



**CITY COUNCIL AGENDA
CITY HALL, 291 N. MAIN STREET
PORTERVILLE, CALIFORNIA 93257
AND
CEDAR SINAI MEDICAL CENTER, 8700 BEVERLY BLVD., RM. 8813
LOS ANGELES, CALIFORNIA 90048
JULY 7, 2015, 5:30 PM**

Call to Order

Roll Call

ORAL COMMUNICATIONS

This is the opportunity to address the City Council on any matter scheduled for Closed Session. Unless additional time is authorized by the Council, all commentary shall be limited to three minutes.

CITY COUNCIL CLOSED SESSION:

A. Closed Session Pursuant to:

- 1 - Government Code Section 54956.8 – Conference with Real Property**
Negotiators/Property: APN: 260-320-010, 260-320-032 and 260-320-035. Agency Negotiator: John Lollis and Jenni Byers. Negotiating Parties: City of Porterville and Dexter and Erlene Goodell. Under Negotiation: Terms and Price.
- 2 - Government Code Section 54956.8 – Conference with Real Property**
Negotiators/Property: APN: 261-190-006. Agency Negotiator: John Lollis and Jenni Byers. Negotiating Parties: City of Porterville and William Gnekow. Under Negotiation: Terms and Price.
- 3 - Government Code Section 54956.8 – Conference with Real Property**
Negotiators/Property: APN: 260-320-033. Agency Negotiator: John Lollis and Jenni Byers. Negotiating Parties: City of Porterville and Joseph Acquafresca. Under Negotiation: Terms and Price.
- 4 - Government Code Section 54956.8 – Conference with Real Property**
Negotiators/Property: APN: 253-182-009. Agency Negotiator: John Lollis and Jenni Byers. Negotiating Parties: City of Porterville and Pacifica First National. Under Negotiation: Terms and Price.
- 5 - Government Code Section 54957.6 – Conference with Labor Negotiator.** Agency Negotiator: John Lollis, Steve Kabot, and Patrice Hildreth. Employee Organizations: Porterville City Employees Association; Management and Confidential Series; Porterville Police Officers Association; Fire Officer Series; Porterville City Firefighters Association; Public Safety Support Unit; and all Unrepresented Management Employees.
- 6 - Government Code Section 54956.95 – Liability Claim:** Claimant: Hishmeh Enterprises, Inc. and Dominos Pizza. Agency claimed against: City of Porterville.
- 7 - Government Code Section 54956.95 – Liability Claim:** Claimant: Carol Mills. Agency claimed against: City of Porterville.
- 8 - Government Code Section 54956.9(d)(1) – Conference with Legal Counsel – Existing Litigation:** Lonnie Wesson v. City of Porterville, et al. Tulare County Superior Court Case

No. 260276.

9 - Government Code Section 54956.9(d)(1) – Conference with Legal Counsel – Existing Litigation: Robert Nuckols and dba Nuckols Farming v. City of Porterville and Rick Perigo, Tulare County Superior Court Case No. 261084.

10 - Government Code Section 54956.9(d)(4) – Conference with Legal Counsel – Anticipated Litigation – Initiation of Litigation: Four Cases.

**6:30 P.M. RECONVENE OPEN SESSION AND REPORT ON
REPORTABLE ACTION TAKEN IN CLOSED SESSION**

Pledge of Allegiance Led by Vice Mayor Hamilton

Invocation

PROCLAMATIONS

Parks and Recreation Month - July 2015

PRESENTATIONS

Employee of the Month - Erika Benevidez

AB 1234 REPORTS

This is the time for all AB 1234 reports required pursuant to Government Code § 53232.3.

1. Consolidated Waste Management Association (CWMA) - June 18, 2015
2. Tulare County Economic Development Corp. (TCEDC) - June 24, 2015

REPORTS

This is the time for all committee/commission/board reports; subcommittee reports; and staff informational items.

- I. City Commission and Committee Meetings
 1. Parks & Leisure Services Commission - Summer Hiatus
 2. Library & Literacy Commission - Summer Hiatus
 3. Arts Commission - June 24, 2015 (cancelled)
 4. Animal Control Commission - July 6, 2015
 5. Youth Commission - Summer Hiatus

ORAL COMMUNICATIONS

This is the opportunity to address the Council on any matter of interest, whether on the agenda or not. Please address all items not scheduled for public hearing at this time. Unless additional time is authorized by the Council, all commentary shall be limited to three minutes.

CONSENT CALENDAR

All Consent Calendar Items are considered routine and will be enacted in one motion. There will be no separate discussion of these matters unless a request is made, in which event the item will be removed from the Consent Calendar. All items removed from the Consent Calendar for further discussion will be heard at the end of Scheduled Matters.

1. **City Council Minutes of October 21, 2014**
Re: Considering approval of the Minutes of October 21, 2014.
2. **Ratification of Emergency Expenditure - Emergency Repair of City Well 15**
Re: Considering ratification of the emergency repair of City Well 15, and approval of the initiation of a Purchase Order to Valley Pump & Dairy Systems in an amount not to exceed \$31,413.
3. **Award of Contract - Lime Street and Laurel Avenue Sewer and Water Project**
Re: Considering awarding a contract in the amount of \$609,010 to 99 Pipeline for the project consisting of the installation of new master planned sewer main, water main, sewer laterals, and the removal of the existing water and sewer infrastructure on Lime Street between Mulberry Avenue and Laurel Avenue, and on Laurel Avenue between Lime Street and Second Street.
4. **Award Contract for Mobile Fare Payment and Fare Collection System**
Re: Considering authorization to begin negotiations with SPX Genfare for the purchase of a new fare collection system, and award a "not to exceed" \$835,183 contract for a period of three (3) years.
5. **Award Contract for Automatic Passenger Counter System**
Re: Considering authorization to begin negotiations with RouteMatch Software, Inc. for the purchase of an Automatic Passenger Counter System, and award a "not to exceed" \$324,695 contract for a period of three (3) years.
6. **Award Contract for an Integrated Security System**
Re: Considering authorization to negotiate a "not to exceed" \$200,000 contract with Convergent Technologies for an integrated security system and warranty and maintenance period of three (3) years.

7. **Award of Contract - On-Call Escrow and Title Services**
Re: Considering authorization to negotiate on-call contract with First American Title for services that consist of, but are not limited to, the preparation of preliminary title reports, property profiles, and document preparation and recordation.
8. **Authorization to Renew Cold Mix Asphalt Contract**
Re: Considering authorization to renew the existing contract with Jaxon Enterprises for the purchase of cold mix asphalt at a new rate of \$46.25 per ton .
9. **Intent to Vacate Portions of Jaye Street Between Poplar Avenue and Brown Avenue**
Re: Considering approval of a resolution of intent to vacate portions of Jaye Street between Poplar Avenue and Brown Avenue, and the scheduling of a public hearing on August 4, 2015.
10. **Consideration of Participation in the Sustainable Groundwater Management Act**
Re: Consideration of participation in the Sustainable Groundwater Management Act, and authorization to participate in the development of a Memorandum of Understanding for developing a Groundwater Sustainability Plan for the City and development of a Coordination Agreement with all public agencies within the Tule Subbasin.
11. **HOME Investment Partnerships Program (HOME) Grant Application**
Re: Consideration of a resolution approving the submittal of a HOME Investment Partnership Program funding application for \$400,000 for continuation of the First Time Low Income Homebuyer Program; and authorizing execution of all administrative documents required for administration of the HOME Program.
12. **Preliminary Annual Engineer's Report of Assessments for Lighting and Landscape Maintenance Districts and Setting a Public Hearing**
Re: Considering approval of resolutions ordering the preparation and preliminary approval of an Engineer's Report for Landscape and Lighting Maintenance Districts, and declaring the intent to levy and collect assessments for Fiscal Year 2015/2016; and setting a public hearing for July 21, 2015, at 6:30 p.m.

SECOND READINGS

13. **Second Reading - Ordinance 1824, Animal Control and Keeping**
Re: Second Reading of Ordinance No. 1824, An Ordinance of the City Council of the City of Porterville Amending the Municipal Code as it Pertains to Animal Control and Keeping, which was given first reading on June 16, 2015, and has been printed.

SCHEDULED MATTERS

- 14. Consideration of Appointment to Parks & Leisure Services Commission**
Re: Considering an appointment to the Parks & Leisure Services Commission with a term to expire in October 2015.
- 15. Consideration of Exception to the 180-Day PERS Wait Period for the Hiring of a Retired Annuitant**
Re: Consideration of authorizing an exception to the PERS requirement of a 180-day waiting period prior to hiring a retired annuitant.
- 16. Adoption of Annual Appropriation Limit**
Re: Considering approval of a resolution adopting the appropriation limit of \$58,254,230 for the 2015-2016 Fiscal Year.
- 17. Designation of Voting Delegate and Alternate for League of California Cities 2015 Annual Conference**
Re: Considering designation of a voting delegate and alternates to represent the City at the League's Annual Business Meeting to be held in San Jose September 30 - October 2, 2015.
- 18. Status and Review of Declaration of Local Drought Emergency**
Re: Consideration of the continuance of the Declaration of Local Emergency, and review and approve the draft Agreement between the City and County of Tulare.

Adjourn to a joint meeting of the Porterville City Council and the Successor Agency to the Porterville Redevelopment Agency.

JOINT PORTERVILLE CITY COUNCIL AND SUCCESSOR AGENCY TO THE
PORTERVILLE REDEVELOPMENT AGENCY AGENDA
291 NORTH MAIN STREET, PORTERVILLE, CA 93257
AND
CEDAR SINAI MEDICAL CENTER, 8700 BEVERLY BLVD., RM. 8813
LOS ANGELES, CA 90048
JULY 7, 2015

Roll Call: Agency Members/Chairperson

WRITTEN COMMUNICATION

ORAL COMMUNICATIONS

JOINT SCHEDULED MATTERS

SA-19. Successor Agency Review and Approval of Revised Long Range Property Management Plan

Re: Consideration of a resolution approving the revised Long Range Property Management Plan (LRPMP) prepared pursuant to Health & Safety Code Section 34191.5 and submittal of the LRPMP to the Oversight Board.

SA-20. Termination of Disposition and Development Agreement and Grant Deed Covenants

Re: Consideration of draft resolutions approving the Termination of Disposition and Development Agreement and Grant Deed Covenants; and authorizing the execution of the Termination of Disposition and Development Agreement and Grant Deed Covenants.

Adjourn to a meeting of the Porterville City Council.

ORAL COMMUNICATIONS

OTHER MATTERS

CLOSED SESSION

Any Closed Session Items not completed prior to 6:30 p.m. will be considered at this time.

ADJOURNMENT - to the meeting of July 21, 2015

In compliance with the Americans with Disabilities Act and the California Ralph M. Brown Act, if you need special assistance to participate in this meeting, or to be able to access this agenda and documents in the agenda packet, please contact the Office of City Clerk at (559) 782-7464. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting and/or provision of an appropriate alternative format of the agenda and documents in the agenda packet.

Materials related to an item on this Agenda submitted to the City Council after distribution of the Agenda packet are available for public inspection during normal business hours at the Office of City Clerk, 291 North Main Street, Porterville, CA 93257, and on the City's website at www.ci.porterville.ca.us.



CITY COUNCIL AGENDA – JULY 7, 2015

SUBJECT: City Council Minutes of October 21, 2014

SOURCE: Administrative Services

COMMENT: Staff has prepared the draft Minutes for the City Council meeting on October 21, 2014, for the Council's review and consideration.

RECOMMENDATION: That the City Council approve the Minutes of October 21, 2014.

ATTACHMENTS: 1. Draft Minutes

Appropriated/Funded: N/A

Review By:

Department Director:

Patrice Hildreth, Administrative Services Dir

Final Approver: Patrice Hildreth, Administrative Services Dir

**CITY COUNCIL MINUTES
CITY HALL, 291 N. MAIN STREET
PORTERVILLE, CALIFORNIA
OCTOBER 21, 2014, 5:30 P.M.**

Called to Order at 5:30 p.m.

Roll: Council Member Reyes, Council Member Ward, Council Member Gurrola, Vice Mayor Hamilton, Mayor Stowe

ORAL COMMUNICATIONS

None

CITY COUNCIL CLOSED SESSION:

A. Closed Session Pursuant to:

1- Government Code Section 54956.8 – Conference with Real Property Negotiators/Property: APN 260-320-004. Agency Negotiator: John Lollis. Negotiating Parties: City of Porterville and Tomas and Lucina Pizano. Under Negotiation: Terms and Price.

2- Government Code Section 54956.8 – Conference with Real Property Negotiators/Property: APN 253-192-010. Agency Negotiator: John Lollis. Negotiating Parties: City of Porterville and Sierra View Medical Center. Under Negotiation: Terms and Price.

3 - Government Code Section 54957.6 – Conference with Labor Negotiator. Agency Negotiator: John Lollis, Steve Kabot, and Patrice Hildreth. Employee Organizations: Porterville City Employees Association; Management and Confidential Series; Porterville Police Officers Association; Fire Officer Series; Porterville City Firefighters Association; Public Safety Support Unit; and all Unrepresented Management Employees.

4- Government Code Section 54956.95 – Liability Claim: Claimant: Kimberly and William Wyatt. Agency claimed against: City of Porterville.

5- Government Code Section 54956.9(d)(1) – Conference with Legal Counsel – Existing Litigation: John Duran v. City of Porterville, et al., United States District Court, Eastern District of California, Case No. 12:-CV-01239-LJO-BAM.

6- Government Code Section 54956.9(d)(1) – Conference with Legal Counsel – Existing Litigation: Donald Sipple, et al. v. City of Alameda, et al., Los Angeles County Superior Court Case No. BC462270.

7- Government Code Section 54956.9(d)(1) – Conference with Legal Counsel – Existing Litigation: City of El Centro, et al. v. David Lanier, et al., San Diego County Superior Court Case No. 37-2014-00003824-CU-WM-CTL.

8- Government Code Section 54956.9(d)(1) – Conference with Legal Counsel – Existing Litigation: Operating Engineers Local Union No. 3 v. City of Porterville, et al., United States Court of Appeals, Ninth District, Case No. VCU249441.

9- Government Code Section 54956.9(d)(3) – Conference with Legal Counsel – Anticipated Litigation – Significant Exposure to Litigation: Three Cases.

10- Government Code Section 54956.9(d)(4) – Conference with Legal Counsel – Anticipated Litigation – Initiation of Litigation: One case.

6:30 P.M. RECONVENE OPEN SESSION

AND REPORT ON REPORTABLE ACTION TAKEN DURING CLOSED SESSION

The City Attorney reported that no reportable action had taken place.

The Pledge of Allegiance was led by Council Member Reyes.

Invocation – a moment of silence was observed in recognition of Dinuba City Manager Beth Nunez, who had recently passed away.

PROCLAMATIONS

Friends of the Library Week – October 19 – 25, 2014

AB 1234 REPORTS

This is the time for all AB 1234 reports required pursuant to Government Code § 53232.3.

1. Consolidated Waste Management Authority (CWMA) – October 16, 2014
Council Member Reyes reported that revisions to the JPA were forthcoming, and spoke of discussion regarding the County's proposal pertaining to CWMA management of landfills.
2. Council of Cities – October 15, 2014
Vice Mayor Hamilton reported on consideration of Closed Session items and the upcoming appointment of TCAG and LAFCO representatives.
3. Tulare County Association of Governments (TCAG) – October 20, 2014
Council Member Gurrola reported on receipt of an update from Caltrans regarding Highway 65 (between Porterville and Lindsay), funding received for projects, and the cap and trade program.
4. Local Community Healthcare Task Force – October 14, 2014
Council Member Gurrola provided an update regarding the availability of applications for water delivery service.

REPORTS

This is the time for all committee/commission/board reports; subcommittee reports; and staff informational items.

- I. City Commission and Committee Meetings:
 1. Parks & Leisure Services Commission – no meeting.
 2. Library & Literacy Commission – October 14, 2014
Vice Chair Bailey spoke of a recent tour of the Centennial Plaza Building; announced that their next meeting would take place on November 13th due to the Veterans Day Holiday; requested that a member of the Council attend LLC meetings of December 9th and May 12th; reported on September highlights; and thanked the Friends and Council for their recognition.
 3. Arts Commission – no meeting.
 4. Animal Control Commission – October 14, 2014, and October 20, 2014
Commissioner Schwartzenberger reported on: the Commission's tour of animal control facilities, their interest in exploring use of Measure H funds, action to request two additional members, and review of animal control ordinance and

- animal control shelter plans.
5. Youth Commission – October 13, 2014 – no report given.
 6. Transactions and Use Tax Oversight Committee (TUTOC)
Chair Fletcher reported that the next meeting was on October 22nd, and extended an invitation to all in attendance.

II. Staff Informational Reports

1. Water Conservation Phase II, Water System Status

ORAL COMMUNICATIONS

- John Coffee, commented on improvements to the condition of Veterans' Park, and inquired if trees removed would be replaced if they had been planted in someone's memory.
- Brock Neeley, provided a handout reporting activity of Suicide Prevention Hotline.
- John Duran, expressed disappointment in the response to a recent Police Department investigation.
- Barry Caplan, spoke in support of the previous proclamation process.
- Moses Ortiz, expressed concern regarding students jumping out in front of vehicles at Sequoia Middle School, and indicated that he had reported the behavior to the school and the police.
- Frank Miller, spoke in opposition to the proposed \$700 medical marijuana cultivation permit fee, and stated that there would be a war should the fee be adopted.

CONSENT CALENDAR

Item No. 4 was removed for further discussion. Council Member Ward indicated that he would be abstaining from voting on Item No. 3 due to a conflict of interest pertaining to property ownership.

COUNCIL ACTION: MOVED by Council Member Gurrola, SECONDED by Vice Mayor Hamilton that the City Council approve Item Nos. 1 through 3, and 5 through 7, noting the aforementioned abstention by Council Member Ward. The motion carried unanimously.

1. REQUEST FOR APPROVAL TO PURCHASE A DELL POWER EDGE R720 SERVER

Recommendation: That the City Council approve the purchase of the Dell Power Edge R720 Server from Dell at a cost of \$17,829.68

Documentation: M.O. 01-102114

Disposition: Approved.

2. AUTHORIZATION TO ADVERTISE FOR BIDS – CNG FACILITY MAINTENANCE CONTRACT

Recommendation: That the City Council authorize Staff to advertise for bids for CNG Facility Maintenance.

Documentation: M.O. 02-102114
Disposition: Approved.

3. AUTHORIZATION TO NEGOTIATE A CONTRACT – BIOLOGICAL ODOR CONTROL SYSTEM PROJECT

Recommendation: That the City Council:

1. Authorize the Public Works Director to negotiate a “not to exceed” \$50,000 design service agreement with BioAir Solution, LLC;
2. Prior to the start of construction, direct the Public Works Director to present final plans, specifications and an Engineer’s Estimate of Probable Construction Costs for City Council approval;
3. When the project is ready for construction, direct the Public Works Director to seek Council approval to negotiate a construction contract with BioAir Solutions, LLC;
4. Authorize the Mayor to sign all contract documents; and
5. Authorize staff to make payments up to 100% upon satisfactory completion of all design work.

AYES: Reyes, Gurrola, Hamilton, Stowe
NOES: None
ABSTAIN: Ward
ABSENT: None

Documentation: M.O. 03-102114
Disposition: Approved.

5. AWARD OF CONTRACT FOR THE OAK AVENUE MURAL PROJECT

Recommendation: That the City Council:

1. Award the contract for the Oak Avenue Mural Project to Omni Graphics;
2. Authorize the Mayor to sign contract documents; and
3. Authorize staff to make payments up to 100% upon satisfactory completion of tasks.

Documentation: M.O. 04-102114
Disposition: Approved.

6. MLB BASEBALL TOMORROW FUND GRANT AWARD

Recommendation: That the City Council authorize staff to purchase softball field amenities up to \$13,847 from the Special Purposes Reserves.

Documentation: M.O. 04-102114

Disposition: Approved.

7. REVIEW OF LOCAL EMERGENCY STATUS – DECEMBER 21, 2010

Recommendation: That the City Council:

1. Receive the status report and review of the designated local emergency; and
2. Pursuant to the requirements of Article 14, Section Pursuant to the requirements of Article 14, Section 8630 of the California Emergency Services Act, determine that given CEMA's closing of the City's repair projects, there no longer exists the need to continue said local emergency designation.

Documentation: M.O. 06-102114

Disposition: Approved.

PUBLIC HEARINGS

8. MEDICAL CANNABIS CULTIVATION PERMIT FORMS AND FEES

Recommendation: That the City Council:

1. Approve the proposed application for Medical Cannabis Cultivation Permit; and
2. Adopt the draft resolution establishing fees associated with processing and administering a Medical Cannabis Cultivation Permit.

City Manager Lollis introduced the item, and Community Development Manager Julie Phillips presented the staff report.

The public hearing was opened at 7:23 p.m.

- Russell Fletcher, stated that the Council needed to balance the needs of those who use medicinal marijuana with those who do not want it permitted in the community; indicated that he believed the proposed \$700 permit fee was too steep; and spoke of the threat of litigation.
- Les Canon, stated that the proposed \$700 permit fee was extortion; and compared the Council to drug dealers.
- Joseph Cullins, spoke in opposition to the proposed \$700 fee.
- Shauna McGill, indicated that she has used medicinal marijuana for five years to treat boils; stated that she did not want the cops invading her privacy; and requested a lower permit fee.
- Brock Neeley, stated that the proposed fee was highway robbery; inquired if businesses were charged for inspections; and urged the Council to consider potential lawsuits.
- David Gong, spoke of his work with terminal cancer patients; and spoke in favor of a lower permitting fee.
- John Duran, spoke of rates paid to the City Attorney and background checks as they pertained to City Police Department personnel; and asked Council to address the issues

and needs of the community.

- Tamara May Hayes, spoke in opposition of the \$700 permit fee.
- Frank Miller, stated that the medicinal marijuana community were good, honest people; and added that if the Council wanted a war they would get one from him.
- Dawn Jobe, stated that the only person making money from the proposed fee was the City Attorney; questioned her motives; spoke of HIPAA law and civil rights; and added that the City would be co-conspirators in breaking federal law by permitting medical marijuana.
- Jeff Faure, stated that the proposed fee was a shameful act of extortion and threatened the Council with a lawsuit.
- Barry Caplan, inquired about fees based on staff time, since staff was paid a salary already; and encouraged the Council to adjust the fee to avoid lawsuits.
- Travis Fiore, stated the fee was too high compared to fees for other services.

The public hearing was closed at 7:50 p.m.

Council Member Gurrola expressed her offense to comments made about the Council and the City Attorney prior to their consideration of staff's report.

Council Member Ward spoke of efforts to come to a workable solution and the process associated with the establishment of fees; and expressed his disappointment in the divisive comments made during the public hearing.

Council Member Reyes indicated that while he believed the proposed fee to be high, he too was disappointed in the comments being made.

Vice Mayor Hamilton stated that he was against a fee, but he did not appreciate the public comments attacking members of the Council and the City Attorney. He added that to act in a combative manner, prior to Council consideration of the proposed fees, was dumb.

A discussion followed regarding fees charged for other City services, and the frequency of inspections and background checks.

At the Council's request, City Attorney Lew addressed comments regarding alleged HIPAA violations; and indicated that there were good arguments on both sides of the issue. She added that the City could apply it in a way that would not violate the law. In response to concerns raised regarding comments threatening litigation, Ms. Lew advised that the Council could discuss the matter in a future Closed Session if necessary.

Staff then provided clarification regarding the proposed fee for re-inspection, which would be assessed if the re-inspection was to verify correction of a violation. Council Member Ward spoke of the importance of working with individuals to achieve compliance. Staff was directed to bring back a report of activity in December.

COUNCIL ACTION: MOVED by Council Member Gurrola, SECONDED by Council Member Ward that the City Council approve the proposed application

for Medical Cannabis Cultivation Permit; and adopt the draft resolution establishing fees association with processing and administering a Medical Cannabis Cultivation Permit, to include a \$40 background check fee and a \$50 re-inspection fee to be assessed if violations are not self-corrected within 30 days.

AYES: Ward, Gurrola, Hamilton, Stowe
NOES: Reyes
ABSTAIN: None
ABSENT: None

Documentation: M.O. 07-102114; and Resolution No. 72-2014
Disposition: Approved.

9. CONSIDERATION OF A CONDITIONAL USE PERMIT (PRC 2014-011-C) TO ALLOW THE UPGRADE TO A TYPE 21 GENERAL OFF-SALE LICENSE FOR ALCOHOL SALES LOCATED AT 1187 WEST HENDERSON AVENUE

Recommendation: That the City Council adopt the draft resolution approving the Conditional Use Permit (PRC 2014-011-C) subject to conditions of approval.

City Manager Lollis introduced the item, and Community Development Manager Phillips presented the staff report.

The public hearing was opened at 8:27 p.m.

- Mark Hillman, on behalf of the applicant, requested the removal of Condition No. 1 regarding liquor advertisement on the outside of the building.
- Andy Arahni, spoke in favor of approval.

The public hearing was closed at 8:30 p.m.

Staff addressed questions regarding the applicant's request and the location of the liquor within the store.

COUNCIL ACTION: MOVED by Vice Mayor Hamilton, SECONDED by Council Member Gurrola that the City Council adopt the draft resolution approving the Conditional Use Permit (PRC 2014-011-C) subject to conditions of approval. The motion carried unanimously.

Documentation: Resolution No. 73-2014
Disposition: Approved.

The Council took a ten minute recess at 8:38 p.m.

SECOND READINGS

10. SECOND READING – ORDINANCE 1818, AMENDING PORTERVILLE DEVELOPMENT ORDINANCE

Recommendation: That the City Council give Second Reading to Ordinance No. 1818, waive further reading, and adopt said Ordinance.

City Manager Lollis introduced the item, and the staff report was waived at the Council's request.

COUNCIL ACTION: MOVED by Council Member Gurrola, SECONDED by Vice Mayor Hamilton that the City Council give Second Reading to Ordinance No. 1818, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE AMENDING THE PORTERVILLE DEVELOPMENT ORDINANCE TO AMEND THE DEFINITION OF COMMERCIAL ENTERTAINMENT USES AND ADJUST THE ZONE DISTRICTS WITHIN WHICH COMMERCIAL ENTERTAINMENT AND TRADE SCHOOLS ARE ALLOWED, waive further reading, and adopt said Ordinance.

AYES: Reyes, Gurrola, Hamilton, Stowe
NOES: None
ABSTAIN: None
ABSENT: Ward

Documentation: Ordinance No. 1818
Disposition: Approved.

SCHEDULED MATTERS

11. ANNEXATION & MUNICIPAL SERVICES – UPDATE OF POLICIES AND PROCEDURES

Recommendation: That the City Council:

1. Adopt the draft resolution defining objectives and policies for annexations and municipal services;
2. Adopt the draft resolution establishing procedures for annexations and extension of municipal services;
3. Direct the Zoning Administrator to amend and/or create forms and applications as needed to implement the draft resolution; and
4. Direct staff to review fees associated with processing annexation and extra-territorial service agreements, and an appropriate fee for the escrow fund for future annexations, and bring back a report with recommendations to the City Council at the next meeting.

City Manager Lollis introduced the item, and Community Development Manager Phillips presented the staff report. Following the staff report, Vice Mayor Hamilton indicated that some

members of the Council did not have Item No. 11 in their packet and had suggested that the item be continued. Administrative Services Director Patrice Hildreth advised that the staff report was posted on the website.

A discussion followed regarding whether the item should be postponed, and consideration by LAFCO. Staff spoke of requests for municipal services received to date and the expectation of more to come; and indicated that the adoption of procedures would aid in the processing of said requests.

Council Member Ward expressed his concern regarding the cost of improvements to annexed areas and the impact of annexation on existing City resources. The Council then discussed the pros and cons of annexing County areas. At the conclusion of the discussion Council Member Ward made a motion to continue the item to the next meeting, which died for lack of a second.

COUNCIL ACTION: MOVED by Vice Mayor Hamilton, SECONDED by Council Member Gurrola that the City Council adopt the draft resolution defining objectives and policies for annexations and municipal services; adopt the draft resolution establishing procedures for annexations and extension of municipal services; direct the Zoning Administrator to amend and/or create forms and applications as needed to implement the draft resolution; and direct staff to review fees associated with processing annexation and extra-territorial service agreements, and an appropriate fee for the escrow fund for future annexations, and bring back a report with recommendations to the City Council at the next meeting.

AYES: Reyes, Gurrola, Hamilton, Stowe
NOES: Ward
ABSTAIN: None
ABSENT: None

Documentation: Resolution No. 74-2014; and Resolution No. 75-2014
Disposition: Approved.

12. CONSIDERATION OF WEB-BASED AGENDA MANAGEMENT SYSTEM WITH LIVE/VIDEO STREAMING COMPONENT AND COUNCIL CHAMBERS AUDIO VISUAL UPGRADES

Recommendation: That the City Council:

1. Approve contracting for service with SuiteOne Media for agenda management and live/video streaming in an amount not to exceed \$8,063; and authorize the Administrative Services Director to sign all necessary documents;
2. Approve the purchase of two stationary cameras and related control accessories and software from JCG in an amount not to exceed \$6,380;

3. Approve the proposed A/V appliance upgrade in the Council Chambers and authorize staff to engage the service of in-house staff for miscellaneous electrical upgrades in an amount not to exceed \$1,000; and ITC in an amount up to \$19,419.97
4. Authorize funding for said services and upgrades out of the Special Purpose Reserve Fund in an amount not to exceed \$34,862.97, with ongoing annual service costs of \$6,959 to become a budgetary item in future budgets.

City Manager Lollis introduced the item, and Administrative Services Director Patrice Hildreth presented the staff report.

Council inquired about the features of the agenda management and video streaming products, costs for implementation, and staff involvement in the video recording process.

Council Member Ward expressed concern regarding the costs paid to the vendor and the extra burden on staff.

Vice Mayor Hamilton and Council Member Gurrola spoke in favor of an electronic agenda management system, and the Vice Mayor requested a demo of the video streaming software.

COUNCIL ACTION: MOVED by Vice Mayor Hamilton, SECONDED by Council Member Ward that the City Council approve contracting for service with SuiteOne Media for agenda management in an amount not to exceed \$5,088; authorize the Administrative Services Director to sign all necessary documents; and continue consideration of video streaming and a/v upgrades to the next meeting. The motion carried unanimously.

Documentation: M.O. 09-102114
Disposition: Approved.

13. GOVERNOR'S EXECUTIVE ORDER FOR CALIFORNIA DISASTER ASSISTANCE ACT FUNDING, AND THE PROVISION OF WATER TO EAST PORTERVILLE RESIDENTS

Recommendation: That the City Council consider the planning effort toward the provision of water service connections to East Porterville county residents in reference to Governor's Executive Order, as well as the continuation of water delivery service by Mutual Aid Agreement with the County, and provide directions and authorization to staff as deemed appropriate.

City Manager Lollis introduced the item and presented the staff report.

The Council discussed the County's refusal to fill tanks placed by PACC due to a

perceived liability and the need to explore tertiary treatment; and considered the continuation of water delivery. Staff then addressed questions regarding the personnel required to fill tanks, and the money expended to date.

Jesse Snyder of Self Help Enterprises spoke regarding State-wide funding opportunities, and the desire to find a long-term solution.

City Manager Lollis recommended that should the City agree to the provision by Mutual Aid, the City request the agreement be retrospective.

COUNCIL ACTION: MOVED by Council Member Gurrola, SECONDED by Vice Mayor Hamilton that the City Council approve the continuation of water delivery to November 7, 2014. The motion carried unanimously.

Documentation: M.O. 10-102114

Disposition: Approved.

14. CONSIDERATION OF CITY COUNCIL PROCEDURAL HANDBOOK

Recommendation: That the City Council consider the City Council Procedural Handbook, and adopt charges to the Handbook and/or provide direction to staff as deemed appropriate.

City Manager Lollis introduced the item.

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Council Member Reyes that the City Council continue the item to the next meeting. The motion carried unanimously.

Documentation: M.O. 11-102114

Disposition: Approved.

CONSENT CALENDAR (Pulled Items)

4. AWARD OF CONTRACT – CLEANING OF ANAEROBIC DIGESTERS

Recommendation: That the City Council:

1. Award the Digester Cleaning contract to PARC Environmental for a five-year term in the amount of \$127,307; and
2. Authorize progress payments up to 100% of the contract amount.

City Manager Lollis introduced the item, and the staff report was waived at the Council's request. Council Member Ward requested that staff elaborate on the size of the digesters.

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Council Member Gurrola that the City Council award the Digester Cleaning contract to PARC Environmental for a five-year term in the amount of

\$127,307; and authorize progress payments up to 100% of the contract amount. The motion carried unanimously.

Documentation: M.O. 02-102114
Disposition: Approved.

ORAL COMMUNICATIONS

- Barry Caplan, expressed discontent with the postponement of Item No. 14.

OTHER MATTERS

- Council Member Ward thanked the Police Department staff in advance for their efforts on the Halloween holiday, and wished everyone a happy Halloween.
- Council Member Reyes spoke of the Parent's Against Bullying Rally and his participation in Foot Golf event.
- Vice Mayor Hamilton wished Mayor Stowe a happy belated birthday.
- City Manager Lollis spoke of a Beckman's 50th Anniversary event to take place on November 4th; reported his attendance at Dinuba City Manager Elizabeth Nunes funeral; and announced that Administrative Services Director Hildreth had been appointed to the PELRAC board.

CLOSED SESSION

At 10:30 p.m. the Council took a ten minute recess and reconvened in Closed Session. No reportable action took place.

ADJOURNMENT

The Council adjourned at 11:59 p.m. to the meeting of November 4, 2014.

SEAL

Luisa M. Zavala, Deputy City Clerk

Milt Stowe, Mayor



CITY COUNCIL AGENDA – JULY 7, 2015

SUBJECT: Ratification of Emergency Expenditure - Emergency Repair of City Well 15

SOURCE: Public Works

COMMENT: The City of Porterville's Well 15, located on the south west corner of W. Morton Avenue and G Street, experienced an operational failure. The demand on the water system is currently rising, so it is imperative that we restore operation to this pump before the demand for water increases in the next month. Failure to correct this issue would affect the city's overall water system pressure and production capabilities.

City Code 2-38, Emergency Expenditures/Appropriations, authorizes an expenditure of up to \$100,000 in an extraordinary emergency for the preservation of the public peace, health, or safety. Pursuant to City Code 2-38, these circumstances were communicated to the Mayor by the City Manager and the expenditure was approved by the Mayor due to the extraordinary emergency of the situation. A copy of City Code 2-38 is attached for your reference.

Because of the need for an emergency repair, the normal sealed bid process was not used; emailed quotes were obtained. Securing the services of a pump repair company is challenging, especially during unprecedented drought conditions. However, the following bids were requested and three (3) bids were received from these local pump repair companies:

<u>Company</u>	<u>Total</u>	<u>Availability</u>
Valley Pump & Dairy Systems	\$ 31,413	Immediately
S.A. Camp Pump & Drilling Co.	\$ 37,790	August 2015
Zim Industries	\$ 40,955	Middle of July

Valley Pump & Dairy Systems provided a bid and was the lowest bidder and they were immediately available to start correcting all issues at City Well 15 at a cost not to exceed \$31,413 (inclusive of all parts, taxes, and prevailing wage labor). The urgency to get this well operational has necessitated the approval of an emergency repair. Therefore, emergency authorization to engage the services of Valley Pump & Dairy Systems was obtained from the Mayor by the City Manager. Funding is available in the Water Operating Fund.

RECOMMENDATION: That City Council:

1. Ratify the emergency repair of City Well 15 was necessary and met the emergency criteria as promulgated in Article VII, Section 2-38 of the City Code;
2. Direct the Finance Director to initiate a Purchase Order to Valley Pump & Dairy Systems in an amount not to exceed \$31,413; and
3. Direct the Finance Director to make payment to Valley Pump & Dairy Systems upon receipt of invoice approved by the Public Works Director.

ATTACHMENTS: 1. Municipal Code 2-38 Emergency Expenditures/Appropriations

Appropriated/Funded: MB

Review By:

Department Director:

Mike Reed, City Engineer

Final Approver: John Lollis, City Manager

2-38: EMERGENCY EXPENDITURES/APPROPRIATIONS:

An appropriation and/or expenditure of up to one hundred thousand dollars (\$100,000.00) is authorized without additional prior council approval, if: a) the city manager has requested that such an appropriation/expenditure be made; b) the mayor has determined that the circumstances for the request constitute an extraordinary emergency, meaning that there is an immediate need to make such appropriation/expenditure for the preservation of the public peace, health or safety; and c) the city manager notifies the council of the specific appropriation/expenditure in writing. (Ord. 1704 § 1, 10-3-2006)



CITY COUNCIL AGENDA – JULY 7, 2015

SUBJECT: Award of Contract - Lime Street and Laurel Avenue Sewer and Water Project

SOURCE: Public Works

COMMENT: On June 24, 2015, staff received four (4) bids for the Lime Street and Laurel Avenue Sewer and Water Project. The project consists of installing new master planned sewer main, water main, sewer laterals, and the removal of the existing water and sewer infrastructure. The project will be located on Lime Street between Mulberry Avenue and Laurel Avenue, and on Laurel Avenue between Lime Street and Second Street.

The portion of work on Lime Street will include water and sewer utilities. The work on Laurel Avenue will only include sewer. This project is a precursor to the reconstruction of Lime Street. Due to the highly expansive soil along this stretch of road, the proposed street section will be deeper than usual. The age of the existing pipe material could be in danger of failing during construction and therefore, staff believes it is prudent to remove and replace the aging infrastructure prior to the reconstruction of the road.

The Engineer's Estimate of Probable Cost for the project was \$591,600. The low bid presented by 99 Pipeline, Inc. of Porterville is \$609,010, which is 2.9% above the Engineer's Estimate. An additional \$60,901 is required for construction contingency (10%). It is anticipated that an additional \$28,177 is required for construction management, quality control, inspection services and construction surveying (4.6%). The total estimated cost for the project is \$698,088.

The funding sources for this project are the Sewer Revolving Fund and the Water Replacement Fund. Council approved appropriations to both funds by MO #04-021715 with the Authorization to Advertise for Bids for the project.

The bids are as follows:

	<u>Contractor</u>	<u>Amount</u>
1.	99 Pipeline, Inc. Porterville, CA	\$609,010
2.	JT2, Inc. DBA Todd Co. Visalia, CA	\$659,480
3.	West Valley Construction Co. San Jose, CA	\$789,470

- | | | |
|----|---|-------------|
| 4. | Floyd Johnston Construction
Clovis, CA | \$1,044,645 |
|----|---|-------------|

Staff has found the low bid acceptable.

RECOMMENDATION: That City Council:

1. Award the Lime Street Sewer and Water Project to 99 Pipeline in the amount of \$609,010;
2. Authorize progress payments up to 95% of the contract amount;
3. Authorize a 10% contingency to cover unforeseen costs;
4. Authorize an additional 4.6% for construction management, construction surveying, quality control, and inspection services; and
5. Authorize the City Engineer to negotiate construction surveying service with one of the firms as approved by Council MO #02-100714.

ATTACHMENTS: 1. Lime and Laurel Locator Map

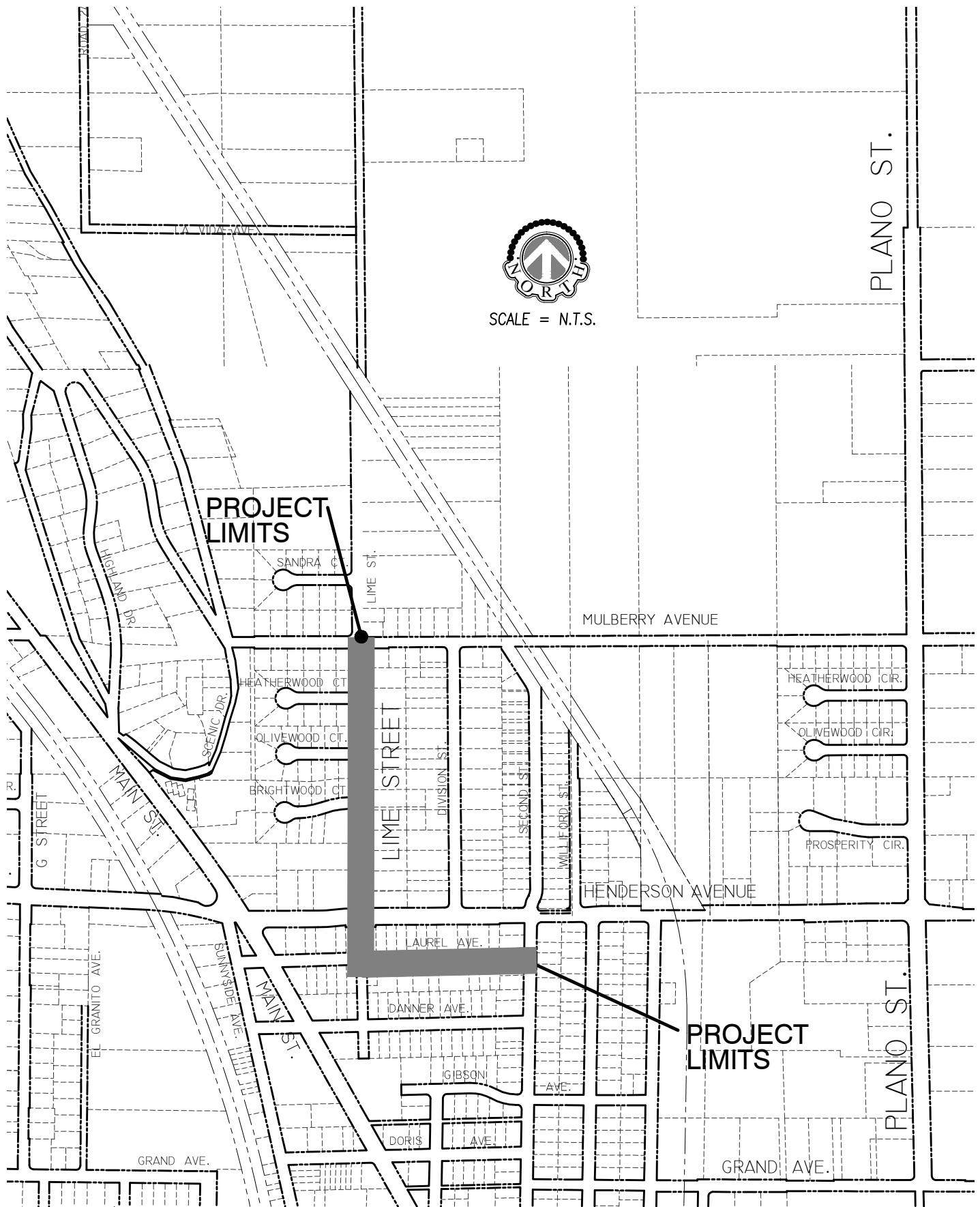
Appropriated/Funded: MB

Review By:

Department Director:

Mike Reed, City Engineer

Final Approver: John Lollis, City Manager



CITY OF PORTERVILLE

ENGINEERING DIVISION

291 NORTH MAIN STREET
PORTERVILLE, CA. 93257
(559) 782-7462

LIME AND LAUREL SEWER AND WATER PROJECT

OWNER	-
APN	-
AREA	-
ACRES	-
SCALE	N.T.S.
DATE	-
DRAWN BY	-
CHECKED BY	-



CITY COUNCIL AGENDA – JULY 7, 2015

SUBJECT: Award Contract for Mobile Fare Payment and Fare Collection System

SOURCE: Public Works

COMMENT: On March 3, 2015, staff received authorization from the City Council (see attached) to advertise for a Request for Proposals (RFP) for a new fare collection system capable of account-based smart cards, mobile and web-based ticketing, and fare collection software. Requests for Proposals were issued on March 6, 2015, to a number of vendors.

On June 24, 2015, staff received proposals from SPX Genfare and Routematch Software, Inc. After staff's rating of the two firms, SPX Genfare scored the highest.

The proposing firms were evaluated based on the City's Selection Rating form and their respective rankings are as follows:

SPX Genfare	98
RouteMatach	95

Total project funding is \$835,183, which consists of \$243,883 in Prop 1B PTMISEA funds, \$148,012 in Federal Transit Administration (FTA) Section 5339 funding, \$325,028 in FTA Section 5307 funding, and \$118,260 in local transportation funding (LTF) as the local match.

It is staff's recommendation to begin negotiations with SPX Genfare for the purchase of a new fare collection system and award a "not to exceed" \$835,183 contract for a period of three (3) years.

RECOMMENDATION: That the City Council:

1. Authorize staff to begin negotiations with SPX Genfare for the purchase of mobile fare payment and fare collection equipment;
2. Authorize a "not to exceed" \$835,183 contract to SPX Genfare for the fare collection system; and
3. Authorize staff to make payments up to 100% upon satisfactory completion of all work.

ATTACHMENTS: 1. March 3, 2015 Staff Report

Appropriated/Funded: MB

Review By:

Department Director:

Mike Reed, City Engineer

Final Approver: John Lollis, City Manager

COUNCIL AGENDA: MARCH 3, 2015

SUBJECT: AUTHORIZATION TO ADVERTISE FOR BIDS - FARE COLLECTION SYSTEM

SOURCE: Public Works Department – Transit Division

COMMENT: The Plans and Project Manual have been prepared for a new Fare Collection System. The fare collection system will be installed on all fixed route vehicles and will upgrade or replace each vehicle's existing fare collection system with a modern, flexible, and expandable system, which is capable of web-based and mobile ticketing.

The primary objectives for the fare collection system are to identify appropriate solutions to take advantage of web-based and mobile ticketing payment options, 802.11 wireless networking and CAD/AVL capabilities, and to improve the back office system so that it integrates with the new farebox, reduces dependence on legacy systems, and maintains data accuracy.

Staff has estimated and budgeted \$678,898 for the fare collection system project. Project funding consists of \$243,883 in Prop 1B PTMISEA funds, \$148,012 in FTA Section 5339 funding, \$200,000 in FTA Section 5307 funding, and \$87,003 in local transportation funding (LTF) as the local match.

The plans and project manual are available in the Pete V. McCracken Conference Room.

RECOMMENDATION: That the City Council:

1. Approve staff's recommended plans and project manual; and
2. Authorize staff to advertise for bids for the Fare Collection System.

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Item No. 2



CITY COUNCIL AGENDA – JULY 7, 2015

SUBJECT: Award Contract for Automatic Passenger Counter System

SOURCE: Public Works

COMMENT: On March 3, 2015, staff received authorization from the City Council (see attached) to advertise for a Request for Proposals (RFP) for an Automatic Passenger Counter (APC) system. The APC system will be installed on all fixed route vehicles to improve operational efficiency by delivering the most complete and accurate passenger count data. APCs also improve National Transit Database (NTD) reporting to over 95% accuracy, while reducing the need for manual staff sampling. The Requests for Proposals were issued on March 6, 2015, to a number of vendors.

On June 24, 2015, staff received proposals from Syncomatics and RouteMatch Software, Inc. After staff's rating of the two firms, RouteMatch Software, Inc. scored the highest.

The proposing firms were evaluated based on the City's Selection Rating form and their respective rankings are as follows:

RouteMatch	95
Syncomatics	93

Total project funding is \$324,695, which is fully-funded by Prop 1B PTMISEA funds.

It is staff's recommendation to begin negotiations with RouteMatch Software, Inc. for the purchase of an Automatic Passenger Counter System and award a "not to exceed" \$324,695 contract for a period of three (3) years.

RECOMMENDATION: That the City Council:

1. Authorize staff to begin negotiations with RouteMatch Software, Inc. for the purchase of an Automatic Passenger Counter (APC) system;
2. Authorize a "not to exceed" \$324,695 contract to RouteMatch Software, Inc. for the APC system; and
3. Authorize staff to make payments up to 100% upon satisfactory completion of all work.

ATTACHMENTS: 1. March 3, 2015 Staff Report

Appropriated/Funded: MB

Review By:

Department Director:

Mike Reed, City Engineer

Final Approver: John Lollis, City Manager

COUNCIL AGENDA: MARCH 3, 2015

SUBJECT: AUTHORIZATION TO ADVERTISE FOR BIDS - AUTOMATIC PASSENGER COUNTING SYSTEM

SOURCE: Public Works Department – Transit Division

COMMENT: The Plans and Project Manual have been prepared for an Automatic Passenger Counting (APC) system. The APC system will be installed on all fixed route vehicles to improve operational efficiency by delivering the most complete and accurate passenger count data. APCs also improve National Transit Database (NTD) reporting to over 95% accuracy, while reducing the need for manual staff sampling.

On January 15, 2015, staff submitted an APC allocation request for fiscal year 2014/15 Prop 1B Public Transportation Modernization, Improvement and Service Enhancement Program (PTMISEA) funding to Caltrans. Staff has estimated and budgeted \$324,695 for the APC project. Prop 1B PTMISEA funding will cover 100% of the project cost.

The plans and project manual are available in the Pete V. McCracken Conference Room.

RECOMMENDATION: That the City Council:

1. Approve staff's recommended Plans and Project Manual; and
2. Authorize staff to advertise for bids for the purchase of software and hardware equipment required to install Automatic Passenger Counting system on all fixed route vehicles.

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Item No. 3



CITY COUNCIL AGENDA – JULY 7, 2015

SUBJECT: Award Contract for an Integrated Security System

SOURCE: Public Works

COMMENT: On March 17, 2015, staff received authorization from the City Council (see attached) to advertise for a Request for Proposals (RFP) for an integrated transit security system to be installed at the Transit Center, Centennial Plaza, Bus Maintenance Facility, and City Data Center. Requests for Proposals were issued on May 18, 2015, to a number of vendors.

On June 25, 2015, staff received one (1) responsive proposal from Convergent Technologies and one (1) unresponsive proposal from PTS Professional. PTS Professional's proposal was determined unresponsive due to the City receiving the proposal after the required due date and time.

The Federal Transit Administration (FTA) Procurement Circular 4220.1f at Ch. VI, Section 3.i.(1)(b)2, discusses the scenario of receiving only one bid after a competitive solicitation. Circular 4220.1f requires the City to review the project specification used to determine if it was overly restrictive: i.e., if only one company could meet the requirements. If this is true, then the City needs to have a sole source justification approved before the City can award the contract. If the City determines that the specification was not restrictive, and other companies could have met the specification but chose not to bid for other reasons, then the City is required to document the project file with staff's determination that the competition was adequate.

Staff reviewed the project specifications and determined that the project was not overly restrictive. Staff has also contacted vendors who did not bid and determined that the competition was adequate: i.e. eight (8) vendors did not submit a proposal due to unrelated factors and three (3) vendors felt they did not have enough time to formulate a proposal. Staff had extended the deadline an additional two weeks and feels there was adequate time for interested vendors to submit proposals in a timely manner.

Staff is recommending authorization to negotiate a "not to exceed" \$200,000 contract with Convergent Technologies for an integrated security system and warranty and maintenance period of three (3) years.

Total project funding is \$200,000 which consists of \$160,000 in Federal Transit Administration (FTA) Section 5307 funding and \$40,000 in local transportation funding (LTF) as the local match.

RECOMMENDATION:

That the City Council:

1. Authorize staff to begin negotiations with Convergent Technologies for the purchase of an integrated security system;
2. Authorize a "not to exceed" \$200,000 contract to Convergent Technologies for the integrated security system; and
3. Authorize staff to make payments up to 100% upon satisfactory completion of all work.

ATTACHMENTS:

1. March 17, 2015 Staff Report

Appropriated/Funded: MB

Review By:

Department Director:

Mike Reed, City Engineer

Final Approver: John Lollis, City Manager

COUNCIL AGENDA: MARCH 17, 2015

SUBJECT: AUTHORIZATION TO ADVERTISE FOR BIDS – TRANSIT SECURITY SYSTEM

SOURCE: Public Works Department – Transit Division

COMMENT: The Plans and Project Manual have been prepared for a Transit Security System (TSS). The integrated transit security system will be installed at the Transit Center, Bus Maintenance Facility and City Hall, and will include the purchase and installation of high definition security cameras, door access, and intrusion detection.

Funding was approved in the 2014/2015 Annual Budget for the Transit Security System. Funding for the project will come from Federal Transit Administration (FTA) capital assistance and Local Transportation in the amount of \$200,000. Eight percent of the project cost, \$160,000, will be provided by the FTA and twenty percent, \$40,000, will be provided by Local Transportation Funds (LTF).

The plans and project manual are available in the Pete V. McCracken Conference Room.

RECOMMENDATION: That the City Council:

1. Approve staff's recommended Plans and Project Manual; and
2. Authorize staff to advertise for bids for the purchase of a Transit Security System.

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MLR
APW

Appropriated/Funded

MB

CM

[Signature]

Item No. 3



CITY COUNCIL AGENDA – JULY 7, 2015

SUBJECT: Award of Contract - On-Call Escrow and Title Services

SOURCE: Community Development

COMMENT: On June 2, 2015, City Council authorized staff to distribute a Request for Qualifications for On-Call Consulting for escrow and title services. The services to be rendered would consist of, but not be limited to, the preparation of preliminary title reports, property profiles, and document preparation and recordation.

The Request for Qualifications (RFQ) was mailed to three local title companies. The City received response from only one: First American Title. The responsive firm meets the desired qualifications, and has experience working with the City of Porterville.

The proposed contract has a term of five (5) years, with the possibility of extension by mutual agreement.

RECOMMENDATION: That the City Council:

1. Authorize staff to negotiate on-call contracts with First American Title;
2. Authorize the Mayor to sign contract documents;
3. Authorize the Community Development Director to sign task orders; and
4. Authorize staff to make payments up to 100% upon satisfactory completion of tasks.

ATTACHMENTS: 1. Staff report from June 2, 2015, authorizing distribution of Request for Qualifications

Appropriated/Funded: MB

Review By:

Department Director:

Jenni Byers, Community Development Director

Final Approver: John Lollis, City Manager



CITY COUNCIL AGENDA – JUNE 2, 2015

SUBJECT: Authorization to Distribute a Request for Qualifications for On-Call Escrow and Title Services

SOURCE: Community Development

COMMENT: The Community Development Department oversees acquisition of right-of-way, easements, and properties on behalf of all City Departments. Escrow and Title services are an important element of that activity, and a qualified firm has been used for many years under a general agreement as to terms and pricing for specific activities. However, no formal contract was established, and staff has recently been working to update or establish contracts as needed for all applicable consulting services.

In a manner similar to the recently approved contract for on-call right-of-way appraisals, staff suggests that a defined contract to provide escrow and title services would expedite and simplify the process of acquisitions. The Request For Qualifications is attached and, if the recommendation is approved, staff will immediately route it to potential consultants.

RECOMMENDATION: That the City Council authorize staff to distribute a Request for Qualifications for on-call Escrow and Title services.

ATTACHMENTS: 1. Request For Qualifications

Appropriated/Funded: MB

Review By:

Department Director:

Jenni Byers, Community Development Director

Final Approver: John Lollis, City Manager

June 4, 2015

Subject: Request for Qualifications (RFQ) – On-call Consulting Services

The City of Porterville has need of a consultant or firm to provide escrow and title services when right-of-way or property acquisition is necessary to complete certain projects. These tasks are a specialty that are not within the current capacity of City staff. Subject projects may be privately initiated by a seller approaching the City, or in response to a need for right of way to complete a public improvement project. Therefore, the City of Porterville is requesting qualifications for escrow and title services to assist staff in the purchase of properties as may be needed. The required services described in the attached RFQ will be performed upon request by the City as projects are initiated.

