



**CITY COUNCIL AGENDA
CITY HALL, 291 N. MAIN STREET
PORTERVILLE, CALIFORNIA
JANUARY 15, 2019, 5:30 PM**

Call to Order

Roll Call

ORAL COMMUNICATIONS

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

CITY COUNCIL CLOSED SESSION:

A. Closed Session Pursuant to:

1 - Government Code Section 54956.8 – Conference with Real Property Negotiators/Property: 140 S. C Street. Agency Negotiator: John Lollis. Negotiating Parties: City of Porterville and Porterville Unified School District. Under Negotiation: Terms and Price.

2 - Government Code Section 54956.8 – Conference with Real Property Negotiators/Property: 645 N. Prospect Street. Agency Negotiator: John Lollis. Negotiating Parties: City of Porterville and Porterville Unified School District. Under Negotiation: Terms and Price.

3 - Government Code Section 54956.8 – Conference with Real Property Negotiators/Property: APNs: 253-050-089 and 253-050-093. Agency Negotiator: John Lollis. Negotiating Parties: City of Porterville and James Gregory Shelton. Under Negotiation: Terms and Price.

4 - Government Code Section 54956.95 – Liability Claim: Claimant: Mercury Insurance as Subrogee for Juan and/or Lydia Carrillo. Agency claimed against: City of Porterville.

5 - Government Code Section 54956.9(d)(1) – Conference with Legal Counsel – Existing Litigation: John Duran v. John Lollis, United States District Court, Eastern District of California Court Case No. 1:18-CV-01580-DAD-SAB.

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

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

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

Pledge of Allegiance Led by Vice Mayor Brian Ward
Invocation

PRESENTATIONS

Employee of the Month - Marcia Dickey

AB 1234 REPORTS

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

1. Tulare County Taskforce on Homelessness - December 19, 2018
2. Eastern Tule Groundwater Sustainability Agency Board - January 3, 2019
3. Tule River Improvement JPA - January 7, 2019

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 - January 3, 2019
 2. Library & Literacy Commission
 3. Arts Commission
 4. Animal Control Commission - January 14, 2019
 5. Youth Commission - January 14, 2019
 6. Transactions and Use Tax Oversight Committee (TUTOC) - January 9, 2019
- II. Staff Informational Reports
 1. Water Conservation Phase IV Status Update.

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. Authorization to Purchase Two (2) Type 6 Fire Patrols

Re: Considering authorization to negotiate the purchase of two (2) Type 6 Fire Patrols from Rosenbauer for \$356,948.21.

2. Authorization to Advertise for Bids - Library, Fire Station, and Airport Asbestos and other Hazardous Materials Abatement Project

Re: Considering approval of Staff's Plans and Project Manual and augmentation of funds in the amount of \$80,994 for the project consisting of abatement of existing asbestos and lead based/containing materials within the Airway Cafe (Porterville Airport), the City Library, and on and around Fire Station No. 1.

3. Award of Contract - Household Water Tanks Removal Projects

Re: Considering award of contract in the amount of \$1,519,930.00 to West Valley Construction Company, Inc. for the project consisting of installing new water mains within city limits where household tanks were installed and implemented by Tulare County via a mutual agreement with the City during the severe drought.

4. Acceptance of Project - Replace Roof and HVAC at Fire Station #2

Re: Considering acceptance of projects from D. Garrison Roofing and Zone Air Conditioning, and authorizing the filing of Notices of Completion for the projects consisting of the re-roof and the replacement of two (2) HVAC systems at Fire Station #2.

5. Request For Renewal of 5-Year Contract With Tesco Controls Incorporated

Re: Considering approval to renew the 5-year service contract for the maintenance, support, design, programming and repair of the WWTF SCADA system with TESCO Controls, Incorporated.

6. Authorization to Contract with Wastewater Solids Management Company to Dewater Anaerobic Digester Material

Re: Considering approval to award the dewatering of digester #2 and #4 material to Wastewater Solids Management Company for a project amount not to exceed \$37,840 per digester.

7. **Reconciliation of Consultant Service Agreements - Surveying Services**
Re: Considering authorization to execute the Consultant Service Agreements with QK, a firm that has secured all clientele of James Winton and Associates, for construction surveying services.
8. **Program Supplement to the Administering Agency-State Agreement – 2 CNG-Powered Municipal Solid Waste Trucks**
Re: Considering adoption of a Resolution approving the Program Supplement for the purchase of 2 CNG-Powered Municipal Solid Waste Trucks.
9. **California Emergency Management Agency (CALEMA) - Designated Positions Authorized to Act of City's Behalf**
Re: Considering approval to designate the Public Works Director, City Engineer, and Finance Director as representatives for the City of Porterville in matters associated with CALEMA; and authorizing the execution and transmittal of the OES Form 130.
10. **Extension of Time for Sierra Valley Tentative Subdivision Map**
Re: Considering adoption of a draft Resolution approving an extension of time for the Sierra Valley Tentative Subdivision Map, a proposed seventy-four (74) lot subdivision development of 22± acres on the east side of Main Street, north of the intersection of Highland Drive.
11. **Extension of Time for Amalene Estates Tentative Subdivision Map**
Re: Considering adoption of a Resolution approving the extension of time for the Amalene Estates Tentative Subdivision Map, a proposed sixty-two (62) lot subdivision development of 20± acres in two phases on the west side of Westwood Street, south of Olive Avenue.
12. **CDBG Citizens' Advisory and Housing Opportunity Committee**
Re: Considering adoption of the 2019/20 Citizen Participation Plan and reappointment of existing members to the Citizens' Advisory and Housing Opportunity Committee for a one-year term.
13. **Intent to Schedule a Public Hearing to Consider Adjustment of Rentable Park Space Fees**
Re: Considering approval to schedule a Public Hearing for February 5, 2019, to allow for public comment and to consider adjusting rentable park space fees.
14. **Facility Use Agreement Renewal for Hayes Field Between the City of Porterville and Porterville Girls Fastpitch**
Re: Considering approval to extend the facility use agreement for Hayes Field and concession license agreement between the City of Porterville and Porterville Girls Fastpitch.

15. Proposed Budget Calendar for Fiscal Year 2019-2020 and Scheduling of City Council Priority Projects Study Session

Re: Considering approval of the proposed budget calendar and the scheduling of the Priority Project Study Session on Tuesday, March 12, 2019, beginning at 5:30 p.m.

16. Status and Review of Declaration of Local Emergency

Re: Considering approval of the continuance of the Declaration of Local Emergency.

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

PUBLIC HEARINGS

17. Approval of a Conditional Use Permit for Type 47 General - Eating Place Alcohol License at 22 E. Oak Avenue

Re: Consideration of a Resolution approving the sale of alcohol under a Type 47 on-sale general (beer, wine and distilled spirits) alcohol license for a bona fide eating place at 22 E. Oak Avenue.

SCHEDULED MATTERS

18. California State Water Resources Control Board Grant Application for Providing Water to Akin Water Company - Phase 2

Re: Consideration of an update regarding a Waterboards grant application for the provision of water to Akin Water Company - Phase 2.

19. Consideration of Project Priority of Measure R-Funded Bicycle/Pedestrian Improvements

Re: Consideration of Measure R-funded bicycle/pedestrian improvement projects for prioritization.

20. Implementation of Measure I: Approving California Department of Tax and Fee Administration Agreements

Re: Consideration of resolutions and agreements to allow for implementation of the Measure I Sales Tax, which was approved by the voters on November 6, 2018.

21. Consideration of Measure I Proposed Expenditure Plan

Re: Consideration of the proposed Measure I Expenditure Plan.

22. Consideration of the City Council Procedural Handbook

Re: Consideration of the City Council Procedural Handbook.

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

**JOINT MEETING OF PORTERVILLE CITY COUNCIL AND
SUCCESSOR AGENCY TO THE PORTERVILLE REDEVELOPMENT AGENCY**
AGENDA
291 NORTH MAIN STREET, PORTERVILLE, CA 93257
JANUARY 15, 2019

Roll Call: Agency Members/Chairperson; Council Members/Mayor

WRITTEN COMMUNICATION

ORAL COMMUNICATIONS

**JOINT CITY COUNCIL AND SUCCESSION AGENCY SCHEDULED
MATTERS**

**SA-23. Designation of Governmental Use Properties by Successor Agency and Acceptance
Thereof by City Council**

Re: Consideration of Resolutions designating and accepting properties as Governmental
Use property under the Dissolution Act.

Adjourn to a meeting of the Porterville City Council.

ORAL COMMUNICATIONS

OTHER MATTERS

CLOSED SESSION

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

ADJOURNMENT - to the meeting of February 5, 2019.

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 – JANUARY 15, 2019

SUBJECT: 1. Water Conservation Phase IV Status Update.

SOURCE: Public Works

COMMENT: The City of Porterville has continued to implement an active water conservation approach, both conserving and providing flexibility to the community. The City has transitioned from Phase III back to Phase IV of the City's Water Conservation Plan as of December 1, 2018. The Water Conservation Plan applies to all municipal water users within or outside city limits. As part of the Phase IV plan, the City has restricted outdoor watering to a one day per week watering schedule based on address. If an address ends with an "odd" number, the watering day is Saturday; if an address ends with an "even" number, the watering day is Sunday. Watering is prohibited between the hours of 5 a.m. to 10 a.m. and 5 p.m. to 10 p.m., with no watering allowed Monday, Tuesday, Wednesday, Thursday, or Friday. Watering outdoor landscaping is prohibited during, and within 48 hours after, measurable rainfall which is now defined as greater than 0.01 of an inch.

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. Enforcement statistics for the month of December 2018 shows that there were no Notice of Violations nor Administrative Citations issued for water wasting.

Water production for December 2018 shows a 2% decrease from the 5-year average. The production for the month of December 2018 was 180 million gallons, which when compared to the production for the month of December 2013 of 194 million gallons, equates to a 7.5% decrease. Residential consumption for December 2018 was 66 gallons per capita per day (GPCD).

Compliance with individual water supplier conservation requirements is based on cumulative savings. Cumulative tracking means that conservation savings will be added together from one month to the next and compared to the amount of water used during the same months in 2013. City Staff will be evaluating conservation totals in two formats: 1. Calculate the cumulative conservation totals for production as compared to production in 2013; and 2. Calculate cumulative conservation totals in relation to GPCD, in efforts to evaluate population growth impacts on production as compared to 2013. The cumulative total of production for the City of Porterville's conservation efforts will reflect June 2015 through December 2018. Porterville's cumulative total production conservation through December 2018 is 23.0%. The cumulative total of GPCD

for the City of Porterville's conservation efforts will reflect June 2015 through December 2018. Porterville's cumulative total GPCD conservation through November 2018 is 25.1%.

Under the February 2, 2016, emergency regulation, the City of Porterville received a revised conservation standard of 28% with an additional 2% reduction for climate adjustment, making the City's conservation standard 26%. After reviewing the Water Board's Self-Certification criteria for drought impacts to water supplies, the City of Porterville Council approved maintaining a self-imposed standard of 26%. The continuation of the current conservation goals keep a standardized message that the City has worked to develop in public outreach, provides resiliency and capacity to ensure future year water supplies under drought conditions, meets the minimum 20% conservation standard defined in the City's Urban Water Management Plan, and assists the City towards meeting the requirements of the Sustainable Groundwater Management Act (SGMA).

As approved by City Council during the Public Hearing on April 17th, 2018, the City has transitioned back to Phase IV, effective December 1st, 2018. This transition will restrict outdoor watering to one day per week. If an address ends with an "odd" number, the watering day will be Saturday; if an address ends with an "even" number, the watering day will be Sunday. Watering is prohibited between the hours of 5 a.m. to 10 a.m. and 5 p.m. to 10 p.m., with no watering allowed Monday, Tuesday, Wednesday, Thursday, or Friday. Watering outdoor landscaping is prohibited during, and within 48 hours after, measurable rainfall which is now defined as greater than 0.01 of an inch.

The State Water Board continues to require monthly reporting to track what agencies are doing and how they perform throughout the year. Proposed permanent regulations, will require agency reporting to continue monitoring the performance of urban water conservation, with preparedness to return back to a conservation standard if necessary.

RECOMMENDATION: Informational Only

ATTACHMENTS: 1. Monthly Production Status December 2018
 2. Monthly Production Status GPCD December 2018
 3. Drought Response Phase IV Flyer

Appropriated/Funded:

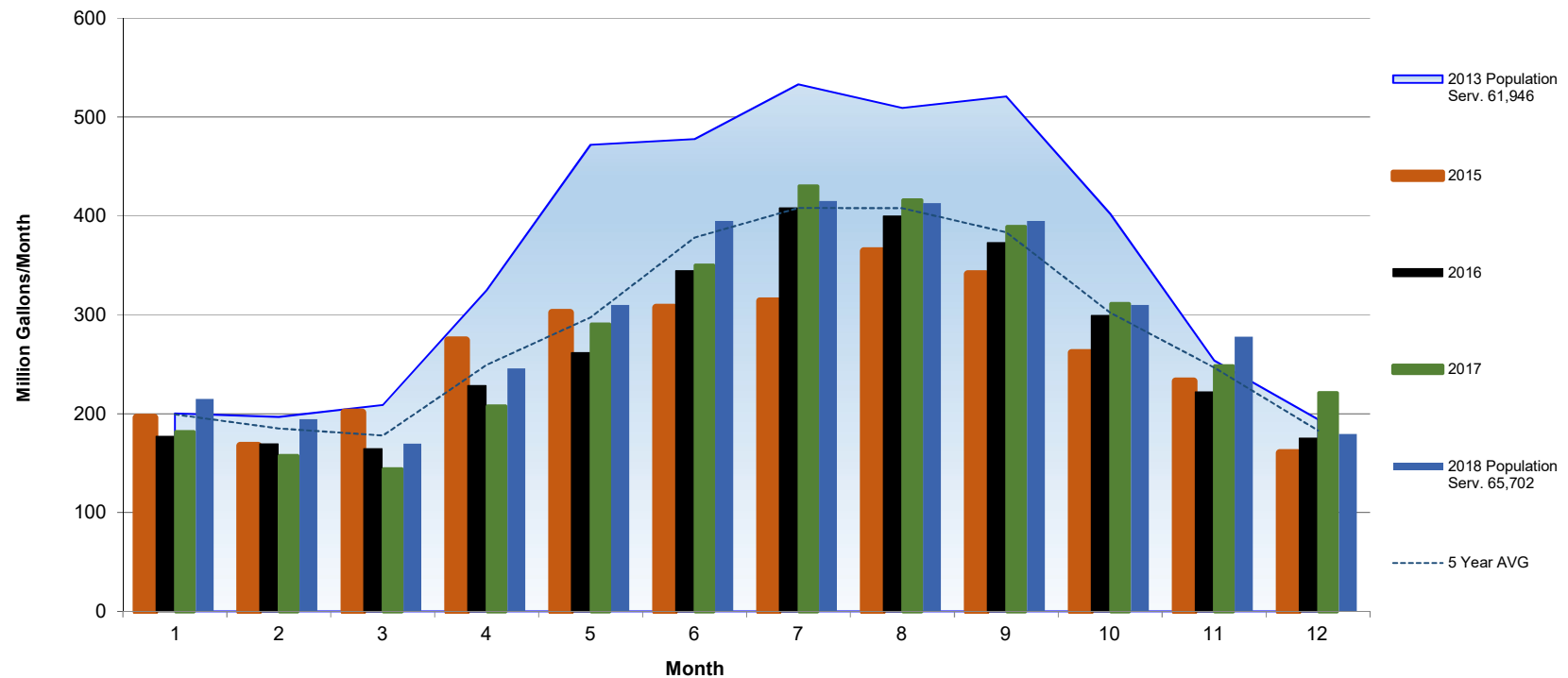
Review By:

Department Director:

Mike Reed, Acting Public Works Director

Final Approver: John Lollis, City Manager

Monthly Production Status & Cumulative Total June 2015 Through December 2018 Production Comparison to 2013 & 5 Year Average

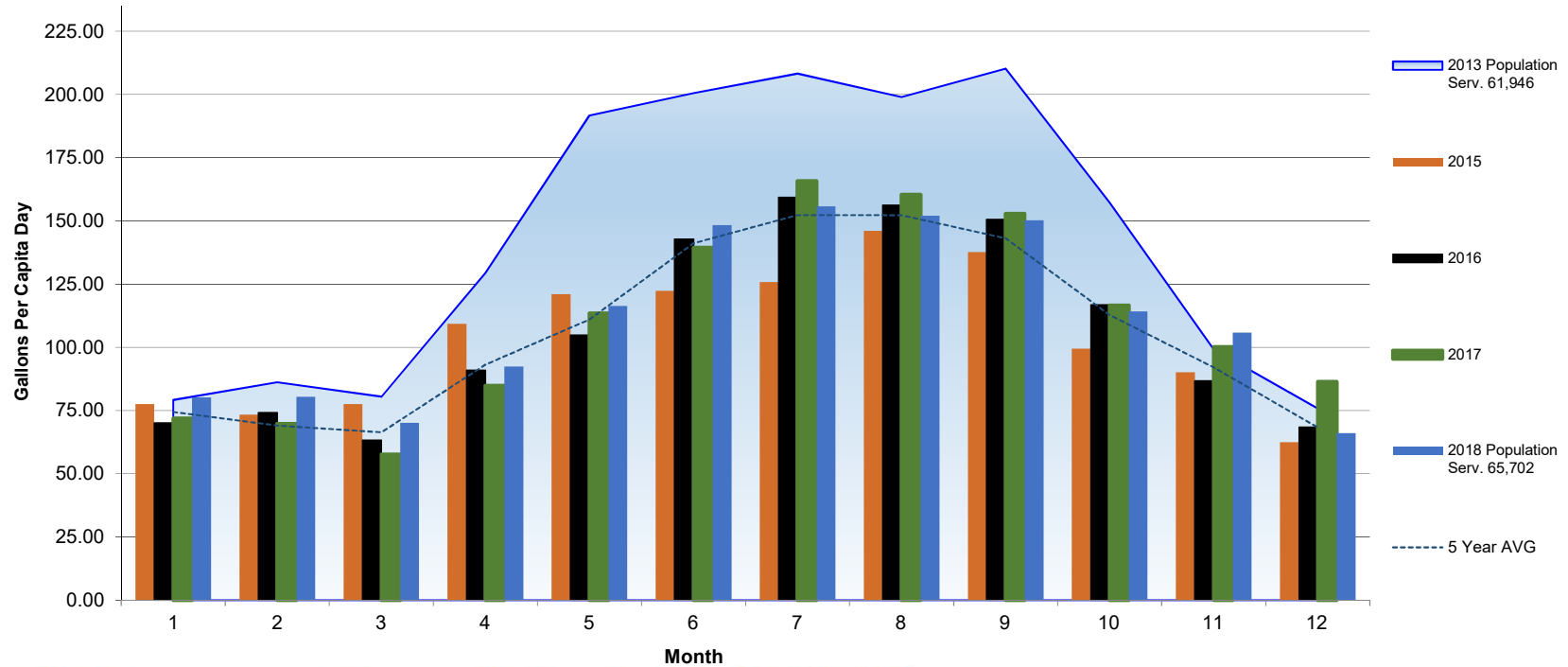


Production Cumulative Total 23.0%

2015	-2%	-15%	-4%	-16%	-36%	-36%	-41%	-28%	-35%	-35%	-8%	-18%
2016	-12%	-14%	-21%	-30%	-45%	-28%	-24%	-21%	-28%	-26%	-13%	-10%
2017	-9%	-20%	-31%	-36%	-38%	-27%	-19%	-18%	-25%	-23%	-2%	14%
2018	7%	-1%	-19%	-24%	-34%	-17%	-22%	-19%	-24%	-23%	10%	-7%

Percent Comparison to 2013 Production

**Monthly Production Status & Cumulative Total June 2015 Through
December 2018 Gallon Per Capita Day Comparison to 2013 & 5 Year Average**



GPCD

Cumulative Total 25.1%

	2015	-2%	-15%	-4%	-16%	-37%	-39%	-40%	-27%	-35%	-37%	-9%	-18%
	2016	-12%	-14%	-21%	-30%	-45%	-29%	-24%	-21%	-28%	-26%	-13%	-10%
	2017	-9%	-19%	-28%	-34%	-41%	-30%	-20%	-19%	-27%	-26%	1%	14%
	2018	1%	-7%	-13%	-29%	-39%	-26%	-25%	-24%	-29%	-27%	7%	-13%

Percent Comparison to 2013 Production



DROUGHT RESPONSE Phase IV

Mandatory Odd/Even Watering Schedule, based on address. Residents will be allowed ONE day a week to water lawns and landscapes. No watering allowed Monday through 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 (>0.01 inches).

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 IV water conservation regulations could result in citations with fines up to \$500.

DROUGHT RESPONSE PHASE IV

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

Mandatory Odd/Even Watering Schedule

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

- Odd Address
- Even Address
- Outdoor Watering is Prohibited

ODD NUMBER ADDRESSES

If your address ends with an “odd” number, 1, 3, 5, 7, or 9, your watering day is Saturday *only*.

OR

EVEN NUMBER ADDRESSES

If your address ends with an “even” number, 0, 2, 4, 6, or 8, your watering day is 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
MONDAY THROUGH
FRIDAY.**



CITY COUNCIL AGENDA – JANUARY 15, 2019

SUBJECT: Authorization to Purchase Two (2) Type 6 Fire Patrols

SOURCE: Fire

COMMENT: The Fire Department fleet includes three (3) “Type 6” fire patrols. These units consist of a heavy duty truck body with a skid mounted tank and a fire pump, and are more agile through street traffic and in off-road situations. For these reasons, fire patrols typically serve as initial response from each fire station for grass fires and medical-aid response. Two of the three patrols were purchased in 2008, and due to their age and condition have been placed on the proposed equipment replacement schedule for the 2018/19 fiscal year.

Staff requested three quotes for the replacement of the two (2) patrols, from Golden State, Hendrickson Mobile Equipment (HME) and Rosenbauer. The quote information provided below is for both units, and includes sales tax for Council's reference:

Rosenbauer: \$364,625.22
Golden State: \$385,547.62
HME: \$436,414.42

If approved, the two patrols will be ordered with all of the necessary equipment to place them into service; and the units being replaced will be surplus.

Based on the lowest bid received from Rosenbauer, the estimated total cost for both Type 6 patrols is \$364,625.22, with an added 2% contingency of \$7,292.50 the total cost is \$371,917.72.

Funding for this purchase of two Type 6 fire patrols is available from the Department's equipment replacement account.

RECOMMENDATION: That the City Council authorize staff to negotiate the purchase of two (2) Type 6 Fire Patrols from Rosenbauer, and equip as necessary.

ATTACHMENTS:

1. Rosenbauer Quote
2. Golden State Quote
3. HME Quote

Appropriated/Funded: MB

Review By:

Department Director:

Final Approver: John Lollis, City Manager



December 21, 2018

Porterville Fire Department
40 Cleveland Ave.
Porterville CA, 93257

Attention: Chief LaPere

Thank you for the opportunity to propose the following pieces of Rosenbauer custom fire apparatus:

	No Discounts	Pre-pay: Chassis	100% Pre-Pay
T-6 Engines	\$118,819.00	\$118,819.00	\$117,875.99
Ford XLT 550 Price	\$48,080.00	\$44,420.00	\$44,420.00
Delivery (Non-taxable)	\$3,974.00	\$3,974.00	\$3,974.00
Total	\$170,873.00	\$167,213.00	\$166,269.99

Included in above price:

Delivery, 365-395 days after receipt of order
Pre-Con, at Rosenbauer, (2) from PFD
Video Mid-Point, at Rosenbauer
Final Inspection, at Rosenbauer, (2) from PFD
Delivery, FOB, Porterville FD

Terms:

Payment due within 15 day of either delivery or contract acceptance.

Pricing as quoted above is valid for 90 days.

Performance Bond is included

Thank you again for this opportunity to work with the Porterville Fire Department, if you have any questions regarding the above proposal, please contact me at (209) 609-2542 or at howenstine@burtonsfire.com

Sincerely,

Ken Howenstine
Burton's Fire Inc.

Burton's Fire Inc.
1301 Doker Drive
Modesto, CA 95351
209-544-3161
209-544-1109 Fax
www.burtonsfire.com

South Dakota Division
100 Third Street
Lyons, SD 57041
605-543-5591
605-543-9701 Fax
E-mail: sales@rosenbaueramerica.com

Minnesota Division
5181 260th Street
P.O. Box 549
Wyoming, MN 55092
651-462-1000
651-462-1700 Fax
E-mail: sales@rosenbaueramerica.com

Aerial Division
870 South Broad Street
Fremont, NE 68025
402-721-7622
402-721-7622 Fax
E-mail: sales@rosenbaueramerica.com



7400 Reese Road
Sacramento, CA 95828
Phone (916) 330-1638
Fax (916) 330-1649

December 26, 2018

Rick Land, Battalion Chief
Porterville Fire Department
40 W. Cleveland Ave.
Porterville, California 93257

Dear Chief Land:

Reference: Firematic Type 6 Specification

I am enclosing our proposal for your new Type 6 engine with this cover letter. Based on the input received, we have selected the *Ford* chassis and have configured the unit to match the modifications you identified. Some of the significant features you'll find include:

- ✓ Ford F-550 four-door cab with power locks, windows, and mirrors
- ✓ Power Stroke 6.7 liter turbo-diesel motor
- ✓ Four-wheel-drive chassis for off-road capabilities
- ✓ Darley model number 1-1/2AGE 21H gasoline powered pump
- ✓ 250-gallon water tank with provisions for a five-gallon foam container
- ✓ Waterous Fire Troll Foam proportioner for Class A foam
- ✓ Scene lighting on all four sides
- ✓ LED emergency lighting per NFPA

The cost of the unit described in this proposal is dependent on how the City of Porterville may choose to purchase it. Please review the information and figures as you have opportunity.

	<i>Purchase Price</i>	<i>Sales Tax Rate 8.25%</i>	<i>Total Price</i>
Skeeter F-550 Type 6	\$ 176,452	\$ 14,557	\$ 191,009

I appreciate the opportunity to submit this information, and look forward to going over any questions you might have. Please let me know if there's anything else I can help with and feel free to give me a call. My cell number is (661) 342-1670 and thank you again.

Sincerely,

A handwritten signature in black ink that reads 'Craig Eckman'.

Authorized Sales Representative
Golden State Fire Apparatus



January 4, 2019

Chief Rick Land
Porterville Fire Department
40 West Cleveland Ave
Porterville, CA 93257

Chief Land,

HME Ahrens-Fox and Derotic Emergency Equipment are pleased to offer you this revised proposal:

- This proposal is for one (1) HME Ahrens-Fox Type 6, Stock Truck #23116.
- The Price is One Hundred Ninety Nine Thousand, Seven Hundred Thirty Two Dollars and Zero Cents (\$199,732.00) – COD Contract. (DOES NOT INCLUDE TAXES OR FEES).
- This price includes the vehicle, lettering and striping, a shoreline charger added to the vehicle, rear view camera added to the vehicle, and pre-delivery inspection at one of our service centers.
- This price is good for thirty (30) days from the date on this document. Additional price extensions will need to be requested as needed.
- This vehicle is available on a first come, first served basis.
- Delivery can be expected approximately forty five (45) days after contract is signed by HME Ahrens-Fox, barring any changes made by the Fire Department at our service facility.

We look forward to working with you and your staff to deliver your new HME Ahrens-Fox Fire Apparatus, which will give the Porterville Fire Department many years of service.

Sincerely,

James Mario Demattei

James Mario Demattei
President

Casey Scott

Casey Scott
CEO

Brian Jenson

Brian Jenson
COO



CITY COUNCIL AGENDA – JANUARY 15, 2019

SUBJECT: Authorization to Advertise for Bids - Library, Fire Station, and Airport Asbestos and other Hazardous Materials Abatement Project

SOURCE: Public Works

COMMENT: City staff has completed the preparation of construction plans and specifications (i.e. Project Manual) for the Library, Fire Station, and Airport Asbestos and other Hazardous Materials Abatement Project. The proposed project is the required first step for future remodeling and/or painting at each of the three locations.

The proposed project consists of required abatement of existing asbestos and lead based/containing materials within the Airway Cafe (Porterville Airport) and the City Library for future bathroom remodels. The Airway Cafe abatement project is substantial due to the planned ADA restroom remodeling project. The remodeling project affects other floor space within the cafe, such as, but not limited to, adjacent walls and the ceiling within the lobby. Additionally, it was discovered that other walls (both exterior and interior) near the restroom and lobby need hazardous material abatement, created by water leaks. The project also includes abatement/remediation and stabilization of lead based/containing materials on and around Fire Station 1 in preparation for the future painting project.

The Engineer's estimate of probable cost for the project is \$81,600. An additional \$8,160 is necessary for abatement contingencies (10%). It is anticipated that an additional \$20,994 is required for construction management, quality control and inspection services (25.73%) for a total estimate project cost of \$110,754. A portion of the construction management and all of the quality control and inspection services will be conducted by our consultant, Air Quality Compliance Solutions. The totals for each individual area of the project are as follows:

Airway Cafe: \$64,104, including construction management services.

Library: \$14,334, including construction management services.

Fire Station 1: \$32,316, including construction management services.

Funding for this project includes land release proceeds for the Airport-Airway Cafe, General Fund Carryover for the Library and equipment replacement funds for Fire Station 1.

RECOMMENDATION:

That City Council:

1. Approve staff's recommended Plans and Project Manual;
2. Authorize staff to advertise for bids on the project;
3. Authorize augmenting our consultant services agreement per M.O. #04-022018 for Quality Compliance Solutions in the amount of \$20,994 for limited construction management, quality control, and inspection services; and
4. Authorize the Finance Director to augment the Airport-Airway Cafe budget in the amount of \$62,000 utilizing the proceeds from the airport land release.
5. Authorize the Finance Director to augment the Fire Station 1 budget in the amount of \$21,000 from the Equipment Replacement Fund.

ATTACHMENTS:

1. Estimate of Probable Cost
2. Air Quality Compliance Solutions Proposal
3. Library Locator Map
4. Fire Station 1 Locator Map
5. Airway Cafe Locator Map

Appropriated/Funded: MB

Review By:

Department Director:

Mike Reed, Acting Public Works Director

Final Approver: John Lollis, City Manager

Air Quality Compliance *Solutions*

Javier Sanchez
City of Porterville
291 N. Main Street
Porterville, CA 93257

December 5, 2018

RE: Estimated Cost for Budgetary Purposes; **ASBESTOS ABATEMENT SERVICES** for
the Airways Café – Airport, Public Library and Fire Station 1

Airways Café Asbestos Abatement
Low High
\$31,000. To \$40,000.

Recommended Budget for Airways Café; \$40,000. + 20% = \$48,000.

Library Asbestos Abatement Asbestos Consultant Laboratory Analysis
Low High \$2,250. \$895.
\$4,500. To \$8,000.

Recommended Budget for Library; \$8,000. + 20% = \$9,600.

Fire Station 1 Lead Stabilization Lead Consultant Laboratory Analysis
Low High \$4,500. \$430.
\$13,750. To \$20,000.

Recommended Budget for Fire Station; \$20,000. + 20% = \$24,000.

Recommended Total Budget for the Abatement Contractor; \$81,600.

Craig Wobschall,
Associate Industrial Hygienist
DOSHS Certified Asbestos Consultant # 96-2095
CDPH Certified Lead Inspector/Assessor # 4195

Air Quality Compliance *Solutions*

Javier Sanchez
City of Porterville
291 N. Main Street
Porterville, CA 93257

December 5, 2018

RE: Estimated Cost for Budgetary Purposes regarding **HAZMAT CONSULTING SERVICES** for the Airways Café – Airport, Public Library and Fire Station 1

Airways Café	Asbestos Consultant	Laboratory Analysis
	\$7,500.	\$1,920.

<i>Recommended Budget for Airways Café;</i>	<i>\$9,420. + 20% = \$11,304.</i>
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Library	Asbestos Consultant	Laboratory Analysis
	\$2,250.	\$895.

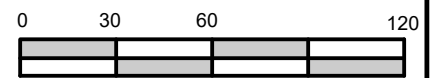
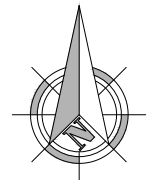
<i>Recommended Budget for Library;</i>	<i>\$3,145. + 20% = \$3,774.</i>
--	----------------------------------

Fire Station 1	Lead Consultant	Laboratory Analysis
	\$4,500.	\$430.

<i>Recommended Budget for Fire Station;</i>	<i>\$4,930. + 20% =</i>	<i>\$5,916.</i>
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Recommended Total Budget for the HAZMAT Consulting; \$20,994.

Craig Wobschall,
Associate Industrial Hygienist
DOSH Certified Asbestos Consultant # 96-2095
CDPH Certified Lead Inspector/Assessor # 4195



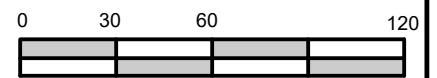
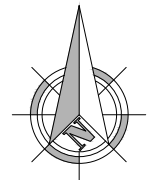
SCALE: 1"=60'

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

PORTERVILLE PUBLIC LIBRARY
LOCATOR MAP
41 W THURMAN AVENUE
PORTERVILLE, CA 93257

DRAWN BY	KRS
CHECKED BY	MKR
SCALE	1" = 60'
DATE	1/10/2019

SHEET
1
OF
1



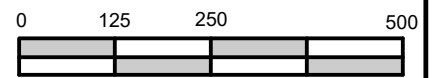
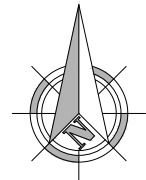
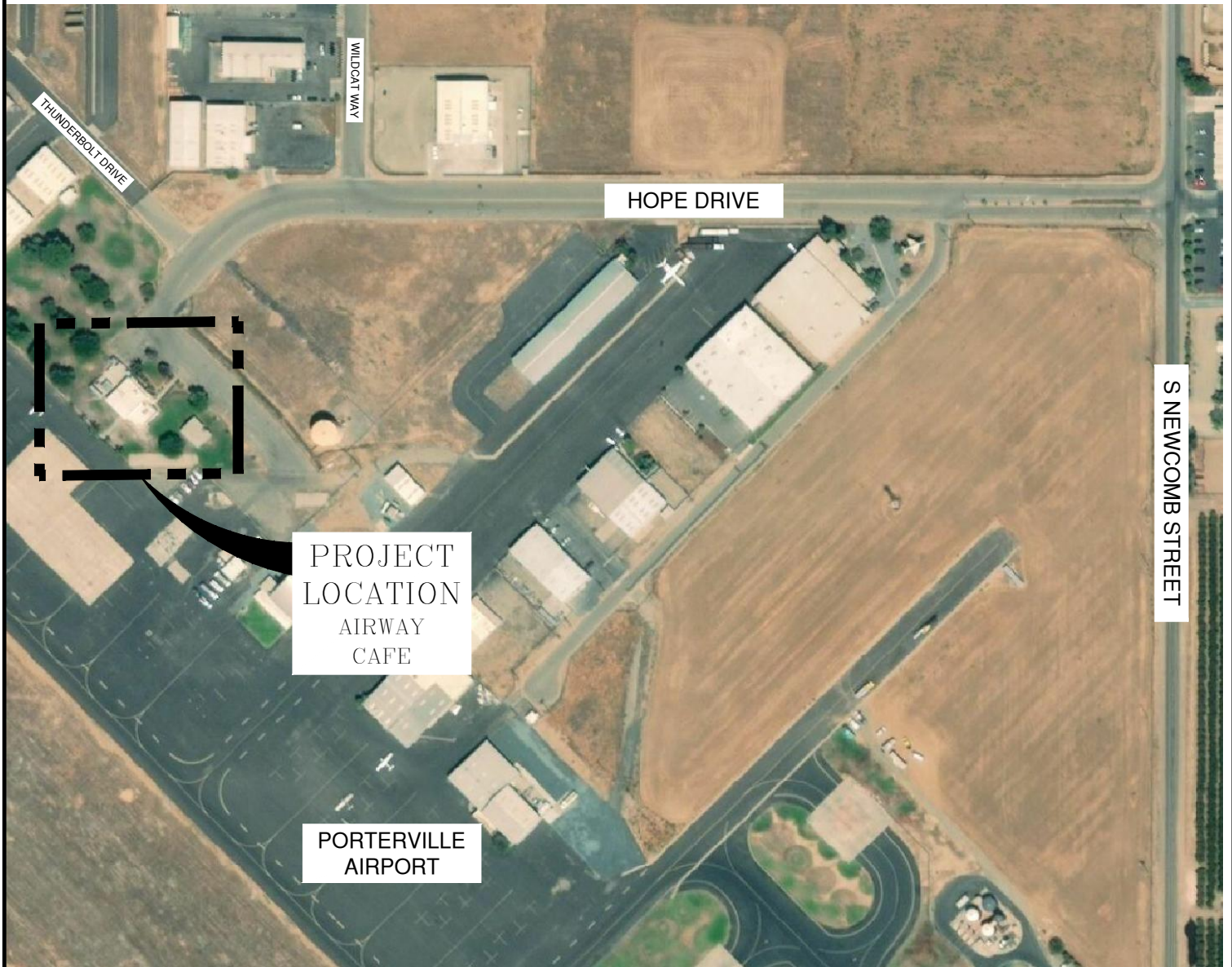
SCALE: 1"=60'

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

FIRE STATION 1 LOCATOR MAP
40 W CLEVELAND AVENUE
PORTERVILLE, CA 93257

DRAWN BY	KRS
CHECKED BY	MKR
SCALE	1" = 60'
DATE	1/10/2019

SHEET
1
OF
1



SCALE: 1"=250'

CITY OF PORTERVILLE
ENGINEERING DIVISION

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

AIRWAY CAFE LOCATOR MAP
1893 NEWCOMB STREET #12
PORTERVILLE, CA 93257

DRAWN BY	KRS
CHECKED BY	MKR
SCALE	1" = 250'
DATE	1/10/2019

SHEET
1
OF
1



CITY COUNCIL AGENDA – JANUARY 15, 2019

SUBJECT: Award of Contract - Household Water Tanks Removal Projects

SOURCE: Public Works

COMMENT: On January 9, 2019, staff received two (2) bids for the Household Water Tanks Removal Project. The project consists of installing new water mains within the city limits of Porterville where household tanks were installed and implemented by Tulare County via a mutual agreement with the City during the severe drought. The grant received from the Department of Water Resources addresses these properties by extending the water main allowing property owners to connect. The grant will pay for the property owners' connection fees and abandonment of the existing wells per Tulare County Standards and City Municipal Code. The locations of extension of water main are as follows:

- Beverly Street north of W. North Grand Avenue
- Gibbons Avenue between Fourth Street to 226 E. Gibbons Avenue
- Fourth Street between Gibbons Avenue and Lincoln Road
- Third Street between Yates Avenue and 1313 S. Third Street
- Lime Street between 1112 N. Lime Street and the railroad right-of-way
- Villa Street between La Vida Avenue and 1261 N. Villa Street
- Pioneer Avenue between 1092 Pioneer Avenue and State Route 65
- Frontage Road between Pioneer Avenue and 1006 Pioneer Avenue

The bids are as follows:

Contractor	Amount
1. West Valley Construction Company, Inc. San Jose, CA	\$1,519,930.00
2. Floyd Johnston Construction Company, Inc. Clovis, CA	\$1,599,541.30

Staff has found the low bid acceptable.

The Engineer's Estimate of Probable Cost for the project was \$1,530,980. The low bid presented by West Valley Construction Company of San Jose is \$1,519,930.00, which is 0.7% lower than the Engineer's Estimate. An additional \$151,993.00 is required for construction contingency (10%). It is anticipated that an additional \$151,993.00 is required for construction management, quality control, inspection services and construction surveying (10%). The total

estimated cost for the project is \$1,823,916.00.

Funding for the project will be provided by the Department of Water Resources Grant .

RECOMMENDATION: That City Council:

1. Award the Household Water Tanks Removal Project to West Valley Construction Company, Inc. in the amount of \$1,519,930.00;
2. Authorize progress payments up to 95% of the contract amount;
3. Authorize a 10% contingency to cover unforeseen construction costs; and
4. Authorize a 10% for construction management, quality control, and inspection.

ATTACHMENTS: 1. Locator Maps - Household Tanks

Appropriated/Funded: MB

Review By:

Department Director:

Mike Reed, Acting Public Works Director

Final Approver: John Lollis, City Manager

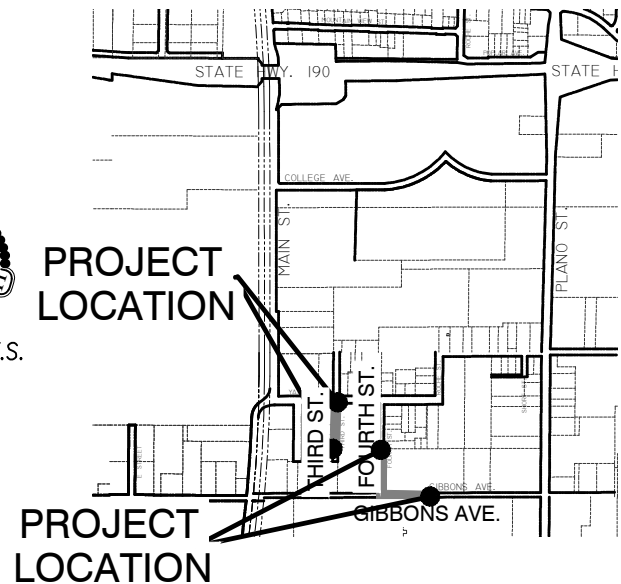
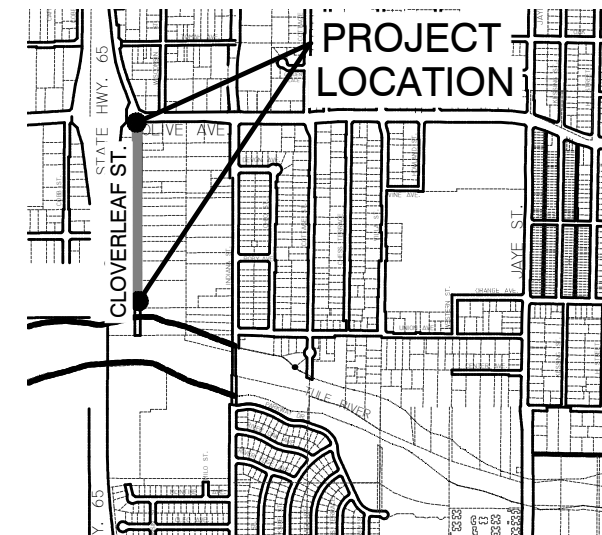
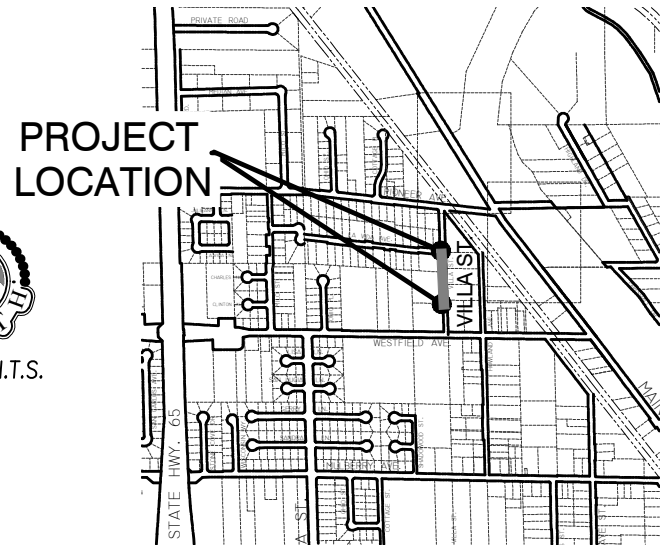
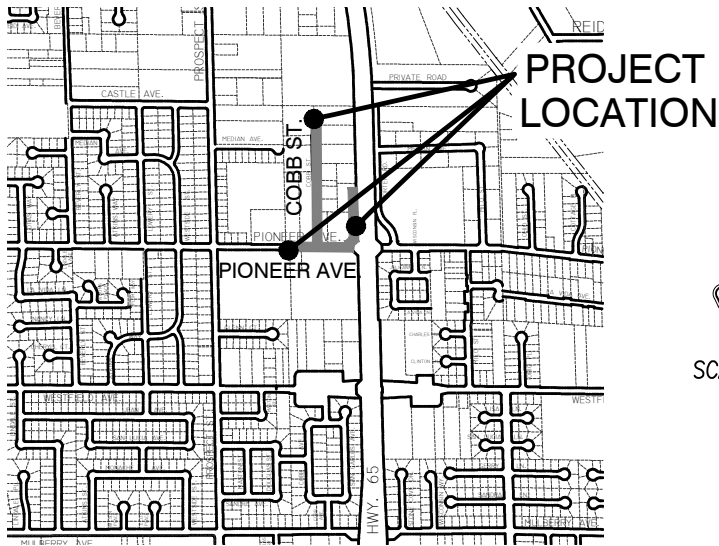
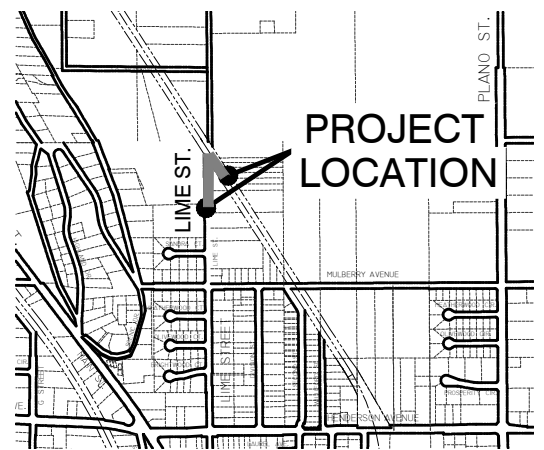
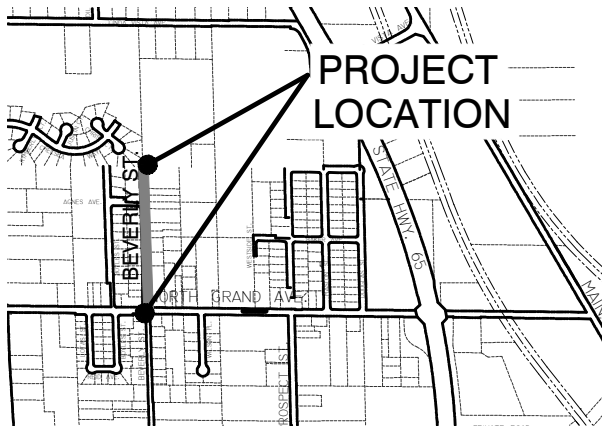


EXHIBIT "B"

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

REMOVAL OF THE HOUSEHOLD WATER TANKS PROJECT

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



CITY COUNCIL AGENDA – JANUARY 15, 2019

SUBJECT: Acceptance of Project - Replace Roof and HVAC at Fire Station #2

SOURCE: Public Works

COMMENT: D. Garrison Roofing Company, Inc. completed the re-roof of Fire Station #2 and their work was inspected and approved by City inspectors on August 31, 2018. During the course of their work, they encountered more dry rot than originally calculated in their scope of work. This additional work increased the overall project cost \$450 (3%), the contract total for the re-roof work is \$15,005.

Zone Air Conditioning completed the replacement of two (2) HVAC systems at Fire Station #2 and their work was inspected and approved by City inspectors on September 12, 2018. The contract total for the HVAC work is \$27,100.

City Council authorized an expenditure total for both projects of \$42,487 when the projects were initially authorized. The final construction cost for both projects is \$42,105. Funding for both projects is from the Fire Department's equipment replacement fund.

RECOMMENDATION: That City Council:

1. Accept both projects as complete;
2. Authorize the filing of the Notice of Completion for both projects; and
3. Authorize the immediate release of any pending payments, provided no stop notices have been filed.

ATTACHMENTS: 1. Locator Map

Appropriated/Funded: MB

Review By:

Department Director:

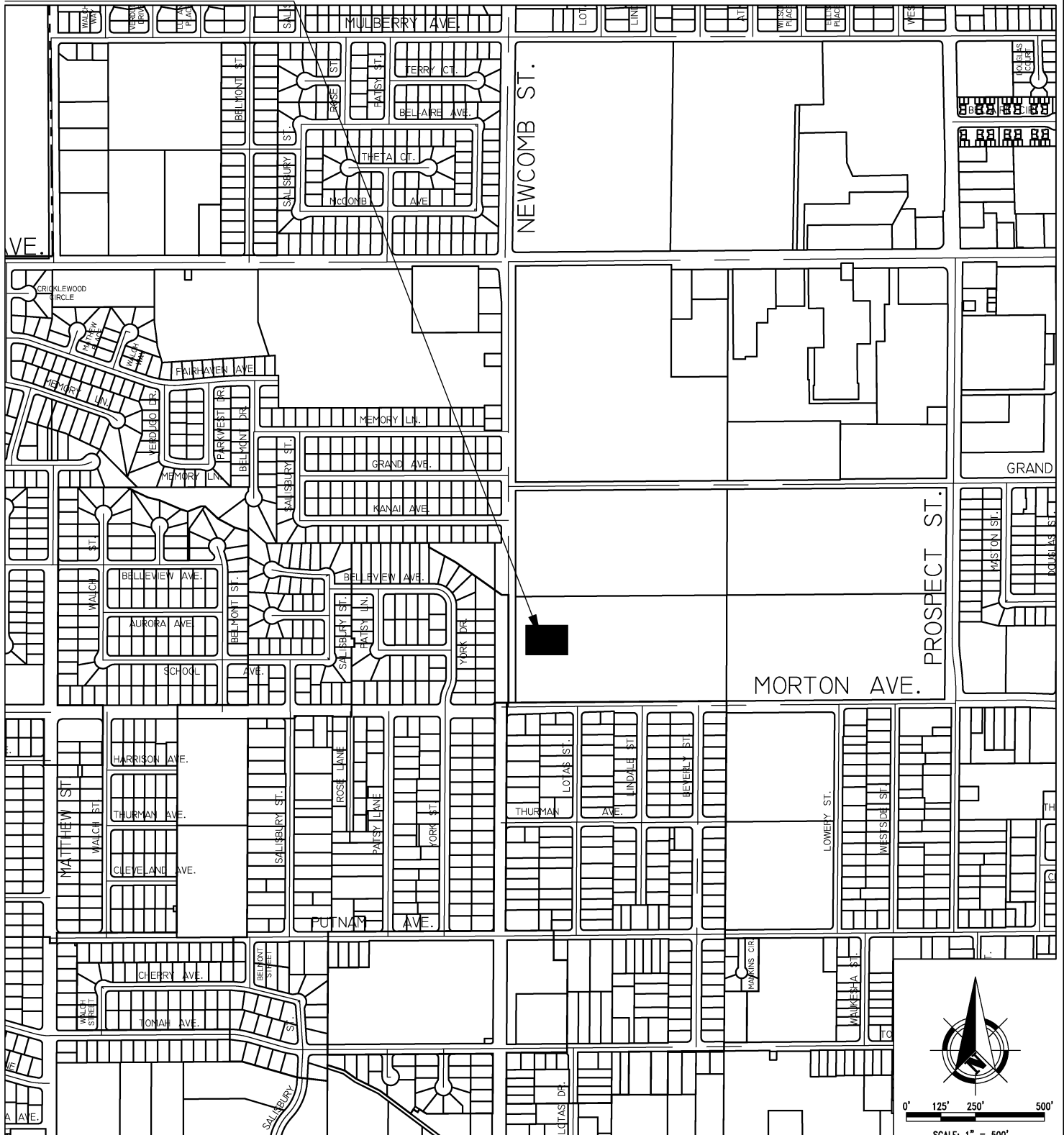
Mike Reed, Acting Public Works Director

Final Approver: John Lollis, City Manager

PROJECT VICINITY MAP

EXHIBIT "A"

PROJECT LOCATION



City of Porterville

291 N. MAIN ST.
PORTERVILLE, CA. 93257
559 782-7462

SCOPE OF WORK:

REMOVAL OF 620 SF OF EXISTING ROOFING MATERIAL. REPLACEMENT WITH NEW POLYURETHANE COATING. REMOVAL AND REPLACEMENT OF HVAC UNITS.

OWNERS:

City of Porterville
291 N. Main Street
Porterville, CA 93257

APN:

251-360-001

ADDRESS:

500 N. Newcomb St, Porterville, CA

AREA:

620 SF Roof Area

DRAWN BY:

LC

CHC'K BY:

MKR



CITY COUNCIL AGENDA – JANUARY 15, 2019

SUBJECT: Request For Renewal of 5-Year Contract With Tesco Controls Incorporated

SOURCE: Public Works

COMMENT: The City of Porterville Wastewater Treatment Facility (WWTF) is requesting approval to renew the 5-year contract with Tesco Controls, Incorporated for the maintenance, support, design, programming and repair of its Supervisory Control and Data Acquisition (SCADA) system.

The SCADA system monitors and controls the entire wastewater treatment processes by acquiring equipment and instrumentation data through remote telemetry units and sending the data to a central computer. The central computer performs graphic display representations, alarm reporting, report generation, data archiving and database maintenance.

The WWTF has used Tesco SCADA system since 1994. The system is proprietary to Tesco Control Incorporated and integrates Tesco protocol to communicate directly with programmable control units at remote sites.

Tesco Controls, Incorporated standard professional service rates vary depending on the needs of the WWTF. The maximum hourly professional service rate shall not exceed \$200 per hour.

RECOMMENDATION: That City Council:

1. Approve the request for the 5-year renewal service contract for the maintenance, support, design, programming and repair of the WWTF SCADA system with TESCO Controls, Incorporated; and
2. Authorize the Public Works Director to sign the 5-Year service contract with TESCO Controls Incorporated.

ATTACHMENTS: 1. TESCO Contract

Appropriated/Funded:

Review By:

Department Director:

Mike Reed, Acting Public Works Director

Final Approver: John Lollis, City Manager



Headquarters
8440 Florin Rd.
Sacramento CA, 95828
(P) 916-395-8800
(F) 916-429-2817

Southern California

42015 Remington Ave, Ste 102
Temecula, CA 92590
(P) 951-308-645

Central California

1315-B Dayton Street
Salinas, CA 93901
(P) 831-754-6838

Northern Nevada

213 Sage Street
Carson City, NV 89706
(P) 800-94-TESCO

Louisiana

10699 Airline Hwy Suite B
Baton Rouge, LA 70816
(P) 225-910-4573

◆◆◆ Engineering • Manufacturing • Systems Design • Systems Integration • Service & Support ◆◆◆

DATE: January 8, 2019

TO: City of Porterville
ATTN: Michael K. Reed

From: TESCO Controls, Inc., "Consultant"
Contact: Richard Martinez

Subject: City of Porterville Wastewater Treatment Plant
Professional Services Contract
Scope of Work (EXHIBIT A)

1. GENERAL

CONSULTANT shall furnish personnel to perform services necessary to conduct and complete all work detailed in "SCOPE OF WORK".

Materials furnished and work performed by CONSULTANT shall strictly comply with applicable terms, provisions, and conditions of the PROFESSIONAL SERVICES CONTRACT between the CONSULTANT and the CITY, which by reference is made a part of this CONTRACT.

All work under this CONTRACT shall be done in a professional manner, and shall be subject to inspection and acceptance of the CITY, whose decision with respect to all questions arising out of the performance of such work shall be binding upon the parties hereto.

All work and services by the CONSULTANT shall be performed on a Task Order Request issued by the CITY.

Copies of the original of all deliverables (drawings, reports, etc.), and any necessary notes generated at the CONSULTANT'S office shall be accessible by the CITY upon completion of work in the event back-up information is requested.

2. SCOPE OF WORK

Professional Services to be provided by the CONSULTANT under this CONTRACT are those set-forth as follows and as specifically directed by the CITY. Work and services are to be provided for Wastewater Department.

The requirements of the CONSULTANT are described in the following itemized "Scope of Work", and shall be performed on a Task Order Request issued by the CITY.

- a) Review Meetings: Project review meetings will be arranged with all interested parties during initial stages of project design to ensure all details are outlined.

- b) Project Reviews: If requested by the CITY, the CONSULTANT will be available for input in the review of existing or future developer driven projects including electrical instrumentation and control drawings including P&ID's, as well as, construction plans and vendor submittals.
- c) Control System Engineering: The CONSULTANT will interface with City Engineers and Operations Staff in providing the design of PLC-based control panels located at the Wastewater Treatment Plant, and at remote field sites, including lift stations, potable water pump stations, manholes, reservoirs, and other sites related to the delivery of potable water and operation/maintenance of a sewer system.
- d) Additional Plans and Specifications: The CONSULTANT will provide technical specifications and drawings required for bid documents in addition to those provided by the CITY and equipment manufacturers. The following specifications are included but not limited to;
- Control computer hardware and software
 - Network hardware and software
 - Control Computer UPS system
 - Miscellaneous network hardware
- e) HMI Screen Development: The CONSULTANT shall develop a list of screens for the HMI and identify I/O tag references that will be represented in each screen (coordinated with P&ID's)
- f) Develop Operational Standards: The CONSULTANT shall interface with CITY Engineers and Operational Staff to develop and maintain operational standards including O&M's, electrical schematics, communications architecture, PLC programs and HMI configuration.
- g) Prebid Support: At the CITY'S request, the CONSULTANT shall be available to attend prebid meetings, assist in responding to bidders questions, and assist in preparing addenda's to bid documents for integrated portion of projects.
- h) On-Call Technical Services: CONSULTANT shall provide the CITY priority On-Call Technical Services. Service personnel shall be available within 24 hours of request to assist in diagnostics, repair, and maintaining operational systems.
- i) Control System Implementation: The CONSULTANT will provide a variety of services related to upgrades, development, implementation, and maintenance of the CITY'S Wastewater Treatment Plant SCADA system. The services may include but are not limited to;
- Programming, configuration, and maintenance of *Wonderware Intouch* SCADA system located at the CITY's Wastewater Treatment Plant.
 - Programming, configuration and maintenance of the CITY'S Wastewater Treatment Plant PLC-based control panels.
 - Installation, programming, and maintenance of the CITY'S Wastewater Treatment Plant SCADA computers and peripherals including laptop computers.
 - Maintenance and diagnostics to the CITY'S instrumentation and controls at remote field sites.
 - Calibration services for the CITY'S Wastewater Treatment Plant instrumentation.
 - Maintenance and diagnostics to the CITY'S Wastewater Treatment Plant communication equipment.
 - Training on maintenance and diagnostics of the CITY's Wastewater Treatment Plant SCADA system, PLC's, and Instrumentation.

CONSULTANT agrees to mobilize and perform assigned Task Directives as well as perform Work authorized and requested by the City of Porterville.

Terms and Conditions:

- Contract will be covered 5 years from date of acceptance.
- Proposal firm for 30 days unless otherwise stated.
- Terms are net 30 days on *approved* credit accounts.
- Interest will be applied to all past due invoices.
- All merchandise sold is subject to lien laws.

City of Porterville

Company/Agency

Tesco Controls, Inc.

Company/Agency

Name, Title

Name, Title

Signature

Signature

Date

Date



CITY COUNCIL AGENDA – JANUARY 15, 2019

SUBJECT: Authorization to Contract with Wastewater Solids Management Company to Dewater Anaerobic Digester Material

SOURCE: Public Works

COMMENT: On September 4, 2018, City Council awarded the cleaning of three (3) Wastewater Treatment Facility (WWTF) anaerobic digesters to Wastewater Solids Management Company. The project involved hydro-washing and removing sludge from the interior surface of the digester structure. The material removed during the cleaning contains large amounts of grit, plastics, and other material that cannot be digested. The material from the cleaning of the digesters is stored onsite until it has been sufficiently dewatered before it is hauled off to the solar drying beds.

The practice of dewatering the material onsite contributes to increased odors originating from the treatment facility and also attracts rodents, insects and other unfavorable species. Dewatering will allow the digested material to be hauled off-site the same day thus eliminating the odors originating from the digester material. It also facilitates the disposal of the material by removing the plastics and other material that cannot be decomposed.

Wastewater Solids Management Company submitted a quote of \$34,400 per digester to dewater the material removed during the cleaning process. Wastewater Solids Management Company was awarded the digester cleaning project, and was the only company of the six (6) contacted by the WWTF to submit a quote. Staff is requesting approval to include the dewatering of digester material in conjunction with the digester cleaning project. Expenditure for the dewatering project is not to exceed \$37,840 per digester, which includes prevailing wage and a ten percent (10%) contingency, and will be funded from the 2018/2019 WWTF CIP Budget and 2018/2019 WWTF Operating Budget if the current fiscal year WWTF CIP Budget is exhausted.

RECOMMENDATION: That City Council:

1. Award the dewatering of digester #2 and #4 material to Wastewater Solids Management Company for project amount not to exceed \$37,840 per digester, which includes prevailing wage and a ten percent (10%) contingency;
2. Direct the Finance Director to initiate a Purchase Order to Wastewater Solids Management Company for a not to exceed amount of \$37,840 per digester, which includes prevailing wage

and a ten percent (10%) contingency for each digester; and
3. Direct the Finance Director to make payment to Wastewater
Solids Management Company upon receipt of invoice approved
by the Public Works Director.

ATTACHMENTS: 1. WSM Dewater Quote

Appropriated/Funded: MB

Review By:

Department Director:

Mike Reed, Acting Public Works Director

Final Approver: John Lollis, City Manager



December 6, 2018

Mr. Robert Alvarez
City of Porterville
1333 W Grand Ave.
Porterville, CA 93257
(559) 782-7505
(559) 783-1419 (fax)
ralvarez@ci.porterville.ca.us

Dear Robert:

I would like to thank you for your interest in Wastewater Solids Management, Inc. We are a corporation with over 30 years cumulative experience in digester/lagoon cleaning and biosolids management. We are pleased to provide this estimate for the removal and dewatering of solids from Digester #4 at the City of Porterville Wastewater Facility.

Above all else we are concerned with safety on the job and closely follow the OSHA rules and regulations set forth for maintenance activities. These procedures include lock out/tag out and confined space entry among others.

Attached is a proposal for digester cleaning, solids dewatering and on site solids removal services. The scope of work has been prepared based on the data you provided, however, if there is anything which needs to be corrected, please let me know. Our anticipated project duration is approximately one week of operations for the removal of the material from the digester structure.

If you have any questions or require any further information, please advise by contacting (541) 547-3213 or (916) 425-0531. We look forward to this opportunity to work with you.

Respectfully submitted,

Victoria E. Prince
General Manager
Wastewater Solids Management Co., Inc.
vprince@wastewatermanagement.com
www.wastewatermanagement.com

Enclosures: quotation / agreement

ADMINISTRATIVE OFFICE
P.O. BOX 430
YACHATS, OR 97498
(541) 547-3213 PHONE
(541) 971-4571 FAX

ACCOUNTING OFFICE
P.O. BOX 1327
LINCOLN, CA 95648

CORPORATE OFFICE
P.O. BOX 826
YERINGTON, NV 89447

City of Porterville
Request for Estimate
City of Porterville – Digester Dewatering (Revised)

ESTIMATION DATE: DECEMBER 6, 2018

Mobilization/Demobilization:	\$ 6,520.00
Digester Dewatering Operations:	\$ 28,880.00
Project Total:	\$ 34,400.00

Description:

- Wastewater Solids Management Co., Inc. will remove all sludge, grit, sand, rags, plastics, grease and other miscellaneous debris from the digester structure. Prior to turning over the primary digester for cleaning operations, City of Porterville personnel will drain the digester below the side hatch entryway. There will be approximately 90,000 gallons of material remaining in place (5'). The sludge material will be screened to a 3/16" capture rate. The screenings will be deposited in roll-off bins or other receptacle for end disposal by City of Porterville personnel. The screened sludge will be transferred to a mixing type tank and fed to a mobile belt press unit. The material will be dewatered with the filtrate being discharged back to the plant at a point designated by plant personnel. The dewatered sludge cake will be deposited in end dump trailers or stockpiled onsite for end disposal by City of Porterville personnel. WWSMC will hydro-wash the interior of the digester at the City of Porterville Wastewater Treatment Plant utilizing high volume water (300 gpm, 80 psi). Hydro-washing services will remove sludge and other material from the interior surfaces of the digester structure, however, some closely adhered materials may remain upon completion. (Struvite, vivianite, etc.). Wastewater Solids Management Co., Inc. will provide these services with the following provisions:

- Ⓜ Digester Dimensions: D: 50'; SWD: 29'; Solids Depth: 5'
- Ⓜ Maximum volume: 103,000 gallons (estimated)
- Ⓜ ≤ 8% solids concentration
- Ⓜ Coned bottom surface
- Ⓜ Minimum top access: 30"; Minimum side access: 30"
- Ⓜ ≤ 1,000 ft. to staging, processing and filtrate return point
- Ⓜ Min. Filtrate Return: 200 gpm; Max Filtrate Conc. 500 mg/L
- Ⓜ Prevailing wage determinations included

This will include all labor and materials except as listed below.

- City of Porterville will provide the following:
- Ⓜ 150 amps; 480 V; 3-phase power available
 - Ⓜ Water available: 300 gpm, 80 psi (1 1/2" connection or other)
 - Ⓜ Remove & replace access hatch covers
 - Ⓜ Roll-off bins for transport and disposal of screenings
 - Ⓜ Sufficient storage space for sludge solids
 - Ⓜ Sufficient staging area for WWSM, Inc. Equipment
 - Ⓜ Equipment for the unloading and placement of WWSM, Inc. equipment (backhoe or other).



CITY COUNCIL AGENDA – JANUARY 15, 2019

SUBJECT: Reconciliation of Consultant Service Agreements - Surveying Services

SOURCE: Public Works

COMMENT: Almost all capital improvement projects administered by the City of Porterville require construction surveying services. Prior to October 7, 2014, staff has written language in the contract documents that required the contractor to hire a Civil Engineer or Land Surveyor for these services. The language used by staff is not uncommon and similar to what other Tulare County agencies place in their contract documents. Recently, however, a Tulare County agency was challenged on the legality of a contractor securing professional surveying services.

The State of California Board of Professional Engineer, Land Surveyors, and Geologists, the governing board tasked with ensuring compliance with the Business and Professions Code (B&PC), got involved with this challenge. Sections 8726 and 8729 of the B&PC provides definitions for services rendered by a land surveyor. The board ruling states that the hiring of professional services by a contractor is not in compliance with the stated B&PC sections.

Furthermore, the hiring of a land surveyor by a contractor bidding a public works project circumvents Government Code §4526, commonly known and referred to as California's "Little Brooks Act." This "Act" requires all professional services contracted by a state or local agency to be based on competency and qualification standards. The City's past specification writings do not ensure that the approved contractor or the City is selecting a professional land surveyor in accordance with these standards.

Prior to October 7, 2014 and in order to comply with California's "Little Brooks Act," staff contacted the local civil engineering firms and requested resumes of the individual(s) involved in land surveying within their firm and a fee schedule for these services. The local firms have the requisite experience and staff to accommodate the needs of the City of Porterville. The 2014 firms and fee schedules are summarized below:

<u>Local Firm</u>	<u>2014 Fee Schedule Amount</u>	
James Winton & Associates	Land Surveyor:	\$100/hr.
	2-Man Survey Crew:	\$260/hr.

Roberts Engineering	Land Surveyor:	\$180/hr.
	2-Man Survey Crew:	\$260/hr.
Dee Jaspar & Associates	Land Surveyor:	\$130/hr.
	2-Man Survey Crew:	\$230/hr.
Four Creeks	Land Surveyor:	\$115/hr.
	2-Man Survey Crew:	\$225/hr.

City Council approved Service Agreements with the listed local consultants on October 7, 2014. Annual adjustments to consulting firms' fee schedules are common and there have been increases since 2014. However, staff insists on negotiating and securing a not to exceed amount for each requested surveying service, rendering the fee schedule to be somewhat irrelevant.

Recently, James Winton and Associates was acquired by QK and now has a local presence in Porterville. Staff is seeking authorization to transfer the James Winton and Associate Service Agreement to the firm of QK.

Surveying services will be rendered to each firm on a rotational basis. Staff will seek surveying services from the firms in the order listed above. If a financial agreement can be negotiated based on project specifics and the firm has the capacity to meet the project schedule, the project will be awarded to that firm.

