



**CITY COUNCIL AGENDA
CITY HALL, 291 N. MAIN STREET
PORTERVILLE, CALIFORNIA
FEBRUARY 2, 2016, 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: 1893 South Newcomb Street, No. 12. Agency Negotiator: John Lollis and Maria Bemis. Negotiating Parties: City of Porterville and Richard Chilcutt. Under Negotiation: Terms and Price.
- 2** - Government Code Section 54957.6 – Conference with Labor Negotiator. Agency Negotiator: John Lollis, Patrice Hildreth, and Steve Kabot. Employee Organizations: Porterville Peace Officers Association; Fire Officer Series and Porterville City Firefighters Association.
- 3** - Government Code Section 54956.9(d)(1) – Conference with Legal Counsel – Existing Litigation: Nuckols and Nuckols Farming v. City of Porterville, Tulare County Superior Court Case No. 261084.
- 4** - Government Code Section 54956.9(d)(1) – Conference with Legal Counsel – Existing Litigation: California Healthy Communities Network v. City of Porterville, California Court of Appeal, Fifth District, Case No. F067685.
- 5** - Government Code Section 54956.9(d)(4) – Conference with Legal Counsel – Anticipated Litigation – Initiation of Litigation: One Case.
- 6** - Government Code Section 54957.6 – Conference with Labor Negotiator. Agency Negotiator: Mayor Stowe. Unrepresented Employee – City Manager.

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

Pledge of Allegiance Led by Mayor Stowe

Invocation

PRESENTATIONS

Employee of the Month - Gordon Trott

AB 1234 REPORTS

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

1. Council of Cities - January 20, 2016
2. Local Agency Formation Commission (LAFCO) - January 20, 2016
3. Tulare County Association of Governments (TCAG) - January 25, 2016
4. Tulare County Economic Development Corp. (TCEDC) - January 27, 2016

REPORTS

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

- I. City Commission and Committee Meetings
 1. Parks & Leisure Services Commission
 2. Library & Literacy Commission
 3. Arts Commission - January 27, 2016 (Meeting Cancelled)
 4. Animal Control Commission - February 1, 2016
 5. Youth Commission
 6. Transactions and Use Tax Oversight Committee (TUTOC)
- II. Staff Informational Reports
 1. Attendance Report for City Commissions and Committees - 2nd Quarter FY 2015/16
 2. Building Permit Activity - 2nd Quarter FY 2015/16
 3. Code Enforcement Report - 2nd Quarter FY 2015-2016
 4. Porterville Golf Course - 2nd Quarter FY 2015/16
 5. Street Performance Measure - 2nd Quarter FY 2015/16
 6. Report on Charitable Car Washes
 7. 'Wall of Fame' Honor Designations

ORAL COMMUNICATIONS

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

CONSENT CALENDAR

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

1. **City Council Minutes of January 19, 2016**
2. **Purchase of Industrial Grade Washer & Dryer for the Animal Shelter**
Re: Considering approval of the purchase an industrial grade washer and dryer from Western State Design for \$11,198.64.
3. **Request to Purchase and Install Traffic Signal Priority Equipment on Fire Vehicles**
Re: Considering approval to purchase two (2) Multi-Mode, High Priority, vehicle kits from Advanced Traffic Products Inc., for \$3,500 each, plus applicable sales tax.
4. **Acceptance of Project - Henry House Demolition**
Re: Considering acceptance of project from Bowen Engineering and Environmental, and authorizing the filing of the Notice of Completion for the project consisting of the demolition of the Henry House located at 624 E. Putnam Avenue.
5. **Interim Financial Status Reports**
Re: Considering acceptance of the interim financial status reports for the second fiscal quarter ended December 31, 2015.
6. **Quarterly Portfolio Summary**
Re: Considering acceptance of the investment portfolio of the City of Porterville as of December 31, 2015.
7. **Authorization to Travel Out of State**
Re: Considering approval of travel to Washington DC for the purpose of attending the Learning Exchange and Celebration at the White House at a cost of \$2,000.
8. **Approving the Establishment of a Live Release Coordinator Position within the Animal Control Division**
Re: Considering approval of the establishment of a new position within the Animal Control Division of the Police Department.

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

PUBLIC HEARINGS

9. **Adoption of Fees Associated with Massage Business Registration Certificate**
Re: Consideration of a resolution establishing fees associated with processing and administering a Massage Business Registration Certificate.
10. **Modification No. 2 to Conditional Use Permit 13-81 to Allow the Use of a Funeral Home and Crematory at 765 W. Henderson Avenue**
Re: Consideration of resolution approving Modification No. 2 to Conditional Use Permit 13-81 (PRC-2015-037-M) to allow the use of a funeral home and crematory.
11. **Award Solar Photovoltaic System Power Purchase Agreement - Waste Water Treatment Facility**
Re: Considering approval to negotiate a 25-year/\$0.0868 PPA contract with ImMODO Energy Services Corporation for Council's future consideration.

SCHEDULED MATTERS

12. **Main Street Tree Lights**
Re: Consideration of options pertaining to the tree lights on Main Street.
13. **Status and Review of Declaration of Local Drought Emergency**
Re: Consideration of the continuance of the Declaration of Local Emergency, and approval of a City water connection for a mobile laundry trailer to be placed in East Porterville.

ORAL COMMUNICATIONS

OTHER MATTERS

CLOSED SESSION

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

ADJOURNMENT - to the meeting of February 16, 2016.

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 – FEBRUARY 2, 2016

SUBJECT: 1. Attendance Report for City Commissions and Committees - 2nd Quarter FY 2015/16

SOURCE: Administrative Services

COMMENT: At the Council's request, staff is herein providing for informational purposes the attendance records as of the Second Quarter FY 2015/16 for the following City Commissions and Committees:

- Parks & Leisure Services Commission;
- Library and Literacy Commission;
- Arts Commission;
- Animal Control Commission;
- Transactions and Use Tax Oversight Committee (TUTOC); and
- CDBG Advisory and Housing Opportunity Committee.

RECOMMENDATION: Informational Report only.

ATTACHMENTS:

1. Parks & Leisure Services Comm
2. Library & Literacy
3. Arts Commission
4. Animal Control Comm
5. TUTOC (Measure H)
6. CDBG Advisory

Appropriated/Funded: N/A

Review By:

Department Director:

Patrice Hildreth, Administrative Services Dir

Final Approver: John Lollis, City Manager

Parks & Leisure Services Commissioner's Record of Attendance

	2015 Jul 2	2015 Aug 6	2015 Sep 3	2015 Oct 1	2015 Nov 5	2015 Dec 3	2016 Jan	2016 Feb	2016 Mar	2016 Apr	2016 May	2016 Jun	
Rocco Calantone	**	P	P	E	P	P							FT Exp 10/19
Monte Moore	**	P	P	P	P	P							FT Exp 10/17
Leticia Lupio	**	P	P	A	P	P							FT Exp 10/17
Rick Vafeades	**	E	P	P	P	P							FT Exp 10/17
Richard Rankin	**	P	P	P	P	P							PUSD Rep.
Carroll Land	**	P	E	T	P	P							FT Exp 10/19
Shannon Bennett	**	P	A	P	E	P							FT Exp 10/17
Rachel Lucero	**	P	P	P	P	P							FT Exp 10/19
Totals	N/A	7	6	6	7	8							

**No meeting held. * Due to lack of quorum, an informal discussion only took place.

P = Present; E = Excused Absence; A = Absent; T = Tardy

Parks & Leisure Services Commissioner's Record of Attendance

	2014 July **	2014 Aug 7	2014 Sept 4	2014 Oct 2	2014 Nov 6	2014 Dec 4	2015 Jan 8	2015 Feb 5	2015 Mar 5	2015 Apr 2	2015 May 7*	2015 June 4	
Rocco Calantone		P	P	P	P	P	P	P	P	P	P	P	FT Exp 10/15
Monte Moore		P	P	P	P	P	P	P	E	P	E	P	FT Exp 10/13
Leticia Lupio		P	E	P	P	P	P	P	P	P	E	P	FT Exp 10/13
Rick Vafeades		P	P	P	P	P	P	P	P	P	P	E	FT Exp 10/13
Richard Rankin		P	A	P	P	P	E	P	E	P	P	P	PUSD Rep.
Carroll Land		P	P	A	P	P	P	P	P	P	E	E	FT Exp 10/15
Shannon Bennett		P	P	E	A	P	P	P	P	P	A	P	FT Exp 10/13
Eric Mendoza		P	P	Resigned									
Derric Salazar		Appointed 2/15						P	P	Resigned			
Totals	N/A	8	6	5	6	7	6	8	6	7	3	5	

**No meeting held. * Due to lack of quorum, an informal discussion only took place.

P = Present; E = Excused Absence; A = Absent; T = Tardy

Parks & Leisure Services Commissioner's Record of Attendance

	2013 July 3	2013 Aug 1	2013 Sept 5	2013 Oct 3	2013 Nov 7	2013 Dec 5	2014 Jan 2	2014 Feb 6	2014 Mar 6	2014 Apr 1	2014 May 5	2014 June **	
Rocco Calantone	P	P	P	P	P	P	P	E	P	E	P		FT Exp 10/15
Monte Moore	E	P	P	P	P	P	P	P	P	P	P		FT Exp 10/13
Leticia Lupio	P	P	P	P	P	P	P	P	P	P	P		FT Exp 10/13
Rick Vafeades	P	E	P	P	P	P	P	P	P	E	P		FT Exp 10/13
Richard Rankin	P	P	P	P	P	P	P	P	P	P	E		PUSD Rep.
Carroll Land	P	P	P	P	P	P	E	T	T	T	T		FT Exp 10/15
Shannon Bennett	P	P	E	A	P	P	P	P	P	P	P		FT Exp 10/13
Eric Mendoza	P	P	E	P	E	P	E	P	P	A	E		
Totals	7	7	6	7	7	8	6	7	8	5	6	N/A	

** No meeting held.

P = Present; E = Excused Absence; A = Absent; T = Tardy

LIBRARY & LITERACY COMMISSION - Attendance Record

As of: December 31, 2015

P = Present; A = Absent; E = Excused absence; T = Tardy

 = Summer Hiatus

	2015 Nov	2015 Dec	2016 Jan	2016 Feb	2016 Mar	2016 Apr	2016 May	2016 June	2016 July	2016 Aug	
Catherine May	P	P						P	P		Re-appt. 10/13
Allan Bailey	P	P						P	P		Re-appt. 10/15
Esther Figueroa	P	P						P	P		Re-appt. 10/15
Tamara Bishop	P	P						P	P		Re-appt. 10/13
Edith La Vonne	E	P						P	E		Re-appt. 10/15
Jennifer Biagio	E	E						P	E		Appt. 10/13
Patience Christenson	P	P						P	P		Re-appt. 10/15

	2015 Jan 13	2015 Feb 10	2015 Mar 10	2015 Apr 8	2015 May 12	2015 June	2015 July	2015 Aug 11	2015 Sept 8	2015 Oct 13	
Catherine May	P	P	P	P	P			P	P	P	Re-appt. 10/13
Allan Bailey	P	P	P	P	P			P	P	P	Re-appt. 10/15
Esther Figueroa	P	P	P	E	P			P	P	P	Re-appt. 10/15
Tamara Bishop	P	P	P	P	P			P	P	E	Re-appt. 10/13
Edith La Vonne	P	P	P	P	P			P	E	P	Re-appt. 10/15
Jennifer Biagio	A	E	P	P	E			P	E	E	Appt. 10/13
Patience Christenson	E	E	P	P	E			P	P	E	Re-appt. 10/15

	2014 Mar 19	2014 April 8	2014 May 13	2014 June	2014 July	2014 Aug 12	2014 Sept 9	2014 Oct 14	2014 Nov 13	2014 Dec 9	
Catherine May	P	P	P			P	P	P	P	P	Re-appt. 10/14
Allan Bailey	E	P	P			P	P	P	P	P	Appt. 9/11
Esther Figueroa	P	P	P			P	P	P	P	P	Appt. 4/12
Tamara Bishop	E	P	P			P	P	P	P	P	Appt. 11/12
Carol Wilkins	E	P	P			Resigned					Appt. 11/12
Edith La Vonne	P	P	P			P	P	P	P	P	Appt. 11/12
Jennifer Biagio	P	P	P			P	E	E	E	P	Appt. 10/13
Patience Christenson	Appointed 11/14									T	Appt. 11/14

	2013 June	2013 July	2013 Aug 13	2013 Sept 10	2013 Oct 8	2013 Nov 12	2013 Dec 10	2014 Jan 14	2014 Feb 11	2014 Mar 11	
Catherine May			P	P	P	P	A	T	E	P	Re-appt. 10/10
Rebecca Ybarra			T	P	A	Term Expired					Appt. 10/10
Allan Bailey			P	P	P	P	T	P	P	P	Appt. 9/11
Esther Figueroa			P	P	P	P	P	P	P	P	Appt. 4/12
Tamara Bishop			P	P	P	P	P	P	P	P	Appt. 11/12
Carol Wilkins			E	P	P	P	P	P	P	P	Appt. 11/12
Edith La Vonne			P	P	P	P	T	P	P	P	Appt. 11/12
Jennifer Biagio			Appt. 10/13			E	P	P	P	P	Appt. 10/13

**Arts Commission
Attendance Records**

As of: December 31, 2015

	2015 16-Dec	2016	2016	2016	2016	2016	2016	2016	
Deana Worthington	P								
Joan Givan	P								
Judith Halloway	P								
Mel Gosage	P								
Vacant									
Vacant									
Vacant									

* No meeting due to lack of quorum.

	2015 29-Apr	2015 20-May	2015 24-Jun*	2015 22-Jul	2015 26-Aug	2015 23-Sep*	2015 28-Oct*	2015 25-Nov*	
Deana Worthington	P	P		P	P				
Joan Givan	P	P		P	P				
Judith Halloway	A	P		E	P				
Mel Gosage	P	P		P	P				
Vacant									
Vacant									
Vacant									

* No meeting due to lack of quorum.

	2014 23-Jul	2014* 24-Sep	2014 22-Oct	2014 26-Nov	2014 Dec*	2015 Jan*	2015 Feb	2015 Mar	
Deana Worthington	P	P	P	P			P	P	
Vacant									
Vacant									
Joan Givan	P	P	P	P			P	P	
Judith Halloway	P	A	A	A			P	P	
Mel Gosage	P	A	A	A			P	P	
Brenda Carrasco	P	<i>Resigned 8/2014</i>							

* No meeting due to lack of quorum.

**Animal Control Commission
Attendance Records**

As of: December 31, 2015

	2015 27-Oct	2015 2-Nov	2015 7-Dec	2016	2016	2016	2016	Notes:
Maureen Hamilton	P	E	P					
Margaret Land	P	P	A					
Debbie Arthur	P	P	P					
Shawn Schwartzenberger	P	P	P					
Melanie Huerta			P					Appointed 11/17/15

	2015 6-Jul	2015 28-Jul	2015 3-Aug	2015 14-Sep	2015 18-Sep	2015 5-Oct	2015 19-Oct	Notes:
Kathy Guinn	P	E	cancelled	P	E			Resigned 09/28/15
Maureen Hamilton	P	P	cancelled	P	P	P	P	
Margaret Land	P	P	cancelled	E	E	P	P	
Debbie Arthur	P	P	cancelled	P	P	P	P	
Shawn Schwartzenberger	P	P	cancelled	P	P	P	P	

	2015 5-Jan	2015 19-Jan	2015 2-Feb	2015 2-Mar	2015 7-Apr	2015 4-May	2015 1-Jun	Notes:
Kathy Guinn	P	P	P	P	P	P	P	
Maureen Hamilton	P	P	E	P	P	P	P	
Margaret Land	P	P	P	E	E	P	E	
Vacant								
Shawn Schwartzenberger	P	P	P	P	P	P	P	

	2014 6-Oct	2014 14-Oct	2014 20-Oct	2014 3-Nov	2014 17-Nov	2014 1-Dec	2014 15-Dec	Notes:
Kathy Guinn	P	P	P	P	E	P	P	
Maureen Hamilton	P	P	P	P	P	P	P	
Margaret Land	P	P	P	P	P	P	P	
Anna Poteet	P	P	E	P	P	A	Res.	Resigned 12/15/14.
Shawn Schwartzenberger	P	P	P	P	P	P	P	

**Transactions and Use Tax Oversight Committee
Attendance Records**

As of: December 31, 2015

	2015 8-Oct	2015 18-Nov					
Khris Saleh	A	A					
John Simonich	P	A					
Raheel Mann	A	A					
Gail Lemmen	P	P					
Margaret Stinson	P	P					
Janet Meister	P	P					
Kathleen "Kat" Harris	P	P					
Russell "Buck" Fletcher	P	P					
Salvador Estrada, Jr.	P	A					
Vacant							

	2014 7-Aug	2014 22-Oct	2014 12-Nov	2015 14-Jan	2015 11-Feb	2015 6-May	2015 25-Jun	
Khris Saleh	A	P	P	P	P	P	A	
John Simonich	P	P	A	A	P	P	P	
Raheel Mann	P	P	A	A	P	A	A	
Gail Lemmen	P	P	P	P	P	P	P	
Margaret Stinson	P	P	P	P	P	P	P	
Janet Meister	P	A	P	A	P	P	P	
Bill Nebeker	A	A	<i>Resigned effective 10/30/14</i>					
Kathleen "Kat" Harris	P	P	P	P	A	P	P	
Russell "Buck" Fletcher	P	P	P	P	P	P	P	
Salvador Estrada, Jr.	A	P	P	P	P	P	P	

** No meeting held due to lack of quorum.

	2013** 23-May	2013** 30-May	2013 13-Jun	2013 8-Aug	2013 7-Nov	2014 13-Mar	2014 1-May	
Gary Mekeel	-	-	A	A	<i>Resigned effective 8/13/13</i>			
Khris Saleh	-	-	A	P	P	A	P	<i>Apptd 04/2010 thru 05/2012</i>
Charles Webber	-	-	P	<i>Resigned effective 6/30/13</i>				
John Simonich	-	-	A	P	P	P	P	<i>Apptd. 01/2011 thru 05/2014.</i>
Michael MacDonald	-	-	P	P	P	P	P	<i>Apptd 01/2011 thru 05/2014.</i>
Gail Lemmen	-	-	P	P	P	P	A	<i>Apptd 09/2010 thru 05/2012.</i>
John Dennis	-	-	P	P	P	P		<i>Resigned 3/2014.</i>
Margaret Stinson	-	-	P	A	P	P	A	<i>Apptd 05/2012.</i>
Janet Meister	-	-	P	P	P	P	P	<i>Apptd 08/2012.</i>
Bill Nebeker	-	-	A	P	P	P	A	<i>Apptd. 02/12.</i>
Kathleen "Kat" Harris	<i>Appt. 6/30/13</i>			P	P	P	A	
Russell "Buck" Fletcher	<i>Appt. 8/2013</i>				P	P	P	

** No meeting held due to lack of quorum.

**CDBG Citizens' Advisory and Housing Opportunity Committee
Attendance Records**

As of: December 31, 2015

Committee Member	Reg. Mtg 4/27/2015	Reg. Mtg	Reg. Mtg	Reg. Mtg	Reg. Mtg
Pat Contreras	P				
Linda Mendez	P				
Grace Munoz-Rios	P				
Doug Heusdens	P				
Rebecca Vigil	P				
Kelle Jo Lowe	P				
Maria Gonzalez	P				

Committee Member	Year Originally Appointed	Reg. Mtg 3/14/2011	Reg. Mtg 3/12/2012	Reg. Mtg 3/11/2013	Reg. Mtg 3/10/2014
Pat Contreras	1988	P	P	P	P
Linda Olmedo	1997	P	P	P	P
Grace Munoz-Rios	1992	P	P	P	A
Doug Heusdens	2012	N/A	P	P	P
John Dennis	1998	P	P	A	P
Rebecca Vigil	2008	P	P	A	P
Kelle Jo Lowe	2009	P	P	P	P

This Committee typically meets on an annual basis in March.



CITY COUNCIL AGENDA – FEBRUARY 2, 2016

SUBJECT: 2. Building Permit Activity - 2nd Quarter FY 2015/16

SOURCE: Public Works

COMMENT: Building Permit Activity – 2nd Quarter Report (October, November, December)

The Building Permit Activity Report (BPAR) presented herein to the City Council covers the months of October, November, and December 2015. The two main categories include new residential permits issued and new commercial permits issued.

2nd Quarter of FY 2015/2016 compared to 2nd Quarter of FY 2014/2015

New residential permits issued during the 2nd quarter of 2015 (8) are down 42.9% from the 2nd quarter of 2014 (14). No commercial permits were issued during the 2nd quarter of 2015 which is a decrease from the same period last fiscal year where one (1) new commercial permit was issued.

Year-to-Date (July 2015 to December 2015)

New residential permits issued this fiscal year (28) are up 47.3% as compared to the same period last fiscal year (19). New commercial permits issued this fiscal year (1) are down 66.67% as compared to the same period last fiscal year (3).

RECOMMENDATION: Informational item.

ATTACHMENTS:

1. Building Permit Activity Report - October 2015
2. Building Permit Activity Report - November 2015
3. Building Permit Activity Report - December 2015

Appropriated/Funded:

Review By:

Department Director:

Final Approver: John Lollis, City Manager

CITY OF PORTERVILLE - BUILDING DIVISION
 REPORT FOR THE PERIODS OF
 7/1/2014 - 10/31/2014 AND
 7/1/2015 - 10/31/2015

PERMIT	NUMBER OF PERMITS ISSUED				ACTUAL VALUATION OF PERMITS ISSUED				BUILDING FEES TOTALS FOR PERMITS ISSUED			
	OCTOBER 2015	OCTOBER 2014	THIS YEAR TO DATE	LAST YEAR TO DATE	OCTOBER 2015	OCTOBER 2014	THIS YEAR TO DATE	LAST YEAR TO DATE	OCTOBER 2015	OCTOBER 2014	THIS YEAR TO DATE	LAST YEAR TO DATE
NEW RESID	1	3	21	8	157,573	707,500	4,631,718	1,516,156	1,839	7,568	46,655	17,566
NEW COMM	0	0	1	2	0	0	600,000	5,975,000	0	0	5,896	6,870
RESID IMPROV	18	11	46	42	390,944	158,080	624,425	454,070	6,046	6,011	13,993	15,370
COMM RESID	5	5	24	24	485,812	56,980	6,662,845	2,334,630	4,603	2,909	37,583	25,127
OTHER	49	23	161	84	371,328	259,795	1,497,953	1,058,144	9,312	4,951	30,650	16,295
ELECT	50	33	201	160	752,593	424,141	3,014,619	2,460,342	10,241	6,209	39,734	29,927
PLUMB	29	34	149	166	0	0	8,500	1,000	3,529	4,791	19,822	21,929
TOTALS	152	109	603	486	2,158,250	1,606,496	17,040,060	13,799,342	35,570	32,439	194,333	133,083

	NEW DWELLING UNITS TOTALS			
	OCTOBER 2015	OCTOBER 2014	THIS YEAR TO DATE	LAST YEAR TO DATE
SINGLE FAMILY	1	3	21	8
TOTAL	1	3	21	8


 CHIEF BUILDING OFFICIAL

CITY OF PORTERVILLE - BUILDING DIVISION
REPORT FOR THE PERIODS OF
7/1/2014 - 11/30/2014 AND
7/1/2015 - 11/30/2015

PERMIT	NUMBER OF PERMITS ISSUED				ACTUAL VALUATION OF PERMITS ISSUED				BUILDING FEES TOTALS FOR PERMITS ISSUED			
	NOVEMBER 2015	NOVEMBER 2014	THIS YEAR TO DATE	LAST YEAR TO DATE	NOVEMBER 2015	NOVEMBER 2014	THIS YEAR TO DATE	LAST YEAR TO DATE	NOVEMBER 2015	NOVEMBER 2014	THIS YEAR TO DATE	LAST YEAR TO DATE
NEW RESID	4	5	25	13	868,369	823,863	5,500,087	2,340,019	8,522	11,722	55,177	29,288
NEW COMM	0	0	1	2	0	0	600,000	5,975,000	0	0	5,896	6,870
RESID IMPROV	9	7	55	49	455,600	67,120	1,080,025	521,190	4,746	2,720	18,739	18,090
COMM IMPROV	5	8	29	32	124,200	3,332,000	6,787,045	5,666,630	1,738	5,156	39,320	30,283
OTHER	31	17	192	101	368,827	150,604	1,866,780	1,208,748	6,172	3,514	36,822	19,809
ELECT	42	26	243	186	602,000	337,382	3,616,619	2,797,724	8,180	5,393	47,914	35,320
PLUMB	42	30	191	196	1,250	0	9,750	1,000	5,660	4,473	25,482	26,402
TOTALS	133	93	736	579	2,420,246	4,710,969	19,460,306	18,510,311	35,018	32,979	229,350	166,062

	NEW DWELLING UNITS TOTALS			
	NOVEMBER 2015	NOVEMBER 2014	THIS YEAR TO DATE	LAST YEAR TO DATE
SINGLE FAMILY	4	5	25	13
TOTAL	4	5	25	13



CHIEF BUILDING OFFICIAL

CITY OF PORTERVILLE - BUILDING DIVISION
REPORT FOR THE PERIODS OF
7/1/2014 - 12/31/2014 AND
7/1/2015 - 12/31/2015

PERMIT	NUMBER OF PERMITS ISSUED				ACTUAL VALUATION OF PERMITS ISSUED				BUILDING FEES TOTALS FOR PERMITS ISSUED			
	DECEMBER 2015	DECEMBER 2014	THIS YEAR TO DATE	LAST YEAR TO DATE	DECEMBER 2015	DECEMBER 2014	THIS YEAR TO DATE	LAST YEAR TO DATE	DECEMBER 2015	DECEMBER 2014	THIS YEAR TO DATE	LAST YEAR TO DATE
NEW RESID	3	6	28	19	413,929	9,643,337	5,914,016	11,983,356	7,124	62,150	62,301	91,438
NEW COMM	0	1	1	3	0	2,000,000	600,000	7,975,000	0	7,024	5,896	13,894
RESID IMPROV	13	8	68	57	138,200	251,265	1,218,225	772,455	6,205	5,934	24,944	24,024
COMM IMPROV	5	10	34	42	312,000	1,072,800	7,099,045	6,739,430	9,819	14,044	49,140	44,327
OTHER	25	37	217	138	242,694	605,537	2,109,474	1,814,285	4,952	7,844	41,774	27,653
ELECT	56	31	299	217	749,472	391,084	4,366,091	3,188,808	11,557	5,747	59,471	41,067
PLUMB	49	23	240	219	0	3,000	9,750	4,000	5,925	3,077	31,407	29,479
TOTALS	151	116	887	695	1,856,295	13,967,023	21,316,601	32,477,334	45,582	105,820	274,933	271,882

	NEW DWELLING UNITS TOTALS			
	DECEMBER 2015	DECEMBER 2014	THIS YEAR TO DATE	LAST YEAR TO DATE
SINGLE FAMILY	2	5	27	18
MULTI FAMILY	0	80	0	80
TOTAL	2	85	27	98


 CHIEF BUILDING OFFICIAL



CITY COUNCIL AGENDA – FEBRUARY 2, 2016

SUBJECT: 3. Code Enforcement Report - 2nd Quarter FY 2015-2016

SOURCE: Fire

COMMENT: This informational report utilizes data from "myPorterville" for tracking code enforcement activity between October 1, 2015 and December 31, 2015.

During this quarter, City departments recorded 261 code enforcement issues, and corrected 194, for an overall completion rate of 74.32%. Areas of emphasis during the quarter include water conservation and medical cannabis compliance. Departments collaborating on water conservation issued 98 NOV's and the Code Enforcement Officer followed up with 21 administrative citations for repeated non-compliance with the water conservation plan. Additionally, 17 permits for medical cannabis cultivation were approved, with several other applications working through the approval process.

RECOMMENDATION: Informational only.

ATTACHMENTS: 1. Code Enforcement FY 15-16 Q2

Appropriated/Funded:

Review By:

Department Director:

Glenn Irish, Fire Chief

Final Approver: John Lollis, City Manager

Code Enforcement Report
Q2, FY 15-16

Q2 Code Enforcement Activity	# Requests	# Completed	% Closed
Water Waste NOV	98	94	95.92%
Water Waste Admin Cite	21	21	100%
Water Waste	37	20	54.05%
Weed Abatement	1	1	100%
Building Department/ Permits	11	6	54.55%
Business License Inquiries	1	1	100%
Comm. Dev., general or multiple violations	7	1	14.29%
Vehicles- inoperable vehicles	2	0	0%
Health Hazard	1	1	100%
Neglected property/trash & debris	11	3	27.27%
Vehicles- RVs/boats/etc	5	2	40%
Animals-all complaint types	14	7	50%
Landscaping/trees- private property	6	3	50%
Engineering	1	1	100%
Garbage Collection/ Illegal Dumping	7	4	57.14%
Sidewalk Condition	6	4	100%
Abandoned Vehicle (Street)	2	2	100%
Police/ Traffic Enforcement	2	2	100%
Signs- comm. signage in residential zones	1	0	0%
Signs- illegal/prohibited	1	1	100%
Signs- other	2	0	0%
Signs- temporary commercial	1	0	0%
Graffiti	4	4	100%
CEO, Property Use	1	1	100%
CEO, Business License	3	1	25%
Code Enforcement, General	14	13	92.86%
Itinerant Vendor, Solicitor, Peddler	1	1	100%
Q2 Total	261	194	74.32%

Administrative Citations	Q1	Q2	Q3	Q4	Total
\$100	54	16			\$7,000
\$200	10	5			\$3,000
\$500	1	2			\$1,500
\$1,000	0	0			\$0
\$1,500	5	0			\$7,500
FY 15-16 Total Assesment	70	23			\$19,000

Medical Cannabis	Q1	Q2	Q3	Q4	Total
Approved permits	23	17			40
Permit holders in compliance	16	11			27
Permits pending inspection	7	6			13
Pending application submittal	28	12			

Water Conservation Task Force	Q1	Q2	Q3	Q4	Total
<u>Personnel</u>					
Hours	260	142			402
Cost	\$2,600	\$1,309			\$3,909
<u>Vehicles</u>					
Miles	2,970	582			3,552
Cost	\$1,708	\$287			\$1,994
<u>Equipment</u>					
4 Tablets	\$400	\$0.00			\$400



CITY COUNCIL AGENDA – FEBRUARY 2, 2016

SUBJECT: 4. Porterville Golf Course - 2nd Quarter FY 2015/16

SOURCE: Parks and Leisure Services

COMMENT: At the request of the City Council, staff is providing a report for informational purposes on participation numbers at the Porterville Golf Course. The report reflects the Second Quarter FY 2015/16.

