



Paul Boyer, Mayor
Matt Sisk, Mayor Pro Tem
Don Rowlett, Councilmember
L. Benavides, Councilmember
Greg Gomez, Councilmember

AGENDA
Farmersville City Council
Regular Meeting
October 24, 2016 - 7:00 p.m.
Closed Session Starts at 6:00 PM
Meeting held in Civic Center Council Chambers
909 W. Visalia Road Farmersville, CA

1. Call To Order
2. Roll Call
3. Invocation
4. Pledge Of Allegiance
- 4.I. 7:00 PM Convene The October 24, 2016 City Council In Recognition Of October As Breast Cancer Awareness, Prevention And Recovery Month.

Documents:

[OCTOBER IS BREAST CANCER AWARENESS, PREVENTION, TREATMENT AND RECOVERY MONTH.PDF](#)

5. Presentations

- 5.I. Recognition Of CB Performance - Farmersville, CA For October As National Manufacturing Month
City Council Proclamation Honoring CB Performance, Farmersville for National Manufacturing Month.

Documents:

[ITEM 5.1 CB PERFORMANCE.PDF](#)

- 5.II. Presentation By Tulare County Public Health On Tobacco And Alcohol Reduction Strategies
Presentation by Tulare County Public Health on Tobacco and Alcohol Reduction Strategies

Documents:

[ITEM 5.II LEE LAW PRESENTATION BY TULARE COUNTY PUBLIC HEALTH.PDF](#)

6. Public Comment

Provides an opportunity for members of the public to address the City Council on items of interest to the public within the Council's jurisdiction and which are not already on the agenda this evening. It is the policy of the Council not to answer questions impromptu. Concerns or complaints will be referred to the City Manager's office. Speakers should limit their comments to not more than two (2) minutes. No more than twenty (20) total minutes will be allowed for Public Comment. For items which are on the agenda this

evening, members of the public will be provided an opportunity to address the council as each item is brought up for discussion. Comments are to be addressed to the Council as a body and not to any individual Council Member.

7. Consent Agenda

Under a CONSENT AGENDA category, a recommended course of action for each item is made. Any Council Member or Member of the Public may remove any item from the CONSENT AGENDA in order to discuss and/or change the recommended course of action, and the Council can approve the remainder of the CONSENT AGENDA.

- 7.I. Consideration Of Draft Meeting Minutes Of Special Meeting - October 4, 2016
Recommend approval of draft meeting minutes from Special Meeting October 4, 2016,
City Council Candidate Orientation

Documents:

[OCT 4, 201 SPECIAL MEETING DRAFT MINUTES.PDF](#)

- 7.II. Consideration Of Draft Action Minutes Of October 10, 2016 Regular City Council Meeting.
Recommend approval of draft action minutes of October 10, 2016 Regular City Council Meeting.

Documents:

[DRAFT ACTION MINUTES OF REGULAR CITY COUNCIL MEETING OCTOBER 10, 2016.PDF](#)

8. Discussion Action Items (New Business)

- 8.I. Consideration Of Recommendation To Participate In Agua 4 All Program
Recommend approval to Participate in Agua 4 All Program.

Documents:

[8.I AGUA 4 ALL.PDF](#)

- 8.II. Consideration Of Recommendation For Letter Of Public Convenience And Necessity For Liquor License Transfer For Rite Aid At 1710 N. Farmersville Blvd.
Recommend Approval of Letter of PC&N For Rite Aid.

Documents:

[8.II RITE AID LIC.PDF](#)

- 8.III. Review Of Draft Water Rate Study
Discussion with possible direction to staff regarding preliminary review of draft water rate study and next steps in refinement and adoption.

Documents:

[8.III DRAFT WATER RATE STUDY.PDF](#)

- 8.IV. Consideration Of Draft Interim Urgency Ordinance 479

Recommend adoption / approval of draft interim urgency Ordinance #479 pertaining to an interim urgency ordinance of the City of Farmersville, enacting a temporary

moratorium on land uses involving non-medical marijuana possession, smoking, ingestion, use, planting, drying, cultivation, harvesting, transportation, delivery, purchasing, gifting, manufacturing and business operations, pursuant to government code section 65858.

Documents:

[ITEM 8.IV ORD 479.PDF](#)

9. Council Reports

9.I. City Council Reports As Representatives To Committees And External Organizations

City Council Representatives to External / Internal

Organizations and Committees

TCAG: Mayor Boyer

Alternate: Councilmember Rowlett

Council of Cities: Councilmember Gomez

Alternate: Councilmember Benavides

TCAG Rail Comm: Councilmember Sisk

EDC: Councilmember Benavides

Alternate: Mayor Boyer

Delta Vector: VACANT (Recruitment pending)

Home Loan Approval Committee:

Councilmembers Benavides and Gomez

SJVAPCD: Councilmember Benavides

Alternate: Councilmember Gomez

2016 Community Funding Ad-Hoc Committee

Councilmembers Benavides and Gomez

Alternate: Mayor Pro Tem Sisk

10. City Manager Report

11. City Attorney Report

12. Future Agenda Items

12.I. Future Agenda Items

Future Agenda Items – TBD: (Dates to Be Determined)

- 1) Joint Workshop of City Council and Planning Commission Regarding Design Guidelines
- 2) Update on Water Energy Grant
- 3) Request to Bid S Farmersville Blvd. Improvement Project
- 4) Senior Services
- 5) Deep Creek Cemetery
- 6) Police Dept. Budget Amendment

13. Adjourn To Closed Session Or Adjourn To Next Meeting

13.I. 6:00 PM Closed Session - 6:00 PM

1. CONFERENCE WITH LABOR NEGOTIATOR (Government Code §54956.8) It is the intent of this governing body to meet in closed -session to review its position and to instruct its designated representatives:

Designated Representatives - City Manager

Name of Employee organization: All bargaining groups / all City employees.

2. PENDING LITIGATION (Government Code § 54956.9). It is the intention of this governing body to meet in closed-session concerning:

Conference with legal counsel – EXISTING LITIGATION (Government Code § 54956.9(d)(1)).

Parties, case/claim no. Bertha Rodriguez V. City of Farmersville CA Superior Court-Tulare County Case No. 267093

Case name unspecified because of jeopardy to settlement negotiations or service of process.

3. PENDING LITIGATION (Government Code § 54956.9). It is the intention of this governing body to meet in closed-session concerning:

Conference with legal counsel – ANTICIPATED LITIGATION (Government Code § 54956.9(d)).

Significant exposure to litigation (Government Code § 54956.9(d)(2)).

Number of potential cases is: 1.

Facts and circumstances clearly known to potential plaintiff (if any) that might result in litigation (Government Code § 54956.9(e)(2)) :

4. PERSONNEL (Government Code §54957 (b)) It is the intention of this governing body to meet in closed session to: consider the public employee performance evaluation of: City Manager.

14. Reconvene To "Report Out" Of Closed Session And Adjournment

15. Footer

Documents:

[FARMERSVILLE CITY HALL FOOTER.PDF](#)

NOTICE TO PUBLIC

The City of Farmersville Civic Center and City Council Chambers comply with the provisions of the Americans with Disabilities Act (ADA). Anyone needing special assistance please contact City Hall at (559) 747-0458 please allow at least six (6) hours prior to the meeting so that staff may make arrangements to accommodate you.

Materials related to an item on this agenda submitted to the Council after distribution of the agenda packet are available for public inspection in the City's offices during normal business hours.



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How the American Cancer Society Fights Breast Cancer

Breast cancer is the most common cancer among women in the United States (other than skin cancer). But millions of women are surviving the disease thanks in part to early detection and improvements in treatment.

The American Cancer Society is actively fighting breast cancer by helping women get tested to find breast cancer earlier, and helping them understand their treatment options and cope with the physical and emotional side effects. We also fund research to help prevent, find, and treat breast cancer.

[LEARN ABOUT BREAST CANCER](#)

[VOLUNTEER TO HELP](#)

[DONATE NOW](#)

BREAST CANCER INFORMATION FOR PATIENTS



Whether you're trying to reduce your risk of breast cancer, increase the chance of finding it early, or coping with a diagnosis, the American Cancer Society has comprehensive information to help you understand your options.

- [Lowering Breast Cancer Risk](#)
- [Detecting Breast Cancer Early](#)
- [Treating Breast Cancer](#)
- [Latest News About Breast Cancer](#)
- [Breast Cancer Survivor Stories](#)
- [Breast Cancer Videos](#)
- [7 Things to Know About Getting a Mammogram](#)
- [See All Patient Information About Breast Cancer](#)

BREAST CANCER RESEARCH



The American Cancer Society has played a role in nearly every breast cancer breakthrough in recent history. Our staff of full-time researchers produce detailed analyses of breast cancer trends and investigate the links between lifestyle and breast cancer. We also fund external researchers dedicated to finding better ways to prevent, detect, and treat the disease, and improve the quality of life of breast cancer patients and survivors.

- [Breast Cancer Research Highlights](#)
- [See All Stories about ACS Breast Cancer Research](#)

[2015–2016 Breast Cancer Facts & Figures \(Statistics PDF\)](#)

PROGRAMS AND SERVICES FOR PEOPLE WITH BREAST CANCER



- [Reach to Recovery: Support for Women with Breast Cancer](#)
- [TLC: Hair Loss and Mastectomy Products](#)
- [Look Good Feel Better](#)
- [Patient Lodging Programs](#)
- [Rides to Treatment](#)
- [Community Health Initiatives for Increased Screening](#)
- [See All Programs and Services](#)

GET INVOLVED

Join the fight against breast cancer. Your support helps us raise awareness and funds that help people reduce their risk of cancer; provide free programs and services for breast cancer patients; and fund groundbreaking breast cancer research. Your participation also helps our advocacy affiliate, the [American Cancer Society Cancer Action Network](#), make sure breast cancer remains a priority issue for elected officials.



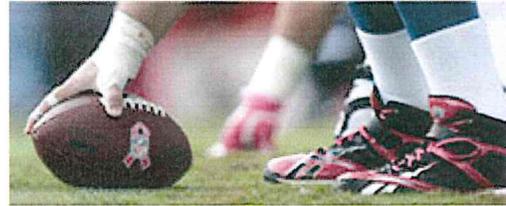
[Register for a Making Strides Walk](#)



[Donate Online](#)



[Test Your Breast Cancer IQ](#)



[Support NFL's "A Crucial Catch"](#)

5.1

CITY COUNCIL PROCLAMATION

In Recognition of October as National Manufacturing Awareness and Appreciation Month,
CB Performance of Farmersville, is Recognized as a Valued Member
of our Manufacturing Business Sector.

Whereas, Manufacturing Day is celebrated nationally on the first Friday of the month of October to showcase manufacturers and increase awareness of manufacturing careers.

Whereas, manufacturing jobs are critical to the economy and provide living wages with long-term career opportunities.

Whereas, manufacturing sector includes food processing, milk processing, beverage manufacturing, nut processing, paper products, food packaging, plastic products, steel products etc. and are the backbone of the economy.

Whereas, increasing awareness among students, parents, and community of local manufacturing careers is essential to encouraging manufacturing pathways.

Whereas, increasing opportunities for all to gain knowledge of the manufacturing careers within their immediate surroundings.

Whereas, coordinated and aligned efforts of public and private organizations is needed to collectively address the challenges of the skilled labor shortage.

Whereas, filling skilled labor shortage requires aligning and leveraging the efforts of public, private and nonprofit organizations.

Whereas, by working together with manufacturers, educational system, Workforce Investment Board, Economic Development Corporation, Chamber of Commerce, and other public and private organizations, the skilled labor shortage for short term can be solved, and long-term solutions can be developed.

Whereas, showcasing the regional commitment to manufacturing in the San Joaquin Valley will encourage local expansion and attraction from other markets.

Whereas, **CB Performance** of Farmersville, is a local custom manufacturer and is recognized and appreciated by the City of Farmersville for their contribution to our community and economy and to contributing to our regional manufacturing sector by providing good quality jobs and opportunities to area residents.

Now, therefore, I, Paul Boyer, Mayor of the City of Farmersville, CA, declare the Month of October, as the "Manufacturing Awareness and Appreciation Month" and recognize **CB Performance of Farmersville** and I further encourage our communities and manufacturers to work collaboratively with the San Joaquin Valley Manufacturing Cluster in creating a world class Career Technical Education Ecosystem to support and grow the manufacturing sector. Presented this 24th Day of October 2016.

Paul Boyer, Mayor
City of Farmersville, CA



City Council

Staff Report

TO: Honorable Mayor and City Council

FROM: John Jansons, City Manager *[Signature]*

DATE: October 24, 2016

SUBJECT: Presentation and Update on Lee Law Program of Tulare County Public Health

RECOMMENDED ACTION:

It is respectfully recommended that the City Council hear a presentation from Kate Bourne, MPH, Health Education Specialist, with the Tulare County Office of Public Health, on the Lee Law Program designed to curb tobacco and alcohol advertising in support of improved public health.

BACKGROUND and DISCUSSION:

Since 2015, the City of Farmersville has been supportive of Tulare County Public Health's effort to decrease retail signage advertising tobacco and alcohol products and support preemptive health improvement strategies for residents of Tulare County. Farmersville and the City of Tulare have been earlier study samples by the Dept. of Public Health and local Farmersville businesses have in large part been good partners in embracing the campaign and partnering to be responsible merchants and improve public health.

Currently, the Farmersville sign ordinance allows up to 25% of storefront windows to be used for advertising. This has been successful regulation in that there has been good compliance by Farmersville retailers. Many cities allow an area greater than 25% and many cities provide no regulation at all.

CONCLUSION:

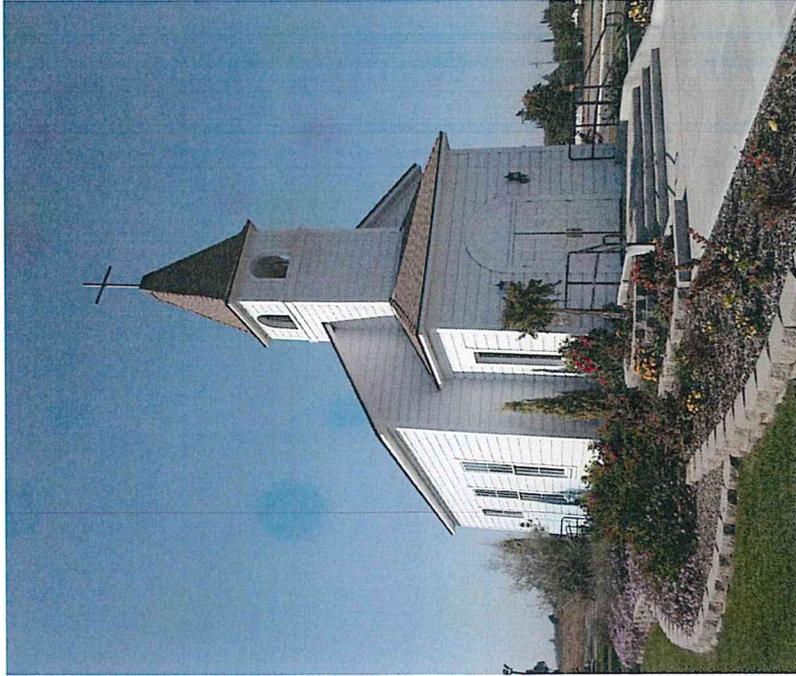
It is respectfully recommended that the City Council hear a presentation of the draft Water Rate Study by QK, Inc. and provide any direction to the consultant(s) and staff regarding proceeding toward completion of the Water Rate Study and next steps going forward.

ATTACHMENT(s): Presentation on Lee Law Program
Sample Model Ordinances & Report of Farmersville Survey

Approved By:

[Signature]

John Jansons, City Manager



STRENGTHENING THE LEE LAW

IMPROVING PUBLIC HEALTH AND SAFETY IN FARMERSVILLE

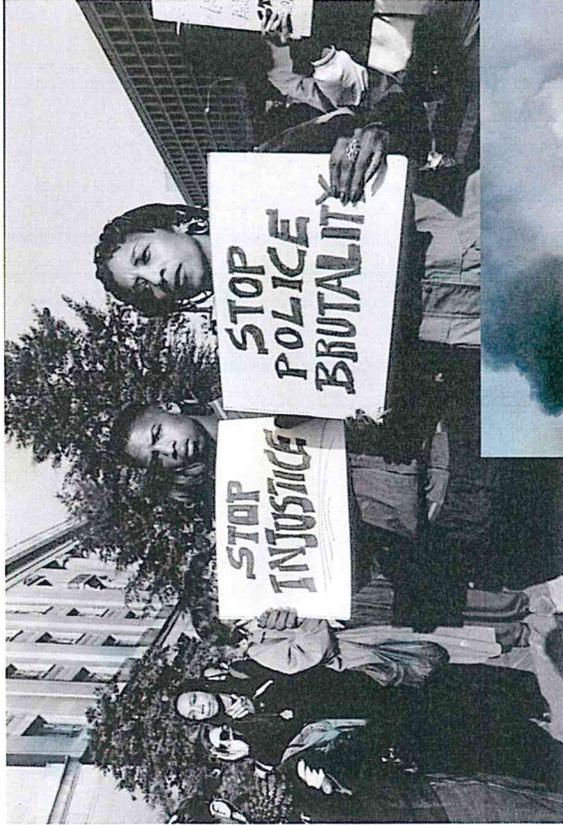
OBJECTIVES

- Lee Law history and overview
- Healthy Stores for a Healthy Community
- Farmersville data
- Model ordinance



RODNEY KING RIOTS

- 53 people killed
- 4,000+ injured
- 200 convenience and liquor stores destroyed
- \$1 billion in property damage



THE LEE LAW

- Bill authored by Assemblywoman Barbara Lee
 - Started through community campaign to prevent crime and violence that was associated with the liquor stores in South Central LA
- Enacted in 1994 as part of California Business and Professions code § 25612.5
 - No more than 33% of window space can be covered with advertisements or signs
 - Window signage must be placed so that law enforcement personnel have a clear and unobstructed view of the inside of the store
- The California Department of Alcoholic Beverage Control (ABC) is the only enforcement authority
- Only applies to stores that sell alcohol



HEALTHY STORES FOR A HEALTHY COMMUNITY

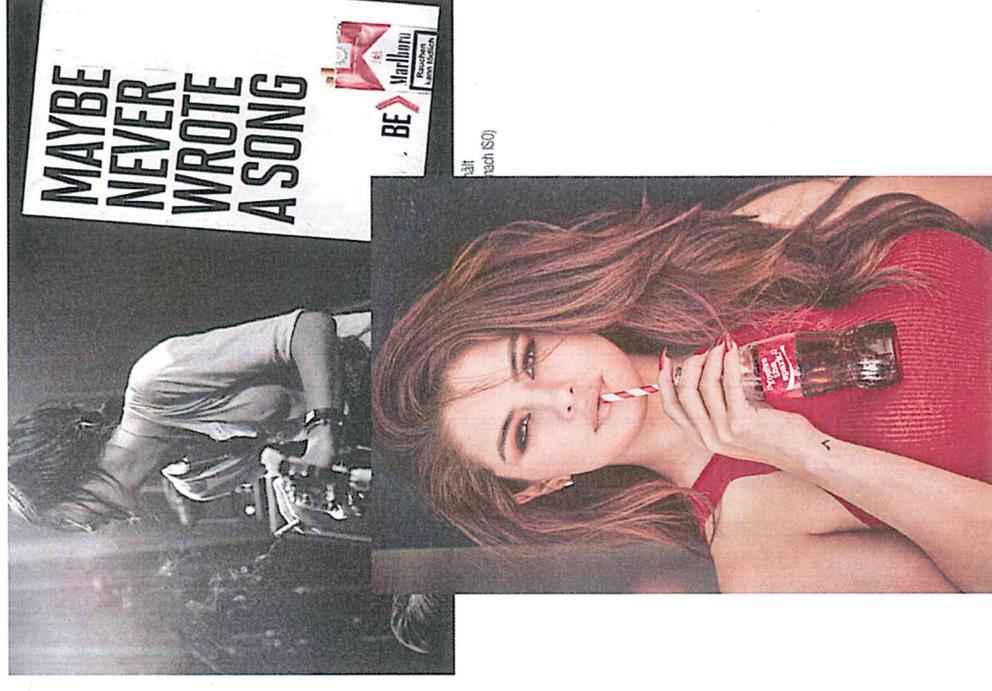


Jularé
County Tobacco Awareness & Education Project



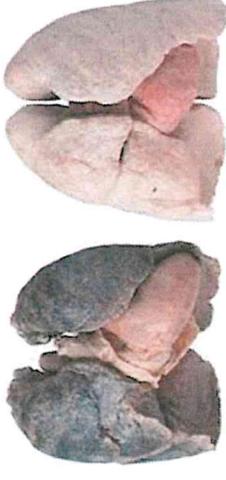
MARKETING

- Exposure to marketing impacts health behaviors
 - 9 out of 10 smokers had their first cigarette by age 18⁹
 - One study concluded that for each additional alcohol ad an adolescent saw, they drank 1% more²
 - In 2013, US households spent \$14.3 billion on sugary drinks
 - Regular soda represented 45% of these sales
- It's estimated that advertisers spend over \$12 billion per year to reach youth⁵
 - About \$30 million is spent on tobacco advertising in the US each day

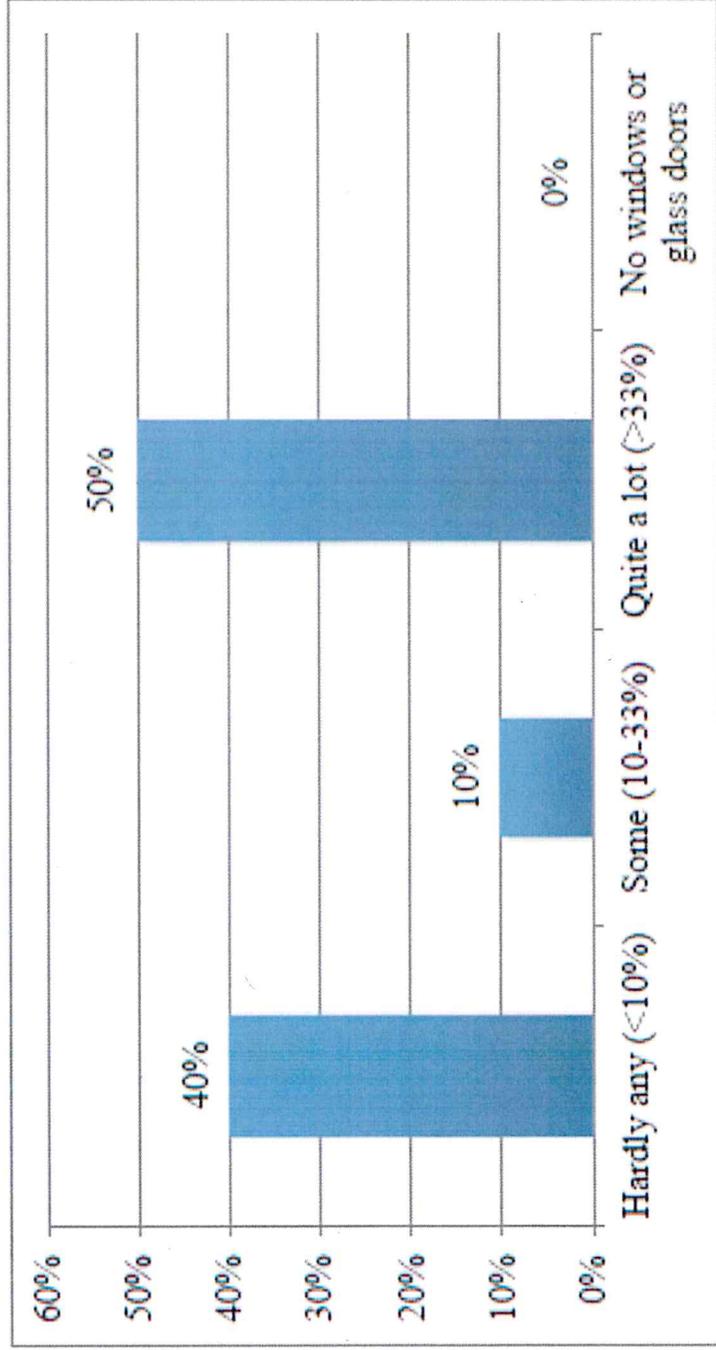


CONSEQUENCES

- Smoking
 - Causes nearly one in five deaths in the US each year⁴
 - More deaths than HIV, illegal drug use, alcohol, motor vehicle injuries, and firearm related incidents COMBINED⁴
 - Medical bills result in a total economic cost of \$300 billion and \$170 billion in direct medical costs¹
- Excessive alcohol consumption
 - Responsible for 1 in 10 deaths among adults²
 - Economic costs estimated to be \$249 billion or \$2.05 per drink
- Childhood obesity
 - 17% of children and adolescents in the US are obese¹
 - 70% of obese children had at least one risk factor for cardiovascular disease⁸



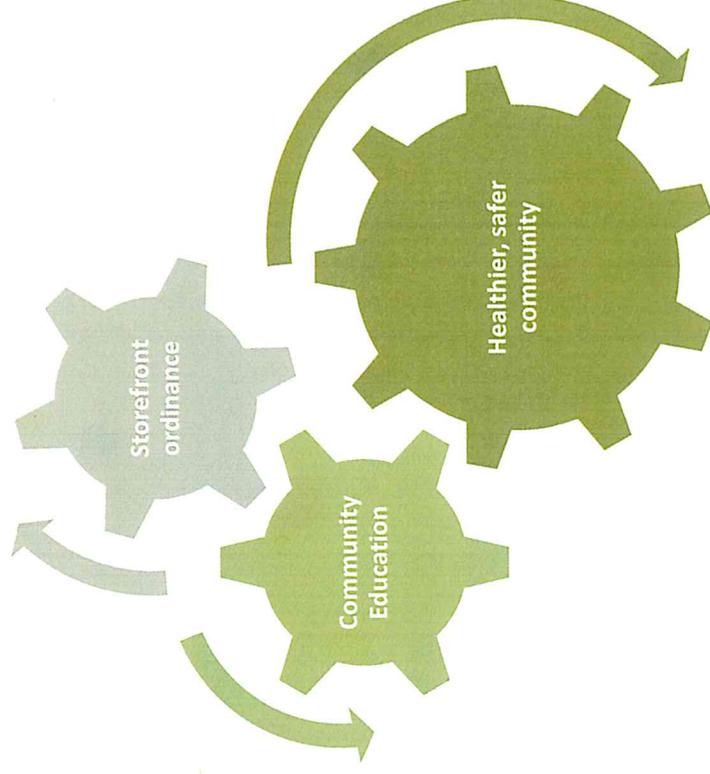
PERCENTAGE OF WINDOWS COVERED BY ADVERTISEMENTS





ADOPTING A MODEL ORDINANCE

- Closes existing loopholes
- Places power back in our community
- Provides a safer environment and increases aesthetic appeal



ORDINANCES IN OTHER COMMUNITIES

CITY OF FRESNO

- Adopted January 2016
- Reduces storefront advertisements to 25%
- Within citywide development code

CITY OF SELMA

- Adopted June 2015
- Reduces storefront advertisement to 15%
- Within the zoning section of the municipal code



THANK YOU!

1. Childhood Obesity Facts. (2015). Retrieved October 19, 2016, from <https://www.cdc.gov/obesity/data/childhood.html>
2. Effects of Alcohol Advertising Exposure on Drinking Among Youth. (2006). L.B. Snyder, F.F. Milici, M. Slater, H. Sun, and Y. Strizhakova, Archives of Pediatrics and Adolescent Medicine.
3. Fact Sheets - Alcohol Use and Your Health. (2016). Retrieved October 19, 2016, from <http://www.cdc.gov/alcohol/fact-sheets/alcohol-use.htm>
4. Health Effects of Cigarette Smoking. (2015). Retrieved September 21, 2016, from https://www.cdc.gov/tobacco/data_statistics/fact_sheets/health_effects/effects_cig_smoking/
5. Report of the APA Task Force on Advertising and Children. (n.d.). Retrieved October 19, 2016, from <http://www.apa.org/pubs/info/reports/advertising-children.aspx>
6. The LA Riots: 24 years later. (2016, April 28). Retrieved September 21, 2016, from <http://timelines.latimes.com/los-angeles-riots/>
7. Tanski SE, McClure AC, Li Z, et al. Cued Recall of Alcohol Advertising on Television and Underage Drinking Behavior. *JAMA Pediatr.* 2015;169(3):264-271. doi:10.1001/jamapediatrics.2014.3345
8. University, Y. (n.d.). Just give me the FACTS! Retrieved October 19, 2016, from <http://sugarydrinkfacts.org/>
9. Youth and Tobacco Use. (2016). Retrieved September 21, 2016, from http://www.cdc.gov/tobacco/data_statistics/fact_sheets/youth_data/tobacco_use/



**TULARE COUNTY
HEALTH & HUMAN SERVICES AGENCY**

Cheryl L. Duerksen, Ph.D.
Agency Director

Jason T. Britt, M.S. • Director • Department of Public Health

September 22, 2016

Dear Community Leader:

Tulare County Tobacco Awareness & Education Project Coalition is committed to helping the community by providing a healthier environment. Our coalition has made significant strides in the past 20 years of tackling tobacco prevention. We have worked diligently to reduce exposure to the effects of secondhand smoke, afforded resources for smoking cessation, provided education about the tobacco industry's marketing tactics, supported smoke-free living, and were instrumental in the adoption of smoke-free policies in multi-unit housing complexes. However, we still have a lot of work ahead of us.

Recent Tulare County data from the Healthy Stores Healthy Community Survey 2012-2013 indicates that 17.8% of Tulare County adults smoke, compared to 13.8 % of adults in California. Similarly, 12% of Tulare County youth smoke, while only 10.5% of youth in California smoke. Also reported in the survey, tobacco related deaths, as well as obesity, diabetes, and cancer account for more than 80% of all chronic disease deaths in California. This data highlights the need for ongoing tobacco awareness efforts.

The Tulare County Tobacco Awareness & Education Project Coalition is tasked with large-scale objectives in the 2014-2017 period. They include: 1) Adopting and implementing a policy that restricts retailer advertising of any sort, including tobacco advertising, to no more than 15% of the square footage of windows and clear doors; 2) Recruiting and engaging ten new and diverse members to the Tobacco Coalition to join in various coalition activities; and 3) Impel ten multi-unit housing complexes to adopt and implement voluntary policies that restrict smoking in 75% or more units.

We have included fact sheets and survey data in this packet for your reference. We also invite you to learn more about our coalition by attending an upcoming meeting scheduled for December 15, 2016. We value your voice and role in the community and hope that you will join us in promoting tobacco awareness to benefit the quality and safety of our neighborhoods and the health of our families and young people.

If you're interested in additional information, brochures, or in joining our coalition, please contact Kate Bourne, Health Education Specialist at (559) 685-2294.

Sincerely,

A handwritten signature in black ink that reads "Kate Bourne".

Kate Bourne, MPH
Health Education Specialist
Tulare County Tobacco Awareness & Education Project





The Situation

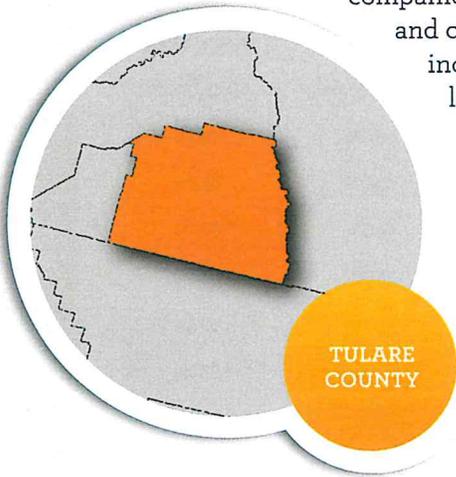
Stores in our communities play a critical role in our health.

They not only impact the economic well-being of neighborhoods, but also the physical health of the people who visit them. The types of products available, many of which contribute to chronic health issues, and how they're promoted influence us all, but especially our kids.

In 2011, the tobacco industry spent \$605 million¹ advertising and promoting tobacco products in California and our kids are paying the price. Exposure to tobacco marketing in stores increases tobacco experimentation and use by youth² and is more powerful than peer pressure.³

Marketing of unhealthy foods also has a great impact, particularly on kids. They consume more of it, more often because it's promoted heavily to them – \$1 million an hour is spent by

companies selling soda, candy, chips and other unhealthy foods.⁴ Low-income communities also have less access to fresh, affordable and nutritious food furthering the problem.⁵ Underage drinking also increases when youth are exposed to alcohol ads.⁶ In fact, 1 in 5 California high school students drink 5 or more alcoholic drinks in a row per month.⁷



The Campaign

The **Healthy Stores for a Healthy Community** campaign is a statewide collaboration between tobacco use prevention, nutrition and alcohol prevention partners. The goal is to improve the health of Californians through changes in community stores and to educate people how in-store product marketing influences consumption of unhealthy products. Working together, we can make our community a healthier place and maintain a vibrant business community.

The Survey

Scientific surveys were recently conducted throughout California to assess product marketing and the availability of healthy and unhealthy options offered in stores that sell tobacco – **the first time** in California that tobacco, alcohol and food were analyzed together in stores. This is valuable information to help make the places we shop healthier.

More than 7,000 stores were surveyed in all 58 counties, which included convenience, supermarket, liquor, tobacco, small market, discount, drug and big-box stores. Approximately 700 individuals participated in gathering information statewide, including representatives from public health, community volunteers and youth.

WHAT WE KNOW...

	TULARE	CA
% of adults who smoke (2011-12)	17.8%	13.8%
% of youth who smoke (2012, grades 9-12)	12%	10.5%
Cost of smoking (2012)	\$78,348,232	\$6.5B
% of adults who are overweight or obese (2011-12)	72.5%	59.8%
% of adults who ate 3+ fruits and vegetables yesterday (2011-12)	22.5%	27.2%
% of youth who used alcohol in the past 30 days (2009-11, 11th grade)	41%	35%
% of youth who binge drink (2009-11, 11th grade)	25%	22%

For sources, please see website

FACT: CHRONIC DISEASES
Obesity, diabetes, heart disease, cancer and tobacco-related diseases account for more than **80% of all deaths** in California. These deaths could be prevented by eliminating tobacco use, limiting alcohol intake, eating healthy and being physically active.



Lee Law

California Business and Professions Code § 25612.5, also known as the Lee Law, requires alcohol retailers (such as grocery and liquor stores) to follow public health and safety standards. The Lee Law was enacted as a way to protect communities from problems associated with alcohol sales. A number of provisions in the law exist, which include:

- No more than 33% of window space can be covered with advertising or signs of any kind.
- Window signage must be placed so that law enforcement personnel have a clear view of the interior of the store, including the cash registers.

However, these requirements are largely disregarded.¹

Marketing

Even with the Lee Law, storefront advertising continues to be a problem as the tobacco, alcohol, and food industries spend billions of dollars each year on marketing.²

- In CA, tobacco has increased spending on store marketing by 30% in the last decade.³
- Tobacco companies use promotional offers to target groups that are more sensitive to higher prices, including youth and potential quitters.⁴
- \$1 million an hour is spent by companies selling soda, candy, chips and other unhealthy foods.⁵

Q&A

Reducing Storefront Signage

changelabsolutions.org

ChangeLab Solutions is a nonprofit organization that provides legal information on matters relating to public health. The legal information in this document does not constitute legal advice or legal representation. For legal advice, readers should consult a lawyer in their state.

This material was made possible by funds received from Grant #14-10214, California Department of Public Health, California Tobacco Control Program.

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1. A recent study found that tobacco advertising is widespread at retail outlets particularly those in low-income and racial/ethnic minority neighborhoods. See Hillier A, et al. "Concentration of Tobacco Advertisements at SNAP and WIC Stores, Philadelphia, Pennsylvania, 2012." *Preventing Chronic Disease*, 12(15): 2015. Available at: www.cdc.gov/pcd/issues/2015/14_0133.htm.

2. Cal. Bus. & Prof. Code § 25612.5(c)(7).

3. Cal. Bus. & Prof. Code § 25612.5(b).

May 2015

Q: Can communities legally limit the amount of storefront signage?

A: Yes, as long as the law (1) does not impose restrictions based on the content of the signs and (2) furthers an important government interest, such as improving the safety and aesthetics of a community.

The First Amendment to the U.S. Constitution protects most forms of speech, including commercial speech or advertising. A law imposing limits on signage that refers to its content or message is more likely to be challenged on First Amendment grounds than a policy that regulates the quantity of signs, the placement of signs, their dimensions, or their construction. Therefore, window signage restrictions should not address or attempt to limit specific types of speech, such as tobacco or alcohol advertisements. Even though such restrictions could inevitably decrease the prevalence of tobacco, alcohol, and other "unhealthy" signage on storefront windows,¹ communities should avoid public health rationales.

When justifying window signage restrictions, communities should instead focus on traditional police power rationales such as improving public safety and preserving neighborhood aesthetics. Partnerships with local planning departments, neighborhood watch groups, environmental organizations, and community preservation coalitions are instrumental in achieving these objectives.

