



REVISED

CITY COUNCIL REGULAR MEETING AGENDA

Wednesday, September 11, 2024 at 6:00 PM
Kerman City Hall, 850 S. Madera Avenue, Kerman, CA 93630

LEVINE ACT DISCLOSURE. Pursuant to the Levine Act (Govt Code Section 84308), any party to a permit, license, contract, or other entitlement before the City Council is required to disclose on the record any campaign contribution, including aggregated contributions, of more than \$250 made by the party or the party's agents within the preceding 12 months to any City official. Participants and agents are requested to make this disclosure as well. The disclosure should be made when the agenda item is called and must include the name of the party, participant, or agent, and any other person making the contribution, the name of the recipient, the amount of the contribution, and the date the contribution was made. Council Members are also required to make such disclosures and recuse themselves.

CONFLICT OF INTEREST. City Council Members with a conflict of interest under the Political Reform Act are required to make disclosure of financial interest when the item is called and recuse themselves.

1. OPENING CEREMONIES

- A. Call to Order
- B. Roll Call
- C. Invocation
- D. Flag Salute

2. AGENDA APPROVAL/ADDITIONS/DELETIONS

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

3. PRESENTATIONS/CEREMONIAL MATTERS

- A. National Hispanic Heritage Month
- B. Introduction of Police Department Employees
- C. Employee Recognition

4. PUBLIC FORUM (for matters not on agenda)

This portion of the meeting is reserved for members of the public to address the Council on items of interest that are not on the Agenda and are within the subject matter jurisdiction of the Council. Speakers shall be limited to three minutes. It is requested that no comments be made during this

period on items on the Agenda. Members of the public wishing to address the Council on items on the Agenda should notify the Mayor when that Agenda item is called, and the Mayor will recognize your discussion at that time. It should be noted that the Council is prohibited by law from taking any action on matters discussed that are not on the Agenda. Speakers are asked to please use the microphone, and provide their name and address.

5. **CONSENT CALENDAR**

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

A. **SUBJECT:** Minutes - August 28, 2024

RECOMMENDATION: Council approve minutes as presented.

B. **SUBJECT:** Warrants (JA)

1. Nos.29983-30139 \$1,267,516.70 ACH \$145,402.77.

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

C. **SUBJECT:** Payroll (JA)

08/18/2024 to 08/31/2024: \$223,194.85; Retro Pay & Other: \$922.28; Overtime: \$9,745.26;
Standby: \$1,790.11; Comp Time Earned: 64.88

RECOMMENDATION: Council approve payroll as presented.

D. **SUBJECT:** Adopting Amendments to the Conflict of Interest Code (JC)

RECOMMENDATION: Council by motion amend the Conflict of Interest Code and accept the 2024 Local Agency Biennial Notice.

6. **PUBLIC HEARINGS**

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

7. **DEPARTMENT REPORTS - ITEM 7.A REPLACED WITH UPDATES**

A. **SUBJECT:** Consideration of Donation Grant Deed from City to the State of California, Department of Transportation Relating to KUSD Harvest Elementary School Project (JG)

RECOMMENDATION: Council adopt Resolution Approving Donation Grant Deed Relating to Parcel 89844-1 to the State of California, Department of Transportation (Caltrans).

- B. **SUBJECT:** Consideration and First Reading of an Ordinance to Increase City Council Compensation

RECOMMENDATION: That pursuant to Council direction of August 28, 2024, the City Council waive full reading and consider introduction at this meeting and adoption at the following meeting of Ordinance Amending Section 2.40.010 of Title 2, Chapter 2.40 of the Kerman Municipal Code Regarding City Council Compensation. The ordinance compensation amounts are within allowable limits set forth by Government Code Section 36516.

8. **CITY MANAGER/STAFF COMMUNICATIONS**

9. **MAYOR/COUNCIL REPORTS/ANNOUNCEMENTS/FUTURE AGENDA ITEMS**

(This portion of the meeting is reserved for the Mayor and Council Members (i) to make brief reports on boards, committees, and other public agencies, and at public events, (ii) to request updates, (iii) to initiate future agenda items at the request of a Council Member, and (iv) to take action on matters initiated under this section of the agenda items. Under this section the Council may take action only on items specifically agendaized and which meet other requirements for action.)

10. **CLOSED SESSION**

If desired, members of the public may comment on Closed Session items. Members of the public wishing to address Council on Closed Session items should notify the Mayor when that item is called, and the Mayor will recognize your discussion at that time. It should be noted that Council is prohibited from discussing or addressing comments on Closed Session items.

- A. Conference with Real Property Negotiators pursuant to Government Code Section 54956.8
Property: APN 023-220-08S
Agency Negotiators: City Manager Jansons
Negotiating Parties: Jagrup and Sukhdev Sidhu, Trustees The Sidhu Family Trust
Under Negotiation: Price, terms, payment
- B. Conference with Real Property Negotiators pursuant to Government Code Section 54956.8
Property: APN 025-010-04U
Agency Negotiators: John Jansons, City Manager
Negotiating Parties: Union Pacific Railroad Rick Harris, Real Estate Manager
Under Negotiation: Price and Terms

11. **ADJOURNMENT**

NOTICE OF AVAILABILITY OF AGENDA MATERIALS: Any writings or documents provided to a majority of the City Council within 72 hours of the meeting regarding any item on this agenda will be made available for public inspection at the City Clerk's Office located at 850 S. Madera Ave., Kerman, CA 93630 and on the City website at www.cityofkerman.net.

ADA Compliance and Reasonable Accommodation. The Council has adopted a Reasonable Accommodation Policy, which is available on the City website at www.cityofkerman.net or upon request by emailing the City Clerk at publicmeeting@cityofkerman.org or calling (559) 846-9450. The Policy provides a procedure for receiving and resolving requests for accommodation to participate in this meeting. If you need assistance in order to attend this Council meeting or require auxiliary aids or services, e.g., hearing aids or signing services to make a presentation to the Council, please contact the City Clerk at (559) 846-9450 or email at publicmeeting@cityofkerman.org so such aids or services can be arranged. Accommodations should be requested as early as possible as additional time may be required in order to provide the requested accommodation. The meeting room is accessible to persons with physical disabilities.

AGENDA POSTING CERTIFICATION

I, Josie Camacho, City Clerk for the City of Kerman, do hereby declare under penalty of perjury that I caused the above agenda to be posted at City of Kerman Council Chambers at 850 S. Madera Ave., Kerman, CA 93630 and on the City website at www.cityofkerman.net.

Date: September 6, 2024 /s/ Josie Camacho, City Clerk



NATIONAL HISPANIC HERITAGE MONTH

WHEREAS, National Hispanic Heritage celebrates the culture, heritage, and important contributions of those from Hispanic and Latino backgrounds to our society; and

WHEREAS, the objectives of National Hispanic Heritage Month are to create a greater awareness and appreciation for the contributions made by Hispanics and Latinos to American culture, to illustrate the diversity of the Hispanic community, and to encourage a greater curiosity about the history and cultural heritage of Hispanics and Latinos; and

WHEREAS, Hispanics have made positive contributions to our community in many ways: as drivers of our economy as business owners, workers and entrepreneurs; as contributors to our academic environment as teachers and professors; as protectors of our health and well-being as nurses, doctors, police officers, firefighters, caretakers and childcare workers; as advocates for social equality and justice through civic leadership; as elected and public officials in our government; and through cultural enrichment as artists, singers, musicians, performers and writers; and

WHEREAS, the City of Kerman takes pride in the growing diversity of our community and encourages all residents to learn more about the rich culture, traditions and history of Hispanics and Latinos, and celebrate the valuable contributions Hispanics have made to the growth, prosperity and well-being of our region.

NOW THEREFORE, BE IT PROCLAIMED that the City Council of the City of Kerman in deep appreciation to the diverse Hispanic population of our community, hereby proclaim September 15 through October 15, 2024, as National Hispanic Heritage Month.

I have hereunto set my hand and caused the Official Seal of the City of Kerman to be affixed on this 11th day of September 2024.