Consequently, if the firm and staff are unable to reach an agreement for the surveying services and/or the project schedule, the City will seek services from the next firm in line. In the case where a firm is passed by, the next project will be presented to that firm in hope of agreeing upon a fee and schedule. This selection process will continue for each project with the goal of equally distributing the surveying services to each firm as needed by the City.

On occasion, staff may also seek the services of these firms to perform topographical surveys which are necessary for nearly all capital improvement projects. There may also be times when the firm is needed for other services, such as, but not limited to, boundary surveys, re-establishment of destroyed monuments, and updating the City's horizontal and vertical datum, etc. The goal is to obtain any and all necessary surveying services so as to expedite capital improvement projects and maintenance of survey records published by the Engineering and Building Division of the Public Works Department.

RECOMMENDATION: That the City Council:

1. Authorize the Public Works Director to execute the Consultant Service Agreements with QK, as this firm has secured all clientele of James Winton and Associates;
2. Authorize progress payments up to 100% of the agreed upon fee amounts; and
3. Authorize a 10% contingency to cover unforeseen costs.

ATTACHMENTS: 1. QK Service Agreement

Appropriated/Funded:

Review By:

Department Director:

Mike Reed, Acting Public Works Director

Final Approver: John Lollis, City Manager

SERVICE AGREEMENT

DATE: October 26, 2018

PARTIES: City of Porterville, a California municipal corporation, hereinafter referred to as "CITY"; and QK, hereinafter referred to as "CONSULTANT".

RECITALS: CITY has undertaken a project on which it is seeking assistance from CONSULTANT. Said project which will hereinafter be referred to as "project" is described as follows:

Project Name: Rotational land surveying services for future City of Porterville Capital Improvement Projects, in compliance with California's "Little Brooks Act."

Description of Project: In general, Consultant to provide land surveying services on a rotational and on-call basis for future Capital Improvement Projects. Each project shall be negotiated based on project specific costs, and capacity to meet the project scheduled. Consultant may also be called upon for other services, such as, but not limited to, topographical surveys, boundary surveys, re-establishment of destroyed monuments, updating the City's horizontal and vertical datum, etc.

IN CONSIDERATION OF MUTUAL COVENANTS AND AGREEMENTS HEREINAFTER set forth, the parties hereto do contract and agree as follows:

SECTION 1. CONTRACT SERVICES:

CONSULTANT hereby agrees to provide the following services and materials, in a timely manner as described:

SECTION 2. PAYMENT:

In consideration for said services and materials, CITY shall pay CONSULTANT on a time and materials basis not to exceed negotiated costs for individual projects and based on the attached fee schedule.

TIME OF PAYMENT: Progress payment requests shall be submitted by the 25th of each month. CONSULTANT should receive payment within 45 days of the date the bill is received.

SECTION 3. COMPLETION DATE:

The services to be performed by CONSULTANT will be commenced upon execution of this agreement and all "work directives" shall be completed by negotiated terms for individual projects. In the case of ongoing testing and results protocol, the CONSULTANT shall submit results as required to CITY, State and/or Federal governing agencies.

SECTION 4. FAMILIARITY WITH PROJECT:

CONSULTANT certifies and agrees that it is fully familiar with all of the details of the project required to perform its services. CONSULTANT agrees it will not rely upon any opinions and representations of CITY unless CITY is the only available source of said information.

SECTION 5. INDEPENDENT CONTRACTOR:

It is expressly understood that CONSULTANT is entering into this contract and will provide all services and materials required hereunder as an independent contractor and not as an employee of CITY. CONSULTANT specifically warrants that it will have in full force and effect, valid insurance covering:

- (i) Full liability under worker's compensation laws of the State of California; and
- (ii) Bodily injury and property damage insurance in the amount not less than One Million Dollars (\$1,000,000) per occurrence; and
- (iii) Errors and Omissions insurance of One Million Dollars (\$1,000,000) minimum per

- occurrence, if deductible for Errors and Omissions insurance is Fifty Thousand Dollars (\$50,000) or more, the City may require a Surety Bond for the deductible; and
- (iv) Automotive liability in the amount not less than One Million Dollars (\$1,000,000) per occurrence; fully protecting CITY, its elected and appointed officers, employees, agents and assigns, against all claims arising from the negligence of CONSULTANT and any injuries to third parties, including employees of CITY and CONSULTANT. ***To the fullest extent permitted by law***, CONSULTANT agrees to indemnify, defend (at CITY'S election), and hold harmless the CITY against any claims, actions or demands against CITY, and against any damages, liabilities for personal injury or death or for loss or damage to property, or any of them arising out of negligence of CONSULTANT or any of its employees or agents, ***or CONSULTANT'S activities related to the terms and conditions of or implementation of this Agreement.***

SECTION 6. WORKMANSHIP AND MATERIALS:

Every part of the work herein described shall be executed in a professional manner with competent, experienced personnel. Finished or unfinished material prepared under the agreement, prepared by CONSULTANT, shall become property of CITY. CONSULTANT hereby warrants that any materials prepared under this agreement shall be fit for the intended use contemplated by the parties.

SECTION 7. ASSIGNMENT OF CONTRACT:

It is acknowledged by the parties that CITY has entered into this contract with the express understanding that CONSULTANT will perform all work. CONSULTANT shall not, without the written consent of CITY, assign, transfer or sublet any portion or part of this work, nor assign any payments to others.

SECTION 8. AFFIRMATIVE ACTION.

CONSULTANT will not discriminate against any employee, or applicant for employment as required by applicable Federal and State law.

SECTION 9. CONFLICT OF INTEREST CODE:

CONSULTANT agrees to comply with the regulations of CITY'S "Conflict of Interest Code". Said code is in accordance with the requirements of the Political Reform Act of 1974.

CONSULTANT covenants that it presently has no interest, and shall not have any interest, direct or indirect, which would conflict in any manner with the performance of service required hereunder. The term "conflict" shall include, as a minimum, the definition of a "conflict of interest" under the California Fair Political Practices Act and the City of Porterville Conflict of Interest Code, as that term is applied to consultants.

SECTION 10. TERMINATION:

Either party for just cause may terminate this contract by giving seven (7) days written notice to the other party. Upon termination by CITY, CITY shall be relieved of any obligation to pay for work not completed including profit and overhead. CONSULTANT may be entitled to just and equitable compensation for satisfactory work completed, except CITY can withhold damages incurred as a result of the termination.

SECTION 11. ENTIRE CONTRACT:

It is understood and agreed that this Service Agreement represents the entire Agreement between the parties. Should it be necessary to institute legal proceedings to enforce any and all of the covenants and conditions of this Agreement, the prevailing party shall be entitled to recover attorneys' fees and costs.

SECTION 12. DISPUTES; VENUE:

If either party initiates an action to enforce the terms hereof or declare rights hereunder, the parties agree that this Agreement is entered into and is to be performed in Tulare County, California. CONSULTANT hereby waives any rights it might have to remove any such action pursuant to California Code of Civil Procedure Section 394.

IN WITNESS WHEREOF, the parties have executed this Service Agreement on the date and year first above written.

CITY OF PORTERVILLE

CONSULTANT

By _____

By _____

Date _____

Date _____

Charge Rate Schedule



2018 Charge Rate Schedule	
Technical Services	
Project Assistant	\$66 /hour
Project Administrator	\$88 /hour
Assistant CADD Technician/Designer /GIS Technician	\$83 /hour
Associate CADD Technician/Designer /GIS Analyst	\$97 /hour
Senior Associate CADD Technician/Designer/ GIS Analyst	\$112 /hour
Senior CADD Technician/Designer /GIS Analyst	\$127 /hour
Professional Services	
Engineering	
Assistant Engineer	\$110 /hour
Associate Engineer	\$133 /hour
Senior Associate Engineer	\$156 /hour
Senior Engineer	\$180 /hour
Principal Engineer	\$199 /hour
Planning/Environmental/Landscape Architecture	
Assistant Planner/Environmental Scientist	\$77 /hour
Associate Planner/Environmental Scientist	\$97 /hour
Senior Associate Planner/Environmental Scientist	\$121 /hour
Senior Planner/Environmental Scientist/Landscape Architect	\$142 /hour
Principal Planner/Environmental Scientist	\$157 /hour
Senior Principal Planner/Environmental Scientist	\$187 /hour
Construction and Project Management	
Field Construction Observer	\$99 /hour
Associate Field Construction Observer	\$118 /hour
Senior Field Construction Observer	\$138 /hour
Assistant Construction Manager	\$110 /hour
Associate Construction Manager	\$129 /hour
Project Manager	\$133 /hour
Senior Associate Construction/Project Manager	\$148 /hour
Senior Construction/Project Manager	\$165 /hour
Principal Project Manager	\$180 /hour
Surveying	
Assistant Surveyor	\$97 /hour
Associate Surveyor	\$110 /hour
Senior Associate Surveyor	\$133 /hour
Senior Surveyor	\$156 /hour
One-Person Survey Crew	\$121 /hour
Two-Person Survey Crew	\$198 /hour
Three-Person Survey Crew	\$240 /hour

Fees are based on the median hourly pay rate for employees in each classification, plus indirect costs, overhead, and profit.

Expenses:

Plotting, In-house Printing and Reproduction, Equipment Rentals, Laboratory Analyses	1.15 x Cost
Transportation and per diem	1.15 x Cost
Mileage	\$0.63/mile
Off-road vehicles	\$50.00/day
Communication expenses (telephone, parcel post, etc.)	1.15 x Cost
Other Expenses – Including Subconsultants & Purchased Services through Subcontracts	1.15 x Cost

Rates are effective through December 31, 2018. If contract assignment extends beyond that date, a new rate schedule may be added to the contract. Litigation support will be billed at \$300 per hour. Rates based on "Prevailing Wage" (PW) for Construction Surveying will be determined by project and County per California law.



CITY COUNCIL AGENDA – JANUARY 15, 2019

SUBJECT: Program Supplement to the Administering Agency-State Agreement – 2 CNG-Powered Municipal Solid Waste Trucks

SOURCE: Public Works

COMMENT: The Department of Transportation has submitted Program Supplement No. F059 to Administering Agency-State Agreement for Federal-Aid Projects No. 06-5122F15 and requests that the City execute said agreement. The executed agreement shall become a part of the Agency-State Agreement for State Funded Projects No. 06-5122F15.

The attached Program Supplement is for the purchase of 2 CNG-Powered municipal solid waste trucks.

RECOMMENDATION: That the City Council:

1. Approve the program supplement by adopting 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.

ATTACHMENTS:

1. Program Supplement No. 59
2. Draft Resolution - Program Supplement No. F059

Appropriated/Funded:

Review By:

Department Director:

Mike Reed, Acting Public Works Director

Final Approver: John Lollis, City Manager

PROGRAM SUPPLEMENT NO. F059
to
ADMINISTERING AGENCY-STATE AGREEMENT
FOR FEDERAL-AID PROJECTS NO 06-5122F15

Adv Project ID **Date:** December 7, 2018
0617000119 **Location:** 06-TUL-0-PTRV
Project Number: CMLNI-5122(086)
E.A. Number:
Locode: 5122

This Program Supplement hereby adopts and incorporates the Administering Agency-State Agreement for Federal Aid which was entered into between the Administering Agency and the State on 09/19/16 and is subject to all the terms and conditions thereof. This Program Supplement is executed in accordance with Article I of the aforementioned Master Agreement under authority of Resolution No. _____ approved by the Administering Agency on _____ (See copy attached).

The Administering Agency further stipulates that as a condition to the payment by the State of any funds derived from sources noted below obligated to this PROJECT, the Administering Agency accepts and will comply with the special covenants or remarks set forth on the following pages.

PROJECT LOCATION:

City of Porterville Corporation yard

TYPE OF WORK: Purchase 2 CNG-powered municipal solid waste trucks.

LENGTH: 0.0(MILES)

Estimated Cost	Federal Funds		Matching Funds	
	Z003		LOCAL	OTHER
\$553,000.00		\$489,000.00	\$64,000.00	\$0.00

CITY OF PORTERVILLE

By _____
Title _____
Date _____
Attest _____

STATE OF CALIFORNIA
Department of Transportation

By _____
Chief, Office of Project Implementation
Division of Local Assistance
Date _____

I hereby certify upon my personal knowledge that budgeted funds are available for this encumbrance:

Accounting Officer _____

Date 12/11/18

\$489,000.00

Chapter	Statutes	Item	Year	Program	BC	Category	Fund Source	AMOUNT

PROCUREMENT TYPE: **LOCAL ASSISTANCE**

I HEREBY CERTIFY UPON MY OWN PERSONAL KNOWLEDGE THAT BUDGETED FUNDS ARE AVAILABLE FOR THIS ENCUMBRANCE AND PURPOSE OF THE EXPENDITURE STATED ABOVE.

[illegible]

For individuals with sensory disabilities, this document is available in alternate formats. For information, call (915) 654-6410 of TDD (916) -3880 or write Records and Forms Management, 1120 N. Street, MS-89, Sacramento, CA 95814.

SPECIAL COVENANTS OR REMARKS

1. A. The ADMINISTERING AGENCY will advertise, award and administer this project in accordance with the current published Local Assistance Procedures Manual.
- B. ADMINISTERING AGENCY agrees that it will only proceed with work authorized for specific phase(s) with an "Authorization to Proceed" and will not proceed with future phase(s) of this project prior to receiving an "Authorization to Proceed" from the STATE for that phase(s) unless no further State or Federal funds are needed for those future phase(s).
- C. STATE and ADMINISTERING AGENCY agree that any additional funds which might be made available by future Federal obligations will be encumbered on this PROJECT by use of a STATE-approved "Authorization to Proceed" and Finance Letter. ADMINISTERING AGENCY agrees that Federal funds available for reimbursement will be limited to the amounts obligated by the Federal Highway Administration.
- D. Award information shall be submitted by the ADMINISTERING AGENCY to the District Local Assistance Engineer within 60 days of project contract award and prior to the submittal of the ADMINISTERING AGENCY'S first invoice for the construction contract.

Failure to do so will cause a delay in the State processing invoices for the construction phase. Attention is directed to Section 15.7 "Award Package" of the Local Assistance Procedures Manual.

E. ADMINISTERING AGENCY agrees, as a minimum, to submit invoices at least once every six months commencing after the funds are encumbered for each phase by the execution of this Project Program Supplement Agreement, or by STATE's approval of an applicable Finance Letter. STATE reserves the right to suspend future authorizations/obligations for Federal aid projects, or encumbrances for State funded projects, as well as to suspend invoice payments for any on-going or future project by ADMINISTERING AGENCY if PROJECT costs have not been invoiced by ADMINISTERING AGENCY for a six-month period.

If no costs have been invoiced for a six-month period, ADMINISTERING AGENCY agrees to submit for each phase a written explanation of the absence of PROJECT activity along with target billing date and target billing amount.

ADMINISTERING AGENCY agrees to submit the final report documents that collectively constitute a "Report of Expenditures" within one hundred eighty (180) days of PROJECT completion. Failure of ADMINISTERING AGENCY to submit a "Final Report of Expenditures" within 180 days of PROJECT completion will result in STATE imposing sanctions upon ADMINISTERING AGENCY in accordance with the current Local Assistance Procedures Manual.

F. Administering Agency shall not discriminate on the basis of race, religion, age, disability, color, national origin, or sex in the award and performance of any Federal-

SPECIAL COVENANTS OR REMARKS

assisted contract or in the administration of its DBE Program Implementation Agreement. The Administering Agency shall take all necessary and reasonable steps under 49 CFR Part 26 to ensure nondiscrimination in the award and administration of Federal-assisted contracts. The Administering Agency's DBE Implementation Agreement is incorporated by reference in this Agreement. Implementation of the DBE Implementation Agreement, including but not limited to timely reporting of DBE commitments and utilization, is a legal obligation and failure to carry out its terms shall be treated as a violation of this Agreement. Upon notification to the Administering Agency of its failure to carry out its DBE Implementation Agreement, the State may impose sanctions as provided for under 49 CFR Part 26 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001 and/or the Program Fraud Civil Remedies Act of 1986 (31 U.S.C. 3801 et seq.).

G. Any State and Federal funds that may have been encumbered for this project are available for disbursement for limited periods of time. For each fund encumbrance the limited period is from the start of the fiscal year that the specific fund was appropriated within the State Budget Act to the applicable fund Reversion Date shown on the State approved project finance letter. Per Government Code Section 16304, all project funds not liquidated within these periods will revert unless an executed Cooperative Work Agreement extending these dates is requested by the ADMINISTERING AGENCY and approved by the California Department of Finance.

ADMINISTERING AGENCY should ensure that invoices are submitted to the District Local Assistance Engineer at least 75 days prior to the applicable fund Reversion Date to avoid the lapse of applicable funds. Pursuant to a directive from the State Controller's Office and the Department of Finance; in order for payment to be made, the last date the District Local Assistance Engineer can forward an invoice for payment to the Department's Local Programs Accounting Office for reimbursable work for funds that are going to revert at the end of a particular fiscal year is May 15th of the particular fiscal year. Notwithstanding the unliquidated sums of project specific State and Federal funding remaining and available to fund project work, any invoice for reimbursement involving applicable funds that is not received by the Department's Local Programs Accounting Office at least 45 days prior to the applicable fixed fund Reversion Date will not be paid. These unexpended funds will be irrevocably reverted by the Department's Division of Accounting on the applicable fund Reversion Date.

H. As a condition for receiving federal-aid highway funds for the PROJECT, the Administering Agency certifies that NO members of the elected board, council, or other key decision makers are on the Federal Government Exclusion List. Exclusions can be found at www.sam.gov.

2. A. ADMINISTERING AGENCY shall conform to all State statutes, regulations and procedures (including those set forth in the Local Assistance Procedures Manual and the Local Assistance Program Guidelines, hereafter collectively referred to as "LOCAL ASSISTANCE PROCEDURES") relating to the federal-aid program, all Title 23 Code of

SPECIAL COVENANTS OR REMARKS

Federal Regulation (CFR) and 2 CFR Part 200 federal requirements, and all applicable federal laws, regulations, and policy and procedural or instructional memoranda, unless otherwise specifically waived as designated in the executed project-specific PROGRAM SUPPLEMENT.

B. Invoices shall be submitted on ADMINISTERING AGENCY letterhead that includes the address of ADMINISTERING AGENCY and shall be formatted in accordance with LOCAL ASSISTANCE PROCEDURES.

C. ADMINISTERING AGENCY must have at least one copy of supporting backup documentation for costs incurred and claimed for reimbursement by ADMINISTERING AGENCY. ADMINISTERING AGENCY agrees to submit supporting backup documentation with invoices if requested by State. Acceptable backup documentation includes, but is not limited to, agency's progress payment to the contractors, copies of cancelled checks showing amounts made payable to vendors and contractors, and/or a computerized summary of PROJECT costs.

D. Indirect Cost Allocation Plan/Indirect Cost Rate Proposals (ICAP/ICRP), Central Service Cost Allocation Plans and related documentation are to be prepared and provided to STATE (Caltrans Audits & Investigations) for review and approval prior to ADMINISTERING AGENCY seeking reimbursement of indirect costs incurred within each fiscal year being claimed for State and federal reimbursement. ICAPs/ICRPs must be prepared in accordance with the requirements set forth in 2 CFR, Part 200, Chapter 5 of the Local Assistance Procedural Manual, and the ICAP/ICRP approval procedures established by STATE.

E. STATE will withhold the greater of either two (2) percent of the total of all federal funds encumbered for each PROGRAM SUPPLEMENT or \$40,000 until ADMINISTERING AGENCY submits the Final Report of Expenditures for each completed PROGRAM SUPPLEMENT PROJECT.

F. Payments to ADMINISTERING AGENCY for PROJECT-related travel and subsistence (per diem) expenses of ADMINISTERING AGENCY forces and its contractors and subcontractors claimed for reimbursement or as local match credit shall not exceed rates authorized to be paid rank and file STATE employees under current State Department of Personnel Administration (DPA) rules. If the rates invoiced by ADMINISTERING AGENCY are in excess of DPA rates, ADMINISTERING AGENCY is responsible for the cost difference, and any overpayments inadvertently paid by STATE shall be reimbursed to STATE by ADMINISTERING AGENCY on demand within thirty (30) days of such invoice.

G. ADMINISTERING AGENCY agrees to comply with 2 CFR, Part 200, Uniform Administrative Requirements, Cost Principles and Audit Requirement for Federal Awards.

H. ADMINISTERING AGENCY agrees, and will assure that its contractors and subcontractors will be obligated to agree, that Contract Cost Principles and Procedures,

SPECIAL COVENANTS OR REMARKS

48 CFR, Federal Acquisition Regulations System, Chapter 1, Part 31, et seq., shall be used to determine the allowability of individual PROJECT cost items.

I. Every sub-recipient receiving PROJECT funds under this AGREEMENT shall comply with 2 CFR, Part 200, 23 CFR, 48 CFR Chapter 1, Part 31, Local Assistance Procedures, Public Contract Code (PCC) 10300-10334 (procurement of goods), PCC 10335-10381 (non-A&E services), and other applicable STATE and FEDERAL regulations.

J. Any PROJECT costs for which ADMINISTERING AGENCY has received payment or credit that are determined by subsequent audit to be unallowable under 2 CFR, Part 200, 23 CFR, 48 CFR, Chapter 1, Part 31, and other applicable STATE and FEDERAL regulations, are subject to repayment by ADMINISTERING AGENCY to STATE.

K. STATE reserves the right to conduct technical and financial audits of PROJECT WORK and records and ADMINISTERING AGENCY agrees, and shall require its contractors and subcontractors to agree, to cooperate with STATE by making all appropriate and relevant PROJECT records available for audit and copying as required by the following paragraph:

ADMINISTERING AGENCY, ADMINISTERING AGENCY'S contractors and subcontractors, and STATE shall each maintain and make available for inspection and audit by STATE, the California State Auditor, or any duly authorized representative of STATE or the United States all books, documents, papers, accounting records, and other evidence pertaining to the performance of such contracts, including, but not limited to, the costs of administering those various contracts and ADMINISTERING AGENCY shall furnish copies thereof if requested. All of the above referenced parties shall make such AGREEMENT, PROGRAM SUPPLEMENT, and contract materials available at their respective offices at all reasonable times during the entire PROJECT period and for three (3) years from the date of submission of the final expenditure report by the STATE to the FHWA.

L. ADMINISTERING AGENCY, its contractors and subcontractors shall establish and maintain a financial management system and records that properly accumulate and segregate reasonable, allowable, and allocable incurred PROJECT costs and matching funds by line item for the PROJECT. The financial management system of ADMINISTERING AGENCY, its contractors and all subcontractors shall conform to Generally Accepted Accounting Principles, enable the determination of incurred costs at interim points of completion, and provide support for reimbursement payment vouchers or invoices set to or paid by STATE.

M. ADMINISTERING AGENCY is required to have an audit in accordance with the Single Audit Act of 2 CFR 200 if it expends \$750,000 or more in Federal Funds in a single fiscal year of the Catalogue of Federal Domestic Assistance.

N. ADMINISTERING AGENCY agrees to include all PROGRAM SUPPLEMENTS adopting the terms of this AGREEMENT in the schedule of projects to be examined in

SPECIAL COVENANTS OR REMARKS

ADMINISTERING AGENCY's annual audit and in the schedule of projects to be examined under its single audit prepared in accordance with 2 CFR, Part 200.

O. ADMINISTERING AGENCY shall not award a non-A&E contract over \$5,000, construction contracts over \$10,000, or other contracts over \$25,000 [excluding professional service contracts of the type which are required to be procured in accordance with Government Code sections 4525 (d), (e) and (f)] on the basis of a noncompetitive negotiation for work to be performed under this AGREEMENT without the prior written approval of STATE. Contracts awarded by ADMINISTERING AGENCY, if intended as local match credit, must meet the requirements set forth in this AGREEMENT regarding local match funds.

P. Any subcontract entered into by ADMINISTERING AGENCY as a result of this AGREEMENT shall contain provisions B, C, F, H, I, K, and L under Section 2 of this agreement.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY
OF PORTERVILLE AUTHORIZING THE MAYOR TO SIGN
PROGRAM SUPPLEMENT NO. F059
TO ADMINISTERING THE AGENCY-STATE AGREEMENT
FOR FEDERAL-AID PROJECTS NO. 06-5122F15

BE IT RESOLVED by the City Council of the City of Porterville that the Mayor is hereby authorized to execute the document known as Program Supplement No. F059 to administering Agency-State Agreement for Federal-Aid Projects No. 06-5122F15, for the purchase of 2 CNG-Powered Municipal Solid Waste Trucks.

PASSED, ADOPTED AND APPROVED this 15th day of January, 2019.

Martha Flores, Mayor

ATTEST:
John D. Lollis, City Clerk

By Patrice Hildreth, Chief Deputy City Clerk



CITY COUNCIL AGENDA – JANUARY 15, 2019

SUBJECT: California Emergency Management Agency (CALEMA) - Designated Positions Authorized to Act of City's Behalf

SOURCE: Public Works

COMMENT: The City previously approved and submitted a completed OES Form 130 to CALEMA designating three (3) positions to act on behalf of the City of Porterville. Said form is only valid for three (3) years and CALEMA has requested that the City submit an updated form for their records.

The previous OES Form 130 designated the Public Works Director, City Engineer, and Finance Director as the authorized representatives. Staff recommends that the updated form maintain those designations.

RECOMMENDATION: That City Council:

1. Designate the Public Works Director, City Engineer, and Finance Director as the duly approved and authorized representatives for the City of Porterville in matters associated with CALEMA;
2. Authorize the Mayor to execute the attached OES Form 130 that informs CALEMA who the City's authorized representatives are; and
3. Direct the Public Works Director to transmit the completed OES Form 130 to CALEMA.

ATTACHMENTS:

1. Cal OES 130- Authorized Agent
2. Cal OES 130- Authorized Agent- 2011 version

Appropriated/Funded:

Review By:

Department Director:

Mike Reed, Acting Public Works Director

Final Approver: John Lollis, City Manager

**DESIGNATION OF APPLICANT'S AGENT RESOLUTION
FOR NON-STATE AGENCIES**

BE IT RESOLVED BY THE _____ OF THE _____
(Governing Body) (Name of Applicant)

THAT _____, OR
(Title of Authorized Agent)

_____, OR
(Title of Authorized Agent)

(Title of Authorized Agent)

is hereby authorized to execute for and on behalf of the _____, a public entity
(Name of Applicant)

established under the laws of the State of California, this application and to file it with the California Governor's Office of Emergency Services for the purpose of obtaining certain federal financial assistance under Public Law 93-288 as amended by the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1988, and/or state financial assistance under the California Disaster Assistance Act.

THAT the _____, a public entity established under the laws of the State of California,
(Name of Applicant)

hereby authorizes its agent(s) to provide to the Governor's Office of Emergency Services for all matters pertaining to such state disaster assistance the assurances and agreements required.

Please check the appropriate box below:

☐ This is a universal resolution and is effective for all open and future disasters up to three (3) years following the date of approval below.

☐ This is a disaster specific resolution and is effective for only disaster number(s) _____

Passed and approved this _____ day of _____, 20____

(Name and Title of Governing Body Representative)

(Name and Title of Governing Body Representative)

(Name and Title of Governing Body Representative)

CERTIFICATION

I, _____, duly appointed and _____ of
(Name) (Title)

_____, do hereby certify that the above is a true and correct copy of a
(Name of Applicant)

Resolution passed and approved by the _____ of the _____
(Governing Body) (Name of Applicant)

on the _____ day of _____, 20____.

(Signature)

(Title)

Cal OES Form 130 Instructions

A Designation of Applicant's Agent Resolution for Non-State Agencies is required of all Applicants to be eligible to receive funding. A new resolution must be submitted if a previously submitted Resolution is older than three (3) years from the last date of approval, is invalid or has not been submitted.

When completing the Cal OES Form 130, Applicants should fill in the blanks on page 1. The blanks are to be filled in as follows:

Resolution Section:

Governing Body: This is the group responsible for appointing and approving the Authorized Agents.
Examples include: Board of Directors, City Council, Board of Supervisors, Board of Education, etc.

Name of Applicant: The public entity established under the laws of the State of California. Examples include: School District, Office of Education, City, County or Non-profit agency that has applied for the grant, such as: City of San Diego, Sacramento County, Burbank Unified School District, Napa County Office of Education, University Southern California.

Authorized Agent: These are the individuals that are authorized by the Governing Body to engage with the Federal Emergency Management Agency and the Governor's Office of Emergency Services regarding grants applied for by the Applicant. There are two ways of completing this section:

1. **Titles Only:** If the Governing Body so chooses, the titles of the Authorized Agents would be entered here, not their names. This allows the document to remain valid (for 3 years) if an Authorized Agent leaves the position and is replaced by another individual in the same title. If "Titles Only" is the chosen method, this document must be accompanied by a cover letter naming the Authorized Agents by name and title. This cover letter can be completed by any authorized person within the agency and does not require the Governing Body's signature.
2. **Names and Titles:** If the Governing Body so chooses, the names **and** titles of the Authorized Agents would be listed. A new Cal OES Form 130 will be required if any of the Authorized Agents are replaced, leave the position listed on the document or their title changes.

Governing Body Representative: These are the names and titles of the approving Board Members.
Examples include: Chairman of the Board, Director, Superintendent, etc. The names and titles **cannot** be one of the designated Authorized Agents, and a minimum of two or more approving board members need to be listed.

Certification Section:

Name and Title: This is the individual that was in attendance and recorded the Resolution creation and approval.
Examples include: City Clerk, Secretary to the Board of Directors, County Clerk, etc. This person **cannot** be one of the designated Authorized Agents or Approving Board Member (if a person holds two positions such as City Manager and Secretary to the Board and the City Manager is to be listed as an Authorized Agent, then the same person holding the Secretary position would sign the document as Secretary to the Board (not City Manager) to eliminate "Self Certification."

DESIGNATION OF APPLICANT'S AGENT RESOLUTION
FOR NON-STATE AGENCIES

BE IT RESOLVED BY THE City Council OF THE City of Porterville
(Governing Body) (Name of Applicant)

THAT Public Works Director, OR
(Title of Authorized Agent)
City Engineer, OR
(Title of Authorized Agent)
Finance Director
(Title of Authorized Agent)

RECEIVED

JUN 28 2011

556381

GRANTS PROCESSING SECTION

is hereby authorized to execute for and in behalf of the City of Porterville, a public entity
(Name of Applicant)

established under the laws of the State of California, this application and to file it in the Office of Emergency Services for the purpose of obtaining certain federal financial assistance under P.L. 93-288 as amended by the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1988, and/or state financial assistance under the California Disaster Assistance Act.

THAT the City of Porterville, a public entity established under the laws of the State of California,
(Name of Applicant)

hereby authorizes its agent(s) to provide to the State Office of Emergency Services for all matters pertaining to such state disaster assistance the assurances and agreements required.

☒ This is a universal resolution and is effective for all open and future disasters.

☐ This is a disaster specific resolution and is effective for only disaster number(s) _____

Passed and approved this 21st day of June, 2011

Ronald L. Irish, Mayor
(Name and Title of Governing Body Representative)

Cameron J. Hamilton, Vice Mayor
(Name and Title of Governing Body Representative)

Pete V. McCracken, Council Member
(Name and Title of Governing Body Representative)

Project # _____

OES #: 107-58240

A C G H

M P S

CERTIFICATION

I, John D. Lollis, duly appointed and City Clerk of
(Name) (Title)

City of Porterville, do hereby certify that the above is a true and correct copy of a
(Name of Applicant)

resolution passed and approved by the City Council of the City of Porterville
(Governing Body) (Name of Applicant)

on the 21st day of June, 2011.

[Signature]
(Signature)

Chief Deputy City Clerk
(Title)

NEED
UPDATED
VERSION



CITY COUNCIL AGENDA – JANUARY 15, 2019

SUBJECT: Extension of Time for Sierra Valley Tentative Subdivision Map

SOURCE: Community Development

COMMENT: Section 66452.6(e) of the California Government Code, the Subdivision Map Act, allows the City Council to grant extensions of time for tentative subdivision maps for a period or periods not exceeding a total of six (6) years. On December 7, 2010, the City Council adopted Resolution 126-2010, approving the Sierra Valley Tentative Subdivision Map (Tentative Subdivision Map 2-2010). The seventy-four (74) lot subdivision proposed development of 22± acres on the east side of Main Street, north of the intersection of Highland Drive. As a component of the initial entitlement, the City Council approved Resolution 125-2010, containing findings in support of approval of a Negative Declaration for the subdivision map. No additional or subsequent environmental review is required for this extension.

As a result of the series of legislative map extensions approved by the California legislature through Assembly Bills 208, 116, and 1303, this map has received six (6) years of legislative extensions. While these do not count towards the statutory limit of six (6) years identified in §66452.6(e), it is noteworthy in that the City has adopted a new General Plan and approved a comprehensive revision of the zoning and subdivision Ordinances, now known as the Development Code. Because Sierra Valley was not a vested tentative map, the subsequent development will be held to the new design and development standards of the City.

In November 2018, the project applicant submitted a letter requesting approval of an extension of time for the Sierra Valley Subdivision Map; the extension period would be twenty-four (24) months. While the map would have expired on December 7, 2018, the filing of the request provides an automatic extension of sixty (60) days until the Council can approve, conditionally approve, or deny such extension. In the event that Council denies the extension, the map would be deemed expired Wednesday, January 16, 2019. Approval of the time extension will provide the developer an opportunity to keep the map active and fulfill the development requirements of the subdivision.

RECOMMENDATION: That the City Council adopt the draft Resolution approving the extension of time for the Sierra Valley Tentative Subdivision Map.

ATTACHMENTS:

1. Resolution 126-2010
2. Sierra Valley Request for extension
3. Draft Resolution - Extension Sierra Valley

Appropriated/Funded:

Review By:

Department Director:

Jenni Byers, Community Development Director

Final Approver: John Lollis, City Manager

RESOLUTION NO. 126 -2010

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
CONTAINING FINDINGS AND CONDITIONS IN SUPPORT OF APPROVAL FOR
SIERRA VALLEY TENTATIVE SUBDIVISION MAP 2-2010 FOR THAT 22± ACRE SITE
GENERALLY LOCATED ON THE EAST SIDE OF NORTH MAIN STREET BETWEEN
WESTFIELD AVENUE AND THE SOUTHERLY INTERSECTION OF HIGHLAND DRIVE
AND MARSHALL STREET

WHEREAS: The City Council of the City of Porterville at its regularly scheduled meeting of November 16, 2010 conducted a public hearing to consider Sierra Valley Tentative Subdivision Map 2-2010, but continued a public hearing to December 7, 2010 to allow for Councilman Brian Ward to return and vote on the item; and

WHEREAS: The City Council of the City of Porterville at its regularly scheduled meeting of December 7, 2010 considered approval of Sierra Valley Tentative Subdivision Map 2-2010 (Exhibit A), being a division of a 22± parcel into 74 single family residential lots generally located on the east side of N. Main Street between Westfield Ave and the southerly intersection of Highland Drive and Marshall Street; and

WHEREAS: The Parcel Map Committee on November 14, 2007, reviewed and discussed concerns and conditions that should be addressed before the City Council. Conditions developed as a result of this meeting and subsequent staff review have been discussed with the applicant's agent and incorporated into the draft resolution of approval; and

WHEREAS: The City Council received testimony from all interested parties relative to the proposed tentative subdivision map; and

WHEREAS: The City Council made the following findings:

1. That the design and improvements of the proposed project are consistent with the General Plan.
2. That the site is physically suitable for the type and density of the proposed development.
3. That the Mitigated Negative Declaration (Exhibit B) prepared for this project is in compliance with the California Environmental Quality Act indicating that such will not have a significant effect on the environment.
4. That the design of the project, or proposed improvements, is not likely to cause substantial environmental damage.

5. That the proposed location of the project and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the area.
6. That the standards of population density, site area dimensions, site coverage, yard spaces, heights of structures, distance between structures, off-street parking facilities and landscaped areas will produce an environment of stable and desirable character consistent with the objectives of the Zoning Ordinance.
7. That parcels 29, 37, 40, and 41 do not conform to the maximum lot depth of 180 feet pursuant to Section 21-7 b of the Subdivision Ordinance. Parcel 29 has a depth of 242 feet, Parcel 37 has a depth of 213 feet and Parcels 40 and 41 have a depth of 250 feet, therefore a subdivision exception is required..

WHEREAS: Pursuant to Section 21-1.4 of the Subdivision Ordinance, the City Council makes the following findings as they relate to the excessive lots depths designed within this subdivision:

- A. That the special circumstances or conditions affecting the property are the irregular shape of the site and topography, especially as it narrows on the southeast corner of the site and design of the subdivision. No other configuration or design was feasible to eliminate the excessive lot depths for Parcels 29, 37, 40, & 41.
- B. That the modification is necessary for the preservation and enjoyment of a substantial property right of the petitioner and that the exception will allow the remaining portion of the property to be subdivided pursuant to City standards.
- C. That the granting of the modification will not be detrimental to the public welfare or injurious to other property in the territory in which such property is situated. The exception will allow Parcel 29 to have a lot depth of 62± feet more than the allowed maximum of 180 feet. Parcel 37 would have a lot depth of 33± feet more than the allowed maximum of 180 feet. Parcels 40 and 41 would have a lot depth of 70± feet more than the allowed maximum of 180 feet. It is not expected that this will negatively impact the community.
- D. That the granting of the exception is in accordance with the purposes prescribed in Section 21-1.1 of this Chapter and the Subdivision Map Act will allow for the subject site to be developed insuring that pursuant to Section 21-1.1 (Purpose and Scope) of the Subdivision Ordinance the objectives in this section are achieved.
- E. That the granting of the exceptions is consistent with the General Plan. Any exception may be granted subject to reasonable conditions which are deemed necessary to effectuate the purposes of this Chapter. The design of the tentative subdivision map complies with the requirements of the Zoning Ordinance and

Subdivision Ordinance and is consistent with the density allowed by the General Plan.

WHEREAS: On October 27, 2010, the City of Porterville City Council accepted as complete a Mitigated Negative Declaration for the proposed tentative subdivision.

NOW, THEREFORE, BE IT RESOLVED: That the Porterville City Council does hereby approve Sierra Valley Tentative Subdivision Map 2-2010 subject to the following conditions:

SITE SPECIFIC CONDITIONS:

1. That the project shall comply with the Mitigated Negative Declaration (Exhibit A) and Mitigation Monitoring Plan (Exhibit B) throughout the development and construction of the subdivision.
2. Lots 1-36 are dual frontage lots and will be restricted to primary access from Sierra Valley Way street frontage. For setback purposes, the front yard of each of these lots will be along Sierra Valley Way.
3. The developer/applicant shall execute an irrevocable offer of dedication for a potential street connection from the Sierra Valley Way cul-de-sac to the northern property. The dedication shall be clearly shown and identified on the Final Map.
4. Due to the adopted N. Main Street alignment plan, the developer/applicant shall construct improvements in the following manner:
 - a. Construct curb, gutter, sidewalk, drainage ditch, cut slope, and block wall as shown on the preliminary design plans on file at the City of Porterville.
 - b. There shall be a deceleration lane and an acceleration lane to turn into the residential area. Committed turn lanes would assist in traffic congestion and reduce the possibility of traffic accidents. Extend the existing road easterly to provide for safe parking (8 feet of parking and a 4' shoulder) along full frontage, except at the entrance into the subdivision. The street shall be widened at the entrance to accommodate a south bound left hand turn pocket and a north bound deceleration lane. These lanes shall be a minimum of 100 feet in length. No Parking will be allowed along the deceleration lane.
 - c. Construct another drainage ditch along the new edge of pavement that directs the storm water to the City's drainage system, therefore creating two parallel drainage ditches.
 - d. Install a landscaping and an irrigation system along the full frontage in the areas left vacant by the construction of the herein described public improvements. These improvements will create a vacant area between the edge of pavement and

the new curb. They will also create another vacant area between the back of sidewalk and the block wall. A landscape and irrigation plan shall be prepared by a Licensed Landscape Architect and delivered to the City for review as part of the improvement plans.

- e. Provide pavement markings and additional pavement, full structural section, necessary to accommodate a southbound left turning movement at the Westfield Street intersection.
5. The applicant/developer shall provide an irrevocable offer of dedication to the City for the pocket park parcels for recreational open space. The recreational open space areas shall be fully landscaped by the applicant/developer with no greater than 35% turf coverage, pedestrian pathways, interspersed tables and benches, and sufficient trees to provide a minimum of 70% shading within seven years.

STANDARD CONDITIONS:

6. The developer/applicant shall pay all applicable fees in accordance with the Municipal Code and State law, prior to approval of the final map by City Council. Fees are subject to change annually. The developer/applicant is hereby notified that you have the right to pay fees, dedications, reservations or other exactions, under protest, pursuant to Government Code section 66020(a). You have 90 days from the date fees are paid to file a written protest.
7. Unless otherwise stated herein, the developer/applicant shall comply with the development standards of the Subdivision Ordinance, adopted Master Plans, Standard Specifications for Public Works Construction (2000 Edition), Standard Plans and Specifications (Revised 8-20-02), the Caltrans Traffic Manual, and the Porterville Circulation Element.
8. The developer/applicant shall dedicate right-of-way adequate for a street width that matches the ultimate width in the adopted Land Use and Circulation Element and/or the width established by City Council. The developer/applicant shall dedicate and improve a right-of-way adequate for a minimum of two lanes of traffic and on-street parking, on one side, on streets adjacent to the property lines as well as dedication of property required for disabled ramp(s) (C.C. Sec. 21-23). In accordance with City Council's adopted North Main Street alignment plan, about 16 feet of additional right of way dedication is required along the westerly development boundary. An adjoining 20' wide easement shall also be dedicated easterly of the right of way dedication. Graded slope, drainage and Public Utilities is the purpose of the easement.
9. The developer/applicant shall provide and show all required utility easements on the Final Map.

10. The developer/applicant shall dedicate a one-foot (1') limitation of access strip at locations where, in the opinion of the City Engineer, it is desirable to allow access. Access rights shall be relinquished along the full North Main Street frontage and Lots 33 through 36 fronting Marshall Drive.
11. The developer/applicant shall cause all unnecessary easements to be vacated prior to or in conjunction with the Final Map processing.
12. Prior to approval of the improvement plans, the developer/ applicant shall have completed and approved, landscaping and/or lighting improvement plans, legal descriptions, etc. The developer/applicant shall petition, on a form provided by the City, to have said subdivision placed in a Lighting and Landscape Maintenance District at the time the final map is approved. Landscape and lighting improvements shall be completed and accepted concurrently with the other improvements in the subdivision. The following shall be included in said annex to the district: (1) Lighting, (2) Public Landscaping along N. Main Street (3) Public walls/fences (4) Public Pocket Parks (5) Temporary on-site or off-site drainage reservoir, if any, etc.
13. The developer/applicant shall comply with Chapter 7, Article XIII of the City Code and Appendix Chapter 33 of the California Building Code and provide a Preliminary Soils Report (C.C. Sec. 7-126 & Res. 4997) including results of "R-Value" tests and recommendations regarding construction of public improvements that address City Standard C-13, satisfactory to the City Engineer, prior to the approval of the improvement plans or start of grading, whichever comes first. Additional reporting requirements are as indicated below:
 - a. Final Grading, Drainage and Soils Report, prior to issuance of building permits (C.C. Sec. 7-133);
 - b. Erosion Control Plan in conformance with the California Storm Water Best Management Practice Handbook for Construction Activity, prior to start of grading (CBC Appendix Chapter 33). The provisions of the approved Erosion Control Plan shall be incorporated into the Improvement Plans;
 - c. Soils Report(s) in accordance with Chapter 18 of the California Building Code. Specific to this development is the necessity to address slope stability, prior to approval of the improvement plans. Said report shall be prepared in accordance with Guidelines for Evaluating and Mitigating Seismic Hazards in California.
14. The developer/applicant shall comply with City Retaining Wall Standards (adopted by City Council January 3, 1989) at lot lines where such standards are applicable.
15. In accordance with Section 21-51 of the Subdivision Ordinance, the developer/applicant shall enter into an agreement that provides for completion of improvements within twelve (12) months.

16. Prior to start of grading on any unit, the developer/applicant shall abandon and cap existing wells that are no longer in service. Prior to approval of the improvement plans, the developer/applicant shall obtain an abandonment permit from the County Department of Environmental Health. Prior to acceptance of improvements, the developer/applicant shall provide the City Engineer with proof of completion in compliance with County regulations. Developer/applicant shall comply with City standard for "backflow" prevention pursuant to Resolution No. 9615 for all wells that will remain in service.
17. The developer/applicant shall replace or provide surety for replacement of irrigation pipes in the right-of-way, if, in the opinion of the City Engineer, replacement is warranted. The developer/applicant shall provide easements for irrigation pipes across lots created, if pipes will continue in use. The developer/applicant shall also cure leaks in any irrigation pipe that will continue in use. The developer/applicant shall communicate, in writing, with the irrigation company of record discussing the proposed development and determines if the development will have any impact on their facilities. Copies of the written correspondences shall be delivered via certified mail with a copy to the City. The ditch company known to have ditches crossing the property is the Sunnyside Ditch Company, managed by Vandalia Irrigation District.
18. Prior to recording the final map, the developer/applicant shall provide surety for off-site improvements and provide easements, permits, calculations, etc. if, in the opinion of the City Engineer, they are needed for the proper functioning or phasing of the subdivision (e.g. water, sewer, drainage, etc.).
19. The developer/applicant shall coordinate with the U.S. Postal Service regarding the kind of mail facilities that will be utilized. If neighborhood box units (NBUs) are to be used, construct sidewalks in a timely manner to facilitate NBU installation.
20. The developer/applicant shall obtain a City demolition permit prior to approval of the improvement plans and, under City inspection, remove all existing, abandoned and unnecessary items, to the satisfaction of the City Engineer, prior to acceptance of the improvements (e.g. buildings, foundations, septic tanks, irrigation pipes, etc.).
21. The developer/applicant shall assure compliance with applicable San Joaquin Valley Unified Air Pollution Control District Rules (e.g., Numbers 8010, 8020 and 8030), regarding fugitive dust, as well as Section 7-8, Project Site Maintenance of the Standard Specifications. The developer/applicant shall provide a street sweeper as necessary to comply. During grading operations the "Supervising Civil Engineer" shall be responsible for enforcing the dust control provisions of Section 7-8 or the developer/applicant shall pay inspection fees on the grading cost to compensate the City for dust control inspection. The improvement plans shall show a designated wash out area for concrete trucks, and a sign designating it as such. The developer/applicant shall remove and properly dispose of waste concrete deposited in this area.

22. The developer/applicant shall construct or provide surety for construction of curb, gutter, sidewalk, water, sewer, street paving to the center of the street (if necessary), pavement lane transitions (offsite), traffic safety marking and signs, etc. along the full frontage of all proposed subdivision lots except where they exist to City standards and are in good condition in the opinion of the City Engineer. The developer/applicant shall stub improvements to the property line if, in the opinion of the City Engineer, they will be needed for connection to development on the adjacent property.
23. Building or foundation permits shall not be issued until all of the following items are accepted as complete:
- a. The storm drain system is functional so that it will accept water from fire hydrant and/or water main flushing;
 - b. The water system, is functional from the source of water past the lots on which permits are being requested (i.e. all services and the sampling station, if required, are installed, valves are functional and accessible, bacteria testing is completed, etc.);
 - c. Street base rock for accessibility by the public safety officials and building inspectors;
 - d. Lots are graded in accordance with the approved grading plan. Prior to receipt of the Final Grading, Drainage and Soils Report a letter from the "Supervising Civil Engineer" is required validating that the grading has been done in accordance with the approved grading plan and in accordance with the recommends contained in the Preliminary Soils Report;
 - e. Lot corners are marked;
 - f. Fire hydrants are accepted by the Fire Department and the Engineering Division.
24. The developer/applicant shall construct all drainage facilities that the City Engineer determines are necessary to comply with the intent of the Storm Drain Master Plan. Dedicate a drainage easement across each lot requiring an easement, unless all lots are graded to drain to the street (C.C. Sec. 21-50). The developer/applicant shall construct concrete drainage swales, approved by the City Engineer, if necessary, to transport storm water across adjacent subdivision lots to reach a City drainage system. There are significant improvements, property acquisitions and other issues involved in implementing the Strom Drain Master Plan or the N. Main Street improvement plans on file with the City. Should it become unreasonable to implement the Storm Drain Master Plan upon development of the proposed subdivision, the developer/applicant may provide on-site or off-site temporary drainage reservoirs in accordance with City Standards.

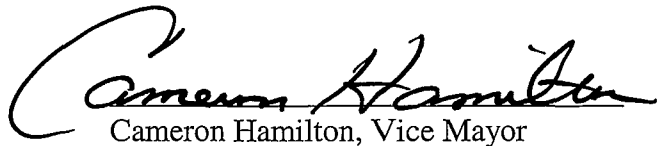
25. The developer/applicant shall construct a concrete drainage swale, replacing the existing ditch along the easterly boundary, if in the opinion of the City Engineer it becomes an integral part of the development's drainage system. The hillside runoff, specifically along the easterly project boundary, shall be captured by a concrete swale, barrier curbs and gutters, or other means acceptable to the City Engineer and directed to the City's drainage system.
26. The developer/applicant is advised that he is obligated to comply with the National Pollutant Discharge Elimination System (NPDES) General Permit No. CAS000002 for discharge of Storm Water Associated with construction activity will be required (except operations that result in disturbance of less than five acres of total land area and which are not a part of a larger common plan of development or sale). Before construction begins, the proponent must submit a Notice of Intent (NOI) to comply with the permit, a site map, and appropriate fee to the State Water Resources Control Board (SWRCB). The proponent must also prepare a Storm Water Pollution Prevention Plan (SWPPP) for the entire project before construction begins. The SWPPP must contain at a minimum all items listed in Section A of the permit, including descriptions of measures to be taken to prevent or eliminate unauthorized non-storm water discharges and both temporary (e.g., fiber rolls, silt fences, etc.) and permanent (e.g., vegetated swales, detention basins, etc.) best management practices that will be implemented to prevent pollutants from discharging with storm water into water of the United States. If portions of the project area are to be sold off before the entire project is completed, the proponent must submit to the California Regional Water Quality Control Board a change of information form identifying the new owners along with a revised site map clearly depicting those portions that were sold and those that are remaining. The proponent is also responsible for informing each new owner of their responsibility to submit their own NOI, site map, and appropriate fee to the SWRCB and to prepare their own SWPPP.
27. To accommodate refuse vehicles and street sweepers, the developer/applicant shall dedicate and improve, to City standards, temporary turn-arounds at the ends of dead-end streets.
28. The developer/applicant shall construct all weather alternative vehicular access road equipped with a double 2.5" pipe security gate with Knox padlock to accommodate emergency service vehicles at such time that phased development of the subdivision results in creation of dead end cul-de-sac streets in excess of 600 feet long.
30. The developer/applicant shall cause all regulatory and street name signs to be installed prior to occupancy of any house located where its occupants will utilize a street that does not have them.
32. The developer/applicant shall construct two City standard barricades at the end of all dead end streets.

33. The developer/applicant shall provide an internal street pattern that will serve the adjacent properties. The developer applicant shall provide a bulb at the north end of Marshall Drive that provides turning movements for the City emergency vehicles and refuse vehicles. Templates illustrating the turning movements within the proposed bulb are required prior to approval of the Tentative Map. The map shall be modified, if required, to meet City standards.
34. The developer/applicant shall constructed frontage improvements along Marshall Drive, specific to Lots 60 through 74 in accordance with Section 21-23 of the Subdivision Ordinance.
35. The developer/applicant shall cause the sewer system to be completed, tested, and accepted by the City prior to residential occupancy of any house in the subdivision.
36. Sewer mains shall be accessible for maintenance within a public ways. The public ways shall be improved to City Street or Alley Standards. A homeowners association or other acceptable associations, complying with state and local regulations, shall be formed for the purpose of maintaining the sewer system in perpetuity as presently proposed (backyard services). Association documents shall be submitted to the City for review and approval. Approval of improvement plans is contingent upon the approval of the association documents.
37. The developer/applicant shall move existing utility structures (For example, poles, splice boxes, vaults, etc.) to a position that provides a minimum of four feet (4') of clear space in the sidewalk area and a minimum of two feet (2') of clear space from the curb face to the structure, unless they are below grade (Title 24 DSA) or provide surety in lieu of (Section 2616.1 of the Zoning Ordinance).
38. Prior to acceptance of improvements, the developer/applicant shall provide street lights throughout the development, including Main Street, on Marbelite poles complying with Southern California Edison Company specifications as required by the City Engineer. Use of wood poles is prohibited without prior written approval of the City Engineer.
39. The developer/applicant shall construct the water system in a maximum of two sections for each phase of the subdivision. One section for the model homes and one section for the remainder of the phase. The number of model homes shall not exceed one for each 10 lots in the subdivision or four, whichever is greater. The model homes shall be clustered.
40. The developer/applicant shall construct water main(s) along the frontages of the proposed development, as depicted in the Water Master Plan.
41. The developer/applicant shall have a Civil Engineer design a water system that will provide a fire flow at each fire hydrant of 1,000 g.p.m. with 20 p.s.i. residual pressure for a dwelling less than 3,600 square feet and 1,500 g.p.m. with 20 p.s.i. residual pressure for a dwelling unit greater than 3,600 square feet.

42. The developer/applicant is hereby notified that reimbursement for Master Plan facilities is made when funds are available and is contingent upon the work being done by the approved low bidder of at least two bona fide bidders. The bids must be approved by the City prior to construction.
43. The developer/applicant shall comply with the City standard for "backflow" prevention pursuant to Resolution No. 9615.
44. One tree of minimum #15 specimen size and approved as a City Street Tree is required in the front yard of each lot. One additional tree is required on corner lots. Root barriers are required for all trees planted within ten feet of public sidewalks.
45. A PCC or masonry fence with an articulated alignment shall be constructed by the applicant/developer along the Main Street frontage of all lots. A minimum 6-foot wide landscape area shall be provided between the masonry wall and the public sidewalk. The masonry wall shall be located to ensure adequate sight distance at street intersections. A 5-foot wide wall and landscape maintenance easement shall be conveyed to the City of Porterville along the rear and side yards of lots abutting Main Street.
46. The applicant/developer shall construct a 6-foot high PCC or masonry fence along all common lines with residential lots that border the recreational open space. The fence shall be reduced in height at front yard setback lines and otherwise fully comply with fence height requirements.
47. The project must comply with latest applicable codes.
48. When any portion of the building to be protected is in excess of 150 feet from a water supply on a public street, there shall be installed on-site fire hydrants capable of supplying the required fire flow.
49. Additional fire hydrants will be required. Hydrants are to be placed at corner lots where ever possible. All hydrants must be in place and accepted by the Fire Department prior to any combustibles being brought onto the site.
50. The City will test and maintain all fire hydrants in the City whether on private property or not. An "easement" is required from the owner.
51. Fire hydrant spacing shall be as follows:
In Residential development, one hydrant shall be installed at 500-foot intervals.
52. Project must meet minimum fire flow requirements per the table in Appendix III-A & III-B of the California Fire Code.

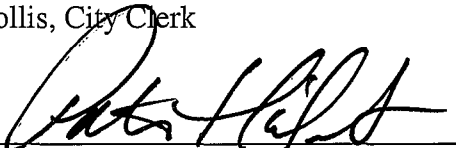
53. Hydrants will be required along streets that do not have structures facing them at a maximum spacing distance of 1000 feet per California Fire Code Appendix III-B Table A-III-B-1, Note Number 3.
54. Hydrants are not to be placed within the bulb of a cul-de-sac but shall not be placed more than 250 feet from the end of any road.
55. Areas identified as "Fire Lanes" must be identified as such by red painted curbs and identified per requirements set forth in the California Vehicle Code Section 22500.1.
56. Access roads shall be provided for every facility, building or portion of a building, when any portion of the facility or portion of an exterior wall is located more than 150 feet from a fire apparatus access as measured by an approved route around the exterior of the building.
57. All dead-end access roads in excess of 150 feet must be provided with an approved turn-around complying with City Standards.
58. Slopes of residential driveways shall not exceed 15%. Slopes exceeding 10% grade shall be concrete.
59. Grades for streets shall be as follows: Primary Arterials shall be no steeper than 8 %, Secondary Arterials shall not be steeper than 10% grade, Local Streets shall not be steeper than 12% grade, Loaded Local Streets shall not be steeper than 8% grade, and Intersections shall be at 6% grade or less.

PASSED, APPROVED, AND ADOPTED this 7th day of December, 2010.


Cameron Hamilton, Vice Mayor

ATTEST:

John Lollis, City Clerk

By: 

Patrice Hildreth, Chief Deputy City Clerk

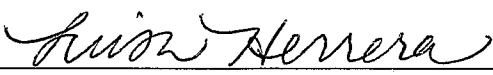
STATE OF CALIFORNIA)
CITY OF PORTERVILLE) SS
COUNTY OF TULARE)

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 a regular meeting of the Porterville City Council duly called and held on the 7th day of December, 2010.

THAT said resolution was duly passed, approved, and adopted by the following vote:

Council:	MCCRACKEN	HAMILTON	IRISH	SHELTON	WARD
AYES:	X	X			X
NOES:					
ABSTAIN:			X	X	
ABSENT:					

JOHN D. LOLLIS, City Clerk


By: Luisa Herrera, Deputy City Clerk

To City of Porterville,

Please extend Sierra Valley Enterprises tentative map for one year for the 22 acres at 1200 N Main Street, Porterville starting 12/7/18. Enclosed is a check for the \$316.00 fee.

Thank you,

A handwritten signature in black ink, appearing to read 'R. Purkiss', with a long horizontal line extending to the right.

Robert C Purkiss

RESOLUTION NO. 126 -2010

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
CONTAINING FINDINGS AND CONDITIONS IN SUPPORT OF APPROVAL FOR
SIERRA VALLEY TENTATIVE SUBDIVISION MAP 2-2010 FOR THAT 22± ACRE SITE
GENERALLY LOCATED ON THE EAST SIDE OF NORTH MAIN STREET BETWEEN
WESTFIELD AVENUE AND THE SOUTHERLY INTERSECTION OF HIGHLAND DRIVE
AND MARSHALL STREET

WHEREAS: The City Council of the City of Porterville at its regularly scheduled meeting of November 16, 2010 conducted a public hearing to consider Sierra Valley Tentative Subdivision Map 2-2010, but continued a public hearing to December 7, 2010 to allow for Councilman Brian Ward to return and vote on the item; and

WHEREAS: The City Council of the City of Porterville at its regularly scheduled meeting of December 7, 2010 considered approval of Sierra Valley Tentative Subdivision Map 2-2010 (Exhibit A), being a division of a 22± parcel into 74 single family residential lots generally located on the east side of N. Main Street between Westfield Ave and the southerly intersection of Highland Drive and Marshall Street; and

WHEREAS: The Parcel Map Committee on November 14, 2007, reviewed and discussed concerns and conditions that should be addressed before the City Council. Conditions developed as a result of this meeting and subsequent staff review have been discussed with the applicant's agent and incorporated into the draft resolution of approval; and

WHEREAS: The City Council received testimony from all interested parties relative to the proposed tentative subdivision map; and

WHEREAS: The City Council made the following findings:

1. That the design and improvements of the proposed project are consistent with the General Plan.
2. That the site is physically suitable for the type and density of the proposed development.
3. That the Mitigated Negative Declaration (Exhibit B) prepared for this project is in compliance with the California Environmental Quality Act indicating that such will not have a significant effect on the environment.
4. That the design of the project, or proposed improvements, is not likely to cause substantial environmental damage.

5. That the proposed location of the project and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the area.
6. That the standards of population density, site area dimensions, site coverage, yard spaces, heights of structures, distance between structures, off-street parking facilities and landscaped areas will produce an environment of stable and desirable character consistent with the objectives of the Zoning Ordinance.
7. That parcels 29, 37, 40, and 41 do not conform to the maximum lot depth of 180 feet pursuant to Section 21-7 b of the Subdivision Ordinance. Parcel 29 has a depth of 242 feet, Parcel 37 has a depth of 213 feet and Parcels 40 and 41 have a depth of 250 feet, therefore a subdivision exception is required..

WHEREAS: Pursuant to Section 21-1.4 of the Subdivision Ordinance, the City Council makes the following findings as they relate to the excessive lots depths designed within this subdivision:

- A. That the special circumstances or conditions affecting the property are the irregular shape of the site and topography, especially as it narrows on the southeast corner of the site and design of the subdivision. No other configuration or design was feasible to eliminate the excessive lot depths for Parcels 29, 37, 40, & 41.
- B. That the modification is necessary for the preservation and enjoyment of a substantial property right of the petitioner and that the exception will allow the remaining portion of the property to be subdivided pursuant to City standards.
- C. That the granting of the modification will not be detrimental to the public welfare or injurious to other property in the territory in which such property is situated. The exception will allow Parcel 29 to have a lot depth of 62± feet more than the allowed maximum of 180 feet. Parcel 37 would have a lot depth of 33± feet more than the allowed maximum of 180 feet. Parcels 40 and 41 would have a lot depth of 70± feet more than the allowed maximum of 180 feet. It is not expected that this will negatively impact the community.
- D. That the granting of the exception is in accordance with the purposes prescribed in Section 21-1.1 of this Chapter and the Subdivision Map Act will allow for the subject site to be developed insuring that pursuant to Section 21-1.1 (Purpose and Scope) of the Subdivision Ordinance the objectives in this section are achieved.
- E. That the granting of the exceptions is consistent with the General Plan. Any exception may be granted subject to reasonable conditions which are deemed necessary to effectuate the purposes of this Chapter. The design of the tentative subdivision map complies with the requirements of the Zoning Ordinance and

Subdivision Ordinance and is consistent with the density allowed by the General Plan.

WHEREAS: On October 27, 2010, the City of Porterville City Council accepted as complete a Mitigated Negative Declaration for the proposed tentative subdivision.

NOW, THEREFORE, BE IT RESOLVED: That the Porterville City Council does hereby approve Sierra Valley Tentative Subdivision Map 2-2010 subject to the following conditions:

SITE SPECIFIC CONDITIONS:

1. That the project shall comply with the Mitigated Negative Declaration (Exhibit A) and Mitigation Monitoring Plan (Exhibit B) throughout the development and construction of the subdivision.
2. Lots 1-36 are dual frontage lots and will be restricted to primary access from Sierra Valley Way street frontage. For setback purposes, the front yard of each of these lots will be along Sierra Valley Way.
3. The developer/applicant shall execute an irrevocable offer of dedication for a potential street connection from the Sierra Valley Way cul-de-sac to the northern property. The dedication shall be clearly shown and identified on the Final Map.
4. Due to the adopted N. Main Street alignment plan, the developer/applicant shall construct improvements in the following manner:
 - a. Construct curb, gutter, sidewalk, drainage ditch, cut slope, and block wall as shown on the preliminary design plans on file at the City of Porterville.
 - b. There shall be a deceleration lane and an acceleration lane to turn into the residential area. Committed turn lanes would assist in traffic congestion and reduce the possibility of traffic accidents. Extend the existing road easterly to provide for safe parking (8 feet of parking and a 4' shoulder) along full frontage, except at the entrance into the subdivision. The street shall be widened at the entrance to accommodate a south bound left hand turn pocket and a north bound deceleration lane. These lanes shall be a minimum of 100 feet in length. No Parking will be allowed along the deceleration lane.
 - c. Construct another drainage ditch along the new edge of pavement that directs the storm water to the City's drainage system, therefore creating two parallel drainage ditches.
 - d. Install a landscaping and an irrigation system along the full frontage in the areas left vacant by the construction of the herein described public improvements. These improvements will create a vacant area between the edge of pavement and

the new curb. They will also create another vacant area between the back of sidewalk and the block wall. A landscape and irrigation plan shall be prepared by a Licensed Landscape Architect and delivered to the City for review as part of the improvement plans.

- e. Provide pavement markings and additional pavement, full structural section, necessary to accommodate a southbound left turning movement at the Westfield Street intersection.
5. The applicant/developer shall provide an irrevocable offer of dedication to the City for the pocket park parcels for recreational open space. The recreational open space areas shall be fully landscaped by the applicant/developer with no greater than 35% turf coverage, pedestrian pathways, interspersed tables and benches, and sufficient trees to provide a minimum of 70% shading within seven years.

STANDARD CONDITIONS:

6. The developer/applicant shall pay all applicable fees in accordance with the Municipal Code and State law, prior to approval of the final map by City Council. Fees are subject to change annually. The developer/applicant is hereby notified that you have the right to pay fees, dedications, reservations or other exactions, under protest, pursuant to Government Code section 66020(a). You have 90 days from the date fees are paid to file a written protest.
7. Unless otherwise stated herein, the developer/applicant shall comply with the development standards of the Subdivision Ordinance, adopted Master Plans, Standard Specifications for Public Works Construction (2000 Edition), Standard Plans and Specifications (Revised 8-20-02), the Caltrans Traffic Manual, and the Porterville Circulation Element.
8. The developer/applicant shall dedicate right-of-way adequate for a street width that matches the ultimate width in the adopted Land Use and Circulation Element and/or the width established by City Council. The developer/applicant shall dedicate and improve a right-of-way adequate for a minimum of two lanes of traffic and on-street parking, on one side, on streets adjacent to the property lines as well as dedication of property required for disabled ramp(s) (C.C. Sec. 21-23). In accordance with City Council's adopted North Main Street alignment plan, about 16 feet of additional right of way dedication is required along the westerly development boundary. An adjoining 20' wide easement shall also be dedicated easterly of the right of way dedication. Graded slope, drainage and Public Utilities is the purpose of the easement.
9. The developer/applicant shall provide and show all required utility easements on the Final Map.

10. The developer/applicant shall dedicate a one-foot (1') limitation of access strip at locations where, in the opinion of the City Engineer, it is desirable to allow access. Access rights shall be relinquished along the full North Main Street frontage and Lots 33 through 36 fronting Marshall Drive.
11. The developer/applicant shall cause all unnecessary easements to be vacated prior to or in conjunction with the Final Map processing.
12. Prior to approval of the improvement plans, the developer/ applicant shall have completed and approved, landscaping and/or lighting improvement plans, legal descriptions, etc. The developer/applicant shall petition, on a form provided by the City, to have said subdivision placed in a Lighting and Landscape Maintenance District at the time the final map is approved. Landscape and lighting improvements shall be completed and accepted concurrently with the other improvements in the subdivision. The following shall be included in said annex to the district: (1) Lighting, (2) Public Landscaping along N. Main Street (3) Public walls/fences (4) Public Pocket Parks (5) Temporary on-site or off-site drainage reservoir, if any, etc.
13. The developer/applicant shall comply with Chapter 7, Article XIII of the City Code and Appendix Chapter 33 of the California Building Code and provide a Preliminary Soils Report (C.C. Sec. 7-126 & Res. 4997) including results of "R-Value" tests and recommendations regarding construction of public improvements that address City Standard C-13, satisfactory to the City Engineer, prior to the approval of the improvement plans or start of grading, whichever comes first. Additional reporting requirements are as indicated below:
 - a. Final Grading, Drainage and Soils Report, prior to issuance of building permits (C.C. Sec. 7-133);
 - b. Erosion Control Plan in conformance with the California Storm Water Best Management Practice Handbook for Construction Activity, prior to start of grading (CBC Appendix Chapter 33). The provisions of the approved Erosion Control Plan shall be incorporated into the Improvement Plans;
 - c. Soils Report(s) in accordance with Chapter 18 of the California Building Code. Specific to this development is the necessity to address slope stability, prior to approval of the improvement plans. Said report shall be prepared in accordance with Guidelines for Evaluating and Mitigating Seismic Hazards in California.
14. The developer/applicant shall comply with City Retaining Wall Standards (adopted by City Council January 3, 1989) at lot lines where such standards are applicable.
15. In accordance with Section 21-51 of the Subdivision Ordinance, the developer/applicant shall enter into an agreement that provides for completion of improvements within twelve (12) months.

