

Date: November 9, 2015 (Monday)  
Time: 6:30 p.m.  
Place: City Council Chambers  
350 North Valencia Blvd.  
Woodlake, CA 93286

In compliance with the Americans with Disabilities Act and the California Ralph M. Brown Act, if you need special assistance to participate in this meeting, including auxiliary aids, translation requests, or other accommodations, or to be able to access this agenda and documents in the agenda packet, please contact City Hall at 559-564-8055 at least 3 days prior to the meeting.

The full agenda including staff reports and supporting materials are available at City Hall.

- I. CALL TO ORDER & WELCOME
- II. PLEDGE OF ALLEGIANCE
- III. PUBLIC COMMENTS

This portion of the meeting is reserved for persons wishing to address the Council on items within its jurisdiction but not on this agenda. NOTE: Prior to action by the Council on any item on this agenda, the public may comment on that item. Unscheduled comments may be limited to 3 minutes.

All items on the Consent Agenda are considered to be routine and non-controversial by City staff and will be approved by one motion if no member of the Council or public wishes to comment or ask questions. Items pulled from the Calendar will be considered separately.

#### IV. CONSENT CALENDAR –ACTION AND INFORMATION ITEMS

Request Approval of the Consent Calendar Action Items (IV. A-C)

- A. Action: Approval of Minutes of the regular meeting held on October 26, 2015 (Pages 1-4)
- B. Action: Approval of Warrants (Pages 5-31)
- C. Action: Adoption of Resolution: Approval of the October 2015 Monthly Report of Investments (Pages 32-34)
- D. Action: Adoption of Resolution: Approval to Accept Resignation of Council Seat from Chuck Ray (Pages 35-37)

V. ACTION/DISCUSSION ITEMS

- A. Action: Adoption of Resolution: Receive Public Comments, Waive 1<sup>st</sup> Reading, and Set 2<sup>nd</sup> Reading Date of Ordinances Amending or Adding Chapter 9.20, Chapter 5.33, Chapter 13.04, Chapter 9.08, Chapter 10.19 and Chapter 17.74 of the Woodlake Municipal Code (Pages 38-87)
- B. Action: Adoption of Resolution: Reaffirm the Approval of Emergency Expenditures for the Development and Implementation of the City of Woodlake Well Project (Pages 88-91)
- C. Action: Adoption of Resolution: Authorization to Go Out to Bid for an Airport Planning Consultant (Pages 92-93)
- D. Action: Adoption of Resolution: Authorize the Mayor to Sign the Memorandum of Understanding to Form a Groundwater Sustainability Agency in the Kaweah Sub-basin (Pages 94-102)
- E. Action: Adoption of Resolution: Authorize the Purchase of Water Meters for the City of Woodlake Water Meter Project (Pages 103-105)

VI. OTHER BUSINESS

- A. Information: Items from Staff
- B. Information: Items from Council Members
- C. Request from Council Members for Future Agenda Items

VII. 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 is:   3  .

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

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NOTICE TO THE PUBLIC

As provided in the Ralph M. Brown Act, Government Code sections 54950 et seq., the Governing Board may meet in closed session with members of its staff and its attorneys. These sessions are not open to the public and may not be attended by members of the public. The matters the Council will meet on in closed session are identified below or are those matters appropriately identified in open session as requiring immediate attention and arising after the posting of the agenda. Any public reports of action taken in the closed session will be made in accordance with Government Code sections 54957.1

“Documents: If distributed to the Council less than 72 hours before a regular meeting, any public records which are subject to public inspection and pertain to an open-session item on the regular meeting agenda shall be available at the following address at the time they are distributed to a majority of the Council: 350 North Valencia Boulevard, Woodlake, California 93286. Public records distributed to the Council at a public meeting will be available to the public at such meeting if they were prepared by the City.

Exemptions and details in Government Code § 54957.5 (a) shall apply.”

## VIII. ADJOURN

The next scheduled City Council meeting will be held on Monday, November 23, 2015 at 6:30 p.m. at City Council Chambers located at 350 North Valencia Boulevard, Woodlake, CA 93286.

City Council:

Rudy Mendoza - Mayor

Frances Ortiz - Vice Mayor

Greg Gonzalez Jr. - Councilmember

Jose L. Martinez – Councilmember

Vacant - Councilmember

**PRESENT:** Councilmembers Mendoza, Martinez, G. Gonzalez & Ortiz

**OTHERS:** Lara, Diaz, Marquez, Zacarias and Castillo

**ABSENT:** Ray

**FLAG SALUTE**

**PUBLIC COMMENT** - None

IV. CONSENT CALENDAR –ACTION AND INFORMATION ITEMS

Request Approval of the Consent Calendar Action Items (IV. A-B)

A. Action: Approval of Minutes of the regular meeting held on October 12, 2015

B. Action: Approval of Warrants

**COUNCILMEMBER MARTINEZ ASKED FOR THE FOLLOWING CORRECTION: IN HIS REPORT FROM THE LAST COUNCIL MEETING, HE ASKED FOR A STUDY SESSION TO BE A COLLECTION OF IDEAS FROM COUNCIL, STAFF AND RESIDENTS. CITY ADMINISTRATOR LARA STATED STAFF HAS SCHEDULED FOR A STUDY SESSION TO BE AN AGENDA ITEM ON THE DECEMBER 14<sup>TH</sup> COUNCIL MEETING AGENDA.**

**ON A MOTION BY MARTINEZ, SECOND BY ORTIZ, IT WAS VOTED TO APPROVE THE CONSENT CALENDAR. APPROVED UNANIMOUSLY.**

V. ACTION/DISCUSSION ITEMS

A. Action: Adoption of Resolution: Continuation of the Proclamation of the Existence of a Local Drought Emergency for the City of Woodlake  
City Administrator Lara reported the following: drilling of the new well began on October 20<sup>th</sup>. Councilmember Martinez asked since the Governor declared the water emergency, how much has the City of Woodlake lost? City Administrator stated the current wells have held strong and the new well is a plus for the City.

**ON A MOTION BY MARTINEZ, SECOND BY G. GONZALEZ JR., IT WAS VOTED TO ADOPT THE RESOLUTION AND CONTINUE WITH THE PROCLAMATION OF THE EXISTENCE OF A LOCAL DROUGHT EMERGENCY FOR THE CITY OF WOODLAKE. APPROVED UNANIMOUSLY.**

B. Action: Adoption of Resolution: Reaffirm the Approval of the Emergency Expenditures for the Development and Implementation of the City of Woodlake Well Project

City Administrator Lara reported the following: staff recommends that the City Council approve the emergency expenditures of public money for the construction of a test well and new City well to meet the demands of its customers and to safeguard the health of City residents. At this time staff is requesting that Council approve \$186,000 in expenditures for the drilling of a 400ft deep hole and 16 inch wide steel casing. The City Council will

review the need for continuing emergency expenditures at every scheduled Council meeting until the action is terminated. Mayor Mendoza asked when SCE will come in and do their part. City Administrator Lara stated in about 2 months.

**ON A MOTION BY G. GONZALEZ JR., SECOND BY ORTIZ IT WAS VOTED TO ADOPT THE RESOLUTION AND REAFFIRM THE APPROVAL OF THE EMERGENCY EXPENDITURES FOR THE DEVELOPMENT AND IMPLEMENTATION OF THE CITY OF WOODLAKE WELL PROJECT. APPROVED UNANIMOUSLY.**

- C. Action: Adoption of Resolution: Approval of the Agreement Between the County of Tulare and the City of Woodlake for Public Transportation Services for the Period of July 1, 2015 Through June 30, 2016

City Administrator Lara reported the following: the City of Woodlake currently provides transit services for a service area that is outside the City limits. The County of Tulare adequately reimburses the City of Woodlake for those services with State Transit Assistance Funds and/or Local Transportation Funds. These funds are transferred from the County's apportionment to the City's. For Fiscal Year 2015/2016 the County has agreed to reimburse the City in the amount of \$30,469 for providing public transportation services in the service area outside of City limits. The service area boundary map is attached as part of the draft agreement. The reimbursable amount was developed by City staff in conjunction with County staff based on the costs incurred to deliver the services.

**ON A MOTION BY ORTIZ, SECOND BY MARTINEZ IT WAS VOTED TO ADOPT THE RESOLUTION AND APPROVE THE AGREEMENT BETWEEN THE COUNTY OF TULARE AND THE CITY OF WOODLAKE FOR PUBLIC TRANSPORTATION SERVICES FOR THE PERIOD OF JULY 1, 2015 THROUGH JUNE 30, 2016. APPROVED UNANIMOUSLY.**

- D. Action: Adoption of Resolution: Absences Beyond the Notification Date of September 29, 2015 are Inexcusable Unless a Written Request for Permission to be Absent is Approved by the City Council  
City Administrator Lara summarized the item prepared by Mayor Mendoza: at the September 28, 2015 City Council meeting, Council discussed the importance of attendance at City Council meetings and that attendance is especially important while we deal with our current local drought emergency. The lack of adequate attendance at Council meetings has made it impossible for Councilmembers to have four-fifths vote on the above mentioned matters. Council has not been able to take action since the September 14, 2015 meeting. This is unacceptable and puts our ability to provide reliable water service to our residents at risk. Although it is understood that every once in a while a Councilmember will need to miss one meeting, in general, too many regular meetings are repeatedly missed by Councilmembers. Thus far the Council has been very forgiving about repeat absences. However, because of the need to approve drought-related expenditures and related resolutions, Council will recognize absences beyond the notification date of September 29, 2015 as inexcusable unless a written request for permission to be absent is approved by the Council. City Administrator Lara reported Councilmember Chuck Ray submitted his letter of resignation from

Council today and now this will make it even more important that each Councilmember attend every meeting. Councilmember Ortiz asked what the process is to appoint a new Councilmember. City Administrator Lara stated Council has 3 options; 1) appoint no one 2) order a special election to fill the vacancy, which is very costly or 3) appoint someone to fill the vacancy and finish the remainder of the term. City Attorney Diaz stated the 3<sup>rd</sup> option is the most common for cities. Council will have 60 days to appoint before they lose that option. Mayor Mendoza stated a special election is not an option due to the cost. City Administrator Lara stated staff can prepare an application for those interested in serving on Council to complete. Staff will prepare a notice to fill vacancy to be published in the paper. The viewing of the applicants and any discussion for appointment must be done in open session. The item will be placed on the agenda for appointment of the new Councilmember at the December 9<sup>th</sup> meeting. Councilmember Martinez asked that all applicants be given a copy of the above mentioned resolution. Mayor Mendoza asked if Council will be allowed to interview the applicants. City Attorney Diaz stated the interview process would need to be conducted at a meeting in open session. Councilmember Ortiz expressed her concern that the letter submitted by Councilmember Ray was not signed by him. City Attorney Diaz stated Council vote tonight to accept letter as is and place on the agenda at the next scheduled meeting for ratification. On a motion by Mayor Mendoza it was voted to accept the resignation letter submitted by Councilmember Ray.

**ON A MOTION BY ORTIZ, SECOND BY MARTINEZ IT WAS VOTED TO ADOPT THE RESOLUTION AND ACCEPT THAT ANY ABSENCES BEYOND THE NOTIFICATION DATE OF SEPTEMBER 29, 2015 ARE INEXCUSABLE UNLESS A WRITTEN REQUEST FOR PERMISSION TO BE ABSENT IS APPROVED BY CITY COUNCIL. APPROVED UNANIMOUSLY.**

## VI. OTHER BUSINESS

### A. Information: Items from Staff

Chief Marquez – reported the last couple of weeks have been quiet. This is Red Ribbon Week and officers will be handing out various Red Ribbon Week items to the kids at school. Councilmember Ortiz stated she has noticed a lot of different agencies in town. Chief Marquez stated we often receive assistance from other agencies to do probation/parole checks and compliance checks.

City Administrator Lara – reported the Roundabout is taking shape. Rite Aid is moving along and staff will be doing a walk through to verify everything ordered is correct, such as benches and lighting.

Student Representative Castillo – reported Homecoming Week was fun and Career Day was a great success. Football and Volleyball are both doing well and are on their way to winning league. Football has Senior night on October 30<sup>th</sup> and Volleyball has Senior night on November 5<sup>th</sup>.

### B. Information: Items from Council

Councilmember Martinez – asked if we still have Shred It services and if so, do we offer free shredding services to our residents. City Administrator Lara stated we have cancelled our contract with Shred It and purchased our own shredder. Councilmember Martinez asked if maybe we can offer shredding services during Western Week and also bring back the registration of bicycles and giving out free helmets to the kids. He will

also be attending the San Joaquin Valley Special City Selection meeting on Thursday, October 29<sup>th</sup>.

Mayor Mendoza – reported Brian Thoburn is no longer with SCE and our new representative is Rudy Gonzalez. Mayor Mendoza will also be attending the next EDC meeting. City Administrator Lara stated Paul Saldana with EDC will be giving a presentation to Council at the November 23<sup>rd</sup> Council meeting.

C. Request from Council Members for Future Agenda Items

VII. CLOSED SESSION

VIII. ADJOURN

The next scheduled City Council meeting will be held on Monday, November 9, 2015 at 6:30 p.m. at City Council Chambers located at 350 North Valencia Boulevard, Woodlake, CA 93286.

City Council:

Rudy Mendoza - Mayor

Frances Ortiz - Vice Mayor

Chuck Ray - Councilmember

Greg Gonzalez Jr. - Councilmember

Jose L. Martinez - Councilmember

Meeting adjourned at 7:05 p.m.

Submitted by,

Irene Zacarias

City Clerk

**City of Woodlake**  
**Summary of Disbursements and Payroll**  
**City Council Meeting : November 9, 2015**

**PAYROLL**

10/16/15 (City)	\$44,514.04
10/16/15 (Fire)	\$4,062.58

<b>Gross Payroll</b>	<b>\$48,576.62</b>
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**DISBURSMENTS / WARRANTS**

11/5/2015	\$190,329.89
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<b>Total Disbursements</b>	<b>\$190,329.89</b>
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**WIRES**

PAYROLL TAX WIRE	CITY	\$ 8,835.72
	FIRE	\$ 1,357.78

USDA - Water Loan  
USDA - Sewer Loan  
USDA - Airport Loan  
USDA - Fire Truck Loan

<b>Total Wire Amount Sent Out</b>	<b>\$ 10,193.50</b>
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<b>Amount to be Approved</b>	<b>\$ 249,100.01</b>
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I, Ramon Lara, certify under penalty of perjury that the above listed accounts are correct, due and payable to the best of my knowledge.

  
\_\_\_\_\_  
City Administrator, Ramon Lara

**Passed and adopted at a regular meeting of the City Council of the  
City of Woodlake on the 9th day of November 2015.  
by the following vote:**

**Ayes:**  
**Noes:**  
**Absent:**  
**Abstain:**

\_\_\_\_\_  
Mayor, Rudy Mendoza

\_\_\_\_\_  
City Clerk, Irene Zacarias

PERIOD 2 DATING 9/27/2015-10/10/2015 CHECK DATE 10/10/2015  
DIRECT DEPOSIT IS TURNED ON

CHECK NUMBER	CHECK AMOUNT	CODE	CHECK SEQ
21210	3,663.06	208	1 STUB ONLY
21211	1,906.66	210	1 STUB ONLY
21212	1,178.03	206	1 STUB ONLY
21213	2,099.95	212	1 STUB ONLY
21214	2,167.65	207	1 STUB ONLY
21215	1,238.14	173	1 STUB ONLY
21216	2,507.89	511	1 STUB ONLY
21217	2,085.61	556	1 STUB ONLY
21218	756.33	559	1 STUB ONLY
21219	1,691.21	539	1 STUB ONLY
21220	1,527.76	557	1 STUB ONLY
21221	2,572.40	549	1 STUB ONLY
21222	1,156.32	554	1 STUB ONLY
21223	1,681.55	552	1 STUB ONLY
21224	958.05	555	1 STUB ONLY
21225	1,243.96	553	1 STUB ONLY
21226	1,298.00	558	1 STUB ONLY
21227	948.94	551	1 STUB ONLY
21228	1,369.94	107	1 STUB ONLY
21229	596.50	213	1 STUB ONLY
21230	1,775.68	134	1 STUB ONLY
21231	1,153.48	205	1 STUB ONLY
21232	1,242.90	187	1 STUB ONLY
21233	1,175.86	159	1 STUB ONLY
21234	2,020.29	209	1 STUB ONLY
21235	1,940.11	211	1 STUB ONLY
21236	687.77	214	1 STUB ONLY
21237	1,646.95	188	1 STUB ONLY

PERIOD 2 DATING 9/27/2015-10/10/2015 CHECK DATE 10/10/2015

EMPLOYER CODE	FUND CODE	HOME TOTALS	WORKED TOTALS	WORKED DIR DEP
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GRAND TOTALS

NEGOTIABLE CHECKS		COUNTS
0.00	*EMPLOYEE CHECKS	0
0.00	*VENDOR CHECKS	0
0.00	*BANK CHECKS	0
0.00	**TOTAL NEGOTIABLE CHECKS	0

OTHER CHECKS

0.00	*MANUAL CHECKS	0
0.00	*CANCELLED CHECKS	0
0.00	***GRAND TOTAL	

NON-NEGOTIABLE CHECKS

44,290.99	*DIRECT DEPOSIT STUBS	28
0.00	*VENDOR DIR DEP STUBS	0
44,290.99	**TOTAL NON-NEGOTIABLE CHECKS	28

NEGOTIABLE CHECKS/NON-NEGOTIABLE CHECKS

0.00	*EMPLOYEE CHECKS	0
0.00	*VENDOR CHECKS	0
0.00	*BANK CHECKS	0
44,290.99	*DIRECT DEPOSIT STUBS	28
0.00	*VENDOR DIR DEP STUBS	0
44,290.99	***TOTAL NEGOTIABLE & NON-NEGOT	28
0.00	*OTHER CHECKS	0
44,290.99	***TOTAL NEG, NON-NEG, OTHER CHECKS	

TOTAL SEQ 1 FEMALES 6

PAY INFORMATION  
GROSS PAY

F E A T U R E D I S T R I B U T I O N  
CITY - GROSS PAYROLL  
09/27/15 - 10/10/15 - PAY DATE 10/16/15

RUN-10/13/2015 18:00:00 PAGE 1  
PR4B0R-V14.01 ACS Paymate

EMP #	CUR AMT	CUR HRS
511	3,435.92	80.00
213	708.00	59.00
556	3,176.47	101.00
214	1,951.39	80.00
559	1,960.00	48.00
159	1,555.42	81.75
539	2,638.15	80.00
188	2,323.46	80.00
209	2,449.38	80.00
557	2,080.00	96.00
208	5,211.85	80.00
173	1,692.02	80.00
549	3,920.77	80.00
554	2,139.50	95.00
210	2,657.09	80.00
211	2,449.41	80.00
206	1,467.19	81.25
205	1,516.61	80.00
552	2,358.66	102.00
555	1,244.31	80.00
134	2,697.02	98.00
553	1,669.85	80.00
558	1,600.00	80.00
107	2,129.08	80.00
212	2,718.46	80.00
187	1,573.48	82.00
207	2,657.08	80.00
551	1,795.09	84.00
	62,775.66	2,288.00
	62,775.66	2,288.00

PAGE TOTALS \*\*\* 28 EMPLOYEES  
FEATURE TOTALS \* 28 EMPLOYEES

EMP #	CUR AMT	CUR HRS
556	897.39	21.00
159	49.42	1.75
557	240.00	8.00
554	219.17	7.00
552	688.81	22.00
134	667.94	18.00
187	56.87	2.00
551	125.24	4.00
8 EMPLOYEES	2,944.84	83.75
8 EMPLOYEES	2,944.84	83.75

PAGE TOTALS \*\*\*  
 FEATURE TOTALS \*

PERIOD 2 DATING 9/27/2015-10/10/2015 CHECK DATE 10/16/2015  
 DIRECT DEPOSIT IS TURNED ON

CHECK NUMBER	CHECK AMOUNT	EMPLOYEE/BANK/VENDOR NAME	CODE	CHECK SEQ
21238	223.05		552	1 STUB ONLY

TOTALS FOR CHECK FORM: STUB

NEGOTIABLE CHECKS	COUNTS
0.00 *EMPLOYEE CHECKS	0
0.00 *VENDOR CHECKS	0
0.00 *BANK CHECKS	0
0.00 **TOTAL NEGOTIABLE CHECKS	0

OTHER CHECKS

0.00 *MANUAL CHECKS	0
0.00 *CANCELLED CHECKS	0
0.00 **TOTAL FOR CHECK FORM	

NON-NEGOTIABLE CHECKS

223.05 *DIRECT DEPOSIT STUBS	1
0.00 *VENDOR DIR DEP STUBS	0

PERIOD 2 DATING 9/27/2015-10/10/2015 CHECK DATE 10/16/2015

EMPLOYER CODE	FUND CODE	HOME TOTALS	WORKED TOTALS	WORKED DIR DEP
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GRAND TOTALS

NEGOTIABLE CHECKS			COUNTS
0.00	*EMPLOYEE CHECKS		0
0.00	*VENDOR CHECKS		0
0.00	*BANK CHECKS		0
0.00	**TOTAL NEGOTIABLE CHECKS		0

