



**CITY COUNCIL AGENDA
CITY HALL, 291 N. MAIN STREET
PORTERVILLE, CALIFORNIA
AUGUST 16, 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: APNs 255-220-046, 247-040-034, 247-040-035, 247-090-028, 247-110-019, 247-120-022, 248-050-036, and 248-010-019. Agency Negotiator: John Lollis. Negotiating Parties: City of Porterville and Greg Shelton. Under Negotiation: Terms and Price.
- 2** - Government Code Section 54957.6 – Conference with Labor Negotiator. Agency Negotiator: John Lollis and Steve Kabot. Employee Organizations: Porterville City Firefighters Association and Fire Officer Series.
- 3** - Government Code Section 54956.95 – Liability Claim: Claimant: Arturo Mosqueda. Agency claimed against: City of Porterville.
- 4** - Government Code Section 54956.95 - Liability Claim: Claimant: Maria Gutierrez. Agency claimed against: City of Porterville.
- 5** - Government Code Section 54956.9(d)(1) – Conference with Legal Counsel – Existing Litigation: Dalilah Micaela Gonzalez Pacheco, a minor by and through her Guardian Ad Litem, Maria De Jesus Pacheco v. City of Porterville, et al., Tulare County Superior Court Case Nos. VCU 259965 and VCU 262368.
- 6** - Government Code Section 54956.9(d)(1) – Conference with Legal Counsel – Existing Litigation: Judith Howard v. City of Porterville, et al., United States District Court Case No. 1:16-CV-01071-AWI-SAB.
- 7** - Government Code Section 54956.9(d) (3) – Conference with Legal Counsel – Anticipated Litigation – Significant Exposure to Litigation: Four cases in which facts are not yet known to potential plaintiffs.
- 8** - Government Code Section 54956.9(d)(4) – Conference with Legal Counsel – Anticipated Litigation – Initiation of Litigation: Two cases, and additional cases concerning potential receiverships.

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

Pledge of Allegiance Led by Mayor Stowe
Invocation

AB 1234 REPORTS

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

1. Tulare County Association of Governments (TCAG) - August 15, 2016
2. Local Agency Formation Commission (LAFCO) - August 3, 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 - August 11, 2016
 2. Library & Literacy Commission - August 9, 2016
 3. Arts Commission
 4. Animal Control Commission - August 8, 2016
 5. Youth Commission - Summer Hiatus
 6. Transactions and Use Tax Oversight Committee (TUTOC)
- II. Staff Informational Reports
 1. Water Conservation Phase III Status Update
 2. Code Enforcement Report - 4th Quarter FY 2015/16

ORAL COMMUNICATIONS

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

CONSENT CALENDAR

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

1. **City Council Minutes of December 1, 2015**
Re: Considering approval of the draft Minutes of December 1, 2015.

2. **Approval of Reimbursement for Removal of North Brick Wall at 14 N. Main Street**
Re: Considering approval of payment to Denmar LLC in the amount of \$6,750 for the demolition, removal and disposal of the common wall between 22 N. Main Street and 14 N. Main Street.
3. **Adopting City of Porterville Conflict of Interest Code -- Amendment No. 10**
Re: Considering approval of amendments to the City's Conflict of Interest Code pursuant to Government Code 87300.
4. **Request for Proclamation - Library Card Sign-Up Month - September 2016**
Re: Considering approval of a request to proclaim September 2016 as "Library Card Sign-Up Month."

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

PUBLIC HEARINGS

5. **Public Hearing for Establishment of Reimbursement Fees for Concrete Improvements Constructed by the City - W. North Grand Avenue Reconstruction Project, Newcomb Street to Prospect Street**
Re: Consideration of a resolution implementing concrete reimbursement fees for concrete improvements installed on W. North Grand Avenue Reconstruction Project.
6. **Consideration of Annexation 479, a County Island Located Generally West of State Route 65, east of Newcomb Avenue, South of Olive Avenue**
Re: Consideration of a resolution to approve Annexation 479 and initiate application to Tulare LAFCo; and authorize staff to work with property owners to initiate connection to City services, when requested by a property owner, in advance of the official conclusion of the annexation process.
7. **Vacation of Corsair Place on Parcel Map 3813**
Re: Consideration of the adoption and recordation of the draft Resolution of Vacation of Corsair Place located on Parcel Map No. 3813, while reserving unto the City an easement for existing sanitary sewer and water lines, and reserving unto Southern California Gas Company an easement for existing gas utilities.

SCHEDULED MATTERS

8. **Police Officer Body-Worn Cameras**
Re: Consideration of a body-worn camera program in the Police Department.

9. Gateway Digital Sign Program

Re: Consideration of gateway signs at the entry points of the City along State Route 65 and State Route 190.

10. Award of Contract for Banking Services

Re: Considering authorization to enter into an agreement with Bank of the Sierra for banking services for a term of five years at a monthly flat fee of \$1,925, with an option to negotiate extensions to the contract for additional two-year periods.

11. Status and Review of Declaration of Local Emergency

Re: Consideration of the continuance of the Declaration of Local Emergency

ORAL COMMUNICATIONS

OTHER MATTERS

CLOSED SESSION

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

ADJOURNMENT - to the meeting of September 6, 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 – AUGUST 16, 2016

SUBJECT: 1. Water Conservation Phase III Status Update

SOURCE: Public Works

COMMENT: Porterville has continued to implement an active water conservation approach, both conserving and providing flexibility to the community, the City has transitioned from Phase IV to Phase III of the City's Water Conservation Plan as of June 1, 2016. The Water Conservation Plan applies to all municipal water users within or not within city limits. As part of the Phase III plan, the City has provided additional watering days, a two day per week watering schedule, based on address. If an address ends with an "odd" number, the watering days are Tuesday and Saturday; if an address ends with an "even" number, the watering days are Wednesday and Sunday. Watering is prohibited between the hours of 5 a.m. to 10 a.m. and 5 p.m. to 10 p.m., with no watering allowed Monday, Thursday or Friday. Watering of outdoor landscape is prohibited during, and within 48 hours, after measurable rainfall which is now defined as greater than 0.01 of an inch.

Violations of prohibited activities are considered infractions and are punishable by fines of up to \$500 for each day in which the violation occurs. Any peace officer or employee of a public agency charged with enforcing laws and authorized to do so by ordinance may issue a citation to the violator. The City of Porterville will be responding to enforcement by issuing a Notice of Violation for all witnessed occurrences and staff will be processing all reported issues. Enforcement statistics for the month of July 2016 show that a total of 53 Notice of Violations were issued for water wasting; 2 resulted in an Administrative Citation.

Water production for July 2016 shows a 10% reduction from the 5-year average. The production for the month of July 2016 was 408 million gallons, which when compared to the production for the month of July 2013 of 533 million gallons, equates to a 24% reduction. Residential consumption for July 2016 was 153 gallons per capita per day (GPCD).

On May 18, 2016, the State Water Resources Control Board adopted a statewide water conservation approach that replaces the prior percentage reduction-based water conservation standard with a localized self-certification approach which mandates that urban water suppliers act to ensure at least a three-year supply of water to their customers under drought conditions.

Recognizing persistent, yet less severe, drought conditions throughout California, the newly adopted emergency regulation will replace the February 2, 2016, emergency water conservation regulation that set specific water conservation benchmarks at the state level for each urban water supplier. This

newly adopted regulation, which will be in effect through January 2017, requires locally developed conservation standards based upon each agency's specific circumstances.

These standards require local water agencies to ensure a three-year supply assuming three more dry years comparable to the years the state experienced from 2012 to 2015. Water agencies that would face shortages under three additional dry years will be required to meet a conservation standard equal to the amount of shortage.

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

The State Water Board will also continue to require monthly reporting to track what agencies plan to do and how they perform throughout the year. During the extended regulation, agency reporting will continue to monitor performance of urban water conservation, with a preparedness to return back with a 25% state mandate early next year if necessary.

Compliance with individual water supplier conservation requirements is based on cumulative savings. Cumulative tracking means that conservation savings will be added together from one month to the next and compared to the amount of water used during the same months in 2013. The cumulative total for the City of Porterville will reflect June 2015 through October 2016. Porterville's cumulative total conservation through July 2016 is 30%.

RECOMMENDATION: Informational only

ATTACHMENTS: 1. Monthly Production Status July 2016
 2. Drought Response Phase III Flyer

Appropriated/Funded:

Review By:

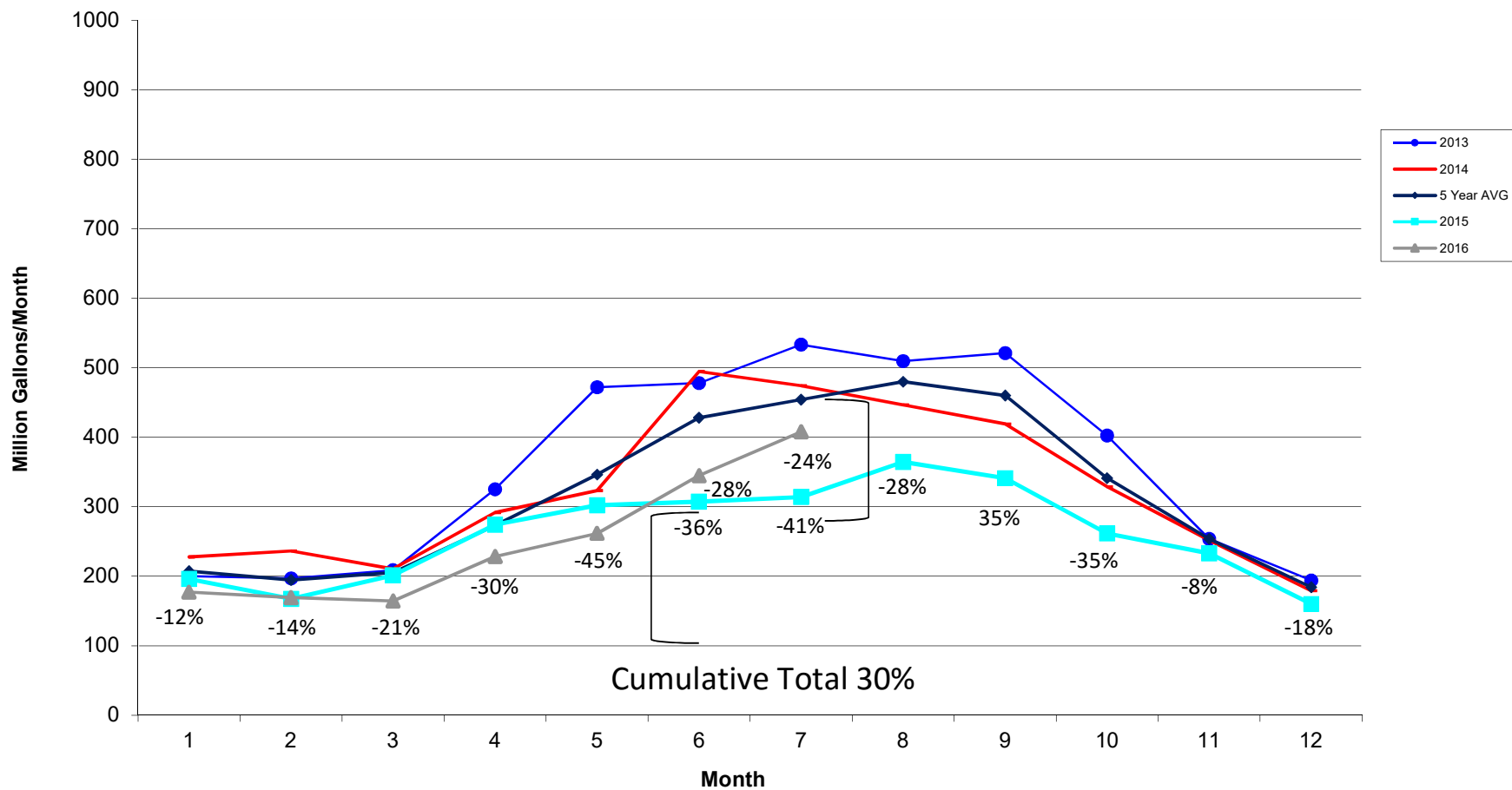
Department Director:

Mike Reed, City Engineer

Final Approver: John Lollis, City Manager

Monthly Production Status

15/16 Production Comparison to 2013 & 5 Year Average





DROUGHT RESPONSE Phase III

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

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

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

Excessive water runoff is prohibited.

The washing of sidewalks and driveways is prohibited.

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

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

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

DROUGHT RESPONSE PHASE III

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

Mandatory Odd/Even Watering Schedule

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

Odd Address
 Even Address

ODD NUMBER ADDRESSES

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

OR

EVEN NUMBER ADDRESSES

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

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

**Mandatory
Odd/Even Watering
Schedule**

**Excessive water
runoff prohibited**

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

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

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

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

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



CITY COUNCIL AGENDA – AUGUST 16, 2016

SUBJECT: 2. Code Enforcement Report - 4th Quarter FY 2015/16

SOURCE: Fire

COMMENT: This informational report utilizes data from the "myPorterville" application for tracking code enforcement activity between April 1 and June 30, 2016. During this 4th quarter of fiscal year 2015/2016, each department of the City contributed toward recording 396 code enforcement issues. Of these, 271 were corrected and 125 were continued into the following quarter. The Code Enforcement Officer issued 117 Administrative Citations, including 79 for weed abatement, 22 for water conservation, and 10 for medical cannabis.

The Code Enforcement Officer continues to coordinate efforts with Porterville Police Department as they inspect both permitted and non-permitted cannabis growth sites for compliance with the municipal code. During the quarter, 15 permits were approved, 19 sites passed inspection, and 20 permits were pending inspection.

The Water Conservation Task Force continued its regular operations which resulted in the issuance of 168 notices of violation for non-compliance and 22 Administrative Citations.

Reserve Firefighters were trained and coordinated by the Code Enforcement Officer to assist with weed abatement and water conservation, thereby helping the Code Enforcement Officer to dedicate additional time toward medical cannabis compliance inspections.

RECOMMENDATION: Informational

ATTACHMENTS: 1. Code Enforcement Q4 FY15/16

Appropriated/Funded:

Review By:

Department Director:

Glenn Irish, Fire Chief

Final Approver: John Lollis, City Manager

Code Enforcement Report
Q4, FY 15-16

Q4 Code Enforcement Activity	# Requests	# Completed	% Closed
Water Waste NOV	168	168	100.00%
Water Waste Admin Cite	22	22	100.00%
Weed Abatement	36	11	30.56%
CEO, Business License	2	2	100.00%
Comm. Dev., general or multiple violations	10	3	30.00%
Abandoned Vehicle (Street)	1	1	100.00%
Police/ Traffic Enforcement	9	9	100.00%
Vehicles- inoperable vehicles	5	1	20.00%
Vehicles- RVs/boats/etc	15	1	6.67%
CEO, Improper Vehicle Storage	1	0	0.00%
Animals- all complaint types	31	11	35.48%
Code Enforcement, General	10	5	50.00%
Fire Hazard	4	2	50.00%
Fire Lane Blocked	1	1	100.00%
Garbage Collection/ Illegal Dumping	12	9	75.00%
Neglected property/trash & debris	9	1	11.11%
Health Hazard	15	5	33.33%
Housing Issue (Structure Related)	2	0	0.00%
Itinerant Vendor, Solicitor, Peddler	7	7	100.00%
Landscaping/trees- private property	3	0	0.00%
Parks/ Trees	3	3	100.00%
Parking Issue	2	0	0.00%
Sheds or second units	4	0	0.00%
Sidewalk Condition	4	1	25.00%
Signs- other	1	1	100.00%
Signs- temporary commercial	18	6	33.33%
Yard Sales, Frequent	1	1	100.00%
Q4 Total	396	271	68.43%

Administrative Citations	Q1	Q2	Q3	Q4	Total
\$100	54	16	23	83	\$17,600
\$200	10	5	3	1	\$3,800
\$500	1	2	0	26	\$14,500
\$1,000	0	0	0	7	\$7,000
\$1,500	5	0	0	0	\$7,500
FY 15-16 Total Assesment	70	23	26	117	\$50,400

Water Conservation Task Force	Q1	Q2	Q3	Q4	Total
Personnel Hours	260	142	144	40	586
Cost	\$2,600	\$1,309	\$1,476	410	\$5,795
Vehicle Miles	2,970	582	839	187	4,578
Cost	\$1,708	\$287	\$414	92	\$2,501
Equipment	\$400	0	0	0	\$400

Medical Cannabis	Q1	Q2	Q3	Q4	Total
Approved Permits	23	17	3	15	73
Permits passing inspection	16	11	2	19	48
Permits Pending Inspection	7	6	36	20	N/A
NOV's	0	0	0	10	10
Admin Citations	2	1	0	10	13

Weed Abatement	Q1	Q2	Q3	Q4	Total
Properties Noticed	0	0	1637	0	1637
Completed by Owner	32	0	0	1,589	
Assigned to Contractor	0	0	0	14	
Completed by Contractor				12	
Pending	0	0	1637	48	N/A



CITY COUNCIL AGENDA – AUGUST 16, 2016

SUBJECT: City Council Minutes of December 1, 2015

SOURCE: Administrative Services

COMMENT: Staff has prepared the draft Minutes of December 1, 2015, for the Council's review and consideration.

RECOMMENDATION: That the Council approve the draft Minutes of December 1, 2015.

ATTACHMENTS: 1. Draft Minutes of December 1, 2015

Appropriated/Funded:

Review By:

Department Director:

Patrice Hildreth, Administrative Services Dir

Final Approver: Patrice Hildreth, Administrative Services Dir

**CITY COUNCIL MINUTES
CITY HALL, 291 N. MAIN STREET
PORTERVILLE, CALIFORNIA
DECEMBER 1, 2015, 5:30 PM**

Called to Order at 5:36 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, Che Johnson, and Patrice Hildreth. Employee Organizations: Public Safety Support Unit; Porterville Peace Officers Association; Fire Officer Series; Porterville City Firefighters Association; and all Unrepresented Management Employees.

2 - Government Code Section 54956.95 – Liability Claim: Claimant: Jim and Jeannette Choate. Agency claimed against: City of Porterville.

3 - Government Code Section 54956.95 -- Liability Claim: Claimant: Hisham Mutae Taher. Agency claimed against: City of Porterville.

4 - Government Code Section 54956.9(d)(1) – Conference with Legal Counsel – Existing Litigation: Nuckols and Nuckols Farming v. City of Porterville et al., Tulare County Superior Court Case No. 261084.

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

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

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

The Pledge of Allegiance led by Council Member Gurrola.

Invocation – a moment of silence was observed.

PRESENTATIONS

Employee of the Month -- Rafael Baez

Employee Service Awards

AB 1234 REPORTS

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

1. Council of Cities - November 18, 2015

Vice Mayor Hamilton reported on a presentation by the SJVAPCD.

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 – no report
 2. Library & Literacy Commission – no report
 3. Arts Commission - November 25, 2015 (Cancelled) – no report
 4. Animal Control Commission – no report
 5. Youth Commission – no report
 6. Transactions and Use Tax Oversight Committee - November 18, 2015 – no report
- II. Staff Informational Reports
 1. Relocation of an Existing Massage Business License

ORAL COMMUNICATIONS

- Carolyn Jones, stated that she filed a claim regarding an incident on a transit bus that was rejected by the Council.
- Elva Beltran, Porterville Area Coordinating Council (PACC), updated the Council on their activities within the community regarding the drought, homeless, Toys for Tots, and financial assistance; and thanked the Council and City for their support.
- Fred Beltran, PACC, reported on recent drought related activities; and thanked the Council for their support.
- Shawn Chamberlain, distributed informational materials regarding The Dream Center Network and proposed a similar program in Porterville to meet the needs of the homeless and decriminalize homelessness.
- Augie Gonzalez, representing the City and Chamber of Commerce, spoke of the upcoming Santa at the Park event on Tuesday, December 8th at Centennial Park.
- Cindy Camarena, Porterville Chamber of Commerce, communicated the Chamber Board's support of Item No. 17; and encouraged attendance at the Christmas Parade and Santa at the Park events.

Vice Mayor Hamilton recognized former mayor Ron Irish and his wife Teri, who were in attendance.

CONSENT CALENDAR

Item No. 6 was pulled from the Consent Calendar for discussion.

COUNCIL ACTION: MOVED by Council Member Gurrola, SECONDED by Vice Mayor Hamilton that the City Council approve Items Nos. 1 through 5, and 7 through 11. The motion carried unanimously.

1. CITY COUNCIL MINUTES OF SEPTEMBER 1, 2015

Recommendation: That the City Council approve the draft minutes of September 1, 2015.

Documentation: M.O. 01-120115

Disposition: Approved.

2. PURCHASE OF POLICE SERVICE DOG

Recommendation: That the City Council:

1. Approve the purchase of a police service dog and related training from Top Dog Training Center; and
2. Authorize the Chief of Police to enter into an agreement with Top Dog Training Center to acquire the service dog and associated training.

Documentation: M.O. 02-120115

Disposition: Approved.

3. AWARD OF CONTRACT - PORTERVILLE HOTEL SITE RESTORATION PROJECT

Recommendation: That City Council:

1. Award the Porterville Hotel Site Restoration Project to MAC General Engineering, in the amount of \$120,314;
2. Authorize progress payments up to 95% of the contract amount;
3. Authorize a 10% contingency to cover unforeseen costs; and
4. Authorize an additional 10% for construction management, construction surveying, quality control, and inspection services.

Documentation: M.O. 03-120115

Disposition: Approved.

4. AWARD OF CONTRACT - FOUR (4) COMPRESSED NATURAL GAS REFUSE TRUCKS

Recommendation: That Council award the contract for:

1. Four (4) new CNG Refuse Trucks in the amount of \$1,119,515.90 to EM Tharp; and
2. Authorize payment upon satisfactory delivery of the equipment.

Documentation: M.O. 04-120115

Disposition: Approved.

5. ACCEPTANCE OF PROJECT - WILSON PLACE CONCRETE REPAIR PROJECT

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.

Documentation: M.O. 05-120115

Disposition: Approved.

7. CALIFORNIA MUNICIPAL FINANCE AUTHORITY (CMFA) PROPERTY ASSESSED CLEAN ENERGY (PACE) PROGRAM

Recommendation: That the City Council adopt the draft Resolution opting into the California Municipal Finance Authority (CMFA) PACE Program.

Documentation: Resolution No. 11-12015

Disposition: Approved.

8. RETIREMENT OF POLICE SERVICE DOG

Recommendation: That the City Council:

1. Approve the sale of "Dodge" to Sergeant Gary Miller for the amount of \$1; and
2. Authorize the Mayor to execute the agreement and document the sale of "Dodge" to Sergeant Gary Miller.

Documentation: M.O. 06-120116

Disposition: Approved.

9. APPROVAL FOR COMMUNITY CIVIC EVENT - PORTERVILLE EVANGELICAL INGLESIA DEL NAZARENO - MOTHERS UNITED AGAINST GANG VIOLENCE - ANNUAL CANDLELIGHT VIGIL - DECEMBER 18, 2015

Recommendation: That the Council approve the Community Civic Event Application and Agreement submitted by Porterville Iglesia del Nazareno and Mothers United Against Gang Violence, subject to the Restrictions and Requirements contained in the Application, Agreement, Exhibit A and Exhibit B of the Community Civic Event Application.

Documentation: M.O. 07-120116

Disposition: Approved.

10. APPROVAL FOR COMMUNITY CIVIC EVENT - HELPING HANDS OF PORTERVILLE - MAX FIT STUDIO - MAX FIT CHRISTMAS GAMES - DECEMBER 19, 2015

Recommendation: That Council approve the Community Civic Event Application and Agreement from Max Fit Studio, subject to the Restrictions and Requirements contained in Application, Agreement and Exhibit A.

Documentation: M.O. 08-120115

Disposition: Approved.

11. AMENDMENT TO THE SEASONAL AND PART-TIME PAY RATES

Recommendation: That the City Council:

1. Adopt the draft Resolution amending the City's Employee Pay and Benefit Plan, Seasonal and Part-time rates; and
2. Authorize the Mayor to execute these and other documents necessary to implement the provisions hereof.

Documentation: Resolution No. 112-2015

Disposition: Approved.

ADMINISTRATIVE HEARINGS

12. CONSIDERATION OF APPEAL TO ZONING ADMINISTRATOR; DETERMINATION 2015063 REGARDING A MEDICAL CANNABIS CULTIVATION PERMIT

Recommendation: That the City Council consider the appeal consistent with Section 301.23 of the Porterville Development Ordinance.

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

The Administrative Hearing was opened at 7:16 p.m.

- A friend of Mr. Douangdara spoke on his behalf. He did not give his name, but he stated that Mr. Douangdara had many health problems, he was requesting permission to grow, and that the medical cannabis helped him more than other prescription medicine.

The Administrative Hearing was closed at 7:18 p.m. Following which, staff addressed questions from the Council regarding the investigation of cannabis grows in the immediate area, and the layout of the property which consisted of multiple residential dwelling units.

COUNCIL ACTION: MOVED by Council Member Gurrola, SECONDED by Vice Mayor Hamilton that the City Council deny the request for an appeal. The motion carried unanimously.

Documentation: M.O. 09-120115

Disposition: Approved.

13. CONSIDERATION OF REVOCATION OF BUSINESS LICENSE - SAKURA SPA,
315 W. HENDERSON AVENUE, #13, PORTERVILLE

Recommendation: That the City Council:

1. Hold the hearing to consider the revocation of the business license for Sakura Spa, located at 315 West Henderson Avenue, #13; and
2. Take action to revoke the business license for Sakura Spa.