RECOMMENDATION: Information Only

ATTACHMENTS: 1. Golf Stats 2nd Quarter FY 15/16

Appropriated/Funded:

Review By:

Department Director:

Donnie Moore, Parks and Leisure Services Director

Final Approver: John Lollis, City Manager

PORTERVILLE GOLF COURSE STATISTICS

	Oct-14	Oct-15	Nov-14	Nov-15	Dec-14
9-hole	268	252	290	284	230
18-hole	57	46	69	91	55
Repeat 9	405	380	443	335	215
Monthly tickets	66	42	50	44	46
9 hole cart	162	184	160	167	122
18 hole cart	53	76	60	84	43
Repeat cart	176	182	204	141	112
Golfers	2059	1802	1819	1837	1333
Total	\$18,004.00	\$15,477.00	\$13,324.00	\$16,127.00	\$15,872.00

FOOTGOLF

	Oct-14	Oct-15	Nov-14	Nov-15	Dec-14
18-hole adult	8	0	62	5	71
18-hole youth	3	0	28	0	32
Cart rental	1	0	7	1	10
Ball rental	6	0	20	0	18
Party	0	0	1	0	0
Total	\$122.00	\$0.00	\$883.00	\$61.00	\$1,014.00

GRAND TOTAL	\$18,126.00	\$15,477.00	\$14,207.00	\$16,188.00	\$16,886.00
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Dec-15
194
56
254
51
117
40
109
1283
\$11,801.00

Dec-15
2
6
0
0
0
\$50.00

\$11,851.00



CITY COUNCIL AGENDA – FEBRUARY 2, 2016

SUBJECT: 5. Street Performance Measure - 2nd Quarter FY 2015/16

SOURCE: Public Works

COMMENT: The purpose of this staff report is to provide Council with an update on the progress made on street reconstruction, overlay, micro-surfacing, and pothole repair efforts for the 2nd quarter (10/01/2015 through 12/31/2015) of FY 2015/2016.

For Council's information, the light blue bar represents staff's estimated quantity of "work" for each category for the fiscal year. The black overlaid bar represents the quantity of work accomplished to date.

Major reconstruction of West North Grand Avenue is complete and should be before City Council soon for consideration of formal acceptance. The Lime Street Reconstruction Project and Henderson Avenue Reconstruction Project are scheduled for the spring and early summer, respectively, of FY 2015/2016. Micro-surfacing of Plano Street between SR 190 and Henderson Avenue and Main Street between Morton Avenue and Olive Avenue are still under design. Most of the design efforts are focused on removal and replacement of street intersection ADA ramps, which is now a Federal requirement for all micro-surfacing projects.

RECOMMENDATION: Informational Item

ATTACHMENTS:

1. 2nd Quarter Report (October 1, 2015 to December 31, 2015)
2. 1st Quarter Report (July 1, 2015 to September 30, 2015)

Appropriated/Funded:

Review By:

Department Director:

Mike Reed, City Engineer

Final Approver: John Lollis, City Manager

2nd QUARTER REPORT - October 1, 2015 - December 31, 2015

[illegible]



CITY COUNCIL AGENDA – FEBRUARY 2, 2016

SUBJECT: 6. Report on Charitable Car Washes

SOURCE: Finance

COMMENT: In accordance with City Council direction, staff is providing an updated report on charitable car wash permits issued during the year. Article VI, Section 15-130 of the City Code allows up to four car washes at any commercial property per calendar year and up to four car washes by a charitable organization in a calendar year. For the period January 1 to December 31, 2015, the following car washes occurred within the City.

<u>Date</u>	<u>Name of Organization</u>	<u>Location of Car Wash</u>
2/2/15	Porterville Gleaning Seniors, Inc.	Porterville Gleaning Seniors - 680 S. Main St.
3/8/15	Harmony Academy Key Club	Roscoe Melton's Discount Tires - 921 W. Olive Ave.
4/11/15	Burton Pathways Charter Academy	Burton Pathways Charter Academy - 1414 W. Olive Ave.
9/6/15	Church of God of Prophecy	Spankey's Machine - 814 N. Main St.

RECOMMENDATION: Information only.

ATTACHMENTS:

Appropriated/Funded:

Review By:

Department Director:
Maria Bemis, Finance Director

Final Approver: John Lollis, City Manager



CITY COUNCIL AGENDA – FEBRUARY 2, 2016

SUBJECT: 7. 'Wall of Fame' Honor Designations

SOURCE: Parks and Leisure Services

COMMENT: This is the annual Council meeting when Wall of Fame selections are made. The Wall of Fame is a portion of the hallway within the Heritage Center, located at 256 East Orange Avenue. Those who are honored are recognized for their significant efforts and service to the Porterville community.

Each City Council Member may select one honoree annually. Honorees must have lived in the Porterville area for a minimum of 15 years. The honoree may not currently be serving as an elected official. Each designation shall include a sponsor that is to be responsible for providing the photograph, picture frame, biography, and name plate for placement on the wall.

The Wall of Fame honorees for 2016 are as follows:

- Mayor Stowe - Steven E. Tree
- Vice Mayor Hamilton - James E. Howell
- Council Member Gurrola - Philip D. Hunter
- Council Member Reyes - Judge Glade F. Roper
- Council Member Ward - Judith A. Gibbons

The 2016 honorees will be inducted into the Wall of Fame at a ceremony on March 23, 2016, at 2:00 p.m. at the Heritage Center.

RECOMMENDATION: Information only

ATTACHMENTS: 1. Wall of Fame Honorees

Appropriated/Funded:

Review By:

Department Director:

Donnie Moore, Parks and Leisure Services Director

Final Approver: John Lollis, City Manager

Wall of Fame Inductees

Carmen Martinez Eoff	2007
Frank "Buck" Shaffer	2007
Edward B. "Ted" Cornell	2008
Jim Maples	2010
Roy Rockholt	2010
James Cone	2011
Mona Gauger	2011
Brett Land	2011
Forrest 'Doc' Mock	2011
Alice Seal	2011
Estha Mae Hinton	2012
Teresa Jackson	2012
William Rogers	2012
Orlin and Louise Shires	2012
Waltraut Wilson	2012
Mary Hamner Baker	2013
Robert Decker Christenson	2013
Cyrille Faure	2013
Vivian Josten Lucey	2013
Emogene McCullar	2013
George Overcash	2013
Clara Wilcox Rutherford	2013
Lester James Hamilton	2014
William 'Bill' Horst	2014
Guy Huffaker	2014
Marlene Marquez	2014
Monte Moore	2014
Theodore Ensslin	2015
Pete V. McCracken	2015
Myron Wilcox	2015
Gilbert Yniguez	2015



CITY COUNCIL AGENDA – FEBRUARY 2, 2016

SUBJECT: City Council Minutes of January 19, 2016

SOURCE: Administrative Services

COMMENT: Staff has prepared the draft Minutes of January 19, 2016, for the Council's review and consideration.

RECOMMENDATION: That the City Council approve the draft Minutes of January 19, 2016.

ATTACHMENTS: 1. Draft Minutes

Appropriated/Funded: N/A

Review By:

Department Director:

Patrice Hildreth, Administrative Services Dir

Final Approver: Luisa Zavala, Deputy City Clerk

**CITY COUNCIL MINUTES
CITY HALL, 291 N. MAIN STREET
PORTERVILLE, CALIFORNIA
JANUARY 19, 2016, 5:30 PM**

Called to Order at 5:31 p.m.

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

ORAL COMMUNICATIONS

None

CITY COUNCIL CLOSED SESSION:

A. Closed Session Pursuant to:

- 1 - Government Code Section 54957.6 – Conference with Labor Negotiator. Agency Negotiator: John Lollis, Steve Kabot, and Patrice Hildreth. Employee Organizations: Porterville Peace Officers Association; Fire Officer Series; and Porterville City Firefighters Association.
- 2 - Government Code Section 54956.95 – Liability Claim: Claimant: Al Saleh. Agency claimed against: City of Porterville.
- 3 - Government Code Section 54956.95 – Liability Claim: Claimant: Carolyn Jones. Agency claimed against: City of Porterville.
- 4 - Government Code Section 54956.95 – Liability Claim: Claimant: Ruffina Lemus. Agency claimed against: City of Porterville.
- 5 - Government Code Section 54956.9(d)(1) – Conference with Legal Counsel – Existing Litigation: Nuckols and Nuckols Farming v. City of Porterville, Tulare County Superior Court Case No. 261084.
- 6 - Government Code Section – Conference with Legal Counsel – Existing Litigation: California Healthy Communities Network v. City of Porterville, California Court of Appeal, Fifth District, Case No. F067685.
- 7 - Government Code Section 54956.9(d)(4) – Conference with Legal Counsel – Anticipated Litigation – Initiation of Litigation: Two Cases.
- 8 - Government Code Section 54957 - Public Employee Performance Evaluation - Title: City Manager.
- 9 - Government Code Section 54957 - Public Employee Performance Evaluation - Title: City Attorney.

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

City Attorney Lew reported on the following action:

- A-2. On a MOTION made by Vice Mayor Hamilton, and SECONDED by Council Member Gurrola the City Council unanimously rejected the claim filed by Al Saleh.

Documentation: M.O. 01-011916

Disposition: Claim rejected.

- A-3. On a MOTION made by Vice Mayor Hamilton, and SECONDED by Council Member Ward the City Council unanimously rejected the claim filed by Carolyn Jones.

Documentation: M.O. 02-011916

Disposition: Claim rejected.

- A-4. On a MOTION made by Council Member Ward, and SECONDED by Council Member Reyes the City Council unanimously rejected the claim filed by Ruffina Lemus.

Documentation: M.O. 03-011916

Disposition: Claim rejected.

Pledge of Allegiance Led by Council Member Ward
Invocation – a moment of silence was observed.

PRESENTATIONS

Employee of the Month – Augie Gonzalez
Retirement of K-9 Officer Dodge

AB 1234 REPORTS

There were no reports.

REPORTS

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

- I. City Commission and Committee Meetings
 1. Parks & Leisure Services Commission - January 7, 2016 – Commissioner Bennet presented the Commission's monthly report.
 2. Library & Literacy Commission - January 12, 2016 – Commission Vice Chair May provided a report of the Commission's last meeting, and presented the library's monthly highlights.
 3. Arts Commission
 4. Animal Control Commission - January 4, 2016 – Commission Chair Schwarzenberger reported on the items from the last meeting, and requested approval and translation of an informational flyer to be distributed in utility bills.
 5. Youth Commission - January 11, 2016
 6. Transactions and Use Tax Oversight Committee (TUTOC)
- II. Staff Informational Reports
 1. Water Conservation Phase IV Status Update
 2. Community Development Block Grant - Business Assistance Program Update

ORAL COMMUNICATIONS

- Brock Neeley, Porterville, wished everyone a Happy New Year; and spoke of low income populations and alcohol sales with regard to Item No. 26.

- Jean Vafeades inquired about the status of additional personnel at the animal shelter; and stated that she had heard animal shelter employees were not allowed to speak to Porterville Animal Control Commissioners.
- Brenda Cameron, volunteer at the Porterville Animal Shelter, spoke in support of the purchase of a commercial washer and dryer for shelter use.
- Martha Flores, Porterville, spoke of recent experience with K-9 officer and police officer personnel, and expressed gratitude for services rendered.

CONSENT CALENDAR

There were no items pulled for discussion.

COUNCIL ACTION: MOVED by Council Member Gurrola, SECONDED by Council Member Ward that the City Council approve Item Nos. 1 through 18. The motion carried unanimously.

1. CITY COUNCIL MINUTES OF MAY 19, 2015

Recommendation: That the City Council approve the Minutes of May 19, 2015.

Documentation: M.O. 04-011916

Disposition: Approved.

2. AUTHORIZATION TO PURCHASE DOG PARK FENCING

Recommendation: That the City Council authorize the purchase of dog park fencing from Spence Fence in the amount of \$13,140.

Documentation: M.O. 05-011916

Disposition: Approved.

3. REQUEST TO PURCHASE FIREFIGHTER TURNOUTS

Recommendation: That City Council approve the purchase of thirty (30) sets of firefighter turnouts from L.N. Curtis & Sons for \$48,898.24. Twenty (20) sets are to be reimbursed from the 2015 HSGP in the amount of \$32,599, and ten (10) sets to be funded with the Fire Department "Firefighting and Rescue Equipment" replacement fund in the amount of \$16,299.24.

Documentation: M.O. 06-011916

Disposition: Approved.

4. REQUEST TO PURCHASE AUTO THEFT PREVENTION EQUIPMENT

Recommendation: That the City Council:

1. Authorize the Police Department to purchase 1,365 units Auto Theft Task Force steering wheel locks for the amount of \$15,001.35;

2. Authorize the Police Department to purchase one (1) CovertCAM Advanced Kit with tracker for the amount of \$4,880.26; and
3. Authorize the Police Department to purchase four (4) Hand-Held Flir devices for the amount of \$11,537.00.

Documentation: M.O. 07-011915

Disposition: Approved.

5. AUTHORIZATION TO PURCHASE WIRELESS PORTABLE LIFTS

Recommendation: That the City Council:

1. Authorize the purchase of mobile lifting columns from Stertil-Koni at a cost not to exceed \$59,642.60; and
2. Authorize payment upon delivery and acceptance.

Documentation: M.O. 08-011916

Disposition: Approved.

6. AUTHORIZATION TO PURCHASE SPECIALIZED EQUIPMENT - OUTFALL PUMP #2 VARIABLE FREQUENCY DRIVE (VFD)

Recommendation: That the City Council authorize the purchase of specialized equipment (Outfall Pump #2 VFD) from Medallion Supply, Inc. at a cost of \$6,761.65.

Documentation: M.O. 09-011916

Disposition: Approved.

7. AUTHORIZATION TO PURCHASE SPECIALIZED EQUIPMENT - OXYGEN TRIM PROGRAMMABLE CONTROLLER

Recommendation: That City Council authorize the purchase of specialized equipment (oxygen trim controller) from Fireman Boiler at a cost of \$6,300.

Documentation: M.O. 10-011916

Disposition: Approved.

8. AUTHORIZATION TO ADVERTISE FOR BIDS - LIME STREET RECONSTRUCTION PROJECT

Recommendation: That City Council:

1. Approve staff's recommended plans and project manual;
2. Authorize staff to advertise for bids on the project; and
3. Authorize the City Engineer to negotiate construction surveying services with one of the firms as approved by Council MO #02-100714.

Documentation: M.O. 11-011916

Disposition: Approved.

9. AUTHORIZATION FOR REPAIR OF ROWLAND WELL NO. 7

Recommendation: That City Council:

1. Direct the Finance Director to initiate a Purchase Order to Valley Pump & Dairy Systems in an amount not to exceed \$14,482 for the repair of Rowland Well No. 7; and
2. Direct the Finance Director to make payment to Valley Pump & Dairy Systems upon receipt of invoice approved by the Public Works Director.

Documentation: M.O. 12-011916

Disposition: Approved.

10. AUTHORIZATION TO PARTICIPATE IN THE ZERO-EMISSION TRUCK AND BUS PILOT COMMERCIAL DEPLOYMENT PROJECTS

Recommendation: That the City Council:

1. Authorize the Mayor to sign a Letter of Commitment to participate in a Zero-Emission Truck and Bus Pilot Commercial Deployment project;
2. Authorize the Transit Manager to file and execute applications and any other documents on behalf of the City of Porterville for a Zero-Emission Truck and Bus Pilot Commercial Deployment project; and
3. Authorize the City's local match commitment for a Zero-Emission Truck and Bus Pilot Commercial Deployment project.

Documentation: M.O. 13-011916

Disposition: Approved.

11. PROGRAM SUPPLEMENT TO THE LOCAL AGENCY - STATE MASTER AGREEMENT – TULE RIVER PARKWAY PHASE III PROJECT

Recommendation: That the City Council:

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

Documentation: Resolution No. 01-2016

Disposition: Approved.

12. ACCEPTANCE OF WALMART COMMUNITY GIVING GRANT

Recommendation: That the City Council:

1. Authorize the acceptance of the Walmart Community Giving Grant funds in the amount of \$2,400; and
2. Approve the deposit of these funds into the Police Department's Crime Prevention account for future purchases of educational items.

Documentation: M.O. 14-011916
Disposition: Approved.

13. STATUS REPORT - DEVELOPER IMPACT FEES

Recommendation: That the City Council accept the Status Report on Developer Impact Fees for the Fiscal Year Ended June 30, 2015.

Documentation: M.O. 15-011916
Disposition: Approved.

14. COMMUNITY CLEAN-UP EVENTS

Recommendation: That City Council:

1. Declare April 16, 2016, "Spring Clean-Up Day" and October 15, 2016, "Fall Clean-Up Day;"
2. Encourage all residents to clean up their properties and take advantage of these special opportunities offered by the City;
3. Authorize the City to accept trash, litter and yard clippings delivered by City residents receiving City residential refuse service to the Spring and Fall Clean-Up Events for free disposal; and
4. Authorize the cost of both events be funded from the Solid Waste Operating Budget.

Documentation: M.O. 16-011916
Disposition: Approved.

15. CONSIDERATION OF APPROVAL OF OUT-OF-STATE TRAVEL

Recommendation: That the City Council authorize the Administrative Service Director to attend the National Public Employer Labor Relations Association's Annual Conference scheduled to take place April 17 through 21, 2016, in Memphis, TN, at a cost estimated not to exceed \$1,500.

Documentation: M.O. 17-011916
Disposition: Approved.

16. AUTHORIZATION TO TRAVEL OUT OF STATE

Recommendation: That the City Council approve travel to Las Vegas, Nevada, for the purpose of attending the International Council of Shopping Centers conference.

Documentation: M.O. 18-011916
Disposition: Approved.

17. APPROVAL FOR COMMUNITY CIVIC EVENT - BOYS AND GIRLS CLUB -
LOVE OUR KIDS 5K FUN RUN - FEBRUARY 13, 2016

Recommendation: That the City Council approve the Community Civic Event Application and Agreement from the Boys and Girls Club, subject to the Restrictions and Requirements contained in the Application, Agreement, and Exhibit A of the Community Civic Event Application.

Documentation: M.O. 19-011916

Disposition: Approved.

18. APPROVAL OF CITY CONCESSION LICENSES

Recommendation: That the City Council approve the concession licenses with American Youth Soccer Organization and Porterville Bobby Sox, and authorize and direct the Mayor to execute the same.

Documentation: M.O. 20-011916

Disposition: Approved.

ADMINISTRATIVE HEARINGS

19. CONSIDERATION OF REVOCATION OF BUSINESS LICENSE - ASIAN
RELAXING STATION, 870 W. HENDERSON AVENUE, PORTERVILLE

Recommendation: That the City Council:

1. Hold the hearing to consider the revocation of the business license for Asian Relaxing Station and Mei Guo, located at 870 W. Henderson Avenue; and
2. Take action to revoke the business license and approve the draft Resolution.

City Manager Lollis introduced the item. City Attorney Lew reported that the owner had terminated the business license, therefore no action was required.

Disposition: No action required.

PUBLIC HEARINGS

20. MINOR CONDITIONAL USE PERMIT (PRC 2015-040-C) TO ALLOW THE
USE OF VAPE LOUNGE IN CONJUNCTION WITH RETAIL SALES FOR E-
CIG ROOM

Recommendation: That the City Council adopt the draft resolution approving Minor Conditional Use Permit (PRC 2015-040-C) to allow the use of a vape lounge in conjunction with retail sales for E-Cig Room subject to conditions of approval.

City Manager Lollis introduced the item, and Community Development Director Jenni Byers presented the staff report.

The Public Hearing was opened at 7:20 p.m.

- Iskander Homran, applicant, stated that he was willing to work with the Council and the City, and requested approval of the Minor Conditional Use Permit.
- David Webber, stated that the vape lounge was a nice establishment and spoke in favor of approval.
- Tim Malone, spoke in support of the business and the services provided.

The Public Hearing was closed at 7:22 p.m.

The Council questioned the applicant about business operations, products, and services offered; and questioned staff regarding an existing sign violation.

COUNCIL ACTION: MOVED by Vice Mayor Hamilton, SECONDED by Council Member Ward that the City Council adopt the draft resolution approving Minor Conditional Use Permit (PRC 2015-040-C) to allow the use of a vape lounge in conjunction with retail sales for E-Cig Room subject to conditions of approval, as amended to allow 30 days to rectify the existing sign violation. The motion carried unanimously.

Documentation: Resolution No. 02-2016

Disposition: Approved, as amended.

21. MINOR CONDITIONAL USE PERMIT (PRC 2015-031-C) FOR
COMMERCIAL CROP CULTIVATION OF CITRUS GROVES

Recommendation: That the City Council:

1. Approve the vector/rodent control plan for the term of the agricultural use; and
2. Adopt the draft Resolution approving the Minor Conditional Use Permit for commercial crop cultivation, subject to conditions of approval.

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

The Public Hearing was opened at 7:37 p.m.

- Jim Winton, 150 W. Morton, on behalf of the applicant, requested that the word “dripline” be struck from Condition No. 12.

The Public Hearing was closed at 7:38 p.m.

COUNCIL ACTION: MOVED by Vice Mayor Hamilton, SECONDED by Council Member Ward that the City Council approve the vector/rodent control plan for

the term of the agricultural use; and adopt the draft Resolution approving the Minor Conditional Use Permit for commercial crop cultivation, subject to conditions of approval, as amended to strike the word “dripline” from Condition No. 12. The motion carried unanimously.

Documentation: Resolution No. 03-2016

Disposition: Approved, as amended.

22. AWARD SOLAR PHOTOVOLTAIC SYSTEM POWER PURCHASE AGREEMENT - WASTE WATER TREATMENT FACILITY

Recommendation: That City Council open the public hearing and continue the public hearing to the Council meeting of February 2, 2016.

City Manager Lollis introduced the item.

The Public Hearing was opened at 7:41 p.m. When no one came forward, the Mayor continued the Public Hearing to February 2, 2016.

Disposition: Continued to February 2, 2016.

SECOND READINGS

23. SECOND READING - ORDINANCE 1831 - MASSAGE BUSINESSES

Recommendation: That the Council give Second Reading to Ordinance No. 1831, waive further reading, and adopt said Ordinance.

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

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Vice Mayor Hamilton that the City Council give Second Reading to Ordinance No. 1831, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE ESTABLISHING LICENSING REQUIREMENTS FOR MASSAGE BUSINESSES AND PRACTITIONERS, AND ESTABLISHING MASSAGE THERAPY AS A LAND USE ALLOWED IN SPECIFIC ZONE DISTRICTS, waive further reading, and adopt said Ordinance. The motion carried unanimously.

The ordinance was read by title only.

Documentation: Ordinance No. 1831

Disposition: Approved.

The Council took a ten minute recess at 7:42 p.m.

SCHEDULED MATTERS

24. SUCCESS RESERVOIR ENLARGEMENT PROJECT

- Recommendation: That the City Council:
1. Receive the report regarding the Success Reservoir Enlargement Project;
 2. Affirm the approval of the Tulare County Agreement No. FC-84 based on the current cost estimate of the Success Reservoir Enlargement Project of \$40,000,000 by authorizing the Mayor to sign the attached draft Resolution;
 3. Authorize the Finance Director to appropriate Water Operating Funds amounting to \$15,000 annually for the cost associated with the coordinated effort to re-engage the USACE and the Department of Water Resources in the Success Reservoir Enlargement Project; and
 4. Authorize the Finance Director to appropriate Water Operating Funds for the payment of over-due Success Dam Remediation invoices amounting to \$18,750.

City Manager Lollis introduced the item, and Acting Public Works Director Mike Reed presented the staff report. Following the report, Mr. Reed introduced Dan Vink, from the Lower Tule River Irrigation District, and David DeGroot, of 4Creeks Engineering, who provided the Council with a report of the project's history and an update of its current status.

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Vice Mayor Hamilton that the City Council affirm the approval of the Tulare County Agreement No. FC-84 based on the current cost estimate of the Success Reservoir Enlargement Project of \$40,000,000 by authorizing the Mayor to sign the attached Draft Resolution; authorize the Finance Director to appropriate Water Operating Funds amounting to \$15,000 annually for the cost associated with the coordinated effort to re-engage the USACE and the Department of Water Resources in the Success Reservoir Enlargement Project; and authorize the Finance Director to appropriate Water Operating Funds for the payment of over-due Success Dam Remediation invoices amounting to \$18,750. The motion carried unanimously.

Documentation: Resolution No. 04-2016

Disposition: Approved.

25. STATUS AND REVIEW OF DECLARATION OF LOCAL DROUGHT EMERGENCY

- 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.

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

COUNCIL ACTION: MOVED by Vice Mayor Hamilton, SECONDED by Council Member Ward that the City Council approve the continued Declaration of Local Drought Emergency. The motion carried unanimously.

Documentation: M.O. 21-011916

Disposition: Approved continued Declaration of Local Emergency.

The Council adjourned at 8:24 p.m. to a meeting of the Porterville Housing Authority.

PORTERVILLE HOUSING AUTHORITY MINUTES
291 NORTH MAIN STREET, PORTERVILLE, CA 93257
JANUARY 19, 2016

Roll Call: Members Reyes, Ward, Gurrola, Hamilton and Stowe were present.

WRITTEN COMMUNICATION
ORAL COMMUNICATIONS

None

HOUSING AUTHORITY SCHEDULED MATTERS

HA-26. CONSIDERATION OF THE MODIFICATION OF RESTRICTIVE
COVENANTS ON THE VILLA SIENA COMMERCIAL PROPERTY

Recommendation: Provide direction to staff.

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

The City Council discussed the availability of existing parking and the types of businesses conducive to the property; and indicated that it was receptive to modification should a project be proposed.

Disposition: No action. Direction given.

The Housing Authority adjourned at 8:40 p.m. to a meeting of the Successor Agency to the Porterville Redevelopment Agency.

SUCCESSOR AGENCY TO THE PORTERVILLE REDEVELOPMENT AGENCY
MINUTES
291 N. MAIN STREET, PORTERVILLE, CA 93257
JANUARY 19, 2016

Roll Call: Members Reyes, Ward, Gurrola, Hamilton and Stowe were present.

WRITTEN COMMUNICATION
None

ORAL COMMUNICATIONS

None

SUCCESSOR AGENCY SCHEDULED MATTERS

SA-27. REVIEW AND APPROVAL OF PROPOSED ADMINISTRATIVE BUDGET

Recommendation: That the Successor Agency adopt a Resolution approving the Administrative Budget for the period of July 1, 2016, through June 30, 2017, and direct Successor Agency staff to submit the Administrative Budget to the Oversight Board.

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

COUNCIL ACTION: MOVED by Vice Mayor Hamilton, SECONDED by Council Member Ward that the City Council adopt a Resolution approving the Administrative Budget for the period of July 1, 2016, through June 30, 2017, and direct Successor Agency staff to submit the Administrative Budget to the Oversight Board. The motion carried unanimously.

Documentation: Successor Agency Resolution No. 2016-01

Disposition: Approved.

SA-28. REVIEW AND APPROVAL OF DRAFT RECOGNIZED OBLIGATION PAYMENT SCHEDULE

Recommendation: That the Successor Agency adopt a Resolution approving the Recognized Obligation Payment Schedule 16-17 for the period of July 1, 2016, through June 30, 2017, provided that should any modification be required to the ROPS 16-17 by the DOF, the Executive Director and/or the Finance Director shall be authorized to make any augmentation, modification, additions or revisions as may be necessary to conform the ROPS 16-17 to requirements imposed by the DOF and direct Successor Agency staff to submit the ROPS 16-17 to the Oversight Board.

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

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Council Member Gurrola that the City Council adopt a Resolution approving the Administrative Budget for the period of July 1, 2016, through June 30, 2017, and direct Successor Agency staff to submit the Administrative Budget to the Oversight Board. The motion carried unanimously.

Documentation: Successor Agency Resolution No. 2016-02

Disposition: Approved.

SA-29. APPOINTMENT OF A NEW MEMBER TO THE OVERSIGHT BOARD

Recommendation: Informational item only. No action required.

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

Disposition: No action required.

The Successor Agency adjourned at 8:45 p.m. to a meeting of the Porterville City Council.

ORAL COMMUNICATIONS

- Brock Neeley lauded the Police Department's expeditious response to a recent robbery.

OTHER MATTERS

- Council Member Gurrola spoke of the number of local youth who play sports at the McDermott House for lack of a similar facility in town, and suggested that the Council take this into consideration when prioritizing projects in the future.
- Council Member Reyes acknowledged local youth Greg Gasco, an oboe player who made the County Honor Band.
- Council Member Ward requested an update regarding additional personnel for the animal shelter; and suggested that staff look into screening the Corporation Yard from view.
- Vice Mayor Hamilton congratulated the newly married Mr. and Mrs. Will Lloyd.
- City Manager Lollis announced that it was anticipated the Jaye Street Widening Project would begin construction this year.

CLOSED SESSION

None.

ADJOURNMENT

The Council adjourned at 8:53 p.m. to the meeting of February 2, 2016.

SEAL

Luisa M. Zavala, Deputy City Clerk

Milt Stowe, Mayor



CITY COUNCIL AGENDA – FEBRUARY 2, 2016

SUBJECT: Purchase of Industrial Grade Washer & Dryer for the Animal Shelter

SOURCE: Police

COMMENT: The Porterville Police Department Animal Shelter currently utilizes washers and dryers on a regular basis as part of the day-to-day operations. The bedding used for the care and comfort of the animals regularly becomes soiled and must be cleaned frequently. Providing clean bedding for the animals is essential to providing quality care for the animals as well as critical in preventing the spread of disease. The machines currently in use are designed for residential use and despite the best efforts of staff, are not capable of meeting the needs of the facility in terms of capability, durability, and efficiency.