OTHER CHECKS

0.00	*MANUAL CHECKS		0
0.00	*CANCELLED CHECKS		0
0.00	***GRAND TOTAL		

NON-NEGOTIABLE CHECKS

223.05	*DIRECT DEPOSIT STUBS		1
0.00	*VENDOR DIR DEP STUBS		0
223.05	**TOTAL NON-NEGOTIABLE CHECKS		1

NEGOTIABLE CHECKS/NON-NEGOTIABLE CHECKS

0.00	*EMPLOYEE CHECKS		0
0.00	*VENDOR CHECKS		0
0.00	*BANK CHECKS		0
223.05	*DIRECT DEPOSIT STUBS		1
0.00	*VENDOR DIR DEP STUBS		0

223.05	***TOTAL NEGOTIABLE & NON-NEGOT		1
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0.00	*OTHER CHECKS		0
223.05	***TOTAL NEG, NON-NEG, OTHER CHECKS		

	TOTAL SEQ 1 FEMALES		0
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PERIOD 2 DATING 9/27/2015-10/10/2015 CHECK DATE 10/16/2015  
 DIRECT DEPOSIT IS TURNED ON

CHECK NUMBER	CHECK AMOUNT	EMPLOYEE/BANK/VENDOR NAME	CODE	CHECK SEQ
21146	1,544.59		4018	1 STUB ONLY
21147	1,564.26		4022	1 STUB ONLY
21148	953.73		4035	1 STUB ONLY

TOTALS FOR CHECK FORM: STUB  
 NEGOTIABLE CHECKS

	COUNTS
0.00 *EMPLOYEE CHECKS	0
0.00 *VENDOR CHECKS	0
0.00 *BANK CHECKS	0
0.00 **TOTAL NEGOTIABLE CHECKS	0

OTHER CHECKS

0.00 *MANUAL CHECKS	0
0.00 *CANCELLED CHECKS	0
0.00 **TOTAL FOR CHECK FORM	

NON-NEGOTIABLE CHECKS

4,062.58 *DIRECT DEPOSIT STUBS	3
0.00 *VENDOR DIR DEP STUBS	0

PERIOD 2 DATING 9/27/2015-10/10/2015 CHECK DATE 10/16/2015

EMPLOYER CODE	FUND CODE	HOME TOTALS	WORKED TOTALS	WORKED DIR DEP
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GRAND TOTALS

NEGOTIABLE CHECKS		COUNTS
0.00	*EMPLOYEE CHECKS	0
0.00	*VENDOR CHECKS	0
0.00	*BANK CHECKS	0
0.00	**TOTAL NEGOTIABLE CHECKS	0

OTHER CHECKS

0.00	*MANUAL CHECKS	0
0.00	*CANCELLED CHECKS	0
0.00	***GRAND TOTAL	

NON-NEGOTIABLE CHECKS

4,062.58	*DIRECT DEPOSIT STUBS	3
0.00	*VENDOR DIR DEP STUBS	0

4,062.58	**TOTAL NON-NEGOTIABLE CHECKS	3
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NEGOTIABLE CHECKS/NON-NEGOTIABLE CHECKS

0.00	*EMPLOYEE CHECKS	0
0.00	*VENDOR CHECKS	0
0.00	*BANK CHECKS	0
4,062.58	*DIRECT DEPOSIT STUBS	3
0.00	*VENDOR DIR DEP STUBS	0

4,062.58	***TOTAL NEGOTIABLE & NON-NEGOT	3
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0.00	*OTHER CHECKS	0
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4,062.58	***TOTAL NEG, NON-NEG, OTHER CHECKS	
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	TOTAL SEQ 1 FEMALES	0
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PAY INFORMATION

GROSS PAY

F E A T U R E D I S T R I B U T I O N

RUN-10/13/2015 17:44:22 PAGE 1

PR4B0R-V14.01 ACS Paymate

09/27/15 - 10/10/15 - PAY DATE 10/16/15

FIRE - GROSS REPORT

EMP #	CUR AMT	CUR HRS
4018	1,983.92	80.00
4022	1,864.13	144.00
4035	1,650.94	144.00
3 EMPLOYEES	5,498.99	368.00
3 EMPLOYEES	5,498.99	368.00

PAGE TOTALS \*\*\*

FEATURE TOTALS \*

BANK BANK OF VISALIA

BANK	VENDOR	CHECK#	DATE	AMOUNT
001462	VEYNA DESIGN STUDIOS INC	60730	10/22/15	20,000.00
001463	DMI AGENCY	60731	10/26/15	1,000.00
001471	RAMIREZ/VICTOR	60748	10/08/15	1,528.02
000034	A C S	60793	11/06/15	3,251.35
001341	A D S I	60794	11/06/15	1,200.00
000593	ABH FOX SOLUTIONS	60795	11/06/15	150.00
51101	ACOSTA/PETE	60796	11/06/15	385.58
000783	AFLAC	60797	11/06/15	37.58
001111	AT & T MOBILITY	60798	11/06/15	207.34
001114	AT & T	60799	11/06/15	433.41
001212	AT&T	60800	11/06/15	231.00
001310	AT&T (INTERNET)	60801	11/06/15	33,827.12
001331	AVISON CONSTRUCTION INC.	60802	11/06/15	2,446.73
000334	BANK OF AMERICA	60803	11/06/15	369.10
001132	BATTERY SYSTEMS	60804	11/06/15	24.55
001315	BILL WALL'S DIRECT APPRO	60805	11/06/15	690.00
001465	BLUE BOOK LAW ENFORCEMEN	60806	11/06/15	541.84
000351	BSK ASSOCIATES	60807	11/06/15	679.38
000915	CA STATE DISBURSEMENT UN	60808	11/06/15	144.46
001150	CA STATE DISBURSEMENT UNI	60809	11/06/15	31.75
001085	CA STATE DISBURSE UNIT	60810	11/06/15	1,785.85
001468	CAVENAUGH & ASSOCIATES	60811	11/06/15	2,775.57
000064	CECILS GARAGE	60812	11/06/15	1,700.00
000709	CHIEF SUPPLY	60813	11/06/15	4,275.76
000768	CREATIVE FORMS & CONCEPT	60814	11/06/15	284.69
001467	CROP PRODUCTION SERVICES	60815	11/06/15	3,466.80
000733	CRUZ TA WELDING SHOP	60816	11/06/15	175.00
001215	DASH MEDICAL GLOVES	60817	11/06/15	9,147.12
001466	DEAN THOMPSON RENTAL & S	60818	11/06/15	13.30
000753	DEPARTMENT OF JUSTICE	60819	11/06/15	200.00
001441	DORADO/DENISE K.	60820	11/06/15	265.00
001360	FARLEY LAW FIRM	60821	11/06/15	229.88
000854	FINANCIAL CREDIT NETWORK	60822	11/06/15	71.63
000594	FRANCHISE TAX BOARD	60823	11/06/15	33,107.50
000483	FRESNO CITY COLLEGE	60824	11/06/15	2,793.36
000354	GALL'S INC.	60825	11/06/15	4,920.00
001383	GARTON TRACTOR INC.	60826	11/06/15	6,000.13
000025	GAS COMPANY/THE	60827	11/06/15	8,274.24
001470	GLOBAL INTERNATIONAL	60828	11/06/15	71.23
000846	GUARDIAN-APPLETON	60829	11/06/15	5,371.20
000497	HAAKER EQUIPMENT COMPANY	60830	11/06/15	2,440.00
001339	HAMNER JEWELL ASSOCIATES	60831	11/06/15	1,118.20
001464	JIM BRISCO ENTERPRISES I	60832	11/06/15	
000542	K R C SAFETY CO., INC.	60833	11/06/15	
001469	LANDIA	60834	11/06/15	
001154	PORTERVILLE/ CITY OF	60835	11/06/15	
001164	PUBLIC SAFETY CENTER	60836	11/06/15	
001026	QUINN RENTAL SERVICES	60837	11/06/15	

BANK VENDOR  
 BANK BANK OF VISALIA

BANK	VENDOR	CHECK#	DATE	AMOUNT
001127	SANTA FE AGGREGATES, INC	60838	11/06/15	190.16
000949	SHRED-IT FRESNO	60839	11/06/15	77.66
000723	SMITH AUTO - VISALIA	60840	11/06/15	316.80
000224	SOUTHERN CALIF EDISON CO	60841	11/06/15	118.04
001145	STANTEC CONSULTING SERVI	60842	11/06/15	12,660.25
000280	SWRCB FEES	60843	11/06/15	1,130.75
001284	TEAMSTERS LOCAL UNION NO	60844	11/06/15	528.00
000910	TRANSACT TECHNOLOGIES, I	60845	11/06/15	101.50
001453	TULARE CO. SHERIFF'S OFF	60846	11/06/15	397.68
000868	TULARE COUNTY (868)	60847	11/06/15	13,717.25
001333	TULARE COUNTY SHERIFF OF	60848	11/06/15	329.26
001210	US BANK	60849	11/06/15	186.85
001146	USA BLUE BOOK	60850	11/06/15	157.16
000072	VALERO BROS.	60851	11/06/15	25.10
000832	VERIZON WIRELESS	60852	11/06/15	729.88
001193	VISALIA TIRE AND WHEEL	60853	11/06/15	267.24
000863	WOODLAKE AUTO PARTS	60854	11/06/15	762.96
.51102	WOODLAKE GIRLS	60855	11/06/15	150.00

BANK OF VISALIA

190,202.47 \*\*\*



VENDOR NAME DESCRIPTION	AMOUNT	ACCOUNT NAME	FUND & ACCOUNT	CLAIM	INVOICE	PO#	F/P ID LINE
A C S SOFTWARE/HARDWARE 10/15	2,972.71	SPECIAL DEPARTMENT EXPEN	001.0410.060.029		1198858		559 00041
CASS CERTIFICATION 10/15	278.64	SPECIAL DEPARTMENT EXPEN	001.0410.060.029		1198970		559 00040
	3,251.35	*VENDOR TOTAL					
A D S I SERVICES 10/2015	1,200.00	CONTRACTURAL SERVICES	001.0411.060.028		6626		559 00039
ABH FOX SOLUTIONS ROUTER/FW RPLCMNT 10/15	160.00	SPECIAL DEPARTMENT EXPEN	001.0410.060.029		4318		559 00096
ACOSTA/PETE WTR DEP REFUND 10/2015	150.00	UTILITY DEPOSITS	001.0000.200.034				559 00119
AFLAC SUPPLMNTL INSUR. 10/15	385.58	ACCIDENT & DIS INS WITHH	001.0000.200.038		594588		559 00129
AT & T RNDABOUT PROJECT 10/15	37.58	TELEPHONE	001.0422.060.020				559 00116
AT & T MOBILITY FD CELL PHONES 10/2015	207.34	TELEPHONE	004.0414.060.020				559 00078
AT&T FD STATION PHONE 10/15	44.30	TELEPHONE	004.0414.060.020				559 00079
COW OFFICE PHONES 10/15	147.70	TELEPHONE	001.0410.060.020				559 00110
PD OFFICE PHONES 10/15	119.27	TELEPHONE	001.0411.060.020				559 00111
SHOP PHONES 10/2015	73.38	TELEPHONE	001.0418.060.020				559 00112
WATER DEPT PHONES 10/15	16.07	TELEPHONE	063.0463.060.020				559 00113
SEWER DEPT PHONES 10/15	16.62	TELEPHONE	062.0462.060.020				559 00114
AIRPORT ATM LINE 10/15	16.07	UTILITIES	041.0441.060.021				559 00115
	433.41	*VENDOR TOTAL					
AT&T (INTERNET) CITY HALL UVERS 10/15	82.00	TELEPHONE	001.0410.060.020				559 00117
PD UVERSE 10/2015	82.00	TELEPHONE	001.0411.060.020				559 00118
STATION INTERNET 10/15	67.00	TELEPHONE	004.0414.060.020				559 00158
	231.00	*VENDOR TOTAL					
AVISON CONSTRUCTION INC. WDLK ST REHAB PROJ 10/15	33,827.12	CONSTRUCTION	086.0486.741.072				559 00128
BANK OF AMERICA FIRE STATION MAINT 10/15	52.82	FIRE STATION MAINTENANC	004.0414.060.034				559 00052
HH FIRE STATION 10/2015	37.82	HOUSEHOLD FIRE STATION	004.0414.060.016				559 00053
OFFICE SUPPLIES 10/2015	48.51	OFFICE SUPPLIES	004.0414.060.023				559 00054
VEHICLE MAINT. 10/2015	604.89	VEHICLE MAINTENANCE/OPER	004.0414.060.032				559 00055
VEHICLE MAINT. 10/2015	49.75	VEHICLE MAINTENANCE/OPER	004.0414.060.032				559 00056
HH FIRE STATION 10/2015	116.07	HOUSEHOLD FIRE STATION	004.0414.060.016				559 00057
FIRE PREVENTION 10/2015	92.16	FIRE PREVENTION	004.0414.060.041				559 00058
TRAINING 10/2015	17.38	TRAINING EXPENSE	004.0414.060.037				559 00059

VENDOR NAME DESCRIPTION	AMOUNT	ACCOUNT NAME	FUND & ACCOUNT	CLAIM INVOICE	PO#	F/P ID LINE
BANK OF AMERICA						
OFFICE SUPPLIES 10/2015	41.83	OFFICE SUPPLIES	004.0414.060.023			559 00060
FIRE PREVENTION 10/2015	420.66	FIRE PREVENTION	004.0414.060.041			559 00061
MEDICAL SUPPLIES 10/2015	6.48	MEDICAL SUPPLIES	004.0414.060.040			559 00062
TRAINING 10/2015	66.90	TRAINING EXPENSE	004.0414.060.037			559 00063
HH FIRE STATION 10/2015	16.90	HOUSEHOLD FIRE STATION	004.0414.060.016			559 00064
TRAINING 10/2015	16.09	TRAINING EXPENSE	004.0414.060.037			559 00065
TRAINING 10/2015	19.07	TRAINING EXPENSE	004.0414.060.037			559 00066
TRAINING 10/2015	12.42	TRAINING EXPENSE	004.0414.060.037			559 00067
FIRE GEAR 10/2015	17.50	FIRE GEAR	004.0414.060.037			559 00068
OFFICE SUPPLIES 10/2015	526.34	OFFICE SUPPLIES	004.0414.060.023			559 00069
TRAINING 10/2015	11.64	TRAINING EXPENSE	004.0414.060.037			559 00070
FIRE GEAR 10/2015	23.83	FIRE GEAR	004.0414.060.058			559 00071
TRAINING 10/2015	9.09	TRAINING EXPENSE	004.0414.060.037			559 00072
TRAINING 10/2015	6.51	TRAINING EXPENSE	004.0414.060.037			559 00073
TRAINING 10/2015	9.20	TRAINING EXPENSE	004.0414.060.037			559 00074
FIRE GEAR 10/2015	18.80	FIRE GEAR	004.0414.060.037			559 00075
SPECIAL DEPT EXPNS 10/15	57.78	SPECIAL DEPARTMENT EXPEN	004.0414.060.058			559 00076
SPECIAL DEPT EXPNS 10/15	146.29	POSTAGE	004.0414.060.029			559 00077
	2,446.73	*VENDOR TOTAL	004.0414.060.022			
BATTERY SYSTEMS						
PUMP 10/2015	160.38	SPECIAL DEPARTMENT EXPEN	062.0462.060.029	2328233		559 00044
PUMP (LAKE) 10/2015	160.39	SPECIAL DEPARTMENT EXPEN	063.0463.060.029	2328233		559 00045
	320.77	*VENDOR TOTAL				
BILL WALL'S DIRECT APPRO SERVICES 10/2015	369.10	CONTRACTURAL SERVICES	001.0411.060.028	15140		559 00006
BLUE BOOK LAW ENFORCEMEN CA BLUE BOOK 15/16 10/15	24.95	SPECIAL DEPARTMENT EXPEN	001.0411.060.029	6503		559 00100
BSK ASSOCIATES						
BACTI 10/2015	90.00	SPECIAL DEPARTMENT EXPEN	063.0463.060.029	A522289		559 00003
WEEKLY EFFLUENT 10/15	185.00	SPECIAL DEPARTMENT EXPEN	062.0462.060.029	A522526		559 00011
WEEKLY EFFLUENT 10/15	73.00	SPECIAL DEPARTMENT EXPEN	062.0462.060.029	A522895		559 00012
BACTI 10/2015	60.00	SPECIAL DEPARTMENT EXPEN	063.0463.060.029	A522938		559 00016
BACTI 10/2015	90.00	SPECIAL DEPARTMENT EXPEN	063.0463.060.029	A522952		559 00015
WEEKLY EFFLUENT 10/2015	102.00	SPECIAL DEPARTMENT EXPEN	062.0462.060.029	A523292		559 00028
BACTI 10/2015	90.00	SPECIAL DEPARTMENT EXPEN	063.0463.060.029	A523600		559 00098
	690.00	*VENDOR TOTAL				
CA STATE DISBURSEMENT UN EMPLOYEE W/HLDNG 11/2015	541.84	GARNISHMENT OF WAGES WIT	004.0000.200.033	NOVEMBER 2015		559 00153
CA STATE DISBURSMENT UNI EMPLOYEE W/HLDNG 11/15	679.38	GARNISHMENT OF WAGES WIT	001.0000.200.033	NOVEMBER 2015		559 00152
CA STATE DISURBRSE UNIT EMPLOYEE W/HLDNG 11/2015	144.46	GARNISHMENT OF WAGES WIT	001.0000.200.033	NOVEMBER 2015		559 00154

Schedule of Bills

ACS FINANCIAL SYSTEM  
11/05/2015 13:02:12

VENDOR NAME DESCRIPTION	AMOUNT	ACCOUNT NAME	FUND & ACCOUNT	CLAIM	INVOICE	PO#	F/P ID LINE
CAVENAUGH & ASSOCIATES DUI TRAINING 10/2015	1,116.00	TRAINING (POST REIMBURSE	001.0411.060.036		NOV 16-20,2015		559 00104
CECILS GARAGE SERVICES 10/2015	31.75	SPECIAL DEPARTMENT EXPEN	001.0411.060.029		2840		559 00125
CHIEF SUPPLY ABA VESTS 10/2015	1,785.85	SPECIAL DEPARTMENT EXPEN	001.0411.060.029		379929		559 00014
CREATIVE FORMS & CONCEPT UTILITY BILLS 10/2015	484.13	SPECIAL DEPARTMENT EXPEN	061.0461.060.029		113989		559 00035
UTILITY BILLS 10/2015	484.13	SPECIAL DEPARTMENT EXPEN	062.0462.060.029		113989		559 00036
UTILITY BILLS 10/2015	484.13	SPECIAL DEPARTMENT EXPEN	063.0463.060.029		113989		559 00037
UTILITY BILLING ENV. 10/15	385.99	OFFICE SUPPLIES	001.0410.060.023		113990		559 00032
UTILITY BILLING ENV. 10/15	385.99	SPECIAL DEPARTMENT EXPEN	062.0462.060.029		113990		559 00033
UTLTY BLNG ENV. 10/2015	386.00	SPECIAL DEPARTMENT EXPEN	063.0463.060.029		113990		559 00034
W-2 SUPPLIES 10/2015	165.20	OFFICE SUPPLIES	001.0410.060.023		114051		559 00030
	2,775.57	*VENDOR TOTAL					
CROP PRODUCTION SERVICES MONTEZUMA OATS 10/2015	1,700.00	SPECIAL DEPARTMENT EXPEN	001.0421.060.029		28548025		559 00103
CRUZ-TA WELDING SHOP BATHROOM DIVIDERS 10/15	4,212.00	SPECIAL DEPARTMENT EXPEN	001.0421.060.029		7701		559 00084
SCHEDULE 40 PIPE 10/15	63.76	SPECIAL DEPARTMENT EXPEN	001.0411.060.029		7740		559 00086
	4,275.76	*VENDOR TOTAL					
DASH MEDICAL GLOVES BLACK EXAM GLOVES 10/2015	284.69	SPECIAL DEPARTMENT EXPEN	001.0411.060.029		0957407		559 00002
DEAN THOMPSON RENTAL & S WOOD CHIPS 10/2015	1,733.40	SPECIAL DEPARTMENT EXPEN	062.0462.060.029		789		559 00101
WOOD CHIPS 10/2015	1,733.40	SPECIAL DEPARTMENT EXPEN	001.0421.060.029		789		559 00102
	3,466.80	*VENDOR TOTAL					
DEPARTMENT OF JUSTICE BLD ALCL ANLYSIS 10/15	105.00	CONTRACTURAL SERVICES	001.0411.060.028		128071		559 00007
BLD ALCHL ANLYSIS 10/15	70.00	CONTRACTURAL SERVICES	001.0411.060.028		128650		559 00008
	175.00	*VENDOR TOTAL					
DMI AGENCY SEQUOIA TRSM AD 10/2015	1,000.00	MEMBERSHIPS & SUBSCRIPTI	001.0401.060.038				578 00002
DORADO/DENISE K. EMPLOYEE W/HLDNG 11/2015	1,385.00	GARNISHMENT OF WAGES WIT	001.0000.200.033		NOVEMBER 2015		559 00157
FARLEY LAW FIRM MALAY GILL CASE 10/15	19.50	LEGAL SERVICES - RETAINE	001.0410.060.025		OCTOBER 2015		559 00027
GENERAL MATTERS 10/2015	4,173.27	LEGAL SERVICES - RETAINE	001.0410.060.025		OCTOBER 2015		559 00021
THOMAS CASE 10/2015	454.50	LEGAL SERVICES - RETAINE	001.0411.060.025		OCTOBER 2015		559 00022
SUNSET CASE 10/2015	1,492.04	LEGAL SERVICES - RETAINE	061.0461.060.025		OCTOBER 2015		559 00023

