The City of Hanford
CALIFORNIA

City Council Meeting
Agenda

October 20, 2020
7:00 PM – Regular Meeting
Council Chambers
400 N. Douty St.

Council Members will meet in-person in the Council Chambers. Due to social distancing restrictions, there will be a limited number of audience seats. The meeting will be available for remote viewing on the City of Hanford Website: *http://livestream.city/*

6:00 PM CALL TO ORDER CLOSED SESSION:

ROLL CALL BY CITY CLERK :

PUBLIC COMMENT:

Comments from the public are limited to items on the agenda (GC 54954.3a). A maximum of three minutes is allowed for each speaker. Please begin your comments by stating your name and providing your city of residence.

CLOSED SESSION :

A. CONFERENCE WITH LEGAL COUNSEL - REAL PROPERTY NEGOTIATIONS (GC 54956.8)

Property: 109 E. 8th Street
Agency Negotiators: Mario Cifuentez, Ty Mizote
Negotiating Party: Hanford Carnegie Museum

Property: APNs 011-490-001, 002,003,004
Agency Negotiators: Mario Cifuentez, Sandra Lerma, Ty Mizote
Negotiating Party: Betsy McGovern-Garcia, Dirk Holkeboer

CALL TO ORDER REGULAR SESSION:

ROLL CALL:

INVOCATION:

FLAG SALUTE:

CLOSED SESSION ACTION REPORT :

STAFF COMMUNICATIONS:

COUNCIL REPORTS/COMMENTS:

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 ***three 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. PROCEDURAL WAIVER: Waive reading in full of resolutions and ordinances and approval adoption of same by reading title only.

B. Administration: Adoption of Resolution 20-24-R, Conflict of Interest Code, Designating the Filing Obligations for designated Employees.

C. Community Development: Adoption of Resolution 20-27 -R supporting an Application for Funding from the State of California Department of Housing and Community Development CalHome Program for First-Time Homebuyer Mortgage Assistance and Owner-Occupied Rehabilitation.

D. Community Development: Second reading of Ordinance 20-12, approving Zone Text Amendment No. 2020-02: a request by the City of Hanford to amend Title 5, adding Chapter 5.64, establishing operating conditions for mobile food vendors; Amend Title 10, Section 10.14.140 conditions for use of public right-of-way by peddlers and vendors was amended to reference the requirements of Section 5.64; Amend Title 17, Section 17.08.030 – Commercial, Office, and Industrial Zone Use Table of the Hanford Municipal Code by adding Mobile Vendors as a temporary use in all commercial zones; Amend Title 17, Section 17.76 to allow mobile vendors as a temporary use; and Amend Title 17, Section 17.96 to amend the definition of mobile food vendor and food trucks.

E. Finance Department: Adoption of Resolution Nos. 20-25 and 20-26 designating Authorized Signatories for City of Hanford Bank and Investment Accounts.

GENERAL BUSINESS:

A. Administration: Adoption of Resolution 20-28-R in support of Proposition 20.

B. Public Works: Approval of an Annual contract with Zenner Performance Meters for the purchase of replacement Automated Meter Reading equipment from, for use in the Water Utility, in an amount not to exceed $100,000.

C. Public Works: Authorization for the purchase of street right-of-way, located at the southwest corner of 12th Avenue and W Springcrest Street from James Lair and Francis Barrios, in the amount of $16,900 plus escrow fees.

COUNCIL FUTURE AGENDA ITEMS:

A. 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: 10/20/2020	**AGENDA SECTION:** B

SUBJECT:
Administration: Adoption of Resolution 20-24-R, Conflict of Interest Code, Designating the Filing Obligations for designated Employees

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RECOMMENDATION:
It is recommended that the City Council, by motion, adopt Resolution 20-24-R amending the City's Conflict of Interest Code for designated employees.

BACKGROUND:
Government Code, Title 9, Chapter 7, Article 3 requires every local government agency to review its Conflict of Interest Code biennially to determine if it is accurate or if the code must be amended. The City's Conflict of Interest Code was last updated in 2018, and it must be updated in 2020 in order to satisfy the Government Code.

Staff has reviewed the City's Conflict of Interest Code and is recommending modifications to Appendix A: Designated Employees due to the reclassification of job titles, new positions, and job descriptions.

ATTACHMENTS:
Resolution Conflict of Interest Code 2020
Appendix A
Appendix B

FISCAL IMPACT:

ATTACHMENTS:
Resolution 20-24-R - Conflict of Interest Code 2020
Appendix A - 2020

Appendix B - 2020

RESOLUTION NO. 20-24-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HANFORD AMENDING THE CONFLICT OF INTEREST CODE IN ITS ENTIRETY FOR DESIGNATED EMPLOYEES OF THE CITY OF HANFORD

At a regular meeting of the City Council of the City of Hanford, held on the 20th day of October, 2020, it was moved by Council Member _____, seconded by Council Member _____, and duly carried, that the following Resolution be adopted:

WHEREAS, Government Code Section 87300 requires every local government agency to adopt and promulgate a Conflict of Interest Code; and

WHEREAS, in 1990, Government Code Section 87306.5 was added to the Political Reform Act requiring every local agency who has adopted a Conflict of Interest Code to review and update its Conflict of Interest biennially, in even-numbered years; and

WHEREAS, the Fair Political Practices Commission has adopted a regulation, 2 Cal. Code of Regulations, Section 18730, which contains the terms of a standard model Conflict of Interest Code, which can be incorporated by reference; and

WHEREAS, the City of Hanford has determined that it is appropriate to incorporate by reference Fair Political Practices Commission's Regulation 18730; and

WHEREAS, the City Council has reviewed the list of positions and disclosure categories contained in Appendix A and B to this Resolution.

NOW, THEREFORE, BE IT RESOLVED, that Resolution No. 20-24-R supersedes all previous resolutions pertaining to the City's Conflict of Interest Code; and

BE IT FURTHER RESOLVED, that the model Conflict of Interest Code prepared by the Fair Political Practices Commission is hereby adopted as the City of Hanford's Conflict of Interest Code; and

BE IT FURTHER RESOLVED, that the designated positions as amended and disclosure categories listed in Appendix A and B to this resolution are hereby incorporated into the City of Hanford's Conflict of Interest Code.

Attachment: Resolution 20-24-R - Conflict of Interest Code 2020 (Adopt Resolution 20-24-R, Conflict of Interest Code, Designating the Filing

PASSED, ADOPTED AND APPROVED this _____ day of _____, 2020 by the following vote:

AYES: _____

NOES: _____

ABSTAIN: _____

ABSENT: _____

_____
JOHN DRAXLER
MAYOR of the City of Hanford

Attest:

_____
NATALIE ORTEGA
INTERIM CITY CLERK

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

I, Natalie Ortega, Interim 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 the 20th day of October, 2020.

Date: _____ _____
Interim City Clerk

Attachment: Resolution 20-24-R - Conflict of Interest Code 2020 (Adopt Resolution 20-24-R, Conflict of Interest Code, Designating the Filing

APPENDIX A

CITY OF HANFORD
CONFLICT OF INTEREST CODE
DESIGNATED EMPLOYEES

Designated Positions	Disclosure Categories
Accountant	All
Administrative Analyst	All
Building Inspector	All
Building Official	All
Building Superintendent	All
City Clerk	All
City Engineer	All
City Manager	All
Community Development Director	All
Construction Coordinator/Inspector	All
Deputy Public Works Director	All
Engineering Manager	All
Finance Manager	All
Finance Director	All
Financial Analyst	All
Fire Battalion Chief	All
Fire Chief	All
Fire Marshal	All
Fleet Superintendent	All
Fleet Supervisor	All
Housing Administrative Analyst	All
Human Resources Manager	All

Attachment: Appendix A - 2020 (Adopt Resolution 20-24-R, Conflict of Interest Code, Designating the Filing Obligations for Employee)

Information Technology Manager	All
Parks & Community Services Director	All
Parks Manager	All
Parks Supervisor	All
Police Chief	All
Police Captain	All
Police Support Services Administrator	All
Principal Planner	All
Project Manager	All
Public Works Director	All
Purchasing Agent	All
Recreation Supervisor	All
Recycling Coordinator	All
Regulatory Compliance Analyst	All
Refuse Manager	All
Refuse Supervisor	All
Sanitary Sewer Collections Supervisor	All
Senior Administrative Analyst	All
Senior Civil Engineer	All
Senior Planner	All
Streets Manager	All
Streets Supervisor	All
Utilities Manager	All
Utilities Supervisor	All
Wastewater Treatment Plant Manager	All
Wastewater Treatment Plant Supervisor	All

Attachment: Appendix A - 2020 (Adopt Resolution 20-24-R, Conflict of Interest Code, Designating the Filing Obligations for Employee)

Consultants	All

The City Clerk may determine in writing that a particular consultant, although a “designated position”, is hired to perform a range of duties that are limited in scope and thus is not required to fully comply with the disclosure requirements in this section. Such written determination shall include a description of the consultant’s duties and, based upon that description, a statement of the extent of disclosure requirements. The City Clerk’s determination is a public record and shall be retained for public inspection in the same manner and location as this conflict of interest code.

Updated: _____, 2020

Attachment: Appendix A - 2020 (Adopt Resolution 20-24-R, Conflict of Interest Code, Designating the Filing Obligations for Employee)

APPENDIX B
CITY OF HANFORD
CONFLICT OF INTEREST CODE

DISCLOSURE CATEGORIES

General Provisions

When a designated employee is required to disclose investments and sources of income, he or she need only disclose investments in business entities and sources of income which do business in the jurisdiction, plan to do business in the jurisdiction, or have done business in the jurisdiction within the past two years. In addition to other activities, a business entity is doing business within the jurisdiction if it owns real property within the jurisdiction. When a designated employee is required to disclose interest in real property, he or she need only disclose real property which is located in whole or in part within or not more than two miles outside the boundaries of the jurisdiction or within two miles of any land owned or used by the local government agency.

Designated employees shall disclose their financial interests pursuant to the appropriate disclosure category as indicated in Appendix A.

Disclosure Categories

Category 1: All interest in real property in the City of Hanford, or the city's sphere of influence, including property located within a two-mile radius of any property owned or used by the City of Hanford or any of its departments; as well as investments, business positions and sources of income, including gifts, loans and travel payments.

Category 2: All investments, business positions and sources of income, including gifts, loans and travel payments.

Category 3: All investments, business positions and sources of income, including gifts, loans and travel payments from sources that provide leased facilities, goods, equipment, vehicles, machinery or services, including training or consulting services, of the type utilized by the employee's department.

Category 4: All investments, business positions and sources of income, including gifts, loans and travel payments from sources that provide leased facilities, goods, equipment, vehicles, machinery or services, including training or consulting services, of the type utilized by the City of Hanford.

Attachment: Appendix B - 2020 (Adopt Resolution 20-24-R, Conflict of Interest Code, Designating the Filing Obligations for Employee)

AGENDA
STAFF REPORT

MEETING DATE: 10/20/2020	**AGENDA SECTION:** C

SUBJECT:
Community Development: Adoption of Resolution 20-27 -R supporting an Application for Funding from the State of California Department of Housing and Community Development CalHome Program for First-Time Homebuyer Mortgage Assistance and Owner-Occupied Rehabilitation.

RECOMMENDATION:
See staff report, attached.

FISCAL IMPACT:

ATTACHMENTS:
CalHome Staff Report
CalHome 2020 Resolution 20-27-R

CITY OF HANFORD CITY COUNCIL
STAFF REPORT

MEETING DATE: October 20, 2020

SUBJECT: Housing Community Development: Resolution 20-27-R supporting an Application for Funding from the State of California Department of Housing and Community Development CalHOME Program.

STAFF RECOMMENDATION

Adopt Resolution 20-27-R approving the submittal of an application to the California Department of Housing and Community Development (HCD) for funding under the CalHome Program and if selected, authorize the City Manager (or designee) to execute the standard agreement and any related documents necessary to participate.

BACKGROUND

The California Department of Housing and Community Development (HCD) announced a Notice of Funding Availability (NOFA) for the CalHome Program on August 31, 2020. This notice is approximately $57 million available statewide for affordable housing activities to be distributed to eligible applicants. Funding under this NOFA is from the Affordable Housing Bond Act Trust Fund of 2018. Applications are due to HCD no later than October 29, 2020.

The maximum application amount is $5 million, and HCD will provide funding to cover activity delivery fees (administrative costs) up to 10 percent of the total award amount. Per the NOFA, HCD will announce awards in February 2021.

The City of Hanford has successfully utilized CalHome funds in the past and is currently administering CalHome Program Income funds from previous loans, which allows the City to provide first-time home buyer loans to lower- and moderate-income households. Lower- and moderate-income households are those with incomes up to 80% of area median income - $55,900 for a family of four (4).

Staff is recommending Council approve the submittal of the application in an amount up to $1,000,000 for owner-occupied residential rehabilitation (OOR), first-time mortgage assistance, and allowable activity delivery costs. Staff proposes to allocate the grant as follows:

- $653,400 for the First Time Homebuyer Down Payment Assistance Program. The proposed allocation would assist nine (9) new first-time homebuyers with a maximum down payment assistance of $66,000.
- $340,600 for the Owner-Occupied Housing Rehab Program. The proposed allocation would assist eight (8) homeowners with an average loan amount of $40,000.

