



**CITY COUNCIL AGENDA
CITY HALL, 291 N. MAIN STREET
PORTERVILLE, CALIFORNIA
SEPTEMBER 3, 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: APN: 260-060-012 and 260-050-004. Agency Negotiator: John Lollis. Negotiating Parties: City of Porterville and Walmart Stores, Inc. Under Negotiation: Terms and Price.
- 2** - Government Code Section 54956.8 – Conference with Real Property Negotiators/Property: APN: 253-011-016. Agency Negotiator: John Lollis. Negotiating Parties: City of Porterville and James Gregory Shelton. Under Negotiation: Terms and Price.
- 3** - Government Code Section 54956.8 – Conference with Real Property Negotiators/Property: APN: 253-160-033, 253-160-034, 261-125-001, 261-125-004 and 261-125-016. Agency Negotiator: John Lollis. Negotiating Parties: City of Porterville and James Gregory Shelton. Under Negotiation: Terms and Price.
- 4** - Government Code Section 54957.6 – Conference with Labor Negotiator. Agency Negotiator: John Lollis and Che Johnson. Employee Organization: Porterville City Firefighters Association.
- 5** - Government Code Section 54956.9(d) (3) – Conference with Legal Counsel – Anticipated Litigation – Significant Exposure to Litigation: One (1) case in which facts are not yet known to potential plaintiff.
- 6** - Government Code Section 54956.9(d)(4) – Conference with Legal Counsel – Anticipated Litigation – Initiation of Litigation: One (1) case.

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

Pledge of Allegiance Led by Council Member Peñaloza.

Invocation

PROCLAMATIONS

Adult Literacy Awareness Month - September 2019

PRESENTATIONS

Employee of the Month - Gary Miller

AB 1234 REPORTS

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

1. Tulare County Task Force on Homelessness - August 21, 2019
2. 2020 Census Committee Meeting - August 27, 2019
3. Tulare County Economic Development Corporation (TCEDC) - August 28, 2019
4. City Council Ad Hoc Committee - Provision of Local Water Services - August 28, 2019

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. **Renewal of Agreement with Kings/Tulare Area Agency on Aging**
Re: Consideration to approve the renewal of the Agreement with Kings/Tulare Area Agency on Aging.
2. **Acceptance of Project - Animal Shelter Asbestos Abatement Project**
Re: Consideration of Acceptance of Animal Shelter Asbestos Abatement Project, which removed hazardous materials in preparation for future construction.
3. **Acceptance of Project - Library, Fire Station and Airport Asbestos and Other Hazardous Materials Abatement Project**
Re: Consideration of Acceptance of Project for the abatement of asbestos and hazardous materials at the Library, Fire Station and Airport in preparation for future remodeling and painting.

4. **Approval of Transit Measure R Program Supplement to Cooperative Agreement for Fiscal Years 2018-2019 and 2019-2020**
Re: Considering approval of the Resolutions approving a Program Supplement to Cooperative Agreement for fiscal years 2018-2019 and 2019-2020, and to allow the City of Porterville Transit Program to continue receiving operating funds from Measure R to be utilized towards expansion routes.
5. **Authorization of Street Closure for Annual Zalud House Museum Pioneer Days & Rib Cook-Off**
Re: Considering approval of the temporary closure of Main Street between Morton and Mill Avenues; and Thurman and Cleveland Avenues between Division Street and the alley west of Second Street, for the Zalud House Museum Pioneer Days & Rib Cook-Off on October 12, 2019.
6. **Request for Proclamation - Constitution Week - September 17-23, 2019**
Re: Considering approval of a request to proclaim September 17-23, 2019, as "Constitution Week."
7. **Authorization for City Council Member Out-of-State Travel**
Re: Considering authorization of out-of-state travel by Council Member Peñaloza to attend the One Water Summit in Austin, Texas on September 18-20, 2019.
8. **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

9. **Consideration of Modification No. 1 to Conditional Use Permit 11-2005 for the Target Department Store**
Re: Consideration to adopt draft Resolution approving Modification No. 1 to Conditional Use Permit (PRC 2019-028-C) at the Target Department Store located at 1363 W. Henderson Avenue.
10. **2018-2019 Consolidated Annual Performance Evaluation Report**
Re: Consideration of the 2018-2019 Consolidated Annual Performance Evaluation Report; and authorizing its submission to the Department of Housing and Urban Development.

SCHEDULED MATTERS

11. **Consideration of Appointment to Animal Control Commission**

Re: Considering the appointment of an individual to fill the vacancy on the Commission for a term to expire in September 2020.

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 September 17, 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 – SEPTEMBER 3, 2019

SUBJECT: 4. City Council Ad Hoc Committee - Provision of Local Water Services - August 28, 2019

SOURCE: City Manager's Office

COMMENT: On Thursday, August 28, 2019, the City Council Ad Hoc Committee - Provision of Local Water Services (comprised of Council Members Gurrola and Peñaloza) met to review prospective City sewer, water, and wastewater infrastructure projects, including the extension of sewer mains into developed areas annexed into the city, as well as the transition of secondary-treated wastewater to tertiary-treated recycled water. The City recently completed approximately \$7 million in sewer main extension projects into developed areas generally annexed into the city in 2006, and projects of similar magnitude are being considered to serve developed areas annexed into the city in 2016.

Due to a variety of economic factors, bond yields are at near-records lows, creating a very favorable environment to issue debt for capital projects. A conservative financial analysis of the City's Sewer Fund indicates debt service capacity of approximately \$11.5 million, providing more than sufficient capacity to meet debt service coverage requirements in providing prospective project funding.

Staff is compiling prospective project information for the City's financial advisors, in anticipation of an Agenda item being presented to Council for its consideration at its meeting on Tuesday, September 17, 2019.

RECOMMENDATION: Information Only

ATTACHMENTS:

Appropriated/Funded:

Review By:

Department Director:

Final Approver: John Lollis, City Manager



CITY COUNCIL AGENDA – SEPTEMBER 3, 2019

SUBJECT: Renewal of Agreement with Kings/Tulare Area Agency on Aging

SOURCE: Parks and Leisure Services

COMMENT: Kings/Tulare Area Agency on Aging (K/T AAA) is requesting renewal of the Agreement with the City of Porterville to facilitate the continuance of a Senior Nutrition Program within the city. The program will continue to operate at the Santa Fe Depot five (5) days per week. The Agreement provides for the City contributing \$14,000 annually (\$3,500 each calendar quarter) for the continued operation of the nutrition program by K/T AAA.

K/T AAA is requesting the term of the Agreement to be for a period of twelve (12) calendar quarters commencing October 1, 2019, and ending September 30, 2022. Staff feels that the services provided by K/T AAA, through their contractor CSET, have performed well. Additionally, those participating in the program have been very pleased with the services provided. The Parks and Leisure Services Commission recommended at its meeting of May 2, 2019, that the City renew the Agreement with K/T AAA.

RECOMMENDATION: That the City Council approve the renewal of the Agreement with Kings/Tulare Area Agency on Aging and authorize and direct the Mayor to execute the same.

ATTACHMENTS: 1. K/T AAA MOU 2019

Appropriated/Funded: JR for MB

Review By:

Department Director:

Donnie Moore, Parks and Leisure Services Director

Final Approver: John Lollis, City Manager

MEMORANDUM OF UNDERSTANDING
BETWEEN
CITY OF PORTERVILLE
AND
KINGS/TULARE AREA AGENCY ON AGING
TO FACILITATE A SENIOR NUTRITION PROGRAM

This Memorandum of Understanding (MOU) is entered into between the City of Porterville (CITY) and the Kings/Tulare Area Agency on Aging (K/T AAA) to facilitate a Senior Nutrition Program (PROGRAM) within CITY boundaries.

A. RESPONSIBILITIES

CITY shall contribute financial support to K/T AAA in advance on a quarterly basis and within the term of this MOU to facilitate a senior citizens PROGRAM. The quarterly contribution commencing October 1, 2019, shall be \$3,500. Contributions shall be made by the fifteenth day of the first month of each calendar quarter.

K/T AAA shall provide, within the boundaries of CITY, a five-day per week PROGRAM to provide senior citizens with congregate meals and other services commensurate with such PROGRAM as K/T AAA operates within other communities. K/T AAA shall utilize the funds contributed by CITY for any legal purpose as determined by K/T AAA; make all necessary arrangements for the PROGRAM; and shall indemnify, defend, and hold harmless CITY from any and all claims, actions, and losses arising from the activities of K/T AAA to the fullest extent permitted by law. For any calendar quarter in which the PROGRAM is discontinued, the contribution provided by CITY shall be prorated, with refund made to CITY within thirty days for the term in which the PROGRAM was not provided.

B. TERM

The term of this MOU shall be for a period of twelve calendar quarters commencing October 1, 2019, and ending September 30, 2022. Any party may withdraw from this MOU by giving written notice of intent to withdraw at least one calendar quarter in advance of the effective withdrawal date.

C. MODIFICATION AND ASSIGNMENT

This MOU may be modified at any time by written agreement of the parties. Assignment of responsibilities under this MOU by any of the parties shall be effective only upon prior written consent of the other party, which shall not be unreasonably withheld.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed on the _____ of _____, 2019.

KINGS/TULARE AREA AGENCY ON AGING

Israel Guardado, K/T AAA

CITY OF PORTERVILLE

Martha A. Flores, Mayor

ATTEST:

APPROVED AS TO FORM

John D. Lollis, City Clerk

Julia M. Lew, City Attorney



CITY COUNCIL AGENDA – SEPTEMBER 3, 2019

SUBJECT: Acceptance of Project - Animal Shelter Asbestos Abatement Project

SOURCE: Public Works

COMMENT: CENCAL Services Inc., has completed the Animal Shelter Abatement Project per plans and specifications. The project consisted of removing asbestos materials, mercury lighting, and other components requiring specific abatement protocol mandated by state regulations.

Staff tracks construction costs of all Capital Improvement Projects and reports project construction and expenditures when the project is accepted by City Council. On December 18, 2018, City Council authorized an expenditure of \$139,570 for construction, construction management, quality control and inspection services for the Animal Shelter Asbestos Abatement Project. The following itemizes the construction related costs in two categories: 1) the construction contract, and 2) a combination of construction management and quality control.

The final Construction cost is \$99,000, and construction management, quality control and inspection services costs are \$28,406.32, for total project construction costs equating to \$127,406.32, which is less than the \$139,570 overall budget approved by Council at time of award. Funding for the Animal Shelter Asbestos Abatement Project is by General Fund Reserve, Building Construction Fund and Measure H.

CENCAL Services, Inc., requests that the Council accept the project as complete. Staff reviewed the work and found it acceptable.

RECOMMENDATION: That City Council:

1. Accept the project as complete;
2. Authorize the filing of the Notice of Completion; and
3. Authorize the release of the 5% retention thirty-five (35) days after recordation, provided no stop notices have been filed.

ATTACHMENTS: 1. Animal Shelter Locator Map

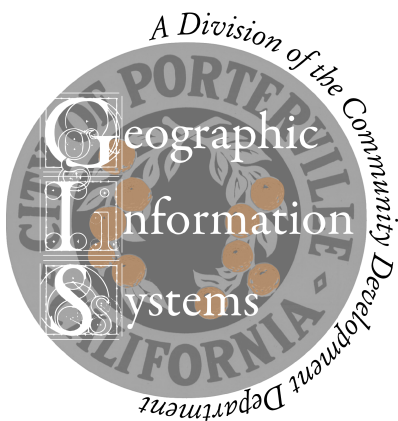
Appropriated/Funded:

Review By:

Department Director:

Javier Sanchez, Assistant City Engineer

Final Approver: John Lollis, City Manager



PRC 2017-034
GPA and Rezone
@ 185 N D Street
Project Locator Map
1" = 200ft



CITY COUNCIL AGENDA – SEPTEMBER 3, 2019

SUBJECT: Acceptance of Project - Library, Fire Station and Airport Asbestos and Other Hazardous Materials Abatement Project

SOURCE: Public Works

COMMENT: A.S.I., Inc., has completed the Library, Fire Station and Airport Asbestos and Other Hazardous Materials Abatement Project per plans and specifications. The project consisted of removing asbestos and hazardous materials at the Library, Fire Station and Airport in the first step of future remodeling and painting at each location.

Staff tracks construction costs of all Capital Improvement Projects and reports project construction expenditures when the project is accepted by City Council. On March 5, 2019, Council authorized an expenditure of \$90,844 for construction, construction management, quality control and inspection services for this project. The following itemizes the construction related costs in two (2) categories: 1) the construction contract, and 2) a combination of construction management and quality control.

The final construction cost is \$68,044.97, and construction management, quality control and inspection service costs are \$35,622.34, for total project construction costs equating to \$103,667.31, which is more than the \$90,844 overall budget approved by Council at time of award. Additional quality control, inspection services as well as staff time were necessary to complete the project causing the overage. Additional funding in the amount of \$12,823.31 is required to cover City staff time and consultant costs. Funding for this project is from land release proceeds for the Airport-Airway Café, General Fund Carryover for the Library, and Equipment Replacement Funds for Fire Station #1. It is recommended that the additional funding required to cover all project costs be allocated from General Fund Carryover funds.

A.S.I., Inc., requests that the Council accept the project as complete. Staff reviewed the work and found it acceptable.

RECOMMENDATION: That City Council:

1. Accept the project as complete;
2. Authorize the filing of the Notice of Completion;
3. Authorize additional funding in the amount of \$12,823.31 from General Fund Carryover funds to cover extra consultant and staff time; and
4. Authorize the release of the 5% retention thirty-five (35) days after recordation, provided no stop notices have been filed.

- ATTACHMENTS:
1. Airway Cafe Locator Map
 2. Fire Station 1 Locator Map
 3. Library Locator Map

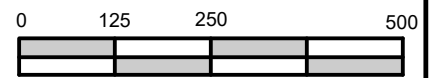
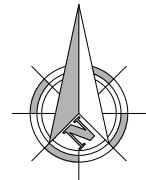
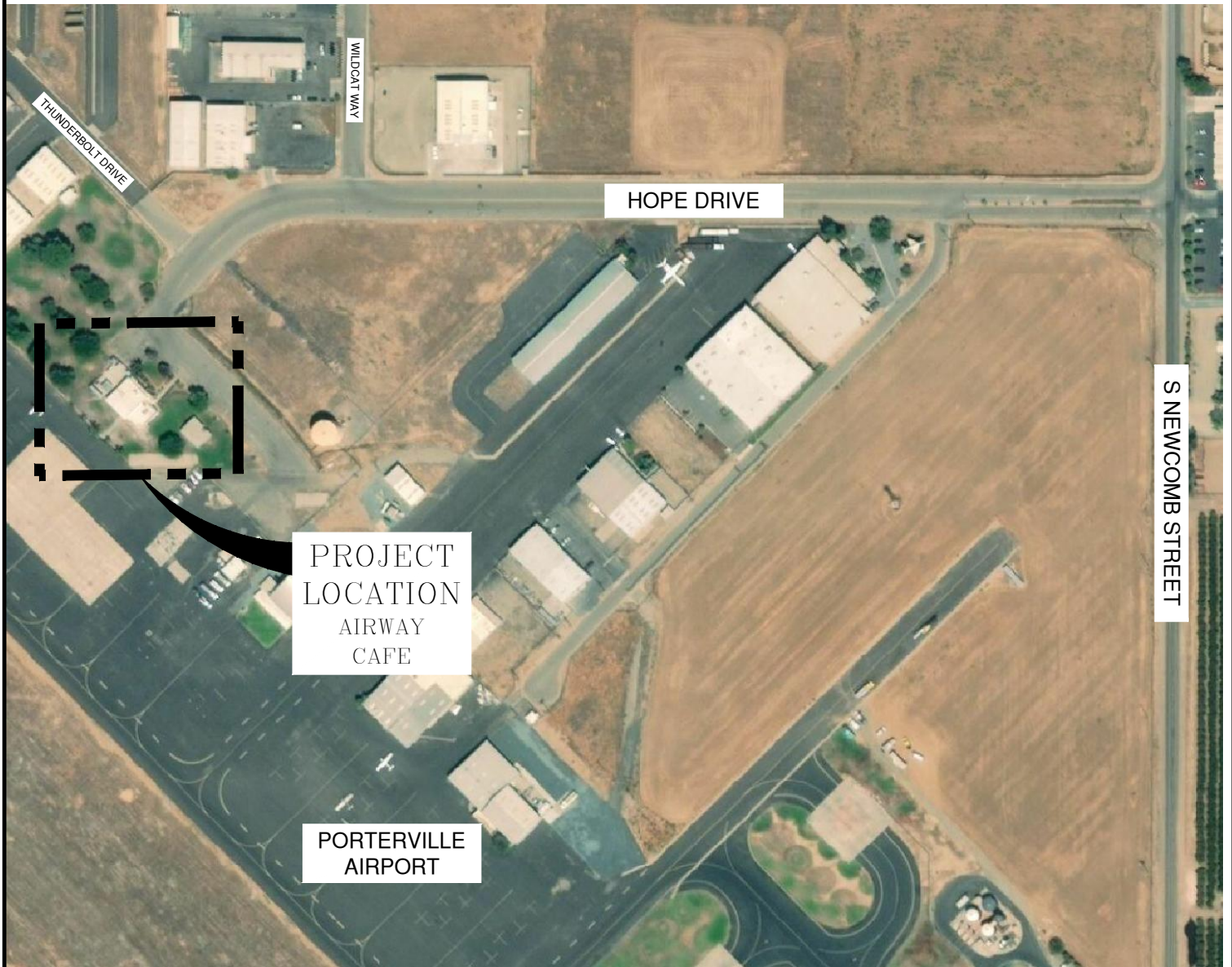
Appropriated/Funded: JR for MB

Review By:

Department Director:

Javier Sanchez, Assistant City Engineer

Final Approver: John Lollis, City Manager



SCALE: 1"=250'

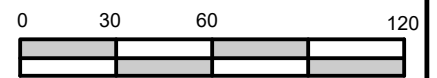
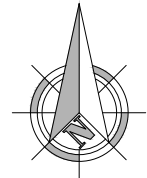
CITY OF PORTERVILLE
ENGINEERING DIVISION

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



SCALE: 1"=60'

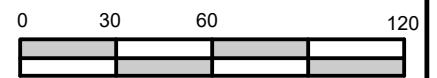
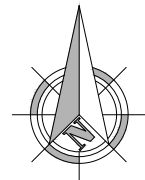
CITY OF PORTERVILLE
ENGINEERING DIVISION

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"=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



CITY COUNCIL AGENDA – SEPTEMBER 3, 2019

SUBJECT: Approval of Transit Measure R Program Supplement to Cooperative Agreement for Fiscal Years 2018-2019 and 2019-2020

SOURCE: Public Works

COMMENT: At the City Council meeting of July 2, 2019, staff scheduled an agenda item covering the Transit Measure R Program Supplement to the Cooperative Agreement for fiscal year 2019/20. After review of the executed Resolution, staff determined that the Resolution did not identify the proper fiscal years for the supplemental agreements, requiring new Resolutions for Council's consideration.

The Tulare County Association of Governments (TCAG), acting as the Local Transportation Authority ("Authority"), is requesting that the City of Porterville approve and submit a Program Supplement to the Cooperative Agreement for the City of Porterville Transit Program. This Program Supplement will allow the City of Porterville Transit Program to continue receiving operating funds from Measure R to be utilized towards farebox revenue or expansion routes. The City is appropriated \$170,000 per year in Transit operating assistance through Measure R.

Staff has prepared the attached Program Supplement's and Attachment "A", for fiscal year 2018-19 and 2019-20, to allow the City to continue receiving Measure R Transit operating assistance.

RECOMMENDATION: That the City Council:

1. Approve the attached Resolution in support of the FY 2018-2019 Program Supplement to the Cooperative Agreement;
2. Approve the attached Resolution in support of the FY 2019-2020 Program Supplement to the Cooperative Agreement;
3. Authorize the Mayor and City Clerk to execute the Program Supplement's; and
4. Authorize staff to forward the executed Program Supplement's to TCAG for approval.