VENDOR NAME DESCRIPTION	AMOUNT	ACCOUNT NAME	FUND & ACCOUNT	CLAIM	INVOICE	PO#	F/P ID LINE
FARLEY LAW FIRM							
REBECCA BAKER CASE 10/15	1,027.81	LEGAL SERVICES - RETAINE	001.0411.060.025		OCTOBER 2015		559 00024
BAILEY CASE 10/2015	975.00	LEGAL SERVICES - RETAINE	001.0411.060.025		OCTOBER 2015		559 00025
BRIAN GARCIA CASE 10/15	1,005.00	LEGAL SERVICES - RETAINE	001.0411.060.025		OCTOBER 2015		559 00026
	9,147.12	*VENDOR TOTAL					
FINANCIAL CREDIT NETWORK SERVICES 10/2015	13.30	CONTRACTURAL SERVICES	001.0411.060.028		WDLKPO6		559 00004
FRANCHISE TAX BOARD EMPLOYEE W/HLDNG 11/2015	200.00	GARNISHMENT OF WAGES WIT	001.0000.200.033		NOVEMBER 2015		559 00156
FRESNO CITY COLLEGE RADAR OPERATOR 10/15	62.00	TRAINING (POST REIMBURSE	001.0411.060.036		10795243-44		559 00042
TRAINING OFF SNTS 10/15	108.00	TRAINING (POST REIMBURSE	001.0411.060.036		11620793		559 00043
FTO ROBLES 10/2015	95.00	TRAINING (POST REIMBURSE	001.0411.060.036		11886755		559 00046
	265.00	*VENDOR TOTAL					
GALL'S INC. PEPPER MAZE 10/2015	229.88	CONTRACTURAL SERVICES	001.0411.060.028		004187704		559 00005
GARTON TRACTOR INC. SUPPLIES 10/2015	237.30	SPECIAL DEPARTMENT EXPEN	062.0462.060.029		LC14270		559 00009
GAS COMPANY/THE COW GAS 10/2015	34.31	UTILITIES	001.0410.060.021				559 00047
CITY YARD GAS 10/2015	16.65	UTILITIES	001.0418.060.021				559 00048
FIRE STATION 10/2015	20.67	UTILITIES	004.0414.060.021				559 00081
	71.63	*VENDOR TOTAL					
GLOBAL INTERNATIONAL CSTILE ROCK ST SAFE 10/15	29,310.07	CONTRACTURAL SERVICES	020.0590.738.072				559 00126
CSTILE RCK ST SAFE 10/15	3,797.43	CONSTRUCTION	022.0590.738.072				559 00127
	33,107.50	*VENDOR TOTAL					
GUARDIAN-APPLIFTON EMPLOYER CONTRBTNS 10/15	61.18	HEALTH INSURANCE	001.0403.050.008		NOV 2015		559 00107
EMPLOYER CONTRBTNS 10/15	59.61	HEALTH INSURANCE	001.0404.050.008		NOV 2015		559 00107
EMPLOYER CONTRBTNS 10/15	30.59	HEALTH INSURANCE	001.0405.050.008		NOV 2015		559 00107
EMPLOYER CONTRBTNS 10/15	64.17	HEALTH INSURANCE	001.0415.050.008		NOV 2015		559 00107
EMPLOYER CONTRBTNS 10/15	27.27	HEALTH INSURANCE	001.0416.050.008		NOV 2015		559 00107
EMPLOYER CONTRBTNS 10/15	103.74	HEALTH INSURANCE	001.0418.050.008		NOV 2015		559 00107
EMPLOYER CONTRBTNS 10/15	43.25	HEALTH INSURANCE	001.0421.050.008		NOV 2015		559 00107
EMPLOYER CONTRBTNS 10/15	144.87	HEALTH INSURANCE	001.0422.050.008		NOV 2015		559 00107
EMPLOYER CONTRBTNS 10/15	84.11	HEALTH INSURANCE	061.0461.050.008		NOV 2015		559 00107
EMPLOYER CONTRBTNS 10/15	374.51	HEALTH INSURANCE	062.0462.050.008		NOV 2015		559 00107
EMPLOYER CONTRBTNS 10/15	344.89	HEALTH INSURANCE	063.0463.050.008		NOV 2015		559 00107
EMPLOYER CONTRBTNS 10/15	131.21	HEALTH INSURANCE	021.0424.050.008		NOV 2015		559 00107
EMPLOYER CONTRBTNS 10/15	57.53	HEALTH INSURANCE	029.0429.050.008		NOV 2015		559 00107
EMPLOYER CONTRBTNS 10/15	29.76	HEALTH INSURANCE	032.0440.050.008		NOV 2015		559 00107
EMPLOYER CONTRBTNS 10/15	11.03	HEALTH INSURANCE	001.0402.050.008		NOV 2015		559 00107

Schedule of Bills

VENDOR NAME DESCRIPTION	AMOUNT	ACCOUNT NAME	FUND & ACCOUNT	CLAIM	INVOICE	PO#	F/P ID LINE
GUARDIAN-APPLETON PD EMPLOYEES 10/2015 FIRE EMPLOYEES 10/2015	847.26 378.38 2,793.36	HEALTH INSURANCE HEALTH INSURANCE *VENDOR TOTAL	001.0411.050.008 004.0414.050.008		NOV 2015 NOV 2015		559 00108 559 00109
HAAKER EQUIPMENT COMPANY SERVICES 10/2015	4,920.00	CONTRACTURAL SERVICES	062.0462.060.028		E05861		559 00001
HAMNER JEWELL ASSOCIATES PLAZA PROJECT 10/2015 S VLNCLIA ADA PROJ 10/15 S. VLNCLIA ADA PROJ 10/15	1,715.96 2,243.75 2,040.42 6,000.13	CONTRACTURAL SERVICES CONTRACTURAL SERVICES CONTRACTURAL SERVICES *VENDOR TOTAL	020.0590.739.028 022.0590.734.028 022.0590.734.028		7759 7760 7762		559 00020 559 00019 559 00018
JIM BRISCO ENTERPRISES I RMV BIOSOLIDS 10/2015	8,274.24	SPECIAL DEPARTMENT EXPEN	062.0462.060.029		10228		559 00099
K R C SAFETY CO., INC. HARD HATS 10/2015	71.23	SPECIAL DEPARTMENT EXPEN	001.0422.060.029		22508		559 00013
LANDIA WWTP SUPPLIES 10/2015	5,371.20	SPECIAL DEPARTMENT EXPEN	062.0462.060.029		10269		559 00120
PORTERVILLE/ CITY OF ANIMAL CONTROL 10/2015 ANIMAL CONTROL 10/2015	1,760.00 680.00 2,440.00	CONTRACTURAL SERVICES CONTRACTURAL SERVICES *VENDOR TOTAL	001.0411.060.028 001.0411.060.028		201510236107 201510236108		559 00121 559 00122
PUBLIC SAFETY CENTER FIRE GEAR 10/2015	470.79	FIRE GEAR	004.0414.060.058		5632651		559 00080
QUINN RENTAL SERVICES REPAIR BUCKET 10/15 REPAIR BUCKET 10/15	559.10 559.10 1,118.20	SPECIAL DEPARTMENT EXPEN SPECIAL DEPARTMENT EXPEN *VENDOR TOTAL	062.0462.060.029 063.0463.060.029		W0000072372 W0000072372		559 00089 559 00090
RAMIREZ/VICTOR V.RAMIREZ REIMBRSE 10/15	528.02	GARNISHMENT OF WAGES WIT	001.0000.200.033				578 00001
SANTA FE AGGREGATES, INC FILL DIRT 10/2015 SUPPLIES 10/2015 SUPPLIES 10/2015	87.50 51.33 51.33 190.16	SPECIAL DEPARTMENT EXPEN SPECIAL DEPARTMENT EXPEN SPECIAL DEPARTMENT EXPEN *VENDOR TOTAL	062.0462.060.029 062.0462.060.029 063.0463.060.029		3434526 3438210 3438210		559 00087 559 00123 559 00124
SHRED-IT FRESNO ON SITE SHRED 10/2015	77.66	SPECIAL DEPARTMENT EXPEN	001.0403.060.029		9407794118		559 00038
SMITH AUTO - VISALIA FRNT HUB ASSEMBLY 10/2015	316.80	SPECIAL DEPARTMENT EXPEN	001.0411.060.029		289217		559 00150

VENDOR NAME DESCRIPTION	ACCOUNT NAME	FUND & ACCOUNT	CLAIM	INVOICE	PO#	F/P ID LINE
SOUTHERN CALIF EDISON CO VLNTER BLDNG 10/2015 WWTP 10/2015	UTILITIES SPECIAL DEPARTMENT EXPEN *VENDOR TOTAL	004.0414.060.021 001.0421.060.029				559 00082 559 00093
STANTEC CONSULTING SERVI WW COLLECTION SYS 10/15	CONTRACTURAL SERVICES	062.0462.060.028		970615		559 00085
SWRCB FEES LRG WTR SYS FEES 10/2015	SPECIAL DEPARTMENT EXPEN	063.0463.060.029		LW-1002248		559 00010
TEAMSTERS LOCAL UNION NO POA DUES 10/2015 POA DUES 10/2015 POA DUES 10/2015	POLICE ASS'N DUES WITHHE POLICE ASS'N DUES WITHHE POLICE ASS'N DUES WITHHE *VENDOR TOTAL	001.0000.200.030 001.0000.200.030 001.0000.200.030		NOV 2015 OCT. 2015 SEPT. 2015		559 00106 559 00105 559 00083
TRANSACTION TECHNOLOGIES I BLCK RBON REGISTR 10/15	OFFICE SUPPLIES	001.0410.060.023		1246515		559 00031
TULARE CO. SHERIFF'S OFF EMPLOYEE W/HOLDNG 10/15	GARNISHMENT OF WAGES WIT	001.0000.200.033		OCT. 30 2015		559 00017
TULARE COUNTY (868) QTRLY PYMNT 10/2015	SPECIAL DEPARTMENT EXPEN	001.0411.060.029		JULY-SEPT 2015		559 00092
TULARE COUNTY SHERIFF OF EMPLOYEE W/HLDNG 11/2015	GARNISHMENT OF WAGES WIT	001.0000.200.033		NOVEMBER 2015		559 00155
US BANK PD COPY MACHINE 10/15	CONTRACTURAL SERVICES	001.0411.060.028		290435403		559 00094
USA BLUE BOOK WWTP SUPPLIES 10/15	SPECIAL DEPARTMENT EXPEN	062.0462.060.029		775605		559 00088
VALERO BROS. PROPANE 10/2015	SPECIAL DEPARTMENT EXPEN	001.0418.060.029		2492		559 00091
VERIZON WIRELESS PD CELL PHONES 10/2015 COW CELL PHONES 10/2015	TELEPHONE TELEPHONE TELEPHONE TELEPHONE TELEPHONE TELEPHONE TELEPHONE TELEPHONE TELEPHONE TELEPHONE TELEPHONE TELEPHONE	001.0411.060.020 001.0404.060.020 001.0405.060.020 001.0415.060.020 001.0416.060.020 001.0418.060.020 001.0421.060.020 001.0422.060.020 061.0461.060.020 021.0424.060.020 062.0462.060.020 063.0463.060.020				559 00049 559 00050 559 00050



AMOUNT  
190,202.47

ACCOUNT NAME

FUND & ACCOUNT

CLAIM INVOICE

PO# F/P ID LINE

REPORT TOTALS:

RECORDS PRINTED - 000184

Schedule of Bills

CITY OF WOODLAKE  
GL060S-V07.27 RECAPPAGE  
GL540R

THE PRECEDING LIST OF BILLS PAYABLE WAS REVIEWED AND APPROVED FOR PAYMENT.  
DATE ..... APPROVED BY .....





VENDOR NAME DESCRIPTION	AMOUNT	ACCOUNT NAME	FUND & ACCOUNT	CLAIM INVOICE	PO#	F/P ID LINE
LARA/RAMON						
MEDICAL SERVICES 10/15	1.19	HEALTH INSURANCE	001.0403.050.008			579 00001
MEDICAL SERVICES 10/15	1.16	HEALTH INSURANCE	001.0404.050.008			579 00001
MEDICAL SERVICES 10/15	0.59	HEALTH INSURANCE	001.0405.050.008			579 00001
MEDICAL SERVICES 10/15	1.25	HEALTH INSURANCE	001.0415.050.008			579 00001
MEDICAL SERVICES 10/15	0.53	HEALTH INSURANCE	001.0416.050.008			579 00001
MEDICAL SERVICES 10/15	2.02	HEALTH INSURANCE	001.0418.050.008			579 00001
MEDICAL SERVICES 10/15	0.84	HEALTH INSURANCE	001.0421.050.008			579 00001
MEDICAL SERVICES 10/15	2.83	HEALTH INSURANCE	001.0422.050.008			579 00001
MEDICAL SERVICES 10/15	1.64	HEALTH INSURANCE	061.0461.050.008			579 00001
MEDICAL SERVICES 10/15	7.32	HEALTH INSURANCE	062.0462.050.008			579 00001
MEDICAL SERVICES 10/15	6.74	HEALTH INSURANCE	063.0463.050.008			579 00001
MEDICAL SERVICES 10/15	2.56	HEALTH INSURANCE	021.0424.050.008			579 00001
MEDICAL SERVICES 10/15	1.12	HEALTH INSURANCE	029.0429.050.008			579 00001
MEDICAL SERVICES 10/15	0.58	HEALTH INSURANCE	032.0440.050.008			579 00001
MEDICAL SERVICES 10/15	0.30	HEALTH INSURANCE	001.0402.050.008			579 00001
	30.67	*VENDOR TOTAL				
PALM OCCUPATIONAL MEDICI						
XRAY 10/2015	3.77	HEALTH INSURANCE	001.0403.050.008			579 00002
XRAY 10/2015	3.67	HEALTH INSURANCE	001.0404.050.008			579 00002
XRAY 10/2015	1.88	HEALTH INSURANCE	001.0405.050.008			579 00002
XRAY 10/2015	3.96	HEALTH INSURANCE	001.0415.050.008			579 00002
XRAY 10/2015	1.68	HEALTH INSURANCE	001.0416.050.008			579 00002
XRAY 10/2015	6.40	HEALTH INSURANCE	001.0418.050.008			579 00002
XRAY 10/2015	2.66	HEALTH INSURANCE	001.0421.050.008			579 00002
XRAY 10/2015	8.94	HEALTH INSURANCE	001.0422.050.008			579 00002
XRAY 10/2015	5.19	HEALTH INSURANCE	061.0461.050.008			579 00002
XRAY 10/2015	23.11	HEALTH INSURANCE	062.0462.050.008			579 00002
XRAY 10/2015	21.28	HEALTH INSURANCE	063.0463.050.008			579 00002
XRAY 10/2015	8.09	HEALTH INSURANCE	021.0424.050.008			579 00002
XRAY 10/2015	3.55	HEALTH INSURANCE	029.0429.050.008			579 00002
XRAY 10/2015	1.83	HEALTH INSURANCE	032.0440.050.008			579 00002
XRAY 10/2015	0.74	HEALTH INSURANCE	001.0402.050.008			579 00002
	96.75	*VENDOR TOTAL				

ACS FINANCIAL SYSTEM  
11/05/2015 13:10:36

VENDOR NAME  
DESCRIPTION

REPORT TOTALS:

Schedule of Bills

GL540R-V07.27 PAGE 2  
CITY OF WOODLAKE

AMOUNT	ACCOUNT NAME	FUND & ACCOUNT	CLAIM	INVOICE	PO#	F/P	ID	LINE
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127.42

RECORDS PRINTED - 000030

Schedule of Bills

THE PRECEDING LIST OF BILLS PAYABLE WAS REVIEWED AND APPROVED FOR PAYMENT.

DATE ..... APPROVED BY .....  
.....  
.....

# City of Woodlake

## **AGENDA ITEM IV-C**

**November 9, 2015**

**Prepared by Ramon Lara, City Staff**

### **SUBJECT:**

**Action:** Adoption of Resolution: Approval of the October 2015 Monthly Report of Investments

### **BACKGROUND:**

Pursuant to Section 3.24.050 of the Woodlake Municipal Code the Finance Department prepares a report listing all investments of the City of Woodlake. The City's temporary idle cash, those funds not immediately needed to pay current bills, is invested in accordance with the City's Investment Policy that was approved by Resolution No. 09-05 which was adopted on February 9, 2009.

### **DISCUSSION:**

The first objective of the investment policy is to secure the safety of the invested funds. The second objective is to match the availability (liquidity) of the funds to the cash flow needs of the organization. The third objective, that is only considered after the first two objectives have been met, is yield, or the earnings rate.

### **RECOMMENDATIONS:**

Staff recommends that Council approve the October 2015 Monthly Report of Investments as submitted.

### **FISCAL IMPACT:**

There is no fiscal impact.

### **ATTACHMENTS:**

1. Resolution: Approval of the October 2015 Monthly Report of Investments
2. October Monthly Report of Investments

BEFORE THE CITY COUNCIL  
OF THE CITY OF WOODLAKE  
COUNTY OF TULARE  
STATE OF CALIFORNIA

In the matter of:

APPROVAL OF THE OCTOBER ) Resolution No:  
2015 MONTHLY REPORT OF )  
INVESTMENTS )

Councilmember \_\_\_\_\_, offered the following resolution and moved its adoption. Approve the City of Woodlake October 2015 Monthly Report of Investments.

WHEREAS, pursuant to Section 3.24.050 of the Woodlake Municipal Code, monthly, the Finance Department shall prepare a report listing of all investments of the City of Woodlake; and

WHEREAS, the City’s temporary idle cash, those funds not immediately needed to pay current bills, is invested in accordance with the City’s Investment Policy that was approved by Resolution No. 09-05.

NOW, THEREFORE, THE CITY OF WOODLAKE DOES RESOLVE to approve the City of Woodlake’s October 2015 Monthly Report of Investments.

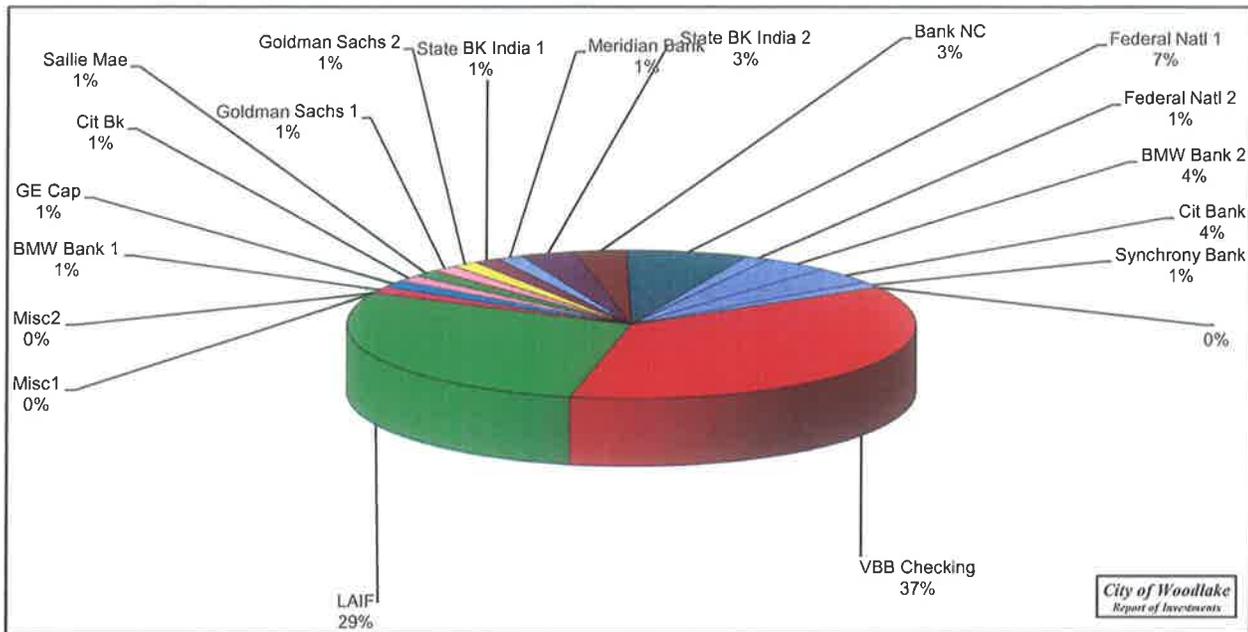
The foregoing resolution was adopted upon a motion of Councilmember \_\_\_\_\_, and seconded by Councilmember \_\_\_\_\_, and carried by the following vote at the City Council meeting held on November 9, 2015.