Attachment: CalHome Staff Report (CD: 2020 CalHome)

FISCAL IMPACT

There is no impact on the budget to submit the application for funding.

ATTACHMENTS

1. Resolution

Attachment: CalHome Staff Report (CD: 2020 CalHome)

RESOLUTION NO: 20-27-R

GOVERNING BOARD OF

The City of Hanford

HEREBY
AUTHORIZES
THE SUBMITTAL

WHEREAS:

The City of Hanford

A. wishes to apply for and receive an allocation of funds through the CalHome Program; and

B. The California Department of Housing and Community Development (hereinafter referred to as "HCD") has issued a Notice of Funding Availability ("NOFA") on **August 31, 2020** for the CalHome program established by Chapter 84, Statutes of 2000 (SB 1656 Alarcon), and codified in Chapter 6 (commencing with Section 50650) of Part 2 of Division 31 of the Health and Safety Code (the "statute"). Pursuant to the statute, HCD is authorized to approve funding allocations utilizing monies made available by the State Legislature to the CalHome program, subject to the terms and conditions of the statute and the CalHome Program Regulations adopted by HCD in April 2004; and

C. The City of Hanford wishes to submit an application to obtain from HCD an allocation of CalHome funds in the amount of $1,000,000.00

Attachment: CalHome 2020 Resolution 20-27-R (CD: 2020 CalHome)

IT IS NOW THEREFORE RESOLVED THAT:

The City of Hanford shall submit to

1. HCD an application to participate in the CalHome Program in response to the NOFA issued on **August 31, 20** which will request a funding allocation for the following activities **[Briefly describe the proposed activites,**

$653,400 for the First-Time Mortgage Assistance Program
$346,600 for Owner-Occupied Housing Rehabillitation Program

Located in the City of Hanford

If the apllication for funding is approved, the City of Hanford

2. hereby agrees to use the CalHome funds for eligible activities in the manner presented in the application as approved by HCD and in accordance with program regulations cited above. The application in full is incorporated as part of the Standard Agreement. Any and all activities funded, information provided, and timelines represented in the application are enforceable through the Standard Agreement. City of Hanford acknowledges and agrees that it may be required to execute any and all other instruments necessary or required by HCD for participation in the CalHome Program.

3 The City of Hanford authorizes to execute in the name of the Mario Cifuentez II, City Manager the application, the Standard Agreement, and any subsequent amendments or modifications thereto, as well as any other documents required by HCD for participation in the CalHome Program, and any amendments thereto.

Attachment: CalHome 2020 Resolution 20-27-R (CD: 2020 CalHome)

PASSED AND ADOPTED THIS 20 Day of October 20 2020 , by the following vote:

AYES: _____ NAYS: _____ ABSTAIN: _____ ABSENT: _____

The undersigned City Clerk **[title of officer]** of the City of Hanford [**name of applicant]** there before named does hereby attest and certify that the foregoing is a true and full copy of a resolution of the Governing Board adopted at a duly convened meeting on the date above-mentioned, which has not been altered, amended or repealed.

_____

Signature **Date**

Attachment: CalHome 2020 Resolution 20-27-R (CD: 2020 CalHome)

AGENDA
STAFF REPORT

MEETING DATE: 10/20/2020	**AGENDA SECTION:** D

SUBJECT:
Community Development: Second reading of Ordinance 20-12, approving Zone Text Amendment No. 2020-02: a request by the City of Hanford to amend Title 5, adding Chapter 5.64, establishing operating conditions for mobile food vendors; Amend Title 10, Section 10.14.140 conditions for use of public right-of-way by peddlers and vendors was amended to reference the requirements of Section 5.64; Amend Title 17, Section 17.08.030 – Commercial, Office, and Industrial Zone Use Table of the Hanford Municipal Code by adding Mobile Vendors as a temporary use in all commercial zones; Amend Title 17, Section 17.76 to allow mobile vendors as a temporary use; and Amend Title 17, Section 17.96 to amend the definition of mobile food vendor and food trucks.

See staff report, attached.

FISCAL IMPACT:

ATTACHMENTS:
Staff Report
Ordinance 20-12 (2nd Reading)
Notice of Exemption

CITY OF HANFORD
CITY COUNCIL

MEETING DATE: October 27, 2020

RECOMMENDED MOTION

1. I move to waive and adopt the second reading of Ordinance 20-12, approving Zone Text Amendment No. 2020-02 (Mobile Food Vendors Ordinance)

RECOMMENDATION

Staff recommends the City Council waive the second reading and adopt Ordinance 20-12, approving Zone Text Amendment No. 2020-02, a request to amend Title 5, 10, and 17 of the Hanford Municipal Code to:

- Amend Title 5, adding Chapter 5.64, establishing operating conditions for mobile food vendors;
- Amend Title 10, Section 10.14.140 conditions for use of public right-of-way by peddlers and vendors was amended to reference the requirements of Section 5.64;
- Amend Title 17, Section 17.08.030 – Commercial, Office, and Industrial Zone Use Table of the Hanford Municipal Code by adding Mobile Vendors as a temporary use in all commercial zones;
- Amend Title 17, Section 17.76 to allow mobile vendors as a temporary use; and
- Amend Title 17, Section 17.96 to amend the definition of mobile food vendor and food trucks;

AMENDMENT

Staff made one change to Ordinance No. 20-12, as follows, as directed by council:

5.64.050 MOBILE VENDING VEHICLES

E. Operation on City Property and Parks. In addition to the requirements in Section 5.64.040, a mobile food vending vehicle on city property is prohibited, with the following exceptions:

1. As part of a special event, with the appropriate city permits that include food vending operations in City parks.

2. By a special permit issued by the Parks and Community Services Department in designated spaces in Civic Park**.** ~~on Friday and Saturday night only.~~

Attachment: Staff Report (CD: ZTA 2020-02 Food Vendors Ordinance)

At the regularly scheduled City Council meeting on October 6, 2020, council directed staff to move forward with the ordinance as proposed, with one amendment to eliminate the day restriction for operation in Civic Park. Thus, mobile vending vehicles are permitted to operate in Civic Park every day, through the appropriate permit to be issued through Parks and Community Services.

FINDINGS FOR APPROVAL

In accordance with Section 17.86.030, before a zone change or text amendment may be approved, all of the following findings shall be made by the reviewing authority:

1. The amendment is internally consistent with the goals, objectives, and policies of the General Plan and this title;

Analysis: That the zone text amendment is internally consistent with the goals, objectives, and policies of the General Plan and this title, by enforcing Hanford's overarching principles, including:

- Contributing to a prosperous community;
- Creating opportunities for jobs that benefit the existing and future community;
- Facilitation of a successful business environment;
- Contributing to the downtown area as the physical, cultural, civic, and commercial center of Hanford;
- Contributing to the diversification of industry; and
- Ensuring the safe, reliable, and efficient movement of people and goods

The addition of Section 5.64 and the revisions to Section 10.16.140, 17.08.030, 17.76, and 17.96.020 do not conflict with the General Plan and further the overarching principles of the General Plan.

2. The amendment would not be detrimental to the public health, safety, or welfare of the community;

Analysis: That the addition of Section 5.64 and the revisions to Section 10.16.140, 17.08.030, 17.76, and 17.96.020 of the Hanford Municipal Code are not detrimental to the public health, safety, or welfare of the community. Section 5.64.010 addresses the potential for safety hazards created by mobile food and sidewalk vending. The purpose of Section 5.64 is to tailor the City's regulations to address mobile food vending vehicles and sidewalk vendors that operate in the City, in order to advance the City's substantial public interest in protecting public safety.

3. The amendment would maintain the appropriate balance of land uses within the City;

Analysis: That jobs-housing balance is achieved by increasing opportunities for people to work and live in close proximity. The ratio is expressed as the number of jobs divided by the number of housing units. The jobs-housing balance is a general tool for analyzing where people work, where they live, and how effectively they can travel between the two. In the planning area, the

Attachment: Staff Report (CD: ZTA 2020-02 Food Vendors Ordinance)

existing jobs-housing balance ratio in 2013-2014 was 1.17. It is estimated that the implementation of the General Plan would increase the jobs-housing balance by 0.45 to 1.62, which would make the planning area a jobs-rich area. The proposal to regulate and allow mobile food vendors and sidewalk vendors will contribute to the creation and diversification of jobs in the City limits.

4. The anticipated land uses on the subject site would be compatible with existing and future surrounding uses;

ANALYSIS: That the zone text amendment applies to locations citywide, including the public right-of-way, public streets, Civic Park, and various private properties in 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 Office, I-L Light Industrial, and I-H Heavy Industrial zone district. Sidewalk and mobile vendors have been evaluated and conditioned to limit conflict with existing and future surrounding uses, including limits on hours of operation, restrictions on distance to schools, restrictions on distance brick-and-mortar restaurants, and distance from special events and city-events.

Attachment: Staff Report (CD: ZTA 2020-02 Food Vendors Ordinance)

ORDINANCE NO. 20-12

AN ORDINANCE APPROVING ZONE TEXT AMENDMENT NO. 2020-02, A REQUEST BY THE CITY OF HANFORD TO: - AMEND TITLE 5, ADDING CHAPTER 5.64, ESTABLISHING OPERATING CONDITIONS FOR MOBILE FOOD VENDORS; AMEND TITLE 10, SECTION 10.14.140 CONDITIONS FOR USE OF PUBLIC RIGHT-OF-WAY BY PEDDLERS AND VENDORS WAS AMENDED TO REFERENCE THE REQUIREMENTS OF SECTION 5.64; AMEND TITLE 17, SECTION 17.08.030 – COMMERCIAL, OFFICE, AND INDUSTRIAL ZONE USE TABLE OF THE HANFORD MUNICIPAL CODE BY ADDING MOBILE VENDORS AS A TEMPORARY USE IN ALL COMMERCIAL ZONES; AMEND TITLE 17, SECTION 17.76 TO ALLOW MOBILE VENDORS AS A TEMPORARY USE; AND AMEND TITLE 17, SECTION 17.96 TO AMEND THE DEFINITION OF MOBILE FOOD VENDOR AND FOOD TRUCKS. LOCATION: CITYWIDE.

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

Section 1: The Hanford Municipal Code Title 17, the Zoning Ordinance contains regulations to ensure the public health, safety, peace, comfort, convenience, prosperity and general welfare of the citizens of Hanford, including zoning categories, allowed uses and development standards.

Section 2: The Hanford Municipal Code Title 5, Business Licenses and Regulations, contains requirements for business licenses, establishes business license fees, and provides regulations for businesses.

Section 3: The Hanford Municipal Code Title 10, Vehicles and Traffic, addresses regulations pertaining to transportation, pedestrians, loading zones, and vehicle safety.

Section 2: The City Council has held a public hearing on the amendment to Title 5, 10, and 17, as follows, and as attached as **Exhibit A:**

- Amend Title 5, adding Chapter 5.64, establishing operating conditions for mobile food vendors;
- Amend Title 10, Section 10.14.140 conditions for use of public right-of-way by peddlers and vendors was amended to reference the requirements of Section 5.64;
- Amend Title 17, Section 17.08.030 – Commercial, Office, and Industrial Zone Use Table of the Hanford Municipal Code by adding Mobile Vendors as a temporary use in all commercial zones;
- Amend Title 17, Section 17.76 to allow mobile vendors as a temporary use; and
- Amend Title 17, Section 17.96 to amend the definition of mobile food vendor and food trucks;

Attachment: Ordinance 20-12 (2nd Reading) (CD: ZTA 2020-02 Food Vendors Ordinance)

Section 3: 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 mobile vendors to operate mobile sidewalk vending carts and mobile vending vehicles within City limits on fully developed sites and in the public right-of-way;

B. If the proposed ordinance were considered a project subject to CEQA, it is categorically exempt pursuant to (1) CEQA Guideline 15301 (c) minor alteration of existing public facilities, sidewalks and similar facilities, involving negligible expansion of use.

SECTION 4: The proposed amendment was evaluated for consistency with the General Plan and the Zoning Ordinance in accordance with Sections 17.02.060, 17.08.050, 17.86.030 and based on the following findings:

1. The amendment is internally consistent with the goals, objectives, and policies of the General Plan and this title;

   Analysis: That the zone text amendment is internally consistent with the goals, objectives, and policies of the General Plan and this title, by enforcing Hanford's overarching principles, including:

   - Contributing to a prosperous community;
   - Creating opportunities for jobs that benefit the existing and future community;
   - Facilitation of a successful business environment;
   - Contributing to the downtown area as the physical, cultural, civic, and commercial center of Hanford;
   - Contributing to the diversification of industry; and
   - Ensuring the safe, reliable, and efficient movement of people and goods

   The addition of Section 5.64 and the revisions to Section 10.16.140, 17.08.030, 17.76, and 17.96.020 do not conflict with the General Plan and further the overarching principles of the General Plan.

