



# City of Kingsburg

1401 Draper Street, Kingsburg, CA 93631-1908  
Phone (559)897-5821 Fax (559)897-5568

Mayor Michelle Roman  
Mayor Pro Tem Laura North  
Council Member Sherman Dix  
Council Member Vince Palomar  
Council Member Jewel Hurtado

City Manager Alexander J. Henderson

## AGENDA KINGSBURG CITY COUNCIL REGULAR MEETING

Council Chamber, 1401 Draper Street, Kingsburg, CA 93631 (559) 897-5821  
[www.cityofkingsburg-ca.gov](http://www.cityofkingsburg-ca.gov)

**Wednesday, February 5, 2020 at 6pm**

### 6 P.M. REGULAR SESSION MEETING:

Invocation to be given by Pastor Tim Boynton, Kingsburg Covenant Church, followed by the Pledge of Allegiance led by Mayor Michelle Roman.

1. **Call to Order and Roll Call**
2. **Public Comments:** This is the time for any citizen to come forward and address the City Council on any issue within its jurisdiction that is not listed on the Agenda. A maximum of five (5) minutes is allowed for each speaker.
3. **Approve Agenda:** Action by the Council to approve the agenda or to make modifications. Items that can be added to the agenda is constrained by State law.
4. **Consent Calendar:** Items considered routine in nature are to be placed on the Consent Calendar. They will be considered as one item and voted upon in one vote unless individual consideration is requested. Each vote in favor of the Consent Calendar is considered and recorded as a separate affirmative vote in favor of each action listed. Approval of the Consent Calendar items include recitals reading ordinance(s) by titles(s) only and adoption of recommended action(s) contained in Staff Reports.
  - 4.1 **Approval of City Council Minutes:** Approve the minutes from the January 15, 2020 Regular City Council Meeting, as prepared by City Clerk Abigail Palsgaard.
  - 4.2 **Check Register:** Ratify/approve payment of bills listed on the check register for the period January 8, 2020 through January 29, 2020 as prepared by Accounts Payable Clerk Grace Reyna.
  - 4.3 **Adopt Resolution 2020-009-** A Resolution of The City Council of The City of Kingsburg Declaring A Police Vehicle Surplus.

- 4.4 Waive the first reading and introduce Ordinance No. 2020-001, An Ordinance Of The City Of Kingsburg Adding Chapter 16.42 To Title 16 Of The Kingsburg Municipal Code Pertaining To The Construction Of Model Homes And Production Homes and pass to a second reading on February 19, 2020 with the following recital constituting reading the title of the Ordinance:**

**“AN ORDINANCE OF THE CITY OF KINGSBURG ADDING CHAPTER 16.42 TO TITLE 16 OF THE KINGSBURG MUNICIPAL CODE PERTAINING TO THE CONSTRUCTION OF MODEL HOMES AND PRODUCTION HOMES”**

- Staff Report by City Manager Alexander Henderson.

- 4.5 Approve The 2020-2021 City of Kingsburg Budget Schedule**
- 4.6 Adopt Lactation Accommodation Policy-** Staff Report prepared by Director of Administrative Services Christina Windover
- 4.7 Adopt Resolution 2020-010- A Resolution of The City Council of The City of Kingsburg Adopting The Water Shut Off Policy For Non-Payment Of Residential Water Service-** Staff Report prepared by City Manager Alexander Henderson

## **5. Regular Calendar**

- 5.1 Presentation of ADA Transition Plan Draft-** Staff Report prepared by City Engineer Dave Peters  
Possible Action(s):
- Presentation by City Engineer Dave Peters
  - Council Discussion
  - Action as Deemed Necessary
- 5.2 Alley Rendering Presentation-** PowerPoint Presentation prepared by Planning Consultant Greg Collins  
Possible Action(s):
- Presentation by Planning Consultant Greg Collins
  - Council Discussion
  - Action as Deemed Necessary
- 5.3 Development Incentive – Forgivable Loan Program-** Staff Report prepared by City Manager Alexander Henderson  
Possible Action(s):
- Presentation by City Manager Alexander Henderson
  - Council Discussion
  - Action as Deemed Necessary
- 5.4 Quarterly Code Enforcement Update-** Report prepared by Management Intern Elizabeth Kleinkramer Cazares  
Possible Action(s):
- Presentation by Building Official Edward Jakubowski
  - Council Discussion
  - Action as Deemed Necessary

- 5.5 Measure E Update-** Staff Report prepared by City Manager Alexander Henderson  
Possible Action(s):
- a. Presentation by City Manager Alexander Henderson
  - b. Council Discussion
  - c. Action as Deemed Necessary

**6. Council Reports and Staff Communications**

- 6.1** Community Services Commission
- 6.2** Public Safety Committee
- 6.3** Chamber of Commerce
- 6.4** Economic Development
- 6.5** Finance Committee
- 6.6** Planning Commission
- 6.7** South Kings Groundwater Sustainability Agency Joint Powers Authority (SKGSA)
- 6.8** City Manager's Report

**7. Other Business that may come properly before the City Council**

**7.1 Kingsburg Joint Union High School Bond Measure Discussion of Support**

**8. Future Agenda Items**

These items will be added to a future agenda with direction from Council.

**9. Adjourn Regular Kingsburg City Council Meeting.**

Any writings or documents provided to a majority of the City Council regarding any item on this agenda will be made available for public inspection at City Hall, in the City Clerk's office, during normal business hours. In addition, such writings and documents may be posted on the City's website at [www.cityofkingsburg-ca.gov](http://www.cityofkingsburg-ca.gov).

I hereby certify, under penalty of perjury under the laws of the State of California that the foregoing Agenda was posted at the front entrance of City Hall not less than 72 hours prior to the meeting. Dated this 31<sup>st</sup> day of January 2020.

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Abigail Palsgaard, City Clerk

**KINGSBURG CITY COUNCIL  
REGULAR MEETING MINUTES  
JANUARY 15, 2020**

Invocation was given by Mayor Pro Tem Laura North, followed by the Pledge of Allegiance led by Mayor Michelle Roman.

**Call to Order and Roll Call** – At 6:00 P. M. Mayor Michelle Roman called the regular meeting of the Kingsburg City Council to order.

**Council Members Present:** Jewell Hurtado, Vince Palomar, Laura North, and Mayor Michelle Roman.

**Council Members Absent:** Sherman Dix

**Staff Present:** City Manager Alex Henderson, City Attorney Michael Noland, Finance Director Alma Colado, Community Services Director Adam Castaneda, and City Clerk Abigail Palsgaard.

**Public Comments:** None

**Approve Agenda:** A motion was made by Council Member Hurtado, seconded by Council Member North, to approve the Agenda, as published. The motion carried by unanimous voice vote of those Council Members present.

**Consent Calendar:** A motion was made by Council Member Palomar, seconded by Council Member North, to approve the items appearing on the Consent Calendar. The motion carried by unanimous voice vote of those Council Members present.

- 4.1 Approval of City Council Minutes:** Approve the minutes from the December 18, 2019 Regular City Council Meeting, as prepared by City Clerk Abigail Palsgaard.
- 4.2 Check Register:** Ratify/approve payment of bills listed on the check register for the period December 14, 2019 through January 8, 2020 as prepared by Accounts Payable Clerk Grace Reyna.
- 4.3 Kingsburg Chamber of Commerce Annual Dinner Awards:**
  - \* Citizen of the Year Award – Adopt Resolution No. 2020-001
  - \* Junior Citizen of the Year Award – Adopt Resolution No. 2020-002
  - \* Educator of the Year Award – Adopt Resolution No. 2020-003
  - \* Public Safety Officer of the Year Award – Adopt Resolution No. 2020-004
  - \* Business of the Year Award – Adopt Resolution No. 2020-005
  - \* Recycler of the Year Award– Adopt Resolution No. 2020-006
  - \* Agriculture Business of the Year Award– Adopt Resolution No. 2020-007

*\*Note: Resolutions are not included in order to maintain anonymity until Awards are presented at the Chamber Dinner on January 16, 2020 and will be available to the public on January 17, 2020*
- 4.4 Approve the proposed Wage Schedules for 01/01/2020-** Staff Report prepared by Director of Administrative Services Christina Windover.

- 4.5 Adopt Resolution 2020-008- A Resolution Of The City Council Of The City Of Kingsburg Authorizing Application For A Public Benefit Grant Program From The San Joaquin Valley Air Pollution Control District And Authorizing The City Manager To Sign The Application And Grant Documents And Implement The Project On Behalf Of The City-** Staff Report prepared by Community Services Director Adam Castaneda

## **REGULAR CALENDAR**

### **Young Legislators Presentation by State Senator Ana Caballero's Field Representative Elisa Rivera.**

Elisa Rivera stated that Senator Caballero wanted to make Council aware of this great program offered to High School students in Senate District 12. She reviewed and Council discussed the program and the benefit to the community.

### **Crime Statistics Report for the Month of December 2019 and General Police Department Update-** Crime Statistics Report prepared by Kingsburg Police Department Records Supervisor Corina Padilla.

Police Chief Neil Dadian briefly reviewed the report pointing out that Part 1 crimes are down 31% from 2018. He stated that we are still plagued by burglaries. He reviewed training and the benefits to the community. The Police Department has not had an Internal Affairs Investigation for 2 years or use of force in 2019.

Informational – No action necessary

### **Model Home Policy Introduction-** Staff Report prepared by City Manager Alexander Henderson

City Manager Alexander Henderson stated that as more homes are being built, there is a need for the developer to have model homes. The proposed policy will set City standards and let developers know before-hand what the requirements are. He stated that instead of entering into individual agreements, staff is hoping to have one consistent one. He pointed out problems that have occurred in the past such as water issues, sidewalks, lighting, and other important infrastructure. Council asked if this would affect the current project. Mr. Henderson said not the current ones. If they want new model homes in different phases, it could.

City Engineer Dave Peters stated that in recent years developers have started having model homes when in the past they would send buyers to different communities. He stated that it is a timing issue and we need to have standards that would be beneficial to the developer and home buyers/owners.

Dave Crinklaw, West Star Homes, stated that he thinks this is a good policy. The housing development process was discussed.

Informational - No action necessary at this time.

### **Development Incentive – Forgivable Loan Program Introduction-** Staff Report prepared by City Manager Alexander Henderson

City Manager Alexander Henderson stated that the City has been working with public-private partnerships. He reviewed the history of the new fund that uses what once was the Redevelopment Fund to provide gap financing for projects that may be difficult to complete. He reviewed the highlights of the proposed policy which, after 10 years, turns into a forgivable loan. Council asked if an existing business moving locations would qualify. Mr. Henderson stated that potentially it is for rehabbing of a space. Council said they think the incentive program is very important. It has really enhanced the downtown area.

City Manager Alex Henderson stated that we will bring this back for Council approval.

**Kingsburg Tri-County Hospital District Grant Policy & Grant Application Discussion- Staff Report by Community Services Director Adam Castaneda**

Community Services Director Adam Castaneda spoke about the KTCHD's grant policies and past grants we have gotten from them. He stated that staff is seeking Council input and direction regarding the City seeking further grant funds in the upcoming grant cycle. Council asked if the Community Services Department has suggestions. Council Member/Community Services Commission Liaison Laura North stated that we are suggesting a permanent building for the After-School Recreation Program and we would also like to see if the sports complex can move forward.

**Council Reports and Staff Communications**

**Community Services Commission** – Council Member North reported that the Commission meets next week.

**Public Safety Committee-** Council Member Palomar reported that it will meet the end of February or early March.

**Chamber of Commerce** – Council Member Hurtado spoke about the Chamber Awards Dinner on January 16, the annual car show, and the proposed Business Improvement District.

**Economic Development-** City Manager Alex Henderson reported that staff will be meeting on Friday for Agri-tourism, and the ground-breaking for Linnaea Villa.

**Finance Committee-** City Manager Alex Henderson reported that it will meet 1/28/2020.

**Planning Commission-** City Manager Alex Henderson reported on a potential joint meeting with the City Council.

**South Kings Groundwater Sustainability Agency Joint Powers Authority (SKGSA)-** City Engineer Dave Peters reported that they will be talking about projects and impact fees.

**City Manager's Report-** City Manager Alex Henderson reported that the County will be conducting a point in time count for the homeless.

**Other Business that may come properly before the City Council**

**SB50 Discussion** - In the absence of Council Member Dix, continued to 2/5

Mayor Roman said that she will not be here for the meeting on February 5<sup>th</sup>.

**Future Agenda Items**

Council Member Palomar suggested discussion of an incentive program for the business park, maybe having tax rebates from the school districts.

Council Member Palomar asked about the Kingsburg High championship teams coming to a Council meeting. Mayor Roman said she has reached out.

**Adjourn Regular Kingsburg City Council Meeting.** At 7:09 P. Mayor Roman adjourned the meeting.

Submitted by:

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Abigail Palsgaard, City Clerk

# Accounts Payable

## Checks by Date - Summary by Check Date

User: gracer  
Printed: 1/30/2020 9:46 AM



City of Kingsburg  
1401 Draper Street  
Kingsburg, CA 93631-1908  
(559)897-5821

Check No	Vendor No	Vendor Name	Check Date	Check Amount
77151	3006	AIRGAS NCN	01/10/2020	504.84
77152	3023	ARMANDO'S SMOG	01/10/2020	1,083.89
77153	3029	AT&T CALNET 3	01/10/2020	404.92
77154	3030	AT&T MOBILITY	01/10/2020	980.31
77155	3634	RYAN BOYD	01/10/2020	593.00
77156	3054	BSK ASSOCIATES	01/10/2020	450.00
77157	3056	CAL STATE TERMITE AND PEST	01/10/2020	460.00
77158	3067	CARDMEMBER SERVICE	01/10/2020	3,437.66
77159	3069	CASCADE FIRE EQUIPMENT	01/10/2020	3,391.08
77160	3074	CENTRAL SANITARY SUPPLY	01/10/2020	504.51
77161	3079	CENTRAL VALLEY SWEEPING, INC.	01/10/2020	11,825.00
77162	3095	CITY OF KINGSBURG-POLICE DEPT.	01/10/2020	241.14
77163	3111	COLLINS & SCHOETTLER	01/10/2020	2,092.50
77164	3114	8155 50 019 0015979 COMCAST-F & A	01/10/2020	231.53
77165	3147	DIVISION OF STATE ARCHITECT	01/10/2020	203.60
77166	3148	DON BERRY CONSTRUCTION	01/10/2020	33,675.40
77167	3873	DON'S AUTO BODY	01/10/2020	2,389.63
77168	3750	EAGLE ENGRAVING, INC.	01/10/2020	149.53
77169	3158	ENER POWER	01/10/2020	805.00
77170	4176	ENGINEERED FIRE SYSTEMS, INC	01/10/2020	1,950.00
77171	3160	ENS ELECTRIC	01/10/2020	4,017.26
77172	3955	FIRE APPARATUS SOLUTIONS	01/10/2020	1,520.77
77173	4130	FLOYD JOHNSTON CONSTRUCTION	01/10/2020	22,310.59
77174	3188	FRESNO COUNTY SHERIFF	01/10/2020	15,773.05
77175	3198	FRESNO TRUCK CENTER	01/10/2020	495.26
77176	3994	GUARDIAN	01/10/2020	6,048.83
77177	3222	HENRY SCHEIN, INC.	01/10/2020	971.92
77178	3225	HOME DEPOT CREDIT SERVICES	01/10/2020	242.85
77179	3999	IRON MOUNTAIN	01/10/2020	35.00
77180	3248	KAHN, SOARES & CONWAY, LLP	01/10/2020	11,852.50
77181	3250	KELLER FORD LINCOLN	01/10/2020	188.25
77182	3253	KINGSBURG CHAMBER OF COMMERCE	01/10/2020	2,500.00
77183	4175	KINGSBURG CHAMBER OF COMMERCE	01/10/2020	500.00
77184	3259	KINGSBURG SUPERMARKET, INC.	01/10/2020	7.99
77185	3271	LEAGUE OF CALIFORNIA CITIES	01/10/2020	137.68
77186	3518	METRO UNIFORM	01/10/2020	733.91
77187	4147	MV PUBLIC TRANSPORTATION, INC.	01/10/2020	371.04
77188	3308	NELSON'S POWER CENTER	01/10/2020	33.89
77189	3312	O'REILLY AUTO PARTS	01/10/2020	174.12
77190	3315	P G & E	01/10/2020	1,547.34
77191	3327	PITNEY BOWES GLOBAL FINANCIAL	01/10/2020	177.95
77192	3517	POWER DESIGN ELECTRIC, INC.	01/10/2020	4,344.40
77194	3334	PROFESSIONAL PRINT & MAIL, INC	01/10/2020	2,319.26
77195	3343	R & B COMPANY	01/10/2020	475.88
77196	3537	SECOND CHANCE ANIMAL SHELTER	01/10/2020	750.00
77197	3369	SILVAS OIL COMPANY, INC.	01/10/2020	7,212.24
77198	3381	STATE OF CALIFORNIA-D O T	01/10/2020	130.98

Check No	Vendor No	Vendor Name	Check Date	Check Amount
77199	3385	STRYKER SALES CORPORATION	01/10/2020	969.00
77200	3416	VERIZONWIRELESS	01/10/2020	532.14
77201	3419	VIKING CLEANING SERVICE	01/10/2020	200.00
77202	3469	WECO SUPPLY CO., INC.	01/10/2020	35.70
77203	4174	WILLDAN	01/10/2020	2,897.29
Total for 1/10/2020:				154,880.63
77204	4072	FAHRNEY FORD SALES	01/16/2020	76,928.10
Total for 1/16/2020:				76,928.10
ACH	3470	Internal Revenue Service - ACH	01/17/2020	5,604.98
ACH	3471	Employment Development Department - A	01/17/2020	1,447.68
ACH	3472	CalPERS - ACH	01/17/2020	366.93
ACH	3231	ICMA RETIREMENT CORPORATION - V	01/17/2020	461.63
ACH	3470	Internal Revenue Service - ACH	01/17/2020	40,340.20
ACH	3471	Employment Development Department - A	01/17/2020	6,049.66
ACH	3472	CalPERS - ACH	01/17/2020	32,307.85
ACH	3475	Empower	01/17/2020	2,915.00
ACH	3476	CHILD SUPPORT STATE DISBURSEME	01/17/2020	505.84
ACH	3526	Public Employees Retirement System 457 I	01/17/2020	20.00
77208	4149	US DEPARTMENT OF EDUCATION AW	01/17/2020	313.03
Total for 1/17/2020:				90,332.80
77205	3382	SHAUN STEPHENS	01/22/2020	410.00
77206	3414	ERIC VASQUEZ	01/22/2020	390.00
77207	3433	EVA ZIMMERMAN	01/22/2020	258.50
Total for 1/22/2020:				1,058.50
77209	3891	AMERICAN BUSINESS MACHINES	01/24/2020	16.00
77210	4173	AMI CONCEPTS	01/24/2020	2,000.00
77211	3697	ASI	01/24/2020	3,960.00
77212	3029	AT&T CALNET 3	01/24/2020	1,118.22
77213	3030	AT&T MOBILITY	01/24/2020	346.14
77214	3038	BENETRAC	01/24/2020	425.00
77215	3061	CNOA	01/24/2020	100.00
77216	3704	CANON FINANCIAL-EQUIPMENT SAL	01/24/2020	1,058.09
77217	3954	CAPE ACCOUNTING	01/24/2020	300.00
77218	3068	BARBARA CARPENTER	01/24/2020	990.00
77219	3074	CENTRAL SANITARY SUPPLY	01/24/2020	53.62
77220	3918	CINTAS	01/24/2020	1,383.20
77221	3084	CITY CLERKS ASSOC. OF CA	01/24/2020	50.00
77222	3822	ALMA COLADO	01/24/2020	313.50
77223	3115	COMCAST-PD	01/24/2020	151.20
77224	3190	ITSD-DATA PROC Svc's CO. OF FRESNC	01/24/2020	72.98
77225	4181	EMMETTS EXCUVATION, INC	01/24/2020	1,408.57
77226	3158	ENER POWER	01/24/2020	535.00
77227	3693	FERGUSON ENTERPRISES, INC.	01/24/2020	411.04
77228	3219	HEALTHWISE SERVICES	01/24/2020	175.00
77229	3234	IIMC	01/24/2020	170.00
77230	3534	JACK'S REFRIGERATION, INC.	01/24/2020	4,934.00
77231	3237	JC'S LAWN SERVICE	01/24/2020	5,000.00
77232	3245	J'S COMMUNICATIONS, INC.	01/24/2020	270.00

Check No	Vendor No	Vendor Name	Check Date	Check Amount
77233	3251	KEN RISENHOOVER ROOFING	01/24/2020	100.00
77234	3625	KINGSBURG MEDIA FOUNDATION	01/24/2020	4,896.14
77235	3267	KULOW BROS.	01/24/2020	123.92
77236	4179	EVA LOPEZ	01/24/2020	75.00
77237	3460	MALLORY SAFETY & SUPPLY, LLC	01/24/2020	4,934.47
77238	3518	METRO UNIFORM	01/24/2020	57.17
77239	3293	MID VALLEY DISPOSAL	01/24/2020	206,140.53
77240	3297	MORGAN'S VILLAGE FLOORING	01/24/2020	406.45
77241	3308	NELSON'S POWER CENTER	01/24/2020	41.78
77242	3861	NIELSEN MERKSAMER	01/24/2020	135.00
77243	3961	OoSoSHARP, LLC.	01/24/2020	6,556.28
77244	3315	P G & E	01/24/2020	24,914.01
77245	3450	ABIGAIL PALSGAARD	01/24/2020	133.00
77246	3321	PETERS ENGINEERING GROUP	01/24/2020	151,282.33
77247	3327	PITNEY BOWES GLOBAL FINANCIAL	01/24/2020	555.70
77248	3333	PRICE, PAIGE & COMPANY	01/24/2020	5,750.00
77249	3334	PROFESSIONAL PRINT & MAIL, INC	01/24/2020	1,536.00
77250	3340	PURCHASE POWER	01/24/2020	37.75
77251	3673	STEVE SAFARIAN	01/24/2020	2,000.00
77252	3363	SAVE MART SUPERMARKETS	01/24/2020	195.21
77253	3369	SILVAS OIL COMPANY, INC.	01/24/2020	1,934.04
77254	3375	SNAP-ON-TOOLS	01/24/2020	156.92
77255	3380	STATE OF CALIFORNIA-D O J	01/24/2020	516.00
77256	3381	STATE OF CALIFORNIA-D O T	01/24/2020	2,476.80
77257	3397	THE GAS COMPANY	01/24/2020	2,130.81
77258	4180	TRINITY SYSTEMS GROUP	01/24/2020	129.00
77259	3414	ERIC VASQUEZ	01/24/2020	40.00
77260	3493	VILLAGE TIRE SALES	01/24/2020	22.00
77261	3428	WESTERN LIGHTSOURCE	01/24/2020	626.94
77262	3448	CHRISTINA WINDOVER	01/24/2020	200.00
77263	3433	EVA ZIMMERMAN	01/24/2020	151.00
Total for 1/24/2020:				443,495.81
77264	4072	FAHRNEY FORD SALES	01/28/2020	76,928.10
77265	4072	FAHRNEY FORD SALES	01/28/2020	76,928.10
Total for 1/28/2020:				153,856.20
Report Total (124 checks):				920,552.04

**RESOLUTION NO. 2020-009**

**A RESOLUTION OF THE CITY COUNCIL  
OF THE CITY OF KINGSBURG  
DECLARING CITY VEHICLES SURPLUS**

**WHEREAS**, from time to time the City has vehicles that are no longer in use; and

**WHEREAS**, the Police Department has declared this vehicle surplus and ready for appropriate disposal; and

**WHEREAS**, the surplus equipment is identified as follows:

<b>Item</b>	<b>VIN#</b>
1. 2004 Ford Crown Victoria	2FAFP71W74X110882

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Kingsburg does hereby approve the request to declare afore mentioned vehicles as surplus and approves disposal as appropriate.

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I, Abigail Palsgaard, City Clerk of the City of Kingsburg, do hereby certify that the foregoing resolution was duly passed and adopted at a regular meeting of the Kingsburg City Council held on the 5<sup>th</sup> day of February, 2020, by the following vote:

AYES: Council Member(s):  
NOES: Council Member(s):  
ABSTAIN: Council Member(s):  
ABSENT: Council Member(s):

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Abigail Palsgaard, City Clerk  
City of Kingsburg



**Meeting Date:** 02/05/2020  
**Agenda Item:** 4.4

**CITY COUNCIL MEETING STAFF REPORT**

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**REPORT TO:** Mayor Roman & Council Members  
**REPORT FROM:** Alexander J. Henderson, City Manager; ICMA-CM      **REVIEWED BY:** AP  
**AGENDA ITEM:** Model Home Policy Ordinance  
**ACTION REQUESTED:**  Ordinance    Resolution    Motion    Receive/File

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**EXECUTIVE SUMMARY**

Over the past few years, the City’s Planning Commission and Council have approved over 500 single-family residential allocations. Developers have begun construction on several single-family lots, with more planned for the coming years, assuming market conditions continue.

As part of these new subdivisions, developers often prefer to construct ‘model homes,’ which offer potential buyers the opportunity to tour a new home when determining what to buy, as well as options to choose. Most production homes constructed today are often semi-custom, offering some level of variation while maintaining consistency in others.

In 2019, the city has issued 58 permits for single family housing (this includes the Summerlyn project in Tulare Co). These new developments present challenges with regards to the timing of construction versus the completion of off-site improvements (roads, sidewalks, lighting, etc.). Specifically, developers are attempting to complete several items simultaneously. For example, installing water lines while seeking permits for the construction of their model home(s). This can present challenges to staff, who want to ensure certain life-safety items are in place. While we may allow the developer to begin doing some foundation work on the model homes, we would not want them to bring combustible materials on site without first having the water lines and hydrants installed and operational.

For historical context, the city has previously entered into individual agreements with developers. However, the last such agreement occurred in 2007, and the housing market has changed significantly since then. Specifically, more developments include model homes, and are semi-custom. As such, staff believes the creation of a model home policy will allow us to set city standards that can be shared with all developers so that the expectation is clear prior to developing model homes, as well as moving forward with production homes. Having a set of consistent standards sets the course for both staff and developers alike. Included in your packet, we have included a DRAFT policy for your consideration. Comments from all departments have been included. We are not seeking action this evening, but rather are introducing the item to gather input. Staff has also reached out to developers that are currently in construction so that they can participate in the process.

Highlights include:

1. Model Home Construction
  - Lays out the timing process of issuance of building permits as it relates to required improvements.
  - Includes details about water infrastructure, hydrants, lighting, and plan approval.
  - Identifies ADA improvements that must be in place prior to utilization of model homes for the public.
  
2. Production Homes

- Identifies when developer may begin construction of production homes.
- Identifies the requirements for completing improvements prior to the issuance of production home permits. For example, the installation of all sidewalks prior to issuing the building permit.

Many of these issues stem from the timing and expectation of improvements. For example, if we were to issue a building permit for a production home prior to the completion of all improvements (sidewalks, lighting, etc.), a situation could occur where the house is complete, and a family is ready to move into a home without having sidewalks or lighting installed in the subdivision. This can put the city in the difficult position of withholding final occupancy. This becomes a long-term issue in a scenario where the market slows in the middle of the project build-out. We want to ensure that any and all homes that are occupied have all neighborhood amenities installed.