The small capacity size of the machines limits load size and these limitations require the machines to be in almost continuous operation whenever the facility is staffed. This continuous operation places excessive wear on the machines which were originally designed for the much lower frequency of residential use. This increased wear on equipment requires replacement within a one- to two-year time frame. The reduced capacity of the machines also place an additional burden on staff in that they are continuously having to cycle smaller loads through the machines to meet the needs of the shelter.

Staff has researched various options to address these needs and has determined that the purchase of an industrial capacity washer and dryer will better suit the needs of the shelter and provide for a more efficient operation and overall better care for the animals. Quotes were obtained from three different vendors for the purchase and delivery costs of an industrial grade washer and dryer with a capacity better suited for the large volume and frequency of use needed by the shelter. The three quotes received are:

- Western State Design provided a quote of \$11,198.64 for the purchase, delivery, and installation of an industrial grade washer with a 40 lb load capacity and a dryer with a 50 lb load capacity.
- Alco Services provided a quote of \$11,406.30 for the purchase and delivery, but not the installation, of an industrial grade washer with a 40 lb load capacity and a dryer with a 50 lb load capacity.
- Ace Commercial Laundry Equipment provided a quote of \$11,907.11 for the purchase and delivery, but not the installation, of an industrial grade

washer with only a 30 lb load capacity and a dryer with a 50 lb load capacity.

Staff found the lowest quote from Western State Design acceptable.

Through sound fiscal management, monies for the purchase of this much-needed equipment is currently available in the Department's operating budget.

RECOMMENDATION: That the City Council:

1. Authorize Department personnel to negotiate the purchase, delivery, and installation of the industrial grade washer and dryer as specified in the quote provided by Western State Design; and
2. Authorize payment upon satisfactory delivery and installation of industrial grade washer and dryer.

ATTACHMENTS: 1. Quotes

Appropriated/Funded: MB

Review By:

Department Director:

Eric Kroutil, Police Chief

Final Approver: John Lollis, City Manager

City of Porterville

Augie Gonzalez
 291 North Main Street
 Porterville, CA 93257
 P 559.920.5765
 agonzalez@ci.porterville.ca.us



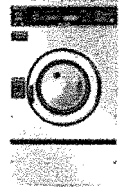
January 6, 2016

Prepared by Western State Design – Kurt Archer

Laundry Equipment Quotation

NEW LAUNDRY EQUIPMENT PROPOSAL**OPTION 1**

- ONE (1) DEXTER, T-600 WASHER-EXTRACTOR, 40 CAPACITY:** Black Graphics, 100 G Extract, Variable Speed Drive, 6 Programmable Formulas, Up to 8 Bathes, Liquid Supply Injection, 304 Stainless Steel Cylinder, Outer Tub, Top, Front and Side Panels, "Sump Free", Over sized bearing and seals, Works with Single or Three Phase 208-240V



EQUIPMENT PRICE:	\$5695
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- ONE (1) MOUNTING BASE:** 6" Steel Mounting Base for Dexter Washer, Painted Black & Pre-drilled

EQUIPMENT PRICE:	\$288
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- ONE (1) DEXTER, OPL MICROPROCESSOR GAS DRYER, 50 LB CAPACITY:** Black Graphics, White Front Panel, 160,000 BTU, 910 CFM, Programmable Temperatures 125 to 190 Degrees, Fully Perforated Cylinder, Heavy Duty Welded Frame, Over Sized bearings, Stainless Steel Door, Single Gas and Electrical Connections, Extra Large Replaceable Lint Screens, Single 8" Exhaust Duct, Multi Burner Design, Spark Ignition, 120/60/1V.



EQUIPMENT PRICE:	\$2957
------------------	--------

PRICE SUMMARY

EQUIPMENT SUBTOTAL	\$ 8,940.00
FACTORY FREIGHT ESTIMATE	\$ 644.00
	\$
*INSTALLATION ESTIMATE	\$ 800.00
SALES TAX @ 8.5%	\$ 814.64
GRAND TOTAL:	\$ 11,198.64

City of Porterville
Augie Gonzalez
291 North Main Street
Porterville, CA 93257
P 559.920.5765
agonzalez@ci.porterville.ca.us



Prepared by Western State Design – Kurt Archer

Laundry Equipment Quotation

TERMS

- **LEAD TIME:** Approximately 4-8 weeks A.R.O.
- **WARRANTY:** Standard Dexter Parts Warranty, WSD Ninety (90) Days Labor Warranty
- **TERMS:** Signed Western State Design Sales Contract, 30% Deposit, Balance due prior to shipping, Customer must provide Resale Certificate; otherwise please add applicable sales tax

***INSTALLATION**

*Installation includes local delivery, at the time of installation. If installation does not occur at the same time of delivery all local delivery costs will be paid by the customer. The quotation is to set in place provided there are no stairs to descend or ascend and there is ample access for the equipment to pass into the laundry room easily without the removal of doors, door jams, walls, or partitions. Ample utilities including gas, electric, water, drain, and vent to be provided by **City of Porterville** within 3' of each machine location. Western State Design to level, bolt, and grout where necessary, start-up and train staff in operations.

- Final connections within 3' **BY WESTERN STATE DESIGN**

Free access to move equipment into the building and the laundry room is required. There are no building modifications, repairs or chemical hook-up included in the installation costs. All deliveries of equipment will be for ground level only.



Alco Services
 223 Fulton
 Fresno, CA 93721
 Ph: 559-233-2444
 Fax: 559-233-1886
www.alcoservices.com

Att Auggie 2 of 5
 12/7/2015
 Page 1 of 1

Estimate
13326

Bill To: 1400079
 Linsey Animal Control
 23611 Rd 199
 Linsey CA 93247

Ship To:

PO No.

Ref#

Sales Rep: Dan

Part Number	Description	Ordered	Shipped	Price	Total
EQUIPMENT QUOTED IS NEW. INSTALLATION NOT INCLUDED, TO BE DETERMINE AFTER INSPECTION OF LOCATION.					
HCN040GNF	HUEBSCH 40 LB WASHER EXTRACTOR	1	1	6,155.00	6,155.00
ACBF40X6X110002	6" STEEL BASE FOR HCN040	1	1	375.00	375.00
HT050QTW	HUEBSCH 50lb GAS DRYER 120/60/1 VOLTS WHITE	1	1	3,250.00	3,250.00
Freight	INBOUND FREIGHT AND DELIVERY WITH LIFTGATE	1	1	795.00	795.00

Thank you for your business.

Print:

Sign:

Sub Total	\$10,575.00
County & State 7.50%	\$733.50
Tulare 1%	\$97.80
Total	\$11,406.30



14404 HOOVER STREET
WESTMINSTER, CA 92683
714-897-4342 FAX 714-895-7892
www.acelaundry.com



Estimate

Date	Estimate #
12/30/2015	3354

Huebsch QUOTE VALID FOR 30 DAYS

Name / Address	Ship To
Linsey Animal Control 23611 Rd. 199 Linsey, CA 93247	Auggie F 559-784-1070.

Terms	P.O. No.	Estimate Due Date	Rep	FOB	Project
C.O.D		12/30/2015	OC		
Item	Description	Qty	Cost	Total	
OPL HCN030GNF	Huebsch OPL 30lb GALAXY 200 WASHER 220/60/1-3 Vfd DRIVE SS FRONT	1	6,133.00	6,133.00T	
OPL HT050QT	OPL Huebsch 50lb DRYER, NGAS, 120/60/1, WHITE COLOR	1	3,855.10	3,855.10T	
BASE-HC1SING...	SINGLE BASE, HC30 HUEBSCH WASHER ACBF30X6X110002	1	415.00	415.00T	
SHIPPING	SHIPPING & HANDLING CHARGES	1	622.00	622.00T	
LIFT GATE	LIFTGATE UPON DELIVERY		0.00	0.00T	
DEL_CURB	CURBSIDE DELIVERY ONLY / NO INSTALLATION PROVIDED		0.00	0.00T	
Subtotal			\$11,025.10		
Sales Tax (8.0%)			\$882.01		
Total			\$11,907.11		

Buyer Signature

- Agreement may not be altered or modified, except in writing, ACE commercial shall not be liable for any delays in

Buyer Signature _____

- Agreement may not be altered or modified, except in writing, ACE commercial shall not be liable for any delays in delivery or installation from any cause whatsoever. Buyer pays actual shipping charges & pays all cost associated with acquiring warranty parts
- Manufacturers factory parts warranty on all equipment, there is no labor warranty unless equipment is installed by ACE Commercial. Buyer will allow All Orders require 20% Down Payment with order. All cancelations are subject to a 15% fee
- Any contract labor listed or paid for on this agreement is for convenience of Buyer, labor is provided by independent contractors, & Buyer is responsible for all supervision, terms or consequences.
- Buyer agrees to indemnify ACE Commercial from any/all contingent liability; not limited to loss, liability, damage, expense, claims, & suits connected with the sale of sold items.- Signature by Buyer confirms this agreement.
- ACE Commercial will not be responsible for any delays in delivery or installation.

www.acelaundry.com



Huebsch is the Answer!



CITY COUNCIL AGENDA – FEBRUARY 2, 2016

SUBJECT: Request to Purchase and Install Traffic Signal Priority Equipment on Fire Vehicles

SOURCE: Fire

COMMENT: The Fire Department requests authorization to purchase and install Traffic Signal Priority (TSP) equipment on two (2) fire apparatus. Fire vehicles operating from the soon to open Public Safety Facility will be navigating the Highway 190 and Jaye Street intersection more than 1,000 times per year while driving "Code 3" with emergency lights and siren. This intersection is equipped with TSP equipment owned and maintained by Cal-Trans. The Fire Department currently has two fire vehicles with TSP equipment and both will be assigned to the Public Safety Facility. For the safety of emergency personnel and the general driving public, the fire department recommends initial retro fitting of two additional vehicles. These vehicles will rotate into the Public Safety Facility anytime the primary vehicles are taken out of service for maintenance, repair, and annual pumper service testing.

A small number of intersection signals within the city are currently equipped with TSP equipment. Additional intersections are programmed to be retrofitted in the near future. The existing and planned intersections utilize the Global Traffic Technologies Preemption System. Advanced Traffic Products, Inc. is the exclusive California distributor for Global Traffic Technologies preemption system. Government agencies are allowed to purchase directly from Advanced Traffic Products, Inc.

Funding for this project is available from the Fire Departments recent receipt of \$8,401.11 from the Tulare County EMS Trust Fund. This fund is comprised of liquidated damages for late arrivals, assessed annually to independent ambulance providers operating within Tulare County. Distributions from the EMS Trust Fund must enhance and strengthen the Fire Departments response to emergency medical incidents. The installation of TSP equipment on fire vehicles will help improve EMS response times and provide for the public safety as emergency vehicles navigate the Highway 190 and Jaye Street intersection. The City maintenance shop will perform the installation of TSP equipment on Fire Department vehicles.

RECOMMENDATION: That the City Council authorize staff to purchase two (2) Multi-Mode, High Priority, vehicle kits from Advanced Traffic Products Inc., for \$3,500 each, plus applicable sales tax.

ATTACHMENTS:

1. ATP Sole Authorized Dealer
2. ATP Quote

Appropriated/Funded: MB

Review By:

Department Director:

Glenn Irish, Fire Chief

Final Approver: John Lollis, City Manager



Global Traffic Technologies, LLC
7800 Third Street North
St. Paul, Minnesota 55128-5441

651-789-7333
651-789-7334 fax
www.gtt.com

January 25, 2016

Capt. Glen Hall
Porterville Fire Department
40 W. Cleveland Ave.
Porterville, CA 93257

Captian Hall:

This letter is being sent in response to your request pertaining to the availability of Global Traffic Technologies, LLC, (GTT) Opticom™ Systems. Opticom™ Infrared and GPS systems provide safe and controlled passage of emergency vehicles through signalized intersections using internally developed components. Opticom™ systems are manufactured solely by GTT for all of our customers globally and distributed directly through our Authorized Dealer Network. The combination of GTT proprietary system design and manufacturing processes are patented and, as such, we are the sole source for this system.

GTT designs, develops and tests each Opticom™ component as part of a "matched component system." Security is accomplished through its proprietary design in order to prevent unauthorized use of the system and maintain the system's integrity. Opticom™ system users who are concerned about unauthorized use and security of their system should not mix their system with non-Opticom™ components. GTT cannot ensure system functionality or performance if used with non-Opticom™ system products. The use of Opticom™ products with non-Opticom™ components could also impact warranty considerations on Opticom™ products.

The Opticom™ Central Management Software (CMS) is a proprietary software program for the Opticom™ system that is not compatible with any other vendor or supplier equipment or software.

Advanced Traffic Products is the sole authorized dealer for all Opticom™ products, in Northern California. Information can also be obtained on their website www.advancedtraffic.com/ or by phone at 425-347-6208

Please feel free to contact me if you have any questions or additional requests pertaining to this correspondence. I can be reached at (651) 789-7340.

Sincerely,

Daniel C. Dolsky
Sales Representative
Global Traffic Technologies, LLC.



CITY COUNCIL AGENDA – FEBRUARY 2, 2016

SUBJECT: Acceptance of Project - Henry House Demolition

SOURCE: Public Works

COMMENT: Bowen Engineering and Environmental has completed the Henry House Demolition Project per plans and specifications. The project consisted of the removal of asbestos-containing materials, dismantling and removal of the existing building/structure, improvements, appurtenances, foundations, and grade site; removal of trees, shrubbery and residential landscape within 20' of structures, and cutting and capping below-ground level of any remaining pipes or other materials protruding above ground level.

Staff tracks construction costs of all Capital Improvements Projects and reports project construction expenditures when the project is accepted by the City Council. On November 3, 2015, City Council authorized expenditure of \$48,875 for demolition, demolition contingency (10%), staff management, quality control and inspection services (5%) for the Henry House Demolition Project. The following itemizes the demolition-related costs in two categories: 1) the demolition contract, and 2) a combination of staff management, quality control and inspection services:

1. Final construction cost is \$42,500; and
2. Staff management, quality control and inspection services costs are \$2,281.56.

Total project construction costs equate to \$44,781.56, which is less than the \$48,875 overall budget approved by Council at the time of award.

The City insurance policy is the funding source for this project.

Staff requests that the City 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:

Appropriated/Funded: MB

Review By:

Department Director:

Mike Reed, City Engineer

Final Approver: John Lollis, City Manager



CITY COUNCIL AGENDA – FEBRUARY 2, 2016

SUBJECT: Interim Financial Status Reports

SOURCE: Finance

COMMENT: The City Charter requires financial status reports to be provided to City Council on a monthly basis. Council Minute Order #10-011607 approved the recommended change in submittal of the Interim Financial Status Reports and established the requirements and parameters in the presentation of the reports.

In accordance with Council Minute Order #10-011607, the interim financial status reports for the second fiscal quarter ended December 31, 2015, are submitted.

RECOMMENDATION: That the City Council accept the interim financial status reports as presented.

ATTACHMENTS: 1. Interim financial status reports

Appropriated/Funded:

Review By:

Department Director:

Maria Bemis, Finance Director

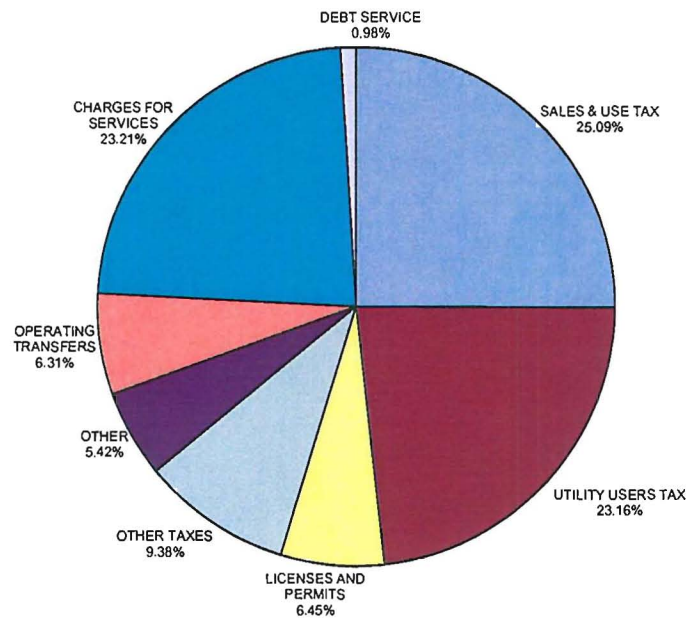
Final Approver: John Lollis, City Manager

CITY OF PORTERVILLE

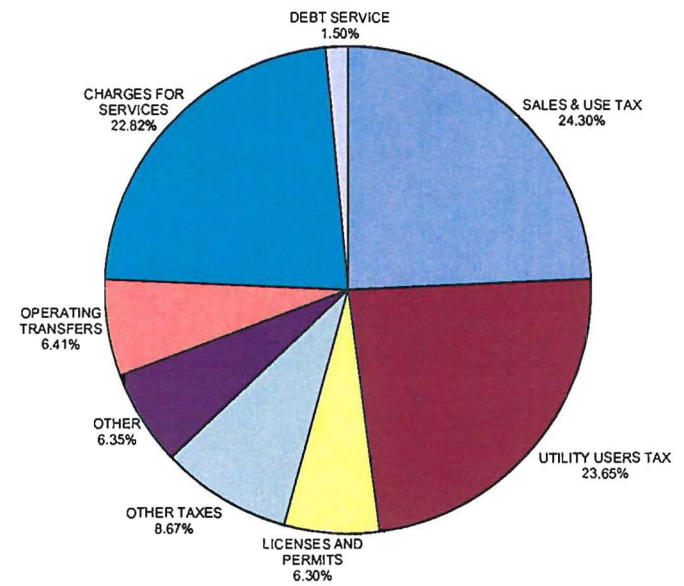
**REVENUE STATUS REPORT - GENERAL FUND
FOR THE SIX MONTHS ENDED
DECEMBER 31, 2015 AND DECEMBER 31, 2014**

REVENUE SOURCE	2015-2016 ESTIMATED REVENUE	2015-2016 YEAR-TO-DATE REVENUE	% OF ESTIMATE	2014-2015 ESTIMATED REVENUE	2014-2015 YEAR-TO-DATE REVENUE	% OF ESTIMATE
PROPERTY TAXES	\$ 6,940,354	\$ 3,142,004.72	45.27%	\$ 7,023,442	\$ 3,586,191	51.06%
OTHER TAXES:						
SALES AND USE TAX	4,630,149	1,872,683	40.45%	4,266,959	1,855,756	43.49%
UTILITY USERS TAX	4,100,000	1,811,945	44.19%	4,000,000	1,897,307	47.43%
TRANSIENT OCCUPANCY TAX	370,000	134,795	36.43%	350,000	112,975	32.28%
PROPERTY TRANSFER TAX	60,000	31,680	52.80%	50,000	23,662	47.32%
FRANCHISE TAX	1,551,134	544,861	35.13%	1,476,134	536,049	36.31%
SALES TAX - PUBLIC SAFETY	200,000	90,443	45.22%	165,000	93,431	56.62%
LICENSES AND PERMITS:						
BUSINESS LICENSES	443,000	230,368	52.00%	427,000	234,028	54.81%
CONSTRUCTION PERMITS	385,000	274,073	71.19%	325,000	271,630	83.58%
REVENUE FROM AGENCIES-TAXES:						
MOTOR VEHICLE IN-LIEU TAX	22,000	22,535	102.43%	23,000	22,825	99.24%
OTHER TAXES	27,000			27,000		
REVENUE FROM AGENCIES-GRANTS	45,000	78,637	174.75%	67,516	152,843	226.38%
USE OF MONEY AND PROPERTY	388,404	251,750	64.82%	214,401	139,071	64.86%
FINES AND FORFEITURES	71,500	25,422	35.56%	65,000	30,193	46.45%
CHARGES FOR SERVICES:						
PLANNING AND ENGINEERING	105,000	48,176	45.88%	95,000	64,112	67.49%
POLICE	400,000	67,938	16.98%	385,000	149,974	38.95%
FIRE	48,000	5,384	11.22%	28,000	37,452	133.76%
LIBRARY	42,000	23,749	56.54%	40,000	22,472	56.18%
RECREATIONAL	2,311,845	772,812	33.43%	1,830,147	691,326	37.77%
INTERDEPARTMENTAL	1,700,000	891,524	52.44%	1,600,000	860,195	53.76%
OTHER	11,818	6,118	51.77%	10,636	5,004	47.05%
OTHER REVENUES	70,000	68,281	97.54%	64,500	187,133	290.13%
SUBTOTALS	\$ 23,922,204	\$ 10,395,177	43.45%	\$ 22,533,735	\$ 10,973,629	48.70%
OPERATING TRANSFERS	1,211,144	493,548	40.75%	1,150,790	514,030	44.67%
DEBT SERVICE TRANSFERS	148,750	76,719	51.58%	168,700	119,995	71.13%
TOTALS	\$ 25,282,098	\$ 10,965,444	43.37%	\$ 23,853,225	\$ 11,607,653	48.66%

**CITY OF PORTERVILLE
GENERAL FUND REVENUES
Six Months Ended December 31, 2015**



**CITY OF PORTERVILLE
GENERAL FUND REVENUES
Six Months Ended December 31, 2014**

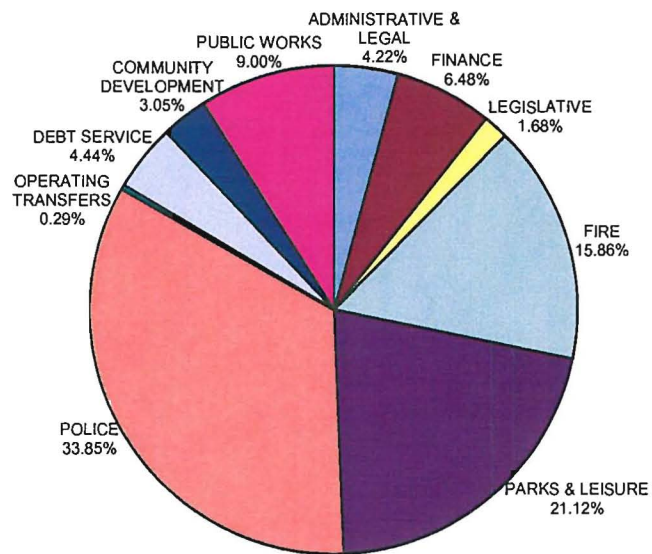


CITY OF PORTERVILLE

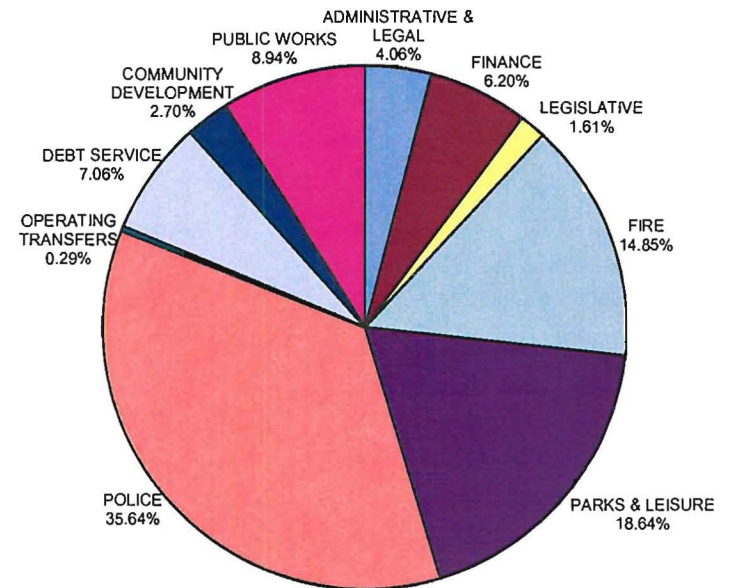
**EXPENDITURE STATUS REPORT - GENERAL FUND
FOR THE SIX MONTHS ENDED
DECEMBER 31, 2015 AND DECEMBER 31, 2014**

	2015-2016 AMENDED APPROP	2015-2016 YEAR-TO-DATE EXPEND	% OF APPROP	2014-2015 AMENDED APPROP	2014-2015 YEAR-TO-DATE EXPEND	% OF APPROP
LEGISLATIVE:						
CITY COUNCIL	\$ 227,917	\$ 74,760	32.8%	\$ 227,917	\$ 72,531	31.8%
COMMUNITY PROMOTION	216,208	120,450	55.7%	209,080	115,987	55.5%
EMERGENCY OPERATIONS		3,040				
ADMINISTRATIVE & LEGAL:						
CITY MANAGER	279,970	136,287	48.7%	252,067	118,624	47.1%
CITY CLERK	169,473	94,468	55.7%	232,101	119,475	51.5%
HUMAN RESOURCES	270,129	147,912	54.8%	253,532	147,088	58.0%
CITY ATTORNEY	225,000	117,544	52.2%	180,000	89,813	49.9%
FINANCE:						
FINANCE & ACCOUNTING	813,880	409,669	50.3%	783,296	374,856	47.9%
INFORMATION SERVICES	410,708	205,864	50.1%	410,428	194,673	47.4%
ADMINISTRATIVE SERVICES	372,239	147,250	39.6%	365,036	155,545	42.6%
POLICE PROTECTION	9,053,215	3,983,721	44.0%	8,856,918	4,169,981	47.1%
FIRE PROTECTION	3,876,905	1,866,301	48.1%	3,773,801	1,737,873	46.1%
COMMUNITY DEVELOPMENT:						
PLANNING & ZONING	521,532	253,037	48.5%	516,294	188,637	36.5%
ECONOMIC DEVELOPMENT	299,860	106,112	35.4%	294,233	127,216	43.2%
PUBLIC WORKS:						
ENGINEERING & BUILDING	1,025,502	455,422	44.4%	1,010,254	471,532	46.7%
STREET MAINTENANCE	424,545	170,087	40.1%	411,653	167,374	40.7%
SIGNALS, SIGNING & STRIPING	366,188	145,601	39.8%	360,224	153,261	42.5%
STREET LIGHTING	484,344	212,375	43.8%	484,322	211,533	43.7%
STORM DRAINS	93,119	56,028	60.2%	90,094	22,809	25.3%
PARKING LOTS	47,208	19,975	42.3%	47,186	20,023	42.4%
PARKS & LEISURE:						
PARK MAINTENANCE & OPERATION	1,785,112	852,506	47.8%	1,744,348	739,120	42.4%
STREET TREES & PARKWAYS	185,917	65,008	35.0%	183,211	84,562	46.2%
COMMUNITY CENTERS	225,162	107,902	47.9%	214,522	117,700	54.9%
LEISURE SERVICES	228,422	139,652	61.1%	226,501	117,142	51.7%
LEISURE SERVICES - SPECIAL PROG	2,134,198	883,015	41.4%	1,662,906	725,744	43.6%
SWIMMING POOL	157,119	77,167	49.1%	157,119	71,830	45.7%
LIBRARY OPERATIONS	747,840	349,148	46.7%	707,836	316,493	44.7%
SPECIAL PROJECTS	20,000	10,495	52.5%	17,000	7,939	46.7%
 SUB TOTALS	 24,661,712	 \$ 11,210,794	 45.5%	 23,671,879	 \$ 10,839,360	 45.8%
 OPERATING TRANSFERS	 79,000	 34,500	 43.7%	 79,000	 34,500	 43.7%
DEBT SERVICE	1,149,297	521,906	45.4%	1,231,178	826,166	67.1%
	<u>\$ 25,890,009</u>	<u>\$ 11,767,199</u>	45.5%	<u>\$ 24,982,057</u>	<u>\$ 11,700,026</u>	46.8%

**CITY OF PORTERVILLE
GENERAL FUND EXPENDITURES
Six Months Ended December 31, 2015**



**CITY OF PORTERVILLE
GENERAL FUND EXPENDITURES
Six Months Ended December 31, 2014**

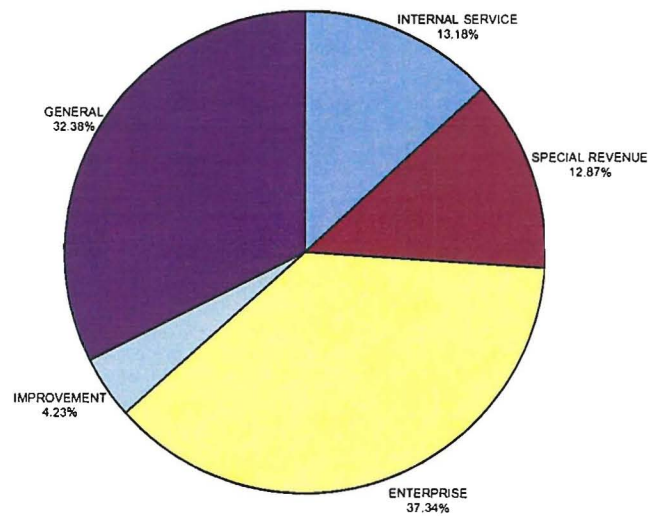


CITY OF PORTERVILLE

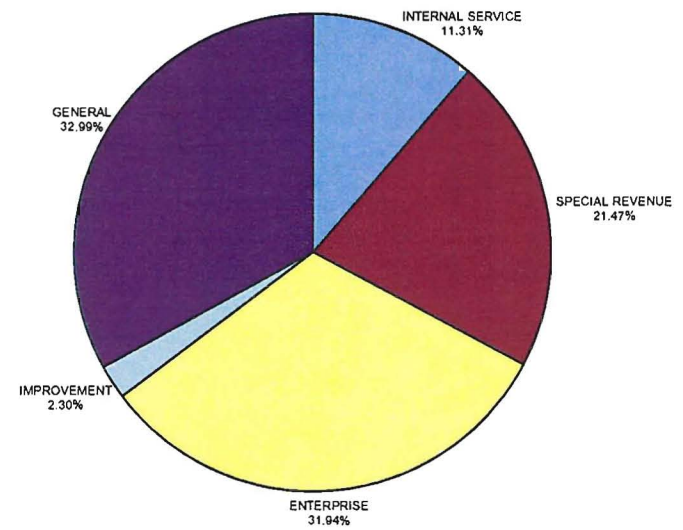
**REVENUE STATUS REPORT - ALL OTHER FUNDS
FOR THE SIX MONTHS ENDED
DECEMBER 31, 2015 AND DECEMBER 31, 2014**

