting for services for an additional three to six months into Fiscal Year 2017-18. The revenues from this continued Agreement are estimated at \$220,000. There are currently no revenues budgeted in Fiscal Year 2017-18 for this Agreement.

Police Operations – General Fund (001) - \$(72,000):

Due to increased workload over the past year, there is a need for an additional full time position to ensure proper documenting and safekeeping of police evidence. This additional position will also alleviate the increased overtime being required of the current staff. It is requested that a full time Property and Evidence Technician be funded for this purpose. The current budget has sufficient funds to cover this position, and these funds can be reallocated for this purpose.

Parks & Recreation – General Fund (001) - \$(65,500):

Over the span of nine years, the Parks Division has seen increases in several areas it services as well as increases in demands on the staff. During this time, the number of acres in non-park areas such as medians, right-of-ways, and undeveloped properties has increased significantly. Medians alone have increased by 8.67 acres and the number of districts the division oversees has risen from 28 to 35 with additional divisions being developed. The division also maintains the public swimming pool, The Plunge, with current staffing responsible for maintenance and daily inspections. To meet demands of this growth, a full-time Maintenance Worker is being requested as part of the budget amendment. It is

estimated that the position salary and benefits will be \$65,500 per year. This additional position will be funded annually by current operating revenues.

Parks & Recreation – General Fund (001) - \$(117,300):

In analyzing the current conditions of the parks, a soil consultant was hired to give recommendations for improvements and necessary maintenance of these areas. Based on the results, it was determined that watering amounts needed to be increased and additional soil amendments were necessary to leach salts down into the soil and help with water penetration. Using a basis of 50% of watering recommendations, it is estimated that water costs will increase by \$83,300 annually. A total of \$16,000 will be needed for additional soil amendments. Additionally, \$18,000 is being requested to contract for rodent control within all three parks. All of these amendments, a total of \$117,300, will be funded through existing operational revenues.

Parks & Recreation – General Fund (001) - \$(32,800):

In an effort to increase the process of applying the recycled mulch in the medians and decrease the amount of staff hours used, the purchase of a mulch trailer is needed. This trailer would allow for the annual rotation of recycled mulch in the medians, which increases moisture retention and weed control, reduces the speed of erosion, and increases the overall aesthetics of the landscapes. The cost of the trailer, \$25,700, would be funded from excess operating revenues. An aerator is also included in this amendment request to replace the current one that is smaller, outdated and less efficient. The new aerator will increase water penetration, which will eventually result in less water usage. Funding for this purchase will be supplemented by current replacement reserves designated for this item along with the anticipated sale of the old unit. The total net cost is estimated at \$7,100.

Accumulated Capital Outlay - Courthouse (004) - \$(500,000):

See attached CIP Budget page.

Refuse Enterprise – Impact Fees (187) - \$(380,000):

To implement state mandated commercial recycling and food waste collection programs, increased appropriations are needed in the Refuse Division in the amount of \$380,000. This amount includes the purchase of a front-load refuse collection vehicle at an estimated cost of \$320,000. The purchase of approximately 50 six-cubic yard refuse container bins completes this request at an estimated cost of \$60,000. The increase in appropriations for these items will be funded from existing funds.

Refuse Enterprise – Operations and Street Cleaning (306) - \$(143,900):

To continue current operations, an appropriations increase in the amount of \$4,800 is being requested to fund the purchase of a Skid Mounted Debris Vacuum to be shared by both the Parks Division and the Streets Division. This Vacuum will be utilized in the downtown street cleaning operations. This increase will be funded through the Refuse Fund Reserves. To implement state mandated commercial recycling and food waste collection programs, additional staff is needed in the Refuse Division. An amendment is requested in the amount of \$134,100 to fund one additional full-time Refuse Collector and one additional part-time Refuse Collector. These positions will be funded with the current operational

revenues. Lastly, the purchase of a leaf vacuum, estimated at \$5,000, is being requested in this amendment.

Storm Drainage - Operations (358) - \$(70,540):

In order to continue efficient operations due to increased demand, an additional position is being requested. This position will be a full-time Maintenance Worker with an estimated cost of \$70,540 annually, which includes both salary and the City's share of employee benefits. This additional position will be funded through normal operational revenues and existing funds not fully utilized for current staffing.

Wastewater Treatment Plant – Operations (361) - \$(46,000):

See attached CIP Budget page.

