



**CITY COUNCIL AGENDA
CITY HALL, 291 N. MAIN STREET
PORTERVILLE, CALIFORNIA
JULY 21, 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 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.

2 - Government Code Section 54956.95 – Liability Claim: Claimant: Hisham MutaeTaher. Agency claimed against: City of Porterville.

3 - Government Code Section 54956.9(d) (3) – Conference with Legal Counsel – Anticipated Litigation – Significant Exposure to Litigation: One Case in which facts are not yet known to potential plaintiff.

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

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

Pledge of Allegiance Led by Council Member Gurrola

Invocation

AB 1234 REPORTS

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

1. Council of Cities - July 15, 2015

2. Tulare County Association of Governments (TCAG) - July 20, 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
 4. Animal Control Commission
 5. Youth Commission - Summer Hiatus
 6. Transactions and Use Tax Oversight Committee (TUTOC)
- II. Staff Informational Reports
 1. Water Conservation Phase III System Status

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 December 2, 2014**
Re: Considering approval of the Minutes of December 2, 2014.
2. **Authorization to Advertise for Proposals - Off-Highway Vehicle Park Management Services**
Re: Considering authorization to distribute Requests for Proposals for off-highway vehicle management services.
3. **Asphalt Overlay Program for 2015/2016**
Re: Considering approval of the 2015/2016 Asphalt Overlay Program, the expenditure of \$319,753 of budgeted funds, and the appropriation of \$179,000 from Surface Transportation Program funds.

4. **Areas 458 and 455 Sewer Utility District Annual Assessments**
Re: Considering approval of resolutions ordering the continued assessments for Districts 458 and 455 for the 2015/2016 tax years.
5. **Reinitiation of the 2015 Biosolids Management Plan - Perigo Roadsiding**
Re: Consideration of Carrollo Engineering's request to reinitiate the 2015 Five-Year Biosolids Management Plan at a cost of \$17,900, to be reimbursed upon completion by Perigo Roadsiding.
6. **Response to Grand Jury Report - Transparency-Open Meeting Law**
Re: Considering approval of a draft "Response to Grand Jury" letter regarding 2014-2015 Report on Transparency-Open Meeting Law
7. **Response to Grand Jury Report - Farming with Bio-Solids in Porterville**
Re: Considering approval of a draft "Response to Grand Jury" letter regarding 2014-2015 Report on Farming with Bio-Solids in Porterville
8. **Authorization to Roll Weed Abatement Balances, Delinquent Development Fee Payment Plan Agreements, and Unpaid Utility Accounts to the Property Tax Rolls**
Re: Considering approval of a resolution authorizing the County Auditor to place the weed abatement balances, delinquent development fee payment plan agreements and unpaid utility accounts on the 2015-2016 property tax rolls for collection.

A Council Meeting Recess Will Occur at 8:30 p.m., or as Close to That Time as Possible

PUBLIC HEARINGS

9. **Landscape and Lighting District Annual Assessments**
Re: Consideration of a resolution ordering the continued maintenance of Landscape and Lighting Maintenance Districts and confirming the Engineer's Report and Assessments for the 2015-2016 Fiscal Year.
10. **Conditional Use Permit (PRC 2015-019-C) for the Sale of Alcohol in Conjunction with a Restaurant with Outdoor Seating (Jaffa Mediterranean Grill) Located at 460 W. Vandalia Avenue, Suite E**
Re: Consideration of a resolution approving Conditional Use Permit (PRC 2015-019-C).

SCHEDULED MATTERS

11. **Consideration of Receivership Program to Correct Blighted Properties**
Re: Consideration of a mechanism established by state law to pursue blight remediation.

- 12. Potential Annexation Applications and Associated Requests for Water Connections**
Re: Consideration of procedures to be applied to potential annexation applications and associated requests for water connections.
- 13. Status and Review of Declaration of Local Drought Emergency**
Re: Consideration of the continuance of the Declaration of Local Emergency, and any modifications to the draft Agreement between the City and County of Tulare.

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 August 4, 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 21, 2015

SUBJECT: 1. Water Conservation Phase III System Status

SOURCE: Public Works

COMMENT: On April 1, 2015, the Governor issued an Executive Order that the State 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. The Governor's Executive Order also directed the Water Board to implement mandatory water reductions in cities and towns across California to reduce potable urban water usage by 25% statewide. The State Water Board released revised proposed regulations that would require the City of Porterville to meet a 32% water usage reduction compared to 2013 production levels. The required implementation date was June 1, 2015.

In order for Porterville to meet the 32% reduction in water usage, the City has transitioned from Phase II to Phase III of the City's Water Conservation Plan as of June 2, 2015. The Water Conservation Plan applies to all municipal water users whether or not within city limits. As part of the Phase III plan, the City has restricted watering days to two days per week, based on address. If your address ends with an "odd" number, your watering days are Tuesday and Saturday only. If your address ends with an "even" number, your watering days are Wednesday and Sunday only. Watering is prohibited between the hours of 5 a.m. to 10 a.m. and 5 p.m. to 10 p.m. and no watering on Mondays, Thursdays, and Fridays.

Violations of prohibited activities are considered infractions and are punishable by fines of up to \$500 for each day in which the violation occurs. Any peace officer or employee of a public agency charged with enforcing laws and authorized to do so by ordinance may issue a citation to the violator. The City of Porterville will be responding to enforcement by issuing a Notice of Violation for all witnessed occurrences and staff will be processing all reported issues. Water Waste Violators and repeat offenders, will be subject to fines that can range up to \$500 dollars. Enforcement statistics for the month of June 2015, show that a total of 336 Notice of Violations were issued for Water Wasting; 11 resulted in a Administrative Citation.

The City water system has been impacted from the lack of rain over the last four years with lower water levels, despite recent storms. Conservation efforts are beginning to show a beneficial effect on production demand. Water production for the calendar year to date, June 2015, shows a 57% reduction from the 5-year average.

As part of the emergency regulation, the City is required to provide monthly

production data. The production for the month of June 2015 was 307 million gallons and the production for the month of June 2013 was 478 million gallons, which equates to a 36% reduction. Residential consumption for June 2015 was 119.02 gallons per capita per day (GPCD).

RECOMMENDATION: Informational Only

ATTACHMENTS: 1. Monthly Production Status
 2. Phase III Water Conservation Flyer

Appropriated/Funded: MB

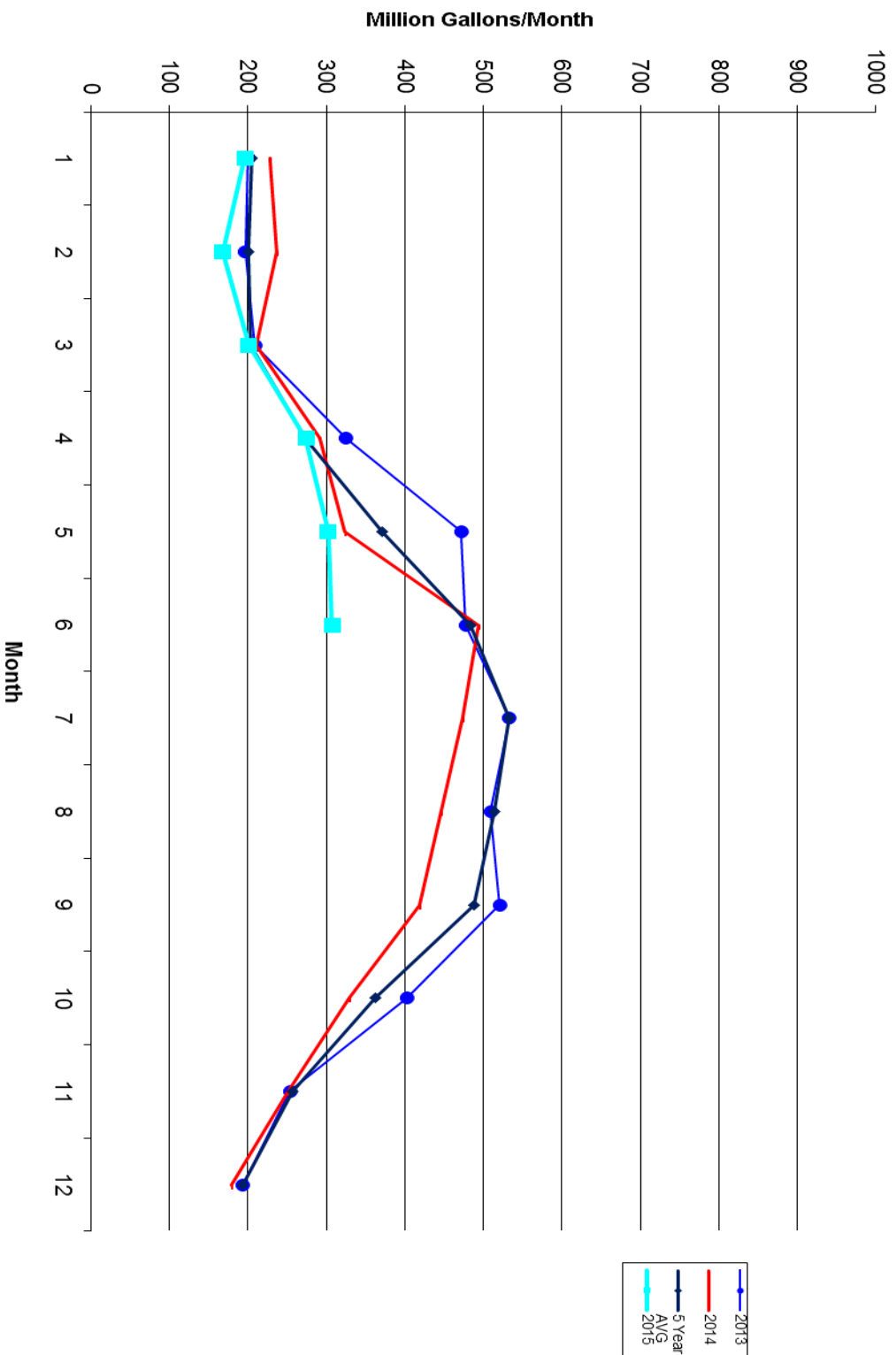
Review By:

Department Director:

Mike Reed, City Engineer

Final Approver: John Lollis, City Manager

Monthly Production Status 2014 Comparison to 2013 & 5 Year Average 2015 Production





DROUGHT RESPONSE Phase III

Mandatory Odd/Even Watering Schedule, based on address.
Residents will be allowed **TWO** days a week to water lawns and landscapes. No watering allowed on Mondays, Thursdays, and Fridays.

Watering is prohibited between the hours of **5:00 AM to 10:00 AM** and **5:00 PM to 10:00 PM**.

No watering outdoor landscapes during and within **48** hours after measurable rainfall.

Excessive water runoff is prohibited.

The washing of sidewalks and driveways is prohibited.

Vehicles shall only be washed on designated watering days and with a hose equipped with a shut-off nozzle.

The operation of ornamental water features is prohibited unless the fountain uses a recycling system.

Non-compliance with Phase III water conservation regulations could result in citations with fines up to **\$500**.

DROUGHT RESPONSE PHASE III

The City of Porterville has adopted Phase III of its Drought Response Plan. As part of the Phase III plan, the City has restricted watering days to two days per week, based on address.

Mandatory Odd/Even Watering Schedule

MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY	SUNDAY
DO NOT WATER	OK TO WATER	OK TO WATER	DO NOT WATER	DO NOT WATER	OK TO WATER	OK TO WATER
---	ODD	EVEN	---	---	ODD	EVEN

■ Odd Address
 ■ Even Address

ODD NUMBER ADDRESSES

If your address ends with an “odd” number, 1, 3, 5, 7, or 9, your watering days are Tuesday and Saturday *only*.

OR

EVEN NUMBER ADDRESSES

If your address ends with an “even” number, 0, 2, 4, 6, or 8, your watering days are Wednesday and Sunday *only*.

Violation Level	Citation Amount
First Violation	Warning Only
Second Violation	\$100 Fine
Third Violation	\$200 Fine
Fourth Violation	\$500 Fine

**Mandatory
Odd/Even Watering
Schedule**

**Excessive water
runoff prohibited**

**The washing of
sidewalks and driveways
is prohibited**

**Vehicles shall only be
washed on designated
watering days and with
hoses equipped with a
shut-off nozzle**

**Ornamental water
features are prohibited
unless the fountain uses
a recycling system**

**WATERING PROHIBITED
BETWEEN THE HOURS OF
5:00 – 10:00 AM
5:00 – 10:00 PM**

**NO WATERING ON
MONDAYS, THURSDAYS,
AND FRIDAYS.**



CITY COUNCIL AGENDA – JULY 21, 2015

SUBJECT: City Council Minutes of December 2, 2014

SOURCE: Administrative Services

COMMENT: Staff has prepared the draft Minutes for the City Council meeting on December 2, 2014, for the Council's review and consideration.

RECOMMENDATION: That the City Council approve the Minutes of December 2, 2014.

ATTACHMENTS: 1. Draft Minutes

Appropriated/Funded: N/A

Review By:

Department Director:

Patrice Hildreth, Administrative Services Dir

Final Approver: Luisa Zavala, Deputy City Clerk

**CITY COUNCIL MINUTES
CITY HALL, 291 N. MAIN STREET
PORTERVILLE, CALIFORNIA
DECEMBER 2, 2014, 5:30 P.M.**

Call to Order at 5:30 p.m.

Roll Call: Council Member Reyes, Council Member Ward, Vice Mayor Hamilton, Council Member Gurrola, 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: 2701 W. Scranton Avenue, Porterville, CA. Agency Negotiator: John Lollis and Donnie Moore. Negotiating Parties: City of Porterville and Myron Short. Under Negotiation: Terms and Price.

2- Government Code Section 54956.8 – Conference with Real Property Negotiators/Property: 42 South Plano Street, Porterville, CA. Agency Negotiator: John Lollis and Donnie Moore. Negotiating Parties: City of Porterville and Barn Theatre. Under Negotiation: Terms and Price.

3- Government Code Section 54956.8 – Conference with Real Property Negotiators/Property: APN 261-020-010. Agency Negotiator: John Lollis. Negotiating Parties: City of Porterville and Linda Mouton. Under Negotiation: Terms and Price.

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

5- Government Code Section 54956.9(d) (3) – Conference with Legal Counsel – Anticipated Litigation – Significant Exposure to Litigation: One Case in which facts are not yet known to potential plaintiff.

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

7- Government Code Section 54957 – Public Employee Performance Evaluation - Title: City Manager.

8- Government Code Section 54957 - Public Employee Performance Evaluation - Title: City Attorney.

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

City Attorney Lew reported that no reportable action had taken place in Closed Session.

The Pledge of Allegiance was led by Vice Mayor Hamilton.

Invocation – a moment of silence was observed.

AB 1234 REPORTS

1. Council of Cities – November 19, 2014: Vice Mayor Hamilton reported that the Council of Cities had discussed SB 7, and advised that Woodlake Council Member Rudy Mendoza had been appointed to serve on the San Joaquin Valley Air Pollution

Control Board.

REPORTS

- I. City Commission and Committee Meetings:
 1. Parks & Leisure Services Commission: No report was provided.
 2. Library & Literacy Commission: No report was provided.
 3. Arts Commission: No report was provided.
 4. Animal Control Commission – December 1, 2014: Commissioner Schwartzenberger reported on the items discussed by the Commission at its recent meeting.
 5. Youth Commission: No report was provided.
 6. Transactions and Use Tax Oversight Committee (TUTOC): Committee Chair Fletcher reported that the Committee had reviewed the 1st Qtr FY 2014/2015 Measure H expenditures and found them consistent with the intent of the ballot measure.

ORAL COMMUNICATIONS

- Larry Newby, a City employee and future retiree, voiced opposition to the scheduled increases in City retiree healthcare contributions.
- Brock Neeley, spoke of the City Charter's requirements pertaining to Robert's Rules of Order and requested that the Council adhere to the requirements.
- Jeff Quiram, a retired City employee, spoke against the scheduled increases in City healthcare contributions and requested that the Council do something to help.
- Jean Vafeades, spoke in favor of Item 17, and voiced support for an applicant wanting to open a mobile animal training business and her challenges with the current regulations.

CONSENT CALENDAR

Item 8 was removed for further discussion.

COUNCIL ACTION: MOVED by Council Member Gurrola, SECONDED by Vice Mayor Hamilton that the City Council approve Item Nos. 1 through 7, and 9 through 13. The motion carried unanimously.

1. CITY COUNCIL MINUTES OF NOVEMBER 18, 2014

Recommendation: That the City council approve the Minutes of November 18, 2014.

Documentation: M.O. 01-120214

Disposition: Approved.

2. THIS ITEM HAS BEEN MOVED TO SCHEDULED MATTERS.

3. AUTHORIZATION TO “PIGGY-BACK” ON EXISTING CONTRACT

Recommendation: That the City Council:

1. Authorize “piggy-backing” on the City of Visalia’s contract with Safety Striping Services, at an agreed upon amount not to exceed \$70,000, for the maintenance of traffic striping throughout the city and those streets within the county’s jurisdiction that are under City control via mutual maintenance agreements; and
2. Authorize the Finance Dictator to the augment the Signs and Signal Upgrade Project with Surface Transportation Program funds in the amount of \$21,675.

Documentation: M.O. 02-120214

Disposition: Approved.

4. AUTHORIZATION TO AWARD CONSULTANT AGREEMENT – ANALYSIS OF EDISON STREET LIGHT PURCHASE PROGRAM

Recommendation: That the City Council:

1. Award a Consultant Service Agreement to Utilities Cost Management (UCM) in an amount not to exceed \$8,500; and
2. Direct the Public Works Director to bring to a future Council meeting a complete and thorough Financial Feasibility Analysis Report (FFAR) with recommendations on whether to purchase or not purchase the street lights offered by Southern California Edison.

Documentation: M.O. 03-120214

Disposition: Approved.

5. PROGRAM SUPPLEMENT TO THE LOCAL AGENCY-STATE MASTER AGREEMENT – NEWCOMB SHOULDER STABILIZATION PROJECT

Recommendation: That the City Council:

1. Approve the program supplement by passing a resolution authorizing the Mayor to sign the subject program supplement; and
2. Direct the City Clerk to return the signed program supplement to the Department of Transportation.

Documentation: Resolution No. 80-2014

Disposition: Approved.

6. COOPERATIVE WORK AGREEMENT EXTENSION– JAYE STREET BRIDGE REHABILITATION

Recommendation: That the City Council:

1. Approve the cooperative work agreement extension by passing a

resolution authorizing the Mayor to sign the subject extension request;
and

2. Direct Public Work staff to return the signed extension request to the department of Transportation.

Documentation: Resolution No. 81-2014

Disposition: Approved.

7. REIMBURSEMENT FOR THE CONSTRUCTION OF MASTER PLAN IMPROVEMENTS – RIVERVIEW ESTATES NO. 5 SUBDIVISION (GARY SMEE)

Recommendation: That the City Council:

1. Accept the Master Plan public improvements of Riverview Estates No. 5 Subdivision for maintenance; and
2. Approve reimbursement to Mr. Gary Smee per Section 25-32.3c of the City of Porterville Municipal Code. The total reimbursement amount to be disbursed shall not exceed \$88,983.42.

Documentation: M.O. 04-120214

Disposition: Approved.

9. REPRESENTATION BY ELECTED OFFICIAL FOR PROVIDERS OF PUBLIC TRANSIT

Recommendation: That the City Council approve Amendment 3 to the Tulare County Association of Governments Joint Powers Agreement, which amends Paragraph 6 of the Agreement, adding section d) to read as follows: “One representative, to be appointed by the Tulare Council of Cities to serve as a representative from provider of public transit in accordance with 23 U.S.C. as amendment by MAP-21 for a three year term”.

Documentation: M.O. 05-120214

Disposition: Approved.

10. CONSIDERATION OF A REQUEST FOR AN EXTENSION TO CUP 2012-010; WALGREENS; APNS 246-111-007 AND 246-111-035

Recommendation: That the City Council adopt the draft resolution approving the requested Extension to the approval of CUP 2012-010 for a Type 20 off-sale alcohol license within Census Tract 35.02 for a the proposed Walgreens Pharmacy with a term extension for a period of one (1) year beyond the original and extended approval date through December 4, 2015.

Documentation: Resolution No. 82-2014

Disposition: Approved.

11. AMENDMENT TO EMPLOYEE PAY AND BENEFIT PLAN – PUBLIC SAFETY SUPPORT UNIT

Recommendation: That the City Council approve the draft resolution amending the Employee Pay and Benefit Plan.

Documentation: Resolution No. 83-2014

Disposition: Approved.

12. AMENDMENT TO EMPLOYEE PAY & BENEFIT PLAN – MANAGEMENT CONFIDENTIAL SERIES

Recommendation: That the City approve the draft resolution amending the Employee Pay and Benefit Plan.

Documentation: Resolution No. 84-2014

Disposition: Approved.

13. SCHEDULING OF ADJOURNED CITY COUNCIL MEETING FOR GOAL SETTING AND TO ESTABLISH 2015-16 PRIORITIES

Recommendation: That the City Council schedule an adjourned meeting for goal setting to establish priorities for Tuesday, January 27, 2015, beginning at 5:30 p.m.

Documentation: M.O. 06-120214

Disposition: Approved.

PUBLIC HEARINGS

14. MODIFICATION TO CONDITIONAL USE PERMIT 2014-011-C

Recommendation: That the City Council:

1. Provide direction to staff regarding the requested modification to CUP 2014-011; and
2. Provide further direction regarding alcohol related standard conditions of approval as appropriate.

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

The public hearing was opened at 6:58 p.m.

- Mark Hillman, Hillman Building Designs, spoke in opposition to the restriction on outdoor advertising of alcohol being applied arbitrarily to all CUP applicants; and requested that the Council remove said restriction.
- Russell Fletcher, Porterville, spoke in favor of allowing the applicant to advertise the sale of alcohol.

The public hearing was closed at 7:06 p.m.

The Council discussed issues pertaining to signage, such as quantity, size, and location. In response to questions posed by the Council, staff advised that the applicant was currently in violation of the sign ordinance and had violations in the past. City Attorney Lew advised that the City Council could take action on the Conditional Use Permit if compliance was not achieved. Council Member Ward spoke against signage within street view, and suggested the CUP be reviewed in one year due to a history of signage violations.

Ms. Phillips noted that the Conditional Use Permit approved on October 21, 2014, with the prohibition on outdoor advertising of alcoholic beverages was active and applied to the store as it was now. She added that the CUP and any modifications, would apply regardless of whether the building was reconstructed in the future.

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Council Member Gurrola that the City Council restrict signage from street view, and review in one year for compliance. The motion carried unanimously.

Documentation: Resolution No. 85-2014

Disposition: Approved.

15. REQUEST FOR A CONDITIONAL USE PERMIT (PRC 2014-019-C) TO ALLOW FOR THE SALE OF ALCOHOL UNDER A TYPE 47 ON-SALE GENERAL FOR BONA FIDE PUBLIC EATING PLACE FOR APPLEBEE'S LOCATED AT 892 W. HENDERSON AVENUE

Recommendation: That the City Council:

1. Adopt the draft resolution approving Conditional Use Permit (PRC 2014- 019-C) subject to conditions of approval; and
2. Authorize the Mayor to sign the Letter of Public Convenience or Necessity.

The City Manager introduced the item, and the Associate Planner Fernando Rios presented the staff report.

Prior to the opening of the public hearing, staff advised that two individuals had commented at the November 18, 2014, public hearing and those comments would be included in the record as follows:

- Brock Neeley, Porterville, presented the Council with information from the 2013 DUI-MIS Report, and expressed concern regarding a saturation of alcohol sale licenses.
- Steven Franklin, Area Director of Apple American Group Restaurants, spoke briefly about the company and their excitement about doing business in Porterville.