2. The amendment would not be detrimental to the public health, safety, or welfare of the community;

Attachment: Ordinance 20-12 (2nd Reading) (CD: ZTA 2020-02 Food Vendors Ordinance)

Analysis: That the addition of Section 5.64 and the revisions to Section 10.16.140, 17.08.030, 17.76, and 17.96.020 of the Hanford Municipal Code are not detrimental to the public health, safety, or welfare of the community. Section 5.64.010 addresses the potential for safety hazards created by mobile food and sidewalk vending. The purpose of Section 5.64 is to tailor the City's regulations to address mobile food vending vehicles and sidewalk vendors that operate in the City, in order to advance the City's substantial public interest in protecting public safety.

3. The amendment would maintain the appropriate balance of land uses within the City;

   Analysis: That jobs-housing balance is achieved by increasing opportunities for people to work and live in close proximity. The ratio is expressed as the number of jobs divided by the number of housing units. The jobs-housing balance is a general tool for analyzing where people work, where they live, and how effectively they can travel between the two. In the planning area, the existing jobs-housing balance ratio in 2013-2014 was 1.17. It is estimated that the implementation of the General Plan would increase the jobs-housing balance by 0.45 to 1.62, which would make the planning area a jobs-rich area. The proposal to regulate and allow mobile food vendors and sidewalk vendors will contribute to the creation and diversification of jobs in the City limits.

4. The anticipated land uses on the subject site would be compatible with existing and future surrounding uses;

   ANALYSIS: That the zone text amendment applies to locations citywide, including the public right-of-way, public streets, Civic Park, and various private properties in 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 Office, I-L Light Industrial, and I-H Heavy Industrial zone district. Sidewalk and mobile vendors have been evaluated and conditioned to limit conflict with existing and future surrounding uses, including limits on hours of operation, restrictions on distance to schools, restrictions on distance brick-and-mortar restaurants, and distance from special events and city-events.

SECTION 5: The City Council of the City of Hanford does ordain that Title 17 is hereby amended as shown in **Exhibit A.**

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 October 6, 2020, by the following roll call vote:

AYES: _____

NOES: _____

Attachment: Ordinance 20-12 (2nd Reading) (CD: ZTA 2020-02 Food Vendors Ordinance)

ABSTAIN: _____

ABSENT: _____

APPROVED

_____
John Draxler
MAYOR of the City of Hanford

ATTEST:

_____
SARAH MARTINEZ
CITY CLERK

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

I, NATALIE ORTEGA, 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 6th day of October, 2020, 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 ____, 2020.

_____
NATALIE ORTEGA
CITY CLERK

Attachment: Ordinance 20-12 (2nd Reading) (CD: ZTA 2020-02 Food Vendors Ordinance)

Exhibit A

TITLE 5

CHAPTER 5.64 MOBILE FOOD VENDORS

5.64.010 MOBILE FOOD VENDING

A. The Hanford City Council finds that mobile food and sidewalk vending creates the potential for safety hazards, including:

1. Interfering with motorist and pedestrian visibility when parked, due to their height and bulk.

2. Creating pedestrian conflicts on already congested sidewalks, forcing pedestrians into the street, due to the queuing of customers on sidewalks.

3. Preventing normal turnover of the City's limited on-street parking spaces, resulting in motorists becoming distracted and slowing traffic while looking for parking spaces.

4. Encouraging pedestrians to cross mid-block to purchase food.

5. Placing equipment and furniture on public sidewalks, creating pedestrian trip and other hazards.

B. The purpose of this chapter is to tailor the City's regulations to address mobile food vending vehicles and sidewalk vendors that operate in the City, in order to advance the City's substantial public interest in protecting public safety.

5.64.020 DEFINITIONS

"Beverages" means and refers to a liquid for drinking that does not contain alcohol.

"Block" means and refers to the segment of a street between adjacent intersections or between an intersection and the terminus of the street or the City boundary.

"Brick and mortar restaurant" means a permanent restaurant business. The term "restaurant" includes the various types of restaurants defined in Section 17.92.020, which definitions are incorporated herein by reference. This definition shall not include limited service drive-thru restaurants (fast food) or businesses primarily engaged in the preparation and sale of beverages.

"City" means the City of Hanford.

"Food" or "foodstuff" means and refers to any substance as defined by Section 113781 of the California Health and Safety Code, defined as a raw, cooked, or processed edible substance, ice, beverage, an ingredient used or intended for use or for sale in whole or in part for human consumption, and chewing gum.

Attachment: Ordinance 20-12 (2nd Reading) (CD: ZTA 2020-02 Food Vendors Ordinance)

"Mobile food vendor" means a person who engages in the sale, display, solicitation or offer for sale, barter, exchange, gift or otherwise of food or beverages from any vending vehicle or non-motorized cart on a public street or private property.

"Peddler" includes every person who carries from place to place, in either a pack, vehicle, basket, or other contrivance, and offers or sells, barters, or exchanges any goods, wares or merchandise (except religious publications, newspapers or periodicals); provided, however, such term shall not apply to commercial travelers selling their goods to merchants and other business establishments, whether for present or future delivery.
"Roaming sidewalk vendor" means a sidewalk vendor who moves from place to place and only stops for a brief time to complete a transaction.

"Sidewalk vendor" and "stationary sidewalk vendor" means a person who sells food, beverages or merchandise from a pushcart, stand, display, pedal driven cart, wagon, showcase, rack, or other non-motorized conveyance or from one's person in a public park, upon a public sidewalk or other pedestrian path.

"Toilet facility" means a fixture maintained with a toilet room for the purpose of defecation or urination or both, as further defined in Health and Safety Code Section 114359.

"Mobile vending vehicle" or "vending vehicle" means and refers to any self-propelled, motorized device by which any person or property may be propelled or moved upon a public street, excepting a device moved exclusively by human power, or which may be drawn or towed by a self-propelled, motorized vehicle, from which foodstuffs are sold, displayed, solicited or offered for sale, bartered, exchanged, given or otherwise.

"Vendor" means any person who operates a vending vehicle, stand or cart, pursuant to this chapter.

5.64.030 BUSINESS LICENSE AND TAXES

All vendors governed by this chapter shall obtain a business license and pay business license taxes pursuant to Chapter 5.04 and 5.08 of this Title. No business license shall be issued without evidence that the vendor has obtained all permits required by this chapter. The original of the City business license, health permit, and any permit required by this chapter shall be displayed conspicuously at all times on the vehicle, stand, or cart, as applicable.

5.64.040 VENDOR REGULATIONS – GENERALLY

A. Vendors shall not display, sell, dispense, or exchange any item other than food and/or beverages within the City limits, unless authorized by a mobile food vendor permit, obtained from the City.

B. Vendors shall maintain a valid California Department of Tax and Fee Administration seller's permit, as required.

C. Vendors shall maintain a copy of a valid Food Vending Permit, issued by the Kings County Department of Public Health, as required.

Attachment: Ordinance 20-12 (2nd Reading) (CD: ZTA 2020-02 Food Vendors Ordinance)

D. Mobile vending vehicles shall not operate in any city-owned parking lot, park, or garage, with the exception of Civic Park.

E. Vendors shall not operate in yellow commercial loading/unloading zones or white passenger loading zones.

F. Vendors shall not stop within twenty-five (25) feet of an intersection when making a sale or attempting to make a sale.

G. Vendors shall not park within ten (10) feet of a structure or another food-vending vehicle.

H. Signage on the mobile food truck is permitted. A-frame signage and/or similar signs shall be prohibited.

I. The vendor shall completely remove all equipment and other materials, including, without limitation, waste materials, from the site upon the conclusion of the vending activities, excepting such interior storage of equipment or materials, as may be allowed on the site with the permission of the owner or operator of the site.

J. Shall pick up, remove, and dispose of all garbage, and/or materials dispensed from the vending vehicle/cart and any residue deposited on the ground from the operation thereof, and otherwise maintain in a clean and debris-free condition the entire area within a twenty-five (25) foot radius of the location where mobile food vending is occurring.

K. Vendors shall not sell or attempt to sell by means of any outcry, sound, speaker or amplifier, or any instrument that violates the City of Hanford noise standard in Chapter 9.10.

L. Vending shall not be permitted directly to persons in other vehicles or from other than the curbside of the vending vehicle when the vehicle is parked in the right-of-way.

M. Vendors shall not use City utility connections, including water and electric, without prior written approval from the City.

N. Vendors shall control smoke and odors caused by food preparation to avoid a public nuisance.

5.64.050 MOBILE VENDING VEHICLES

Mobile vending vehicles operating in the City shall be compliant with the California Fire Code (CFC), California Code of Regulations, Title 19 (CCR), California Mechanical Code (CMC), and the California Health and Safety Code (H&S).

A. Required Inspections. An inspection of the mobile vending vehicle is required by the Fire Department, prior to issuance of a mobile vending permit.

1. Frequency:

a. Mobile vending vehicles with a hood system require an inspection every six (6) months.

Attachment: Ordinance 20-12 (2nd Reading) (CD: ZTA 2020-02 Food Vendors Ordinance)

b. Mobile vending vehicles with a generator require an inspection annually.

2. Requirements:

a. Mobile vending vehicles with a hood system require an extinguishing system and a separate fire extinguisher.

B. Short-Term Operation on Public Streets. In addition to the requirements in Section 5.64.040, a mobile food vending vehicle on a public street, that remains in the same location on a short-term basis, shall comply with Hanford Municipal Code Section 10.16.140, in addition to the following:

1. Shall not conduct business or operate on the same block for longer than ten (10) minutes, and shall not, within a period of four (4) hours, again operate such vehicle within five hundred (500) feet of a prior operating location. Each instance of vending beyond the period authorized for parking per site shall constitute a separate and distinct offense.

2. Shall not be located within two hundred fifty (250) feet of a brick and mortar restaurant business.

3. Shall not conduct business or operate, between the hours of 8:00 a.m. and 5:00 p.m., within one (1) block of any public or private school grounds on days that school is open to students.

4. Shall not conduct business within one (1) block of any City park at which a City-approved and permitted special event is taking place without having obtained a special event permit.

5. Shall only conduct business from a licensed vehicle or licensed trailer on a public street while parked in a designated parking area.

6. Shall, at all times, operate in compliance with the California Vehicle Code, the Hanford Vehicles and Traffic Code, Title 10, and all posted parking, stopping and standing restrictions.

7. Shall not encroach onto a public sidewalk with any part of a vehicle, wagon, trailer or truck or any other equipment or furniture related to the operation of the business without a minimum four (4) foot clearance, including customer queuing areas.

8. Shall provide garbage and recycling receptacles for immediate use by customers; and

9. Shall maintain, at all times during which the vending vehicle is in operation, a policy of general comprehensive liability insurance with limits as approved by the City and insuring against injury or death of a person and for claims of property damage resulting from the applicant's use of the public right-of-way. The City and its officials, officers, employees and agents shall be named as additional insured under such insurance policy, and the applicant shall cause its insurer to waive the right of subrogation with respect to the City and its officials, officers, employees, and agent. The applicant will deliver to the City

endorsements to the applicant's insurance policy as evidence of the satisfaction of these insurance requirements.

C. Long-Term Operation on Public Streets. A mobile vending vehicle that remains in the same location on a public street for a period exceeding the maximum time allowed under subsection A. is prohibited.

D. Operation on Private Property. In addition to the requirements of Section 5.64.040, a mobile vending vehicle on private property shall be subject to the following requirements and limitations:

1. Have written documentation of the property owner's authorization to operate on the property in their possession.

2. Be located on a fully developed parcel. Locations shall have curb, gutter, sidewalk and be paved with a solid material, to provide a durable, dustless surface and shall be so graded and drained as to dispose of surface water, for parking of the mobile food vending vehicle and guests.

3. Be located outside of the required setback area, established by the zone district, in accordance with Title 17.

4. Vendors shall only occupy parking spaces not required to meet the minimum requirements of the current primary use(s) on the property, as required in Section 17.54.040. Use of the primary business(es)' required parking spaces by a vendor is prohibited. The vending facility shall not be placed on landscaped areas, nor shall the vending facility adversely impact any landscaping or landscaped areas.

5. Cannot be located within two hundred fifty (250) feet of a brick and mortar restaurant business, except as follows:

    a. The restaurant and vendor are operated by the same entity; or

    b. The vendor has prior written permission of the brick and mortar restaurant business owner to operate on the property of that existing business; or

    c. The vendor is authorized to locate in Civic Park as part of a certified farmers' market, special event, or specified permit, as allowed in Section 5.64.050 E.

6. If a mobile vending vehicle will be parked at a location for more than one (1) hour, the site must contain toilet facilities for employees on site or within two hundred (200) feet of the vending vehicle. Applicants will be required to submit a letter signed by the party owning or controlling the toilet facilities indicating that the facilities used to fulfill this obligation can be used by the mobile vending vehicle employees.

7. Only be established on sites which have an active business open during the hours of the mobile food vendor's operations. Mobile food vending shall be an ancillary use to the primary business on-site.

Attachment: Ordinance 20-12 (2nd Reading) (CD: ZTA 2020-02 Food Vendors Ordinance)

8. Hours of operation shall be limited to those hours the primary business on the site is open, excepting that where a business is located within one hundred fifty (150) feet of the R-L, R-M, R-H, or O-R zone district, vending shall be prohibited during the hours of 10:00 p.m. to 7:00 a.m.