City Engineer, Dave Peters, will also be in attendance to help answer questions related to the process.

**RECOMMENDED ACTION BY CITY COUNCIL**

*Waive the first reading and introduce Ordinance No. 2020-001, An Ordinance Of The City Of Kingsburg Adding Chapter 16.42 To Title 16 Of The Kingsburg Municipal Code Pertaining To The Construction Of Model Homes And Production Homes and pass to a second reading on February 19, 2020 with the following recital constituting reading the title of the Ordinance:*

*“AN ORDINANCE OF THE CITY OF KINGSBURG ADDING CHAPTER 16.42 TO TITLE 16 OF THE KINGSBURG MUNICIPAL CODE PERTAINING TO THE CONSTRUCTION OF MODEL HOMES AND PRODUCTION HOMES”*

**POLICY ALTERNATIVE(S)**

1. N/A

**STRATEGIC INITIATIVE**

1. Ensure Financial Stability

**FINANCIAL INFORMATION**

**FISCAL IMPACT:**

- |                              |           |
|------------------------------|-----------|
| 1. Is There A Fiscal Impact? | <u>NA</u> |
| 2. Is it Currently Budgeted? | <u>NA</u> |
| 3. If Budgeted, Which Line?  | <u>NA</u> |

**PRIOR ACTION/REVIEW**

Historically, the city has entered into individual agreements, or has relied on the subdivision agreements to help provide guidance. In addition, many subdivisions did not include ‘model homes,’ which are now more prevalent.

**BACKGROUND INFORMATION**

See Executive Summary.

**ATTACHED INFORMATION**

1. Ordinance No. 2020-001, An Ordinance Of The City Of Kingsburg Adding Chapter 16.42 To Title 16 Of The Kingsburg Municipal Code Pertaining To The Construction Of Model Homes And Production Homes

**ORDINANCE NO. 2020-001**

**AN ORDINANCE OF THE CITY OF KINGSBURG  
ADDING CHAPTER 16.42 TO  
TITLE 16 OF THE KINGSBURG MUNICIPAL CODE  
PERTAINING TO THE CONSTRUCTION OF  
MODEL HOMES AND PRODUCTION HOMES**

The City Council of the City of Kingsburg does hereby ordain as follows:

**Section 1.** Title 16 of the Kingsburg Municipal Code are hereby amended by adding Chapter 16.42 to set forth the procedures and requirements for the construction of model homes and production homes in residential subdivisions in the City of Kingsburg.

Chapter 16.42  
MODEL HOMES AND PRODUCTION HOMES

**16.42.010 Definitions.**

A. For purposes of this chapter, the following definitions shall apply.

1. A model home is a home without an identified buyer constructed for marketing purposes to show the design, structure and appearance of units in a residential development and shall not be sold, leased, financed or offered for sale until the final subdivision map for the residential development is recorded and a final certificate of occupancy is issued for the model home.

2. A production home is a home without an identified buyer built on speculation that shall not be sold, leased, financed, or offered for sale until a final subdivision map for the residential development is recorded and a final certificate of occupancy is issued for the production home.

3. For purposes of this chapter, and except as otherwise set forth in this chapter, model home and production home shall be collectively referred to in this chapter as "model home".

4. Subdivision means a single-family residential subdivision located within the city limits of the City of Kingsburg.

**16.42.020 Authority to building permits for model homes.**

A. Upon the recordation of the final subdivision map for a subdivision and the city's

1 approval of building plans for a maximum of four (4) model homes to be constructed on  
2 specific lots in the subdivision, the city may issue building permits  
3 for construction of the model homes so long as all requirements identified in this chapter are  
4 satisfied, as determined by the city, by the developer of the subdivision.

5           **16.42.030     Requirements for construction of model homes**

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7           A. Before developer of a subdivision may commence construction of model  
8 homes, the developer shall complete the following improvements:

9                   1. All model home building pads must be completed and certified by the city  
10 and all property hubs must be installed.

11                   2. All streets leading to the model home must be fully installed with an all-  
12 weather hard surface and all curbs and gutters and street lights must be installed along the streets.

13                   3. All sewer, water and other underground utilities in the streets leading to  
14 the model homes, stubbed to each model home lot constructed and installed concurrently with  
15 the construction of the first model home.

16                   4. Fully charged fire hydrants must be installed, fully operational and  
17 located within 300 feet of each model home and approved by the city fire department.

18                   5. Storm drainage facilities must be installed for the model homes and  
19 approved by the City.

20                   6. The biological testing (potable water tests) for the subdivision water  
21 system shall be completed and approved.

22                   7. "FIRE ACCESS ROAD" signs located at all entrances to the  
23 subdivision and the streets where the model homes are located marked with 12" letters and  
24 minimum 3/4" stroke width, in contrasting colors and background to sign verbiage.

25                   8. Temporary address signs located at all subdivision access points from  
26 existing streets must be posted with model home lot addresses marked with 12" letters and  
27 minimum 3/4" stroke width, in contrasting colors and background to sign verbiage.

28                   9. Security cameras installed and operating and covering:

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- a. Each model home.
- b. The exterior perimeter of the model home lots
- c. The street entrance points and street exit points for the model homes and covering the entire streets where the model home lots are located.
- d. All security cameras shall have a minimum 90-day video storage and shall be accessible to the Kingsburg Police Department upon request.

10. Satisfaction of all ADA parking requirements as may be required by the city building official.

11. Written evidence of payment of all required application and inspection fees and charges and compliance with all conditions of third-party agencies including, but not limited to Pacific Gas and Electric Company, Selma, Kingsburg, Fowler Sanitation District and the San Joaquin Valley Air Pollution Control District.

12. Completion of design and construction of public parking and access to the model homes.

13. Front yards of all model homes fully landscaped pursuant to the subdivision landscaping plan.

14. No storage of combustible materials (e.g. framing material, raw lumber, pre-fab trusses) of any kind in the subdivision until the fire hydrants identified above are serviceable and passed portable water tests.

15. Such other requirements as determined necessary by the City.

**16.42.040 Authority to building permits for production homes.**

A. Upon the recordation of the final subdivision map for a subdivision and the city's approval of building plans for a production home to be constructed on a specific lot located in the subdivision, the city may issue a building permit for construction of the production home so long as all requirements identified in Section 16.42.050 are satisfied, as determined by the city.

1           16.42.050   **Requirements for construction of production homes**

2                   A. Before developer of a subdivision may commence construction of production  
3 homes, the developer shall complete the following improvements:

4                           1. All production home building pads must be completed and certified by the  
5 city and all property hubs must be installed.

6                           2. All streets leading to production home must be fully installed except for  
7 the final paving lift and all curbs and gutters must be installed along the streets. Streets lights  
8 leading to the production homes must be installed and fully operational prior to occupancy of  
9 any production home. Installation of the final paving lift for the streets in the subdivision and the  
10 installation of the sidewalks in the subdivision must be completed and approved by the city prior  
11 to issuance of certificates of occupancy for the production homes.

12                           3. All sewer, water and other underground utilities installed in the streets in  
13 the subdivision stubbed to each subdivision lot.

14                           4. All fire hydrants in the subdivision must be installed, fully charged and  
15 operational and approved by the city fire department.

16                           5. Storm drainage facilities must be installed for the subdivision and  
17 approved by the City.

18                           6. The biological testing (potable water tests) for the subdivision water  
19 system shall be completed and approved.

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21                           8. Temporary address signs located at all subdivision access points from  
22 existing streets must be posted with production home lot addresses marked with 12" letters and  
23 minimum 3/4" stroke width, in contrasting colors and background to sign verbiage.

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25                           10. Satisfaction of all ADA parking requirements as may be required by  
26 the city building official.

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1 11. Written evidence of payment of all required application and inspection  
2 fees and charges and compliance with all conditions of third-party agencies including, but not  
3 limited to Pacific Gas and Electric Company, Selma, Kingsburg, Fowler Sanitation District and  
4 the San Joaquin Valley Air Pollution Control District.

5 12. Landscaping pursuant to the subdivision landscaping plan for each  
6 production home must be completed prior to issuance of a certificate of occupancy for the  
7 production home.

8 13. No storage of combustible materials (e.g. framing material, raw  
9 lumber, pre-fab trusses) of any kind in the subdivision until the fire hydrants identified above are  
10 serviceable and passed portable water tests.

11 14. Such other requirements as determined necessary by the City.

12 **16.42.060 Required improvements**

13 A. The requirements identified in Sections 16.42.030 and Section 16.42.050  
14 shall be collectively referred to as the “required improvements”. The model homes and  
15 production homes and the required improvements are hereinafter collectively referred to in this  
16 chapter as “model improvements”.

17 B. All model improvements shall be constructed and installed in full  
18 accordance with the model home building plans approved by the city and all applicable city  
19 standards and specifications and all applicable city, state and federal laws, rules, regulations,  
20 policies and ordinances, as amended from time to time. The construction and installation of all  
21 model improvements will be subject to the city’s standard inspection procedures and  
22 requirements, as amended from time to time. The issuance of the building permits for the model  
23 homes shall in no way whatsoever be construed as the granting to the developer of the  
24 subdivision any right to trespass upon land in the possession of, or owned by, any other person or  
25 entity without the landowner’s prior written consent.

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1           16.42.070    **Use of model homes.** The model homes may not be used or occupied by  
2 the developer or any other person or entity until all model improvements have been constructed  
3 and installed and approved by the City. No model homes may be sold until  
4 the entire subdivision has been fully developed and sold out.

5           16.42.080    **Removal of model improvements.**

6           A. Should the developer fail, in any manner, to construct and install the model  
7 improvements or operate the model improvements as required by this chapter, the developer  
8 shall, within thirty (30) days after the date of written notice from the city, remove from the  
9 subdivision any and all model improvements placed, installed or constructed in the subdivision  
10 and the developer shall restore the subdivision to its condition prior to issuance of the building  
11 permits for the model improvements.

12           B. Should the developer fail to comply with the provisions of this section  
13 16.42.080, the developer unconditionally and irrevocably authorizes and permits the city, or any  
14 of its duly authorized officers, employees, agents or contractors to enter upon the subdivision and  
15 perform such removal and restoration. The developer shall indemnify, hold harmless and defend  
16 the city, its officials, officers, employees, contractors and agents from and against any claims,  
17 lawsuits, costs, liability, damages or expenses, including costs of suit and fees and expenses  
18 including, without limitation, attorney fees, in any way related to city's removal of the model  
19 improvements.

20           16.42.090    **Cost of removal of model improvements.**

21           Prior to the construction and installation of any model improvements, the developer  
22 shall deliver to the city the sum of One Hundred Thousand Dollars (\$100,000) in cash or by an  
23 irrevocable standby letter of credit or instrument of credit in the amount of One Hundred  
24 Thousand Dollars (\$100,000.00) and in a form approved by the City, ("Removal Deposit"). The  
25 Removal Deposit shall be used by city to pay the costs and expenses of the city's removal of the  
26 model improvements as provided in section 16.42.080. If the cost of removal of the model  
27 improvements exceeds the amount of the Removal Deposit, the developer shall pay to the city, in  
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1 cash, any amount which exceeds the Removal Deposit within thirty (30) days after the date of an  
2 invoice from the city identifying the amount in excess of the Removal Deposit.

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4 **16.42.100 Development fees.**

5 Prior to the construction and installation of any model improvements, the  
6 developer shall pay to city any and all fees, including, without limitation  
7 development fees, connection fees and capital facilities fees required by city in order to  
8 commence construction of the model improvements.

9 **16.42.101 No vested rights.**

10 No vested rights or entitlements are conferred or granted to the developer or the  
11 subdivision by the issuance of the building permits or by acceptance by the city of any model  
12 improvements constructed by the developer within or upon the subdivision.

13 **16.42.102. Indemnification.**

14 A. To the fullest extent allowed by law, the developer shall indemnify, hold  
15 harmless and defend the city and each of its officers, officials, employees, agents, volunteers and  
16 contractors from any and all loss, liability, fines, penalties, forfeitures, costs and damages  
17 (whether in contract, tort or strict liability, including but not limited to personal injury, death at  
18 any time and property damage) arising or alleged to have arisen directly or indirectly out of the  
19 developer's construction and installation of the model improvements.

20 B. If the developer subcontracts all or any portion of the construction and  
21 installation of the model improvements, the developer shall require each subcontractor to  
22 indemnify, hold harmless and defend City and each of its officers, officials, employees, agents,  
23 volunteers and contractors in accordance with the provisions of this section 16.42.100.

24 **16.42. Insurance coverage.**

25 A. Until all homes in the subdivision are sold, the developer shall maintain in full  
26 force and effect the insurance described below with an insurance company(ies) either (i)  
27 admitted by the California Insurance Commissioner to do business in the State of California and  
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1 rated not less than “A-VII” in Best’s Insurance Rating Guide; or (ii) authorized by the Central  
2 Valley Risk Management Authority:

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4                   COMMERCIAL GENERAL LIABILITY insurance which shall be  
5                   at least as broad as the most current version of Insurance Services Office  
6                   (ISO) Commercial General Liability Coverage Form CG 00 01 and shall  
7                   include insurance for “bodily injury”, “property damage” and “personal  
8                   and advertising injury” with coverage for premises and operations  
9                   (including the use of owned and non-owned equipment), products and  
10                  completed operations, contractual liability (including indemnity  
11                  obligations under this Agreement), with limits of liability of not less than  
12                  \$5,000,000 per occurrence for bodily injury and property damage,  
13                  \$2,000,000 per occurrence for personal and advertising injury and  
14                  \$5,000,000 aggregate for products and completed operations.

15                  The developer shall be responsible for payment of any deductibles contained in any  
16 insurance policies required under this section 16.42.101.

17                  B.           The above described policy of insurance shall be endorsed to provide an  
18 unrestricted 30 calendar day written notice in favor of the city of policy modification or  
19 cancellation of coverage. In the event the policy is due to expire prior to the sale of all homes in  
20 the subdivision, the developer shall provide a new certificate evidencing renewal of such policy  
21 not less than 15 calendar days prior to the expiration date of the expiring policy. Upon issuance  
22 by the insurer, broker, or agent of a notice of modification or cancellation in coverage, the  
23 developer shall file with city a new certificate with all applicable endorsements for such policy.

24                  C. The General Liability insurance policy shall be written on an occurrence form and  
25 shall name the city, its officers, officials, agents, employees, volunteers and contractors as  
26 additional insureds. Such policy of insurance shall be endorsed so the developer’s insurance  
27 shall be primary and no contribution shall be required by the city. The policy shall contain a  
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1 waiver of subrogation as to city, its officers, officials, agents, employees, volunteers and  
2 contractors. The developer shall furnish City with the certificate and applicable endorsements  
3 for the required insurance prior to commencement of the construction and installation of the  
4 model improvements.

5 D. If at any time, the developer fails to maintain the required insurance in full force and  
6 effect, the developer shall immediately cease all work in the subdivision until written notice is  
7 received by the city that the required insurance has been restored to full force and effect and that  
8 the premiums therefore have been paid for a period satisfactory to the city.

9 E. If the developer subcontracts all or any portion of the construction and installation of  
10 the model improvements, the developer shall require each subcontractor to provide insurance  
11 protection in favor of City, its officers, officials, employees, agents and contractors in  
12 accordance with the provisions of this section 16.42.100, and the subcontractors' certificates of  
13 insurance and endorsements shall be on file with the developer and the city prior to the  
14 commencement of any work by the subcontractor.

15 **Section 2.** This ordinance shall take effect thirty (30) days after its passage and shall be  
16 published in the Kingsburg Recorder within fifteen (15) days after its passage.

17 **PASSED AND ADOPTED** at a regular meeting of the City Council of the City of Kingsburg  
18 duly called and held on the \_\_\_ day of February, 2020 by the following vote:

19 AYES: Council Member \_\_\_\_\_

20 \_\_\_\_\_

21 \_\_\_\_\_

22 \_\_\_\_\_

23 \_\_\_\_\_

24 NOES: Council Member \_\_\_\_\_

25 ABSTAIN: Council Member \_\_\_\_\_

26 ABSENT: Council Member \_\_\_\_\_

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APPROVED

\_\_\_\_\_  
Mayor

ATTEST: \_\_\_\_\_  
City Clerk

STATE OF CALIFORNIA )  
COUNTY OF FRESNO )ss  
CITY OF KINGSBURG )

I, **ABIGAIL PALSGAARD**, City Clerk of the City of Kingsburg, do hereby certify the foregoing ordinance was duly introduced at a regular meeting of the City Council of the City of Kingsburg on the \_\_\_ day of February, 2020, and it was duly passed and adopted at a regular meeting of said City Council held on the \_\_\_\_\_ day of February, 2020.

Dated: \_\_\_\_\_  
Abigail Palsgaard, City Clerk

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## 2020-2021 City of Kingsburg Budget Schedule

### February 2020

- 5 2020-2021 budget schedule approved by the City Council.
- 10 Begin personnel costing worksheets and 2019-2020 year-end revenue projections.
- 17 Capital Improvement Plan (CIP) documents distributed to department heads for review and update.
- 25 Finance Committee meeting. Recommendation for any mid-year 2019-2020 adjustments made to City Council.

### March 2020

- 4 City Council 2019-2020 mid-year budget review and potential adjustments.
- 10 City staff discussion on long-term strategic goals (in conjunction with Strategic Planning initiatives)
- 17 Capital improvement project (CIP) department requests with supporting documentation due to Finance Director for review.
- 24 Finance Committee meeting.
- 27 Personnel costing worksheets and 2019-2020 revenue projections due from Finance Director.

### April 2020

- 3 Department heads complete 2019-2020 year to date and year end revenue and expenditure projections.
- 10 Department budget requests due from Department Heads.
- 13-24 Departmental meetings to discuss individual projections and 2020-2021 operational and CIP requests.
- 28 Finance Committee meeting.

### May 2020

- 6 City Council approval of budget guidelines and parameters; review of City Financial Policies. Review and consideration of capital improvement projects.
- 12 Measure E Public Safety Tax Oversight Committee meeting to review 2019-2020 expenditures and 2020-2021 proposed budget. (approx. – date to be finalized).

- 20 City Council review and consideration of special funds (Measure E, CalPERS, Economic Development)
- 26 Finance Committee meeting. Final review of budget revenue and expenditure projections. Review and recommendation regarding City Financial Policies. Final revenue and expenditure projections for 2019-2020.
- 29 Distribution of the City Manager's recommended budget.

June 2020

- 3 First reading of recommended budget to the City Council for consideration.
- 17 Public hearing, final consideration and approval of 2020-2021 City Budget. Final budget to include organizational goals guided by Strategic Planning initiatives.



**Meeting Date:** 02/05/2020  
**Agenda Item:** 4.6

**CITY COUNCIL MEETING STAFF REPORT**

**REPORT TO:** Mayor Roman & City Council  
**REPORT FROM:** Christina Windover, Administrative Services Director **REVIEWED BY:** AP  
**AGENDA ITEM:** Lactation Accommodation Policy  
**ACTION REQUESTED:**  Ordinance  Resolution  Motion  Receive/File

**EXECUTIVE SUMMARY**

As required by Senate Bill 142, passed on 10/10/2019, the City must provide a Lactation Accommodation Policy. The proposed Lactation Policy adheres to the following guidelines:

- Time to Express Milk
  - Additional break time to express milk
- Place to Express Milk
  - Private, locked space other than restroom or storage closet, with an electrical outlet and surface to place breast pump
  - Room in fridge/freezer to store breast milk
- The employee must request accommodation either verbally or in writing.
- The City will accommodate the employee as long as they choose to breastfeed
- Distribution of policy shall be at time of hire or upon request
- Discrimination against breastfeeding employees is prohibited
- Appeal process

The proposed policy applies to all City facilities and all City employees. The identification of lactation rooms will be determined through the interactive process of requesting the accommodation based on the needs of the individual, the department, and in compliance with the requirements of SB142.

**RECOMMENDED ACTION BY CITY COUNCIL**

1. Approve the Lactation Policy.

**POLICY ALTERNATIVE(S)**

1. None. California Law Requires employers to have a Lactation Policy meeting the standards set forth in SB 142.

**REASON FOR RECOMMENDATION/KEY METRIC**

1. California State Law requires employers to have a Lactation Policy meeting the standards set forth in SB 142.

**FINANCIAL INFORMATION**

**FISCAL IMPACT:**

1. Is There a Fiscal Impact?	<u>N/A</u>
2. Is it Currently Budgeted?	<u>N/A</u>
3. If Budgeted, Which Line?	<u>N/A</u>

**PRIOR ACTION/REVIEW**

None.

**BACKGROUND INFORMATION**

See Executive Summary.

**ATTACHED INFORMATION**

1. Proposed Lactation Policy.



# City of Kingsburg

1401 Draper Street, Kingsburg, CA 93631-1908  
(559) 897-5821 Fax: (559) 897-5568

Michelle Roman  
Mayor

Laura North  
Mayor Pro Tem

COUNCIL MEMBERS  
Sherman Dix  
Jewel Hurtado  
Vince Palomar

Alexander J. Henderson  
City Manager

## City of Kingsburg Lactation Accommodation Policy

### Purpose:

This policy is to establish guidelines for promoting a breastfeeding-friendly work environment and supporting lactating employees at the City of Kingsburg. The City of Kingsburg is legally obligated to accommodate lactating employees and legally prohibited from discriminating, harassing or retaliating against them for expressing breast milk in the workplace.

### Policy:

The City of Kingsburg recognizes that the American Academy of Pediatrics (AAP), World Health Organization and other major health agencies all recommend exclusive breastfeeding for about the first six (6) months of a baby's life, followed by breastfeeding in combination with the introduction of complementary foods until at least twelve (12) months of age, and continuing to breastfeed for as long as mutually desired by mother and baby.

The City of Kingsburg supports the legal right and necessity of employees who choose to breastfeed to express milk in the workplace. The City of Kingsburg expects employees and management to have a positive and supportive attitude toward employees who need to express milk during the workday.

Discrimination against and harassment of lactating employees in any form is unacceptable, a form of prohibited sex/gender discrimination, will not be tolerated at the City of Kingsburg and will be handled in accordance with the City of Kingsburg policy on discrimination and harassment.

It shall be the policy of the City of Kingsburg to provide:

#### Time to Express Milk

- a. Employees are entitled to time, including, if necessary, breaks for lactation. Break times shall be established based on the employee's work schedule. If possible, the lactation break is to run concurrently with any break time already provided. The time used to travel to and from the employee's work area to the private space provided must not be included in the calculation of time used for the expression of breast milk and travel time would be paid time. Frequency of periods needed to express breast milk on a daily basis as well as duration of each individual period will likely vary for each employee.
- b. For non-exempt employees, lactation time beyond the regular paid rest break time is unpaid. At management's discretion, beginning or ending work times may be adjusted to accommodate these breaks.

### Place to Express Milk

- a. The City of Kingsburg will provide an appropriate, private space for employees to express milk. The private space provided must have the ability to be locked, be shielded from view and free from intrusion from co-workers and/or the public. The City of Kingsburg will make reasonable efforts to find a location in close proximity to the lactating employees' work area. The space must be equipped with an electrical outlet and comfortable seating and be in close proximity to a water supply.
- b. Lactating employees are permitted to store breast milk in refrigerator and freezer units already otherwise provided to employees by the City of Kingsburg for the storage of food. Breast milk should be clearly labeled. The City of Kingsburg, however, will not be responsible for any lost or stolen containers left in the refrigerator or freezer.
- c. The location may be the place where the lactating employee normally works if there is adequate privacy (e.g., the employee's private office, a supervisor's private office, or a conference room that can be secured).
- d. Restrooms are prohibited from being utilized for lactation purposes. However, a separate private anteroom (women's lounge) or a separate private changing area within or next to a bathroom may be permissible.
- e. Areas such as closets or storage rooms are usually not appropriate spaces for lactation purposes. Closets or storage rooms that do not contain noxious materials may be converted to be acceptable private spaces assuming they have adequate ventilation and meet the rest of the requirements of this policy.

### Discrimination and Harassment Related to Breastfeeding or Expressing Milk is Prohibited

Federal and state law expressly prohibit harassment of and/or discrimination against lactating employees because they request accommodations to express milk at work and/or any employees suffering from a medical condition related to breastfeeding. It is also prohibited to retaliate against lactating employees who request time to express breast milk at work and/or who lodge a complaint related to the right to lactation accommodations. Any incident of harassment of a lactating employee will be addressed in accordance with the City of Kingsburg's policies and procedures for discrimination and harassment and in accordance with state law.

### **Procedure:**

- a. To request reasonable accommodations for lactation, an affected employee shall advise her supervisor and/or the human resources department of her request either verbally or in writing, ideally prior to taking leave, or upon returning to work. Newly hired employees requiring lactation accommodations shall request accommodations upon or soon after hire.
- b. Supervisors and the Human Resources Department who receive a request for lactation accommodations will review the request and make accommodations in a timely manner that does not interfere with the employee's lactation needs. For non-office sites, the employee, the supervisor and the Human Resources Department should enter into a good faith interactive process to identify reasonable accommodations.

- c. The City of Kingsburg recognizes that experts recommend that babies be breastfed for at least the first year of life. The ultimate extent a lactating employee chooses to breastfeed her child is the personal and individual choice of the employee. Thus, the City of Kingsburg will continue to support and accommodate the lactating employee for as long as the employee chooses to continue to express breast milk for her child.

**Communication:**

- a. A copy of this policy shall be provided to every employee upon adoption, at new employee orientations or transfers, to an employee both prior to and upon returning to work from leave or when requested.
- b. This policy shall be posted in the employee handbook and on the City of Kingsburg's Human Resources Internet/Intranet page.
- c. This policy will be included in all manager, supervisor and sexual harassment trainings.

**Monitoring:**

- a. Human Resources will periodically monitor for compliance by auditing personnel files, requesting reports and conducting employee interviews.
- b. An employee may report a violation of this chapter to the Labor Commissioner's field enforcement unit. If, upon inspection or investigation, the Labor Commissioner determines that a violation of this chapter has occurred, the Labor Commissioner may issue a citation and may impose a civil penalty in the amount of one hundred dollars (\$100) for each day that an employee is denied reasonable break time or adequate space to express milk in violation of this chapter. Employees can report a violation at <https://www.dir.ca.gov/dlse/HowToReportViolationtoBOFE.htm> or call the Labor Commissioner's office at (559) 244-5340.

**Employee Benefits:**

- a. Supervisors and the Human Resources Department will advise employee of their employee benefits to support lactation, including health care insurance benefits and/or community resources to support health.
- b. Supervisors and the Human Resources Department will advise the employee that breast pumps are deductible under IRS CODE § 213(d)7.