ATTACHMENTS:

1. Staff Report - July 2, 2019
2. Transit_Measure_R_Resolution_FY 2018-19
3. Transit_Measure_R_Resolution_FY 2019-20
4. Porterville Transit Measure R Program Supplement FY 2018-2019

5. Porterville Transit Measure R Program Supplement FY
2019-2020

Appropriated/Funded:

Review By:

Department Director:

Michael Knight, Deputy Public Works Director/Field Services Manager

Final Approver: John Lollis, City Manager



CITY COUNCIL AGENDA – JULY 2, 2019

SUBJECT: Approval of Transit Measure R Program Supplement to Cooperative Agreement

SOURCE: Public Works

COMMENT: The Tulare County Association of Governments (TCAG), acting as the Local Transportation Authority ("Authority"), is requesting that the City of Porterville approve and submit a Program Supplement to the Cooperative Agreement for the City of Porterville Transit Program. This Program Supplement will allow the City of Porterville Transit Program to continue receiving operating funds from Measure R to be utilized towards expansion routes. The City is appropriated \$170,000 per year in Transit operating assistance through Measure R.

As stated above, Measure R operating funds are designed for transit expansion. The route approved under these guidelines is Route 8 (Northeast Porterville - Granite Hills High School), which was implemented in August 2008. Additionally, the City modified Routes 6 (Family HealthCare Network Clinic Loop) and 7 (Porterville Adult School - Prospect Street) to expand service to areas not previously served.

Staff has prepared the attached Program Supplement and Attachment "A" to allow the City of Porterville to continue receiving Measure R Transit operating assistance.

RECOMMENDATION: That the City Council:

1. Approve the attached Resolution in support of the Program Supplement to the Cooperative Agreement;
2. Authorize the Mayor and City Clerk to execute the Program Supplement; and
3. Authorize staff to forward the executed Program Supplement to TCAG for approval.

ATTACHMENTS:

1. Draft Resolution
2. Measure R Transit Program Supplemental Agreement

Appropriated/Funded: MB

Review By:

Department Director:

Mike Reed, Acting Public Works Director

Final Approver: Patrice Hildreth, Administrative Services Dir

RESOLUTION #_____ - 2019

**A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF PORTERVILLE AFFIRMING AND APPROVING SUPPORT OF THE
MEASURE R PROGRAM SUPPLEMENT TO COOPERATIVE AGREEMENT FOR
THE CITY OF PORTERVILLE TRANSIT PROGRAM**

WHEREAS, the City of Porterville Transit program is eligible to receive operational costs for Route 8 that began in August 2008, which route by definition meets the Measure R guidelines of transit expansion; and

WHEREAS, the City of Porterville made additional modifications to Routes 6 and 7 in Fiscal Year 2009/2010 to expand service to areas not previously served; and

WHEREAS, the Tulare County Association of Governments (TCAG) is requesting that the City of Porterville approve and submit a Program Supplement to Cooperative Agreement that will allow the City to receive Measure R Transit Funds for Operating Expenses for Fiscal Year 2018/2019;

NOW THEREFORE, BE IT RESOLVED, the City Council of the City of Porterville does hereby affirm and approve support of the Measure R Program Supplement to Cooperative Agreement for the City of Porterville Transit program, and authorizes the Mayor and City Clerk to execute the Program Supplement, and any other related documents as may be required.

PASSED, ADOPTED AND APPROVED this 3rd day of September, 2019.

Martha A. Flores, Mayor

ATTEST:
John D. Lollis, City Clerk

By: Patrice Hildreth, Chief Deputy City Clerk

RESOLUTION #_____ - 2019

**A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF PORTERVILLE AFFIRMING AND APPROVING SUPPORT OF THE
MEASURE R PROGRAM SUPPLEMENT TO COOPERATIVE AGREEMENT FOR
THE CITY OF PORTERVILLE TRANSIT PROGRAM**

WHEREAS, the City of Porterville Transit program is eligible to receive operational costs for Route 8 that began in August 2008, which route by definition meets the Measure R guidelines of transit expansion; and

WHEREAS, the City of Porterville made additional modifications to Routes 6 and 7 in Fiscal Year 2009/2010 to expand service to areas not previously served; and

WHEREAS, the Tulare County Association of Governments (TCAG) is requesting that the City of Porterville approve and submit a Program Supplement to Cooperative Agreement that will allow the City to receive Measure R Transit Funds for Operating Expenses for Fiscal Year 2019/2020;

NOW THEREFORE, BE IT RESOLVED, the City Council of the City of Porterville does hereby affirm and approve support of the Measure R Program Supplement to Cooperative Agreement for the City of Porterville Transit program, and authorizes the Mayor and City Clerk to execute the Program Supplement, and any other related documents as may be required.

PASSED, ADOPTED AND APPROVED this 3rd day of September, 2019.

Martha A. Flores, Mayor

ATTEST:
John D. Lollis, City Clerk

By: Patrice Hildreth, Chief Deputy City Clerk

**MEASURE R PROGRAM SUPPLEMENT TO
COOPERATIVE AGREEMENT**

This Program Supplement is made and entered into on September 3, 2019, by and between the CITY OF PORTERVILLE ("Sponsor") and the TULARE COUNTY ASSOCIATION OF GOVERNMENTS, acting as the Local Transportation Authority ("Authority").

This Program Supplement hereby incorporates the "Measure R Cooperative Agreement" for Measure R Expenditures which was entered into between the Sponsor and the Authority on May 29, 2007, as amended, and is subject to all terms and conditions thereof. This Program Supplement is executed under authority of Resolution No. 42-2011, approved by the Sponsor on August 2, 2011. (See copy attached)

Project Scope, Costs, and Schedule are incorporated herein as Attachment "A" and agreed upon by Sponsor and Authority.

Covenants of Sponsor

1.1. SPONSOR agrees that it will only proceed with work authorized for specific phases(s) with a written "Authorization to Proceed" or Authority action and will not proceed with future phase(s) of this project(s) prior to receiving a written "Authorization to Proceed" or Authority action.

1.2. The SPONSOR will advertise, award, and administer the project(s) in accordance with SPONSOR standards.

1.3. Award information shall be submitted by the SPONSOR to the AUTHORITY within 60 days after the project contract award.

1.4. Failure to submit award information in accordance with section 1.3 will cause a delay (without interest or penalties) in AUTHORITY processing invoices for the construction phase.

1.5. If no costs have been invoiced for a six-month period, SPONSOR agrees to submit for each phase a written explanation of the absence of project(s) activity along with target billing date and target billing amount.

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

COUNTY OF TULARE TRANSPORTATION AUTHORITY

By: _____

Chair of the Authority

ATTEST:

By: _____
Authority Director

CITY OF PORTERVILLE

ATTEST:

By: _____

Martha Flores
Mayor

By: _____

John Lollis
City Clerk

**ATTACHMENT “A”
PROJECT SCOPE, COST AND SCHEDULE**

PORTERVILLE TRANSIT – FY2018/19

Operations

In line with the FY 2008/09 service expansion outlined in the 2006 City of Porterville Short Range Transit Plan, Measure R funds provided to the City of Porterville will be used to offset the cost of the additional fixed route within the City. This new route has been deployed within the northeastern section of the City, an area of growing development that previously has no access to fixed route service. The route began in August of 2008.

Based on review of current and past fixed route operations data, we have calculated the base annual net operating cost of a new route to be approximately \$238,000. Measure R funds are being requested to account for a 71% of the cost of this route expansion, with additional costs being covered by TDA funds.

Measure R Operating Costs Allocated:	\$105,000 Original
	<u>\$65,000</u> Amendment No. 3
	\$170,000 Total

Expansion Route Operating Costs:	\$247,000
Less Fare box Revenue:	<u>\$9,000</u>
Net Project Cost:	\$238,000

Total Measure R Funds Requested:	\$170,000 (71%)
----------------------------------	------------------------

**MEASURE R PROGRAM SUPPLEMENT TO
COOPERATIVE AGREEMENT**

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1.5. If no costs have been invoiced for a six-month period, SPONSOR agrees to submit for each phase a written explanation of the absence of project(s) activity along with target billing date and target billing amount.

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

COUNTY OF TULARE TRANSPORTATION AUTHORITY

By: _____

Chair of the Authority

ATTEST:

By: _____
Authority Director

CITY OF PORTERVILLE

ATTEST:

By: _____

Martha Flores
Mayor

By: _____

John Lollis
City Clerk

**ATTACHMENT “A”
PROJECT SCOPE, COST AND SCHEDULE**

PORTERVILLE TRANSIT – FY2019/20

Operations

In line with the FY 2008/09 service expansion outlined in the 2006 City of Porterville Short Range Transit Plan, Measure R funds provided to the City of Porterville will be used to offset the cost of the additional fixed route within the City. This new route has been deployed within the northeastern section of the City, an area of growing development that previously has no access to fixed route service. The route began in August of 2008.

Based on review of current and past fixed route operations data, we have calculated the base annual net operating cost of a new route to be approximately \$238,000. Measure R funds are being requested to account for a 71% of the cost of this route expansion, with additional costs being covered by TDA funds.

Measure R Operating Costs Allocated:	\$105,000 Original
	<u>\$65,000</u> Amendment No. 3
	\$170,000 Total

Expansion Route Operating Costs:	\$247,000
Less Fare box Revenue:	<u>\$9,000</u>
Net Project Cost:	\$238,000

Total Measure R Funds Requested:	\$170,000 (71%)
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CITY COUNCIL AGENDA – SEPTEMBER 3, 2019

SUBJECT: Authorization of Street Closure for Annual Zalud House Museum Pioneer Days & Rib Cook-Off

SOURCE: Parks and Leisure Services

COMMENT: The Parks and Leisure Services Department's 8th Annual Zalud House Museum Pioneer Days & Rib Cook-Off is scheduled for Saturday, October 12, 2019, from 11:00 AM to 3:00 PM. The event will take place on Main Street between Morton and Mill Avenues. Some of the activities will include: rib tasting, queen pageants, a live shoot-out, live music, beer garden, food booths, re-enactments and more.

In support of this event, it is requested that the City Council approve a temporary closure of Main Street between Morton and Mill Avenues, and Thurman and Cleveland Avenues between Division Street and the alley west of Second Street. This application has been reviewed by all City departments involved, and staff comments are included for Council's consideration.

RECOMMENDATION: That the City Council authorize the temporary closure of Main Street between Morton and Mill Avenues; and Thurman and Cleveland Avenues between Division Street and the alley west of Second Street, for the Zalud House Museum Pioneer Days & Rib Cook-Off on October 12, 2019, 5:00 AM-5:00 PM.

ATTACHMENTS: 1. Pioneer Days 2019 Civic Event Form

Appropriated/Funded:

Review By:

Department Director:

Donnie Moore, Parks and Leisure Services Director

Final Approver: John Lollis, City Manager

CITY OF PORTERVILLE

Internal Community Civic Event

(For events primarily sponsored and organized by City Departments)



Application Date: 8/21/2019 Event Date: 10/12/2019

Location of Event Downtown Porterville/Centennial Park

Name of Event: Zalud House Museum Pioneer Days & Rib Cook-off

Sponsoring Department: Parks and Leisure Services

Department Contact Tonya Hall

Affiliated Organizations: _____

City Services Requested:

Barricades (Quantity)	20	Refuse Pickup:	Yes	No
Amplified Noise Permit	Yes No	Police Assistance:	Yes	No
Parks Facility Application	Yes No	Street Sweeping:	Yes	No
Assembly Permit	Yes No			
Other:	<u>City vehicles requested to be in place to provide secure streets.</u>			

Staff Comments (list special requirements or conditions for event):

P&LS:

Vehicles not on display to remain off the grass.

All electrical outlets should be tested two days prior to event.

Public Works:

No comments

Community Development:

No comments

Field Services:

No comments

Fire:

No comments

Police:

Comments attached

Administrative Services:

No comments

Finance:

CITY OF PORTERVILLE

Community Civic Event Application

Proposed Event: Pioneer Days Celebration & Rib Cook-Off

Date of Event: October 12, 2019

Location of Event: Centennial Park & Surrounding Area

Recommendations/Requirements:

- All street closures in the city require City Council approval.
- If event organizers anticipate the need to have vehicles removed from the associated streets and alleys, the streets in question must be properly posted, in accordance with the California Vehicle Code, well in advance of the event. Event organizers **shall** contact Lt. Brian Nix or Lt. Mark Azevedo of the Porterville Police Department no less than 30 days prior to the event if vehicle removal is to be authorized. Either can be contacted at 559-782-7410 or 559-782-7400.
- If the sales and consumption of alcoholic beverages are anticipated, a beer garden shall be established and alcohol may only be sold and consumed within the designated beer garden. A minimum of two (2) security guards shall be assigned to control the beer garden while it is in operation. No persons under the age of 21 shall be allowed to enter the beer garden and no alcohol shall be allowed to leave the beer garden. The consumption of alcohol at any other event site shall be strictly prohibited.
- Event organizers shall have applied and been granted a temporary license to sell alcohol from the California Department of Alcoholic Beverage Control.
- Food vendors should provide inspection certificates from the Tulare County Health Department to event organizers, to ensure safe food products.
- An Outside Amplifier Permit has been requested and granted. However, event organizers shall not allow music to be played so loud as to unreasonably disturb the peace and good order of any residents or business establishments in the surrounding area.

Josh Maniss, Lieutenant
Porterville Police Department

CITY OF PORTERVILLE
OUTSIDE AMPLIFIER PERMIT
(City Ordinances #18-9 & 18-14)



This application must be submitted ten (10) days prior to the date of the event. A copy of this permit must be at the operating premises of the amplifying equipment for which this registration is issued.

- 1 Name and home address of the applicant: Tonya Hall 291 N. Main Street, Porterville
- 2 Address where amplification equipment is to be used: Centennial Park, Main Street
- 3 Names and addresses of all persons who will use or operate the amplification equipment: Tonya Hall/ P&L Services
- 4 Type of event for which amplification equipment will be used: Microphone, speaker
- 5 Dates and hours of operation of amplification equipment: October 12, 2019 11am-3pm
- 6 A general description of the sound amplifying equipment to be used: Music, announcements, intermitten gun fire.

Section 18-9

It shall be unlawful for any person within the city to use or operate or cause to be operated or to play any radio, phonograph, jukebox, record player, loudspeaker, musical instrument, mechanical device, machine, apparatus, or instrument for intensification or amplification of the human voice or any sound or noise in a manner so loud as to be calculated to disturb the peace and good order of the neighborhood or sleep of ordinary persons in nearby residences or so loud as to unreasonably disturb and interfere with the peace and comfort.

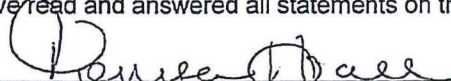
The operation of any such instrument, phonograph, jukebox, machine or device in such manner as to be plainly audible at a distance of one hundred feet (100') from the building, structure, vehicle, or place in which, or on which it is situated or located shall be prima facie evidence of a violation of this section. (Ord. Code § 6311)

Section 18-14

It shall be unlawful for any person to maintain, operate, connect, or suffer or permit to be maintained, operated, or operated, or connected any or sound amplifier in such a manner as to cause any sound to be projected outside of any building or out of doors in any part of the city, except as may be necessary to amplify sound for the proper presentation of moving picture shows, or exhibiting for the convenient hearing of patrons within the building or enclosure in which the show or or exhibition is given, without having first procured a permit from the chief of police, which permit shall be granted at the will of the chief of police upon application in writing therefore, but which permit, when granted, shall be revocable by the city council whenever any such loudspeaker or sound amplifier shall by the council be deemed objectionable, and any such permit may be so revoked with or without notice, or with or without a formal hearing, at the option of the council, and in the event of the revocation of any such permit, the same shall not be renewed, except upon application as the first instance. (Ord. Code § 6312)

Penal Code Section 415 (2) Any of the following persons shall be punished by imprisonment in the county jail for a period of not more than 90 days, a fine of not more than four hundred dollars (\$400), or both such imprisonment and fine: (2) Any person who maliciously and willfully disturbs another person by loud and unreasonable noise.

I hereby certify that I have read and answered all statements on this registration form and that they are true and correct.

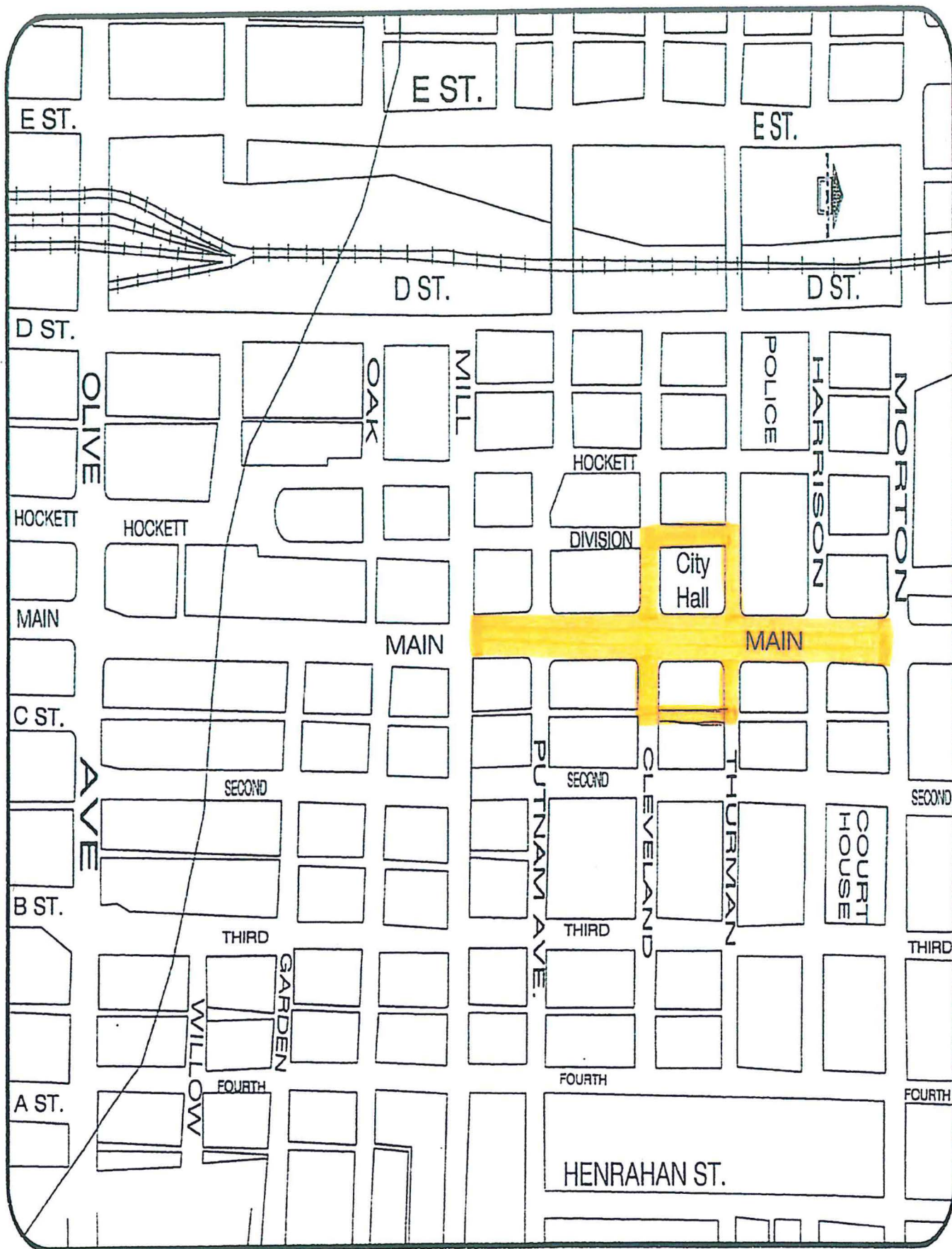

Signature of Applicant

8/20/19
Date

THIS OUTSIDE AMPLIFIER PERMIT HAS BEEN APPROVED. HOWEVER, WE URGE YOU TO REMAIN CONSIDERATE OF THE GENERAL PEACE AND ORDER OF THE NEIGHBORS IN THE AREA. FAILURE TO ABIDE BY THESE REGULATIONS CAN RESULT IN REVOCATION OF THE PERMIT.