If selected, the City will provide a Service Contract for five (5) years following the date of the signed service agreement. The contract may be extended by mutual agreement. Upon contract renewal, the cost for services must be agreed upon by both parties. Due to the volume of work needed, the City of Porterville reserves the right to place services, in addition to the services being performed by the selected firm, with other qualified firms.

This contract is subject to thirty (30) days written notice of cancellation by either party except that City may cancel contract upon five (5) days written notice in the event of nonperformance by contractor. Nonperformance by contractor or repeated lack of response or attention to responsibilities and/or directions and requests of City shall be considered adequate cause for termination of contract and/or withholding of funds to contractor which City must pay to third party or parties to correct deficiencies due to lack of performance as determined by City.

The selected consultants must identify the principal project manager, and the consultant shall not substitute the project manager without prior approval by the Community Development Director of the City of Porterville. Four (4) copies of the proposals must be submitted, in accordance with the attached request, by 4:00 PM, June 25, 2015, to:

City of Porterville, Community Development Department
Attn: Jennifer M. Byers
Acting Community Development Director
291 N. Main Street
Porterville, CA 93257

Award of contract should occur in July 2015 by the City Council.

Please contact me at (559) 782-7460 if you have any questions regarding this letter.

Sincerely,

Jennifer M. Byers
Acting Community Development Director

CITY OF PORTERVILLE

REQUEST FOR QUALIFICATIONS (RFQ) FOR ON-CALL ESCROW AND TITLE SERVICES

The City of Porterville has need of a consultant or firm to provide escrow and title services when right-of-way or property acquisition is necessary to complete certain projects. These tasks are a specialty that are not within the current capacity of City staff. Subject projects may be privately initiated by a seller approaching the City, or in response to a need for right-of-way to complete a public improvement project. Although the consultant's work will include involvement by the Community Development Director or designated staff, independent initiative and responsiveness are integral to the success of the contract and each project addressed under the contract. Other services typically rendered by the selected firm may also be utilized during the course of this agreement.

SCOPE OF ESCROW AND TITLE SERVICES:

The consultant will respond directly to the Community Development Manager or her designee on a particular project. The selected consultant will perform, but not be limited to, the following tasks:

1. Preliminary Title Reports - Use of e-Pre is preferred, with a supplemental pdf or hard copy of a preliminary title report. Cost per report will be set for the term of the contract, and where title insurance is required, the cost of the preliminary title report will be credited towards the policy premium.
2. Escrow Services.
3. Property Profiles.
4. Document Preparation and Recordation.
5. For complicated projects, coordinate regularly with City staff and other parties as needed.
6. Title production.
7. Provide other consulting services as available through the selected firm.
8. Other Requirements:

- a) The selected firm will be required to carry and provide certificates of insurance for general and automobile liability insurance as follows:

General Liability	\$1,000,000 minimum per occurrence
Automobile Liability	\$1,000,000 minimum per occurrence
Workers Compensation	Statutory Limits

The General Liability is to contain or be endorsed to name the City, its officers, officials, employees and agents as Additional Insured as respects liability arising

out of the activities performed in connection with this contract. The coverage shall be primary and shall apply separately to each insured against whom claim is made or suit is brought, except with respect to the limits of the insurer's liability. Original endorsements, signed by a person authorized to bind coverage on its behalf, shall be furnished to the City by the successful firm.

- b) The selected consultant/firm shall indemnify and hold harmless the City, its officers, employees and agents from and against all claims, damages, losses and expenses caused in whole or in part by any negligent act or omission of the firm, its consultants, subcontractors, anyone directly or indirectly employed by any of them, or anyone for whose acts any of them may be liable, except where caused by the active negligence, or willful misconduct by the City.
- c) Labor and material proposals submitted on this form shall be subject to the provisions of Section 1700, California Labor Code, as specified by Section 3700, California Labor Code, which requires Workers' Compensation insurance to be provided by the selected consultant/firm.
- d) Workers' Compensation policy(ies) are to be endorsed to include a waiver of subrogation against the City, its officers, officials, employees and agents.
- e) The firm and its employees are independent contractors and not employees of the City of Porterville. The firm and/or its insurers are responsible for payment of any liability arising out of workers' compensation, unemployment, or employee benefits offered to its employees.
- f) Insurance is to be placed with insurers with a current A.M. Best's rating of no less than A:VII, unless otherwise acceptable to the City.
- g) Endorsements are to be received and approved by the City before work commences.
- h) The successful consultant/firm shall obtain a City of Porterville business license. Fee is based on gross receipts for all business transactions in the city of Porterville. For information, contact the Business License clerk at (559) 782-7457.
- i) A service contract will be provided by the City to the selected contractor.
- j) All work performed by the consultant under this contract shall be under the ownership of the City of Porterville.
- k) All work performed under this contract shall be researched, prepared and executed in a professional and competent manner for which the consultant will be responsible.
- l) In accordance with City of Porterville and Caltrans policy, disadvantaged business enterprises (DBE), including qualified small minority and woman-owned firms, are

encouraged to submit a proposal or otherwise participate in the completion of the work covered by this request. No DBE participation goals have been established for this project.

- m) The employee(s) identified in the proposal as performing the duties under this contract shall not be replaced without the prior written approval of the Community Development Director of the City of Porterville.

DESIRABLE QUALIFICATIONS OF THE CONSULTANT

The City is seeking a qualified consultant to provide on-call escrow and title services. The desired consultant shall have the following qualifications:

1. Extensive experience in the preparation of escrow and title documents in compliance with all applicable laws and regulations.
2. The Consultant's proven ability to expeditiously and accurately produce the required product in a concise and useable format.
3. Knowledge of the City of Porterville property acquisition process is highly desirable.
4. The consultant must possess strong writing skills and be proficient using Microsoft Word and other standard software programs.

CONTENTS OF STATEMENTS OF QUALIFICATIONS TO BE SUBMITTED TO CITY

Firms wishing to be considered for selection to provide the services to the City described herein should submit Statements of Qualifications in their proposals containing the following information:

1. A description, including background, size and orientation of the firm.
2. A summary of the qualifications of the firm to perform the services described herein, including, but not necessarily limited to:
 - a) the firm's previous experience in preparing the required documents and providing the described services;
 - b) the firm's previous experience in performing similar services for other agencies;
 - c) the firm's previous experience with the City of Porterville and familiarity with the community; and
 - d) the firm's ability to produce the required product in a timely fashion, within budget and ability to present such reports to applicable staff and other involved agencies/parties.

3. Prospective consultants shall describe the qualifications of all professional personnel to be assigned to this project, including a summary of similar work or studies each member has performed and a resume of each professional involved with this contract.
4. Prospective consultants shall designate by name the project manager to be employed in this effort. The selected consultant shall not substitute the project manager without prior approval by the Community Development Director of the City of Porterville.

The proposal shall contain the fee(s) the firm proposes to charge for the services to be provided. The fee(s) shall be in the form of hourly rates which consider all billable expenses such as mileage, materials, insurance, phones, etc. Time will be of the essence in completing the services described in relation to this project. It is anticipated that this effort may require significant staff resources at times, particularly for large construction projects requiring acquisition of several properties or easements. It is also important that when services are requested, the consultant will return to the City for work within five (5) working days in the event a lapse in service occurs.

Four (4) copies of the proposal should be submitted by not later than 4:00 P.M., June 25, 2015, to:

City of Porterville
Attn: Jennifer M. Byers
Acting Community Development Director
291 North Main Street
Porterville, CA 93257

The proposals must be submitted in an envelope clearly marked with the proposer's name and "Qualifications for Consulting Services." Late or incomplete proposals will not be considered by the City.

SELECTION PROCESS:

Proposals will be evaluated using the attached Exhibit "A" Consultant Selection Rating Form.

INQUIRIES REGARDING THIS RFQ:

Any inquiries regarding this RFQ or the project described herein should be directed to Jennifer Byers, Acting Community Development Director, by calling (559) 782-7460.

RESPONSE TO REQUEST FOR QUALIFICATIONS FOR
ESCROW AND TITLE SERVICES

TO: City of Porterville

FROM: _____
Name/Company

Address

City, State, Zip Code

Telephone No. Fax No.

Proposal Amount:	Hourly Rate	Availability/hours per week
------------------	-------------	-----------------------------

Manager/Principal	_____	_____
-------------------	-------	-------

Assisting Staff	_____	_____
-----------------	-------	-------

Clerical (if applicable)	_____	_____
--------------------------	-------	-------

Notice required prior to commencing work on project: _____ hours/days.

(Summary of qualifications, references and relevant experience must be attached.)

_____ Signature	_____ Date
--------------------	---------------

Name and Title (Printed)



CITY COUNCIL AGENDA – JULY 7, 2015

SUBJECT: Authorization to Renew Cold Mix Asphalt Contract

SOURCE: Public Works

COMMENT: At their July 15, 2014, meeting, the City Council authorized staff to purchase cold mix asphalt by "piggy-backing" on the Tulare County contract with Jaxon Enterprises at a cost of \$54.50 per ton. The contract may be renewed, by mutual consent, for two additional one-year terms.

Staff contacted Jaxon Enterprises regarding extending the contract and, due to the current market rate, they have offered a reduced price of \$46.25 per ton. Staff is requesting authorization to renew the contract for the purchase of cold mix for the 2015/2016 FY Asphalt Overlay Program. This would be the first of the two allowable contract renewals.

Funding for the asphalt purchase is available in the Asphalt Overlay Program as approved in the 2015/2016 Annual Budget.

RECOMMENDATION: That the City Council authorize renewing the existing contract at the new rate of \$46.25 per ton with Jaxon Enterprises for the purchase of cold mix asphalt.

ATTACHMENTS:

1. Tulare County Contract
2. Jaxon Enterprises/Deer Creek Asphalt Letter

Appropriated/Funded: MB

Review By:

Department Director:

Mike Reed, City Engineer

Final Approver: John Lollis, City Manager

REQUEST FOR BID**THIS IS NOT AN ORDER****COUNTY OF TULARE**

Office of

PURCHASING AGENTCourthouse Room 3
221 S. Mooney Blvd.
Visalia, CA 93291-4593Date: May 1, 2014RQS: 1523002747

REFER TO BID NO.

15-004By: Lori LooneyPhone: 559-636-5245**FILE COPY**

Bids will be received by the Tulare County Purchasing Agent, 221 So. Mooney Blvd. Room 3, Visalia, CA 93291-4593 until **2:00 P.M. on MAY 27, 2014**. Delivery F.O.B. **PLANT LOCATION**

NOTICE: Bid on each item separately unless instructions read otherwise. Attach complete specifications for any substitutions offered or when clarification is desirable or necessary. The right is reserved to reject any or all bids.

Indicate **BID NUMBER** and **BID CLOSING DATE** on outside of envelope.

1/2" COLD MIX MATERIAL & 1/2" HOT MIX ASPHALT CONCRETE – MATERIAL CONTRACT

The Tulare County Purchasing Agent invites bids to be submitted for the purchase of 1/2" COLD MIX MATERIAL & 1/2" HOT MIX ASPHALT as required. Such contract will be for a one (1) year period effective beginning **JULY 1, 2014**, and ending **JUNE 30, 2015**.

BIDDERS QUESTIONS: Bidders may fax any question they have pertaining to this Request for Bid to (559) 733-6759. Any and all questions must be submitted **via fax by 5:00 p.m. MAY 14, 2014**, in order to be considered. Questions and answers will be distributed to all bidders only if necessary to clarify substantive items raised. No changes and/or additions will be made to this Request for Bid within forty (40) working hours of its closing date.

DEFAULT BY SUCCESSFUL BIDDER: In case of default by successful bidder by non-delivery of article(s) and or service(s) on or before the delivery date. The County may procure the article(s) and or service(s) from another source and may recover costs from successful bidder. The successful bidder may be charged, cost of transportation, the difference in cost of article(s) and or service(s) based on Contract information. The County reserves the right to be compensated deducting monies owed to successful bidder from the Contract information and or invoicing the successful bidder upon notification of the default.

INTENT: The County is in need of Cold Mix and Hot Mix Asphalt Concrete Material for its road projects. Due to increasing fuel costs it is more economical for the County to award two (2) contracts. One for the South end and one for the North end of the County. For the purpose of this bid, Avenue 232 will be used as the dividing line.

ATTACHED SHEETS: The attached sheets indicate the condition of the bid and contract, specifications, using departments and agencies, and estimated quantities of the products to be used for one (1) year. Quantities estimated will be used for basis of award and are based on past year's usage.

RETURN YOUR BID ON THIS FORM.**BIDDER TO COMPLETE**

Undersigned agrees to furnish the commodities and/or services as stipulated in this Request for Bid at the prices, terms, and conditions stated. Complete delivery will be made within 30 calendar days after receipt of order. A cash discount of 10 % 30 days will apply. Thirty (30) days minimum period considered for award purposes.

Signed By: [Signature] Company: Jaxon Enterprises dba DEER CREEK Asphalt
Title: Marketing & Sales Manager Address: 23351 AVENUE 18 1/2
Date: MAY 27, 2014 City: MADERA State: CA Zip Code: 93638
Email Address: cmuvalle@jaxonaggregates.com Phone No. 559-645-4411 Fax No. 559-645-4623

REQUEST FOR BID
GENERAL CONDITIONS

1. PREPARATION OF BIDS

- A. All information requested of the bidder shall be entered in the appropriate space(s) on the form. Failure to do so may disqualify your offer.
- B. All information shall be typewritten or entered in ink. Mistakes may be crossed out and corrections inserted before submission of your bid. Corrections shall be initialed in ink by the person signing the bid.
- C. Corrections and/or modifications received after the closing time specified will not be accepted.
- D. Bids will not be accepted unless signed in ink (not typed) in the appropriate space(s) by an authorized officer or employee of the bidder.
- E. Bids must be submitted by the closing date prior to the time specified to be considered. No telegraphic, facsimile or telephone bids will be accepted.
- F. Any bids received after the closing date shall be returned unopened to the bidder.
- G. Submit bid only in a sealed envelope with the bid number and closing date on the outside of the envelope.
- H. All bid prices shall be F.O.B. County of Tulare.
- I. Quote separate prices on each individual item in County's unit of measure (i.e., ea, dz, pkg, not your standard carton price).
- J. Bid prices shall remain open and valid subject to acceptance for sixty (60) days after bid closing date.
- K. Prices bid SHALL remain firm for a minimum of 120 days after award to cover subsequent purchase requirements.
- L. Prices bid by bidder are considered accurate and cannot be withdrawn after the bid is closed.
- M. Upon submission of bid documents, all such documents shall become the property of the County.
- N. Time of delivery shall be stated as the number of calendar days following receipt of the order by the bidder, to the receipt of the goods or services by the County. Time of delivery may be a consideration in the award.
- O. Prices will be considered as net if no cash discount is shown.
- P. Provide any other information not specifically requested which may be considered by the Purchasing Agent. (Purchasing Agent is not obligated to consider any information not specifically requested in this bid request.)
- Q. Tulare County generally solicits bids from a wide variety of bidders which may include retailers, wholesalers, suppliers, distributors, etc.

2. BRAND NAMES/QUALITY

- A. Brand names and numbers, when used, are for reference to indicate the character or quality desired.
- B. Equal items will be considered, provided your offer clearly describes the article. Offers for equal items shall state the brand and number (or level of quality if item cannot be identified by brand and number)
- C. Equal items will not be considered if identical supply has been determined a necessity and the notation NO SUBSTITUTE has been entered.
- D. When brand, number, or level of quality is not stated by the bidder, it is understood the offer is exactly as specified.
- E. The Purchasing Agent shall in all instances be the final judge in determining whether the items bid are acceptable to the County, and whether the items bid are equal in quality and utility to the specified articles.

3. SAMPLES

- A. Samples of articles, when required, shall be furnished free of cost of any sort to the County of Tulare.
- B. Samples of articles selected may be retained for future comparison.
- C. Samples which are not destroyed or consumed by testing, or which are not retained for future comparison will be returned upon request at bidder's expense.

4. TAXES

- A. Tulare County is exempt from payment of Federal Excise Tax. No Federal Tax should be included in the price. Exemption Certificates will be furnished when applicable.
- B. Unless otherwise definitely specified, the unit price stated herein does not include California State Sales Tax. Lump sum bids for labor and materials shall include all applicable tax.

5. CASH DISCOUNTS

In connection with any cash discount specified on this bid, time will be computed from the date of complete delivery of the supplies or equipment as specified, or from the date correct invoices are received if the latter date is later than the date of delivery. For the purpose of earning the discount, payment is deemed to be made on the date of mailing of the County warrant or check.

6. USAGE

Usage of materials will be interspersed and periodic during the contract year, and as such will not be subject to shipment of the total estimated requirements at any one time.

7. QUANTITIES

The estimated usage for each item is based on the experience of the past twelve (12) month period or are estimated requirements for one (1) year. It is not expressly implied, nor guaranteed, that the quantities shown will be used in the next contract period, and as such, the right is reserved to order decreased or increased amounts from those listed, as may be required. However, it is to be understood that these figures are quite realistic and will be considered in making an award. Actual usage whether lesser or greater than estimated shall not affect the prices as bid and accepted by the County.

8. INCLUSION IN THE CONTRACT

The County departments and governmental entities listed are those which will participate in the contract. However, the right is reserved by the Purchasing Agent, at his/her discretion, to include any other County department and/or governmental entity in the contract at the accepted prices.

9. LITERATURE.

Bidders shall submit literature which fully describes items on which they are bidding, no later than the closing date of this bid. Any and all literature submitted must be stamped with bidder's name and address.

10. GUARANTEE AGAINST DEFECTS

All items are to carry a full guarantee against defects in materials and workmanship and guarantee against breakage and other malfunctions when performing work for which they are designed.

11. PRICES F.O.B.

Quotations are to be F.O.B. PLANT LOCATION.

12. MINIMUM ORDER

Bidder's offer must indicate minimum order quantities and charges for less than minimum order quantity. If not stated, it will be assumed there are none.

13. AWARD

The County of Tulare reserves the right: (1) to award bids received on the basis of individual items or groups of items, or on the entire list of items; (2) to reject any or all bids, or any part thereof; (3) to waive any informality in the bids; (4) to make partial awards or award to more than one vendor (if vendor bid prices are based only on an "all or none" award, vendor just so specify within the bid); and (5) to accept the bid that is in the best interest of the County of Tulare. The Purchasing Agent's decision shall be final.

A combination of the following factors will be considered in awarding this bid.

- A. Prices
- B. Bidder's previous records of performance and service
- C. Ability of bidder to render satisfactory goods or services in this instance
- D. Quality and conformance to specifications

The County shall be the sole judge in making this determination.

14. QUANTITY & QUALITY OF MATERIALS OR SERVICES

The successful bidder shall furnish and deliver the quantities designated by the Purchasing Agent. Packing slips which clearly identify the merchandise and a listing of the County of Tulare's Purchase Order number must accompany every delivery. All materials, supplies or services furnished under contract or Purchase Order shall be in accordance with the county specifications. Materials or supplies which, in the opinion of the Purchasing Agent are not in accordance and conformity with such specifications shall be rejected and promptly removed from the County premises at the bidder's or contractor's expense.

15. INDEPENDENT CONTRACTOR STATUS

This contract is entered into by both parties with the express understanding that CONTRACTOR will perform all services required under this Contract as an independent contractor. Nothing in this Contract shall be construed to constitute the CONTRACTOR or any of its agents, employees or officers as an agent, employee or officer of COUNTY. CONTRACTOR agrees to advise everyone it assigns or hires to perform any duty under this Contract that they are not employees, agents or officers of COUNTY. CONTRACTOR shall be solely responsible for determining the means and methods of performing the specified services and COUNTY shall have no right to control or exercise any supervision over CONTRACTOR as to how the services will be performed. As CONTRACTOR is not COUNTY'S employee, CONTRACTOR is responsible for paying all required state and federal taxes. In particular, COUNTY will not:

- a. Withhold FICA (Social Security) from CONTRACTOR'S payments.
- b. Make state or federal unemployment insurance contributions on CONTRACTOR'S behalf.
- c. Withhold state or federal income tax from payments to CONTRACTOR.
- d. Make disability insurance contributions on behalf of CONTRACTOR.
- e. Obtain unemployment compensation insurance on behalf of CONTRACTOR.

Notwithstanding this independent contractor relationship, COUNTY, through the Purchasing Agent, shall have the right to designate the sites at which services are to be performed, and to monitor and evaluate the performance of CONTRACTOR to assure compliance with this Contract.

16. RIGHT TO AUDIT

The County of Tulare reserves the right to verify, by examination of the successful bidder's records, all invoiced amounts when firm prices are not set forth in the Agreement or purchase order resulting from this bid.

17. LIABILITIES

- A. The successful bidder shall hold the County of Tulare, its officers, agents, and employees harmless from liability of any nature or kind because of the use of any copyrighted composition, secret process, patented or unpatented invention, articles or appliances furnished or used under the agreement or purchase order resulting from this bid, and agrees to defend, at successful bidder's own expense, any and all actions brought against the County of Tulare or successful bidder because of the unauthorized use of such articles.
- B. INDEMNIFICATION: Bidder shall hold harmless, defend and indemnify the COUNTY, its agents, officers and employees from and against any liability, claims, actions, costs, damages or losses of any kinds, including death or injury to any person and/or damage to any property, including County property arising out of the acts or omissions of Contractor or its agents, officers and employees under this Agreement. This indemnification specifically includes any claims that may be made against County by any taxing authority asserting that an employer-employee relationship exists by reason of this Contract, the cost of any penalty or sanction imposed by any agency with regulatory authority over the activities carried out by Contractor, and any claims made against County alleging civil rights violations by Contractor under Government Code sections 12920 et Seq. (California Fair Employment and Housing Act). Contractor specifically agrees to hold harmless and indemnify County for any and all claims arising out of any injury, disability, or death of Contractors' employees or agents. This indemnification obligation shall continue beyond the term of this Contract as to any acts or omissions occurring under this Contract for any extension of this Contract.
- C. The foregoing obligations will continue beyond the term of the contract or purchase order resulting from this bid as to any act or omission that occurred during its term or any extension thereof.

18. DEFAULT BY SUCCESSFUL BIDDER

- A. In case of default by successful bidder by non-delivery of article(s) and or service(s) on or before the delivery date. The County may procure the article(s) and or service(s) from another source and may recover costs from successful bidder. The successful bidder may be charged, cost of transportation, the difference in cost of article(s) and or service(s) based on Contract information. The County reserves the right to be compensated deducting monies owed to successful bidder from the Contract information and or invoicing the successful bidder upon notification of the default.
- B. Inspection on deliveries which do not meet specifications, will be at the expense of successful bidder.

19. PRICES

During the period of deliveries under an agreement or purchase order resulting from this bid, should there be a decrease in prices on the balance of the deliveries, such decreases shall be made available to the County for as long as the lower prices are in effect, but at no time shall the prices charged the County exceed the prices herein quoted.

20. DELIVERIES/PICKUP

County personnel or their representative will pick up material from the plant location as indicated by the successful bidder. Frequency of pick ups will be determined by the needs of the using department or agency and will be interspersed throughout the contract year. The successful bidder shall be expected to maintain a normal delivery time which is established as being within forty-eight (48) hours after receipt of order.

The successful bidder shall be expected to load materials into County's trucks in a professional and responsible manner, with care not to cause contamination of materials.

21. CONTRACT EXCLUSIVE

The provisions of the agreement or purchase order resulting from this bid shall in no way prohibit the County from making any incidental purchases from another supplier for the same commodities as herein listed

22. TERMINATION OF PURCHASE ORDERS OF AGREEMENTS

- A. Purchase orders or contracts which extend into a subsequent fiscal year will automatically cancel if the Tulare County Board of Supervisors does not appropriate funds for the goods and/or services under the purchase order or contract.
- B. The County of Tulare may by giving ten (10) days written notice to the successful bidder, terminate the contract or purchase order resulting from this bid prior to its expiration for due cause. Due cause for termination shall be, but not limited to, failure to deliver in quantities required within a reasonable time period; failure of the product to meet specifications, and/or for reasons of unsatisfactory service.
- C. The County may, upon giving thirty (30) days prior written notice to the vendor, terminate the contract or purchase order, with or without cause.

23. MERCHANDISE RETURNABLE FOR FULL CREDIT

Successful bidder agrees to give full credit to the County for any merchandise returned in good condition.

24. INVOICING

All invoices are to be mailed in duplicate to the various locations designated on the "Invoice Address" on each purchase order or contract. Reference shall be made to the purchase order or contract number. Invoice shall be paid once a month on all deliveries made during the month in accordance with the County's normal payment cycle.

25. VENDOR ASSISTANCE.

Successful bidder shall furnish, at no cost to the County, a representative to assist County departments in determining their product requirements.

26. RENEWAL

The contract or purchase order resulting from this bid may be renewed, by mutual consent, for an additional two (2) one (1) year terms provided the prices, terms, and conditions remain the same.

27. NON-FUNDING CLAUSE

Funds provided for commodities or services under the terms of this bid are contingent on availability of public funds. Should sufficient funds not be allocated during those terms, amounts due may be modified or terminated at any time by the County upon thirty (30) day notice. Notice shall be fully given in writing or through service in person or by first class mail.

28. PARTICIPATION

The County is currently a member of the Central Valley Purchasing Group which consists of Fresno, Kern, Kings, and Tulare Counties, and the Political Subdivision, Municipalities and Tax Supported Agencies within these County boundaries. Whenever possible, these entities wish to co-op (piggy-back) on existing bids or proposals. Please state if your bid or proposal will, or will not be extended to these entities under the same terms and conditions as stated in this bid or proposal.

✓ YES NO

29. RESPONSIBILITY FOR GOVERNMENT ENTITIES OTHER THAN COUNTY

Those governmental entities other than the County who are listed (or who have sub sequentially been included) have signified their intention to participate in the Tulare County agreement or purchase order resulting from this bid. Participation will not impose any responsibility for payment of claims or any responsibility whatsoever on the Tulare County Board of Supervisors or the County Purchasing Agent. Each such governmental entity will be billed separately, and payments will be made by warrants drawn on the appropriate funds for the governmental entity.

30. LOCAL PREFERENCE (Section 1-03-1301 of the Tulare County Ordinance Code):

- A. Whenever the County purchases supplies, materials, equipment or services for the County through the use of competitive bids, the County in evaluating the price for such supplies, materials and/or equipment shall determine if the lowest responsible bidder is a local vendor as defined in this section; and, if so, the contract shall be awarded to such vendor. If low bidder is not a local vendor, any local vendor who submitted a bid which was within five percent (5%) of the low bid announced by the County shall have the option of submitting a new bid within forty-eight (48) hours (not including weekends and holidays) of the time indicated in the bid documents for the opening bid. Such new bid must be in an amount less than or equal to the low bid announced by the County. County shall award the contract to the local vendor submitting the lowest responsible bid within said 48 hours period. If no new bids received within said 48 hour period, the contract shall be awarded to the original low bidder as announced by the County.
- B. "Local vendor" shall mean any business which:
- (1) has had a fixed office or distribution point located in and having a street address within the County of Tulare for at least six (6) months immediately prior to the issuance of the request for bids by the County; and
 - (2) holds any required business license by the County or any city within the County; and,
 - (3) employs at least one (1) full-time or two (2) part-time employees whose primary residence is located within the County, or if the business has no employees, shall be at least fifty percent (50%) owned by one or more persons whose primary residence is located within Tulare County.
- C. Any vendor claiming to be a local vendor as defined above shall so certify to the Purchasing Agent by indicating "yes or no" below and signature on bid document. The County Purchasing Agent shall have sole discretion to determine if a vendor meets the definition of a "local vendor".
- D. Any person or business falsely claiming to be a local vendor shall be ineligible to transact any business with the County for a period of not less than three (3) months or not more than twenty-four (24) months as determined in the sole discretion of the Purchasing Agent. The County shall also have the right to terminate all or any part of any contract entered into with such person or business.
- E. Prior to the County declaring any person or business not a "local vendor" or ineligible to transact business with the County, such person or business shall be entitled to a public hearing before the Board of Supervisors and to a five (5) day notice of the time and place thereof.
- F. This preference shall not apply to transactions required by state or federal statutes or regulations to be awarded to the "lowest responsible bidder", or otherwise exempted from local preferences.

STATE IF COMPANY MEETS THE REQUIREMENTS AS A "LOCAL VENDOR"

☒ YES ☐ NO

31. **DEBARMENT:** Contractor guarantees that it, its employees, contractors, subcontractors or agents (collectively "Contractor") are not suspended, debarred, excluded, or ineligible for participation in Medicare, Medi-Cal or any other federal state funded health care program, or from receiving Federal fund as listed in the List of Parties Administration. Contractor must within 30 calendar days advise the County if, during the term of this Agreement, Contractor becomes suspended, debarred, excluded, or ineligible for participation in Medicare, Medi-Cal or any other federal or state funded health care program, as defined by 42 U.S.C. 1320a-7b(f), or from receiving Federal funds as listed in the List of Parties Excluded from Federal Procurement or Non-procurement Programs issued by the Federal General Services Administration. Contractor will indemnify, defend and hold the County harmless for any loss or damage resulting from the conviction, debarment, exclusion or ineligibility of the Contractor.

See Exhibit A, attached with instructions and signature page that must be signed and submitted with this Bid.

32. **ON-LINE ORDERING**

In keeping with the advance in technology, the County of Tulare is implementing on-line ordering as opportunity allows. Can you provide online inter-net ordering?

_____ YES

_____ ☒ NO

Can you provide your commodity catalog either from your website or by Excel spreadsheet?

_____ YES

_____ ☒ NO

33. **VISA MERCHANT CARDS**

The County of Tulare has the ability to make purchases thru VISA Merchant Card.

Does your company accept purchases thru VISA? _____ NO

Purchases made with VISA Merchant Card provide payment to the vendor within forty-eight (48) hours.

Will your company give a "prompt payment" discount (in place of / same as Terms given on payment of invoice i.e. 1% 15 / Net 30) on purchases made with VISA Merchant Card?

_____ Yes _____ % Discount

_____ ☒ No

34. **INFORMATION**

Information regarding the results of any bid may be obtained at the Tulare County Purchasing Department, Courthouse Room 3, 221 South Mooney Blvd., Visalia, CA 93291 for a period of ninety (90) days from the opening date of the bid. Bid tabulations will be made available for review three (3) days after bid opening date and can be obtained from the Purchasing Department clerical staff.

35. **SPECIAL CONDITIONS**

Special Conditions attached hereto supersede the General Conditions to the extent of any inconsistency between them.

36. HEADINGS

Headings are provided for organizational purposes only and do not in any manner affect the scope, meaning or intent of the provisions under the headings.

37. OTHER PROVISIONS

- A. PRICES shall be firm for the contract period ending **JUNE 30, 2015**, unless otherwise stated by the bidder hereon:

- B. MINIMUM ORDER quantities and charges for less than minimum order quantity shall be assumed as "NONE" unless otherwise stated by the bidder hereon:

minimum order quantity of 400 tons will apply.

- C. STATE PURCHASE ORDER mailing address, e-mail, and telephone number for ordering purposes:

check 23351 AVENUE 18 1/2, MADERA, CA 93638
PHONE (559) 645-4411 FAX (559) 645-4623

- D. STATE REMITTANCE mailing address and telephone number for payment purposes:

JAXON ENTERPRISES, P.O. BOX 994248, REDDING, CA 96099-4248
PHONE (530) 241-2112

- E. DEFAULT BY SUCCESSFUL BIDDER: In case of default by successful bidder by non-delivery of article(s) and or service(s) on or before the delivery date. The County may procure the article(s) and or service(s) from another source and may recover costs from successful bidder. The successful bidder may be charged, cost of transportation, the difference in cost of article(s) and or service(s) based on Contract information. The County reserves the right to be compensated deducting monies owed to successful bidder from the Contract information and or invoicing the successful bidder upon notification of the default.

- F. COMPENSATION ADJUSTMENTS for price index fluctuations for liquid asphalt, as set forth in the attached Exhibit B, apply.

SPECIAL CONDITIONS:

SPECIFICATIONS

Plant Run Cold Mix - 1/2" mix as per CalTrans Specs. Section #39 or as requested by County representative. SC-800 or SC-3000 grade oil as per CalTrans Spec. #93 in conformance with the latest editions and amendments of the Standard Specifications of the State of California, Department of Transportation, Division of CalTrans for such Plant Run Cold Mix or as requested by County representative.

DELIVERIES: Deliveries are to be made at the vendor's plant and/or storage location as required. Approximately two hundred (200) tons to two thousand (2,000) tons per day. County representative will give 48 hours notice of delivery date.

GUARANTEE OF DELIVERY: A continued, uninterrupted and guaranteed availability of Cold Mix Material is important and necessary to the County for the economic completion of its road work projects.

PRICES: Prices shall be F.O.B. Plant Location and shall exclude Federal Excise Taxes, for which the County is exempt. California State Sales Tax will be allowed on the net bid price. The price per ton shall include all fees for the duration of the contract. Example, environmental fees, etc.

NOTE: For the purpose of this Request for Bid, TON is determined to be 2,000 pounds avoirdupois.

BID PRICE:

1/2" PLANT RUN COLD MIX WITH OIL

14,000 Tons total estimated quantity through June 30, 2015.

Applicable Sales Tax in addition to the price indicated.

7,000 Tons SOUTH COUNTY \$ 54.50 PER TON (includes all fees)

7,000 Tons NORTH COUNTY \$ 54.50 PER TON (includes all fees)

The amount of liquid asphalt added to produce Plant Run Cold Mix shall be determined by the Engineer.

okay

INDICATE PLANT LOCATION/SHIPPING POINT: 27671 AVENUE 120, PORTERVILLE, CA 93257
SMARA MINE ID 91-54-0021

Compensation adjustment for price index fluctuations applies to this contract per Exhibit B, attached.

SPECIFICATIONS – Continued:

BID PRICE - Continued:

1/2" HOT ASPHALT CONCRETE

Asphalt Concrete shall be Type B, 1/2" maximum and shall conform to the provisions in Section 39, "Asphalt Concrete", of the CalTrans Standard Specifications dated May 2006 excluding Amendments to said Section 39. Oil shall be: Asphalt Binder Oil PG 64-10.

6,000 Tons total estimated quantity through June 30, 2015.

Applicable Sales Tax in addition to the price indicated.

3,000 Tons SOUTH COUNTY \$ 65.00 PER TON (includes all fees).

3,000 Tons NORTH COUNTY \$ 65.00 PER TON (includes all fees)

The amount of asphalt binder to be mixed with the aggregate for Type B asphalt concrete will be determined by the Engineer okay

INDICATE PLANT LOCATION/SHIPPING POINT: 27671 AVENUE 120, PORTERVILLE, CA 93257
SMARA MINE ID 91-54-0021

Compensation adjustment for price index fluctuations applies to this contract per Exhibit B, attached.

PARTICIPATING DEPARTMENTS:

RMA Road Yard #1, Porterville
RMA Road Yard #2/3, Visalia
RMA Road Yard #4, Dinuba
RMA Road Yard #5, Terra Bella

ATTACHMENTS: **EXHIBIT A, DEBARMENT - MUST BE RETURNED SIGNED WITH THIS BID FORM.

****NOTE:** FAILURE TO SUBMIT THE ABOVE MENTIONED ITEM AND BID FORM SHALL CAUSE BIDDER TO BE NON-RESPONSIVE.

EXHIBIT A

CERTIFICATION REGARDING DEBARMENT, SUSPENSION, AND OTHER RESPONSIBILITY MATTERS—PRIMARY COVERED TRANSACTIONS

INSTRUCTIONS FOR CERTIFICATION

1. By signing and submitting this proposal, the prospective primary participant is providing the certification set out below.
2. The inability of a person to provide the certification required below will not necessarily result in denial of participation in this covered transaction. The prospective participant shall submit an explanation of why it cannot provide the certification set out below. The certification or explanation will be considered in connection with the department or agency's determination whether to enter into this transaction. However, failure of the prospective primary participant to furnish a certification or an explanation shall disqualify such person from participation in this transaction.
3. The certification in this clause is a material representation of fact upon which reliance was placed when the department or agency determined to enter into this transaction. If it is later determined that the prospective primary participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default.
4. The prospective primary participant shall provide immediate written notice to the department or agency to which this proposal is submitted if at any time the prospective primary participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
5. The terms covered transaction, debarred, suspended, ineligible, lower tier covered transaction, participant, person, primary covered transaction, principal, proposal, and voluntarily excluded, as used in this clause, have the meanings set out in the Definitions and Coverage sections of the rules implementing Executive Order 12549. You may contact the department or agency to which this proposal is being submitted for assistance in obtaining a copy of those regulations.
6. The prospective primary participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency entering into this transaction.
7. The prospective primary participant further agrees by submitting this proposal that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transaction", provided by the department or agency entering into this covered transaction, without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.

8. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the List of Parties Excluded from Federal Procurement and Nonprocurement Programs.

9. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

10. Except for transactions authorized under paragraph 6 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default.

CERTIFICATION

(1) The prospective primary participant certifies to the best of its knowledge and belief, that it and its principals:

(a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded by any Federal department or agency;

(b) Have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

(c) Are not presently indicated for or otherwise criminally or civilly charged by a governmental entity (Federal, State or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and

(d) Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State or local) terminated for cause or default.

(2) Where the prospective primary participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

Chris McNabb

Signature

5/27/14

Date

CHRIS McNABB
MARKETING & SALES MANAGER

Printed Name & Title

JAXON ENTERPRISES

Name of Agency or Company

EXHIBIT B

COMPENSATION ADJUSTMENTS FOR PRICE INDEX FLUCTUATIONS - LIQUID ASPHALT

The compensation payable for liquid asphalt used in Plant Run Cold Mix (PRCM) will be increased or decreased in conformance with the provisions of this section for liquid asphalt price fluctuations exceeding 5 percent (lu/lb is greater than 1.05 or less than 0.95) which occur during performance of the work.

The adjustment in compensation will be determined in conformance with the following formulas when PRCM is included in the monthly billing.

- A. Total monthly adjustment = AQ
- B. For an increase in liquid asphalt price index exceeding 5 percent:

$$A = 0.90(lu/lb - 1.05) lb$$

- C. For a decrease in liquid asphalt price index exceeding 5 percent:

$$A = 0.90(lu/lb - 0.95) lb$$

- D. Where:

A = Adjustment in dollars per ton of liquid asphalt used to produce PRCM rounded to the nearest \$0.01.

lu = The California Statewide Paving Asphalt Price Index which is in effect on the first business day of the month within the pay period in which the quantity subject to adjustment was used.

lb = The California Statewide Paving Asphalt Price Index for the month in which the bid opening for the project occurred.

Q = Quantity in tons of liquid asphalt that was used in producing the monthly quantity of PRCM.

The adjustment in compensation will also be subject to the following:

- A. The Contractor shall be liable to the County for decreased compensation adjustments and the County may deduct the amount thereof for moneys due or that may become due the Contractor.
- B. Adjustment in compensation for liquid asphalt shall be the lowest amount of the following: 1) the actual amount used, 2) the calculated amount based on a percentage, as determined by the Engineer, of the total tonnage of PRCM.
- C. In the event of an overrun of contract time, adjustment in compensation for liquid asphalt during this overrun period will be determined using the California Statewide Paving Asphalt Price Index in effect on the first business day of the month within the month in which the overrun began.

The California Statewide Paving Asphalt Price Index is determined each month on the first business day of the month by Caltrans using the median of posted prices in effect as posted by Chevron, Mobil, and Unocal for the Buena Vista, Huntington Beach, Kern River, Long Beach, Midway Sunset, and Wilmington fields.

In the event that the companies discontinue posting their prices for a field, Caltrans will determine an index from the remaining posted prices. Caltrans reserves the right to include in the index determination the posted prices of additional fields.

The California Statewide Paving Asphalt Price Index is available at the Division of Engineering Services website:

http://www.dot.ca.gov/hq/esa/oe/asphalt_index/astable.html

Company	Quote	Comments	Eng names % of Oil	Visa Pay	Min Order	NET
Deer Creek Asphalt	\$54.50 / South & North	10%	Okay	No	400 tn	\$49.05
Porterville Asphalt / Mitch Brown-Pres	\$60.57 / South & North	No Discount		No	200 tn	\$60.57
Vulcan - Lemon Cove	\$56.00 / South & North	No Discount	Stated 4.0%-6.0%	Yes	none	\$56.00

SC3000 Oil price was @ \$640 tied to Index.

1/2" Type "B" AC

Company	Quote	Comments	Eng names % of Oil	Visa Pay	Min Order	NET
Deer Creek Asphalt	\$65.00 / South & North	10%	Okay	No	400 tn	\$58.50
Porterville Asphalt / Mitch Brown-Pres	\$54.17 / South & North	No Discount		No	200 tn	\$54.17
Vulcan - Lemon Cove & Sanger	\$55.00 / South & North	No Discount	Stated 5.0%-6.0%	Yes	none	\$55.00

Company	Quote	Comments	Net
Deer Creek Asphalt	\$14.88	10% -30 days	\$13.39
Porterville Rock / Mitch Brown-Pres	\$16.25	No Discount	\$16.25
Sierra Pacific Materials (Papich)	\$20.00	No Discount	\$20.00

Sierra Pacific Materials plant located at 14600 Ave. 420, Oroquieta - Bill White/Sales

Company	Quote	Comments
Deer Creek Asphalt	\$8.00	No Discount
Porterville Rock / Mitch Brown-Pres	\$4.25	No Discount
Sierra Pacific Materials (Papich)	\$7.00	No Discount



23351 Avenue 18 1/2; Madera, CA 93638
(866) 540-ROCK Fax (559) 645-4623

June 15, 2015

Plant Location: 27671 Avenue 120
Porterville, CA 93257
SMARA Mine ID 91-54-0021

City of Porterville
Wyndi Ferguson, Street Superintendent
291 N. Main Street
Porterville, CA 93257
Fax: (559) 782-8937; Phone (559) 782-7593
Subject: Extension of Cold Mix Contract

Wyndi,

Thank you for your interest in extending the current contract to provide the City of Porterville from Deer Creek Asphalt. We are willing to provide that service and accept your request.

This agreement is tied to the Crude Oil Index dated June 11, 2015. Your price for the purchase of 3/8" SC 3000 or 3/8" SC 800 \$46.25/ton and will adjust per the parameters of this index.

If you have any questions or require additional information please contact me on my cell at (559) 474-0341 or email me at dthomason@jaxonaggregates.com.

Respectfully Submitted,
Don Thomason
Don Thomason
Sales Manager
Jaxon Enterprises



CITY COUNCIL AGENDA – JULY 7, 2015

SUBJECT: Intent to Vacate Portions of Jaye Street Between Poplar Avenue and Brown Avenue

SOURCE: Public Works

COMMENT: The City has received a request to vacate portions of Jaye Street generally located between Poplar Avenue and Brown Avenue. These portions of Jaye Street became pockets of excess right-of-way after the construction of street improvements related to the Jaye Street / Montgomery Avenue Roundabout Improvement Project. The adjacent land owners to these pockets of right-of-way have jointly petitioned for the vacation and have also paid the fee required to start this process. Staff believes that there are no problems with reversionary rights.

Legal descriptions (Exhibit "A") and plats (Exhibit "B") illustrating the proposed street vacation pockets are attached for Council's reference. Easements will be reserved for maintaining existing sanitary sewer and water pipelines within these segments of Jaye Street. After Council takes action, the utility companies will be notified of the intent to vacate these portions of Jaye Street and easement will be retained for their existing infrastructure.

RECOMMENDATION: That City Council:

1. Pass a resolution of intent to vacate portions of Jaye Street between Poplar Avenue and Brown Avenue; and
2. Set the Council meeting of August 4, 2015, as the time and place for a public hearing.

ATTACHMENTS:

1. Resolution
2. Exhibit "A" - Legal Description Montgomery N.
3. Exhibit "B" - Map of Vacation Montgomery N.
4. Exhibit "A" - Legal Description El Rancho N.
5. Exhibit "B" - Map of Vacation El Rancho N.
6. Exhibit "A" - Legal Description El Rancho S.
7. Exhibit "B" - Map of Vacation El Rancho S.

Appropriated/Funded: N/A

Review By:

Department Director:

Mike Reed, City Engineer

Final Approver: John Lollis, City Manager

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
OF INTENTION TO VACATE AND CLOSE TO PUBLIC USE PORTIONS OF JAYE
STREET BETWEEN POPLAR AVENUE AND BROWN AVENUE

SECTION 1: The Council of the City of Porterville, California, pursuant to Division 9, Part 3, Section 8320, of Streets and Highways Code of the State of California, does hereby resolve as follows, to-wit:

That it is the intention of the Council of the City of Porterville to abandon and close to public use those certain portions of public right of way located in the city of Porterville, County of Tulare, State of California, and known generally as Jaye Street between Poplar Avenue and Brown Avenue.

SECTION 2: A map or plan of said public rights of way intended to be vacated, abandoned and closed to public use is on file in the office of the City Clerk of the City of Porterville, reference to which is hereby made.

SECTION 3: That the public convenience and necessity requires the reservation of easements and rights of way for structures enumerated in Section 8330 of the California Streets and Highways Code.

SECTION 4: The City of Porterville, in the abandonment of said public rights of way to public use, reserves and excepts from the vacation the permanent easement and right at any time, or from time to time, to construct, maintain, operate, replace, remove and renew sanitary sewers, water lines, and storm drains and appurtenant structures in, upon, over, and across said street or part thereof proposed to be vacated and pursuant to any existing franchises or renewals thereof, or otherwise, to construct, maintain, operate, replace, remove, renew and enlarge lines of pipes, conduits, cables, wires, poles and other convenient structures, equipment and fixtures for the operation of gas pipe lines, telegraph and telephone lines, railroad lines, and from the transportation or distribution of electric energy, petroleum and its products, ammonia, water and incidental purposes, including the access and the right to keep the property free from flammable materials and wood growth, and otherwise protect the same from all hazards in, upon and over the street or part thereof herein proposed to be vacated.

SECTION 5: Notice is further given that on Tuesday, the 4th day of August, 2015, at 7:00 p.m., or as soon thereafter as the matter can be heard, in the Council Chambers in the City Hall in the city of Porterville, at 291 North Main Street, is hereby fixed for the time and place for hearing any objections to the vacation, abandonment and closing to public use of said public rights of way.

PASSED, ADOPTED AND APPROVED this 7th day of July, 2015.

Milt Stowe, Mayor

ATTEST:
John D. Lollis, City Clerk

By: Patrice Hildreth, Chief Deputy City Clerk

LEGAL DESCRIPTION

Exhibit "A"

Jaye Street Vacation (N. of Montgomery Ave.)

That portion of the north half of Section 2, Township 22 South, Range 27 East, Mount Diablo Base and Meridian, in the City of Porterville, County of Tulare, State of California, according to the Official Plat thereof, more particularly described as follows:

BEGINNING AT a point on the south line of Lot 1 of Tract 269 per map recorded in Volume 22, page 36 of Maps in the Office of the County Recorder of said County, said point being on the North right of way line of Montgomery Avenue and the beginning of a tangent curve concave northwesterly, having a radius of 20.00 feet;

THENCE, northeasterly along said curve, through a central angle of $89^{\circ}47'33''$, an arc length of 31.34 feet, to a point on the West right of way line of Jaye Street;

THENCE, North $00^{\circ}26'47''$ East along said West right of way line, a distance of 251.07 feet, to the beginning of a non-tangent curve concave easterly, having a radius of 590.00 feet;

THENCE, southeasterly along said curve, through a central angle of $11^{\circ}03'21''$, an arc length of 113.85 feet;

THENCE, South $13^{\circ}03'31''$ East, a distance of 94.02 feet, to the beginning of a tangent curve concave northwesterly, having a radius of 49.50 feet;

THENCE, southwesterly along said curve, through a central angle of $74^{\circ}47'06''$, an arc length of 64.61 feet;

THENCE, South $61^{\circ}43'35''$ West, a distance of 2.91 feet, to the beginning of a tangent curve concave southeasterly, having a radius of 45.50 feet;

THENCE, southwesterly along said curve, through a central angle of $5^{\circ}28'42''$, an arc length of 4.35 feet, to the beginning of a reverse curve concave northwesterly, having a radius of 50.00 feet;

THENCE, southwesterly along said curve, through a central angle of $34^{\circ}33'42''$, an arc length of 30.16 feet, to the **POINT OF BEGINNING**.

RESERVING unto the City of Porterville, an easement for sanitary sewer purposes, over, across, through and within the East 10 feet of the West 25 feet thereof.

CONTAINING: 5,346 square feet (0.12 acres) more or less.

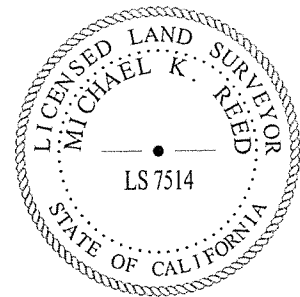
BASIS OF BEARINGS being the east line of the Northwest quarter of Section 2, Township 22 South, Range 27 East, Mount Diablo Base and Meridian, taken as **North 00°26'47" East** per Record of Survey filed in Book 21 of Licensed Surveys at Page 68 in the Office of the Tulare County Recorder.

END OF DESCRIPTION

This real property description has been prepared by me, or under my direction, in conformance with the Professional Land Surveyors Act.

Signature: Michael K. Reed
Michael K. Reed, Licensed Land Surveyor

Date: 6/30/2015



JAYE STREET VACATION MAP

EXHIBIT "B"



NORTH
SCALE 1"=40'



SCALE: 1"=40'

LEGEND

- 5 PARCEL # PER
P.M. 2906,
R.M. 30-7 (R)
- 1 LOT # PER
TRACT 269,
R.M. 22-36 (R1)
- (R) RECORD PER P.M. 2906
- (R1) RECORD PER TRACT 269



VACATION AREA
5,346 SQ. FT.



EASEMENT FOR SANITARY
SEWER

MONTGOMERY AVENUE

EAST LINE OF THE
NORTHWEST QUARTER
OF SECTION 2-22/27

JAYE STREET

EXISTING RIGHT
OF WAY

L = 113.85
R = 590.00
 $\Delta = 11^{\circ}03'21''$

EXISTING RIGHT
OF WAY

10' EASEMENT FOR
SANITARY SEWER IN
FAVOR OF THE CITY OF
PORTERVILLE

L = 64.61
R = 49.50
 $\Delta = 74^{\circ}47'06''$

L = 31.34
R = 20.00
 $\Delta = 89^{\circ}47'33''$

S $61^{\circ}43'35''$ W 2.91

L = 30.16
R = 50.00
 $\Delta = 34^{\circ}33'42''$

L = 4.35
R = 45.50
 $\Delta = 5^{\circ}28'42''$

CITY OF PORTERVILLE

ENGINEERING DIVISION

291 NORTH MAIN STREET
PORTERVILLE, CA. 93257
(559) 782-7462

That portion of the north half of Section 2,
Township 22 South, Range 27 East, Mount
Diablo Base and Meridian, in the City of
Porterville, County of Tulare, State of
California.

OWNER	PUBLIC RIGHT OF WAY
APN	N/A
AREA	5,346 +/- S.F.
ACRES	.12 +/- AC.
SCALE	1" = 40'
DATE	6-1-15
DRAWN BY	CAL
CHECKED BY	DB

LEGAL DESCRIPTION

Exhibit "A"

Jaye Street Vacation (N. of El Rancho Ave.)

That portion of the north half of Section 2, Township 22 South, Range 27 East, Mount Diablo Base and Meridian, in the City of Porterville, County of Tulare, State of California, according to the Official Plat thereof, more particularly described as follows:

BEGINNING AT a point on the south line of Lot 17 of Tract 269 per map recorded in Volume 22, page 36 of Maps in the Office of the County Recorder of said County, said point being on the North right of way line of El Rancho Avenue and the beginning of a tangent curve concave northwesterly, having a radius of 20.00 feet;

THENCE, northeasterly along said curve, through a central angle of $89^{\circ}47'29''$, an arc length of 31.34 feet, to a point on the West right of way line of Jaye Street;

THENCE, North $00^{\circ}26'47''$ East along said West right of way line, a distance of 200.22 feet, to the beginning of a tangent curve concave southwesterly, having a radius of 20.00 feet;

THENCE, northwesterly along said curve, through a central angle of $90^{\circ}12'27''$, an arc length of 31.49 feet, to a point on the South right of way line of Montgomery Avenue said point being also the beginning of a non-tangent curve concave southwesterly, having a radius of 32.00 feet;

THENCE, southeasterly along said curve, through a central angle of $63^{\circ}36'50''$, an arc length of 35.53 feet;

THENCE, South $25^{\circ}28'19''$ East, a distance of 41.92 feet, to the beginning of a tangent curve concave southwesterly, having a radius of 133.50 feet;

THENCE, southwesterly along said curve, through a central angle of $17^{\circ}00'01''$, an arc length of 39.61 feet, to the beginning of a compound curve concave southwesterly, having a radius of 412.50 feet;

THENCE, southeasterly along said curve, through a central angle of $4^{\circ}42'52''$, an arc length of 33.94 feet, to the beginning of a compound curve concave westerly, having a radius of 925.00 feet;

THENCE, southerly along said curve, through a central angle of $3^{\circ}09'41''$, an arc length of 51.04 feet;

THENCE, South $00^{\circ}34'39''$ West, a distance of 38.49 feet, to the beginning of a tangent curve concave northwesterly, having a radius of 20.00 feet;

THENCE, southwesterly along said curve, through a central angle of 80°25'44", an arc length of 28.07 feet, to the beginning of a compound curve concave northerly, having a radius of 300.00 feet;

THENCE, westerly along said curve, through a central angle of 9°02'54", an arc length of 47.38 feet, to the **POINT OF BEGINNING**.

RESERVING unto the City of Porterville, an easement for sanitary sewer purposes, over, across, through and within the East 10 feet of the West 18 feet thereof.

ALSO RESERVING unto the City of Porterville, an easement for water line purposes, over, across, through and within the East 10 feet of the West 40 feet thereof.

CONTAINING: 8,232 square feet (0.19 acres) more or less.

BASIS OF BEARINGS being the east line of the Northwest quarter of Section 2, Township 22 South, Range 27 East, Mount Diablo Base and Meridian, taken as **North 00°26'47" East** per Record of Survey filed in Book 21 of Licensed Surveys at Page 68 in the Office of the Tulare County Recorder.

END OF DESCRIPTION

This real property description has been prepared by me, or under my direction, in conformance with the Professional Land Surveyors Act.

Signature: Michael K. Reed
Michael K. Reed, Licensed Land Surveyor

Date: 6/30/2015

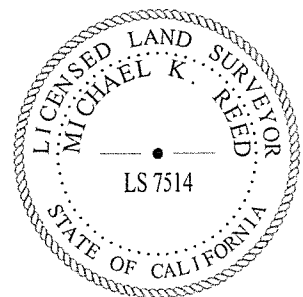
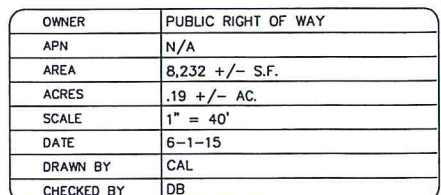


EXHIBIT "B"



LEGAL DESCRIPTION

Exhibit "A"

Jaye Street Vacation (S. of El Rancho Ave.)