16. Prior to start of grading on any unit, the developer/applicant shall abandon and cap existing wells that are no longer in service. Prior to approval of the improvement plans, the developer/applicant shall obtain an abandonment permit from the County Department of Environmental Health. Prior to acceptance of improvements, the developer/applicant shall provide the City Engineer with proof of completion in compliance with County regulations. Developer/applicant shall comply with City standard for "backflow" prevention pursuant to Resolution No. 9615 for all wells that will remain in service.
17. The developer/applicant shall replace or provide surety for replacement of irrigation pipes in the right-of-way, if, in the opinion of the City Engineer, replacement is warranted. The developer/applicant shall provide easements for irrigation pipes across lots created, if pipes will continue in use. The developer/applicant shall also cure leaks in any irrigation pipe that will continue in use. The developer/applicant shall communicate, in writing, with the irrigation company of record discussing the proposed development and determines if the development will have any impact on their facilities. Copies of the written correspondences shall be delivered via certified mail with a copy to the City. The ditch company known to have ditches crossing the property is the Sunnyside Ditch Company, managed by Vandalia Irrigation District.
18. Prior to recording the final map, the developer/applicant shall provide surety for off-site improvements and provide easements, permits, calculations, etc. if, in the opinion of the City Engineer, they are needed for the proper functioning or phasing of the subdivision (e.g. water, sewer, drainage, etc.).
19. The developer/applicant shall coordinate with the U.S. Postal Service regarding the kind of mail facilities that will be utilized. If neighborhood box units (NBUs) are to be used, construct sidewalks in a timely manner to facilitate NBU installation.
20. The developer/applicant shall obtain a City demolition permit prior to approval of the improvement plans and, under City inspection, remove all existing, abandoned and unnecessary items, to the satisfaction of the City Engineer, prior to acceptance of the improvements (e.g. buildings, foundations, septic tanks, irrigation pipes, etc.).
21. The developer/applicant shall assure compliance with applicable San Joaquin Valley Unified Air Pollution Control District Rules (e.g., Numbers 8010, 8020 and 8030), regarding fugitive dust, as well as Section 7-8, Project Site Maintenance of the Standard Specifications. The developer/applicant shall provide a street sweeper as necessary to comply. During grading operations the "Supervising Civil Engineer" shall be responsible for enforcing the dust control provisions of Section 7-8 or the developer/applicant shall pay inspection fees on the grading cost to compensate the City for dust control inspection. The improvement plans shall show a designated wash out area for concrete trucks, and a sign designating it as such. The developer/applicant shall remove and properly dispose of waste concrete deposited in this area.

22. The developer/applicant shall construct or provide surety for construction of curb, gutter, sidewalk, water, sewer, street paving to the center of the street (if necessary), pavement lane transitions (offsite), traffic safety marking and signs, etc. along the full frontage of all proposed subdivision lots except where they exist to City standards and are in good condition in the opinion of the City Engineer. The developer/applicant shall stub improvements to the property line if, in the opinion of the City Engineer, they will be needed for connection to development on the adjacent property.
23. Building or foundation permits shall not be issued until all of the following items are accepted as complete:
- a. The storm drain system is functional so that it will accept water from fire hydrant and/or water main flushing;
 - b. The water system, is functional from the source of water past the lots on which permits are being requested (i.e. all services and the sampling station, if required, are installed, valves are functional and accessible, bacteria testing is completed, etc.);
 - c. Street base rock for accessibility by the public safety officials and building inspectors;
 - d. Lots are graded in accordance with the approved grading plan. Prior to receipt of the Final Grading, Drainage and Soils Report a letter from the "Supervising Civil Engineer" is required validating that the grading has been done in accordance with the approved grading plan and in accordance with the recommends contained in the Preliminary Soils Report;
 - e. Lot corners are marked;
 - f. Fire hydrants are accepted by the Fire Department and the Engineering Division.
24. The developer/applicant shall construct all drainage facilities that the City Engineer determines are necessary to comply with the intent of the Storm Drain Master Plan. Dedicate a drainage easement across each lot requiring an easement, unless all lots are graded to drain to the street (C.C. Sec. 21-50). The developer/applicant shall construct concrete drainage swales, approved by the City Engineer, if necessary, to transport storm water across adjacent subdivision lots to reach a City drainage system. There are significant improvements, property acquisitions and other issues involved in implementing the Strom Drain Master Plan or the N. Main Street improvement plans on file with the City. Should it become unreasonable to implement the Storm Drain Master Plan upon development of the proposed subdivision, the developer/applicant may provide on-site or off-site temporary drainage reservoirs in accordance with City Standards.

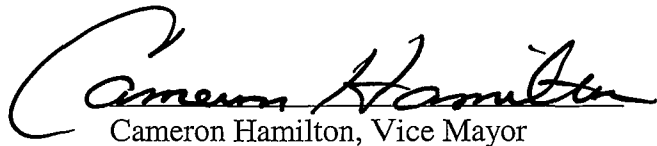
25. The developer/applicant shall construct a concrete drainage swale, replacing the existing ditch along the easterly boundary, if in the opinion of the City Engineer it becomes an integral part of the development's drainage system. The hillside runoff, specifically along the easterly project boundary, shall be captured by a concrete swale, barrier curbs and gutters, or other means acceptable to the City Engineer and directed to the City's drainage system.
26. The developer/applicant is advised that he is obligated to comply with the National Pollutant Discharge Elimination System (NPDES) General Permit No. CAS000002 for discharge of Storm Water Associated with construction activity will be required (except operations that result in disturbance of less than five acres of total land area and which are not a part of a larger common plan of development or sale). Before construction begins, the proponent must submit a Notice of Intent (NOI) to comply with the permit, a site map, and appropriate fee to the State Water Resources Control Board (SWRCB). The proponent must also prepare a Storm Water Pollution Prevention Plan (SWPPP) for the entire project before construction begins. The SWPPP must contain at a minimum all items listed in Section A of the permit, including descriptions of measures to be taken to prevent or eliminate unauthorized non-storm water discharges and both temporary (e.g., fiber rolls, silt fences, etc.) and permanent (e.g., vegetated swales, detention basins, etc.) best management practices that will be implemented to prevent pollutants from discharging with storm water into water of the United States. If portions of the project area are to be sold off before the entire project is completed, the proponent must submit to the California Regional Water Quality Control Board a change of information form identifying the new owners along with a revised site map clearly depicting those portions that were sold and those that are remaining. The proponent is also responsible for informing each new owner of their responsibility to submit their own NOI, site map, and appropriate fee to the SWRCB and to prepare their own SWPPP.
27. To accommodate refuse vehicles and street sweepers, the developer/applicant shall dedicate and improve, to City standards, temporary turn-arounds at the ends of dead-end streets.
28. The developer/applicant shall construct all weather alternative vehicular access road equipped with a double 2.5" pipe security gate with Knox padlock to accommodate emergency service vehicles at such time that phased development of the subdivision results in creation of dead end cul-de-sac streets in excess of 600 feet long.
30. The developer/applicant shall cause all regulatory and street name signs to be installed prior to occupancy of any house located where its occupants will utilize a street that does not have them.
32. The developer/applicant shall construct two City standard barricades at the end of all dead end streets.

33. The developer/applicant shall provide an internal street pattern that will serve the adjacent properties. The developer applicant shall provide a bulb at the north end of Marshall Drive that provides turning movements for the City emergency vehicles and refuse vehicles. Templates illustrating the turning movements within the proposed bulb are required prior to approval of the Tentative Map. The map shall be modified, if required, to meet City standards.
34. The developer/applicant shall constructed frontage improvements along Marshall Drive, specific to Lots 60 through 74 in accordance with Section 21-23 of the Subdivision Ordinance.
35. The developer/applicant shall cause the sewer system to be completed, tested, and accepted by the City prior to residential occupancy of any house in the subdivision.
36. Sewer mains shall be accessible for maintenance within a public ways. The public ways shall be improved to City Street or Alley Standards. A homeowners association or other acceptable associations, complying with state and local regulations, shall be formed for the purpose of maintaining the sewer system in perpetuity as presently proposed (backyard services). Association documents shall be submitted to the City for review and approval. Approval of improvement plans is contingent upon the approval of the association documents.
37. The developer/applicant shall move existing utility structures (For example, poles, splice boxes, vaults, etc.) to a position that provides a minimum of four feet (4') of clear space in the sidewalk area and a minimum of two feet (2') of clear space from the curb face to the structure, unless they are below grade (Title 24 DSA) or provide surety in lieu of (Section 2616.1 of the Zoning Ordinance).
38. Prior to acceptance of improvements, the developer/applicant shall provide street lights throughout the development, including Main Street, on Marbelite poles complying with Southern California Edison Company specifications as required by the City Engineer. Use of wood poles is prohibited without prior written approval of the City Engineer.
39. The developer/applicant shall construct the water system in a maximum of two sections for each phase of the subdivision. One section for the model homes and one section for the remainder of the phase. The number of model homes shall not exceed one for each 10 lots in the subdivision or four, whichever is greater. The model homes shall be clustered.
40. The developer/applicant shall construct water main(s) along the frontages of the proposed development, as depicted in the Water Master Plan.
41. The developer/applicant shall have a Civil Engineer design a water system that will provide a fire flow at each fire hydrant of 1,000 g.p.m. with 20 p.s.i. residual pressure for a dwelling less than 3,600 square feet and 1,500 g.p.m. with 20 p.s.i. residual pressure for a dwelling unit greater than 3,600 square feet.

42. The developer/applicant is hereby notified that reimbursement for Master Plan facilities is made when funds are available and is contingent upon the work being done by the approved low bidder of at least two bona fide bidders. The bids must be approved by the City prior to construction.
43. The developer/applicant shall comply with the City standard for "backflow" prevention pursuant to Resolution No. 9615.
44. One tree of minimum #15 specimen size and approved as a City Street Tree is required in the front yard of each lot. One additional tree is required on corner lots. Root barriers are required for all trees planted within ten feet of public sidewalks.
45. A PCC or masonry fence with an articulated alignment shall be constructed by the applicant/developer along the Main Street frontage of all lots. A minimum 6-foot wide landscape area shall be provided between the masonry wall and the public sidewalk. The masonry wall shall be located to ensure adequate sight distance at street intersections. A 5-foot wide wall and landscape maintenance easement shall be conveyed to the City of Porterville along the rear and side yards of lots abutting Main Street.
46. The applicant/developer shall construct a 6-foot high PCC or masonry fence along all common lines with residential lots that border the recreational open space. The fence shall be reduced in height at front yard setback lines and otherwise fully comply with fence height requirements.
47. The project must comply with latest applicable codes.
48. When any portion of the building to be protected is in excess of 150 feet from a water supply on a public street, there shall be installed on-site fire hydrants capable of supplying the required fire flow.
49. Additional fire hydrants will be required. Hydrants are to be placed at corner lots where ever possible. All hydrants must be in place and accepted by the Fire Department prior to any combustibles being brought onto the site.
50. The City will test and maintain all fire hydrants in the City whether on private property or not. An "easement" is required from the owner.
51. Fire hydrant spacing shall be as follows:
In Residential development, one hydrant shall be installed at 500-foot intervals.
52. Project must meet minimum fire flow requirements per the table in Appendix III-A & III-B of the California Fire Code.

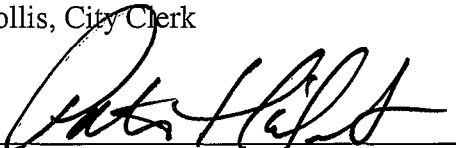
53. Hydrants will be required along streets that do not have structures facing them at a maximum spacing distance of 1000 feet per California Fire Code Appendix III-B Table A-III-B-1, Note Number 3.
54. Hydrants are not to be placed within the bulb of a cul-de-sac but shall not be placed more than 250 feet from the end of any road.
55. Areas identified as "Fire Lanes" must be identified as such by red painted curbs and identified per requirements set forth in the California Vehicle Code Section 22500.1.
56. Access roads shall be provided for every facility, building or portion of a building, when any portion of the facility or portion of an exterior wall is located more than 150 feet from a fire apparatus access as measured by an approved route around the exterior of the building.
57. All dead-end access roads in excess of 150 feet must be provided with an approved turn-around complying with City Standards.
58. Slopes of residential driveways shall not exceed 15%. Slopes exceeding 10% grade shall be concrete.
59. Grades for streets shall be as follows: Primary Arterials shall be no steeper than 8 %, Secondary Arterials shall not be steeper than 10% grade, Local Streets shall not be steeper than 12% grade, Loaded Local Streets shall not be steeper than 8% grade, and Intersections shall be at 6% grade or less.

PASSED, APPROVED, AND ADOPTED this 7th day of December, 2010.


Cameron Hamilton, Vice Mayor

ATTEST:

John Lollis, City Clerk

By: 

Patrice Hildreth, Chief Deputy City Clerk

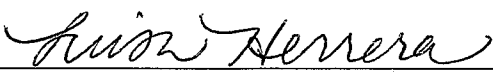
STATE OF CALIFORNIA)
CITY OF PORTERVILLE) SS
COUNTY OF TULARE)

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 a regular meeting of the Porterville City Council duly called and held on the 7th day of December, 2010.

THAT said resolution was duly passed, approved, and adopted by the following vote:

Council:	MCCRACKEN	HAMILTON	IRISH	SHELTON	WARD
AYES:	X	X			X
NOES:					
ABSTAIN:			X	X	
ABSENT:					

JOHN D. LOLLIS, City Clerk


By: Luisa Herrera, Deputy City Clerk



CITY COUNCIL AGENDA – JANUARY 15, 2019

SUBJECT: Extension of Time for Amalene Estates Tentative Subdivision Map

SOURCE: Community Development

COMMENT: Section 66452.6(e) of the California Government Code, the Subdivision Map Act, allows the City Council to grant extensions of time for tentative subdivision maps for a period or periods not exceeding a total of six (6) years. On January 20, 2004, the City Council adopted Resolution 6-2004, approving the Amalene Estates Tentative Subdivision Map (Tentative Subdivision Map 1-2003). The sixty-two (62) lot subdivision proposed development of 20± acres in two phases on the west side of Westwood Street, south of Olive Avenue. As a component of the initial entitlement, the City Council approved Resolution 5-2004, containing findings in support of approval of a Negative Declaration for the subdivision map. No additional or subsequent environmental review is required for this extension.

As a result of a series of legislative map extensions approved by the California legislature through Senate Bill 1185, and Assembly Bills 333, 208, 116, and 1303, this map has received nine (9) years of legislative extensions. While these do not count towards the statutory limit of six (6) years identified in §66452.6(e) of the Government Code, it is noteworthy in that the City has adopted a new General Plan and approved a comprehensive revision of the zoning and subdivision ordinances, now known as the Development Code. Because Amalene Estates was not a vested tentative map, the subsequent development will be held to the new design and development standards of the City.

In November 2018, the project agent submitted a letter requesting approval of an extension of time for the Amalene Estates Subdivision Map; the extension period would be twenty-four (24) months. Without the extension, this map is set to expire January 20, 2019. In 2006, the City Council approved a final map for Phase 1 of the tentative subdivision map. Therefore, the requested extension would be limited to the second phase, which includes twenty-nine (29) parcels. Approval of the time extension will provide the developer an opportunity to keep the map active and fulfill the development requirements of the subdivision.

RECOMMENDATION: That the City Council adopt the draft Resolution approving the extension of time for the Amalene Estates Tentative Subdivision Map.

ATTACHMENTS:

1. Resolution 06-2004
2. Tentative Subdivision Map
3. Phase 1 Final Map
4. Request for extension
5. Draft Resolution Amalene Estates Extension

Appropriated/Funded:

Review By:

Department Director:

Jenni Byers, Community Development Director

Final Approver: John Lollis, City Manager

RESOLUTION NO. 6-2004

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
CONTAINING FINDINGS AND CONDITIONS IN SUPPORT OF APPROVAL
FOR AMALENE ESTATES TENTATIVE SUBDIVISION MAP

WHEREAS: The City Council of the City of Porterville at its regularly scheduled meeting of January 20, 2004, conducted a public hearing to consider approval of Amalene Estates Tentative Subdivision Map, being a division of a 19.7± acre site into sixty-two (62) single family residential lots in two (2) phases, generally located on the west side of Westwood Street, 170± feet south of Olive Avenue; and

WHEREAS: The City Council received testimony from all interested parties relative to the proposed tentative subdivision map; and

WHEREAS: The City Council made the following findings:

1. That the design and improvements of the proposed project are consistent with the General Plan.
2. That the site is physically suitable for the type and density of the proposed development.
3. That the Negative Declaration prepared for this project is in compliance with the California Environmental Quality Act indicating that such will not have a significant effect on the environment.
4. That the design of the project, or proposed improvements, are not likely to cause substantial environmental damage.
5. That the proposed location of the project and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the area.
6. That the standards of population density, site area dimensions, site coverage, yard spaces, heights of structures, distance between structures, off-street parking facilities and landscaped areas will produce an environment of stable and desirable character consistent with the objectives of the Zoning Ordinance.
7. That the Condition of Approval requiring a fence to be constructed along the entire northerly boundary of the subject site constitutes a regulation of the City of Porterville for the purposes of compliance with Zoning Ordinance Section 2611.

NOW, THEREFORE, BE IT RESOLVED: That the Porterville City Council does hereby approve Amalene Estates Tentative Subdivision Map subject to the following conditions:

1. Unless otherwise stated herein, the developer/applicant shall comply with the development standards of the Subdivision Ordinance, adopted Master Plans, Standard Specifications for Public Works Construction (2000 Edition), Standard Plans and Specifications (Revised 8-20-02), the Cal-Trans Traffic Manual, and the Porterville Circulation Element.
2. The developer/applicant shall pay all applicable fees in accordance with the Municipal Code and State law, prior to approval of the final map by City Council. Fees are subject to change annually. The developer/applicant is hereby notified that you have the right to pay fees, dedications, reservations or other exactions, under protest, pursuant to Government Code Section 66020(a). You have 90 days from the date fees are paid to file a written protest.
3. The developer/applicant shall dedicate right-of-way adequate for a street width that matches the ultimate width in the adopted Land Use and Circulation Element and/or the width established by City Council. The developer/applicant shall dedicate and improve a right-of-way adequate for a minimum of two lanes of traffic and on-street parking, on one side, on streets adjacent to the property lines as well as dedication of property required for disabled ramp(s) (C.C. Sec. 21-23).
4. The developer/applicant shall provide and show all required utility easements on the Final Map.
5. The developer/applicant shall dedicate a one foot (1') limitation of access strip at locations where, in the opinion of the City Engineer, it is undesirable to allow access.
6. The developer/applicant shall install a six (6) foot tall concrete masonry (CMU) wall and a five foot wide landscape strip along the Westwood Street frontage of all lots. Landscaping shall be designed to obscure open views of the wall and/or to discourage access to the wall.
7. Prior to approval of the improvement plans, the developer/applicant shall have completed and approved, landscaping and/or lighting improvement plans, legal descriptions, etc. The developer/applicant shall petition, on a form provided by the City, to have said subdivision placed in a Lighting and Landscape Maintenance District at the time the final map is approved. Landscape and lighting improvements shall be completed and accepted concurrently with the other improvements in the subdivision. The following shall be included in said annex to the district: (1) Lighting, (2) Public Landscaping, if any (3) Public walls/fences, if any, (4) Drainage reservoir, if any, etc.

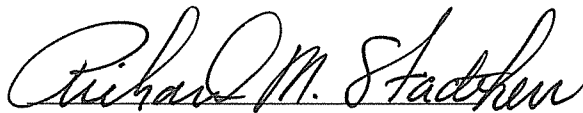
8. The developer/applicant shall comply with Chapter 7, Article XIII of the City Code and Appendix Chapter 33 of the Uniform Building Code and provide a Preliminary Soils Report (C.C. Sec. 7-126 & Res. 4997) including results of "R-Value" tests and recommendations regarding construction of public improvements that address City Standard C-13, satisfactory to the City Engineer, prior to the approval of the improvement plans or start of grading, whichever comes first. The developer/applicant shall provide the reports indicated below:
 - a. Final Grading, Drainage and Soils Report, prior to issuance of building permits (C.C. Sec. 7-133).
 - b. Erosion Control Plan in conformance with the California Storm Water Best Management Practice Handbook for Construction Activity, prior to start of grading (CBC Sec. 7013). The provisions of the approved Erosion Control Plan shall be incorporated into the Improvement Plans.
9. The developer/applicant shall comply with City Retaining Wall Standards (adopted by City Council January 3, 1989) at lot lines where such standards are applicable.
10. Prior to recording the final map for each phase, the developer/applicant shall enter into an agreement that provides for completion of improvements within twelve (12) months.
11. Prior to start of grading on any unit, the developer/applicant shall abandon and cap existing wells in that unit. Prior to approval of the improvement plans, the developer/applicant shall obtain an abandonment permit from the County Department of Environmental Health. Prior to acceptance of improvements, the developer/applicant shall provide the City Engineer with proof of completion in compliance with County regulations.
12. The developer/applicant shall replace or provide surety for replacement of irrigation pipes in the right-of-way, if, in the opinion of the City Engineer, replacement is warranted. The developer/applicant shall provide easements for irrigation pipes across lots created, if pipes will continue in use. The developer/applicant shall also cure leaks in any irrigation pipe that will continue in use.
13. Prior to recording the final map, the developer/applicant shall provide surety for off-site improvements and provide easements, permits, calculations, etc. if, in the opinion of the City Engineer, they are needed for the proper functioning or phasing of the subdivision (e.g. water, sewer, drainage, etc.).
14. The developer/applicant shall coordinate with the U.S. Postal Service regarding the kind of mail facilities that will be utilized. If neighborhood box units (NBUs) are to be used, construct sidewalks in a timely manner to facilitate NBU installation.
15. The developer/applicant shall obtain a City demolition permit prior to approval of the improvement plans and, under City inspection, remove all existing, abandoned and unnecessary items, to the satisfaction of the City Engineer, prior to acceptance of the improvements (e.g. buildings, foundations, septic tanks, irrigation pipes, etc.).

16. The developer/applicant shall assure compliance with applicable San Joaquin Valley Unified Air Pollution Control District Rules (e.g., Numbers 8010, 8020 and 8030), regarding fugitive dust, as well as Section 7-8, Project Site Maintenance of the Standard Specifications. The developer/applicant shall provide a street sweeper as necessary to comply. During grading operations the "Supervising Civil Engineer" shall be responsible for enforcing the dust control provisions of Section 7-8 or the developer/applicant shall pay inspection fees on the grading cost to compensate the City for dust control inspection. The improvement plans shall show a designated wash out area for concrete trucks, and a sign designating it as such. The developer/applicant shall remove and properly dispose of waste concrete deposited in this area.
17. The developer/applicant shall construct or provide surety for construction of curb, gutter, sidewalk, water, sewer, street paving to the center of the street (if necessary), etc. along the full frontage of all proposed subdivision lots except where they exist to City standards and are in good condition in the opinion of the City Engineer. The developer/applicant shall stub improvements to the property line if, in the opinion of the City Engineer, they will be needed for connection to development on the adjacent property.
18. Building or foundation permits shall not be issued until all of the following items are accepted as complete:
 - a. The storm drain system is functional so that it will accept water from fire hydrant and/or water main flushing;
 - b. The water system is functional from the source of water past the lots on which permits are being requested (i.e. all services and the sampling station, if required, are installed, valves are functional and accessible, bacteria testing is completed, etc.);
 - c. Street base rock for accessibility by the public safety officials and building inspectors;
 - d. Lots are graded in accordance with the approved grading plan. Prior to receipt of the Final Grading, Drainage and Soils Report a letter from the "Supervising Civil Engineer" is required validating that the grading has been done in accordance with the approved grading plan and in accordance with the recommendations contained in the Preliminary Soils Report; and
 - e. Lot corners are marked;
 - f. Fire hydrants are accepted by the Fire Department and the Engineering Division.
19. The developer/applicant shall construct a drainage reservoir to serve the proposed Tentative Subdivision that satisfies one the of the following conditions:
 - a. Construct Drainage Reservoir No. 50 within the Urban Development Boundary complying with the intent of the Storm Drain Master Plan. In accordance with Section 21-50 of the City Code, the acquisition of land and development of the drainage reservoir is reimbursable. Acquisition of property will be in accordance with the City's adopted Property Acquisition Procedures.

- b. Acquire property outside of the proposed subdivision and within the Urban Development Boundary for the construction of a drainage reservoir as intended by the adopted Storm Drain Master Plan; or
 - c. Provide temporary on-site drainage reservoir in accordance with City Standards and Specifications; or
 - d. Obtain rights and convey an easement to the City of Porterville for a drainage reservoir as shown on the Tentative Subdivision Map, which is outside the Urban Development Boundary. This off-site drainage reservoir shall comply with CEQA, be improved/designed in accordance with City Standard Plans, and approved by Tulare County Resource Management Agency.
20. The developer/applicant is advised that he is obligated to comply with the National Pollutant Discharge Elimination System (NPDES) General Permit No. CAS000002 for discharge of Storm Water Associated with construction activity will be required (except operations that result in disturbance of less than one acre of total land area and which are not a part of a larger common plan of development or sale). Before construction begins, the proponent must submit a Notice of Intent (NOI) to comply with the permit, a site map, and appropriate fee to the State Water Resources Control Board (SWRCB). The proponent must also prepare a Storm Water Pollution Prevention Plan (SWPPP) for the entire project before construction begins. The SWPPP must contain at a minimum all items listed in Section A of the permit, including descriptions of measures to be taken to prevent or eliminate unauthorized non-storm water discharges and both temporary (e.g., fiber rolls, silt fences, etc.) and permanent (e.g., vegetated swales, detention basins, etc.) best management practices that will be implemented to prevent pollutants from discharging with storm water into water of the United States. If portions of the project area are to be sold off before the entire project is completed, the proponent must submit to the California Regional Water Quality Control Board a change of information form identifying the new owners along with a revised site map clearly depicting those portions that were sold and those that are remaining. The proponent is also responsible for informing each new owner of their responsibility to submit their own NOI, site map, and appropriate fee to the SWRCB and to prepare their own SWPPP.
21. To accommodate refuse vehicles and street sweepers, the developer/applicant shall construct, dedicate and improve, to City standards, temporary turn-arounds at such time that phased development of the subdivision results in creation of dead end streets. These temporary turn-arounds are to be enclosed with chain link fencing.
22. The developer/applicant shall construct all weather alternative vehicular access road equipped with a double 2.5" pipe security gate to accommodate emergency service vehicles at such time that phased development of the subdivision results in creation of dead end cul-de-sac streets in excess of 600 feet long.
23. The developer/applicant shall cause all regulatory and street name signs to be installed prior to occupancy of any house located where its occupants will utilize a street that does not have them.

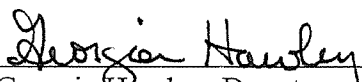
24. The developer/applicant shall construct two City standard barricades at the end of all dead end streets.
25. The developer/applicant shall cause the sewer system to be completed, tested, and accepted by the City prior to residential occupancy of any house in the subdivision.
26. The developer/applicant shall move existing utility structures (For example, poles, splice boxes, vaults, etc.) to a position that provides a minimum of four feet (4') of clear space in the sidewalk area and a minimum of two feet (2') of clear space from the curb face to the structure, unless they are below grade (Title 24 OSA) or provide surety in lieu of (Section 2616.b of the Zoning Ordinance).
27. Prior to acceptance of improvements, the developer/applicant shall provide street lights on Marbelite poles complying with Southern California Edison Company specifications as required by the City Engineer. Use of wood poles is prohibited without prior written approval of the City Engineer.
28. The developer/applicant shall construct the water system in a maximum of two sections for each phase of the subdivision. One section for the model homes and one section for the remainder of the phase. The number of model homes shall not exceed one for each 10 lots in the subdivision or four, whichever is greater. The model homes shall be clustered.
29. The developer/applicant shall comply with the City Flood Damage Prevention Ordinance No. 1397, and the requirements of the State Reclamation Board where applicable. In all areas of special flood hazards (i.e., Zones A, AO, A1-A30, AE, A99 or AH), the following conditions are required: (1) All preliminary subdivision proposals shall identify the flood hazard area and the elevation of the base flood; (2) All final subdivision plans shall provide the elevation of proposed structures and pads. If the site has to be filled to be above the base flood, the final pad elevation shall be certified by a registered professional engineer or surveyor and said certification shall be provided to the local administrator in the form of an elevation certificate.
30. The developer/applicant is hereby notified that reimbursement for Master Plan facilities is made when funds are available and is contingent upon the work being done by the approved low bidder of at least two bona fide bidders. The bids must be approved by the City prior to construction.
31. The developer/applicant is hereby notified that in order to comply with Section 66499.35 of the Subdivision Map Act, Phase 1, Lot 1 must be included as a lot within the Final Map for the first phase and developed in accordance with City Standards, Specifications and these conditions of approval. Vine Avenue is the only acceptable access to this parcel.

32. The developer/applicant shall construct a six (6) foot high fence of greater durability than a typical wood fence, to the satisfaction of the City Engineer, along the westerly boundary of Phase 1, Lot Nos. 27 and 28, thence westerly along the northerly boundary of Phase 1, Lots 22, 23 and 24, thence southerly along the westerly boundary of Phase 1, Lot 22 and continuing to the easterly prolongation of the northerly boundary of Phase 1 Lot 21, thence westerly along the northerly boundary of the Amalene Estates Subdivision to the northwest corner of Phase 2, Lot 23. If any portion of this fence does not border on a lot within the Amalene Estates Subdivision, that portion shall be included within the Landscape and Lighting District.
33. The developer/applicant shall provide 77 street trees, or payment in lieu, for the sixty-two (62) lot subdivision.
34. A building setback line of 12 feet shall be shown on the south side of Phase 1, Lot No. 9, the east side of Phase 1, Lot No. 10, the west side of Phase 1, Lot No. 14, the east side of Phase 1, Lot No. 20, the east side of Phase 1, Lot No. 26, and the west side of Phase 1, Lot No. 32.
35. The developer/applicant shall relinquish access rights to Westwood Street and indicate such on the final map(s) for the seven (7) lots which have frontage along both Westwood Street and Jennifer Street or Jennifer Drive. The developer/applicant shall relinquish vehicular access rights to Dogwood Street for Phase 1, Lot 21.
36. All concrete block walls shall match one of the colors in the approved color palate approved by the City Council and maintained by the Community Development Department.
37. All model home landscaping must conform to the City's Water Efficient Landscape.
38. The developer/applicant shall comply with all mitigation measures adopted as a component of the approval of the Mitigated Negative Declaration for this project. Prior to the submittal of the final map, the developer/applicant shall submit a signed document committing to comply with the adopted mitigation measures.


Richard M. Stadtherr, Mayor

ATTEST:

John Longley, City Clerk

By 
Georgia Hawley, Deputy

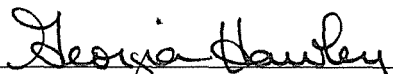
STATE OF CALIFORNIA)
CITY OF PORTERVILLE) SS
COUNTY OF TULARE)

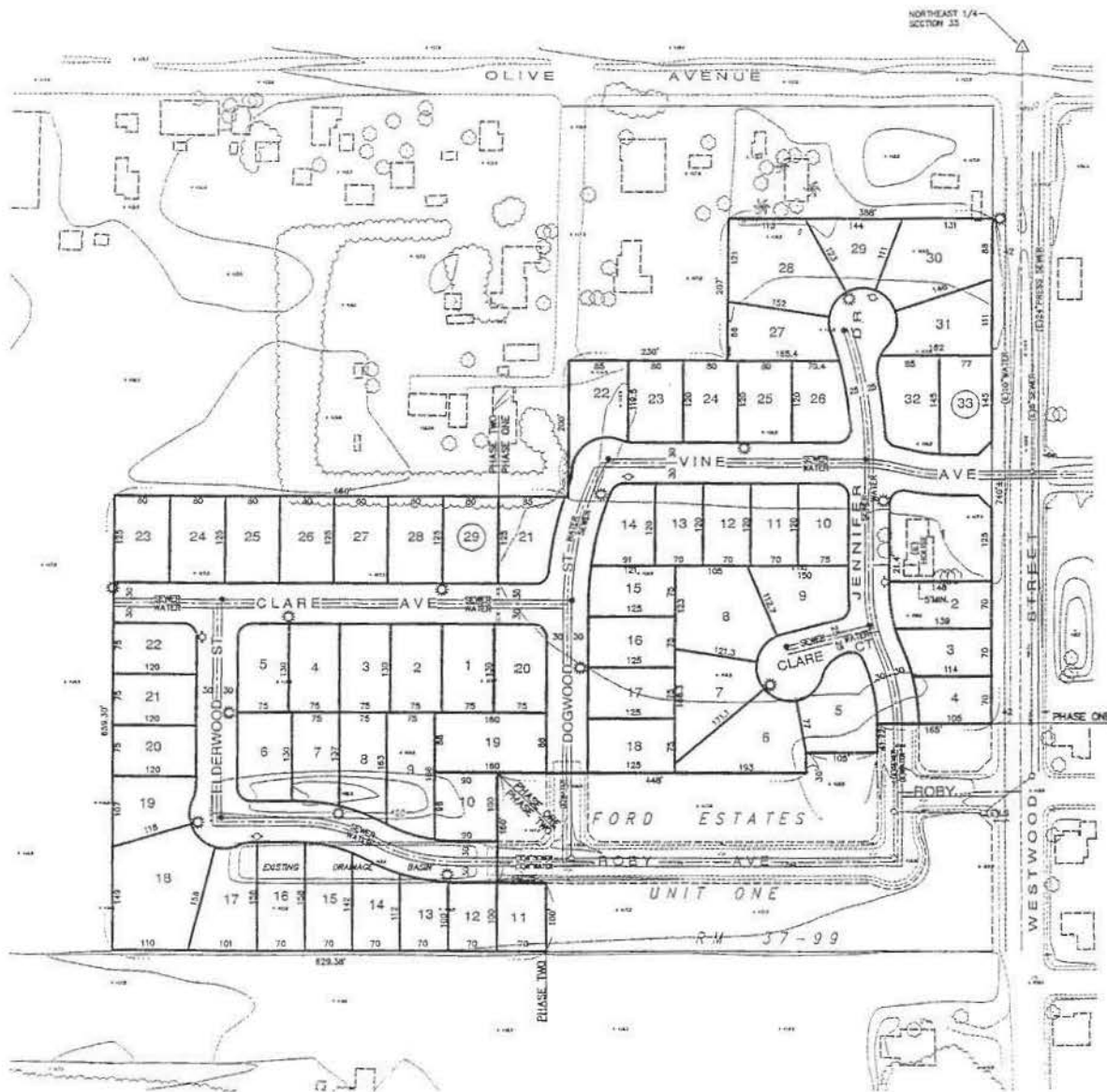
I, JOHN LONGLEY, the duly appointed City Clerk of the City of Porterville do hereby certify and declare that the foregoing is a full, true and correct copy a resolution passed and adopted by the Council of the City of Porterville at a regular meeting of the Porterville City Council duly called and held on the 20th day of January, 2004.

THAT said resolution was duly passed adopted by the following vote:

Councilmen:	WEST	MARTINEZ	HAMILTON	IRISH	STADTHERR
AYES:	X		X	X	X
NOES:		X			
ABSTAIN:					
ABSENT:					

JOHN LONGLEY, City Clerk


by Georgia Hawley, Deputy City Clerk



TENTATIVE SUBDIVISION OF *AMALENE ESTATES*

BEING A SUBDIVISION OF THE REMAINDER OF FORD ESTATES UNIT 1, R.M. 37-99, SITUATED IN THE NORTH HALF OF THE NORTHEAST 1/4 OF SECTION 32, T.21S. R.27E., M.D.B. & M., IN THE CITY OF PORTERVILLE, COUNTY OF TULARE, STATE OF CALIFORNIA.

For:

ANTOINE BECHARA
P.O. BOX 1258
PORTERVILLE, CALIFORNIA 93258
(559) 782-1357

By:

JAMES WINTON & ASSOCIATES
150 WEST WORTON AVENUE
PORTERVILLE, CALIFORNIA 93257
(559) 781-2700

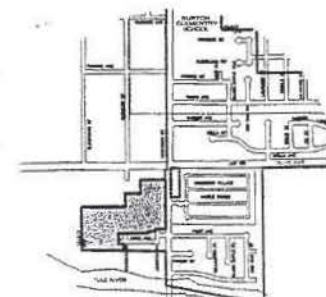
NOTES

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3. ALL DISTANCES SHOWN ARE IN FEET & DECIMALS THEREOF AND ARE APPROXIMATE.
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NET PARCEL AREA = 15.18 ACRES
5. EXISTING LAND USE: VACANT
6. PROPOSED LAND USE: SINGLE FAMILY RESIDENTIAL (100% OF SITE)
7. IMPROVEMENTS TO CONFORM TO APPLICABLE ORDINANCES & STATUTES.
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11. TELEPHONE BY: PACIFIC BELL
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VISALIA, CA 93291
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12. POWER BY: SOUTHERN CALIFORNIA Edison CO.
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18. WATER QUANTITY: AS PER CITY STANDARDS.
19. CITY STREET PARKING: 2 SPACES/LINE.



LEGEND

- SUBDIVISION BOUNDARY
- PROPOSED FIRE HYDRANT
- PROPOSED STREET LIGHT
- PROPOSED WATER LINE
- PROPOSED SANITARY SEWER LINE
- PROPOSED STORM DRAIN LINE
- SANITARY SEWER MANHOLE
- STORM DRAIN MANHOLE
- CATCH BASIN
- EXISTING GRADE
- EXISTING CONTROL



LOCATION MAP
NOT TO SCALE

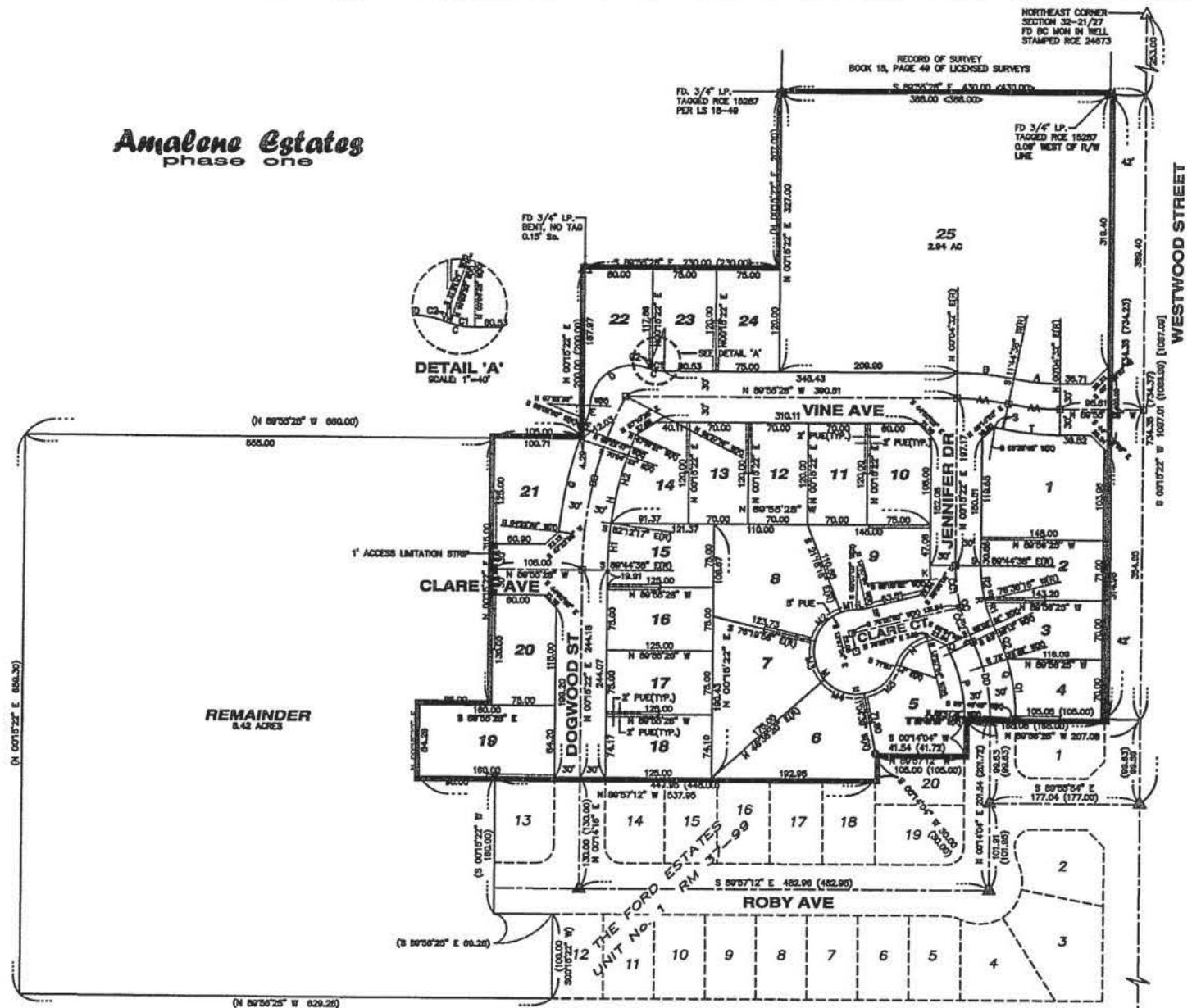
ATTACHMENT

< >

RECORD DISTANCE PER RECORD OF SURVEY
SHOW IS KING AS OF 1 NOVEMBER 2008

Amalene Estates phase one

CURVE DATA				
R	Δ	L	T	
A	270.00	11°40'06"	54.99	27.59
B	330.00	11°40'06"	67.21	33.72
C	50.00	21°01'32"	18.08	8.86
D	50.00	18°48'48"	14.87	7.38
E	50.00	06°02'44"	4.40	2.20
F	50.00	106°48'43"	95.83	71.16
G	50.00	18°47'36"	17.27	8.72
H	480.00	01°17'47"	10.86	5.43
I	480.00	13°28'08"	112.84	56.68
J	430.00	22°29'17"	164.38	83.34
K	420.00	07°32'21"	58.27	27.87
L	420.00	14°52'06"	106.06	54.96
M	320.00	04°11'30"	18.63	8.42
N	50.00	14°50'41"	12.28	6.17
O	50.00	252°03'51"	218.97	—
P	50.00	21°25'23"	16.70	8.46
Q	50.00	55°01'42"	48.02	28.04
R	50.00	55°01'42"	48.02	28.04
S	50.00	56°42'50"	52.11	26.70
T	50.00	60°52'05"	53.12	29.38
U	50.00	57°06'40"	50.81	27.71
V	230.00	02°33'48"	10.29	5.15
W	170.00	25°49'51"	78.41	40.44
X	230.00	25°43'07"	107.26	54.82
Y	230.00	17°42'45"	71.10	35.84
Z	230.00	06°00'22"	36.15	18.11
AA	170.00	25°47'08"	78.48	40.48
AB	170.00	13°06'03"	36.97	18.57
AC	170.00	13°39'08"	40.81	20.36
AD	270.00	02°09'50"	8.86	4.94
AE	330.00	11°40'06"	67.21	33.72
AF	300.00	11°40'06"	61.10	30.65
AG	450.00	27°07'22"	213.02	108.55
AH	200.00	25°47'08"	93.80	47.82
AI	200.00	14°12'28"	46.58	24.92
AJ	200.00	12°34'43"	43.91	22.04
AK	200.00	25°44'16"	93.33	47.53





November 29, 2018

Planners
City of Porterville
291 North Main Street
Porterville, CA 93257

Subject: Amalene Estates Extension of Time

Dear Planners:

Our records indicate that Amalene Estates Subdivision Map will expire on or about January 20, 2019.

The project has been on hold due to the housing market. It is intended to continue development of this area, therefor we are requesting a 2 year extension and have attached the appropriate filing fee.

In the event you have any questions or require additional information, please let us know.

Sincerely,

A handwritten signature in black ink that reads 'Briana Groves'.

Briana Groves
Project Assistant

Enclosures: Filing Fee Check - \$316

cc: Antoine Bechara

P180173
BG/JC

CITY OF PORTERVILLE
REC#: 02712209 12/05/2018 9:45 AM
TRAN: 678.0000 Misc Planning Fees
OPER: 0654 TERM: 004
REF#: 3394
Amalene Estates
Planning and Zoning
TENDERED: 316.00
APPLIED: 316.00
CHANGE: 0.00
316.00
1 CHECKED
BIOLOGY &
ENVIRONMENTAL PERMITTING

RESOLUTION NO. ____-2019

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
CONTAINING FINDINGS IN SUPPORT OF THE APPROVAL OF
A 24 MONTH EXTENSION OF TIME FOR AMALENE ESTATES SUBDIVISION MAP
GENERALLY LOCATED ON THAT SITE SOUTH OF OLIVE AVENUE
AND WEST OF WESTWOOD STREET

WHEREAS: On January 20, 2004, the City Council of the City of Porterville adopted a Mitigated Negative Declaration of environmental impact for the Amalene Estates project, and subsequently adopted a resolution approving the Amalene Estates Tentative Subdivision map;

WHEREAS: Section 66452.6 (e) of the State Map Act allows the City Council to grant extension of time for tentative map (both subdivision and parcel maps) for a period not to exceed a total of six years;

WHEREAS: As a result of a series of legislative map extensions approved by the California legislature through Senate Bill 1185, and Assembly Bills 333, 208, 116, and 1303, this map has received nine years of legislative extensions. While these do not count towards the statutory limit of six years identified in §66452.6(e) of the Government Code, it is noteworthy in that the City has adopted a new General Plan and approved a comprehensive revision of the zoning and subdivision ordinances, now known as the Development Code. Because Amalene Estates was not a vested tentative map, the subsequent development will be held to the new design and development standards of the City;

WHEREAS: The Porterville City Council at its regularly scheduled meeting of January 15, 2019, considered a 24 month extension of time request for the Amalene Estates Subdivision Map; and

WHEREAS: The extension of time will allow the developer an opportunity to keep the map active and fulfill the development requirements for the proposed subdivision.

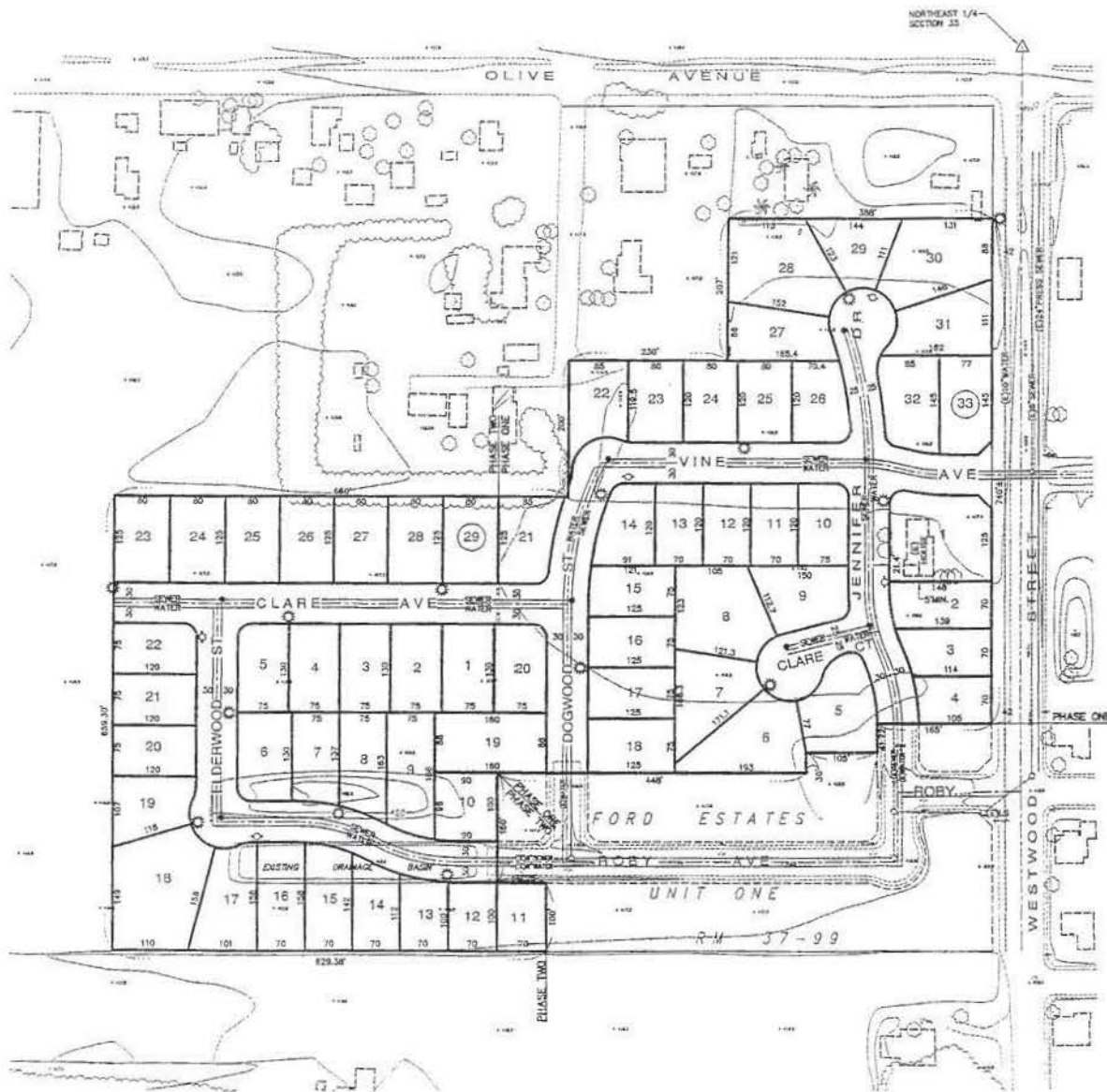
NOW, THEREFORE, BE IT RESOLVED: That the Porterville City Council does hereby approve a 24 month extension of time for Amalene Estates Subdivision Map (“Exhibit A”) and that the conditions specified in City Council Resolution 5-2004 and 6-2004 shall remain in full force and effect except where the updated General Plan and Development Code would result in changes. Said extension of time shall commence January 20, 2019, and shall expire on January 20, 2021.

PASSED, APPROVED AND ADOPTED this 15th day of January, 2019.

By: _____
Martha A. Flores, Mayor

ATTEST:
John D. Lollis, City Clerk

By: _____
Patrice Hildreth, Chief Deputy City Clerk



TENTATIVE SUBDIVISION OF *AMALENE ESTATES*

BEING A SUBDIVISION OF THE REMAINDER OF FORD ESTATES UNIT 1, R.M. 37-99, SITUATED IN THE NORTH HALF OF THE NORTHEAST 1/4 OF SECTION 32, T.21S. R.27E., M.D.B. & M., IN THE CITY OF PORTERVILLE, COUNTY OF TULARE, STATE OF CALIFORNIA.

For:
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By:
JAMES WINTON & ASSOCIATES
150 WEST WORTON AVENUE
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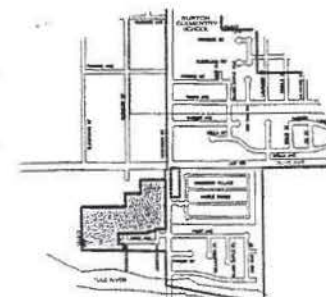
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LEGEND

- SUBDIVISION BOUNDARY
- PROPOSED FIRE HYDRANT
- PROPOSED STREET LIGHT
- PROPOSED WATER LINE
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- SANITARY SEWER MANHOLE
- STORM DRAIN MANHOLE
- CATCH BASIN
- EXISTING GRADE
- EXISTING CONTROL



LOCATION MAP
NOT TO SCALE

ATTACHMENT



CITY COUNCIL AGENDA – JANUARY 15, 2019

SUBJECT: CDBG Citizens' Advisory and Housing Opportunity Committee

SOURCE: Community Development

COMMENT: In preparation for the development of the Annual Action Plan to be submitted to the Department of Housing and Urban Development ("HUD"), the following items are required: 1) the adoption of the 2019/20 Citizen Participation Plan and 2) the annual designation and appointment of a Citizens' Advisory and Housing Opportunity Committee.

HUD requires each jurisdiction that receives formula grants through its Community Development Block Grant (CDBG) Program to prepare and adopt a Citizen Participation Plan. The Plan provides guidelines for the participation of citizens in determining the use of CDBG funds. This Plan is reviewed annually for necessary revisions prior to Council's adoption of the CDBG Action Plan. In 2015, the Citizens Participation Plan was developed by LeSar Development Consultants and is in compliance with Federal regulations, only minor revisions were necessary to the 2019/20 plan to reflect updated contact information and dates (Attachment 1). The 2019/20 Citizens' Advisory and Housing Opportunity Committee Participation Plan Schedule is presented as Attachment 2.

A Citizens' Advisory committee was established in 1981 to function in an advisory capacity to the Mayor and Council regarding program design, implementation, and assessment. This Committee consists of seven residents of the city, appointed annually by the Mayor and City Council. The Citizen Participation Plan places particular emphasis on obtaining representation of low and moderate income persons residing in slum and blight areas, members of minority groups, the elderly, the disabled, and residents of areas where use of funds is proposed.

All seven members of the 2018/19 committee have expressed their willingness to serve as 2019/20 committee members:

Pat Contreras
Doug Heusdens
Kelle Jo Lowe
Grace Muñoz-Rios
Linda Mendez (Olmedo)
Rebecca Vigil
Maria Gonzalez

The 2019 Action Plan is in the process of being developed and will be presented

Item No. 12.

to the City Council in April or May. It is anticipated that expenditures for activities will be consistent with previous years. Almost half of the entitlement will be allocated to the debt service for the Section 108 loan for the construction of the Heritage Center, and the balance of the entitlement and program income will be allocated between the programs adopted in the 2015-2020 Five Year Consolidated Plan, which include the Housing Rehabilitation Program, the First Time Low Income Homebuyer Program, the Public Utility Assistance Program, the Homebuyer Education Program, Property Acquisition Clearance and Disposition, Permanent Supportive Housing Program for the Homeless, Continuum of Care on Homelessness, the Park Improvement Program, the Business Assistance Program, the Business Façade Improvement Program, and the Porterville Youth Center. As is typical of each year, not all programs in the Consolidated Plan will be allocated funding.

Community input from the Community Meeting will be presented to the Citizens' Advisory and Housing Opportunity Committee when they meet in March. The Citizens' Advisory and Housing Opportunity Committee will give input on the 2019 Draft Action Plan. The Plan will then be available for a 30-day public comment period and will be taken to the City Council for final adoption in May.

RECOMMENDATION: That the City Council:

1. Adopt the 2019/20 Citizen Participation Plan; and
2. Appoint existing committee members: Pat Contreras, Maria Gonzalez, Doug Heusdens, Kelle Jo Lowe, Linda Mendez, Grace Muños-Rios, and Rebecca Vigil, to the Citizens' Advisory and Housing Opportunity Committee for a one-year term.

ATTACHMENTS:

1. Citizens Advisory Committee Participation Plan
2. CDBG Advisory Committee Schedule

Appropriated/Funded:

Review By:

Department Director:

Jenni Byers, Community Development Director

Final Approver: John Lollis, City Manager

CITY OF PORTERVILLE
2019/20 CITIZENS' ADVISORY AND HOUSING OPPORTUNITY COMMITTEE
PARTICIPATION PLAN

Citizen Participation Plan

Introduction

The City of Porterville (City) is a federal entitlement jurisdiction that receives federal grant funding from the U.S. Department of Housing and Urban Development (HUD).

The City receives federal entitlement grant funding for the following programs:

- Community Development Block Grants (CDBG)
- Home Investment Partnership Act (HOME)

As an entitlement jurisdiction, the City is required to prepare:

- A Five Year Consolidated Plan (Consolidated Plan) that includes a Citizen Participation Plan (CPP)
- An annual Action Plan (Action Plan)
- An annual Consolidated Annual Performance Evaluation Report (CAPER)

Under HUD's Code of Final Regulations for the Consolidated Plan (24 CFR Part 91 Sec. 91.105), the City must adopt a Citizen Participation Plan that sets forth the City's policies and procedures for citizen participation in the planning, execution, and evaluation of the Consolidated Plan, Action Plans, and CAPER. This CPP provides guidelines for the City to provide and encourage public participation by residents, community stakeholders, and grant beneficiaries in the process of drafting, implementing, and evaluating the Consolidated Plan and related documents. The citizen participation process includes outreach, public hearings, community forums, and opportunities for comment.

Definitions

- **Action Plan (Action Plan):** The Action Plan summarizes the activities that will be undertaken in the upcoming Fiscal Year (FY) to meet the goals outlined in the Consolidated Plan. The Action Plan also identifies the federal and non-federal resources that will be used to meet the goals of the approved Consolidated Plan.
- **Citizen Participation Plan (CPP):** The CPP provides guidelines by which the City will promote engagement in the planning, implementation, and evaluation of the distribution of federal funds as outlined in the Consolidated Plan, Action Plan, and CAPERs.
- **Community Development Block Grant (CDBG):** HUD's CDBG program provides communities with resources to address a wide range of housing and community development needs that benefit very low and low income persons and areas.
- **Consolidated Annual Performance Evaluation Report (CAPER):** The CAPER assesses the City's annual achievements relative to the goals in the Consolidated Plan and proposed activities in the Action Plan. HUD requires the City to prepare a CAPER at the end of each fiscal year.

- **Department of Housing and Urban Development (HUD):** HUD is the federal government agency that creates and manages programs pertaining to federal home ownership, affordable housing, fair housing, homelessness, and community and housing development.
- **Displacement:** Displacement refers to the involuntary relocation of individuals from their residences due to housing development and rehabilitation activities paid for by federal funds.
- **Eligible Activity:** Activities that are allowable uses of the CDBG funds covered by the CPP as defined in the Code of Federal Regulations Title 24 for HUD.
- **Entitlement Jurisdiction:** A city with a population of at least 50,000, a central city of a metropolitan area, or a qualified urban county with a population of at least 200,000 that receives grant funding from HUD.
- **Five Year Consolidated Plan (Consolidated Plan):** HUD requires entitlement jurisdictions to prepare a Consolidated Plan every five years. The Consolidated Plan is a strategic plan that identifies housing, economic, and community development needs and prioritizes funding to address those needs over a five-year period.
- **Low and Moderate Income (LMI):** As defined annually by HUD, Low and Moderate Income (LMI) is 0-80 percent of area median family income (AMI) for a jurisdiction, with adjustments for smaller or larger families. This includes those individuals presumed by HUD to be principally LMI (abused children, battered spouses, elderly persons, severely disabled adults, homeless persons, illiterate adults, persons living with AIDS and migrant farm workers). HUD utilizes three income levels to define LMI households:
 - Extremely low income: Households earning 30 percent or less than the AMI (subject to specified adjustments for areas with unusually high or low incomes)
 - Very low income: Households earning 50 percent or less than the AMI (subject to specified adjustments for areas with unusually high or low incomes)
 - Low and moderate income: Households earning 80 percent or less than the AMI (subject to adjustments for areas with unusually high or low incomes or housing costs)
- **Public Hearing:** Public hearings are designed to provide the public the opportunity to make public testimony and comment. Public hearings related to the Consolidated Plan are to be advertised in local newspapers and made accessible to non-English speakers and individuals with disabilities.
- **Substantial Amendments:** Amendments are considered “Substantial” whenever one of the following is proposed:
 - A change in the allocation priorities or a change in the method of fund distribution
 - A substantial change which increases or decreases the amount allocated to a category of funding within the City’s entitlement grant programs by 25 percent
 - To implement an activity using CDBG funds for new programs that were not described in the Consolidated Plan

- To change the purpose or intended beneficiaries of an activity approved for CDBG funding, e.g., instead of primarily benefitting lower income households the activity instead proposes to benefit mostly moderate income households

Roles, Responsibilities, and Contact Information

The City is a federal entitlement jurisdiction and is a recipient of grant funding from the federal government.

The City's Charter established a council and manager form of government. Porterville's City Council is the elected legislative body of the City and is responsible for approving its Consolidated Plan, Action Plans, Substantial Amendments, and CAPERs prior to their submission to HUD.

It is the intent of the City to provide for and encourage citizen participation, with particular emphasis on participation by lower income persons who are beneficiaries of, or impacted by, entitlement-funded activities. The City encourages participation in all stages of the Consolidated Planning process by all residents, including minorities and non-English speaking persons, as well as persons with mobility, visual or hearing impairments, and residents of assisted housing developments and recipients of tenant-based assistance.

In general, hearings will be held at City Hall due to its central location, convenient access, and disability accessibility. Translation services will be provided when there is an indication that non-English speaking persons will be attending. Other reasonable accommodations will be provided on a case-by-case basis.

The General Contact Information for the City's HUD Entitlement Programs is:

Jenni Byers
Community Development Director
jbyers@ci.porterville.ca.us
291 N. Main Street
Porterville, CA 93257

Citizen Participation Policies

Public Hearings

The City will hold public hearings for Consolidated Plans, Annual Action Plans, CAPERs, amendments made to the CPP, and Substantial Amendments.

The Consolidated Plans, Annual Action Plans, CPP amendments, and Substantial Amendments require two public hearings. One required hearing is a City-staffed community meeting and one required hearing is before City Council for document adoption. The CAPER requires one hearing before City Council for document adoption.

Community hearings will be held in a community space with consideration for the convenience to beneficiaries of the entitlement program resources.

The City Council public hearings will be held at City Hall Council Chambers located at 291 N. Main Street, Porterville, CA 93257. Listening devices, interpretation services, and other assistance to disabled persons or those with limited English proficiency will be provided upon request, ranging up to five business days prior notification to the City Clerk. Requests for disability-related modifications or accommodations required to facilitate meeting participation, including requests for auxiliary aids, services or interpreters, require different lead times, ranging up to five business days. For this reason, it is important to provide as much advance notice as possible to ensure availability. Assistive Listening Devices (ALDs) are available upon request.

Notice of Hearings and Review Periods

To allow the public time to provide comments prior to the submission of approved documents to HUD, the City will hold a minimum 30-day public review and comment period for the Consolidated Plan, Action Plan, and Substantial Amendment. The City will establish a public review period of at least 15 days for each CAPER and amendments to the CPP. Copies of the draft plans will be available to the public at the Community Development Department, 291 N. Main Street, Porterville, CA 93257.

The City will place public notices at City Hall (291 N. Main Street), the Porterville Library (41 W. Cleveland Avenue), online through the City's website (www.ci.porterville.ca.us), and through advertisement in a local newspaper of general circulation in advance of a 30-day public review and comment period.

To ensure that the public, including minorities, persons with limited English proficiency, persons with disabilities, residents of public housing, and LMI residents are able to participate in the public review process, the City will provide residents, public agencies, and other stakeholders with notices on applicable public review periods and public hearings that adhere to the following:

- The notices will be published prior to the start of the public comment period and at least fifteen (15) days before the final public hearing and will include information regarding how to request accommodation and services available for persons with disabilities who wish to attend the public hearings.
- The notices will be distributed to persons and agencies on the contact list maintained by the City for those parties expressing interest in receiving information and updates related to the City's Consolidated Plan, Action Plan, CAPER, Substantial Amendments and CPP. Interested parties may request to be added to this contact list by sending an email to housing@ci.porterville.ca.us, by calling (559) 782-7460 or by writing to the Community Development Department, 291 N. Main Street, Porterville, CA 93257.
- The notices will be distributed through a variety of methods, including e-mail, newspaper publications and the City's website at www.ci.porterville.ca.us. The notices will include information on how to obtain a copy of the draft documents and scheduled hearing dates, times, and locations.

The public may file comments on draft plans in writing to the Community Development Department, 291 N. Main Street, Porterville, CA 93257; via email to Jenni Byers at jbyers@ci.porterville.ca.us or Claudia Calderon at ccalderon@ci.porterville.ca.us; or by phone at (559) 782-7460. Comments may also be submitted in person at the Community Development Department, 291 N. Main Street, Porterville, CA 93257, Monday through Friday during business hours, and during the Council adoption hearing.

When necessary or applicable, the City may combine notices complying with several individual requirements into one comprehensive notice for dissemination and publication.

Comments/Complaints on Adopted Plans

Comments or complaints from residents, public agencies, and other stakeholders regarding the adopted Consolidated Plan or related amendments and performance reports may be submitted in writing or verbally to the General Contact at the Community Development Department, 291 N. Main Street, Porterville, CA 93257. Written comments or complaints will be referred to appropriate City staff for consideration and response. The City will attempt to respond to all comments or complaints within fifteen (15) business days and maintain a correspondence file for this purpose.

Availability of Draft and Approved Documents

The draft and final versions of the Consolidated Plan, Action Plan, CAPER, all related amendments, records, and regulations will be available online at the City's website: www.ci.porterville.ca.us. Hard copies of all documents will be available at the Community Development Department, 291 N. Main Street, Porterville, CA 93257 and upon written request. If the City is unable to provide immediate access to the documents requested, it will make every effort to provide the documents and reports within 15 business days from the receipt of the request.

During the 30-day public review and comment period, copies of the document will be available to the public for review at City Hall (291 N. Main Street), the Porterville Library (41 W. Thurman Avenue), and through the City's website at www.ci.porterville.ca.us.

Displacement Policy

As part of the CPP, the City must maintain a displacement policy. Displacement refers to the involuntary relocation of individuals from their residence due to housing development and rehabilitation paid for with federal funds. The City will continue to use existing federal and state relocation guidelines, as applicable, to minimize displacement and to alleviate the problems caused by displacement. Both the federal government and the State of California have specific requirements dictating the amount of benefits and assistance that must be provided to lower income persons and households relocated from their homes as a result of displacement. Depending on the funding source, displaced persons may be offered one or more of the following:

- A rent subsidy for another unit
- A cash payment to be used for rent or a down payment on the purchase of a dwelling unit
- Moving and related expenses

The City's rehabilitation programs may also incur relocation issues when they provide minor additions to existing dwellings in order to address overcrowding. Any temporary relocation costs are included in the rehabilitation loan package offered to clients.

Technical Assistance

The City will, to the extent feasible, respond to requests for technical assistance from entities representing LMI groups who are seeking federal entitlement funding in accordance with grant procedures. This may include, but is not limited to, providing information regarding how to fill out

applications, other potential funding sources, and referrals to appropriate agencies within and outside the City. "Technical assistance," as used here, does not include the provision of funds to the entities requesting such assistance. Assistance will also be provided by Community Development Department staff to interested individuals and resident groups who need further explanation on the background and intent of the Housing and Community Development Act, interpretation of specific HUD regulations, and project eligibility criteria for federal grants.

This plan describes how the City of Porterville will involve citizens in the planning, implementation, and assessment of the Community Development Block Grant (CDBG) and Home Investment Partnership Act (HOME) Programs. The funds must be used for projects which benefit low- and moderate-income persons and/or aid in the elimination or prevention of slum and blight. These programs are intended to assist cities in undertaking neighborhood improvement, economic development, and homeowner assistance programs. Program regulations give ultimate responsibility for the design and implementation of the program to local elected officials, and also require that citizens be given an opportunity to serve in a key advisory role to these elected officials.

ADVISORY COMMITTEE

To ensure that Porterville residents are given a full opportunity to participate in the Program, a Citizens' Advisory Committee was established in 1981 to function in an advisory capacity to the Mayor and Council regarding program design, implementation, and assessment. This Committee consists of seven (7) residents of the City, appointed annually by the Mayor and City Council. Citizens and civic organizations are urged to make recommendations on allocation of the City's multi-purpose Community Development Block Grant since 1981/82. The Committee has provided direction in establishing the Housing Rehabilitation Loan Program (HRLP), and other worthwhile projects under CDBG Entitlement Cities and Home Programs which have benefitted low- and moderate-income households within the city of Porterville. In addition to the HRLP, the Committee has recommended the establishment of several revolving loan funds since 1982, including the Sewer and Water Connection Fund, the Public Utilities Revolving Loan Fund (merged in 2012 with HRLP), the First Time Low-Income Homebuyer Program and the Business Assistance Program. The Committee has also recommended the allocation of funds toward remodeling the Santa Fe Plaza Senior Citizens Center, and inventory of Industrial Land Resources, the Low-Income Residential Smoke Detector Installation Program, and the Porterville Enterprise Zone Area Infrastructure Improvement Program, the rehabilitation of the Porterville and Glenwood Hotels, the opening of the Porterville Youth Center, and four targeted Curb, Gutter Sidewalk, and Street Light, Neighborhood Improvement Projects, Lime Street Park Improvement Project, and Santa Fe Facility Improvement Project. In addition, the Committee has supported the establishment of economic development programs and public improvement activities such as the completion of the Heritage Center with Section 108 Loan Guarantee funds. Several years ago, the Committee recommended the establishment of the Homebuyer Education Program and the Murry Park Improvement Project. An expansion to the Park Improvement Program was approved in 2010 to include the Lime Street Neighborhood Park and in 2013, the Extension of Murry Park was included and is currently underway.