9. Confine the entire operation on the private property, including queuing of patrons.

10. A temporary use permit may be issued for a time period not to exceed six (6) months for a single location. Rotating vendors are acceptable in the location identified on the temporary use permit. A vendor's permit is required for each mobile vending vehicle. A new permit for the same or a different vending vehicle may not be issued at the location for a minimum of six (6) months.

11. A vending vehicle may remain on private property for more than six (6) months, upon approval of a conditional use permit, in zones as provided in Section 17.08.030 of this code. Rotating vendors are acceptable in the location identified on the temporary use permit. A vendor's permit is required for each mobile vending vehicle.

12. Provide garbage and recycling receptacles for immediate use by customers.

13. Mobile vendor permits are not required for mobile vendors to cater a one (1) day private event or party located on private property with no retail sale to the general public and no admission charge to the event, with the exception that the mobile vendors must have a Food Vending Permit from Kings County and a business license.

E. Operation on City Property and Parks. In addition to the requirements in Section 5.64.040, a mobile food vending vehicle on city property is prohibited, with the following exceptions:

1. As part of a special event, with the appropriate city permits that include food vending operations in City parks.

2. By a special permit issued by the Parks and Community Services Department in designated spaces in Civic Park.

5.64.060 SIDEWALK VENDOR

In addition to the requirements in Section 5.64.040, a sidewalk vendor on a public street, any city right-of-way, or public park, shall comply with Hanford Municipal Code Section 10.16.140 and the following:

A. Ensure that no obstruction is placed on the sidewalk or public right-of-way that would reduce the width of the sidewalk available to pedestrian travel to less than forty-eight (48) inches, exclusive of the top of the curb, in order to maintain Americans with Disabilities Act (ADA) - accessibility standards. No obstruction shall be located on a sidewalk or public right-of-way less than six (6) feet in width when the sidewalk is adjacent to the curb.

Attachment: Ordinance 20-12 (2nd Reading) (CD: ZTA 2020-02 Food Vendors Ordinance)

B. To prevent food-borne illness and protect the health and safety of the city's residents, every sidewalk vendor selling any food or beverage is required to wear a hairnet and food service gloves.

C. Stationary sidewalk vendors shall be prohibited from selling in residentially zoned neighborhoods.

D. Roaming sidewalk vendors are permitted to sell in residentially zoned neighborhoods from 7:00 a.m. to sunset.

E. Sidewalk vending stands and carts shall not exceed eight (8) feet in height, eight (8) feet in length, and four (4) feet in width; shall not impede access to the entrance of any adjacent building or driveway; shall not impede pedestrian right-of-way or vehicle right-of-way (including bike lanes); shall not be located on sidewalks where there is not on-street parking immediately adjacent; and must comply with Americans with Disabilities Act (ADA) and other accessibility standards.

F. Sidewalk vending stands and carts shall not be located within twenty (20) feet of a fire hydrant, fire escape, bus stop, loading zone, ADA-accessible parking space, access ramp, or driveway.

G. Sidewalk vendors shall supply a way to dispose of trash if an existing trash container does not exist within twenty-five (25) feet of the stand or cart. Additionally, sidewalk vendors must maintain the cleanliness of their site and area within twenty-five (25) feet.

H. All sidewalk vending stands, carts, signs, refuse containers and other material set up or provided by the vendor must be removed from the vending site during non-vending hours. Any equipment or objects left in public spaces or in any portion of the public right-of-way may be impounded.

I. To facilitate the enforcement of this chapter, every sidewalk vendor must display their city-issued sidewalk vending permit on the street-side portion of their pushcart, stand, display, pedal-driven cart, wagon, showcase, rack, or other non-motorized conveyance when operating in the public right-of-way or on public property.

J. To prevent unintended rolling or slipping, a sidewalk vendor is prohibited from operating a pushcart, pedal-driven cart, wagon, or other non-motorized conveyance on a public-right-of-way with a slope greater than five (5) percent.

K. A sidewalk vendor is prohibited from operating within five hundred (500) feet of a permitted, certified farmers' market, a permitted swap meet, or any area subject to a temporary use permit for the duration of the permit.

L. Sidewalk vendors vending in a city park may only vend during hours the park is open. Sidewalk vendors may not, however, vend within a city park during a city-approved event when there is an exclusive agreement with one (1) or more concessionaires.

M. Sidewalk vendors are prohibited from having tables and chairs for customer use.

N. Excepting those vendors who have demonstrated an inability to pay, as set forth in Section 5.64.120, all sidewalk vendors shall maintain, at all times during operation, a policy of general comprehensive liability insurance with limits as approved by the City and insuring against injury or death of a person and for claims of property damage resulting from the applicant's use of the public right-of-way. The City and its officials, officers, employees and agents shall be named as additional insured under such insurance policy, and the applicant shall cause its insurer to waive the right of subrogation with respect to the City and its officials, officers, employees, and agent. The applicant will deliver to the City endorsements to the applicant's insurance policy as evidence of the satisfaction of these insurance requirements.

5.64.070 VENDOR APPLICATION

Application for a vendor permit required pursuant to this chapter shall be made upon a form provided by the city's Community Development Department. A vendor permit shall be required in addition to other permits and licenses that may be required, including, without limitation, a city-issued business license, temporary use permit, and/or a conditional use permit, and California Department of Tax and Fee Administration seller's permit. The application shall state in full the following information.

A. Name and address of present place of residence and length of residence at such address, also business address if different than present address.

B. A copy of a California driver's license or identification number, an individual taxpayer identification number, or a social security number. Such information is not public record and will remain confidential as required by Government Code Section 51038(c)(4) or any other statute.

C. A copy of a valid California Department of Tax and Fee Administration seller's permit, as required.

D. A copy of a valid Food Vending Permit issued by the Kings County Department of Public Health, as required.

E. Name and address of the person, firm or corporation or association whom the applicant is employed by or represents and the length of time of such employment or representation.

F. Description of type of commodity or commodities to be vended.

G. Period of time for which the permit is applied.

H. Proposed method, hours, and locations of operation.

I. Signature of applicant.

J. Fingerprints and a background check shall be completed for vendors selling commodities appealing to children, such as ice cream, snow cones, candy and toys. No permit shall be

Attachment: Ordinance 20-12 (2nd Reading) (CD: ZTA 2020-02 Food Vendors Ordinance)

issued to applicants selling these commodities if they are a registered sex offender or are required to be a registered sex offender.

Inaccurate or incomplete information in a vendor permit application shall be a basis for revocation of a permit by the city's Community Development Director or his/her designee.

5.64.080 VENDOR PERMIT

It is unlawful for any person to: (i) sell or attempt to sell any commodity by means of vending such commodity upon on any street or private or public property in the city without first securing a permit and paying the fee therefor; and (ii) violate the conditions applicable to the vendor's permit or business license.

5.64.090 FEES

The city shall, by resolution, establish fees for the issuance and renewal of permits sufficient to offset the city's cost of regulation of vendors. These fees are supplemental to any business license fees and taxes charged to vendors. Vendor permit and business license fees shall be payable upon application. The fees charged are non-refundable.

5.64.100 VIOLATIONS; VENDOR PERMIT SUSPENSION, REVOCATION AND APPEAL PROCEDURES

A. Violation of any condition or restriction contained in this chapter and violation of any condition contained in business license or vendor permit shall be a misdemeanor.

B. Violation of any provisions of this chapter shall constitute a public nuisance. The city may, as a result of violation of this chapter commence a civil action to enjoining a continuing violation and/or the city may pursue the administrative remedies identified in Section 5.64.110.

C. The remedy provisions of this chapter are nonexclusive and supplement any existing rights and remedies available to the city. The provisions of this chapter may be enforced by any remedies provided for in this municipal code or otherwise available in law or equity. Violations of this chapter may be prosecuted criminally, civilly, or administratively, either undertaken separately or in conjunction with other remedies, at the sole discretion of the city. Nothing in this chapter shall be deemed to prevent the city from commencing any administrative, legal, equitable, or criminal proceeding to enforce this chapter, the city's municipal code, or any law

D. Where any provision of this chapter or State law is violated, the Community Development Director or his/her designee has the authority to suspend or revoke the vendor permit. Notification of the suspension or revocation of the vendor permit must be made in writing, must state the reason(s) for the action, and must notify the vendor of the appeal process as set forth in subsection F. of this section. The revocation or suspension shall become effective at the end of the appeal period and, if an appeal is requested, the action shall be stayed pending the decision of the City Council or its designated hearing officer.

Attachment: Ordinance 20-12 (2nd Reading) (CD: ZTA 2020-02 Food Vendors Ordinance)

E. The Community Development Director may suspend a vendor permit for violation of this chapter, and the permit shall remain suspended until the violation is cured to the Community Development Director's reasonable satisfaction. The Community Development Director may revoke a vendor permit for the remaining term of the permit upon a fourth or subsequent violation of this chapter or if a vendor operates while its permit is suspended.

F. Any person who has been denied a mobile food vendor permit or any person whose vendor permit has been suspended or revoked may appeal the decision to the City Council or its designated hearing officer. The appeal and associated fee, which will be established by resolution of the City Council, must be filed with the city's Community Development Director within ten (10) calendar days from the date of the vendor's receipt of the city's decision to deny, suspend, or revoke the permit. The request for appeal shall set forth in detail all facts supporting the appeal. Failure to file a request for appeal by such deadline shall constitute a failure to exhaust administrative remedies. Upon receiving a written request for appeal, the Community Development Director shall set a hearing date before the City Council or designated hearing officer, which shall occur no later than forty-five (45) days from the date of the city's receipt of the written request for appeal. The Community Development Director shall set forth in writing and send to the applicant or permittee, by means of registered mail, certified mail, overnight delivery service, or personal service, notice of the date, time, and place of the hearing at least ten (10) calendar days before the hearing. The City Council or its designated hearing officer shall, at the appeal hearing, consider any written and oral evidence presented to determine whether the suspension, revocation, or denial was in accordance with applicable laws. Formal rules of evidence shall not apply; any relevant evidence may be admitted if it is the sort of evidence upon which reasonable persons are accustomed to rely in the conduct of serious affairs. The decision of the City Council or its designated hearing officer shall be final.

5.64.110 VIOLATION—PENALTY

A. Every person that engages in vending activities without obtaining the required vendor permit shall be subject to administrative fines not to exceed:

1. Two hundred fifty dollars ($250.00) for a first violation; or

2. Five hundred dollars ($500.00) for a second violation within one (1) year of the first violation; or

3. One thousand dollars ($1,000.00) for each additional violation within one (1) year of the first violation.

B. Every person violating any other provision of this chapter shall be subject to an administrative fine not to exceed:

1. One hundred dollars ($100.00) for a first violation; or

Attachment: Ordinance 20-12 (2nd Reading) (CD: ZTA 2020-02 Food Vendors Ordinance)

2. Two hundred dollars ($200.00) for a second violation within one (1) year of the first violation; or

3. Five hundred dollars ($500.00) for each additional violation within one (1) year of the first violation.

C. Failure to pay an administrative fine is not punishable as an infraction or misdemeanor. Additional fines, fees, assessments, or any other financial conditions beyond those authorized will not be assessed. However, the City may levy a lien on the violator's real or personal property, including the vehicle used for vending purposes.

D. An administrative violation constitutes a separate and distinct violation for each day that it exists and each such violation may be subject to the maximum fine permitted under this chapter.

E. Appeals of administration citations shall be subject to the procedures set forth in Section 5.64.100.F. When submitting a written request for appeal, the appealing party shall pay the appeal fee, which shall be established by resolution of the City Council, plus the amount of the administrative fine to which the appealing party is subject; provided however, the appeal fee and fine shall be subject to adjustment or waiver in accordance with Section 5.64.120.

5.64.120 ABILITY TO PAY DETERMINATION

A. Any administrative fine issued to a sidewalk vendor under Section 5.64.110 will be accompanied with a notice of and instruction regarding the right to request an ability-to-pay determination.

B. If the requestor is receiving public benefits under Government Code Section 68632, subdivision (a), or has a monthly income which is one hundred twenty-five (125) percent or less than the current poverty guidelines updated periodically in the Federal Register by the United States Department of Health and Human Services, the Community Development Director will, upon documentary evidence confirming the requestor's financial hardship, limit the total amount of the requestor's appeal fee and administrative fine to twenty (20) percent of the total and may:

1. Allow the person to complete community service in lieu of paying the total administrative fine; or

2. Waive the appeal fee and/or administrative fine; or,

3. Offer an alternative disposition.

TITLE 10

10.16.140 Conditions for use of public right-of-way by peddlers and vendors.

Attachment: Ordinance 20-12 (2nd Reading) (CD: ZTA 2020-02 Food Vendors Ordinance)

A. It is unlawful for any person or entity (collectively "vendor") to stand or park any vehicle, wagon, pushcart or other type of apparatus (collectively "vehicle") from which goods, wares, merchandise, fruits, vegetables or any type of food, refreshments, snacks or meals, hot or cold, are sold, displayed or offered for sale or bartered or exchanged (collectively "food or merchandise") ~~while parked upon any street or public right-of-way which is adjacent to or directly across the street from any school grounds~~ **unless in accordance with Chapter 5.64 of the Hanford Municipal Code .**

~~B. Except as set forth in subsection A of this section, a vendor may sell food or merchandise from a vehicle which is parked upon a street or public right-of-way so long as the vendor's vehicle is: (1) parked at curbside and out of the flow of traffic; (2) does not remain stopped in one location upon the street or public right-of-way for a period longer than ten (10) minutes following the vendor's last sale at that location or the expiration of ten (10) minutes, whichever first occurs; the vendor shall move its vehicle a distance of not less than five hundred (500) feet from its last parked location. The provisions of this subsection shall not apply to persons delivering food or merchandise upon order of or by agreement with, a customer from a store or other fixed place of business or distribution~~.