For more information, see ChangeLab Solutions' *Model Storefront Signage Ordinance*, which provides model policy language, and contains introductory materials that further discuss these important legal issues.

Q: What is California's Lee Law and how does it affect signage?

A: The Lee Law (California Business and Professions Code section 25612.5(c) (7)) establishes public health and safety standards for all alcohol retail stores in California. The law requires alcohol retailers to remove any litter or graffiti on the premises, adequately illuminate the exterior, and display No Loitering and No Open Alcoholic Beverages signs.

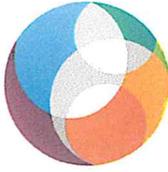
Additionally, the Lee Law contains a window signage provision that prohibits alcohol retail stores from covering more than one-third (33 percent) of the square footage of windows and clear doors with signs of any sort.² The placement of signs and advertisements must also allow law enforcement a clear and unobstructed view of the interior of the premises.

Notably, the Lee Law expressly allows communities to adopt more stringent window signage restrictions.³ Many local jurisdictions, including Los Angeles, Santa Barbara, San Jose, and Santa Clara County, have adopted signage laws that expand the restriction to all retailers and reduce the allowable square footage to 10-25 percent of window space.

To learn more, visit: www.changelabsolutions.org/tobacco-control.



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Law & policy innovation for the common good.



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Model California Ordinance for Reducing Storefront Window Signage (with Annotations)

Updated March 2016
(Originally published May 2015)

Developed by ChangeLab Solutions

This material was made possible by funds received from Grant Number 14-10214 with the California Department of Public Health, California Tobacco Control Program.

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ChangeLab Solutions is a nonprofit organization that provides legal information on matters relating to public health. The legal information provided in this document does not constitute legal advice or legal representation. For legal advice, readers should consult a lawyer in their state.

changelabsolutions.org/tobacco-control

Introduction

This Model Ordinance offers a policy intervention to reduce excessive storefront window signage. Communities may want to reduce storefront signage for a number of reasons, including to improve public safety, decrease visual clutter, and preserve the aesthetic character of communities. California Business and Professions Code section 25612.5(c)(7) (California's Lee Law or the Lee Law) currently limits the amount of advertising and other signs alcohol retailers may have on their storefront windows. This Model aims to strengthen the Lee Law's signage provision by reducing the amount of allowable window signage, expanding the restriction to *all* retailers, and providing local authorities greater power to enforce such restrictions.

The current version of this Model Ordinance (revised in March 2016) acknowledges the Supreme Court case, *Reed v. Town of Gilbert*, which was decided after the original Model Ordinance was published. As explained in the footnote on page 4, however, *Reed* does not change any of the Model Ordinance's provisions, which are already content neutral.

This Model Ordinance has wide-ranging community benefits that will appeal to many different stakeholders. Neighborhood watch groups, environmental organizations, and community preservation coalitions may be interested in the potential to improve public safety, preserve the aesthetic character of a community, and promote a community's long-term economic viability by reducing visual clutter. Public health advocates may also support limitations on signage because such restrictions could affect the amount of tobacco, alcohol, and other signage on storefront windows. Under the First Amendment, however, the Model Ordinance cannot seek to reduce specific types of signage based on its content. As will be discussed in greater detail below, the ordinance should instead focus on traditional police power rationales, such as improving the safety and aesthetics of a community.

Background: Storefront Advertising Restrictions

California's Lee Law

Named after Barbara Lee—the then-State Assemblywoman who sponsored the legislation¹—the Lee Law was enacted following the 1992 Los Angeles riots. In response to the destruction of nearly 200 liquor stores, the Lee Law established comprehensive public health and safety standards for all alcohol retail stores in California.² Among other provisions, it requires the removal of litter and graffiti on the premises, that the exterior be adequately illuminated, and that No Loitering and No Open Alcoholic Beverages signs be posted.

The Lee Law also contains a window signage provision that prohibits alcohol retail stores from covering more than one-third (33 percent) of the square footage of windows and clear

doors with signs of any sort.³ The placement of signs and advertisements must allow law enforcement personnel a clear and unobstructed view of the interior of the premises.

California's Alcoholic Beverage Control Department (ABC) is the primary agency that can impose fines or suspensions for Lee Law violations. The only instance in which local law enforcement agencies may enforce the Lee Law is for criminal offenses. For practical reasons, however, this rarely happens.⁴ Accordingly, the most effective way to ensure compliance is through civil sanctions (e.g., fines), which local governments may impose only if they enact their own signage ordinance. Recognizing both the importance of storefront signage regulations and local governments' unique capacity to address community needs, communities are considering adopting their own window signage provisions that go further than the Lee Law.

Local Signage Laws

Since the Lee Law's enactment, a number of cities and counties have adopted window signage provisions. Many have reduced the Lee Law's 33 percent limit by restricting the allowable space for signage to 25 percent,⁵ 15 percent,⁶ or even 10 percent⁷ of each window's square footage. The laws also vary in their applicability: some apply to all commercial establishments in the community, while others apply only in certain districts or to specific types of stores, such as tobacco retailers.⁸ As will be discussed in greater detail below, communities that limit these restrictions to specific types of stores or special districts should consult their local government attorney and/or ChangeLab Solutions to ensure their requirements do not impermissibly discriminate against certain types of messages.

As noted above, local storefront signage laws are particularly important because they allow local jurisdictions to respond to their community's concerns and needs, tailor signage restrictions accordingly, and directly enforce such provisions.

Legal Issues

Two potential legal issues may arise with respect to this Model Ordinance.

Preemption

Some local jurisdictions may be worried that federal or state law prohibits (or preempts) their ability to enact a window signage restriction. California cities and counties, however, are not preempted from enacting their own signage provisions.

Under their traditional police powers, local governments have the authority to regulate signage, provided that the state has not preempted them. The Lee Law expressly allows "the adoption and implementation of more stringent local regulations that are otherwise

authorized by law.”⁹ Accordingly, cities or counties may implement more stringent signage restrictions than those set out by the Lee Law.

First Amendment

Communities may also be concerned that a signage restriction could violate the First Amendment. The First Amendment to the U.S. Constitution prohibits the government from enacting laws that abridge the freedom of speech, including commercial speech or advertising. To avoid challenges on First Amendment grounds, communities should ensure their regulation does not restrict the content or message of the signs subject to regulation.* Generally, local jurisdictions have greater power to impose limitations on signage when they do so in a content-neutral manner—that is, when the limitations apply regardless of the sign’s message. A regulation imposing limits on signage that refers to specific content or messages (e.g., by singling out tobacco advertisements) has a much greater likelihood of being challenged on First Amendment grounds.¹⁰

Communities should therefore adopt regulations, such as this Model Ordinance, that govern elements like the placement of signs, their dimensions, or their construction, and not the *content* of the advertising. Although such regulations may disproportionately affect certain types of signage (i.e., the types of advertisements that tend to appear in store windows) more than others, they should withstand constitutional scrutiny as long as they advance an important government interest (e.g., public safety or aesthetics) and are not overly restrictive (e.g., do not ban *all* storefront signage).¹¹

Adopting the Model Ordinance

This Model Ordinance prohibits retail stores from covering more than 15 percent of the square footage of their storefront windows and transparent doors with signage of any sort.¹² The exact percentage, as well as the rest of the model language, may be tailored to fit the specific needs of a community. The comments provide additional information and explanation. In some instances, blanks have been left (e.g., [____]) for the language to be customized accordingly. In other cases, the Model Ordinance offers options (e.g., [option one / option two]). When considering these options, the local jurisdiction should balance the community benefits against practical and political considerations.

A community can implement a window signage restriction in numerous ways. Many local

* In *Reed v. Town of Gilbert*, the Supreme Court struck down a town’s signage regulations because they treated signs differently based on their content. The regulations imposed more stringent restrictions on signs that directed the public to a non-profit group meeting than on signs conveying other messages. 576 US __ (2015). Though this model ordinance primarily applies to advertising, which governments can traditionally regulate more freely than noncommercial speech, cities should still ensure that any signage restrictions remain content neutral.

jurisdictions already have signage provisions—typically in their zoning or municipal code—that impose certain restrictions on window signage. Accordingly, a local jurisdiction should first determine whether a local signage regulation is already in place. If one exists, the jurisdiction should ensure the Model Ordinance language is incorporated into and consistent with its established regulations.

Communities that require tobacco retail licensing (TRL) may instead elect to include the requirements set forth in this Model Ordinance as plug-in policy options to their TRL law.¹³ As long as the tobacco retailers in the jurisdiction sell nontobacco products in addition to tobacco, and as long as the restriction applies to all signage (i.e., not just tobacco-related messages), the restriction should satisfy the First Amendment. The community should also demonstrate why such a restriction is necessary only for tobacco retailers (e.g., if tobacco retail outlets in the community have higher rates of robbery or increased incidences of public nuisance). For example, California Senate Committee hearings regarding the Lee Law legislation cited intensified “residential neighborhood nuisance problems associated with so-called ‘problem’ liquor stores” as a reason for regulating alcohol retailers.¹⁴

If a community’s sole rationale for signage restrictions is to preserve aesthetics and reduce visual clutter (as opposed to increasing visibility into and out of the store and protecting public safety), it could expand the restriction to all signs visible from the store’s exterior, including those attached to the building’s front façade. For example, in its signage ordinance, Carmel-by-the Sea does not differentiate between the various types of business signs, and limits the number of exterior business signs to one, regardless of whether it is a window sign, exterior hanging sign, or a wall sign attached to the outside of the building.¹⁵ This Model Ordinance limits only window signage, since it relies on a public safety rationale in addition to an aesthetic rationale; however, communities should tailor the provisions to best address their particular needs.

Finally, public health advocates should partner with other community-based organizations and local planning departments concerned about public safety and neighborhood aesthetics. As discussed above, most signage laws are based on the desire to encourage attractive signage, reduce visual clutter, and protect public safety by ensuring visibility into retail stores. Such partnerships are therefore critical to achieving these objectives.

Conclusion

Reducing storefront window signage and requiring an unobstructed view into stores would help address local concerns related to protecting public safety and preserving community aesthetics. This Model Ordinance is intended to equip local governments with the tools necessary to enact a storefront signage restriction that effectively serves these important local interests.

**AN ORDINANCE OF THE [CITY / COUNTY] OF [____] REDUCING
STOREFRONT WINDOW SIGNAGE AND AMENDING THE [____] MUNICIPAL
CODE**

The [City Council of the City / Board of Supervisors of the County] of [____] does ordain as follows:

COMMENT: This is introductory boilerplate language that should be adapted to the conventional form used in the jurisdiction.

SECTION I. FINDINGS. The [City Council of the City / Board of Supervisors of the County] of [____] hereby finds and declares as follows:

WHEREAS, ensuring that windows in retail stores are not blocked by signage assists law enforcement personnel in their crime-prevention efforts;¹⁶ and

WHEREAS, to prevent workplace violence, the U.S. Occupational Safety and Health Administration recommends that stores limit window signs so workers can see incoming customers and police have visibility from outside the establishment;¹⁷ and

WHEREAS, the location, number, and size of storefront signs within the [City / County] of [____] influence the [City's / County's] visual environment, appeal, and character; and

WHEREAS, the appearance of the community is essential to the [City / County] of [____]'s long-term economic viability, aesthetic culture, and quality of life for its citizens; and

WHEREAS, excessive signage may create an overall image of blight and contribute to a reduction in property values and business in the surrounding areas.

COMMENT: The findings contain factual information supporting the need for the law. The findings section is part of the ordinance and legislative record, but it usually does not become part of the law. The list included serves as an example; however, a community could provide additional findings of fact that support the purposes of the legislation (e.g., crime rates related to excessive signage in the community). It is important to note that these findings should be content neutral—that is, they should not refer to the content or message of the signs.

SECTION II. [Article / Section] of the [____] Municipal Code is hereby amended to read as follows:

Sec. [____(*1)]. PURPOSE.

The purpose of this [article / chapter] is to protect the health, safety, and welfare of the citizens of [City / County] of [____] by assisting law enforcement's efforts to prevent crime and apprehend criminals, reducing neighborhood blight, and increasing economic vitality through improved aesthetic appeal.

Sec. [____(*2)]. DEFINITIONS.

The following words and phrases, whenever used in this [article / chapter], shall have the meanings defined in this section unless the context clearly requires otherwise:

COMMENT: The definitions provided in this Model are intended to be suggestions. If applicable, communities should use the definitions set forth in their own planning code or conform these definitions to existing ones.

- (a) "Clear" means transparent.
- (b) "Person" means any natural person, partnership, cooperative association, corporation, personal representative, receiver, trustee, assignee, or any other legal entity.
- (c) "Retail Store" means any business that offers to sell or exchange, for any form of consideration, products to a consumer.

COMMENT: This Model Ordinance applies to all retail stores in a community. A number of existing regulations apply only to certain types of stores. For instance, California's Lee Law applies only to off-premises alcohol outlets. As previously mentioned, Senate Committee hearings on Lee Law legislation pointed to increased neighborhood nuisance problems (including drug trafficking, public drinking, loitering, and public urination) specifically related to liquor stores. If a community wishes to adopt a similar restriction that applies only to certain types of retailers, it should have empirical evidence related to an important government interest to support that limited application.

What is an "important government interest"? Courts have generally recognized public safety, the reduction of visual clutter or neighborhood blight, and the preservation of property values or aesthetics as valid justifications for local signage regulations.¹⁸

- (d) "Signs" and "Signage" mean any words, lettering, figures, numerals, or images, which advertise, promote, or convey information about any business, product, activity, or interest.

- (e) “Window” means any opening in the wall of a building that is fitted with glass or other transparent material.

Sec. [____(*3)]. EXTERIOR SIGNAGE RESTRICTIONS.

- (a) No more than 15 percent of the square footage of each Window and Clear door that is visible to the public from a public thoroughfare, sidewalk, or parking lot of any Retail Store shall bear Signs.

COMMENT: When determining what constitutes a reasonable and allowable restriction on window signage, a community must ensure that a retailer’s ability to communicate will not be unduly restricted. The lower the percentage of allowable signage space, the greater the likelihood that the law will be considered overly restrictive, and overturned as a result. For example, it would be difficult for a local government to ban *all* signage. On the other hand, too great a percentage of allowable signage space defeats the law’s purpose.

California’s Lee Law limits window signage to 33 percent of the total square footage of windows. As discussed above, many other jurisdictions have adopted stricter window signage restrictions, ranging from 10 to 25 percent. The appropriate percentage for each community will vary; jurisdictions should tailor the restriction to address their needs.

Notably, the percentage applies *per* window (as opposed to the total square footage of all windows). A regulation that applies the percentage to each window prevents retailers from concentrating a much higher percentage of signage on its storefront windows than on windows that are not easily visible to the public (e.g., windows facing alleyways or on a top floor of a building).

COMMENT: Communities that wish to base their ordinance purely on aesthetics may consider expanding the restriction to include all signs attached to the exterior of the building, and would need to tailor the language and provisions in this chapter accordingly.

- (b) The area covered by a Sign is calculated using the perimeter of the Sign and includes any Clear areas or spaces within the sign, such as the Clear area within a neon Sign. For irregularly shaped Signs, the area is that of the smallest rectangle that wholly contains the Sign.
- (c) For purposes of this section, Signs that are not physically attached to the Windows or Clear doors but that are visible from the exterior of the building in the same manner as if they were physically attached to the Windows or Clear doors shall constitute a Sign subject to subsection (a).
- (d) [All Signs shall be placed and maintained in a manner that ensures that law

enforcement personnel have a clear and unobstructed view of the interior of the premises, including the area where the cash registers are maintained, from the exterior public sidewalks, parking lots, or entrance to the premises.]

COMMENT: This optional provision would apply only if the community adopting a signage restriction is using a public safety rationale.

Sec. [____(*4)]. IMPLEMENTATION AND ENFORCEMENT.

- (a) The [department / official] shall implement, administer, and enforce this [article / chapter]. The [department / official] is hereby authorized to issue all rules and regulations consistent with this [article / chapter] and shall have all necessary powers to carry out the purpose of this [article / chapter]. The [department / official] shall have all necessary powers to enforce this [article / chapter].
- (b) In addition to any peace officer, the following classes of employees are authorized to issue citations for violation of this chapter: [list classes of employees].

COMMENT: The subsections below are designed to offer a variety of enforcement options to the drafter and the enforcing agency. Drafters may choose to include some or all of these options. Once the ordinance is enacted, the enforcing agency will have discretion to choose which enforcement tools to use. As a practical matter, these enforcement options would not be applied simultaneously, although multiple remedies might be used against a particularly egregious violator over time.

In addition to, or in lieu of, the enforcement options discussed below, communities should use enforcement provisions within the municipal or county code to address violations of a storefront signage ordinance.

Sec. [____(*5)]. CIVIL ENFORCEMENT BY INJUNCTIVE RELIEF.

The [City Attorney / County Counsel] is hereby authorized to bring an action for injunctive relief to enjoin a violation of this [article / chapter].

Sec. [____(*6)]. CIVIL ENFORCEMENT BY CIVIL PENALTIES.

- (a) Any Person who violates this [article / chapter] may be liable for a civil penalty, not to exceed \$[1,000] per violation for each day such violation is committed or permitted to continue.

COMMENT: This provision provides civil fines for violating the ordinance. It requires that the city or county file a traditional civil suit. The fine amounts can be adjusted, but cannot exceed \$1,000 per violation under Government Code section 36901.

- (b) The [City Attorney / County Counsel] may bring a civil action to recover civil penalties for the violations of this [article / chapter].
- (c) The [City Attorney / County Counsel] may seek recovery of the attorney's fees and costs incurred in bringing a civil action pursuant to this section.

Sec. [____(*7)]. ADMINISTRATIVE ENFORCEMENT AND PENALTIES.

- (a) Any Person who violates any of the provisions of this [article / chapter] shall be subject to an administrative penalty not to exceed \$[____] per day for each violation. Administrative penalties authorized by this section shall be assessed, enforced, and collected in accordance with section [____] of the [____] Municipal Code.
- (b) Where an officer or employee designated in this [article / chapter] determines that there has been a violation of any of the provisions of this section, the officer or employee may issue an administrative citation to the Person and/or entity responsible for the violation. For purposes of this section, the owner of the Retail Store is the Person responsible if an employee or agent of the Retail Store commits the violation.

COMMENT: Many jurisdictions already have an administrative citation provision in their municipal code. If this is the case, a jurisdiction can tailor this section to conform to the existing provisions. If none exists, the jurisdiction should extend subsection (b) to include additional language outlining the citation requirements:

"The citation shall inform the Person responsible of the date, time, place and nature of the violation and the amount of the proposed penalty, and shall state that the penalty is due and payable to the [treasurer] within [____] business days from the date of the notice, if not contested within the time period specified. The citation shall also state that the Person responsible has the right, pursuant to section [____] to request administrative review of the citing officer or employee's determination as to the violation and assessment of penalties, and shall set forth the procedure for requesting administrative review."

Sec. [____(*8)]. CRIMINAL ENFORCEMENT.

Any Person who violates this [article / chapter] is guilty of a misdemeanor, punishable by a fine of not more than \$[____] or by imprisonment in the [city / county] jail for a period of not more than [____], or by both such fines or imprisonment.

COMMENT: As previously mentioned, criminal enforcement is impractical and highly unlikely to be used. A community may instead wish to make the criminal sanction an infraction instead of a misdemeanor. It can do so by substituting the following provision for the language above: “Any Person who violates this [article / chapter] is guilty of an infraction, punishable by a fine of not more than \$[_____].”

Sec. [____ (*9)]. SEVERABILITY.

If any section, sentence, clause, phrase, or portion of this [article / chapter] is for any reason held to be invalid or unenforceable by a court of competent jurisdiction, the remaining sections, sentences, clauses, phrases, or portions of this [article / chapter] shall not be affected.

COMMENT: This is standard language. Often this boilerplate text is found at the end of an ordinance, but its location is irrelevant.

SECTION III. This act shall take effect and be in force from and after [date].

COMMENT: A community should provide Retail Stores ample time for implementation and compliance with the requirements set forth in this Model Ordinance. It would be unreasonable to require Retail Stores to comply immediately with the removal of excessive signage, particularly if the restriction is to serve aesthetic purposes (as opposed to more pertinent safety-related interests).

-
- ¹ Barbara Lee is now a U.S. Representative for California’s 13th congressional district.
- ² This includes grocery stores, liquor stores, and any other store that is licensed to sell alcohol for consumption away from the premises, but not restaurants or bars. Cal. Bus. & Prof. Code § 25612.5(a) (West, Westlaw through Ch. 2 of 2015 Reg. Sess.).
- ³ Cal. Bus. & Prof. Code § 25612.5(c)(7) (West, Westlaw through Ch. 2 of 2015 Reg. Sess.).
- ⁴ Specifically, the standard of proof is too high and violations of the Lee Law are not a criminal priority for district attorneys.
- ⁵ San Jose, Cal., Mun. Code § 23.02.1060 (2015); Santa Barbara, Cal., Mun. Code § 22.70.030(D) (2011).
- ⁶ Santa Clara, Cal., Ordinance Code § A18-369 (2014).
- ⁷ Los Angeles, Cal., Mun. Code § 4.4.14 (2014).
- ⁸ For example, Santa Clara County has an ordinance that limits storefront advertising on tobacco retailers’ windows to 15 percent of the square footage. Santa Clara, Cal., Ordinance Code § A18-369 (2014).
- ⁹ Cal. Bus. & Prof. Code § 25612.5(b) (West, Westlaw through Ch. 2 of 2015 Reg. Sess.).
- ¹⁰ *Lorillard v. Reilly*, 533 U.S. 525 (2001).
- ¹¹ *See, e.g., Ward v. Rock Against Racism*, 491 U.S. 781 (1989).
- ¹² As previously noted, cities and counties in California have adopted storefront signage restrictions that range from 10 percent, to 15 percent, to 25 percent of the window’s square footage. This Model uses the median of this range—15 percent—as the suggested allowable limit on signage.
- ¹³ ChangeLab Solutions has a model Plug-in for how this can be incorporated into a community’s TRL: *Model California Ordinance Requiring a Tobacco Retailer License: “Plug-in” Policy Options*, 2014. www.changelabsolutions.org/publications/model-TRL-Ordinance.
- ¹⁴ *Staff Analysis of Assembly Bill No. 2742 (Lee)*, Senate Committee on Governmental Organization, 1993-1994 Leg. Reg. Sess. (Ca. 1994).
- ¹⁵ Carmel-by-the-Sea, Cal., Mun. Code § 17.40 (2014).
- ¹⁶ One of the elements of the Crime Prevention Through Environmental Design (CPTED) model—which aims to reduce the risk for robbery by modifying the business environment—is natural surveillance and the ability to clearly see into and outside of a business. Jeffrey CR. *Crime Prevention Through Environmental Design*. Beverly Hills: Sage Publications, 1971.
- ¹⁷ Occupational Safety and Health Administration. *Recommendations for Workplace Violence Prevention in Programs in Late-Night Retail Establishments*. 2009, p. 9. www.osha.gov/Publications/osh3153.pdf.
- ¹⁸ *Metromedia Inc. v. City of San Diego*, 453 U.S. 490 (1981).

ORDINANCE NO. 2015 –5

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SELMA
LIMITING STOREFRONT, WINDOW AND OUTDOOR
SIGNAGE FOR RETAIL ESTABLISHMENTS IN THE CITY OF
SELMA, ADDING SECTION 6-4 TO CHAPTER 28 OF TITLE XI OF
THE SELMA MUNICIPAL CODE**

WHEREAS, ensuring that windows in retail stores are not blocked by signage assists law enforcement personnel in their crime-prevention efforts; and

WHEREAS, to prevent workplace violence, the U.S. Occupational Safety and Health Administration recommends that stores limit window signs so workers can see incoming customers and police have visibility from outside the establishment; and

WHEREAS, the location, number, and size of storefront signs within the City of Selma influence the City’s visual environment, appeal, and character; and

WHEREAS, the appearance of the community is essential to the City of Selma’s long-term economic viability, aesthetic culture, and quality of life for its citizens; and

WHEREAS, excessive signage may create an overall image of blight and contribute to a reduction in property values and business in the surrounding areas.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SELMA
DOES HEREBY ORDAIN AS FOLLOWS:**

Section 1, Chapter 28 of Title XI, entitled Sign Regulations is hereby amended to add a Section 6-4 to read as follows:

11-28-6-4 Limitations on Retail Storefront Signage:

(A) Purpose. The purpose of this Section is to protect the health, safety, and welfare of the citizens of City of Selma by assisting law enforcement’s efforts to prevent crime and apprehend criminals, reducing neighborhood blight, and increasing economic vitality through improved aesthetic appeal.

(B) Definitions. The following words and phrases, whenever used in this Section, shall have the meanings defined in this subdivision unless the context clearly requires otherwise:

(1) “Clear” means transparent.

(2) "Person" means any natural person, partnership, cooperative association, corporation, personal representative, receiver, trustee, assignee, or any other legal entity.

(3) "Retail Store" means any business that sells or offers to sell or exchange, for any form of consideration, products to a consumer.

(4) "Signs" and "Signage" mean any words, lettering, figures, numerals, or images, which advertise, promote, or convey information about any business, product, activity, or interest.

(5) "Window" means any opening in the wall of a building that is fitted with glass or other transparent material.

(C) Exterior Signage Restrictions.

(1) No more than fifteen (15) percent of the square footage of each Window and Clear door that is visible to the public from a public thoroughfare, sidewalk, or parking lot of any Retail Store shall bear Signs.

(2) The area covered by a Sign is calculated using the perimeter of the Sign and includes any Clear areas or spaces within the sign, such as the Clear area within a neon Sign. For irregularly shaped Signs, the area is that of the smallest rectangle that wholly contains the Sign.

(3) For purposes of this section, Signs that are not physically attached to the Windows or Clear doors but that are visible from the exterior of the building in the same manner as if they were physically attached to the Windows or Clear doors shall constitute a Sign subject to subparagraph 1 of this subdivision (C).

(4) All Signs shall be placed and maintained in a manner that ensures that law enforcement personnel have a clear and unobstructed view of the interior of the premises, including the area where the cash registers are maintained, from the exterior public sidewalks, parking lots, or entrance to the premises. No sign shall be placed on or visible through the bottom one-third of any window.

(D) Enforcement/Penalty.

(1) Violations of this Chapter are hereby declared to be a public nuisance.

(2) In addition to any other remedy available at law, any person who violates any provision of this Chapter is subject to administrative, criminal, civil, or other penalties pursuant to Chapter 4 of Title 1 of the Selma Municipal Code.”

(E) Controlling Effect. The provisions of this Section apply to any Retail Store notwithstanding the provisions of any other section of this Code including but not limited to Section 6.2 of Chapter 28 of this Title (11-28-6-2) and limit the area of walls or Windows or Clear doors that may be covered by any sign placed on any retail store or establishment.

SECTION 2: Severability: If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional, the decision shall not affect the validity of the remaining portions of the Ordinance. The City Council hereby declares that it would have passed this Ordinance, and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases have been declared invalid or unconstitutional.

SECTION 3: California Environmental Quality Act: The City Council having considered the Staff Report and all public comments, has determined that this Ordinance is not a project under the California Environmental Quality Act because the Ordinance has no potential for resulting in a physical change in the environment. Since the Ordinance is not a project, no environmental documentation is required.

SECTION 4: Effective Date and Posting of Ordinance: This Ordinance shall take effect and be in force thirty (30) days from and after the date of final passage. The City Clerk of the City of Selma shall cause this Ordinance to be published at least once within fifteen (15) days after its passage in The Selma Enterprise with the names of those City Council Members voting for or against the Ordinance.

* * * * *

I, Reyna Rivera, City Clerk of the City of Selma, do hereby certify that the foregoing Ordinance was introduced at the June 15, 2015, regular City Council meeting and duly adopted at a regular meeting of the City of Selma on the 6th day of July, 2015 by the following vote, to wit:

AYES: 5 COUNCIL MEMBERS: Rodriguez, Derr, Montijo, Avalos, Robertson

NOES: 0 COUNCIL MEMBERS: None

ABSTAIN: 0 COUNCIL MEMBERS: None

ABSENT: 0 COUNCIL MEMBERS: None

/s/ Scott Robertson

Scott Robertson, Mayor of the City of Selma

ATTEST:

/s/ Reyna Rivera

Reyna Rivera
City Clerk of the City of Selma

APPROVED AS TO FORM:

/s/ Neal E. Costanzo

Neal E. Costanzo, Selma City Attorney

- b. No monument sign is permitted within 660 feet of the nearest edge of any travel lane of Freeway 41 or any future freeway which may be opened to public travel, if any said sign is visible from any part of such travel lane.
 - 5. **Height Limit.** Eight feet .
 - 6. **Lighting.** Lighting systems shall not exceed 100 foot Lamberts (FT-L) when adjacent to streets which have an average light intensity of less than 2.0 horizontal foot candles. When adjacent to streets with a greater average light intensity, systems shall not exceed 500 FT-L.
- D. **Projecting Signs.** Signs under canopies or covers in conjunction with pedestrian walkways, or signs projecting from buildings are allowed, subject to the following additional standards:
- 1. **Maximum Number.** One per building or tenant space.
 - 2. **Maximum Sign Area Per Sign.**
 - a. **Projecting Signs.** 12 square feet.
 - b. **Under Canopy or Awning Signs.** Eight square feet.
 - 3. **Height Limit.** 12 feet.
 - 4. **Minimum Sign Clearance.** Eight feet.
 - 5. **Projection Allowed.** A projecting sign cannot extend more than four feet from the building to which it is attached and shall be designed and located so as to cause no harm to street trees.
 - 6. **Illumination.** No internal illumination is permitted.

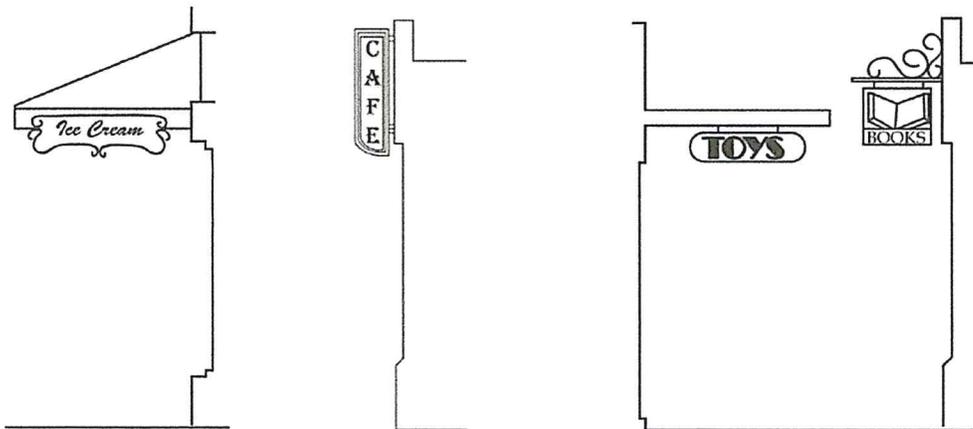


FIGURE 15-2610-D: PROJECTING SIGNS

- E. **Wall Signs.** Wall signs are subject to the following standards:

1. **Maximum Number.** One per building frontage or tenant space plus one building identification sign per building frontage located on the uppermost story of a building with four or more stories.
2. **Maximum Sign Area Per Sign.** Five percent of the wall area or 100 square feet, whichever is less.
3. **Height Limit.**
 - a. *Buildings Which Include Residential Uses:* 20 feet or the height of the wall of the building to which the sign is attached, whichever is lower. Building identification signs located on the uppermost story of a building shall be no higher than the wall of the building to which the sign is attached.
 - b. *Buildings Which Do Not Include Residential Uses:* The height of the wall of the building to which the sign is attached
4. **Projection Allowed.** Wall signs shall not extend more than 12 inches beyond the face of the wall to which they are attached.
5. **Placement.** No wall sign may cover, wholly or partially, any wall opening. Wall signs shall not occupy more than 80% of any architectural element that they occupy (frieze, pilaster, etc.).
6. **Orientation.** Unless a different orientation is specifically authorized, each wall-mounted sign shall be placed flat against the wall of the building.

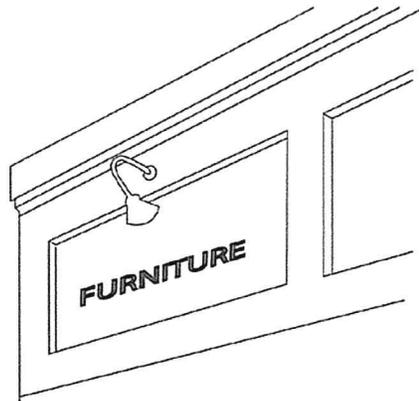


FIGURE 15-2610-E: WALL SIGN

F. **Window Signs.** Window signs are subject to the following standards:

1. **Maximum Number.** One per window.
2. **Location.** Ground floor window area.
3. **Window Transparency.** A minimum 75 percent of the window shall be transparent and free of signage features. Signage inside the building is not allowed within three feet of the window.

- G. **Roof Signs.** Roof signs are subject to the following standards:
1. **Maximum Number.** One per building.
 2. **Maximum Sign Area Per Sign.**
 - a. *Buildings Less than Five Stories in Height.* 300 square feet.
 - b. *Buildings Five Stories in Height or Taller.* 500 square feet.
 3. **Maximum Height.**
 - a. *Buildings Less than Five Stories in Height.* 10 feet.
 - b. *Buildings Five Stories in Height or Taller.* 20 feet.
 4. **Projection Allowed.** Roof signs shall not project beyond the face of the building.
 5. **Placement.** No roof sign may cover, wholly or partially, any wall opening.

15-2611 Other Signs

- A. **Sidewalk Signs.** Sidewalk signs shall comply with the standards below. A permit is not required.
1. **Quantity.** A maximum of one sidewalk sign per business is allowed.
 2. **Locations.**
 - a. Sidewalk signs shall be located away from important paths of pedestrian travel. A five foot wide travel path shall be maintained for through pedestrian traffic, for travel from crosswalks to the primary path of through pedestrian traffic, and for travel into and out of the establishment.
 - b. Sidewalk signs shall not be located less than 18 inches from a curb.
 - c. Sidewalk signs shall not be located in front of another commercial establishment.
 - d. Sidewalk signs shall not be located more than 50 feet from the establishment for which it is advertising.
 3. **Design:**
 - a. Sidewalk signs shall have no more than two sides.
 - b. The height of sidewalk signs shall be no less than 18 inches and no more than 36 inches.
 - c. The width of sidewalk signs shall be no less than 18 inches and no more than 24 inches.
 - d. Sidewalk signs shall not be illuminated except by ambient sources.
- B. **Banners, Streamers, Moving Signs, and Inflatables.** Banners, streamers, moving signs, and inflatables (including air dancers, balloons, and similar objects) are allowed subject to

Farmersville: Retail Compliance Check Summary (1-E-1)
Tulare County Tobacco Awareness and Education
Program

August 2016

Prepared by:
Alliance for Community
Research and Development (ACRD)
936 W 18th St.
Merced, CA 95340

Project Contact:
Kristi Olivares, Ph.D.
(209) 724-0973
kolivares@acrd.us

Objective

By June 30, 2017, a minimum of two cities in Tulare County (i.e. Farmersville and Tulare) will adopt and implement a public policy that restricts retailer advertising of any sort, including tobacco advertising, to no more than 15% of the square footage of windows and clear doors.

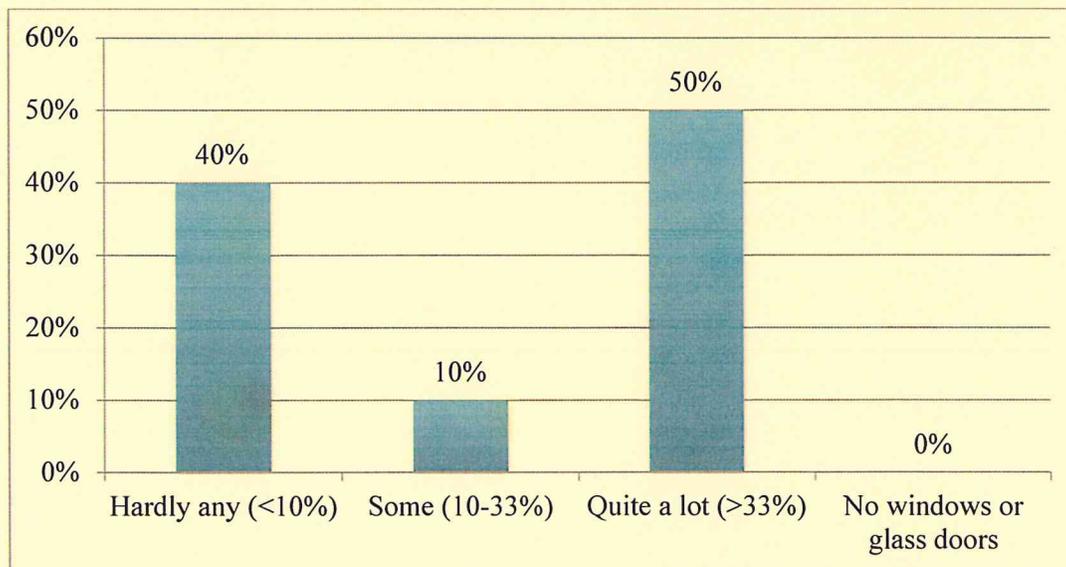
Evaluation Activity Results

Ten storefront observations and Retail Compliance checks were conducted between February and May 2016 to assess the type and percent of storefront advertising, as well as store compliance with current tobacco- and alcohol-related policies. The observations will also serve to galvanize youth involvement and inform project staff about the relationships between tobacco advertisement, type of business, and compliance, as well as build support from the public for a restrictive tobacco retailer advertisement policy. Results will be presented in order to provide the evidence of the scale of the problem and support from local businesses for reduced storefront tobacco advertisements. The Tulare County Tobacco Control project survey included a small sample of ten retail establishments from Farmersville in Tulare County. Eighty percent of retailers sold tobacco products. The ten retailers fell into four of the eight retail categories in the survey (See Table 1). Please note that some stores were categorized as more than one type of store.