REVENUE SOURCE	2015-2016 ESTIMATED REVENUE	2015-2016 YEAR-TO-DATE REVENUE	% OF ESTIMATE	2014-2015 ESTIMATED REVENUE	2014-2015 YEAR-TO-DATE REVENUE	% OF ESTIMATE
MEASURE H SALES TAX	\$ 3,363,626	\$ 1,498,324	44.5%	\$ 3,272,754	\$ 1,322,303	40.4%
SPECIAL GAS TAX	1,964,902	1,185,804	60.3%	2,162,439	1,203,549	55.7%
LOCAL TRANSPORTATION FUNDS (LTF)	2,614,818	507,417	19.4%	6,038,259	3,551,188	58.8%
TRAFFIC SAFETY FUND	200,200	62,484	31.2%	150,200	77,375	51.5%
ZALUD ESTATE	6,000	2,998	50.0%	5,000	3,563	71.3%
COMMUNITY DEVELOPMENT BLOCK GRANT	1,229,197	391,321	31.8%	1,459,621	619,033	42.4%
TRANSIT	9,094,650	1,538,123	16.9%	8,003,143	507,756	6.3%
SPECIAL SAFETY GRANTS	256,789	172,248	67.1%	222,817	222,920	100.0%
SEWER OPERATING	6,859,876	3,412,699	49.7%	6,740,454	3,474,653	51.5%
REFUSE REMOVAL	5,763,000	2,863,494	49.7%	5,698,000	2,827,879	49.6%
AIRPORT OPERATIONS	1,510,191	960,388	63.6%	1,421,888	936,461	65.9%
GOLF COURSE	194,100	94,679	48.8%	220,700	95,452	43.2%
WATER OPERATING	5,650,993	3,114,085	55.1%	4,904,000	2,778,133	56.7%
RISK MANAGEMENT	5,163,166	2,671,246	51.7%	4,220,066	2,234,305	52.9%
EQUIPMENT MAINTENANCE	3,152,500	1,560,345	49.5%	3,120,500	1,527,036	48.9%
LANDSCAPE MAINTENANCE DISTRICT	95,500	40,192	42.1%	81,628	38,658	47.4%
WATER REPLACEMENT	4,546,196	301,163	6.6%	1,791,388	216,608	12.1%
SOLID WASTE RESERVE	1,862,682	310,636	16.7%	432,362	166,482	38.5%
SEWER REVOLVING	278,218	192,095	69.0%	215,114	123,417	57.4%
TRANSPORTATION DEVELOPMENT	105,000	160,291	152.7%	158,000	11,527	7.3%
PARK DEVELOPMENT	45,050	23,467	52.1%	20,000	44,548	222.7%
TREATMENT PLANT RESERVE	578,088	555,354	96.1%	587,792	259,491	44.1%
STORM DRAIN DEVELOPMENT	120,000	84,682	70.6%	115,000	44,487	38.7%
BUILDING CONSTRUCTION	4,000	5,325	133.1%	4,000	4,907	122.7%
TOTALS	\$ 54,658,742	\$ 21,708,856	39.7%	\$ 51,045,125	\$ 22,291,731	43.7%

CITY OF PORTERVILLE
REVENUE BY FUND TYPE
Six Months Ended December 31, 2015



CITY OF PORTERVILLE
REVENUE BY FUND TYPE
Six Months Ended December 31, 2014

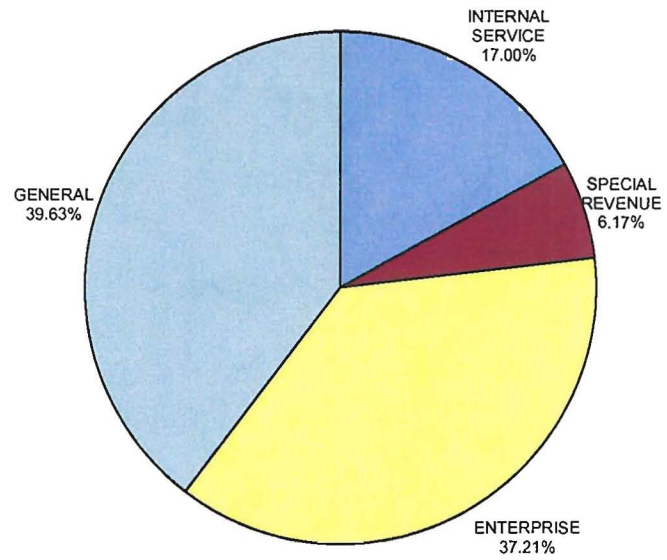


CITY OF PORTERVILLE

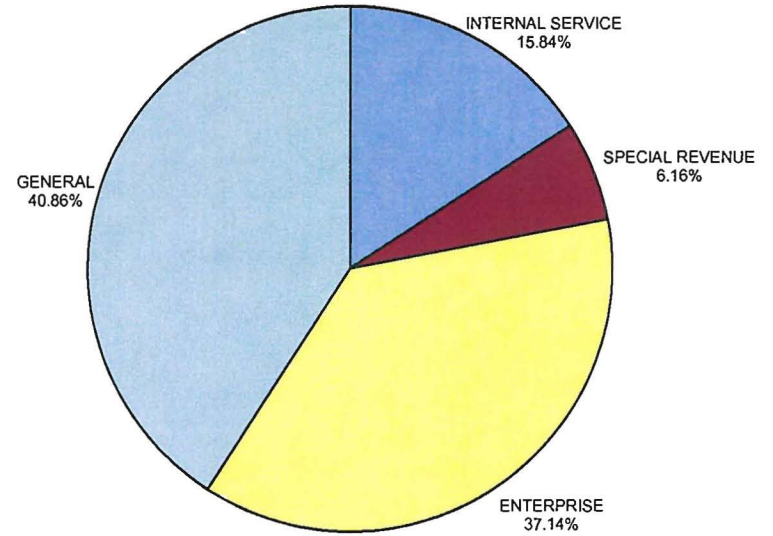
EXPENDITURE STATUS REPORT - ALL OTHER FUNDS
FOR THE SIX MONTHS ENDED
DECEMBER 31, 2015 AND DECEMBER 31, 2014

	2015-2016 AMENDED APPROP	2015-2016 YEAR-TO-DATE EXPEND	% OF APPROP	2014-2015 AMENDED APPROP	2014-2015 YEAR-TO-DATE EXPEND	% OF ACTUAL
MEASURE H SALES TAX	\$ 3,288,065	\$ 1,441,351	43.8%	\$ 2,939,142	\$ 1,297,149	44.1%
ZALUD ESTATE	22,855	14,222	62.2%	27,235	9,400	34.5%
COMMUNITY DEVELOPMENT BLOCK GRANT	510,626	78,355	15.3%	509,006	78,337	15.4%
TRANSIT	4,257,133	1,797,011	42.2%	4,209,353	1,288,072	30.6%
SPECIAL SAFETY GRANTS	544,007	170,156	31.3%	367,764	137,598	37.4%
SEWER OPERATING	6,321,824	2,781,371	44.0%	6,025,645	2,714,969	45.1%
REFUSE REMOVAL	5,710,261	2,602,863	45.6%	5,641,766	2,495,816	44.2%
AIRPORT	1,353,310	753,598	55.7%	1,309,285	746,936	57.0%
GOLF COURSE	360,846	176,751	49.0%	366,188	181,092	49.5%
WATER OPERATING	4,778,653	2,400,378	50.2%	4,639,775	2,417,860	52.1%
RISK MANAGEMENT	6,447,084	3,459,190	53.7%	6,357,273	2,822,274	44.4%
EQUIPMENT MAINTENANCE	3,134,475	1,349,639	43.1%	3,091,857	1,379,935	44.6%
LANDSCAPE MAINTENANCE DISTRICT	173,255	55,321	31.9%	214,705	120,713	56.2%
TOTALS	\$ <u>36,902,394</u>	\$ <u>17,080,205</u>	46.3%	\$ <u>35,698,994</u>	\$ <u>15,690,149</u>	44.0%

**CITY OF PORTERVILLE
EXPENDITURES BY FUND TYPE
Six Months Ended December 31, 2015**



**CITY OF PORTERVILLE
EXPENDITURES BY FUND TYPE
Six Months Ended December 31, 2014**



CITY OF PORTERVILLE
INTERIM PERFORMANCE REPORT - MEASURE H
For the Six Months Ended December 31, 2015 and December 31, 2014

	<u>FY 2015-16</u>	<u>FY 2014-15</u>
REVENUES		
Sales Tax - Measure H	\$ 1,492,354	1,304,440
Interest	4,845	16,084
Police Services	1,125	1,778
TOTAL REVENUES	<u>1,498,324</u>	<u>1,322,303</u>
EXPENDITURES		
Police Department	760,430	667,408
Fire Department	486,589	446,732
Library & Literacy	194,332	183,009
TOTAL EXPENDITURES	<u>1,441,351</u>	<u>1,297,149</u>
CAPITAL PROJECTS		
Public Safety Station	<u>820,860</u>	<u>1,406,344</u>
REVENUE OVER/(UNDER) EXPENDITURES	\$ <u>(763,886)</u>	\$ <u>(1,381,190)</u>

CITY OF PORTERVILLE
INTERIM PERFORMANCE REPORT - ENTERPRISE FUNDS
For the Six Months Ended December 31, 2015 and December 31, 2014

<u>FUND</u>	<u>REVENUES</u>	<u>EXPENSES</u>	<u>12/31/2015 NET PROFIT (LOSS)</u>	<u>12/31/2014 NET PROFIT (LOSS)</u>
Zalud Estate	\$ 2,998	\$ (14,222)	\$ (11,224)	\$ (5,837)
Sewer Operating	3,412,699	(2,781,371)	631,328	759,685
Solid Waste	2,863,494	(2,602,863)	260,630	332,063
Airport	960,388	(753,598)	206,789	189,525
Golf	94,679	(176,751)	(82,072)	(85,640)
Water Operating	3,114,085	(2,400,378)	713,707	360,273

NOTE: The Transit Fund is not included as it does not contain any retained earnings



CITY COUNCIL AGENDA – FEBRUARY 2, 2016

SUBJECT: Quarterly Portfolio Summary

SOURCE: Finance

COMMENT: This report reflects the investment portfolio of the City of Porterville as of December 31, 2015, and is in compliance with California Government Code Section 27000, etc., Section 53600, etc., and the City of Porterville's Statement of Investment Policy. Investments are selected based on the statutory objectives of safety, liquidity, and yield.

Items identified in the summary include the portfolio composition, weighted average rate of earnings, weighted average days to maturity, and the percentage of liquid holdings.

RECOMMENDATION: That the City Council accept the quarterly Portfolio Summary report.

ATTACHMENTS: 1. Quarterly Portfolio Summary

Appropriated/Funded:

Review By:

Department Director:
Maria Bemis, Finance Director

Final Approver: John Lollis, City Manager

CITY OF PORTERVILLE
PORTFOLIO SUMMARY AS OF DECEMBER 31, 2015

INVESTMENT OR CUSIP NUMBER	INSTITUTION	PURCHASE PRICE	MARKET VALUE	COUPON INTEREST RATE	PURCHASE DATE	MATURITY DATE	DAYS TO MATURITY
1006	LOCAL AGENCY INVESTMENT FUND \$	9,375,050	\$ 9,378,575	0.320%	DAILY	DAILY	1
1007	CSJVRMA INVESTMENT FUND	6,510,737	6,621,807	1.320%	DAILY	DAILY	30
866	TULARE COUNTY INVESTMENT POOL	8,707,081	8,707,081	1.340%	DAILY	DAILY	30
	PROSPECT-HENDERSON PARTNERS, L	2,620,221	2,620,221	2.850%	12/29/2009	10/27/2020	1,762
	TULARE COUNTY JUNIOR LIVESTOCK SHOW AND COMMUNITY FAIR	1,148,478	1,148,478	4.000%	1/15/2015	7/15/2039	8,597
313382FP3	FEDERAL HOME LOAN BANKS	997,500	992,670	1.000%	3/20/2013	3/20/2018	810
3134G46D5	FEDERAL HOME LN MTG CORP	1,000,000	995,250	1.200%	6/12/2013	6/12/2018	894
313388G21	FEDERAL HOME LOAN BANKS	1,000,000	988,130	1.200%	6/20/2013	6/20/2018	902
3136G2H34	FEDERAL NATL MTG ASSN	1,000,000	1,001,470	1.750%	5/20/2015	5/20/2020	1,602
4812VUL2	JP MORGAN CHASE BANK NA	1,000,000	994,150	1.000%	4/27/2012	4/27/2017	483
4042K1U68	HSBC USA INC	1,000,000	989,160	2.200%	7/5/2012	7/5/2017	552
89233P6S0	TOYOTA MOTORS CRD CORP	1,000,000	997,060	1.250%	3/13/2013	10/5/2017	644
24422ESW0	JOHN DEERE CAP CORP	1,000,000	987,760	2.050%	3/10/2015	3/10/2020	1,531
00206RBM3	AT&T INC	1,004,830	995,370	1.400%	1/22/2013	12/1/2017	701
94974BFG0	WELLS FARGO CO	1,006,910	995,740	1.500%	1/22/2013	1/16/2018	747
9819961J0	CERTIFICATE OF DEPOSIT	200,000	201,250	2.000%	9/14/2011	9/14/2016	258
36160WH51	CERTIFICATE OF DEPOSIT	240,000	242,724	2.100%	12/16/2011	12/16/2016	351
33764JRP2	CERTIFICATE OF DEPOSIT	240,000	240,696	1.100%	1/25/2013	1/25/2017	391
17284A2U1	CERTIFICATE OF DEPOSIT	240,000	242,263	1.500%	7/18/2012	7/18/2017	565
795450PA7	CERTIFICATE OF DEPOSIT	240,000	242,021	1.700%	8/22/2012	8/22/2017	600
36160NS83	CERTIFICATE OF DEPOSIT	245,000	244,777	2.000%	5/23/2014	5/23/2019	1,239
06740KFX0	CERTIFICATE OF DEPOSIT	247,000	249,450	1.900%	1/19/2012	1/19/2017	385
856284C77	CERTIFICATE OF DEPOSIT	247,000	250,013	2.050%	1/27/2012	1/27/2017	393
20451PBT2	CERTIFICATE OF DEPOSIT	247,000	247,195	1.800%	7/31/2013	7/31/2018	943
38143A2U8	CERTIFICATE OF DEPOSIT	250,000	250,370	1.050%	12/27/2012	12/27/2016	362
02587CAF7	CERTIFICATE OF DEPOSIT	246,383	246,390	1.950%	7/17/2014	7/17/2019	1,294
74267GUQ8	CERTIFICATE OF DEPOSIT	247,000	246,353	2.000%	7/22/2014	7/22/2019	1,299
29266NB30	CERTIFICATE OF DEPOSIT	247,000	246,160	2.050%	8/28/2014	8/28/2019	1,336
254672NN4	CERTIFICATE OF DEPOSIT	247,000	243,712	2.000%	5/13/2015	5/13/2020	1,595
20033AKP0	CERTIFICATE OF DEPOSIT	249,000	245,566	1.900%	5/26/2015	5/26/2020	1,608
140420RT9	CERTIFICATE OF DEPOSIT	247,380	244,528	1.850%	6/3/2015	6/3/2020	1,616
46147UQL7	CERTIFICATE OF DEPOSIT	248,378	245,394	1.900%	6/17/2015	6/17/2020	1,630
981571BN1	CERTIFICATE OF DEPOSIT	200,000	197,498	2.300%	6/25/2015	6/25/2020	1,638
29976DYV6	CERTIFICATE OF DEPOSIT	246,382	244,905	1.950%	6/30/2015	6/30/2020	1,643
14042E4P2	CERTIFICATE OF DEPOSIT	246,000	244,868	2.300%	7/15/2015	7/15/2020	1,658
31938QN26	CERTIFICATE OF DEPOSIT	247,000	245,844	2.050%	7/17/2015	7/17/2020	1,660
58403BY67	CERTIFICATE OF DEPOSIT	247,000	245,891	2.250%	7/27/2015	7/27/2020	1,670
05580ACW2	CERTIFICATE OF DEPOSIT	247,000	245,975	2.200%	9/22/2015	9/18/2020	1,723
02587DL30	CERTIFICATE OF DEPOSIT	246,000	243,761	2.300%	12/23/2015	12/23/2020	1,819
1192	CERTIFICATE OF DEPOSIT	99,000	99,000	1.490%	9/18/2012	9/18/2017	627
1195	CERTIFICATE OF DEPOSIT	99,000	99,000	1.350%	11/5/2012	11/5/2017	675
1198	CERTIFICATE OF DEPOSIT	99,000	99,000	1.250%	1/9/2013	1/9/2018	740
1199	CERTIFICATE OF DEPOSIT	150,000	150,000	1.250%	2/14/2013	2/14/2018	776
1200	CERTIFICATE OF DEPOSIT	99,000	99,000	1.580%	2/26/2013	2/26/2018	788
1204	CERTIFICATE OF DEPOSIT	250,000	250,000	1.500%	4/9/2013	4/9/2018	830
1208	CERTIFICATE OF DEPOSIT	122,408	122,408	1.100%	5/9/2013	5/9/2018	860
1209	CERTIFICATE OF DEPOSIT	99,000	99,000	1.050%	5/16/2013	5/16/2018	867
1224	CERTIFICATE OF DEPOSIT	250,000	250,000	1.950%	10/14/2013	10/14/2018	1,018
1228	CERTIFICATE OF DEPOSIT	250,000	250,000	1.850%	10/30/2013	10/30/2018	1,034
1239	CERTIFICATE OF DEPOSIT	250,000	250,000	1.000%	10/2/2013	10/2/2017	641
1243	CERTIFICATE OF DEPOSIT	250,000	250,000	1.500%	6/19/2012	6/19/2016	171
1248	CERTIFICATE OF DEPOSIT	100,002	100,002	1.260%	5/8/2015	5/8/2018	859
1254	CERTIFICATE OF DEPOSIT	250,000	250,000	2.100%	9/8/2014	9/8/2019	1,347
1258	CERTIFICATE OF DEPOSIT	150,000	150,000	1.650%	1/13/2013	1/13/2016	13
1260	CERTIFICATE OF DEPOSIT	250,000	250,000	1.840%	4/4/2012	4/4/2017	460
1261	CERTIFICATE OF DEPOSIT	261,184	261,184	1.500%	7/13/2012	1/13/2016	13
1262	CERTIFICATE OF DEPOSIT	250,000	250,000	1.440%	9/5/2012	9/5/2017	614
1262	CERTIFICATE OF DEPOSIT	250,000	250,000	1.540%	12/12/2012	12/12/2017	712
1263	CERTIFICATE OF DEPOSIT	250,000	250,000	1.250%	2/1/2013	3/1/2017	426
1264	CERTIFICATE OF DEPOSIT	100,000	100,000	1.300%	1/28/2013	1/28/2018	759

INVESTMENT OR CUSIP NUMBER	INSTITUTION	PURCHASE PRICE	MARKET VALUE	COUPON INTEREST RATE	PURCHASE DATE	MATURITY DATE	DAYS TO MATURITY
1265	CERTIFICATE OF DEPOSIT	100,000	100,000	1.300%	1/30/2013	1/30/2018	761
1266	CERTIFICATE OF DEPOSIT	250,000	250,000	1.250%	5/8/2013	5/8/2018	859
1278	CERTIFICATE OF DEPOSIT	250,000	250,000	1.000%	4/29/2013	4/29/2016	120
1280	CERTIFICATE OF DEPOSIT	250,000	250,000	1.300%	5/21/2013	5/21/2018	872
1281	CERTIFICATE OF DEPOSIT	250,000	250,000	1.390%	5/14/2013	5/14/2018	865
1282	CERTIFICATE OF DEPOSIT	250,000	250,000	1.300%	6/21/2013	6/21/2018	903
1283	CERTIFICATE OF DEPOSIT	250,000	250,000	1.250%	5/9/2013	5/8/2018	859
1284	CERTIFICATE OF DEPOSIT	250,000	250,000	1.250%	4/23/2013	4/23/2018	844
1285	CERTIFICATE OF DEPOSIT	250,000	250,000	1.500%	4/29/2013	4/29/2018	850
1286	CERTIFICATE OF DEPOSIT	250,000	250,000	1.600%	6/25/2013	6/25/2018	907
1287	CERTIFICATE OF DEPOSIT	250,000	250,000	1.600%	7/19/2013	7/19/2018	931
1288	CERTIFICATE OF DEPOSIT	250,000	250,000	1.590%	7/24/2013	7/24/2018	936
1289	CERTIFICATE OF DEPOSIT	258,804	258,804	1.980%	9/18/2013	9/18/2018	992
1290	CERTIFICATE OF DEPOSIT	250,000	250,000	2.030%	10/11/2013	10/11/2018	1,015
1291	CERTIFICATE OF DEPOSIT	250,000	250,000	2.250%	2/7/2014	2/7/2019	1,134
1292	CERTIFICATE OF DEPOSIT	250,000	250,000	2.000%	7/31/2014	7/31/2019	1,308
1293	CERTIFICATE OF DEPOSIT	250,000	250,000	1.940%	7/18/2014	7/18/2019	1,295
1294	CERTIFICATE OF DEPOSIT	250,000	250,000	2.030%	4/3/2015	4/3/2020	1,555
1295	CERTIFICATE OF DEPOSIT	250,000	250,000	2.084%	4/20/2015	4/20/2020	1,572
1296	CERTIFICATE OF DEPOSIT	250,000	250,000	2.000%	5/8/2015	5/8/2020	1,590
1297	CERTIFICATE OF DEPOSIT	250,000	250,000	2.000%	5/14/2015	5/14/2020	1,596
1298	CERTIFICATE OF DEPOSIT	250,000	250,000	2.150%	11/4/2015	11/4/2020	1,770
1299	CERTIFICATE OF DEPOSIT	250,000	250,000	2.030%	4/30/2015	3/30/2020	1,551
1300	CERTIFICATE OF DEPOSIT	250,000	250,000	2.100%	12/8/2015	12/8/2020	1,804
TOTALS		\$ 53,915,728	\$ 53,947,924				
WEIGHTED AVERAGE RATE OF EARNINGS				% OF LIQUID		WEIGHTED	
ONE YEAR HISTORY				CURRENT	PORTFOLIO	AVERAGE	
12/31/2014	3/31/2015	6/30/2015	9/30/2015	12/31/2015	HOLDINGS	DAYS TO	
1.368%	1.441%	1.328%	1.509%	1.428%	45.614%	MATURITY	
							737

Comments:

Portfolio holdings as of December 31, 2015, are in compliance with the current Investment Policy. With 45.614% of the portfolio being held in liquid instruments, the cash needs of the City will be met. The next portfolio report will be calculated for the first calendar quarter ending March 31, 2016, and will be presented during the May 3, 2016 Council meeting.



CITY COUNCIL AGENDA – FEBRUARY 2, 2016

SUBJECT: Authorization to Travel Out of State

SOURCE: Community Development

COMMENT: In July 2015, the Workforce Innovation and Opportunity Act (WIOA) went into effect. States and local governments across the country are moving from a 15 year old federal law into the implementation of a new law that both takes into account the best practices of local programs across the country and pushes the public workforce system to do even more.

WIOA implementation gives states and local governments opportunities to step back from business as usual and, with the customer in mind, design services for their customers. By using the principles of Human Centered Design, in practice used in the private sector and increasingly in government, the workforce system will learn to produce better outcomes and higher customer satisfaction.

More than 80 teams across the country, including a team from Tulare County, participated in a free seven-week class, sponsored by IDEO +Acumen, that teaches methods to design government services by looking first at what a customer needs. This approach is designed to build the capacity of the workforce system to better empathize with job seekers, employers who need skilled workers, and out-of-school youth, and to design more personalized services to help them get the skills, workers, and jobs they need.

After the seven-week intensive participatory class, states and local governments had five weeks to implement what they learned. Three challenges being addressed by the teams were:

1. How might we improve the customer experience and outcomes for our shared One-Stop Customers?
2. How might we put employers in the center of our sector strategies and career pathway work?
3. How might we design services and programs for out-of-school youth that will engage them and produce great outcomes?

The local team, led by the Tulare County Workforce Investment Board, is comprised of eight representatives from cities, government agencies, non-profit organizations, and a private sector representative. Jason Ridenour represents the City of Porterville on the team. The local team chose to address the challenge of how to put employers in the center of sector strategies and career pathway work. Through the IDEO process, the team arrived at a solution of supporting local businesses by assisting in training employees that have the technical knowledge

to be successful but lack workplace readiness or soft skills. On January 25, 2016, staff was notified that the team has been invited to the Learning Exchange and Celebration at the White House on February 16, 2016.

The cost for this trip should not exceed \$2,000, including round-trip airfare, hotel stay, and food for a two to three day stay. Funding is available in the Economic Development budget.

RECOMMENDATION: That the City Council approve travel to Washington DC for the purpose of attending the Learning Exchange and Celebration at the White House.

ATTACHMENTS:

Appropriated/Funded: MB

Review By:

Department Director:

Jenni Byers, Community Development Director

Final Approver: John Lollis, City Manager



CITY COUNCIL AGENDA – FEBRUARY 2, 2016

SUBJECT: Approving the Establishment of a Live Release Coordinator Position within the Animal Control Division

SOURCE: Administrative Services

COMMENT: On October 27, 2015, a Joint Meeting was held between the City Council and the Animal Control Commission to consider the Koret Report - an Evaluation of the Porterville Animal Control Shelter Facility and Practices prepared by personnel of the UC Davis Koret Shelter Medicine Program. Based on the discussion and recommendations within the report, staff was directed to proceed with the development of a new position within the Animal Control Division to focus on the live release/adoption of animals and to coordinate and oversee a comprehensive volunteer program.

The proposed position of Live Release Coordinator will, under general direction, administer and coordinate live release programs and services, as well as develop and direct volunteer programs and services within the Animal Control Division. Based on an analysis of positions with comparable administrative functions within the City's Allocation and Pay Schedules, it is recommended that the position be established at Salary Range 176 (\$3,794 - \$4,630 per month), and be designated within the Management & Confidential Series for representation purposes. For Council's consideration, a draft Job Description and draft resolution are provided herein, and a budget adjustment of \$25,000 is requested for the remainder of this fiscal year, to be funded within the currently appropriated Police Department budget.

RECOMMENDATION: That the City Council:

1. Adopt the draft Resolution providing for the establishment of and budget adjustment for a Live Release Coordinator position within the Animal Control Division of the Police Department; and
2. Amend the Department's Table of Organization, Position Allocation Schedule, and Position Pay Schedule of the City's Pay & Benefit Plan to account for said position.

ATTACHMENTS:

1. Job Description
2. Draft Resolution

Appropriated/Funded:

Review By:

Department Director:

Patrice Hildreth, Administrative Services Dir

Final Approver: John Lollis, City Manager

LIVE RELEASE COORDINATOR

DEFINITION

Under general direction, assists the Animal Control Division in the administration and coordination of live release programs and services; plans, develops, directs, and coordinates current and new volunteer programs and services, and performs routine administrative tasks and other related duties as required.

REPRESENTATIVE DUTIES

The duties listed below are examples of the work typically performed by an employee in this classification. An employee may not be assigned all duties listed and may be assigned duties which are not listed below.

1. Plans, develops, directs, coordinates and evaluates current and new programs and services to facilitate the live release of animals brought into the shelter.
2. Plans, coordinates and directs the recruitment, training, placement and daily supervision of volunteers within the Animal Control Division.
3. Develops promotional campaigns and prepares articles and advertisements regarding Animal Control Division program and adoption activities.
4. Serves as the Animal Control Division's liaison with advisory boards and community groups and organizations as directed.
5. Maintains records and prepares reports pertaining to the volunteer program and the live release program, including but not limited to adoption records and participation in adoption events.
6. Develops project measurements and evaluation processes for programs and services utilized by the Animal Control Division.
7. Stays abreast of the mission and goals of the Animal Control Division and develops programs and services to meet the needs of the Division.
8. Stay abreast of all current and developing legislation and regulations pertaining to animal control operations to ensure compliance.
9. Handles public inquiries and any other problem situations that may arise involving programs or volunteers.
10. Provides assistance in the daily operations of the Animal Control Shelter when needed, as directed.
11. Performs other job related duties as assigned.

EMPLOYMENT STANDARDS

Education and/or Experience

Graduation from an accredited college with an Associate's Degree in business or related field and four years of clerical, administrative or animal control experience that involved independent research and/or report compilation, or any combination of training and experience that provides desired knowledge and abilities.

Knowledge of:

Animal control programs and volunteer services; complex issues in animal welfare and shelter operations; data collection and maintenance; individual and group behavior; principles and practices of program administration; municipal organizations and intergovernmental relations; principles and techniques related to recruiting, training and supervising volunteers; public relations and customer service; automated office equipment, software programs and basic web-based applications.

Ability to:

Work comfortably around animals, including those who are sick, injured, or who may be euthanized; plan and coordinate release and volunteer program services and personnel; work in a fast paced environment managing multiple competing tasks and demands; work cooperatively with different personality types; assist in identifying financial resources and soliciting funding for release and volunteer programs; analyze situations and resolve within established city policy; effectively communicate verbally and in writing; prepare clear and concise reports; prepare for and conduct meetings; coordinate individual and group activities and events; establish and maintain effective working relationships with officials, agencies, community groups, staff and volunteers; speak effectively before large groups of people, use automated office equipment and software programs; work independently, and maintain confidential information; ability to perform cash handling and financial transactions and record keeping.

Special Requirements:

Possession of a valid California Driver's License, Class C or higher is required.

Physical Demands

Strength, dexterity, coordination and vision to use keyboard and video display terminal for long periods of time. Dexterity and coordination to handle files and single pieces of paper; occasional lifting of objects and/or animals weighing up to 50 lbs.

WORKING CONDITIONS

Employees in this classification are frequently around animals that are agitated, frightened, or possibly injured. The environment can also be loud due to barking dogs.