Maria Pacheco
Mayor



CITY COUNCIL REGULAR MEETING MINUTES

Wednesday, August 28, 2024 at 6:00 PM

Kerman City Hall, 850 S. Madera Avenue, Kerman, CA 93630

1. OPENING CEREMONIES

- A. Call to Order - **6:00 p.m.**
- B. Roll Call - **All members present.**
- C. Invocation - **A moment of silence was observed.**
- D. Flag Salute - **Performed.**

2. AGENDA APPROVAL/ADDITIONS/DELETIONS

Motion made by Councilmember Yep, Seconded by Mayor Pro Tem Nijjer.

Ayes: Yep, Nijjer, Coleman, Herrera, Pacheco

Noes: None

Abstain: None

Absent: None

Motion passes 5-0-0-0

3. PRESENTATIONS/CEREMONIAL MATTERS

- A. Presentation by Terry Ogle, Executive Director of Fresno County Transportation Authority on future Measure C Renewal Effort - **Presented.**

4. PUBLIC FORUM *(for matters not on agenda)*

Stephen Pointer, Susan Toste, Suzanne Lanfranco, Jerry Olivera.

City Manager provided a brief explanation regarding residents' concerns.

5. CONSENT CALENDAR

- A. **SUBJECT:** Minutes - August 14, 2024

RECOMMENDATION: Council to approve minutes presented.

B. SUBJECT: Payroll (JA)

07/21/2024 to 08/03/2024: \$208,005.24; Retro Pay & Other: \$7,914.68; Overtime: \$10,683.08; Standby: \$2,276.00; Comp Time Earned: 60.75

08/04/2024 to 08/17/2024: \$218,773.52; Retro Pay & Other: \$4,061.86; Overtime: \$19,855.64; Standby: \$1,818.59; Comp Time Earned: 83.59

RECOMMENDATION: Council approve payroll as presented.

C. SUBJECT: Monthly Investment Report (JA)

RECOMMENDATION: Council accept monthly investment report as presented.

Motion made by Mayor Pro Tem Nijjer, Seconded by Councilmember Yep.

Ayes: Nijjer, Yep, Coleman, Herrera, Pacheco

Noes: None

Abstain: None

Absent: None

Motion passes 5-0-0-0

6. PUBLIC HEARINGS

Opened 6:38 p.m.

Mayor Pro Tem Nijjer recused himself – Leave the Room Regulation, 500 feet conflict of interest.

A. SUBJECT: Public Hearing Regarding General Plan Amendment 2023-01, Mitigated Negative Declaration 2023-01, Rezone 2023-01, Tentative Subdivision Map 2023-01, and Annexation 2023-01 pertaining to the Whispering Falls Residential Development Located on the East Side of South Modoc Avenue Between West California Avenue (Proposed) and the West California Avenue Alignment/San Joaquin Valley Railroad (APNs 020-160-36S, 020-160-18S, 020-160-19S, 020-041-45S, 020-041-47S, and 020-041-09U) (BC)

RECOMMENDATION: The Kerman City Council conduct a public hearing, deliberate, and by motion:

1. Adopt a resolution of the City Council of the City of Kerman approving General Plan Amendment 2023-01 to amend the 2040 Kerman General Plan to add the SD-R-2.5 Zoning District as a compatible zoning district within the Medium Density residential land use designation and set a minimum residential density of five (5) dwelling units per acre (GPA 2023-01) and adopt Mitigated Negative Declaration (ENV 2023-01) and Mitigated Monitoring and Reporting Program; and
2. Introduce by title only and ordinance of the City Council of the City of Kerman amending the official City of Kerman zoning map to pre-zone approximately 44.75 acres (APNs 020-160-36S, 020-160-18S, 020-041-45S, and 020-041-47S) to the Smart Development Combining District

– Residential – Minimum 2,500 square feet (SD-R-2.5) Zoning District and approximately 20 acres (020-160-19S) to the Smart Development Combining District – Residential – Minimum 5,000 square feet (SD-R-5) Zoning District (REZ 2023-01). – **Res. 24-66, Ord. 24-05, Res. 24-67, Res. 24-68**

Closed 7:36 p.m.

Motion made by Councilmember Herrera, Seconded by Councilmember Coleman.

Ayes: Herrera, Coleman, Yep, Pacheco

Noes: None

Abstain: Nijjer

Absent: None

Motion passes 4-0-1-0

Recess 7:39 p.m.

Reconvene 7:41 p.m.

Opened 7:42 p.m.

- B. **SUBJECT:** Public Hearing Regarding Rezone 2023-02, Mitigated Negative Declaration 2023-03, Annexation 2023-02, and Tentative Subdivision Map 2023-02, Pertaining to the Crown-Schaad Residential Development, Located on the North Side of West Kearney Boulevard Between South Modoc and South Siskiyou Avenues (APNs 020-140-22S and 020-140-23S) (JC)

RECOMMENDATION: The Kerman City Council conduct a public hearing, deliberate, and by motion:

1. Introduce by title only Ordinance of the City Council of the City of Kerman amending the official City of Kerman zoning map to pre-zone approximately 9.69 acres (APN 020-140-22S) to the SD-R-4.5 (Smart Development Combining District – Residential – minimum 4,500 square feet) Zone District to the SD-R-4.5 Zone District located on the north side of West Kearney Boulevard between South Modoc and South Siskiyou Avenues (Rezone 2023-02); and adopt Mitigated Negative Declaration (ENV 2023-03) and Mitigated Monitoring and Reporting Program. – **Ord. 24-06, Res. 24-69, Res. 24-70**

Closed 8:26 p.m.

Motion to introduce ordinance with stipulation to address concerns at next meeting made by Councilmember Herrera, Seconded by Councilmember Coleman

Ayes: Herrera, Coleman, Yep, Nijjer, Pacheco

Noes: None

Abstain: None

Absent: None

Motion passes 5-0-0-0

7. DEPARTMENT REPORTS

A. **SUBJECT:** Award of Contract for City Hall Building Roof Replacement

RECOMMENDATION: Council by motion adopt the resolution awarding the contract to Garland/DBS Inc. for the City Hall Building Roof Replacement in the amount of \$594,856.00 and authorize the City Manager to sign the contract. – **Res. 24-71**

Motion made by Councilmember Herrera, Seconded by Councilmember Yep

Ayes: Herrera, Yep, Coleman, Nijjer, Pacheco

Noes: None

Abstain: None

Absent: Nijjer

Motion passes 5-0-0-0

B. **SUBJECT:** Consideration of Increase in City Council Compensation (JAJ)

RECOMMENDATION: That City Council consider increasing the compensation for the Mayor and Council Members as authorized by Government Code Section 36516 with possible direction to staff to prepare an ordinance increasing the compensation within, or up to, allowable limits set forth by Government Code Section 36516.

Motion to increase council compensation to \$500 for Councilmembers and \$700 for Mayor made by Mayor Pro Tem Nijjer, Seconded by Councilmember Coleman.