~~C.~~ **B**. It is unlawful for a vendor to sell, display or offer for sale, barter or exchange any food or merchandise without first obtaining a **Vendor Permit and a** business **license~~. to~~** ~~do so from the director of finance for the city or his/her designee~~

~~D. In the event it is determined by the director of finance for the city or designee, that a holder of a business license issued under this section has violated any of the provisions thereof or of this section, the director of finance or designee may revoke the business license and as a result of the revocation, no other business license shall thereafter be issued to such vendor until six (6) months have elapsed from the date of revocation. The vendor shall have the right to appeal the decision of the director of finance or designee in accordance with the city appeal procedures for revocation of a business license then in effect.~~

~~E.~~ **C. Subject to Chapter 5.64,** vendors may sell and display their goods and wares along the route of a parade, procession, ceremony or similar event prior to the official start time and after the official time when such event is to conclude.

F. **D.** Vendors shall not sell or display their goods or wares along the route of any parade, procession, ceremony or other similar event which proceeds along a public street after the official start time of such event, except that, after the official start time of such event, vendors may sell and display their goods and wares from locations specifically designated for that purpose by the city.

Attachment: Ordinance 20-12 (2nd Reading) (CD: ZTA 2020-02 Food Vendors Ordinance)

Title 17

Zoning Ordinance – Revised

Chapter 17.08

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	Specific Land Use Standards (See identified Section)
A13	Mobile food ~~vendoring~~ or food truck	C T	C T	C T	C T	C T	C T	C T		C T	C T	C T				See Chapter 5.64

Chapter 17.76 TEMPORARY USE PERMITS

17.76.010 Purpose.

A temporary use permit provides a mechanism for administrative review and determination for proposed and qualifying short-term uses and activities to ensure that such activities are consistent with the General Plan and the provisions of this title.

17.76.020 Temporary uses exempt from permit requirements.

The following temporary activities and uses are allowed by right and expressly exempt from the requirement of first obtaining a temporary use permit, provided they conform to the listed development standards:

A. Construction yards, storage sheds, and construction offices (on site) in conjunction with an approved construction project where the yard and/or shed are located on the same site as the approved project.

Attachment: Ordinance 20-12 (2nd Reading) (CD: ZTA 2020-02 Food Vendors Ordinance)

B. Emergency public health and safety facilities established by a public agency.

C. Entertainment and assembly events held within auditoriums, stadiums, or other public assembly facilities, provided the proposed use is consistent with the intended use of the facility.

D. Entertainment and assembly events as part of an allowed permanent use (e.g., race at a raceway).

E. Events held exclusively on City property and that are in conjunction with the City use.

F. Events held exclusively at a school site that are in conjunction with the school use.

G. Events held exclusively on religious institution or facility site and that are in conjunction with that religious institution or facility use.

H. Garage and yard sales held on private property.

I. Outdoor promotional events and seasonal sales related to an existing business with temporary outdoor display and sales of merchandise and seasonal sales in conjunction with an established commercial business that holds a valid business license and is in compliance with the development standards of this title.

J. Storage containers not in conjunction with an approved construction project when located on in a residential zone district for periods less than seventy-two (72) hours when located in nonresidential zone district for periods less than forty-five (45) days.

K. **Sidewalk vendors in accordance with Chapter 5.64.**

17.76.030 Temporary use permit required.

The following temporary activities and uses may be allowed, subject to the issuance of a temporary use permit prior in accordance with this chapter and Chapter 17.70:

A. Any use listed in Table 17.08.020 or Table 17.08.030 that is identified as a temporary use.

B. Construction yards, storage sheds, and construction offices (off-site) in conjunction with an approved construction project, where the yard is located on a site different from the site of the approved construction project.

C. Entertainment and assembly events, including carnivals, circuses, concerts, fairs, festivals, food events, fundraisers, haunted houses, outdoor entertainment/sporting events, and similar events designed to attract large crowds and when not otherwise part of or consistent with a permitted use (e.g., race at a raceway).

Attachment: Ordinance 20-12 (2nd Reading) (CD: ZTA 2020-02 Food Vendors Ordinance)

D. Farmers markets.

E. Temporary sales, including swap meets, flea markets, rummage sales, and similar events in locations not specifically designed for such events.

F. Seasonal sales occurring outdoors when not related to an existing business.

G. Temporary sales offices.

H. Temporary land uses on unimproved or partially improved sites in a zoning district that allows that land use on a permanent basis.

I. Temporary community food banks.

J. **Mobile vending vehicle in accordance with Chapter 5.64. One or more mobile vending vehicles may utilize a designated location. All mobile vending vehicles shall be subject to a separate vendor's permit.**

K. Other temporary activities that the Community Development Director determines are similar in nature and intensity to those identified above.

17.76.040 Development standards.

Standards for height, off street parking spaces, setbacks, and other structure and property development standards that apply to the category of use or the zoning district of the subject parcel shall apply to all temporary activities. The Community Development Director may waive requirements for long-term improvements that exceed the duration of the temporary use, including, but not limited to, landscaping and paving of parking lots.

17.76.050 Temporary improvements on a site.

A. Improvement to property at a level less than what is required by this title may be allowed to support temporary operations on the property yet still ensure public health, safety, and general welfare. This allowance shall not be used to circumvent or deviate from the requirements for public improvements required at the time of subdivision of property.

B. The allowance described in subsection A shall be conducted through the temporary use permit process. The permit shall clearly identify what improvements are to be completed and what requirements are being waived for a limited period of time, as well as the time period for which the permit is valid. A temporary use permit allowing improvements less than required shall only be approved if the improvements to be completed are those minimally necessary to ensure public health, safety, and welfare.

Attachment: Ordinance 20-12 (2nd Reading) (CD: ZTA 2020-02 Food Vendors Ordinance)

C. At the conclusion of the period authorized by the temporary use permit, either the property shall be brought into compliance with the requirements of this title or use of the property shall cease.

17.76.060 Findings.

The reviewing authority shall make all of the following findings to approve or conditionally approve a temporary use permit:

1. The use is a temporary use and will be limited to the specific duration of time that is identified in the temporary use permit.

2. The temporary use will not be detrimental to the health, safety, or general welfare of persons, property, or improvements in the vicinity of the proposed use, or to the general welfare of the City.

3. The temporary use will not function or be located in a manner that restricts access to required parking areas.

4. Approved measures for the removal of the use and site restoration have been required to ensure that no changes to the site would limit the range of possible future land uses otherwise allowed by this title.

5. The approval includes provisions to ensure that each site occupied by a temporary use shall be cleaned of debris, litter, or any other evidence of the temporary use upon completion or removal of the use.

6. The use is consistent with the General Plan, applicable specific plans, and the provisions of this title.

17.76.070 Conditions.

The Community Development Director may place conditions on the temporary use permit, including, but not limited to, buffers, hours of operation, maintenance, lighting, improvements, parking, performance guarantees, property maintenance, signs, surfacing, time limits, and traffic circulation. Conditions must be deemed reasonable and necessary to protect the health, safety, or general welfare.

CHAPTER 17.96 DEFINITION OF LAND USES

17.96.020 Land use definitions.

“Mobile food vendor” or “food truck” means and refers to the sale, display, solicitation or offer for sale, barter, exchange, gift or otherwise of food or beverages from any vending vehicle or non-motorized cart on a public street or highway or private property. (See additional regulations in Chapter 5.64 of the Municipal Code) (A13)

Attachment: Ordinance 20-12 (2nd Reading) (CD: ZTA 2020-02 Food Vendors Ordinance)

Notice of Exemption 2020-35

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

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

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

Project Title: Zone Text Amendment 2020-02 Food Vendor Ordinance

Project Location – City: Hanford **Project Location – County:** Kings County

Description of Nature, Purpose and Beneficiaries of Project: Zone Text Amendment No. 2020-02, A request by the City of Hanford to: - Amend Title 5, adding Chapter 5.64, establishing operating conditions for mobile food vendors; Amend Title 10, Section 10.14.140 conditions for use of public right-of-way by peddlers and vendors was amended to reference the requirements of Section 5.64; Amend Title 17, Section 17.08.030 – Commercial, Office, and Industrial Zone Use Table of the Hanford Municipal Code by adding Mobile Vendors as a temporary use in all commercial zones; Amend Title 17, Section 17.76 to allow mobile vendors as a temporary use; and Amend Title 17, Section 17.96 to amend the definition of mobile food vendor and food trucks;

Name of Public Agency Approving Project: City of Hanford

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 proposed 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 proposed project is a text amendment that is not associated with a physical development; therefore, there are no physical impacts that will result from the project.

Lead Agency
Contact Person: Gabrielle Myers Area Code/ Telephone: (559) 585-2578

Signature: _____ Date: October 6, 2020 Title: Senior Planner

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

Attachment: Notice of Exemption (CD: ZTA 2020-02 Food Vendors Ordinance)

AGENDA
STAFF REPORT

MEETING DATE: 10/20/2020	**AGENDA SECTION:** E

SUBJECT:
Finance Department: Adoption of Resolution Nos. 20-25 and 20-26 designating Authorized Signatories for City of Hanford Bank and Investment Accounts.

RECOMMENDATION:
That the City Council, by motion, Adopt Resolution Nos. 20-25 and 20-26, thereby Authorizing the individuals designated below as well as their successors in the listed positions to represent the City on its bank accounts and investment accounts, namely, City Manager, Finance Director/Treasurer, Finance Manager and Accountant.

BACKGROUND:
The City has several bank and investment accounts. The City Council needs to authorize the appropriate individuals to conduct the City's business and the proper way to take that action is through the appropriate adoption of resolutions. Banks and investment houses rely upon such resolutions to demonstrate who is authorized to conduct the City's business and authorize transactions.

The recommended positions to be authorized to conduct the City's business are:

Position	**Current Incumbent**
City Manager	Mario Cifuentez, II
Finance Director/Treasurer	Eric Frost
Finance Manager	Matthew Kredit
Accountant	Alejandro Solorio Lopez

It is the intent of these resolutions that the successor to each of these positions would be authorized to act on the City's behalf. This will allow the new Finance Director, when appointed, to assume the authorized signatory's role. Two resolutions are recommended. A general resolution showing who is authorized and a specific resolution for the Local Agency

Investment Fund (LAIF) following their format.

FISCAL IMPACT:
The timely management of the City's fiscal resources improves interest earnings and safeguards assets.

ATTACHMENTS:
Resolution 20-25
Resolution 20-26

RESOLUTION NO. 20-25

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HANFORD AUTHORIZING CHANGE IN SIGNATORIES ON CITY BANK CHECKING ACCOUNTS AND INVESTMENT ACCOUNTS INCLUDING THE CALIFORNIA LOCAL AGENCY INVESTMENT FUND (LAIF) AND TULARE COUNTY LOCAL GOVERNMENT INVESTMENT POOL (TCLGIP)

WHEREAS, the City Council is responsible for authorizing personnel to endorse and sign City General and Payroll checking and other accounts, and to transfer funds to/from the City investment accounts including Local Agency Investment Fund (LAIF) and Tulare County Local Government Investment Pool as well as other investment accounts; and

WHEREAS, effective September 29, 2020, Eric Frost started with the City of Hanford as the City's Interim Finance Director/Treasurer;

WHEREAS, due to staffing changes, the City Council is requested to consider authorizing a change to the signatories on the City Bank Accounts and City investment accounts including Local Agency Investment Fund (LAIF) and Tulare County Treasurer's Local Government Investment Pool accounts; and

WHEREAS, Staff recommends amending the authorized signors adding Eric Frost; and

WHEREAS, to maintain the highest possible level of internal controls, and to preserve the flexibility needed to assure prompt payment of claims and investment of idle cash, the City Council is requested to consider authorizing the change in signatories to include the following individuals:

City Manager	Mario Cifuentez, II
Finance Director/Treasurer	Eric Frost
Finance Manager	Matthew Kredit
Accountant	Alejandro Solorio Lopez

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hanford that the following officers and their successors shall be authorized signatories for the General, Payroll, Revolving Loan, Checking and other Accounts, and City Investment Accounts including Local Agency Investment Fund (LAIF) and Tulare County Local Government Investment Pool (TCLGIP):

Attachment: Resolution 20-25 (Finance: Authorized Signatures on Financials)

Position	Current Incumbent
City Manager	**Mario Cifuentez, II**
Finance Director/Treasurer	**Eric Frost**
Finance Manager	**Matthew Kredit**
Accountant	**Alejandro Solorio Lopez**

PASSED AND ADOPTED by the City Council of the City of Hanford at a regular meeting duly held on the 20th day of October, 2020, by the following vote:

AYES: _____

NOES: _____

ABSENT: _____

ABSTAIN: _____

_____

John Draxler
MAYOR of the City of Hanford

ATTEST:

_____

Natalie Ortega
Interim City Clerk

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

I, Natalie Ortega, Interim City Clerk of the City of Hanford, do hereby certify the forgoing Resolution was duly passed and adopted at a regular meeting of the City Council of the City of Hanford held on the 20th day of October, 2020.

