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AGENDA
KERMAN CITY COUNCIL
REGULAR MEETING
Kerman City Hall
850 S. Madera Avenue
Wednesday, February 3, 2016
6:30 PM

Stephen B. Hill – Mayor
Gary Yep – Mayor Pro Tem
Rhonda Armstrong – Council Member
Nathan Fox – Council Member
Bill Nijjer – Council Member

ALL MEETING ATTENDEES ARE ADVISED THAT ALL PAGERS, CELLULAR TELEPHONES AND ANY OTHER COMMUNICATION DEVICES SHOULD BE POWERED OFF UPON ENTERING THE COUNCIL CHAMBERS, AS THESE DEVICES INTERFERE WITH OUR AUDIO EQUIPMENT.

OPENING CEREMONIES

- Welcome – Mayor
- Call to Order
- Roll Call
- Invocation

At this time the Council wishes to provide anyone an opportunity to give a brief invocation or inspirational thought. In accordance with law, we would request this opportunity not be used to recruit converts, to advance anyone, or to disparage any other faith or belief. If no one steps forward, we will observe a moment of silence so that we may all focus our thoughts on how best to serve our community.

- Pledge of Allegiance – City Clerk

AGENDA APPROVAL/ADDITIONS/DELETIONS

To accommodate members of the public or convenience in the order of presentation, items on the agenda may not be presented or acted upon in the order listed.

1. PRESENTATIONS/CEREMONIAL MATTERS

A. Sustainable Groundwater Management Act (KM)

ATTACHMENTS: [Sustainable Groundwater Management Act](#)

REQUEST TO ADDRESS COUNCIL

This portion of the meeting is reserved for members of the public to address the Council on items of interest that are not on the Agenda and are within the subject matter jurisdiction of the Council. Speakers shall be limited to three minutes. It is requested that no comments be made during this period on items on the Agenda. Members of the public wishing to address the Council on items on the Agenda should notify the Mayor when that Agenda item is called, and the Mayor will recognize your discussion at that time. It should be noted that the Council is prohibited by law from taking any action on matters discussed that are not on the Agenda. Speakers are asked to please use the microphone, and provide their name and address.

2. CONSENT CALENDAR

Matters listed under the Consent Calendar are considered routine and will be enacted by one motion and one vote. There will be no separate discussion of these items. If discussion is desired, a member of the audience or a Council Member may request an item be removed from the Consent Calendar and it will be considered separately.

A. SUBJECT: Minutes

RECOMMENDATION: Council approve minutes as presented.

ATTACHMENTS: [January 20, 2016](#)

B. SUBJECT: Payroll

Payroll Report: 01/03/2016 - 01/16/2016: \$137,639.50: Retro & Other: \$270.74; Overtime: \$896.42; Standby: \$1,410.40; Comp Time Earned: 39.75

RECOMMENDATION: Council approve payroll as presented.

ATTACHMENTS: [Payroll/Overtime Report](#)

C. SUBJECT: Warrants

1. Nos 7957-8051: \$267,972.28

RECOMMENDATION: Council approve warrants and electronic bank transfers as presented. (Pursuant to Government Code 37208)

ATTACHMENTS: [Accounts Payable](#)

3. PUBLIC HEARINGS

These hearings are scheduled at the time stated and will be heard by the Council as close to the time stated as possible.

A. SUBJECT: Introduction and Public Hearing for Proposed Revisions to Section 17.92.030 of the Kerman Municipal Code Relating to Emergency Shelters, Transitional and Supportive Housing Zones (OP)

RECOMMENDATION: Council introduce proposed ordinance, open public hearing, receive public comment, close public hearing and by motion waive full reading of amendment to Section 17.92.030 of Title 17 of the Kerman Municipal Code relating to Emergency Shelters, Transitional and Supportive Housing Zones.

ATTACHMENTS: [Staff Report - Emergency Shelters, Transitional Housing Zones](#)

4. DEPARTMENT REPORTS

- A. SUBJECT: First Reading and Introduction of Amendment to add Chapter 17.96 to Title 17 of the of the Kerman Municipal Code Relating to the Prohibition of Marijuana Cultivation and Dispensaries in all Zone Districts in the City (OP)

RECOMMENDATION: Council introduce, waive full reading and set for public hearing for February 17, 2016 for adoption of ordinance adding Chapter 17.96 to Title 17 of the Kerman Municipal Code Relating Prohibition of Marijuana Cultivation and Dispensaries in all zone districts in the City.

ATTACHMENTS: [Staff Report - Marijuana Ordinance Introduction](#)

5. CITY MANAGER/STAFF COMMUNICATIONS

6. MAYOR/COUNCIL REPORTS

- A. Kerman Chamber Appreciation Dinner, Thursday, February 11, 6 p.m., CTC

7. CLOSED SESSION

None

8. ADJOURNMENT

Agenda packet is available for review 72 hours prior to the meeting at the city clerk's office and on the city website. Items received at the meeting will be available for review at the city clerk's office.

In compliance with the American with Disabilities Act (ADA), if you need special assistance to participate at this meeting, please contact the City Clerk at (559) 846-9380. Notification of 48 hours prior to the meeting will enable the City Clerk to make reasonable arrangement to ensure accessibility to this meeting. Pursuant to the ADA, the meeting room is accessible to the physically handicapped.



City of Kerman

"Where Community Comes First"

MAYOR
Stephen B. Hill
COUNCIL MEMBER
Rhonda Armstrong
MAYOR PRO-TEM
Gary Yep
COUNCIL MEMBER
Nathan Fox
COUNCIL MEMBER
Bill Nijjer

DEPARTMENT: PUBLIC WORKS
STAFF REPORT
CITY COUNCIL MEETING
COUNCIL MEETING DATE: FEBRUARY 3, 2016

To: Mayor and City Council
From: Ken Moore Public Works Director
Subject: Sustainable Groundwater Management Act

RECOMMENDATION

Information only.

EXECUTIVE SUMMARY

The Sustainable Groundwater Management Act of 2014 (SGMA) is comprehensive legislation that governs the management and use of groundwater in the state. SGMA's intent is to provide for sustainable management of groundwater basins and locally manage basins while minimizing state intervention to only when necessary. The preservation of local management of the region's groundwater is a fundamental principle for implementing SGMA in the Kings River region. SGMA defines sustainable groundwater management as the management and use of groundwater in a manner that does not cause undesirable results including:

- Chronic lowering of groundwater levels
- Reductions in groundwater storage
- Seawater intrusion
- Degraded water quality
- Land subsidence
- Surface water depletions that have adverse impacts on beneficial uses

OUTSTANDING ISSUES

The City of Kerman has chosen to participate in the development of a groundwater management plan through being a member agency of the Fresno Area/North Kings Sub-basin delineated by the boundaries of the Fresno Irrigation District. See Attachment 'A'

DISCUSSION

The City of Kerman lies within the boundaries of the Fresno Irrigation District (FID). FID has taken the lead, working with the other water agencies within the district to develop a Groundwater Sustainability Agency (GSA) for the purpose of meeting the requirements of the Sustainable Groundwater Management Act. The Fresno Area/North Kings Sub-basin group developed a Memorandum of Understanding (MOU) to form a multiple local agency GSA for the implementation of the SGMA requirement to develop a Groundwater Sustainability Plan (GSP). The requirements of the SGMA include a requirement that GSA's located within an area considered to be in critical over-draft must complete a GSP by the year 2020. The Fresno Area/North Kings Sub-basin is one of 22 in California considered to

be in critical overdraft. There are currently 13 local agencies within the Fresno Area/North Kings Sub-Basin inclusive of Fresno and Clovis.

GSAs are given both the mandate and broad array of tools to regulate groundwater in their basin. Those tools will include the ability to limit extractions and to impose fees related to groundwater use. Some of the eligible agencies in the basin include irrigation districts, cities, counties, and community service and public utility districts.

The second step in SGMA implementation is the development of a GSP by the basin's GSA(s). Developing a GSP will be a significant and costly undertaking that will likely take two to three years.

The GSP must include measurable objectives, as well as interim milestones to achieve the sustainability goal for the basin. The GSP will physically describe the basin including groundwater levels, quality, subsidence; include a water budget; have a planning and implementation horizon; include monitoring and management of the basin; and mitigation of overdraft. It is important to note that GSPs will not establish or determine groundwater rights. The Department of Water Resources through a State Grant is paying for a facilitator to assist the GSA with developing the joint powers agreement through which the GSP will be developed. He will be conducting interviews with the GSA members in February.

The final step for SGMA is the implementation of the GSP to achieve basin sustainability over a 20-year timeframe. While all of these efforts will be conducted locally, the State Water Resources Control Board may intervene if the local agencies do not form a GSA before the deadline and/or fail to adopt or implement a GSP.

SGMA Implementation Timeline

- 6/30/2017 Formation of Kings Basin GSAs
- 1/31/2020 Completion and adoption of GSPs in Kings Basin
- 1/31/2040 Kings Basin achieves sustainability

Current Implementation Activities in the Kings Basin

Much work and planning is required over the next several years to meet the requirements of SGMA within the deadlines set out in the law. Many Kings Basin agencies have begun to meet and discuss how SGMA implementation will be accomplished. Some of the first discussions and tasks include:

- Reaching out to local public agencies and stakeholders
- Identifying possible adjustments to the Kings Basin boundaries
- Considering different governance options for GSA formation

FISCAL IMPACT

The City of Kerman's cost of developing a GSP for the Fresno Area / North Kings Sub-Basin has not been determined but has been estimated at approximately 4.5 % of the total cost. This is just a preliminary estimate so it could change.

It has been estimated that the total cost of developing a GSP will be \$300,000 to \$500,000.

Attachments:

- A. Kings Groundwater Sub-Basins



MINUTES
KERMAN CITY COUNCIL
REGULAR MEETING
Kerman City Hall
850 S. Madera Avenue
Wednesday, January 20, 2016
6:30 PM

Stephen B. Hill – Mayor
Gary Yep – Mayor Pro Tem
Rhonda Armstrong – Council Member
Nathan Fox – Council Member
Bill Nijjer – Council Member

Present: Mayor Hill (SH) Rhonda Armstrong (RA) Gary Yep (GY), Fox (NF), Nijjer (BN)
Absent: None

Also Present: City Manager Kunkel, City Attorney Cantú, Chief of Police,
Community Services Director, Finance Director, Public Works Director, City
Engineer

OPENING CEREMONIES

- Welcome – Mayor
- Call to Order
- Roll Call
- Invocation
- Pledge of Allegiance – City Clerk

AGENDA APPROVAL/ADDITIONS/DELETIONS

1. PRESENTATIONS/CEREMONIAL MATTERS

- A. SUBJECT: Letter from Tina Guidry (MR)
- B. SUBJECT: Request to Address the Council from Jill Silva (MR)

- C. SUBJECT: Letter from Mac's Equipment Inc. (MR)

REQUEST TO ADDRESS COUNCIL

2. CONSENT CALENDAR

- A. SUBJECT: Minutes
RECOMMENDATION: Council approve minutes as presented.

