



**CITY COUNCIL AGENDA
CITY HALL, 291 N. MAIN STREET
PORTERVILLE, CA 93257 and
MARRIOTT TIMBER LODGE LOBBY, 4100 LAKE TAHOE BLVD
SOUTH LAKE TAHOE, CA 96150
NOVEMBER 1, 2016, 6:30 PM**

Call to Order
Roll Call

Pledge of Allegiance Led by Cub Scout Pack 3116
Invocation

PRESENTATIONS

Employee of the Month -- Vince Madrigal
Outstanding Business -- OACYS Technology
Patriotic Pride Hydrant Contest
Chamber of Commerce Quarterly Report

AB 1234 REPORTS

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

1. California Air Resources Board Meeting (CARB) - October 20, 2016
2. Tulare County Economic Development Corp. (TCEDC) - October 26, 2016
3. Tulare County Association of Governments (TCAG) - October 26, 2016

REPORTS

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

II. Staff Informational Reports

1. Porterville Golf Course - 1st Quarter FY 2016/2017
2. Porterville OHV Park - 1st Quarter FY 2016/2017
3. Building Permit Activity - 1st Quarterly Report (July, August, September)
4. Street Performance Measure - 1st Quarterly Report (July, August, September)
5. Code Enforcement Activity - 1st Quarter FY 2016/2017
6. Report on Charitable Car Washes
7. Attendance Report for City Committees and Commissions - 1st Quarter FY 2016/17

8. California Air Resources Board (CARB) Action on San Joaquin Valley Air Pollution Control District's Moderate Plan for 2012 PM2.5 Standard

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 August 4, 2015, August 18, 2015, and October 25, 2016**
Re: Considering approval of the draft Minutes of August 4, 2015, August 18, 2015, and October 25, 2016.
2. **Purchase of Basic Tactical First Aid Kits**
Re: Considering approval to enter into agreement with Tactical Medical Solutions, Inc. for the purchase of 85 basic tactical first aid kits in the amount of \$7,208.85 plus sales tax.
3. **Authorization to Purchase Playground Equipment**
Re: Considering approval of the purchase of playground equipment from MRC GameTime and installation not to exceed \$54,591.64.
4. **Authorization to Advertise for Bids - Island Annexation Sewer Project 456A, B, C, & 457**
Re: Considering approval of construction plans and project manual for the project consisting of the installation of new sewer infrastructure for Annexation Areas 456A and 457, generally bound by Highway 190 on the north, Jaye Street on the east, Highway 65 on the west, and the Poplar Ditch on the south, and Annexation Areas 456B and 456C, generally bound by Olive Avenue on the north, Jaye Street on the east, Highway 65 on the west, and the Tule River on the south; and the appropriation of \$168,281.96 from the Sewer Replacement Fund to wholly fund the project.
5. **Authorization To Advertise For Bids - Weed Abatement Services**
Re: Considering authorization to advertise for bids for weed abatement services.
6. **Award of Contract - Putnam Avenue / D Street Traffic Signal Upgrade**
Re: Considering award of a contract in the amount of \$395,778.63 to Loop Electric for the project consisting of the installation of a new traffic signal at the intersection of Putnam Avenue and "D" Street to accommodate protected left-turn phasing at each leg of the intersection.
7. **Interim Financial Status Reports**

Re: Considering acceptance of the interim financial status reports for the first fiscal quarter ended September 30, 2016.

8. Quarterly Portfolio Summary

Re: Considering acceptance of a report reflecting the investment portfolio of the City of Porterville as of September 30, 2016.

9. Request for Proclamation - America Recycles Week - November 13-19, 2016

Re: Considering approval of a request to proclaim November 13-19, 2016, as "America Recycles Week."

10. Request for Street Closure - Myers' 22nd Annual Christmas Tree Memorial Service

Re: Considering approval of the closure of "E" Street, between Putnam and Cleveland, on December 6, 2016, from 5:00 p.m. to 9:00 p.m.

11. City Council Member Requested Agenda Item - Consider Code Enforcement Citizen Survey

Re: Considering approval to consider the administration of a Code Enforcement Citizen Survey as a Scheduled Matter at the November 15th Council meeting.

ADMINISTRATIVE HEARINGS

12. Appeal of Zoning Administrator Decision 2016-032 - Hillman Building Designers

Re: Consideration of appeal of Zoning Administrator Decision 2016-032 for a project proposed on the corner of Olive Avenue and Lotas Street, APN 251-291-031.

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

PUBLIC HEARINGS

13. Consideration of Unilateral Implementation of City's Last, Best, and Final Offer to Fire Officer Series

Re: Consideration of a resolution authorizing the unilateral implementation of the City's last, best and final offer to Fire Officer Series effective November 2, 2016.

SECOND READINGS

14. Second Reading - Ordinance No. 1834 - Adoption of 2016 California Building Codes

Re: Second Reading of Ordinance No. 1834, adopting the 2016 Editions of the California Building Codes, which was given first reading on October 18, 2016, and has been printed.

15. Second Reading - Ordinance No. 1835 - Adoption of 2016 California Mechanical Code

Re: Second Reading of Ordinance No. 1835, adopting by reference the 2016 Edition of the California Mechanical Code, which was given first reading on October 18, 2016, and has been printed.

16. Second Reading - Ordinance No. 1836 - Adoption of 2016 California Plumbing Code

Re: Second Reading of Ordinance No. 1836, an ordinance adopting the 2016 Edition of the California Plumbing Code, which was given first reading on October 18, 2016, and has been printed.

17. **Second Reading - Ordinance No. 1837 - Adoption of 2016 California Electrical Code**
Re: Second Reading of Ordinance No. 1837, an ordinance adopting the 2016 Edition of the California Electrical Code, which was given first reading on October 18, 2016, and has been printed.
18. **Second Reading - Ordinance No. 1838 - Adoption of 2016 California Green Standards Code**
Re: Second Reading of Ordinance No. 1838, an ordinance adopting the 2016 Edition of the California Green Standards Code, which was given first reading on October 18, 2016, and has been printed.
19. **Second Reading - Ordinance No. 1839 - Adoption of 2016 California Fire Code**
Re: Second Reading of Ordinance No. 1839, an ordinance adopting the 2016 Edition of the California Fire Code, which was given first reading on October 18, 2016, and has been printed.

SCHEDULED MATTERS

20. **Housing Authority of Tulare County Density Bonus**
Re: Considering approval of a Rental Restriction Agreement between the City of Porterville and the Housing Authority of the County of Tulare regarding an eight unit apartment complex with a wellness center for disabled persons located at 43 N. Lotas Street.
21. **Status and Review of Declaration of Local Emergency**
Re: Consideration of the continuance of the Declaration of Local Emergency.

ORAL COMMUNICATIONS

OTHER MATTERS

CITY COUNCIL CLOSED SESSION:

A. Closed Session Pursuant to:

- 1 - Government Code Section 54956.8 – Conference with Real Property Negotiators/Property: APN: 240-050-026. Agency Negotiator: John Lollis and Donnie Moore. Negotiating Parties: City of Porterville and Porterville Masonic Properties, Inc. Under Negotiation: Terms and Price.
- 2 - Government Code Section 54957.6 – Conference with Labor Negotiator. Agency Negotiator: John Lollis, Che Johnson and Steve Kabot. Employee Organizations: Porterville City Firefighters Association and Fire Officer Series.
- 3 - Government Code Section 54956.9(d)(1) – Conference with Legal Counsel – Existing Litigation: California Healthy Communities Network v. City of Porterville, California Court of Appeal, Fifth District, Case No. F067685.4.
- 4 - Government Code Section 54956.9(d) (3) – Conference with Legal Counsel – Anticipated Litigation – Significant Exposure to Litigation: Three Cases in which facts are not yet known to potential plaintiff.
- 5 - Government Code Section 54956.9(d)(4) – Conference with Legal Counsel –

Anticipated Litigation – Initiation of Litigation: One Case.

**RECONVENE OPEN SESSION AND REPORT ON REPORTABLE
ACTION TAKEN IN CLOSED SESSION**

ADJOURNMENT - to the meeting of November 15, 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 – NOVEMBER 1, 2016

SUBJECT: 1. Porterville Golf Course - 1st Quarter FY 2016/2017

SOURCE: Parks and Leisure Services

COMMENT: At the request of the City Council, staff is providing a report on participation numbers at the Porterville Golf Course for informational purposes . The report reflects the First Quarter FY 2016/2017.

RECOMMENDATION: Informational Only

ATTACHMENTS: 1. 1st Quarter Golf Course FY 2016/2017

Appropriated/Funded:

Review By:

Department Director:

Donnie Moore, Parks and Leisure Services Director

Final Approver: John Lollis, City Manager

PORTERVILLE GOLF COURSE STATISTICS

	Jul-15	Jul-16		Aug-15	Aug-16		Sep-15
9-hole	307	304		288	197		246
18-hole	88	58		61	49		46
Repeat 9	490	412		418	185		409
Monthly tickets	59	50		62	43		71
9 hole cart	202	233		209	145		187
18 hole cart	91	54		96	35		62
Repeat cart	206	228		192	185		216
Golfers	2176	1644		1930	1288		1780
Total	\$18,118.00	\$16,777.00		\$16,848.00	\$13,061.00		\$16,358.00

FOOTGOLF

	Jul-15	Jul-16		Aug-15	Aug-16		Sep-15
18-hole adult	17	0		13	2		3
18-hole youth	6	0		6	3		4
Cart rental	3	0		1	0		1
Ball rental	4	0		2	0		1
Party	0	0		0	0		0
Total	\$233.00	\$0.00		\$171.00	\$25.00		\$81.00

GRAND TOTAL	\$18,351.00	\$16,777.00		\$17,019.00	\$13,086.00		\$16,439.00
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Sep-16
236
54
464
52
167
48
195
1617
\$15,535.00

Sep-16
10
10
0
0
0
\$150.00

\$15,685.00



CITY COUNCIL AGENDA – NOVEMBER 1, 2016

SUBJECT: 2. Porterville OHV Park - 1st Quarter FY 2016/2017

SOURCE: Parks and Leisure Services

COMMENT: At the request of the City Council, staff is providing a report on participation numbers at the Porterville OHV Park for informational purposes. The report reflects the First Quarter FY 2016/2017.

RECOMMENDATION: Informational Only

ATTACHMENTS: 1. 1st Quarter OHV FY 2016/2017

Appropriated/Funded:

Review By:

Department Director:

Donnie Moore, Parks and Leisure Services Director

Final Approver: John Lollis, City Manager

PORTERVILLE OHV RIDERSHIP

	Jul-15	Jul-16	Aug-15	Aug-16	Sep-15
Riders	50	110	108	94	52
Revenue	\$1,057.00	\$2,226.00	\$2,147.00	\$1,908.00	\$1,580.00

Sep-16
35
\$700.00



CITY COUNCIL AGENDA – NOVEMBER 1, 2016

SUBJECT: 3. Building Permit Activity - 1st Quarterly Report (July, August, September)

SOURCE: Public Works

COMMENT: Building Permit Activity – 1st Quarter Report (July, August, September)

The Building Permit Activity Report (BPAR) presented herein to the City Council covers the months of July, August, and September 2016. The two main categories include new residential permits issued and new commercial permits issued.

1st Quarter of FY 2016/2017 compared to 1st Quarter of FY 2015/2016
New residential permits issued during the 1st quarter of the 2016/2017 fiscal year (11) are down 45% from the 1st quarter of the 2015/2016 year (20). New commercial permits issued during the 1st quarter of the 2016/2017 fiscal year (3) are up 200% from the same period of the 2015/2016 fiscal year (1).

RECOMMENDATION: Informational Only

ATTACHMENTS:

1. Building Activity - July 2016
2. Building Activity - August 2016
3. Building Activity - September 2016

Appropriated/Funded:

Review By:

Department Director:

Final Approver: John Lollis, City Manager

CITY OF PORTERVILLE - BUILDING DIVISION
REPORT FOR THE PERIODS OF
7/1/2015 - 7/31/2015 AND
7/1/2016 - 7/31/2016

PERMIT	NUMBER OF PERMITS ISSUED				ACTUAL VALUATION OF PERMITS ISSUED				BUILDING FEES TOTALS FOR PERMITS ISSUED			
	JULY 2016	JULY 2015	THIS YEAR TO DATE	LAST YEAR TO DATE	JULY 2016	JULY 2015	THIS YEAR TO DATE	LAST YEAR TO DATE	JULY 2016	JULY 2015	THIS YEAR TO DATE	LAST YEAR TO DATE
NEW RESID	4	5	4	5	837,438	915,755	837,438	915,755	7,757	10,085	7,757	10,085
NEW COMM	1	1	1	1	750,500	600,000	750,500	600,000	5,600	5,896	5,600	5,896
RESID IMPROV	13	14	13	14	116,460	139,481	116,460	139,481	4,338	4,073	4,338	4,073
COMM IMPROV	3	8	3	8	161,250	1,198,718	161,250	1,198,718	3,162	4,778	3,162	4,778
OTHER	25	29	25	29	308,695	302,486	308,695	302,486	5,450	5,594	5,450	5,594
ELECT	38	50	38	50	525,189	818,580	525,189	818,580	7,329	9,679	7,329	9,679
PLUMB	61	40	61	40	0	0	0	0	8,582	5,929	8,582	5,929
TOTALS	145	147	145	147	2,699,532	3,975,020	2,699,532	3,975,020	42,218	46,034	42,218	46,034

	NEW DWELLING UNITS TOTALS			
	JULY 2016	JULY 2015	THIS YEAR TO DATE	LAST YEAR TO DATE
SINGLE FAMILY	4	5	4	5
TOTAL	4	5	4	5


 CHIEF BUILDING OFFICIAL

CITY OF PORTERVILLE - BUILDING DIVISION
REPORT FOR THE PERIODS OF
7/1/2015 - 8/31/2015 AND
7/1/2016 - 8/31/2016

PERMIT	NUMBER OF PERMITS ISSUED				ACTUAL VALUATION OF PERMITS ISSUED				BUILDING FEES TOTALS FOR PERMITS ISSUED			
	AUGUST 2016	AUGUST 2015	THIS YEAR TO DATE	LAST YEAR TO DATE	AUGUST 2016	AUGUST 2015	THIS YEAR TO DATE	LAST YEAR TO DATE	AUGUST 2016	AUGUST 2015	THIS YEAR TO DATE	LAST YEAR TO DATE
NEW RESID	1	8	5	13	287,849	1,494,725	1,125,287	2,410,480	2,109	17,087	9,866	27,172
NEW COMM	2	0	3	1	2,750,000	0	3,500,500	600,000	14,535	0	20,135	5,896
RESID IMPROV	16	12	29	26	110,440	54,000	226,900	193,481	5,307	3,316	9,645	7,389
COMM IMPROV	5	2	8	10	290,000	875,000	451,250	2,073,718	9,184	8,914	12,346	13,692
OTHER	27	42	52	71	262,026	453,848	570,721	756,334	5,550	7,931	11,000	13,525
ELECT	40	50	78	100	712,201	764,601	1,237,390	1,583,181	8,052	10,446	15,381	20,125
PLUMB	45	41	106	81	0	500	0	500	6,224	5,331	14,806	11,260
TOTALS	136	155	281	302	4,412,516	3,642,674	7,112,048	7,617,694	50,961	53,025	93,179	99,059

