

**CORCORAN CITY COUNCIL,
JOINT POWERS FINANCE AUTHORITY,
SUCCESSOR AGENCY FOR CORCORAN RDA,
& HOUSING AUTHORITY
AGENDA**

**City Council Chambers
1015 Chittenden Avenue
Corcoran, CA 93212**

***Tuesday, September 10, 2019
5:30 P.M***

Public Inspection: A detailed City Council packet is available for review at the City Clerk's Office, located at Corcoran City Hall, 832 Whitley Avenue.

Notice of ADA Compliance: In compliance with the Americans with Disabilities Act, if you need assistance to participate in this meeting, please contact the City Clerks Office at (559) 992-2151.

Public Comment: Members of the audience may address the Council on non-agenda items; however, in accordance with government code section 54954.2, the Council may not (except in very specific instances) take action on an item not appearing on the posted agenda.

This is the time for members of the public to comment on any matter within the jurisdiction of the Corcoran City Council. This is also the public's opportunity to request that a Consent Calendar item be removed from that section and made a regular agenda item. The councilmembers ask that you keep your comments brief and positive. Creative criticism, presented with appropriate courtesy, is welcome.

After receiving recognition from the chair, speakers shall walk to the rostrum, state their name and address and proceed with comments. Each speaker will be limited to five (5) minutes.

Consent Calendar: All items listed under the consent calendar are considered to be routine and will be enacted by one motion. If anyone desires discussion of any item on the consent calendar, the item can be removed at the request of any member of the City Council and made a part of the regular agenda.

ROLL CALL

Mayor:	Sidonio "Sid" Palmerin
Vice Mayor:	Patricia Nolen
Council Member:	Raymond Lerma
Council Member:	Jerry Robertson
Council Member:	Jeanette Zamora-Bragg

INVOCATION

FLAG SALUTE

1. PUBLIC DISCUSSION

2. **CONSENT CALENDAR (VV)**

- 2-A. Approval of minutes of the meeting of the City Council on August 27, 2019.
- 2-B. Authorization to read ordinances and resolutions by title only.

3. **APPROPRIATIONS (VV)**

Approval of Warrant Register dated September 10, 2019. *(Ruiz-Nuñez) (VV)*

4. **PRESENTATIONS**

- 4-A. Presentation on PARS Section 115 Investment Account regarding the status of the investment of the pension obligations prefunding.
- 4-B. Presentation "Road to 2020 Census" by Barbara Martin with the Census Bureau.

5. **PUBLIC HEARINGS** - None

6. **WRITTEN COMMUNICATIONS** – None

7. **STAFF REPORTS**

- 7-A. Approve the purchase of a 2019 Caterpillar 420F2 backhoe loader from Quinn Cat Company. *(Faulkner) (VV)*
- 7-B. Approve scope of work with R3 Consulting Group, Inc. relating to the negotiation and revision of the refuse franchise agreement. Authorize Mayor to sign agreement with Tule Trash regarding reimbursement of the City's costs to be billed by R3 Consulting Group, Inc. *(Meik)(VV)*
- 7-C. Consider and provide direction on the implementation of City Council stipends. *(Meik)*
- 7-D. Discuss and provide direction on citations for water waste. *(Meik)*

8. **MATTERS FOR MAYOR AND COUNCIL**

- 8-A. Information Items
- 8-B. Staff Referral Items - *Items of Interest (Non-action items the Council may wish to discuss)*
- 8-C. Committee Reports

9. **CLOSED SESSION**

9-A. **CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION**

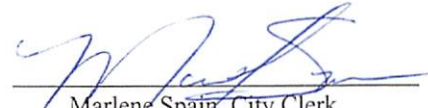
Significant exposure to litigation pursuant to paragraph (2) or (3) of subdivision

(d) of Section 54956.9:

Number of potential cases: One case.

10. ADJOURNMENT

I certify that I caused this Agenda of the Corcoran City Council meeting to be posted at the City Council Chambers, 1015 Chittenden Avenue on September 6, 2019.



Marlene Spain, City Clerk

**MINUTES
CORCORAN CITY COUNCIL,
JOINT POWERS FINANCE AUTHORITY,
SUCCESSOR AGENCY FOR CORCORAN RDA,
& HOUSING AUTHORITY**

Tuesday, August 27, 2019

The regular session of the Corcoran City Council was called to order by Mayor Palmerin, in the City Council Chambers, 1015 Chittenden Avenue, Corcoran, CA at 5:30 P.M.

ROLL CALL

Councilmembers present: Raymond Lerma, Sidonio Palmerin, Jerry Robertson and Jeanette Zamora-Bragg

Councilmembers absent: Patricia Nolen

Staff present: Joseph Faulkner, Ken Jorgensen, Soledad Ruiz-Nuñez, Reuben Shortnacy, Kevin Tromborg and Marlene Spain

Press present: None

INVOCATION

Invocation was presented by Palmerin.

FLAG SALUTE

The flag salute was led by Lerma.