Table 1. Type of Stores Observed

Gas Station/Convenience Store	0%
Convenience without Gas	60%
Discount/Dollar Store	10%
Deli/Meat Market	10%
Liquor	0%
Tobacco Store	0%
Grocery/Supermarket	20%
Small Drug/Pharmacy	0%
Chain Drug/Pharmacy	0%
Neighborhood Market	0%

The advertisement of tobacco and alcohol has been increasingly regulated to prevent sales and advertisement to minors. Farmerville stores in the sample were asked the percentage of window space covered by all advertisements and signs in their stores, and then asked how many of their advertisements were tobacco, alcohol and unhealthy beverages/snacks (See Table 2).



Fifty percent report having “quite a lot” (>33%), 40% report “hardly any” (<10%) and 10% had “some” (10-33%). Sixty percent of the retailers reported having less than ten

advertisements in total and 40% had twenty or more advertisements. Seventy percent of the sample reported less than five tobacco advertisements, 20% reported having between five and ten and only one store (ten percent) had twenty plus tobacco advertisements; the largest number of tobacco advertisements in the sample was thirty-four and smallest was one. The Farmersville retailers were similar with regards to alcohol advertisements and unhealthy beverages and snacks. The majority (90%) of stores had less than ten alcohol ads and only one had ten alcohol ads or more. Seventy percent of the stores reported hardly any unhealthy beverage and snack advertisement signs; all nine stores reported having less than five or no advertisements for this category.

Seventy percent of Farmersville stores report having self-service displays of tobacco products that are not easily accessible to minors, only one store answered “yes”. Twenty percent of the stores that answered “yes” have their self self-service display “on the counter”. Likewise with alcohol self-service displays, eight of the stores indicated that their alcohol products are not easily accessible to minors. Although two of the stores did not answer whether tobacco and alcohol products are easily accessible to minors, the majority of the sample could assure that tobacco products and self-service displays in those stores are less accessible to minors.

State programs such as STAKE (Stop Tobacco Access to Teens) are part of a statewide effort to stop the illegal sales of tobacco products to minors. STAKE signs at registers, doors and visible product locations are part of the outreach and regulatory effort. In the Farmersville survey, eight of the stores answered “yes” to their STAKE sign being clearly displayed, of the eight that answered “yes” three stated that the signs were “on counter/register” and one on the storefront window. Farmersville had a lack of visible STAKE signs, 33% of the stores reporting one sign or less, another 33% reporting two signs and 11% of stores with three or more signs. Please note that three stores in the sample did not answer the question.

In addition to tobacco prevention programs, the State of California enforces “We don’t serve teen” retailer signs as a prevention measure for illegal underage alcohol sales. The retailers from the Farmersville sample appeared to be compliant with having the “We don’t serve teen” sign, as all (100%) of the sample stated, “yes” to having the decal clearly displayed. As with Tulare, the majority of stores had only two to three signs and one reported having four or more; nine of which were on the Storefront window.

Small and large retailers are required to have a tobacco and or alcohol licenses and permits to sell tobacco and alcohol. Half of the Farmersville retailers reported that their tobacco license was clearly displayed while three did not, two did not answer. Sixty percent of stores had the tobacco license “on the counter/register” and 20% had the license “on the tobacco display”, another 20% had the license out of display. Also, 60% of the retailers reported that their alcohol license was clearly displayed and 40% of stores did not. As with the tobacco licenses majority of the stores (60%) had alcohol licenses displayed “on the counter/register” and the rest “on the tobacco display” or out of public display.

Conclusions and Recommendations

It is recommended that tobacco retailers be given information on the benefits of reducing retail advertising. In addition, evidence based research of previously successful, similar policies can be utilized to further inform retailers. Finally, providing retailers with training tools for staff on the topics related to selling tobacco products to minors may prove to be a helpful method for enforcing compliance with the law. Despite the size of this particular sample is small, this rural community is certainly useful to the larger discussion of prevention of tobacco use among teens county and statewide. Further observations are needed to gauge how compliant businesses are with retailer policies, as it appears that just looking at the presence of STAKE signs and “We Don’t Serve Teens” decals may not be the best indicator of compliance rates. Consider targeting retailers with additional education on retail advertisement and retail compliance. In addition, it might be beneficial to target the retailers that were found to have more than 50% of tobacco advertisement signs. Lastly, those retailers with expired tobacco licenses should be educated on the benefits of and encouraged to renew their license.



Paul Boyer, Mayor
Matt Sisk, Mayor Pro Tem
Don Rowlett, Council Member
Greg Gomez, Council Member
L. Benavides, Council Member

Farmersville City Council
draft minutes of
SPECIAL MEETING
Work Study Session
City Council Candidate Orientation
Tuesday October 4, 2016 6:00 PM
Meeting held in Civic Center Council Chambers – 909 W. Visalia Road
Farmersville, California

1. Call To Order
2. Roll Call

Mayor Boyer and Councilmember Gomez in attendance. No Council quorum present.

Since, there was no Council quorum in attendance, not City Business was conducted or discussed. The City Manager Jansons proceeded to conduct the Candidate Orientation for the benefit of City Council candidates, Carrie Ortiz, Rosa Vasquez and Greg Gomez and members of the public who were in attendance.

3. Invocation
4. Pledge Of Allegiance – led by Fire Chief Crivello
5. Public Comment

Provides an opportunity for members of the public to address the City Council on items of interest to the public within the Council's jurisdiction and which are not already on the agenda this evening. It is the policy of the Council not to answer questions impromptu. Concerns or complaints will be referred to the City Manager's office. Speakers should limit their comments to not more than two (2) minutes. No more than twenty (20) total minutes will be allowed for Public Comment. For items which are on the agenda this evening, members of the public will be provided an opportunity to address the council as each item is brought up for discussion. Comments are to be addressed to the Council as a body and not to any individual Council Member.

NONE

6. Work/Study Sessions
6.I. 6:00PM City Council Candidate Orientation - Overview Of City Management And Operations Documents:

1. [CITY COUNCIL CANDIDATE ORIENTATION.PDF](#)
2. [CITY OF FARMERSVILLE COUNCIL CANDIDATE ORIENTATION 2016 JJ FINAL.PDF](#)

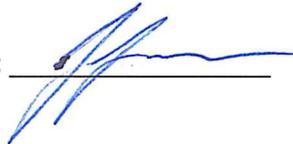
City Manager Jansons led a presentation by City Staff to provide an overview of City operations and issues to 2016 City Council Candidates. Presentation attached with corrections-deletion of out of place references on Page 37.

7. Adjourn To Closed Session Or Adjourn To Next Meeting
Adjourned at 7:50 to Next Regularly meeting scheduled for Oct. 10, 2016 at 7:00 PM

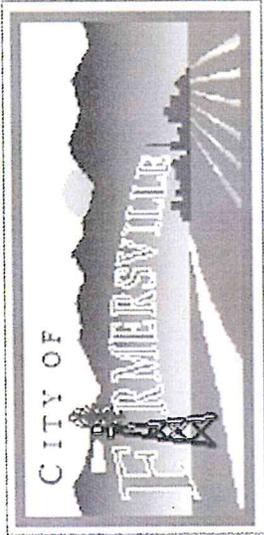
NOTICE TO PUBLIC

The City of Farmersville Civic Center and City Council Chambers comply with the provisions of the Americans with Disabilities Act (ADA). Anyone needing special assistance please contact City Hall at (559) 747-0458 please allow at least six (6) hours prior to the meeting so that staff may make arrangements to accommodate you.

Materials related to an item on this agenda submitted to the Council after distribution of the agenda packet are available for public inspection in the City's offices during normal business hours.

Drafted By:  10-6-16

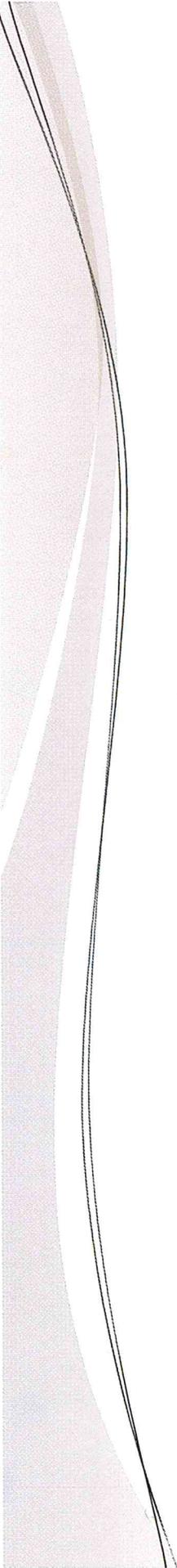
City of Farmersville Council Candidate Orientation



WELCOME

THANK YOU FOR INTEREST IN SERVING YOUR COMMUNITY!!

OCTOBER 4, 2016



City Council:

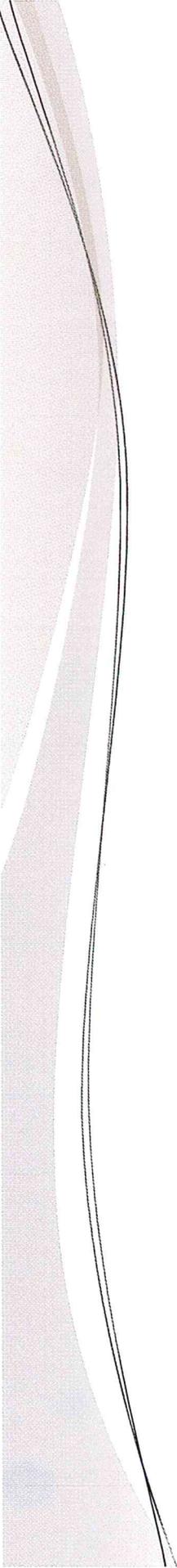
Paul Boyer, Mayor (2018)

Matt Sisk, Mayor Pro Tem (2018)

Don Rowlett (2016)

Greg Gomez (2016)

Leonel Benavides (2018*)



Planning Commission:

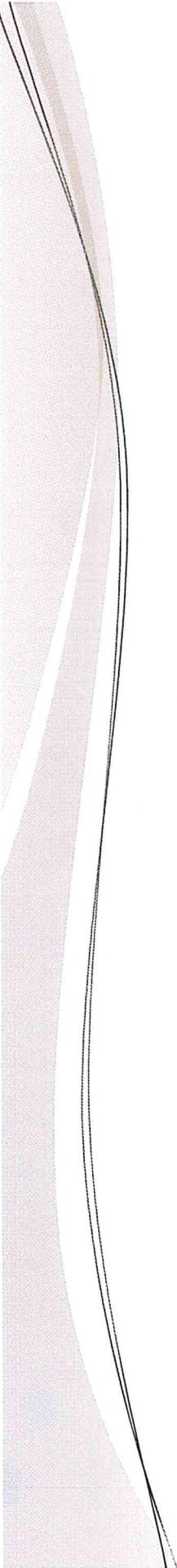
Alice Lopez, Chair

Jerry Luna, Vice Chair

Marissa Llamas

Raul Casas

Candy Becerra



Executive Leadership Team

John Jansons, City Manager

Steve Huntley, Finance Director

John Crivello, Fire Chief

Mario Krstic, Chief of Police

Dale Wyckoff, Director of Public Works

Mike Farley, City Attorney*

Moses Diaz, Joseph Beery

Betina Ashori, Deputy City Clerk**

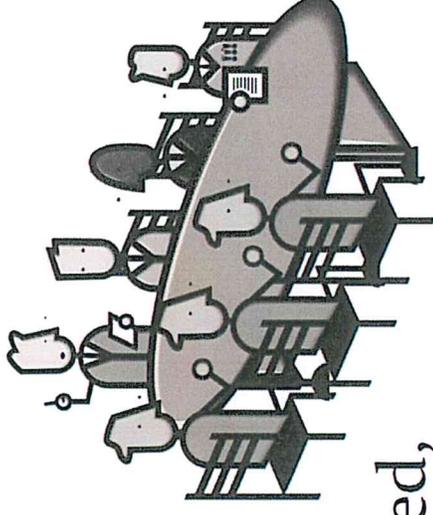


Farmersville's Council-Manager Form of Government - City Council's Role:

- Approves the annual budget and five-year capital improvement plan
- Establishes policy direction for the City
- Adopts the City's General Plan
- Hears appeals of denials of some permits and licenses
- Appoints a City Manager
- Appoints a City Attorney

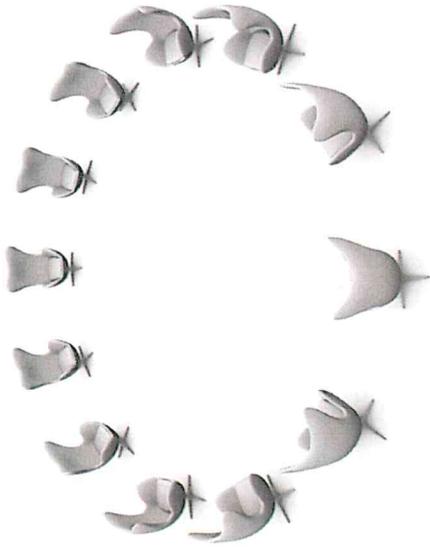
Farmersville's Council-Manager Form of Government - City Council's Role:

- Acts by ordinances, resolutions, and motions
- All official acts as a group; no individual authority
- Regular meetings 2nd and 4th Monday of each month at 7:00 p.m.
- May have “closed sessions” before or after regular meetings
- May have “work-study” sessions as needed, generally before regular meetings



Farmersville's Council-Manager Form of Government - City Council's Role:

- Council members select Mayor and Mayor Pro Tem each year
- Council members are appointed to committees each year by Mayor
- Council members currently serve on 10-12 committees of Farmersville or other organizations
- No term limits



Farmersville's Council-Manager Form of Government - City Manager's Role:

- Enforces City ordinances and terms of franchises, permits, licenses, and privileges
- Supervises all City departments and employees except City Attorney
- Appoints and removes all city officers and employees except Attorney
- Executes Council-adopted plans and policies



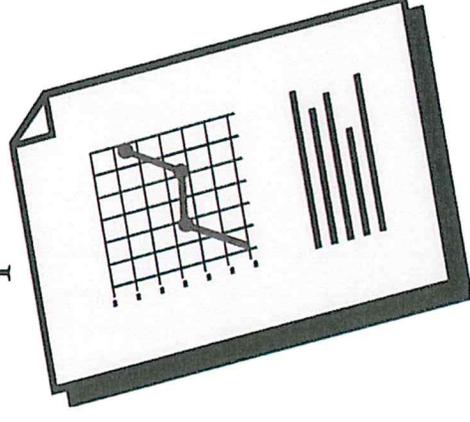
Farmersville's Council-Manager Form of Government - City Manager's Role:

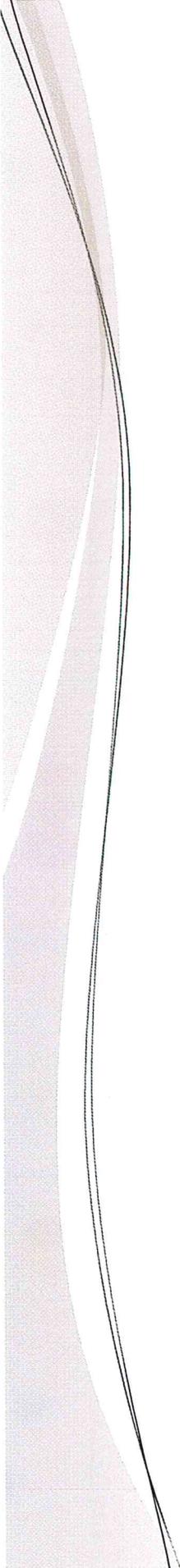
- Prepares recommended annual budget and capital improvement plan

- Reports regularly to Council on City's financial condition and needs of the City

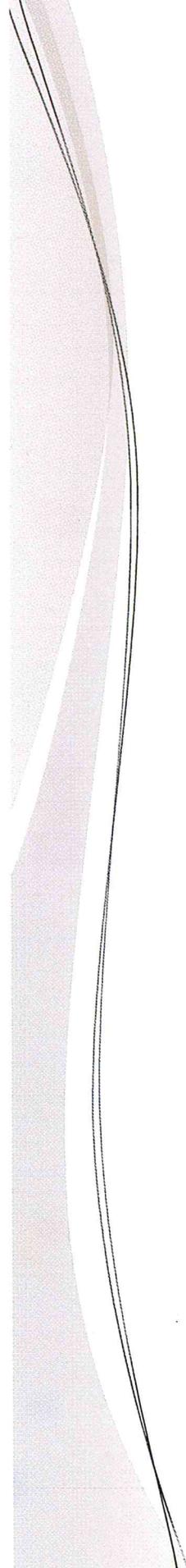
- Council and its members shall deal with administrative issues of the city only through the City Manager, except for inquiries

- Neither City Council nor its members shall give orders to any subordinate of the City Manager





FINANCE



Finance Department

STEVE HUNTLEY, Director of Finance

The Finance Department serves the City in the capacity of performing essential financial duties, overseeing the treasury, and preparation of critical financial reporting necessary for the City's successful functioning. However, due to the small size of the City, the Finance Department also fulfills many administrative tasks of the City as well.

The Finance Department is led by the Finance Director, who serves as the Chief Financial Officer of the City by acting as both Treasurer and Controller. The primary tasks of these roles are managing financial risks, financial planning and record-keeping, as well as a variety of financial and management reporting and services to the public.

Assisting the Finance Director are the Finance Manager, the Accounts Receivable Clerk, and the Accounts Payable Clerk. All staff within this department “wear several hats” to ensure that all the responsibilities are met for the City Leadership.

Responsibilities of The Finance

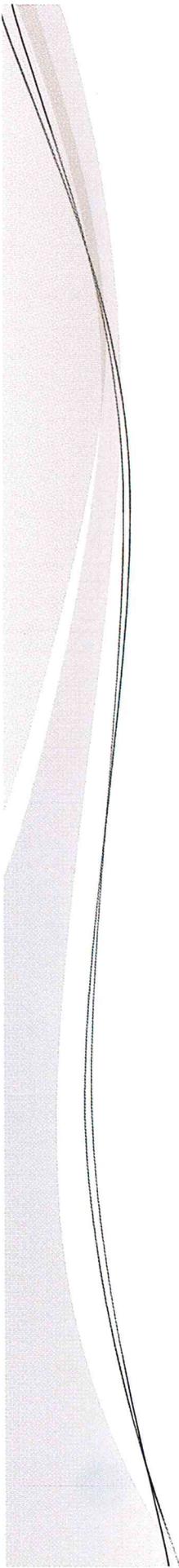
Department

Treasurer

- Internal Controls
 - Integrity, Effectiveness, Reliability & Compliance
- Risk Management & Insurance
 - CSJVRMA: Worker's Comp, Liability & Umbrella
- Banking & Investment Management
 - Citizen's Business Bank
 - Time Value Investments (TVI)
 - Local Agency Investment Fund (LAIF)
- Contracting & Purchasing

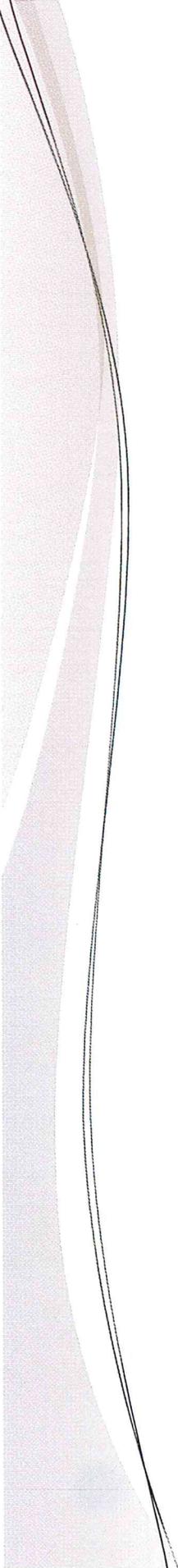
Controller

- Budgeting
 - Annually each Fiscal Year
- Accounting, Auditing & Reporting
 - Price, Paige & Company
- Financial Services
 - Utility Account Management
 - Accounts Payable & Taxes
 - Business Licensing
- Payroll
- Grant Management & Reporting
 - Blais & Associates



Other Tasks Completed by Finance

- Administration:
 - Customer Service
 - City Hall “Front Window”
 - City Correspondence
- Human Resources
 - Compliance
 - ERMA
 - Benefits
 - CalPERS, VALIC, ICMA-RC, AFLAC
 - SJVIA: Life, Disability, Health, Vision & Dental
 - Training



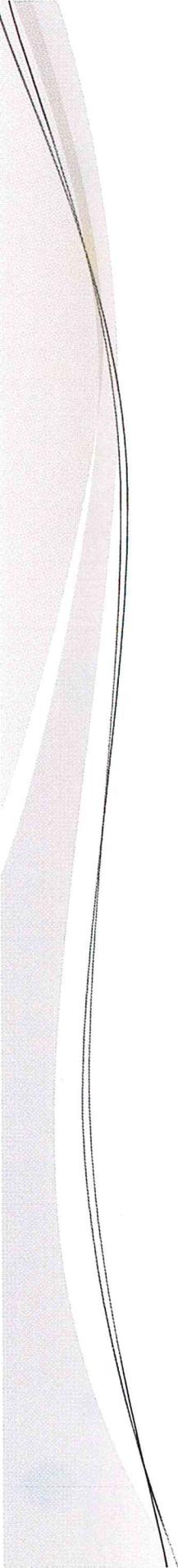
Treasury – Safety, Liquidity, Yield

- Cash & Investments as of 6/30/2016
 - Citizen’s Business Bank Checking (operations) \$5,005,138
 - Draft account that yields a 0.55% earnings credit (with 10% reserve requirement)
 - Citizen’s Business Bank Sweep Account (ultrashort-term) \$2,542,548
 - Liquid overnight sweep yields 0.25% interest
 - LAIF (short-term reserve) \$1,010,373
 - Pooled Money Investment Account (PMIA) yields 0.614%
 - Agency Debt Securities & Certificates (mid-term investment) \$3,548,003
 - Laddered securities with less than five year duration yields 1.354%

Budget & Audit – The Financial Cycle

~ Good budgets make for good audits, and good audits make for good budgets ~

- Fiscal Year 2014/2015 Audit was completed on January 4, 2016 and produced an “Unmodified Opinion” with “No Findings”.
 - Highest rating given by an audit and without any material exceptions found
 - Fiscal Year 2015/2016 Audit has started and will be completed in December 2016
- Fiscal Year 2016/2017 Budget was adopted on June 13, 2016
 - Budgets are timely and effective; reviewed at mid-year (January 2017)

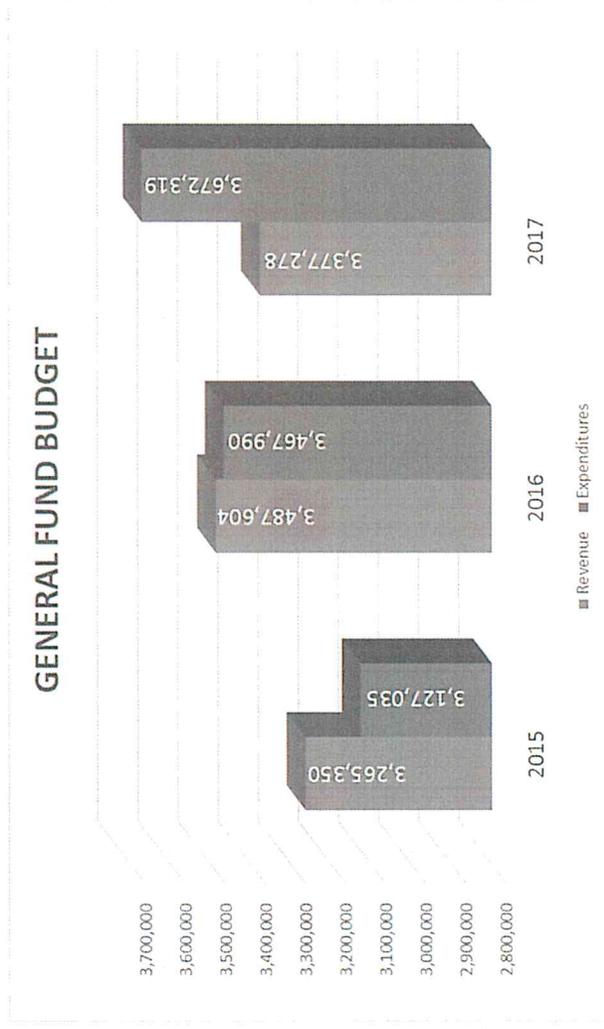


The Four Organizations

- The City (General Fund)
 - General Fund Cash Balance is healthy, and operationally sound
- The Water Utility
 - Cash Balance is declining, but operating at a loss
- The Wastewater Utility (Sewer)
 - Cash Balance is healthy, and operationally sound
- The Solid Waste Utility (Trash Collection)
 - Cash Balance neutral, and operationally sound (pass-through)

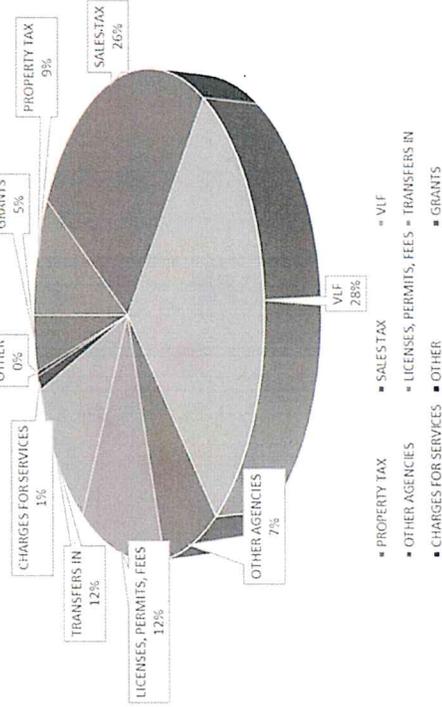
The General Fund

- The only unrestricted fund of the City
- Must support the bulk of the Administration, Financial, Police and Fire departments
- All resources are stretched to capacity
- City is dependent upon many outside sources in order to fund projects and initiatives outside core services

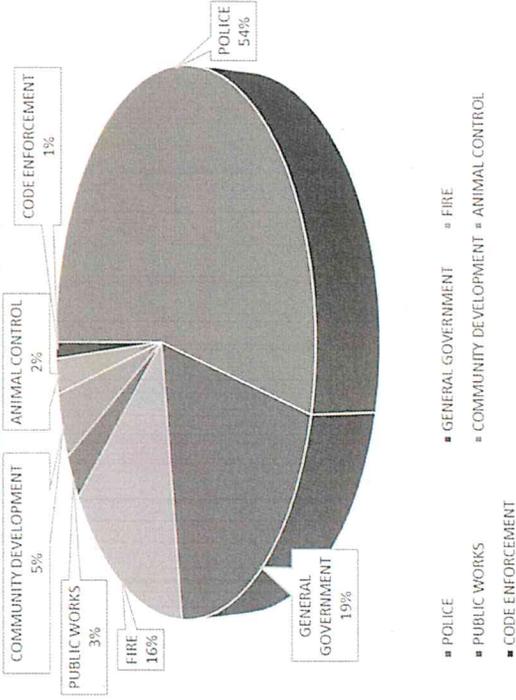


Farmersville Financial Snapshot

GENERAL FUND: WHERE THE MONEY COMES FROM

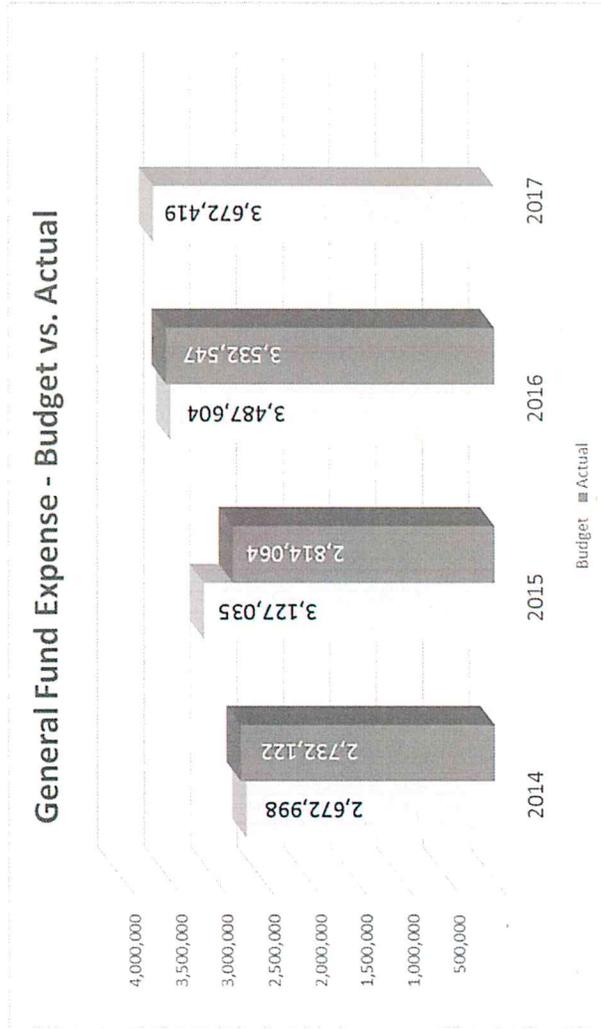


GENERAL FUND: WHERE THE MONEY IS SPENT

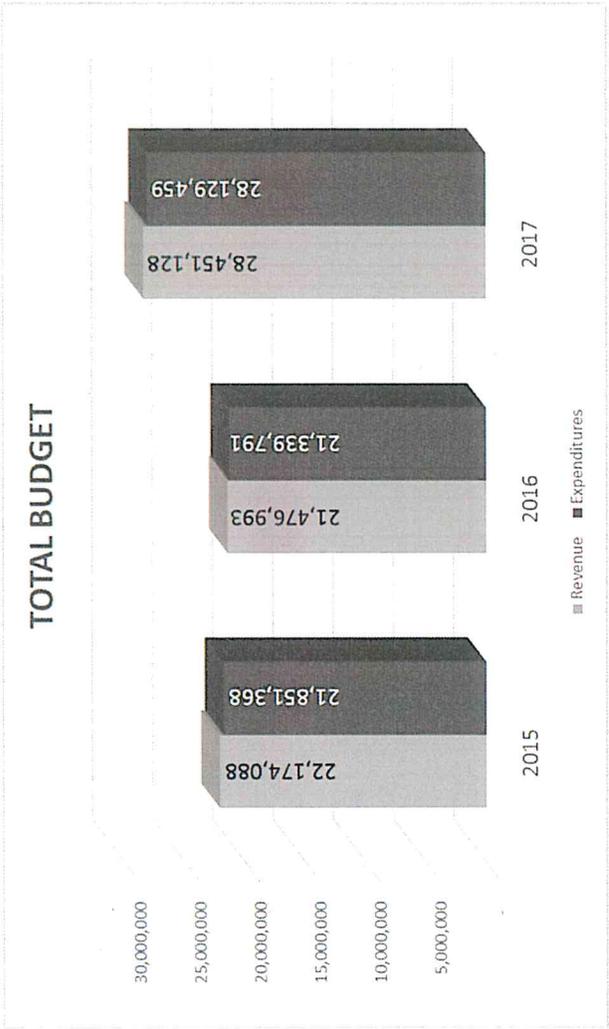


Demands on the General Fund

- Each Fiscal Year spends nearly all funds received
- Key Factors:
 - CalPERS UAL
 - Vacation Accrual Caps
 - Potential Revenue Losses
 - Increasing Benefit Costs
 - Enterprise Fund Performance
 - Potential Litigation Costs

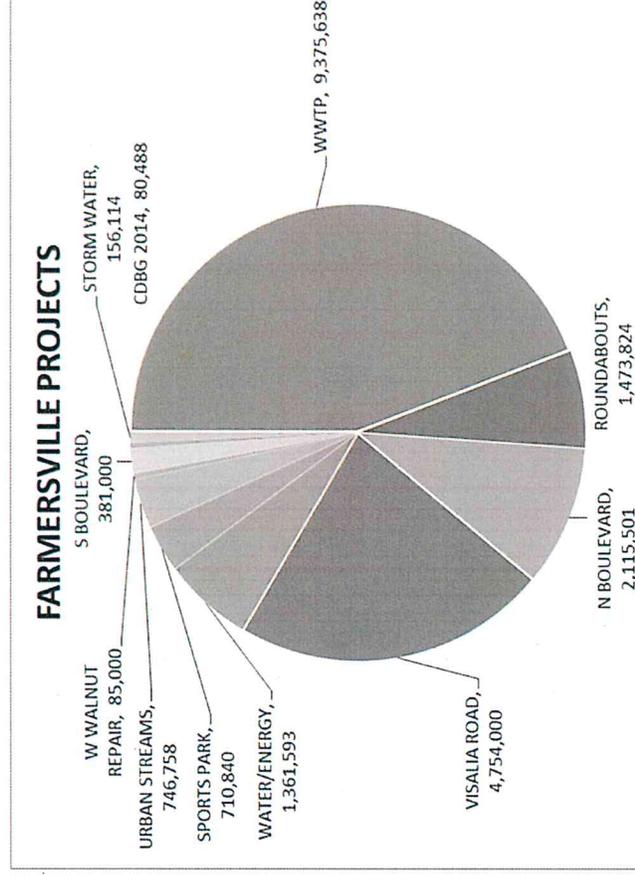


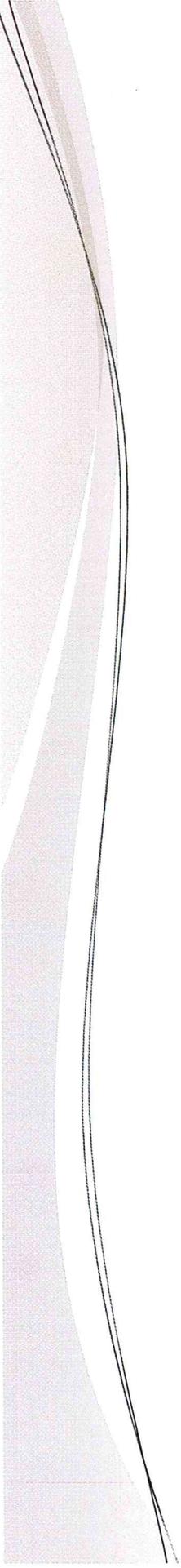
Budgets Are Inflated by Community Projects



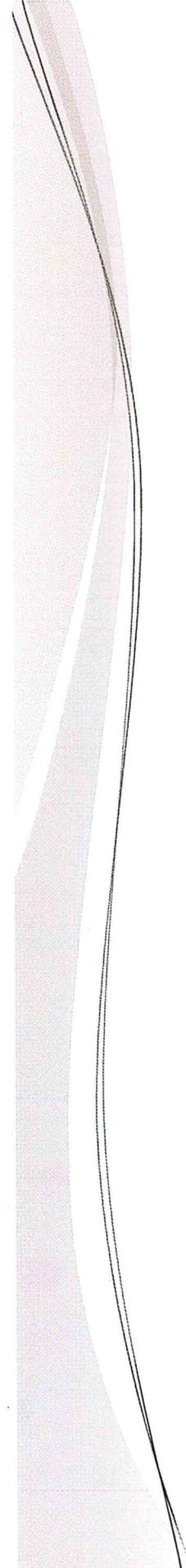
Community Projects

- Waste Water Treatment Plant is the largest of all the projects queued to start soon
- Road Improvement projects are the most numerous projects queued to start soon
- Urban Streams is a creek restoration project
- The Sports Park Phase 1 was supported by several grant sources
- The Water/Energy Grant supports water conservation efforts





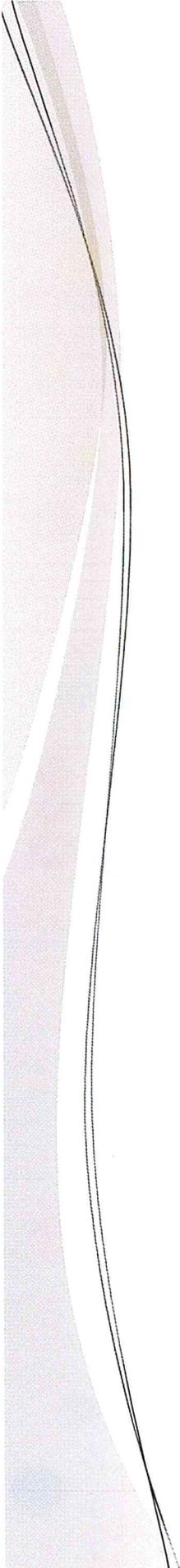
FIRE



Farmersville Fire Department

JOHN CRIVELLO, Fire Chief

The Mission of the Farmersville Fire Department is the Protection of Life, Property, and the Environment from the effects of Fires, Medical/Rescue Emergencies, and Other Hazards. This is accomplished through Comprehensive Emergency Response, Code Enforcement, and Public Education Efforts in a cost effective manner by utilizing career and volunteer personnel.

