City Council Meeting
Agenda

March 21, 2023
7:00 PM – Regular Meeting
Council Chambers
400 N. Douty St.

Council Members will meet in-person in the Council Chambers. The meeting will also be lived streamed on the City's website: http://livestream.hanford.city/

4:00 PM CALL TO ORDER STUDY SESSION:

ROLL CALL BY THE CITY CLERK:

PUBLIC COMMENT:

*Study Sessions are considered Special Meetings under the Bown Act. Accordingly, comments from the public are limited to items listed on the agenda (GC 54954.3a). Public Comment will be accepted during each agenda item. A maximum of **three minutes** is allowed for each speaker. Please begin your comments by stating your name and providing your city of residence.*

STUDY SESSION:

A. City Clerk: Recognition of Employees of the Year and Service Award Recipients

B. Finance: Review of the FY 2022-23 Mid-Year Budget and Council Approval of an additional Appropriation of $936,962 in the GF and $5,408,780 across all other funds for the 2022-23 Fiscal Year Budget

C. Community Development: Discussion regarding Title 12 "Streets, Sidewalks and Public Places" of the City's Municipal code and City Policies for Encroachment and Uses and Obligations of property owners within the City's Right-of-Way

CALL TO ORDER REGULAR SESSION:

ROLL CALL:

INVOCATION:

John Malogi

FLAG SALUTE:

COUNCIL REPORTS/GENERAL REPORTS:

Brief information-only reports from City Council and/or Staff, including committee reports and reports by City Council related to meetings attended at City expenses (AB1234).

PUBLIC COMMENT:

This is the time for citizens to comment on subject matters 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. State law does not allow the Council to discuss or take action on issues not on the agenda, except that members of the Council or staff may briefly respond to statements made or questions posed by persons exercising their public testimony rights (Gov. Code sec. 54954.2). 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 and adoption of same by reading title the only.

B. City Clerk: Approval of the Minutes of the January 30, 2023 Special Meeting

C. City Clerk: Approval of the Minutes of the January 31, 2023 Special Meeting

D. City Clerk: Appointment of James Nelson to the Parking and Traffic Commissioner Alternate seat with a term ending on 12/31/2026, Sheldon Blackwell to the Parks and Recreation Commissioner seat with an unexpired term ending on 12/31/2024, and Judy Scott to the Parks and Recreation Commission Alternate Commissioner seat with a term ending on12/31/2026.

GENERAL BUSINESS:

A. Administration: Council review of the Central Parking and Business Improvement District, the Municipal Code related to the formation and oversight of the District, the transaction history for the restricted fund (025) and direction to staff regarding the renewal of the Agreement with Main Street Hanford for the delivery of services with proceeds from Downtown Assessments.

COUNCIL COMMENTS AND COMMUNICATIONS::

At this time, any Council Member may ask a question for clarification, make an announcement, or report briefly on their activities. In addition, subject to Council Policies and Procedures, they may request staff to report back to the Council at a subsequent meeting concerning any matter or take action to direct staff to place a matter of business on a future agenda. (GOV. CODE SEC. 54954.2)

A. Council Future Agenda Items

B. <u>Upcoming Events and Important Dates:</u>
March 22: Special City Council Meeting in the City Hall Training Room 9:00 am - 4:00 pm
March 25: Free Fitness Court classes (Every Saturday from 9-10 am, Hidden Valley Park)
March 30: City Employee Appreciation Luncheon in Civic Park 11:00 am -2:00 pm
April 1: Run Walk & Roll 5k for Autism Awareness Civic Park Register here
April 1: Food Truck Take Over in Civic Park 5:30 pm - 9:30 pm
April 4: Regular City Council Meeting
April 15: Walk with a Doc (third Saturday of each month, 9-10 am, rotating between Freedom and Centennial parks)

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: 3/21/2023	AGENDA SECTION: STUDY SESSION

SUBJECT:
Recognition of Employees of the Year and Service Award Recipients

RECOMMENDATION:

Recommendation: That the City Council recognize the twenty-two (22) City of Hanford employees that are celebrating 10 or more years of service this year. Collectively, these 22 employees have given 355 years of service to the organization and the community.

Employees will be presented with Certificates of Appreciation and the bios will be read for the 25-year and 20-year Service Award recipients that are in attendance:

Title	First Name	Last Name	Date of Hire	Years of Service
Police Chief	Parker	Sever	2/3/1997	25
Construction Inspector II	Gustie	Compton	9/15/1997	25
Payroll Analyst	Penny	Sutphin	12/10/1997	25
Captain	Tom	McKean	3/4/2002	20
Police Officer	Jean	Bidegaray	5/1/2002	20
Communications Dispatcher	Cambria	Gomez	6/24/2002	20
Police Officer	Mark	Carrillo	12/19/2002	20

Present Certificates of Appreciation to the 15-year and 10-year Service Award recipients in attendance:

Title	First Name	Last Name	Years of Service
Regulatory Compliance Analyst	Christine	Baca	15
Development Services	Diana	Black	15

Technician			
Streets Supervisor	Kevin	Blackburn	15
Police Officer	Nathaniel	Estrada	15
Utilities Maintenance Worker II	Brian	France	15
Refuse Collection	Micheal	Hernandez	15
Police Sergeant	Frank	Martinez	15
Refuse Collection	Javier	Rivero	15
PoliceOfficer	Brian	Scandura	15
Utilities Manager	Robert	Williams	15
Police Officer	Juan	Hernandez	10
Police Records	Keri	Hunter	10
Building Inspector II	Frank	Rocha	10
Refuse Service Worker	Manuel	Rojas	10
Sanitary Sewer Collection Supervisor	Micheal	Valdez	10

ATTACHMENTS:
None

AGENDA
STAFF REPORT

MEETING DATE: 3/21/2023	**AGENDA SECTION:** STUDY SESSION

SUBJECT:
Review of the FY 2022-23 Mid-Year Budget and Council Approval of an additional Appropriation of $936,962 in the GF and $5,408,780 across all other funds for the 2022-23 Fiscal Year Budget

RECOMMENDATION:

Recommendation: Staff recommends City Council adopt amendments to the 2022-23 Fiscal Year Budget to appropriate an additional $936,962 in the General Fund and $5,408,780 across all other funds for the execution of City operations.

BACKGROUND:

INTRODUCTION:

A mid-year review of the City's current budget is considered a Best Management Practice and promotes financial stability as the current economic climate and the financial health of the City can be taken into consideration. As is typical of a two-year budget cycle, the Fiscal year (FY) 2023 budget was amended in June of 2022 when a mid-cycle review was performed, resulting in fewer amendments being necessary during this review.

New requests for services or positions were considered but are not generally recommended by staff during this review, due largely to the final settlement of a pending lawsuit, which created a $12.5 million expense to the City's General Fund. The outflow of this cash will not be paid out all at once. Instead, $7.5 million has been paid out in FY23 and the remainder will be paid out in increments of $1.25 million each year, over the next four years. This settlement, in combination with an impending predicted recession or at the very least an economic slowdown, will necessitate that the City restrict as much discretionary spending (over the necessary spending to keep ongoing operations) as possible while efforts focus on building up the City's General Fund Reserve.

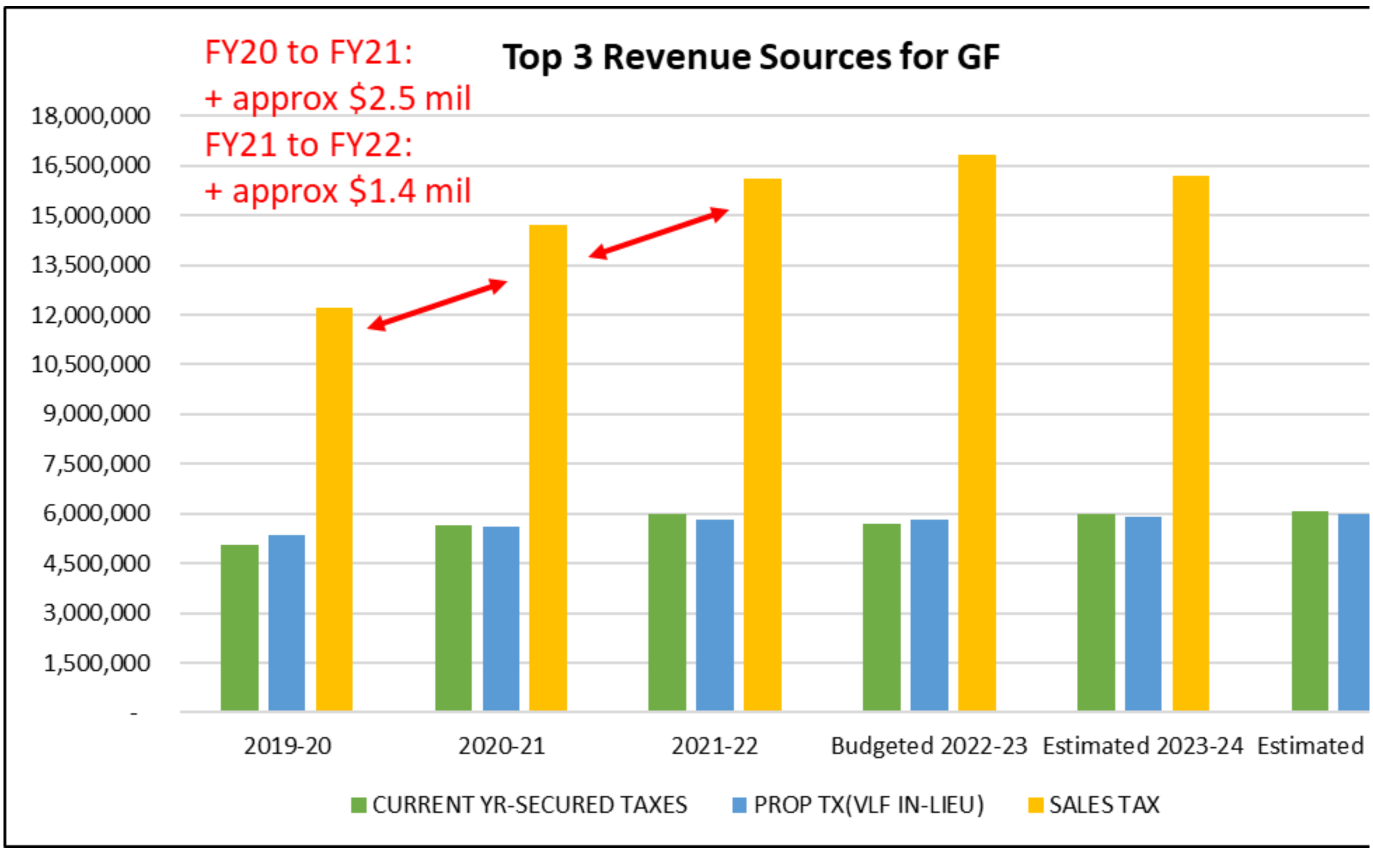
The proposed amendments to the General Fund (GF) were limited to core needs that support administrative, public safety and essential services to the City. While the proposed changes result in a balanced budget (plus additional revenues), as required by Council-adopted Resolutions, it should be noted that the $2,833,333 transfer into the GF from the ARPA fund is a one-time revenue specifically allocated for public safety personnel salaries and benefits for units responding to Covid-19 and cannot and does not offset any other GF expenses. There, in the long-term, the City must bring in revenues over budget or decrease expenses in other areas, or a combination of both in order to offset the $936,962 additional appropriations.