Voting: Yes, No,
Absent (Abstain,
or Recuse if
needed)

6:34 p.m.

All present

Performed

Approved GY/NF
(5-0-0) tabling
4.B to Feb 17
mtg.
Approved GY/NF
(5-0-0) with
changes

Presented

CC advised staff
to bring back at
future meeting

7:33 p.m. SH left
the meeting

Presented

None

RA recused from
C2.
Approved
excepting C2
RA/NF (4-0-1) SH

B. SUBJECT: Payroll

Payroll Report: December 20, 2015 - January 2, 2016: \$136,301.59; Retro Pay & Other: \$74.00; Overtime: \$4,573.17; Holiday at 1/2 Time: \$3,114.98; Standby: \$1,313.61; Comp Time Earned: 28.50

RECOMMENDATION: Council approve payroll as presented.

C. SUBJECT: Warrants

1. Nos.7844-7955: \$553,842.223
2. Excepting - Sebastian: #7901 - \$3115.36

RECOMMENDATION: Council approve warrants and electronic bank transfers as presented. (Pursuant to Government Code 37208)

Approved #7901
Approved NF/BN
(3-0-1-0-1) SH/RA

D. SUBJECT: Final Acceptance of Katey's Kids Park Improvements, Community Development Block Grant Project No. 14371 (JJ)

RECOMMENDATION: Council by motion adopt the resolution accepting the Katey's Kids Park Improvements, Community Development Block Grant Project No. 14371.

Res 16-05

E. SUBJECT: Resolution Updating Authorized Signers on a Certificate of Deposit with Pacific Mercantile Bank in Costa Mesa, CA(TJ)

RECOMMENDATION: Council by motion adopt resolution updating authorized signers on Certificate of Deposit with Pacific Mercantile Bank in Costa Mesa, CA to include City Manager, John Kunkel and City Clerk, Marci Reyes.

Res 16-06

F. SUBJECT: Monthly Investment Report Ending December 31, 2015 (TJ)

RECOMMENDATION: Council accept the Monthly Investment Report as presented.

3. PUBLIC HEARINGS

None

4. DEPARTMENT REPORTS

A. SUBJECT: Selection of Funding Option for Concrete Repair Project (JJ)

RECOMMENDATION: Council select a preferred funding option for a concrete repair project.

Approved Opt. 1
NF/BN (4-0-1) SH

B. SUBJECT: Consideration of Sales Tax Initiative for 2016 General Election

Tabled to 2/17
mtg.

RECOMMENDATION: Council determine and direct staff accordingly regarding the placing of a sales tax initiative on the November 8, 2016 ballot.

5. CITY MANAGER/STAFF COMMUNICATIONS

- A. Congressman Valadao – Thurs. January 21, 3-4 p.m., Kerman Branch Library
- B. Fresno County Rural Transportation Authority
- C. League City Manager’s Department Meeting

6. MAYOR/COUNCIL REPORTS

- A. Kerman Chamber of Commerce Appreciation Dinner – February 11, 6 p.m.

7. CLOSED SESSION

None

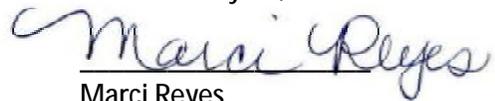
8. ADJOURNMENT

Approved RA/NF
(4-0-1) SH
8:10 p.m.

MINUTES CERTIFICATION

I, MARCI REYES, City Clerk for the City of Kerman, do hereby declare under penalty of perjury that the above Minutes are a true depiction of all actions taken at the City Council meeting held on the first date above written at Kerman City Hall, 850 S. Madera Ave, Kerman, CA.

Date: January 21, 2016



Marci Reyes
City Clerk

CITY OF KERMAN PAYROLL REPORT

PAY PERIOD: January 03, 2016 - January 16, 2016

EMPLOYEE	SALARY	RETRO PAY & Other	OVERTIME		HOLIDAY at 1/2 TIME		STANDBY		GROSS SALARY	COMP TIME EARNED
			HOURS	AMOUNT	HOURS	AMOUNT	HOURS	AMOUNT		
ADMINISTRATION										
Alvarez, Josefina	\$ 1,792.15	\$ -	-	\$ -	-	\$ -	-	\$ -	\$ 1,792.15	
Camacho, Josie	\$ 1,191.23	\$ -	-	\$ -	-	\$ -	-	\$ -	\$ 1,191.23	
Camacho-Collier, Carolina	\$ 2,472.00	\$ -	-	\$ -	-	\$ -	-	\$ -	\$ 2,472.00	
Gonzalez, Diana	\$ 1,974.69	\$ -	-	\$ -	-	\$ -	-	\$ -	\$ 1,974.69	
Jones, Toni	\$ 3,042.46	\$ -	-	\$ -	-	\$ -	-	\$ -	\$ 3,042.46	
Kunkel, John	\$ 5,884.62	\$ -	-	\$ -	-	\$ -	-	\$ -	\$ 5,884.62	
Mendoza, Gabriela	\$ 957.23	\$ -	-	\$ -	-	\$ -	-	\$ -	\$ 957.23	
Nazaroff, Helen	\$ 1,958.31	\$ -	-	\$ -	-	\$ -	-	\$ -	\$ 1,958.31	
Reyes, Marcia	\$ 2,715.69	\$ -	-	\$ -	-	\$ -	-	\$ -	\$ 2,715.69	
TOTAL	\$ 21,988.38	\$ -	-	\$ -	-	\$ -	-	\$ -	\$ 21,988.38	0.00
REC/SOCIAL										
Arredondo, Barbara	\$ 1,542.05	\$ -	-	\$ -	-	\$ -	-	\$ -	\$ 1,542.05	
Arredondo, Raquel	\$ 264.00	\$ 8.00	-	\$ -	-	\$ -	-	\$ -	\$ 272.00	
Ayala, Adrien	\$ 12.50	\$ -	-	\$ -	-	\$ -	-	\$ -	\$ 12.50	
Burdine-Slaven, Jeanna	\$ 1,602.92	\$ -	-	\$ -	-	\$ -	-	\$ -	\$ 1,602.92	
Gallegos, Philip	\$ 3,734.77	\$ -	-	\$ -	-	\$ -	-	\$ -	\$ 3,734.77	
Gonzalez, Jose Felix	\$ 1,656.46	\$ -	-	\$ -	-	\$ -	-	\$ -	\$ 1,656.46	
Johnson, Theresa	\$ 1,683.23	\$ -	-	\$ -	-	\$ -	-	\$ -	\$ 1,683.23	
LeBlanc, Noah	\$ 215.00	\$ -	-	\$ -	-	\$ -	-	\$ -	\$ 215.00	
Lujan, Vanessa	\$ 516.00	\$ -	-	\$ -	-	\$ -	-	\$ -	\$ 516.00	
Salvador, Mark	\$ 1,984.62	\$ -	-	\$ -	-	\$ -	-	\$ -	\$ 1,984.62	
Sidhu, Nirmal	\$ 1,538.77	\$ -	-	\$ -	-	\$ -	-	\$ -	\$ 1,538.77	
Silva, Jessica	\$ 326.25	\$ -	-	\$ -	-	\$ -	-	\$ -	\$ 326.25	
Villa, Erika	\$ 425.00	\$ -	-	\$ -	-	\$ -	-	\$ -	\$ 425.00	
Villalobos, Stacey	\$ 175.00	\$ -	-	\$ -	-	\$ -	-	\$ -	\$ 175.00	
Villarreal, Arlene	\$ 1,410.92	\$ -	-	\$ -	-	\$ -	-	\$ -	\$ 1,410.92	
TOTAL	\$ 17,087.49	\$ 8.00	-	\$ -	-	\$ -	-	\$ -	\$ 17,095.49	0.00
POLICE										
Antuna, Eric	\$ 2,343.28	\$ -	-	\$ -	-	\$ -	-	\$ -	\$ 2,343.28	
Antuna, Miguel	\$ 840.00	\$ -	-	\$ -	-	\$ -	-	\$ -	\$ 840.00	9.75
Barbosa, Isaias	\$ 2,392.06	\$ -	-	\$ -	-	\$ -	-	\$ -	\$ 2,392.06	
Barcoma, Wilbert	\$ 2,924.56	\$ -	-	\$ -	-	\$ -	-	\$ -	\$ 2,924.56	4.5
Belding, Jeff	\$ 2,526.71	\$ -	-	\$ -	-	\$ -	-	\$ -	\$ 2,526.71	
Blohm, Joseph	\$ 4,463.31	\$ -	-	\$ -	-	\$ -	-	\$ -	\$ 4,463.31	
Chapman, Tom	\$ 2,437.62	\$ -	-	\$ -	-	\$ -	-	\$ -	\$ 2,437.62	
Cornell, Rex	\$ 672.00	\$ -	-	\$ -	-	\$ -	-	\$ -	\$ 672.00	
Davis, Jeff	\$ 3,070.74	\$ -	-	\$ -	-	\$ -	-	\$ -	\$ 3,070.74	
Dunn, Jacob	\$ 1,784.77	\$ -	-	\$ -	-	\$ -	-	\$ -	\$ 1,784.77	
Francone, Kevin	\$ 690.00	\$ -	-	\$ -	-	\$ -	-	\$ -	\$ 690.00	
Gill, Kevin	\$ 744.00	\$ -	-	\$ -	-	\$ -	-	\$ -	\$ 744.00	
Godfrey, Kyle	\$ 1,182.00	\$ -	-	\$ -	-	\$ -	-	\$ -	\$ 1,182.00	
Golden, John	\$ 3,535.75	\$ 262.74	-	\$ -	-	\$ -	-	\$ -	\$ 3,798.49	
Ledezma, Linda	\$ 1,272.11	\$ -	-	\$ -	-	\$ -	-	\$ -	\$ 1,272.11	
Lehman, Dustin	\$ 1,874.31	\$ -	-	\$ -	-	\$ -	-	\$ -	\$ 1,874.31	
Madruga, Ron	\$ 2,437.62	\$ -	-	\$ -	-	\$ -	-	\$ -	\$ 2,437.62	7.5
Magallon, Peter	\$ 2,437.62	\$ -	-	\$ -	-	\$ -	-	\$ -	\$ 2,437.62	
Medina-Labetiaux, EJ	\$ 1,874.31	\$ -	-	\$ -	-	\$ -	12.00	\$ 70.29	\$ 1,944.59	
Mendoza, Sandra	\$ 2,403.45	\$ -	-	\$ -	-	\$ -	8.00	\$ 60.09	\$ 2,463.54	
Nelson, Christopher J	\$ 3,145.64	\$ -	-	\$ -	-	\$ -	-	\$ -	\$ 3,145.64	
Ness, Lee	\$ 2,335.11	\$ -	-	\$ -	-	\$ -	-	\$ -	\$ 2,335.11	