Water Enterprise – Operations (390) - \$(120,000):

The additional chemical supplies that are needed for system chlorination were not included in the original appropriations for Fiscal Year 2016-17 and 2017-18 budgets. Therefore, an increase in appropriations for Fiscal Year 2017-18 in the amount of \$120,000 will bring the total up to \$252,000, which will be sufficient to fund these supplies. Existing revenues and cumulative cash balances will be used to support this increase in appropriations.

EXISTING BUDGET PAGE

817606

Longfield Center Re-roofing

Project Background:

The Longfield Center was built in 1977 to serve the community. Many forms of recreation are represented at the Center. The roofing of both levels was last replaced in 1990 (26 years ago). It is a hot mop, built-up roof designed to last a maximum of 20 years. Cracking, bubbles, and mineral coating loss has greatly affected the integrity of the roof making it a top priority for roof replacement.

Existing Conditions:

In 2014 termites were discovered inside the gym. It was determined that we must tent the facility to eradicate the pests. In FY 15 water infiltration caused a large portion of the stucco in back of the building to fall off. Upon discovery we found the termites are in the ceiling joists. Staff spent \$14,000 to replace 2 sections of roof and repair the stucco. Those measures were only temporary to get through this winter season until a complete roofing replacement is completed.

Project Justification:

The existing condition of the roof, if allowed to continue, will damage larger portions of the structure and invite additional termite and dry rot damage. Termite treatment is to be done after the existing roof is torn off and before the new roof is installed.

Fiscal Implications:

Funding for this project will be allocated from Accumulated Capital Outlay Reserves and Building Replacement Reserves.

Project Budget Summary:

		5-Year Funding Allocation					
		2017	2018	2019	2020	2021	2022
Expenditure	Program or Project	Construction					
	Engineering / Inspection	3,000					
	Construction	210,000					
	Contingency	21,000					
	Department Overhead	6,000					
Total Expenditure		\$240,000	\$0	\$0	\$0	\$0	\$0
Funding							
Revenue	004 Accumulated Capital Outlay	236,000					
	Building Replacement Reserve	4,000					
Total Funding		\$240,000	\$0	\$0	\$0	\$0	\$0

FISCAL YEAR 2017 "AMENDED"

Longfield Center Re-roofing

Project Background:

The Longfield Center was built in 1977 to serve the community. Many forms of recreation are represented at the Center. The roofing of both levels was last replaced in 1990 (26 years ago). It is a hot mop, built-up roof designed to last a maximum of 20 years. Cracking, bubbles, and mineral coating loss has greatly affected the integrity of the roof making it a top priority for roof replacement.

Existing Conditions:

In 2014 termites were discovered inside the gym. It was determined that we must tent the facility to eradicate the pests. In FY15 water infiltration caused a large portion of the stucco in the back of the building to fall off. Upon discovery we found the termites are in the ceiling joists. Staff spent \$14,000 to replace 2 sections of roof and repair the stucco. Those measures were only temporary to get through this winter season until a complete roof replacement is completed.

Project Justification:

The existing condition of the roof, if allowed to continue, will damage larger portions of the structure and invite additional termite and dry rot damage. Termite treatment is to be done after the existing roof is torn off and before the new roof is installed.

Fiscal Implications:

Funding for this project will be allocated from Accumulated Capital Outlay Reserves and Building Replacement Reserves.

Project Budget Summary:

		6-Year Funding Allocation					
		2017	2018	2019	2020	2021	2022
Expenditure	Program or Project	Construction					
	Engineering / Inspection	3,850					
	Construction	286,500					
	Contingency	28,850					
	Department Overhead	6,000					
Total Expenditure		\$325,000	\$0	\$0	\$0	\$0	\$0
Revenue	Funding						
	004 Accumulated Capital Outlay	321,000					
	Building Replacement Reserve	4,000					

EXISTING BUDGET PAGE

817607

Hanford Police Department Re-roofing

Project Background:

The police department was built in 1976 after formerly occupying the basement of the Civic Auditorium. Its roof was replaced in 1993. It is a built-up, hot asphalt type roof designed to last no more than 20 years. It is now 23 years old. The roof displays typical age defects of mineral loss, bubbles, cracks or crazing, and cap sheet slippage. Replacement is now required.