- AYES:
- NOES:
- ABSTAIN:
- ABSENT:

\_\_\_\_\_  
Rudy Mendoza, Mayor

ATTEST:

\_\_\_\_\_  
Irene Zacarias, City Clerk



### October 31, 2015

<u>Investment Type</u>	<u>Principal</u>	<u>Percent of Portfolio</u>	<u>Yield to Maturity</u>	<u>Settlement Date</u>	<u>Maturity</u>
Checking - Valley Business Bank	\$2,505,821	36.7%	None	N/A	N/A
LAIF	\$1,953,433	28.6%	0.28%	N/A	Daily
MBS - miscellaneous Portfolio Holdings	\$0	0.0%			
Finance500 - Net Portfolio Balance	\$10	0.0%			
BMW Bank	\$100,595	1.5%	2.00%	11/12/10	11/12/15
GE Cap Finl Inc	\$100,910	1.5%	2.10%	12/02/11	12/02/16
Cit Bk (Salt Lake City UTAH)	\$98,099	1.4%	1.50%	12/04/13	12/04/17
Sallie Mae (Salt Lake City UT)	\$100,644	1.5%	2.15%	10/30/13	10/30/18
Goldman Sachs BK USA New York CTF	\$100,538	1.5%	2.00%	04/30/14	04/30/19
Goldman Sachs BK USA New York	\$100,266	1.5%	2.00%	06/11/14	06/11/19
State Bank India New York NY	\$100,118	1.5%	2.15%	09/11/14	09/11/19
Meridan Bank Natl Assn	\$101,136	1.5%	4.20%	03/03/08	02/08/16
State Bk India New York NY	\$204,593	3.0%	2.00%	04/27/12	04/27/17
Bank North Carolina NC	\$201,321	3.0%	1.60%	01/16/15	07/16/18
Federal Natl Mtg Assn Prin	\$469,225	6.9%	2.50%	04/27/12	02/01/19
Federal Natl Mtg Assn S/CAP	\$91,333	1.3%	2.50%	04/27/12	10/09/19
BMW Bank of North America	\$251,915	3.7%	2.15%	12/10/14	12/10/19
CIT BK Salt Lake City UT CD	\$250,412	3.7%	2.25%	12/24/14	12/24/19
Synchrony Bank	\$93,150	1.4%	1.90%	03/06/15	03/06/20
<b>Total Portfolio</b>	<b>\$6,823,518</b>	<b>100%</b>			

I certify that this report of investments complies with the City's adopted investment policy and that it also complies with state investment guidelines pursuant to Government Code Section 16481.2 .

  
 Ramon Lara, City Administrator

11/04/15  
 Date

# City of Woodlake

## **AGENDA ITEM IV-D**

**November 9, 2015**

**Prepared by Irene Zacarias, City Staff**

### **SUBJECT:**

**Action:** Adoption of Resolution: Approval to Accept Resignation of Council Seat from Chuck Ray

### **BACKGROUND:**

At the October 26, 2015 City Council meeting, City Administrator Ramon Lara presented the resignation letter submitted by Chuck Ray.

### **DISCUSSION:**

At the October 26, 2015 City Council meeting, the City Council unanimously accepted the resignation of Chuck Ray per minute order. Council wishes to ratify the acceptance of resignation by the attached resolution.

### **RECOMMENDATIONS:**

No staff recommendation.

### **FISCAL IMPACT:**

There is no fiscal impact.

### **ATTACHMENTS:**

1. Resolution: Approval to Accept Resignation of Council Seat from Chuck Ray
2. Attachment No.1 Resignation Letter

BEFORE THE CITY COUNCIL  
OF THE CITY OF WOODLAKE  
COUNTY OF TULARE  
STATE OF CALIFORNIA

In the matter of:

APPROVAL TO ACCEPT RESIGNATION ) Resolution No.  
OF COUNCIL SEAT FROM )  
CHUCK RAY )

Councilmember \_\_\_\_\_, offered the following resolution and moved its adoption. Approval to accept resignation of council seat from Chuck Ray.

WHEREAS, at the October 26, 2015 City Council meeting, City Administrator Ramon Lara presented the resignation letter submitted by Chuck Ray.

WHEREAS, the City Council of the City of Woodlake accepts the resignation submitted by Chuck Ray.

The foregoing resolution was adopted upon a motion of Councilmember \_\_\_\_\_, and seconded by Councilmember \_\_\_\_\_, and carried by the following vote at the City Council meeting held on November 9, 2015.

- AYES:
- NOES:
- ABSTAIN:
- ABSENT:

\_\_\_\_\_  
Rudy Mendoza, Mayor

ATTEST:

\_\_\_\_\_  
Irene Zacarias, City Clerk

October 26, 2015

Ramon Lara - City Manager  
350 N Valencia  
Woodlake, Ca 93286

Dear Sir and all Council members,

As you all are aware, my position with Cal fire requires me to be gone a great deal, fighting fires. This makes it impossible for me to make Monday night meetings.

Therefore, at this time I regretfully feel it is in the best interest for the citizens of Woodlake for me to resign my position as counsel person. I will continue to support the efforts in making Woodlake a safe and prosperous place to live.

Again, I want to thank the people of Woodlake that have supported me through the years.

Sincerely:  
Charles L Ray

CC: All Council members

# City of Woodlake

## **AGENDA ITEM V-A**

**November 9, 2015**

**Prepared by Jason Waters, City Staff**

### **SUBJECT:**

**Action:** Adoption of Resolutions: Receive Public Comments, Waive 1<sup>st</sup> Reading, and Set 2<sup>nd</sup> Reading Date of Ordinances Amending or Adding Chapter 9.20, Chapter 5.33, Chapter 13.04, Chapter 9.08, Chapter 10.19 and Chapter 17.74 of the Woodlake Municipal Code

### **BACKGROUND:**

At prior City Council meetings, City Staff introduced drafts of the following ordinances:

Chapter 9.20 Graffiti – The City of Woodlake is proposing to add a graffiti ordinance that provides for the prompt abatement of graffiti from public and private properties in the city.

Chapter 5.33 Mobile Vending – The City of Woodlake is proposing to add a mobile vending ordinance that requires that mobile vendors provide the community and customers with a minimum level of cleanliness, quality, safety and security.

Chapter 13.04 Water System Service – The City of Woodlake is proposing to add a water system service ordinance that outlines the responsibility of the City and landowner as it relates to the installation and connection of City water services.

Chapter 9.08 Curfew – The City of Woodlake is updating the curfew ordinance to clarify the curfew prohibitions, exemptions, enforcement, and consequences associated with the curfew ordinance.

Chapter 10.19 Residential Parking – The City of Woodlake is proposing to add a residential parking ordinance which specifies where residential vehicles may be parked.

Chapter 17.74 Small Residential Rooftop Solar Energy Systems – The City of Woodlake seeks to implement Assembly Bill 2188 (2014) through the creation of an expedited, streamlined permitting process for small residential rooftop solar energy systems.

### **DISCUSSION:**

The purpose of this public hearing is to give citizens an opportunity to make their comments known regarding the proposed amendments and/or additions to Chapter 9.20, Chapter 5.33, Chapter 13.04, Chapter 9.08, Chapter 10.19 and Chapter 17.74 of the Woodlake Municipal Code. City Staff will present the amendments to City Council and the public at the meeting.

City Staff will also recommend waiving the first reading of the ordinance and setting the date of December 14, 2015 as the second reading.

**RECOMMENDATIONS:**

City staff recommends that Council receive public comments, waive 1<sup>st</sup> reading, and set 2<sup>nd</sup> reading date and adoption of a ordinances amending and/or adding Chapter 9.20, Chapter 5.33, Chapter 13.04, Chapter 9.08, Chapter 10.19 and Chapter 17.74 of the Woodlake Municipal Code

**FISCAL IMPACT:**

None

**ATTACHMENTS:**

1. Chapter 9.20 Graffiti
2. Chapter 5.33 Mobile Vending
3. Chapter 13.04 Water System Service
4. Chapter 9.08 Curfew
5. Chapter 10.19 Residential Parking
6. Chapter 17.74 Small Residential Rooftop Solar Energy Systems
7. Resolution: Receive Public Comments, Waive 1<sup>st</sup> Reading, and Set 2<sup>nd</sup> Reading Date and Adoption of Ordinances Amending and/or Adding Chapter 9.20, Chapter 5.33, Chapter 13.04, Chapter 9.08, Chapter 10.19 and Chapter 17.74 of the Woodlake Municipal Code

BEFORE THE CITY COUNCIL  
OF THE CITY OF WOODLAKE  
COUNTY OF TULARE  
STATE OF CALIFORNIA

In the matter of:

RECEIVING PUBLIC COMMENTS, WAIVING )	
1 <sup>ST</sup> READING, AND SETTING 2 <sup>ND</sup> READING )	Resolution No. ____
DATE OF ORDINANCES AMENDING OR )	
ADDING CHAPTER 9.20, CHAPTER 5.33, )	
CHAPTER 13.04, CHAPTER 9.08, )	
CHAPTER 10.19 AND CHAPTER 17.74 OF )	
THE WOODLAKE MUNICIPAL CODE )	

Councilmember \_\_\_\_\_, offered the following resolution and moved its adoption. Receive public comments, waive 1<sup>st</sup> Reading, and set 2<sup>nd</sup> Reading date of ordinances amending or adding Chapter 9.20, Chapter 5.33, Chapter 13.04, Chapter 9.08, Chapter 10.19 and Chapter 17.74 of the Woodlake Municipal Code.

WHEREAS, the City of Woodlake wishes to update or add the following ordinances:

Chapter 9.20 Graffiti

Chapter 5.33 Mobile Vending

Chapter 13.04 Water System Service

Chapter 9.08 Curfew

Chapter 10.19 Residential Parking

Chapter 17.74 Small Residential Rooftop Solar Energy Systems; and

WHEREAS, the City of Woodlake wishes to amend the Municipal Code; and

WHEREAS, the City of Woodlake held a public hearing at the November 9, 2015 City Council meeting to receive comments regarding these ordinances; and

NOW, THEREFORE, THE CITY OF WOODLAKE DOES RESOLVE to receive comments related to the proposed amendments and additions to the Chapter 9.20, Chapter 5.33, Chapter 13.04, Chapter 9.08, Chapter 10.19 and Chapter 17.74 of the Woodlake Municipal Code and waives the 1<sup>st</sup> reading of the ordinance and sets the 2<sup>nd</sup> reading and adoption date for December 14, 2015.

The foregoing resolution was adopted upon a motion of Councilmember \_\_\_\_\_, and seconded by Councilmember \_\_\_\_\_, and carried by the following vote at the City Council meeting held on November 9, 2015.

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

\_\_\_\_\_  
Rudy Mendoza, Mayor

ATTEST:

\_\_\_\_\_  
Irene Zacarias, City Clerk

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE ADDING CHAPTER 9.20 TO TITLE 9 OF THE MUNICIPAL CODE OF THE CITY OF WOODLAKE, RESTRICTING SALE AND POSSESSION OF INSTRUMENTALITIES OF GRAFFITI, IMPOSING REMOVAL REQUIREMENTS AND AUTHORIZING CITY ABATEMENT.

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

**Section 1. PURPOSE.** The provisions of this ordinance are intended to promote the aesthetic appeal of the City of Woodlake; to reduce graffiti and provide for the prompt abatement of graffiti from public and private properties in the city; to provide for methods of controlling the possession and use by minors of instrumentalities of unlawful graffiti; and to encourage citizens to report occurrences of graffiti vandalism within the city.

**Section 2. CODE ENACTMENT.** Chapter 9.20 within Title 9 of the Woodlake Municipal Code is hereby enacted to read in its entirety as follows:

**CHAPTER 9.20 GRAFFITI**

**9.20.010 Purpose.**

A. Graffiti Abatement. The purpose of this chapter is to provide for the prompt abatement of graffiti from public and private properties in the city; to provide for methods of controlling the unauthorized use of aerosol paint containers, wide-tipped marker pens, and paint sticks by minors; and to encourage citizens to report occurrences of graffiti vandalism within the city.

B. Nuisance Declared. Due to the increase of graffiti vandalism on both public and private property, a condition has arisen within the city which has resulted in a deterioration of property values and concern for the quality of life of the city's citizens. The city council finds and determines that graffiti constitutes a public nuisance which, left unabated, adversely affects the city's image, business development, retail sales, and residential housing costs. Allowing graffiti to remain on public or private property encourages additional unacceptable occurrences of graffiti, fuels fear among the

community and is a factor which not only depreciates the value of the property which has been the target of such vandalism, but also depreciates the value of adjacent and surrounding properties.

C. Minimize Impact. The purpose of this chapter is, therefore, to minimize the impact which graffiti has on the city's quality of life, economic stability, environmental image, aesthetic standard, and the overall sense of feeling of safety and security of its citizens. Because the existence of graffiti tends to breed community discontent and criminal and gang-related activities, the chapter will serve to mitigate these problems through quick removal and control of graffiti vandalism.

#### **9.20.020 Terms defined.**

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

"Aerosol paint container" means any aerosol container, regardless of the material from which it is made, used for the purpose of spraying paint or other substance capable of defacing property.

"Felt tip marker" means any indelible marker or similar implement with a tip which, at its broadest width, is greater than one-eighth-inch but less than three-eighths of an inch, containing a transferable ink that is not water-soluble.

"Graffiti" defined as, but not limited to, any unauthorized inscription, work, figure or design that is marked, etched, scratched, drawn or painted on any surface.

"Graffiti implement" shall be defined in the same manner, and have the same meaning, as "marking substance" is defined within California Penal Code § 594.2(c)(2), or any successor statute thereto, which may be amended from time to time.

"Minor" means a person under eighteen years of age.

"Paint stick" means a device containing a solid form of paint, chalk, epoxy, or other similar substance, capable of being applied to a surface by pressure, and upon application, leaving a mark at least one-eighth of an inch in width, visible from a distance of twenty feet, and not water-soluble.

**9.20.030 Sale of graffiti implements to minors.**

It shall be unlawful for any person to sell, offer to sell or cause to be sold, any graffiti implements, including, but not limited to, any felt tip marker pen, or any paint stick, to any person under the age of eighteen years who is not accompanied by a responsible adult.

**9.20.040 Possession by minors—Prohibited.**

A. It is unlawful for any minor to possess any graffiti implement:

1. While upon public property; or
2. While upon private property, without the consent of the owner, or operator thereof. Such consent must be given in advance and must authorize the minor's presence while in the possession of a graffiti implement.

B. This section is not intended to conflict with California Penal Code Section 594.1 and shall not apply while a minor is attending, or traveling to or from a school, who has a dated permission slip from a parent or a teacher.

**9.20.050 Signs, display requirement.**

A. Signs. Any person engaged in the retail sale of graffiti implements, including, but not limited to, any aerosol containers of paint, any felt tip marker pens, or paint sticks, shall display at the location of retail sales, a sign clearly visible and legible to employees and customers which states as follows:

1. It is unlawful for any person to sell, lend, or give to any individual under the age of eighteen years, who is not accompanied by a responsible adult, any aerosol container of paint or any felt tip marker pen or paint stick with a tip greater than one-eighth-inch.

B. Display Requirement. Every person or business engaged in a commercial enterprise shall display for sale, trade or exchange, any aerosol paint container or felt tip marker either: (1) in an area continuously observable, through direct visual observation or surveillance equipment, by employees of the retail establishment during the regular course of business; or (2) in an area not accessible to the public in the regular course of business without employee assistance. Nothing herein shall relieve such person or

business entity from, at all times, complying with the requirements of California Penal Code Section 594.1(c) by posting signs as described therein.

#### **9.20.060 Removal.**

A. General. Any person applying graffiti within the city shall have the duty to remove same in a manner approved by the city and the property owner within twenty-four hours after notice by the city or public or private owner of the property involved. Failure of any person to so remove graffiti shall constitute an additional violation of this chapter. Consistent with Civil Code Section 1714.1 where graffiti is applied by minors, the parent or guardian shall be responsible for such removal or payment of costs thereof.

B. Public Property. Whenever the city administrator, or his/her designated representative, determines that graffiti exists upon property owned by the city, it shall be removed as soon as possible. When the property is owned by a public entity other than the city, the removal of the graffiti may be authorized by the city manager, or his/her designated representative, and removal undertaken by city only after securing written consent of the public entity having jurisdiction over the property. The public entity shall execute a release and waiver as approved by the city's risk manager.

C. Multiple Offenses. The city may, at its sole discretion, require any owner of property who has been cited two times or more for graffiti removal to, in addition to any other penalties/fines applicable under this chapter, plant vegetation or to take any other reasonable measures necessary to prevent or restrict the ability to create graffiti on the property in question.

#### **D. Notice of Affected Area; Requirement to Remove Graffiti.**

1. Where graffiti is located upon private property and said graffiti is capable of being viewed by persons utilizing any public right-of-way or sidewalk within the city, it is the property owner's duty to remove said graffiti promptly from the property and to restore said property at least to the condition it was in prior to such act of vandalism. If the property owner fails to promptly remove said graffiti, the city shall cause a written notice to be served upon the owner of the affected property notifying the owner of the location and description of the graffiti and of the property owner's obligation to remove said graffiti. It shall be the

responsibility of the property owner to commence removal of the graffiti described in the notice within ten days after the effective date of service or personal delivery of the notice, and to diligently and promptly pursue total removal of said graffiti; provided that an exception may exist in cases of undue hardship as established pursuant to subsection (D)(2) of this section. The service is complete at the time of deposit of the notice in the U.S. mail or by personal delivery of the notice to the owner of the property subject to removal of graffiti. The failure of any person to receive such notice shall not affect the validity of any proceeding.

2. Undue Hardship; Optional Procedure for Removal. In the event the property owner cannot comply with the requirement of subsection (D)(1) of this section, due to hardship, the property owner shall file a written request for waiver of the removal requirement with the city. The property owner shall explain his/her reason(s) for making such request. The written request shall be filed within the ten-day removal period stated in subsection (D)(1) of this section. In determining whether the request for waiver will be granted, and subsequent assistance provided to the property owner in removal of said graffiti, the city shall consider the following circumstances:

- 
- a. The cost of restoration of the property to its original state prior to the imposition of the graffiti in proportion to the relative value of the property;
  - b. The ability of the owner to pay for such removal;
  - c. Whether or not the property has been the target of previous incidents of graffiti or whether a pattern of vandalism to such property exists.

The decision of the city in the form of a written decision by the city manager, as to whether or not to grant the waiver shall be final.

3. City's Release from Liability. A written request to waive the requirements of subsection (D)(1) of this section shall be accompanied by a "release from liability" form signed by the property owner which shall release the city and its authorized agents from any and all liability that may be caused or attributed

to removal of graffiti from the owner's premises by persons acting under the authorization of the city.

4. Approval for City to Remove Graffiti. A written request to waive the requirements of subsection (D)(1) of this section accompanied by a signed "release from liability" form shall constitute an express approval by the property owner that the city or its authorized representatives may provide for the removal of the graffiti on owner's property by persons acting under the authorization of the city.

5. Failure to Remove Graffiti or Seek Waiver of Removal. In the event the owner fails to remove graffiti from his or her property and fails to request a waiver of such removal, the city may declare the property a public nuisance and the city may take any of the following courses of action:

a. Administrative Procedure to Abate Nuisance. The city may direct the removal of graffiti from the property with the cost of work performed billed to the property owner who may select the option of direct payment of such costs. Failure to make direct payment for the abatement of graffiti shall constitute a special assessment against the respective lot or parcel plat to which it relates. The assessment may be collected at the same time and in the same manner as ordinary municipal taxes are collected and shall be subject to the same penalties and the same procedure and sale in case of delinquency as provided for ordinary municipal taxes. All laws applicable to the levy, collection and enforcement of municipal taxes shall be applicable to the special assessment. Upon completion of the graffiti abatement work, the city manager shall cause to be recorded in the office of the recorder of Tulare County, a "notice of completion of graffiti abatement proceedings" against a particular parcel involved. The notice of completion of graffiti abatement proceedings shall have the effect when recorded of conclusively establishing that graffiti abatement proceedings have been completed and that all proceedings have been completed and that all necessary charges incurred on account thereof by the city are due and owing and constitute a special assessment against the subject real property. This notice shall specify the name of the current owner of the parcel as shown on the last

equalized assessment rolls of the county of Tulare, and the Tulare County Assessor's parcel number for the parcel involved.

b. The city may commence criminal proceedings to abate a public nuisance under applicable Penal Code provisions.

c. The city shall be authorized at its own expense to temporarily cover or to remove any portion of any graffiti on located on private property which has been visible from a public vantage point for at least twenty-four (24) hours provided that such graffiti contains either:

(i) the name of any criminal street gang already known to law enforcement authorities;

(ii) words or phrases which the Federal Communications Commission has prohibited by from being broadcast through free public television or radio programming which is accessible by the general public; or

(iii); any depiction or message which qualifies as obscene under then-existing constitutional obscenity standards used by the United States Supreme Court, which may include but is not limited to a depiction of sexual acts or sex organs.

The city's exercise of its authority under this subsection shall not relieve a property owner from any obligation under this chapter, including but not limited to the obligation to promptly and diligently pursue appropriate remedial action in connection with any and all graffiti located on their own real property.