	NEW DWELLING UNITS TOTALS			
	AUGUST 2016	AUGUST 2015	THIS YEAR TO DATE	LAST YEAR TO DATE
SINGLE FAMILY	1	8	5	13
TOTAL	1	8	5	13


 CHIEF BUILDING OFFICIAL

CITY OF PORTERVILLE - BUILDING DIVISION
REPORT FOR THE PERIODS OF
7/1/2015 - 9/30/2015 AND
7/1/2016 - 9/30/2016

PERMIT	NUMBER OF PERMITS ISSUED				ACTUAL VALUATION OF PERMITS ISSUED				BUILDING FEES TOTALS FOR PERMITS ISSUED			
	SEPTEMBER 2016	SEPTEMBER	THIS YEAR TO DATE	LAST YEAR TO DATE	SEPTEMBER 2016	SEPTEMBER	THIS YEAR TO DATE	LAST YEAR TO DATE	SEPTEMBER 2016	SEPTEMBER 2015	THIS YEAR TO DATE	LAST YEAR TO DATE
NEW RESID	6	7	11	20	1,884,335	2,063,665	3,009,622	4,474,145	15,208	17,644	25,074	44,816
NEW COMM	0	0	3	1	0	0	3,500,500	600,000	0	0	20,135	5,896
RESID IMPROV	19	2	48	28	167,796	40,000	394,696	233,481	7,043	558	16,688	7,947
COMM IMPROV	2	9	10	19	320,000	4,103,315	771,250	6,177,033	1,764	19,288	14,110	32,980
OTHER	35	41	87	112	211,219	370,291	781,940	1,126,625	6,314	7,813	17,314	21,338
ELECT	45	51	123	151	678,538	678,845	1,915,928	2,262,026	8,834	9,368	24,215	29,493
PLUMB	31	39	137	120	3,110	8,000	3,110	8,500	4,649	5,033	19,455	16,293
TOTALS	138	149	419	451	3,264,998	7,264,116	10,377,046	14,881,810	43,811	59,704	136,991	158,762

	NEW DWELLING UNITS TOTALS			
	SEPTEMBER	SEPTEMBER 2015	THIS YEAR TO DATE	LAST YEAR TO DATE
SINGLE FAMILY	6	7	11	20
TOTAL	6	7	11	20



CHIEF BUILDING OFFICIAL



CITY COUNCIL AGENDA – NOVEMBER 1, 2016

SUBJECT: 4. Street Performance Measure - 1st Quarterly Report (July, August, September)

SOURCE: Public Works

COMMENT: The purpose of this staff report is to provide Council with an update on progress made on street reconstruction, overlay, micro-surfacing, and pothole repair efforts for the 1st quarter (July, August and September) of FY 2016/2017).

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

Major reconstruction of the Lime Street Reconstruction Project is under construction by MAC General Engineering. Henderson Avenue Reconstruction Project is scheduled for a summer project during this fiscal year.

Micro-surfacing of Plano Street between SR 190 and Henderson Avenue is still under design. Most of the design efforts are focused on removal and replacement of street intersection curb ramps and making them access compliant, which is now a Federal requirement for all micro-surfacing projects.

Main Street between Morton Avenue and Olive Avenue is also still under design. Upon additional research, staff discovered an access compliance exception that relates to "blended transitions" (flush interface between sidewalk and street) that are currently in place along Main Street in the downtown area. However, the design has turned to an economical analysis as micro-surfacing may not be the best approach to this project. The Main Street project could transition to a full reconstruction project due to the initial geotechnical review. Additional sampling and analysis are necessary before determining the best economic approach to this project. The attachment is currently reflecting this project as a full reconstruction project.

RECOMMENDATION: Informational Only

ATTACHMENTS: 1. 1st Quarter Report

Appropriated/Funded: MB

Review By:

Department Director:

Mike Reed, City Engineer

Final Approver: John Lollis, City Manager

CITY OF PORTERVILLE
2016/2017 Level of Service Report
Prepared By M. Reed

1st QUARTER REPORT - July 1, 2016 - September 30, 2016

[illegible]

1st QUARTER REPORT - July 1, 2016 - September 30, 2016



CITY COUNCIL AGENDA – NOVEMBER 1, 2016

SUBJECT: 5. Code Enforcement Activity - 1st Quarter FY 2016/2017

SOURCE: Fire

COMMENT: This informational report utilizes data from the “myPorterville” application for tracking code enforcement activity between July 1 and September 30, 2016. During this 1st quarter of fiscal year 2016/2017, each department of the City contributed toward recording 300 code enforcement issues. Of these, 173 were corrected and 127 were continued into the 2nd quarter for additional corrective action. The Code Enforcement Officer issued 33 Administrative Citations, including 7 for weed abatement, 1 for medical cannabis, and 12 for fireworks.

The Code Enforcement Officer continues to coordinate with Porterville Police Department as they inspect both permitted and non-permitted cannabis grow sites for compliance with the municipal code. During the quarter, 5 permits for cultivation of medical cannabis were approved. The Water Conservation Task Force continued its regular operations which have resulted in the issuance of 111 notices of violation for non-compliance and 8 Administrative Citations. Reserve Firefighters continue to assist code enforcement in weed abatement and water conservation activities.

RECOMMENDATION: Informational Only

ATTACHMENTS: 1. Code Enforcement Q1 FY16-17

Appropriated/Funded:

Review By:

Department Director:

Glenn Irish, Fire Chief

Final Approver: John Lollis, City Manager

Q1 Code Enforcement Activity	# Requests	# Completed	% Closed
Abandoned Vehicle (Street)	6	6	100
Animals- agricultural animals	5	5	100
Animals- barking dogs	1	1	100
Animals- too many or unauthorized species	2	2	100
CEO, Business License	21	6	28.57
CEO, Property Use	1	0	0
Code Enforcement, General	3	3	100
Community Development, General or Multiple	9	1	11.11
Fences and freestanding walls	3	0	0
Garbage Collection/ Illegal Dumping	6	3	50
Graffiti	1	1	100
Health Hazard	11	4	36.36
Itinerant Vendor, Solicitor, Peddler	6	6	100
Landscaping/trees- private property	7	0	0
Neglected property/trash & debris	22	0	0
Outdoor Storage	3	0	0
Parking Issue	4	4	100
Sheds or second units	2	0	0
Sidewalk Condition	10	3	30
Signs- temporary commercial	1	0	0
Vehicles- inoperable vehicles	25	1	4
Vehicles- RVs/boats/etc	23	1	4.34
Water Waste NOV	111	111	100
Water Waste Admin Cite	8	8	100
Weed Abatement	9	7	77.77
Q1 Total	300	173	57.66

Administrative Citations	Q1	Q2	Q3	Q4	Total
\$100	9				\$900
\$200	3				\$600
\$500	5				\$2,500
\$1,000	4				\$4,000
\$1,500	12				\$18,000
FY 16-17 Total Assesment	33				\$26,000

Water Conservation Task Force	Q1	Q2	Q3	Q4	Total
Personnel Hours	100.5				100.5
Costs	\$1,035				\$1,035
Equipment	0				0

Medical Cannabis	Q1	Q2	Q3	Q4	Total
Approved permits	5				5
NOV's	0				0
Admin Citations	1				1

Weed Abatement	Q1	Q2	Q3	Q4	Total
Properties noticed	2				2
Completed by owner	2				2
Assigned to contractor	6				6
Completed by contractor	12				12
Pending	0				0



CITY COUNCIL AGENDA – NOVEMBER 1, 2016

SUBJECT: 6. Report on Charitable Car Washes

SOURCE: Finance

COMMENT: In accordance with City Council direction, staff is providing an updated report on charitable car wash permits issued during the year. Article VI, Section 15-130 of the City Code allows up to four car washes at any commercial property per calendar year and up to four car washes by a charitable organization in a calendar year. For the period of January 1 to September 30, 2016, the following car washes occurred within the City.

<u>Date</u>	<u>Name of Organization</u>	<u>Location of Car Wash</u>
4/9/16	Burton Horizon Academy	Burton Pathways Charter Academy - 1414 W. Olive Ave.

RECOMMENDATION: Information Only

ATTACHMENTS:

Appropriated/Funded:

Review By:

Department Director:
Maria Bemis, Finance Director

Final Approver: John Lollis, City Manager



CITY COUNCIL AGENDA – NOVEMBER 1, 2016

SUBJECT: 7. Attendance Report for City Committees and Commissions - 1st Quarter FY 2016/17

SOURCE: Administrative Services

COMMENT: At the Council's request, staff is herein providing for informational purposes the attendance records as of the 1st Quarter FY 2016/17 for the following City Commissions and Committees:

- Parks & Leisure Services Commission
- Library & Literacy Commission
- Arts Commission
- Animal Control Commission
- CDBG Advisory & Housing Opportunity Committee
- Transactions & Use Tax (Measure H) Oversight Committee

RECOMMENDATION: Informational Only

ATTACHMENTS:

1. P&L Services Comm
2. Library & Literacy Comm
3. Arts Commission
4. Animal Control Comm
5. CDBG Citizens' Advisory Committee
6. Transactions & Use Tax (Measure H) Oversight Comm

Appropriated/Funded:

Review By:

Department Director:

Patrice Hildreth, Administrative Services Dir

Final Approver: John Lollis, City Manager

Parks & Leisure Services Commissioner's Record of Attendance

	2016	2016	2016	2016	2016	2016	2017	2017	2017	2017	2017	2017	
	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	
	7	11	1	6	3								
Rocco Calantone	**	P	E										FT Exp 10/19
Monte Moore	**	E	P										FT Exp 10/17
Leticia Lupio	**	P	E										FT Exp 10/17
Rick Vafeades	**	P	P										FT Exp 10/17
Richard Rankin	**	P	P										PUSD Rep.
Carroll Land	**	E	E										FT Exp 10/19
Rachel Lucero	**	P	P										FT Exp 10/19
Shannon Bennett	**	A	<i>Resigned</i>										

**No meeting held. * Due to lack of quorum, an informal discussion only took place.
P = Present; E = Excused Absence; A = Absent; T = Tardy

Parks & Leisure Services Commissioner's Record of Attendance

	2015	2015	2015	2015	2015	2015	2016	2016	2016	2016	2016	2016	
	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	
	2	6	3	1	5	3	7	4	3	7	5	2	
Rocco Calantone	**	P	P	E	P	P	P	P	*	P	E	**	FT Exp 10/19
Monte Moore	**	P	P	P	P	P	P	P	*	P	P	**	FT Exp 10/17
Leticia Lupio	**	P	P	A	P	P	P	P	*	P	P	**	FT Exp 10/17
Rick Vafeades	**	E	P	P	P	P	P	P	*	P	P	**	FT Exp 10/17
Richard Rankin	**	P	P	P	P	P	E	E	*	P	P	**	PUSD Rep.
Carroll Land	**	P	E	T	P	P	P	P	*	P	P	**	FT Exp 10/19
Shannon Bennett	**	P	A	P	E	P	P	P	*	E	E	**	FT Exp 10/17
Rachel Lucero	**	P	P	P	P	P	P	P	*	P	P	**	FT Exp 10/19
Totals	N/A	7	6	6	7	8	7	7		7	6		

**No meeting held. * Due to lack of quorum, an informal discussion only took place.
P = Present; E = Excused Absence; A = Absent; T = Tardy

Parks & Leisure Services Commissioner's Record of Attendance

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

**No meeting held. * Due to lack of quorum, an informal discussion only took place.
P = Present; E = Excused Absence; A = Absent; T = Tardy

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

As of: September 30, 2016

[illegible]

**Arts Commission
Attendance Records**

As of: September 30, 2016

	2016 24-Aug	2016 14-Sep	2016 26-Oct	2016	2016	2016	2016	2016	
Deana Worthington	P	P							
Joan Givan	P	P							
Judith Halloway	P	P							
Mel Gosage	A	P							
Donna Selma	P	P							
Hector Marquez	A	A							
Vacant									

* No meeting due to lack of quorum.

	2015 16-Dec	2016 28-Jan	2016 24-Feb	2016 16-Mar	2016 20-Apr	2016 25-May	2016 22-Jun	2016 20-Jul	
Deana Worthington	P	*	P	P	*	P	P	P	
Joan Givan	P	*	P	P	*	P	A	P	
Judith Halloway	P	*	A	A	*	P	P	P	
Mel Gosage	P	*	P	P	*	A	P	P	
Donna Selma						P	P	A	
Hector Marquez						A	A	A	
Vacant									

* No meeting due to lack of quorum.

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

* No meeting due to lack of quorum.

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

* No meeting due to lack of quorum.

**Animal Control Commission
Attendance Records**

As of: September 30, 2016

	2016 11-Jul	2016 8-Aug	2016 9-Sep	2016	2016	2016	2016	Notes:
Margaret Land	A	P	P					
Daniel Penaloza	P	P	P					
Florenza Pizanis	P	P	P					
Maritza Altamirano	P	P	P					
Richard Stadtherr	P	P	P					

	2016 7-Mar	2016 4-Apr	2016 18-Apr	2016 12-May	2016 16-May	2016 6-Jun	2016 20-Jun	Notes:
Maureen Hamilton	A	A	*	A	*	*	*	Resigned 05/16.
Margaret Land	P	P	*	P	*	*	*	
Debbie Arthur	P	P	*	P	*	*	*	Resigned 05/16.
Melanie Huerta	P	P	*	P	*	*	*	Resigned 05/16.
Daniel Penaloza		P	*	P	*	*	*	

* Cancelled due to lack of quorum.

	2015 27-Oct	2015 2-Nov	2015 7-Dec	2016 4-Jan	2016 18-Jan	2016 1-Feb	2016 22-Feb	Notes:
Maureen Hamilton	P	E	P	P	A	A	*	
Margaret Land	P	P	A	P	P	P	*	
Debbie Arthur	P	P	P	P	P	P	*	
Shawn Schwartzenberger	P	P	P	P	P	P	*	
Melanie Huerta			P	P	P	P	*	Appointed 11/17/15

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

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

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

As of: September 30, 2016

Committee Member	Reg. Mtg 4/27/2015	Reg. Mtg 3/28/2016	Reg. Mtg	Reg. Mtg	Reg. Mtg
Pat Contreras	P	A			
Linda Mendez	P	A			
Grace Munoz-Rios	P	P			
Doug Heusdens	P	P			
Rebecca Vigil	P	P			
Kelle Jo Lowe	P	P			
Maria Gonzalez	P	A			

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

This Committee typically meets on an annual basis in March.