Attachment: Resolution 20-25 (Finance: Authorized Signatures on Financials)

Dated: _____

_____
Interim City Clerk
Natalie Ortega

Attachment: Resolution 20-25 (Finance: Authorized Signatures on Financials)

RESOLUTION NO. 20-26

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HANFORD AUTHORIZING INVESMENT 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 20th day of October, 2020 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 al local agency for the purpose 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 interest of the City of Hanford.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Hanford officers holing 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.

Position	**Current Incumbent**	**Signature**
City Manager	**Mario Cifuentez, II**	_____
Finance Director/Treasurer	**Eric Frost**	_____
Finance Manager	**Matthew Kredit**	_____
Accountant	**Alejandro Solorio Lopez**	_____

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.

PASSED AND ADOPTED by the City Council of the City of Hanford at a regular meeting duly held on the 20th day of October, 2020, by the following vote:

Attachment: Resolution 20-26 (Finance: Authorized Signatures on Financials)

AYES: _____

NOES: _____

ABSENT: _____

ABSTAIN: _____

_____

John Draxler
MAYOR of the City of Hanford

ATTEST:

_____

Natalie Ortega
Interim City Clerk

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

I, Natalie Ortega, Interim City Clerk of the City of Hanford, do hereby certify the forgoing Resolution was duly passed and adopted at a regular meeting of the City Council of the City of Hanford held on the 20th day of October, 2020.

Date: _____

_____

Interim City Clerk
Natalie Ortega

Attachment: Resolution 20-26 (Finance: Authorized Signatures on Financials)

AGENDA
STAFF REPORT

MEETING DATE: 10/20/2020	**AGENDA SECTION:** A

SUBJECT:
Administration: Adoption of Resolution 20-28-R in support of Proposition 20.

RECOMMENDATION:
That the City Council, by motion, Adopt Resolution 20-28-R, indicating support from the City of Hanford for Proposition 20, which appropriately reclassifies as "violent" some heinous crimes currently categorized as "nonviolent" to ensure those convicted of these crimes serve their full sentences. Proposition 20 will protect our communities from violent offenders by preventing early release of those who have committed these serious crimes.

BACKGROUND:
Proposition 20 addresses two urgent and costly issues facing California cities - rising violent crime, and an increase in retail theft. Proposition 20 creates two additional categories of punishable crimes with increased penalties to address "serial" theft and "organized retail" theft, crimes that deeply affect our already struggling small businesses and residents.

In 2016, Proposition 47 reduced theft under $950 to a simple misdemeanor, allowing offenders to steal repeatedly with virtually no consequence, provided each theft is below the $950 threshold. As a result of this action, habitual retail theft is affecting the small businesses in our communities. Theft has increased by 12 to 25 percent, with losses of more than $10 billion dollars and counting, since the passage of Proposition 47 four years ago. This puts a strain on the already decreased local sales tax revenues related to COVID-19. Proposition 20 would create two additional categories of punishable crimes with increased penalties to address "serial" theft and "organized retail" theft, crimes that deeply affect our already struggling small businesses and residents.

Under current law, violent crimes that impact our communities, such as domestic violence, date rape, sex trafficking of children, and assault with a deadly weapon, are considered "nonviolent" offenses. Proposition 20 would change this and better protect our communities from violent offenders. Thousands of offenders convicted of violent crimes, currently classified as "non-violent," are eligible for early prison release, without serving their full sentences and with no

prior notice to their victims. Proposition 20 would reclassify these crimes, preventing early release and requiring notification to victims.

This resolution would show the City of Hanford's support for tougher penalties for all crimes and offer support for our law enforcement organizations.

FISCAL IMPACT:
No impact to the City of Hanford

ATTACHMENTS:
20-28-R
Prop 20 vs. Prop. 47
Prop 20 QA

RESOLUTION NO. 20-28

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HANFORD SUPPORTING PROPOSITION 20: THE REDUCING CRIME AND KEEPING CALIFORNIA SAFE ACT

WHEREAS, protecting every person in our state, including our most vulnerable children, from violent crime is of the utmost importance. Murderers, rapists, child molesters, and other violent criminals should not be released early from prison; and

WHEREAS, recent changes to parole laws allowed the early release of dangerous criminals by the law's failure to define certain crimes as "violent." These changes allowed individuals convicted of sex trafficking of children, rape of an unconscious person, felony assault with a deadly weapon, battery on a police officer or firefighter, and felony domestic violence to be considered "nonviolent offenders"; and

WHEREAS, as a result, these so-called "non-violent" offenders are eligible for early release from prison after serving only a fraction of the sentence ordered by a judge; and

WHEREAS, a total of 33 of the state's 58 counties saw increases in their violent crime rates in 2017; and

WHEREAS, this measure reforms the law so felons who violate the terms of their release can be brought back to court and held accountable for such violations; and

WHEREAS, nothing in this act is intended to create additional "strike" offenses which would increase the state prison population, nor is it intended to affect the ability of the California Department of Corrections and Rehabilitation to award educational and merit credits; and

WHEREAS, recent changes to California law allow individuals who steal repeatedly to face few consequences, regardless of their criminal record or how many times they steal; and

WHEREAS, grocery store operators around the state have seen unprecedented increases in the amount of losses associated with shoplifting in their stores, with some reporting up to 150% increases in these losses; and

WHEREAS, shoplifting incidents have started to escalate in such a manner that have endangered innocent customers and employees; and

WHEREAS, since 2014, the total value of stolen property has increased every year. In 2018, the total value of stolen property in California was 32% higher than the total in 2014; and

WHEREAS, Propositions 47 & 57 and AB 109 have essentially legalized theft and led to local businesses no longer reporting thefts and an increase in thefts and exploitation of the reduced consequences.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Hanford herby supports Proposition 20: The Reducing Crime and Keeping California Safe Act.

Attachment: 20-28-R (Admin: Prop 20 Support)

PASSED AND ADOPTED by the City Council of the City of Hanford at a regular meeting duly held on the 20th day of October, 2020, by the following vote:

AYES: _____

NOES: _____

ABSENT: _____

ABSTAIN: _____

_____

John Draxler
MAYOR of the City of Hanford

ATTEST:

_____

Natalie Ortega
Interim City Clerk

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

I, Natalie Ortega, Interim City Clerk of the City of Hanford, do hereby certify the forgoing Resolution was duly passed and adopted at a regular meeting of the City Council of the City of Hanford held on the 20th day of October, 2020.

Date: _____

_____

Interim City Clerk
Natalie Ortega

Attachment: 20-28-R (Admin: Prop 20 Support)

Proposition 20
FIXING PROP. 47 — NOT REPEALING IT

Prop. 47	Proposition 20
Raised the theft limit from $450 to $950	Prop. 20 doesn't change that
Made drug possession a misdemeanor	Prop. 20 doesn't change that
Made petty theft a misdemeanor	Prop. 20 changes that ONLY when the theft is from a repeat/serial offender
Made drug possession and theft a misdemeanor, weakening DNA collection on "indicator crimes," which a report issued by Jerry Brown scientifically connected to serial rape and homicide	Prop. 20 changes that by setting a higher standard for DNA collection on misdemeanor drug possession, theft and domestic violence convictions, helping law enforcement solve more violent crimes and/or exonerate those wrongly accused
Made drug possession and theft a misdemeanor, reducing the use and effectiveness of court-imposed drug addiction programs	Prop. 20 once again makes California's successful drug courts an integral part of our criminal justice system

Attachment: Prop 20 vs. Prop. 47 (Admin: Prop 20 Support)

yes20
Protect Victims of Violent Crime

Ad paid for by Yes on 20 – Keep California Safe, a Project of the California Public Safety Partnership Issues Committee
Committee major funding from
Devin Nunes Campaign Committee
San Bernardino County Sheriff's Employees' Benefit Association
Funding details at www.fppc.ca.gov

GOT QUESTIONS? WE'VE GOT ANSWERS!

Q1: Does this initiative repeal Propositions 47 and 57 or AB 109?

A1: No. This initiative fixes very specific flaws contained in Props 47 and 57 and AB 109 but does not repeal them. Specifically, it corrects four components of these initiatives and legislation that are adversely impacting public safety and victims:

- Reclassifies currently "nonviolent" crimes like rape of an unconscious person, sex trafficking of a child and felony domestic violence as "violent" — to prevent the early release of inmates convicted of these crimes
- Restores "teeth" to theft laws for serial thieves and organized theft gangs, which were removed under Prop. 47 leading to rampant and blatant abuse
- Reinstates DNA collection for those convicted of theft, domestic violence, drug and other crimes that are directly connected to more violent crimes and will help to solve rape, murder and other violent crimes — and to exonerate those wrongly accused
- Provides increased information and communication for courts, public defenders, DAs, sheriffs and victims; requires hearing for serial parole violators; adds factors for the Board of Parole Hearings consideration

Q2: The Attorney General's Office estimates the initiative will cost anywhere from a couple million to tens of millions of dollars annually. Isn't that too expensive?

Attachment: Prop 20 QA (Admin: Prop 20 Support)

A2: An estimated $78 worth of property is stolen **every second** in California.[1] What's more, illegal drug use costs California **$44 billion** annually through early death, impaired driving and violence[2] — yet Prop. 47 removed a judge's ability to impose court ordered drug rehabilitation programs to help those serial offenders to turn their lives around. Today, the courts can still provide the incentive to addicts by the promise of clearing their misdemeanor records but it's **purely voluntary**, and since there's no threat of jail time or a felony record, their incentive is very low.

So, dedicating a few million dollars to re-incentivize drug court, crack down on serial theft, and help prevent truly violent predators from re-offending is certainly an investment worth making — saving property, lives and even tax dollars over time.

Q3: Doesn't this put thousands more people in prison?

A3: No. This claim is either a misunderstanding or misrepresentation of the initiative. The initiative doesn't put **any** additional people in prison. It is specifically written to ensure that truly violent criminals are not released early; to help law enforcement solve more violent crimes; and to restore "teeth" to serial theft laws allowing the courts to sentence repeat offenders to county jail, thereby protecting property and once again making California's successful drug courts an integral part of our criminal justice system.

Q4: Some opponents allege that the initiative is racially biased claiming that most drug offenders who are arrested are Black and Latino. Is this true?

A4: The changes made within the initiative are to California government codes which, by law, must be applied equally to all. As to the demographic makeup of drug offenders, we defer to the California Dept. of Justice, which states that there were just over 28,000 felony drug arrests in 2018[3], and of those 35.6% were White, 42.2% were Hispanic, 15.3% were Black and 6.8% were other ethnicities. During that same year there were just under 188,000 non-marijuana misdemeanor drug arrests, of which 44.4% were White, 39.8% Hispanic, 10.8% Black and 5% Other. When compared to the state's census breakdown — which is 36.8% White, 39.3% Hispanic, 6.5% Black and 21.3% Other — it would appear that Whites and Blacks are somewhat overrepresented in arrests, while "other" ethnicities are quite underrepresented. It is important to also remember that the initiative does not change Prop. 47 with regard to drug possession, which remains a misdemeanor.

However, since the initiative restores the incentive for drug addicts (who repeatedly steal to support their addiction) to complete rehabilitation programs through our successful drug court system, turn their lives around and **expunge** their criminal records through deferred entry of judgment (DEJ) — a benefit that Prop. 47 deprived them of — an argument could be made that the initiative offers a unique **benefit** to those whose addiction is a significant contributing factor to their criminal behavior.

Q5: The legislature passed AB 1065 to deal with serial theft, so hasn't that problem already been solved?

A5: Sadly, no. As we pointed out to the Legislature at the time, this law does little to solve serial theft since it requires law enforcement to establish probable cause at the point of arrest and for prosecution to prove conspiracy with the intent to resell and requires multiple convictions within a short period of time — which is extremely difficult, time intensive and not a cost-effective use of taxpayer monies.

On the other hand, Proposition 20 practically, effectively and fairly addresses the state's serial and organized theft crisis, created by Prop. 47, which increased the threshold for theft to be considered a felony from $450 to $950. Theft has increased by 12-25 percent, with losses of more than $10 billion and counting since its passage.[4]

The initiative revises the theft threshold by giving the courts the authority to charge a misdemeanor or a felony for serial theft when a person has been convicted twice and arrested a third time for stealing at a value of at least $250 (value threshold lowered from $950 to $250 for the third time only). Unlike AB 1065, the initiative does not require a conspiracy conviction and defines "organized theft" as just two or more persons working in concert to steal. The initiative also addresses the rampant theft problem of credit/debit and identity theft. Given that these crimes are so intrusive into the lives of their victims, the initiative returned the authority to the courts providing them the flexibility to address each criminal act on its own merit.