The City has taken steps to secure the services of concerned individuals to form the Advisory Committee for the purposes of program model design, implementation, assessment, and development of the Community Development Block Grant Program under the Entitlement Cities

criteria. The City places particular emphasis on obtaining representation of low- and moderate-income persons residing in slum and blight areas, members of minority groups, the elderly and persons with disabilities, and residents of areas where use of funds are proposed. In continuing its efforts to serve the needs of the public, the City Council has expanded the role of the Committee to incorporate efforts to expand housing opportunities, thereby changing the name to the Citizens' Advisory and Housing Opportunity Committee.

SCOPE OF CITIZEN PARTICIPATION

Citizens will be involved in all stages of the Community Development Block Grant Program, including the development of the consolidated plan, inclusive of the annual action plan, substantial amendments to the plan, program implementation, assessment of performance, and design of the citizen participation plan. Mechanisms for the citizen involvement include: The Citizens' Advisory and Housing Opportunity Committee, public hearings and ad hoc community meetings, individual citizen efforts in the form of comments, complaints, or inquiries submitted directly to Martha A. Flores, Porterville Mayor and/or Community Development Department, located in City Hall, 291 N. Main Street, or by telephone, (559) 782-7460.

Public Hearings

At least two (2) public hearings, open to the entire community, will be held annually. The hearings will provide an opportunity for citizens to identify community development needs, proposed projects, and assist in the development of an overall strategy for Porterville. The hearings will also be used to solicit comments on the citizen participation plan more sensitive to local needs and realign the plan with changes in Federal regulations, and to review the HUD annual community assessment, if available. The hearings are typically held in February or March and April or May of each program year.

Consolidated Plan

Participation in the development of the consolidated plan, inclusive of the annual action plan, will occur as follows: at least one (1) public hearing will be held before the proposed consolidated plan is published for comment. Before the City adopts a consolidated plan, the City will make available to citizens, public agencies, and other interested parties information that includes the amount of assistance the jurisdiction expects to receive and the range of activities that may be undertaken, including the amount that will benefit persons of very low and low income.

The City will ensure that plans will be available to minimize the displacement of persons and to assist any persons displaced according to Federal regulation standards.

A summary of the proposed use of CDBG funds and, when applicable, HOME funds, will be made available in Spanish, which is predominate non-English language spoken in Porterville, at all public hearings.

Advisory Committee proposals and comments, with regard to development of the consolidated plan, will be obtained at Committee meetings or hearings scheduled either at the request of Committee members or program officials. The public is invited to attend these meetings.

The public will be notified of the period, not less than thirty (30) days, in which to receive comments from citizens on the consolidated plan. Any comments or views of citizens received in writing or orally

at the public meetings will be considered. A summary of these comments or views, and a summary of any comments or views not accepted and the reasons, therefore, will be attached to the final consolidated plan.

Amendments

In the case of proposed substantial amendments to the consolidated plan, the City shall provide reasonable notice and an opportunity to comment on substantial amendments. The public will be notified of the period, not less than thirty (30) days, in which to receive comments on the substantial amendments before the amendment is implemented. The meetings regarding the proposed amendments are not required to be public hearings, but will be open to the public to attend. The City will consider any comments or views of citizens received in writing, or orally, at public hearings, if any, in preparing the substantial amendment of the consolidated plan. A summary of these comments or views, and a summary of any comments or views not accepted, and the reasons therefore, will be attached to the substantial amendment of the consolidated plan.

Amendments to the plan will be necessary whenever one of the following decisions is made:

- 1) To make a substantial change in the allocation priorities or a substantial change in the method of distribution of funds;
- 2) To carry out an activity using funds from any program covered by the consolidated plan (including program income) not previously described in the consolidated plan; or
- 3) To substantially change the purpose, scope, location, or beneficiaries of an activity.

Performance Report

Reasonable notice and an opportunity to comment on performance reports will be given to the public. The public will be notified of the period, not less than fifteen (15) days, in which to receive comments from citizens on the performance report that is to be submitted to HUD before its submission. Any comments or views of citizens received in writing or orally at public meetings will be considered, and a summary of the comments and views will be attached to the performance report.

Citizen Participation Plan

The Annual Action Plan includes noticing and public hearings. All meetings and hearings are publicized in accordance with applicable HUD, state and local regulations. Specifically the Action Plan includes community meetings, public noticing for 30 days, and a public hearing. The City will provide citizens a reasonable opportunity to comment on amendments or revisions to the citizen participation plan and will make the plan public.

Other Method of Participation

Informal, individual contact with citizens, initiated either by citizens or program officials, will also provide input to the consolidated plan. For example, an individual may contact the Community Development Department at (559) 782-7460 to request consideration of a special project; or program officials may seek the opinion of local business persons as to the need for commercial revitalization.

Program officials will also be available to advise citizens of the procedures for filing objections to the consolidated plan with the U.S. Department of Housing and Urban Development Area Office. Citizen participation in program implementation will occur primarily through consultation with the Citizens' Advisory and Housing Opportunity Committee. Citizens will be asked to review and comment on specific strategies for approved projects. They will also meet to review any substantial program amendments. All such changes will be discussed with the committee and their comments considered prior to the City taking final action. These meetings will be held on an as-needed basis.

Program assessment activities by citizens will occur in a variety of ways. Citizens will have the opportunity to comment on the City's performance for the prior program year during the public hearings for the consolidated and action plan adoption. The public will also be notified of the public comment period for the annual performance report before its submission to HUD.

The Citizens' Advisory and Housing Opportunity Committee shall function as a forum for public participation in the City's efforts to affirmatively further fair housing. Prior to the submission of the consolidated plan, the Committee shall discuss and recommend for Council adoption suggested methods of furthering fair housing. As part of the orientation to the program offered at the public hearing, citizens will be invited to submit comments on all aspects of the program performance throughout the program year.

Public comments or complaints regarding the consolidated plan, substantial amendments to the Plan, the Performance Report, or the Citizen Participation Plan should be submitted in writing to the Community Development Director, City of Porterville, 291 N. Main Street, Porterville CA 93257. If a public hearing is held, comments should be submitted within fifteen (15) working days from the date of the public hearing. A timely, substantive written response will be provided by the City within fifteen (15) working days. If the response is unsatisfactory, correspondence may then be addressed directly to: Martha A. Flores, Mayor, City of Porterville, 291 N. Main Street, Porterville, CA 93257. Ms. Flores shall respond within fifteen (15) working days. If the citizen is still dissatisfied, he/she should write to the U.S. Department of Housing and Urban Development Area Office, 1 Sansome Street, Suite 1200, San Francisco, CA 94104, requesting investigation of the issue. Program staff will also be available during normal business hours to respond to citizen inquiries.

TECHNICAL ASSISTANCE

Citizen organizations, non-profit organizations, and groups of low/moderate income persons or target area residents may propose their own specific program(s). The proposal for a specific program should include the program's design, its budget, and the scope of proposed activities. Also, the proposal should identify the specific individuals anticipated to carry out activities and provide a summary of their experience and training.

Technical assistance which may be provided by City staff is limited to proposals that are considered eligible uses of CDBG funds, and not intended to assist citizen organizations, non-profit organizations, and groups of low/moderate income persons or target area residents applying for funding from other grant sources. The Citizens' Advisory and Housing Opportunity Committee may direct staff to provide technical assistance that may consist of staff or local expert presentations, informational handouts, research of a specific issue, or other short-term efforts.

PUBLIC INFORMATION

The City will also undertake the following public information efforts to promote citizen participation:

- The public noticing pertaining to the community meetings, Council work session and public hearing are published in both English and Spanish. Public notices of all public hearings will be published in the *Porterville Recorder* and *Noticiero Semanal* at least ten (10) days before the scheduled hearing and fifteen (15) days prior to the final public hearing. These notices will indicate the date, time, location, and topics to be considered. Upon notification, arrangements will be made by the City to accommodate persons with disabilities. The public notices also will be made available in the form of press releases and as a public service announcement to local radio stations. Public hearing notices will indicate that summary statements of projected use of CDBG and/or HOME funds will be available in Spanish, the predominant non-English language spoke within the city. Additionally efforts will be made by providing notices to our local non-profit partners to share and publish for public viewing, and publishing on the City website which includes the Agenda and meeting minutes.
- Notices will also be published in the *Porterville Recorder* to notify the public of the period, not less than thirty (30) days for the consolidated plan or substantial amendments to the plan, or fifteen (15) days for the performance report, in which to receive comments from citizens before submission of the plan or report to HUD. All notices will include information that complete copies of the proposed plan or report will be available for public review at City Hall (291 N. Main Street) or at the City Library (41 W. Thurman Avenue). A reasonable number of free copies of the plan or report will be provided to citizens and groups that request it.
- Orientation information will be provided at the first public hearing conducted by the Citizens' Advisory and Housing Opportunity Committee. City staff will make a presentation which covers: the total amount of funds available and the basis for award; the range of eligible activities and those previously funded in the community; the planning process and the schedule of meetings and hearings, the role of citizens in the program, a summary of other important program requirements, such as: environmental policies, fair housing provisions, and contracting procedures. Some of these topics will be covered in written materials.
- A public file containing program documentation for the preceding five (5) years will be available for review at City Hall during normal business hours. Included will be copies of the Consolidated Plan, Environmental Review Record, the Citizen Participation Plan, and the Consolidated Annual Performance Evaluation Report. Other program documents are also available for citizen review on request at City Hall, consistent with applicable State and local laws regarding personal privacy and obligations of confidentiality. Upon request, materials will be made available in a form accessible to persons with disabilities.

**CITIZENS' ADVISORY AND HOUSING
OPPORTUNITY COMMITTEE PARTICIPATION PLAN
SCHEDULE 2019**

Advisory Committee Meetings:	Annually or as deemed necessary by Committee
Public Hearings (2):	February/March and April/May 2019
Publication of Draft annual Action Plan:	March/April 2019
Adoption of annual Action Plan:	April/May 2019
Submission of annual Action Plan:	May 2019 (or when determined by HUD)

City Council hearings, unless otherwise specified, will be held in the City Hall Council Chambers, 291 N. Main Street, on the first and third Tuesdays of the month, at 6:30 p.m, or as soon thereafter as possible.

Citizens' Advisory Committee meetings and/or hearings, unless specified otherwise, will be held in the Coleman Conference Room in City Hall at 5:30 p.m.



CITY COUNCIL AGENDA – JANUARY 15, 2019

SUBJECT: Intent to Schedule a Public Hearing to Consider Adjustment of Rentable Park Space Fees

SOURCE: Parks and Leisure Services

COMMENT: The public has the opportunity to reserve a park table and/or covered pavilion up to one year in advance for a fee. Prior to increasing the park rental fee \$1 to \$34 per day in conjunction with most Parks and Leisure fees being increased \$1 to cover implementation of a new recreation software and the accompanying processing fee, the park rental fee has not been increased in over 15 years. The current reservation fee is the same without regard to the size of the space, or whether it be for an uncovered table or a covered pavilion.

Staff feels that due to the length of time the current fee has been in place, along with the different amenities at different reservation areas, fees should be evaluated to see if an adjustment is appropriate. Some of the ways in which cities have their park fee structure set include:

A daily rate (what is currently used)

An hourly rate

Non-profit, profit and commercial rates

A base fee (daily or hourly) with additional fees dependent on amenities at the reserved location

Park premium fees

Below are a few examples of park fees from other cities in the valley:

Hanford: \$30/day (proposing \$45/day resident, \$60/day non-resident)

Kerman: \$45/day

Lemoore: \$40/4 hours, \$60/day

Reedley: \$19.25/hour

Tulare: \$50-\$95/day

Visalia: \$27-\$207/day (amenity based)

The Parks and Leisure Services Commission has recommended \$35/day for all uncovered picnic areas, and \$45/day for all covered pavilions.

RECOMMENDATION: That the City Council schedule a Public Hearing for February 5, 2019, to allow for public comment and to consider adjusting rentable park space fees.

ATTACHMENTS: 1. Rentable Park Spaces

2. Rentable Space Example Photos

Appropriated/Funded:

Review By:

Department Director:

Donnie Moore, Parks and Leisure Services Director

Final Approver: John Lollis, City Manager

CITY PARKS RENTABLE SPACES							
	Seated	Electrical					
Location	Capacity	Outlet	BBQ Pit				
Centennial Pavilion	0	Yes	No				
Fallen Heroes Pavilion 1	26	Yes	Yes				
Fallen Heroes Pavilion 2	26	Yes	Yes				
Murry Park Pavilion 1	48	Yes	Yes				
Murry Park Pavilion 2	32	Yes	Yes				
Murry Park Pavilion 3	36	Yes	Yes				
Murry Park Pavilion 4	28	No	Yes				
Murry Park Area 5	16	No	Yes				
Murry Park Area 6	16	No	Yes				
Murry Park Area 7	24	No	Yes				
Murry Park Area 8	24	No	Yes				
Murry Park Area 9	24	No	Yes				
Pool Pavilion	36	No	Yes				
Veterans Park Pavilion 1	60	Yes	Yes				
Veterans Park Pavilion 2	36	Yes	Yes				
Veterans Park Pavilion 3	55	Yes	Yes				
Veterans Park Area 4	12	No	No				
Zalud Park Pavilion 1	48	Yes	Yes				
Zalud Park Area 2	18	No	Yes				
Zalud Park Area 3	14	No	Yes				
Zalud Park Area 4	14	No	Yes				
Zalud Park Area 5	16	No	Yes				
Zalud Park Pavilion 6	28	Yes	Yes				
Pavilions are covered tables.							

Rentable Park Space Examples





CITY COUNCIL AGENDA – JANUARY 15, 2019

SUBJECT: Facility Use Agreement Renewal for Hayes Field Between the City of Porterville and Porterville Girls Fastpitch

SOURCE: Parks and Leisure Services

COMMENT: On October 17, 2017, City Council approved a one-year facility use agreement for Hayes Field between the City of Porterville and Porterville Girls Fastpitch (PGF). PGF is a youth softball league serving girls ages 4-18. The league is played at Hayes Field and PGF has been the only league playing at the facility the past few years.

The current agreement expired December 31, 2018, and may be extended three (3) additional years upon the same terms and conditions, at the option of PGF, provided that PGF provides Notice of Intent to extend the agreement at least thirty (30) days prior to expiration of the initial period. PGF did provide the Notice of Intent and requests the agreement be extended the additional three (3) years.

The agreement states that PGF will make at least \$2,000 worth of improvements to the facility annually. PGF has far exceeded that amount the past two years and plans to continue to do so. In addition, PGF pays the City \$2,000 per year to cover field and concession building usage. Light usage would continue to be paid monthly at the current rate of \$10.00 per hour per field. In return, PGF would continue to be granted exclusive use to Hayes Field February - May, and first rights to usage January and June - December.

The Parks and Leisure Services Commission and City staff recommend approval of the facility use agreement renewal for Hayes Field between the City of Porterville and Porterville Girls Fastpitch.

RECOMMENDATION: That the City Council authorize the renewal of the facility use agreement, and the concession license, between the City of Porterville and Porterville Girls Fastpitch and authorize and direct the Mayor to execute the same.

ATTACHMENTS:

1. REVPGF Hayes Field Agreement 2019-21JML
2. REVPGF Hayes Field Conc License 2019-21JML

Appropriated/Funded:

Review By:

Department Director:

Donnie Moore, Parks and Leisure Services Director

Final Approver: John Lollis, City Manager

HAYES FIELD FACILITY USE AND MAINTENANCE AGREEMENT BETWEEN CITY OF PORTERVILLE AND PORTERVILLE GIRLS FASTPITCH

Recognizing the value to the community of sharing facilities, the following agreement has been adopted by the City of Porterville Parks and Leisure Services Department (“**CITY**”) and Porterville Girls Fastpitch (“**PGF**”). The agreement establishes policies regarding the use of Hayes Field, 945 W. Mulberry.

1. Term of this license shall be one-year commencing January 1, 2019, and ending December 31, 2021. The License Agreement may be extended for an additional three years upon the same terms and conditions, at the option of **PGF**, provided that **PGF** provides Notice of Intent to extend the agreement at least thirty days prior to expiration of the initial period. Thereafter, the License may be extended for an additional three-year period upon terms and conditions mutually agreeable to both parties.
2. **PGF** has the intent and commitment within the term of the agreement to pay **CITY** \$2,000 annually to cover field and concession stand usage, and to continue making facility improvements of at least \$2,000 to Hayes Field in exchange for exclusive use of the facility February-May, and first rights to the facility in January, and June-December.
3. **PGF** Board personnel shall attend a pre-season organizational meeting with **CITY** staff to discuss specific operational duties and responsibilities.
4. **PGF** agrees that the **CITY** shall be scheduling agent for the field and that **CITY** shall schedule the dates and times of use except for use by **PGF**.
5. **CITY** agrees to continue its routine maintenance of the facility at its current schedule.
6. **PGF** shall be responsible for maintaining the facilities in good playing condition during the scheduled playing period. Maintenance and responsibilities shall include:
 - a. Mowing and irrigating the infield and outfield turf areas as needed.
 - b. Maintaining bleacher area in good order and free of litter. Cleaning the bleacher area after each game.
 - c. Repairing damage to designated area.
 - d. Providing the necessary maintenance equipment and supplies to accomplish all the above tasks.
 - e. Maintaining any storage facility.
 - f. At no time shall vehicles including, but not limited to, maintenance vehicles, be permitted on turf areas without permission of the **CITY**, except in the performance of necessary maintenance duties.
7. **PGF** staff shall be responsible for providing all related supplies and equipment such as additional bleachers, scoreboards, PA system, and other miscellaneous items that may be required.
8. After the completion of each use, **PGF** staff shall be responsible for clean-up of all debris in a timely manner and locking all gates and storage areas when necessary.

9. **PGF** shall contact and receive written consent from the **CITY** before installing improvements relative to the program such as signs, field improvements, electrical improvements, etc.
10. All concerns or request for routine, additional or special maintenance needs are to be directed to the Parks Superintendent at 782-7536.
11. If **PGF** should make substantial improvements to the facility, upon termination of this agreement, **CITY** shall determine disposition of these improvements. If **CITY** determines that some or all of the improvements are to be removed, **PGF** at its own expense shall remove them in a timely manner and return the facility to its original condition. Otherwise, all improvements shall remain **CITY** property.
12. **PGF** shall make repairs and corrections to miscellaneous items not in proper working condition. Field markings must be painted and not chemically sprayed.
13. All games and practices must be scheduled during normal park hours (7:00 a.m. to 10:00 p.m.)
14. **PGF** shall promptly and completely observe, comply with, and conform to all present and future applicable federal, state and local laws, requirements, and standards in the operation and use of the License and the premises, and its programs on this premises. This includes, but is not limited to, State and Federal discrimination and disability laws and regulations. **PGF** shall, at its own cost and expense, make any and all improvements thereon or alteration thereto, structurally or otherwise, that may be required at any time hereafter by any such present or future law, rule, requirement, order, direction, ordinance or regulations. Failure to comply with this section is grounds for immediate termination of this License by **CITY**, and any notice requirements required pursuant to this Agreement shall not apply.
15. **PGF** must procure and maintain insurance filed with **CITY** for the duration of the License for which Hayes Field has been reserved against claims for injuries to persons or damages to property which may arise from or in connection with **PGF** operation and use of Hayes Field, in such amount and form and with the proscribed coverage limits required by the City. The cost of such insurance shall be borne by **PGF**.
16. Indemnification. To the fullest extent permitted by law, **PGF** (and its officers, employees, contractors, agents or volunteers) shall and hereby does agree to hold harmless, defend and indemnify the **CITY**, all of its officers, agents, employees, and volunteers, from and against any and all causes of action, claims, liabilities, obligations, judgments, or damages, including reasonable legal counsels' fees and costs of litigation, arising out of or in any way connected with **PGF's** use of or activities on Hayes Field or **PGF's** performance of this Agreement, and including the **CITY's** active or passive negligence, except for such loss or damage arising from the sole negligence or willful misconduct of the **CITY**.
17. Each party has participated fully in the review and revision of this agreement. Any rules of construction to the effect that ambiguities are to be resolved against the drafting party shall not apply in interpreting this Agreement. The language in this

Agreement shall be interpreted as to its fair meaning and not strictly for or against any party.

18. To the extent any of the terms and conditions in this Agreement are inconsistent with the City of Porterville Hayes Field Concession License with PGF dated _____, the Concession License shall take precedence and apply.

PORTERVILLE GIRLS FASTPITCH

Board Chairperson

CITY OF PORTERVILLE

Martha A. Flores, Mayor

ATTEST:

APPROVED AS TO FORM

John D. Lollis, City Clerk

Julia M. Lew, City Attorney

CITY OF PORTERVILLE HAYES FIELD CONCESSION LICENSE

The City of Porterville, hereinafter referred to as "CITY" hereby grants to the Porterville Girls Fastpitch (PGF), hereinafter referred to as "LICENSEE", a license for services to the public in general, for the sale of soft drinks, ice creams, hot dogs, pre-packaged food, general confectionery articles and products, and promotional items at the Hayes Field Concession Building located at 945 W. Mulberry, Porterville, California, for a term of commencing January 1, 2019, and ending December 31, 2021.

1. The LICENSEE'S appointment is conditional upon passing a drug/alcohol test, fingerprint clearance, and/or reference check.
2. The LICENSEE shall not sell or serve any type of alcoholic beverage on the premises.
3. The LICENSEE shall, at all times during the term of said License, keep and maintain the concession building open for the convenience of patrons at said Field during the hours in which said Field is being utilized for organized softball or at any other time the CITY deems the operation of the concession necessary for special activities. Failure to operate the concession facilities during the specified periods is a breach of this Agreement and shall constitute grounds for termination of this Agreement.
4. The LICENSEE shall keep and maintain all concession facilities, equipment and grounds at and around said concession building in good and sanitary condition and shall keep and maintain all of the concession fixtures and equipment in good condition and repair.
5. Each employee should: a) be clean, neat, and well-groomed; b) be professional, courteous, and friendly to the public; and c) adhere to the CITY personnel policy regarding dress code.
6. The LICENSEE shall lock the concession building and all gates upon closing the concession building and park. The LICENSEE shall turn in all keys to the CITY five days after expiration of term.
7. In the event the LICENSEE coordinates placement of refrigerators or vending and dispensing machines at the facility, LICENSEE shall ensure such machines are removed or disengaged from City provided utilities promptly at the conclusion of each season. The LICENSEE shall also see to it that any type of machine or equipment does not block any door entrance.
8. In the event the LICENSEE shall fail, neglect or refuse to abide by and perform the terms, conditions, covenants, and agreements hereof, the CITY may, at its option, terminate and cancel this License, and in the event of a termination of this License, the LICENSEE shall surrender up and deliver to the CITY complete possession of the premises where said License is being operated within 30 days after receiving notice to vacate. The failure by LICENSEE to comply with all applicable laws and regulations or the apparent commission of a crime by LICENSEE or any of LICENSEE'S employees, contractors, agents, or volunteers during the term of this Agreement is grounds for immediate termination of this Agreement by the CITY.

9. If this Agreement is terminated by the CITY without cause prior to the conclusion of the initial License term, and a non-profit organization enters into a Concession License Agreement with the CITY for the concession facility building for the remainder of the original license term, the CITY shall reimburse LICENSEE for the documented concession start-up expenditures pre-approved in writing by the CITY including structural improvements to the concession facility building. In this event the concession fees collected for the facility as specified in paragraph 15 shall be credited against said start-up costs.
10. The LICENSEE shall not assign, transfer or convey this license or any of the rights or benefits hereunder to any person, firm or corporation without first securing the written consent of the CITY.
11. The CITY, by its authorized agents and servants, reserves the right of entry upon the premises where said license is being operated for purposes of inspection.
12. Nothing herein shall be construed as making the CITY and the LICENSEE partners.
13. To the fullest extent permitted by law, the LICENSEE shall and hereby does agree to hold harmless, defend and indemnify the CITY, all of its officers, agents, employees, and volunteers, from and against any and all causes of action, claims, liabilities, obligations, judgments, or damages, including reasonable legal counsels' fees and costs of litigation, arising from or in any way connected with the use, occupation or employment of said License, or activities engaged in, or carried on or conducted upon the premises by the LICENSEE, and including the CITY's active or passive negligence, except for such loss or damage arising from the sole negligence or willful misconduct of the CITY. LICENSEE shall secure, at LICENSEE's expense, liability insurance including product liability indemnifying the CITY and the LICENSEE in the sum of two million dollars (\$2,000,000) combined single limit for property damage and injury, including death, to one or more persons, and deposit with the CITY an original certificate of said insurance, and name the CITY, its officers, agents and employees as an additional insured on LICENSEE's policy. LICENSEE's obligation to indemnify the CITY is not limited to LICENSEE's insurance coverage.
14. During the entire term of this License, LICENSEE shall not suffer, allow, or permit any income, profit, or emolument gross and net from any of its activities arising from, connected with, or in any manner associated with the use and employment by the LICENSEE of this License to enure, to be paid to, or delivered to the benefit of any members, private shareholder, or individual; and/or income, profit, gross and net, or other rights or benefits which shall arise from the use and employment of this LICENSEE shall be used solely, positively and exclusively to meet the necessary expenses or upkeep and operation of the activities of the LICENSEE as such, and not any members, shareholders, or individual.
15. The LICENSEE's fee to operate the Hayes Field concession stand is paid for through the Hayes Field Usage Agreement between CITY and LICENSEE.
16. The LICENSEE shall obtain a non-profit business license from the City of Porterville prior to the commencement date of this license agreement.

17. The LICENSEE shall maintain Workers' Compensation Insurance for all its employees and volunteers who are in any way connected with the performance of LICENSEE'S concessionary interest to the extent as provided by law.
18. The LICENSEE shall maintain and keep adequate records of its sales from the Licensed premises and agrees to permit the CITY to examine said records on demand. In addition, the LICENSEE shall submit a completed "Monthly Concession Report" form to the City no later than the fifth day of the month following any month during which the LICENSEE conducted concession sales.
19. The LICENSEE shall have the right and privilege, provided it is not in default of the terms and provisions of the License, at the end of the term or sooner termination thereof, to remove from the Licensed premises all personal property belonging to the LICENSEE, together with their stocks, goods and wares and trade fixtures that LICENSEE may have installed, provided the same can be removed without material injury to the premises and the LICENSEE hereby acknowledges receipt of the premises in good condition and repair.
20. Notwithstanding any provision of this agreement to the contrary, this agreement may be terminated by either party, with or without cause, by giving the other party thirty (30) days written notice of termination. Notice shall be given by personal delivery or first class mail, return receipt requested.
21. Attorney Fees. If any litigation is commenced between the parties to the Agreement concerning the Agreement or the rights and duties of either in relation to the Agreement, the party prevailing in that litigation shall be entitled, in addition to any other relief that may be granted in the litigation to a reasonable sum as and for its attorney's fees in the litigation, which shall be determined by the court in that litigation or in a separate action brought for that purpose.
22. Each party has participated fully in the review and revision of the Agreement. Any rule of construction to the effect that ambiguities are to be resolved against the drafting party shall not apply in interpreting this Agreement. The language in this Agreement shall be interpreted as to its fair meaning and not strictly for or against any party.

IN WITNESS whereof the parties have executed this License Agreement at Porterville, California, this 15th day of January, 2019.

CITY OF PORTERVILLE

PORTERVILLE GIRLS FASTPITCH

BY: _____
Martha A. Flores, Mayor

BY: _____
President

ATTEST:

John D. Lollis, City Clerk

APPROVED AS TO FORM:

BY: Patrice Hildreth, Chief Deputy City Clerk

Julia M Lew, City Attorney



CITY COUNCIL AGENDA – JANUARY 15, 2019

SUBJECT: Proposed Budget Calendar for Fiscal Year 2019-2020 and Scheduling of City Council Priority Projects Study Session

SOURCE: Finance

COMMENT: Section 51 of the City Charter requires the submission, not later than 30 days before the end of the fiscal year, of an estimate of the expenditures and revenues of the City's departments for the ensuing fiscal year. For Council's consideration, please find attached the proposed budget calendar for the preparation and submission of the City's Annual Budget for the fiscal year 2019-2020.

In conjunction with the preparation of the budget, staff proposes to schedule the City Council's Priority Projects Study Session for Tuesday, March 12th, beginning at 5:30 P.M. in Council Chambers.

RECOMMENDATION: That the City Council:
1) Approve the scheduling of its Priority Project Study Session for Tuesday, March 12, 2019, beginning at 5:30 P.M. in Council Chambers; and
2) Approve the proposed budget calendar for the 2019-2020 fiscal year.

ATTACHMENTS: 1. 2019-2020 Budget Calendar

Appropriated/Funded:

Review By:

Department Director:

Final Approver: John Lollis, City Manager

**CITY OF PORTERVILLE
FY 2019-2020 BUDGET CALENDAR**

<u>Date</u>	<u>Task</u>	<u>Responsibility</u>
February 6	10-Year Capital Projects update	CM/Directors
March 1	Budget planning session	CM/Directors
March 12	Council study session (priority projects)	Council
March 22	Budget worksheets to Departments	Finance
April 12	Preliminary revenue estimates completed	Finance
April 12	Completed budget worksheets to Finance	Directors
April 26	Budget planning session	CM/Directors
May 10	Preliminary budget completed	Finance
May 17	Preliminary budget approved by City Manager	CM
May 28	TUTOC review of Measure H & Measure I proposed budget	CM
June 4	Preliminary budget presented to Council	Council
June 18	Final budget public hearing and approval by Council	Council



CITY COUNCIL AGENDA – JANUARY 15, 2019

SUBJECT: Status and Review of Declaration of Local Emergency

SOURCE: City Manager's Office

COMMENT: Governor Brown issued Executive Order B-29-15 on Wednesday, April 1, 2015, 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 was directed to prohibit irrigation with potable water outside of newly constructed homes and buildings that is not delivered by drip or micro-spray systems.

On November 13, 2015, Governor Brown issued Executive Order B-36-15, which extends emergency conservation regulations through October 2016, if drought conditions persist through January 2016. On February 2, 2016, the State Water Resources Control Board adopted extended emergency water conservation regulations, to be in effect March 1 through October 31, 2016. The City of Porterville benefited somewhat from the extended regulations as the City's water conservation rate has been reduced from 32% to 26%, due to new water connections that have been made and population served (4%), as well as a new climate adjustment factor that was considered (2%).

On May 9, 2016, Governor Brown issued Executive Order B-37-16 ("Making Water Conservation a California Way of Life"), which directs the State Water Resources Control Board to establish new regulations making permanent the emergency conservation regulations. On May 18, 2016, the State Water Resources Control Board adopted a statewide water conservation approach that replaces the percentage reduction-based water conservation standard with a localized "stress test" approach that mandates urban water suppliers act immediately to ensure at least a three-year supply of water to their customers under continued drought conditions.

On April 7, 2017, Governor Brown issued Executive Order B-40-17, which ended the drought state of emergency in most of California, with the exception of Fresno, Kings, Tulare and Tuolumne counties where emergency water supply

and reliability projects are continuing toward addressing diminishing groundwater supplies. The Order maintains monthly reporting requirements and prohibitions on wasteful practices. It is anticipated that the Governor will end the drought state of emergency in the four remaining counties in the near future.

On May 31, 2018, Governor Brown signed both AB 1668 (Friedman) and SB 606 (Hertzberg), which set permanent overall targets for indoor and outdoor water consumption. The legislation sets an initial limit for indoor water use of 55 gallons per-person per-day in 2022, reducing to 52.5 gallons per-person per-day in 2025, and finally to 50 gallons per-person per-day in 2030. The amount of residential outdoor use is yet-to-be determined, but will allow for varying regional climates. In addition, a standard for water loss due to leak rates in water system pipes will be established. As an urban water provider, the City of Porterville will need to submit its plan for compliance for approval by the State Water Resources Control Board.

At its last meeting on December 18, 2018, 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. Twenty-six (26) residences within the city have been determined to have dry wells, for which City staff 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 and challenged for permanent connection. City, County, State and non-profit partner representatives have continued to discuss solutions toward addressing these challenged residences given the State is expected to end its drought emergency funding. The State had committed funding through June 30, 2018 for non-profit agencies to continue drought-related activities, which Self-Help Enterprises has continued the household tank program locally. Although a new appropriation of State funding has not yet been made, there are sufficient residual funds from the original appropriation to fund the continuance of the program through September 30, 2018. Assemblyman Joaquin Arambula (Fresno) had requested of the Assembly Budget Committee the appropriation of \$3.5 million in the State's 2018-2019 fiscal year budget to continue to support the approximate 300 residences in the Central Valley that still have dry wells and receive temporary water deliveries, however, that appropriation request has not been granted. Should continued funding not be appropriated by the State, representatives for the State Water Resources Control Board have indicated that they will attempt to secure continued funding through Cleanup and Abatement Account (CAA) emergency funds. City staff remains concerned about the lack of continued support for the affected City residences while the extension of water mains and permanent connections will likely not be completed for approximately one year. The authorization to advertise for bids for the water connection project was approved by the Council at its July 17th meeting, after which DWR reviewed the bid package for compliance and just recently approved the package for advertisement. Council is considering authorizing award of the construction contract at its meeting of January 15, 2019.

Representatives for the City, County, State (CalOES, DDW, DWR, and SWB)

Item No. 16.

and non-profit partners have continued to meet in support of the long-term permanent water connection project for the entire East Porterville area and the estimated 1,800 expected future connections. DWR identified 423 residential units in the East Porterville area (381 of which are in the City's Urban Development Boundary), that were served by the County's Household Tank Program and desired by the State to be connected to the City's water distribution system as soon as possible. DWR has completed a significant City waterline extension project to permanently connect those 423 residential units to the City's water system (considered Phase I of the project). To provide source water for the DWR extension project, CalOES desired to expeditiously connect the new well on Olive Avenue to the City's water system instead of being first equipped as a filling station. Given the new well has an estimated water production value of 800 gallons per minute, as well as a SWB assumed 1.5 gallons per minute per residence, the new well could effectively serve up to 500 single-family residential units. The City indicated its significant interest that the E. Vandalia Avenue area and its 80 residential units be included in the water connection project, to which the State was agreeable.

Given CalOES has paid for the development of the new well, and its connection to the City's water system, the City will be required under "Drought Redundancy and Resiliency Provisions" to make available to the State up to three million gallons of water per month without charge for emergency purposes.

To proceed with the connection of the new well to the City's water system and the 500 East Porterville and E. Vandalia Avenue residential units, the City Council approved modifications to the Draft Agreement between the City and County at its meeting on April 5, 2016, which the County Board of Supervisors subsequently approved at their meeting on May 10, 2016.

A Memorandum of Understanding between the State, County, and City on the East Porterville permanent water connection project was approved by the Council during a Special Meeting on Tuesday, June 21, 2016, and approved by the Board of Supervisors on Tuesday, June 28, 2016. With the approval of the MOU, the State began the permanent connection of approximately 40 homes that are located along existing City water mains. Subsequently, the State officially requested that the City approve the connection of an additional 30 residences as part of the first immediate connections, for up to a total of 70, which the Council approved at its meeting on August 2, 2016.

In regards to the new well's development and connection to the City's water distribution system, the Board of Supervisors awarded the contract for equipping and connecting the new well at their meeting of Tuesday, August 16, 2016, and construction activities commenced the week of October 10, 2016. County staff had previously indicated that the well would be in service and connected to the City's system no later than December 2016, however, the well was operational and connected to the City's water distribution as of Friday, February 17, 2017. Given the delay in the well's completion and connection, DWR requested that the City Council consider allowing the connection of

residences as they become prepared for connection, to which the Council was receptive, and a Draft MOU Amendment was approved by the Council at its meeting on December 6, 2016, and subsequently approved by the Board of Supervisors at its meeting on December 20, 2016. City staff is currently working with County staff toward the transfer of the well's ownership from the County to the City.

As of Friday, March 31, 2017, the date the State established as the final day for property owners to complete the registration process to participate in the State-funded connection program opportunity, of the 1,017 eligible developed residential properties identified by the State for connection, 722 completed the required Extra-Territorial Services Agreement, leaving 295 developed residential properties non-responsive to this unique connection program, 23 of which were reported as having either dry or diminishing capacity wells. On February 6, 2018, the final residential connection was made of the approximate eligible 800 residences in East Porterville to the City's water system.

County OES and the State Division of Drinking Water (DDW) have reported to the City that the Central Mutual Water Company, located south of the city and south of Gibbons Avenue, has had its well run dry and desires an immediate emergency connection to the City's water system to serve the 41 connections currently without water. DDW is wishing to support a financial application to upgrade the small water system to City standards (new water lines, meters, etc.), and to sponsor an Urban Development Boundary (UDB) Amendment application to Tulare County Local Agency Formation Commission (LAFCO), given this area is currently outside the City's UDB but within the City's Urban Area Boundary (UAB). Given several private wells have run dry in this area, DDW is also attempting to sponsor their connection to the City's water system. For source water capacity for the connections, DWR will include these new connections within the East Porterville water connection capacity development projects. At its Special meeting on August 30th, the City Council directed staff to proceed with the immediate emergency connection of the Central water system, with the permanent connection of the system contingent upon an Agreement with DDW to the sponsorship conditions they have offered.

State Division of Drinking Water (DDW) has also reported to the City that the Del Oro East Plano water system, located on Paul Street (southeast of the intersection of Plano Street and Worth Avenue), is experiencing problems with its existing well and have implemented severe water restrictions. The East Plano water system serves 14 residences and approximately 45 people. DDW is wishing to provide financial support to upgrade the small water system to City standards (new water lines, meters, etc.), and for source water capacity for the connections, DDW would need to either pay appropriate fees and/or develop a capacity development project. The Council is aware that the Del Oro Grandview Gardens water system (north of W. North Grand Avenue) is also experiencing significant issues, and DDW may seek their future consolidation with the City's water system as well.

City staff continues to coordinate with Self-Help Enterprises and State

representatives toward the extension of water mains to serve all residential properties within City limits and the city's periphery that are currently participating in the County's Household Tank Program. The two main areas of focus are N. Cobb Street (northwest of State Route 65 and Pioneer Avenue), and S. Cloverleaf Street (southeast of State Route 65 and Olive Avenue). The State has maintained its commitment to grant-fund the necessary infrastructure and connection fees, providing an official funding letter to the City on January 18, 2018, which commits up to \$2.81 million in funding until December 31, 2019.

RECOMMENDATION: That the City Council receive the report of status and review of the Declaration of Local Emergency and determine the need exists to continue said Declaration.

ATTACHMENTS:

1. Resolution 49-2015 - Declaration of Local Emergency
2. City-County Well Agreement
3. Memorandum of Understanding
4. Memorandum of Understanding Draft Amendment
5. SWRCB Letter Dated November 29, 2017
6. DWR Letter Dated January 18, 2018
7. Governor Brown Executive Order

Appropriated/Funded:

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

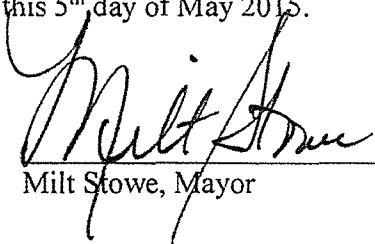
WHEREAS: the long-term ramifications of the current drought will have a significant impact on the city of Porterville and potentially pose a danger to the health and welfare of its residents; and

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

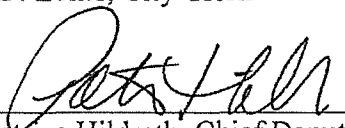
BE IT FURTHER RESOLVED: that the City Council of the City of Porterville requests the Governor and California Department of Water Resources make available California Disaster Assistance Act funding for the State of Local Emergency proclaimed on May 5, 2015, and seek all available forms of Federal assistance,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

TULARE COUNTY – CITY OF PORTERVILLE WELL AGREEMENT

THIS AGREEMENT is entered into this day of, May 10, 2016, 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 and Vandalia areas; 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 long-term capacity to enable permanent water connections to properties that comply with CITY'S Annexation and Extension of Municipal Services policy, with certain exceptions for specific properties in excess of the maximum lot size. These procedures are defined by two Resolutions, 74-2014 and 19-2016, which are attached hereto as Exhibit 'B'; and
- D. WHEREAS, the COUNTY owns a parcel at the southeast corner of the Tule River and Olive Avenue (APN 240-120-017), represented in Exhibit 'C', and has drilled a municipal supply well, and will equip said well utilizing CITY standards, after which 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 and Vandalia areas, 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 and Vandalia areas 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 policies, with certain exceptions for specific properties in excess of the maximum lot size, attached hereto and made a part thereof as Exhibit 'B'.

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 – EQUIPPING MUNICIPAL WELL FACILITY:** Refer to attached Exhibit 'D'.

TULARE COUNTY AGREEMENT NO. 27596

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 provide to STATE and/or COUNTY, upon STATE and COUNTY's request, a maximum of three million (3,000,000) gallons of water per month upon integration of the well provided under this Agreement, for the purposes of meeting emergency water needs in COUNTY's jurisdiction. CITY shall not charge COUNTY or STATE for said water.
 - B. CITY shall utilize water produced by the well provided under this Agreement as source capacity for new service connections and agreements in East Porterville/Doyle Colony and Vandalia areas. CITY agrees to provide source water for up to four hundred twenty-three (423) new connections in the East Porterville/Doyle Colony area subject to the CITY'S Annexation and Extension of Municipal Services policies, with certain exceptions for specific properties in excess of the maximum lot size, and up to 80 new connections in the Vandalia area. The 423 new connections noted above are inclusive of those properties immediately adjacent to an existing water main, estimated at 40 parcels, which can be connected to the City's water system immediately upon execution of this agreement and the Memorandum(a) of Understanding between CITY, COUNTY, and STATE. Upon connection to CITY services, 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, unless otherwise financed by STATE or other funding sources, and associated monthly fees. This section shall not be construed to limit additional connections beyond the above referenced 503 properties provided for herein, where CITY provides consumption documentation that determines additional source capacity is available as a result of the connection of this well to CITY's system.
 - C. CITY expressly agrees to own, operate, maintain, repair and otherwise care for the well provided under this Agreement, in order to maintain it in proper working order and to the highest standard, for the duration of the well's useful life.
 - D. COUNTY shall grant the parcel on which the well is located to the CITY by Grant Deed at a cost of \$1 upon formal acceptance of the project. A 50-foot control zone around the well site is a requirement of the State Water Resources Control Board, Drinking Water Program, 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 transition to the City's responsibility by separate maintenance agreement upon acceptance of the project.
 - 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 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 use within its water system, unrestricted except as noted in "A"

above. 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 are subject to CITY water policies, such as, but not limited to, water conservation and watering schedules. Connections made as noted in "B" above may be subject to further water conservation thresholds as required by the STATE.

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.
14. Insurance
15. Permit
16. Dispute Resolution: If a dispute arises out of or relating to this Agreement, or the breach thereof, and if said dispute cannot be settled through negotiation, the parties agree first to try in good faith to settle the dispute by non-binding mediation before resorting to litigation or some other dispute resolution procedure, unless the parties mutually agree otherwise. The mediator shall be mutually selected by the parties, but in case of disagreement, the mediator shall be selected by lot from among two nominations provided by each party. All costs and fees required by the mediator shall be split equally by the parties, otherwise each party shall bear its own costs of mediation. If mediation fails to resolve the dispute within 30 days, either party may pursue litigation to resolve the dispute.
17. Indemnification: CITY shall hold harmless, defend and indemnify COUNTY, its agents, officers and employees from and against any liability, claims, actions, costs, damages or losses of any kind, including death or injury to any person and/or damage to property, including COUNTY property, arising from, or in connection with, the performance by CITY or its agents, officers and employees under this Agreement. This indemnification specifically includes any claims that may be made against COUNTY by any taxing authority asserting that an employer-employee relationship exists by reason of this Agreement, and any claims made against COUNTY alleging civil rights violations by CITY under Government Code sections 12920 et seq. (California Fair Employment and Housing Act), and any fines or penalties imposed on COUNTY for CITY's failure to provide form DE-542, when applicable. This indemnification obligation shall continue beyond the term of this Agreement as to any acts or omissions occurring under this Agreement or any extension of this Agreement.

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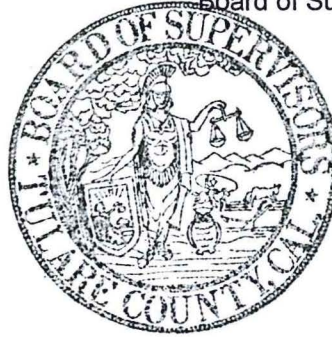
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THE PARTIES, having read and considered the above provisions, indicate their agreement by their authorized signatures below.

COUNTY OF TULARE

BY Mike Ennis
Mike Ennis Chairman,
Board of Supervisors



ATTEST: Michael C. Spata,
County Administrative Officer/Clerk of the Board
of Supervisors of the County of Tulare

By Danisa A. Ybana
Deputy Clerk

Approved as to Form
County Counsel

By M. G. Ennis for LMT
Deputy 20151902

CITY OF PORTERVILLE

BY Milt Stowe
Milt Stowe, Mayor

ATTEST:
City Clerk of the City of Porterville

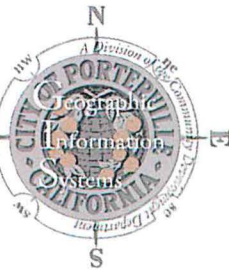
BY John Lollis
John Lollis, City Manager

Approved as to Form

BY [Signature]
City Attorney

EXHIBIT 'A'

East Porterville Project Boundary



Legend

-  East Porterville Project Boundary
 Parcels Within Project Boundary Area (1,776)
 City Limits
 UDB

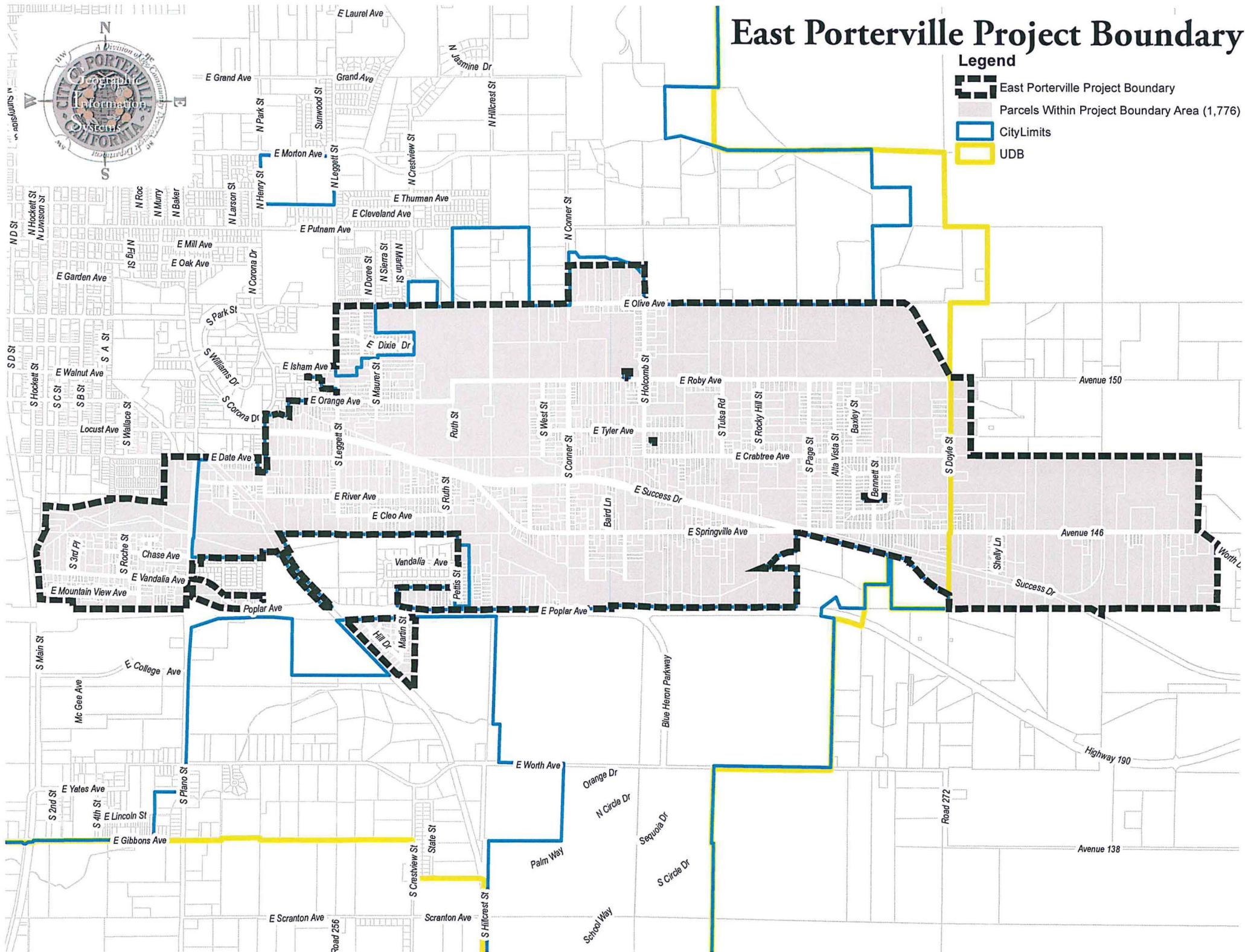


EXHIBIT 'B'

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:

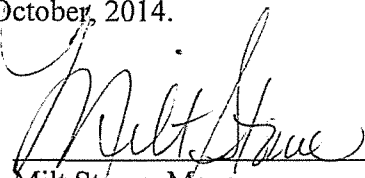
1. To promote orderly development while discouraging urban sprawl, preserving open space and prime agricultural lands, and efficiently extending government services.
2. To honor the City’s fundamental responsibility to provide efficient and sustainable public services to the inhabitants of the city,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

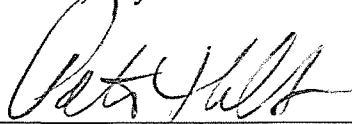
2. It shall be the policy of the City of Porterville to consider extra-territorial service requests primarily within the Urban Development Boundary, which is defined as the City of Porterville Annexation Boundary, as adopted by Tulare County LAFCo.
3. It shall be the policy of the City of Porterville, 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 19-2016

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
ESTABLISHING PROCEDURES FOR ANNEXATIONS AND EXTENSION OF
MUNICIPAL SERVICES

WHEREAS: On October 21, 2014, the City Council of the City of Porterville adopted two resolutions that defined objectives and policies, and established procedures for annexations and municipal services, respectively; and

WHEREAS: The on-going, severe drought of the past few years has created a situation where hundreds of parcels in the East Porterville area are experiencing dry wells, or wells of substandard water quality. State and regional agencies have come together with the City to identify and develop a long-term solution to this crisis, which will involve a significant infrastructure project to allow extension of municipal water services to the area. Not all parcels within the subject area meet the mandatory findings for extra-territorial service agreements as identified in the City's current procedures.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Porterville does hereby amend existing procedures to submit application for municipal services, and to have said application(s) processed as outlined in Exhibit "A", attached. The exemption identified for the East Porterville Feasibility Study Project Area will apply to the area represented in Exhibit "B".

PASSED, APPROVED AND ADOPTED this 19th day of April, 2016.



Milt Stowe, Mayor

ATTEST:

John D. Lollis, City Clerk

BY 

Luisa Zavala, 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, information as needed to define a deed restriction specific to land use and zoning, 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 deed restriction.

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, information as needed to define a deed restriction specific to land use and zoning, 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 deed restriction specific to land use and zoning 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 cost.
 - 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 cost.
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 fund a fair share of 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 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 fund a fair share of 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 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.

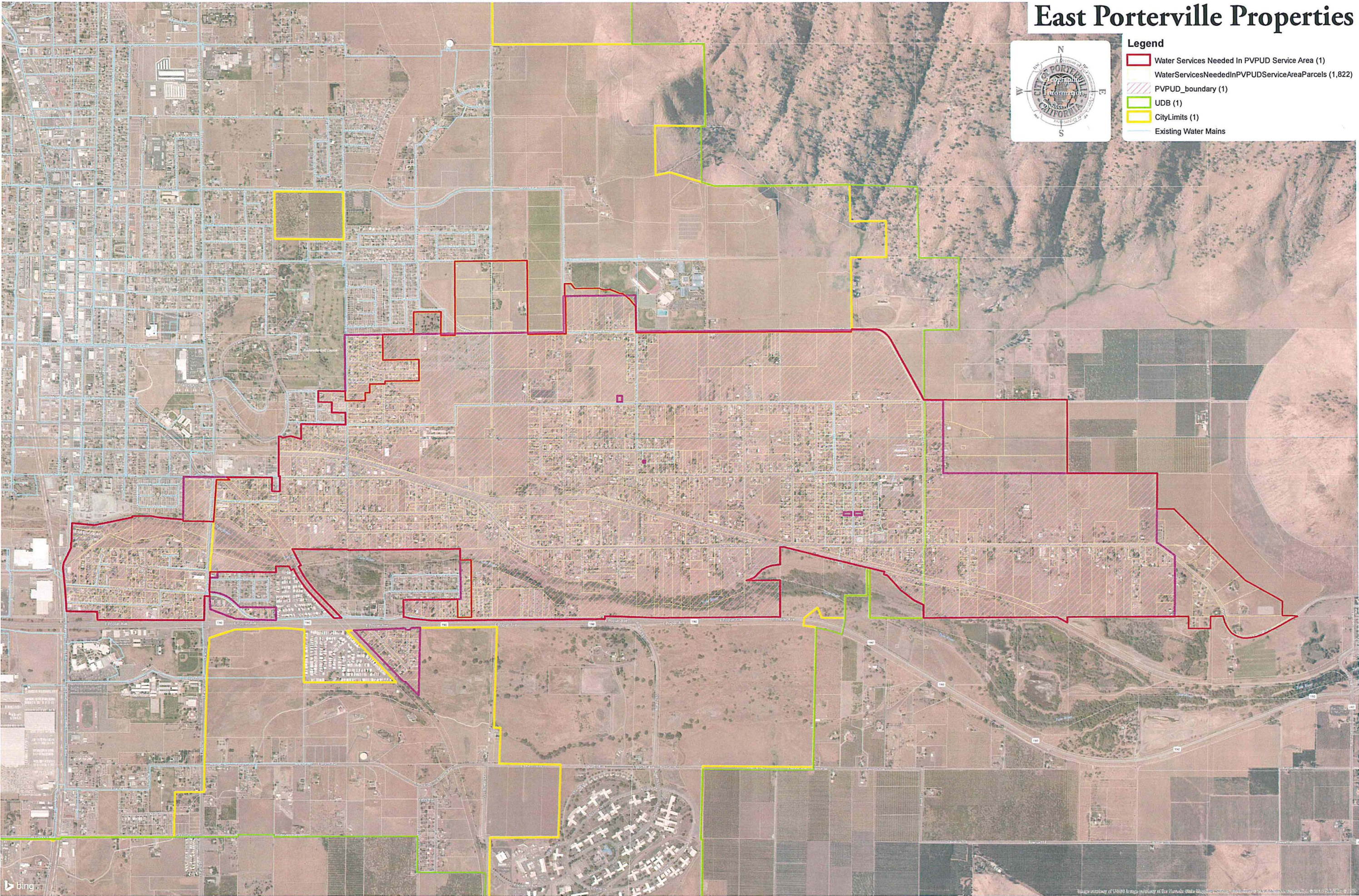
3. PROPERTIES WITHIN THE EAST PORTERVILLE FEASIBILITY STUDY PROJECT AREA: The California State Water Resources Control Board, in coordination with the Department of Water Resources Drought Task Force, is charged with preparing a feasibility study to define a long-term solution to the water related issues in East Porterville. Properties within that boundary would be permitted to apply for connection, whether in association with DWR, SWRCB, or at a later date, on their own. Such connections would be subject to the mandatory findings as outlined in this procedure, with the following exceptions:

- Rather than require that the subject property be a developed single-family residence on a parcel 24,999 square feet or smaller, neither the land use nor the parcel size would be restricted neither the land use nor the parcel size would be restricted for legal and legal non-conforming structures and land uses existing as of April 29, 2016.
- Further, properties within certain islands in the EPFS Project Area would not be required to annex prior to connection. This exception does not limit the City of Porterville's authority to pursue annexation in the future, but rather waives the requirement that annexation must be approved prior to connection.

East Porterville Properties



- Legend**
- Water Services Needed In PVPUD Service Area (1)
 - WaterServicesNeededInPVPUDServiceAreaParcels (1,822)
 - PVPUD_boundary (1)
 - UDB (1)
 - CityLimits (1)
 - Existing Water Mains



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 19th day of April, 2016.

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:					
ABSTAIN:					
ABSENT:					X

JOHN D. LOLLIS, City Clerk

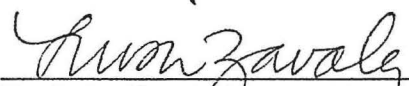

By: Luisa Zavala, Deputy City Clerk

EXHIBIT 'C'



EXHIBIT 'D'

Scope of Work

Task	Description	Cost
1.2	Prepare Well Drilling Plans, Specifications, and Estimates	\$468.00
3.2	Prepare Well Equipping Plans, Specifications, and Estimates	\$1,526.00
5	Ph. 1 Preconstruction Meeting	\$1,357.43
Total:		\$3,351.43

Consulting Engineering work will be reimbursed directly to Dee Jaspar & Associates under Tulare County Agreement No. 1276, including the following Tasks:

Task 4.1	Project Evaluations and Field Surveying	\$58,326.00
Task 4.2	Prepare Well Equipping Plans, Specifications, and Estimates	\$30,000.00
Task 4.3	Prepare and Assist with SCE Application & Telephone Service	\$5,000.00
Task 4.4	SCE Costs	\$15,000.00
Total:		\$108,326.00

Discussion Draft

Subject to Additional Review and Modification by the Parties

Porterville MOU
Draft 2
June 15, 2016
PortervilleEmergencyMOU061516



Memorandum of Understanding (MOU)

Regarding the Provisions of Emergency Water Supplies to East Porterville

by the California Department of Water Resources (DWR), California Office of Emergency

Service (OES), the State Water Resources Control Board (SWRCB),

the County of Tulare (County), and City of Porterville (Porterville),

which are collectively known as the “Parties”

Recitals

Whereas, some residents living in an unincorporated area of Tulare County, commonly known as “East Porterville,” have experienced loss of adequate water supply to their homes and properties as a result of severe drought conditions, which has caused significant hardship for the residents;

Whereas, Governor Edmund G. Brown Junior has directed all State agencies to assist these residents who are in need of water supplies with emergency and long-term assistance;

Whereas, Governor Edmund G. Brown Junior signed Assembly Bill 685 in 2012, adding Water Code section 106.3, which recognizes that every human being has the right to safe, clean, affordable, and accessible water adequate for human consumption, cooking, and sanitary purposes, and which requires all relevant state agencies to consider this right when revising, adopting, or establishing pertinent policies, regulations, and grant criteria;

Whereas, the Parties have provided emergency water supplies to some residents of East Porterville that are without an adequate household water supply;

Whereas, the Parties to this MOU seek an emergency and long-term solution to the lack of adequate household water supply by developing and providing continuous water supplies to these residents;

Whereas, East Porterville is located east and adjacent to Porterville, which has an existing municipal water system that serves residents within the incorporated area of Porterville;

Whereas, some of the residents of East Porterville without an adequate household water supply could be connected to Porterville's municipal water system provided certain arrangements and projects are carried out by the Parties;

Whereas, Vandalia is a neighborhood located within Porterville, and some Vandalia residents lack adequate household water supply and these households could be connected to Porterville's municipal water system;

Whereas, the Parties have met and have discussed alternative plans and projects that would provide an emergency water supply from Porterville to some residents of East Porterville and Vandalia in an expeditious manner;

Whereas, to advance these projects, DWR has provided funding, as reflected in the agreement between DWR and Tulare attached as Exhibit 1, for a municipal well designated as "Well C1" located in Tulare County that ultimately could be used to supply water to these residents of East Porterville;

Whereas, the SWRCB has also provided funding for Well C1, as reflected in the agreement between the SWRCB and the County attached as Exhibit 2;

Whereas, the County and Porterville intend to execute an agreement, a draft of which is attached as Exhibit 3, that will connect Well C1 to Porterville's municipal water system and that will provide for an adequate household water supply for some residents of East Porterville; and

Whereas, the Parties have reached an understanding on how best to implement the project alternative that will provide an adequate household water supply to some residents of East Porterville and Vandalia, and alleviate the hardships in an expeditious, cost-effective manner.

Understanding

A. Description of Emergency Project and Long-Term Plan

1. The purpose of this MOU is to set forth in writing the intentions of the Parties of how best to move forward with plans to complete an emergency water supply project (Project) to some residents in the East Porterville and Vandalia areas, which are represented in Exhibit 4. (Map showing East Porterville and Porterville). The goal of the Project is to provide an adequate household water supply to some of the residents and properties in these areas that do not have one presently, and to end the need of the Parties to provide temporary water supplies to those residents through tanks and bottles.

2. The Parties intend to develop the Project in two phases. Phase 1 will make municipal water connections to the properties in East Porterville that have dry wells and are adjacent to Porterville's existing municipal water distribution system. It is estimated that this phase will serve 40 properties with dry wells that are currently receiving temporary household water supplies.

3. The Parties intend that Phase 2 of the Project will provide municipal water supply to approximately 500 properties in East Porterville and in Vandalia that have dry wells or otherwise lack an adequate source of water and have not been connected by Phase 1. In order to complete Phase 2, the residents of these properties will likewise need to connect to Porterville's municipal water system.

4. As soon as possible, Porterville and DWR will undertake Phase 1 of the Project and connect the properties in East Porterville that are adjacent to Porterville's existing municipal water distribution system. These connections will be accomplished as described in Water Installation Diagram attached as Exhibit 5 and based on the cost estimate, which is attached as Exhibit 6. In order to make these connections, a property owner desiring to receive public water supply will need to execute the Extraterritorial Service Agreement, a sample of which is attached as Exhibit 7, and the SWRCB's Water Connection Agreement, a sample of which is attached as Exhibit 8. Necessary signatures and agreements with property owners will be sought through SWRCB's outreach carried out with the assistance of all Parties to this MOU.

5. The Parties intend that Well C1 will be used to provide the emergency water supply in Phase 2 to about 500 properties without adequate household water supplies. The Parties presently understand that there are about 423 properties in East Porterville and approximately 80 properties in Vandalia where connections may be needed to provide emergency water supplies.

6. The Parties have created a Technical Workgroup consisting of engineers and planners, which work cooperatively on the technical issues described in this MOU. Based on recommendations of the Technical Workgroup, the Parties intend to provide the emergency water supply contemplated by this MOU.

7. The Parties intend to develop a Long-Term Water System Plan (Long-Term Plan) for the East Porterville area, which will serve other residents in the area besides those served by the Project. The Parties intend that the Project will be designed consistent with the Long-Term Plan to ensure that all water facilities constructed as part of the Project will be incorporated into the facilities ultimately developed through the Long-Term Plan. The first work product produced by the Technical Workgroup will be a Feasibility Study for the Long-Term Plan. The outline of the Feasibility Study is attached as Exhibit 9.

8. The Parties intend to use best efforts to complete both phases of the Project by December 31, 2016. The completion date of the Long-Term Plan is dependent on the completion of the Feasibility Study carried out by Technical Workgroup and on Porterville and/or the County applying for and securing sufficient funding from the SWRCB or from other sources. The Parties desire to complete the Long-Term Plan as expeditiously as possible.

B. Project Contributions of the Parties

9. Working in cooperation with the other Parties and the Technical Workgroup, DWR will prepare all environmental compliance for the Project, and design and construct the Project, both Phases 1 and 2. DWR will provide funding for Phases 1 and 2 of the Project through Emergency Drought Funding. DWR intends to serve as California Environmental Quality Act (CEQA) lead agency for the Long-Term Plan and will prepare any necessary CEQA documentation and any other necessary environmental review documents, unless the Feasibility Study recommends another lead agency.

10. SWRCB will provide the community outreach to assist in obtaining necessary property owner acceptance before proceeding with Project. SWRCB will also work with Porterville and/or County to secure funding of the Long-Term Plan. SWRCB will provide certain reviews and approvals for the permitting of the Project and the Long-Term Plan.

11. OES will coordinate all of the State's efforts under the Governor's Drought Task Force in the Project area and will be provided at no cost by Porterville up to 3,000,000 gallons of emergency water per month as needed as a result of this MOU and the agreement that Porterville and the County are in the process of considering for execution, a draft of which is attached as Exhibit 3, with regard to the Well C1.

12. Porterville will provide the needed water service to the residents of East Porterville without an adequate household water supply after they are connected to Porterville's municipal water system as described in the Project. The water service will be accomplished per the Extraterritorial Service Agreement, which requires that property owners served pay the monthly water bill. DWR is funding the residents' connection to the Project, and as a result, some of the normal connection fees will be waived provided that connection is made during Phase 1 or Phase 2. Porterville will install the water meters for each connection, which will be paid for by DWR.

13. The County intends to execute an agreement with Porterville that is consistent with this MOU and Exhibit 3, which will allow Well C1 to serve as a water supply for the Project. The County will inspect the work of the Project and the property connections at no cost to the residents.

14. The Parties to the MOU will cause the removal of all temporary water tanks from the properties upon completion of the Project and the appurtenances necessary for the receipt of municipal water service. The work for removing the water tanks will be carried out by the County under an agreement between the County and OES.

C. General Provisions

15. The Parties intend to use their best efforts to carry out this MOU. This MOU is not a binding agreement, and is not intended to create contractual rights and remedies among the Parties. However, the Parties have entered into and intend to enter into certain binding agreements in the future necessary to develop and complete the Project and the Long-Term Plan.

16. This MOU will become effective upon the signature of the all Parties. The MOU will terminate on December 31, 2016, unless extended by all of the Parties in writing.

[Signatures on following page]

This MOU has been executed by:

California Department of Water Resources

State Water Resources Control Board

California Office of Emergency Services

County of Tulare

City of Porterville

List of Exhibits

1. DWR and Tulare County Executed Well C1 Agreement
2. SWRCB and County Executed Well C1 Agreement (Water Board Grant #D-15-11-902)
3. County and Porterville Draft Well Agreement
4. Map of East Porterville
5. Household Water Service Installation Diagram
6. Household Water Service Cost Estimate
7. Sample Extraterritorial Service Agreement
8. Sample SWRCB Water Connection Agreement
9. Draft Emergency Project Feasibility Study



Amendment No. 1

To the East Porterville Water Supply Project

Memorandum of Understanding (MOU)

Regarding the Provisions of Emergency Water Supplies to East Porterville
by the California Department of Water Resources (DWR), California Office of
Emergency Service (OES), the State Water Resources Control Board (SWRCB),
the County of Tulare (County), and City of Porterville (Porterville),
which are collectively known as the "Parties"

This Amendment No.1 to the MOU is made this 7th day of November, 2016. As described below, this Amendment No.1 recognizes the MOU is still in effect, modifies certain sections of this MOU, and adds new sections to the MOU.

Recitals

Whereas, some residents living in an unincorporated area of Tulare County, commonly known as "East Porterville," have experienced loss of adequate water supply to their homes and properties as a result of severe drought conditions, which has caused significant hardship for the residents;

Whereas, Governor Edmund G. Brown Junior has directed all State agencies to assist these residents who are in need of water supplies with emergency and long-term assistance;

Whereas, the Parties to this MOU seek an emergency and long-term solution to the lack of adequate household water supply by developing and providing continuous water supplies to these residents;

Whereas, to advance these projects, DWR and the SWRCB have provided funding, as reflected in Exhibits 1 and 2, for a municipal well designated as "Well C1" located in Tulare County that ultimately could be used to supply water to these residents of East Porterville;

Whereas, the Parties have reached an understanding on how best to implement the project alternative that will provide an adequate household water supply to some residents of East Porterville and Vandalia, and alleviate the hardships in an expeditious, cost-effective manner:

Whereas, the purpose of this amendment is to clarify some sections of the MOU and to add several new sections.