Ayes: Nijjer, Coleman, Yep, Herrera, Pacheco

Noes: None

Abstain: None

Absent: None

Motion passes 5-0-0-0

8. CITY MANAGER/STAFF COMMUNICATIONS

9. MAYOR/COUNCIL REPORTS/ANNOUNCEMENTS/FUTURE AGENDA ITEMS

10. CLOSED SESSION - 9:17 p.m.

A. Pursuant to Government Code Section 54957.6

CONFERENCE WITH LABOR NEGOTIATORS

Agency Designated Representatives: City Manager

Employee Organization: Kerman Peace Officers Association

B. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Initiation of Litigation Pursuant to Government Code Section 54956.9(d) (4)

One Case Involving the Chromium 6 Maximum Contaminant Level (MCL) adopted by the State Water Resources Control Board

C. 1. Public Employee Performance Evaluation pursuant to Government Code Section 54957

Title: City Manager

2. Conference with Labor Negotiators pursuant to Government Code Section 54957.6
City Designated Representatives: Mayor Pacheco and Council Member Yep
Unrepresented Employee: City Manager

**Reconvene 10:04 p.m. with motion to not pursue litigation for Item 10.B. Motion passed 5-0-0-0.
Five members were present.**

11. ADJOURNMENT – 10:05 p.m.

MINUTES CERTIFICATION

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

Date: August 29, 2024 /s/ Josie Camacho, City Clerk

Accounts Payable

Checks by Date - Summary by Check Date

User: VSandoval
Printed: 8/30/2024 8:52 AM



Check No	Vendor No	Vendor Name	Check Date	Check Amount
ACH	10517	FEDERAL TAXES PAYROLL	08/09/2024	52,760.33
ACH	10518	KERMAN POLICE OFFICERS ASSN	08/09/2024	619.75
ACH	10519	KERMAN MUNICIPAL EMPLOYEES AS	08/09/2024	270.00
ACH	10520	ICMA-RC	08/09/2024	1,809.40
Total for 8/9/2024:				55,459.48
ACH	10147	EMPLOYMENT DEVELOPMENT DEPA	08/12/2024	8,434.40
Total for 8/12/2024:				8,434.40
29983	11493	24 / 7 PET VETS	08/14/2024	2,300.40
29984	11762	A-1 AUTO ELECTRIC/A-1 ALTERNATE	08/14/2024	32.51
29985	BP-AKC	AKC PERMIT INC	08/14/2024	274.40
29986	10021	ALERT O LITE	08/14/2024	909.87
29987	12387	ALVITRE CIVIL CONSTRUCTORS INC	08/14/2024	1,250.00
29988	10035	AQUA NATURAL SOLUTIONS	08/14/2024	669.37
29989	10040	AT&T MOBILITY	08/14/2024	2,242.97
29990	10504	AUTOZONE	08/14/2024	181.08
29991	10271	AVENU INSIGHTS & ANALYTICS	08/14/2024	525.00
29992	BP-BARR	REYES BARRIENTOS SALAS	08/14/2024	337.50
29993	12348	BRADY INDUSTRIES	08/14/2024	373.99
29994	12651	BREAKTHROUGH CHURCH OF KERM	08/14/2024	395.00
29995	12498	CALIFORNIA ASSOCIATION OF CODE	08/14/2024	40.00
29996	12266	BIANCA CASTILLO	08/14/2024	150.00
29997	10452	CITY OF FRESNO WMD	08/14/2024	174.00
29998	10106	CON EDISON CLEAN ENERGY	08/14/2024	26,777.42
29999	10715	DC HEATING AND COOLING	08/14/2024	150.00
30000	10731	EMMETT VALLEY CONTRUCTION INC	08/14/2024	18,395.95
30001	10157	FERGUSON ENTERPRISES INC	08/14/2024	204.78
30002	11550	FRESNO COUNTY SHERIFFS OFFICE -	08/14/2024	137.00
30003	10166	FRESNO-MADERA AGENCY ON AGINC	08/14/2024	319.20
30004	12428	JEANETTE GARCIA	08/14/2024	150.00
30005	10185	GRAINGER	08/14/2024	52.41
30006	11358	GREAT AMERICA FINANCIAL SERVICI	08/14/2024	505.42
30007	10201	HORIZON	08/14/2024	858.15
30008	10514	ICAD INC	08/14/2024	842.50
30009	10219	JENSEN & PILEGARD INC	08/14/2024	394.84
30010	10222	JERRY'S AUTOMOTIVE	08/14/2024	252.00
30011	10237	KERMAN U SAVE MINIMART	08/14/2024	23.50
30012	10239	KERWEST INC	08/14/2024	1,464.00
30013	10241	KINGS BASIN IRWM AUTHORITY	08/14/2024	3,500.00
30014	10260	METRO UNIFORM & ACCESSORIES	08/14/2024	2,084.00
30015	10261	MID VALLEY DISPOSAL INC	08/14/2024	135,187.20
30016	11965	MISSION UNIFORM SERVICE	08/14/2024	87.67
30017	10266	MOORE TWINING ASSOCIATES INC	08/14/2024	515.00
30018	10282	OFFICE DEPOT	08/14/2024	2,288.98

				Section 5, Item B.
Check No	Vendor No	Vendor Name	Check Date	
30019	10289	P.G.& E.	08/14/2024	7,025.32
30020	12026	PRECISION CIVIL ENGINEERING INC	08/14/2024	12,463.75
30021	10596	RED WING BUSINESS ADVANTAGE AC	08/14/2024	423.63
30022	10319	RENO'S HARDWARE	08/14/2024	605.93
30023	12646	SCL NORTH	08/14/2024	28,125.41
30024	10862	SIGNMAX	08/14/2024	68.27
30025	10337	SLUMBERGER LUMBER	08/14/2024	1,016.16
30026	11787	SNAP ON INC	08/14/2024	193.03
30027	11460	SUPERIOR POOL PRODUCTS LLC	08/14/2024	2,074.14
30028	12650	TERRY MADORY	08/14/2024	330.00
30029	BP-THE 1	THE ENERGUY	08/14/2024	64.00
30030	10754	THE HOME DEPOT PRO-SUPPLY WOR	08/14/2024	276.42
30031	10387	USA BLUE BOOK	08/14/2024	504.08
30032	10391	VALLEY FARM SUPPLY STORES	08/14/2024	2,611.09
30033	12290	VERIZON	08/14/2024	592.95
30034	11328	VSS INTERNATIONAL	08/14/2024	1,400.00
30035	10406	WEST HILLS OIL INC	08/14/2024	12,252.70
30036	12267	IRENE ZAMORA	08/14/2024	150.00
30037	10419	ZIM INDUSTRIES INC	08/14/2024	272.44
Total for 8/14/2024:				274,495.43
30038	12653	ISABELLE BELTRAN	08/19/2024	462.79
Total for 8/19/2024:				462.79
30039	10021	ALERT O LITE	08/22/2024	328.30
30040	12537	AMERITAS GROUP INSURANCE CORP	08/22/2024	2,250.04
30041	10040	AT&T MOBILITY	08/22/2024	1,779.03
30042	12649	AUTONATION HYUNDAI CARLSBAD	08/22/2024	17,393.57
30043	10545	WILBERT BARCOMA	08/22/2024	133.00
30044	11917	BLAIS & ASSOCIATES LLC	08/22/2024	2,836.50
30045	10054	BLUE SHIELD OF CALIFORNIA	08/22/2024	58,835.67
30046	10617	C A REDING CO INC	08/22/2024	25.97
30047	12101	CENTRAL VALLEY SALINITY COALIT	08/22/2024	1,424.12
30048	10092	CENTRAL VALLEY TOXICOLOGY INC	08/22/2024	95.00
30049	10452	CITY OF FRESNO WMD	08/22/2024	69.00
30050	10104	COMCAST	08/22/2024	498.48
30051	11498	COMCAST CABLE COMMUNICATIONS	08/22/2024	728.45
30052	10107	CONSOLIDATED ELECTRICAL DISTRI	08/22/2024	1,623.98
30053	10109	AUDITOR CONTROLLER/TREASURER	08/22/2024	44.00
30054	12006	CROMER INC	08/22/2024	156.90
30055	11874	CSG CONSULTANTS INC	08/22/2024	8,626.00
30056	11382	DATA TICKET INC	08/22/2024	31.28
30057	12557	DENCO WELDING	08/22/2024	709.55
30058	10144	ELBERT DISTRIBUTING INC	08/22/2024	188.22
30059	11398	FASTSIGNS	08/22/2024	78.08
30060	12379	GILL CHEVROLET	08/22/2024	123,750.00
30061	12654	GLORIA GONZALEZ	08/22/2024	150.00
30062	11358	GREAT AMERICA FINANCIAL SERVICE	08/22/2024	542.70
30063	12655	JESUS GUIZAR	08/22/2024	150.00
30064	12187	HAMNER JEWELL & ASSOCIATES	08/22/2024	2,014.28
30065	10201	HORIZON	08/22/2024	996.14
30066	10226	JORGENSEN & CO	08/22/2024	323.08
30067	10485	JP AIR CONDITIONING & HEATING	08/22/2024	6,383.06
30068	12112	LG ELECTRIC	08/22/2024	4,500.00
30069	10250	LIEBERT CASSIDY WHITMORE	08/22/2024	4,526.00