The public hearing was then opened at 7:25 p.m.

- Russell Fletcher, Porterville, spoke in opposition to the conditional use permit due to the traffic conditions at the intersection of Henderson Avenue and Porter Street.
- Name not given, spoke in favor of approval.

The public hearing was closed at 7:28 p.m.

COUNCIL ACTION: MOVED by Vice Mayor Hamilton, SECONDED by Council Member Gurrola that the City Council adopt the draft resolution approving Conditional Use Permit (PRC 2014- 019-C) subject to conditions of approval; and authorize the Mayor to sign the Letter of Public Convenience or Necessity. The motion carried unanimously.

Documentation: Resolution No. 86-2014

Disposition: Approved.

16. GENERAL PLAN AMENDMENT & ZONE CHANGE FROM CN (NEIGHBORHOOD COMMERCIAL) AND RM-2 (MEDIUM DENSITY RESIDENTIAL) TO CR (RETAIL CENTER)

Recommendation: That the City Council:

1. Conduct a Public Hearing to receive input regarding the proposed General Plan Amendment and Zone Change;
2. Adopt the draft resolution approving a Mitigated Negative Declaration for PRC-2014-026-GZ;
3. Adopt the draft resolution approving General Plan Amendment for PRC2014-026-GZ;
4. Approve the draft ordinance adopting Zone Change for PRC 2014-026-GZ contingent upon approval of General Plan Amendment; and
5. Waive further reading of the draft ordinance and order it to print.

City Manager Lollis introduced the item, and Associate Planner Rios presented the staff report.

The Council inquired about the traffic study, and expressed concerns regarding traffic congestion, and ingress and egress. Staff addressed the questions posed, indicating that the plan was conceptual and that it was a difficult area to infill.

The public hearing was opened at 7:41 p.m.

- Jim Winton, 50 W. Morton, on behalf of the applicant, stated that the site plan was still being massaged; and spoke of efforts to address circulation concerns and traffic patterns.

The public hearing was closed at 7:46 p.m.

Public Works Director Baldo Rodriguez informed the Council that staff would do the best they can, but there would be no perfect solution to the traffic concerns raised.

COUNCIL ACTION: MOVED by Vice Mayor Hamilton, SECONDED by Council Member Gurrola that the City Council adopt the draft resolution approving a Mitigated Negative Declaration for PRC-2014-026-GZ; adopt the draft resolution approving General Plan Amendment for PRC2014-026-GZ; approve the draft ordinance, being A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE CONTAINING FINDINGS IN SUPPORT OF APPROVAL OF A MITIGATED NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACT FOR THE GENERAL PLAN AMENDMENT AND ZONE CHANGE LOCATED AT THE SOUTHWEST CORNER OF HENDERSON AVENUE AND NEWCOMB STREET, contingent upon approval of General Plan Amendment; and waive further reading of the draft ordinance and order it to print. The motion carried unanimously.

Documentation: Resolution No. 87-2014; Resolution No. 88-2014; and Ordinance No. 1819
Disposition: Approved.

The Council took a ten minute recess at 7:55 p.m.

17. MODIFICATIONS TO THE MUNICIPAL CODE RELATED TO MOBILE BUSINESSES, FARMER'S MARKETS AND YARD SALES

Recommendation: That the City Council:

1. Approve the proposed ordinance for the Development Code and Municipal Code and give first reading to the draft ordinance; and
2. Waive further reading and order Ordinance to print.

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

The public hearing was opened at 8:18 p.m.

- Brock Neeley, Porterville, requested that non-profit organizations conducting rummage sales as fundraisers be allowed to place more than one sign.
- Debra Arthur, Porterville, Best Behaved owner and trainer, spoke in support of the ordinance as it pertained to mobile businesses, and commended staff for their efforts.
- Carolyn Arthur, Porterville, spoke of past experience obtaining a business license and spoke in favor of Ms. Arthur's ability to obtain a business license.
- Jean Vafeades, Porterville, spoke in support of the services provided by Ms. Arthur.

The public hearing was closed at 8:25 p.m.

At the Council's request, Ms. Phillips clarified that the signage restriction Mr. Neeley spoke of during public comments applied to residential sales, and that there were different signage regulations for non-profits. The Council also discussed state regulations pertaining to yard sales and in-home services, and background checks.

COUNCIL ACTION: MOVED by Council Member Gurrola, SECONDED by Council Member Ward that the City Council approve the proposed ordinance for the Development Code and Municipal Code and give first reading to the draft ordinance, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE AMENDING CHAPTER 21, SECTION 301.09 OF THE PORTERVILLE MUNICIPAL CODE CONCERNING MOBILE BUSINESSES, AMENDING CHAPTER 15, SECTION 15-1 OF THE PORTERVILLE MUNICIPAL CODE CONCERNING DEFINITIONS OF ITINERANT VENDORS, AND AMENDING CHAPTER 21, SECTION 301.21 OF THE PORTERVILLE MUNICIPAL CODE CONCERNING YARD SALE SIGNAGE; and waive further reading and order the Ordinance to print. The motion carried unanimously.

The ordinance was read by title only.

Documentation: Ordinance No. 1820

Disposition: Approved.

SCHEDULED MATTERS

18. CONSIDERATION OF MODIFICATION TO LOAN AGREEMENT AND AMENDMENT TO LICENSE AND DEVELOPMENT AGREEMENT WITH THE TULARE COUNTY JUNIOR LIVESTOCK SHOW AND COMMUNITY FAIR

Recommendation: That the City Council consider the request of the Fair to refinance its Construction Loan Agreement, as well as Amendment to license and Development Agreement, and provide direction to staff accordingly.

City Manager Lollis introduced the item and presented the staff report. Following the staff report, the Council discussed the terms of the current agreement and the proposed amendment.

- John Corkins, Fair Board member, stated that it was not in the City's best interests for the Fair to own the property; indicated that the State did not deliver the amount promised for the property on Olive, which facilitated the need for a change in financing to continue making improvements to the grounds; spoke of pressure/interest to make the fair a county-wide fair; and addressed concerns regarding the "exclusive use" language.

COUNCIL ACTION: MOVED by Vice Mayor Hamilton, SECONDED by Council Member Gurrola that the City Council authorize the drafting of agreements, with changes to language regarding the designation of ten acre joint-use property as exclusive use to the Fair, for Council consideration. The motion carried unanimously.

Documentation: M.O. 08-120214

Disposition: Approved.

19. AWARD OF CONTRACT – OAK AVENUE TRANSPORTATION
ENHANCEMENT (TE) PROJECT

Recommendation: That the City Council:

1. A. Award the Oak Avenue Transportation Enhancement (TE) Project to Hobbs Construction in the amount \$397,809;
B. Authorize a 10% contingency to cover unforeseen construction costs;
C. Authorize 7.5% for construction staking, quality control and inspection; and
D. Direct the Finance Director to re-appropriate \$44,867 of unused Local Transportation Fund funds to this project.
-OR-
2. Reject all bids per past Council practice and direct the Public Works Director to notify TCAG and Caltrans that the City will not be accepting the Transportation Enhancement Grant.

City Manager Lollis introduced the item, and the staff report was presented by Public Works Director Rodriguez.

Council Member Ward inquired about the item's placement on the agenda as a Scheduled Matter. In response, staff advised that procedurally the Council was unable to consider two alternate recommendations on Consent Calendar.

COUNCIL ACTION: MOVED by Council Member Gurrola, SECONDED by Council Member Ward that the City Council award the Oak Avenue Transportation Enhancement (TE) Project to Hobbs Construction in the amount \$397,809; authorize a 10% contingency to cover unforeseen construction costs; authorize 7.5% for construction staking, quality control and inspection; direct the Finance Director to re-appropriate \$44,867 of unused Local Transportation Fund funds to this project. The motion carried unanimously.

Documentation: M.O. 09-120214

Disposition: Approved.

CONSENT CALENDAR (ITEMS REMOVED FOR FURTHER DISCUSSION)

7. INTENT TO SET PUBLIC HEARING FOR CONCRETE IMPROVEMENTS CONSTRUCTION BY THE CITY – W. NORTH GRAND RECONSTRUCTION PROJECT (PROSPECT STREET TO NEWCOMB STREET)

Recommendation: That the City Council:

1. Set a Public Hearing for December 16, 2014, to discuss the proposed construction of concrete improvements for the subject project; and
2. Authorize staff to publish the public notice and notify all affected property owners of the Public Hearing.

City Manager Lollis introduced the item, and the staff report was waived at the Council's request. In lieu of a staff report, Public Works Director Rodriguez addressed questions regarding the trigger for reimbursement to the City.

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Council Member Gurrola that the City Council set a Public Hearing for December 16, 2014, to discuss the proposed construction of concrete improvements for the subject project; and authorized staff to publish the public notice and notify all affected property owners of the Public Hearing. The motion carried unanimously.

Documentation: M.O. 10-120214

Disposition: Approved.

ORAL COMMUNICATIONS

- Deborah Arthur, thanked the City Council for approving Item 17.

OTHER MATTERS

- Council Member Gurrola, reminded everyone of the Christmas Parade to take place on December 5th at 7:00 p.m.
- Council Member Reyes, spoke of his attendance at a recent Youth Commission meeting and suggested that other Council Members might also wish to attend.
- Mayor Stowe, spoke of the upcoming First Friday Coffee that was being hosted by the City and invited all to attend.
- City Manager Lollis, advised that the Tulare County Board of Supervisors would be holding their December meeting in the Council Chambers the following week; and lauded the efforts of Acting Community Development Director Byers and Finance Director Bemis in Sacramento that day, bringing back \$93,000 pertaining to Successor Agency matters.

ADJOURNMENT

The Council adjourned at 9:10 p.m. to the meeting of December 16, 2014.

SEAL

Luisa M. Zavala, Deputy City Clerk

Milt Stowe, Mayor



CITY COUNCIL AGENDA – JULY 21, 2015

SUBJECT: Authorization to Advertise for Proposals - Off-Highway Vehicle Park Management Services

SOURCE: Parks and Leisure Services

COMMENT: The Porterville Off-Highway Vehicle (OHV) Park is located on West Avenue just south of the Porterville Sports Complex. The 30 acres of land includes a youth track, 50 cc track, quad track, and main motocross track. Amenities include restrooms, ample parking, picnic area, drinking fountain, and spectator viewing.

Currently, the facility is open weekends for public riding and scheduled racing events throughout the year. Six (6) part-time staff handle the daily operations of maintaining the facility. The OHV Park also requires full-time staff administration for oversight of the operations, as well as fulfilling all the required State OHV grant documentation.

The average annual expenditures for the OHV Park over the past three (3) years has been \$108,000. The annual revenue for the same period has been \$40,000. The OHV State grant award has enabled the City to continue to operate the facility. However, similar to the City of Tulare and many others, City staff believes now is a good time to receive proposals for the management of the entire facility. A few of the reasons for the City to lease the facility include a contractor would be able to increase park services and hours of operation, create less of a negative financial impact on the annual budget, and to free up staff administrative time to focus on new and upcoming projects.

Staff is requesting authorization to advertise for proposals for the services of a qualified contractor to administer and carry out the day-to-day functions associated with managing the OHV Park. The term of the agreement will be for a minimum of three (3) years, and provide for extension subject to negotiation of mutually acceptable terms.

RECOMMENDATION: That the City Council authorize staff to distribute Requests for Proposals for Off-Highway Vehicle Management Services.

ATTACHMENTS:

1. OHV Park Inventory
2. OHV Park RFP

Appropriated/Funded: MB

Review By:

Department Director:

Donnie Moore, Parks and Leisure Services Director

Final Approver: John Lollis, City Manager

ATTACHMENT A

OHV Inventory July 2015

1987 Komatsu Dozer

2000 Massey Ferguson Tractor

2004 Freightliner Water Truck

2010 Kubota RTV900

2007 Cat 414E Tractor

Schaben 150 Gallon Spray Tank

Echo PB-500 Backpack Blower

Hydrotek Pressure Washer

Honda Push Mower

Weedeater Push Mower

2 Echo SRM-230 Weed eaters

Lincoln Arc Welder

Cutting Torches

500 Gallon Diesel Tank

Rototiller (PTO)

Disc

Haro

Portable Office - Trailer

CITY OF PORTERVILLE
NOTICE OF REQUEST FOR QUALIFICATIONS/PROPOSALS
RFQ/P No. 15/16-SR1839

SEALED PROPOSALS will be received by the City of Porterville, Purchasing Division located at 291 N. Main St., Porterville, CA 93257, until 4:00 P.M., August 13, 2015, for:

OFF HIGHWAY VEHICLE PARK MANAGEMENT AND OPERATION SERVICES

Proposal documents may be obtained in the office of the Purchasing Agent, 291 N. Main St., Porterville, California 93257, by phone (559) 782-7451, or email, fin-dept@ci.porterville.ca.us.

The City hereby affirmatively ensures that Minority Business Enterprises will be afforded full opportunity to submit proposals in response to this notice and will not be discriminated against on the basis of race, color, national origin, ancestry, handicap, gender, sexual orientation, or religion in any consideration leading to the award of contract.

The right is reserved by the City of Porterville to reject any or all proposals, to waive any irregularities or informalities not affected by law, to evaluate the proposals submitted and to award the contract according to the proposal which best serves the interests of said City.

Dated this ____ day of _____, at Porterville, California.

Maria Bemis, Purchasing Agent
City of Porterville, California

Publication Dates: July 24, 2015
 July 31, 2015

OFF HIGHWAY VEHICLE (OHV) PARK MANAGEMENT AND OPERATION SERVICES

RFP #15/16-SR1839

SCOPE OF WORK

Purpose

The purpose of this Request for Qualifications/Proposal (RFQ/P) is to recruit the services of an OHV Park management firm or individual for the operations of the City of Porterville OHV Park to begin as soon after October 1, 2015, as possible. All qualified firms or individuals who have demonstrated success in the provision of similar services at comparable facilities are invited to submit proposals.

Background

The Porterville OHV Park is located on West Avenue just south of the Porterville Sports Complex. The fenced property is approximately 30 acres of land. The park currently includes a youth track, 50 cc track, quad track, and main motocross track. Amenities include restrooms, ample parking, picnic area, drinking fountain, and spectator viewing. Additional track and park amenities may be proposed and constructed with proper approval.

Currently, the facility is open weekends for open practice riding and scheduled racing events throughout the year. Additional days of operation and scheduled racing events are permissible and encouraged. The OHV Park is to be operated in such a manner as to provide the public a safe, fun, and organized riding facility for all ages and skill levels to enjoy.

Term of Agreement

The term of the agreement will be for a minimum of three (3) years and provides for extension subject to negotiation of mutually acceptable terms. The Proposer, in the response submitted to this RFQ/P, should specify any additional minimum period requested.

Provision of Services/Days of Operation

The City expects the facility to be operated in at least three modes: weekend recreational riding, weekday recreational riding, and weekend races. Currently, the park operates recreational riding on weekends from 8:00 a.m. to 1:00 p.m. during daylight savings time and from 9:00 a.m. to 2:00 p.m. for the rest of the year. Applicant is required to submit a proposed hours of operation schedule.

The applicant may request discussion that would allow it the flexibility to operate. Outdoor facilities can only operate during relatively dry weather. Although the facility could operate 12 months a year, the operator may close down the facility during periods of time in which riding would not be possible. The operator shall comply with current City watering schedules to fulfill State mandated requirements. The City shall have usage of the Park one day annually for the Freedom Fest as long as the OHV Park serves as the discharge site.

Facility Rules

Facility rules must be proposed and included in the submission. Facility rules will be clearly posted and shall include, but not be limited to, the following:

- Alcohol, drugs, and weapons are strictly prohibited on the premises.
- No riding will be permitted outside the posted hours of track operations.
- No riding will be allowed outside the tracks. In particular, riding is prohibited in the pit areas, parking areas, and spectator areas.
- No double-riding or giving anyone a ride to or from the tracks.
- Riders must register, and only registered riders may ride.
- All riders must wear proper safety gear (including helmet, boots, and eye protection) at all times.
- No dogs are allowed on the tracks, in spectator areas, or any area outside the parking area. Within the parking area, all dogs must be kept on a leash at all times.
- Riders and guests that break any rules will be asked to leave and will not be entitled to a refund of any fees.

Facility Rules are subject to final approval by the City

Safety

At all times during riding, operation staff will be monitoring action on the tracks. In the event of a rider injury on a track, riding on the track will be stopped and emergency personnel will be notified. Riding will not resume until the injured rider and emergency personnel are completely off the track.

Spectator Management

Operation staff will monitor spectator behavior and ensure compliance with facility rules. Additional security staff will be hired if necessary for crowd control during race events. If spectator behavior during race events and at other times should get beyond the ability of security staff to control, a 911 call will be placed immediately to summon assistance.

Concessions

Applicant may enter into contracts with concessionaires for various products and services to be sold or provided at the OHV Park with written approval from the City. The concessionaires must obtain and maintain all required City business licenses and approvals and meet all required City policies related to such activity.

Site Improvements

Applicant may propose improvements to the OHV Park. All improvements will be subject to written approval by the City and in compliance with all local, state, and federal laws and regulations. All improvements become the property of the City of Porterville.

Facility Maintenance

The applicant will be responsible for all maintenance and repairs including, but not limited to, the park, park tracks, buildings, fences, and structures. Additional buildings, recreational areas,

parking, landscaping, or any site improvements made by the applicant will be solely the responsibility of the applicant to maintain and repair.

Facility Equipment

The City will provide limited equipment (Attachment A) to assist in track preparation and maintenance. The applicant will be responsible for the proper care and maintenance of the equipment. All operation of the equipment shall be by properly trained and authorized personnel. Applicant will be responsible for all fuel, oil, and any consumables cost in the use of the City provided equipment. Other than for maintenance or repair, the equipment shall remain on the premises. Any additional equipment needed for operations or use at the OHV Park must be provided by, maintained and repaired by the applicant.

Utilities

Applicant will be responsible for all utilities including, but not limited to, water, electric, gas, sewer, and refuse. Pipelines, conduit or any other improvements that may be needed to connect to or bring additional utilities or services to the leased premises are the responsibility of the applicant and must be done with prior written approval by the City and in accordance with all applicable laws. City shall have access to easements/sewer lines that may require repair, etc.

Best Management Practices

Operation, construction, and maintenance of the OHV Park will comply with best management practices and all applicable local, state, and federal regulations and requirements. Tracks will be groomed prior to the opening of the facility to riders. Tracks will be monitored and inspected frequently. If unsafe conditions are detected on any track, the track will be closed and repairs shall be initiated immediately. Tracks will be watered as needed to control dust. All associated facilities shall be maintained in a safe and clean condition, including parking areas and entry roads. The operator shall comply with current City watering schedules to fulfill State mandated requirements.

Noise

The track shall operate in accordance with all applicable noise laws.

Preparation of Reports

The operator will be responsible for keeping the City apprised of all activities at the OHV Park. The City shall require the operator to prepare monthly status reports that shall accompany the operator's invoices. The operator will be responsible for providing copies of various consent and waiver forms completed by participants during the reporting period.

Taxes

Applicant shall be responsible for all taxes, assessments, or fees levied by any government entity.

Omissions

Should the City of Porterville omit anything from this Request for Proposal which is necessary for a clear understanding of the services requested or if any instructions are in conflict, then the

applicant can submit a written request to the City for clarification at least seventy-two (72) hours prior to the proposals due date noted above.

General Proposal Requirements

Provide one (1) original and four (4) copies of a narrative, not to exceed five (5) pages in length, in a sealed envelope, describing all services, programs, and activities to be provided, including:

- Proposed days and hours of operation.
- Number of staffing, including job titles and descriptions including the names and resumes of all key personnel who are employed by the applicant and who will be assigned to perform services pursuant to the contract.
- Methods of promotion, including a description of how the operator intends to conduct public outreach to attract riders and events to the facility.
- Method(s) of determining management/operations compensation for the specified services, as well as the revenue to be provided to the City of Porterville.
- Transparency of financial accounting and provisions for audit.
- Manner in which complete records will be kept and made available to the City.
- A minimum of three (3) references.
- A sample status report of open days with attendance reports that will be submitted to the City on a quarterly basis.

Minimum Qualifications

In order to be deemed a qualified candidate for further consideration, a Proposer must provide one (1) original and (4) copies of a separate Statement of Qualifications, not to exceed five (5) pages in length, illustrating relevant experience and qualifications, including:

- Experience in management/operations of an OHV Park or similar type facility.
- Possession of, or ability to obtain, the necessary line of credit to equip, staff, and operate the OHV Park facilities.
- The ability to obtain necessary insurance coverages, licenses, and permits.
- Sufficient business acumen to assist the City in making the OHV Park a financially sound enterprise.

Selection Process and Evaluation Process

A selection committee will review and evaluate all Statements of Qualifications after formal receipt. The evaluation of Proposals will be conducted upon only those candidates who have demonstrated the minimum qualifications.

The evaluation process for the Proposals will provide credit only for those capabilities and advantages clearly stated in each written Proposal, or as clarified during any invited presentation or interview. Proposals that significantly fail to comply with these specifications will be dropped from the evaluation process.

The selection committee will evaluate the Proposals based upon the following criteria:

A. Proposer's Experience and Capability

- 1) Proposer's demonstrated operational capabilities, stressing the ability to provide and manage OHV Park operations and marketing.
- 2) Proposer's demonstrated financial status and ability to finance the service operations

B. Business Acumen

- 1) Creativity in providing recommendations and concepts to improve the financial condition of the OHV Park, particularly with respect to revenue generation.

C. OHV Park Program

- 1) The nature and extent of the OHV Park program and related services to be offered to the public.

The selection committee reserves the right to request additional information from Proposers, to negotiate terms and conditions of the Agreement, to visit sites, interview references and previous employers or supervisors, and to invite one or more Proposers to make oral presentations and to clarify points contained within their Proposals.

Time to Award Proposal

The City of Porterville considers this RFQ/P to be time sensitive, and desires to complete the selection process within the time period mentioned herein. Proposers are hereby informed, and must anticipate, that in spite of this desire and its best efforts, the City of Porterville may take up to sixty (60) days to accept or reject proposals.

GENERAL TERMS AND CONDITIONS

PROPOSAL REQUIREMENTS

1. **Requirement to Meet All Provisions.** Each individual or firm submitting a proposal shall meet all of the terms and conditions of the Request for Qualifications/Proposals (RFQ/P) specifications package. By virtue of its proposal submittal, the bidder acknowledges agreement with and acceptance of all provisions of the RFP specifications.
2. **Proposal Submittal.** Proposal documents shall be enclosed in an envelope which shall be sealed and addressed to the Purchasing Agent, City of Porterville, 291 N. Main Street, Porterville, CA 93257. In order to guard against premature opening, the proposal should be clearly labeled with the proposal title, specification number, name of bidder, and August 28, 2015, and time of proposal opening. No FAX submittals will be accepted.
3. **Proposal Withdrawal and Opening.** A Proposer may withdraw their proposal, without prejudice, prior to the time specified for the proposal submittal, by submitting a written request to the Purchasing Agent for its withdrawal, in which event the proposal will be returned to the Proposer unopened. No proposal received after the time specified or at any place other than that stated in the "Notice Requesting Qualifications/Proposals" will be considered. Only names of Proposers will be made public prior to contract award.

4. **Submittal of One Proposal Only.** No individual or business entity of any kind shall be allowed to make or file, or to be interested in, more than one proposal, except an alternative proposal when specifically requested.
5. **Communications.** All timely requests for information submitted in writing will receive a written response from the City. Telephone communications with City staff will be permitted; however, any such oral communication shall not be binding on the City.