 # 4121
City of Porterville, Chief of Police/Designee

8-22-19
Date





CITY COUNCIL AGENDA – SEPTEMBER 3, 2019

SUBJECT: Request for Proclamation - Constitution Week - September 17-23, 2019

SOURCE: Administrative Services

COMMENT: At its meeting on October 1, 2013, the City Council amended the process by which Proclamations are approved, and last affirmed the process at its meeting on August 20, 2019. The process requires that all Proclamations must be sponsored by one Council Member, after which the request is then placed on the Council's agenda for consideration and approval by a majority of the Council.

Pat Holly, on behalf of the Daughters of the American Revolution Alta Mira Chapter, has requested that the Council consider approval of a proclamation to declare September 17-23, 2019, as "Constitution Week." Mayor Flores is sponsoring this proclamation request. If approved, the applicant requests that the proclamation be presented following its approval.

RECOMMENDATION: That the City Council consider approval of the request to proclaim September 17-23, 2019, as "Constitution Week."

ATTACHMENTS: 1. Proclamation Request - Constitution Week 2019

Appropriated/Funded:

Review By:

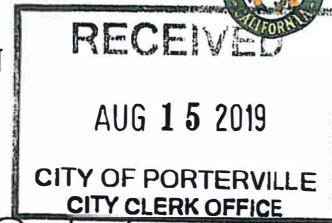
Department Director:

Patrice Hildreth, Deputy City Manager

Final Approver: John Lollis, City Manager



City of Porterville
REQUEST FOR PROCLAMATION



Date of Request: August 15, 2019

Name of Event/Individual: Constitution Week, September 17-23
i.e. "Porterville Tourism Week", "Mr. John Doe"

Name of Sponsoring Organization: Alta Mira Chapter, Daughters of the American Revolution

Name of Contact Person: Pat Holly

Address: [REDACTED]

Phone: [REDACTED] FAX: _____

E-mail: paholly66@gmail.com

I would like the proclamation: ☐ presented at a Council Mtg. ☐ mailed ☒ call for pick-up

Date(s) of Event: Sunday, September 15, 2019

Date of Council Meeting to be presented, if applicable: August 20, 2019
(Council meets 1st and 3rd Tuesdays of each month.)

Individual or representative attending Council Meeting to receive proclamation:

Please attach a sample of your proclamation, or the pertinent information needed to formulate your proclamation. If assistance is needed, or if you need a sample provided, or to return this form, contact:

Office of City Clerk
291 North Main Street
Porterville, CA 93257
(559) 782-7464 / Fax (559) 782-7452

All requests require a sponsorship by a member of the Council prior to being placed on a City Council Agenda for consideration, and are subject to approval by a majority of the Council. Please see the attached language regarding the process and timelines for submittal.

City Clerk's Section

Request Received: 8/15/19 Sponsored by: Mayor Flores Date: 8/22/19

Approved by Council: yes ☐ no ☐ Date: _____

Notification to Contact person done (date): _____ in writing ☐ by phone ☐

Items (s) ☐ mailed _____ ☐ faxed _____ ☐ picked up _____

Comment: _____

Excerpt from the CITY COUNCIL PROCEDURAL HANDBOOK

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.*)



PUBLIC RELATIONS

DAR National Headquarters
1776 D Street NW
Washington, DC 20006
www.dar.org

CONSTITUTION WEEK FACTS

What is a proclamation?

A proclamation is an official public announcement, usually issued by mayors, governors, etc.

Why does the DAR actively promote Constitution Week?

Constitution Week was initiated by the Daughters of the American Revolution. The DAR is a patriotic organization that encourages education and historic preservation in communities across America.

How did Constitution Week begin?

In 1955, the President General of the Daughters of the American Revolution, Gertrude S. Carraway, adopted a project to promote the observance of the U.S. Constitution with a memorial week beginning on the anniversary of the signing of this document, September 17. She asked DAR chapters, committees, and members to study, teach, and discuss the U.S. Constitution. Carraway also encouraged members to invite their governors and mayors to issue proclamations celebrating the Constitution.

When did the United States government begin to observe Constitution Week?

Constitution Week was officially declared by President Eisenhower on August 2, 1956. This was the culmination of a proposal the DAR sent through Senator William F. Knowland of California.

Is there a memorial honoring the Constitution?

Yes. DAR Constitution Hall in Washington, D.C. The inscription on the pediment reads, "Constitution Hall – a memorial to that immortal document, the Constitution of the United States, in which are incorporated the principles of freedom, equality and justice for which our forefathers strove." DAR Constitution Hall is the only structure dedicated to the U.S. Constitution.

How can I celebrate Constitution Week?

- Provide local media with the Constitution Week press release and FAQ sheet.
- Encourage your local government representatives to issue a proclamation about Constitution Week.
- Ask the school principals in your community to observe Constitution Week by issuing a school proclamation encouraging staff to teach the Constitution.
- Urge children to study the Constitution with their personal proclamation pledge.
- Contact your local DAR chapter and invite them to give a program on the Constitution.

WHEREAS: The Constitution of the United States of America, the guardian of our liberties, embodies the principles of limited government in a Republic dedicated to rule by law; and

WHEREAS: September 17, 2019, marks the two hundred and thirty-second anniversary of the framing of the Constitution of the United States of America by the Constitutional Convention; and

WHEREAS: It is fitting and proper to accord official recognition to this magnificent document and its memorable anniversary, and to the patriotic celebrations which will commemorate it; and

WHEREAS: Public Law 915 guarantees the issuing of a proclamation each year by the President of the United States of America designating September 17 through 23 as Constitution Week.

NOW, THEREFORE, I, MARTHA A. FLORES, Mayor of the City of Porterville, on behalf of the Porterville City Council, do hereby proclaim the week of September 17 through 23, 2019, as,

"CONSTITUTION WEEK"

and ask our citizens to reaffirm the ideals the Framers of the Constitution had in 1787 by vigilantly protecting the freedoms guaranteed to us through this guardian of our liberties.

PROCLAIMED this 17th day of September, 2019.

Martha A. Flores,
Mayor

Monte Reyes,
Vice Mayor

Milt Stowe,
Council Member

Virginia Gurrola,
Council Member

Daniel Peñaloza,
Council Member



CITY COUNCIL AGENDA – SEPTEMBER 3, 2019

SUBJECT: Authorization for City Council Member Out-of-State Travel

SOURCE: City Manager's Office

COMMENT: City Council Member Peñaloza has been invited by the US Water Alliance, a national non-profit organization, to attend a 3-day conference in Austin, Texas on September 18-20, 2019, with his estimated expenses of \$2,000 paid for by the non-profit through support/donations received from Springpoint Partners LLC. Information concerning the conference and the organization is attached. Staff understands that other local elected officials from the Tulare County area may also plan on attending.

Customarily, public officials must abide by the Fair Political Practices Commission (FPPC) gift restrictions concerning travel, meals, and other costs. However, there is a specific exemption granted for these types of activities, so long as the travel is approved by the City under the same applicable requirements if the City were using its own funds, and the official is representing the City in the course and scope of their official duties. Based on the information provided, the conference/travel qualifies for the exemption, if approved by the City Council.

RECOMMENDATION: That the City Council authorize the out-of-state travel by Council Member Peñaloza for the One Water Summit to be held in Austin, Texas on September 18-20, 2019.

ATTACHMENTS: 1. One Water Summit 2019

Appropriated/Funded:

Review By:

Department Director:

John Lollis, City Manager

Final Approver: John Lollis, City Manager



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One Water Summit 2019

September 18, 2019—September 20, 2019

One Water, One Future.

JOIN US

Join hundreds of top water leaders in Austin for One Water Summit 2019. It is the premier national conference focused on sustainable, integrated, and inclusive approaches to managing water, our most precious natural resource.

From inspiring plenary sessions, skills-building institutes, interactive workshops, mobile tours, and unparalleled networking opportunities, One Water Summit 2019 is not to be missed. Register [here](#) today!

One Water Summit 2019 Registration Rates

Alliance Members **34** **3** Non-Members **37**
\$650 \$825



**US Water
Alliance**

Registration Closes Soon
HOURS *Register ASAP* **MINUTES**

Register By

August 18, 2019 11:59
PM

Register Now

[Already Registered?](#)

Contact Us

US Water Alliance

Call: (415) 921-9010

Email: summit@uswateralliance.org

[Privacy Policy](#)



CITY COUNCIL AGENDA – SEPTEMBER 3, 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 August 20, 2019, 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. The State has committed funding for non-profit agencies to continue drought-related activities, which Self-Help Enterprises has continued the household tank program locally, through State Cleanup and Abatement Account (CAA) emergency funds.

Representatives for the City, County, State (CalOES, DDW, DWR, and SWB) 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. 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 approved in December the package for advertisement. Council authorized award of the construction contract for approximately \$1.82 million at its meeting on January 15, 2019. City staff conducted a pre-construction public outreach meeting with the affected residents on the status of the project on Thursday, April 4, 2019. Council authorized the agreement with Self-Help Enterprises Inc. to provide the private residential connections at its meeting on July 2, 2019, and construction work has begun on the project.

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

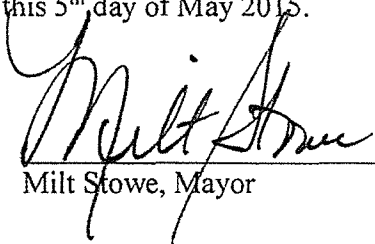
WHEREAS: the long-term ramifications of the current drought will have a significant impact on the city of Porterville and potentially pose a danger to the health and welfare of its residents; and

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

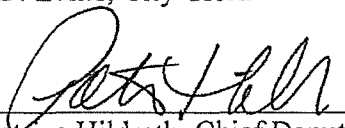
BE IT FURTHER RESOLVED: that the City Council of the City of Porterville requests the Governor and California Department of Water Resources make available California Disaster Assistance Act funding for the State of Local Emergency proclaimed on May 5, 2015, and seek all available forms of Federal assistance, 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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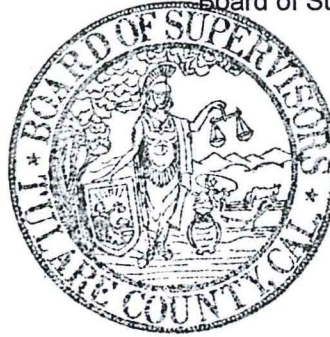
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THE PARTIES, having read and considered the above provisions, indicate their agreement by their authorized signatures below.

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. Guille for LMT
Deputy 20151902

CITY OF PORTERVILLE

BY Milt Stowe
Milt Stowe, Mayor

ATTEST:
City Clerk of the City of Porterville

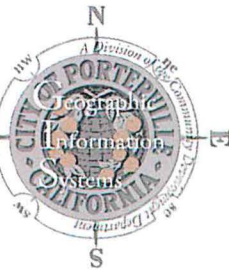
BY J. L. Lolis
John Lolis, City Manager

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

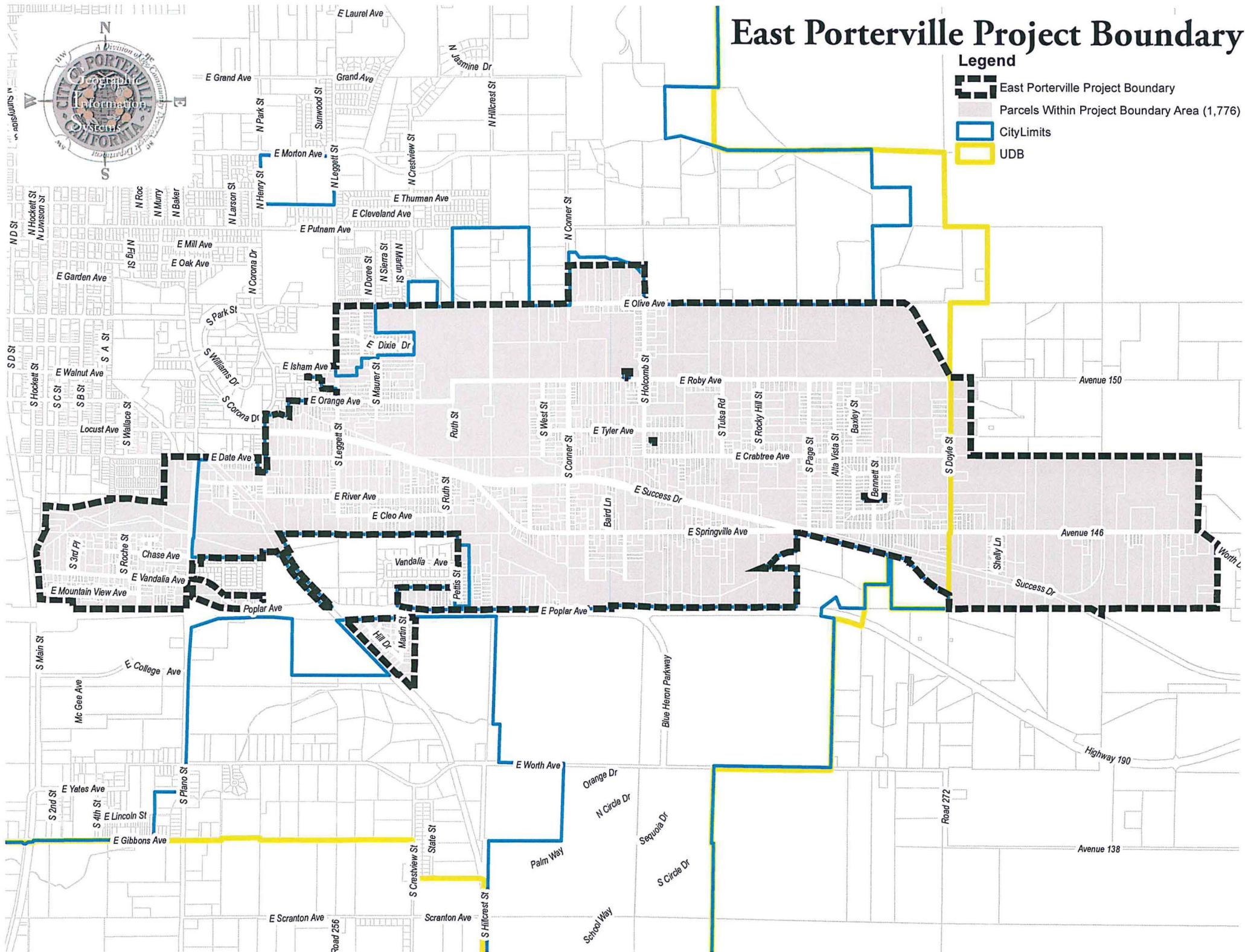


EXHIBIT 'B'

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:

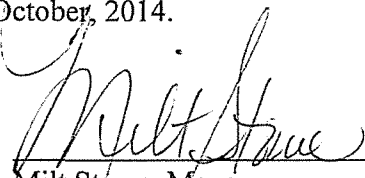
1. To promote orderly development while discouraging urban sprawl, preserving open space and prime agricultural lands, and efficiently extending government services.
2. To honor the City’s fundamental responsibility to provide efficient and sustainable public services to the inhabitants of the city,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

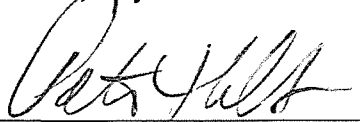
2. It shall be the policy of the City of Porterville to consider extra-territorial service requests primarily within the Urban Development Boundary, which is defined as the City of Porterville Annexation Boundary, as adopted by Tulare County LAFCo.
3. It shall be the policy of the City of Porterville,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

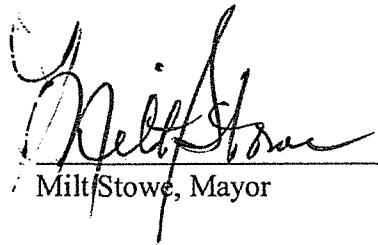
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
ESTABLISHING PROCEDURES FOR ANNEXATIONS AND EXTENSION OF
MUNICIPAL SERVICES

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.

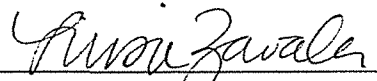
NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Porterville does hereby amend existing procedures to submit application for municipal services, and to have said application(s) processed as outlined in Exhibit "A", attached. The exemption identified for the East Porterville Feasibility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

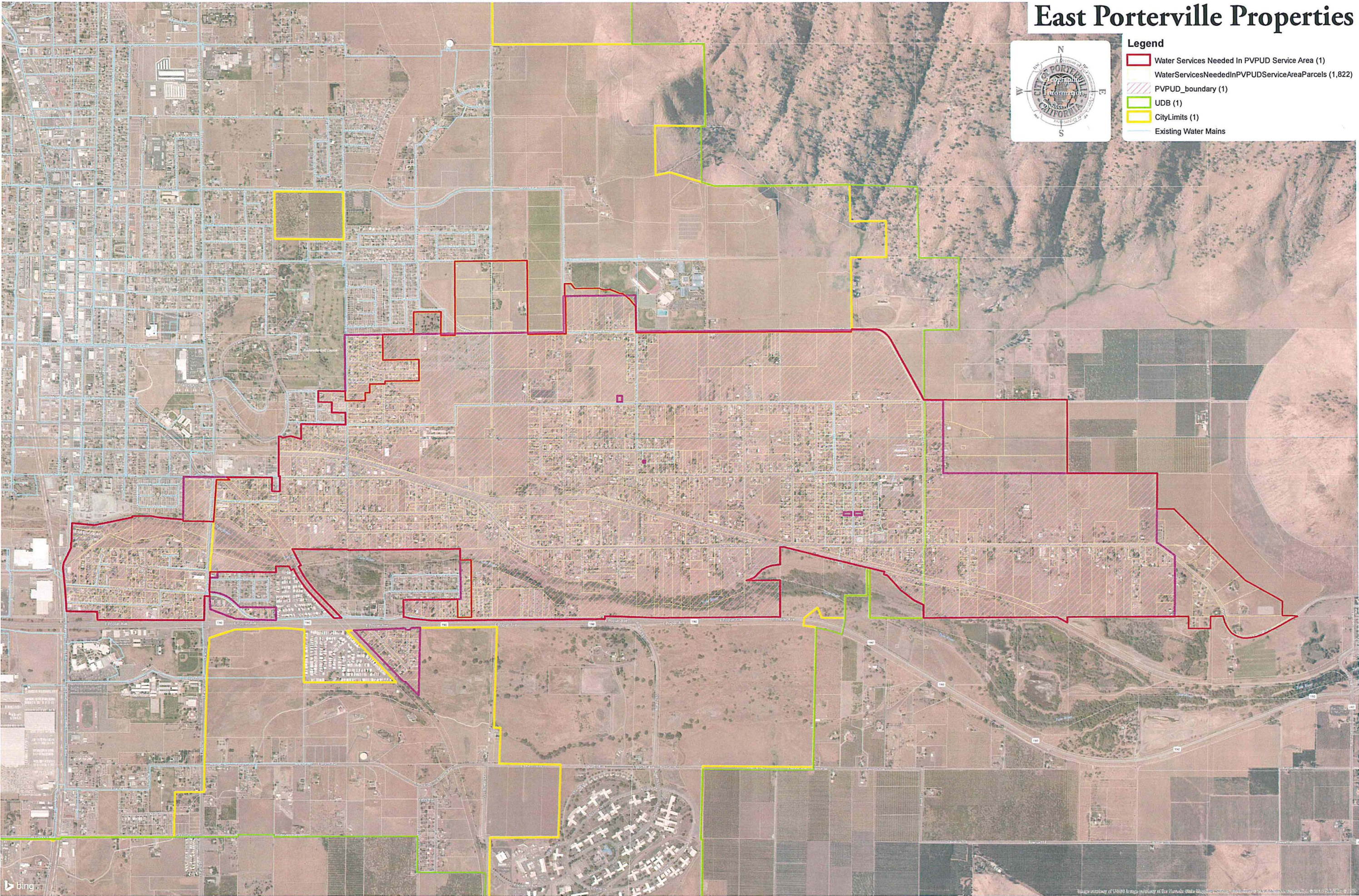
3. PROPERTIES WITHIN THE EAST PORTERVILLE FEASIBILITY STUDY PROJECT AREA: The California State Water Resources Control Board, in coordination with the Department of Water Resources Drought Task Force, is charged with preparing a feasibility study to define a long-term solution to the water related issues 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

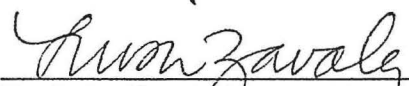

By: Luisa Zavala, Deputy City Clerk

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~~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

County of Tulare

City of Porterville



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 – SEPTEMBER 3, 2019

SUBJECT: Consideration of Modification No. 1 to Conditional Use Permit 11-2005 for the Target Department Store

SOURCE: Community Development

COMMENT: On January 17, 2006, Conditional Use Permit (CUP) 11-2005 was approved via Resolution No. 05-2006 to allow alcohol sales for the Target Store located at 1363 W. Henderson Avenue under a Type 20 off-sale beer and wine alcohol license. In July 2019, staff received an application from an agent for Target Corporation requesting a modification to CUP 11-2005 to allow the sale of distilled spirits in addition to beer and wine, under a Type 21 license. Sale of alcohol in the City of Porterville is regulated by Section 301.03 of the Porterville Development Ordinance, which requires approval of a CUP for any use involving the sale of alcoholic beverages.