				Section 5, Item B.
Check No	Vendor No	Vendor Name	Check Date	
30070	10251	LIGHTHOUSE ELECTRIC INC	08/22/2024	913.75
30071	10678	MAC'S EQUIPMENT INC	08/22/2024	2,299.76
30072	10335	MADERA FORD	08/22/2024	307.78
30073	10261	MID VALLEY DISPOSAL INC	08/22/2024	12,441.82
30074	12356	NOTORIOUS GRAFIX	08/22/2024	682.61
30075	10282	OFFICE DEPOT	08/22/2024	1,061.44
30076	10289	P.G.& E.	08/22/2024	14,558.12
30077	12437	PATCH SUPPLY	08/22/2024	327.11
30078	10301	PETTY CASH	08/22/2024	238.44
30079	12026	PRECISION CIVIL ENGINEERING INC	08/22/2024	13,385.63
30080	BP-PREC	PRECISION SITE DEVELOPMENT	08/22/2024	1,473.03
30081	10316	R G EQUIPMENT OF FRESNO INC	08/22/2024	859.91
30082	11006	RIGHT NOW PHLEBOTOMY	08/22/2024	250.00
30083	12638	ROOT & BOUGH ENTERPRISE, INC	08/22/2024	1,025.48
30084	10986	ROTARY CLUB OF KERMAN	08/22/2024	1,500.00
30085	12475	SAN JOAQUIN PEST CONTROL	08/22/2024	105.00
30086	11650	SITEONE LANDSCAPE SUPPLY, LLC	08/22/2024	4,436.07
30087	10371	TJ LAW & ASSOCIATES INVESTIGATIC	08/22/2024	3,433.76
30088	10401	WALLYS TIRE AND WHEEL	08/22/2024	854.37
Total for 8/22/2024:				301,344.48
ACH	10644	US BANK EQUIPMENT FINANCE	08/23/2024	710.78
ACH	10341	STATE BOARD OF EQUALIZATION	08/23/2024	74.68
ACH	10518	KERMAN POLICE OFFICERS ASSN	08/23/2024	794.00
ACH	10519	KERMAN MUNICIPAL EMPLOYEES AS	08/23/2024	270.00
ACH	10520	ICMA-RC	08/23/2024	3,714.52
30089	12656	GHD INC	08/23/2024	75,224.08
30090	BP-JOSE1	JOSEPH CROWN CONSTRUCTION	08/23/2024	16,664.25
Total for 8/23/2024:				97,452.31
ACH	10522	CALPERS	08/28/2024	75,944.91
Total for 8/28/2024:				75,944.91
30091	11493	24 / 7 PET VETS	08/29/2024	212.40
30092	10021	ALERT O LITE	08/29/2024	484.80
30093	BP-AYON	NOREIDA AYON	08/29/2024	917.70
30094	12660	ALEJANDRO BELTRAN	08/29/2024	450.00
30095	10056	BOGIE'S PUMP SYSTEMS	08/29/2024	133.86
30096	12659	ELIZABETH BRANDON	08/29/2024	150.00
30097	12306	BRYCE CONSULTING	08/29/2024	570.00
30098	10061	BSK ASSOCIATES	08/29/2024	1,230.00
30099	10617	C A REDING CO INC	08/29/2024	178.94
30100	12658	CALIFORNIA POLICE TRAINING MAN	08/29/2024	100.00
30101	11874	CSG CONSULTANTS INC	08/29/2024	607.50
30102	10741	DISPENSING TECHNOLOGY CORPOR/	08/29/2024	2,955.40
30103	10458	RAUL HERRERA ECN POLYGRAPH AN	08/29/2024	250.00
30104	11140	FRESNO TRUCK CENTER	08/29/2024	791.66
30105	10166	FRESNO-MADERA AGENCY ON AGINC	08/29/2024	22.80
30106	BP-GARC	GARCIA'S MARKET	08/29/2024	439.38
30107	12553	GARLAND/DBS INC	08/29/2024	3,999.05
30108	12357	DANZEL GEMPIS	08/29/2024	250.00
30109	12305	GFOA	08/29/2024	345.00
30110	10185	GRAINGER	08/29/2024	179.03

				Section 5, Item B.
Check No	Vendor No	Vendor Name	Check Date	
30111	11358	GREAT AMERICA FINANCIAL SERVICE	08/29/2024	181.75
30112	10201	HORIZON	08/29/2024	994.93
30113	12626	IRON CROSS TRACTOR SERVICES LLC	08/29/2024	3,050.00
30114	11923	JOE A GONSALVES & SON	08/29/2024	1,250.00
30115	10485	JP AIR CONDITIONING & HEATING	08/29/2024	3,150.00
30116	12128	JS TOWING	08/29/2024	200.00
30117	11746	LINE X OF CLOVIS	08/29/2024	8,733.21
30118	11096	LOZANO SMITH LLP	08/29/2024	80.00
30119	12661	MARK H. HYMAN M.D IN.	08/29/2024	8,782.20
30120	10272	MUTUAL OF OMAHA	08/29/2024	2,960.48
30121	10282	OFFICE DEPOT	08/29/2024	263.77
30122	10289	P.G.& E.	08/29/2024	96,625.87
30123	10301	PETTY CASH	08/29/2024	37.52
30124	10305	PITNEY BOWES BANK INC PURCHASI	08/29/2024	5,110.00
30125	10304	PITNEY BOWES GLOBAL FIN SERV LI	08/29/2024	1,698.19
30126	10316	R G EQUIPMENT OF FRESNO INC	08/29/2024	356.68
30127	11139	SCELZI ENTERPRISES INC	08/29/2024	24,696.20
30128	10862	SIGNMAX	08/29/2024	190.80
30129	11650	SITEONE LANDSCAPE SUPPLY, LLC	08/29/2024	1,674.17
30130	11787	SNAP ON INC	08/29/2024	7,154.70
30131	11479	NATALIE SOLIS	08/29/2024	450.00
30132	10346	STATE WATER RESOURCE CNTRL BRI	08/29/2024	276,742.86
30133	11460	SUPERIOR POOL PRODUCTS LLC	08/29/2024	474.15
30134	10371	TJ LAW & ASSOCIATES INVESTIGATIC	08/29/2024	800.00
30135	10387	USA BLUE BOOK	08/29/2024	621.75
30136	12178	VALLEY ANIMAL CENTER SPAY & NE	08/29/2024	322.52
30137	12575	STEVE WILKINS	08/29/2024	133.00
30138	10413	YAMABE & HORN ENGINEERING INC	08/29/2024	136,987.17
30139	12140	ZERONOX	08/29/2024	1,336.23
Total for 8/29/2024:				599,325.67
Report Total (168 checks):				1,412,919.47

CITY OF KERMAN
PAYROLL REPORT

Section 5, Item C.

PAY PERIOD: August 18, 2024 - August 31, 2024

	RETRO PAY		OVERTIME		HOLIDAY at 1/2 TIME		STANDBY		GROSS SALARY	COMP TIME EARNED
	Salary	& OTHER	Hours	Amount	Hours	Amount	Hours	Amount		
Grand Total	\$ 223,194.85	\$ 922.28	194.78	\$ 9,745.26	0.00	\$ -	83.00	\$ 1,790.11	\$ 235,652.49	64.88



STAFF REPORT

MEETING DATE: September 11, 2024

PRESENTER: Josie Camacho, City Clerk

SUBJECT: Adopting Amendments to the Conflict of Interest Code (JC)

RECOMMENDATION: Council by motion amend the Conflict of Interest Code and accept the 2024 Local Agency Biennial Notice.

EXECUTIVE SUMMARY:

The Political Reform Act requires local agencies to conduct a review of the code every two years. The City has conducted a biennial review of its Conflict of Interest Code and does see a need for an amendment. A 2024 Local Agency Biennial Notice must be submitted to the City Council as the code reviewing body.