CONTRACT AWARD AND EXECUTION

6. **Proposal Retention and Award.** The City reserves the right to retain all proposals for a period of 60 days for examination and comparison. The City also reserves the right to waive non-substantial irregularities in any proposal, to reject any or all proposals, to reject or delete one part of a proposal and accept the other, except to the extent that proposals are qualified by specific limitations. See the “special terms and conditions” in the specifications for proposal evaluation and contract award criteria.
7. **Competency and Responsibility of Proposer.** The City reserves full discretion to determine the competence and responsibility, professionally and/or financially, of proposers. Proposers will provide, in a timely manner, any and all information which the City deems necessary to make such a decision.
8. **Insurance Requirements.** The successful contractor shall provide proof of insurance in the form, coverages, and amounts specified in these specifications within 10 (ten) calendar days after notice of contract award as a precondition to contract execution.
9. **Business Tax.** The successful contractor must have a valid City of Porterville business tax certificate prior to execution of the contract. Additional information regarding the City’s business tax program may be obtained by calling (559) 782-7457.

CONTRACT PERFORMANCE

10. **Laws to be Observed.** The successful contractor shall keep fully informed of and shall observe and comply with all applicable state and federal laws and county and City of Porterville ordinances, regulations, and adopted codes during its performance of the work.
11. **Payment of Taxes.** The contract remuneration shall include full compensation for all taxes which the successful contractor is required to pay.
12. **Permits and Licenses.** The successful contractor shall procure all permits and licenses, pay all charges and fees, and give all notices necessary.
13. **Safety Provisions.** The successful contractor shall conform to the rules and regulations pertaining to safety established by OSHA and the California Division of Industrial Safety.
14. **Immigration Act of 1986.** The successful contractor warrants on behalf of itself and all subcontractors and/or employees engaged for the performance of this work that only persons

authorized to work in the United States pursuant to the Immigration Reform and Control Act of 1986 and other applicable laws shall be employed in the performance of the work hereunder.

15. **Contractor Non-Discrimination.** In the performance of this work, the successful contractor agrees that it will not engage in, nor permit such subcontractors as it may employ, to engage in discrimination in employment of persons because of age, race, color, gender, national origin or ancestry, sexual orientation, or religion of such persons.
16. **Payment Terms.** Payment for services rendered shall be as negotiated between the City and the successful contractor. The City processes invoices for payment on the 10th and the last working day of each month. Invoices and supporting detail should be submitted to the City no later than the 15th day of each month, unless instructed otherwise.
17. **Audit.** The City shall have the option of inspecting and/or auditing all records and other written materials used by the successful contractor in preparing its invoices to City as a condition precedent to any payment to the successful contractor.
18. **Interests of Contractor.** The successful contractor covenants that it presently has no interest, and shall not acquire any interest, direct or indirect or otherwise, which would conflict in any manner or degree with the performance of the work hereunder. The successful contractor further covenants that, in the performance of this work, no subcontractor or person having such an interest shall be employed, and further certifies that no one who has or will have any financial interest in performing this work is an officer or employee of the City. It is hereby expressly agreed that, in the performance of the work hereunder, the successful contractor shall at all times be deemed an independent contractor and not an agent or employee of the City.
19. **Hold Harmless and Indemnification.** The successful contractor agrees to defend, indemnify, protect and hold the City and its agents, officers, and employees harmless from and against any and all claims asserted or liability established for damages or injuries to any person or property, including injury to the Contractor's employees, agents, or officers which arise from or are connected with or are caused or claimed to be caused by the act or omissions of the Contractor and its agents, officers, or employees in performing the work or services herein, and all expenses of investigating and defending against same; provided, however, that the Contractor's duty to indemnify and hold harmless shall not include any claims or liability arising from the established sole negligence or willful misconduct of the City, its agents, officers or employees.
20. **Contract Assignment.** The successful contractor shall not assign, transfer, convey or otherwise dispose of the contract, or its right, title or interest, or its power to execute such a contract to any individual or business entity of any kind without the previous written consent of the City.
21. **Termination.** If, during the term of the contract, the City determines that the Contractor is not faithfully abiding by any term or condition contained herein, the City may notify the Contractor in writing of such defect or failure to perform, which notice must give the Contractor a ten (10) calendar day notice of time thereafter in which to perform said work or cure the deficiency. If the Contractor has not performed the work or cured the deficiency within the ten days specified in the notice, such shall constitute a breach of the contract and the City may terminate the

contract immediately by written notice to the Contractor to said effect. Thereafter, neither party shall have any further duties, obligations, responsibilities, or rights under the contract except any and all obligations of the Contractor's surety shall remain in full force and effect, and shall not be extinguished, reduced, or in any manner waived by the termination thereof. In said event, the Contractor shall be entitled to the reasonable value of its services performed from the beginning, in which the breach occurs up to the day it received the City's Notice of Termination, minus any offset from such payment representing the City's damages from such breach. "Reasonable value" includes fees or charges for goods or services as of the last milestone or task satisfactorily delivered or completed by the Contractor as may be set forth in the Agreement payment schedule. Compensation for any other work, services or goods performed or provided by the Contractor shall be based solely on the City's assessment of the value of the work-in-progress in completing the overall work scope. The City reserves the right to delay any such payment until completion or confirmed abandonment of the project, as may be determined in the City's sole discretion, so as to permit a full and complete accounting of costs. In no event, however, shall the Contractor be entitled to receive in excess of the compensation quoted in its proposal.

SPECIAL TERMS AND CONDITIONS

1. **References.** Provide references to establish qualification to perform the work required as indicated in the Scope of Work.
2. **Proposal Content.** Formatting of all information and documentation is left to the discretion of the proposer. However, Proposals and Statements of Qualification should fully address all issues outlined in the Scope of Work.
3. **Proposal Copies.** One (1) original and four (4) copies of the proposal must be submitted.
4. **Proposal Evaluation and Selection.** Proposals, which must be sealed and submitted prior to 4:00 p.m. on August 20, 2015, will be evaluated by a review committee based on the criteria set forth in the Scope of Work. Contract award will not be based solely on compensation, but on a combination of factors as determined to be in the best interest of the City. After evaluating the proposals and discussing them further with the finalists or the tentatively selected contractor, the City reserves the right to further negotiate the proposed work and/or method and amount of compensation.
5. **Contract Term.** The term of the contract shall be for a period of three (3) years, at which time the performance of the Contractor will be evaluated prior to extending the contract for subsequent periods.
6. **Release of Reports and Information.** Any reports, information, data, or other material given to, prepared by or assembled by the Contractor as part of the work or services under these specifications shall be the property of the City and shall not be made available to any individual or organization by the Contractor without the prior written approval of the City.

7. **Copies of Reports and Information.** If the City requests additional copies of reports, or any other material in addition to what the agency is required to furnish in limited quantities as part of the work or services under these specifications, the Contractor shall provide such additional copies as are requested, and City shall compensate the Contractor for the costs of duplicating of such copies at the Contractor's direct expense.

INSURANCE REQUIREMENTS

The successful Contractor shall procure and maintain for the duration of the contract insurance against claims for injuries to persons or damages to property which may arise from or in connection with the performance of the work hereunder by the Contractor, its agents, representatives, employees, or subcontractors.

1. **Minimum Scope of Insurance.** Coverage shall be at least as broad as:
 - A. Insurance Services Office Commercial General Liability and Liquor Liability coverage (occurrence form CG0001).
 - B. Insurance Services Office form number CA 0001 (Ed. 1/87) covering Automobile Liability, code 1 (any auto).
 - C. Workers' Compensation insurance as required by the State of California and Employer's Liability Insurance.
 - D. Errors and Omissions Liability insurance as appropriate to the contractor's profession.
2. **Minimum Limits of Insurance.** Contractor shall maintain limits no less than:
 - A. General Liability: \$1,000,000 per occurrence for bodily injury, personal injury, and property damage. If Commercial General Liability or other form with a general aggregate limit is used, either the general aggregate limit shall apply separately to this project/location or the general aggregate limit shall be twice the required occurrence limit.
 - B. Automobile Liability: \$1,000,000 per accident for bodily injury and property damage.
 - C. Employer's Liability: \$1,000,000 per accident for bodily injury or disease.
 - D. Errors and Omissions Liability: \$1,000,000 per occurrence, if required.
3. **Deductibles and Self-Insured Retentions:** Any deductibles or self-insured retentions must be declared to and approved by the City. At the option of the City, either: the insurer shall reduce or eliminate such deductibles or self-insured retentions as respects the City, its officers, employees, and volunteers; or, the Contractor shall procure a bond guaranteeing payment of losses and related investigations, claim administration, and defense expenses.
4. **Other Insurance Provisions.** The general liability and automobile liability policies are to contain, or be endorsed to contain, the following provisions:
 - A. The City, its officers, officials, employees, agents and volunteers are to be covered as insureds as respects: liability arising out of activities performed by or on behalf of the Contractor; products and completed operations of the Contractor; premises owned, occupied or used by the Contractor; or automobiles owned, leased, hired or borrowed

by the Contractor. The coverage shall contain no special limitations on the scope of protection afforded to the City, its officers, official, employees, agents or volunteers.

- B. For any claims related to this project, the Contractor's insurance coverage shall be primary insurance as respects the City, its officers, officials, employees, agents and volunteers. Any insurance or self-insurance maintained by the City, its officers, officials, employees, agents or volunteers shall be excess of the Contractor's insurance and shall not contribute with it.
- C. Any failure to comply with reporting or other provisions of the policies including breaches of warranties shall not affect coverage provided to the City, its officers, officials, employees, agents or volunteers.
- D. The Contractor's insurance 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.
- E. Each insurance policy required by this clause shall be endorsed to state that coverage shall not be suspended, voided, canceled by either party, reduced in coverage or in limits except after thirty (30) days' prior written notice by certified mail, return receipt requested, has been given to the City.

- 5. **Acceptability of Insurers.** Insurance is to be placed with insurers with a current A.M. Best's rating of no less than A:VII.
- 6. **Verification of Coverage.** Contractor shall furnish the City with a certificate of insurance showing maintenance of the required insurance coverage. Original endorsements effecting general liability and automobile liability coverage required by this clause must also be provided. The endorsements are to be signed by a person authorized by that insurer to bind coverage on its behalf. All endorsements are to be received and approved by the City before work commences.



CITY COUNCIL AGENDA – JULY 21, 2015

SUBJECT: Asphalt Overlay Program for 2015/2016

SOURCE: Public Works

COMMENT: Staff is requesting the expenditure of \$319,753, which is in the 2015/2016 Annual Budget, and the appropriation of \$179,000 from Surface Transportation Program funds (STP), for the Asphalt Overlay Maintenance Program.

Staff has surveyed and prepared a list of streets that qualify for this year's program based on their condition. Proposed treatments include traditional curb to curb overlay and blade patching. The streets selected are as follows:

1. Main Street from Reid Avenue to Mountain View Avenue (city limit)
2. Second Street from Thurman Avenue to Oak Avenue
3. Third Street from Morton Avenue to Putnam Avenue
4. White Chapel Way from Westwood Street east to the end of the cul-de-sac
5. Salisbury Street from Olive Avenue to Tomah Avenue
6. Westwood Street from Westfield Avenue north to city limits
7. Balmayne Street from Harrison Avenue to Cleveland Avenue
8. Balmoral Street from Harrison Avenue to Cleveland Avenue
9. Walch Street from Morton Avenue to Putnam Avenue
10. Harrison Avenue from Mathew Street to Lombardi Street
11. School Avenue from Belmont Street to Walch Street
12. Aurora Avenue from Belmont Street to Walch Street
13. Bellevue Avenue from Belmont Street to Mathew Street
14. Belmont Street from Morton Avenue to Bellevue Avenue
15. Verdugo Drive from Bellevue Avenue north to end of cul-de-sac
16. Walch Street from School Avenue north to end of cul-de-sac
17. Lime Street from Reid Avenue to Sandra Court
18. Cloverleaf Street from Olive Avenue south to end of cul-de-sac
19. Ohio Street from Devon Avenue to Union Avenue
20. Cottage Street from Olive Avenue to Union Avenue
21. Devon Avenue from Indiana Street to Ohio Street
22. Roby Avenue from Indiana Street to Ohio Street
23. Union Avenue from Western Street to Indiana Street
24. Center Avenue from Jaye Street east to end of cul-de-sac

It should be noted that this year's overlay program includes the streets located in Annexation 459 and 456. When the sewer construction project contractor completes all work, street segments within the current sewer annexation areas will receive overlays by City crews, on a case-by-case basis as approved by the

Public Works Director.

Surface Transportation Program funds are the source of funding for this project.

RECOMMENDATION: That the City Council:

1. Approve the 2015/2016 Asphalt Overlay Program authorizing the expenditure of \$319,753; and
2. Direct the Finance Director to appropriate \$179,000 from Surface Transportation Program funds, for a total project cost of \$498,204.

ATTACHMENTS:

1. Overlay 2015-2016 Overview Map
2. Individual (Close-Up) Location Maps

Appropriated/Funded: MB

Review By:

Department Director:

Mike Reed, City Engineer

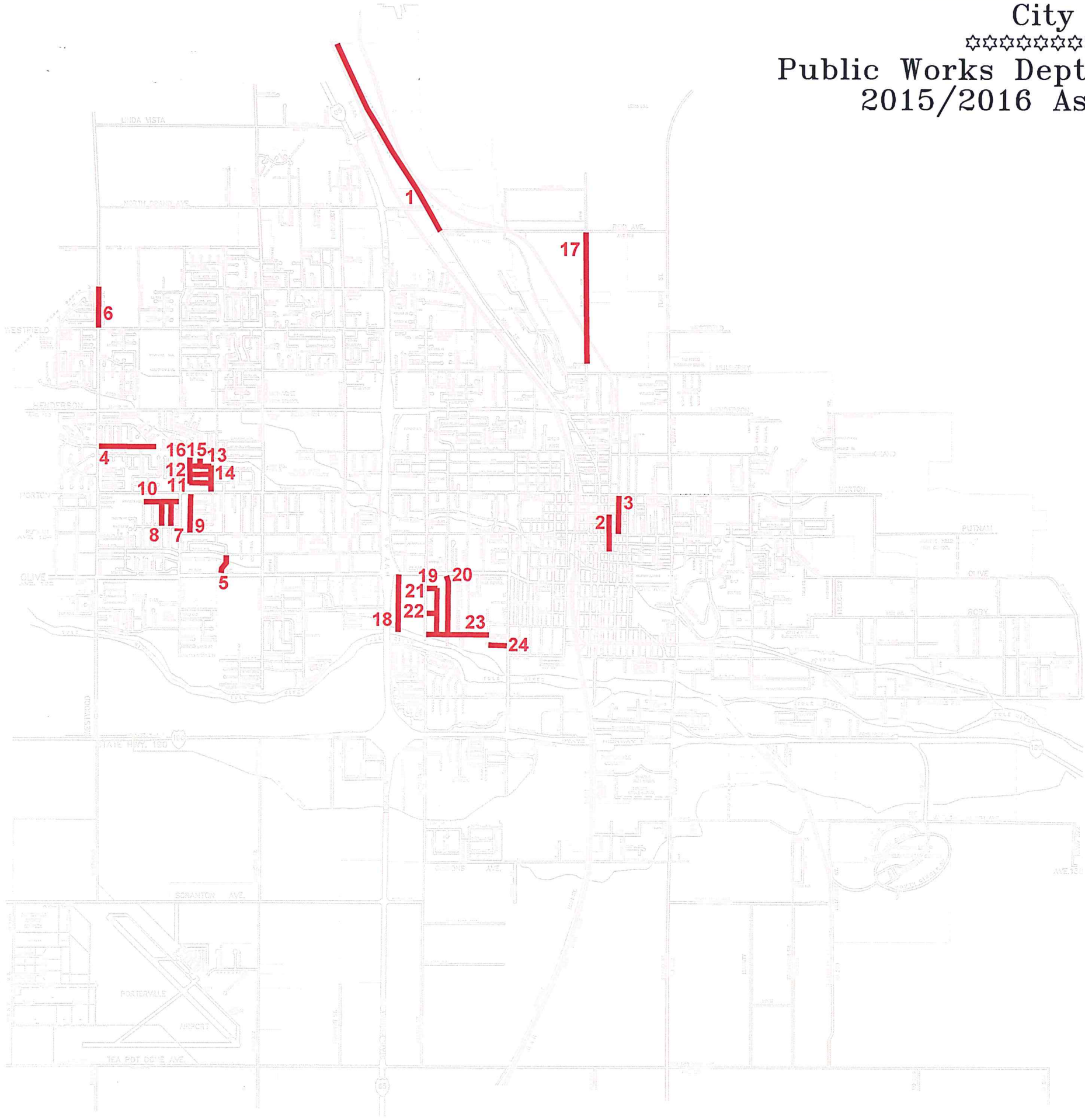
Final Approver: John Lollis, City Manager

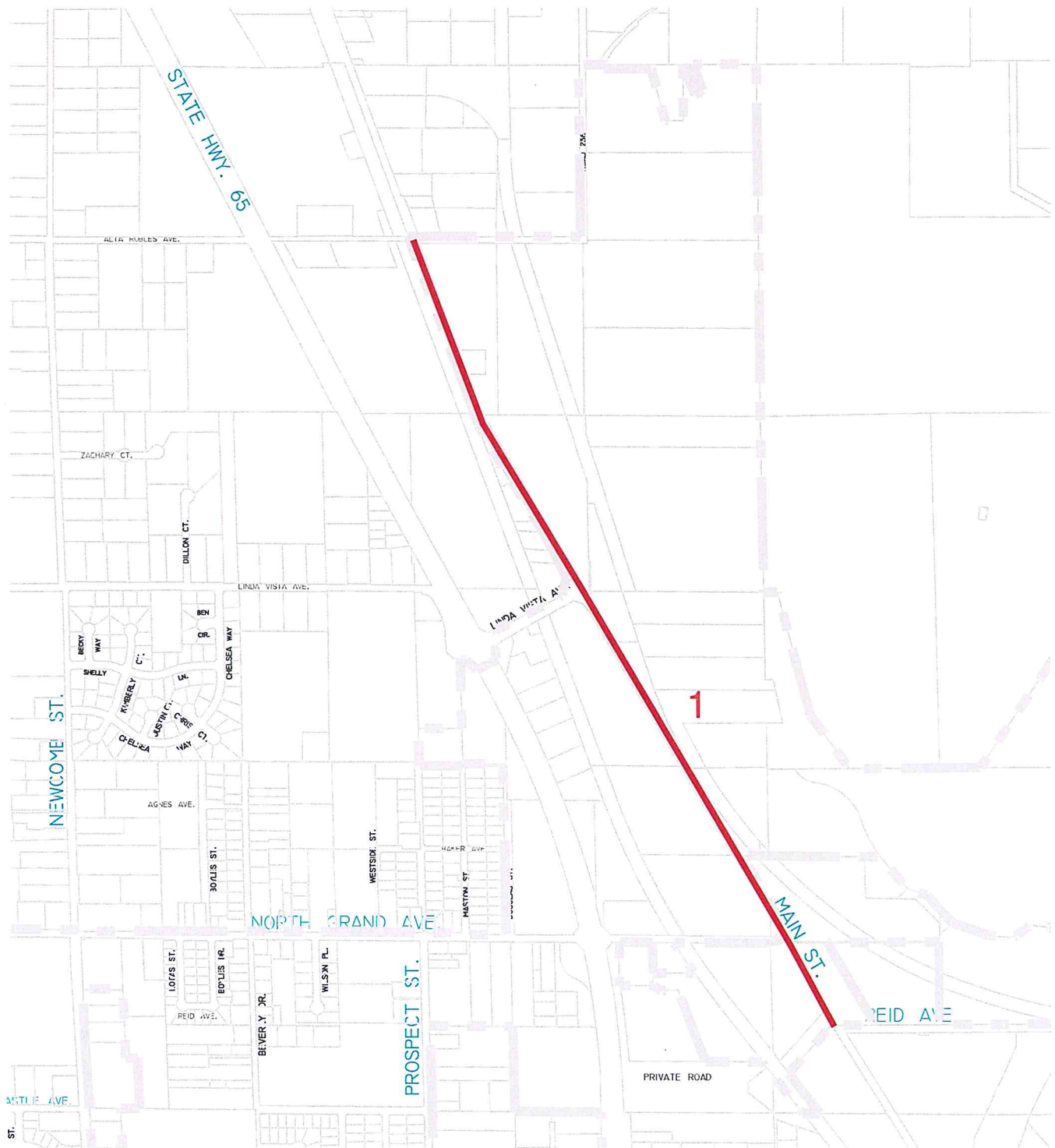
City of Porterville
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Public Works Dept. / Field Services Division
2015/2016 Asphalt Overlay Program



L E G E N D

- 1. Main Street - Reid Avenue to City Limits
- 2. Second Street - Thurman Avenue to Oak Avenue
- 3. Third Street - Morton Avenue to Putnam Avenue
- 4. White Chapel Way - Westwood Street to end of cul-de-sac
- 5. Salisbury Street - Olive Avenue to Tomah Avenue
- 6. Westwood Street - Westfield Avenue to City Limits
- 7. Balmayne Street - Harrison Avenue to Cleveland Avenue
- 8. Balmoral Street - Harrison Avenue to Cleveland Avenue
- 9. Walch Street - Morton Avenue to Putnam Avenue
- 10. Harrison Avenue - Mathew Street to Lombardi Street
- 11. School Avenue - Belmore Street to Walch Street
- 12. Aurora Avenue - Belmont Street to Walch Street
- 13. Bellevue Avenue - Belmont Street to Mathew Street
- 14. Belmont Street - Morton Avenue to Bellevue Avenue
- 15. Verdugo Drive - Bellevue Avenue to end of cul-de-sac
- 16. Walch Street - School Avenue to end of cul-de-sac
- 17. Lime Street - Reid Avenue to Sandra Court
- 18. Cloverleaf Street - Olive Avenue to end of cul-de-sac
- 19. Ohio Street - Olive Avenue to Union Avenue
- 20. Cottage Street - Olive Avenue to Union Avenue
- 21. Devon Avenue - Indiana Street to Ohio Street
- 22. Roby Avenue - Indiana Street to Ohio Street
- 23. Union Avenue - Western Street to Indiana Street
- 24. Center Avenue - Jaye Street to end of cul-de-sec