That portion of the north half of Section 2, Township 22 South, Range 27 East, Mount Diablo Base and Meridian, in the City of Porterville, County of Tulare, State of California, according to the Official Plat thereof, more particularly described as follows:

BEGINNING AT a point on the east line of Lot 32 of Tract 269 per map recorded in Volume 22, page 36 of Maps in the Office of the County Recorder of said County, said point being on the West right of way line of Jaye Street and the beginning of a tangent curve concave southwesterly, having a radius of 20.00 feet;

THENCE, northwesterly along said curve, through a central angle of $90^{\circ}12'31''$, an arc length of 31.49 feet, to a point on the South right of way line of El Rancho Avenue, said point being also the beginning of a non-tangent curve concave southerly, having a radius of 300.00 feet;

THENCE, easterly along said curve, through a central angle of $8^{\circ}59'31''$, an arc length of 47.08 feet, to the beginning of a compound curve concave southwesterly, having a radius of 20.00 feet;

THENCE, southeasterly along said curve, through a central angle of $81^{\circ}40'05''$, an arc length of 28.51 feet;

THENCE, South $00^{\circ}25'37''$ West, a distance of 51.54 feet, to the beginning of a tangent curve concave northwesterly, having a radius of 533.50 feet;

THENCE, southwesterly along said curve, through a central angle of $15^{\circ}56'59''$, an arc length of 148.51 feet, to the beginning of a reverse curve concave southeasterly, having a radius of 666.00 feet;

THENCE, southwesterly along said curve, through a central angle of $11^{\circ}23'53''$, an arc length of 132.49 feet, to a point on the West right of way line of Jaye Street;

THENCE, North $00^{\circ}26'47''$ East, 331.23 feet, to the **POINT OF BEGINNING**.

RESERVING unto the City of Porterville, an easement for sanitary sewer purposes, over, across, through and within the East 10 feet of the West 18 feet thereof.

ALSO RESERVING unto the City of Porterville, an easement for water line purposes, over, across, through and within the East 10 feet of the West 40 feet thereof.

CONTAINING: 9,874 square feet (0.23 acres) more or less.

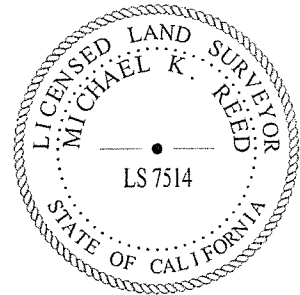
BASIS OF BEARINGS being the east line of the Northwest quarter of Section 2, Township 22 South, Range 27 East, Mount Diablo Base and Meridian, taken as **North 00°26'47" East** per Record of Survey filed in Book 21 of Licensed Surveys at Page 68 in the Office of the Tulare County Recorder.

END OF DESCRIPTION

This real property description has been prepared by me, or under my direction, in conformance with the Professional Land Surveyors Act.

Signature: Michael K. Reed
Michael K. Reed, Licensed Land Surveyor

Date: 6/30/2015



JAYE STREET VACATION MAP

EXHIBIT "B"

EL RANCHO AVENUE

30

31

32

LEGEND

1

LOT #
PER TRACT 269,
R.M. 22-36

2

LOT #
PER P.M. 2557,
R.M. 26-58

(R1) RECORD PER TRACT 269
(R2) RECORD PER PARCEL MAP 2557



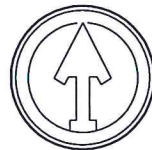
VACATION AREA
9,874 SQ. FT.



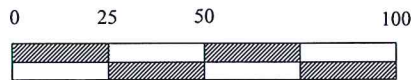
EASEMENT FOR SANITARY
SEWER



EASEMENT FOR WATER



NORTH
SCALE 1"=50'



SCALE: 1"=50'

EXISTING RIGHT
OF WAY

N 00°26'47" E 331.23

193.52 (R2)

99.93 (R1)

L = 31.49
R = 20.00
Δ = 90°12'31"

L = 47.08
R = 300.00
Δ = 8°59'31"

EAST LINE OF THE
NORTHWEST QUARTER
OF SECTION 2-22/27

L = 28.51
R = 20.00
Δ = 81°40'05"

JAYE STREET

S 00°25'37" W
51.54

10' EASEMENT FOR
WATER IN FAVOR OF
THE CITY OF
PORTERVILLE

L = 148.51
R = 533.50
Δ = 15°56'59"

EXISTING RIGHT
OF WAY

10' EASEMENT FOR
SANITARY SEWER
IN FAVOR OF THE
CITY OF
PORTERVILLE

L = 132.49
R = 666.00
Δ = 11°23'53"

CITY OF PORTERVILLE
ENGINEERING DIVISION
291 NORTH MAIN STREET
PORTERVILLE, CA. 93257
(559) 782-7462

That portion of the north half of Section 2,
Township 22 South, Range 27 East, Mount
Diablo Base and Meridian, in the City of
Porterville, County of Tulare, State of
California.

OWNER	PUBLIC RIGHT OF WAY
APN	N/A
AREA	9,874 +/- S.F.
ACRES	.23 +/- AC.
SCALE	1" = 50'
DATE	6-1-15
DRAWN BY	CAL
CHECKED BY	DB



CITY COUNCIL AGENDA – JULY 7, 2015

SUBJECT: Consideration of Participation in the Sustainable Groundwater Management Act

SOURCE: Public Works

COMMENT: On September 16, 2014, Governor Brown signed the Sustainable Groundwater Management Act (SGMA, or, the “Act”). Each high or medium priority Hydrologic Basin or Subbasin, as defined by the California Department of Water Resources (DWR) Bulletin 118, must form a Groundwater Sustainability Agency (GSA) and prepare a Groundwater Sustainability Plan (GSP). Tule Subbasin is located within the Tulare Lake Hydrologic Region-San Joaquin Valley Groundwater Basin and it is considered a basin of a high priority in critical overdraft based on DWR analysis.

As a public agency providing water services, the City of Porterville has been invited, along with several other public agencies, irrigation companies, and water districts within the Tule Subbasin to participate in the development of a GSA, implementation of a GSP and cooperation agreement for all parties to follow within the subbasin. Attached is a draft Memorandum of Understanding (MOU) prepared by Peltzer & Richardson Law Corporation for all parties to review and execute upon approval by each governing board. The MOU outlines a road map in forming GSA governance, GSP preparation and cost sharing of the parties involved.

Water Code §10727 allows for the preparation of a GSP by three methods: (1) A single GSP covering the entire basin/subbasin developed and implemented by one GSA; (2) A single GSP covering the entire basin/subbasin developed and implemented by multiple GSAs; or (3) Multiple GSPs implemented by multiple GSAs that are subject to a single Coordination Agreement that covers the entire basin/subbasin. There have been several meetings involving Tule Subbasin stakeholders. RL Schafer and Associates, in an extension of their role as Water Master for the Deer Creek and Tule River authority, has been providing guidance and coordinating all of the local water and land use agencies to determine the best approach in forming a GSA for the Tule Subbasin. It has been mutually agreed that option (3) Multiple GSPs implemented by multiple GSAs is the best approach for our subbasin.

The “Act” requires local groundwater agencies to define the GSA governance by June 30, 2017; further, since the Tule Subbasin is a high priority subbasin in critical overdraft, a GSP must be approved by January 31, 2020. The GSA must achieve “sustainability” within their basin or subbasin within *twenty (20) years* after adoption of their GSP. The “Act” defines “sustainability” as operating the basin or subbasin within a “sustainable yield,” which generally means the maximum quantity of water that can be withdrawn annually from a groundwater

supply without causing an undesirable result. Each GSA may directly regulate groundwater pumping by restricting or suspending well production, prohibit new well construction, impose well-spacing requirements, and require measurement (e.g. metering) and reporting of groundwater production by well owners. Small domestic wells are exempt from metering and reporting, unless the GSA wishes to impose production monitoring regulations and levy fees for excess extraction. The concept of multiple GSAs with multiple GSPs allows for the City of Porterville to self-regulate and most, if not all, reporting requirements are currently being performed by the City's Water Division.

In 2010, Dr. Ken Schmidt was hired by the City to perform a Groundwater Hydrology Study and incorporated within the study is a "Sustainable Yield" volume. The study was based on the City's prior Urban Development Boundary (UDB) and should be updated to coincide with the recently approved expanded UDB. The study demonstrates the need for the City to be proactive in groundwater recharging because the city itself is overdrafting the groundwater in our immediate area by approximately 1100 acre-feet per year. In light of the study, staff has been proactive in groundwater recharging when surface water is available.

The "Act" also empowers the GSA with a range of powers for carrying out projects to augment water supply availability. The powers include authority to acquire properties, water rights, and water supplies and to construct, operate, and maintain works or improvements within or outside of the GSA boundaries. GSA may also reclaim, purify, desalinate, treat or otherwise manage and control polluted water, wastewater or other waters for subsequent use in achieving basin or subbasin sustainability.

The preceding power might be used to carry out an "in lieu recharge" project, where a GSA acquires a new source of supply (e.g., recycled municipal wastewater) and builds a distribution system serving farmers, golf courses, cemeteries, or other large irrigated landscapes to reduce their groundwater irrigation pumping. Alternatively, a GSA might capture storm water for use in artificially recharging the local groundwater basin or subbasin. GSAs in compliance with the "Act" may retain state grants or loans for projects that meet the intent of the GSP.

If local landowners and other stakeholders fail to reach consensus in a timely manner on who will serve as their regional groundwater regulator, what the local regulator plan requires, and how the plan will be carried out, the State Department of Water Resources will intervene by imposing its own plan. The "Act" empowers the DWR to mandate pumping reductions, impose fees, and require other measures to achieve groundwater sustainability if local jurisdictions fail to act.

Possible funding sources for the formation of a GSA, preparation of a GSP, and compliance of the GSP could be from the Water Operating Fund, Storm Water Fund or the Wastewater Operating Fund, or a combination of all.

RECOMMENDATION: That the City Council:

1. Confirm compliance of the “Act’ by authorizing the participation with the other stakeholders in the Tule Subbasin by formation of a GSA as described herein;
2. Authorize staff to participate in the development of a Memorandum of Understanding for the formation of multiple GSAs; and
3. Authorize staff to cooperatively work with the other stakeholders to create a Cooperative Agreement that will define how all of the GSAs will work towards a “Sustainable Groundwater Yield” for the entire subbasin.

ATTACHMENTS: 1. Agreement

Appropriated/Funded: MB

Review By:

Department Director:

Mike Reed, City Engineer

Final Approver: Patrice Hildreth, Administrative Services Dir

**Agreement to Develop and Implement a
Groundwater Sustainability Plan Coordination Agreement**

Tule Subbasin

This Agreement to Develop and Implement a Groundwater Sustainability Plan Coordination Agreement ("Agreement") effective this _____ is between the entities listed at the end of this Agreement that have signed it. The signatories to this Agreement are hereinafter referred to collectively as "Parties" or individually as "Party" and is made in light of the following:

RECITALS:

WHEREAS, the Parties are all located within the Tulare Lake Hydrologic Region San Joaquin Valley Groundwater Basin, Tule Subbasin, a groundwater subbasin recognized by the California Department of Water Resources ("DWR") Bulletin 118 (2003) as Groundwater Basin Number 5-22.13, a map of the the Tule Subbasin is attached to this Agreement as Exhibit "A";

WHEREAS, the Sustainable Groundwater Management Act ("SGMA") requires the development and establishment of groundwater sustainability plans ("GSP") designed to esure the sustainability of groundwater basin/subbasin listed in Bulletin 118, particularely areas such as the Tule Subbasin that are in critical overdraft based on DWR analysis;

WHEREAS, SGMA allows local agencies or a combination of local agencies overlying a groundwater basin to serve as a groundwater sustainability agency ("GSA") to develop and implement a GSP over an entire basin, subbasin, or a portion of a basin;

WHEREAS, SGMA under Water Code § 10727 allows for the preparation of a GSP by three methods; (1) A single GSP covering the entire basin/subbasin developed and implemented by one GSA, (2) A single GSP covering the entire basin/subbasin developed and implemented by multiple GSAs, (3) Multiple GSPs implemented by multiple GSAs that are subject to a single Coordination Agreement that covers the entire basin/subbasin;

WHEREAS, Water Code § 10727.6 requires that if multiple GSPs will be implemented within a basin or subbasin then a Coordination Agreement must be prepared to ensure that the GSPs utilize the same data and methodologies within the basin for the following items: (a) Groundwater elevation data; (b) Groundwater extraction data; (c) Surface water supply; (d) Total water use; (e) Change in groundwater storage; (f) Water budget; and (g) Sustainable yield;

WHEREAS, Parties have agreed that multiple GSAs will be formed within the Tule Subbasin and multiple GSPs will be developed by these GSAs and implemented;

WHEREAS, Parties acknowledge that the data required for a Coordination Agreement in the Tule Subbasin has not been completely collected and Parties agree that under this Agreement they will cooperate with the data gathering necessary for preparation of a Coordination Agreement;

WHEREAS, Parties agree to work towards the formation of multiple GSAs within the Tule Subbasin;

WHEREAS, the purpose of this Agreement is to provide for a cooperative means of gathering the data required for the preparation of a Coordination Agreement that will apply to the GSPs implemented by the multiple GSAs, and to provide a cooperative framework among the parties forming GSAs to enable the eventual preparation of a Coordination Agreement for the Tule Subbasin;

NOW, THEREFORE, it is mutually understood and agreed as follows:

Section 1: Definitions

1.1 "Tule Subbasin" or "Tule Basin" refers to that subbasin identified and described in California Department of Water Resources California's Groundwater Bulletin 118 as part of the Tulare Lake Hydrologic Region, San Joaquin Valley Groundwater Basin, Tule Subbasin, also identified as Groundwater Basin Number 5-22.13. A map of the Tule Subbasin is attached hereto as Exhibit "A" to this Agreement.

1.2 "Groundwater sustainability agency" or "GSA" means one or more local agencies that implement the provisions of SGMA as defined by Water Code § 10721(j).

1.3. "Groundwater sustainability plan" or "GSP" means a plan of a GSA proposed or adopted under SGMA as defined in Water Code § 10721(k).

1.4 "Coordination Agreement" shall be the agreement to ensure coordination of the data and methodologies used in all GSPs within the Tule Basin for the following assumptions: (a) Groundwater elevation data; (b) Groundwater extraction data; (c) Surface water supply; (d) Total water use; (e) Change in groundwater storage; (f) Water budget; (g) Sustainable yield;

Section 2: Purposes and Goals

2.1 The Parties are entering into this Agreement to do the following:

2.1.1 Set forth their mutual agreement to prepare and enter into a Coordination Agreement that shall apply to the GSPs prepared for the Tule Basin.

2.1.2 Provide for the research of the data required for the Coordination Agreement to be drafted. Parties agree to utilize their best efforts in fully cooperating with the advisors gathering the information and preparing the Coordination Agreement.

2.1.3 Parties agree that after the data is gathered, the Coordination Agreement will be prepared setting forth the assumptions based on the information gathered by this Agreement.

2.1.4 Parties agree that separately from the efforts under this MOU relating to preparation of the Coordination Agreement, each Party shall take one of the following actions to form or be included in a GSA: become a GSA as an individual local agency; work collectively with other entities to form a GSA under Water Code § 10723.6; or cooperate with another local agency or combination of local agencies that form a GSA and agree to be included within that GSA's jurisdictional boundaries.

Section 3: Cost Sharing and Governance

3.1. Parties anticipate the costs of preparation of the Coordination Agreement will be shared equally between the GSAs that will be formed and act under the Coordination Agreement. The parties listed in Exhibit "B" to this Agreement agree to be equally responsible for the costs of preparing the Coordination Agreement as they anticipate becoming a GSA as an individual local agency or forming a GSA collectively with other entities as permitted by the Water Code. However, the list on Exhibit "B" is only for the purpose of listing the Parties to this Agreement that are agreeing to pay for the costs to gather the data and prepare the Coordination Agreement and is not intended to be determinative of the list of agencies that may or may not act individually or collectively with other entities as a GSA.

3.2 Parties agree that if grant funds are available for the preparation of the Coordination Agreement, then the parties listed on Exhibit "B" have the authority to act jointly in applying for and seeking to obtain such grant funds.

3.3 Parties listed in Exhibit "B" may by a two-thirds majority decision determine whether to hire experts or consultants required to prepare and draft the documents necessary for the Coordination Agreement or may by two-thirds majority vote agree to take any action necessary to apply for or seek to obtain grant funds.

3.4 The terms of the final Coordination Agreement will be approved by the GSAs that will be formed within the Tule Subbasin and that will separately enact the various GMPs that will be subject to the Coordination Agreement.

Section 4. General Provisions

4.1. Term. This Agreement MOU shall become effective on the date first above written and shall remain in effect until the Coordination Agreement is finalized.

4.1.2. Replacement with Coordination Agreement. Parties agree that with the preparation of the Coordination Agreement by the GSAs, this Agreement shall be terminated. The Coordination Agreement shall contain separate provisions concerning modifications and updates to the Coordination Agreement; reporting information between GSAs; cost sharing; and governance of the Coordination Agreement.

4.2 Additional Parties. Upon written approval of two-thirds of the Parties, other local agencies, meaning any local public agency that has water supply, water management, or land use responsibilities within the groundwater basin may agree to become a Party to this Agreement. Costs paid by entities listed on Exhibit "B" will be tracked and readjusted as necessary. New parties agreeing to be listed on Exhibit "B" will be responsible for paying their adjusted share of all expenses incurred.

4.2.1 GSAs May Implement Separate Cost Sharing. Nothing in this Agreement prevents other alternative forms of cost sharing or cost reimbursement from being required within the GSAs that will be formed.

4.3 Construction of Terms. This Agreement is for the sole benefit of the Parties and shall not be construed as granting rights to or imposing obligations on any person other than the Parties.

4.4 Good Faith. Each Party shall use its best efforts and work in good faith for the expeditious completion of the purposes and goals of this Agreement and the satisfactory performance of its terms.

4.5 Rights of the Parties and Constituencies. This Agreement does not contemplate the Parties taking any action that would:

4.5.1 Adversely affect the rights of any of the Parties; or

4.5.2 Adversely affect the constituencies of any of the Parties.

4.6 Execution. This Agreement may be executed in counterparts and the signed counterparts shall constitute a single instrument. The signatories to this Agreement represent that they have the authority to sign this Agreement and to bind the Party for whom they are signing.

IN WITNESS WHEREOF, the Parties hereto have executed this Agreement to be effective as of the date first above written.

Exhibit A
Map of Tule Basin as Described in Bulletin 118

Exhibit B
Local Agencies Agreeing to Pay for Costs of Preparing Coordination Agreement

Angiola Water District

City of Porterville

County of Tulare

Deer Creek Storm Water District

Delano-Earlimart Irrigation District

Lower Tule River Irrigation District

Pixley Irrigation District

Porterville Irrigation District

Saucelito Irrigation District

Tea Pot Dome Water District

Terra Bella Irrigation District

Vandalia Water District

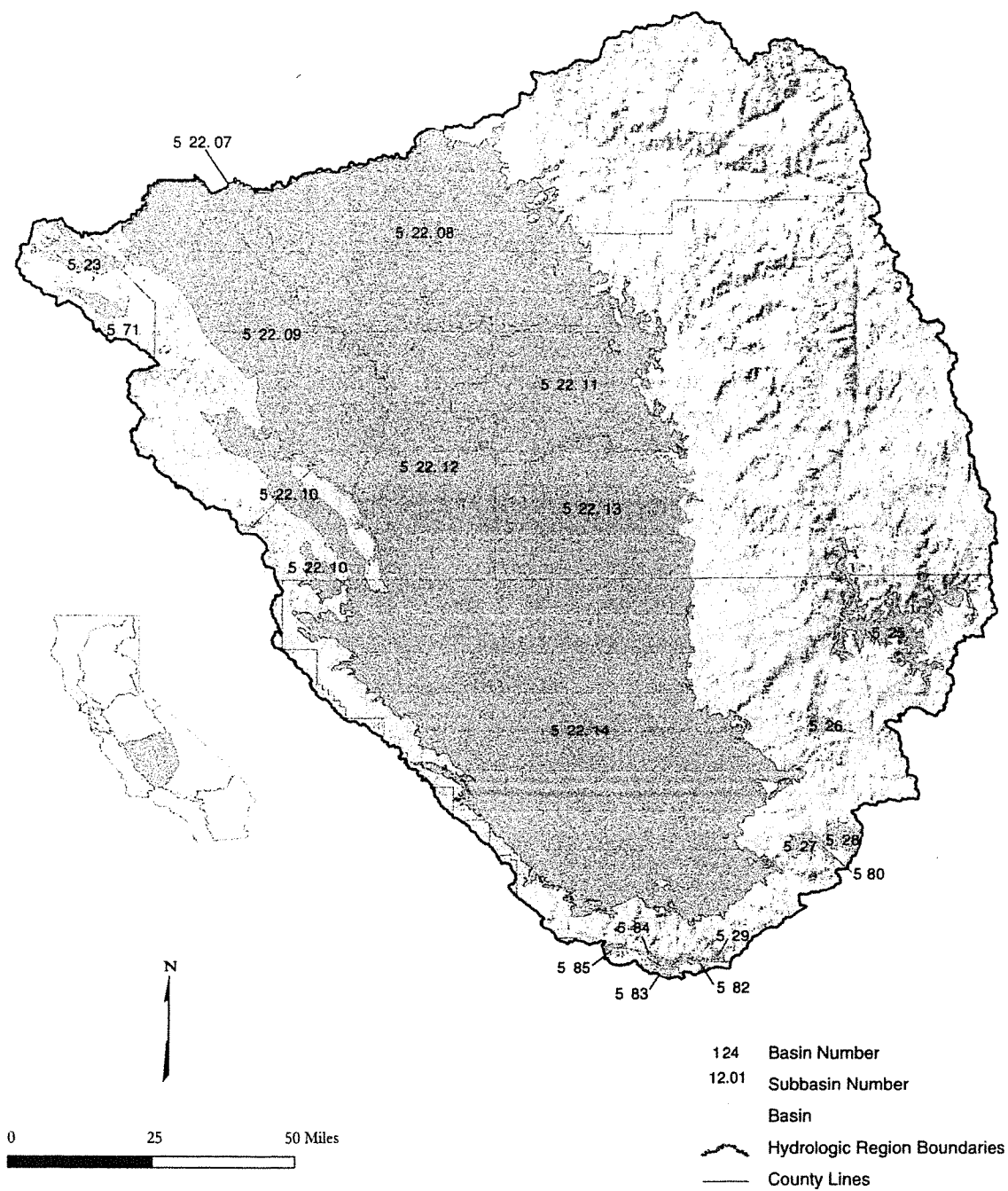


Figure 37 Tulare Lake Hydrologic Region



CITY COUNCIL AGENDA – JULY 7, 2015

SUBJECT: HOME Investment Partnerships Program (HOME) Grant Application

SOURCE: Community Development

COMMENT: The City has received notice from the California Department of Housing and Community Development (HCD) for funding availability for new construction, rental projects, first-time homebuyer projects, and program activities under the HOME Investment Partnerships Program (HOME), with funding authorized by the Cranston-Gonzales National Affordable Housing Act of 1990. Under HOME, the Department provides federal funding through specified recipients to conduct the following activities: (1) New Home Construction (2) Acquisition of Existing Residential Units (3) Rehabilitation of Existing Residential Units and (4) Tenant-Based Rental Assistance.

The City is interested in submitting a \$400,000 application by the July 15, 2015, deadline for the continuation of the City's First Time Low Income Homebuyer Program (FTHB). Two and a half percent (2.5%) of the grant is allowed for general administration and another 6.5% can be utilized for activity delivery costs associated with the projects funded.

The City is able to apply for this amount of funding since the typical 25% match requirement is, again, being waived for this round of funding.

In applying for these HOME funds, the City is taking measures to implement programs outlined in the State certified Porterville Housing Element, and the 2015 Five-Year Consolidated Plan.

RECOMMENDATION: That the City Council:

1. Adopt the draft resolution approving the submittal of a HOME Investment Partnership Program (HOME) funding application for \$400,000 for continuation of the First Time Low Income Homebuyer Program;
2. Authorize the Mayor to execute all documents pertaining to the HOME program; and
3. Authorize the Community Development Director to execute, in the name of the City of Porterville, project drawdown requests, and all other administrative documents required by the California Department of Housing and Community Development or the U.S. Department of Housing and Urban Development for administration of the HOME program.

ATTACHMENTS: 1. Draft Resolution for HOME Program Application

Appropriated/Funded: MB

Review By:

Department Director:

Jenni Byers, Community Development Director

Final Approver: John Lollis, City Manager

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
AUTHORIZING THE SUBMITTAL OF HOME INVESTMENT PARTNERSHIPS (“HOME”)
PROGRAM FUNDING APPLICATION TO THE CALIFORNIA STATE
DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT; AND IF SELECTED,
THE EXECUTION OF A STANDARD AGREEMENT, ANY AMENDMENTS THERETO,
AND ANY RELATED DOCUMENTS NECESSARY TO PARTICIPATE IN THE HOME
INVESTMENT PARTNERSHIPS PROGRAM

WHEREAS: The City of Porterville has an adopted, State certified, Housing Element, and an adopted Five-Year Community Development Block Grant (“CDBG”) Consolidated Plan (2015), and Action Plan (2015), that identify goals, policies, and programs to help in the provision and maintenance of affordable housing within the City; and

WHEREAS: Pursuing state and federal funding to assist in meeting the housing needs of low and moderate income households is one of the identified implementation strategies in these adopted documents; and

WHEREAS: The California Department of Housing and Community Development (“Department”) is authorized to allocate HOME funds made available from the U.S. Department of Housing and Urban Development (“HUD”) to be used for the purposes set forth in Title II of the Cranston-Gonzalez National Affordable Housing Act of 1990, the federal implementing regulations set forth in Title 24 of the Code of Federal Regulations, part 92, and Title 25 of the California Code of Regulations commencing with Section 8200; and

WHEREAS: On June 1, 2015, the Department issued a 2015 Notice of Funding Availability announcing the availability of funds for rental new construction projects, first-time homebuyer projects, and program activities under the HOME program (the “NOFA”); and

WHEREAS: In response to the 2015 NOFA, the City of Porterville wishes to apply to the Department for, and receive an allocation of, HOME funds for program activities; and

WHEREAS: There is no match requirement for this funding application.

NOW, THEREFORE BE IT RESOLVED:

1. In response to the 2015 NOFA, the City of Porterville shall submit an application to the Department to participate in the HOME program for an allocation of funds not to exceed \$400,000 for the First-Time Homebuyer Program within the city limits of Porterville; and

ATTACHMENT NO. 1

2. If the application for funding is approved, the City of Porterville hereby agrees to use the HOME funds for the eligible activities in the manner presented in the application as approved by the Department in accordance with the statutes and regulations cited above. The City of Porterville may also execute a standard agreement, any amendments thereto, and any and all other documents or instruments necessary or required by the Department or HUD for participation in the HOME program.

BE IT FURTHER RESOLVED: The City of Porterville authorizes the Mayor or his/her designee to execute in the name of the City of Porterville, the application, the Standard Agreement, and all other documents required by the Department or HUD for participation in the HOME program, and any amendments thereto. The City of Porterville also authorizes the Community Development Director or his/her designee to execute in the name of the City of Porterville project drawdown requests, and all other administrative documents required by the California Department of Housing and Community Development or HUD for administration of the HOME program.

APPROVED and ADOPTED this _____ day of _____, 2015.

Milt Stowe, Mayor

ATTEST:

John Lollis, City Clerk

By _____
Patrice Hildreth, Chief Deputy City Clerk



CITY COUNCIL AGENDA – JULY 7, 2015

SUBJECT: Preliminary Annual Engineer's Report of Assessments for Lighting and Landscape Maintenance Districts and Setting a Public Hearing

SOURCE: Parks and Leisure Services

COMMENT: The City has created 64 lighting and landscape maintenance districts (LMDs) since 1989. A separate district has been established for each new land development. Many of these districts only contain street lighting, for which the assessment was to collect only a portion of the street lighting cost. Other districts have landscape improvements installed within public right-of-ways or public properties in addition to the street lighting. In these instances, the landscaping has been established to provide a more aesthetic appearance and a healthier environment. Only the property owners who directly benefit from improvements are assessed for the maintenance. Annually, a process of evaluating maintenance needs and establishing an assessment for each LMD must be followed.

In an effort to better facilitate the needs of the district, staff has been analyzing fund balances and deficits for each district as well as projected expenditures and reserves. Based on the analysis, staff was able to determine that not all districts will be assessed this fiscal year. These fund balances are reviewed on a yearly basis to determine funding needs for maintenance, as well as determining assessment requirements. The utilities portion of the Engineer's Report shows a water reduction for 2015-2016. This is a response to the State-mandated percentage of water reduction that the City is complying with.

The first attached Resolution is necessary to initiate the annual Engineer's Report, which will show the proposed assessments for the 2015-2016 Fiscal Year. The second Resolution provides preliminary approval to the Engineer's Report for Fiscal Year 2015-2016. The comprehensive annual Engineer's Report is provided as an attachment. Once the assessments are approved by the City Council, they are transmitted to the County of Tulare for placement upon the tax bill of the property owners and indicated as a special assessment. The third Resolution declares the intent of the City Council to levy and collect the assessments for Fiscal Year 2015-2016 and sets a Public Hearing on the assessments for July 21, 2015.

RECOMMENDATION:

That the City Council:

1. Adopt the resolution ordering the preparation of an Engineer's Report for the Landscape and Lighting Maintenance Districts for the Fiscal Year 2015-2016;
2. Adopt the resolution giving preliminary approval to the Engineer's Report for the Landscape Lighting Maintenance Districts for Fiscal Year 2015-2016;
3. Adopt the resolution declaring the intent to levy and collect assessments for Fiscal Year 2015-2016, and offering a time and place for hearing objections thereto; and
4. Approve the scheduling of a public hearing for 6:30 PM on July 21, 2015, regarding the Engineer's Report and proposed assessments for the Landscape and Lighting Maintenance Districts for Fiscal Year 2015-2016.

ATTACHMENTS:

1. Resolution ordering preparation of Engineer's Report
2. Resolution of preliminary approval to Engineer's Report
3. Resolution declaring intent to levy assessments & set public hearing
4. Engineer's Report

Appropriated/Funded: MB

Review By:

Department Director:

Donnie Moore, Parks and Leisure Services Director

Final Approver: Patrice Hildreth, Administrative Services Dir

RESOLUTION NO.: -2015

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
ORDERING THE PREPARATION OF AN ENGINEER'S REPORT FOR LANDSCAPE
AND LIGHTING MAINTENANCE DISTRICTS FOR FISCAL YEAR 2015-2016**

WHEREAS, the City Council of the City of Porterville has determined that the public interest, convenience and necessity required the maintenance of lighting systems, landscape planting materials, irrigation systems and appurtenances in designated areas of the City; and

WHEREAS, the City has established assessment districts to recover the cost of maintenance work; and

WHEREAS, Section 22622 of the California Streets and Highways Code requires that an Engineer's Report be prepared and filed annually, outlining the assessments to be levied against the properties within the assessment district.

NOW, THEREFORE, be it resolved by the City Council of the City of Porterville that:

1. Javier Sanchez is appointed "Engineer of Work" for preparation of the Engineer's Report.
2. The Engineer of Work is ordered to prepare the report for Fiscal Year 2015-2016 in accordance with Article 4, Division 15, of the Streets and Highways Code, "Landscaping and Lighting Act of 1972" of the State of California.

PASSED, APPROVED AND ADOPTED this 7th day of July 2015

Milt Stowe, Mayor

ATTEST:
John D. Lollis, City Clerk

By: _____
Patrice Hildreth, Chief Deputy City Clerk

RESOLUTION NO.: _____-2015

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE GIVING
PRELIMINARY APPROVAL OF ENGINEER'S REPORT FOR FISCAL YEAR 2014-2015
FOR LANDSCAPE AND LIGHTING MAINTENANCE DISTRICTS**

WHEREAS, on the 16th day of June 2015, said City Council did adopt a Resolution directing the Engineer of Work to make and file with the City Clerk of said City a report in writing for Fiscal Year 2015-2016 as required by the Landscaping and Lighting Act of 1972; and

WHEREAS, said Engineer of Work has made and filed with the City Clerk of said City a report in writing as called for in said Resolution and under and pursuant to said Act, which report has been presented to this Council for consideration; and

WHEREAS, said Council has duly considered said report and each and every part thereof, and finds that each and every part of said report is sufficient, and that said report, nor any part thereof, requires or should be modified.

NOW, THEREFORE, be it resolved by the City Council of the City of Porterville that:

1. The Engineer's Estimate of the itemized costs and expenses of said work and of the incidental expenses in connection therewith, contained in said report be, and each of them are hereby, preliminarily approved and confirmed.
2. The diagram showing the Assessment Districts referred to and described in said report (the boundaries of the subdivision of land within each said Assessment District) are approved and confirmed as the same as existed at the time of passage of Resolution originally establishing each District.
3. The proposed assessments upon the subdivisions of land in said Assessment Districts are in proportion to the estimated benefit to be received by said subdivisions, respectively, from said normal and customary maintenance and of the incidental expenses thereof, as contained in said report, and are hereby preliminarily approved and confirmed.
4. Said report shall stand as the Engineer's Report for the purposes of all subsequent proceedings, and pursuant to the proposed district.

Reference is hereby made to said maps for further, full and more particular description of said Assessment District, and the same maps so on file shall govern for all details as to the extent of each said Assessment District.

PASSED, APPROVED AND ADOPTED this 16th day of June 2015.

Milt Stowe Mayor

ATTEST:
John D. Lollis, City Clerk

By:

Patrice Hildreth, Chief Deputy City Clerk

RESOLUTION NO.: _____-2015

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE, COUNTY OF TULARE, STATE OF CALIFORNIA, DECLARING ITS INTENTION TO LEVY AND COLLECT ASSESSMENTS FOR FISCAL YEAR 2015-2016 IN LANDSCAPE AND LIGHTING MAINTENANCE ASSESSMENT DISTRICTS; DECLARING THE WORK TO BE OF MORE THAN LOCAL OR ORDINARY PUBLIC BENEFIT; SPECIFYING THE EXTERIOR BOUNDARIES OF THE AREAS WITHIN THE LANDSCAPE MAINTENANCE DISTRICTS TO BE ASSESSED THE COST AND EXPENSE THEREOF; DESIGNATING SAID DISTRICT AS LANDSCAPE AND LIGHTING MAINTENANCE DISTRICTS; DETERMINING THAT THESE PROCEEDINGS SHALL BE TAKEN PURSUANT TO THE LANDSCAPING AND LIGHTING ACT OF 1972; AND OFFERING A TIME AND PLACE FOR HEARING OBJECTIONS THERETO

The City Council of the City of Porterville, pursuant to the provisions of the Landscaping and Lighting Act of 1972, being Division 15 of the Streets and Highways Code of the State of California, does resolve as follows:

DESCRIPTION OF WORK

SECTION 1. That the public interest and convenience requires it is the intention of the City Council of the City of Porterville, California, to order the following work be done, to wit:

1. Maintenance and servicing of facilities and landscaping as authorized by Section 22525 of the Streets and Highways Code;
2. Any and all work and materials appurtenant thereto or which are necessary or convenient for the maintenance and servicing thereof.

LOCATION OF WORK

SECTION 2. The foregoing described work is to be located within the following areas:

1. Right-of-way and easement along the Westwood Street frontage of Unit I and II of Westwood Estates, more particularly described on maps which are on file in the City Clerk's office entitled "Landscape and Lighting Maintenance District No. 1."
2. Hillcrest Street right-of-way, fire access road, Jasmine Drive entries; south perimeter west of fire access road, west perimeter including the parcel on which the water tank is located, viewpoint look-out parcel at the northwest corner of Jasmine Ranch Subdivision, and the pedestrian access to each cul-de-sac from Hillcrest Street, more particularly described on maps which are on file in the City Clerk's office entitled "Annexation No. 2 Landscape and Lighting District No. 1."

3. Porter Creek Avenue right-of-way to the bank of the Porter Slough median entry, 15' landscape area between Porter Creek Subdivision block wall to Westwood Street, the pedestrian access bridge over Porter Slough, and all of the maintenance area to the center line Porter Slough, more particularly described on maps which are on file in the City Clerk's office entitled "Annexation No. 3 to Landscape and Lighting Maintenance District No. 1."
4. LaVida Park green belt, east on Plum Way Street and the entries east along Beverly Street, more particularly described on maps which are on file in the City Clerk's office entitled "Annexation No. 4 to Landscape and Lighting Maintenance District No. 1."
5. Westwood Estates #4, along the north and south entries adjacent to the block wall on Westwood Street and the median divider on White Chapel Lane including all trees in front yard planting strip, more particularly described on maps which are on file in the City Clerk's office entitled "Annexation No. 5 to Landscape and Lighting Maintenance District No. 1."
6. Sunrise Estates Phase Six Subdivision includes landscape maintenance, more particularly described on maps which are on file in the City Clerk's office entitled "Annexation No. 12 to Landscape and Lighting Maintenance District No. 1."
7. Wisconsin Manor I Subdivision includes landscape and lighting maintenance, more particularly described on maps, which are on file in the City Clerk's office entitled "Annexation No. 14 to Landscape and Lighting District No. 1."
8. District No. 4 = River Springs Phase I Subdivision located along Newcomb Street includes landscape and lighting maintenance and more particularly described on maps which are on file in the City Clerk's office entitled District No. 4.
9. District No. 5 = Castle Woods Phase II Subdivision located on Castle Avenue, Salisbury Street, and Median Avenue includes landscape and lighting maintenance and more particularly described on maps which are on file in the City Clerk's office entitled District No. 5.
10. District No. 6 = Creek View Estates located between Porter Creek Avenue and the property line in Porter Slough includes landscape and lighting maintenance and more particularly described on maps which are on file in the City Clerk's office entitled District No. 6.
11. District No. 12 = Westwood Estates Unit 5, Phase 2, located along Henderson Avenue and Brandy Way includes landscape and lighting maintenance and more particularly described on maps which are on file in the City Clerk's office entitled District No. 12
12. District No. 18 = Ohio North Subdivision located on Ohio Way Street includes lighting maintenance and more particularly described on maps which are on file in the City Clerk's office entitled District No. 18.

13. District No. 21 = Orchard Ridge Phase Seven Subdivision located on Pioneer Avenue, Michael Street and Mathew Street includes landscape and lighting maintenance and more particularly described on maps which are on file in the City Clerk's office entitled District No. 21.
14. District No. 24 = Orchard Ridge, Phase Eight Subdivision located on Mathew Street, Michael Street, Pamela Avenue, and Santa Maria Avenue includes landscape and lighting maintenance and more particularly described on maps which are on file in the City Clerk's office entitled District No. 24.
15. District No. 31 = Right-of-way, easements, and public lands within Williams Ranch, Phase 2 and 3 Subdivision, more particularly described on maps which are on file in the City Clerk's office entitled District No. 31.
16. District No. 40 = Right-of-way, easements, and public lands within Amalene Estates Subdivision located on Westwood between the Tule River and Olive Avenue, including Vine Avenue, Clare Avenue, Clare Court, and Dogwood Street, and more particularly described on maps which are on file in the City Clerk's office entitled District No. 40.

Reference is hereby made to said maps for further, full, and more particular description of said assessment districts, and the same maps so on file shall govern for all details as to the extent of said assessment districts.

DESCRIPTION OF ASSESSMENT DISTRICT

SECTION 3. That the contemplated work, in the opinion of said City Council, is to be of more than local or ordinary public benefit, and the said City Council hereby makes the expense of the said work chargeable upon a district, which said district is described as follows:

1. All that certain territory of the City of Porterville, included within the exterior boundary line shown upon that certain "Map of Landscape and Lighting Maintenance District No. 1," heretofore approved by the City Council of said City by Resolution No. 26-89, indicating by said boundary line the extent of the territory included within the assessment district and which map is on file in the Office of the City Clerk of said City.
2. All that certain territory of the City of Porterville, included within the exterior boundary line shown upon that certain "Map of Annexation No. 2 to Landscape and Lighting Maintenance District No. 1," heretofore approved by the City Council of said City by Resolution No. 42-92, indicating by said boundary line the extent of the territory included within the district and which map is on file in the Office of the City Clerk of said City.
3. All that certain territory of the City of Porterville, included within the exterior boundary line shown upon that certain "Map of Annexation No. 3 to Landscapes and

Lighting Maintenance District No. 1," heretofore approved by the City Council of said City by Resolution No. 69-93, indicating by said boundary line the extent of the territory included within the district and which map is on file in the Office of the City Clerk of said City.

4. All that certain territory of the City of Porterville, included within the exterior boundary line shown upon that certain "Map of Annexation No. 4 to Landscape and Lighting Maintenance District No. 1," heretofore approved by the City Council of said City by Resolution No. 100-93, indicating by said boundary line the extent of the territory included within the assessment district and which map is on file in the Office of the City Clerk of said City.
5. All that certain territory of the City of Porterville, included within the exterior boundary line shown upon that certain "Map of Annexation No. 5 to Landscape and Lighting Maintenance District No. 1," heretofore approved by the City Council of said City by Resolution No. 144-93, indicating by said boundary line the extent of the territory included within the district and which map is on file in the Office of the City Clerk of said City.
6. All that certain territory of the City of Porterville, included within the exterior boundary shown upon that certain "Map of Annexation No. 12 to Landscapes and Lighting Maintenance District No. 1," heretofore approved by the City Council of said City by Resolution No. 80-95, indicating by said boundary line the extent of the territory included within the district and which map is on file in the Office of the City Clerk of said City.
7. All that certain territory of the City of Porterville, included within the exterior boundary shown upon that certain "Map of Annexation No. 14 to Landscape and Lighting Maintenance District No. 1," heretofore approved by the City Council of said City by Resolution No. 24-96, indicating by said boundary line the extent of the territory included within the district and which map is on file in the Office of the City Clerk of said City.
8. All that certain "Map of Landscape and Lighting District No. 4," heretofore approved by the City Council of said City by Resolution No. 128-98, indicating by said boundary line the extent of the territory included with the assessment district and which map is on file in the office of the City Clerk of said City.
9. All that certain territory of the City of Porterville, included within the exterior boundary shown upon that certain "Map of Landscape and Lighting District No. 5," heretofore approved by the City Council of said City by Resolution No. 29-2002, indicating by said boundary line the extent of the territory included with the assessment district and which map is on file in the Office of the City Clerk of said City.
10. All that certain territory of the City of Porterville, included within the exterior boundary shown upon that certain "Map of Landscape and Lighting District No. 6," heretofore approved by the City Council of said City by Resolution No. 89-99,

indicating by said boundary line the extent of the territory included with the assessment district and which map is on file in the Office of the City Clerk of said City.

11. All that certain territory of the City of Porterville, included within the exterior boundary shown upon that certain "Map of Landscape and Lighting District No. 12," heretofore approved by the City Council of said City by Resolution No. 65-2000, indicating by said boundary line the extent of the territory included with the assessment district and which map is on file in the Office of the City Clerk of said City.
12. All that certain territory of the City of Porterville, included within the exterior boundary shown upon that certain "Map of Landscape and Lighting District No. 18," heretofore approved by the City Council of said City by Resolution No. 22-2002, indicating by said boundary line the extent of the territory included with the assessment district and which map is on file in the Office of the City Clerk of said City.
13. All that certain territory of the City of Porterville, included within the exterior boundary shown upon that certain "Map of Landscape and Lighting District No. 21," heretofore approved by the City Council of said City by Resolution No. 44-2002, indicating by said boundary line the extent of the territory included with the assessment district and which map is on file in the Office of the City Clerk of said City.
14. All that certain territory of the City of Porterville, included within the exterior boundary shown upon that certain "Map of Landscape and Lighting District No. 24," heretofore approved by the City Council of said City by Resolution No. 191-2002, indicating by said boundary line the extent of the territory included with the assessment district and which map is on file in the Office of the City Clerk of said City.
15. All that certain territory of the City of Porterville, included within the exterior boundary shown upon that certain "Map of Landscape and Lighting District No. 31," heretofore approved by the City Council of said City by Resolution No. 52-2006, indicating by said boundary line the extent of the territory included with the assessment district and which map is on file in the Office of the City Clerk of said City.
16. All that certain territory of the City of Porterville, included within the exterior boundary shown upon that certain "Map of Landscape and Lighting District No. 40," heretofore approved by the City Council of said City by Resolution No. 37-2008, indicating by said boundary line the extent of the territory included with the assessment district and which map is on file in the Office of the City Clerk of said City.

REPORT OF ENGINEER

SECTION 4. The City Council of said City has ordered preparation of the annual report of the Engineer of Work, which report indicates the amount of the proposed assessment, the district boundary, detailed description of improvements, and the method of assessment. The report titled "Engineer's Report, Landscape and Lighting Maintenance Districts 2015-2016 Fiscal Year" will be filed in the Office of the City Clerk of said City, and prepared for the 2015-2016 Fiscal Year in accordance with the Landscaping and Lighting Act of 1972. Reference to said report is hereby made for all particulars for the amount and extent of the assessments and for the extent of the work.

COLLECTION OF ASSESSMENTS

SECTION 5. The assessment shall be collected at the time and in the same manner as County taxes are collected.

TIME AND PLACE OF HEARING

SECTION 6. Notice is hereby given that on the 21st day of July 2015, at the hour of 6:30 p.m., or as soon thereafter as the matter may be heard, in the City Council Chambers at 291 North Main Street, in the city of Porterville, any and all persons having any objections to the work or extent of the assessment district may appear and show cause why said work should not be done or carried out in accordance with this Resolution of Intention. The City Council will consider all oral and written protests.

LANDSCAPING AND LIGHTING ACT OF 1972

SECTION 7. All the work herein proposed shall be done and carried through in pursuance of an act of the legislature of the State of California designated The Landscaping and Lighting Act of 1972, being Division 15 of the Streets and Highways Code of the State of California.

PUBLICATION OF RESOLUTION OF INTENTION

SECTION 8. Published notice shall be made pursuant to Section 6061 of the Government Code. The publication of the Notice of Hearing shall be completed at least 10 days prior to the date of hearing.

CERTIFICATION

SECTION 9. The City Clerk shall certify to the adoption of this Resolution.

PASSED, APPROVED AND ADOPTED THIS 7th day of July, 2015

Milt Stowe, Mayor

ATTEST:

John D. Lollis, City Clerk

By: _____
Patrice Hildreth, Chief Deputy City Clerk

Annexation No. 2 - Jasmine Ranch Fiscal Year 2015-2016 Maximum Assessment \$8,000.00
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Estimated Accumulated Costs 2014-2015 \$ 6,919.47

Maintenance: 22,100 sq.ft. of landscaping area
Project Management: 22 lots
Fund Balance: \$ 5,589.93

1. Landscape	22,100	@	\$	0.190	=	\$	4,199.00
2. Graffiti Maintenance	22,100	@	\$	0.030	=	\$	663.00
3. Tree Maintenance	22,100	@	\$	0.160	=	\$	3,536.00
4. Postage	22,100	@	\$	0.005	=	\$	110.50
5. Utilities	22,100	@	\$	0.040	=	\$	884.00
6. Printing	22,100	@	\$	0.005	=	\$	110.50
7. Repair/Maintenance	22,100	@	\$	0.020	=	\$	442.00
			\$	0.450	=	\$	9,945.00

Maintenance	22,100	x	\$	0.45	=	\$	9,945.00
Administrative Fee	\$	9,945.00	x	\$0.10		\$	994.50
County Fee	22 lots	x	\$1.00/per lot			\$	22.00
Reserves 15% of total cost of maintenance						\$	1,491.75
Eliminate deficit fund balance over 10 years - 10% of fund deficit						\$	-
						\$	12,453.25

FORMULA FOR ASSESSMENT

$A = \text{Assessment per lot} = \frac{\text{Total Assessment} - F}{L}$
 $L = \text{Number of lots}$
 $F = \text{Assessment for remainder parcel}$

The 2015-2016 assessment will be spread based upon the above formula. There are 22 lots in Unit One. The 47.89 acre remainder parcel is included on the final subdivision map and will be assessed 20% of the total estimated cost for landscaping maintenance until it is developed at which time it will be combined with the other completed units and assessed fully.