REVIEW OF GENERAL FUND REVENUE:

The City's three highest contributors of revenue are sales tax, property tax-in lieu of vehicle license fee and current year secured property taxes. While staff anticipates these revenues to exceed FY22 revenues, they likely will not reach budgeted figures due to conservative updated forecasting from our Tax Consultant. It is critical that the City achieve savings to offset increased expenses and be able to build the GF Reserve. Currently, the GF Reserve is approximately 5% as the majority of the GF reserves were allocated to cover the $12.5 million settlement payment. Previous to this event, the City sat at approximately 25% of its 35% goal (35% of GF expenditures, about $16 million).

Currently, General Fund budgeted revenues from these three revenue sources are anticipated to stay roughly "status quo" or have very slight increases for FY24 & 25. This is a change from the significant increases that were seen in the last two fiscal years. (See Chart 1). Factoring this in addition to the $1.25 million settlement payments and the full year of increased salaries due to the employee MOU updates and increased costs of services and supplies, it will be critical that the City restrains its spending until a more growth-oriented economic climate can be foreseen.

<u>Chart 1: Top 3 Revenue Sources for the General Fund</u>



SUMMARY OF SIGNIFICANT CHANGES:

The following General Fund Summary (Table 1) highlights the proposed changes in revenues (in parentheses) and expenses, which results in a balanced budget as required by Council-adopted Resolution. Other Funds Summary (Table 2) shows the net impacts of the proposed budget amendments to each fund.

Cost Allocation

Cost Allocation budget amounts have not been updated to reflect the change to the Departments amended net budget. In the 4th quarter of 2023, a “true up” will occur that will allocate all costs incurred to departments (cost centers). Internal Service Divisions such as Facilities and Information Technology are “zeroed out” at the end of each fiscal year so allocations (revenues in) match actual expenditures as the division should net zero at the end of each year.

Police – Support Services

An appropriation is proposed for $34,200 in the Police Support Services Division for 12 Flock Cameras installed in the City. These cameras would be at significant intersections to assist the Police Department in mitigating criminal activity. These do come with upfront and ongoing costs of about $30,000 annually. However, the significance of this assistance in mitigating and resolving crime could lead to hours of manpower savings along with much quicker resolution and safety for citizens. These cameras are a valuable tool serving as multiple sets of eyes on the street that otherwise an officer would need to be out patrolling to do the same thing.

Utilities-Electricity

Of the total increase in budgeted expenditures approximately $1.3 million is for electricity (roughly $210k for GF and $1.1 million for Non-GF). Historically, electricity costs have been increasing steadily each year. These increases are not due to significant usage increases but instead due to a combination of rate increase and needing to update the budgets to reflect accurately at mid-cycle. At that time, not all bills were posted to the general ledger accounts for FY22 due to timing. It was not apparent that FY22 electricity costs would exceed budgeted amounts. Had it been known, budgets for electricity would have been proposed to be increased during mid-cycle review.

Table 1: General Fund - Summary of Changes

GENERAL FUND-SUMMARY OF CHANGES	2023 CURRENT BUDGET	2023 REVISED BUDGET	NET CHANGE	COMMEN
REVENUES				
GENERAL FUND	(200,000)	(2,833,333)	(2,633,333)	Transfer from ARPA for Pub Personnel only- salaries & responding to CV19.
POLICE - SUPPORT SERVICE	(15,000)	(70,000)	(55,000)	Increased grant revenues.
			(2,633,333)	
EXPENSES				
CITY COUNCIL	110,000	231,000	121,000	Lobbyist and Legislative Ac Unexpected increase of 20: due to pricing increases fo postage. Additionally no s
CITY ATTORNEY	700,000	1,005,000	305,000	Services increased. Signific settled in addition to ongc
BUILDING INSPECTION	239,398	270,000	30,602	Increased plan review serv revenue. Add Dangerous b abatement, reimbursed thi assessments.
POLICE - SUPPORT SERVICE	141,090	265,200	124,110	Electricity increase, signifi travel expense partially of grant revenue, additional funding.
POLICE - ANIMAL CONTROL	300,000	355,000	55,000	Increase in cost paid to Kir shelter services.
FIRE - ADMIN/SUPPRESSION	30,000	57,000	27,000	Electricity increase.
PARKS & COMM SERV - SPORTS	53,000	100,000	47,000	Electricity and water increa
PARKS & COMM SERV - LONGFIELD	10,250	30,000	19,750	Electricity increase.
PARKS & COMM SERV - AQUATIC/SKATE	25,500	44,000	18,500	Electricity and water increa
PARKS & COMM SERV - YOUTH SERVICES	91,430	125,430	34,000	Increase to cover salary of Leader III.
PARKS & COMM SERV - PARKS	10,970,992	11,040,992	70,000	Water increase.
PW - STREET MAINTENANCE	2,428,633	2,513,633	85,000	Electricity increase.
	ADDITIONAL APPROPRIATIONS		936,962	
	TOTAL NET (BALANCED)/DEFICIT		(1,696,371)	

Table 2: Other Funds - Summary of Changes

OTHER FUNDS-SUMMARY OF CHANGES	2023 CURRENT BUDGET	2023 REVISED BUDGET	NET CHANGE	COMME
PARKING	(11,162)	-	11,162	Parking lot in process of be rent to be handled through
GAS TAX - 2105 (NO LONGER USE)	1,392,165	-	(1,392,165)	No longer use fund, consol budget to Gas Tax -2103.
GAS TAX - 2103	-	1,392,165	1,392,165	From Gas Tax-2105.
			11,162	
EXPENSES				
GAS TAX - 2105 (NO LONGER USE)	999,145	-	(999,145)	No longer use fund, consol budget to Gas Tax -2103.
GAS TAX - 2103	406,250	1,405,395	999,145	From Gas Tax-2105.
ARPA	-	2,833,333	2,833,333	Transfer money to GF for P Personnel only- salaries & responding to CV19.
LAD 18-1 T918-9 BELLA V/BONTER	(43,340)	(28,760)	14,580	To cover landscaping main
AIRPORT OPERATIONS	445,486	525,486	80,000	Increase for fuel and electr offset by fuel sales to custo
COURTHOUSE SQUARE FACIL	12,735	30,735	18,000	Electricity increase.
STORM DRAINAGE OPERATIONS	(35,538)	(26,538)	9,000	Electricity increase.
WASTEWATER OPERATIONS	(1,140,688)	(1,011,068)	129,620	Electricity increase.
SANITARY SEWER COLLECTION	1,289,150	1,313,150	24,000	Electricity increase.
FINANCE-UTILITY BILLING	(199,503)	(185,503)	14,000	Printing costs increase, ad
WATER OPERATIONS	1,295,923	2,179,723	883,800	Electricity increase.
MEDICAL FUND (ALLOCATED TO DEPTS)	460,911	470,911	10,000	Vision insurance increase.
LIABILITY INSURANCE (ALLOCATED TO DEPTS)	(32,388)	801,092	833,480	Litigation expense increase reimbursed.
WORKERS' COMPENSATION (ALLOCATED TO DEPTS)	20,050	209,050	189,000	Worker's comp insurance i
COMPUTER REPL RESERVE (ALLOCATED TO DEPTS)	96,540	176,420	79,880	Increase to costs for Tyler- transferring budget for con as it should be paid for ou
I T S INFORMATIONAL TECH SERV (ALLOCATED TO DEPTS)	399,755	376,528	(23,227)	Transfer computer replace Computer Replacement Res
BUILDING MAINTENANCE (ALLOCATED TO DEPTS)	51,717	131,837	80,120	Electricity and water increa
FLEET MAINTENANCE OPER (ALLOCATED TO DEPTS)	(131,932)	88,762	220,694	Electricity increase. Price i
AQUATICS CAP/EQ REPL RES	-	12,500	12,500	Installation of stainless st safety of pool area.
		ADDITIONAL APPROPRIATIONS	5,408,780	
Each fund in "Other Funds" stands alone. Each fund is supported by related fund revenues, allocation of costs and available fund balances.				

OVERTIME COSTS:

Overtime costs for the remainder of the year are expected to come in at approximately $3.3 million as opposed to $2.3 million in FY22. Of the anticipated $1 million increase 91% is for public safety employees, 38% attributed to Police and 62% to Fire.

Budgetary increases would typically be requested for these changes, however after analyzing total salary budgets there should be salary savings to offset these increased costs, along with other operational budget savings. Salary savings are due to vacant positions, full-step wage estimates for vacant positions, and retirement expense savings.

At this time there are no proposed changes to overtime, however if significant increases continue to occur in FY 24 & 25 in conjunction with the anticipated slowing down of revenues then it may cause budget deficits and likely no contributions to the GF contingency reserve.

CONCLUSION:

Staff recommends $936,962 additional appropriation in the GF and $5,408,780 of additional appropriation across all Other Funds which will be paid for by a combination of projected increases in budgeted revenues, allocation of costs, non-cash transactions and available fund balances (See Chart 2).

Chart 2: Summary of FY23 General Fund and Other Fund Appropriations

GENERAL FUND	
2022/23 Total GF Appropriation	46,448,639
Request for additional appropriations	936,962
	47,385,601
OTHER FUNDS	
2022/23 Total Other Funds Appropriation	79,371,230
Request for additional appropriations	5,408,780
	84,780,010
SUMMARIZED	
Adopted 2022/23 Total Appropriation	125,819,869
Total request for additional appropriations	6,345,742
	132,165,611

For detailed line items of proposed amendments and total budget change by department, see Attachment “A”.

FISCAL IMPACT:

A total of $6,345,742 in additional appropriation to the FY23 budget which includes $936,962 in the GF and $5,408,780 to be appropriated across all other funds which will be paid for by a combination of projected increases in budgeted revenues, allocation of costs to other funds and available fund balances. FY23 Total Appropriation for General Fund would be $47,385,601 with this amendment, and Other Funds $84,780,010 (Grand Total of $132,165,611).