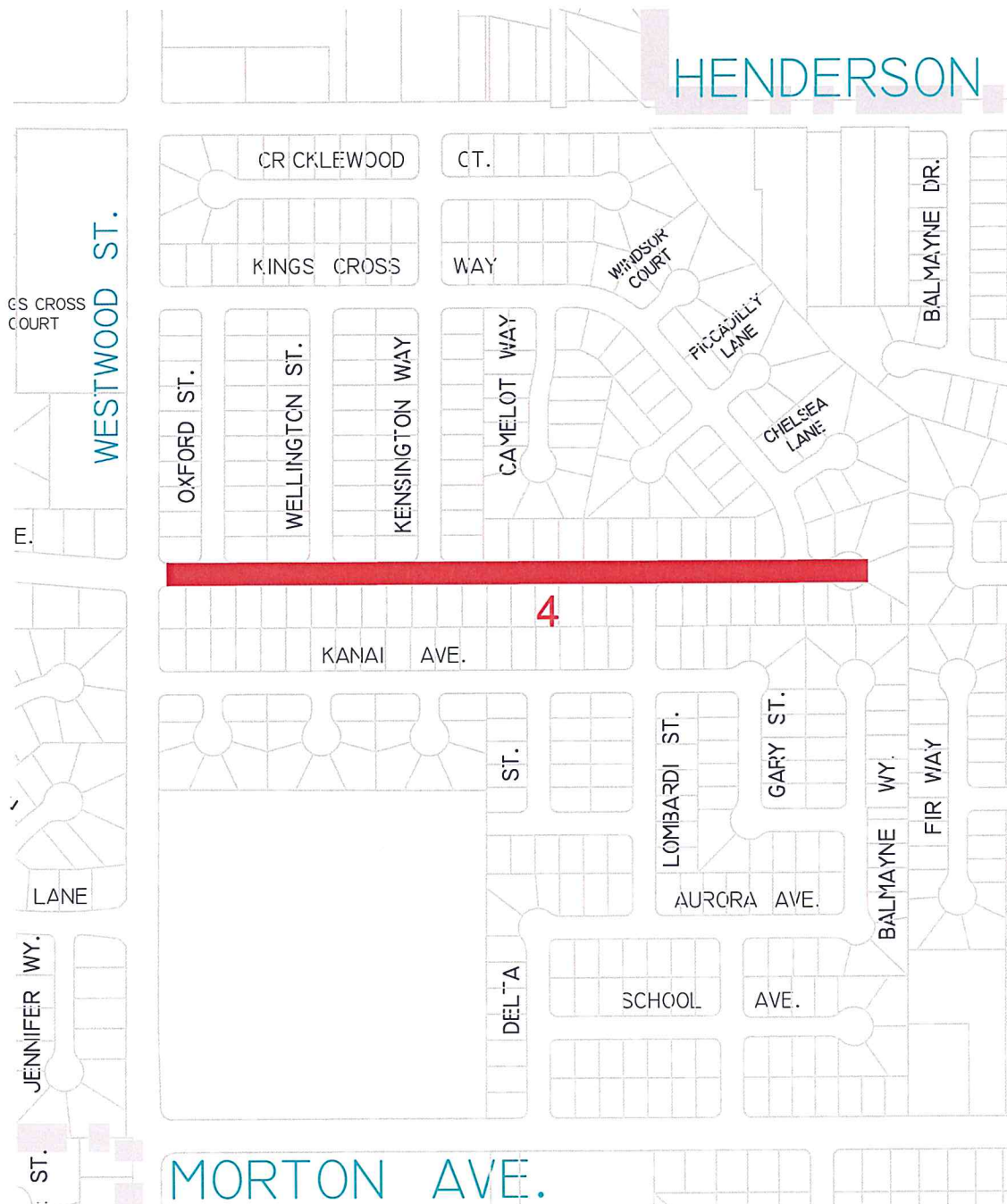
City of Porterville
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PORTERVILLE, CA. 93257
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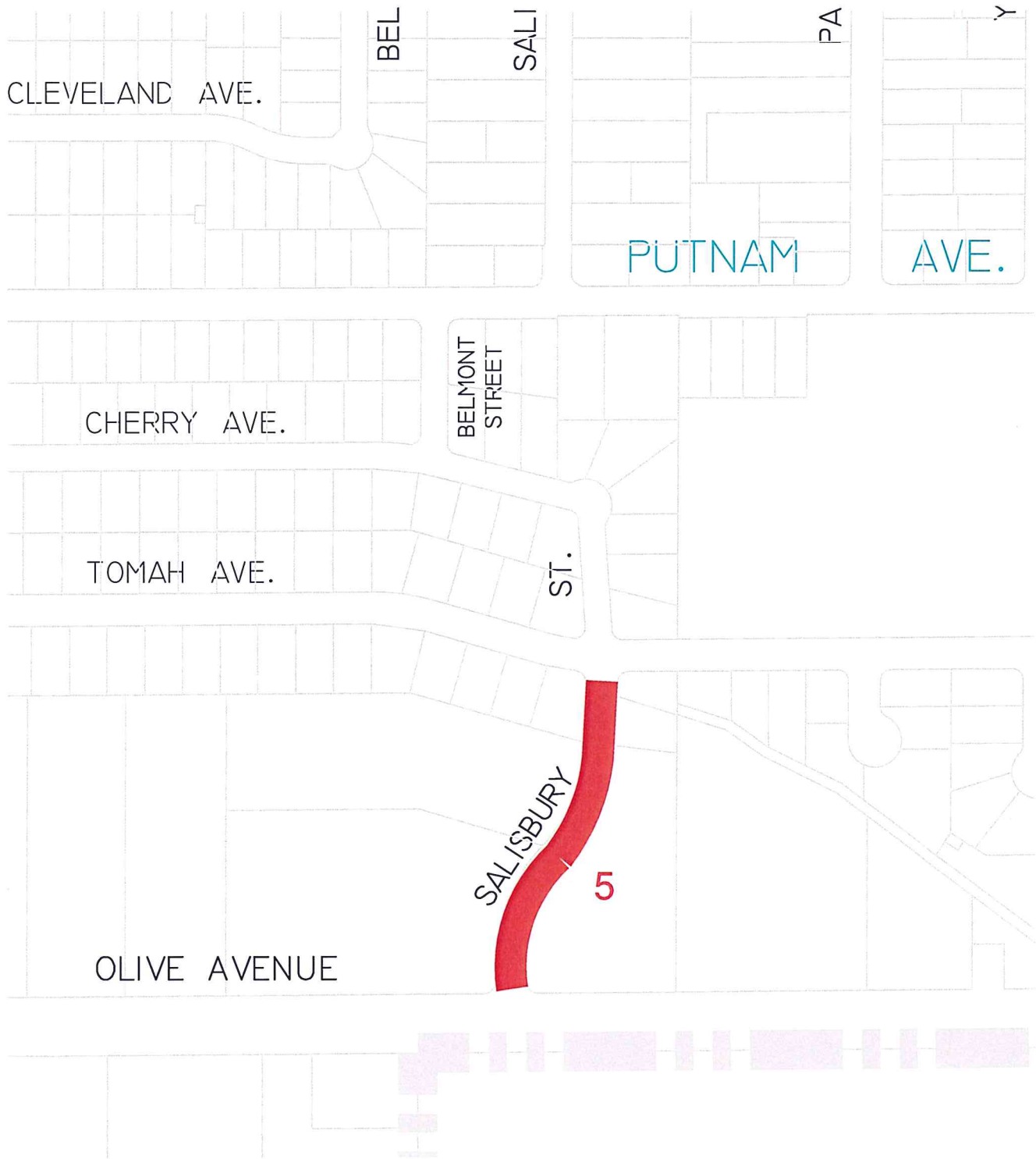
ASPHALT OVERLAY
PROGRAM 2015/2016



City of Porterville
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PROGRAM 2015/2016

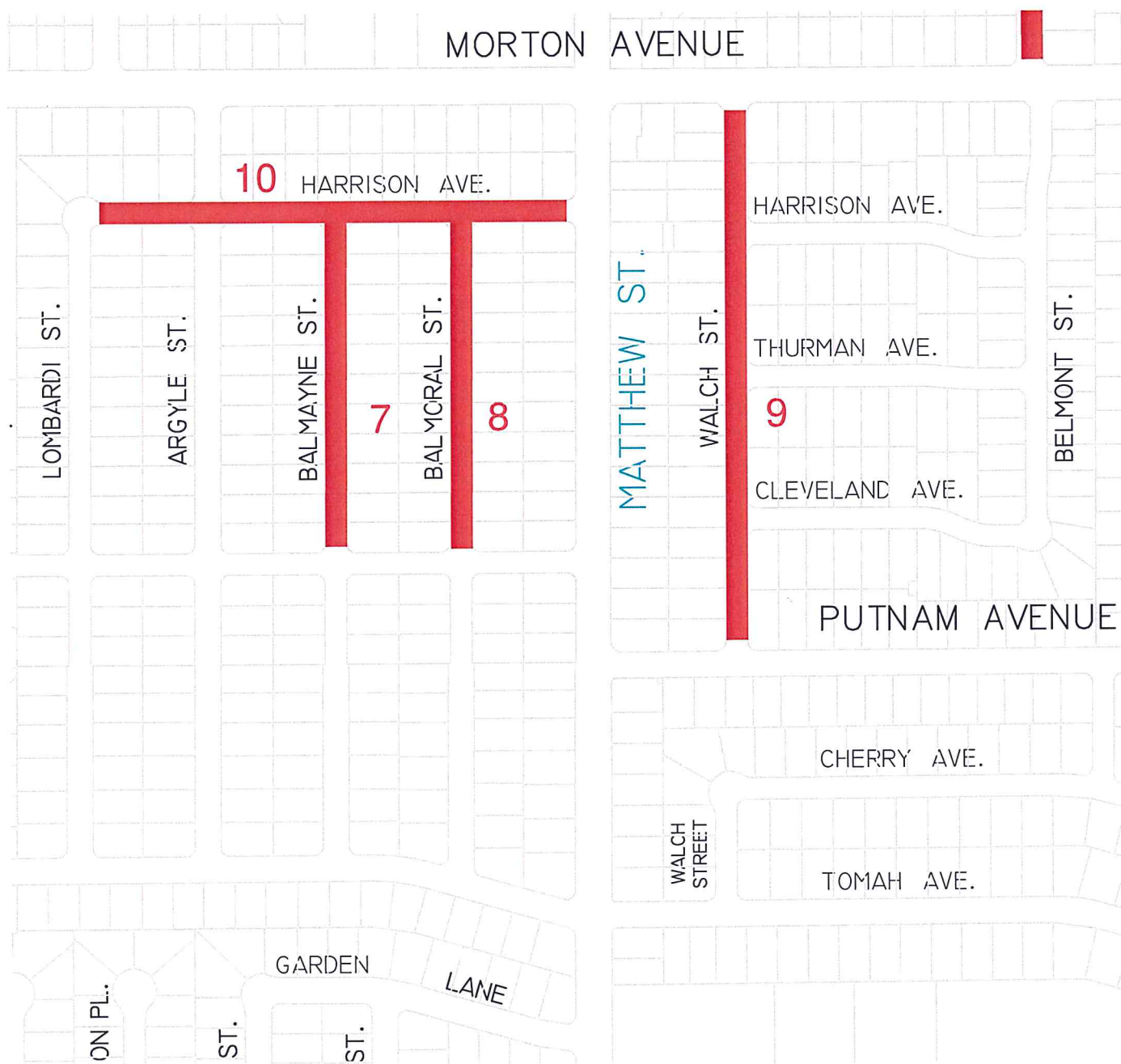


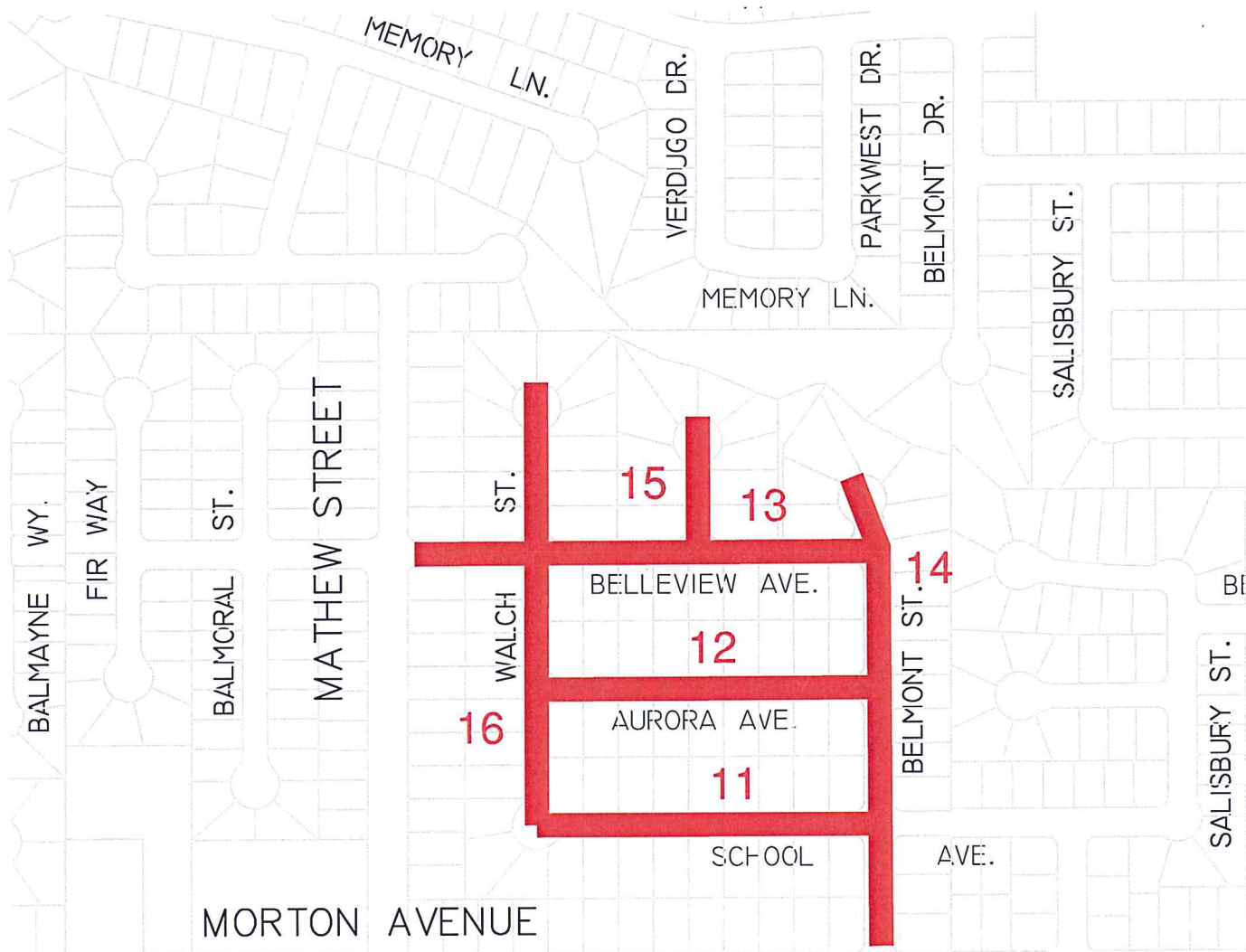


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PROGRAM 2015/2016

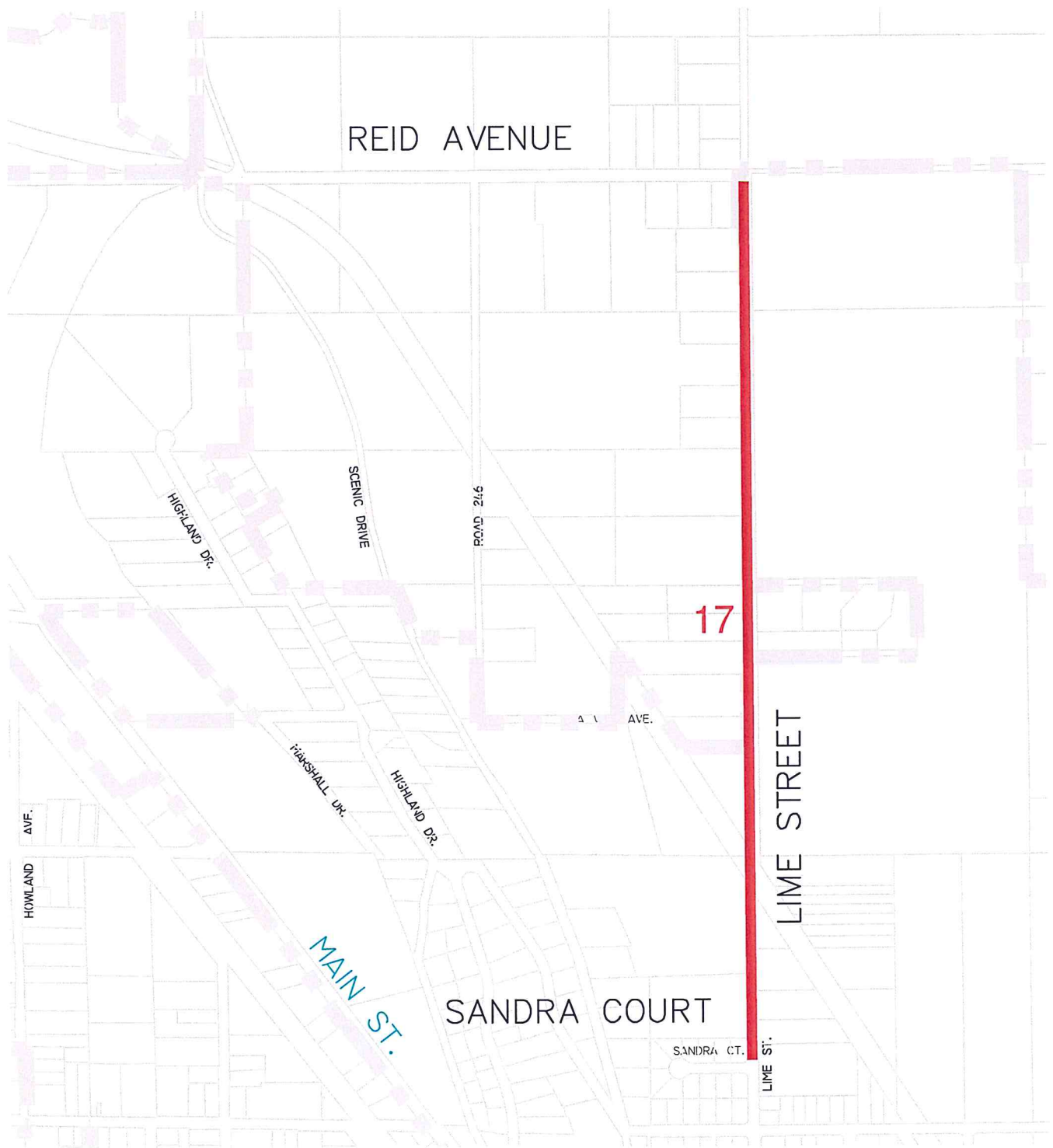






City of Porterville
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ASPHALT OVERLAY
PROGRAM 2015/2016



City of Porterville
291 N. MAIN ST.
PORTERVILLE, CA. 93257
559 7827462

ASPHALT OVERLAY
PROGRAM 2015/2016

COBE ST.

WISCONSIN ST.

TOMAH AVE.

COTTAGE AVE.

GARDEN PLACE

OLIVE TERRACE

CARMELITA AVE.

SINARLE PL.

GARDEN ST.

OLIVE AVE.

CLOVERLEAF ST.

18

21

DEVON AVE.

OHIO ST.

22

ROBY AVE.

19

COTTAGE ST.

20

CHESS TERRACE

VILLA ST.

VINE AVE.

HOWLAND ST.

JAYE ST.

INDIANA ST.

UNION AVE

WESTERN ST.

ORANGE AVE.

23

CENTER AVE.

24

CLOVERLEAF ST.

WISCONSIN ST.

BAY OAK ST.

MILO ST.

SWEARINGEN AVE.

JORDON AVE.

PARKWAY DR.

RIVER OAK AVE.

RIVER EDGE AVE.



City of Porterville
291 N. MAIN ST.
PORTERVILLE, CA. 93257
559 7827462

ASPHALT OVERLAY
PROGRAM 2015/2016



CITY COUNCIL AGENDA – JULY 21, 2015

SUBJECT: Areas 458 and 455 Sewer Utility District Annual Assessments

SOURCE: Public Works

COMMENT: At the April 16, 2013, and the October 15, 2013, City Council meetings, City Council held Public Hearings for the formation of the Sewer Utility Districts for Areas 458 and 455 respectively. Subsequently, Council approved each District by resolution, and annual assessments were provided to the office of the Tulare County Auditor-Controller / Treasurer - Tax Collector (Tulare County) for reimbursement to the City as defined by the Engineer's Report for each District. The structure of each District allowed property owners to be assessed the cost of the sewer infrastructure over a 30-year period at 3% interest rate.

The assessments, once approved by the City Council, are placed upon the tax bill of property owners as a special assessment and collected by Tulare County. The assessment process must be complete and filed with Tulare County by August 10, 2015, for the 2015/2016 tax year. Tulare County requires an annual resolution from the City Council in order to accept the annual assessments.

Assessments for the Island Annexation Area 458 Sewer Project are based on the final construction costs, including sewer laterals and construction management as summarized in an Engineer's Report dated February 5, 2013. The report defined 449 properties within the boundaries of the assessment district. Assessments began August 10, 2014, and at the time the assessments began, 390 properties were participating. The reduction in participants is attributed to assessment payments in full and property owners declining to participate as allowed by the policy adopted by City Council on April 16, 2013. The total remaining assessment amount is \$1,658,530.60. The City anticipates \$84,422.12 to be collected by Tulare County for the 2014/2015 tax year; the final accounting is expected mid-August 2015. Annual assessments for 2015/2016 tax year will again include 390 properties within the district boundaries, so the assessment amount for the 2015/2016 tax year would also be approximately \$84,468.12.

Assessments for the Island Annexation Area 455 Sewer Project were based on the final construction costs, including sewer laterals and construction management as summarized in an Engineer's Report dated August 6, 2013. The report defined 257 properties within the boundaries of the assessment district. Assessments began August 10, 2014, and at the time the assessments began, 225 properties were participating. Since assessments began, one property owner has declined and four have paid in full. As with Area 458, the reduction is attributed to assessment payments in full and property owners declining to participate as allowed by

the policy adopted by City Council on April 16, 2013. The total remaining assessment amount is \$825,903.43. The City anticipates \$42,165.86 to be collected by Tulare County for the 2014/2015 tax year; the final accounting is expected mid-August 2015. Annual assessments for 2015/2016 tax year will include 220 properties within the district boundaries, five fewer than participated last year. The assessment amount for the 2015/2016 tax year is estimated at \$42,135.88.

The total anticipated assessment from both Districts is \$126,587.98 for the first tax year (2014/2015). As previously stated, full disclosure of total assessment for the first tax year and disclosure of delinquent properties are forthcoming.

RECOMMENDATION: That City Council adopt the resolutions ordering the continued assessments for Districts 458 and 455 for the 2015/2016 tax years.