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[1]https://www.zdnet.com/article/california-abandons-2-billion-court-management-system/
[2]https://www.sciencedaily.com/releases/2017/02/170217012901.htm
[3]Crime in California, 2018, California Department of Justice
[4]openjustice.doj.ca.gov

yes20
Protect Victims of Violent Crime

Ad paid for by Yes on 20 – Keep California Safe, a Project of the California Public Safety Partnership Issues Committee
Committee major funding from
Devin Nunes Campaign Committee
San Bernardino County Sheriff's Employees' Benefit Association
Funding details at www.fppc.ca.gov

AGENDA
STAFF REPORT

MEETING DATE: 10/20/2020	**AGENDA SECTION:** B

SUBJECT:
Public Works: Approval of an Annual contract with Zenner Performance Meters for the purchase of replacement Automated Meter Reading equipment from, for use in the Water Utility, in an amount not to exceed $100,000.

RECOMMENDATION:
That the Council, by motion, approve an Annual contract with Zenner Performance Meters for the purchase of replacement Automated Meter Reading equipment from, for use in the Water Utility, in an amount not to exceed $100,000.

BACKGROUND:
The City of Hanford had previously contracted with Datamatic Limited to utilize their Firefly units for Automated Meter Reading (AMR) within the water system. Approximately 10 years ago, Zenner Performance Meters acquired Datamatic and began working with the City to replace the outdated equipment that would no longer work on our system. Since that time, the City's entire AMR system has been converted with great success and currently is operating at about 99% reliability, which helps streamline the customer billing process and provides reliable data to City's utility customers.

The equipment installed at each location consists of a meter, a transceiver, and the automated meter reader itself. It is the AMR system that sends usage information to the city for monitoring of the water system and billing information. Of the 17,000 AMR's installed, approximately 20 units fail each week, or about 1000 per year. The cost to replace each unit is $90. Replacing these units as they fail allows the system to function as intended without requiring a manual read of the meter.

In the past, City would purchase this equipment utilizing the Utility operating budget. However, new Finance directives require that a purchase order be issued prior to the purchase of equipment. This Purchase Order in the amount of $100,000 will cover the cost of all

replacement units for the year, thereby eliminating the need for Council to approve multiple purchase orders, over the course of the year, as more units are needed.

FISCAL IMPACT:
The FY 2021 budget includes $230,000 in the AMR Replacement Account to fund the purchase of replacement AMR equipment.

ATTACHMENTS:
Budget page

FOR 2021 13

JOURNAL DETAIL 2021 13 TO 2021 13

ACCOUNTS FOR: 29100000 WATER CAPITAL & RESERVE	ORIGINAL APPROP	TRANFRS/ ADJSTMTS	REVISED BUDGET	YTD EXPENDED	ENC/REQ	AVAILABLE BUDGET	PCT USED
821637 AMR REPLACEMENT PROGRAM							
29100000 821637 AMR REPLACEMENT	250,722	0	250,722	.00	.00	250,722.00	.0%
TOTAL AMR REPLACEMENT PROGRAM	250,722	0	250,722	.00	.00	250,722.00	.0%
TOTAL WATER CAPITAL & RESERVE	250,722	0	250,722	.00	.00	250,722.00	.0%
TOTAL EXPENSES	250,722	0	250,722	.00	.00	250,722.00	

Attachment: Budget page (PW: $100,000 Purchase order to Zenner for the purchase of replacement AMR equipment.)

AGENDA
STAFF REPORT

MEETING DATE: 10/20/2020	**AGENDA SECTION:** C

SUBJECT:
Public Works: Authorization for the purchase of street right-of-way, located at the southwest corner of 12th Avenue and W Springcrest Street from James Lair and Francis Barrios, in the amount of $16,900 plus escrow fees

---

RECOMMENDATION:
That the City Council, by motion:

1. Authorize the purchase of street right-of-way located at the southwest corner of 12th Avenue and W Springcrest Street from James Lair and Francis Barrios, as shown on the attached map, in the amount of $16,900 plus escrow fees;
2. Accept the attached Grant Deed and authorize the City Manager to execute and the City Clerk to attest and file said deeds with the Kings County Recorder's Office; and
3. Accept the attached Right of Way Agreement and authorize City staff to execute said agreement for (APN 011-040-012).

BACKGROUND:
City staff is preparing construction plans and coordinating the acquisition of street right of way necessary for the road widening improvements located at the intersection of 12th Avenue and W Springcrest Street to 500 feet south. The right of way is necessary for development of street improvements, including curb ramps, utility relocations, and the installation of sidewalks and curb and gutters.

FISCAL IMPACT:
The FY 20/21 Capital Improvement Program Budget provided $35,000 for land acquisition for this project, which is anticipated to be enough to fully fund this purchase. A copy of the budget page is attached for Council review.

ATTACHMENTS:
Right of Way Agreement 011-040-012
Grant Deed 011-040-012
Budget PAge

PARCEL NO.: 011-040-012
PROJECT: City of Hanford – 12th Ave Widening from Springcrest Street South 500 Feet
OWNER: James Lair and Francis Barrios

RIGHT OF WAY AGREEMENT

THIS AGREEMENT is made and entered into by and between

James Lair and Francis Barrios

(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 property particularly described therein ("Property"), will be 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 public improvement, except as stated in Paragraphs 2.E. and 2.F. below.

2. The City shall:

A. PAYMENT - Pay to the order of the Grantor the sum of $16,900 as consideration in full for the Property, for the loss, replacement and moving of any improvements, and for entering into this Agreement. Said sum shall be paid when title to the Property has vested in City free and clear of all liens, encumbrances, assessments, easements and leases recorded or unrecorded, except for recorded public utility easements and public right of way.

B. RECORDATION OF INSTRUMENT - Accept the Deed 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 any escrow, title insurance, and recording fees incurred in this transaction.

Attachment: Right of Way Agreement 011-040-012 (PW: Authorize the purchase of street right-of-way at the SW corner of 12th Ave and

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 the Deeds record, together with penalties and interest thereon, and/or delinquent and unpaid non-delinquent assessments which have become a lien as of the date of recordation of the Deeds.

E. CONSTRUCTION AND RESTORATION – The City shall, upon completion of construction, generally restore Grantor's remaining real property to a comparable or better condition than that which existed prior to City's project construction, to the extent reasonably practical. At no expense to the Grantor and at the time of construction, City will reconnect Grantor's existing driveway(s) to the adjacent public road at their present location and will relocate any impacted fences to the new right of way line. Upon completion of construction of said driveway(s), it/they will be considered as an encroachment under permit onto the adjacent public road, and is/are to be maintained, repaired and operated as such by Grantor in accordance with and subject to the laws, rules, and regulations of the public entity controlling said road.

Permission is hereby granted to City or its authorized agent to enter on Grantor's land to conform and reconnect Grantor's driveway(s) and relocate any fences as described herein. Grantor understands and agrees that after completion of the work described, said driveway(s) and fences will be considered as Grantor's sole property and Grantor will be responsible for their future maintenance and repair.

F. INDEMNIFICATION - Indemnify and hold harmless Grantor from any and all claims, damages, costs, judgments, or liability proximately caused by City or its officers, employees, or agents specifically arising from City construction and restoration work on the 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. Grantor shall cooperate with the Escrow Officer in obtaining lien clearance documents from any and all creditors holding liens against the Property.

B. LEASE INDEMNIFICATION - Warrants there are no oral or written leases on all or any portion of the Property, 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.

C. PERMISSION TO ENTER - Hereby grants to the City, its agents and contractors, permission to enter the Property prior to the close of escrow for the purposes of preparation for the construction of the City's facilities, subject to all applicable terms and conditions contained in this Agreement and the associated Deed.

Attachment: Right of Way Agreement 011-040-012 (PW: Authorize the purchase of street right-of-way at the SW corner of 12th Ave and

D. TITLE INDEMNITY AND WARRANTY - In consideration of the City waiving the requirements to clear any defects and imperfections in all matters of record title, the Grantor indemnifies and holds the City harmless from any and all claims that other parties may make or assert on the title to the Property. Grantor's obligation to indemnify the City shall not exceed the amount paid to the Grantor under this Agreement. Grantor hereby represents and warrants that he/she/they are the sole vested owners of the Property, holding all ownership and possessory rights, and are the authorized signatories to grant the rights referenced in this Agreement without conflict or claims from other parties.

E. HAZARDOUS SUBSTANCES - Represents and warrants, to the best of Grantor's knowledge, and after reasonable inquiry, the following:

During Grantor's ownership of the Property, Grantor knows of no disposal, releases, or threatened releases of hazardous substances on, from, or under the Property or Grantor's remaining adjacent property. Grantor further represents and warrants that Grantor has no knowledge of disposal, release, or threatened release of hazardous substances on, from, or under the Property, or Grantor's remaining adjacent property, which may have occurred prior to Grantor's ownership.

There is no pending claim, lawsuit, agency proceeding, or any administrative challenge concerning the presence or use of hazardous substances on or within the Property or Grantor's remaining adjacent property.

Grantor has not used the Property, or Grantor's remaining adjacent property, for any industrial operations that use hazardous substances. Grantor is not aware of any prior use of such property. Grantor has not installed any underground storage tanks, above ground storage tanks, barrels, sumps, impoundments or other containers used to contain hazardous substances on any part of the Property or Grantor's remaining adjacent property. Grantors are not aware of any such prior installations. The purchase price of the Property being acquired reflects the fair market value of the Property without the presence of contamination. If the Property is found to be contaminated by the presence of hazardous substances which require mitigation under Federal or State law, City may elect to recover its cleanup costs from those who caused or contributed to the contamination.

F. TAX REPORTING AND WITHHOLDING - The Foreign Investment in Real Property Tax Act of 1980 ("FIRPTA"), as amended by the Tax Reform Act of 1984, places special requirements for tax reporting and withholding on the parties to a real estate transaction where the transferor (Grantor) is a non-resident alien or non-domestic corporation or partnership, or is a domestic corporation or partnership controlled by a non-resident or non-resident corporation or partnership. In accordance with the provisions of Section 1445 of the Internal Revenue Code of 1954, as amended, and any regulations promulgated thereunder, Grantor shall execute an affidavit under penalty of perjury setting forth Grantor's name, address, federal tax identification number, and certifying whether Grantor is a "foreign person" in accordance with the provisions of the Internal Revenue Code. Further, tax withholding may be required in accordance with the California Revenue and Taxation Code Section 18662. It is specifically understood and agreed by Grantor that closing of this escrow is subject to, and contingent upon, deposit into escrow of a FIRPTA Affidavit of Non-Foreign Status and a California Form 593-C,

Attachment: Right of Way Agreement 011-040-012 (PW: Authorize the purchase of street right-of-way at the SW corner of 12th Ave and

Real Estate Withholding Certificate and associated required paperwork, completed and signed by Grantor, and Escrow Agent is hereby authorized and instructed to withhold from Grantor's proceeds amounts so required by these laws and to forward any amounts withheld to the appropriate taxing authority.

4. The Parties agree:

A. ESCROW - At City's option, to open an escrow in accordance with this Agreement at an escrow company of City's choice. Opening an escrow shall be at City's sole discretion and City may decide to process this transaction without the use of an escrow agent. However, if an escrow agent is utilized, this Agreement constitutes the joint escrow instructions of City and Grantor, and the escrow agent to whom these instructions are delivered is hereby empowered to act under this Agreement. The parties hereto agree to do all acts necessary to close this escrow in the shortest possible time.

If an escrow is utilized, as soon as possible after opening of escrow, City will deposit the executed Deeds by Grantor, with Certificate of Acceptance attached, with the escrow agent on Grantor's behalf. City agrees to deposit the purchase price upon demand of escrow agent. City and Grantor agree to deposit with escrow agent all additional instruments as may be necessary to complete this transaction. All funds received in this escrow shall be deposited with other escrow funds in a general escrow fund account(s) and may be transferred to any other such escrow trust account in any State or National Bank doing business in the State of California. All disbursements shall be made by check or wire transfer from such account.

Any taxes which have been paid by Grantor, prior to opening of this escrow, shall not be pro-rated between City and Grantor, but Grantor shall have the sole right after close of escrow, to apply to the County Tax Collector of said County for any refund of such taxes which may be due Grantor for the period after City's acquisition.

i) ESCROW AGENT DIRECTIVES - Escrow Agent is authorized to, and shall:

a) Pay and charge Grantor for any unpaid delinquent taxes and/or any penalties and interest thereon, and for any delinquent assessments or bonds against that portion of Grantor's property subject to this transaction as required to convey clear title.

b) Pay and charge City for any escrow fees, charges and costs payable under Paragraph 2.C. of this Agreement;

c) Disburse funds and deliver Deeds when conditions of this escrow have been fulfilled by City and Grantor.

d) Following recording of Deeds from Grantor, if requested by City, provide City with a CLTA Standard Coverage Policy of Title Insurance in the amount of

Attachment: Right of Way Agreement 011-040-012 (PW: Authorize the purchase of street right-of-way at the SW corner of 12th Ave and

$16,900 issued by Title Company of City's choice showing that title to the Property is vested in City, subject only to the following exceptions, and the printed exceptions and stipulations in said policy:

1) Real Property Taxes for the fiscal year in which escrow closes;

2) Public utility easements and public rights of way;

3) Other items that may be approved in writing by City in advance of the close of escrow.

ii) CLOSE OF ESCROW - The term "close of escrow", if and where written in these instructions, shall mean the date necessary instruments of conveyance are recorded in the office of the County Recorder. Recordation of instruments delivered through this escrow is hereby authorized.