1. PUBLIC DISCUSSION

2. CONSENT CALENDAR

Following Council discussion a **motion** was made Lerma and seconded Robertson to approve the Consent Calendar. Motion carried by the following vote:

AYES: Lerma, Palmerin, Robertson and Zamora-Bragg

NOES:

ABSENT: Nolen

3. APPROPRIATIONS

Following Council discussion a **motion** was made by Zamora-Bragg and seconded by Robertson to approve the Warrant Register for August 27, 2019. Motion carried by the following vote:

AYES: Lerma, Palmerin, Robertson and Zamora-Bragg

NOES:

ABSENT: Nolen

4. **PRESENTATIONS**

- 4-A. Presentation by Moore and Associates regarding the Transit Asset Management Plan (TAM).

Following Council discussion a motion was made by Lerma and seconded by Robertson to approve Resolution No. 2998 authorizing Transit Asset Management Plan and delegating authority to execute all necessary documents. Motion carried by the following vote:

AYES: Lerma, Palmerin, Robertson and Zamora-Bragg
NOES:
ABSENT: Nolen

5. **PUBLIC HEARINGS**

- 5-A. Public Hearing to obtain comments on the proposed revision to Ordinance 612- Parking of Commercial Vehicle was declared open at 5:50 p.m. Mr. Tromborg presented the staff report.

Karl Kassner, representing the Corcoran Planning Commission addressed the Council and advised of several Planning Commission meetings where Ordinance 612 was discussed, due to the request of one resident. Karl advised that the final decision by the Planning Commission was to not amend the current Ordinance.

Kassner advised Council that in 2008, there was an extensive process to finalize Ordinance 612, where multiple public hearings were held and all large truck owners/operators in the community were invited to attend the public hearings.

There were no written testimonies. The hearing was closed at 6:21 p.m.

Council directed staff to proceed with draft Ordinance "A".

6. **WRITTEN COMMUNICATIONS** – None

7. **STAFF REPORTS**

- 7-A. Following Council discussion a **motion** was made by Lerma seconded by Zamora-Bragg to approve Resolution No. 2996 the Program Supplement Agreement No. S82 to Administering Agency-State Master Agreement No. 00546S for the Systemic Safety Analysis Report Program (SSARP). Motion carried by the following vote:

AYES: Lerma, Palmerin, Robertson and Zamora-Bragg
NOES:
ABSENT: Nolen

7-B. Following Council discussion a **motion** was made by Zamora-Bragg and seconded by Robertson to approve the revisions to the Records Clerk, Senior Records Clerk and Senior Clerk/Dispatcher job classifications and consider approval the job classifications for new Records Clerk II and Clerk/Dispatcher II positions. Motion was carried by the following vote:

AYES: Lerma, Palmerin, Robertson and Zamora-Bragg

NOES:

ABSENT: Nolen

8. MATTERS FOR MAYOR AND COUNCIL

8-A. Council received information items.

8-B. Staff received referral items.

8-C. Committee reports.

CLOSED SESSION

At 6:39 p.m. Council recessed to closed session pursuant to:

9. CLOSED SESSION

9-A. CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to paragraph (2) or (3) of subdivision (d) of Section 54956.9:

Number of potential cases: One case.

The regular meeting was reconvened at 6:53 p.m.

ADJOURNMENT 6:54 P.M.

Sid Palmerin, Mayor

Marlene Spain, City Clerk

APPROVED DATE: _____

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STAFF REPORT

ITEM #: 4A

MEMORANDUM

TO: City Council

FROM: Soledad Ruiz-Nunez, Finance Director

DATE: September 5, 2019

MEETING DATE: September 10, 2019

SUBJECT: Presentation on PARS Section 115 Investment Account regarding the status of the investment performance of the pension obligations prefunding.

Discussion:

Council authorized staff to establish a PARS Section 115 account last year in order to invest \$450,000 which will be used for future pension obligations. Funds have been invested for one year and PARS representatives will provide a presentation of the earnings return, pension liability, and investment market.

Budget Impact:

None.

Attachments:

None.

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**STAFF REPORT
ITEM #: 4-B**

MEMO

TO: Corcoran City Council

FROM: Marlene Spain, City Clerk/Assistant to the City Manager

DATE: September 5, 2019 MEETING DATE: September 10, 2019

SUBJECT: "Road to 2020 Census" Presentation by Barbara Martin, Partnership Specialist with the Census Bureau.

Discussion:

The U.S Constitution mandates a headcount every 10 years of everyone residing in the 50 states, Puerto Rico, and the Island Areas of the United States. This includes people of all ages, races, ethnic groups, citizens, and noncitizens. The population totals affect funding in our community, and data collected in the census helps our decision makers know how our community is changing. Approximately \$675 billion in federal funding is distributed to communities each year.

Budget Impact:

None.

Attachments:

None.