Estimated Assessment $F = \$12,453.25 \times .20 = \$2,490.85$ for remainder
 $A = \$12,453.25 - \$2,490.85 = \$452.84$ per lot in Unit One

Current Assessment $F = \$8,000 \times .20 = \$1,600.00$ for remainder
 $A = \$8,000 - 1600 = \290.92 per lot in Unit One
 22

New Assessment $F = \$7875.56 \times .20 = \$1,575.10$ for remainder
 $A = 7875.56 - 1575.10 = \286.38 per lot in Unit One
 22

Annexation No. 4 - La Vida Park Fiscal Year 2015-2016 Maximum Assessment \$2,469.42

Estimated Accumulated Costs 2014-2015 \$ 3,186.22

Maintenance:	3,790	sq.ft. of landscaping area, 437 feet of wall
Project Management	17	lots
Fund Balance:	\$ 1,451.20	

1. Landscape	3,790	@ \$ 0.190 =	\$ 720.10
2. Graffiti Maintenance	3,790	@ \$ 0.090 =	\$ 341.10
3. Tree Maintenance	3,790	@ \$ 0.150 =	\$ 568.50
4. Postage	3,790	@ \$ 0.020 =	\$ 75.80
5. Utilities	3,790	@ \$ 0.250 =	\$ 947.50
6. Printing	3,790	@ \$ 0.020 =	\$ 75.80
7. Repair/Maintenance	3,790	@ \$ 0.030 =	\$ 113.70
		<u>\$ 0.750 =</u>	<u>\$ 2,842.50</u>

Maintenance	3,790	x \$ 0.750 =	\$ 2,842.50
Administrative Fee	\$ 2,842.50	x \$0.10	\$ 284.25
County Fee	17 lots	x \$1.00/per lot	\$ 17.00
Reserves 15% of total cost of maintenance			\$ 426.38
Eliminate Deficit Fund Balance over 10 years - 10% of fund deficit			\$ -
			<u>\$ 3,570.13</u>

Estimated Cost Per Year	\$ <u>3,570.13</u> =	\$ 210.01
	17	

Current Assessment	\$ <u>2,469.42</u> =	\$ 145.26
	17	

New Assessment	\$ <u>2,321.90</u> =	\$ 136.58
	17	

Annexation No. 12 - Sunrise Estates Phase 6 Subdivision Fiscal Year 2015-2016 Maximum Assessment \$1429.00
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Estimated Accumulated Costs 2014-2015 \$ 1,666.67

Maintenance:	2,840	sq. ft. of landscaping area, lighting: 7 ea.	@ 5,800
Project Management	32	lots	
Fund Balance:	\$ (1,307.06)		

1. Landscape	2,840	@	\$ 0.019	=	\$ 53.96
2. Graffiti Maintenance	2,840	@	\$ 0.090	=	\$ 255.60
3. Tree Maintenance	2,840	@	\$ 0.150	=	\$ 426.00
4. Postage	2,840	@	\$ 0.020	=	\$ 56.80
5. Utilities	2,840	@	\$ 0.250	=	\$ 710.00
6. Printing	2,840	@	\$ 0.020	=	\$ 56.80
7. Repair/Maintenance	2,840	@	\$ 0.030	=	\$ 85.20
			<u>\$ 0.579</u>	=	<u>\$ 1,644.36</u>

Maintenance	2,840	x	\$ 0.579	=	\$ 1,644.36
Administrative Fee	\$ 2,130.00	x	\$ 0.10	=	\$ 213.00
County Fee	32	x	\$1.00/per lot	=	\$ 32.00
Reserves	15% of total cost of maintenance				= \$ 246.65
Eliminate deficit fund balance over 10 years - 10% of fund deficit					<u>\$ 130.71</u>
					<u>\$ 2,266.72</u>

Estimated Cost Per Year	<u>\$ 2,266.72</u>	=	\$ 70.84
	32		

Current Assessment	<u>\$ 1,429.00</u>	=	\$ 44.66
	32		

New Assessment	<u>\$ 1,409.00</u>	=	\$ 44.02
	32		

Annexation No. 14 - Wisconsin Manor 1 Subdivision Fiscal Year 2015-2016 Maximum Assessment \$1,824.69

Estimated Accumulated Costs 2014-2015 \$ 3,662.51

Maintenance: 3,030 sq.ft. of landscaping area
Project Management 8 lots
Fund Balance: \$ (4,451.13)

1. Landscape	3,030	@	\$ 0.190	=	\$ 575.70
2. Graffiti Maintenance	3,030	@	\$ 0.090	=	\$ 272.70
3. Tree Maintenance	3,030	@	\$ 0.150	=	\$ 454.50
4. Postage	3,030	@	\$ 0.020	=	\$ 60.60
5. Utilities	3,030	@	\$ 0.250	=	\$ 757.50
6. Printing	3,030	@	\$ 0.020	=	\$ 60.60
7. Repair/Maintenance	3,030	@	\$ 0.030	=	\$ 90.90
			<u>\$ 0.750</u>	=	<u>\$ 2,272.50</u>

Maintenance	3030	x	\$ 0.750	=	\$ 2,272.50
Administrative Fee	\$ 2,272.50	x	\$0.10	=	\$ 227.25
County Fee	8 lots	x	\$1.00/per lot	=	\$ 8.00
Reserves	15% of total cost of maintenance				\$ 340.88
Eliminate Deficit Fund Balance over 10 years - 10% of fund deficit					<u>\$ 445.10</u>
					<u>\$ 3,293.73</u>

Estimated Cost Per Year	<u>\$ 3,293.73</u>	=	\$	411.72
	8			

Current Assessment	<u>\$ 1,824.69</u>	=	\$	228.09
	8			

New Assessment	<u>\$ 1,769.62</u>	=	\$	221.20
	8			

Annex. 3 Porter Creek, Dist. 2 North Creek, Dist. 6 Creekview Fiscal Year 2015-2016

Estimated Accumulated Costs 2014-2015 \$ 26,505.92

Maintenance: 125,477 sq. ft. of landscaping, lighting 5 lumens @ 5,800
 Project Management: 297 lots
 Fund Balance: \$ 23,825.88

Maintenance

1. Landscape/Tree Maintenance	125,477	@ \$	0.125	=	\$	15,684.63
2. Graffiti Maintenance	125,477	@ \$	0.02	=	\$	2,509.54
3. Postage	125,477	@ \$	0.005	=	\$	627.39
4. Utilities	125,477	@ \$	0.06	=	\$	7,528.62
5. Printing	125,477	@ \$	0.005	=	\$	627.39
6. Repair/Maintenance	125,477	@ \$	0.01	=	\$	1,254.77
			<u>0.225</u>	=	\$	<u>28,232.33</u>

Maintenance	125,477	\$	0.225	=	\$	28,232.33
Administrative Fee	\$ 28,232.33	x	\$0.10	=	\$	2,823.23
County Fee	297 lots	@ \$1.00/per lot		=	\$	297.00
Reserves	15% of total cost of maintenance			=	\$	4,234.84
Eliminate Deficit Fund Balance over 10 years - 10% of fund deficit				=	\$	-
Total					\$	<u>35,587.40</u>

Estimated Assessment	<u>\$ 35,587.40</u>	=	\$	119.82
	297			

Current Assessment	<u>\$ 35,587.40</u>	=	\$	119.82
	297			

New Assessment	<u>\$ 34,319.40</u>	=	\$	115.55
	297			

Westwood Estates - Districts 1, 12 and Annexation 5 2015-2016 Fiscal Year
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Estimated Accumulated Costs 2014-2015 \$ 25,533.26

Maintenance: lighting:	47,462	sq.ft. of landscaping area
Project Management,	207	lots
Fund Balance:	\$ 14,299.12	

1. Landscape/Tree Maintenance	47,462	@	\$ 0.170	=	\$ 8,068.54
2. Graffiti Maintenance	47,462	@	\$ 0.020	=	\$ 949.24
3. Postage	47,462	@	\$ 0.005	=	\$ 237.31
4. Utilities	47,462	@	\$ 0.120	=	\$ 5,695.44
5. Printing	47,462	@	\$ 0.005	=	\$ 237.31
6. Repair/Maintenance	47,462	@	\$ 0.020	=	\$ 949.24
			<u>\$ 0.340</u>	=	<u>\$ 16,137.08</u>

Maintenance	47,462	x	\$ 0.34	=	\$ 16,137.08
Administrative Fee	\$ 16,137.08	x	\$ 0.10	=	\$ 1,613.71
County Fee	207 lots	x	\$1.00/per lot	=	\$ 207.00
Reserves	15% of total cost of maintenance				\$ 2,420.56
Eliminate Deficit Fund Balance over 10 years - 10% of fund deficit					<u>\$ -</u>
					\$ 20,378.35

Estimated Cost Per Year	\$	<u>20,378.35</u>	=	\$	98.44
		207			

Current Assessment	\$	<u>20,378.35</u>	=	\$	98.44
		207			

New Assessment	\$	<u>18,362.44</u>	=	\$	88.70
		207			

District No. 4 - River Springs Phase 1 Subdivision
Fiscal Year 2015-2016
Approved CPI 2003 (Adjusted 2003)
Maximum Assessment \$3,134.58

Estimated Accumulated Costs 2014-2015 \$ 3,029.30

Maintenance:	2,100	sq. ft. of landscaping area
Project Management,	51	lots
Fund Balance:	\$ (94.45)	

1. Landscape	2,100	@	0.38	=	\$ 798.00
2. Graffiti Maintenance	2,100	@	0.09	=	\$ 189.00
3. Tree Maintenance	2,100	@	0.152	=	\$ 319.20
4. Postage	2,100	@	0.025	=	\$ 52.50
5. Utilities	2,100	@	0.25	=	\$ 525.00
6. Printing	2,100	@	0.09	=	\$ 189.00
7. Repair/Maintenance	2,100	@	0.03	=	\$ 63.00
			<u>1.017</u>	=	<u>\$ 2,135.70</u>

Maintenance	2,100	sq.ft.	x	\$ 1.017	=	\$ 2,135.70
Administrative Fee	\$ 2,135.70		x	\$ 0.10	=	\$ 213.57
County Fee	51 lots		x	\$1.00/per lot	=	\$ 51.00
Reserves	15% of total cost of maintenance					\$ 320.36
Eliminate Deficit Fund Balance over 10 years - 10% of fund deficit						<u>\$ 9.45</u>
						<u>\$ 2,730.08</u>

Estimated Cost Per Year:	<u>\$ 2,730.08</u>	=	\$ 53.34
	51		

Current Assessment	<u>\$ 2,719.14</u>	=	\$ 53.31
	51		

New Assessment	<u>\$ 2,397.56</u>	=	\$ 47.00
	51		

District No. 5 Castle Woods Phase 2 Subdivision

Fiscal Year 2015-2016

Maximum Assessment \$1,021.48

Approved CPI 2002 (Adjusted 2008)

Estimated Accumulated Costs 2015-2016 \$ 1,330.80

Project Management: 1,715 sq.ft. of landscaping area
 Fund Balance: 25 lots
 \$ (4,141.56)

1. Landscape	1,715	@ \$	0.190	= \$	325.85
2. Graffiti Maintenance	1,715	@ \$	0.090	= \$	154.35
3. Tree Maintenance	1,715	@ \$	0.150	= \$	257.25
4. Postage	1,715	@ \$	0.020	= \$	34.30
5. Utilities	1,715	@ \$	0.250	= \$	428.75
6. Printing	1,715	@ \$	0.020	= \$	34.30
7. Repair/Maintenance	1,715	@ \$	0.030	= \$	51.45
		\$	0.750	= \$	1,286.25

Maintenance	1,715	x \$	0.75	= \$	1,286.25
Administrative Fee	\$ 1,286.25	x \$	0.10	= \$	128.63
County Fee	25 lots	x \$1.00/per lot		= \$	19.00
Reserves	15% of total cost of maintenance			= \$	192.94
Eliminate deficit fund balance over 10 years - 10% of fund deficit				= \$	414.15
				\$	2,040.96

Estimated Cost Per Year \$ 2,040.96
25 = \$ 81.64

Current Assessment \$ 1,004.41
25 = \$ 40.18

New Assessment \$ 908.55 = \$ 36.34
25

District No. 18 - Ohio North Subdivision Fiscal Year 2015-2016 Maximum Assessment \$190.26
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<i>Estimated Accumulated Costs 2014-2015</i>	\$	64.90
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Maintenance: lighting	2	@ 5,800 lumens each
Project Management:	10	lots
Fund Balance:	\$	(61.86)

1. Utilities	2 @ 5,800 lumens	@	\$30.21	=	\$	60.42
2. Postage	10	@	\$1.00	=	\$	10.00
3. Printing	10	@	\$1.00	=	\$	10.00
					\$	<u>80.42</u>

Maintenance	2 lumens @ 5,800 ea	x	1	=	\$	80.42
Administrative Fee	\$	80.42	x	\$	0.10	= \$ 8.04
County Fee	10 lots	x	\$1.00/per lot	=	\$	10.00
Reserves	15% of total maintenance			=	\$	12.06
Eliminate deficit fund balance over 10 years - 10% of fund deficit				=	\$	6.19
					\$	<u>116.72</u>

Estimated Cost Per Year	\$	<u>116.72</u>	=	\$	11.67
		10			

Current Assessment	\$	<u>190.26</u>	=	\$	19.02
		10			

New Assessment	\$	<u>190.26</u>	=	\$	19.02
		10			

District No. 21 - Orchard Ridge Phase 7 Subdivision
 Fiscal Year 2015-2016
 Approved CPI 2007 (Adjusted 2008)
 Maximum Assessment \$1,728.51

Estimated Accumulated Costs 2014-2015

\$ 628.11

Maintenance:	2,142	sq. ft. of landscaping area (30/74 of 5450 sq.ft.) and lighting
		6 ea @ 5,800 lumens
Project Management	30	lots
Fund Balance:	\$ 269.41	

1. Landscape	2,142	@	\$	0.190	=	\$	406.98
2. Graffiti Maintenance	2,142	@	\$	0.090	=	\$	192.78
3. Tree Maintenance	2,142	@	\$	0.150	=	\$	321.30
4. Postage	2,142	@	\$	0.020	=	\$	42.84
5. Utilities	2,142	@	\$	0.250	=	\$	535.50
6. Printing	2,142	@	\$	0.020	=	\$	42.84
7. Repair/Maintenance	2,142	@	\$	0.030	=	\$	64.26
			\$	0.750	=	\$	1,606.50

Maintenance	2,142	x	\$	0.75	=	\$	1,606.50
Administrative Fee	\$ 1,606.50	x	\$	0.10	=	\$	160.65
County Fee	30	x	\$1.00/per lot	=	\$	6.00	
Reserves	15% of total cost of maintenance	=	\$	240.98			
Eliminate deficit fund balance over 10 years - 10% of fund deficit		=	\$	-			
			\$	2,014.13			

Estimated Cost Per Year	\$	<u>2,014.13</u>	=	\$	67.14
		30			

Current Assessment	\$	<u>1,699.62</u>	=	\$	56.65
		30			

New Assessment	\$	<u>1,699.62</u>	=	\$	56.65
		30			

District No. 24 - Orchard Ridge Phase 8 Fiscal Year 2015-2016 Maximum Assessment \$2,607.14

<i>Estimated Accumulated Costs 2014-2015</i>	\$	2,470.20
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Maintenance:	3,538 sq.ft. of landscaping area
Project Management:	44 lots
Fund Balance:	\$ (10,711.76)

1. Landscape	3,538	@	\$ 0.190	=	\$ 672.22
2. Graffiti Maintenance	3,538	@	\$ 0.090	=	\$ 318.42
3. Tree Maintenance	3,538	@	\$ 0.150	=	\$ 530.70
4. Postage	3,538	@	\$ 0.020	=	\$ 70.76
5. Utilities	3,538	@	\$ 0.250	=	\$ 884.50
6. Printing	3,538	@	\$ 0.020	=	\$ 70.76
7. Repair/Maintenance	3,538	@	\$ 0.030	=	\$ 106.14
			<u>\$ 0.750</u>	=	<u>\$ 2,653.50</u>

Maintenance	3,538	x	0.75	=	\$ 2,653.50
Administrative Fee	\$ 2,653.50	x	0.10	=	\$ 265.35
County Fee	44 lots	x	1.00/per lot	=	\$ 44.00
Reserves	15% of total cost of maintenance			=	\$ 398.02
Eliminate deficit fund balance over 10 years - 10% of fund deficit				=	<u>\$ 1,071.18</u>
					<u>\$ 4,432.05</u>

Estimated Cost Per Year	<u>\$ 4,432.05</u>	=	\$ 100.73
	44		

Current Assessment	<u>\$ 2,607.14</u>	=	\$ 59.26
	44		

New Assessment	<u>\$ 2,348.90</u>	=	\$ 53.38
	44		

District No. 31 Williams Ranch Phase 2 & 3 Subdivision Fiscal Year 2015-2016 Approved CPI 2006 (Adjusted 2006) Maximum Assessment \$2,303.51

<i>Estimated Accumulated Costs 2014-2015</i>	\$	3,655.64
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Maintenance:	6,512	sq.ft. of landscaping area, 437 feet of wall
Lighting:	24	ea @ 5,800 lumens, 2 ea. @ 16,000 lumens
Project Management	85	
Fund Balance:	\$ (8,941.33)	

1. Landscape	6,512	@ \$ 0.190	=	\$ 1,237.28
2. Graffiti Maintenance	6,512	@ \$ 0.025	=	\$ 162.80
3. Tree Maintenance	6,512	@ \$ 0.130	=	\$ 846.56
4. Postage	6,512	@ \$ 0.010	=	\$ 65.12
5. Utilities	6,512	@ \$ 0.080	=	\$ 520.96
6. Printing	6,512	@ \$ 0.010	=	\$ 65.12
7. Repair/Maintenance	6,512	@ \$ 0.040	=	\$ 260.48
		<u>\$ 0.485</u>		<u>\$ 3,158.32</u>

Maintenance	6,512	x \$ 0.485	=	\$ 3,158.32
Administrative Fee	\$ 3,158.32	x \$ 0.10	=	\$ 315.83
County Fee	85 lots	x \$1.00/per lot	=	\$ 85.00
Reserves 15% of total cost of maintenance			=	\$ 473.75
Eliminate Deficit Fund Balance over 10 years - 10% of fund deficit			=	\$ 894.13
				<u>\$ 4,927.03</u>

Estimated Cost Per Year	<u>\$ 4,927.03</u>	=	\$ 57.97
	85		

Current Assessment	<u>\$ 2,303.85</u>	=	\$ 27.10
	85		

New Assessment	<u>\$ 2,192.00</u>	=	\$ 25.79
	85		

District No. 40 - Amalene Estates
Fiscal Year 2015-2016
Approved CPI 2007 (Adjusted 2007)
Maximum Assessment \$7648.22

Estimated Accumulated Costs 2014-2015 \$ 3,001.74

Maintenance:	5,445	sq. ft. of landscaping area, 736 ft. of wall
Lighting:	16	ea. @ 5,800 lumens, 1 ea. @ 16,000 lumens
Project Management,	26	lots
Fund Balance:	\$ (1,975.84)	

1. Landscape	5,445	@	\$ 0.190	= \$	1,034.55
2. Graffiti Maintenance	5,445	@	\$ 0.025	= \$	136.13
3. Tree Maintenance	5,445	@	\$ 0.130	= \$	707.85
4. Postage	5,445	@	\$ 0.010	= \$	54.45
5. Utilities	5,445	@	\$ 0.080	= \$	435.60
6. Printing	5,445	@	\$ 0.010	= \$	54.45
7. Repair/Maintenance	5,445	@	\$ 0.040	= \$	217.80
			\$ 0.485	\$	<u>2,640.83</u>

Maintenance	5,445	x	0.485	= \$	2,640.83
Administrative Fee	\$ 2,640.83	x	\$0.10	= \$	264.08
County Fee	26	x	\$1.00/per lot	= \$	26.00
Reserves	15% of total cost of maintenance			= \$	396.12
Eliminate deficit fund balance over 10 years - 10% of fund deficit				= \$	<u>197.58</u>
				\$	3,524.61

Estimated Cost Per Year	<u>\$ 3,524.61</u>	=	\$ 135.56
	26		

Current Assessment	<u>\$ 2,486.73</u>	=	\$ 95.64
	26		

New Assessment	<u>\$ 2,305.52</u>	=	\$ 88.66
	26		

This concludes the 2015-2016 Landscape and Lighting District Engineer's Report.

Javier Sanchez, RCE #70356

Javier Sanchez, Jr. ACTING CITY ENGINEER





CITY COUNCIL AGENDA – JULY 7, 2015

SUBJECT: Second Reading - Ordinance 1824, Animal Control and Keeping

SOURCE: Administrative Services

COMMENT: Ordinance No. 1824, An Ordinance of the City Council of the City of Porterville Amending the Municipal Code as it Pertains to Animal Control and Keeping, was given first reading on June 16, 2015, and has been printed.

RECOMMENDATION: That the Council give Second Reading to Ordinance No. 1824, waive further reading, and adopt said Ordinance.

ATTACHMENTS: 1. Ordinance No. 1824

Appropriated/Funded: N/A

Review By:

Department Director:

Patrice Hildreth, Administrative Services Dir

Final Approver: John Lollis, City Manager

ORDINANCE NO. 1824

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
PORTERVILLE AMENDING THE MUNICIPAL CODE AS IT
PERTAINS TO ANIMAL CONTROL AND KEEPING

WHEREAS, the City desires to adopt comprehensive modifications to the regulations pertaining to animal control and keeping within the city; and

WHEREAS, it is also the intent of the City Council to accommodate the rural nature of our community by allowing agricultural animals on large parcels developed as a single residential unit; and

WHEREAS, many of the proposed changes present more elaborate parameters regarding ethical animal treatment, mandatory spay and neuter requirements for dogs, and accommodations for urban/backyard chicken keeping; and

WHEREAS, in adopting this ordinance the City Council desires to clarify the requirements, violations, and remedies regarding the control of animals within the city limits.

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

Porterville Municipal Code Chapter 5 and Chapter 21, Section 301.03

Chapter 5, and Chapter 21, Section 301.03 of the Porterville Municipal Code are repealed in their entirety and replaced with the following:

Chapter 5

ANIMAL CONTROL

Article I

GENERAL PROVISIONS

Sections:

- 5-1.0 Definitions
- 5-1.1 Animal Control Unit
- 5-1.2 Records
- 5-1.3 Animal Shelter
- 5-1.4 Dog Parks
- 5-1.5 Impounding/Collection of Animals
- 5-1.6 Right to Enter Premises
- 5-1.7 Interference with Duties

5-1.0 DEFINITIONS:

- (a) The term "owner," or "handler," as used in this Chapter, means any person, firm or corporation owning, harboring, having an interest in, or having control, custody or possession of an animal. In the case of an animal which is owned by a minor, the parent or guardian of the minor shall constitute the "owner" of such animal for the purposes of this Chapter.
- (b) The term "at large," as used in this Chapter, means any animal that is off the premises of its owner and not under restraint by leash or chain, or which is wandering or running freely on public property or property belonging to a person not the owner or person in control of the animal and without supervision, accompaniment, and adequate restraint.
- (c) The term "dangerous animal," as used in this Chapter, means a dog or other animal which has attacked, bitten or injured any human being or other animal without reasonable provocation, or which has been so declared pursuant to this Chapter, or under the facts and circumstances has acted in a threatening manner towards any human being or other animal or has displayed characteristics of being trained for fighting, or there is other evidence to show such training or fighting.
- (d) The term "attack," as used in this Chapter, means any unprovoked aggressive behavior toward a person or animal. Aggressive behavior in defense of property or territory of the owner shall constitute an attack unless the dog or other animal is securely contained within an enclosure sufficient to prevent physical contact with a person or animal outside such enclosure.
- (e) The term "field officer," as used in this Chapter, shall mean any officer of the Police Department or other employee of the City designated to enforce this ordinance.
- (f) The term "competition dog," as used in this Chapter, shall mean any animal which is used to show, to compete, or to breed which is of a breed recognized by the American Kennel Club, United Kennel Club, or American Dog Breeders Association and meets the following requirements:
 - (1) The dog has competed in at least one (1) dog show or sporting competition sanctioned by the national registry or approved by the department within the last 365 days.
 - (2) Maintains a certified pedigree registry.
 - (3) The dog has earned a confirmation, obedience, agility, carting, herding, protection, rally, sporting, working, or other title from a purebred dog registry or dog sport association.
 - (4) The owner or custodian of the dog is a member of a purebred dog breed club, approved by the department, which maintains and enforces a code of ethics for dog breeding that includes restrictions from breeding dogs with genetic defects and life threatening health problems that commonly threaten the breed.

- (g) The term “competition cat,” as used in this Chapter, shall mean any show cat (also known as a purebred cat or pedigreed cat) that is recognized by the Cat Fanciers’ Association and/or The International Cat Association and meets the following requirements:
 - (1) The owner or custodian of the cat is a member of a purebred cat breed club, approved by the department, that encourages its members to be owners and breeders of cats who work together to promote the preservation of pedigreed cats and the health and welfare of domestic cats.
 - (2) Maintains a certified pedigree registry.
 - (3) Has participated in a cat show in the last 365 days which promotes pedigreed cats.
 - (4) The owner or custodian of the cat is a member of a purebred cat breed club, approved by the department, which maintains and enforces a code of ethics for cat breeding that includes restrictions from breeding cats with genetic defects and life threatening health problems that commonly threaten the breed.
- (h) The term “service animal,” as used in this Chapter, means any animal which shall include, but not be limited to, assistance dogs, guide dogs, signal dogs, police dogs, search and rescue animals, or other service animals as defined by applicable state or federal law, or is being trained for such use.
- (i) The term "altered animal," as used in this Chapter, means any animal that has been surgically altered (spayed/neutered) or by means of written proof from a licensed veterinarian stating that the animal does not possess the capability of reproduction.
- (j) The term “unaltered animal,” as used in this Chapter, means any animal capable of reproduction.
- (k) The term “licensable animal,” as used in this Chapter, means a domestic dog. Other domestic pets, such as cats, birds or aquarium fish, are not required to obtain a license.

5-1.1 ANIMAL CONTROL UNIT: Supervision of the Animal Control Unit shall be delegated to any supervisor of the Police Department at the direction of the Chief of Police and/or his/her designee. The Police Department shall carry out the duties of Animal Control.

- (a) Any City employee acting in the capacity of animal control duties shall have the following powers:
 - (1) To enforce the provisions of this Chapter and state laws relating to the care, treatment, impounding and destruction of animals. These provisions will also encompass the adoption of animals and/or safe return of animals to their rightful owner.
 - (2) The Chief of Police may formulate rules and regulations in conformity with, and for the purposes of carrying out, this Chapter.

- (b) The Chief of Police or his designee shall have authority to determine whether any animal has engaged in the behaviors, or exhibits any of the characteristics, of a dangerous animal.

5-1.2 RECORDS: The Police Department shall keep a record of every animal impounded pursuant to this Chapter which shall include a description of the animal, the date of receipt, the date and manner of disposal, the name of the person redeeming or purchasing, and the fees, charges and proceeds of sales received on account of said animal, and any additional records as may be required.

5-1.3 ANIMAL SHELTER: There shall be provided by the Police Department a suitable building, enclosure, or other support facility to keep and safely hold all animals impounded pursuant to the provisions of this Chapter, and said building or enclosure shall be known and designated as the "Shelter."

5-1.4 DOG PARKS: There may be provided by the City certain defined open spaces for the purposes of allowing dogs to run freely in a specified enclosed area, and said enclosed open space areas shall be known and designated as "Dog Parks." Dog parks shall be regulated by rules to be adopted by the City Manager and/or his/her designee.

5-1.5 IMPOUNDING/COLLECTION OF ANIMALS: The Police Department may pick up, impound and safely keep any animal that is found running at large contrary to the provisions of this Chapter within the incorporated territory of the city.

5-1.6 RIGHT TO ENTER PREMISES: Any Police Department employees performing animal control duties shall be authorized to enter upon any premises for the purpose of enforcing the provisions of this Chapter.

5-1.7 INTERFERENCE WITH DUTIES: It shall be unlawful for any person to interfere with Police Department employees engaged in the performance of animal control duties.

Article II

LICENSABLE ANIMALS

Sections:

- 5-2.1 License Required
- 5-2.2 Mandatory Spay/Neuter Requirement
- 5-2.3 Issuance of License and Tag
- 5-2.4 Time Limits
- 5-2.5 Vaccination Certificate Required
- 5-2.6 Term of License
- 5-2.7 License Fees
- 5-2.8 Exemption: Service or Assistance Animals
- 5-2.9 Extension of Time: Animals Too Ill to Be Vaccinated
- 5-2.10 Replacing Lost or Stolen Tags
- 5-2.11 License Transferable

- 5-2.12 Affixing License Tag
- 5-2.13 Impounding Biting or Attacking Animals
- 5-2.14 Notice to Owner of Licensed Animal
- 5-2.15 Redemption of Impounded Animals
- 5-2.16 Fees for Impounding and Keeping Licensable Animals
- 5-2.17 Adoption, Rescue, and/or Destruction of Impounded Animals
- 5-2.18 Licensing Impounded Dogs
- 5-2.19 Removal of Tag
- 5-2.20 Display of Tag
- 5-2.21 Keeping Dangerous Animals
- 5-2.22 Interference with Highways
- 5-2.23 Permitting Animals to Run At Large
- 5-2.24 Leash Requirements
- 5-2.25 Barking Dogs

5-2.1 LICENSE REQUIRED: Every owner of a licensable animal within the city, shall secure a license from a Police Department facility for each licensable animal within the time limits set forth in this Chapter. It shall be unlawful for any owner to fail to secure said license in accordance with the provisions of this Chapter. A license need not be secured for a licensable animal which is brought into the city by its visiting owner or for the purpose of being entered in a show or exhibition, provided that the owner of such animal provides proof of current license and/or current rabies vaccination from the jurisdiction of origin, and the animal is removed from the city limits no more than thirty (30) days after entry.

5-2.2 MANDATORY SPAY/NEUTER REQUIREMENT: It has been shown that mandatory spaying/neutering proves to be effective in reducing the population of animals in cities. By requiring mandatory spaying/neutering, the Police Department is working to reduce the number of euthanizations conducted in the city of Porterville each year. Spaying/neutering has been shown to be effective in reducing animals running at large and also reduces aggressive behavior in animals. As an additional benefit, this requirement will cut costs to the community in managing the pet population.

- (a) Requirement for Altered Animals: No person may keep, own or harbor an unaltered dog over four (4) months of age within the city limits, unless an unaltered license has been properly obtained. An owner or custodian of an unaltered dog must have the animal spayed or neutered or obtain an unaltered license in accordance with the exceptions to the spay/neuter requirements as described in section (b) "Unaltered Animals."
- (b) Unaltered Animal License: An owner or custodian of an unaltered dog over the age of four (4) months must obtain an annual unaltered animal license. The license shall be issued only if the department has determined that all of the following conditions have been met:
 - (1) The owner or custodian has submitted the required application for the license and the applicable fees for the license have been paid in accordance with the fee schedule as set by Resolution of the City Council.

(2) The animal meets one or more of the following exemptions:

- (i) An animal unable to be spayed/neutered without a high likelihood of suffering serious bodily harm or death due to age or infirmity, which is confirmed in writing from a licensed veterinarian.
- (ii) A competition animal as defined in this Chapter.
- (iii) A service animal which shall include, but not be limited to, assistance dogs, guide dogs, signal dogs, police dogs, search and rescue animals, or other service animals as defined by applicable state or federal law, or is being trained for such use.
- (iv) An animal associated with a licensed kennel within the city for breeding purposes.

5-2.3 ISSUANCE OF LICENSE AND TAG: An application for a license required by this Chapter shall be filed with the Police Department. Upon payment of the required fee and upon compliance with the other requirements of this Chapter, a license shall be issued. The application shall contain a description of the animal including age, sex, color, and breed of the animal, and the name and address of the owner. The license shall contain a serial number and such other information as the Police Department may determine. The Police Department shall keep a copy of the application on file. With each license issued, the Police Department shall also issue a tag that shall bear the words "City of Porterville" and the serial number on the animal license. The tag shall be securely worn by the animal for which the license was issued.

5-2.4 TIME LIMITS:

- (a) An owner of a licensable animal shall secure a license for the animal within thirty (30) days after he/she acquires ownership of the animal. However, if a licensable animal is less than four (4) months of age when the owner acquires it, the owner shall secure a license for the animal within ten (10) days after the animal becomes four (4) months of age.
- (b) Any person who enters the city and resides in the city for a period of thirty (30) days or more, and who has brought a licensable animal with him/her from outside the city, shall secure a license for the animal within thirty (30) days after the person first enters the city.

5-2.5 VACCINATION CERTIFICATE REQUIRED:

- (a) A license for an animal shall not be issued unless the owner of the animal presents a certificate signed by a veterinarian or other professional as authorized pursuant to applicable state law showing that said animal has been vaccinated against rabies. The certificate shall indicate that the period of time elapsing from the date of the vaccination to the date of expiration of the license does not exceed thirty six (36) months in the case of vaccination with live virus rabies vaccine or eighteen (18) months in the case of vaccination with killed virus rabies vaccine, as those types of vaccines are defined in Section 2606 et seq. of Chapter 17 of the California Code of Regulations. During any period when the city is designated as a rabies area pursuant to Sections 121575-121710 of the Health and Safety Code of the State of California, no killed virus vaccine shall be used other than a vaccine of bovine nerve tissue origin.

(b) Every duly licensed veterinarian or other authorized professional, after vaccinating any animal owned by a resident of the city of Porterville, shall sign a certificate containing the following information pursuant to Sections 121575-122374 of the Health and Safety Code:

- (1) The type of vaccination used.
- (2) The date of the vaccination.
- (3) The breed, age, color, and sex of the vaccinated animal.
- (4) The serial number of the vaccination tag issued.
- (5) The name and address of the owner of the animal.

(c) The veterinarian or other authorized professional shall immediately present the original vaccination certificate to the owner of the animal, and shall deliver the duplicate copy to the Police Department. The veterinarian or other authorized professional shall keep a copy.

5-2.6 TERM OF LICENSE: Animal licenses shall be issued for all licensable animals older than four months of age at intervals not less than one year and not more than three years. Commencing on the first day of the month after a license period lapses, the Police Department shall collect a delinquent penalty, in addition to the regular license fee, before issuing any license. The delinquent penalty shall be in an amount equal to the regular license fee as set forth in the fee schedule.

5-2.7 LICENSE FEES: The license fee for each licensable animal shall be established by a Resolution of the City Council as adopted in a fee schedule.

5-2.8 EXEMPTION: SERVICE OR ASSISTANCE ANIMALS: Any other provision of this Chapter notwithstanding, it shall be at the discretion of the Police Department regarding whether or not there will be a charge for the annual licensing of a service animal as described by this Chapter. Proof of such use or training shall be provided by the applicant at the time of license application in a form satisfactory to the Police Department, pursuant to Sections 365.5 and 365.7 of the Penal Code.

5-2.9 EXTENSION OF TIME: ANIMALS TOO ILL TO BE VACCINATED: If a licensable animal is too ill to be vaccinated against rabies at the time that the time limits set forth in this Chapter expire, then the date for securing the license is extended until thirty (30) days after the date on which the animal is well enough to be vaccinated, and no delinquent penalties shall be charged for issuance of the license during said thirty (30) day period. However, an extension of time shall not be granted pursuant to this section unless the application for the license is accompanied by a certificate signed by a veterinarian setting forth facts which show that the licensable animal comes within the provisions of this Chapter.

5-2.10 REPLACING LOST OR STOLEN TAGS: Whenever a tag issued for the current period has been stolen or lost, the owner of the animal for which the tag was issued may, upon the payment

of a fee to the Police Department, receive a duplicate tag. The fee for a duplicate tag shall be set by Resolution of the City Council as adopted in a fee schedule.

5-2.11 LICENSE TRANSFERABLE: The license and tag issued pursuant to this Chapter may be transferred when the ownership of the animal is transferred. The new owner or the previous owner of the animal shall notify the Police Department in writing of the change in ownership of the animal and the name and address of the new owner. If such written notice is not given, the Police Department shall send all required notices concerning said animal to the person whose name and address are on file with the Police Department.

5-2.12 AFFIXING LICENSE TAG: It shall be unlawful to possess a licensable animal in the city limits without the tag issued pursuant to this Chapter being securely affixed to the animal by means of a collar, harness, or other suitable device. It shall be unlawful for any person to affix the tag required by this Chapter to any animal except the animal for which it was issued and it shall be unlawful for the owner of an animal to allow the animal to wear a tag other than the tag issued for the current period.

5-2.13 IMPOUNDING BITING OR ATTACKING ANIMALS:

- (a) The Police Department shall have the power to summarily and immediately impound any animal where there is evidence it has attacked, bitten, or injured any human being or other animal, or where there is evidence that an animal has acted in a threatening manner towards any human being, has exhibited characteristics of being trained for fighting or attacking, or there is other evidence to show such training or fighting, pending any court proceeding or animal license or animal permit revocation proceeding arising from the attack, bite, or injury, or pending a hearing pursuant to Section 5-2.29 and 5-2.30 of this Chapter. The Police Department may enter and inspect private property to enforce the provisions of this section. Failure to surrender to the Police Department upon demand an animal which is being impounded pursuant to this section is a misdemeanor. The Police Department shall also, as soon as reasonably possible, notify the bite victim of the rabies vaccination status of the biting animal.

An animal wearing a current license tag, impounded pursuant to the authority of this Chapter, shall be returned to the owner or custodian as provided by this Chapter when it is no longer required as evidence or considered to be vicious by the Police Department. Once the owner is notified the animal is to be returned, he/she has six working days, not including the date of notification, to retrieve the animal.

An animal not wearing a license tag, impounded pursuant to the authority of this Chapter may be destroyed in accordance with applicable state and federal laws, if within six business days after being impounded, not including the date of impoundment, the owner has failed to make application to redeem the animal. If, within six business days after being impounded, not including the date of impoundment, the owner has applied to redeem the animal, then the animal shall be returned to the owner as provided by this Chapter, or when it is no longer required as evidence or considered to be vicious by the Police Department, and the owner has also satisfied all licensing requirements.

- (b) In lieu of impound, the Police Department may permit the animal to be confined at the owner's or custodian's expense in a licensed kennel or veterinary facility approved by the Police Department, or at the owner's or custodian's residence, provided that the owner or custodian:
 - (1) Shall not remove the animal from the kennel or veterinary facility without the prior written approval of the Police Department.
 - (2) Shall make the animal available for observation and inspection by the Police Department.
- (c) The Police Department may have an animal impounded or confined as provided in (a) or (b) above, permanently identified by means of photo identification prior to release from impound or confinement.

5-2.14 NOTICE TO OWNER OF LICENSED ANIMAL: Within two (2) days after an animal which is wearing a license tag is impounded, the Police Department shall contact the owner by phone or in person at the address shown on the application for the license on file, and advise the owner of the procedure whereby he/she may apply to regain custody of the animal. If the owner cannot be contacted with the first two (2) days of impoundment, the Police Department shall mail a written notice of the impoundment to the mailing address on file for the owner.

5-2.15 REDEMPTION OF IMPOUNDED ANIMALS:

- (a) The owner of any animal impounded, other than pursuant to this Chapter, may redeem the animal at any time prior to its adoption, transfer to an animal rescue, or destruction. The owner desiring to redeem an animal shall deliver to the Police Department an application for redemption and a statement in a form prescribed by the Police Department which shall contain a description of the animal to be redeemed, the name and address of the owner, and the statement that he or she is the owner of the animal. The Police Department shall issue to the owner a written statement containing the name and address of the owner, a description of the animal redeemed, the date on which the animal was impounded, and the accrued fees to be paid by owner, and said statement shall serve as a certificate of redemption and receipt for the fees paid.
- (b) The owner of any animal impounded pursuant to this Chapter may redeem the animal pursuant to (a) above only after six days from impoundment if he or she has not received notice that the animal has been declared a dangerous animal and of the right to a hearing pursuant to this Chapter or if, after a hearing, an order is made to return the animal to the owner.

5-2.16 FEES FOR IMPOUNDING AND KEEPING LICENSABLE ANIMALS: The owner of an animal which has been impounded shall pay to the Police Department an impounding fee and shall also pay a fee for keeping said animal for each day, or portion thereof, which said animal has been impounded. The owner of an animal other than a dog which has been impounded shall also pay an impoundment fee and a fee per day for keeping said animal unless the amount required to keep the animal is higher in which case the owner shall pay the actual cost of keeping the animal.

The owner may also be charged for actual costs of veterinarian fees, medications and vaccinations associated with the care of their animal while said animal is under the care and custody of the Police Department. Impoundment and associated fees will be set by Resolution of the City Council as adopted in a fee schedule.

5-2.17 ADOPTION, RESCUE, AND/OR DESTRUCTION OF IMPOUNDED ANIMALS:

- (a) Unless an animal has been claimed within six (6) days after being impounded- or within ten (10) days for a licensed animal- not including the date of impoundment, or unless it is being held for evidence in a hearing pursuant to Sections 5-2.29 through 5-2.33 of this Article, it may be made available for adoption or rescue by the Police Department to a person other than the owner. No animal which has been declared a dangerous animal pursuant to Sections 5-2.29 through 5-2.33 of this Article shall be made available for adoption or rescue pursuant to this section nor shall any animal which has been impounded pursuant to Section 5-2.15 and subsequently found not dangerous but improperly trained, handled, or maintained be made available for adoption or rescue.
- (b) An animal may be humanely destroyed in accordance with state laws by the Police Department if within six (6) days of impoundment- or within ten (10) days for a licensed animal- not including the date of impoundment, the owner has failed to make an application to claim the animal.
- (c) All animals coming into the jurisdiction of the Police Department animal control unit shall be screened for a license tag, microchip, or any other means of locating the owner. After all efforts have been made to locate the owner, the animal will be handled pursuant to (a) and (b) above.
- (d) All animals voluntarily surrendered by their owner will be handled in accordance with (a) and (b) above.
- (e) When an animal is adopted pursuant to the provisions of this Chapter, the Police Department shall deliver to the person adopting said animal a contract containing a description of the animal, the date of transfer, and the terms of the adoption and the amount of fees paid. Upon the proper adoption of an animal, the previous owner of the animal shall thereafter be barred from all rights to recover the animal.

5-2.18 LICENSING IMPOUNDED ANIMALS: The Police Department shall not release any licensable animal to its owner until such time the owner provides proof of application for license in the jurisdiction of their residence.

5-2.19 REMOVAL OF TAG: It shall be unlawful for any person to remove from a licensable animal the attached license tag for the current period.

5-2.20 DISPLAY OF TAG: It shall be unlawful for any person to refuse to show Police Department employees, on request, the license certificate and/or the tag for any licensable animal kept on the premises under their control.

5-2.21 KEEPING DANGEROUS ANIMALS: It shall be unlawful for a person to keep an animal which has been found to be a dangerous or vicious animal pursuant to this Chapter, or any other jurisdiction.

5-2.22 INTERFERENCE WITH HIGHWAYS:

It shall be unlawful for the owner to allow or permit any animal to habitually or repeatedly attack, chase, molest or frighten pedestrians, cyclists, vehicles or other users of the public right of ways or roadways.

5-2.23 PERMITTING ANIMALS TO RUN AT LARGE: It shall be unlawful for the owner or other person in lawful possession or control of an animal to allow or permit the animal to run at large upon any property, public or private, except with the consent of the property owner, or in a park or other area designated specifically for such activity. Every animal found running at large in violation of the provisions of this section may be seized and impounded and/or the responsible person may be issued a citation for said violation.

5-2.24 LEASH REQUIREMENTS: It shall be unlawful for the owner or handler in lawful possession or control of a dog to walk the dog on any public place or right-of-way without the dog being secured or tethered by a fixed length leash not to exceed six (6) feet, and the number of dogs shall not exceed the number of dogs the owner or handler can reasonably and safely control and in no circumstance shall the number of dogs exceed three (3).

5-2.25 BARKING DOGS: It shall be unlawful for any owner or caretaker of a dog to keep said dog in the city limits which by loud or excessive barking, howling, whining, crying, yelping, or making any other noise disturbs the comfort, quiet, or peace of any neighborhood or any person at any time, provided the owner has been made aware of the disturbance by the Police Department.

Article III

ANIMAL KEEPING

Sections:

- 5-3.1 Keeping of Animals
- 5-3.2 Animal Care, Control, and Subsistence
- 5-3.3 Annexations - Compliance/Transition Period
- 5-3.4 Animals in City Buildings and Vehicles
- 5-3.5 Control and Seizure of Diseased Animals
- 5-3.6 Cruelty to Animals Prohibited
- 5-3.7 Abandonment of Animals Prohibited
- 5-3.8 Killing/Butchering/Processing of Animals or Fowl
- 5-3.9 Public Nuisance
- 5-3.10 Nuisance - Inspection for Same
- 5-3.11 Hearing to Determine if Animal Is Dangerous
- 5-3.12 Hearing - Conduct
- 5-3.13 Hearing - Decision and Disposition of Animal

5-3.1 KEEPING OF ANIMALS:

Animal keeping is allowed as an accessory use to a primary residential use. Animals may be kept in compliance with the following standards:

- (a) Residential Household Pets. Household pets such as domestic dogs, cats, birds, or other small animals ordinarily permitted inside of a dwelling and kept only for the company and pleasure provided to the occupants shall be permitted. Chickens may be allowed within certain residential zones subject to the conditions specified herein. Household pets shall not include horses, cows, goats, sheep or other equine, bovine, ovine or ruminant animals, pigs, chickens, ducks, geese, turkeys, game birds or fowl which normally constitute an agricultural use. At no time shall the combined number of animals kept exceed seven (7) animals. At no time shall the number of cats, dogs, or chickens exceed three (3) animals. It shall be unlawful to possess a combination of animals kept to exceed seven (7) residential household pets.
- (b) Keeping of Chickens in Residential Areas: It is unlawful for any person to keep or maintain within single-family residential uses any chickens, except as follows:
 - (1) A total of not more than three chicken hens may be kept and maintained in a clean and sanitary environment.
 - (2) No part of any structure (i.e. coop) shall be located less than thirty feet from any residence, other than a residence owned and occupied by the person owning or in possession of such chickens. Further, the keeping of chickens shall not create a health or nuisance problem.
 - (3) The permissive keeping of chickens shall be subject to the following minimum standards:
 - (i) All chickens shall be kept in an area which is fenced so as to prevent the chickens from roaming, and such fenced area shall be wholly located within the rear yard of the site where the chickens are kept.
 - (ii) Within the fenced area, a shelter shall be provided of sufficient size to provide cover for the chickens kept on the parcel.
 - (iii) Enclosure areas shall be of sufficient size to provide adequate and proper housing so as to prevent overcrowding.
 - (iv) Roosters are expressly prohibited.
- (c) Agricultural Animals. The keeping of horses, cows, goats, sheep or other equine, bovine, ovine or ruminant animals is permitted in the AC and RR zone districts on lots one-half (0.5) acre or greater and on lots two (2) acres or larger developed as a single family residential use, subject to Zoning Administrator approval, as long as the number of animals does not exceed one (1) per fifteen thousand (15,000) square feet of lot area. The keeping of chickens, ducks, geese, turkeys, game birds or fowl is permitted with the total number not to exceed twelve (12) birds per gross acre. The raising of pigs is permitted in conjunction with an FFA or 4-H project for any recognized Fair, the limit being one (1) animal per student residing on the property. All animals other than household pets shall be

housed or penned at a minimum distance of thirty-five (35) feet from property lines and fifty (50) feet from any residence. All areas and structures used in conjunction with the keeping of animals other than household pets shall be maintained and cleaned so as not to present a public hazard or nuisance.

- (d) Except as permitted in sections (b) and (c) above, it is unlawful for any person to keep, maintain or permit to be maintained bees, swine, llamas, roosters, chickens, pigeons, turkeys, pea fowl, water fowl, ostriches and other "Ratitae," or livestock on any premises within the city. In addition, predatory, wild, or endangered animals are not allowed within the city.
- (e) The offspring of any permitted animal may be kept until weaned, as long as they do not exceed the total number of animals allowed herein.
- (f) The keeping of animals for commercial purposes shall not violate the provisions of Chapter 21 of the City of Porterville Municipal Code, which regulates kennels, pet stores, veterinary services, and animal raising.

5-3.2 ANIMAL CARE, CONTROL, AND SUBSISTENCE:

The following section provides the minimal requirements for the care and harboring of animals within the city limits. Nothing in this section is intended to conflict with any provision of Chapter 21 of the Porterville Municipal Code.

(a) Sanitary Enclosure Requirements:

- (1) All premises, enclosures, or structures used, or intended to be used, for the harboring of animals must be cleaned and kept reasonably free of debris, refuse, manure, excreta, or like material as often as may be necessary to comply with the provisions of this section.
- (2) The floor of any premises, enclosure, or structure used for the keeping of animals must be smooth and tight to prevent the accumulation of water, debris, refuse, manure, excreta, or like material. A wire floor may be used if appropriate for the type of animal being harbored and if maintained to prevent injury to the animal.
- (3) Evidence of unsanitary or substandard maintenance of the premises, enclosure, or structure may include, but not be limited to, the following:
 - (i) the accumulation of debris, refuse, manure, excreta, or other like material upon any surface within any such premises, enclosure, or structure used, or intended to be used, for the housing of such animals;
 - (ii) any reasonably obnoxious odor or allergen arising from any condition existing within the premises, enclosure, or structure used or intended to be used for the housing of such animals, and
 - (iii) the presence of numerous flies or fly larvae in the vicinity.

(b) Enclosure, Structure, Shading Requirements:

- (1) All animals must have adequate enclosures, structures, or alternate forms of shading to allow an animal maintained outdoors to:
 - (i) protect itself from the direct rays of the sun when the sunlight is likely to cause overheating or discomfort; and
 - (ii) remain dry during the rain or other wet conditions.
- (2) The enclosure, structure, or shading must be accessible to the animal at all times.
- (3) The enclosure or structure must be situated to prevent exposing the animal to:
 - (i) unreasonably loud noise; and/or
 - (ii) teasing, harassment, abuse, or injury by another animal or person.
- (4) If the animal is confined in an enclosure or structure, the enclosure or structure must be:
 - (i) of adequate size inside and outside the enclosure or structure to allow the animal to stand, sit, turn around freely, or lie down in a normal position, relieve itself away from its confinement, and safely interact with any other animal;
 - (ii) adequately lighted to provide regular lighting cycles of natural or artificial light uniformly diffused throughout the shelter, and sufficient illumination for routine inspections and maintenance of the animal; and
 - (iii) supplied with clean and dry bedding material or other means of protection from the weather elements to maintain the shelter at a temperature that is not harmful to the health of the animal.

(c) Water Requirements:

- (1) All animals must have access to clean potable water at all times unless restricted for veterinary care. If the water is kept in a container, the container must be designed to prevent tipping and spilling of the water or be secured to a solid structure, object or the ground.
- (2) Water containers must be clean and must be emptied and refilled with fresh water as necessary to maintain cleanliness or, alternatively, if the water is provided by an automatic or demand device, the water supply connected to the device must be functional at all times.

(d) Food and Feeding Requirements:

- (1) All animals must be provided food that is wholesome and be of sufficient quantity and nutritive value to maintain a healthy body weight and meet the normal daily requirements for the condition and size of the animal.

- (2) The food receptacles must be accessible to the animal and be placed in a location to minimize contamination from excreta and insects. Feeding pans must be durable and kept clean. Disposable food receptacles may be used and must be discarded after each feeding. Self-feeders may be used for dry food and must be sanitized regularly to prevent molding, deterioration, or the dense compaction of food.
- (3) Spoiled or contaminated animal food must be disposed of in a sanitary manner.
- (e) Veterinary Treatment Requirement: All animals must receive veterinary treatment from a veterinarian licensed by the State of California when such treatment is necessary to alleviate the animal's apparent suffering or prevent the transmission of disease.
- (f) Exercise Requirements: All animals must be provided the opportunity to exercise in order to maintain normal muscle tone and mass for the age, size, and condition of the animal.
- (g) Transportation Requirements: All animals must be handled, moved, or shipped in a manner to ensure the health and safety and overall comfort of the animal.
- (h) Refuse Container Requirements: Any debris, refuse, manure, excreta, or other like material conducive to the breeding of flies or that creates a reasonably obnoxious odor must be placed in a fly-proofed container until the material is removed from the premises or buried under the soil surface as fertilizer.
- (i) Food Storage Containers: All grain or cereal intended for use as food for animals must be kept in containers with tightly fitted covers or other containers constructed to keep out vermin and wild animals.
- (j) Disposal of Deceased Animals:
 - (1) Upon the death of any animal, the owner or person in charge thereof shall provide for the burial, incineration or other disposition of the body of such animal in a manner not likely to result in an unsanitary condition. It shall be unlawful to dispose of any dead animal in any trash or garbage receptacle, whether public or private, to be hauled and carried into the general municipal solid waste stream. If the owner or person in charge of any dead animal is unable to provide for burial or other disposition, he/she may request the Police Department to remove and dispose of the body of such animal for a fee as set forth by a Resolution of the City Council in a fee schedule.
 - (2) Upon learning that the body of a dead animal has not been disposed of in a safe and sanitary manner, the Police Department may remove and dispose of such body immediately. The owner or person who had legal custody of such animal at the time of removal shall, immediately upon City's demand for payment, pay the Police Department for costs incurred as established by a Resolution of the City Council in a fee schedule.

5-3.3 ANNEXATIONS - COMPLIANCE/TRANSITION PERIOD: Prohibited animals brought into the city limits as the result of a property annexation may be maintained on the annexed property for a maximum transitional period of 365 days from the date of annexation as long as the

animals in question can legally be owned or possessed by law, are not classified as or presumed to be dangerous, and are in compliance with the ordinances of the County of Tulare at the time of annexation. Subsequent to the transitional period, the animals/property must be brought into compliance with the ordinances of the City of Porterville.

5-3.4 ANIMALS IN CITY BUILDINGS AND VEHICLES:

- (a) It shall be unlawful for any person charged with the care of any animal or animals to cause or permit such animal to enter or remain in City-owned or City-managed buildings other than a building used for the purpose of care, detention, control, or treatment of animals, or a building used for training classes, shows, or exhibitions. This subsection shall not apply to persons using service animals.
- (b) It shall be unlawful for any person, other than an individual actually in the process of working a dog or other animal for ranching purposes, to transport or carry the animal in a motor vehicle on any public highway, public roadway, or lot open to the public unless the animal is safely enclosed within the vehicle or secured by means of a container, cage or other device which will prevent the animal from falling from, jumping from, or being thrown from the motor vehicle. Dogs riding in the open area of a truck must be either in a secured cage or cross-tied to the truck.
- (c) It shall be unlawful for any person to leave any dog or other animal in a vehicle or other enclosure without adequate ventilation or in such a manner as to subject the animal to extreme temperatures which may adversely affect the health or well-being of the animal.

5-3.5 CONTROL AND SEIZURE OF DISEASED ANIMALS:

- (a) It shall be unlawful for any person owning or having charge of any animal which that person knows to be infected with any disease transmittable to humans or detrimental to other animals to permit such animal to remain within the city limits other than at an approved veterinary hospital unless the Police Department or other appropriate authority approves an alternative means of confinement.
- (b) The Police Department is authorized to seize any animal reasonably believed to be infected with disease transmittable to humans or detrimental to other animals.

5-3.6 CRUELTY TO ANIMALS PROHIBITED: It shall be unlawful for any person to engage in any activity likely to cause harm or maliciously, willfully, or recklessly kill, maim, wound, mutilate, torment, torture or physically abuse any animal as defined in Section 597 of the California Penal Code.

5-3.7 ABANDONMENT OF ANIMALS PROHIBITED: It shall be unlawful to abandon any animal within the city limits. "Abandonment," as used herein, refers to acts clearly indicating intent on the part of an owner or person in control of an animal to permanently relinquish control over the animal.

5-3.8 KILLING/BUTCHERING/PROCESSING OF ANIMALS OR FOWL: It shall be unlawful to kill, slaughter, or sacrifice any game animal or fowl inside the city limits of Porterville

within the public view except on the premises or within the confines of establishments licensed for that purpose or within the confines of a recognized/licensed teaching institution as part of a curriculum. This section does not apply to Police Department employees acting in the capacity of animal control duties.

5-3.9 PUBLIC NUISANCE:

- (a) It is declared to be a nuisance, and it shall be unlawful, for any person owning or having control or custody of any animal to do any of the following:
 - (1) permit an animal to defecate or urinate on any privately owned or occupied property other than that of the owner or the person having control of the animal;
 - (2) permit an animal to defecate on public property without immediately cleaning or removing the excrement to a proper receptacle;
 - (3) permit unsanitary conditions to exist on any premises where an animal is kept which would cause foul or obnoxious odors, attract flies or vermin or otherwise threaten public health and safety; or
 - (4) cause or permit any animal to run or wander on any public property or privately owned or occupied property or premise without the consent of the owner or occupant of the property.
- (b) If an unaltered animal is determined to be a nuisance pursuant to this subsection, upon a second offense the owner may be required to have the animal altered.
- (c) The owner or person in control of an animal that has been determined to be a nuisance on a second or subsequent occasion maybe required to have a microchip inserted into the animal for identification purposes. In such instances, the microchip must be implanted by a licensed veterinarian within twenty (20) days of being classified as a nuisance for a second or subsequent offense and shall be at the expense of the owner or person in control of the animal. The owner or person in control of the animal shall provide the Police Department with a certificate of completion and provide the information listed on the microchip, which will be included in the licensing record for that animal.
- (d) Any Police Department employee acting in the capacity of animal control may seize and impound any animal causing a public nuisance.
- (e) Any private person may maintain an action under Civil Code Section 3493 for enforcement of this Chapter declaring certain acts a public nuisance, if such acts are especially injurious to such person.

5-3.10 NUISANCE – INSPECTION FOR SAME:

- (a) The Police Department may enter upon any yard, lot, or parcel of land for the purpose of investigating animal-related nuisances.

- (b) If the investigating officer has reason to believe a nuisance exists, he/she may serve written notice of correction to the person or persons owning or having control of, or acting as agent for, leasing or occupying such premises, to abate or remove such nuisance within forty-eight (48) hours or other reasonable time as stated in the notice. Such notice shall be served personally or, where the person responsible for such nuisance cannot be located, by posting the notice in a conspicuous place on the front door or entranceway.
- (c) It shall be unlawful for any person to knowingly, willfully, or negligently fail to abate the nuisance alleged in the notice or fail to contest the allegations in the notice within forty-eight (48) hours (or other time as specified in the notice) following receipt or knowledge of same.
- (d) Where the person upon whom the abatement notice is required to be served under subsection (b) has been properly served but does not abate the nuisance within the time specified in the notice, the Police Department shall have the authority to do the following:
 - (1) Where the nuisance is caused by an at-large animal, a wild or exotic animal or a dangerous animal, the Police Department may follow the procedures relating to seizure and impoundment.
 - (2) Where the nuisance is in the nature of noise or odors and is caused by an animal or animals by animal waste or other conditions on the premises that are the result of the keeping of the animals, the Police Department may abate the nuisance by substantially following the notice, hearing, and the abatement procedure. Cost recovery procedures will follow the same as set forth in the impoundment recovery procedures defined in this Chapter pursuant to a fee schedule adopted by Resolution of the City Council.

5-3.11 HEARING TO DETERMINE IF ANIMAL IS DANGEROUS:

- (a) The Police Department may declare any animal to be dangerous whenever it has attacked, bitten or caused injury to any human being or other animal, or where there is evidence that an animal has acted in a threatening manner towards any human being, or has exhibited characteristics of being trained for fighting or attacking. Within two (2) days after an animal, which is wearing a license tag or can otherwise be identified, is impounded pursuant to this section, the Police Department shall serve notice of the finding to the owner of record via registered mail or deliver the same in person, advising the owner that the animal is dangerous and of the owner's right to a hearing on the issue of whether or not the animal is dangerous.
- (b) The owner of an animal confined or impounded pursuant to this section may, within the six (6) day time period, not including the date of impound, provide application for redemption of the animal, requesting a hearing to determine whether or not the animal is dangerous.

- (c) When a hearing is requested pursuant to subsection (b) above, a date and time for such a hearing shall be set, and notice thereof shall be served to all involved parties including, but not limited to, the owner, witness(es), and victim(s) within five (5) business days.

5-3.12 HEARING - CONDUCT:

- (a) A hearing requested in accordance with this Chapter shall be conducted before a person appointed by the Chief of Police to serve as a hearing officer.
- (b) The hearing shall be open to the public. The animal owner may be represented by an attorney. The hearing officer shall hear all pertinent evidence offered by any interested persons. The technical rules of evidence shall not be applicable to the hearing, except that the hearing officer's decision may not be based solely on hearsay evidence. All persons giving evidence shall be sworn in before testifying. The hearing will be recorded electronically by an uninvolved member of the Police Department. Copies of the hearing recording will be provided to the involved parties upon request.
- (c) Any animal which has attacked, bitten, or caused injury to a human being or other animal is presumed to be dangerous and the burden is on the owner to present evidence that the animal is not dangerous.
- (d) In making a determination that an animal is or is not dangerous, evidence of the following shall be considered:
 - (1) any previous history of the animal attacking, biting, or causing injury to a human being or other animal;
 - (2) the nature and extent of injuries inflicted and the number of victims involved;
 - (3) the place where the bite, attack, or injury occurred;
 - (4) the presence or absence of any provocation for the bite, attack, or injury;
 - (5) the extent to which property has been damaged or destroyed;
 - (6) whether the animal exhibits any characteristics of being trained for fighting or attack or other evidence to show such training or fighting;
 - (7) whether the dog or other animal exhibits characteristics of aggressive or unpredictable temperament or behavior in the presence of human beings or animals;
 - (8) whether the animal can be effectively trained or re-trained to change its temperament or behavior;
 - (9) the manner in which the animal had been maintained by its owner or custodian;
 - (10) any other relevant evidence concerning the maintenance of the animal;
 - (11) any other relevant evidence regarding the ability of the owner or custodian to protect the public safety in the future if the animal is permitted to remain in the city; and

- (12) any other relevant evidence concerning the characteristics or behavior of the animal, or concerning the circumstances of the incident.

5-3.13 HEARING - DECISION AND DISPOSITION OF ANIMAL:

- (a) At the conclusion of the hearing, the hearing officer may determine:
 - (1) that the animal is not dangerous and should be returned to its owner; or
 - (2) that the animal is not dangerous but that the attack, bite, or injury was the result of improper or negligent training, handling, or maintenance; or
 - (3) that the animal is dangerous and it should be humanely destroyed after all appeal processes have been exhausted following the receipt of the hearing officer's decision.
- (b) If it is determined that the animal is not dangerous, but that the bite, attack, or injury was the result of improper or negligent training, handling, or maintenance and the owner is unable or unwilling to properly train, handle, or maintain the animal and that a similar incident is likely to occur in the future without proper training, handling, or maintenance, the animal may be destroyed.
- (c) If it is determined that the animal is not dangerous, but that the bite, attack, or injury was the result of improper or negligent training, handling or maintenance, but also that the owner is able and willing to properly train, handle, or maintain the animal and that similar incident is not likely to occur in the future with proper training, handling and maintenance, the animal may be returned to the owner with documentation of how to prevent future incidents.
- (d) The decision of the hearing officer shall be in writing and shall be delivered personally to the owner or mailed to him/her by certified mail.
- (e) The owner may, within ten (10) days of receipt of the hearing officer's written decision, appeal the hearing officer's decision to the Tulare County Superior Court pursuant to California Code of Civil Procedure Section 1094.6. The Police Department will be notified by the owner of the appeal in writing on the same date as the appeal was filed.