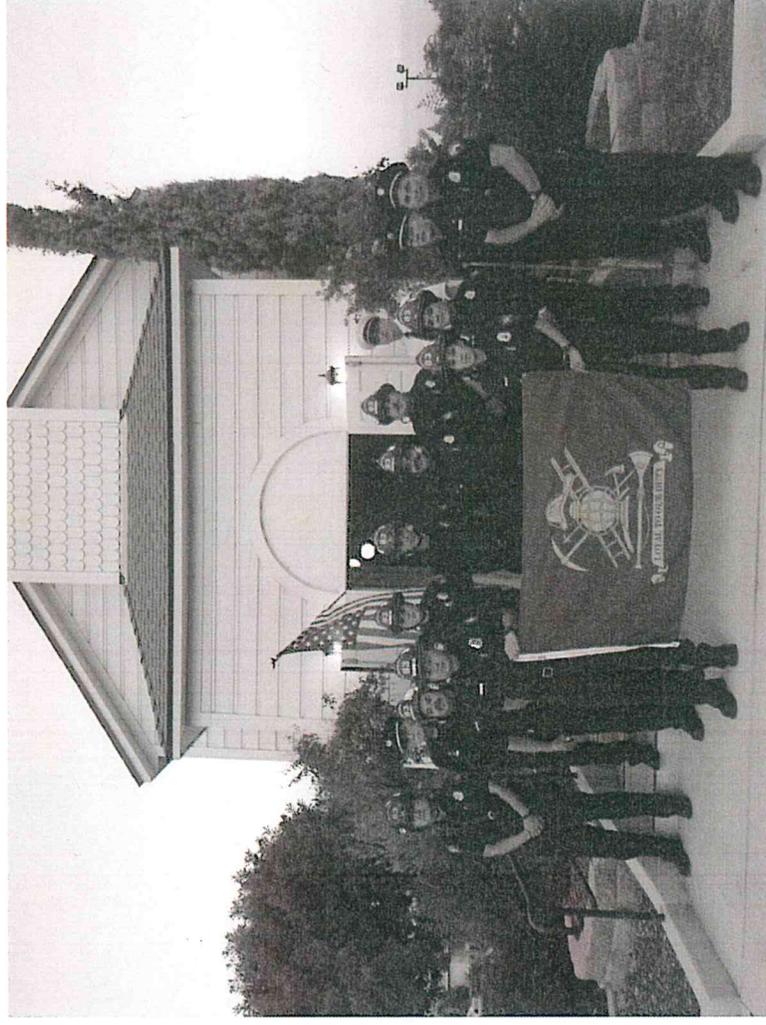


Core Services and Programs

- Emergency Response #1 Priority
- Operational Readiness: Training, Pre Fire Surveys Maintenance, Inspection & Testing of fire hydrants, hoses, apparatus and equipment.
- Fire Prevention: Fire & Life Safety Inspections, Code Enforcement Inspections, Fire Investigations.
- Public Information, Education and Relations.
- Emergency Management: All Hazards Disaster Planning and Preparedness, City Safety Program.

Fire Department Staffing

The Farmersville Fire Department is a “Combination Fire Department” meaning we serve the community with both career and volunteer members. The Fire Chief works an 8 to 5 standard office schedule while the 3 Fire Officers rotate 24 hour shifts as fulltime employees, the other 25 personnel are volunteers who are on call by radio pager.



Fire Department Apparatus

The Department maintains a fleet of specialized fire apparatus including a 4 wheel drive Brush Fire Patrol Unit, a Quick Attack Squad Unit (250 GPM Pumper), an Engine (1500 GPM Pumper), a 55 Ft. Ladder Truck (1500 GPM Pumper), and two Command/Utility Vehicles.



1990



2001



2008



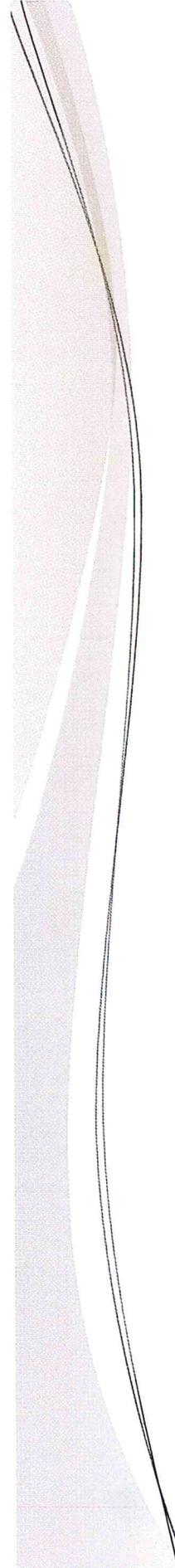
2014



2000



2007



Standards of Cover

Effective Response Force

The current staffing levels provide guaranteed minimal response of first out apparatus with an average 4 minute response time.

- OSHA “2 in 2 out” rule Mandates 4 Firefighters on scene by law.
- NFPA standard 1720 recommends 10 Firefighters on scene within 10 minutes (2 Engines, 1 Truck and Chief Officer)
- Large fires often necessitate calling mutual aid resources to meet critical fireground tasks.

Standards of Cover

Community Risks

FFD Rated Class 4 by Insurance Services Office (1-10 scale)

- Approximately 3,000 Dwelling units. Mostly Single Family Residences
- 46 Multi-family residences including apartments, duplexes, and bungalows
 - 28 apartment buildings. (10 have 2 stories)
 - Only 2 have automatic fire protection systems/features.
- 156 Commercial/Business occupancies.
- 25 Assembly/Institutional occupancies Includes:
 - 14 Places of Worship
 - 7 Schools
- Industrial Target Hazards including Noble Ave., Terry Road, and the Dehydrator.
- Transportation Hazards including Highway 198 and the SJVRR.



Standards of Cover

Risk vs. Consequences

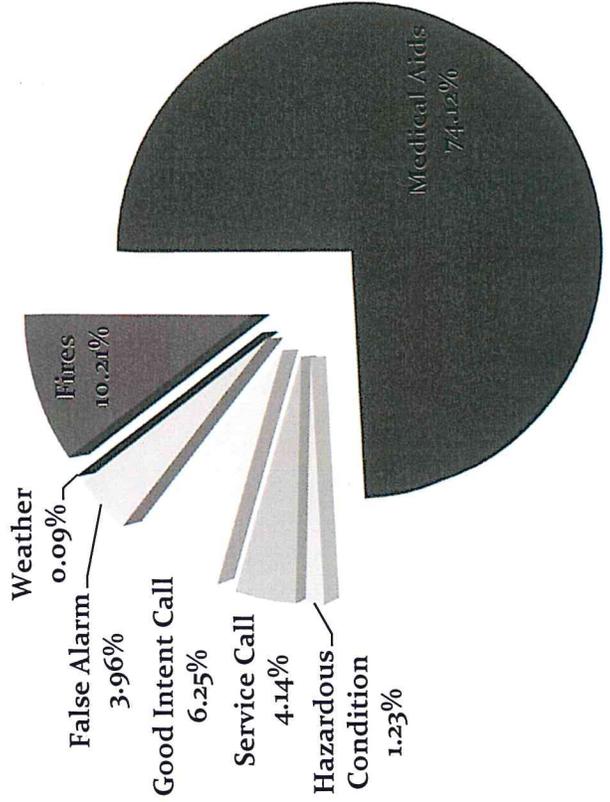
- **HIGH RISK INCIDENTS**
 - Industrial Fires
 - School Incidents
 - Apartment Fires
- **MEDIUM RISK INCIDENTS**
 - Single Family Residence Fires
 - Grass Fires
 - Hazardous Materials Incidents
- **LOW RISK INCIDENTS**
 - EMS/Rescue Incidents
 - Vehicle & Rubbish Fires
 - Hazardous Conditions

Standards of Cover

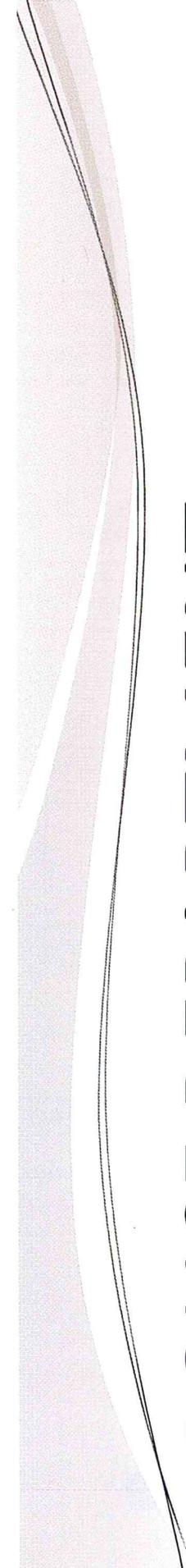
Risks Vs. Frequency

- 2016: 810 Calls for Service (Year to Date)
- 2015: 1136 Calls for Service (Total Last Year)
- 2006: 746 Calls for Service (10 Years Ago)

Calls by Type for 2015



Police

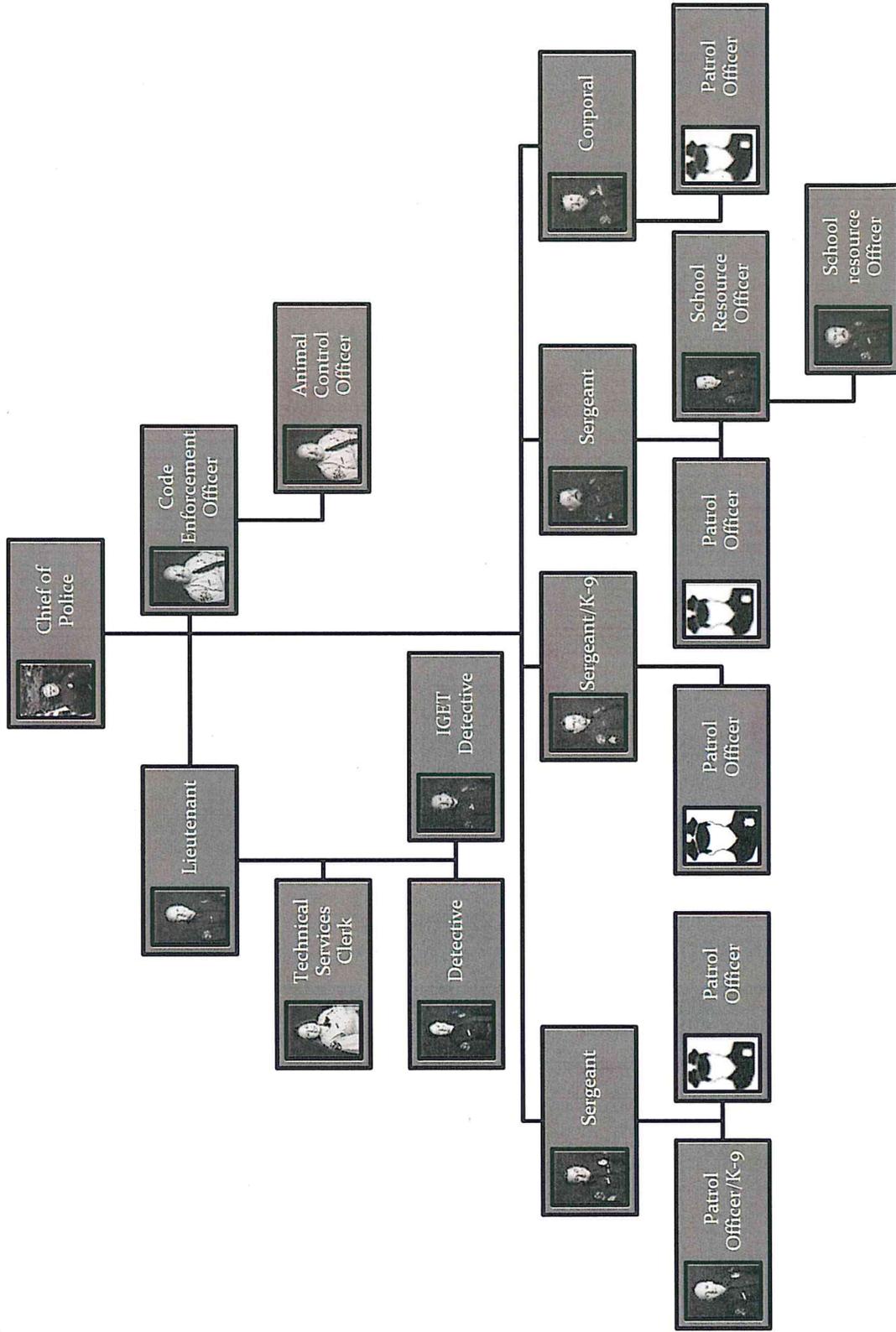


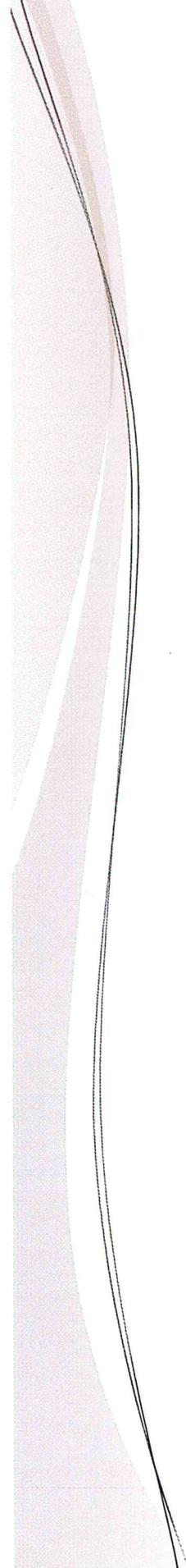
POLICE DEPARTMENT

MARIO KRSTIC, Chief of Police

- One of 8 municipal (city) police agencies in Tulare County
- Established in 1962 – Providing local control of services, resources, and costs
- 15 authorized sworn positions (down from a high of 18), 1 civilian (down from a high of 2), 1 Animal Control/Code Enforcement (down from 1 for each position) and currently no reserve officers.
 - The Department also has a vibrant and active Explorer Post (Post 831)

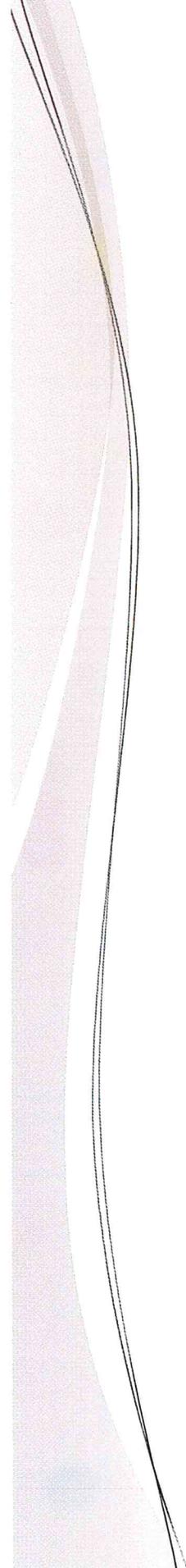
“The Mission of the Farmersville Police Department is to work in partnership with our community to enhance the quality of life in our city, preserving peace, reducing fear and providing a safe environment through the equitable and professional enforcement of law.”





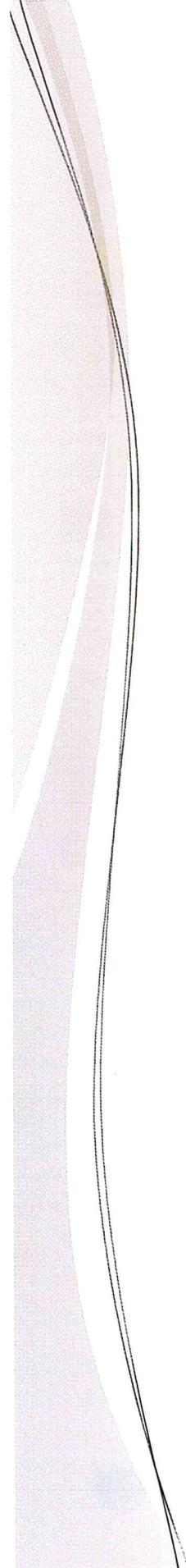
POLICE DEPARTMENT

- The Farmersville Police Department is responsible for the safety and welfare of the approximately 11,000 residents of the City of Farmersville and its visitors.
- The Department provides general law enforcement services for the community.
 - These services include but are not limited to patrol, traffic enforcement, criminal investigations, civil standby, and law enforcement services during special community events.
 - The Department participates in the Close the Circle Grant with an officer assigned to the Interagency Gang Enforcement Team.
 - The Department has two officers assigned under contract with the Farmersville Unified School District as School resource Officers.
- In addition the Department maintains all records generated within the department, property and evidence storage and management, management of the Explorer program, management of the chaplains program, animal control, and code enforcement. The Department currently contracts dispatching services through the Tulare County Sheriff's Office.
- The department also functions as a vital part of the entire City team assisting with public works and the Farmersville Fire Department as needed.



POLICE DEPARTMENT

- The police department additionally staffs three K9 officers. Two are trained in handler protection and narcotics detection and are assigned to patrol. The third K9 is trained in narcotics detection and is assigned along with her handler to the School Resource Officer function and works in our schools.
- The police department also has an officer assigned to the Interagency Gang Enforcement Team through the Close The Circle grant. This team conducts gang suppression details and is involved in conducting probation and parole compliance checks as well as investigation of gang crimes and narcotics related crimes.



POLICE DEPARTMENT

In addition to traditional police services the Police Department manages two additional functions within the City. These are;

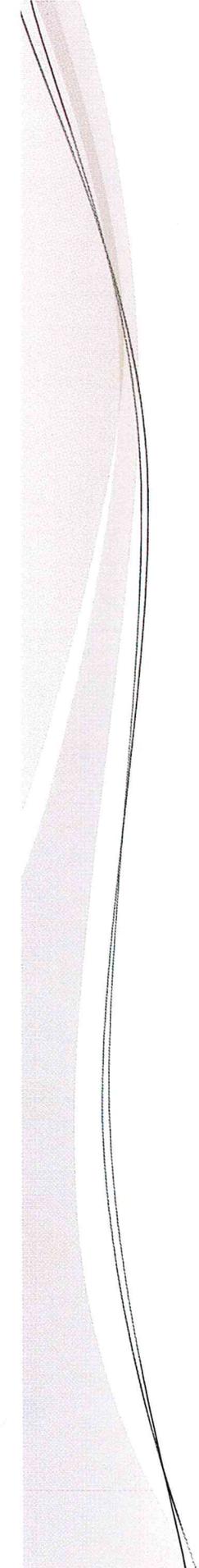
- Animal Control
- Animal Control services are provided on a half time basis.
- Services are primarily complaint driven however animals observed at large will be picked up and sweeps are occasionally conducted based on need.
- Animal kenneling is provided by the City of Tulare on a contract basis.
- The primary types of calls for service handled by animal control are vicious animals, injured animals, strays, and roosters.

POLICE DEPARTMENT

- Code Enforcement
- Code Enforcement services are provided on a half time basis.
- Services are primarily complaint driven however violations that are observed are addressed as well.
 - The primary types of calls the Code Enforcement officer handles are building permit issues, blighted property, unsafe buildings, marijuana cultivation, and sign issues.
- In addition to Code Enforcement functions the officer handles some issues related to planning and permitting.
- ~~Building inspection services are handled via a contract with the Tulare County Building Department.~~
- ~~Larger planning related issues are handled under a contract with Collins and Schoettler.~~

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POLICE DEPARTMENT

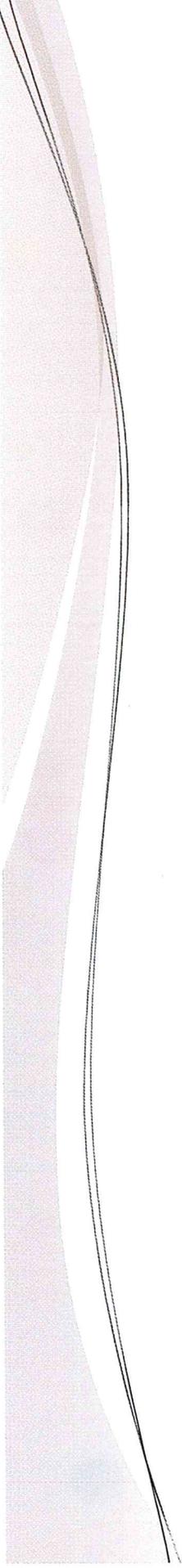
Department Philosophy

Sir Robert Peel the father of modern policing laid out nine principals for effective, unbiased policing. Although we strive to follow all of the Peelian principals two of the key principals are:

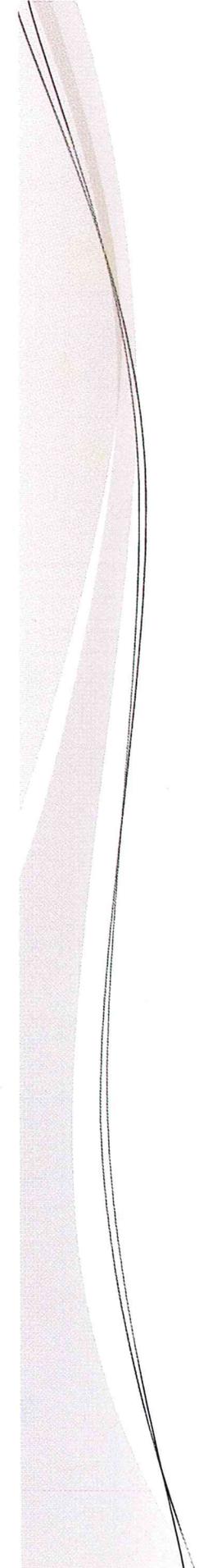
“Police should seek and preserve public favor not by catering to public opinion but by constantly demonstrating absolute impartial service to the law.”

And:

“To recognize always that the test of police efficiency is the absence of crime and disorder, and not the visible evidence of police action in dealing with them.”



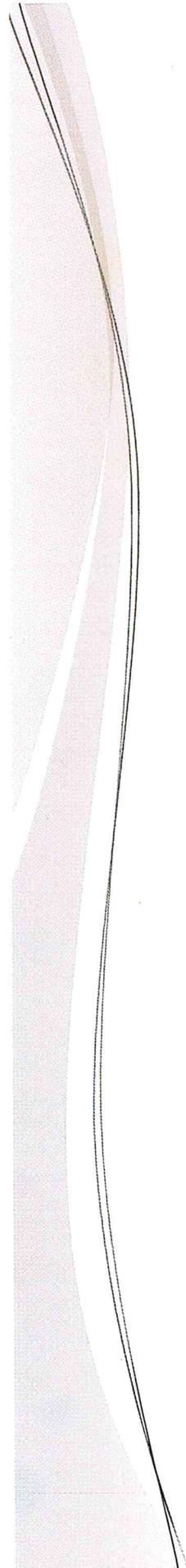
Public Works



Department of Public Works

DALE WYCKOFF, Director of Public Works

- I. Department Overview
- II. Department Operations
 - Water System Operations & Maintenance
 - Wastewater System Operations & Maintenance
 - Stormwater System Operations & Maintenance
 - Streets
 - Buildings & Grounds
 - Parks
 - Fleet Maintenance



I. Department Overview

- We currently employ seven (7) full time employees;
- We maintain and operate seven (7) divisions within the department;
- We are available 24/7 for city wide emergencies;
- We create and distribute the annual Farmersville Newsletter.





Water System Operations &

Maintenance

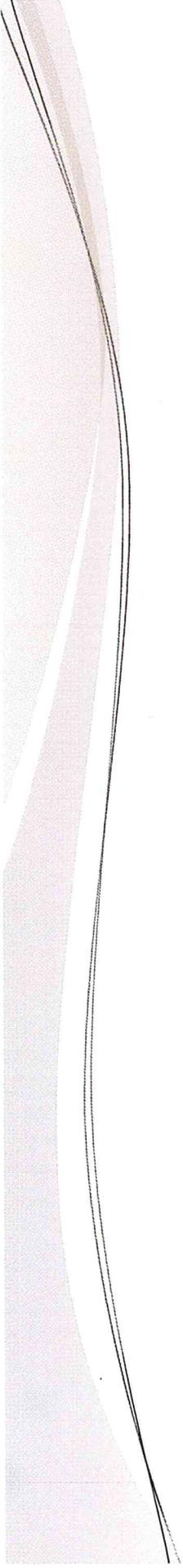
- We maintain seven (7) water wells that provide clean, safe drinking water to our customers;
- We provide adequate water supply for city wide fire protection;
- We comply with State of California and Federal Water Regulations and are monitored by the State Water Resources Control Board;
- We are currently in the process of upgrading to an automatic meter reading (AMR) system to help measure water consumption to conserve groundwater;
- We distribute approximately 1.7 million gallons of water to City of Farmersville and Cameron Creek Colony customers each day;
- We maintain, service and repair the City's water infrastructure;
- We maintain a Backflow Prevention Device Program to help prevent water system contamination.

Wastewater System Operations &

Maintenance

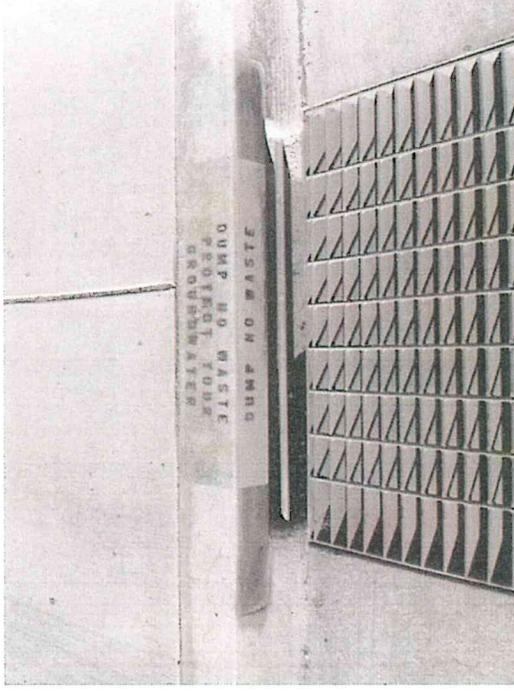
- The City of Farmersville wastewater system is monitored by the State Water Resources Control Board;
- Our Current Wastewater treatment plant is classified as a lagoon system which consists of three (3) aerator ponds and ten (10) percolation ponds;
- We process an average of 720,000 gallons of raw sewage per day;
- We service and maintain approximately 28 miles of wastewater system main line;
- We service and maintain four (4) wastewater pump lift stations;

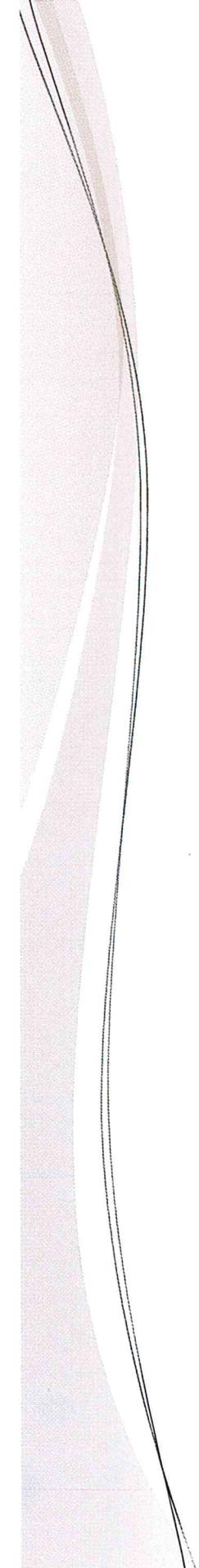
The City is currently in the process of building a new Wastewater Treatment Facility



Stormwater System Operations & Maintenance

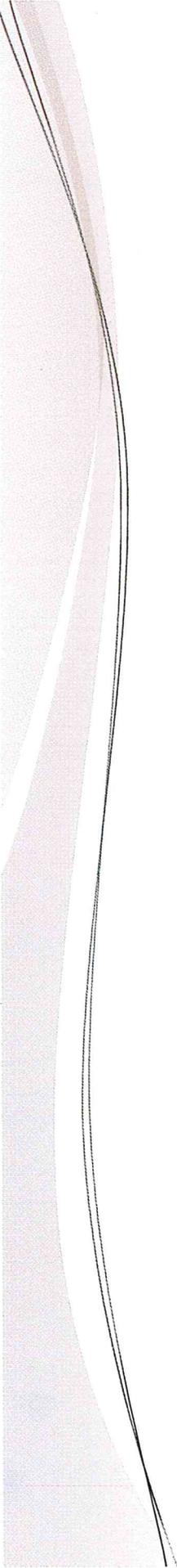
- We maintain two (2) stormwater drainage basins;
- We maintain two (2) stormwater pump lift stations;
- We provide four (4) self-fill emergency sand bag fill stations;





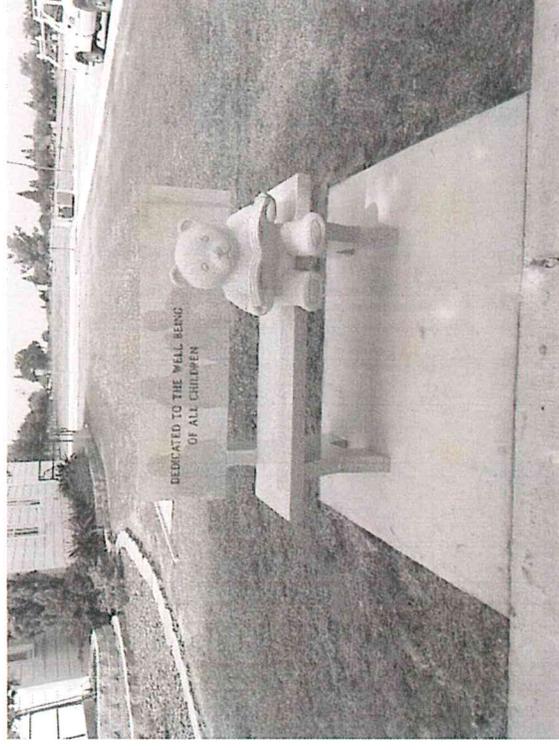
Streets

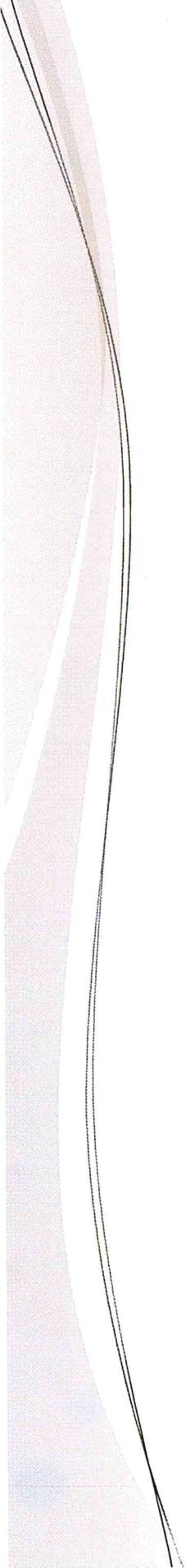
- We maintain approximately fifty (50) miles of roadway, including curb & gutter;
- We service and replace all street signage;
- We administer all street lighting;
- We maintain and service two (2) traffic signal intersections;
- We conduct clearance pruning of landscape foliage that interferes with regulatory street signage, vehicular or pedestrian traffic;
- We maintain two (2) pedestrian activated In-Roadway Warning Light (IRWL) crosswalk systems;
- We recently assumed responsibility of the Roundabouts at Noble Avenue and Farmersville Boulevard;



Buildings & Grounds

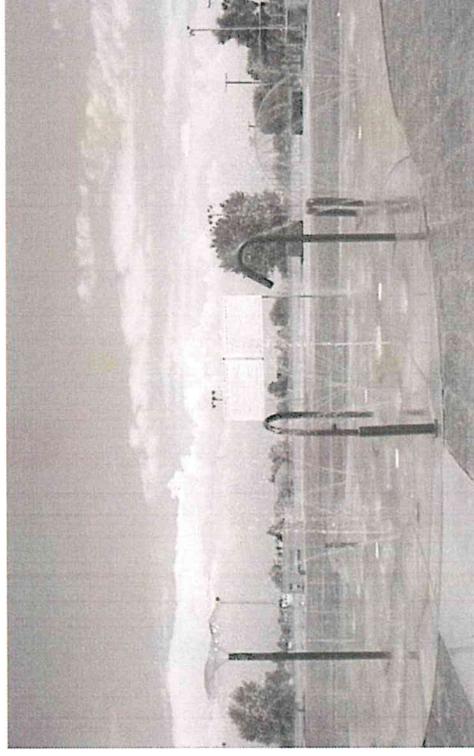
- We maintain and service nine (9) City owned facilities;
- We maintain and service the landscaping for eight (8) City owned Facilities;
- We provide landscaping maintenance to sixteen (16) development phases of three (3) Landscape & Lighting Districts



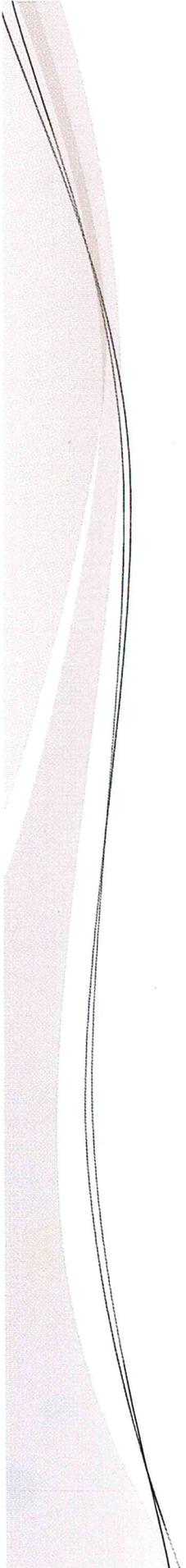


Parks

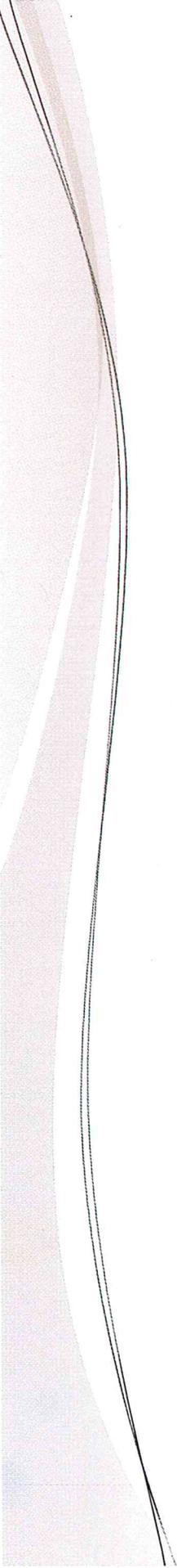
- We maintain and service seven (7) City parks, which are:
 - Armstrong Park
 - Farmersville Sports Park
 - Jennings Park
 - Liberty Park
 - Riverbank Park
 - Roy Park
 - Veterans Memorial Park



- We maintain, service and operate the Veterans Memorial Aquatic Playground at Veterans Park.