Existing Conditions:

The mineral cap sheet protects the remaining layers from UV deterioration and water exposure. The existing cap sheet surface has lost much of its mineral surface. Heat and inadequate attachment has lead to cap sheet slippage allowing areas not protected by minerals to be exposed to the elements. Leakage has occurred over the car port which staff has recently replaced with a 50 ft section. Bubbles are extensive.

Project Justification:

Replacement of the roof will provide protection for the building for a minimum of 20 years. It is imperative the roof is replaced in a timely manner to prevent further deterioration.

Fiscal Implications:

Funding will come from the Building Equipment Reserves and Accumulated Capital Outlay Reserves.

Project Budget Summary:

		6-Year Funding Allocation					
		2017	2018	2019	2020	2021	2022
Expenditure	Program or Project	Construction					
	Engineering / Inspection	2,000					
	Construction	110,000					
	Contingency	11,000					
	Department Overhead	4,000					
Total Expenditure		\$127,000	\$0	\$0	\$0	\$0	\$0
Revenue	Funding						
	004 Accumulated Capital Outlay	24,550					
	Building Replacement Reserve	102,450					
Total Funding		\$127,000	\$0	\$0	\$0	\$0	\$0

FISCAL YEAR 2017 "AMENDED"

Hanford Police Department Re-roofing

Project Background:

The police department was built in 1976 after formerly occupying the basement of the Civic Auditorium. Its roof was replaced in 1993. It is a built-up, hot asphalt type roof designed to last no more than 20 years. It is now 23 years old. The roof displays typical age defects of mineral loss, bubbles, cracks or crazing, and cap sheet slippage. Replacement is now required.

Existing Conditions:

The mineral cap sheet protects the remaining layers from UV deterioration and water exposure. The existing cap sheet surface has lost much of its mineral surface. Heat and inadequate attachment has lead to cap sheet slippage allowing areas not protected by minerals to be exposed to the elements. Leakage has occurred over the car port which staff has recently replaced with a 50 ft section. Bubbles are extensive.

Project Justification:

Replacement of the roof will provide protection for the building for a minimum of 20 years. It is imperative the roof is replaced in a timely manner to prevent further deterioration.

Fiscal Implications:

Funding will come from the Building Equipment Reserves and Accumulated Capital Outlay Reserves.

Project Budget Summary:

		6-Year Funding Allocation					
		2017	2018	2019	2020	2021	2022
Expenditure	Program or Project	Construction					
	Engineering / Inspection	2,800					
	Construction	182,000					
	Contingency	18,200					
	Department Overhead	4,000					
Total Expenditure		\$207,000	\$0	\$0	\$0	\$0	\$0
Revenue	Funding						
	004 Accumulated Capital Outlay	104,550					
	Building Replacement Reserve	102,450					
	Total Funding	\$207,000	\$0	\$0	\$0	\$0	\$0

817604

EXISTING BUDGET PAGE**Bastille Building Renovations****Project Background:**

The Bastille Building located in the City's Civic Park is a historic building that is beginning to show signs of advanced deterioration due to lack of maintenance funds. A building evaluation and needs assessment report completed in 2015, identified the need to perform extensive renovation improvements in order to preserve the facility and bring back to a leasable condition.

Existing Conditions:

The building is in need of a new roof, seismic upgrades, ADA improvements, and exterior repairs in order to preserve this historic landmark. Improvements are needed to prevent further deterioration of the structure and to bring facility back to a leasable condition.

Project Justification:

This project will fund necessary repairs to the structure to stabilize the building and keep the facility in a leasable condition.

Fiscal Implications:

Funding for this project will be allocated from Accumulated Capital Outlay Reserves.

Project Budget Summary:

		6-Year Funding Allocation					
		2017	2018	2019	2020	2021	2022
Expenditure	Program or Project	Construction					
	Engineering / Inspection	24,000					
	Construction	520,000					
	Contingency	52,000					
	Department Overhead	4,000					
Total Expenditure		\$600,000	\$0	\$0	\$0	\$0	\$0
Revenue	Funding						
	004 Accumulated Capital Outlay	600,000					
Total Funding		\$600,000	\$0	\$0	\$0	\$0	\$0

Project No. 817604

FISCAL YEAR 2017 "AMENDED"

Bastille Building Renovations

Project Background:

The Bastille Building located in the City's Civic Park is a historic building that is beginning to show signs of advanced deterioration due to lack of maintenance funds. A building evaluation and needs assessment report completed in 2015, identified the need to perform extensive renovation improvements in order to preserve the facility and bring back to a leasable condition.