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

As of: September 30, 2016

	2015 8-Oct	2015 18-Nov	2016 11-Feb	2016 12-May	2016 30-Jun	2016 25-Aug	
Khris Saleh	A	A	A	**	<i>Term ended</i>		
John Simonich	P	A	P	**	P	P	
Raheel Mann	A	A	A	**	<i>Resigned</i>		
Gail Lemmen	P	P	P	**	<i>Term ended</i>		
Margaret Stinson	P	P	P	**	P	P	
Janet Meister	P	P	A	**	<i>Term ended</i>		
Kathleen "Kat" Harris	P	P	P	**	P	P	
Russell "Buck" Fletcher	P	P	P	**	P	P	
Salvador Estrada, Jr.	P	A	P	**	<i>Term ended</i>		
Titus Moore					P	P	
Richard Stadtherr					P	A	

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

** No meeting held due to lack of quorum.

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

** No meeting held due to lack of quorum.



CITY COUNCIL AGENDA – NOVEMBER 1, 2016

SUBJECT: 8. California Air Resources Board (CARB) Action on San Joaquin Valley Air Pollution Control District's Moderate Plan for 2012 PM2.5 Standard

SOURCE: City Manager's Office

COMMENT: At its meeting on Thursday, October 20th, the California Air Resources Board voted unanimously to delay action on the San Joaquin Valley Air Pollution Control District's Moderate Plan for the 2012 PM2.5 Standard, and instead focus on the preparation of the District's 5% Plan for the 1997 PM2.5 Standard and the Serious Plan for the 2006 PM2.5 Standard. The Board also directed CARB staff to return with additional measures to reduce mobile source emissions in the pre-2025 timeline that is critical for the District, and to determine additional measures to reduce directly emitted particulate matter from stationary sources. A briefing memorandum by District Executive Director Seyed Sadredin is enclosed.

RECOMMENDATION: Informational Only

ATTACHMENTS: 1. Briefing Memorandum

Appropriated/Funded:

Review By:

Department Director:

Final Approver: John Lollis, City Manager



GOVERNING BOARD

Oliver L. Baines III, Chair
Councilmember, City of Fresno

Buddy Mendes, Vice Chair
Supervisor, Fresno County

David Ayers
Councilmember, City of Hanford

Dennis Brazil
Mayor, City of Gustine

John Capitman, Ph.D.
Appointed by Governor

David Couch
Supervisor, Kern County

Bob Elliott
Supervisor, San Joaquin County

Virginia R. Gurrola
Councilmember, City of Porterville

Harold Hanson
Councilmember, City of Bakersfield

William O'Brien
Supervisor, Stanislaus County

Craig Pedersen
Supervisor, Kings County

Alexander C. Sherriffs, M.D.
Appointed by Governor

Hub Walsh
Supervisor, Merced County

Tom Wheeler
Supervisor, Madera County

J. Steven Worthley
Supervisor, Tulare County

Seyed Sadredin
Executive Director
Air Pollution Control Officer

Northern Region Office
4800 Enterprise Way
Modesto, CA 95356-8718
(209) 557-6400 • FAX (209) 557-6475

Central Region Office
1990 East Gettysburg Avenue
Fresno, CA 93726-0244
(559) 230-6000 • FAX (559) 230-6061

Southern Region Office
34946 Flyover Court
Bakersfield, CA 93308-9725
(661) 392-5500 • FAX (661) 392-5585

www.valleyair.org

BOARD BRIEFING MEMORANDUM

DATE: October 21, 2016

TO: SJVUAPCD Governing Board

FROM: Seyed Sadredin, Executive Director/APCO

RE: **ARB Action on District's Moderate Plan for 2012 PM2.5 Standard**

Yesterday, the Air Resources Board held a public meeting in Fresno and voted to table action on the District's Moderate Plan for the 2012 PM2.5 Standard. The Air Resources Board also directed ARB staff to return with additional measures to reduce mobile source emissions in the pre-2025 timeline that is critical for the District and to work with us to find additional measures to reduce directly emitted particulate matter from stationary sources.

I testified in support of this action and the ARB vote was unanimous. I believe this action is consistent with your Board's guidance that calls for meaningful measures by the state and federal government to address mobile source emissions and to find ways to avoid unnecessary bureaucratic red tape associated with the antiquated provisions of the Clean Air Act. To keep the momentum going in the right direction, I intend to send a thank you letter to Air Resources Board members along with a copy of this board briefing memorandum. This action was also supported by the Valley's environmental advocates who from the outset were asking for a delay from a narrower point of view relating to their concerns with the limited public process.

As you recall, at our September board meeting when you adopted this plan, we questioned the need for this plan and expressed great frustration with the antiquated provisions of the Clean Air Act that require such a bureaucratic action that does not advance air quality objectives and simply states the obvious that attainment is impossible by the Moderate deadline. We had proposed not to adopt this plan at this time but were pressed by EPA and ARB staff to do so. In fact, at

our last strategy session with EPA and ARB staff on July 26th at EPA Region 9 headquarters in San Francisco, we proposed to delay sending this plan and instead combine it with efforts to prepare the District's 5% Plan for the 1997 standard and the Serious plan for the 2006 standard to allow for incorporation of additional control measures and greater opportunity for robust public participation. At that meeting, we were pressed by EPA and ARB staff to instead follow the strict timelines under the Clean Air Act and work on those other plans on a separate track.

In my testimony before the Air Resources Board, I reiterated our frustration with having had to prepare this unnecessary document and also raised concerns with lack of attention by the Air Resources Board to the strict deadlines in 2021-2025 timeframe in their Mobile Source Strategy. I also advocated for crafting climate change measures in a manner that optimizes co-benefits by reducing NOx, particulate, and toxic emissions. I was grateful that the Air Resources Board took these concerns seriously and in tabling action on the plan before them directed ARB staff to return with additional measurable reductions from mobile sources proportional to the overwhelming impact that mobile sources have on the Valley's air quality.

In the coming months, we will work with ARB staff to prepare a plan that meets your Board's objectives including necessary regulatory and incentive-based measures to reduce mobile source emissions. In fact, given the extraordinary time crunch that the Valley faces, we believe that most of the mobile source reductions that are achievable by ARB within this timeframe will have to come from added funding for incentives in the San Joaquin Valley. As directed by your Board, the District is already pursuing a number of measures to reduce directly emitted PM2.5 emissions from stationary sources through our Healthy Soils Initiative, enhanced conservation management practices for agricultural operations, replacement of residential wood burning devices, and development and deployment of new control technologies for under-fired charbroilers at restaurants. We hope to have these measures considered by ARB for inclusion in the plan that is ultimately brought back to the Air Resources Board.



CITY COUNCIL AGENDA – NOVEMBER 1, 2016

SUBJECT: City Council Minutes of August 4, 2015, August 18, 2015, and October 25, 2016

SOURCE: Administrative Services

COMMENT: Staff has prepared the draft Minutes of August 4, 2015, August 18, 2015, and October 25, 2016, for the Council's review and consideration.

RECOMMENDATION: That the Council approve the draft Minutes of August 4, 2015, August 18, 2015, and October 25, 2016.

ATTACHMENTS:

1. Draft Minutes of August 4, 2015
2. Draft Minutes of August 18, 2015
3. Draft Minutes of October 25, 2016

Appropriated/Funded:

Review By:

Department Director:

Patrice Hildreth, Administrative Services Dir

Final Approver: Luisa Zavala, Deputy City Clerk

**CITY COUNCIL MINUTES
CITY HALL, 291 N. MAIN STREET
PORTERVILLE, CALIFORNIA
AUGUST 4, 2015, 5:30 PM**

Called to Order at 6:31 p.m.

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

Absent: Council Member Ward

ORAL COMMUNICATIONS

None

CITY COUNCIL CLOSED SESSION:

A. Closed Session Pursuant to:

1 - Government Code Section 54956.8 – Conference with Real Property Negotiators/Property: Apn: 262150001. Agency Negotiator: John Lollis and Jenni Byers. Negotiating Parties: City of Porterville and Rafael D. Aguilo. Under Negotiation: Terms and Price.

2 - Government Code Section 54957.6 – Conference with Labor Negotiator. Agency Negotiator: John Lollis, Steve Kabot, and Patrice Hildreth. Employee Organizations: Porterville City Employees Association; Management and Confidential Series; Porterville Police Officers Association; Fire Officer Series; Porterville City Firefighters Association; Public Safety Support Unit; and all Unrepresented Management Employees.

3 - Government Code Section 54956.95 – Liability Claim: Claimant: Sharyn Redwine. Agency Claimed Against: City of Porterville.

4 - Government Code Section 54956.9(D)(1) – Conference with Legal Counsel – Existing Litigation: Robert Nuckols And DbA Nuckols Farming V. City of Porterville And Rick Perigo, 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: Two Cases in which facts are not yet known to potential plaintiff.

6 - Government Code Section 54956.9(D)(4) – Conference With Legal Counsel – Anticipated Litigation – Initiation Of Litigation: Three Cases.

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

City Attorney Lew reported action pertaining to A-3 and A-6, as follows:

A-3. On a MOTION made by Vice Mayor Hamilton, and SECONDED by Council Member Gurrola the City Council unanimously rejected the claim filed by Sharyn Redwine.

Documentation: M.O. 01-080415

Disposition: Claim rejected.

A-6. On a MOTION made by Council Member Gurrola, and SECONDED by Vice Mayor Hamilton the City Council unanimously authorized a writ in People v. Deborah Post concerning the City's opposition to a Pitchess motion.

Documentation: M.O. 02-080415

Disposition: Approved.

The Pledge of Allegiance was led by Council Member Reyes.

Invocation -- one individual participated.

PRESENTATIONS

Employee of the Month – Nick Saucedo

Introduction of New Employees – Alicia Valenzuela, Jesus Gallardo, Jackson (K-9), Elena Barragan, and Claudia Calderon

AB 1234 REPORTS

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

1. Tulare County Economic Development Corp. (TCEDC) - July 22, 2015
Council Member Reyes reported on the cancellation of the August meeting and presentation of annual reports.
2. Tulare County Association of Governments (TCAG) - Rail Advisory Committee - July 28, 2015
Council Member Gurrola reported on the Committee's meeting with the High Speed Rail Authority to discuss changes to the rail that would negatively impact Tulare County.

REPORTS

- I. City Commission and Committee Meetings
 1. Parks & Leisure Services Commission – no report.
 2. Library & Literacy Commission – no report.
 3. Arts Commission - July 22, 2015 – no report.
 4. Animal Control Commission - July 28, 2015 – no report.
 5. Youth Commission - Summer Hiatus – no report.
 6. Transactions and Use Tax Oversight Committee (TUTOC) – no report.
- II. Staff Informational Reports
 1. Porterville Golf Course 4th Quarter Report (April, May, June)
 2. Building Permit Activity - 4th Quarter Report (April, May, June)
 3. Street Performance Measure - 4th Quarter Report (April, May, June)
 4. Attendance Report for City Commissions and Committees - 4th Quarter Report - FY 2014/15

5. Report on Charitable Car Washes
6. Code Enforcement 4th Quarter Report (April, May, June)

ORAL COMMUNICATIONS

- Jack Flores stated that the wells out at Village Garden went down last Thursday; requested that the City find another water source; and expressed concerns regarding neighborhood children going back to school and walking the area with water haulers coming and going.
- Jeff Zeles spoke regarding Rally for a Cure event on August 15th, from 9:00 a.m. to noon, at Veterans Park and Porterville Relay for Life in October.
- Roy Maycomber stated that the Village Garden residents had cause for concern; and spoke in favor of finding another water source for the water haulers.
- Martha Flores stated that her neighbor's well had dried up; and spoke of her experience with City staff with regard to the drought situation.
- Steve Marchbanks pastor at Life Tabernacle, challenged everyone to pray for water.
- Kim Willis spoke about a Paint California Purple event on September 1st; and requested approval to solicit donations at major intersections in Porterville and place purple ribbons on City vehicles.
- Sheila Pickle, Porterville Museum Curator, spoke of the History of the Museum event on Saturday, at 6:00 p.m. which would recognize Cal Weisenberger, the last surviving member of the first museum board.

CONSENT CALENDAR

There were no items pulled from the Consent Calendar for discussion. City Attorney Lew noted an amendment to Item 9, section 11, to read as follows: "Notwithstanding Section 16 herein, both the PPD and LPD reserve the right to cancel this agreement with 30 days written advance notice to the other for any or no reason cost shall be prorated to account for the period the contract was in effect."

COUNCIL ACTION: MOVED by Vice Mayor Hamilton, SECONDED by Council Member Reyes that the City Council approve Items Nos. 1-8, 9 as amended and 10-12; The motion carried unanimously.

1. CITY COUNCIL MINUTES OF FEBRUARY 17, 2015

Recommendation: That the City Council approve the Minutes of February 17, 2015.

Documentation: M.O. 03-080415

Disposition: Approved.

2. EMERGENCY REPLACEMENT OF HVAC UNIT AT AIRWAY CAFE LOCATED AT THE PORTERVILLE MUNICIPAL AIRPORT

Recommendation: That the City Council accept the emergency expenditure for the replacement of the HVAC unit at the Airway Cafe and direct the Finance Director to make payment to Darrell's Air Conditioning.

Documentation: M.O. 04-080415
Disposition: Approved.

3. BUDGET ADJUSTMENTS FOR FISCAL YEAR 2015-2016

Recommendation: That the City Council approve the budget adjustments and authorize staff to modify the revenue and expenditure estimates as described on the attached schedule.

Documentation: M.O. 05-080415
Disposition: Approved.

4. AUTHORIZATION TO PURCHASE EQUIPMENT BY NEGOTIATION

Recommendation: That the City Council authorize the purchase by negotiation of the equipment listed and authorize payment for said equipment upon satisfactory delivery.

Documentation: M.O. 06-080415
Disposition: Approved.

5. AUTHORIZATION TO PURCHASE WATER SHARES OR SURFACE WATER FOR GROUNDWATER RECHARGE

Recommendation: That City Council authorize the Public Works Director to purchase water shares or surface water during the 2015/2016 fiscal year up \$150,000.

Documentation: M.O. 07-080415
Disposition: Approved.

6. APPROVAL OF RESOLUTION AUTHORIZING THE FILING OF RSTP EXCHANGE PROGRAM FUND CLAIM FOR THE FISCAL YEAR 2014-2015

Recommendation: That the City Council authorize and direct the Finance Director to sign and submit the FY 2014-2015 RSTP Exchange Program fund claim on behalf of the City of Porterville in the amount of \$559,536.

Documentation: Resolution 85-2015
Disposition: Approved.

7. HOUSING-RELATED PARKS GRANT PROGRAM

Recommendation: That the City Council:

1. Approve the draft Resolution authorizing the execution of the Standard Agreement and any other documents necessary to secure the Housing-Related Parks Program grant in the amount not to exceed \$322,550 from the State of California; and
2. Authorize the Mayor to sign the application, the Standard Agreement and all other participation documents, and the Community Development Director to sign all drawdown requests and other administrative documents required for the Housing-Related Parks Program grant.

Documentation: Resolution 86-2015

Disposition: Approved.

8. SELECTIVE TRAFFIC ENFORCEMENT PROGRAM (STEP) GRANT AWARD

Recommendation: That the City Council:

1. Accept the STEP Grant funding from the California Office of Traffic Safety in the amount of \$69,000; and
2. Authorize a budget adjustment for the Police Department in the Special Safety Grants Fund for FY 2015/2016 in the amount of \$69,000.

Documentation: M.O. 08-080415

Disposition: Approved.