ATTACHMENTS:

1. ATTACHMENT A

ATTACHMENT A

GENERAL FUND-DETAIL OF CHANGES

ACCT TYP	ORG	OBJECT	ACCT DESCRIPTION	2023 CURRENT BUDGET	2023 REVISED BUDGET	NET CHANGE
	0001-GENERAL FUND					
R	0001	570200	OPERATING TRANSFERS IN	(200,000)	(2,833,333)	(2,633,333)
	0001-TOTAL			**(200,000)**	**(2,833,333)**	**(2,633,333)**
	0001-11000000 CITY COUNCIL					
E	11000000	749500	PROF AND SPEC SERVICES	90,000	167,000	77,000
E	11000000	756500	ELECTION EXPENSE	20,000	64,000	44,000
	11000000-TOTAL			**110,000**	**231,000**	**121,000**
	0001-13000000 CITY ATTORNEY					
E	13000000	749000	CONTRACTED LEGAL SERVICES	300,000	350,000	50,000
E	13000000	751800	SPECIAL LEGAL SERVICES	300,000	500,000	200,000
E	13000000	751900	LIABILITY RISK MANAGEMENT	100,000	155,000	55,000
	13000000-TOTAL			**700,000**	**1,005,000**	**305,000**
	0001-14120000 BUILDING INSPECTION					
E	14120000	749500	PROF AND SPEC SERVICES	239,398	250,000	10,602
E	14120000	823600	DANGEROUS BLDG ABATEMENT	-	20,000	20,000
	14120000-TOTAL			**239,398**	**270,000**	**30,602**
	0001-15110000 POLICE - SUPPORT SERVICE					
R	15110000	474101	STATE GRNT FUNDING	(15,000)	(40,000)	(25,000)
R	15110000	542800	TRAINING REIMBURSEMENT	-	(30,000)	(30,000)
E	15110000	777000	TRAINING/TRAVEL/MEETING	106,090	155,000	48,910
E	15110000	778000	UTILITIES-ELECTRICITY	35,000	76,000	41,000
E	15110000	8*****	FlOCK CAMERAS	-	34,200	34,200
	15110000-TOTAL			**126,090**	**195,200**	**69,110**
	0001-15180000 POLICE - ANIMAL CONTROL					
E	15180000	751000	ANIMAL CONTROL	300,000	355,000	55,000
	15180000-TOTAL			**300,000**	**355,000**	**55,000**
	0001-16100000 FIRE - ADMIN/SUPPRESSION					
E	16100000	778000	UTILITIES-ELECTRICITY	30,000	57,000	27,000
	16100000-TOTAL			**30,000**	**57,000**	**27,000**
	0001-17110000 PARKS & COMM SERV - SPORTS					
E	17110000	778000	UTILITIES-ELECTRICITY	38,000	65,000	27,000
E	17110000	778800	UTILITIES-WATER	15,000	35,000	20,000
	17110000-TOTAL			**53,000**	**100,000**	**47,000**
	0001-17130000 PARKS & COMM SERV - LONGFIELD CENTER					
E	17130000	778000	UTILITIES-ELECTRICITY	10,250	30,000	19,750
	17130000-TOTAL			**10,250**	**30,000**	**19,750**
	0001-17140000 PARKS & COMM SERV - AQUATIC/SKATE					
E	17140000	778000	UTILITIES-ELECTRICITY	22,000	33,000	11,000
E	17140000	778800	UTILITIES-WATER	3,500	11,000	7,500
	17140000-TOTAL			**25,500**	**44,000**	**18,500**
	0001-17190000 PARKS & COMM SERV - YOUTH SERVICES					
E-P	17190000	701300	PART-TIME EMPLOYEES	70,000	104,000	34,000
	17190000-TOTAL			**70,000**	**104,000**	**34,000**
	0001-17220000 PARKS & COMM SERV - PARKS					-
E	17220000	778800	UTILITIES-WATER	220,000	290,000	70,000
	17220000-TOTAL			**220,000**	**290,000**	**70,000**
	0001-20110000 PW - STREET MAINTENANCE					
E	20110000	778000	UTILITIES-ELECTRICITY	465,000	550,000	85,000
	20110000-TOTAL			**465,000**	**550,000**	**85,000**
						(1,751,371)

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ATTACHMENT A

OTHER FUNDS-DETAIL OF CHANGES

ACCT TYPE		ORG	OBJECT	ACCT DESCRIPTION	2023 CURRENT BUDGET	2023 REVISED BUDGET	NET CHANGE
	0020-21200000 PARKING						
R	0020	21200000	446100	PARKING SPACE RENT	(11,162)	-	11,162
		21200000-TOTAL			**(11,162)**	**-**	**11,162**
	0040-26610000 GAS TAX - 2105 (NO LONGER USE)						
R	0040	26610000	470000	ST HIGHWAY USE TAX-2106	(138,528)	-	138,528
R	0040	26610000	470100	ST HIGHWAY USE TAX-2105	(323,093)	-	323,093
R	0040	26610000	470200	ST HIGHWAY USE TAX-2107	(421,985)	-	421,985
R	0040	26610000	470300	ST HIGHWAY USE TAX-2107.5	(7,500)	-	7,500
R	0040	26610000	470600	ST HIGHWAY USE TAX-2103	(501,059)	-	501,059
E-A	0040	26610000	753000	CITY SERVICES ALLOCATION	7,500	-	(7,500)
E	0040	26610000	821615	STREET DIVISION MAINTENANCE	340,000	-	(340,000)
E	0040	26610000	823615	STREET DIVISION MAINTENANCE	311,645	-	(311,645)
E	0040	26610000	945000	OPERATING TRANSFERS OUT	340,000		(340,000)
		26610000-TOTAL			**(393,020)**	**-**	**393,020**
	0044-26650000 GAS TAX - 2103						
R	0044	26650000	470000	ST HIGHWAY USE TAX-2106	-	(138,528)	(138,528)
R	0044	26650000	470100	ST HIGHWAY USE TAX-2105	-	(323,093)	(323,093)
R	0044	26650000	470200	ST HIGHWAY USE TAX-2107	-	(421,985)	(421,985)
R	0044	26650000	470300	ST HIGHWAY USE TAX-2107.5	-	(7,500)	(7,500)
R	0044	26650000	470600	ST HIGHWAY USE TAX-2103	-	(501,059)	(501,059)
E-A	0044	26650000	753000	CITY SERVICES ALLOCATION	-	7,500	7,500
E	0044	26650000	821615	STREET DIVISION MAINTENANCE		340,000	340,000
E	0044	26650000	823615	STREET DIVISION MAINTENANCE	406,250	717,895	311,645
E	0044	26650000	945000	OPERATING TRANSFERS OUT	-	340,000	340,000
		26650000-TOTAL			**406,250**	**13,230**	**(393,020)**
	0058-ARPA						
E	0058	0058	945000	OPERATING TRANSFERS	-	2,833,333	2,833,333
		0058-TOTAL			**-**	**2,833,333**	**2,833,333**
	0278-LAD 18-1 T918-9 BELLA V/BONTER						
E	0278	0278	755000	OTHER CONTRACTUAL SERVICE	21,420	36,000	14,580
		0278-TOTAL			**21,420**	**36,000**	**14,580**
	0300-11102020 AIRPORT OPERATIONS						
E	0300	11102020	743300	FUEL AND LUBE MAINTENANCE	100,000	170,000	70,000
E	0300	11102020	778000	UTILITIES-ELECTRICITY	15,000	25,000	10,000
		11102020-TOTAL			**115,000**	**195,000**	**80,000**
	0330-17502131 COURTHOUSE SQUARE FACIL						
E	0330	17502131	778000	UTILITIES-ELECTRICITY	30,000	48,000	18,000
		17502131-TOTAL			**30,000**	**48,000**	**18,000**
	0358-20610000 STORM DRAINAGE OPERATIONS						
E	0358	20610000	778000	UTILITIES-ELECTRICITY	37,000	46,000	9,000
		20610000-TOTAL			**37,000**	**46,000**	**9,000**
	0361-20710000 WASTEWATER OPERATIONS						
E	0361	20710000	778000	UTILITIES-ELECTRICITY	340,380	470,000	129,620
		20710000-TOTAL			**340,380**	**470,000**	**129,620**
	0361-20720000 SANITARY SEWER COLLECTION						
E	0361	20720000	778000	UTILITIES-ELECTRICITY	38,000	62,000	24,000
		20720000-TOTAL			**38,000**	**62,000**	**24,000**
	0390-12100000 FINANCE-UTILITY BILLING						
E	0390	12100000	747000	PRINTING	26,000	40,000	14,000
		12100000-TOTAL			**26,000**	**40,000**	**14,000**
	0390-20810000 WATER OPERATIONS						
E	0390	20810000	778000	UTILITIES-ELECTRICITY	750,200	1,634,000	883,800

ATTACHMENT A

OTHER FUNDS-DETAIL OF CHANGES

ACCT TYPE		ORG	OBJECT	ACCT DESCRIPTION	2023 CURRENT BUDGET	2023 REVISED BUDGET	NET CHANGE
		20810000-TOTAL			**750,200**	**1,634,000**	**883,800**
	0405-MEDICAL FUND						
E	0405	0405	719608	SELF INS VISION	25,000	35,000	10,000
		0405-TOTAL			**25,000**	**35,000**	**10,000**
	0409-13090000 LIABILITY INSURANCE						
E	0409	13090000	733400	BUILDING,PROPERTY,VESSEL	90,780	161,000	70,220
E	0409	13090000	733800	SPECIAL-LITIGATION EXPENS	83,740	847,000	763,260
		13090000-TOTAL			**174,520**	**1,008,000**	**833,480**
	0410-13100000 WORKERS' COMPENSATION						
E-P	0410	13100000	707169	WORKERS' COMP INSURANCE	1,461,000	1,650,000	189,000
		13100000-TOTAL			**1,461,000**	**1,650,000**	**189,000**
	0414-13140000 COMPUTER REPL RESERVE						
E	0414	13140000	822022	TYLER IMPLEMENT	65,120	110,000	44,880
E	0414	13140000	800121	COMPUTER/MDT/MONITOR	-	35,000	35,000
		13140000-TOTAL			**65,120**	**145,000**	**79,880**
	0415-13150000 I T S INFORMATIONAL TECH SERV						
E	0415	13150000	800121	COMPUTER/MDT/MONITOR	23,227	-	(23,227)
		13150000-TOTAL			**23,227**	**-**	**(23,227)**
	0416-17502100 BUILDING MAINTENANCE						
E	0416	17502100	778000	UTILITIES-ELECTRICITY	70,380	141,000	70,620
E	0416	17502100	778800	UTILITIES-WATER	3,500	13,000	9,500
		17502100-TOTAL			**73,880**	**154,000**	**80,120**
	0447-20400000 FLEET MAINTENANCE OPER						
E	0447	20400000	743300	FUEL AND LUBE MAINTENANCE	1,060,000	1,110,000	50,000
E	0447	20400000	743400	TIRES AND TUBES	240,000	300,000	60,000
E	0447	20400000	760000	SPECIAL DEPARTMENTAL EXP	536,926	617,000	80,074
E	0447	20400000	778000	UTILITIES-ELECTRICITY	33,380	64,000	30,620
		20400000-TOTAL			**1,870,306**	**2,091,000**	**220,694**
	0452-17140100 AQUATICS CAP/EQ REPL RES						
E	0452	17140100	823015	PLUNGE GRATE SUPPPORT REIN. PRJ	-	12,500	12,500
		17140100-TOTAL			**-**	**12,500**	**12,500**
							5,419,942