**STAFF REPORT
ITEM #: 7-A****MEMO****TO: Corcoran City Council****FROM: Joseph Faulkner, Public Works Director****DATE: September 3, 2019 MEETING DATE: September 10, 2019****SUBJECT: Purchase of a 2019 Caterpillar 420F2 Backhoe Loader****Recommendation:**

Approve the purchase of a 2019 Caterpillar 420F2 backhoe loader from Quinn Cat Company, in Corcoran.

Discussion:

The Water Division currently has a 26 year old, 1993 Ford 5750 backhoe loader with approximately 5,800 service hours. The Machine has been the Divisions workhorse for nearly 3 decades excavating water leaks, moving dirt and debris, loading green waste, cleaning canals, and repairing roads.

The current backhoe has become less reliable and repairs are more frequent which increase downtime and rental cost.

The Public Works Department sent a request for quotations to suppliers for quotes. Three quotations were received. A summary of the quotations is shown in the table below.

Supplier	Backhoe Model	Quoted Cost
Pape Machinery	John Deere 310L	\$112,981
Quinn Company	CAT 420F2	\$111,046
JCB	3CX 15HFCE	\$92,182

Once submitted, the quotes were reviewed for accuracy and similar comparability. The Public Works Department then drafted a scoring matrix, which was scored by the division operators, that weighted criteria such as: company standing, quality, ease of operation and so forth. The CAT 420F2 scored the highest with an overall average of 82 out of 100 points.

Budget Impact:

The purchase of this backhoe was budgeted in the 17/18 Capital Improvement Program, funds have been set-a-side for three consecutive years for a total amount of \$120,000.

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**STAFF REPORT
ITEM #: 7-B**

MEMO

TO: Corcoran City Council

FROM: Kindon Meik, City Manager

DATE: September 5, 2019

MEETING DATE: September 10, 2019

SUBJECT: Approve scope of work with R3 Consulting Group, Inc. relating to the negotiation and revision of the refuse franchise agreement. Authorize Mayor to sign agreement with Tule Trash regarding reimbursement of the City's costs to be billed by R3 Consulting Group, Inc.

Recommendation:

Approve scope of work with R3 Consulting Group, Inc. relating to the negotiation and revision of the refuse franchise agreement. Authorize Mayor to sign agreement with Tule Trash regarding reimbursement of the City's costs to be billed by R3 Consulting Group, Inc.

Discussion:

The City of Corcoran has a longstanding contract with Tule Trash for refuse service. The current franchise agreement was executed in 2005 and extended in 2015 for an additional ten years (agreement ends 2025).

Since 2005, a number of legislative mandates regarding refuse and recycling have been implemented and as such the current franchise agreement with Tule Trash does not address the new requirements imposed by the State.

The City has contacted R3 Consulting Group, Inc. to assist with the franchise agreement revisions and associated negotiations. The scope of work presented by R3 Consulting Group has proposed a not to exceed amount of \$25,000. Tule Trash has agreed to pay 50% of the costs associated with the work performed by R3 Consulting Group. Should the scope of work be amended, Tule Trash will cover the costs above and beyond the \$25,000.

Budget Impact:

The City's share of costs for work performed by R3 Consulting Group will not exceed \$12,500.

Attachments:

- R3 proposed scope of work
- Agreement between the City of Corcoran and Tule Trash

City Offices

Northern California Office

1512 Eureka Road, Suite 220, Roseville, CA 95661
Tel: 916-782-7821 | Fax: 916-782-7824

San Francisco Bay Area Office

2600 Tenth Street, Suite 424, Berkeley, CA 94710
Tel: 510-647-9674

August 14, 2019

Mr. Kindon Meik
City Manager
City of Corcoran
832 Whitley Ave.
Corcoran, CA 93212

Subject: Proposal to Provide Franchise Agreement Negotiation Assistance

Dear Mr. Meik:

R3 Consulting Group, Inc. (R3) is pleased to submit the attached scope and budget to provide franchise agreement negotiation assistance to the City of Corcoran (City).

We appreciate the opportunity to submit our proposal to the City and look forward to working with your team. As Principal at R3, I am authorized to contractually obligate R3 and negotiate contracts on behalf of the organization.

Sincerely,

R3 CONSULTING GROUP



Richard Tagore-Erwin | Principal

Project Approach

The City's franchise agreement with Tule Trash is set to expire in a little more than (5) years, on June 20, 2025. That agreement was executed in 2005, prior to AB 341 (mandatory commercial recycling), AB 1826 (mandatory commercial organics collection), and SB 1383 (Short Lived Climate Pollutants). In addition to not conforming to current regulatory requirements, the current agreement does not contain many important terms and conditions that have become standard in franchise agreements throughout the State (e.g., performance standards, reporting requirements, and liquidated damages to provide the City with a mechanism to manage contract compliance of key terms and conditions).

A new franchise agreement needs to be drafted, negotiated, and executed with Tule Trash to address AB 341, AB 1826, SB 1383 regulations and other relevant items. Tule Trash has prepared an initial draft of a new franchise agreement (Agreement) that has been provided to the City and R3 for review. Our approach to this project involves working with the City and Tule Trash to craft that draft Agreement into a final Agreement that supports the City's objectives for its solid waste system, and supports the City's compliance with AB 341, AB 1826 and SB 1383, and other relevant regulations. Our project budget assumes that Tule Trash will have primary responsibility for revising the draft Agreement based on discussions and negotiations with the City and R3, and that the City Attorney will provide review and approve the final Agreement prior to execution.