9. COOPERATIVE AGREEMENT WITH LINDSAY POLICE DEPARTMENT FOR USE OF THE POLICE FIRING RANGE

Recommendation: That the City Council:

1. Approve the Agreement for the period of 07/01/15 thru 06/30/16; and
2. Authorize the Chief of Police to execute the Agreement on behalf of the City of Porterville.

Documentation: M.O. 09-080415

Disposition: Approved.

10. INTERIM FINANCIAL STATUS REPORTS

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

Documentation: M.O. 10-080415

Disposition: Approved.

11. QUARTERLY PORTFOLIO SUMMARY

Recommendation: That the City Council accept the quarterly Portfolio Summary.

Documentation: M.O. 11-080415

Disposition: Approved.

12. APPROVAL FOR COMMUNITY CIVIC EVENT - AMERICAN CANCER SOCIETY
- RALLY FOR A CURE - AUGUST 15, 2015

Recommendation: That the City Council approve the Community Civic Event Application and Agreement submitted by the American Cancer Society, subject to the stated requirements contained in the Application, Agreement, and Exhibit A.

Documentation: M.O. 12-080415

Disposition: Approved.

PUBLIC HEARINGS

13. ANNEXATION OF COUNTY ISLAND, ANNEXATION 475

Recommendation: That the City Council:

1. Conduct the Public Hearing;
2. Consider approval of Annexation 475;
3. If approved, adopt the resolution to approve Annexation 475; 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.

City Manager Lollis introduced the item, and Community Development Manager Julie Phillips presented the staff report.

The Public Hearing was opened at 7:18 p.m.

- Roy Maycomber spoke in opposition to annexation.
- (Name inaudible), spoke in opposition to annexation.
- Pastor Marchbanks spoke of church activities and requested a waiving of fees for non-profit organizations.
- (Name not given), spoke in opposition to annexation fees and taxes.
- Janet Bowen spoke in opposition to annexation, the increase of fees, and regulations.
- Jesse Hall spoke in opposition to annexation, asked that Council listen to the people.
- Josh Webb spoke in opposition to annexation.
- Brock Neeley spoke of septic tank use and damage to water table.
- Diane Patterson spoke in opposition to annexation.
- (Name not given), spoke of farmers contaminating the soil.

- Carolyn Fazio owns homes on Woods Street and rents; with annexation rent will go up.
- (Name inaudible), loves being a county resident, spoke in opposition to annexation.
- Juan Alvarado believes that public servants should serve the community and not force an annexation on people that do not want it.
- Mac Munoz expressed that his mother wants no part in annexation.

The public hearing was closed at 7:51 p.m.

There was a brief discussion regarding comments made pertaining to fees and taxes associated with annexation; and the reason the item was brought to Council for consideration again. Staff explained that the City had received a request from a property owner within the County for City services, and the entire area had to be considered as a whole because the annexation of the one property would result in an island.

COUNCIL ACTION: MOVED by Council Member Gurrola, SECONDED by Vice Mayor Hamilton that the City Council consider the approval of Annexation 475, adopt the resolution to approve Annexation 475, and authorize staff to work with property owners to initiate connection to City Services.

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

Documentation: Resolution 87-2015

Disposition: Approved.

14. VACATION OF PORTIONS OF JAYE STREET BETWEEN POPLAR AVENUE AND BROWN AVENUE

Recommendation: That City Council:

1. Adopt the Resolution of Vacation, including reservations, for portions of Jaye Street between Poplar Avenue and Brown Avenue; and
2. Authorize the City Clerk to record the Resolution of Vacation.

City Manager Lollis introduced the item, and Public Works Director Mike Reed presented the staff report.

The Public Hearing was opened at 8:11 p.m. Seeing no one, the Mayor closed the Public Hearing at 8:11 p.m.

COUNCIL ACTION: MOVED by Vice Mayor Hamilton , SECONDED by Council Member Gurrola that the City Council adopt the Resolution of

Vacation of Portions of Jaye Street between Poplar Avenue and Brown Avenue. The motion carried unanimously.

Documentation: Resolution 88-2015; Resolution 89-2015; and Resolution 90-2015
Disposition: Approved.

The Council took a ten minute recess at 8:11 p.m.

SCHEDULED MATTERS

15. BID RESULTS FOR THE WILSON PLACE CONCRETE REPAIR PROJECT

Recommendation: That City Council:

1. Reject all bids, and direct the Public Works Department to re-advertise the project; or
2. Award the Wilson Place Miscellaneous Concrete Repair Project to Todd Companies in the amount of \$21,500;
3. Authorize a 10% contingency to cover unforeseen construction costs;
4. Authorize \$5,000 for construction management, quality control and inspection services; and
5. Authorize progress payments up to 95% of the contract amount.

City Manager Lollis introduced the item, and Public Works Director Mike Reed presented the staff report.

The Council discussed the re-advertisement of the project, the reason for the low cost estimate that had been submitted by the engineer, the urgency of the project, and potential water problems.

COUNCIL ACTION: MOVED by Vice Mayor Hamilton, SECONDED by Mayor Stowe that the City Council award the Wilson Place Miscellaneous Concrete Repair Project to Todd Companies in the amount of \$21,500; authorize a 10% contingency to cover unforeseen construction cost and \$5,000 for construction management, quality control and inspection services; and authorize progress payments up to 95% of the contract amount. The motion carried unanimously.

Documentation: M.O. 13-080415
Disposition: Approved.

16. STATUS AND REVIEW OF DECLARATION OF LOCAL DROUGHT EMERGENCY

Recommendation: That the City Council:

1. Receive the report of status and review of the Declaration of Local Emergency and determine the need exists to continue said Declaration; and

2. Review any modifications to the draft Agreement between the City and County of Tulare.

City Manager Lollis introduced the item and provided a brief update on the Declaration of Local Drought Emergency.

There was a discussion regarding funds that the County had received in order to help with the drought and whether the City of Porterville was receiving any of those funds. The Council also discussed an issue with an electrical spike that resulted in an area that had been without well water for three hours.

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

Documentation: M.O. 14-080415

Disposition: Approved.

ORAL COMMUNICATIONS

- Jack Flores requested clarification regarding Council's action on Item No. 16, and inquired about additional water sources.
- Linda Hoy, Wilson Place, inquired about the project identified in Item No. 15, and asked if there was a contingency plan in the event that Todd Companies' license was suspended or revoked while the project was underway.

OTHER MATTERS

- Council Member Gurrola expressed concern regarding food being eaten at the municipal pool; and stated that the facility was in need of improvements.
- Vice Mayor Hamilton spoke of youth interest in shading the skate park, and inquired about the cost associated with a shade structure.
- Council Member Reyes encouraged residents to continue their water conservation efforts.
- City Manager Lollis spoke of his attendance at a meeting with Dr. Snively and Assemblyman Mathis' Office regarding a military institute, and an upcoming community outreach meeting at Sequoia Middle School regarding the Chelsea Rose annexation. He then announced that Jenni Byers was the new Community Development Director.

CLOSED SESSION

None

ADJOURNMENT

The Council adjourned at 9:07 p.m. to the meeting of August 18, 2015

Luisa M. Zavala, Deputy City Clerk

SEAL

Milt Stowe, Mayor

**CITY COUNCIL MINUTES
CITY HALL, 291 N. MAIN STREET
PORTERVILLE, CALIFORNIA
AUGUST 18, 2015, 5:30 PM**

Called to Order at 5:30 p.m.

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

ORAL COMMUNICATIONS

None

CITY COUNCIL CLOSED SESSION:

A. Closed Session Pursuant to:

1 - Government Code Section 54957.6 – Conference with Labor Negotiator. Agency Negotiator: John Lollis, Steve Kabot, and Patrice Hildreth. Employee Organizations: Porterville City Employees Association; Management and Confidential Series; Porterville Police Officers Association; Fire Officer Series; Porterville City Firefighters Association; Public Safety Support Unit; And All Unrepresented Management Employees.

2 - Government Code Section 54956.95 – Liability Claim: Claimant: Ramon Alcantar, Jr. Agency Claimed Against: City of Porterville.

3 - Government Code Section 54956.9(D)(1) – Conference with Legal Counsel – Existing Litigation: Amy Duran V. City Of Porterville Et Al., U.S. District Court, Eastern District, Case No. 1:13-Cv-00370-Bam.

4 - 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 action pertaining to A-2, as follows:

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

Documentation: M.O. 01-081815

Disposition: Rejected.

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

PRESENTATIONS

Outstanding Business – Wink Boutique

AB 1234 REPORTS

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

City Manager Lollis reported that the City of Visalia took action to leave the Consolidated Waste Management Authority effective June 30, 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 6, 2015 – Commissioner Moore reported on the installation of a playground shade structure at Murry Park, the donation of a bench by the Women’s Club, Summer Night Lights and Dive-In Theater attendance, and Adult Volleyball.
 2. Library & Literacy Commission - August 11, 2015 – Esther Figueroa reported on the Commission’s last meeting which included: review of summer program participation, consideration of Centennial Plaza library services, and reports of attendance at the American Library Association Conference. She also presented the July highlights regarding program library patronage.
 3. Arts Commission
 4. Animal Control Commission
 5. Youth Commission - Summer Hiatus
 6. Transactions and Use Tax Oversight Committee (TUTOC)
- II. Staff Informational Reports
 1. Water Conservation Phase III System Status – City Manager Lollis reported 41% water conservation.
 2. WildPlaces Mural Project Update

ORAL COMMUNICATIONS

- Yolanda Anguiano thanked the Council for extended transit hours; complained of poor customer service at the Transit Center and indicated that the buses were unable to pull over completely near the library due to parked cars and long tree limbs; and complained about the distribution of the new bus schedules.
- Jack Flores, Village Garden resident, stated that both the wells went down a second time; expressed concern regarding stagnant water and child safety at the bus stop; and requested that the City find another water source.
- Brock Neeley provided an update on John Coffee’s condition following a recent surgery; encouraged everyone to walk for improved health; and inquired about the number of times Village Garden residents have addressed the County Board of Supervisors.
- Juan Solis requested City water service for his property on the north side of Linda Vista.

- Jack Flores in response to comments made by Mr. Neeley, Mr. Flores stated that he had been to the County Board of Supervisors' meeting four times.
- Denise Marchant spoke in support of the expenditure of funds for planter rejuvenation and Christmas décor for downtown.
- Jeff Szeles thanked those in attendance at recent car show event on August 15th, and Public Safety personnel for their participation; and spoke of Relay for Life in October.
- Roman Rangle, Village Garden resident, stated that the residents of Village Garden matter and told the Council to "grow some."

CONSENT CALENDAR

Item Nos. 2, 3, and 7 were pulled for further discussion.

COUNCIL ACTION: MOVED by Vice Mayor Hamilton, SECONDED by Council Member Gurrola that the City Council approve Items Nos. 1, 4-6, 8-11. The motion carried unanimously.

1. CITY COUNCIL MINUTES OF MARCH 17, 2015

Recommendation: That the City Council consider approval of the draft minutes for March 17, 2015.

Documentation: M.O. 02-081815

Disposition: Approved.

4. ACCEPTANCE OF PROJECT - MORTON AVENUE SHOULDER STABILIZATION PROJECT (MORTON AVENUE BETWEEN SR 65 AND WESTWOOD STREET)

Recommendation: That City Council:

1. Accept the project as complete; and
2. Authorize the filing of the Notice of Completion.

Documentation: M.O. 0-3081815

Disposition: Approved.

5. AUTHORIZATION TO ISSUE A REQUEST FOR PROPOSAL FOR THE 2016 SHORT RANGE TRANSIT PLAN

Recommendation: That the City Council authorize staff to issue a request for proposals for the 2016 Short Range Transit Plan.

Documentation: M.O. 04-081815

Disposition: Approved.

6. APPROVAL OF TRANSIT MEASURE R PROGRAM SUPPLEMENT TO COOPERATIVE AGREEMENT

Recommendation: That the City Council:

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

Documentation: Resolution No. 91-2015

Disposition: Approved.

8. REQUEST TO REPLACE LANDSCAPING SURROUNDING POLICE DEPARTMENT IN RESPONSE TO DROUGHT AND WATER RESTRICTIONS

Recommendation: That the City Council:

1. Accept the proposal by Guzman Landscaping Maintenance;
2. Authorize the Police Department to enter into an agreement with Guzman Landscaping Maintenance; and
3. Authorize payment to Guzman Landscaping Maintenance upon satisfactory completion of project.

Documentation: M.O. 05-081815

Disposition: Approved.

9. APPROVAL FOR COMMUNITY CIVIC EVENT - IGLESIA DEL NAZARENO - RISE UP PORTERVILLE - SEPTEMBER 19, 2015

Recommendation: That City Council approve the attached 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, and Exhibit A and Exhibit B of the Community Civic Event Application.

Documentation: M.O. 06-081815

Disposition: Approved.

10. APPROVAL FOR COMMUNITY CIVIC EVENT - FIL-AMERICAN ASSOCIATION OF CALIFORNIA - FILIPINO WEEKEND FIESTA - SEPTEMBER 26-27, 2015

Recommendation: That the Council approve the Community Civic Event Application and Agreement submitted by the Fil-American Association of California, subject to the stated requirements contained in the Application, Agreement, and Exhibit A.

Documentation: M.O. 07-081815
Disposition: Approved.

11. APPROVAL FOR COMMUNITY CIVIC EVENT - FAMILY HEALTHCARE NETWORK - ANNUAL HEALTH AND SAFETY FAIR - OCTOBER 11, 2015

Recommendation: That City Council approve the Community Civic Event Application and Agreement submitted by the Family Health Care Network, subject to the stated requirements contained in the Application, Agreement and Exhibit A.

Documentation: M.O. 08-081815
Disposition: Approved.

PUBLIC HEARINGS

12. CONDITIONAL USE PERMIT (PRC 2015-017-C) TO ALLOW FOR THE SALE OF ALCOHOL UNDER A TYPE 41 ON-SALE BEER AND WINE LICENSE FOR A BONA-FIDE PUBLIC EATING PLACE FOR HARU SUSHI LOCATED AT 920 W. HENDERSON AVENUE

Recommendation: That the City Council:
1. Adopt the draft resolution approving Conditional Use Permit (PRC 2015-017-C) subject to conditions of approval; and
2. Authorize the Mayor to sign the Letter of Public Convenience or Necessity.

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

The Public Hearing opened at 7:20 p.m. Seeing no one, the Mayor closed the Public Hearing at 7:20 p.m.

There was a brief discussion regarding the limit of alcohol licenses that Alcoholic Beverage Control puts in the area based on the population.

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Vice Mayor Hamilton that the City Council approve the Conditional Use Permit (PRC 2015-017-C) and authorize the Mayor to sign the Letter of Public Convenience or Necessity. The motion carried unanimously.

Documentation: Resolution No. 92-2015
Disposition: Approved.

13. DEVELOPMENT ORDINANCE TEXT AMENDMENT TO INCLUDE INDOOR SHOOTING RANGES UNDER SMALL-SCALE COMMERCIAL ENTERTAINMENT AND RECREATIONAL TYPE USE

Recommendation: That the City Council:

1. Approve the draft Ordinance for the amendment of the Development Code and give first reading of the proposed Ordinance; and
2. Waive further reading and order the Ordinance to print.