Contract Services



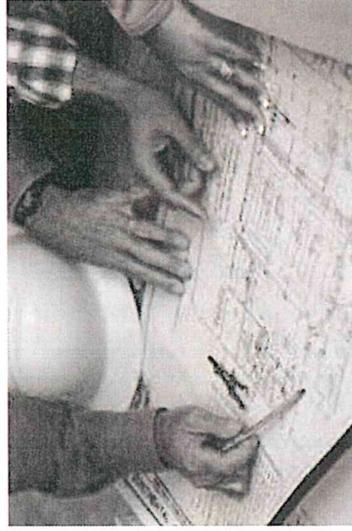
Land Use - Health and Safety Planning, Building & Livability

Primarily provided through:
Collins and Schoettler-Visalia
(Karl Schoettler)
Tulare County Building Dept.
Other Agencies and Consultants

Community Development Services

The Department is responsible for planning and permitting orderly and responsible development in the community, ensuring compliance with zoning and building codes, preserving natural and historic resources, and maintaining and implementing the City's General Plan through the following Divisions:

- **Long Term and Current Planning**
- **Building and Safety**



Community Development Services

OPERATIONAL FRAMEWORK

- **Federal & State Legislation & Case Law**
 - Planning & Housing laws
 - National & State Building Codes/ADA
 - California Environmental Quality Act/EPA
- **Regional Plans & Programs**
- **Local Ordinances & Policies: *Municipal Code, General Plan, Guidelines***
- **Public Participation in the Planning Process: *Hearings, Workshops***



Community Development Services

PLANNING DIVISION KEY FUNCTIONS

- Implements State Planning & Zoning law, California Environmental Quality Act (CEQA)
- General Plan –Updates and Amendments
- Farmersville Zoning Code –Updates & Amendments
- Processing of Applicant & City-initiated Projects
- Public information regarding codes, permits, projects
- Administers and staffs the City Planning Commission
- Livability: Implementation of Team & Field Operations- all divisions
- Review & Participation in Regional Planning efforts: LAFCO, Tulare Co.
- Review and implementation of Regional plans and programs
- Special Projects as assigned by the City Manager or by Council or Planning Commission initiative.



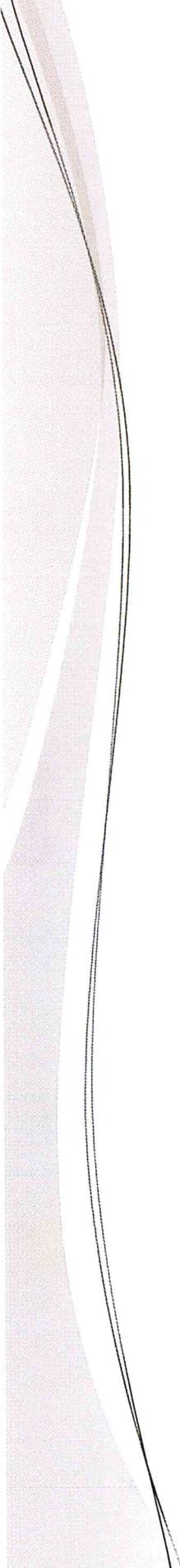
Community Development Services

CONTRACTED to TULARE COUNTY-BUILDING & SAFETY

- Responsible for coordinating the review of plans, issuance of permits, and inspections related to new & remodeled construction. Repository for approved plans.
- Responsible for the implementation and enforcement of National, State and local building codes:
 - *Cal Green Building Code*
 - *Americans with Disabilities (ADA)*
 - *Title 24 Energy Conservation*
 - *National Building Codes*
 - *Health & Safety Code*
 - *Title 25 Mobile Home Parks*

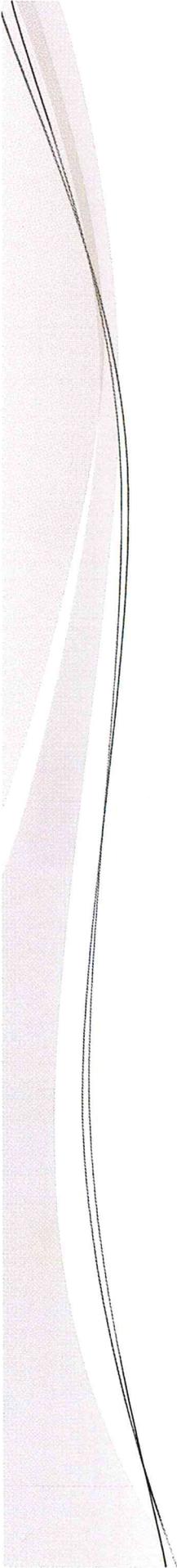


- Determines if structures are unsafe to occupy
- Provides post-disaster safety assessment of all structures in the City affected by natural or man-made hazardous events



Engineering

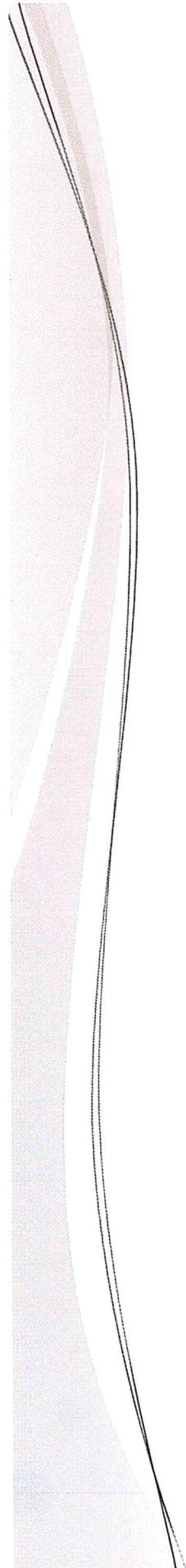
- Delivered through Contract Engineer, QK Inc. and others.



Engineering Services

What is the department:

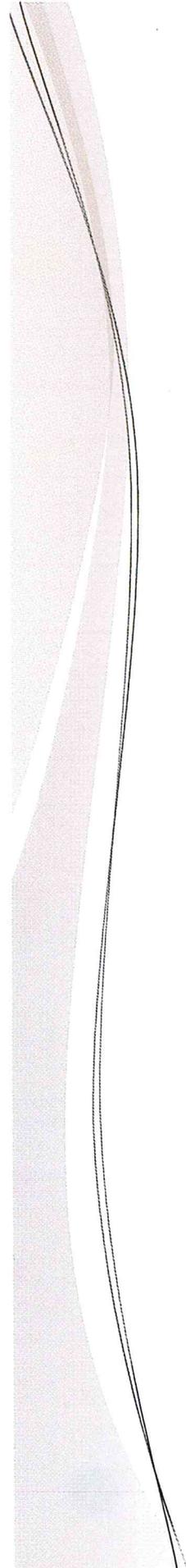
- CAPITAL ENGINEERING
- DEVELOPMENT ENGINEERING
- CONSTRUCTION INSPECTION



Engineering Department

Capital Engineering

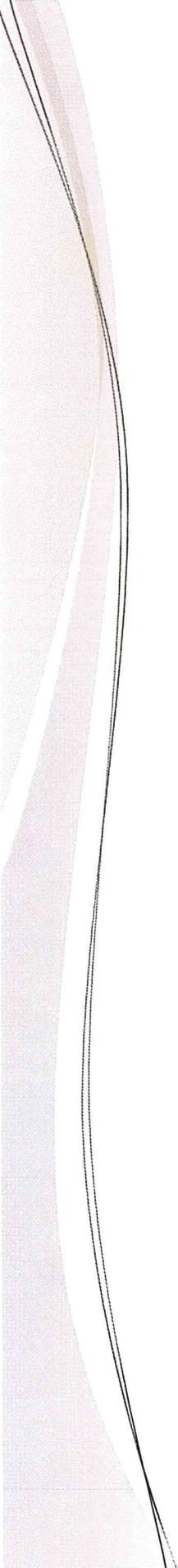
- Implements the Capital Improvement Program.
- Performs engineering design.
- Prepare bid documents and manages construction contracts.
- Coordinates with consultants and contractors.
- Assists with grant management.



Engineering Department

Development Engineering

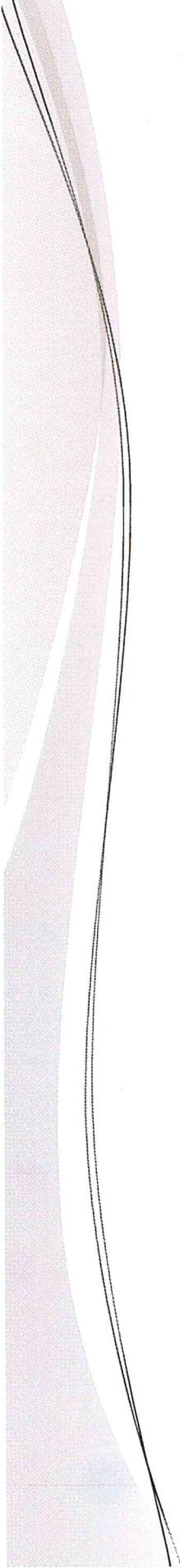
- Reviews and conditions new projects.
- Reviews new infrastructure plans, studies, calculations, subdivision maps and agreements.
- Analyzes traffic studies and sets speed limits.
- Addresses residents concerns.
- Supports management and enforcement of FEMA
- Provides engineering support to other departments.



Engineering Department

Construction Inspection

- Provides field inspection for both, Capital and Development projects.
- Enforces NPDES and WQMP requirements.
- Reviews traffic control plans and manages road closures.
- Coordinates with contractors.



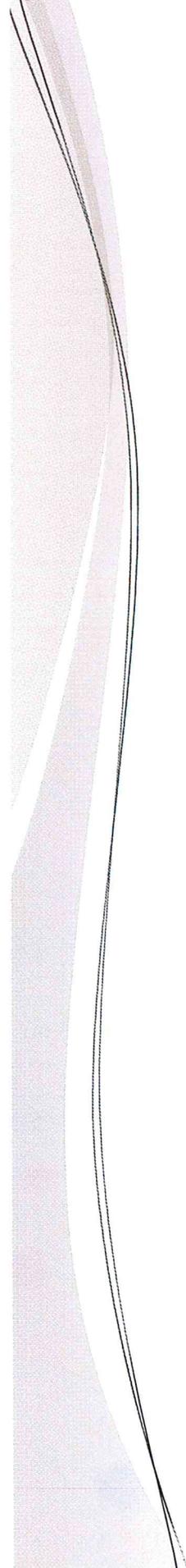
Future Issues and Opportunities

\$ \$ \$ and ???

Potential Structural Deficit

Reduction Strategies

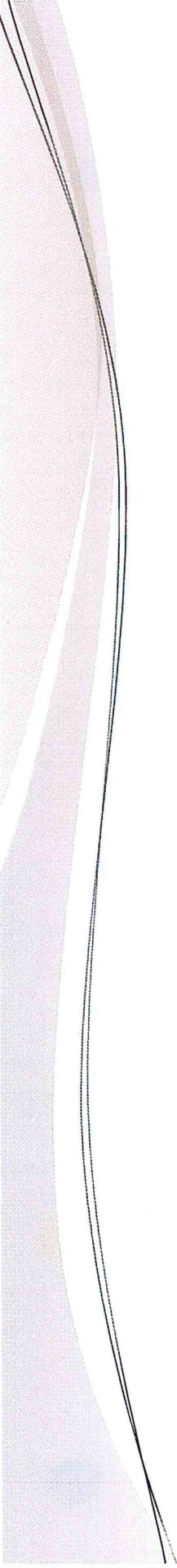
- Opportunities for contracting, “outsourcing” or managed competitions
- Consolidation of functions with another local government
- Selling city-owned properties that are no longer needed
- Possible privatizing/ increased franchising of city utility systems



Potential Structural Deficit

Reduction Strategies

- Engage labor organizations in ways to reduce employee costs and increase efficiencies
- Reduce / eliminate current services
- Realize economic development opportunities
- Form Blue Ribbon Committee on city services and finances to create a sustainable future
- Consider revenue enhancement measures (taxes or fees)



QUESTIONS

and

DISCUSSION

**Thank you for your time
and attention.**



Paul Boyer, Mayor
Matt Sisk, Mayor Pro Tem
Don Rowlett, Council Member
L. Benavides, Council Member
Greg Gomez, Council Member

DRAFT ACTION MINUTES

Farmersville City Council Regular Meeting

October 10, 2016 - 7:00 p.m.

Meeting held in Civic Center Council Chambers
909 W. Visalia Road Farmersville, California

1. Call to Order- 7:01 PM
2. Roll Call – Gomez, Benavides, Rowlett, Boyer PRESENT. Sisk, Excused Absence.
3. Invocation – Led by Benavides
4. Pledge of Allegiance – Led by Gomez
5. Presentations:
 - 5.I. Presentation to First Assembly of God Church For Property Beautification
Presentation to Pastor Richard Ogle of First Assembly of God Church for Property Beautification at their sanctuary and grounds located at 867 Ash Street.

Councilmember Rowlett presents Pastor Ogle with City Council Certificate of Appreciation for Beautification Work a First Assembly of God Church 867 Ash Street.
 - 5.II. Public Safety Recognition Ceremony
Recognition of Farmersville Public Safety Officers (Police, Fire and Code Enforcement).

All present observe a moment of silence in honor of recent police officers murdered in Victorville and Palm Springs.

Chief Krstic and Chief Crivello conduct presentation honoring Police and Fire Officers for heroism and promotions. Includes introduction of new Police Officer Alvarez.

Life Saving honors presented to:
Sgt. Ralph Vasquez,
Det. Daniel Villalobos,
Off. Ashley Hettick
Off. Luis Frausto
Fire Fighter Ruben Farias

Promotions and appointments and
Police Officer Ricardo Alvarez introduced as new hire.
Police Officer Jeremy Brogan promoted to Sergeant
Police Officer Josh Weatherbie promoted to Corporal
Fire Officer, Doug Stewart promoted to Captain
 - 5.III. Presentation by Allie Bjork, RN of Diabetes and Obesity Prevention Strategy
Presentation and discussion of "Soda Tax" as a diabetes and obesity prevention strategy.

Documents:

1. [ITEM 5.III.PDF](#)

Nurse Bjork presents information on diabetes and obesity prevention via a "soda tax:" as used in other cities. Council indicates their general support for health initiatives and suggests this idea be taken up at the County level with the Dept. of Public Health and takes No Action with No Direction on this matter.

5.IV. Presentation by Food Link Tulare County
Presentation and Request for Participation by Food Link of Tulare County

No presentation – tabled to future meeting.

6. Public Comment

Provides an opportunity for members of the public to address the City Council on items of interest to the public within the Council's jurisdiction and which are not already on the agenda this evening. It is the policy of the Council not to answer questions impromptu. Concerns or complaints will be referred to the City Manager's office. Speakers should limit their comments to not more than two (2) minutes. No more than twenty (20) total minutes will be allowed for Public Comment. For items which are on the agenda this evening, members of the public will be provided an opportunity to address the council as each item is brought up for discussion. Comments are to be addressed to the Council as a body and not to any individual Council Member.

Kacey Austen, Government Affairs representative from Mid Valley Disposal introduced herself to the Council and Staff and offered to meet with if there are concerns about services.

7. Consent Agenda

Under a CONSENT AGENDA category, a recommended course of action for each item is made. Any Council Member or Member of the Public may remove any item from the CONSENT AGENDA in order to discuss and/or change the recommended course of action, and the Council can approve the remainder of the CONSENT AGENDA.

7.I. Draft Meeting Minutes of September 26, 2016 Regular City Council Meeting
Recommend approval of draft Meeting Minutes of September 26, 2016 regular City Council Meeting.

Documents:

1. [IEM 7.I MINUTES OF 09-26-16.PDF](#)

7.II. Consideration of Warrant Register for Period September 1 to September 30, 2016.
Recommendation to approve of Warrant Register for period September 1 to September 30, 2016 in the amount of \$527,903.55.

Documents:

1. [ITEM 7.II.PDF](#)

Consent Items 7.1 and 7.II approved by motion of Gomez, with 2nd by Benavides by vote of 4-0 with Sisk absent and Boyer abstaining from Item 7.II on Warrants to SHE Inc. only.

8. Discussion Action Items (New Business)

- 8.I. Consideration of Development Impact Fees for Secondary Dwelling Units
Presentation and discussion regarding Development Impact Fees for secondary dwelling units with possible direction to staff.

Documents:

1. [ITEM 8.I DIF 2ND UNITS.PDF](#)

Karl Schoettler, contract city planner presents this matter. Council discussion and questions and with direction to staff by Council consensus to:

- 1) *Look at updating development impact fees,*
- 2) *Create DIF fee for second unit - detached units*
- 3) *Do not charge DIF fee for replacement units (IE: previously destroyed by fire flood, etc.)*

- 8.II. Consideration Of Draft Resolution 2016-045 Approving Of The Joint Powers Authority To Create And Manage A Ground Water Sustainability Agency For The Greater Kaweah Basin. Recommend adoption of draft Resolution 2016-045 approving of the Joint Powers Authority to create and manage a Ground Water Sustainability Agency for the Greater Kaweah Basin.

Documents:

1. [ITEM 8.II.PDF](#)

Item 8.II pulled by City Attorney with no action by Council.

- 8.III. Ground Water Sustainability Agency Stakeholder Advisory Committee
Discussion regarding opportunity for Farmersville residents to apply to become a member of the Ground Water Sustainability Agency Stakeholder Advisory Committee.

Documents:

1. [ITEM 8.III GSA STAKEHOLDERS.PDF](#)

Item 8.III discussed about opportunity for a Farmersville resident to become involved publicized and encouraged by Council. No Council members available to serve on Stakeholder Committee at this time. Direction to Staff to recruit representative from Farmersville.

9. Council Reports

9.I. Council Member Reports

City Council Representatives to External / Internal

Organizations and Committees

TCAG:

Mayor Boyer

Alternate: Councilmember Rowlett

Council of Cities: Councilmember Gomez

Alternate: Councilmember Benavides

TCAG Rail Comm: Councilmember Sisk

EDC: Councilmember Benavides

Alternate: Mayor Boyer

Delta Vector: VACANT (Recruitment pending)

Home Loan Approval Committee:

Councilmembers Benavides and Gomez

SJVAPCD: Councilmember Benavides

Alternate: Councilmember Gomez

2016 Community Funding Ad-Hoc Committee

Councilmembers Benavides and Gomez

Alternate: Mayor Pro Tem Sisk

Councilmember Benavides: No Report

Councilmember Rowlett: Last baseball pitcher to win a World Series Game for the Chicago Cubs was from Farmersville. City should market this with a sign or ?.

Councilmember Gomez: Attended CA League of Cities Conference in Long Beach. Attended interesting sessions on marijuana and retail development.

Mayor Boyer: Attended CA Partnership meeting. Interested in funding assistance for grocery store. Interested in expanding internet in city. Will initiate a conference call with groups who help with internet.

10. City Manager Report

Reiterates his appreciation and respect for all our public safety personnel and employees.

Rite Aid Grand opening is Thursday October 20 at 10:00 AM. All are welcome.

Council Newsletter going out end of week with Dept. updates

11. City Attorney Report

No Report

12. Future Agenda Items

12.I. Future Agenda Items

1. Agua-4-All - Water Program Resolution
2. Presentation by Tulare Public Health on Anti-Tobacco Prevention Strategies 10-24
3. Joint Workshop of City Council and Planning Commission Regarding Design Guidelines
4. Review of draft Water Rate Study

13. Adjourn To Closed Session or Adjourn To Next Meeting

13.I. Closed Session

1. PENDING LITIGATION (Government Code §54956.9) It is the intention of this governing body to meet in closed session concerning: Conference with legal counsel - ANTICIPATED LITIGATION (Government Code §54956.9(d)).

Significant exposure to Litigation: (Government Code §54956.9(d)(2)).
Number of potential cases: 3.

2. CONFERENCE WITH LABOR NEGOTIATOR (Government Code §54956.8) It is the intent of this governing body to meet in closed -session to review its position and to instruct its designated representatives:

Designated Representatives - City Manager

Name of Employee organization: All bargaining groups / all City employees.

3. PERSONNEL (Government Code §54957 (b)) It is the intention of this governing body to meet in closed session to: consider the public employee performance evaluation of: City Manager.

14. Reconvene to "Report Out" Of Closed Session and Adjournment

The City attorney briefed the City Council on matters on the Closed Session Agenda Items 13.I (1, 2 and 3) with no reportable action.

Adjourn to next regular meeting October 24, 2016 at 8:00 PM.

NOTICE TO PUBLIC

The City of Farmersville Civic Center and City Council Chambers comply with the provisions of the Americans with Disabilities Act (ADA). Anyone needing special assistance please contact City Hall at (559) 747-0458 please allow at least six (6) hours prior to the meeting so that staff may make arrangements to accommodate you.

Materials related to an item on this agenda submitted to the Council after distribution of the agenda packet are available for public inspection in the City's offices during normal business hours.

Drafted by: J.Jansons

City of Farmersville

News Release

Date / Time: October 10, 2016
Event: Public Safety Recognitions
Location: Farmersville City Council Chambers

On October 10, 2016 at a regularly scheduled Farmersville City Council meeting the Council took time out to honor several members of the Police and Fire Departments with a badge pinning of a newly hired officer, three promotions, and the issuing of five commendations.

The ceremony began with Police Chief Mario Krstic asking for a moment of silence for the four law enforcement officers murdered in the line of duty over the past weekend across the country and then quickly turned to more positive events.

The Police Department's newest Officer, Ricardo Alvarez, was introduced to Council and then pinned with his badge by his mother who was present for the ceremony. Ricardo was described as having served in the US Army both on active duty and then as a reserve for several years before turning his attention to law enforcement. After working with the Tulare County Sheriff's Office for three years Ricardo was hired by the Farmersville Police Department and began working with them on October 3rd of this year.

Chief Krstic then turned the podium over to Fire Chief John Crivello who introduced Volunteer Doug Stewart as having been recently promoted from Fire Lieutenant to Fire Captain. Doug began his affiliation with the Farmersville Fire Department in 2006 as a Firefighter. He promoted quickly to Fire Engineer in 2007. He attended the College of the Sequoias Firefighter I and II academies and was promoted to Fire Lieutenant in 2009. Captain Stewart's badge was also pinned by his mother accompanied by his father. Doug completed his AS Degree in Fire Technology from COS, holds a BA Degree from Fresno State and is certified by the State Board of Fire Services as a Firefighter, Driver/Operator, Fire Officer, and Chief Officer. As Captain he currently serves as the Training Officer. He is also employed fulltime as a Fire Lieutenant for the County of Tulare.

Chief Krstic then presented two promotions to the Council. The first was Officer Josh Weatherbie and his promotion to the rank of Corporal. Josh was described as having served 12 years in the US Army prior to entering Law Enforcement achieving the rank of Sergeant. He joined the Farmersville Police Department in January of 2013 having worked patrol and most recently having been assigned to the Interagency Gang Enforcement Team. Josh also obtained his Bachelor's Degree while with Farmersville and was working towards completing his Master's Degree. Josh was pinned by his wife and joined at the podium by their three children as well.

The final promotion was that of Corporal Jereme Brogan being promoted to the rank of Sergeant. Jereme had worked with the Tulare County Sheriff's Office for nearly five years before joining the Farmersville Police Department in June of 2008. Jereme worked patrol and investigations and was promoted to Corporal in November of 2014. In addition, Jereme served as a Field Training Officer, Range Master, and department Armorer. Jereme was pinned by his wife.

The ceremony then shifted to the issuing of a number of commendations for two recent incidents. Officers Ashley Hettick and Officer Luis Frausto along with Fire Engineer Ruben Farias received commendations and Lifesaving Ribbons for their actions on August 16th, 2016 at about 2:45 in the afternoon when they responded to a report of a five-year-old child choking. Upon arriving the child was unresponsive and not breathing and was reported to have possibly choked on a hotdog that he was eating. Officer Frausto, the first to arrive, immediately took action in an effort to revive the child and was soon joined by Officer Hettick who assisted in clearing the child's airway and restoring his breathing. Fire Engineer Farias then arrived and assisted until the ambulance arrived and then Officer Hettick and Fire Engineer Farias rode with the ambulance continuing to assist until their arrival at the Kaweah Delta Emergency Room. The Child was transferred to Valley Children's Hospital ICU where he reportedly made a full recovery. The Officers along with Engineer Farias went to his home and met with him upon his discharge from the hospital in what was a much happier moment for the four of them.

The second set of commendations and Lifesaving ribbons was awarded to Officer Daniel Villalobos and Sergeant Ralph Vasquez. On July 17th of 2016 at around 7:00 PM they responded to assist on a county call of a woman drowning in a canal. Officer Villalobos arrived just ahead of Sergeant Vasquez and observed family members moving frantically up and down the canal bank. He then observed an adult female in the water that was obviously in distress.

Without hesitation Officer Villalobos went into the water in an effort to assist the female and get her to safety. The female immediately began to struggle against Officer Villalobos's assistance and her struggles combined with the strong current, his waterlogged clothing, and the cold water put him in jeopardy himself.

Sergeant Vasquez arrived at this time and saw that Officer Villalobos was in distress as well as the female and he also, without hesitation or regard for his own safety entered the canal and attempted to render aid. Seeing that the female was fighting against their efforts he focused on getting Officer Villalobos to safety. After both of them going under water several times Sgt. Vasquez was able to get them to the canal bank and out of the water. Sergeant Vasquez was then able to negotiate with the female and eventually extract her from the water as well. The female made a second attempt to break away from them and jump back into the canal but was restrained until the arrival of an ambulance.

Chief Krstic stated that the actions Officers Hettick, Frausto, Villalobos, and Sergeant Vasquez as well as Fire Engineer Farias were examples of the finest traditions of the truly selfless nature of Public Safety officers. They all placed the life, health and safety of others above their own and went above and beyond the call of duty to ensure that these community members got the help that they desperately needed. Chief Crivello echoed these sentiments.

Officer Ashley Hettick commented that she and her fellow officers do not view things like this as heroic and that they certainly don't do this expecting recognition for their actions. These are the things they do every day and that when the call is done they simply move on to the next one but she added that it was nice to be recognized for a job well done.

Chief Krstic finished the presentation by stating that he was proud of all the officers of the police and fire departments as well as the rest of City staff and that none of them, Chiefs included, do this for the recognition and that quite frankly it wasn't for the paycheck either. He stated that they simply did the job out of a desire to serve their community.

Combating Diabetes in the City of Farmersville

Allie Bjork, RN

Introduction

- RN in the Emergency Department
- Bachelors in Biology
- Bachelors in Nursing

Project: Initiate change in the healthcare arena by improving local community health.

Sugar and diabetes linked

- Research has shown that drinking sugary drinks is linked to type 2 diabetes.
- The American Diabetes Association recommends that people should avoid intake of sugar-sweetened beverages to help prevent diabetes. Sugar-sweetened beverages include beverages such as:
 - **regular soda**
 - **fruit punch**
 - **fruit drinks**
 - **energy drinks**
 - **sports drinks**
 - **sweet tea**
 - **other sugary drinks**
- One 12-ounce can of regular soda has about 150 calories and 40 grams of carbohydrate which is equivalent to 10 teaspoons of sugar!



Complications

- Hypertension
- Cardiovascular disease
- High cholesterol
- Kidney damage (Neuropathy)
- Eye damage (Retinopathy)
- Nerve damage (Neuropathy)
- Delayed wound healing
- Amputations

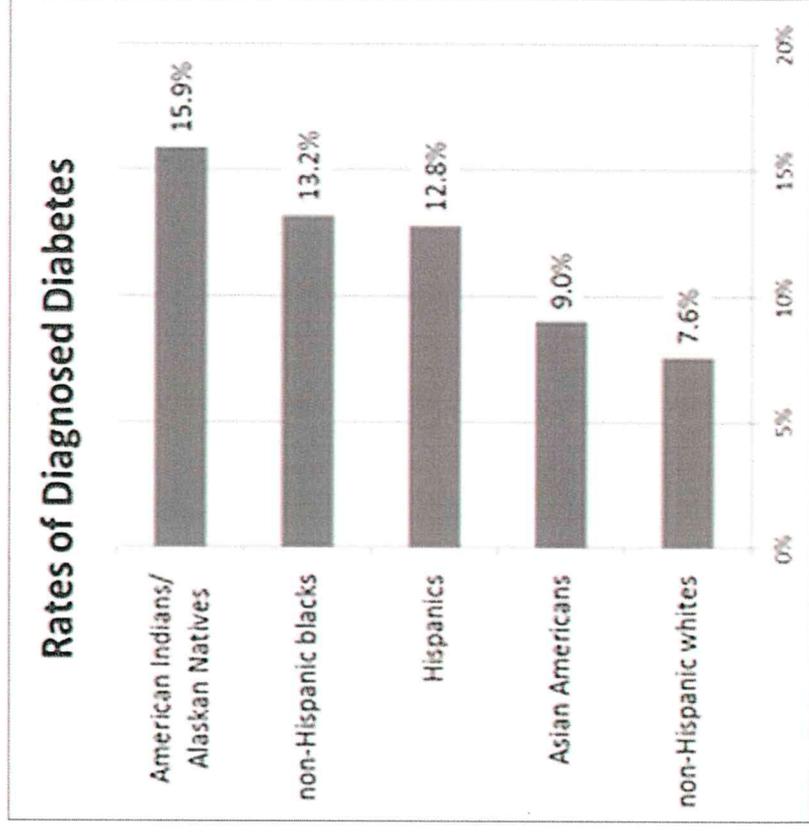
Diabetes Prevalence

1980

- 5.6 million
- Cost: 17.9 billion

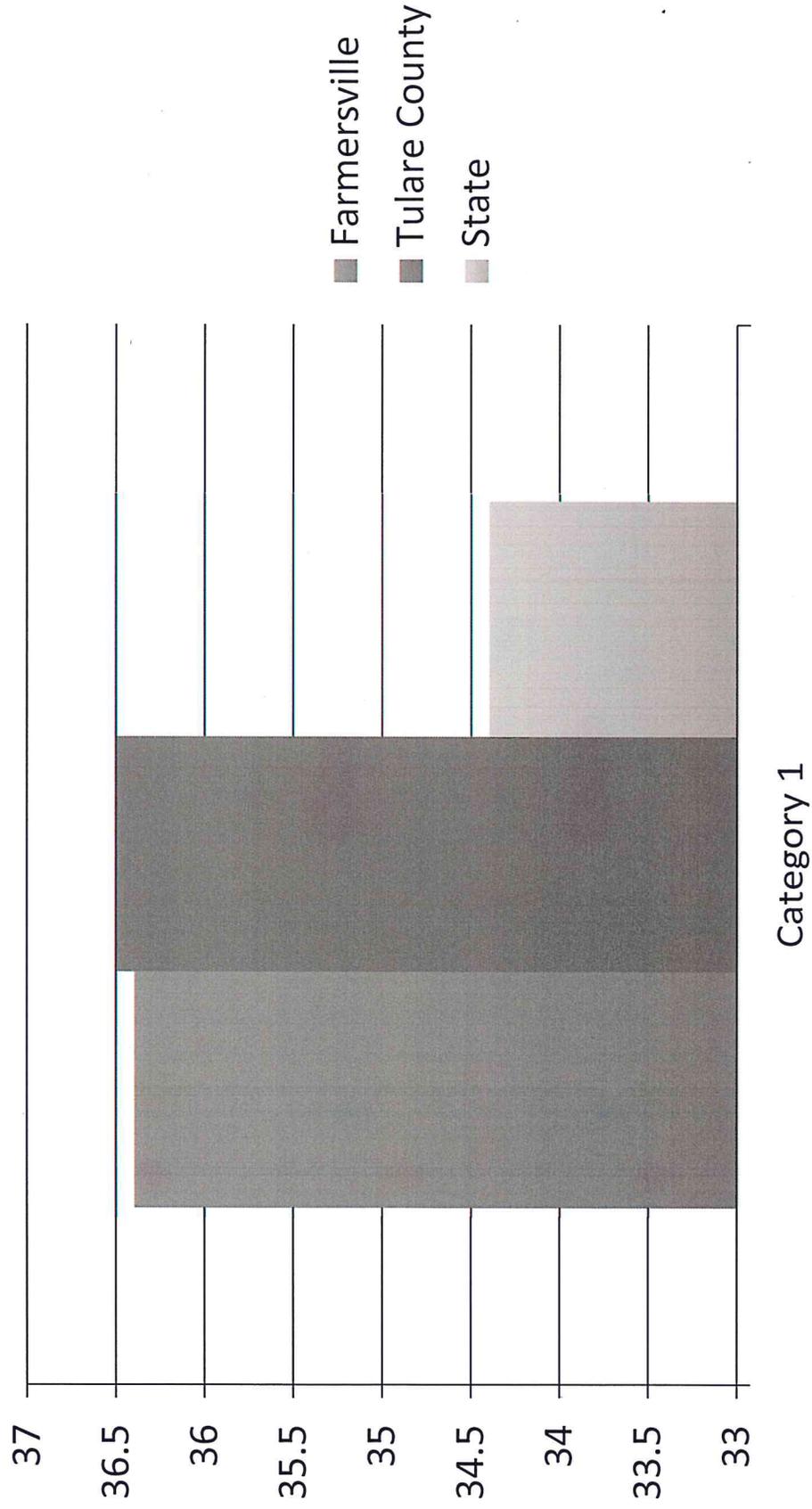
Today

- 3.9 million
- Cost: 37.1 billion in California annually

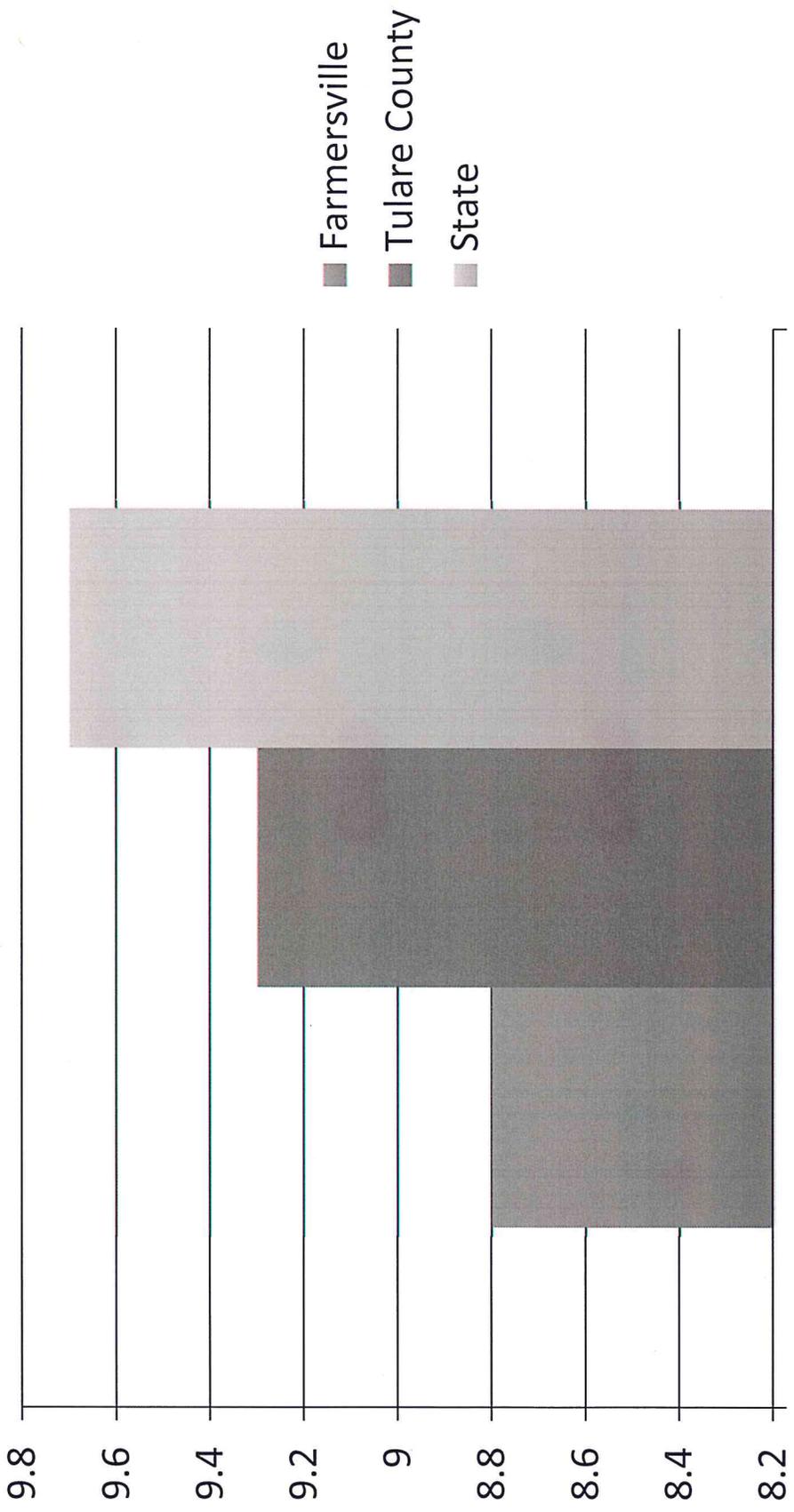


<http://www.diabetes.org/diabetes-basics/statistics/>

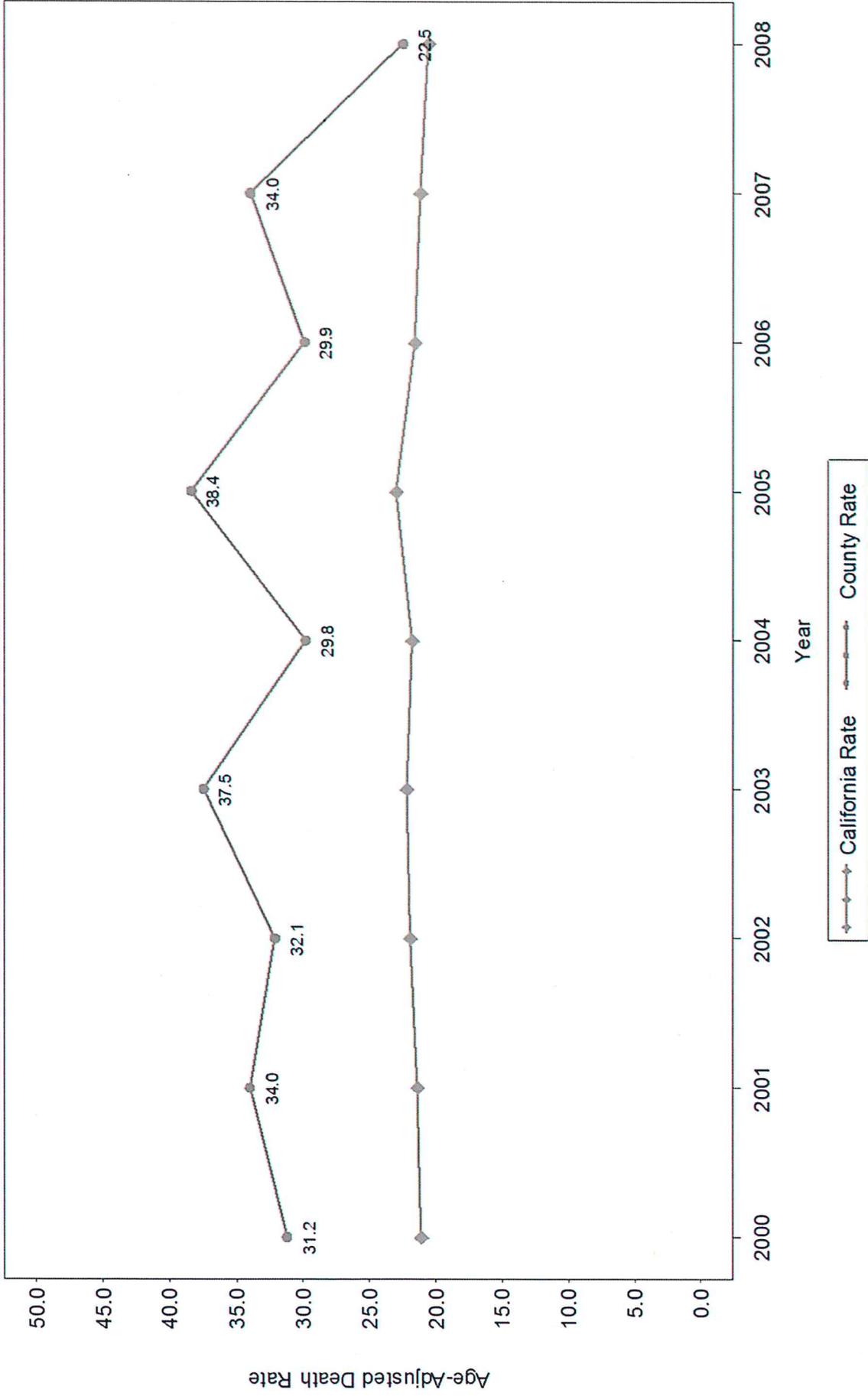
Obesity Prevalence



Diabetes Prevalence



Diabetes Age-Adjusted Death Rates, 2000-2008
Tulare County



Sources: California Department of Public Health, Death Records; California Department of Finance, Race/Ethnic Population with Age and Sex Detail, 2000-2050, July 2007.
Note: Rates are per 100,000 population and are age-adjusted using the year 2000 U.S. standard population.