Scope of Services

Task 1 Preliminary Recommendations for Franchise Agreement Update

Building on our previous work completed for the City, and leveraging our experience bringing California municipalities into compliance with CalRecycle requirements, including AB 341, AB 1826, AB 901, AB 1594 and SB 1383, R3 will provide recommendations for solid waste programs that the City may wish to consider as part of the new Agreement with Tule Trash.

Best practices that may be considered as part of the Agreement to be analyzed in further detail as part of this task include:

- Full legislative compliance with AB 341, AB 1826, AB 901, AB 1594 and SB 1383;
- Establishment of diversion requirements (e.g., residential, bulky waste collection, commercial, organic materials);
- Incorporation of special items, such as curbside oil/oil filter and battery collection, sharps, pharmaceuticals, E-waste and/or U-waste collection options;
- Addressing changes in markets for recyclable materials;
- Customer rate structures and hauler compensation methods to provide incentives for both customers and Tule Trash to participate and implement legislative compliance programs;
- Options for contamination tracking, reporting, and corrective actions; and
- Requiring the hauler to pay for Vehicle Impact Fee, SB 1383 Administrative fee, or other fees the City may need to manage the new franchise agreement and legislative compliant programs.

In addition, the Agreement should provide for Tule Trash assuming all of the responsibilities that the Kings Waste and Recycling Authority (Authority) currently provides for the City, should the City decide to terminate its membership in the Authority.

R3 will discuss with the City the various recommendations for the Agreement developed as part of this task, and incorporate those recommendations into the final Agreement developed under Task 2, as directed by the City.

Task 2 Assist in Negotiations with Tule Trash and Review Draft Agreement

Based on the results of Task 1 above, and direction from City staff, R3 will assist the City with its negotiations with Tule Trash. This will include reviewing the Draft Agreement as initially prepared by Tule Trash, and teleconferences with Tule Trash, and City staff as appropriate. R3 will also be available to meet with Tule Trash representatives at our offices in Roseville.

During the negotiation process, we will review cost and program data presented by Tule Trash. To the extent required, written responses will be prepared and presented. In addition, we will monitor and track proposed changes to the Agreement in order to maintain an "audit trail." It is expected that Tule Trash will have responsibility for finalizing the Agreement based on the results of negotiations.

We expect to include performance requirements and minimum service standards in the Agreement that are both quantifiable and easily measured to verify compliance. Performance requirements may include, but are not necessarily limited to, the following:

- Disposal facility requirements;
- Minimum waste diversion requirements;
- Minimum transformation tonnage requirements;
- Collection vehicle emissions standards and requirements;
- Collection vehicle weight, size and noise limitations;
- Specifications for container size, color, and labeling;
- Public education program requirements (e.g., quarterly newsletter, annual campaigns, classroom presentations, etc.);
- Collection and recycling services to City offices, facilities and events;
- Collection service hours;
- Collection service quality standards; and
- Collection driver uniforms and identification badges.

As appropriate, we will confer with City staff on various terms and conditions and seek the input of the City Attorney with respect to the specific legal aspects of the Agreement, including indemnifications. It is expected that the City Attorney will provide any necessary revisions and/or additions to the draft Agreement as they related to the legal, versus the operational and financial terms and conditions.

Task 3 Review Final Draft Agreement

Based on the results of the Task 2 negotiations, R3 will review the Final Draft Agreement prepared by Tule Trash to determine if it accurately reflects the negotiated terms and conditions as agreed to. It is also

expected that the City will conduct an internal review of the Final Draft Agreement to ensure that it conforms to the City's requirements and expectations. Any issues that are identified by R3 or the City will be discussed with Tule Trash and any necessary final revisions incorporated into the document.

Key Project Deliverables:

- Electronic memorandum on recommended new programs (Task 1);
- Teleconferences with Tule Trash and City staff (Task 2);
- Review and comment on Draft Agreement (Task 2); and
- Review of Final Agreement for execution by the City and Tule Trash (Task 3).

We anticipate the development of a Final Draft of the Agreement by December 31, 2019, assuming timely review and input of contract terms and conditions by City staff and the City Attorney, and the maintenance of a collaborative negotiation process with Tule Trash.