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

Mr. Rios addressed questions from the Council regarding the rules and regulations other cities have on indoor shooting ranges.

The Public Hearing opened at 7:25 p.m. Seeing no one, the Mayor closed the Public Hearing at 7:25 p.m.

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Vice Mayor Hamilton that the City Council approve the draft Ordinance for the amendment of the Development Code and give first reading of the proposed Ordinance, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE AMENDING THE PORTERVILLE DEVELOPMENT ORDINANCE TO INCLUDE INDOOR SHOOTING RANGE AS A SMALL-SCALE COMMERCIAL ENTERTAINMENT AND RECREATIONAL TYPE USE WITH A MINOR CONDITIONAL USE PERMIT APPROVAL; and waive further reading and order the Ordinance to print. The motion carried unanimously.

The ordinance was read by title only.

A discussion followed to clarify the regulations and restrictions on conditional use permits for small-scale and large-scale businesses.

Documentation: Ordinance No. 1825
Disposition: Approved.

14. FIGTREE FINANCING PACE PROGRAM

Recommendation: That the City Council adopt the draft Resolution and authorize the Mayor to sign the indemnification Agreement and Associate Membership Agreement opting into the Figtree Financing PACE Program.

City Manager Lollis introduced the item and Community Development Associate Jason Ridenour presented the staff report.

There was a brief discussion regarding the timeline of the residential program.

The Public Hearing opened at 7:35 p.m. Seeing no one, the Mayor closed the Public Hearing at 7:35 p.m.

COUNCIL ACTION: MOVED by Council Member Gurrola, SECONDED by Council Member Reyes that the City Council adopt the draft Resolution and authorize the Mayor to sign opting into the Figtree Financing PACE Program. The motion carried unanimously.

Documentation: Resolution No. 93-2015

Disposition: Approved.

SCHEDULED MATTERS

15. CITY COUNCIL CONSIDERATION OF ITEMS TO BE PURCHASED

Recommendation: That the City Council provide direction to staff regarding the Main Street Christmas lights, playground fencing at Veteran's and Murry Park, military banner program, and the Main Street planters.

City Manager Lollis introduced the item and Parks and Leisure Director Donnie Moore presented the staff report. Mr. Moore followed up with clarification on staff proposals for each item.

There was a brief discussion on the specifics of staff proposals, cost, and length of life for each item.

Staff was directed to bring back a proposal in the \$30,000 range for the Main Street Christmas lights and to look into staff installation and full enclosure for the fencing at Veteran's and Murry Park. Staff was also directed to look into Military Banner Programs of other Cities.

COUNCIL ACTION: MOVED by Mayor Stowe, SECONDED by Vice Mayor Hamilton that the City Council approve the repair of the Main Street planters. The motion carried unanimously.

A discussion followed regarding drought resistant plants that are proposed to replace the plants in the downtown planters. Council and Staff also discussed the irrigation system currently in place.

Documentation: M.O. 09-081815

Disposition: Approved.

16. STATUS AND REVIEW OF DECLARATION OF LOCAL DROUGHT EMERGENCY

- Recommendation: That the City Council:
1. Receive the report of status and review of the Declaration of Local Emergency and determine the need exists to continue said Declaration; and
 2. Review any modifications to the draft Agreement between the City and County of Tulare.

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

A brief discussion followed regarding the cost of water in other districts. Public Works Director Mike Reed addressed questions from the Council regarding the status of construction of the agreed upon well. Mr. Reed also addressed how the water tanks in the area were being filled.

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. 10-081815

Disposition: Approved.

CONSENT CALENDAR (Items Pulled)

2. AUTHORIZATION TO PURCHASE FITNESS EQUIPMENT FOR FALLEN HEROES PARK

- Recommendation: That the City Council authorize the purchase of fitness equipment for Fallen Heroes Park from Greenfields Outdoor Fitness not to exceed \$40,579.10.

City Manager Lollis introduced the item, and the staff report was waived by the Council.

Council Member Ward addressed asked what recommendations the Parks and Leisure Commission had given regarding the purchase of equipment. Mr. Ward expressed his disapproval in the amount of money being asked for fitness equipment.

COUNCIL ACTION: MOVED by Vice Mayor Hamilton, SECONDED by Council Member Gurrola that the City Council authorize the purchase of fitness equipment for Fallen Heroes Park.

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

ABSENT: None

Documentation: M.O. 11-081815

Disposition: Approved.

3. AUTHORIZATION TO AMEND THE JAYE STREET BRIDGE DESIGN CONTRACT

Recommendation: That the City Council authorize amending the service agreement with TRC by an additional \$117,548 for a revised total contract cost of \$748,673.

City Manager Lollis introduced the item, and Public Works Director Mike Reed presented the staff report.

Council Member Ward requested clarification on the design contract for the Jaye Street Bridge.

COUNCIL ACTION: MOVED by Vice Mayor Hamilton, SECONDED by Council Member Gurrola that the City Council approve amending the service agreement with TRC by an additional \$117,548 for a revised total contract cost of \$748,673. The motion carried unanimously.

Documentation: M.O. 12-081815

Disposition: Approved.

7. CENTENNIAL PLAZA LITERACY CENTER

Recommendation: That the City Council authorize staff to proceed with the Literacy Services extension project at Centennial Plaza, not to exceed \$70,000.

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

Council Member Ward asked about the status of a previous project that had been proposed regarding the second floor remodel of the Porterville Library.

COUNCIL ACTION: MOVED by Vice Mayor Hamilton, SECONDED by Council Member Gurrola that the City Council authorize staff to proceed with the Literacy Service extension project at Centennial Plaza. The motion carried unanimously.

Documentation: M.O. 13-081815

Disposition: Approved.

ORAL COMMUNICATIONS

- Jack Flores reiterated his concerns regarding child safety; and reported on unsuccessful attempts to contact Supervisor Mike Ennis.

OTHER MATTERS

- Council Member Gurrola spoke of her attendance at the mural unveiling.
- Council Member Reyes urged everyone to drive carefully due to increased pedestrian traffic around the schools.
- Council Member Ward thanked Police personnel for traffic patrol around the schools; spoke of advances in technology as it pertained to student learning; and stated that the City needed to come up with a solution to the Library elevator situation.
- Vice Mayor Hamilton requested that everyone keep firefighters in their thoughts as they continue to fight wildfires.
- Mayor Stowe spoke of his attendance at the PUSD Back to School celebration and Business Academy ribbon cutting events.
- City Manager Lollis lauded Community Development Manager Julie Phillips for her work at a recent annexation meeting, and reported that the residents in attendance were eager to annex.

CLOSED SESSION

None

ADJOURNMENT

The Council adjourned at 8:54 p.m. to the meeting of August 30, 2015.

SEAL

Luisa M. Zavala, Deputy City Clerk

Milt Stowe, Mayor

**CITY COUNCIL MINUTES
CITY HALL, 291 N. MAIN STREET
PORTERVILLE, CALIFORNIA
OCTOBER 25, 2016, 5:30 PM**

Called to Order at 5:35 p.m.

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

The Pledge of Allegiance was led by Mayor Stowe.

ORAL COMMUNICATIONS

- Brock Neeley, Porterville, “Yay Cubs!”
- Barry Caplan, Porterville, spoke of his notification of the meeting being received prior to the 24-hour noticing requirement; expressed his dissatisfaction with the order of the items on the agenda; and recommended that the City Council postpone its approval of a letter of support in light of concerns pertaining to security and former Police Chief McMillan.
- Anna Alvarado spoke in opposition of a letter of support; claimed that the Casino did not care about its employees; and stated that she had been injured on the job and was subsequently let go.

SCHEDULED MATTERS

1. RATIFICATION OF EXPENDITURE - SCE POLE RELOCATION FOR THE JAYE STREET BRIDGE REHABILITATION PROJECT

Recommendation: That City Council:

1. Approve the costs associated with the pole relocation; and
2. Authorize the City Engineer to sign the SCE application and issue a \$20,777.77 payment.

City Manager Lollis introduced the item, and Acting Public Works Director Mike Reed presented the staff report.

COUNCIL ACTION: MOVED by Vice Mayor Hamilton, SECONDED by Council Member Ward that the City Council approve the costs associated with the pole relocation; and authorize the City Engineer to sign the SCE application and issue a \$20,777.77 payment. The motion carried unanimously.

Documentation: M.O. 01-102516

Disposition: Approved.

2. CONSIDERATION OF LETTER OF SUPPORT FOR THE TULE RIVER TRIBE'S PROPOSED RELOCATION OF EAGLE MOUNTAIN CASINO

Recommendation: That the City Council consider the draft letter of support, making any edits/modifications it deems appropriate.

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

Discussion ensued regarding the purpose of the letter as it pertained to the relocation process. City Attorney Lew elaborated on the process, spoke of past practice, and advised of possible modifications to the letter provided by the Tribe.

Council Member Ward expressed his concern regarding the absence of an agreement for the proposed project, and inquired about recent meeting activity between the City and the Tribe. City Attorney Lew provided some history of agreements with the Tribe for previously proposed projects.

- Gary Santos, Tule River Tribal Council Member, recognized Tribal representatives in attendance; spoke of the intent of the letter, the relocation process, efforts made to garner support, and the desire to move forward expeditiously; and stated that he was available for questions.
- Matt Mingrone, General Manager of Eagle Mountain Casino, spoke of the importance of support for the project.

COUNCIL ACTION: MOVED by Council Member Gurrola, SECONDED by Vice Mayor Hamilton that the City Council approve the letter of support as presented.

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

Documentation: M.O. 02-102516
Disposition: Approved.

The Council took a five minute recess at 6:04 p.m. and then reconvened in Closed Session.

CITY COUNCIL CLOSED SESSION:

A. Closed Session Pursuant to:

1 - Government Code Section 54956.8 - Conference with Real Property Negotiators/Property: APN: 240050026. Agency Negotiators: John Lollis and Donnie Moore. Negotiating Parties: City of Porterville and Porterville Masonic Properties, Inc. Under Negotiation: Terms and Price.

2 - 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.

3 - Government Code Section 54956.9(d)(4) - Conference with Legal Counsel - Anticipated Litigation - Initiation of Litigation: One case

**RECONVENE OPEN SESSION AND REPORT ON REPORTABLE ACTION TAKEN IN
CLOSED SESSION**

The Council reconvened open session at 7:40 p.m. It was reported that no reportable action had taken place.

ADJOURNMENT

The Council adjourned at 7:41 p.m. to the meeting of November 1, 2016.

Luisa M. Zavala, Deputy City Clerk

SEAL

Milt Stowe, Mayor



CITY COUNCIL AGENDA – NOVEMBER 1, 2016

SUBJECT: Purchase of Basic Tactical First Aid Kits

SOURCE: Police

COMMENT: Recent active shooter events, such as the tragic event in San Bernardino, has prompted the Police Department to carefully evaluate their Active Shooter Response capabilities and several changes have been made to further improve those capabilities. On June 7, 2016, City Council authorized the Police Department to apply for the 2016 Edward Byrne Memorial Justice Assistance Grant (JAG) with the intent those funds would be utilized to purchase basic tactical first aid kits for all sworn and field personnel, rifle ammunition for training and deployment, and rifle magazines to allow for the deployment of more ammunition by field officers. The Department has recently learned that this grant has been awarded for these purposes.

While the rifle ammunition and rifle magazines do not require further Council action due to lower costs, it is necessary to gain Council approval for the basic tactical first aid kits. In researching the various tactical first aid kits available, the Department has identified a prefabricated kit for just such a specific purpose, which was designed and developed by and for the Los Angeles Police Department. This kit, which includes such components such as a tourniquet, chest seal, modular bandage, trauma shears, etc. is provided through the sole source vendor of Tactical Medical Solutions, Inc. Tactical Medical Solutions, Inc. was able to provide a sole source letter documenting such.

It is the intent of the Porterville Police Department to place such a tactical first aid kit in each Department vehicle as well as with each individual SWAT Operator's dress-out complement, and to use the remaining kits for the training of personnel as well as for replacements when needed.

The total cost for 85 of these kits is \$7,208.85 plus sales tax. Funds for this purchase are available through the Edward Byrne Memorial Justice Assistance Grant.

RECOMMENDATION: That the City Council approve the purchase of 85 basic tactical first aid kits from Tactical Medical Solutions, Inc. in the amount of \$7,208.85 plus sales tax.

ATTACHMENTS:

1. Medical Kit Quote
2. Sole Source Letter

Appropriated/Funded: MB

Review By:

Department Director:

Eric Kroutil, Police Chief

Final Approver: John Lollis, City Manager

	Subtotal	7,123.85
Shipping Cost (FedEx Ground®)		85.00
	Total	\$7,208.85



Tactical Medical Solutions, Inc.
1250 Harris Bridge Road
Anderson, SC 29621
864-224-0081 PH
864-224-0064 FAX
info@tacmedsolutions.com
www.tacmedsolutions.com

October 13, 2016

To Whom It May Concern:

Tactical Medical Solutions, Inc. is the Sole Source Manufacturer and provider of the DLIP2-GEN#2 LAPD OIFAK/DLP Kit. If there are any further questions, please do not hesitate to contact me.

Thank You

Brandon Smith
Director of Sales
Tactical Medical Solutions
www.tacmedsolutions.com
(864) 224-0081



CITY COUNCIL AGENDA – NOVEMBER 1, 2016

SUBJECT: Authorization to Purchase Playground Equipment

SOURCE: Parks and Leisure Services

COMMENT: Parks and Leisure Services is interested in purchasing a new playground structure for the upper playground at Murry Park. The previous piece of equipment was recently removed due to it being deemed severely outdated, unsafe, and non-ADA compliant. Parks and Leisure Services was successful in receiving a matching grant from MRC Gametime through their Stimulus Play Matching Funds grant program to purchase playground equipment.

The responsive quotes were as follows for the playground equipment and estimated installation cost:

MRC Gametime	\$54,591.64
PlaygroundEquipment.com	\$60,150.13
Burke	\$70,387.00

MRC Gametime participates in the US Communities government discount program which the City of Porterville has been a member of for several years. The cost of the equipment is significantly reduced as the US Communities contract pricing, along with the MRC grant, may both be applied. The City has purchased playground equipment from MRC Gametime in the past. The purchase of the playground equipment is proposed to be funded through the Housing-Related Parks Program fund.

RECOMMENDATION: That the City Council authorize the purchase of playground equipment from MRC GameTime and installation not to exceed \$54,591.64.