ATTACHMENTS:

1. Resolution - Area 455
2. Area 455 Location Map
3. Resolution - Area 458
4. Area 458 Location Map

Appropriated/Funded: MB

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
CERTIFYING TO THE COUNTY OF TULARE THE VALIDITY OF THE LEGAL PROCESS
USED TO PLACE DIRECT CHARGES (SPECIAL ASSESSMENTS) ON THE SECURED
TAX ROLL

WHEREAS, the notices and election for special assessment fees for the purpose of sewer construction to be included on the regular County property tax bill for property owners of the Area 455 Sewer Utility District was completed on November 19, 2013; and

WHEREAS, the City is placing the special assessments on the Tulare County secured property tax roll for collection; and

WHEREAS, the City has complied with all laws pertaining to the levy of the special assessments to be collected; and

WHEREAS, the monies collected are not in any way to be based on the assessed valuation of the properties involved; and

WHEREAS, the City agrees that it shall be solely liable and responsible and will defend and hold the County of Tulare harmless from any liability as a result of claims or claims for refunds and related interest due filed by taxpayers against any assessments, fees, charges or taxes placed on the roll for the District by the County; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Porterville that the list submitted with parcel numbers and amounts are certified as being correct, City Manager John D. Lollis, or Acting Public Works Director, Michael K. Reed, is hereby authorized to sign any documents required and is directed to give the list to the Tulare County Auditor on behalf of the District for placement on the secured tax roll for collection:

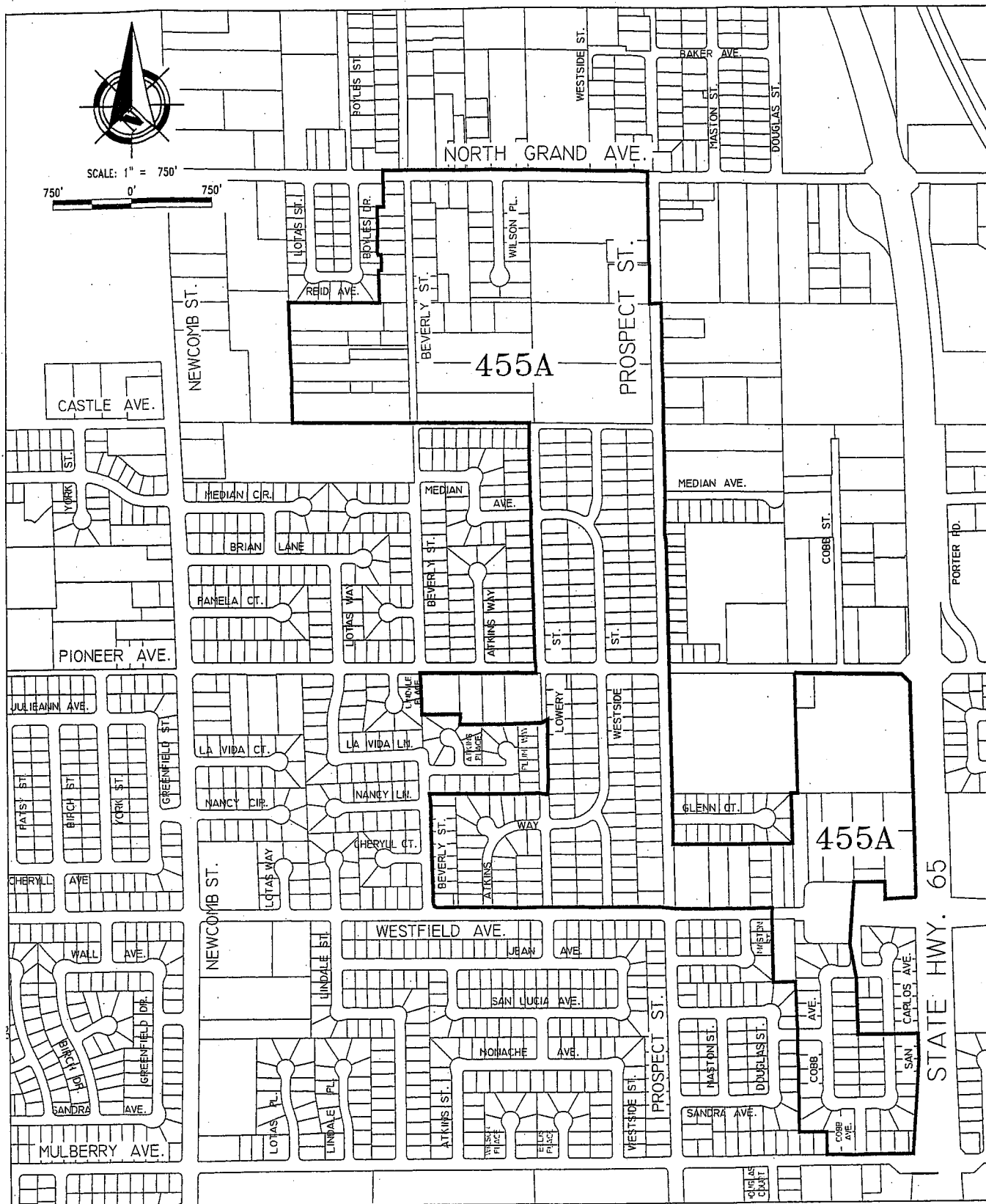
1. Parcel and Assessment Listing
2. Direct Charge (Special Assessment) Control Sheet
3. Direct Charge (Special Assessment) Change Authorization Sheet
4. Compliance Certification and Hold Harmless Statement

PASSED, APPROVED AND ADOPTED, this 21st day of July 2015.

Milt Stowe, Mayor

ATTEST:
John D. Lollis, City Clerk

By: _____
Patrice Hildreth, Chief Deputy City Clerk



PROJECT BOUNDARIES

ISLAND ANNEX. 455A

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
CERTIFYING TO THE COUNTY OF TULARE THE VALIDITY OF THE LEGAL PROCESS
USED TO PLACE DIRECT CHARGES (SPECIAL ASSESSMENTS) ON THE SECURED
TAX ROLL

WHEREAS, the notices and election for special assessment fees for the purpose of sewer construction to be included on the regular County property tax bill for property owners of the Area 458 Sewer Utility District was completed on May 7, 2013; and

WHEREAS, the City is placing the special assessments on the Tulare County secured property tax roll for collection; and

WHEREAS, the City has complied with all laws pertaining to the levy of the special assessments to be collected; and

WHEREAS, the monies collected are not in any way to be based on the assessed valuation of the properties involved; and

WHEREAS, the City agrees that it shall be solely liable and responsible and will defend and hold the County of Tulare harmless from any liability as a result of claims or claims for refunds and related interest due filed by taxpayers against any assessments, fees, charges or taxes placed on the roll for the District by the County; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Porterville that the list submitted with parcel numbers and amounts are certified as being correct, City Manager John D. Lollis, or Acting Public Works Director, Michael K. Reed, is hereby authorized to sign any documents required and is directed to give the list to the Tulare County Auditor on behalf of the District for placement on the secured tax roll for collection:

1. Parcel and Assessment Listing
2. Direct Charge (Special Assessment) Control Sheet
3. Direct Charge (Special Assessment) Change Authorization Sheet
4. Compliance Certification and Hold Harmless Statement

PASSED, APPROVED AND ADOPTED, this 21st day of July 2015.

Milt Stowe, Mayor

ATTEST:
John D. Lollis, City Clerk

By: _____
Patrice Hildreth, Chief Deputy City Clerk



CITY COUNCIL AGENDA – JULY 21, 2015

SUBJECT: Reinitiation of the 2015 Biosolids Management Plan - Perigo Roadsiding

SOURCE: Public Works

COMMENT: The Wastewater Treatment Facility (WWTF) is requesting authorization to reinitiate the 2015 Five-Year Biosolids Management Plan (BMP). Carollo Engineering completed and submitted a draft to the City on March 11, 2015. The cropping schedule included in the 2015 BMP was developed with input from Bob Nuckols Farming.

On April 1, 2015, Perigo Roadsiding replaced Bob Nuckols as the Reclamation Area Lessee. Perigo Roadsiding has requested that Carollo Engineering reinitiate the five-year cropping schedule to complement their farming experience. Perigo Roadsiding has committed to reimbursing the City for these efforts.

The City contacted Carollo Engineering for an Engineer's Estimate to revise the 2015 BMP since they are uniquely qualified based on their extensive work on our reclamation area. Carollo Engineering will update all irrigated and dry farmed acreage, update biosolids application, revise the agronomist report, revise the crop schedule, develop a new five-year cropping plan, run five-year agronomic loading rates and update the five-year water and nitrogen balances. Estimated cost to revise the 2015 BMP is \$17,900. Funds are available in the WWTF operating fund. Once the final BMP is completed, the City will be reimbursed by Perigo Roadsiding for the final cost.

RECOMMENDATION: That City Council:

1. Approve Carollo Engineering's request to reinitiate the 2015 Five-Year Biosolids Management Plan at a cost of \$17,900; and
2. Invoice Perigo Roadsiding once the final Biosolids Management Plan is received by the City.

ATTACHMENTS:

Appropriated/Funded: MB

Review By:

Department Director:
Mike Reed, City Engineer

Final Approver: John Lollis, City Manager



CITY COUNCIL AGENDA – JULY 21, 2015

SUBJECT: Response to Grand Jury Report - Transparency-Open Meeting Law

SOURCE: City Manager's Office

COMMENT: Over the past five (5) years, the Tulare County Grand Jury had received numerous citizen complaints involving alleged violations of the State's open meeting laws by numerous public agencies within the county. The 2014-2015 Grand Jury decided to investigate, and recently issued their report of findings and recommendations (attached). The report was delivered to the City on May 26, 2015. Pursuant to California Penal Code Section 933(c), a written response to the report is required to be filed by the City Council by no later than August 12, 2015.

The response of the City Council is attached for consideration and approval.

RECOMMENDATION: That the City Council:

1. Consider the draft "Response to the Grand Jury" letter regarding the 2014-2015 Report on Transparency-Open Meeting Law; and
2. Authorize the Mayor to sign the Response letter.

ATTACHMENTS:

1. Draft Response Letter
2. Grand Jury Report

Appropriated/Funded: N/A

Review By:

Department Director:

Final Approver: John Lollis, City Manager

July 21, 2015

The Honorable Judge Bret Hillman

County Civic Center, Room 303
221 S. Mooney Boulevard
Visalia, California 93291

Tulare County Grand Jury

5963 S. Mooney Boulevard
Visalia, California 93277

Report: Transparency – Open Meeting Law

To the Honorable Judge Bret Hillman and Tulare County Grand Jury Members:

The City of Porterville is in receipt of the Tulare County Grand Jury Report related to the review of the Brown Act and open meeting laws. Please accept this correspondence as the required response on behalf of the City Council to the Report.

In response to Finding #1 of the Report, that “Adherence to the provisions of California’s ‘open meetings’ laws requires diligence on the part of public officials; vigilance on the part of those they serve; and good faith on the part of both,” the City AGREES with the finding.

In response to Recommendation #1 of the Report, that “All Tulare County public agencies strictly adhere to the provisions of California open meeting laws,” the City AGREES with the recommendation.

In response to Recommendation #2 of the Report, that “All elected/appointed members of Tulare County special districts, school boards, planning commissions, etc. participate in Tulare County Counsel’s annual board training,” the City AGREES with the recommendation that annual training would be beneficial.

In response to Recommendation #3 of the Report, that “The eight incorporated cities in Tulare County convey the findings of this report to all public boards within their jurisdiction,” the City will IMPLEMENT this recommendation.

In response to Recommendation #4 of the Report, that “Tulare County Local Agency Formation Commission (LAFCO) convey the findings of this report to all the agencies within their jurisdiction,” the City AGREES with the recommendation.

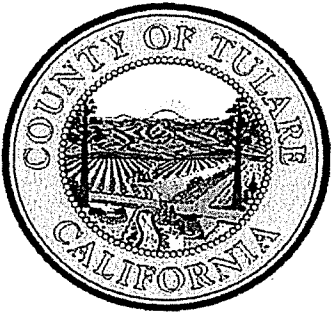
2014-2015 Tulare County Grand Jury
Page 2 of 2
July 21, 2015

In response to Recommendation #5 of the Report, that "Tulare County Office of Education (TCOE) convey the findings of this report to all the school districts within their jurisdiction," the City AGREES with the recommendation.

Thank you for your time and consideration in the acceptance of this letter of response.

Sincerely,

Milt Stowe
Mayor



TULARE COUNTY GRAND JURY

5963 S Mooney Boulevard Visalia, CA 93277

PHONE: (559) 624-7295

FAX: (559) 733-6078

E-MAIL: grnd_jury@co.tulare.ca.us

WEB: <http://tularecounty.ca.gov/grandjury/>

ATTENTION: Board Chairman

AGENCY: Porterville City Council

ADDRESS: 291 Main Street, Porterville, CA 93258

California Penal Code §933.05 (f) mandates that the Tulare County Grand Jury provide a copy of the portion of the final Report that affects that agency or person of that agency two working days prior to its public release. Advance release or disclosure of a Grand Jury Report is prohibited prior to its public release.

Attached is a copy of your portion of the 2014/2015 Tulare County Grand Jury Final Report.

California Penal Code §933(c) requires a response to said document. Depending on the type of respondent you are, a written response is required as follows:

- ☒ **PUBLIC AGENCY:** The governing body of any public agency that is required to respond must do so within NINETY (90) DAYS from the date this report was approved as final by the Presiding Judge.
- ☒ **ELECTIVE OFFICER OR AGENCY HEAD:** All elected officers or heads of agencies that are required to respond must do so within SIXTY (60) DAYS from the date this report was approved as final by the Presiding Judge.

Please be advised, this portion of the final report was approved as final by the Presiding Judge on May 14, 2015.

YOU MUST SEND YOUR RESPONSE TO EACH OF THE FOLLOWING:

The Honorable Judge Bret Hillman
County Civic Center, Room 303
221 S Mooney Blvd
Visalia, CA 93291

Tulare County Grand Jury
5963 S Mooney Blvd
Visalia, CA 93277

Tulare County Board of Supervisors
2800 W. Burrel Ave
Visalia, CA 93291
(For County Agencies Only)

Received by: Webbie Salter

Date: 5-26-15

Report Name: Transparency - Open Meeting Law

Response Due by: August 12, 2015

Delivered by: John M. Hobbs

Date and Time: 26 May 2015

Release Date: May 27, 2015 John M. Hobbs

10:58 a.m.

Chuck White, Foreman 2014/2015 Tulare County Grand Jury

PREPARE A SEPARATE RESPONSE FOR EACH REPORT

California Penal Code §933.05 mandates the manner in which responses are to be answered.

See reverse for Penal Code §933.05 information.

§933.05. Response to Grand Jury Recommendations--Content Requirements; Personal Appearance by Responding Parry; Grand Jury Report to Affected Agency

(a) For purposes of subdivision (b) of §933, as to each grand jury finding, the responding person or entity shall indicate one of the following:

(1) The respondent agrees with the finding.

(2) The respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefore.

(b) For purposes of subdivision (b) of §933, as to each grand jury recommendation, the responding person or entity shall report one of the following actions:

(1) The recommendation has been implemented, with a summary regarding the implemented action.

(2) The recommendation has not yet been implemented, but will be implemented in the future, with a timeframe for implementation.

(3) The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a timeframe for the matter to be prepared for discussion by the officer or head of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This time frame shall not exceed six months from the date of publication of the grand jury report.

(4) The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefore:

(c) However, if a finding or recommendation of the grand jury addresses budgetary or personnel matters of a county agency or department headed by an elected officer, both the agency or department head and the board of supervisors shall respond if requested by the grand jury, but the response of the board of supervisors shall address only those budgetary or personnel matters over which it has some decision-making authority. The response of the elected agency or department head shall address all aspects of the findings or recommendations affecting his or her agency or department.

(d) A grand jury may request a subject person or entity to come before the grand jury for the purpose of reading and discussing the finding of the grand jury report that relates to that person or entity in order to verify the accuracy of the findings prior to their release.

(e) During an investigation, the grand jury shall meet with the subject of that investigation regarding the investigation, unless the court, either on its own determination or upon request of the foreperson of the grand jury, determines that such a meeting would be detrimental.

(f) A grand jury shall provide to the affected agency a copy of the portion of the grand jury report relating to that person or entity two working days prior to its public release and after the approval of the presiding judge. No officer, agency, department, or governing body of a public agency shall disclose any contents of the report prior to the public release of the final report.

TRANSPARENCY - OPEN MEETING LAW

BACKGROUND:

The Brown Act is the quintessential law governing public meetings in California. Authored by Assemblyman Ralph M. Brown and enacted in 1953, it guarantees the public's right to attend and participate in meetings of local legislative bodies.

The Brown Act, originally a 686 word statute that has grown substantially over the years, was enacted in response to mounting public concerns over informal, undisclosed meetings held by local elected officials. City councils, county boards, and other local government bodies were avoiding public scrutiny by holding secret "workshops" and "study sessions." The Brown Act originally applied to California city and county government agencies, boards, and councils. Additionally, the comparable Bagley-Keene Act mandated open meetings for State and local government agencies including school district boards of trustees, community services districts and planning commissions.

The introduction to the Brown Act describes its purpose and intent:

In enacting this chapter, the Legislature finds and declares that the public commissions, boards and councils and the other public agencies in this State exist to aid in the conduct of the people's business. It is the intent of the law that their actions be taken openly and that their deliberations be conducted openly. The people of this State do not yield their sovereignty to the agencies which serve them. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so that they may retain control over the instruments they have created.

REASON FOR INVESTIGATION:

Over the past five (5) years, the Tulare County Grand Jury has received no fewer than twenty-three (23) citizen complaints involving alleged violations of the State's open meetings laws. These complaints allege such violations as:

- a. failure to post agendas in the manner prescribed which is, in most cases seventy-two (72) hours in advance of the scheduled start time of the meeting
- b. failure to post notice of the continuation of a suspended/recessed meeting in the prescribed manner
- c. failure to make public documents pertaining to meeting agenda items available for public scrutiny in the prescribed manner

METHOD OF INVESTIGATION:

In the 2014-2015 term, the Grand Jury has interviewed complainants and relevant public officials in an effort to determine whether or not and/or to what extent violations did in fact occur. Additionally the Grand Jury reviewed relevant public documents.

FACTS:

1. Repeatedly, the Grand Jury was confronted with situations in which, by the time the complaint was received and processed, sufficient time had passed so as to make it exceeding difficult to determine with certainty whether a violation had indeed occurred. Thus placing all but the most flagrant violations in a category of "He said, she said."

FINDINGS:

- F1. Adherence to the provisions of California's "open meetings" laws requires diligence on the part of public officials; vigilance on the part of those they serve; and good faith on the part of both.

RECOMMENDATIONS:

- R1. All Tulare County public agencies strictly adhere to the provisions of California open meetings laws.
- R2. All elected/appointed members of Tulare County special districts, school boards, planning commissions, etc. participate in Tulare County Counsel's annual board training.
- R3. The eight incorporated cities in Tulare County convey the findings of this report to all public boards within their jurisdiction.
- R4. Tulare County Local Agency Formation Commission (LAFCO) convey the findings of this report to all the agencies within their jurisdiction.
- R5. Tulare County Office of Education (TCOE) convey the findings of this report to all the school districts within their jurisdiction.

REQUIRED RESPONSES:

1. Local Agency Formation Commission (LAFCO)
2. Tulare County Office of Education (TCOE)
3. Eight incorporated cities in Tulare County;
 - a. Dinuba City Council,
 - b. Exeter City Council
 - c. Farmersville City Council
 - d. Lindsay City Council
 - e. Porterville City Council
 - f. Tulare City Council

- g. Visalia City Council
 - h. Woodlake City Council
4. Board of Supervisors

Disclaimer

Grand Jury reports are based on documentary evidence and the testimony of sworn or admonished witnesses, not on conjecture or opinion. However, the Grand Jury is precluded by law from disclosing such evidence except upon specific approval of the Presiding Judge of the Superior Court, or another judge appointed by the Presiding Judge (Penal Code Section 911, 924.1 (a) and 929). Similarly, the Grand Jury is precluded by law from disclosing the identity of witnesses except upon an order of the court for narrowly defined purposes (Penal Code Section 924.2 and 929).



CITY COUNCIL AGENDA – JULY 21, 2015

SUBJECT: Response to Grand Jury Report - Farming with Bio-Solids in Porterville

SOURCE: City Manager's Office

COMMENT: The 2014-2015 Grand Jury received a citizen complaint alleging that the City of Porterville had failed to use proper procedures pertaining to requesting and reviewing proposals and subsequently entering into a lease agreement involving the farming of land owned by the City. The complaint also alleged that the City failed to take into consideration instances of non-compliance with provisions of previous contracts on the part of one of the respondents. The Grand Jury decided to investigate, and recently issued their report of findings and recommendations (attached). The report was delivered to the City on May 13, 2015. Pursuant to California Penal Code Section 933(c), a written response to the report is required to be filed by the City Council by no later than August 3, 2015.

The response of the City Council is attached for consideration and approval.

RECOMMENDATION: That the City Council:

1. Consider the draft "Response to the Grand Jury" letter regarding the 2014-2015 Report on Farming with Bio-Solids in Porterville; and
2. Authorize the Mayor to sign the Response letter.

ATTACHMENTS:

1. Draft Response Letter
2. Grand Jury Report

Appropriated/Funded: MB

Review By:

Department Director:

Final Approver: John Lollis, City Manager

July 21, 2015

The Honorable Judge Bret Hillman

County Civic Center, Room 303
221 S. Mooney Boulevard
Visalia, California 93291

Tulare County Grand Jury

5963 S. Mooney Boulevard
Visalia, California 93277

Report: Farming with Bio Solids in Porterville

To the Honorable Judge Bret Hillman and Tulare County Grand Jury Members:

The City of Porterville is in receipt of the Tulare County Grand Jury Report related to the review of the City's wastewater treatment and reclamation operation. Please accept this correspondence as the required response on behalf of the City Council to the Report.

In response to Finding #1 of the Report, that "the City's contract administration and compliance monitoring relative to the lessee's adherence to the provisions of the lease as well as the lessee's compliance with the requirements of the 'Bio-solids Management Plan,' displayed confusion and/or misunderstanding on the part of staff as to which City Department had primary responsibility for the timing and collection of lease payments," the City AGREES with the finding and has clarified that the Public Works Department shall notify the Finance Department of the amount and timing of lease payments, and the Finance Department shall be responsible for their invoice and collection.

In response to Finding #2 of the Report, that "although there was no misunderstanding as to which City Department has responsibility for monitoring compliance with the BMP, there are acknowledged shortcoming to the development and maintenance schedule for performance reviews and the documentation thereof," the City AGREES with the finding and has instituted a more active monitoring program.

In response to Recommendation #1 of the Report, that "the City implement a revised comprehensive performance evaluation process wherein the lessee(s) are more closely monitored," the City has already IMPLEMENTED the recommendation, transitioning from a monthly to a weekly review and monitoring of lessee activities.

The City's Wastewater Treatment Facility (WWTF) is tasked with monitoring the application of secondary treated effluent and biosolids application to the Reclamation Area. The Reclamation Area encompasses approximately 946 acres, of which 630 acres are available for irrigation, 250 acres are dry farmed land, and 66 acres are used for percolation.

Previous to the Grand Jury's investigation, the City utilized a monthly reporting form approved by the Executive Officer of the Regional Water Quality Control Board for reporting Reclamation Area Monitoring as outlined in Monitoring and Reporting Program No. R5-2008-0034. The Reclamation Area Monthly Report was submitted to the Reclamation Area Lessee, the lessee would enter the required information, sign the report and return it to the City. The City would use the submitted information to generate required monthly, quarterly, and annual reports. The information required in the report included types of crops, amount of water and/or reclaimed water applied to the crops (in acre-feet), amount of sludge and/or chemical fertilizers applied (in pounds of nitrogen per acre).

On November 1, 2014, the City entered into a 5-Year lease agreement with Nuckols Farming to manage the City's Reclamation Area. Nuckols Farming was to comply with all terms and conditions of the lease, including but not limited to following the 2010 Biosolids Management Plan (BMP). Due to existing litigation between Nuckols Farming and the City, the City is unable to respond further at this time.

During its investigation, it was recommended by the Grand Jury that the City undertake a weekly monitoring and reporting program instead of monthly. The City accepted the recommendation, and on March 30, 2015, the City implemented a weekly monitoring of the Reclamation Area. Among the activities monitored on a weekly basis are the field acres, crop, and farming activities (field prep, irrigating, harvesting).

On April 1, 2015, the City contracted with Perigo Roadsiding to take over the Reclamation Area Lease Agreement through October 31, 2019. The City will continue the weekly monitoring program of the Reclamation Area to track the activities of the current farm manager.

In response to Recommendation #2 of the Report, that "the City define and implement detailed accounts receivable policies and procedures," the City has already IMPLEMENTED the recommendation, which the Public Works Department shall notify the Finance Department of the amount and timing of accounts receivable (in this instance lease payments), and the Finance Department shall be responsible for their invoice and collection.

2014-2015 Tulare County Grand Jury
Page 3 of 3
July 21, 2015

Thank you for your time and consideration in the acceptance of this letter of response.

Sincerely,

Milt Stowe
Mayor



TULARE COUNTY GRAND JURY

5963 S Mooney Boulevard Visalia, CA 93277

PHONE: (559) 624-7295

FAX: (559) 733-6078

E-MAIL: grnd_jury@co.tulare.ca.us

WEB: <http://tularecounty.ca.gov/grandjury/>

ATTENTION: Milt Stowe, Mayor

AGENCY: City of Porterville/ City Council

ADDRESS: 291 North Main Street, Porterville, CA 93257

California Penal Code §933.05 (f) mandates that the Tulare County Grand Jury provide a copy of the portion of the final Report that affects that agency or person of that agency two working days prior to its public release. Advance release or disclosure of a Grand Jury Report is prohibited prior to its public release.

Attached is a copy of your portion of the 2014/2015 Tulare County Grand Jury Final Report.