Date Adopted: _____

RESOLUTION NO. ____-2016

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
PORTERVILLE PROVIDING FOR THE ESTABLISHMENT OF A
LIVE RELEASE COORDINATOR POSITION WITHIN THE
POLICE DEPARTMENT'S ANIMAL CONTROL DIVISION

WHEREAS, the reorganization and change in staffing allocations of City Departments are periodically beneficial to enhance the economy and efficiency of City operations; and

WHEREAS, the City Council has met with the City's Animal Control Commission and has determined, based on recommendations by the UC Davis Koret Shelter Medicine Program, a need exists within the Animal Control Division in the area of live release/adoption services. As such, and based on the direction of the City Council, staff has analyzed positions within the current organization and has determined that the establishment of a Live Release Coordinator would address deficiencies and enhance Animal Control services.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PORTERVILLE that the Position Allocation Schedule and the Position Pay Plan of the Employee Pay and Benefit Plan, and the Classification Plan of the City are hereby amended to:

1. Establish the classification of Live Release Coordinator at salary range 176 (\$3,794 – 4,630). This position shall be designated as management, and be included in the Management and Confidential Series for the purposes of representation.
2. Amend the Position Allocation Schedule and Position Pay Plan of the Employee Pay and Benefit Plan to reflect the herein referenced changes.

BE IT FURTHER RESOLVED that the Mayor of the City of Porterville is hereby authorized to execute those documents as are necessary to implement the provisions.

PASSED, APPROVED AND ADOPTED this 2nd day of February, 2016.

Milt Stowe, Mayor

ATTEST:
John Lollis, City Clerk

By: _____
Patrice Hildreth, Chief Deputy City Clerk



CITY COUNCIL AGENDA – FEBRUARY 2, 2016

SUBJECT: Adoption of Fees Associated with Massage Business Registration Certificate

SOURCE: Finance

COMMENT: On January 19, 2016, the City Council gave second reading to the draft ordinance concerning massage-related businesses. The ordinance will go into effect on February 18, 2016. Implementation of the ordinance requires adoption of registration forms and fees, as described in various sections of that ordinance, which will be codified as Article IX of Chapter 15 of the Municipal Code. The ordinance is included for reference as Attachment 1.

Prior to any new business opening, or at the time a business already in operation and subject to Section 15-124(b) renews their business license, a certificate must be obtained from the Finance Department. Section 15-128(b) outlines the contents of the application, and staff has prepared an application form for use by applicants (Attachment 2). The language of the application is taken directly from the ordinance, and includes such information as names and contact information for business owner, managers, and names of all massage therapists at a business.

At the time of business license application or renewal, the application is due, as are associated fees. Staff's evaluation of applicable fees includes a registration fee of \$15, an appeal fee of \$300, and a \$50 relocation fee. The registration fee would be paid only with the initial certificate application, and the appeal and relocation fees would only be due at such time an appeal is filed or a business relocates. The costs associated with those fees is as follows:

Registration Fee: \$15

This is a flat fee, due with each application and not refundable if an application is denied. It is comprised of staff time to review the certificate application for completeness.

Appeal Fee: \$300

In the event an application is denied, suspended, or revoked, a business has the right to an appeal. The process for filing an appeal is outlined in Section 15-131. Estimated costs for appeals of a massage certificate are consistent with the City's standard appeals process. The standard fee for appeals as adopted is \$316. For this specific purpose that fee has been rounded down to \$300.

Relocation Fee: \$50

As noted in Section 15-138 of the ordinance, relocation of a business is subject to a new registration certificate and payment of a fee to defray costs of inspection of the new location. Such an inspection would be in accordance with Section 15-136 of the ordinance, and would involve review by a variety of staff from different departments, but would not likely take longer than one hour. Setting this fee at \$50 was subjective, inasmuch as it offsets, but does not reimburse, the potential costs associated with such an inspection. This fee in particular is one where staff seeks direction, because other businesses may relocate from place to place with no such fee. Instead, the business license renewal (change of address) is routed to all departments for consideration. In the event a certain criteria is met, a business may be subject to the following requirements:

- Meet with the Project Review Committee at a cost of \$250 if the new location would be a change of occupancy or a change of land use from the previous tenant.
- Physical improvements (tenant improvements) may be required if the use merits it - for example, increased ventilation for a smoking room, or additional exiting for certain occupancy classes.

Establishment of a Relocation Fee specific to Massage Certification relocation is allowed for in the ordinance, but, upon more detailed review, would be inconsistent with the treatment of other businesses. However, noting the sensitivity of this particular land use, staff has proposed the fee of \$50 in the draft resolution.

Lastly, the Environmental Coordinator made a determination that approving the fees and forms required to implement the ordinance (“project”) is not subject to the California Environmental Quality Act pursuant to §15060(c)(2) of the California Code of Regulations.

RECOMMENDATION: That the City Council:

1. Approve the proposed application for Massage Business Registration Certificates; and
2. Adopt the draft Resolution establishing fees associated with processing and administering a Massage Business Registration Certificate.

ATTACHMENTS: 1. Ordinance 1831
2. Massage Business Registration Certificate Application
3. Draft Resolution establishing fees associated with processing and administering a Massage Business Registration Certificate

Appropriated/Funded:

Review By:

Department Director:

Maria Bemis, Finance Director

Final Approver: John Lollis, City Manager

ORDINANCE NO. 1831

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE ESTABLISHING LICENSING REQUIREMENTS FOR MASSAGE BUSINESSES AND PRACTITIONERS, AND ESTABLISHING MASSAGE THERAPY AS A LAND USE ALLOWED IN SPECIFIC ZONE DISTRICTS

WHEREAS, on October 6, 2015, the City Council adopted Ordinance 1827, an interim urgency ordinance prohibiting the use of land for the purpose of operating a massage-oriented business. The City Council found that a current and immediate threat existed to the public health, safety and welfare arising from a lack of sufficient authority and controls to allow the City to impose appropriate and necessary conditions and regulations upon massage-oriented businesses. As required by California Government Code Section 65858(d), the City Council issued a written report describing the measures taken to alleviate the condition that led to the adoption of the interim urgency ordinance; the report was issued at the Council meeting of November 3, 2015; and

WHEREAS, on November 17, 2015, the City Council extended Ordinance 1827 for a period of up to ten (10) months to provide opportunity for the preparation and adoption of a permanent ordinance that would provide regulations for massage therapy as a land use; and

WHEREAS, a notice of public hearing was published in the Porterville Recorder, a newspaper of general circulation, and mailed to all massage practitioners currently licensed in the city of Porterville. A public hearing has been held before the City Council at its meeting of December 15, 2015; and

WHEREAS, licensing of massage businesses is a legitimate and reasonable means of accountability to ensure that operators of massage businesses comply with reasonable regulations and to ensure that operators do not knowingly allow their establishments to be used as places of illegal activities or conduct such as: (1) purchasing persons for purposes of prostitution; or (2) engaging in pimping or pandering, or lewd or obscene conduct; and

WHEREAS, the Community Development Director, in her role as environmental coordinator, has reviewed Title 14 of the California Code of Regulations, California Environmental Quality Act (CEQA), Section 15061(b)(3), and determined that the action of adopting this ordinance is not subject to CEQA under the General Rule that CEQA applies only to projects which have the potential for causing a significant effect to the environment; and

WHEREAS, upon consideration of the staff report and all public testimony presented at the hearing held on this project, the City Council finds the Municipal Code amendments are consistent with the General Plan and all applicable specific plans of the City of Porterville; and

WHEREAS, the general welfare, health, and safety of the citizens of the city of Porterville will be promoted by the enactment of this ordinance.

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

SECTION 1: The Porterville Municipal Code, Chapter 15, Article IX is established to read as follows:

Article IX. - MESSAGE BUSINESSES AND PRACTITIONERS

Sec. 15-124. - Applicability of chapter.

- (a) Except as otherwise provided, all of the provisions of this chapter shall be applicable to all massage businesses and all massage practitioners operating within the city of Porterville. This chapter shall not be construed in a manner that is inconsistent with any state law governing the practice of massage.
- (b) Any massage business that is legally operating under a City of Porterville business license as of the date of adoption of this ordinance may procure a registration certificate pursuant to this Article without having achieved CAMTC certification, so long as that business continues to operate without change in ownership and in good standing with all applicable provisions of State, Federal, and Porterville laws and regulations, and otherwise complies with this Article in its entirety.

Sec. 15-125. - Definitions.

As used in this chapter:

Ancillary massage services means those services where less than twenty (20) percent of the gross floor area of the business is devoted to massage.

California Massage Therapy Council or CAMTC means the massage therapy organization formed pursuant to Chapter 10.5 of Division 2 of the Business and Professions Code Sections 4600 et seq.

Certified massage practitioner or therapist means any individual certified by the California Massage Therapy Council (CAMTC) as a certified massage therapist, certified massage practitioner, or conditionally certified massage practitioner pursuant to Chapter 10.5 of Division 2 of the California Business and Professions Code Sections 4600 et seq.

City means the City of Porterville, California.

City manager means the city manager of the City of Porterville or designee.

City registration certificate or registration certificate or registration means a certificate issued by the City to a massage business to practice massage for compensation pursuant to this title and this chapter.

Client means the customer or patron who pays for or receives massage services.

Community Development Director means the Community Development Director of the City of Porterville or designee.

Compensation means the payment, loan, advance, donation, contribution, deposit, exchange, or gift of money or anything of value.

Day means calendar day, unless otherwise specifically expressed.

Disqualifying conduct means any of the following:

- (a) Within five (5) years immediately preceding the date the City registration application was filed, or any time thereafter, the person has been convicted in a court of competent jurisdiction of the commission of or any attempt to commit, directly or indirectly, or assisting in or abetting the commission of, or conspiring to commit:
 - (1) A violation of any provision of law pursuant to which a person is required to register under the provisions of California Penal Code section 290;
 - (2) Any violation of California Penal Code sections 266, 266a, 266e, 266f, 266g, 266h, 266i, 266j, 314, 315, 316, 318, 653.22, 653.23 or subsections (a), (b) or (d) of section 647;
 - (3) Any other crime involving dishonesty, fraud, deceit, or moral turpitude;
 - (4) A violation of California Penal Code section 415, 602, or any lesser included or related offense, in satisfaction of, or as a substitute for, any of the crimes previously listed in subsections (1) through (3) above;
 - (5) Any crime committed while engaged in the management or ownership of a massage business or the practice of massage;
 - (6) A violation of California Health and Safety Code sections 11054, 11055, 11056, 11057, or 11058; or
 - (7) Any offense in another state or territory of the United States which is the equivalent of any of the above offenses.
- (b) Within five (5) years of the date immediately preceding the date the application was filed, or any time thereafter, any applicant whose City registration certificate, CAMTC certification, or trainee registration certificate or permit, which was issued by the State of California or any county or city has been suspended or revoked for good cause;
- (c) Committing or maintaining a nuisance pursuant to California Penal Code sections 11225 through 11235, and/or Health and Safety Code sections 11570 et seq., for which a permanent injunction was issued, or committing a violation of any similar provisions of law in another state or territory of the United States; or
- (d) Committing a violation of any provision of this chapter provided that the applicant received timely notice of the violation.

Employee means any person hired by a massage business or owner who renders any service for the business/owner in exchange for any form of compensation from the business.

Finance Director or director means the Finance Director of the City of Porterville or designee.

Hearing officer means the administrative hearing officer appointed by the City Manager to conduct an administrative hearing pursuant to this chapter.

Manager means the person(s) designated by the massage business owner to act as the representative and agent of the owner in managing day-to-day operations with corresponding responsibilities. The term "manager" may also include an owner.

Massage or massage therapy means the skillful application of touch, including, but not limited to, pressure, stroking, kneading, compression on or movement of the external surfaces of the body to produce increased awareness, relaxation, pain relief, injury rehabilitation, or neuromuscular re-education. Examples of massage include, but are not limited to, Swedish massage, sports massage, shiatsu, polarity therapy, rolfing, heller work and reflexology.

Massage business or business means any business that offers massage therapy in exchange for compensation. Any business that offers any combination of massage therapy and bath facilities - including, but not limited to, showers, baths, wet and dry heat rooms, pools and hot tubs - shall be deemed a massage business under this chapter. The term "massage business" includes a certified massage practitioner or therapist who is the sole owner, operator and employee of a massage business operating as a sole proprietorship. For purposes of this chapter, "massage business" shall include, without limitation, the advertising and soliciting of massages, and includes, but is not limited to, a certified massage practitioner or therapist who is the sole owner, operator and employee of a massage business operating as a sole proprietorship, as well as a massage business which employs certified massage practitioners or therapists.

Massage business owner or owner means any of the following persons:

- (a) Any person who is a general partner of a general or limited partnership that owns a massage business.
- (b) Any person who has a five (5) percent or greater ownership interest in a corporation that owns a massage business.
- (c) Any person who is a member of a limited liability company that owns a massage business.
- (d) Any person who has a five (5) percent or greater ownership interest in any other type of business association that owns a massage business.

Reception area means an area immediately inside the front door of the massage business dedicated to the reception and waiting of clients of the massage business and visitors, and which is not a massage therapy room or otherwise used for the provision of massage therapy services.

Registration certificate holder means the applicant named on the application for a registration certificate and all massage business owners.

Rent-space massage therapist or rent-space therapist means a person who practices massage at a massage business but is not an employee of the business.

Sole proprietorship means and includes any legal form of business organization where the business owner (sometimes referred to as the "sole proprietor") is the only person employed by that business to provide massage services.

Visitor means any person who enters a massage business and who is neither a client, owner, manager, nor employee of the business.

Sec. 15-126. - Exemptions.

The provisions of this chapter shall not apply to the following classes of individuals or businesses while engaged in the performance of their duties:

- (a) Complete exemption. The requirements of this chapter shall not apply to the following individuals:

- (1) Physicians, surgeons, chiropractors, osteopaths, nurses or any physical therapists who are duly licensed to practice their respective professions in the State of California and persons working directly under the supervision of or at the direction of the licensed persons, working at the same location as the licensed person, and administering massage services subject to review or oversight by the licensed person.
 - (2) Barbers and beauticians who are duly licensed under the laws of the State of California while engaging in practices within the scope of their licenses, except that this exemption shall only apply if the massaging of the neck, face and/or scalp, hands or feet of the clients is ancillary to the primary service being provided by the barber or beautician.
 - (3) Hospitals, nursing homes, mental health facilities, or any other health facilities duly licensed by the State of California, and employees of these licensed institutions, while acting within the scope of their employment.
 - (4) Accredited high schools, junior colleges, and colleges or universities whose coaches and trainers are acting within the scope of their employment.
 - (5) Any other business or profession exempt from the provisions of this chapter by state law.
- (b) Limited exemption. In addition to any other applicable provisions of this chapter, businesses that offer ancillary massage services shall only be required to comply with the provisions set forth in this section for the massage portion of the business. The business shall comply with the following provisions:
- (1) Massage services must be performed by a certified massage practitioner or therapist;
 - (2) Subsection 15-128(f) related to facility requirements as they pertain to the portion of business that is utilized for massage;
 - (3) Subsection 15-128(g) related to operational requirements; and
 - (4) Section 15-136 related to inspections.
- (c) Any person claiming exception under this section shall furnish satisfactory evidence to the City Manager upon request that he or she is entitled to the exemption, including proof of bona fide employment, or, if applicable, a citation to the particular provision of state law upon which that person relies.

Sec. 15-127. - Requirements for individuals practicing massage.

It shall be unlawful for any individual to practice massage therapy for compensation as a sole practitioner or therapist or employee of a massage business or in any capacity within the city unless that individual is a certified massage practitioner or therapist.

Sec. 15-128. - Requirements for massage businesses.

- (a) It shall be unlawful for any massage business to provide massage services unless all of the following requirements are met:
- (1) All of the individuals employed by the massage business to perform massage are certified massage practitioners or therapists;

- (2) The business has a valid City business license under this title; and
- (3) The business has a valid City registration certificate under this chapter.
- (b) Application for City registration certificate. The application for new and renewal city registration certificates shall include the following information, without limitation, and an application fee in an amount established by City Council resolution:
 - (1) The legal name, address and telephone number of the massage business.
 - (2) A floor plan indicating how the use is proposed to be conducted within the premises, a list of services to be provided, and a description of any other business operated on the same premises.
 - (3) Legal names of all owners of the massage business and the names of all managers.
 - (4) Home address and telephone number and business address and telephone number of all owners of the massage business, and any previous home addresses for a period of five (5) years immediately prior to the date of the application and the dates of residence at each.
 - (5) For all owners, a valid and current driver's license and/or photo identification issued by a state or federal governmental agency, or other photographic identification bearing a bona fide seal by a foreign government.
 - (6) The form of business under which the massage business will be operating (i.e. corporation, general or limited partnership, limited liability company, or other form).
 - (7) For all owners, a signed statement that all of the information contained in the application is true and correct; that all owners shall be responsible for the conduct of the business's employees or independent contractors providing massage services; and acknowledging that failure to comply with the California Business and Professions Code Section 4600 et seq., any local, state, or federal law, or the provisions of this chapter may result in revocation of the business's City registration certificate.
 - (8) The massage license and registration history of all of the owners, including whether the owner has operated any massage business or similar business or occupation within any other county, city, or state; and whether or not the applicant, in previously operating a massage business, has had the license or registration certificate revoked, suspended, or denied. In the case of revocation, suspension, or denial, the owner shall also include within the form the reason(s) therefor, and any employment obtained subsequent to any revocation, suspension or denial.
 - (9) The employment history of each owner for five (5) years preceding the date of the application, the inclusive dates of the employment history, and the name and address of any massage business or similar business owned by the individual, whether inside or outside the city. Employment history shall also include whether the owner, including a corporation or partnership, or a former employer of the applicant while so employed, was ever subjected to an abatement proceeding under California Penal Code sections 11225 through 11235, or any similar provisions of law in a jurisdiction outside the state.
 - (10) For each owner of the massage business that is a certified massage practitioner, a copy of that person's current certification from the California Massage Therapy Council as a

certified massage practitioner, certified massage therapist, or conditionally certified massage practitioner, and copy of that person's CAMTC-issued identification card.

- (11) For each owner that is not CAMTC certified, current fingerprints taken by the City of Porterville Police Department or a certified and approved California Live Scan Fingerprinting Center for the purpose of conducting a background check on behalf of the City, to determine the criminal history of the applicant, including whether the applicant has been convicted of any felony, misdemeanor, infraction, or municipal code violation, or has been held liable for any administrative or civil action, for an act that is substantially related to the practice of massage or disqualifying conduct.
 - (12) The name of each person the massage business employs or retains to perform massage therapy for compensation. For each person the massage business does or will employ or retain to perform massage therapy for compensation, a copy of that person's current certification from the California Massage Therapy Council as a certified massage practitioner, certified massage therapist, or conditionally certified massage practitioner and a copy of that person's CAMTC-issued identification card for each certified massage practitioner.
 - (13) The name and address of the owner of the real property upon, in, or from which the massage business is to be operated. In the event the applicant or owner is not the legal owner of the property, the application shall be accompanied by a copy of any written lease between the massage business and the property owner authorizing use of the premises for a massage business, or, alternatively, if there is no written lease, then a written, notarized acknowledgement from the property owner that the property owner has been advised that a massage business will be operated by the applicant upon, in, or from the property owner's property.
 - (14) Proof of current and valid workers' compensation insurance from an insurer authorized to do business in California, in an amount as required by law.
 - (15) Authorization for the City, its employees and agents to seek information and conduct an investigation into the truth of the statements set forth in the application and the qualifications of the applicant for the registration certificate.
 - (16) The name of the individual to receive notices on behalf of the business.
 - (17) Any other identification and information necessary to discover the truth of the matters required to be set in the application.
- (c) Any changes to the application information during the period the City is reviewing the application shall be immediately reported to the City. Failure to report these changes shall result in denial of application.
- (d) Approval or denial of City registration certificate and massage business registration certificate renewals.
- (1) Within thirty (30) days following receipt of a completed application, the Finance Director shall either issue the registration certificate or mail a written statement of the reasons for denial as set forth below. The director shall deny a registration certificate to the applicant where any of the following conditions exist:

- a. The applicant or any owner has procured or attempted to procure a registration certificate or other license by fraud, misrepresentation or material misstatement;
 - b. The applicant or any owner is a person who, as established by clear and convincing evidence, has engaged in disqualifying conduct as defined in this chapter within five (5) years immediately preceding the date of filing of the application;
 - c. The massage business, as proposed by the applicant, if permitted, would not comply or has not complied with all the applicable laws, including, but not limited to, all the City's building, fire, zoning, and health regulations;
 - d. The applicant or any owner has violated any provision of this chapter, or any similar ordinance, law, rule, or regulation of any other public agency which regulates the operation of massage businesses;
 - e. The applicant is less than eighteen (18) years of age;
 - f. The application is incomplete and the required supplementary documents were not submitted within twenty (20) days of a request for these documents by the Finance Director;
 - g. The applicant or any owner has been denied for good cause a business registration certificate or license; has had their registration certificate or registration revoked, suspended, or restricted for good cause; has been proven to have violated any ordinance related to the practice of massage; or has had any other disciplinary action taken for good cause against them by another city, state, county or territory of the United States, or by any other government agency; or
 - h. The applicant or any owner is indebted to the City for any unpaid fee or fine.
- (2) If prosecution is pending against the applicant or any owner for either conduct violating this chapter's provisions or conduct violating Business and Professions Code section 4600 et seq., the director may postpone the decision on the application until the prosecution's final resolution. As used in this subsection, prosecution means charges filed by the district attorney, administrative proceedings brought by a local government or agency, or a civil or criminal action maintained by the Porterville City Attorney or prosecution attorney.
- (e) Upon determining that grounds for denial exist, the Finance Director shall furnish written notice of the denial to the applicant. The notice shall summarize the principal reasons for the denial, shall state that the applicant may request an appeal pursuant to Section 15-131, and shall be delivered by mail to the applicant as that name and address appear on the application.
- (f) Facilities prerequisite to registration certificate issuance. A registration certificate shall not be issued pursuant to this chapter unless an inspection reveals that the business complies with each of the following minimum requirements of this chapter and Chapter 21 of this Code:
- (1) Facility requirements.
- a. No massage or massage services shall be given in a business, or premises registered pursuant to this chapter, in any room or space enclosed or divided by walls and fitted with a door capable of being locked from the inside. This section shall not apply to the business's external doors and shall not operate to prohibit a massage business

from locking its external doors if the business is a business entity owned by one (1) individual with one (1) or no employees or independent contractors.

- b. A list of services available and the cost of the services shall be posted in an open and conspicuous public place on the premises. The services shall be described in English and any other languages that the business chooses. Only services on the posted list shall be performed.
- c. Minimum lighting consisting of at least one (1) artificial light of not less than forty (40) watts shall be provided and shall be operating in each room or enclosure where massage services are being performed on clients, and in all areas where clients are present.
- d. Massage businesses shall at all times be equipped with an adequate supply of clean sanitary towels, coverings, and linens. Clean towels, coverings, and linens shall be stored in enclosed cabinets. Towels and linens shall not be used on more than one (1) client, unless they have first been laundered and disinfected. Disposable towels and coverings shall not be used on more than one (1) client. Soiled linens and paper towels shall be deposited in separate, approved receptacles.
- e. All walls, ceilings, floors, pools, showers, bathtubs, steam rooms, and all other physical facilities, shall be in good repair and maintained in a clean and sanitary condition.
- f. Adequate bathing, dressing, locker and toilet facilities shall be provided for clients. A minimum of one (1) tub or shower; one (1) dressing room containing a separate locker for each client to be served, which locker shall be capable of being locked; as well as a minimum of one (1) toilet and washbasin, shall be provided in every massage business; provided, however, that if male and female clients are to be served simultaneously at the business, separate bathing, massage room(s), dressing room(s), and toilet facilities shall be provided for male and female clients. This requirement may be modified upon approval of the City Manager if the services provided or site plan do not necessitate some or all of these facilities.
- g. A minimum of one (1) wash basin for employees shall be provided at all times. The basin shall be located within, or as close as practicable, to the area devoted to performing massage services. Sanitary towels shall also be provided at each basin. Hot and cold running water shall be provided at all times.
- h. In the reception area, in letters that are a minimum of one (1) inch in height, a notice in English (and any other language that the business chooses) that provides information substantially as follows:

THIS MASSAGE BUSINESS AND THE MASSAGE ROOMS DO NOT
PROVIDE COMPLETE PRIVACY AND ARE SUBJECT TO INSPECTION BY
CITY AND HEALTH OFFICIALS WITHOUT PRIOR NOTICE
- i. No room or space enclosed or divided by walls and fitted with a door where massage or massage services are performed shall be equipped with any electronic, mechanical, or artificial device used or capable of being used, for the recording or videotaping of visual images and/or sound.

- j. Wet and dry heat rooms, steam or vapor rooms or cabinets, toilet rooms, shower and bath rooms, tanning booths, whirlpool baths and pools shall be thoroughly cleaned and disinfected as needed or required.
- k. Standard or portable massage tables shall be used with a durable, washable plastic or other waterproof material as a covering. The tables shall be sanitized after each use.
- l. A massage business shall operate only under the name specified in its City registration certificate.
- m. No massage business located in a building or structure with exterior windows fronting a public street, highway, walkway, or parking area shall block visibility into the interior reception and waiting area through the use of curtains, closed blinds, tints, or any other material that obstructs, blurs, or unreasonably darkens the view into the premises.

(g) Operating requirements.

- (1) Massage may be provided only between the hours of 7:00 a.m. and 9:00 p.m. No massage business shall be open and no massage services shall be provided between 9:00 p.m. and 7:00 a.m. A massage commenced prior to 9:00 p.m. shall nevertheless terminate at 9:00 p.m., and all clients shall exit the premises at that time. It is the obligation of the massage business to inform clients of the requirement that services must cease at 9:00 p.m.
- (2) The owner and manager of a massage business shall be responsible for displaying the City registration certificate and the CAMTC registration certificate of each and every certified massage practitioner or therapist employed in the business in an open and conspicuous place on the premises. Passport-size photographs of the registration certificate holder shall be affixed to the respective registration certificate on display pursuant to this section.
- (3) For each massage service provided, every massage business shall keep a complete and legible written record of the following information:
 - a. The date and hour that service was provided;
 - b. The service received;
 - c. The name or initials of the employee entering the information; and
 - d. The name of the employee administering the service.

The records shall be open to inspection and copying by the Porterville Police Department, or other City officials charged with enforcement of this chapter. These records may not be used by any massage business owner or employee for any purpose other than as records of service provided and may not be provided to other parties by any person unless otherwise required by law. The records shall be retained on the premises of the massage business for a period of two (2) years.

- (4) All massage business owners and their employees shall wear clean outer garments. The garments shall not include any of the following:
 - a. Attire that is transparent or see-through, or substantially exposes the employee's undergarments;

- b. Swim attire, if not providing a water-based massage modality accepted by the California Massage Therapy Council;
 - c. Attire that exposes the employee's genitals, pubic areas, buttocks, or breasts;
 - d. Attire worn in a manner that constitutes a violation of California Penal Code section 314;
 - e. Attire worn in a manner that is otherwise deemed by the California Massage Therapy Council to constitute unprofessional attire based on the custom and practice of the profession in California.
- (5) At all times during the massage, the client's genitals shall be fully covered and contact shall not be made with the genitals.
- (6) The premises' exterior doors and the doors separating the waiting or reception area from the remainder of the premises shall remain unlocked during the business hours (including electronic locking devices) or when clients are present. External doors may only be locked during business hours if the massage business is a business entity owned by one (1) individual with one (1) or no employees or independent contractors who are not employees of the business and there is no staff available to assure security for clients and massage staff behind closed doors.
- (7) During hours of operation, no person other than the listed manager on duty, an employee, or a client shall be allowed beyond the reception area of the massage business.
- (8) Clients and visitors shall only be permitted in the massage business during the hours of operation.
- (9) Visitors shall only be permitted in the reception area of the massage business.
- (10) Clients shall only be permitted in massage treatment areas if at least one (1) massage practitioner is on the premises.
- (11) The massage business shall be supervised, during all hours of operation, by a manager specified in the City's registration application. The name of the manager on duty shall be posted in a conspicuous place within the reception area daily.
- (12) The owner and manager shall maintain a register of all employees or rent-space massage therapists. The employee register shall be maintained on the premises for a minimum period of two (2) years following an employee's termination. The owner and manager shall make the employee register immediately available for inspection upon demand by a representative of the Porterville Police Department or the City at all reasonable times. The employee register shall include, but not be limited to the following information:
- a. The name, nicknames and/or aliases used by an employee or rent-space massage therapist.
 - b. A good quality color photocopy of a lawfully issued CAMTC certificate for each employee and rent-space therapist that provides massage services.
 - c. The employee's or rent-space therapist's home address and relevant phone numbers (including, but not limited to, home and cellular numbers).

- d. The employee or rent-space therapist's age, date of birth, gender, height, weight, color of hair and eyes.
 - e. The date of employment and termination, if applicable, or, in the case of a rent-space therapist, the start and end dates of the lease agreement, as well as a copy of the agreement for all employees.
 - f. The duties of each employee.
- (13) While the City registration is in effect and at all times during operation, the massage business shall fully maintain current and valid workers' compensation insurance as required by law. Proof of insurance shall be maintained on the premises at all times.
- (14) The massage business shall apply to the City for an amended City registration certificate within twenty (20) days after the occurrence of any circumstance which changes the registration information initially provided to the City pursuant to this section, including, but not limited to, the termination of certified massage practitioners or therapists. There shall be no charge for an amended registration certificate unless the director determines that the changes are substantial and a new certificate is required.
- (h) A City registration certificate issued pursuant to the terms of this chapter shall be valid for a term of one (1) year from the date of issuance and, unless suspended or revoked, may be renewed annually upon application by the massage business owner so long as the massage business is operating within the city. No registration certificate shall confer any vested right to any person or business for more than the registration period.

Sec. 15-129. - Violations.