B. MISCELLANEOUS REALTY ITEMS ACQUIRED - Payment in Clause 2.A. includes, but is not limited to, payment for 1,320 sq. ft. of asphalt/gravel drive and one shrub, which are considered to be part of the realty and are being acquired by City in this transaction.

C. JUDGMENT IN LIEU OF DEED - In the event Grantor does not 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 Property, 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.

D. 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.

E. 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.

F. CITY COUNCIL APPROVAL - This Agreement is subject to and conditioned upon approval 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.

G. 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.

H. ELECTRONIC AND FACSIMILE SIGNATURES - In the event that the parties hereto utilize electronic or facsimile documents which include signatures, such documents shall be

Attachment: Right of Way Agreement 011-040-012 (PW: Authorize the purchase of street right-of-way at the SW corner of 12th Ave and

accepted as if they bore original signatures provided that documents bearing ORIGINAL SIGNATURES are provided following transmittal of the electronic or facsimile signature. Documents for recordation by the Clerk Recorder must contain original signatures.

I. 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.

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

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

GRANTOR:
James Lair and Francis Barrios

By: _____ Date: 10-8-2020
James Lair

By: _____ Date: 10-8-2020
Francis Barrios

GRANTOR'S ADDRESS:
James Lair and Francis Barrios
11342 12th Avenue
Hanford, CA 93230

CITY OF HANFORD

By: _____ Date: _____
Name:
Title:

MAILING ADDRESS OF CITY:
The City of Hanford
Public Works Department
900 S. 10th Avenue
Hanford, CA 93230

Attachment: Right of Way Agreement 011-040-012 (PW: Authorize the purchase of street right-of-way at the SW corner of 12th Ave and

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,

JAMES LAIR AND FRANCIS BARRIOS, Husband and Wife as Joint Tenants,

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 Plat "A-1" attached.

A.P.N. 011-040-012

Dated October 8, 2020

JAMES LAIR

FRANCIS BARRIOS

State of California)
)ss
County of Kings)

On Oct. 8, 2020, before me, Katherin Mireles, Notary public personally appeared James Lair and Francis Barrios,

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 Katherin Mireles

KATHERIN MIRELES
Notary Public - California
Kings County
Commission # 2280504
My Comm. Expires Mar 11, 2023

Place Notary Seal Above

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.

MAIL TAX STATEMENTS AS DIRECTED ABOVE

Attachment: Grant Deed 011-040-012 (PW: Authorize the purchase of street right-of-way at the SW corner of 12th Ave and Springcrest St)

DEED CERTIFICATION

This is to certify that the interest in real property conveyed by the Grant Deed dated

_____, 20_____ from

JAMES LAIR AND FRANCIS BARRIOS, Husband and Wife as Joint Tenants,

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: _____, 2020

CITY OF HANFORD,
a Municipal Corporation

By:_____
Mario Cifuentez, City Manager

Attest: _____
, City Clerk

Attachment: Grant Deed 011-040-012 (PW: Authorize the purchase of street right-of-way at the SW corner of 12th Ave and Springcrest St)

EXHIBIT "A"

LEGAL DESCRIPTION

THAT PORTION OF THE SOUTH 155.00 FEET OF THE EAST 440.00 FEET OF THE NORTH HALF OF THE NORTH HALF OF THE SOUTH 40.00 ACRES OF THE EAST HALF OF THE NORTHEAST QUARTER OF SECTION 3, TOWNSHIP 19 SOUTH, RANGE 21 EAST, MOUNT DIABLO BASE AND MERIDIAN, ACCORDING TO THE OFFICIAL PLATS THEREOF, IN THE COUNTY OF KINGS, STATE OF CALIFORNIA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF THE ABOVE DESCRIBED PROPERTY;

THENCE SOUTH 00°00'00" EAST, ALONG THE EAST LINE OF SAID NORTHEAST QUARTER, A DISTANCE OF 155.00 FEET TO THE SOUTHEAST CORNER OF SAID NORTH HALF OF THE NORTH HALF OF THE SOUTH 40.00 ACRES OF THE EAST HALF OF THE NORTHEAST QUARTER;

THENCE NORTH 89°15'24" WEST, ALONG THE SOUTH LINE OF SAID NORTH HALF OF THE NORTH HALF OF THE SOUTH 40.00 ACRES OF THE EAST HALF OF THE NORTHEAST QUARTER, A DISTANCE OF 42.00 FEET TO A POINT LYING 42.00 FEET, MEASURED PERPENDICULAR, WEST OF THE EAST LINE OF SAID NORTHEAST QUARTER;

THENCE NORTH 00°00'00" EAST, ALONG A LINE 42.00 FEET WEST OF AND PARALLEL WITH SAID EAST LINE OF THE NORTHEAST QUARTER, A DISTANCE OF 132.42 FEET;

THENCE NORTH 44°55'40" WEST A DISTANCE OF 32.31 FEET TO A POINT ON THE NORTH LINE OF SAID SOUTH 155.00 FEET;

THENCE SOUTH 89°15'24" EAST, ALONG THE NORTH LINE OF SAID SOUTH 155.00 FEET, A DISTANCE OF 64.83 FEET TO THE **POINT OF BEGINNING**.

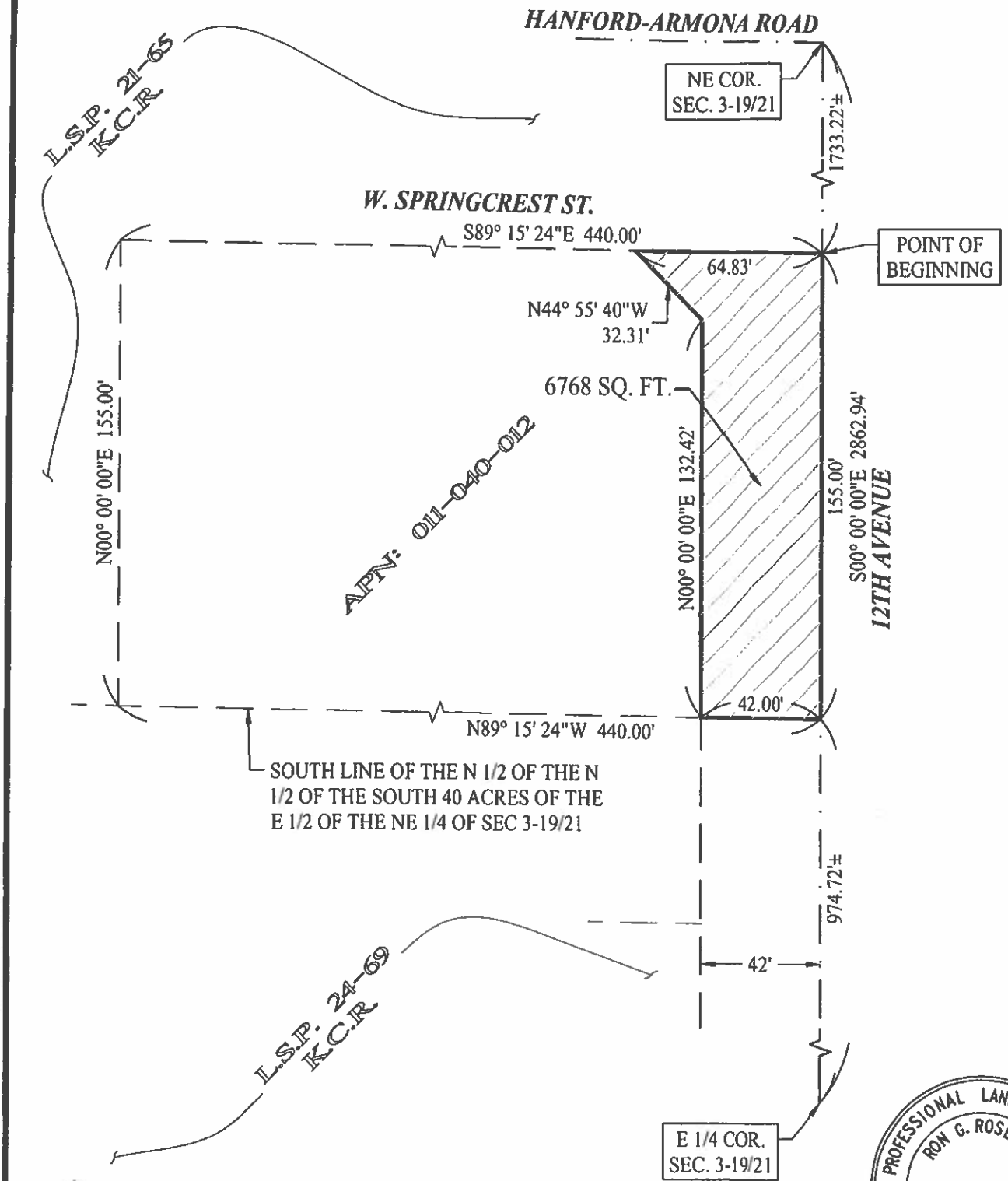
CONTAINING 6,768 SQUARE FEET, MORE OR LESS.

ATTACHED HERETO IS A PLAT LABELED EXHIBIT "A-1" AND BY THIS REFERENCE MADE A PART HEREOF.

2.11.2020

Attachment: Grant Deed 011-040-012 (PW: Authorize the purchase of street right-of-way at the SW corner of 12th Ave and Springcrest St)

EXHIBIT "A-1"



0 25 50

SCALE: 1"=50'

2.11.2020

CIVIL ENGINEERS
ZUMWALT HANSEN & ASSOC.
LAND SURVEYORS
609 N. Irwin St.
Hanford, CA 93230
Office: (559) 582-1056
Fax: (559) 584-4143

VARIABLE WIDTH ACQUISITION FOR ROAD PURPOSES for THE CITY OF HANFORD

Job No.	0769214
Drawn By:	MO
Checked By:	RR
Indexed By:	
Date:	2/10/2020

Sheet No. 1 of 1

Attachment: Grant Deed 011-040-012 (PW: Authorize the purchase of street right-of-way at the SW corner of 12th Ave and Springcrest St)

12th Avenue Widening, Springcrest St. to 500 feet south (West side).

CIP2020040

Project Background:

This project will involve the installation of curb, gutter, sidewalk and roadway widening along 12th Avenue (west side), from Springcrest Street to a point approximately 500 feet south of Springcrest Street. Additional roadway improvements located south of project limits will be perfomed by private development as part of conditions of approval for subdivision development.

Existing Conditions:

12th Avenue, from Hanford-Armona Road to Springcrest St., is currently a two lane roadway with a continous protected turn lane. Plans are in process to convert this segment of roadway to a four lane street with a raised concrete median. This project will eliminate a potential "bottleneck" by widening 12th Avenue south of Springcrest Street to provide a consistant roadway section. Current average daily traffic volume along 12th Avenue in vicnity of project is approximately 7,000 vehicles per day.

Project Justification:

This project will improve traffic flow capacity and safety by providing an additional travel lane and installing curb, gutter, sidewalk, and street lighting improvements.

Fiscal Implications:

Funding for this project will be allocated from various fund sources.

Project Budget Summary:

		5-Year Funding Allocation				
		2020	2021	2022	2023	2024
	Program or Project	Design / RW	Construction	Construction	Construction	
Expenditure	Engineering / Inspection	10,000				
	Right of Way Acquisition	35,000				
	Construction	220,000				
	Contingency	22,000				
	Department Overhead	3,000				
	Total Expenditure	$290,000	$0	$0	$0	$0
	Funding					
Revenue	0181 Transportation Impact Fees	230,000				
	0358 Storm Drainage Capital	25,000				
	0391 Water Capital	20,000				
	0363 Wastewater Capital	15,000				
	Total Funding	$290,000	$0	$0	$0	$0

Attachment: Budget PAge (PW: Authorize the purchase of street right-of-way at the SW corner of 12th Ave and Springcrest St)

AGENDA
STAFF REPORT

MEETING DATE: 10/20/2020	**AGENDA SECTION:** A

SUBJECT:
Council Future Agenda Items

FISCAL IMPACT:

ATTACHMENTS:
Council Future Agenda Items

Council Future Agenda Items				
Originated Date	**Item**	**Originator**	**Staff Lead**	**Date Estimate**
6/5/18	Comprehensive Study of downtown businesses, including crosswalks. Study to change 7th Street one-way going WEST and 6th Street going EAST to increase angled parking.	Council Consensus	John Doyel	11/3/20
5/22/19	Abandoned shopping cart ordinance	Brieno	Parker Sever, Karl Anderson	11/3/20 Delayed for Public Outreach Meetings
6/18/20	Discussion of Courthouse improvements, funding sources, and potential revenue	Council Consensus	Various Staff	Special Mtg in Oct/Nov
9/3/20	Proposed Rates & Fees adjustments	City Manager	Various Staff	11/3/20
9/3/20	Revised Business License Ordinance	Finance	Various Staff	11/3/20
9/9/20	Revised Refuse Ordinance	Public Works	Jim Ross	2/9/21
10/02/20	Develop Hemp Ordinance	Council Consensus	Parker Sever	11/3/20
10/14/20	Discussion of City of Hanford Finance Policies	Finance	Eric Frost	November meeting

Attachment: Council Future Agenda Items (Council: Future Agenda Items)