The applicant notes that the floor area dedicated to the sale of alcohol would not expand beyond what currently exists in the store. Further, while many Target locations, including the Porterville location, are providing a new sales model: “Drive Up”, where customers can order goods online and have them delivered to their car at the store, alcohol sales cannot be a component of such transactions. The California Department of Alcoholic Beverage Control (ABC) prohibits such practices, and a condition of approval is included to further assure such a restriction.

While Target’s current hours of operation are 8:00 am to 11:00 pm Monday through Saturday, and 8:00 am to 10:00 pm on Sundays, the condition limiting hours of operation during which alcohol beverages may be sold is identified as 6:00 am to 2:00 am. This allows Target the option of expanded hours, for example, during holiday events, without requiring any further modification of the CUP. Consistent with CUP 11-2005, the draft Resolution includes conditions for the facility to operate and be maintained so as not to be detrimental to the public health, safety, or welfare to properties or improvements in the vicinity.

ABC allows for a specific number of licenses per census tract, based on population. Whenever the ratio of on-sale licenses to population in a census tract exceeds the average ratio for the county, an “undue concentration” of licenses is determine to exist. The subject site is located within Census Tract 36.02. This tract contains six (6) on-sale and eleven (11) off-sale licenses for alcohol sales; one of these off-sale licenses is in association with a wholesale license, so is not actually available to the general public. It should be noted that

the City Council approved a seventh on-sale license in this tract on August 6, 2019, for Mariscos y Birrieria Mazatlan Restaurant, but that license has not yet officially been issued by the ABC. In Census Tract 36.02, five (5) on-sale and six (6) off-sale licenses are allowed without being deemed over concentrated. As Target already has an off-sale license, approval of this modification would not increase the number of licenses. However, due to the over-concentration of off-sale licenses, a Letter of Public Convenience or Necessity will still be required by ABC to allow the change of the license type.

The subject site is consistent with the General Plan Land Use Designation and Zoning Standards for CR (Retail Centers). The CR designation is intended to maintain a full range of retail uses. The proposed upgrade to the alcohol sales would suit the purpose of the zone designation. The Target store is a permitted use in the CR Zone, and alcohol sales are permitted in that zone with a Conditional Use Permit.

The conditions included in the draft Resolution supplement, and where differences occur, supersede the conditions of CUP 11-2005. All other conditions of CUP 11-2005 still hold and remain effective.

On August 26, 2019, the Environmental Coordinator made a preliminary determination that the project is exempt from the California Environmental Quality Act pursuant to Section 15061(b), (3) of the California Code of Regulation (CEQA Guidelines), under the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment.

RECOMMENDATION: That the City Council:

1. Adopt the draft Resolution approving Conditional Use Permit (PRC 2019-028-C) subject to conditions of approval; and
2. Authorize the Mayor to sign the Letter of Public Convenience or Necessity.

ATTACHMENTS:

1. Locator Map
2. Existing Licenses in Census Tract 36.02
3. Floor Plan
4. Resolution 05-2006
5. Draft Resolution
6. Letter of Public Convenience and Necessity

Appropriated/Funded:

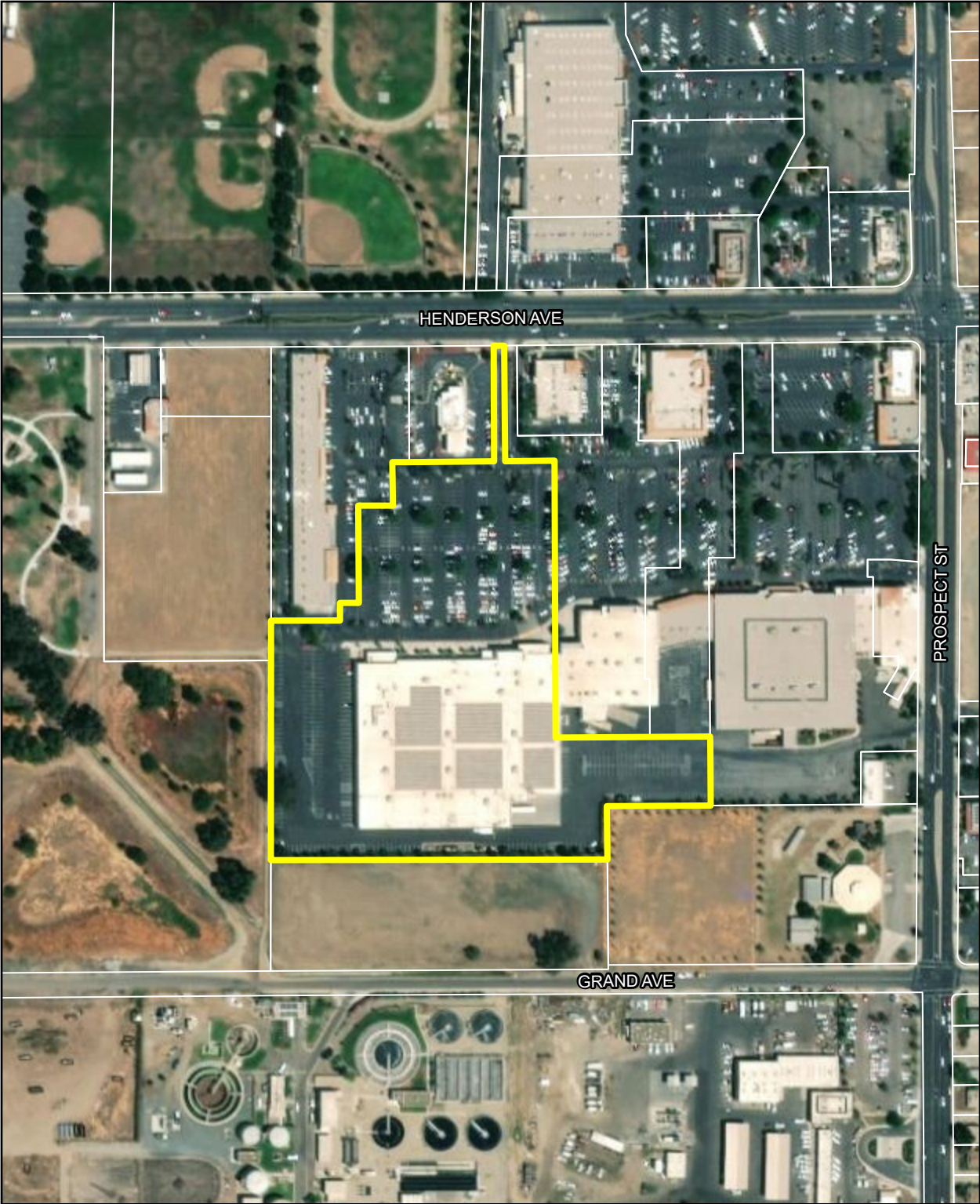
Review By:

Department Director:

Jenni Byers, Community Development Director

Final Approver: John Lollis, City Manager

**Locator Map
PRC 2019-028**



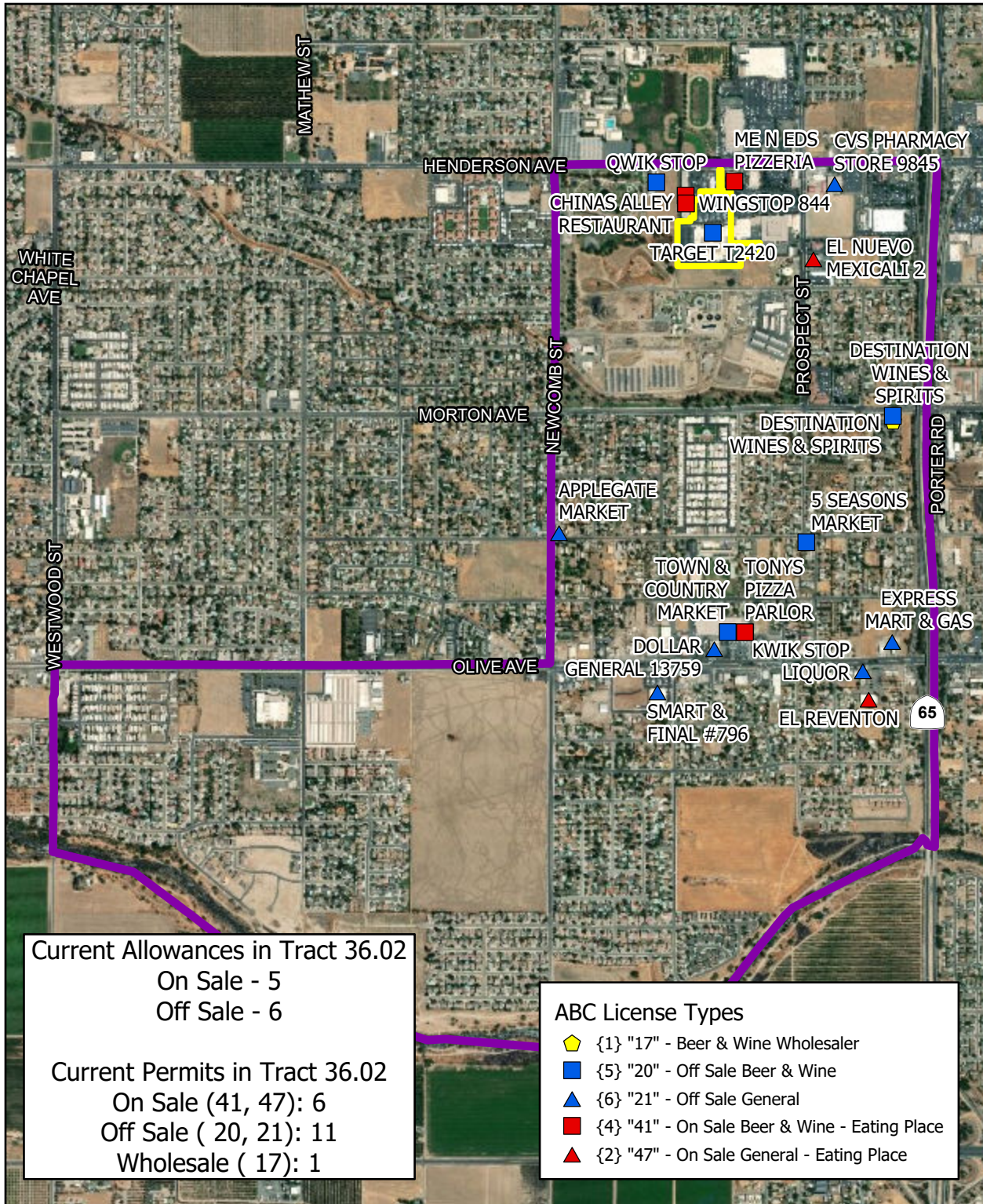
**CUP for Target
@ 1363 W. Henderson Ave**

 Project Location

1 in = 300 feet



ABC Map PRC 2019-028



**CUP for Target
@ 1363 W. Henderson Ave**

Project Location
 Census Tract 36.02

1 in = 1,600 feet



Grocery Area

Locations of Alcohol

Target
1363 W. Henderson Ave
Porterville, CA 93257

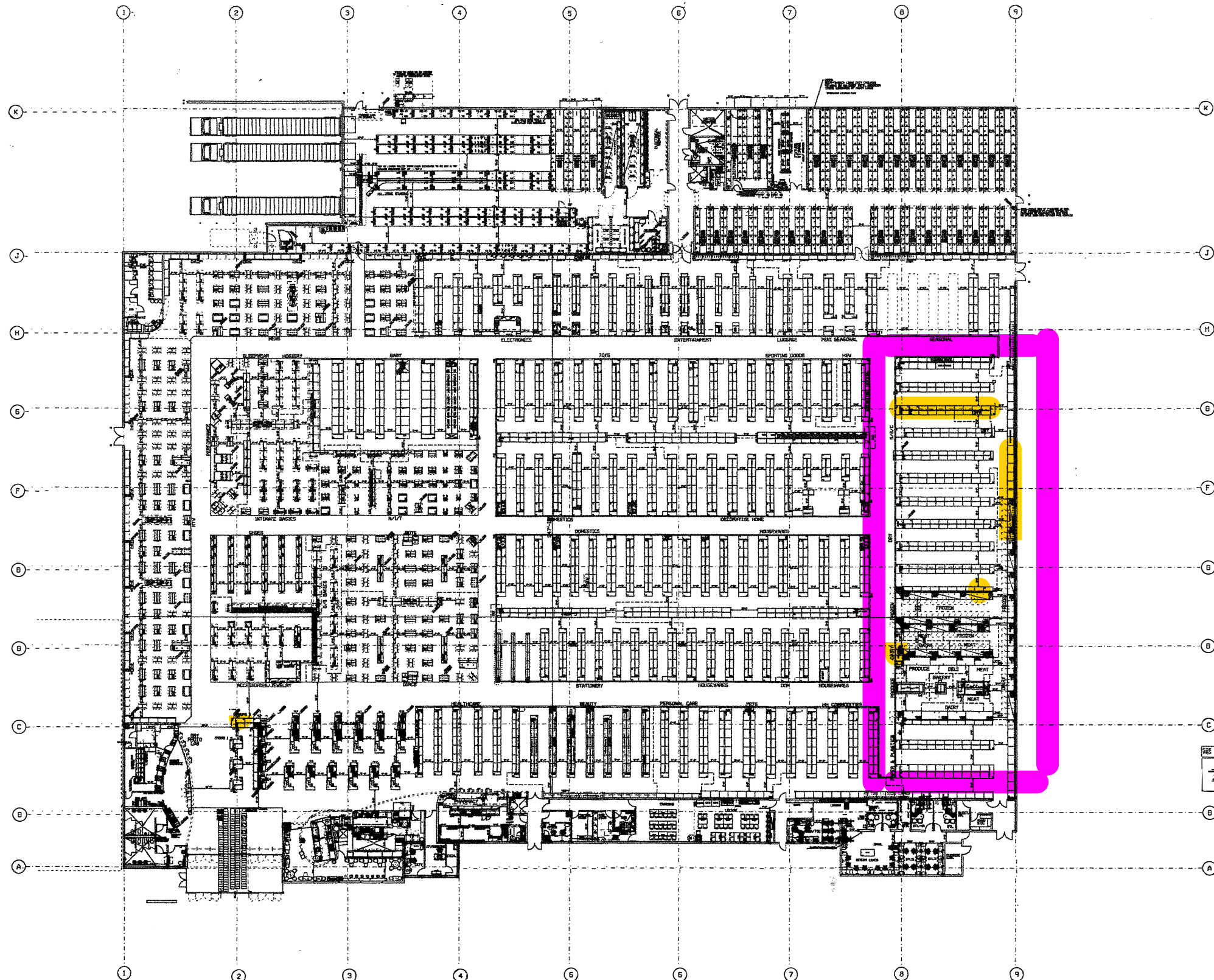
APN 251-350-025

400 ft.

360 ft.

TARGET CORPORATION
©
TARGET CORPORATION, PROPERTY DEVELOPMENT
1000 NICOLLET HALL
MINNEAPOLIS, MINNESOTA 55403
NOTICE
-VERIFY ALL DIMENSIONS AND CONDITIONS
-NOTIFY THIS OFFICE OF ANY VIOLATIONS
-ALTERNATE USE OF THIS DRAWING MUST
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CEILING HEIGHT
SOFTLINES CEILING:
14' - 0"
HARDLINES CEILING:
14' - 0"
STOCK ROOM:
16' - 6"
SEISMIC: Yes



SEE VALUANCE AND COSTS
1/2"

EXISTING

TARGET

ISSUE DATE:
PLOT DATE: 03-JUL-2018 12:53
PLANNER:
SCALE: 1/16"=1'-0"
PROJECT:
NAME: Porterville
Porterville, CA
STORE NO.: T-2420
TITLE: FIXTURE PLAN
PLAN TYPE: SHEET NO.:
P04.383 F09RS

RESOLUTION NO. 05-2006

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
CONTAINING FINDINGS AND CONDITIONS IN SUPPORT OF APPROVAL OF
CONDITIONAL USE PERMIT 11-2005 TO ALLOW THE OFF-SALE OF BEER AND WINE
AND LETTER OF PUBLIC CONVENIENCE OR NECESSITY FOR "TARGET"
DEPARTMENT STORE LOCATED AT 1363 WEST HENDERSON AVENUE

WHEREAS: The City Council of the City of Porterville, at its regularly scheduled meeting of January 17, 2006, conducted a public hearing to consider Conditional Use Permit 11-2005, being a request to allow for the off-sale of beer and wine and a Letter of Public Convenience or Necessity for the "Target" Department Store located at 1363 West Henderson Avenue; and

WHEREAS: Section 2100 D of the Porterville Zoning Ordinance states the following:

Any use involving the sale of alcoholic beverages under an off-sale license within 600 linear feet of the nearest property line of any sensitive use as defined in this article shall be subject to obtaining approval of a Conditional Use Permit.

At the northwest corner of Prospect and Grand, an existing educational facility (Prospect Educational Facility) is located which is within 600 feet of the Target Department Store. Additionally, Veteran's Park, located to the west is within 600 feet of the Target Department Store.

WHEREAS: The City Council received testimony from all interested parties relative to said Conditional Use Permit; and

WHEREAS: Census Tract 36.02, in which the subject site is located, has an over concentration of off-sale alcohol licenses as determined by a formula comparing the population of the census tract with the number of off-sale alcohol establishments. Over concentration is reached in this census tract when the number of off-sale licenses exceeds 7. There are currently 13 off sale licenses in Census Tract 36.02. In such circumstances, no additional licenses may be granted by the ABC unless the City Council determines that there is a need of public convenience or necessity in the community for an additional alcoholic beverage license.

WHEREAS: The City Council made the following findings:

1. That the proposed project is consistent with the General Plan, zoning and land use for the site.

The General Plan designates the site as General Commercial as supported by the C-2(D) (Central Commercial "D" Overlay Site Review) Zoning. The proposed off-sale of beer and wine is allowed in the C-2 (D) Zone subject to the approval of a Conditional Use Permit.

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

Conditions of approval are included to ensure adequate development standards are met.

3. That the standards of population density, site area, dimensions, site coverage, yard spaces, height 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.

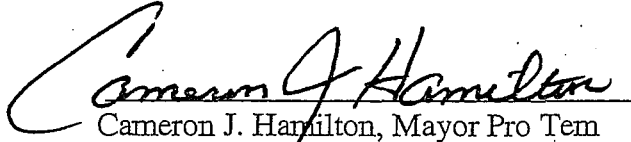
The subject site has all improvements existing. No additional improvements are required.

4. That pursuant to Section 15323, Class 23, - (Normal Operations of Facilities for Public Gatherings) of the California Environmental Quality Act Guidelines, the Conditional Use Permit to allow the sale of beer and wine under an off-sale license is Categorically Exempt.