ATTACHMENT A

TOTAL BUDGET CHANGE BY FUND/DEPT.	2023 CURRENT BUDGET	2023 REVISED BUDGET	NET CHANGE
GENERAL FUND	(32,390,884)	(35,024,217)	(2,633,333)
CITY COUNCIL	227,498	348,498	121,000
CITY ATTORNEY	493,750	798,750	305,000
BUILDING INSPECTION	232,848	263,450	30,602
POLICE - SUPPORT SERVICE	3,897,675	3,966,785	69,110
POLICE - ANIMAL CONTROL	504,655	559,655	55,000
FIRE - ADMIN/SUPPRESSION	7,131,632	7,158,632	27,000
PARKS & COMM SERV - SPORTS	114,340	161,340	47,000
PARKS & COMM SERV - LONGFIELD	190,837	210,587	19,750
PARKS & COMM SERV - AQUATIC/SKATE	139,324	157,824	18,500
PARKS & COMM SERV - YOUTH SERVICES	91,430	125,430	34,000
PARKS & COMM SERV - PARKS	10,970,992	11,040,992	70,000
PW - STREET MAINTENANCE	2,428,633	2,513,633	85,000
			(1,751,371)
PARKING	33,838	45,000	11,162
GAS TAX - 2105 (NO LONGER USE)	(393,020)	-	393,020
GAS TAX - 2103	1,739,808	1,346,788	(393,020)
ARPA	-	2,833,333	2,833,333
LAD 18-1 T918-9 BELLA V/BONTER	(43,340)	(28,760)	14,580
AIRPORT OPERATIONS	445,486	525,486	80,000
COURTHOUSE SQUARE FACIL	12,735	30,735	18,000
STORM DRAINAGE OPERATIONS	(35,538)	(26,538)	9,000
WASTEWATER OPERATIONS	(1,140,688)	(1,011,068)	129,620
SANITARY SEWER COLLECTION	1,289,150	1,313,150	24,000
FINANCE-UTILITY BILLING	(199,503)	(185,503)	14,000
WATER OPERATIONS	1,295,923	2,179,723	883,800
MEDICAL FUND (ALLOCATED TO DEPTS)	460,911	470,911	10,000
LIABILITY INSURANCE (ALLOCATED TO DEPTS)	(32,388)	801,092	833,480
WORKERS' COMPENSATION (ALLOCATED TO DEPTS)	20,050	209,050	189,000
COMPUTER REPL RESERVE (ALLOCATED TO DEPTS)	96,540	176,420	79,880
I T S INFORMATIONAL TECH SERV (ALLOCATED TO DEPTS)	399,755	376,528	(23,227)
BUILDING MAINTENANCE (ALLOCATED TO DEPTS)	51,717	131,837	80,120
FLEET MAINTENANCE OPER (ALLOCATED TO DEPTS)	(131,932)	88,762	220,694
AQUATICS CAP/EQ REPL RES	-	12,500	12,500
			5,419,942

AGENDA
STAFF REPORT

MEETING DATE: 3/21/2023	**AGENDA SECTION:** STUDY SESSION

SUBJECT:
Discussion regarding Title 12 “Streets, Sidewalks and Public Places” of the City’s Municipal code and City Policies for Encroachment and Uses and Obligations of property owners within the City’s Right-of-Way

RECOMMENDATION:

Recommendation: Receive Presentation from City Staff Regarding City Policies for Encroachment on City Right-of-Way and provide direction to staff as appropriate.

BACKGROUND:

The City's Municipal Code (Chapter 12.04) specifies the City's polices regarding encroachment on City right-of-way. City right-of-way includes those areas reserved for public use along roads (roads, sidewalks, curbs, gutters, etc.). Chapter 12.04 defines encroachment as "..any excavation, structure or object of any kind or character, temporary or permanent, made, placed or allowed to enter, grow or encroach upon, over or under any city street or right-of-way."

In most cases, any proposed encroachment on City right-of-way requires an approved encroachment permit that is reviewed and approved by the City's Public Works Department. When considering if an encroachment permit will be granted, the City typically considers several things, including:

A. Protection of Utilities: The City evaluates if the proposed encroachment could damage utilities or impede access to utilities.
B. Hold Harmless Clause: Applicants are required to indemnify and hold the City harmless for any liability associated with the permit.
C. Defective Work and Materials: Any purposed encroachment must conform to the building code, City specifications, etc..
D. Default of Permittee: If applicants do not conform to City policies, the City may complete the work at the expense of the applicant.
E. Protection of Traffic: Applicants must protect the traveling public.
F. Minimum Interference with Traffic: All work allowed under a permit shall be planned and carried out so that there will be the least possible inconvenience to the traveling public.

An encroachment permit application may require the applicant to provide plans, contractor's license, business license, traffic control plan, liability insurance, auto insurance and workers' compensation.

The Municipal Code also outlines the maintenance requirements associated with City right-of-way. The Hanford Municipal Code (Chapter 12.20.030) outlines maintenance responsibility for sidewalks and specifies that "…an owner of a lot or portion of a lot adjacent to or fronting any portion of a sidewalk area or on which a sidewalk area is located shall maintain and repair the sidewalk so that it remains a safe and non-dangerous condition at his/her/its sole cost and expense". Chapter 12.12.300 outlines maintenance responsibility for landscaping, indicating that "…each owner of property that is located in the city shall maintain and replace, when necessary, any street trees, shrubs, hedges, or other plants within a park strip located on or which abuts an owner's property…".

Enforcement of unauthorized encroachment on the City's right-of-way is handled by the City's Code Compliance Department. Typically, the City responds to right-of-way issues at the request of residents or the Public Works Department.

FISCAL IMPACT:

None

ATTACHMENTS:

None

AGENDA
STAFF REPORT

MEETING DATE: 3/21/2023	**AGENDA SECTION:** CONSENT CALENDAR

SUBJECT:
Approval of the Minutes of the January 30, 2023 Special Meeting

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RECOMMENDATION:

Recommendation:

Recommended Motion:

BACKGROUND:

FISCAL IMPACT:

ATTACHMENTS:
1. 1.30.2023 Special Meeting

City Council Special Meeting
Minutes

January 30, 2023 5:00 PM
Council Chambers
400 N. Douty St.

5:00 PM CALL TO ORDER SPECIAL SESSION:

Mayor Paden called the closed session to order at 5:00 p.m.

ROLL CALL BY THE CITY CLERK:

Attendee Name	Title	Status	Arrived
Diane Sharp	Council Member	Present	3:30 PM
Mark Kairis	Vice Mayor	Present	3:30 PM
Kalish Morrow	Council Member	Present	3:30 PM
Travis Paden	Mayor	Present	3:30 PM
Lou Martinez	Council Member	Present	3:30 PM

PUBLIC COMMENT:

*Comments from the public are limited to items listed 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.*

None.

CLOSED SESSION FOR DISCUSSION OF THE FOLLOWING:

A. CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION (GC 54956.9 (d)(1)):

Helena v. City of Hanford
Kings County Case No. 17C0102

CLOSED SESSION ACTION REPORT:

None.

ADJOURNMENT:

Mayor Paden adjourned the meeting at 5:42 p.m.

Respectfully submitted,

Natalie Corral
City Clerk

11.C.

AGENDA
STAFF REPORT

MEETING DATE: 3/21/2023	**AGENDA SECTION:** CONSENT CALENDAR

SUBJECT:
Approval of the Minutes of the January 31, 2023 Special Meeting

RECOMMENDATION:

Recommendation:

Recommended Motion:

BACKGROUND:

FISCAL IMPACT:

ATTACHMENTS:

1. 1.31.2023 SM

City Council Special Meeting
Minutes

January 31, 2023 3:30 PM
Council Chambers
400 N. Douty St.

3:30 PM CALL TO ORDER SPECIAL SESSION:

Mayor Paden called the special session to order at 3:30 p.m.

ROLL CALL BY THE CITY CLERK:

Present:	Absent:
Council Member Mark Kairis Council Member Travis Paden Council Member Lou Martinez Council Member Kalish Morrow Council Member Diane Sharp	

PUBLIC COMMENT:

Comments from the public are limited to items listed 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.*

Cheyne Strawn expressed his concerns regarding the time of the meeting and requested the Council postpone the meeting.

Art Brieno commented on his experience with the lawsuit. He also expressed his concerns regarding the time of the meeting and requested the Council put the item on hold until the next regular meeting.

Bob Ramos commented on the history of the case. He also expressed his concerns regarding the recommendation to settle.

Art Perez commented on the notice of the meeting.

Francisco Ramirez commented on the lawsuit. He also expressed his concerns regarding the notice of the meeting. He asked the Council to consider all options before settling.

GENERAL BUSINESS:

A. City Attorney: Approval of a settlement Agreement between Helena Agri-Enterprises, LLC and the City of Hanford.

City Attorney's Megan Dodd and Ty Mizote discussed the settlement for the Council's review and approval. Council

Member Martinez stated it's hard for the Council to make a decision without public input. He also stated it's important to keep the community involved. Mr. Mizote addressed Mr. Martiinez's concerns and discussed the option of going to a trail and what the city can expect from a trail. The Council discussed the options and expressed their concerns about possibly losing more money by going to trial.

Council Member Sharp made the motion to approve, seconded by Vice Mayor Kairis. Motion passed 5-0.

ADJOURNMENT:

Mayor Paden adjourned the meeting at 4:02 p.m.

Respectfully submitted,

Natalie Corral
City Clerk

AGENDA
STAFF REPORT

MEETING DATE: 3/21/2023	AGENDA SECTION: CONSENT CALENDAR

SUBJECT:
Appointment of James Nelson to the Parking and Traffic Commissioner Alternate seat with a term ending on 12/31/2026, Sheldon Blackwell to the Parks and Recreation Commissioner seat with an unexpired term ending on 12/31/2024, and Judy Scott to the Parks and Recreation Commission Alternate Commissioner seat with a term ending on12/31/2026.

Recommendation: That the Mayor, with approval of the full City Council, appoint James Nelson to the Parking and Traffic Commission to fill the newly created Alternate Commissioner seat with a term ending 12/31/2026, Sheldon Blackwell to the Parks and Recreation Commission to fill an unexpired term ending on 12/31/2024, and Judy Scott to the Parks and Recreation Commission to fill the Alternate Commissioner seat with a term ending on12/31/2026.

Background:
The Parking and Traffic Commission and Parks and Recreation Commissioner each have two vacancies due to resignations, commissioner absences, and the addition of an alternate seat. On March 9, 2023, the Mayor, City Manager and the Parks and Community Services Director Brad Albert interviewed three (3) applicants for the Parks and Recreation Commission. Mr. Sheldon Blackwell and Ms. Judy Scott ranked the highest of the three applicants. Also, Mr. James Nelson was previously interviewed for the Planning Commission vacancies, but also listed the Parking and Traffic Commission as his second preference on his application. Therefore, staff recommends these applicants for appointment by the full council.

Section 2.20.030 of the City of Hanford Municipal Code states that:

"Members of all commissions shall be appointed by the mayor with the approval of a majority of the members of the city council."

At the direction of the Mayor, staff created a formal interview process and a detailed list of questions related to the Commission. The Mayor, along with various staff, interviewed each applicant and ranked their interviews on the basis of a 5-point scale for each question. After interviewing all prospective candidates, the interview panel recommends the top scoring applicant to fill the vacancy.

ATTACHMENTS:
1. James Nelson_Redacted
2. Sheldon Blackwell_Redacted
3. Judy Scott_Redacted

SUBMIT TO:

CITY CLERK
319 N. Douty St.
Hanford, CA 93230
Phone (559) 585-2515
Fax (559) 585-2595

RECEIVED
CITY OF HANFORD
FEB 04 2022
CITY CLERK

CLERK'S OFFICE USE ONLY:

CITY OF HANFORD RESIDENT: YES NO

DISTRICT NO. A B C D E

CITY OF HANFORD
APPLICATION FOR COMMISSION APPOINTMENT

APPLICANTS ARE ENCOURAGED TO CONTACT A COUNCILMEMBER TO COMMUNICATE THEIR INTEREST FOR APPOINTMENT.