Prevention

- Increased sugar-sweetened beverage consumption is linked to higher rates of obesity and diabetes.
- Research shows that you can lower your risk for type 2 diabetes by 58% by:
 - Decreasing sugar intake
 - Losing 7% of your body weight
 - Exercising moderately (such as brisk walking) 30 minutes a day, five days a week

So What?

- City Council to consider approving a measure, taxing sugar-sweetened beverages, upon which residents will vote.
- Residents will have the ability to approve or decline such a tax.

- **Berkeley: 1 cent tax in 2014 (Pop. 112,000)**
 - Estimated \$1.5 million tax revenue
- **Philadelphia: 1.5 cent tax in 2016 (Pop. 1.5 million)**
 - Estimated \$91 million tax revenue
- **San Francisco: warning labels in July**
- **Massachusetts & New York: failed**
- **California & Baltimore: promoting warning labels**
- **Oakland & Boulder: ballot measure for voters to decide whether to impose a tax**

Measure H

- Taxing a corporation contributing to poor community health
- Legislation is already in place
 - Berkeley 1 cent per ounce tax on sugary drinks
 - Philadelphia 1.5 cent per ounce tax on sugary drinks
- Proposal:
 - Model after Berkeley and tax 1 cent per ounce

Funding allocation

- Pre-K Education
- Afterschool programs
- Parks and recreation: Bike lanes, Side walks
- Grocery stores
- Prior to the spending of any funds, a committee shall be established to set guidelines for expenditure approval by the city council.

“Act now to change the
world tomorrow”

-International Diabetes Federation

Thank you for your time
and consideration!



City Council

Staff Report

TO: Honorable Mayor and City Council

FROM: John Jansons, City Manager *[Signature]*

DATE: October 24, 2016

SUBJECT: Agua 4 All Program Participation

RECOMMENDED ACTION:

It is respectfully recommended that the City Council approve a Memorandum of Agreement by and Between the City of Farmersville and the Rural Communities Assistance Corporation (RCAC) to partner in the provision, installation and use of water bottle filling stations in Farmersville through the Agua 4 All Program, and authorize the City Manager to execute the Memorandum of Agreement to participate in the program.

BACKGROUND and DISCUSSION:

In 2015, the City of Farmersville was considered for participation in the Agua 4 All program sponsored by the Rural Communities Assistance Corporation (RCAC).

At the time, the program was in suspension awaiting additional funding to accept new program partners. Since then RCAC staff has toured the City and inspected several sites that are eligible and desirable for the installation of "filling stations for re-usable water bottles intended to spur healthy consumption of clean, affordable drinking water and reduce waste from one time use disposable bottles.

The Agua 4 All Program will invest \$8,072. In providing the equipment to the City and public works staff will install the devices as a local partner agency contribution.

To perfect the partnership, **Attachment 1**, a Memorandum of Agreement is recommended for approval and Execution.

Attachment 2 is an inventory of the eight locations identified for installation of filling devices that have been approved by RCAC and these include: four locations in classrooms at the Linnell Child Care Center leased to VDA, one unit at the Farmersville Community Center, and one unit each at Veteran's, Liberty and Roy Park.

Attachment 3, provides a detailed description of the Agua 4 All Program.

COORDINATION AND REVIEW:

The recommended action has been coordinated with and approved by the City Attorney and the Public Works Department.

FISCAL IMPACT:

The Agua 4 All Program will invest \$8,072 in City facilities and there are minor cost associated with Public Works staff installing the devices.

CONCLUSION:

It is respectfully recommended that the City Council approve a Memorandum of Agreement by and Between the City of Farmersville and the Rural Communities Assistance Corporation (RCAC) to partner in the provision, installation and use of water bottle filling stations in Farmersville through the Agua 4 All Program, and authorize the City Manager to execute the Memorandum of Agreement to participate in the program.

ATTACHMENT (s): 3

- 1) Memorandum of Agreement
- 2) Inventory of Locations
- 3) Program Overview

Approved By:



John Jansons, City Manager

Memorandum of Agreement

Between

The Rural Community Assistance Corporation

and

The City of Farmersville

This agreement is entered into by and between Rural Community Assistance Corporation (hereinafter "RCAC"), and the City of Farmersville, (hereinafter "Sponsor"), collectively "the Parties." The purpose of this Agreement is to provide funding and technical assistance for the installation of water bottle filling stations and to clearly identify the roles, responsibilities, and commitments of RCAC and the Sponsor as they implement a program to encourage the drinking of water.

The Parties are committed to work together to achieve the goals and long-term desired outcomes of the Agua4All project initiative, which include:

1. Increase access and consumption of safe drinking water in Tulare County as evidenced by providing access to newly installed water bottle filling stations in schools and public settings (parks, community centers, and other locations).
2. Build community support and awareness to ensure public and private funding for access to free, potable water by leveraging installation of water bottle filling stations to support long term water access in California as evidenced by community inclusion in identifying sites, increased community access outside of public settings, improved capacity of partners, and best efforts to secure future public and private funding for this initiative.
3. Improve community members' willingness to drink tap water through a sustained education and promotion effort.
4. Assess the ability to scale out implementation of water units in all of rural California as demonstrated by documenting lessons learned, identifying barriers, and leveraging opportunities for short term and long term solutions to water access and sharing with other partners.

I. Sponsor Responsibilities

Sponsor agrees to:

- A. Cooperate with RCAC and local partners in identifying appropriate locations for the installation of water bottle filling stations.
- B. Select the stations of their choice from the RCAC approved vendor list set forth in Exhibit A.
- C. Secure all needed permits and agency approvals for station installation, contact Underground Service Alert to insure all underground utilities are identified prior to the start of any underground work, and ensure stations are installed in compliance with all applicable state and federal laws.
- D. Install stations - at no cost to RCAC and according to manufacturer's recommendations to ensure optimal functionality - within 90 days of receipt of the stations. Once installed, the stations shall be owned by the Sponsor.
- E. Ensure at all times that water supplied by the stations meet the minimum standards of the Safe Drinking Water Act. Where the station is installed to a water source that requires point-of-use treatment in order to meet state and federal standards for safe drinking water, Sponsor shall monitor the quality of water being delivered from each station on a routine basis as recommended by the California Department of Public Health and the State Water Resources Control Board. If, at any time the water quality does not meet the minimum standards, Sponsor shall ensure that no water is delivered for consumption from the station until such standards are met.
- F. Assume all responsibility for the operation and maintenance of optional filtration systems in accordance with manufacturer's recommendations where the sponsor elects to enhance the appeal of potable water with a station, including the purchase and replacement of filters.
- G. Maintain the stations in a safe, sanitary and attractive manner.
- H. Agree to the placement of the Agua4All logo on all water bottle filling stations and re-usable water bottles supported by the Agua4All program.
- I. Allow RCAC or its agents to perform evaluation studies on the impact of the stations, and allow for and assist with promotional and educational campaigns on water consumption including the procurement and distribution of re-usable water bottles as funding is available.
- J. Participate in good faith in the promotion of the Agua4All campaign to increase access and consumption of safe drinking water and awareness of the benefits of drinking water, including but not limited to participation in media events, promotions and other activities, as may be requested from time to time by RCAC.
- K. Sponsor reserves the right to suspend or reduce the level of its performance hereunder when and if, in the Farmersville City Council's sole discretion, the City Council finds that due to a drought it needs to preserve the City's water resources, limit participation in the program to City residents only or restrict the amount of water that can be used for the program.

II. RCAC Responsibilities

RCAC agrees to:

- A. Evaluate and approve proposed locations for station installation and inform Sponsor of all approved locations.
- B. Purchase number and style of water bottle filling stations agreed upon by RCAC and Site Sponsor, without any cost to Sponsor who shall not be responsible for reimbursing RCAC.
- C. Ensure all installations are done properly and to the satisfaction of RCAC and the Site Sponsor.
- D. Provide materials and assistance for promotional and educational campaigns on water consumption.

III. Indemnification

Sponsor shall indemnify and hold RCAC harmless against any and all liabilities, claims, losses, damages, costs, and expenses of any kind (including, but not limited to, reasonable attorneys' fees, costs and expenses) which may be incurred by RCAC as a direct consequence of any tortious act or tortious omission by the Sponsor relating to or arising out of this Agreement or the Sponsor's actual or proposed unauthorized use of proceeds of any funding hereunder; provided, that RCAC shall have no right to be indemnified hereunder for its own negligence or willful misconduct as determined in a court of competent jurisdiction.

RCAC shall hold harmless, defend and indemnify Sponsor, its agents, officers and employees from and against any liability, claims, actions, costs, damages or losses of any kind, including death or injury to any person and/or damage to property, including Sponsor property, arising from, or in connection with, the performance by RCAC or its agents, officers and employees under this Agreement. This indemnification obligation shall continue beyond the term of this Agreement as to any acts or omissions occurring under this Agreement or any extension of this Agreement.

IV. General Provisions

- a. **GOVERNING LAW:** This Agreement shall be interpreted and governed under the laws of the State of California without reference to California conflicts of law principles. The parties agree that this contract is made in and shall be performed in the City of Farmersville, California.
- b. **NO THIRD-PARTY BENEFICIARIES INTENDED:** Unless specifically set forth, the parties to this Agreement do not intend to provide any other person or entity other than a signatory hereto with any benefit or enforceable legal or equitable right or remedy.
- c. **ENTIRE AGREEMENT REPRESENTED:** This Agreement represents the entire agreement between RCAC and CITY as to its subject matter and no prior oral or

written understanding shall be of any force or effect. No part of this Agreement may be modified without the written consent of both parties.

V. Effective Date, Term, and Signature

This grant agreement shall be effective for one year upon the signature of the Rural Community Assistance Corporation and City of Farmersville authorized representatives.

Rural Community Assistance Corporation

City of Farmersville

David Ebenezer, Chief Financial Officer

Name and Title

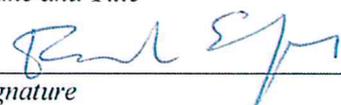
Name and Title

Signature

Signature

Date

Date



10/12/16

Exhibit A

Vendor Partner	Website
Acorn Engineering Company	www.acorneng.com
Elkay Mfg. Co.	www.elkay.com
Filtrine Mfg. Co.	www.filtrine.com www.indestructcoolers.com
Halsey Taylor	www.halseytaylor.com
Haws Corp./Brita	www.hawso.com

City of Farmersville

Site	TAP #	Location	Recommendations	Filtrine CC-161	Elkay LZWSRK	Elkay Pedestal LK4420BF1U	Bury Kit 9789OC	EZS8WSVRSK	Estimated Cost	Notes
Linnel Day Care Center	1	Rm 1	New Gooseneck on hand wash sink	1					\$159.00	all on hand wash sinks
	2	Rm 2	New Gooseneck on hand wash sink	1					\$159.00	
	3	Rm 3	New Gooseneck on hand wash sink	1					\$159.00	
	4	Rm 4	New Gooseneck on hand wash sink	1					\$159.00	
Boys and Girls Club	1	In hall way	Retro with Elkay bottle filler with filter		1				\$422.62	unit EZFSTL8-19
Veterans Park	1	East side of park	Replace with new pedestal on existing pad			1			\$2,813.00	
Liberty Park	1	replace at existing site	Replace with chilled single with filler					1	\$895.52	partial sunlight
Roy's Park	1	near side walk on the south side	Replace with Pedestal add bury kit			1	1		\$3,305.42	
TOTAL									\$8,072.76	

Need color choices on pedestals

Safe Water Access in Schools and Communities with Agua4All

Sarah Buck
and
Amber Guerra

Rural Community Assistance Corporation (RCAC)



health
happens
here

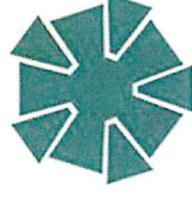
#Agua4All

The California Endowment's Agua4All Initiative

*To increase access to and
consumption of safe drinking
water in schools and public
places via the installation of
water bottle filling stations and
treatment where necessary*



The
California
Endowment



RCAC

The California Endowment's Agua4All Initiative

Project Goals and Objectives

- To install 145 “taps” or water bottle filling stations in South Kern and the Eastern Coachella Valley. Expansion goal is for an additional 150 stations, minimum.
- To provide interim water quality treatment where necessary
- To support the first phase in a state-wide campaign to raise awareness about drinking water conditions and provide access throughout rural California. Models developed and lessons learned will be used for statewide rollout.
- To promote water as a healthy beverage choice, encourage people to drink more water, and to use refillable bottles

We are expanding our work to other rural, low-income areas of California for phase 2!

Expansion Criteria:

- * Rural Disadvantaged Communities (DACs)
- * RCAC resources/relationships
- * Potential local partner identified or potential for local staff (Self Help Enterprises in Kings County)
- * Mix of sites that do not need treatment and those that do
- * Funding availability in the area (banks, foundations, state and federal funds)
- * Community readiness and commitment to the program

Expansion areas:

- * Kern County
- * Riverside County
- * Merced County
- * Lake County
- * Fresno County

* **Tulare County**

- * San Diego County
- * Kings County

Project Implementation

RCAC will:

- * Provide up to \$3,000 per water bottle filling station (more available for some special situations). Special discounted pricing is available through RCAC.
- * Provide technical support to select and evaluate installation sites and for facilitating installations and ongoing Operations and Maintenance.
- * Lead campaign on promotion and education of water consumption and the health benefits of water
- * Pending funding, provide re-usable water bottles to students and community members
- * Help to organize community launch/ribbon cutting event to kick off work in Tulare County (Farmersville is the first community to demo Agua4All)

Site Sponsor Responsibilities

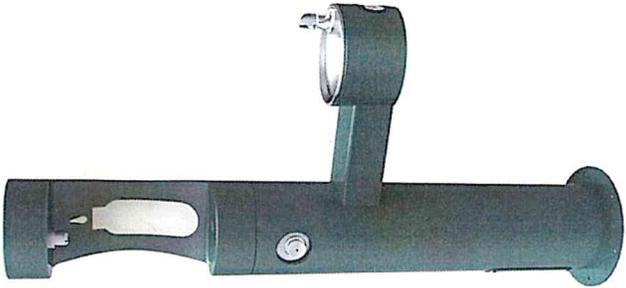
- * Select station location and style
- * Comply with all applicable permits and regulations
- * Leadership needs to approve locations and agreements
- * Support and help implement tap water promotional campaign
- * Install units within 90 days of receipt and adhere Agua4All logos provided by RCAC
- * Continue to take good care of all units and keep them in working order (ongoing O&M)

Why Agua4All?

- * Provide safe, appealing drinking water for community members
- * Reduce waste from disposable bottles by encouraging tap water and reusable bottle use
- * Encourage good health for local residents through increased water consumption instead of sugar sweetened beverages
- * Receive free much needed fountain infrastructure upgrades
- * Set a good example for other areas as this program continues to expand statewide



Farmersville School District Models



Items for review:

- *Memorandum of agreement outlining roles and responsibilities
- *Unit collage
- *Location and cost summary for all 5 sites (8 filling stations total)—over \$8,000 value
 - *Linnel Day Care Center (1 unit per classroom—4 total)
 - *Boys and Girls Club (1)
 - *Veteran's Park (1)
 - *Liberty Park (1)
 - *Roy's Park (1)

Questions?



#Agua4All

* Sarah Buck, Rural Development Specialist II: sbuck@rcac.org; 916-447-9832 ext. 1041

* Amber Guerra, Project Coordinator: aguerra@rcac.org; 916-447-9832 ext. 1019

Roy's Park,
Veterans Park
Elkay Pedestal



Linnel Day Care
Filtrine Gooseneck



Liberty Park
Single Elkay with Filler



Boys and Girls Club
Elkay Retrofit Filler





City Council

Staff Report

TO: Honorable Mayor and City Council

FROM: John Jansons, City Manager 

DATE: October 24, 2016

SUBJECT: Consider request for a Letter of Public Convenience or Necessity for Transfer of a Type 21 Off-Sale General Alcohol License for Rite Aid located at 1710 N. Farmersville Blvd.

RECOMMENDED ACTION:

- 1) It is respectfully recommended that the City Council approve the request for a Letter of Public Convenience or Necessity supporting transfer and establishment of a Type 21 Off-Sale General Liquor license for Rite Aid Corporation located at 1710 N. Farmersville Blvd., and
- 2) Authorize the City Manager to execute ABC 245 Part 3 - indicating City Council approval.

BACKGROUND and DISCUSSION:

Rite Aid Corporation has requested the City's approval in support of the transfer and establishment of a Type 21 Off-Sale General Liquor license for Rite Aid Corporation located at 1710 N. Farmersville Blvd.

The Department of Alcoholic Beverage Control (ABC) has advised City staff and the applicant that the City is at an over concentration for off-sale alcohol sales licenses within Census Tract 14 in which the new Rite Aid Pharmacy/Drug Store has opened.

Under Business and Professions Code (B&PC) Section -23958.4, the new license application must be denied unless the governing body of the jurisdiction, the City Council, declares under Sections 23958 and 23958.4 B&PC that there is a "Public Convenience or Necessity" (PCN) that would be served by granting the license.

The applicant contacted City staff and asked that the City Council consent to their request for a license transfer and approval (Attachment 1). Rite Aid has paid the \$1,000 processing fee to the City.

In July of this year, Rite Aid Corporation requested and received approval from the City Council for a letter of PCN in support of their application to ABC for a Type 20 (beer and wine) license at

this location. At that time, Rite Aid indicated that they would be seeking an upgraded license in the near future to support the success of the new store.

COORDINATION & REVIEW:

The recommendation to support the issuance of a liquor license for Rite Aid and been coordinated with and reviewed by planning staff and the Police Department.

FISCAL IMPACT:

Expanding alcohol sales will increase sales tax received by the City from this business and is critical to increasing overall at this store.

CONCLUSION:

- 1) It is respectfully recommended that the City Council approve the request for a Letter of Public Convenience or Necessity supporting transfer and establishment of a Type 21 Off-Sale General Liquor license for Rite Aid Corporation located at 1710 N. Farmersville Blvd., and
- 2) Authorize the City Manager to execute ABC 245 Part 3- indicating City Council approval.

Attachment(s): 1 – Request for Letter of Public Convenience & Necessity

Recommended By:



John Jansons, City Manager



MAILING ADDRESS
P.O. Box 3165
Harrisburg, PA 17105

GENERAL OFFICE
30 Hunter Lane
Camp Hill, PA 17011

717.761.2633

(Via Fed Ex/E-mail jjansons@cityoffarmersville-ca.gov)

October 10, 2016

Attn: Mr. John Jansons
City of Farmersville
909 W Visalia Road
Farmersville, CA 93223

RE: Thrifty Payless Inc.
DBA Rite Aid # 6764
1710 N Farmersville Blvd
Farmersville, CA 93223-2306
Request of Letter of Public Convenience or Necessity

Mr. Jansons:

As you are aware, we intend to open the above referenced Rite Aid store on or about October 20, 2016, and have sent an application to the CA Department of Alcoholic Beverage Control (ABC) for a Type 21 Off-Sale General license for this site.

Our newly constructed store at 1710 N Farmersville Blvd, is in census tract 14. The ABC has informed us that census tract 14 has an over concentration alcohol licenses and is requiring us to obtain a Letter of Public Convenience or Necessity from the City of Farmersville.

Accordingly, enclosed please find the following:

- Statement of Public Convenience or Necessity. Upon review, please schedule our requested for the next City Council Meeting as agreed. Upon City Council's approval of our request, and in addition to any letters of Public Convenience or Necessity issued by the city.
- Please complete and sign Part 3 of the enclosed ABC 245 and return it to the attention of Noelle Taylor, Rite Aid Corporation, 30 Hunter Lane, Camp Hill, PA 17011.
- A business check for \$1000 made payable to (City of Farmersville).

If you have any questions or require additional information please contact me at (717) 214-8514 or via email at ntaylor@riteaid.com.

Thank you for your assistance.

Sincerely,

A handwritten signature in cursive script that reads "Noelle Taylor".

Thrifty Payless Inc.
Noelle Taylor
Licensing Supervisor

**Thrifty Payless Inc's Statement Regarding
Public Necessity and Convenience - Rite Aid #6764**

Thrifty Payless, Inc intends to relocate Rite Aid #6764 from its current location at 650 E Visalia Road, Farmersville, CA to a newly constructed free-standing building with approximately 10,000 sq ft of space located at 1710 N Farmersville Boulevard, Farmersville, CA.

A significant rationale for construction the new building is to maximize convenience to local shoppers by facilitating a 'one-stop' shopping experience. As such, in addition to a broad array of household goods and health and beauty aids in our general merchandise sections; we intend to operate the following departments:

- Pharmacy
- Pre-Packaged Food & Drink
- One Hour Photo
- Alcoholic Beverages

We will also seek to make shopping at the location more convenient to our patrons by offering ample parking at the free-standing location, and for our pharmacy customers, by offering a drive through. We also will have a more secure store with full camera and taping systems which will help secure the alcoholic beverages.

Additionally, Thrifty Payless Inc responsibly operates several hundred other licensed premises within California. Our experience helps mitigate sales to minors, loitering and other unwanted effects sometimes associated with the sale of alcoholic beverages. Vending machines and coin operated machines are also prohibited.

In summary, by making responsible sales of alcoholic beverages from an attractive new building that is designed to maximize customer service; Rite Aid #6764 will actually enhance public convenience and necessity.

We respectfully request that the City of Farmersville issue a Letter of Public Necessity and Convenience for the new location at 1710 N Farmersville Boulevard, Farmersville, CA.

APPLICATION FOR ALCOHOLIC BEVERAGE LICENSE(S)

ABC 211 (6/99)

TO: Department of Alcoholic Beverage Control
3640 EAST ASHLAN AVE
FRESNO, CA 93726
(559) 225-6334

File Number: 575234
Receipt Number: 2389820
Geographical Code: 5408
Copies Mailed Date: October 5, 2016
Issued Date: Issuance

DISTRICT SERVING LOCATION: FRESNO

First Owner: THRIFTY PAYLESS INC
Name of Business: RITE AID #6764
Location of Business: 1710 N FARMERSVILLE BLVD
FARMERSVILLE, CA 93223-2306

Rec'd
10-11-16

County: TULARE
Is Premise inside city limits? Yes Census Tract 0014.00

Mailing Address: 2600 CAPITOL AVE
(If different from STE 300
premises address) SACRAMENTO, CA 95816-5930

Type of license(s): 21

Transferor's license/name: 552069 / DAKHIL, MOUNIB MIKHAIL Dropping Partner: Yes No

Table with 7 columns: License Type, Transaction Type, Fee Type, Master, Dup, Date, Fee. Rows include Off-Sale General, ANNUAL FEE, PREMISE TO PREMISE TRANSFER, PERSON-TO-PERSON TRANSFER, and a Total row.

Have you ever been convicted of a felony? No
Have you ever violated any provisions of the Alcoholic Beverage Control Act, or regulations of the Department pertaining to the Act? No

Explain any "Yes" answer to the above questions on an attachment which shall be deemed part of this application.

Applicant agrees (a) that any manager employed in an on-sale licensed premises will have all the qualifications of a licensee, and (b) that he will not violate or cause or permit to be violated any of the provisions of the Alcoholic Beverage Control Act.

STATE OF CALIFORNIA County of TULARE Date: October 5, 2016

Under penalty of perjury, each person whose signature appears below, certifies and says: (1) He is an applicant, or one of the applicants, or an executive officer of the applicant corporation, named in the foregoing application, duly authorized to make this application on its behalf; (2) that he has read the foregoing and knows the contents thereof and that each of the above statements therein made are true; (3) that no person other than the applicant or applicants has any direct or indirect interest in the applicant or applicant's business to be conducted under the license(s) for which this application is made; (4) that the transfer application or proposed transfer is not made to satisfy the payment of a loan or to fulfill an agreement entered into more than ninety (90) days preceding the day on which the transfer application is filed with the Department or to gain or establish a preference to or for any creditor or transferor or to defraud or injure any creditor of transferor; (5) that the transfer application may be withdrawn by either the applicant or the licensee with no resulting liability to the Department.

Effective July 1, 2012, Revenue and Taxation Code Section 7057, authorizes the State Board of Equalization and the Franchise Tax Board to share taxpayer information with Department of Alcoholic Beverage Control. The Department may suspend, revoke, and refuse to issue a license if the licensee's name appears in the 500 largest tax delinquencies list. (Business and Professions Code Section 494.5.)

Applicant Name(s)

Applicant Signature(s)

THRIFTY PAYLESS INC

See 211 Signature Page

Department of Alcoholic Beverage Control
California
INVESTIGATION CHECKLIST

State of

www.abc.ca.gov

Instructions to Applicant(s):

Thank you for filing your application. The application will be assigned to a representative for investigation. After the application is initially reviewed, the representative will notify you if additional information is necessary for the investigation. **Failure to respond to the requests for additional information will be considered an abandonment of the application and it will be administratively withdrawn.** The items needed for our investigation are check below. Please furnish them to this office as soon as possible to avoid delays or denial of your application. When completing forms, print in ink or type. For questions or help, please call and ask to speak with your assigned investigator or licensing representative at (559) 225-6334.

DATE:
<u>October 5, 2016</u>
LICENSE TYPE & NUMBER:
<u>21-575234 JE</u>

- Post your premises with Form ABC-207, Public Notice...(white poster), or ABC-207B, Public Notice...(yellow poster). Your 30-day statutory waiting period begins when you post the notice. Make sure to date the notice.
- ABC-293, Affidavit of Posting - Sign, date and return.
- ABC-207-A, Notice of Application - Publish one time in a newspaper of general circulation in the city where the licensed premises will be located. If none, publish in a newspaper of general circulation in the city nearest the premises.
- ABC-207-C, Notice of Application to Sell Alcoholic Beverages - Publish once a week for three consecutive weeks. Publish in a newspaper of general circulation in the city where the licensed premises will be located. If none, publish in a newspaper of general circulation in the city nearest the premises.
- ABC-207-D, Notice of Application for Change in Ownership of Alcoholic Beverage License - Publish one time in a newspaper of general circulation in the city where the licensed premises will be located. If none, publish in a newspaper of general circulation in the city nearest the premises.
- ABC-528, Instructions to Applicants...Section 23985.5, 500' law.
- ABC-207-E, Notice of Intention to Engage in the Sale of Alcoholic Beverages - Mail to certain addresses within 500' of the premises. Follow instructions on Form ABC-528.
- ABC-207-F, Declaration of Service by Mail (Section 23985.5, 500' law). Complete, sign, date and return to ABC with a copy of the ABC-207-E.
- Copy of Conditional Use Permit - Obtain from your city or county planning department.
- ABC-208-AB, Individual Personal/Financial Affidavit - The following person(s) must complete the form:
- LiveScan (fingerprints) for the following person(s) - Please provide second copy of BCII 8016 signed by Live Scan operator:
- Re-record and provide certified copy of ABC-227 or ABC-227-A, Notice of Intended Transfer, to include corrections:
- ABC-245, Information and Instructions re: Section 23958.4 (Public Convenience or Necessity).
- ABC-282, Declaration re Temporary Permit - Required if applicant is not available to sign ABC-280, Temporary Retail Permit.
- ABC-283, Information Concerning Temporary Permit - Information only, please read.

Department of Alcoholic Beverage Control
**ACKNOWLEDGMENT OF ABC
LAWS, RULES AND/OR REGULATIONS**

State of California
EDMUND G. BROWN JR., Governor

DATE
10/05/2016
DISTRICT OFFICE
Fresno

LICENSEE/APPLICANT NAME (Print)
THRIFTY PAYLESS INC

BUSINESS NAME (DBA)	PREMISES ADDRESS (Street number and name, city, zip code)
RITE AID #6764	1710 N FARMERSVILLE BLVD FARMERSVILLE, CA 93223-2306

LAWS AND RULES GIVEN

- On - Sale Impact Booklet
- Off - Sale Impact Booklet
- ABC - 526 Instruction to On-Sale License Applicants
- ABC - 530 Instruction to Off-Sale License Applicants
- ABC - 546-A Notice to Licensees Concerning Drug Paraphernalia; Section 24200.6
- ABC - 608 Quick Summary of Selected Laws for Retail Licensees
- ABC - 617 Signage Requirements & Ideas for Retail Licensees
- ABC - 140 Certification Re Chapter 16 Tied-House Restrictions
- Section 23405 (Corporations) & 23405.3 (Change in ownership)
- Section 23405.2 (LLC) & 23405.3 (Change in ownership)
- Section 23405.1 (LP) & 23405.3 (Change in ownership)

On the above date, I was given copies of the laws and rules listed on this form by the Department of Alcoholic Beverage Control.

I understand any violation of these laws or rules, or any other laws or rules not specifically listed herein that apply to my license, by me, or my agents or employees, could result in disciplinary action being filed against my alcoholic beverage license(s).

LICENSEE/APPLICANT SIGNATURE	DATE SIGNED

Department of Alcoholic Beverage Control

State of California
Edmund G. Brown Jr., Governor

INFORMATION AND INSTRUCTIONS -
SECTION 23958.4 B&P

- Instructions** This form is to be used for all applications for original issuance or premises to premises transfer of licenses.
- Part 1 is to be completed by an ABC employee, given to applicant with pre-application package, with copy retained in holding file or applicant's district file.
 - Part 2 is to be completed by the applicant, and returned to ABC.
 - Part 3 is to be completed by the local governing body or its designated subordinate officer or body, and returned to ABC.

PART 1 - TO BE COMPLETED BY ABC

1. APPLICANT'S NAME

THRIFTY PAYLESS INC

2. PREMISES ADDRESS (Street number and name, city, zip code)

1710 N FARMERSVILLE BLVD FARMERSVILLE, CA 93223-2306

3. LICENSE TYPE

21

4. TYPE OF BUSINESS

- | | | | |
|---|--|--|--|
| <input type="checkbox"/> Full Service Restaurant | <input type="checkbox"/> Hofbrau/Cafeteria | <input type="checkbox"/> Cocktail Lounge | <input type="checkbox"/> Private Club |
| <input type="checkbox"/> Deli or Specialty Restaurant | <input type="checkbox"/> Comedy Club | <input type="checkbox"/> Night Club | <input type="checkbox"/> Veterans Club |
| <input type="checkbox"/> Cafe/Coffee Shop | <input type="checkbox"/> Brew Pub | <input type="checkbox"/> Tavern: Beer | <input type="checkbox"/> Fraternal Club |
| <input type="checkbox"/> Bed & Breakfast: | <input type="checkbox"/> Theater | <input type="checkbox"/> Tavern: Beer & Wine | <input type="checkbox"/> Wine Tasting Room |
| <input type="checkbox"/> Wine only <input type="checkbox"/> All | | | |

- | | | | |
|--|--|--|--|
| <input type="checkbox"/> Supermarket | <input type="checkbox"/> Membership Store | <input type="checkbox"/> Service Station | <input type="checkbox"/> Swap Meet/Flea Market |
| <input type="checkbox"/> Liquor Store | <input type="checkbox"/> Department Store | <input type="checkbox"/> Convenience Market | <input type="checkbox"/> Drive-In Dairy |
| <input checked="" type="checkbox"/> Drug/Variety Store | <input type="checkbox"/> Florist/Gift Shop | <input type="checkbox"/> Convenience Market w/Gasoline | |
| <input type="checkbox"/> Other - describe: | | | |

5. COUNTY POPULATION

466,339

CENSUS TRACT NUMBER

14

6. TOTAL NUMBER OF LICENSES IN COUNTY

1,036

- On-Sale Off-Sale

7. RATIO OF LICENSES TO POPULATION IN COUNTY

- On-Sale Off-Sale

9. NO. OF LICENSES ALLOWED IN CENSUS TRACT

5

- On-Sale Off-Sale

10. NO. OF LICENSES EXISTING IN CENSUS TRACT

6

- On-Sale Off-Sale

11. IS THE ABOVE CENSUS TRACT OVERCONCENTRATED WITH LICENSES? (i.e., does the ratio of licenses to population in the census tract exceed the ratio of licenses to population for the entire county?)

- Yes, the number of existing licenses exceeds the number allowed
 No, the number of existing licenses is lower than the number allowed

12. DOES LAW ENFORCEMENT AGENCY MAINTAIN CRIME STATISTICS?

- Yes (Go to Item #13) No (Go to Item #20)

13. CRIME REPORTING DISTRICT NUMBER

14. TOTAL NUMBER OF REPORTING DISTRICTS

15. TOTAL NUMBER OF OFFENSES IN ALL REPORTING DISTRICTS

16. AVERAGE NO. OF OFFENSES PER DISTRICT

17. 120% OF AVERAGE NUMBER OF OFFENSES

18. TOTAL NUMBER OF OFFENSES IN REPORTING DISTRICT

19. IS THE PREMISES LOCATED IN A HIGH CRIME REPORTING DISTRICT? (i.e., has a 20% greater number of reported crimes than the average number of reported crimes as determined from all crime reporting districts within the jurisdiction of the local law enforcement agency)

- Yes, the total number of offenses in the reporting district equals or exceeds the total number in item #17
 No, the total number of offenses in the reporting district is lower than the total number in item #17

20. CHECK THE BOX THAT APPLIES (check only one box)

- a. If "No" is checked in both item #11 and item #19, Section 23958.4 B&P does not apply to this application, and no additional information will be needed on this issue. Advise the applicant to bring this completed form to ABC when filing the application.
- b. If "Yes" is checked in either item #11 or item #19, and the applicant is applying for a non-retail license, a retail bona fide public eating place license, a retail license issued for a hotel, motel or other lodging establishment as defined in Section 25503.16(b) B&P, or a retail license issued in conjunction with a beer manufacturer's license, or winegrower's license, advise the applicant to complete Section 2 and bring the completed form to ABC when filing the application or as soon as possible thereafter.
- c. If "Yes" is checked in either item #11 or item #19, and the applicant is applying for an off-sale beer and wine license, an off-sale general license, an on-sale beer license, an on-sale beer and wine (public premises) license, or an on-sale general (public premises) license, advise the applicant to take this form to the local governing body, or its designated subordinate officer or body to have them complete Section 3. The completed form will need to be provided to ABC in order to process the application.