Project Budget

We propose to complete the above scope of work on a time-and-materials basis for a not-to-exceed budget by task totaling \$25,000. We would be happy to discuss changes to our scope or budget as may be needed to align with the City's needs. Below, we have attached our hourly billing rates. *Please note that the City may wish to consider requiring Tule Trash to reimburse the City for a portion (e.g., 50%) or the full cost of negotiations.*

2019 BILLING RATES AND CHARGES	
Classification	Hourly Rate
Principal	\$215 per hour
Project Director	\$215 per hour
Senior Project Manager	\$190 per hour
Project Manager	\$175 per hour
Senior Project Analyst	\$160 per hour
Senior Administrative Support	\$160 per hour
Project Analyst	\$145 per hour
Associate Analyst	\$130 per hour
Administrative Support	\$115 per hour
REIMBURSABLE COSTS (Included in Hourly Rates)	
Description	Cost

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2019 BILLING RATES AND CHARGES	
Classification	Hourly Rate
Consultants/Subcontractors	Cost plus 10%
Lodging and meals	Direct cost
Travel — Private or company car	At Current Federal Rate
Travel — Other	Direct cost
Delivery and other expenses	Direct cost

Payments

Unless otherwise agreed in writing, fees for work completed will be billed monthly at the first of each month for the preceding month and will be payable within 30 days of the invoice date.

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MEMORANDUM OF AGREEMENT

Regarding Reimbursement of City of Corcoran's Consultant Cost to Revise the Refuse Franchise Agreement with Tule Trash LLC

This Memorandum of Agreement (MOA) is entered into, by and between the City of Corcoran, a municipal corporation ("CITY"), and Tule Trash Company LLC ("Tule Trash")

Recitals

WHEREAS, the City's franchise agreement with Tule Trash is set to expire in a little more than five years, on June 20, 2025; and

WHEREAS, the franchise agreement between the City and Tule Trash was executed in 2005, prior to AB 341 (mandatory commercial recycling), AB 1826 (mandatory commercial organics collection), and SB 1383 (Short-Lived Climate Pollutants); and

WHEREAS, in addition to not conforming to current regulatory requirements, the current agreement does not contain many important terms and conditions that have become standard in franchise agreements throughout the State (e.g., performance standards, reporting requirements, and liquidated damages to provide the City with a mechanism to manage contract compliance of key terms and conditions).

WHEREAS, a new franchise agreement needs to be drafted, negotiated, and executed with Tule Trash to address AB 341, AB 1826, SB 1383 regulations and other relevant items; and

WHEREAS, R3 Consulting Group, Inc. provides a full range of procurement assistance services for municipal clients relating to refuse collection, recycling, processing, and disposal services; and

WHEREAS, R3 Consulting Group Inc. has submitted a proposal to provide consulting services to the City for a budgeted amount not to exceed \$25,000 and, as is customary between municipalities and refuse companies, Tule Trash desires to reimburse the City of its costs by R3 Consulting Group, Inc.

NOW, THEREFORE, the parties hereby agree as follows:

Agreement

1. Effective Date.

The MOA shall become effective upon the City and R3 Consulting Group, Inc. entering into a consulting agreement to provide the City negotiation assistance in its efforts to revise the refuse franchise agreement with Tule Trash.

2. Responsibilities of Tule Trash.

A. Tule Trash will reimburse the City for work completed and billed by R3 Consulting Group, Inc. relating to revising the new franchise agreement between the City and Tule Trash within 30 days of the request made by the City.

B. Tule Trash will reimburse the City for 50% of the work completed and billed by R3 Consulting Group based on the initial not to exceed budget of \$25,000.

C. Should the scope of work with R3 Consulting Group be amended by the mutual consent of the City and Tule Trash, Tule Trash will reimburse the City for all costs above and beyond the initial proposal of \$25,000.

3. Responsibilities of the City.

A. The City will timely notify Tule Trash of the amount it is charged by R3 Consulting Group, Inc.

4. Termination.

This MOA can be terminated by either party at the conclusion of negotiations of the franchise agreement, or upon 60 days written notice of either party.

5. R3 Consulting Group, Inc.

Tule Trash acknowledges that R3 Consulting Group would be a consultant representing the sole interests of the City and not that of Tule Trash.

5. Entire MOA.

This MOA constitutes the entire MOA between the parties. This MOA may be modified or amended only by the written agreement of the City and Tule Trash.

6. Counterparts.

This MOA may be executed in counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument.

City of Corcoran:

Tule Trash Company LLC:

By: _____

By: _____

Sidonio "Sid" Palmerin, Mayor

Jeffrey S. Martin, Principal

City of

CORCORAN

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**STAFF REPORT
ITEM #: 7-D**

MEMO

TO: Corcoran City Council

FROM: Kindon Meik, City Manager

DATE: September 6, 2019

MEETING DATE: September 10, 2019

SUBJECT: Discuss and provide direction on citations for water waste.

Recommendation:

Discuss and provide direction on citations for water waste.

Discussion:

At the August 13, 2018 city council meeting, requested that the process of issuing citations for water waste be included as a topic of discussion on an upcoming agenda. Below is a historical overview of relevant information relating to water conservation and water use:

- Governor Jerry Brown declared a state of emergency in January 2014 following several years of drought.
- State mandated 25% reduction in water use in April 2015.
- City Council adopted Ordinance No. 625 regarding water conservation and water waste in May 2015.
- Governor Brown ended the state of emergency caused by the drought in April 2017 (drought order lifted except in Fresno, Kings, Tulare and Tuolumne counties).
- In May 2018, the City Council adopted Ordinance No. 630 removing warnings for code violations and increases fines for citations issued.