The City of Kerman adopted Conflict of Interest Codes in compliance with the Political Reform Act. Pursuant Government Code Section 87300. The City Council is required every numbered year to review its Biennial Conflict of Interest Code list of designated positions for changes.

The current code is two years old, staff is recommending it be updated. Changes to the code are attached in **Exhibit 'A'**.

FISCAL IMPACT:

None.

ATTACHMENTS:

A. Resolution w/Exhibit

Attachment 'A'

RESOLUTION NO. 24-__

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KERMAN
ADOPTING AMENDMENTS TO THE CONFLICT OF INTEREST CODE**

WHEREAS, the Political Reform Act (Government Code Section 81000 et seq.) requires local government agencies to adopt and promulgate conflict of interest codes, and to conduct a biennial review and revise them if necessary; and

WHEREAS, the Fair Political Practices Commission (FPPC) has adopted a regulation (2 Cal. Code of Regs. 18730) which contains the terms of a standard conflict of interest code which may be incorporated by reference in an agency's code, and which may be amended by the FPPC to conform to amendments in the Political Reform Act, following public notice and hearings; and

WHEREAS, amendments to it duly adopted by the FPPC have previously been incorporated by reference in Resolution 22-71, which, together with the list of designated positions and disclosure categories adopted from time to time by the City Council constitutes the Conflict of Interest Code for the City of Kerman; and

WHEREAS, the City has conducted its biennial review of the current Conflict of Interest Code which the City last reviewed in 2022 pursuant to Government Code Section 87300; and

WHEREAS, the City has determined amendments to the Code are necessary in accordance with the applicable laws, regulations, and guidelines.

NOW, THEREFORE, BE IT RESOLVED THAT, having undertaken its biennial review of the City's Conflict of Interest Code, the City Council hereby confirms that an amendment to the Code (**Exhibit 'A'**) is required at this time and accepts the updated 2024 Local Agency Biennial Notice.

The foregoing resolution was adopted by the City Council of the City of Kerman at a regular meeting held on the 11th day of September, 2024, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

The foregoing resolution is hereby approved.

ATTEST:

Maria Pacheco
Mayor

Josie Camacho
City Clerk

CONFLICT OF INTEREST CODE OF THE CITY OF KERMAN

A. Purpose and Intent.

The City Council hereby intends to implement Government Code Section 87300 through 87313 pertaining to conflict of interest codes for local agencies.

B. Conflict of Interest Code.

The Political Reform Act (Government Code Sections 81000, *et seq.*) requires state and local government agencies to adopt and promulgate conflict-of-interest codes. The Fair Political Practices Commission (FPPC) has adopted a regulation (2 Cal. Code of Regs. Section 18730) that contains the terms of a standard conflict-of-interest code that may be incorporated by reference in an agency's code. After public notice and hearing, the standard code may be amended by the FPPC to conform to amendments in the Political Reform Act.

This is the Conflict of Interest Code of the City of Kerman. It consists of Sections A through G and in particular the terms of 2 California Code of Regulations Section 18730 and any amendments thereto duly adopted by the FPPC.

C. Public Officials Designated by Statute

The positions listed below are public officials designated by statute and are required to file with the FPPC a Statement of Economic Interests Form 700 pursuant to Government Code Section 87200.

- Mayor
- City Council Members
- City Attorney
- City Treasurer/Finance Director
- Planning Commissioners

A copy of the Form 700 will be retained by the City. Notwithstanding this, for convenience the City of Kerman is also listing these officials in the Designated Positions described in Section 3 below and in Appendix A.

D. Designated Positions and Disclosure Categories

Persons holding positions listed as designated position under this section D shall file with the City Clerk a Statement of Economic Interests Form 700 upon assuming office, annually thereafter, and upon leaving office. Form 700s are public records and are available for public inspection and reproduction from the City Clerk. (Gov. Code Section 81008) The City Clerk is the Filing Officer.

The designated positions are set forth in **Appendix A** which is incorporated by reference to this Conflict of Interest Code. The Disclosure Categories are set forth in Appendix B which is incorporated by reference to this Conflict of Interest Code.

E. Prior Conflicts of Interest Codes Superseded.

The provisions of all Conflict of Interest Codes and amendments thereto previously adopted by the City are hereby superseded and have no further force and effect.

F. Effective Date.

This Conflict of Interest Code is deemed effective on September 28, 2022.

G. Appendices.

The following Appendices are incorporated herein by reference and deemed a part of this Conflict of Interest Code:

1. Appendix A: Designated Positions
2. Appendix B: Disclosure Categories
3. Appendix C: 2 California Code of Regulations Section 18730

It must be noted that Appendix C is the current version of regulation Section 18730 as described in Section B above. As stated, the FPPC may from time to time amend Section 18730 and for that reason, the FPPC website should be reviewed by persons in designated positions.

APPENDIX A TO CONFLICT OF INTEREST CODE DESIGNATED POSITIONS

<u>Designated Positions</u>	<u>Disclosure Categories</u>
• Mayor	1,2,3,4,5,6
• City Council Members	1,2,3,4,5,6
• Planning Commissioners	1,2,3,4,5,6
• City Manager	1,2,3,4,5,6
• Finance Director/City Treasurer	1,2,3,4,5,6
• City Clerk/Executive Assistant to CM	1,2,3,4,5,6
• City Attorney	1,2,3,4,5,6
• Public Works Director	1,2,3,4,5,6
• Chief of Police	1,2,3,4,5,6
• Community Services Director	1,2,3,4,5,6
• Community Development Director	1,2,3,4,5,6
• (Contract) City Engineer	1,2,3,4,5,6
• Consultants	*

* Consultants shall be included in the list of designated positions and shall disclose pursuant to the disclosure requirements in this code subject to the following limitation:

The City Manager may determine in writing that a particular consultant, although a “designated position,” is hired to perform a range of duties that is limited in scope and thus is not required to comply fully with the disclosure requirements in this section. Such written determination shall include a description of the consultant’s duties and, based upon that description, a statement of the extent of disclosure requirements. The City Manager’s determination is a public record and shall be retained for public inspection in the same manner and location as this conflict-of-interest code. (Gov. Code Sec. 81008.)

APPENDIX B TO CONFLICT OF INTEREST CODE DISCLOSURE CATEGORIES

Individuals holding designated positions must report their interests according to their assigned disclosure category (ies).

Disclosure Category 1

Interests in real property located within the jurisdiction or within two miles of the boundaries of the jurisdiction or within two miles of any land owned or used by the agency; and investments and business positions in business entities, and income, including loans, gifts, and travel payments, from all sources.

Disclosure Category 2

Interests in real property located within the jurisdiction or within two miles of the boundaries of the jurisdiction or within two miles of any land owned or used by the agency.

Disclosure Category 3

Investments and business positions in business entities, and income, including loans, gifts, and travel payments, from sources, that provide services, supplies, materials, machinery, or equipment of the type utilized by the agency.

Disclosure Category 4

Investments and business positions in business entities, and income, including loans, gifts, and travel payments, from sources, that provide services, supplies, materials, machinery, or equipment of the type utilized by the designated position's division or department.

Disclosure Category 5

Investments and business positions in business entities, and income, including loans, gifts, and travel payments, from sources, that filed a claim against the agency during the previous two years, or have a claim pending.

Disclosure Category 6

Investments and business positions in business entities, and income, including loans, gifts, and travel payments, from sources of the type to request an entitlement to use agency property or facilities, including, but not limited to:

- a license
- a permit



STAFF REPORT

MEETING DATE: September 11, 2024

PRESENTER: Jesus A. Gonzalez, City Engineer

SUBJECT: Consideration of Donation Grant Deed from City to the State of California, Department of Transportation Relating to KUSD Harvest Elementary School Project (JG)

RECOMMENDATION: Council adopt Resolution Approving Donation Grant Deed Relating to Parcel 89844-1 to the State of California, Department of Transportation (Caltrans).