NOW THEREFORE, IT IS MUTUALLY AGREED that the following changes are hereby made to the MOU:

1. Section A (2) is amended to read as follows:

The Parties intend to develop the Project in two phases. Phase 1 will make municipal water connections to the properties in East Porterville and Vandalia that have dry wells and/or water tanks. It is estimated that this phase will serve approximately 300 properties.

2. Section A (3) is amended to read as follows:

The Parties intend that Phase 2 of the Project will provide municipal water supply to approximately 800 properties in East Porterville by connecting them to the City of Porterville's water system. The total number of homes eligible for this Project is approximately 1,100.

3. Section A (5) is amended to read as follows:

The Parties intend that Well C1 will be used to provide the initial water supply. The Parties acknowledge the delay in Well C1 completion. To mitigate the effects of this on the residents of East Porterville, the City of Porterville will allow connections of homes as they become prepared for connection. These early connections will be beyond the initial 70 connections (previously 40 connections) agreed to, given the availability of capacity during the winter months. However, these additional connections to the City's water system will cease on March 1, 2017, if Well C1's connection to the City's water system is not completed by then.

4. Sections A (7) b-f shall be added and made part of this MOU:

7 (a). The Parties intend to develop a Long-Term Water System Plan (Long-Term Plan) for the East Porterville area, which will serve other residents in the area besides those served by the Project. The Parties intend that the Project will be designed consistent with the Long-Term Plan to ensure that all water facilities constructed as part of the Project will be incorporated into the facilities ultimately developed through the Long-Term Plan. The first work product produced by the Technical Workgroup will be a Feasibility Study for the Long-Term Plan. The outline of the Feasibility Study is attached as Exhibit 9.

(b). The East Porterville Water Supply Project Hydraulic Analysis Report ("Hydraulic Analysis Report," which is attached as Exhibit 10) determined that the water supply capacity required to serve all eligible residents of East Porterville is 1,435 gallons per minute (gpm). This capacity shall be based on the sustainable yield of the wells which is defined as 75 percent of the initial design capacity. Since Well C1 has a sustainable yield of 600 gpm, the Parties agree that the State will fund the construction and equipping of additional wells to provide the 835 gpm shortfall.

(c). Based on the Hydraulic Analysis, a 700,000 gallon water storage tank is required to serve the residents of East Porterville. However, based on Porterville's master plan recommendations, a 1.2 million-gallon storage tank is required for the City's buildout. The Parties therefore intend to construct a 1.2 million-gallon storage tank with cost sharing between the State and the City. The State will fund the cost of a 700,000 gallon tank required for the Project and the City of Porterville will fund the cost of the additional 500,000 gallons of storage required for the City's future use as contained in its master plan. The cost-sharing shall be proportional to the tank capacity being funded.

(d). The Parties intend to upgrade the existing Henderson-Plano Booster Pump Station and the Granite Hills Intertie which would facilitate water supply to the East Pressure Zone which serves East Porterville. The State will fund the construction of one booster pump rated at 2,100

gpm along with a variable frequency drive and the Granite Hills Intertie. The City will fund the replacement of its two existing pumps along with associated variable frequency drives as part of Phase 2 of the Project. These two pumps are more than 30-years old and their replacement will enable the City's water system to operate more efficiently and in a cost-saving manner.

(e). The Parties further agree that a booster pump station of capacity 1,670 gpm is required to convey water from the West Pressure Zone, where the new wells will be located, to the Central Pressure Zone for onward conveyance to East Porterville. The State will fund the construction of this booster pump station.

(f). Given that Well C1 has an estimated sustainable yield of 600 gpm, as well as a unit demand of 0.833 gpm per home connection based on the Hydraulic Analysis , Well C1 could effectively serve up to 720 households . The Parties agree that home connections for Phase 2 of the Project can begin as soon as Well C1 is connected to the City's water system, and the Henderson-Plano Booster Pump Station upgrade and the Granite Hills Intertie are completed. These home connections shall cease when the capacity of Well C1 is exceeded. Thereafter, additional home connections will be made after the construction of additional wells or if City staff determines that the water system can support additional home connections.

5. Section (C) 16 is amended to read as follows:

16. This MOU will become effective upon the signature of the all Parties. The MOU will terminate on June 30, 2018, unless extended by all Parties in writing.

6. The list of the Exhibits at the end of MOU is amended to read as follows:

1. DWR and Tulare County Executed Well C1 Agreement
2. SWRCB and County Executed Well C1 Agreement (Water Board Grant #D-15-11-902)
3. County and Porterville Draft Well Agreement
4. Map of East Porterville
5. Household Water Service Installation Diagram
6. Household Water Service Cost Estimate
7. Sample Extraterritorial Service Agreement
8. Sample SWRCB Water Connection Agreement
9. Draft Feasibility Study for the Long-Term Plan
10. East Porterville Water Supply Project Hydraulic Analysis Report

This MOU has been executed by:

California Department of Water Resources

State Water Resources Control Board

California Office of Emergency Services

City of Porterville

County of Tulare



EDMUND G. BROWN JR.
GOVERNOR



MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

State Water Resources Control Board

NOV 29 2017

The Honorable Milt Stowe
Mayor of City of Porterville
291 North Main Street
Porterville, CA 93257

RECEIVED

DEC 04

CITY OF PORTERVILLE
CITY MANAGER

Dear Mayor Stowe:

The Department of Water Resources and the State Water Resources Control Board are requesting an increase to the number of household connections from 720 to 800 to the City of Porterville (City) water system, prior to the completion of the East Porterville Emergency Water Supply Project – Phase 2 (Project). The construction of all facilities is estimated to be completed by June 2019.

According to Section A(7)(f) of Amendment No. 1 to the Project's Memorandum of Understanding (MOU), the estimated sustainable yield of Well C1 is 600 gallons per minute (gpm) and therefore will serve up to 720 households. Our current projections show that approximately 800 households will need to be connected by the end of 2017.

Our current plans are to drill two additional wells which would add more than 835 gpm of sustainable yield to the City's water supply, pending land acquisition by the City. Further, our calculations indicate that Well C1 is currently capable of producing 800 gpm in the interim, which can support a total of 960 households in the short term. It is our hope that the City will complete acquisition of the properties needed to drill the two additional wells in a timely manner to ensure that the City's water supply does not become stressed.

We look forward to hearing favorably from you and thank you for your continued support in providing safe drinking water to the residents of East Porterville.

Sincerely,



James Maughan, Assistant Deputy Director
Division of Financial Assistance

cc: See next page

DEPARTMENT OF WATER RESOURCES

SOUTH CENTRAL REGION OFFICE
3374 EAST SHIELDS AVENUE, ROOM 3
FRESNO, CA 93726-6913



January 18, 2018

Mr. Michael K. Reed
Public Works Director
City of Porterville
291 North Main Street
Porterville, California 93257

RECEIVED

JAN 22 2018

City of Porterville
Public Works Dept

Approval of Funding from Local Assistance Funds to the City of Porterville for the
County Areas Water Supply Project

Dear Mr. Reed:

Your request for funds to accomplish the city of Porterville's scope of work to connect drought-impacted households in seven Tulare County areas bounded by the city has been approved. The approved funding is not to exceed the amount of \$2,812,946.00. The term of the funding is from January 18, 2018, to December 31, 2019.

The purpose of this funding is for the city of Porterville to effectuate the connection of the drought-impacted homes in seven county areas to the city's water distribution system. The project comprises water main extensions, home connections, and well destructions. These homes have been identified as having private residential wells, and the homeowners have voluntarily elected to join the project. As part of their election to participate in the project, the homeowners have consented to having their groundwater wells destroyed.

A grant agreement is being developed and will be sent to you for approval. You are allowed to start incurring costs from January 18, 2018. No reimbursement will be issued until the contract agreement is executed.

If you have any questions or need additional information regarding the agreement, please contact Steve Doe by email at Steve.Doe@water.ca.gov or by phone at (559) 230-3348.

Sincerely,

Kevin Faulkenberry, Chief
South Central Region Office

Executive Department

State of California

EXECUTIVE ORDER B-40-17

WHEREAS California has endured a severe multi-year drought that has threatened the water supplies of communities and residents, devastated agricultural production in many areas, and harmed fish, animals and their environmental habitats; and

WHEREAS Californians responded to the drought by conserving water at unprecedented levels, reducing water use in communities by more than 22% between June 2015 and January 2017; and

WHEREAS the State Water Resources Control Board, the Department of Water Resources, the Department of Fish and Wildlife, the Office of Emergency Services, and many other state agencies worked cooperatively to manage and mitigate the effects of the drought on our communities, businesses, and the environment; and

WHEREAS the State provided 66,344,584 gallons of water to fill water tanks for communities suffering through drought-related water shortages, outages, or contamination, and provided emergency assistance to drill wells and connect communities to more robust water systems; and

WHEREAS the State took a number of important actions to preserve and protect fish and wildlife resources, including stream and species population monitoring, fish rescues and relocations, infrastructure improvements at trout and salmon hatcheries, and infrastructure to provide critical habitat for waterfowl and terrestrial animals; and

WHEREAS the State established a Statewide Water Efficiency and Enhancement Program for agricultural operations that provides financial assistance for the implementation of irrigation systems that save water; and

WHEREAS water content in California's mountain snowpack is 164 percent of the season average; and

WHEREAS Lake Oroville, the State Water Project's principal reservoir, is 101 percent of average, Lake Shasta, the federal Central Valley Project's largest reservoir, is at 110 percent of average, and the great majority of California's other major reservoirs are above normal storage levels; and

WHEREAS despite winter precipitation, the effects of the drought persist in areas of the Central Valley, including groundwater depletion and subsidence; and

WHEREAS our changing climate requires California to continue to adopt and adhere to permanent changes to use water more wisely and to prepare for more frequent and persistent periods of limited water supply; and

WHEREAS increasing long-term water conservation among Californians, improving water use efficiency within the State's communities and agricultural production, and strengthening local and regional drought planning are critical to California's resilience to drought and climate change.

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, do hereby **TERMINATE THE JANUARY 17, 2014 DROUGHT STATE OF EMERGENCY** for all counties in California except the Counties of Fresno, Kings, Tulare, and Tuolumne.

I FURTHER ORDER THAT:

1. The orders and provisions contained in my April 25, 2014 Emergency Proclamation, as well as Executive Orders B-26-14, B-28-14, B-29-15, and B-36-15 are rescinded.
2. The orders and provisions contained in Executive Order B-37-16, **Making Water Conservation a California Way of Life**, remain in full force and effect except as modified by this Executive Order.
3. As required by the State Emergency Plan and Government Code section 8607(f), the Office of Emergency Services, in coordination with other state agencies, shall produce an after-action report detailing the State's response to the drought and any lessons learned in carrying out that response.

MAINTAINING CONSERVATION AS A WAY OF LIFE

4. The State Water Resources Control Board (Water Board) shall continue development of permanent prohibitions on wasteful water use and requirements for reporting water use by urban water agencies, and to provide a bridge to those permanent requirements, shall maintain the existing emergency regulations until they expire as provided by the Water Code. Permanent restrictions shall prohibit wasteful practices such as:
 - Hosing off sidewalks, driveways and other hardscapes;
 - Washing automobiles with hoses not equipped with a shut-off nozzle;
 - Using non-recirculated water in a fountain or other decorative water feature;
 - Watering lawns in a manner that causes runoff, or within 48 hours after measurable precipitation; and
 - Irrigating ornamental turf on public street medians.
5. The Water Board shall rescind those portions of its existing emergency regulations that require a water supply stress test or mandatory conservation standard for urban water agencies.

6. The Department of Water Resources (Department) shall continue work with the Water Board to develop standards that urban water suppliers will use to set new urban water use efficiency targets as directed by Executive Order B-37-16. Upon enactment of legislation, the Water Board shall adopt urban water use efficiency standards that include indoor use, outdoor use, and leaks as well as performance measures for commercial, industrial, and institutional water use. The Department shall provide technical assistance and urban landscape area data to urban water suppliers for determining efficient outdoor use.
7. The Water Board and the Department shall continue to direct actions to minimize water system leaks that waste large amounts of water. The Water Board, after funding projects to address health and safety, shall use loans from the Drinking Water State Revolving Fund to prioritize local projects that reduce leaks and other water system losses.
8. The Water Board and the Department shall continue to take actions to direct urban and agricultural water suppliers to accelerate their data collection, improve water system management, and prioritize capital projects to reduce water waste. The California Public Utilities Commission is requested to work with investor-owned water utilities to accelerate work to minimize leaks.
9. 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.
10. All state agencies shall continue response activities that may be needed to manage the lingering drought impacts to people and wildlife. State agencies shall increase efforts at building drought resiliency for the future, including evaluating lessons learned from this current drought, completing efforts to modernize our infrastructure for drought and water supply reliability, and shall take actions to improve monitoring of native fish and wildlife populations using innovative science and technology.

CONTINUED DROUGHT RESPONSE IN FRESNO, KINGS, TULARE, AND TUOLUMNE COUNTIES

11. The Water Board will continue to 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.
12. The Department and the Water Board will accelerate funding for local water supply enhancement projects and will continue to explore if any existing unspent funds can be repurposed to enable near-term water conservation projects.
13. The Water Board will continue to work with local agencies to identify communities that may run out of drinking water, and will provide technical and financial assistance to help these communities address drinking water

shortages. It will also identify emergency interconnections that exist among the State's public water systems that can help these threatened communities. The Department, the Water Board, the Office of Emergency Services, and the Office of Planning and Research will work with local agencies in implementing solutions to those water shortages.

14. For actions taken in the Counties of Fresno, Kings, Tulare, and Tuolumne pursuant to directives 11–13, 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, as well as Division 13 (commencing with section 21000) of the Public Resources Code and regulations adopted pursuant to that Division, are hereby suspended. These suspensions apply 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.
15. California Disaster Assistance Act Funding is authorized until June 30, 2017 to provide emergency water to individuals and households who are currently enrolled in the emergency water tank program.
16. State departments shall commence all drought remediation projects in Fresno, Kings, Tulare, and Tuolumne Counties within one year of the date of this Executive Order.

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 of 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 7th day of April 2017.


EDMUND G. BROWN JR.
Governor of California

ATTEST:

ALEX PADILLA
Secretary of State





CITY COUNCIL AGENDA – JANUARY 15, 2019

SUBJECT: Approval of a Conditional Use Permit for Type 47 General - Eating Place Alcohol License at 22 E. Oak Avenue

SOURCE: Community Development

COMMENT: On October 10, 2018, the Project Review Committee met with the applicant and agent to discuss the proposed reconstruction of an existing building for the Fugazzi's Palace Restaurant at 22 E. Oak Avenue. The applicant is requesting a Conditional Use Permit (CUP) for the sale of alcohol under a Type 47 on-sale general (beer, wine and distilled spirits) alcohol license for a bona fide eating place. An additional topic discussed, but not being pursued at this time, is valet parking. As the entry point is along Oak Avenue, valet parking would require temporary dedication of street parking and the need for potential agreements between the City and applicant. If the applicant would like to pursue this at a future date, then a modification to the CUP would be required and City Council would evaluate the downtown parking and agreements at that time.

The operational hours are proposed to be Sunday through Thursday 11:00 a.m. to 11:00 p.m., and Friday, Saturday and Holidays 11:00 a.m. to 12:00 a.m. The hours during which alcoholic beverages may be sold shall be limited to hours of operation. The applicant is additionally proposing live music in the form of either accompaniment or live music/DJ for special events such as wedding receptions. The applicant will be required to provide security personnel during the times when recorded or live entertainment is "featured." The project will additionally be subject to the criteria and restrictions of the Noise Ordinance, Article IX of the Porterville Municipal Code.

The site is located within Census Tract 38.02. The California Department of Alcoholic Beverage Control ("ABC") allows a specific number of licenses per census tract population. In Census Tract 38.02, three on-sale and three off-sale are permitted. Census Tract 38.02 contains 13 on-sale alcohol sales, (seven – Type 41, four – Type 47, one – Type 48 and one – Type 50). Due to the over concentration of on-sale licenses, a Letter of Public Convenience or Necessity will be required.

The request for the alcohol license is not anticipated to cause a negative impact on the surrounding community. The project is also conditioned to operate the establishment in such a manner as to preserve the public safety, health and welfare, and to prevent the use from becoming a nuisance. The property is zoned DR-N (Downtown Retail – North of Olive Avenue) with a General Plan Land Use designation of Downtown Retail, which is intended to attract and

retain specialty retail and restaurant businesses that will enhance Porterville's unique character. The restaurant also supports the general plan economic development guiding policies to retain, improve and promote businesses in Porterville. The restaurant is a permitted use in the DR-N Zone District and alcohol sales may be permitted with approval of a Conditional Use Permit.

On January 2, 2019, the Environmental Coordinator made a preliminary determination that the project is exempt from the California Environmental Quality Act pursuant to the "General Rule" exemption §15061(b)(3), that CEQA applies only to projects which have the potential for causing a significant effect on the environment.

RECOMMENDATION: That the City Council:

1. Adopt the draft Resolution approving Conditional Use Permit (PRC 2018-046-C); and
2. Authorize the Mayor to sign the Letter of Public Convenience or Necessity.

ATTACHMENTS:

1. Locator Map
2. Floor Plan
3. Rendering
4. Existing Licenses in Census Tract 38.02
5. Draft Resolution
6. Letter of Public Convenience or Necessity

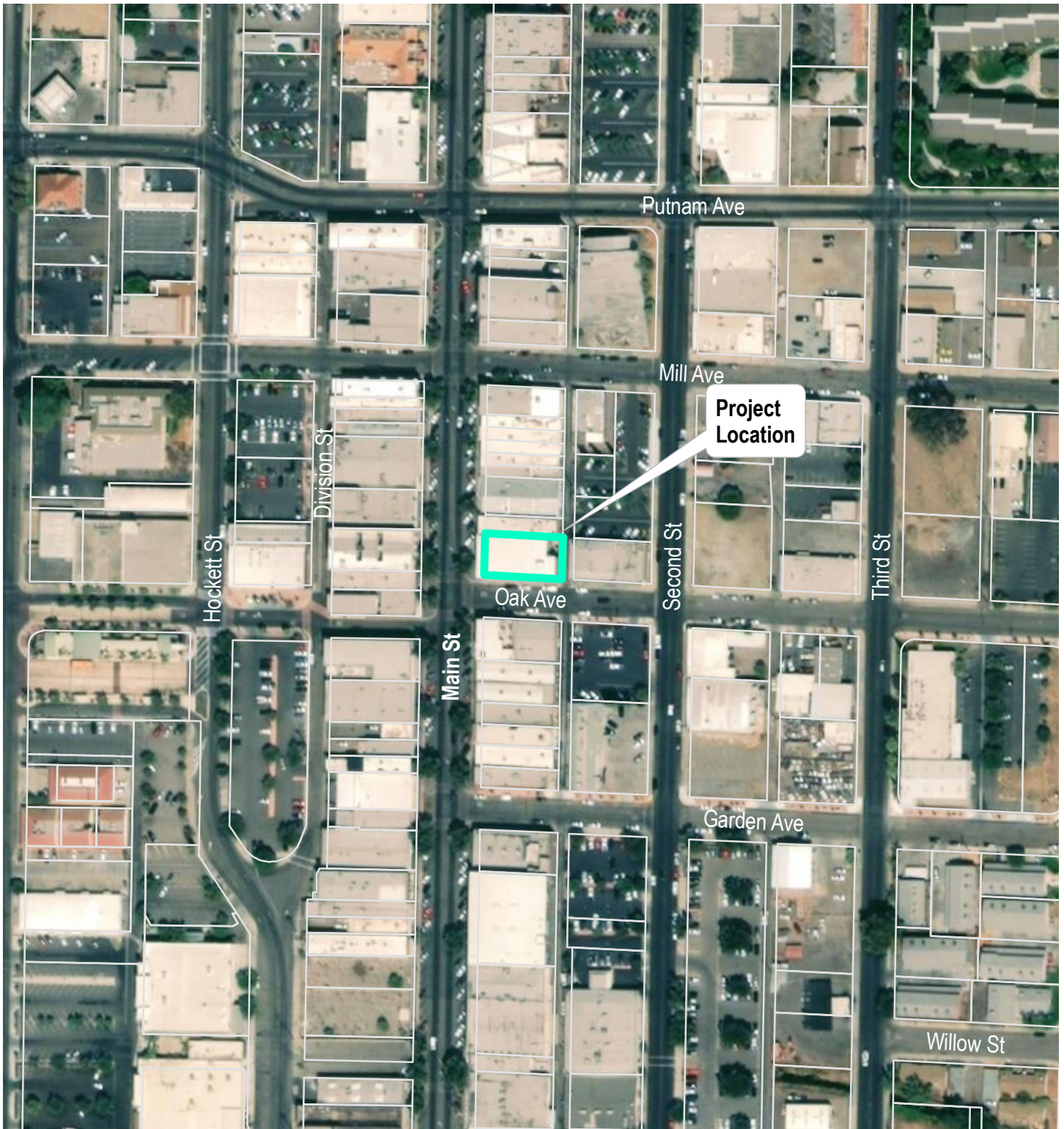
Appropriated/Funded:

Review By:

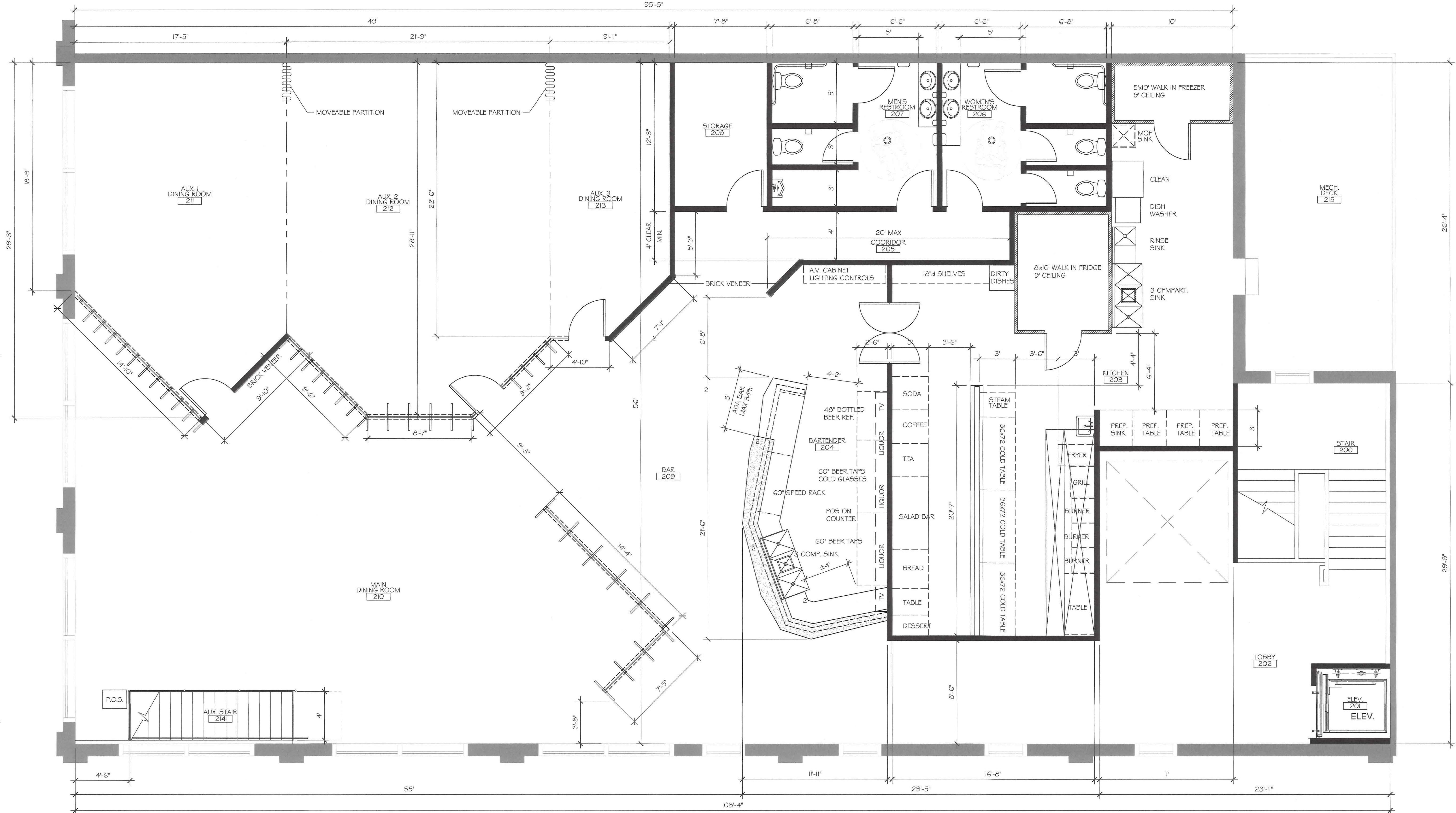
Department Director:

Jenni Byers, Community Development Director

Final Approver: John Lollis, City Manager



PRC 2018-046
CUP for Alcohol license
@ 22 E. Oak
Project Locator Map
1" = 200ft



Occupancy Load Schedule					
FOR EGRESS REQUIREMENTS					
NO.	NAME	OCC. TYPE	RM. AREA SQ.FT.	FUNCTION OF SPACE *LOAD FACTOR	OCC. LOAD
200	STAIR	A2	210	ACCESSORY	300 .7
201	ELEV.	A2	51	ACCESSORY	300 .2
202	LOBBY	A2	614	WAITING AREA	15 41
203	KITCHEN	A2	937	KITCHEN	200 4.7
204	BARTENDER	A2	292	KITCHEN	200 1.5
205	CORRIDOR	A2	148	ACCESSORY	300 .5
206	WOMEN'S	A2	179	ACCESSORY	300 .6
207	MEN'S	A2	179	ACCESSORY	300 .6
208	STORAGE	A2	102	ACCESSORY	300 .3
209	BAR	A2	668	TABLES + CHAIRS	15 44.5
210	MAIN DINING	A2	1278	TABLES + CHAIRS	15 85.2
211	AUX. 1 DINING	A2	468	TABLES + CHAIRS	15 31.2
212	AUX. 2 DINING	A2	606	TABLES + CHAIRS	15 40.4
213	AUX. 3 DINING	A2	223	TABLES + CHAIRS	15 14.9
214	AUX. STAIR	A2	72	ACCESSORY	300 .2
215	MECH. DECK	A2	324	ACCESSORY	300 .11
				TOTAL OCCUPANTS	267.6
				ADJUSTED TOTAL OCCUPANTS	268
* LOAD FACTORS AS DEFINED IN CHAPTER 10, TABLE 1004.1.2 OF THE 2016 CBC					

Means of Egress

THE TOTAL OCCUPANT LOAD USED FOR CALCULATING WIDTHS OF BUILDING EGRESS COMPONENTS SHALL BE THE TOTAL OCCUPANT LOAD AS CALCULATED IN THE OCCUPANT LOAD SCHEDULE ABOVE. (PER CHAPTER 10, SEC. 1004.5 OF THE 2016 CBC)

TOTAL OCCUPANTS = 268

*MIN. WIDTH OF STAIRWAY PER 105.3.1. THIS OCCUPANCY CONTAINS 2 STAIRWAYS EA. LOCATED AT OPPOSITE ENDS OF THE SPACE IN QUESTION SO THE OCCUPANT LOAD OF EA. STAIR SHALL BE 1/2 OF THE TOTAL OCCUPANT LOAD.

MIN STAIRWAY WIDTH = $268/2 \times .3$ OR 40.2" (NOTE: STAIRWAYS SHALL NOT BE NARROWER THAN MIN. REQUIREMENTS OF OTHER AREAS OF THIS CODE.)

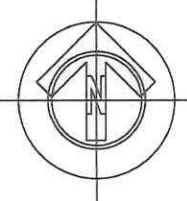
PRE SEC 1011.2 MIN WIDTH OF STAIRWAYS SHALL NOT BE LESS THAN 44"

*FOR OCCUPANT LOADS OVER 50 PERSONS MIN. WIDTH OF CORRIDORS = 44" (PER TABLE 1020.2 OF THE 2016 CBC)

EXITS REQUIRED = 2 (PER 2016 CBC CHAPTER 10 TABLE 1006.3.1)

EXITS PROVIDED = 2

1 FLOOR PLAN - LEVEL 2
SCALE: 1/4"=1'-0"



Interior Tenant Improvements for:
The Palace Hotel
22 East Oak Avenue
Porterville, CA 93257

Precision Designs
Robert H. Barron III, Designer
821 Jenna Ct.
Carson City, NV 89701
Voice: 760-420-3917
E-Mail: PrecisionDesignsSD@gmail.com

#	DATE	REVISION	BY
1			
2			
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NOT FOR CONSTRUCTION

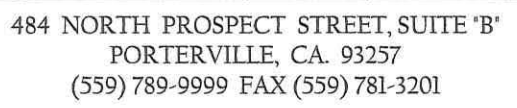
The contractor shall verify and be responsible for all dimensions and conditions on the job and Precision Designs must be notified in writing of any variation from the dimensions & conditions shown in these drawings.

This document shall not be reproduced nor shall the information contained therein be used or disclosed to others except as expressly authorized by Precision Designs

SHEET TITLE:
FLOOR PLAN LEVEL 2 (CONCEPTUAL)

SCALE: SEE PLAN
DRAWN BY: RHB
PLOT DATE: 9/26/18
JOB NO: 18002

SHEET NUMBER:
1 OF 1



148 N Main Street
Porterville, CA 93257

DRAWN BY:	R. Simmons
DES. BY:	D. Townsend
PLOT DATE:	9.28.2018
CHK'D BY:	D. Townsend

REVISION

[illegible]

TOWNSEND ARCHITECTURAL GROUP (T.A.G.) EXPRESSLY RESERVES THE COMMON LAW COPYRIGHT AND ALL OTHER APPLICABLE RIGHTS IN THESE PLANS. THEY ARE NOT TO BE COPIED, USED ON OTHER SITES THAN THAT SPECIFIED, REPRODUCED, OR CHANGED IN ANY MANNER, NOR BE ASSIGNED TO A THIRD PARTY WITHOUT OBTAINING PRIOR EXPRESS WRITTEN CONSENT. THESE PLANS AND THE IDEAS REPRESENTED HEREIN ARE, AND SHALL REMAIN, THE PROPERTY OF T.A.G.

RENDERING

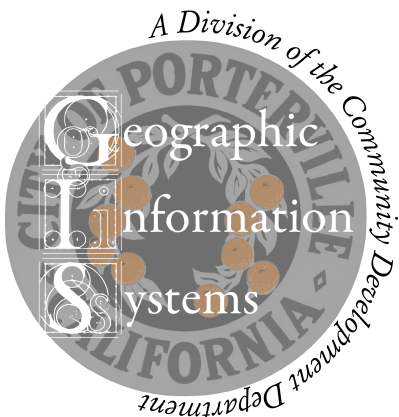
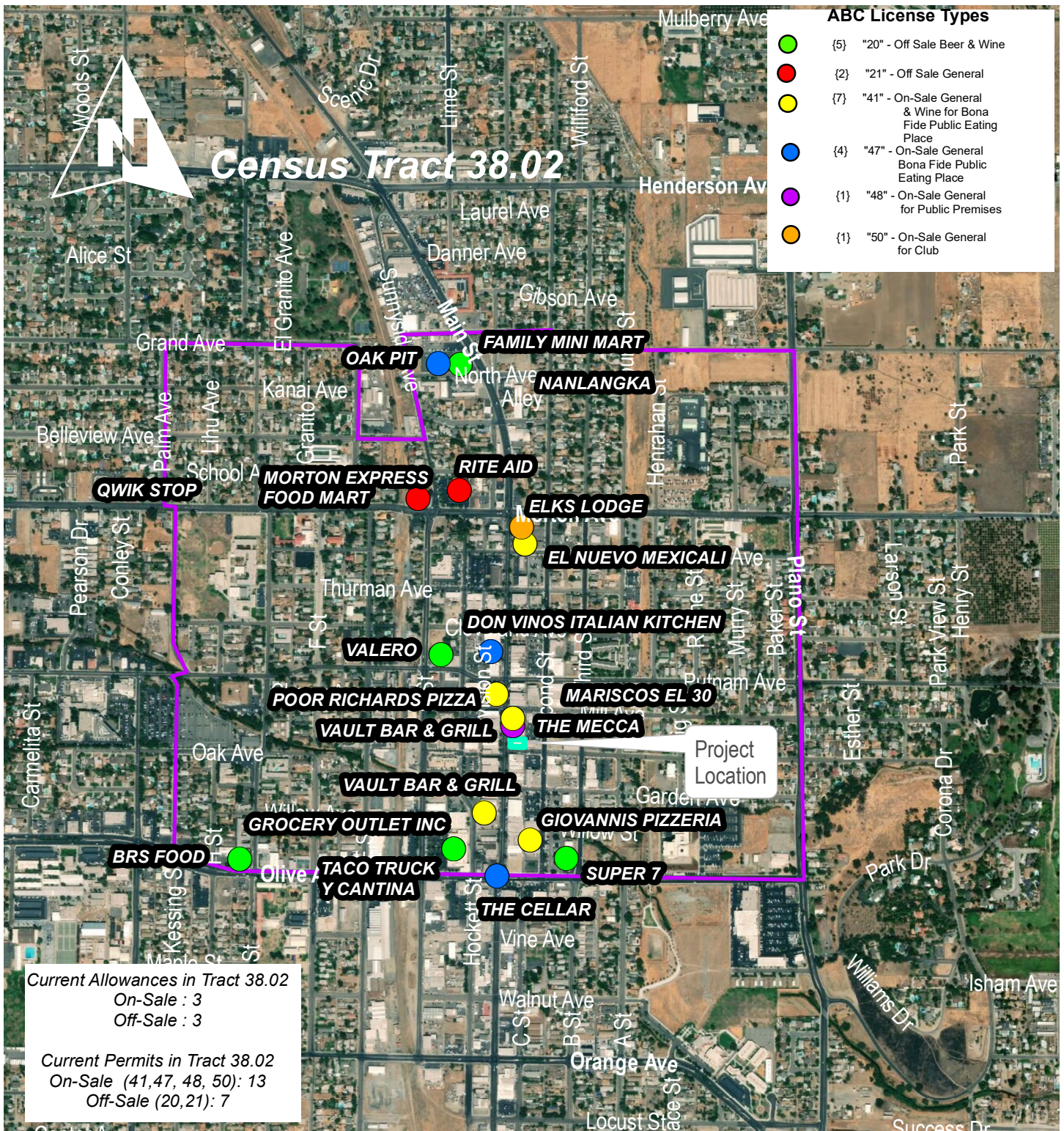
PROJECT NUMBER:

8T34

SHEET

NUMBER

A-0



PRC 2018-046
CUP for Alcohol license
@ 22 E. Oak
ABC Permit Map

RESOLUTION NO. ____-2019

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
CONTAINING FINDINGS AND CONDITIONS IN SUPPORT OF CONDITIONAL USE
PERMIT (PRC 2018-046-C) TO ALLOW FOR THE SALE OF ALCOHOL UNDER A TYPE
47 ON-SALE GENERAL (BEER, WINE AND DISTILLED SPIRITS) ALCOHOL LICENSE
FOR A BONA FIDE PUBLIC EATING PLACE FOR FUGAZZI'S PALACE RESTAURANT

WHEREAS: The City Council of the City of Porterville, at its regular scheduled meeting of January 15, 2019, conducted a public hearing to consider Conditional Use Permit (PRC 2018-046-C) to allow for the sale of alcohol under a Type 47 (beer, wine and distilled spirits) alcohol license for a restaurant located at 22 E. Oak Avenue, Fugazzi's Palace Restaurant; and

WHEREAS: On January 2, 2019, the Environmental Coordinator made a preliminary determination that the project is exempt from California Environmental Quality Act pursuant to the "General Rule" exemption §15061(b)(3), that CEQA applies only to projects which have the potential for causing a significant effect on the environment; 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 Zoning Standards for DR-N (Downtown Retail - North of Olive) zone and the General Plan Land Use Designation of Downtown Retail. The Downtown Retail designation is specifically intended to attract and retain specialty retail and restaurant businesses that will enhance Porterville's unique character.

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 operational standards are met. The project is located within an existing building and is conditioned that all activities associated with the consumption of alcohol on premises, in association with the Type 47 on-sale license shall be exclusively confined to the interior of the building.

Additionally, the project is conditioned 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.

3. This project is exempt from CEQA pursuant to the “General Rule” exemption §15061(b)(3) that CEQA only applies to projects which have the potential for causing a significant effect on the environment.
4. The site is located within Census Tract 38.02. The California Department of Alcoholic Beverage Control (“ABC”) allows a specific number of licenses per census tract population. In Census Tract 38.02, three on-sale and three off-sale are permitted. Census Tract 38.02 contains 13 on-sale alcohol sales, (seven – Type 41, four – Type 47, one – Type 48 and one – Type 50). Due to the over concentration of on-sale licenses, a Letter of Public Convenience or Necessity will be required.

NOW, THEREFORE, BE IT RESOLVED: That the City Council of the City of Porterville does hereby approve Conditional Use Permit (PRC 2018-046-C) subject to the following conditions:

1. The hours and days of operation during which alcoholic beverages may be sold under the Type 47 on-sale license shall be from 11 a.m. to 11 p.m. Sunday through Thursday, and 11 a.m. to 12 p.m. Friday, Saturday and Holidays.
2. The applicant/owner shall provide security personnel during the times when recorded or live entertainment is “featured.”
3. The restaurant will be required to comply with the Noise Ordinance, Article IX of the Municipal Code. Violations may result in revocation of the Conditional Use Permit.
4. No advertising of alcohol products shall be displayed and/or viewed from the outside of the building.
5. Upon approval of the conditional use permit, any future change in operation which substantially alters the conditions or nature of the subject business will require approval by the City Council. Further, 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 may result in revocation of the Conditional Use Permit.
6. 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.
7. Unless an extension of time is granted by the City Council, the conditional use permit shall expire two years after the date of approval if the on-sale Type 47 (beer, wine and distilled spirits) is not active or actively pursued. The City Council may approve a one year extension of any permit or approval granted under this ordinance upon receipt of a written application with the required fee before the permit expires.
8. 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.

9. All alcoholic beverages sold under the on-sale license must be consumed on the premises. The sale of alcoholic beverages on a “take out” basis shall be expressly prohibited
10. Pursuant to Section 601.10(d) The City Council may revoke the permit if it makes any of the following findings:
 - a. That approval was obtained by means of fraud or misrepresentation of a material fact;
 - b. That the use in question has ceased to exist or has been suspended for one year or more;
 - c. That there is or has been a violation of or failure to observe the terms or conditions of the permit or variance, or the use has been conducted in violation of the provisions of this ordinance, law or regulation; or
 - d. That the use to which the permit or variance applies has been conducted in a manner detrimental to the public safety, health and welfare or so as to be a nuisance.
11. The elements of the conditional use permit approving on-site alcohol sales will be subject to modification or revocation if the on-sale license is sanctioned by the State of California.
12. The entire site shall be permanently maintained free of accumulated dirt and litter and in an otherwise neat and attractive manner.

PASSED, APPROVED AND ADOPTED this 15th day of January, 2019.

Martha A. Flores, Mayor

ATTEST:
John D. Lollis, City Clerk

By _____
Patrice Hildreth, Chief Deputy City Clerk

January 16, 2019

California Department of Alcoholic Beverage Control
Fresno District Office
3640 East Ashlan Ave
Fresno, CA 93726
ATTN: Christine Weldon

RE: Fugazzi's Palace Restaurant, 22 E. Oak Avenue, Porterville, CA

Dear Ms. Weldon:

The City Council of the City of Porterville has elected to approve submittal of this letter regarding the public convenience or necessity to be served through issuance of a Type 47 On-Sale General – Eating Place (beer, wine and distilled spirits) alcohol license for Fugazzi's Palace Restaurant located at 22 E. Oak Avenue.

Approval of this letter was based on the following:

1. Per Section 23958.4 of the "Business and Professions Code," the subject site is located within Census Tract 38.02 which allows three on-sale licenses. At the present time 13 on-sale licenses currently exist in this tract. Due to the over concentration of on-sale licenses a Letter of Public Convenience or Necessity was required.
2. On January 15, 2019, the City Council conditionally approved Conditional Use Permit (PRC 2018-046-C), review attached resolution, to allow the on-sale of beer, wine and distilled spirits for a bona fide restaurant. As a condition of approval, a Letter of Public Convenience or Necessity was required to be approved by the City Council.
3. In consideration of the above, the City Council determined that public convenience or necessity would be served by the issuance of a Type 47 On-Sale General – Eating Place (beer, wine and distilled spirits) alcohol license in conjunction with a bona fide restaurant.

Further issuance of an on-sale license allowing alcohol sales represents a viable economic asset to the community which will contribute tax revenues to the local economy. The site is consistent with the General Plan Land Use Designation of Downtown Retail policies that promote attracting and retaining specialty retail and restaurant businesses that will enhance Porterville's unique character. The proposed Type 47 On- Sale General alcohol license for a bona fide restaurant would suit the purpose of the zone designation as well as meeting the economic development guiding policy needed to retain, improve and promote existing businesses in Porterville. The restaurant is permitted in the DR-N (Downtown Retail – North of Olive Avenue) land use designation and alcohol sales may be permitted with review and approval of a Conditional Use Permit.

For these reasons, the City Council of the City of Porterville supports issuance of a Type 47 On-Sale, (beer, wine and distilled spirits) license for Fugazzi's Palace Restaurant located at 22 E. Oak Avenue, Porterville, CA.

Sincerely,

Martha A. Flores, Mayor

Attachment: Resolution



CITY COUNCIL AGENDA – JANUARY 15, 2019

SUBJECT: California State Water Resources Control Board Grant Application for Providing Water to Akin Water Company - Phase 2

SOURCE: Public Works

COMMENT: The Akin Water Company is a small, privately owned water company. The area served by the water company encompasses twenty-three (23) parcels, and according to the applicant, twenty (20) homes are within the water company service boundary. The properties served by Akin Water Company are generally located south of Lincoln Avenue between Fourth Street and west of Plano Street (please see attached Resolution for location). The water well owned and operated by the Akin Water Company, which serves the area, has tested above the recently revised maximum contaminate level allowed for nitrates by the California Department of Public Health (CDPH).

In December 2011, Akin Water Company met with the City's Project Review Committee to consider annexation in order to gain water service from the City of Porterville's municipal water system. In September 2012, the Akin Water Company submitted an application for annexation. In processing the application, staff met with the Tulare County Local Agency Formation Commission (LAFCo). Consistent with their policies, LAFCo staff noted that the water district is considered an island, and as such, an annexation of that area would require annexation of adjacent properties to create a logical boundary.

The water service needs of additional properties in the area of the Akin Water Company's system further increased the request for annexation in the area and on July 4, 2015, the area was officially annexed. Additionally, prior to the annexation, the State and City mutually agreed to the consolidation of the Akin Water Company with the City of Porterville's water system. Since the agreement was reached, the water company's well failed and the Council authorized an emergency connection in the Spring of 2016, and all properties within the boundaries of the water company are currently being served water through a master meter. This has proven to be difficult for the water company owner due to difficulties collecting payment from some of the property owners.

Staff, with the assistance of Self-Help Enterprises, Inc. and NV5 consulting firm, have completed the construction documents and CEQA process during the first phase of the California State Water Resources Control Board (Water Boards) Planning Grant process. Self-Help, with the assistance of NV5 and the City's consultant, Dee Jaspar and Associates, completed the grant application for the second phase of the Akin Water Company consolidation project. On

April 18, 2018, City Council approved state mandated Resolutions and Self-Help Enterprises officially delivered the second phase application to Water Boards shortly thereafter. Since that time, staff has reached out to the Water Boards to inquire about the status of the application with no real progress or indication of approval. City and Water Boards staff mutually agreed to hold a conference call on December 18, 2018. During this conference call, staff was informed that the grant application would not be approved with a municipal water well component. However, Water Boards would finance the infrastructure needed to individually meter each property within the Akin Water Company service boundaries. The position of Water Board is contrary to both written agreements and CDPH staff commitments to fund both a municipal water well and the internal infrastructure, which is based upon the capacity requirement for the Akin Water Company being minimal and that this water company shall be considered part of the water capacity needs subsequently negotiated for the East Porterville Water Supply project. It should be noted that the Central Mutual Water Company, not Akin Water Company Consolidation project, was a part of the water capacity analysis for the East Porterville Water Supply Project (please see page 11 of the attached Hydraulic Analysis).

Additionally attached for City Council's reference is a May 6, 2016, staff report with an executed Resolution defining the mutual understanding between CDPH (the responsible state agency prior to merger with Water Boards) and the City. The agreement included a municipal water well (third paragraph of the staff report and last Whereas statement in the Resolution).

POTENTIAL OPTIONS TO CONSIDER:

1. Request that Water Boards honor the original agreement;
2. Request that Water Boards execute the Akin Water Company Consolidation Construction application, including the municipal water well, and the City finance one of the wells associated with the East Porterville Water Supply Project; or
3. Continue with the East Porterville Water Supply Project, related to the additional capacity needs, and the City finance the municipal well as planned for the Akin Water Consolidation Project.

RECOMMENDATION: That the City Council:

1. Consider testimony of Water Boards staff; and
2. Direct the Public Works Director how to proceed.

ATTACHMENTS:

1. East Porterville Hydraulic Analysis Full Report
2. Akin Water Company Water Service Agreement

Appropriated/Funded:

Review By:

Department Director:
Mike Reed, Acting Public Works Director

Final Approver: John Lollis, City Manager

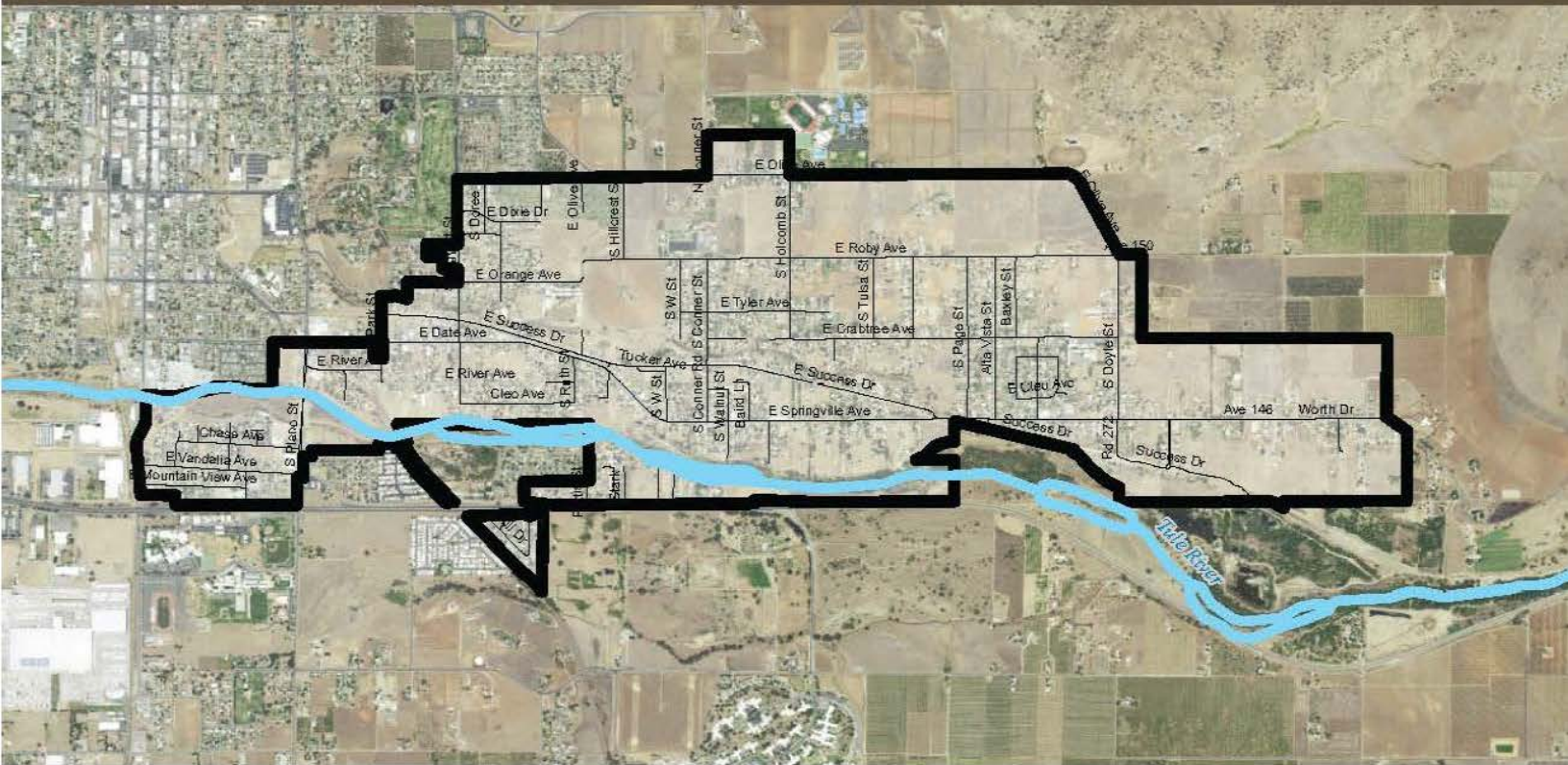


September 2016

DRAFT

EAST PORTERVILLE WATER SUPPLY PROJECT HYDRAULIC ANALYSIS REPORT

California Department of Water Resources



in Partnership with



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This Document Prepared by:

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1.0 Executive Summary

California has been experiencing a historic drought since 2012 leading to declining groundwater levels and reduced pumping capacity. As a result, approximately 1,200 wells have gone dry in Tulare County, with approximately 500 of them in the East Porterville area. Tulare County's Office of Emergency Services (County OES), Department of Water Resources (DWR) and the State Water Resources Control Board (SWRCB) have been offering several forms of assistance to the individuals affected by this drought through a household tank program, non-potable water tanks and a bottled water program. These programs have provided temporary relief to the drought-stricken East Porterville area, but at great cost. Due to their high expense, these programs can only serve as an interim solution and are not sustainable.

DWR and SWRCB are jointly leading work on developing a water supply system for East Porterville as a solution for both the current drought emergency and long-term drought resiliency. Feasibility Study performed as part of this project concluded that City of Porterville would be the feasible alternative to operate the East Porterville Water Supply system.

Tulare County Standards, City of Porterville standards and Title 22 standards were evaluated and concluded that **0.833 gpm per connection** would be used as the Maximum Daily Demand (MDD) for East Porterville

In April and May of 2016, City of Porterville conducted a windshield survey of the project area to tally the number and type of structures contained on each site. Based on this windshield survey and a MDD of 0.833 gpm per connection, the Total Maximum Daily Demand for the project was estimated to be 1,304 gpm. With a ten percent allowance for future increase in demand, the Total MDD would be **1,435 gpm**.

Approximately 500 properties are estimated to be connected as part of Phase 1, of which 80 properties are located in Vandalia. As a result, total Maximum Daily Demand for East Porterville is estimated to be **350 gpm** ($420 \times 0.833 = 350$ gpm) for Phase 1. Vandalia and Central Water Company (MDD of 110 gpm) are located in the central pressure zone where City of Porterville has excess capacity in the existing infrastructure and as a result MDD for Phase 2 is estimated to be **975 gpm** ($1,435 - 350 - 110 = 975$ gpm).

The City of Porterville water system consists of four major pressure zones – West, Central, East, and Rocky Hill. There is minimal groundwater available in the East and Central zone areas with the most prolific groundwater production located in the west zone. Typically all new City of Porterville wells are constructed in the West zone and pumped to storage tanks in the East. This requires booster stations at each pressure zone boundary to move the water east and fill the tanks during off-peak hours of the day. Based on the information provided by the City of

Porterville, only certain hours of the day are available for pumping water from the Central Zone to the Eastern Zone (about 15 hours). As a result, storage capacity is required to buffer the user demands according to the diurnal demand curve.

Based on the above conditions, 350 gpm of Phase 1 demand for East Porterville requires approximately **171,000 gallons** of storage tank and MDD of 975 gpm ($1,085 - 110 = 975$) for Phase 2 which results in an additional storage of **406,000 gallons**.

The total storage required for the entire project is the active operating storage for Phase 1 and 2 demands plus the fire flow. The active operating storage for Phase 1 and 2 demands is approximately **577,000 gallons** and fire flow storage based on Tulare County Standards is **120,000 gallons**, with the total storage for this project estimated at approximately **700,000 gallons**.

The City of Porterville fire flow standards combines residential, commercial and industrial requirements together which results in approximately 630,000 gallons of fire flow storage, which results in a total storage of approximately **1.2 million gallons**. The emergency project provides water to only residential and does not include commercial and industrial, City of Porterville will need to provide for the additional storage of 0.5 million gallons if 1.2 million gallons of storage needs to be constructed.

Based on the storage tank analysis, for Phase 1, a booster pump of approximately **500 gpm** is estimated to move new well supply water from the West to the Central pressure zone and a booster pump station of approximately **700 gpm** is estimated to move water from the Central to the East pressure zone.

Similarly, for Phase 2, an additional booster pump of approximately **1,170 gpm** is estimated to convey water from the new well in the West to the Central pressure zone and an additional booster pump of approximately **1,520 gpm** is estimated to move water from the Central to the East pressure zone.

In summary, a booster pump station of approximately **1,670 gpm** ($500 + 1,170$) is estimated to move water from the new wells in the West to the Central pressure zone and a booster pump station of approximately **2,220 gpm** ($700 + 1,520$) is estimated to move water from the Central to the East pressure zone.

2.0 Introduction

East Porterville is located on the east side of the San Joaquin Valley in an unincorporated area of Tulare County (County) at the base of the Sierra Nevada Mountains and at the eastern edge of the Tulare Lake Hydrologic Region. It is approximately 24 miles southeast of Visalia and 50 miles north of Bakersfield. The Tule River generally runs along the southern boundary with the City of Porterville lying to the immediate north and west (Figure 1).

East Porterville does not have access to an adequate supply of safe drinking water. There are approximately 1,800 residences in East Porterville that mainly rely on private wells, many of which are shallow, varying from 20 feet to 100 feet below ground surface, with rainfall as the primary source of recharge. California has been experiencing a historic drought since 2012 leading to declining groundwater levels and reduced pumping capacity. As a result, approximately 1,200 wells have gone dry in Tulare County, with approximately 500 of them in the East Porterville area. In addition to the critical water quantity shortage, Tulare County Health and Human Services have tested the water quality and found Nitrate contamination.

Tulare County's Office of Emergency Services (County OES), Department of Water Resources (DWR) and the State Water Resources Control Board (SWRCB) have been offering several forms of assistance to the individuals affected by this drought through a household tank program, non-potable water tanks and a bottled water program. These programs have provided temporary relief to the drought-stricken East Porterville area, but at great cost. Due to their high expense, these programs can only serve as an interim solution and are not sustainable. DWR and SWRCB are jointly leading work on a solution for both the current drought emergency and long-term drought resiliency for communities in and around Porterville. Partners include California Office of Emergency Services (Cal OES), Tulare County, City of Porterville, California Department of Housing and Community Development, and several local advocates.

The City of Porterville that borders the East Porterville area on the North, West, and South sides operates a reliable water system. The City of Porterville has owned and operated its water system since 1903. The City has existing infrastructure in East Porterville to supply a small previously acquired water systems that includes ten miles of water main serving 252 properties in East Porterville. This existing infrastructure offers significant time and cost savings to the future water system that would be built as part of the long-term solution. However, the City's existing Urban Development Boundary (UDB) does not extend far enough east to include all the parcels that can benefit from the creation of a water system. The City, State and County agencies have been working towards boundary amendments for the long-term solution.

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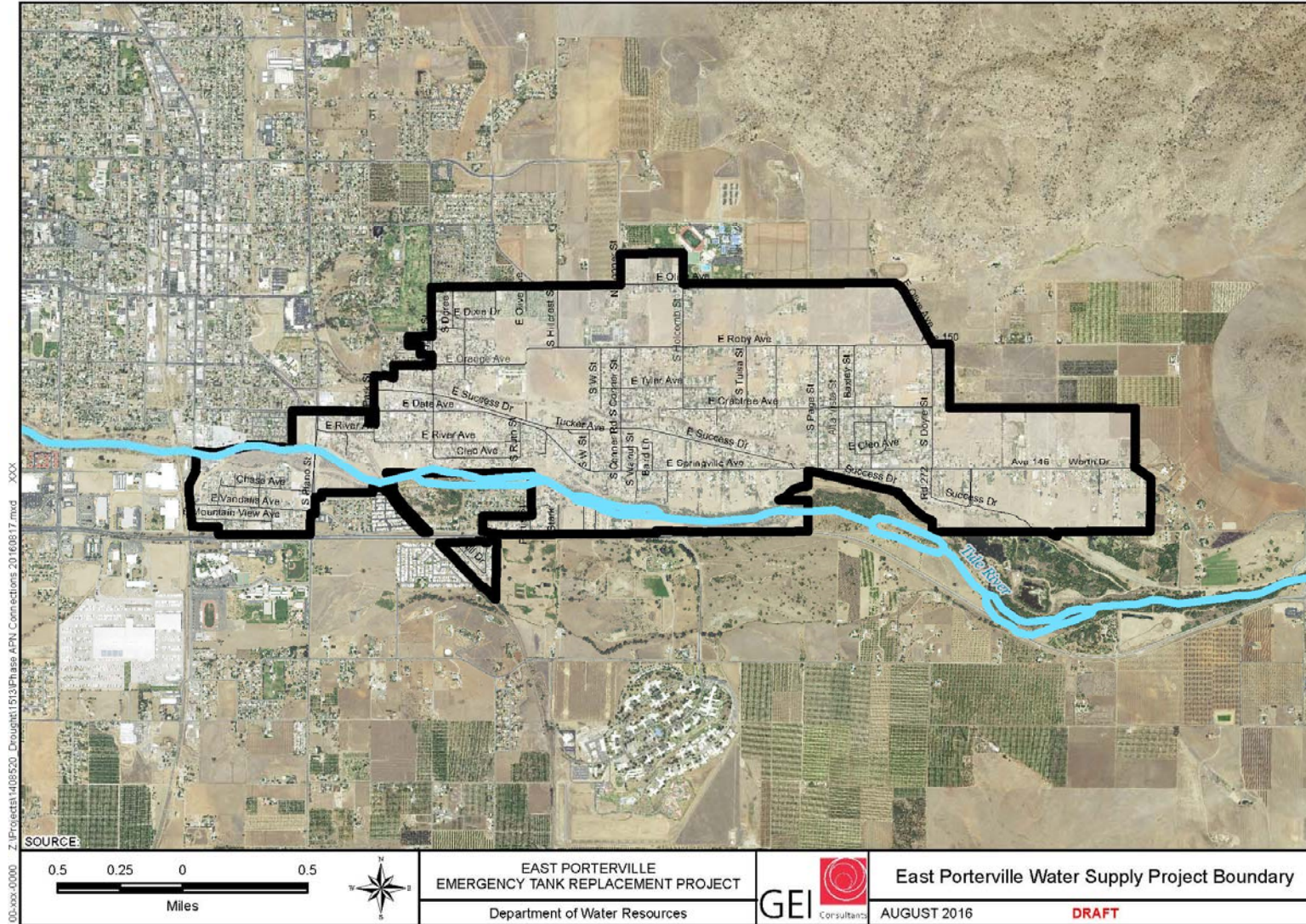


Figure 1. East Porterville Water Supply Project Boundary

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3.0 Maximum Daily Demand Standards

3.1 Tulare County Standards

Based on the January 1973 document titled “Improvement Standards of Tulare County”, water design criteria for domestic demand is as follows –

- Per Capita Demand is 150 gallons/capita/day.
- Population shall be 4 persons per dwelling unit for a normal household residence (connection).
- Based on the above assumptions,
 - **Average Annual Flow** = $150 \times 4 = 600$ gallons per day per connection or 0.42 gpm per connection.
 - **Maximum Daily Demand (MDD)** = Average Annual Flow $\times 2.0 = 0.42 \times 2.0 = 0.84$ gpm per connection
 - **Peak Hourly Demand** = Average Annual Flow $\times 3.5 = 0.42 \times 3.5 = 1.47$ gpm per connection

3.2 City of Porterville Estimates

Dee Jasper and Associates (DJA) has completed a water system hydraulic analysis for proposed development in and around the City of Porterville and presented the results to the City Council in a “Hydraulic Analysis Memorandum” dated May 19, 2015.

Based on City of Porterville’s annual water use from 2010 to 2014, DJA estimated that -

- Maximum Daily Demand (MDD) is 1.65 times Average Daily Demand
- Peak Hourly Demand (PHD) is 3.6 times Average Daily Demand
- Based on 2014 metered water deliveries in City of Porterville, Average Daily Demand was estimated as 0.42 gpm per connection for single family residences.
 - **Maximum Daily Demand** per connection = $1.65 \times 0.42 = 0.71$ gpm per connection
 - **Peak Hourly Demand** per connection = $3.6 \times 0.42 = 1.5$ gpm per connection

3.3 Title 22 Standards

According to Title 22, Chapter 16 - California Water Works Standards, a new system shall estimate Maximum Daily Demand and Peak Hourly Demand for the water system as a whole, as follows:

- If no water usage data are available, utilize records from a system that is similar in size, elevation, climate, demography, residential property size, and metering to determine the average water usage per service connection. From the average water usage per service connection, calculate the average daily demand, MDD and PHD as follows –
 - o Identify the month with the highest water usage (maximum month) during at least the most recent ten years of operation or, if the system has been operating for less than ten years, during its period of operation;
 - o Calculate average daily usage during maximum month, divide the total water usage during the maximum month by the number of days in that month; and
 - o To calculate the Maximum Daily Demand, multiply the average daily usage by a peaking factor that is a **minimum of 1.5**; and
 - o To calculate the Peak Hourly Demand, determine the average hourly flow during MDD and multiply by a peaking factor that is a **minimum of 1.5**.

Since no water use records are available for just East Porterville, City of Porterville water use records were used for the estimation. The table below shows City of Porterville water use records with population served, number of connection, total water used, and maximum monthly demand from 2009 to 2015.

<i>Year</i>	<i>Population</i>	<i>Active Service Connections</i>	<i>Annual Production (MG)</i>	<i>Maximum Month (MG)</i>
2015	61,946	15,728	3,122	364 (Jul)
2014	61,946	15,576	3,862	492 (Jul)
2013	55,490	15,186	4,271	533 (Jul)
2012	55,107	15,395	4,218	538 (Jul)
2011	54,843	15,207	3,932	549 (Jul)
2010	54,165	15,099	4,034	562 (Jul)
2009	52,056	15,043	4,229	564 (Aug)

Based on this data, 2009 is the year with the maximum monthly water usage of 564 MG. Based on Title 22 standards -

- **Average Daily Use during Maximum Month** = Maximum Monthly Water usage / 31 days
= 564 million gallons / 31 days = 18.2 million gallons per day
 - **Average Daily Use per Connection during Maximum Month** = 18.2 million gallons per day / 15,043 connections = 1,209 gallons per day per connection
- **Maximum Daily Demand** = Average Daily Use per Connection during maximum month x 1.5 = 1,209 gallons per day per connection x 1.5 = 1,814 gallons per day per connection = 1.26 gallons per minute (gpm) per connection
- **Peak Hourly Demand** = Maximum Daily Demand per connection x 1.5 = 1.26 gpm per connection x 1.5 = 1.89 gpm per connection

3.4 Conclusion

Based on the findings of these estimates and subsequently several discussions, it was agreed by City of Porterville, DWR and SWRCB that a maximum daily demand of 0.833 gpm per residential connection would be used to estimate the total demand for this project.

4.0 Estimated Total Maximum Daily Demand

4.1 Windshield Survey

City of Porterville conducted a windshield survey of the project area in April and May of 2016. The Windshield Survey accounts for each lot in the project area and tallies the number and type of structures contained on each site. Below is a summary of the windshield survey -

- Over 720 plots contain single family residences with one structural unit.
- Approximately 430 plots have been identified as multi-family having two or more units and structures - of these, some consist of a single family home and a mobile home or RV, two mobile or manufactured homes, or a single family home and other dwelling units
 - Two or more single family homes plus mobile homes, plus other appurtenances such as a barn, garage, or shed etc.
 - Other multiple structures including duplexes, multiple mobile home parks and apartments
- Approximately 40 plots are identified as commercial, consisting of businesses, shops/stores, restaurants, warehouses, churches, tire and automotive etc.
- Approximately 55 plots are identified as mixed, consisting of one or more single family homes or mobile homes, plus businesses and/or a warehouse.
- Two locations correspond to schools - John J. Doyle School and Alta Vista Elementary School
- Over 175 locations have been identified as vacant plots containing no units or structures (including some with orchards and other agricultural needs and a cemetery).

4.2 Total Maximum Daily Demand

4.2.1 East Porterville

Detailed analysis of the windshield survey was performed to assess the number of dwellings and dwelling types per each property. The number of ERCs per type of user were assumed as follows:

- 1 SFR = 1 ERC
- 1 mobile/manufactured home (MH) standing alone = 0.75 ERC
- 1 MH with other structures = 0.5 ERC
- 1 apartment or duplex = 0.5 ERC

- 1 SFR plus a 2nd dwelling = 1.5 ERC
- 2 SFR plus 1 MH = 2.5 ERC etc.

The category MIX can have multiple structures such as a SFR and a warehouse, or a SFR plus a mobile home plus a business. MFR (multi-family residence) counts the number of units and assigns 0.5 ERC (equivalent residential customers) to a mobile home and 1.0 ERC to a SFR. Similarly, duplexes and apartments are counted as 0.5 ERC each.

Based on the above assumptions, the total demand in the project area is estimated as shown in the below table which includes **only single and multi-family residences** and does not include commercial, industrial, schools, cemeteries, or other users.

TYPE	SFR	MFR	MIX	Unkwn	COM	IND	CEM	SC	V
Total	1,554	46	116	8	84	2	3	2	176
Existing	250	8	18	4	7	0	0	2	n/a
New	1,304	38	98	4	77	2	3	0	n/a
ERC/unit	1.00								
MDD/ERC	0.833								
Total New	1,086	31	82	3	gpm				
	1,203				gpm				

<i>SFR</i>	<i>Single family residence</i>
<i>MFR</i>	<i>Multi-family residence</i>
<i>MIX</i>	<i>Mixture of SFR and other</i>
<i>Unkwn</i>	<i>Unknown type</i>
<i>COM</i>	<i>Commercial</i>
<i>IND</i>	<i>Industrial</i>
<i>CEM</i>	<i>Cemetery</i>
<i>SC</i>	<i>Schools</i>
<i>V</i>	<i>Vacant lot</i>

4.2.2 Other Areas

Vandalia area which has approximately 80 connections and Central Water Company which has approximately 41 connections are included as part of this project which results in an additional 121 connections with **101 gpm** of additional maximum daily demand. As a result, the total maximum daily demand is 1,304 gpm (1,203 + 101 = 1,304). This additional maximum daily demand of **101 gpm would be used only for source capacity calculations** but will not be used for storage tank and booster pump estimations as Vandalia and Central Water Company are

located in the Central pressure zone where sufficient excess capacity is available in City of Porterville's existing infrastructure.

4.2.3 Total Maximum Daily Demand

If an allowance is made for near-term 10 percent increase in demand, a total demand of about **1,435 gpm** can be expected for new residential customers.

4.3 Phase 1 Estimated Maximum Daily Demand

As explained in Chapter 1, approximately 500 properties are estimated to be connected as part of Phase 1 of which 80 properties are located in Vandalia. As a result, total Maximum Daily Demand for Phase 1 is estimated to be 350 gpm ($420 \times 0.833 = 350$ gpm).

4.4 Phase 2 Estimated Maximum Daily Demand

As explained earlier, based on the Windshield survey, the total Maximum Daily Demand is estimated to be 1,435 gpm. As a result, Phase 2 Maximum Daily Demand is estimated to be 1,085 gpm ($1,435 - 350 = 1,085$ gpm).

5.0 Storage Tank Estimation

The City of Porterville water system consists of four major pressure zones (Figure 2) – West, Central, East, and Rocky Hill.