Existing Conditions:

The building is in need of a new roof, seismic upgrades, ADA improvements, and exterior repairs in order to preserve this historic landmark. Improvements are needed to prevent further deterioration of the structure and to bring facility back to a leasable condition.

Project Justification:

This project will fund necessary repairs to the structure to stabilize the building and keep the facility in a leasable condition.

Fiscal Implications:

Funding for this project will be allocated from Accumulated Capital Outlay Reserves.

Project Budget Summary:

		6-Year Funding Allocation					
		2017	2018	2019	2020	2021	2022
Expenditure	Program or Project	Construction					
	Engineering / Inspection	2,500					
	Construction	85,000					
	Contingency	8,500					
	Department Overhead	4,000					
Total Expenditure		\$100,000	\$0	\$0	\$0	\$0	\$0
Revenue	Funding						
	004 Accumulated Capital Outlay	100,000					
	Total Funding	\$100,000	\$0	\$0	\$0	\$0	\$0

Project No.

FISCAL YEAR 2018 "NEW"

Courthouse Building HVAC System Installation

Project Background:

The existing HVAC system in the Courthouse building is in disrepair and has become unreliable for every day operations. The system consists of heat pumps that utilize a continuous water supply provided by an on-site well to operate the system.

Existing Conditions:

Pipes supplying water to approximately 28 heat pumps located throughout the building have deteriorated to a point where water flow is restricted. This has lead to a failure to provide adequate heating and air conditioning services to our tenants located on the first and second floors of the Courthouse facility. The current HVAC system does not serve the third floor of the facility, thus limiting the City's ability to utilize this

Project Justification:

This project will replace the existing HVAC system with a new ductless refrigerant system for the first and second floors of the building and a standard HVAC system (with ducting) for the third floor space.

Fiscal Implications:

Funding for this project will be allocated from Accumulated Capital Outlay Reserves.

Project Budget Summary:

		6-Year Funding Allocation					
		2018	2019	2020	2021	2022	2023
Expenditure	Program or Project	Construction					
	Engineering / Inspection	6,000					
	Construction	440,000					
	Contingency	44,000					
	Department Overhead	10,000					
Total Expenditure		\$500,000	\$0	\$0	\$0	\$0	\$0
Revenue	Funding						
	004 Accumulated Capital Outlay	500,000					
	Total Funding	\$500,000	\$0	\$0	\$0	\$0	\$0

Project No. _____

FISCAL YEAR 2018 "AMENDED"
Wastewater Treatment Plant - Digester Mixing System Upgrade

Project Background:

The wastewater treatment plant has two methane gas digesters that are part of the secondary treatment process at the plant.

Existing Conditions:

During the FY 13-14 digester cleaning project, a new horizontal mixing station was installed replacing the existing vertical mixing system. The new mixing system does not adequately keep the upper scum/grease layer from forming at the top of the digesters, thus reducing the digester's efficiency.

Project Justification:

The methane gas digesters are not mixing efficiently enough to supply methane to operate the boilers. The addition of the scum buster nozzles will brush up the top one-third of the digester and allow for the methane gas to rise to the top of the digester and be captured to heat the boilers.

Fiscal Implications:

Funding for the Wastewater Treatment Plant Mixing system upgrade will be allocated from wastewater capital reserves.

Project Budget Summary:

		Amended					
		2018	2019	2020	2021	2022	2023
Expenditure	Program or Project	Construction					
	Engineering / Inspection	1,500					
	Construction	40,000					
	Contingency	4,000					
	Department Overhead	500					
Total Expenditure		\$46,000	\$0	\$0	\$0	\$0	\$0
Revenue	Funding						
	363 Wastewater Capital Reserves	46,000					
Total Funding		\$46,000	\$0	\$0	\$0	\$0	\$0

