

**SPECIAL CITY COUNCIL MEETING
CITY HALL, 291 N. MAIN STREET
PORTERVILLE, CALIFORNIA
JANUARY 28, 2020, 4:30 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 54956.9(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.

**5:30 P.M. RECONVENE OPEN SESSION AND REPORT ON
REPORTABLE ACTION TAKEN IN CLOSED SESSION**

Pledge of Allegiance Led by Council Member Stowe.

Invocation

ORAL COMMUNICATIONS

This is the opportunity to address the Council on any matter of interest, whether on the agenda or not. Unless additional time is authorized by the Council, all commentary shall be limited to three minutes.

SCHEDULED MATTERS

1. Consideration of Authorization to Purchase Tax-Defaulted Properties Identified to be Sold as One Property (Assessor Parcel Numbers 261-125-006, 261-125-007, 261-125-008 and 261-125-009)

Re: Consideration to adopt draft Resolution objecting to the sale of a tax-defaulted property, authorize the submittal of an application to the County of Tulare to purchase the specified properties, and authorize the execution of an agreement to purchase the tax-defaulted properties identified to be sold as one (Parcels 261-125-006, 261-125-007, 261-125-008, and 261-125-009)

ADJOURNMENT - to the meeting of February 4, 2020.

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

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



CITY COUNCIL AGENDA – JANUARY 28, 2020

SUBJECT: Consideration of Authorization to Purchase Tax-Defaulted Properties Identified to be Sold as One Property (Assessor Parcel Numbers 261-125-006, 261-125-007, 261-125-008 and 261-125-009)

SOURCE: Community Development

COMMENT: On November 19, 2019, the Tulare County Board of Supervisors authorized the sale of tax-defaulted properties. Included in the list of tax-defaulted properties to be auctioned are Assessor's Parcel Numbers 261-125-006, 261-125-007, 261-125-008 and 261-125-009 (identified to be combined and sold as one property), situs addresses of 19 S. A Street and 30 S. A Street, together known as the New Porterville Rescue Mission.

On June 18, 2019, City Council adopted Resolution 43-2019 approving a Conditional Use Permit for the New Porterville Rescue Mission ("Mission") to allow for a Social Services Facility located at 30 S. A Street. The facility had several life and safety items that were remedied in August 2019. In addition to the life and safety items, other improvements were required by the Porterville Municipal Code, Chapter 21, Section 301.09, "Social Services Facilities shall provide: adequate and accessible sanitary facilities, including lavatories, restrooms and refuse containers; sufficient patron seating facilities for dining; effective screening devices such as landscaping and masonry fences in conjunction with outdoor activity areas."

A list of improvements (e.g. ADA compliance, bathrooms, fencing, kitchen, parking lot, screening, sidewalk) were identified collectively by City staff and Mission representatives, and it was determined the Mission should first work on the adequate and accessible sanitary facilities. In order to accommodate the sanitary facilities requirements, a complete scope of work was to be evaluated by the Mission to be followed with a building permit submittal. At the time of this report, the property continues to not have adequate or accessible sanitary facilities, nor have any building permits been submitted. Additionally, the City has received complaints and staff has observed direct violations to the Conditional Use Permit. Staff has sent information to the applicant and agent in an effort to get an update on the progress, but correspondence efforts have gone without response.

Staff is seeking direction from Council whether to acquire the tax-defaulted property through the County of Tulare to abate the substandard conditions. The Council must first adopt a Resolution objecting to the County Tax Collector sale of certain tax-defaulted properties and then authorize the submittal of an

application and the execution of an Agreement to purchase the same property. The property is zoned DRM-3 (Downtown High Density Residential). The potential purpose and intended use of the City's purchase of the property would be to abate the substandard conditions and develop the site for low-income affordable housing.