- **West Zone** - Located to the west of Newcomb Street
- **Central Zone** - Approximately bounded by Newcomb Street on the west and Leggett Street on the East
- **East Zone** - East of Leggett Street
- **Rocky Hill Zone** - East side of the City of Porterville and currently only serves Granite Hills high school

There is minimal groundwater available in the East and Central zone area with the most prolific groundwater production located in the west zone (Well Siting Assessment for East Porterville, GEI, 2016). Typically all new City of Porterville wells are constructed in the West zone and pumped to storage tanks in the East. This requires booster stations at each pressure zone boundary to move the water east and fill the tanks during off-peak hours of the day. During peak water use periods of the day, water flows out of the storage tanks and through the zones to the west as necessary to meet demands.

Based on the information provided by the City of Porterville, only certain hours of the day are available for pumping water from the Central Zone to the Eastern Zone (about 15 hours). As a result, storage capacity is required to buffer the user demands according to the diurnal demand curve. The governing period is from 4:00 am to 9:00 am when demands must be met from storage if no pumping occurs.

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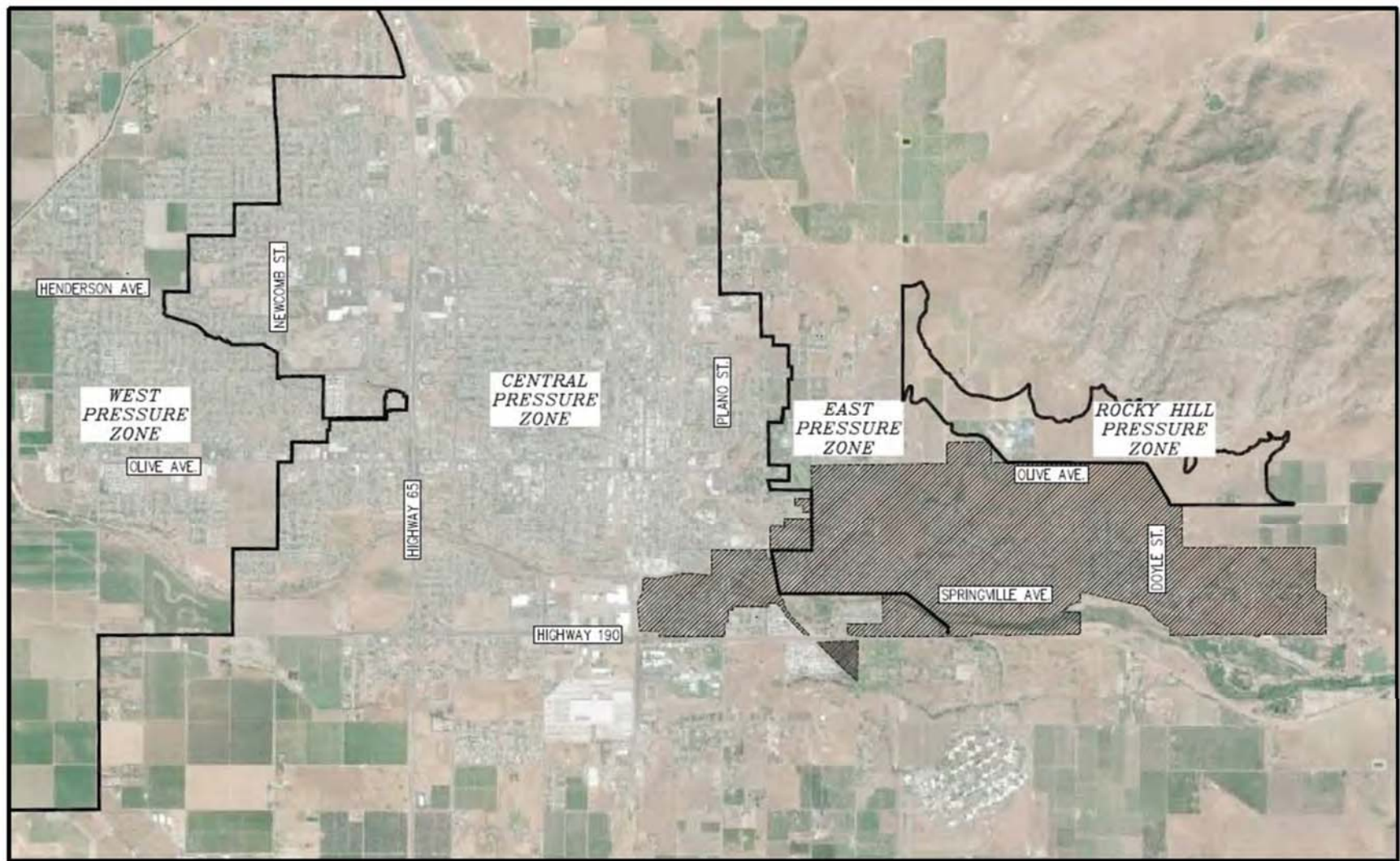


Figure 2: Four Pressure Zones in the City of Porterville

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5.1 Phase 1 Storage Requirement

A spreadsheet analysis was performed to account for the flows along with a hydraulic model that was used to simulate the flows, demands, and storage requirements.

The following are the key factors and assumptions made:

- Phase 1 has 500 new connections of which 420 connections are in East pressure zone and the remaining 80 (Vandalia) are in Central pressure zone.
- Assumes a Maximum Daily Demand (MDD) of 0.833 gpm per connection.
- Total Maximum Daily Demand is $420 * 0.833 = 350$ gpm
- Adopt a diurnal demand curve that peaks (PHD) with a factor of 1.75 times MDD, **Figure 3**.
- The City of Porterville has agreed to allow temporary storage for the project in their existing 0.55 MG tank for the Phase 1.
- The no-pumping times in Phase 1 were established as 04:00 to 10:00 and 17:00 to 23:00.

The following are the results of the hydraulic analysis:

- The estimated storage is defined by the no-filling times as defined by the City between 04:00 to 10:00 and 17:00 to 23:00, and is approximately **170,290 gallons** of additional active storage (over the storage needed for the Current condition).
- **Figure 4** shows the water levels in the 0.55 MG tank over time.
- **Figure 5** shows the filling and drafting flows from the storage tank.
- **Figures 6 to 8** show selected model diagrams with the pipe diameters and some key flows in the pipes.
- **Figure 9 and 10** show the expanded analysis spreadsheet for the Current and Interim cases, with flow accounting for the existing and new connections, the no-pumping times of the day, pumped flows, and the tank volumes.

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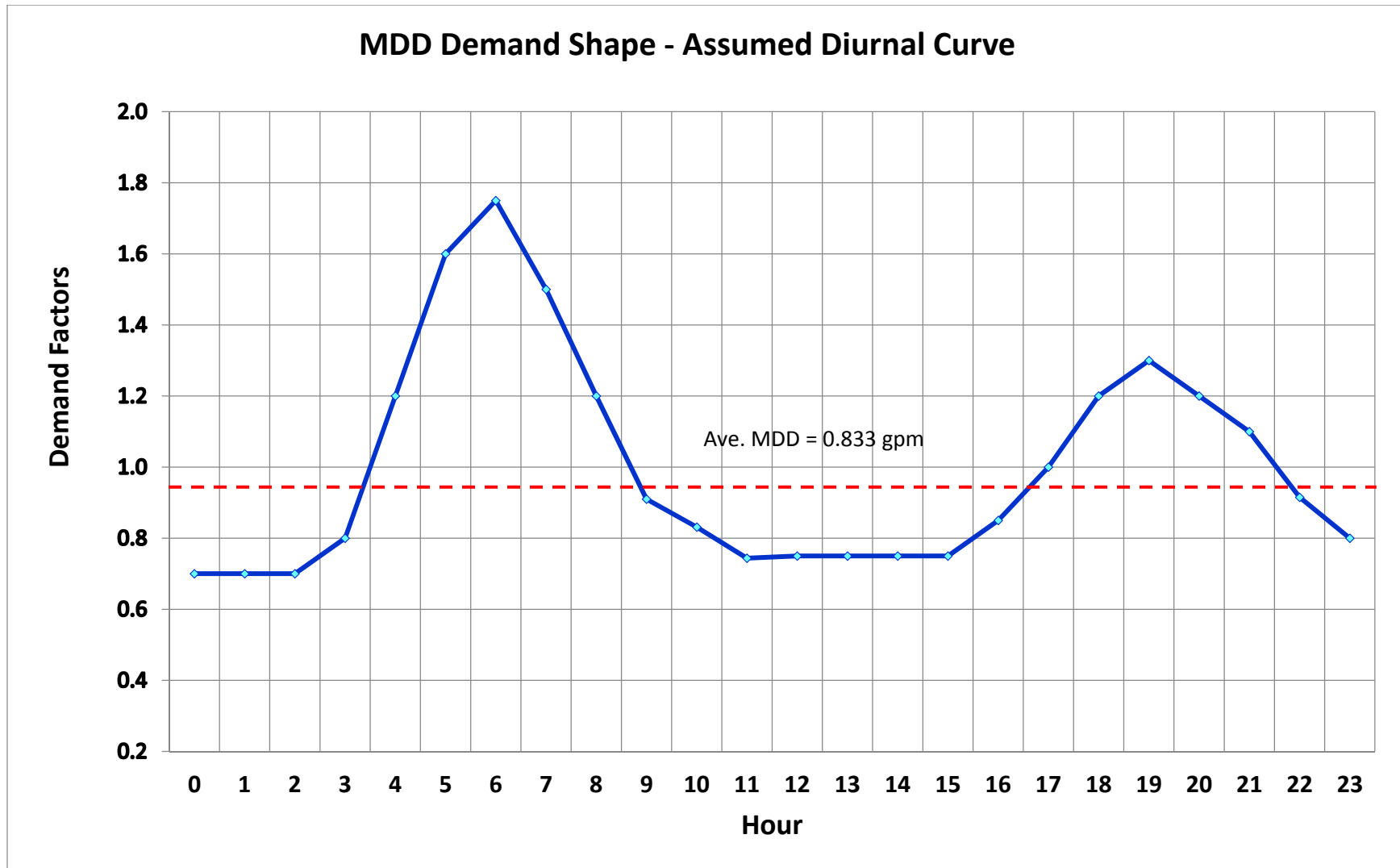


Figure 3: Diurnal Demand Curve

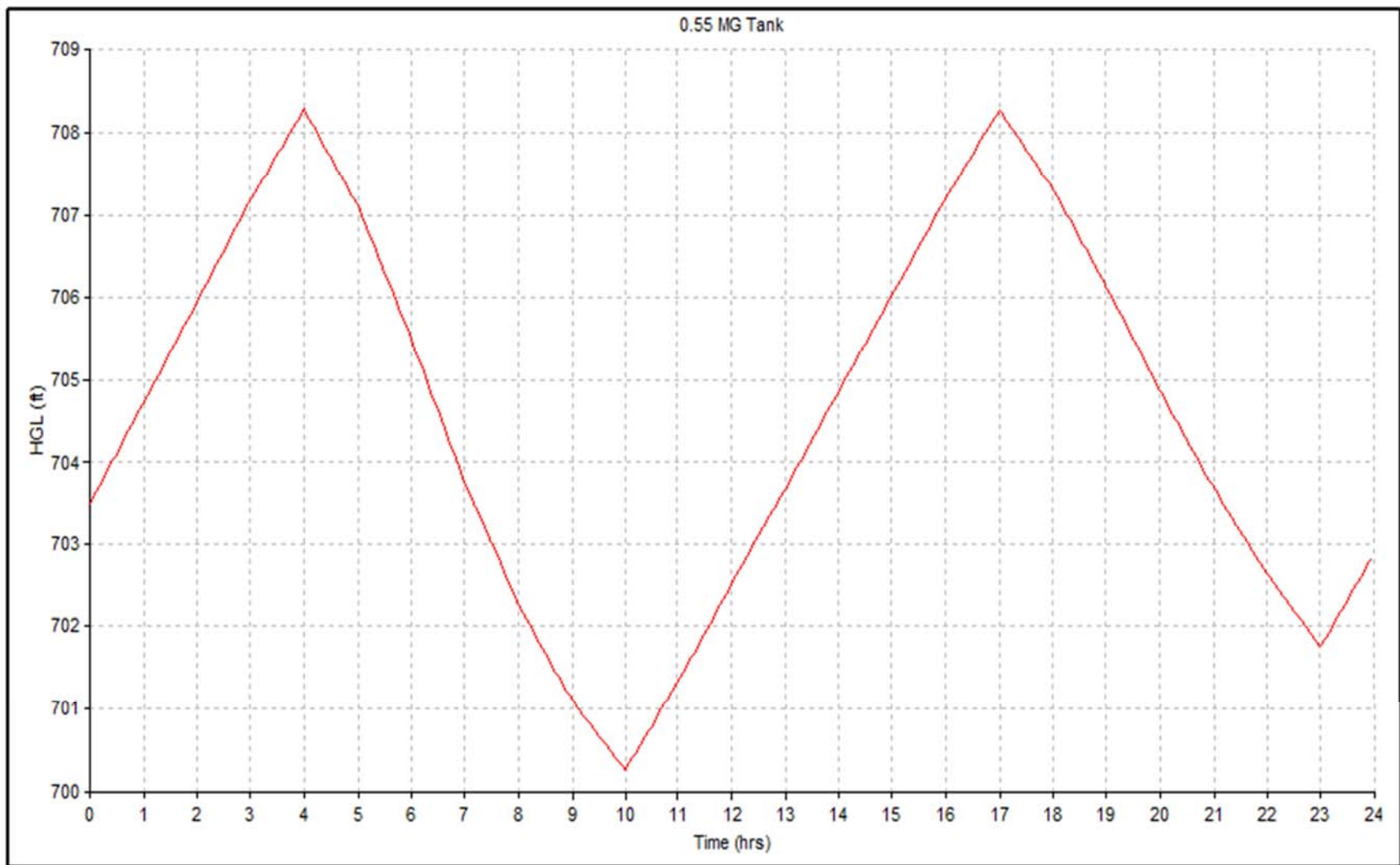


Figure 4: Water Level in 0.55 MG Tank

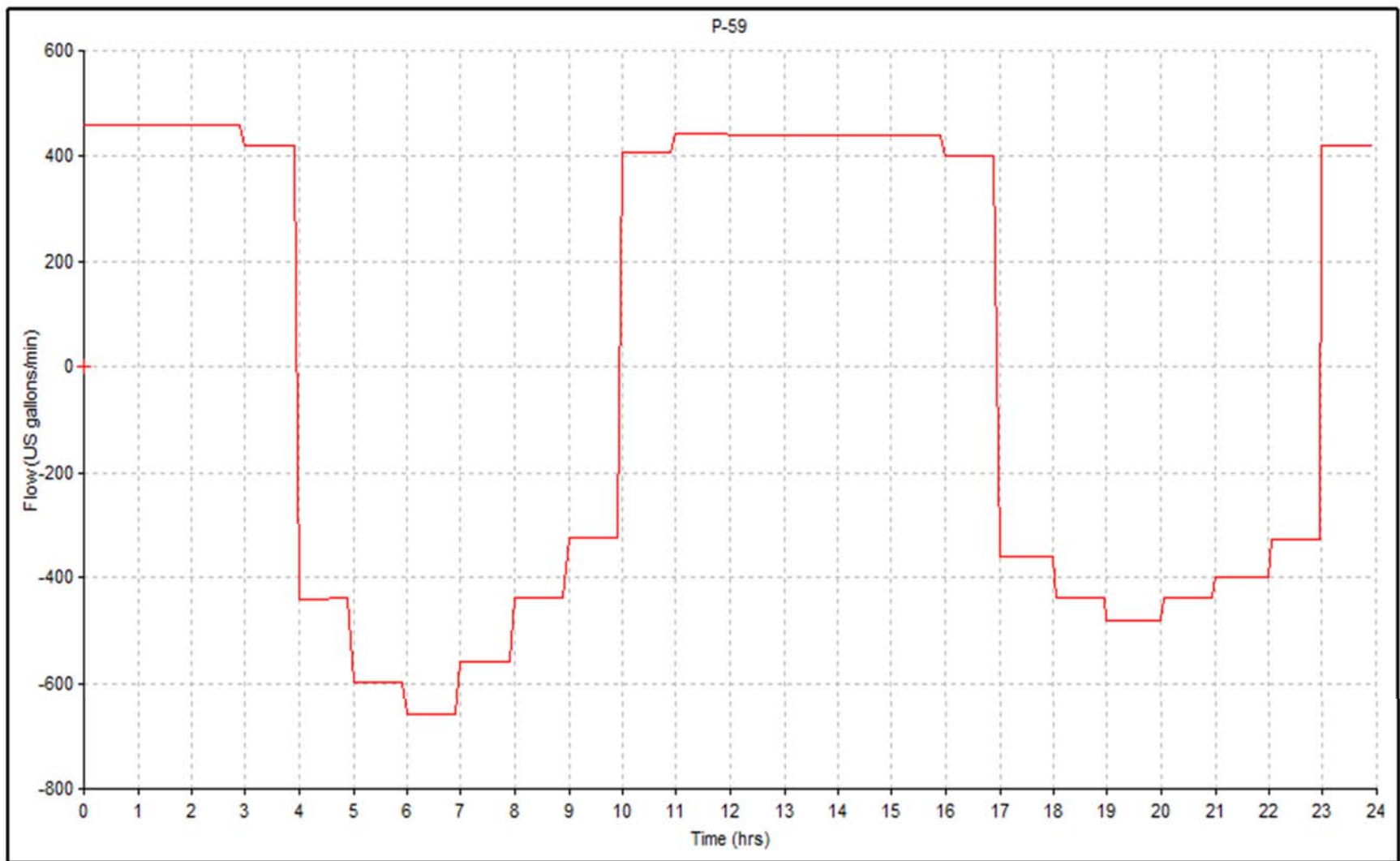


Figure 5: Filling and Drafting Flows from 0.55 MG Tank

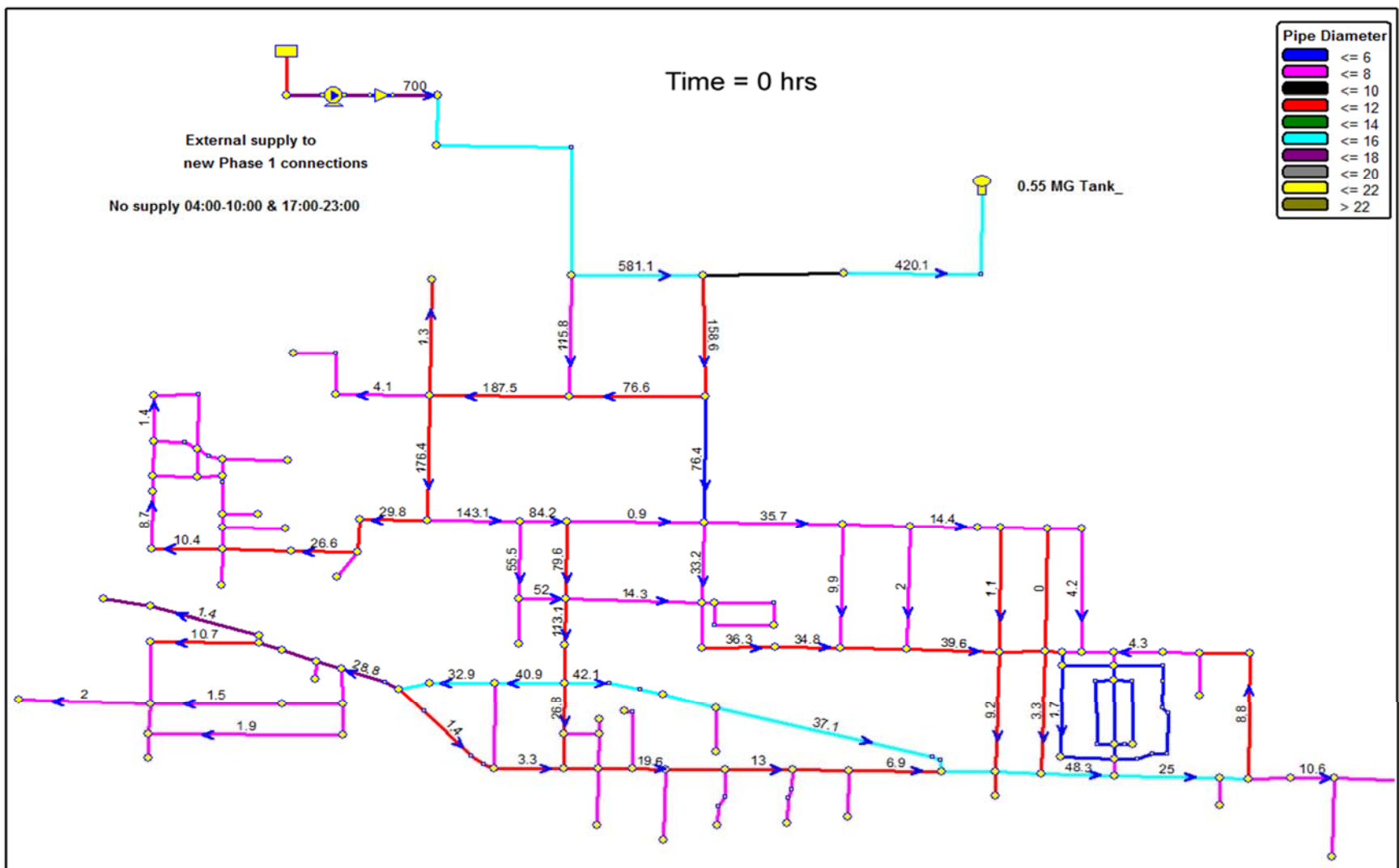


Figure 6: Phase 1 - Time 0 hrs

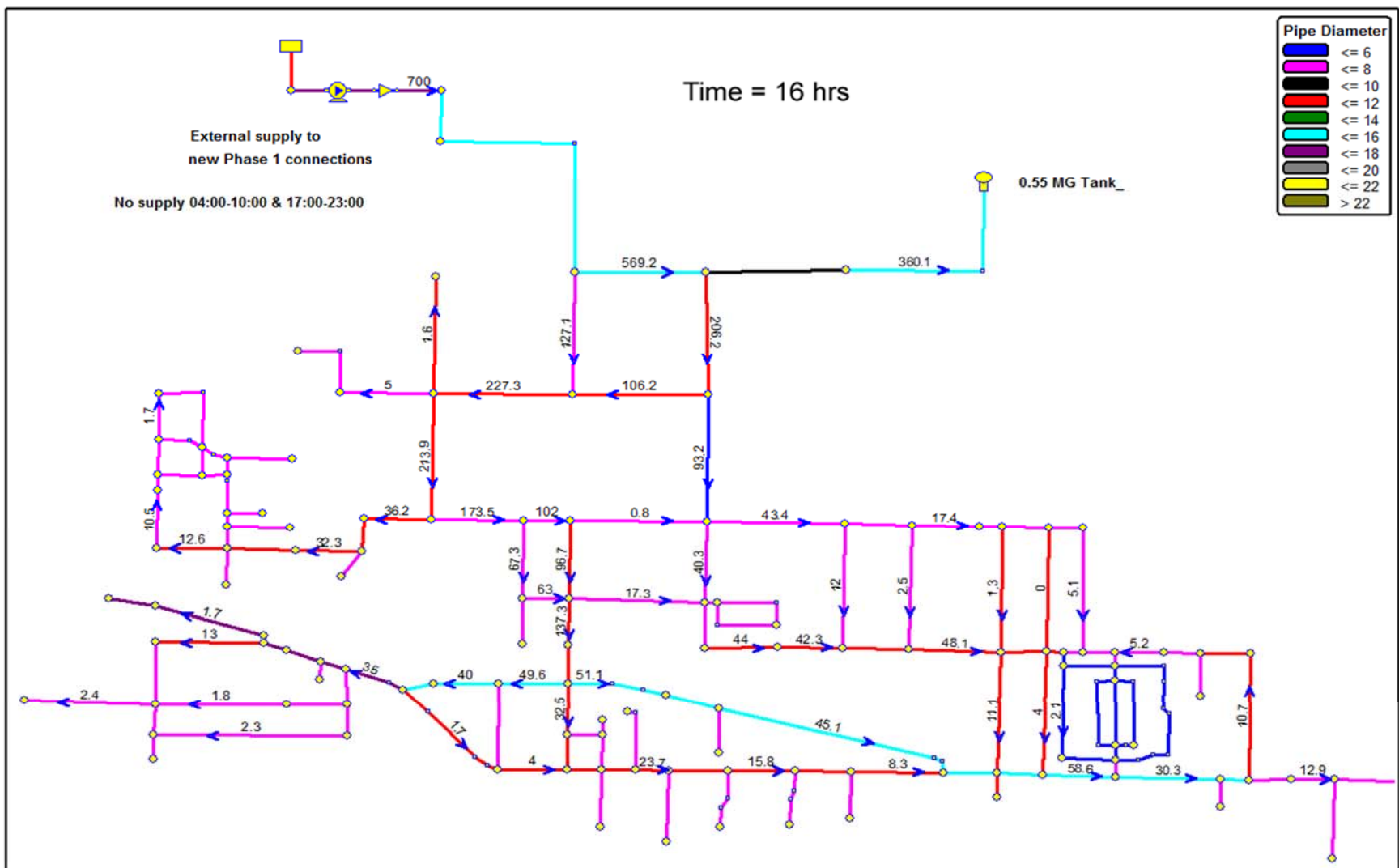


Figure 8: Phase 1 - Time 16 hrs

CURRENT CONDITION

MDD Existing 809 gpm ← 0.833 MDD gpm for all connections
MDD New 0 gpm ← 971 connections (includes 252 within project boundary)
809 gpm ← 0 connections (Phase 0)

East Porterville - Existing Connections									
Hour	Diurnal Factors	Demand Existing gpm	Well gpm	Supply to Central gpm	Pumped from Central gpm	Pumped to Rocky H. gpm	Need from Storage gpm	Excess Available gpm	Tank Volume gallons
0	0.700	566	50	0	2,100	0	0	1,584	800,000
1	0.700	566	50	0	2,100	0	0	1,584	895,015
2	0.700	566	50	0	2,100	0	0	1,584	990,029
3	0.800	647	50	0	2,100	0	0	1,503	1,085,044
4	1.200	971	50	0	0	0	921	0	1,175,203
5	1.600	1,295	50	620	0	0	1,864	0	1,119,943
6	1.750	1,416	50	1,200	0	0	2,566	0	1,008,076
7	1.500	1,214	50	0	0	0	1,164	0	854,113
8	1.200	971	50	0	0	0	921	0	784,287
9	0.910	736	50	0	0	516	1,202	0	729,026
10	0.831	672	50	0	2,100	516	0	962	656,885
11	0.740	599	50	0	2,100	516	0	1,035	714,580
12	0.750	607	50	0	2,100	516	0	1,027	776,692
13	0.750	607	50	0	2,100	516	0	1,027	838,319
14	0.750	607	50	0	2,100	516	0	1,027	899,946
15	0.750	607	50	0	2,100	516	0	1,027	961,573
16	0.850	688	50	0	2,100	516	0	946	1,023,200
17	1.000	809	50	0	0	516	1,275	0	1,079,972
18	1.200	971	50	0	0	516	1,437	0	1,003,462
19	1.300	1,052	50	0	0	0	1,002	0	917,241
20	1.200	971	50	0	0	0	921	0	857,125
21	1.100	890	50	0	0	0	840	0	801,865
22	0.919	744	50	0	0	0	694	0	751,459
23	0.800	647	50	0	2,100	0	0	1,503	709,841
	24.00								800,001
Totals (gallons):		1,165,214		109,186	1,512,000	888,450	888,450		

Figure 9: Expanded Analysis Spreadsheet - Current Condition

Phase 1 - Using 0.55 MG Storage Tank

MDD Existing 809 gpm ← 971 connections (includes 252 within project boundary)
 MDD New 350 gpm ← 420 connections (Phase 1)
1,159 gpm

0.833 MDD gpm for all connections

East Porterville - Existing Connections										East Porterville - New Connections		
Hour	Diurnal Factors	Demand Existing gpm	Well gpm	Supply to Central gpm	Pumped from Central gpm	Pumped to Rocky H. gpm	Need from Storage gpm	Excess Available gpm	Tank Volume gallons	Tank Volume gallons	Demand NEW gpm	Well gpm
0	0.700	566	50	0	2,800	0	Arbitrary start vols: 0	1,484	800,000	160,000	245	0
1	0.700	566	50	0	2,800	0	0	1,484	889,034	193,287	245	0
2	0.700	566	50	0	2,800	0	0	1,484	978,068	226,573	245	0
3	0.800	647	50	0	2,800	0	0	1,403	1,067,101	259,860	245	0
4	1.200	971	50	0	0	0	921	0	1,151,280	291,048	280	0
5	1.600	1,295	50	312	0	0	1,556	0	1,096,019	265,858	420	0
6	1.750	1,416	50	312	0	0	1,678	0	1,002,631	232,271	560	0
7	1.500	1,214	50	0	0	0	1,164	0	901,959	195,536	612	0
8	1.200	971	50	0	0	0	921	0	832,133	164,048	525	0
9	0.910	736	50	0	0	516	1,202	0	776,872	138,858	420	0
10	0.831	672	50	0	2,800	516	0	862	704,731	119,756	318	0
11	0.740	599	50	0	2,800	516	0	936	756,445	150,293	291	0
12	0.750	607	50	0	2,800	516	0	927	812,577	182,740	259	0
13	0.750	607	50	0	2,800	516	0	927	868,223	214,977	262	0
14	0.750	607	50	0	2,800	516	0	927	923,869	247,214	262	0
15	0.750	607	50	0	2,800	516	0	927	979,516	279,451	262	0
16	0.850	688	50	0	2,800	516	0	847	1,035,162	311,688	262	0
17	1.000	809	50	0	0	516	1,275	0	1,085,953	341,826	297	0
18	1.200	971	50	0	0	516	1,437	0	1,009,443	320,835	350	0
19	1.300	1,052	50	0	0	0	1,002	0	923,222	295,645	420	0
20	1.200	971	50	0	0	0	921	0	863,106	268,356	455	0
21	1.100	890	50	0	0	0	840	0	807,846	243,166	420	0
22	0.919	744	50	0	0	0	694	0	757,440	220,075	385	0
23	0.800	647	50	0	2,800	0	0	1,403	715,822	200,784	322	0
	24.00								800,001	231,971	280	0
Totals (gallons):		1,165,214		37,416	2,016,000	816,680	816,681				503,798	0

Required New 171,291 gallons

Figure 10: Expanded Analysis Spreadsheet - Phase 1

5.2 Phase 2 Storage Requirement

The following are the key factors and assumptions made for Phase 2 Storage estimation analysis:

- As explained earlier, the total estimated Maximum Daily Demand is 1,435 gpm and Phase 1 MDD is 350 gpm.
- As a result, Phase 2 added demand would be 1,085 gpm ($1,435 - 350 = 1,085$)
- However, since Vandalia and Central Water Company are present in Central pressure zone, where City of Porterville has excess capacity in the existing infrastructure, Phase 2 demand for this project would be 975 gpm ($1,435 - 350 - 110 = 975$)
- The no-pumping times were established by mass-balance and availability analysis as 04:00 to 9:00 and 18:00 to 21:00.

The following are the results of the hydraulic analysis:

- The estimated storage is defined by the resulting no-filling times between about 04:00 to 9:00 and 18:00 to 21:00 in Phase 2, and is approximately **405,000 gallons** of additional active storage (over the storage needed for Phase 1). This gives a total storage estimation of approximately 577,000 gallons.
- **Figure 11** shows the water levels in the **577,000 gallons** tank over time.
- **Figure 12** shows the filling and drafting flows from the storage tank.
- **Figures 13 to 15** show selected model diagrams with the pipe diameters and some key flows in the pipes.
- **Figure 16** shows the expanded analysis spreadsheet for the Phase 2 Buildout case, with flow accounting for the existing and new connections, the no-pumping times of the day, pumped flows, and the tank volumes.

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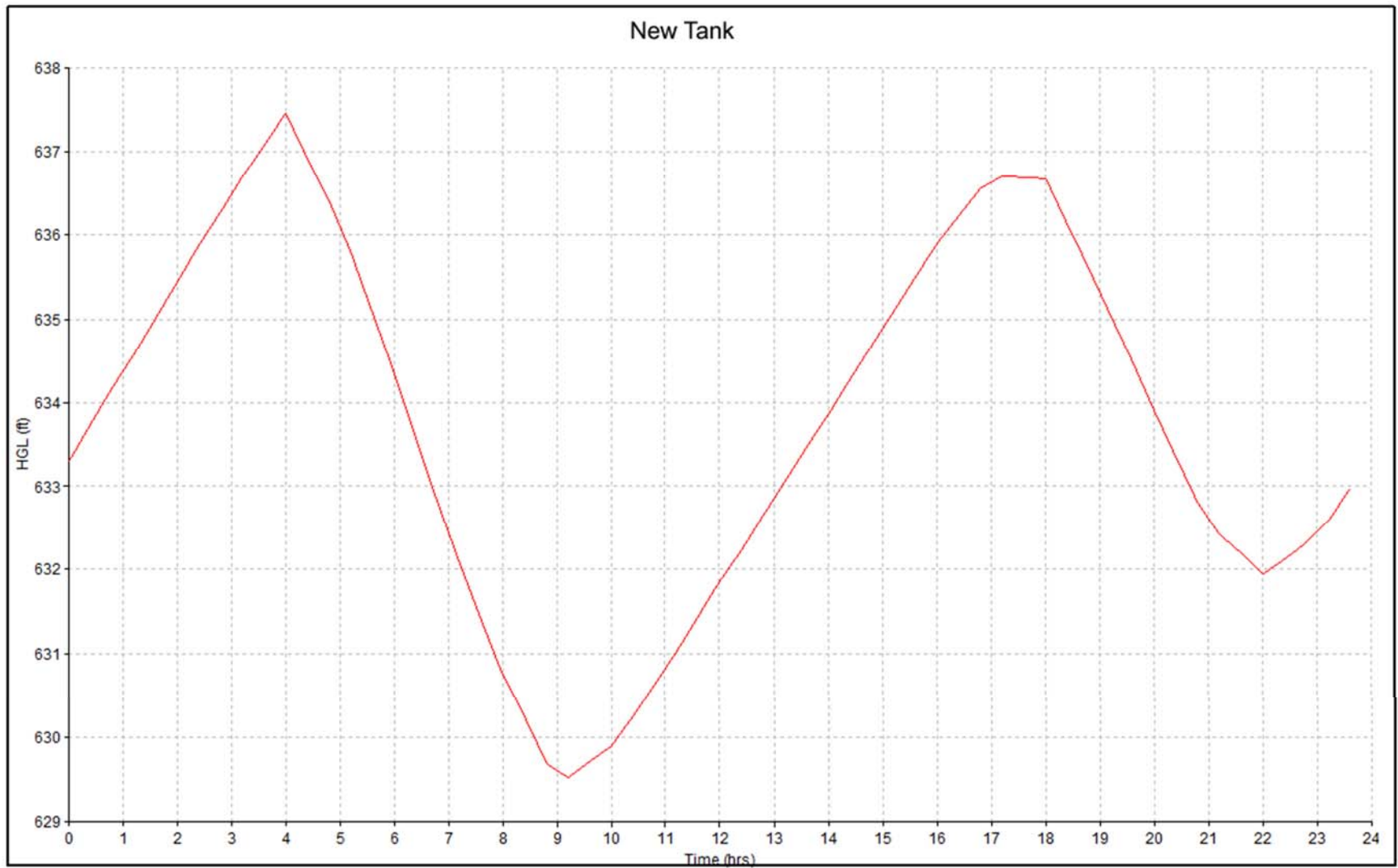


Figure 11: Water Level in New Tank

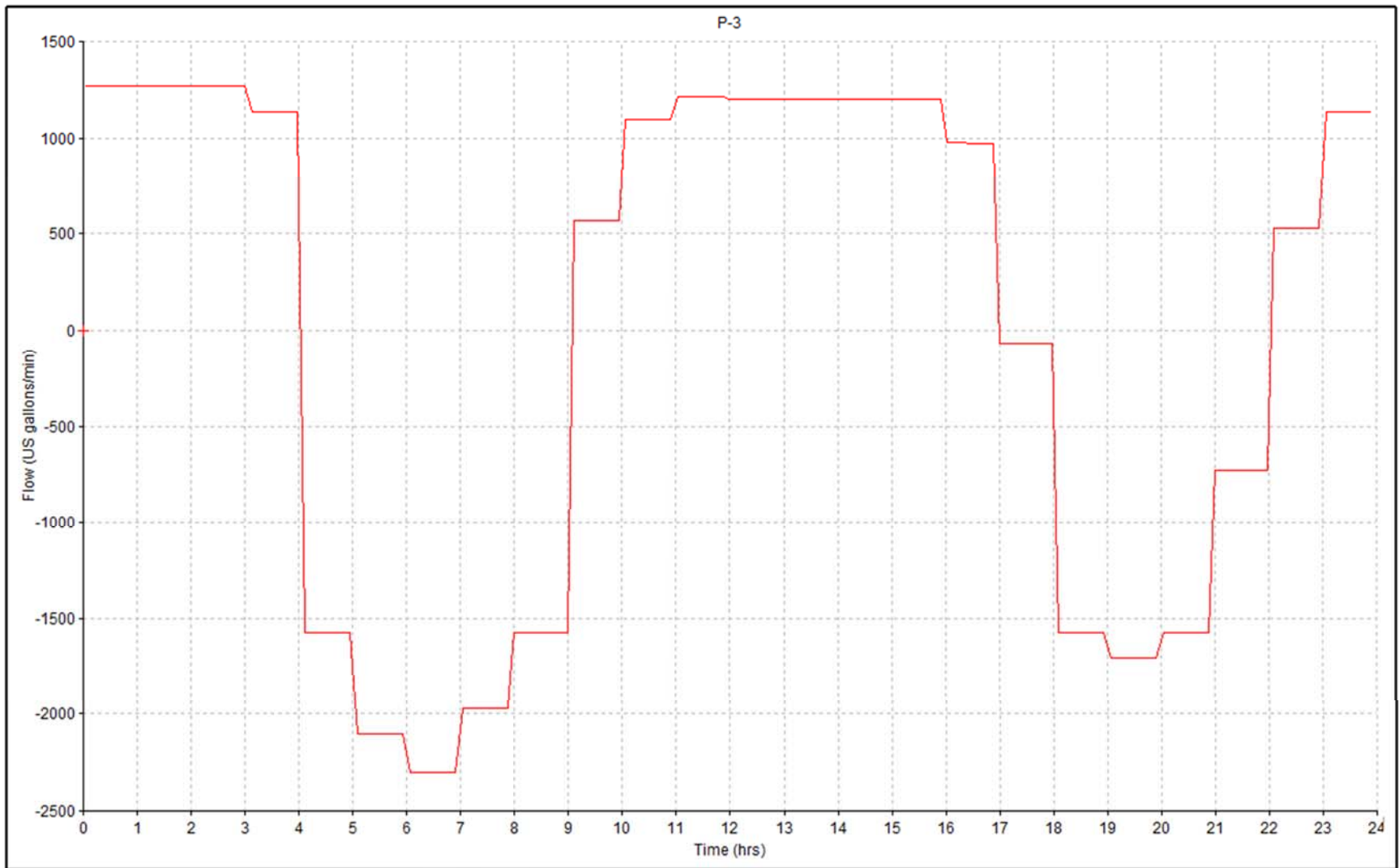


Figure 12: Filling and Drafting Flows from New Tank

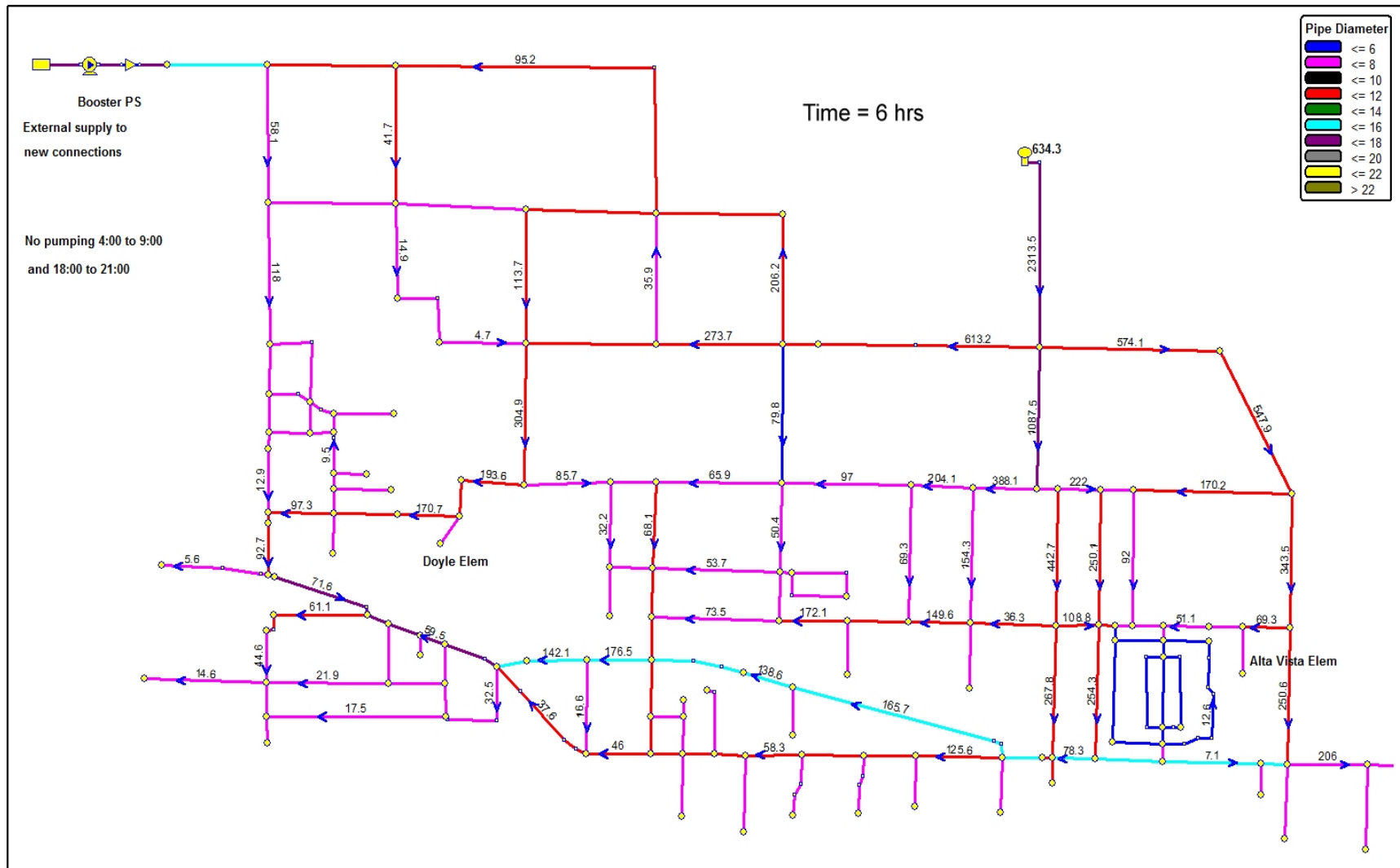


Figure 14: Phase 2 - Time 6 hrs

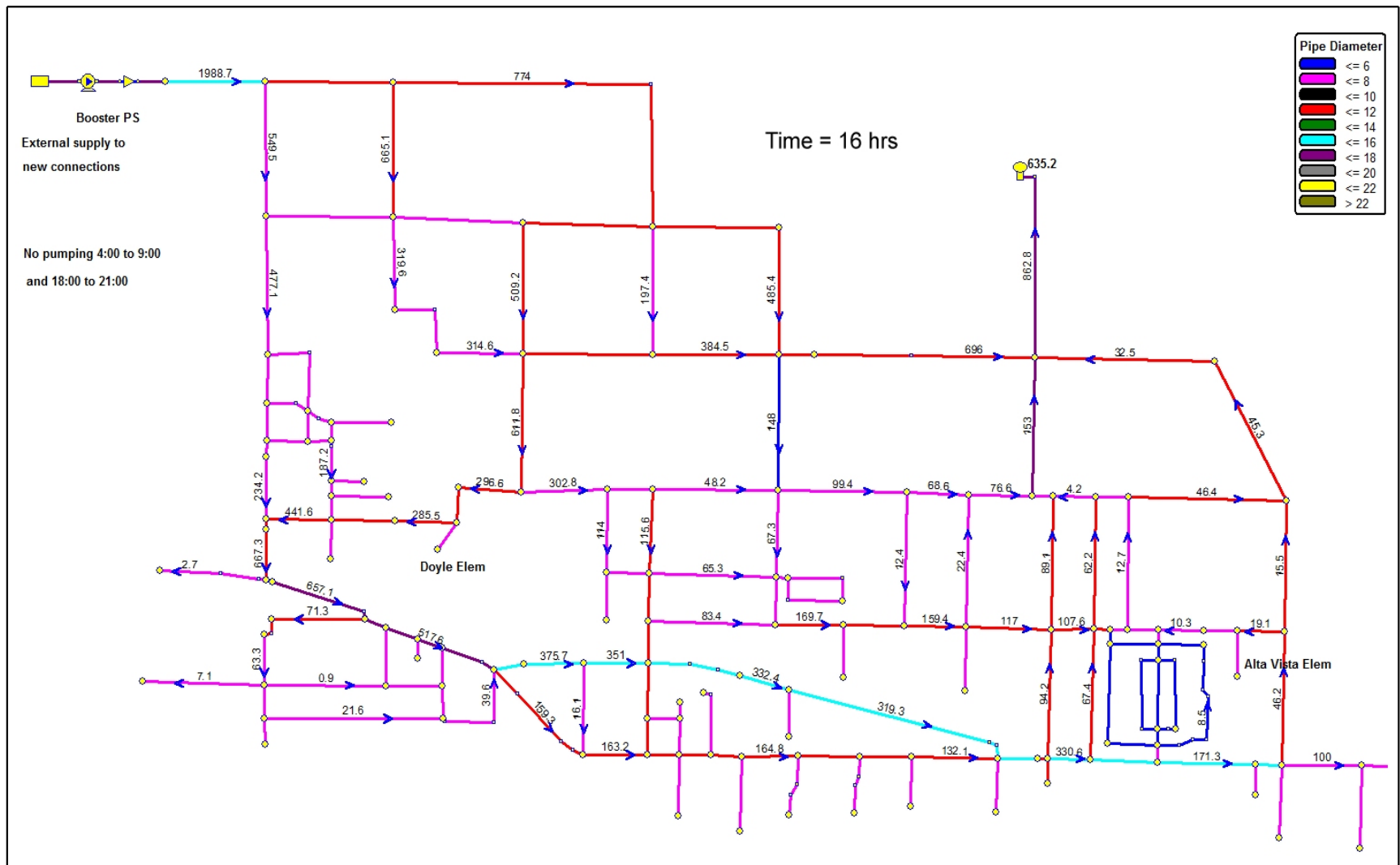


Figure 15: Phase 2 - Time 16 hrs

Phase 1 + Phase 2
MDD Exist + New City 1,119 gpm
MDD New 1,325 gpm
2,444 gpm

0.833 MDD gpm for all connections
971 connections (includes 252 within project boundary) PLUS 310 gpm Commercial/Industrial etc.

East Porterville - Existing Connections										East Porterville - New Connections		
Hour	Diurnal Factors	Demand Existing gpm	Well gpm	Supply to Central gpm	Pumped from Central gpm	Pumped to Rocky H. gpm	Need from Storage gpm	Excess Available gpm	Tank Volume gallons	Tank Volume gallons	Demand NEW gpm	Well gpm
0	0.700	783	50	0	4,320	0	0	1,387	800,000	400,000		
1	0.700	783	50	0	4,320	0	0	1,387	883,207	476,350	928	0
2	0.700	783	50	0	4,320	0	0	1,387	966,414	552,700	928	0
3	0.800	895	50	0	4,320	0	0	1,275	1,049,621	629,050	928	0
4	1.200	1,343	50	0	0	0	1,293	0	1,126,113	697,450	1,060	0
5	1.600	1,791	50	0	0	0	1,741	0	1,048,532	602,050	1,590	0
6	1.750	1,959	50	0	0	0	1,909	0	944,091	474,850	2,120	0
7	1.500	1,679	50	0	0	0	1,629	0	829,578	335,725	2,319	0
8	1.200	1,343	50	0	0	0	1,293	0	731,852	216,475	1,988	0
9	0.910	1,018	50	0	0	0	1,293	0	654,271	121,075	1,590	0
10	0.831	930	50	0	3,521	516	0	237	668,485	156,730	1,206	0
11	0.740	828	50	0	4,320	516	0	724	711,935	222,666	1,101	0
12	0.750	839	50	0	4,320	516	0	826	761,496	295,836	981	0
13	0.750	839	50	0	4,320	516	0	815	810,386	368,211	994	0
14	0.750	839	50	0	4,320	516	0	815	859,275	440,586	994	0
15	0.750	839	50	0	4,320	516	0	815	908,165	512,961	994	0
16	0.850	951	50	0	4,320	516	0	815	957,054	585,336	994	0
17	1.000	1,119	50	0	4,177	516	0	560	990,630	649,761	1,126	0
18	1.200	1,343	50	0	2,538	516	297	0	972,800	645,261	1,325	0
19	1.300	1,455	50	0	0	516	1,809	0	864,259	549,861	1,590	0
20	1.200	1,343	50	0	0	0	1,405	0	779,963	446,511	1,723	0
21	1.100	1,231	50	0	0	0	1,293	0	702,382	351,111	1,590	0
22	0.919	1,029	50	0	1,445	0	536	0	670,241	311,661	1,458	0
23	0.800	895	50	0	3,416	0	0	738	714,508	340,600	1,218	0
	24.00				4,320	0	0	1,425	800,000	400,000	1,060	0
Totals (gallons):		1,611,614		0	3,757,214	792,231	792,231				1,908,000	0

Storage for Phase 2	576,375	gallons
Phase 1 + Phase 2 Storage	405,084	gallons

Figure 16: Expanded Analysis Spreadsheet - Phase 2

5.3 Fireflow Storage Requirement

5.3.1 Tulare County Standards

According to Tulare County Improvement standards, the quantity of water delivered to the distribution system for a period of two hours shall be the maximum domestic demand plus fire flow quantity of not less than 500 gpm for single family residential. According to the California building code, fire-flow requirements for buildings specifies that for one- and two-family dwellings having a fire-flow calculation area which does not exceed 3,600 square feet shall be 1,000 gallons per minute. As a conservative estimate, **120,000 gallons** of additional storage, i.e., 1,000 gpm for 2 hours will be provided as a reserve buffer that is held in tank storage.

5.3.2 City of Porterville Standards

City of Porterville Water Master Plan recommends the provision of a fire flow of 3,500 gpm for a duration of 3 hours. This provision, equated to a storage estimation of **630,000 gallons** will allow the water system to respond to hypothetical fire in residential, commercial or industrial areas.

5.4 Total Storage Requirement

The total storage estimated for the entire project is the active operating storage for Phase 1 and 2 demands plus the fire flow. As mentioned earlier, the active operating storage for Phase 1 and 2 demands is approximately **577,000 gallons** and fire flow storage based on Tulare County Standards is **120,000 gallons**, with the total storage for this project estimated at approximately **700,000 gallons**.

However, if the City of Porterville desires to provide 630,000 gallons of storage as mentioned earlier, which includes commercial and industrial requirement, then the total storage estimation would be approximately **1.2 million gallons** of which City of Porterville would have to cost share for the additional capacity of **0.5 million gallons** ($1,200,000 - 700,000 = 500,000$).

6.0 Booster Pump Estimation

6.1 Phase 1 Booster Pump Requirement

Based on the existing demand in the City of Porterville, no-pumping times were established by mass-balance and availability analysis for the hours from 04:00 to 9:00 and from 18:00 to 21:00. As a result, booster pump is required to move new well supply water from the West to the Central pressure zone and also from Central to East pressure zone as East Porterville demand during these no-pumping times is supplied from the storage tanks.

A spreadsheet analysis along with the hydraulic model developed for storage tank analysis was used to estimate the booster pump calculations. A booster pump of approximately **500 gpm** is estimated to move new well supply water from the West to the Central pressure zone and a booster pump station of approximately **700 gpm** (as shown by the difference between Figures 9 & 10) is estimated to move water from the Central to the East pressure zone.

6.2 Phase 2 Booster Pump Requirement

Similarly, for Phase 2, an additional booster pump of approximately **1,170 gpm** is estimated to convey water from the new well in the West to the Central pressure zone and an additional booster pump of approximately **1,520 gpm** is estimated to move water from the Central to the East pressure zone.

6.3 Total Booster Pump Requirement

A booster pump station of approximately **1,670 gpm** is calculated to move water from the new wells in the West to the Central pressure zone. A booster pump station of approximately **2,220 gpm** (as shown by the difference between Figures 9 & 16) is estimated to move water from the Central to the East pressure zone.

7.0 Meter Size Recommendation

7.1 Codes and Procedures

Codes and procedures for determining the meter size for water users are typically based on the number of fixture units in a typical residence and the total number of gallons used per minute. Figure 17 below shows a typical inventory accounting of water fixtures for small, medium, and large residences during high water demand periods (Numbers shown below are for demonstration purposes only).

Fixture Type	Fixture Value	Small Residence		Medium Residence		Large Residence	
		No.	Total Unit Value	No.	Total Unit Value	No.	Total Unit Value
Bar sink	2	0	0	1	2	1	2
Bathtub or Tub/Shower	4	1	4	1	4	1	4
Clinic Sink	3	0	0	0	0	0	0
Clothes Washer	4	1	4	1	4	1	4
Dishwasher	1.5	1	1.5	1	1.5	1	1.5
Drinking Fountain	0.5	0	0	0	0	1	0.5
Hose Bibb, 1st one	2.5	1	2.5	1	2.5	1	2.5
Hose Bibb, each additional	1	1	1	2	2	3	3
Kitchen Sink	1.5	1	1.5	1	1.5	1	1.5
Laundry Sink	1.5	1	1.5	1	1.5	1	1.5
Lavatory Sink	1	1	1	2	2	3	3
Mop or Service Sink	3	0	0	0	0	1	3
Shower	2	0	0	1	2	2	4
Urinal, 1.0 GPF	5	0	0	0	0	0	0
Urinal, >1.0 GPF	4	0	0	0	0	0	0
Water Closet, 1.6 GPF Gravity Tank	2.5	1	2.5	2	5	3	7.5
		19.5		28		38	

Figure 17: Example of Inventory Accounting for Meter Size Estimation

Once the fixture count is established, the estimated meter size is generally determined from the table shown in Figure 18. It can be seen that a typical small residence (e.g. mobile home) would require a 5/8" meter service, while a larger residence may require up to a 1" meter.

Fixture Unit Count	Required Meter	Max Rate Continuous	Safe Max Capacity
0 - 22	5/8"	10 gpm	20 gpm
22.5 - 37	3/4"	15 gpm	30 gpm
37.5 - 89	1"	25 gpm	50 gpm
89.5 - 286	1.5"	50 gpm	100 gpm
286 - 532	2"	80 gpm	160 gpm

Figure 18: Example Table for Meter Size Determination

Other similar approaches use slightly higher fixture values (Figure 19) and a lookup curve (Figure 20) to estimate the total demand.

Alternative Approach Using Demand Curve

Fixture Type	Fixture Value	Small Residence		Medium Residence		Large Residence	
		No.	Total Unit Value	No.	Total Unit Value	No.	Total Unit Value
Bathtub	8	0	0	1	8	2	16
Clothes Washer	6	1	6	1	6	1	6
Dishwasher	2	1	2	1	2	1	2
Hose Bibb	5	1	5	2	10	3	15
Kitchen Sink	2.2	1	2.2	1	2.2	1	2.2
Laundry Sink	1.5	0	0	1	1.5	1	1.5
Lavatory Sink	1.5	1	1.5	2	3	3	4.5
Mop or Service Sink	4	0	0	0	0	1	4
Addnl. Shower	2.5	0	0	1	2.5	2	5
Water Closet, 1.6 GPF Gravity Tank	4	1	4	2	8	3	12
Add irrigation at 1.16 x No. of 100 sq. ft. Sections = GPM			20.7		43.2		68.2

Figure 19: Alternative Approach to Estimate Fixture Value

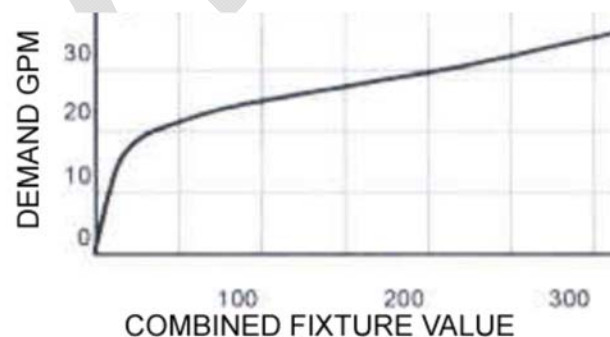


Figure 20: Alternative Approach to Estimate Demand based on Fixture Value

Typically, a small residence without irrigation demands beyond that of the hose bibs will require about 15 gpm or a 5/8" meter. Adding irrigation sections (each section is 100 sq. ft.) to this estimate yields an additional demand. For a small residence with say 10 irrigation sections (1,000 sq. ft) or a larger residence with say 20 irrigation sections (2,000 sq. ft) with 1.16 gpm per section result in approximately 12 gpm and 23 gpm respectively. Thus the total demands may be about 27 gpm for a small residence and about 45 gpm for a large residence, each with some irrigation beyond their hose bib functions. This method indicates the need for a 1" meter to stay within the safe maximum operating capacity for a small and a larger residence, having some additional irrigation needs.

7.2 Recommendation

According to the City of Porterville standards, new connection applicants are recommended to fill out a meter request form that will help determine the correct demands and meter size required. Some water users will require a more detailed survey to establish their typical water usage and peak needs. However, due to the emergency nature of this project, the Table 1 below provides a guideline to most of the meter sizing needs in East Porterville. City of Porterville indicated that the City's system does not use 3/4" meters. Since, the cost difference between a 5/8" and a 1" meter was relatively small while the difference in maximum safe capacity is significant - 20 gpm versus 50 gpm, a 1" meter is recommended minimum meter size for most properties in East Porterville. The table below also shows the approximate number of meters per size based on the windshield survey.

Table 1: Guidance for Meter Sizing and Approximate Number of Meters based on Windshield Survey

Description	Meter Size	Approx. No.*
SFR SFR + 1 MH 1-2 MH 1 Bus 1-2 Apt 2 SFR 2 SFR + 1 MH 1 SFR + 2 MH 3-4 MH 1 SFR + 1 Bus 3-4 Apt	1"	1,008
3 SFR 2 SFR + 2 MH 2 SFR + Bus 5-6 Apt	2"	23
Other	TBD	18

Notes: SFR = single family residence, MH = mobile/manufactured home, Bus = business, Apt = apartment

* Some existing connections may already have meters

8.0 Implementation

8.1 Source Capacity

As explained in Section 3.5, the capacity estimated to serve this project is the Total Maximum Daily Demand of **1,435 gpm**. County Well C1 was constructed in October 2015 to alleviate the drought-related water shortages in the East Porterville area has an estimated yield of **800 gpm**. However, due to the known declining ground water levels in the Porterville area, the long-term sustainable yield is estimated to be approximately 75% which results in **600 gpm**. The installation of pumps for Well C1 and the corresponding pipeline to connect to the water system is expected to be completed December 31, 2016.

Well C1 long-term sustainable yield of 600 gpm provides more than enough capacity to supply water for Phase 1 which was estimated at 500 connections with an estimated maximum daily demand of approximately 400 gpm. However, the project would require an additional 835 gpm ($1,435 - 600 = 835$) of long-term sustainable yield to supply the Total Maximum Daily demand of 1,435 gpm. However, based on the community response to-date, the number of residents signing up appears to be less than the original estimates and may reduce the demand.

8.2 Storage Tank

As explained in Section 4.1, Phase 1 storage tank was estimated to be approximately **196,000 gallons**. Due to the time constraint and the emergency nature of the project, City of Porterville has agreed to allow temporary usage of their **existing 0.55 million gallons tank**. As a result, the intertie location near the Granite Hills High School pump station will need to be modified as part of the emergency project to make sure the water is supplied from the 0.55 million gallons tank located in the Rocky Hill pressure zone and not from the 3.0 million gallons water storage tank located in the East pressure zone.

As explained in Section 4.4, the total storage which includes the operating storage and fire flow requirement is approximately **700,000 gallons** per Tulare County Standards and **1.2 million gallons** per City of Porterville Water Master Plan. The difference in storage is mainly from the fire flow storage for the City of Porterville which takes into account a higher provision that combines residential, commercial and industrial together. Since this project serves only residential and does not include commercial and industrial, City of Porterville will need fund the additional storage of 0.5 million gallons if 1.2 million gallons of storage tank is agreed upon.

8.3 Booster Pump

As explained in Section 5.1, Phase 1 would require a booster pump of approximately 500 gpm to move water from West to Central and a booster pump of approximately 700 gpm to move water from Central to East. As explained in Section 5.3, a booster pump station of approximately 1,670 gpm is estimated to move water from West to Central and 2,220 gpm is estimated to move water from Central to East for the entire project.

City of Porterville's existing infrastructure at Veteran's Park booster pump station has an additional capacity available to move 500 gpm from West to Central for Phase 1. City of Porterville has agreed to allow temporary usage of this facility due to the time constraint and the emergency nature of the project. A booster pump of 1,670 gpm will be built as part of Phase 2 to move water from West to Central pressure zone.

City of Porterville existing booster pump station at the intersection of Plano Street and Henderson Avenue has an empty bay that has an additional capacity of approximately 2,000 gpm. This booster pump location has two existing pumps of 2,000 gpm each with a total capacity of approximately 4,000 gpm with only two out of the three pumps operating at any given time.

City of Porterville is making the empty bay in the existing booster station available for this emergency project. City of Porterville has requested that a 2,100 gpm pump in the empty bay to fully utilize the design capacity of the booster pump station which would also almost meet the total booster station calculated capacity of 2,220 gpm to move water from Central to East. City of Porterville stated that they desire to upgrade the two existing pumps at this location to Variable Frequency Drive (VFD) and during this upgrade process, these pumps could be increased in capacity to 2,100 gpm which would provide the total capacity estimated for this project. City of Porterville requested to include the upgrade of these two existing pumps as part of this project with the City to bear all the associated costs of design and installation for these two pumps. DWR has encouraged the City to pursue funding for this work during Phase 2 of the project, which will immediately follow Phase 1.

9.0 References

- Improvement Standards of Tulare County, County of Tulare, California, January 1973
- California Water Works Standards, Chapter 16, Article 1
- Hydraulic Analysis Memorandum, Dee Jaspar and Associates, May 19, 2015
- California Building Code, Appendix B, Fire-Flow Requirements for Buildings
- City of Porterville Water System Master Plan, February 2001
- Well Siting Assessment for East Porterville, GEI, June 2016

Edmund G. Brown Jr.

Governor
State of California

John Laird

Secretary
California Natural Resources Agency

Mark Cowin

Director
Department of Water Resources



DROUGHT PREPAREDNESS & RESPONSE

California Department of Water Resources

For additional information, contact:
William A. Croyle, P.E.
Deputy Director,
Statewide Emergency Preparedness and Security
Department of Water Resources
(916) 654-6135
william.croyle@water.ca.gov
or visit us on the Web at www.water.ca.gov

Prepared by GEI Consultants, Inc. for
California Department of Water Resources
Naser Batani, Program Manager (PE 36128)

COUNCIL AGENDA: MAY 6, 2014

SUBJECT: AKIN WATER COMPANY AND CITY OF PORTERVILLE WATER SERVICE AGREEMENT

SOURCE: Public Works Department - Engineering Division

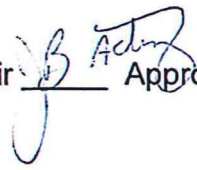
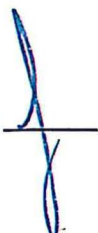
COMMENT: At the October 15, 2013, City Council meeting, staff presented a report outlining the difficulties the Akin Water Company faced in providing potable water to its customers. The Akin wells have tested high in nitrates. The Akin Water Company provides water to 23 individual parcels located south of Lincoln Avenue between 4th Street and Plano Street.

During negotiations between the City and Akin Water, the City provided a "roadmap" whereby the City would be able to provide potable water. One of the conditions included the annexation of the area in question. Annexation rules as promulgated by the Tulare County Local Agency Formation Commission (LAFCo) stipulate that a successful annexation cannot result in the formation of an island. This would have been the case in this situation due to the surrounding area's reluctance to annex to the City.

In the audience and assisting the Akin Water Company was the California Department of Public Health (CDPH). The CDPH offered to pay for the installation of a pipeline system to the Akin properties, install water meters to all properties, pay for the inspection of all constructed work, pay all City water connection fees, and offered to construct and dedicate a new well to the City.

After much deliberation, the City Council accepted the CDPH offer and agreed to provide water to the Akin properties under an extra territorial water service agreement. The "Water Service Agreement" prepared by staff has been reviewed, edited and approved by the City Attorney. The final draft is acceptable to the California Department of Public Health and is attached for Council's action.

It is important to note that in order for the City to effectuate the Water Service Agreement, the Tulare LAFCo will need to approve it. Staff anticipates bringing forward a request to initiate LAFCo application for a Water Service Agreement within the next few Council meetings, but until all materials are received by the applicant, such an item must wait. The requested authorization of the Water Service Agreement between the City and Akin Water Company would represent to CDPH the City's commitment to moving forward, contingent upon approval by LAFCo.

Dir  Appropriated/Funded  CM 

Item No. 14

RECOMMENDATION: That the City Council:

1. Approve and authorize the Mayor to execute the Akin Water Company and City of Porterville Water Service Agreement and Resolution; and
2. Direct the City Clerk to notarize and transmit the Water Service Agreement to the California Department of Public Health.

ATTACHMENTS: Water Service Agreement and Resolution
Locator Map

P:\pubworks\General\Council\Akin Water Service Agreement - 2014-05-06.doc

**AGREEMENT BETWEEN THE CITY OF PORTERVILLE
AND THE AKIN WATER COMPANY
FOR POTABLE WATER SERVICE AND SYSTEM MAINTENANCE**

RESOLUTION NO. 26 - 2014

A RESOLUTION OF THE CITY OF PORTERVILLE

THIS AGREEMENT, made and entered into by and between the CITY OF PORTERVILLE, a California Charter City, hereinafter referred to as City, and the AKIN WATER COMPANY, a private water company located in Tulare County, hereinafter referred to as Water Company.

W I T N E S S E T H:

WHEREAS, Water Company exists for the purpose of providing water to certain residents of East Lincoln Street, located southeast of Porterville in unincorporated Tulare County, California; and

WHEREAS, Water Company is unable to provide safe drinking water to its residents; and

WHEREAS, Water Company's service territory is located within the sphere of influence of City; and

WHEREAS, City has agreed to serve the residents presently served by Water Company with potable water, per City Council Resolution Number 26 - 2014, adopted by the Porterville City Council on May 6, 2014; and

WHEREAS, City's request for an Extra-Territorial Service Agreement to served Water Company shall be approved by Tulare County LAFCo prior to providing water to the Water Company; and

WHEREAS, City has the capacity to serve the Water Company's customers with potable water; and

WHEREAS, Water Company has received Proposition 84 funds from the California Department of Public Health for the purposes of planning and designing the replacement distribution system and infrastructure necessary to connect Water Company's water system to City's water system, as well as for planning and design of a replacement water source for City; and

WHEREAS, the funding agreements for the aforementioned Proposition 84 funds require an agreement between City and Water Company that commits the City to providing potable water supply after construction of the new system is complete and identifies the party responsible for operation and maintenance of the new water distribution system within Water Company's service territory after construction. The agreement is conditioned on Water Company's surrender of its water supply permit after the Consolidation is complete and the design and construction of a new water source (well) for the City is completed, prior to connecting Water Company to City's water system.