City Manager Lollis introduced the item. City Attorney Lew presented the staff report. Following the report she stated that she would be representing City staff, and re-introduced Desiree Serrano, legal counsel for the City Council during the quasi-judicial hearing.

The Administrative Hearing was opened at 7:29 p.m.

- James Oliver, legal counsel for business owner/license holder Jun Mei Zhang, read a statement in defense of his client communicating her account of events as they pertain to Qiu Feng Xu's employment and arrest; her denial of knowledge of any alleged criminal activity; and her intent on making changes to ensure there were no future occurrences of illicit activities.

Mr. Oliver then addressed questions from the Council regarding the owner's management of her business, her business practices, and missing personnel records and policy documents.

The Administrative Hearing was closed at 7:59 p.m.

City Attorney Lew noted that the business owner did not live in Porterville, the business owner confirmed that the contractor's CAMT license was not verified, and the contractor was not licensed to do business in the City.

The Council briefly discussed comments made by Mr. Oliver on behalf of Jun Mei Zhang.

COUNCIL ACTION: MOVED by Vice Mayor Hamilton, SECONDED by Council Member Reyes that the City Council adopt the resolution revoking the business license for Sakura Spa.

AYES: Reyes, Gurrola, Hamilton, Stowe
NOES: Ward
ABSTAIN: None
ABSENT: None

Documentation: Resolution No. 113-2015

Disposition: Approved.

The Council took a ten minutes recess.

14. CONSIDERATION OF REVOCATION OF BUSINESS LICENSE AND REQUEST FOR CONTINUANCE - ASIAN RELAXING STATION, 870 W. HENDERSON AVENUE, PORTERVILLE

Recommendation: That the City Council continue the hearing to January 19, 2016, with the condition that the business operations remain suspended until that time.

City Manager Lollis introduced the item, and the City Attorney advised of the need for a continuance to avoid due process issues.

COUNCIL ACTION: MOVED by Vice Mayor Hamilton, SECONDED by Council Member Ward that the City Council continue the hearing to January 19, 2016, with the condition that the business operations remain suspended until that time. The motion carried unanimously.

Documentation: M.O. 10-120115

Disposition: Approved.

PUBLIC HEARINGS

15. PARKS AND LEISURE SERVICES FEES

Recommendation: That the City Council:

1. Conduct a public hearing to solicit comment on the proposed Parks and Leisure Services program fees scale increase; and
2. Consider the draft resolution adopting an increase in Parks and Leisure Services program fees.

City Manager Lollis introduced the item, and Parks and Leisure Services Director Donnie Moore presented the staff report.

The Public Hearing was opened at 8:26 p.m. When no one came forward, the Mayor closed the Public Hearing at 8:26 p.m.

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Council Member Gurrola that the City Council approve the draft resolution adopting an increase in Parks and Leisure Services program fees. The motion carried unanimously.

Documentation: Resolution No. 114-2015

Disposition: Approved.

16. PACIFIC RIM COMMERCIAL MIXED-USE PROJECT MODIFICATION NO. 2

Recommendation: That the City Council consider:

1. Adopting the draft Resolution approving the modification of Conditional Use Permit PRC 2012-002-GZCP for the Pacific Rim Commercial Mixed-Use Project;
2. Rescinding Conditional Use Permit 2012002C (Resolution No. 31-2015); and
3. Authorizing the City Engineer and the Zoning Administrator to review the Lot Line Adjustment Map

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

The Public Hearing was opened at 8:32 p.m.

- Scott Vincent, Project Architect, spoke of the project and the proposed modification.

The Council questioned Mr. Vincent regarding the modifications and phases of development; and expressed concerns regarding changes made to the project to date.

- Paul Owahdi, applicant, addressed questions pertaining to securing a major tenant, and spoke of the economic benefit of the development.
- Jim Winton, Item No. 3 pertaining to a lot line adjustment was no longer needed.

Members of the Council voiced support for a successful development and of the developer's consideration of residential neighbors.

Community Development Director Byers noted that the acreage was not accurate on the proposed resolution and would need to be amended.

The Public Hearing was closed at 8:52 p.m.

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Council Member Gurrola that the City Council adopt the draft Resolution approving the modification of Conditional Use Permit PRC 2012-002-GZCP for the Pacific Rim Commercial Mixed-Use Project, as amended to correct acreage; rescind Conditional Use Permit 2012-002-C (Resolution No. 31-2015); and authorize the City Engineer and the Zoning Administrator to review the Lot Line Adjustment Map. The motion carried unanimously.

Documentation: Resolution No. 115-2015; and Resolution No. 116-2015

Disposition: Approved.

17. RIVERWALK MARKETPLACE PHASE II PARTIAL RECIRCULATED DRAFT ENVIRONMENTAL IMPACT REPORT

Recommendation: That the City Council hold a public hearing to accept comment on the Partial Recirculated Draft Environmental Impact Report for the Riverwalk Phase II Project

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

The Public Hearing was opened at 8:59 p.m.

- Elva Beltran, Porterville, expressed appreciation for the generosity shown to the community by the Walmart Store and Distribution Center.
- Fred Beltran, Porterville, stated that he did not see how the project would increase greenhouse gas emissions; and spoke in support of the Riverwalk Marketplace Phase II project.
- Ron Irish, Porterville, expressed support in light of the Partial Recirculated Draft Environmental Impact Report.

The Public Hearing was closed at 9:03 p.m. The Council requested clarification regarding the comment period.

Documentation: None

Disposition: No action required.

SCHEDULED MATTERS

18. 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.

Following the staff report, staff addressed questions from the Council regarding the status of projects, dealings with the State, the County's water source, and the household tank program.

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

Documentation: M.O. 11-120115

Disposition: Approved.

ITEMS PULLED FROM CONSENT CALENDAR

6. PROVISION OF REDUCED TRANSIT AND PARATRANSIT FARES FOR MILITARY AND DEPENDENT ID CARD HOLDERS

Recommendation: That the City Council:

1. Authorize reduced transit and paratransit fares for military and dependent ID card holders, which include Active Duty, Guard & Reserve Military, Retiree Military, Former Military (no longer serving, not retired), Military Dependent, and Veteran; and
2. Authorize the City to utilize Measure R Administration funds to reimburse the City from general to reduced revenues for the purpose of reimbursing the City the difference in revenues for military and dependent ID card holder trips.

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

Council Member Ward stated that he had pulled the item to request that a youth discount be considered in the future.

COUNCIL ACTION: MOVED by Vice Mayor Hamilton, SECONDED by Council Member Ward that the City Council authorize reduced transit and paratransit fares for military and dependent ID card holders, which include Active Duty, Guard & Reserve Military, Retiree Military, Former Military (no longer serving, not retired), Military Dependent, and Veteran; and authorize the City to utilize Measure R Administration funds to reimburse the City from general to reduced revenues for the purpose of reimbursing the City the difference in revenues for military and dependent ID card holder trips. The motion carried unanimously.

Documentation: M.O. 12-120116

Disposition: Approved.

The Council adjourned at 9:14 p.m. to a meeting of the Public Financing Authority.

PORTERVILLE PUBLIC FINANCING AUTHORITY MINUTES
291 N. MAIN STREET, PORTERVILLE, CA 93257
DECEMBER 1, 2015

Roll Call:

WRITTEN COMMUNICATIONS

None

ORAL COMMUNICATIONS

- Jack Flores, Village Garden, spoke regarding the County and State's actions with regard to the drought; and stated that the City had done enough.

PUBLIC FINANCING SCHEDULED MATTERS

PFA-19 ANNUAL MEETING OF THE PORTERVILLE PUBLIC FINANCING AUTHORITY

Recommendation: That the City Council, sitting as the Porterville Public Financing Authority, hold a public meeting in accordance with the Authority's Bylaws, accept public comment, and approve the 2015 Status Report for the Redevelopment Bond Issue #1 and refinance of Tax Allocation Bond Projects.

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

COUNCIL ACTION: MOVED by Vice Mayor Cameron Hamilton, SECONDED by Council Member Brian Ward that the City Council sitting as the Porterville Public Financing Authority, approve the 2015 Status Report for the Redevelopment Bond Issue #1 and refinance of Tax Allocation Bond Projects. The motion carried unanimously.

Documentation: PFA M.O. 01-120115

Disposition: Approved.

The Public Financing Authority adjourned at 9:18 p.m. to a meeting of the Porterville City Council.

ORAL COMMUNICATIONS

- Brock Neeley, Porterville, stated that he had seen County water trucks leaving the yard on North Grand with water, and requested that the City look into it.

OTHER MATTERS

- Council Member Gurrola inquired about how the Council would be traveling in the parade; and lauded the holiday decorations and lights downtown.
- Vice Mayor Hamilton suggested that the planning process be amended to require less information from developers.
- Council Member Ward apologized for hurting the Vice Mayor's feelings, and requested that everyone remember the true reason for the season.
- Council Member Reyes cautioned everyone to beware of black ice on the roads in light of decreased temperatures.
- Mayor Stowe encouraged attendance at First Friday Coffee to be hosted by the City, the Christmas Parade, the Santa at the Park event, and a summit at Porterville College.
- City Manager Lollis stated that the Community Development Department would be having a coat and shoe drive.

CLOSED SESSION

None

ADJOURNMENT

The Council adjourned at 9:28 p.m. to the meeting of December 15, 2015.

Luisa M. Zavala, Deputy City Clerk

SEAL

Milt Stowe, Mayor



CITY COUNCIL AGENDA – AUGUST 16, 2016

SUBJECT: Approval of Reimbursement for Removal of North Brick Wall at 14 N. Main Street

SOURCE: Public Works

COMMENT: At the City's request, Denmar LLC demolished, removed, and disposed of the common wall between 22 N. Main Street (Porterville Auto Parts) and 14 N. Main Street (Porterville Hotel), a City-owned property. The common wall was entirely on City property and could not be removed during the Porterville Hotel Demolition Project due to the structural connections of the Porterville Auto Parts building. It was mutually agreed that the property owner would demolish, remove and dispose of the common wall at their cost. It was further agreed that the City would reimburse the owner for the cost since the common wall was completely within the City-owned property. The owner's cost for the demolition, removal and disposal of the common wall is \$6,750.

The owner has submitted a request for reimbursement and the invoice is included in Council's packet. Bond proceeds from the 2008 refunding of the Tax Allocation Bonds dedicated to the Porterville Hotel project is the funding source.

RECOMMENDATION: That City Council instruct the City Finance Director to make payment to Denmar LLC in the amount of \$6,750 for the demolition, removal and disposal of the common wall between 22 N. Main Street and 14 N. Main Street.

ATTACHMENTS:

1. Denmar LLC Invoice
2. Locator Map

Appropriated/Funded: MB

Review By:

Department Director:
Mike Reed, City Engineer

Final Approver: John Lollis, City Manager

DENMAR, LLC

BILL
TO

City of Porterville

SHIP
TO

Dennis Martin
714 6th St
Wasco, CA 9328
661-758-3265
kalalp@earthlink.net

Invoice # 34

Invoice Date 07/08/16

Customer ID

DATE	YOUR ORDER #	OUR ORDER #	SALES REP.	F.O.B.	SHIP VIA	TERMS	TAX ID

QTY	ITEM	UNITS	DESCRIPTION	DISCOUNT %	TAXABLE	UNIT PRICE	TOTAL
1			Demo, remove and dispose of north brick wall on City of Porterville owned property known as Old Hotel Site, adjacent to our owned property at 22 N Main St.				\$6,750.00

Subtotal

Tax

Shipping

Miscellaneous

Please return the portion below with your payment.

BALANCE DUE

6,750.00

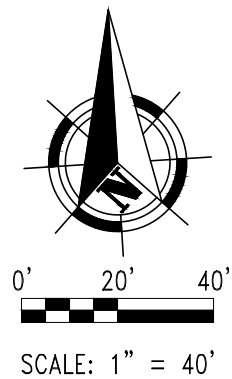
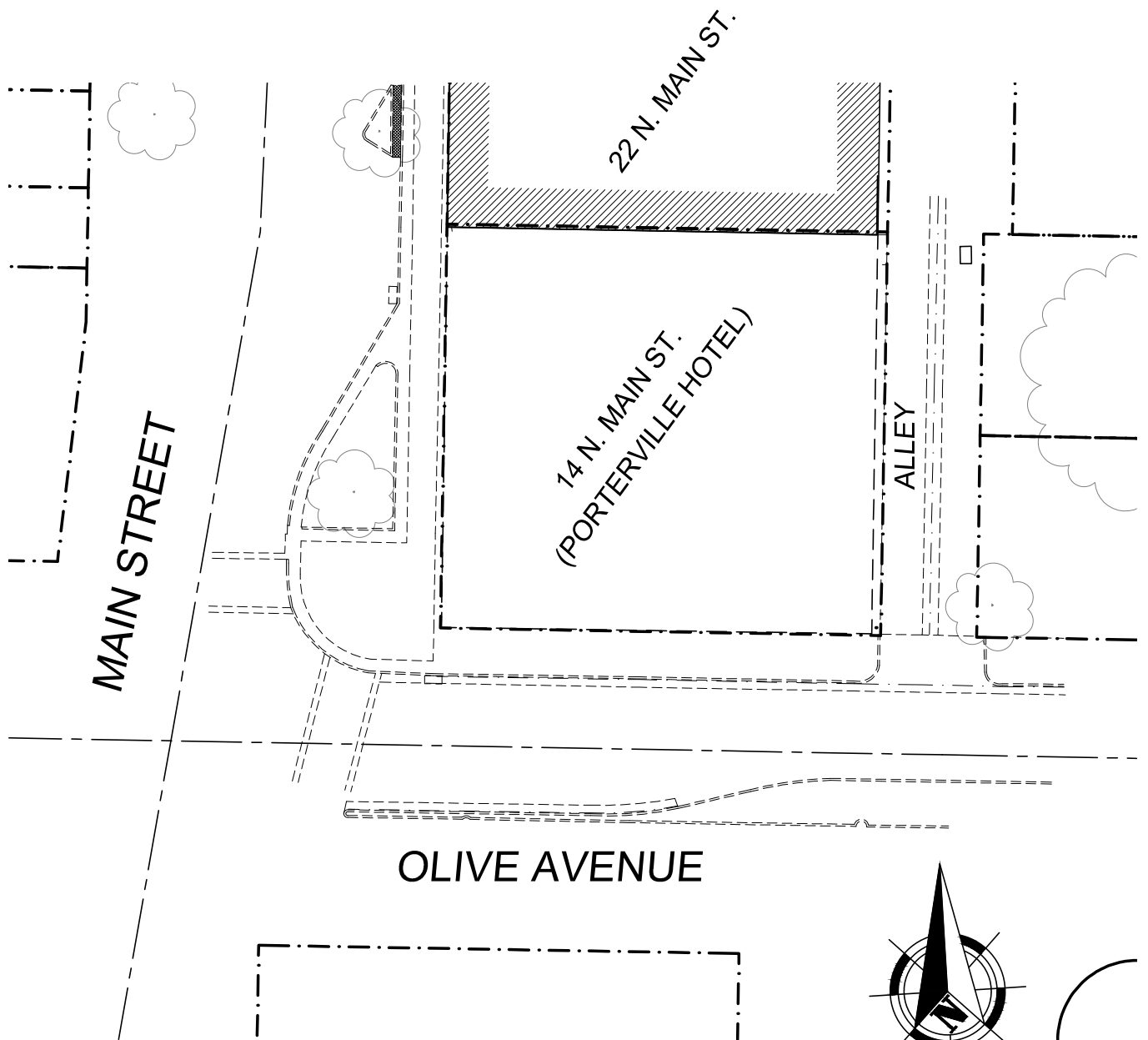
REMITTANCE

Invoice #	34
Customer ID	
Date	
Amount Enclosed	

RECEIVED

JUL 8 2016

**City of Porterville
Public Works Dept.**



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

**PORTERVILLE HOTEL
 LOCATOR MAP**

OWNER	CITY OF PORTERVILLE
APN	
AREA	
ACRES	
SCALE	1" = 40'-0"
DATE	8/4/2016
DRAWN BY	CAL
CHECKED BY	



CITY COUNCIL AGENDA – AUGUST 16, 2016

SUBJECT: Adopting City of Porterville Conflict of Interest Code -- Amendment No. 10

SOURCE: Administrative Services

COMMENT: The Political Reform Act requires every local government to review its Conflict of Interest Code on a biennial basis. A Conflict of Interest Code identifies which public officials, governmental employees and consultants must file Fair Political Practices Commission (FPPC) economic disclosure forms and sets forth the level of such disclosures. Government Code Section 87300 requires that the agencies' code reviewing body submit a biennial report identifying whether changes are warranted, and if so, what those changes are. The City Council, as the City's code reviewing body, accepted the City's Biennial Report for 2016 at its regular meeting of August 2, 2016. Said report concluded that an amendment to the City's Conflict of Interest Code was necessary.

The recommended revisions pertain to changes in the list of designated employees, as well as a change in the date by which said employees are required to file their Statements of Economic Interests with the City Clerk.

RECOMMENDATION: That the City Council adopt the draft resolution approving the amended City of Porterville Conflict of Interest Code.

ATTACHMENTS: 1. Draft Resolution

Appropriated/Funded:

Review By:

Department Director:

Patrice Hildreth, Administrative Services Dir

Final Approver: John Lollis, City Manager

RESOLUTION NO. _____-2016

A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF PORTERVILLE ADOPTING AMENDMENT NO. 10 TO THE
CITY'S CONFLICT OF INTEREST CODE

WHEREAS, Government Code Sections 87300 et seq. require that local agencies biennially review their Conflict of Interest Codes and submit to their code reviewing body a report identifying whether changes are warranted, and if so, what the proposed changes are; and

WHEREAS, at its regular meeting of August 2, 2016, the City Council, as the City of Porterville's code reviewing body, accepted the City's 2016 Biennial Report which concluded that an amendment to the City's Conflict of Interest Code was necessary.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Porterville that the Conflict of Interest Code for the City of Porterville, attached hereto as Exhibit A, is hereby adopted; and

BE IT FURTHER RESOLVED by the City Council of the City of Porterville that the City Manager, as Administrative Supervisor, is hereby authorized to execute said document.

PASSED, APPROVED AND ADOPTED this 16th day of August, 2016.

Milt Stowe, Mayor

ATTEST:

JOHN D. LOLLIS, CITY CLERK

Patrice Hildreth, Chief Deputy City Clerk

CONFLICT OF INTEREST CODE OF THE
"CONFLICTS AND DISCLOSURE MONITOR AGENCY" OF THE
CITY OF PORTERVILLE

SECTION 1. Establishment. The City Council of the City of Porterville has heretofore established a Conflicts and Disclosure Monitor Agency (hereinafter "Agency") having jurisdiction as set forth herein over all officers, officials, and employees of the City. The City Manager shall be the Administrative Supervisor of such Agency with authority to act for and on behalf of such Agency. Such Agency shall not affect the duties, responsibilities, or chain of command of any Department, Board, or Commission except to administer and enforce the requirements, rules, and regulations set forth herein. The City Council shall be deemed the "Code Reviewing Body" of said Agency pursuant to the provisions of Section 87300 et seq. of the Government Code.

SECTION 2. Purpose. The Conflicts and Disclosure Monitor Agency of the City of Porterville hereby adopts this document as its "Conflict of Interest Code" in accordance with the requirements of the Political Reform Act of 1974.

SECTION 3. Designated Positions. The positions listed on Exhibit "A" attached hereto are designated positions. Officers and employees holding those positions are designated employees and are deemed, for the purposes of this Code, to make, or participate in the making of, decisions which may foreseeably have a material effect on any financial interest and for each such enumerated position, the specific types of investments, business positions, interests in real property, and sources of income which are reportable. An investment, business position, interest in real property, or source of income shall be made reportable by the Conflict of Interest Code if the business entity in which the investment or business position is held, the interest in real property, or the income or source of income may foreseeably be affected materially by any decision made or participated in by the designated employees by virtue of his or her position.

SECTION 4. Disclosure Statements. Each such designated employee shall file disclosure statements disclosing reportable investments, business positions, interests in real property, and income, to the

extent required by the Act, and on forms prescribed by the Fair Political Practices Commission and supplied by the City Clerk.

SECTION 5. Place and Time of Filing.

- A. All designated employees required to file disclosure statements shall file same with the City Clerk, as Secretary to the Code Reviewing Body.
- B. A designated employee required to submit a disclosure statement shall file their initial statement within thirty (30) days after the effective date of this Code disclosing reportable investments, business positions, and interests in real property held on the effective date of the Conflict of Interest Code and income received during the 12-months before the effective date of the Conflict of Interest Code.
- C. Individuals hereafter appointed to designated positions shall file his or her initial statement within thirty (30) days after assuming office disclosing reportable investments, business positions, and interests in real property held on, and income received during the twelve (12) months before, the date of assuming office.
- D. After the initial filing, each person holding a designated position, shall, on or before the first day of April of each calendar year, file an annual disclosure statement disclosing reportable investments, business positions, interests in real property and income held or received at any time during the previous calendar year, or since the date the designated employee took office if during the calendar year. Such annual statements shall cover the period of the preceding calendar year.
- E. Every designated employee who leaves office shall file, within thirty (30) days of leaving office, a statement disclosing reportable investments, business positions, interests in real property and income held or received at any time during the period between the closing date of the last statement required to be filed and the date of leaving office.

F. Any designated employee who resigns their position within twelve (12) months following initial appointment or within thirty (30) days of the date of a notice mailed by the filing officer of the individual's filing obligation, whichever is earlier, is not deemed to assume or leave office, provided that during the period between appointment and resignation, the individual does not make, participate in making, or use the position to influence any decision of the agency or receive, or become entitled to receive, any form of payment by virtue of being appointed to the position. Within thirty (30) days of the date of a notice mailed by the filing officer, the individual shall do both of the following:

1. File a written resignation with the appointing power.
2. File a written statement with the filing officer on a form prescribed by the Commission and signed under the penalty of perjury stating that the individual during the period between appointment and resignation, did not make, participate in the making, or use the position to influence any decision of the agency or receive, or become entitled to receive, any form of payment by virtue of being appointed to the position.

G. A designated employee required to file a statement of economic interest with any other public agency whose disclosure requirements are comparable hereto, may comply with the provisions of this Code by filing a duplicate copy of the statement filed with such other agency, in lieu of an entirely separate statement.

SECTION 6. Contents of Disclosure Statements. Disclosure statements shall be submitted on forms supplied by the City Clerk, and shall contain the following information:

A. Disclosure of Investment or Interest in Real Property.

1. When an investment or an interest in real property is required to be disclosed the statement shall contain:
 - a. A statement of the nature of the investment or interest;

- b. The name of the business entity in which each investment is held, and a general description of the business activity in which the business entity is engaged;
- c. The address or other precise location of the real property;
- d. A statement whether the fair market value of the investment or interest in real property equals or exceeds two thousand dollars (\$2,000) but does not exceed ten thousand dollars (\$10,000), whether it exceeds ten thousand dollars (\$10,000) but does not exceed one hundred thousand dollars (\$100,000), whether it exceeds one hundred thousand dollars (\$100,000) but does not exceed one million dollars (\$1,000,000), or whether it exceeds one million dollars (\$1,000,000);
- e. In the case of a statement filed under Government Code Sections 87203 or 87204, if the investment or interest in real property was partially or wholly acquired or disposed of during the period covered by the statement, the date of acquisition or disposal.
- f. For purposes of disclosure, interest in real property does not include the principal residence of the filer or any other property which the filer utilizes exclusively as a personal residence of the filer.

B. Disclosure of Income.

- 1. When income is required to be reported the statement shall contain, except as provided in Government Code Section 87207(b):
 - a. The name and address of each source of income aggregating five hundred (\$500) or more in value, or fifty dollars (\$50) or more in value if the income was a gift, and a general description of the business activity, if any, of each source;
 - b. A statement whether the aggregate value of income from each source, or in the case of a loan, the highest amount owed to each source, was at least five hundred (\$500) but did not exceed one thousand dollars (\$1,000), whether it was in excess of one thousand dollars (\$1,000) but not greater than ten thousand dollars (\$10,000), whether it was in excess

of ten thousand dollars (\$10,000) but not greater than one hundred thousand dollars (\$100,000), or whether it was greater than one hundred thousand dollars (\$100,000);

- c. A description of the consideration, if any, for which the income was received;
 - d. In the case of a gift, the amount and the date on which the gift was received;
 - e. In the case of a loan, the annual interest rate and the security, if any, given for the loan, and the term of the loan.
2. When the filer's pro rata share of income to a business entity, including income to a sole proprietorship, is required to be reported, the statement shall contain:
- a. The name, address, and a general description of the business activity of the business entity;
 - b. The name of every person from whom the business entity received payments if the filer's pro rata share of gross receipts from such person was equal to or greater than ten thousand dollars (\$10,000) during a calendar year.
3. When a payment, including an advance or reimbursement, for travel is required to be reported pursuant to this section, it may be reported on a separate travel reimbursement schedule which shall be included in the filer's statement of economic interest. A filer who chooses not to use the travel schedule shall disclose payments for travel as a gift, unless it is clear from all surrounding circumstances that the services provided were equal to or greater in value than the payments for the travel, in which case the travel may be reported as income.
4. When business positions are required to be reported, a designated employee shall list the name and address of each business entity in which he or she is a director, officer, partner, trustee, employee, or in which he or she holds any position of management, or as to which he or she is a paid consultant, a

description of the business activity in which the business entity is engaged, and the designated employee's position with the business entity. If the business entity or any parent, subsidiary, or otherwise related business entity has an interest in real property in the jurisdiction, or has done business, or plans to do business in the jurisdiction at any time during the two years prior to the date of the statement, it is required to be filed.