Budget Impact:

Not applicable.

Attachments:

- Ordinance No. 625
- Ordinance No. 630

City Offices

ORDINANCE NO. 625

AN ORDINANCE AMENDING CHAPTER 1 OF
TITLE 8 OF THE CORCORAN MUNICIPAL CODE
OUTLINING WATER CONSERVATION STAGES
AND PROHIBITING WATER WASTE.

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

Section 1. SHORT TITLE. This ordinance shall be known as the “Water Conservation Ordinance”.

Section 2. PURPOSE. The provisions of this ordinance are intended to define water conservation measures that may be implemented by the City of Corcoran (“City”) in order to prevent water waste during times when water supplies are limited.

Section 3. CODE ADOPTION. The amendments to Chapter 1 of Title 8 is hereby enacted and shall read as follows:

8-1-1: PURPOSE:

The City of Corcoran promotes water conservation and sustainable water use. It is the purpose and intent of this Chapter to minimize outdoor water use, control unnecessary consumption of the available potable water supply of the City, and enforce regulatory requirements related to water use.

8-1-2: AUTHORIZATION:

The City Manager, with subsequent approval by the City Council, is hereby authorized and directed to implement the applicable provisions of this Chapter upon his determination that such implementation is necessary to protect the public welfare and safety.

8-1-3: APPLICATION:

The provisions of this Chapter shall apply to all persons, customers and properties within the service area of the City domestic water system. If in the event that mandatory reductions are imposed on the City, either as an overall percentage reduction or as a reduction in per capita water consumption, said restrictions shall apply to all applicable water customers including the State correctional facilities located in Corcoran.

8-1-4: PROHIBITION OF WATER WASTE:

It shall be unlawful for any person to, in any manner, waste water supplied by the City. If

the City Manager determines a water user receiving water from the City domestic water system is permitting water to be wasted, the City Manager may require the property owner and/or water user, at their own expense, to install a water meter and backflow prevention device upon the premises occupied by the water user and thereafter charge the property for water service at the rate established. The following uses of water are defined as a waste of water and are thereby prohibited:

- A. Irrigation: The use of domestic water which allows water to run off the premises or onto other areas of the premises not requiring irrigation. Every water user is deemed to have his/her water distribution lines and facilities under control at all times and know the manner and extent of his/her water use and excess runoff.
- B. Leaks: Excessive use, loss or escape of water through breaks, leaks or malfunctions in the water user's plumbing, distribution facilities, and outdoor irrigation system for any period of time after such escaped water should reasonably have been discovered and corrected. It shall be presumed that a period of forty eight (48) hours after discovery is a reasonable time within which to correct such leak or break.

8-1-5: OUTDOOR WATER USE, WATER CONSERVATION STAGES:

No one within the domestic water system of the City shall knowingly make, cause, use or permit the use of domestic water for residential, commercial, industrial, governmental or any other purpose in a manner contrary to the provisions of this Chapter or in an amount in excess of that use permitted by the water conservation stage in effect pursuant to action taken by the City Manager in accordance with provisions of this Chapter:

- A. The following restrictions shall apply to all persons year-round unless and until public notification of implementation of a specified water conservation stage.
 - 1. All outdoor irrigation of lawn, gardens, landscaped areas, plants, trees, shrubs or other greenscape areas is prohibited as follows:
 - April 1 through September 30 between the hours of ten o'clock (10:00) A.M. and seven o'clock (7:00) P.M.
 - October 1 through March 31 between the hours of ten o'clock (10:00) A.M. to two o'clock (2:00) P.M.

Exception: Commercial nurseries are exempt from this provision but will be requested to curtail all nonessential water use.

2. The washing of automobiles, trucks, trailers, boats, airplanes and other types of vehicles, building exteriors, sidewalks, driveways, parking areas, courts, patios and other paved areas is permitted only when using a hand held hose equipped with a positive shut-off nozzle for quick rinses.

3. The operation of any ornamental fountain or other structure making similar use

of water is prohibited unless the fountain uses a recycling system.

4. All restaurants shall serve water to customers only when specifically requested.

5. No application of potable water to outdoor landscapes during and up to 48 hours after a measurable rainfall.

6. Operators of hotels and motels shall provide guests with the option of choosing not to have towels and linens laundered daily. The hotel or motel shall prominently display notice of this options in each bathroom using clear and easily understood language(s).

B. **Water Conservation Stage 1: Mandatory Compliance-Water Warning.** Upon implementation by the City Manager and publication of notice, the following restrictions shall apply to all persons:

1. All outdoor irrigation of lawns, gardens, landscaped areas, plants, trees, shrubs or other greenscape areas shall be limited to three days per week as outlined by a resolution of the City Council and duly noticed to the public. Water customers utilizing a drip irrigation system to irrigate gardens, trees, shrubs and other landscaped areas are not subject to the three day schedule imposed by the City. Outdoor irrigation shall be prohibited between the hours of eight o'clock (8:00) A.M. and seven o'clock (7:00) P.M.