NOW, THEREFORE, BE IT RESOLVED: That the City Council of the City of Porterville does hereby approve Conditional Use Permit 11-2005 subject to the following conditions:

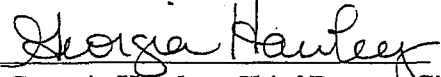
1. That any future change in operation which substantially alters the condition or nature of the subject business will require approval by the City Council if such modification involves the sale of alcoholic beverages.
2. That consumption of alcoholic beverages shall be prohibited at all locations within the shopping center under Target's control.
3. Upon approval of the Conditional Use Permit, any future violations of regulations of the codes relating to the sales or consumption of alcohol, and/or excessive service calls to the Police Department resulting from the sales of alcohol will result in revocation of the Conditional Use Permit.
4. That a Letter of Public Convenience or Necessity will require approval by the Porterville City Council.
5. No outdoor advertising of alcoholic beverages is allowed.
6. At all times, the facility shall be operated and maintained to comply with State Law, the City of Porterville Zoning Ordinance, adopted Building Codes and all other applicable laws and ordinances.

7. The Conditional Use Permit shall become null and void if not under taken and actively and continuously pursued within one (1) year.


Cameron J. Hamilton, Mayor Pro Tem

ATTEST:

John Longley, City Clerk

By 
Georgia Hawley, Chief Deputy City Clerk

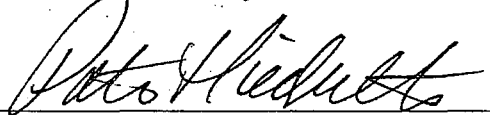
STATE OF CALIFORNIA)
CITY OF PORTERVILLE) SS
COUNTY OF TULARE)

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 17th day of January, 2006.

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

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

JOHN LONGLEY, City Clerk


by Patrice Hildreth, Deputy City Clerk

RESOLUTION NO. ____-2019

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
CONTAINING FINDINGS AND CONDITIONS IN SUPPORT OF MODIFICATION NO. 1
OF CONDITIONAL USE PERMIT 11-2005 (PRC 2019-028-C) TO ALLOW THE SALE OF
ALCOHOL UNDER A TYPE 21 OFF-SALE GENERAL LICENSE FOR THE TARGET
STORE LOCATED AT 1363 W. HENDERSON AVENUE.

WHEREAS: On January 17, 2006, the City Council of the City of Porterville adopted Resolution 05-2006 allowing the Target Department Store to sell alcohol under a Type 20 off-sale (beer and wine) license; and

WHEREAS: The City Council of the City of Porterville, at its regular scheduled meeting of September 3, 2019, conducted a public hearing to consider Modification No. 1 of Conditional Use Permit 11-2005 (PRC 2019-028-C) to allow the sale of alcohol under a Type 21 Off-Sale General license for Target Store located at 1363 W. Henderson Avenue; and

WHEREAS: On August 26, 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 authorized the Mayor to sign the Letter of Public Convenience or Necessity due to the over concentration of alcohol licenses within Census Tract 36.02; and

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

WHEREAS: The City Council made the following findings:

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

The subject site is consistent with the General Plan Land Use Designation and Zoning Standards for CR (Retail Centers). The CR designation is intended to maintain a full range of retail uses. The proposed upgrade to the alcohol sales would suit the purpose of the zone designation. The Target store is a permitted use in the CR Zone, and alcohol sales are permitted in that zone with a Conditional Use Permit.

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

Conditions of approval are included herein to ensure adequate operational standards are met. The project is located within an existing building and is conditioned that all activities

associated with the sale of alcohol, in association with the Type 21 off-sale license shall be exclusively confined to the interior of the building. No consumption of alcohol is permitted on premises.

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 §15061(b)(3) that CEQA only applies to projects which have the potential for causing a significant effect on the environment.
4. The California Department of Alcoholic Beverage Control (ABC) allows for a specific number of licenses per census tract, based on population. Whenever the ratio of licenses to population in a census tract exceeds the average ratio for the county, an “undue concentration” of licenses is determine to exist. The subject site is located within Census Tract 36.02. This tract contains eleven off-sale licenses for alcohol sales. In Census Tract 36.02 and six off-sale licenses are allowed without being deemed over concentrated. As Target already has an off-sale license, approval of this modification would not increase the number of licenses. However, due to the over-concentration of off-sale licenses, a Letter of Public Convenience or Necessity will still be required by ABC to allow the change of the license type.

NOW, THEREFORE, BE IT RESOLVED: That the City Council of the City of Porterville does hereby approve Modification No. 1 to Conditional Use Permit 11-2005 subject to the following conditions:

1. Alcohol sales shall not be permitted in association with “Drive Up” sales.
2. No advertising of alcohol products shall be displayed and/or viewed from the outside of the building.
3. The hours of operation during which alcoholic beverages may be sold shall be limited to 6:00 a.m. - 2:00 a.m.
4. All activities associated with the proposed use shall be exclusively confined to the interior of the building.
5. On-site consumption of alcoholic beverages shall be prohibited.
6. Unless an extension of time is granted by the City Council, this modification to Conditional Use Permit 11-2005 shall expire two (2) years after the date of approval if the off-sale Type 21 General license is not active or actively pursued.
7. 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.

PASSED, APPROVED AND ADOPTED this 3rd day of September, 2019.

Martha A. Flores, Mayor

ATTEST:
John D. Lollis, City Clerk

By _____
Patrice Hildreth, Chief Deputy City Clerk

September 4, 2019

California Department of Alcoholic Beverage Control
Fresno District Office
1330 B East Shaw Ave
Fresno, CA 93710
ATTN: Jason Montgomery

RE: Target Store, 1363 W. Henderson Avenue, Porterville, CA

Dear Mr. Montgomery:

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 21 Off-Sale General license for Target Store located at 1363 W. Henderson 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 36.02 which allows six (6) on-sale licenses. With the approval of this license, eleven (11) off-sale licenses will exist in this tract. Due to the over concentration of on-sale licenses a Letter of Public Convenience or Necessity was required.
2. On September 3, 2019, the City Council conditionally approved Modification No. 1 to Conditional Use Permit 11-2005 (please see the attached resolution), to allow the off-sale of distilled spirits in addition to beer and wine for Target Store at 1363 W. Henderson Avenue. 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 21 Off-Sale General alcohol license.

Further issuance of an off-sale license allowing the sale of distilled spirits in addition to beer and wine, under a Type 21 license sales represents a viable economic asset to the community which will contribute tax revenues to the local economy. The subject site is consistent with the General Plan Land Use Designation and Zoning Standards for Retail Centers. The CR zone designation is intended to maintain a full range of commercial uses. The requested Conditional Use Permit for a Type 21 Off- Sale General, alcohol license for Target Store 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.

For these reasons, the City Council of the City of Porterville supports issuance of a Type 21 Off-Sale General, license for Target Store located at 1363 W. Henderson Avenue, Porterville, CA.

Sincerely,

Martha A. Flores, Mayor

Attachment: Resolution



CITY COUNCIL AGENDA – SEPTEMBER 3, 2019

SUBJECT: 2018-2019 Consolidated Annual Performance Evaluation Report

SOURCE: Community Development

COMMENT: The 2018-2019 Consolidated Annual Performance and Evaluation Report (CAPER), has been prepared for submittal to the U.S. Department of Housing and Urban Development (HUD). The CAPER reports on specific federal assistance allocated to the City of Porterville through the Community Development Block Grant (CDBG) Program for the period July 1, 2018, through June 30, 2019. The CAPER is the performance reporting tool for the 2018-2019 Action Plan Program Year, and is required by HUD guidelines. Performance reporting meets four basic purposes:

- It provides HUD with necessary information for the Department to meet its statutory requirement to assess each grantee's ability to carry out relevant programs in compliance with all applicable rules and regulations;
- It provides information necessary for HUD's Annual Report to Congress, and is statutorily mandated;
- It provides grantees an opportunity to describe to citizens their successes in revitalizing deteriorated neighborhoods and meeting objectives stipulated in their Consolidated and Action Plans; and
- It assures that citizens, community groups, and other interested stakeholders in the community development process are accurately informed of the use of federal resources.

As required by HUD regulations and the Citizen Participation Plan, staff obtained citizen participation by publishing and posting bilingual public comment notices. On Friday, August 16, 2019, staff published a public comment notice in English and Spanish in the Porterville Recorder and Noticiero Semanal. The CAPER is available at the Community Development counter at City Hall, 291 N. Main Street, on the City's website (www.ci.porterville.ca.us), as well as at the Porterville Library located at 41 W. Thurman Avenue. The notices state public comments may be submitted in person or in writing until September 3, 2019, by 5:00 p.m. At the time of the writing of this staff report, no comments were received. If comments are received prior to the close of the comment period, staff will respond to the comments before the CAPER is submitted to HUD by September 27, 2019.

RECOMMENDATION: That the City Council:
1. Conduct the Public Hearing and consider any comments

- received;
2. Consider the Draft 2018-2019 Consolidated Annual Performance Evaluation Report; and
 3. Direct staff to submit it to the Department of Housing and Urban Development by the required deadline of September 27, 2019.

ATTACHMENTS: 1. Draft Consolidated Annual Performance Evaluation Report

Appropriated/Funded:

Review By:

Department Director:

Jenni Byers, Community Development Director

Final Approver: John Lollis, City Manager



CITY OF PORTERVILLE

CONSOLIDATED ANNUAL PERFORMANCE EVALUATION REPORT

(CAPER)

PROGRAM YEAR 2018-2019

DRAFT

15 Day Public Comment Period

August 16, 2019 to September 3, 2019

Jennifer M. Byers
Community Development Director
291 N. Main Street
Porterville, CA 93257
559-782-7460

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CR-05 - Goals and Outcomes

Progress the jurisdiction has made in carrying out its strategic plan and its action plan. 91.520(a)

This could be an overview that includes major initiatives and highlights that were proposed and executed throughout the program year.

This section addresses activities undertaken during the program year to address pertinent Consolidated Plan, FY 2018/2019 Action Plan objectives and areas of high priority.

To meet the City of Porterville's goals and objectives for FY 2018/2019, the City administered funds primarily spent on the following activities: Porterville Youth Center, Business Assistance Program, First Time Low Income Homebuyer Program (FTHB), Continuum of Care, Shelter Plus Care Program for the chronically homeless, debt service on the Section 108 loan for the neighborhood community center known as the Heritage Center, and Parks Improvement Program.

These accomplishments promoted and sustained existing developments and public services, new and existing housing, and job opportunities for Porterville residents and employers. The City's Consolidated Plan identified the estimated costs of addressing the needs facing Porterville which are many times the amount of resources available. Programs designed to address and fund those needs identified as "High" and as many as possible identified as "Medium" in the Priority Needs Table are the City's number one objective.

In keeping with this focus, the following objectives identified in the Consolidated Plan and FY 2018/2019 Action Plan were addressed:

- Objective 1: Ensure, to the extent available resources allow, the availability of decent, safe, and affordable housing within the City of Porterville for low to moderate income families and individuals.
- Objective 2: The City will strive to maintain the integrity of its existing neighborhoods.
- Objective 3: The City will encourage the location of commercial and industrial development within the City.
- Objective 4: The City will encourage the development of its youth

Table 1A: Is a summary of the progress attained, it is similar to the IDIS chart; however, it is a more detailed representation.

Comparison of the proposed versus actual outcomes for each outcome measure submitted with the consolidated plan and explain, if applicable, why progress was not made toward meeting goals and objectives. 91.520(g)

Categories, priority levels, funding sources and amounts, outcomes/objectives, goal outcome indicators, units of measure, targets, actual outcomes/outputs, and percentage completed for each of the grantee's program year goals.

Goal	Category	Source / Amount	Indicator	Unit of Measure	Expected – Strategic Plan	Actual – Strategic Plan	Percent Complete	Expected – Program Year	Actual – Program Year	Percent Complete
Affordable Housing	Affordable Housing	CDBG: \$450	Public service activities for Low/Moderate Income Housing Benefit	Households Assisted	300	252	84	60	58	96
Affordable Housing	Affordable Housing	CDBG: \$15,000	Homeowner Housing Added	Household Housing Unit	2	1	50	1	1	100
Affordable Housing	Affordable Housing	CDBG: \$223,087	Homeowner Housing Rehabilitated	Household Housing Unit	6	24	400	4	0	0
Affordable Housing	Affordable Housing	CDBG: \$28,771	Direct Financial Assistance to Homebuyers	Households Assisted	5	7	140	1	2	200
Economic Development	Non-Housing Community Development	CDBG: \$0	Facade treatment/business building rehabilitation	Business	3	0	0	0	0	0
Economic Development	Non-Housing Community Development	CDBG: \$201,056.71	Jobs created/retained	Jobs	0	7	700	1	3	300
Economic Development	Non-Housing Community Development	CDBG: \$407,751.24	Businesses assisted	Businesses Assisted	3	3	100	1	3	300
Homelessness	Homeless	CDBG: \$5,000	Public service activities other than Low/Moderate Income Housing Benefit	Persons Assisted	1500	725	48	200	187	93.5
Homelessness	Homeless	CDBG: \$15,000	Public service activities for Low/Moderate Income Housing Benefit	Households Assisted	3	7	166	2	4	200
Homelessness	Homeless	CDBG: \$0	Tenant-based rental assistance / Rapid Rehousing	Households Assisted	0	0	0	0	0	0
Homelessness	Homeless	CDBG: \$0	Homeless Person Overnight Shelter	Persons Assisted	0	0	0	0	0	0
Homelessness	Homeless	CDBG: \$0	Overnight/Emergency Shelter/Transitional Housing Beds added	Beds	0	0	0	0	0	0
Strengthening Neighborhoods	Non-Homeless Special Needs Non-Housing Community Development	CDBG: \$115,339	Public Facility or Infrastructure Activities other than Low/Moderate Income Housing Benefit	Persons Assisted	15415	15415	100	15415	0	0
Strengthening Neighborhoods	Non-Homeless Special Needs Non-Housing Community Development	CDBG: \$89,800	Public service activities other than Low/Moderate Income Housing Benefit	Persons Assisted	500	441	88.2	100	94	94
Strengthening Neighborhoods	Non-Homeless Special Needs Non-Housing Community Development	CDBG: \$18,392	Buildings Demolished	Buildings	0	1	100	1	0	0
Strengthening Neighborhoods	Non-Homeless Special Needs Non-Housing Community Development	CDBG: \$3,000	Other; Disposition of Property	Other	0	1	100	0	0	0
Strengthening Neighborhoods	Non-Homeless Special Needs Non-Housing Community Development	CDBG: \$20,000	Clearance of Property	Other	0	1	100	1	1	100

Table 1A - Accomplishments – Program Year & Strategic Plan to Date

Assess how the jurisdiction's use of funds, particularly CDBG, addresses the priorities and specific objectives identified in the plan, giving special attention to the highest priority activities identified.

The table 1-Accomplishment in strategic plan represent 5 year goals for FY 2015-2019. This is the fourth year of accomplishment reported or 80% of the goals.

This section provides the Overall Benefit Analysis. Actions to address the highest priority activities identified in the City's Consolidated Plan are discussed below. These actions accomplished meeting these high priorities and benefitted low to moderate income persons. Most of the HUD Objectives and Outcomes assigned to each CDBG program and activity have been met. Those that have not been accomplished will contain an explanation.

Youth Centers: The City continued funding of the Porterville Youth Center. The Youth Center averages a daily attendance of 29 low-to moderate- income youth. The goal of 100 unduplicated youth was only short by 6 youth, however it has been surpassed annually in all prior years. In FY 2018/2019, 94 unduplicated youth were serviced and 90.43% of those youth were from low to moderate income households.

The City completed the construction for the City-owned Neighborhood Community Center, named the Heritage Center in 2005. In this facility, the City's Parks and Leisure Services Department provide activities for the City's youth, seniors, and other members of the community. The City developed a partnership with the Porterville Unified School District in order to build the Center on the site adjacent to the new elementary school. This plan allowed the City and the School District to develop buildings for shared uses and therefore leverage the resources of each entity. The City amended the 1995 Consolidated Plan and the 1999/2000 Action Plan to use the Section 108 loan funds for construction of the Center and amended the 2008/09 Action Plan for the use of CDBG-R funds for the construction of Phase 2 of the Rails to Trails Project which is part of the master plan for the Heritage Center Complex. The Phase 2 Rails to Trails Project was completed in FY12.

Small Business Assistance Programs: The City had three applicants that were all approved for funding in FY 2018/2019; one was job retention and the other two were job creation. They are in the process of filling the positions and will be made available to low to moderate income persons.

Clearance/Land Acquisition/Disposition: After successfully donating the cleared parcel to Habitat for Humanity of Tulare and Kings Counties (HHTKC), a home was built for a low-moderate income family. The family contributed with sweat equity to help with down payment and will be purchasing the home from HHTKC.

Parks Improvement Programs: During FY 2018/2019, the Parks & Leisure Services Department has been working diligently to bring new amenities to the park. During the public meeting process, the Parks and Leisure Services Commission, receives and then makes recommendations regarding amenities and directs staff to obtain quotes to take for City Council approval. In June 2018, a purchase order was

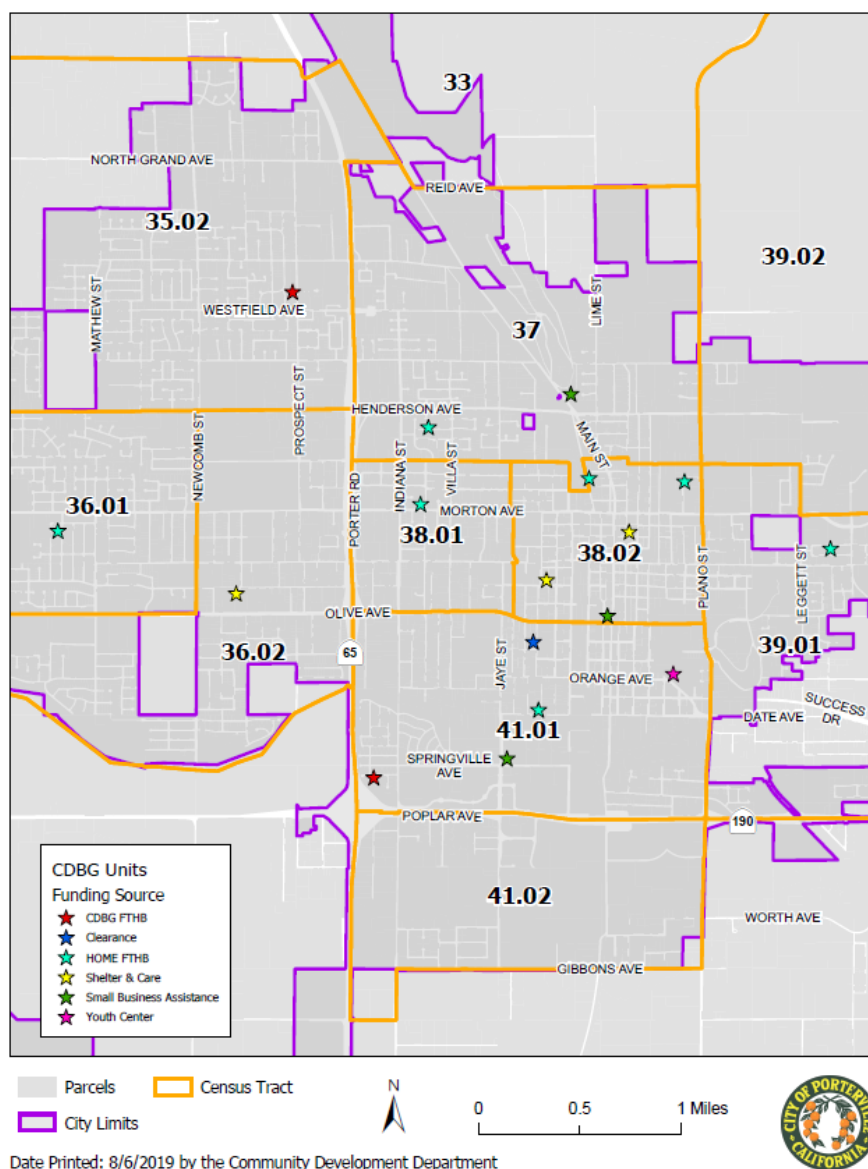
opened for the following items, but they have not been received or installed. These items will take place in Fall of 2019.