CITY OF KERMAN PAYROLL REPORT

PAY PERIOD: January 03, 2016 - January 16, 2016

EMPLOYEE	SALARY	RETRO PAY & Other	OVERTIME		HOLIDAY at 1/2 TIME		STANDBY		GROSS SALARY	COMP TIME EARNED
			HOURS	AMOUNT	HOURS	AMOUNT	HOURS	AMOUNT		
Nevis, James	\$ 2,323.72	\$ -	-	\$ -	-	\$ -	7.00	\$ 50.83	\$ 2,374.55	
Ramirez, Donald	\$ 1,508.77	\$ -	1.00	\$ 28.29	-	\$ -	-	\$ -	\$ 1,537.06	6
Raigoza, Ray	\$ 622.50	\$ -	-	\$ -	-	\$ -	-	\$ -	\$ 622.50	
Rodrigues, Mary	\$ 1,776.92	\$ -	-	\$ -	-	\$ -	-	\$ -	\$ 1,776.92	
Rodriguez, Erika	\$ 2,105.76	\$ -	-	\$ -	-	\$ -	-	\$ -	\$ 2,105.76	
Seroka, Dylan	\$ 1,784.77	\$ -	-	\$ -	-	\$ -	-	\$ -	\$ 1,784.77	
Tiwana, Manpreet	\$ 2,125.44	\$ -	-	\$ -	-	\$ -	-	\$ -	\$ 2,125.44	
Valdovinos, Jose	\$ 720.00	\$ -	-	\$ -	-	\$ -	-	\$ -	\$ 720.00	
TOTAL:	\$ 60,354.86	\$ 262.74	1.00	\$ 28.29	-	\$ -	27.00	\$ 181.20	\$ 60,827.09	27.75
PUBLIC WORKS										
Arechiga, Pastor	\$ 1,759.85	\$ -	3.00	\$ 98.99	-	\$ -	3.00	\$ 65.99	\$ 1,924.83	
Barajas, Michael	\$ 1,936.78	\$ -	-	\$ -	-	\$ -	-	\$ -	\$ 1,936.78	3.00
Castro, Joseph	\$ 1,804.15	\$ -	1.00	\$ 33.83	-	\$ -	-	\$ -	\$ 1,837.98	
Chavez, Fernando M.	\$ 2,451.96	\$ -	6.00	\$ 306.50	-	\$ -	22.50	\$ 689.61	\$ 3,448.07	
Gastelum, Humberto	\$ 1,942.93	\$ -	7.00	\$ 303.58	-	\$ -	19.50	\$ 473.59	\$ 2,720.10	
Gonzales, Ruben	\$ 2,031.25	\$ -	-	\$ -	-	\$ -	-	\$ -	\$ 2,031.25	
Gruce, Robert	\$ 2,502.92	\$ -	-	\$ -	-	\$ -	-	\$ -	\$ 2,502.92	
Isaak, Denise	\$ 1,481.54	\$ -	-	\$ -	-	\$ -	-	\$ -	\$ 1,481.54	
Lutz, Laura	\$ 600.00	\$ -	-	\$ -	-	\$ -	-	\$ -	\$ 600.00	
Madruza, Lydia	\$ 1,984.57	\$ -	-	\$ -	-	\$ -	-	\$ -	\$ 1,984.57	
Moore, Ken	\$ 3,853.85	\$ -	-	\$ -	-	\$ -	-	\$ -	\$ 3,853.85	
Prieto, Ruben	\$ 1,780.20	\$ -	-	\$ -	-	\$ -	-	\$ -	\$ 1,780.20	
Ramirez, Manuel	\$ 1,849.26	\$ -	3.00	\$ 104.02	-	\$ -	-	\$ -	\$ 1,953.28	
Sanchez, Daniel	\$ 1,538.77	\$ -	-	\$ -	-	\$ -	-	\$ -	\$ 1,538.77	
Tinoco, Alfonso	\$ 1,131.23	\$ -	1.00	\$ 21.21	-	\$ -	-	\$ -	\$ 1,152.44	
Vallejo, Edward	\$ 2,211.41	\$ -	-	\$ -	-	\$ -	-	\$ -	\$ 2,211.41	
Zapata, Domingo	\$ 859.99	\$ -	-	\$ -	-	\$ -	-	\$ -	\$ 859.99	
TOTAL	\$ 31,720.65	\$ -	21.00	\$ 868.13	\$ -	\$ -	\$ 45.00	\$ 1,229.20	\$ 33,817.98	3.00
PLANNING										
Kufis, Chris	\$ 2,417.12	\$ -	-	\$ -	-	\$ -	-	\$ -	\$ 2,417.12	
Pimentel, Olivia	\$ 2,220.99	\$ -	-	\$ -	-	\$ -	-	\$ -	\$ 2,220.99	9.00
Garza, Amy	\$ 450.00	\$ -	-	\$ -	-	\$ -	-	\$ -	\$ 450.00	
TOTAL	\$ 5,088.12	\$ -	-	\$ -	-	\$ -	-	\$ -	\$ 5,088.12	9.00
PLANNING					COUNCIL					
Epperson, R	\$ 150.00						Yep	\$ 125.00		
Bandy, R	\$ 150.00						Fox	\$ 125.00		
Nehring, K	\$ 150.00						Nijjer	\$ 125.00		
Espino, L	\$ 150.00						Armstrong	\$ 125.00		
Wettlaufer, K	\$ -						Hill	\$ -		
Jones, C	\$ 150.00									
Nunez, M	\$ 150.00									
Total	\$ 900.00			Total				\$ 500.00		
GRAND TOTAL:	\$137,639.50	\$270.74	22.00	\$896.42	-	\$0.00	72.00	\$1,410.40	\$ 140,217.06	39.75

**CITY OF KERMAN
OVERTIME SUPPLEMENTAL PAYROLL REPORT**

PAY PERIOD 1/3/16-1/16/16

POLICE DEPARTMENT

Overtime Categories - Number of Hours							
Regular Overtime	Holiday at 1/2 Time	Shift Coverage	SID	Training	Avoid the 21 Grant	Special Events	Total
1							1
(see notes below for overtime description)							
DOUBLE TIME: (Sunday)							0
							1
PUBLIC WORKS DEPARTMENT							Sub Total

Overtime Categories - Number of Hours							
Water Service	Sewer Emergencies	Animal Control	Special Events	Other or Call Back	On Call Duties	Total	
1	7	0	0	3	4	15	
(see notes below for overtime description)							
DOUBLE TIME: (Sunday)						4	6
						Sub Total	21.00

Overtime Categories - Number of Hours							
Regular Overtime	After Hour Event						Total
							0
							Sub Total
							0

Overtime Categories - Number of Hours								
Regular Overtime	Utility Billing	Payroll	Dog Clinic	Year End Audit				Total
								0
							Sub Total	
							0	
Total Hours (All Departments)							<u>22.00</u>	

POLICE DEPARTMENT:

- Regular Overtime – 1 hr to cover records due to going home sick
- Holiday Overtime – hrs - Officers working on a holiday get paid OT 1/2 time
- Shift Coverage – hrs shift coverage due to officers being out on vacation, or called in sick, hrs DT due to call out on Sunday
- Special Investigation Division (SID) – Special police action is required such as a search warrant, surveillance, and other crime patterns, etc.
- Training – hrs range training
- Grant – hrs AVOID Grant
- Special Events - hrs July 3rd Fireworks show

PUBLIC WORKS DEPARTMENT:

- Water Service - Includes 1 hr OT for shut-off and turn-on of service, all water related emergencies.
- Sewer Emergencies 7 hrs OT & 2 hrs DT SCADA problems/Sewer emergencies (SCADA controls pumps, wells and sewer, lift stations, all sewer and storm drain related issues)
- Animal Control - Vicious or dead animals (not normally used for stray animals)
- Special Events -
- Other 1 hr OT - Cement check
- Call Back - 2 hrs OT - Manuel called out by Fernando to help with sewer issue
- On-Call Duties - 4 hrs OT and 4 hrs DT for reading and recording flow meters on wells and sewer plant; feed and clean kennels, verify WWTP running effectively etc OT is for two weekends and/or any holidays

COMMUNITY SERVICES DEPARTMENT

- Regular Overtime – On occasion, but very rare due to the amount of part-time employees.
- After Hour Event – Occurs only if a full-time employee would have to stay for clean-up or as a facility attendant

FINANCE / PLANNING DEPARTMENTS

- Regular Overtime - Only as needed.
- Utility Billing - Completed on the 1st of each month.
- Payroll - Completed bi-weekly
- Dog Clinic - Once a year clinic held after business hours.
- Year-End Audit - Completed over a period of time at the end of each fiscal year.