1. Mr. / Mrs. / Ms. James Randall Nelson
   First / Middle / Last

2. Residence address: [redacted]
   Hanford (City) Kings (County) California (State) 93230 (Zip)

   Cell/Home Phone [redacted]

   E-mail address: [redacted]

3. Position(s) sought: (List in order of preference)
   1) Planning Commission
   2) Parking and Traffic
   3)

4. Business Title or Occupation: Sales

   Company: Vanguard Industries West

   Address: 2440 Impala Drive
   Carlsbad (City) San Diego (County) California (State) 93230 (Zip)

   Phone (760) 438-4437

5. Education - List schools attended and/or graduated/degree(s):
   Stadium High School, Tacoma Washington 1974
   Chapman University, Orange, California 1995

6. Other Special Training or Experience:
Retired Navy Chief Petty Officer, 24 years of active duty; Manpower and Personnel;
Acted as Senior Inspector for many areas covering all
Manpower and Personnel; Acted as the authorizing authority for dispersement of Military Bonuses.

7. Previous and present governmental and civic experience. Indicate when, position and duties:
Have not held or been in any City/County/State
Government Positions.

8. Please explain why you wish to serve on a Commission for the City of Hanford:
I have always felt a deisre to be part of the process within
the City of Hanford to make our City a better place to
live and work, and I think that with all of the things
happening in our City and around the Nation currently, it is time for me to Serve.

9. Do you have any interests or associations which might present a conflict of interest? If yes, please explain:
No conflicts of interest are known.

Please attach your resume, and any additional information or statements which you feel would be helpful in reviewing your qualifications.

AUTHORIZATION AND RELEASE

I, James R Nelson, understand that in connection with this application for appointment, this document and the information contained herein will be made available to the general public upon request. I certify under the penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Signature of Applicant

4 February 2022
Date

RECEIVED
CITY OF HANFORD
FEB 07 2023
CITY CLERK

SUBMIT TO:

CITY CLERK
319 N. Douty St.
Hanford, CA 93230
Phone (559) 585-2515
Fax (559) 585-2595

CLERK'S OFFICE USE ONLY:

CITY OF HANFORD RESIDENT: YES NO

DISTRICT NO. A B C D E ne

CITY OF HANFORD
APPLICATION FOR COMMISSION APPOINTMENT

APPLICANTS ARE ENCOURAGED TO CONTACT A COUNCILMEMBER TO COMMUNICATE THEIR INTEREST FOR APPOINTMENT.

1. Mr. / Mrs. / Ms. SHELDON ASHLEY BLACKWELL
   First Middle Last

2. Residence address: [redacted]

   HANFORD KINGS CA 93230
   City County State Zip

   Cell/Home Phone [redacted]

   E-mail address: [redacted]

3. Position(s) sought: (List in order of preference)

   1) COMMISSIONER PARKS + RECREATION
   2) ____________
   3) ____________

4. Business Title or Occupation: ____________

   Company: ____________

   Address: ____________

   City County State Zip

   Phone (______) ____________

5. Education - List schools attended and/or graduated/degree(s):

   WESTHILLS LEMOORE A/S
   WORD WORKS BIBLE COLLEGE + SEMINARY/ AS

6. Other Special Training or Experience:
HFL COACHING (7 YEARS) I'VE BEEN APART OF CENTRAL VALLEY COMMUNITY CHURCH FOR OVER 20 YEARS ASSISTING IN EVENTS IN THE CITY AND PARKS OVER THAT TIME.

7. Previous and present governmental and civic experience. Indicate when, position and duties:

8. Please explain why you wish to serve on a Commission for the City of Hanford:
I WISH TO SERVE MY COMMUNITY AND RESIDENTS. I BELIEVE I HAVE A LOT TO OFFER THE CITY. I'VE ALWAYS WANTED TO GET INVOLVE AND GIVE BACK TO MY COMMUNITY AND HELP MAKE OUR PARKS SAFE AND APPEALING FOR FAMILIES TO ENJOY.

9. Do you have any interests or associations which might present a conflict of interest? If yes, please explain:

Please attach your resume, and any additional information or statements which you feel would be helpful in reviewing your qualifications.

AUTHORIZATION AND RELEASE

I, SHELDON BLACKWELL**, understand that in connection with this application for appointment, this document and the information contained herein will be made available to the general public upon request. I certify under the penalty of perjury under the laws of the State of California that the foregoing is true and correct.**

Signature of Applicant

1/31/2023
Date

SUBMIT TO:

CITY CLERK
319 N. Douty St.
Hanford, CA 93230
Phone (559) 585-2515
Fax (559) 585-2595

RECEIVED
CITY OF HANFORD
DEC 12 2022
CITY CLERK

CLERK'S OFFICE USE ONLY:
CITY OF HANFORD RESIDENT: YES NO
DISTRICT NO. A B C D E ne

CITY OF HANFORD
APPLICATION FOR COMMISSION APPOINTMENT

APPLICANTS ARE ENCOURAGED TO CONTACT A COUNCILMEMBER TO COMMUNICATE THEIR INTEREST FOR APPOINTMENT.

1. Mr. Mrs. Ms. Judy (First) Lynn (Middle) Scott (Last)

2. Residence address: [redacted]
   Hanford (City) Kings (County) CA (State) 93230 (Zip)
   Cell/Home Phone [redacted]
   E-mail address: [redacted]

3. Position(s) sought: (List in order of preference)
   1) Parks and Recreation Commission
   2) Planning Commission
   3) Parking and Traffic Commission

4. Business Title or Occupation: Technical Reserve Background Investigator (PT)
   Company: Kings County Sheriff's Office
   Address: 1570 Kings County Drive
   Hanford (City) Kings (County) CA (State) 93230 (Zip)
   Phone (559) 852-2581

5. Education - List schools attended and/or graduated/degree(s):
   College of the Sequoias Paralegal Certificate

6. Other Special Training or Experience:
Employed by CDCR for 25 years learned organizational skills, leadership skills, communication skills. Computer skills are Word and Excel.

7. Previous and present governmental and civic experience. Indicate when, position and duties:
None

8. Please explain why you wish to serve on a Commission for the City of Hanford:
Enjoy public service. Assist making Hanford a better place to live.

9. Do you have any interests or associations which might present a conflict of interest? If yes, please explain:
No

Please attach your resume, and any additional information or statements which you feel would be helpful in reviewing your qualifications.

AUTHORIZATION AND RELEASE

I, Judy L Scott, understand that in connection with this application for appointment, this document and the information contained herein will be made available to the general public upon request. I certify under the penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Signature of Applicant

1/7/2022
Date

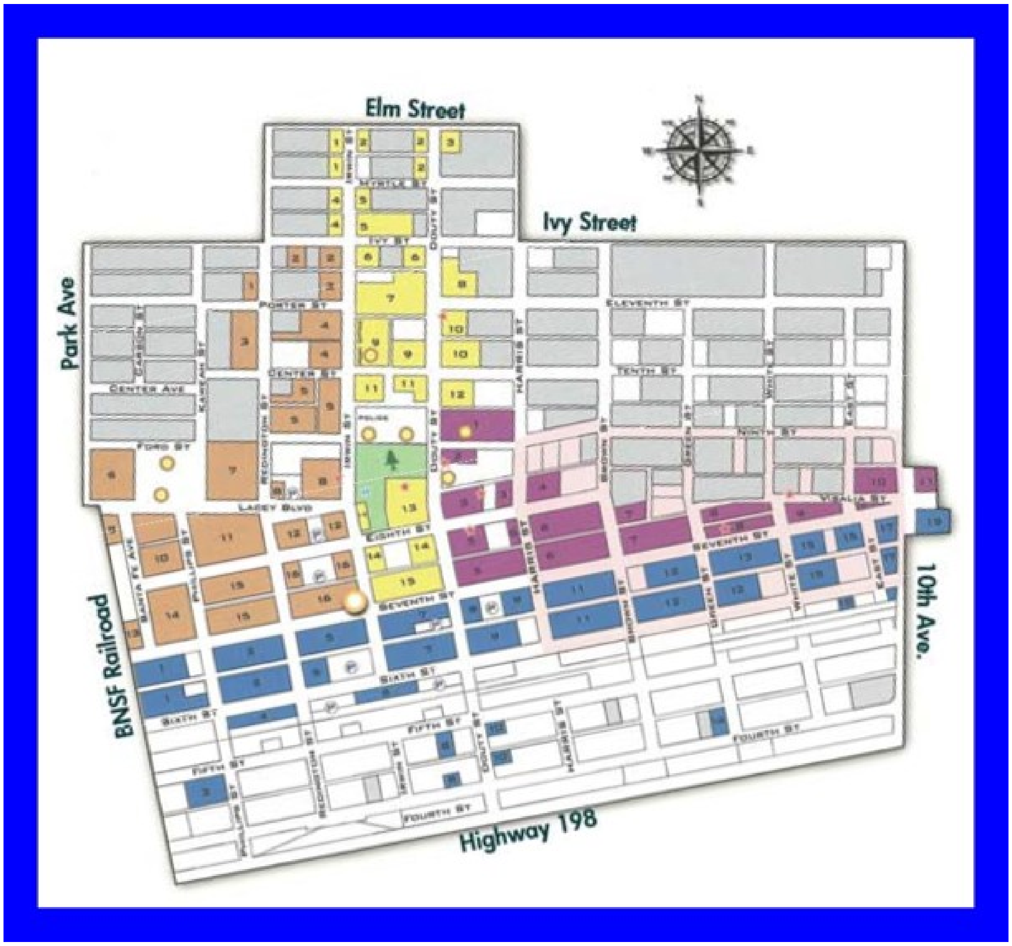
AGENDA
STAFF REPORT

MEETING DATE: 3/21/2023	AGENDA SECTION: GENERAL BUSINESS

SUBJECT:
Council review of the Central Parking and Business Improvement District, the Municipal Code related to the formation and oversight of the District, the transaction history for the restricted fund (025) and direction to staff regarding the renewal of the Agreement with Main Street Hanford for the delivery of services with proceeds from Downtown Assessments.

Recommendation:
That the City Council, by motion, receive the overview from staff on the Central Parking and Improvement District (BID) and provide direction to staff to work with Main Street Hanford on the renewal of the annual contract.

Background:
The Central Parking and Improvement District, more commonly referred to as the Business Improvement District (BID), was created in 1975 when the businesses in the downtown voted to assess themselves a double tax on their Business License Tax.



Pursuant to the creation of the BID, the base Business Tax and the double assessment are maintained in a separate, restricted fund and can only be used for the following uses, and only with the formal approval of the City Council, pursuant to the City of Hanford Municipal Code:

A. The acquisition, construction or maintenance of parking facilities for the benefit of the area;
B. The decoration of any public place in the area;
C. The promotion of public events which are to take place on or in public places in the area;
D. The furnishing of music in any public place in the area; and
E. The general promotion of retail trade activities in the area.

In March of 1976, the Hanford Improvement Association was incorporated as an independent Non Profit Organization charged with distributing funds of the City of Hanford's Central Parking and Business Improvement District. The first project to utilize funding from the BID occurred in 1979 and consisted of a streetscape project that is depicted in the article below.