NOW THEREFORE BE IT RESOLVED, that City shall supply with potable water the properties currently served by Water Company, subject to the following terms and conditions:

1. **Consolidation.** City agrees to serve with potable water the properties currently served by Water Company, including all twenty-three (23) subdivision lots and homes located thereon. All drinking water connections shall comply with all applicable local, state and federal requirements, and shall be made under the supervision of City and City's agents. The area to be served includes roads internal to the subdivision, specifically East Lincoln Street and Fourth Street as depicted on the attached map, incorporated as Exhibit A to this Agreement. Water mains will be constructed in Fourth Street and Lincoln Street and in pipeline easements as necessary to provide water service to customers of the Water Company. The reconstructed water distribution system shall be integrated into and made part of the City's water distribution network, and City shall supply water to the residents currently served by Water Company who will become individual customers of the City.

2. **Ownership of Pipeline.** Upon completion of construction of the reconstructed water system, ownership of the water distribution system within Water Company's service territory shall transfer from Water Company to City. The new system shall be owned, operated and maintained by City as part of its reconstructed municipal water system. In all other ways, Water Company's service territory shall remain independent of City government and remain an unincorporated area of the County and subject to County of Tulare codes, zoning restrictions, and services.

3. **User Fees.** When Water Company's customers become City's customers, they shall pay the current rates for water services charged to other City customers, as set by the City Council.

4. **Other Fees.** The Water Company agrees to pay capacity and connection charges on behalf of its existing customers' construction fund obtained for the purposes of installing new water mains and making water system upgrades as described below. Future development in need of new water service may be subject to regular City fees at the time of connection. If construction funding does not materialize or does not cover such charges and other funding sources cannot be found, this agreement shall be deemed null and void.

5. **Water System Upgrades.** Water Company agrees that prior to the consolidation with the City's system, its water distribution system shall be fully functional, constructed in accordance with City standards and specifications and system improvements accepted by the City Council. Specific conditions to be completed prior to the consolidation are as follows:

A. The Water Company shall reconstruct the existing water distribution system to meet City Standards including, but not limited to, the installation of residential water services and meters of a size and type specified by the City, and pay all applicable water related fees. The reconstruction is subject to plan approval and inspection by City.

B. The two (2) existing wells owned by Water Company will be abandoned in accordance with local, state and federal requirements after the expiration of a mutually agreed-upon period of time to allow residents to connect to the reconstructed water distribution system.

C. The Water Company, within applicable funding rules and restrictions and in accordance with the scope of work authorized by the California Department of Public Health, consents to the use of a portion of its planning/design and construction grant(s) for the planning and development of an additional water source by and for the City of Porterville.

D. By this Agreement, maintenance of the reconstructed water system shall be performed by City commencing with the transfer of ownership as provided for in Item 2 of this Agreement.

6. **Project Funding.** It is mutually understood that the planning, design and construction of improvements described herein is contingent upon the receipt of anticipated funding from the State of California. Should project funding fail to materialize, or if it is insufficient to accomplish the necessary improvements, then neither party is obligated to the terms of this Agreement.

7. **Inspection.** City will inspect the reconstruction of the drinking water system as construction of the water system progresses on an inspection schedule established by the City. Fees for inspection required by the Consolidation process shall be paid by Water Company.

8. **Permits.** Water Company agrees to obtain all permits necessary for construction. City agrees to submit a Water Supply Permit Amendment Application to the California Department of Public Health, reflecting the change in service area.

9. **Dissolution.** Upon final execution of the consolidation described herein, the Water Company, Akin Water Company, shall cease operation and dissolve its organizational structure, and shall voluntarily surrender its existing water permit for Public Water System ID number 5401038.

10. **Liability.** Upon consolidation of the reconstructed water distribution system and acceptance of the new water source (well), City will assume responsibility for the delivery of safe, potable drinking water to the residents formerly served by Water Company.

11. **Indemnification.** Prior to consolidation/connection of the reconstructed water distribution system, Water Company assumes all responsibility for the control, distribution and disposal of water delivered under this agreement. Water Company shall, to the fullest extent permitted by law, hold

harmless, and indemnify City and its officers, officials, employees and volunteers from and against all claims arising out of, pertaining to, or relating to the negligence, recklessness, or willful misconduct of the Water Company and its employees, agents and subconsultants, except where and to the extent caused by the negligence or willful misconduct of the City. Upon connection of the reconstructed water distribution system, City assumes all responsibility for the control, distribution and disposal of water delivered under this agreement. City shall, to the fullest extent permitted by law, hold harmless, and indemnify Water Company and its officers, officials, employees and volunteers from and against all claims arising out of, pertaining to, or relating to the negligence, recklessness, or willful misconduct of the City and its employees, agents and subconsultants, except where and to the extent caused by the negligence or willful misconduct of the Water Company. The provisions of this section survive completion of the services or the termination of this Agreement.

12. **Attorney's Fees.** Should any litigation be commenced between the parties concerning this Agreement, or the rights and duties of either party under this Agreement, the party prevailing in such litigation shall be entitled, in addition to such other relief as may be granted, to a reasonable sum as and for attorneys' fees in such litigation, which shall be determined by the court in such litigation or in a separate action brought for that purpose.

13. **Term.** This agreement shall become effective upon its execution, and shall remain in effect until such time as all conditions described herein are met and the consolidation can be consummated or until June 30, 2017, whichever occurs first.

14. **Notices.** Any and all notices or other matters required or permitted by this Agreement or by law to be served on, given to, or delivered to either party by the other party to this Agreement shall be in writing and shall be deemed duly served, given, or delivered when personally delivered to the party to whom it is directed or to a supervisory employee of that party, or, in lieu of personal service, when deposited in the United States mail, first-class postage prepaid, addressed to City at 291 N. Main Street, Porterville, CA 93257 (Attn: John Lollis, City Manager), or to Water Company at 642 E. Henderson

Avenue, Porterville, CA 93257 (Attn: James N. Akin, Owner). Either party may change its address for purposes of this Paragraph by giving written notice of this change to the other party in the manner prescribed by this Paragraph.

15. **Sole and Only Agreement.** This instrument constitutes the sole and only agreement of the parties, City and Water Company, relating to water system consolidation and correctly sets forth the rights, duties, and obligations of each to the other as of its date. Any prior agreements, promises, negotiations, or representations not expressly set forth in this Agreement are of no force and effect.

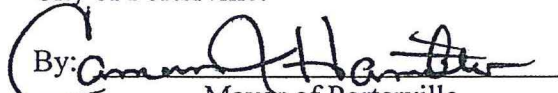
16. **Binding on Heirs and Successors.** This Contract shall inure to the benefit of and be binding on the heirs, executors, administrators, successors, and assigns of each party to this Agreement.

17. **Subject to Valid Laws.** This Agreement is subject at all times to any and all valid laws, ordinances, and governmental regulations whether federal, state, county, or city, and any modification made to this Agreement by any such law or ordinance or regulation or to the conduct of the parties under this Agreement shall not impose liability on either party for breach of their duties under this Agreement.

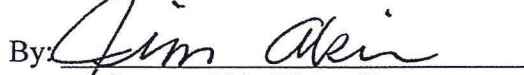
PASSED, APPROVED and ADOPTED this 6th day of May, 2014.

EXECUTED on May 6, 2014

City of Porterville:

By: 
Mayor of Porterville

WATER COMPANY:

By: 
Owner, Akin Water Company

P:\pubworks\Projects\000 Akin Water Project\Agreement - Akin Agreement By Julia without Markings.docx

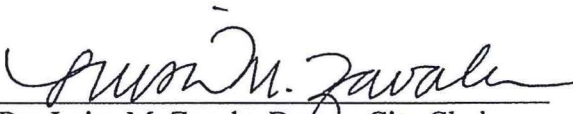
STATE OF CALIFORNIA)
CITY OF PORTERVILLE) SS
COUNTY OF TULARE)

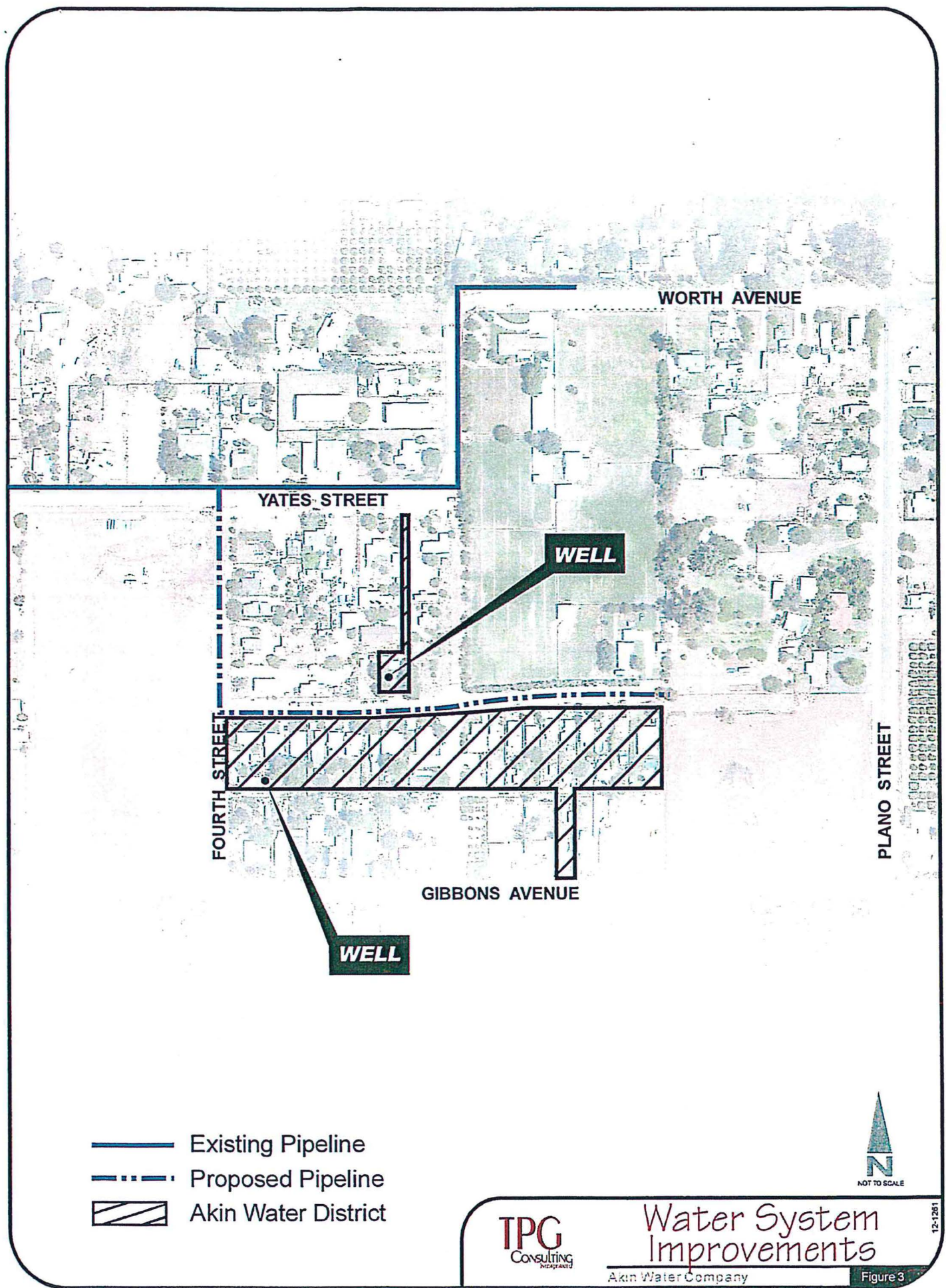
I, JOHN D. LOLLIS, the duly appointed City Clerk of the City of Porterville do hereby certify and declare that the foregoing is a full, true and correct copy of the resolution passed and adopted by the Council of the City of Porterville at regular meeting of the Porterville City Council duly called and held on the 6th day of May, 2014.

THAT said resolution was duly passed, approved, and adopted by the following vote:

Council:	McCRACKEN	WARD	HAMILTON	SHELTON	GURROLA
AYES:	X	X	X	X	X
NOES:					
ABSTAIN:					
ABSENT:					

JOHN D. LOLLIS, City Clerk


By: Luisa M. Zavala, Deputy City Clerk





CITY COUNCIL AGENDA – JANUARY 15, 2019

SUBJECT: Consideration of Project Priority of Measure R-Funded Bicycle/Pedestrian Improvements

SOURCE: City Manager's Office

COMMENT: Measure R is a countywide 30-year 1/2-cent special sales tax measure that was passed by county voters in November 2006, projected to generate more than \$650 million in local funds in support of transportation improvements across Tulare County, including the dedication of 50% of funds toward "Regional" improvements, 35% toward "Local" improvements, 14% to "Transit, Bike, and Environmental" improvements, and 1% for "Administration".

At its meeting on July 18, 2017, the City Council approved the Tulare County Association of Governments (TCAG) Measure R Expenditure Plan Amendment #4, which moved \$20 million in Measure R "Regional" funding from the planned W. North Grand Avenue/State Route 65 interchange project to the City of Porterville's "Transit/Bike/Environmental (Air Quality)" funding plan, given Caltrans determination that the interchange improvement was not warranted during the term of Measure R (2037). The Tulare County Transportation Authority approved the Amendment on August 20, 2017.

Beginning in the 2023 fiscal year through 2037 term of Measure R, the City will begin to receive its \$20 million in Measure R funds for bicycle/pedestrian improvement projects, eligible to receive at least \$1 million per year in project construction funds and planned to be matched toward other federal (Congestion Mitigation and Air Quality - CMAQ) and state (Active Transportation Program - ATP) grant funding opportunities. Given the funds are dedicated to construction, environmental clearance, right-of-way (ROW) acquisition, and design will need to be completed for project funding eligibility. TCAG will be relying significantly on both the Cities of Porterville and Visalia in the development of bicycle/pedestrian projects to meet air quality regulations and requirements.

In anticipation of the funds beginning to be received in a couple short years, and ensuring "shovel-ready" projects for construction, staff has identified four (4) projects for the Council's consideration for determination of priority.

1. Union Pacific Railroad (UPRR) ROW Trailway

In 2014, the City acquired 8.2 miles of the former UPRR ROW between Tea Pot Dome Avenue to the south and Avenue 196 in Strathmore to the north, with TCAG providing \$3,050,000 in Measure R rail preservation monies to fund the

purchase. Given the rail preservation funding received from TCAG, the re-establishment of rails would need to be planned for should the interest emerge. Currently, the ROW segment between Olive and Putnam Avenues is under design in conjunction with the new Animal Shelter project. Focusing on the local urbanized area of the ROW between Yates Avenue to the south and W. North Grand Avenue to the north, the approximate 4.25 miles of ROW is estimated to cost \$10 million to develop as a dedicated ADA-compliant all-weather bicycle/pedestrian trail, including amenities such as solar lighting, drought tolerant landscaping, benches, refuse receptacles, and controlled lighted crossings. Staff believes that this project would match well to future ATP and CMAQ grant funding opportunities given the connection to affordable housing, education facilities, employment centers, government services, healthcare services, recreation, and retail and service businesses.

2. Tule River Parkway Phase 4

The City has been dedicated the majority of the ROW necessary on the north side of the Tule River to construct the western extension of the Tule River Parkway between State Route 65 and Westwood Street, with the exception of the eastern most segment. In addition, the City would likely need to work with Caltrans in the attachment of a pedestrian bridge to the existing State Route 65 bridge over the Tule River. The approximate 2.0 miles of ROW is estimated to cost \$5 million to develop.

3. Tule River Parkway Phase 5

The City has been dedicated approximately half of the ROW necessary on the north side of the Tule River to construct a new segment of the Parkway between State Route 65 and Plano Streets. The approximate 4.0 miles of ROW is estimated to cost \$9 million to develop.

4. Rails-To-Trails Extension

The City has acquired the majority of the ROW necessary to extend the existing Rails-To-Trails north between Henderson Avenue and W. North Grand Avenue, with the exception of segments directly north of Henderson and south of W. North Grand. The segment south of W. North Grand is currently being evaluated in conjunction with the realignment of Reid Avenue to connect to W. North Grand at N. Main Street. With the extension of the Rails-To-Trails to the north, the City has envisioned a loop between Rails-To-Trails and the UPRR ROW Trailway. Not including property acquisition, the approximate 2.0 miles of ROW is estimated to cost \$5 million to develop.

There may be other potential bicycle/pedestrian projects the Council may wish to consider, the former Santa Fe Railroad ROW south of State Route 190 to Worth Avenue for example, which includes approximately 0.5 miles of ROW.

RECOMMENDATION: That the City Council provide direction in the determination of project priority for Measure R-funded bicycle/pedestrian improvements.

ATTACHMENTS: 1. Measure R Bicycle-Pedestrian Trail Plan

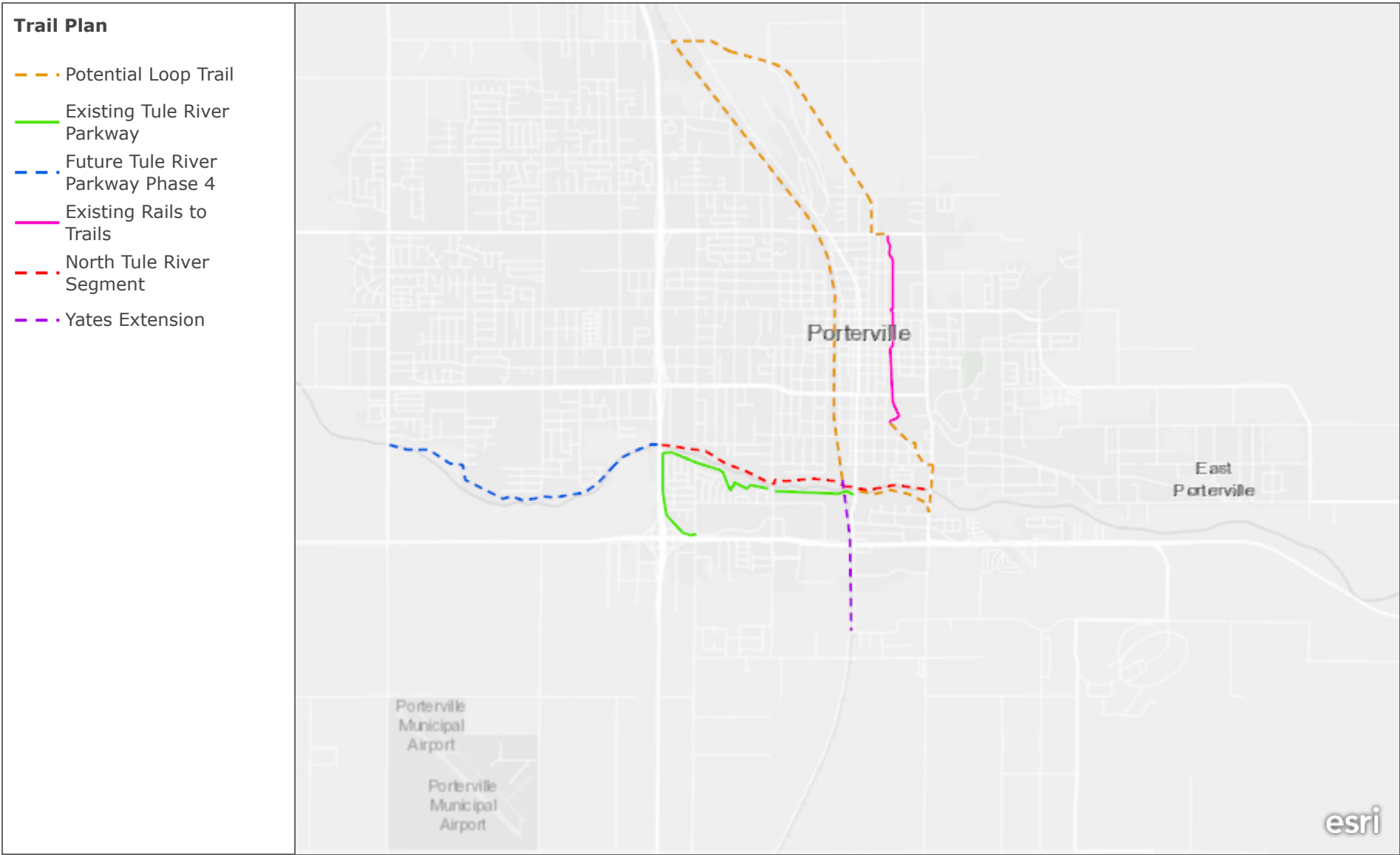
Appropriated/Funded:

Review By:

Department Director:

Final Approver: John Lollis, City Manager

Trail Plan



Trail Plan



CITY COUNCIL AGENDA – JANUARY 15, 2019

SUBJECT: Implementation of Measure I: Approving California Department of Tax and Fee Administration Agreements

SOURCE: Administrative Services

COMMENT: On November 6, 2018, Porterville voters approved Measure I, the one-cent general sales tax measure proposed to fund police, fire, street maintenance, and essential City services, and on December 10, 2018, the City Council adopted Resolution No. 81-2018 accepting the Statement of Vote and Certified Election Results pertaining to the passage of Measure I. A copy of Resolution 81-2018 is attached for Council's reference. With the Council's approval of the certified election results, the Ordinance implementing Measure I went into effect on December 20, 2018, ten (10) days after the Council's approval. It is now in order for certain procedural actions to be taken by the Council which are necessary to begin implementation of the tax.

To enact the new legislation, a Resolution specifying the basis in law for the sales tax needs to be adopted, allowing the California Department of Tax and Fee Administration (CDTFA) to then enter into an agreement with the City to administer the tax. The resolution simply points to the sections of law authorizing the City to collect the tax and specifies April 1, 2019, as the effective date of the implementation. Two (2) agreements from CDTFA are required to begin the sales tax collection process. The implementation agreement allows CDTFA to act as the City's agent taking the necessary steps to start the tax. The agreement also allows CDTFA to recover its costs in implementing the new tax. The administration agreement then becomes operative, specifying how the tax will be collected over time. Both agreements are standard agreements used by CDTFA throughout the State of California.

RECOMMENDATION: That the City Council approve the implementation of Measure I Sales Tax with the following action:

1. Adopt the draft Resolution Authorizing the City Manager to Execute Agreements with the California Department of Tax and Fee Administration for Implementation of a Local Transactions and Use Tax; and
2. Adopt the draft Resolution Authorizing the Examination of Transactions (Sales) and Use Tax Records.

ATTACHMENTS:

1. Resolution No. 81-2018
2. Draft Resolution Approving Preparatory and

- Administrative Agreements with CDTFA
3. Agreement for Preparation to Administer and Operate (Exhibit A)
 4. Agreement for State Administration of City Transactions and Use Taxes (Exhibit B)
 5. Draft Resolution Authorizing the Examination of Records
 6. Ordinance No. 1850

Appropriated/Funded:

Review By:

Department Director:

John Lollis, City Manager

Final Approver: John Lollis, City Manager

RESOLUTION NO. 81 -2018

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
PORTERVILLE ACCEPTING THE OFFICIAL CANVASS OF THE
NOVEMBER 6, 2018, MUNICIPAL ELECTION CONDUCTED AS
A CONSOLIDATED GENERAL ELECTION

WHEREAS, the City Council of the City of Porterville duly called a Municipal Election for Tuesday, November 6, 2018, to fill one four-year term office of City Council in District One, and one four-year term office of City Council in District Two; and

WHEREAS, the City Council of the City of Porterville duly called a Special Election for Tuesday, November 6, 2018, for the purpose of submitting for approval or rejection Measure I, a general tax measure; and

WHEREAS, pursuant to California Elections Code Section 10400 et seq., the City Council ordered the consolidation of the November 6, 2018, election with other elections being held in the jurisdiction, and requested that Tulare County Elections Office provide services for said election; and

WHEREAS, only one individual, Milt Stowe, qualified and filed a Declaration of Candidacy for the one available four-year term city council office in District Two, and pursuant to the provisions of Elections Code Section 10229, was appointed-in-lieu on August 21, 2018; and

WHEREAS, the Tulare County Registrar of Voters has certified the canvass and election results of the November 6, 2018 consolidated election.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Porterville that the City of Porterville does hereby accept the Official Canvass of Votes of the Consolidated

General Election of November 6, 2018, as Certified by the Tulare County Registrar of Voters on December 4, 2018, as follows:

City Council Office:

One four-year term City Council Office - District One:

Daniel Penaloza*	716	votes	39.56%
Cameron Hamilton	687	votes	37.96%
Russell "Buck" Fletcher	403	votes	22.27%
Write-In	4	votes	0.22%

Measure I:

Yes	6,322	64.05%
No	3,548	35.95%

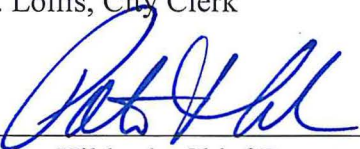
Totals:

Registered Voters:	19,342
Total voters voting:	10,290
Total Percentage	53.20%

PASSED, APPROVED AND ADOPTED this 10th day of December, 2018.


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 a meeting of the Porterville City Council duly called and held on the 10th day of December, 2018.

THAT said resolution was duly passed, approved, and adopted by the following vote:

Council:	REYES	WARD	STOWE	HAMILTON	FLORES
AYES:	X	X	X	X	X
NOES:					
ABSTAIN:					
ABSENT:					

JOHN D. LOLLIS, City Clerk


By: Luisa Zavala, Deputy City Clerk

RESOLUTION NO. ____-2019

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
AUTHORIZING THE CITY MANAGER TO EXECUTE AGREEMENTS WITH
THE CALIFORNIA DEPARTMENT OF TAX AND FEE ADMINISTRATION
FOR IMPLEMENTATION OF A LOCAL TRANSACTIONS AND USE TAX

WHEREAS: On December 10, 2018, the City Council approved Ordinance No. 1850 amending the City Municipal Code and providing for a local transactions and use tax; and

WHEREAS: The California Department of Tax and Fee Administration (Department) administers and collects the transactions and use taxes for all applicable jurisdictions within the state; and

WHEREAS: The Department will be responsible to administer and collect the transactions and use tax for the City; and

WHEREAS: The Department requires that the City enter into a “Preparatory Agreement” and an “Administration Agreement” prior to implementation of said taxes; and

WHEREAS: The Department requires that the City Council authorize the agreements.

NOW, THEREFORE, BE IT RESOLVED: That the City Council of the City of Porterville does hereby approve the “Preparatory Agreement attached as Exhibit A and the “Administrative Agreement” attached as Exhibit B, and authorize the City Manager to execute each agreement.

PASSED, APPROVED AND ADOPTED this 15th day of January, 2019.

Martha A. Flores, Mayor

ATTEST:
John D. Lollis, City Clerk

By: _____
Patrice Hildreth, Chief Deputy City Clerk

**AGREEMENT FOR PREPARATION TO ADMINISTER AND OPERATE
CITY'S TRANSACTIONS AND USE TAX ORDINANCE**

In order to prepare to administer a transactions and use tax ordinance adopted in accordance with the provision of Part 1.6 (commencing with Section 7251) of Division 2 of the Revenue and Taxation Code, the City of PORTERVILLE, hereinafter called *City*, and the CALIFORNIA DEPARTMENT OF TAX AND FEE ADMINISTRATION, hereinafter called *Department*, do agree as follows:

1. The Department agrees to enter into work to prepare to administer and operate a transactions and use tax in conformity with Part 1.6 of Division 2 of the Revenue and Taxation Code which has been approved by a majority of the electors of the City and whose ordinance has been adopted by the City.

2. City agrees to pay to the Department at the times and in the amounts hereinafter specified all of the Department's costs for preparatory work necessary to administer the City's transactions and use tax ordinance. The Department's costs for preparatory work include costs of developing procedures, programming for data processing, developing and adopting appropriate regulations, designing and printing forms, developing instructions for the Department's staff and for taxpayers, and other appropriate and necessary preparatory costs to administer a transactions and use tax ordinance. These costs shall include both direct and indirect costs as specified in Section 11256 of the Government Code.

3. Preparatory costs may be accounted for in a manner which conforms to the internal accounting and personnel records currently maintained by the Department. The billings for costs may be presented in summary form. Detailed records of preparatory costs will be retained for audit and verification by the City.

4. Any dispute as to the amount of preparatory costs incurred by the Department shall be referred to the State Director of Finance for resolution, and the Director's decision shall be final.

5. Preparatory costs incurred by the Department shall be billed by the Department periodically, with the final billing within a reasonable time after the operative date of the ordinance. City shall pay to the Department the amount of such costs on or before the last day of the next succeeding month following the month when the billing is received.

6. The amount to be paid by City for the Department's preparatory costs shall not exceed one hundred seventy-five thousand dollars (\$175,000) (Revenue and Taxation Code Section 7272.)

7. Communications and notices may be sent by first class United States mail. Communications and notices to be sent to the Department shall be addressed to:

California Department of Tax and Fee Administration
P.O. Box 942879 MIC: 27
Sacramento, California 94279-0027

Attention: Supervisor
Local Revenue Branch

Communications and notices to be sent to City shall be addressed to:

City of Porterville
291 N. Main Street
Porterville, CA 93257

Attention: Maria Bemis
Finance Director

8. The date of this agreement is the date on which it is approved by the Department of General Services. This agreement shall continue in effect until the preparatory work necessary to administer City's transactions and use tax ordinance has been completed and the Department has received all payments due from City under the terms of this agreement.

CITY OF PORTERVILLE

CALIFORNIA DEPARTMENT OF TAX
AND FEE ADMINISTRATION

By _____
John D. Lollis, City Manager

By _____
Administrator

**AGREEMENT FOR STATE ADMINISTRATION
OF CITY TRANSACTIONS AND USE TAXES**

The City Council of the City of Porterville has adopted, and the voters of the City of Porterville (hereafter called "City" or "District") have approved by the required majority vote, the City of Porterville Transactions and Use Tax Ordinance (hereafter called "Ordinance"), a copy of which is attached hereto. To carry out the provisions of Part 1.6 of Division 2 of the Revenue and Taxation Code and the Ordinance, the California State Department of Tax and Fee Administration, (hereinafter called the "Department") and the City do agree as follows:

**ARTICLE I
DEFINITIONS**

Unless the context requires otherwise, wherever the following terms appear in the Agreement, they shall be interpreted to mean the following:

1. "District taxes" shall mean the transactions and use taxes, penalties, and interest imposed under an ordinance specifically authorized by Revenue and Taxation code Sections 7251 et seq. and Section 7285.9, and in compliance with Part 1.6, Division 2 of the Revenue and Taxation Code.
2. "City Ordinance" shall mean the City's Transactions and Use Tax Ordinance referred to above and attached hereto, Ordinance No. 1850, as amended from time to time, or as deemed to be amended from time to time pursuant to Revenue and Taxation Code Section 7262.2.

**ARTICLE II
ADMINISTRATION AND COLLECTION
OF CITY TAXES**

A. Administration. The Department and City agree that the Department shall perform exclusively all functions incident to the administration and operation of the City Ordinance.

B. Other Applicable Laws. City agrees that all provisions of law applicable to the administration and operation of the Department Sales and Use Tax Law which are not inconsistent with Part 1.6 of Division 2 of the Revenue and Taxation Code shall be applicable to the administration and operation of the City Ordinance. City agrees that money collected pursuant to the City Ordinance may be deposited into the State Treasury to the credit of the Retail Sales Tax Fund and may be drawn from that Fund for any authorized purpose, including making refunds, compensating and reimbursing the Department pursuant to Article IV of this Agreement, and transmitting to City the amount to which City is entitled.

C. Transmittal of money.

1. For the period during which the tax is in effect, and except as otherwise provided herein, all district taxes collected under the provisions of the City Ordinance shall be transmitted to City periodically as promptly as feasible, but not less often than twice in each calendar quarter.

2. For periods subsequent to the expiration date of the tax whether by City's self-imposed limits or by final judgment of any court of the State of California holding that City's ordinance is invalid or void, all district taxes collected under the provisions of the City Ordinance shall be transmitted to City not less than once in each calendar quarter.

3. Transmittals may be made by mail or electronic funds transfer to an account of the City designated and authorized by the City. A statement shall be furnished at least quarterly indicating the amounts withheld pursuant to Article IV of this Agreement.

D. Rules. The Department shall prescribe and adopt such rules and regulations as in its judgment are necessary or desirable for the administration and operation of the City Ordinance and the distribution of the district taxes collected thereunder.

E. Preference. Unless the payor instructs otherwise, and except as otherwise provided in this Agreement, the Department shall give no preference in applying money received for state sales and use taxes, state-administered local sales and use taxes, and district transactions and use taxes owed by a taxpayer, but shall apply moneys collected to the satisfaction of the claims of the State, cities, counties, cities and counties, redevelopment agencies, other districts, and City as their interests appear.

F. Security. The Department agrees that any security which it hereafter requires to be furnished by taxpayers under the State Sales and Use Tax Law will be upon such terms that it also will be available for the payment of the claims of City for district taxes owing to it as its interest appears. The Department shall not be required to change the terms of any security now held by it, and City shall not participate in any security now held by the Department.

G. Records of the Department.

When requested by resolution of the legislative body of the City under section 7056 of the Revenue and Taxation Code, the Department agrees to permit authorized personnel of the City to examine the records of the Department, including the name, address, and account number of each seller holding a seller's permit with a registered business location in the City, pertaining to the ascertainment of transactions and use taxes collected for the City. Information obtained by the City from examination of the Department's records shall be used by the City only for purposes related to the collection of transactions and use taxes by the Department pursuant to this Agreement.

H. Annexation. City agrees that the Department shall not be required to give effect to an annexation, for the purpose of collecting, allocating, and distributing District transactions and use taxes, earlier than the first day of the calendar quarter which commences not less than two months after notice to the Department. The notice shall include the name of the county or counties annexed to the extended City boundary. In the event the City shall annex an area, the boundaries of which are not coterminous with a county or counties, the notice shall include a description of the area annexed and two maps of the City showing the area annexed and the location address of the property nearest to the extended City boundary on each side of every street or road crossing the boundary.

ARTICLE III

ALLOCATION OF TAX

A. Allocation. In the administration of the Department's contracts with all districts that impose transactions and use taxes imposed under ordinances, which comply with Part 1.6 of Division 2 of the Revenue and Taxation Code:

1. Any payment not identified as being in payment of liability owing to a designated district or districts may be apportioned among the districts as their interest appear, or, in the discretion

of the Department, to all districts with which the Department has contracted using ratios reflected by the distribution of district taxes collected from all taxpayers.

2. All district taxes collected as a result of determinations or billings made by the Department, and all amounts refunded or credited may be distributed or charged to the respective districts in the same ratio as the taxpayer's self-declared district taxes for the period for which the determination, billing, refund or credit applies.

B. Vehicles, Vessels, and Aircraft. For the purpose of allocating use tax with respect to vehicles, vessels, or aircraft, the address of the registered owner appearing on the application for registration or on the certificate of ownership may be used by the Department in determining the place of use.

ARTICLE IV

COMPENSATION

The City agrees to pay to the Department as the State's cost of administering the City Ordinance such amount as is provided for by law. Such amounts shall be deducted from the taxes collected by the Department for the City.

ARTICLE V

MISCELLANEOUS PROVISIONS

A. Communications. Communications and notices may be sent by first class United States mail to the addresses listed below, or to such other addresses as the parties may from time to time designate. A notification is complete when deposited in the mail.

Communications and notices to be sent to the Department shall be addressed to:

California State Department of Tax and Fee Administration
P.O. Box 942879
Sacramento, California 94279-0027

Attention: Administrator
Local Revenue Branch

Communications and notices to be sent to the City shall be addressed to:

City of Porterville
291 North Main Street
Porterville, CA 93257
Attention: City Finance Director

Unless otherwise directed, transmittals of payment of District transactions and use taxes will be sent to the address above.

B. Term. The date of this Agreement is the date on which it is approved by the Department of General Services. The Agreement shall take effect on April 1, 2019. This Agreement shall continue until December 31 next following the expiration date of the City Ordinance, and shall thereafter be renewed automatically from year to year until the Department completes all work necessary to the administration of the City Ordinance and has received and disbursed all payments due under that Ordinance.

C. Notice of Repeal of Ordinance. City shall give the Department written notice of the repeal of the City Ordinance not less than 110 days prior to the operative date of the repeal.

ARTICLE VI
ADMINISTRATION OF TAXES IF THE
ORDINANCE IS CHALLENGED AS BEING INVALID

A. Impoundment of funds.

1. When a legal action is begun challenging the validity of the imposition of the tax, the City shall deposit in an interest-bearing escrow account, any proceeds transmitted to it under Article II. C., until a court of competent jurisdiction renders a final and non-appealable judgment that the tax is valid.

2. If the tax is determined to be unconstitutional or otherwise invalid, the City shall transmit to the Department the moneys retained in escrow, including any accumulated interest, within ten days of the judgment of the trial court in the litigation awarding costs and fees becoming final and non-appealable.

B. Costs of administration. Should a final judgment be entered in any court of the State of California, holding that City's Ordinance is invalid or void, and requiring a rebate or refund to taxpayers of any taxes collected under the terms of this Agreement, the parties mutually agree that:

1. Department may retain all payments made by City to Department to prepare to administer the City Ordinance.

2. City will pay to Department and allow Department to retain Department's cost of administering the City Ordinance in the amounts set forth in Article IV of this Agreement.

3. City will pay to Department or to the State of California the amount of any taxes plus interest and penalties, if any, that Department or the State of California may be required to rebate or refund to taxpayers.

4. City will pay to Department its costs for rebating or refunding such taxes, interest, or penalties. Department's costs shall include its additional cost for developing procedures for processing

the rebates or refunds, its costs of actually making these refunds, designing and printing forms, and developing instructions for Department's staff for use in making these rebates or refunds and any other costs incurred by Department which are reasonably appropriate or necessary to make those rebates or refunds. These costs shall include Department's direct and indirect costs as specified by Section 11256 of the Government Code.

5. Costs may be accounted for in a manner, which conforms to the internal accounting, and personnel records currently maintained by the Department. The billings for such costs may be presented in summary form. Detailed records will be retained for audit and verification by City.

6. Any dispute as to the amount of costs incurred by Department in refunding taxes shall be referred to the State Director of Finance for resolution and the Director's decision shall be final.

7. Costs incurred by Department in connection with such refunds shall be billed by Department on or before the 25th day of the second month following the month in which the judgment of a court of the State of California holding City's Ordinance invalid or void becomes final. Thereafter Department shall bill City on or before the 25th of each month for all costs incurred by Department for the preceding calendar month. City shall pay to Department the amount of such costs on or before the last day of the succeeding month and shall pay to Department the total amount of taxes, interest, and penalties refunded or paid to taxpayers, together with Department costs incurred in making those refunds.

CITY OF PORTERVILLE

CALIFORNIA STATE DEPARTMENT OF
TAX AND FEE ADMINISTRATION

By _____
John D. Lollis, City Manager

By _____
Administrator

RESOLUTION NO. ____-2019

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
AUTHORIZING THE EXAMINATION OF TRANSACTIONS
AND USE TAX RECORDS

WHEREAS: Pursuant to Ordinance No. 1850 of the City of Porterville, hereinafter called District and Section 7270 of the Revenue and Taxation Code, the District entered into a contract with the California Department of Tax and Fee Administration (CDTFA) to perform all functions incident to the administration and operation of the Transactions and Use Tax Ordinance; and

WHEREAS: The District deems it desirable and necessary for authorized representatives of the District to examine confidential transactions and use tax records of the California Department of Tax and Fee Administration pertaining to transactions and use taxes collected by CDTFA for the District pursuant to that contract; and

WHEREAS: Section 7056 of the Revenue and Taxation Code sets forth certain requirements and conditions for the disclosure of California Department of Tax and Fee Administration records and establishes criminal penalties for the unlawful disclosure of information contained in or derived from the transactions and use tax records of CDTFA;

NOW, THEREFORE, BE IT RESOLVED: That the City Council of the City of Porterville does hereby approve the following:

1. That the Finance Director, Finance Analyst and Accountant of the District designated in writing by the City Manager to the California Department of Tax and Fee Administration are hereby appointed to represent the District with authority to examine transactions and use tax records of CDTFA pursuant to the contract between the District and CDTFA. The information obtained by examination of CDTFA records shall be used only for purposes related to the collection of the District's transactions and use taxes by CDTFA pursuant to the contract.
2. That the Finance Director, Community and Economic Development Director and Economic Development and Housing Manager of the District designated in writing by the City Manager to the California Department of Tax and Fee Administration are hereby appointed to represent the District with authority to examine those transactions and use tax records of CDTFA for purposes related to the following governmental function of the District:
 - a. Finance and Budgeting
 - b. Economic Development

The information obtained by examination of CDTFA records shall be used only for those governmental functions of the District listed above.

3. That Avenu Insights & Analytics is hereby designated to examine the transactions and use tax records of the California Department of Tax and Fee Administration pertaining to transactions and use taxes collected for the District by CDTFA. The entity designated by this section meets all of the following conditions:
- a. Has an existing contract with the District to examine those transactions and use tax records;
 - b. Is required by that contract to disclose information contained in, or derived from those transactions and use tax records only to the officer or employee authorized under Section 1 (or Section 2) of this resolution to examine the information;
 - c. Is prohibited by that contract from performing consulting services for a retailer during the term of that contract;
 - d. Is prohibited by that contract from retaining the information contained in, or derived from those transactions and use tax records after that contract has expired.

BE IT FURTHER RESOLVED that the information obtained by examination of CDTFA records shall be used only for purposes related to the collection of District's transaction and use taxes by the Board pursuant to the contracts between the District and CDTFA.

PASSED, APPROVED AND ADOPTED this 15th day of January, 2019.

Martha A. Flores, Mayor

ATTEST:
John D. Lollis, City Clerk

By: _____
Patrice Hildreth, Chief Deputy City Clerk

ORDINANCE NO. 1850

AN ORDINANCE ADDING ARTICLE IIB, TO TITLE 22 OF THE PORTERVILLE MUNICIPAL CODE TO PROVIDE FOR AN ADDITIONAL ONE PERCENT (ONE CENT) TRANSACTIONS AND USE TAX TO BE ADMINISTERED BY THE STATE BOARD OF EQUALIZATION, TO PROVIDE FUNDS TO MAINTAIN ESSENTIAL LOCAL CITY SERVICES INCLUDING POLICE, FIRE/9-1-1 EMERGENCY AND MEDICAL AID RESPONSE, STREET MAINTENANCE, AND OTHER SERVICES

WHEREAS, Sacramento politicians have taken more than \$10,500,000 from Porterville over the last five years, impacting the City's ability to provide services and programs at the levels local residents want; and

WHEREAS, Porterville's population has increased 15% in the last ten years and is expected to keep growing – it is more expensive to provide services such as public safety, streets and sidewalk repair, park maintenance, and services for seniors and youth to meet the needs of our growing community; and

WHEREAS, nearly 60% of Porterville streets are rated “poor,” “very poor,” or “worse by independent pavement management engineers, and essential repairs must be made before they get even worse or more expensive to repair in the future; and

WHEREAS, nearly 60% of all 911 calls to the Porterville Fire Department require emergency medical attention; and

WHEREAS, the American Heart Association © says brain deterioration starts between 4-6 minutes after a person stops breathing, and the City of Porterville seeks to maintain 911 rapid response times from our City's firefighters and emergency medical workers; and

WHEREAS, there are about 200 gang members who live or frequent Porterville and the City's Police Department must adequately address gang violence, including drive-by shootings and assaults with a deadly weapon, and keep gang members and drug dealers from nearby communities out of our City; and

WHEREAS, well-maintained streets, the quality of local parks and library, safe and clean public areas and neighborhoods, and rapid emergency response by police and fire departments are investments that strengthen our community, improve property values and make Porterville a more desirable place to live, do business and raise a family; and

WHEREAS, the Porterville community has identified key priorities including maintaining police, fire and emergency response times; preventing property crimes like thefts and burglaries; repairing potholes/maintaining streets; keeping public areas safe and clean; maintaining and improving school safety; and addressing homelessness; and

WHEREAS, the proposed measure will create another source of locally-controlled funding where all proceeds would be used locally for the benefit of the Porterville public, and no funds could be seized by Sacramento; and

WHEREAS, the proposed measure ensures accountability and transparency in

expenditure by requiring independent audits and citizen oversight, as well as requiring that all funds be used for Porterville; now

THE PEOPLE OF THE CITY OF PORTERVILLE DO ORDAIN AS FOLLOWS:

SECTION I. AMENDMENT OF CODE.

Porterville Municipal Code Title 22 is hereby amended by the addition of a new Article to read as follows:

ARTICLE IIB. TRANSACTIONS AND USE TAX

Sec. 22-9.1 Title. This ordinance shall be known as the City of Porterville Transactions and Use Tax Ordinance of 2018.

Sec. 22-9.2 Definitions.

The following words and phrases shall be defined as set forth in this Ordinance, except that any term or phrase not defined in this Ordinance shall have the same meaning as that term or phrase is defined in Parts 1.6 and 1.7 of the California Revenue and Taxation Code:

- (a) “City” means City of Porterville.
- (b) “Operative date” means the first day of the first calendar quarter commencing more than 110 days after the adoption of this ordinance by vote of the electorate on November 6, 2018.
- (c) “Ordinance” means the City of Porterville Transactions and Use Tax Ordinance of 2018.
- (d) “State” means the State of California.

Sec. 22-9.3 Purpose.

This Article of the Porterville Municipal Code is adopted for the following (and among other) purposes, and directs that the provisions hereof be interpreted liberally in order to accomplish all of its lawful purposes:

- (a) To impose a retail transactions and use tax in accordance with the provisions of California Revenue and Taxation Code Sections 7251 et seq., and Section 7285.9, which authorizes the City to adopt this Ordinance if a majority of the electors voting on the measure vote to approve the imposition of the tax at an election called for that purpose.
- (b) To adopt a retail transactions and use tax ordinance that incorporates provisions identical to those of the Sales and Use Tax Law of the State of California insofar as those provisions are not inconsistent with the requirements and limitations contained in Part 1.6 of Division 2 of the Revenue and Taxation Code.
- (c) To adopt a retail transactions and use tax ordinance that imposes a tax and provides a measure that can be administered and collected by the State Board of Equalization in a manner

that adapts itself as fully as practicable to, and requires the least possible deviation from, the existing statutory and administrative procedures followed by the State Board of Equalization in administering and collecting the California State Transactions and Use Taxes.

(d) To adopt a retail transactions and use tax ordinance that can be administered in a manner that will, to the degree possible consistent with the provisions of Parts 1.6 of Division 2 of the California Revenue and Taxation Code, minimize the cost of collecting the transactions and use taxes, and at the same time, minimize the burden of record keeping upon persons subject to taxation under the provisions of this ordinance.

(e) To provide transactions and use tax revenue to the City to be used for the general governmental purposes of the City and with any transactions and use tax revenue received being placed into the City's general fund.

Sec. 22-9.4. Contract with State.

Prior to the Operative Date, the City shall contract with the State Board of Equalization to perform all functions incident to the administration and operation of this Ordinance; provided, that if the City shall not have contracted with the State Board of Equalization prior to the Operative Date, it shall nevertheless so contract and in such a case the operative date shall be the first day of the first calendar quarter following the execution of such a contract.

Sec. 22-9.5. Transactions Tax Rate.

For the privilege of selling tangible personal property at retail, a transactions tax is imposed upon all retailers in the incorporated territory of the City at the rate of one percent (1.0%) of the gross receipts of the retailer from the sale of all tangible personal property sold at retail within the territory of the City on and after the Operative Date of this Ordinance.

Sec. 22-9.6. Place of Sale.

For the purposes of this Ordinance, all retail sales are consummated at the place of business of the retailer, unless the tangible personal property sold is delivered by the retailer or his agent to an out-of-state destination or to a common carrier for delivery to an out-of-state destination. The gross receipts from the sale shall include delivery charges, when such charges are subject to the state sales and use tax, regardless of the place to which delivery is made. In the event a retailer has no permanent place of business in the State or has more than one place of business, the place or places at which the retail sales are consummated shall be determined under rules and regulations to be prescribed and adopted by the Board of Equalization.

Sec. 22-9.7. Use Tax Rate.

An excise tax is hereby imposed on the storage, use, or other consumption in the City of tangible personal property purchased from any retailer on or after the Operative Date of this Ordinance for storage, use or other consumption in said territory of the City at the rate of one percent (1.0%) of the sales price of the property. The sales price shall include delivery charges when such charges are subject to State transactions or use tax regardless of the place to which delivery is made.

Sec. 22-9.8. Adoption of Provisions of State Law.

Except as hereinafter provided, and except insofar as they are inconsistent with the provisions of Parts 1.6 of Division 2 of the Revenue and Taxation Code, all of the provisions of Part 1 (commencing with Section 6001) of Division 2 of the Revenue and Taxation Code are adopted, incorporated and made a part of this Ordinance as though fully set forth in it.

Sec. 22-9.9. Limitations on Adoption of State Law and Collection of Use Taxes.

In adopting the provisions of Part 1 of Division 2 of the California Revenue and Taxation Code:

(a) Wherever the State of California is named or referred to as the taxing agency, the name of the City of Porterville shall be substituted. However, the substitution shall not be made when:

(1) The word "State" is used as a part of the title of the State Controller, State Treasurer, State Board of Equalization, State Treasury, or the Constitution of the State of California;

(2) The result of that substitution would require action to be taken by or against the City or any agency, officer, or employee thereof rather than by or against the State Board of Equalization, in performing the functions incident to the administration or operation of this Ordinance;

(3) In those sections, including, but not necessarily limited to sections referring to the exterior boundaries of the State of California, where the result of the substitution would be to:

A. Provide an exemption from this tax with respect to certain sales, storage, use or other consumption of tangible personal property which would not otherwise be exempt from this tax while such sales, storage, use or other consumption remain subject to tax by the State under the provisions of Part 1 of Division 2 of the Revenue and Taxation Code, or;

B. Impose this tax with respect to certain sales, storage, use or other consumption of tangible personal property which would not be subject to tax by the state under the said provision of that code.

(4) In Sections 6701, 6702 (except in the last sentence thereof), 6711, 6715, 6737, 6797 or 6828 of the California Revenue and Taxation Code.

(b) The word "City" shall be substituted for the word "State" in the phrase "retailer engaged in business in this State" in Section 6203 and in the definition of that phrase in Section 6203.

Sec. 22-9.10. Permit Not Required.

If a seller's permit has been issued to a retailer under Section 6067 of the California Revenue and Taxation Code, an additional transactor's permit shall not be required by this Ordinance.

Sec. 22-9.11. Exemptions and Exclusions.

(a) There shall be excluded from the measure of the transactions tax and the use tax the amount of any sales tax or use tax imposed by the State of California or by any city, city and county, or county pursuant to the Bradley-Burns Uniform Local Sales and Use Tax Law or the amount of any state-administered transactions or use tax.

(b) There are exempted from the computation of the amount of transactions tax the gross receipts from:

(1) Sales of tangible personal property, other than fuel or petroleum products, to operators of aircraft to be used or consumed principally outside the county in which the sale is made and directly and exclusively in the use of such aircraft as common carriers of persons or property under the authority of the laws of this State, the United States, or any foreign government.

(2) Sales of property to be used outside the City which is shipped to a point outside the City pursuant to the contract of sale by delivery to such point by the retailer or his agent, or by delivery by the retailer to a carrier for shipment to a consignee at such point. For the purposes of this paragraph, delivery to a point outside the City shall be satisfied:

A. With respect to vehicles (other than commercial vehicles) subject to registration pursuant to Chapter 1 (commencing with Section 4000) of Division 3 of the Vehicle Code, aircraft licensed in compliance with Section 21411 of the Public Utilities Code, and undocumented vessels registered under Chapter 2 of Division 3.5 (commencing with Section 9840) of the Vehicle Code by registration to an out-of-City address and by a declaration under penalty of perjury, signed by the buyer, stating that such address is, in fact, his or her principal place of residence; and

B. With respect to commercial vehicles, by registration to a place of business out-of-City and declaration under penalty of perjury, signed by the buyer, that the vehicle will be operated from that address.

(3) The sale of tangible personal property if the seller is obligated to furnish the property for a fixed price pursuant to a contract entered into prior to the Operative Date of this Ordinance.

(4) A lease of tangible personal property which is a continuing sale of such property, for any period of time for which the lessor is obligated to lease the property for an amount fixed by the lease prior to the Operative Date of this Ordinance.

(5) For the purposes of subparagraphs (3) and (4) of this section, the sale or lease of tangible personal property shall be deemed not to be obligated pursuant to a contract or lease for any period of time for which any party to the contract or lease has the unconditional right to terminate the contract or lease upon notice, whether or not such right is exercised.

(c) There are exempted from the use tax imposed by this Ordinance, the storage, use or other consumption in this City of tangible personal property:

(1) The gross receipts from the sale of which have been subject to a transactions tax under any state-administered transactions and use tax ordinance.

(2) Other than fuel or petroleum products purchased by operators of aircraft and used or consumed by such operators directly and exclusively in the use of such aircraft as common carriers of persons or property for hire or compensation under a certificate of public convenience and necessity issued pursuant to the laws of this State, the United States, or any foreign government. This exemption is in addition to the exemptions provided in Sections 6366 and 6366.1 of the Revenue and Taxation Code of the State of California.

(3) If the purchaser is obligated to purchase the property for a fixed price pursuant to a contract entered into prior to the operative date of this Ordinance.

(4) If the possession of, or the exercise of any right or power over, the tangible personal property arises under a lease which is continuing purchase of such property for any period of time for which the lessee is obligated to lease the property for an amount fixed by a lease prior to the operative date of this Ordinance.

(5) For the purposes of subsections (3) and (4) of this section, storage, use, or other consumption, or possession of, or exercise of any right or power over, tangible personal property shall be deemed not to be obligated pursuant to a contract or lease for any period of time for which any party to the contract or lease has the unconditional right to terminate the contract or lease upon notice, whether or not such right is exercised.

(6) Except as provided in subparagraph (7), a retailer engaged in business in the City shall not be required to collect use tax from the purchaser of tangible personal property, unless the retailer ships or delivers the property into the City or participates within the City in making the sale of the property, including, but not limited to, soliciting or receiving the order, either directly or indirectly, at a place of business of the retailer in the City or through any representative, agent, canvasser, solicitor, subsidiary, or person in the City under the authority of the retailer.

(7) "A retailer engaged in business in the City" shall also include any retailer of any of the following: vehicles subject to registration pursuant to Chapter 1 (commencing with Section 4000) of Division 3 of the Vehicle Code, aircraft licensed in compliance with Section 21411 of the Public Utilities Code, or undocumented vessels registered under Division 3.5 (commencing with Section 9840) of the Vehicle Code. That retailer shall be required to collect use tax from any purchaser who registers or licenses the vehicle, vessel, or aircraft at an address in the City.

(d) Any person subject to use tax under this Ordinance may credit against that tax any transactions tax or reimbursement for transactions tax paid to a district imposing, or retailer liable for a transactions tax pursuant to Part 1.6 of Division 2 of the Revenue and Taxation Code with respect to the sale to the person of the property the storage, use or other consumption of which is subject to the use tax.

Sec. 22-9.12. Amendments.

All amendments subsequent to the effective date of this Ordinance to Part 1 of Division 2 of the Revenue and Taxation Code relating to sales and use taxes and which are not inconsistent

with Part 1.6 and Part 1.7 of Division 2 of the Revenue and Taxation Code, and all amendments to Part 1.6 and Part 1.7 of Division 2 of the Revenue and Taxation Code, shall automatically become adopted and a part of this Ordinance without further action of the City Council of the City of Porterville or the City's electorate, provided however, that no such amendment shall operate so as to affect the rate of tax imposed by this Ordinance. The City Council may amend this Ordinance to comply with applicable law or as may be otherwise necessary in order to further the Ordinance's stated purposes.

Sec. 22-9.13. Prohibition on Enjoining Collection.

No injunction or writ of mandate or other legal or equitable process shall issue in any suit, action, or proceeding in any court against the State or the City, or against any officer of the State or the City, to prevent or enjoin the collection under this Ordinance, or Part 1.6 of Division 2 of the Revenue and Taxation Code, of any tax or any amount of tax required to be collected under this Ordinance.

Sec. 22-9.14. Severability.

In any provision of this Ordinance of the application of it to any person or circumstance is held invalid, the remainder of the Ordinance and the application of such provision to other persons or circumstances shall not be affected thereby.

Sec. 22-9.15 Effective Date.

This Ordinance relates to the levying and collection of the City's transactions and use taxes and shall become effective only if approved by a majority of the voters voting on the measure at the November 6, 2018, Special Municipal Election. The Operative Date of this Ordinance shall then be as defined in Section 22-9.2(b).

Sec. 22-9.16. Accountability and Oversight. This ordinance authorizes the Transactions and Use Tax Oversight Committee, formed pursuant to Resolution 24-2006, to act as an independent citizen's oversight committee for the expenditure of all funds collected by the Porterville Public Safety and Essential City Services Measure. The Committee has been responsible for accountability and public oversight regarding expenditures of Measure H funds since the measure was passed in 2005. The Committee shall now conduct spending oversight for all funds collected from to the Porterville Public Safety and Essential City Services Measure. The Committee shall conduct spending oversight pursuant to the procedures in Resolution 24-2006, and said provisions shall be incorporated herein by reference.

SECTION III. SEVERABILITY.

Any provision of the Porterville Municipal Code or appendices thereto inconsistent with the provisions of this Ordinance, to the extent of such inconsistencies and no further, is hereby repealed or modified to that extent necessary to effect the provisions of this Ordinance, except that any existing, duly adopted transactions and use tax existing as of the date of adoption of this Ordinance shall remain in effect and the transactions and use tax imposed by this Ordinance shall be additive thereto.

APPROVED by the following vote of the People of the City of Porterville on November 6, 2018:

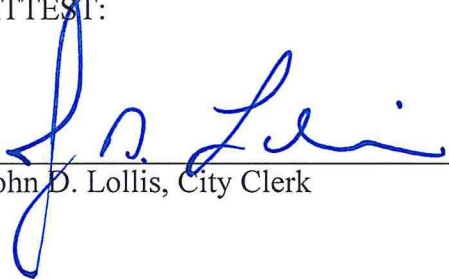
Yes	6,322	64.05%
No	3,548	35.95%

ADOPTED by Declaration of the vote by the City Council of the City of Porterville on December 10, 2018.



Milt Stowe, Mayor

ATTEST:



John D. Lollis, City Clerk

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

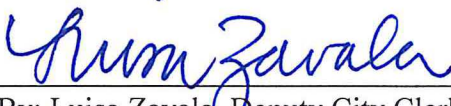
I, JOHN D. LOLLIS, the duly qualified City Clerk of the City of Porterville do hereby certify:

THAT the foregoing ordinance is a true and correct copy of Ordinance No. 1850, passed and approved by the People of the City of Porterville at a Special Municipal Election held on the 6th day of November, 2018, that said ordinance has been deemed operative pursuant to law, and that by the terms and provisions of Elections Code 9217, said to become effective on the 20th day of December, 2018, at which time said ordinance is to be deemed in full force and effect.

THAT said ordinance was adopted by declaration of the vote by the Council on December 10, 2018, and the same was duly passed and adopted by the following vote:

COUNCIL:	REYES	WARD	STOWE	HAMILTON	FLORES
AYES:	X	X	X	X	X
NOES:					
ABSTAIN:					
ABSENT:					

JOHN D. LOLLIS, City Clerk


By: Luisa Zavala, Deputy City Clerk



CITY COUNCIL AGENDA – JANUARY 15, 2019

SUBJECT: Consideration of Measure I Proposed Expenditure Plan

SOURCE: City Manager's Office

COMMENT: On November 6, 2018, local voters approved Measure I (Porterville Public Safety and Essential City Services Measure), a one-cent general sales and use tax. When the City Council authorized the Measure to be placed on the November 2018 ballot at its meeting of August 7, 2018, a proposed Expenditure Plan was presented for the Council's consideration, which was drafted by staff with consideration to the results of the voter survey that was completed. As the Council will recall, surveyed voters indicated that maintaining fire and police emergency response times was its top priority (91%), followed by preventing property crimes (90%) and repairing pot holes (90%), and maintaining streets (89%).

Beginning effective April 1, 2019, the Measure is expected to generate approximately \$6 million annually. Considering the \$6 million annual generation, and given the near similar voter interest, staff prepared the proposed Expenditure Plan distributed equally between public safety and streets. Within public safety, the proposed annual \$3 million is split \$2.5 million to the Police Department and \$500,000 to the Fire Department. The Fire Department proposes to add Executive Officers (Battalion Chiefs) to each shift, necessitating the hire of two (2) new Battalion Chiefs and a civilian Fire Marshal. The Police Department proposes to hire nineteen (19) new personnel, including sixteen (16) sworn personnel (1 Lieutenant, 1 Sergeant, and 14 Officers), and 3 civilian personnel (1 Communications Supervisor, 1 Administrative Analyst/IT, and 1 Community Services Officer).

With a \$3 million annual appropriation to streets, staff proposes to increase the reconstruction/rehabilitation program by \$2.1 million (\$4.3 million total), with \$500,000 allocated for a new sidewalk/street light development program, and \$400,000 added to the neighborhood streets program performed by staff (\$1 million total).

RECOMMENDATION: That the City Council consider the proposed Measure I Expenditure Plan, approving modifications as determined.

ATTACHMENTS:

1. 2019-01-15 - Measure I Expenditure Plan - Fire
2. 2019-01-15 - Measure I Expenditure Plan - Police
3. 2019-01-15 - Measure I Expenditure Plan - Streets

Appropriated/Funded:

Review By:

Department Director:

Final Approver: John Lollis, City Manager

Porterville Fire Department
Postion Pay Plan by Fund

2003-2004		2007-2008		2012-2013		2015-2016		2018-2019		
Position	# of General Fund Postitions	# of General Fund Postitions	# of Measure H Postitions	# of General Fund Postitions	# of Measure H Postitions	# of General Fund Postitions	# of Measure H Postitions	# of General Fund Postitions	# of Measure H Postitions	# of Measure I Postitions
Fire Chief	1	1		1		1		1		
Assistant Chief	1									
Battalion Chief		2		2		2		2		2
Captains	6	5	1	5	1	2	2	2	2	
Lieutenants	3	2	1	2	1	5	1	5	1	
Engineers	9	6	3	6	3	4	5	4	5	
Firefighters	9	12	3	12	3	14	4	14	4	
Secretary	1	1		1		1		1		
Civilian Fire Marshall										1
Public Ed Officer					1					
Code Enforcement I		1		1		1		2		
Code Enforcement II								1		
Total by Fund	30	30	8	30	9	30	12	31	12	3
Grand Total	30	38		39		42		46		

Proposed Measure I Expenditure Plan/Police Department

Implementation Schedule – 1 Cent Sales Tax – \$2,500,000 Allocation

Year 1 (2019-2020)

(1) Lieutenant @ \$186,753/yr	= \$188,332
(8) Officers @ \$101,429/yr	= \$821,904
(1) Communications Supervisor @ \$95,416/yr	= \$ 95,416
(1) Community Service Officer @ \$74,484/yr	= \$ 74,724
(1) Admin Analyst 1/IT @ \$94,272/yr	= \$ 94,272
(9) Patrol Vehicles @ \$55,000/ea	= \$495,000
(1) CSO Vehicle @ \$45,000/ea	= \$ 45,000
(9) Officer Outfitting @ \$10,000/ea	= \$ 90,000
(1) Miscellaneous equipment @ \$10,000	= \$ 10,000
Vehicle and Equipment Depreciation Costs	= \$ 50,000
(2) Increased Allocation of Detectives	= \$ 10,000
Increased Dispatch Costs	= \$ 50,000
Total Costs Year 1	= \$2,024,648
*Minimum Carryover	= \$475,352

Year 2 (2020-2021)

(1) Lieutenant @ \$189,411	= \$189,411
(1) Sergeant @ \$179,227	= \$179,227
(14) Officers @ \$105,465/yr	= \$1,476,510
(1) Communications Supervisor @ \$95,416/yr	= \$ 95,416
(1) Community Service Officers @ \$74,724/yr	= \$ 74,724
(1) Admin Analyst 1/IT @ \$94,272/yr	= \$ 94,272
(7) Patrol Vehicles @ \$56,000/ea	= \$392,000
(7) Officer Outfitting @ \$10,000/ea	= \$ 70,000
(1) Miscellaneous equipment @ \$10,000	= \$ 10,000
Vehicle and Equipment Depreciation Costs	= \$135,000
(3) Increased Allocation of Detective	= \$ 11,000
Increased Dispatch Costs	= \$ 75,000
Total Costs Year 2	= \$2,809,037
*Year 1 Carryover	= \$475,352
*Year 2 Carryover	= \$166,315

Year 3 (2021-2022)

(1) Lieutenant @ \$189,411	= \$189,411
(1) Sergeant @ \$179,227	= \$179,227
(14) Officers @ \$105,465/yr	= \$1,476,510
(1) Communications Supervisor @ \$96,638/yr	= \$ 96,638
(1) Community Service Officer @ \$75,504/yr	= \$ 75,504
(1) Admin Analyst 1/IT @ \$95,484/yr	= \$ 95,484
Vehicle and Equipment Depreciation Costs	= \$180,000
(3) Increased Allocation of Detective	= \$ 12,000
Increase Dispatch Costs	= \$ 75,000
Total Costs Year 3	= \$2,379,774
*Year 2 Carryover	= \$166,315
*Year 3 Carryover	= \$283,278

City of porterville streets reconstruction/
rehabilitation program and funding capacity

FUNDING SOURCES	ANNUAL FUNDING (\$)
General Fund	\$2,400,000
Local Transportation Funds (LTF)	\$700,000
State Improvement Program (STP)	\$600,000
Special Gas Tax (SGT)	\$400,000
Senate Bill 1 (State Gas Tax Initiative)	\$1,100,000
Measure R Tax Measure (County Tax)	\$1,000,000
Measure I Tax Measure (Local Tax)	\$3,000,000

Total (\$)	\$9,200,000
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PROPOSED UTILIZATION OF FUNDS	ANNUAL EXPENSE (\$)
General Fund - Streets COP Debt Service	\$1,700,000
General Fund - Street Maintenance and Lighting	\$700,000
City Staff Street Maintenance Program	\$1,000,000
Micro-Surfacing/Slurry Seal Program	\$1,000,000
ADA, Sidewalk, and Streetlight Program	\$500,000
Street Reconstruction/Rehabilitation Program	\$4,300,000

Total (\$)	\$9,200,000
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NOTE: Annual Funding Estimates by Source

NOTE: This contribution pays for \$20 million in COP's for transportation issued 2005 through 2035

NOTE: This contribution is long standing and a requirement of CA Senate Bill 1 (Maintenance of Effort).

NOTE: This includes street signage per CA mandated regulations.

NOTE: Street maintenance program by contract for extension of streets useful life. (Measure R)

NOTE: Program is necessary to meet American Disabilities Act as they relate to street improvements.

NOTE: Major street repairs with contract forces.



CITY COUNCIL AGENDA – JANUARY 15, 2019

SUBJECT: Consideration of the City Council Procedural Handbook

SOURCE: Administrative Services

COMMENT: With the seating of the new City Council, it is appropriate for the Council to consider its Procedural Handbook for ratification or potential amendments that the new Council may desire.

The prior City Council last considered and approved the City Council Handbook on February 21, 2017. No amendments were made at that time. A copy of the Handbook is attached hereto for Council's review and consideration.

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

ATTACHMENTS: 1. City Council Procedural Handbook

Appropriated/Funded:

Review By:

Department Director:

Patrice Hildreth, Administrative Services Dir

Final Approver: John Lollis, City Manager

CITY COUNCIL PROCEDURAL HANDBOOK



Compiled by:
The Office of City Clerk
291 North Main Street
Porterville, CA 93257
Tel: (559) 782-7447
Fax: (559) 782-7452
www.ci.porterville.ca.us

As amended November 18, 2014

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	E. Email Retention Policy <i>(to be attached upon completion and adoption)</i>	



PREAMBLE

The residents and businesses of the City of Porterville are entitled to have fair, ethical, and accountable local government. Such a government requires that:

- Public Officials comply with both the letter and spirit of the laws and policies affecting operations of the government;
- Public Officials be independent, impartial, and fair in their judgment and actions;
- Public office be used for the public good, not for personal gain; and
- Deliberations and processes be conducted openly, unless legally confidential, in an atmosphere of respect and civility.

No part of this Handbook shall be interpreted so as to violate any federal or state law; a Council Member's Oath of Office; a Council Member's moral or ethical responsibilities; or the exercise of a Council Member's individual rights afforded him/her by the U.S. Constitution.