5. In the case of an annual or leaving office statement, if an investment or an interest in real property was partially or wholly acquired to disposed of during the period covered by the statement, the statement shall contain the date of acquisition or disposal;

SECTION 7. Prohibition on Receipt of Honoraria. No member of the City Council or candidate for the office of City Council shall accept any honorarium. No designated employee shall accept any honorarium from any source if the employee would be required to report the receipt of income or gifts from that source on his or her statement of economic interests. Subdivisions (b) of Government Code Section 89502 shall apply to the prohibitions in this section. This section shall not limit or prohibit payments, advances, or reimbursements for travel and related lodging and subsistence authorized by Government Code Section 89506.

SECTION 8. Prohibition on Receipt of Gifts in Accordance with Government Code Section 89503. No member of the City Council, candidate for the office of City Council, or designated employee shall accept any gifts with a total value of more than the statutory annual limit in a calendar year from any single source, as adjusted biennially pursuant to Section 89503(f).

SECTION 9. Disqualification. No designated employee shall make, participate in making, or in any way attempt to use his or her official position to influence the making of any governmental decision which he or she knows or has reason to know will have a reasonably foreseeable material financial effect, distinguishable from its effect on the public generally, on the employee or a member of his or her immediate family or on:

- A. Any business entity in which the designated employee has a direct or indirect investment worth two thousand dollars (\$2,000) or more;
- B. Any real property in which the designated employee has a direct or indirect interest worth two thousand dollars (\$2,000) or more;
- C. Any source of income, other than gifts or loans by a commercial lending institution in the regular course of business on terms available to the public without regard to official status, aggregating five hundred dollars (\$500) or more in value provided to, received by or promised to the designated employee within twelve (12) months prior to the time when the decision is made;
- D. Any business entity in which the designated employee is a director, officer, partner, trustee, employee, or holds any position of management; or
- E. Any donor of, or any intermediary or agent for a donor of, a gift or gifts in an aggregate amount of the limit or more as specified in Government Code Section 89503 (as adjusted biennially by State law) provided to, received by, or promised to the designated employee within twelve (12) months prior to the time when the decision is made.
- F. No designated employee shall be prevented from making or participating in the making of any decision to the extent his or her participation is legally required for the decision to be made. The fact that the vote of a designated employee who is on a voting body is needed to break a tie does not make his or her participation legally required for purposes of this section.
- G. For purposes of this Section, indirect investment or interest means any investment or interest owned by the spouse or dependent child of a designated employee, by an agent on behalf of a designated employee, or by a business entity or trust in which the

employee, the employee's agents, spouse, and dependent children own directly, indirectly, or beneficially a 10-percent interest or greater.

1. Notwithstanding subdivision (c) of Government Code Section 87103, a retail customer of a business entity engaged in retail sales of goods or services to the public generally is not a source of income to a designated employee who owns a 10-percent or greater interest in the entity if the retail customers of the business entity constitute a significant segment of the public generally, and the amount of income received by the business entity from the customer is not distinguishable from the amount of income received from its other retail customers.

SECTION 10. Manner of Disqualification. When a designated employee determines that he or she should not make a governmental decision because he or she has a disqualifying interest in it, the determination not to act must be accompanied by disclosure of the disqualifying interest. In the case of a designated employee who is the head of an agency, this determination and disclosure shall be made in writing to his or her appointing authority; and in the case of other designated employees, this determination and disclosure shall be made in writing to the designated employee's supervisor. This notice shall be forwarded to the Administrative Supervisor, who shall record the employee's disqualification. Upon receipt of such statement, the Administrative Supervisor shall immediately arrange for the matter to be reassigned to another employee.

SECTION 11. Interpretation. In the event of any ambiguity in these rules as to interpretation, construction, or applicability, the Administrative Supervisor shall, by written instrument, clarify such ambiguity. Any designated employee who is unsure of his or her duties under this Code may request assistance from the Fair Political Practices Commission pursuant to Government Code Section 83114, or from the City Attorney, provided that nothing in this section requires the attorney for the City to issue any formal or informal opinion.

SECTION 12. Violation. Violation of any provision of this Code, including: (1) willful failure to file, or timely file, any requisite Disclosure Statement, (2) willful failure to disclose any financial or other

interest required to be disclosed in such Disclosure Statement, or (3) filer's willful failure to disqualify himself or herself as required herein, shall be grounds for discipline or removal from office, pursuant to Government Code Section 91003.5. Upon ascertaining any such violation, the Administrative Supervisor shall report the same to the appointing official for appropriate proceedings. Such violation shall not, however, invalidate or otherwise affect any decision or action to which such violations might relate. Designated employees violating any provision of this Code are subject to the administrative, criminal and civil sanctions provided in the Act, Government Code Sections 81000-91014. In addition, a decision in relation to which a violation of the disqualification provisions of this Code or of Government Code Section 87100 or 87450 has occurred may be set aside as void pursuant to Government Code Section 91003.

SECTION 13. Effective Date. The City of Porterville Conflict of Interest Code, and any amendments to said Code, shall become effective immediately upon passage and approval by the City Council.

Adopted this 16th day of August, 2016.

CONFLICTS AND DISCLOSURE MONITOR AGENCY

John D. Lollis, Administrative Supervisor

DESIGNATED EMPLOYEES*
EXHIBIT "A"

- A. ADMINISTRATION:
 - 1. Deputy City Manager

- B. DEPARTMENT DIRECTORS:
 - 1. Administrative Services Director
 - 2. Community Development Director
 - 3. Fire Chief
 - 4. Parks and Leisure Services Director
 - 5. Police Chief
 - 6. Public Works Director

- C. DEPARTMENTAL EMPLOYEES AS FOLLOWS:
 - 1. Community Development Department:
 - a. Community Development Manager
 - b. Associate Planner
 - c. Project Manager

 - 2. Finance Department:
 - a. Purchasing Agent
 - b. Information Technology Manager
 - c. Accountant

 - 3. Fire Department:
 - a. Battalion Chief
 - b. Fire Officer - Prevention
 - c. Code Enforcement Officer

 - 4. Police Department:
 - a. Police Captain
 - b. Police Lieutenant

 - 5. Public Works Department
 - a. Deputy Public Works Director/City Engineer
 - b. Deputy Public Works Director/Field Services Manager
 - c. Assistant City Engineer
 - d. Chief Building Inspector
 - e. Building Inspector
 - f. Public Works Inspector

- D. CONSULTANTS: Consultants shall disclose pursuant to the broadest disclosure category in the Code subject to the following limitations:

The Administrative Supervisor may determine in writing that a particular consultant, although a "designated position", is hired to perform a range of duties that is limited in scope and thus is not required to fully comply with the disclosure requirements described in this section. Such written determination shall include a description of the consultant's duties and, based upon that

description, a statement of the extent of disclosure requirements. The Administrative Supervisor's determination is a public record and shall be retained for public inspection in the same manner and location as this Conflict of Interest Code.

* This designation does not include the following City officials or employees required to report their financial interests pursuant to Article 2 of Chapter 7 of the Act, Government Code Sections 87200, et seq.:

- a. City Council Members
- b. City Manager
- c. City Attorney
- d. Finance Director



CITY COUNCIL AGENDA – AUGUST 16, 2016

SUBJECT: Request for Proclamation - Library Card Sign-Up Month - September 2016

SOURCE: Administrative Services

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

Staff has requested that the Council consider approval of a proclamation to proclaim September 2016 as "Library Card Sign-Up Month." Mayor Stowe is sponsoring this proclamation request. If approved, staff requests that the proclamation be presented at the City Council meeting of September 6, 2016.

RECOMMENDATION: That the City Council consider approval of the request to proclaim September 2016 as "Library Card Sign-Up Month."

ATTACHMENTS: 1. Proclamation Request

Appropriated/Funded: N/A

Review By:

Department Director:

Patrice Hildreth, Administrative Services Dir

Final Approver: John Lollis, City Manager



City of Porterville
REQUEST FOR PROCLAMATION



Date of Request: 8-5-16

Name of Event/Individual: Library Card Sign-up Month
i.e. "Porterville Tourism Week", "Mr. John Doe"

Name of Sponsoring Organization: Porterville City Library

Name of Contact Person: Vikki Cervantes

Address: 41 W. Thurman Ave

Phone: 559.784.0177 FAX: _____

E-mail: Vikkicervantes@sjvls.org

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

Date(s) of Event: Month of September

Date of Council Meeting to be presented, if applicable: 9-6-16
(Council meets 1st and 3rd Tuesdays of each month.)

Individual or representative attending Council Meeting to receive proclamation:

Library Patron

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

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

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

City Clerk's Section

Request Received: 8/5/16 Sponsored by: Stowe Date: 8/10/16

Approved by Council: yes ☐ no ☐ Date: _____

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

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

Comment: _____

Library Card Sign-up Month 2016

Whereas, the library card is the most important school supply of all;

Whereas, libraries play an important role in the education and development of children;

Whereas, library programs range broadly from getting every child ready to read and school preparedness, to homework help and building research skills, to GED classes and access to financial aid resources;

Whereas, librarians offer digital and traditional literacy training to help students of all ages;

Whereas, libraries continue to transform and expand their services in ways that meet the needs of the communities they serve;

Whereas, a free library card is the most important key to lifelong learning;

Whereas, be it resolved that I, Milt Stowe Mayor of the City of Porterville, proclaim September Library Card Sign-up Month in Porterville, California and encourage everyone in our community to sign up for their own library card today.



CITY COUNCIL AGENDA – AUGUST 16, 2016

SUBJECT: Public Hearing for Establishment of Reimbursement Fees for Concrete Improvements Constructed by the City - W. North Grand Avenue Reconstruction Project, Newcomb Street to Prospect Street

SOURCE: Public Works

COMMENT: This is the time and place for a Public Hearing to discuss the establishment of a reimbursement fee for the construction of concrete improvements by the City during the W. North Grand Avenue Reconstruction Project, Newcomb Street to Prospect Street. The concrete improvements include curb, gutter, sidewalk and drive approaches in front of undeveloped properties and/or developed properties that lack these public improvements. The concrete improvements were placed along W. North Grand Avenue from approximately 600 feet west of Newcomb Street to Prospect Street.

Section 20-40.1 of the Municipal Code stipulates that these improvements, once constructed, shall be reimbursed to the City of Porterville upon the issuance of a new building permit. Section 20-40.2 of the Municipal Code allows the City to recover the cost of the concrete improvements when the owner pulls a building permit(s) from the City and said permit(s) has a valuation of \$22,151.00 or more within a two (2) year period.

Section 20-40.8 of the Municipal Code requires that each property owner affected by the project be notified of this Public Hearing. The owners have been notified of this meeting and made aware of the reimbursement amount due upon development of their property in accordance with Section 20-40.2 of the Municipal Code.

Upon approval of the attached Resolution, the City will record a general notice of “reimbursement fee” with the office of the Tulare County Recorder. The recorded document will officially notify the current owner and potential buyers that the property is subject to a concrete reimbursement fee.

Staff has calculated the cost of the concrete improvements constructed as a part of the project. The calculations are based on actual costs incurred by the City. A map of the affected property owners and the associated concrete reimbursement fee is attached for Council’s reference.

RECOMMENDATION: That the City Council:

1. Open the Public Hearing, take public comments, concerns and questions; and

2. Approve the resolution Implementing Development Charges for Construction of Curb, Gutter, Sidewalk, and Drive approaches; and

3. Authorize staff to record a general notice of “Reimbursement Fee” with the office of the Tulare County Recorder.

ATTACHMENTS:

1. Draft Resolution
2. Locator Map
3. Reimbursement Fee Spreadsheet

Appropriated/Funded:

Review By:

Department Director:

Mike Reed, City Engineer

Final Approver: John Lollis, City Manager

RESOLUTION NO. ____-2016

A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF PORTERVILLE IMPLEMENTING DEVELOPMENT CHARGES FOR
CONSTRUCTION OF CURB, GUTTER, SIDEWALK AND DRIVE APPROACH
IMPROVEMENTS
IN CONNECTION WITH THE WEST NORTH GRAND AVENUE RECONSTRUCTION
PROJECT, NEWCOMB STREET TO PROSPECT STREET

WHEREAS, the City of Porterville ("City") has installed street improvements (i.e., curb, gutter, sidewalk and drive approaches) to serve properties within the West North Grand Avenue Reconstruction Project, shown on the locator map (Exhibit "A") attached hereto and hereby made a part hereof; and

WHEREAS, City has paid the entire cost of the construction of said street improvements as shown in the tabulation contained in Exhibit "B", which is attached and made a part hereof; and

WHEREAS, construction of said street improvements, including curb, gutter, sidewalk and drive approaches, was necessary to properly finish the street; and

WHEREAS, the property owner benefits from the improvements constructed across the frontage of his/her property; and

WHEREAS, equitable distribution of the cost of constructing said street improvements can only be obtained if the owner pays for the portion of construction of the

improvements that benefit his/her property; and

WHEREAS, the owners of adjacent property have not paid, assumed or discharged any of the costs in connection with the construction of the street improvements listed on Exhibit "B"; and

WHEREAS, the described charges are a one-time charge and shall be used to reimburse the City and pay the City's obligations with regard to the Special Gas Tax used to fund the West North Grand Avenue Reconstruction Project; and

WHEREAS, the City Council has held a duly noticed public hearing concerning these charges;

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

FOLLOWS:

Resolution No.____-2016

1. The fees as set forth in Exhibit "B" will be required as a condition of development with regard to the properties listed. "Development" shall include building permits for substantial modifications in conformity with Porterville Municipal Code Section 20-40.2 or any other grants of approval for development of the parcel.

2. City shall deposit, invest, account for, and expend the fees, pursuant to the Mitigation Fee Act.

3. For existing single-family residences subject to the charge, property owners may, at the time reimbursement is required, enter into a contract with the City for payment of the costs over a five-year period.

4. At the time of Development, at the request of the property owner, the City shall verify the costs to the owner by field measurements to ensure the accuracy of the charge.

5. If the Development by the owner requires removal of any portion of the City-installed improvements, the cost of such portion of improvements shall be deducted from the cost to be reimbursed by the owner.

6. Upon adoption of this Resolution, City shall record abstracts notifying property owners of the imposition of the charges with the Tulare County Recorder's Office.

7. The fees shall go into effect in accordance with California law and the specific conditions of approval established concerning the applicable permits and applications.

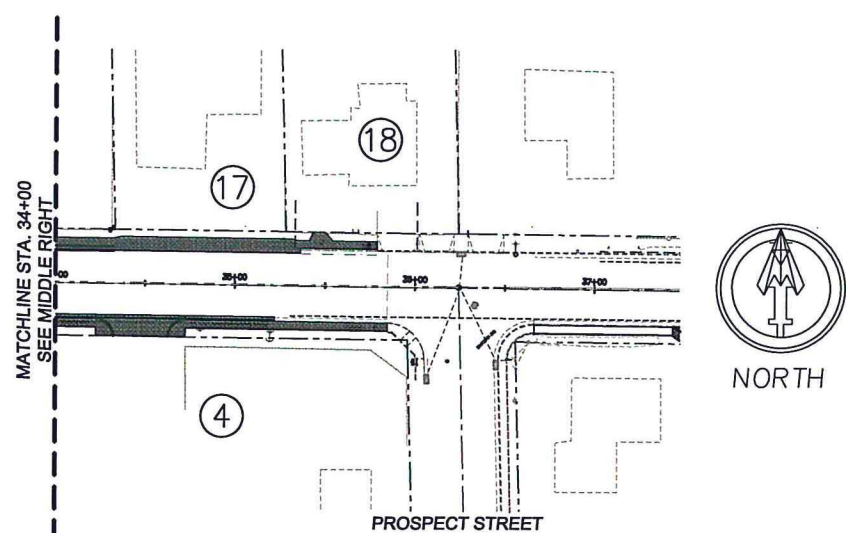
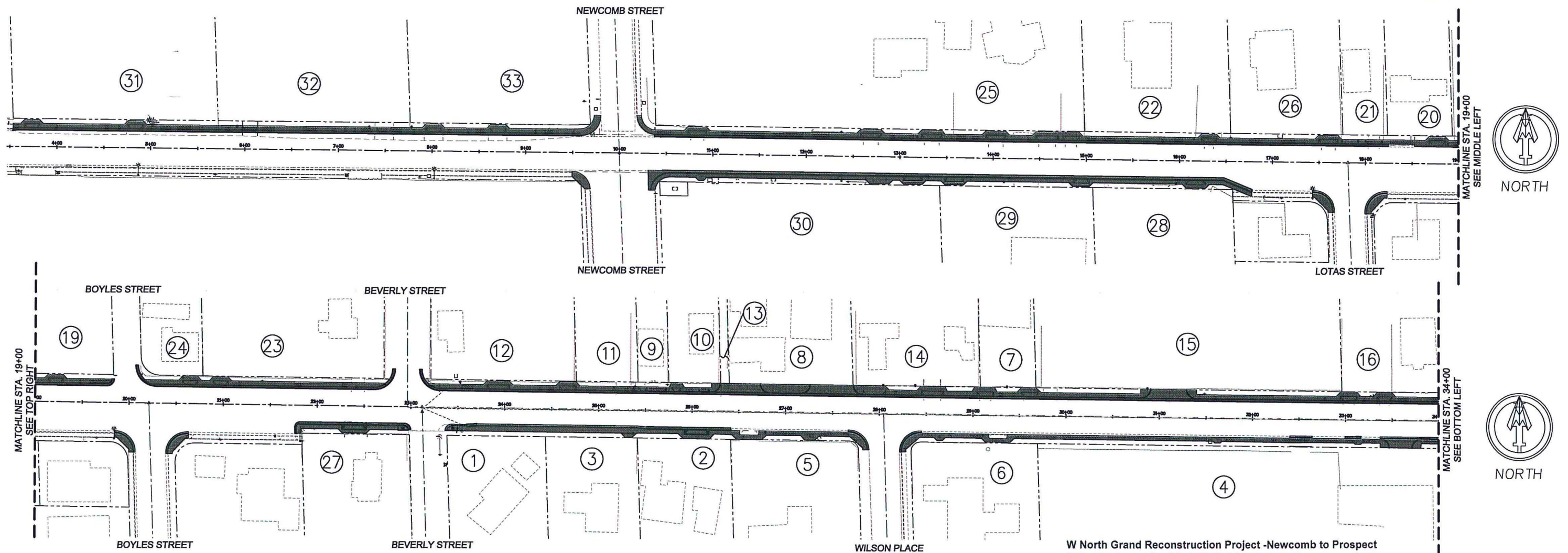
PASSED, APPROVED and ADOPTED this 16th day of August, 2016.

Milt Stowe, Mayor

ATTEST:

John D. Lollis, City Clerk

By Patrice Hildreth, Chief Deputy City Clerk



W North Grand Reconstruction Project -Newcomb to Prospect
Reimbursement for City Installed Improvements

Property #	APN	OWNER-Property Address	Owner Address	Curb/Gutter	Sidewalk	Driveway	Total
1	243-230-004	FREEMAN PAMELA-1385 W. North Grand Avenue	1385 W NORTH GRAND AVE	\$1,892.15	\$4,124.29	\$425.70	\$6,442.14
2	243-230-007	KITTRELL JOSHUA D & ELFRIEDE-1359 W. North Grand Avenue	1359 N GRAND AVE	\$1,708.00	\$2,287.80	\$1,197.00	\$5,192.80
3	243-230-020	CAMPBELL ELDEEN H-1375 W. North Grand Avenue	100 S WESTWOOD #51	\$2,185.40	\$2,910.60	\$280.50	\$5,376.50
4	243-230-022	TULARE COUNTY OF - 1243 W. North Grand Avenue	TULARE COUNTY COURTHOUSE	\$1,831.50	\$14,446.35	\$13,468.32	\$29,746.17
5	243-230-035	AYALA VASMIN TAPIA-1331 W. North Grand Avenue	1331 W NORTH GRAND AVE	\$0.00	\$4,843.35	\$528.00	\$5,371.35
6	243-230-038	BENEVIDEZ RAMON & MARGARET L-1311 W. North Grand Avenue	1311 W NORTH GRAND AVE	\$0.00	\$4,695.75	\$660.00	\$5,355.75
7	243-240-001	WIELAND ERIC- 1304 W. North Grand Avenue	2081 W. ORANGE AVE	\$990.00	\$885.60	\$2,087.40	\$3,963.00
8	243-240-002	NAGI HADIA MUSLEH (TR)(LIV TR)- 1344 W. North Grand Avenue	1340 W NORTH GRAND AVE	\$495.00	\$1,980.00	\$14,901.12	\$17,376.12
9	243-240-003	GRAY BILL & MARGARET- 1362 W. North Grand Avenue	472 W OLIVE AVE	\$544.50	\$636.53	\$333.00	\$1,514.03
10	243-240-004	GUERRERO J LUIS & FRANCES-1354 W. North Grand Avenue	332 S F ST	\$759.00	\$720.21	\$2,407.32	\$3,886.53
11	243-240-007	RAMIREZ GUADALUPE M- 1360 W. North Grand Avenue	1350 W NORTH GRAND AVE	\$1,087.02	\$1,300.73	\$599.40	\$2,987.15
12	243-240-008	DUNLAP GUY W & VERNEAL D- 1394 W. North Grand Avenue	1394 W NORTH GRAND AVE	\$2,211.00	\$4,394.40	\$1,566.00	\$8,171.40
13	243-240-012	TREVINO JUANITA- 1350 W. North Grand Avenue	1350 W NORTH GRAND AVE	\$0.00	\$0.00	\$1,289.52	\$1,289.52
14	243-240-014	CARRANZA ALBERTO- 1312 W. North Grand Avenue	20860 RD 254	\$2,145.00	\$2,599.14	\$3,628.15	\$8,372.29
15	243-240-015	CH-SIKH CENTER OF PORTERVILLE- 1250 W. North Grand Avenue	1475 N HIGHLAND DR	\$4,422.00	\$7,416.90	\$8,596.80	\$20,435.70
16	243-240-020	BUTTAR BACHITTAR SINGH- 1236 W. North Grand Avenue	1503 N NEWCOMB ST	\$2,260.50	\$2,893.58	\$2,149.20	\$7,303.28
17	243-240-036	NAGI HADIAH MOSLEH (TR)(LIV TR)- 1226 W. North Grand Avenue	1340 W NORTH GRAND AVE	\$2,118.50	\$2,809.35	\$0.00	\$4,927.85
18	243-240-037	ROGERS WILLIAM KEITH & SHARON A - 1206 W North Grand Avenue	1206 W NORTH GRAND AVE	\$0.00	\$1,715.85	\$0.00	\$1,715.85
19	243-270-014	CARRANZA ALBERTO- 1454 W. North Grand Avenue	20860 RD 254	\$1,254.00	\$3,178.24	\$972.00	\$5,404.24
20	243-270-015	GARCIA ELEAZAR & ELOISA (TRS)(LIV TR)-1470 W. North Grand Avenue	1470 W NORTH GRAND AVE	\$759.00	\$1,522.13	\$928.20	\$3,209.33
21	243-270-016	RAMOS RAMON- 1478 W. North Grand Avenue	1478 W NORTHGRAND AVE	\$793.65	\$940.95	\$466.20	\$2,200.80
22	243-270-017	SANCHEZ JAMES N & CATHY- 1512 W. North Grand Avenue	1512 W NORTH GRAND AVE	\$2,583.90	\$3,674.63	\$1,452.60	\$7,711.13
23	243-270-022	PEDRAZA ANTONIO & SAN JUAN- 1829 N. Beverly Drive	1829 N BEVERLY DR	\$2,887.50	\$6,292.44	\$777.60	\$9,957.54
24	243-270-024	MENDOZA JOSE A & MARIA R- 1438 W. North Grand Avenue	1438 W NORTH GRAND AVE	\$858.00	\$3,010.65	\$640.80	\$4,509.45
25	243-270-027	INGRAHAM DAVID W & MARY J (TRS)- 1552 W. North Grand Avenue	1544 W NORTH GRAND AVE	\$7,614.75	\$11,984.89	\$4,245.75	\$23,845.39
26	243-270-028	MANCILLA ROSA EVELIA- 1490 W. North Grand Avenue	1490 W NORTH GRAND AVE	\$1,989.41	\$2,878.20	\$1,324.80	\$6,192.41
27	243-280-006	DOMINGO KEITH & MARITESS-1787 N. Beverly Street	944 N COTTAGE ST	\$1,914.00	\$4,080.75	\$1,521.00	\$7,515.75
28	243-280-013	LOFFLAND CHARLES R SR & DONNA M (TR)-1511 W North Grand Avenue	1511 W NORTH GRAND	\$2,491.50	\$3,666.94	\$1,343.25	\$7,501.69
29	243-280-022	SALAZAR MIGUEL-1525 W. North Grand Avenue	1525 W NORTH GRAND	\$2,717.55	\$3,720.75	\$2,723.00	\$9,161.30
30	243-280-030	CH-CALVARY BAPTIST CHURCH-1768 N. Newcomb Street	1768 N NEWCOMB ST	\$4,735.50	\$9,359.39	\$15,223.85	\$29,318.74
31	243-310-025	CURRY GREGORY A & KARRI C-1658 W. North Grand Avenue	1658 W NORTH GRAND AVE	\$3,597.00	\$5,178.30	\$3,773.40	\$12,548.70
32	243-310-027	FERNANDEZ GABRIEL M & NOEMI S-1648 W. North Grand Avenue	1642 W NORTH GRAND AVE	\$3,383.49	\$4,182.00	\$1,232.10	\$8,797.59
33	243-310-028	SALEH ALI A(TR)- 1626 W. North Grand Avenue	1205 W WESTFIELD AVE	\$2,937.00	\$4,608.99	\$2,149.20	\$9,695.19
Totals (Based on Final Field Measurements)							\$272,996.66

Exhibit "B"

W North Grand Reconstruction Project -Newcomb to Prospect
Reimbursement for City Installed Improvements

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		Totals (Based on Final Field Measurements)					\$272,996.66



CITY COUNCIL AGENDA – AUGUST 16, 2016

SUBJECT: Consideration of Annexation 479, a County Island Located Generally West of State Route 65, east of Newcomb Avenue, South of Olive Avenue

SOURCE: Community Development

BACKGROUND: At its meeting on August 2, 2016, the City Council directed staff to schedule the potential annexation of a county island which was island “A” in Annexation 479, most recently proposed in April 2015. A property owner on the northern border of the island had initiated conversations with staff about possible methods to allow for water connection and annexation to accommodate a development application. Due to the island annexation having recently been considered, and all relevant materials and applications already prepared, the application was ready to bring back to the Council at the next regularly scheduled meeting, on August 16, 2016. As was discussed at the August 2 meeting, if the Council had chosen to proceed with the annexation of only a portion of the subject island, the timeframe to complete the effort would have been extended. In addition, the cost to complete the smaller annexation are counterintuitively greater. Fees to LAFCo are increased due to the annexation not greatly reducing the island, and there would be the associated cost of hiring a consultant to write the map and legal description for the area a second time.