**Contact for Questions:**

For further information regarding this policy, please contact Christina Windover at (599) 897-5821 or [cwindover@cityofkingsburg-ca.gov](mailto:cwindover@cityofkingsburg-ca.gov)

## References

### Federal Law:

Patient Protection and Affordable Care Act (P.L. 111- 148, 2010) amended 29 USC 207 of the Fair Labor Standards Act (FLSA) to require employers to provide reasonable break time for nursing mothers, but applies only to employees who are not exempt from the overtime pay requirements of the FLSA (i.e., classified employees). <http://www.dol.gov/whd/nursingmothers/>  
Breastfeeding Support, Services & Supplies are mandated under health care reform:  
<http://www.hrsa.gov/womensguidelines/>

EEOC vs. Houston Funding II, LLC 5th Circuit Federal Court of Appeals Holds that Lactation Discrimination is Sex Discrimination under Title VII.  
<http://www.eeoc.gov/eeoc/newsroom/release/5-31-13a.cfm>

### California State Law:

Labor Code 1030-1033 applies to all employees. California law preempts Federal Law, therefore all California employees are covered. Furthermore, pursuant to Labor Code 1033, violation of Labor Code 1030-1033 may result in a citation from the Labor Commissioner and/or a civil penalty.  
<http://www.leginfo.ca.gov/cgi-bin/displaycode?section=lab&group=01001-02000&file=1030-1033>

The Business Case for Breastfeeding: Return on investment is \$3 to \$1, in health care cost savings, reduced absenteeism and increased productivity retention. Breaks are predictable, absences aren't.  
<http://www.womenshealth.gov/breastfeeding/government-in-action/business-case-for-breastfeeding/>

Fair Employment and Housing Act defines “sex” to include breastfeeding, and in DFEH v. Acosta Tacos, termination of a breastfeeding employee constituted sex discrimination, because “breastfeeding is an activity intrinsic to females.” Lactation is listed as an “other related medical condition” of pregnancy in Pregnancy Disability Regulations. [http://www.dfeh.ca.gov/Publications\\_FEHADescr.htm](http://www.dfeh.ca.gov/Publications_FEHADescr.htm)

Dept. Fair Empl. & Hous. v. Acosta Tacos (June 16, 2009) No. 09-03-P, FEHC Precedential Decs. 2009 [2009 WL 2595487 (Cal.F.E.H.C.)].  
[http://www.dfeh.ca.gov/res/docs/FEHC%20Pregnancy%20Regs/FINAL\\_APPROVED\\_PREG\\_REGS\\_CLEAN\\_11\\_30\\_12.pdf](http://www.dfeh.ca.gov/res/docs/FEHC%20Pregnancy%20Regs/FINAL_APPROVED_PREG_REGS_CLEAN_11_30_12.pdf)

IRS CODE § 213(d) allows to deduct the costs of durable medical equipment to support lactation.  
<http://www.irs.gov/pub/irs-pdf/p502.pdf>



Meeting Date: 02/05/2020  
Agenda Item: 4.7

**CITY COUNCIL MEETING STAFF REPORT**

**REPORT TO:** Mayor Roman & City Council  
**REPORT FROM:** Alexander J. Henderson, City Manager; ICMA-CM **REVIEWED BY:** AP  
**AGENDA ITEM:** SB 998 – Residential Water Shut-Off Policy  
**ACTION REQUESTED:**  Ordinance  Resolution  Motion  Receive/File

**EXECUTIVE SUMMARY**

The California Legislature passed SB 998 which provides requirements related to an established water shut off policy for non-payment of residential water service. While the City already has a policy in place, SB 998 includes some additional language that requires modification, including:

- Specific notification requirements (including for renters)
- Setting a longer time period before shutting off service for non-payment (60 days)
- Setting conditions that prohibit the discontinuation of service
- Process for determination of conditions that prohibit the discontinuation of service
- Special rules for low income consumers
- Alternative payment arrangements

The proposed policy has been crafted by the city counsel and complies with SB 998.

**RECOMMENDED ACTION BY CITY COUNCIL**

1. Staff recommends adopting Resolution 2020-010 approving the proposed water shut off policy for non-payment of residential water service.

**POLICY ALTERNATIVE(S)**

1. None. California Law Requires employers to have a policy in place that meets the tenants of SB 998.

**REASON FOR RECOMMENDATION/KEY METRIC**

1. California State Law requires employers to have a policy in place that meets standards set forth in SB 998.

**FINANCIAL INFORMATION**

<b><u>FISCAL IMPACT:</u></b>	
1. Is There a Fiscal Impact?	Potentially
2. Is it Currently Budgeted?	N/A
3. If Budgeted, Which Line?	Water Enterprise (318)

**PRIOR ACTION/REVIEW**

None.

**BACKGROUND INFORMATION**

See Executive Summary.

**ATTACHED INFORMATION**

1. Resolution 2020-010- Water shut off policy for non-payment of residential water service.

**RESOLUTION NO. 2020-010**

**A RESOLUTION OF THE CITY COUNCIL  
OF THE CITY OF KINGSBURG  
ADOPTING THE WATER SHUT OFF POLICY**

**WHEREAS**, The California Legislature passed SB 998 which requires public water systems that supply water to more than two hundred (200) service connections to have a policy on disconnection of water service to certain types of residences for nonpayment; and

WHEREAS, attached to this Resolution as Exhibit "A" is a proposed Water Shut Off Policy prepared in accordance with the provisions of SB 998.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Kingsburg does hereby adopt the Water Shut Off Policy attached to this Resolution as Exhibit "A".

\*\*\*\*\*

I, Abigail Palsgaard, City Clerk of the City of Kingsburg, do hereby certify that the foregoing resolution was duly passed and adopted at a regular meeting of the Kingsburg City Council held on the 5<sup>th</sup> day of February, 2020, by the following vote:

AYES: Council Member(s):  
NOES: Council Member(s):  
ABSTAIN: Council Member(s):  
ABSENT: Council Member(s):

---

Abigail Palsgaard, City Clerk  
City of Kingsburg

**CITY OF KINGSBURG  
WATER SHUT OFF POLICY FOR NON-PAYMENT OF  
RESIDENTIAL WATER SERVICE**

This Water Shut Off Policy for Non-Payment of Residential Water Service shall apply to the City's discontinuation of residential water service for non-payment under the provisions set forth herein. In the event of any conflict between this Policy and any ordinance, policy, or rule of the City, this Policy shall prevail.

I. Application of Policy; Contact Telephone Number: This Policy shall apply only to residential water service for non-payment. This Policy does not apply to other City utilities.

The City's existing policies and procedures shall continue to apply to commercial and industrial water service accounts. The City can be reached at (559) 897-5821 for assistance concerning the payment of water bills and the potential establishment of the alternatives set forth in this Policy to avoid discontinuation of service.

II Discontinuation of Residential Water Service for Non-Payment:

A. Issuance, Due Date, and Payment of Bills: Bills for water service are sent to each consumer at the beginning of each month. The bill for water service will show the previous and current read dates for the service period being billed in the billing cycle. Payments are due on or before the date set in the water bill (the "**Due Date**") in which payments are mailed. Payment may be made at the City's Finance Department located at 1401 Draper Street, Kingsburg, CA 93631 or on the City's utility payment website at [www.cityofkingsburg-ca.gov](http://www.cityofkingsburg-ca.gov). However, it is the consumer's responsibility to assure that payments are received at the City's Finance Department in a timely manner. Bills will be computed as follows:

1. Meters will be read at regular intervals for the preparation of periodic bills and as required for the preparation of opening bills, closing bills, and special bills.
2. Bills for metered service will show the meter reading for the current and previous meter reading period for which the bill is issued, the number of units, date, and days of service for the current meter reading.

B. Overdue Bills: The following rules apply to consumers whose bills remain unpaid for more than sixty (60) days following the Due Date:

1. Small Balance Accounts: If less than \$40.00 remains unpaid on any billing, it shall be carried over and added to the next billing period.
2. Urgent-Final Notice: If payment for a bill is not made by the Due Date, a notice of overdue/delinquent payment (the "Urgent-Final Notice") will be mailed to the water service consumer. The consumer has seven (7) business days after receipt of the Urgent-Final Notice to pay the overdue/delinquent amount prior to discontinuation of service date identified in the Urgent-Final Notice. If the consumer's address is

not the address of the property to which the service is provide, the Urgent-Final Notice will

also be sent to the address of the property served, addressed to "Occupant."

The Delinquent Notice must contain the following:

- a) Water service consumer's name and address.
- b) Amount of delinquency.
- c) Date by which payment or arrangement for payment must be made in order to avoid discontinuation of service.
- d) Description of the process to apply for an extension of time to pay the amount owing (see Section III(D), below).
- e) Description of the procedure to petition for review and appeal of the bill giving rise to the delinquency (see Section IV, below); and
- f) Description of the procedure by which the consumer can request a deferred, amortized, reduced or alternative payment schedule (see Section III, below).

The City may alternatively provide notice to the consumer of the impending discontinuation of service by telephone. If that notice is provided by telephone, the City shall offer to provide the consumer with a copy of this Policy and also offer to discuss with the consumer the options for alternative payments, as described in Section III, below, and the procedures for review and appeal of the consumer's bill, as described in Section IV below.

2. Unable to Contact Consumer: If the City is not able to contact the consumer by written notice (e.g., a mailed notice is returned as undeliverable) or by telephone, the City will make a good faith effort to visit the residence and leave, or make other arrangements to place in a conspicuous location, a notice of imminent discontinuation of service for non-payment, and a copy of this Policy.

3. Late Charge: A 10% late charge, identified in the Urgent-Final Notice will be assessed on any unpaid balance after the due date, as specified in the City's fees and charges, this fee shall be assessed and added to the outstanding balance on the consumer's account.

4. Turn-Off Deadline: Payment for water service charges must be received at City's Finance Department no later than 5:00 PM on the date specified in the Urgent-Final Notice. Postmarks are not acceptable.

5. Notification of Returned Check: Upon receipt of a returned check rendered as payment for water service or other water-related charges identified in the Urgent-Final Notice, the City will deem the account not paid. The City will notify the consumer by sending a NSF written notice of payment due by the end of the sixty (60) day period identified in the

Urgent-Final Notice or water service will be discontinued at the consumer's property. Water service will be discontinued if the amount of the returned check and returned check fee are not paid by the due date specified on the NSF written notice, which due date shall not be sooner than the date specified for payment in the Urgent-Final Notice. All amounts owing must be paid by cash, credit card, debit card, money order, or cashier's check.

C. Conditions Prohibiting Discontinuation: The City shall not discontinue residential water service if all of the following conditions are met:

1. Health Conditions - The consumer or tenant of the consumer submits certification of a primary care provider that discontinuation of water service would (i) be life threatening, or (ii) pose a serious threat to the health and safety of a person residing at the property.

2. Financial Inability - The consumer demonstrates he or she is financially unable to pay for water service within the water system's normal billing cycle. The consumer is deemed "financially unable to pay" if any member of the consumer's household is: (i) a current recipient of one of the following benefits: CalWORKS, CalFresh, general assistance, Medi-Cal, SSI/State Supplementary Payment Program or California Special Supplemental Nutrition Program for Women, Infants and Children; or (ii) the consumer declares the household's annual income is less than 200% of the federal poverty level; and

3. Alternative Payment Arrangements - The consumer is willing to enter into an amortization agreement, alternative payment schedule or a plan for deferred or reduced payment, consistent with the provisions of Section III, below.

D. Process for Determination of Conditions Prohibiting Discontinuation of Service: The burden of proving compliance with the conditions described in Subdivision (C), above, is on the consumer. In order to allow the City sufficient time to process any request for assistance by a consumer, the consumer is encouraged to provide the City with the necessary documentation demonstrating the medical issues identified in Subdivision (C)(1), above, financial inability identified in Subdivision (C)(2), above and willingness to enter into any alternative payment arrangement identified in Subdivision (C)(3), above, as far in advance of any proposed date for discontinuation of service as possible.

Upon receipt of such documentation, the City's Finance Director or his or her designee, shall review that documentation and respond to the consumer within three (3) business days or to notify the consumer that additional information is necessary or to notify consumer of the payment option.

Consumers who fail to meet the conditions identified in Subdivision (C), above, must pay the delinquent amount, including any late charges and other charges, owing to the City within the latter to occur of: (i) three ( 3) business days after the date of

notification from the City of the City's determination the consumer failed to meet those conditions; or (ii) the date of the impending service discontinuation, as specified in the Urgent-Final Notice, whichever is later.

E. Special Rules for Low Income Consumers: Consumers are deemed to have a household income below 200% of the federal poverty line if: (i) any member of the consumer's household is a current recipient of one of the following benefits: CalWORKS, CalFresh, general assistance, Medi-Cal, SSI/State Supplementary Payment Program or California Special Supplemental Nutrition Program for Women, Infants and Children; or (ii) the consumer declares the household's annual income is less than 200% of the federal poverty level. If a consumer demonstrates either of those circumstances, then the following apply:

1. Service Reactivation for Non-Payment Fees: If service has been discontinued and is to be reconnected, then any reconnection fees during the City's normal operating hours cannot exceed \$25.00. For the reconnection of service during the City's non-operational hours, the reconnection fee cannot exceed \$100.00. Those fees cannot exceed the actual cost of reconnection if that cost is less than the statutory caps for reconnection fees. Those statutory caps may be adjusted annually for changes in the Consumer Price Index for All Urban Consumers, San Francisco-Oakland-San Jose, annually beginning January 1, 2021.

2. Interest Waive: The City shall not impose any interest charges on delinquent bills.

### III. Alternative Payment Arrangements:

For any consumer who meets the three conditions under Section II(C), above, in accordance with the process set forth in Section II(D), above, the City shall offer the consumer one of the following alternative payment arrangements, selected by the City:

- (i) alternative payment schedule under Subdivision (A), below.
- (ii) temporary deferral of payment under Subdivision (B), below.

The Finance Director or his or her designee, shall, in the exercise of reasonable discretion, select the most appropriate alternative payment arrangement after reviewing the information and documentation provided by the consumer and taking into consideration the consumer's financial situation.

A. Alternative Payment Schedule: Any consumer who is unable to pay for water service within the City's normal payment period and meets the three conditions under Section II(C), above, as the City shall confirm, may, if the City has selected this alternative, enter into an alternative payment schedule for the unpaid balance in accordance with the following:

- 1. Repayment Period: The consumer shall pay the unpaid balance, with the administrative fee as specified in Subdivision (2), below, over a

period not to exceed twelve (12) months, as determined by the City's Finance Director or his or her designee; provided, however, that the City's Finance Director or his or her designee, in their reasonable discretion, may extend the repayment period for longer than twelve (12) months to avoid undue hardship on the consumer.

2. Administrative Fee: For any approved alternative payment schedule, the consumer will be charged an administrative fee, in the amount established by the City by resolution from time to time, representing the cost to the City of initiating and administering the schedule.

3. Schedule: After consulting with the consumer and considering the consumer's financial limitations, the City's Finance Director or his or her designee shall develop an alternative payment schedule to be agreed upon with the consumer. That alternative schedule may provide for periodic lump sum payments that do not coincide with the City's established monthly water service payment date, may provide for payments to be made more frequently than monthly, or may provide that payments be made less frequently than monthly, provided that in all cases, subject to Subdivision (1), above, the unpaid balance and administrative fee shall be paid in full within twelve (12) months of establishment of the payment schedule. The agreed upon schedule shall be set forth in writing, signed by the City's Finance Director or his or her designee and the consumer and be provided to the consumer.

4. Compliance with Plan: The consumer must comply with the agreed upon repayment plan schedule and remain current with the payment with all water service charges due in each subsequent billing period. The consumer may not request a longer payment schedule for any subsequent unpaid charges while paying delinquent charges pursuant to a previously agreed upon schedule. Where the consumer fails to comply with the terms of the agreed upon schedule for sixty (60) calendar days or more, or fails to pay the consumer's current water service charges for sixty (60) calendar days or more, the City may discontinue water service to the consumer's property five (5) business days after the City posts at the consumer's property a final notice of its intent to discontinue service.

B. Temporary Deferral of Payment Any consumer who is unable to pay for water service within the City's normal payment period and meets the three conditions under Section II(C), above, as the City shall confirm, may, if the City has selected this alternative, have payment of the unpaid balance temporarily deferred for a period of up to six (6) months after the date the unpaid balance became delinquent. The City shall determine how long of a deferral shall be provided to the consumer.

1. Repayment Period: The consumer shall pay the unpaid balance by the deferral date (the "Deferred Payment Date") determined by the City's Finance Director or his or her designee. The Deferral Payment Date shall be within six (6) months after the date the unpaid balance became delinquent; provided, however, that the City's Finance Director or his or her designee, in their reasonable discretion, may establish a Deferred Payment Date beyond that six (6) month period to avoid undue hardship on the consumer.

2. Compliance with Reduced Payment Plan Date: The consumer must

pay the reduced balance on or before the Deferred Payment Date and must remain current with the payment of all water service charges due in each subsequent billing period. If the consumer fails to pay the unpaid payment amount within sixty (60) calendar days after the Deferred Payment Date, or fails to pay the consumer's current water service charges for sixty (60) calendar days or more, the City may discontinue water service to the consumer's property at five (5) business days after the City posts at the consumer's property a final notice of its intent to discontinue service.

IV. Appeals:

The procedure to be used to appeal the amount set forth in any bill for residential water service is as follows:

A. Initial Appeal: Within ten (10) days after receipt of a bill for water service, the consumer has a right to initiate an appeal or review of any bill or charge rendered by the City. Such request must be made in writing and be delivered to City's Finance Department. For so long as the consumer's appeal and any resulting investigation is pending, the City cannot discontinue water service to the consumer.

B. Overdue Notice Appeal: Any consumer who receives an Urgent-Final Notice may request an appeal or review of the bill to which the Urgent-Final Notice relates if the consumer alleges the bill is in error with respect to the quantity of water consumption set forth on that bill or the amount billed. Provided, however, that no such appeal or review rights shall apply to any bill for which an appeal or request for review under Subsection A, above, has been made. Any appeal or request for review under this Subsection B must be in writing and must include documentation supporting the appeal or the reason for the review. The request for an appeal or review must be delivered to the City's Finance Department within that five (5) business day period after the consumer's receipt of the Urgent-Final Notice. For so long as the consumer's appeal and any resulting investigation is pending, the City cannot discontinue water service to the consumer.

C. Appeal Hearing: Following receipt of a request for an appeal or review under Subsections A or B, above, a hearing date and time shall be promptly set before the Finance Director or his or her designee (the "Hearing Officer"). After evaluation of the evidence provided by the consumer and the information on file with the City concerning the water charges in question, the Hearing Officer shall issue a decision as to the accuracy of the water charges set forth on the bill or Urgent-Final Notice and shall provide the appealing consumer with a brief written summary of the decision.

1. If water charges are determined to be incorrect, the City will provide a corrected invoice and payment of the revised charges will be due within ten (10) calendar days after the consumer's receipt of the corrected invoice. If the revised charges remain unpaid for more than sixty (60) calendar days after the corrected invoice is provided, water service will be disconnected, on the next regular working day after expiration of that sixty (60) calendar day period; provided that the City shall provide the consumer with the Urgent-Final Notice in accordance with Section II(B)(2), above and the procedures described therein.

(a) If the water charges in question are determined to correct, the water charges shown on the bill for water service or the Urgent-Final Notice must be paid by the consumer within three (3) business days after the consumer's receipt of the Hearing Officer's decision. At the time the Hearing Officer's decision is rendered, the consumer will be advised of the

right to further appeal before the City Council. Any such appeal must be filed in writing within seven (7) calendar days after the Hearing Officer's decision is received by the consumer if the appeal or review is an initial appeal under Subdivision A above, or within three (3) business days if the appeal or review is an Urgent-Final Notice appeal under Subdivision B, above. The appeal hearing will occur at the next regular meeting of the City Council, unless the consumer and City agree to a later date.

(b) For an initial appeal under Subdivision A, above, if the consumer does not timely appeal to the City Council, the water charges in question shall be immediately due and payable. In the event the charges are not paid in full within sixty (60) calendar days after the original billing date, then the City shall provide the consumer with an Urgent-Final Notice in accordance with Section II(B)(2), above and proceed accordingly.

(c) For an Urgent-Final Notice appeal under Subdivision B, above, if the consumer does not timely appeal to the City Council, then water service to the consumer's property may be discontinued on written or telephonic notice to the consumer to be given at least twenty-four (24) hours after the latter to occur of: (i) expiration of the original sixty (60) calendar day notice period set forth in the Urgent-Final Notice; or (ii) the expiration of the appeal period.

2. When a hearing before the City Council is requested, such request shall be made in writing and delivered to the City's Finance Department in accordance with Section C (2) above. The consumer will be required to personally appear before the City Council and present evidence and reasons as to why the water charges on the bill in question are not accurate. The City Council shall evaluate the evidence presented by the consumer, as well as the information on file with the City concerning the water charges in question and make a decision as to the accuracy of said charges.

(a) If the City Council finds the water charges in question are incorrect, the consumer will be invoiced for the revised charges. If the revised charges remain unpaid for more than sixty (60) calendar days after the corrected invoice is received by the consumer, water service will be disconnected, on the next regular working day after expiration of said sixty (60) calendar day period; provided that the City shall provide the consumer with the Overdue Notice in accordance with Section II(B)(2), above. Water service will be restored only after outstanding water charges and any and all applicable reconnection charges are paid in full.

(b) If the water charges in question are determined to be correct, the water charges are due and payable within three (3) business days after the decision of the City Council is rendered, or sixty (60) calendar days after the original Due Date, whichever is later. If an Urgent-Final Notice has not already been provided, the City shall provide the consumer the Urgent-Final Notice in accordance with Section II(B)(2), above, and may proceed accordingly.

(c) Any overcharges will be reflected as a credit on the next regular

bill to the consumer.

(d) Water service to any consumer shall not be discontinued at any time during which the consumer's appeal to the City or its City Council is pending.

(e) The City Council's decision is final and binding.

V. Restoration of Service:

In order to resume or continue water service that has been discontinued by the City due to non-payment, the consumer must pay a Service Reactivation for Non-Payment Fee established by resolution of the City Council, subject to the limitation set forth in Section II(E)(I ), above. The City will endeavor to make such reconnection as soon as practicable as a convenience to the consumer. The City shall make the reconnection no later than the end of the next regular working day following the consumer's request and payment of any applicable Reconnection Fee.

VI. Notice Regarding Language:

This Policy and notices required under SB 998 shall be made available in English, Spanish, the languages listed in California Civil Code 1632 and any other language spoken by ten (10) percent or more of the customers in the City's service area.

VII. Unauthorized Action of a Consumer:

This Policy does not apply to the termination of a service connection by the City due to an unauthorized action of a consumer.



Meeting Date: 02/05/2020  
Agenda Item: 5.1

**CITY COUNCIL MEETING STAFF REPORT**

**REPORT TO:** Mayor Roman & City Council  
**REPORT FROM:** David Peters, City Engineer **REVIEWED BY:** AP  
**AGENDA ITEM:** Presentation of ADA Transition Plan Draft  
**ACTION REQUESTED:** \_\_\_Ordinance \_\_\_Resolution \_\_\_Motion  Receive/File

**EXECUTIVE SUMMARY**

An American’s with Disabilities Act (ADA) Transition Plan is required by the Department of Justice to define the policies for identifying and prioritizing deficiencies in pedestrian facilities within the City’s public roadway rights-of-way. The Plan also sets forth strategies to address the identified deficiencies. Pedestrian facilities were evaluated by performing a physical field review and deemed compliant or non-compliant based on the data that was collected. Preparation of an updating of the Plan is required to maintain eligibility for federal transportation funding.

**RECOMMENDED ACTION BY CITY COUNCIL**

1. Solicit public comment and provide staff feedback on the draft ADA Transition Plan.

**POLICY ALTERNATIVE(S)**

None

**REASON FOR RECOMMENDATION/KEY METRIC**

Agencies are required to develop and update ADA Transition Plans to maintain eligibility for federal transportation funding.

**FINANCIAL INFORMATION**

**FISCAL IMPACT:**

1. Is There A Fiscal Impact?	<u>Yes</u>
2. Is it Currently Budgeted?	<u>No</u>
3. If Budgeted, Which Line?	<u>N/A</u>

**FINANCIAL SUMMARY**

The costs associated with implementing the ADA Transition Plan will be budgeted and provided through grants and local funds.

**PRIOR ACTION/REVIEW**

None

**BACKGROUND INFORMATION**

An ADA Transition Plan is required by the Department of Justice to define the policies for identifying and prioritizing deficiencies in pedestrian facilities within the City's public roadway rights-of-way. The Plan also sets forth strategies to address the identified deficiencies. Pedestrian facilities were evaluated by performing a physical field review and deemed compliant or non-compliant based on the data that was collected. Preparation of an updating of the Plan is required to maintain eligibility for federal transportation funding. The ADA Transition Plan will assist the City in developing policies to provide accessible facilities within public right of way throughout the City.

**ATTACHED DOCUMENTS**

1. City of Kingsburg draft ADA Transition Plan



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# ADA TRANSITION PLAN FOR CITY MAINTAINED ROAD SYSTEM

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City of Kingsburg  
January 2020

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## I. EXECUTIVE SUMMARY

This transition plan has been prepared in order to comply with The Americans with Disabilities Act (ADA) of 1990. The intention of the Plan is to define the policies for identifying and prioritizing deficiencies in pedestrian facilities within the City of Kingsburg's (City) public roadway rights-of-way. The Plan also sets forth strategies to address the identified deficiencies. The goal of these policies and practices is to ensure that pedestrian facilities evaluated in this plan are safe and accessible for all users.

The ADA Transition Plan (Plan) is required by the Department of Justice to address the following aspects of accessibility:

1. If a public entity has responsibility or authority over streets, roads or walkways, its ADA Transition Plan shall include a schedule for providing curb ramps or other sloped areas where pedestrians walk across curbs. In addition, priority will be given to walkways serving entities covered by the ADA, including State and local government offices and facilities, transportation, places of public accommodation, and employers, followed by walkways serving other areas;
2. The ADA Transition Plan shall identify physical obstacles in the public entity's right of way that limit the accessibility of its programs or activities to individuals with disabilities; this is achieved by providing a survey of the existing conditions of curb ramps and sidewalk locations and identifying if the locations are compliant or not;
3. The ADA Transition Plan shall describe the methods that will be used to make the facilities accessible, and;
4. The ADA Transition Plan shall specify the schedule for taking the steps necessary to achieve compliance with the ADA and, if the time period of the ADA Transition Plan is longer than one year, identify steps that will be taken during each year of the transition period.

The Plan focuses on all areas of pedestrian usage of City maintained roadway facilities. The areas were evaluated by performing a physical field review. Each ramp and sidewalk location was assigned a unique identifier and catalogued accordingly. Ramp locations were only identified where one of the following conditions existed: existing compliant ramp and existing non-compliant ramp, and no ramp. Sidewalk locations were only identified where a sidewalk currently exists. In some instances within the City, entire neighborhood areas lacked sidewalk or ramp improvements.

The Site Survey included an evaluation of both curb ramps and sidewalk locations along the study roadways. Six areas of compliance were evaluated for curb ramp/intersection areas, including whether each ramp has a lip and detectable warning system, both longitudinal and wing slopes, the width of each ramp, and the top of ramp landing slope.

In addition to the data collected for curb ramps, six pieces of data were collected for sidewalk locations, including sidewalk width, slopes for the west/south end, middle, and east/north end, sidewalk location uplift and the percentage of the sidewalk location uplift along the sidewalk location run.