Article IV

KENNELS

Sections:

- 5-4.1 Kennel Defined
- 5-4.2 Kennel Permit and Application Fee
- 5-4.3 Vaccination Certificate Required
- 5-4.4 Preliminary Inspection
- 5-4.5 License
- 5-4.6 Term of Permit

- 5-4.7 Delinquent Penalties, Securing Individual Licenses if Kennel Permit Denied, Time Limits
- 5-4.8 Inspection of Kennel
- 5-4.9 Delivery of Vaccination Certificates to Purchasers
- 5-4.10 Effect of Revocation of Kennel Permit

5-4.1 KENNEL DEFINED: The term "kennel," as used in this Chapter, means a premises, building or enclosure where four (4) or more animals not owned by the kennel owner or operator are kept, boarded, trained, or maintained for commercial purposes for a period longer than 24 hours. The maintenance of more than two (2) animals used for breeding purposes for which compensation is received, or the parturition or rearing of more than two (2) litters in one (1) calendar year shall be a rebuttable presumption that such animals are owned or maintained for the purpose of commercial breeding and the owner and the premises shall be subject to permit and licensing requirements as established in Chapter 15 of the City of Porterville Municipal Code.

5-4.2 KENNEL PERMIT AND APPLICATION FEE: In lieu of securing the permit required by this Chapter for each of the animals in a kennel, a person owning or operating a kennel may obtain a kennel permit covering all of the animals maintained in the kennel. It shall be unlawful to fail to secure the permit required by this Chapter. The application for a kennel permit shall be filed with the Police Department, along with a copy of a valid City business license. The fees for kennel permits shall be set by Resolution of the City Council in a fee schedule.

5-4.3 VACCINATION CERTIFICATE REQUIRED: The Police Department shall not issue a kennel permit unless the person applying for the permit files a certificate or certificates signed by a licensed veterinarian showing that all of the animals in the kennel which are over four (4) months of age have been vaccinated against rabies and which indicates that the period of time elapsing from the dates of the vaccinations to the date of expiration of the kennel permit does not exceed thirty-six (36) months in the case of vaccination with live virus rabies vaccine or eighteen (18) months in the case of vaccination with killed virus rabies vaccine, as those types of vaccines are defined in section 2606 et seq. of Chapter 17 of the California Code of Regulations. During any period when the city of Porterville is designated as a rabies area pursuant to sections 1900-1921 of the Health and Safety Code of the State of California, no killed virus vaccine shall be used other than vaccine of bovine nerve tissue origin.

However, if one or more animals in the kennel are too ill to be vaccinated against rabies at the time the application for the kennel permit is filed with the Police Department, and the application for the kennel permit is accompanied by a certificate signed by a veterinarian which states this fact, the Police Department may process and issue the kennel permit in compliance with this Chapter. The owner of the kennel shall thereafter have each such animal vaccinated within thirty (30) days after the date on which it becomes well enough to be vaccinated and the owner of the kennel shall file the vaccination certificate with the Police Department. If a person holding a kennel permit has failed to have an animal vaccinated pursuant to this section, the Police Department may immediately revoke the kennel permit and give the holder of the kennel permit written notice of such revocation.

5-4.4 PRELIMINARY INSPECTION: The Police Department may inspect all kennels to determine whether the kennels are constructed and operated in such a manner as to prevent the animals confined therein from running at large.

5-4.5 LICENSE: If the Police Department has determined that the kennels are constructed and operated in such a manner as to prevent animals confined therein from running at large, and if the required vaccination certificates have been filed in compliance with the provisions of this Chapter, the Police Department may issue a kennel permit to the applicant. The kennel permit issued by the Police Department shall contain a serial number, the expiration date of the permit, the address of the kennel, and such other information as the Police Department may require.

5-4.6 TERM OF PERMIT: Kennel permits shall be issued on an annual basis commencing on January 1st and expiring on December 31st.

5-4.7 DELINQUENT PENALTIES, SECURING INDIVIDUAL LICENSES IF KENNEL PERMIT DENIED, TIME LIMITS: Commencing on the 1st day of January each year, the Police Department shall collect a delinquent penalty, in addition to the regular permit fee, before issuing any kennel permit if the time limits set forth in this Chapter have expired for any animal in the kennel at the time that the application for the permit is filed. The delinquent penalty shall be in an amount equal to the regular permit fee as set forth in this Chapter. If an application for a kennel permit is filed before the time limits set forth in this Chapter have expired, and if after the expiration of such time limits, the Police Department determines that a kennel permit will not be issued, the Police Department shall send the owner of the kennel written notice that the kennel permit will not be issued. It shall be unlawful for the owner of the kennel to fail to secure individual permits for each of the animals in the kennel, pursuant to the provisions of this Chapter, within thirty (30) days after receipt of such written notice of such violation. During the period between the date on which the application for the kennel permit is filed with the Police Department until thirty (30) days after receipt of said written notice, the owner of the kennel shall not be in violation of this Chapter.

5-4.8 INSPECTION OF KENNEL: The Police Department may at any time inspect any kennel for which a kennel permit has been issued. If the Police Department determines that the kennel is not being operated in accordance with the Chapter, the Police Department may revoke the kennel permit.

5-4.9 DELIVERY OF VACCINATION CERTIFICATES TO PURCHASERS: Whenever a person holding a kennel permit sells any animal in the kennel, he/she shall deliver a copy of the vaccination certificate for the animal to the purchaser. If satisfactory evidence is presented to the Police Department that a person holding a kennel permit has failed to comply with the provisions of this section, the Police Department may revoke the kennel permit.

5-4.10 EFFECT OF REVOCATION OF KENNEL PERMIT: If the Police Department revokes a kennel permit pursuant to the provisions of this Chapter, it shall be unlawful for the owner of the kennel to fail to secure individual licenses for each of the animals in the kennel, pursuant to this Chapter, within thirty (30) days after receipt of written notice of such revocation

from the Police Department. Any person whose kennel permit has been revoked by the Police Department shall not be permitted to apply for a kennel permit until the next calendar year.

Article V

RABIES CONTROL

Sections:

- 5-5.1 Application of Article
- 5-5.2 Animal Showing Signs of Rabies
- 5-5.3 Isolation of Rabid Animals and Clinically Suspected Rabid Animals
- 5-5.4 Animals Biting Persons
- 5-5.5 Animals in Contact with Rabid Animals
- 5-5.6 Violation of Quarantine

5-5.1 APPLICATION OF ARTICLE: This Chapter shall be in effect only at those times when the city of Porterville is not designated as a rabies area pursuant to sections 121575-122374 of the Health and Safety Code of the State of California. During those periods when the city of Porterville is designated as a rabies area, the provisions of said sections 121575-122374 of the Health and Safety Code, and the rules and regulations adopted pursuant thereto, are applicable rather than the provisions of this Article.

5-5.2 ANIMAL SHOWING SIGNS OF RABIES: Whenever the owner of an animal observes or learns that such animal shows symptoms of rabies or acts in a manner which would lead to a reasonable suspicion that it may have rabies, such person shall immediately notify the Police Department. Said person shall thereafter allow the Police Department to inspect or examine the animal.

5-5.3 ISOLATION OF RABID ANIMALS AND CLINICALLY SUSPECTED RABID ANIMALS: The owner of any rabid animal or clinically suspected rabid animal shall isolate the animal in strict confinement under proper care and under the observation of a veterinarian in a kennel, veterinary hospital, or other adequate facility in a manner approved by the Police Department, and said animal shall not be destroyed or released from confinement for at least ten (10) days after the onset of symptoms suggestive of rabies and until the Police Department gives written authorization for the release of the animal, with the exception that such animal may be euthanized with the permission of the Police Department for the purpose of a laboratory examination for rabies using the fluorescent rabies antibody test in an approved public health laboratory.

5-5.4 ANIMALS BITING PERSONS: Whenever the owner of an animal has knowledge that such animal has bitten any person, the owner shall immediately report that fact to the Police Department Shelter Supervisor and report the name and address of the person bitten and the time and place that such person was bitten. Upon order of the Police Department Shelter Supervisor, the owner shall quarantine the animal for the period of time specified in section 2606 of Chapter 17 of the California Administrative Code with regard to rabies areas, and shall allow the Police Department Shelter Supervisor or his/her representative to make inspections and examinations of

the animal from time to time during such period. The Police Department Shelter Supervisor may quarantine said animal upon the premises of the owner. However, if the owner of the animal so desires, the Police Department Shelter Supervisor shall place the animal in quarantine in a veterinary hospital, at the expense of the owner, in lieu of quarantine of the animal on the premises of the owner. Quarantine shall be made by written notice delivered to the owner of said animal stating that the animal is quarantined and the instructions to be followed. If the quarantine is upon the premises of the owner of the animal, the animal shall be confined within a locked enclosure so constructed that the animal cannot escape or have contact with any other animal or human being other than the person responsible for its care or, at the discretion of the Police Department Shelter Supervisor, the animal may be kept under restraint by leash in charge of a responsible person, or under such restrictions as the Shelter Supervisor may prescribe. Said animal shall be kept in quarantine until the Police Department Shelter Supervisor gives written authorization for the release of the animal from quarantine. Notwithstanding the foregoing provisions, such animal may be euthanized with the permission of the Police Department Shelter Supervisor for the purpose of a laboratory examination for rabies using the fluorescent rabies antibody test in an approved public health laboratory.

5-5.5 ANIMALS IN CONTACT WITH RABID ANIMALS: Any animal of a species subject to rabies which has been bitten by a known rabid or suspected rabid animal or has been in intimate contact with a rabid or suspected rabid animal shall be quarantined by the owner in a place and manner approved by the Police Department Shelter Supervisor for a period of six (6) months or destroyed, provided, however, that the following alternatives are permitted in the case of dogs and cats: if the dog or cat has been vaccinated against rabies within two (2) years but not less than thirty (30) days with a live virus vaccine, or within one (1) year but not less than thirty (30) days with a killed virus vaccine, as those types of vaccines are defined in section 2606 et seq. of Chapter 17 of the California Administrative Code, the dog or cat may be re-vaccinated in a manner approved by the Police Department Shelter Supervisor and quarantined in a place and manner approved by the Police Department Shelter Supervisor for a period of thirty (30) days. The provisions of this Chapter concerning quarantine shall also apply to the quarantine of animals pursuant to this section.

5-5.6 VIOLATION OF QUARANTINE: When any animal is quarantined by the Police Department Shelter Supervisor, it shall be unlawful for the owner of the animal to violate the quarantine by removing said animal from the premises where it is quarantined, allowing it to run at large, destroying it without authorization from the Police Department Shelter Supervisor, concealing it from the Police Department Shelter Supervisor or disobeying any of the quarantine restrictions which have been imposed by the Police Department.

Article VI

PIGEONS

Sections:

- 5-6.1 Conditional Use Permit Required
- 5-6.2 Applicability

- 5-6.3 Leg Banding
- 5-6.4 Number Allowed
- 5-6.5 Structure/Loft Requirements
- 5-6.6 Loft Maintenance
- 5-6.7 Release and Feeding of Pigeons
- 5-6.8 Number of Squabs Allowed; Breeding of Pigeons
- 5-6.9 Association Membership
- 5-6.10 Limitations
- 5-6.11 Association Membership Documentation
- 5-6.12 City Right of Entry
- 5-6.13 Violation

5-6.1: CONDITIONAL USE PERMIT REQUIRED:

Pigeons which have been selectively bred for specific racing, homing, or sporting purposes shall be subject to the limitations of this article and shall only be permitted in residential zoning districts upon obtaining a conditional use permit from the City Council according to Chapter 21, Article 604 of this code. (Ord. 1751, 4-21-2009)

5-6.2: APPLICABILITY:

The provisions of this article shall apply only to parcels six thousand (6,000) square feet and over, which are located within a residential zoning district. (Ord. 1751, 4-21-2009)

5-6.3: LEG BANDING:

All racing, homing, or sporting pigeons shall be banded with a leg band. The "leg band" is defined as a seamless band, made of a durable material, which designates the national organization with which the bird is registered, and indicates the year of birth of the bird. Birds which are not banded shall not be considered to be racing, homing, or sporting pigeons. (Ord. 1751, 4-21-2009)

5-6.4: NUMBER ALLOWED:

The number of racing, homing, or sporting pigeons shall not cumulatively exceed one bird for every one thousand (1,000) square feet of lot area for lots under ten thousand (10,000) square feet in size and two (2) birds for every one thousand (1,000) square feet of lot area for lots in excess of ten thousand (10,000) square feet. (Ord. 1751, 4-21-2009)

5-6.5: STRUCTURE/LOFT REQUIREMENTS:

The structure ("loft") housing the racing, homing, or sporting pigeons shall comply with setback, height, and lot coverage limitations in the underlying zone. The loft shall be set back a minimum distance of ten feet (10') from residential structures on the site to provide adequate distance for clean and sanitary loft maintenance, and a minimum distance of twenty feet (20') from the property

line of any adjacent parcel when there are no more than twenty (20) birds. The minimum distance from the property lines shall increase one foot (1') for every one bird over twenty (20) in number. (Ord. 1751, 4-21-2009)

5-6.6: LOFT MAINTENANCE:

Any loft used for housing the racing, homing, or sporting pigeons shall be kept in a clean and sanitary condition at all times. (Ord. 1751, 4-21-2009)

5-6.7: RELEASE AND FEEDING OF PIGEONS:

All racing, homing, or sporting pigeons shall be confined to the loft, except for limited periods necessary for exercise, training, and competition. At no time shall pigeons be allowed to perch or linger on the buildings or property of others. Objects shall not be thrown at the birds during their training or exercise. All birds shall be fed within the confines of the loft. (Ord. 1751, 4-21-2009)

5-6.8: NUMBER OF SQUABS ALLOWED; BREEDING OF PIGEONS:

Not more than twelve (12) squabs over six (6) weeks old shall be permitted to be kept or maintained or raised on the property where pigeons are allowed in a residential zoning district. The squabs shall be counted in the cumulative total of pigeons allowed on the property by this article. Breeding of pigeons shall be incidental to the keeping of pigeons for racing, homing, or sporting and the breeding of pigeons for commercial purposes shall be prohibited. (Ord. 1751, 4-21-2009)

5-6.9: ASSOCIATION MEMBERSHIP:

Owners of racing, homing, or sporting pigeons are required to be current members of a nationally recognized racing, homing, or sporting pigeon association. (Ord. 1751, 4-21-2009)

5-6.10: LIMITATIONS:

The limitations set forth in this article shall be deemed minimum limitations required for the keeping of pigeons as provided for herein. The City may, as a condition to issuance of the permit required in Chapter 21, Article 604 of this code set forth additional requirements in said permit as may be necessary to maintain the health, safety, and general welfare of its citizens. (Ord. 1751, 4-21-2009)

5-6.11: ASSOCIATION MEMBERSHIP DOCUMENTATION:

The applicant shall provide documentation of current membership in a nationally recognized racing, homing, or sporting pigeon association with the conditional use permit application. (Ord. 1751, 4-21-2009)

5-6.12: CITY RIGHT OF ENTRY:

The City shall have the right to enter the property for verification of conditional use permit compliance at any time. (Ord. 1751, 4-21-2009)

5-6.13: VIOLATION:

The conditional use permit may be revoked by the City Council upon violation of any condition, regulation, or limitation of the permit issued, unless such violation is corrected within ten (10) days of notice of such violation. Any permit may be revoked for any violation. (Ord. 1751, 4-21-2009)

Article VII

VIOLATIONS

5-7.1 Violations

5-7.1 VIOLATIONS

(a) Administrative Citation. Upon a finding by the City official or representative vested with the authority to enforce the various provisions of this Chapter that a violation exists, he or she may issue an Administrative Citation and proceed with enforcement pursuant to Chapter 2, Article XIV, of the Municipal Code. The Administrative fines shall be as follows:

- (1) A fine not to exceed one hundred dollars (\$100) for the first violation;
- (2) A fine not to exceed two hundred dollars (\$200) for the second violation of the same provision within one (1) year; or
- (3) A fine not to exceed five hundred dollars (\$500) for each additional violation of the same provision within one (1) year, to a maximum of three (3) such violations.

(b) Misdemeanor/Infraction. Any person violating any of the provisions of this Chapter shall be guilty of a misdemeanor unless the City makes a determination to prosecute as an infraction with the concurrence of the city attorney. Upon conviction each person shall be subject to fine and/or imprisonment pursuant to Section 1-9, 2-144(A), and 2-144(B) of this Code. A person who owns or is in charge of or controls or who possesses an animal who permits, allows, or causes the dog to run, stray, be uncontrolled or in any manner be in, upon or at large upon a public street, sidewalk, park or other public property or in or upon the premises or private property of another person is guilty of a misdemeanor if said animal bites, attacks, or causes injury to any human being or other animal.

(c) Separate Offense. Each day that any provision of this Chapter is violated is a separate and distinct offense and shall be punishable as a separate and distinct offense.

(d) **Costs of Enforcement.** In addition to any other penalties or fines provided for in this Chapter, any reasonable costs incurred by the City in seizing, impounding, and confining any dangerous animal may be charged and recovered against the owner.

(e) Except as provided for in subsection (b) of this section, violation of any of the provisions covered in this Chapter may be investigated and punished as an infraction. An administrative citation may be issued in lieu of filing a criminal case. Each day a violation continues may be investigated and regarded as a new and separate offense.

(1) The punishment upon conviction may be:

- i. A fine not exceeding one hundred dollars (\$100) for a first violation;
- ii. A fine not exceeding two hundred dollars (\$200) for a second violation of the same provision within one (1) year; or
- iii. A fine not exceeding five hundred dollars (\$500) for each additional violation of the same provision within one (1) year, to a maximum of three (3) such violations.

(2) For purposes of this section, bail forfeiture shall be deemed to be a conviction of the offense charged.

(3) In addition to any other penalties or fines provided for in this Chapter, any reasonable costs incurred by the City in seizing, impounding, and confining any dangerous animal may be charged and recovered against the owner.

(f) Four (4) or more violations of the same section of this Chapter shall constitute a misdemeanor and shall be investigated according to section (b) above. Each additional day the violations continue unabated shall be regarded as new and separate offenses.

(g) **Civil Action.** The City Attorney, or an attorney hired for such purposes by and at the request of the City Council, may institute an action in any court of competent jurisdiction to restrain, enjoin, or abate the condition found to be in violation of the provisions of this Chapter, or State Codes specifically adopted by reference, as provided by law, and the City shall be entitled to its attorney's fees and costs.

(h) These remedies shall not supplant or replace the procedures concerning dangerous animals as specified in elsewhere in this Chapter.

(i) **Allocation of fees and fines collected.** All fees and the City's share of all fines collected shall be used only to fund the implementation and enforcement of the City's animal control program.

Article VIII

ANIMAL CONTROL COMMISSION

Sections:

5-8.1 Established

- 5-8.2 Composition
- 5-8.3 Compensation
- 5-8.4 Term of Office; Removal
- 5-8.5 Vacancies
- 5-8.6 Appointment of Chairperson and Vice Chairperson
- 5-8.7 Term of Officers
- 5-8.8 Meetings and Records
- 5-8.9 Quorum
- 5-8.10 General Powers and Duties of Commission

5-8.1: ESTABLISHED:

An animal control commission is established in and for the city of Porterville. The animal control commission shall serve in an advisory capacity to the City Council. (Ord. 1812, 6-3-2014)

5-8.2: COMPOSITION:

The animal control commission shall consist of five (5) members who shall be residents of the city of Porterville. Commissioners shall be appointed by the City Council at its complete discretion by a majority vote. Members of the commission shall be representative of a cross section of the community. (Ord. 1812, 6-3-2014)

5-8.3: COMPENSATION:

Members of the animal control commission shall serve without compensation. (Ord. 1812, 6-3-2014)

5-8.4: TERM OF OFFICE; REMOVAL:

The term of office shall be four (4) years with terms staggered to prevent concurrent expiration of terms. All commission members shall serve at the pleasure of the City Council and may be removed by a majority vote of the City Council at any time and for any reason. (Ord. 1812, 6-3-2014)

5-8.5: VACANCIES:

Vacancies, occurring otherwise than by expiration of the terms, shall be filled by appointment by the City Council as soon as possible; such appointee is to serve for the unexpired term of the vacant office. (Ord. 1812, 6-3-2014)

5-8.6: APPOINTMENT OF CHAIRPERSON AND VICE CHAIRPERSON:

The animal control commission shall appoint one of its members chairperson, and one of them vice chairperson. (Ord. 1812, 6-3-2014)

5-8.7: TERM OF OFFICERS:

The officers thus appointed shall serve one year, until their successors in office have been appointed by the animal control commission. (Ord. 1812, 6-3-2014)

5-8.8: MEETINGS AND RECORDS:

The animal control commission shall hold meetings regularly as determined by the commission and shall designate the time and place thereof. The commission may hold as many meetings as determined necessary for the performance of the duties prescribed in this Chapter. The meetings shall be held in compliance with the Brown Act and all applicable laws, and the meetings and records of attendance shall be public. The commission shall adopt its own rules of procedure and keep a record of its proceedings. A record of attendance shall be kept regularly and reported to the City Council at least once per year. Members are expected to have at least seventy-five percent (75%) attendance based upon the commission's regular meeting schedule (e.g., 9 out of 12 meetings if held monthly, and 3 out of 4 if held quarterly). Members who fail to meet the attendance requirement automatically vacate their seat and the vacancies shall be filled per section 5-7.5 of this article. (Ord. 1812, 6-3-2014)

5-8.9: QUORUM:

Three (3) members shall constitute a quorum for the transaction of business. (Ord. 1812, 6-3-2014)

5-8.10: GENERAL POWERS AND DUTIES OF COMMISSION:

The animal control commission shall:

- (a) Advise the City Council and staff on any matters concerning animal control and shelter programs;
- (b) Make recommendations to the City Council and staff concerning regulations affecting animals and the care, control, and treatment of animals;
- (c) Make recommendations to the City Council and staff to strengthen the City's animal control and shelter programs;
- (d) Engage in a long-term planning process through which it identifies major priorities and provides recommendations for the City Council for policies and procedures on animal control and shelter program operations;
- (e) Promote public awareness of the goals and operations of the animal shelter(s) and to enhance community relations with respect to animal control program operations;
- (f) To advise and assist the City Council and staff in conducting public education and outreach programs to city residents regarding animal owner responsibility for licensing, spaying and neutering, and proper care of animals;

- (g) To review and recommend proactive enforcement programs that will result in reducing cases of animal overpopulation, neglect, abuse, and public nuisance;
- (h) To review and provide recommendations to the City Council and staff on all proposed amendments to this chapter;
- (i) Serve as a sounding board for staff to review their plans and ideas; and
- (j) Act on any matters referred by the City Council or staff in accordance with the instructions provided with the said referrals. (Ord. 1812, 6-3-2014)

PASSED, APPROVED AND ADOPTED this 16th day of June, 2015.

Milt Stowe, Mayor

ATTEST:
John D. Lollis, City Clerk

By: _____
Patrice Hildreth, Chief Deputy City Clerk



CITY COUNCIL AGENDA – JULY 7, 2015

SUBJECT: Consideration of Appointment to Parks & Leisure Services Commission

SOURCE: Administrative Services

COMMENT: With the recent resignation of Commissioner Derric Salazar, a vacancy currently exists on the Parks & Leisure Services Commission with a term to expire in October 2015. Staff has publicized notice of the vacancy and solicited applications from interested individuals who are city residents.

As of the time of agenda distribution, the Clerk's Office had received one Request for Appointment, from Rachel Lucero. Ms. Lucero's Request is attached hereto for Council's consideration.

Should any further Requests for Appointment be received after the distribution of the agenda, they will be presented to the Council for consideration under separate cover and made available to the public.

RECOMMENDATION: That the City Council consider the appointment of one individual to the Parks and Leisure Services Commission to a term expiring in October 2015.

ATTACHMENTS: 1. Request for Appt - Lucero

Appropriated/Funded: N/A

Review By:

Department Director:

Patrice Hildreth, Administrative Services Dir

Final Approver: Patrice Hildreth, Administrative Services Dir

CITY OF PORTERVILLE

REQUEST FOR APPOINTMENT

Please complete all blanks.

Name: Rachel Lucero
(Please Print)

Appointment to: Parks & Leisure Services Commission
(Name of Board, Commission, or Committee)

☐ Reappointment; or IF NEW, please provide :

Street Address: 285 West Willow Ave. # 8
Porterville, Ca. 93257

Mailing Address: Same as above

Name of Business: _____
☐ Own ☐ Operate

Business Address: _____

Telephone: Home (559) 361- 2919
Work _____
FAX _____
E-mail Rchlucero848@hotmail.com

City of Porterville resident:

☒ Yes
☐ No

Registered Voter:

☒ Yes
☐ No

Qualifications: See Resume

☒ Resume attached

☒ Letter of request attached

Submitted By: Rachel Lucero

June 29, 2015

Date

Received by: _____

Forwarded to: City Clerk ☐ Date: _____

City Council ☐ Date: _____

City Manager ☐ Date: _____

Applicable Dept. ☐ Date: _____

Tentative Council Mtg Date: _____

June 29, 2015

City of Porterville
291 North Main St.
Porterville, Ca. 93257

Re: Request for Appointment – Parks and Leisure Services Commission

Dear Porterville City Council,

I write to request appointment to the City of Porterville Parks and Leisure Services Commission.

Please find enclosed with this letter 1) My resume and 2) My request for appointment form.

As reflected in the documents enclosed I have experience in working with the public, leading by example, goal planning, coordinating activities, and providing accurate and complete information.

I believe that I am both capable and worthy of being able to accomplish the tasks associated with this commission board. I would love the opportunity to learn more, as well as be involved in, the operations of the Parks & Leisure Services Commission. Please feel free to contact me at (559) 361- 2919 with any questions you may have. I look forward to hearing from you soon! Thank you for your time.

Sincerely,

Rachel Lucero

285 W. Willow Ave #8
Porterville, CA. 93257
(559) 361- 2919
Rchllucero848@hotmail.com

References: Available upon request.



CITY COUNCIL AGENDA – JULY 7, 2015

SUBJECT: Consideration of Exception to the 180-Day PERS Wait Period for the Hiring of a Retired Annuitant

SOURCE: Administrative Services

COMMENT: The Property and Evidence Technician position within the Porterville Police Department serves a critical role in the success of day-to-day operations of the department. During the past couple of years, this position was filled by sworn Police Officer Kurtis Smith, who the City was accommodating in a modified duty capacity due to his work-related injury. Given Officer Smith's sworn law enforcement background, while in the position he greatly enhanced the procedures for the proper handling and preservation of crime scene evidence. In April of this year, Officer Smith retired which has created challenges for the Department.

Because Mr. Smith possesses the specialized training necessary to fulfill the duties of the Property and Evidence Technician position, staff is desirous of hiring him as a retired annuitant on a temporary basis so as to satisfy the current departmental needs in property and evidence, assisting in the elimination of backlogs, and ensuring the proper training of replacement staff.

Government Code Section 7522.56 requires that post-retirement employment commence no earlier than 180 days after the retirement date, which in this case would be September 28, 2015. Due to the large work load, a September 28th start date would be detrimental to the Department.

There are various exceptions to the required waiting period, including Government Code Section 21224 which permits the hiring of retired annuitants for extra help for a limited duration to assist in the elimination of backlogs and undertaking work in excess of what regular staff can accomplish. This exception applies to the circumstances discussed herein and therefore staff seeks Council authorization for the exception to the 180-day wait period for the purposes of hiring retired annuitant Kurtis Smith on a temporary basis as a Property and Evidence Technician in the Police Department, to be effective immediately.

RECOMMENDATION: That the City Council approve the draft resolution for the exception to the 180-day PERS Wait Period.

ATTACHMENTS:

1. Draft Resolution
2. Job Description - Property & Evidence Technician

Appropriated/Funded: MB

Review By:

Department Director:

Patrice Hildreth, Administrative Services Dir

Final Approver: Patrice Hildreth, Administrative Services Dir

RESOLUTION NO. ____-2015

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE FOR
EXCEPTION TO THE 180-DAY WAIT PERIOD

WHEREAS, in compliance with Government Code Section 7522.56 the City Council of the City of Porterville must provide CalPERS this certification resolution when hiring a retiree before 180 days has passed since his retirement date; and

WHEREAS, Kurtis Smith, CalPERS member 1313709959, retired from the City of Porterville in the position of Police Officer effective April 1, 2015; and

WHEREAS, Section 7522.56 requires that post-retirement employment commence no earlier than 180 days after the retirement date, which is September 28, 2015 without this certification resolution; and

WHEREAS, Section 7522.56 provides that this exception to the 180 day wait period shall not apply if the retiree accepts any retirement-related incentive; and

WHEREAS, the City Council, the City of Porterville, and Kurtis Smith certify that Kurtis Smith has not and will not receive a Golden Handshake or any other retirement-related incentive; and

WHEREAS, the City of Porterville hereby authorizes the appointment of Kurtis Smith as an extra help retired annuitant to perform the duties of the Property and Evidence Technician for the City of Porterville within the Police Department under Government Code Section 21224, effective immediately; and

WHEREAS, no matters, issues, terms or conditions related to this employment and appointment have been or will be placed on a consent calendar; and

WHEREAS, the employment shall be limited to 960 hours per fiscal year; and

WHEREAS, the compensation paid to retirees cannot be less than the minimum nor exceed the maximum monthly base salary paid to other employees performing comparable duties, divided by 173.33 to equal the hourly rate; and

WHEREAS, the minimum base salary for this position is \$2,871 per month, and the hourly rate is \$16.56. The maximum base salary for this position is \$3,504 per month, and the hourly rate is \$20.22.

WHEREAS, the hourly rate paid to Kurtis Smith will be \$20.22; and

WHEREAS, Kurtis Smith has not and will not receive any other benefit, incentive, compensation in lieu of benefit or other form of compensation in addition to this hourly pay rate; and

THEREFORE, BE IT RESOLVED that the City Council of the City of Porterville hereby certifies the nature of the appointment of Kurtis Smith as described herein and that this appointment is necessary to fill the critically needed position of Property and Evidence Technician for the City of Porterville.

PASSED, APPROVED AND ADOPTED this ____ day of July, 2015.

Milt Stowe, Mayor

ATTEST:

John D. Lollis, City Clerk

By: Patrice Hildreth, Chief Deputy City Clerk

PROPERTY AND EVIDENCE TECHNICIAN

DEFINITION

Under general direction, identifies, collects, secures, processes, photographs and preserves physical evidence for investigation and prosecution of criminal and civil cases; performs related duties as required.

REPRESENTATIVE DUTIES

The duties listed below are examples of the work typically performed by the employee of this class. Not all assigned duties may be listed. Marginal duties are those which are non-essential job functions for this class.

1. Photographs crime and accident scenes, autopsies, assault victims and suspects to record the condition and appearance of evidence as found.
2. Locates, identifies, collects, photographs, and preserves evidence such as blood; bodily fluids, hair and fibers, firearms and narcotics for laboratory testing.
3. Searches for, develops, and preserves latent prints at crime scenes and in the laboratory.
4. Photographs and fingerprints suspects, victims, witnesses and applicants.
5. Produces plastic castings for tool marks and other impressions.
6. Searches for, retrieves and provides security information on fingerprint cards and mug shots for law enforcement personnel and authorized agencies.
7. Establishes and maintains records to ensure proper handling of physical evidence.
8. Offers technical testimony in criminal and civil cases.
9. Instructs law enforcement personnel in crime and accident scene photography and the collection and preservation of evidence and latent fingerprinting processes.
10. Assists in retention, processing, transporting, retrieving and disposal of evidence.
11. Manually compares latent print impressions with known finger and palm prints.

EMPLOYMENT STANDARDS

Education and/or Experience

Any combination of training and experience that provides the desired knowledge and abilities.

Knowledge of:

Procedures for processing and preserving crime scenes and evidence; photographic techniques and methods including the use of a variety of film, lighting, filtration and alternative light sources, digital photography and related printing and storage of images; standard techniques for development of fingerprints using powders and chemicals; standard techniques for recording and classifying fingerprints; procedures of personal safety when handling evidence; hazards and safety precautions related to chemicals and equipment used in processing; rules of evidence, court methods and procedures, basic computer operations.

Ability to:

Read, understand, apply laws, regulations, department policies, rules and procedures; identify problems and determine solutions; communicate effectively with individuals in a variety of emotional states from a variety of different backgrounds and with different educational and mental capabilities; rapidly shift among communication styles; observe and recall details of incidents; understand and follow verbal and written directions; write clear, concise and accurate reports; use and care of photographic equipment, including digital cameras, still and video cameras and flash equipment; work independently and demonstrate initiative; communicate effectively, both verbally and in writing and by any form of communication device; maintain confidentiality; establish and maintain effective relationships with superiors, peers, subordinates, and the general public; operate a computer; collect, secure and process evidence.

Special Requirements

Possession of or ability to obtain a valid California Driver's License may be required.

Ability to pass an extensive background investigation.

Physical Demands

Strength, stamina, coordination and balance to stand and walk for long periods; bend and reach to collect evidence; take photographs; carry equipment and supplies; vision to see details in low light; occasionally lift objects weighing in excess of 50 lbs.; strength to move the weight of an adult human body.

WORKING CONDITIONS

Shift work with periodic change in shift; work in confined spaces; stress of working with detainees, persons under the influence of alcohol and drugs, emotional individuals, and resistive and combative persons; stress of exposure to dangerous individuals and circumstances including dead, injured and sick individual; exposure to individuals with communicable diseases; exposure to hazardous materials.

Date Adopted:



CITY COUNCIL AGENDA – JULY 7, 2015

SUBJECT: Adoption of Annual Appropriation Limit

SOURCE: Finance

COMMENT: Article XIII-B of the California Constitution requires that each governmental agency must adopt an appropriation limit each fiscal year. This limit represents the maximum amount of tax revenue that can be appropriated during the fiscal year.

The State Department of Finance has provided the percentage change in population for the City of Porterville and the percentage change in per capita personal income for the 2015-2016 fiscal year calculation. Based on this information and the guidelines established by the State, the appropriation limit for the 2015-2016 fiscal year is \$58,254,230. Budgeted tax proceeds subject to limitation are \$20,297,397. The City continues to appropriate well below the maximum limit allowed by law.

RECOMMENDATION: That the City Council approve the attached resolutions adopting the appropriation limit of \$58,254,230 for the 2015-2016 fiscal year.

ATTACHMENTS:

1. Draft Resolution
2. Calculation worksheet

Appropriated/Funded: MB

Review By:

Department Director:

Maria Bemis, Finance Director

Final Approver: John Lollis, City Manager

RESOLUTION NO. ____-2015

A RESOLUTION OF THE CITY COUNCIL OF THE CITY
OF PORTERVILLE SETTING THE APPROPRIATION LIMIT FOR THE
2015-2016 FISCAL YEAR

WHEREAS: Article XIII – B of the California Constitution requires that each governmental agency adopt an appropriation limit each fiscal year; and

WHEREAS: The State of California has presented the guidelines for the consumer price index, the per capita personal income and the population data for local governments to compute the appropriation limit.

NOW, THEREFORE, BE IT RESOLVED: That the City Council of the City of Porterville does hereby approve the appropriation limit of \$58,254,230 for the 2015-2016 fiscal year as computed on the attached worksheet.

PASSED, APPROVED AND ADOPTED this 7th day of July, 2015.

Milt Stowe, Mayor

ATTEST:
John D. Lollis, City Clerk

By: _____
Patrice Hildreth, Chief Deputy City Clerk

CITY OF PORTERVILLE
APPROPRIATION LIMIT DOCUMENTATION
FISCAL YEAR 2015-2016

	GENERAL	MEAS H	SPECIAL GAS TAX	LTF	TRAFFIC SAFETY	ZALUD ESTATE	CDBG	TRANSIT	COPS	SEWER OPER	SOLID WASTE	AIRPORT	GOLF COURSE	WATER OPER	GEN GOV DEBT SERV	
PROPERTY TAXES	6,940,354											10,000				
SALES & USE TAXES	4,630,149	3,356,126														
UTILITY USERS TAX	4,100,000															
TRANSIENT OCCUPANCY TAX	370,000															
BUSINESS LICENSE	425,000															
OTHER TAXES	260,000															
FRANCHISE FEES	1,551,134															
PERMITS	403,000															
REVENUE FROM STATE																
MOTOR VEHICLE IN LIEU	22,000															
HOMEOWNERS RELIEF	27,000															
OTHER REV FR STATE	45,000		1,181,902				260,000	1,067,848	206,789			10,000				
OTHER INTERGOVTAL REV	63,367		763,000	2,579,818			663,697	7,380,521	20,000							
USE OF MONEY & PROPERTY																
INTEREST	100,000	5,000	20,000	35,000	200	500	20,000	4,667	2,000	25,000	20,000	8,000		15,000	5,000	
RENT	288,404							25		112,596		162,171				
FINES & FORFEITURES	71,500				200,000											
CHARGES FOR SERVICES	4,219,663	2,500				4,500	285,500	641,589	28,000	6,612,280	5,653,000	1,319,420	192,000	5,540,993	503,280	
OTHER REVENUES	185,000					1,000				110,000	90,000	600	2,100	95,000		
	23,701,571	3,363,626	1,964,902	2,614,818	200,200	6,000	1,229,197	9,094,650	256,789	6,859,876	5,763,000	1,510,191	194,100	5,650,993	508,280	
	RISK MGMT	EQUIP MAINT	LMD	WATER REPLACE	SOLID WASTE RES	SEWER REVOLV	TRANSPORT IMPACT	PARK DEVEL	WWTP RESERVE	STORM DRAIN DEVELOP	BLDG CONSTR	GEN FUND EQUIP REPL	AIRPORT REPL AND DEVEL	GOLF COURSE REPL	EQUIP MAINT REPL	TOTAL ESTIMATED REVENUES
PROPERTY TAXES																6,950,354
SALES & USE TAXES																7,986,275
UTILITY USERS TAX																4,100,000
TRANSIENT OCCUPANCY TAX																370,000
BUSINESS LICENSE																425,000
OTHER TAXES																260,000
FRANCHISE FEES																1,551,134
PERMITS																403,000
REVENUE FROM STATE																
MOTOR VEHICLE IN LIEU																22,000
HOMEOWNERS RELIEF																27,000
OTHER REV FR STATE				3,775,000									28,438			6,574,977
OTHER INTERGOVTAL REV				325,000	1,220,544								561,893			13,577,840
USE OF MONEY & PROPERTY																
INTEREST	3,000	2,500		50,000	25,000	40,000	5,000	50	100,000	20,000	4,000	105,953	3,000	1,000	2,500	622,370
RENT		20,000														583,196
FINES & FORFEITURES																271,500
CHARGES FOR SERVICES	5,159,916	3,130,000		241,034	617,138	193,218	100,000	45,000	353,088	100,000		800,000	24,186	37,188	133,062	35,936,555
OTHER REVENUES	250		95,500	155,162		45,000			125,000			15,000				919,612
	5,163,166	3,152,500	95,500	4,546,196	1,862,682	278,218	105,000	45,050	578,088	120,000	4,000	920,953	617,517	38,188	135,562	80,580,813

* Source:

City of Porterville 2015-2016 Annual Budget adopted by City Council on June 16, 2015.

**CITY OF PORTERVILLE
APPROPRIATION LIMIT DOCUMENTATION
FISCAL YEAR 2015-2016**

<u>PROCEEDS OF TAXES CALCULATION</u>				<u>APPROPRIATION LIMIT CALCULATION</u>		
	[1] PROCEEDS OF TAXES	PROCEEDS OTHER THAN TAXES	TOTAL ESTIMATED REVENUES	YEAR	[2] CALIFORNIA PCPI CHANGE	[3] POPULATION CHANGE LIMIT
PROPERTY TAXES	6,950,354		6,950,354	1986-1987	BASE YEAR	10,422,371
SALES & USE TAXES	7,986,275		7,986,275	1987-1988	3.47%	10,972,748
UTILITY USERS TAX	4,100,000		4,100,000	1988-1989	4.66%	11,744,767
TRANSIENT OCCUPANCY TAX	370,000		370,000	1989-1990	5.19%	13,377,258
BUSINESS LICENSE	425,000		425,000	1990-1991	4.21%	14,920,454
OTHER TAXES	260,000		260,000	1991-1992	4.14%	16,127,057
FRANCHISE FEES		1,551,134	1,551,134	1992-1993	-0.64%	16,746,519
PERMITS		403,000	403,000	1993-1994	2.72%	17,934,831
REVENUE FROM STATE				1994-1995	0.71%	18,717,825
MOTOR VEHICLE IN LIEU	22,000		22,000	1995-1996	4.72%	20,071,738
HOMEOWNERS RELIEF	27,000		27,000	1996-1997	4.67%	21,607,847
OTHER REV FR STATE		6,574,977	6,574,977	1997-1998	4.67%	23,229,852
OTHER INTERGOVTAL REV		13,577,840	13,577,840	1998-1999	4.53%	24,779,949
USE OF MONEY & PROPERTY				1999-2000	4.91%	26,415,190
INTEREST	156,768	465,602	622,370	2000-2001	7.82%	28,859,653
RENT		583,196	583,196	2001-2002	-1.27%	29,082,943
FINES & FORFIETURES		271,500	271,500	2002-2003	2.31%	30,516,481
CHARGES FOR SERVICES		35,936,555	35,936,555	2003-2004	3.28%	32,283,295
OTHER REVENUES		919,612	919,612	2004-2005	5.26%	34,813,941
				2005-2006	3.96%	36,981,571
	<u>20,297,397</u>	<u>60,283,416</u>	<u>80,580,813</u>	2006-2007	4.42%	44,122,820
				2007-2008	4.29%	46,931,401
				2008-2009	0.62%	48,067,656
				2010-2011	-2.54%	47,774,303
				2011-2012	2.51%	49,693,348
				2012-2013	3.77%	52,226,842
				2013-2014	5.12%	55,405,944
				2014-2015	-0.23%	55,693,099
				2015-2016	3.82%	58,254,230
				PROCEEDS OF TAXES		<u>20,297,397</u>
				PROCEEDS OF TAXES UNDER APPROPRIATION LIMIT		<u>37,956,833</u>

[1] Per City of Porterville 2015-2016 Annual Budget adopted by City Council on June 16, 2015.

[2] Per State Department of Finance (per capita personal income).

[3] Per State Department of Finance (population growth of City or County, whichever is greater).



CITY COUNCIL AGENDA – JULY 7, 2015

SUBJECT: Designation of Voting Delegate and Alternate for League of California Cities 2015 Annual Conference

SOURCE: Administrative Services

COMMENT: The League of California Cities' Annual Conference is scheduled to take place September 30 - October 2, 2015, in San Jose. In addition to the training programs offered, an important aspect of the League's conference is the Annual Business Meeting, during which the membership considers and takes action on resolutions that establish official League policy. This year, the Business Meeting is scheduled for Friday, October 2, 2015.

In order to vote at this meeting, the City Council must designate a voting delegate. In the event the voting delegate is unable to serve in that capacity, the League's Bylaws also allow for the designation of up to two alternates.

The estimated cost for attendance per Council Member is approximately \$1,900. This cost includes conference registration and materials, accommodations, mileage and meals. Funding is currently available in the Council's travel budget.

RECOMMENDATION: If there is interest in Council Member attendance at the League of California Cities Annual Conference, that the City Council designate one City Council Member to serve as a voting delegate, and two City Council Members to serve as alternate voting delegates at the Conference.

ATTACHMENTS:

1. Voting Procedures
2. Voting Delegate-Alternate Form

Appropriated/Funded: MB

Review By:

Department Director:

Patrice Hildreth, Administrative Services Dir

Final Approver: John Lollis, City Manager

Annual Conference Voting Procedures

2015 Annual Conference

1. **One City One Vote.** Each member city has a right to cast one vote on matters pertaining to League policy.
2. **Designating a City Voting Representative.** Prior to the Annual Conference, each city council may designate a voting delegate and up to two alternates; these individuals are identified on the Voting Delegate Form provided to the League Credentials Committee.
3. **Registering with the Credentials Committee.** The voting delegate, or alternates, may pick up the city's voting card at the Voting Delegate Desk in the conference registration area. Voting delegates and alternates must sign in at the Voting Delegate Desk. Here they will receive a special sticker on their name badge and thus be admitted to the voting area at the Business Meeting.
4. **Signing Initiated Resolution Petitions.** Only those individuals who are voting delegates (or alternates), and who have picked up their city's voting card by providing a signature to the Credentials Committee at the Voting Delegate Desk, may sign petitions to initiate a resolution.
5. **Voting.** To cast the city's vote, a city official must have in his or her possession the city's voting card and be registered with the Credentials Committee. The voting card may be transferred freely between the voting delegate and alternates, but may not be transferred to another city official who is neither a voting delegate or alternate.
6. **Voting Area at Business Meeting.** At the Business Meeting, individuals with a voting card will sit in a designated area. Admission will be limited to those individuals with a special sticker on their name badge identifying them as a voting delegate or alternate.
7. **Resolving Disputes.** In case of dispute, the Credentials Committee will determine the validity of signatures on petitioned resolutions and the right of a city official to vote at the Business Meeting.



CITY: _____

**2015 ANNUAL CONFERENCE
VOTING DELEGATE/ALTERNATE FORM**

Please complete this form and return it to the League office by Friday, September 18, 2015. Forms not sent by this deadline may be submitted to the Voting Delegate Desk located in the Annual Conference Registration Area. Your city council may designate one voting delegate and up to two alternates.

In order to vote at the Annual Business Meeting (General Assembly), voting delegates and alternates must be designated by your city council. Please attach the council resolution as proof of designation. As an alternative, the Mayor or City Clerk may sign this form, affirming that the designation reflects the action taken by the council.

Please note: Voting delegates and alternates will be seated in a separate area at the Annual Business Meeting. Admission to this designated area will be limited to individuals (voting delegates and alternates) who are identified with a special sticker on their conference badge. This sticker can be obtained only at the Voting Delegate Desk.

1. VOTING DELEGATE

Name: _____

Title: _____

2. VOTING DELEGATE - ALTERNATE

Name: _____

Title: _____

3. VOTING DELEGATE - ALTERNATE

Name: _____

Title: _____

PLEASE ATTACH COUNCIL RESOLUTION DESIGNATING VOTING DELEGATE AND ALTERNATES.

OR

ATTEST: I affirm that the information provided reflects action by the city council to designate the voting delegate and alternate(s).

Name: _____ E-mail: _____

Mayor or City Clerk _____ Phone: _____
(circle one) (signature)

Date: _____

Please complete and return by Friday, September 18, 2015

League of California Cities
ATTN: **Kayla Gibson**
1400 K Street, 4th Floor
Sacramento, CA 95814

FAX: (916) 658-8240
E-mail: kgibson@cacities.org
(916) 658-8247



CITY COUNCIL AGENDA – JULY 7, 2015

SUBJECT: Status and Review of Declaration of Local Drought Emergency

SOURCE: City Manager's Office

COMMENT: As previously reported to the City Council, on Wednesday, April 1, 2015, Governor Brown issued Executive Order B-29-15, which established drought-related mandates and restrictions, in addition to those already stipulated in previous Executive Orders B-26-14 and B-28-14. Of significance, the Governor directed the State Water Resources Control Board to impose restrictions to achieve a statewide 25% reduction in potable urban water usage through February 28, 2016, in comparison to the amount used in 2013, and with consideration given to per capita usage as a basis. The Governor further directed the Board to impose additional restrictions on commercial, industrial, and institutional properties with significant landscaping (cemeteries, golf courses, parks, schools, etc.), to also achieve a 25% reduction in potable water usage. Also of significance, the Board is directed to prohibit irrigation with potable water outside of newly constructed homes and buildings that is not delivered by drip or micro-spray systems.

At the City Council's last meeting on June 16th, the City Council took action in the continued affirmation of the adoption of a Resolution of Declaration of Local Emergency, due to local residences within the city having been identified as having wells that are now dry as a result of the drought. Although at least seven (7) residences along E. Vandalia Avenue have been determined to currently have dry wells, it is anticipated that more could occur as the summer months approach. City staff has submitted a Mutual Aid Request to Tulare County OES to initiate the household tank program for identified properties within the city where wells are dry. In addition, City staff has also resubmitted the E. Vandalia water connection project to the State for funding consideration, and another survey of this area has begun to determine if there are additional residences in the area with dry wells.

At the City Council's June 2nd meeting, the Council continued its authorization for the County to purchase up to 500,000 gallons of City water over the next thirty (30) days in support of the County's Household Tank Program in East Porterville, requiring that the water continue to be drawn exclusively from the City's "Jones Corner" water system. At its meeting on June 16th, several Members of Council encouraged the development of additional water sources to serve the East Porterville area and not exclusively rely on the City's "Jones Corner" system. Both CalOES and the County continue to strive to develop additional water sources toward securing three million gallons per month in support of the County Household Tank Program in East Porterville, most recently

evaluating the Porterville Developmental Center water system as a possible water source. Disappointingly, although CalWater in Visalia is willing to make available 3,000,000 gallons of water per month for purchase to support the County's Household Tank Program, the Public Utilities Commission is not currently allowing the sale for East Porterville due to the water leaving the CalWater service area.

City staff has been in continued coordination with both State and County representatives on the funding and development of the new well, with the Draft Agreement between the City and the County provided for the Council's review and approval. At its meeting on June 30th, the Board of Supervisors took action both to receive an additional \$500,000 from a United States Department of Agriculture grant toward the funding of the new well, as well as suspend its bidding procedures due to the finding of emergency conditions.

With respect to the continued pursuit of a long-term water solution for East Porterville, Assemblyman Mathis hosted a local water coordination meeting on Wednesday, July 1st, including State, County, City and local community representatives. The product of the meeting was that the State will seek to fund the five (5) wells to provide the necessary water source for permanent connections in East Porterville, as well as fund the initial feasibility study for tertiary treatment at the City's wastewater treatment facility.

RECOMMENDATION: That the City Council:

1. Receive the report of status and review of the Declaration of Local Emergency and, determine the need exists to continue said Declaration; and
2. Review and approve the draft Agreement between the City and County of Tulare.

ATTACHMENTS:

1. Resolution 49-2015 - Declaration of Local Emergency
2. Governor's Executive Order
3. Draft Agreement
4. CalOES Drought Update

Appropriated/Funded: MB

Review By:

Department Director:

Final Approver: Maria Bemis, Finance Director

RESOLUTION NO. 49-2015

A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF PORTERVILLE DECLARING A DROUGHT EMERGENCY
WITHIN THE CITY OF PORTERVILLE

WHEREAS: in response to the ongoing severe drought, the State Water Resources Control Board approved an emergency regulation to ensure water agencies, their customers, and state residents increase water conservation in urban settings or face possible fines or other enforcement; and

WHEREAS: as we enter the fourth year of severe drought, long-term forecasts indicate no relief of the current drought conditions, and suggest a warmer-than-average summer, resulting in increased domestic demand for water; and

WHEREAS: public and private potable water supplies continue to be threatened due to decreasing supplies of groundwater caused by the precipitation deficit and an extended state of groundwater overdraft; and

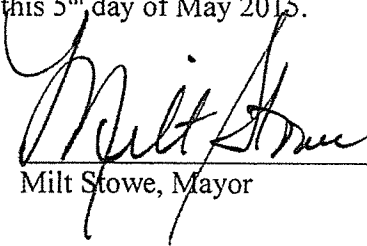
WHEREAS: the long-term ramifications of the current drought will have a significant impact on the city of Porterville and potentially pose a danger to the health and welfare of its residents; and

NOW, THEREFORE, BE IT RESOLVED: that the City Council of the City of Porterville does hereby proclaim that, due to drought conditions, a Local Emergency now exists in the city of Porterville and shall remain in effect for the duration of the emergency; and

BE IT FURTHER RESOLVED: that the City Council of the City of Porterville requests the Governor and California Department of Water Resources make available California Disaster Assistance Act funding for the State of Local Emergency proclaimed on May 5, 2015, and seek all available forms of Federal assistance, to include a Presidential Declaration of Emergency and Individual Assistance and Public Assistance programs as applicable; and

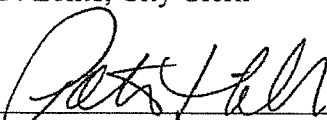
BE IT FURTHER RESOLVED: that a copy of this resolution be forwarded to the State Director of the Office of Emergency Services.

PASSED, APPROVED, AND ADOPTED this 5th day of May 2015.



Milt Stowe, Mayor

ATTEST:
John D. Lollis, City Clerk



By: Patrice Hildreth, Chief Deputy City Clerk

Executive Department
State of California

EXECUTIVE ORDER B-29-15

WHEREAS on January 17, 2014, I proclaimed a State of Emergency to exist throughout the State of California due to severe drought conditions; and

WHEREAS on April 25, 2014, I proclaimed a Continued State of Emergency to exist throughout the State of California due to the ongoing drought; and

WHEREAS California's water supplies continue to be severely depleted despite a limited amount of rain and snowfall this winter, with record low snowpack in the Sierra Nevada mountains, decreased water levels in most of California's reservoirs, reduced flows in the state's rivers and shrinking supplies in underground water basins; and

WHEREAS the severe drought conditions continue to present urgent challenges including: drinking water shortages in communities across the state, diminished water for agricultural production, degraded habitat for many fish and wildlife species, increased wildfire risk, and the threat of saltwater contamination to fresh water supplies in the Sacramento-San Joaquin Bay Delta; and

WHEREAS a distinct possibility exists that the current drought will stretch into a fifth straight year in 2016 and beyond; and

WHEREAS new expedited actions are needed to reduce the harmful impacts from water shortages and other impacts of the drought; and

WHEREAS the magnitude of the severe drought conditions continues to present threats beyond the control of the services, personnel, equipment, and facilities of any single local government and require the combined forces of a mutual aid region or regions to combat; and

WHEREAS under the provisions of section 8558(b) of the Government Code, I find that conditions of extreme peril to the safety of persons and property continue to exist in California due to water shortage and drought conditions with which local authority is unable to cope; and

WHEREAS under the provisions of section 8571 of the California Government Code, I find that strict compliance with various statutes and regulations specified in this order would prevent, hinder, or delay the mitigation of the effects of the drought.

NOW, THEREFORE, I, EDMUND G. BROWN JR., Governor of the State of California, in accordance with the authority vested in me by the Constitution and statutes of the State of California, in particular Government Code sections 8567 and 8571 of the California Government Code, do hereby issue this Executive Order, effective immediately.

IT IS HEREBY ORDERED THAT:

1. The orders and provisions contained in my January 17, 2014 Proclamation, my April 25, 2014 Proclamation, and Executive Orders B-26-14 and B-28-14 remain in full force and effect except as modified herein.