Accounts Payable

Checks by Date - Detail by Check Date

User: jcamacho
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Check No	Vendor No Invoice No	Vendor Name Description	Check Date Reference	Check Amount
7957	10923 0333922-IN	AMBER CHEMICAL INC WTR-175 GAL BULK CHLORINE	01/20/2016	397.72
Total for Check Number 7957:				397.72
7958	10504 5324462261 5324464932 5324464932 5324466482	AUTOZONE VE SUPPL-SQUEEGEE GLASS CLEANER WTR-FLASHLIGHT SWR-FLASHLIGHT VE REP-WINDSHIELD DE-ICER	01/20/2016	15.43 10.55 10.54 49.48
Total for Check Number 7958:				86.00
7959	10067 12312015	CALIFORNIA BUILDING STANDARDS FIN-BLDG STANDARDS ADMIN FEE 4TH Q	01/20/2016	198.90
Total for Check Number 7959:				198.90
7960	10092 245795 246325 246326 246327 246328	CENTRAL VALLEY TOXICOLOGY PD-BLOOD TEST 15-2612 PD-BLOOD TEST 15-2763 PD-BLOOD TEST 15-2719 PD-BLOOD TEST 15-2750 PD-BLOOD TEST 15-2729	01/20/2016	146.00 38.00 116.00 78.00 78.00
Total for Check Number 7960:				456.00
7961	10126 12312015	DEPARTMENT OF CONSERVATION FIN-STRONG MOTION 2ND QTR FY 15-/16	01/20/2016	663.77
Total for Check Number 7961:				663.77
7962	10136 12312015	DIVISION OF THE STATE ARCHITECT FIN-REMIT STATE FEE ON BUS LIC	01/20/2016	121.50
Total for Check Number 7962:				121.50
7963	10141 1216281	EAST BAY TIRE CO. VE EQUIP-TIRES FOR MOWERS	01/20/2016	323.43
Total for Check Number 7963:				323.43
7964	10144 5907432	ELBERT DISTRIBUTING, INC VE SUPPL-HAND CLEANER	01/20/2016	57.73
Total for Check Number 7964:				57.73
7965	10154 CAFR255162	FASTENAL COMPANY VE EQUIP-2 CYCLE OIL	01/20/2016	117.21
Total for Check Number 7965:				117.21

Check No	Vendor No Invoice No	Vendor Name Description	Check Date Reference	Check Amount
7966	10162 SO132243	FRESNO COUNTY TREASURER PD-DEC 2015 RMS/JMS/CAD ACCESS FEES	01/20/2016	167.00
Total for Check Number 7966:				167.00
7967	10987 12312015	CARLOS GARCIA AAC-CAR TRAP DEPOSIT REIMBURSEMEN	01/20/2016	40.00
Total for Check Number 7967:				40.00
7968	10219 385131	JENSEN & PILEGARD VE EQUIP-CARBURETOR EDGER ARM	01/20/2016	252.78
Total for Check Number 7968:				252.78
7969	BP-FURT 00019015 00019015 00023568	LOUIS FURTADO FIN-REFUND BUSINESS LICENSE DUP PM FIN-REFUND BUSINESS LICENSE DUP PM BP Refund	01/20/2016	129.00 1.00 130.00
Total for Check Number 7969:				260.00
7970	10282 814087927001 816181431001	OFFICE DEPOT BPO-OFFICE SUPPLIES PD-OFFICE SUPPLIES TONER NOTE PADS I	01/20/2016	4.31 79.81
Total for Check Number 7970:				84.12
7971	10285 8355050	EXPRESS MESSENGER SYSTEMS INC BPO-PLAN CHECK OVERNIGHT DELIVERY	01/20/2016	63.40
Total for Check Number 7971:				63.40
7972	10289 4647279811-8 5467738309-0 5467738309-0	P.G.& E. PD-DEC 2015 UTILITIES WTR/SWR/SD-MONTHLY UTILITIES 11/30/1 WTR/SWR/SD-MONTHLY UTILITIES 11/30/1	01/20/2016	1,302.47 8,522.75 126.35
Total for Check Number 7972:				9,951.57
7973	10309 256215	PROFORCE LAW ENFORCEMENT PD 46 MAG 46 MF22115GLK MAG 40SW	01/20/2016	1,585.11
Total for Check Number 7973:				1,585.11
7974	10315 WON50007103	QUINN COMPANY WTR-REPAIR WELL #15 TRANSFER SWITC	01/20/2016	699.11
Total for Check Number 7974:				699.11
7975	10338 01SI001769 01SI001769 01SI001769 01SI001769 01SI001769 01SI001769 04CR000148 04IN000738 04IN000738 04IN000981 04IN000991	SMITH AUTO VE SUPPL-FINANCE CHARGE PD MAINT-FINANCE CHARGE PD REP-FINANCE CHARGE VE MAINT-FINANCE CHARGE VE REP-FINANCE CHARGE VE EQUIP-FINANCE CHARGE PD REP-RETURN OF INV #04IN000118 VE EQUIP-BATTERY FOR FORD TRACTOR VE REP-WIPERS FOR #1476 WTR CONSERV-SUPPLIES 1 INV <\$50 VE EQUIP-CAT BACKHOE FILTERS	01/20/2016	0.64 0.63 0.64 0.63 0.64 0.63 -234.70 181.93 24.89 5.69 120.12

Check No	Vendor No Invoice No	Vendor Name Description	Check Date Reference	Check Amount
	04IN001078	VE EQUIP-BATTERY WELL #17 GENERATO		108.17
	04IN001376	WTR-SUPPLIES 1 INV <\$50		39.90
	12312015	SWR-SUPPLIES 2 INV <\$50		30.35
	12312015	VE SUPPL-SUPPLIES 4 INV <\$50		29.18
	12312015	PD REP-SUPPLIES 3 INV <\$50		34.83
	12312015	VE EQUIP-SUPPLIES 2 INV <\$50		36.44
			Total for Check Number 7975:	380.61
7976	10391	VALLEY FARM SUPPLY STORES	01/20/2016	
	12312015	WTR-SUPPLIES 7 INV <\$50		131.55
	12312015	VE SUPPL-SUPPLIES 2 INV <\$50		72.43
	12312015	SWR-SUPPLIES 9 INV <\$50		91.83
	12312015	STRTC-SUPPLIES 3 INV <\$50		64.29
	12312015	LLD-SUPPLIES 2 INV <\$50		27.61
	12312015	WTR-SUPPLIES 3 INV <\$50		23.25
	12312015	SWR-SUPPLIES 3 INV <\$50		23.24
	OFF107724	LLD-STIHL OIL RAKE SCOOP		70.31
	OFF107731	LLD-WOOD LOPPERS		64.92
	OFF1K107880	WTR CONSERV-SUPPLIES 1 INV <\$50		1.04
	OFF1K107972	SD-SUPPLIES 1 INV <\$50		1.81
	OFF1K108225	VE EQUIP-SUPPLIES 1 INV <\$50		2.99
			Total for Check Number 7976:	575.27
7977	10406	WEST HILLS OIL INC	01/20/2016	
	50094	VE-FUEL DEC 16-31		3,511.55
	50094	VE-B ARREDONDO TRANSPORT		220.91
			Total for Check Number 7977:	3,732.46
7978	10412	XEROX CORPORATION	01/20/2016	
	082852543	ADM-COPIER LEASE PRINT CHARGES & T		402.75
	082852544	CS-REC DEPT COPIER DEC 2015		245.48
			Total for Check Number 7978:	648.23
7979	10413	YAMABE & HORN ENGINEERING INC	01/20/2016	
	34594	WHITESBRIDGE & VINELAND TRAFFIC SI		455.00
	34595	GENERAL ENGINEERING		105.00
	34596	DOUBLE L MHP WATER SERVICE/WELL 18		1,230.00
	34597	SECONDARY WATER FID AGREEMENT		120.00
	34598	MEDIAN TRANSITION PLAN		120.00
	34599	VINELAND AVENUE WIDENING		3,025.75
	34600	UPRR PEDESTRIAN & BICYCLE TRAIL		380.00
	34601	PROP 84 WATER METER PROJECT		480.00
	34602	CALIFORNIA & MAY RECONSTRUCTION -		90.00
	34603	CDBG KATEYS KIDS PARK		1,380.00
	34604	CHROMIUM 6 MCL SUPPORT		105.00
	34605	CALIFORNIA AVE RECONSTRUCTION - LC		9,838.50
	34606	SPR 14-03 KERMAN CROSSINGS PHASE II		105.00
	34607	MADERA/JENSEN GATEWAY MONUMENT		180.00
	34608	SR2S PEDESTRIAN SAFETY IMPROVEMEN		8,405.00
	34609	CALIFORNIA AVE SIDEWALK - DEL NORTE		996.25
	34610	SPR 15-04 STARBUCKS		732.50
	34611	TREVINO & CORNELIUZ UTILITY AGREEM		210.00
	34612	2015 KERMAN COG APPLICATIONS		2,485.00
	34613	BATTLING CAGE TENANT IMPROVEMENT		500.00
	34614	SPR 15-05 MACKEY PUCKETT INDUSTRIAI		1,470.00
	34615	MARTINEZ & TORRES UTILITY AGREEME		420.00
	34616	SALLY BEAUTY SUPPLY TENANT IMPROV		250.00

Check No	Vendor No Invoice No	Vendor Name Description	Check Date Reference	Check Amount
			Total for Check Number 7979:	33,083.00
7980	10014 87028 87028	ADMINISTRATIVE SOLUTIONS, INC HR-2016 FSA PLAN ANNUAL FEE HR-JAN SEC 125 PLAN ADMIN	01/20/2016	250.00 20.00
			Total for Check Number 7980:	270.00
7981	10015 67838	ADVANCE FORMS MANAGEMENT PD-1000 REGULAR CITATIONS	01/20/2016	641.42
			Total for Check Number 7981:	641.42
7982	10021 0450603-IN 0450605-IN	ALERT O LITE AAC-CONTRACTOR TRASH BAGS FRO CA STRT-EXPANSION JT FOR SIDEWALKS	01/20/2016	42.94 45.99
			Total for Check Number 7982:	88.93
7983	10023 2580-683308	ALL PHASE MSI MEDALLION SUPPLY SWR-LED LIGHT FOR PANEL HEADWORKS	01/20/2016	120.78
			Total for Check Number 7983:	120.78
7984	10029 1232635-01	ALLIED ELECTRIC WTR-SUPPLIES	01/20/2016	10.96
			Total for Check Number 7984:	10.96
7985	10504 5324476841	AUTOZONE VE REP-TIE ROD END	01/20/2016	17.75
			Total for Check Number 7985:	17.75
7986	10056 10131	BOGIE'S PUMP SYSTEMS SWR-PARTS FOR HEADWORKS	01/20/2016	661.96
			Total for Check Number 7986:	661.96
7987	10102 51788	CODE PUBLISHING COMPANY CLRK-WEBHOSTING JAN 2016-17	01/20/2016	350.00
			Total for Check Number 7987:	350.00
7988	10104 815550021014764	COMCAST TECH-TECHNOLOGY SERVICES 1/14/16-2/1	01/20/2016	171.08
			Total for Check Number 7988:	171.08
7989	10654 390133	DIVINE DESSERTS CC-JAN COUNCIL MEETING	01/20/2016	30.00
			Total for Check Number 7989:	30.00
7990	10919 4	DON BERRY CONSTRUCTION INC STRT-RETENTION PMT #4	01/20/2016	33,937.35
			Total for Check Number 7990:	33,937.35
7991	10151 817961	EWING IRRIGATION PRODUCTS KATIES PARK-PEDESTAL FOR SPRINKLER	01/20/2016	386.90