Through this data collection, a database was built using a rating system for each ramp and sidewalk location. First the ramp or sidewalk location is identified as either compliant or non-compliant. For example, if one piece of collected information was found to be non-compliant, the sidewalk or curb ramp location was therefore categorized as non-compliant. Then the location is given a rating by ranking the physical proximity of the ramp or sidewalk to known frequented routes of persons with disabilities. Ramps or sidewalk locations near community facilities, such as government, post office, or libraries, or within two blocks of a combination of bus stops/schools, major streets, and commercial areas, were given a rating of “4” while ramps or sidewalk locations located in residential neighborhoods more than two blocks from major streets or other services were given a rating of “0”.

The intention of the Plan is to allow City Staff to efficiently and effectively identify areas where improvements are needed and to make the necessary improvements to curb ramp and sidewalk locations.

If you have any questions regarding the City’s plan or have concerns in regards to improvements in your neighborhood or around your business you can contact the Kingsburg Department of Public Works at (559) 897-5821 or reach the City Engineer by email at [dpeters@peters-engineering.com](mailto:dpeters@peters-engineering.com)

## II. PROJECT BACKGROUND

### **Introduction**

#### Goals and Objectives:

The Americans with Disabilities Act (ADA) of 1990, along with its implementing regulations, and the California Government Code Sections 4450 et seq. prescribe that facilities shall be made accessible to persons with disabilities. The Federal Highway Administration has reaffirmed that the Americans with Disabilities Act Accessibility Guidelines for Buildings and Facilities (ADAAG) shall apply to the design of Caltrans facilities under Title II of the ADA, which applies to the operations of State and local governments.

The goal of the Plan is to outline what has been accomplished to date, what is currently being done, and what the ongoing efforts will be to ensure that the City creates accessible paths of travel in the public right of way for people with disabilities.

To this end, the preparation of the Plan includes a site survey, which identified deficiencies and outlined needs. This survey- has been provided as a GIS layer for inclusion in the City’s database. The priority designations will assist City staff in choosing projects and a schedule of implementation for approval by the Board of Supervisors. The City has recently updated the grievance/complaint form, which is required by law for handling complaints.

The City also provided opportunities for interested persons, including individuals with disabilities or organizations representing individuals with disabilities, to participate in the development of this Plan by participating in public meetings and having the opportunity to make comments or recommendations along the way.

City of Kingsburg Commitment:

The City has made a significant and long-term commitment to improving the accessibility of the public right of way. These improvements will be constructed using the current City of Kingsburg Standard Details for ramps and sidewalk locations.

Improvements in the public right of way can be characterized in the following ways:

1. Maintenance, Minor Upgrades, and Repair Projects and Programs
2. Capital Projects for Alterations
3. Capital Projects for New Construction
4. Improvements made during private land development improvement projects
5. Improvements made to existing roadway facilities previously constructed

Maintenance, Minor Upgrades, and Repair Projects and Programs:

Work that specifically addresses spot areas that are limited to normal maintenance, minor upgrades, and repairs in the public right-of-way will maintain accessibility of the public right-of-way.

Capital Projects for Alterations:

Work that, under the ADA, would be considered an alteration of existing public right-of-way will provide new accessible features and upgrade existing accessible features in the project area to meet current design standards.

Capital Projects for New Construction:

Work that involves creating new public right-of-way will provide accessible features in the project area that meets current design standards. All new projects include ADA approved access features such as ramps, pedestrian actuated signal buttons, detectable warning, etc.

Private Land Development Improvement Projects:

Since 1990, curb ramps have been required to be constructed to meet current ADA standards in all new land development projects of the City. Changes in standards since 1990 have resulted in the existence of many curb ramps which are out of compliance.

Previously Constructed Roadway Improvements:

Some City roadway improvements such as curb ramps exist that were constructed previously and do not meet current standards. These have been incorporated in this Transition Plan.

The City is thoroughly committed in making all sidewalk location and curb ramp areas accessible to all pedestrians including those with disabilities. It is the goal to work within budget and resource constraints while providing accessibility to all users.

This Transition Plan on City Maintained Roadways is intended not only to comply with the ADA requirements, but to also ensure that citizens can travel safely throughout the unincorporated City.

## **ADA Legislative Requirements/Background**

The Americans with Disabilities Act (ADA), enacted on July 26, 1990, provides comprehensive civil rights protections to persons with disabilities in the areas of employment, state and local government services, transportation, telecommunications and access to public accommodations. The ADA is a companion civil rights legislation to the Civil Rights Act of 1964 and Section 504 of the Rehabilitation Act of 1973. This legislation mandates that qualified disabled individuals shall not be excluded from participation in, denied the benefit of, or be subjected to discrimination under any program or activity.

The legislative requirements of the ADA are divided into five parts, covering the following areas: Employment (Title I), Public Services (Title II), Public Accommodations (Title III), Telecommunications (Title IV), and Miscellaneous Provisions (Title V). Public Services (Title II) will be the focus of this Transition Plan, and is described as follows:

### *Title II: Public Services:*

This Title prohibits state and local governments from discriminating against persons with disabilities or from excluding participation in or denying benefits of public programs, services, or activities to persons with disabilities. Curb ramps, sidewalk locations, and other roadway access issues are required as part of this title. A Transition Plan is intended to outline the methods by which physical or structural changes will be made to effect the non-discrimination policies described in Title II. It is under this Title that a Transition Plan is prepared.

Specifically, construction standards and requirements were implemented to insure that new development would be compliant. In addition, all new capital projects were designed to meet the latest accessibility requirements and standards.

### *Curb Ramps:*

Curb ramps are used by all pedestrians, including those who are visually impaired, disabled, and hearing impaired to safely cross roads where controlled crossings are provided. Design and construction standards for curb ramps have evolved and changed over time as consensus has been forged by all users. This evolving nature of the standards has made it somewhat difficult to keep current of new needs, implement new standards, and to retrofit non-compliant facilities.

### *Sidewalk locations:*

Sidewalk locations provide a safe, protected location for pedestrians to travel adjacent to vehicular traffic. While design standards have maintained a 2% maximum cross slope, construction of sidewalk locations has not always adhered strictly to the standard. Tree root uplift can also be a concern, especially for sidewalk locations in older neighborhoods with mature trees. With most of the retrofitting and reconstruction focused at ramp locations, sidewalk location issues may not be addressed as timely as desired.

## **City Responsibilities under the ADA**

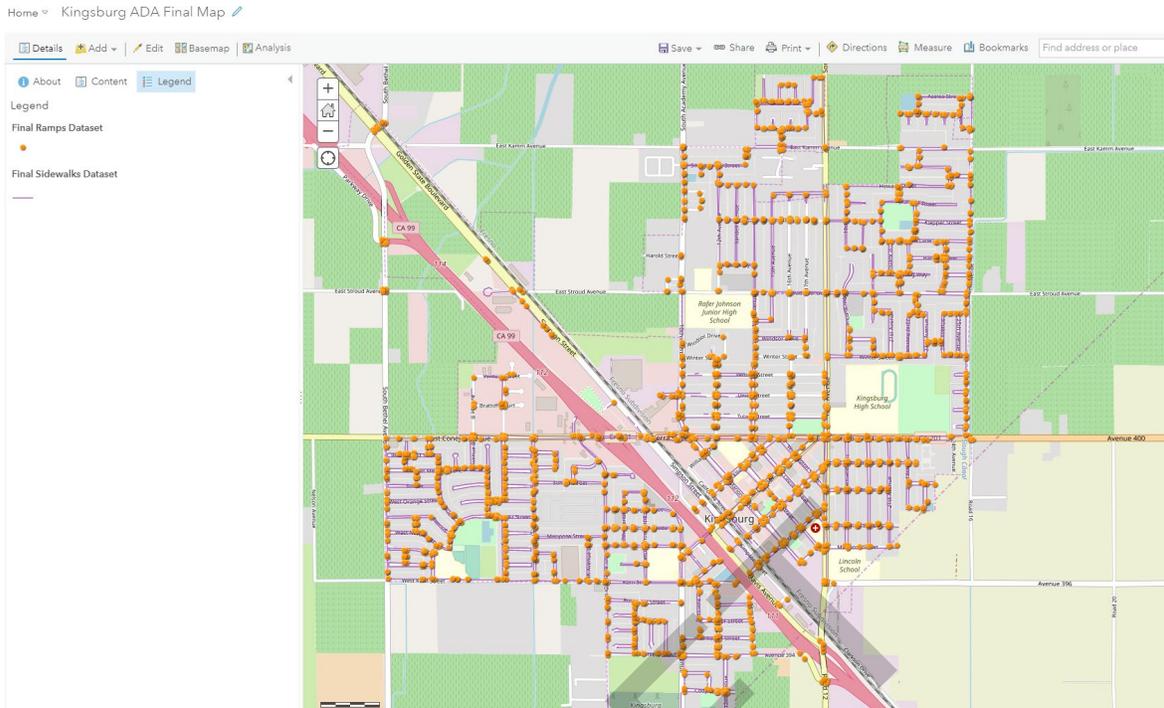
The City has various responsibilities under Title II of the ADA. Title II of the ADA is similar to Section 504 of the Rehabilitation Act of 1973, but differs in that Section 504 applies only to government agencies.

Title II of the ADA, mandates that a public agency such as the City operates each service, program or activity so that the service, program or activity when viewed in its entirety, is readily accessible to and usable by individuals with disabilities. However, as described in Title 28 of the Code of Federal Regulations, Section 35.150(a) (hereafter referred to as the ADA Rules), this does not necessarily require a public agency to make each of its existing facilities accessible to and usable by individuals with disabilities. Nor does it require a public agency to take any action that would threaten or destroy the historical significance of an historic property. If the public agency can demonstrate that a modification would fundamentally alter the nature of its service, program or activity, or cause undue financial and administrative burdens, it is not required to make that particular modification.

Title II dictates that a public agency must evaluate its facilities and public areas to determine whether or not they are in compliance with the nondiscrimination requirements of the ADA. The regulations detailing compliance requirements were issued in July 1991. The requirements include completing a self-evaluation and site survey first to identify any areas not within compliance of the ADA standards. Next, a Transition Plan is to be prepared describing any necessary structural or physical changes needed to make all required areas accessible and compliant with ADA. The City's plan as it relates to curb ramps and sidewalk location accessibility on City maintained roadways per Section 35.150(d)(2) of the ADA Rules accomplished the following:

1. Identifies inaccessible and non-compliant curb ramps and sidewalk locations located in the unincorporated urban portions of the City on City maintained roadways; and
2. Develops a planning schedule and budget for making corrections and repairs; and
3. Develops a repair/request procedure; and
4. Develops a grievance/complaint process; and
5. Implements a public involvement process; and
6. Provides a periodic review of standards and procedures

Site survey of curb ramps and sidewalk locations have been prepared as part of this study. The results are tabulated databases and are included in a Geographic Information System (GIS) file maintained by the City. All curb ramps and sidewalk locations in the urban portions of the City as indicated in the Appendix were evaluated. Six specific pieces of information were collected and catalogued for each curb ramp and sidewalk location. The City's GIS system was used to identify the existing locations of the curb ramps and sidewalk locations, with GIS nodes applied to their location. Each ramp and sidewalk location area was examined with levels and measuring tapes to determined exact slopes, widths, and other measurements. Each curb ramp and sidewalk location was deemed compliant or non-compliant. Each of these items has been thoroughly documented in Arc GIS database and is ready for use within the City's GIS system, as shown in Figure I below.



**FIGURE I – GIS System**

### **Transition Plan Content and Priorities**

A Transition Plan identifies physical obstacles in the public agency’s facilities that limit the accessibility of its programs or activities to individuals with disabilities; describes in detail the methods that will be used to make the facilities accessible; specifies the schedule for taking the steps necessary to achieve compliance in making the facilities accessible; and indicates the official responsible for implementation of the plan.

In addition to the requirements for City facilities, a public agency that has responsibility or authority over streets, roads or walkways, must also develop a transition plan to include a schedule for providing curb ramps or other sloped areas where pedestrian walks cross curbs, giving priority to walkways serving entities covered by the Act. The Department of Public Works and Planning possesses that responsibility for the City.

### **III. SELF EVALUATION**

A self-evaluation form will be distributed to select staff within the Department of Public Works and Planning. The intent of the self-evaluation is to identify how well City Staff understands the procedure for identifying ADA issues and what person or persons are responsible for processing these issues. Their responses will be tabulated in a chart which will be included in the appendix.

Based on results of this survey, the City will provide additional training to their staff on the process and procedures for identifying ADA issues and acknowledge which person or persons are responsible for processing.

## IV. SITE SURVEY

### Objectives

The objectives of the site survey process involved surveying curb ramp and sidewalk locations throughout the City and prioritizing locations for any necessary corrective action. This was accomplished through exhaustive field data collection.

After all the field data was collected, each ramp and sidewalk location was evaluated, using both the existing condition of the curb ramp or sidewalk location and its physical proximity to frequented routes of persons with disabilities.

#### Existing Condition:

The existing condition factors upon which each ramp and sidewalk were rated are shown in Table II and III. The ramp and sidewalk locations were deemed compliant only if all measurements met the minimum standards.

The database is too large to feasibly be presented within this Transition Plan.

#### Physical Proximity Rating:

The factors upon which the physical proximity to frequented routes of persons with disabilities of the curb ramp or sidewalk location was rated are shown in Table I below.

**TABLE I – CURB RAMPS & SIDEWALK – PHYSICAL PROXIMITY RATING**

<b>RATING</b>	<b>EVALUATION FACTORS</b>	<b>STANDARDS</b>
4.	Known frequented routes of persons with disabilities	Located within two blocks of a government facility, post office, library, or a combination of the other evaluation factors. Highest rating.
3.	Transit Stop or School	Located within two blocks of a transit stop or school location.
2.	Commercial Business	Located within two blocks of retail/office/industrial businesses.
1.	Major Street access	Located within two blocks of an arterial or collector street.
0.	Residential Neighborhood / Rural Area	Located in a rural area or residential neighborhood without meeting any of the above criteria. Lowest rating.

#### GIS Mapping:

Using previously developed City GIS information an AutoCAD file was created and overlaid with aerial photos from Google Earth to assist with locating existing curb ramps and sidewalk locations for analysis. GIS nodes were created at each curb ramp location and the length of each sidewalk location run. Using these coordinates and aerials, it was possible to

identify the locations for review and link the database of the collected information to the AutoCAD file as GIS layers. The layers and databases developed for this plan will be incorporated into the City's GIS system. Figure II is an example.



**FIGURE II – GIS Map view near SR 99 and SR 201**

### **Methodology/Field Procedure**

The site survey for curb ramps and sidewalk locations was completed in the spring of 2019. Data was collected within the city limits and on city maintained roadways. Using City GIS information, a smart-level, tape measure, and an iPad, information was gathered about each curb ramp and sidewalk location. Ramp locations were identified where one of the following conditions existed: existing compliant ramp, existing non-compliant ramp, or no existing ramp. Sidewalk locations were only identified where a sidewalk currently exists. In some instances within the City, entire community areas lacked sidewalk or ramp improvements. Evaluation factors for curb ramp locations consisted of checking ramp and sidewalk slopes and cross-slopes, ramp and sidewalk widths, presence of detectable warning systems (DWS) within the ramp area, and the existing type of curb and gutter. Evaluation factors for sidewalk locations consisted of checking cross slopes at three

locations along the sidewalk location run, verifying sidewalk location width, identifying uplifts, and estimating a percentage of uplifts within the sidewalk location run.

### Survey Results

Results from the field survey and location rating information are compiled in Tables IV – V listed below. The data is broken down between ramp and sidewalk locations.

#### Curb Ramp Existing Condition Ratings:

Survey data was compared to the evaluation factors shown below in Table II to determine compliance.

**TABLE II - CURB RAMPS – EXISTING CONDITION EVALUATION FACTORS**

EVALUATION FACTORS	STANDARDS
Lip	Must be flush between gutter and ramp. If no lip, must not be greater than 5%
Slope	Longitudinal ramp slope must be 8.33% or less (1:12)
Width	Ramp width must be 4'0" or greater
Landing	Top of ramp landing must be 4' by 4' Square and must be less than 2%
Wings	Slopes on transitions adjacent to ramps must be 10% or less
Detectable Warning (DW)	Detectable Warning surface must be present – full ramp width and 36" in length

#### Sidewalk Existing Condition Ratings:

Based on the information gathered from the survey, a compliant or non-compliant rating was assigned to each sidewalk location based on the evaluation factors shown in Table III below.

**TABLE III - SIDEWALK – EXISTING CONDITION EVALUATION FACTORS**

EVALUATION FACTORS	STANDARDS
W/S Slope	West/South end of sidewalk location cross slope must be 2% or less
M Slope	Middle of sidewalk location cross slope must be 2% or less
E/N Slope	East/North end of sidewalk location cross slope must be 2% or less
Uplift	Are there any uplifts present in sidewalk location that are estimated to be over 3/8"
% Uplift	An estimate of the amount of sidewalk location in the run needing to be replaced due to uplift

*Proximity Rating:*

Physical proximity ratings were determined using the process of Table I. Ratings are displayed in Tables IV and V below.

**TABLE IV- CURB RAMPS - PROXIMITY RATINGS**

<b>Ramp Proximity Rating</b>	<b>Quantity</b>	<b>Percent of Total</b>
4 Points - Highest Priority	83	6.3%
3 Points	363	27.6%
2 Points	73	5.5%
1 Point	613	46.6%
0 Points - Lowest priority	184	14.0%
<b>Total</b>	<b>1,316</b>	<b>100%</b>

**TABLE V- SIDEWALKS - PROXIMITY RATINGS**

<b>Sidewalk Proximity Rating</b>	<b>Quantity</b>	<b>Percent of Total</b>
4 Points - Highest Priority	61	5.3%
3 Points	274	23.8%
2 Points	61	5.3%
1 Point	506	43.9%
0 Points - Lowest Priority	168	21.7%
<b>Total</b>	<b>1,151</b>	<b>100%</b>

## V. FINAL TRANSITION PLAN

### Evaluation of Ramps and Sidewalk Locations

This Transition Plan identifies a priority list by using the proximity ratings of non-compliant curb ramps and sidewalk locations. This priority list will assist in understanding which ramps or sidewalk locations are most in need of replacement, as shown in Tables VI and VII below.

**TABLE VI - SUMMARY OF RATINGS AND POINTS**

<b>Ramp Status</b>	<b>Quantity</b>	<b>Percent of Total</b>
Ramp Does Not Exist	251	19.1%
Compliant	48	3.7%
Non-Compliant	1,017	77.2%
<b>Total</b>	<b>1,316</b>	<b>100%</b>

**TABLE VII - SUMMARY OF RATINGS AND POINTS**

<b>Sidewalk Status</b>	<b>Quantity</b>	<b>Percent of Total</b>
Compliant	104	9.0%
Non-Compliant	1,047	91.0%
<b>Total</b>	<b>1,151</b>	<b>100%</b>

The above tables show that a significant number of ramps and sidewalk locations are in need of repair or installation. The City can access the actual ramp and sidewalk locations by searching the GIS database prepared as a part of this plan. This will better assist the City in reviewing the locations with the highest priority rating and initiating the construction process for upgrades.

## VI. PUBLIC OUTREACH

The Americans with Disabilities Act of 1990 (ADA) stipulates involving the community, particularly those with disabilities, in the development and improvement of services. Participation by the disability community is essential for a key station plan. In highway planning, public involvement is important in the development of access at sidewalk locations, curb ramps and street crossings.

The City of Kingsburg held one public informational meeting on February 5, 2020 to introduce the ADA Transition Plan to the public and provided opportunities for feedback. The meeting was properly noticed on the City's website. A draft copy of the report was available for review and any comments from the public were answered.

The City will continue its efforts to provide services in the most integrated setting possible. The City's Transition Plan was designed to enhance the quality of life for anyone who may require special accommodations due to developmental, emotional, medical or physical considerations.

## VII. CAPITAL IMPROVEMENT PROJECTS

### **Repair/Replacement - Schedule**

The City of Kingsburg plans capital improvement programs approximately five years into the future.

The City will replace and/or repair existing curb ramps or install new ramps as part of the capital improvement program. A majority of these project sites are in areas where significant numbers of ramps that need upgrades are located.

As additional funds become available from other sources, the city will prioritize these funds for investment in ADA infrastructure as appropriate. In addition, new development will require ADA compliance for approval, to ensure accessibility in all newly constructed areas.

### **Ongoing and Near-Future Projects**

- Mehlert Avenue Reconstruction
- 18<sup>th</sup> Avenue Sidewalks
- Sierra St & Bethel Ave Roundabout

## Recently Completed Projects

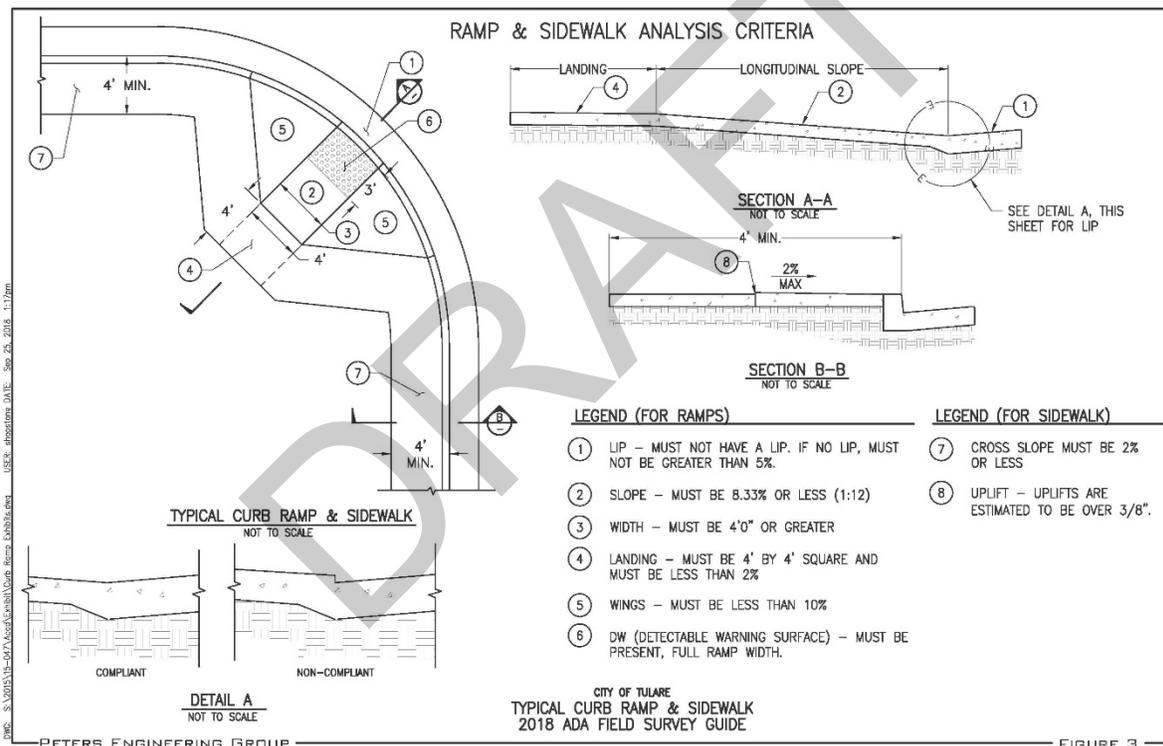
- 18<sup>th</sup> Ave & Kern Street Lighted Crosswalk
- 21<sup>st</sup> Avenue Reconstruction
- 6<sup>th</sup> Avenue Drive / Sierra Street Reconstruction

## VIII. DEVELOPMENT STANDARDS

### Ramp Design Standards

Sheets ST-30 to ST-41 of the Kingsburg Standard Drawings reflect current ADA design requirements. Figure III below depicts the criteria measured for this project. Future improvement projects shall follow current city standards, available at (<https://www.cityofkingsburg-ca.gov/159/Public-Works>).

Periodic updates to the design standards will correlate with State and Federal requirements.



**FIGURE III - ADA FIELD SURVEY GUIDE**

### Field Inspection Criteria During New Construction

For private projects needing an encroachment permit for work within City right of way, design and construction standards should conform to the current City of Kingsburg Standard Plans for ramp and sidewalk location construction. City Staff should only approve construction of facilities that conform to these standards.

## **Post Construction Survey Methodology**

For all projects, including public works and privately funded work within the City right of way, City staff should use the following methodology for review and approval of ramp and sidewalk location construction:

- Review and approval of ramp and sidewalk location design in conformance with City of Kingsburg Standard Plans
- Prior to placement of concrete, check form boards for compliance with plans.
- After ramp construction, check the 6 criteria areas as identified in Figure II, including lip occurrence and slope, ramp slope, wing slope, ramp width, landing dimensions and slope, and placement of detectable warning.
- After sidewalk location construction, check that the cross slope is less than 1.5%, check that the longitudinal slope is less than 5%, and check that the sidewalk is at least 4' in width.
- A 2' Smart level or similar device should be used to check slope.
- An imperial tape measure should be used to measure dimensions.

If the constructed ramp fails to meet any of the requirements detailed in the City Standard Plans, then the ramp or sidewalk location must be removed and reconstructed until it meets the standard requirements.

## **IX. COMPLAINT AND GRIEVANCE PROCEDURE**

To the maximum extent practicable, staff will endeavor to resolve complaints at the lowest level. Where phone calls, direct contact or web access complaints are brought forward, they will be dealt with quickly and fairly. In addition, staff will log the calls to keep an ongoing record of complaints that can be used in helping to set future projects and priorities.

Where staff is not able to resolve a complaint, a grievance procedure has been developed that provides for anyone with a disability to file a complaint or grievance. They can file the complaint if they believe they have been the subject of disability related discrimination on the basis of denial of access where sidewalk locations cross curbs.

Any person with a disability, who believes that they have been the subject of disability-related discrimination on the basis of denial of access where sidewalk locations cross curbs, would fill out the grievance form (Appendix C) with all the information requested. The grievance form would be filed with the Public Works ADA Coordinator within 60 working days of the alleged disability-related discrimination. A response would be returned to the complainant.

Should the complainant not be satisfied with the determination of the ADA coordinator, they could appeal to the City Public Works Director.

## X. TRANSITION PLAN PROGRAM IMPLEMENTATION

The City is thoroughly committed in making all sidewalk location and curb ramp areas accessible to all pedestrians including those with disabilities. The City will work within existing budgets and resource constraints and to complete as much of the Plan as possible within limits.

During the implementation of the Plan the City will continue to make necessary repairs to curb ramps and sidewalk locations. This has been a standard practice of the Department of Public Works, and is generally done on a request/complaint basis. Generally, these requests come from citizens with disabilities who wish to get to shopping areas, medical facilities, bus stops, transportation, and other facilities or areas to accommodate their activities of daily living. The Plan will develop and implement a repair/complaint procedure that formalizes the current process. When requests come into the Department of Public Works ADA Coordinator, they will be logged into a Curb Ramp Request database and will be entered by date and time received. They will also develop and implement a similar formal grievance procedure.

Public Works will make available to applicants, participants, residents, and other interested parties, information contained in the Transition Plan. Public Works will also provide opportunities for interested persons, including individuals with disabilities or organizations representing individuals with disabilities, to participate in the development of the Transition Plan by submitting comments and making specific recommendations.