RECOMMENDATION: That the City Council consider whether to proceed with acquiring tax-defaulted property, and if so, then:

1. Adopt a Resolution objecting to the sale of a tax-defaulted property, authorizing the submittal of an application to the County of Tulare to purchase the specified properties, and authorizing the execution of an agreement to purchase the tax defaulted properties identified to be sold as one (Parcels 261-125-006, 261-125-007, 261-125-008 and 261-125-009; and
2. Authorize the Mayor to sign all necessary documents to complete the transaction provided that should any modification be required to the documentation by Tulare County Auditor, the City Manager shall be authorized to make any augmentation, modification, additions or revisions as may be necessary to conform to any requirements.

ATTACHMENTS:

1. Locator Map
2. Draft Resolution
3. City Council Meeting Staff Report: June 18, 2019 - New Porterville Rescue Mission CUP
4. Resolution 43-2019 Approving Social Services Facility

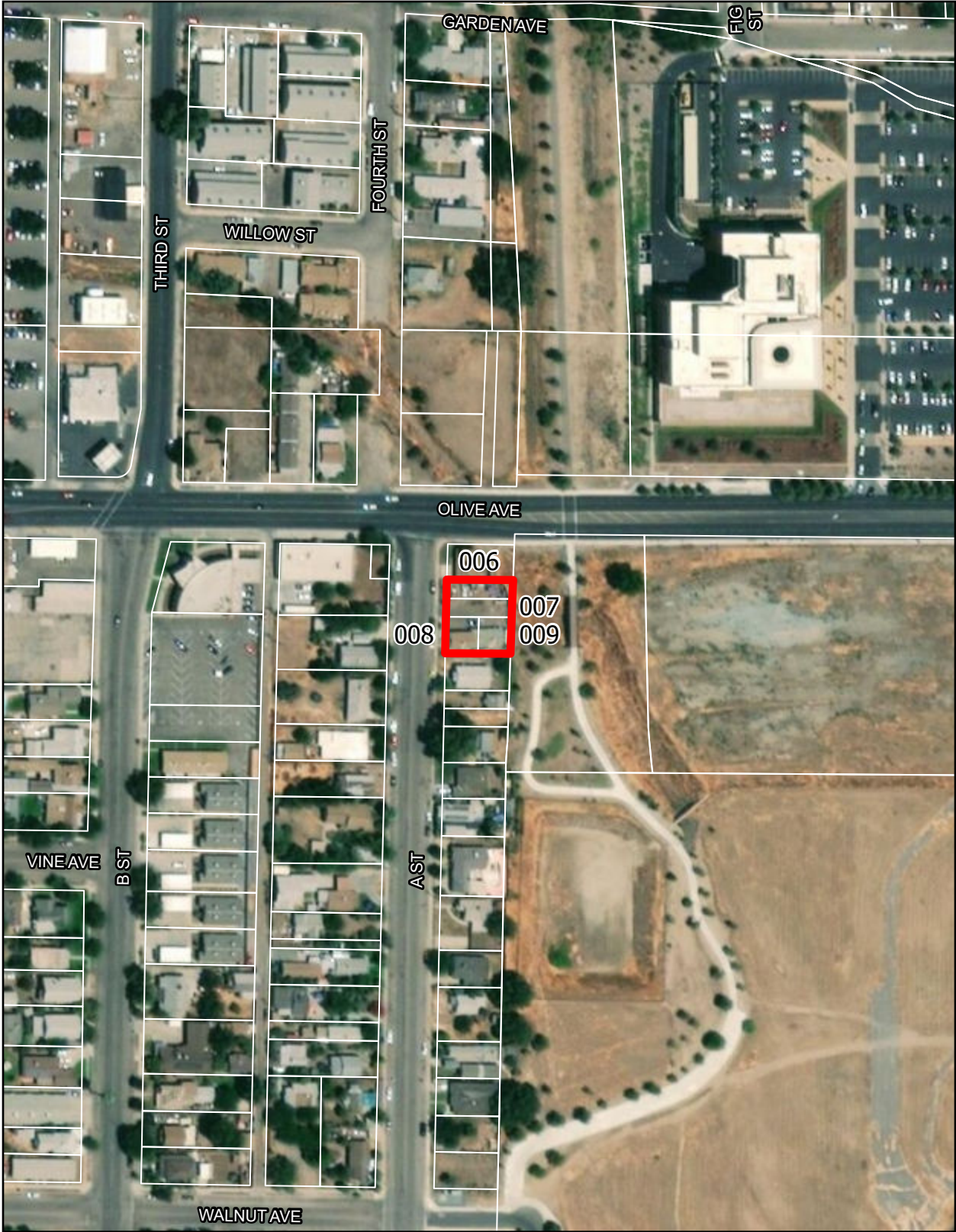
Appropriated/Funded:

Review By:

Department Director:

Final Approver: John Lollis, City Manager

Locator Map
APN 261-125-006, 007, 008, and 009



 Project Location

1 in = 200 feet



RESOLUTION NO. ____-2020

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE OBJECTING TO THE SALE OF CERTAIN TAX DEFAULTED PROPERTIES, AUTHORIZING THE SUBMITTAL OF AN APPLICATION AND THE EXECUTION OF AN AGREEMENT TO PURCHASE THE PROPERTIES IDENTIFIED BY ASSESSOR PARCEL NUMBERS 261-125-006, 261-125-007, 261-125-008 and 261-125-009

WHEREAS, the City of Porterville (the “City”) is a charter city organized and existing pursuant to the Constitution of the State of California; and

WHEREAS, in accordance with the California Revenue and Taxation Code, the City Council of the City of Porterville wishes to enter into a purchase agreement to purchase the tax-defaulted properties Assessor Parcel Numbers 261-125-006, 261-125-007, 261-125-008 and 261-125-009 (identified to be combined and sold as one property) for the specified price of Thirteen Thousand Eight Hundred Dollars (\$13,800), and to be used for the public purpose described in the attachment to this Resolution as Exhibit “A”.

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

1. The City of Porterville hereby objects to the Tax Collector’s Public Auction Sale of the tax-defaulted properties identified in Exhibit “A,” as is required by the appropriate provisions of the California Revenue and Taxation Code.

2. The City of Porterville hereby authorizes City Staff to submit an Application to the County of Tulare to purchase the specified tax-defaulted property from the County, authorizes the Mayor to sign an agreement with the County to purchase the above-described property, and authorizes the Mayor to execute all other documents necessary to effectuate the transaction.

PASSED, APPROVED AND ADOPTED this 28th day of January, 2020.

Martha A. Flores, Mayor

ATTEST:
John D. Lollis, City Clerk

By _____
Patrice Hildreth, Chief Deputy City Clerk

EXHIBIT A

TAX-DEFAULT PROPERTY OF INTEREST TO THE CITY OF PORTERVILLE
IDENTIFIED TO BE SOLD AS ONE PROPERTY

<u>Description</u>	<u>Item Number</u>	<u>Purchase Price</u>
261-125-006	**	\$13,800
261-125-007		
261-125-008		
261-125-009		

Lots 27, 28, 29 and 30 of the Map of the Town of Porterville, Recorded in Book 3 of Maps at Page 18, T.C.R. located in the City of Porterville, County of Tulare, State of California, M.D.B.&M.



CITY COUNCIL AGENDA – JUNE 18, 2019

SUBJECT: A Request for a Conditional Use Permit for The New Porterville Rescue Mission

SOURCE: Community Development

COMMENT: At its meeting on June 04, 2019, the City Council authorized staff to schedule a Public Hearing to rescind both Modification No. 1 (Resolution 10-2019) and Conditional Use Permit 8-74 (Planning Commission Resolution 606), and to consider adopting a Resolution to approve Conditional Use Permit 2018-041-C for the New Porterville Rescue Mission (“Mission”). According to the Operations Statement, the facility has been determined to be a Social Services Facility and no longer functions as a church, necessitating the aforementioned action.