- Permanent outdoor ping pong table with steel net at Zalud Park
- Commercial grade permanent bench to be located at the ping pong table area at Zalud Park
- (2) Permanent mini picnic shelters with ADA picnic table for Zalud
- Permanent playground zip line for and accompanying wood fiber for fall zone/ADA accessibility at Zalud Park
- (2) Permanent bicycle racks with one for Zalud Park and one for Murry Park

Affordable Housing Programs The Action Plan indicated that at least one low-to-moderate income households may receive first time home buyer assistance. This goal was attained by assisting 11 low-to-moderate income households: two were with CDBG funds and nine with HOME funds. HOME Program Income (PI) funds were leveraged as the City received over \$400,000 in HOME PI from repayment of First Time Homebuyer loans. Those funds were used to assist First Time Homeowners with down payment, gap and/or closing cost assistance. A Map is included to show where CDBG & HOME assisted units are in the City.

Accomplishments

2018/2019 CDBG Assisted Projects



CR-10 - Racial and Ethnic composition of families assisted

Describe the families assisted (including the racial and ethnic status of families assisted).

91.520(a)

	CDBG
White	352
Black or African American	9
Asian	6
American Indian or American Native	7
Native Hawaiian or Other Pacific Islander	3
Other	21
Total	352
Hispanic	204
Not Hispanic	148

Table 2 – Table of assistance to racial and ethnic populations by source of funds

Narrative

Some programs do not record Race and Ethnicity in IDIS, therefore this chart was updated to reflect actual number of families assisted which is different from the auto generated from IDIS.

CR-15 - Resources and Investments 91.520(a)

Identify the resources made available

Source of Funds	Source	Resources Made Available	Amount Expended During Program Year
CDBG	CDBG	1,493,294	842,318.66
HOME	HOME		
HOPWA	HOPWA		
ESG	ESG		
Other	Other		

Table 3 - Resources Made Available

Narrative

This total will be finalized once the City of Porterville finance department has completed closing out the FY 2018/2019 fiscal year. This total is as of June 30, 2019, based on a preliminary report of expenditures.

The auto-generated table by IDIS does not reflect actual amounts. Therefore, actual balances have been included, per available resources at the beginning of FY 2018/2019. Every effort is made to use any available Program Income first, then any prior CDBG entitlement and finally the current entitlement. Some Activities only use Program Income, Prior Entitlement or Current Entitlement; therefore, all accounts resources have expenditures.

Identify the geographic distribution and location of investments

Target Area	Planned Percentage of Allocation	Actual Percentage of Allocation	Narrative Description
Citywide	100	100	All programs are within the City Limits of Porterville

Table 4 – Identify the geographic distribution and location of investments

Narrative

The target area for all goal is Citywide. All assistance was provided to households within the city limits of Porterville, including newly annexed Tulare County unincorporated areas.

Leveraging

Explain how federal funds leveraged additional resources (private, state and local funds), including a description of how matching requirements were satisfied, as well as how any publicly owned land or property located within the jurisdiction that were used to address the needs identified in the plan.

Other public and private resources that are obtained and identified in the City's Consolidated and Action Plans are discussed in this section. It discusses how Federal resources made available from HUD leveraged "other" public and private resources, including how any matching requirements were satisfied.

Private resources used in conjunction with Federal resources consist of first mortgages issued to qualifying first time home buyers from lenders participating in the City's First Time Home Buyer Program. The City also continues leveraging its First Time Home Buyer Program, the Owner Occupied Housing Rehabilitation Program, and other housing programs with Revolving Loan Program Income Funds derived from the initial Federal HOME grants and other State grants.

Matching requirements were satisfied through the individual program guidelines. For the First-Time Home Buyer Program, lenders are requested to provide a higher percentage of the sales price than what the City provides. This provision also promotes affordable housing because in most cases, it excludes the additional cost of primary mortgage insurance (PMI) when they are eligible for Conventional Financing if at least 20% is given as a down payment. One of the exceptions to the PMI cost avoidance is the use of FHA financing which is allowed with the program and requires PMI. Additionally, HOME PI and CalHOME funds are available to leverage FTHB funds. Matching funds associated with the Business Assistance Program are those funds necessary to complete the project and accommodate the business.

Examples are:

1. A public service is being provided at the Heritage Center which serves as a youth center. In addition to the Youth Center, Margaret J. Slattery Children's Library is also located on the location. Although CDBG helps pay for a public service within this center (the Youth Center) it is also subsidized with other funding sources including the General Fund.
2. With General Fund, improvements have been made to public parks including a shade structures to playgrounds, a fence around play area for safety, and a lighted multi-use walkway.
3. Porterville Sports Complex was also improved with Housing Related Parks Grant and is accessible for sports leagues including a free league for LMA/LMI families that cannot afford league fees.

4. A multi-use trail was added to Veteran's Park with the use of Housing Related Parks Grant and General funds.
5. Through a State's Park Grant, the Fallen Heroes Park was constructed as an ADA accessible playground with exercise equipment for public use.
6. The City owned Public Library offers a variety of free services to the public including free access to computers with internet access to assist families who do not own a computer and cannot afford internet service at home. Youth programs and adult literacy programs are also offered.
7. Through the Land Acquisition/Clearance/Disposition program a property was acquired and donated to a nonprofit who built an affordable house for a low/mod family.

CR-20 - Affordable Housing 91.520(b)

Evaluation of the jurisdiction's progress in providing affordable housing, including the number and types of families served, the number of extremely low-income, low-income, moderate-income, and middle-income persons served.

	One-Year Goal	Actual
Number of Homeless households to be provided affordable housing units	2	4
Number of Non-Homeless households to be provided affordable housing units	6	3
Number of Special-Needs households to be provided affordable housing units	0	0
Total	8	7

Table 5 – Number of Households

	One-Year Goal	Actual
Number of households supported through Rental Assistance	2	4
Number of households supported through The Production of New Units	1	1
Number of households supported through Rehab of Existing Units	4	0
Number of households supported through Acquisition of Existing Units	1	2
Total	8	7

Table 6 – Number of Households Supported

Discuss the difference between goals and outcomes and problems encountered in meeting these goals.

In FY 2018/2019, the City of Porterville made every effort to meet or exceed the goals. In the past years, the number of units supported through Rehab of existing units has been exceed; however, fell short this FY as the applications received did not qualify for assistance. New outreach strategies will be implemented to ensure this goal is met in the following year.

Additionally, the City of Porterville is committed to providing a full range of housing opportunities throughout the community. It is the City's intent to assist in the development of housing opportunities within the City and, as such, the City will engage in programs that further improve the supply of lower income housing. The City cooperates with several local operators of facilities that meet the emergency and transitional housing needs of the homeless and those threatened with homelessness. In addition to the required Point In Time count of the homeless community, City staff (as a member of the Kings/Tulare Homeless Alliance) co-chaired the Porterville Project Homeless Connect to help bring needed services in one central location to those families that are currently experiencing homelessness and to those at risk of becoming homeless. The City also collaborates with the Housing Authority of Tulare County (HATC), who

provides ongoing maintenance and upkeep of publicly assisted housing units within the City of Porterville. HATC serves as the housing provider for worst-case needs and low income renter households that pay more than half their income for rent. HATC also provides assistance to persons with disabilities and retrofits existing units to accommodate them. HATC recently constructed eight units for persons with developmental disabilities that are capable of independent living. Additionally, the City is on the Homeless Taskforce, which is a County Wide effort to identify gaps in services to help individuals and families experiencing homelessness overcome that situation or avoid it altogether. Most recently the City has partnered with Turning Point of Central California, who was awarded a grant from the local HEAP, CESH and HIMIOT state funding to operate a 30 bed, Low Barrier Navigation Center for people experiencing homelessness.

The City's efforts to address "worst-case" housing needs and the needs of persons with disabilities included:

- a. Since 2006, the City continues to annually promote the Voluntary Income Tax Assistance Program (VITA) in Porterville. VITA is a national program providing free assistance to low income, elderly, limited English proficient and/or disabled individuals who require assistance in preparing their tax returns and cannot afford the services of a paid professional tax preparer. This program aids in ensuring that these families don't have to use their limited resources on this service and are able to obtain their tax refunds.
- b. The City has attended and will continue to attend the Tulare County 2020 Census Complete Count Committee and assisted in forming a committee specific to the Porterville area to ensure that as many people as possible are counted. This will assist in capturing more accurate numbers, which in turn will assist with developing programs to address the needs of the population.
- c. The City will continue to offer the Owner Occupied Housing Rehabilitation Loan program to assist families in bringing their homes up to City Code and address any Health and Safety hazards.

Discuss how these outcomes will impact future annual action plans.

These outcomes demonstrate that there is still a need for affordable housing and the city would like to continue funding such programs.

Include the number of extremely low-income, low-income, and moderate-income persons served by each activity where information on income by family size is required to determine the eligibility of the activity.

Number of Households Served	CDBG Actual	HOME Actual
Extremely Low-income	1	0
Low-income	5	0
Moderate-income	1	0
Total	7	0

Table 7 – Number of Households Served

CR-25 - Homeless and Other Special Needs 91.220(d, e); 91.320(d, e); 91.520(c)

Evaluate the jurisdiction's progress in meeting its specific objectives for reducing and ending homelessness through:

Reaching out to homeless persons (especially unsheltered persons) and assessing their individual needs

The City of Porterville, in partnership with the Kings/Tulare Homeless Alliance (KTHA), works diligently to address homelessness within the city.

KTHA, which serves as the local continuum of care, coordinates efforts amongst service providers, faith-based partners, governmental agencies and other key stakeholders. KTHA hosts multiple monthly meetings such as the Case Management Roundtable and Community/Stakeholder meeting.

Outreach efforts have been a key focus. The Kings View PATH team and KTHA Housing Navigators conduct ongoing outreach to connect people who are least likely to access resources. Since July 2018, approximately 135 people experiencing homelessness were assessed for housing through street outreach efforts. Of the 135 people assessed, 9 people were referred for housing and an additional 26 people were assisted with permanent housing.

On January 25, 2019, KTHA held a Project Homeless Connect event in Porterville that served 187 people that were either homeless or at-risk of homelessness. The event offered free services to people experiencing homelessness such as medical services, dental services, prescription eye glasses, birth certificates, and California ID cards. Demographic information is collected as guests enter the event through an intake tool. The intake process collects a variety of domains such as demographics, veteran status, domestic violence and disabling conditions. This information is used to determine gaps in services within the community.

As a part of the annual PHC, the Alliance gathers data for the Point in Time (PIT) census. The one-day PIT survey provides a snapshot of the adults, children in households and unaccompanied youth living in the City of Porterville who meet HUD's definition of homelessness. Information gathered through the PIT is used to understand the causes and trends over time of homelessness, as well as to determine the unmet shelter and service needs of the homeless.

The Coordinated Entry System, operated by KTHA, includes virtually all homeless service providers within the City of Porterville. In addition to the Every Door Open approach, people experiencing homelessness can have an assessment completed by contacting 2-1-1.

Addressing the emergency shelter and transitional housing needs of homeless persons

The Housing Disability and Advocacy Program (HDAP) launched in July of 2018. The program is designed to assist people experiencing homelessness with a disabling condition with access to Social Security benefits. During the FY 18/19, the program has assisted 42 clients within Tulare County. In addition to assisting with accessing SSI/SSDI, the program is designed to offer immediate housing assistance as the

client works through the SSI approval process. Once a client is awarded their SSI, they are assisted with transition to a permanent housing situation.

Within the City of Porterville, the following programs provide emergency shelter and transitional housing for people experiencing homelessness:

Program Type Organization Name Program Name Year-Round Beds

ES Central CA Family Crisis Center CCFCC Women's Shelter 38

TH EMQ Families First Inc. Crossroads T.A.Y. Housing, Porterville 10

TH Central CA Family Crisis Center Women's Transitional Housing Program 8

ES=Emergency Shelter TH=Transitional Housing

Helping low-income individuals and families avoid becoming homeless, especially extremely low-income individuals and families and those who are: likely to become homeless after being discharged from publicly funded institutions and systems of care (such as health care facilities, mental health facilities, foster care and other youth facilities, and corrections programs and institutions); and, receiving assistance from public or private agencies that address housing, health, social services, employment, education, or youth needs

Several community partners offer local residents services which are designed to help with housing retention. Community residents can access up-to-date prevention resources by calling the local 2-1-1 line. Call center operators through 2-1-1 are able to pre-screen clients for eligibility and provide up-to-date information on program availability.

CalWorks eligible families are able to access housing assistance through the Housing Support Program and Bringing Families Home programs. These program can assist with short term rental assistance and utility deposits for households faced with eviction. In FY 2018 Tulare County HHSA received 173 applications for HA in the Porterville office and 133 were granted. These totaled \$141,446.02 in assistance to families in the Porterville area to help them stabilize their housing situation.

Through a partnership between Tulare County HHSA and Uplift Families, there are 10 transitional housing beds available for youth exiting foster care. The program offers housing along with intensive wrap around services to assist participants in becoming self-sufficient.

Additionally, the Alliance has an SSI/SSDI Advocacy, Outreach and Access (SOAR) program within the region. This national project is designed to increase access to the disability income benefit programs administered by the Social Security Administration (SSA) for eligible adults who are homeless or at risk of homelessness and have a mental illness and/or a co-occurring substance use disorder. Assisting clients through SOAR results in expeditious benefit awards and additional funding for communities through Medicaid reimbursements. Access to these benefits greatly increases housing stability and retention rates among recipients.

These linkages have increased the community's efforts to avoid discharge into homelessness as well as serve the existing homeless population.

Helping homeless persons (especially chronically homeless individuals and families, families with children, veterans and their families, and unaccompanied youth) make the transition to permanent housing and independent living, including shortening the period of time that individuals and families experience homelessness, facilitating access for homeless individuals and families to affordable housing units, and preventing individuals and families who were recently homeless from becoming homeless again

The Alliance launched the Landlord Mitigation Fund in November 2018. The fund is designed to incentivize Landlords to relax screening criteria for people who are experiencing homelessness and who may have barriers that prevent them from securing housing on their own, such as poor credit and past evictions. By offering a Fund to mitigate Landlord exposure to the increased costs of renting to people experiencing homelessness including excess damage and unpaid rent, a strong relationship can be created with Landlords who otherwise may not lease to individuals and families experiencing homelessness.

The Coordinated Entry System continues to focus efforts on working with the top forty households of each intervention type on the Housing Priority List to get them document ready. This focus has reduced the amount of time that people spend on the streets waiting to be placed once a unit becomes available.

CR-30 - Public Housing 91.220(h); 91.320(j)

Actions taken to address the needs of public housing

The City does not use funds from the Community Development Block Grant allocation to assist the Public Housing Agency. However, the Tulare County Housing Authority is an active PHA and referrals are made to the agency when needed and open communication exists about new programs that become available.

Actions taken to encourage public housing residents to become more involved in management and participate in homeownership

The City has looked at ways to improve participation in the Homebuyer Education courses. Changes to the program include increased outreach, hosting a Housing Fair, partnership with a HUD approved Foreclosure prevention counselor from a local non-profit, use of social media, offering a one-day class, offering weekend classes, and inviting Lenders and Realtors to present at the end of the class to answer any questions. Flyers and information are taken to public housing units in the City and information is also given to the local PHA for referral of families that may be interested in becoming homeowners.

Actions taken to provide assistance to troubled PHAs

Tulare County's Housing Authority is not a troubled PHA.

CR-35 - Other Actions 91.220(j)-(k); 91.320(i)-(j)

Actions taken to remove or ameliorate the negative effects of public policies that serve as barriers to affordable housing such as land use controls, tax policies affecting land, zoning ordinances, building codes, fees and charges, growth limitations, and policies affecting the return on residential investment. 91.220 (j); 91.320 (i)

This section summarizes other actions contained in the Consolidated Plan and Action Plan. These actions specifically address obstacles to meet underserved needs, foster and maintain affordable housing, eliminate barriers to affordable housing, overcome gaps in institutional structures and enhance coordination, improve public housing and resident initiatives, evaluate and reduce lead based paint hazards, ensure compliance with program and comprehensive planning requirements, and reduce the number of persons living below the poverty level. Several annexations have also taken place throughout the city in FY15, and FY16, to provide infrastructure for sewer and water connections for families. These annexations included approximately 800 parcels, with a projected population of 3,000 residents. This allows those county islands to now have access to City utilities.

Actions taken to address obstacles to meeting underserved needs. 91.220(k); 91.320(j)

As stated earlier in this report, the City of Porterville fosters and strives to maintain affordable housing and eliminate barriers to affordable housing through its various programs and policies. Governmental constraints to the production of housing are minimal in Porterville. The City's land use regulations, expedited permit processing, and low development fees serve to encourage the construction of low-cost dwelling units. The City conducts a self-evaluation to evaluate its zoning ordinance and general plan policies to ensure no undue hardship is created in the development of low to moderate income housing. The City addressed the issue of affordable housing being accessible in almost every area of the community with the establishment and timely expansion of the Fixed Route public transportation system in Porterville. Since FY 2009/10, four of the City's fixed routes were modified to increase ridership potential and service areas of the City previously without fixed route service.

During FY 2018/19, Porterville Transit maintained nine fixed routes with a high demand for ridership at its 250 designated bus stops. During FY 2018/19, the Fixed Route served 622,447 riders, and the Demand-Response provided curb-to-curb service to 11,479 passengers, mostly seniors and ADA-certified riders.

The current transit fleet consists of fourteen (14) CNG (Compressed Natural Gas) and nine (9) battery-electric transit buses, making the transit fleet totally compliant with the California Air Resources Board (CARB) regulations.

These efforts, in conjunction with the City's first time home buyer programs and other housing programs, have made progress toward the goal of eliminating barriers to affordable housing.

As indicated in the City's Consolidated Plan, a considerable number of affordable housing units exist in Porterville. City ordinances and policies are relatively liberal regarding provision of affordable housing. Land, labor, construction, and material costs are relatively low when compared to most other areas in the state. The City has ample land currently zoned to meet low to moderate income, new, single family and

multi-family housing needs for a 20-year period as indicated in the 2009-2014 adopted Housing Element of the General Plan that was certified by the State. The City has rezoned more acreage to higher densities to provide even more opportunities for affordable housing development.

Staff continues to monitor all of the City/Agency assisted affordable housing projects to ensure that they are meeting the conditions of the regulatory agreements. The monitoring has now been the responsibility of the Porterville Housing Authority. The City continues to keep an open communication with several affordable housing developers to encourage this type of development.

Actions taken to reduce lead-based paint hazards. 91.220(k); 91.320(j)

The Tulare County Health Department conducts follow-up investigations on documented incidents of childhood lead poisoning and implemented eradication action as required by law. Porterville does not directly undertake lead-based paint eradication unless such action is required in conjunction with CDBG/HOME/CalHome funded, owner-occupied housing rehabilitation projects, none of which was undertaken this year. City staff provides brochures and informational leaflets on lead base paint hazards to first-time home buyers and the public. Since 2005, the City's Owner Occupied Housing Rehabilitation Loan Program Guidelines requires that homes built before 1978 be eligible for funding assistance by complying with all the federal lead based paint regulations including conducting on site lead based paint assessments and pursuing mitigation where necessary.

Actions taken to reduce the number of poverty-level families. 91.220(k); 91.320(j)

Porterville pursues a very aggressive Economic Development Program on an ongoing basis. These efforts reduce poverty by creating jobs specifically targeted to benefit low income individuals. These efforts can be seen through the CDBG funded Business Assistance Loan Program. This program provides financial assistance to property owners, or long term tenants, to improve their properties. Assistance is targeted toward improving commercial and industrial districts where it is apparent that the potential for decline of the general condition of the building stock may occur now or in the future. An amortized loan facilitates the improvement of the structures. The highest priority is given to buildings that do not meet basic City building standards, and those buildings functionally obsolete and requiring rehabilitation to remain financially viable. Eligible applicants include owner, developer, or lessee of any commercial, commercial/residential, industrial, and professional office structures, including nonprofit agencies and for-profit businesses.

Priority for funding is given to an applicant that is an owner of, or in the process of purchasing, the property or evidence of a signed long-term lease. Priority is also assigned on the ability to generate direct employment opportunities for low/moderate income persons according to a minimum ratio of one full-time equivalent job per \$35,000 of CDBG assistance. During FY 2018/2019, Porterville worked with three businesses who all qualified for a small business loan.