### **Responsible Individual**

The Department of Public Works ADA Coordinator responsible for the development and implementation of the City's Transition Plan with respect to curb ramps and sidewalk locations can be reached via phone at (559) 897-5821.

## XI. APPENDICES

Appendix A – Staff Survey

Appendix B – ADA Grievance / Complaint Intake Form

Appendix C – Grievance/Complaint Procedure

# APPENDIX "A"

## City of Kingsburg Staff Survey Form Americans with Disabilities Act (ADA) Program

The City of Kingsburg is in the process of developing the City's ADA Self Evaluation and Transition Plan. The following is a program survey, which is requesting to be completed by Department of Public Works staff members.

Please take a moment to complete the Program Survey Form and return it to William Washburn by August 15, 2019. Thank you for assistance in completing this survey form.

Access Element	Don't Know	No or Disagree	No Opinion	Yes or Agree	Suggested Improvements/Comment
<b>A. General Requirements</b>					
1. Has the City designated an employee to coordinate efforts to comply with and carry out responsibilities under ADA?					
2. Do you know who the City's designated ADA Coordinator is? If yes, please provide name.					
3. Is the name and address of the ADA Coordinator posted and noticed in your work place?					
4. Do you know the City's complaint procedures and process for submitting an ADA Grievance?					
5. Has the City taken steps to ensure that all employees and consumers been instructed and notified regarding their rights under ADA?					
6. Has the City provided information to the public, in an accessible format, explaining its policy to provide accessible policies, programs, services or activities and practices?					

Access Element	Don't Know	No or Disagree	No Opinion	Yes or Agree	Suggested Improvements/Comment
<b>B. Policy Requirements</b>					
7. Do your department's policies ensure that persons with disabilities are provided access to programs, services and activities?					
8. Do your department's publications, service announcements and advertisements make known that they are available in alternative formats (e.g. large print, audio, Braille, captioned)?					
<b>C. Communication Requirements</b>					
9. Has your department reviewed its policies to ensure that it is accommodating persons with disabilities?					
10. Are facilities to accommodate persons with disabilities properly signed and noticed?					
<b>E. Facility Checklist</b>					
11. Are ADA facilities properly considered in the design or redesign of City facilities for which you have involvement?					
12. Are grievance procedures or complaint procedures noticed and posted at your site? If yes, where?					
13. Are individuals with disabilities included in or have an opportunity to participate in all programs, activities and services provided by your department?					
14. Are individuals with disabilities accommodated in your workplace?					

<b>Access Element</b>	<b>Don't Know</b>	<b>No or Disagree</b>	<b>No Opinion</b>	<b>Yes or Agree</b>	<b>Suggested Improvements/Comment</b>
15. Have you made accommodations for individuals with disabilities (employees, members of the public, etc)?					
16. Have you been provided training or information regarding the requirements of the Americans with Disabilities Act? If yes, describe:					
17. Would you like additional training regarding the Americans with Disabilities Act? If yes, describe:					
18. Have you received any awards or special recognitions regarding programs or services for individuals with disabilities? If yes, describe:					
19. Do you have access to current City policies, procedures, or practices?					
20. Are there any issues or information with regard to persons with disabilities or accessibility that require attention?					

**OPTIONAL**

Name, Title of Person Completing Survey:

\_\_\_\_\_

Phone Number: \_\_\_\_\_

E-mail: \_\_\_\_\_

# APPENDIX "B"

## CITY OF KINGSBURG

Department of Public Works  
1200 Kern Street  
Kingsburg, CA 93631  
(559) 897-5821

### Americans with Disabilities Act (ADA) and California Building Code Title 24 Grievance/Complaint Intake Form

(Please print or type information)

Complainant Name: \_\_\_\_\_ Email \_\_\_\_\_

Date: \_\_/\_\_/\_\_ Address: \_\_\_\_\_

Telephone No.: Home (\_\_\_\_)\_\_\_\_-\_\_\_\_ Work (\_\_\_\_)\_\_\_\_-\_\_\_\_ Cell (\_\_\_\_)\_\_\_\_-\_\_\_\_  
Fax (\_\_\_\_)\_\_\_\_-\_\_\_\_ TTY (\_\_\_\_)\_\_\_\_-\_\_\_\_

Specific Location of Alleged Violation: \_\_\_\_\_

Complaint Description: \_\_\_\_\_

(For official use only)

Date/Time received: \_\_/\_\_/\_\_ \_\_:\_\_ am/pm

Received by: \_\_\_\_\_  
Name Department Phone #

Received via:  Mail  E-mail  Phone  Fax  In-person  Other

Complainant is County Employee:  Yes  No

Property Owner: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: Home (\_\_\_\_)\_\_\_\_-\_\_\_\_ Message/Other (\_\_\_\_)\_\_\_\_-\_\_\_\_

Date/Time inspected: \_\_/\_\_/\_\_ \_\_:\_\_ am/pm Inspected by: \_\_\_\_\_

Notice Provided to Owner:  Yes  No Date: \_\_/\_\_/\_\_

Intake/Referral (7 business days): Complainant Notification: \_\_/\_\_/\_\_

Outside of Fresno County jurisdiction:  Yes  No

Referred to: \_\_\_\_\_ Date \_\_/\_\_/\_\_

Comments: \_\_\_\_\_

Review Process (15 business days):  Yes  No Date: \_\_/\_\_/\_\_

Department Contact: \_\_\_\_\_

Determination Response (30 business days): Date: \_\_/\_\_/\_\_

Response made by: \_\_\_\_\_ ADA/CL Notified: \_\_/\_\_/\_\_

Comments: \_\_\_\_\_

**ALL FORMS, CORRESPONDENCE AND DOCUMENTATION ARE TO BE RETAINED FOR 5 YEARS.**



CITY OF KINGSBURG  
AMERICANS WITH DISABILITIES  
ACT and CALIFORNIA BUILDING  
CODE TITLE 24  
GRIEVANCE/COMPLAINT PROCEDURE

## **GRIEVANCE/COMPLAINT DEFINITION**

This Grievance/Complaint Procedure was established to meet the requirements of the Americans with Disabilities Act. It may be used by anyone who wishes to file a complaint alleging discrimination on the basis of disability regarding access to City of Kingsburg facilities, services, programs, etc.

The City of Kingsburg Human Resources Department governs employment-related complaints of discrimination, including on the basis of disability. They can be reached at (559) 897-5821.

## **GRIEVANCE/COMPLAINT ("Complaint") PROCESS**

Disability discrimination complaints may be submitted verbally or in writing. Complaints shall contain the complainant's name and contact information. Complaint should also contain the date, location, and description of the problem or violation.

The Complaint should be submitted by the Complainant or his/her designee(s) as soon as possible, but no later than 60 calendar days after the discovery of the alleged violation.

### **Submit Complaints to:**

**Mary Colby**

1401 Draper Street

Kingsburg, CA 93631

**Phone:** (559) 897-6550

**Email:** [mecolby@cityofkingsburg-ca.gov](mailto:mecolby@cityofkingsburg-ca.gov)

## **INTAKE/REFERRAL PROCESS**

Complaints will be taken on a City of Kingsburg Grievance/Complaint Intake Form. The complainant will be notified of receipt of the Complaint. In the event a Complaint is submitted verbally to a member of the Public Works Department, no additional notice of receipt will be required.

Within seven (7) business days of receipt of the Complaint, the ADAAC will determine if the Complaint is within the City's jurisdiction and will notify the complainant of the following:

- Within the City's jurisdiction - the Complaint will be referred to the appropriate section or department.
- Outside the City's jurisdiction - the complainant will be advised that the matter is outside of the City's jurisdiction and the Complaint will be forwarded to the appropriate entity (e.g. City of Visalia, County of Kingsburg) or the complainant will be provided contact information for that entity.

## **REVIEW PROCESS**

Within 15 business days of the referral, the complainant will be contacted by the department assigned the referral to discuss possible resolution and/or to request additional information if needed.

## **DETERMINATION**

Within 30 business days following the Review, the assigned department representative will provide a response to the complainant. The response will serve to provide the complainant the determination made in regard to Complaint, including the anticipated timeline of expected resolution, if applicable.

Every reasonable attempt will be made by the City of Kingsburg to remedy the Complaint in a timely manner in accordance with all lawful codes, ordinances, regulations and City policies.

## **RETENTION OF DOCUMENTATION:**

All forms, correspondence and documentation are to be retained for three (3) years.

# Alley Improvement Analysis

## *City of Kingsburg*



**Fresno Council of Governments**  
Fresno County Circuit Planner Program

# Alley Improvement Study for the City of Kingsburg



Fresno Council of  
Governments

Prepared under the Auspices of the  
Fresno County Circuit Planner Program

*Prepared by*

Collins & Schoettler  
PLANNING CONSULTANTS

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# City of Kingsburg Alley Enhancement Design Program FCOG Circuit Planner Program

## **Overview**

This document is a “white paper” offering guidance to the City of Kingsburg to implement design strategies for two alleys in downtown Kingsburg. The paper is prepared under the auspices of the Fresno County Circuit Planner Program that is administered by the Fresno Council of Governments (FCOG).

The purpose of the Circuit Planner Program is to assist small cities in Fresno County with planning projects that are related to the San Joaquin Valley Blueprint Program. The Blueprint is intended to provide principles to guide cities in a fashion that is sustainable.

## **Relationship to Blueprint Principles**

As part of the Valley Blueprint, Fresno COG adopted a set of 12 “Blueprint Principles”. As noted previously, these principles are intended to guide growth and development in cities in Fresno County in a fashion that is well-planned and sustainable. The Kingsburg Alley study relates to the following principles:

### **1. Create walkable neighborhoods**

Kingsburg’s Alley Design Enhancement Program converts a traditional alley, which originally served to move goods to businesses in the downtown, to a walkable right-of-way that is pedestrian friendly, meaning that for the most part vehicles are precluded from using the alley.

This Program makes the Downtown more walkable, allowing pedestrians to walk along these enhanced alleys that are located between and behind buildings while not having to compete with vehicles. These walkable alleys are made even more inviting by adding color, landscaping, pedestrian-scaled signage and security lighting to the route. The walkability of these routes along with their enhanced visuals will make for a delightful walking excursion.

### **2. Encourage community and stakeholder collaboration**

To implement the Alley Enhancement Program, the City will be required to collaborate with downtown merchants who have businesses along the Marion Street or Draper Street alleys. This collaboration will involve discussion pertaining to the cost of capital improvements (hardscape, landscape and lighting), building permits

for improvements to structures along the alley and the design review of these same improvements. Common issues that will typically require collaboration will include outdoor seating arrangements, licenses for serving food and alcohol, signage regulations, and alley maintenance costs.

3. Foster distinctive, attractive communities with a strong sense of place

Kingsburg's Alley Enhancement Program is primarily focused on creating a "strong sense of place." The Program will convert a "boring" alley to an exciting and colorful space with opportunities for shopping, eating and drinking or simply finding a quiet spot for relaxing.

Creating a strong sense of place by implementing an alley enhancement will assist in making Kingsburg's downtown a more distinctive place, which should attract more people to the downtown and increase Kingsburg's sales tax and bed tax revenues.

4. Provide a variety of transportation choices

By making some of Kingsburg's alleys more attractive and interesting, persons visiting the downtown will be more inclined to walk in the downtown rather than use their vehicle.

5. Strengthen and direct development towards existing communities

By working to make its downtown more attractive (and marketable), Kingsburg will attract more development to the core of the community, which includes the downtown. This development could include redevelopment of existing buildings, new construction of vacant land and replacement of one type of land use with another. New land uses may include ground floor restaurants, offices and residential uses in the upper stories of existing buildings, conversion of homes into offices and micro-breweries that are housed in older buildings that have a warehouse feel.

If successful, the downtown will be the place to invest, work, eat and drink and maybe, live. This condition will strengthen the core of Kingsburg and will attract development to the community at-large because most people feel strongly about living in a community that has a viable and exciting downtown.

6. Enhance the economic vitality of the region

Investment in a community generally stimulates economic vitality – property taxes, jobs and in some cases, bed and sales taxes. In the case of Kingsburg's alley enhancement program, potentially underutilized building that line the subject alleys will be redeveloped with new uses or existing uses that receive a "make-over." This

trend will generate higher property and sales taxes and hopefully will be contagious causing other building owners to follow suit.

### Kingsburg Alleys

One alley, called Marion Street Alley, parallels and is located north of Draper Street (Kingsburg's Main Street in the downtown) and the second alley, called Draper Street Alley, tees into and extends south of Draper Street.

Map 1: Location



For the purposes of this paper, the term alley, narrow walkway or paseo will be interchangeable terms. An alley in most cities in the Valley constitutes a narrow roadway that is paved and ranges in width from 16 to 25 feet. Often a concrete vee gutter runs down the middle of the alley to facilitate storm water drainage. Downtown alleys provide for delivery of goods, solid waste collection and a right-of-way area wherein sewer and water lines are buried underground.

Narrow walkways are openings situated between buildings that are set back from the side or rear property lines. These openings can range in width from six to ten feet, just wide enough for pedestrians to walk along.

Paseo is a Spanish term for a public walk or boulevard. For some cities that have a strong Spanish influence, the term paseo is used to identify pedestrian walkways between buildings that are often lined with retail stores and eateries. The City of Santa Barbara has popularized this downtown feature.

### **Marion Street Alley**

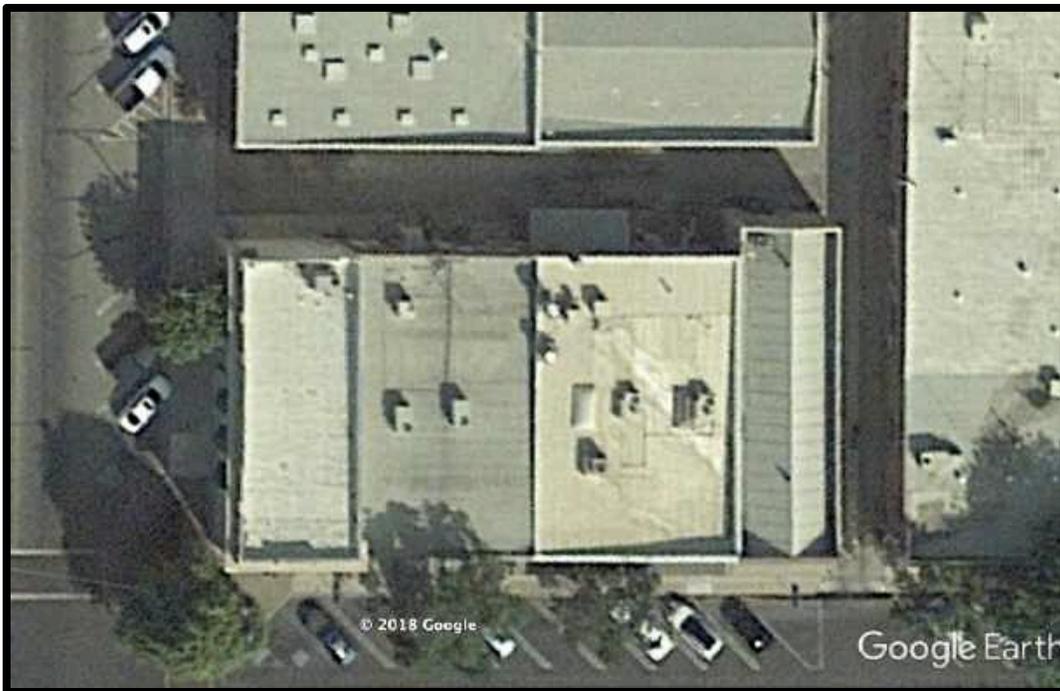
This alley extends east from Marion Street and tees into another alley that extends north from Draper Street. The Marion Street Alley provides rear entrances for Kingsburg City Hall, a Chinese restaurant and a beauty salon; the other side of the alley is the side of old brick building.



*Marion Street Alley looking east from Marion Street. The rear entrances to city hall, a restaurant and beauty salon are on the right side of the alley while the other side of the alley is occupied by brick building.*



*Marion Street Alley looking west towards Marion Street from an existing alley that runs perpendicular to this alley. The building on the right side of the photograph shows a brick wall that adds character and warmth to this potential alley environment.*



*The Marion Street Alley tees into Marion Street and also into an alley that extends north from Draper Street.*

### **Draper Street Alley**

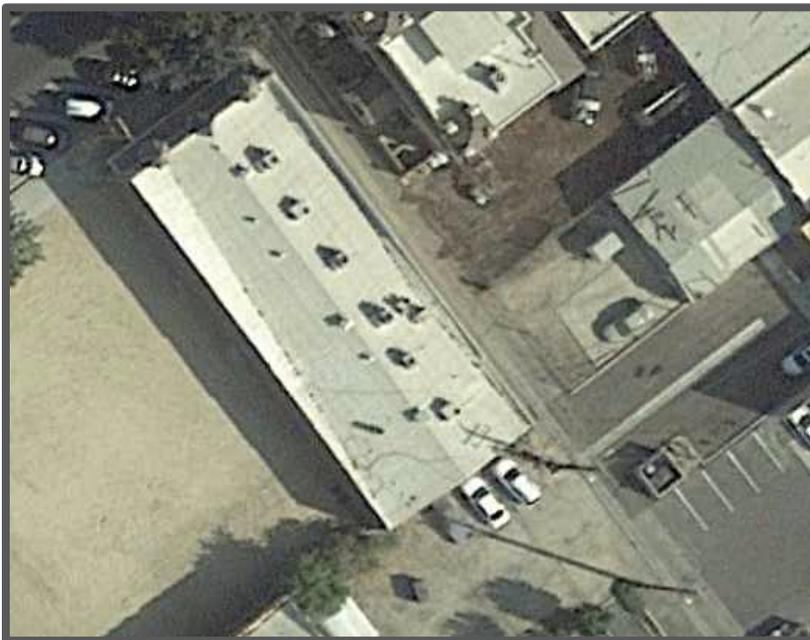
This alley extends south from Draper Street and tees into another alley that extends east from California Street. The Draper Street Alley provides a side entrance into a professional office; the other side of the alley is the side of old brick building.



*Looking south towards Draper Street from an alley that extends east from California Street. Note the side entrance of the office building on the right side of the photo and the long run of brick building on the left side of the photo.*



*The Draper Street Alley looking south from Draper Street. Note the vee gutter that runs down the middle of the alley that provides for storm water drainage; utilities are buried under the alley.*



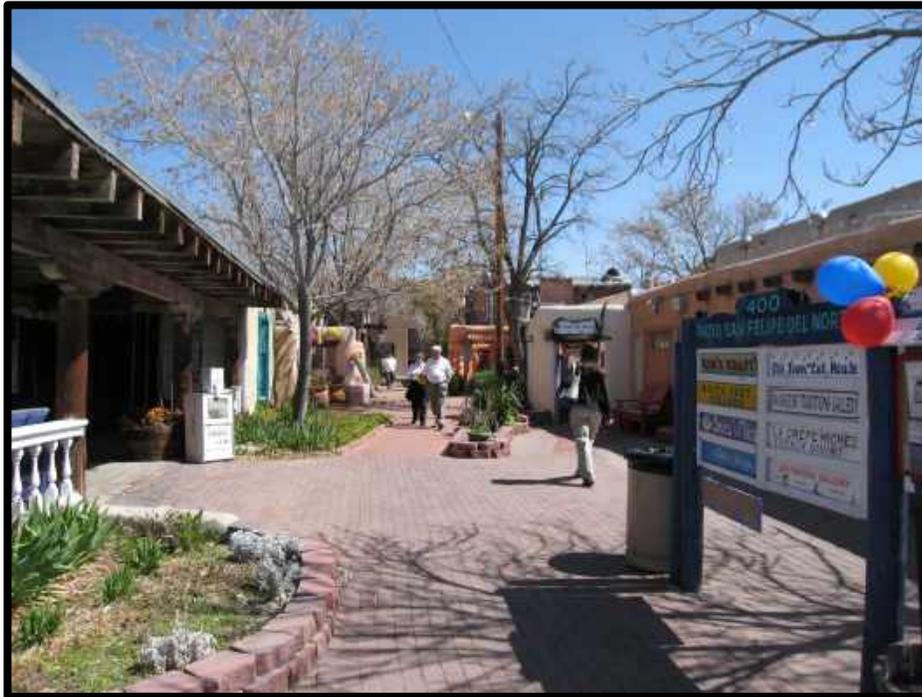
*The Draper Street Alley starts at Draper Street and extends south to parking lots to the rear of building that front onto Draper, California and Marion streets.*

The Issue:

The terms “pedestrianism”, “walkable”, “pedestrian-friendly” are often associated with downtowns because this is an area of the city that is often most walkable – wide sidewalks that are illuminated by street lights; numerous storefront windows displaying people eating and drinking, goods for sale (even an occasional puppy or kitten); and exhibition of public art, water features, artistic signs, street furniture, and landscaping. In addition to visual attractions, downtowns assault the senses of pedestrians with smells from restaurants and coffee houses, and music from local venues.



*Europe and England, Scotland and Ireland have long been accustomed to narrow streets and the marketing of stores along these pathways.*



*This paseo in Sante Fe, New Mexico, provides signage to the pedestrian to inform them of what is located in the paseo.*



*Boulder, Colorado, has taken the idea of converting what once was a street to a pedestrian plaza. This encourages persons to walk and browse and often enjoying the music, smells and color of this walkable environment.*



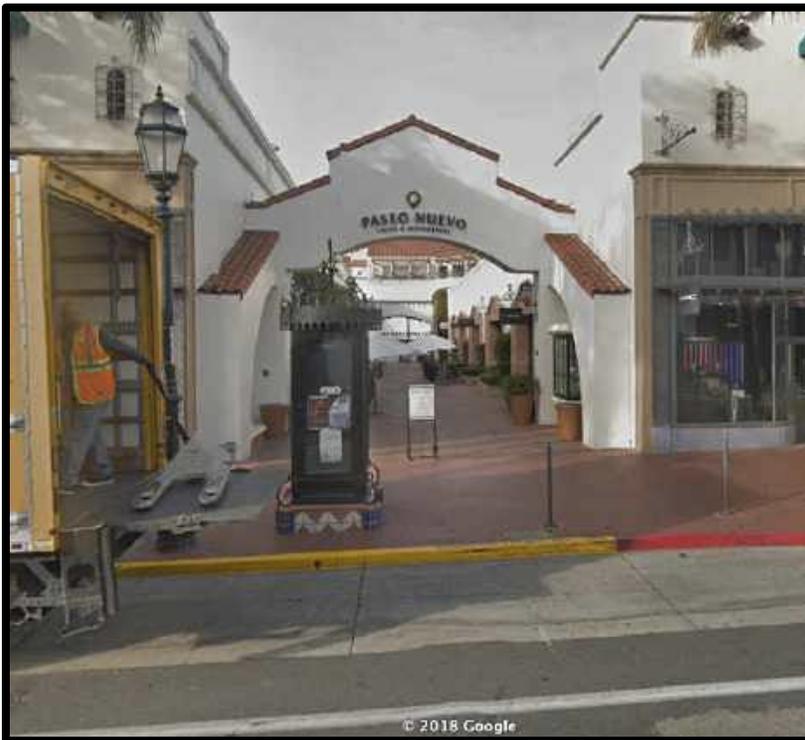
*Germany is famous for its beer gardens, often located in interior plazas or along narrow roadways.*

Downtowns are exciting places! Often the measure of a great city is its downtown. Cities across the nation are constantly seeking strategies to improve, revitalize and enhance their downtowns. An overlooked revitalization strategy involves alleyways that parallel or tee into Main streets (Draper Street in the case of Kingsburg) or narrow openings (paseos) between building that lead from Main Street to the rear of buildings that front onto Main Street.

The city of Santa Barbara has fine-tuned the strategy of “place-making” for these short and narrow pedestrian walkways, called paseos in Santa Barbara. Kingsburg has the same opportunity as Santa Barbara to energize their alleys. This paper will focus on two of Kingsburg’s alleys – the Marion Street Alley and the Draper Street Alley.



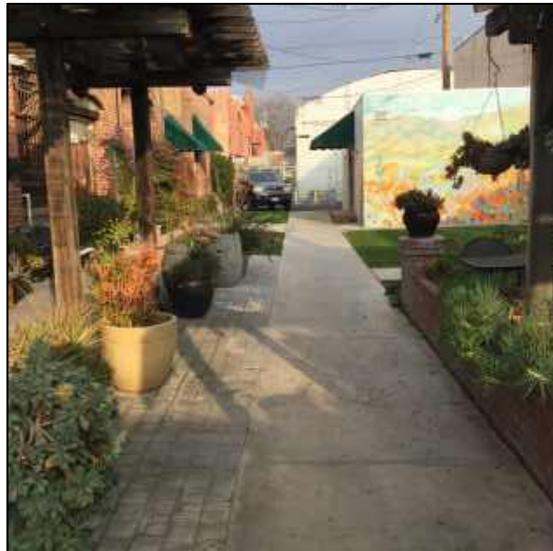
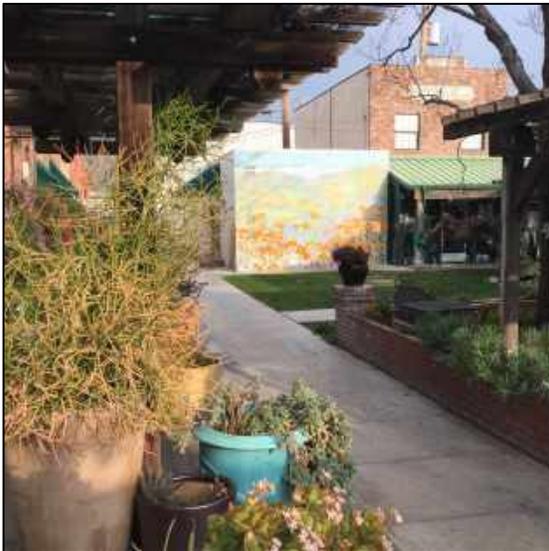
*Storefronts and restaurants line this paseo in Santa Barbara. The sense of enclosure gives this space intimacy and charm.*



*In Santa Barbara they name their paseos and celebrate their presence with this arching entryway feature.*



*The narrow pedestrian walkways are often lined with landscaping and different types of hardscape.*



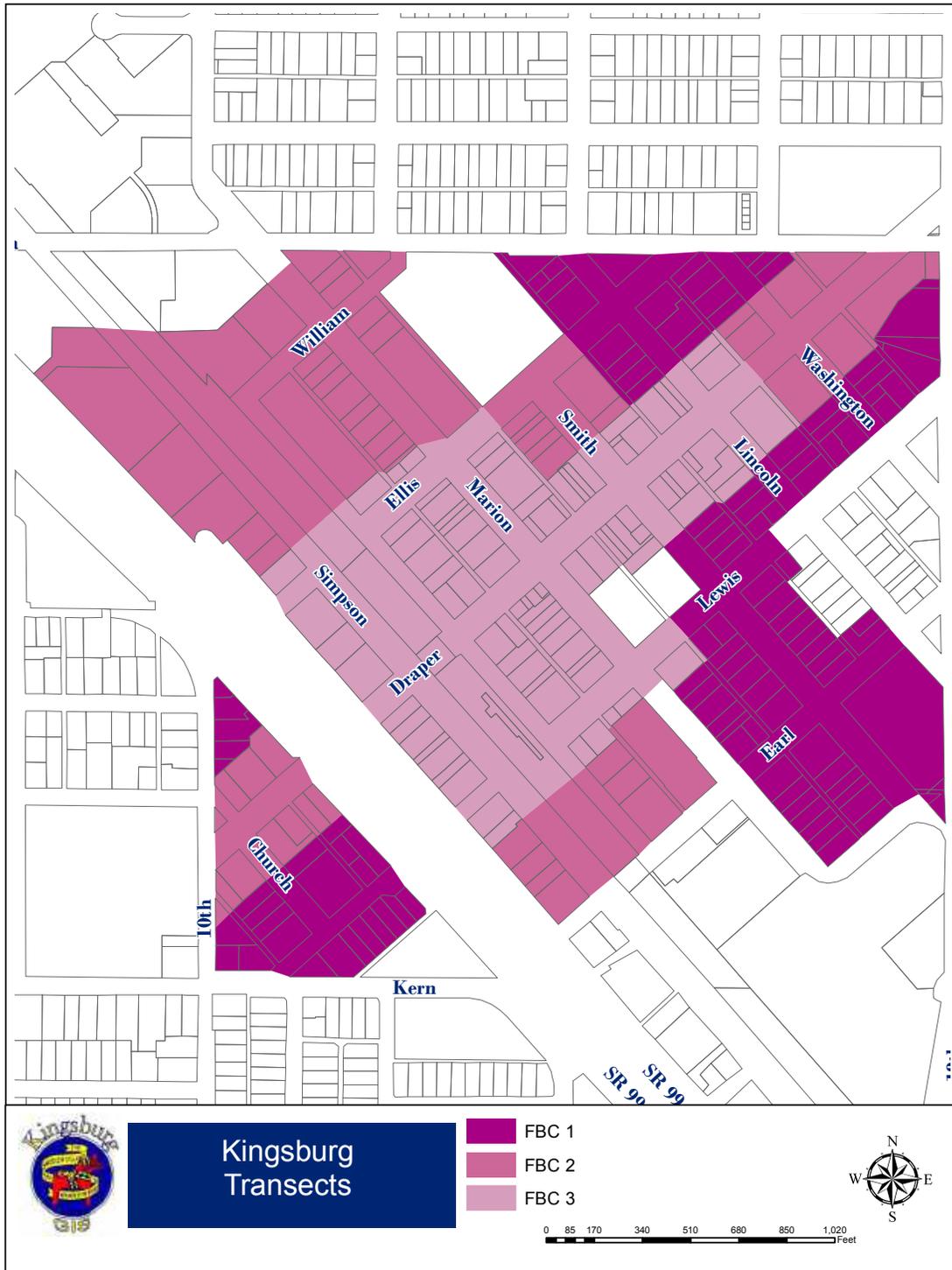
*Photos of a pedestrian paseo in downtown Exeter*

Kingsburg's General Plan designates the downtown for central commercial uses along with some residential designations on the fringe of the downtown and a scattering of public uses including parks, schools and civic buildings.