**9.20.070 Responsibility.**

Any individual who is found guilty of violating any provisions of this chapter shall pay restitution to the property owner, in addition to authorized penalties. If the violator is a minor, the parent or guardian shall be responsible for payment of restitution. If unable to pay, the juvenile may be permitted to work off his/her payment under the direction of at least one parent by painting out graffiti.

**9.20.080 Penalties.**

A. It shall be unlawful and a misdemeanor to apply graffiti on any premises as described herein. Notwithstanding the classification of a violation of this chapter as a misdemeanor, at the time an action is commenced to enforce the provisions of this chapter, the trial court, upon recommendation of the prosecuting attorney, may reduce the charged offense from a misdemeanor to an infraction.

B. It shall be unlawful and a misdemeanor for a minor to possess any "graffiti implement" as described herein in violation of Section 9.20.040 of this chapter. Notwithstanding the classification of a violation of this chapter as a misdemeanor, at the time an action is commenced to enforce the provisions of this chapter, the trial court, upon recommendation of the prosecuting attorney, may reduce the charged offense from a misdemeanor to an infraction.

C. Any person convicted of a misdemeanor under this chapter shall be punished by: (1) a fine not to exceed five hundred dollars; and/or thirty days in the county jail for a first violation; (2) a fine not exceeding one thousand dollars and/or ninety days in the county jail for a second violation of this chapter within one year; and (3) a fine not exceeding two thousand five hundred dollars and/or six months in the county jail for each additional violation of this chapter within one year.

D. Any person convicted of an infraction under this chapter shall be punished by: (1) a fine not exceeding fifty dollars for a first violation; (2) a fine not exceeding one hundred dollars for the second violation of this chapter within one year; and (3) a fine not exceeding two hundred fifty dollars for each additional violation of this chapter within one year. Each day that a violation continues shall be regarded as a new and separate offense.

**9.20.090 Alternative.**

Nothing in the foregoing sections shall be deemed to prevent the city from commencing a civil or criminal proceeding to abate a public nuisance under applicable Civil or Penal Code provisions as an alternative to the proceedings set forth herein.

**9.20.100 Severability.**

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

The city council declares that it would have adopted each section, subsection, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, clauses, phrases or portions be declared invalid or unconstitutional.

**Section 3. 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 section 15061(b)(3) [there is no possibility the activity in question may have a significant affirmative effect on 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 4. 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 Woodlake, or any official, employee or agent thereof.

**Section 5. 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 any character be lost, impaired or affected by this ordinance.

**Section 6. 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 Woodlake 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 7. 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 Woodlake Municipal Code as amended by this ordinance are substantially the same as provisions in the Woodlake 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 8. EFFECTIVE DATE.** The foregoing ordinance shall take effect thirty (30) days from the date of the passage hereof. Prior to the expiration of fifteen (15) days from the enactment 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 Woodlake, 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 Woodlake, State of California, on \_\_\_\_\_, 2015 at a regular meeting of said Council duly and regularly convened on said day by the following vote:

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

---

Rudy Mendoza  
Mayor, City of Woodlake

ATTEST:

---

Irene Zacarias  
City Clerk

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE ADDING CHAPTER 5.33 TO TITLE 5 OF THE MUNICIPAL CODE OF THE CITY OF WOODLAKE, IMPOSING PERMIT AND HEALTH AND SAFETY REQUIREMENTS ON MOBILE VENDORS.

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

**Section 1. PURPOSE.** The provisions of this ordinance are intended in order to promote the public health, safety, comfort and general welfare of consumers who conduct business with mobile vendors.

**Section 2. CODE ENACTMENT.** Chapter 5.33 within Title 5 of the Woodlake Municipal Code is hereby enacted to read in its entirety as follows:

**CHAPTER 5.33 MOBILE VENDING**

**5.33.010 Purpose.**

The general purpose of this Chapter is to promote the health, safety, comfort, convenience, prosperity and general welfare of the citizens, businesses and visitors of the City of Woodlake by requiring that mobile vendors provide the community and customers with a minimum level of cleanliness, quality, safety and security. It is the purpose and intent of the City Council in enacting this Chapter, to provide mobile vendors with clear and concise regulations to prevent safety, traffic and health hazards, as well as to preserve the peace, safety and welfare of the community.

**5.33.020 Definitions.**

A. "Mobile vending unit" shall mean any vehicle, trailer, pushcart, motorized food wagon, stand, tent; or structure; not affixed to a permanent foundation, with or without wheels, which may be moved from one place to another under its own power or by other means.

B. "Mobile vendor" shall mean any person engaged in the business of selling prepared, pre-packaged or unprepared, unpackaged food or foodstuffs of any kind, goods, wares, merchandise, or any other thing of value from a mobile vending unit on private or public property.

C. "Persons" shall mean any person, firm, partnership, association, corporation, or business entity, and includes, but is not limited to, owners, operators, drivers, lessors and lessees of a mobile vending unit.

D. "Vend" or "Vending" shall mean the sale of prepared, pre-packaged or unprepared, unpackaged food or foodstuffs of any kind, goods, wares, merchandise, or any other thing of value from a mobile vending unit on private or public property.

**5.33.030 Permit required.**

No person may vend in the City without first obtaining and having in his or her possession a vendor permit issued by the City in accordance with this Chapter. No permit granted herein shall confer any vested right to any person or business for more than the permit period. All mobile vendors subject to this Chapter shall comply with the provisions of this Chapter as they may be amended hereafter.

**5.33.040 Permit period.**

All vendor permits issued by the City to operate a mobile vending unit shall be limited to a permit period of one (1) year.

**5.33.050 Application for Permit to Operate.**

**A.** A person desiring to engage in a mobile vendor operation shall submit a written application for a Permit to Operate in a form acceptable to and with all supporting information required by the City Planning Department. Such application shall be accompanied by a non-refundable, non-transferable application fee in an amount as established by resolution of the City Council. Any such permit shall be required to be renewed annually and a separate non-refundable, nontransferable application fee shall be paid yearly for such renewal application. Mobile vendors must have the permit in their possession when vending. Permits to Operate are nontransferable.

**AB.** Every mobile vendor shall obtain a City of Woodlake Business License.

**BC.** As part of the Permit to Operate application, the mobile vendor shall provide the following:

1. Mailing address for notification purposes. If during the term of the Permit, the permit holder has any change in the mailing address submitted on the original or renewal application; the permit holder shall notify the planning department of such change in writing within ten (10) business days thereafter. Failure to provide updated contact information shall be grounds for Permit suspension.

2. Legal names of the mobile vendor and all persons operating or vending out of the mobile vending unit.
3. Proof of current vehicle registration (for mobile vending unit if applicable).
4. Designation of period of operation (limited to one year).
5. Four photographs (showing different exterior views) of each mobile vending unit.
6. Dimensioned sample or rendering of proposed signage.
7. A copy of a current Tulare County Environmental Health permit, if operating a mobile food facility as defined in California Health and Safety Code § 113831
8. Proof of automobile insurance as required by the Vehicle Code (for mobile vending unit if applicable).
9. No person shall engage in, conduct or carry on the business of a mobile vendor unless there is on file with the city, in full force and effect at all times, documents issued by an insurance company authorized to do business in the State of California evidencing that the operator is insured under a liability insurance policy providing minimum coverage of \$1,000,000 for injury or death arising out of the operation of the mobile vending unit.
10. A signed indemnification agreement in favor of the City.

D. The following may constitute grounds for denial of a Permit to Operate or renewal application:

1. The proposed mobile vending activity does not comply with all applicable laws including, but not limited to, housing, fire, safety and health regulations;
2. The applicant is unable to obtain a business license
3. The applicant has, within three (3) years immediately preceding the application filing date, had a permit to operate, vending license or similar permit suspended or revoked in another California jurisdiction;

4. The applicant has made a material misstatement in the application for a Permit to Operate;
5. Failure to obtain clearance from Tulare County Environmental Health.
6. Failure to maintain or provide the City with evidence of the insurance required by this Chapter.
7. Failure to provide the City with a signed indemnification agreement in favor of the City.
8. Failure to fully comply with any provision of this Chapter or any applicable laws and permit conditions.

E. The Planning Commission shall be the decision making authority for any initial application of a Permit to Operate. The City Administrator or designee shall be the decision making authority for any renewal application of a Permit to Operate.

#### **5.33.60 Rules and Regulations.**

A. Location: Mobile vendors may only operate in City approved mobile vending locations. These vending areas will be selected and approved by the Woodlake Planning Commission but may be timely appealed to the City Council.

**B.** Within the approved mobile vending locations, the mobile vendor will be subject to the following conditions:

1. Permitted hours of operation are from 8:00 p.m. to 12:00 a.m.
2. Vendors shall not interfere with access, driveways, aisles, circulation or fire lanes and hydrants.
3. The mobile vendor shall display, in plain view and at all times, current permits and licenses.
4. While vending, drive wheels of the mobile vending unit shall be chocked in such a manner as to prevent movement.
5. The mobile vending unit shall be entirely self-sufficient in regards to gas, water and telecommunications. Should any utility hook-ups

or connections to on-site utilities be used or required, the mobile vendor shall be required to apply for appropriate permits or receive approval by the appropriate City Department to ensure building and public safety and consistency with applicable building and zoning regulations.

6. The mobile vendor shall not discharge items onto the sidewalk, gutter, storm drainage inlets or streets.

**BC.** Appearance of Site:

1. The site shall be maintained in a safe and clean manner at all times.

2. No tables, chairs, fences, shade structures or other site furniture, (permanent or otherwise) or any free standing signs shall be permitted in conjunction with the mobile vendor.

3. Any site improvements required for mobile vendor operations shall require application for the appropriate permits to ensure building and public safety and consistency with applicable building and zoning regulations.

4. Exterior storage of refuse, equipment or materials associated with a mobile food facility is prohibited.

**D. Sanitation:**

1. All mobile vendors operating a mobile food facility as defined by the Health and Safety Code shall operate out of a commissary pursuant to Health and Safety Code section 114295.

2. All mobile units shall be equipped with refuse containers large enough to contain all refuse generated by the operation of such a unit, and the vendor of the mobile unit shall pick up all refuse generated by such operation within a twenty-five (25)-foot radius of the vehicle before such unit is moved. No mobile vendor shall dispose of any trash or refuse in any such public or private trash receptacle other than a trash receptacle owned, operated or otherwise provided by and under the control of such vendor.

3. All mobile vendors operating a mobile food facility as defined by the Health and Safety Code shall comply with Health and Safety

Code section 114315 regarding the availability of adequate toilet and handwashing facilities for use by food service personnel.

E. Safety and security:

1. No vending shall be permitted except after the mobile vending unit has been brought to a complete stop and parked in a lawful manner.

2. The mobile vendor shall install signage in a visible location on the mobile vending unit indicating that loitering is not permitted.

3. The mobile food vendor shall enforce the no loitering rule.

4. On-Street Operation: Pursuant to Vehicle Code § 22455, a mobile vendor may stop to conduct business from a mobile food facility at a location within the right-of-way of a public street within the City only when all of the following conditions are satisfied:

(i) The mobile food facility shall not constitute an encroachment on the highway.

(ii) The mobile food facility must be safely parked:

(a) At least one hundred (100) feet from any intersection, including intersections with public alleys;

(b) Where the applicable speed limit is 35 mph or slower;

(c) In such a manner that travel upon the street, vehicular access to any driveway, the view of drivers, or lawful movement of any vehicle on the public right-of-way is not impeded or obstructed;

(d) In such a manner that patrons are not permitted to do business with the mobile vendor from their vehicles;

(e) In such a manner that patrons of the mobile food facility may safely park on the same side of the road as the mobile food facility and walk to and from the mobile food facility using a sidewalk or other area away from the vehicular right-of-way; and

(f) In such a manner that the window for patrons is on the side of the mobile food facility away from the traffic.

5. Off-Street Operation:

(i) A mobile food facility may be parked for conducting business at a location off the public street only when all of the following conditions are satisfied:

(a) The mobile food facility must be safely parked at least twenty (20) feet from the paved edge of the nearest public vehicular right-of-way and;

(b) The mobile food facility as parked must not to impede or obstruct the view of drivers on any public road;

(c) Patrons of the mobile food facility must not be permitted to transact business with the mobile vendor from their vehicles;

(d) Patrons of the mobile food facility must be able to safely park on the same side of the road where the mobile food facility is parked and walk to and from the mobile food facility using a sidewalk or other area which is not part of the public vehicular right-of-way; and

(e) The window or other service area for patron transactions must be located on the side of the mobile food facility which faces away from vehicular traffic on the nearest public vehicular right-of-way.

**5.33.070 Exemptions.**

A. Any person engaged in vending where such person has been authorized by the City of Woodlake to engage in such activity by a special event permit or other entitlements issued by the City of Woodlake.

B. Any person delivering any goods by vehicle where such goods have been ordered in advance for such delivery from any business located at a permanent location and which goods are being delivered from such location to the customer by vehicle, regardless of the point of sale.

**5.33.080 Violations**

Any violation of this Chapter by a mobile vendor shall constitute a public nuisance subject to abatement through any lawful means including, but not limited to, the procedures in Chapter 8.28. Additionally, any mobile vendor who violates the provisions of this Chapter shall be subject to the general penalty provisions of Chapter 1.12.

**Section 3. 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 section 15061(b)(3) [there is no possibility the activity in question may have a significant affirmative effect on the environment]. In addition to the foregoing general exemption, 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 4. 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 Woodlake, or any official, employee or agent thereof.

**Section 5. 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 any character be lost, impaired or affected by this ordinance.

**Section 6. 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

Woodlake 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 7. 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 Woodlake Municipal Code as amended by this ordinance are substantially the same as provisions in the Woodlake 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 8. EFFECTIVE DATE.** The foregoing ordinance shall take effect thirty (30) days from the date of the passage hereof. Prior to the expiration of fifteen (15) days from the enactment 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 Woodlake, 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 Woodlake, State of California, on \_\_\_\_\_, 2015 at a regular meeting of said Council duly and regularly convened on said day by the following vote:

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

\_\_\_\_\_  
Rudy Mendoza  
Mayor, City of Woodlake

ATTEST: \_\_\_\_\_  
Irene Zacarias  
City Clerk

DRAFT

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE REPEALING CHAPTER 13.04 WATER SERVICE SYSTEM OF THE MUNICIPAL CODE OF THE CITY OF WOODLAKE AND ENACTING CHAPTER 13.04 PERTAINING TO MASTER METER REQUIREMENTS FOR MULTI-FAMILY DWELLINGS, WIRELESS READ METER REQUIREMENTS, OWNERS' RESPONSIBILITY FOR MAINTAINING LATERAL LINES AND INVENTORY INSPECTIONS.

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

**Section 1. PURPOSE.** The provisions of this ordinance are intended to clarify existing requirements of the City of Woodlake (“City”) in its water service ordinance, pertaining to master metering requirements, wireless transmission meter requirements, responsibility for lateral lines on the property owner’s side of the water meter and inventory inspection requirements after a transfer of ownership of real property receiving or that is to receive water service from the District.

**Section 2. CODE REPEAL.** Chapter 13.04 of the Woodlake Municipal Code is hereby repealed in its entirety.

**Section 3. CODE ADOPTION.** Chapter 13.04 of the Woodlake Municipal Code is hereby enacted to read in its entirety as follows:

**Chapter 13.04 WATER SERVICE SYSTEM**

**13.04.010 Definitions**

“Service connection” is the components and materials installed that establish a connection from a water meter to the City's water supply and distribution system.

“Service lateral” is the pipeline that connects the water service from a building or premise to a water meter which has a service connection to the City's water supply and distribution system.

“Dwelling unit” is a building or portion of a building arranged, intended or designed to be occupied

by not more than one single family and having facilities for sleeping, eating, cooking and sanitary purposes.

“Multi-Single Family Dwelling Unit” is a building which is designed, improved, arranged, intended or designed to be occupied by not more than one single family and having facilities for sleeping, cooking and sanitary purposes, but which is actually being occupied by more than one single family.

**13.04.020 - Rates.**

The rates to be charged and collected by the city for water service shall be fixed by resolution of the city council.

*(Ord. 417 § 1, 1987)*

**13.04.030 - Wasting water discouraged.**

Consumers must use reasonable care to prevent the waste of water; must not allow taps and wash basins, water closets, baths and urinals to be left running and must not allow water to run or waste from his property onto street, highway or alley.

*(Ord. 417 § 2, 1987)*

**13.04.040 - Meters.**

Meters may be installed on any and all service at the option of the city council.

*(Ord. 417 § 3, 1987)*

**13.04.050 INSTALLATION AND/OR CONNECTION OF SERVICE CONNECTIONS.**

A. Except as otherwise directed by the City, the City will install all service connections, making connections therefrom to main distribution lines and charging the landowner for the cost thereof. This installation will terminate at the water meter which must be installed near the edge of property line and within a public right-of-way (e.g. sidewalk) unless a different location for installation of a water meter is expressly authorized by a resolution of, or written agreement with, the City Council. The required line and grade to said termination will be determined by the City, as will be the required procedures for requesting such installations. Before, after and during installation, the City shall be entitled to inspect each connection to the City’s water main line and each water meter where such connection terminates, for initial compliance and for ongoing maintenance and safety monitoring purposes or any other lawful purposes.

B. Where determined by the City to be in the best interest of the City and/or the landowner, and in all new subdivision installations, the landowner is required to have the service connection installed by a licensed contractor in lieu of City installation.

C. In either case, City installation or landowner installation, all costs and expenses incident to the installation and connection of a service connection and water meter must be borne by the property owner, except where otherwise specified in this ordinance or a written resolution approved by the City Council.

D. After installation and approval thereof by the City, the water meter and service connection must be conveyed to the City and the City shall be responsible for subsequent maintenance of the service connection and water meter, and the landowner

shall retain responsibility for maintenance of the service lateral connecting the landowner's building(s) or other facilities to the City's water meter. Preparation of any required title transfer documentation shall be the responsibility of the landowner and must be accomplished within one (1) year of the City's approval of the installed service connection and water meter. If the landowner fails to do so, the landowner shall be estopped from claiming ownership of said facilities.

### **13.04.060 CONNECTION TO PUBLIC WATER DISTRIBUTION SYSTEM.**

A. The applicant for water service must notify the City when the service connection is ready for inspection and connection to the City's water distribution system.

B. From the effective date of this ordinance, every dwelling unit wholly detached from any other dwelling unit or other building must be separately connected to the City's water distribution system. Any detached auxiliary buildings associated with a dwelling unit and not intended for use as a dwelling unit, commercial or other building, may utilize the dwelling unit's connection only if such building(s) does not contain facilities intended to be used communally by more than one nearby dwelling unit (e.g. detached laundry facilities). If there is more than one dwelling unit on a lot, each detached dwelling unit must be separately connected to the City's water distribution system, otherwise each residential occupancy building containing two or more dwelling units which are not legally approved for separate ownership must be connected through a single water meter and service connection to the City's water distribution system.

C. In each residential occupancy building containing two or more dwelling units which have been legally approved for separate ownership, each dwelling unit must be separately metered and separately connected to the City's water distribution system. However, all communally owned and detached auxiliary facilities and buildings (e.g. community swimming pools, irrigation sprinklers for commonly owned areas, common laundry room) must be connected to the City's water distribution system through a single water meter and service connection.

D. Each lot containing one or more non-residential occupancy buildings under common ownership must be connected to the City's water distribution system through a single water meter and service connection, unless one or more additional service connections are expressly authorized by a resolution of, or written agreement with, the City Council. In each non-residential building containing two or more occupancy units which were legally approved for separate ownership, each unit must be separately metered and separately connected to the City's water distribution system. However, all communally owned or detached auxiliary facilities and buildings (e.g. irrigation sprinklers for commonly owned areas, common restrooms) must be connected to the City's water distribution system through a single water meter and service connection.

E. Adjacent buildings or dwelling units, on a single lot or on multiple lots, which are detached from one another and which are under separate ownership must not utilize the same service connection to the City's water distribution system.

F. A water service permit approved by the City and which covers any existing residential, commercial or industrial building shall automatically terminate when such building is subsequently legally divided into separate occupancy units that may be legally transferred, sold and owned. The termination shall be deemed to have occurred upon the

legal approval and creation of such separate units and, thereafter, in order to obtain a water service permit, each unit is subject to and must be in full compliance with all City requirements, conditions and procedures for new service (e.g. installation of separate service connection and separate water meter).

G. For any mixed-use building containing two or more occupancy units, when at least one is used as a residential dwelling unit and at least one other unit is used for commercial or industrial purposes, separate service connections and metering are required for each unit if the occupancy units in such mixed-use building were lawfully divided into separate occupancy units that may be separately transferred, sold and owned. Otherwise, in any such mixed-use building that is not lawfully divided into separate occupancy units that may be separately transferred, sold and owned, a single meter and service connection to the City's water distribution system is required.

H. Every connection to the City's water distribution system must comply with the cross-connection provisions of Title 17 of the California Administrative Code and with the City's Cross-Connection Ordinance.

### **13.04.070 CHANGES OF OWNERSHIP; NEW CUSTOMERS; FIXTURE INSPECTIONS.**

A. When there is a change in ownership of premises using City water service, water service charges to the new owner shall be placed in the new owner's name upon the new owner's written request to the City to do so, if all other City requirements are satisfied. Said service shall then be subject to the service charges established by this Ordinance. If the City staff has reasonable grounds to believe that the owner of record or the renter of premises receiving water service is deceased, and if a new owner or renter has not requested to be the new account holder, then the City may commence proceedings for abandonment of capacity rights under this Ordinance No. 139.