ATTACHMENTS: 1. Murry Park Play Structure

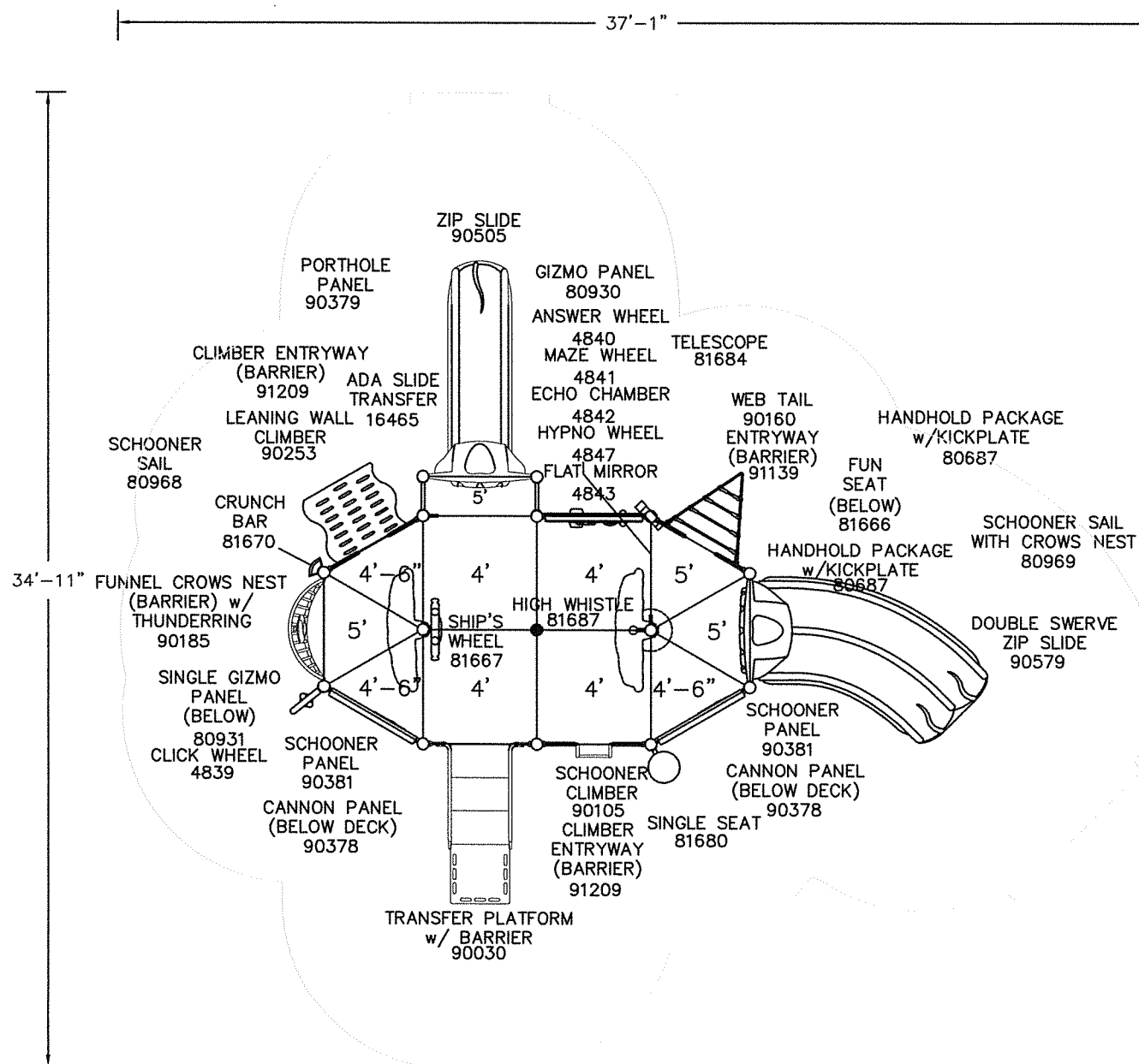
Appropriated/Funded: MB

Review By:

Department Director:

Donnie Moore, Parks and Leisure Services Director

Final Approver: John Lollis, City Manager





CITY COUNCIL AGENDA – NOVEMBER 1, 2016

SUBJECT: Authorization to Advertise for Bids - Island Annexation Sewer Project 456A, B, C, & 457

SOURCE: Public Works

COMMENT: The City's consultant, 4Creeks, as well as City staff, have completed the preparation of construction plans and specifications (i.e. Project Manual) for the Island Annexation Sewer Project - Area 456A, B, C, and 457. The proposed project will be the last of the 2006 island annexation area to receive new sewer infrastructure. Annexation Areas 456A and 457 are generally bound by Highway 190 on the north, Jaye Street on the east, Highway 65 on the west, and the Poplar Ditch on the south. Annexation Areas 456B and 456C are generally bound by Olive Avenue on the north, Jaye Street on the east, Highway 65 on the west, and the Tule River on the south.

The proposed project includes 11,707 lineal feet (2.22 miles) of 8" and 6" diameter sewer mains, 27 sewer manholes and 149 sewer laterals. Construction sequencing will be essential throughout the project and specified as such so as to maintain access and minimize the inconvenience within the neighborhoods affected by this project.

On October 12, 2016, staff conducted a “community information meeting” with the residents of Areas 456A, B, C and 457. Staff discussed the possibility of forming a sewer utility district and various sewer connection options as completed for the prior project areas.

The Engineer's estimate of probable cost for construction is \$1,682,074.50. An additional \$168,207.45 is necessary for construction contingency (10%). It is anticipated that an additional \$125,000 is required for construction management, quality control and inspection services (7.43%) for a total estimated project cost of \$1,975,281.96. Additional appropriation of \$168,281.96 will be required to fully fund the project.

Refinancing of the Sewer Revenue Bonds, better known to staff as Certificate of Participation (COP) funds, is the mechanism for funding this project and subsequent project areas. The stated funding source was approved in the 2016/2017 Annual Budget. Funds in the Sewer Replacement Fund are available for the additional appropriation of \$168,281.96 required to fully fund the project.

RECOMMENDATION:

That City Council:

1. Approve staff's recommended Plans and Project Manual;
2. Authorize staff to advertise for bids on the project;
3. Authorize the City Engineer to negotiate construction surveying services with one of the firms as approved by Council MO #02-100714; and
4. Authorize the Finance Director to appropriate \$168,281.96 from the Sewer Replacement Fund to wholly fund the project.

ATTACHMENTS:

1. Locator Map-Area 456A & 457
2. Locator Map-Area 456B
3. Locator Map-Area 456C
4. Engineer's Estimate

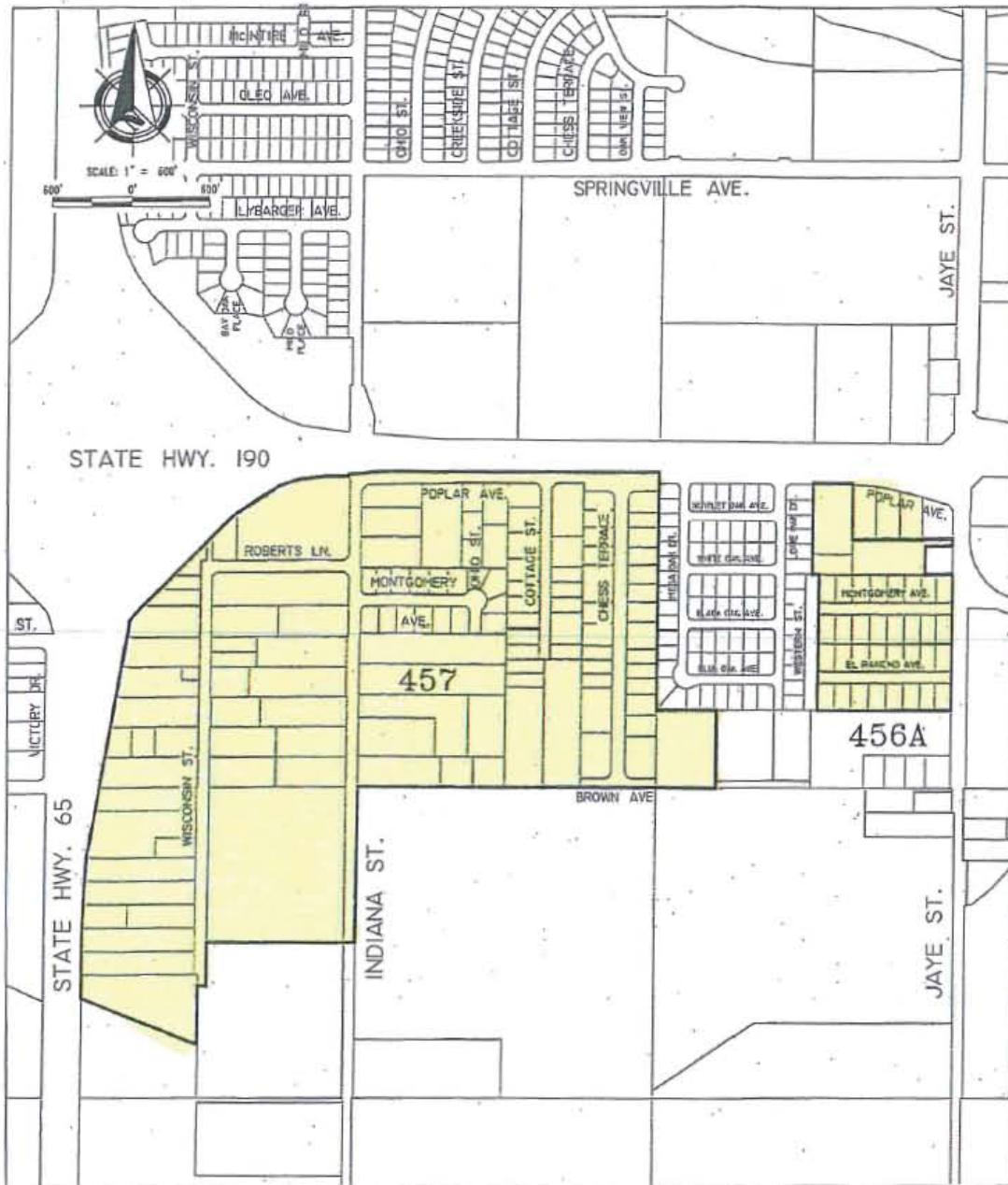
Appropriated/Funded: MB

Review By:

Department Director:

Mike Reed, City Engineer

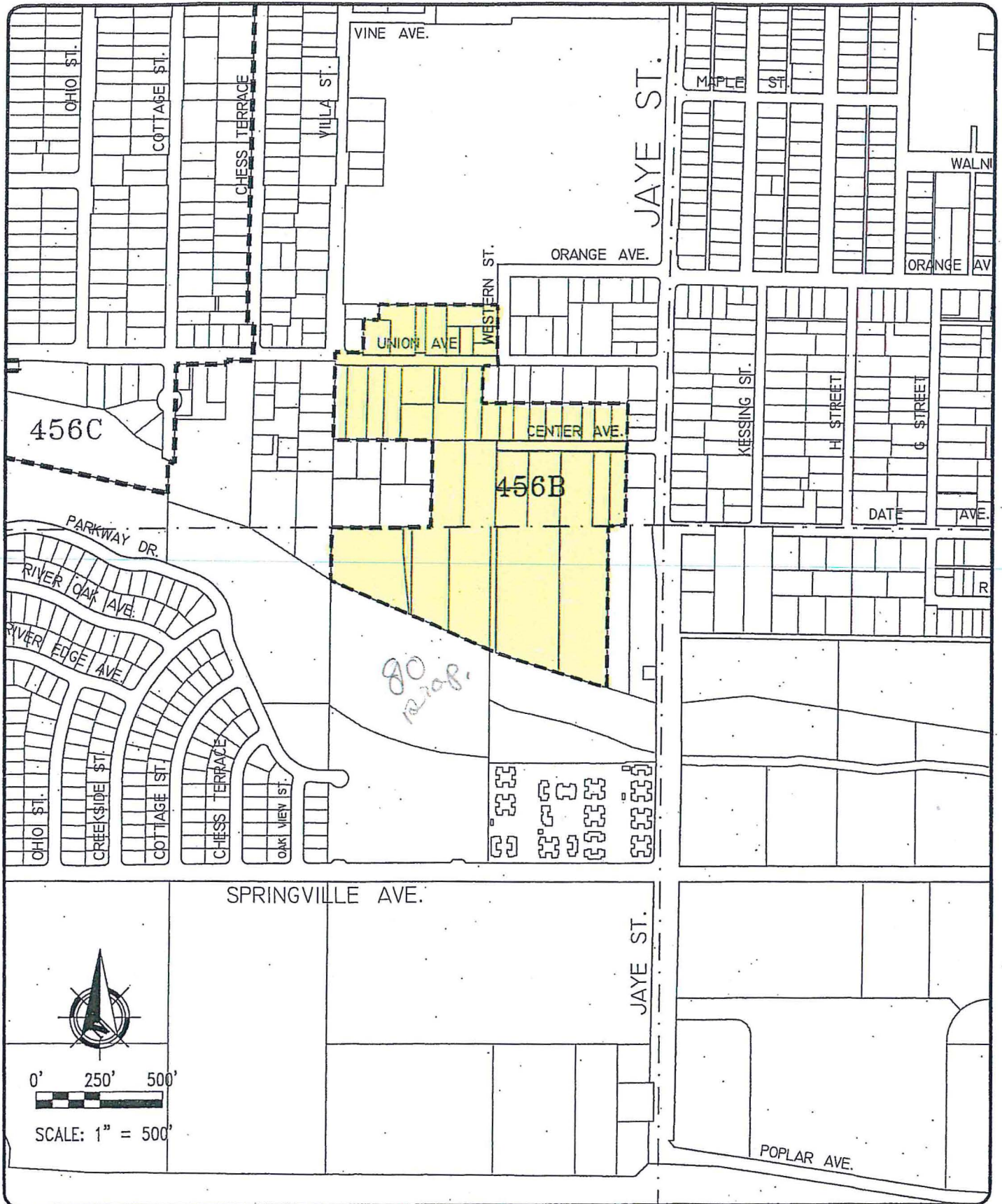
Final Approver: John Lollis, City Manager