To this end, the City Council of the City of Porterville hereby approves of and affirms the above to encourage public confidence in the integrity of local government and its operations.

(Minute Order 21-070511, July 5, 2011.)



II. MEETINGS OF COUNCIL

The Council shall provide by ordinance the time and place of holding regular meetings and the manner in which special meetings may be called. Public interest and convenience shall be primary consideration when decisions are made as to time, location and frequency.

Except as otherwise provided by law, all meetings of the Council shall be open to the public.

A. REGULAR MEETINGS

1. Pursuant to Section 10 of the City Charter, Regular Meetings of the Porterville City Council shall be held on the first and third Tuesday of each month in the Council Chambers at City Hall, 291 North Main Street, in the City. The Regular Meetings will commence at five thirty o'clock (5:30) P.M., with Closed Sessions commencing at five thirty o'clock (5:30) P.M., and Open Session commencing at six thirty o'clock (6:30) P.M. In the event that a regular meeting of the Council shall fall on a legal holiday, that regular meeting shall be held at the same place and time on the next succeeding working day, or as determined by Council. (*Ordinance 1766, August 17, 2010; M.O. 15-09181, September 18, 2012.*)
2. Following the mid-meeting break (around 9:00 p.m.) the Mayor, with assistance from the City Manager, will review the balance of the agenda with Council to discuss how it can be handled in the allowed time. If it is necessary to continue any items, it will be announced at that time.

B. ADJOURNED MEETINGS/STUDY SESSIONS (Open to the public)

1. The purpose of these meetings shall be for informal discussions between staff, advisory bodies or consultants and the City Council regarding specific programs, projects or policies. If noticed, formal action may be taken at such a meeting.
2. Adjourned Meetings/Study Sessions will be held at a time and place convenient to Council and advantageous for public participation.
3. Participation of the public shall be at the discretion of the Presiding Officer, upon consensus of the Council.

C. SPECIAL MEETINGS

1. Special meetings may be called by the Mayor or three members of the City Council. (*Gov. Code Section 54956*) Written notice of each special meeting must be given not less than twenty-four (24) hours before such meeting to each member of the City Council not joining the call.
2. Written notice must be given to the City Council and to the media 24 hours prior to each meeting. (*Gov. Code Section 54956*)
3. A supplemental telephone call shall be made if necessary to notify each Council Member.
4. No business other than that announced shall be discussed.
5. Any special meeting held at a place other than City Hall shall be open to the public. Notice requirements of the Brown Act shall be complied with for any such meetings; regular minutes shall be taken by the City Clerk and shall be available for public inspection.

D. ORDER OF BUSINESS:

Call to Order
Roll Call
Oral Communications
Closed Session(s)
Reconvene at 6:30 p.m.
Closed Session Report
Pledge of Allegiance
Invocation
Presentations/Proclamations
Reports (AB1234 Reports, Committee/Commission/Board Reports;
Subcommittee Reports; Information Items and Reports)
Oral Communications
Consent Calendar
 Approval of Minutes
 Claims Against the City
 Payment of Bills
 Payments on Public Works Projects
 Authorization to Purchase
 Authorization to Call for Bids
 Award of Bids
 Acceptance of Projects

Acceptance of Dedications/Property
Approval of Final Tract Maps
Annexations
Requests for City Services
Reports
Other Routine Matters
Public Hearings
Second Reading of Ordinances
Scheduled Matters
Oral Communications (on any matter of interest)
Council Comments
Adjournment
(Resolution 101-2010, August 17, 2010, attached as Appendix A.)

E. CONSENT ITEMS

1. Consent items are the first items on the open session portion of the agenda (items that are routine, have been discussed before, relate to implementation of approved budget items, or to City operations or item to be later set for public hearing).
2. Any item removed from the Consent Calendar shall be considered immediately after the last Scheduled Matter on the agenda and immediately before the Second Oral Communications. *(M.O. 16-091812, September 18, 2012.)*



III. MEETING PROCEDURES

A. PRESIDING OFFICER

1. The Mayor is the Presiding Officer and acts as Chair at Council meetings.
2. In the absence or incapacity of the Mayor, the Vice Mayor as Mayor Pro Tempore will serve as Presiding Officer. In the absence of both the Mayor and Vice Mayor, the Council Members present shall select one of their number to serve as Presiding Officer for that meeting. (*Amended via Minute Order 08-071911, July 19, 2011.*)

3. Seating arrangement of the Council:

Seating arrangements shall be at Council discretion with preference being given to health conditions, seniority, individual Council Member preferences, and the Mayor's preference, in that order. (*Amended via Minute Order 08-071911, July 19, 2011.*)

4. Signing of City Documents:

The Mayor, unless unavailable, shall sign all ordinances, resolutions, contracts and other documents which have been adopted by the City Council and require an official signature; except when the City Manager, or his or her designee, has been authorized by Council action to sign documents. In the event the Mayor is unavailable, the Vice Mayor may sign the required documents. (*Amended via Minute Order 08-071911, July 19, 2011.*)

B. QUORUM

A majority of the Council Members shall constitute a quorum for the transaction of business. (*City Charter*)

C. DISCUSSION RULES

1. Obtaining the floor:
 - a. A member of the City Council, staff, or public shall first address the Presiding Officer and gain recognition.

- b. Comments and questions shall be limited to the issue before Council except when members of the public are addressing the Council under Oral Communications.
 - c. Cross-exchange between Council Members, staff or public shall be avoided.
 - d. Any citizen may arise and address the City Council on any business especially concerning them or affecting their interests during Oral Communications, but preference will be given to those who have first presented matters in the form of a written communication or who have personally notified the presiding officer of their desire to speak.
 - e. Any member or other person using profane, vulgar, loud or boisterous language at any meeting, or otherwise interrupting the proceedings, who refuses to be seated or keep quiet when ordered to do so by the Mayor or Mayor Pro Tem of the City Council, shall be guilty of a misdemeanor. It shall be the duty of the Chief of Police, upon order of the presiding officer, to eject any such member or person from the council room.
(Ordinance 1537)
2. Questions to staff:
- A Council Member shall, after recognition by the Presiding Officer, address questions to duly designated staff members through the City Manager.
3. Interruptions:
- a. Once recognized, a Council Member shall not be interrupted while speaking except to make a point of order or personal privilege.
 - b. If a Council Member is called to order while speaking, the individual shall cease speaking until the question of order is determined.
 - c. Upon being recognized by the Presiding Officer, members of staff shall hold the floor until completion of their remarks or until recognition is withdrawn by the Presiding Officer.



IV. COUNCIL REQUESTS FROM THE PUBLIC

A. Response to Letters from the Public

Periodically Council Members receive letters requesting their response. If a Council Member wishes to answer the letter, the matter can be handled in either of three ways:

1. The Council Member can give the letter to the City Manager's Secretary along with direction on how they wish their response to be worded. The City Manager's staff will then prepare the letter on City Council stationery and forward it to the appropriate Council Member for approval and signature. Copies of both letters are kept on file in the City Manager's Office, and copies are available upon request.
2. If the letter requires specific information or details only available from another City Department, the City Manager may refer the letter to the appropriate Department Head for response by them or their designee. Copies of the letters will then be forwarded to the City Manager's Office for filing.
3. If the Council Member wishes to answer their own correspondence, City stationery is available upon request from the City Manager's secretary. Copies of all such letters on City Letterhead shall be provided to all other Council members, and the letter shall include a provision clearly defining that the correspondence represents the views and/or feelings of the specific Council member signing the letter. If the Council Member wishes to have a copy of the letters in their file, they should submit a copy to the City Manager's staff for filing.

If a Council Member receives an informational item and wants a copy to be given to the other Council Members and the City Manager or other Directors, the item should be given to the City Manager's staff and copies will be made and sent out.

B. Referrals to Council agenda

Periodically Council Members receive correspondence or verbal requests for items to be acted upon, or considered, by the City Council. If a Council Member wishes to respond to the request, the matter should be referred to the City Manager. The request can then be handled as follows:

1. The Council Member may request the City Manager to place the item on the Council agenda as a written communication (however, the request must be stated on the agenda face sheet for Council to be able to act on it at the meeting); or
2. Upon research, the request may be determined to be a violation of City, State or Federal law, policy, or previous Council determination, in which case an appropriate response as to why the matter can not be heard will be provided to the requesting party.

Correspondence requesting that an item be acted upon, or considered, by the City Council, which is received directly by the City Manager, is handled in either of two ways:

1. The City Manager shall place any routine and/or legitimate written request under written communications*, or have a staff report prepared if time permits, for the next City Council agenda; or
2. The City Manager shall place any request which has already been acted upon by Council, cannot legally be accomplished, or which has a potential for litigation, in an Administrative Memorandum.

C. Telephone Calls

Citizens attempting to communicate with the City Council often call the offices at City Hall. Such calls are referred to the City Manager's Office. The City Manager's staff will take a message and refer it to the appropriate Council Member, or give the caller the telephone number of the City Council Member so they may call them directly, according to instructions given by the Council Member [see X-D (3)].

D. Personal Meetings

Council Members who wish to meet with their constituents may use various rooms at City Hall. The Council Member should call the City Manager's Secretary as soon as they know a room is needed so that it can be reserved for their use. No more than two Council Members may attend a meeting to discuss City matters without the meeting becoming a public meeting and therefore falling under the requirements of the Brown Act Open Meeting Laws.

E. Personal Correspondence

Council Members who wish to send their own correspondence using City stationery shall include a provision clearly defining that the correspondence represents the views and/or feelings of the specific Council member signing the letter. Copies of all such letters on City Letterhead shall be provided to all other Council members. Letterhead stationery is available upon request from the City Manager's secretary, and if the Council Member wishes to have a copy of their letter in their file, they should submit a copy to the City Manager's staff for filing.

F. Proclamation Approval Process

All Proclamations must be submitted at least 72 hours before noon on the Thursday before the next City Council Meeting to be considered for approval by the City Council. All received proclamations are to be scanned and emailed to all Council Members within one business day of being received. Each Council Member will have until noon on the Thursday before the next Council Meeting to contact the City Manager's Office to sponsor submitted proclamations. Proclamations receiving one sponsor will be placed on the next Council agenda as a Consent Calendar item. Those not receiving a sponsor will be disregarded. If multiple sponsors are received, the first Council Member to respond will be deemed the proclamation's sponsor. (*M.O. 13-100113, October 1, 2013.*)



V. COUNCIL MEMBER REQUESTS TO STAFF

A. General Information

All City Council Member requests for information or documents shall be referred through the City Manager. Any Department Head who receives a direct request from a Council Member shall submit the request, including the name of the requesting Council Member, to the City Manager.

B. Research

All City Council Member requests for information or documents which require extensive research, in the opinion of the City Manager, shall be referred through the City Manager to the Council for direction. The City Manager will discuss the matter with the appropriate department and relay the approximate time table for completion to the City Council for discussion and action at the next available meeting of the City Council. If the request is approved by the Council, upon completion of the research, the information or documents will be forwarded to the City Council Members by the City Manager. *(Amended via Minute Order 08-071911, July 19, 2011.)*

C. Items for inclusion in Council Agenda

The City Manager shall compile the agenda for each meeting and shall include as agenda items, business in the normal course of City affairs, including but not limited to staff proposals to improve services, support the economy and land use, and enhance the efficiency and effectiveness of the City organization, items relating to current, past, and proposed City contracts, leases, franchises, agreements and similar documents, and matters affecting future or proposed City equipment and property, items relating to City employees, agents and contractors, and such other matters as are defined in this handbook or otherwise directed by the City Council.

All City Council Member requests for an item to be placed on the Council agenda should be referred to the City Manager. Such request shall be submitted prior to Wednesday noon of the week before the Council meeting in order to be placed on the next regularly scheduled meeting. *(Amended via M.O. 13-111814, November 18, 2014.)*

The City Manager shall place any Council Member request for an agenda item on the next available agenda as a Consent Calendar item for Council approval to be included as a Scheduled Matter on the next available agenda. This does not prevent any Council Member from moving to place an item on the next available agenda during Other Matters of the current agenda. *(Amended via Minute Order 08-071911, July 19, 2011.)*



VI. COUNCIL AGENDA

A. Preparation:

Each Department Head submits their departmental agenda items to the City Manager for approval utilizing the City's electronic agenda management system. (*Amended via M.O. 11-111814, November 18, 2014.*)

The City Council meeting agendas are prepared on the Thursday prior to the Tuesday meeting. Any questions regarding whether items have been scheduled for consideration at a particular meeting may be directed to the Chief Deputy City Clerk and/or Deputy City Clerk.

B. Deadlines:

The deadlines for the agenda are the Monday preceding the Thursday preparation day. Public hearing items, scheduled matter items, Consent calendar items, and written communications must be submitted by the Monday deadline. The deadline for a Council member request for any item shall be Wednesday noon preceding the Thursday preparation day. (*Amended via M.O. 13-111814, November 18, 2014.*)

C. Delivery:

Agendas will be delivered to Council on the Thursday prior to the Tuesday meeting via an emailed link to the electronic agenda packet posted on the City's website. No items, or additional materials, shall be delivered after the initial delivery to Council on Thursday, except in the instance of a designated emergency item.

Once the Agenda is made available to the City Council, it is available to the public. (*Amended via M.O. 11-111814, November 18, 2014.*)



VII. THE RALPH M. BROWN ACT

The Ralph M. Brown Act (California Government Code Section 54950 et seq.) governs meetings conducted by local legislative bodies such as city councils, boards of supervisors, special districts, and school boards. The Act represents the State Legislature's determination of how the balance should be struck between the public access to meetings of multi-member public bodies on one hand, and the need for confidential candor, debate, and information gathering on the other.

The Act contains specific exceptions from the open meeting requirements where government has a demonstrated need for confidentiality. Where matters are not subject to a closed meeting exception, the Act has been interpreted to mean that all of the deliberative processes by legislative bodies, including discussion, debate and the acquisition of information, be open and available for public scrutiny.

Meetings are defined as any gathering of a quorum of a legislative body (which includes newly elected but unsworn members of the body) to discuss or transact business under the body's jurisdiction and serial meetings are prohibited. Exemptions are individual contacts between board members and others which do not constitute serial meetings, attendance at conferences and meetings which are open to the public so long as legislative bodies do not discuss amongst themselves business of a specific nature under the body's jurisdiction, and attendance at social or ceremonial events where no business of the body is discussed.

The Act requires that notices of regular meetings must be posted at least seventy-two (72) hours prior to the meeting, and twenty-four (24) hour notice must be provided to members of the legislative body and media outlets for special meetings.

A user's guide to the Ralph M. Brown Act is provided to Council Members for their information. If a Council Member has a specific question which does not seem to be covered in the guide, the Council Member should contact the City Attorney for a legal opinion.



VIII. TRAVEL, MEETINGS AND EXPENSES

This policy would satisfy the requirements of California Government Code §§ 53232.2 and 53233.3 in the event such requirements could be constitutionally applied to charter cities.

The City Manager, or his staff, will notify the City Council Members about any League of California Cities' Conferences, Committee meetings, and/or local meetings that may be of interest to the Council. If a Council Member is interested in attending any such meeting, the following procedures should be followed:

A. Requests for Reservations:

When a City Council Member wishes to attend a conference or meeting, he/she should contact the City Manager's office and indicate the following:

1. The date(s) of the conference or meeting;
2. If the Council Member will be accompanied by anyone else, i.e. spouse, child;
3. Any personal preferences for hotel reservations, such as smoking or non-smoking, king or double beds, etc.; and
4. Whether special travel arrangements need to be made, i.e. airplane tickets, ride-sharing, etc.

A disbursement will then be prepared and the payment for the conference or meeting will be forwarded, and, if applicable, the hotel will be contacted to make the appropriate reservations. When making hotel reservations to attend a conference or meeting, a request for a room sales tax waiver shall be made on behalf of the applicable Council member. If a prior room reservation request is not made, the Council member shall request a room sales tax waiver prior to payment for a room.

For lodging in connection with a conference, lodging expenses must not exceed the group rate published by the conference sponsor for the meeting in question, if such rates are available at the time of booking. If the group rate is not available, government rates must be used when available. Lodging rates that are equal or less than the government rates are presumed to be reasonable and allowed per this policy. In the event that government rates are not available at a given time or in a given area, lodging rates that do not exceed the IRS per diem rates for a given area are presumed reasonable and hence allowed.

B. Travel and Expense Form:

A Travel and Expense Form will then be prepared for the Council Member which indicates the following:

1. The amount of money to be issued to the traveler as per diem*; and
2. Mileage expense* (if a personal vehicle is used for travel and cost is paid in advance).

** Amount set in Administrative Policy Manual Sec. II-E-1, Travel & Conference Expenses. In regard to the per diem amount, if payments for expenses are made in advance pursuant to the specified per diem amounts, the disbursement shall not be considered to be reimbursable expense under AB 1234.*

The Council Member will then be issued a packet of materials several days prior to the meeting which contains the following:

1. A check for per diem and mileage;
2. Confirmation notification and informational materials regarding the conference;
3. Confirmation notification for any hotel reservations; and
4. A City credit card to pay for the room charges at the end of the meeting.

C. Receipts:

The Council Member shall then bring the receipt for the hotel charges to the City Manager's staff upon his/her return, together with the credit card, and any refund due the City. The Council Member shall sign the original Travel and Expense Form at that time, which shall then be filed with the Finance Department for final processing.

If a refund is due the Council Member, a check will be issued by the Finance Department and then distributed to the Council Member.

D. Eligibility:

The City shall pay for any Council Member to attend any meetings or conferences of their choice. City Council approval shall not be required unless it is required by AB 1234. A Council Member may request mileage and other expenses associated with attending meetings of boards, commissions, committees, or other groups to which the Council Member has been elected, appointed, or designated to attend by the City Council without further approval or ratification. When accompanied by a spouse, significant other, and/or one or more children, the Council Member shall pay for expenses incurred above that which would otherwise have been paid for the Council Member. Any charge placed on a City credit card for someone other than a Council

Member shall also be considered a refund due the City, payable within 10 days of the receipt of the charges. *(Amended via Minute Order 18-091812, September 18, 2012.)*

E. Event Tickets :

1. City and/or City-Sponsored Events:

A Council Member may accept no more than two (2) tickets issued by the City to a City event or a City-sponsored event. Any tickets in excess of two (2) accepted by a Council Member shall be paid for by the Council Member from non-City funds at the time of acceptance of the tickets. *(Resolution 99-2012, October 2, 2012.)*

2. Non-City Sponsored Events:

(Repealed via M.O. 11-111814, November 18, 2014.)



IX. CONFLICT OF INTEREST

A. City Council Members Filing Requirements

City Council Members are under the provisions of the Political Reform Act (Gov. Code, Section 81000 et seq. known as "the Act") as enforced by the Fair Political Practices Commission. The Act applies to campaign contributions requirements, as well as matters of conflict of interest while in office.

1. Disclosure of Economic Interests:

City Council Members must file assuming office and leaving office statements, as well as annual statements while in office. The statements basically require the disclosure of the following information:

- Investments or interests in real property and its fair market value;
- Income, and the name and address of each source of income aggregating five hundred dollars (\$500) or more, or fifty (\$50) or more if a gift, and a general description of the business activity, if any of each source;
- Interests in real property held by a business entity or trust;
- Loans, and its annual interest rate and the security, if any, given for the loan;

2. Disqualification of Participation (Conflict of Interest):

A Council Member shall not make, participate in making, or in any way attempt to use his official position to influence a governmental decision in which he knows or has reason to know he has a financial interest. This might include decisions which affect property within up to 500 feet of the subject property in which the Council Member has an interest.

A financial interest in a decision, within the meaning of Section 87100 of the Act, is if it is reasonably foreseeable that the decision will have a material financial effect, distinguishable from its effect on the public generally, on the Council Member or:

- A member of his or her immediate family;

- A business entity in which the Council Member has a direct or indirect investment worth \$2000 or more;
- Any real property in which the Council Member has a direct or indirect interest worth \$2,000 or more;
- Any source of income, other than gifts or commercial lending institutes loans, aggregating \$500 or more received or promised to the City Council Member within twelve months prior to the time when the decision is made;
- Any business entity in which the City Council Member is a director, partner, trustee, employee, or holds any position of management;
- Any donor, or any intermediary or agent for a donor, or a gift or gifts aggregating \$420 or more in value provided to, received by, or promised to the City Council Member within 12 months prior to the time when the decision is made.

Indirect investment or interest means any investments or interest owned by the spouse or dependent child of a City Council Member, by an agent on behalf of a Council Member, or by a business entity or trust in which the Council Member, the Council Member's agents, spouse, and dependent children own directly, indirectly, or beneficially a 10% interest or greater.

Section 87100 of the Act does not prevent any Council Member from making or participating in the making of a governmental decision to the extent his participation is legally required for the action or decision to be made. The fact that a Council Member's vote is needed to break a tie does not make his participation legally required for purposes of this section.

Pursuant to Section 87105 of the Act, a public official who holds an office specified in Section 87200 who has a financial interest in a decision within the meaning of Section 87100 shall, upon identifying a conflict of interest or a potential conflict of interest and immediately prior to the consideration of the matter, do all of the following:

- a. Publicly identify the financial interest that gives rise to the conflict of interest or potential conflict of interest in detail sufficient to be understood by the public, except that disclosure of the exact street address of a residence is not required.

- b. Recuse himself or herself from discussing and voting on the matter, or otherwise acting in violation of Section 87100.
- c. Leave the room until after the discussion, vote, and any other disposition of the matter is concluded, unless the matter has been placed on the portion of the agenda reserved for uncontested matters.
- d. Notwithstanding paragraph (3), a public official may speak on the issue during the time that the general public speaks on the issue.

B. Other Agencies:

Whenever a Council Member is required to file a Statement of Economic Interest for an outside agency, the Deputy City Clerk will provide the correct form, and using the Statement of Economic Interest Form 700 filed in the City Clerk's Office for the City of Porterville, prepare a duplicate statement for signature, and forward the appropriate form to the requesting agency.

C. Redevelopment Agency Filing Requirements:

Upon assuming office, a City Council Member will also serve as a Redevelopment Agency Member. As an Agency Member, they must file a Conflict of Interest statement for the Porterville Redevelopment Project area. After assuming office, an Agency Member may not acquire any property within the Redevelopment Project area. If prior interests exist within the Project area, the Agency Member must disqualify themselves from any action taken which would constitute a benefit to them.

D. City of Porterville Conflict of Interest Code:

Certain designated City employees are also required to file conflict of interest forms under the provisions of the Political Reform Act Code, Sections 87100-87500 et seq. The City of Porterville Conflict of Interest Code was adopted by the City Council and is reviewed biennially to make sure it is kept current.

If Council Members have a question on whether an interest they have is sufficient for disqualification, they should contact the Fair Political Practices Commission at (866) 275-3772, or <http://www.fppc.ca.gov>, for a ruling or opinion.



X. GENERAL ITEMS

A. Different Hats

Members of the City Council also serve as the governing bodies for the following local agencies:

1. Successor Agenda to the Porterville Redevelopment Agency
2. Industrial Development Authority
3. Public Financing Authority
4. Public Improvement Corporation
5. Planning Commission
6. Conflicts and Disclosure Monitor Agency

B. Compensation

As stated in the City Charter, Section 9, City Council Members shall receive \$20 per Council meeting, \$25 per Council meeting for the Mayor, with a maximum of seven paid Council meetings per month.

C. Issuance of Laptop Computers to Council Members

A Wireless Communications Policy for the laptop computers is being developed as set forth in Minute Order 14-090605. (*See Appendix D*)

D. Direction to Support Staff:

Upon assuming office, Council Members should notify the City Manager's staff regarding the following items:

1. Where to deliver Administrative Reports and Memorandums, i.e. home or business.
2. How to direct citizens who wish to speak to Council Members, i.e. take a message, give out home telephone numbers, give out business telephone numbers, etc.

E. City Attorney

The City Attorney is the legal advisor of the City Council, and all other City officials. The City Attorney shall prosecute all violations of City ordinances and shall draft all contracts and other legal documents and instruments, required by the Council or the

City Manager. The City Attorney shall perform such other legal services as the Council may direct and shall attend all meetings of the Council unless excused therefrom by three members or by the Mayor.

The types of questions referred to the City Attorney are as follows:

1. Generally whether a conflict of interest exists for a Council Member and whether they should abstain from voting on a specific matter.

Please note: Any advice received from the City Attorney relating to Conflicts of Interests is informal only and not binding; the Council Member must seek and obtain a formal written opinion from the FPPC in order to be afforded any statutory immunities.

2. Whether an issue has a legal standing, and what type of action would be appropriate.
3. Legal recommendations for matters of litigation.

F. Annual City Manager/City Attorney Evaluations

The City Council shall provide for annual evaluations for the City Manager and the City Attorney. A standardized evaluation form shall be used which shall address the areas of importance as set forth by the City Council. (*See Appendix C.*)

G. Response to President/Governor Directives

Directives issued by the President of the United States and/or Governor of the State of California shall not be considered a mandatory directive to the City of Porterville except as authorized and/or approved by the City Council. The one exception to this rule is that flags on City buildings shall be flown at half-staff upon orders by the President, Governor and/or Mayor, or by majority approval of the City Council.



APPENDICES

- A. Resolution 101-2010, Order of Business
- B. Resolution 99-2012, Ticket Policy
- C. Annual City Manager/City Attorney Evaluation Forms
- D. Electronic Device Policy (to be attached upon adoption)
- E. Email Retention Policy (to be attached upon adoption)

RESOLUTION NO. 101 -2010

A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF PORTERVILLE RESCINDING RESOLUTION 72-2005
AND ESTABLISHING NEW ORDER OF BUSINESS TO BE FOLLOWED
AT REGULAR MEETINGS OF THE CITY COUNCIL

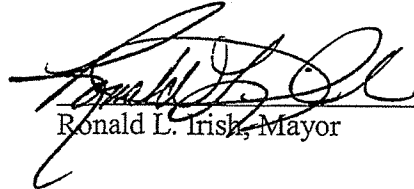
BE IT RESOLVED by the City Council of the City of Porterville that Resolution No. 72-2005 is herein rescinded.

BE IT FURTHER RESOLVED that the following is the order of business to be followed in conducting the regular meetings of the City Council:

- MEETING CALLED TO ORDER
- ROLL CALL
- ORAL COMMUNICATIONS (closed session items only)
- CLOSED SESSION
- RECONVENE OPEN SESSION
- REPORT ON ACTION TAKEN IN CLOSED SESSION
- PLEDGE OF ALLEGIANCE
- INVOCATION
- PROCLAMATIONS/PRESENTATIONS
- REPORTS (AB1234 Reports, Committee/Commission/Board Reports; Subcommittee Reports; Information Items and Reports)
- ORAL COMMUNICATIONS (on any matter of interest)
- CONSENT CALENDAR – to include:
 - Approval of Minutes
 - Claims Against the City
 - Payment of Bills
 - Payments on Public Works Projects
 - Authorization to Purchase
 - Authorization to Call for Bids
 - Award of Bids
 - Acceptance of Projects
 - Acceptance of Dedications/Property
 - Approval of Final Tract Maps
 - Annexations
 - Requests for City Services
 - Reports
 - Other Routine Matters
- PUBLIC HEARINGS
- SECOND READINGS
- SCHEDULED MATTERS

- ORAL COMMUNICATIONS (on any matter of interest)
- COUNCIL COMMENTS
- ADJOURNMENT

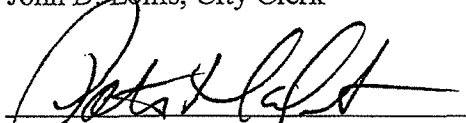
PASSED, APPROVED AND ADOPTED this 17th day of August, 2010.



Ronald L. Irish, Mayor

ATTEST:

John D. Lollis, City Clerk



By: Patrice Hildreth, Chief Deputy City Clerk

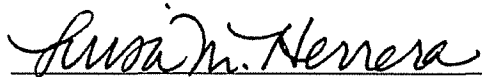
STATE OF CALIFORNIA)
CITY OF PORTERVILLE) SS
COUNTY OF TULARE)

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 a regular meeting of the Porterville City Council duly called and held on the 17th day of August, 2010.

THAT said resolution was duly passed, approved, and adopted by the following vote:

Council:	MCCRACKEN	HAMILTON	IRISH	SHELTON	WARD
AYES:	X	X	X	X	X
NOES:					
ABSTAIN:					
ABSENT:					

JOHN D. LOLLIS, City Clerk



By: Luisa Herrera, Deputy City Clerk

RESOLUTION NO. 99 -2012

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
PORTERVILLE ESTABLISHING A POLICY CONCERNING THE
ACCEPTANCE OF TICKETS BY COUNCIL MEMBERS TO CITY OR
CITY-SPONSORED EVENTS

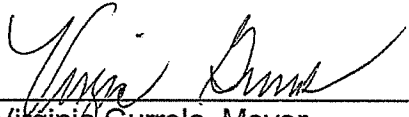
WHEREAS, at its regular meeting of September 18th, 2012, the City Council of the City of Porterville authorized the drafting of a policy limiting the acceptance of tickets by City Council Members to City and City-sponsored events;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PORTERVILLE:

SECTION 1. The City Council hereby establishes a policy as follows: a Council Member may accept no more than two (2) tickets issued by the City to a City event or a City-sponsored event. Any tickets in excess of two (2) accepted by a Council Member shall be paid for by the Council Member from non-City funds at the time of acceptance of the tickets.

SECTION 2. This resolution establishing the above policy shall be attached as an appendix to the City Council Procedural Handbook.

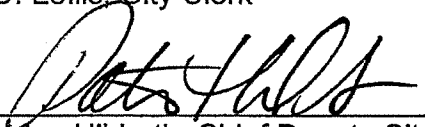
PASSED, APPROVED AND ADOPTED this 2nd day of October, 2012.



Virginia Gurrola, 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 a regular meeting of the Porterville City Council duly called and held on the 2nd day of October, 2012.

THAT said resolution was duly passed, approved, and adopted by the following vote:

Council:	WARD	McCRACKEN	GURROLA	SHELTON	HAMILTON
AYES:	X	X	X	X	X
NOES:					
ABSTAIN:					
ABSENT:					

JOHN D. LOLLIS, City Clerk


By: Luisa M. Herrera, Deputy City Clerk

**CITY MANAGER
PERFORMANCE EVALUATION
CITY OF PORTERVILLE
(January 1 – December 31, _____)**

	WEAK					STRONG				
A. Providing Information										
1. Does the City Manager keep you informed, in a timely manner, of the things you want to know about?	1	2	3	4	5					
2. Do you feel that you receive information on an equal basis with other Council members?	1	2	3	4	5					
3. Do reports provide adequate information and analysis to help you make sound decisions?	1	2	3	4	5					
4. Are agenda items and supporting documents appropriate and brought to Council in sufficient time for deliberations?	1	2	3	4	5					
5. Does the City Manager regularly consult with the Council before setting the agenda to determine appropriate topics and timing?	1	2	3	4	5					
6. Does the City Manager follow up promptly on Council requests for information or action without having to be reminded?	1	2	3	4	5					
7. Are Council packets relatively free of errors and omissions?	1	2	3	4	5					
Average score										

	WEAK			STRONG		
B. Providing Advice						
1. Does the City Manager have adequate knowledge of municipal affairs?	1	2	3	4	5	
2. Does he exercise good judgment?	1	2	3	4	5	
3. Do you feel that the City Manager considers alternatives before making recommendations?	1	2	3	4	5	
4. Does the City Manager plan ahead, anticipate needs and recognize potential problems?	1	2	3	4	5	
5. How do you feel about the quality of analysis that accompanies recommendations?	1	2	3	4	5	
6. Does he have a good sense of timing in bringing issues to the Council for action?	1	2	3	4	5	
Average score						

INTERNAL ADMINISTRATION

	WEAK			STRONG		
A. Financial Management						
1. Are you comfortable with the City Manager's approach to budget preparation and review?	1	2	3	4	5	
2. Is the City Manager effective in controlling costs through economical utilization of manpower, materials, and equipment?	1	2	3	4	5	
3. Does the City Manager have sufficient knowledge of financial matters?	1	2	3	4	5	
4. Does the City Manager provide you with sufficient information on the financial status of the City government?	1	2	3	4	5	
5. Is the budget submitted on time?	1	2	3	4	5	
Average score						

	WEAK		STRONG		
B. Personnel Management					
1. Is the City Manager successful in guiding people so that they work together as a team toward common objectives?	1	2	3	4	5
2. Is the City Manager effective in selection and placing personnel?	1	2	3	4	5
3. Does the City Manager develop and motivate personnel so that they are increasingly effective in performing their duties?	1	2	3	4	5
4. Is the City Manager willing to face up to disciplinary problems and take action when warranted?	1	2	3	4	5
5. Is the City Manager effective in promoting positive employer-employee relations?	1	2	3	4	5
6. Does the City Manager respond to Council suggestions on employee training, work priorities and productivity? Are the decisions explained to Council?	1	2	3	4	5
7. Is the City Manager effective on assuring that staff makes a positive impression on citizens?	1	2	3	4	5
8. Does the City Manager ensure that every City employee receives a written annual performance review?	1	2	3	4	5
Average score					

	WEAK		STRONG		
C. Getting the Job Done					
1. Do you have the feeling that things the Council decides or directs get done?	1	2	3	4	5
2. Does the City Manager organize or assign work so that it is performed efficiently and effectively?	1	2	3	4	5
3. Does the City Manager pay sufficient attention to detail to avoid error or things “slipping through the cracks”?	1	2	3	4	5
4. Does the City Manager put in sufficient time and effort to perform to your expectations?	1	2	3	4	5
5. Does the City Manager have a good sense of priorities in the way he spends his time on the job?	1	2	3	4	5
6. Is the City Manager able to analyze problems or issues and identify causes, reasons, and implications?	1	2	3	4	5
7. Does the City Manager develop and carry out short- and long-term action plans?	1	2	3	4	5
Average score					

EXTERNAL RELATIONS

	WEAK		STRONG		
A. Citizen Relations					
1. Does the City Manager generally make a positive impression on citizens and is he respected in Porterville?	1	2	3	4	5
2. Is he effective in handling disputes or complaints involving citizens?	1	2	3	4	5
3. Does the City Manager have appropriate visibility or identity in the community?	1	2	3	4	5
4. Does the City Manager represent Council positions and policies accurately and effectively?	1	2	3	4	5
5. Does the City Manager give sufficient credit to Council?	1	2	3	4	5
6. Does the City Manager think and act in a manner reflecting an attitude that client (Council, staff, or citizens) perceptions and satisfactions are key?	1	2	3	4	5
Average score					

	WEAK			STRONG		
B. Intergovernmental Relations						
1. Is the City Manager effective representing the City's interests in dealing with other agencies?	1	2	3	4	5	
2. Does the City Manager participate in enough intergovernmental activity to have an impact on behalf of the City?	1	2	3	4	5	
Average score						

PERSONAL CHARACTERISTICS

	WEAK			STRONG	
A. Personality					
1. Is the City Manager's personality suited to effective performance of his duties?	1	2	3	4	5
Average score					

	WEAK			STRONG		
B. Communications						
1. Is the City Manager easy to talk to?	1	2	3	4	5	
2. Do you feel he is a good listener?	1	2	3	4	5	
3. Are communications thoughtful, clear, and to the point?	1	2	3	4	5	
4. Does the City Manager show sensitivity to the concerns of others?	1	2	3	4	5	
Average score						

	WEAK		STRONG		
C. Management Style					
1. Does the City Manager demonstrate interest and enthusiasm in performing his duties?	1	2	3	4	5
2. Does he have sufficient leadership characteristics to command respect and good performance from employees?	1	2	3	4	5
3. Does the City Manager show initiative and creativity in dealing with issues, problems, and unusual situations?	1	2	3	4	5
4. Is the City Manager open to new ideas and suggestions for change?	1	2	3	4	5
5. Does the City Manager create an atmosphere in which employees can enjoy working for the City?	1	2	3	4	5

6. Is the City Manager honest and ethical?	1	2	3	4	5
7. Does the City Manager work well under pressure?	1	2	3	4	5
8. Is the City Manager able to change his approach to fit new situations?	1	2	3	4	5
9. Can the City Manager consistently put aside personal views and implement Council policy and direction?	1	2	3	4	5
Average score					

ACHIEVEMENTS

List the top three achievements or strong points of the City Manager for the past twelve (12) months:
1.
2.
3.

FUTURE DEVELOPMENT

List three performance objectives for the City Manager that you feel are the most important targets for this year:
1.
2.
3.

TOTAL OVER ALL SCORE

	<u>WEAK</u>				<u>STRONG</u>
OVERALL RATING	1	2	3	4	5
<i>Date:</i>					

Cameron Hamilton, Mayor

Brian Ward, Vice Mayor

Pete V. McCracken, Council Member

Virginia Gurrola, Council Member

Greg Shelton, Council Member

**CITY ATTORNEY
PERFORMANCE EVALUATION
CITY OF PORTERVILLE
(January 1 – December 31, 20__)**

	WEAK			STRONG	
A. Providing Information					
1. Does the City Attorney keep you informed, in a timely manner, of the legal issues affecting the City?	1	2	3	4	5
2. Does the City Attorney demonstrate initiative and resourcefulness in identifying legal problems, and advising and recommending resolutions?	1	2	3	4	5
3. Do reports/memoranda from the City Attorney provide adequate information and analysis to help you make sound decisions?	1	2	3	4	5
4. Do the legal solutions that are developed appropriately address the issues to be resolved?	1	2	3	4	5
5. Does the City Attorney follow up promptly on Council requests for information or action without having to be reminded?	1	2	3	4	5
Average score					

	WEAK			STRONG	
B. Providing Advice					
1. Does the City Attorney have adequate knowledge of municipal legal affairs?	1	2	3	4	5
2. Does he/she exercise good judgment?	1	2	3	4	5
3. Do you feel that the City Attorney considers alternatives before making recommendations?	1	2	3	4	5
4. Does the City Attorney plan ahead, anticipate needs and recognize potential legal problems?	1	2	3	4	5
5. How do you feel about the quality of analysis that accompanies recommendations?	1	2	3	4	5
Average score					

	WEAK			STRONG	
C. Getting the Job Done					
1. Do you have the feeling that things the Council decides or directs get done?	1	2	3	4	5
2. Does the City Attorney pay sufficient attention to detail to avoid error or things "slipping through the cracks"?	1	2	3	4	5
3. Does the City Attorney put in sufficient time and effort to perform to your expectations?	1	2	3	4	5
4. Does the City Attorney have a good sense of priorities in the way he/she spends his/her time on the job?	1	2	3	4	5
5. Is the City Attorney able to analyze problems or issues and identify causes, reasons, and implications?	1	2	3	4	5
6. Does the City Attorney perform well under pressure?	1	2	3	4	5
7. When work is delegated to staff/deputy attorneys, is the project/issue handled appropriately?	1	2	3	4	5
Average score					

EXTERNAL RELATIONS

	WEAK			STRONG	
A. Citizen Relations					
1. Does the City Attorney generally make a positive impression on citizens and is he/she respected in Porterville?	1	2	3	4	5
2. Is he/she effective in handling disputes or complaints involving citizens?	1	2	3	4	5
3. Does the City Attorney have appropriate visibility or identity in the community?	1	2	3	4	5
4. Does the City Attorney think and act in a manner reflecting an attitude that client (Council, staff, or citizens) perceptions and satisfactions are key?	1	2	3	4	5
Average score					

	WEAK		STRONG		
B. Intergovernmental Relations					
1. Is the City Attorney effective representing the City's interests in dealing with other agencies?	1	2	3	4	5
Average score					

PERSONAL CHARACTERISTICS

	WEAK		STRONG		
A. Personality					
1. Is the City Attorney's personality suited to effective performance of his/her duties?	1	2	3	4	5
Average score					

	WEAK			STRONG	
B. Communications					
1. Is the City Attorney easy to talk to?	1	2	3	4	5
2. Do you feel he/she is a good listener?	1	2	3	4	5
3. Are communications thoughtful, clear, and to the point?	1	2	3	4	5
4. Does the City Attorney show sensitivity to the concerns of others?	1	2	3	4	5
Average score					

	WEAK		STRONG		
C. Management Style					
1. Does the City Attorney demonstrate interest and enthusiasm in performing his/her duties?	1	2	3	4	5
2. Does the City Attorney show initiative and creativity in dealing with issues, problems, and unusual situations?	1	2	3	4	5
3. Is the City Attorney honest and ethical?	1	2	3	4	5
4. Does the City Attorney work well under pressure?	1	2	3	4	5

5. Is the City Attorney able to change his/her approach to fit new situations?	1	2	3	4	5
6. Can the City Attorney consistently put aside personal views and implement Council policy and direction?	1	2	3	4	5
Average score					

ACHIEVEMENTS

List the top three achievements or strong points of the City Attorney for the past twelve (12) months:
1.
2.
3.

FUTURE DEVELOPMENT

List three performance objectives for the City Attorney that you feel are the most important targets for this year:
1.
2.
3.

TOTAL OVER ALL SCORE

	<u>WEAK</u>				<u>STRONG</u>
OVERALL RATING	1	2	3	4	5
<i>Date:</i>					

Cameron Hamilton, Mayor

Brian Ward, Vice Mayor

Pete V. McCracken, Council Member

Virginia Gurrola, Council Member

Greg Shelton, Council Member



CITY COUNCIL AGENDA – JANUARY 15, 2019

SUBJECT: Designation of Governmental Use Properties by Successor Agency and Acceptance Thereof by City Council

SOURCE: Community Development

COMMENT: Upon the dissolution of the former Porterville Redevelopment Agency (“RDA”) on February 1, 2012, all of the RDA’s non-housing real estate assets were transferred by operation of law to the Successor Agency of the Porterville Redevelopment Agency (“Successor Agency”). The Successor Agency then prepared a Long Range Property Management Plan (“Plan”) and obtained approval of the Plan from the Oversight Board and Department of Finance (“DOF”), as required by the Redevelopment Dissolution Act. The Plan is intended to address the disposition of all real property owned by the Successor Agency.

The Successor Agency received a letter from Tulare County (see Attachment No. 1) notifying the Successor Agency that one property owned by the Successor Agency was not included in the Plan (“Casas Del Rio Lot E”). The County Assessor reports that Lot E is owned by the Porterville Redevelopment Agency, but reports the other public areas, Lots A, B, C and D in the Casas Buena Vista development (rights of way and park/open space elements) as being owned by the City of Porterville. Agency staff have not found evidence that any of the lots in question (Lots A, B, C, D or E) were transferred by the Redevelopment Agency to the City prior to dissolution. All parcels are constructed and used either as public right of way or park/open space and are identified and maintained as Landscape and Maintenance District #25. In order to resolve any confusion the Successor Agency is requesting that all five lots (“Properties”) be approved for transfer to the City as governmental use properties.

The Dissolution Act specifies that properties used for a governmental purpose, including roads and parks, may be transferred to the City. Because the only potential uses of the Properties are open space, park, or bicycle/pedestrian pathways, the Properties qualify as Governmental Use properties under Health and Safety Code Section 34181(a). Thus, the Properties are eligible for transfer to the City, following Oversight Board and DOF approval of this determination.

If the Successor Agency board approves the attached Resolution designating the Properties as Governmental Use property and directing the transfer of the Properties to the City, the Oversight Board will be asked to approve the same action by Resolution and the Oversight Board’s Resolution will be transmitted

to DOF for approval. DOF has up to one hundred (100) days to approve the action, pursuant to Health and Safety Code Section 34181(f).

The City will not be required to compensate the Successor Agency for the Properties, which has no value to the City. The Successor Agency will incur administrative costs in connection with this Action.

If Council approves accepting title to the Properties, staff is also seeking direction for continued development of the LMD. The LMD has funding available for improvements to the open space areas. There is river access from three points along Rio Vista Avenue. Staff has received several nuisance complaints from residents that people experiencing homelessness traverse the area, and are creating a health and human safety issue along the Property by amassing trash, debris and human waste. A chain link fence was installed in 2002 as a temporary solution, but frequently requires repairs. The Tule River Parkway Phase 3 (attached) will be providing a trail and recreational activities along the southern boundary of the River. It has been intended that the trail would be a loop that extends along both sides of the Tule River, but formal plans have not been designed for the Property. Staff has received an application for the development of the parcels east of the Property that include a trail that includes a pedestrian path that connects to Plano Street. Additionally, the Fallen Heroes Park is located south of the development and has the potential to provide additional recreational resources.

RECOMMENDATION:

That the Successor Agency:

1. Adopt the draft SA Resolution 2019-01 designating the Properties as Governmental Use property under the Dissolution Act; and
2. Authorize the City Manager and Successor Agency Attorney to make any augmentation, modification, additions, or revisions as may be necessary;
3. Authorize the Chairwoman and Executive Director to sign all necessary documents

That the City Council:

1. Adopt the draft Resolution accepting title to the Properties;
2. Authorize the City Manager and City Attorney to make any augmentation, modification, additions, or revisions as may be necessary;
3. Authorize the Mayor and City Manager to sign all necessary documents; and
4. Provide direction to the staff for the Landscape and Maintenance District No. 25

ATTACHMENTS:

1. Letter from Tulare County Re Successor Agency Property
2. Grant Deed 2003-0085065
3. Project Locator
4. Tule River Parkway Phase 3

5. SA Resolution re Governmental Use Property
6. City Council Resolution Accepting Title to Government Use Property

Appropriated/Funded:

Review By:

Department Director:

Jenni Byers, Community Development Director

Final Approver: John Lollis, City Manager

Properties Owned by Porterville Successor Agency

The Porterville Successor Agency (SA) is listed as the owner of 2 properties on the Tulare County Tax Roll. As part of the Wind Down process, the SA is required to dispose of these properties in the manner approved by the Department of Finance (DOF) on the Long Range Management Plan (LRMP).

If a property is owned by the SA and listed on the LRMP as being transferred to Government ownership, the SA should complete the paperwork for the change of ownership with the Assessor. The approval of the Countywide Oversight Board is not needed. The following property fits this criteria:

253-177-008-000	PORTERVILLE CITY OF REDEV AGCY	Garden Ave and Second street Parking Lot
-----------------	--------------------------------	--

One property is listed as belonging to the SA but is not listed on the LRMP. If the property was never owned by the SA but a data entry type error caused the SA to be listed as the owner, please correct with the Assessor –does not need to be presented to the Countywide Oversight Board. If the property is, indeed, owned by the SA, decide on a disposition and put it on the agenda for Countywide Oversight Board approval (the DOF will have final approval).

261-322-062-000	PORTERVILLE REDEVELOPMENT AGENCY	CASAS DEL RIO LT E
-----------------	----------------------------------	--------------------

There will be a Countywide Oversight Board Meeting on January 11th, 2019 and agenda items need to be turned in to the Auditor's office by December 21st, 2018.

RECORDING REQUESTED BY:
City of Porterville

WHEN RECORDED MAIL TO:
City of Porterville
291 North Main Street
Porterville, Ca. 93257

Recorded
Official Records
County Of
Tulare
GREGORY B. HARDCASTLE
Recorder

REC FEE
CONFORM

.00
.00

01:27PM 05-Sep-2003 | nc
Page 1 of 4

(Space above this line for Recorder's Use)

APN: 261-322-059
261-322-060
261-322-061
261-322-062
261-321-061

GRANT DEED

~~CASAS DEL RIO PROPERTY OWNERS ASSOCIATION~~
~~The undersigned grantor(s)~~ hereby grant to the Porterville
Redevelopment Agency of the City of Porterville, all right, title
and interest in that certain parcel of real property in the County
of Tulare, California, more particularly described as follows:

Common Lots A,B,C,D, and E of Casas Del Rio, in
the City of Porterville, County of Tulare, State
of California, according to the Map there of
recorded in Book 31, page 76 of Maps, records of
Tulare County EXCEPTING THEREFROM all oil, gas,
minerals and other hydrocarbons, lying below
depth of 500 feet from the surface of said land,
but without the right of surface entry upon any
portion of the surface above a depth of 500 feet,
as reserved by Marguerite O'Reilly, a widow, as
to an undivided 1/3 interest; and Barbara Eileen
O'Reilly, a single woman, as to an undivided 1/3
interest; and Donald Eugene O'Reilly, an
unmarried man, as to undivided 1/3 interest, by
Deed dated March 19, 1983, recorded March 24,
1983, as Instrument No. 13689.

ACCEPTANCE OF REAL PROPERTY

APN: 261-322-059
261-322-060
261-322-061
261-321-062
261-321-061

The undersigned, City of Porterville Redevelopment Agency of the City of Porterville, does hereby accept all right, title and interest in that certain parcel of real property in the County of Tulare, State of California, more particularly described as follows:

Common Lots A,B,C,D, and E of Casas Del Rio, in the City of Porterville, County of Tulare, State of California, according to the Map there of recorded in Book 31, page 76 of Maps, records of Tulare County EXCEPTING THEREFROM all oil, gas, minerals and other hydrocarbons, lying below depth of 500 feet from the surface of said land, but without the right of surface entry upon any portion of the surface above a depth of 500 feet, as reserved by Marguerite O'Reilly, a widow, as to an undivided 1/3 interest; and Barbara Eileen O'Reilly, a single woman, as to an undivided 1/3 interest; and Donald Eugene O'Reilly, an unmarried man, as to undivided 1/3 interest, by Deed dated March 19, 1983, recorded March 24, 1983, as Instrument No. 13689.

Dated: August 8, 2003

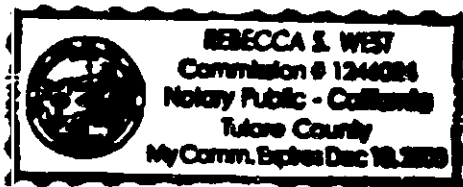
Bradley D. Dunlap
Porterville Redevelopment Agency
City of Porterville

STATE OF CALIFORNIA)
) ss.
COUNTY OF TULARE)

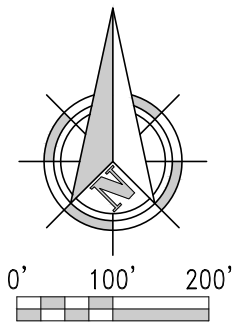
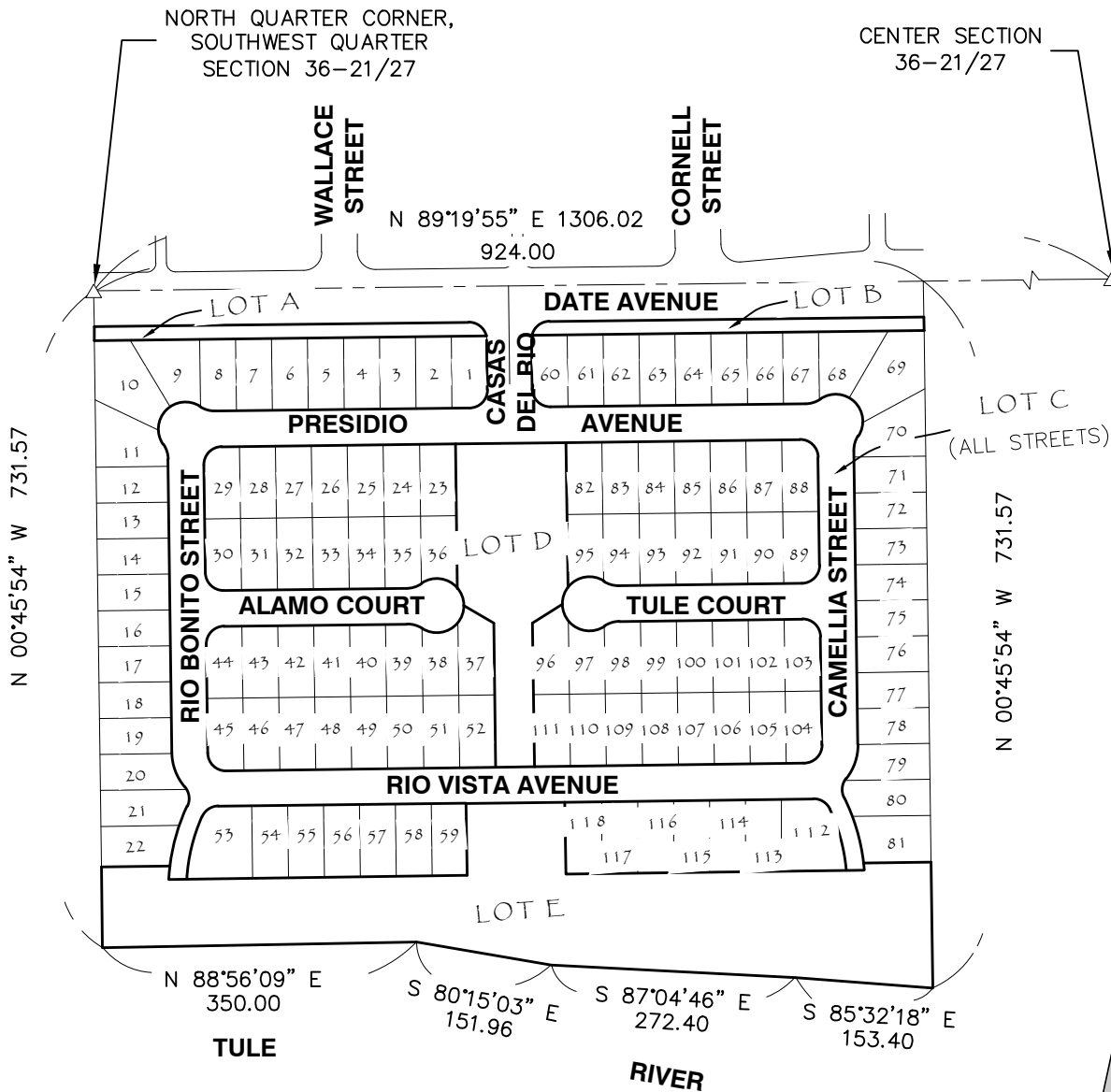
On August 8, 2003, before me, REBECCA S. WEST

_____ a Notary Public, personally appeared _____,
is personally known to me (or proved to me on the basis of
satisfactory evidence) to be the person whose name subscribed to
the within instrument and acknowledged to me that he executed the
same in his authorized capacity, and that by his signature on the
instrument the person or entity upon behalf of which the person
acted, executed the instrument.

WITNESS my hand and official seal.



Rebecca S. West
Notary Public



SCALE: 1" = 200'

ALL DISTANCES ARE IN
FEET AND DECIMALS
THEREOF

LOTS A, B, C D AND E OF CASAS DEL RIO
SUBDIVISION RECORDED IN VOLUME 31 OF MAPS AT
PAGE 76, T.C.R. LOCATED IN A PORTION OF THE
NORTHEAST QUARTER OF THE SOUTHWEST
QUARTER OF SECTION 36, TOWNSHIP 21 SOUTH,
RANGE 27 EAST, MOUNT DIABLO BASE AND
MERIDIAN, IN THE CITY OF PORTERVILLE, COUNTY
OF TULARE, STATE OF CALIFORNIA

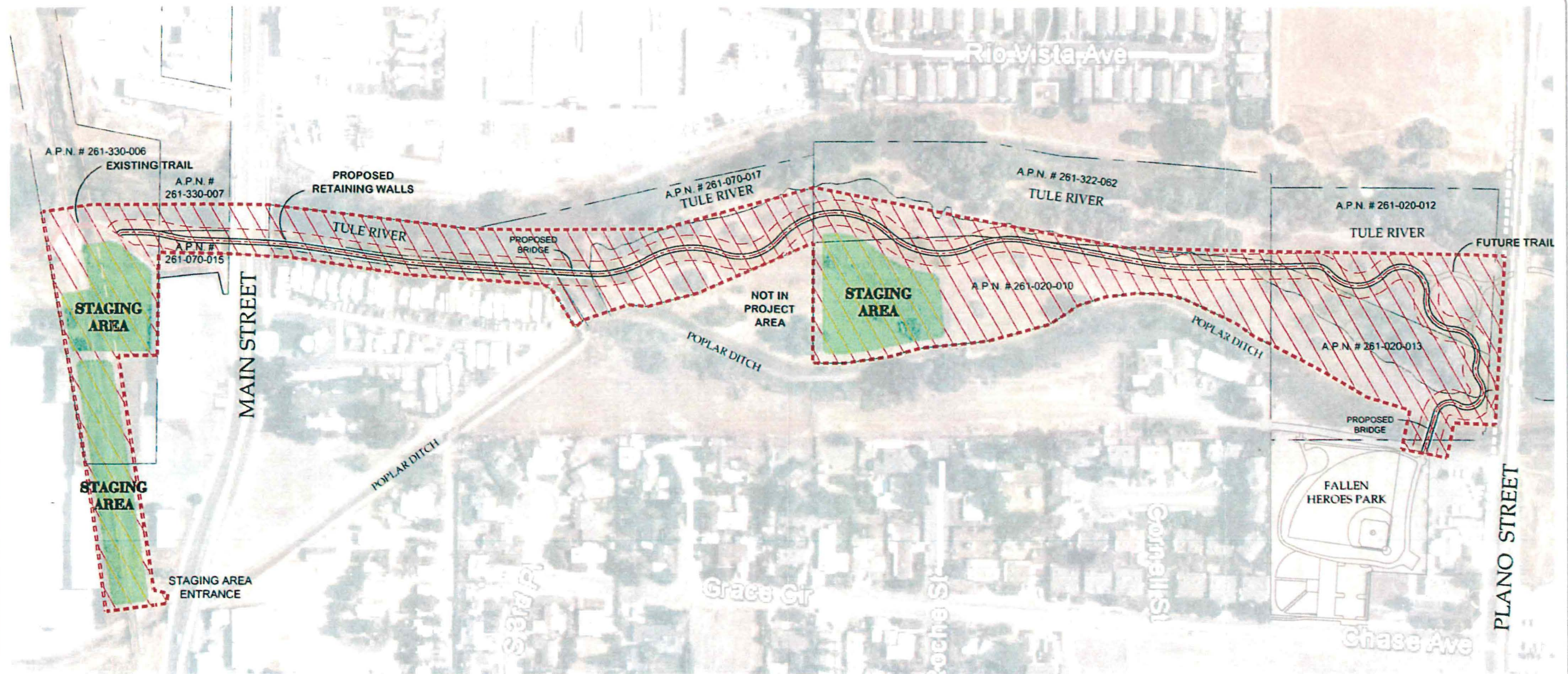
ALL BEARINGS AND
DISTANCES ARE RECORD PER
MAP OF CASAS DEL RIO
RECORDED IN VOLUME 31 OF
MAPS AT PAGE 76, T.C.R.

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

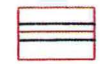
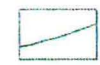
LOCATOR MAP CASAS DEL RIO SUBDIVISION

DRAWN BY	CAL
CHECKED BY	MKR
SCALE	1" = 200'
DATE	1/10/2019

SHEET
1
OF
1



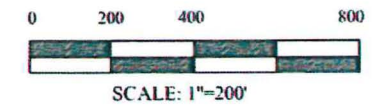
LEGEND

-  AREA OF POTENTIAL EFFECTS
-  PROPOSED TRAIL AND 50' CORRIDOR
-  PROPOSED STAGING AREAS
-  TOP OF BANK
-  EXISTING R.R. R.O.W.

SIGNATURES

CALTRANS DISTRICT 6 LOCAL ASSISTANCE ENGINEER _____ DATE _____

CALTRANS DISTRICT 6 PROFESSIONALLY QUALIFIED STAFF _____ DATE _____



CITY OF PORTERVILLE
ENGINEERING DIVISION

DESIGN BY	
DRAWN BY	
CHECKED BY	
DATE	

CITY ENGINEER	DATE
PUBLIC WORKS DIRECTOR	P.C.E. DATE

REVISION NO.	DATE

TULE RIVER PARKWAY - PHASE III
PROJECT # 89-9439
PROJECT LOCATION MAP / AREA OF POTENTIAL EFFECTS (APE)

SHEET
1
OF
1

SUCCESSOR AGENCY RESOLUTION NO. ____-2019

A RESOLUTION OF THE SUCCESSOR AGENCY TO THE PORTERVILLE REDEVELOPMENT AGENCY DESIGNATING CERTAIN REAL PROPERTY AS A GOVERNMENTAL USE PROPERTY AND APPROVING THE TRANSFER OF SUCH PROPERTIES TO THE CITY OF PORTERVILLE PURSUANT TO HEALTH & SAFETY CODE SECTION 34181(a)

WHEREAS, prior to February 1, 2012, the Porterville Redevelopment Agency (herein referred to as the “Agency”) was a community redevelopment agency duly organized and existing under the California Community Redevelopment Law (Health and Safety Code Section 33000, *et seq.*), and was authorized to transact business and exercise the powers of a redevelopment agency pursuant to action of the City Council (“City Council”) of the City of Porterville (“City”); and

WHEREAS, Assembly Bill 1x 26, chaptered and effective on June 28, 2011, added Parts 1.8 and 1.85 to Division 24 of the California Health and Safety Code, which caused the dissolution of all redevelopment agencies and winding down of the affairs of former agencies, including as such laws were amended by Assembly Bill 1484, chaptered and effective on June 27, 2012 (together, the “Dissolution Act”); and

WHEREAS, as of February 1, 2012, the Agency was dissolved pursuant to the Dissolution Act and as a separate legal entity the City serves as the Successor Agency to the Porterville Redevelopment Agency (“Successor Agency”); and

WHEREAS, Successor Agency administers the enforceable obligations of the Agency and otherwise unwinds the Agency’s affairs, all subject to the review and approval by a seven-member oversight board (“Oversight Board”); and

WHEREAS, the Successor Agency has discovered that it holds title to certain real property described in Exhibit A attached to this Resolution (collectively, the “Properties”), which Properties are located as Landscape and Maintenance District #25 within an existing single-family residential development (Casas Buena Vista, a former Redevelopment Housing project) and the Tule River and is not currently developable or usable for any purpose other than its existing use as right of way, open space and park uses; and

WHEREAS, Health & Safety Code Section 34181(a)(1) provides, among other things, that “[t]he oversight board shall direct the successor agency to do all of the following: (a) Dispose of all assets and properties of the former redevelopment agency; provided, however, that the oversight board may instead direct the successor agency to transfer ownership of those assets that were constructed and used for a governmental purpose, such as roads, school buildings, parks, police and fire stations, libraries, parking facilities and lots dedicated solely to public parking, and local agency administrative buildings, to the appropriate public jurisdiction pursuant to any existing agreements relating to the construction or use of such an asset”; and

WHEREAS, the Properties were not included in the Successor Agency’s Long Range Property Management Plan which was approved by the Oversight Board and the California Department of Finance; and

WHEREAS, the Successor Agency now desires to confirm that the Properties are “constructed and used for a governmental purpose” within the meaning of Health & Safety Code Section 34181(a) and to direct the Executive Director to transfer by quitclaim or grant deed any remaining interest the Successor Agency may have in the Properties to the City pursuant to the Oversight Board’s authority under Health & Safety Code Section 34181(a); and

NOW, THEREFORE, BE IT RESOLVED that the Successor Agency to the Porterville Redevelopment Agency, hereby finds, determines, and resolves as follows:

- Section 1.** The foregoing recitals are true and correct and constitute a substantive part of this Resolution.
- Section 2.** The Successor Agency hereby finds and determines, based on all the evidence in the record before it, that the Properties are constructed and used for a governmental purpose, specifically right of way, open space and park uses.
- Section 3.** The Successor Agency hereby directs the Executive Director or his designee to transfer and/or assign, as applicable, any remaining interest it may have in the Properties to the City at no charge pursuant to Health & Safety Code Section 34181(a).
- Section 4.** The Successor Agency hereby authorizes and directs the Executive Director or his designee to take all actions necessary and appropriate to accomplish the transfer of title to the Properties to the City, to the satisfaction of any title company issuing a title policy with respect to the Properties, including without limitation executing and delivering an additional quitclaim or grant deed or other instrument as appropriate or as may be required by any title company insuring title to the Properties.
- Section 5.** The Chair of the Successor Agency Board shall sign the passage and adoption of this Resolution and thereupon the same shall take effect and be in force.
- Section 6.** The Executive Director or his designee is hereby directed to transmit this Resolution and the accompanying staff report and all exhibits thereto, each of which is incorporated herein, to the Oversight Board and the Department of Finance pursuant to Health & Safety Code Sections 34179(h) and 34181(f).

PASSED, APPROVED AND ADOPTED this 15th day of January, 2019.

By: _____
Martha A. Flores, Chair

ATTEST:
John D. Lollis, Agency Secretary

Patrice Hildreth, Chief Deputy Agency Secretary

RESOLUTION NO. ____-2019

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
ACCEPTING TITLE TO CERTAIN REAL PROPERTY FROM THE SUCCESSOR
AGENCY TO THE PORTERVILLE REDEVELOPMENT AGENCY**

WHEREAS, the City of Porterville (“City”) is a municipal corporation organized and operating under the laws of the State of California; and

WHEREAS, prior to February 1, 2012, the Porterville Redevelopment Agency (herein referred to as the “Agency”) was a community redevelopment agency duly organized and existing under the California Community Redevelopment Law (Health and Safety Code Section 33000, *et seq.*), and was authorized to transact business and exercise the powers of a redevelopment agency pursuant to action of the City Council (“City Council”) of the City of Porterville (“City”); and

WHEREAS, Assembly Bill 1x 26, chaptered and effective on June 28, 2011, added Parts 1.8 and 1.85 to Division 24 of the California Health and Safety Code, which caused the dissolution of all redevelopment agencies and winding down of the affairs of former agencies, including as such laws were amended by Assembly Bill 1484, chaptered and effective on June 27, 2012 (together, the “Dissolution Act”); and

WHEREAS, as of February 1, 2012, the Agency was dissolved pursuant to the Dissolution Act and as a separate legal entity the City serves as the Successor Agency to the Porterville Redevelopment Agency (“Successor Agency”); and

WHEREAS, Successor Agency administers the enforceable obligations of the Agency and otherwise unwinds the Agency’s affairs, all subject to the review and approval by a seven-member oversight board (“Oversight Board”); and

WHEREAS, the Successor Agency has discovered that it holds title to certain real property described in Exhibit A attached to this Resolution (collectively, the “Properties”), which Properties are identified as Landscape and Maintenance District #25 within an existing single-family residential development (Casas Buena Vista, a former Redevelopment Housing project) and the Tule River and is not currently developable or usable for any purpose other than its existing use as right of way, open space and park uses; and

WHEREAS, Health & Safety Code Section 34181(a)(1) provides, among other things, that “[t]he oversight board shall direct the successor agency to do all of the following: (a) Dispose of all assets and properties of the former redevelopment agency; provided, however, that the oversight board may instead direct the successor agency to transfer ownership of those assets that were constructed and used for a governmental purpose, such as roads, school buildings, parks, police and fire stations, libraries, parking facilities and lots dedicated solely to public parking, and local agency administrative buildings, to the appropriate public jurisdiction pursuant to any existing agreements relating to the construction or use of such an asset”; and

WHEREAS, the Properties were not included in the Successor Agency's Long Range Property Management Plan which was approved by the Oversight Board and the California Department of Finance; and

WHEREAS, the City desires to accept title to the Properties and authorize the City Manager or his authorized designee to take such actions as may be necessary to accomplish the conveyance of the Properties to the City; and

WHEREAS, the acceptance of the Properties by the City complies with the Dissolution Act and is in the best interests of the taxing entities.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PORTERVILLE:

Section 1. The foregoing recitals are true and correct and constitute a substantive part of this Resolution.

Section 2. The City Council hereby accepts title to the Properties. The Mayor, the City Manager, the City Clerk and their authorized designees are authorized to execute such instruments and take such other actions as may be necessary or appropriate to accomplish the conveyance of the Properties to the City, including without limitation paying fees and charges relating to escrow, title, recording and taxes, if applicable. The City Manager and City Clerk and their authorized designees are further authorized and instructed to review title to the Properties and obtain title insurance relating to the conveyance of the Properties to the City, if and to the extent determined to be appropriate by the City Manager.

Section 3. The Mayor shall sign the passage and adoption of this Resolution and thereupon the same shall take effect and be in force.

PASSED, APPROVED AND ADOPTED this 15th day of January, 2019.

Martha A. Flores, Mayor

ATTEST:
John D. Lollis, City Clerk

By _____
Patrice Hildreth, Chief Deputy City Clerk