Sentinel Photo by Craig Smith

Progress Report

Loretta Harris (right) and Barbara Andrews stroll down Seventh Street with their children this morning, dodging construction equipment. New curbs, gutters and sidewalks are being installed in a two-block area of downtown Hanford. A progress report on the work will be given Thursday at 8:30 a.m. in the Hanford Improvement Association Office, 109 N. Douty St.

Main Street Hanford (MSH) was formed in 2000 to help implement the recently adopted downtown 2010 plan and ultimately became the successor to the Hanford Improvement District. Since that time, Main Street Hanford has received the bulk of the annual assessment through annual contract payments. Below is the financial history for the Central Parking and Improvement Fund (025):

Fiscal Year	Revenues	Expenses
2013	$ 93,415	$ 47,295
2014	$ 192,983	$ 90,390
2015	$ 100,797	$ 95,067
2016	$ 87,876	$ 102,430
2017	$ 104,049	$ 104,843
2018	$ 107,132	$ 226,291
2019	$ 104,324	$ 92,153
2020	$ 103,043	$ 90,095
2021	$ 103,902	$ 81,090
2022	$ 96,578	$ 81,090
2023	$ 103,475	$ 81,090

The 025 Fund currently has a balance of $165,620, halfway through the current Fiscal Year. Council has recently approved a contract for the creation of a Downtown Strategic Plan. As part of the initial outreach for that plan, staff will create a stakeholders group of all businesses AND property owners located in the downtown. Previous outreach efforts have not always included property owners and that's an important component of this plan and those property owners will need to be engaged if vacant properties are ever going to be filled. The goal of the strategic plan is to develop a vision for the downtown that all of the stakeholders can support. The outcome will be more businesses and

activity in the downtown, which will translate into more revenue in the BID.

The City is tasked with very specific responsibilities under the Ordinance and, over the past two decades, has relied on Main Street Hanford to help implement those responsibilities with feedback from the downtown businesses. The most recent contract with Main Street Hanford expired on December 31, 2022 and staff has begun discussions with MSH on the contents of a new contract. Because Council has placed a strong emphasis on being proactive in supporting the downtown, staff is seeking direction from Council on the extent of the outreach that should be conducted and which uses for the BID funding should be a part of the services that will be included in the new contract with Main Street Hanford.

Fiscal Impact:
The action tonight will ultimately result in a future Council approval of a contract with Main Street Hanford. The current contract amount is $81,090, which is paid annually to Main Street Hanford out of the funds contributed to the BID by the businesses within the district.

ATTACHMENTS:
1. BID Ordinance
2. BID Map
3. 025 Fund History
4. 2020 MSH Agreement

Chapter 3.28 CENTRAL PARKING AND BUSINESS IMPROVEMENT AREA

3.28.010 Authority.

This chapter is adopted pursuant to the authority of the “Parking and Business Improvement Area Law of 1965,” being Sections 36000 et seq. of the Streets and Highway Code of the state. (Prior code § 3-6.101)

3.28.020 Designation.

There is created and established a parking and business improvement area designated as the “central parking and business improvement area of the city of Hanford,” hereinafter for brevity and convenience referred to as “area.” (Prior code § 3-6.102)

3.28.030 Area description.

A description of the exterior boundaries of said central parking and business improvement area of the city is as follows:

All that certain area situated in the city of Hanford, county of Kings, state of California, more particularly described as follows:

Beginning at the intersection of the center line of Redington Street and Ivy Street; thence northerly along the center line of Redington Street approximately 660 feet to its intersection with the center line of Elm Street; thence easterly along the center line of Elm Street approximately 1,500 feet to the center line of Harris Street; thence southerly along the center line of Harris Street approximately 660 feet to the center line of Ivy Street; thence easterly along the center line of Ivy Street approximately 2,150 feet to the east line of Section 25, said east line being located in the 10th Avenue right-of-way; thence southerly along the east line of said Section 25 approximately 1,300 feet to the north boundary line of the territory annexed by Ordinance No. 651; thence easterly along the boundary line of said annexed territory approximately 190 feet to an angle point in said boundary line, said point being located 10 feet east of the northeast corner of Lot 6 of Block 1 of Orange Addition and also being located on the east line of Assessor’s Parcel No. 14-211-10; thence southerly along said line of Assessor’s Parcel No. 14-211-10 and its southerly prolongation thereof approximately 180 feet to the south line of Section 30, said: line being located in the Lacey Boulevard right-of-way; thence easterly along the south line of Section 30 a distance of approximately 52.5 feet to its point of intersection with the northeast corner of the territory annexed by Ordinance No. 693, said point being located on a northerly prolongation of the east line of Assessor’s Parcel No. 16-011-12 and being also located 12.5 feet east of a northerly prolongation of the west line of Lot 9 of Block X of Manasse and Simon Addition; thence southerly along the east line of the territory annexed by Ordinance No. 693 a distance of approximately 200 feet to the southeast corner of said annexed territory, said corner being located on the south line of the alley in Block X; thence westerly along the south line of last said annexed territory a distance of approximately 242.5 feet to the east line of Section 36, said line being located in the 10th Avenue right-of-way; thence southerly along said section line in 10th Avenue approximately 1,200 feet to its intersection with the construction center line of State Highway 198; thence westerly along said construction center line of State Highway 198 approximately 4,280 feet to its point of intersection with the east line of the A.T.&S.F. Railroad right-of-way, said line being also an east line for the right-of-way for the former City street named Thornton Street; thence northerly along the east line of said railroad right-of-way and said former street right-of-way and its northerly prolongation thereof to its point of intersection with the south line of Section 25; thence westerly along the south line of said Section 25 approximately 150 feet to its point of intersection with the center line of Park Avenue; thence northerly along the center line of Park Avenue approximately 1,500 feet to its intersection with the center line of Ivy Street; thence easterly along the center line of Ivy Street approximately 1,050 feet to the point of beginning. (Prior code § 3-6.103)

3.28.040 Use of regular business license taxes within area.

Effective July 1, 1975, all revenue from the regular business license taxes collected pursuant to Chapters 5.04 and 5.08 within the central parking and business improvement area of the city of Hanford shall be credited to the central parking and improvement fund for use as established by Sections 3.28.140 and 3.28.150. (Prior code § 3-6.104)

3.28.050 Imposition of tax.

Effective July 1, 1975, there is imposed an initial rate of increase or additional levy of business license tax upon all permanent businesses located within the boundaries of the central parking and business improvement area of the city established by this chapter and which businesses are required to pay a business license tax upon a monthly or quarterly basis under the provisions of Chapter 5.04. (Prior code § 3-6.105)

3.28.060 Initial rate of increase or additional levy of business license tax.

The additional levy of the license tax imposed upon businesses within said area is hereby fixed, levied, determined and established as follows:

A. An amount equal to one hundred (100) percent of the business license taxes imposed by Chapters 5.04 and 5.08, and subsequent amendments thereto, as the same applies to permanent businesses located within said proposed area and which are required to pay a license tax upon a monthly or quarterly basis, excluding those businesses which pay quarterly license fees based upon average monthly gross receipts; and

B. When the amount of the license fee required by the provisions of Chapters 5.04 and 5.08, and subsequent amendments thereto, applies to permanent businesses located within said proposed area which pay a quarterly license tax based upon the amount of gross receipts from the sales of business transacted, the additional levy imposed shall be as follows:

1. An amount equal to one hundred (100) percent on gross annual sales up to five hundred thousand dollars ($500,000.00) per business,

2. An amount equal to fifty (50) percent on all portions of gross annual sales between five hundred thousand dollars ($500,000.00) and one million dollars ($1,000,000.00) per business, and

3. An amount equal to twenty-five percent (25) on all portions of gross annual sales exceeding one million dollars ($1,000.000.00) per business. (Prior code § 3-6.106)

3.28.070 Definitions and classifications.

The definitions and classifications of business shall be determined by the definitions and classifications set forth in Chapter 5.04 and 5.08 as the same apply to businesses within the area. (Prior code § 3-6.107)

3.28.080 Collection of tax.

The collection of the initial rate of increase or additional levy of business license tax imposed by this chapter shall be made at the same time and in the same manner as the ordinary business license taxes of the city under the provisions of Chapter 5.04 and 5.08 as the same apply to businesses which are required to pay a license tax upon a monthly or quarterly basis. Such tax shall be computed in the manner provided for in Chapter 5.04 and 5.08 and shall be due and payable and subject to the same penalties for delinquencies as provided in Chapter 5.04 and 5.08 of this title as the same applies to businesses paying a regular business license tax on a quarterly or monthly basis. (Prior code § 3-6.108)

3.28.090 Exemption—Voluntary contributions.

Any business, person or institution located within said area, or which is exempt from the payment of the ordinary business license taxes of the city by reason of the laws of the United States or the state shall not be taxed under this chapter but may make a voluntary contribution to the city. Such contributions shall be used for the purposes provided in Section 3.28.110. (Prior code § 3-6.109)

3.28.100 Enforcement of provisions.

It shall be the duty of the director of finance and his deputies to enforce the provisions of this chapter. The director of finance and his deputies and the police officers shall have the power to enter, free of charge, at any time, any place of business for which such license is required and to demand the exhibition of such license. It shall be the duty of all police officers to cause complaints to be filed against all persons violating any of the provisions of this chapter. (Prior code § 3-6.110)

3.28.110 Proposed uses.

The uses to which the business license tax imposed by Chapter 5.04 and 5.08 and the additional revenues received by the initial rate of increase or additional levy of business license tax imposed by this chapter and all voluntary contributions are to be put are as follows:

A. The acquisition, construction or maintenance of parking facilities for the benefit of the area;

B. The decoration of any public place in the area;

C. The promotion of public events which are to take place on or in public places in the area;

D. The furnishing of music in any public place in the area; and

E. The general promotion of retail trade activities in the area. (Prior code § 3-6.111)

3.28.120 Advisory board—Budget.

For the sole purpose of advising the council and making recommendations on the operation and extent of the area, the methods and ways in which the revenue derived from the levy of the license tax imposed by this chapter shall be used within the scope of the purposes set forth in Section 3.28.110, of this article, and to have and to perform such other powers and duties as the council may determine, there shall be created an advisory board, which shall consist of seven members to be appointed by the mayor, with the concurrence of the council, for a term of one year, to serve at the pleasure of the mayor and the council, said members to be persons who have businesses within the area that pay an additional levy of license tax as provided for by this chapter. The council may annually approve a budget to include an estimate of expenditures to be made to carry out the purposes of the central parking and business improvement area of the city. (Prior code § 3-6.112)

3.28.130 Regular and additional revenues—Deposits.

The revenues received by the business license tax imposed by Chapters 5.04 and 5.08 from businesses within the area and the additional rate of increase or additional levy of business license tax imposed by this chapter and all voluntary contributions shall be deposited in the central parking and improvement fund created by Section 3.28.140. (Prior code § 3-6.113)

3.28.140 Central parking and improvement fund—Established.

There is established in the city a fund to be designated as the "central parking and improvement fund." (Prior code § 3-6.201)