Governing Body/Designated Subordinate Name: FARMERSVILLE CITY COUNCIL

FOR DEPARTMENT USE ONLY

PREPARED BY (Name of Department Employee)

J EDWARDS

PART 2 - TO BE COMPLETED BY THE APPLICANT (If box #20b is checked)

21. Based on the information on the reverse, the Department may approve your application if you can show that public convenience or necessity would be served by the issuance of the license. Please describe below the reasons why issuance of another license is justified in this area. You may attach a separate sheet or additional documentation, if desired. Do not proceed to Part 3.

Handwritten signature across the lines.

22. APPLICANT SIGNATURE

23. DATE SIGNED

PART 3 - TO BE COMPLETED BY LOCAL OFFICIALS (If box #20c is checked)

The applicant named on the reverse is applying for a license to sell alcoholic beverages at a premises where undue concentration exists (i.e., an over-concentration of licenses and/or a higher than average crime rate as defined in Section 23958.4 of the Business and Professions Code). Sections 23958 and 23958.4 of the Business and Professions Code requires the Department to deny the application unless the local governing body of the area in which the applicant premises are located, or its designated subordinate officer or body, determines within 90 days of notification of a completed application that public convenience or necessity would be served by the issuance. Please complete items #24 to #30 below and certify or affix an official seal, or attach a copy of the Council or Board resolution or a signed letter on official letterhead stating whether or not the issuance of the applied for license would serve as a public convenience or necessity.

24. WILL PUBLIC CONVENIENCE OR NECESSITY BE SERVED BY ISSUANCE OF THIS ALCOHOLIC BEVERAGE LICENSE?

Yes

No

See Attached (i.e., letter, resolution, etc.)

25. ADDITIONAL COMMENTS, IF DESIRED (may include reasons for approval or denial of public convenience or necessity):

Multiple horizontal lines for additional comments.

26. CITY/COUNTY OFFICIAL NAME

27. CITY/COUNTY OFFICIAL TITLE

28. CITY/COUNTY OFFICIAL PHONE NUMBER

29. CITY/COUNTY OFFICIAL SIGNATURE

30. DATE SIGNED

THIS DOCUMENT IS PROTECTED BY POSITIVE PAY. DO NOT CASH IF A BURGUNDY BACKGROUND IS NOT PRESENT OR IF VOIDS ARE VISIBLE.



Date
09/28/16

RITE AID HDQTRS. CORP.

0006712566
62-22/311

P.O. BOX 3165
HARRISBURG PA 17105-0042

*\$1,000.00

Wachovia Bank of Delaware, National Association

PAY EXACTLY: PAY ONLY FOR DEPOSIT INTO YOUR CHECKING ACCOUNT

ONE THOUSAND DOLLARS AND ZERO CENTS *****

TO THE ORDER OF

CITY OF FARMERSVILLE
909 W VISALIA RD
FARMERSVILLE, CA 93223

THIS DOCUMENT CONTAINS ULTRAVIOLET FIBERS, TRUE WATERMARK, AND A CHEMICAL ALTERATION STAIN FEATURE

⑈0006712566⑈ ⑆031100225⑆ 2079951075074⑈



RITE AID HDQTRS. CORP.

0006712566

P.O. BOX 3165
HARRISBURG PA 17105-0042

09/28/16

14410 - CITY OF FARMERSVILLE

00210

INVOICE NO.	DATE	STORE NO.	LOCATION/REMARKS	GROSS AMOUNT	DISCOUNT	NET AMOUNT
1441009262016	09/26/16	06764	RITE AID - 650 E VISALIA RD	1,000.00		1,000.00
TOTALS FOR CHECK #0006712566				1,000.00	0.00	1,000.00



MAILING ADDRESS
P.O. Box 3165
Harrisburg, PA 17105

GENERAL OFFICE
30 Hunter Lane
Camp Hill, PA 17011

717.761.2633

(VIA FEDERAL EXPRESS)

September 22, 2016

CA Dept of Alcoholic Beverage Control
Fresno District Office
3640 E Ashlan Avenue
Fresno, CA 93726

Re: Premise to Premise; Person to Person Transfer of Lic. No. 21-552069

Dear Sir or Madam:

We wish to purchase the above-referenced license from Mounib Mikhail, Salam Dakhil & Nizar Hourany and transfer it to the following premise:

Thrifty Payless Inc
Rite Aid #6764
1710 N Farmersville Blvd
Farmersville CA 93223

This will be an upgrade for this store. We will surrender the type 20 license once the type 21 license is active.

Accordingly, enclosed please find the following:

- ABC 140 - Tied House Restrictions
- ABC 211SIG - Application Signature Sheet with Notary Acknowledgement
- ABC 211A - Sign Off with Notary Acknowledgement
- ABC 217 - Application Questionnaire and Lease for the Premise and Notary Acknowledgement
- ABC 227 - Recorded Notice with Notary Acknowledgement
- ABC 243 - Corporate Questionnaire
- ABC 247 - Statement Re: Residences
- ABC 251 - Statement Re: Consideration Points
- ABC 253 - Supplemental Diagram
- ABC 255 - Zoning Affidavit
- ABC 257 - Licensed Premise Diagram
- ABC 811 - P-12 Request Acknowledgement Form
- Escrow Instructions - Copy
- Check in the amount of \$100.00 in satisfaction of the application fee
- Listing of Corporate Officers (P12 filed in San Francisco).
- Copy of CUP
- Certificate of Status
- Copy of Premise Lease

Should you require any additional information to process the application, please contact me at (717) 214-8514, or via email at ntaylor@riteaid.com. Additionally, kindly contact me when the posting package is ready so I can arrange to have a local associate pick it up. Thank you for your assistance in this matter.

Sincerely,
THRIFTY PAYLESS, INC.

Noelle Taylor
Licensing Supervisor
Enclosures



City Council

Staff Report

TO: Honorable Mayor and City Council

FROM: Tom McCurdy, Project Manager QK, Inc.

THROUGH: John Jansons, City Manager *JJJ*

DATE: October 24, 2016

SUBJECT: Presentation and Discussion of Draft Water Rate Study

RECOMMENDED ACTION:

It is respectfully recommended that the City Council hear a presentation of the draft Water Rate Study by QK, Inc. and provide any direction to the consultant(s) and staff regarding proceeding toward completion of the Water Rate Study and next steps going forward.

BACKGROUND and DISCUSSION:

Since July of 2014, Quad Knopf Engineers ("QK Inc.") have been developing a water rate study to address the sustainability of the Water Enterprise Utility and to address conservation mandates by the State CA.

The draft Water Rate Study document that has been developed and is attached to this report as **Attachment 1**.

COORDINATION AND REVIEW:

The draft report has been coordinated with the Department of Public Works and the Finance Department staffs.

FISCAL IMPACT:

The cost of the water rate study project was previously approved by Council on July 14, 2014 at a fixed-fee amount of \$24,000. (Attachment 2)

CONCLUSION:

It is respectfully recommended that the City Council hear a presentation of the draft Water Rate Study by QK, Inc. and provide any direction to the consultant(s) and staff regarding proceeding toward completion of the Water Rate Study and next steps going forward.

ATTACHMENT(s): 2

- 1) Draft Water Rate study by QK Inc. 2016
- 2) July 14, 2014 City Council Report - Project Approval

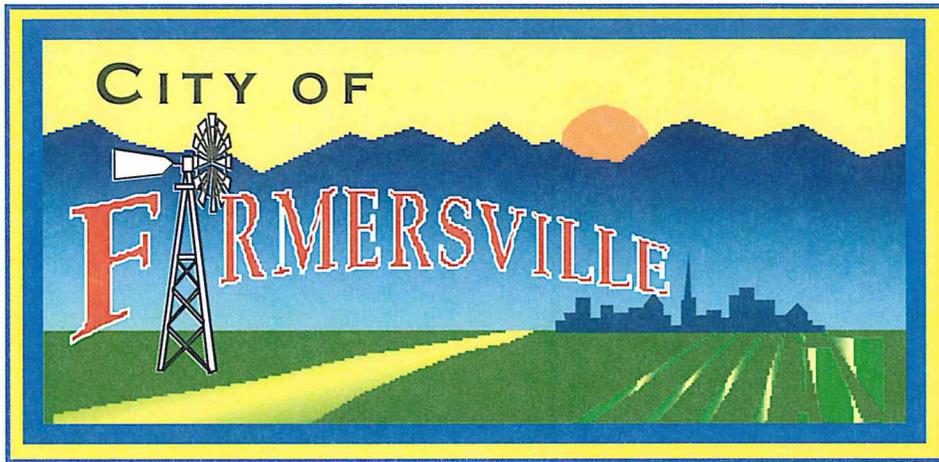
Approved By:



John Jansons, City Manager

DRAFT REPORT

CITY OF FARMERSVILLE WATER RATE STUDY



SEP 09 2016

September 2016





September 9, 2016

SEP 09 2016

Mr. John Jansons
City of Farmersville
909 West Visalia Road
Farmersville, CA 93223

Subject: **City of Farmersville Water Rate Study Report Draft**

Dear Mr. Jansons:

QK is pleased to present this report on the Water Rate Study conducted for the City of Farmersville.

This Rate Study has been undertaken to analyze the overall condition of the Water Enterprise fund and the need to maintain a fiscally responsible utility fund for its residents. The City Council has recognized the importance of maintaining a solvent utility fund and has engaged our firm to provide the analysis to ensure the City has sufficient revenues to meet its short and long-term operational, capital and debt service obligations and that rates are set proportionate to the costs of providing service to each parcel served.

The following report outlines the approach, methodology, findings, and conclusions of this study. This analysis has been prepared using generally accepted rate setting principles.

The City's accounting, budgeting, billing records, and capital improvement list were the primary sources for the data contained within the report. The conclusions enclosed within this report provide Farmersville with a set of recommendations to provide stable, technically defensible funding for continued high-quality operations.

It was a pleasure working with the City staff, including Interim City Manager Mario Krstic, Finance Director Steve Huntley and Public Works Director Dale Wyckoff.

Sincerely,

Tom McCurdy, PWLF
QK Inc., Public Works Manager

Enclosure: Farmersville Water Rate Study

F1402712
TMc/

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- Appendix A – Existing Water Service Fees according to Resolution 2004-65
- Appendix B – Executive Order B-29-15

EXECUTIVE SUMMARY

The City of Farmersville's current water rate structure does not provide for periodic rate adjustments. Consequently, water rates have remained unchanged for the past several years. There have been no increases for inflation or system needs over an extended period of time. The following rate study will identify shortfalls in the current rate schedule as well as addressing future needs to keep up with system demands. Under the current water rate structure, during the period FY 2010-11 to FY 2015-16, the City's Water Enterprise fund has sustained prolonged losses in revenues contributed to by factors including costs of system maintenance, continuing utility rate increases, and lack of revenue to adequately operate the system as needed.

Water rates in the City of Farmersville were last reviewed and adjusted in 2004. In 2010, the City reviewed rates but an actual rate adjustment was not implemented at that time.

It is evident that the City has lacked the ability to raise rates on a routine basis which requires that at milestone periods, rates must be raised to a higher extent to make up for the past several years.

Over the last several fiscal years, the City's rate-supported water enterprise fund indicates a continuing shortfall in revenues versus expenditures. As indicated by the 2016/2017 fiscal budget (page 8):

This fund is simply not bringing in enough revenue to support the services delivered. In 2013, the operating loss was \$92,441, in 2014 it was \$100,399, and in 2015 it was \$117,566. Currently, we are on target to meet or exceed our anticipated loss for 2016 of \$90,358, but the budget for FY 2017 projects the loss skyrocketing to \$169,969.

To make up for the shortfall that has occurred over the past several years, a substantial rate increase of 30.3% will be necessary to bring the enterprise fund to a balanced budget. It should be noted that this increase would only bring the enterprise fund to a net zero balance. Such a large increase would not provide for additional levels of service necessary for such an aging infrastructure that Farmersville has.

With the continuing drought conditions that California has been experiencing the past 4 years has put additional burdens on the Water Department. On April 1, 2015, Governor Brown, by Executive Order B-29-15 (attached), established a statewide water conservation goal of 25 percent reduction in water use. Municipalities had variable water reduction percentages based on the various factors including community size. Farmersville's minimum reduction was set at 32%. This State mandate also required communities to develop water conservation plans to achieve that goal or face stringent penalties by the State.

The proposed rate increase identified in the Proposed Rate Structure, Section 7, includes establishing a base volume or quantity of water to be used for a base rate. Included in the

base rate are the necessary fees for manpower, utilities, etc. Additionally, it is recommended that the proposed rate increase include fees for establishing additional reserve funds for emergencies as well as funds for future capital improvements.

As part of the rate setting process, Farmersville will be subject to the requirements of Proposition 218. In November 1996, California voters passed Proposition 218, the "Right to Vote on Taxes Act". This constitutional amendment protects taxpayers by limiting the methods by which local governments can create or increase taxes, fees, and charges without taxpayer consent. Proposition 218 requires voter approval prior to imposition or increase of general taxes, assessments, and certain user fees.

1. INTRODUCTION

In 2014, the City of Farmersville (“City”) selected QK Inc. (“QK”) to perform a water rate study (“Study”). This Study provides recommendations that focus on two key objectives: short- and long-term financial health and stability; and, equitable cost-of-service rates.

The initial review of the City’s existing rate structure, budget, and consumption data has shown that the City has not been collecting enough revenue to adequately fund the existing expenditures for its daily water enterprise operation, let alone meeting its need for current and future capital improvements. At one time the City had a modest reserve but due to continuing years of negative revenue this reserve has been depleted.

As a result, the existing rates are not sustainable due to the utility not generating sufficient revenues and subsequently running an annual net loss. Running a net loss has brought the utility into a negative fund cash balance. Subsequently, the utility has become dependent on inter-fund transfers from the other funds including the General Fund to offset the negative balance.

The City’s current water supply is dependent solely on groundwater resources. The City has eight (8) active groundwater wells with roughly 29 miles of water mains that produces approximately 527.725 million gallons of water (2015 annual total) annually to serve its roughly 11,382 customers. In addition, the City extended potable water service to the Cameron Creek Colony in 2015, which serves an approximate 436 additional residents. This extension was done as an emergency response to serve the community that was experiencing existing domestic wells going dry due to the extended drought.

The City’s water distribution system consists of only one pressure zone. The City currently does not have any storage tanks or reservoir capacity. The system is dependent on at least one well running at all times to maintain adequate pressure for the distribution system. Sections 2.2 & 5.2 provide discussion of capital improvement needs to maintain sufficient capacity for the needs of the water system and community for now as well as in the future.

Based on discussions with City staff and review of past budgets, master plans, and capital improvement needs, this Study presents recommended rate adjustments that are necessary to maintain sufficient revenue to operate the water system and distribution infrastructure while maintaining adequate funds for ongoing capital improvements and reserves.

One of the shortfalls that is addressed in this Study is having adequate personnel to operate the water department. The department currently has a total of six (6) fulltime employees that provide service for not only the City's Water Enterprise utility but also includes sewer, streets, parks, facilities and maintenance activities.

2. OVERVIEW OF RATE SETTING PROCESS

Every year, the City goes through a budget process in order to establish a spending plan for the work to be performed throughout the next fiscal year (July 1st through June 30th). As part of the process, staff reviews the prior year's expenditures compared to the revenue collected from its customers. While this process is not necessarily a review of rates, it typically highlights if there is a need for rate adjustments.

Rate analyses are typically performed every few years to ensure that revenues from rates are adequately funding utility operations, maintenance, and future capital needs. As stated previously, the City has not performed a rate study for several years. This Study will account for past years in which an annual increase was not implemented.

In California, typical rate analyses, such as this, also require compliance with the cost-of-service principles imposed by Proposition 218, which ensures that rates correlate to how costs are incurred. The proposed rate structure that has been developed for the single-family residential customer class includes a base rate.

2.1 Considerations In Setting Revenue Requirements

There are a multitude of considerations, ranging from financial, to political, to legal, that must be considered or discussed during the process of setting revenue requirements, as part of the process of a rate analysis. This section provides an overview of the considerations that were reviewed.

2.2 Capital Budgeting and Financing

Capital needs are usually defined by the City's Water Capital Improvement Plan (CIP). As part of its budget and planning process, the City identifies capital improvements that are necessary for the continued delivery of clean, safe, drinking water. The Capital Improvement Plan is typically funded by a variety of sources which should include system depreciation, water rates, connection (impact) fees, grants and capital reserves. The City of Farmersville's budgeting process typically identifies a value for depreciation but does not set aside actual funds for that purpose.

The City is lacking an adequate CIP that incorporates funding for infrastructure maintenance and replacement. This Study includes elements that are recommended to be included after discussions with City staff.

2.3 Capital Funding

The selection of the most appropriate funding strategy for capital projects is primarily a policy decision between use of cash or reserves, the issuance of debt (bonding), use of grant funds or some combination thereof. The use or build-up of cash to fund capital

improvements has not been a process that can be depended on as past practice has utilized the small reserves to fund various minor projects or emergency repairs. An example of this practice was the use of available funds to install only a portion of the City water system with automated meter reading (AMR) technology. After the initial expenditure, the City realized that without additional funds, the project could not be completed and made operational. The City has obtained a California Department of Water Grant (Water & Energy Grant) to install 1,025 AMR meters and implement a functional billing system.

Although the City has been fortunate to not acquire debt service to maintain its utility system, it has not been able to adequately keep up with system deficiencies. With debt service financing, capital improvements are funded with borrowed funds (usually through the issuance of bonds or other another mechanism such as loans) with the obligation of repayment, typically with interest, over future years. In the short and long term, each funding mechanism has a different impact on water rates such as different net percentage values, risks, and legal obligations. Due to the borrowing costs associated with debt, cash funding can be cheaper in the long run; however, debt typically ensures greater generational equity for larger and longer lasting capital projects.

3. RATE SETTING PROCESS

The scope of this Study is to review the existing rate structure and evaluate if the revenues generated are sufficient to maintain a solvent water enterprise fund for daily operations and the viability of the future needs of the department.

In today's times, there are various requirements that establish that enterprise funds, such as those used for water, sewer, and storm drain, are self-sufficient and operate adequately to maintain the daily and capital needs of the utility. In other words, the water fund should collect adequate revenue to fund the anticipated expenses for the department without needing funds from other sources, such as another enterprise fund or the general fund. In addition to these principles, the City should maintain an adequate reserve fund to deal with any unanticipated emergency that may occur.

To properly address the needs of the City in this rate study, three principles must be thoroughly investigated. The rate study process involves conducting a Financial Planning and Revenue Requirement Analysis, Cost of Service Analysis and Rate Design Analysis. Each of these principles are described below:

3.1 Financial Planning and Revenue Requirement Analysis

Create a five-year plan to support an orderly, efficient program of on-going maintenance and operating costs, capital improvement and replacement activities, debt financing, retirement of any outstanding debt and set aside a reserve fund. The City is fortunate that it currently doesn't have any outstanding debt at this time. In addition, the long-term plan should fund and maintain adequate reserve balances to levels based on industry standards and Farmersville's fiscal policies.

3.2 Cost of Service Analysis

Identifies and apportions annual revenue requirements to distinct customer classes based on the demand placed on the utility system. The City currently utilizes a flat rate system, whereby based on a monthly fee, there is no additional costs for the amount of water used.

3.3 Rate Design Analysis

The rate design process develops an equitable and proportionate schedule of rates for each customer class to recover the costs attributable to that specific use. This is also where other policy objectives can be achieved, such as, promoting the efficient use of water. The policy objectives within the rate design are harmonized with cost of service objectives to achieve the delicate balance between customer equity, financial stability and resource conservation goals.

The rate study process will utilize these various analyses for development of the appropriate rate structure to best serve the City. Each of the processes lends itself to developing sound fiscal and social policy for how the water enterprise is operated, maintained, and utilized by residents.

3.4 RATE SETTING PRINCIPLES SUMMARY

In order to meet the overall objectives of the City, the rate study and proposed rate adjustments must also conform to the California State Constitution as well as the Water Code. More specifically, Proposition 218 requires that property related fees and charges, such as water rates (as affirmed in *Bighorn-Desert View Water Agency v. Verjil*), must not exceed the reasonable cost of providing the service associated with the fee or charge, and shall also not exceed the proportional cost of the service attributable to the parcel that is subject to the fee or charge.

With the implementation of water conservation measures required by Executive Order B-29-15, staff has seen an increase in manpower needs during off duty and weekend hours. This increase in billable hours is attributed to the added enforcement of an odd/even watering schedule where residents are only allowed to water on days in compliance with the phase of water conservation measures adopted by the City, typically one day during the week and one day on the weekend. The added state mandate for water conservation and the accompanying enforcement duties has put an additional burden on the water staff. While the volume of water has been reduced by the conservation measures, operating the water system 7 days a week with increased vigilance during the weekend period has increased the manpower required to properly maintain the system and ensure residents abide by the mandated water conservation requirements. As a result of these conditions, additional funds for manpower are included in the proposed rate adjustment.

In conjunction with Proposition 218, Article X (2) of the State Constitution institutes the need to preserve the State's water supplies and discourage the wasteful or unreasonable use of water by encouraging water conservation. Article X (2) is broad in its declarations; however, the Water Code provides guidance to its application for developing water rates. Water Code Section 106 declares that the highest use of water is typically for domestic purposes, and irrigation is secondary. In connection with meeting the objectives of Article X, Water Code Sections 370, as revised by Assembly Bills 2882 in 2008, and 375, as revised by Assembly Bill 88 in 2015, authorize a water purveyor to utilize its water rate design to incentivize the efficient use of water.

Another key principle for a comprehensive rate study is found in economic theory, which suggests the price of a commodity must roughly equal its cost or value if equity among customers is to be maintained – i.e. cost-based. For example, capacity-related costs are usually incurred by a water utility to meet peak use requirements. Consequently, the customers causing peak demands should pay for the demand-related facilities in proportion to their contribution to maximum demands. While the City has a connection fee that corresponds with the various sizes of meters, it appears that this form of charges has

not been utilized to the extent as intended.

Through refinement of costing and pricing techniques, consumers of a product are given a more accurate price point of what the commodity costs to produce and deliver to meet their water needs. The above fundamentals have considerable foundation in economic literature and correlate to the cost of service principles of Proposition 218. This “price-equals-cost” theory provides the basis for much of the subsequent analysis and comment within this Study. This theory is particularly important as the proposed rate structure has been developed to encourage the efficient use of water while maintaining economic and cost of service principles.

The City’s current rate structure has an element to charge based on the volume of water used. The downside of this requirement is that the City has not had functioning water meters to gather data that can be used to calculate the volumes consumed or used by existing customers. In 2008, the City utilized existing funds that were available to begin to transition from a manual meter reading system into an Automated Meter Reading (AMR) system. The problem was that adequate funds were not available to complete the transformation citywide and implement the billing software necessary to utilize the system.

In 2014, the City applied for a Water & Energy Grant through the California Department of Water Resources to complete the meter installation project and implement a volume based billing system. The City has received notification that the Water and Energy Grant has been awarded to Farmersville. A key component of that grant is to implement a volume based billing system and utilize a tiered rate approach to encourage water conservation.

The current rate structure for the City, while currently not in use, has indicated a 2,000 cubic foot base rate structure with a single tier or price for overuse above the base volume allowed. Due to the inability of the City’s existing system to bill on a volume based approach, the reality is that the current rate is essentially a “Flat Rate” billing system.

Based on the current needs of the City and water conservation mandates that have been implemented by the State, the proposed base volume is recommended to be 1,500 cubic feet per service connection. In addition, the existing single tier system will be updated to be calculated based on a 100 cubic foot units of measure above the base rate. This usage structure is more uniform and consistent with current standards of the industry and current meter technology usage. The base rate will be more in line with the mandated water conservation reductions.

4. WATER RATE ANALYSIS

As previously stated, the City engaged QK to perform a Water Rate Study focused on two main principles. First, any developed rates must provide sufficient revenues to fund expenditures related to operations, maintenance, capital, and funding of reserves. Secondly, within the cost of service principles established by Proposition 218, design a water rate structure that promotes efficient use of water but reflects the varying costs of demand of each customer class. This section of the report outlines the details of the analysis and the approach to developing the rate recommendations.

4.1 Water Consumption and User Characteristics

QK examined the previous four years of billing data provided by the City Finance Department. Multiple years of data were analyzed to ensure any short-term anomalies were accounted for and that long-term trends were identified. Furthermore, billing data was analyzed to determine seasonal demand patterns and overall consumption characteristics. Since the projected volume of water consumption is a key component in revenue generation, it has become necessary to adequately fund the utility based on a lower volume of water consumed due to the stringent water conservation measures that have been implemented to meet the State's Executive Order to reduce overall water usage statewide by 25 percent. While most utilities could realize a higher amount of revenue by producing more water, that is not practical given the current water conservation mandates that have been imposed by the State. Even with the reduced volume of water produced, the City must still maintain the infrastructure. The City can only depend on the revenue generated by a volume based approach, which has been reduced due to conservation measures. In Farmersville, the revenue generated is currently based on a flat rate system and has not been contingent on the volume of water produced. The only reduction that is realized is by reducing the amount of electricity and chemical (chlorine) required to pump a lower volume of water.

Figure 4-1 provides a summary of the City's water consumption characteristics of approximately 2,300 customer accounts.

**Figure 4-1:
Water Consumption Characteristics**

Calendar Year	Number of Days	Population	Total Well Production (gallons)	Average per capita per day
2010	365	10,588	681,756,100	176.4
2011	365	10,796	669,751,100	170.0
2012	366	10,824	656,446,300	165.7
2013	365	11,003	715,273,200	178.1
2014	365	10,786	625,355,800	158.8
2015	365	11,084	526,724,700	130.2

Based on Figure 4-1, it appears that residents have accepted the State mandate of water conservation. The reduction in water use from 2013 to 2015 is approximately 26.9%, a figure that is just shy of the City's mandate of 32% reduction.

5. REVENUE REQUIREMENTS

To determine whether additional rate revenue is required, projected operating and capital expenses are compared with projected revenue from current rates. Rates are then increased so that the expenses are covered and reserves for operating and capital needs are maintained.

5.1 Expenditure Projections

Review of the City's actual expenditures and revenues from FY 2011 through FY 2016 and the City's budget for FY 2016-17 served as the basis for projecting future expenditures and for determining revenue requirements through FY 2020-21. Tables 5-1 and 5-2 below summarize the projected expenditure trends, which are noteworthy in the following respects:

- **Operating expenses** – Operating and maintenance (O&M) expenses are projected to gradually increase during the planning period at the projected rate of inflation (3.0 percent).
- **Debt service** – Debt service was not considered as the City does not currently have any outstanding debt for the Water fund.
- **Funding capital improvements** – The only capital improvement costs are for future upgrade of the water system. There are capital improvements funds allocated in the current budget that are offset by the Water and Energy Grant.
- **Transfers to reserve** – Reserves are currently less than recommended. This rate study recommends adding a line item place holder in the budget to allocate funds for emergency expenditures.

The starting point for determining future revenue requirements was the City's published FY 2016-17 budget. Based on certain trends evident in the expenditure data from prior fiscal years, the FY 2015-16 budget was rounded up slightly to create the baseline budget for the first year of the planning period. Projected budgets for the next four years were determined by applying the City's proposed annual inflation rate of 5 percent. The City's Needs Analysis and Reserve Fund requirements were then added to complete the expenditure projections.

The purpose of the Reserve Fund is two-fold. First, with sufficient working capital, the City can operate without cash flow restraints with respect to short-term fluctuations in operating expenses. Second, with sufficient working capital, the City can accomplish at least a portion of its CIP on a pay-as-you-go basis. The City established a goal for the new rate

structure to increase the current Reserve Fund by approximately \$355,000 within six years, which the proposed rate structure can achieve.

5.2 Needs Analysis

QK staff reviewed the systems operations needs with Water Operations staff and developed a "Needs Analysis," which included an updated Capital Improvement Program, proposed staffing improvements, and proposed operational improvements. The Needs Analysis covers the next six fiscal years, but only the first five years are included directly in the current Water Rate Study. Table 5-1 provides line item detail for the City's Needs Analysis, in units of thousands of dollars.

**Table 5-1
Needs Analysis
(\$000)**

	Projected Expenditures				
	FY 2016-17	FY 2017-18	FY 2018-19	FY 2019-20	FY 2020-21
Staffing Improvements					
Addition of a fulltime Utility Maintenance Worker (1/2 time for 1 st year)	\$40	\$73	\$75	\$77	\$79
Operational Improvements					
Increased System Maintenance and Repairs	\$20	\$21	\$22	\$23	\$24
Pump Motor Replacements	\$52	\$55	\$58	\$61	\$64
Capital Improvements (CIP)					
Railroad Crossings (recommended by 2000 Water Master Plan)	\$0	\$0	\$100	\$150	\$50
Additional Pipeline Loops	\$75	\$75	\$0	\$0	\$0
SCADA for system operations	\$40	\$0	\$0	\$0	\$0
0.85 Million Gallon Elevated Tank (South of RR)	\$0	\$150	\$150	\$150	\$150
0.85 Million Gallon Elevated Tank (North of RR)	\$0	\$0	\$0	\$150	\$150
	\$150				
Totals	\$227	\$374	\$555	\$611	\$517

Note: Units shown above are in \$1,000 increments, i.e., \$20 equals \$20,000.

5.3 Revenue Requirement Projections

Table 5-2 summarizes projected expenditures for the next five fiscal years, including the Needs Analysis summarized from Table 5-1 above. The total of these projected expenditures equals the minimum revenue required. Amounts in Table 5-2 are shown in units of thousands of dollars.

Table 5-2
Revenue Requirement Projections
(\$000)

	Budgeted		Projected Expenditures		
	FY 2016-	FY 2017-	FY 2018-	FY 2019-	FY 2020-
Personnel Services	\$218	\$263	\$277	\$290	\$305
Services and Supplies	\$351	\$368	\$385	\$404	\$424
Needs Analysis					
Staffing Improvements	\$ 40	\$ 73	\$ 75	\$ 77	\$ 79
Operational Improvements	\$ 52	\$ 55	\$ 58	\$ 61	\$ 64
Capital Improvements	\$115	\$225	\$400	\$450	\$400
Transfers to Reserve	\$ 30	\$ 50	\$ 75	\$100	\$100
Totals	\$806	\$1,034	\$1,270	\$1,382	\$1,372

Table 5-2 shows a substantial increase between the City's current budget for FY 2015-16 and the projected budget for FY 2016-17, mostly due to the augmented Needs Analysis. Total projected expenditures for the five-year planning period are approximately \$5.864 million. The proposed rate structure is projected to generate total revenues that slightly exceed this amount, but as mentioned above, the cumulative revenue curve will track behind the expenditure curve at the beginning.

6. RATE DESIGN ANALYSIS

The rate design process produces rates that will generate the appropriate amount of revenue from the service class and volumetric charges and, with respect to the volumetric charges, from each customer class.

6.1 Rate Making Objectives

The rate design process is guided by the general rate-making objectives listed above, and which for the City are summarized as follows:

1. **Restructure service charges** – The current water rate structure applies the same Service Charge to all metered customers regardless of meter size. Meter size is a reasonable proxy for estimating the relative benefit each customer derives from the existence and overall capacity of the entire water system. Large service connections have greater hydraulic capacity than small service connections, so they benefit more even if their actual consumption is less than their hydraulic capacity. However, a reduced version of the flat service charge will remain to account for billing and account maintenance, which is independent of meter size.

Maintain the proportions between fixed service charges and variable service charges – Under the existing rate structure, the Water Enterprise derives approximately 80 percent of its revenue from the base rate (not including internal transfers, etc.) and 20 percent from consumption charges. Under the proposed rate structure (not include CIP charges), approximately 54 percent of the revenue will come from the base rate and 46 percent from consumption charges. If the CIP is accepted and included in the proposed rate structure, 57percent will come from the base rate and 43 percent from consumption charges.

The City's rate-making objectives are consistent with industry standards and practices by retail water agencies in California. The effect of this strategy will be to hold down service charges for smaller connections and increase service charges for larger connections. This tends to benefit the single-family residential customer class, but it also leads to a more equitable distribution of charges.

6.2 Service and Customer Classes

The distribution of service connections by size and customer class for the purpose of rate design is shown in Table 6-1. Due to uncertainties in the data, and to simplify the water rate structure, certain service sizes listed in Table 6-1 above have been grouped together. For this analysis, 5/8", 3/4", and 1" services will be grouped together as 1" services; 1½" and 2" services will be grouped together as 2" services; and, 3" and 4" services will be grouped together as 4" services.

Table 6-1
Distribution of Services by Size and Customer Class for Rate Structure Design

Size	1"	2"	4"	6"	8"	Totals
	2,505	60	10	3	0	2,578

6.3 Expenditure Types

The total cost to operate, maintain, and expand a water system includes “variable costs”, which are proportional to water consumption; “fixed costs,” which are unrelated to water consumption; and, “composite costs,” which have a variable component and a fixed component. For example, the cost for electricity to pump water and the cost of chemicals to maintain water quality are both directly related to water consumption, and are thus variable costs. Conversely, the cost to maintain liability insurance and the cost to replace a fire hydrant are both unrelated to water consumption, and are thus fixed costs.

Two related examples of composite costs are equipment maintenance and the maintenance staff needed to perform the work. Certain maintenance activities are unrelated to the amount of water used (e.g. repainting equipment to inhibit corrosion), while other maintenance activities are directly related to the amount of water used (e.g. replacing worn-out parts inside a pump, because wear increases with usage). Still other maintenance activities might also be a bit of both.

Composite costs exist because of the way the City (like most water purveyors) tracks expenditures. The Water Enterprise Chart of Accounts has just one-line item for Equipment Maintenance and the 15 line items for Personnel Services are for employment costs (salaries, overtime, insurance, etc.). It is simply not practical to subdivide every expenditure line item into its variable and fixed components and then accurately track these separate components, especially retroactively for the sole purpose of providing data for this Water Rate Study.

Water Operations staff and Quad Knopf worked closely together to categorize each expenditure line item as variable, fixed, or composite, including both regular expenses and proposed future capital and other expenses. For composite costs, this included estimating the percentage of each line item that is variable.

7. PROPOSED RATE STRUCTURE

Projected water rates for the next five years are shown in Tables 7-1 and 7-2. This rate structure model is sufficient to fund the City's Water Enterprise over the 5-year study period, including adding an average of \$3.1 million in capital improvements, \$0.3 million in staffing improvements, \$0.15 million in operational improvements, and \$0.9 million to the Reserve Fund.

RATES w/o CIP & 2016 = Current Rates

**Table 7-1A
Current and Proposed Water Rates for Single-Family Residences**

	Jan. 1, 2016 (current)	Jan. 1, 2017 (proposed)	Jan. 1, 2018 (proposed)	Jan. 1, 2019 (proposed)	Jan. 1, 2020 (proposed)	Jan. 1, 2021 (proposed)
BASE RATE (per month)						
3/4"×5/8" meters	\$16.79	\$16.00	\$16.80	\$17.64	\$18.52	\$19.45
1" meters	\$17.09					
1-1/2" meters	\$17.82	\$24.00	\$25.20	\$26.46	\$27.78	\$29.17
2" meters	\$18.31					
3" meters	\$23.70	\$40.00	\$42.00	\$44.10	\$46.31	\$48.63
4" meters	\$26.97					
6" meters	\$33.07	\$64.00	\$67.20	\$70.56	\$74.09	\$77.79
8" meters	\$45.09					
WATER CONSUMPTION RATE (per 100 cubic foot)						
Per units of 100 C.F. over base rate	\$0.226	\$0.600	\$0.630	\$0.662	\$0.695	\$0.730

Note: The current base volume is 2,000 cubic feet; the proposed base volume is 1,500 cubic feet.