B. Notwithstanding any other provision of any other ordinance of the City, prior to authorizing water service to the premises of any landowner, tenant or other prospective customer, said person must sign an authorization form provided by the City which authorizes the City to enter upon the premises and all buildings thereon which will receive water service, for the purpose of conducting an inventory inspection to ascertain and/or confirm the number of plumbing fixtures to be used in connection with the City's water service. However, this section must not be construed to impose an affirmative duty upon the City to always complete such an inspection or to discover any plumbing or related problems during any such inspection, which may subsequently result in property damage or other harm to any person.

### **13.04.080 - Water service—Owner responsibility.**

Where there are two or more dwellings, apartment or households under the same ownership using water from the same service connection, the owner of the real property must apply for and pay for the water service. Each habitable unit on the real property which is occupied must pay a full charge for water service.

*(Ord. 417 § 4, 1987)*

### **13.04.090 - Billing for service—Delinquency—Termination.**

A. Bills for water service will be rendered to the consumer or the property owner on or before the first day of every month, and all bills are due and payable on that date, at the offices of the city, or by mail to the city. If the payment is not made on or before the

twentieth day of the month following the rendering of the bills, the bill shall be considered delinquent and a six-dollar (\$6.00) penalty shall be added to the water bill. When a water bill is delinquent, the water service may be terminated and shut off, and shall not be turned on again until the delinquent bill, the six-dollar (\$6.00) penalty and an additional sum of forty dollars (\$40.00) for turning off and restoring service, shall be paid.

B. A consumer's water service may be discontinued for the nonpayment of a bill for water service of the same class rendered to him at a previous location if the bill is not paid within thirty (30) days after presentation at the new location.

*(Ord. 549, 2003: Ord. 526 § 2, 1996: Ord. 417 §§ 6, 7, 1987)*

### **13.04.100 - Discontinuance of service—Notice to be sent—Hearing.**

Prior to discontinuing service for nonpayment of charges, a final notice shall be sent to the customer informing him that service will be discontinued if payment of all charges, including delinquent charges and penalties, is not made within fifteen (15) days. The notice shall provide that the customer may request a hearing before the city council if the customer feels that the billing which has been prepared and rendered is in error. Such request must be made in writing and submitted to the city clerk prior to the expiration of the fifteen (15) day period. In cases where a hearing is requested, service shall not be subject to termination until such hearing has been conducted. The decision of the city council after such hearing shall be final.

*(Ord. 417 § 8, 1987)*

### **13.04.110 - Emergency shut off of service.**

No charge will be made for emergency shut off and turn on service during regular working hours when same is made at the request of the owner or consumer after all charges due against the service connection are paid.

*(Ord. 417 § 9, 1987)*

### **13.04.120 - Temporary stop of service at customers request and call out fees.**

If the customer requests a temporary stop of service (one month minimum) a ten-dollar (\$10.00) fee will be charged for turn on and shut off of water service during regular office hours. Shut off and turn on of water service after regular working hours, on weekends and holidays will be done by our standby person. The overtime fee will be charged as call out time and materials plus an administrative fee of ten dollars (\$10.00).

*(Ord. 526 § 3, 1996: Ord. 417 § 10, 1987)*

### **13.04.130 - Access for inspection.**

Applicants for water service and water consumers shall answer without concealment all questions relative to the purpose for which water is, or is to be, used. The director of public works or other authorized agent shall have free access at proper hours of the day, to all parts of every building or property where water is used, for the purpose of inspecting the condition of pipes and the manner in which the water is being used.

*(Ord. 417 § 11, 1987)*

### **13.04.140 - Applicants to establish credit.**

An applicant for water service or water consumer must establish credit by one of the following methods:

A. Proven ownership of property on which service connection is made;

B.A cash deposit for water service, amount to be set by resolution.  
(Ord. 417 § 12, 1987)

### **13.04.150 - Deposits.**

Deposits shall be kept in the water service deposit fund in the city treasury as long as water service is continued to the person making the deposit. Upon termination of water service deposits may be returned to the depositor upon application of the depositor made within two years of the termination of water service. Deposits shall first be applied to the outstanding water bill of the depositor before any refund shall be made.  
(Ord. 417 § 13, 1987)

### **13.04.160 - Changes in service—Notification.**

The consumer or owner shall notify the director of public works or other authorized agent of any changes in the service desired, including discontinuance on account of vacancy of the property.

In case of failure of the owner or consumer to give such notice, the minimum monthly water rate will be charged and collected for each month for which charges have accrued prior to such notice.  
(Ord. 417 § 14, 1987)

### **13.04.170 - Reselling water prohibited.**

No person or family shall furnish or resell water from his service to any other person or to any other premises.  
(Ord. 417 § 15, 1987)

### **13.04.180 - Service line damage—Responsibility.**

All persons taking water must keep their own service line from city valve at property line to house connection in good order and free from leaks, and will be held responsible for all damage which may result from neglect to do so.  
(Ord. 417 § 16, 1987)

### **13.04.190 - Boilers.**

All consumers having arrangements for hot water and steam must have a tank from which to feed the boilers. The city will not be responsible for the safety of boilers on the premises of the consumer.  
(Ord. 417 § 17, 1987)

### **13.04.200 - Equipment maintenance—Consumer responsibility.**

The consumer shall, at his own risk and expense; furnish, install and keep in good and safe condition all equipment that may be required for receiving, controlling, applying and utilizing water, and the city shall not be responsible for any loss or damage caused by the improper installation of such equipment, or the negligence or wrongful act of the customer or of any of his tenants, agents, employees or contractors, in installing, maintaining or operating such equipment. The city shall not be responsible for damage of property caused by faucets, valves and other equipment that are open when water is turned on at the meter, either originally or when turned on after a temporary shutdown.  
(Ord. 417 § 18, 1987)

**13.04.210 - Fire alarm—Discontinuance of water use.**

Immediately upon an alarm of fire being sounded from any part of the city, all persons using water for sprinkling or irrigating purposes shall close all hydrants and discontinue the use of the water for such purposes until the fire is extinguished.

*(Ord. 417 § 19, 1987)*

**13.04.220 - Tampering with fire hydrants or other equipment.**

A. No person or persons (except a fireman in the discharge of his duties) shall, without permit from the director of public works, open or in any way tamper with any fire hydrant, control valves or any other part of the mains of the water system.

B. No person or persons shall place or cause to be placed upon or about any fire hydrant, water gate, or control valve connected with the water mains of the city, any building material or other substances so as to prevent free access at all times.

*(Ord. 417 §§ 20, 21, 1987)*

**13.04.230 - Alterations to tap, pipe or water valve.**

No person shall tap any main and no addition or alteration whatsoever in or about any tap, pipe or water valve, shall be made or caused to be made by any person without permission of the director of public works.

*(Ord. 417 § 22, 1987)*

**13.04.240 - Turning water on or off—Authorized agent only.**

No one except a properly authorized agent of the city shall turn water on or off at any property without a written permit.

*(Ord. 417 § 23, 1987)*

**13.04.250 - Molestation of city water system property.**

No person shall, without permission of the director of public works: enter into any pump house or enclosure, or molest any machinery, materials or tools; change any meter, gauge or register; or molest in any way any of the property of the city water system.

*(Ord. 417 § 24, 1987)*

**13.04.260 - Shut off of water for repairs or extensions.**

The city reserves the right to shut off the water at any time for the purpose of making repairs or extensions to the system or for any other purpose, and will not be responsible for any damage resulting from the same.

*(Ord. 417 § 25, 1987)*

**13.04.270 - Connection restricted.**

No connection will be made to any property with an orifice greater than three-fourths of an inch in diameter except where special arrangements are made with the city.

*(Ord. 417 § 27, 1987)*

**13.04.280 - Violation—Shut off—Payment.**

For any violation of these rules and regulations, the water may be shut off and not be opened again with satisfactory assurance of an intention on the part of the delinquent to comply with the rules and regulations, and the payment of twenty dollars (\$20.00) for the closing and opening of the control valve.

(Ord. 417 § 26, 1987)

**13.04.290 - Violation—Penalty.**

Any person, firm or corporation, whether as principal, agent, employee or otherwise, violating or causing the violation of any of the provisions of this chapter, shall be guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine of not more than five hundred dollars (\$500.00) or by imprisonment in the county jail for a term not exceeding six months, or by both such fine and imprisonment.

(Ord. 417 § 28, 1987)

**Section 4. 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 section 15061(b)(3) [there is no possibility the activity in question may have a significant affirmative effect on 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 5. 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 Woodlake, or any official, employee or agent thereof.

**Section 6. 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 any character be lost, impaired or affected by this ordinance.

**Section 7. 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 Woodlake 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 8. 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 Woodlake Municipal Code as amended by this ordinance are substantially the same as provisions in the Woodlake 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 9. EFFECTIVE DATE.** The foregoing ordinance shall take effect thirty (30) days from the date of the passage hereof. Prior to the expiration of fifteen (15) days from the enactment 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 Woodlake, 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 Woodlake, State of California, on \_\_\_\_\_, 2015 at a regular meeting of said Council duly and regularly convened on said day by the following vote:

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

---

RUDY MENDOZA  
Mayor, City of Woodlake

ATTEST:

---

IRENE ZACARIAS  
City Clerk

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE REPEALING CHAPTER 9.08 OF THE MUNICIPAL CODE OF THE CITY OF WOODLAKE, AND ENACTING CHAPTER 9.08 PERTAINING TO CURFEW REQUIREMENTS FOR MINORS AND THEIR PARENTS OR LEGAL GUARDIANS.

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

**Section 1. PURPOSE AND FINDINGS.**

(a) The provisions of this ordinance are intended to promote the public health, safety, comfort and general welfare, and to protect individuals under the age of eighteen (18) years. By enactment of this ordinance, the City Council desires to, among other objectives, encourage parents and legal guardians to exercise reasonable care, supervision and control over their minor children so as to prevent them from committing unlawful acts as well as to prevent them from becoming victims of crime.

(b) The City Council finds that a critical need exists for a juvenile curfew ordinance. Minors are under the age of eighteen years and possess a particular vulnerability to crime and harmful influence under certain circumstances or when not supervised or accompanied by a parent or legal guardian at night; such minors often lack the ability to make critical decisions in an informed and mature manner when exposed to nighttime influences. Furthermore, the presence of criminal street gang members in an environment where minors are present can have unsettling effects. Minors can be recruited into the gangs, may be exposed as witnesses to gang violence, or most severely, may become innocent victims of gang violence. A curfew ordinance can help to ensure that a minor's parent or legal guardian is able to play an important role in the minor's development and upbringing. State law limits the circumstances under which a peace officer can intervene to assist a minor who is in potential danger or need of assistance. In the absence of a curfew ordinance, peace officer will not have a clear guideline as to whether or not they may detain a minor to provide assistance. Accordingly, the City Council finds that this juvenile curfew ordinance is necessary. This ordinance is tailored

to promote the welfare of minors and promote and protect a parent's ability to play a role in the upbringing of their minor children.

(c) The City Council further finds that:

- 1) A significant number of individuals using the City's public streets or other public areas at night are members of criminal street gangs;
- 2) A consistent pattern of crime and violence has occurred in and about the City of Woodlake on public streets during nighttime hours, including crimes and violence by criminal street gang members;
- 3) Criminal street gang activity has been documented by the Woodlake Police Department; In one incident on February 2, 2013 at approximately 12:35 A.M. a minor member of a criminal street gang and an accomplice were on a public street with a firearm and ultimately shot and killed Richard Zepeda who was outside visiting with friends; In another incident on North Mulberry Street on March 13, 2015 at approximately 10:15 P.M., a seventeen year old minor was shot in the chest, cheek and back by individuals from a criminal street gang;
- 4) Numerous physical assaults and other cases of shootings have been documented during nighttime hours on or near public streets frequented by minors; and
- 5) The enactment of reasonable time, place and manner restrictions as provided herein will provide measures to reduce the potential for crime activity by or directed toward minors on public streets and other public property.

**Section 2. CODE REPEAL.** Chapter 9.08 within Title 9 of the Woodlake Municipal Code is hereby repealed in its entirety.

**Section 3. CODE ADOPTION.** Chapter 9.08 within Title 9 of the Woodlake Municipal Code is hereby enacted to read in its entirety as follows:

## **Chapter 9.08 – CURFEW**

### **9.08.010 DEFINITIONS.**

For the purposes of this Chapter, the following definitions shall apply:

“Curfew hours” refers to 10:00 P.M., local time on any Sunday, Monday, Tuesday, Wednesday, Thursday, Friday or Saturday, until 4:00 A.M. the following day.

“Emancipated Minor” is a minor who has entered into a valid marriage, is on active duty with any of the armed forces, or has received a declaration of emancipation, as more fully set forth in California Family Code sections 7000 et seq.

“Emergency” means an unforeseen combination of circumstances which results in a reasonable necessity for immediate responsive or protective action, including but not limited seeking to obtain medical, police, fire or other reasonably urgent assistance. The term includes, but is not limited to, a fire, a natural disaster, an automobile accident or any situation requiring immediate action to prevent serious bodily injury, loss of life or significant property damage.

“Establishment” means any privately owned place of business, operated for a profit, to which the public is invited, including but not limited to, any place of amusement or entertainment.

“Express parental permission” is the verifiable permission of a minor’s parent or legal guardian for the minor to be in or on any public street, public park or any other public place during the curfew hours set forth in this Chapter. When stopped for a possible violation of this Chapter, it shall be the minor’s responsibility to demonstrate that he or she has express written parental permission. The minor may satisfy this burden through any reasonably verifiable means including, but not limited to, signed and verifiable documentation from a parent or legal guardian specifying the date, time and purpose of permission or presentation of a form developed and administered by the Woodlake Police Department. Written verification shall not be required in the case of an emergency or when unforeseen circumstances arise which reasonably prevent the minor from obtaining prior written permission. If a minor is unable to demonstrate that he or she has express written parental permission and no other exception applies, the minor may be transferred to the Woodlake Police Department and shall not be subject to custodial interrogation for a violation of this Chapter. For minors who allege but are unable to demonstrate express parental permission, the peace officer with custody of the minor at the station must promptly attempt to contact the minor’s parent or legal guardian to determine if the minor has express parental permission. If the peace officer determines that the minor has express written parental permission and the minor is not being held for any other charges, the minor must be released promptly and returned to the place of initial detention as authorized by the minor’s parent or legal guardian. If the peace officer does not determine that the minor has express parental permission, the minor shall be deemed to be in violation of the appropriate provision of this Chapter.

“Legitimate Employment” Legitimate employment is any lawful source of employment or self-employment in connection with a business, trade, profession or occupation.

“Minor” is any person under the age of eighteen years.

“Other Public Place” includes all other public or private property, in addition to a public street, public alley or public park, which is outdoors and immediately accessible by the public in general, such as plazas,

parking lots, doorways or breezeways; Not included in this definition is the residence of a minor or the minor's actual relative or the portion of street, sidewalk or yard adjoining such residences.

"Operator" means any individual, firm, association, partnership or corporation operating, managing or conducting any establishment. The term includes the members or partners of an association or partnership and the officers of a corporation.

"Parent or Legal Guardian" is a person or spouse of a person who has the legal custody or care of a particular minor. For purposes of this Chapter, parent or legal guardian also includes an adult who is accompanying a minor with the express written permission of the minor's parent or legal guardian.

"Public park" includes all grounds, roadways, squares, recreation facilities and other property placed under the control, management, and direction of the City of Woodlake Public Works Department.

"Public street" includes all public sidewalks, crosswalks, roadways, alleys and intersections, but not sidewalks that are adjoining to a minor's residence or the residence of the minor's actual relative.

"Religious or political activity" includes, but is not limited to, a rally, demonstration, march, vigil, service or distribution of information which has as its primary focus political or religious purposes.

"Remain" means to linger, stay or fail to leave the premises when requested to do so by a peace officer or the owner, operator or other person in control of the premises.

### **9.08.020 CURFEW PROHIBITIONS.**

A. No minor shall remain in any public place or on the premises of any establishment within the City of Woodlake during curfew hours.

B. No parent or guardian of a minor shall permit, or by insufficient control allow, any minor who is subject to their authority to remain in any public place or on the premises of any establishment within the City of Woodlake during curfew hours.

C. No owner, operator, or employee of any establishment shall allow a minor to remain upon the premises of the establishment during curfew hours.

### **9.08.030 EXEMPTIONS; CONDUCT THAT DOES NOT VIOLATE CURFEW PROHIBITIONS.**

A. It is a defense to prosecution under section 9.08.020 if the minor was:

1. Accompanied by the minor's parent or legal guardian.
2. On an errand at the written direction of the minor's parent or legal guardian, without any detour or stop.
3. Engaged in legitimate employment activity, or going to or returning home from a legitimate employment activity, without any detour or stop.
4. Involved in an emergency.
5. On the sidewalk abutting the minor's residence or abutting the residence of a next-door neighbor, if the neighbor did not complain to the Woodlake Police Department about the minor's presence.

6. Attending an official school, religious or other recreational activity supervised by adults and sponsored by the City of Woodlake, a local school district, a nonprofit charity, a locally recognized civic organization or another similar lawful entity that has taken responsibility for the minor, or going to or returning home from the same, without any detour or stop.
7. Exercising rights secured by the First Amendment of the Constitution of the United States of America in accordance with all valid and applicable time, place and manner regulations.
8. An emancipated minor.

B. It is a defense to prosecution of a parent or legal guardian under section 9.08.020(b) if, at the time of the minor's violation, the parent or legal guardian reported to the Woodlake Police Department that the minor was out during curfew hours without permission, or the minor failed to obey an order of reporting parent or legal guardian to stay home during curfew hours.

C. It is a defense to prosecution of owner, operator or employee of an establishment under section 9.08.020(c) if the prosecuted owner, operator or employee of an establishment promptly notified the Woodlake Police Department that a minor remained on the premises of the establishment during curfew hours after being asked by the establishment to leave.

#### **9.08.040 ENFORCEMENT ACTION AND PROBABLE CAUSE.**

Before transporting a minor or taking any enforcement action for a violation of section 9.08.020, a peace officer must ask for the apparent offender's age and inquire into the minor's reason for being in the public place. The peace officer must not cite the apparent offender for violation of section 9.08.020, unless the peace officer reasonably believes that an offense under section 9.08.020 has occurred, and that none of the exemptions under section 9.08.030 are applicable. No provision within this Chapter shall authorize a peace officer to engage in custodial interrogation of a minor for a violation of section 9.08.020.

#### **9.08.050 CONSEQUENCES FOR VIOLATION.**

A. To the extent permitted by applicable law, including the terms of this section, all remedies prescribed in this section for a violation of section 9.08.020 shall be cumulative and not mutually exclusive, and are in addition to any other remedy or penalty authorized by law.

B. In addition to any other authorized remedy, each violation of section 9.08.020 shall constitute a public nuisance that shall be subject to abatement through any lawful means.

C. Violation of section 9.08.020 constitutes an infraction.

D. Any person violating the provisions of section 9.08.020 shall be subject to the corresponding warning, fees and community service prescribed by Welfare and Institutions Code section 625.5(d) and (e) or its corresponding successor statute, if any, as amended from time to time. Any court order imposing community service upon a minor should not exceed any statutorily prescribed limits, including those in Welfare and Institutions Code section 258(a)(13), which as of the date of this ordinance limits community service by minors for violation of curfew to a total time of twenty (20) hours over a period not to exceed thirty (30) days. The Chief of Police or his/her designee is hereby authorized and charged with the responsibility to issue the notices described in Welfare and Institutions Code section 625.5(d).

E. In order to facilitate the City's recovery of a fee, under Welfare and Institutions Code section 625.5(e), for actual costs of administrative and transportation services for the return of a minor to his or her place of residence, or to the custody of his or her parents or legal guardian, the City Council may from time to time enact a resolution setting forth the City's actual costs on an hourly or other reasonable basis. Such resolution may authorize City staff to calculate and collect the final fee without further approval from the City Council, and to conduct any hearing required by said statute and make any related findings and orders authorized thereunder including without limitation the imposition of community service, provided that any appeal thereof shall be heard by the City Council or its designee.

F. In addition to fees and community service which may be imposed under this section, for a second and subsequent violation of section 9.08.020, the violator shall be subject to a fine not to exceed the amounts specified in section 1.12.010 for infractions.

G. A minor whose violation of section 9.08.020 is not litigated in conjunction with a petition under sections 601 or 602 of the Welfare and Institutions Code may be heard and disposed of by a juvenile hearing officer pursuant to Welfare and Institutions Code section 256. A minor's ability or inability to appeal a court's disposition is governed by Welfare and Institutions Code section 800, as amended from time to time. [In re K.S. (2003) 112 Cal. App. 4th 118.]

**Section 4. 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 section 15061(b)(3) [there is no possibility the activity in question may have a significant affirmative effect on 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 5. 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 Woodlake, or any official, employee or agent thereof.

**Section 6. 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 any character be lost, impaired or affected by this ordinance.