3.28.150 Central parking and improvement fund—Use of funds.

All revenues deposited in the central parking and improvement fund shall be used for the following purposes:

A. The acquisition, construction or maintenance of parking facilities for the benefit of the area;

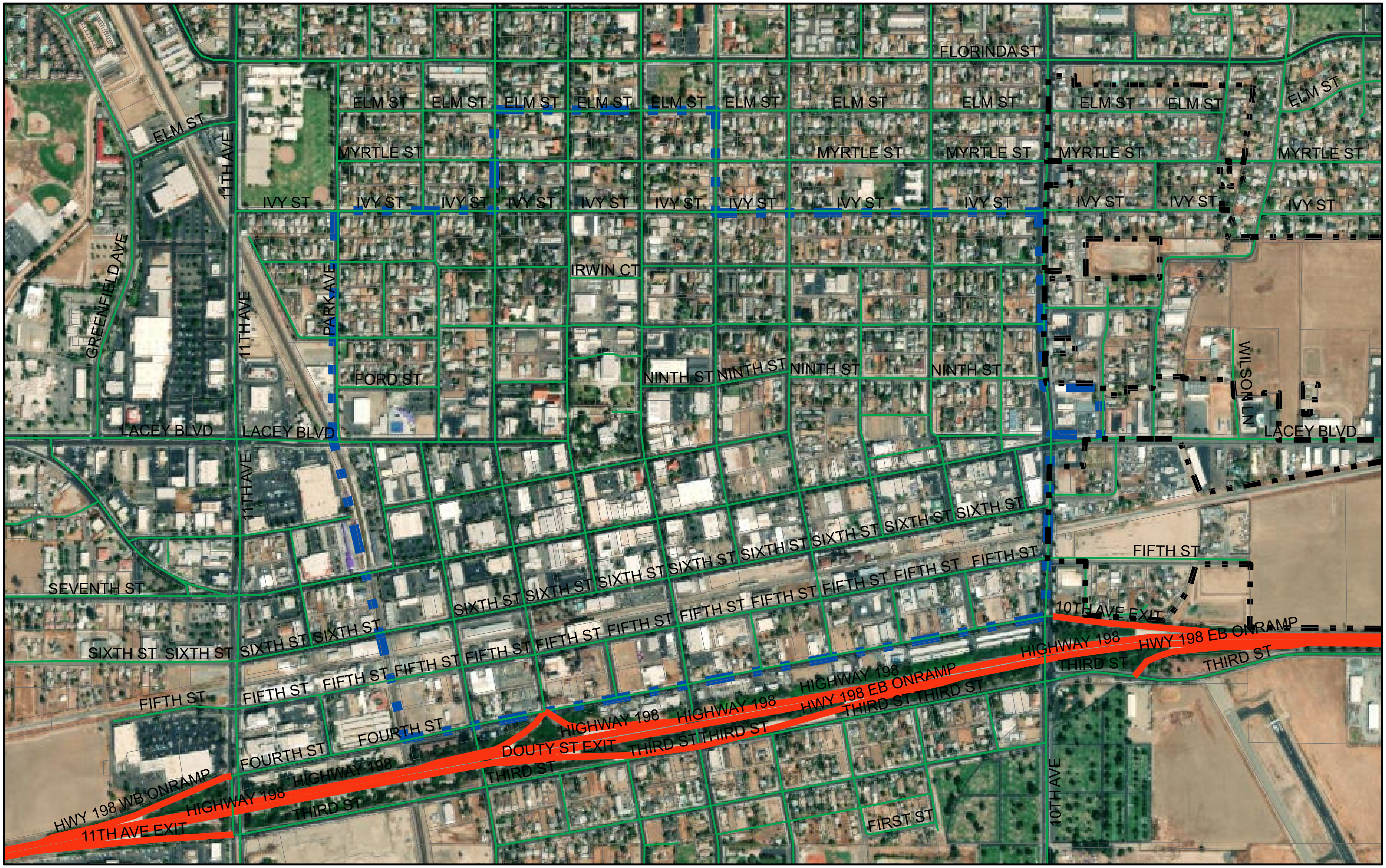
B. The decoration of any public place in the area;

C. The promotion of public events which are to take place on or in public places in the area;

D. The furnishing of music in any public place in the area; and

E. The general promotion of retail trade activities in the area. (Prior code § 3-6.202)

Downtown BID



3/8/2023

1:13,523

0 0.07 0.15 0.3 mi

0 0.15 0.3 0.6 km

Maxar

Central Parking and Improvement (025) Actuals												
		2013	**2014**	**2015**	**2016**	**2017**	**2018**	**2019**	**2020**	**2021**	**2022**	**2023**
Historic Actuals												
Beg Bal	Cash In Bank	$ 67,581.58										
Revenues	Business License Tax	$ 58,244.85	$ 54,049.97	$ 58,772.56	$ 57,044.56	$ 53,503.48	$ 58,298.83	$ 57,108.87	$ 87,876.00	$ 100,797.00	$ 192,983.00	$ 93,415.00
	Improvement Assessment	$ 45,370.16	$ 41,492.84	$ 44,182.57	$ 44,481.44	$ 42,326.82	$ 47,420.74	$ 44,506.68				
	Interest Income	$ 610.90	$ 599.80	$ 943.30	$ 1,214.42	$ 1,685.70	$ 1,496.79	$ 1,708.27				
	Gain/Loss Invst Fair Valu	$ (751.24)	$ 435.48	$ 3.61	$ 302.50	$ (892.30)	$ (84.78)	$ 724.99				
	Misc Revenue					$ 7,700.00						
	Totals	**$ 103,474.67**	**$ 96,578.09**	**$ 103,902.04**	**$ 103,042.92**	**$ 96,623.70**	**$ 107,131.58**	**$ 104,048.81**	**$ 87,876.00**	**$ 100,797.00**	**$ 192,983.00**	**$ 93,415.00**
Expenses	Crow Abatement									$ (10,000.00)	$ (9,300.00)	
	Contrib-Maint St Hanford	$ (81,090.00)	$ (81,090.00)	$ (81,090.00)	$ (81,090.00)	$ (81,090.00)	$ (81,090.00)	$ (81,090.00)	$ (81,090.00)	$ (81,090.00)	$ (81,090.00)	$ (47,295.00)
	Parking Lot/Alley Seal Coat				$ (9,005.00)	$ (9,752.42)	$ (9,701.35)					
	6th/Douty Parking Lot Reno					$ (1,310.62)	$ (135,290.00)					
	Downtown Landscape Maint						$ (210.00)	$ (23,753.00)	$ (21,340.00)	$ (3,977.00)		
	Totals	$ (81,090.00)	$ (81,090.00)	$ (81,090.00)	$ (90,095.00)	$ (92,153.04)	$ (226,291.35)	$ (104,843.00)	$ (102,430.00)	$ (95,067.00)	$ (90,390.00)	$ (47,295.00)
	Net Surplus/(Shortfall)	**$ 22,384.67**	**$ 15,488.09**	**$ 22,812.04**	**$ 12,947.92**	**$ 4,470.66**	**$ (119,159.77)**	**$ (794.19)**	**$ (14,554.00)**	**$ 5,730.00**	**$ 102,593.00**	**$ 46,120.00**
	Accumulated Fund Balance	**$ 89,966.25**	**$ 105,454.34**	**$ 128,266.38**	**$ 141,214.30**	**$ 145,684.96**	**$ 26,525.19**	**$ 25,731.00**	**$ 11,177.00**	**$ 16,907.00**	**$ 119,500.00**	**$ 165,620.00**

SERVICES AGREEMENT

*** * * * * * * * * * ***

THIS AGREEMENT is effective the **______** day of January**, 2020**, and is made by and between the **CITY OF HANFORD**, a municipal corporation (hereinafter "City"), and **MAIN STREET HANFORD**, a California non-profit public benefit corporation (hereinafter "MSH"). City and MSH are hereinafter referred to collectively as the "Parties" and singularly as a "Party."

W I T N E S S E T H

In consideration of the mutual covenants set forth herein and for other good and valuable consideration, the receipt and adequacy of which is hereby acknowledged, the parties hereto agree as follows:

1. **RECITALS**. This agreement is made and entered into with respect to the following facts:

a. The Hanford City Council has established the Central Parking and Business Improvement Area (hereinafter "District"), pursuant to Section 36000 et seq. of the Streets and Highways Code of the State of California, by the adoption of Ordinance No. 848 on April 22, 1975, as amended from time to time, and codified in Chapter 3.28 of the Hanford Municipal Code (hereinafter "ordinance").

b. The City seeks services identified below that will benefit the District.

c. MSH, is willing to provide such services.

2. **TERM**.

a. The term of this AGREEMENT shall be for a period of three (3) years, effective from January 1, 2020, until December 31, 2022, except that this Agreement may be terminated by either Party as provided herein.

b. Should MSH breach any term or condition of this Agreement or fail to perform any of the provisions of this Agreement that it is obligated to perform hereunder, the City shall have the right to immediately terminate this Agreement.

c. The City or MSH may terminate this Agreement for no cause at any time by giving sixty (60) calendar days prior written notice of termination. The termination shall be effective on the sixty-first (61^{st}) calendar day after the date of such written notice.

d. Effective the date of written notice of termination, MSH shall avoid incurring new expenses under this Agreement and City shall, except as otherwise provided herein, have no further obligation to render payment to MSH. Money previously paid to MSH and remaining unspent upon the date of termination shall be immediately returned to the City; MSH will, however, be entitled to compensation for authorized costs incurred and services provided to the City through the date of termination. Unspent monies and/or amounts owed to MSH, as applicable, will first be offset against any funds utilized by MSH for a purpose other than those authorized in Section 3 below.

3. **SERVICES**. MSH shall provide one or more of the following services:

a. Engage in a program that cleans the District so that it is safe and appealing to consumers in a manner that promotes retail trade within the District. Such expenditures may include, without limitation: planting of annuals/color in the District's flowerbeds; cleaning sidewalks and public spaces so that they are free of debris and animal waste; and hiring additional security during the Holiday shopping season.

b. Engage in activities that market the District so as to promote the District's retail trade; such activities will include, without limitation, advertising and publicity efforts utilizing multiple forms of communication (e.g., radio ads for seasonal shopping and special events, television ads for seasonal shopping and special events, print media for seasonal shopping and special events, focusing on local and out-of-town shoppers and visitors, and social media campaigns designed to create interest in shopping and visiting the District area; and special events designed to bring visitors and shoppers to the District area) to attract consumers from communities throughout the San Joaquin Valley;

c. Construct and install improvements that will decorate public places within the District and/or make the District appealing to consumers so as to promote retail trade activities within the District; improvements may include, without limitation, parking facilities/improvements, tree grates, sidewalks, curb returns, and bulb-outs/planters, benches and rest areas that support the pedestrian population, ADA compliance improvements, Holiday improvements, such as lighting, music, or other elements designed to bring interest to the District, larger improvement projects that may require the participation of the City of Hanford; and

d. Undertake activities that contribute toward the filling of building vacancies within the District in a manner that promotes the District's retail trade activities, which may include, without limitation, real estate marketing campaigns designed to fill vacant storefronts and vacant lots, and window painting efforts to add interest to vacant buildings.

e. Prepare and provide to the City, for review by the City Council, an annual operations report for all matters covered under this Agreement on or prior to March 1, 2020 and thereafter no later than March 1st of each year. Such annual report shall account for: (i) all actual revenue, activities, and expenditures during the fiscal year of the District (January 1 through December 31) prior to the year of the report; (ii) all to-date and projected revenue, activities and expenditures during the then current fiscal year; and (iii) a specific management plan, including operating budget, for the fiscal year following the year of the report. The specific management plan and budget for the following fiscal year shall specify the actual activities and improvements proposed to be completed in that year pursuant to this Agreement, and shall also include any information required under the enacting Ordinance. This report shall be presented to Council at an agendized study session and accepted by Council. This paragraph shall not be interpreted in a manner that requires MSH to provide information or material for its activities that occur outside of the scope of this Agreement.