**Table 7-1B
Current and Proposed Water Rates for Multi-Family Residences**

	Jan. 1, 2016 (current)	Jan. 1, 2017 (proposed)	Jan. 1, 2018 (proposed)	Jan. 1, 2019 (proposed)	Jan. 1, 2020 (proposed)	Jan. 1, 2021 (proposed)
BASE RATE (per month)						
3/4"×5/8" meters	\$16.02	\$16.00	\$16.80	\$17.64	\$18.52	\$19.45
1" meters	\$16.33					
1-1/2" meters	\$17.06	\$24.00	\$25.20	\$26.46	\$27.78	\$29.17
2" meters	\$17.54					
3" meters	\$22.94	\$40.00	\$42.00	\$44.10	\$46.31	\$48.63
4" meters	\$26.18					
6" meters	\$32.31	\$64.00	\$67.20	\$70.56	\$74.09	\$77.79
8" meters	\$44.31					
WATER CONSUMPTION RATE (per 100 cubic foot)						
Per units of 100 C.F. over base rate	\$0.226	\$0.600	\$0.630	\$0.662	\$0.695	\$0.730

Note: The current base volume is 2,000 cubic feet; the proposed base volume is 1,500 cubic feet.

**Table 7-1C
Current and Proposed Water Rates for Commercial/Industrial**

	Jan. 1, 2016 (current)	Jan. 1, 2017 (proposed)	Jan. 1, 2018 (proposed)	Jan. 1, 2019 (proposed)	Jan. 1, 2020 (proposed)	Jan. 1, 2021 (proposed)
BASE RATE (per month)						
3/4"×5/8" meters	\$16.79	\$16.00	\$16.80	\$17.64	\$18.52	\$19.45
1" meters	\$17.09					
1-1/2" meters	\$17.82	\$24.00	\$25.20	\$26.46	\$27.78	\$29.17
2" meters	\$18.31					
3" meters	\$23.70	\$40.00	\$42.00	\$44.10	\$46.31	\$48.63
4" meters	\$26.97					
6" meters	\$33.07	\$64.00	\$67.20	\$70.56	\$74.09	\$77.79
8" meters	\$45.09					
WATER CONSUMPTION RATE (per 100 cubic foot)						
Per units of 100 C.F. over base rate	\$0.226	\$0.600	\$0.630	\$0.662	\$0.695	\$0.730

Note: The current base volume is 2,000 cubic feet; the proposed base volume is 1,500 cubic feet.

RATES w/ CIP & 2016 = Current Rates

Table 7-2A

Current and Proposed Water Rates for Single-Family Residences

	Jan. 1, 2016 (current)	Jan. 1, 2017 (proposed)	Jan. 1, 2018 (proposed)	Jan. 1, 2019 (proposed)	Jan. 1, 2020 (proposed)	Jan. 1, 2021 (proposed)
BASE RATE (per month)						
3/4"×5/8" meters	\$16.79	\$20.00	\$21.00	\$23.10	\$25.41	\$27.32
1" meters	\$17.09					
1-1/2" meters	\$17.82	\$32.00	\$33.60	\$36.96	\$40.66	\$43.71
2" meters	\$18.31					
3" meters	\$23.70	\$50.00	\$52.50	\$57.75	\$63.53	\$68.29
4" meters	\$26.97					
6" meters	\$33.07	\$80.00	\$84.00	\$92.40	\$101.64	\$109.26
8" meters	\$41.87					
WATER CONSUMPTION RATE (per cubic foot)						
Per units of 100 C.F. over base rate	\$0.00226	\$0.00650	\$0.00699	\$0.00769	\$0.00865	\$0.00930

Note: The current Over Usage threshold is 2,000 cubic feet; the proposed threshold is 1,500 cubic feet.

Table 7-2B

Current and Proposed Water Rates for Multi-Family Residences

	Jan. 1, 2016 (current)	Jan. 1, 2017 (proposed)	Jan. 1, 2018 (proposed)	Jan. 1, 2019 (proposed)	Jan. 1, 2020 (proposed)	Jan. 1, 2021 (proposed)
BASE RATE (per month)						
3/4"×5/8" meters	\$16.02	\$20.00	\$21.00	\$23.10	\$25.41	\$27.32
1" meters	\$16.33					
1-1/2" meters	\$17.06	\$32.00	\$33.60	\$36.96	\$40.66	\$43.71
2" meters	\$17.54					
3" meters	\$22.94	\$50.00	\$52.50	\$57.75	\$63.53	\$68.29
4" meters	\$26.18					
6" meters	\$32.31	\$80.00	\$84.00	\$92.40	\$101.64	\$109.26
8" meters	\$44.31					
WATER CONSUMPTION RATE (per 100 cubic foot)						
Per units of 100 C.F. over base rate	\$0.226	\$0.650	\$0.699	\$0.769	\$0.865	\$0.930

Note: The current base volume is 2,000 cubic feet; the proposed base volume is 1,500 cubic feet.

**Table 7-2C
Current and Proposed Water Rates for Commercial/Industrial**

	Jan. 1, 2016 (current)	Jan. 1, 2017 (proposed)	Jan. 1, 2018 (proposed)	Jan. 1, 2019 (proposed)	Jan. 1, 2020 (proposed)	Jan. 1, 2021 (proposed)
BASE RATE (per month)						
3/4"×5/8" meters	\$16.79	\$20.00	\$21.00	\$23.10	\$25.41	\$27.32
1" meters	\$17.09					
1-1/2" meters	\$17.82	\$32.00	\$33.60	\$36.96	\$40.66	\$43.71
2" meters	\$18.31					
3" meters	\$23.70	\$50.00	\$52.50	\$57.75	\$63.53	\$68.29
4" meters	\$26.97					
6" meters	\$33.07	\$80.00	\$84.00	\$92.40	\$101.64	\$109.26
8" meters	\$45.09					
WATER CONSUMPTION RATE (per 100 cubic foot)						
Per units of 100 C.F. over base rate	\$0.226	\$0.650	\$0.699	\$0.769	\$0.865	\$0.930

Note: The current base volume is 2,000 cubic feet; the proposed base volume is 1,500 cubic feet.

8. FINANCIAL PLANNING AND MANAGEMENT

Annually, the City adopts a budget for the upcoming fiscal year. The adopted budget serves as not only a spending plan but also an information resource for the public about the City's financial strategies and provides documentation for other financial-related matters such as audits, loan, and grants. The budget is also a valuable resource for reviewing multiple year spending trends.

The City-wide financial statements are reported using the economic resources measurement focus and the accrual basis of accounting, as are the proprietary funds financial statements. Revenues are recorded when earned and expenses are recorded when a liability is incurred, regardless of the timing of related cash flows.

Revenues are considered to be available when they are collectible within the current period or soon enough thereafter to be used to pay liabilities of the current period. For this purpose, the City considers revenues to be available if they are collected within 60 days of the end of the current fiscal period. Expenditures generally are recorded when a liability is incurred, as under accrual accounting.

8.1 Key Financial Plan Objectives

The establishment of a sustainable water rate should mirror the already established financial policies and strategies of the City. According to the most recently adopted budget, the City has the following budget strategies:

1. **Strategic Focus** – The City's financial management should be strategic, reflecting the Council's and the community's priorities for service while providing resources that realistically fund routine operations.
2. **Fiscal control and accountability** – The City's financial activities should be fiscally sound and accountable to the City Council through the City Manager.
3. **Clarity** – The City's financial planning and reporting should be clear and easy to understand so that all participants, the Council, the community, and staff can productively participate in making good decisions.
4. **Long-term Planning** – The City's financial planning should emphasize multi-year horizons to promote long-term planning of resource uses.
5. **Flexible and cost effective responses** – The City's financial management practices should encourage a mission-driven organization that responds quickly and straightforwardly to community demands. The City's management should flexibly respond to opportunities for better service, should proactively manage revenues, and should cost-effectively manage ongoing operating costs.

All of these strategies should be reflected in the development of the water rate structure in order to maintain consistent policy throughout the City's fiscal business. Adherence to these strategies has been taken into consideration during the rate study process.

Finally, the City also notes that it has guidelines that address a variety of applicable issues that directly correlate to the establishment of a water rate.

1. **Reserves** – The City will maintain reserve funds to:
 - Stabilize the City's fiscal base for anticipated fluctuations in revenues and expenditures.
 - Provide for nonrecurring, unanticipated expenditures.
 - Provide for innovative opportunities for the betterment of the community.

2. **Purchasing** – The City will maintain a purchasing policy designed to support and enhance the delivery of governmental services while seeking to obtain the maximum value for each dollar expended.

The inclusive consideration of all aspects of the City's fiscal management structure need to be included within any water rate established.

**APPENDIX A – EXISTING WATER SERVICE FEES ACCORDING TO
RESOLUTION 2004-6**

APPENDIX A

**Existing Water Service Fees according to
Resolution 2004-65**

WATER SERVICE FEES

The following fees shall be charged for water services provided by the City:

	MONTHLY FEE		
	8/1/04	7/1/05	
Single family residential, multi-dwelling unit, service stations, garages, churches, social, fraternal, non-profit, other retail/service	12.00 **	18.50	
Restaurants, cafes, drive-ins, grocery stores, bars, car washes, laundromats* (+\$10.20 monthly stand-by charge)	.43/100cf	0.47	
Hotels, motels, rooming units, camps, auto courts with cooking facilities (per unit)	3.25	3.50	
Hotels, motels, rooming units, camps, auto courts without cooking facilities (per unit)	2.70	3.00	
Industrial Uses	To be negotiated through Planning Process		
Public schools (+\$14.25 monthly stand-by charge)	.65/student	0.70	
	.43/100cf	0.46	
All consumption in excess of 3,000 cubic feet	.50/100cf	0.52	
Water for cleaning purposes (5 days only)	30	31.25	
Construction water (+\$80 and \$500 deposit)	0.50/100cf	0.52	
Delinquent turn-on charge (during business hours)	30	35	
Delinquent turn-on charge (after business hours)	50	55	
Utility Deposit for residential, garages, churches, service stations, social/fraternal/non-profit, retail/service and professional offices (per office and per unit)	75	80	
Utility Deposit for restaurants, grocery, drive-ins, car washes	TWICE THE ESTIMATED MONTHLY BILL		
Account Establishment Fee	10	12.50	
Swimming pool fill up fee	20	25	

* Based on an average water consumption of water for months of March and April to determine monthly use.

** (Council motion provided staff discretion to adjust rates within Water, Sewer, Refuse to best meet needs as long a total does not exceed \$50.25)

APPENDIX B – EXECUTIVE ORDER B-29-15

Executive Department
State of California

EXECUTIVE ORDER B-29-15

WHEREAS on January 17, 2014, I proclaimed a State of Emergency to exist throughout the State of California due to severe drought conditions; and

WHEREAS on April 25, 2014, I proclaimed a Continued State of Emergency to exist throughout the State of California due to the ongoing drought; and

WHEREAS California's water supplies continue to be severely depleted despite a limited amount of rain and snowfall this winter, with record low snowpack in the Sierra Nevada mountains, decreased water levels in most of California's reservoirs, reduced flows in the state's rivers and shrinking supplies in underground water basins; and

WHEREAS the severe drought conditions continue to present urgent challenges including: drinking water shortages in communities across the state, diminished water for agricultural production, degraded habitat for many fish and wildlife species, increased wildfire risk, and the threat of saltwater contamination to fresh water supplies in the Sacramento-San Joaquin Bay Delta; and

WHEREAS a distinct possibility exists that the current drought will stretch into a fifth straight year in 2016 and beyond; and

WHEREAS new expedited actions are needed to reduce the harmful impacts from water shortages and other impacts of the drought; and

WHEREAS the magnitude of the severe drought conditions continues to present threats beyond the control of the services, personnel, equipment, and facilities of any single local government and require the combined forces of a mutual aid region or regions to combat; and

WHEREAS under the provisions of section 8558(b) of the Government Code, I find that conditions of extreme peril to the safety of persons and property continue to exist in California due to water shortage and drought conditions with which local authority is unable to cope; and

WHEREAS under the provisions of section 8571 of the California Government Code, I find that strict compliance with various statutes and regulations specified in this order would prevent, hinder, or delay the mitigation of the effects of the drought.

NOW, THEREFORE, I, EDMUND G. BROWN JR., Governor of the State of California, in accordance with the authority vested in me by the Constitution and statutes of the State of California, in particular Government Code sections 8567 and 8571 of the California Government Code, do hereby issue this Executive Order, effective immediately.

IT IS HEREBY ORDERED THAT:

1. The orders and provisions contained in my January 17, 2014 Proclamation, my April 25, 2014 Proclamation, and Executive Orders B-26-14 and B-28-14 remain in full force and effect except as modified herein.

SAVE WATER

2. The State Water Resources Control Board (Water Board) shall impose restrictions to achieve a statewide 25% reduction in potable urban water usage through February 28, 2016. These restrictions will require water suppliers to California's cities and towns to reduce usage as compared to the amount used in 2013. These restrictions should consider the relative per capita water usage of each water suppliers' service area, and require that those areas with high per capita use achieve proportionally greater reductions than those with low use. The California Public Utilities Commission is requested to take similar action with respect to investor-owned utilities providing water services.
3. The Department of Water Resources (the Department) shall lead a statewide initiative, in partnership with local agencies, to collectively replace 50 million square feet of lawns and ornamental turf with drought tolerant landscapes. The Department shall provide funding to allow for lawn replacement programs in underserved communities, which will complement local programs already underway across the state.
4. The California Energy Commission, jointly with the Department and the Water Board, shall implement a time-limited statewide appliance rebate program to provide monetary incentives for the replacement of inefficient household devices.
5. The Water Board shall impose restrictions to require that commercial, industrial, and institutional properties, such as campuses, golf courses, and cemeteries, immediately implement water efficiency measures to reduce potable water usage in an amount consistent with the reduction targets mandated by Directive 2 of this Executive Order.
6. The Water Board shall prohibit irrigation with potable water of ornamental turf on public street medians.
7. The Water Board shall prohibit irrigation with potable water outside of newly constructed homes and buildings that is not delivered by drip or microspray systems.

8. The Water Board shall direct urban water suppliers to develop rate structures and other pricing mechanisms, including but not limited to surcharges, fees, and penalties, to maximize water conservation consistent with statewide water restrictions. The Water Board is directed to adopt emergency regulations, as it deems necessary, pursuant to Water Code section 1058.5 to implement this directive. The Water Board is further directed to work with state agencies and water suppliers to identify mechanisms that would encourage and facilitate the adoption of rate structures and other pricing mechanisms that promote water conservation. The California Public Utilities Commission is requested to take similar action with respect to investor-owned utilities providing water services.

INCREASE ENFORCEMENT AGAINST WATER WASTE

9. The Water Board shall require urban water suppliers to provide monthly information on water usage, conservation, and enforcement on a permanent basis.
10. The Water Board shall require frequent reporting of water diversion and use by water right holders, conduct inspections to determine whether illegal diversions or wasteful and unreasonable use of water are occurring, and bring enforcement actions against illegal diverters and those engaging in the wasteful and unreasonable use of water. Pursuant to Government Code sections 8570 and 8627, the Water Board is granted authority to inspect property or diversion facilities to ascertain compliance with water rights laws and regulations where there is cause to believe such laws and regulations have been violated. When access is not granted by a property owner, the Water Board may obtain an inspection warrant pursuant to the procedures set forth in Title 13 (commencing with section 1822.50) of Part 3 of the Code of Civil Procedure for the purposes of conducting an inspection pursuant to this directive.
11. The Department shall update the State Model Water Efficient Landscape Ordinance through expedited regulation. This updated Ordinance shall increase water efficiency standards for new and existing landscapes through more efficient irrigation systems, greywater usage, onsite storm water capture, and by limiting the portion of landscapes that can be covered in turf. It will also require reporting on the implementation and enforcement of local ordinances, with required reports due by December 31, 2015. The Department shall provide information on local compliance to the Water Board, which shall consider adopting regulations or taking appropriate enforcement actions to promote compliance. The Department shall provide technical assistance and give priority in grant funding to public agencies for actions necessary to comply with local ordinances.
12. Agricultural water suppliers that supply water to more than 25,000 acres shall include in their required 2015 Agricultural Water Management Plans a detailed drought management plan that describes the actions and measures the supplier will take to manage water demand during drought. The Department shall require those plans to include quantification of water supplies and demands for 2013, 2014, and 2015 to the extent data is available. The Department will provide technical assistance to water suppliers in preparing the plans.

13. Agricultural water suppliers that supply water to 10,000 to 25,000 acres of irrigated lands shall develop Agricultural Water Management Plans and submit the plans to the Department by July 1, 2016. These plans shall include a detailed drought management plan and quantification of water supplies and demands in 2013, 2014, and 2015, to the extent that data is available. The Department shall give priority in grant funding to agricultural water suppliers that supply water to 10,000 to 25,000 acres of land for development and implementation of Agricultural Water Management Plans.
14. The Department shall report to Water Board on the status of the Agricultural Water Management Plan submittals within one month of receipt of those reports.
15. Local water agencies in high and medium priority groundwater basins shall immediately implement all requirements of the California Statewide Groundwater Elevation Monitoring Program pursuant to Water Code section 10933. The Department shall refer noncompliant local water agencies within high and medium priority groundwater basins to the Water Board by December 31, 2015, which shall consider adopting regulations or taking appropriate enforcement to promote compliance.
16. The California Energy Commission shall adopt emergency regulations establishing standards that improve the efficiency of water appliances, including toilets, urinals, and faucets available for sale and installation in new and existing buildings.

INVEST IN NEW TECHNOLOGIES

17. The California Energy Commission, jointly with the Department and the Water Board, shall implement a Water Energy Technology (WET) program to deploy innovative water management technologies for businesses, residents, industries, and agriculture. This program will achieve water and energy savings and greenhouse gas reductions by accelerating use of cutting-edge technologies such as renewable energy-powered desalination, integrated on-site reuse systems, water-use monitoring software, irrigation system timing and precision technology, and on-farm precision technology.

STREAMLINE GOVERNMENT RESPONSE

18. The Office of Emergency Services and the Department of Housing and Community Development shall work jointly with counties to provide temporary assistance for persons moving from housing units due to a lack of potable water who are served by a private well or water utility with less than 15 connections, and where all reasonable attempts to find a potable water source have been exhausted.
19. State permitting agencies shall prioritize review and approval of water infrastructure projects and programs that increase local water supplies, including water recycling facilities, reservoir improvement projects, surface water treatment plants, desalination plants, stormwater capture, and greywater systems. Agencies shall report to the Governor's Office on applications that have been pending for longer than 90 days.

20. The Department shall take actions required to plan and, if necessary, implement Emergency Drought Salinity Barriers in coordination and consultation with the Water Board and the Department of Fish and Wildlife at locations within the Sacramento - San Joaquin delta estuary. These barriers will be designed to conserve water for use later in the year to meet state and federal Endangered Species Act requirements, preserve to the extent possible water quality in the Delta, and retain water supply for essential human health and safety uses in 2015 and in the future.
21. The Water Board and the Department of Fish and Wildlife shall immediately consider any necessary regulatory approvals for the purpose of installation of the Emergency Drought Salinity Barriers.
22. The Department shall immediately consider voluntary crop idling water transfer and water exchange proposals of one year or less in duration that are initiated by local public agencies and approved in 2015 by the Department subject to the criteria set forth in Water Code section 1810.
23. The Water Board will prioritize new and amended safe drinking water permits that enhance water supply and reliability for community water systems facing water shortages or that expand service connections to include existing residences facing water shortages. As the Department of Public Health's drinking water program was transferred to the Water Board, any reference to the Department of Public Health in any prior Proclamation or Executive Order listed in Paragraph 1 is deemed to refer to the Water Board.
24. The California Department of Forestry and Fire Protection shall launch a public information campaign to educate the public on actions they can take to help to prevent wildfires including the proper treatment of dead and dying trees. Pursuant to Government Code section 8645, \$1.2 million from the State Responsibility Area Fire Prevention Fund (Fund 3063) shall be allocated to the California Department of Forestry and Fire Protection to carry out this directive.
25. The Energy Commission shall expedite the processing of all applications or petitions for amendments to power plant certifications issued by the Energy Commission for the purpose of securing alternate water supply necessary for continued power plant operation. Title 20, section 1769 of the California Code of Regulations is hereby waived for any such petition, and the Energy Commission is authorized to create and implement an alternative process to consider such petitions. This process may delegate amendment approval authority, as appropriate, to the Energy Commission Executive Director. The Energy Commission shall give timely notice to all relevant local, regional, and state agencies of any petition subject to this directive, and shall post on its website any such petition.

26. For purposes of carrying out directives 2–9, 11, 16–17, 20–23, and 25, Division 13 (commencing with section 21000) of the Public Resources Code and regulations adopted pursuant to that Division are hereby suspended. This suspension applies to any actions taken by state agencies, and for actions taken by local agencies where the state agency with primary responsibility for implementing the directive concurs that local action is required, as well as for any necessary permits or approvals required to complete these actions. This suspension, and those specified in paragraph 9 of the January 17, 2014 Proclamation, paragraph 19 of the April 25, 2014 proclamation, and paragraph 4 of Executive Order B-26-14, shall remain in effect until May 31, 2016. Drought relief actions taken pursuant to these paragraphs that are started prior to May 31, 2016, but not completed, shall not be subject to Division 13 (commencing with section 21000) of the Public Resources Code for the time required to complete them.
27. For purposes of carrying out directives 20 and 21, section 13247 and Chapter 3 of Part 3 (commencing with section 85225) of the Water Code are suspended.
28. For actions called for in this proclamation in directive 20, the Department shall exercise any authority vested in the Central Valley Flood Protection Board, as codified in Water Code section 8521, et seq., that is necessary to enable these urgent actions to be taken more quickly than otherwise possible. The Director of the Department of Water Resources is specifically authorized, on behalf of the State of California, to request that the Secretary of the Army, on the recommendation of the Chief of Engineers of the Army Corps of Engineers, grant any permission required pursuant to section 14 of the Rivers and Harbors Act of 1899 and codified in section 48 of title 33 of the United States Code.
29. The Department is directed to enter into agreements with landowners for the purposes of planning and installation of the Emergency Drought Barriers in 2015 to the extent necessary to accommodate access to barrier locations, land-side and water-side construction, and materials staging in proximity to barrier locations. Where the Department is unable to reach an agreement with landowners, the Department may exercise the full authority of Government Code section 8572.
30. For purposes of this Executive Order, chapter 3.5 (commencing with section 11340) of part 1 of division 3 of the Government Code and chapter 5 (commencing with section 25400) of division 15 of the Public Resources Code are suspended for the development and adoption of regulations or guidelines needed to carry out the provisions in this Order. Any entity issuing regulations or guidelines pursuant to this directive shall conduct a public meeting on the regulations and guidelines prior to adopting them.

31. In order to ensure that equipment and services necessary for drought response can be procured quickly, the provisions of the Government Code and the Public Contract Code applicable to state contracts, including, but not limited to, advertising and competitive bidding requirements, are hereby suspended for directives 17, 20, and 24. Approval by the Department of Finance is required prior to the execution of any contract entered into pursuant to these directives.

This Executive Order is not intended to, and does not, create any rights or benefits, substantive or procedural, enforceable at law or in equity, against the State of California, its agencies, departments, entities, officers, employees, or any other person.

I FURTHER DIRECT that as soon as hereafter possible, this Order be filed in the Office of the Secretary of State and that widespread publicity and notice be given to this Order.

IN WITNESS WHEREOF I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 1st day of April 2015.

EDMUND G. BROWN JR.
Governor of California

ATTEST:

ALEX PADILLA
Secretary of State



Engineering Design & Construction Management

Survey & GIS

Urban Design & Landscape Architecture

Biology & Environmental Planning

Planning

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Quad Knopf

MEMO

Date: July 10, 2014
To: Mario Krstic
From: Tom McCurdy, Public Works Manager
Subject: Water Rate Study
cc: Steve Huntley, Finance Director

Project No.:

Per your request I have prepared the attached proposal to conduct a Water Rate Study for the City of Farmersville.

From the recent budget study sessions and adoption of the 2014/15 fiscal budget it has been observed that the water department's enterprise fund does not appear to be maintaining a balanced revenue and expenditure fund. It was pointed out that there has been an operational loss for three out of the last four years.

Conducting a Water Rate Study at this time should signify where the shortfalls may be and actions that can be taken to alleviate the shortfall.

In addition to the Water Rate Study it is recommended that we prepare a Water Conservation Plan. With the continuing drought conditions it is prudent to prepare and adopt a Water Conservation Plan at this time.

Please let me know if you need additional information or have questions regarding these items.

Thank you.

TMc/tmc



Quad Knopf

July 3, 2014

Mr. Mario Krstic, Interim City Manager
City of Farmersville
901 West Visalia Road
Farmersville, California 93234

**Subject: Proposal for Water Rate Study
City of Farmersville, California**

Dear Mr. Krstic:

Quad Knopf is pleased to submit this proposal to conduct a Water Rate Study for the City of Farmersville. We recognize that it is crucial that the City have an adequate water rate structure in place to ensure that the City water needs are met now and in the future. As the City's representative, Quad Knopf will be an integral partner with the City to conduct, update, and assist in implementing the new water rates.

After collecting the City's current water infrastructure, operation, maintenance, and overhead costs, Quad Knopf will prepare a draft rate recommendation for review by City Staff. The study will be based on the principles established in the American Water Works Association's guideline manual, but will be simplified because of the community size. Once the City Manager and City Staff have completed their review, a final rate recommendation and report will be prepared for presentation to the City Council.

Quad Knopf will assist the City with the organization and implementation of Rule 218 notification and hearings and Council meeting, and with the implementation of the revised water rate. Quad Knopf will also assist City Staff in preparing a water conservation plan to protect and conserve it's most valuable resource, water.

The cost for the Water Rate Study, Rule 218 compliance and assist with the Water Conservation Plan will be a fixed fee of \$24,000. This includes attendance at two City Council meetings.

If you have any questions regarding this proposal, please contact me at (559) 733-0440.

Sincerely,

Joel R. Joyner, P.E., PLS
Principal Engineer

Michael Knopf
Visalia Branch Manager

8.1V

Draft ORDINANCE NO. 479

AN INTERIM URGENCY ORDINANCE OF THE CITY OF FARMERSVILLE, ENACTING A TEMPORARY MORATORIUM ON LAND USES INVOLVING NON-MEDICAL MARIJUANA POSSESSION, SMOKING, INGESTION, USE, PLANTING, DRYING, CULTIVATION, HARVESTING, TRANSPORTATION, DELIVERY, PURCHASING, GIFTING, MANUFACTURING AND BUSINESS OPERATIONS, PURSUANT TO GOVERNMENT CODE SECTION 65858.

THE CITY COUNCIL OF THE CITY OF FARMERSVILLE DOES ORDAIN AS FOLLOWS:

SECTION 1. Findings.

The City Council finds and declares as follows:

A. On June 28, 2016, the Secretary of State of the State of California certified Proposition 64, the Control, Regulate and Tax Adult Use of Marijuana Act (“AUMA” or “**Proposition 64**”), for the November 8, 2016 statewide presidential general election ballot;

B. The AUMA would become law if a majority of the electorate votes “yes” on Proposition 64;

C. The AUMA would regulate, among other matters, the use of marijuana for non-medical personal and commercial purposes, including the recreational use of marijuana by adults over twenty-one (21) years of age;

D. To regulate personal use of marijuana, the AUMA would add Health and Safety Code § 11362.1 which, among other things, would make it “...lawful under state and local law...” for persons 21 years of age or older to “...possess, process, transport, purchase, obtain or give away to persons 21 years of age or older without any compensation whatsoever...” up to 28.5 grams of non-medical marijuana in the form of concentrated cannabis or not more than eight grams in the form of concentrated cannabis contained in marijuana products;

E. The AUMA would also make it lawful for specified adult individuals to “...possess, plant, cultivate, harvest, dry or process not more than six living marijuana plants and possess the marijuana produced by the plants...”;

F. The AUMA would also make it lawful for specified adult individuals to smoke or ingest marijuana or marijuana products;

G. If the AUMA is enacted by the electorate, many of its provisions would take effect on November 9, 2016;

H. To regulate commercial use of non-medical marijuana, the AUMA would add Division 10 (Marijuana) to the Business & Professions Code, which would vest certain state agencies with “...the exclusive authority to create, issue, renew discipline, suspend or revoke...” licenses for certain non-medical marijuana businesses including the transportation, storage, distribution, sale, cultivation, manufacturing and testing of marijuana;

I. The AUMA provides that specified state agencies shall promulgate rules and regulations and shall begin issuing state business licenses under Division 10 of the Business & Professions Code by January 1, 2018;

J. The AUMA specifies that a local jurisdiction shall not prevent transportation of non-medical marijuana or marijuana products on public roads by a licensee transporting marijuana or marijuana products in compliance with Division 10;

K. The AUMA would authorize cities to “...reasonably regulate...” without completely prohibiting cultivation of marijuana inside a private residence or inside an “...accessory structure to a private residence located upon the grounds of a private residence that is fully enclosed and secure...”;

L. The AUMA would authorize cities to completely prohibit outdoor cultivation on the grounds of a private residence until a “...determination by the California Attorney General that nonmedical use of marijuana is lawful in the State of California under federal law...”;

M. The AUMA would authorize cities to completely prohibit the establishment or operation of any non-medical marijuana business licensed under Division 10 within its

jurisdiction, including marijuana dispensaries, marijuana retailers and marijuana delivery services;

N. Absent appropriate local regulation authorized by the AUMA, state regulations will control;

O. Until the AUMA is enacted, state statutes prohibit cultivation, possession, sale of non-medical marijuana and therefore the prohibitions enacted by the instant ordinance shall not take effect unless and until the moment the AUMA becomes enacted;

P. Allowing non-medical marijuana activities which would be decriminalized under the AUMA, and the continued approval of land-use permits, variances, building permits or any other applicable entitlements authorizing said non-medical marijuana activities, would result in a current and immediate threat to the public health, safety and welfare, because such land uses threaten to cause the harmful “secondary effects” identified elsewhere in the ordinance within the City, and because such uses may frustrate the accomplishment of the goals of the non-medical marijuana regulations which the City will consider and study. It is therefore necessary to adopt this ordinance to prohibit non-medical marijuana activities, which would be decriminalized under the AUMA, during the period of such consideration and study;

Q. The City has permissive zoning standards which prohibit all uses not expressly authorized as allowed and has applied the same, without exception, to all instances of medical and non-medical marijuana, including, but not limited to, cultivation, distribution, dispensing, transportation, sales and gifting;

R. The existence of marijuana cultivation operations carries the potential to increase secondary impacts such as: (1) robberies, break-ins and other thefts due to the high monetary value of marijuana plants; (2) dangerous alterations to the electrical wiring of buildings; (3) the amount of mold spores present in buildings; (4) the potential for exposure to or increased usage by school aged children; (5) the spread of strong or noxious odors from marijuana plants;

S. The City has legitimate and compelling interests in protecting the public health, welfare and safety of its residents, as well as preserving the peace and quiet of the neighborhoods within the City;

T. The City has determined that an urgency ordinance is necessary to immediately protect the public health, welfare and safety of residents of the City to the maximum extent allowable under California law to preemptively preserve the status quo in order to determine if future local legislation is necessary to address some proposed changes to California law in the event AUMA is enacted by the California electorate on November 8, 2016;

U. The City intends to consider and study possible means of regulating or prohibiting non-medical marijuana activities, including zoning regulations and other regulations, and by this ordinance shall direct the immediate commencement of such consideration and study; and

V. If non-medical marijuana activities which would be decriminalized under the AUMA were allowed to be occur within the City without appropriate regulations, such land uses may be established in areas, or operated in a manner, that would conflict with the proposed regulations to be considered and studied by the City, and would therefore defeat the purpose of the proposal to study and adopt new regulations regarding non-medical marijuana activities.

SECTION 2. Applicability. This ordinance applies to non-medical marijuana on and after November 9, 2016, if and only if California Proposition 64 is enacted by a majority approval by California voters in connection with the November 8, 2016 general election.

SECTION 3. Moratorium on Non-Medical Marijuana.

A. Except as provided in Section 4 below, from the date of adoption of this ordinance or extension of this ordinance, the following land uses and conduct are prohibited in all land use zones and all unzoned territory within the City of Farmersville

and no permit, building permit, variance or any other permit, entitlement or approval, whether administrative or discretionary, may be approved or issued for any of the following:

1. The possession, smoking, ingestion, use, planting, drying, cultivation, harvesting, transportation, purchasing, gifting, manufacturing and other actions and conduct pertaining to non-medical marijuana and marijuana products and accessories which is identified in Health and Safety Code § 11362.1(a)(3), except to the extent such actions and conduct occurs inside a private residence, or inside an accessory structure to a private residence located upon the grounds of a private residence that is fully enclosed and secure;

2. The outdoor cultivation of non-medical marijuana;

3. The establishment or operation of any business which could otherwise be licensed under Division 10 of the Business and Professions Code (commencing with section 26000); and

4. Delivery, as defined by Business and Professions Code § 26001(h), of non-medical marijuana to any person or location within the City of Farmersville.

B. Notwithstanding anything within this ordinance to the contrary, any prohibition or other restriction within this ordinance which is contrary to state law shall not have any force or effect.

SECTION 4. Exceptions. The provisions of this ordinance shall not be construed to apply to the following:

- A. Any public agency officer or employee acting solely within the scope and course of their public duties and/or employment.

SECTION 5. Violations.

- A. Any violation of the provisions of this ordinance is hereby declared to be a public nuisance and may be abated by any or all remedies available.

B. The City may abate the violation of this ordinance by the prosecution of a civil action through the City Attorney, including an action for injunctive relief. The remedy of injunctive relief may take the form of a court order, enforceable through civil contempt proceedings, prohibiting the maintenance of the violation of this ordinance or requiring compliance with other terms.

C. Each violation of this section may be enforced by any and all lawful remedies available under this code and applicable state statute, including but not limited to civil fines and penalties, public nuisance abatement and civil injunction, and all available remedies shall be cumulative and not preclude other available remedies.

D. Each and every day that a violation exists as to any prohibition within this section shall constitute a separate and distinct violation.

SECTION 6. Report.

The City Manager or designee thereof is authorized and directed to prepare and issue, on behalf of the City Council, a written report describing the measures taken by the City to alleviate the conditions which have led to the adoption of this ordinance, at least ten (10) days prior to the expiration of this ordinance. A copy of the same shall be subsequently provided to the City Council for review.

SECTION 7. CEQA Review. The City Council hereby finds that this ordinance is not subject to review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines sections 15060(c)(2) [the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment] and 15061(b)(3) [there is no possibility the activity in question may have a significant effect on the environment]. In addition to the foregoing general exemptions, the City Council further finds that the ordinance is categorically exempt from review under CEQA under the Class 8 categorical exemption [regulatory activity to assure the protection of the environment]. The City Manager is hereby directed to ensure that a Notice of Exemption is filed pursuant to CEQA Guidelines section 15062 [14 C.C.R. § 15062].

SECTION 8. No Liability. The provisions of this ordinance shall not in any way be construed as imposing any duty of care, liability or responsibility for damage to person or property upon the City of Farmersville, or any official, employee or agent thereof.

SECTION 9. Pending Actions. Nothing in this ordinance or in the codes hereby adopted shall be construed to affect any suit or proceeding pending or impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance or code repealed by this ordinance, nor shall any just or legal right or remedy of the City of any character be lost, impaired or affected by this ordinance.

SECTION 10. Severability. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, is for any reason held to be invalid or unenforceable, such invalidity or unenforceability shall not affect the validity or enforceability of the remaining sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases of this ordinance, or its application to any other person or circumstance. The City Council of the City of Farmersville hereby declares that it would have adopted each section, subsection, subdivision, paragraph, sentence, clause or phrase hereof, irrespective of the fact that any one or more other sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases hereof be declared invalid or unenforceable.

SECTION 11. Construction. The City Council intends this ordinance to supplement, not to duplicate or contradict, applicable state and federal law and this ordinance shall be construed in light of that intent. To the extent the provisions of the Farmersville Municipal Code as amended by this ordinance are substantially the same as provisions in the Farmersville Municipal Code existing prior to the effectiveness of this ordinance, then those amended provisions shall be construed as continuations of the

earlier provisions and not as new enactments.

SECTION 12. Urgency; Effective Date; Duration and Publication.

This ordinance is adopted by the City Council pursuant to the California Constitution, article XI, section 7 and Government Code section 65858 by a four-fifths (4/5) or greater vote, as an urgency measure to protect the public health, safety and welfare, and shall take effect immediately. The reasons for such urgency are set forth in Section 1 above. This ordinance shall expire and be of no further force or effect forty-five (45) days after its adoption, unless it is extended pursuant to Government Code section 65858. Prior to the expiration of fifteen (15) days from the passage hereof a certified copy of this ordinance shall be posted in the office of the City Clerk pursuant to Government Code section 36933(c)(1) and a summary shall be published once in the _____, a newspaper printed and published in the City of Farmersville, State of California, together with the names of the Council members voting for and against the same.

THE FOREGOING ORDINANCE was passed and adopted by the City Council of the City of Farmersville, State of California, on the _____ day of _____, 2016, at a regular meeting of said Council duly and regularly convened on said day by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

PAUL BOYER, Mayor
CITY OF FARMERSVILLE

ATTEST: _____

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