- (a) In addition to any other remedy available under the law, violations of this chapter are subject to all applicable remedies within this Code, including, but not limited to, Section 1-9 and/or the administrative citations and penalties provisions in Chapter 1 of this Code.
- (b) Any massage business operated, conducted, or maintained contrary to the provisions of this chapter shall constitute an unlawful business practice pursuant to Business and Professions Code section 17200 et seq., and the City attorney or district attorney may, in the exercise of discretion, in addition to or in lieu of taking any other action permitted by this chapter, commence an action or actions, proceeding or proceedings in the Superior Court of Tulare County, seeking an injunction prohibiting the unlawful business practice and/or any other remedy available at law, including but not limited to, fines, attorneys' fees and costs. All remedies provided for in this chapter are cumulative.
- (c) It shall be unlawful and a public nuisance for a massage business to be operated, conducted, or maintained contrary to the provisions of this chapter. The City may exercise its discretion, in addition to or in lieu of prosecuting a criminal action, to commence proceedings for the abatement, removal, and enjoinder of that business in any manner provided by law.

Sec. 15-130. - City registration certificate suspension or revocation.

- (a) In addition to any other remedy available to the City under this Code or state law, any registration certificate may be suspended or revoked by the director where it is found by substantial evidence that any of the following have occurred:

- (1) The registration certificate holder and/or agent has violated any provision of this chapter or the grounds for denial of the registration certificate exist;
- (2) The registration certificate holder and/or agent is a person who has engaged in disqualifying conduct as defined in this chapter;
- (3) The registration certificate holder and/or agent has failed to comply with one (1) or more of the facilities and operations requirements of this chapter;
- (4) The registration certificate holder and/or agent has engaged in fraud, misrepresentation, or false statement in conducting the massage business;
- (5) The registration certificate holder and/or agent has continued to operate the massage business after the City registration certificate or registration has been suspended; or
- (6) The registration certificate holder and/or agent has failed to apply with the City for an amended City registration certificate within twenty (20) days after the occurrence of any circumstance which substantially changes the registration information initially provided to the City pursuant to Section 15-128, including, but not limited to the termination of certified massage practitioners or therapists; or
- (7) Massage treatments have been performed on the premises of the massage business, with or without the registration certificate holder's actual knowledge, by any person who:
 - a. Does not have a valid CAMTC certification; or
 - b. As established by clear and convincing evidence, has engaged in conduct or has been convicted of the offenses described as disqualifying conduct.

Sec. 15-131. – Denial/Appeals.

- (a) Notice of Denial, Suspension or Revocation shall contain a statement of the violation(s) which constitute the basis for the suspension or revocation and information about the right to appeal. Notice of the Suspension or Revocation shall be given by first class mail to the owner and real property owner at the addresses shown on the registration certificate. Service shall be deemed complete when the Notice is mailed by first class mail. The owner shall have ten (10) calendar days from the date the Notice is served to appeal to the Finance Director in writing and upon payment of a fee in an amount established by City Council resolution. Upon issuance of a Notice of Suspension or Revocation, the registration certificate shall be surrendered and no massage activity may occur while any appeal proceeds.
- (b) Upon receipt of an appeal, the Finance Director shall appoint a hearing officer. A hearing shall be scheduled upon not less than ten (10) calendar days and not more than 30 days, unless extended by mutual agreement. Notice of the hearing shall be given by first class mail to the owner and real property owner at the address shown on the registration certificate. Service shall be deemed complete when the Notice is mailed.
- (c) The hearing officer's jurisdiction is limited to determining whether evidence exists to provide grounds for the registration certificate denial, suspension or revocation.
- (d) The City shall provide proof of any violations by a preponderance of the evidence. Formal rules of evidence shall not apply to the hearing.
- (e) The hearing officer shall:

- (1) Receive evidence regarding the proposed suspension, revocation or certificate denial.
 - (2) Maintain a record of all evidence introduced.
 - (3) Record the hearing.
 - (4) Consider the nature, volume, severity, and frequency of any violations.
 - (5) Decide whether grounds exist of the suspension or revocation or denial.
 - (6) Issue a written decision within seven (7) days of the hearing that includes the factual and legal basis of the decision and a notice of the appeal rights contained in this chapter.
- (f) The hearing officer's decision shall be final upon mailing by first class mail to the owner and real property owner at the address listed on the registration certificate.
- (g) The hearing officer's decision is subject to review pursuant to California Code of Civil Procedure section 1094.6.

Sec. 15-132. - Conditions of approval.

The director or hearing officer may condition any City registration certificate if they find that grounds for denial or revocation of a registration certificate exist.

Sec. 15-133. - Hearing fees.

All hearings held as provided in this chapter may be subject to a filing fee in an amount established by the City Council resolution.

Sec. 15-134. - Reapplication after denial or revocation.

- (a) An applicant for a City registration certificate under this chapter whose application for registration has been denied may not reapply for registration for a period of two (2) years from the date of the denial. However, a reapplication prior to the termination of two (2) years may be made if accompanied by evidence that the ground(s) for denial of the application no longer exist. Notwithstanding, if an application or renewal is denied due to criminal activity at the business, no reapplication for a new massage business at the same location will be accepted within two (2) years after the effective date of the denial.
- (b) A registration certificate holder under this chapter whose registration or renewal has been revoked or denied may not reapply for a registration certificate for a period of two (2) years from the date of the revocation or denial.
- (c) If an application or renewal is denied due to criminal activity at the business, no reapplication for a new massage business at the same location will be accepted within two (2) years after the effective date of the denial.

Sec. 15-135. - No refund of fee.

No refund or rebate of a registration certificate fee shall be allowed regardless of whether the City registration certificate has been suspended or revoked, or because the registration certificate holder discontinues an activity for which a City registration certificate is required pursuant to this chapter.

Sec. 15-136. - Inspection by officials.

The investigating and enforcing officials, including, but not limited to, the Porterville Police Department; Tulare County Health Department; or the City's Community Development Director, Finance Director, code enforcement, or building and safety officials, or their designees, shall have the right to enter the premises from time to time during regular business hours for the purpose of making reasonable inspections to observe and enforce compliance with building, fire, electrical, plumbing or health regulations, and to enforce compliance with applicable regulations, laws, and statutes, and with the provisions of this chapter.

Sec. 15-137. - Notifications.

A massage business shall immediately report to the City's business license department any of the following:

- (a) Arrests of any employees, owners, or managers of the registrant's massage business for an offense other than a misdemeanor traffic offense;
- (b) Resignations, terminations, or transfers of certified massage practitioners or therapists employed by the registrant's massage business;
- (c) The occurrence of any event involving the registrant's massage business or the massage practitioners or therapists employed there that constitutes a violation of this chapter or state or federal law.

Sec. 15-138. - Business location change.

Upon a change of location of a massage business, a new application shall be made to the director for a City registration certificate pursuant to the requirements of Section 15-128 prior to commencing operation at the new location. The application shall be granted, provided all applicable provisions of this chapter and Chapter 21 are complied with, and a change of location fee in an amount established by City Council resolution to defray the costs of investigation and report has been paid to the City. A new location shall be subject to an inspection under Section 15-136 before a new registration will be issued.

Sec. 15-139. - Sale or transfer of massage business interest.

A sale or transfer of any interest in a massage business, which interest would be reported as required in this chapter upon application for a City registration certificate, shall be reported to the Finance Director within ten (10) days of the sale or transfer. The Finance Director shall investigate any person receiving any interest in a massage business as a result of the sale or transfer, and if the person satisfies the requirements relating to City registration certificate applicants, the existing registration certificate shall be endorsed to include the person. A fee as set by resolution of the City Council shall be paid to the City for the investigation by the Finance Director necessitated by each sale or transfer.

SECTION 2: The Porterville Municipal Code, Chapter 21, commonly known as the Porterville Development Ordinance, Series 700, Chapter 701.02, Land Use Classifications, is hereby amended as follows:

Medical Facilities. These classifications exclude veterinaries and animal hospitals (see Animal Care, Sales, and Services) and medical marijuana dispensaries.

Hospitals. State-licensed facilities providing medical, surgical, psychiatric, or emergency medical services to sick or injured persons.

Medical Clinic. This classification includes facilities for multiple physicians, medical groups, inpatient or outpatient treatment, including substance-abuse programs as well as training, research, and administrative services for patients and employees.

Professional/Medical. This classification is for the single practitioner; to include offices where medical and dental services are provided by physicians, dentists, chiropractors, optometrists, and similar medical professionals, including, where affiliated with a medical practitioner, massage therapy.

Personal Services. Provision of recurrently needed services of a personal nature. This classification includes barber and beauty shops, massage therapy, tattoo parlors, seamstresses, tailors, dry cleaning agents (excluding large-scale bulk cleaning plants), shoe repair shops, self-service laundries, photocopying and photo finishing services, and travel agencies.

SECTION 3: If any section, subsection, sentence, clause, phrase, or portion of this ordinance is held invalid or unconstitutional for any reason by a court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions.

SECTION 4: This ordinance shall be in full force and effect not sooner than thirty (30) days from and after the ordinance's publication and passage.

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

Milt Stowe, Mayor

ATTEST:

John D. Lollis, City Clerk

By: _____
Patrice Hildreth, Chief Deputy City Clerk

Application for City Massage Business Registration Certificate

Legal name, address and telephone number of the massage business.

List of services to be provided, and a description of any other business operated on the same premises.

Legal names of all owners of the massage business and the names of all managers.

Home address and telephone number and business address and telephone number of all owners of the massage business, and any previous home addresses for a period of five (5) years immediately prior to the date of the application and the dates of residence at each.

The form of business under which the massage business will be operating (i.e. corporation, general or limited partnership, limited liability company, or other form).

The name of each person the massage business employs or retains to perform massage therapy for compensation.

The name and address of the owner of the real property upon, in, or from which the massage business is to be operated. In the event the applicant or owner is not the legal owner of the property, the application shall be accompanied by a copy of any written lease between the massage business and the property owner authorizing use of the premises for a massage business, or, alternatively, if there is no written lease, then a written, notarized acknowledgement from the property owner that the property owner has been advised that a massage business will be operated by the applicant upon, in, or from the property owner's property.

The name and contact information of the individual to receive notices on behalf of the business.

Also include, in attachments as needed, the following information:

A floor plan indicating how the use is proposed to be conducted within the premises.

For all owners, a valid and current driver's license and/or photo identification issued by a state or federal governmental agency, or other photographic identification bearing a bona fide seal by a foreign government.

For all owners, a signed statement that all of the information contained in the application is true and correct; that all owners shall be responsible for the conduct of the business's employees or independent contractors providing massage services; and acknowledging that failure to comply with the California Business and Professions Code Section 4600 et seq., any local, state, or federal law, or the provisions of this chapter may result in revocation of the business's City registration certificate.

The massage license and registration history of all of the owners, including whether the owner has operated any massage business or similar business or occupation within any other county, city, or state; and whether or not the applicant, in previously operating a massage business, has had the license or registration certificate revoked, suspended, or denied. In the case of revocation, suspension, or denial, the owner shall also include within the form the reason(s) therefor, and any employment obtained subsequent to any revocation, suspension or denial.

The employment history of each owner for five (5) years preceding the date of the application, the inclusive dates of the employment history, and the name and address of any massage business or similar business owned by the individual, whether inside or outside the city of Porterville. Employment history shall also include whether the owner, including a corporation or partnership, or a former employer of the applicant while so employed, was ever subjected to an abatement proceeding under California Penal Code sections 11225 through 11235, or any similar provisions of law in a jurisdiction outside the state.

For each owner of the massage business that is a certified massage practitioner, a copy of that person's current certification from the California Massage Therapy Council as a certified massage practitioner, certified massage therapist, or conditionally certified massage practitioner, and copy of that person's CAMTC-issued identification card.

For each owner that is not CAMTC certified, current fingerprints taken by the City of Porterville Police Department or a certified and approved California Live Scan Fingerprinting Center for the purpose of conducting a background check on behalf of the City, to determine the criminal history of the applicant, including whether the applicant has been convicted of any felony, misdemeanor, infraction, or municipal code violation, or has been held liable for any administrative or civil action, for an act that is substantially related to the practice of massage or disqualifying conduct.

For each person the massage business does or will employ or retain to perform massage therapy for compensation, a copy of that person's current certification from the California Massage Therapy Council as a certified massage practitioner, certified massage therapist, or conditionally certified massage practitioner and a copy of that person's CAMTC-issued identification card for each certified massage practitioner.

Proof of current and valid workers' compensation insurance from an insurer authorized to do business in California, in an amount as required by law.

Authorization for the City, its employees and agents to seek information and conduct an investigation into the truth of the statements set forth in the application and the qualifications of the applicant for the registration certificate.

Any other identification and information necessary to discover the truth of the matters required to be set in the application.

Any changes to the application information during the period the City is reviewing the application shall be immediately reported to the City. Failure to report these changes shall result in denial of application.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF PORTERVILLE ADOPTING A FEE FOR PROCESSING AND
ADMINISTERING A MASSAGE BUSINESS REGISTRATION CERTIFICATE

WHEREAS, on January 19, 2016, the City Council of the City of Porterville gave second reading to the draft ordinance concerning massage-related business. Implementation of the ordinance requires adoption of application forms and fees, as described in various sections of that ordinance; and

WHEREAS, Article IX of Chapter 15 of the Municipal Code is pending codification and sets forth a process by which massage businesses in Porterville operate; and

WHEREAS, prior to any new business opening, or at the time a business already in operation and subject to Section 15-124(b) renews their business license, a certificate must be obtained from the Finance Department; and

WHEREAS, based on the information that must be considered in order to duly process such a certificate, the City Council has defined a fee based primarily on hourly cost for staff time, as follows:

Registration Fee: \$15

This is a flat fee, due with each application and not refundable if an application is denied. It is comprised of staff time to review the certificate application for completeness at a rate of \$20 per hour and an estimated timeframe of 45 minutes ($3/4 \text{ hour} * \$20/\text{hour} = \15).

Appeal Fee: \$300

In the event an application is denied, suspended, or revoked, a business has the right to an appeal. The process for filing an appeal is outlined in Section 15-131. Estimated costs for appeals of a massage certificate are consistent with the City's standard appeals process. The standard fee for appeals as adopted is \$316. For this specific purpose that fee has been rounded down to \$300.

Relocation Fee: \$50

As noted in Section 15-138 of the ordinance, relocation of a business is subject to a new registration certificate and payment of a fee to defray costs of inspection of the new location. Such an inspection would be in accordance with Section 15-136 of the ordinance, and would involve review by a variety of staff from different departments, but would not likely take longer than one hour.

; and

WHEREAS, on February 2, 2016, the City Council reviewed the Massage Business Certificate fees and determined that fees of \$15, \$300, and \$50, respectively, are justifiable given the amount of effort put forth to provide the services.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Porterville that the fee for application for a Massage Business Certificate as required by Article IX of Chapter 15 of the Municipal Code is adopted as follows: application fee of \$15, appeal fee of \$300, and a \$50 relocation fee.

PASSED, APPROVED AND ADOPTED this 2nd day of February, 2016.

Milt Stowe, Mayor

ATTEST:

John D. Lollis, City Clerk

By _____
Patrice Hildreth, Chief Deputy City Clerk



CITY COUNCIL AGENDA – FEBRUARY 2, 2016

SUBJECT: Modification No. 2 to Conditional Use Permit 13-81 to Allow the Use of a Funeral Home and Crematory at 765 W. Henderson Avenue

SOURCE: Community Development

BACKGROUND:

On September 22, 1964, the Porterville Board of Zoning Adjustment, approved a Conditional Use Permit 4-64 (Resolution 119) for the First Church of the Nazarene, to allow the establishment of a church on the southeast corner of W. Henderson Avenue and Indiana Street. On February 13, 1973, the Porterville Planning Commission approved the request for Conditional Use Permit 1-73 (Resolution 529) for the installation of four amplifiers to project sound from bells for church uses. On October 15, 1976, the Porterville Planning Commission approved the request of a Conditional Use Permit 15-76 (Resolution 763) to expand church use by acquiring a single-family dwelling (751 W. Henderson Avenue) for office, Christian education, and miscellaneous religious purposes, in conjunction with existing church facilities. On September 28, 1981, the Church of the Nazarene requested approval of Conditional Use Permit 13-81 (Resolution 1294) to allow for an additional church structure. On February 28, 1983, the Porterville Planning Commission approved the request to modify Conditional Use Permit 4-64 and Conditional Use Permit 13-81 (Resolution 1448) to allow for the expansion of the existing sanctuary to construct a new classroom and multi-purpose building.

COMMENT: On December 16, 2015, the Project Review Committee met with the applicant to discuss the proposed project. The site is located on the southeast corner of W. Henderson Avenue and Indiana Street at 765 W. Henderson Avenue in the CR (retail center) zone district. The applicant proposes to change the use from the existing sanctuary to a funeral home and crematory. The applicant is requesting approval of Modification No. 2 to Conditional Use Permit 13-81 (PRC 2015-037-M) to allow the use of a funeral home and crematory. The applicant proposes to lease the property to Les Peters, of Whitehurst-Peters-Loyd Funeral Home, and Daryl Nicholson with an option to purchase. If approved, the funeral home, currently located on Hockett Street for the last 100 years, will move to utilize the larger accommodations and location available at 765 W. Henderson Avenue.

ANALYSIS: The request for a modification to Conditional Use Permit 13-81 to allow a funeral home and crematory is not projected to cause a negative impact on the surrounding community. There are no changes to the elevation except to remove the steeple and cross on the main chapel of the building. The applicant is

proposing one new driveway approach at the end of Dexter Avenue and Village Green Street. The Engineering Division has conditioned the project to construct the new driveway per the commercial/office design standards. The proposed change in use classification from Public and Semi-Public to Commercial, will not create a demand for additional on-site parking. The applicant does, however, plan on resealing and restriping the parking lot. Upon site inspection, staff noted a cargo container on the property. The applicant stated they would remove the cargo container from the property and the draft resolution includes a condition that the cargo container shall be removed after project completion, during final inspection.

The Environmental Protection Agency has previously determined that human remains should not be regarded as “solid waste” and thus crematories are not subject to the Clean Air Act’s provisions regarding the incineration of solid waste per Final Ruling 70 Federal Register, 241. The draft resolution includes conditions to obtain the proper permits from the San Joaquin Valley Air Pollution Control District, and the Department of Consumer Affairs Cemetery and Funeral Bureau for a crematory license. Due to the proximity of the residential district, the project includes conditions to operate the establishment in such a manner as to preserve the public safety, health and welfare, and to prevent the use from becoming a nuisance. Additionally, the project is also conditioned to adhere to the performance standards identified in Section 306 of the Porterville Development Ordinance for Noise, Odors, and Air Contaminants. The Building Division has conditioned the project to provide a ventilation system to remove the embalming chemicals out of a room or space per the California Mechanical Code, and that the retort shall meet the UL Listing requirements. After speaking with the applicant’s representative at American Cremation Equipment Supply Company, Mr. John Raggett, the applicants are considering model A-250-WH or a similar kind. Features of this model allow the operator the ability to effectively control and eliminate stack emissions. The applicants stated they are willing to work with the City to be compliant with the conditions set forth. Furthermore, Les Peters of Whitehurst-Peters-Loyd Funeral Home is well versed on the procedures required to operate a funeral home.

The site is consistent with the Retail Center zoning and General Plan policies that support commercial uses to provide services to both local residents and people from surrounding communities. Allowing the use of a funeral home at this location will promote and support infill development in an existing commercial zone. A funeral home and crematory is a permitted use in the CR zone district with review and approval of a Conditional Use Permit.

ENVIRONMENTAL REVIEW:

On January 20, 2016, the Environmental Coordinator made a preliminary determination that the project is exempt from the California Environmental Quality Act under Class 1 (Existing Facilities) Section 15301.

RECOMMENDATION:

That the City Council adopt the draft Resolution approving Modification No. 2 to Conditional Use Permit 13-81 (PRC-2015-037-M) to allow the use of a funeral home and crematory.

ATTACHMENTS:

1. Project Locator Map
2. Resolution 119
3. Resolution 529
4. Resolution 763
5. Resolution 1294
6. Resolution 1448
7. Zoning Map
8. General Plan Land Use Map
9. 300' Radius Map
10. Draft Resolution

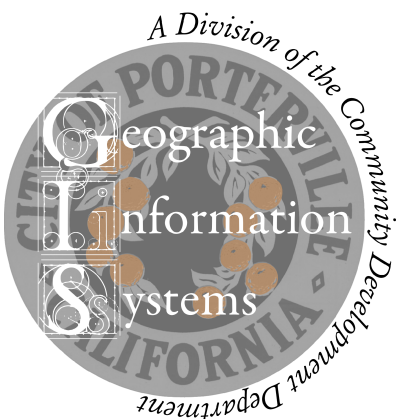
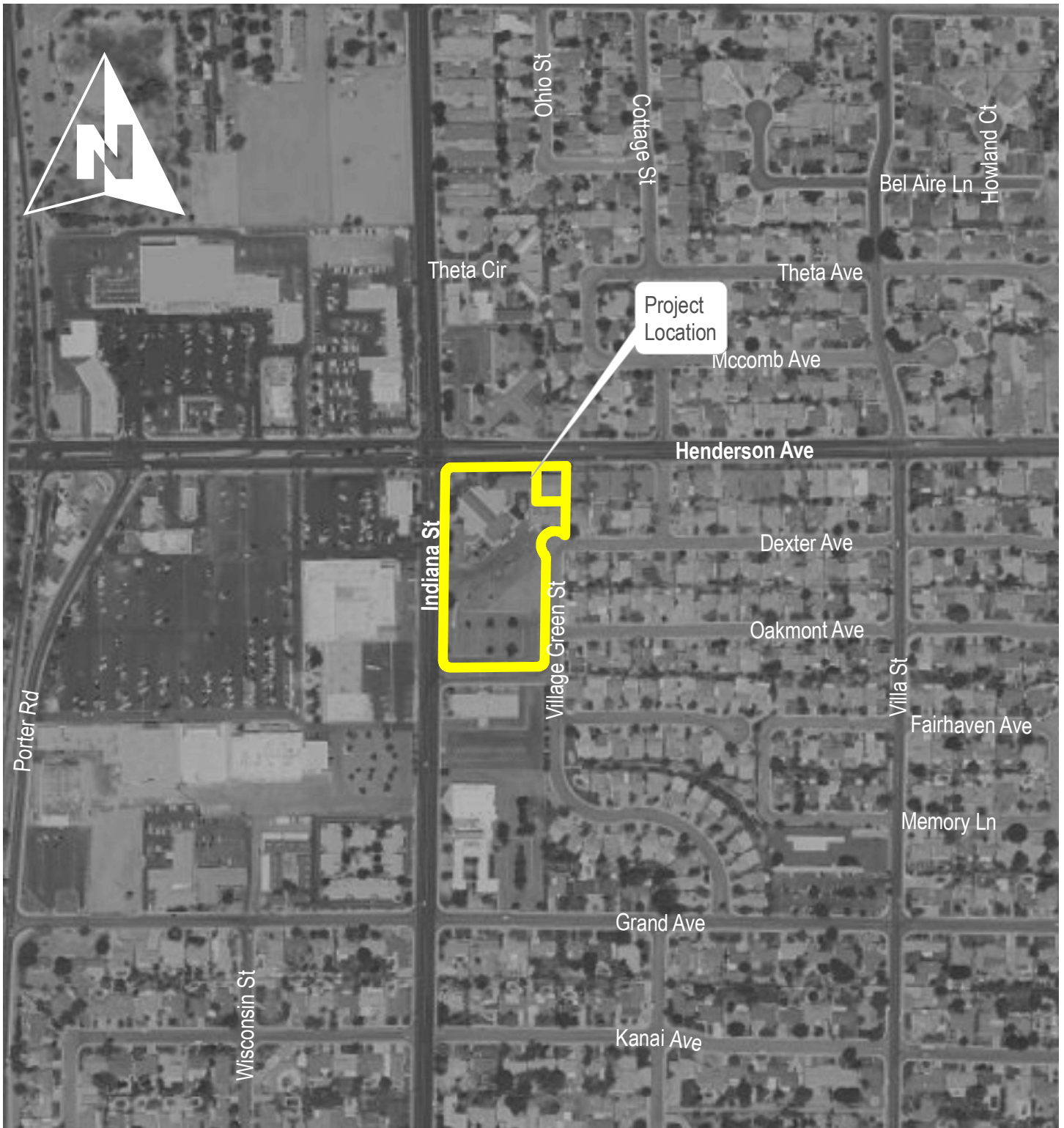
Appropriated/Funded:

Review By:

Department Director:

Jenni Byers, Community Development Director

Final Approver: John Lollis, City Manager



PRC 2015-037
CUP for Funeral Home and Retort
@ 765 W. Henderson Ave
Project Locator Map
1" = 400 ft.

RESOLUTION NO. 119

BEFORE THE PORTERVILLE BOARD OF ZONING ADJUSTMENT

In the Matter of
Conditional Use Permit No. 4-64
First Church of the Nazarene

MOVED by Commissioner Lusk, seconded by Commissioner Roberts
that the following resolution be adopted:

WHEREAS: An application has been filed by W. H. Deitz,
Minister, 330 Carmelita Way, for the First Church of the
Nazarene, for a conditional use permit for the establishment
of a church on the corner of Henderson Avenue and proposed
Indiana Avenue, and the Board held a public hearing on the
proposed plan of development of subject property on
September 22, 1964, at which time testimony was received
on this matter.

WHEREAS: It is the duty of the Board to investigate matters
of safety, traffic flow, parking and other matters which
are necessary to see that uses of the type listed in
Ordinance No. 707 under "Conditional Uses" will be best
fitted into the development of the City.

The Board Finds:

1. That land be dedicated for street purposes
to provide for an 84' right of way on Henderson
Avenue, and 84' right of way on Indiana Street,
a 60' right of way on the eastern boundary of
the property to connect Dexter and Oakmont and
a 30' wide dedication to provide a half street
on the southern boundary of the property
connecting Indiana to the street to the east.
The remaining additional half street dedication
of 30' should be provided by the property owner
to the south.
2. That all street improvements be constructed
in conformance with Ordinance of the City of
Porterville and shall include curb, gutter,
sidewalk and street paving.
3. Points of egress and ingress to the parking
lot are satisfactory and the parking lot meets
the minimum requirements of the zoning ordinance.
4. The area is zoned for churches and setbacks
have been and will be complied with.
5. That the matter of paying the cost of street
improvements is between the Council and the applicant.

RESOLVED: That a conditional use permit be granted to the above-stated applicant with the following conditions:

1. That curb, gutter, sidewalks and street surfacing be provided.
2. That a 42' right-of-way be dedicated on Henderson Avenue and a 47.33' right-of-way be dedicated on Indiana, measured from the center/line of said streets, as planned.
3. That a 60' right-of-way be dedicated between Dexter and the easterly boundary of the Nazarene Church property.
4. That a 30' right-of-way be dedicated for street purposes on the southerly boundary of the church property with the additional 30' to be provided by the adjacent property owner when the property is developed.
5. That sufficient property be dedicated for street purpose at Henderson & Indiana to provide a "flare" for transition from a 110' right-of-way to an 84' right-of-way.

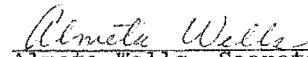
MOTION CARRIED BY THE FOLLOWING VOTE:

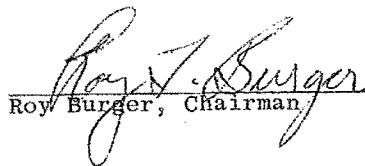
AYES: COMMISSIONERS: Burger, Hastings, Lusk, Olson, Purcelli, Roberts, and Spencer.

NOES: COMMISSIONERS: None.

ABSENT: COMMISSIONERS: None.

Date: September 22, 1964


Almeta Wells, Secretary


Roy Burger, Chairman

RESOLUTION NO. 529

CONDITIONAL USE PERMIT NO. 1-73

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PORTERVILLE CONTAINING FINDINGS IN SUPPORT OF THE APPROVAL OF A CONDITIONAL USE PERMIT APPLICATION FOR THE INSTALLATION OF FOUR OUTDOOR AMPLIFIERS TO PROJECT SOUND FROM BELLS FOR A CHURCH USE ON PROPERTY LOCATED AT THE SOUTHEAST CORNER OF HENDERSON AVENUE AND INDIANA STREET.

WHEREAS: The Porterville Planning Commission at their regularly scheduled meeting of February 13, 1973, held a public hearing to consider a Conditional Use Permit Application for the installation of four amplifiers to project sound from bells for a church use located on the above described property, and

WHEREAS: The Planning Commission received testimony from all interested parties relative to the proposed use, and

WHEREAS: It was the opinion of the Planning Commission that the proposed expansion of the existing use would not be in conflict with surrounding uses if the volume of sound and the frequency of the use of the bells is restricted to a reasonable level and at times compatible with other uses in the area, and

WHEREAS: It was determined that if, at a time when the City of Porterville has adopted a Noise Ordinance and has the necessary sound measuring equipment available, the use becomes questionable, after proper notice a public hearing can be held to reconsider the provisions of this use permit.

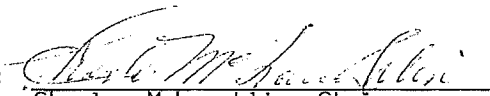
NOW, THEREFORE, BE IT RESOLVED: That the Porterville Planning Commission does hereby approve Conditional Use Permit No. 1-73, subject to the following conditions:

- (1) That the bells shall not project sound before 8:00 A.M. nor later than 9:00 P.M. for special events such as, weddings and funerals, providing further that such sound does not exceed five minutes in duration.
- (2) That Monday through Saturday the bells shall not project sound at any other time, nor any longer than five minutes at the hour of twelve noon and five P.M.
- (3) That on Sundays the bell shall project sound only for:
1 hymn - prior to Sunday school (approximately 9:00 A.M.),
1 hymn - following morning worship service (approximately 12:15 P.M.),
1 hymn - before evening service (approximately 5:00 P.M.),
the duration of each hymn shall not exceed five minutes.
- (4) That appropriate hymns could be played at noon and special days such as:
Christmas
Thanksgiving
Memorial Day
Independence Day
- (5) That the Planning Commission can, at any time and after proper notice, hold a public hearing to consider revoking the provisions of this use permit if such use is later determined to be a public nuisance.

MOVED by Commissioner Shields, seconded by Commissioner Rankin, and carried unanimously by roll call vote.