California Penal Code §933(c) requires a response to said document. Depending on the type of respondent you are, a written response is required as follows:

- ☒ **PUBLIC AGENCY:** The governing body of any public agency that is required to respond must do so within NINETY (90) DAYS from the date this report was approved as final by the Presiding Judge.
- ☒ **ELECTIVE OFFICER OR AGENCY HEAD:** All elected officers or heads of agencies that are required to respond must do so within SIXTY (60) DAYS from the date this report was approved as final by the Presiding Judge.

Please be advised, this portion of the final report was approved as final by the Presiding Judge on May 5, 2015.

YOU MUST SEND YOUR RESPONSE TO EACH OF THE FOLLOWING:

The Honorable Judge Bret Hillman
County Civic Center, Room 303
221 S Mooney Blvd
Visalia, CA 93291

Tulare County Grand Jury
5963 S Mooney Blvd
Visalia, CA 93277

Tulare County Board of Supervisors
2800 W. Burrel Ave
Visalia, CA 93291
(For County Agencies Only)

Received by: Douglas Salter

Date: 5-13-15

Report Name: Farming with Bio Solids in Porterville

Response Due by: August 3, 2015

Delivered by: John M. Hobbs

Date and Time: 13 May 2015

Release Date: May 15, 2015

2:15 p.m.

Chuck White, Foreman 2014/2015 Tulare County Grand Jury

PREPARE A SEPARATE RESPONSE FOR EACH REPORT

California Penal Code §933.05 mandates the manner in which responses are to be answered.

See reverse for Penal Code §933.05 information.

§933.05. Response to Grand Jury Recommendations--Content Requirements; Personal Appearance by Responding Parry; Grand Jury Report to Affected Agency

(a) For purposes of subdivision (b) of §933, as to each grand jury finding, the responding person or entity shall indicate one of the following:

(1) The respondent agrees with the finding.

(2) The respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefore.

(b) For purposes of subdivision (b) of §933, as to each grand jury recommendation, the responding person or entity shall report one of the following actions:

(1) The recommendation has been implemented, with a summary regarding the implemented action.

(2) The recommendation has not yet been implemented, but will be implemented in the future, with a timeframe for implementation.

(3) The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a timeframe for the matter to be prepared for discussion by the officer or head of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This time frame shall not exceed six months from the date of publication of the grand jury report.

(4) The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefore:

(c) However, if a finding or recommendation of the grand jury addresses budgetary or personnel matters of a county agency or department headed by an elected officer, both the agency or department head and the board of supervisors shall respond if requested by the grand jury, but the response of the board of supervisors shall address only those budgetary or personnel matters over which it has some decision-making authority. The response of the elected agency or department head shall address all aspects of the findings or recommendations affecting his or her agency or department.

(d) A grand jury may request a subject person or entity to come before the grand jury for the purpose of reading and discussing the finding of the grand jury report that relates to that person or entity in order to verify the accuracy of the findings prior to their release.

(e) During an investigation, the grand jury shall meet with the subject of that investigation regarding the investigation, unless the court, either on its own determination or upon request of the foreperson of the grand jury, determines that such a meeting would be detrimental.

(f) A grand jury shall provide to the affected agency a copy of the portion of the grand jury report relating to that person or entity two working days prior to its public release and after the approval of the presiding judge. No officer, agency, department, or governing body of a public agency shall disclose any contents of the report prior to the public release of the final report.

FARMING WITH BIO-SOLIDS IN PORTERVILLE

BACKGROUND:

Porterville is Tulare County's third largest incorporated city with an estimated population of 55,174 (July 2013). Its 17.7 square miles of total area is located in the southeastern quadrant of the County approximately 51 miles north of Bakersfield and some 31 miles southeast of Visalia. Agriculture supplemented by the Central Valley Water Project has been the major source of economic growth in the area. The City is the center of a large farming area noted especially for citrus and livestock. Porterville is a charter city with a council-city manager form of government. In fiscal year 2014-15 the City had a budget of \$49,896,677 of which \$5,888,076 was allocated to the operation of the City's sewer system.

REASON FOR INVESTIGATION:

The Grand Jury received a citizen complaint alleging that the City of Porterville had failed to use proper procedures pertaining to requesting and reviewing proposals and subsequently entering into a lease agreement involving the farming of some 682.4 acres of land owned by the City. The lease agreement contained requirements that the lessee adhere to terms and conditions related to the dispersal of treated wastewater from the City's sewage treatment facility. The terms and conditions of wastewater dispersal stemmed from the City's "Bio-solids Management Plan" (BMP), monitored by the Regional Water Quality Control Board. The complaint also alleged that the City failed to take into consideration instances of non-compliance with provisions of previous contracts on the part of one of the respondents.

METHOD OF INVESTIGATION:

The Grand Jury interviewed Porterville City staff and studied various relevant documents, including the lease in question. The Grand Jury also viewed video footage of a Porterville City Council meeting during which information relative to non-compliance with the aforementioned BMP was presented.

FACTS:

1. In evaluating the proposals from prospective lessees, the City assigned a weighted value to each of four (4) criteria:
 - a. Farming experience (25 points)
 - b. Marketing and Sales Experience for Crops (5 points)
 - c. Recycled water irrigation and bio-solids application experience, quality of existing farming operations and response to Request For Proposal (RFP) (30 points)

- d. Revenue accruing to the City from the lease (40 points)
2. The criterion having the most value was criterion “d”
3. The City’s RFP included an addendum which, under normal circumstances, must be returned by each respondent in order to have their proposal considered.
4. One of the respondents failed to return the addendum within the prescribed time period.
5. The City Council received advice from legal counsel regarding the respondent’s failure to return the addendum and indicated this omission did not disqualify the respondent because it could be considered a waivable defect.
6. The City pursued redress of a previous instance(s) of non-compliance by filing a civil suit in Tulare County Superior Court which was consummated by a “Negotiated Settlement Agreement.”
7. Terms of the “Negotiated Settlement Agreement” effectively precluded the City from including the previous instances of non-compliance in the evaluation of future proposals submitted by the defendant in the suit.
8. The City has no formal schedule pertaining to lessee performance and compliance monitoring.
9. The City has discovered that the lessee has failed to adhere to the crop rotation requirements of the BMP and is, therefore, out of compliance with the terms of the lease.

FINDINGS:

- F1. The City’s contract administration and compliance monitoring relative to the lessee’s adherence to the provisions of the lease as well as the lessee’s compliance with the requirements of the “Bio-solids Management Plan,” displayed confusion and/or misunderstanding on the part of staff as to which City Departments had primary responsibility for the timing and collection of lease payments.
- F2. Although there was no misunderstanding as to which City Department has responsibility for monitoring compliance with the BMP, there are acknowledged shortcomings to the development and maintenance of schedules for performance reviews and the documentation thereof.

RECOMMENDATIONS:

- R1.** The City implement a revised comprehensive performance evaluation process wherein the lessee(s) are more closely monitored.
- R2.** The City define and implement detailed accounts receivable policies and procedures.

REQUIRED RESPONSES:

- 1.** City of Porterville

Disclaimer

Grand Jury reports are based on documentary evidence and the testimony of sworn or admonished witnesses, not on conjecture or opinion. However, the Grand Jury is precluded by law from disclosing such evidence except upon specific approval of the Presiding Judge of the Superior Court, or another judge appointed by the Presiding Judge (Penal Code Section 911, 924.1 (a) and 929). Similarly, the Grand Jury is precluded by law from disclosing the identity of witnesses except upon an order of the court for narrowly defined purposes (Penal Code Section 924.2 and 929).



CITY COUNCIL AGENDA – JULY 21, 2015

SUBJECT: Authorization to Roll Weed Abatement Balances, Delinquent Development Fee Payment Plan Agreements, and Unpaid Utility Accounts to the Property Tax Rolls

SOURCE: Finance

COMMENT: Staff has prepared a draft resolution for Council consideration which will authorize the County Auditor to place uncollected weed abatement charges, delinquent development fee payment plan agreements, and unpaid utility accounts on the property tax rolls.

City Code Section 12-3.12 provides for weed abatement balances to be rolled to property taxes for collection. The Development Fee Payment Plan Agreements provide that the unpaid balance of principal may be collected in the manner real property taxes are collected. With regards to unpaid utility accounts, Section 13-14(D) and Section 25-37 of the City Code provide that any unpaid charge for sewer rental or solid waste services, together with interest and penalties constitutes a lien on the real property involved. City Code Section 25-8 provides that unpaid water bills may be added to the tax statement for said real property and collected in the same manner as real property taxes.

RECOMMENDATION: That the City Council adopt the attached resolution authorizing the County Auditor to place the weed abatement balances, delinquent development fee payment plan agreements, and unpaid utility accounts on the 2015-2016 property tax rolls for collection.

ATTACHMENTS:

1. Draft Resolution
2. Exhibits

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 ORDERING THE PLACEMENT OF SPECIAL ASSESSMENT LIENS
ON THE TULARE COUNTY TAX ROLLS FOR FISCAL YEAR 2015-2016

WHEREAS: The City of Porterville Municipal Code Section 12-3.4, Nuisance and Authority to Abate, sets forth the procedure for all weed, nuisance, and hazard abatements in the city of Porterville, thereafter setting forth the procedure for placement of delinquent assessments on the Tulare County Tax Rolls; and

WHEREAS: The Development Fee Payment Plan Agreements provide that the unpaid balance of principal shall become a lien on said real property and may be collected in the manner real property taxes are collected by the City of Porterville; and

WHEREAS: The City of Porterville Municipal Code Section 13-14, Garbage and Refuse – Charges for Collection; Time and Manner of Payment, provides that the amount required to be paid, together with interest and penalty, constitutes a lien on all real property; and

WHEREAS: The City of Porterville Municipal Code Section 25-37, Collection of Sewer Rental; Charges to be Lien, provides that any unpaid charge for sewer rental or sewer rental penalties or interest may be placed as a lien on the real property involved; and

WHEREAS: The City of Porterville Municipal Code Section 25-8, Guarantee of Payment of Water Bills by Property Owners, provides that unpaid water bills may be a lien on said property and the amount of said unpaid water bill may be added to the tax statement for said real property and collected in the same manner as real property taxes; and

WHEREAS: The Porterville City Council, has duly received and considered evidence and documentation concerning the delinquent accounts proposed to be placed on the Fiscal Year 2015-2016 County Tax Rolls concerning the necessity for the placement of the contemplated tax liens.

NOW, THEREFORE, BE IT RESOLVED: That the City Council of the City of Porterville does hereby approve and order the submittal of the following liens, attached hereto as Exhibit “A,” Exhibit “B,” and Exhibit “C,” to the Tulare County Auditor for placement on the property tax rolls for collection.

PASSED, APPROVED AND ADOPTED this 21st day of July, 2015.

Milt Stowe, Mayor

ATTEST:
John D. Lollis, City Clerk

By: _____
Patrice Hildreth, Chief Deputy City Clerk

CITY OF PORTERVILLE

WEED/HAZARD ABATEMENT
FY2015-2016 Tax Roll

Assessee	Parcel Number	Address	Amount Per Parcel	Assessment Amount
Beverly Miller account #01-000027	1	240-210-028 2430 W Kevin Ln	\$ 4,552.48	\$ 4,552.00
Doyle McComb account #01-000755	2	245-182-009 Well & pump at Porter/Slaughter	4,921.79	4,922.00
Steven Sullivan account #01-000630	3	246-162-016 1095 N Prospect Ave	790.73	791.00
Mary Zorich account #01-000999	4	252-072-026 564 N Villa	3,815.58	3,816.00
Irma Corona account #01-000988	5	252-240-004 357 N Kessing St	5,961.86	5,962.00
WC & Jewel D Walls account #01-000792	6	253-011-006 495 N Division St	3,626.15	3,626.00
Pamela Givens account #01-000745	7	253-041-019 22 E Laurel Ave	4,191.31	4,191.00
Della Mae O'Dell account #01-000613	8	254-073-044 810 E Putnam Ave	3,487.57	3,488.00
Michael Radusinovick account #01-000349	9	254-110-018 Jasmine Ranch, Phase 1	507.07	507.00
Charles Yoshida account #01-000103	10	254-110-019 Jasmine Ranch, Phase 1	570.46	570.00
Jose & Mary Rosalez account #01-000547	11	260-102-020 246 S Ohio St	2,426.97	2,427.00
Ronald Clifford account #01-001021	12	260-114-028 143 S Villa St	5,523.26	5,523.00
Jesus R & Mary Lou Lopez account #01-000478	13	260-184-013 200 S G St	871.48	871.00
Frank Silva account #01-000559	14	260-187-001 347 W Orange Ave	1,057.42	1,057.00
Veronica Caudillo account #01-000998	15	260-204-009 23 N F St	694.08	694.00
Kanda Paulette Ellsworth account #01-000791	16	261-030-039 N Vandalia / W Plano	658.52	659.00
Heliodoro Montoya account #01-001007	17	269-030-050 515 W Scarlet Oak Ave	3,106.77	3,107.00
Total amount of assessments			\$	<u><u>46,763.00</u></u>
Total number of assessments				<u><u>17</u></u>

Exhibit "B"**CITY OF PORTERVILLE****DEVELOPMENT FEE PAYMENT PLAN AGREEMENTS
FY2015-2016 Tax Roll**

<u>Assessee</u>	<u>Parcel Number Address</u>	<u>Amount Per Parcel</u>	<u>Assessment Amount</u>
Robert & Darlene Long account #01-000172	251-210-039 1164 W Olive Ave	\$ 7,499.79	\$ 7,500.00
Mike & Lilia Ramirez account #01-000773	261-140-011 363 E Olive Ave	3,921.64	3,922.00
Total amount of assessments			\$ <u>11,422.00</u>
Total number of assessments			<u>2</u>

CITY OF PORTERVILLE

UNPAID UTILITIES
FY2015-2016 Tax Roll

Assessee	Property Address	Parcel Number	Amount Per Parcel	Assessment Amount
Ken Sudano	1057 N Roberta Way	240-230-069-000	\$ 642.40	\$ 642.00
Carmen Vasquez	1636 W Bel Aire Ave	245-231-031-000	352.19	352.00
Silvio & Lorraine Addamo	1583 N Newcomb St	245-450-001-000	447.13	447.00
Jasco	1720 W Median Ave	245-450-044-000	425.42	425.00
Celeso Cervantes	1250 N Greenfield St	245-500-023-000	124.58	125.00
Diana Rutherford	1036 N Lotas Pl	246-280-003-000	115.04	115.00
Manuel Velasquez	110 W Brightwood Ct	247-150-034-000	455.67	456.00
James Starks	923 N 2nd St	248-042-009-000	87.82	88.00
Harrison Sill	960 N Division St	248-042-015-000	1,031.55	1,032.00
Alberto Astorga	706 E Henderson Ave	248-080-025-000	116.05	116.00
Andrew Foucht	872 W Putnam Ave	251-180-011-000	3,884.91	3,885.00
Sergio & Francisca Ceballos	873 W Tomah Ave	251-202-020-000	742.35	742.00
Shirley Schwin	253 W Bellevue Ave	252-094-002-000	1,670.10	1,670.00
Loredana Addamo	409 N Hawaii St	252-096-005-000	3,298.68	3,299.00
Lorraine Allingham	564 N Villa St	252-240-004-000	517.38	517.00
Robert Fabela	637 N 4th St	253-035-006-000	241.40	241.00
Lloyd Eady	271 N Roche St	253-035-006-000	524.74	525.00
Emelina Martinez	439 N Park St	253-070-027-000	255.69	256.00
Lonnie Lindley	519 E Putnam Ave	253-112-005-000	326.82	327.00
Salvador & Anita Gutierrez	338 N Murry St	253-135-001-000	715.58	716.00
Glen Stailey	1400 E Morton Ave	254-140-002-000	254.89	255.00
Janet Stailey	357 N Conner St	254-140-008-000	252.02	252.00
Armando Lamas	582 S Milo St	259-260-015-000	267.05	267.00
Ted Casio	339 S H St	260-172-006-000	660.13	660.00
Ernestina Ballesteros	177 S G St	260-183-002-000	839.98	840.00
Magdilen Mata	463 S A St	261-080-052-000	331.51	332.00
Alfonso Velasquez	275-277 S A St	261-106-018-000	269.21	269.00
Don & Nicks Freeway Auto	92 S Main St	261-112-005-000	5,177.58	5,178.00
Pablo Haro	444 Camellia	261-322-045-000	298.87	299.00

Total amount of assessments \$ 24,328.00

Total number of assessments 29



CITY COUNCIL AGENDA – JULY 21, 2015

SUBJECT: Landscape and Lighting District Annual Assessments

SOURCE: Parks and Leisure Services

COMMENT: The City has created 64 (sixty-four) Landscape and Lighting Maintenance Districts (LLMDs) since 1989. The original District had 17 (seventeen) annexed areas for new developments in addition to the original area. Since 1996, new Districts have been formed for each new development, representing Districts 2 through 46.

Annually, a process of evaluating maintenance needs and establishing an assessment for each LLMD must be followed. At the July 7, 2015, meeting, the City Council preliminarily approved the annual Engineer's Report, which indicates the proposed assessments for the 2015-2016 Fiscal Year. The assessments, once approved by the City Council, are placed upon the tax bill of property owners as a special assessment, and collected by the County of Tulare. The assessment process must be fully filed with the County by August 10, 2015, in order to be placed upon the tax rolls.

The Engineer's Report provides the financial detail on each district. In an effort to better facilitate the needs of the district, staff has been analyzing fund balances and deficits of 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. The utilities portion of the Engineer's Report shows anticipated water reduction for 2015-2016. This is a response to the State-mandated percentage of water reduction that the City is complying with. These fund balances will be reviewed on a yearly basis to determine funding needs for maintenance, as well as determining assessment requirements.

RECOMMENDATION: That the City Council:

1. Conduct a public hearing on the 2015-2016 assessments for the Landscape and Lighting Maintenance District to take comments or receive protests on the proposed assessments; and
2. Adopt the Resolution ordering the continued maintenance of Landscape and Lighting Maintenance Districts and confirming the Engineer's Report and Assessments for the 2015-2016 Fiscal Year.

ATTACHMENTS:

1. Resolution
2. Engineer's Report

Appropriated/Funded: MB

Review By:

Department Director:

Donnie Moore, Parks and Leisure Services Director

Final Approver: John Lollis, City Manager

RESOLUTION NO.: -2015

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
ORDERING THE CONTINUED MAINTENANCE OF LANDSCAPING AND
LIGHTING MAINTENANCE DISTRICTS AND CONFIRMING THE ENGINEER'S
REPORT AND ASSESSMENT FOR FISCAL YEAR 2015-2016**

WHEREAS, the City Council of the City of Porterville did on the 7th day of July 2015, adopt its Resolution of Intention No. 75-2015 to order the therein described work in connection with the continuation of assessment procedures in Landscape and Lighting Maintenance Districts, which Resolution of Intention No. 75-2015 was duly and legally published in the time, form and manner as required by Law, shown by the Affidavit of Publication of said Resolution of Intention on file in the Office of the City Clerk; and

WHEREAS, said City Council having duly received and considered evidence, oral and documentary, concerning the jurisdiction facts in the proceeding and concerning the necessity for the contemplated work and the benefits to be derived therefrom, and said City Council having now acquired jurisdiction to order the proposed work;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Porterville as follows:

SECTION 1. IT IS HEREBY RESOLVED by the City Council of the City of Porterville that the public interest and convenience require the continuation of assessment procedures for the districts, and said City Council hereby orders that the work and assessment, as set forth and described in said Resolution of Intention No. 75-2015, be done and made; and

SECTION 2. BE IT FURTHER RESOLVED that the report filed by the Engineer is hereby finally approved; and

SECTION 3. BE IT FURTHER RESOLVED that the assessments for fiscal year 2015-2016 and the methods of assessment in the Engineer's Report are hereby approved; and

SECTION 4. BE IT FINALLY RESOLVED that the assessments are in compliance with California Code, that they are without regard to property valuation, and in compliance with Chapter 1, Article 4, and Chapter 3, Division 15 of the Streets and Highway Code allowing the placement of the charge on the tax roll for collection.

PASSED, APPROVED, AND ADOPTED this 21st 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
--

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 = Number of lots

F = 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
 $A = \frac{\$8,000 - \$1,600}{22} = \$290.92$ per lot in Unit One

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

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

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				=	\$ 130.71
					<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>
				\$ 3,293.73

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

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

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

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)
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<i>Estimated Accumulated Costs 2015-2016</i>	\$	1,330.80
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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
			<u>\$ 0.750</u>	=	<u>\$ 1,286.25</u>

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				=	<u>\$ 414.15</u>
					<u>\$ 2,040.96</u>

Estimated Cost Per Year	<u>\$ 2,040.96</u>	=	\$ 81.64
	25		

Current Assessment	<u>\$ 1,004.41</u>	=	\$ 40.18
	25		

New Assessment	<u>\$ 908.55</u>	=	\$ 36.34
	25		

District No. 18 - Ohio North Subdivision Fiscal Year 2015-2016 Maximum Assessment \$190.26

<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>\$</u>	<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>\$</u>	<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
Project Management	30	6 ea @ 5,800 lumens
Fund Balance:	\$ 269.41	lots

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		

Maximum Assessment \$2,303.51

3,655.64

$$\text{New Assessment} \quad \frac{\$ 2,192.00}{85} = \quad \$ 25.79$$

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 \$ 3,524.61 = \$ 135.56
26

Current Assessment \$ 2,486.73 = \$ 95.64
26

New Assessment \$ 2,305.52 = \$ 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 21, 2015

SUBJECT: Conditional Use Permit (PRC 2015-019-C) for the Sale of Alcohol in Conjunction with a Restaurant with Outdoor Seating (Jaffa Mediterranean Grill) Located at 460 W. Vandalia Avenue, Suite E

SOURCE: Community Development

BACKGROUND:

On June 10, 2015, an application was submitted to the Project Review Committee (PRC) to consider a Conditional Use Permit to allow for the sale of beer and wine under a Type 41 On-Sale Beer & Wine license for a Bona- Fide Public Eating Place with outdoor seating for Jaffa Mediterranean Grill located at 460 W. Vandalia Avenue, Suite E in the Riverwalk Marketplace.

COMMENT: The California Department of Alcoholic Beverage Control (ABC) allows for a specific number of licenses per census tract, based on population. Whenever the ratio of on-sale licenses to population in a census tract exceeds the average ratio for the county, an “undue concentration” of licenses is determined to exist. The subject site is located within Census Tract 41.01; this tract contains 17 licenses for alcohol sales; six (6) on-sale and eleven (11) off-sale. In Census tract 41.01, seven (7) on-sale and nine (9) off-sale are allowed without being deemed over-concentrated. Approval of this on-sale license would be the seventh on-sale license. Due to the under-concentration of on-sale licenses, a Letter of Public Convenience or Necessity will not be required.

ANALYSIS: It is not anticipated that this use would have a negative impact on the surrounding properties. Pursuant to Section 300.08 (c), Outdoor Seating, of the Porterville Development Ordinance, barriers are required for uses involving the sale of alcoholic beverages as approved with a Conditional Use Permit. The barrier around the seating area shall be acceptable to the City and the design shall be approved by the Zoning Administrator at the time of building permit issuance. At the request of the applicant, no alcohol advertisement visible from the outside of the proposed building shall be allowed. Conditions of approval are in place to operate the establishment in such a manner as to preserve the public safety, health, and welfare, to prevent the use from becoming a nuisance and to operate the business in compliance with all laws, ordinances and regulations regarding the sale of alcohol. Furthermore, at all times the facility shall be operated and maintained to comply with State Laws, the City of Porterville Development Ordinance, adopted Building Codes and all other applicable laws and ordinances.