SAVE WATER

2. The State Water Resources Control Board (Water Board) shall impose restrictions to achieve a statewide 25% reduction in potable urban water usage through February 28, 2016. These restrictions will require water suppliers to California's cities and towns to reduce usage as compared to the amount used in 2013. These restrictions should consider the relative per capita water usage of each water suppliers' service area, and require that those areas with high per capita use achieve proportionally greater reductions than those with low use. The California Public Utilities Commission is requested to take similar action with respect to investor-owned utilities providing water services.
3. The Department of Water Resources (the Department) shall lead a statewide initiative, in partnership with local agencies, to collectively replace 50 million square feet of lawns and ornamental turf with drought tolerant landscapes. The Department shall provide funding to allow for lawn replacement programs in underserved communities, which will complement local programs already underway across the state.
4. The California Energy Commission, jointly with the Department and the Water Board, shall implement a time-limited statewide appliance rebate program to provide monetary incentives for the replacement of inefficient household devices.
5. The Water Board shall impose restrictions to require that commercial, industrial, and institutional properties, such as campuses, golf courses, and cemeteries, immediately implement water efficiency measures to reduce potable water usage in an amount consistent with the reduction targets mandated by Directive 2 of this Executive Order.
6. The Water Board shall prohibit irrigation with potable water of ornamental turf on public street medians.
7. The Water Board shall prohibit irrigation with potable water outside of newly constructed homes and buildings that is not delivered by drip or microspray systems.

8. The Water Board shall direct urban water suppliers to develop rate structures and other pricing mechanisms, including but not limited to surcharges, fees, and penalties, to maximize water conservation consistent with statewide water restrictions. The Water Board is directed to adopt emergency regulations, as it deems necessary, pursuant to Water Code section 1058.5 to implement this directive. The Water Board is further directed to work with state agencies and water suppliers to identify mechanisms that would encourage and facilitate the adoption of rate structures and other pricing mechanisms that promote water conservation. The California Public Utilities Commission is requested to take similar action with respect to investor-owned utilities providing water services.

INCREASE ENFORCEMENT AGAINST WATER WASTE

9. The Water Board shall require urban water suppliers to provide monthly information on water usage, conservation, and enforcement on a permanent basis.
10. The Water Board shall require frequent reporting of water diversion and use by water right holders, conduct inspections to determine whether illegal diversions or wasteful and unreasonable use of water are occurring, and bring enforcement actions against illegal diverters and those engaging in the wasteful and unreasonable use of water. Pursuant to Government Code sections 8570 and 8627, the Water Board is granted authority to inspect property or diversion facilities to ascertain compliance with water rights laws and regulations where there is cause to believe such laws and regulations have been violated. When access is not granted by a property owner, the Water Board may obtain an inspection warrant pursuant to the procedures set forth in Title 13 (commencing with section 1822.50) of Part 3 of the Code of Civil Procedure for the purposes of conducting an inspection pursuant to this directive.
11. The Department shall update the State Model Water Efficient Landscape Ordinance through expedited regulation. This updated Ordinance shall increase water efficiency standards for new and existing landscapes through more efficient irrigation systems, greywater usage, onsite storm water capture, and by limiting the portion of landscapes that can be covered in turf. It will also require reporting on the implementation and enforcement of local ordinances, with required reports due by December 31, 2015. The Department shall provide information on local compliance to the Water Board, which shall consider adopting regulations or taking appropriate enforcement actions to promote compliance. The Department shall provide technical assistance and give priority in grant funding to public agencies for actions necessary to comply with local ordinances.
12. Agricultural water suppliers that supply water to more than 25,000 acres shall include in their required 2015 Agricultural Water Management Plans a detailed drought management plan that describes the actions and measures the supplier will take to manage water demand during drought. The Department shall require those plans to include quantification of water supplies and demands for 2013, 2014, and 2015 to the extent data is available. The Department will provide technical assistance to water suppliers in preparing the plans.

13. Agricultural water suppliers that supply water to 10,000 to 25,000 acres of irrigated lands shall develop Agricultural Water Management Plans and submit the plans to the Department by July 1, 2016. These plans shall include a detailed drought management plan and quantification of water supplies and demands in 2013, 2014, and 2015, to the extent that data is available. The Department shall give priority in grant funding to agricultural water suppliers that supply water to 10,000 to 25,000 acres of land for development and implementation of Agricultural Water Management Plans.
14. The Department shall report to Water Board on the status of the Agricultural Water Management Plan submittals within one month of receipt of those reports.
15. Local water agencies in high and medium priority groundwater basins shall immediately implement all requirements of the California Statewide Groundwater Elevation Monitoring Program pursuant to Water Code section 10933. The Department shall refer noncompliant local water agencies within high and medium priority groundwater basins to the Water Board by December 31, 2015, which shall consider adopting regulations or taking appropriate enforcement to promote compliance.
16. The California Energy Commission shall adopt emergency regulations establishing standards that improve the efficiency of water appliances, including toilets, urinals, and faucets available for sale and installation in new and existing buildings.

INVEST IN NEW TECHNOLOGIES

17. The California Energy Commission, jointly with the Department and the Water Board, shall implement a Water Energy Technology (WET) program to deploy innovative water management technologies for businesses, residents, industries, and agriculture. This program will achieve water and energy savings and greenhouse gas reductions by accelerating use of cutting-edge technologies such as renewable energy-powered desalination, integrated on-site reuse systems, water-use monitoring software, irrigation system timing and precision technology, and on-farm precision technology.

STREAMLINE GOVERNMENT RESPONSE

18. The Office of Emergency Services and the Department of Housing and Community Development shall work jointly with counties to provide temporary assistance for persons moving from housing units due to a lack of potable water who are served by a private well or water utility with less than 15 connections, and where all reasonable attempts to find a potable water source have been exhausted.
19. State permitting agencies shall prioritize review and approval of water infrastructure projects and programs that increase local water supplies, including water recycling facilities, reservoir improvement projects, surface water treatment plants, desalination plants, stormwater capture, and greywater systems. Agencies shall report to the Governor's Office on applications that have been pending for longer than 90 days.

20. The Department shall take actions required to plan and, if necessary, implement Emergency Drought Salinity Barriers in coordination and consultation with the Water Board and the Department of Fish and Wildlife at locations within the Sacramento - San Joaquin delta estuary. These barriers will be designed to conserve water for use later in the year to meet state and federal Endangered Species Act requirements, preserve to the extent possible water quality in the Delta, and retain water supply for essential human health and safety uses in 2015 and in the future.
21. The Water Board and the Department of Fish and Wildlife shall immediately consider any necessary regulatory approvals for the purpose of installation of the Emergency Drought Salinity Barriers.
22. The Department shall immediately consider voluntary crop idling water transfer and water exchange proposals of one year or less in duration that are initiated by local public agencies and approved in 2015 by the Department subject to the criteria set forth in Water Code section 1810.
23. The Water Board will prioritize new and amended safe drinking water permits that enhance water supply and reliability for community water systems facing water shortages or that expand service connections to include existing residences facing water shortages. As the Department of Public Health's drinking water program was transferred to the Water Board, any reference to the Department of Public Health in any prior Proclamation or Executive Order listed in Paragraph 1 is deemed to refer to the Water Board.
24. The California Department of Forestry and Fire Protection shall launch a public information campaign to educate the public on actions they can take to help to prevent wildfires including the proper treatment of dead and dying trees. Pursuant to Government Code section 8645, \$1.2 million from the State Responsibility Area Fire Prevention Fund (Fund 3063) shall be allocated to the California Department of Forestry and Fire Protection to carry out this directive.
25. The Energy Commission shall expedite the processing of all applications or petitions for amendments to power plant certifications issued by the Energy Commission for the purpose of securing alternate water supply necessary for continued power plant operation. Title 20, section 1769 of the California Code of Regulations is hereby waived for any such petition, and the Energy Commission is authorized to create and implement an alternative process to consider such petitions. This process may delegate amendment approval authority, as appropriate, to the Energy Commission Executive Director. The Energy Commission shall give timely notice to all relevant local, regional, and state agencies of any petition subject to this directive, and shall post on its website any such petition.

26. For purposes of carrying out directives 2–9, 11, 16–17, 20–23, and 25, Division 13 (commencing with section 21000) of the Public Resources Code and regulations adopted pursuant to that Division are hereby suspended. This suspension applies to any actions taken by state agencies, and for actions taken by local agencies where the state agency with primary responsibility for implementing the directive concurs that local action is required, as well as for any necessary permits or approvals required to complete these actions. This suspension, and those specified in paragraph 9 of the January 17, 2014 Proclamation, paragraph 19 of the April 25, 2014 proclamation, and paragraph 4 of Executive Order B-26-14, shall remain in effect until May 31, 2016. Drought relief actions taken pursuant to these paragraphs that are started prior to May 31, 2016, but not completed, shall not be subject to Division 13 (commencing with section 21000) of the Public Resources Code for the time required to complete them.
27. For purposes of carrying out directives 20 and 21, section 13247 and Chapter 3 of Part 3 (commencing with section 85225) of the Water Code are suspended.
28. For actions called for in this proclamation in directive 20, the Department shall exercise any authority vested in the Central Valley Flood Protection Board, as codified in Water Code section 8521, et seq., that is necessary to enable these urgent actions to be taken more quickly than otherwise possible. The Director of the Department of Water Resources is specifically authorized, on behalf of the State of California, to request that the Secretary of the Army, on the recommendation of the Chief of Engineers of the Army Corps of Engineers, grant any permission required pursuant to section 14 of the Rivers and Harbors Act of 1899 and codified in section 48 of title 33 of the United States Code.
29. The Department is directed to enter into agreements with landowners for the purposes of planning and installation of the Emergency Drought Barriers in 2015 to the extent necessary to accommodate access to barrier locations, land-side and water-side construction, and materials staging in proximity to barrier locations. Where the Department is unable to reach an agreement with landowners, the Department may exercise the full authority of Government Code section 8572.
30. For purposes of this Executive Order, chapter 3.5 (commencing with section 11340) of part 1 of division 3 of the Government Code and chapter 5 (commencing with section 25400) of division 15 of the Public Resources Code are suspended for the development and adoption of regulations or guidelines needed to carry out the provisions in this Order. Any entity issuing regulations or guidelines pursuant to this directive shall conduct a public meeting on the regulations and guidelines prior to adopting them.

31. In order to ensure that equipment and services necessary for drought response can be procured quickly, the provisions of the Government Code and the Public Contract Code applicable to state contracts, including, but not limited to, advertising and competitive bidding requirements, are hereby suspended for directives 17, 20, and 24. Approval by the Department of Finance is required prior to the execution of any contract entered into pursuant to these directives.

This Executive Order is not intended to, and does not, create any rights or benefits, substantive or procedural, enforceable at law or in equity, against the State of California, its agencies, departments, entities, officers, employees, or any other person.

I FURTHER DIRECT that as soon as hereafter possible, this Order be filed in the Office of the Secretary of State and that widespread publicity and notice be given to this Order.

IN WITNESS WHEREOF I have
hereunto set my hand and caused the
Great Seal of the State of California to
be affixed this 1st day of April 2015.

EDMUND G. BROWN JR.
Governor of California

ATTEST:

ALEX PADILLA
Secretary of State

TULARE COUNTY – CITY OF PORTERVILLE WELL AGREEMENT

THIS AGREEMENT is entered into this day of, 2015, between the COUNTY OF TULARE, referred to as COUNTY, and the CITY OF PORTERVILLE, referred to as CITY, with reference to the following:

- A. WHEREAS, East Porterville/Doyle Colony area properties within the COUNTY's jurisdiction and within the CITY's Urban Development Boundary are experiencing serious water shortages due to the historical drought conditions. Attached hereto as Exhibit 'A' is a map defining the East Porterville/Doyle Colony area; and
- B. WHEREAS, CITY and COUNTY have been and are collaborating to jointly develop a new municipal water well; and
- C. WHEREAS, COUNTY shall secure complete funding for a new well to be solely owned, operated and maintained by the CITY for the purpose of providing a short-term emergency water supply for COUNTY's Household Tank Program and providing long-term capacity to enable permanent water connections to single family residential properties that comply with CITY'S Annexation and Extension of Municipal Services procedures. These procedures are defined by two Resolutions, 74-2014 and 75-2014, which are attached hereto as Exhibit 'B'. A review of properties in the East Porterville/Doyle Colony area show approximately 115 single family residences meet these parameters; and
- D. WHEREAS, COUNTY AND CITY have defined three potential well sites, two of which are CITY owned, and one which is COUNTY owned. Location of the potential municipal well sites are attached hereto as Exhibit 'C'. The COUNTY owned parcel is the preferred site as the site is more conducive to providing the required capacity and water quality. Further, should this site become the agreed upon location, the COUNTY shall convey the land to CITY at a cost of \$1; and
- E. WHEREAS, CITY operates an existing municipal water system, with limited infrastructure already established in the East Porterville/Doyle Colony area, and has experience and qualifications necessary to provide such services; and
- F. WHEREAS, CITY and COUNTY mutually agree that a regional, collaborative solution to leverage and expand CITY'S municipal water system into the East Porterville/Doyle Colony area is the most feasible means to address the area's water needs; and

- G. WHEREAS, CITY is willing to enter into this Agreement with COUNTY upon terms and conditions set forth herein; and
- H. WHEREAS, CITY and COUNTY mutually understand that due to the limited resources of the CITY's municipal water system, all future connections must comply with the CITY's Annexation and Extension of Municipal Services procedures, attached hereto and made a part thereof as Exhibit 'B'; and

ACCORDINGLY, IT IS AGREED:

1. **TERM:** This agreement shall become effective as of the date the agreement is fully executed by both agencies.
2. **SERVICES TO BE PERFORMED & PAYMENT FOR SERVICES – WELL CONSTRUCTION:**
Refer to attached Exhibit 'D'.
3. **SERVICE TO BE PERFORMED IN PERPETUITY:** The services described below shall be performed in perpetuity upon completion of all tasks enumerated in Exhibit 'D' and upon COUNTY securing the funds for equipping the well to CITY standards and requirements:
 - A. CITY shall sell to COUNTY, upon COUNTY's request, water from the well provided under this Agreement, for the purposes of meeting emergency water needs in COUNTY's jurisdiction. CITY shall charge COUNTY the water rate effective as of the date the agreement is fully executed for all water sold to COUNTY. CITY shall provide a maximum of 3,000,000 gallons per month to the COUNTY for the household tank program from the CITY's water system upon integration of the new well into the system.
 - B. CITY shall utilize water produced by the well provided under this Agreement as source capacity for new residential service connections and agreements in East Porterville/Doyle Colony area. CITY agrees to provide source water for up to one hundred fifteen (115) new residential connections in the East Porterville/Doyle Colony area that are in compliance with the CITY'S Annexation and Extension of Municipal Services procedures. CITY agrees to authorize permanent connection of prequalified properties upon termination and cessation of the COUNTY's household tank program. A list and map of the qualifying properties are attached hereto as Exhibit 'E'. The listed properties will be exempt from payment of CITY water impact fees, but will be subject to standard fees, such as, but not limited to, water service and meter installation and associated monthly

fees. CITY shall have sole discretion to determine the number of connections, if any, above the minimum number of residential properties provided herein.

- C. CITY expressly agrees to own, operate, maintain, repair and otherwise care for the well provided under this Agreement, in the same fashion as CITY's other wells, for the duration of the well's useful life.
- D. If the well provided under this agreement is situated on COUNTY property, COUNTY shall grant the relevant portion to the CITY by Grant Deed at a cost of \$1. A 50-foot control zone around the well site is a requirement of the California Department of Public Health, therefore establishing the minimum parcel size to be conveyed to the CITY. Existing COUNTY infrastructure may encroach through or conflict with the subject parcel and if so, ownership, maintenance, repair and replacement of these facilities shall remain COUNTY jurisdiction by execution of easements
- E. CITY shall not be entitled to compensation by COUNTY, or any State or Federal agency providing funding for the activities enumerated in Exhibit 'D', for any ongoing costs related to owning, operating, maintaining, repairing, or replacing of this well. CITY and COUNTY expressly agree that CITY's ongoing compensation for such ongoing costs shall be the use of the well for CITY's unrestricted use within its water system. No part of this paragraph shall be construed to limit or restrict in any way CITY's ability to seek any grant funding or collect rates and fees from users of CITY's water system.
- F. All recipients of water, whether permanent or temporary sources, are subject to CITY water policies, such as, but not limited to, water conservation and watering schedules.

4. This Agreement represents the entire agreement between CITY and COUNTY as to its subject matter and no prior oral or written understanding shall be of any force or effect. No part of this Agreement may be modified without the written consent of both parties.

5. Except as may be otherwise required by law, any notice to be given shall be written and shall be either personally delivered, sent by facsimile transmission or sent by first class mail, postage prepaid and addressed as follows:

COUNTY: County Administrative Officer/Clerk of the Board
of Supervisors of the County of Tulare

Administrative Building
2800 W. Burrel Avenue
Visalia, CA 93291

(Fax No.: (559) 733-6318 / Phone No. (559) 636-5005)

CITY: City Manager
291 N. Main St.
Porterville, CA 93257

(Fax No.: (559) 715-4013/ Phone No. (559) 782-7466)

Notice delivered personally or sent by facsimile transmission is deemed to be received upon receipt. Notice sent by first class mail shall be deemed received on the fourth day after the date of mailing. Either party may change the above address by giving written notice pursuant to this paragraph.

6. This Agreement reflects the contributions of both parties and accordingly the provisions of Civil Code section 1654 shall not apply to address and interpret any uncertainty.

7. Unless specifically set forth, the parties to this Agreement do not intend to provide any other party with any benefit or enforceable legal or equitable right or remedy.

8. This Agreement shall be interpreted and governed under the laws of the State of California without reference to California conflicts of law principles. This Agreement is entered into and shall be performed in Tulare County, California. CITY waives the removal provisions of California Code of Civil Procedure Section 394.

9. The failure of either party to insist on strict compliance with any provision of this Agreement shall not be considered a waiver of any right to do so, whether for that breach or any subsequent breach. The acceptance by either party or either performance or payment shall not be considered to be a waiver of any preceding breach of the Agreement by the other party.

10. The Recitals and the Exhibits to this Agreement are fully incorporated into and are integral parts of this Agreement.

11. This Agreement is subject to all applicable laws and regulations. If any provision of this Agreement is found by any court of other legal authority, or is agreed by the parties, to be in conflict with any code or regulation governing its subject, the conflicting provision shall be considered null and void. If the effect of nullifying any conflicting provision is such that a material benefit of the Agreement to either party is lost, the Agreement may be terminated at the option of the affected party. In all other cases the remainder of the Agreement shall continue in full force and effect.

12. Each party agrees to execute any additional documents and to perform any further acts which may be reasonably required to affect the purposes of this Agreement.

13. CITY expressly agrees that it will not discriminate in employment or in the provision of services on the basis of any characteristic or condition upon which discrimination is prohibited by state or federal law or regulation.

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THE PARTIES, having read and considered the above provisions, indicate their agreement by their authorized signatures below.

COUNTY OF TULARE

BY _____
Steve Worthley Chairman,
Board of Supervisors

ATTEST: Jean M. Rousseau,
County Administrative Officer/Clerk of the Board
of Supervisors of the County of Tulare

By _____
Deputy Clerk

Approved as to Form
County Counsel

By _____
Deputy

CITY OF PORTERVILLE

BY _____
Milt Stowe, Mayor

ATTEST:
City Clerk of the City of Porterville

BY _____
John Lollis, City Manager

Approved as to Form

BY _____
City Attorney

EXHIBIT 'A'

EXHIBIT 'B'

RESOLUTION NO. 74 -2014

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE DEFINING OBJECTIVES AND POLICIES FOR ANNEXATIONS AND MUNICIPAL SERVICES

WHEREAS: The City of Porterville established a policy concerning annexation and provision of municipal services in 1986, noting that “the City, in order to grow for reasons of economies of scale and quality of services must expand its boundaries within reason, generally encourages the owners of properties contiguous to the city of Porterville to annex to said City of Porterville”; and

WHEREAS: Since 1990, the population of the city of Porterville has increased 53% according to the California Department of Finance, and the land area of the city proper has increased by 38% according to City annexation records; and

WHEREAS: The City of Porterville accepts its responsibility to provide municipal services to those residents, businesses, and other land uses within the limits of the city. The City of Porterville has taken the position that the costs of all physical improvements within the city have been paid by property owners, and other taxes derived in the city, and, therefore, these same people should not be required to bear the expense of additional physical improvements needed to serve newly annexed areas.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Porterville does hereby define the following objectives related to annexations and municipal services:

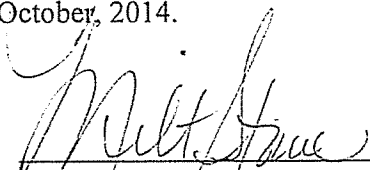
1. To promote orderly development while discouraging urban sprawl, preserving open space and prime agricultural lands, and efficiently extending government services.
2. To honor the City’s fundamental responsibility to provide efficient and sustainable public services to the inhabitants of the city, and where appropriate, to provide those services beyond the limits of the city within the Urban Development Boundary, and only in extreme cases to those properties beyond the Urban Development Boundary within the Urban Area Boundary.
3. To provide for land development and growth in a manner consistent with the General Plan, particularly as it relates to land use and circulation.
4. To consider an application upon its own merits, and identify what benefits would accrue to the City as an agency and service provider, to the residents of the city of Porterville, and to the applicant.
5. To identify the problems involved in any proposal considered for annexation or request for extra-territorial services and resolve them in the manner most beneficial to the properties within the city of Porterville.
6. To develop factual information to permit informed discussion between City representatives and property owners/residents of unincorporated territories.

BE IT FURTHER RESOLVED, that the City Council of the City of Porterville does hereby establish the following policies for consideration of annexations and municipal services:

1. It shall be the policy of the City of Porterville to consider annexation proposals only within the Urban Development Boundary, which is defined as the City of Porterville Annexation Boundary, as adopted by Tulare County Local Area Formation Commission (LAFCo).

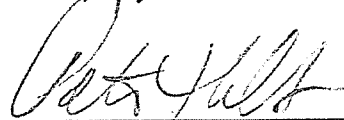
2. It shall be the policy of the City of Porterville to consider extra-territorial service requests primarily within the Urban Development Boundary, which is defined as the City of Porterville Annexation Boundary, as adopted by Tulare County LAFCo.
3. It shall be the policy of the City of Porterville, only where necessary in order to respond to an existing or impending threat to public health or safety of affected residents, to consider extra-territorial service requests within the Urban Area Boundary, as adopted by City Council and identified on the City of Porterville Zoning Map.
4. It shall be the policy of the City of Porterville to consider annexation proposals and extra-territorial service requests in a manner consistent with the policies and regulations adopted by the Tulare County LAFCo and the State of California, as applicable.
5. It shall be the policy of the City of Porterville to discourage single-family one (1) lot annexation proposals that may have an adverse fiscal impact on the City of Porterville.
6. It shall be the policy of the City Council that territory shall not be annexed to the city of Porterville, which as a result of such annexation, unincorporated territory is completely surrounded, or substantially surrounded by the city of Porterville.
7. It shall be the policy of the City of Porterville that annexation proposals shall be in conformance with the Cortese-Knox-Hertzberg Act of 2000, as amended.
8. It shall be the policy of the City Council to consider each petition/consent for annexation upon its relationship to what economic benefits will accrue to the City of Porterville, and to the area residents/property owners.
9. It shall be the policy of the City Council that the costs of all physical improvements will be borne by the property owners/resident or developer.
10. It shall be the policy of the City of Porterville to maintain the viability of agricultural productivity; i.e. protecting and conserving as much agricultural land as possible in the area surrounding the Porterville community.
11. It shall be the policy of the City of Porterville that the applicant for annexation present proposals to the Project Review Committee and explain the particulars of the area under consideration for possible annexation, including a plan for services.
12. It shall be the policy of the City of Porterville to consider any requests for annexation or extra-territorial services in a manner consistent with the procedures adopted by resolution of the City Council.

PASSED, APPROVED AND ADOPTED this 21st day of October, 2014.


Milt Stowe, Mayor

ATTEST:

John D. Lollis, City Clerk

By: 
Patrice Hildreth, Chief Deputy City Clerk

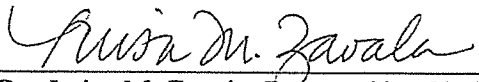
STATE OF CALIFORNIA)
CITY OF PORTERVILLE) SS
COUNTY OF TULARE)

I, JOHN D. LOLLIS, the duly appointed City Clerk of the City of Porterville do hereby certify and declare that the foregoing is a full, true and correct copy of the resolution passed and adopted by the Council of the City of Porterville at regular meeting of the Porterville City Council duly called and held on the 21st day of October, 2014.

THAT said resolution was duly passed, approved, and adopted by the following vote:

Council:	REYES	WARD	STOWE	HAMILTON	GURROLA
AYES:	X		X	X	X
NOES:		X			
ABSTAIN:					
ABSENT:					

JOHN D. LOLLIS, City Clerk


By: Luisa M. Zavala, Deputy City Clerk

RESOLUTION NO. 75-2014

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
ESTABLISHING PROCEDURES FOR ANNEXATIONS AND EXTENSION OF
MUNICIPAL SERVICES

WHEREAS: The City Council of the City of Porterville, acknowledging that over time policies and procedures must be evaluated and reconsidered in light of changes to the regulatory environment and physical setting of the community, adopted a resolution defining objectives and policies for annexations and municipal services; and

WHEREAS: The evaluation of applications and service requests has long been delegated to staff, a practice that has the potential to lend itself to inconsistent implementation of succinctly defined procedures; and

WHEREAS: Local, regional, and state laws have changed since the Council's last review of policies and procedures related to annexations and extension of municipal services.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Porterville does hereby define procedures to submit application for annexations and municipal services, and to have said application(s) processed as outlined in Exhibit "A," attached.

PASSED, APPROVED AND ADOPTED this 21st day of October, 2014.



Milt Stowe, Mayor

ATTEST:

John D. Lollis, City Clerk

By: 

Patrice Hildreth, Chief Deputy City Clerk

All properties requesting annexation or extraterritorial services are subject to the procedures established below unless otherwise stated. Compliance with City of Porterville procedures does not guarantee approval by LAFCo of annexations or extra-territorial service agreements. Upon request for an annexation or extraterritorial services request, staff will evaluate whether the applicant's property is within the City's Urban Development Boundary or Urban Area Boundary and explain the process.

ANNEXATION APPLICATION PROCEDURE

1. A complete annexation application packet includes: fees, an Irrevocable Agreement to Annex, application for Development Agreement (to be enacted only in the event of failed annexation attempt), Application for Annexation, and other materials as required with those applications respectively.
2. On receipt of an application as outlined above, all materials will be considered by the Project Review Committee, who will coordinate in a pre-consultation process with LAFCO staff and the County Public Works Department for review and recommendation.
3. During review by the Project Review Committee of the necessary application and data, staff will prepare a report and findings on all aspects of the proposed action(s).
4. An environmental document will be prepared pursuant to the California Environmental Quality Act (CEQA), reviewing the potential environmental effect of the proposed activities. The Zoning Administrator will make an initial determination of the level of environmental review required.
5. After proper noticing, a public hearing will be held for the City Council to hear comments related to the project at a regularly scheduled meeting. The Council will authorize staff to initiate the application with LAFCo. Documents will be filed in accordance with the Cortese-Knox-Hertzberg Act of 2000, as amended, and submitted to the Local Agency Formation Commission for its review, recommendation and action.
6. On consummation by the City Council, the City Clerk shall submit the necessary materials to the State Board of Equalization with the appropriate acreage fees, which are paid by the Applicant.
7. In the event the annexation fails, either by dissenting votes of the City Council or at hearing at LAFCo, the City Council may approve an extraterritorial service agreement within the Urban Development Boundary, subject to conditions identified in the Development Agreement.

ANNEXATION EXEMPTION PROCEDURE

Where a certain property meets all of the following criteria, they may proceed with an Extraterritorial Service Agreement for water or storm-water drainage without first attempting annexation, subject to the conditions of Extraterritorial Service Agreements as defined below.

1. Previously developed single-family residences on parcels 24,999 square feet or smaller, OR a school developed by a State funded school district.
2. The parcel requesting services must be immediately adjacent to a municipal main providing the requested service, or the property owner shall provide for the extension of the main line to City standards at their expense.

EXTRATERRITORIAL SERVICES APPLICATION PROCEDURE

Extraterritorial Service connections may be made subject to the following conditions. Note specific parameters and the required findings for connections in the Urban Development Boundary and the Urban Area Boundary.

1. Application: A complete extraterritorial services application packet includes: fees, an Irrevocable Agreement to Annex, application for Development Agreement, and other materials as required with those applications respectively.
2. General Plan Consistency:
 - a. Proposed Uses and Improvements: Service connections are to be withheld from proposed uses and improvements that would not be consistent with the adopted Land Use Element of the Porterville Area General Plan and the City of Porterville General Plan.
 - b. Existing Uses and Improvements: Service connections to existing uses and improvements which are not consistent with the adopted Land Use Element of the Porterville Area General Plan and the City of Porterville General Plan shall be considered at the discretion of the City Council, and may be subject to other restrictions.
3. Agreements and Covenants:
 - a. A Development Agreement must be approved by the property owner and the City Council, and recorded with the County of Tulare upon the property, at the applicant's expense.
 - b. An irrevocable agreement to annex must be signed by the property owner and recorded with the County of Tulare upon the property, at the applicant's expense.
4. Time Limitations: The City Manager or his designee, or the City Council may condition the approval of applications for service connections by establishing a time frame within which connections must be made to avoid re-application.
5. Improvement Plans: Applications for service connections which necessitate the extension of one or more municipal facilities to property in order to make such connections shall be conditioned by the City Manager or his designee, or the City Council to require that Construction Drawings of the intended public improvements be submitted to the City Engineer for plan check and approval. Costs incurred for the preparation of improvement plans, and certain off-site construction and/or installation costs related to extending facilities, shall be the responsibility of the applicant.
6. Fees: Prior to the issuance of a Connection Permit, payment must be made to the City of Porterville of all fees pertinent to the respective service connection, or connections, approved by the City Manager or his designee, or the City Council.

Within the Urban Development Boundary:

For connection of water or storm-water facilities, the requesting party must fully fund the extension of infrastructure if it does not already exist in order to connect. The City of Porterville Wastewater Facility is a regional facility and, as such, an extraterritorial service request cannot be denied; however, the requesting party must fully fund the extension of infrastructure if it does not already exist in order to connect. Contract services for police, fire, or building inspection services shall be approved by resolution of the City Council.

For connection of water or storm-water facilities, the following findings must be made in order for the Council to approve an extraterritorial service connection:

- That the subject property is a previously developed single-family residence on a parcel 24,999 square feet or smaller, OR a school developed by a State funded school district.
- That failure to connect to municipal services would result in a threat to public health or safety of affected residents.
- That connection of the subject property would not result in a negative impact to the City of Porterville water and/or storm-water system.
- That the subject property is not within an island as defined by Tulare LAFCo.
- That an attempt to annex the subject site is not realistic given current city limit boundaries. Specifically, the parcel is too far removed from the city limit, and/or the number and valuation of adjacent parcels would result in a failed annexation effort.

Within the Urban Area Boundary:

For connection of water or storm-water facilities, the requesting party must fully fund the extension of infrastructure if it does not already exist in order to connect. The City of Porterville Wastewater Facility is a regional facility and, as such, an extraterritorial service request cannot be denied; however, the requesting party must fully fund the extension of infrastructure if it does not already exist in order to connect. Contract services for police, fire, or building inspection services shall be approved by resolution of the City Council.

For connection of water or storm-water facilities, the following findings must be made in order for the Council to approve an extraterritorial service connection:

- That the subject property is a previously developed single-family residence on a parcel 24,999 square feet or smaller, OR a school developed by a State funded school district.
- That failure to connect to municipal services would result in a threat to public health or safety of affected residents.
- That connection of the subject property would not result in a negative impact to the City of Porterville water and/or storm-water system.

EXEMPTIONS AND EXCEPTIONS

1. PVPUD: Connections to Porterville Regional Sewage Treatment Facilities serving uses and improvements to property within the boundaries and jurisdiction of the Porter Vista Public Utility District (PVPUD) are exempted from application to the City of Porterville. Interested parties should contact the PVPUD for information on connection requirements and fees pertaining

to sewer services. This exemption does not apply to requests for connection to Municipal Water and/or Master Storm Drain Facilities.

2. PRIOR APPROVALS: Porterville City Council approval of requests for connection to Regional Sewage Treatment, Municipal Water and/or Master Storm Drain Facilities as authorized prior to the adoption and effective date of the respective policies set forth herein shall remain valid and in force according to the terms and conditions initially specified at the time of approval, and re-application will not be required.

STATE OF CALIFORNIA)
CITY OF PORTERVILLE) SS
COUNTY OF TULARE)

I, JOHN D. LOLLIS, the duly appointed City Clerk of the City of Porterville do hereby certify and declare that the foregoing is a full, true and correct copy of the resolution passed and adopted by the Council of the City of Porterville at regular meeting of the Porterville City Council duly called and held on the 21st day of October, 2014.

THAT said resolution was duly passed, approved, and adopted by the following vote:

Council:	REYES	WARD	STOWE	HAMILTON	GURROLA
AYES:	X		X	X	X
NOES:		X			
ABSTAIN:					
ABSENT:					

JOHN D. LOLLIS, City Clerk

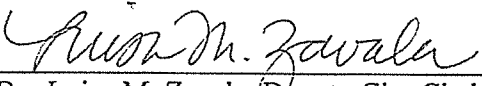
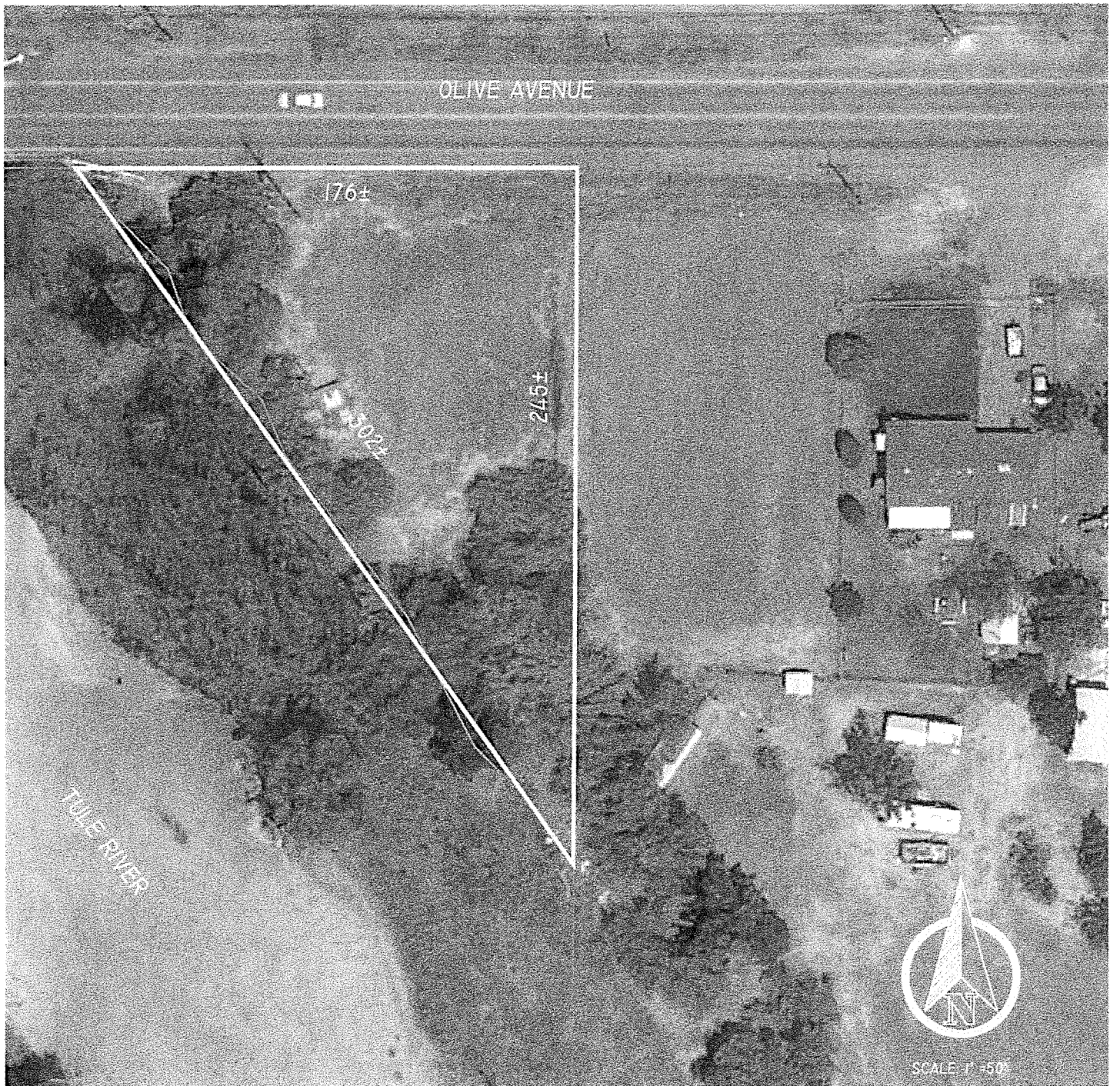

By: Luisa M. Zavala, Deputy City Clerk

EXHIBIT 'C'



TULE RIVER

125±

398±

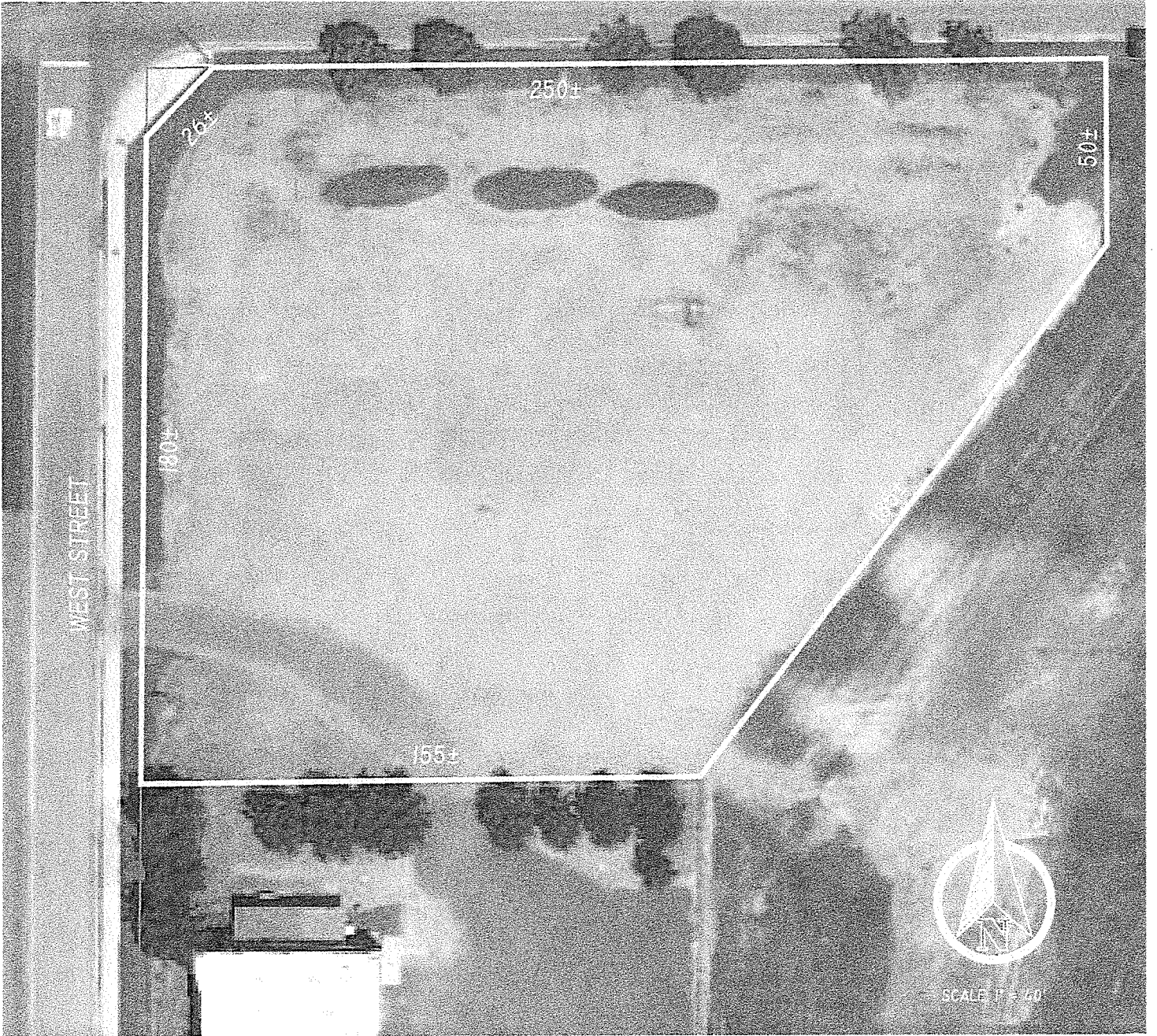
390±

52±

MAIN STREET



SCALE 1" = 50'



WEST STREET

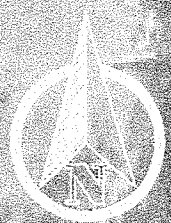
250±

50±

26±

80±

165±



SCALE 1" = 40'

EXHIBIT 'D'

SERVICES TO BE PERFORMED & PAYMENT FOR SERVICES WELL CONSTRUCTION

(insert Dee Jaspar work plan, add City/County division of responsibilities)

CITY Scope of Work

Task	Description	Cost
1.2	Review prepared Well Drilling Plans, Specifications, and Estimates	\$468.00
3.2	Review prepared Well Equipping Plans, Specifications, and Estimates	\$1,526.00
5	Construction Management	\$1,357.43
CITY Total:		\$3,351.43

Consulting Engineering work will be reimbursed directly to **Dee Jaspar & Associates** under Tulare County Agreement No. #####, including the following tasks:

Dee Jaspar & Associates Fiscal Year 2015 Scope of Work

Task	Description	Cost
1.1	Project Evaluation and Pre-Design Engineering	\$6,168.00
1.2	Prepare Well Drilling Plans, Specifications, and Estimates	\$9,360.00
3.1	Project Evaluations and Field Surveying	\$3,298.00
3.2	Prepare Well <i>Equipping</i> Plans, Specifications, and Estimates	\$30,520.00
3.3	Prepare and Assist with SCE Application & Telephone Service	\$2,114.00
3.4	Bid Assistance	\$4,332.00
5.1	Ph. 1 Preconstruction Meeting	\$1,114.00
5.2	Ph. 1 Construction Surveying	\$1,932.00
5.3	Ph. 1 Construction Inspection & Administration	\$33,342.00
FY 2015 Total:		\$92,180.00

Deliverables

1.1	Pre-Design
1.2	Plans, Specs, & Estimates
3.1	Field Logs, Notes, or Reports
3.2	Plans, Specs, & Estimates
3.3	SCE Application & Telephone Service Application
5.2	Field Logs, Notes, or Reports

Dee Jaspar & Associates Fiscal Year 2016 Scope of Work

Task	Description	Cost
5.4	Ph. 1 Water Quality Testing	\$7,000.00
5.5	Ph. 1 Project Close Out	\$1,346.00
5.6	Ph. 2 Project Meetings and Correspondence	\$18,876.00
5.7	Ph. 2 Submittal Review, RFI Responses, Change Order Review, & Progress Payment Review	\$14,304.00
5.8	Ph. 2 Construction Surveying	\$3,864.00
5.9	Ph. 2 Construction Inspection and Quality Control	\$47,931.00
5.10	Ph. 2 Start-up, Testing, and Troubleshooting	\$3,864.00
5.11	Ph. 2 Project Close Out and As-Builts	\$2,754.00

Contingency	\$61.00
Task Total	\$99,939.00
Total FY 2016 Contract: \$100,000.00	

Deliverables

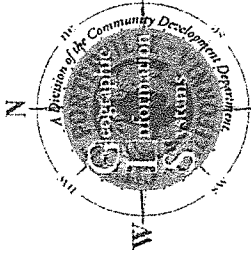
5.3	Field Reports
5.4	Test Results
5.5	Close Out Documents
5.9	Field Logs, Notes, or Reports
5.10	Field Logs, Notes, or Reports
5.11	As Builts

The COUNTY will be the lead agency on the project. The COUNTY has executed State of California Department of Water Resources Grant Agreement No. 20150518-1 to be reimbursed for the work described herein as well as work to be performed by a well drilling contractor.

EXHIBIT 'E'

East Porterville Properties
Single Family Residential Uses, with at least 1 property line adjacent to existing water mains, less than 25k s.f.

Single Family Residential Uses, with at least 1 property line adjacent to existing water mains, less than 25k s.f.

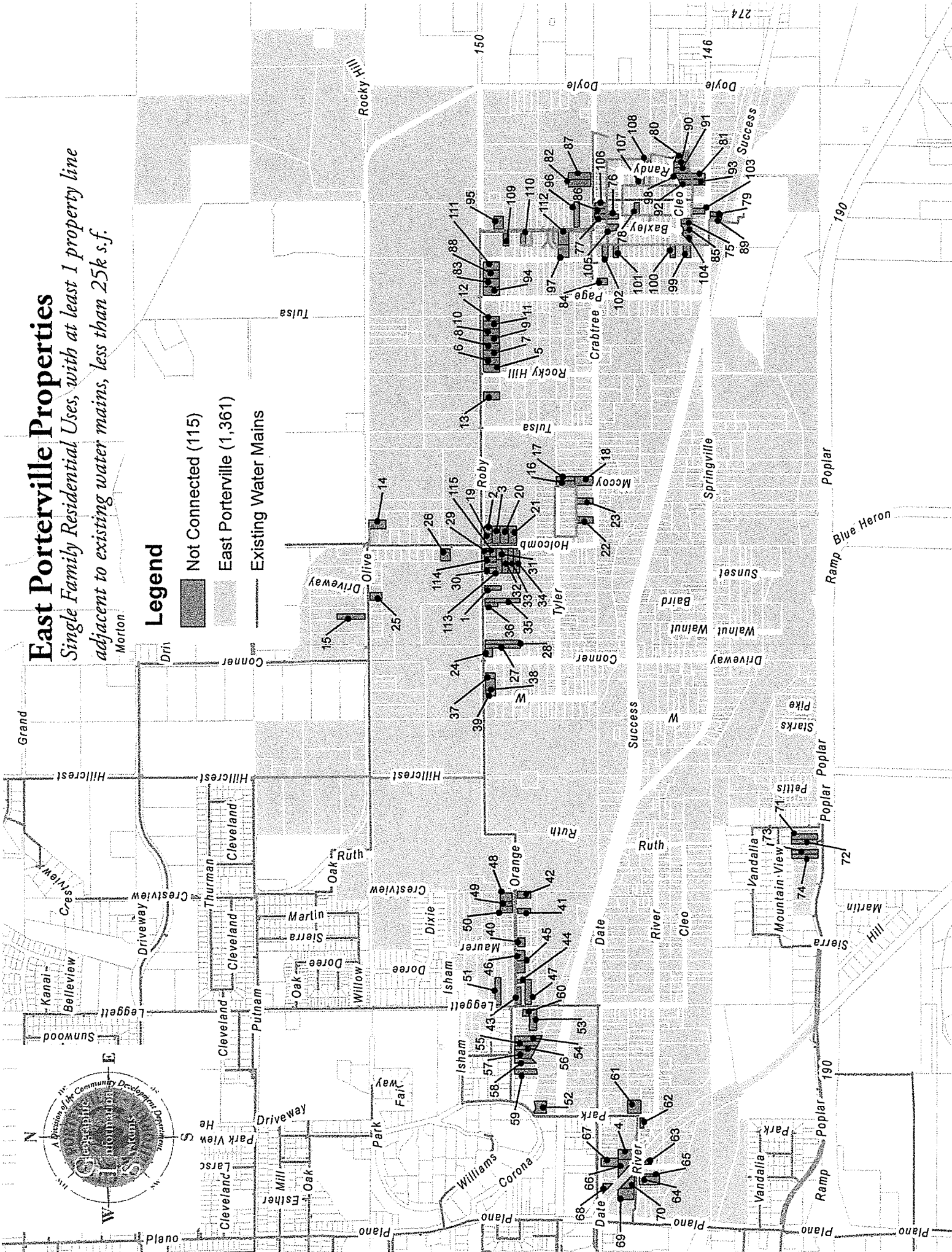


Legend

Not Connected (115)

East Porterville (1,361)

Existing Water Mains



ID	APN	AREA	ADDRESS	ID	APN	AREA	ADDRESS	ID	APN	AREA	ADDRESS
1	262091028	8,929.45	NO SITE ADDRESS	40	262023001	8,038.96	907 E ORANGE AVE	79	263150006	7,770.54	2173 E SPRINGVILLE DR
2	263010049	8,322.27	1629 E ROBY AVE	41	262023007	9,023.71	965 E ORANGE AVE	80	263120029	14,068.21	2277 E CLEO AVE
3	263010050	18,376.21	226 S HOLCOMB ST	42	262023014	11,476.01	991 E ORANGE AVE	81	263120020	10,473.73	2186 E SPRINGVILLE AVE
4	261012017	21,929.52	518 E RIVER AVE	43	262024001	9,982.88	831 E ORANGE AVE	82	263100017	20,912.37	2292 E CRABTREE AVE
5	263050018	15,552.02	1911 E ROBY AVE	44	262024003	3,991.14	843 E ORANGE AVE	83	263070046	17,829.96	2069 E ROBY AVE
6	263050019	15,631.45	1911 E ROBY AVE	45	262024013	13,967.44	861 E ORANGE AVE	84	263170052	8,886.05	2061 E CRABTREE AVE
7	263050020	15,626.31	NO SITE ADDRESS	46	262024014	11,961.07	261 S MAURER ST	85	263162028	9,134.32	2157 E CLEO AVE
8	263050021	15,621.24	1949 E ROBY AVE	47	262024011	20,056.93	280 S LEGGETT ST	86	263162007	8,149.61	2168 E CRABTREE AVE
9	263050022	15,616.14	1963 E ROBY AVE	48	262022008	14,064.17	994 E ORANGE AVE	87	263100015	20,831.65	2308 E CRABTREE AVE
10	263050001	15,611.05	1975 E ROBY AVE	49	262022009	7,032.06	978 E ORANGE AVE	88	263100026	18,194.63	2075 E ROBY AVE
11	263050002	15,605.94	1989 E ROBY AVE	50	262022010	10,529.88	960 E ORANGE AVE	89	263150005	7,080.46	2167 E SPRINGVILLE AVE
12	263050026	10,238.64	1995 E ROBY AVE	51	262022103	21,846.36	224 S LEGGETT ST	90	263120028	10,608.61	2263 E CLEO AVE
13	263040024	16,908.53	1863 E ROBY AVE	52	261251002	18,771.64	304 S PARK ST	91	263120027	11,862.07	2251 E CLEO AVE
14	263030032	20,000.14	1643 E OLIVE AVE	53	261243019	19,878.98	287 S LEGGETT ST	92	263120025	9,930.29	2229 E CLEO AVE
15	254050056	20,800.75	1478 E OLIVE AVE	54	261243012	19,512.38	739 E ORANGE AVE	93	263120021	9,894.27	2186 E SPRINGVILLE AVE
16	263020009	10,727.83	1703 E TYLER AVE	55	261243011	13,865.77	729 E ORANGE AVE	94	263070045	17,805.15	2042 E ROBY AVE
17	263020010	11,347.61	1705 E TYLER AVE	56	261243010	11,130.20	721 E ORANGE AVE	95	263070019	15,591.77	214 BAXLEY ST
18	263020008	22,350.60	1706 E CRABTREE AVE	57	261243009	21,564.88	711 E ORANGE AVE	96	263060023	17,427.95	366 BAXLEY ST
19	263010048	10,067.12	NO SITE ADDRESS	58	261243008	12,481.75	703 E ORANGE AVE	97	263060015	17,886.82	350 ALTA VISTA ST
20	263010046	19,211.22	NO SITE ADDRESS	59	261243006	15,465.49	675 E ORANGE AVE	98	263120026	11,564.19	2237 CLEO AVE
21	263010047	19,164.39	248 S HOLCOMB ST	60	261243018	6,224.92	275 S LEGGETT ST	99	263163023	12,461.65	570 ALTA VISTA ST
22	263020041	14,152.20	1640 E CRABTREE AVE	61	261260033	23,839.14	460 S PARK ST	100	263163018	8,704.92	554 ALTA VISTA ST
23	263020044	14,152.18	1674 E CRABTREE AVE	62	261013006	6,009.86	577 E RIVER AVE	101	263163005	9,268.01	436 ALTA VISTA ST
24	262101019	7,822.17	1411 E ROBY AVE	63	261013013	4,073.53	478 S LARSON ST	102	263163003	9,245.70	422 ALTA VISTA ST
25	262282002	12,512.48	NO SITE ADDRESS	64	261015007	22,466.00	475 E RIVER AVE	103	263162034	9,519.39	2186 E SPRINGVILLE AVE
26	262290003	15,056.68	121 S HOLCOMB ST	65	261015008	6,692.02	NO SITE ADDRESS	104	263162027	10,315.76	2143 E CLEO AVE
27	262101006	18,962.56	1419 E ROBY AVE	66	261012018	21,161.90	510 E RIVER AVE	105	263162013	9,824.18	2164 E RICHARD AVE
28	262101007	19,444.23	1431 E ROBY AVE	67	261012005	19,360.32	505 E DATE AVE	106	263162008	9,441.85	2168 E CRABTREE AVE
29	262091024	6,812.13	1593 E ROBY AVE	68	261012001	6,775.68	451 E DATE AVE	107	263110033	8,040.99	483 S RANDY ST
30	262091001	8,833.48	1557 E ROBY AVE	69	261012024	24,599.32	448 E RIVER AVE	108	263110031	8,609.81	494 S RANDY ST
31	262091003	8,816.34	227 S HOLCOMB ST	70	261012025	15,095.24	935 E RIVER AVE	109	263070041	9,091.82	NO SITE ADDRESS
32	262091004	19,207.92	235 S HOLCOMB ST	71	262220062	19,761.17	1094 E POPLAR AVE	110	263070013	8,380.13	271 BAXLEY ST
33	262091005	19,538.90	245 S HOLCOMB ST	72	262220061	18,112.05	1088 E POPLAR AVE	111	263070008	18,100.87	223 ALTA VISTA ST
34	262091006	19,193.11	253 S HOLCOMB ST	73	262220059	16,131.13	1066 E POPLAR AVE	112	263060016	18,005.03	345 BAXLEY ST
35	262091020	19,520.59	1503 E ROBY AVE	74	262220058	16,459.29	1056 E POPLAR AVE	113	262091027	19,280.15	1565 E ROBY AVE
36	262091022	7,172.30	1493 E ROBY AVE	75	263162029	7,896.00	2165 E CLEO AVE	114	262091026	8,141.19	1565 E ROBY AVE
37	262071001	6,929.42	1373 E ROBY AVE	76	263162011	8,279.43	NO SITE ADDRESS	115	262091025	6,792.49	213 S HOLCOMB ST
38	262071020	14,836.29	1353 E ROBY AVE	77	263162006	8,195.29	2168 E CRABTREE AVE				
39	262071021	7,068.23	1343 E ROBY AVE	78	263161003	8,667.06	479 BENNETT ST				



Cal OES
GOVERNOR'S OFFICE
OF EMERGENCY SERVICES



Drought Update

Tuesday, June 23, 2015

KEY ACTION ITEMS FROM THIS WEEK

- **Statewide Ordinance Would Cut Water Use by at Least 30 Percent on New Landscapes for Homes and Businesses:** On June 12, the Department of Water Resources (DWR) released a [revised model landscape ordinance](#) that strengthens water efficiency requirements outside of new California homes by 30 percent. The revised model ordinance also increases water efficiency requirements for landscaping outside of commercial buildings by approximately 40 percent. Local governments are required to adopt the new model ordinance—or adopt an ordinance with equivalent requirements—by the end of this year.