The new Resolution outlines other improvements to be required by the Conditional Use Permit (CUP). As outlined in Resolution 10-2019, Condition #1, and in compliance with Porterville Municipal Code Chapter 21, Section 301.09, “Social Services Facilities shall provide: adequate and accessible sanitary facilities, including lavatories, restrooms and refuse containers; sufficient patron seating facilities for dining; effective screening devices such as landscaping and masonry fences in conjunction with outdoor activity areas.”

The draft Resolution additionally includes an annual fire inspection, as well as bi-annual review of the CUP by the City Council until such time as the Mission is brought into full compliance.

A timeline for these improvements has not yet been identified, but will be addressed once the life and safety issues are resolved. Staff proposes that an outline for completion of these improvements be submitted for Council consideration with the update planned for August 20, 2019.

RECOMMENDATION: That the City Council:

1. Open the Public Hearing to receive comment; and
2. Adopt the draft Resolution for Conditional Use Permit 2018-041-C for the New Porterville Rescue Mission and the repeal of Resolution 10-2019 for Modification No. 1 to Conditional Use Permit 8-74 and Planning Commission Resolution 606 for Conditional Use Permit 8-74

ATTACHMENTS: 1. Resolution 10-2019

2. Planning Commission Resolution 606
3. Draft Resolution

Appropriated/Funded:

Review By:

Department Director:

Final Approver: John Lollis, City Manager

RESOLUTION NO. 43-2019

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE RESCINDING RESOLUTION 10-2019 AND PLANNING COMMISSION RESOLUTION 606, AND CONTAINING FINDINGS AND CONDITIONS IN SUPPORT OF CONDITIONAL USE PERMIT 2018-041-C TO ALLOW FOR A SOCIAL SERVICES FACILITY- THE NEW PORTERVILLE RESCUE MISSION

WHEREAS: The City Council of the City of Porterville, at its regular scheduled meeting of June 18, 2019, conducted a continued public hearing to consider whether to modify or revoke Modification No. 1 to Conditional Use Permit 8-74 (PRC 2018-041-C) to allow for a Social Services Facility for the New Porterville Rescue Mission located at 30 S. A Street; and

WHEREAS: The City Council determined that the proposed change of occupancy eliminates the use of the project site as a church. This in turn deems moot the original Conditional Use Permit (CUP 8-74), which authorized the expansion of a church on the subject property; and

WHEREAS: To clearly record the appropriate and allowed uses and occupancy of the subject site and structures, the original approvals must be replaced with conditions of approval focused on the establishment and operation of a Social Services Facility; and

WHEREAS: On May 29, 2019, the Environmental Coordinator made a preliminary determination that the project is exempt from California Environmental Quality Act pursuant to §15301, Existing Facilities in that there is no proposed expansion to the existing building; 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 proposed project is consistent with the Housing Element's goal to provide a variety of housing types. Further, the subject site is consistent with the Zoning Standards for DRM-3 (Downtown High Density Residential) zone and the General Plan Land Use Designation of High Density Residential. The General Plan promotes a mix of residential neighborhoods to provide for a mix of housing types to serve the needs of all Porterville Residents. Additionally, it supports community facilities that are appropriate for a residential environment, including residential care and alcoholism or drug abuse recovery or treatment facilities.

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 so that proposed activities have been evaluated and conditions associated with them be mitigated.

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. In the event that any 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 §15301, Existing Facilities in that there is no proposed expansion to the existing building.

NOW, THEREFORE, BE IT RESOLVED:

1. Resolution 10-2019, which approved Modification No. 1 to Conditional Use Permit 8-74 to allow for a social services facility for the New Porterville Rescue Mission is hereby revoked.
2. Planning Commission Resolution 606, which approved Conditional Use Permit 8-74 to construct a social and Sunday school building as an addition to an existing church building at 30 South A Street is hereby revoked.