Check No	Vendor No Invoice No	Vendor Name Description	Check Date Reference	Check Amount
			Total for Check Number 7991:	386.90
7992	10157 1145438	FERGUSON ENTERPRISES INC. WTR-PVC HAND PUMP INSERT	01/20/2016	66.26
			Total for Check Number 7992:	66.26
7993	10988 7149	FRESNO COUNTY EDC ADM-EDC GOLD MEMBERSHIP 2015/2016	01/20/2016	6,000.00
			Total for Check Number 7993:	6,000.00
7994	10162 SO13242	FRESNO COUNTY TREASURER PD-DISPATCHING SERVICE JAN 2016	01/20/2016	17,427.30
			Total for Check Number 7994:	17,427.30
7995	10440 6405	GLASS CENTERS PD REP-REAR WINDOW GLASS #1420	01/20/2016	315.11
			Total for Check Number 7995:	315.11
7996	10204 36518	IDTS INC PD-7 ANNUAL ENROLLMENTS	01/20/2016	35.00
			Total for Check Number 7996:	35.00
7997	10686 01062016	KYF CHEER CC-DONATION KYF CHEER	01/20/2016	500.00
			Total for Check Number 7997:	500.00
7998	10259 160083088101	MES VISION HR-FEB VISION PREMIUM	01/20/2016	724.58
			Total for Check Number 7998:	724.58
7999	10260 125985	METRO UNIFORM & ACCESSORIES PD-UNIFORM LT J GOLDEN	01/20/2016	348.40
			Total for Check Number 7999:	348.40
8000	10457 886035 886035 886035 886035 886035 886035 886035 886035 886035 886035 886035 886035 886035 886035	OFFICEMAX INC WTR-DESK FOR WWTP SWR-DESK FOR WWTP WTR-DESK FOR WWTP SWR-DESK FOR WWTP STRTC-CHAIR FOR PUBLIC WORKS OFFIC VE-PRINTER INK FOR PW OFFICE VE-PRINTER INK FOR CITY YARD SHOP WTR CONSERV-RED PENCILS WTR-12 PK 1" BINDERS SWR-12 PK 1" BINDERS STRTC-12 PK 1" BINDERS STRTC-CASE PAPER FOR PW OFFICE WTR-PENCILS FOR WTR DEPT	01/20/2016	113.12 113.12 77.92 77.91 145.62 35.83 70.22 5.63 7.27 7.27 14.54 35.39 13.64
			Total for Check Number 8000:	717.48
8001	10986 1141688	ROTARY CLUB OF KERMAN PD-JAN DUES OF CHIEF BLOHM	01/20/2016	97.00

Check No	Vendor No Invoice No	Vendor Name Description	Check Date Reference	Check Amount
			Total for Check Number 8001:	97.00
8002	10603 131020691	SOLENIS LLC SWR-POLYMER FOR SCREW PRESS	01/20/2016	3,601.20
			Total for Check Number 8002:	3,601.20
8003	10420	SPRINT	01/20/2016	
	622685312-170	VAR-MONTHLY CELLULAR SERVICES 1/12		20.47
	622685312-170	VAR-MONTHLY CELLULAR SERVICES 1/12		20.47
	622685312-170	VAR-MONTHLY CELLULAR SERVICES 1/12		150.11
	622685312-170	VAR-MONTHLY CELLULAR SERVICES 1/12		27.29
	622685312-170	VAR-MONTHLY CELLULAR SERVICES 1/12		20.47
	622685312-170	VAR-MONTHLY CELLULAR SERVICES 1/12		44.35
	622685312-170	VAR-MONTHLY CELLULAR SERVICES 1/12		122.82
	622685312-170	VAR-MONTHLY CELLULAR SERVICES 1/12		75.05
	622685312-170	VAR-MONTHLY CELLULAR SERVICES 1/12		68.23
	622685312-170	VAR-MONTHLY CELLULAR SERVICES 1/12		23.88
	622685312-170	VAR-MONTHLY CELLULAR SERVICES 1/12		29.00
	622685312-170	VAR-MONTHLY CELLULAR SERVICES 1/12		107.42
			Total for Check Number 8003:	709.56
8004	10365 RS-9032	THE RADAR SHOP PD-SERVICE TO RADAR GUN	01/20/2016	149.50
			Total for Check Number 8004:	149.50
8005	10399 213093	VETERINARY MEDICAL CENTER AAC-2 EUTHANASIA OF ANIMALS	01/20/2016	40.40
			Total for Check Number 8005:	40.40
			Total for 1/20/2016:	121,363.84
ACH	10147 01222016 01222016	Employment Development Department C PR TAX DEPOSIT 1/22/16 SIT PAYABLE=P C PR TAX DEPOSIT 1/22/16 SDI PAYABLE=S	01/22/2016	3,746.36 1,151.21
			Total for this ACH Check for Vendor 10147:	4,897.57
ACH	10517 01222016 01222016 01222016	Federal Taxes-Payroll C PAYROLL TAX DEPOSIT 1/22/16 FIT PAYA C PAYROLL TAX DEPOSIT 1/22/16 FICA PAY C PAYROLL TAX DEPOSIT 1/22/16 FICA MEI	01/22/2016	14,267.14 16,998.56 3,975.44
			Total for this ACH Check for Vendor 10517:	35,241.14
ACH	10518 01222016	Kerman Police Officers Assn. C MEMBERSHIP DUES 1/22/16	01/22/2016	648.12
			Total for this ACH Check for Vendor 10518:	648.12
ACH	10519 01222016	Kerman Municipal Employees Assn. C MEMBERSHIP DUES 1/22/16	01/22/2016	165.00
			Total for this ACH Check for Vendor 10519:	165.00
ACH	10520 01222016	ICMA-RC C DEFERRED COMP 1/2/16	01/22/2016	3,844.40

Check No	Vendor No Invoice No	Vendor Name Description	Check Date Reference	Check Amount
	01222016	C LOAN PAYMENTS		1,388.86
	01222016	C LOAN FEES		-20.15
Total for this ACH Check for Vendor 10520:				5,213.11
ACH	10522	CalPERS	01/22/2016	
	01222016	C EMPLOYER PAID CONTRIBUTIONS		10,886.76
	01222016	EMPLOYEE PAID CONTRIBUTIONS		9,132.03
	01222016	ROUNDING ADJ		-0.02
Total for this ACH Check for Vendor 10522:				20,018.77
ACH	10522	CalPERS	01/22/2016	
	01082016	C EMPLOYER PAID CONTRIBUTIONS		367.02
	01082016	EMPLOYEE PAID CONTRIBUTIONS		367.79
	01112015	C EMPLOYER PAID CONTRIBUTIONS		146.81
	01112015	EMPLOYEE PAID CONTRIBUTIONS		147.12
	12232015	C EMPLOYER PAID CONTRIBUTIONS		367.02
	12232015	EMPLOYEE PAID CONTRIBUTIONS		367.79
Total for this ACH Check for Vendor 10522:				1,763.55
Total for 1/22/2016:				67,947.26
ACH	10147	Employment Development Department	01/26/2016	
	01212016	C PR TAX DEPOSIT 1/22/16 SDI AMOUNT		2.40
Total for this ACH Check for Vendor 10147:				2.40
ACH	10517	Federal Taxes-Payroll	01/26/2016	
	01082016	C PAYROLL TAX DEPOSIT 1/8/16 FED PAYR		131.98
Total for this ACH Check for Vendor 10517:				131.98
8006	10814 INV32401	ACCELA INC #774375 FIN-MONTHLY WEB PAYMENTS DECEMBE	01/26/2016	334.00
Total for Check Number 8006:				334.00
8007	10617 363809 363809 364993	C A REDING CO INC BPO-LANIER/MP C3503 COPIER (BUILDINC BPO-LANIER/MP C3503 COPIER (FINANCE) PD-DEC BILLING FOR COPIES	01/26/2016	121.50 12.34 35.54
Total for Check Number 8007:				169.38
8008	10452 K120915 K120915 K122315 K122315	CITY OF FRESNO WMD WTR-LAB ANALYSIS SWR-LAB ANALYSIS SWR-LAB ANALYSIS SWR-LAB ANALYSIS	01/26/2016	30.00 72.00 72.00 30.00
Total for Check Number 8008:				204.00
8009	10105 12312015	COMMUNITY HOSPITALS OF CENTRA PD-5 BLOOD DRAWS	01/26/2016	875.00
Total for Check Number 8009:				875.00
8010	10128 141897	DEPARTMENT OF JUSTICE PD-DEC LIVE SCAN PRINTS	01/26/2016	298.00

Check No	Vendor No Invoice No	Vendor Name Description	Check Date Reference	Check Amount
	141897	PD-CREDIT ADJ		-83.00
	144844	PD-DEC 2015 4 BLOOD ALCOHOL ANALYSI		140.00
			Total for Check Number 8010:	355.00
8011	10133 SL160458	DEPARTMENT OF TRANSPORTATION STRT-SIGNALS & LIGHTING OCT-DEC 201:	01/26/2016	1,345.49
			Total for Check Number 8011:	1,345.49
8012	10229 5778	JUDICIAL DATA SYSTEMS CRP PD-PARKING ACTIVITY FOR DEC 2015	01/26/2016	100.00
			Total for Check Number 8012:	100.00
8013	10230 12312015	KENT M KAWAGOE PHD PD-PRE-EMPLOYMENT PSYCH K GILL	01/26/2016	300.00
			Total for Check Number 8013:	300.00
8014	10678 131835 131835 131901 131901 131929 131968 132137 132159 132350 132351	MAC'S EQUIPMENT INC PD REP-STOCK WIPERS VE REP-STOCK WIPERS PD REP-STOCK FILTERS VE REP-STOCK FILTERS VE SUPPL-OXYGEN SENSOR SOCKET PD REP-STOCK BRAKE KITS/PD VEHICLES STRTC-THERMOSTAT TESTER PD REP-RETURN OF INV #131388 WTR CONSERV-INSPECTION TOOL/MIRRO PD MAINT-WRENCHES FOR PD VEHICLES	01/26/2016	42.81 42.81 23.53 23.52 28.67 254.90 89.33 -10.22 13.63 150.40
			Total for Check Number 8014:	659.38
8015	10273 25015	NAFFA INTERNATIONAL INC BPO-PLAN CHECK FEES	01/26/2016	8,124.99
			Total for Check Number 8015:	8,124.99
8016	10992 00042511	AZUCENA RAZO CTC-DEPOSIT REFUND SCOUT HUT 1/23/16	01/26/2016	100.00
			Total for Check Number 8016:	100.00
8017	10967 134071282-002	UNITED RENTALS CS-FORKLIFT RENTAL KATEYS PARK	01/26/2016	641.26
			Total for Check Number 8017:	641.26
8018	10389 33136 34174 34175 34176 34177	VALLEY AIR CONDITIONING & REPAI CS-REMOVED & REPLACE FAN BELT CS-QTLY PREVENTIVE MAINTENANCE-CI CS-QTLY PREVENTIVE MAINTENANCE-PI CS-QTLY PREVENTIVE MAINTENANCE-CT CS-QTLY PREVENTIVE MAINTENANCE-SE	01/26/2016	60.00 575.00 375.00 580.00 312.50
			Total for Check Number 8018:	1,902.50
8019	10972 B-043150	ACCURATE AIR ENGINEERING INC SWR-INSPECT/ADVISE-BLOWER REPAIR	01/26/2016	1,130.94
			Total for Check Number 8019:	1,130.94