EXECUTIVE SUMMARY:

Kerman Unified School District (KUSD) recently constructed Harvest Elementary (School) which went into operation during the recently started 2024-25 school year. In addition to the construction of the School, KUSD is required to construct public access improvements for school traffic circulation to and from State Route 180 onto the constructed segment of First Street. The improvements will consist of a signalized pedestrian facility, pavement, curb, gutter and sidewalk. While the public improvements are being constructed as part of the KUSD project, the City and its residents will benefit from the public access improvements. The proposed resolution approves the transfer at no cost of City's Parcel 89844-1 with an approximate area of 1,791 square feet to CalTrans. This will allow for timely completion of the public improvements and benefit not only KUSD but also the City of Kerman and its residents.

DISCUSSION:

The access improvements being in ultimate Caltrans right-of-way, KUSD is in coordination with Caltrans for obtaining permitting approvals. During the permitting process, Parcel 89844-1 with an approximate area of 1,791 feet was identified as City owned. The parcel sits adjacent to Caltrans right-of-way to the east, west and south and prevents the necessary configuration required by Caltrans for establishing its ultimate right-of-way. Furthermore, the parcel is in physical conflict with the necessary public access improvements. The depiction of the property is set forth in the Donation Grant Deed **Exhibit 'B'** to the resolution.

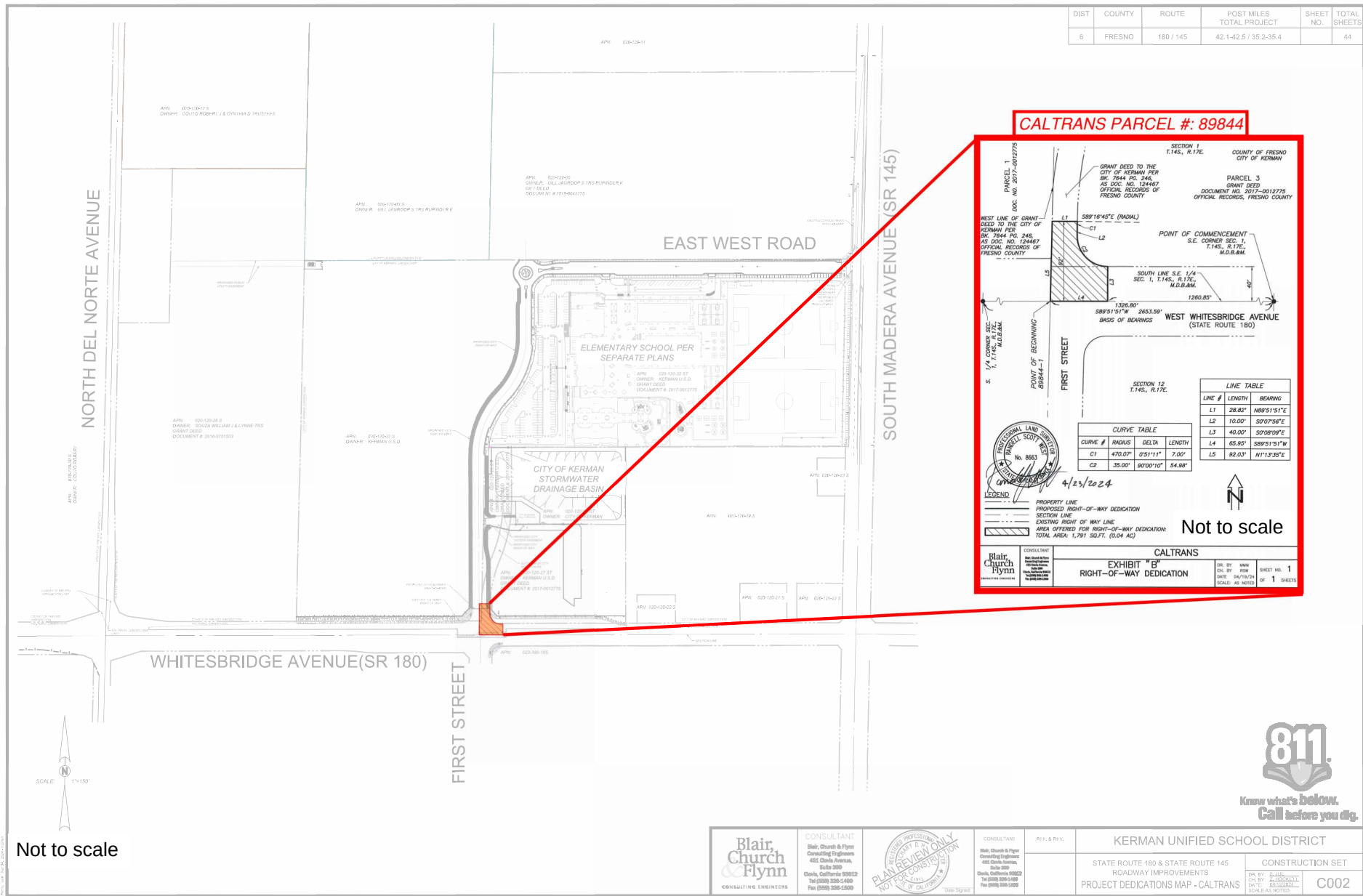
In discussions with Caltrans, their recommended best course of action, for timely conclusion of permitting process, is for the City to donate Parcel 89844-1 directly to Caltrans. Transfer of City ownership to Caltrans will allow KUSD to obtain permitting approval and hire a contractor for construction of the necessary access improvements currently impacting traffic circulation to and from the School. Additionally, the transfer will relieve the City of future maintenance obligations of the parcel which based on its location cannot serve for purposes other than street right-of-way.

FISCAL IMPACT:

The grant deed donation by the City to Caltrans does not result in an expense to the City.

ATTACHMENTS:

- A. Attachment A - Location Map
- B. Attachment B – Resolution w/Exhibit A (the Donation Grant Deed) and Exhibits A and Exhibit B to the Grant Deed.



Attachment 'B'

RESOLUTION NO. 24-____

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KERMAN, CALIFORNIA,
APPROVING DONATION GRANT DEED RELATING TO PARCEL 89844-1 TO THE
STATE OF CALIFORNIA, DEPARTMENT OF TRANSPORTATION**

WHEREAS, Kerman Unified School District (KUSD) recently constructed Harvest Elementary; and

WHEREAS, KUSD is required to construct public access improvements for school traffic circulation to and from State Route 180 onto recently constructed First Street; and

WHEREAS, the improvements will consist of a signalized pedestrian facility, pavement, curb, gutter and sidewalk; and

WHEREAS, the public access improvements are in an ultimate Caltrans right-of-way and require Caltrans permitting approval; and

WHEREAS, City Parcel 89844-1 consisting of 1,791 square feet is located adjacent to a Caltrans' right-of-way to the east, west, and south and prevents the necessary configuration for establishing the ultimate right of way and is in physical conflict with necessary public access improvements; and

WHEREAS, grant deed donation from the City to the State of California, Department of Transportation (Caltrans) is necessary for completion of KUSD's permitting process with Caltrans; and

WHEREAS, Parcel 89844-1 cannot serve as anything other than street right-of-way and;

WHEREAS, the transfer of Parcel 89844-1 and completion of the public improvements will benefit not only the KUSD Project but also the City and its residents; and

WHEREAS, the transfer of Parcel 89844-1 from the City to Caltrans will relieve the City of future maintenance obligations of the parcel which based on its location cannot be used for purposes other than street right-of-way.

NOW, THEREFORE, the City Council of the City of Kerman resolves and orders as follows:

1. That the foregoing recitals are true and correct and incorporated by reference.
2. The City Council hereby approves the Donation Grant Deed attached hereto and incorporated by reference
3. The City Manager is authorized to execute the Donation Grant Deed.

4. This resolution is effective upon adoption.

The foregoing resolution was adopted by the City Council of the City of Kerman at a regular meeting held on the 11th day of September, 2024, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

The foregoing resolution is hereby approved.