BE IT FURTHER RESOLVED: That the City Council of the City of Porterville does hereby approve Conditional Use Permit 2018-041-C subject to the following conditions:

1. Social Service Facilities shall be located, developed and operated in compliance with the following minimum standards. All Social Services Facilities shall provide: adequate and accessible sanitary facilities, including lavatories, rest rooms and refuse containers; sufficient patron seating facilities for dining, whether indoor or outdoor; effective screening devices such as landscaping and masonry fences in conjunction with outdoor activity areas; a plan of operation, including but not limited to, patron access requirements, hours of operation, security measures, litter control, and noise attenuation.
2. Evidence of compliance with all Fire Safety regulations shall be provided within the timeframe established herein:
 - i. On or before June 21, 2019: Submit plans for sprinkler and smoke detection building permit
 - ii. On or before July 12, 2019: Pull the permit to begin construction
 - iii. On or before August 12, 2019: Final inspection of the sprinkler and smoke detection system, complete with testing
3. A plan for compliance with all applicable Building regulations, as well as improvements required pursuant to Section 301.09 of the Development Code (referenced above in Condition #1) shall be provided by August 13, 2019, including timeframes for completion of necessary improvements.

4. Upon approval of this permit, any future change in operation which substantially alters the conditions or nature of the subject business as identified in the Operations Plan (Exhibit A), will require approval by the City Council.
5. Unless an extension of time is granted by the City Council, the conditional use permit shall expire two years after the date of approval if the activity is not active or actively pursued. The City Council may approve a one year extension of any permit or approval granted under this ordinance upon receipt of a written application with the required fee before the permit expires.
6. 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. 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.
7. Pursuant to Section 601.10(d) the City Council may revoke the permit if it makes any of the following findings:
 - a. That approval was obtained by means of fraud or misrepresentation of a material fact;
 - b. That the use in question has ceased to exist or has been suspended for one year or more;
 - c. That there is or has been a violation of or failure to observe the terms or conditions of the permit or variance, or the use has been conducted in violation of the provisions of this ordinance, law or regulation; or
 - d. That the use to which the permit or variance applies has been conducted in a manner detrimental to the public safety, health and welfare or so as to be a nuisance.
8. Pursuant to Porterville Development Ordinance 300.09, Outdoor Storage is not permitted within the DRM-3 zone (all storage shall be within an enclosed building). Additionally, Resolution 14-2014 does not allow the use of cargo containers in residential zone districts. The two cargo containers present on site must be removed. Both of the existing storage sheds will be required to be relocated outside of the setbacks and would count towards the permitted two accessory structures.
9. The applicant proposes the sale of goods and merchandise as a means of financial support. Retail sales are not permitted in the DRM-3 zone. Section 301.21 allows for temporary uses to include non-profit fund raising. Fund raising sales by a non-profit organization are limited to seven consecutive days, twelve times a year. Merchandise must be stored appropriately on non-sale days. Outdoor Retail Sales must be done in accordance with Section 301.12 of the Porterville Development ordinance and in compliance with the California State Board of Equalization.
10. The temporary use of tents for overflow of patrons may be permitted during the winter months, provided that the usage and assembling of tents be opposite of office hours, erecting tents after 7 p.m. and removing them before 7 a.m.

11. At all times, the facility shall be operated and maintained to comply with State Laws, the City of Porterville Development Ordinance, adopted Building and Fire Codes and all other applicable laws and ordinances.
12. The entire site shall be maintained free of refuse, debris, or other accumulated matter and shall be kept in good repair at all times and in an otherwise neat and attractive manner.
13. Beginning with the final inspection on or before August 12, 2019, and every August thereafter, the facility will be subject to an annual inspection by the Porterville Fire Department.
14. Beginning with the meeting of August 20, 2019, and every February and August thereafter until further ordered by the Council, the applicant's compliance with this Conditional Use Permit will be reviewed by the City Council.

PASSED, APPROVED AND ADOPTED this 18th day of June, 2019.