Check No	Vendor No Invoice No	Vendor Name Description	Check Date Reference	Check Amount
8020	10014 01252016 1252016 31854 87740 87740	ADMINISTRATIVE SOLUTIONS, INC HR-FEB EMPLOYER FLEX PLAN HR-JAN SEC 125 EMPLOYEE CONT HR-FEB DENTAL CLAIMS FUNDING HR-FEB BLUE SHIELD PLAN ADMIN HR-FEB SEC 125 PLAN ADMIN	01/26/2016	10,500.00 2,276.68 4,474.29 810.00 105.00
Total for Check Number 8020:				18,165.97
8021	10019 01122016	AFLAC HR-JAN EMPLOYEE VOLUNTARY INS	01/26/2016	184.56
Total for Check Number 8021:				184.56
8022	10991 00047496	JOSEFINA ALVAREZ CTC-DEPOSIT REFUND SCOUT HUT 1/16/16	01/26/2016	100.00
Total for Check Number 8022:				100.00
8023	10923 0333923-IN 0333923-IN 0333923-IN 0333923-IN	AMBER CHEMICAL INC WTR-16-15 GL CARBOYS-CHLORINE WTR-CARBOY DEPOSIT WTR-CARBOY REFUND WTR-TAX	01/26/2016	720.00 320.00 -320.00 59.22
Total for Check Number 8023:				779.22
8024	10039 23434345970408	AT&T PD-T-1 LINE 1/10/16-2/9/16	01/26/2016	275.10
Total for Check Number 8024:				275.10
8025	10054 160180003637 160180003637	BLUE SHIELD OF CALIFORNIA HR-FEB MEDICAL COVERAGE HR-FEB COBRA COVERAGE	01/26/2016	28,398.62 288.61
Total for Check Number 8025:				28,687.23
8026	10081 3463	CAPE PD-2016 ANNUAL CAPE MEMBERSHIP BAI	01/26/2016	45.00
Total for Check Number 8026:				45.00
8027	10775 47792	CERUTTI & SONS TRUCKING INC SD-FILL SAND	01/26/2016	232.68
Total for Check Number 8027:				232.68
8028	10103 3420205-0201652 3420205-0201652	COLONIAL LIFE HR-JAN EMPLOYEE CONTRIBUTION HR-ROUNDING ADJ	01/26/2016	634.80 -0.05
Total for Check Number 8028:				634.75
8029	10119 INV0974822	DASH MEDICAL GLOVES PD-1 CASE OF GLOVES	01/26/2016	77.81
Total for Check Number 8029:				77.81
8030	10151 833864	EWING IRRIGATION PRODUCTS KATIES PARK-FERTILIZER FOR KATIES PA	01/26/2016	183.98

Check No	Vendor No Invoice No	Vendor Name Description	Check Date Reference	Check Amount
			Total for Check Number 8030:	183.98
8031	10157 1143571	FERGUSON ENTERPRISES INC. WTR-FIRE HYDR PART/CALF & 9TH ST	01/26/2016	535.87
			Total for Check Number 8031:	535.87
8032	10990 FR10001	FRESNO MOSQUITO & VECTOR CONT PROP TAXES-PROP OWNER APPROVED AS	01/26/2016	20.38
			Total for Check Number 8032:	20.38
8033	10170 RTC0001740 RTC0001741	FRESNO POLICE DEPARTMENT PD-POST PERISHABLE SKILLS CLASS LEH PD-POST PERISHABLE SKILLS CLASS DUN	01/26/2016	682.00 682.00
			Total for Check Number 8033:	1,364.00
8034	10205 IN-000581247 IN-000582167 IN-000582168	INDEPENDENT STATIONERS CS-DESK CALENDAR REC-FLYER SMART START BASKETBALL REC-FLYER ALMOND FEST WALK/RUN	01/26/2016	2.80 41.89 50.76
			Total for Check Number 8034:	95.45
8035	10754 5158495-00 5158495-01	INTERLINE BRANDS INC CTC-JANITORIAL SUPPLIES CTC-JANITORIAL SUPPLIES	01/26/2016	793.93 48.66
			Total for Check Number 8035:	842.59
8036	10239 40814 435	KERWEST INC CTC-WEDDING PROMO PD-ANNUAL SUBSCRIPTION FOR KERMAI	01/26/2016	65.00 35.00
			Total for Check Number 8036:	100.00
8037	10243 4091 4091 4091	KINGS RIVER CONSERVATION DISTRI WTR-RESOURCE ANALYST WTR-MGR OF WATER RESOURCES WTR-DIRECTOR OF FINANCE	01/26/2016	34.47 161.70 61.39
			Total for Check Number 8037:	257.56
8038	10989 02022016	EJ LABERTEAUX PD-3 COMMUTER LUNCHESES 2/2/16	01/26/2016	24.00
			Total for Check Number 8038:	24.00
8039	10913 02022016	DUSTIN LEHMAN PD-3 COMUTER LUNCHESES PERISHABLE SI	01/26/2016	24.00
			Total for Check Number 8039:	24.00
8040	10272 000467967849 000467967849 000467967849 000467967849	MUTUAL OF OMAHA HR-FEB LTD INS EMPLOYEE HR-FEB LTD INS EMPLOYER HR-FEB LIFE INSURANCE HR-FEB VOLUNTARY LIFE	01/26/2016	477.02 477.03 433.11 1,142.72
			Total for Check Number 8040:	2,529.88

Check No	Vendor No Invoice No	Vendor Name Description	Check Date Reference	Check Amount
8041	10282	OFFICE DEPOT	01/26/2016	
	816894066001	PD-OFFICE SUPPLIES		19.47
	816894291001	PD-OFFICE SUPPLIES		103.39
	816894291001	PD-CREDIT MEMO FOR INV 816894291001		-7.21
	817226345001	PD-OFFICE SUPPLIES		47.76
	817226345002	PD-OFFICE SUPPLIES		75.74
	81764833001	PD-OFFICE SUPPLIES		7.21
	818949250001	WTR-OFFICE SUPPLIES		21.38
	818949250001	SWR-OFFICE SUPPLIES		21.38
	818949286001	SWR-OFFICE SUPPLIES		16.86
	818949286001	WTR-OFFICE SUPPLIES		16.87
	818950862001	WTR-OFFICE SUPPLIES		2.53
	818950862001	SWR-OFFICE SUPPLIES		2.52
Total for Check Number 8041:				327.90
8042	10315	QUINN COMPANY	01/26/2016	
	PC000351090	WTR-GASKET COVER FOR WELL #17		26.01
Total for Check Number 8042:				26.01
8043	10446	SANDOVAL FARM SERVICES	01/26/2016	
	545664	BPO-SPRING WEED ABATEMENT 2015		1,400.00
Total for Check Number 8043:				1,400.00
8044	10862	SIGNMAX	01/26/2016	
	0023340-IN	STRTC-KEEP RIGHT & SLOW SIGNS		357.14
Total for Check Number 8044:				357.14
8045	10375	TRU-TRAILERS INC	01/26/2016	
	21437	VE EQUIP-BATTERY CHARGER/SLUDGE TI		54.11
Total for Check Number 8045:				54.11
8046	10377	U.S. POST OFFICE	01/26/2016	
	2016	VAR-VAR ANNUAL PERMIT 2 FEES 2016		75.38
	2016	VAR-VAR ANNUAL PERMIT 2 FEES 2016		75.38
	2016	VAR-VAR ANNUAL PERMIT 2 FEES 2016		74.24
Total for Check Number 8046:				225.00
8047	10383	UNITED STATES PLASTIC CORP.	01/26/2016	
	4697267	SWR-CASE-PLASTIC JUGS/WKLY SAMPLIN		147.12
Total for Check Number 8047:				147.12
8048	10644	US BANK EQUIPMENT FINANCE	01/26/2016	
	295288120	BPO-LANIER/MP C3503 COPIER LEASE		149.35
	295894976	PD-LANIER/MP C4503 COPIER LEASE		177.92
Total for Check Number 8048:				327.27
8049	10389	VALLEY AIR CONDITIONING & REPAI	01/26/2016	
	34243	CS-REMOVED & REPLACED FAN MOTOR I		496.00
Total for Check Number 8049:				496.00
8050	10399	VETERINARY MEDICAL CENTER	01/26/2016	
	213165	AAC-1 EUTHANASIA OF ANIMAL		22.40
	213178	AAC-5 EUTHANASIA OF ANIMAL		94.40

Check No	Vendor No Invoice No	Vendor Name Description	Check Date Reference	Check Amount
			Total for Check Number 8050:	116.80
8051	10406	WEST HILLS OIL INC	01/26/2016	
	229528	SWR-GREASE FOR HEADWORKS		132.39
	50299	VE-FUEL JAN 01 2015		3,305.13
	50299	VE-B ARREDONDO TRANSPORT		209.96
			Total for Check Number 8051:	3,647.48
			Total for 1/26/2016:	78,661.18
			Report Total (104 checks):	267,972.28



MAYOR
Stephen B. Hill

MAYOR PRO-TEM
Gary Yep

COUNCIL MEMBER
Rhonda Armstrong

COUNCIL MEMBER
Nathan Fox

COUNCIL MEMBER
Bill Nijjer

DEPARTMENT: PLANNING & DEVELOPMENT
STAFF REPORT
CITY COUNCIL MEETING
COUNCIL MEETING DATE: FEBRUARY 3, 2016

To: Mayor and Council Members
From: Olivia Pimentel, Planning Technician and Dave Brletic, Contract Planner
Subject: Introduction and Public Hearing for Proposed Revisions to Section 17.92.030 of the Kerman Municipal Code Relating to Emergency Shelters, Transitional and Supportive Housing Zones

RECOMMENDATION

Council introduce proposed ordinance, open public hearing, receive public comment, close public hearing and by motion waive full reading of amendment to Section 17.92.030 of Title 17 of the Kerman Municipal Code relating to Emergency Shelters, Transitional and Supportive Housing Zones.