2. The washing of sidewalks, driveways, parking areas, courts, patios and other paved areas is absolutely prohibited.

C. **Water Conservation Stage 2: Mandatory Compliance-Water Emergency.** Upon implementation by the City Manager with subsequent approval by the City Council and publication of notice, the following restrictions shall apply to all persons: All elements of Water Conservation Stage 1 shall remain in effect in Water Conservation Stage 2 except that:

1. All outdoor irrigation of lawns, gardens, landscaped areas, plants, trees, shrubs or other greenscape areas shall be limited to two days per week as outlined by a resolution of the City Council and duly noticed to the public. Water customers utilizing a drip irrigation system to irrigate gardens, trees, shrubs and other landscaped areas are not subject to the two day schedule imposed by the City. Outdoor irrigation shall be prohibited between the hours of eight o'clock (8:00) A.M. and seven o'clock (7:00) P.M.

2. Use of water from fire hydrants shall be limited to fire fighting and/or other activities when necessary to maintain the health, safety and welfare of the customers of the domestic water service area of the City.

3. Commercial nurseries and similar establishments shall water only on days designated by the City and shall use only hand held hose, drip irrigation systems

and/or hand held buckets.

4. The operation of any ornamental fountain or similar structure is prohibited.

D. Water Conservation Stage 3: Mandatory Compliance-Water Crisis. Upon implementation by the City Manager with subsequent approval by the City Council and publication of notice, the following restrictions shall apply to all persons: All elements of Water Conservation Stage 2 shall remain in effect in Water Conservation Stage 3 except that:

1. All outdoor irrigation of lawns, gardens, landscaped areas, plants, trees, shrubs or other greenscape areas shall be limited to one day per week as outlined by a resolution of the City Council and duly noticed to the public. Water customers utilizing a drip irrigation system to irrigate gardens, trees, shrubs and other landscaped areas are not subject to the one day schedule imposed by the City. Outdoor irrigation shall be prohibited between the hours of eight o'clock (8:00) A.M. and seven o'clock (7:00) P.M. E.

2. The washing of automobiles, trucks, trailers, boats, airplanes, and other vehicles not occurring upon the immediate premises of car washing and commercial service stations and not in the immediate interest of public health, safety and welfare shall be prohibited.

3. Car wash fundraisers and/or service projects are prohibited.

4. The washing of vehicles, building exteriors, photovoltaic systems, equipment and other similar activities by mobile vendors or contractors as part of their business activities is permitted only when using a low volume pressure washer.

E. The City may implement additional water conservation measures during any of the outlined water conservation stages and/or create additional water conservation stages in order to comply with State mandates or the directives of other regulatory agencies. Upon adoption of a resolution by Council and publication of notice, initiatives, State mandates and/or regulations shall apply to all relevant water users.

8-1-7: VIOLATIONS; ENFORCEMENT:

Every violation determined to be an infraction may be punishable by citation as provided in Title 1 Chapter 11 of the Municipal Code. Any person in violation of the water conservation measures outlined in this chapter shall be deemed guilty of a separate offense if the violation is not corrected within the timeframe stated on the citation. A citation may be contested as outlined in Section 1-11-15.

All other sections of Chapter 1 of Title 8 shall remain unchanged.

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 Corcoran, or any official, employee or agent thereof.

Section 5. 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 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 Corcoran 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 Corcoran Municipal Code as amended by this ordinance are substantially the same as provisions in the Corcoran 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 be implemented immediately as an urgency ordinance in order to comply with the mandates set forth by the Governor and the State Water Resources Control Board. 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 Corcoran Journal, a newspaper printed and published in the City of Corcoran, 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 Corcoran, State of California, on the 26th day of May, 2019, at a special meeting of said Council duly and regularly convened on said day by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

JERRY ROBERTSON, Mayor
CITY OF CORCORAN

ATTEST:

KINDON MEIK, Acting City Clerk,
CITY OF CORCORAN

ORDINANCE NO. 630

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CORCORAN
AMENDING SECTION 4-1-1 OF THE CORCORAN MUNICIPAL CODE, NUISANCE;
MAINTENANCE OF PROPERTY REGARDING VIOLATIONS AND ADOPTING
FINES**

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

Title 4, Chapter 1, Section 1 of the City of Corcoran California Municipal Code is hereby amended to add as follow:

SECTION 4-1-1: PUBLIC NUISANCE; MAINTENANCE OF PROPERTY

“No warnings will be given for violations of this subsection”

Title 4, chapter 3, Section 1 of the City of Corcoran California Municipal Code is hereby amended to add as follows:

SECTION 4-3-15: WEED ABATEMENT, PENALTY

Title 4, Chapter 4 section 5A of the City of Corcoran California Municipal Code is hereby amended to add as follows:

SECTION 4-4-5 A: PUBLIC NUISANCE; PERSONAL CONDUCT

“No warnings will be given for violations of this subsection”