Martha A. Flores, Mayor

ATTEST:
John D. Lollis, City Clerk

By 
Patrice Hildreth, Chief Deputy City Clerk

MAY 2019

Community Development Department

MAY 20 2019

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The shelter provides approximately 75-100 meals per day we accommodate special dietary such as heart healthy diets, allergies, etc. to the community which we serve. Please see attachment PRM #2 for shelter feeding schedule and meals prepared.

4. **Our men's long-term facility currently holds 18 total occupants. That includes our long term residential and emergency shelter beds. Our women's facility holds 8 total occupants. Which also includes long term residential and emergency shelter beds.**
5. **For housing dormitory layout for the bed arrangements please see attachment PRM#1**
6. **Our Long-term residency program is a 6 month to 1 yr housing facility. Our emergency shelter provides emergency services for up to 72 hours.**
7. **The Porterville Rescue Mission has taken a "Housing First" approach. We offer safety and protection from the hardships of homelessness. We believe that once the immediate burden of homelessness is lifted, it allows for participants to focus, and initiate a plan of action towards self-sufficiency.**
 - a. **We welcome our community by providing 72 hours of emergency food and shelter services. The Porterville Rescue Mission also facilitates a 6 month to 1 yr residency Program.**
 - b. **We offer meals to the homeless and needy, but we welcome our entire community, please see attachment PRM#2 for a more details on the food services provided.**
 - c. **We offer showers to the public during regular business hours. Long term residential participants have access to onsite laundry facilities. We provide essential hygiene products, and participants are allowed laundry detergent**
 - d. **We provide onsite Resume building workshops, on the job training and employment plugs. For those participants that may not be eligible for employment due to current circumstance we offer referrals to the qualifying organizations. Which may include but are not limited to; SSI Social security, Mental Health, Tulare works, Family crisis center**
 - e. **. We continue our support towards the participants personal goals, by allocating individual case managers. It allows us to advocate and address the specific needs of each participant.**
 - f. **We assist with transportation to and from scheduled legal/doctor/ and or personal appointments, AA/NA/ other meetings and court proceedings.**
8. **Hours of operation are as follows**
 - a. **Office hours 7am-7pm**
 - b. **24-hour onsite staff**
 - c. **24-hour emergency telephone services**
 - d. **7pm to 7am overnight staff**
9. **Staffing needs are as follows;**
 - a. **CEO/Director**
 - b. **Human and community resource specialist**
 - c. **Finance and accounting specialist**
 - d. **Intake specialist**
 - e. **Volunteer service coordinator**
 - f. **Maintenance in house**
 - g. **Grounds and lawn service maintenance/mechanic**
 - h. **Case manager for men's facility**
 - i. **manager for women's facility**
 - j. **lead**

- k. Housing program manager for women's facility
- l. Housing program manager for men's facility
- m. Kitchen lead staff and meal planner
- n. Kitchen cook
- o. Kitchen assistant 1
- p. Kitchen assistant 2

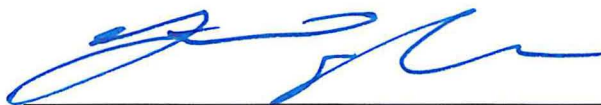
STATE OF CALIFORNIA)
CITY OF PORTERVILLE) SS
COUNTY OF TULARE)

I, JOHN D. LOLLIS, the duly appointed City Clerk of the City of Porterville do hereby certify and declare that the foregoing is a full, true and correct copy of the resolution passed and adopted by the Council of the City of Porterville at a meeting of the Porterville City Council duly called and held on the 18th day of June, 2019.

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

Council:	PEÑALOZA	WARD	FLORES	STOWE	REYES
AYES:	X	X	X	X	X
NOES:					
ABSTAIN:					
ABSENT:					

JOHN D. LOLLIS, City Clerk



By: Fernando Gabriel-Moraga, Acting Deputy City Clerk