In 2015, Kingsburg adopted the Kingsburg Downtown Form Based Code. This planning document amended the Kingsburg Zoning Ordinance and served to implement an alternative approach to traditional zoning in the Downtown. The Form Based Code (FBC) promotes a more walkable mixed-use development scheme for the downtown. It also serves to build on the character of space by enhancing the streetscape, landscape, architecture, lighting, signage and pedestrian features, such as alleys and sidewalks. The adoption of the FBC is a continuation of the City's efforts towards upgrading its downtown. In the past, the city has constructed landscaped bulb outs and installation of antique streetlights in the downtown. Most recently it has implemented a Way-Finding Program, which provides signage directing residents and out-of-towners to the location of various sites in Kingsburg, like the remodeled train depot and the downtown.

The Form Based Code overlay zone was applied to 130 acres in the Kingsburg Downtown (see Map 2). The Code created three transect zones (subdistricts). Each transect zone has different development standards and different permitted and conditional uses. Map 2 shows the different transect districts.

Map 2: Downtown Form Based Code and Transect Districts



The City's proposed alley enhancement projects are in concert with Kingsburg's Downtown Form Based Code. These alley enhancement projects will foster pedestrian access to parking lots located behind downtown buildings as well as create an attractive, safe and interesting space tucked into the larger downtown. The redesign of these alleys will "energized" these corridors by opening up buildings that back or side on these alleys. This redevelopment strategy could lead to additional outdoor eating establishments, small retail shops and special events in the remodeled alley. Some communities have introduced public art, street furniture and water features into these alleys. Photos of alley treatments, narrow roadways and paseos in other US cities and other countries have been provided above.

Alleys do not need to be linear but can curve with the topography, jog around a building or widen to form a plaza. This variability creates curiosity, interest and unique design opportunities. The widths of alleys can also vary from feet to as wide as a narrow street, 25 feet. Other features that can make alleys interesting "spaces" are discussed below along with corresponding photos as examples.

#### Hardscape

Materials can define an alley. Should it be paved with cobblestones (as in Europe), or brick, tile, concrete or asphalt. Each type of material and the way it is arranged adds to the uniqueness of the alley space. As with any impervious surface the alley needs to provide for proper drainage, typically draining towards a nearby gutter system that diverts water to the city's storm drainage system.



*This mix of paving materials and geometric design adds an artistic feature to this alley. The pavement is lined with greenery thereby softening the austerity of the paved surfaces.*



*This alley's hardscape is lined shrubbery and hardscape that is interlaced with groundcover.*



*This alley has a unique blend of native rock, water and riparian vegetation. The meandering walkway emulates a creek environment.*

## Landscaping

Landscaping along an alley can soften the appearance of the alley and introduces color, fragrance and shade. The alley can be lined with shrubs, groundcover or annuals to form a path of travel; flower baskets can hang from windows sills to introduce color to the alley and given enough room, trees can be planted to provide shade. Often times these trees can be planted in large containers.



*Vegetative color attracts the eye and eventually the pedestrian to enter the alley.*



*Fragrances can be introduced into the alley environment using plant material or the aroma of coffee or food being prepared.*



*Lush greenery invites the pedestrian into the alley environment while also creating a peaceful walking environment.*

## Water

The addition of water to the alley environment can provide soothing sounds and can cool the ambient temperature. Children enjoy water - peering into a fountain in search of coins or fish; splashing each other or throwing a coin into a fountain with a wish. Fountains are great additions to an alley because they can serve as a focal point for persons wandering into the alley and they can provide the sound of moving water.



*The sound of moving water is always an attractive feature in a pedestrian environment.*



*This alley has a creek that runs through it, making for a very enjoyable creek-side meal.*

## Art

Art in all forms can find its way into alley environments. Statues, murals, metal works, pottery and even wind chimes are all forms of art that attract the pedestrian into the alley or paseo environment. An art-laden alley is interesting, whimsical, educational and sometimes unappealing – an alley lined with gum in Seattle, Washington.







## Signs

Signs serve many uses – wayfinding for persons attempting to locate the alley (paseo); identification of stores, coffee houses and restaurants within the alley; and the ever-important sign, directing persons to the restrooms. In Europe signs are an art form. Not so much in the US. Nevertheless, the type of signs used in an alley environment are blade signs, “A” frame signs or signs painted on the window. The signs are geared towards the walking public.



*Directory signs are great for finding that one store or restaurant you are searching for.*



*In Europe signs are often an art form.*



*Signs in alley and paseos are pedestrian-oriented – mounted flush on the building or displayed as a blade sign – projecting out from the building often representing a symbol of what is contained in the building – a shoe, a glass of ale or a type of food.*



*The facade on this English pub has it all – color with flowers, entry lighting, signage on the building and awnings and a menu outside so that the pedestrian knows w the cost and what is being served inside.*

### A Successful Alley

What types of improvements are needed for a successful alley? Well, it depends. Who are the users in the alley? Might the mix of users change over time? Who will pay for the costs of maintenance of common improvements in the alley? Will the alley be policed? All of these questions should be answered before a city initiates an alley enhancement program.

### A Recipe for Creating a Viable Alley Enhancement Program

- Meet with building/property owners along the subject alley and present to them the PowerPoint on the Alley Enhancement Program.
- Solicit ideas from the property owners regarding their vision for an enhanced alley.
- Share with building owners what role the city might play in the alley enhancement program (e.g. maintenance, policing and right-of-way control).
- Solicit information from the city engineer; public works, fire and police departments; and downtown organization that would be relevant to an alley

enhancement program. Issues might include storm water drainage, water line pressure, accessibility for fire personnel and policing during late night hours.

- Prepare draft design, based on input from building owners along the alley, and submit to building owners.
- Formulate a maintenance/financing plan for the alley enhancement project.

#### Processing an Alley Enhancement Program

- Hold a public hearing before the Planning Commission on the proposed alley project. Persons within 300 feet should be notified.
- Hold a public hearing before the City Council on the proposed alley project. Notify property owners within 300 feet of the project site.

#### Constructing an Alley Project

- Have a landscape architect prepare construction drawing.
- Receive bids on the alley project.
- Award bid to construction firm.

#### Uses proposed along an Alley Project

- Any new use proposed along the subject alley would be required to undergo site plan review. This is an administrative process. The city would the design features of the project including signage, outdoor improvements, building openings. Landscaping and architectural design to ensure that the building treatment is consistent with Kingsburg's Swedish Architectural Design Standards.

#### Cost

Kingsburg recently completed an alley improvement project on the alley on the east side of City Hall, that include paver stones and other improvements. This project cost approximately \$25.00 per square foot. Building improvements and cost of street furniture would be additional, including benches, bollards, fountains, and flags and banners. All building improvements would typically be the responsibility of the property owner, including wall openings, signage, flower boxes, and tables and chairs for clients.

**Alternative Designs for the Marion Street Alley**

Existing alley view



Proposed – Alternative “A”



*The Marion Street Alley project (Alternative A) looking east from Marion Street. Note the three new store entries on the left side of the rendering.*

Proposed – Alternative “B”



*The Marion Street Alley project (Alternative B) looking east from Marion Street. Note the murals that line both walls along the alley.*

**Alternative Designs for the Draper Street Alley**

Existing alley view



Proposed Alternative “A”



*The Draper Street Alley (Alternative A) project looking south from Draper Street. Note the new storefronts on the right side of the rendering.*

Proposed Alternative “B”



*The Draper Street Alley (Alternative A) project looking south from Draper Street. Note the emphasis on art in this alternative.*

### Conclusions

“Place-making” is a term that has become popular among urban designers and architects. Place-making can be as large as a downtown and as small as an alley. What makes a place popular? The formula varies from city to city, however, there are some fundamental requirements: safe, well-lit during the evening hours and a police presence; clean - free of litter, graffiti and abandoned buildings; and a good mix of retail stores, eating and drinking establishments; and entertainment venues.

A great downtown blankets the above fundamental requirements with colorful signs, vegetation, street furniture; water features and public art; and music venues, art shows and public spaces to congregate.

In the end, a successful downtown can be magical, but it takes commitment over many years.



Kingsburg

Cellar

QUIXOTE

ALLEY ENHANCEMENT  
KINGSBURG, CA.



ALLEY ENHANCEMENT  
KINGSBURG, CA.

COMMUNITY  
ART CLASSES

Sommers  
Alley

GALLERY

ARTISAN

ARTISAN

GELATO



ALLEY ENHANCEMENT  
KINGSBURG, CA.



ALLEY ENHANCEMENT  
KINGSBURG, CA



**Meeting Date:** 01/15/2020  
**Agenda Item:** 5.3

**CITY COUNCIL MEETING STAFF REPORT**

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**REPORT TO:** Mayor Roman & Council Members

**REPORT FROM:** Alexander J. Henderson, City Manager; ICMA-CM      **REVIEWED BY:** AP

**AGENDA ITEM:** Forgivable Loan Program – Development Incentive

**ACTION REQUESTED:**  Ordinance    Resolution    Motion    Receive/File

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**EXECUTIVE SUMMARY**

The City has been consistently aggressive with public-private partnerships that help spur economic development and provide opportunities for long-term investment and improvement. The efforts have included the development of key incentive programs, including:

- 1. 25% reduction in impact fees for all new development
- 2. 50% rebate in City property taxes for new businesses for 36 months
- 3. 50% rebate in City sales tax for new businesses for 36 months
- 4. 21-day streamlined permit review and approval process
- 5. Additional impact fee reduction for new qualifying development in designated Business Improvement Zones (B.I.Z)
- 6. Façade/Alley Public/Private Partnerships Matching Grant Program
- 7. Micro-Grant Public/Private Partnership Matching Grant Program
- 8. Upper Floor Rehabilitation Loan Program

Each of the above programs have been widely used and well received. New development in the business park (Safe Food Alliance, California Controlled Atmosphere) and Light Industrial areas have utilized rebates and the B.I.Z. program. New market-rate apartments have been completed utilizing the Upper Floor Rehab Loan Program to help turn once decades-vacant space into desirable downtown living. Over thirty (30) businesses or business owners have taken advantage of the Façade/Alley matching grant program, infusing more than \$500,000 in new private investment into our downtown.

Council has encouraged new development and has sought new ways to help provide incentives that will create new investment, additional jobs and promote the vibrancy of the businesses and community. In early 2019, the council approved the creation of a new incentive fund, which utilized the residual property taxes that once went to the Kingsburg Redevelopment Agency (a full synopsis is available in the background section of this report). The Council designated these residual payments for the specific purpose of partnering with eligible businesses/property owners on projects that have a long-term benefit to the community. This fund is intended to provide flexibility based upon the individual needs of new/expanding business.

Currently, the incentive fund has a fund balance of \$218,024. Staff has also been approached by business/property owners inquiring as to which types of projects would qualify. As such, we have developed a program that would help to provide a consistent method of evaluation for determining which projects should be considered by council. The reason for this is to ensure all projects are evaluated equitably, and to provide a level of accountability as it relates to the utilization of taxpayer monies.

Each community has a different set of challenges when it comes to successful development. For Kingsburg, our centuries-old buildings provide historical value and ambiance, but also provide a challenge when attempting to bring them up to modern-day building code standards.

This program is designed to assist property owners with gap financing alternatives that promote the long-term economic sustainability for the City of Kingsburg. The Kingsburg City Council has designated “residual property tax funding,” to be utilized on development and/or rehab projects that would otherwise not occur. It is intended to maintain flexibility when considering potential improvement projects and their long-term benefit to a viable, diverse local economy. In order to streamline the application process and to provide clarity with regards to ‘pre-approved’ improvements, the following are proposed to be considered permitted (by right) improvements, with application approval made by staff:

1. ADA Improvements (path of travel and restroom);
2. Life Safety Improvements (Seismic and Fire suppression); these must be supported by plans provided by a respective licensed contractor/agent.
3. Utility improvements required in order to accommodate a business that provides increased sales and/or property tax. Applicant must show deficiency exists and is required (for example: transformer upgrades required by PG&E).

These types of improvements are often ‘required’ and can prohibit property owners from making necessary changes to a building, given the capital required to update older buildings and the expected return on investment through rental revenue. For example, a property owner may make the decision to not convert an existing space into a restaurant given the capital investment required (commercial kitchen, ADA restrooms, fire sprinklers). This program would help remove those barriers. In addition, these types of ‘permitted’ improvements add to the life safety and/or quality of life components of our downtown. Improving this infrastructure will assist with future rental opportunities as well as safe-guarding against a catastrophic loss due to fire or another natural event.

All other proposed funding applications would be evaluated by staff and require city council consideration before funding is approved.

Additional highlights of the program include:

- City Assistance – City will provide a 50/50 match for qualified improvements up to \$75,000. Amounts requested over \$75,000 will be considered by the City Council. Matching funds can be from private investment.
- Example: A building owner is contributing \$75,000 for sprinkler and structural building repairs. They can request funding for ADA improvements. For determining the 50/50 match, all building improvements will be considered as a whole as opposed to per improvement.
- Per Property Limit - Up to \$75,000 per property (unless council approves a larger amount).
- Program Budget – The RPTTF residual amount is dependent upon property tax collection. Currently, approximately \$150,000 is collected annually. Council can discontinue this program at any time.
- Property owner must be willing to keep the space for commercial use for a minimum of ten years after loan approval. The loan will be forgiven on a pro-rata percentage each year the space is kept in compliance.

The eligible area for proposed program is the Central Commercial Corridor.

Perhaps most importantly, the program calls for accountability measures that an applicant would have to abide by in order to participate. This includes a loan to value ration of no more than 80%, as well as securing the loan through a promissory note.

In addition, the program operates as a reimbursement program, meaning the loan will only commence if the

project has been approved and the improvement has been completed and satisfactorily approved by staff. This provides additional security that the loan funds will be used for its intended purpose.

**RECOMMENDED ACTION BY CITY COUNCIL**

1. *Adopt the Forgivable Loan Program Guidelines*

**POLICY ALTERNATIVE(S)**

1. N/A

**STRATEGIC INITIATIVE**

1. Promote Sustainable Development
2. Increase Retail Opportunities
3. Ensure Financial Stability

**FINANCIAL INFORMATION**

**FISCAL IMPACT:**

- |                              |            |
|------------------------------|------------|
| 1. Is There A Fiscal Impact? | <u>Yes</u> |
| 2. Is it Currently Budgeted? | <u>NA</u>  |
| 3. If Budgeted, Which Line?  | <u>NA</u>  |

**PRIOR ACTION/REVIEW**

Council created the residual incentive fund in January 2019. The revenues are now allocated separately in the city budget. Currently, no expenditures have been designated for any projects.

**BACKGROUND INFORMATION**

***RDA History***

Prior to 2011, California law allowed local governments to create redevelopment agencies that assisted in the economic redevelopment of various areas. RDAs served a form of tax increment financing. Cities could use the funds to help attract businesses to depressed areas, cleanup contamination, and make improvements to public areas to promote quality of life. In 2011, the California legislature passed AB 26, which essentially dissolved these agencies throughout the state. Their powers were ultimately vested into successor agencies, which were required to fulfill all outstanding obligations of the RDA.

After the dissolution of RDAs, the property taxes once that once went to the Kingsburg RDA are now placed in a county-wide Redevelopment Property Tax Trust Fund (RPTTF). The state recognized that RDA successor agencies are still required to fulfill financial obligations that were entered into prior to the dissolution of redevelopment. The City has an approved “Last and Final Recognized Obligation Payment Schedule (ROPS)” from the Department of Finance. As such, we receive an apportionment from the RPTTF to fulfill those obligations. If funds remain in the RPTTF after payments are made for each successor agency’s ROPS, they are considered to be residual RPTTF funds, and are distributed proportionally to the taxing entities that would have received revenues from the former RDA project areas. The percentage of residual payments that Kingsburg receives can vary each year, with the past two years averaging 21.2%.

**ATTACHED INFORMATION**

1. Forgivable Loan Program Guidelines
2. Central Commercial Zone Map

**CITY OF KINGSBURG  
ECONOMIC DEVELOPMENT INCENTIVE**

**DEVELOPMENT BASED FORGIVABLE LOAN  
PROGRAM GUIDELINES**



**PROGRAM PROPOSAL:  
DEVELOPMENT BASED FOREGIVABLE LOAN PROGRAM**

**Overview**

This program is designed to assist property owners with gap financing alternatives that promote the long-term economic sustainability for the City of Kingsburg. The Kingsburg City Council has designated “residual property tax funding,” to be used for new development and/or rehab projects that would otherwise not occur without such funding. Prior to 2011, California law allowed local governments to create redevelopment agencies (“RDAs”) that assisted in the economic redevelopment of various areas. RDAs provided a form of tax increment financing. Cities could use the funds to help attract businesses to depressed areas, cleanup contamination, and make improvements to public areas to promote quality of life. In 2011, the California legislature passed AB 26, which essentially eliminated these agencies throughout the state. Limited RDA powers were transferred to successor agencies, which were required to fulfill all outstanding obligations of the RDA.

After the elimination of RDAs, the property taxes that once went to the Kingsburg RDA are now placed in a county-wide Redevelopment Property Tax Trust Fund (“RPTTF”). The state recognized that RDA successor agencies are still required to fulfill financial obligations that were entered into prior to the elimination of RDAs. The City has an approved “Last and Final Recognized Obligation Payment Schedule (ROPS)” by the California Department of Finance. As such, the City receives an apportionment from the RPTTF to fulfill the ROPS obligations. If funds remain in the RPTTF after payments are made for the ROPS obligations for each successor agency, the remaining funds are considered residual RPTTF funds and are distributed proportionally to the taxing entities that would have received tax revenues from the former RDA project areas. The City’s share of RPTTF funds will be used to fund this loan program. The program will operate as follows:

- City Assistance – City will provide a 50/50 match for qualified improvements up to \$75,000. Amounts requested over \$75,000 will be considered by the City Council. Matching funds can be from private investment.

Example: A building owner is contributing \$75,000 for sprinkler and structural building repairs. They can request funding for ADA improvements. For determining the 50/50 match, all building improvements will be considered as a whole as opposed to per improvement.

- Per Property Limit - Up to \$75,000 per property (unless council approves a larger amount).
- Program Budget – The RPTTF residual amount is dependent upon property tax collection. Currently, approximately \$150,000 is collected annually. Council can discontinue this program at any time.
- Property owner must be willing to keep the space for commercial use for a minimum of ten years after loan approval. The loan will be forgiven on a pro-rata percentage each year the space is kept in compliance.

**Location**

The property must be located within the Central Commercial District Corridor as identified on the attached map (“Corridor Map”).

## **Approved Projects**

It is the desire of the City Council to maintain flexibility when considering potential improvement projects and their long-term benefit to a viable, diverse local economy. In order to streamline the application process and to provide clarity with regards to ‘pre-approved’ improvements, the following shall be considered permitted improvements, with application approval made by staff.

1. ADA Improvements (e.g. path of travel and restroom)
2. Life Safety Improvements (e.g. Seismic and Fire suppression); these improvements must be approved by the City.
3. Utility improvements required in order to accommodate a business that provides increased sales and/or property tax. Applicant must show deficiency exists and is required (for example: power upgrades required by PG&E).

## **Procedures**

- Applicants must apply before Project construction begins (demolition may begin earlier) and will have twelve months to complete the Project after the application approval date.
- Projects must score a minimum of 10 points out of 17 to be eligible for consideration for the program.
- Property owners must submit an application and supporting documentation as required by the City.
- On a monthly basis, applications will be reviewed and evaluated based on the attached scoring criteria as may be amended from time to time by the City. If multiple Projects are submitted in one month, Projects will be ranked in scoring order from highest to lowest score. Projects that receive the most points will be approved for funding. Once the annual fund balance for the program is exhausted, funding will be unavailable until the next annual budget. If funds are budgeted for the next budget year, any approved but unfunded applications will be funded first to extent budget funds are available for the program. If two applications are received in the same month and receive the same amount of points and there is limited funding, funds will be awarded to the applicant that is first to have its application approved by the City.

## **Property Owner Qualifications**

- Applicants and affiliated persons and/or entities for this program must not be delinquent in obligations to pay loans, fines, liens, or other obligations to the City of Kingsburg, as determined by the City.
- All other properties owned by applicant in Kingsburg must be in good standing and must be in compliance with all applicable Laws, as determined by the City.

## **Property Qualifications**

- Eligible properties are properties used solely for retail or commercial uses. Owner will be required to maintain retail or commercial uses for a minimum of 10 years after completion of all improvements to the property.
- New construction is eligible if all other program requirements are met.

- Only owners of properties may apply under the program. Owners may make an application for more than one property.
- The property must be in area identified on the Corridor Map.
- Facades visible from the public right of way must be in improved condition and comply with all applicable Laws. City funding under this program may not be used to improve facades, unless specifically approved by the City Council. Facades must be in a condition that does not detract from or change the architectural character of the building. When feasible, the original design of the facade should be restored so that it is contextually appropriate with the age and character of the building. Applicants may also participate in the City's Façade/Alley improvement program, if eligible funding exists.
- The property must comply with all applicable Laws on the completion of the rehabilitation. The City will inspect the property to ensure compliance. The City will evaluate on a case-by-case basis an application for rehabilitating only a portion of the building as part of the submitted project. The use of green construction methods and energy efficient design is encouraged.
- The property must be in compliance with applicable City zoning regulations.
- The City has the right to inspect the property annually for a period of ten (10) years after completion to confirm appropriate uses and the building complies with all applicable Laws.

### **Rehabilitation Process**

- Certified architectural drawings must be provided to the Building/Planning Department as part of the application process. When applicable, the Project should submit for Site Plan Review to ensure compliance with city standards (per municipal code).
- All applicable state and local permits must be acquired, and associated documentation must be supplied to the Building/Planning Department.
- Funding is provided on a reimbursement basis, contingent upon receipt of required documentation. Progress draws are allowed once a month for no less than 10% of the total amount of the program loan. A 10% retainage on all draws will be paid at the completion of the Project after the project receives an unconditional Certificate of Occupancy.
- All work must be completed by contractors licensed by the State of California. Contractors and subcontractors must also hold a City of Kingsburg business license and be in good standing under such license prior to the commencement of work.

### **Funding Terms/Scope of Work**

- The City will fund up to 50% of the total cost to finance City approved improvements based on funding availability (not to exceed \$75,000) for eligible expenses).
- Loans will be documented as follows:
  - The Loan will be evidenced by a secured promissory note (“**Promissory Note**”) and a first deed of trust (“**Deed of Trust**”) prepared by the City. If the Deed of Trust will not be

a first Deed of Trust recorded against title to the property, eligibility to participate in the program will be determined by the City on a case-by-case basis.

- Annual Promissory Note payments will be forgiven so long as the property owner complies with all provisions of the Development Agreement, Promissory Note and Deed of Trust and the property continues to be used solely for retail/commercial uses for a period of ten (10) years.
  - The loan to value ratio for all debt secured by the property on the date of recordation of the Deed of Trust shall be no greater than 80%, which must be supported by an appraisal approved by the City prior to funding. If a loan to value ratio greater than 80% is proposed, outside collateral sufficient to provide 80% loan to value ratio will be required. Personal guarantees may be required for additional collateral and will be evaluated on a case-by-case basis
  - Proposed improvement costs will be evaluated based upon submitted quotes for work, as well as City staff estimates and comparisons to construction costs of similar projects.
  - The applicant and applicant's construction and development team must have capacity to complete the project as demonstrated by past projects.
  - A title company is selected by the City shall issue a lender's policy of title insurance to the City insuring the Deed of Trust as a first Deed of Trust recorded against title to the Property (or a junior lien approved by the City). The applicant shall pay all escrow fees, cost of the lender's policy of title insurance, recording fees and associated fees and costs.
- Non-compliance with program requirements includes but is not limited to, failing to comply with all applicable Laws, including, without limitation, City property maintenance requirements, failing to timely pay all real property taxes and assessments; default under any lien, encumbrance or deed of trust recorded against title to the property; failing to complete the project within the timeline approved by the City and failure to maintain the space for commercial purposes.
  - The City and the property owner will execute a development agreement ("**Development Agreement**") that will outline the requirements and conditions of program performance, including timelines and scope of work. A property owner's breach of any provision of the Development Agreement shall constitute a breach under the Promissory Note and Deed of Trust.
  - The City will inspect the property and identify all Law violations. All violations must be corrected new development or Rehab specifications and plans will be reviewed and approved by the City. All work must be performed in accordance with all applicable Laws.
  - The Promissory Note and Deed of Trust will contain a due on sale provision requiring the payment of the remaining principal balance of the Promissory Note if the property is sold prior to the expiration of the ten (10) year term of the Promissory Note. However, the City will consider waiving enforcement of the due on sale provision and transferring the loan to a new owner if the prospective new owner and the property after sale, satisfies the program requirements outlined in this document. Any request by the property owner for the City's waiver of the due on sale provision must be made in writing and delivered to the City at least forty-five (45) days prior to

close of escrow along with a copy of any Purchase Agreement, Escrow Instructions and related documents and any other documents requested by the City. The new owner must agree to allow the City to continue inspections throughout the entire ten (10) year term of the Promissory Note, and must execute a Program Assumption Agreement in a form acceptable to the City, specially assuming all obligations of the prior owner of the property under this Program, the Development Agreement, the Promissory Note and the Deed of Trust.