The draft revisions also expand these water efficiency requirements to any outdoor space over 500 square feet for both commercial and residential property. In addition, the updated ordinance limits the amount of grass that can be planted in yards, requires the installation of efficient sprinkler nozzles, ban grass in street medians and parkways, and requires use of compost to improve water-holding capacity in soil. On June 16 and June 19, DWR held two public meetings to accept public comments for the revised model ordinance.

- **Changes in Flows from Lake Shasta to Protect Salmon:** On June 16, the U.S. Bureau of Reclamation [announced](#) a revised Sacramento River Temperature Management Plan, an annual plan that guides the release of water from Shasta Reservoir to enable survival of endangered fish when water temperatures rise. This revised plan, which involved coordination from several federal and state agencies, is under consideration by the State Water Quality Control Board. The Water Board will hold a workshop June 24 to receive feedback on the revised plan and better understand its projected impacts on fish habitat and downstream water users.
- **Emergency Regulation to Protect Coho Salmon and Steelhead Approved on Russian River Tributaries:** On June 17, the State Water Board [approved](#) an [emergency regulation](#) to provide additional water in four tributaries of the Russian River to protect threatened fish affecting about 13,000 properties in the watersheds of Dutch Bill Creek, Green Valley Creek, Mark West Creek and Mill Creek. Water users in those watersheds will be subject to enhanced conservation measures built on existing [statewide water restrictions](#), and water use reporting on surface and groundwater use.
- **Interior Announces Latest \$6.5 Million in Grant Funding to Help Relieve Drought in California:** On June 19, the Department of the Interior [announced](#) that its Bureau of Reclamation is awarding \$6.5 million in grant funds for increased management efficiency and conservation of California's water as part of the Obama Administration's effort to bring relief to drought-stricken communities.

- **State Water Board Approves Updated Water Recycling Funding Program Guidelines:** On June 16, the State Water Board [approved](#) updated guidelines for its [Water Recycling Funding Program](#) which allows the distribution of \$625 million in Proposition 1 to promote the beneficial use of treated municipal wastewater (water recycling) in order to augment fresh water supplies in California by providing technical and financial assistance to agencies and other stakeholders in support of water recycling projects and research.
- **CDFW Now Accepting Applications for Fisheries Restoration Grants:** On June 15, the California Department of Fish and Wildlife (CDFW) [announced](#) that the Fisheries Restoration Grant Program (FRGP) is now accepting grant applications for anadromous salmonid restoration projects that address impacts of the ongoing drought on habitat restoration, water conservation, education and drought planning. All drought restoration funds will be granted to projects located in anadromous waters within coastal watersheds and the Central Valley. The 2015 Summer Proposal Solicitation Notice for Drought Restoration Grants and the application is available [online](#).
- **OPC Proposition 1 Grant Guidelines for Public Comment:** On June 24, the State of California Ocean Protection Council (OPC) will hold the first of three meetings to receive public comments on the draft [OPC Proposition 1](#) grant guidelines which allocates \$30 million for ecosystem and watershed protection and restoration projects.
- **Summit on Water Technology and the California Drought:** On July 10, the Governor's Office, in partnership with various state agencies, will host the "Summit on Water Technology and the California Drought" at the California Environmental Protection Agency to explore and promote new water technologies. This summit will unite federal, state and local partners, as well as key stakeholders to showcase innovative and upcoming technologies that will increase drought resiliency in California.
- **California's Water Conservation Education Program Campaign:** This past week, Save Our Water continues to promote its' public education media buys for the summer which allows water managers, utility directors, conservation and communications staff the opportunity to leverage Save Our Water outreach tools and creative materials to meet new state mandates for water conservation. Save Our Water is also working with CAL FIRE to add new Water Idea Gallery content to the Save Our Water website, and partnering with the Department of Parks & Recreation to add conservation signs to park bathrooms.

On June 17, Save Our Water, in partnership with [DIGDEEP](#), led a nationwide water conversation on Twitter to highlight the urgent need to protect water and fight the drought. Save Our Water continues to grow its corporate partners by highlighting Comcast's water-saving efforts on the website and social media. In addition, [California ReLeaf](#), a group focused on California tree health, is partnering with Save Our Water to produce a full-scale tree section for the Save Our Water website.

For easy-to-use water saving tips, visit saveourwater.com, and connect with us on [Facebook](#), [Twitter](#) and [Instagram](#). For the new Spanish-language Save Our Water campaign website, visit ahorrenuestraagua.com.

- **Governor's Drought Task Force:** The Task Force continues to take actions that conserve water and coordinate state response to the drought. During the most recent Task Force meeting on June 18, DWR provided an update on the Sustainable Groundwater Management Act (SGMA) and how it will be used to address ground subsidence which impacts state-owned water infrastructure and conveyance systems, and roadways.

ONGOING DROUGHT SUPPORT

- **Emergency Food Aid, Rental and Utility Assistance:** The Department of Social Services (CDSS) has provided to date over 702,356 boxes of food to community food banks in drought-impacted counties. Approximately 642,531 boxes of food have been picked up by 337,176 households. By June 19, an additional 12,722 boxes will be delivered to Fresno, Kern, Kings, San Joaquin, Santa Cruz, and Tulare County.

The non-profit group La Cooperativa continues to distribute the \$10 million state-funded emergency rental assistance to families and individuals across counties most impacted by the drought. As of June 11, the Department of Housing and Community Development (HCD) has reported that a total of \$8,751,343 have been issued to 5,909 applicants in 21 counties, with \$5,657 remaining in assistance funds.

The Department of Community Services and Development (CSD) allocated an additional \$600,000, under the federally-funded Community Services Block Grant (CSBG), to continue the [Drought Water Assistance Program \(DWAP\)](#) which provides financial assistance to help low-income families pay their water bills. As of June 12, CSD has reported that a total of \$126,622 has been issued to 658 households.

CSD is in the process of allocating \$400,000, under CSBG, to continue the Migrant and Seasonal Farmworker (MSFW) drought assistance program, which provides assistance in employment training and placement services to individuals impacted by the drought. This program provides employment training and placement services to migrant and seasonal farmworkers suffering job loss or reduced employment due to the drought. CSD continues to ramp up program activities by developing marketing and outreach plans, pre-screening potential enrollees and executive MSFW service contracts. CSD will receive the first report of expenditures on July 20.

- **Drought Response Funding:** The \$687 million in state drought funding that was appropriated last March through emergency legislation, as well as \$142 million provided in the 2014 Budget Act, continues to advance toward meeting critical needs. To date, \$468 million has been committed, and nearly \$625 million of the emergency funds appropriated in March came from sources dedicated to capital improvements to water systems. Since March, the Department of Water Resources has expedited grant approvals, getting \$21 million immediately allocated to grantees that were pre-approved for certain projects.

As planned in March, the next \$200 million of expedited capital funding was awarded in October, and the remaining \$250 million will be granted by fall 2015. The 2014 Budget Act appropriated an additional \$53.8 million to CAL FIRE over its typical budget to enhance firefighter surge capacity and retain seasonal firefighters beyond the typical fire season.

As a result of continuing drought conditions, emergency legislation was enacted in March 2015 that appropriated over \$1 billion of additional funds for drought-related projects and activities. The Administration's May Revision proposal includes an additional \$2.2 billion for programs that protect and expand local water supplies, improve water conservation, and provide immediate relief to impacted communities.

CURRENT DROUGHT CONDITIONS

- **Fire Activity:** Since the beginning of the year, CAL FIRE has responded to over 2,392 wildfires across the state, burning 8,417 acres in the State Responsibility Area. The number of new fire starts is well above the 5-year average for the same time period of 1,601 fires. The average total number of acres burned for the same period, however, is higher at 13,907 acres burned. This is due to the late season moist weather pattern and the increased staffing over the winter that allowed firefighters to keep most of the fires started to a minimum acreage.
- **CAL FIRE Suspends Outdoor Residential Burning:** California's increased fire activity this year, coupled with record-setting drought conditions, require CAL FIRE to take every step possible to prevent new wildfires from starting. To date, the following counties have suspended burn permits: Calaveras, Fresno, Imperial, Inyo, Kings, Marin, Mono, Monterey, Riverside, San Benito, San Bernardino, San Diego, San Joaquin, San Luis Obispo, Stanislaus, Tulare and Tuolumne. On June 22, additional counties will ban burning in Northern California. By June 29, all counties in the state will have suspended burn permits.

This suspension bans all residential outdoor burning of landscape debris including branches and leaves. The department may issue restricted temporary burning permits if there is an essential reason due to public health and safety. For additional information on preparing for and preventing wildfires visit www.ReadyForWildfire.Org.

- **Dry Well Reports:** As California enters the fourth consecutive summer of drought, Cal OES continues to monitor and identify communities and local water systems in danger of running out of water. Approximately 1,908 wells statewide have been identified as critical or dry, which affects an estimated 9,540 residents. As of June 18, Cal OES has reported that 1,780 of the 1,908 dry wells are concentrated in the inland regions within the Central Valley.
- **Vulnerable Water Systems:** The State Water Board continues to provide technical and funding assistance to several communities facing drinking water shortages, and is monitoring water systems across the state. Since January 2014, 81 out of the 106 projects approved to receive emergency funding for interim replacement drinking water have been executed. On May 19, the State Water Board adopted Guidelines for administering the latest emergency drought appropriations of \$19 million announced this past March. To date, the State Water Board has received requests for \$1.2 million of those funds.
- **Reservoir Levels (% capacity):** Since June 12, Central Valley reservoirs from Shasta and Trinity in the North to Isabella in the South had a net loss in storage of 224,859 acre-feet, with total gains being 4,246 acre-feet and total losses being 229,105 acre-feet. Shasta Reservoir decreased by 50,897 acre-feet, while San Luis Reservoir, an off-stream reservoir for the Central Valley Project and State Water Project, decreased its storage by 50,733 acre-feet. For more information, please visit the [California Data Exchange Center](http://CaliforniaDataExchangeCenter.org).

[Reservoir Levels](#) as of June 17 remain low, including: Castaic Lake 34% of capacity (38% of year to date average); Don Pedro 39% of capacity (50% of average); Exchequer 13% of capacity (19% of average); Folsom Lake 50% of capacity (60% of average); Lake Oroville 42% of capacity (51% of average); Lake Perris 39% (48% of average); Millerton Lake 33% of capacity (41% of average); New Melones 18% of capacity (28% of average); Pine Flat 28% of capacity (40% of average); San Luis 47% of capacity (66% of average); Lake Shasta 50% of capacity (61% of average); and Trinity Lake 40% of capacity (46% of average). An update of water levels at [other smaller reservoirs](#) is also available.

Recent Precipitation: Last week was warm and dry with no precipitation officially reported in California.

Weather Outlook: Northern California will be 10 to 15 degrees above normal by Friday into the weekend. Afternoon showers and thunderstorms will be possible along the southern California and Sierra Mountains by Friday moving farther north over the weekend.

Local Government

- **Local Emergency Proclamations:** A total of 57 local Emergency Proclamations have been received to date from city, county, and tribal governments, as well as special districts:
 - **25 Counties:** El Dorado, Fresno, Glenn, Inyo, Humboldt, Kern, Kings, Lake, Madera, Mariposa, Merced, Modoc, Plumas, San Bernardino, San Joaquin, San Luis Obispo, Santa Barbara, Shasta, Siskiyou, Sonoma, Sutter, Trinity, Tulare, Tuolumne, and Yuba.
 - **11 Cities:** City of Live Oak (Sutter County), City of Lodi (San Joaquin County), City of Manteca (San Joaquin County), City of Montague (Siskiyou County), City of Porterville (Tulare County), City of Portola (Plumas County), City of Ripon (San Joaquin County), City of San Juan Bautista (San Benito County), City of Santa Barbara (Santa Barbara County), and City of West Sacramento (Yolo County), and City of Willits (Mendocino County).
 - **9 Tribes:** Cortina Indian Rancheria (Colusa County), Hoopa Valley Tribe (Humboldt County), Karuk Tribe (Siskiyou/Humboldt Counties), Kashia Band of Pomo Indians of the Stewarts Point Rancheria (Sonoma County), Picayune Rancheria of Chukchansi Indians (Madera County) Sherwood Valley Pomo Indian Tribe (Mendocino County), Tule River Indian Tribe (Tulare County), Yocha Dehe Wintun Nation (Yolo County), and Yurok Tribe (Humboldt County).
 - **12 Special Districts:** Carpinteria Valley Water District (Santa Barbara County), Goleta Water District (Santa Barbara County), Groveland Community Services District (Tuolumne County), Lake Don Pedro Community Services District (Mariposa Stanislaus County), Mariposa Public Utility District (Mariposa County), Meiners Oaks Water District (Ventura County), Montecito Water District (Santa Barbara County), Mountain House Community Service District (San Joaquin County), Nevada Irrigation District (Nevada County), Placer County Water Agency (Placer County), Tuolumne Utilities District (Tuolumne County), and Twain Harte Community Services District (Tuolumne County).

- **Water Agency Conservation Efforts:** The Association of California Water Agencies (AWCA) [has identified](#) several hundred local water agencies that have implemented water conservation actions. These water agencies [are responding to the drought](#) by implementing conservation programs, which include voluntary calls for reduced water usage and mandatory restrictions where water shortages are worst.
- **County Drought Taskforces:** A total of 33 counties have established drought task forces to coordinate local drought response. These counties include: Butte, Glenn, Humboldt, Imperial, Kern, Kings, Lake, Madera, Mendocino, Merced, Modoc, Monterey, Napa, Nevada, Orange, Placer, Plumas, Sacramento, San Francisco, San Joaquin, San Luis Obispo, San Mateo, Santa Barbara, Santa Clara, Siskiyou, Stanislaus, Solano, Sutter, Tehama, Trinity, Tulare, Tuolumne, and Yolo.
- **Tribal Taskforce:** A total of 5 tribes have established drought task forces to coordinate tribal drought response. These tribes include: Hoopa Valley Tribe (Humboldt County), Hopland Tribe (Mendocino County), Kashia Band of Pomo Indians (Sonoma County), Sherwood Valley Tribe (Mendocino County), and Yurok Tribe (Humboldt and Del Norte County).

DROUGHT RELATED WEBSITES FOR MORE INFORMATION

[Drought.CA.Gov](#): California's Drought Information Clearinghouse

State's Water Conservation Campaign, [Save our Water](#)
Local Government, [Drought Clearinghouse and Toolkit](#)

California Department of Food and Agriculture, [Drought information](#)
California Department of Water Resources, [Current Water Conditions](#)
California Data Exchange Center, [Snow Pack/Water Levels](#)
California State Water Resources Control Board, Water Rights, [Drought Info and Actions](#)
California Natural Resources Agency, [Drought Info and Actions](#)
State Water Resources Control Board, Drinking Water, [SWRCB Drinking Water Program](#)
California State Water Project, [Information](#)

[U.S. Drought Monitor](#) for Current Conditions throughout the Region
[U.S. Drought Portal](#), National Integrated Drought Information System (NIDIS)
National Weather Service [Climate Predictor Center](#)
USDA Drought Designations by County [CA County Designations](#)
USDA Disaster and Drought Assistance Information [USDA Programs](#)
U.S. Small Business Administration Disaster Assistance Office: www.sba.gov/disaster



CITY COUNCIL AGENDA – JULY 7, 2015

SUBJECT: Successor Agency Review and Approval of Revised Long Range Property Management Plan

SOURCE: Community Development

COMMENT: Health and Safety Code Section 34191.5, as modified by AB 1484, requires the Successor Agency to prepare a Long Range Property Management Plan (Plan) that addresses the disposition and use of the real properties of the former redevelopment agency within six months of receiving a Finding of Completion from the Department of Finance (DOF). The DOF issued a Finding of Completion on August 7, 2013.

On February 4, 2014, the Successor Agency approved the proposed Plan and adopted Successor Agency Resolution No. 2014-01. On February 7, 2014, the Oversight Board approved the proposed Plan and adopted Oversight Board Resolution No. 2014-02.

Following approvals from the Successor Agency and the Oversight Board, the Plan was provided to the DOF for approval. The changes required from the DOF are highlighted in yellow on the attached Plan (Attachment 1).

Under Section 34191.5, the Plan shall be approved by the Oversight Board and the Department of Finance prior to any property being transferred.

RECOMMENDATION: That the Successor Agency adopt the draft Resolution approving the revised Long Range Property Management Plan, prepared pursuant to Health & Safety Code Section 34191.5; and direct Successor Agency staff to submit the Long Range Property Management Plan to the Oversight Board.

ATTACHMENTS:

1. Revised Long Range Property Management Plan
2. Draft Resolution

Appropriated/Funded: MB

Review By:

Department Director:

Jenni Byers, Community Development Director

Final Approver: John Lollis, City Manager

LONG-RANGE PROPERTY MANAGEMENT PLAN

**SUCCESSOR AGENCY TO THE FORMER
PORTERVILLE REDEVELOPMENT AGENCY**



**291 NORTH MAIN STREET
PORTERVILLE, CA 93257**

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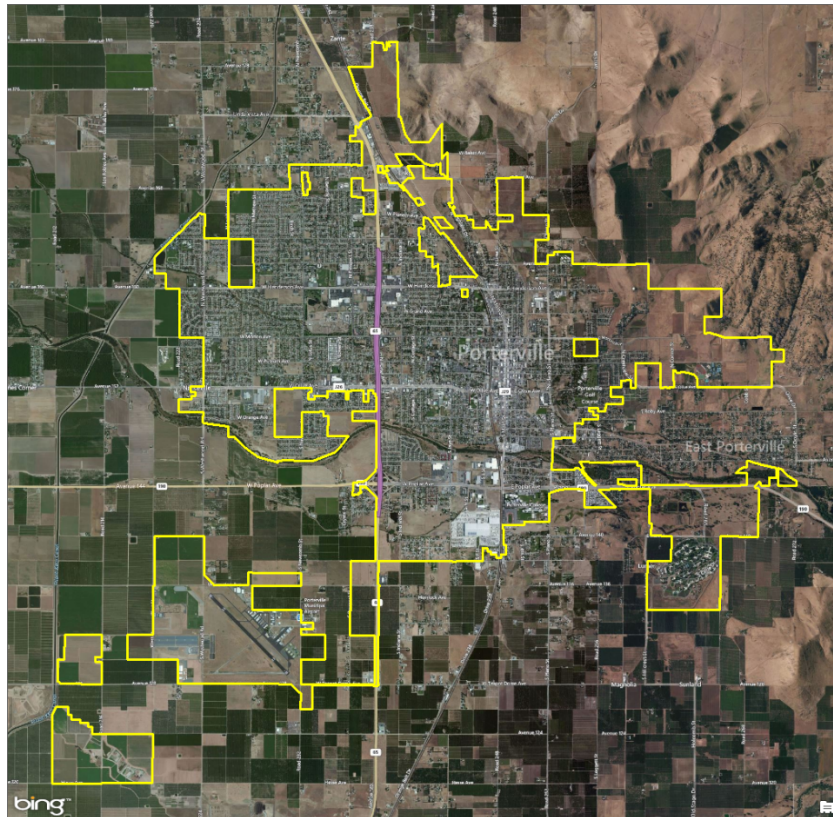
Long-Range Property Management Plan

Successor Agency to the former Porterville Redevelopment Agency

INTRODUCTION

The City of Porterville (City) is located in the south central portion of the San Joaquin Valley, at the base of the foothills of the Sierra Nevada Mountains, in Tulare County. The California Department of Finance (DOF) reports the City population to be 55,490 as of January 1, 2013.

With the discovery of gold in California in 1848, came vast numbers of settlers from across the United States and abroad. This tremendous migration to California rolled through Porterville between 1840 and 1852. In 1854, Peter Goodhue established the Butterfield Overland Mail Stage Station on the banks of the old Tule River Channel. This was the stopping place along the Emigrant Train which is Main Street Today. In 1860, Royal Porter Putnam came to work at the station, and assumed command of lodging and trading facilities. He purchased 40 acres of land from Goodhue, surveyed and divided the land into town lots and officially recorded this tract in 1870. Porterville was founded in 1864 and named after Royal Putnam Porter. In 1888, Porterville's first railroad, the Southern Pacific Railway, came to town. This transformed the small town to an agricultural marketing center. The City of Porterville was incorporated in 1902.



Former Redevelopment Agency

The former Porterville Redevelopment Agency (Agency) was created pursuant to § 33000 of the California Health and Safety Code Community Redevelopment Law. The City Council adopted Project Area No. 1 containing approximately 471 acres on July 3, 1990 by Ordinance No. 1436. On July 6, 2004, the City Council adopted Amendment No. 1 which removed 26 acres from the Project Area by Ordinance No. 1655. In August of 2010, an Amendment to Project Area No. 1 was adopted by Ordinance No. 1765. This Amendment added approximately 1,698 acres to the area for a total of 2,143 acres.

Currently, the Project Area is zoned for a variety of land uses. The area includes mostly developed land, including but not limited to, shopping areas, commercial developments, public parking lots, public buildings, and housing.

Dissolution of Porterville Redevelopment Agency

On June 27, 2012 Governor Brown signed into law Assembly Bill 1484 (AB 1484), a budget trailer bill that made substantial changes to the redevelopment agency dissolution process implemented by Assembly Bill 1X26 (AB 1X 26). One of the key components of AB 1484 is the requirement that all successor agencies develop a long-range property management plan that governs the disposition and use of the former redevelopment agency's properties. This document is the Long-Range Property Management Plan (Plan) for the Successor Agency to the former Porterville Redevelopment Agency (Agency).

This Long Range Property Management Plan was prepared in compliance with Health and Safety Code §34191.5

SUMMARY OF PROPERTIES OWNED BY THE SUCCESSOR AGENCY

There are **seven (7) six (6)** properties owned and controlled by the Agency. **Parcel 7 was and one property that has been** approved by the Oversight Board and the Department of Finance as an approved expenditure of bond proceeds to acquire, demolish, remediate and release the property for sale. **The Agency acquired the property on August 28, 2014.** Parcels 1 through 6 were acquired by the former Porterville Redevelopment Agency in an effort to revitalize a portion of the downtown area. These seven (7) properties are subject to the provisions of the Agency's Redevelopment Strategic Plan and the Five-Year Implementation Plan and amendment adopted in 2010. The properties include the following:

- Parcel 1 APN 253-177-008. The property is located at the southeast corner of Garden Avenue and Second Street. The property is zoned DMX (Downtown Mixed-Use) and is 40,777 square feet. It is developed and currently used as a public parking lot.
- Parcel 2 APN 261-123-001. The property is located at the northeast corner of Olive Avenue and Second Street. The property is zoned DR-N (Downtown Retail – North of Olive) and is 23,210 square feet. It is developed and currently used as a public parking lot.

- Parcel 3 APN 253-207-008. The property is located at the northwest corner of Thurman and Second Street. The property is zoned D-PO (Downtown Professional Office) and is 26,400 square feet. It is developed and currently used as a public parking lot.
- Parcel 4 APN 253-131-001. The property is located at the southeast corner of Morton and Fourth Street. The property is zoned D-PO (Downtown Professional Office) and is 29,192 square feet. It is developed and currently used as a public parking lot.
- Parcel 5 APN 252-183-006. The property address is 293 N. Hockett Street. The property is zoned D-PO (Downtown Professional Office) and is 6,050 square feet. It is currently undeveloped vacant land, but utilized as a parking lot for City vehicles.
- Parcel 6 APN 252-183-007. The property address is 287 N. Hockett Street. The property is zoned D-PO (Downtown Professional Office) and is 7,150 square feet. It is developed with a 2,446 square feet office building. The building is vacant.
- Parcel 7 APN 261-122-007. The property address is 14 N. Main Street and is otherwise known as the “Porterville Hotel Project”. The property is zoned DR-N (Downtown Retail – North of Olive) and is 11,000 square feet. The property was a blighted mixed-use project that was deemed uninhabitable in December, 2006. There was a catastrophic fire on December 26, 2013, that damaged the structure beyond repair.

The Successor Agency is interested in transferring ownership of Parcels 1 through ~~4-5~~ to the City in order to continue utilizing them as public parking ***and entering into a Compensation agreement between the City and taxing entities.*** Parcels 1 through 4 are encumbered with an Operation Use and Maintenance Covenant for public parking facilities that run with the land. ***In the event legislation is enacted that clarifies Parcels 1 through 5 are eligible to be conveyed to the City as governmental use properties, this Plan will be amended to change the designation of such properties in accordance with then-applicable law.*** Parcel 6 is proposed to ***be transferred to the City for governmental purposes as an administrative building utilized for staff.*** ~~be sold for fair market value with the net proceeds used for enforceable obligations. or distributed to the taxing entities.~~ Parcel 7 ***was acquired on August 28, 2014,*** ~~is proposed to be acquired~~ in compliance with the expenditure of bond funds as approved by the Oversight Board and Department of Finance. ***It is proposed to complete demolition,*** ~~demolished remediated for~~ environmental concerns, and sold with the net proceeds to be used ~~to defease the bond debt pursuant to Health and Safety Code (HSC) section 34191.4(c)(2)(B) to be distributed to taxing entities or~~ ***to fulfill enforceable obligations.***

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PROPOSED USE AND DISPOSITION OF PROPERTIES

***Parcel 1
Garden Avenue and Second Street Parking Lot
APN 253-177-008***



1. **Date of acquisition of the property and the value of it at that time, and an estimate of the current value of the property (HSC 34191.5(c)(1)(A)).**

The former Porterville Redevelopment Agency acquired the parcel in January of 1993 for \$53,625. An appraisal had been obtained and the property was purchased in an amount equivalent to the appraisal. With the Operation Use and Maintenance Covenant for a public parking facility the property appraised for \$143,000 in April 2011. ***The Successor Agency is interested in transferring ownership of this Parcel to the City in order to continue utilizing it as public parking and for the permissible use of future development. The City will enter into a Compensation agreement between the City and taxing entities. At this time, the proposed sale value and transfer date is unknown.***

2. **Purpose for which the property was acquired (HSC 34191.5(c)(1)(B)).**

The Porterville Redevelopment Agency enacted the original Redevelopment Plan in 1990 for the Porterville Redevelopment Project No. 1 (Project Area) pursuant to Health and Safety Code, Section 33000 et seq. The Redevelopment Plan included objectives to mitigate or eliminate blighting conditions within the Project Area. In addition to rehabilitating aging downtown commercial buildings, the objectives included providing more conveniently located parking in the downtown retail area. In order to implement the objectives, the Redevelopment

Plan included an action plan for acquisition of land to develop public parking facilities. A list of Proposed Public Improvements was included in the adoption of the plan. This parcel and subsequent development of the parking lot effectuated two of the listed projects: Project A(4) Main Street Commercial Area Improvement - Parking Lot Improvements in the Central Business District and Project N(1) Parking Lot Project – Olive to Thurman in Central Business District.

In addition to the Redevelopment Plan, the Redevelopment Agency adopted the Strategic Plan for the Redevelopment Area in February of 1992. The Strategic Plan included an Action Plan which established priority projects and milestones in order to achieve the Strategic Plan's objectives for the revitalization of the Project Area. The development of parking on this property was an adopted project of Phase A of the Action Plan.

3. Parcel data, including address, lot size, and current zoning (*HSC 34191.5(c)(1)(C)*).

APN: 253-177-008

Address: No site address, southeast corner of Garden Avenue and Second Street

Lot size: 40,777 square feet

Zoning/**Permitted Permissible** Uses: The property is zoned DMX (Downtown Mixed-Use – see Exhibit E)

4. Estimate of the current value, including appraisal information (*HSC 34191.5(c)(1)(D)*).

The property was appraised in April of 2011 for \$143,000 with the Operation Use and Maintenance Covenant for a public parking facility. Property values in the Porterville area have remained relatively stable for the last few years.

5. Estimate of any lease, rental, or other revenues generated by the property and a description of the contractual requirements for the disposition of those revenues (*HSC 34191.5(c)(1)(E)*).

None.

6. The history of any environmental contamination, including designation as a brownfield site, any related environmental studies, and history of any remediation efforts (*HSC 34191.5(c)(1)(F)*).

A Phase 1 environmental was not performed at the time of acquisition. There is no known environmental contamination. The property is not included or near a site on a list compiled by the Department of Toxic Substances Control.

- 7. The property's potential for transit-oriented development and the advancement of the planning objections of the successor agency *(HSC 34191.5(c)(1)(G)*.**

The City of Porterville Transit system has a bus stop located across the street from the property.

- 8. A brief history of previous development proposals and activity, including the rental or lease of property *(HSC 34191.5(c)(1)(H)*.**

The property has been developed as a public parking lot since 1994. There is no history of previous development proposals and activity.

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Parcel 2
Olive and Second Street Parking Lot
APN 261-123-001



1. Date of acquisition of the property and the value of it at that time, and an estimate of the current value of the property (HSC 34191.5(c)(1)(A)).

The former Porterville Redevelopment Agency acquired the parcel in February of 1993 for \$71,500. An appraisal had been obtained and the property was purchased in an amount equivalent to the appraisal. With the Operation Use and Maintenance Covenant for a public parking facility the property appraised for \$97,000 in April 2011. ***The Successor Agency is interested in transferring ownership of this Parcel to the City in order to continue utilizing it as public parking and for the permissible use of future development. The City will enter into a Compensation agreement between the City and taxing entities. At this time, the proposed sale value and transfer date is unknown.***

2. Purpose for which the property was acquired (HSC 34191.5(c)(1)(B)).

The Porterville Redevelopment Agency enacted the original Redevelopment Plan in 1990 for the Porterville Redevelopment Project No. 1 (Project Area) pursuant to Health and Safety Code, Section 33000 et seq. The Redevelopment Plan included objectives to mitigate or eliminate blighting conditions within the Project Area. In addition to rehabilitating aging downtown commercial buildings, the objectives included providing more conveniently located parking in the downtown retail area. In order to implement the objectives, the Redevelopment Plan included an action plan for acquisition of land to develop public parking facilities. A list of Proposed Public Improvements was included in the adoption of the plan. This parcel and subsequent development of the parking lot effectuated two of the listed projects: Project A(4) Main Street Commercial Area Improvement - Parking Lot Improvements in the Central Business District and Project N(1) Parking Lot Project – Olive to Thurman in Central Business District.

In addition to the Redevelopment Plan, the Redevelopment Agency adopted the Strategic Plan for the Redevelopment Area in February of 1992. The Strategic Plan included an Action Plan which established priority projects and milestones in order to achieve the Strategic Plan's objectives for the revitalization of the Project Area. The development of parking on this property was an adopted project of Phase A of the Action Plan.

3. Parcel data, including address, lot size, and current zoning (*HSC 34191.5(c)(1)(C)*).

APN: 261-123-001

Address: No site address, northeast corner of Olive Avenue and Second Street

Lot size: 23,210 square feet

Zoning **Permitted Permissible** Uses: The property is zoned DR-N (Downtown Retail – North of Olive Avenue – see Exhibit E)

4. Estimate of the current value, including appraisal information (*HSC 34191.5(c)(1)(D)*).

The property was appraised in April of 2011 for \$97,000 with the Operation Use and Maintenance Covenant for a public parking facility. Property values in the Porterville area have remained relatively stable for the last few years.

5. Estimate of any lease, rental, or other revenues generated by the property and a description of the contractual requirements for the disposition of those revenues (*HSC 34191.5(c)(1)(E)*).

None.

6. The history of any environmental contamination, including designation as a brownfield site, any related environmental studies, and history of any remediation efforts (*HSC 34191.5(c)(1)(F)*).

A Phase 1 environmental was not performed at the time of acquisition. There is no known environmental contamination. The property is not included or near a site on a list compiled by the Department of Toxic Substances Control.

7. The property's potential for transit-oriented development and the advancement of the planning objections of the successor agency (*HSC 34191.5(c)(1)(G)*).

The City of Porterville Transit system has a bus stop located across the street from the property.

8. A brief history of previous development proposals and activity, including the rental or lease of property (*HSC 34191.5(c)(1)(H)*).

The property has been developed as a public parking lot since 1994. There is no history of previous development proposals and activity.

Parcel 3
Thurman Avenue and Second Street Parking Lot
APN 253-207-008



1. Date of acquisition of the property and the value of it at that time, and an estimate of the current value of the property (HSC 34191.5(c)(1)(A)).

The former Porterville Redevelopment Agency acquired the parcel in July of 1994 for \$270,850. The original acquisition was of four parcels. A parcel merger was subsequently completed, forming the existing assessor parcel 253-207-008. An appraisal regarding the value of the property was not obtained at the time of acquisition. With the Operation Use and Maintenance Covenant for a public parking facility the property appraised for \$93,000 in April 2011. ***The Successor Agency is interested in transferring ownership of this Parcel to the City in order to continue utilizing it as public parking and for the permissible use of future development. The City will enter into a Compensation agreement between the City and taxing entities. At this time, the proposed sale value and transfer date is unknown.***

2. Purpose for which the property was acquired (HSC 34191.5(c)(1)(B)).

The Porterville Redevelopment Agency enacted the original Redevelopment Plan in 1990 for the Porterville Redevelopment Project No. 1 (Project Area) pursuant to Health and Safety Code, Section 33000 et seq. The Redevelopment Plan included objectives to mitigate or eliminate blighting conditions within the Project Area. In addition to rehabilitating aging downtown commercial buildings, the objections included providing more conveniently located parking in the downtown retail area. In order to implement the objectives, the Redevelopment Plan included an action plan for acquisition of land to develop public parking facilities. A list of Proposed Public Improvements was included in the adoption of the plan. This parcel and subsequent development of the parking lot effectuated two of the listed projects: Project A(4)

Main Street Commercial Area Improvement - Parking Lot Improvements in the Central Business District and Project N(1) Parking Lot Project – Olive to Thurman in Central Business District.

3. Parcel data, including address, lot size, and current zoning (*HSC 34191.5(c)(1)(C)*).

APN: 253-207-008

Address: No site address, northwest corner of Thurman Avenue and Second Street

Lot size: 26,400 square feet

Zoning/**Permitted Permissible** Uses: The property is zoned D-PO (Downtown Professional Office – see Exhibit E)

4. Estimate of the current value, including appraisal information (*HSC 34191.5(c)(1)(D)*).

The property was appraised in April of 2011 for \$93,000 with the Operation Use and Maintenance Covenant for a public parking facility. Property values in the Porterville area have remained relatively stable for the last few years.

5. Estimate of any lease, rental, or other revenues generated by the property and a description of the contractual requirements for the disposition of those revenues (*HSC 34191.5(c)(1)(E)*).

None.

6. The history of any environmental contamination, including designation as a brownfield site, any related environmental studies, and history of any remediation efforts (*HSC 34191.5(c)(1)(F)*).

A Phase 1 environmental was not performed at the time of acquisition. There is no known environmental contamination. The property is not included or near a site on a list compiled by the Department of Toxic Substances Control.

7. The property's potential for transit-oriented development and the advancement of the planning objections of the successor agency (*HSC 34191.5(c)(1)(G)*).

The City of Porterville Transit system has a bus stop located at the property.

8. A brief history of previous development proposals and activity, including the rental or lease of property (*HSC 34191.5(c)(1)(H)*).

The property has been developed as a public parking lot since 1997. There is no history of previous development proposals and activity.

***Parcel 4
Morton and Fourth Street Parking Lot
APN 253-131-001***



1. **Date of acquisition of the property and the value of it at that time, and an estimate of the current value of the property (HSC 34191.5(c)(1)(A)).**

The former Porterville Redevelopment Agency acquired the parcel in November of 1994 for \$28,879. An appraisal had been obtained and the property was purchased in an amount equivalent to the appraisal. With the Operation Use and Maintenance Covenant for a public parking facility the property appraised for \$102,000 in April 2011. ***The Successor Agency is interested in transferring ownership of this Parcel to the City in order to continue utilizing it as public parking and for the permissible use of future development. The City will enter into a Compensation agreement between the City and taxing entities. At this time, the proposed sale value and transfer date is unknown.***

2. **Purpose for which the property was acquired (HSC 34191.5(c)(1)(B)).**

The Porterville Redevelopment Agency enacted the original Redevelopment Plan in 1990 for the Porterville Redevelopment Project No. 1 (Project Area) pursuant to Health and Safety Code, Section 33000 et seq. The Redevelopment Plan included objectives to mitigate or eliminate blighting conditions within the Project Area. In addition to rehabilitating aging downtown commercial buildings, the objections included providing more conveniently located parking in the downtown retail area. In order to implement the objectives, the Redevelopment Plan included an action plan for acquisition of land to develop public parking facilities. A list of Proposed Public Improvements was included in the adoption of the plan. This parcel and subsequent development of the parking lot was identified as Project A(4) Main Street Commercial Area Improvement - Parking Lot Improvements in the Central Business District.

3. Parcel data, including address, lot size, and current zoning (*HSC 34191.5(c)(1)(C)*).

APN: 253-131-001

Address: No site address, southeast corner of Morton Avenue & Fourth Street

Lot size: 29,192 square feet

Zoning/**Permitted Permissible** Uses: The property is zoned D-PO (Downtown Professional Office – see Exhibit E)

4. Estimate of the current value, including appraisal information (*HSC 34191.5(c)(1)(D)*).

The property was appraised in April of 2011 for \$102,000 with the Operation Use and Maintenance Covenant for a public parking facility. Property values in the Porterville area have remained relatively stable for the last few years.

5. Estimate of any lease, rental, or other revenues generated by the property and a description of the contractual requirements for the disposition of those revenues (*HSC 34191.5(c)(1)(E)*).

None.

6. The history of any environmental contamination, including designation as a brownfield site, any related environmental studies, and history of any remediation efforts (*HSC 34191.5(c)(1)(F)*).

A Phase 1 environmental was not performed at the time of acquisition. The parcel was formerly a portion of the Tulare Valley Railroad Company; however, the parcel was adjacent to the rail line and there is no suspected contamination. The property is not included or near a site on a list compiled by the Department of Toxic Substances Control.

7. The property's potential for transit-oriented development and the advancement of the planning objections of the successor agency (*HSC 34191.5(c)(1)(G)*).

The property is incorporated into the Porterville Transit system as a transit bus stop complete with seating and trellis.

8. A brief history of previous development proposals and activity, including the rental or lease of property (*HSC 34191.5(c)(1)(H)*).

The property has been developed as a public parking lot since 1995. There is no history of previous development proposals and activity.

Parcel 5
293 N. Hockett Street – Vacant Lot
APN 252-183-006



1. Date of acquisition of the property and the value of it at that time, and an estimate of the current value of the property (HSC 34191.5(c)(1)(A)).

The former Porterville Redevelopment Agency acquired the parcel in February of 2001 for \$45,000. An appraisal regarding the value of the property was not obtained at the time of acquisition. In April of 2011, the property appraised for \$25,000. **The Successor Agency is interested in transferring ownership of this Parcel to the City in order to continue utilizing it as a parking lot used by City vehicles as a Governmental Use. At this time, the proposed sale value and transfer date is unknown.**

2. Purpose for which the property was acquired (HSC 34191.5(c)(1)(B)).

The purpose of the acquisition fulfilled two objectives of the Redevelopment Plan and the Five Year Implementation Plan 1999-2004: (1) Acquire land for the development of public facilities, i.e. parking lots and (2) the Creation of additional parking districts in order to facilitate development.

3. Parcel data, including address, lot size, and current zoning (HSC 34191.5(c)(1)(C)).

APN: 252-183-006

Address: 293 N. Hockett Street

Lot size: 6,050 square feet

Zoning **Permitted Permissible** Uses: The property is zoned D-PO (Downtown Professional Office – see Exhibit E)

4. Estimate of the current value, including appraisal information (HSC 34191.5(c)(1)(D)).

The property was appraised in April of 2011 for \$25,000. Property values in the Porterville area have remained relatively stable for the last few years.

5. Estimate of any lease, rental, or other revenues generated by the property and a description of the contractual requirements for the disposition of those revenues (HSC 34191.5(c)(1)(E)).

None.

6. The history of any environmental contamination, including designation as a brownfield site, any related environmental studies, and history of any remediation efforts (HSC 34191.5(c)(1)(F)).

A Phase 1 environmental was not performed at the time of acquisition. There is no known environmental contamination. The property is not included or near a site on a list compiled by the Department of Toxic Substances Control.

7. The property's potential for transit-oriented development and the advancement of the planning objections of the successor agency (HSC 34191.5(c)(1)(G)).

The City of Porterville Transit system has a bus stop located across the street from the property.

8. A brief history of previous development proposals and activity, including the rental or lease of property (HSC 34191.5(c)(1)(H)).

It was anticipated to develop the property as a parking facility *for City vehicles. The design and construction plans have been completed and the project was programmed in the ten year Capital Improvement Program for construction during fiscal year 2012/13.*

Parcel 6
287 N. Hockett Street – Stout Building
APN 252-183-007



1. **Date of acquisition of the property and the value of it at that time, and an estimate of the current value of the property (HSC 34191.5(c)(1)(A)).**

The former Porterville Redevelopment Agency acquired the parcel in February of 2001 for \$132,500. An appraisal regarding the value of the property was not obtained at the time of acquisition. The property appraised for \$185,000 in April 2011. ***The Successor Agency is interested in transferring ownership of this Parcel to the City for Governmental Use. The City would utilize the facility for an administrative building, not available to the public, such as the Information Technology Department, the Fire Investigation Unit and/or the Police Dispatch Center. At this time, the proposed sale value and transfer date is unknown.***

2. **Purpose for which the property was acquired (HSC 34191.5(c)(1)(B)).**

The purpose of the acquisition fulfilled two objectives of the Redevelopment Plan and the Five Year Implementation Plan 1999-2004: (1) Acquire land for the development of public facilities and (2) the Creation of additional parking districts in order to facilitate development.

3. **Parcel data, including address, lot size, and current zoning (HSC 34191.5(c)(1)(C)).**

APN: 252-183-007

Address: 287 N. Hockett Street

Lot size: 7,150 square feet

Zoning/**Permitted Permissible** Uses: The property is zoned D-PO (Downtown Professional Office – see Exhibit E)

4. Estimate of the current value, including appraisal information (HSC 34191.5(c)(1)(D)).

The property was appraised in April of 2011 for \$185,000. Property values in the Porterville area have remained relatively stable for the last few years.

5. Estimate of any lease, rental, or other revenues generated by the property and a description of the contractual requirements for the disposition of those revenues (HSC 34191.5(c)(1)(E)).

None.

6. The history of any environmental contamination, including designation as a brownfield site, any related environmental studies, and history of any remediation efforts (HSC 34191.5(c)(1)(F)).

A Phase 1 environmental was not performed at the time of acquisition. There is no known environmental contamination. The property is not included or near a site on a list compiled by the Department of Toxic Substances Control.

7. The property's potential for transit-oriented development and the advancement of the planning objections of the successor agency (HSC 34191.5(c)(1)(G)).

Due to the proximity of the Porterville Transit Center, the building had the potential of being purchased for the transit headquarters, **but time constraints required the transit headquarters to find a different location.**

8. A brief history of previous development proposals and activity, including the rental or lease of property (HSC 34191.5(c)(1)(H)).

There is no history of previous development proposals and activity.

Parcel 7
14 N. Main Street – The Porterville Hotel
APN 261-122-007





Fire – December 26, 2013

Hotel remains – December 26, 2013

1. Date of acquisition of the property and the value of it at that time, and an estimate of the current value of the property (HSC 34191.5(c)(1)(A)).

The former Porterville Redevelopment Agency obtained bond proceeds, by refunding Agency debt in 2008, to acquire and eliminate the blighted development. ~~The property has not yet been acquired and has not been appraised.~~ *The property was acquired by the Agency on August 28, 2014, for the amount of \$1,649,705.70. A Broker's Price Opinion estimated the value of the property to be \$198,000, with the assumption the lot is completely cleaned, leveled, and filled to pass compaction tests necessary to comply with state and local building codes. This property was acquired in compliance with the expenditure of bond funds as approved by the Oversight Board and Department of Finance, demolished, remediated for environmental concerns, and sold with the net proceeds to be used to fulfill an enforceable obligation. At this time, the proposed value and sell date is unknown.*

2. Purpose for which the property was acquired (HSC 34191.5(c)(1)(B)).

The property is proposed to be acquired for removal of blight, through the demolition and remediation of environmental concerns, and the sale of the property for future development, in

compliance with the expenditure of bond funds, as approved by the Oversight Board and Department of Finance. In accordance with HSC section 34191.4(c)(2)(B), the net proceeds shall be used to **fulfill an enforceable obligation** ~~defeas the bond debt.~~

3. Parcel data, including address, lot size, and current zoning (HSC 34191.5(c)(1)(C)).

APN: 261-122-007

Address: 14 N. Main Street

Lot size: 11,000 square feet

Zoning/**Permitted Permissible** Uses: The property is zoned DR-N (Downtown Retail – North of Olive Avenue – see Exhibit E)

4. Estimate of the current value, including appraisal information (HSC 34191.5(c)(1)(D)).

A Broker's Price Opinion, obtained on June 23, 2015, estimated the value of the property to be \$198,000, with the assumption the lot is completely cleaned, leveled, and filled to pass compaction tests necessary to comply with state and local building codes. The property has not been appraised.

5. Estimate of any lease, rental, or other revenues generated by the property and a description of the contractual requirements for the disposition of those revenues (HSC 34191.5(c)(1)(E)).

None.

6. The history of any environmental contamination, including designation as a brownfield site, any related environmental studies, and history of any remediation efforts (HSC 34191.5(c)(1)(F)).

In 2011, prior to trying to acquire the property, a **Historic Document Review-Phase 1 environmental study** was performed on the property. The study found significant asbestos and lead based paint. Part of the planned demolition, included environmental remediation. Although the fire destroyed the structure, the Agency will continue with plans identified by the bond proceeds to acquire the property, demolish, remediate environmental concerns, and sell the property as a clean site.

7. The property's potential for transit-oriented development and the advancement of the planning objections of the successor agency (HSC 34191.5(c)(1)(G)).

The property is located in the heart of downtown near major retail and employment areas on a major thoroughfare serviced by numerous bus lines.

- 8. A brief history of previous development proposals and activity, including the rental or lease of property *(HSC 34191.5(c)(1)(H))*.**

There is no history of previous development proposals and activity.

SUCCESSOR AGENCY RESOLUTION NO. _____

A RESOLUTION OF THE SUCCESSOR AGENCY TO THE
PORTERVILLE REDEVELOPMENT AGENCY APPROVING THE REVISED LONG
RANGE PROPERTY MANAGEMENT PLAN PURSUANT TO HEALTH & SAFETY CODE
SECTION 34191.5 AND DIRECTING TRANSMITTAL OF THE REVISED LONG RANGE
PROPERTY MANAGEMENT PLAN TO THE OVERSIGHT BOARD

WHEREAS, as of and on and after February 1, 2012, in accordance with the provisions of Health and Safety Code 34179(a)(1), the City Council of the City of Porterville serves and acts as the Successor Agency to the dissolved Porterville Redevelopment Agency (Agency) and, by resolution, the City will perform the functions of the Successor Agency under the Dissolution Act to administer the enforceable obligations of the former Agency and otherwise unwind the Agency's affairs, all subject to the review and approval by a seven-member Oversight Board (Oversight Board); and

WHEREAS, Section 34191.5 requires the Successor Agency to prepare a Long Range Property Management Plan that addresses the disposition and use of the real properties of the former redevelopment agency within six months of receiving a Finding of Completion from the Department of Finance and submit it to the Oversight Board for approval; and

WHEREAS, the Department of Finance issued a Finding of Completion on August 7, 2013, pursuant to Health and Safety Code Section 34179.7; and

WHEREAS, pursuant to Section 34191.5(c)(1), the Successor Agency's Long Range Property Management Plan is required to include an inventory of all properties and shall include the following information: (a) Date of the acquisition and value of the property at that time, and an estimate of current value of the property; (b) the purpose for which the property was acquired; (c) parcel data, including address, lot size, and current zoning; (d) an estimate of current value of the parcel including, if available, any appraisal information; (e) an estimate of any lease, rental, or any other revenues generated by the property, and a description of the contractual requirements for the disposition of those funds; (f) the history of environmental contamination, including designation as a brownfield site, any related environmental studies, and history of any remediation efforts; (g) a description of the property's potential for transit-oriented development and the advancement of the planning objectives of the successor agency; and (h) a brief history of previous development proposals and activity, including the rental or lease of property; and

WHEREAS, on February 4, 2014, the proposed Long Range Property Management Plan was approved by the Successor Agency adopting Successor Agency Resolution No. 2014-01; and

WHEREAS, on February 7, 2014, the proposed Long Range Property Management Plan was approved by the Oversight Board adopting Oversight Board Resolution No. 2014-02; and

WHEREAS, the revised Long Range Property Management Plan, as approved by the Oversight Board, will be provided to the Department of Finance for final approval, prior to the disposition of property.

NOW, THEREFORE, BE IT RESOLVED BY THE SUCCESSOR AGENCY TO THE PORTERVILLE REDEVELOPMENT AGENCY:

1. The above recitals are true and correct, are a substantive part of this Resolution, and are adopted as the findings of the Successor Agency.
2. Pursuant to the Dissolution Act, the Successor Agency hereby approves the revised Long Range Property Management Plan in the form attached hereto as Exhibit A and incorporated herein by this reference.
3. The City Manager, or his authorized designees, are hereby authorized to transmit the revised Long Range Property Management Plan to the Oversight Board for approval.
4. Upon approval of the revised Long Range Property Management Plan by the Oversight Board, the City Manager, or his authorized designees, shall provide written notice and information about the Oversight Board's approval of the revised Long Range Property Management Plan to the State of California Department of Finance for further approval by the Department of Finance
5. This Resolution shall be effective immediately upon adoption.
6. The City Clerk on behalf of the Successor Agency shall certify to the adoption of this Resolution.

PASSED, APPROVED, AND ADOPTED this 7th day of July, 2015.

By: _____
Milt Stowe, Chair

ATTEST:
John D. Lollis, Agency Secretary

Patrice Hildreth, Chief Deputy Agency Secretary

LONG-RANGE PROPERTY MANAGEMENT PLAN

**SUCCESSOR AGENCY TO THE FORMER
PORTERVILLE REDEVELOPMENT AGENCY**



**291 NORTH MAIN STREET
PORTERVILLE, CA 93257**

EXHIBIT A

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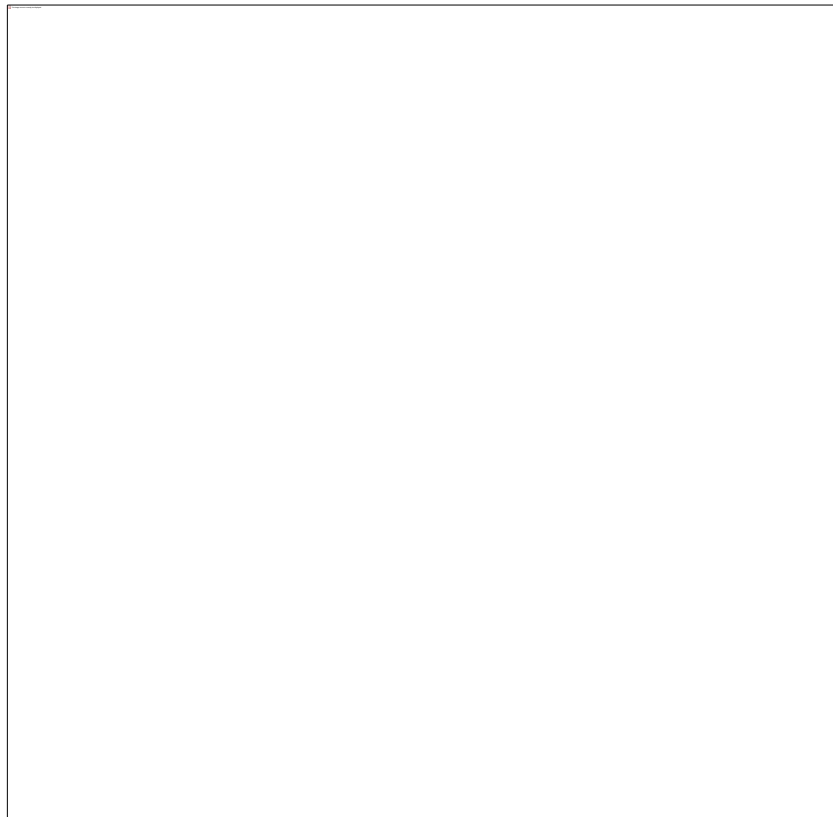
Long-Range Property Management Plan

Successor Agency to the former Porterville Redevelopment Agency

INTRODUCTION

The City of Porterville (City) is located in the south central portion of the San Joaquin Valley, at the base of the foothills of the Sierra Nevada Mountains, in Tulare County. The California Department of Finance (DOF) reports the City population to be 55,490 as of January 1, 2013.

With the discovery of gold in California in 1848, came vast numbers of settlers from across the United States and abroad. This tremendous migration to California rolled through Porterville between 1840 and 1852. In 1854, Peter Goodhue established the Butterfield Overland Mail Stage Station on the banks of the old Tule River Channel. This was the stopping place along the Emigrant Train which is Main Street Today. In 1860, Royal Porter Putnam came to work at the station, and assumed command of lodging and trading facilities. He purchased 40 acres of land from Goodhue, surveyed and divided the land into town lots and officially recorded this tract in 1870. Porterville was founded in 1864 and named after Royal Putnam Porter. In 1888, Porterville's first railroad, the Southern Pacific Railway, came to town. This transformed the small town to an agricultural marketing center. The City of Porterville was incorporated in 1902.



Former Redevelopment Agency

The former Porterville Redevelopment Agency (Agency) was created pursuant to § 33000 of the California Health and Safety Code Community Redevelopment Law. The City Council adopted Project Area No. 1 containing approximately 471 acres on July 3, 1990 by Ordinance No. 1436. On July 6, 2004, the City Council adopted Amendment No. 1 which removed 26 acres from the Project Area by Ordinance No. 1655. In August of 2010, an Amendment to Project Area No. 1 was adopted by Ordinance No. 1765. This Amendment added approximately 1,698 acres to the area for a total of 2,143 acres.

Currently, the Project Area is zoned for a variety of land uses. The area includes mostly developed land, including but not limited to, shopping areas, commercial developments, public parking lots, public buildings, and housing.

Dissolution of Porterville Redevelopment Agency

On June 27, 2012 Governor Brown signed into law Assembly Bill 1484 (AB 1484), a budget trailer bill that made substantial changes to the redevelopment agency dissolution process implemented by Assembly Bill 1X26 (AB 1X 26). One of the key components of AB 1484 is the requirement that all successor agencies develop a long-range property management plan that governs the disposition and use of the former redevelopment agency's properties. This document is the Long-Range Property Management Plan (Plan) for the Successor Agency to the former Porterville Redevelopment Agency (Agency).