DATED: February 13, 1973

ATTEST:


Charles McLaughlin, Chairman
Porterville Planning Commission

RESOLUTION NO. 763

CONDITIONAL USE PERMIT NO. 15-76

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PORTERVILLE CONTAINING FINDINGS IN SUPPORT OF THE APPROVAL OF A REQUEST TO EXPAND CHURCH USE AT 751 WEST HENDERSON AVENUE IN THE CITY OF PORTERVILLE.

WHEREAS: The Porterville Planning Commission at their regularly scheduled meeting of October 25, 1976, held a public hearing to consider the use permit to expand operations of existing church facilities by utilizing single family dwelling at 751 West Henderson, and

WHEREAS: The Planning Commission received testimony from interested parties relative to the requested use permit, and

WHEREAS: The Planning Commission noted that the Porterville Church of the Nazarene intends to use the single family dwelling for office, Christian education, and miscellaneous religious purposes in conjunction with existing church facilities, which are adjacent and immediately to the east.

NOW, THEREFORE, BE IT RESOLVED: That the Porterville Planning Commission does hereby approve Conditional Use Permit No. 15-76 for expansion of church operations, at 751 West Henderson Avenue, subject to the following conditions:

- (1) That the fence along the easterly property line be repaired where needed and extended southerly to the church property line intersection with the Village Green Street cul de sac, such fencing to be constructed in accordance with City Code.
- (2) That the vacant area immediately south of the subject parcel be cleared of debris in an effort to reduce the fire hazard.
- (3) That a refuse container storage area (City Engineering Standard T-2a or T-2b) be installed in an area satisfactory to the Director of Public Works.
- (4) That the existing parking lot be continuously maintained and striped to provide the minimum required parking facilities as specified by the Zoning Ordinance.

MOVED by Commissioner Goodman, seconded by Commissioner Moran, and
carried unanimously by roll call vote.

DATED: October 15, 1976

ATTEST: Mary Dougherty
Mary Dougherty, Chairman
Porterville Planning Commission

RESOLUTION NO. 1294
CONDITIONAL USE PERMIT 13-81

A RESOLUTION OF THE CITY OF PORTERVILLE PLANNING
COMMISSION CONTAINING FINDINGS AND CONDITIONS IN
SUPPORT OF THE APPROVAL OF CONDITIONAL USE PERMIT NO.
13-81 FOR AN ADDITIONAL CHURCH STRUCTURE LOCATED
BETWEEN HENDERSON AVENUE, OAKMONT AVENUE, VILLAGE
GREEN STREET, AND INDIANA STREET.

WHEREAS: The Porterville Planning Commission at its regularly scheduled meeting of September 28, 1981, conducted a Public Hearing to consider approval of Conditional Use Permit No. 13-81 for an additional church structure located between Henderson Avenue, Oakmont Avenue, Village Green Street, and Indiana Street, and

WHEREAS: The Planning Commission received testimony in regards to the project, and

WHEREAS: The Planning Commission made the following findings:

1. That General Plan Revision 1-D indicates the site is located within an area designated for Medium Density Residential uses.
2. That the site is zoned R-2 (Three-family), and that churches are a conditional use in the R-2 Zone.
3. That the project conforms to the General Plan and Zoning Ordinance.
4. That a Negative Declaration was prepared for the project.

NOW, THEREFORE, BE IT RESOLVED: That the Porterville Planning Commission does hereby approve Conditional Use Permit 13-81 subject to the following conditions:

1. That all future on-site development shall conform to applicable City of Porterville codes.
2. That all future on-site development shall conform to the City's Zoning Ordinance.

3. That all future on-site uses shall conform to the City's Fire Department standards.
4. That development shall be subject to the City's development standards.

MOVED BY COMMISSIONER LEAVITT, Seconded by COMMISSIONER

LOZANO and CARRIED by the following roll call vote:

BONDS AYE MCCracken AYE COTTA AYE

NICHOLSON STEPPED DOWN LEAVITT AYE LOZANO AYE

ATTEBURY AYE.

DATED: September 28, 1981

ATTEST: *Pete V. McCracken*
Pete V. McCracken, Chairman
Porterville Planning Commission

RESOLUTION NO. 1448

MODIFICATION TO CONDITIONAL USE PERMIT 4-64
AND CONDITIONAL USE PERMIT 13-81

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PORTERVILLE CONTAINING FINDINGS AND CONDITIONS IN SUPPORT OF THE APPROVAL OF THE MODIFICATION TO CONDITIONAL USE PERMIT 4-64 and CONDITIONAL USE PERMIT 13-81 FOR THAT SITE LOCATED BETWEEN HENDERSON AVENUE, OAKMONT AVENUE, VILLAGE GREEN STREET, AND INDIANA STREET.

WHEREAS: The Porterville Planning Commission, at its regularly scheduled meeting of February 28, 1983, conducted a public hearing to consider a modification to Conditional Use Permit 4-64/13-81 for that site located between Henderson Avenue, Oakmont Avenue, Village Green Street and Indiana Street; and

WHEREAS: The Planning Commission received testimony in regards to the project; and

WHEREAS: The Planning Commission made the following findings:

1. That the General Plan indicates the site is located within an area designated for Medium Density Residential uses.
2. That the site is zoned R-2 (Three Family) and that churches are a conditional use in the R-2 zone.
3. That a project conforms to the General Plan and Zoning Ordinance.
4. That a Negative Declaration was prepared for the project.

NOW, THEREFORE, BE IT RESOLVED: That the Porterville Planning Commission does hereby approve the modification to Conditional Use Permit 4-64/13-81 subject to the following conditions:

1. That all future on-site development shall conform to applicable City of Porterville Codes.
2. That all future on-site development shall conform to the City's Zoning Ordinance.
3. That all future on-site uses shall conform to the City's Fire Department Standards.

4. That development shall be subject to the City's development standards.
5. That prior to occupancy of the new sanctuary, the applicant shall demonstrate they have fulfilled the parking requirements of the City of Porterville.
6. That the parking lot be landscaped and that the type of landscaping be approved by the Parks and Leisure Services Director.
7. That the expansion of the sanctuary and the new buildings shall meet fire flow requirements as required by the City Fire Chief.
8. That development be substantially as shown on Exhibits A, B, and C. If the proposed development does not conform to Exhibits A, B, and C, the applicant shall resubmit the plans for Planning Commission for modification.

MOVED BY COMMISSIONER Attebury SECONDED BY COMMISSIONER

Nicholson AND carried BY THE FOLLOWING VOTE:

AYES: Attebury, Nicholson, Gillett, Leavitt

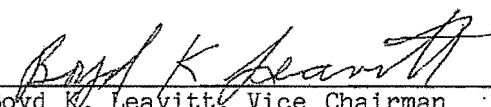
NOES: None

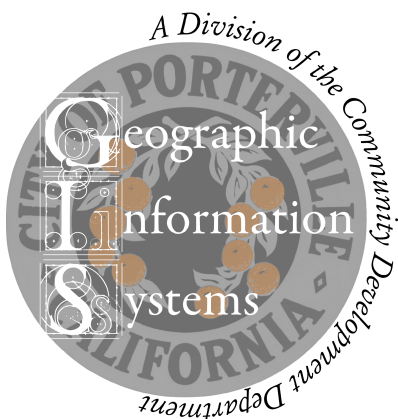
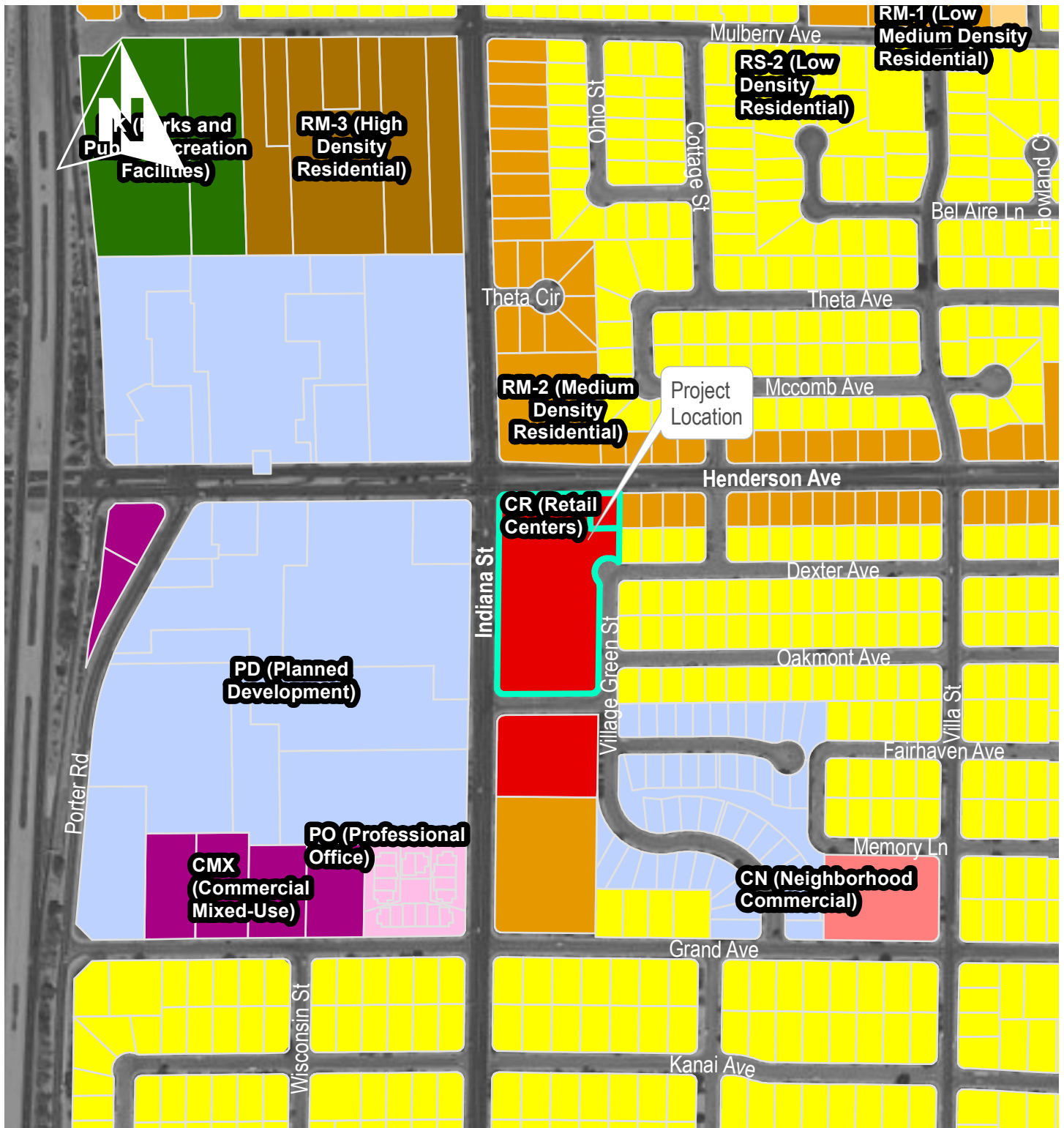
ABSENT: McCracken, Cotta, Vacant Chair

ABSTAIN: None

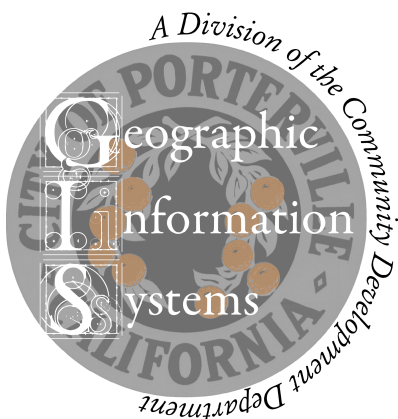
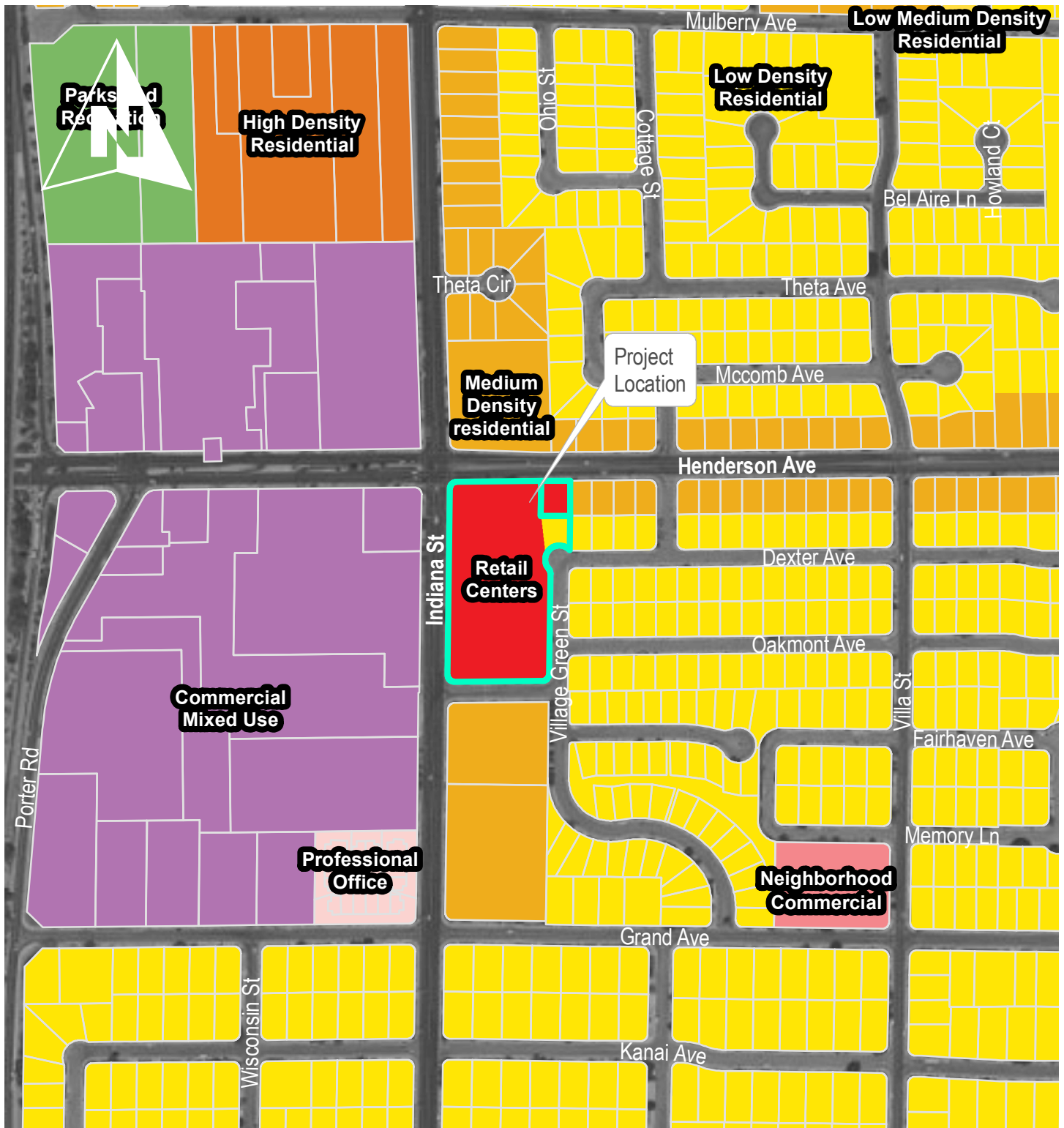
DATE: February 28, 1983

ATTEST:

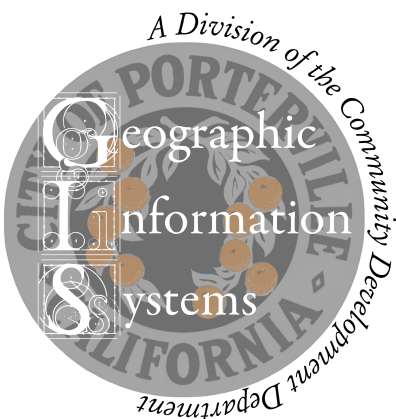
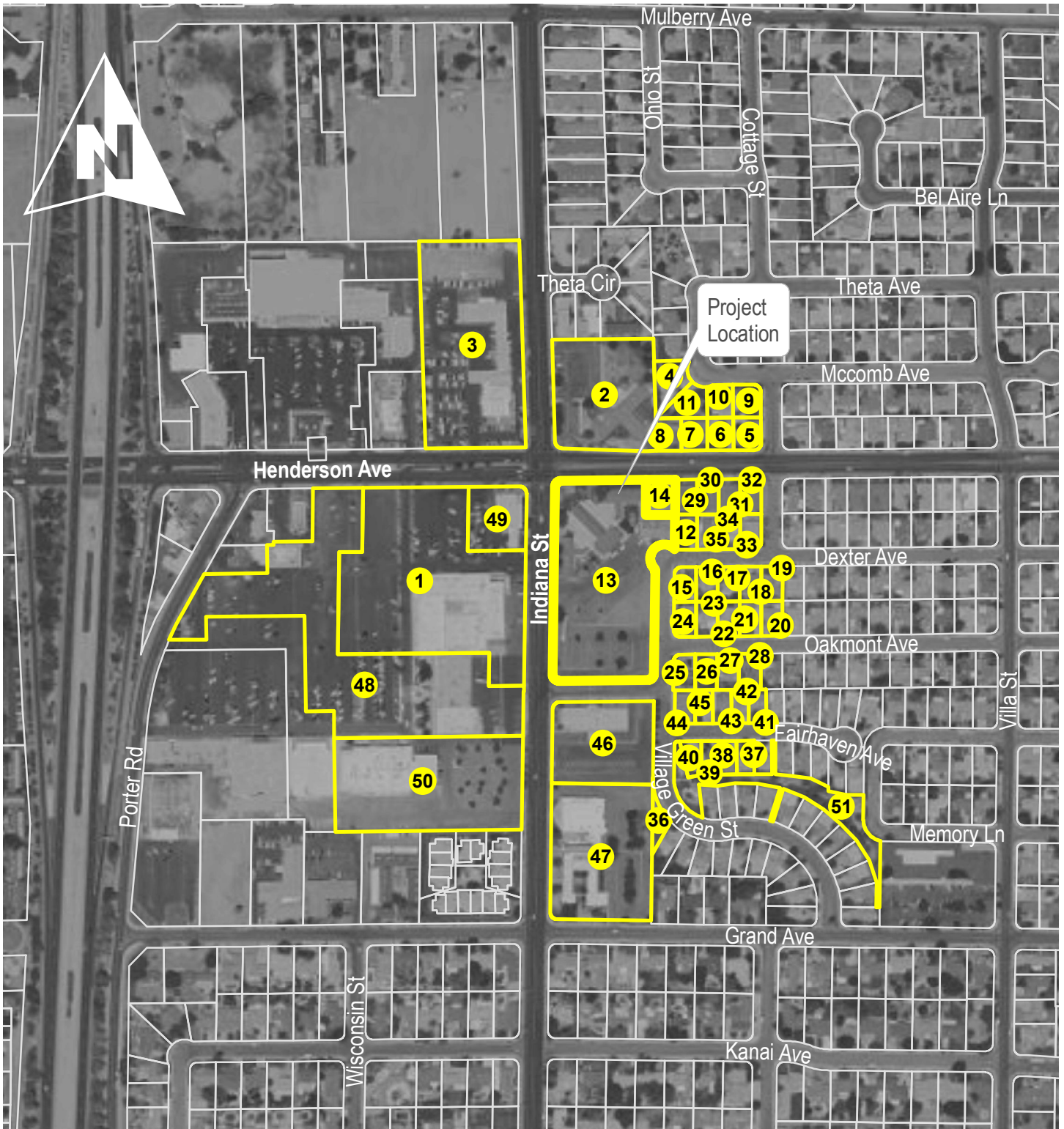

Boyd K. Leavitt, Vice Chairman
Porterville Planning Commission



PRC 2015-037
CUP for Funeral Home and Retort
@ 765 W. Henderson Ave
Zoning Land Use Map
1" = 400 ft.



PRC 2015-037
 CUP for Funeral Home and Retort
 @ 765 W. Henderson Ave
 General Plan Land Use Map
 1" = 400 ft.



PRC 2015-037
 CUP for Funeral Home and Retort
 @ 765 W. Henderson Ave
 300ft Radius Map
 1" = 400 ft.

RESOLUTION NO. ____-2016

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
CONTAINING FINDINGS AND CONDITIONS IN SUPPORT OF MODIFICATION NO. 2
TO CONDITIONAL USE PERMIT 13-81 (PRC 2015-037-M) TO ALLOW THE USE OF A
FUNERAL HOME AND CREMATORY AT 765 W. HENDERSON AVENUE

WHEREAS: On September 22, 1964, the Porterville Board of Zoning Adjustment approved Conditional Use Permit 4-64 (Resolution 119) to allow the establishment of a church on the southeast corner of W. Henderson Avenue and Indiana Street; and

WHEREAS: On February 13, 1973, the Porterville Planning Commission approved the request for a Conditional Use Permit 1-73 (Resolution 529) for the installation of four amplifiers to project sound from bells for church uses; and

WHEREAS: On October 15, 1976, the Porterville Planning Commission approved the request of Conditional Use Permit 15-76 (Resolution 763) to expand church use by acquiring a single family dwelling, 751 W. Henderson Avenue, for office, Christian education and miscellaneous religious purposes in conjunction with existing church facilities; and

WHEREAS: On September 28, 1981, the Porterville Planning Commission approved the request of Conditional Use Permit 13-81 (Resolution 1294) for an additional church structure; and

WHEREAS: On February 28, 1983, the Porterville Planning Commission approved the request to modify Conditional Use Permit 4-64 and 13-81 (Resolution 1448) to allow for the expansion of the existing sanctuary to construct a new classroom and multi-purpose building; and

WHEREAS: On January 20, 2016, the Environmental Coordinator made a preliminary determination that the project is exempt from the California Environmental Quality Act, per §15301, Class 1, Existing Facilities; and

WHEREAS: The City Council of the City of Porterville, at its regularly scheduled meeting of February 2, 2016, conducted a public hearing to consider Modification No. 2 to Conditional Use Permit 13-81 (PRC 2015-037-M) to allow the use of a funeral home and crematory at 765 W. Henderson Avenue; and

WHEREAS: The Environmental Protection Agency has previously determined that human remains should not be regarded as “solid waste” and thus crematories are not subject to the Clean Air Act’s provisions regarding the incineration of solid waste per Final Ruling 70 Federal Register, 241; and

WHEREAS: The City Council of the City of Porterville requires the review and approval of a Conditional Use Permit to allow the use of a funeral home and crematory in the CR, retail center zone district; and

WHEREAS: The City Council received testimony from all interested parties relative 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 CR (retail center) zoning district and General Plan policies that support commercial uses to provide services to both local residents and people from surrounding communities. Allowing the use of a funeral home at this location will promote and support infill development in an existing commercial zone. The proposed funeral home and crematory would suit the purpose of the General Plan Land Use Designation.

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.

The request for a modification to Conditional Use Permit 13-81 to allow a funeral home and crematory is not projected to cause a negative impact on the surrounding community. The proposed use of funeral home and crematory will be within existing structures and conditions of approval are in place to operate the establishment in a manner that will preserve the public health, safety and welfare of the properties in the vicinity.

3. This project is Categorically Exempt pursuant to CEQA Guidelines §15301, Class 1, Existing Facilities.

NOW, THEREFORE, BE IT RESOLVED: That the City Council of the City of Porterville does hereby approve Modification No. 2 to Conditional Use Permit 13-81 (PRC 2015-07-M) subject to the following conditions:

1. If applicable, the developer/applicant shall have a registered Civil Engineer or Land Surveyor prepare and submit a Lot Line Adjustment (LLA) that will reconfigure property lines to meet the requirements of all applicable codes. The following information is required at the time of submittal:
 - Three copies of a Map and Legal Descriptions
 - Processing fee in the amount of \$616.00
 - Adequate title information (deed, etc.) to verify current ownership and the method of creation of the effected parcels.

The Lot Line Adjustment shall be approved and/or recorded prior to issuance of a building permit.

2. The developer/applicant shall obtain the proper permit from the San Joaquin Valley Air Pollution Control District.

3. The developer/applicant shall obtain the proper permit from the Department of Consumer Affairs Cemetery and Funeral Bureau for a crematory license.
4. The developer/applicant shall provide a six foot high block wall on the interior lot lines where any non-residential use abuts a residential district or residential use where there is no alley. Such screening wall shall be provided at the time of new construction or expansion of buildings, or changes from one use classification to another non-residential use classification. The use is changing from Public Semi-Public use classification to Commercial use classification.
5. Pursuant to Section 304.09 (On-Site Loading) of the Porterville Development Ordinance, a building having a floor area of ten thousand (10,000) square feet or more that is to be occupied by a mortuary requiring the receipt or distribution by vehicles or trucks of material or merchandise shall provide at least one on-site loading space. Each on-site loading space required by this chapter shall not be less than 12 feet wide, 30 feet long, and 15 feet high.
6. The loading space requirement may be waived upon a finding that the applicant has satisfactorily demonstrated that due to the nature of the proposed use, such loading space will not be needed.
7. The developer/applicant shall comply with Section 300.10 (a) and (b) (Screening), of the Porterville Development Ordinance. All mechanical equipment located on the roof of a building shall be completely screened. The height of the screening shall be as high, or higher, than the top of the mechanical equipment. The screening may be provided by an architecturally designed screen wall of solid material surrounding the equipment or by the building wall parapet. The plans that are submitted for building permit shall identify whether mechanical equipment is to be located on the roof, and if so, the building plans shall include the height of the equipment above the roof, and the plans for providing the screening shall clearly show that no portion of mechanical equipment or duct work projects above the screen wall or building wall.
8. Pursuant to Section 306 Performance Standards of the Porterville Development Ordinance, all sites and facilities shall be maintained free of refuse, debris or other accumulated matter and shall be kept in good repair at all times.

306.05 Noise

General requirements. No use may generate noise that is in violation of the City's Noise Standards contained in Chapter 18, Article IX, of the Porterville Municipal Code or other standards as may be adopted by the City Council.

306.09 Odors

No use, process, or activity shall produce objectionable odors that are perceptible without instruments by a reasonable person at the lot lines of a site.

306.11 Air Contaminants

Uses, activities, and processes shall not operate in a manner that emits excessive dust, fumes, smoke or particulate matter.

9. The developer/applicant shall construct the new driveway per the commercial/office design standards.
10. The developer/applicant shall submit three complete sets of plans, signed by a licensed Architect or Engineer, including two sets of energy calculations and structural calculations.
11. Plan submittals shall comply with current access laws (both State and Federal). The most stringent Code shall prevail.
12. Plan submittals shall comply with all current applicable Codes. As discussed during the Project Review Committee meeting, please pay special attention to the following requirements:
 - A minimum slope of 2% to vehicle door or to an approved drain for vehicle parking/garage floor is required.
 - A firewall is required with a rating of two hours each direction with no opening for buildings located on a property line per Chapter 7 of the California Building Code.
 - A ventilation system to move the embalming chemicals out of a room or space is required per the California Mechanical Code.
 - The retort shall meet UL Listing requirements.
13. The developer/applicant shall make payment of the required plan check fees at the time of building permit plan submittal.
14. The developer/applicant shall provide soil compaction test(s) as required by the applicable building code sections.
15. The developer/applicant shall pay School Development fees and all other City fees at the time table determined by current City Ordinance.
16. The developer/applicant shall pay all fees according to the Municipal Code and State Law.
17. Restrooms, main entrance/s, and paths of travel from the required accessible parking stalls shall comply with current access laws (both State and Federal). The most stringent Code shall prevail.
18. Compliance forms and worksheets are required to be included on all plan submittals (Per California Green Code).
19. All construction offices, storage containers, etc. planned and/or intended for temporary use during construction must receive approval from the Chief Building Official through a separate

permit process prior to their installation and/or placement on the property and must be removed from the jobsite prior to final occupancy being requested and/or approved.

20. Signs require separate plan submittal and separate permit per the Development Ordinances.
21. The Building Official has designated the proposed construction to be a "A-3/B" Occupancy Classification.
22. Allow two weeks review time for the initial plan check submittal and an additional two weeks review time for each subsequent re-submittal.
23. **NO DEFERRED ITEMS.** Plans submitted with deferred items will automatically be rejected and are not guaranteed a complete plan review prior to said rejection.
24. A back-flow device is required on the water meter. The developer/applicant shall comply with the City standard for "backflow" prevention pursuant to Resolution No. 9615.
25. The developer/applicant shall install a refuse container enclosure according to City standards. Enclosure location to be approved by City prior to issuance of building permit. Enclosure should be oriented for direct stab pick up. The developer/ applicant shall also sign a waiver of liability for refuse truck damage to the parking lot if the refuse container location requires refuse trucks to travel on the parking lot.
26. Emergency Lighting is required when more than one exit is required.

PASSED, APPROVED AND ADOPTED this 2nd day of February, 2016.

Milt Stowe, Mayor

ATTEST:
John D. Lollis, City Clerk

BY _____
Patrice Hildreth, Chief Deputy City Clerk



CITY COUNCIL AGENDA – FEBRUARY 2, 2016

SUBJECT: Award Solar Photovoltaic System Power Purchase Agreement - Waste Water Treatment Facility

SOURCE: Public Works

COMMENT: On September 15, 2015, City Council authorized staff to request proposals for Solar Photovoltaic (PV) System Power Purchase Agreement (PPA). The action was predicated on the upcoming additional electrical load at the Waste Water Treatment Facility (WWTF). Cushman Contracting Corporation is currently under contract to replace the 20-plus-year-old methane gas driven air blower engines with new, more efficient electric blowers. While the equipment will undoubtedly improve the operation of the WWTF's biological treatment process, the project will significantly increase the amount of electricity imported by the City.

Staff utilized Carollo Engineers to prepare the Request for Proposals. In addition, Carollo's scope of services included the evaluation of each proposal for completeness and to recommend which proposal is most feasible over the lifespan of the PPA.

On November 19, 2015, staff received two (2) Solar PV system PPA proposals, one from SolarCity and the other from ImMODO Energy Services Corporation. After revisiting each proposal due to certain inconsistencies, staff now feels both proposals are considered complete and meet every aspect of the City's request. Staff believes both companies are competitive and can provide the services required within the Request for Proposals.