FY2018 Proposed Budget Amendments

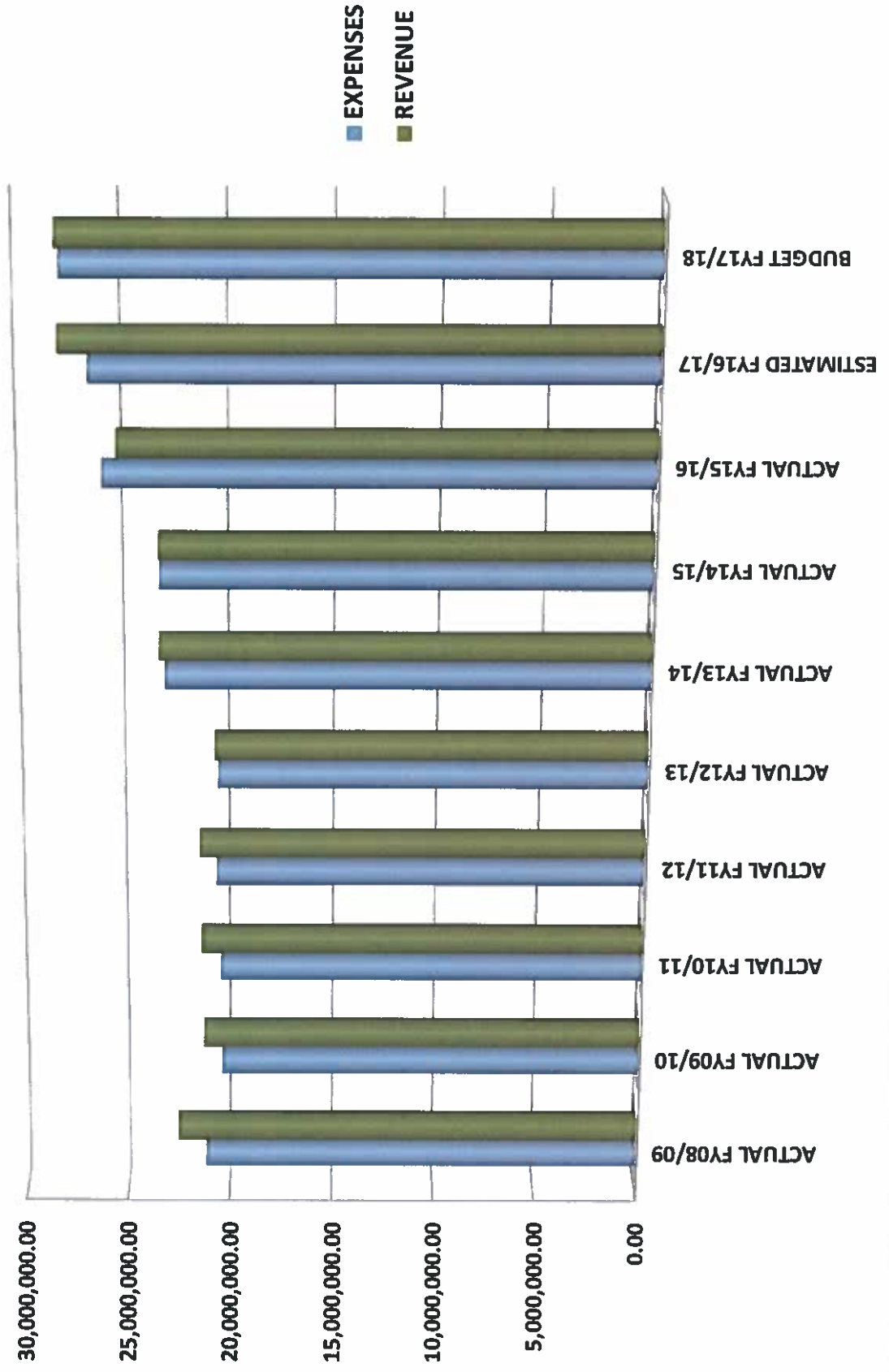
	Budgeted Fund Balance 6/30/2018	Proposed Amendments FY2017	Proposed Amendments FY2018	FY2018 Budgeted Fund Balance After Amendments
001 General	1,674,983	47,456	(577,390)	1,145,049
004 Accumulated Capital Outlay*	903,680	335,000	(500,000)	738,680
040-055 Gas Tax Funds	3,033,120	-	-	3,033,120
100* CDBG Funds	-	-	-	-
180-187 Impact Fees	17,235,770	-	(380,000)	16,855,770
306 Refuse	660,661	-	(143,900)	516,761
358 Storm Drainage	4,478,430	-	(70,540)	4,407,890
361-363 Wastewater Funds	4,874,460	-	(46,000)	4,828,460
390-391 Water Funds	3,059,510	-	(120,000)	2,939,510
Multi Other Funds	24,206,759	(13,075)	-	24,193,684
Total All Funds	60,127,373	369,381	(1,837,830)	58,658,924

*Fund Balance adjusted for projects that were approved after the budget was adopted.