Eleven of the City's moderate income households benefitted from the purchase of a home under the City's First-Time Home Buyer programs: two with CDBG funds and another nine HOME funds.

In FY 2018/2019, the City continued to promote the Voluntary Income Tax Assistance Program (VITA) which has been active in Porterville since 2006. VITA is a national program providing free assistance to low income, elderly, limited English proficient and disabled individuals who require assistance in preparing their tax returns and cannot afford the services of a paid professional tax preparer. In the City of Porterville this program is provided by Community Services & Employment Inc. (CSET)

Combined with the Earned Income Tax Credit (EITC) outreach, the services provided by VITA in a low-income community can have a tremendous impact. In FY 2018/2019, 556 families were assisted Porterville locations. This totaled \$948,053 in income tax refunds for those families.

VITA is promoted at the First time homebuyer workshops every month, a flyer is posted in City Hall and one is mailed to current families who have a loan with the City for one of the CDBG, HOME or CalHome programs in January of each year.

Actions taken to develop institutional structure. 91.220(k); 91.320(j)

Each public and private agency has unique capabilities for providing assistance to persons with unmet needs. It is the City's intent to examine its own capabilities as well as the capabilities of others. This effort serves to identify areas that are lacking service components. If service components are identified and lacking, then the City can work with itself or other agencies to develop the capabilities for addressing such areas. This method of networking also establishes and identifies specific service providers. Referrals to other agencies can then be conducted. Referrals may be anonymous and are always confidential.

The City of Porterville works with local profit and nonprofit organizations as well as the Tulare County Housing Authority and the offices of the County of Tulare. The 211 system developed by United Way of Kings/Tulare County serves to enhance coordination. This is a Community Resource tool which is continually updated. It provides a listing of Homeless Shelters, Senior Housing, Housing for Persons with Disabilities, Housing for Farm Laborers, and many other supportive services.

Actions taken to enhance coordination between public and private housing and social service agencies. 91.220(k); 91.320(j)

Public housing is facilitated by the Housing Authority of the County of Tulare (HATC). The HATC rehabilitates its own units, and has converted units necessary to serve persons with disabilities. It has a Resident Council with representation from all areas of the county, including in the City of Porterville. The Resident Council met at least quarterly during this reporting period. Council members' functions are to make recommendations for involvement by public housing residents in the management of the Housing Authority, including expansion of home ownership opportunities to public housing residents. When openings arise, the Housing Authority send the City of Porterville information, to post for the public in an effort to obtain a wide range of representation.

Identify actions taken to overcome the effects of any impediments identified in the

jurisdictions analysis of impediments to fair housing choice. 91.520(a)

Please see attachment 1 which addresses the adopted Analysis of Impediments to Fair Housing Choice (commonly known as “the AI”), including a summary of impediments identified in the analysis, and actions taken to overcome the effects of impediments identified through the analysis. This is the fourth year of review utilizing the AI in the adopted 2015 Five Year Consolidated Plan.

CR-40 - Monitoring 91.220 and 91.230

Describe the standards and procedures used to monitor activities carried out in furtherance of the plan and used to ensure long-term compliance with requirements of the programs involved, including minority business outreach and the comprehensive planning requirements

The City of Porterville ensures compliance with program requirements of all HUD related activities. In addition, the City ensures self-monitoring of its programs and cooperation for monitoring conducted by HUD personnel. The City has incorporated the necessary framework in order to comply with the Outcome Performance Measurement System required by HUD. This is an organized process for gathering information to determine how well programs and activities are meeting established needs and goals. HUD is then able to report in a standardized fashion on program outcomes at a national level. Additionally, City staff presents to service and business groups throughout the city including minority groups to ensure the programs are made available to all businesses.

Citizen Participation Plan 91.105(d); 91.115(d)

Describe the efforts to provide citizens with reasonable notice and an opportunity to comment on performance reports.

CAPER DEVELOPMENT AND CITIZEN PARTICIPATION PROCESS

Prior to submitting the CAPER to HUD, a notice soliciting public comment is published in the *Porterville Recorder* in English and in the *Noticiero Semanal* in Spanish. Publication of the notice allows for a 15-day comment period plus time to prepare a summary of comments. A copy of the Notice of Public Review is included in the attachments.

Copies of the CAPER are provided for the public's review in the Porterville City Library at the City Hall Community Development Department's counter and on the City's website. The Choose Porterville Facebook and Instagram pages are also used to inform the community of Draft CAPER availability for review. Any person can also contact the City, in order to make other arrangements if they are not able access the CAPER at those locations.

The CAPER requires one hearing before City Council for document approval before submitting to HUD. Community hearings are held in a community space with consideration for the convenience to beneficiaries of the entitlement program resources.

The City Council public hearing is 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 are available to be provided upon request, ranging up to five business days prior notification to the City Clerk. Request 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.

Public Comments: If any public comments received during the 15-day comment period or Public Hearing, this section will be updated after the public hearing and before CAPER is submitted to HUD.

Public Notices and Publications are attached as Attachment 2.

CR-45 - CDBG 91.520(c)

Specify the nature of, and reasons for, any changes in the jurisdiction's program objectives and indications of how the jurisdiction would change its programs as a result of its experiences.

The City continues to review its programs and guidelines for example in the past the First Time Low Income Homebuyer Program and the Owner Occupied Housing Rehabilitation Programs were changed to make the programs more marketable, while still complying with all requirements of the funding source. The City strives to be able to assist as many households as possible, so staff is constantly monitoring the market conditions to make changes in the program guidelines as necessary. Additionally, if there is a need that was previously not identified and it comes to the City's attention, this may also be a reason for needed changes in program objectives.

Does this Jurisdiction have any open Brownfields Economic Development Initiative (BEDI) grants?

No

[BEDI grantees] Describe accomplishments and program outcomes during the last year.

Attachment 1

Response to CR-35 - Other Actions 91.220(j)-(k); 91.320(i)-(j)

Identify actions taken to overcome the effects of any impediments identified in the jurisdictions analysis of impediments to fair housing choice. 91.520(a)

This section addresses the adopted Analysis of Impediments to Fair Housing Choice (“AI”), including a summary of impediments identified in the analysis, and actions taken to overcome the effects of impediments identified through the analysis. This is the first year of review utilizing the AI in the adopted 2015 Five Year Consolidated Plan.

Based on the public participation process and analysis of the information available in developing the AI, it was determined that governmental constraints to the production of housing are minimal in Porterville. In sum, the City’s land use regulations, expedited permit processing, and relatively low development fees serve to encourage the construction of low-cost dwelling units in keeping with similar Central Valley communities. This conclusion is supported by the following facts:

- The City allows for a broad range of residential densities up to 30 dwelling units per acre, and in no way discourages proposals for higher density housing through burdensome permit processes or exactions. In addition, Porterville allows for the creation of Planned Development districts which have been used on residential developments, allowing for smaller lot sizes, reduced setbacks, and higher densities, all of which can lead to lower housing costs.
- Permit processing times are relatively brief for typical development projects and streamlined through the implementation of the City’s computerized building permit and development review software program. Since 2008, the City of Porterville has been implementing a new project review and plan check process for a more efficient and expedited turnaround period. The revised plan check process included input from the local developers, consultants and contractors. Submitted projects are now returned to project proponents within two weeks with comments or permits where they previously took at least three weeks, and in some cases much longer.
- City fees are comparatively low, and there are only a few development exactions.
- Most residential zones allow for alternative housing types, including mobile homes, second dwelling units, and group homes.
- Zoning and parking standards are not overly restrictive. Minimum single family lot sizes induce homebuilders to construct single family dwelling units for low- to moderate- income first time home buyers.
- The City has used millions of dollars of Certificates of Participation, bond funds, and other State and Federal grants and loans to provide new wells, major sewer and water trunk connections, expansion of the Wastewater Treatment Facility and street improvements to accommodate residential growth, and ensure maintenance of affordable housing. Substantial funds have been expended to extend infrastructure to the northeastern area of the city to encourage residential development in that area in accordance with the Land Use Element of the City’s General Plan.
- The City continues to evaluate its Development Ordinance and general plan policies to ensure no undue hardships are created for the development of low to moderate income housing. This was studied extensively in the most recent General Plan Update that was adopted in March 2008.
- As stated earlier, the Development Ordinance, combined the Zoning Ordinance and Subdivision Ordinance into one, well-integrated document was adopted in 2010, revised in 2012 and again in 2015. The Development Code clarifies previously ambiguous standards and generated a more

predictable outcome for developers. This is seen as a way to lower the costs of development that are associated with costly mistakes and unnecessary bureaucracy.

- The City's First-Time Home Buyer Program provides closing costs and down payment assistance to qualifying buyers. Providing this assistance mitigates one of the single largest barriers to obtaining affordable housing.
- The City's Owner Occupied Housing Rehabilitation Loan Program provides 0% interest, deferred loans to rehabilitate low and moderate income houses which help to keep the people in their homes by addressing health and safety issues.
- When available, the City provides direct assistance to developers that construct low to moderate income housing within the City and can grant density bonuses to developers who agree to construct a minimum number of units restricted for low income households.
- While the AI identifies a number of potential issues, certain issues are beyond the ability of a local jurisdiction to address, such as those related to lending practices. The following list identifies the strategies developed in the City's adopted AI that could be feasibly addressed by the City. Each strategy is followed by the actions that have been taken to address each item during the last program year, and the impacts of those actions:

Expanding Affordable Housing Opportunities:

With the First Time Homebuyer Assistance Program, the City has helped to mitigate one of the single largest barriers to obtaining affordable housing, and have made the home ownership dream become a reality for low- to moderate- income people that would never have been able to purchase a home without the City's assistance. Additionally, the funds available for the Housing Rehabilitation and Public Utilities Program assisted qualified homeowners to make health and safety improvements to their homes that they otherwise could not afford. Of course, providing new affordable rental housing has a very positive effect on the community where such housing is in great demand.

Access to Information

The City provides links to housing services and other resources on their website, such as a link to the fair housing service provider, a link to the Fannie Mae Foundation that offers free guides and resources for first time home buyers in English, Spanish and other languages, the State Department of Fair Employment and Housing, California Association of Realtors, and the U.S. Department of Fair Employment and Housing, and the U.S. Department of Housing and Urban Development.

Public Policies and Program

The City will continue to evaluate its zoning ordinance and general plan policies to ensure no undue hardship is created in the development of low- and moderate-income housing. Specifically, the newly adopted Housing Element establishes, as one of its action plan goals, "to reduce governmental constraints to the development, improvement, and preservation of housing, particularly to housing affordable to lower and moderate income households. As an example, the City's Development Ordinance facilitates affordable housing.

The Housing Element also addresses other actions to be taken to preserve the existing housing stock, conserve existing affordable housing opportunities, provide adequate residential sites through appropriate land use designation and zoning to accommodate the City's share of regional housing needs, identify and encourage mixed-use and infill development, and ensure adequate services to infrastructure and housing.

The City will continue to pursue affordable housing development programs identified in the 2015-2020 Housing Element. To the extent feasible, the City will facilitate the development of housing affordable to lower and moderate income households according to the Regional Housing Needs Analysis (RHNA) identified in the Housing Element.

In June 2010, the City adopted the updated Development Ordinance, referred to above as the Zoning Code. The ordinance better identified development standards and uses by right for housing. All of the specific items listed above were incorporated into the new Development Ordinance.

The City continues to administer the FTHB program and, the HOME and CDBG Program Income will help sustain this program over the next year.

The City continues to pursue affordable housing development as evidenced by the 70 unit, Villa Siena project which was completed in November 2011. Even though the City does not have many financial resources to directly assist a project, staff is more than willing to work with developers to secure any other state, federal, or other funding that might be available for affordable housing projects.

In pursuing all of these programs, the City is making more land and housing available for low income households.

Outreach to Lenders

The City will continue to work with local lenders and government institutions to provide outreach to lower income residents about home purchase loans particularly for first-time home buyers. The City will encourage local lenders to provide information in both English and Spanish and to hold workshops in both languages. This outreach to lenders results in more low income persons participating in the Homebuyer Education Program and becoming applicants for funding assistance. The increase in communication makes for smoother processing of the loan applications. The foreclosure education and referral process certainly has had a positive impact on helping homeowners that were facing foreclosure with options that could prevent foreclosure and provide the public with important housing information.

Fair Housing Services

Porterville cooperates with federal, state, and regional agencies to promote open housing choice and equal housing opportunity. Depending on the nature of the complaints, the City of Porterville currently refers complaints regarding housing discrimination to the Fair Housing Council of Central California, Legal Aid of Central California, California Rural Legal Aid, Fresno County Housing Authority (Fair Housing Unit), and State Department of Fair Employment and Housing. The City continue to explore with Tulare County and nearby communities the feasibility of sponsoring a fair housing program to provide landlord/tenant mediation counseling for Porterville residents and residents in the region. Whenever the City has a booth promoting housing programs, fair housing information is also provided, both in English and Spanish.

A Housing Fair was conducted in FY 2018/2019 to bring housing services in one central location, so that anyone in the community needing information on becoming a homebuyer or the process of home buying could have all the people involved in the process in one location. Additionally, service agencies where there to provide free legal advice on renter and homeowner rights, Housing Counseling, Section 8 program information, Employment Services, Domestic violence and Homeless programs. City inspectors and City Planners were also available to answer zoning, building code, permits and other questions as necessary.

In FY 2018/2019, the City had no fair housing complaints received, therefore no referrals were directed to HUD or DFEH.

The City feels that the above review of the strategies used in overcoming or eliminating the effects of impediments to fair housing choice demonstrates that the City made progress over the year in meeting the strategies developed in the AI.

Attachment 2

Public Notices and Publications

[Unverified Sender] Re: Caper Notice - English

Recorder Legals

Mon 8/12/2019 11:40 AM

To: Christina Tank <ctank@ci.porterville.ca.us>;

ACCT NO.	9-3025-21		
NET AMT.	9220.92		
AUTH.	DEPT.	P.A.	PIN.
A/P DATE			

Confirm, schedule and cost is \$220.92.

On 8/12/19, Christina Tank <ctank@ci.porterville.ca.us> wrote:

> Good morning! Attached is the word version of the fax sent over. Please
> reply with confirmation of date and final cost. Thanks!

>

>

> Christina Tank, Administrative Assistant

>

> Community Development Department

>

> City of Porterville

>

> 291 N. Main Street

>

...

> Porterville, CA 93257

>

> (559) 782-7460

>

> (559) 781-6437 fax

>

> ctank@ci.porterville.ca.us

>

>

> This e-mail (and attachments, if any) may be subject to the California

> Public Records Act, and as such may therefore be subject to public

> disclosure unless otherwise exempt under the Act.

>

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**CITY OF PORTERVILLE
ADVERTISING REQUEST**

DATE: August 6, 2019

DATE(S) TO BE PUBLICIZED: August 16, 2019

PUBLIC MEETING DATE: September 3, 2019

AUTHORIZED BY: [Signature]

ORDERING DEPT.: Community Development PHONE #: 782-7460 FAX #: 781-6437

PUBLICATION (NAME): PORTERVILLE RECORDER

SUBJECT: CDBG Action Plan 2018-19

Budget Acct. No: 19-3025-21

☐ TO BE ADVERTISED IN THE DISPLAY ADVERTISING SECTION

☐ TO BE ADVERTISED IN CLASSIFIED SECTION - SPECIAL NOTICES

☒ TO BE ADVERTISED IN LEGAL SECTION

**Please reply with confirmation of dates
and cost to Christina Tank at
ctank@ci.porterville.ca.us**

City of Porterville
Finance Dept./Accounts Payable
291 N. Main St.
Porterville, CA 93257

☒ Send Tear Sheets

☐ Send Declaration
of Publication

NOTICE OF PUBLIC REVIEW AND COMMENT AND NOTICE OF PUBLIC HEARING

The City of Porterville Community Development Department is soliciting public review and comment on the Consolidated Annual Performance and Evaluation Report (CAPER) for the City's 2018/2019 Action Plan. The Action Plan is submitted annually to the U.S. Department of Housing and Urban Development (HUD) to enable the City to receive federal funds under the Community Development Block Grant (CDBG) program.

The CAPER, which has been prepared for submittal to HUD, reports on specific federal assistance allocated to the City of Porterville for the period July 1, 2018 through June 30, 2019. The CAPER is the performance reporting tool for the 2018/2019 Action Plan Program Year, and is required by HUD guidelines as described in a HUD Memorandum dated February 18, 1998.

The public review period for the CAPER begins August 16, 2019 and is limited to 15 days. The City of Porterville must receive all comments on the CAPER by 5:00 p.m., September 3, 2019. The CAPER is available for examination on the City's website www.ci.porterville.ca.us and at the following locations:

Porterville City Hall
Community Development Department
291 North Main Street
Porterville, CA 93257

Porterville City Library
41 West Thurman Street
Porterville, CA 93257

Written comments may be directed to:
Porterville City Hall
Community Development Department
291 N. Main Street
Porterville, CA 93257

In addition to the public review, a public hearing will be held by the City Council of the City of Porterville on Tuesday, September 3, 2019 at 6:30 p.m. or as soon thereafter as the matter can be heard in the Council Chambers at City Hall, 291 N. Main Street, Porterville, California, in order to consider the approval of the 2018/2019 CAPER.

Any and all persons interested in this matter may provide comments. Persons of low and moderate income, disabled and elderly persons, members of minority groups, and persons residing in areas where Community Development Block Grant Program activities are proposed, are particularly encouraged to comment.

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 Deputy 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 (28 CFR 35.102-35.104 ADA Title II).

For more information about the CAPER or to present oral comment regarding the CAPER, please contact Jenni Byers at (559) 782-7460.

DATED: August 13, 2019

Jennifer M. Byers, Community Development Director

Send Result Report



MFP

TASKalfa 5501i

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CITY OF PORTERVILLE ADVERTISING REQUEST

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AUTHORIZED BY: [Signature]

ORDERING DEPT.: Community Development

PHONE #: 782-7460 FAX #: 781-6437

PUBLICATION (NAME): PORTERVILLE RECORDER

SUBJECT: CDBG Action Plan 2018-19

No.	Date and Time	Destination	Times	Type	Result	Resolution/ECM
001	08/12/19 09:57	Porterville Recorder	0°00'31"	FAX	OK	200x100 Normal/On

[Unverified Sender] Re: Caper Notice - Spanish

Recorder Legals

Mon 8/12/2019 11:41 AM

To: Christina Tank <ctank@ci.porterville.ca.us>;

ACCT NO. 19-3025-21		
NET AMT. \$240.56		
AUTH. DEPT.	P.A.	PIN.
11/8		
AP DATE		

Confirm, Schedule and cost is \$240.56.

On 8/12/19, Christina Tank <ctank@ci.porterville.ca.us> wrote:

> Good morning! Attached is the word version of the fax sent over. Please
 > reply with confirmation of date and final cost. Thanks!

>

>

>

> Christina Tank, Administrative Assistant

>

> Community Development Department

>

> City of Porterville

>

> 291 N. Main Street

>

...

> Porterville, CA 93257

>

> (559) 782-7460

>

> (559) 781-6437 fax

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> ctank@ci.porterville.ca.us

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>

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**CITY OF PORTERVILLE
ADVERTISING REQUEST**

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AUTHORIZED BY: [Signature]

ORDERING DEPT.: Community Development PHONE #: 782-7460 FAX #: 781-6437

PUBLICATION (NAME): NOTICIERO SEMANAL

SUBJECT: PLAN ANUAL DE ACCIÓN CDBG

Budget Acct. No: 19-3025-21

☐ TO BE ADVERTISED IN THE DISPLAY ADVERTISING SECTION

☐ TO BE ADVERTISED IN CLASSIFIED SECTION - SPECIAL NOTICES

☒ TO BE ADVERTISED IN LEGAL SECTION

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NOTICIA PÚBLICA PARA REVISIÓN Y COMENTARIO Y AVISO DE AUDIENCIA PÚBLICA

El Departamento de Desarrollo de Comunidad de la Ciudad de Porterville está solicitando revisión y comentarios públicos para el Reporte Anual Consolidado de Ejecución y Evaluación (CAPER) para el Plan de Acción 2018/2019 de la Ciudad de Porterville. El Plan de Acción es enviado anualmente al Departamento de Viviendas y Desarrollo Urbano de los Estados Unidos (HUD) para habilitar que la ciudad reciba fondos federales bajo la Beca del Desarrollo de la Comunidad (CDBG).