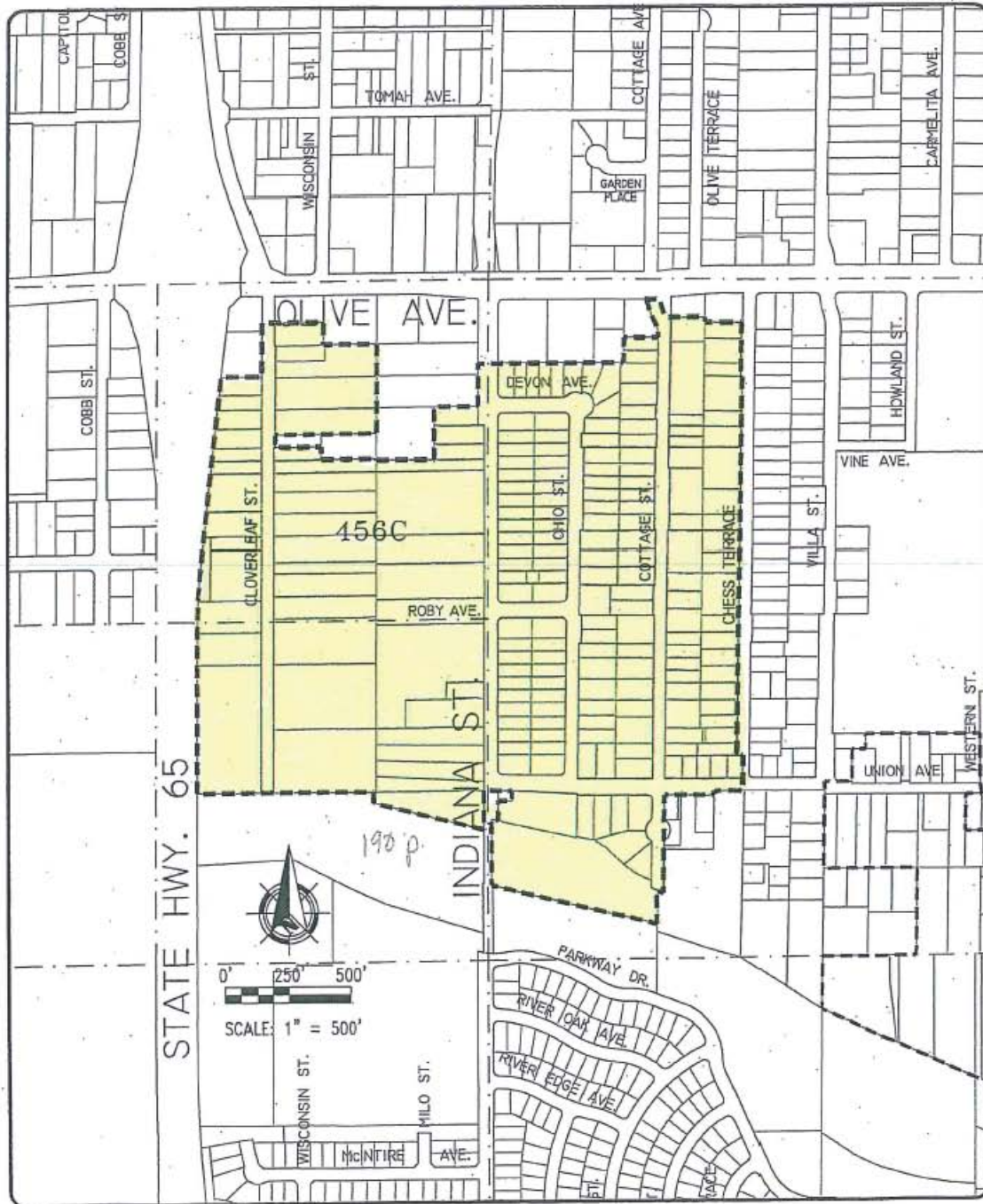
□ PROJECT BOUNDARIES

ISLAND ANNEX, 456A & 457

ISLAND ANNEXATION 456B



ISLAND ANNEXATION 456C



Project:	Island Annexation Sewer Project - 456B & 456C
Project Number:	89-9663

BASE BID PART A: SEWER ANNEXATION 456B & 456C	ITEM NO.	DESCRIPTION	QTY.	UNIT	UNIT PRICE (in figures)	AMOUNT (in figures)
	1	Mobilization, Demobilization, and Cleanup	1	LS	\$ 50,000.00	\$ 50,000.00
	2	Furnish Utility Locating	1	LS	\$ 15,000.00	\$ 15,000.00
	3	Prepare and Implement a Traffic Control Plan	1	LS	\$ 50,000.00	\$ 50,000.00
	4	Furnish and Install 8" SDR 35 PVC Sewer Pipe	4294	LF	\$ 45.00	\$ 193,230.00
	5	Furnish and Install 6" SDR 35 PVC Sewer Pipe	174	LF	\$ 35.00	\$ 6,090.00
	6	Furnish and Install Manhole	11	EA	\$ 6,000.00	\$ 66,000.00
	7	Furnish and Install Cleanout	3	EA	\$ 1,000.00	\$ 3,000.00
	8	Make Connection to Existing Manhole	4	EA	\$ 1,500.00	\$ 6,000.00
	9	Make Connection to Existing Stub	1	EA	\$ 500.00	\$ 500.00
	10	Remove and Replace Storm Drain Manhole	1	EA	\$ 6,000.00	\$ 6,000.00
	11	Remove and Replace 24" Class III RCP Including connection to Existing Catch Basin	30	LF	\$ 100.00	\$ 3,000.00
	12	Remove and Replace 18" Class III RCP including connection to Existing Catch Basin	26	LF	\$ 75.00	\$ 1,950.00
	13	Remove Existing Sewer Main to Construct New Sewer Main and Reconnect 3 Existing Laterals to New Sewer Main	297	EA	\$ 50.00	\$ 14,850.00
	14	Furnish and install Cloverleaf Street 4" Sewer Lateral on New Sewer Main	31	EA	\$ 1,400.00	\$ 43,400.00
	15	Furnish and install Roby Avenue 4" Sewer Lateral on New Sewer Main	3	EA	\$ 1,400.00	\$ 4,200.00
	16	Furnish and install Ohio Street 4" Sewer Lateral on New Sewer Main	43	EA	\$ 1,400.00	\$ 60,200.00
	17	Furnish and install Devon Avenue 4" Sewer Lateral on New Sewer Main	8	EA	\$ 1,400.00	\$ 11,200.00
	18	Furnish and install Center Avenue 4" Sewer Lateral on New Sewer Main	16	EA	\$ 1,400.00	\$ 22,400.00
	19	Furnish and install Indiana Street 4" Sewer Lateral on Existing Sewer Main	29	EA	\$ 1,400.00	\$ 40,600.00
	20	Furnish and install Cottage Street 4" Sewer Lateral on New Sewer Main	4	EA	\$ 1,500.00	\$ 6,000.00
	21	Furnish and install Cottage Street 4" Sewer Lateral on Existing Sewer Main	20	EA	\$ 1,400.00	\$ 28,000.00
	22	Furnish and install Chess Terrace 4" Sewer Lateral on Existing Sewer Main	10	EA	\$ 1,400.00	\$ 14,000.00
	23	Furnish and install Union Avenue 4" Sewer Lateral on Existing Sewer Main	9	EA	\$ 1,400.00	\$ 12,600.00
	24	Furnish AC Pavement Saw Cutting and Removal	4560	LF	\$ 10.00	\$ 45,600.00
	25	Furnish and Install AC Pavement and Aggregate Base for Trench Patch	4560	LF	\$ 25.00	\$ 114,000.00
	26	Furnish and Install Sheeting and Shoring	1	LS	\$ 6,000.00	\$ 6,000.00
	27	Prepare and Implement SWPPP	1	LS	\$ 13,500.00	\$ 13,500.00
	28	Perform Acceptance Testing	1	LS	\$ 5,000.00	\$ 5,000.00
	SUBTOTAL BASE BID PART A:					\$ 842,320.00
	10% Construction Contingency					\$ 84,232.00
	8.93% Construction Management & Quality Control					\$ 75,198.94
	TOTAL ESTIMATED PROJECT PART A COST:					\$ 1,001,750.94



Project: **Island Annexation Sewer Project - 456A & 457**
 Project Number: **89-9662**

BASE BID PART B: SEWER ANNEXATION 456A & 457

ITEM	DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	AMOUNT
1	Mobilization, Demobilization, and Cleanup	1.0	L.S.	\$30,000.00	\$30,000.00
2	Storm Water Pollution Prevention Plan	1.0	L.S.	\$5,000.00	\$5,000.00
3	Traffic Control	1.0	L.S.	\$15,000.00	\$15,000.00
4	Furnish AC Pavement Saw Cutting and Removals	10589.0	L.F.	\$3.78	\$40,000.00
6	Replace Curb and Gutter (Sawcut Included)	290.0	L.F.	\$25.00	\$7,250.00
7	Replace Sidewalk	340.0	S.F.	\$7.00	\$2,380.00
8	Replace 3" Asphalt Concrete / 6" Aggregate Base (Min.)	10,589.0	L.F.	\$22.00	\$232,958.00
9	8" Water Relocation (Includes fittings, thrust blocks, valves, wyes, tees, excavation, concrete, backfill & compaction)	1.0	E.A.	\$5,000.00	\$5,000.00
10	Water Lateral Replacement (Includes fittings, excavation, backfill & compaction)	86.0	E.A.	\$600.00	\$51,600.00
11	8" Sanitary Sewer Pipe	721.0	L.F.	\$41.50	\$29,921.50
12	6" Sanitary Sewer Pipe	6,518	L.F.	\$35.00	\$228,130.00
13	Connect to Existing Sewer Main	4.0	E.A.	\$1,250.00	\$5,000.00
14	Install Sewer Clean-out	6.0	E.A.	\$1,750.00	\$10,500.00
15	Install 48" Sanitary Sewer Manhole	16.0	E.A.	\$2,850.00	\$45,600.00
16	Install 4" Sanitary Sewer Lateral to new Sewer Main (SDR-35)	96.0	E.A.	\$800.00	\$76,800.00
17	Install 4" Sanitary Sewer Lateral to new Sewer Main (lass 200)	27.0	E.A.	\$1,000.00	\$27,000.00
18	Install 4" Sanitary Sewer Lateral to existing Sewer Main (SDR-35)	24.0	E.A.	\$900.00	\$21,600.00
19	Sewer Concrete Pipe Encasement	145.0	S.F.	\$7.00	\$1,015.00
20	Perform Acceptance Testing	1.0	L.S.	\$5,000.00	\$5,000.00
SUBTOTAL BASE BID PART B:					\$839,754.50

10% Construction Contingency:	\$83,975.45
5.93% Construction Management & Quality Control	\$49,801.07
TOTAL ESTIMATED PROJECT PART B COST:	\$973,531.02



TOTAL ESTIMATED SEWER ANNEXATION PROJECT PART A+ B SUBTOTAL COST:	\$ 1,682,074.50
10 % CONSTRUCTION CONTINGENCY	\$ 168,207.45
7.43% TOTAL CONSTRUCTION MANAGEMENT & QUALITY CONTROL	\$ 125,000.01
TOTAL ESTIMATED SEWER ANNEXATION PROJECT PART A+ B COST:	\$ 1,975,281.96



CITY COUNCIL AGENDA – NOVEMBER 1, 2016

SUBJECT: Authorization To Advertise For Bids - Weed Abatement Services

SOURCE: Fire

COMMENT: The Fire Department is developing a Request for Proposals (RFP) for weed abatement services. The most recent RFP for weed abatement services was conducted in 2014 and included a three (3)-year period of performance which has now expired. The Fire Department is again recommending a three (3)-year, non-renewable period of performance and would like to advertise for proposals in December of 2016. Proposals can then be brought to Council no later than February of 2017 for award of contract. This schedule allows sufficient time for the assignment of properties to the weed abatement contractor by April of 2017.

Both the Municipal Code and California Fire Code require property owners to abate fire hazards, including weeds on their properties. The weed abatement program provides a tool for the City to abate hazards when the property owner fails to do so. A review of program performance over the previous three-year contract period shows a 97% rate of voluntary compliance by property owners as they abated 3,872 properties. The weed abatement contractor was assigned 80 properties over the same period, slightly more than 2% of the total number of properties which were noticed for abatement.

When the City of Porterville takes action to abate weeds from private property, the property owner is charged for the cost of abatement including a 50% administrative fee. As described in the January 2014 Authorization to Advertise for Bids, the Fire Department will continue to utilize the administrative citation process defined in the City of Porterville Municipal Code, Chapter 2, Article XIV, Section 2-144, Violations, Penalties and Enforcement. Consistent with this section, property owners could receive citations in the amounts of \$100, \$500 and then \$1000 for failure to abate weeds within specified time frames. Properties that still require abatement after assessment of such fines are assigned to the abatement contractor, with all subsequent costs, including the administrative fee, being the responsibility of the property owner.

RECOMMENDATION: That the City Council authorize staff to advertise for bids for weed abatement services.

ATTACHMENTS:

Appropriated/Funded:

Review By:

Department Director:

Glenn Irish, Fire Chief

Final Approver: John Lollis, City Manager



CITY COUNCIL AGENDA – NOVEMBER 1, 2016

SUBJECT: Award of Contract - Putnam Avenue / D Street Traffic Signal Upgrade

SOURCE: Public Works

COMMENT: On October 20, 2016, staff received three (3) bids for the Putnam Avenue / D Street Traffic Signal Upgrade Project. The proposed project consists of installation of a new traffic signal at the intersection of Putnam Avenue and "D" Street to accommodate protected left-turn phasing at each leg of the intersection.

The Engineer's Estimate of Probable Cost for construction was \$420,500. The low bid presented by Loop Electric of Bakersfield is \$395,778.63, which is 5.88% below the Engineer's Estimate. An additional \$39,577.86 is required for construction contingency (10%). It is anticipated that an additional \$28,000 is required for construction management, quality control, inspection services, and construction surveying (7.1%). The total estimated cost for the project is \$463,356.49.

The funding sources for this project are Highway Safety Improvement Program (HSIP) and Surface Transportation Program (STP) funds as approved in the 2016/2017 budget. The following values show the breakdown of each funding source:

Federal Participating Costs (90% HSIP, 10% City STP)

LOW BID:

\$279,997.63 Total participating cost

\$251,997.86 Federal HSIP share

\$ 27,999.77 City STP share

City Non-Participating Costs (100% City STP)

LOW BID:

\$115,781.00 Total non-participating cost

The bids are as follows:

	<u>Contractor</u>	<u>Amount</u>
1.	Loop Electric Bakersfield, CA	\$395,778.63
2.	A-C Electric Visalia, CA	\$413,220.20

3. California Professional Engineering \$437,857.00
La Puente, CA

Staff has found the low bid acceptable and in compliance with the specification requirements for this federally funded project.

RECOMMENDATION: That City Council:

1. Award the Putnam Avenue / D Street Traffic Signal Upgrade Project to Loop Electric in the amount of \$395,778.63;
2. Authorize a 10% contingency to cover unforeseen costs;
3. Authorize \$28,000 for construction management, construction surveying, quality control, and inspection services; and
4. Authorize progress payments up to 100% of the contract amount.