COMMENT: This 89± acre area is known as Roby Island. Generally, the boundaries include the unincorporated properties west of State Route 65, east of Newcomb Street, south of Olive Avenue, and north of West Roby Avenue. This area includes a previously purchased water company and, as a result, approximately 218 of the 232 parcels (94%) currently have City water connections.

ANALYSIS: The subject area, which is now the only island included in Annexation 479, meets the criteria identified in California Government Code Section 56375.3, commonly known as “the island provisions” of the Local Agency Formation Commission (LAFCo) law. Because the application meets the island provisions, the LAFCo protest proceedings are waived, and LAFCo shall approve the annexation if the City adopts a resolution to approve. The subject territory is a substantially developed, completely surrounded, and inhabited island of County jurisdiction within the city of Porterville. Most of the properties within the subject island already receive City services, such as municipal water service and emergency response. In addition to accommodation of development, including water connection, requested by the aforementioned property owner, the reasons supporting annexation of the island includes creation of a more definitive and organized city boundary, efficient provision of government services, and to ensure the provision of services and facilities needed to accommodate planned population densities in the project area.

Assembly Bill 885 requires the State Water Board to develop statewide regulations for septic systems and the consolidation of such systems to a wastewater treatment system

where feasible. Porterville's Wastewater Treatment Facility is a regional facility and the State Water Resources Control Board mandates that the City connect any requesting property. However, the initial out of pocket expense for a single residence in this area could easily exceed \$50,000 to design and install the needed infrastructure. If the area were to be annexed, the City could offer, similar to the Island Annexation Sewer Project, the opportunity to form a sewer district to benefit all residents in Annexation area 479 which would in turn dramatically reduce the individual property owner's cost.

Neither LAFCo nor City regulations or policies require staff to hold a public information meeting for island annexations, and as such, staff has typically not coordinated such events. However, if the Council so chooses, it could open the public hearing and extend the hearing and determination to the meeting of September 6, 2016. This would allow staff to prepare a presentation and schedule a public information meeting for the subject area the week of August 29th.

ENVIRONMENTAL REVIEW: On April 7, 2015, the City Council adopted Resolution 36-2015 to approve a Negative Declaration pursuant to the California Environmental Quality Act (CEQA) for areas identified as islands within that report. Annexation of the subject area was evaluated in that report. No further environmental review is required.

RECOMMENDATION: That the City Council:

1. Conduct the Public Hearing;
2. Consider approval of Annexation 479;
3. If approved, adopt the resolution to approve Annexation 479 and initiate application to Tulare LAFCo; and
4. Authorize staff to work with property owners to initiate connection to City services, when requested by a property owner, in advance of the official conclusion of the annexation process for those areas which are approved.

ATTACHMENTS:

1. Locator Map
2. Draft Resolution

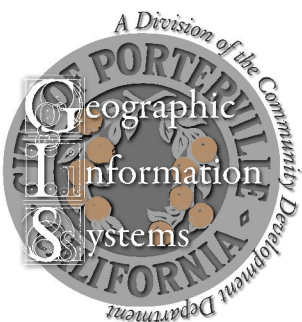
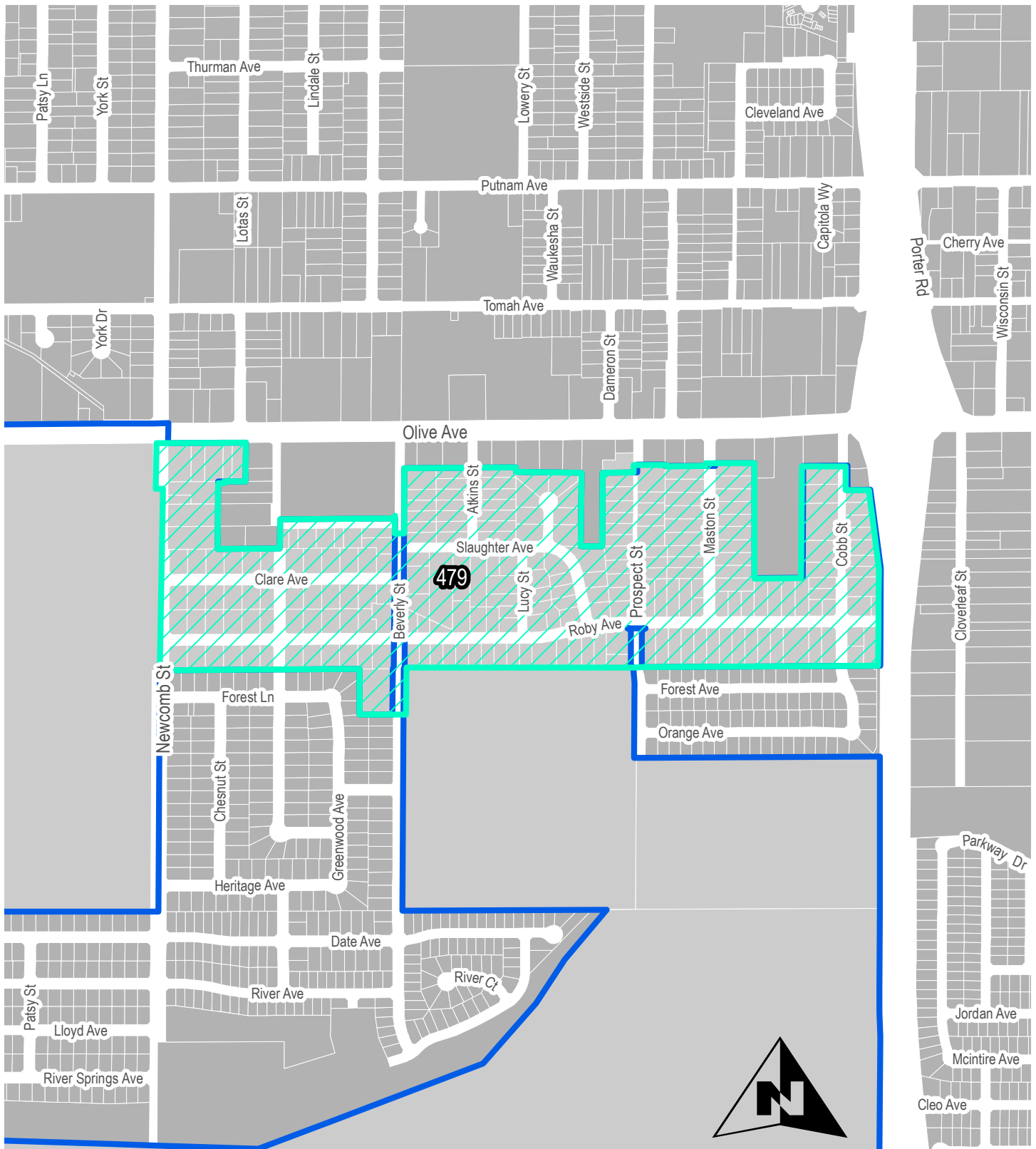
Appropriated/Funded:

Review By:

Department Director:

Jenni Byers, Community Development Director

Final Approver: John Lollis, City Manager



PRC 2015-007 Island Annexation 479 Project Locator Map 1" = 750 ft.

Legend

 Annexation 479

 City Limits

Parcels

JURISDICT

 CITY

 UDB (Urban Development Boundary)

Resolution No. _____

A RESOLUTION OF APPLICATION BY THE CITY OF PORTERVILLE REQUESTING
THAT THE LOCAL AGENCY FORMATION COMMISSION TAKE PROCEEDINGS FOR
ANNEXATION 479

WHEREAS, the City of Porterville desires to initiate proceedings pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, Division 3, commencing with Section 56000 of the California Government Code, for Annexation 479; and

WHEREAS, the territory proposed to be annexed to the city totals approximately 88.84 acres, is substantially developed, surrounded, and is inhabited, and a description of the external boundary of the territory is set forth in Exhibit A attached hereto and by this reference incorporated herein; and

WHEREAS, this proposal is consistent with the Sphere of Influence for the affected city; and

WHEREAS, notice of this proposal was published in a newspaper of general circulation, *The Porterville Recorder*, and individually mailed to all property owners within and within a 300-foot radius surrounding the subject area on August 6, 2016, which is ten days in advance of the scheduled public hearing; and

WHEREAS, this proposal is made pursuant to Sections 56654 and 56375.3 of the California Government Code, inasmuch as

1. the subject territory does not exceed 150 acres in area
2. the territory constitutes a number of individual unincorporated islands
3. the territory is substantially surrounded by the City of Porterville
4. the territory is substantially developed or developing
5. the territory is not prime agricultural land as defined by Section 56064
6. the territory will benefit from the change of organization and some properties within the territory already receive benefits in the form of utilities and services from the City of Porterville; and

WHEREAS, the reasons for this proposal are as follows:

1. To create a more definitive and organized city boundary. The City surrounds more than a square mile of islands as defined in §56375.3 of the Government Code. In the recently approved Municipal Services Review (Tulare LAFCo, October 1, 2014), LAFCo recommended that the City continue to pursue the annexation of the remaining County islands, as administratively feasible, to establish a more definitive and organized city limit boundary.
2. To efficiently provide government services in a manner consistent with the City's Annexation and Municipal Services Objectives, Policies, and Procedures (Resolutions 74-2014 and 75-2014). In light of the City's and LAFCo's policies, any property within an island is required to annex prior to provision of water. Staff

is noting an increased number of residents asking about how to initiate the process because they want to connect to City water or sewer.

3. To ensure the provision of services and facilities needed to accommodate planned population densities in the project area. By annexing previously developed county islands, the City of Porterville will have a more proactive role in monitoring changes to urbanized land use in these areas and will be able to anticipate and coordinate development as areas experience infill development or modification to land uses.

WHEREAS, the conditions of the proposed annexation are limited to compliance with the Porterville Municipal Code and Porterville General Plan.

NOW, THEREFORE, BE IT RESOLVED, this Resolution of Application is hereby adopted and approved by the City Council of the City of Porterville. The Local Agency Formation Commission of Tulare County is hereby requested to take proceedings for the territory as described in Exhibit A, according to the terms and conditions stated above, and in the manner provided for by the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, including removal of this area from County Service Area #1.

PASSED, APPROVED AND ADOPTED this 16th day of August, 2016.

Milt Stowe, Mayor

ATTEST:

John D. Lollis, City Clerk

BY _____

Patrice Hildreth, Chief Deputy City Clerk

**City of Porterville
Annexation No. 479**

Description for Annexation

That portion of Section 33 and 34, Township 21 South, Range 27 East, Mount Diablo Base and Meridian, in the County of Tulare State of California, more particularly described as follows:

Beginning at a point in the West line of Lot 8 of Riley Subdivision, recorded in Volume 19, Page 30, of Maps, Tulare County Records, said point being 80 feet South more or less, and 40 feet East more or less, of the Northwest corner of said Section 34 and an angle point in the existing City Limit Line, thence;

A1) Easterly, along the existing City Limit line and the South right of way line of Olive Avenue, 425.46 feet more or less, to an intersection with the East line of Lot 3 of said Riley Subdivision, thence;

A2) Southerly along the existing City Limit line and said East line, 212 feet more or less, to the Southeast corner of said Lot 3, thence;

A3) Westerly, along said City Limit line and the North line of Lot 10 of said Riley Subdivision, 150 feet more or less, to the Northwest corner of said Lot 10, thence;

A4) Southerly, along said City Limit line and West line of said Lot 10 and the West line of Lot 11, as well as the East line of Lot 13 of said Riley Subdivision, 370.07 feet more or less, to an intersection with the South line of Lot 5 of Putnam & Boatman Subdivision, recorded in Volume 4, Page 28, of Maps, Tulare County Records, thence;

A5) Easterly, along said City Limit line and said South line, 340 feet more or less, to the Southeast corner of said Lot 5, thence;

A6) Northerly, along said City Limit line and the East line of said Lot 5 and the northerly prolongations of the East line of Lot 5, a distance 160 feet more or less, to an intersection of the East right of way line of Lotas Street and the North right of way line of Slaughter Avenue, thence;

A7) Easterly, along said City Limit line and said North right of way line, 635.61 feet more or less, to an intersection with the West right of way line of Beverly Street, thence;

A8) Southerly, along said City Limit line and said West right of way line, 160 feet more or less, to an intersection with easterly prolongation of the North line of Tract No. 157, recorded in Volume 20, Page 49, of Maps, Tulare County Records, thence;

A9) Westerly, along said City Limit line and said easterly prolongation, 5 feet more or less, to Northeast corner of Lot 1 of said Tract No. 157, thence;

A10) Southerly, along said City Limit line and said West right of way line of Beverly Street also being the East line of Lots 1, 24, 25 and 48 of said Tract 157, a distance of 663.37 feet more or less, to the Southeast corner of said Lot 48, thence;

A11) Continuing southerly, along said City Limit line and said West right of way line of Beverly Street, 250.38 feet more or less to the Northeast corner of Lot 1 of Tract No. 538, recorded in Volume 26, Page 65, Tulare County Records, thence;

A12) Westerly, along the North line of said Lot 1 and the North line of Lot 12 of said Tract No. 538, a distance of 186 feet more or less, to the Southeast corner of Lot 13 of said Tract No. 538, thence;

A13) Northerly, along the East line of Lot 13, the East line of Lot 14 and the East line of Lot 15 of said Tract No. 538, a distance 250.38 feet more or less, to the Northeast corner of said Lot 15, said corner also being a point in the South line of said Tract no. 157, thence;

A14) Westerly, along the South line of said Tract No. 157 and the westerly prolongation of said South line, 1096 feet more or less, to an intersection with the West line of the Northwest quarter of said Section 34, thence;

A15) Northerly, along said West line of the Northwest quarter of said Section 34, a distance of 993 feet more or less, to an angle point in the West right of way line of Newcomb Street (Road 232), thence;

A16) Westerly, at right angles, a distance of 40 feet more or less, to an angle point in said West right of way line of Newcomb Street (Road 232), thence;

A17) Northerly, along said West right of line, a distance of 250 feet more or less, to the South right of way line of Olive Avenue, thence;

A18) Easterly, along the South right of way line of Olive Avenue, 80 feet more or less, to the **Point of Beginning**, thence;

Containing 27.7 acres more or less.

TOGETHER WITH, that portion of Section 34, Township 21 South, Range 27 East, Mount Diablo Base and Meridian, in the County of Tulare, State of California, more particularly described as follows:

Beginning at the Northwest corner of Lot 3 of Tract No. 68, recorded in Volume 19, Page 109, of Maps, Tulare County Records, said point also being an angle point in the existing City Limit Line per Annexation 210, thence;

A19) Easterly, along the existing City Limit Line, the North line of said Lot 3 and North line of Lot 16 of said Tract No. 68, and it's easterly prolongation, a distance of 398.82 feet more or less, to the East right of line of Atkins Street, thence;

A20) Continuing easterly, along said existing City Limit Line and the North line of Lot 17 of said Tract No. 68, a distance of 212.02 feet more or less to the Northeast corner of said Lot 17, thence;

A21) Southerly, along said existing City Limit Line and the East line of said Lot 17, a distance of 24.96 feet more or less to the Northwest corner of Lot 8, of Tract No. 319 recorded in Volume 22, Page 87, of Maps, Tulare County Records, thence;

A22) Easterly, along said existing City Limit Line and the North line of said Tract No. 319, a distance of 360.87 feet more less to the Northeast corner of said tract, thence;

A23) Southerly, along said existing City Limit Line and the East line of said Tract No. 319, a distance of 410.95 feet more less to the Southeast corner of said tract, thence;

A24) Easterly, along said existing City Limit Line and the South line of Lot 1 of Putnam and Boatman's Subdivision, recorded in Volume 4, Page 28, of Maps, Tulare County Records, 116 feet more or less, to the intersection with a line parallel with the East line of said Putnam and Boatman's Subdivision, thence;

A25) Northerly, along said existing City Limit Line and said parallel line, 404 feet more or less, to a point 404 feet North of the South line of said Lot 1 , thence;

A26) Easterly, along said existing City Limit Line and a line parallel with the South line of said Lot 1, a distance of 201 feet more or less, to the intersection with the East line of the Northwest quarter of said Section 34, thence;

A27) Northerly, along said existing City Limit Line and said East line of the Northwest quarter of Section 34, a distance of 41.5 feet more or less, to the intersection with a line that is parallel with the North line of said Section 34, thence;

A28) Easterly, along said existing City Limit Line and said parallel line, 142 feet more or less, to the intersection with the West line of Tract No. 45, recorded in Volume 19, Page 82, of Maps, Tulare County records, thence;

A29) Southerly, along said existing City Limit Line and said West line, 6.6 feet more or less, to the Northwest corner of Lot 52, of said Tract No. 45, thence;

A30) Easterly, along said existing City Limit Line and North line of said Lot 52 and it's easterly prolongation, 275.64 feet more or less, to the East right of way line of Matson Street, thence;

A31) Northerly, along said existing City Limit Line and said East right of way line, 10.83 feet more or less, to the Northwest corner of Lot 4 of said Tract No. 45, thence;

A32) Easterly, along said existing City Limit Line and the North line of said Lot 4, a distance of 216 feet more or less, to the Northeast corner of said Lot 4, thence;

A33) Southerly, along said existing City Limit Line and the easterly line of said Tract No. 45, a distance of 630 feet more or less, to the Northeast corner of Lot 13 of said tract, thence;

A34) Easterly, along said existing City Limit Line and the northerly line of said Tract No. 45, a distance of 266.35 feet more or less, to the intersection with a line parallel to and 193.53 feet West of the West right of way line of Cobb Street, thence;

A35) Northerly, along said existing City Limit Line and said parallel line, 582 feet more or less, to the intersection with a line parallel with and 234 feet South of the North line of said Section 34, thence;

A36) Easterly, along said existing City Limit Line and said parallel line, 233.53 feet more or less, to the intersection with a line parallel to and 10 feet West of the East right of way line of Cobb Street, thence;

A37) Southerly, along said existing City Limit Line and said parallel line, 134.07 feet more or less, to the intersection with the westerly prolongation of the South line of Parcel 2 of Parcel Map No. 2747, recorded in Book 28, Page 48, of Parcel Maps, Tulare County Records, thence;

A38) Easterly, along said existing City Limit Line and said prolongation and South line, 136.52 feet more or less, to the intersection with the westerly right of way of Highway 65, thence;

A39) Southerly, along said existing City Limit Line and said westerly right of way line, 432.58 feet more or less, to an angle point in said westerly right of way of Highway 65, thence;

A40) Continuing southerly, along said existing City Limit Line and said westerly right of way line, 534.72 feet more or less, to an angle point in said existing City Limit Line and the Southeast corner of said Tract No. 45, thence;

A41) Westerly, along said existing City Limit Line and the South line of said Tract No. 45, a distance of 1307 feet more or less, to the Southwest corner of Lot 38 of said tract, thence;

A42) Northerly, along said existing City Limit Line and the West line of said Lot 38, a distance of 193.20 feet more or less, to the beginning of a 20 foot radius curve concave southeasterly, thence;

A43) Northeasterly, along said existing City Limit Line and curve, through a central angle of 89°25'00", a distance of 31.21 feet more or less, thence;

A44) Westerly, along said existing City Limit Line, 99.80 feet more or less, to the North line of Lot 32 of Tract No. 199, recorded in Volume 21, Page 26, of Maps, Tulare County Records, and the beginning of a 20 foot radius curve, concave southwesterly, thence;

A45) Southeasterly, along said existing City Limit Line and curve, through a central angle of 90°00'00", a distance of 31.42 feet more or less, thence;

A46) Southerly, along said existing City Limit Line and East line of said Lot 32, a distance of 193.54 feet more or less, to the Southeast corner thereof, thence;

A47) Westerly, departing said City Limit Line along the South line of said Tract No. 199 and the South line of Tract No. 201 recorded in Volume 21, Page 48, of Maps, Tulare County Records, a distance of 1241.3 feet, to the Southwest corner of Lot 3 of said Tract No. 201, and the intersection with the East right of way line of Beverly Street and existing City Limit Line, thence;

A48) Northerly, along said East right of way line and the West line of Lots 1 and 3 of said Tract No. 201, a distance of 334.16, to the Northwest corner of said Lot 1, thence;

A49) Northwesterly, along said East right of way line, 5 feet more or less, to a point being 336.60 feet North of the North line of Lot 11 of Putnam & Boatman Subdivision, recorded in Volume 4, Page 28, of Maps, Tulare County Records, and the intersection with the southerly prolongation of the West line of Lots 3 through 9 of Tract No. 68, recorded in Volume 19, Page 109, of Maps, Tulare County Records;

A50) Northerly, along said East right of way line, and the said West line Lots 3 through 9 and their southerly prolongation, 760 feet more or less, to the **Point of Beginning**;

Containing 59.3 acres more or less. Total acreage of Area 479A is 87 acres more or less.





CITY COUNCIL AGENDA – AUGUST 16, 2016

SUBJECT: Vacation of Corsair Place on Parcel Map 3813

SOURCE: Public Works

COMMENT: This is the time and place set for the public hearing on the proposed vacation of Corsair Place. The remainder parcel of Parcel Map No. 4823 (see attachment 2) and Parcel 3 of Parcel Map No. 3813 (see attachment 3), located off Hope Avenue near the airport, is encumbered by Corsair Place (an undeveloped street), a 20 foot wide storm drain easement and the relinquishment of frontage access. Corsair Place is a cul-de-sac type street with the intent of serving several future parcels similar to those parcels currently fronting Thunderbolt Place to the west. The undeveloped street, and 20 foot wide storm drain easement, along with relinquishment of frontage access, limits the type and potential layouts of future development(s) within those parcels. Additionally, the 20 foot storm drain easement located on the northern property line of Parcel 3 is only needed if Corsair Place were to be constructed. City staff realizes that the vacation of the unimproved street and related encumbrances is an economic benefit by creating a marketable larger property within the Municipal Airport Industrial Park.

Easements will be reserved for maintaining existing sanitary sewer and water pipelines, all within the segments of the proposed vacation. It is the City's intent to retain maintenance rights on behalf of all utility companies. The Gas Company is the only utility company to have existing infrastructure in place within the proposed street vacation area and expressly requested that the City reserve their rights in accordance with Section 8340 of the Streets and Highways Code. Exhibit "C" of the attached resolution reserve these rights.

RECOMMENDATION: That City Council:

1. Adopt the draft Resolution of Vacation of Corsair Place located on Parcel Map No. 3813 while reserving unto the City an easement for existing sanitary sewer and water lines, and reserving unto Southern California Gas Company an easement for existing gas utilities; and
2. Authorize the City Clerk to record the Resolution of Vacation.