El CAPER, cual ha sido preparado para ser entregado a HUD, reporta asistencia específica federal asignados a la Ciudad de Porterville para el periodo Julio 1, 2018 hasta Junio 30, 2019. El CAPER es la herramienta que reporta la ejecución del Programa del Plan de Acción del año 2018/2019, y es requerido por los reglamentos de HUD como escritas en el Memorando de HUD con fecha de Febrero 18, 1998.

El periodo de revisión del CAPER comienza Agosto 16, 2019 y está limitado a 15 días. La Ciudad de Porterville debe recibir todos los comentarios del CAPER para Septiembre 3, 2019 antes de las 5:00 p.m. Copias del CAPER para su revisión estarán disponibles en la página de internet de la ciudad www.ci.porterville.ca.us en los siguientes locales:

Porterville City Hall
Community Development Department
291 North Main Street
Porterville, CA 93257

Biblioteca Publica de Porterville
41 West Thurman Street
Porterville, CA 93257

Comentarios por escrito deben ser dirigidos a:

Porterville City Hall
Community Development Department
291 North Main Street
Porterville, CA 93257

Además de la revisión pública, el Consejo Municipal de la Ciudad de Porterville tendrá una Audiencia Pública el martes 3 de septiembre de 2019 a las 6:30 p.m. o tan pronto como el asunto pueda ser escuchado en las Salas del Consejo de la Ciudad, 291 N. Main Street, Porterville, California, a fin de considerar la aprobación del CAPER 2018/2019.

Cualquiera y todas las personas interesadas en este asunto pueden proveer comentarios. Personas de bajos ingresos, ingresos medios, personas deshabilitadas y ancianos, miembros de minorías y personas que residen en áreas donde se han propuesto actividades cubiertas por la Beca del Desarrollo de la Comunidad, son especialmente aconsejadas a comentar.

En cumplimiento con la Ley de Americanos con Discapacidades y la Ley de California Ralph M. Brown, si necesita asistencia especial para participar en esta reunión o para poder acceder a esta agenda y documentos en el paquete de la agenda, por favor comuníquese con la Secretaria Municipal Adjunta al (559) 782-7464. Notificación de 48 horas antes de la reunión permitirá a la Ciudad hacer arreglos razonables para asegurar accesibilidad a esta reunión y / o provisión de un formato alternativo apropiado de la agenda y documentos en el paquete de agenda. (28 CFR 35.102-35.104 ADA Título II)

Para más información del Plan de Acción, o para presentar comentario oral, por favor llame a Jenni Byers al (559) 782-7460.

DATED: August 13, 2019

Jennifer M. Byers, Community Development Director

Send Result Report



MFP

TASKalfa 5501i

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08/12/2019 09:59
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PUBLICATION (NAME): NOTICIERO SEMANAL

SUBJECT: PLAN ANUAL DE ACCIÓN CDBG

No.	Date and Time	Destination	Times	Type	Result	Resolution/ECM
001	08/12/19 09:58	Porterville Recorder	0°00'32"	FAX	OK	200x100 Normal/On

Attachment 3

PR-26 Financial Summary Report

	Office of Community Planning and Development	DATE: 08-13-19
	U.S. Department of Housing and Urban Development	TIME: 13:39
	Integrated Disbursement and Information System	PAGE: 1
	PR26 - CDBG Financial Summary Report	
	Program Year 2018	
	PORTERVILLE, CA	

PART I: SUMMARY OF CDBG RESOURCES	
01 UNEXPENDED CDBG FUNDS AT END OF PREVIOUS PROGRAM YEAR	526,354.42
02 ENTITLEMENT GRANT	756,441.00
03 SURPLUS URBAN RENEWAL	0.00
04 SECTION 108 GUARANTEED LOAN FUNDS	0.00
05 CURRENT YEAR PROGRAM INCOME	199,131.41
05a CURRENT YEAR SECTION 108 PROGRAM INCOME (FOR SI TYPE)	0.00
06 FUNDS RETURNED TO THE LINE-OF-CREDIT	0.00
06a FUNDS RETURNED TO THE LOCAL CDBG ACCOUNT	0.00
07 ADJUSTMENT TO COMPUTE TOTAL AVAILABLE	0.00
08 TOTAL AVAILABLE (SUM, LINES 01-07)	1,481,926.83
PART II: SUMMARY OF CDBG EXPENDITURES	
09 DISBURSEMENTS OTHER THAN SECTION 108 REPAYMENTS AND PLANNING/ADMINISTRATION	367,936.78
10 ADJUSTMENT TO COMPUTE TOTAL AMOUNT SUBJECT TO LOW/MOD BENEFIT	0.00
11 AMOUNT SUBJECT TO LOW/MOD BENEFIT (LINE 09 + LINE 10)	367,936.78
12 DISBURSED IN IDIS FOR PLANNING/ADMINISTRATION	173,004.28
13 DISBURSED IN IDIS FOR SECTION 108 REPAYMENTS	301,377.60
14 ADJUSTMENT TO COMPUTE TOTAL EXPENDITURES	0.00
15 TOTAL EXPENDITURES (SUM, LINES 11-14)	842,318.66
16 UNEXPENDED BALANCE (LINE 08 - LINE 15)	639,608.17
PART III: LOWMOD BENEFIT THIS REPORTING PERIOD	
17 EXPENDED FOR LOW/MOD HOUSING IN SPECIAL AREAS	0.00
18 EXPENDED FOR LOW/MOD MULTI-UNIT HOUSING	0.00
19 DISBURSED FOR OTHER LOW/MOD ACTIVITIES	367,936.78
20 ADJUSTMENT TO COMPUTE TOTAL LOW/MOD CREDIT	0.00
21 TOTAL LOW/MOD CREDIT (SUM, LINES 17-20)	367,936.78
22 PERCENT LOW/MOD CREDIT (LINE 21/LINE 11)	100.00%
LOW/MOD BENEFIT FOR MULTI-YEAR CERTIFICATIONS	
23 PROGRAM YEARS(PY) COVERED IN CERTIFICATION	PY: 2017 PY: 2018 PY: 2019
24 CUMULATIVE NET EXPENDITURES SUBJECT TO LOW/MOD BENEFIT CALCULATION	815,738.08
25 CUMULATIVE EXPENDITURES BENEFITING LOW/MOD PERSONS	815,738.08
26 PERCENT BENEFIT TO LOW/MOD PERSONS (LINE 25/LINE 24)	100.00%
PART IV: PUBLIC SERVICE (PS) CAP CALCULATIONS	
27 DISBURSED IN IDIS FOR PUBLIC SERVICES	123,443.34
28 PS UNLIQUIDATED OBLIGATIONS AT END OF CURRENT PROGRAM YEAR	0.00
29 PS UNLIQUIDATED OBLIGATIONS AT END OF PREVIOUS PROGRAM YEAR	0.00
30 ADJUSTMENT TO COMPUTE TOTAL PS OBLIGATIONS	0.00
31 TOTAL PS OBLIGATIONS (LINE 27 + LINE 28 - LINE 29 + LINE 30)	123,443.34
32 ENTITLEMENT GRANT	756,441.00
33 PRIOR YEAR PROGRAM INCOME	69,283.81
34 ADJUSTMENT TO COMPUTE TOTAL SUBJECT TO PS CAP	0.00
35 TOTAL SUBJECT TO PS CAP (SUM, LINES 32-34)	825,724.81
36 PERCENT FUNDS OBLIGATED FOR PS ACTIVITIES (LINE 31/LINE 35)	14.95%
PART V: PLANNING AND ADMINISTRATION (PA) CAP	
37 DISBURSED IN IDIS FOR PLANNING/ADMINISTRATION	173,004.28
38 PA UNLIQUIDATED OBLIGATIONS AT END OF CURRENT PROGRAM YEAR	0.00
39 PA UNLIQUIDATED OBLIGATIONS AT END OF PREVIOUS PROGRAM YEAR	0.00
40 ADJUSTMENT TO COMPUTE TOTAL PA OBLIGATIONS	0.00
41 TOTAL PA OBLIGATIONS (LINE 37 + LINE 38 - LINE 39 +LINE 40)	173,004.28
42 ENTITLEMENT GRANT	756,441.00
43 CURRENT YEAR PROGRAM INCOME	199,131.41
44 ADJUSTMENT TO COMPUTE TOTAL SUBJECT TO PA CAP	0.00
45 TOTAL SUBJECT TO PA CAP (SUM, LINES 42-44)	955,572.41
46 PERCENT FUNDS OBLIGATED FOR PA ACTIVITIES (LINE 41/LINE 45)	18.10%
LINE 17 DETAIL: ACTIVITIES TO CONSIDER IN DETERMINING THE AMOUNT TO ENTER ON LINE 17 Report returned no data.	

LINE 18 DETAIL: ACTIVITIES TO CONSIDER IN DETERMINING THE AMOUNT TO ENTER ON LINE 18 Report returned no data.

LINE 19 DETAIL: ACTIVITIES INCLUDED IN THE COMPUTATION OF LINE 19							
Plan Year	IDIS Project	IDIS Activity	Voucher Number	Activity Name	Matrix Code	National Objective	Drawn Amount
2015	21	220	6208544	Disposition	02	LMH	\$168.46
					02	Matrix Code 02	\$168.46
2018	3	232	6252278	S+C for the homeless 2018	03T	LMC	\$15,000.00
2018	11	230	6216250	Continuum of Care 2018	03T	LMC	\$1,243.57
2018	11	230	6252267	Continuum of Care 2018	03T	LMC	\$1,835.04
2018	11	230	6252278	Continuum of Care 2018	03T	LMC	\$580.43
2018	11	230	6281837	Continuum of Care 2018	03T	LMC	\$617.42
2018	11	230	6281838	Continuum of Care 2018	03T	LMC	\$693.42
2018	11	230	6289863	Continuum of Care 2018	03T	LMC	\$30.12
					03T	Matrix Code 03T	\$20,000.00
2018	2	233	6216236	City Operated Youth Center 2018	05D	LMC	\$10,106.11
2018	2	233	6216241	City Operated Youth Center 2018	05D	LMC	\$11,024.18
2018	2	233	6216247	City Operated Youth Center 2018	05D	LMC	\$9,837.81
2018	2	233	6216250	City Operated Youth Center 2018	05D	LMC	\$11,597.87
2018	2	233	6252247	City Operated Youth Center 2018	05D	LMC	\$9,938.73
2018	2	233	6252267	City Operated Youth Center 2018	05D	LMC	\$9,140.72
2018	2	233	6252273	City Operated Youth Center 2018	05D	LMC	\$10,862.38
2018	2	233	6252278	City Operated Youth Center 2018	05D	LMC	\$8,576.15
2018	2	233	6281837	City Operated Youth Center 2018	05D	LMC	\$10,896.27
2018	2	233	6281838	City Operated Youth Center 2018	05D	LMC	\$11,354.93
					05D	Matrix Code 05D	\$103,335.15
2015	6	208	6252267	Homebuyer Education	05U	LMH	\$108.19
					05U	Matrix Code 05U	\$108.19
2015	19	207	6216236	First Time Low-Income Homebuyer Program	13B	LMH	\$373.60
2015	19	207	6216241	First Time Low-Income Homebuyer Program	13B	LMH	\$501.13
2015	19	207	6216247	First Time Low-Income Homebuyer Program	13B	LMH	\$332.01
2015	19	207	6216250	First Time Low-Income Homebuyer Program	13B	LMH	\$472.07
2015	19	207	6252247	First Time Low-Income Homebuyer Program	13B	LMH	\$390.99
2015	19	207	6252267	First Time Low-Income Homebuyer Program	13B	LMH	\$260.88
2015	19	207	6252273	First Time Low-Income Homebuyer Program	13B	LMH	\$86,137.13
2015	19	207	6252278	First Time Low-Income Homebuyer Program	13B	LMH	\$152.74
2015	19	207	6281826	First Time Low-Income Homebuyer Program	13B	LMH	\$352.81
2015	19	207	6281837	First Time Low-Income Homebuyer Program	13B	LMH	\$49.96
2015	19	207	6281838	First Time Low-Income Homebuyer Program	13B	LMH	\$487.59
2015	19	207	6289863	First Time Low-Income Homebuyer Program	13B	LMH	\$253.56
					13B	Matrix Code 13B	\$89,764.47
2015	7	209	6182409	Owner Occupied Housing Rehabilitation & Public Utilities Loan Program	14A	LMH	\$1,500.00
2015	7	209	6216236	Owner Occupied Housing Rehabilitation & Public Utilities Loan Program	14A	LMH	\$1,525.16
2015	7	209	6216241	Owner Occupied Housing Rehabilitation & Public Utilities Loan Program	14A	LMH	\$1,976.39
2015	7	209	6216247	Owner Occupied Housing Rehabilitation & Public Utilities Loan Program	14A	LMH	\$2,454.01
2015	7	209	6216250	Owner Occupied Housing Rehabilitation & Public Utilities Loan Program	14A	LMH	\$3,157.16
2015	7	209	6216252	Owner Occupied Housing Rehabilitation & Public Utilities Loan Program	14A	LMH	\$402.16
2015	7	209	6252247	Owner Occupied Housing Rehabilitation & Public Utilities Loan Program	14A	LMH	\$2,346.50
2015	7	209	6252267	Owner Occupied Housing Rehabilitation & Public Utilities Loan Program	14A	LMH	\$2,263.32
2015	7	209	6252273	Owner Occupied Housing Rehabilitation & Public Utilities Loan Program	14A	LMH	\$889.65
2015	7	209	6252278	Owner Occupied Housing Rehabilitation & Public Utilities Loan Program	14A	LMH	\$562.66
2015	7	209	6281826	Owner Occupied Housing Rehabilitation & Public Utilities Loan Program	14A	LMH	\$866.10
2015	7	209	6281837	Owner Occupied Housing Rehabilitation & Public Utilities Loan Program	14A	LMH	\$686.33
2015	7	209	6281838	Owner Occupied Housing Rehabilitation & Public Utilities Loan Program	14A	LMH	\$1,047.15
2015	7	209	6289863	Owner Occupied Housing Rehabilitation & Public Utilities Loan Program	14A	LMH	\$630.02
					14A	Matrix Code 14A	\$20,306.61
2015	8	193	6216236	Small Business Revolving Loan Fund	18A	LMJ	\$544.34
2015	8	193	6216241	Small Business Revolving Loan Fund	18A	LMJ	\$681.50
2015	8	193	6216247	Small Business Revolving Loan Fund	18A	LMJ	\$604.76
2015	8	193	6216250	Small Business Revolving Loan Fund	18A	LMJ	\$50,661.66
2015	8	193	6252247	Small Business Revolving Loan Fund	18A	LMJ	\$510.08
2015	8	193	6252267	Small Business Revolving Loan Fund	18A	LMJ	\$382.57
2015	8	193	6252273	Small Business Revolving Loan Fund	18A	LMJ	\$540.21
2015	8	193	6252278	Small Business Revolving Loan Fund	18A	LMJ	\$466.71
2015	8	193	6253409	Small Business Revolving Loan Fund	18A	LMJ	\$50,000.00
2015	8	193	6281826	Small Business Revolving Loan Fund	18A	LMJ	\$431.34
2015	8	193	6281837	Small Business Revolving Loan Fund	18A	LMJ	\$433.11
2015	8	193	6281838	Small Business Revolving Loan Fund	18A	LMJ	\$487.25
2015	8	193	6289863	Small Business Revolving Loan Fund	18A	LMJ	\$22,383.37
2015	8	201	6216236	Large Business Assistance Program	18A	LMJ	\$544.35
2015	8	201	6216241	Large Business Assistance Program	18A	LMJ	\$681.51
2015	8	201	6216247	Large Business Assistance Program	18A	LMJ	\$604.77
2015	8	201	6216250	Large Business Assistance Program	18A	LMJ	\$661.67
2015	8	201	6252247	Large Business Assistance Program	18A	LMJ	\$510.08
2015	8	201	6252267	Large Business Assistance Program	18A	LMJ	\$382.58
2015	8	201	6252273	Large Business Assistance Program	18A	LMJ	\$540.22
2015	8	201	6252278	Large Business Assistance Program	18A	LMJ	\$466.72
2015	8	201	6281826	Large Business Assistance Program	18A	LMJ	\$431.35
2015	8	201	6281837	Large Business Assistance Program	18A	LMJ	\$433.12
2015	8	201	6281838	Large Business Assistance Program	18A	LMJ	\$487.25
2015	8	201	6289863	Large Business Assistance Program	18A	LMJ	\$383.38
					18A	Matrix Code 18A	\$134,253.90
Total							\$367,936.70

ADJUSTMENTS TO THE 2018 CDBG FINANCIAL SUMMARY (City of Porterville)

All lines other than those listed below are generated by IDIS. The lines listed below are opportunities for Porterville Community Development staff to make any needed adjustments.

Part I: Summary of CDBG Resources

Line 1: **\$526,354.42** was the amount of unexpended CDBG funds at the end of the 2017 reporting period, as shown on Line 16 of the 2017 Financial Summary Report.

Low/Mod Benefit for Multi-Year Certifications

Line 23: 2017, 2018, and 2019 were entered in accordance with the certifications accompanying the 2018 Annual Action Plan.

Line 24: **\$815,738.08** as listed on line 11 is the amount subject to low/mod benefit calculation. \$447,801.30 for the first year plus \$367,936.78 for the second year. This is the second year of three years (PY 2017, PY 2018, and PY 2019).

Line 25: **\$815,738.08** amount expended benefiting low/mod persons in second of a three year cumulative calculation (PY 2017, PY 2018, and PY 2019). \$447,801.30 for the first year plus \$367,936.78 for the second year.



CITY COUNCIL AGENDA – SEPTEMBER 3, 2019

SUBJECT: Consideration of Appointment to Animal Control Commission

SOURCE: Administrative Services

COMMENT: The Animal Control Commission is an advisory body to the City Council on matters concerning animal control services within the city of Porterville. It is comprised of five (5) city residents representing a cross-section of the community who serve staggered four-year terms. A vacancy currently exists with a term to expire in September 2020.

On August 13th, City staff received a Request for Appointment from Ms. Kathleen Harris, which is attached for the Council's consideration. Ms. Harris resides within the city limits and therefore meets the eligibility requirements.

RECOMMENDATION: That the City Council consider the appointment of Ms. Kathleen Harris to the Animal Control Commission for a term to expire in September 2020.

ATTACHMENTS: 1. Request for Appointment - Kathleen Harris

Appropriated/Funded:

Review By:

Department Director:

Patrice Hildreth, Deputy City Manager

Final Approver: John Lollis, City Manager



CITY OF PORTERVILLE REQUEST FOR APPOINTMENT



RECEIVED

AUG 13 2019

CITY OF PORTERVILLE
CITY CLERK OFFICE

Please complete all blanks.

Name: Kathleen (KAT) Harris
(Please Print)

Appointment to: Animal Control Committee
(Name of Board, Commission, or Committee)

☐ Reappointment; or IF NEW, Please provide:

Street Address:

[REDACTED]
Porterville, CA 93257

Mailing Address:

SAME

Name of Business:

☐ Own

☐ Operate

Business Address:

Telephone: Home

[REDACTED]

Work

N/A

FAX

E-mail

[REDACTED]

City of Porterville Resident:

Select District:

Registered Voter:

☒ Yes

☐ 1 ☐ 2 ☒ 3

☒ Yes

☐ No

☐ 4 ☐ 5

☐ No

Qualifications: (It is recommended that a resume or letter accompany this form.)

served on grand jury, measure & committee work closely
with animal control, initiated AC ordinance the city
has.

Please tell us why you are interested in this position.

Animal control is very important to this community

☐ Resume attached

☐ Letter of request attached

Submitted By: Kathleen Harris

8/13/19
Date

Received by: Fernando Gabriel Moraga, Asst. Dep. City Clerk

Forwarded to: City Clerk

☐ Date: _____

City Council

☐ Date: _____

Staff Liaison

☐ Date: _____

Tentative Council Mtg Date: _____