The subject site is consistent with the General Plan Land Use Designation of

Retail Centers and Zoning Standards for Planned Development (PD). The Retail Center land use designation is intended to provide for retail and service uses that meet local and regional demand. The proposed restaurant with alcohol sales would suit the purpose of the land use and zoning designation. The restaurant is a permitted use in the Retail Center Zone and alcohol sales may be permitted in that zone with the requested Conditional Use Permit.

ENVIRONMENTAL REVIEW:

On June 8, 2015, the Environmental Coordinator made a preliminary determination that the project is exempt from the California Environmental Quality Act pursuant to Section 15061(b), (3) of the California Code of Regulation (CEQA Guidelines), under the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment.

RECOMMENDATION: That the City Council adopt the draft resolution approving Conditional Use Permit (PRC 2015-019-C) subject to conditions of approval.

ATTACHMENTS:

1. Locator Map
2. 500' Radius Map of noticed parties
3. Floor Plan
4. Existing licenses in Census Tract 41.01
5. Draft Resolution

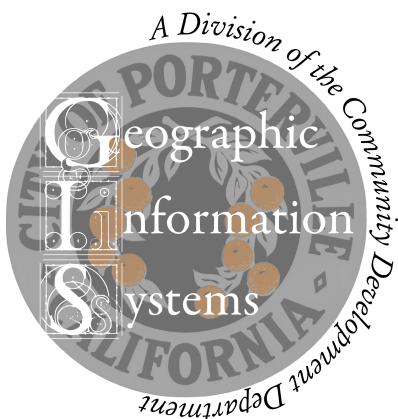
Appropriated/Funded:

Review By:

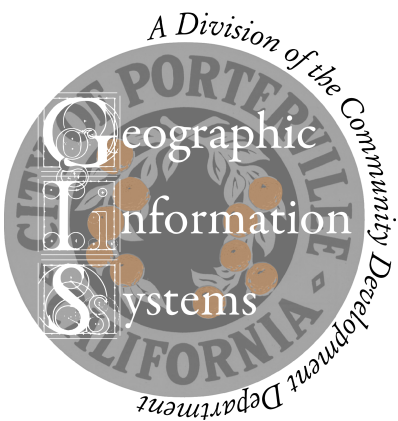
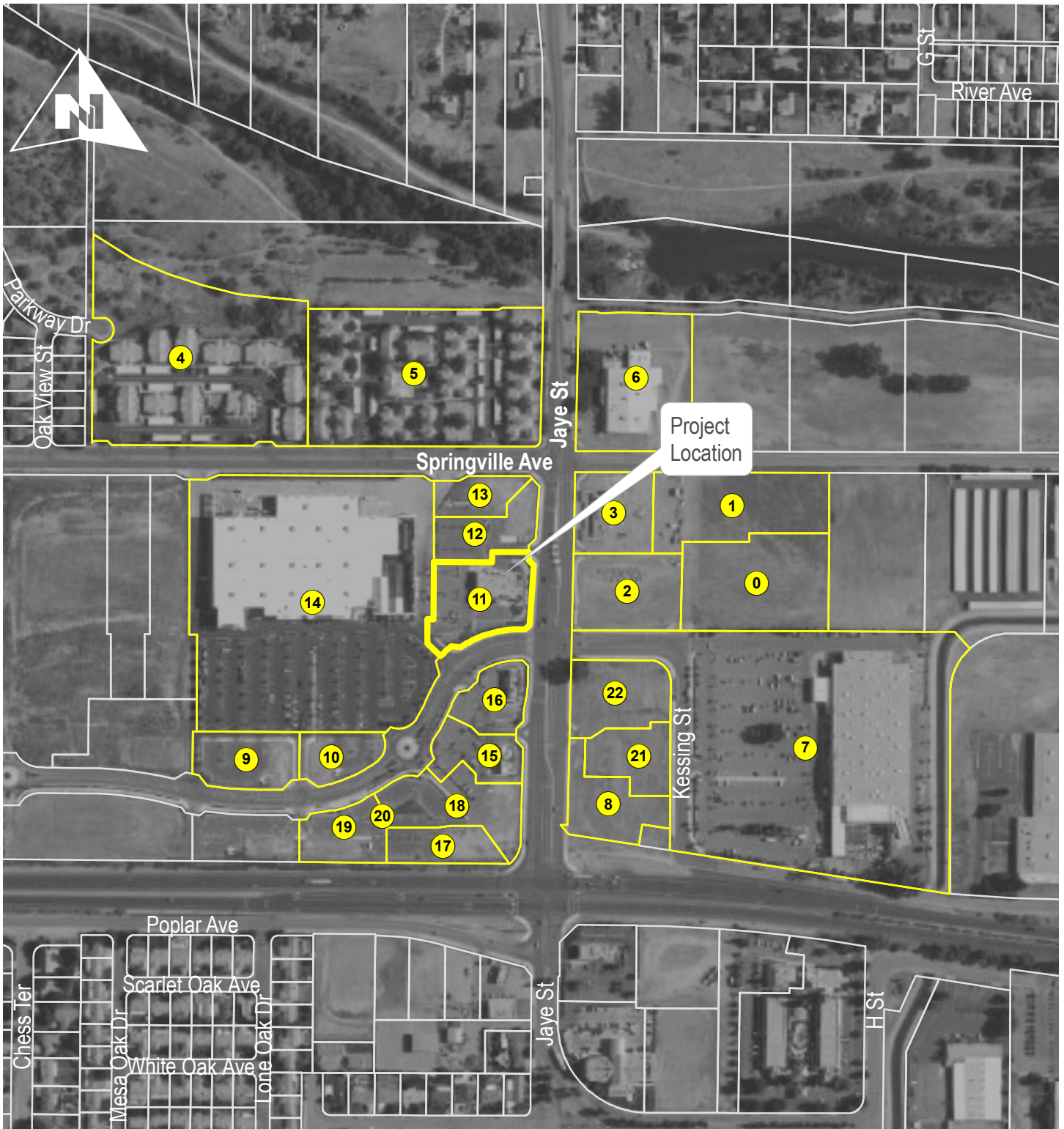
Department Director:

Jenni Byers, Community Development Director

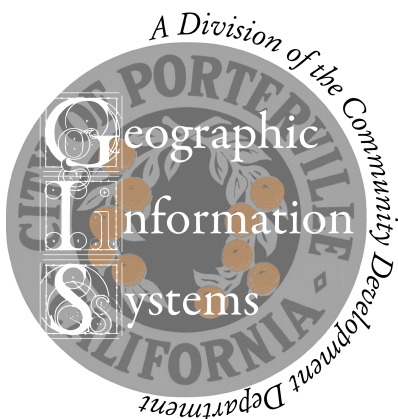
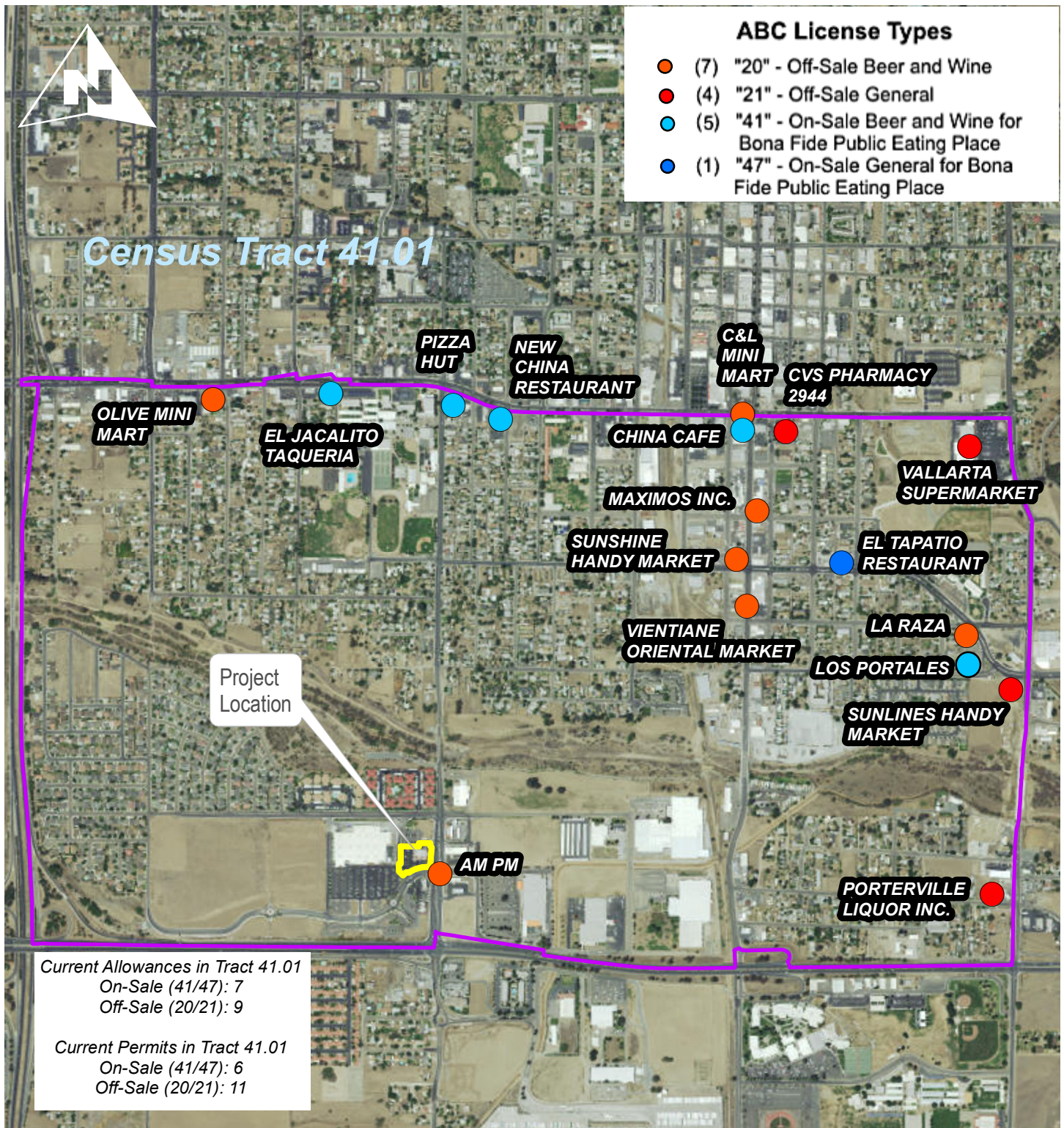
Final Approver: John Lollis, City Manager



PRC 2015-019
Jaffa Mediterranean Grill
@ 460 W Vandalia
Project Locator Map
1" = 400 ft.



PRC 2015-019
Jaffa Mediterranean Grill
@ 460 W Vandalia
Project Locator Map
1" = 400 ft.



PRC 2015-019
Jaffa Mediterranean Grill
@ 460 W Vandalia
ABC Permit Map
1" = 1,300 ft.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
CONTAINING FINDINGS AND CONDITIONS IN SUPPORT OF CONDITIONAL USE
PERMIT (PRC 2015-019-C) TO ALLOW FOR A TYPE 41 ON-SALE BEER AND WINE
LICENSE FOR A BONA-FIDE PUBLIC EATING PLACE FOR JAFFA MEDITERRANEAN
GRILL LOCATED AT 460 W. VANDALIA AVENUE, STE E.

WHEREAS: The City Council of the City of Porterville, at its regular scheduled meeting of July 21, 2015, conducted a public hearing to consider Conditional Use Permit (PRC 2015-019-C), to allow for a Type 41 On-Sale Beer and Wine license for a Bona-Fide Public Eating Place with outdoor seating for Jaffa Mediterranean Grill located at 460 W. Vandalia Avenue, Ste. E; and

WHEREAS: On June 8, 2015, the Environmental Coordinator made a preliminary determination that the project is exempt from the California Environmental Quality Act pursuant to Section 15061(b), (3) of the California Code of Regulation (CEQA Guidelines); and

WHEREAS: The City Council of the City of Porterville received testimony from all interested parties related to said Conditional Use Permit; and

WHEREAS: The City Council made the following findings:

1. That the proposed project will advance the goals and objectives of and is consistent with the policies of the General Plan and any other applicable plan that the City has adopted.

The subject site is consistent with the General Plan Land Use Designation of Retail Centers and Zoning Standards for Planned Development (PD). The Retail Center land use designation is intended to provide for retail and service uses that meet local and regional demand. The proposed restaurant with alcohol sales would suit the purpose of the land use and zoning designation. The restaurant is a permitted use in the Retail Center Zone and alcohol sales may be permitted in that zone with the requested Conditional Use Permit.

2. That the proposed location of the project and the conditions under which it will be operated or maintained will not be detrimental to the public health, safety, welfare, or materially injurious to properties or improvements in the vicinity.

Conditions of approval are included herein to ensure adequate development standards are met. The project is located within an existing building in the Riverwalk Marketplace Phase I. Further, all land owners within the city of Porterville are held to performance standards identified in Chapter 306 of the Development Ordinance. Specifically, Section 306.03 of the Ordinance states, "Land or buildings shall not be used or occupied in a manner creating any dangerous, injurious, or noxious fire, explosive, or other hazard; noise, vibration, smoke, dust, odor, or form of air pollution; heat, cold, dampness, electrical or other

disturbance; glare, refuse, or wastes; or other substances, conditions, or elements which would substantially adversely affect the surrounding area.”

3. This project is Categorical Exempt pursuant to CEQA Guidelines §15061(b),(3) - General Rule: the approval of alcohol sales in a bona-fide eating establishment would have no physical change to the environment.
4. The California Department of Alcoholic Beverage Control (ABC) allows for a specific number of licenses per census tract, based on population. Whenever the ratio of on-sale licenses to population in a census tract exceeds the average ratio for the county, an “undue concentration” of licenses is determined to exist. The subject site is located within Census Tract 41.01; this tract contains 17 licenses for alcohol sales; six (6) on-sale and eleven (11) off-sale. In Census tract 41.01, seven (7) on-sale and nine (9) off-sale are allowed without being deemed over-concentrated. Approval of this on-sale license would be the seventh on-sale license. Due to the under-concentration of on-sale licenses, a Letter of Public Convenience or Necessity will not be required.

NOW, THEREFORE, BE IT RESOLVED: That the City Council of the City of Porterville does hereby approve Conditional Use Permit (PRC 2015-019-C) subject to the following conditions:

1. The developer/applicant shall keep the beer and wine in a secure place with access only available to the employees, shown herein the beer fridge in Exhibit “A.” Any future changes in operation which substantially alter the condition or nature of the subject business will require approval by the City Council if such modification involves expansion, relocation, or change in accessibility to the conditioned uses.
2. The facility shall be operated and maintained to comply with applicable State and Federal laws, and the City of Porterville Development Ordinance at all times.
3. The applicant shall maintain the exterior wall mounted decorative light of the building and in the parking lot in a manner to allow reasonable surveillance of the area to the satisfaction of the Police Department and Zoning Administrator.
4. The applicant shall operate the establishment in such a manner as to preserve the public safety, health and welfare, to prevent the use from becoming a nuisance and operate the business in compliance with all laws, ordinances and regulations regarding the sale of alcohol. In the event that this or any other condition of approval is violated, the City Council may modify or revoke the conditional use permit as provided in Section 601.10 of the Porterville Development Ordinance.
5. The elements of the conditional use permit approving on-site alcohol sales will be subject to modification or revocation if the State of California imposes sanctions on the on-sale license.

6. The entire site shall be permanently maintained free of accumulated dirt and litter and in an otherwise neat and attractive manner.
7. No alcohol advertising shall be displayed and/or viewed from the outside of the proposed building.
8. The consumption of alcoholic beverages shall be prohibited off-site or outside of the building.
9. Upon approval of the conditional use permit, any future violations of regulations of the codes relating to the sales or consumption of alcohol, and/or excessive service calls by the Police Department resulting from the sales of alcohol will result in revocation of the Conditional Use Permit.
10. Unless an extension of time is granted by the City Council, the conditional use permit shall expire two (2) years after the date of approval if the on-sale Type 41 Beer and Wine Alcohol License for a Bona-Fide Eating Place is not active or actively pursued. The alcohol license permits sale of beer and wine in conjunction with the serving of meals.
11. The hours of operation during which alcoholic beverages may be sold and served under the on-sale license shall be limited to only during business hours.
12. The design and type of barrier surrounding the outdoor seating area shall be acceptable to the City and approved by the Zoning Administrator.
13. A gate is required for the outdoor seating area for continuous emergency exit.

PASSED, APPROVED AND ADOPTED this 21st day of July, 2015.

Milt Stowe, Mayor

ATTEST:
John D. Lollis, City Clerk

By _____
Patrice Hildreth, Chief Deputy City Clerk



CITY COUNCIL AGENDA – JULY 21, 2015

SUBJECT: Consideration of Receivership Program to Correct Blighted Properties

SOURCE: Community Development

COMMENT: Little recourse is available to staff when the owner of a blighted property elects not to correct the issues identified in a notice of violation. Staff resources are limited and they cannot always follow through on a repeated, on-going basis with property owners who aren't dissuaded with citation fees or liens on a property. A mechanism has been established in state law that allows a more direct option to pursue blight remediation. Called "Receivership," it allows a Court to assign responsibility of a substantially dangerous property to a third-party "receiver" who then corrects the cited violations on behalf of the Court. The Receiver can then borrow against the full value of the property with first priority liens used to pay for the rehabilitation of the property, and to reimburse the City's costs associated with investigating the violations and prosecuting the legal action. At the end of the receivership, if the property owner chooses, they can pay the receiver for the service and maintain their property. If they fail to do so, the receiver sells the property to recuperate their costs.

Other jurisdictions have experienced successful abatement of blighted properties by using this approach, at no cost to the jurisdiction. Staff from multiple departments, including the City Attorney's office, have begun evaluating the potential success of such a program and have invited an attorney with expertise in such programs to speak to the Council. Curtis Wright is a partner at Silver & Wright LLP, and has coordinated receivership efforts in communities all over the state, including as near as Exeter. He can explain how the process works, and answer any questions the Council and staff may have.

RECOMMENDATION: That the City Council:

1. Receive the information presented by Mr. Curtis Wright; and
2. Provide direction to staff.

ATTACHMENTS:

Appropriated/Funded: MB

Review By:

Department Director:

Jenni Byers, Community Development Director

Final Approver: John Lollis, City Manager



CITY COUNCIL AGENDA – JULY 21, 2015

SUBJECT: Potential Annexation Applications and Associated Requests for Water Connections

SOURCE: Community Development

COMMENT: In recent weeks, staff has spoken with multiple property owners interested in pursuing annexation in order to connect to City water. Like the recently annexed islands, most property owners find that water infrastructure is nearby and that many of their County neighbors are already receiving municipal water. Hoping to connect before their wells run dry, these property owners have already met numerous times with staff and, in one instance, has represented to staff their intent to file an application to the Project Review Committee to initiate the effort.

By way of example, two areas will be presented in this report. The first is a county island which was one of the islands in Annexation 475, proposed in April 2015. This 115± acre area is known as Mulberry Island. It includes a previously purchased water company, and as a result approximately 130 of the 168 parcels have City water connections. However, near the northwesterly corner of the island, the owner of one parcel without water has initiated conversations with staff asking about possible methods to allow a water connection. A water main runs along the frontage of the parcel in question, but per the City's Annexation and Extraterritorial Services Policy, connection requires annexation. The parcel, at 1.66± acres, is too large to qualify for extraterritorial services. Further, by virtue of the fact that islands are absolutely annexable, extension of services can only be granted upon annexation of said island or portion thereof, at the Council's discretion. This area, as referenced above, was considered in the island series presented to the City Council in April 2015. As a result, all application materials and efforts have already been completed. The environmental document has been approved, and maps and legal descriptions were prepared. If the Council chose to, annexation of this area could be considered at the next regularly scheduled meeting, and submitted for consideration at the next available meeting of the Local Agency Formation Commission (LAFCo). As an aside, if the Council chose to only proceed with a portion of the subject island, such as the single parcel in question, some time, effort, and expense would be required to modify the legal description and maps as well as the application to LAFCo.

Another annexation being considered is what will be referenced herein as the Chelsea Rose annexation. As the Council is aware, the Chelsea Glen Subdivision and County Tract 696 (Rose Avenue Subdivision) both receive water from the City's system. There are sixteen (16) properties that front Newcomb Street and North Grand Avenue which are not within those two subdivisions. The recent annexation of Area 474 makes this area immediately adjacent to the new city

limit, in turn making annexation feasible. Due to their large parcel sizes, none of the properties would be able to connect to water without annexation. Because the sixteen (16) properties do not qualify as an island, the stricter provisions of public input and protest hearings would apply. Incorporating one or both of the subdivisions already receiving City water would increase the chance of a successful annexation, as those subdivisions were required to commit to annexation as a condition of receiving City water.

The costs and timeframe for the Chelsea Rose annexation are vastly different from the Mulberry Island Annexation because it is not an island, and because to date no work has been initiated. Due to the already developed nature of the area, and the fact that infrastructure is already in place, this particular annexation could qualify under a Categorical Exemption pursuant to CEQA, which greatly reduces the cost of that effort. However, City and LAFCo application fees, preparation of maps and legal descriptions, and Board of Equalization fees would total approximately \$14,500. If the City were to waive its fees, the cost would be reduced to under \$10,000. If directed to proceed immediately, the soonest this annexation could be brought to the Council is likely the September 1, 2015, Council meeting. If an annexation effort is left to individual property owners, it may take additional time for those private parties to prepare application materials and contract the necessary maps and legal descriptions.

Because of the similarity of these situations to the recently annexed islands, staff deemed it appropriate to present this information to the Council and ask for direction. Staff seeks direction as to whether standard application procedures should be upheld, or, in this drought emergency, would the Council want to initiate or assist in the annexation effort by offsetting costs, waiving fees, or similarly supporting the property owner's efforts. If the Council decides to fund or partially fund the efforts, staff requests confirmation that the funding source would be the same as was used for the earlier island annexation, the Special Purpose Reserve Fund.

RECOMMENDATION: That the City Council consider the information provided and provide direction to staff on how to proceed.

ATTACHMENTS:

Appropriated/Funded: MB

Review By:

Department Director:

Jenni Byers, Community Development Director

Final Approver: John Lollis, City Manager



CITY COUNCIL AGENDA – JULY 21, 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 July 7th, 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. At least fifteen (15) residences in the vicinity of E. Vandalia Avenue have now been determined to currently have dry wells, and it is anticipated that more could likely occur through the summer months. 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 been undertaken to determine if there are additional residences in the area with dry wells.

At the City Council's July 7th 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. County OES has continued to work toward developing additional water sources, which representatives indicate that an additional two (2) sources have been secured, to assist in an ultimate goal to place 700 tanks in the East Porterville area. Also, County OES has indicated that it will likely soon terminate its Mutual Aid Request with the City for the filling of tanks placed by PACC, due to 2,500-gallon tanks having been placed to replace the

300-gallon tanks.

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 having been approved by the Council at its July 7th meeting. The County is still reviewing the draft Agreement, which the Board of Supervisors may consider at their July 21st meeting.

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 any modifications to 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: John Lollis, City Manager

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

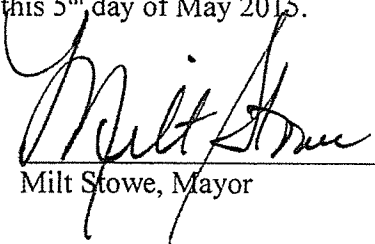
WHEREAS: the long-term ramifications of the current drought will have a significant impact on the city of Porterville and potentially pose a danger to the health and welfare of its residents; and

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

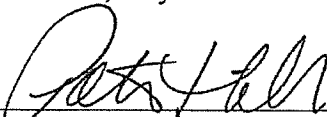
BE IT FURTHER RESOLVED: that the City Council of the City of Porterville requests the Governor and California Department of Water Resources make available California Disaster Assistance Act funding for the State of Local Emergency proclaimed on May 5, 2015, and seek all available forms of Federal assistance, 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.