EXECUTIVE SUMMARY

Public hearing, introduction and first reading of the proposed ordinance is being conducted this evening and second reading and adoption being scheduled for February 17, 2016 in order to meet a state mandated deadline relating to the Housing Element which is being scheduled for Planning Commission recommendation in March 2016. The Planning Commission held a public hearing on January 11, 2016 and is recommending approval of some minor revisions to a recent zone ordinance amendment that was approved earlier in the year.

By way of background, the Planning Commission and City Council considered and approved Ordinance No. 15-01 regarding various Code Amendments to comply with SB2's requirements relating to Emergency Shelters, Transitional Housing, and Supportive Housing, to ensure the City will comply with the Housing Element Update. The Code Amendments adopted as part of Ordinance 15-01 are now codified in the Kerman Municipal Code.

In reviewing the amendments made as part of Ordinance 15-01, the project manager of Mintier Harnish, the City of Kerman's consultants who are preparing the multijurisdictional housing element, notified staff that there is an inconsistency in the City's treatment of transitional and supportive housing that will need to be corrected. The definitions for transitional housing and supportive housing that the City adopted are correct and comply with State law because they include the statement that these uses are "residential uses allowed in all zones that allow residential uses, subject only to those requirements and restrictions that apply to other residential uses of the same type in the same zone."

However, Section 17.92.030 Transitional and Supportive Housing – Zones, says "Transitional housing and supportive housing shall be considered a residential use of property in the multifamily zone district, and shall be subject only to those restrictions that apply to other residential dwellings of the same type in the same zone." (emphasis added)

The restriction to only the multifamily zone district is inconsistent with State law requirements. The original version of the code amendments that were part of Ordinance No. 15-01 somehow got changed along the way. However unfortunately we were notified that this will need to be fixed in order for HCD to certify the City's Housing Element.

FISCAL IMPACTS

There is no anticipated fiscal impact.

OUTSTANDING ISSUES

Staff was assured by the consultants that the City would be fine as long as this inconsistency is cleared in the next couple of months. The issue is that HCD will not certify the City's Housing Element as in compliance with State law until the City has implemented the code amendments for emergency shelters and transitional and supportive housing. The City will be submitting the Housing Element to HCD for certification in mid-March.

PUBLIC HEARING:

Staff is requesting that the City Council introduce proposed ordinance, open public hearing, receive public comments, close public hearing and schedule second reading February 17, 2016 and adopt an amendment to Kerman Municipal Code Section 17.92.030 Transitional and Supportive Housing-Zones to read as follows:

Section 17.92.030 Transitional and Supportive Housing – Zones, Transitional housing and supportive housing shall be considered a residential use of property allowed in all zones that allow residential uses, and shall be subject only to those restrictions that apply to other residential dwellings of the same type in the same zone.

Attachments:

- A. Ordinance

Attachment 'A'

ORDINANCE NO. 16-__

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KERMAN AMENDING SECTION 17.92.030 OF TITLE 17 OF THE KERMAN MUNICIPAL CODE RELATING TO TRANSITIONAL AND SUPPORTIVE HOUSING ZONES

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

SECTION 1. Section 17.92.030 of Title 17, Chapter 17.92 of the Kerman Municipal Code is amended to read as follows:

17.92.030 Transitional and Supportive Housing—Zones.

Transitional housing and supportive housing shall be considered a residential use of property allowed in all zones that allow residential uses, and shall be subject only to those restrictions that apply to other residential dwellings of the same type in the same zone.

SECTION 2. Pursuant to the California Environmental Quality Act ("CEQA") and the State CEQA Guidelines, the adoption of this ordinance is exempt from CEQA review pursuant to 14 California Code of Regulations section 15-61(b)(3), and a Notice of Exemption will be filed with the County Recorder upon adoption of this ordinance.

SECTION 3. This ordinance shall become effective thirty days after adoption.

SECTION 4. Upon passage, this ordinance or a summary of the same shall be published within fifteen (15) days of passage pursuant to the laws of the State of California in the Kerman News, a newspaper of general circulation published and circulated in said City of Kerman.

The foregoing ordinance was introduced, given its first reading and noticed public hearing held pursuant to law at a regular meeting of the City Council of the City of Kerman held on the 3rd day of February, and was passed after a second reading at a regular meeting of the City Council of the City of Kerman on the __ day of _____, 2016 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Stephen Hill
Mayor

ATTEST:

Marci Reyes
City Clerk



MAYOR
Stephen B. Hill

MAYOR PRO-TEM
Gary Yep

COUNCIL MEMBER
Rhonda Armstrong

COUNCIL MEMBER
Nathan Fox

COUNCIL MEMBER
Bill Nijjer

DEPARTMENT: PLANNING & DEVELOPMENT
STAFF REPORT
CITY COUNCIL MEETING
COUNCIL MEETING DATE: FEBRUARY 3, 2016

To: Mayor and Council Members
 From: Olivia Pimentel, Planning Technician and Dave Brletic, Contract Planner
 Subject: First Reading and Introduction of Amendment to add Chapter 17.96 to Title 17 of the of the Kerman Municipal Code Relating to the Prohibition of Marijuana Cultivation and Dispensaries in all Zone Districts in the City

RECOMMENDATION

Council introduce, waive full reading and set for public hearing for February 17, 2016 for adoption of ordinance adding Chapter 17.96 to Title 17 of the Kerman Municipal Code Relating Prohibition of Marijuana Cultivation and Dispensaries in all zone districts in the City.

EXECUTIVE SUMMARY

By way of background, the Planning Commission held a public hearing on January 25, 2016 and recommended that City Council consider and approve Ordinance No. 16-xx relating to the prohibition of Marijuana Cultivation and Dispensaries in All Zone Districts in order to comply with the newly created Medical Marijuana Regulation and Safety Act ('MMRSA').

On October 9, 2015, Governor Jerry Brown signed into law, three (3) bills – AB 243, AB 266 and SB 643 – which together form the Medical Marijuana Regulation and Safety Act ("MMRSA"). The MMRSA, which became effective January 1, 2016, creates a comprehensive state licensing system for the commercial cultivation, manufacture, retail sale, transport, distribution, delivery, and testing of medical cannabis.

The proposed ordinance addresses the MMRSA legislation which includes a provision that impacts local governments by pre-empting them from enacting cultivation regulations if they do not have such regulations in effect as of March 1, 2016. The provision states:

Because of the limited time to conduct detailed studies, the proposed ordinances bans cultivation and dispensaries in all jurisdictions.

The Draft Ordinance includes detailed findings for the Planning Commission to consider.

FISCAL IMPACTS

There is no anticipated fiscal impact.

OUTSTANDING ISSUES

If a city, county, or city and county does not have land use regulations or ordinances regulating or prohibiting the cultivation of marijuana, either expressly or otherwise under principles of permissive zoning, or chooses not to administer a conditional permit program pursuant to this section, then commencing March 1, 2016, the division shall be the sole licensing authority for medical marijuana cultivation applicants in that city, county, or city and county.

PUBLIC HEARING:

Staff is requesting that the City Council introduce proposed ordinance, waive full reading, set public hearing and second reading for February 17, 2016 to adopt an amendment to Kerman Municipal Code to Add Chapter 17.96 of Title 17 of the Kerman Municipal Code Relating to the Prohibition of Marijuana Cultivation and Marijuana Dispensaries in All Zone Districts in the City

Attachments:

- A. Ordinance

Attachment 'A'

ORDINANCE NO. 16-__

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KERMAN
ADDING CHAPTER 17.96 TO TITLE 17 OF THE KERMAN MUNICIPAL CODE RELATING TO THE PROHIBITION
OF MARIJUANA CULTIVATION AND MARIJUANA DISPENSARIES IN ALL ZONE DISTRICTS

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

SECTION 1. Chapter 17.96 is added to Title 17 of the Kerman Municipal Code to read as follows:

MARIJUANA CULTIVATION AND DISPENSARIES PROHIBITED

Sections:

17.96.010	Purpose and Intent.
17.96.020	Findings.
17.96.030	Relationship to Other Laws.
17.96.040	Definitions.
17.96.050	Prohibition of Marijuana Cultivation.
17.96.060	Consumption of Medical Marijuana.
17.96.070	Medical Marijuana Cultivation Regulations.
17.96.080	Prohibited Medical Marijuana Cultivation Declared a Public Nuisance.
17.96.090	Violation and Penalty.
17.96.100	Severance.

SECTION 17.96.010 PURPOSE AND INTENT. The purpose of this chapter is to expressly prohibit the cultivation of marijuana and marijuana dispensaries in all zone districts in order to protect the public peace, health, safety, and general welfare of the citizens of the city.

SECTION 17.96.020 FINDINGS.

- A. The Council hereby finds that the cultivation of marijuana significantly impacts, or has the potential to significantly impact, the city's jurisdiction. These impacts include damage to buildings in which cultivation occurs, including improper and dangerous electrical alterations and use, inadequate ventilation, increased occurrences of home-invasion robberies and similar crimes and nuisance impacts to neighboring properties from the strong and potentially noxious odors from the plants, and increased crime.
- B. According to the Chief of Police, marijuana grows have been operating in the surrounding cities and the County of Fresno for several years and have been the subject of armed robberies with shots fired, incidents with juveniles and young adults, trespass, theft, and arrests for violation of both state and federal laws, including seizure of illegal firearms. There has been some cultivation within the city and cultivation is likely to increase as surrounding cities and the county have banned or are banning cultivation. Marijuana cultivation attracts crime and associated violence and is harmful to the safety and welfare of the city and its residents and constitutes a public nuisance.
- C. Marijuana cultivation in the city poses a threat to the public peace, health and safety. Many marijuana grows have emerged in the city which are very visible to the public, and easily accessible to the public, including

children and youths. There is a threat of violent crime due to the size, location, and monetary value of these mature marijuana grows.