The services listed above are consistent with the District's purposes identified in the ordinance. MSH shall select the service(s) that it will provide during the term of this Agreement, and the level of services provided shall be commensurate with the compensation that the City will pay to MSH in accordance with Section 4 below. For example (and for illustration purposes only), if MSH elects to limit its services to the marketing of the District in a manner that promotes the District's retail trade, the level of marketing services provided shall be commensurate with the compensation amount identified in Section 4 below.

4. COMPENSATION.

a. The City shall pay MSH a total of EIGHTY-ONE THOUSAND, NINETY AND NO/100 DOLLARS ($81,090.00) for the services to be provided hereunder. This amount will be paid in four (4) equal installments, which shall occur on July 1, October 1, January 1, and April 1.

b. Should MSH breach any term or condition of this Agreement or fail to perform any of the provisions of this Agreement that it is obligated to perform hereunder, the City shall have the right to withhold payment to MSH until any such breach is cured or performance made as determined by the City in its sole and absolute discretion.

5. FINANCIAL STATEMENTS AND ELECTION BALLOTS.

a. Within sixty (60) calendar days of the end of each of MSH's fiscal years (and portions thereof) that this Agreement remains in effect, MSH will provide to the City financial statements and written confirmation from an independent certified public accountant reasonably acceptable to the City that MSH is in full compliance with the terms of this Agreement. The financial statements shall, without limitation, reflect the manner in which funds received by MSH hereunder ("Agreement Funds") have been utilized in furtherance of the activities identified in Section 3 above. Financial statements will include, without limitation, an itemized list of goods and services for which MSH expended Agreement Funds and detailed descriptions of such goods and services. Should this Agreement expire or terminate on a date other than the last day of MSH's fiscal year, MSH will provide to the City, within sixty (60) calendar days of end of its then-current fiscal year, the financial statements for the portion of the fiscal year during which this Agreement remained in effect.

b. The Hanford City Clerk (hereinafter "City Clerk") shall, throughout the term of this Agreement, have the right to be present for and observe the opening and tabulation of ballots relating to the election of MSH's directors and officers. MSH shall notify the City Clerk at least three (3) business days prior to each date on which election ballots will be open and tabulated.

6. LIAISON. The City shall appoint a liaison with whom MSH may communicate. The City will provide its liaison's name to MSH and will advise MSH if such person is replaced.

7. INDEMNIFICATION. MSH agrees to indemnify, defend and hold harmless the City and its officials, officers, employees, agents and volunteers from and against all claims, demands, actions, injuries, liabilities, losses, costs or damages, direct or indirect, and any and all attorney's fees and other expenses which the City or its officials, officers, employees, agents or volunteers may sustain or incur as a consequence of or anyway relate to MSH, or its employees', agents' and subcontractors' performance of MSH's responsibilities and obligations contained in this Agreement. This indemnification shall survive the termination of the Agreement.

8. **<u>INSURANCE REQUIREMENTS</u>**.

a. MSH will, during the term of this Agreement, maintain insurance coverage which shall be at least as broad as:

(1) Commercial General Liability (CGL): Insurance Services Office (ISO) Form CG 0001 1207 covering CGL on an "occurrence" basis, including products-completed operations, personal and advertising injury, with limits no less than TWO MILLION AND NO/100 DOLLARS ($2,000,000) per occurrence. Alternatively, MSH may maintain a CGL policy with limits of no less than ONE MILLION AND NO/100 DOLLARS ($1,000,000) per occurrence ***<u>and</u>*** an umbrella coverage policy with coverage limits of no less than ONE MILLION AND NO/100 DOLLARS ($1,000,000) and which has a scope of coverage as broad as MSH's CGL policy. If a general aggregate limit applies, either the general aggregate limit shall apply separately to this project/location or the general aggregate limit shall be twice the required occurrence limit.

(2) Automobile Liability: ISO Form Number CA 00 01 covering any auto (Code 1), or if MSH has no owned autos, hired (Code 8), and non-owned autos (Code 9), with a limit no less than ONE

MILLION AND NO/100 DOLLARS ($1,000,000) per accident for bodily injury and property damage.

(3) Workers' Compensation: as required by the State of California, with Statutory Limits, and Employer's Liability Insurance with a limit of no less than ONE MILLION AND NO/100 DOLLARS ($1,000,000) per accident for bodily injury or disease.

If MSH maintains higher limits than the minimums shown above, the City requires and shall be entitled to coverage for the higher limits maintained by MSH.

b. Any deductibles or self-insured retentions must be declared to and approved by the City. The City may require MSH to purchase coverage with a lower deductible or retention or provide proof of ability to pay losses and related investigations, claim administration, and defense expenses within the retention. Alternatively, the City may require MSH to provide a financial guarantee satisfactory to the City guaranteeing payment of losses and related investigations, claim administration, and defense expenses within the retention**.**

c. The policies are to contain, or be endorsed to contain, the following provisions:

(1) The City and its officers, officials, employees, and volunteers are to be covered as additional insureds on the CGL policy with respect to liability arising out of work or operations performed by or on behalf of MSH including materials, parts, or equipment

furnished in connection with such work or operations; products used by MSH; or automobiles owned, leased, hired or borrowed by MSH. General liability coverage can be provided in the form of an endorsement to MSH's insurance at least as broad as ISO Form CG 20 10 11 85 or if not available, through the addition of both CG 20 10 and CG 20 37 if a later edition is used. The coverage shall contain no special limitations on the scope of protection afforded to the City, its officers, officials, employees or volunteers.

(2) For any claims related to this contract, MSH's insurance coverage shall be primary insurance as respects the City and its officers, officials, employees, and volunteers. Any insurance or self-insurance maintained by the City and/or its officers, officials, employees, or volunteers shall be in excess of MSH's insurance and shall be non-contributory.

(3) Each insurance policy required above shall provide that coverage shall not be canceled, except with notice to the City.

d. Insurance is to be placed with insurers with a current A.M. Best's rating of no less than A:VII.

e. MSH shall furnish the City with original certificates and amendatory endorsements or copies of the applicable policy language effecting coverage required by this clause. All certificates and endorsements are to be received and approved by the City before work commences. However, failure to obtain the required documents prior to the work beginning shall not waive the MSH's obligation to provide them. The City reserves the right to require complete, certified copies of all required insurance policies, including endorsements required by these specifications, at any time.

f. MSH hereby grants to City and its officers, officials, employees, and volunteers a waiver of any right to subrogation which any insurer of MSH may acquire against the City and/or its officers, officials, employees, and volunteers by virtue of the payment of any loss under such insurance. MSH agrees to obtain endorsements necessary to affect this waiver of subrogation, but this provision applies regardless of whether or not the City has received a waiver of subrogation endorsement from the insurer.

g. The City reserves the right to modify the insurance requirements contained in this contract, including, without limitation, coverage limits, based on the nature of the risk, prior experience, insurer, coverage, or other special circumstances.

h. MSH shall include all subcontractors as insureds under its policies or shall furnish separate certificates and endorsements for each subcontractor. All coverages for subcontractors shall be subject to all of the requirements stated herein.

i. MSH will maintain special event or other similar coverage with respect to any and all events operated or sponsored by MSH pursuant to Section 3 above. MSH will notify the City at least forty-five (45) calendar days before any such event, and the City will identify the coverage limits that MSH will be required to maintain for such event.

9. **INDEPENDENT CONTRACTOR STATUS**. It is understood and agreed that MSH, in the performance of this Agreement, shall act as and be an independent contractor and shall not act as an agent or employee of the City. MSH and its employees shall obtain no retirement benefits or other benefits that accrue to the City's employees and MSH hereby expressly waives any claim it may have to any such rights. Nothing in this Agreement shall create or be construed as creating a partnership, joint venture or any other relationship between the City and MSH.

10. **NOTICES**. All notices herein required shall be in writing and shall be sent by certified mail, postage prepaid, addressed as follows:

Main Street Hanford
P.O. Box 690
Hanford, CA 93232
Attn: Executive Director

City of Hanford
319 N. Douty Street
Hanford, CA 93230
Attn: City Manager

11. **COMFORMANCE TO APPLICABLE LAWS**. MSH shall comply with all applicable federal, state, and city laws, rules and ordinances. No discrimination shall be made by MSH in the employment of persons to work under this Agreement because of race, color, national origin ancestry, sex or religion of such person.

12. **ATTORNEYS' FEES**. If an action at law or in equity is necessary to enforce or interpret the terms of this Agreement, the prevailing party shall be entitled to reasonable attorney's fees, costs and necessary disbursements in addition to any other reasonable relief to which he may be entitled. With respect to any suit, action or proceeding arising out of or related to this Agreement, or the documentation related hereto, the parties hereby submit to the jurisdiction and venue of the Superior Court, for the County of Kings, State of California for any proceeding arising hereunder.

13. **SOLE AND ONLY AGREEMENT**. This Agreement supersedes any and all other agreements, either oral or in writing, between the parties hereto with respect to the matters set forth herein and contains all of the covenants and agreements between the parties regarding said matters. Each party to this Agreement acknowledges that no representations, inducements, promises or agreements, orally or in writing, have been made by any party or anyone acting on behalf of any party which is not embodied in the Agreement and no other agreement, statement or promise shall be valid or binding.

14. **INVALIDITY**. If any provision of this Agreement is held by a court of competent jurisdiction to be invalid, void or unenforceable, the remaining provisions shall nevertheless continue in full force and effect without being impaired or invalidated in anyway.

15. **AMENDMENT**. No change, amendment or modification of the Agreement shall be valid unless the same be in writing and signed by the parties hereto.

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IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed on the day and year first above written.

CITY OF HANFORD, a Municipal Corporation,

By __________________________________
JOHN DRAXLER
Mayor

ATTEST:

____
SARAH MARTINEZ, City Clerk

APPROVED AS TO FORM:

GRISWOLD, LaSALLE, COBB
DOWD & GIN, L.L.P., City Attorney

By: ______________________________
TY N. MIZOTE

MAIN STREET HANFORD

By: __________________________________
MICHELLE BROWN
Executive Director

Council Future Agenda Items				
Originated Date	**Item**	**Originator**	**Staff Lead**	**Date Estimate**
12/20/2022	Presentation to City Council regarding Youth Sports Activities and related field usage and level of services provided after the formation of the Field Sports Advisory Committee	Council Consensus	Brad Albert	6/6/2023
1/9/2023	Recommendation to Council for selection of Design Firm for the Downtown Improvement Project	City Manager	Jason Waters	4/18/2023