Maria Pacheco
Mayor

ATTEST:

Josie Camacho
City Clerk

RECORDING REQUESTED BY AND
WHEN
RECORDED MAIL TO:

California Department of Transportation
2015 East Shields Avenue, Suite 100
Fresno, CA 93726-5428

State Business – No Recording Fee
(Gov. Code 27383)
DEPT. OF TRANSPORTATION

BY: Jason Aramburu
Transportation Surveyor

Space above this line for Recorder's Use

DONATION GRANT DEED

District	County	Route	Postmile	Number
06	FRE	180	42.39	89844-1

City of Kerman, a California Municipal Corporation,

hereinafter called GRANTOR, hereby grants to the State of California, Department of Transportation, hereinafter called STATE, all that real property in the City of Kerman, County of Fresno, State of California, described as follows:

See Exhibit 'A' and 'B', attached.

The GRANTOR further understands that the present intention of the STATE is to construct and maintain a public highway on the lands hereby conveyed and the GRANTOR, for itself and its successors and assigns, hereby waive any and all claims for damages to GRANTOR's remaining property contiguous to the property hereby conveyed by reason of the location, construction, landscaping or maintenance of the highway.

Number	Section 7, Item A.
89844-1	

City of Kerman, a California Municipal Corporation

Dated: _____

By: John Jansons,
City Manager

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of _____

On _____ before me, _____, Notary Public, personally appeared _____, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____ (Seal)

Number	Section 7, Item A.
89844-1	

This is to certify that the State of California, acting by and through the Department of Transportation (according to Section 27281 of the Government Code), accepts for public purposes the real property described in this deed and consents to its recordation.

Dated _____

By Tony Tavares
 Director of Transportation

By _____
 Attorney in Fact
 Tom Overstreet

EXHIBIT 'A'

LEGAL DESCRIPTION

Parcel 89844-1
Caltrans Right-of-Way Dedication

A portion of that certain parcel of land granted by that Grant Deed, recorded December 22, 1980, in Book 7644, at Page 246, as Document No. 124467, of Official Records of Fresno County, lying in the Southeast quarter of Section 1, Township 14 South, Range 17 East, Mount Diablo Base and Meridian, according to the Official Plat thereof, in the County of Fresno, State of California, more particularly described as follows:

COMMENCING at the Southeast corner of said Section 1;

- (1) Thence South $89^{\circ}51'51''$ West, along the South line of said Southeast quarter, a distance of 1,326.80 feet to a point of intersection thereof with the West line of the land described in said Grant Deed and the **POINT OF BEGINNING**.
- (2) Thence North $1^{\circ}13'35''$ East, along said West line, a distance of 92.03 feet to a point of intersection thereof with a line which is parallel with and 92.00 feet North of said South line;
- (3) Thence North $89^{\circ}51'51''$ East, along said parallel line, a distance of 28.82 feet to the beginning of a non-tangent curve, concave Easterly, with a radial bearing of South $89^{\circ}16'45''$ East;
- (4) Thence Southerly, along the arc of said non-tangent curve, with a radius of 470.07 feet, through a central angle of $0^{\circ}51'11''$, an arc distance of 7.00 feet to the beginning of a tangent line;
- (5) Thence South $0^{\circ}07'56''$ East, along said tangent line, a distance of 10.00 feet to the beginning of a tangent curve, concave Northeasterly;
- (6) Thence Southeasterly, along the arc of said tangent curve, with a radius of 35.00 feet, through a central angle of $90^{\circ}00'10''$, an arc distance of 54.98 feet to the beginning of a non-tangent line;
- (7) Thence South $0^{\circ}08'09''$ East, along said non-tangent line, a distance of 40.00 feet to a point of intersection thereof with said South Line of the Southeast quarter;
- (8) Thence South $89^{\circ}51'51''$ West, along said South line, a distance of 65.95 feet to the **POINT OF BEGINNING**.

Containing an area of 1,791 square feet, more or less, in addition to the portion lying within State Route 180 (Whitesbridge Avenue).

END DESCRIPTION

This legal description was prepared by me, or under my direction, in accordance with the Professional Land Surveyors' Act.



Randell Scott West, PLS 8663
Blair, Church & Flynn Consulting Engineers

September 5, 2024
Date



SECTION 1
T.14S., R.17E.COUNTY OF FRESNO
CITY OF KERMANPARCEL 1
DOC. NO. 2017-0012775PARCEL 3
GRANT DEED
DOCUMENT NO. 2017-0012775
OFFICIAL RECORDS, FRESNO COUNTYWEST LINE OF GRANT
DEED TO THE CITY OF
KERMAN PER
BK. 7644 PG. 246,
AS DOC. NO. 124467
OFFICIAL RECORDS OF
FRESNO COUNTYGRANT DEED TO THE
CITY OF KERMAN PER
BK. 7644 PG. 246,
AS DOC. NO. 124467
OFFICIAL RECORDS OF
FRESNO COUNTYPOINT OF COMMENCEMENT
S.E. CORNER SEC. 1,
T.14S., R.17E.,
M.D.B.&M.SOUTH LINE S.E. 1/4
SEC. 1, T.14S., R.17E.,
M.D.B.&M.WEST WHITESBRIDGE AVENUE
(STATE ROUTE 180)S. 1/4 CORNER SEC.
1, T.14S., R.17E.,
M.D.B.&M.POINT OF BEGINNING
89844-1

FIRST STREET

SECTION 12
T.14S., R.17E.

LEGEND

- PROPERTY LINE
 — PROPOSED RIGHT-OF-WAY DEDICATION
 --- SECTION LINE
 - - - EXISTING RIGHT OF WAY LINE
 [Hatched Box] AREA OFFERED FOR RIGHT-OF-WAY DEDICATION:
 TOTAL AREA: 1,791 SQ.FT. (0.04 AC)

- [Solid Box] TOTAL COMBINED AREA OFFERED FOR RIGHT-OF-WAY
 DEDICATION INCLUDING CALTRANS UNDERLYING FEE:
 TOTAL AREA: 4,410 SQ.FT. (0.1 AC)

CURVE TABLE

CURVE #	RADIUS	DELTA	LENGTH
C1	470.07'	0°51'11"	7.00'
C2	35.00'	90°00'10"	54.98'

LINE TABLE

LINE #	LENGTH	BEARING
L1	28.82'	N89°51'51"E
L2	10.00'	S0°07'56"E
L3	40.00'	S0°08'09"E
L4	65.95'	S89°51'51"W
L5	92.03'	N1°13'35"E



**Blair,
Church & Flynn**
CONSULTING ENGINEERS

CONSULTANT

Blair, Church & Flynn
Consulting Engineers
451 Clovis Avenue,
Suite 200
Clovis, California 93612
Tel (559) 326-1400
Fax (559) 326-1500

CALTRANS

EXHIBIT "B"
RIGHT-OF-WAY DEDICATION

DR. BY MMM
CH. BY RSW
DATE 09/05/24
SCALE: AS NOTED

SHEET NO. 1
OF 1

31



STAFF REPORT

MEETING DATE: September 11, 2024

PRESENTER: John Jansons, City Manager and Hilda Cantu Montoy, City Attorney

SUBJECT: Consideration and First Reading of an Ordinance to Increase City Council Compensation (JJ & HC)

RECOMMENDATION: That pursuant to Council direction of August 28, 2024, the City Council waive full reading and consider introduction at this meeting and adoption at the following meeting of Ordinance Amending Section 2.40.010 of Title 2, Chapter 2.40 of the Kerman Municipal Code Regarding City Council Compensation. The ordinance compensation amounts are within allowable limits set forth by Government Code Section 36516.

BACKGROUND:

At its meeting of August 28, 2024, the Council considered whether to direct staff to prepare an ordinance increasing City Council compensation. The discussion and ability of Council to make such changes is governed by Senate Bill 329, which became effective on January 1, 2024. SB 329 amended Section 36516 of the Government Code to now allow for Council compensation for a city with a population under 35,000, such as Kerman, to be set in an amount up to \$950 per month.

Prior law set the maximum Council compensation for a city with a population under 35,000 at \$300/month. The City's current ordinance complies with the prior maximum of \$300/month. Section 2.40.010 states:

"Commencing with and effective upon any person beginning a new term as a city council member after the general election in November, 2008, the salary of each city council member shall be one hundred twenty-five dollars per meeting.