ATTACHMENTS:

1. Resolution Vacation Corsair Place
2. Parcel Map 3813

3. Parcel Map 4823

Appropriated/Funded:

Review By:

Department Director:

Mike Reed, City Engineer

Final Approver: John Lollis, City Manager

RESOLUTION NO. _____ - 2016

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
ORDERING THE VACATION AND CLOSING TO PUBLIC USE CORSAIR PLACE
STORM DRAIN EASEMENT, AND RELINQUISHMENT OF ACCESS RIGHTS
RELATED TO PARCEL 3 OF PARCEL MAP NO. 3813 AND THE REMAINDER
PARCEL OF PARCEL MAP NO. 4823

WHEREAS, Corsair Place is an undeveloped cul-de-sac street intended to serve several future smaller parcels; and

WHEREAS, Corsair Place and 20 foot wide storm drain easement, along with relinquishment of frontage access rights, limits the type and potential layouts of future development(s) within those parcels; and

WHEREAS, Vacation of Corsair Place and related encumbrances is an economic benefit to the City by creating a marketable larger property within the Municipal Airport Industrial Park; and

WHEREAS, the City Council has the authority to vacate Corsair Place, encumbering Parcel 3 of Parcel Map No. 3813 and the remainder parcel of Parcel Map No. 4823; and

WHEREAS, the City Council has the authority to vacate the relinquishment of access rights encumbering Parcel 3 of Parcel Map No. 3813 and the remainder parcel of Parcel Map No. 4823; and

WHEREAS, the City Council has the authority to vacate the 20 foot storm drain easement encumbering Parcel 3 of Parcel Map No. 3813 and the remainder parcel of Parcel Map No. 4823; and

WHEREAS, by Resolution No 46-2016, approved on July 19, 2016, the City Council of the City of Porterville declared its intention to vacate utility easements located within Parcel Map No. 3813 and Parcel Map No. 4823, hereinafter more particularly described and set the hour of 6:30 p.m. on the 16th day of August, 2016, in the Council Chambers of the City of Porterville as the time and place for hearing all persons objection to the proposed vacation; and

WHEREAS, such public hearing has been held at said time and place, and there were no protests, oral or written, to such vacation.

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

SECTION 1: The Council hereby finds, from all the evidence submitted, that the vacation of Corsair Place, the relinquishment of frontage access rights, the

relinquishment of storm drain easement, and reserving unto the City sewer and water easements hereinafter described are necessary for present or prospective use, which is described in the legal description and shown on the map attached hereto, marked Exhibit "A" Legal Description, Exhibit "B", and Exhibit "B-1" Maps of all vacations and reservations, and by reference made a part hereof.

SECTION 2: The subject street vacation shall be subject to reservations for existing Southern California Gas Company utilities located within Corsair Place set forth in Exhibit "C" and Exhibit "C-1", which is attached hereto and by reference made a part hereof.

SECTION 3: The City Clerk shall cause a copy of this resolution to be recorded in the office of the County Recorder of Tulare County, California.

SECTION 4: The City Clerk shall certify to the passage and adoption of this resolution and it shall thereupon take effect and be in force.

PASSED, ADOPTED AND APPROVED this 16th day of August, 2016.

Milt Stowe, Mayor

ATTEST:
John D. Lollis, City Clerk

By: Patrice Hildreth, Chief Deputy City Clerk

Exhibit "A"

Legal Description

Parcel 1 – Corsair Place Road Right of Way Vacation

That portion of land designated as Corsair Place north of the north right of way line of Hope Avenue as shown on Parcel Map 3813, recorded July 19, 1990 in Book 39, of Parcel Maps, at page 16, in the Office of the County Recorder of Tulare County.

RESERVING unto the City of Porterville an easement for sanitary sewer purposes over, across, through and within Parcel 4 of Parcel Map No. 3813, lying 5 feet on each side of the following described centerline:

Commencing at the southwest corner of Parcel 3 of Parcel Map No. 3813,

Thence, South 89°57'08" East, 277.61 feet, along the north right of way line of Hope Avenue to the **POINT OF BEGINNING**;

Thence, North 00°43'58" East, 4.00. The sidelines of said easement shall extend or shorten so as to terminate on said north right of way line.

ALSO RESERVING unto the City of Porterville an easement for water purposes over, across, through and within Parcel 4 of Parcel Map 3813, lying 5 feet on each side of the following described centerline.

Commencing at the southwest corner of Parcel 3 of Parcel Map No. 3813,

Thence, South 89°57'08" East, 287.61 feet, along the north right of way line of Hope Avenue to the **POINT OF BEGINNING**;

Thence, North 00°43'58" East, 550.32 feet,

Thence, North 89°57'08" West, 287.61 feet. The sidelines of said easement shall extend or shorten so as to terminate on the said north of right of way line and on the west line of Parcel 4 of Parcel Map No. 3813

Parcel 2 – Easement Vacation

That certain 20 foot wide storm drain easement, centerline of said easement being the north line of Parcel 3, of Parcel Map 3813, recorded July 19, 1990 in Book 39, of Parcel Maps, at page 16, in the Office of the County Recorder of Tulare County.

Parcel 3 – Access Rights Relinquished Vacation

Access Rights Relinquished along the south line of Parcel 3 of Parcel Map 3813, recorded July 19, 1990 in Book 39, of Parcel Maps, at page 16, in the Office of the County Recorder of said county and the most southerly line of the Remainder of Parcel Map 4823, recorded March 29, 2007 in Book 49, of Parcel Maps, at page 28, in the Office of the County Recorder of Tulare County.

END OF DESCRIPTION

This real property description has been prepared by me, or under my direction, in conformance with the Professional Land Surveyors Act.

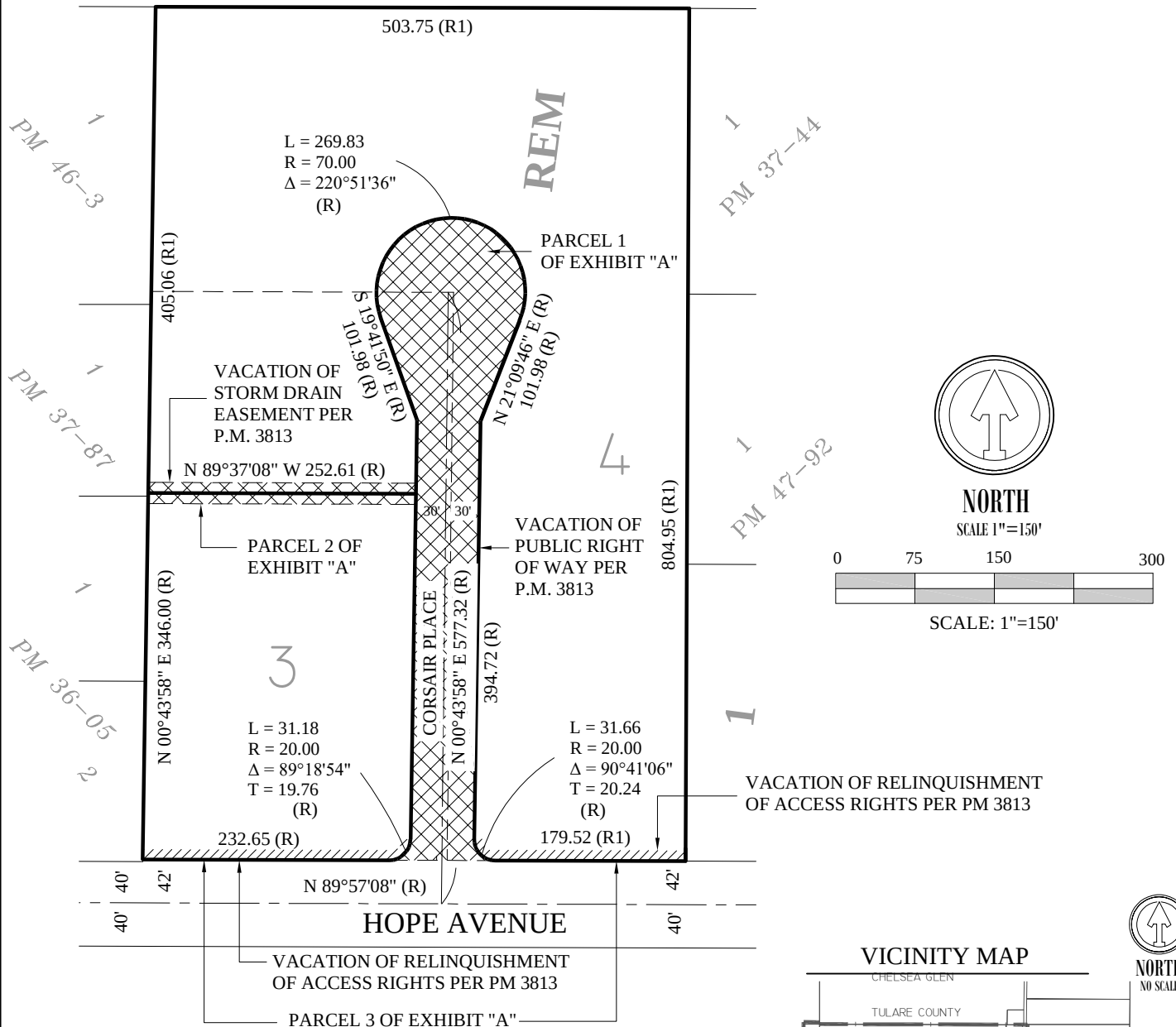
Signature: Michael K. Reed
Licensed Land Surveyor

Date: 8/19/2016



CORSAIR PLACE VACATION MAP

EXHIBIT "B"



LEGEND

3
REM

PARCEL # PER
PARCEL MAP 3813,
P.M. 39-16 (R)



VACATION AREA
50,519 SQ. FT.

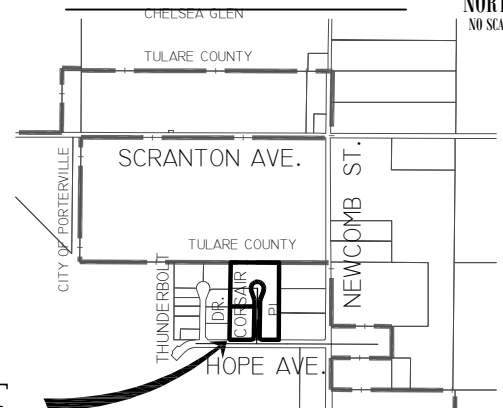
LOT # PER
PARCEL MAP 4823,
P.M. 49-28

(R) RECORD PER P.M. 3813

(R1) RECORD PER P.M. 4823

SUBJECT
PROPERTY

VICINITY MAP



CITY OF PORTERVILLE

ENGINEERING DIVISION

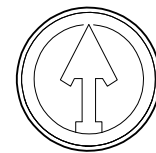
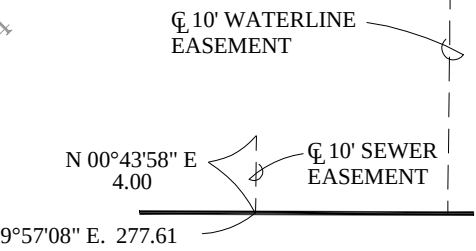
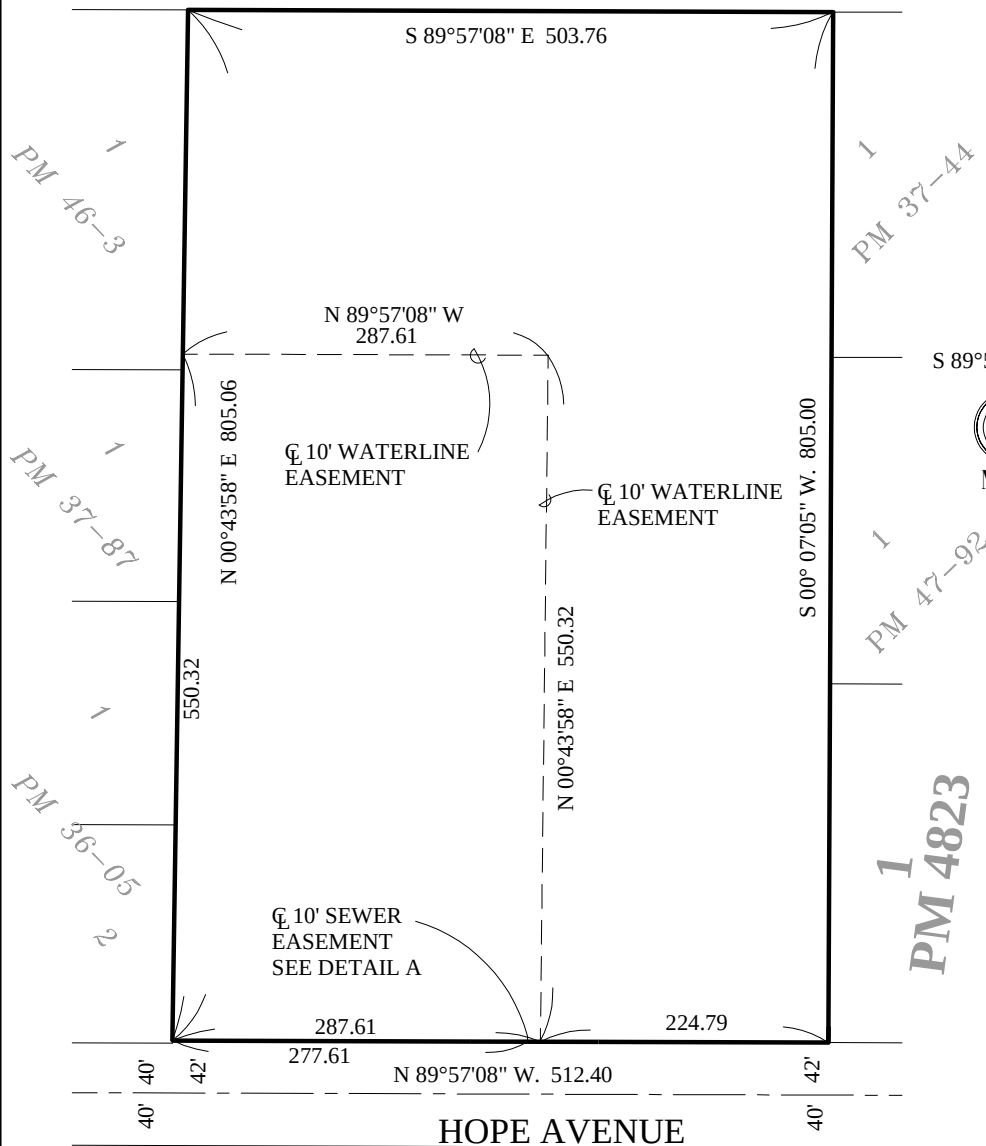
291 NORTH MAIN STREET
PORTERVILLE, CA. 93257
(559) 782-7462

That portion of the south half of the Northeast Quarter of Section 9, Township 22 South, Range 27 East, Mount Diablo Base and Meridian, in the City of Porterville, County of Tulare, State of California.

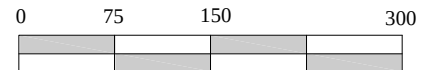
OWNER	CITY OF PORTERVILLE
APN	302-390-015 AND 024
AREA	50,519 +/- S.F.
ACRES	1.16 +/- AC.
SCALE	1" = 150'
DATE	5-12-2016
DRAWN BY	CAL
CHECKED BY	MKR

EASEMENT MAP

EXHIBIT "B-1"



SCALE 1"=150'

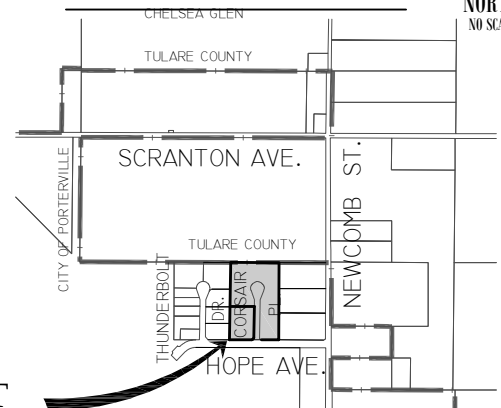


SCALE: 1"=150'

LEGEND

- — EXISTING WATER LINE
- — EXISTING SEWER LINE

VICINITY MAP



**SUBJECT
PROPERTY**

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

Being a Merger of the Remainder Parcel of Parcel Map 4823 and Parcel 3 of Parcel Map 3813, located in that portion of the south half of the Northeast Quarter of Section 9, Township 22 South, Range 27 East, Mount Diablo Base and Meridian, in the City of Porterville, County of Tulare, State of California.

OWNER	CITY OF PORTERVILLE
APN	302-390-015 AND 024
AREA	409,006 +/- S.F.
ACRES	9.39 +/- AC.
SCALE	1" = 150'
DATE	7-13-2016
DRAWN BY	CAL
CHECKED BY	MKR

Exhibit "C"

Legal Description

Reservation and Exceptions for Existing Southern California Gas Company Utilities within Corsair Place

RESERVING unto the Southern California Gas Company an easement for gas utilities purposes over, across, through and within Parcel 4 of Parcel Map No. 3813, lying 5 feet on each side of the following described centerline:

Commencing at the southwest corner of Parcel 3 of said Parcel Map No. 3813,

Thence, South 89°57'08" East, 298.40 feet, along the north right of way line of Hope Avenue to the **POINT OF BEGINNING**;

Thence, North 00°43'58" East, 24.00 feet.

END OF DESCRIPTION

This real property description has been prepared by me, or under my direction, in conformance with the Professional Land Surveyors Act.

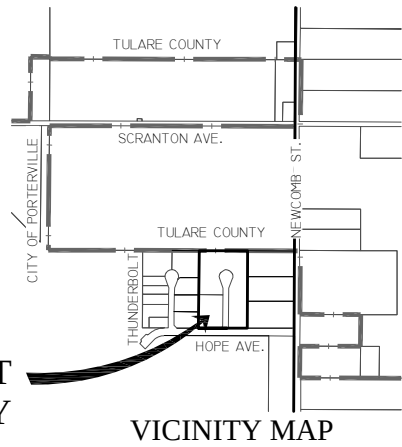
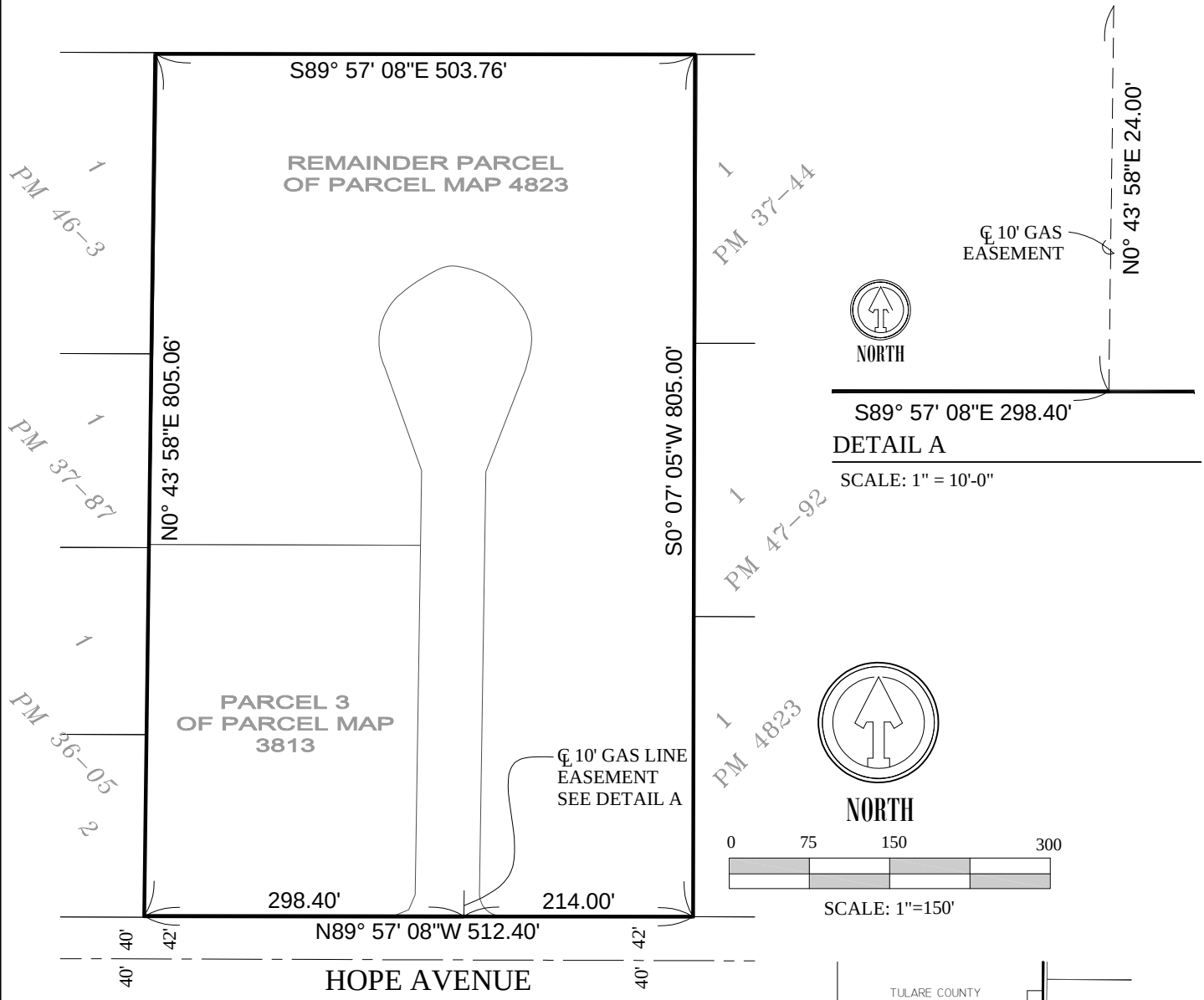
Signature: Michael K. Reed
Licensed Land Surveyor

Date: 8/10/2016



EASEMENT MAP

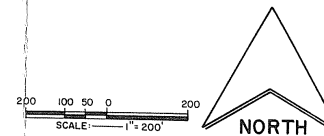
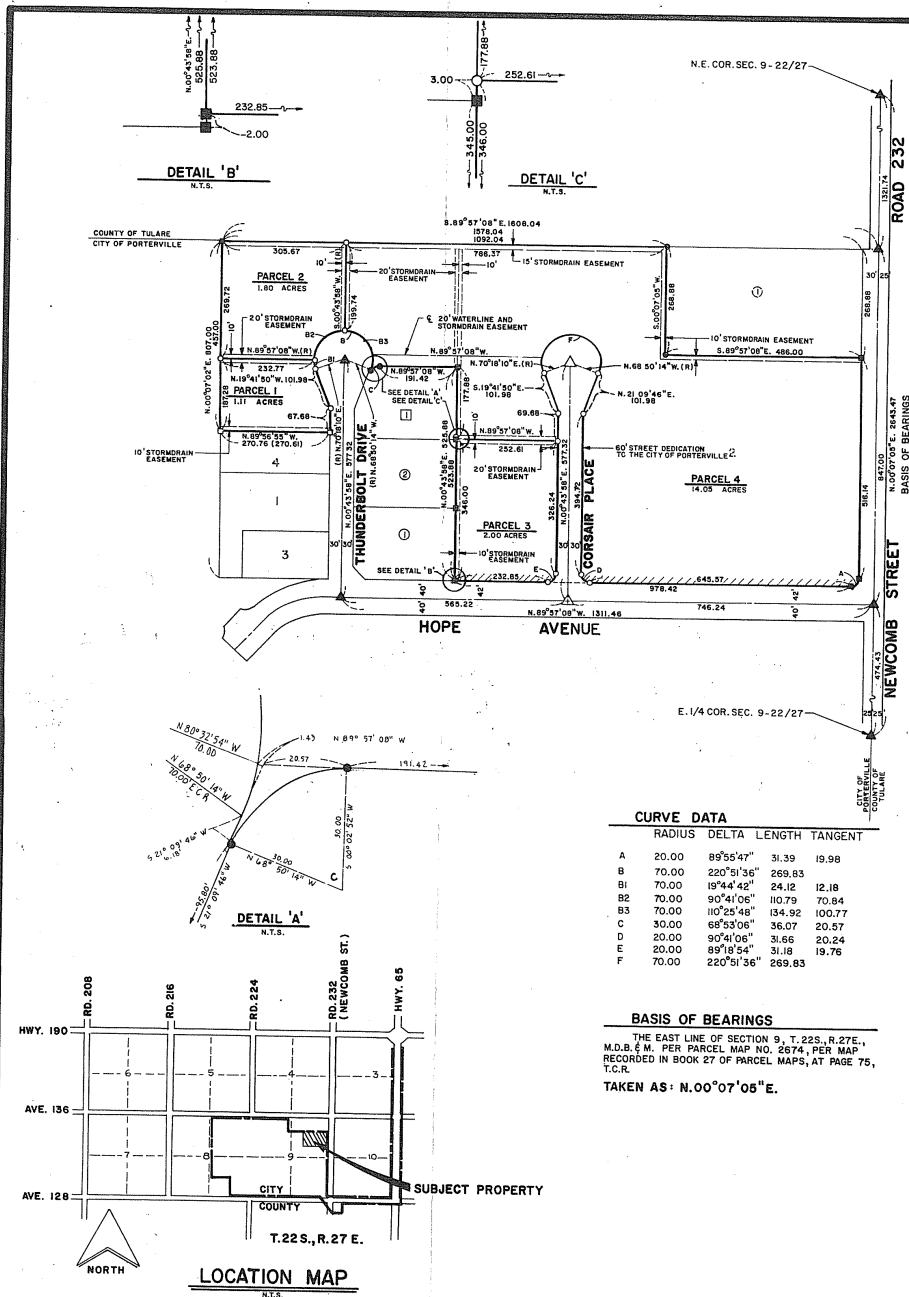
EXHIBIT "C-1"



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

That portion of the south half of the Northeast Quarter of Section 9, Township 22 South, Range 27 East, Mount Diablo Base and Meridian, in the City of Porterville, County of Tulare, State of California.

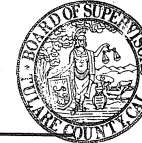
OWNER	CITY OF PORTERVILLE
APN	302-390-015 AND 024
AREA	409,006 +/- S.F.
ACRES	9.39 +/- AC.
SCALE	1" = 150'
DATE	7-29-2016
DRAWN BY	CAL
CHECKED BY	MKR



I, RONALD S. HOLDEN, County Executive/Clerk of the Board of Supervisors, County of Tulare, State of California, hereby certify to the County Recorder and to whomsoever it may concern, that all of the provisions of Division 2, Title 7 of the Government Code of the State of California and of local ordinances pertaining to deposits required of the time of approval by the Board of Supervisors of this map have been complied with.