This Long Range Property Management Plan was prepared in compliance with Health and Safety Code §34191.5

SUMMARY OF PROPERTIES OWNED BY THE SUCCESSOR AGENCY

There are seven (7) properties owned and controlled by the Agency. Parcel 7 was approved by the Oversight Board and the Department of Finance as an approved expenditure of bond proceeds to acquire, demolish, remediate and release the property for sale. The Agency acquired the property on August 28, 2014. Parcels 1 through 6 were acquired by the former Porterville Redevelopment Agency in an effort to revitalize a portion of the downtown area. These seven (7) properties are subject to the provisions of the Agency's Redevelopment Strategic Plan and the Five-Year Implementation Plan and amendment adopted in 2010. The properties include the following:

- Parcel 1 APN 253-177-008. The property is located at the southeast corner of Garden Avenue and Second Street. The property is zoned DMX (Downtown Mixed-Use) and is 40,777 square feet. It is developed and currently used as a public parking lot.
- Parcel 2 APN 261-123-001. The property is located at the northeast corner of Olive Avenue and Second Street. The property is zoned DR-N (Downtown Retail – North of Olive) and is 23,210 square feet. It is developed and currently used as a public parking lot.

- Parcel 3 APN 253-207-008. The property is located at the northwest corner of Thurman and Second Street. The property is zoned D-PO (Downtown Professional Office) and is 26,400 square feet. It is developed and currently used as a public parking lot.
- Parcel 4 APN 253-131-001. The property is located at the southeast corner of Morton and Fourth Street. The property is zoned D-PO (Downtown Professional Office) and is 29,192 square feet. It is developed and currently used as a public parking lot.
- Parcel 5 APN 252-183-006. The property address is 293 N. Hockett Street. The property is zoned D-PO (Downtown Professional Office) and is 6,050 square feet. It is currently undeveloped vacant land, but utilized as a parking lot for City vehicles.
- Parcel 6 APN 252-183-007. The property address is 287 N. Hockett Street. The property is zoned D-PO (Downtown Professional Office) and is 7,150 square feet. It is developed with a 2,446 square feet office building. The building is vacant.
- Parcel 7 APN 261-122-007. The property address is 14 N. Main Street and is otherwise known as the “Porterville Hotel Project”. The property is zoned DR-N (Downtown Retail – North of Olive) and is 11,000 square feet. The property was a blighted mixed-use project that was deemed uninhabitable in December, 2006. There was a catastrophic fire on December 26, 2013, that damaged the structure beyond repair.

The Successor Agency is interested in transferring ownership of Parcels 1 through 5 to the City in order to continue utilizing them as public parking and entering into a Compensation agreement between the City and taxing entities. Parcels 1 through 4 are encumbered with an Operation Use and Maintenance Covenant for public parking facilities that run with the land. In the event legislation is enacted that clarifies Parcels 1 through 5 are eligible to be conveyed to the city as governmental use properties, this Plan will be amended to change the designation of such properties in accordance with then-applicable law. Parcel 6 is proposed to be transferred to the City for governmental purposes as an administrative building utilized for staff. Parcel 7 was acquired on August 28, 2014, in compliance with the expenditure of bond funds as approved by the Oversight Board and Department of Finance. It is proposed to complete demolition, remediate environmental concerns, and sold with the net proceeds to be used to fulfill enforceable obligations.

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PROPOSED USE AND DISPOSITION OF PROPERTIES

Parcel 1
Garden Avenue and Second Street Parking Lot
APN 253-177-008



1. Date of acquisition of the property and the value of it at that time, and an estimate of the current value of the property (HSC 34191.5(c)(1)(A)).

The former Porterville Redevelopment Agency acquired the parcel in January of 1993 for \$53,625. An appraisal had been obtained and the property was purchased in an amount equivalent to the appraisal. With the Operation Use and Maintenance Covenant for a public parking facility the property appraised for \$143,000 in April 2011. The Successor Agency is interested in transferring ownership of this Parcel to the City in order to continue utilizing it as public parking and for the permissible use of future development. The City will enter into a Compensation agreement between the City and taxing entities. At this time, the proposed sale value and transfer date is unknown.

2. Purpose for which the property was acquired (HSC 34191.5(c)(1)(B)).

The Porterville Redevelopment Agency enacted the original Redevelopment Plan in 1990 for the Porterville Redevelopment Project No. 1 (Project Area) pursuant to Health and Safety Code, Section 33000 et seq. The Redevelopment Plan included objectives to mitigate or eliminate blighting conditions within the Project Area. In addition to rehabilitating aging downtown commercial buildings, the objectives included providing more conveniently located parking in the downtown retail area. In order to implement the objectives, the Redevelopment

Plan included an action plan for acquisition of land to develop public parking facilities. A list of Proposed Public Improvements was included in the adoption of the plan. This parcel and subsequent development of the parking lot effectuated two of the listed projects: Project A(4) Main Street Commercial Area Improvement - Parking Lot Improvements in the Central Business District and Project N(1) Parking Lot Project – Olive to Thurman in Central Business District.

In addition to the Redevelopment Plan, the Redevelopment Agency adopted the Strategic Plan for the Redevelopment Area in February of 1992. The Strategic Plan included an Action Plan which established priority projects and milestones in order to achieve the Strategic Plan's objectives for the revitalization of the Project Area. The development of parking on this property was an adopted project of Phase A of the Action Plan.

3. Parcel data, including address, lot size, and current zoning (*HSC 34191.5(c)(1)(C)*).

APN: 253-177-008

Address: No site address, southeast corner of Garden Avenue and Second Street

Lot size: 40,777 square feet

Zoning/Permitted Uses: The property is zoned DMX (Downtown Mixed-Use – see Exhibit E)

4. Estimate of the current value, including appraisal information (*HSC 34191.5(c)(1)(D)*).

The property was appraised in April of 2011 for \$143,000 with the Operation Use and Maintenance Covenant for a public parking facility. Property values in the Porterville area have remained relatively stable for the last few years.

5. Estimate of any lease, rental, or other revenues generated by the property and a description of the contractual requirements for the disposition of those revenues (*HSC 34191.5(c)(1)(E)*).

None.

6. The history of any environmental contamination, including designation as a brownfield site, any related environmental studies, and history of any remediation efforts (*HSC 34191.5(c)(1)(F)*).

A Phase 1 environmental was not performed at the time of acquisition. There is no known environmental contamination. The property is not included or near a site on a list compiled by the Department of Toxic Substances Control.

- 7. The property's potential for transit-oriented development and the advancement of the planning objections of the successor agency *(HSC 34191.5(c)(1)(G)*.**

The City of Porterville Transit system has a bus stop located across the street from the property.

- 8. A brief history of previous development proposals and activity, including the rental or lease of property *(HSC 34191.5(c)(1)(H)*.**

The property has been developed as a public parking lot since 1994. There is no history of previous development proposals and activity.

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Parcel 2
Olive and Second Street Parking Lot
APN 261-123-001



1. Date of acquisition of the property and the value of it at that time, and an estimate of the current value of the property (HSC 34191.5(c)(1)(A)).

The former Porterville Redevelopment Agency acquired the parcel in February of 1993 for \$71,500. An appraisal had been obtained and the property was purchased in an amount equivalent to the appraisal. With the Operation Use and Maintenance Covenant for a public parking facility the property appraised for \$97,000 in April 2011. The Successor Agency is interested in transferring ownership of this Parcel to the City in order to continue utilizing it as public parking and for the permissible use of future development. The City will enter into a Compensation agreement between the City and taxing entities. At this time, the proposed sale value and transfer date is unknown.

2. Purpose for which the property was acquired (HSC 34191.5(c)(1)(B)).

The Porterville Redevelopment Agency enacted the original Redevelopment Plan in 1990 for the Porterville Redevelopment Project No. 1 (Project Area) pursuant to Health and Safety Code, Section 33000 et seq. The Redevelopment Plan included objectives to mitigate or eliminate blighting conditions within the Project Area. In addition to rehabilitating aging downtown commercial buildings, the objectives included providing more conveniently located parking in the downtown retail area. In order to implement the objectives, the Redevelopment Plan included an action plan for acquisition of land to develop public parking facilities. A list of Proposed Public Improvements was included in the adoption of the plan. This parcel and subsequent development of the parking lot effectuated two of the listed projects: Project A(4) Main Street Commercial Area Improvement - Parking Lot Improvements in the Central Business District and Project N(1) Parking Lot Project – Olive to Thurman in Central Business District.

In addition to the Redevelopment Plan, the Redevelopment Agency adopted the Strategic Plan for the Redevelopment Area in February of 1992. The Strategic Plan included an Action Plan which established priority projects and milestones in order to achieve the Strategic Plan's objectives for the revitalization of the Project Area. The development of parking on this property was an adopted project of Phase A of the Action Plan.

3. Parcel data, including address, lot size, and current zoning (*HSC 34191.5(c)(1)(C)*).

APN: 261-123-001

Address: No site address, northeast corner of Olive Avenue and Second Street

Lot size: 23,210 square feet

Zoning/Permitted Uses: The property is zoned DR-N (Downtown Retail – North of Olive Avenue – see Exhibit E)

4. Estimate of the current value, including appraisal information (*HSC 34191.5(c)(1)(D)*).

The property was appraised in April of 2011 for \$97,000 with the Operation Use and Maintenance Covenant for a public parking facility. Property values in the Porterville area have remained relatively stable for the last few years.

5. Estimate of any lease, rental, or other revenues generated by the property and a description of the contractual requirements for the disposition of those revenues (*HSC 34191.5(c)(1)(E)*).

None.

6. The history of any environmental contamination, including designation as a brownfield site, any related environmental studies, and history of any remediation efforts (*HSC 34191.5(c)(1)(F)*).

A Phase 1 environmental was not performed at the time of acquisition. There is no known environmental contamination. The property is not included or near a site on a list compiled by the Department of Toxic Substances Control.

7. The property's potential for transit-oriented development and the advancement of the planning objections of the successor agency (*HSC 34191.5(c)(1)(G)*).

The City of Porterville Transit system has a bus stop located across the street from the property.

8. A brief history of previous development proposals and activity, including the rental or lease of property (*HSC 34191.5(c)(1)(H)*).

The property has been developed as a public parking lot since 1994. There is no history of previous development proposals and activity.

Parcel 3
Thurman Avenue and Second Street Parking Lot
APN 253-207-008



1. Date of acquisition of the property and the value of it at that time, and an estimate of the current value of the property (HSC 34191.5(c)(1)(A)).

The former Porterville Redevelopment Agency acquired the parcel in July of 1994 for \$270,850. The original acquisition was of four parcels. A parcel merger was subsequently completed, forming the existing assessor parcel 253-207-008. An appraisal regarding the value of the property was not obtained at the time of acquisition. With the Operation Use and Maintenance Covenant for a public parking facility the property appraised for \$93,000 in April 2011. The Successor Agency is interested in transferring ownership of this Parcel to the City in order to continue utilizing it as public parking and for the permissible use of future development. The City will enter into a Compensation agreement between the City and taxing entities. At this time, the proposed sale value and transfer date is unknown.

2. Purpose for which the property was acquired (HSC 34191.5(c)(1)(B)).

The Porterville Redevelopment Agency enacted the original Redevelopment Plan in 1990 for the Porterville Redevelopment Project No. 1 (Project Area) pursuant to Health and Safety Code, Section 33000 et seq. The Redevelopment Plan included objectives to mitigate or eliminate blighting conditions within the Project Area. In addition to rehabilitating aging downtown commercial buildings, the objections included providing more conveniently located parking in the downtown retail area. In order to implement the objectives, the Redevelopment Plan included an action plan for acquisition of land to develop public parking facilities. A list of Proposed Public Improvements was included in the adoption of the plan. This parcel and subsequent development of the parking lot effectuated two of the listed projects: Project A(4)

Main Street Commercial Area Improvement - Parking Lot Improvements in the Central Business District and Project N(1) Parking Lot Project – Olive to Thurman in Central Business District.

3. Parcel data, including address, lot size, and current zoning (*HSC 34191.5(c)(1)(C)*).

APN: 253-207-008

Address: No site address, northwest corner of Thurman Avenue and Second Street

Lot size: 26,400 square feet

Zoning/Permitted Uses: The property is zoned D-PO (Downtown Professional Office – see Exhibit E)

4. Estimate of the current value, including appraisal information (*HSC 34191.5(c)(1)(D)*).

The property was appraised in April of 2011 for \$93,000 with the Operation Use and Maintenance Covenant for a public parking facility. Property values in the Porterville area have remained relatively stable for the last few years.

5. Estimate of any lease, rental, or other revenues generated by the property and a description of the contractual requirements for the disposition of those revenues (*HSC 34191.5(c)(1)(E)*).

None.

6. The history of any environmental contamination, including designation as a brownfield site, any related environmental studies, and history of any remediation efforts (*HSC 34191.5(c)(1)(F)*).

A Phase 1 environmental was not performed at the time of acquisition. There is no known environmental contamination. The property is not included or near a site on a list compiled by the Department of Toxic Substances Control.

7. The property's potential for transit-oriented development and the advancement of the planning objections of the successor agency (*HSC 34191.5(c)(1)(G)*).

The City of Porterville Transit system has a bus stop located at the property.

8. A brief history of previous development proposals and activity, including the rental or lease of property (*HSC 34191.5(c)(1)(H)*).

The property has been developed as a public parking lot since 1997. There is no history of previous development proposals and activity.

Parcel 4
Morton and Fourth Street Parking Lot
APN 253-131-001



1. Date of acquisition of the property and the value of it at that time, and an estimate of the current value of the property (HSC 34191.5(c)(1)(A)).

The former Porterville Redevelopment Agency acquired the parcel in November of 1994 for \$28,879. An appraisal had been obtained and the property was purchased in an amount equivalent to the appraisal. With the Operation Use and Maintenance Covenant for a public parking facility the property appraised for \$102,000 in April 2011. The Successor Agency is interested in transferring ownership of this Parcel to the City in order to continue utilizing it as public parking and for the permissible use of future development. The City will enter into a Compensation agreement between the City and taxing entities. At this time, the proposed sale value and transfer date is unknown.

2. Purpose for which the property was acquired (HSC 34191.5(c)(1)(B)).

The Porterville Redevelopment Agency enacted the original Redevelopment Plan in 1990 for the Porterville Redevelopment Project No. 1 (Project Area) pursuant to Health and Safety Code, Section 33000 et seq. The Redevelopment Plan included objectives to mitigate or eliminate blighting conditions within the Project Area. In addition to rehabilitating aging downtown commercial buildings, the objections included providing more conveniently located parking in the downtown retail area. In order to implement the objectives, the Redevelopment Plan included an action plan for acquisition of land to develop public parking facilities. A list of Proposed Public Improvements was included in the adoption of the plan. This parcel and subsequent development of the parking lot was identified as Project A(4) Main Street Commercial Area Improvement - Parking Lot Improvements in the Central Business District.

3. Parcel data, including address, lot size, and current zoning (*HSC 34191.5(c)(1)(C)*).

APN: 253-131-001

Address: No site address, southeast corner of Morton Avenue & Fourth Street

Lot size: 29,192 square feet

Zoning/Permitted Uses: The property is zoned D-PO (Downtown Professional Office – see Exhibit E)

4. Estimate of the current value, including appraisal information (*HSC 34191.5(c)(1)(D)*).

The property was appraised in April of 2011 for \$102,000 with the Operation Use and Maintenance Covenant for a public parking facility. Property values in the Porterville area have remained relatively stable for the last few years.

5. Estimate of any lease, rental, or other revenues generated by the property and a description of the contractual requirements for the disposition of those revenues (*HSC 34191.5(c)(1)(E)*).

None.

6. The history of any environmental contamination, including designation as a brownfield site, any related environmental studies, and history of any remediation efforts (*HSC 34191.5(c)(1)(F)*).

A Phase 1 environmental was not performed at the time of acquisition. The parcel was formerly a portion of the Tulare Valley Railroad Company; however, the parcel was adjacent to the rail line and there is no suspected contamination. The property is not included or near a site on a list compiled by the Department of Toxic Substances Control.

7. The property's potential for transit-oriented development and the advancement of the planning objections of the successor agency (*HSC 34191.5(c)(1)(G)*).

The property is incorporated into the Porterville Transit system as a transit bus stop complete with seating and trellis.

8. A brief history of previous development proposals and activity, including the rental or lease of property (*HSC 34191.5(c)(1)(H)*).

The property has been developed as a public parking lot since 1995. There is no history of previous development proposals and activity.

Parcel 5
293 N. Hockett Street – Vacant Lot
APN 252-183-006



1. Date of acquisition of the property and the value of it at that time, and an estimate of the current value of the property (HSC 34191.5(c)(1)(A)).

The former Porterville Redevelopment Agency acquired the parcel in February of 2001 for \$45,000. An appraisal regarding the value of the property was not obtained at the time of acquisition. In April of 2011, the property appraised for \$25,000. The Successor Agency is interested in transferring ownership of this Parcel to the City in order to continue utilizing it as a parking lot used by City vehicles as a Governmental Use. At this time, the proposed sale value and transfer date is unknown.

2. Purpose for which the property was acquired (HSC 34191.5(c)(1)(B)).

The purpose of the acquisition fulfilled two objectives of the Redevelopment Plan and the Five Year Implementation Plan 1999-2004: (1) Acquire land for the development of public facilities, i.e. parking lots and (2) the Creation of additional parking districts in order to facilitate development.

3. Parcel data, including address, lot size, and current zoning (HSC 34191.5(c)(1)(C)).

APN: 252-183-006

Address: 293 N. Hockett Street

Lot size: 6,050 square feet

Zoning/Permitted Uses: The property is zoned D-PO (Downtown Professional Office – see Exhibit E)

4. Estimate of the current value, including appraisal information (HSC 34191.5(c)(1)(D)).

The property was appraised in April of 2011 for \$25,000. Property values in the Porterville area have remained relatively stable for the last few years.

5. Estimate of any lease, rental, or other revenues generated by the property and a description of the contractual requirements for the disposition of those revenues (HSC 34191.5(c)(1)(E)).

None.

6. The history of any environmental contamination, including designation as a brownfield site, any related environmental studies, and history of any remediation efforts (HSC 34191.5(c)(1)(F)).

A Phase 1 environmental was not performed at the time of acquisition. There is no known environmental contamination. The property is not included or near a site on a list compiled by the Department of Toxic Substances Control.

7. The property's potential for transit-oriented development and the advancement of the planning objections of the successor agency (HSC 34191.5(c)(1)(G)).

The City of Porterville Transit system has a bus stop located across the street from the property.

8. A brief history of previous development proposals and activity, including the rental or lease of property (HSC 34191.5(c)(1)(H)).

It was anticipated to develop the property as a parking facility for City vehicles. The design and construction plans have been completed and the project was programmed in the ten year Capital Improvement Program for construction during fiscal year 2012/13.

Parcel 6
287 N. Hockett Street – Stout Building
APN 252-183-007



1. Date of acquisition of the property and the value of it at that time, and an estimate of the current value of the property (HSC 34191.5(c)(1)(A)).

The former Porterville Redevelopment Agency acquired the parcel in February of 2001 for \$132,500. An appraisal regarding the value of the property was not obtained at the time of acquisition. The property appraised for \$185,000 in April 2011. The Successor Agency is interested in transferring ownership of this Parcel to the City for Governmental Use. The City would utilize the facility for an administrative building, not available to the public, such as the Information Technology Department, the Fire Investigation Unit and/or the Police Dispatch Center. At this time, the proposed sale value and transfer date is unknown.

2. Purpose for which the property was acquired (HSC 34191.5(c)(1)(B)).

The purpose of the acquisition fulfilled two objectives of the Redevelopment Plan and the Five Year Implementation Plan 1999-2004: (1) Acquire land for the development of public facilities and (2) the Creation of additional parking districts in order to facilitate development.

3. Parcel data, including address, lot size, and current zoning (HSC 34191.5(c)(1)(C)).

APN: 252-183-007

Address: 287 N. Hockett Street

Lot size: 7,150 square feet

Zoning/Permitted Uses: The property is zoned D-PO (Downtown Professional Office – see Exhibit E)

4. Estimate of the current value, including appraisal information (*HSC 34191.5(c)(1)(D)*).

The property was appraised in April of 2011 for \$185,000. Property values in the Porterville area have remained relatively stable for the last few years.

5. Estimate of any lease, rental, or other revenues generated by the property and a description of the contractual requirements for the disposition of those revenues (*HSC 34191.5(c)(1)(E)*).

None.

6. The history of any environmental contamination, including designation as a brownfield site, any related environmental studies, and history of any remediation efforts (*HSC 34191.5(c)(1)(F)*).

A Phase 1 environmental was not performed at the time of acquisition. There is no known environmental contamination. The property is not included or near a site on a list compiled by the Department of Toxic Substances Control.

7. The property's potential for transit-oriented development and the advancement of the planning objections of the successor agency (*HSC 34191.5(c)(1)(G)*).

Due to the proximity of the Porterville Transit Center, the building had the potential of being purchased for the transit headquarters, but time constraints required the transit headquarters to find a different location.

8. A brief history of previous development proposals and activity, including the rental or lease of property (*HSC 34191.5(c)(1)(H)*).

There is no history of previous development proposals and activity.

Parcel 7
14 N. Main Street – The Porterville Hotel
APN 261-122-007



Fire – December 26, 2013



Hotel remains – December 26, 2013

1. Date of acquisition of the property and the value of it at that time, and an estimate of the current value of the property (HSC 34191.5(c)(1)(A)).

The former Porterville Redevelopment Agency obtained bond proceeds, by refunding Agency debt in 2008, to acquire and eliminate the blighted development. The property was acquired by the Agency, on August 28, 2014 for the amount of \$1,649,705.70. A Broker's Price Opinion estimated the value of the property to be \$198,000, with the assumption the lot is completely cleaned, leveled, and filled to pass compaction tests necessary to comply with state and local building codes. This property was acquired, in compliance with the expenditure of bond funds as approved by the Oversight Board and Department of Finance, demolished, remediated for environmental concerns, and sold with the net proceeds to be used to fulfill an enforceable obligation. At this time, the proposed value and sell date is unknown.

2. Purpose for which the property was acquired (HSC 34191.5(c)(1)(B)).

The property is proposed to be acquired for removal of blight, through the demolition and remediation of environmental concerns, and the sale of the property for future development, in compliance with the expenditure of bond funds, as approved by the Oversight Board and Department of Finance. In accordance with HSC section 34191.4(c)(2)(B), the net proceeds shall be used to fulfill an enforceable obligation.

3. Parcel data, including address, lot size, and current zoning (HSC 34191.5(c)(1)(C)).

APN: 261-122-007

Address: 14 N. Main Street

Lot size: 11,000 square feet

Zoning/Permitted Uses: The property is zoned DR-N (Downtown Retail – North of Olive Avenue – see Exhibit E)

4. Estimate of the current value, including appraisal information (HSC 34191.5(c)(1)(D)).

A Broker's Price Opinion, obtained on June 23, 2015, estimated the value of the property to be \$198,000, with the assumption the lot is completely cleaned, leveled, and filled to pass compaction tests necessary to comply with state and local building codes.

5. Estimate of any lease, rental, or other revenues generated by the property and a description of the contractual requirements for the disposition of those revenues (HSC 34191.5(c)(1)(E)).

None.

6. The history of any environmental contamination, including designation as a brownfield site, any related environmental studies, and history of any remediation efforts (HSC 34191.5(c)(1)(F)).

In 2011, prior to trying to acquire the property, a Historic Document Review was performed on the property. The study found significant asbestos and lead based paint. Part of the planned demolition, included environmental remediation. Although the fire destroyed the structure, the Agency will continue with plans identified by the bond proceeds to acquire the property, demolish, remediate environmental concerns, and sell the property as a clean site.

7. The property's potential for transit-oriented development and the advancement of the planning objections of the successor agency (HSC 34191.5(c)(1)(G)).

The property is located in the heart of downtown near major retail and employment areas on a major thoroughfare serviced by numerous bus lines.

8. A brief history of previous development proposals and activity, including the rental or lease of property (*HSC 34191.5(c)(1)(H)*).

There is no history of previous development proposals and activity.

EXHIBIT A

LONG RANGE PROPERTY MANAGEMENT PLAN CHECKLIST



LONG-RANGE PROPERTY MANAGEMENT PLAN CHECKLIST

Instructions: Please use this checklist as a guide to ensure you have completed all the required components of your Long-Range Property Management Plan. Upon completion of your Long-Range Property Management Plan, email a PDF version of this document and your plan to:

Redevelopment_Administration@dof.ca.gov

The subject line should state "[Agency Name] Long-Range Property Management Plan". The Department of Finance (Finance) will contact the requesting agency for any additional information that may be necessary during our review of your Long-Range Property Management Plan. Questions related to the Long-Range Property Management Plan process should be directed to (916) 445-1546 or by email to

Redevelopment_Administration@dof.ca.gov.

Pursuant to Health and Safety Code 34191.5, within six months after receiving a Finding of Completion from Finance, the Successor Agency is required to submit for approval to the Oversight Board and Finance a Long-Range Property Management Plan that addresses the disposition and use of the real properties of the former redevelopment agency.

GENERAL INFORMATION:

Agency Name: **Successor Agency for the Porterville Redevelopment Agency**

Date Finding of Completion Received: August 7, 2013

Date Oversight Board Approved LRPMP: 02/07/14

Long-Range Property Management Plan Requirements

For each property the plan includes the date of acquisition, value of property at time of acquisition, and an estimate of the current value.

☒ Yes ☐ No

For each property the plan includes the purpose for which the property was acquired.

☒ Yes ☐ No

For each property the plan includes the parcel data, including address, lot size, and current zoning in the former agency redevelopment plan or specific, community, or general plan.

☒ Yes ☐ No

For each property the plan includes an estimate of the current value of the parcel including, if available, any appraisal information.

☒ Yes ☐ No

For each property the plan includes an estimate of any lease, rental, or any other revenues generated by the property, and a description of the contractual requirements for the disposition of those funds.

☒ Yes ☐ No

For each property the plan includes the history of environmental contamination, including designation as a brownfield site, any related environmental studies, and history of any remediation efforts.

☒ Yes ☐ No

For each property the plan includes a description of the property's potential for transit-oriented development and the advancement of the planning objectives of the successor agency.

☒ Yes ☐ No

For each property the plan includes a brief history of previous development proposals and activity, including the rental or lease of the property.

☒ Yes ☐ No

For each property the plan identifies the use or disposition of the property, which could include 1) the retention of the property for governmental use, 2) the retention of the property for future development, 3) the sale of the property, or 4) the use of the property to fulfill an enforceable obligation.

☒ Yes ☐ No

The plan separately identifies and list properties dedicated to governmental use purposes and properties retained for purposes of fulfilling an enforceable obligation.

☒ Yes ☐ No

ADDITIONAL INFORMATION

- If applicable, please provide any additional pertinent information that we should be aware of during our review of your Long-Range Property Management Plan.

Please see attached documentation

Agency Contact Information

Name: Maria Bemis

Title: Finance Director

Phone: (559) 782-7435

Email: mbemis@ci.porterville.ca.us

Date: 2/07/14

Name: Jenni Byers

Title: Project Manager

Phone: (559) 782-7460

Email: jbyers@ci.porterville.ca.us

Date: 02/07/14

Department of Finance Local Government Unit Use OnlyDETERMINATION ON LRPMP: ☐ APPROVED ☐ DENIED

APPROVED/DENIED BY: _____ DATE: _____

APPROVAL OR DENIAL LETTER PROVIDED: ☐ YES DATE AGENCY NOTIFIED: _____

EXHIBIT B

PROPERTY INVENTORY DATA

Successor Agency: City of Porterville
County: Tulare

LONG RANGE PROPERTY MANAGEMENT PLAN: PROPERTY INVENTORY DATA

[illegible]

[illegible]

EXHIBIT C

RESOLUTION OF THE SUCCESSOR AGENCY

EXHIBIT D

RESOLUTION OF THE OVERSIGHT BOARD

EXHIBIT E

CHART SHOWING PERMITTED USES

EXHIBIT E – PERMITTED USES

DR-N Downtown Retail – North of Olive Avenue. Maintain the pedestrian- and transit-oriented environment of retail, restaurants, services, and government offices in the heart of Porterville’s Downtown, focused on Main Street. Maintain the traditional Downtown character, with buildings built immediately adjacent to the sidewalk, active commercial uses on the ground floor, ample on-street parking, and a visually attractive streetscape with trees, historic street lights, benches, and other pedestrian amenities.

D-MX Downtown Mixed-Use. Create a mixed-use area that attracts businesses and residents to locate Downtown, and provides a transition area between commercial areas and residential neighborhoods. Allow a mix of commercial, service, office, and residential uses that do not adversely impact one another in a significant way. Create an attractive streetscape of buildings that line the street, with landscaping and trees tailored to the width and the existing design character of the street.

D-PO Downtown Professional Office. Encourage the adaptive re-use of existing buildings with office and professional uses, and infill of new office buildings, in order to provide convenient services to local residents and businesses, complement nearby retail development, and maintain the historic residential character of the area. Maintain the pattern of small lots, historic residential building forms, landscaped front yards, and street trees in planter strips.

“P” designates permitted uses.

“C” designates use classifications that are permitted after review and approval of a Conditional Use Permit by the City Council.

“(#)” numbers in parentheses refer to specific limitations listed at the end of the table.

“-” designates uses that are not permitted.

TABLE 202.02: LAND USE REGULATIONS – DOWNTOWN DISTRICTS				
<i>Use Classification</i>	<i>DR-N Parcels 2, & 7</i>	<i>D-MX Parcel 1</i>	<i>D-PO Parcels 3, 4, 5, & 6</i>	<i>Additional Regulations</i>
Residential Use Classifications				
Single Family Dwelling	See subclassifications below			
<i>Attached</i>	P(1)	-	-	
Multi-family Residential	P(1)	P	P(1)	
Family Day Care Home	See subclassifications below			
<i>Small</i>	P	P	P	
<i>Large</i>	-	P	-	Section 301.07 Family Day Care Home, Large
Group Residential	-	P(3)	-	

TABLE 202.02: LAND USE REGULATIONS – DOWNTOWN DISTRICTS

<i>Use Classification</i>	<i>DR-N Parcels 2, & 7</i>	<i>D-MX Parcel 1</i>	<i>D-PO Parcels 3, 4, 5, & 6</i>	<i>Additional Regulations</i>
Mixed Use Development		C		Section 203.04 Supplemental Regulations
Residential Care Facilities, Limited	P	P	P	
Single Room Occupancy Hotels	-	C(1)	-	Section 301.18 Single Room Occupancy Hotels
Public and Semi-Public Use Classifications				
Clubs and Lodges	C(4)	P	P(5)	Section 301.02 Alcoholic Beverage Sales
Colleges and Trade Schools, Public or Private	C(5)	C	C	
Community Center	-	C	-	
Cultural Institutions	C(5)	C	P	
Day Care Centers	C	C	P	
Elderly and Long Term Care	-	-	P	
Government Offices	P	-	P	
Instructional Services	P(5)	P	P	
Park and Recreation Facilities, Public	P	P	P	
Religious Facilities	-	C	-	
Schools, Public or Private	P(4)	P	-	
Social Service Facilities	-	C	-	Section 301.19 Social Service Facilities
Commercial Use Classifications				
Animal Care, Sales, and Services	See subclassifications below			
<i>Pet Stores</i>	M(6)	M(6)	-	
Artists' Studios	P	P	-	
Banks and Financial Institutions	See subclassifications below			
<i>Banks and Credit Unions</i>	P(8)	P(8)	P(8)	
Business Services	P(10)	P(10)	P	

TABLE 202.02: LAND USE REGULATIONS – DOWNTOWN DISTRICTS

<i>Use Classification</i>	<i>DR-N Parcels 2, & 7</i>	<i>D-MX Parcel 1</i>	<i>D-PO Parcels 3, 4, 5, & 6</i>	<i>Additional Regulations</i>
Commercial Entertainment and Recreation	See subclassifications below			
<i>Cinema/Theaters</i>	C	C	-	Section 301.02 Alcoholic Beverage Sales
<i>Downtown Entertainment</i>	-	C	-	Section 301.02 Alcoholic Beverage Sales
<i>Small-scale</i>	C	C	-	Section 301.02 Alcoholic Beverage Sales
Eating, Drinking, and Smoking Establishments	See subclassifications below			
<i>Bars/Night Clubs/Lounges</i>	C	C	-	Section 300.08 Outdoor Seating; Section 301.02 Alcoholic Beverage Sales
<i>Coffee Shops/Cafes</i>	P(8)	P(8)	P(8)	Section 300.08 Outdoor Seating
<i>Restaurants</i>	P(8)	P(8)	P(8)	Section 300.08 Outdoor Seating; Section 301.02 Alcoholic Beverage Sales
<i>Tobacco Bars</i>	C	C	-	
Food and Beverage Retail Sales, less than 5,000 square feet	P	P	P(11)	Section 301.02 Alcoholic Beverage Sales
Food and Beverage Retail Sales, more than 5,000 to 50,000 square feet	P	P	-	Section 301.02 Alcoholic Beverage Sales
Hotels and Motels	C	C	-	
Medical Facilities	See subclassifications below			
<i>Medical Clinic</i>	-	P	P	
<i>Professional/Medical</i>	P(13)	P	P	
Mixed Use Development		C		Section 203.04 Supplemental Regulations
Nurseries and Garden Centers	-	C	-	
Offices	See subclassifications below			
<i>General Offices</i>	P(13)	P	P	
<i>Walk-In Clientele</i>	P	P	P	

TABLE 202.02: LAND USE REGULATIONS – DOWNTOWN DISTRICTS

<i>Use Classification</i>	<i>DR-N Parcels 2, & 7</i>	<i>D-MX Parcel 1</i>	<i>D-PO Parcels 3, 4, 5, & 6</i>	<i>Additional Regulations</i>
Parking, Public or Private	P	P	P	
Personal Services	P	P	P	
Retail Sales, less than 50,000 square feet	P	P	P(11)	
Retail Sales, more than 50,000 square feet	C	C	-	
Recycling Facilities	See subclassifications below			
<i>Reverse Vending Machine</i>	-	P	-	Section 301.14 Recycling Facilities
Transportation, Communication, and Utilities Use Classifications				
Communication Facilities	See subclassifications below			
<i>Antenna and Transmission Towers, camouflage facilities</i>	P	P	P	Section 301.20 Telecommunication Facilities
<i>Antenna and Transmission Towers, non-camouflage facilities</i>	C(14)	C(14)	C(14)	Section 301.20 Telecommunication Facilities
<i>Broadcasting Facility</i>	-	M	-	Section 301.20 Telecommunication Facilities
<i>Call Center</i>	-	-	P(5)	
<i>Recording Studio</i>	-	P(6)	-	
Transportation Passenger Terminals	P(15)	-	-	
Utilities, Minor	P	P	P	
Other Applicable Types				
Accessory Uses and Structures	P	P	P	Section 301.01 Accessory Uses and Structures
Home Occupations	P	P	-	Section 301.09 Home Occupations
Nonconforming Use	Chapter 307 Nonconforming Uses, Structures, and Lots			
Temporary Use	Section 301.21 Temporary Uses			

TABLE 202.02: LAND USE REGULATIONS – DOWNTOWN DISTRICTS

<i>Use Classification</i>	<i>DR-N Parcels 2, & 7</i>	<i>D-MX Parcel 1</i>	<i>D-PO Parcels 3, 4, 5, & 6</i>	<i>Additional Regulations</i>
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Specific Limitations:

1. Residential units allowed only on upper floors unless approved with a Conditional Use Permit. Common ancillary areas are allowed on the ground floor except on Main Street.
2. On Main Street, residential units are allowed only on upper floors unless approved with a Conditional Use Permit.
3. Limited to no more than two rooms in a dwelling rented to not more than a total of four persons and meals are not provided to more than four boarders.
4. Allowed only on upper floors and limited to 5,000 square feet in size.
5. Limited to 5,000 square feet in size.
6. Provided that such use shall be completely enclosed in a building of soundproof construction.
7. Limited to uses conducted wholly within a building enclosed on all sides including the display, storage, repair, and reconditioning of vehicles.
8. Drive-through facilities are prohibited.
9. Bulk storage of sand, gravel, or cement is not allowed.
10. Wholesale services are not allowed.
11. Permitted only as accessory to a primary use.
12. No outdoor operations or outdoor storage are allowed.
13. Limited to 25 percent of ground floor area unless additional floor area is approved with a Conditional Use Permit. No square footage limitation on upper floors.
14. Shall not be located within 300 feet of any R district.
15. Not allowed on Main Street. No repair or storage of vehicles is allowed.



CITY COUNCIL AGENDA – JULY 7, 2015

SUBJECT: Termination of Disposition and Development Agreement and Grant Deed Covenants

SOURCE: Community Development

COMMENT: The former Porterville Redevelopment Agency (“Former Agency”), and Ennis Commercial Properties, LLC, a California limited liability company (“Former Owner”), entered into that certain Disposition and Development Agreement (“DDA”) dated as of November 1, 2005, concerning the development and use of certain real property located at the southeast corner of Main Street and Thurman Avenue in the city of Porterville, California (the “Property”). Pursuant to the DDA, the Former Agency conveyed the Property to the Former Owner by “Grant Deed.” Sections 1 through 9 of the Grant Deed contain covenants relating to the use and operation of the Property (“Grant Deed Covenants”).

The City acquired fee title to the Property and thereby succeeded to the interests of the Former Owner under the DDA (as “Developer” thereunder) and Grant Deed (as “Grantee” thereunder). Pursuant to the Dissolution Act, the Successor Agency to the Porterville Redevelopment Agency (“Successor Agency”) has succeeded to the Former Agency’s rights under the DDA and the Grant Deed.

All obligations of the “Developer” under the DDA have been performed, the construction of the Project is complete, and it is now appropriate to terminate the rights and obligations of the parties to the DDA. Further, the Successor Agency has no resources to monitor compliance with or enforce the provisions of the DDA or the Grant Deed Covenants and, in the event the City desires to sell the Project, the ultimate purchaser will likely require the removal of the DDA and the Grant Deed Covenants from title to the Property. Therefore, pursuant to Health and Safety Code Section 34181(e), the Successor Agency has determined that the termination of the DDA and Grant Deed Covenants is appropriate to reduce liabilities and increase net revenues to the taxing entities and that such termination is in the best interest of the taxing agencies.

City and Successor Agency now desire to terminate the DDA and the Grant Deed Covenants and withdraw the DDA and the Grant Deed Covenants as encumbrances against the Property. This will have the effect of clearing title to the Property, which was previously redeveloped under the Redevelopment Law, will provide more flexibility for future uses of this Property, and will ultimately make the property more valuable to the City and other end users of the Property, resulting in increased tax revenues from the Property.

To accomplish these purposes, City and Successor Agency staff recommend that the City and Successor Agency, as the parties to the DDA, and Successor Agency, as beneficiary of the Grant Deed Covenants, take action to release and terminate the DDA and the Grant Deed Covenants as to the Property by entering into the Termination of Disposition and Development Agreement and Grant Deed Covenants in substantially the form submitted herewith (“Termination Agreement”). Oversight Board and Department of Finance approval of the Termination Agreement is required pursuant to Health and Safety Code Sections 34179(h) and 34181(e).

RECOMMENDATION:

That the City Council:

1. Approve the attached Resolution of the City Council of the City of Porterville approving the Termination of Disposition and Development Agreement and Grant Deed Covenants and making certain findings in accordance therewith; and
2. Authorize the City Manager to execute the Termination of Disposition and Development Agreement and Grant Deed Covenants on behalf of the City.

That the Successor Agency Board:

1. Approve the attached Resolution of the Successor Agency of the City of Porterville approving the Termination of Disposition and Development Agreement and Grant Deed Covenants and making certain findings in accordance therewith; and
2. Authorize the Successor Agency Executive Director to execute the Termination of Disposition and Development Agreement and Grant Deed Covenants on behalf of the Successor Agency.

ATTACHMENTS:

1. City Council draft Resolution
2. Successor Agency draft Resolution
3. Termination of Disposition and Development Agreement and Grant Deed Covenants

Appropriated/Funded: MB

Review By:

Department Director:

Jenni Byers, Community Development Director

Final Approver: John Lollis, City Manager

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY
REDEVELOPMENT AGENCY APPROVING A TERMINATION OF
DISPOSITION AND DEVELOPMENT AGREEMENT AND GRANT DEED
COVENANTS BETWEEN THE FORMER PORTERVILLE
REDEVELOPMENT AGENCY AND ENNIS COMMERCIAL
PROPERTIES, LLC, AND MAKING CERTAIN FINDINGS IN
CONNECTION THEREWITH**

WHEREAS, the former Porterville Redevelopment Agency (“Former Agency”) was established as a redevelopment agency that was previously organized and existing under the California Community Redevelopment Law, Health and Safety Code Section 33000, et seq., and previously authorized to transact business and exercise powers of a redevelopment agency pursuant to action of the City Council of the City of Porterville (“City”); and

WHEREAS, Assembly Bill 1x 26, chaptered and effective on June 28, 2011, (“AB1x 26”) added Parts 1.8 and 1.85 to Division 24 of the California Health and Safety Code, which caused the dissolution of all redevelopment agencies and winding down of the affairs of former agencies, including as such laws were amended by Assembly Bill 1484 (“AB 1484”), chaptered and effective on June 27, 2012, (together, the “Dissolution Act”); and

WHEREAS, as of February 1, 2012, the Former Agency was dissolved pursuant to the Dissolution Act and the City Council serves as the governing board of the Successor Agency to the Porterville Redevelopment Agency (“Successor Agency”); and

WHEREAS, the Successor Agency administers the enforceable obligations of the Former Agency and otherwise unwinds the Former Agency’s affairs, all subject to the review and approval by a seven-member oversight board (“Oversight Board”); and

WHEREAS, the Former Agency and Ennis Commercial Properties, LLC, a California limited liability company (“Former Owner”), entered into that certain Disposition and Development Agreement (“DDA”) dated as of November 1, 2005, concerning the development and use of certain real property located at the southeast corner of Main Street and Thurman Avenue in the city of Porterville, California, as more fully described in the DDA (the “Property”); and

WHEREAS, pursuant to the DDA, the Former Agency conveyed the Property to the Former Owner by that certain “Grant Deed” recorded in the Official Records of Tulare County, California on April 21, 2006, as Instrument No. 2006-0042397; and

WHEREAS, Sections 1 through 9 of the Grant Deed contain covenants relating to the use and operation of the Property (“Grant Deed Covenants”); and

WHEREAS, City acquired fee title to the Property and thereby succeeded to the interests of Former Owner under the DDA (as “Developer” thereunder) and Grant Deed (as “Grantee” thereunder); and

WHEREAS, all obligations of the “Developer” under the DDA have been performed, the construction of the Project is complete, and it is now appropriate to terminate the rights and obligations of the parties to the DDA; and

WHEREAS, the Successor Agency has no resources to monitor compliance with or enforce the provisions of the DDA or the Grant Deed Covenants; and

WHEREAS, in the event the City desires to sell the Project, the ultimate purchaser will likely require the removal of the DDA and the Grant Deed Covenants from title to the Property; and

WHEREAS, termination of the DDA and the Grant Deed Covenants will have the effect of clearing title to the Property, will provide more flexibility for future uses of this Property, and will ultimately make the property more valuable to the City and other end users of the Property, resulting in increased tax revenues from the Property; and

WHEREAS, pursuant to Health and Safety Code Section 34181(e), the termination of the DDA and Grant Deed Covenants is appropriate to reduce liabilities and increase net revenues to the taxing entities and that such termination is in the best interest of the taxing agencies; and

WHEREAS, City and Successor Agency desire to terminate the DDA and the Grant Deed Covenants and withdraw the DDA and the Grant Deed Covenants as encumbrances against the Property and to submit such action for approval by the Oversight Board and DOF as required by Health and Safety Code Sections 34179(h) and 34181(e).

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PORTERVILLE:

- Section 1. The foregoing recitals are true and correct and constitute a substantive part of this Resolution.
- Section 2. The City Council hereby finds and determines, based on all the evidence in the record before it, as follows:
- a. All obligations of the “Developer” under the DDA have been performed, the construction of the Project is complete, and it is now appropriate to terminate the rights and obligations of the parties to the DDA.
 - b. The Successor Agency has no resources to monitor compliance with or enforce the provisions of the DDA or the Grant Deed Covenants.
 - c. Termination of the DDA and the Grant Deed Covenants will have the effect of clearing title to the Property, will provide more flexibility for future uses of this Property, and will ultimately make the property more valuable to the City and other end users of the Property, resulting in increased tax revenues from the Property

- d. Termination of the DDA and Grant Deed Covenants is appropriate to reduce liabilities and increase net revenues to the taxing entities and therefore termination of the DDA and the Grant Deed Covenants is in the best interest of the taxing agencies.

Section 3. The City Council hereby approves the Termination of Disposition and Development Agreement and Grant Deed Covenants in substantially the form submitted herewith.

Section 4. The Mayor and City Clerk of the City of Porterville shall sign the passage and adoption of this Resolution.

Section 5. The City hereby directs the City Manager to seek Oversight Board and DOF approval of the Termination of Disposition and Development Agreement and Grant Deed Covenants and to submit appropriate documentation to the Oversight Board in support thereof pursuant to Health and Safety Code Sections 34179(h).

PASSED, APPROVED AND ADOPTED this 7th day of July, 2015.

Milt Stowe, Mayor

ATTEST:
John D. Lollis, City Clerk

By: _____
Patrice Hildreth, Chief Deputy City Clerk

SUCCESSOR AGENCY RESOLUTION NO. _____

**A RESOLUTION OF THE SUCCESSOR AGENCY TO THE
PORTERVILLE REDEVELOPMENT AGENCY APPROVING A
TERMINATION OF DISPOSITION AND DEVELOPMENT AGREEMENT
AND GRANT DEED COVENANTS BETWEEN THE FORMER
PORTERVILLE REDEVELOPMENT AGENCY AND ENNIS
COMMERCIAL PROPERTIES, LLC, AND MAKING CERTAIN
FINDINGS IN CONNECTION THEREWITH**

WHEREAS, the former Porterville Redevelopment Agency (“Former Agency”) was established as a redevelopment agency that was previously organized and existing under the California Community Redevelopment Law, Health and Safety Code Section 33000, et seq., and previously authorized to transact business and exercise powers of a redevelopment agency pursuant to action of the City Council of the City of Porterville (“City”); and

WHEREAS, Assembly Bill 1x 26, chaptered and effective on June 28, 2011, (“AB1x 26”), added Parts 1.8 and 1.85 to Division 24 of the California Health and Safety Code, which caused the dissolution of all redevelopment agencies and winding down of the affairs of former agencies, including as such laws were amended by Assembly Bill 1484 (“AB 1484”), chaptered and effective on June 27, 2012, (together, the “Dissolution Act”); and

WHEREAS, as of February 1, 2012, the Former Agency was dissolved pursuant to the Dissolution Act and the City Council serves as the governing board of the Successor Agency to the Porterville Redevelopment Agency (“Successor Agency”); and

WHEREAS, the Successor Agency administers the enforceable obligations of the Former Agency and otherwise unwinds the Former Agency’s affairs, all subject to the review and approval by a seven-member oversight board (“Oversight Board”); and

WHEREAS, the Former Agency and Ennis Commercial Properties, LLC, a California limited liability company (“Former Owner”), entered into that certain Disposition and Development Agreement (“DDA”) dated as of November 1, 2005, concerning the development and use of certain real property located at the southeast corner of Main Street and Thurman Avenue in the city of Porterville, California, as more fully described in the DDA (the “Property”); and

WHEREAS, pursuant to the DDA, the Former Agency conveyed the Property to the Former Owner by that certain “Grant Deed” recorded in the Official Records of Tulare County, California on April 21, 2006, as Instrument No. 2006-0042397; and

WHEREAS, Sections 1 through 9 of the Grant Deed contain covenants relating to the use and operation of the Property (“Grant Deed Covenants”); and

WHEREAS, City acquired fee title to the Property and thereby succeeded to the interests of Former Owner under the DDA (as “Developer” thereunder) and Grant Deed (as “Grantee” thereunder); and

WHEREAS, all obligations of the “Developer” under the DDA have been performed, the construction of the Project is complete, and it is now appropriate to terminate the rights and obligations of the parties to the DDA; and

WHEREAS, the Successor Agency has no resources to monitor compliance with or enforce the provisions of the DDA or the Grant Deed Covenants; and

WHEREAS, in the event the City desires to sell the Project, the ultimate purchaser will likely require the removal of the DDA and the Grant Deed Covenants from title to the Property; and

WHEREAS, termination of the DDA and the Grant Deed Covenants will have the effect of clearing title to the Property, will provide more flexibility for future uses of this Property, and will ultimately make the property more valuable to the City and other end users of the Property, resulting in increased tax revenues from the Property; and

WHEREAS, pursuant to Health and Safety Code Section 34181(e), the termination of the DDA and Grant Deed Covenants is appropriate to reduce liabilities and increase net revenues to the taxing entities and that such termination is in the best interest of the taxing agencies; and

WHEREAS, City and Successor Agency desire to terminate the DDA and the Grant Deed Covenants and withdraw the DDA and the Grant Deed Covenants as encumbrances against the Property and to submit such action for approval by the Oversight Board and DOF as required by Health and Safety Code Sections 34179(h) and 34181(e).

NOW, THEREFORE, BE IT RESOLVED BY THE SUCCESSOR AGENCY TO THE PORTERVILLE REDEVELOPMENT AGENCY:

- Section 1. The foregoing recitals are true and correct and constitute a substantive part of this Resolution.
- Section 2. The Successor Agency hereby finds and determines, based on all the evidence in the record before it, as follows:
- a. All obligations of the “Developer” under the DDA have been performed, the construction of the Project is complete, and it is now appropriate to terminate the rights and obligations of the parties to the DDA.
 - b. The Successor Agency has no resources to monitor compliance with or enforce the provisions of the DDA or the Grant Deed Covenants.
 - c. Termination of the DDA and the Grant Deed Covenants will have the effect of clearing title to the Property, will provide more flexibility for future uses of this Property, and will ultimately make the property more valuable to the City and other end users of the Property, resulting in increased tax revenues from the Property

d. Termination of the DDA and Grant Deed Covenants is appropriate to reduce liabilities and increase net revenues to the taxing entities and therefore termination of the DDA and the Grant Deed Covenants is in the best interest of the taxing agencies.

Section 3. The Successor Agency hereby approves the Termination of Disposition and Development Agreement and Grant Deed Covenants in substantially the form submitted herewith.

Section 4. The Chair and Secretary of the Successor Agency shall sign the passage and adoption of this Resolution.

Section 5. The Successor Agency hereby directs the Executive Director to seek Oversight Board and DOF approval of the Termination of Disposition and Development Agreement and Grant Deed Covenants and to submit appropriate documentation to the Oversight Board in support thereof pursuant to Health and Safety Code Sections 34179(h).

PASSED, APPROVED, AND ADOPTED this 7th day of July, 2015.

By: _____
Milt Stowe, Chair

ATTEST:
John D. Lollis, Agency Secretary

Patrice Hildreth, Chief Deputy Agency Secretary

**RECORDING REQUESTED BY AND
WHEN RECORDED MAIL TO:**

City of Porterville
291 North Main Street
Porterville, California 93257

This document is exempt from the payment of a recording
fee pursuant to Government Code Section 6103.

**TERMINATION OF DISPOSITION AND DEVELOPMENT AGREEMENT
AND GRANT DEED COVENANTS**

This TERMINATION OF DISPOSITION AND DEVELOPMENT AGREEMENT AND GRANT DEED COVENANTS ("Termination") is made as of _____, 2015 ("Effective Date"), by and between the CITY OF PORTERVILLE, a California municipal corporation and charter city ("City"), and the SUCCESSOR AGENCY TO THE PORTERVILLE REDEVELOPMENT AGENCY, a public body, corporate and politic ("Successor Agency"), relating to the Property, as hereinafter defined and described.

R E C I T A L S

A. The Porterville Redevelopment Agency, a former California public body, corporate and politic ("Former Agency"), and Ennis Commercial Properties, LLC, a California limited liability company ("Former Owner"), entered into that certain Disposition and Development Agreement ("DDA") dated as of November 1, 2005, concerning the development and use of that certain real property located at the southeast corner of Main Street and Thurman Avenue in the city of Porterville, California, as more fully described in Exhibit "A" attached hereto and made a part hereof (the "Property"). The DDA was recorded against the Property in the Official Records of Tulare County, California on April 21, 2006, as Instrument No. 2006-0042398.

B. Pursuant to the DDA, the Former Agency conveyed the Property to the Former Owner by that certain "Grant Deed" recorded in the Official Records of Tulare County, California on April 21, 2006, as Instrument No. 2006-0042397.

C. Sections 1 through 9 of the Grant Deed contain covenants relating to the use and operation of the Property ("Grant Deed Covenants").

D. City acquired fee title to the Property and thereby succeeded to the interests of Former Owner under the DDA (as "Developer" thereunder) and Grant Deed (as "Grantee" thereunder).

E. Pursuant to Parts 1.8 and 1.85 of Division 24 of the Health and Safety Code, the Former Agency was dissolved and the Successor Agency is the successor to the Former Agency pursuant to Health and Safety Code Section 34173, subdivisions (a) and (b).

F. All obligations of the “Developer” under the DDA have been performed, the construction of the Project is complete, and it is now appropriate to terminate the rights and obligations of the parties to the DDA. Further, the Successor Agency has no resources to monitor compliance with or enforce the provisions of the DDA or the Grant Deed Covenants. Therefore, pursuant to Health and Safety Code Section 34181(e), the Successor Agency has determined that the termination of the DDA and Grant Deed Covenants is appropriate to reduce liabilities and increase net revenues to the taxing entities and that such termination is in the best interest of the taxing agencies.

G. City and Successor Agency now desire to terminate the DDA and the Grant Deed Covenants and withdraw the DDA and the Grant Deed Covenants as encumbrances against the Property. Therefore, it is the intention of City and Successor Agency, as the parties to the DDA, and Successor Agency, as beneficiary of the Grant Deed Covenants, by this Termination, to release and terminate the DDA and the Grant Deed Covenants as to the Property.

NOW, THEREFORE, City and Successor Agency hereby agree as follows:

1. Effective immediately upon recordation of this Termination, the DDA and the Grant Deed Covenants and all covenants, rights, obligations, and liabilities under the DDA and the Grant Deed Covenants affecting and/or relating to the Property are hereby terminated and the DDA and the Grant Deed Covenants shall no longer encumber title to the Property.

[Signatures appear on following page.]

IN WITNESS WHEREOF, City and Successor Agency have executed this Termination as of the date first set forth above.

CITY:

CITY OF PORTERVILLE,
a California Municipal Corporation and Charter City

By: _____
John Lollis, City Manager

ATTEST:

Patricia Hildreth,
Chief Deputy City Clerk

SUCCESSOR AGENCY:

SUCCESSOR AGENCY TO THE PORTERVILLE
REDEVELOPMENT AGENCY,
a public body, corporate and politic

By: _____
John Lollis, Executive Director

ATTEST:

Patricia Hildreth,
Chief Deputy Successor Agency Secretary

EXHIBIT "A"

LEGAL DESCRIPTION

Parcel 1 of Lot Line Adjustment 7-2004, Resolution No. 482, recorded July 15, 2004 as Document No. 2004-0070266, in the office of the Tulare County Recorder, being also a portion of the Southwest quarter of Section 25, Township 21 South, Range 27 East, Mount Diablo Base & Meridian, in the City of Porterville, County of Tulare, State of California, as shown on map in the office of the County Recorder of said County, more particularly described as follows:

Lot 5 and the North 20 feet of Lot 6 of Block 7 of Pioneer & Murphy Additions in the City of Porterville, County of Tulare, State of California as per map filed in Volume 4 of Maps, at page 29 in the office of the County Recorder of said County.