- D. It is acknowledged that the voters of the State of California have provided a limited criminal defense to the cultivation, possession and use of marijuana for medical purposes through the adoption of the Compassionate Use Act in 1996 pursuant to Proposition 215 and codified as Health and Safety Code section 11362.5. The Compassionate Use Act (CUA) does not address the land use or other impacts that are caused by the cultivation of marijuana.
- E. The CUA is limited in scope, in that it only provides a defense from criminal prosecution for possession and cultivation of marijuana to qualified patients and their primary caregivers. The scope of the Medical Marijuana Program Act (MMPA) commencing with Health and Safety Code section 11362.7, is also limited in that it establishes a statewide identification program and affords qualified patients, persons with identification cards and their primary caregivers, an affirmative defense to certain enumerated criminal sanctions that would otherwise apply to transporting, processing, administering or distributing marijuana.
- F. Neither the CUA and MMPA, nor the California Constitution create a right to cultivate medical marijuana.
- G. It is critical to note the CUA and MMPA do not abrogate the city's powers to regulate for public health, safety, and welfare. Health and Safety Code 11362.5(b)(2) provides that the CUA does not supersede any legislation intended to prohibit conduct that endangers others. In addition, Health and Safety Code 11352.83 authorizes cities and counties to adopt and enforce rules and regulations consistent with MMPA.
- H. The Council finds that neither the CUA nor the MMPA preempts the city's exercise of its traditional police powers in enacting land use and zoning regulations, as well as legislation for preservation of public health, safety, and welfare, such as this zoning ordinance prohibiting marijuana cultivation and dispensaries in all zone districts.
- I. Marijuana remains an illegal substance under the Federal Controlled Substances Act, 21 U.S.C. 801, et seq., and is classified as a "Schedule I Drug," which is defined as a drug or other substance that has a high potential for abuse, that has no currently accepted medical use in treatment in the United States, and that has not been accepted as safe for its use under medical supervision. Furthermore, the Federal Controlled Substances Act makes it unlawful for any person to cultivate, manufacture, distribute, dispense, or possess with intent to manufacture, distribute, or dispense marijuana. The Controlled Substances Act contains no statutory exemption for the possession of marijuana for medical purposes. The city does not wish to be in violation of federal law.
- J. In 2013, the California Supreme Court confirmed that cities have the authority to ban medical marijuana land uses (*City of Riverside v. Inland Empire Patients Health and Wellness Center* (2013) 56 Cal.4th 729).
- K. Under the Federal Controlled Substances Act, codified in 21 U. S. C. Section 801 et seq., the use, possession, and cultivation of marijuana are unlawful and subject to federal prosecution without regard to a claimed medical need.
- L. On October 9, 2015, Governor Jerry Brown signed into law, three (3) bills – AB 243, AB 266 and SB 643 – which together form the Medical Marijuana Regulation and Safety Act ("MMRSA"). The MMRSA, which became effective January 1, 2016, creates a comprehensive state licensing system for the commercial cultivation, manufacture, retail sale, transport, distribution, delivery, and testing of medical cannabis.

- M. In addition to creating these State controls, the MMRSA preserves the city's authority to prohibit, regulate and/or license medicinal marijuana uses within its jurisdiction, as it expressly provides that the Act. (Bus. & Prof. Code § 19315(a); Bus. & Prof. Code § 19316(c); Bus. & Prof. Code §19316.)
- N. The MMRSA further expressly allows local governments to enact ordinances expressing their intent to prohibit the cultivation of marijuana and their intent not to administer a conditional permit program pursuant to Health & Safety Code Section 11362.777 for the cultivation of marijuana (Health & Safety Code § 11362.777(c)(4)).
- O. The MMRSA requires a local government that wishes to prevent marijuana delivery activity, as defined in Business & Professions Code section 19300.5(m), from operating within the local government's boundaries to enact an ordinance affirmatively banning such delivery activity (Bus. & Prof. Code § 19340(a)).
- P. Under the dual licensing system created by the Act, before any kind of medical marijuana license will be issued by the State, the applicant must have obtained the necessary local license and/or permit for the requested marijuana-related use.
- Q. Pursuant to the following statutes created by the Act, local jurisdictions that adopt a ban on medicinal marijuana dispensaries, and/or cultivation will effectively have a veto over whether a state license for the locally regulated activities can be issued. (Business & Professions § 19320(b); Health & Safety Code § 11362.777(b)(1); and Business & Professions Code § 19312)
- R. The City hereby re-affirms and confirms that the City's Zoning Code is adopted and operates under the principles of permissive zoning, meaning that any land use not specifically authorized or identified in the zoning code is prohibited. California Health & Safety Code Section 11362.777(b)(3) expressly provides that the Department of Food and Agriculture may not issue a state license to cultivate medical marijuana within a city that prohibits cultivation under the principles of permissive zoning. Notwithstanding this, and without waiving any rights pursuant to its permissive zoning, the adoption of prohibitions of marijuana cultivation and dispensaries is in the interest of the City.
- S. Several California cities have reported negative impacts of marijuana cultivation, processing and delivery and/or distribution activities, including but not limited to offensive odors, the illegal sale and distribution of marijuana, and public health concerns including fire hazards and problems associated with mold, fungus, and pests.
- T. Due to the value of marijuana plants and their strong smell (which alerts others to their locations), marijuana cultivation creates an increased risk to public safety and/or an "attractive nuisance."
- U. The indoor cultivation of marijuana has potential adverse effects to the structural integrity of the buildings in which it is cultivated, and the use of high wattage grow lights and excessive use of electricity increases the risk of fire, which presents a clear and present danger to the building and its occupants.
- V. The Attorney General's August 2008 Guidelines for the Security and Non-Diversion of Marijuana Grown for Medical Use recognizes that the cultivation or other concentration of marijuana in any location or premises without adequate security increases the risk that nearby homes or businesses may be negatively impacted by nuisance activity such as loitering or crime.
- W. Based on the experiences of other cities, the foregoing negative effects on the public health, safety, and welfare would be likely to occur in the City due to marijuana cultivation and dispensaries and their associated activities.

- X. The City Council held a public hearing on _____, and duly considered staff reports, Planning Commission recommendations, and public comments.
- Y. The city has a compelling interest in protecting the public health, safety, and welfare of its residents and businesses and in preserving the peace and quiet of the neighborhoods in which marijuana is currently grown.

SECTION 17.96.030 RELATIONSHIP TO OTHER LAWS. This chapter is not intended to, nor shall it be construed or given effect in a manner that cause it to apply to, any activity that is regulated by federal or state law to the extent that application of this chapter would conflict with such law or would unduly interfere with the achievement of federal or state regulatory purposes. This chapter shall be interpreted to be compatible and consistent with federal, county and state enactments and in furtherance of the public purposes which those enactments express. This chapter will supersede any other provisions of this code found to be in conflict therewith.

SECTION 17.96.040 DEFINITIONS. For purposes of this chapter, unless the particular provision or the context otherwise clearly requires, the definitions in this section shall govern the construction, meaning, and application of words and phrases used in this chapter:

- A. "Cultivation" means the planting, growing, harvesting, drying, processing, or storage of one or more marijuana plants or any part thereof in any location.
- B. "Marijuana" means all parts of the plant *Cannabis sativa* L., whether growing or not, and includes medical marijuana.
- C. "Medical Marijuana" means marijuana used for medical purposes in accordance with California Health and Safety Code section 11362.5.
- D. "Collective, cooperative or dispensary" means a collective, cooperative, dispensary, operator, establishment, provider, association or similar entity that cultivates, distributes, deliver, or processes marijuana for medical purposes relating to a qualified patient or primary caregiver, pursuant to the Compassionate Use Act and the Medical Marijuana Program Act.
- E. "Primary caregiver" means a primary caregiver as defined in Health and Safety Code section 11362.7.
- F. "Qualified patient" means a qualified patient as defined in Health and Safety Code section 11362.7.

SECTION 17.96.050 PROHIBITION OF MARIJUANA CULTIVATION. Marijuana cultivation by any person, including primary caregivers and qualified patients, collectives, cooperatives or dispensaries, is prohibited in all zone districts within the city.

SECTION 17.96.060 CONSUMPTION OF MEDICAL MARIJUANA. No on-site consumption of medical marijuana shall occur except by a qualified patient or person with an identification card who lives on the property as their principal place of residence.

SECTION 17.96.070 DISPENSARY AS A PROHIBITED USE. A dispensary is a prohibited use in all zone districts in the city.

SECTION 17.96.080 PUBLIC NUISANCE DECLARED. Any use or condition caused or permitted to exist within any zone district of the city in violation of the provisions of this chapter is hereby declared a public nuisance. The City will avail itself of all available legal remedies to abate the nuisance.

SECTION 17.96.090 VIOLATION AND PENALTY

- A. A violation of this chapter may be prosecuted by the City Attorney through the civil enforcement process, including injunctive relief, as set forth in this code and state law.
- B. Each day a person is in violation of this chapter shall be considered a separate violation.
- C. The administrative citation penalty for each and every marijuana plant cultivated in violation of this chapter shall be one thousand dollars (\$1,000) per plant.
- D. Any property upon which a violation of this chapter is found shall be subject to immediate abatement by the city.
- E. In addition to any administrative penalty assessed for violation of this chapter, any person found in violation of this chapter will be charged abatement costs and enforcement costs as defined in this code, calculated to recover the total costs incurred by the city in enforcing this chapter.

SECTION 17.96.100 SEVERANCE If any section, subsection, phrase, or clause of this chapter is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this chapter.

SECTION 2. CEQA. The City Council finds this ordinance is not a project under the California Environmental Quality Act because it can be seen with certainty that it will not have a significant effect or physical change to the environment. See Title 14, California Code of Regulations, Section 15061 (b) (3).

SECTION 3. Publication. This ordinance shall be published in accordance with the provisions of Government Code Section 36933.

SECTION 4. Emergency Findings. The findings set forth in this ordinance constitute a declaration of facts constituting an immediate preservation of public health and safety.

SECTION 5. Effective Date. This ordinance is an emergency ordinance for the immediate preservation of the public peace, health, and safety and shall become effective immediately per Government Code Section 36397.

The foregoing ordinance was introduced at a regular meeting of the City Council of the City of Kerman held on _____, 2016, and was passed and adopted at a regular meeting of the City Council held on _____, 2016, by the following vote:

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

The foregoing ordinance is hereby approved.

Stephen B. Hill
Mayor

ATTEST:

Marci Reyes
City Clerk