///

///

///

///

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

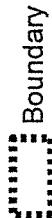
Approved as to Form

BY _____
City Attorney

EXHIBIT 'A'

East Porterville Properties

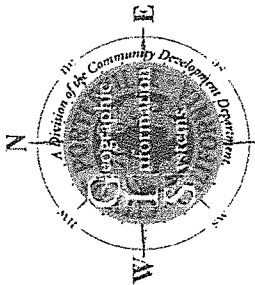
Legend



Boundary



East Porterville (1,361)



Morton

Driveway

Conner
Holcomb
Putnam
Olive

Hillcrest

Cleveland

Thurman

Cleveland

Putnam

Cleveland

Park View
Larsen
Cleveland
He

Driveway
Mill
Oak
Esther

Sierra

Doree

Oak

Willow

Doree

Dixie

Crestview

Oak

Ruth

Hillcrest

Conner

W

Success

Springville

Poplar

W

Success

Springville

Poplar

Blue Heron

Ramp

Poplar

190

Sierra

Doree

Oak

Willow

Doree

Dixie

Crestview

Conner

W

Success

Springville

Poplar

Blue Heron

Ramp

Poplar

190

Sierra

Doree

Oak

Willow

Doree

Dixie

Crestview

Conner

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Success

Springville

Poplar

Blue Heron

Ramp

Poplar

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Crestview

Conner

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Springville

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Crestview

Conner

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Success

Springville

Poplar

Blue Heron

Ramp

Poplar

190

Sierra

Doree

Oak

Willow

Doree

Dixie

Crestview

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Springville

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Blue Heron

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Poplar

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190</

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:

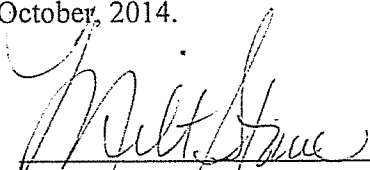
1. To promote orderly development while discouraging urban sprawl, preserving open space and prime agricultural lands, and efficiently extending government services.
2. To honor the City’s fundamental responsibility to provide efficient and sustainable public services to the inhabitants of the city, 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).

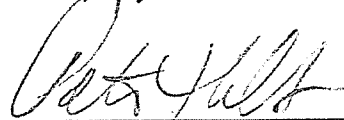
2. It shall be the policy of the City of Porterville to consider extra-territorial service requests primarily within the Urban Development Boundary, which is defined as the City of Porterville Annexation Boundary, as adopted by Tulare County LAFCo.
3. It shall be the policy of the City of Porterville, 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

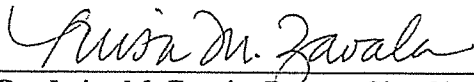
STATE OF CALIFORNIA)
CITY OF PORTERVILLE) SS
COUNTY OF TULARE)

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

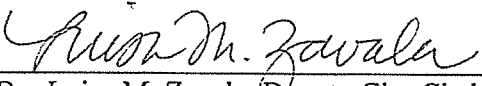
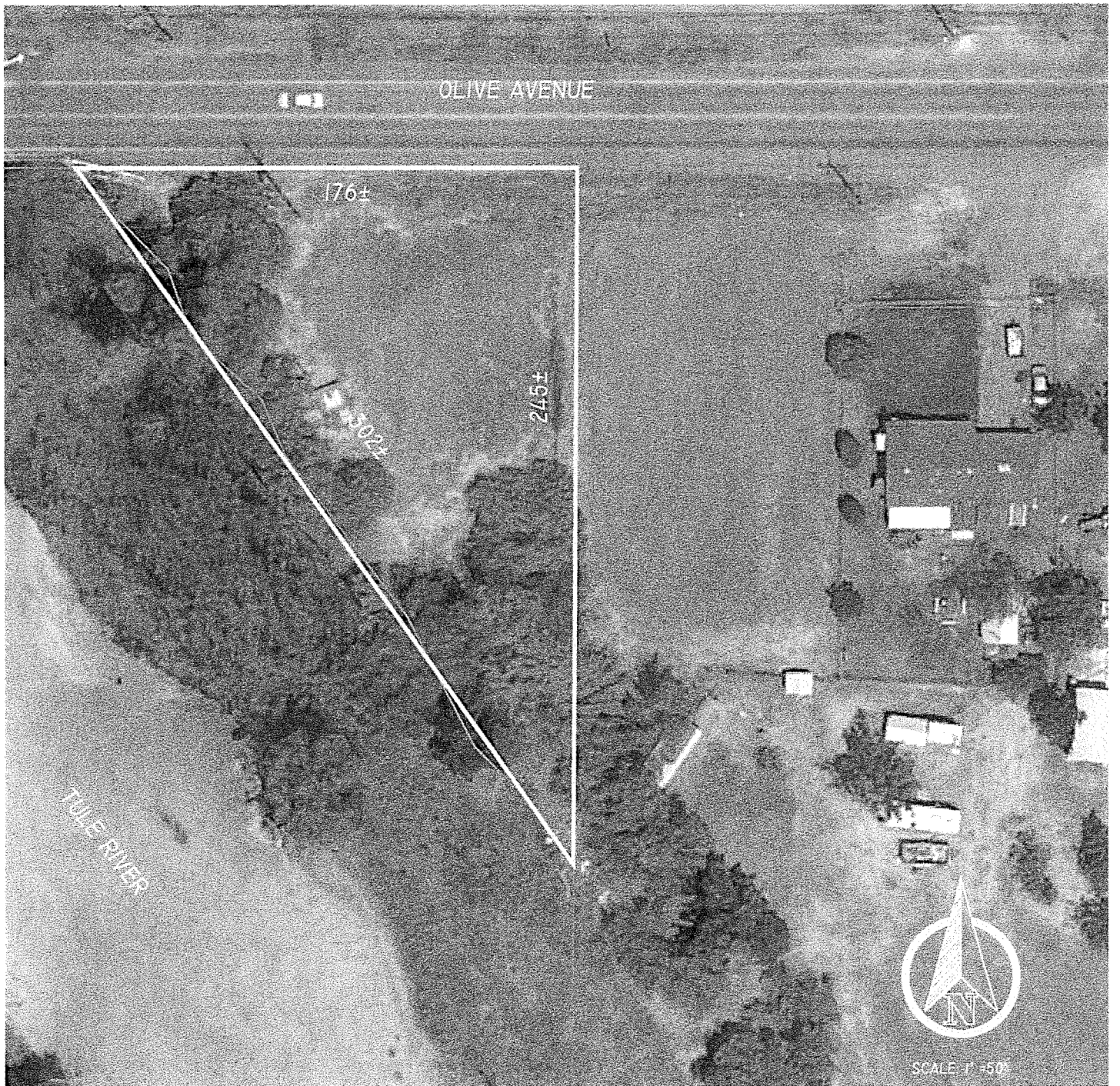

By: Luisa M. Zavala, Deputy City Clerk

EXHIBIT 'C'



TULE RIVER

125±

398±

390±

52±

MAIN STREET



SCALE 1" = 50'

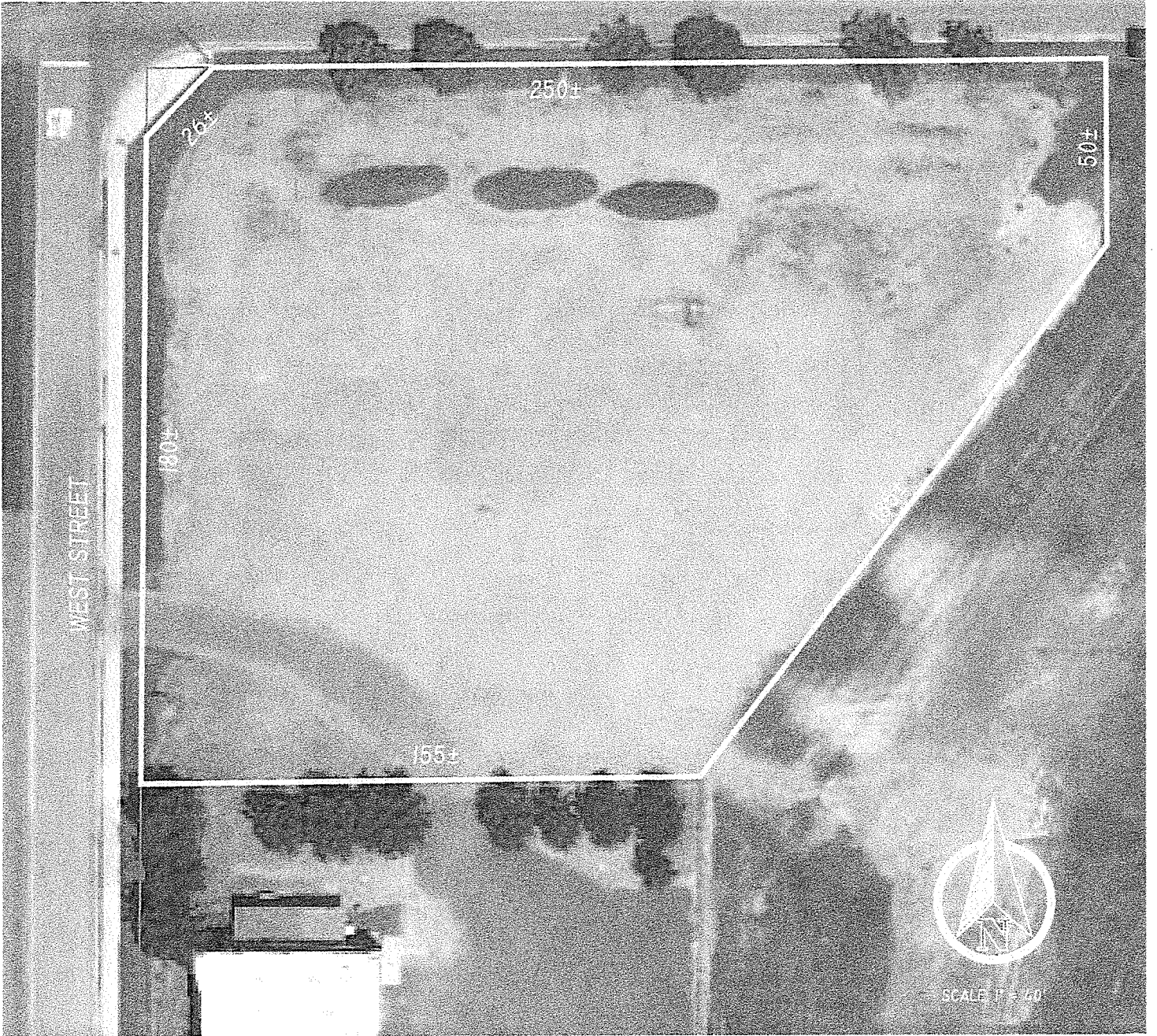


EXHIBIT 'D'

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

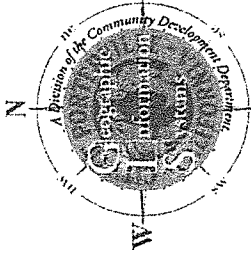
The COUNTY will be the lead agency on the project. The COUNTY has executed State of California Department of Water Resources Grant Agreement No. 20150518-1 to be reimbursed for the work described herein as well as work to be performed by a well drilling contractor.

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.

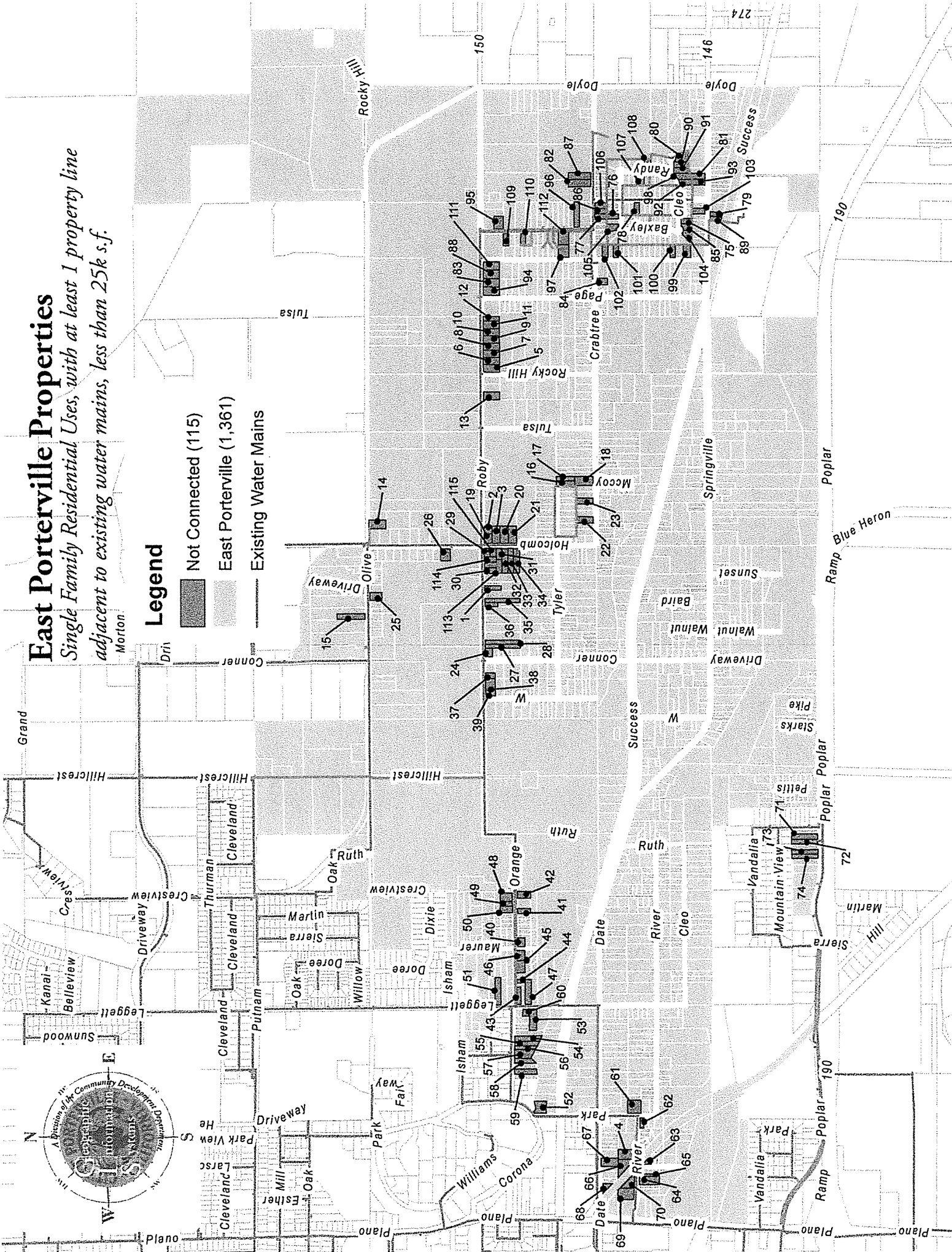


Legend

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				



Drought Update

Wednesday, July 15, 2015

KEY ACTION ITEMS FROM THIS WEEK

- **Sacramento River Temperature Plan Approved by State Water Board Official:** On July 7, the State Water Board approved the U.S. Bureau of Reclamation [temperature management plan](#) for the Sacramento River. The plan restricts summer water releases from Shasta Dam to preserve cold water for winter-run Chinook salmon and increases flows from Folsom Lake and Lake Oroville to decrease salinity in the Delta. For more information, the approval letter can be viewed [here](#).
- **Draft Environmental Study Issued for California WaterFix:** On July 9, the U.S. Bureau of Reclamation and the California Department of Water Resources [released](#) the joint Partially Recirculated Draft Environmental Impact Report (EIR) /Supplemental Draft Environmental Impact Statement (EIS) on the Bay Delta Conservation Plan (BDCP), also known as California WaterFix for public review. The document describes changes to secure California's water supplies by enabling better movement of water from the Sacramento River to South of the Sacramento-San Joaquin Delta and by improving ecosystem conditions in the Delta. A fact sheet and answers to frequently asked questions are available at www.baydeltaconservationplan.com and www.californiawaterfix.com.
- **Water Technology and California Drought Summit:** On July 10, the Governor's Office, in partnership with the Association of California Water Agencies (ACWA), held the [Water Technology and the California Drought Summit](#) at the California Environmental Protection Agency Headquarters in Sacramento. The summit featured innovative water technologies, identified strategies to scale-up successful technologies, as well as how to integrate them across all water use sectors within California to boost the state's drought resiliency. In addition, more than 20 water technology companies showcased their technology during the summit at the "Water Technology in Action" exposition.
- **State Water Board Adds New Information to its Emergency Water Conservation Portal:** On July 9, the State Water Board [announced](#) the availability of new information, fact sheets and guidance documents related to the newly implemented emergency conservation regulations and targets that will be helpful to local water agencies. The State Water Board also has added conservation tips, reporting data, and links to other conservation initiatives. To access information, please visit the State Water Board's Emergency Water Conservation Portal and click "[What's New](#)" in the Quick Links bar.
- **Water Conservation Pricing Explored in Workshop:** On July 8, the State Water Board held a [workshop](#) to examine ways water agencies can adopt best practices and avoid potential pitfalls when developing water pricing models that encourage conservation and comply with Proposition 218. In addition, the State Water Board also discussed how the state may help local agencies develop effective pricing structures and models.

- **California Water Commission to Consider Adopting Model Landscape Ordinance:** On July 15, the California Water Commission will hold a [meeting](#) to consider the revised Model Water Efficient Landscape Ordinance (MWELO) regulations. The regulations will increase water efficiency standards for new and retrofitted landscapes through more efficient irrigation systems, greywater usage, and onsite storm water capture.
- **State Parks Implements New Water Conservation Measures:** On July 7, the California Department of Parks and Recreation [announced](#) that effective July 15, all outdoor rinse stations within state parks and beaches will be shut off due to the severity of ongoing drought conditions. The department estimates that shutting off outdoor rinse stations will conserve more than 1.2 gallons of water per shower or rinse, thus potentially saving a total of more than 18 million gallons of water annually. For more information, visit the website [here](#).
- **Urban and Forest Legacy Greenhouse Gas Reduction Fund Grants Announced:** Recently, the Department of Forestry and Fire Protection (CAL FIRE) announced the award of nearly [\\$20 million in Urban Forestry and Forest Legacy Program grants](#) to local groups that will help the state reduce greenhouse gas emissions and sequester carbon. The grants will add trees to urban communities and protect more than 2,400 acres of forest from development.
- **California's Water Conservation Education Program Campaign:** This week, the Department of Water Resources will lead Save Our Water campaign efforts by featuring two exhibits at the 2015 California State Fair. A national award-winning indoor exhibit will be on display showcasing water saving tips in the home, and there will also be an outdoor drought tolerant plant exhibit. Furthermore, a new webpage www.saveourwater.com/trees has been launched in partnership with California ReLeaf and will be promoted at the State Fair.

Save Our Water's viral campaign effort "Saving Together" launched this past week. The campaign aims to get Californians to share pictures and stories about how they are saving water. Radio station partners will be holding events across the state encouraging listeners to join the effort. Save Our Water's summer messaging was featured in several news stories this week as the program added "Fade to Gold" as a new message about lawns. New lawn signs with this messaging have been added to 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 July 9, the Governor's Office announced that the Public Policy Institute of California (PPIC) will be releasing a report on August 17 describing the long-term effects and impacts of the drought should dry weather continue.

ONGOING DROUGHT SUPPORT

- **Emergency Food Aid, Rental and Utility Assistance:** The Department of Social Services (CDSS) Drought Food Assistance Program (DFAP) provides food assistance to affected communities that suffer high levels of unemployment from the drought. To date, over 734,612 boxes have been provided to community food banks in drought-impacted counties, with an average of approximately 13,250 food boxes per week since June 2014. Approximately 669,608 boxes of food have been picked up by 351,153 households.

Food boxes distributions vary by county and occur 1-4 times per month. Over 70% of the food distributions have occurred in the Tulare Basin (Fresno, Kern, Kings and Tulare). There are 9,600 boxes scheduled for delivery for the week ending July 17, to Fresno, Kern, Riverside, San Joaquin and Tulare County.

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 July 3, CSD has reported that a total of \$190,768 has been issued to 989 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. To date, 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:** Fire activity across California remains high with nearly 420 wildfires in just the past week. Since the beginning of the year, firefighters from CAL FIRE and the U.S. Forest Service has responded to over 4,501 wildfires across the state, burning 65,700 acres. The number of new fire starts is well above the five-year average for the same time period of 2,515 fires and 39,990 acres burned.
- **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, CAL FIRE has suspended burn permits in all counties in the State Responsibility Area.

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, please 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 1,988 wells statewide have been identified as critical or dry, which affects an estimated 9,940 residents. As of July 8, Cal OES has reported that 1,883 of the 1,988 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, 83 out of the 109 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 \$2.82 million of those funds.
- **Projected Reservoir Management:** Shasta Reservoir recorded 2,200,000 AF on July 1st with a 10-day average reduction in storage of 7,000 AF/day. Releases are being held lower than normal to keep cold water in the reservoir for Winter Run Chinook Salmon later in the fall. Shasta Reservoir is projected to reach 1,460,000 AF by the end of September. This is higher than the 1976/77 record low storage of 700,000 AF

Oroville Reservoir recorded 1,400,000 AF on July 1st with a 10-day average reduction in storage of 8,000 AF/day. Releases are higher than normal to help make up for reduced flows out of Shasta. These higher flows are to keep salt water from coming too far into the Delta and to meet other joint Federal-State obligations. Oroville Reservoir is projected to reach 900,000 AF by the end of September. This storage is about the same as the record low 1976/77 storage level.

Folsom Reservoir recorded 435,000 AF on July 1st with a 10-day average reduction in storage of 4,700 AF/day. Releases are higher than normal to help make up for reduced flows out of Shasta. Folsom Reservoir is projected to reach 120,000 AF by the end of September. This is lower than the 1976/77 record low storage of 150,000 AF.

[Reservoir Levels](#) as of July 12 remain low, including: Castaic Lake 38% of capacity (44% of year to date average); Don Pedro 36% of capacity (46% of average); Exchequer 11% of capacity (17% of average); Folsom Lake 39% of capacity (50% of average); Lake Oroville 37% of capacity (47% of average); Lake Perris 36% (45% of average); Millerton Lake 36% of capacity (48% of average); New Melones 16% of capacity (25% of average); Pine Flat 22% of capacity (35% of average); San Luis 33% of capacity (58% of average); Lake Shasta 46% of capacity (60% of average); and Trinity Lake 36% of capacity (44% of average). An update of water levels at other [smaller reservoirs](#) is also available.

Weather Outlook: Dry and seasonable temperatures are expected over the next few days statewide. Warmer conditions will arrive into the mid and later part of the week.

Local Government

- **San Diego Region Reduces Water Use by 30% in May:** On July 7, the San Diego Water Authority [reported](#) that residents and businesses throughout the San Diego regions reduced their water use by 30%, as compared to May 2013.
- **Local Emergency Proclamations:** A total of 58 local Emergency Proclamations have been received to date from city, county, and tribal governments, as well as special districts:
 - o **25 Counties:** El Dorado, Fresno, Glenn, Humboldt, Inyo, 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.
 - o **12 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), City of Rancho Cucamonga (San Bernardino County) and City of West Sacramento (Yolo County) and City of Willits (Mendocino County).
 - o **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).
 - o **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.

ACWA [released](#) a Drought Response Toolkit to assist water agencies as they take action to meet state-mandated water conservation target and communicate information about water use restrictions, enforcement and other issues with their customers, media and other audiences.

- **County Drought Taskforces:** A total of 33 counties have established drought task forces to coordinate local drought response. These counties include: Butte, Colusa, Glenn, Humboldt, 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