### **Eligibility**

- All property owners in the designated area on the Corridor Map are eligible to apply. A conflict of interest may exist if an applicant or the applicant's immediate family is an employee, agent, consultant, officer or elected or appointed official to the City of Kingsburg, or if the applicant is an entity and its owners, shareholders, members or partners are any of the above-identified persons:
- If a conflict of interest exists, as determined by the City, the applicant must identify the potential conflict and, if applicable, recuse themselves from any vote or consideration of a proposed loan application.

## SCORING CRITERIA

City funds as percentage of total improvement costs	50%	1
	>25% to 49.9%	2
	25% or less	3
Scale of renovation	Improvements will benefit a building that has 80-100% occupancy/lease but promotes new potential diversified commercial uses.	1
	Improvements will benefit a building that has 50%-80% currently leased/occupied commercial tenants.	2
	Improvements will benefit a building that has less than 50% currently leased/occupied commercial tenants.	3
Contributing building	The façade of the building needs restoration but will not be restored as part of the project	0
	The building façade is currently being restored or will be restored as part of the overall improvements.	2
Conversion	After renovation, non-intensive commercial activity, i.e. storage space, will remain inactive on the retail level	0
	Loan funds will be used to finance improvements related to the conversion to active commercial space.	2
Proposed Use	Improvements will upgrade existing commercial use of office/professional occupancy	1
	Improvements will upgrade existing commercial use of retail/restaurant occupancy	2
	Improvements will upgrade <i>convert</i> existing commercial use to retail/restaurant occupancy	3
Quality of Life Components	Project does not include any quality of life components.	0
	Project incorporates shared space or outdoor use (outdoor dining, etc.) that promotes activity.	2
Life Safety Improvements	Loan request is not for life safety related improvements.	0
	Loan request is for life safety related improvements.	2

**APPENDIX “A”**  
**PROGRAM UNDERWRITING GUIDELINES**

Feasibility Analysis:

Project Viability

- Documentation of sufficient funding, including City funds, to cover all costs identified in the project’s sources and uses form
- Information on past projects of similar scope to demonstrate applicant has ability to complete the project

Project Readiness

- Other funds are committed or will be committed within a reasonable period after application for rehab funds.
- Site control
  - Fee simple title at time of application and all times thereafter.
  - If not owned, must have enforceable right or option to purchase at time of application.
- Financial Analysis
  - Development Feasibility
    - Project development costs as provided by applicant reviewed by City staff to determine if reasonably based on similar projects and City staff estimates of cost
  - Operational Feasibility
    - Project cash flow from operations or renovations of the building
    - Project must show positive retail/commercial net cash flow for a period of 10 years operating costs must be reasonable
  - Underwriting - Project falls within the underwriting criteria established by the City in this Appendix “A” as amended from time to time

**SUMMARY OF FEASIBILITY GUIDELINES**

## DEVELOPMENT

Criteria	Ranges-Limits
Maximum City Assistance	Up to 50% of total development cost. Maximum total loan is \$75,000.
Collateral Requirements	Loan to value ratio no more than 80% If greater than 80% outside collateral to provide 80% loan to value ratio may be required
Construction Hard Costs	Minimum 75%
Developer fee (percent of Total Development Cost, not including developer fee)	Maximum 15%

# 2019 Code Enforcement Report for Council



**City of Kingsburg**  
February 5, 2020

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## Executive Summary

With the 547 single family homes and sixteen new apartments constructed or proposed for construction, the City of Kingsburg is experiencing a lot of new growth and expansion. As the community embraces this growth, there is still a need to remain strong in the values that make Kingsburg a safe and inviting place to live. A community supported code enforcement program helps to maintain a sense of order, protect property values, safeguard the environment, and promote a positive image of Kingsburg. The residents and employees of the City of Kingsburg pride themselves on living and working in a safe, clean, and healthy community. I am proud to have been given the opportunity to move the program forward in a positive direction.



**Edward Jakubowski**  
Building Official and  
Code Enforcement Officer

I have spent seventeen years in an enforcement capacity, serving the last seven years as a Building Inspector and Code Enforcement Officer in the County of Tulare. I revitalized the Vehicle Abatement program in Tulare County and plan to strengthen and enforce the vehicle abatement ordinance in the City of Kingsburg. As an experienced Code Enforcement Officer, I prefer to communicate in person and directly with people to resolve matters. I will be knocking on doors to contact and talk with the citizens of Kingsburg directly. I look forward to introducing myself to the wonderful community that I am serving. I believe that compliance with the Municipal Code is more readily met when the reason and background for the law is explained and understood. Additionally, I will be providing citizens with a reasonable and concise path for compliance. The true goal of every Code Enforcement program is compliance. The Code Enforcement program in Kingsburg will strive toward early and voluntary compliance through education and communication with the owners of residential, commercial, and industrial properties.

Respectfully,

Edward Jakubowski  
Building Official and Code Enforcement Officer

## Organizational Structures

### City Hall

Alexander Henderson  
City Manager

Edward Jakubowski  
Building Official/Code Enforcement  
Officer

Christina Windover  
Administrative Services Director

Adam Castaneda  
Community Services Director

Mary Colby  
Building and Planning Secretary

Management  
Intern

Michael Noland  
City Attorney

### Public Works

Darren Hays  
Public Works Director

Jim Crofoot  
Water Operator III

Management  
Intern

## Fire Department

**Daniel Perkins**

Chief

**Wayne Osborne**

Captain

## Police Department

**Neil Dadian**

Chief

**Alfredo Fuentes**

Police Officer

# Responsibilities

## City Hall

City Hall is responsible for tracking and resolving the following Code Enforcement Violations:

- Abandoned Vehicles on Private Property<sup>1</sup>
- Overgrown Lawn/Weed Abatement
- Dangerous/Hazardous Building
- Water Usage Violation
- Marijuana Violation
- Uniform Business Code Violation
- Animal Violation
- Trash/Weeds in Alley
- Alley Tree/Bush Trimming
- Vehicle Parked on Lawn
- Yard Sales (more than 2 per year)
- Illegal Signage
- Other City Defined Violation



1465 California St. 7/08/2019



1465 California St. 8/18/2019

## Public Works

Public Works is responsible for tracking and resolving the following Code Enforcement Violations:

- Alley Maintenance
- City Trees – Landscaping
- Downtown Maintenance
- Park Maintenance
- Dead Animal Pickup
- Storm Drains
- Street Light Repair
- Street/Alley Maintenance and Repair
- Water Violations

<sup>1</sup> Program under review

## **Fire Department**

The Fire Department is responsible for tracking and resolving the following Code Enforcement Violations:

- Dry Grass, Weeds, and/or Other Fire Hazards

## **Police Department**

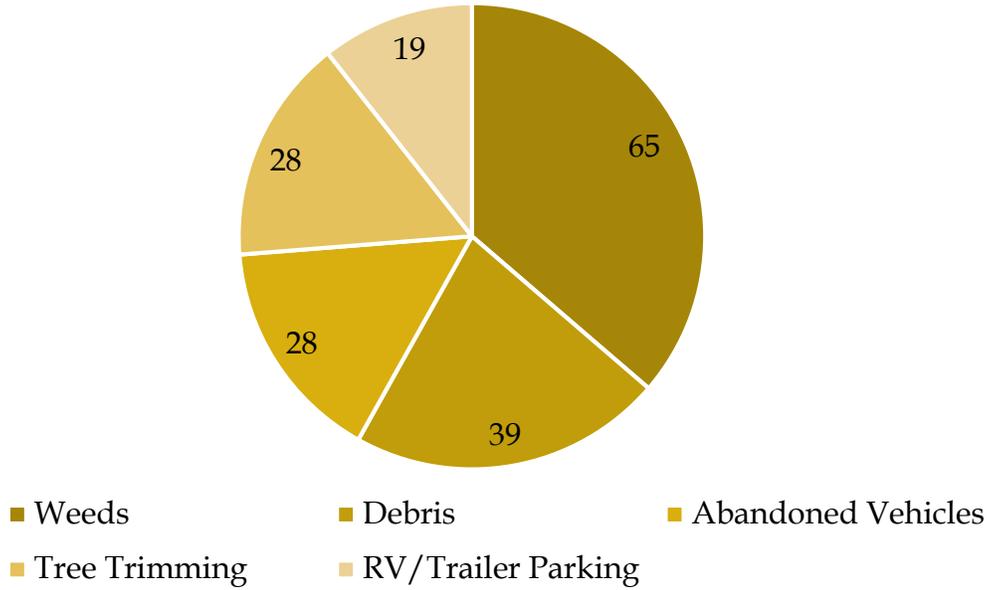
The Police Department is responsible for tracking and resolving the following Code Enforcement Violations:

- Abandoned Vehicles on Streets
- Parking Violations

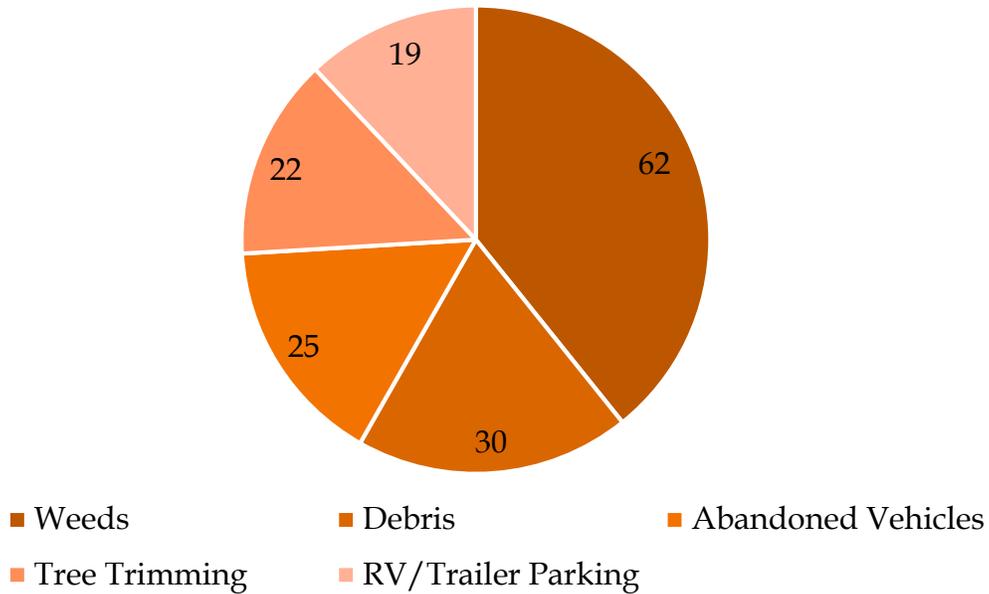
These are the violations that are available for citizens to request using the Request Tracker system on the website. Staff utilizes this system as well, in addition to software that integrates with departmental systems.

# Most Common Requests

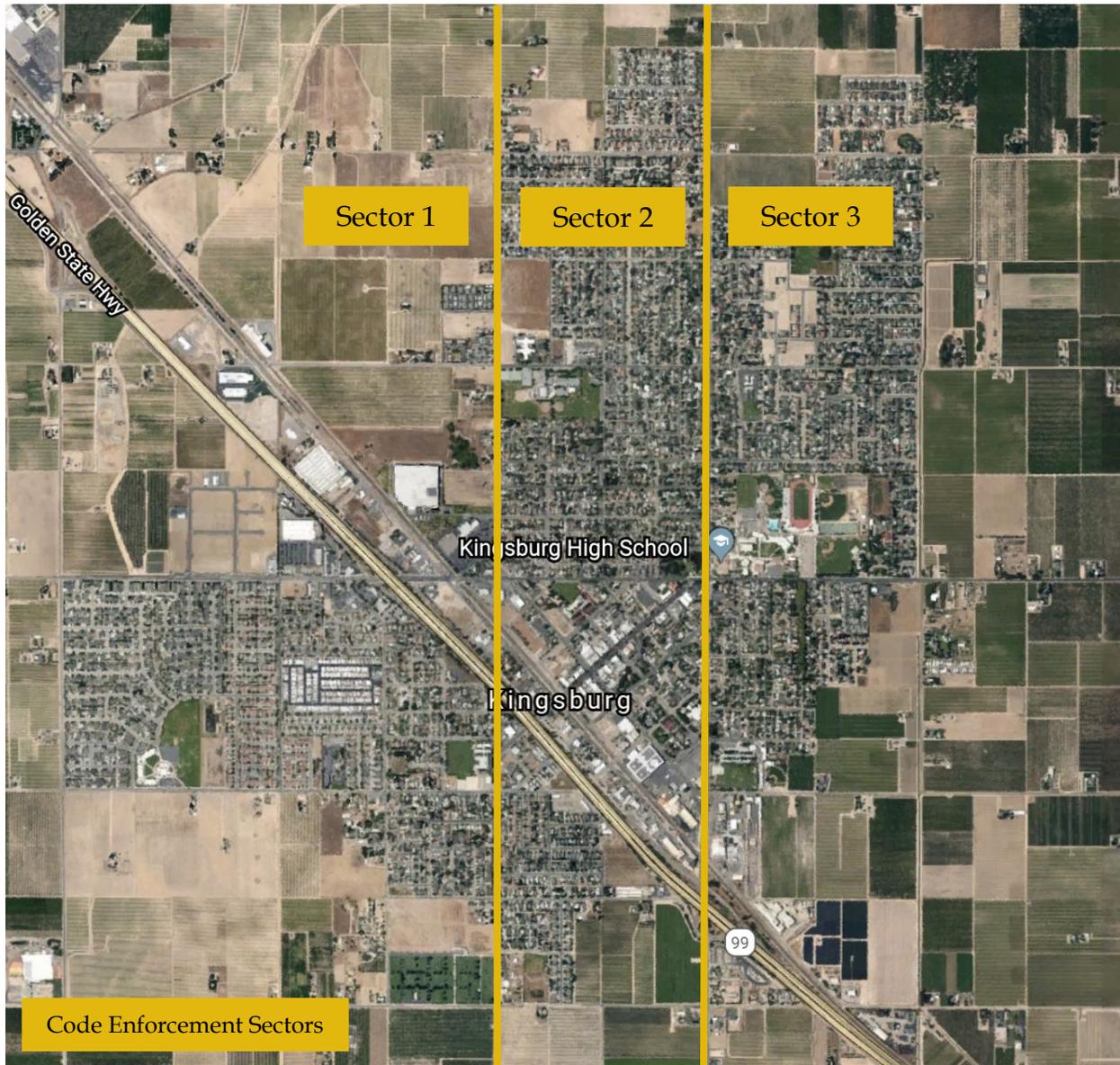
### 2019 Most Common Requests



### 2019 Most Common Requests - Closed



## Sectors



For the purpose of code enforcement activity, the City of Kingsburg will be divided into three efficient and logical sectors. These sectors will enable the Code Enforcement Officer or their designee to provide prompt and equitable enforcement coverage. Follow up inspections will be scheduled at known intervals, which will ensure the prompt noticing of violations and departmental compliance with due process timelines. This will also enable office personnel to provide answers to citizens as to when they can expect a response from Code Enforcement personnel. Additionally, we will be able plot statistics such as case type, frequency of offense, and time of compliance by sector. The sectoring of the city and allotting time for code enforcement activities will also encourage Code Enforcement personnel to work in a proactive manner. The City of Kingsburg will be divided into sectors as follows:

**Sector 1:** All properties west of the center of 10<sup>th</sup> Avenue.

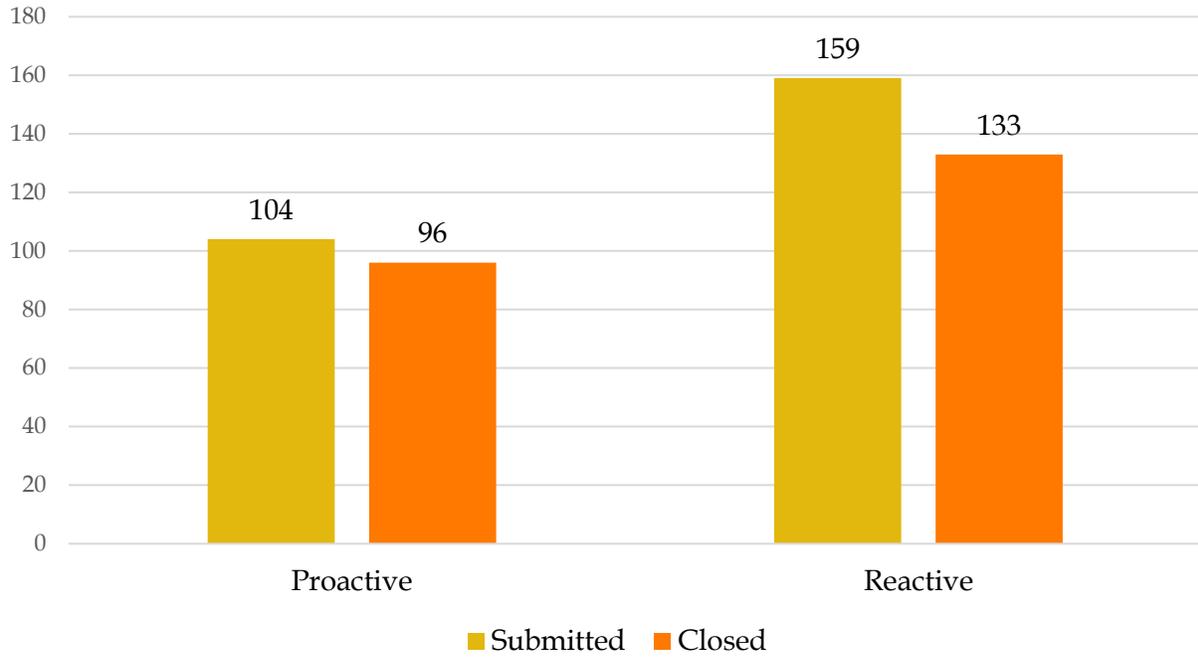
**Sector 2:** All properties east of the center of 10<sup>th</sup> Avenue and west of the center of 18<sup>th</sup> Avenue.

**Sector 3:** All properties east of the center of 18<sup>th</sup> Avenue.

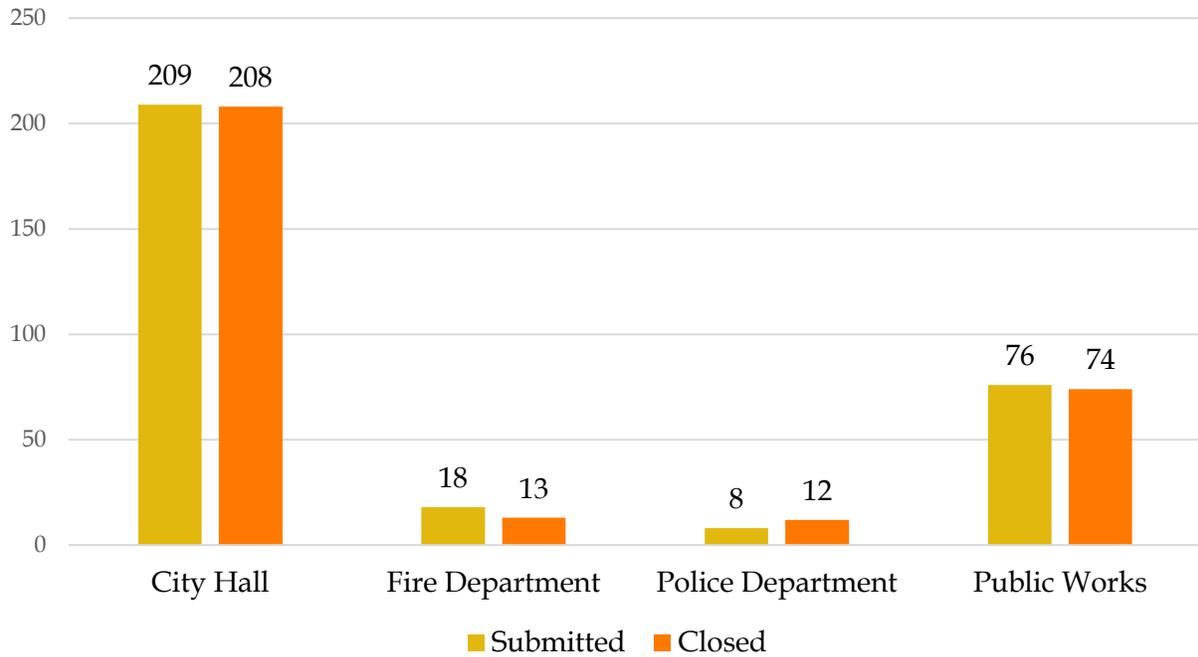
The code enforcement days for the sectors will be Tuesday, Wednesday, and Thursday, respectively, with Monday and Friday serving as overflow days.

# Performance Measures

### Proactive vs. Reactive Requests - 2019

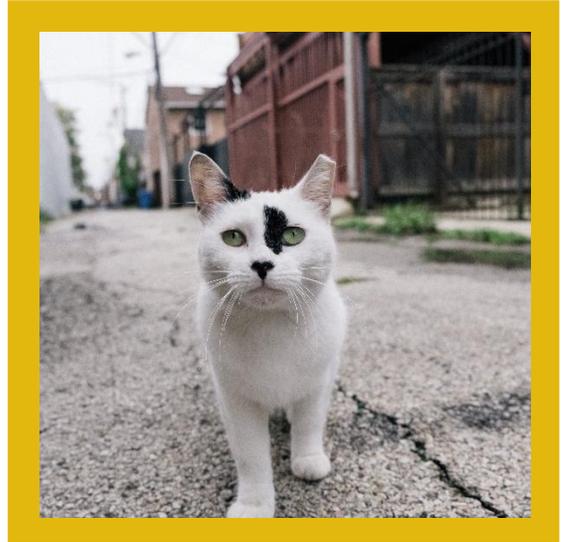


### Request Tracker Statistics - 2019



## Trap, Neuter, and Release

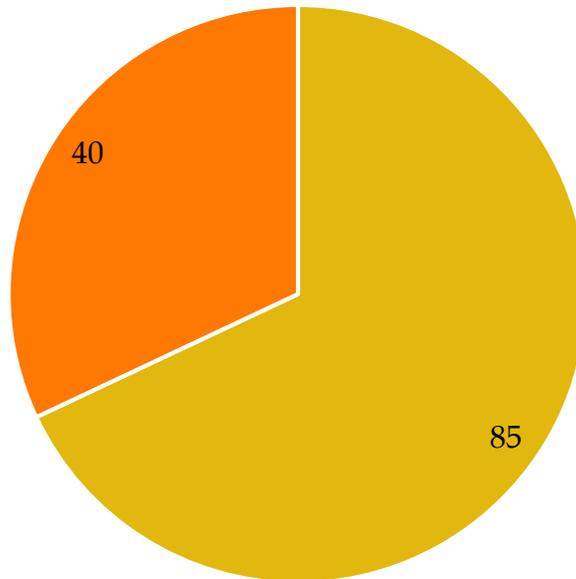
The Trap, Neuter, and Release (TNR) program allows City employees and volunteers to trap stray cats and deliver them to a participating veterinary hospital where they can be spayed or neutered and vaccinated. After the animals are spayed or neutered and vaccinated, they have their ears docked and are released back into their habitat.



This program is funded by an anonymous donation and is run by Adam Castaneda, the Community Services Director. Jim Crofoot, Water Operator III, and Todd Walters, Maintenance Worker I, also assist with the program. The City would also like to thank Brian & Sarah Chambless, Debbie Coons, and Kaitlyn Castaneda for volunteering their time to the program.

The City partners with K-9 Solutions, the Fresno Humane Society, and the Kingsburg Feed Station to make the TNR program possible.

### Trap, Neuter, and Release



■ Fiscal Year 2018    ■ Fiscal Year 2019 to date

## Second Chance

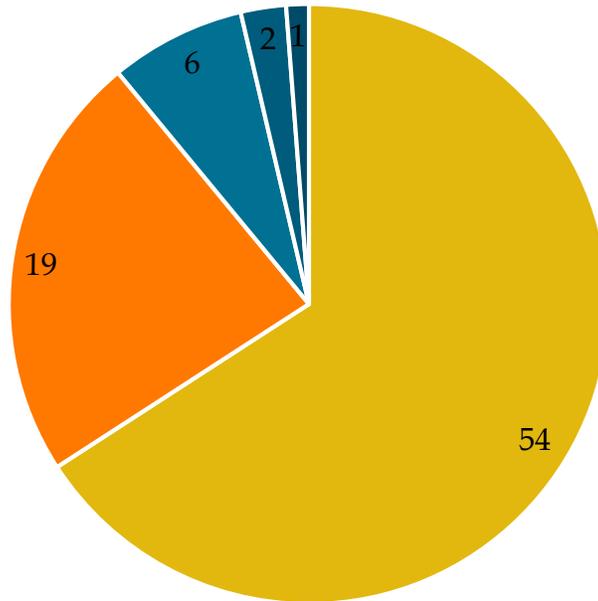
In 2018 the City began contracting with Second Chance Animal Shelter to transport stray dogs and cats found in Kingsburg. Second Chance transported 102 animals from Kingsburg in 2019.



**Loona**

An adoptable dog at Second Chance Animal Shelter

### Outcomes of Animals Transported to Second Chance Animal Shelter - 2019 Calendar Year



■ Transferred Out ■ Returned to Owner ■ Euthanized ■ Adopted ■ Missing

19 of the animals were reunited with their owners. 6 of the animals were euthanized due to aggression or illness. 2 of the strays found were adopted, and 1 escaped during transport. The remaining 54 animals were transferred out of Second Chance Animal Shelter to other rescue organizations and SCAS partners.



**Meeting Date:** 02/05/2020  
**Agenda Item:** 5.5

**CITY COUNCIL MEETING STAFF REPORT**

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**REPORT TO:** Mayor Roman & Council Members  
**REPORT FROM:** Alexander J. Henderson, City Manager; ICMA-CM      **REVIEWED BY:** AP  
**AGENDA ITEM:** Measure E Update

**ACTION REQUESTED:**  Ordinance  Resolution  Motion  Receive/File

---

**EXECUTIVE SUMMARY**

From 2016-2018, the Kingsburg City Council considered a proposal that would fund enhanced public safety operations through a voter approved tax measure. Before proceeding, they asked for citizen input to determine if the measure was supported by the community and what the most important resources residents would like to see added. After considering public input, City Council voted unanimously to place Measure E on the June 5, 2018 ballot in order to provide a measured and stable revenue source to fund additional public safety personnel and equipment. The sales tax measure was approved by 71% of voters. The 1 percent sales tax increase began on October 1, 2018.