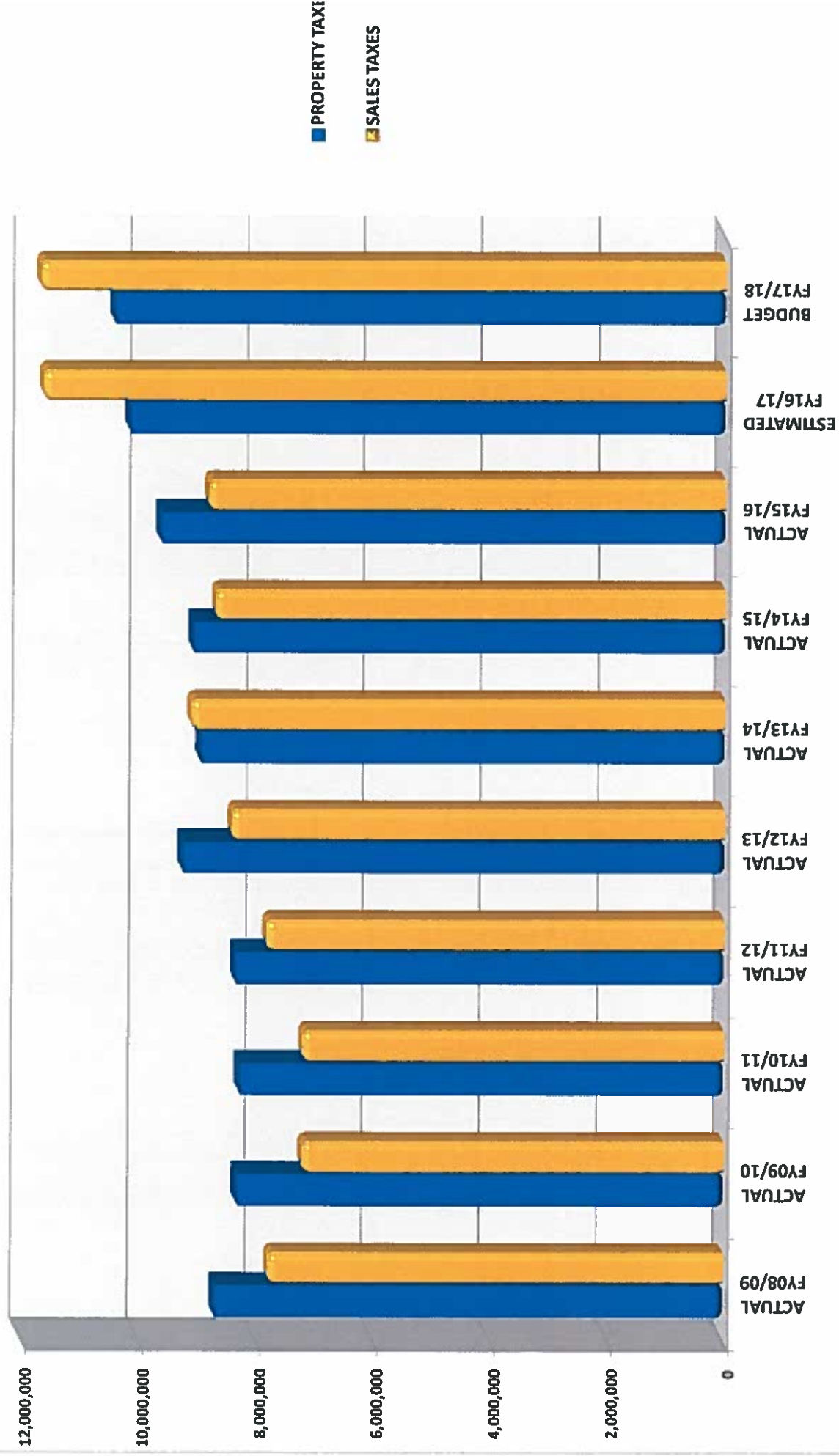
Key:

+ Increase in Fund Balance
< > Decrease in Fund Balance

City of Hanford
Revenues and Expenses
Fiscal Years 2009 - 2018



City of Hanford
Property Tax and Sales Tax Revenues
Fiscal Years 2009 - 2018



Attachment: Budget Amendments FY17 FY18 (2015 : Budget Amendments FY17 and FY18)