Dated this 14th day of July, 1990.
RONALD S. HOLDEN, County Executive/Clerk

By Deane Mayo
DEPUTY



LEGEND

- ▲ FOUND CITY OF PORTERVILLE STANDARD MONUMENT
- FOUND 3/4" I.P. TAGGED RCE 15342
- FOUND 3/4" I.P. TAGGED RCE 24673
- FOUND 3/4" I.P. TAGGED RCE 20186
- SET 3/4" I.P. TAGGED RCE 20186
- △ SET CITY OF PORTERVILLE STANDARD MONUMENT
- 2 PARCEL NO. PER PARCEL MAP NO. 3735, P.M. 38/38
- PARCEL NO. PER PARCEL MAP NO. 3684, P.M. 37/87
- ① PARCEL NO. PER PARCEL MAP NO. 3641, P.M. 37/44
- ② PARCEL NO. PER PARCEL MAP NO. 3503, P.M. 36/5
- (R) RADIAL BEARING
- (000) DATA PER PARCEL MAP NO. 3735, P.M. 38/38
- ACCESS RIGHTS RELINQUISHED

ALL DISTANCES ARE SHOWN IN FEET AND DECIMAL THEREOF

PARCEL MAP NO. 3813

BEING A DIVISION OF PARCEL 2 OF PARCEL MAP NO. 3735, AS PER MAP RECORDED IN BOOK 38 OF PARCEL MAPS AT PAGE 38, T.C.R., SITUATED IN A PORTION OF THE SOUTH HALF OF THE NORTHEAST QUARTER OF SECTION 9, T.22S., R.27E., M.D.B. & M., IN THE CITY OF PORTERVILLE, COUNTY OF TULARE, STATE OF CALIFORNIA.

FOR
CITY OF PORTERVILLE
291 N. MAIN ST.
PORTERVILLE, CALIF. 93257

BY
HAROLD HILL
CITY ENGINEER
291 N. MAIN ST.
PORTERVILLE, CALIF. 93257

SURVEYOR'S STATEMENT

This map was prepared by me or under my direction and is based upon a field survey in conformance with the requirements of the Subdivision Map Act and local ordinance of the request of THE CITY OF PORTERVILLE on FEBRUARY, 1990. I hereby state that this parcel map substantially conforms to the approved or conditionally approved tentative map, if any. All monuments are of the character and occupy the positions indicated and are sufficient to enable the survey to be retraced.

Harold P. Hill
CITY ENGINEER

CITY ENGINEER'S STATEMENT

This map conforms with the requirements of the Subdivision Map Act, and local ordinance. Dated June 19, 1990.

Harold P. Hill
CITY ENGINEER

PLANNING DIRECTOR'S STATEMENT

I hereby certify on behalf of the Parcel Map Committee that this Final Parcel Map conforms to the approved tentative parcel map No. 1382 this 14th day of July, 1990.

Ronald J. M...
CITY PLANNER

STATE OF CALIFORNIA
COUNTY OF TULARE

THIS IS TO CERTIFY that at a regular meeting of the City of Porterville held on the 21st day of MAY, 1990, an order was duly and regularly made and entered approving this map, and accepting on behalf of the public the additional street and easement as shown on and indicated within the bounds of the division shown upon this map. WITNESS my hand and official seal of the City of Porterville this 21st day of JUNE, 1990.

Deane Mayo
DEPUTY

RECORDER'S STATEMENT

Fee Number 44636 Fee Paid _____
Filed this 14th day of JUNE, 1990, at 9:00 A.M. in Book 39 of Parcel Maps at Page 14, at the request of George Hawley, Esq.
JAY C. BATLESS, County Recorder By Deane Mayo
Deputy

OWNER'S STATEMENT

We hereby certify that We are the owners of or have some right, title or interest in and to the real property shown on this Parcel Map and that We are the only persons whose consent is necessary for the making and filing of said Parcel Map as shown within the border lines hereon, and hereby dedicate to public use the right of way as shown hereon.

City of Porterville
a California Corporation

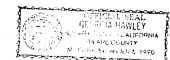
By Deane Mayo
CITY CLERK
By Harold Hill
MAYOR

STATE OF CALIFORNIA
COUNTY OF TULARE

On this 14th day of JUNE, in the year 1990, before me, the undersigned, personally appeared George Hawley, Esq., personally known to me or proved to me on the basis of satisfactory evidence to be the persons who executed the within instrument as CITY CLERK AND MAYOR, on behalf of the corporation therein named and acknowledged to me that the corporation executed it.

WITNESS my hand and official seal

George Hawley
NOTARY PUBLIC
George Hawley
Print Name



PARCEL MAP NO. 4823

BEING A DIVISION OF THE REMAINDER OF PARCEL MAP No. 4687, RECORDED IN BOOK 47, PAGE 92, OF PARCELS MAPS, TCR, LOCATED WITHIN THE NORTHEAST 1/4 OF SECTION 9, T.22S., R.27E., M.D.B.A.M., IN THE CITY OF PORTERVILLE, COUNTY OF TULARE, STATE OF CALIFORNIA.

For:

CITY OF PORTERVILLE
291 NORTH MAIN STREET
PORTERVILLE, CALIFORNIA 93257

By:

JAMES WINTON & ASSOCIATES
150 WEST MORTON AVENUE
PORTERVILLE, CALIFORNIA 93257

SURVEYOR'S STATEMENT

THIS MAP WAS PREPARED BY ME OR UNDER MY DIRECTION AND IS BASED UPON A FIELD SURVEY, TRUE AND COMPLETE AS SHOWN, IN CONFORMANCE WITH THE REQUIREMENTS OF THE SUBDIVISION MAP ACT AND LOCAL ORDINANCE AT THE REQUEST OF THE CITY OF PORTERVILLE, ON DECEMBER 13, 2006. I HEREBY STATE THAT THIS FINAL MAP SUBSTANTIALLY CONFORMS TO THE CONDITIONALLY APPROVED TENTATIVE MAP, ALL MONUMENTS ARE OF THE CHARACTER AND OCCUPY THE POSITIONS INDICATED AND ARE SUFFICIENT TO ENABLE THE SURVEY TO BE REPRODUCED.

DATED THIS 22ND DAY OF FEBRUARY, 2007

James S. Winton
JAMES S. WINTON R.C.E. 16094

CITY ENGINEER'S STATEMENT

I HEREBY STATE THAT I HAVE EXAMINED THIS MAP, AND I AM SATISFIED THAT IT IS TECHNICALLY CORRECT, AND THAT THE SUBDIVISION AS SHOWN IS SUBSTANTIALLY THE SAME AS IT APPEARED ON THE APPROVED TENTATIVE MAP, IF REQUIRED, AND ANY APPROVED ALTERATIONS THEREOF, AND THAT ALL OF THE PROVISIONS OF CHAPTER 2, DIVISION 2, TITLE 7 OF THE GOVERNMENT CODE AND ANY LOCAL ORDINANCE APPLICABLE AT THE TIME OF APPROVAL OF THE TENTATIVE MAP, HAVE BEEN COMPLIED WITH.

DATED THIS 22ND DAY OF FEBRUARY, 2007

Michael K. Reed
MICHAEL K. REED
City Engineer, P.L.S. 7514

PLANNING DIRECTOR'S STATEMENT

I HEREBY STATE ON BEHALF OF THE PARCEL MAP COMMITTEE THAT THIS FINAL PARCEL MAP CONFORMS TO THE APPROVED TENTATIVE PARCEL MAP No. 2-2006

DATED THIS 22ND DAY OF FEBRUARY, 2007

Bradley D. Gerlap
BRADLEY D. GERLAP, Community Development Director

BOARD OF SUPERVISORS' STATEMENT

I, C. BRIAN HADDOX, COUNTY ADMINISTRATIVE OFFICER/CLERK OF THE BOARD OF SUPERVISORS OF THE COUNTY OF TULARE, DO HEREBY STATE THAT SAID BOARD OF SUPERVISORS HAS APPROVED THE PROVISIONS MADE FOR THE PAYMENT OF TAXES AS PROVIDED IN DIVISION 2 OF TITLE 7 OF THE GOVERNMENT CODE OF THE STATE OF CALIFORNIA.

DATED THIS 22ND DAY OF MARCH, 2007

C. BRIAN HADDOX, County Administrative Officer/Clerk
of the Board of Supervisors

Denise A. Ybarra
DENISE A. YBARRA
DEPUTY

RECORDER'S STATEMENT

DOCUMENT NUMBER: 2007-0030125

FILED THIS 29TH DAY OF MARCH, 2007 AT 8:00 A.M. IN BOOK 49 OF

PARCEL MAPS, AT PAGE 28, AT THE REQUEST OF CHICAGO TITLE CO.

GREGORY B. HARDCASTLE, Tulare County Assessor/Clerk-Recorder

Gregory B. Hardcastle
GREGORY B. HARDCASTLE
DEPUTY

DEDICATION STATEMENT

PURSUANT TO THE AUTHORITY CONFERRED BY CITY OF PORTERVILLE, ORDINANCE No. 1590, ADOPTED FEBRUARY 20, 2001, THE UNDERSIGNED, ON BEHALF OF THE PUBLIC AND CITY COUNCIL OF THE CITY OF PORTERVILLE, HEREBY CONSENTS TO THE RECORDATION OF THE IRREVOCABLE OFFER OF DEDICATION AS SHOWN ON THIS MAP. THIS STATEMENT SHALL NOT BE DEEMED TO BE AN ACCEPTANCE OF THE OFFER TO DEDICATE SO AS TO COMPLETE THE DEDICATION AT THIS TIME BUT IS MERELY FOR THE PURPOSE OF HAVING THE OFFER RECORDED.

DATED THIS 22ND DAY OF FEBRUARY, 2007

Michael K. Reed
MICHAEL K. REED
City Engineer, P.L.S. 7514

OWNER'S STATEMENT

WE HEREBY STATE THAT WE ARE THE OWNERS OF, OR HAVE SOME RIGHT, TITLE OR INTEREST IN THE REAL PROPERTY SHOWN ON THIS PARCEL MAP AND THAT WE ARE THE ONLY PERSONS WHOSE CONSENT IS NECESSARY FOR THE PREPARATION AND RECORDATION OF SAID PARCEL MAP AS SHOWN WITHIN THE BLUE BORDER LINES HEREON. WE CONSENT TO THE RECORDING OF SAID MAP AND IRREVOCABLY OFFER TO DEDICATE TO PUBLIC USE THE STREET RIGHT OF WAY SHOWN HEREON AS AN IRREVOCABLE OFFER OF DEDICATION TO THE CITY OF PORTERVILLE, CITY OF PORTERVILLE, a Municipal Corporation.

Camron Hamilton
CAMERON HAMILTON, Mayor
John Longley
JOHN LONGLEY, City Clerk

Patricia Hildreth
PATRICIA HILDRETH
Commission # 1599113
Notary Public - California
Sacramento County
My Comm. Expires Aug 31, 2009

STATE OF CALIFORNIA

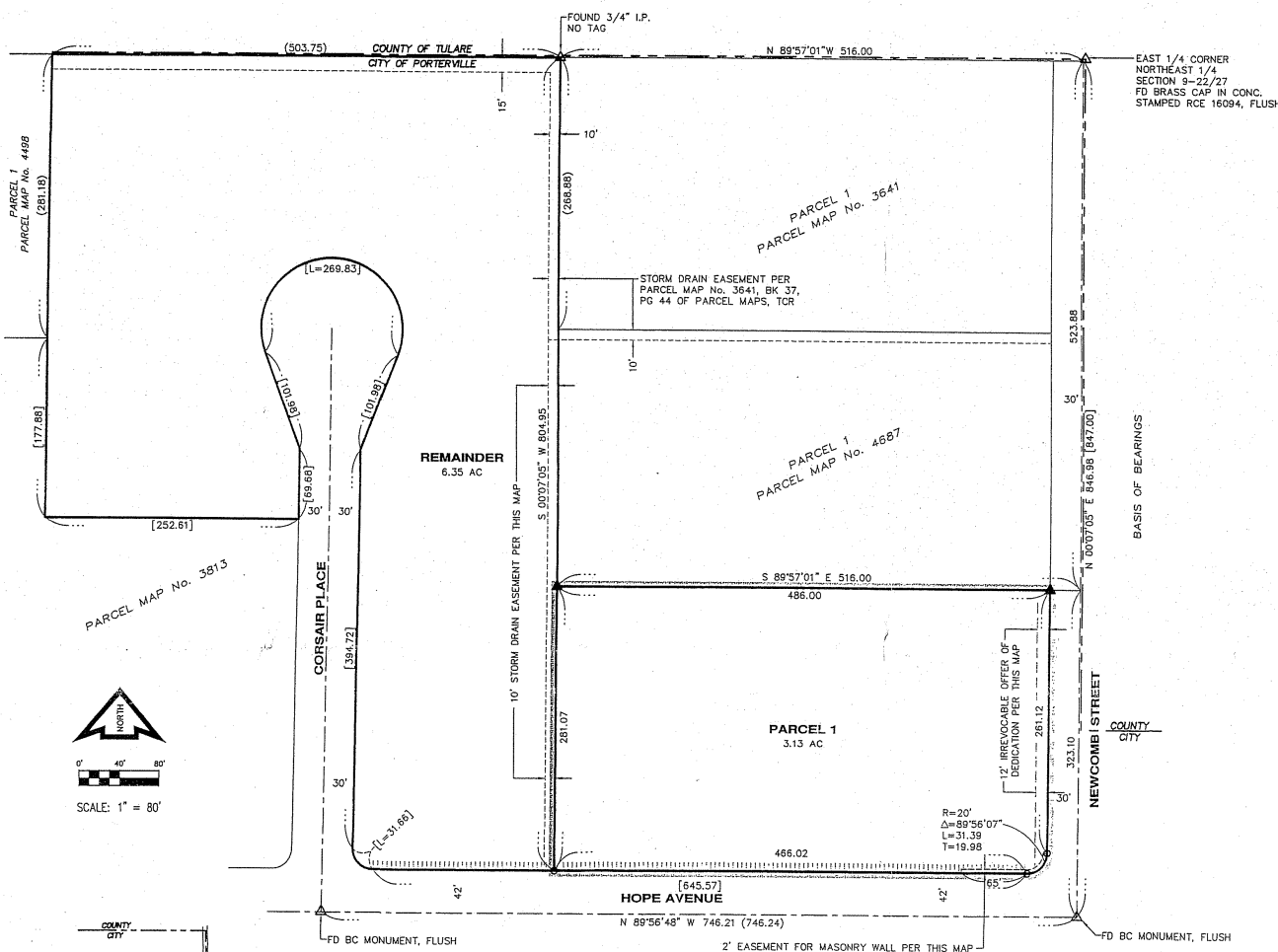
COUNTY OF TULARE

on FEB. 27, 2007 before me PATRICIA HILDRETH, a NOTARY PUBLIC

PERSONALLY APPEARED CAMERON HAMILTON & JOHN LONGLEY
[X] PERSONALLY KNOWN TO ME - ON - [] I PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(S) WHOSE NAME(S) ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT THEY/THEY EXECUTED THE SAME, IN HIS/HER/THEIR AUTHORIZED CAPACITIES, AND THAT BY HIS/HER/THEIR SIGNATURE(S) ON THE INSTRUMENT THE PERSON(S), OR THE ENTITY UPON BEHALF OF WHICH THE PERSON(S) ACTED, EXECUTED THE INSTRUMENT.

WITNESS MY HAND AND OFFICIAL SEAL.

Patricia Hildreth
PATRICIA HILDRETH
PRINT NAME

COUNTY OF PRINCIPAL PLACE OF BUSINESS: TULAREMY COMMISSION EXPIRES: 8-31-09

BASIS OF BEARINGS

THE EAST LINE OF THE NORTHEAST 1/4 OF SECTION 9, T.22S., R.27E., TAKEN AS: N 0°07'05" E PER PARCEL MAP No. 4498

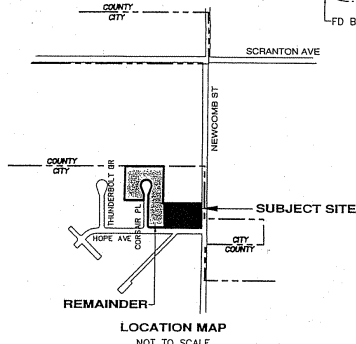
LEGEND

ALL DISTANCES SHOWN ARE IN FEET AND DECIMALS THEREOF, UNLESS OTHERWISE NOTED.

- PARCEL BOUNDARY
- - - CITY LIMITS
- SET 3/4" L.P. TAGGED R.C.E. 16094
- ▲ FD 3/4" L.P. TAGGED R.C.E. 16094 PER PARCEL MAP No. 4687, PM 47/92
- △ FOUND AND ACCEPTED AS DESCRIBED
- () RECORD DISTANCE PER PARCEL MAP No. 4687, PM 46/3
- [] RECORD DISTANCE PER PARCEL MAP No. 3813, PM 39/16 OR CALCULATED THEREFROM
- ||||| ACCESS RIGHTS RELINQUISHED PER PARCEL MAP No. 3684, PM 37/87



SCALE: 1" = 80'



LOCATION MAP
NOT TO SCALE



CITY COUNCIL AGENDA – AUGUST 16, 2016

SUBJECT: Police Officer Body-Worn Cameras

SOURCE: Police

COMMENT: Many police departments throughout California and the nation have implemented a body-worn camera program, with countless more considering the move. Unfortunately, due to police-community relationships in some jurisdictions, both the police and the public feel an increasing need to videotape law enforcement interactions with the public.

A study sponsored by the International Association of Chiefs of Police found that officers were exonerated in nearly 95% of alleged police misconduct cases where video was available, and over 50% of complaints were immediately withdrawn when the complainant learned of the existence of video evidence. Similarly, in a recent study conducted by the Rialto Police Department, the Department experienced an approximate 90% reduction in citizen complaints, and an approximate 60% reduction in Officer use of force incidents. While the Porterville Police Department enjoys a very positive relationship with the community of Porterville, there are those rare instances when a member of our community either truly feels an officer acted inappropriately and alleges police misconduct, or a member of our community will allege police misconduct in an attempt to deflect the issue of their own misconduct. Body-worn cameras offer other benefits as well: they are useful for documenting evidence, officer training and strengthening police transparency, performance and accountability.

Implementing a body-worn camera program within the Department involves more than just the identification, purchase and deployment of the system. Other critical questions that must be addressed include which types of interactions should be recorded, how those interactions should be stored for retrieval and under what circumstances should a recording be released, to name a few. The Tulare County Chiefs Association is collectively reviewing local agency policies for potential uniformity within the county.

A lot of consideration and discussion has occurred within the Department regarding the implementation of a body-worn camera program. Command Staff, Supervisors and line-level personnel are in favor of moving to body-worn cameras. However, implementing a body-worn camera system is an expensive undertaking, and requires a long term commitment. A body-worn program for an agency the size of Porterville Police Department would cost the City approximately \$100,000 to implement and operate in the first year, and approximately \$60,000 per year thereafter for a minimum of five years. In

December 2014, President Obama proposed \$263 million in Federal grants be awarded to outfit every Police Officer in the nation with a body camera, however, only \$15 million has been awarded to date which equates to approximately \$15,000 for the Porterville Police Department. California Assembly Bill 1680 (Alejo, D-Salinas) is proposed to provide State grants to pay for law enforcement body cameras, but has lacked legislative support due to the requirement that all law enforcement be required to wear the cameras. The police liability risk management authority that the City belongs to has also indicated interest in the funding of body cameras, however, a funding program has yet to be defined. While future grant funding may offset costs, it currently cannot be relied upon and therefore, would require a commitment by the City to continually fund the program for at least five years.

Based on the above, the Department is requesting direction with regard to Council's interest in the Department's implementation of a body-worn camera program.

RECOMMENDATION: That the City Council consider Staff's report and provide direction.

ATTACHMENTS:

Appropriated/Funded:

Review By:

Department Director:

Eric Kroutil, Police Chief

Final Approver: John Lollis, City Manager



CITY COUNCIL AGENDA – AUGUST 16, 2016

SUBJECT: Gateway Digital Sign Program

SOURCE: Community Development

COMMENT: On April 12, 2016, staff met with Mr. Bill Lockridge, of Community Electronic Information Signage ("CEIS"), to discuss the City's interest in Gateway Signs at the entry points of the City, along State Route 65 and State Route 190. CEIS proposes that at no cost to the City, CEIS would install and maintain the signs. The monument signs are landscaped and utilize rock, brick or stucco facades and could include "Welcome to Porterville," the date of incorporation or other details at council's discretion. The construction and operating expenses are offset by the ability to advertise on the signs. The typical LED screen display is 8' x 12' (96 square feet). The signs are equipped with ambient light sensors to ensure the least amount of brightness needed for existed time of day and weather conditions and are ensured that no significant brightness would impact drivers. Messages would be programmed to rotate every eight seconds. The City would be allowed to provide Public Service Announcements ("PSA") and community civic messages for 14% of the total time, which equates to once a minute for eight seconds. Staff will have the flexibility to control the PSAs and civic messaging.

The City would be required to make an amendment to Section 305 Signs of the Porterville Development Ordinance in order to accommodate gateway signage. In light of Reed vs. Gilbert, the City would be unable to manage content. However, CEIS contracts do not allow for adult-oriented businesses, tobacco products or alcoholic beverages to be advertised.

RECOMMENDATION: That the City Council provide direction to staff.

ATTACHMENTS: 1. CEIS Information brochure

Appropriated/Funded:

Review By:

Department Director:

Jenni Byers, Community Development Director

Final Approver: John Lollis, City Manager



Community Electronic Information Signage

Digital Informational Signs
AT NO COST to your municipality
Alert and inform citizens when needed subsidized by advertising.

c·e·i·s

COMMUNITY ELECTRONIC INFORMATIONAL SIGNAGE

4460 WALLACE LANE

SALT LAKE CITY, UT 84124

Jwlock44@msn.com

727-415-0225



A Unique Opportunity

Digital signs do more than display advertisements—they provide an array of communication possibilities. From crime fighting alerts to up-to-the-minute weather advisories, or even a last minute fundraiser for a local charity. Digital signs can offer more flexibility than other mediums. Today, experts estimate that 90 percent of adults see an out-of-home sign in their area every month. They reach the public much more reliably than television content.

Technology

These small signs are equipped with ambient light sensors to ensure the least amount of brightness (Nits) needed for existed time of day and weather conditions. We have automatic emergency off switch in case of malfunction. Our displays at night run lower than 500 nits to ensure no significant brightness to impact drivers.

Regulation

Our company adheres to the strict standards put forth by the Outdoor Advertising Association of America including all state requirements that regulate signage.

Pennsylvania Mayor Endorses Digital Billboards as Good for the Community

Mayor Ed Pawlowski of Allentown, Pennsylvania enthusiastically supported the installation of a digital billboard in downtown Allentown because he saw it as a way to revitalize the inner city and promote safety. "Due to the ability to rapidly change and deliver information," Mayor



Pawlowski wrote in a letter explaining his support for digital billboards, "electronic message boards have assisted local law enforcement with AMBER Alerts, emergency information about public safety and traffic information."

Digital Billboards Help Find Missing Children

When four children from Middleton, Wisconsin, went missing digital billboards displayed AMBER Alerts to help find them. Days later the children were found. According to police, they recovered the children thanks to a motorist who recognized them from the AMBER Alert.

Digital Billboards Alert Public of Escaped Convict

While serving a 19.5-year sentence, drug kingpin David Green escaped from prison in Elkton, Ohio. America's Most Wanted teamed up with the Outdoor Advertising Association of America to alert the public. The two organizations broadcasted wanted posters on several billboards through the Cleveland area to alert the public and help catch this criminal.

FREQUENTLY ASKED QUESTIONS:

HOW MANY CEIS SIGNS ARE OFFERED TO EACH COMMUNITY AT NO COST?

We require a minimum of two (2) CEIS signs for each municipality. Suggested placements include municipality or privately owned property located at the major entrances to your community. We can provide additional locations upon review with your authorized agents.

HOW ARE WE ABLE TO OFFER CEIS SIGNS AT NO COST?

The initial cost of building the CEIS sign structure including the electronic components will be at our expense. However, there is ongoing CEIS support, including 24-hour technical support, public service agencies (PSA) and general maintenance. We offset these operating expenses by utilizing local and regional advertising to create income to offset the costs. We anticipate a total of seven (7) announcements per CEIS location. The signs will give the community direct access to community messaging, including amber alerts, municipal concerns, and other PSA's.

HOW ARE PUBLIC SERVICE ANNOUNCEMENTS DETERMINED?

Public Service Announcements (PSA) are received through national agencies such as The Department of Missing and Exploited Children for Amber Alerts, NOAA and local weather agencies for Severe Weather Alerts and the Department of Homeland Security for National Security Announcements. A vital PSA, which affects your community, will take precedence on all CEIS locations in your community. The length of the initial PSA broadcast is determined by each agency due to the severity of each issue. It is typical for a PSA to rotate with your community and advertising broadcasts for the duration of time necessary.

HOW DO WE BROADCAST OUR COMMUNITY ANNOUNCEMENTS?

Your authorized agent will be provided contact information for CEIS representatives who can provide support with your broadcasts.