Each solar provider submitted both a 20-year PPA and 25-year PPA for the City to consider. Several options were provided for both the 20-year and 25-year PPAs and are outlined within the attached Net Present Value (NPV) and Sensitivity Analyses, which became the primary determination of the most beneficial PPA. After careful consideration, staff and Carollo Engineers have found the ImMODO Energy Services Corporation's 25-year PPA to be the best approach and recommends fast tracking the project by taking advantage of provisions in Section 4217.12 of the California Government Code. This option is identified on the attachment as ImMODO 5, 25-year PPA (\$0.0868/KWh, 0% escalation).

There is a direct correlation between the projected cost savings and the potential energy rate increases that may be imposed by SCE. The recommended option could result in cost savings ranging from \$442,440 to \$5,518,621, depending on

how SCE's rates change over the life of the project agreement.

An interesting concept within ImMODO's PPA contract is the City's ability to purchase the solar facility at three (3) distinct periods over the lifespan of the 25-year PPA. The City shall notify ImMODO of the intent to purchase the solar facility at least ninety (90) days prior to:

- i) Last day of the sixth (6th) year during the Service Term; or
- ii) Last day of the fifteen (15th) year during the Service Term; or
- iii) The last day of the Service Term.

If the City chooses to exercise the contract purchase option, the value of the solar facility will be based on "Fair Market Value" at the time of consideration.

Additionally, ImMODO has a solar facility presence in Porterville, which is located on North Main Street, and they also play an integral role in the community. This corporation has an outreach program with local educational institutions. Combining the benefits of the local presence with the cost savings associated with the proposed 25-year PPA only solidifies staff's recommendation.

The 25-year PPA is structured such that the solar provider is responsible for all costs associated with the installation and maintenance of the solar facility. There are incidental costs such as consulting fees and staff time to administer the project. The Waste Water Treatment Reserve Fund is the financial source for this project as approved by the 2015/2016 Fiscal Year Annual budget.

RECOMMENDATION: That the City Council:

1. In accordance with Energy Code 4217.12, open the Public Hearing for comments;
2. Authorize Staff, with assistance from the City Attorney, to negotiate a 25-year/\$0.0868 PPA contract with ImMODO Energy Services Corporation for Council's future consideration; and
3. Authorize Staff, with assistance from the City Attorney, to negotiate a contract with SolarCity for Council's future consideration if negotiations fail with the preferred provider.

ATTACHMENTS: 1. Net Present Value (NPV) & Sensitivity Analyses

Appropriated/Funded: MB

Review By:

Department Director:

Mike Reed, City Engineer

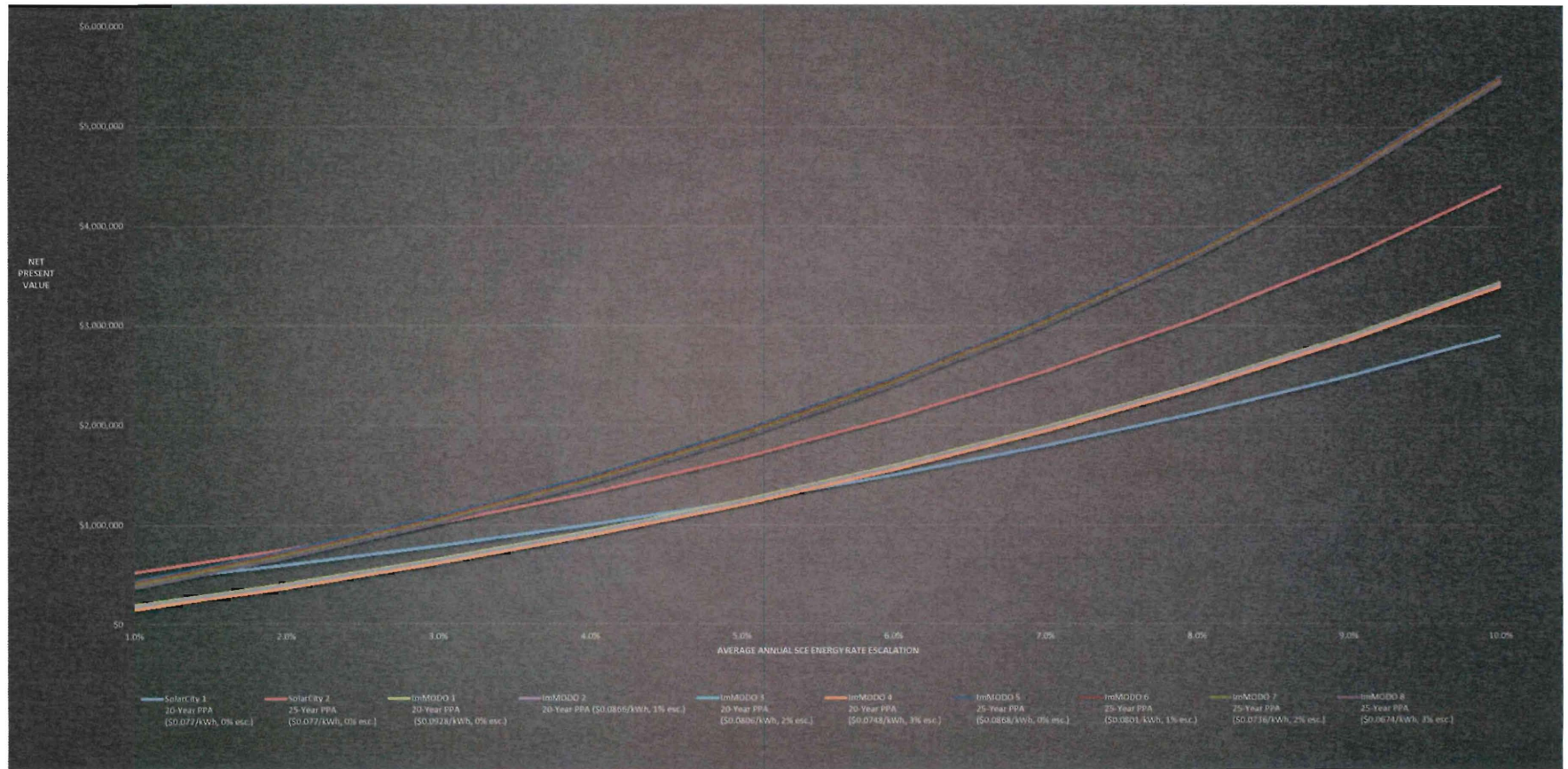
Final Approver: John Lollis, City Manager

Sensitivity Analysis 3 - NPV as a function of SCE Energy Rate Escalation
Discount Rate = 6%

Avg. Annual SCE Energy Rate Escalation	Net Present Value (2016 Dollars)									
	SolarCity 1 20-Year PPA (\$0.077/kWh, 0% esc.)	SolarCity 2 25-Year PPA (\$0.077/kWh, 0% esc.)	ImMODO 1 20-Year PPA (\$0.0928/kWh, 0% esc.)	ImMODO 2 20-Year PPA (\$0.0866/kWh, 1% esc.)	ImMODO 3 20-Year PPA (\$0.0806/kWh, 2% esc.)	ImMODO 4 20-Year PPA (\$0.0748/kWh, 3% esc.)	ImMODO 5 25-Year PPA (\$0.0868/kWh, 0% esc.)	ImMODO 6 25-Year PPA (\$0.0801/kWh, 1% esc.)	ImMODO 7 25-Year PPA (\$0.0736/kWh, 2% esc.)	ImMODO 8 25-Year PPA (\$0.0674/kWh, 3% esc.)
1.0%	\$437,349	\$528,507	\$191,297	\$176,625	\$162,722	\$150,211	\$442,440	\$419,306	\$397,426	\$374,341
2.0%	\$606,331	\$759,126	\$414,244	\$399,572	\$385,669	\$373,158	\$745,075	\$721,941	\$700,061	\$676,976
3.0%	\$794,629	\$1,023,153	\$662,563	\$647,891	\$633,988	\$621,477	\$1,091,296	\$1,068,163	\$1,046,283	\$1,023,198
4.0%	\$1,004,685	\$1,326,084	\$939,453	\$924,781	\$910,878	\$898,368	\$1,488,250	\$1,465,116	\$1,443,236	\$1,420,151
5.0%	\$1,239,257	\$1,674,355	\$1,248,525	\$1,233,853	\$1,219,950	\$1,207,440	\$1,944,301	\$1,921,167	\$1,899,287	\$1,876,202
6.0%	\$1,501,453	\$2,075,504	\$1,593,853	\$1,579,181	\$1,565,278	\$1,552,767	\$2,469,243	\$2,446,109	\$2,424,229	\$2,401,144
7.0%	\$1,794,786	\$2,538,356	\$1,980,030	\$1,965,358	\$1,951,455	\$1,938,945	\$3,074,542	\$3,051,409	\$3,029,529	\$3,006,444
8.0%	\$2,123,211	\$3,073,249	\$2,412,240	\$2,397,568	\$2,383,665	\$2,371,154	\$3,773,621	\$3,750,487	\$3,728,607	\$3,705,522
9.0%	\$2,491,192	\$3,692,282	\$2,896,323	\$2,881,651	\$2,867,748	\$2,855,237	\$4,582,187	\$4,559,053	\$4,537,174	\$4,514,088
10.0%	\$2,903,760	\$4,409,615	\$3,438,861	\$3,424,189	\$3,410,286	\$3,397,775	\$5,518,621	\$5,495,487	\$5,473,608	\$5,450,522

= Highest Value Option of All Scenarios

= Highest Value Option of 20-Year PPA Scenarios





CITY COUNCIL AGENDA – FEBRUARY 2, 2016

SUBJECT: Main Street Tree Lights

SOURCE: Parks and Leisure Services

COMMENT: On September 15, 2015, City Council authorized staff to purchase trunk and branch wrap tree lights, holly leaf sprays, and skyline strands for Main Street between Morton and Olive Avenues, similar to what had been displayed during the holiday season in years past. Rope lights donated by the Chamber of Commerce were displayed on the trees the past few years. The new LED lights are programmable through a timer for each Main Street block.

The Parks and Leisure Services Commission, at their meeting on January 7, 2016, discussed the topic of whether or not to leave the lights on the trees year round. Options were to take the tree lights down and only have them up during the holiday season; leave the lights on the trees but do not turn them on thus saving staff time; leave the lights on the trees and have them on from dusk until midnight nightly; or leave the lights on the trees and have them on nightly from dusk to dawn.

The Commission's pros of leaving the lights up and on included that the lights were aesthetically pleasing, more illumination produced from the lights could result in less crime, and saving staff from the labor intensive annual breakdown and set-up. Some cons of leaving the lights up year round included the cost of having the lights on, the diminished effect of the special holiday seasonal décor, and increased potential for vandalism or damage.

The Commission made a recommendation to Council to leave the lights on the trees and to have them on each night from dusk until midnight, if it wasn't going to be too costly or constant vandalism became an issue. At the time of the meeting, staff was still waiting to receive the latest invoices from Southern California Edison. Based on these invoices, the estimated cost to have the tree lights on annually from dusk until midnight is \$1,288. Should the Council choose to keep the lights on, a funding source should be included in the direction to staff, which the Community Promotions budget may be a consideration.

RECOMMENDATION: That City Council provide staff direction regarding Main Street tree lights.

ATTACHMENTS: 1. Main Street Tree Lights

Appropriated/Funded: MB

Review By:

Department Director:

Donnie Moore, Parks and Leisure Services Director

Final Approver: John Lollis, City Manager





CITY COUNCIL AGENDA – FEBRUARY 2, 2016

- SUBJECT:** Status and Review of Declaration of Local Drought 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 is directed to prohibit irrigation with potable water outside of newly constructed homes and buildings that is not delivered by drip or micro-spray systems. On November 13th, Governor Brown issued Executive Order B-36-15, which extends emergency conservation regulations through October 2016 if drought conditions persist through January.

At its last meeting on January 19th, 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. Approximately twenty-five (25) residences within the city have been determined to currently have dry wells, most of which are concentrated in the vicinity of E. Vandalia Avenue between Main and Plano Streets, and it is anticipated that more could likely occur through the coming months. City staff has submitted a Mutual Aid Request to Tulare County OES to initiate the household tank program for identified properties within the city where wells are dry. As previously reported, City staff has resubmitted the E. Vandalia water connection project to the State for grant-funding consideration. Given staff's perception that the State is not inclined to provide funding for this water connection project, staff conducted an outreach meeting with the affected area residents to begin discussions regarding the formation of a water utility district.

Tulare County Office of Emergency Services (OES) recently contacted the City to seek approval to locate and connect a mobile laundry trailer to the City's water system in support of East Porterville residents. A collection of non-profit agencies have collaborated in the donation and funding of a mobile laundry trailer for a twelve (12) month period of time, proposed to be located at Iglesia

Emmanuel Church. As the City Council may recall, a mobile shower trailer was approved for connection last year and is currently located at the church site. The contract vendor that operates the mobile shower trailer would also operate the mobile laundry unit, and has indicated that the water connection provided for the showers can also be used to serve the laundry. Sewer services are provided by the Porter Vista Public Utility District. Tulare County OES has indicated that the onsite drought service center will screen residents wishing to use the laundry services, in the attempt to prevent misuse by residents that are not without residential water.

RECOMMENDATION: That the City Council:

- 1) Receive the report of status and review of the Declaration of Local Emergency and determine the need exists to continue said Declaration; and
- 2) Approve the connection to City water of a mobile laundry trailer to be placed in East Porterville.

ATTACHMENTS:

1. Resolution 49-2015 - Declaration of Local Emergency
2. Governor's Executive Order
3. County Agenda Report - Mobile Laundry Trailer

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

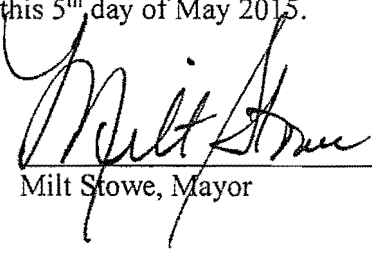
WHEREAS: the long-term ramifications of the current drought will have a significant impact on the city of Porterville and potentially pose a danger to the health and welfare of its residents; and

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

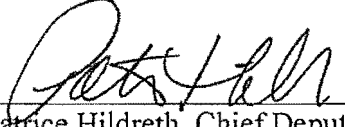
BE IT FURTHER RESOLVED: that the City Council of the City of Porterville requests the Governor and California Department of Water Resources make available California Disaster Assistance Act funding for the State of Local Emergency proclaimed on May 5, 2015, and seek all available forms of Federal assistance,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

Executive Department
State of California

EXECUTIVE ORDER B-29-15

WHEREAS on January 17, 2014, I proclaimed a State of Emergency to exist throughout the State of California due to severe drought conditions; and

WHEREAS on April 25, 2014, I proclaimed a Continued State of Emergency to exist throughout the State of California due to the ongoing drought; and

WHEREAS California's water supplies continue to be severely depleted despite a limited amount of rain and snowfall this winter, with record low snowpack in the Sierra Nevada mountains, decreased water levels in most of California's reservoirs, reduced flows in the state's rivers and shrinking supplies in underground water basins; and

WHEREAS the severe drought conditions continue to present urgent challenges including: drinking water shortages in communities across the state, diminished water for agricultural production, degraded habitat for many fish and wildlife species, increased wildfire risk, and the threat of saltwater contamination to fresh water supplies in the Sacramento-San Joaquin Bay Delta; and

WHEREAS a distinct possibility exists that the current drought will stretch into a fifth straight year in 2016 and beyond; and

WHEREAS new expedited actions are needed to reduce the harmful impacts from water shortages and other impacts of the drought; and

WHEREAS the magnitude of the severe drought conditions continues to present threats beyond the control of the services, personnel, equipment, and facilities of any single local government and require the combined forces of a mutual aid region or regions to combat; and

WHEREAS under the provisions of section 8558(b) of the Government Code, I find that conditions of extreme peril to the safety of persons and property continue to exist in California due to water shortage and drought conditions with which local authority is unable to cope; and

WHEREAS under the provisions of section 8571 of the California Government Code, I find that strict compliance with various statutes and regulations specified in this order would prevent, hinder, or delay the mitigation of the effects of the drought.

NOW, THEREFORE, I, EDMUND G. BROWN JR., Governor of the State of California, in accordance with the authority vested in me by the Constitution and statutes of the State of California, in particular Government Code sections 8567 and 8571 of the California Government Code, do hereby issue this Executive Order, effective immediately.

IT IS HEREBY ORDERED THAT:

1. The orders and provisions contained in my January 17, 2014 Proclamation, my April 25, 2014 Proclamation, and Executive Orders B-26-14 and B-28-14 remain in full force and effect except as modified herein.

SAVE WATER

2. The State Water Resources Control Board (Water Board) shall impose restrictions to achieve a statewide 25% reduction in potable urban water usage through February 28, 2016. These restrictions will require water suppliers to California's cities and towns to reduce usage as compared to the amount used in 2013. These restrictions should consider the relative per capita water usage of each water suppliers' service area, and require that those areas with high per capita use achieve proportionally greater reductions than those with low use. The California Public Utilities Commission is requested to take similar action with respect to investor-owned utilities providing water services.
3. The Department of Water Resources (the Department) shall lead a statewide initiative, in partnership with local agencies, to collectively replace 50 million square feet of lawns and ornamental turf with drought tolerant landscapes. The Department shall provide funding to allow for lawn replacement programs in underserved communities, which will complement local programs already underway across the state.
4. The California Energy Commission, jointly with the Department and the Water Board, shall implement a time-limited statewide appliance rebate program to provide monetary incentives for the replacement of inefficient household devices.
5. The Water Board shall impose restrictions to require that commercial, industrial, and institutional properties, such as campuses, golf courses, and cemeteries, immediately implement water efficiency measures to reduce potable water usage in an amount consistent with the reduction targets mandated by Directive 2 of this Executive Order.
6. The Water Board shall prohibit irrigation with potable water of ornamental turf on public street medians.
7. The Water Board shall prohibit irrigation with potable water outside of newly constructed homes and buildings that is not delivered by drip or microspray systems.

8. The Water Board shall direct urban water suppliers to develop rate structures and other pricing mechanisms, including but not limited to surcharges, fees, and penalties, to maximize water conservation consistent with statewide water restrictions. The Water Board is directed to adopt emergency regulations, as it deems necessary, pursuant to Water Code section 1058.5 to implement this directive. The Water Board is further directed to work with state agencies and water suppliers to identify mechanisms that would encourage and facilitate the adoption of rate structures and other pricing mechanisms that promote water conservation. The California Public Utilities Commission is requested to take similar action with respect to investor-owned utilities providing water services.

INCREASE ENFORCEMENT AGAINST WATER WASTE

9. The Water Board shall require urban water suppliers to provide monthly information on water usage, conservation, and enforcement on a permanent basis.
10. The Water Board shall require frequent reporting of water diversion and use by water right holders, conduct inspections to determine whether illegal diversions or wasteful and unreasonable use of water are occurring, and bring enforcement actions against illegal diverters and those engaging in the wasteful and unreasonable use of water. Pursuant to Government Code sections 8570 and 8627, the Water Board is granted authority to inspect property or diversion facilities to ascertain compliance with water rights laws and regulations where there is cause to believe such laws and regulations have been violated. When access is not granted by a property owner, the Water Board may obtain an inspection warrant pursuant to the procedures set forth in Title 13 (commencing with section 1822.50) of Part 3 of the Code of Civil Procedure for the purposes of conducting an inspection pursuant to this directive.
11. The Department shall update the State Model Water Efficient Landscape Ordinance through expedited regulation. This updated Ordinance shall increase water efficiency standards for new and existing landscapes through more efficient irrigation systems, greywater usage, onsite storm water capture, and by limiting the portion of landscapes that can be covered in turf. It will also require reporting on the implementation and enforcement of local ordinances, with required reports due by December 31, 2015. The Department shall provide information on local compliance to the Water Board, which shall consider adopting regulations or taking appropriate enforcement actions to promote compliance. The Department shall provide technical assistance and give priority in grant funding to public agencies for actions necessary to comply with local ordinances.
12. Agricultural water suppliers that supply water to more than 25,000 acres shall include in their required 2015 Agricultural Water Management Plans a detailed drought management plan that describes the actions and measures the supplier will take to manage water demand during drought. The Department shall require those plans to include quantification of water supplies and demands for 2013, 2014, and 2015 to the extent data is available. The Department will provide technical assistance to water suppliers in preparing the plans.

13. Agricultural water suppliers that supply water to 10,000 to 25,000 acres of irrigated lands shall develop Agricultural Water Management Plans and submit the plans to the Department by July 1, 2016. These plans shall include a detailed drought management plan and quantification of water supplies and demands in 2013, 2014, and 2015, to the extent that data is available. The Department shall give priority in grant funding to agricultural water suppliers that supply water to 10,000 to 25,000 acres of land for development and implementation of Agricultural Water Management Plans.
14. The Department shall report to Water Board on the status of the Agricultural Water Management Plan submittals within one month of receipt of those reports.
15. Local water agencies in high and medium priority groundwater basins shall immediately implement all requirements of the California Statewide Groundwater Elevation Monitoring Program pursuant to Water Code section 10933. The Department shall refer noncompliant local water agencies within high and medium priority groundwater basins to the Water Board by December 31, 2015, which shall consider adopting regulations or taking appropriate enforcement to promote compliance.
16. The California Energy Commission shall adopt emergency regulations establishing standards that improve the efficiency of water appliances, including toilets, urinals, and faucets available for sale and installation in new and existing buildings.

INVEST IN NEW TECHNOLOGIES

17. The California Energy Commission, jointly with the Department and the Water Board, shall implement a Water Energy Technology (WET) program to deploy innovative water management technologies for businesses, residents, industries, and agriculture. This program will achieve water and energy savings and greenhouse gas reductions by accelerating use of cutting-edge technologies such as renewable energy-powered desalination, integrated on-site reuse systems, water-use monitoring software, irrigation system timing and precision technology, and on-farm precision technology.

STREAMLINE GOVERNMENT RESPONSE

18. The Office of Emergency Services and the Department of Housing and Community Development shall work jointly with counties to provide temporary assistance for persons moving from housing units due to a lack of potable water who are served by a private well or water utility with less than 15 connections, and where all reasonable attempts to find a potable water source have been exhausted.
19. State permitting agencies shall prioritize review and approval of water infrastructure projects and programs that increase local water supplies, including water recycling facilities, reservoir improvement projects, surface water treatment plants, desalination plants, stormwater capture, and greywater systems. Agencies shall report to the Governor's Office on applications that have been pending for longer than 90 days.

26. For purposes of carrying out directives 2–9, 11, 16–17, 20–23, and 25, Division 13 (commencing with section 21000) of the Public Resources Code and regulations adopted pursuant to that Division are hereby suspended. This suspension applies to any actions taken by state agencies, and for actions taken by local agencies where the state agency with primary responsibility for implementing the directive concurs that local action is required, as well as for any necessary permits or approvals required to complete these actions. This suspension, and those specified in paragraph 9 of the January 17, 2014 Proclamation, paragraph 19 of the April 25, 2014 proclamation, and paragraph 4 of Executive Order B-26-14, shall remain in effect until May 31, 2016. Drought relief actions taken pursuant to these paragraphs that are started prior to May 31, 2016, but not completed, shall not be subject to Division 13 (commencing with section 21000) of the Public Resources Code for the time required to complete them.
27. For purposes of carrying out directives 20 and 21, section 13247 and Chapter 3 of Part 3 (commencing with section 85225) of the Water Code are suspended.
28. For actions called for in this proclamation in directive 20, the Department shall exercise any authority vested in the Central Valley Flood Protection Board, as codified in Water Code section 8521, et seq., that is necessary to enable these urgent actions to be taken more quickly than otherwise possible. The Director of the Department of Water Resources is specifically authorized, on behalf of the State of California, to request that the Secretary of the Army, on the recommendation of the Chief of Engineers of the Army Corps of Engineers, grant any permission required pursuant to section 14 of the Rivers and Harbors Act of 1899 and codified in section 48 of title 33 of the United States Code.
29. The Department is directed to enter into agreements with landowners for the purposes of planning and installation of the Emergency Drought Barriers in 2015 to the extent necessary to accommodate access to barrier locations, land-side and water-side construction, and materials staging in proximity to barrier locations. Where the Department is unable to reach an agreement with landowners, the Department may exercise the full authority of Government Code section 8572.
30. For purposes of this Executive Order, chapter 3.5 (commencing with section 11340) of part 1 of division 3 of the Government Code and chapter 5 (commencing with section 25400) of division 15 of the Public Resources Code are suspended for the development and adoption of regulations or guidelines needed to carry out the provisions in this Order. Any entity issuing regulations or guidelines pursuant to this directive shall conduct a public meeting on the regulations and guidelines prior to adopting them.

31. In order to ensure that equipment and services necessary for drought response can be procured quickly, the provisions of the Government Code and the Public Contract Code applicable to state contracts, including, but not limited to, advertising and competitive bidding requirements, are hereby suspended for directives 17, 20, and 24. Approval by the Department of Finance is required prior to the execution of any contract entered into pursuant to these directives.

This Executive Order is not intended to, and does not, create any rights or benefits, substantive or procedural, enforceable at law or in equity, against the State of California, its agencies, departments, entities, officers, employees, or any other person.

I FURTHER DIRECT that as soon as hereafter possible, this Order be filed in the Office of the Secretary of State and that widespread publicity and notice be given to this Order.

IN WITNESS WHEREOF I have
hereunto set my hand and caused the
Great Seal of the State of California to
be affixed this 1st day of April 2015.

EDMUND G. BROWN JR.
Governor of California

ATTEST:

ALEX PADILLA
Secretary of State



Health & Human Services
Agency
COUNTY OF TULARE
AGENDA ITEM

BOARD OF SUPERVISORS

ALLEN ISHIDA
District One

PETE VANDER POEL
District Two

PHILLIP A. COX
District Three

J. STEVEN WORTHLEY
District Four

MIKE ENNIS
District Five

AGENDA DATE: January 26, 2016 **REVISED**

Public Hearing Required	Yes ☐	N/A ☒
Scheduled Public Hearing w/Clerk	Yes ☐	N/A ☒
Published Notice Required	Yes ☐	N/A ☒
Advertised Published Notice	Yes ☐	N/A ☒
Meet & Confer Required	Yes ☐	N/A ☒
Electronic file(s) has been sent	Yes ☒	N/A ☐
Budget Transfer (Aud 308) attached	Yes ☐	N/A ☒
Personnel Resolution attached	Yes ☐	N/A ☒
Agreements are attached and signature line for Chairman is marked with tab(s)/flag(s)	Yes ☐	N/A ☒

CONTACT PERSON: Timothy W. Lutz PHONE: 624-8000

SUBJECT: Ratify acceptance of a donation from United Way of Tulare County

REQUEST(S):

That the Board of Supervisors:

Ratify acceptance of a donation for a mobile laundry trailer to be placed in East Porterville for a period of up to 12 months.

SUMMARY:

As part of the ongoing community approach to drought relief, the Tulare County Office of Emergency Services (OES), Self Help Enterprises, United Way of Tulare County, Community Service Employment Training (CSET), local faith based organizations, and other partners are continually engaged with numerous potential donors interested in supporting drought relief efforts.

Over the past 3 months, OES, United Way, California Resources Corporation, the Western States Petroleum Association, and the League of United Latin American Citizens have been engaged in discussions regarding a potentially large donation for the heavily drought-impacted East Porterville area. California Resources Corporation, the Western States Petroleum Association, and the League of United Latin American Citizens decided to fund a mobile laundry trailer for 12 months, which has been placed at Iglesia Emmanuel Church. The donation was made to United Way of Tulare County, who in turn, contracted with the County's existing mobile shower vendor to provide the mobile laundry trailer. The Governor's Office of Emergency Services (Cal OES) has confirmed that this action meets the

SUBJECT: Ratify acceptance of a donation from United Way of Tulare County
DATE: January 26, 2016

requirements set forth in California Code of Regulations (CCR) §2910(c)(2) as a donated resource and will contribute as an offset to the County's local match requirements. The projected value of this donation is approximately \$84,000.

The County's obligation is to pay for ongoing utility costs for the laundry trailer. The costs will be variable based on usage, but is estimated to be less than \$1,000 per month; however, 75% of the utility costs are eligible for reimbursement under the California Disaster Assistance Act (CDAA).

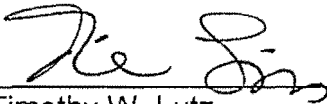
FISCAL IMPACT/FINANCING:

The total estimated cost of providing utilities is \$12,000 per year. This cost will be invoiced to the State for 75% reimbursement under the California Disaster Assistance Act (CDAA), yielding an annual net cost to the County General Fund of \$3,000. All associated expenses and revenues are included in the drought 012 contingency fund adopted by the Board of Supervisors.

LINKAGE TO THE COUNTY OF TULARE STRATEGIC BUSINESS PLAN:

The County's five year strategic plan includes the Safety and Security initiative, with direction to plan and provide coordinated emergency preparedness, response, recovery and mitigation capabilities for both natural and man-made disasters. This action demonstrates a coordinated, whole-community approach to disaster response and recovery.

ADMINISTRATIVE SIGN-OFF:



Timothy W. Lutz
Director of Fiscal Operations

Cc: Auditor-Controller
County Counsel
County Administrative Office (2)

Attachment(s) None

**BEFORE THE BOARD OF SUPERVISORS
COUNTY OF TULARE, STATE OF CALIFORNIA**

IN THE MATTER OF RATIFY)
ACCEPTANCE OF A DONATION) RESOLUTION NO. _____
FROM UNITED WAY OF TULARE) AGREEMENT NO. _____
COUNTY)

UPON MOTION OF SUPERVISOR _____, SECONDED BY
SUPERVISOR _____, THE FOLLOWING WAS ADOPTED BY THE
BOARD OF SUPERVISORS, AT AN OFFICIAL MEETING HELD _____
_____, BY THE FOLLOWING VOTE:

AYES:
NOES:
ABSTAIN:
ABSENT:

ATTEST: MICHAEL SPATA
COUNTY ADMINISTRATIVE OFFICER/
CLERK, BOARD OF SUPERVISORS

BY: _____
Deputy Clerk

* * * * *

Ratified acceptance of a donation for a mobile laundry trailer to be placed in East
Porterville for a period of up to 12 months.