Title 9, Chapter 1, Building Regulations, 9-1-3 of the City of Corcoran California Municipal Code is hereby amended to add as follows:

SECTION 9-1-3 A: BUILDING REGULATIONS; BUILDING CODE

“No warnings will be given for violations of this subsection”

Title 11 of the City of Corcoran California Municipal Code is hereby amended to add as follows:

SECTION 27: ZONING REGULATIONS; VIOLATION FINES

Title 12, Chapter 1, Sub-division Regulations, of the City of Corcoran California Municipal Code is hereby amended to add as follows:

SECTION 12-1-32: SUB-DIVISION REGULATIONS, VIOLATION FINES

VIOLETIONS OF THIS ORDINANCE WILL RESULT IN THE INSSUANCE OF ADMINISTRATIVE CITATIONS. THE FINE'S IMPOSED ARE AS FOLLOWS:

1ST CITATION - \$100.00 IN A TWELVE MONTH PERIOD

2ND CITATION - \$200.00 IN A TWELVE MONTH PERIOD

3RD CITATION - \$500.00 IN A TWELVE MONTH PERIOD

ADDITIONAL CITATIONS IN A TWELVE MOTH PERIOD WILL RESULT IN A \$500.00 CITATION EVERYDAY UNTIL THE VIOLATION HAS BEEN CORRECTED, REMOVED, OR ABATED.

All other portions of Section 4-1-1 of Chapter 4 of Title 1 of the Corcoran Municipal Code shall remain unchanged.

The City of Council of Corcoran, California, ordains that this ordinance shall go into effect and be in full force and effect at 12:01 a.m. on the 31ST day after its passage.

If any section, subsection, sentence, clause, word or phrase of this Ordinance is held to be unconstitutional or otherwise invalid for any reasons, such decision shall not affect the validity of the remainder of this Ordinance. The City Council of the City of Corcoran hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause, word or phrase thereof, irrespective of the fact that one or more sections, subsections, sentences, clauses, words, or phrases be declared invalid or unconstitutional.

PASSED AND ADOPTED by the City of Council of the City of Corcoran at a regular meeting thereof held on the 22ND of May, 2018 by the following vote:

AYES: Lerma, Nolen, Robertson and Zamora-Bragg

NOES:

ABSENT: Palmerin

ABSTAIN:

ATTEST:


Marlene Lopez, City Clerk

APPROVED:


Raymond Lerma, Mayor

City of

CORCORAN

A MUNICIPAL CORPORATION

FOUNDED 1914

MATTERS FOR MAYOR AND COUNCIL ITEM #: 8-A

MEMORANDUM

MEETING DATE: September 10, 2019
TO: Corcoran City Council
FROM: Kindon Meik, City Manager
SUBJECT: Matters for Mayor and Council

UPCOMING EVENTS / MEETINGS

- September 24, 2019 (Tuesday) City Council Meeting – 5:30 PM, Council Chambers
- October 8, 2019 (Tuesday) City Council Meeting – 5:30 PM, Council Chambers
- October 16-19, 2019 (Wednesday-Friday) League of CA Cities Annual Conference, Long Beach, CA
- October 22, 2019 (Tuesday) City Council Meeting – 5:30 PM, Council Chambers
- November 11, 2019 (Monday) City Offices Closed in Observance of Veteran's Day
- November 12, 2019 (Tuesday) City Council Meeting – 5:30 PM, Council Chambers

- A. Information Items- None
- B. Council Comments – *This is the time for council members to comment on matters of interest.*
 - 1. Staff Referral Items
- C. Committee Reports

City Offices



**COUNCIL REQUESTS OR REFERRAL ITEMS
PENDING FURTHER ACTION or RESOLUTION BY STAFF**

DATE Sent to Council/ Request made	REQUEST	STATUS	DEPARTMENT RESPONSIBLE Dept/Division
08/13/19	Council requested review of process for water citations.	In progress	Community Development/Public Works/City Manager
06/25/19	Council requested further information on PERS Unfunded Liability and specific funds that can be paid off early. Council also requested periodic updates on the voluntary Section 115 Account (PARS) for retirement contributions.	In progress.	Finance Director/City Manager
03/26/19	Council discussed the idea of requiring angled parking in commercial development.	In progress	Community Development
03/12/19	Council requested that Staff prepare ordinance specifically prohibiting smoking in public parks. It was recommended that the City also consider an ordinance prohibiting dogs in public parks.	In progress	Community Development
08/13/19	Council provided direction on new transit rates. Public hearings will be scheduled.	In progress	Community Development
03/12/19	Kevin Tromborg, Community Development Director, provided a history and overview of Corcoran transit rates. Council will consider proposed rate changes at a future meeting with subsequent public hearings scheduled if rates are to be changed.		
10/09/18	Request by City Council to review transit revenues and rates.		
05/09/17	City Council requested that Staff present draft finance policies relating to General Fund reserves, balanced budget, etc.	Ongoing	Finance Director/City Manager