HOW SMALL IS A CEIS ELECTRONIC DISPLAY?

CEIS is a monument style structure designed to compliment any community design requirements. The typical LED screen display will be 8' x 12' (96 square feet), allowing clear visibility of each message. Messages are programmed to rotate every 8 seconds providing maximum exposure to consumers. Initial PSA alerts are the exception.



What is CEIS?

CEIS was created to address the needs of communities specifically in the areas of Public Service Announcements (PSA) and community civic messages. CEIS is a monument-style sign, designed to compliment any current surrounding, including historic or themed environments. Vital public service announcements include AMBER Alerts, Severe Weather Warnings, National Security Warnings and Disaster Announcements pertaining to individual communities. Community civic messages may include broadcasts from your community's leaders and authorized representatives. These broadcasts may include welcoming announcements, community sponsored events, and even places of interests to direct tourism.

"Due to the ability to rapidly change and deliver information," Mayor Pawlowski wrote in a letter explaining his support for digital billboards, "electronic message boards have assisted local law enforcement with AMBER Alerts, emergency information about public safety and traffic information."

-Mayor Pawlowski



CEIS Monuments in Your Community

Digital signs are the most significant new addition to outdoor sign technology, capable of reaching mass audiences with multiple messages. Every day there is increasing evidence of the benefits of community electronic signage in law enforcement, disaster planning, and weather alerts.

We understand that municipalities may be sensitive to traditional outdoor signage. Our monument signs are beautifully landscaped. We utilized high-quality rock, brick, or stucco facades incorporating wood, metal, water or other features on a site by site basis. The signs include "Welcome to the City of...", the date of incorporation or other details the municipality would like.



Our legal team can assist your municipality to update your zoning ordinance to enable the use of this technology in your jurisdiction.



Ads rotate every 8 seconds providing the travelling public information. High resolution L.E.D. signage provides easy to read great looking graphics. Cities across the U.S. are excited to partner with us to better inform their citizens.



With more economical rates on advertising, non-profits are able to utilize space on our signs, helping their various missions.



Since 2007 over 34 criminals have been apprehended from using digital billboards across the United States. Many of these are violent criminals including murder, armed robbery, rapists and child predators.



Typical advertisements are directional, informative to current specials, or brand introduction. This is an example how the message on the sign above fades into the next image, showing 7 different slots. No adult-oriented businesses, tobacco products, or alcoholic beverages will ever be advertised on our community signs.



Given the flexibility of our scheduling software, specific community messages can be displayed immediately prior to events.

Digital Signage Saves Lives, Brings Community Together: *Free to Your Community*

EMERGENCY IN YOUR CITY

In the event of an emergency, one of the greatest challenges for a local government is to disseminate important information quickly to a large number of people. Conventional media used in emergency situations requires one to sit in front of a television, radio, or computer with the hope that most people will be on the channel or website containing the relevant information. How many people will that be? One hopes that it will be 30 or 40% of your community, but how do you reach the rest of your constituency? From crime-fighting alerts to timely weather advisories, community information saves lives.

Digital signs are the most recent and reliable solution for quickly disseminating critical information to large numbers of people.

In reviewing your municipality's traffic studies, you were undoubtedly startled by the number of people who travel in one hour on your busiest roads. Imagine the effectiveness of a digital sign with an **AMBER Alert** containing a child's picture, relevant facts, and phone numbers posted on your busiest roads during rush hour **within minutes of the release of the alert**. When one minute can save a life, a digital sign will make a difference to you, the family, and your community.

FIGHTING CRIME IN REAL LIFE

Due to the success of Pennsylvania's use of digital signs, the Federal Bureau of Investigation is seeking a system of digital signs to flash "hot pursuit" and "most wanted" bulletins in communities nationwide. Mayor Ed Pawloski of Allentown, Pennsylvania stated, "Electronic message boards have assisted law enforcement with AMBER Alerts, emergency information about public safety and traffic information."

According to AMBER Alert Wisconsin, their multimedia approach to notifying the public of missing children has resulted in **14 children being found**. The digital signage component of their plan and was recognized by the Wisconsin Attorney General J.B. Van Hollen as being directly related to the success of their AMBER Alert system.

America's Most Wanted announced on May 1, 2008, that the FBI has teamed up with outdoor digital advertisers in the Twin Cities to put Terrence Washington's mug on 16 digital signs. Washington broke out of his Nashville,

Tennessee prison cell and is traveling the country, as will the digital displays in pursuit of him. America's Most Wanted frequently touts the benefits of digital signage in searching for fugitives.

DISASTER ALERTS

"Findings...show that people don't act on one warning....The challenge of public warning is not going away."

-Art Botterell

*Community Warning System
Manager, Contra Costa County,
California*

During the tragic Minnesota bridge collapse in 2007, digital signs displayed emergency messages within 15 minutes. The following day, when officials converged on Minneapolis to inspect the damage, they noticed the signs. Speaking on national TV on August 2, US Senator Amy Klobuchar (D-MN) cited the emergency messaging on digital signs as a positive community response:

"When Senator Coleman and I landed, we're driving in . . . and there were already billboards at 9:00 in the morning -- actual billboards -- telling people where to go for alternative

routes."

LIFE SAVING SIGNS ARE FREE

The life saving benefit of immediate communication to your municipality is without charge to the city or to taxpayers. The initial cost of building the community electronic informational signage is paid by our company. However, to offset the maintenance of the signage, which includes 24-hour technical support, advertising will be used to offset the cost. There are seven broadcast announcements per sign location. The partnership enables this community service to be a benefit to all and, most of all, helps to keep the public safe and informed.

CITY COMMUNICATION ADVANTAGE

Whether it is to share an upcoming community event or emergency communication, digital signage will provide instant communication to your citizens. In addition, by giving local businesses a venue for advertising, digital signage can contribute to your economic development—a welcome enhancement in any business-friendly municipality.

Digital signage is a versatile communication tool which is free to your taxpayers, yet gives control to your public relations department. This unique opportunity is available to save lives, bring your community together, and enhance the economics of your city.



INFORM

ENSURE YOUR CITIZENS ARE GIVEN INFORMATION
QUICKLY, SAFELY, ASESTECIALY, AND MOST OF ALL
FREE.

These signs are significantly smaller than traditional
advertising signage yet sized to be adequate for vital
communication.

Since the inception in 1997 amber alert has been credited for
the successful recovery of more than 399 children.

Our experience includes over 42 years in the commercial
sign industry throughout the continental United States.

c.e.i.s

COMMUNITY ELECTRONIC INFORMATIONAL SIGNAGE

4460 WALLACE LANE

SALT LAKE CIYT, UT 84124

Jwlock44@msn.com

727-415-0225



CITY COUNCIL AGENDA – AUGUST 16, 2016

SUBJECT: Award of Contract for Banking Services

SOURCE: Finance

COMMENT: At its meeting on April 5, 2016, City Council authorized staff to issue a Request for Proposals (RFP) for major banking services. The City's agreement with its current banking services provider expired in June 2013. The City received three (3) responses to the RFP from the following:

Bank of the Sierra
MUFG Union Bank
Wells Fargo Bank

Staff carefully reviewed and evaluated the proposals received. At the July 19, 2016, Council meeting, staff presented the results of its review of the proposals and the analysis of the fees associated with the banking services. All the proposing banks are financially sound and capable of providing the services currently utilized by the City. The table below shows the initial comparison of the proposed estimated monthly costs of banking services based on an average monthly volume of transactions:

	MUFG Union Bank	Wells Fargo Bank	Bank of the Sierra
Total estimated monthly cost	\$2,045	\$2,394	\$2,500
Earnings credit rate	0.25%	0.28%	0.29%
Estimated earnings credit	\$150	\$187	\$174
Net estimated monthly cost	\$1,895	\$2,207	\$2,326
Increase in cost per year	--	\$3,744	\$5,172

At that same meeting, City Council directed staff to negotiate the banking fees with Union Bank and Bank of the Sierra. Union Bank, the City's current banking services provider, has proposed to extend their 2008 pricing for another five years. Because of this, they are not able to offer any additional reduction in their proposed fees. In addition, their deposit administration fee of \$0.0894/\$1,000 will increase to \$0.125/\$1,000 due to anticipated FDIC

surcharge. With regards to Bank of the Sierra, their new fee proposal is to charge a monthly flat fee of \$1,925 for all our banking needs for a contract term of five years. A monthly flat fee will greatly reduce the monitoring and analysis of the individual fees and will eliminate the fluctuations in the monthly fees due to changes in the volume of transactions and the monthly average balances.

RECOMMENDATION: That the City Council authorize staff to execute an agreement with Bank of the Sierra for banking services for a term of five years at a monthly flat fee of \$1,925, with an option to negotiate extensions to the contract for additional two-year periods.

ATTACHMENTS:

Appropriated/Funded: MB

Review By:

Department Director:

Final Approver: Patrice Hildreth, Administrative Services Dir



CITY COUNCIL AGENDA – AUGUST 16, 2016

SUBJECT: Status and Review of Declaration of Local Emergency

SOURCE: City Manager's Office

COMMENT: Governor Brown issued Executive Order B-29-15 on Wednesday, April 1, 2015, which established drought-related mandates and restrictions in addition to those already stipulated in previous Executive Orders B-26-14 and B-28-14. Of significance, the Governor directed the State Water Resources Control Board to impose restrictions to achieve a statewide 25% reduction in potable urban water usage through February 28, 2016, in comparison to the amount used in 2013, and with consideration given to per capita usage as a basis. The Governor further directed the Board to impose additional restrictions on commercial, industrial, and institutional properties with significant landscaping (cemeteries, golf courses, parks, schools, etc.), to also achieve a 25% reduction in potable water usage. Also of significance, the Board was directed to prohibit irrigation with potable water outside of newly constructed homes and buildings that is not delivered by drip or micro-spray systems.

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

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

At its last meeting on August 2nd, 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 thirty (30) 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 summer months. City staff submitted a Mutual Aid Request to Tulare County OES to initiate the household tank program for identified properties within the city where wells are dry.

Representatives for the City, County, and State (CalOES, DDW, DWR, and SWB) have continued to meet in support of a long-term permanent water connection project for the entire East Porterville area and the estimated 1,800 expected future connections. DWR has identified 423 residential units in the East Porterville area (381 of which are in the City's Urban Development Boundary), that are currently served by the County's Household Tank Program and desired by the State to be connected to the City's water distribution system as soon as possible. DWR would like to begin a significant City waterline extension project in late 2016 to begin permanently connecting those 423 residential units to the City's water system. To provide source water for the DWR extension project, CalOES desires to expeditiously connect the new well on Olive Avenue to the City's water system instead of being first equipped as a filling station. Given the new well has an estimated water production value of 800 gallons per minute, as well as a SWB assumed 1.5 gallons per minute, per residence, the new well could effectively serve up to 500 single-family residential units. The City indicated its significant interest that the E. Vandalia Avenue area and the 80 residential units be included in the water connection project, to which the State has agreed.

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

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

In regards to the status of the new well's development and connection to the City's water distribution system, County staff report that the well will be in service and connected to the City's system no later than December 2016, which the Board of Supervisors are expected to award the contract for equipping and connecting the new well at their meeting of August 16th, with construction expected to begin in September.

A Memorandum of Understanding between the State, County, and City on the East Porterville permanent water connection project was approved by the Council during a Special Meeting on Tuesday, June 21st, and approved by the

Board of Supervisors on Tuesday, June 28th. With the approval of the MOU, it was anticipated that the State would begin the permanent connection of approximately 40 homes that are located along existing City water mains. Subsequently, the State officially requested that the City approve the connection of an additional thirty (30) residences as part of the first immediate connections, for up to a total of seventy (70), which the Council approved at its meeting on August 2nd.

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

ATTACHMENTS:

1. Resolution 49-2015 - Declaration of Local Emergency
2. Governor Executive Order
3. City-County Well Agreement
4. Memorandum of Understanding

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

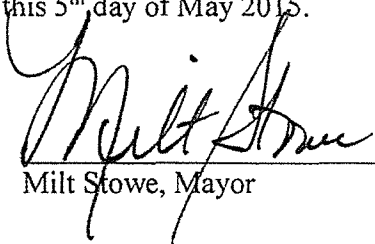
WHEREAS: the long-term ramifications of the current drought will have a significant impact on the city of Porterville and potentially pose a danger to the health and welfare of its residents; and

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

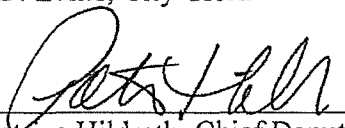
BE IT FURTHER RESOLVED: that the City Council of the City of Porterville requests the Governor and California Department of Water Resources make available California Disaster Assistance Act funding for the State of Local Emergency proclaimed on May 5, 2015, and seek all available forms of Federal assistance, 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-37-16 MAKING WATER CONSERVATION A CALIFORNIA WAY OF LIFE

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

WHEREAS Californians responded to the drought by conserving water at unprecedented levels, reducing water use in communities by 23.9% between June 2015 and March 2016 and saving enough water during this period to provide 6.5 million Californians with water for one year; and

WHEREAS severe drought conditions persist in many areas of the state despite recent winter precipitation, with limited drinking water supplies in some communities, diminished water for agricultural production and environmental habitat, and severely-depleted groundwater basins; and

WHEREAS drought conditions may persist in some parts of the state into 2017 and beyond, as warmer winter temperatures driven by climate change reduce water supply held in mountain snowpack and result in drier soil conditions; and

WHEREAS these ongoing drought conditions and our changing climate require California to move beyond temporary emergency drought measures and adopt permanent changes to use water more wisely and to prepare for more frequent and persistent periods of limited water supply; and

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

WHEREAS these activities are prioritized in the California Water Action Plan, which calls for concrete, measurable actions that "Make Conservation a California Way of Life" and "Manage and Prepare for Dry Periods" in order to improve use of water in our state.

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 California Government Code sections 8567 and 8571, do hereby issue this Executive Order, effective immediately.

IT IS HEREBY ORDERED THAT:

The orders and provisions contained in my January 17, 2014 Emergency Proclamation, my April 25, 2014 Emergency Proclamation, Executive Orders B-26-14, B-28-14, B-29-15, and B-36-15 remain in full force and in effect except as modified herein.

State agencies shall update temporary emergency water restrictions and transition to permanent, long-term improvements in water use by taking the following actions.

USE WATER MORE WISELY

1. The State Water Resources Control Board (Water Board) shall, as soon as practicable, adjust emergency water conservation regulations through the end of January 2017 in recognition of the differing water supply conditions across the state. To prepare for the possibility of another dry winter, the Water Board shall also develop, by January 2017, a proposal to achieve a mandatory reduction in potable urban water usage that builds off of the mandatory 25% reduction called for in Executive Order B-29-15 and lessons learned through 2016.
2. The Department of Water Resources (Department) shall work with the Water Board to develop new water use targets as part of a permanent framework for urban water agencies. These new water use targets shall build upon the existing state law requirements that the state achieve a 20% reduction in urban water usage by 2020. (Senate Bill No. 7 (7th Extraordinary Session, 2009-2010).) These water use targets shall be customized to the unique conditions of each water agency, shall generate more statewide water conservation than existing requirements, and shall be based on strengthened standards for:
 - a. Indoor residential per capita water use;
 - b. Outdoor irrigation, in a manner that incorporates landscape area, local climate, and new satellite imagery data;
 - c. Commercial, industrial, and institutional water use; and
 - d. Water lost through leaks.

The Department and Water Board shall consult with urban water suppliers, local governments, environmental groups, and other partners to develop these water use targets and shall publicly issue a proposed draft framework by January 10, 2017.

3. The Department and the Water Board shall permanently require urban water suppliers to issue a monthly report on their water usage, amount of conservation achieved, and any enforcement efforts.

ELIMINATE WATER WASTE

4. The Water Board shall permanently prohibit practices that waste potable water, such as:
 - Hosing off sidewalks, driveways and other hardscapes;
 - Washing automobiles with hoses not equipped with a shut-off nozzle;
 - Using non-recirculated water in a fountain or other decorative water feature;
 - Watering lawns in a manner that causes runoff, or within 48 hours after measurable precipitation; and
 - Irrigating ornamental turf on public street medians.
5. The Water Board and the Department shall direct actions to minimize water system leaks that waste large amounts of water. The Water Board, after funding projects to address health and safety, shall use loans from the Drinking Water State Revolving Fund to prioritize local projects that reduce leaks and other water system losses.
6. The Water Board and the Department shall direct urban and agricultural water suppliers to accelerate their data collection, improve water system management, and prioritize capital projects to reduce water waste. The California Public Utilities Commission shall order investor-owned water utilities to accelerate work to minimize leaks.
7. The California Energy Commission shall certify innovative water conservation and water loss detection and control technologies that also increase energy efficiency.

STRENGTHEN LOCAL DROUGHT RESILIENCE

8. The Department shall strengthen requirements for urban Water Shortage Contingency Plans, which urban water agencies are required to maintain. These updated requirements shall include adequate actions to respond to droughts lasting at least five years, as well as more frequent and severe periods of drought. While remaining customized according to local conditions, the updated requirements shall also create common statewide standards so that these plans can be quickly utilized during this and any future droughts.
9. The Department shall consult with urban water suppliers, local governments, environmental groups, and other partners to update requirements for Water Shortage Contingency Plans. The updated draft requirements shall be publicly released by January 10, 2017.

10. For areas not covered by a Water Shortage Contingency Plan, the Department shall work with counties to facilitate improved drought planning for small water suppliers and rural communities.

IMPROVE AGRICULTURAL WATER USE EFFICIENCY AND DROUGHT PLANNING

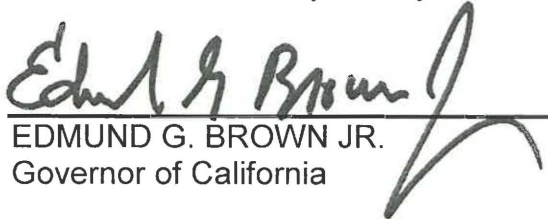
11. The Department shall work with the California Department of Food and Agriculture to update existing requirements for Agricultural Water Management Plans to ensure that these plans identify and quantify measures to increase water efficiency in their service area and to adequately plan for periods of limited water supply.
12. The Department shall permanently require the completion of Agricultural Water Management Plans by water suppliers with over 10,000 irrigated acres of land.
13. The Department, together with the California Department of Food and Agriculture, shall consult with agricultural water suppliers, local governments, agricultural producers, environmental groups, and other partners to update requirements for Agricultural Water Management Plans. The updated draft requirements shall be publicly released by January 10, 2017.

The Department, Water Board and California Public Utilities Commission shall develop methods to ensure compliance with the provisions of this Executive Order, including technical and financial assistance, agency oversight, and, if necessary, enforcement action by the Water Board to address non-compliant water suppliers.

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

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

IN WITNESS WHEREOF I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 9th day of May 2016.


EDMUND G. BROWN JR.
Governor of California

ATTEST:

ALEX PADILLA
Secretary of State

TULARE COUNTY – CITY OF PORTERVILLE WELL AGREEMENT

THIS AGREEMENT is entered into this day of, May 10, 2016, between the COUNTY OF TULARE, referred to as COUNTY, and the CITY OF PORTERVILLE, referred to as CITY, with reference to the following:

- A. WHEREAS, East Porterville/Doyle Colony area properties within the COUNTY's jurisdiction and within the CITY's Urban Development Boundary are experiencing serious water shortages due to the historical drought conditions. Attached hereto as Exhibit 'A' is a map defining the East Porterville/Doyle Colony and Vandalia areas; and
- B. WHEREAS, CITY and COUNTY have been and are collaborating to jointly develop a new municipal water well; and
- C. WHEREAS, COUNTY shall secure complete funding for a new well to be solely owned, operated and maintained by the CITY for the purpose of providing long-term capacity to enable permanent water connections to properties that comply with CITY'S Annexation and Extension of Municipal Services policy, with certain exceptions for specific properties in excess of the maximum lot size. These procedures are defined by two Resolutions, 74-2014 and 19-2016, which are attached hereto as Exhibit 'B'; and
- D. WHEREAS, the COUNTY owns a parcel at the southeast corner of the Tule River and Olive Avenue (APN 240-120-017), represented in Exhibit 'C', and has drilled a municipal supply well, and will equip said well utilizing CITY standards, after which the COUNTY shall convey the land to CITY at a cost of \$1; and
- E. WHEREAS, CITY operates an existing municipal water system, with limited infrastructure already established in the East Porterville/Doyle Colony and Vandalia areas, and has experience and qualifications necessary to provide such services; and
- F. WHEREAS, CITY and COUNTY mutually agree that a regional, collaborative solution to leverage and expand CITY'S municipal water system into the East Porterville/Doyle Colony and Vandalia areas is the most feasible means to address the area's water needs; and
- G. WHEREAS, CITY is willing to enter into this Agreement with COUNTY upon terms and conditions set forth herein; and
- H. WHEREAS, CITY and COUNTY mutually understand that due to the limited resources of the CITY's municipal water system, all future connections must comply with the CITY's Annexation and Extension of Municipal Services policies, with certain exceptions for specific properties in excess of the maximum lot size, attached hereto and made a part thereof as Exhibit 'B'.

ACCORDINGLY, IT IS AGREED:

- 1. **TERM:** This agreement shall become effective as of the date the agreement is fully executed by both agencies.
- 2. **SERVICES TO BE PERFORMED & PAYMENT FOR SERVICES – EQUIPPING MUNICIPAL WELL FACILITY:** Refer to attached Exhibit 'D'.

TULARE COUNTY AGREEMENT NO. 27596

3. **SERVICE TO BE PERFORMED IN PERPETUITY:** The services described below shall be performed in perpetuity upon completion of all tasks enumerated in Exhibit 'D' and upon COUNTY securing the funds for equipping the well to CITY standards and requirements:
- A. CITY shall provide to STATE and/or COUNTY, upon STATE and COUNTY's request, a maximum of three million (3,000,000) gallons of water per month upon integration of the well provided under this Agreement, for the purposes of meeting emergency water needs in COUNTY's jurisdiction. CITY shall not charge COUNTY or STATE for said water.
 - B. CITY shall utilize water produced by the well provided under this Agreement as source capacity for new service connections and agreements in East Porterville/Doyle Colony and Vandalia areas. CITY agrees to provide source water for up to four hundred twenty-three (423) new connections in the East Porterville/Doyle Colony area subject to the CITY'S Annexation and Extension of Municipal Services policies, with certain exceptions for specific properties in excess of the maximum lot size, and up to 80 new connections in the Vandalia area. The 423 new connections noted above are inclusive of those properties immediately adjacent to an existing water main, estimated at 40 parcels, which can be connected to the City's water system immediately upon execution of this agreement and the Memorandum(a) of Understanding between CITY, COUNTY, and STATE. Upon connection to CITY services, the listed properties will be exempt from payment of CITY water impact fees, but will be subject to standard fees, such as, but not limited to, water service and meter installation, unless otherwise financed by STATE or other funding sources, and associated monthly fees. This section shall not be construed to limit additional connections beyond the above referenced 503 properties provided for herein, where CITY provides consumption documentation that determines additional source capacity is available as a result of the connection of this well to CITY's system.
 - C. CITY expressly agrees to own, operate, maintain, repair and otherwise care for the well provided under this Agreement, in order to maintain it in proper working order and to the highest standard, for the duration of the well's useful life.
 - D. COUNTY shall grant the parcel on which the well is located to the CITY by Grant Deed at a cost of \$1 upon formal acceptance of the project. A 50-foot control zone around the well site is a requirement of the State Water Resources Control Board, Drinking Water Program, therefore establishing the minimum parcel size to be conveyed to the CITY. Existing COUNTY infrastructure may encroach through or conflict with the subject parcel and if so, ownership, maintenance, repair and replacement of these facilities shall transition to the City's responsibility by separate maintenance agreement upon acceptance of the project.
 - E. CITY shall not be entitled to compensation by COUNTY, or any State or Federal agency providing funding for the activities enumerated in Exhibit 'D', for any ongoing costs related to owning, operating, maintaining, repairing, or replacing this well. CITY and COUNTY expressly agree that CITY's ongoing compensation for such ongoing costs shall be the use of the well for CITY's use within its water system, unrestricted except as noted in "A"

above. No part of this paragraph shall be construed to limit or restrict in any way CITY's ability to seek any grant funding or collect rates and fees from users of CITY's water system.

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

4. This Agreement represents the entire agreement between CITY and COUNTY as to its subject matter and no prior oral or written understanding shall be of any force or effect. No part of this Agreement may be modified without the written consent of both parties.

5. Except as may be otherwise required by law, any notice to be given shall be written and shall be either personally delivered, sent by facsimile transmission or sent by first class mail, postage prepaid and addressed as follows:

COUNTY: County Administrative Officer/Clerk of the Board
of Supervisors of the County of Tulare
Administrative Building
2800 W. Burrel Avenue
Visalia, CA 93291

(Fax No.: (559) 733-6318 / Phone No. (559) 636-5005)

CITY: City Manager
291 N. Main St.
Porterville, CA 93257

(Fax No.: (559) 715-4013/ Phone No. (559) 782-7466)

Notice delivered personally or sent by facsimile transmission is deemed to be received upon receipt. Notice sent by first class mail shall be deemed received on the fourth day after the date of mailing. Either party may change the above address by giving written notice pursuant to this paragraph.