**Section 7. 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 Woodlake 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 8. 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 Woodlake Municipal Code as amended by this ordinance are substantially the same as provisions in the Woodlake 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 9. EFFECTIVE DATE.** The foregoing ordinance shall take effect thirty (30) days from the date of the passage hereof. Prior to the expiration of fifteen (15) days from the enactment 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 Woodlake, 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 Woodlake, State of California, on \_\_\_\_\_, 2015 at a regular meeting of said Council duly and regularly convened on said day by the following vote:

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

---

RUDY MENDOZA  
Mayor, City of Woodlake

ATTEST:

---

IRENE ZACARIAS  
City Clerk

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY OF WOODLAKE  
ENACTING CHAPTER 10.19 CREATING RESIDENTIAL  
PARKING RULES AND ENFORCEMENT

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

**Section 1. PURPOSE.** The provisions of this ordinance are intended in order to promote the public health, safety, comfort and general welfare of the community by requiring a minimum level of maintenance of private property to protect the livability, appearance and social and economic stability of the City of Woodlake (“City”) and to protect the public from the health and safety hazards and the impairments of property values that result from the neglect and deterioration of property.

**Section 2. CODE ADOPTION.** Chapter 10.19 of Title 10 of the Woodlake Municipal Code is hereby enacted to read in its entirety as follows:

**CHAPTER 10.19 RESIDENTIAL PARKING.**

**10.19.010 Purpose.**

The purpose of this chapter is to promote the public health, safety and welfare by requiring a minimum level of maintenance of private property to protect the livability, appearance and social and economic stability of the city and to protect the public from the health and safety hazards and the impairments of property values that result from the neglect and deterioration of property.

**10.19.020 Definitions.**

"Boat" means a boat of any kind, whether self-propelled or propelled by any other means, including sailing vessels and all other structures adapted to be navigated on water from place to place for recreational purposes or for the transportation of merchandise or persons.

"Motor Vehicle" means a passenger vehicle, truck, recreational vehicle, motorcycle, motor scooter, golf cart, or other similar self-propelled vehicle.

"Motor vehicle" does not mean a motorized wheelchair, bicycle, tricycle or quadricycle.

"Property" means any real property not owned by the City of Woodlake, the federal or state government or any political subdivision or agency thereof.

"Recreational Vehicle" means a motor vehicle designed and equipped for human habitation.

### **10.19.030 Parking on unpaved surfaces prohibited.**

A. Notwithstanding any other ordinance of the City, on any improved parcel used for residential purposes, no person shall keep, store or park any trailer, recreational vehicle, boat or motor vehicle on any portion of a front yard or side yard which adjoins either a public street or a public sidewalk, unless the area is paved in accordance with City standards.

B. No owner, tenant, manager or occupant of any improved parcel used for residential purposes shall allow or suffer another person to keep, store or park any trailer, recreational vehicle, boat or motor vehicle on any portion of a front yard or side yard which adjoins either a public street or a public sidewalk, unless the area is paved in accordance with City standards.

### **10.19.040 Enforcement.**

A. The city administrator or designee is authorized to administer and enforce the provisions of this chapter. All enforcement officers to whom the city administrator has delegated enforcement responsibilities are authorized to inspect property and to take any other appropriate enforcement action as may be reasonably necessary or convenient in order to carry out, administer or otherwise enforce the provisions of this chapter.

B. Any private person who violates any provision of this chapter shall be subject to enforcement procedures for each violation through any lawful means available to the city, including without limitation, the administrative citation procedures or the general penalty provisions of Chapter 1.12.

C. A violation of this chapter by any private person shall constitute a public nuisance which, in addition to any other potential remedies available, shall be subject to abatement by any lawful means including, but not limited to, the procedures in Chapter 8.28.

**Section 3. 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 section 15061(b)(3) [there is no possibility the activity in question may have a significant affirmative effect on the environment]. The City Administrator is hereby directed to ensure that a *Notice of Exemption* is filed pursuant to CEQA Guidelines section 15062 [14 C.C.R. § 15062].

**Section 4. 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 Woodlake, or any official, employee or agent thereof.

**Section 5. 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 any character be lost, impaired or affected by this ordinance.

**Section 6. 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 Woodlake 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 7. 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 Woodlake Municipal Code as amended by this ordinance are substantially the same as provisions in the Woodlake 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 8. EFFECTIVE DATE.** The foregoing ordinance shall take effect thirty (30) days from the date of the passage hereof. Prior to the expiration of fifteen (15) days from the enactment 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 Woodlake, 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 Woodlake, State of California, on \_\_\_\_\_, 2015 at a regular meeting of said Council duly and regularly convened on said day by the following vote:

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

\_\_\_\_\_  
Rudy Mendoza  
Mayor, City of Woodlake

ATTEST: \_\_\_\_\_  
Irene Zacarias  
City Clerk

DRAFT

ORDINANCE NO. \_\_\_\_

AN ORDINANCE OF THE CITY OF WOODLAKE ENACTING CHAPTER 17.74 CONTAINING AN EXPEDITED, STREAMLINED PERMITTING PROCESS FOR SMALL RESIDENTIAL ROOFTOP SOLAR ENERGY SYSTEMS.

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

**Section 1.** FINDINGS AND PURPOSE.

WHEREAS, on September 21, 2014, the Governor of the State of California signed into law Assembly Bill 2188 (AB-2188) which requires cities to enact a an ordinance that creates an expedited, streamlined permitting process for small residential rooftop solar energy systems (no larger than 10 kilowatts alternating current nameplate rating or 30 kilowatts thermal, per Government Code § 65850.5(j)(3)(A)); and

WHEREAS, the City of Woodlake (“City”) intends to comply with such requirement by enacting the instant ordinance.

**Section 2.** In accordance with Government Code § 65850.5(g)(2), the City has determined that it is presently unable to authorize the acceptance, through email or the Internet, of an electronic signature on and an electronic submittal of all forms, applications and other documents in lieu of a wet signature by an applicant because the City presently does not have sufficient equipment, software and other necessary technical and human resources capable of reliably doing so.

**Section 3.** CODE ADOPTION. Chapter 17.74 is hereby added to Title 17 of the Woodlake Municipal Code to read in its entirety as follows:

## **CHAPTER 17.74 – SMALL RESIDENTIAL ROOFTOP SOLAR ENERGY SYSTEMS**

### **17.74.010 Purpose.**

The City of Woodlake (“City”) seeks to implement Assembly Bill 2188 (2014) through the creation of an expedited, streamlined permitting process for small residential rooftop solar energy systems. This ordinance shall also be known and may be cited as the “small residential rooftop solar ordinance”.

### **17.74.020 Definitions.**

The following definitions shall apply solely to this Chapter of the municipal code:

“**Solar energy system**” shall have the same meaning set forth in Civil Code section 801.5(a)(1) and (a)(2) or successor statute, as amended from time to time.

“**Small residential rooftop solar energy system**” shall have the same meaning set forth in Government Code section 65850.5(j)(3) or successor statute, as amended from time to time.

“**Electronic submittal**” means the utilization of facsimile.

An “**association**” means a nonprofit corporation or unincorporated association created for the purpose of managing a common interest development.

A “**common interest development**” means any of the following:

- (1) A community apartment project;
- (2) A condominium project;
- (3) A planned development; or
- (4) A stock cooperative.

“**Specific, adverse impact**” shall have the same meaning set forth in Government Code section 65850.5(j)(5) or successor statute, as amended from time to time.

“**Planning director**” shall mean the planning director as set forth within Title 17, including Chapter 17.03, of the Woodlake Municipal Code and shall also refer to the planning director’s designee, if any.

“**Building official**” shall mean the head building official as set forth within Title 17, including Chapter 17.03, of the Woodlake Municipal Code and shall also refer to the building official’s designee, if any.

### **17.74.030 Applicability of Chapter.**

(a) This Chapter of the City’s municipal code applies to the permitting of all small residential rooftop solar energy systems in the City.

(b) Small residential rooftop solar energy systems lawfully established or permitted prior to the effective date of this Chapter of the City’s municipal code are not subject to the requirements of this Chapter unless physical modifications or alterations are undertaken

that materially change the wattage, size, type or components thereof which shall require new permitting. Routine operation and maintenance or like-kind replacement of existing components shall not require a permit.

#### **17.74.040 Compliance with State and Local Requirements.**

In order for a valid permit to be issued, the proposed solar energy system must satisfy all applicable health and safety standards and requirements enacted by the state and the City.

#### **17.74.050 Duties of Planning Director.**

(a) In accordance with Government Code section 65850.5(g)(1), the City's planning director shall prepare and adopt a checklist of all requirements with which small residential rooftop solar energy systems must comply in order to be eligible for expedited review and an accurate application which satisfies those requirements shall be deemed complete. All requirements in the checklist and any procedures identified therein must conform to the minimum standards and requirements found in the most current version of the California Solar Permitting Guidebook published by the Governor's Office of Planning and Research.

(b) In accordance with Government Code section 65850.5(g)(2), the planning director must ensure the checklist and all document forms required for the submission of an expedited solar energy system application are publicly accessible on a City webpage during such times as the City has an operative Internet website.

(c) In connection with small residential rooftop solar energy system permit applications, and in addition to an applicant's original wet signatures thereon, the planning director shall alternatively accept an electronic signature and submittal of the required permit application and documents by facsimile. The planning director may also elect to accept any additional form of electronic signatures specified in Government Code section 65850.5(g)(2) provided that the planning director has sufficient equipment, software and other technical and human resources capable of reliably doing so for all applicants so desiring.

(d) In accordance with Civil Code section 714(e)(1) and Government Code section 65850.5(b), an application for approval to install a solar energy system shall be processed by the planning director in the same manner as an application for approval of an architectural modification to the property, and must not be willfully avoided or delayed, provided that such review process shall be administrative, nondiscretionary and similar to approval of building permits. The planning director's approval shall be, and is, contingent upon valid issuance of a building permit by the City's building official.

(e) The planning director and building official must ensure that all fees prescribed for the permitting of small residential rooftop solar energy system comply with all laws, including Government Code sections 65850.55, 66015 and 66016 and Health and Safety Code section 17951, to the extent applicable.

#### **17.74.060 Conditional Use Permits.**

(a) To the extent not otherwise prohibited by Government Code section 65850.5(b), a conditional use permit shall be required if the City's building official makes a finding, based upon substantial evidence, that the proposed solar energy system could have a

specific, adverse impact upon the public health and safety. A conditional use permit to install a solar energy system must and shall be denied if, based on substantial evidence, the City finds that the proposed installation would have a specific, adverse impact upon the public health or safety, and there is no feasible method to satisfactorily mitigate or avoid the same.

(b) The City may impose any condition within a conditional use permit which is designed to mitigate the specific, adverse impact upon health and safety at the lowest possible cost.

#### **17.74.070 Inspections; Issuance of Building Permit.**

(a) In connection with small residential rooftop solar energy systems which qualify for expedited review, only one inspection shall be required and performed by the building official except that a separate fire safety inspection may be performed whenever the city does not have an agreement with a local fire authority to conduct a fire safety inspection on behalf of the fire authority. In accordance with Government Code section 65850.5(h), if a small residential rooftop solar energy system fails an inspection, a subsequent inspection must be scheduled which need not conform to the requirements of this Chapter.

(b) An inspection under this Chapter must be performed in a timely manner and whenever reasonably possible, building official and fire safety inspections should be consolidated. Unless extraordinary circumstances exist, an inspection will be scheduled within five (5) business days after a written request is received by the City and the applicant must be provided with a three (3)-hour inspection window.

(c) The building official shall issue or deny a building permit within two (2) business days after completing the inspection of a small residential rooftop solar energy system or within two (2) business days after the completion of a fire safety inspection, whichever is later.

#### **17.74.080 Appeals.**

The denial of a permit which is governed by this Chapter shall be appealable to the Planning Commission. The procedures and deadlines governing such appeal shall be the same procedures and deadlines prescribed in the City's municipal code for appeals to the City Council in connection with the denial of a conditional use permit except that in its sole and absolute discretion the City Council (or its designee) reserves the right to hear or decline a request to hear an appeal of the Planning Commission's decision. If the City Council agrees to hear an appeal from the Planning Commission, the decision of the City Council (or its designee) shall be final and supersede the decision of the Planning Commission.

**Section 4. 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 Class 1 categorical exemption [existing facilities, 14 C.C.R. § 15301] and Class 3 categorical exemption [new construction or conversion of small structures, 14 C.C.R. § 15303]. Furthermore, a statutory exemption exist pursuant to Public Resources Code § 21080.35. 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 5. 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 Woodlake, or any official, employee or agent thereof.

**Section 6. PENDING ACTIONS AND EXISTING VIOLATIONS.** 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 other enforcement proceeding, or any rights acquired, or liability incurred, or any cause or causes of action already acquired or existing, under any act or ordinance or code repealed by this ordinance, nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

**Section 7. 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 Woodlake hereby declares that it would have enacted 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 8. 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 Woodlake Municipal Code as amended by this ordinance are substantially the same as provisions in the Woodlake 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 9. EFFECTIVE DATE.** The foregoing ordinance shall take effect thirty (30) days from the date of the passage hereof. 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 Woodlake, 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 Woodlake, on \_\_\_\_\_, 2015 at a regular meeting of said City Council duly and regularly convened on said day by the following vote:

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

\_\_\_\_\_  
RUDY MENDOZA, Mayor  
CITY OF WOODLAKE

ATTEST: \_\_\_\_\_  
IRENE ZACARIAS, City Clerk  
CITY OF WOODLAKE

# City of Woodlake

## **AGENDA ITEM V-B**

**November 9, 2015**

**Prepared by Ramon Lara, City Staff**

### **SUBJECT:**

**Action:** Adoption of Resolution: Reaffirm the Approval of Emergency Expenditures for the Development and Implementation of the City of Woodlake Well Project

### **BACKGROUND:**

The California Government Code section 8630 empowers the City Council of the City of Woodlake to proclaim the existence of a local drought emergency when the City of Woodlake is threatened or likely to be threatened by the conditions of extreme peril to the safety of persons and property that are or are likely to be beyond the control of the services, personnel, equipment, and facilities of this City. The Council declared a drought emergency on the 26<sup>th</sup> day of May 2015 by Resolution No. 15-45 and by Resolution No. 15-46 the Council approved an exemption pursuant to the California Environmental Quality Act (CEQA), and State CEQA Guidelines relating to the environmental evaluation of the City of Woodlake Water Well Project. On June 22, 2015 by Resolution No. 15-59 Council approved emergency expenditures for the development and implementation of the City of Woodlake Well Project and has continued to reaffirm them at every Council meeting.

The City of Woodlake water system is made up of five wells that are used as the only source to provide potable water to its residents. The wells have seen a consistent drop in groundwater level due to the drought and diversion of water, which has increased ground water pumping in the area. These conditions have created a situation where City wells will need to be updated or replaced. Due to the low water table, the wells have also become very inefficient. All these factors have created a burden on the City's water system.

### **DISCUSSION:**

With the continued drought and pumping of groundwater in the area, the City water system has begun to struggle to meet the demand of its customers. Water tables continue to fall and wells continue to become more inefficient. In an effort to protect the City's water resources, the City has taken the necessary steps towards drilling new City wells and is looking at options to make their current wells more efficient. Pervasive drought conditions have also significantly increased demand for well contractors, who now have very long waiting lists to drill wells and no incentive to engage a bidding process, thereby creating procurement challenges for local public agencies. The City has also implemented its Stage 4 water regulations and has made major cuts in the use of water at City facilities.

At this time the City has begun the drilling of a well along the St. John's River within the City Airport Property. The well sixteen inch casing and gravel pack are in. The seal of the well has been completed with the development and testing of the well now in progress. City staff believes that if a new, deeper well is not added to the current water system immediately, then the City may not have the ability to meet its customers' demands in the near future.

The declaration of an emergency, when passed by four-fifths votes of its members, allows the expenditure of public money for a new City well, which will allow the City to meet its consumers' demands. The declaration has helped streamline the construction of the well by allowing the City to forego a competitive bid process as per the Public Contract Code. When the Council approves such action then the declaration of emergency will have to be re-approved by a four-fifths vote at every regularly scheduled meeting until the action is terminated.

**RECOMMENDATIONS:**

Staff recommends that the City Council approve the emergency expenditures of public money for the construction of a new City well to meet the demands of its customers and to safeguard the health of City residents. At this time staff is requesting that Council reaffirm the approval of \$186,000 in expenditures for the drilling of a 400ft deep hole and 16 inch wide steel casing. The City Council will review the need for continuing emergency expenditures at every scheduled Council meeting until the action is terminated.

**FISCAL IMPACT:**

The construction of a test well and new City well will be paid out of the Water Fund. Staff has currently allocated \$750,000 to the project.

**ATTACHMENTS:**

1. Resolution: Reaffirm the Approval of Emergency Expenditures for the Development and Implementation of the City of Woodlake Well Project

BEFORE THE CITY COUNCIL  
OF THE CITY OF WOODLAKE  
STATE OF CALIFORNIA

In the matter of:

REAFFIRM THE APPROVAL OF EMERGENCY ) Resolution No.  
EXPENDITURES FOR THE DEVELOPMENT AND )  
IMPLEMENTATION OF THE CITY OF WOODLAKE )  
WELL PROJECT )

**WHEREAS**, California Government Code section 8630 empowers the City Council of the City of Woodlake to proclaim the existence of a local drought emergency when the City of Woodlake is threatened or likely to be threatened by the conditions of extreme peril to the safety of persons and property that are or are likely to be beyond the control of the services, personnel, equipment, and facilities of this City; and

**WHEREAS**, California Government Code section 8558(c) states that a “local emergency” means the duly proclaimed existence of conditions of extreme peril to the safety of persons and property within the territorial limits of the City caused by the drought; and

**WHEREAS**, the City Council of the City of Woodlake declared a drought emergency in the City of Woodlake on the 26<sup>th</sup> of May 2015 by Resolution No. 15-45; and

**WHEREAS**, on January 17, 2014, the Governor of the State of California proclaimed a state of emergency in the State of California due to current drought conditions in the state and said state of emergency remains in effect; and

**WHEREAS**, the Governor’s proclamation acknowledged that the State of California is experiencing record dry conditions that have persisted since 2012, with 2014 projected to become the driest year on record; and

**WHEREAS**, the Governor’s proclamation called upon local water suppliers and municipalities to implement water shortage contingency plans immediately in order to avoid or forestall outright restrictions that could become necessary later in the drought season; and

**WHEREAS**, the current drought has negatively impacted local business, especially agricultural based business, of which City residents largely depend on; and

**WHEREAS**, the City has implemented Stage 4 of its water conservation regulations, which restricts water use in the city; and

**WHEREAS**, the City of Woodlake depends on ground water to provide potable water to its residents; and,

**WHEREAS**, the City’s domestic wells have seen a consistent drop in groundwater levels, requiring that wells be updated and replaced, causing an economic burden on the City; and

**WHEREAS**, persistent drought conditions have negatively impacted and continue to threaten the City’s economy; and

**WHEREAS**, conditions of drought exacerbate already perilous fire conditions in the City; and

**WHEREAS**, these conditions are likely to be beyond the services, equipment, personnel and fiscal resources of the City of Woodlake.

**NOW, THEREFORE, BE IT RESOLVED AND PROCLAIMED** by the City Council of the City of Woodlake that for reasons set forth herein, emergency expenditures may take place in order to safeguard the health of City residents by the construction of a new City well; and

**BE IT FURTHER RESOLVED** that in case of an emergency the Public Contract Code section 20168 allows for the legislative body to pass a resolution by at least a four-fifths vote of its members declaring that the public interest and necessity demand the immediate expenditure of public money to safeguard life, health, or property allowing the City to forego competitive solicitations for bids, as the action is necessary to respond to the emergency; and

**BE IT FURTHER RESOLVED** that on the 26<sup>th</sup> day of May 2015 by Resolution NO. 15-46 the Council approved an exemption pursuant to the California Environmental Quality Act (CEQA), and State CEQA Guidelines relating to the environmental evaluation of the City of Woodlake Water Well Project.

**BE IT FURTHER RESOLVED** that on the 22<sup>nd</sup> day of June 2015 by Resolution NO. 15-59 the Council approved emergency expenditures for the development and implementation of the City of Woodlake Well Project.

**BE IT FURTHER RESOLVED** that water suppliers and municipalities in the City of Woodlake heed the Governor's request to implement water shortage contingency plans immediately in order to avoid or forestall outright restrictions that could become necessary later in the drought season.

**BE IT FURTHER RESOLVED** that all city water associates, power companies, other involved agencies, utilities, and individuals do whatever they can to equitably allocate the available water to mitigate to the extent possible the hardships resulting from the lack of water during this extended drought period of recovery.

**BE IT FURTHER RESOLVED, PROCLAIMED AND ORDERED** that during the existence of this local drought emergency the powers, functions, and duties of the emergency organization of this City shall be those prescribed by state law, ordinances, and resolutions existing and passed in conjunction with this emergency, and that this emergency shall be deemed to continue to exist until the City Council of the City of Woodlake, State of California, proclaims its termination. Further, it is directed that this emergency proclamation be forwarded to the Director of the Governor's Office of Emergency Services and the Governor of the State of California.

**BE IT FURTHER RESOLVED, PROCLAIMED AND ORDERED** that the City Council of the City of Woodlake hereby authorizes the undertaking of all extraordinary police and planning powers in response to this local drought emergency including but not limited to the ability to modify, amend, or issue planning codes, building or safety codes, environmental health codes, and such other codes, orders, and regulations as determined necessary for the duration of the emergency.