No compensation will be awarded for a meeting to any council member who fails to attend that meeting, regardless of the reason, and the compensation paid to any council member for his or her duties as a council member and as a member of the Kerman redevelopment agency shall not exceed three hundred dollars per month in the aggregate.

In the year prior to a general election for the election of members of the city council, the city manager shall ask the city council to consider whether the compensation of the council, redevelopment agency members, and planning commissioners should be changed, with any such changed to become effective upon the commencement of new terms of any of said officers

After deliberating on this matter at the August 28th meeting, the Council directed that compensation for Council Members be set at \$500 and compensation for the Mayor be set at \$700. As we began drafting the ordinance, we noted the current ordinance provides for \$125 compensation for each meeting which equals \$250 per month with a cap of \$300 per month. The higher amount accounts for special meetings.

As Council direction was \$500 per month for Council Members and \$700 for the Mayor, the proposed ordinance provides that Council Members will receive \$250 per meeting and the Mayor will receive \$350 per month. As with the current ordinance, a cap of \$600 for Council Members and \$800 for the Mayor was set to account for special meetings.

Note that the proposed ordinance retains the following text from current ordinance:

In the year prior to a general election for the election of members of the City Council, the City Manager shall ask the City Council to consider whether the compensation of the Council, and Planning Commissioners should be changed, with any such change to become effective upon the commencement of new terms of any of said officers.

The proposed ordinance compensation amounts are within allowable limits set forth by Government Code Section 36516.

DISCUSSION:

Government Code 36516 now sets \$950.00 amount as the maximum that can be set upon adoption of the ordinance, and that, as explained below, periodic increases beyond these base amounts are permitted. SB 329 states two reasons for the increase. First, “[t]he compensation schedule for general law cities has not been adjusted since 1984, meaning that city council compensation has not kept pace with inflation.” (SB 329 § 1(a).) Second, “[a]llowing cities to adjust their compensation for inflation since 1984 may help city councils become more diverse because increased compensation can help individuals from across different income levels receive sufficient income from their service to help ensure that they can continue to serve the public and support their families.” (SB 329 § 1(b).)

Section 36516 also includes a formula for increasing councilmember compensation following the original adoption of an ordinance, which formula was amended by SB 329. The increases may not exceed the greater of the following:

- The increase cannot exceed 5% for each calendar year;
- The increase cannot exceed the amount of inflation since January 1, 2024, based on the California Consumer Price Index. The inflation-based increase is capped at 10% for each calendar year. [This alternative was added by SB 329.]

This means the Council can increase compensation annually either a fixed CPI amount, not to exceed 5% per year; or, by up to 10%, depending on CPI. The advantage of the fixed amount is that the increase is not dependent on actual CPI for each year, so if the CPI is low or negative,

the compensation would increase by the fixed percentage regardless. The advantage of the CPI-up-to 10% increase is that in times like the last couple of years where inflation is so high, Council compensation increases would more closely match cost of living increases.

If the Council were to adopt the ordinance increasing compensation, the entire Council would become eligible for the salary increase by virtue of one or more Council members beginning a new term of office, following the November 5, 2024 election.

Other Considerations:

- An elected mayor may by Ordinance or ballot measure be provided with additional compensation. Gov’t Code § 36516.1.
- Council may increase compensation by amounts lower than those provided for in the statute.
- The enacting Ordinance cannot provide for automatic increases.
- The increases are not compounded year-to-year but rather are based on the amount of compensation as adopted by the most recent ordinance.
- All increases must be adopted by Ordinance.
- SB 329 adds the following requirements to the adoption of or amendment to an Ordinance.
 - Any proposed Ordinance, including findings justifying the need for increased compensation, must be presented at the first meeting – typically, legislative actions do not require findings, so it is noteworthy that Council compensation increases do.
 - The adoption of the Ordinance can take place at the second meeting, which must be held at least seven days after the first meeting -- this differs from the typical five-day waiting period between the introduction and adoption of an ordinance.

FISCAL IMPACT:

Table 1, depicts the resulting change in Council compensation annually. As discussed above, a “Special” or extra meeting during a month would increase Council compensation by an additional \$100 per month, maximum, not shown below. The City General Fund is adequate to absorb the increase in proposed Council Member compensation and will be adjusted for at the Mid-Year Budget review and annually thereafter..

Table 1

Current/Budgeted	\$250	\$3,000	\$367	\$16,835
Proposed	\$500 Council/\$700 Mayor	\$32,400	\$3,962	\$36,362
Total Increase				\$19,527

ATTACHMENTS:

A. Ordinance

Attachment 'A'

ORDINANCE NO. 24-_____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KERMAN,
CALIFORNIA AMENDING SECTION 2.40.010 OF TITLE 2, CHAPTER 2.40 OF THE
KERMAN MUNICIPAL CODE REGARDING CITY COUNCIL COMPENSATION**

WHEREAS, Sections 36516 and 36516. 5 of the California Government Code authorizes the setting of salary for the Council Members and the Mayor based on population; and

WHEREAS, pursuant to Kerman Municipal Code §2.40.101, the monthly salary for Members of the Council was previously adjusted in 2008; and

WHEREAS, in 2023, the State Legislature passed and the Governor signed into law Senate Bill 329; and

WHEREAS, Senate Bill 329 was adopted to “reset” City Council salaries to reflect the important work done by city council members, to take into account the impacts of inflation and economic realities on those who serve as city council members, and to encourage more persons to consider service as council members by making the compensation more reflective of the time and work being performed; and

WHEREAS, the City has grown from a population of approximately 12,000 in 2008 and now has a population of over 17,000; and

WHEREAS, there has been a significant increase in the work of City staff and the City Council since Council compensation was last adjusted; and

WHEREAS, the City Council reviewed and discussed the purpose and impacts of Senate Bill 329 on the future governance of the City of Kerman at its meeting of August 28, 2024; and

WHEREAS, the ceiling salary for cities with a population of 35,000 or less is \$950.00, and

WHEREAS, the Council has determined to adjust salary within the allowable amounts set forth in SB 329.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF KERMAN DOES ORDAIN AS FOLLOWS:

SECTION 1. The foregoing recitals and findings are true and correct and incorporated by reference.

SECTION 2. This Ordinance is adopted in conformance with the authority granted under Government Code Section 36516 and 36516. 5.

SECTION 3. Section 2.40.101 of the Kerman Municipal Code is amended to read as follows:

2.40.101

Commencing with and effective upon any person beginning a new term as Mayor or as a City Council Member after the general election in November, 2024, the salary of each City Council Member shall be two hundred fifty dollars per meeting and the salary of the Mayor shall be three hundred fifty dollars per meeting.

No compensation will be awarded for a meeting to the Mayor or any Council Member who fails to attend that meeting, regardless of the reason, and the compensation paid shall not exceed six hundred dollars per month for Council Members and eight hundred dollars per month for the Mayor in the aggregate in the event of a Special Meeting(s) in a given month.

In the year prior to a general election for the election of members of the City Council, the City Manager shall ask the City Council to consider whether the compensation of the Council, and Planning Commissioners should be changed, with any such change to become effective upon the commencement of new terms of any of said officers.

SECTION 4. Severability. If any section, subsection, subdivision, sentence, or clause or phrase in this Ordinance or any part thereof is for any reason held to be unconstitutional, invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance or any part thereof. The City Council hereby declares that it would have adopted each section irrespective of the fact that any one or more subsections, subdivisions, sentences, clauses, or phrases are declared unconstitutional, invalid, or ineffective.

SECTION 5. Effective Date. This Ordinance shall become effective thirty (30) days from its adoption.

SECTION 6. Publication. The City Clerk shall certify to the adoption of this Ordinance and cause it, or a summary of it, to be published in a newspaper of general circulation printed and published within the City of Kerman, pursuant to all legal requirements.

The foregoing ordinance was introduced at a regular meeting of the City Council of the City of Kerman on September 11, 2024, and was passed and adopted at a regular meeting of the City Council of the City of Kerman on _____ 2024, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

The foregoing ordinance is hereby approved.

Maria Pacheco
Mayor

ATTEST:

Josie Camacho
City Clerk