6. This Agreement reflects the contributions of both parties and accordingly the provisions of Civil Code section 1654 shall not apply to address and interpret any uncertainty.
7. Unless specifically set forth, the parties to this Agreement do not intend to provide any other party with any benefit or enforceable legal or equitable right or remedy.
8. This Agreement shall be interpreted and governed under the laws of the State of California without reference to California conflicts of law principles. This Agreement is entered into and shall be performed in Tulare County, California. CITY waives the removal provisions of California Code of Civil Procedure Section 394.
9. The failure of either party to insist on strict compliance with any provision of this Agreement shall not be considered a waiver of any right to do so, whether for that breach or any subsequent breach. The acceptance by either party or either performance or payment shall not be considered to be a waiver of any preceding breach of the Agreement by the other party.
10. The Recitals and the Exhibits to this Agreement are fully incorporated into and are integral parts of this Agreement.

11. This Agreement is subject to all applicable laws and regulations. If any provision of this Agreement is found by any court of other legal authority, or is agreed by the parties, to be in conflict with any code or regulation governing its subject, the conflicting provision shall be considered null and void. If the effect of nullifying any conflicting provision is such that a material benefit of the Agreement to either party is lost, the Agreement may be terminated at the option of the affected party. In all other cases the remainder of the Agreement shall continue in full force and effect.
12. Each party agrees to execute any additional documents and to perform any further acts which may be reasonably required to affect the purposes of this Agreement.
13. CITY expressly agrees that it will not discriminate in employment or in the provision of services on the basis of any characteristic or condition upon which discrimination is prohibited by state or federal law or regulation.
14. Insurance
15. Permit
16. Dispute Resolution: If a dispute arises out of or relating to this Agreement, or the breach thereof, and if said dispute cannot be settled through negotiation, the parties agree first to try in good faith to settle the dispute by non-binding mediation before resorting to litigation or some other dispute resolution procedure, unless the parties mutually agree otherwise. The mediator shall be mutually selected by the parties, but in case of disagreement, the mediator shall be selected by lot from among two nominations provided by each party. All costs and fees required by the mediator shall be split equally by the parties, otherwise each party shall bear its own costs of mediation. If mediation fails to resolve the dispute within 30 days, either party may pursue litigation to resolve the dispute.
17. Indemnification: CITY shall hold harmless, defend and indemnify COUNTY, its agents, officers and employees from and against any liability, claims, actions, costs, damages or losses of any kind, including death or injury to any person and/or damage to property, including COUNTY property, arising from, or in connection with, the performance by CITY or its agents, officers and employees under this Agreement. This indemnification specifically includes any claims that may be made against COUNTY by any taxing authority asserting that an employer-employee relationship exists by reason of this Agreement, and any claims made against COUNTY alleging civil rights violations by CITY under Government Code sections 12920 et seq. (California Fair Employment and Housing Act), and any fines or penalties imposed on COUNTY for CITY's failure to provide form DE-542, when applicable. This indemnification obligation shall continue beyond the term of this Agreement as to any acts or omissions occurring under this Agreement or any extension of this Agreement.

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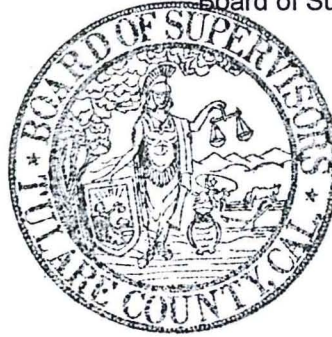
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THE PARTIES, having read and considered the above provisions, indicate their agreement by their authorized signatures below.

COUNTY OF TULARE

BY Mike Ennis
Mike Ennis Chairman,
Board of Supervisors



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

By Danisa A. Ybana
Deputy Clerk

Approved as to Form
County Counsel

By M. G. Ennis for LMT
Deputy 20151902

CITY OF PORTERVILLE

BY Milt Stowe
Milt Stowe, Mayor

ATTEST:
City Clerk of the City of Porterville

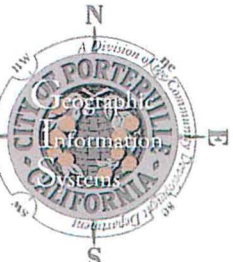
BY John Lollis
John Lollis, City Manager

Approved as to Form

BY John Lollis
City Attorney

EXHIBIT 'A'

East Porterville Project Boundary



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

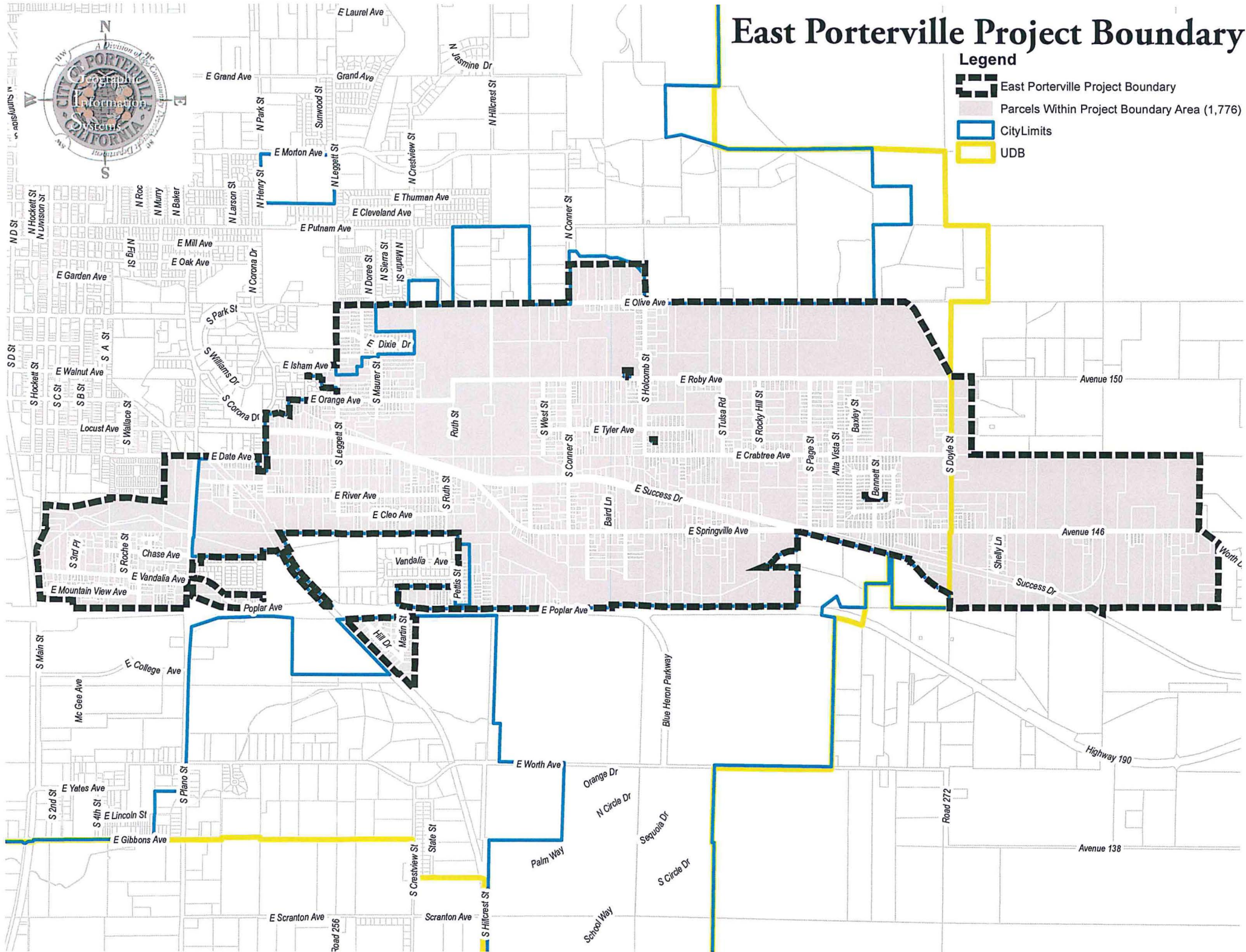


EXHIBIT 'B'

RESOLUTION NO. 74 -2014

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE DEFINING OBJECTIVES AND POLICIES FOR ANNEXATIONS AND MUNICIPAL SERVICES

WHEREAS: The City of Porterville established a policy concerning annexation and provision of municipal services in 1986, noting that “the City, in order to grow for reasons of economies of scale and quality of services must expand its boundaries within reason, generally encourages the owners of properties contiguous to the city of Porterville to annex to said City of Porterville”; and

WHEREAS: Since 1990, the population of the city of Porterville has increased 53% according to the California Department of Finance, and the land area of the city proper has increased by 38% according to City annexation records; and

WHEREAS: The City of Porterville accepts its responsibility to provide municipal services to those residents, businesses, and other land uses within the limits of the city. The City of Porterville has taken the position that the costs of all physical improvements within the city have been paid by property owners, and other taxes derived in the city, and, therefore, these same people should not be required to bear the expense of additional physical improvements needed to serve newly annexed areas.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Porterville does hereby define the following objectives related to annexations and municipal services:

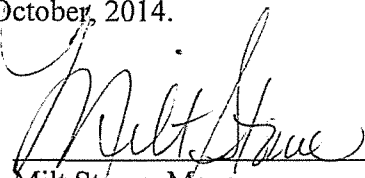
1. To promote orderly development while discouraging urban sprawl, preserving open space and prime agricultural lands, and efficiently extending government services.
2. To honor the City’s fundamental responsibility to provide efficient and sustainable public services to the inhabitants of the city, and where appropriate, to provide those services beyond the limits of the city within the Urban Development Boundary, and only in extreme cases to those properties beyond the Urban Development Boundary within the Urban Area Boundary.
3. To provide for land development and growth in a manner consistent with the General Plan, particularly as it relates to land use and circulation.
4. To consider an application upon its own merits, and identify what benefits would accrue to the City as an agency and service provider, to the residents of the city of Porterville, and to the applicant.
5. To identify the problems involved in any proposal considered for annexation or request for extra-territorial services and resolve them in the manner most beneficial to the properties within the city of Porterville.
6. To develop factual information to permit informed discussion between City representatives and property owners/residents of unincorporated territories.

BE IT FURTHER RESOLVED, that the City Council of the City of Porterville does hereby establish the following policies for consideration of annexations and municipal services:

1. It shall be the policy of the City of Porterville to consider annexation proposals only within the Urban Development Boundary, which is defined as the City of Porterville Annexation Boundary, as adopted by Tulare County Local Area Formation Commission (LAFCo).

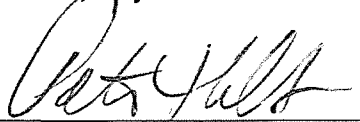
2. It shall be the policy of the City of Porterville to consider extra-territorial service requests primarily within the Urban Development Boundary, which is defined as the City of Porterville Annexation Boundary, as adopted by Tulare County LAFCo.
3. It shall be the policy of the City of Porterville, only where necessary in order to respond to an existing or impending threat to public health or safety of affected residents, to consider extra-territorial service requests within the Urban Area Boundary, as adopted by City Council and identified on the City of Porterville Zoning Map.
4. It shall be the policy of the City of Porterville to consider annexation proposals and extra-territorial service requests in a manner consistent with the policies and regulations adopted by the Tulare County LAFCo and the State of California, as applicable.
5. It shall be the policy of the City of Porterville to discourage single-family one (1) lot annexation proposals that may have an adverse fiscal impact on the City of Porterville.
6. It shall be the policy of the City Council that territory shall not be annexed to the city of Porterville, which as a result of such annexation, unincorporated territory is completely surrounded, or substantially surrounded by the city of Porterville.
7. It shall be the policy of the City of Porterville that annexation proposals shall be in conformance with the Cortese-Knox-Hertzberg Act of 2000, as amended.
8. It shall be the policy of the City Council to consider each petition/consent for annexation upon its relationship to what economic benefits will accrue to the City of Porterville, and to the area residents/property owners.
9. It shall be the policy of the City Council that the costs of all physical improvements will be borne by the property owners/resident or developer.
10. It shall be the policy of the City of Porterville to maintain the viability of agricultural productivity; i.e. protecting and conserving as much agricultural land as possible in the area surrounding the Porterville community.
11. It shall be the policy of the City of Porterville that the applicant for annexation present proposals to the Project Review Committee and explain the particulars of the area under consideration for possible annexation, including a plan for services.
12. It shall be the policy of the City of Porterville to consider any requests for annexation or extra-territorial services in a manner consistent with the procedures adopted by resolution of the City Council.

PASSED, APPROVED AND ADOPTED this 21st day of October, 2014.


Milt Stowe, Mayor

ATTEST:

John D. Lollis, City Clerk

By: 
Patrice Hildreth, Chief Deputy City Clerk

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

I, JOHN D. LOLLIS, the duly appointed City Clerk of the City of Porterville do hereby certify and declare that the foregoing is a full, true and correct copy of the resolution passed and adopted by the Council of the City of Porterville at regular meeting of the Porterville City Council duly called and held on the 21st day of October, 2014.

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

Council:	REYES	WARD	STOWE	HAMILTON	GURROLA
AYES:	X		X	X	X
NOES:		X			
ABSTAIN:					
ABSENT:					

JOHN D. LOLLIS, City Clerk


By: Luisa M. Zavala, Deputy City Clerk

RESOLUTION 19-2016

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

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

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

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

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



Milt Stowe, Mayor

ATTEST:

John D. Lollis, City Clerk

BY 

Luisa Zavala, Deputy City Clerk

All properties requesting annexation or extraterritorial services are subject to the procedures established below unless otherwise stated. Compliance with City of Porterville procedures does not guarantee approval by LAFCo of annexations or extra-territorial service agreements. Upon request for an annexation or extraterritorial services request, staff will evaluate whether the applicant's property is within the City's Urban Development Boundary or Urban Area Boundary and explain the process.

ANNEXATION APPLICATION PROCEDURE

1. A complete annexation application packet includes: fees, an Irrevocable Agreement to Annex, information as needed to define a deed restriction specific to land use and zoning, Application for Annexation, and other materials as required with those applications respectively.
2. On receipt of an application as outlined above, all materials will be considered by the Project Review Committee, who will coordinate in a pre-consultation process with LAFCO staff and the County Public Works Department for review and recommendation.
3. During review by the Project Review Committee of the necessary application and data, staff will prepare a report and findings on all aspects of the proposed action(s).
4. An environmental document will be prepared pursuant to the California Environmental Quality Act (CEQA), reviewing the potential environmental effect of the proposed activities. The Zoning Administrator will make an initial determination of the level of environmental review required.
5. After proper noticing, a public hearing will be held for the City Council to hear comments related to the project at a regularly scheduled meeting. The Council will authorize staff to initiate the application with LAFCo. Documents will be filed in accordance with the Cortese-Knox-Hertzberg Act of 2000, as amended, and submitted to the Local Agency Formation Commission for its review, recommendation and action.
6. On consummation by the City Council, the City Clerk shall submit the necessary materials to the State Board of Equalization with the appropriate acreage fees, which are paid by the Applicant.
7. In the event the annexation fails, either by dissenting votes of the City Council or at hearing at LAFCo, the City Council may approve an extraterritorial service agreement within the Urban Development Boundary, subject to conditions identified in the deed restriction.

ANNEXATION EXEMPTION PROCEDURE

Where a certain property meets all of the following criteria, they may proceed with an Extraterritorial Service Agreement for water or storm-water drainage without first attempting annexation, subject to the conditions of Extraterritorial Service Agreements as defined below.

1. Previously developed single family residences on parcels 24,999 square feet or smaller, OR a school developed by a State funded school district.
2. The parcel requesting services must be immediately adjacent to a municipal main providing the requested service, or the property owner shall provide for the extension of the main line to City standards at their expense.

EXTRATERRITORIAL SERVICES APPLICATION PROCEDURE

Extraterritorial Service connections may be made subject to the following conditions. Note specific parameters and the required findings for connections in the Urban Development Boundary and the Urban Area Boundary.

1. Application: A complete extraterritorial services application packet includes: fees, an Irrevocable Agreement to Annex, information as needed to define a deed restriction specific to land use and zoning, and other materials as required with those applications respectively.
2. General Plan Consistency:
 - a. Proposed Uses and Improvements: Service connections are to be withheld from proposed uses and improvements that would not be consistent with the adopted Land Use Element of the Porterville Area General Plan and the City of Porterville General Plan.
 - b. Existing Uses and Improvements: Service connections to existing uses and improvements which are not consistent with the adopted Land Use Element of the Porterville Area General Plan and the City of Porterville General Plan shall be considered at the discretion of the City Council, and may be subject to other restrictions.
3. Agreements and covenants:
 - a. A deed restriction specific to land use and zoning must be approved by the property owner and the City Council, and recorded with the County of Tulare upon the property, at the applicant's cost.
 - b. An irrevocable agreement to annex must be signed by the property owner and recorded with the County of Tulare upon the property, at the applicant's cost.
4. Time limitations: The City Manager or his designee, or the City Council may condition the approval of applications for service connections by establishing a time frame within which connections must be made to avoid re-application.
5. Improvement Plans: Applications for service connections, which necessitate the extension of one or more municipal facilities to property in order to make such connections, shall be conditioned by the City Manager or his designee, or the City Council to require that Construction Drawings of the intended public improvements be submitted to the City Engineer for plan check and approval. Costs incurred for the preparation of improvement plans, and certain off-site construction and/or installation costs related to extending facilities, shall be the responsibility of the applicant.
6. Fees: Prior to the issuance of a Connection Permit, payment must be made to the City of Porterville of all fees pertinent to the respective service connection, or connections, approved by the City Manager or his designee, or the City Council.

Within the Urban Development Boundary:

For connection of water or storm-water facilities, the requesting party must fully fund the extension of infrastructure if it does not already exist in order to connect. The City of Porterville Wastewater Facility is a regional facility and as such, an extraterritorial service request cannot be denied; however, the requesting party must fund a fair share of the extension of infrastructure if it does not already exist in order to connect. Contract services for police, fire, or building inspection services shall be approved by resolution of the City Council.

For connection of water or storm-water facilities, the following findings must be made in order for the Council approve an extraterritorial service connection:

- That the subject property is a previously developed single family residence on a parcel 24,999 square feet or smaller, OR a school developed by a State funded school district.
- That failure to connect to municipal services would result in a threat to public health or safety of affected residents.
- That connection of the subject property would not result in a negative impact to the City of Porterville water and/or storm-water system.
- That the subject property is not within an island as defined by Tulare LAFCo.
- That an attempt to annex the subject site is not realistic given current city limit boundaries. Specifically, the parcel is too far removed from the city limit, and/or the number and valuation of adjacent parcels would result in a failed annexation effort.

Within the Urban Area Boundary:

For connection of water or storm-water facilities, the requesting party must fully fund the extension of infrastructure if it does not already exist in order to connect. The City of Porterville Wastewater Facility is a regional facility and as such, an extraterritorial service request cannot be denied; however, the requesting party must fund a fair share of the extension of infrastructure if it does not already exist in order to connect. Contract services for police, fire, or building inspection services shall be approved by resolution of the City Council.

For connection of water or storm-water facilities, the following findings must be made in order for the Council approve an extraterritorial service connection:

- That the subject property is a previously developed single family residence on a parcel 24,999 square feet or smaller, OR a school developed by a State funded school district.
- That failure to connect to municipal services would result in a threat to public health or safety of affected residents.
- That connection of the subject property would not result in a negative impact to the City of Porterville water and/or storm-water system.

EXEMPTIONS AND EXCEPTIONS

1. PVPUD: Connections to Porterville Regional Sewage Treatment Facilities serving uses and improvements to property within the boundaries and jurisdiction of the Porter Vista Public Utility District (PVPUD) are exempted from application to the City of Porterville. Interested parties should contact the PVPUD for information on connection requirements and fees pertaining

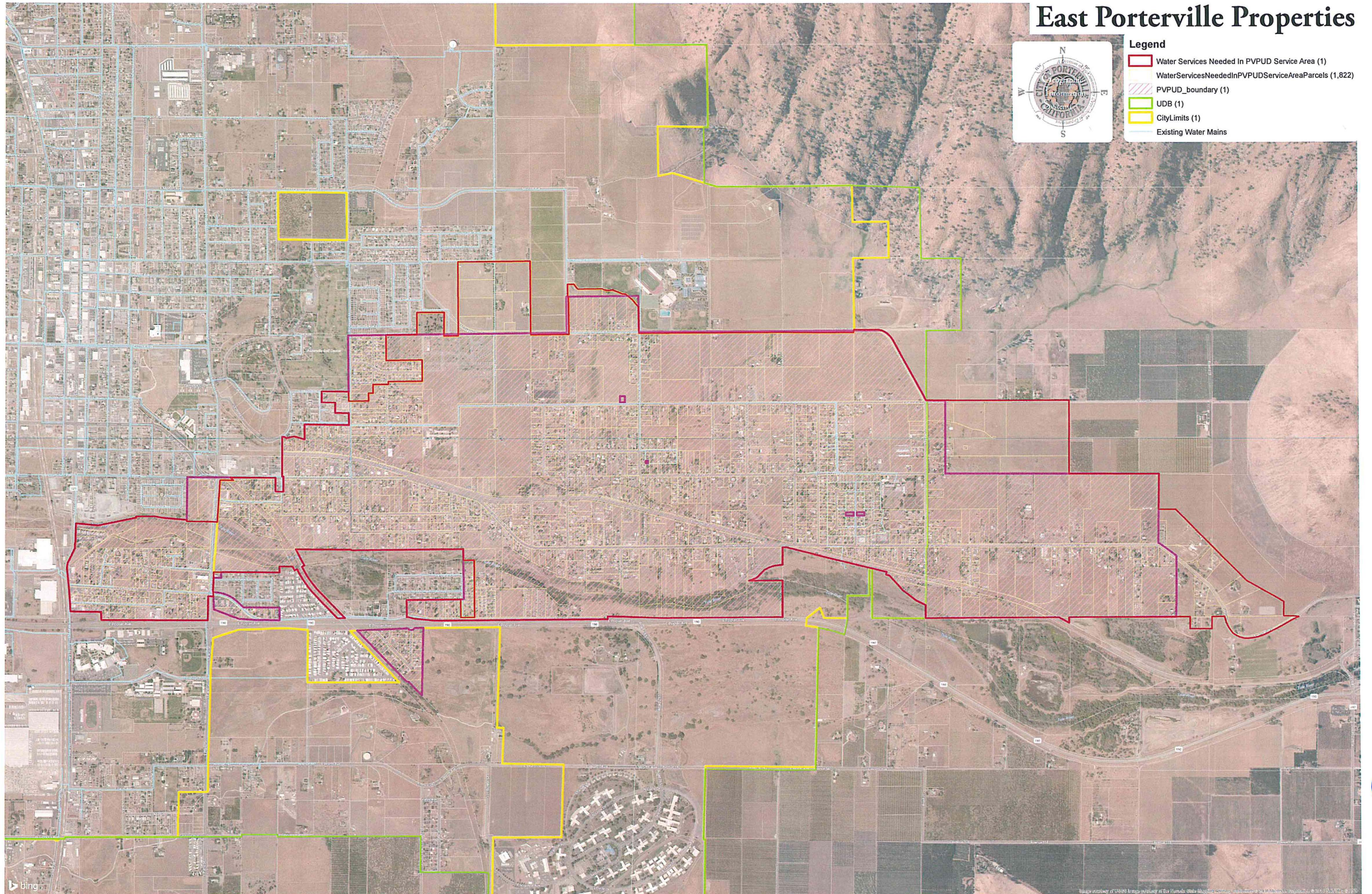
to sewer services. This exemption does not apply to requests for connection to Municipal Water and/or Master Storm Drain Facilities.

2. PRIOR APPROVALS: Porterville City Council approval of requests for connection to Regional Sewage Treatment, Municipal Water and/or Master Storm Drain Facilities as authorized prior to the adoption and effective date of the respective policies set forth herein shall remain valid and in force according to the terms and conditions initially specified at the time of approval, and re-application will not be required.

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

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

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



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

I, JOHN D. LOLLIS, the duly appointed City Clerk of the City of Porterville do hereby certify and declare that the foregoing is a full, true and correct copy of the resolution passed and adopted by the Council of the City of Porterville at regular meeting of the Porterville City Council duly called and held on the 19th day of April, 2016.

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

Council:	REYES	WARD	STOWE	HAMILTON	GURROLA
AYES:	X	X	X	X	
NOES:					
ABSTAIN:					
ABSENT:					X

JOHN D. LOLLIS, City Clerk

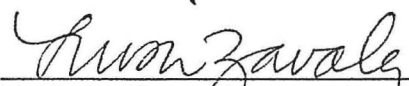

By: Luisa Zavala, Deputy City Clerk

EXHIBIT 'C'



EXHIBIT 'D'

Scope of Work

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

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

Tasks:

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

Discussion Draft

Subject to Additional Review and Modification by the Parties

Porterville MOU
Draft 2
June 15, 2016
PortervilleEmergencyMOU061516



Memorandum of Understanding (MOU)

Regarding the Provisions of Emergency Water Supplies to East Porterville

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

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

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

which are collectively known as the “Parties”

Recitals

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

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

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

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

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

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

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

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

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

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

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

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

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

Understanding

A. Description of Emergency Project and Long-Term Plan

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

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

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

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

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

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

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

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

B. Project Contributions of the Parties

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

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

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

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

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

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

C. General Provisions

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

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

[Signatures on following page]

This MOU has been executed by:

California Department of Water Resources

State Water Resources Control Board

California Office of Emergency Services

County of Tulare

City of Porterville

List of Exhibits

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