Sales tax is collected on a quarterly basis. However, the city receives funding in arrears because tax dollars are first sent the California Dept. of Tax and Fee Administration (CDTFA). The CDTFA then apportions the local amount to respective jurisdictions. While the city receives some 'advances' monthly, it receives a final 'true-up' payment roughly 3 months after a quarter has closed.

The city's 1% public safety tax has been in effect for a little over a year, and we now have actual data to help provide insight on revenues, which will help plan for future year spending proposals.

**Year 1 Highlights:**

In the 2018-2019 fiscal year, \$1,114,000 was collected (9 months). This compares with an initial projection of \$940,000.

Some highlights include:

**Kingsburg Police**

- Three new police officers
- Seven new patrol vehicles
- In-vehicle tablets
- Tasers and rifles
- Increased training

**Fire Department**

- Three new FF/Medics
- Funding for reserves to run a second ambulance during peak hours.
- New fire engine
- Staff radios
- SCBA filling station
- Personal protective equipment.

The projected revenue for the 2019-2020 fiscal year is \$1,548,000. All of the expenditures from Measure E funds

are overseen by the Oversight Committee and the final budget is approved by City Council.

It's important to note that the Measure E sales and use tax collects different amounts than the general Bradley-Burns 1% tax (car sales, Amazon, etc.). The top 25 sales tax generators have been included in the presentation.

**RECOMMENDED ACTION BY CITY COUNCIL**

1. *Informational only.*

**POLICY ALTERNATIVE(S)**

1. N/A

**STRATEGIC INITIATIVE**

1. Ensure Financial Stability

**FINANCIAL INFORMATION**

**FISCAL IMPACT:**

- |                              |                 |
|------------------------------|-----------------|
| 1. Is There A Fiscal Impact? | <u>Yes</u>      |
| 2. Is it Currently Budgeted? | <u>Yes</u>      |
| 3. If Budgeted, Which Line?  | <u>106 Fund</u> |

**PRIOR ACTION/REVIEW**

City Council voted unanimously to place Measure E on the June 5, 2018 ballot in order to provide a measured and stable revenue source to fund additional public safety personnel and equipment. The sales tax measure was approved by 71% of voters. The 1 percent sales tax increase began on October 1, 2018.

**BACKGROUND INFORMATION**

See Executive Summary.

**ATTACHED INFORMATION**

1. Measure E – Year 1 Summary Presentation

**MEASURE E -  
FIRST YEAR SUMMARY**

**PUBLIC SAFETY 1% SALES TAX**

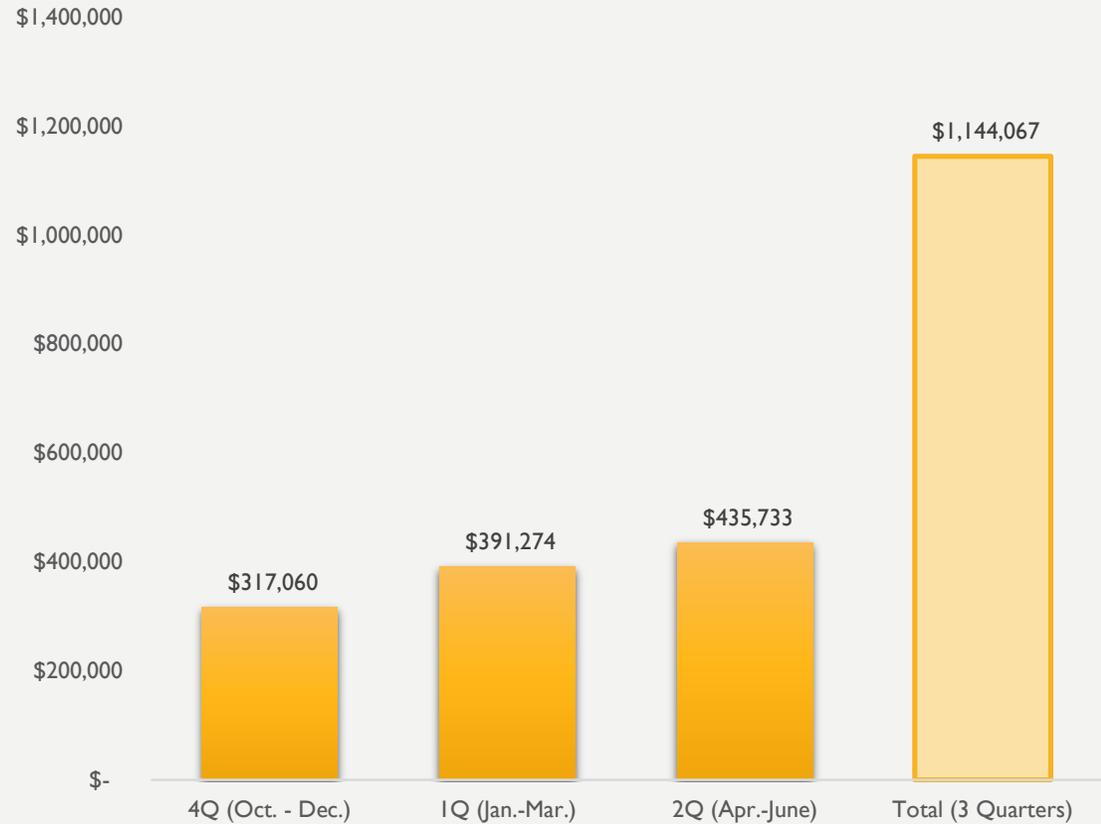
# MEASURE E – HOW WE GOT HERE

- Council considers several proposals and input to determine community support.
- Votes to put Measure E on the June 5, 2018 ballot; Approval required 66.6% 'Yes' votes
- Measure passes with 71% approval
- 1% sales tax goes into effect October 1, 2018
- After approval, council passes resolution to form Measure E Oversight Committee
- Oversight Committee ensures all expenditures follow the ballot initiative that monies can only be spent on public safety items
- Council has final approval of expenditures as part of the budget approval process.

# REVENUE COLLECTION - (MEASURE E)

## Revenues

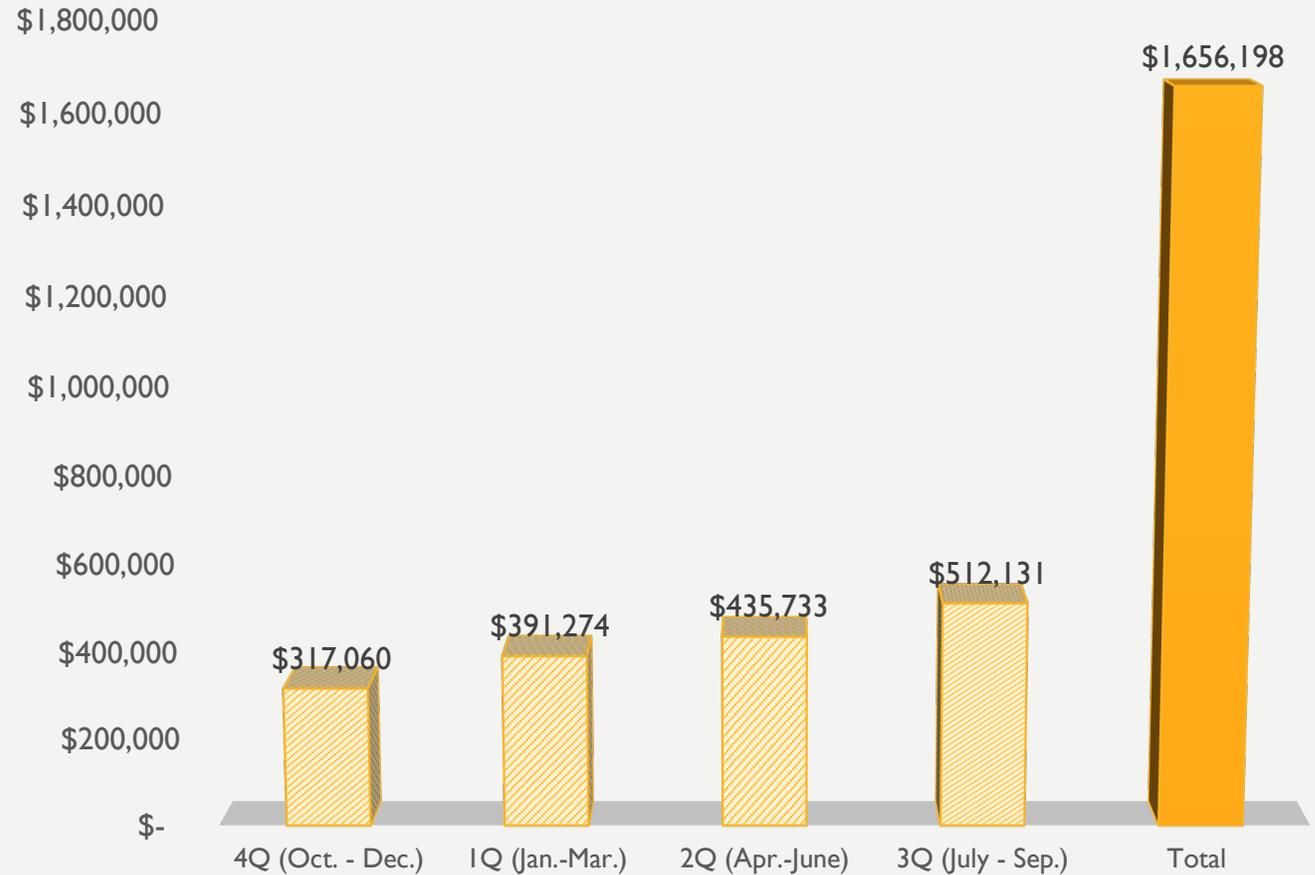
- Began collecting 1% tax on October 1, 2018
- 2018-2019: \$1,144,000 collected
- 3 Quarters
- Original estimate was ~\$940,000



# REVENUE COLLECTION - (MEASURE E)

## Revenues (full 4 Quarters)

- 2018-2019: \$1,144,000 collected
- 2019-2020
  - 3<sup>rd</sup> Quarter: \$512,131
- Full Year (spread over two fiscal years): \$1,656,198

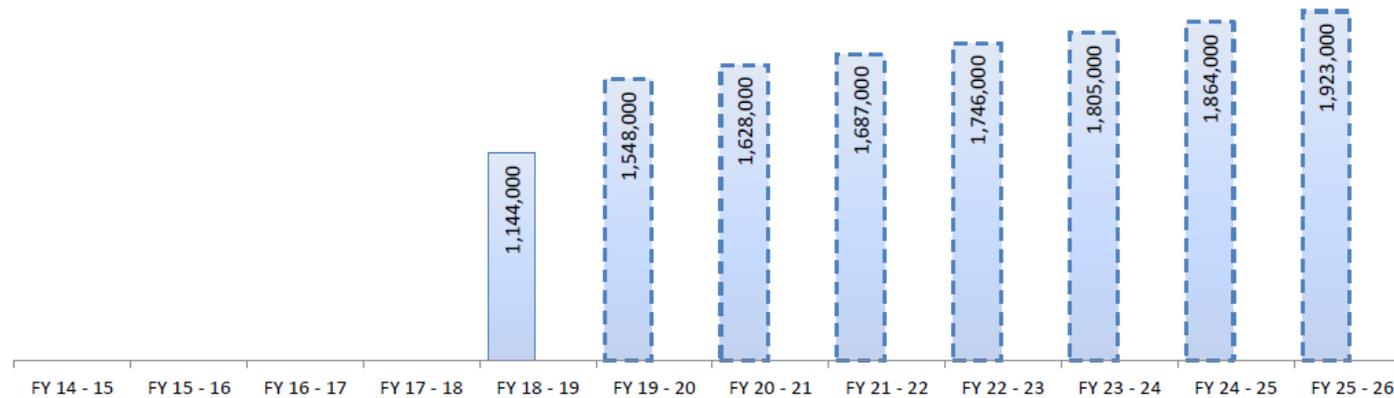


# PROJECTED REVENUES- (MEASURE E)

## Kingsburg T&UT 1% Sales & Use Tax Forecast Summary

Accrual through August Clean-up

Voter Approved	FY 18 - 19	FY 19 - 20	FY 20 - 21	FY 21 - 22	FY 22 - 23	FY 23 - 24	FY 24 - 25	FY 25 - 26
Cash Projection	1,144,000	1,548,000	1,628,000	1,687,000	1,746,000	1,805,000	1,864,000	1,923,000
Percent Change		35.3%	5.2%	3.6%	3.5%	3.4%	3.3%	3.2%
	0	CDTFA "Extra June Advance" Received Aug '18 for unprocessed 2018Q1 sales tax returns						
<b>Final Cash Projection</b>	<b>1,144,000</b>	<b>1,548,000</b>	<b>1,628,000</b>	<b>1,687,000</b>	<b>1,746,000</b>	<b>1,805,000</b>	<b>1,864,000</b>	<b>1,923,000</b>
		<b>35.3%</b>	<b>5.2%</b>	<b>3.6%</b>	<b>3.5%</b>	<b>3.4%</b>	<b>3.3%</b>	<b>3.2%</b>
	0	Balance of Estimated 2018Q1 & 2018Q2 unprocessed sales tax returns						
Normalized	FY 18 - 19	FY 19 - 20	FY 20 - 21	FY 21 - 22	FY 22 - 23	FY 23 - 24	FY 24 - 25	FY 25 - 26
for Missing Payments	1,144,000	1,548,000	1,628,000	1,687,000	1,746,000	1,805,000	1,864,000	1,923,000
		35.3%	5.2%	3.6%	3.5%	3.4%	3.3%	3.2%



# REVENUE COLLECTION – TOP 25 SALES TAX GENERATORS (1% LOCAL)

- ACE HARDWARE
- ARCO AM/PM MINI MARTS
- BOBST GROUP NORTH AMERICA
- CARL'S JR. RESTAURANTS
- CHEVRON SERVICE STATIONS
- CVS/PHARMACY
- DENNY'S RESTAURANTS
- DESIGN MACHINE & MANUFACTURING
- DOLLAR TREE STORES
- FAMILY DOLLAR STORES
- KINGSBURG LIQUOR & FOOD
- MCDONALD'S RESTAURANTS
- NAPA AUTO PARTS
- PCA CENTRAL CALIFORNIA CORRUGATED
- PUNJAB TRUCK & TRAILER REPAIR
- SAVE MART SUPERMARKETS
- SHELL SERVICE STATIONS
- SILVAS OIL COMPANY
- SUN-MAID GROWERS OF CALIFORNIA
- TACO BELL
- UNION 76 SERVICE STATIONS
- VALERO SERVICE STATIONS
- VILLAGE TIRE SALES
- WALGREEN'S DRUG STORES
- WILLIAM OSCAR MAJORS

# REVENUE COLLECTION – TOP 25 SALES TAX GENERATORS (MEASURE E)

- ACE HARDWARE
- AMAZON.COM
- ARCO AM/PM MINI MARTS
- BOBST GROUP NORTH AMERICA
- CARL'S JR. RESTAURANTS
- CHEVRON SERVICE STATIONS
- CVS/PHARMACY
- DENNY'S RESTAURANTS
- DEPT OF MOTOR VEHICLES ALLOCATION ACCOUNT FOR BOE
- DOLLAR TREE STORES
- FAMILY DOLLAR STORES
- KINGSBURG LIQUOR & FOOD
- MCDONALD'S RESTAURANTS
- NAPA AUTO PARTS
- PCA CENTRAL CALIFORNIA CORRUGATED
- PUNJAB TRUCK WASH & REPAIR
- SAVE MART SUPERMARKETS
- SELMA HONDA
- SHELL SERVICE STATIONS
- SUN-MAID GROWERS OF CALIFORNIA
- TOYOTA OF SELMA
- UNION 76 SERVICE STATIONS
- VALERO SERVICE STATIONS
- VILLAGE TIRE SALES
- WALGREEN'S DRUG STORES

# EXPENDITURES- POLICE DEPARTMENT (MEASURE E)

- **To-Date Highlights**

- 3 new employees; includes hiring and benefit costs
- 7 new KPD Patrol Vehicles & upfitting costs
- Rifles, Shotgun Replacements
- Toughbooks/Docking stations for Patrol Squads
- Revamping of Training Room (new audio/visual equipment)
- Ballistic Helmets/Face shields
- Interview Room AV recorder
- Training for officers (Patrol and Raid Planning)



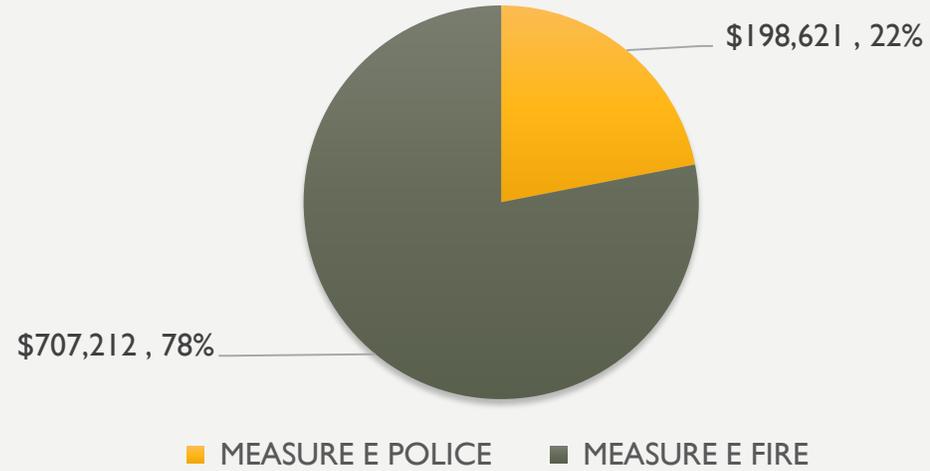
# EXPENDITURES- FIRE DEPARTMENT (MEASURE E)

- **To-Date Highlights**

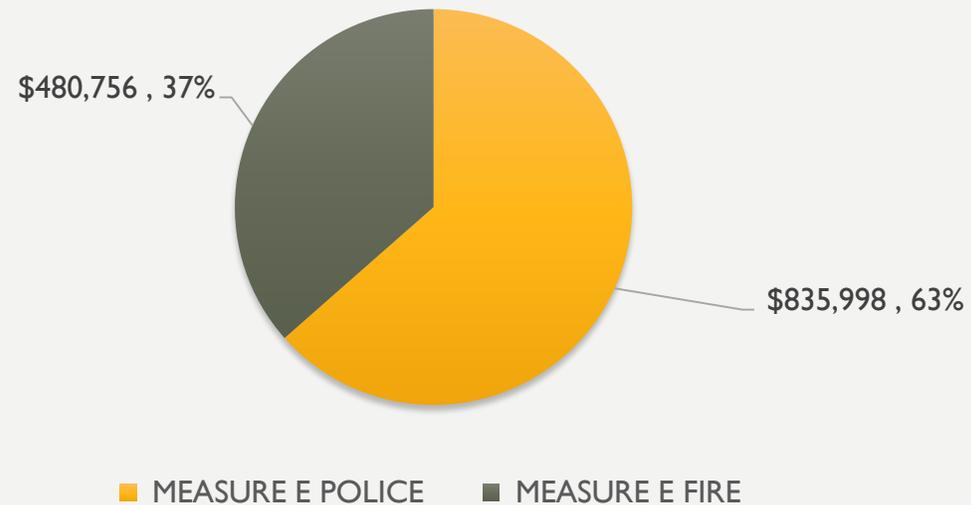
- 3 new employees to get to 4-0 shifts; includes hiring and benefit costs
- Funding of part-time reserves for KFD to run second ambulance during peak hours
- New KFD Engine 141; Equipment for Engine
- Replace line staff radios (13)
- Purchase New SCBA Filling Station
- New Personal Protective Equipment (PPE)
- Training room and Station #2 Repairs



## Percentage Spent Per Department FY2019



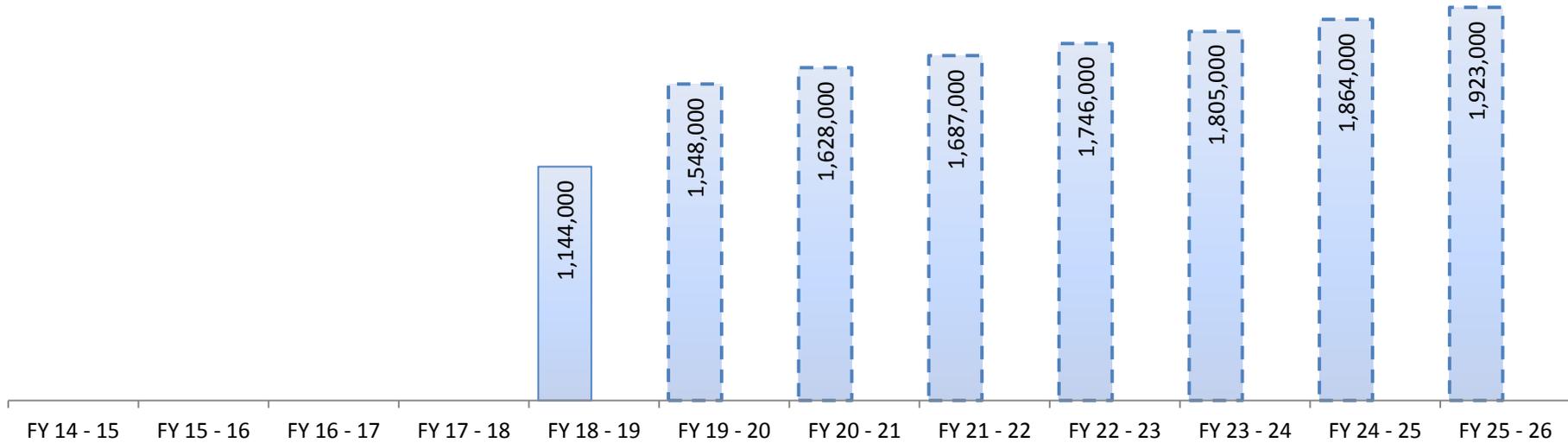
## Percentage Spent Per Department FY2020



# Kingsburg T&UT 1% Sales & Use Tax Forecast Summary

Accrual through August Clean-up

Voter Approved	FY 18 - 19	FY 19 - 20	FY 20 - 21	FY 21 - 22	FY 22 - 23	FY 23 - 24	FY 24 - 25	FY 25 - 26
Cash Projection	1,144,000	1,548,000	1,628,000	1,687,000	1,746,000	1,805,000	1,864,000	1,923,000
Percent Change		35.3%	5.2%	3.6%	3.5%	3.4%	3.3%	3.2%
	0	CDTFA "Extra June Advance" Received Aug '18 for unprocessed 2018Q1 sales tax returns						
<b>Final Cash Projection</b>	<b>1,144,000</b>	<b>1,548,000</b>	<b>1,628,000</b>	<b>1,687,000</b>	<b>1,746,000</b>	<b>1,805,000</b>	<b>1,864,000</b>	<b>1,923,000</b>
		<b>35.3%</b>	<b>5.2%</b>	<b>3.6%</b>	<b>3.5%</b>	<b>3.4%</b>	<b>3.3%</b>	<b>3.2%</b>
	0	Balance of Estimated 2018Q1 & 2018Q2 unprocessed sales tax returns						
Normalized	FY 18 - 19	FY 19 - 20	FY 20 - 21	FY 21 - 22	FY 22 - 23	FY 23 - 24	FY 24 - 25	FY 25 - 26
for Missing Payments	1,144,000	1,548,000	1,628,000	1,687,000	1,746,000	1,805,000	1,864,000	1,923,000
		35.3%	5.2%	3.6%	3.5%	3.4%	3.3%	3.2%





# KINGSBURG JOINT UNION HIGH SCHOOL DISTRICT

1900 18<sup>th</sup> Avenue • Kingsburg, California 93631 • (559) 897-7721 • FAX (559) 897-7759

**Don Shoemaker, Superintendent**

Board of Trustees: Rick Jackson, Brent Lunde, Steve Nagle, Mike Serpa, Johnie Thomsen

**RE: Measure E, on the March 3, 2020 ballot, for the Kingsburg Union High School District**

The Kingsburg Union High School District has been providing dedicated and excellent educational services to local students since the beginning of the District over 100 years ago. Currently, the District educates an estimated 1,100 students at our high school. It is through the hard work and dedication of teachers and staff that directly contribute to the education and success of our children.

Although facilities have been recently updated and well maintained over the years, improvements must continue to meet 21<sup>st</sup> century education standards and regulations. Faced with outdated facilities and the need to modernize technology, the District and Board of Trustees unanimously decided to place Measure E, a school improvement general obligation (G.O.) bond measure, on the March 3, 2020 ballot to improve outdated school.

Over the last several months with input from staff, teachers, parents, community leaders, and an architect, the District has prepared a School Facilities Needs Analysis. The Needs Analysis identifies the major repairs and upgrades that need to be made. Specific types of projects identified include:

- Repairing or replacing leaky roofs
- Modernizing outdated classrooms, restrooms and school facilities
- Improving student access to computers and modern technology
- Making health, safety and handicapped accessibility improvements
- Improving energy-efficiency by installing solar panels

The attached Frequently Asked Questions (FAQ) handout is provided to assist parents, guardians, and voters in understanding the facts behind Measure E and how its passage will affect the District, our children and the community. This letter and attached FAQ handout are provided for your information.

Sincerely,

Don Shoemaker  
*District Superintendent*

Johnie Thomsen  
*President Board of Trustees*

## Kingsburg Joint Union High School District

### Frequently Asked Questions Handout – Measure E

Although it appears that our high school is in good shape based on achievements by our students, our classrooms need significant repairs. Faced with aging classrooms and the need to bring school facilities up to current standards, the Kingsburg Joint Union High School District placed Measure E, a tax rate extension general obligation bond measure, on the March 2020 ballot that will modernize and renovate our aging high school facilities.

The following information is provided to assist voters in understanding the facts behind Measure E and how its passage will affect the District and our community.

#### **What is Measure E?**

Measure E is a \$17.0 million general obligation (G.O.) bond program. This measure is intended to address the needs of the student population through modernization and renovation projects at Kingsburg High School.

#### **What will Measure E cost?**

Measure E will *not* increase the current annual tax rate. Instead, it will extend the estimated tax rate that property owners are currently paying.

#### **What is a General Obligation (G.O.) bond?**

G.O. bonds fund projects such as the renovation of existing classrooms and school facilities, as well as construction of new schools and classrooms. Similar to a home loan, G.O. bonds are typically repaid over 25 to 30 years. The loan repayment comes from a tax on all taxable property - residential, commercial, agricultural and industrial - located within the District's boundaries.

#### **Why did the District place Measure E on the ballot?**

Kingsburg High School is outdated, and upgrades and renovations need to be made. While facilities have been well maintained, old classrooms must be upgraded since many do not meet 21st century education and technology standards. A local school improvement measure would allow the District to improve the quality of the school facilities and education provided to local students.