**BE IT FURTHER RESOLVED, PROCLAIMED AND ORDERED** that public employees, officers, and governing bodies within the City are hereby granted full immunity to the extent allowed by law for actions undertaken in compliance with this emergency action.

**BE IT FURTHER RESOLVED, PROCLAIMED AND ORDERED** that this City Council approves \$186,000 in expenditures and authorizes the City Administrator to enter into an agreement for the drilling of a 400ft deep hole and a 16 inch wide steel casing and that Council will review the need for continuing emergency expenditures at every regularly scheduled meeting hereafter until the drought emergency is terminated or no further emergency expenditures are necessary. [Note: Public Contract Code section 22050(c) requires the governing board to review the emergency expenditures at every regularly scheduled meeting until the governing body terminates the emergency expenditure or emergency no longer exists.] **DECLARED** this 9<sup>th</sup> day of November 2015.

The foregoing resolution was adopted upon a motion of Councilmember \_\_\_\_\_, and seconded by Councilmember \_\_\_\_\_, and carried by the following vote at the City Council meeting held on November 9, 2015.

AYES:

NOES:

ABSTAIN:

ABSENT:

\_\_\_\_\_  
Rudy Mendoza, Mayor

ATTEST:

\_\_\_\_\_  
Irene Zacarias, City Clerk

# City of Woodlake

## **AGENDA ITEM V-C**

**November 9, 2015**

**Prepared by Jason Waters, City Staff**

### **SUBJECT:**

**Action:** Adoption of Resolution: Authorization to Go Out to Bid for an Airport Planning Consultant

### **BACKGROUND:**

The Federal Aviation Administration has grant funding available for airport planning and maintainince projects. The City of Woodlake must apply for these funds each year in order to receive the funding.

### **DISCUSSION:**

The City of Woodlake would like to request authorization from Council to go out to bid for a consultant to prepare an Airport Layout Plan and a Pavement Maintenance/Management Program. Both of these documents are required before the City can begin to use additional grant funding for maintenance and construction projects at the Woodlake Airport. Staff would like to begin the Request for Qualifications process to select a consultant to prepare these two documents.

### **RECOMMENDATIONS:**

Staff recommends that Council approve the authorization to go out to bid for an airport planning consultant.

### **FISCAL IMPACT:**

The City will be required to provide a grant match of 10%.

### **ATTACHMENTS:**

1. Resolution: Authorization to Go Out to Bid for an Airport Planning Consultant

BEFORE THE CITY COUNCIL  
OF THE CITY OF WOODLAKE  
COUNTY OF TULARE  
STATE OF CALIFORNIA

In the matter of:

AUTHORIZATION TO GO OUT TO BID FOR     )  
AN AIRPORT PLANNING CONSULTANT        )

Resolution No.

Councilmember \_\_\_\_\_, offered the following resolution and moved its adoption. Authorize the City of Woodlake to go out to bid for an airport planning consultant.

WHEREAS, the Federal Aviation Administration has grant funding available for airport planning and maintainince projects; and

WHEREAS, the City of Woodlake must apply for these funds in order to receive the funding; and

WHEREAS, the City of Woodlake Airport may use these funds from planning and maintenance purposes; and

WHEREAS, the City of Woodlake wishes to hire a consultant to prepare an Airport Layout Plan and a Pavement Maintenance/Management Program; and

NOW, THEREFORE, THE CITY OF WOODLAKE DOES RESOLVE to authorize that City Staff go out to bid for an airport planning consultant.

The foregoing resolution was adopted upon a motion of Councilmember \_\_\_\_\_, and seconded by Councilmember \_\_\_\_\_, and carried by the following vote at the City Council meeting held on November 9, 2015.

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

\_\_\_\_\_  
Rudy Mendoza, Mayor

ATTEST:

\_\_\_\_\_  
Irene Zacarias, City Clerk

# City of Woodlake

## **AGENDA ITEM V-D**

**November 9, 2015**

**Prepared by Jason Waters, City Staff**

### **SUBJECT:**

**Action:** Adoption of Resolution: Authorize the Mayor to Sign the Memorandum of Understanding to Form a Groundwater Sustainability Agency in the Kaweah Sub-basin

### **BACKGROUND:**

The Sustainable Groundwater Management Act (SGMA) went into effect January 1, 2015. SGMA requires local water agencies to form Groundwater Management Agencies (GSA) to prepare a Groundwater Sustainability Plan (GSP). GSAs must be formed by June 30, 2017 and GSPs must be completed by June 30, 2020.

### **DISCUSSION:**

In order to comply with the Sustainable Groundwater Management Act, the City of Woodlake must be part of a Groundwater Management Agency (GSA) which will prepare a Groundwater Sustainability Plan. Within the Kaweah Sub-basin, Tulare, Visalia and the Tulare Irrigation District have formed a Joint Powers Authority that they wish to serve as a GSA for the portion of the sub-basin within their boundaries.

The attached MOU allows the City to take the first steps toward becoming part of a GSA. It should be noted that the MOU does not represent the formation of a GSA. The MOU *“allows the parties to...undertake efforts to form the Greater Kaweah GSA and to facilitate a cooperative and ongoing working relationship. The Parties shall discuss and explore the formation of a new joint powers authority (“JPA”) or the execution of a memorandum of agreement (“MOA”) or other legal agreement for a Greater Kaweah GSA to develop and implement a single groundwater sustainability plan for some or all of the Kaweah Basin.”* Other agencies who have signed the MOU include Tulare County, Lakeside Irrigation Water District, Kings County Water District and the California Water Service Company.

### **RECOMMENDATIONS:**

Staff recommends that Council authorize the Mayor to sign the Memorandum of Understanding.

### **FISCAL IMPACT:**

There is no immediate fiscal impact, but participation in a GSA will likely require a financial contribution from the City.

**ATTACHMENTS:**

1. Memorandum of Understanding
2. Signature Page Committing to the MOU
3. Resolution: Authorize the Mayor to Sign the Memorandum of Understanding to Form a Groundwater Sustainability Agency in the Kaweah Sub-basin

BEFORE THE CITY COUNCIL  
OF THE CITY OF WOODLAKE  
COUNTY OF TULARE  
STATE OF CALIFORNIA

In the matter of:

AUTHORIZING THE MAYOR TO SIGN THE ) Resolution No.  
MEMORANDUM OF UNDERSTANDING TO )  
FORM A GROUNDWATER SUSTAINABILITY )  
AGENCY IN THE KAWEAH SUB-BASIN )

Councilmember \_\_\_\_\_, offered the following resolution and moved its adoption. Authorize the Mayor to sign the Memorandum of Understanding to form a Groundwater Sustainability Agency in the Kaweah Sub-basin.

WHEREAS, the Sustainable Groundwater Management Act (SGMA) went into effect January 1, 2015 and SGMA requires local water agencies to form Groundwater Management Agencies (GSA) to prepare a Groundwater Sustainability Plan (GSP); and

WHEREAS, in order to comply with the Sustainable Groundwater Management Act, the City of Woodlake must be part of a Groundwater Management Agency (GSA); and

NOW, THEREFORE, THE CITY OF WOODLAKE DOES RESOLVE to authorize that the Mayor sign the Memorandum of Understanding to form a Groundwater Sustainability Agency in the Kaweah Sub-basin.

The foregoing resolution was adopted upon a motion of Councilmember \_\_\_\_\_, and seconded by Councilmember \_\_\_\_\_, and carried by the following vote at the City Council meeting held on November 9, 2015.

- AYES:
- NOES:
- ABSTAIN:
- ABSENT:

\_\_\_\_\_  
Rudy Mendoza, Mayor

ATTEST:

\_\_\_\_\_  
Irene Zacarias, City Clerk

**MEMORANDUM OF UNDERSTANDING  
TO FORM A GROUNDWATER SUSTAINABILITY AGENCY  
IN THE KAWEAH SUBBASIN**

THIS MEMORANDUM OF UNDERSTANDING (the “MOU”) is made and effective as of October \_\_\_, 2015, by and between the COUNTY OF TULARE, KAWEAH DELTA WATER CONSERVATION DISTRICT (“KDWCD”), CALIFORNIA WATER SERVICE COMPANY, KINGS COUNTY WATER DISTRICT and LAKESIDE IRRIGATION WATER DISTRICT, each a “Party” and collectively the “Parties”, with reference to the following facts:

A. The State of California has enacted the Sustainable Groundwater Management Act (contained in SB 1168, AB 1739 and SB 1319, together with subsequent amendments and supplements ) (the “Act”), pursuant to which certain local agencies, together with other qualifying entities, may become or agree to form a groundwater sustainability agency (“GSA”) and adopt a groundwater sustainability plan in order to manage and regulate groundwater in an underlying groundwater basin. The Act defines “basin” as a basin or subbasin identified and defined in California Department of Water Resources Bulletin 118 (“Bulletin 118”).

B. The Parties each overlies or are otherwise situated in all or a portion of the Kaweah Subbasin as shown on Bulletin 118 (the “Kaweah Basin”). The Parties wish to coordinate and further the formation of a GSA with respect to a portion of the Kaweah Basin (“Greater Kaweah GSA”).

C. The Parties wish to provide a framework for cooperative efforts relative to the formation of a Greater Kaweah GSA under the Act, and to do so as effectively, efficiently and fairly as possible, and at the lowest reasonable cost.

THEREFORE, in consideration of the mutual promises set forth below and to implement the goals described above, the Parties agree as follows:

1. Purposes of MOU. The primary purpose of this MOU is to allow the parties to efficiently and expeditiously undertake efforts to form the Greater Kaweah GSA and to facilitate a cooperative and ongoing working relationship between the Parties in connection with those efforts. By entering into this MOU the Parties are not actually forming a GSA or authorizing the formation of a GSA. The Parties are not otherwise taking any action through this MOU which would require approval of any division or branch of the State of California.

2. Outreach to Other Agencies. In recognition of the importance of involving all interested agencies, other entities and individuals in the Kaweah Basin that are interested in the formation of the Greater Kaweah GSA, as an initial activity under this MOU, the Parties shall develop and implement an outreach plan pursuant to which the Parties will contact other agencies, other entities and individuals within the Kaweah Basin that may have an interest in the formation of the Greater Kaweah GSA to invite their participation in this MOU and activities undertaken in connection herewith.

3. Adding Parties to the MOU. Any agency or individual situated in the Kaweah Basin that is interested in the formation of the Greater Kaweah GSA (an “Interested Party”) may become a Party to this MOU upon the concurrence of a majority of the then-current Parties to this MOU. No amendment of this MOU shall be required. The Interested Party shall become a Party to this MOU upon its execution of a commitment to be bound by the terms of this MOU. Each Interested Party that becomes a Party to the MOU should be aware that there are legal restrictions that preclude all individuals, most private entities and many public agencies from becoming a party to the actual agreement forming a GSA.

4. Governance and Administration. Efforts to form a GSA and other activities under this MOU will be conducted by a committee comprised of one representative (“Representative”) from each of the Parties. Each member of the committee shall be designated in writing by the Party selecting such member, which may also appoint an alternate to participate in the absence or unavailability of the committee member (together the representative and alternate representative shall be referred to herein as “Representative”). KDWCD shall serve as the administrative agent to prepare and post meeting notices, agendas and perform other administrative tasks as directed. As the primary focus of their cooperative efforts under this MOU, the Parties shall discuss and explore the formation of a new joint powers authority (“JPA”) or the execution of a memorandum of agreement (“MOA”) or other legal agreement for a Greater Kaweah GSA to develop and implement a single groundwater sustainability plan for some or all of the Kaweah Basin. The Parties shall evaluate whether agencies and other qualifying entities overlying the Kaweah Basin contacted pursuant to Section 3 of this MOU, but which have not joined in this MOU, should be invited to participate in the aforementioned JPA, MOA or other legal agreement.

5. Costs. Each Party shall bear all costs it incurs with respect to its activities under this MOU. Costs incurred in connection with this MOU and which are approved by a majority of the Parties as being for the joint benefit of all Parties shall be borne equally by the Parties, with KDWCD acting as fiscal agent for such expenses. On those occasions when costs are approved by a majority of the Parties, they each shall promptly contribute their equal share of any such costs upon receipt of a request from KDWCD, which request shall be supported by substantiating documentation therefore.

6. Staff and Meetings. In addition to each Representative, who may be changed from time to time, each Party may designate such other appropriate staff members and consultants to participate on such Party’s behalf in activities undertaken pursuant to this MOU. Each Representative shall be responsible for attending meetings held pursuant to this MOU. Meetings shall occur as the Representatives determine are necessary, but no less often than once a month and each Party shall make its expertise and resources reasonably available for activities under this MOU.

7. Ongoing Cooperation. The Parties acknowledge that activities under this MOU will require the frequent interaction between them in order to pursue opportunities and resolve issues that arise. The Parties shall work cooperatively and in good faith. The goal of the Parties shall work together to form a Greater Kaweah GSA under the Act, and to do so as effectively, efficiently and fairly as possible, and at the lowest reasonable cost.

8. Notices. Any formal notice or other formal communication (“Notices”) given under the terms of this MOU shall be addressed to the Representative of each Party at their respective business address. Notices shall be in writing and shall be given personally, by facsimile, by e-mail or by certified mail, postage prepaid and return receipt requested. The date of receipt of the Notice shall be the date of actual personal service, confirmed facsimile transmission, sent e-mail or three days after the postmark on certified mail.

9. Entire Agreement. This MOU incorporates the entire and exclusive agreement of the Parties with respect to the matters described herein and supersedes all prior negotiations and agreements (written, oral or otherwise) related thereto. This MOU may be amended only in a writing executed by all of the Parties. Notwithstanding the balance of the language in this section 9, to add an Interested Party as a new Party to this MOU merely requires compliance with the requirements of section 3 of this MOU.

10. Termination. This MOU shall remain in effect unless terminated by the mutual written consent of all Parties. Any Party may withdraw from the MOU upon 30 days written notice to the other Parties. Following the withdrawal of any Party, the MOU will remain in effect as to the remaining Parties. No Party shall be liable to any other if it elects to withdraw from this MOU or if the MOU is terminated by all parties. If not terminated sooner, the MOU will be deemed to be terminated upon the formation of the Greater Kaweah GSA, or the execution of a subsequent or superseding MOU or legal agreement regarding the formation of the Greater Kaweah GSA, whichever event shall occur first.

11. Assignment. No rights and duties of any of the Parties under this MOU may be assigned or delegated without the express prior written consent of all of the other Parties, and any attempt to assign or delegate such rights or duties without such consent shall be null and void.

12. Counterparts. This MOU may be executed by the parties in counterparts and as so executed the counterparts signed by the parties will together constitute one document.

IN WITNESS WHEREOF, the parties have executed this MOU to be effective as of the date first above written.

COUNTY OF TULARE

KAWEAH DELTA WATER  
CONSERVATION

By: \_\_\_\_\_  
Steve Worthley – Chairman, Board of  
Supervisors

By: \_\_\_\_\_  
Mark Larsen, General Manager

CALIFORNIA WATER SERVICE  
COMPANY

LAKESIDE IRRIGATION WATER  
DISTRICT

By: \_\_\_\_\_  
Scott Bailey, District Manager

By: \_\_\_\_\_  
Shawn Corley, Manager

KINGS COUNTY WATER DISTRICT

By: \_\_\_\_\_  
Earnest A. Taylor - President

**COMMITMENT TO BE BOUND BY MEMORANDUM OF UNDERSTANDING**

The undersigned hereby commit to be bound by the terms of the document entitled “MEMORANDUM OF UNDERSTANDING TO FORM A GROUNDWATER SUSTAINABILITY AGENCY IN THE KAWEAH SUBBASIN” (the “MOU”). A copy of the MOU is marked “Exhibit A” and attached to this document and by this reference made a part hereof. When signed, this document shall be deemed to satisfy the requirement of Section 3 of the MOU, which says that, an “Interested Party shall become a Party to this MOU upon its execution of a commitment to be bound by the terms of this MOU.”

\_\_\_\_\_

Dated: \_\_\_\_\_ By: \_\_\_\_\_

The undersigned concur with the foregoing joining as parties to the MOU.

KAWEAH DELTA WATER  
CONSERVATION

Dated: \_\_\_\_\_

By: \_\_\_\_\_  
Mark Larsen, General Manager

LAKESIDE IRRIGATION WATER  
DISTRICT

Dated: \_\_\_\_\_

By: \_\_\_\_\_

COUNTY OF TULARE

Dated: \_\_\_\_\_

By: \_\_\_\_\_

CALIFORNIA WATER SERVICE  
COMPANY

Dated: \_\_\_\_\_

By: \_\_\_\_\_

KINGS COUNTY WATER DISTRICT

Dated: \_\_\_\_\_

By: \_\_\_\_\_

# City of Woodlake

## **AGENDA ITEM V-E**

**November 9, 2015**

**Prepared by Jason Waters, City Staff**

### **SUBJECT:**

**Action:** Adoption of Resolution: Authorize the Purchase of Water Meters for the City of Woodlake Water Meter Project

### **BACKGROUND:**

The City has received funding from USDA to install water meters in Woodlake and Wells Tract. The City currently has no operational water meter system and all water users are being charged fixed rates for their water service. Once installed, the meters will be used to determine usage and the City will charge users based on their water usage.

### **DISCUSSION:**

As part of City of Woodlake Water Meter Project, the City estimates that they must purchase 1,880 water meters for installation.

The City has received a quote to purchase the meters totaling \$703,375.92.

The full quote, including the unit price, is attached with this item as Attachment 1.

### **RECOMMENDATIONS:**

Staff recommends that Council authorize the purchase of water meters for the City of Woodlake Water Meter Project.

### **FISCAL IMPACT:**

The purchase will be reimbursed out of the USDA loan and grant for the Woodlake Water Meter Project.

### **ATTACHMENTS:**

1. Attachment 1 – Water Meter Cost Estimate
2. Resolution: Authorize the Purchase of Water Meters for the City of Woodlake Water Meter Project

BEFORE THE CITY COUNCIL  
OF THE CITY OF WOODLAKE  
COUNTY OF TULARE  
STATE OF CALIFORNIA

In the matter of:

AUTHORIZE THE PURCHAE OF WATER            )  
METERS FOR THE CITY OF WOODLAKE        )  
WATER METER PROJECT                        )                        Resolution No.

Councilmember \_\_\_\_\_, offered the following resolution and moved its adoption. Authorize the purchase water meters for the City of Woodlake Water Meter Project.

WHEREAS, the City has received funding from USDA to install water meters in Woodlake and Wells Tract; and,

WHEREAS, the City has received authorization from USDA to begin the construction and installation phase of the water meter project; and,

WHEREAS, the City must purchase water meters to begin the construction and installation phase of the water meter project.

NOW, THEREFORE, THE CITY OF WOODLAKE DOES RESOLVE to authorize the purchase of water meters for the City of Woodlake Water Meter Project.

The foregoing resolution was adopted upon a motion of Councilmember \_\_\_\_\_, and seconded by Councilmember \_\_\_\_\_, and carried by the following vote at the City Council meeting held on November 9, 2015.

- AYES:
- NOES:
- ABSTAIN:
- ABSENT:

\_\_\_\_\_  
Rudy Mendoza, Mayor

ATTEST:

\_\_\_\_\_  
Irene Zacarias, City Clerk

CITY OF WOODLAKE, CA	FRESNO CA
STOCK FRESNO	3050 S Cedar Ave
350 N VALENCIA BLVD	Fresno CA 93725
WOODLAKE CA 93286	Telephone: 559-237-7488
Telephone: 559-564-8055	Fax: 559-237-6423
Fax: 559-564-8776	

**Attention: ATTN JASON**

10/29/15 Bid ID: 4375725 MASTER METER BUDGET QUOTE Page 1

Line	Quantity	Sell Per	Description	Net Price	Extended Price
			<b><u>Bid Item</u> 1</b>		
20	1654	EA	1 BL09 METER USG 3G UC83 SEBILOY B16-A31-A01-0101A-1 (OLD BL09-1MD-NAA-2)	280.00	463,120.00
40	216	EA	2 MJ13 METER USG 3G UC83 FLG LAYING LENGTH IS 17" M23-A00-A01-0101A-1	675.00	145,800.00
80	10	EA	3" OCTAVE W/ENCODER MOD & XTR PART# 0303-E1-A01 0303-E1-A02 W/5' CABLE USG LAYING LENGTH IS 12"	1,650.00	16,500.00
120	1	EA	UNITECH MS840 CORDLESS SCANNER LASER,BLUETOOTH, CRADLE, USB CABLE WITH POWER CORD PART # MS-840-SUBBGC-SG	N/C	N/C
150	1	EA	COMPLETE DRIVE BY SYSTEM INCLUDES THE FOLLOWING LAPTOP COMPLETE SYSTEM BRIDGE TO BILLING ON SITE TRAINING, LAPTOP RECEIVER, ALL CABLES, VEHICLE CASE, ANTENNA & ROUTE	24,500.00	24,500.00

**Bid Item Sub-total: 649,920.00**

**Subtotal: 649,920.00**

**Tax: 53,455.92**

**Bid Total: 703,375.92**