ATTACHMENTS: 1. Locator Map

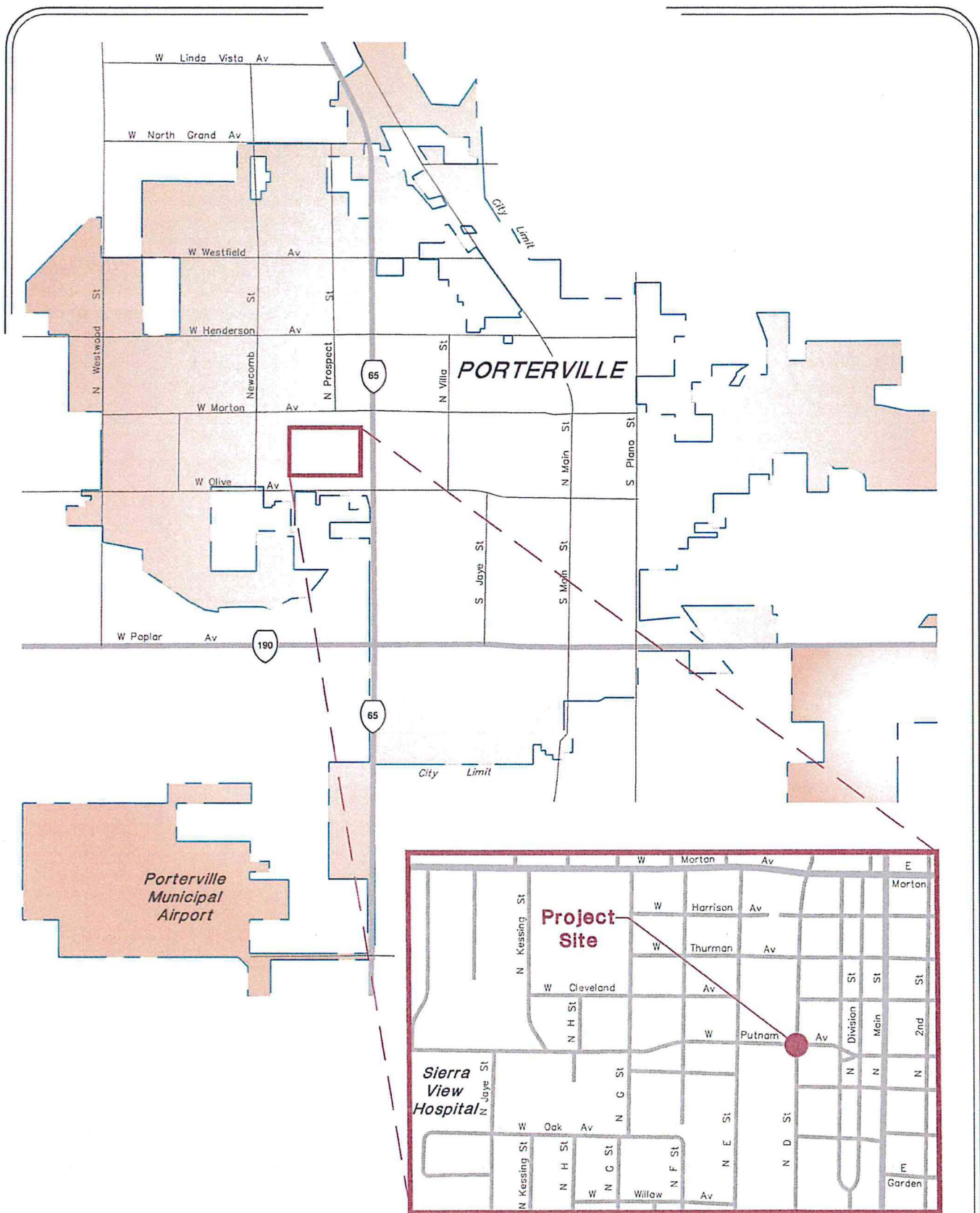
Appropriated/Funded: MB

Review By:

Department Director:

Mike Reed, City Engineer

Final Approver: John Lollis, City Manager



City of Porterville HSIP Application

Figure 1

Vicinity Map





CITY COUNCIL AGENDA – NOVEMBER 1, 2016

SUBJECT: Interim Financial Status Reports

SOURCE: Finance

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

In accordance with Council Minute Order #10-011607, the interim financial status reports for the first fiscal quarter ended September 30, 2016, are submitted.

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

ATTACHMENTS: 1. Interim financial status reports

Appropriated/Funded:

Review By:

Department Director:

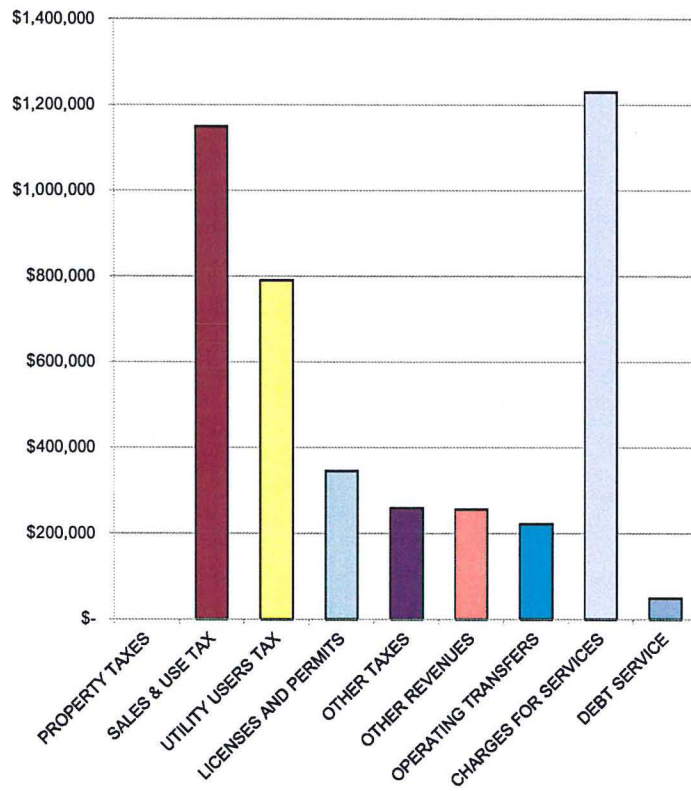
Final Approver: John Lollis, City Manager

CITY OF PORTERVILLE

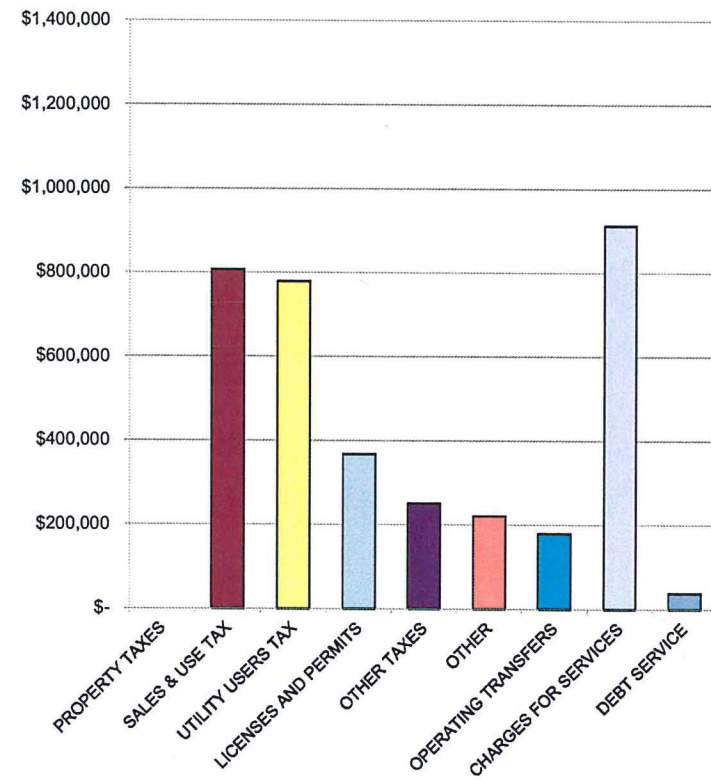
REVENUE STATUS REPORT - GENERAL FUND
 FOR THE QUARTER ENDED
 SEPTEMBER 30, 2016 AND SEPTEMBER 30, 2015

REVENUE SOURCE	2016-2017 ESTIMATED REVENUE	2016-2017 YEAR-TO-DATE REVENUE	% OF ESTIMATE	2015-2016 ESTIMATED REVENUE	2015-2016 YEAR-TO-DATE REVENUE	% OF ESTIMATE
PROPERTY TAXES	\$ 5,990,000	\$		\$ 6,940,354	\$	
OTHER TAXES:						
SALES AND USE TAX	5,850,109	1,110,585	18.98%	4,630,149	807,112	17.43%
UTILITY USERS TAX	4,000,000	790,409	19.76%	4,100,000	778,864	19.00%
TRANSIENT OCCUPANCY TAX	475,000			370,000		
PROPERTY TRANSFER TAX	65,000	8,813	13.56%	60,000		
FRANCHISE TAX	1,551,134	250,291	16.14%	1,551,134	250,291	16.14%
SALES TAX - PUBLIC SAFETY	200,000	39,094	19.55%	200,000		
LICENSES AND PERMITS:						
BUSINESS LICENSES	457,600	208,676	45.60%	443,000	211,114	47.66%
CONSTRUCTION PERMITS	475,000	136,439	28.72%	385,000	155,711	40.44%
REVENUE FROM AGENCIES-TAXES:						
MOTOR VEHICLE IN-LIEU TAX	22,000			22,000		
OTHER TAXES	25,000			27,000		
REVENUE FROM AGENCIES-GRANTS	380,337	64,346	16.92%	57,920	44,592	76.99%
USE OF MONEY AND PROPERTY	440,506	187,569	42.58%	388,404	156,018	40.17%
FINES AND FORFEITURES	56,500	3,903	6.91%	71,500	1,081	1.51%
CHARGES FOR SERVICES:						
PLANNING AND ENGINEERING	80,000	47,312	59.14%	105,000	27,378	26.07%
POLICE	317,000	36,299	11.45%	400,000	37,074	9.27%
FIRE	45,000	34,930	77.62%	48,000	1,198	2.49%
LIBRARY	43,000	8,964	20.85%	42,000	9,253	22.03%
RECREATIONAL	2,370,734	528,448	22.29%	2,311,845	384,218	16.62%
INTERDEPARTMENTAL	1,700,000	571,444	33.61%	1,700,000	450,230	26.48%
OTHER	11,835	2,084	17.61%	11,818	2,984	25.25%
OTHER REVENUES	65,000	(478)	-0.74%	70,000	19,169	27.38%
SUBTOTALS	\$ 24,620,755	\$ 4,029,129	16.36%	\$ 23,935,124	\$ 3,336,286	13.94%
OPERATING TRANSFERS	1,211,656	221,062	18.24%	1,211,144	178,921	14.77%
DEBT SERVICE TRANSFERS	201,670	49,235	24.41%	148,750	38,117	25.63%
TOTALS	\$ 26,034,081	\$ 4,299,426	16.51%	\$ 25,295,018	\$ 3,553,324	14.05%

**CITY OF PORTERVILLE
GENERAL FUND REVENUES
Quarter Ended September 30, 2016**



**CITY OF PORTERVILLE
GENERAL FUND REVENUES
Quarter Ended September 30, 2015**

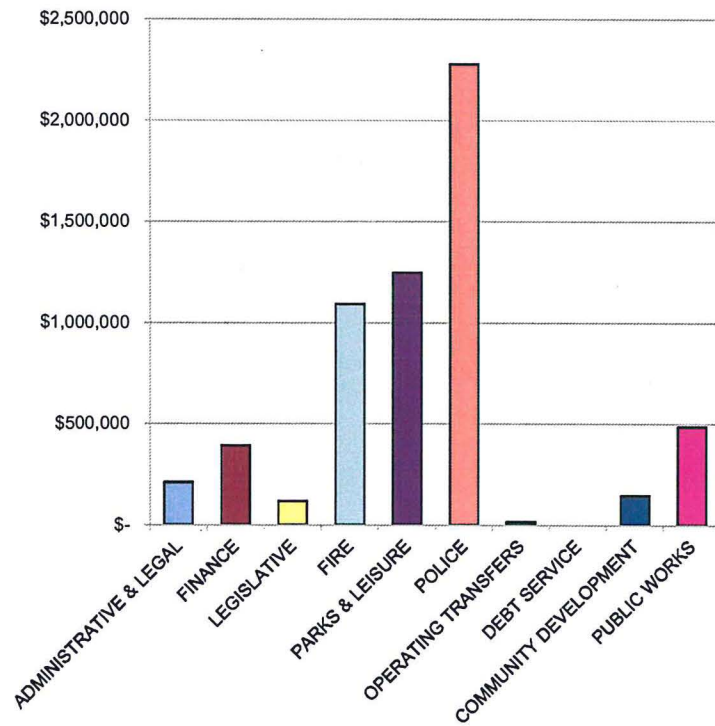


CITY OF PORTERVILLE

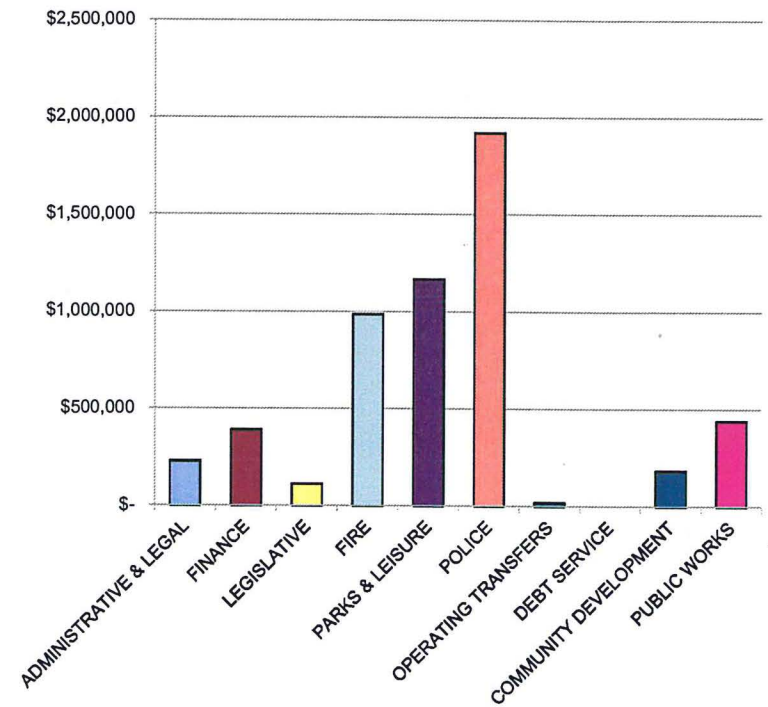
EXPENDITURE STATUS REPORT - GENERAL FUND
FOR THE QUARTER ENDED
SEPTEMBER 30, 2016 AND SEPTEMBER 30, 2015

	2016-2017 AMENDED APPROP	2016-2017 YEAR-TO-DATE EXPEND	% OF APPROP	2015-2016 AMENDED APPROP	2015-2016 YEAR-TO-DATE EXPEND	% OF APPROP
LEGISLATIVE:						
CITY COUNCIL	\$ 262,917	\$ 31,907	12.1%	\$ 285,917	\$ 15,762	5.5%
COMMUNITY PROMOTION	216,302	85,027	39.3%	216,208	94,683	43.8%
EMERGENCY OPERATIONS					1,280	
ADMINISTRATIVE & LEGAL:						
CITY MANAGER	306,049	72,947	23.8%	283,570	67,477	23.8%
CITY CLERK	242,560	41,415	17.1%	172,713	42,752	24.8%
HUMAN RESOURCES	287,898	76,200	26.5%	274,629	70,876	25.8%
CITY ATTORNEY	225,000	19,754	8.8%	225,000	46,715	20.8%
FINANCE:						
FINANCE & ACCOUNTING	901,271	216,278	24.0%	832,330	197,207	23.7%
INFORMATION SERVICES	437,890	104,991	24.0%	414,758	119,287	28.8%
ADMINISTRATIVE SERVICES	374,974	71,206	19.0%	374,489	72,416	19.3%
POLICE PROTECTION	9,741,892	2,276,647	23.4%	9,168,415	1,920,053	20.9%
FIRE PROTECTION	4,039,522	1,092,298	27.0%	3,937,506	984,575	25.0%
COMMUNITY DEVELOPMENT:						
PLANNING & ZONING	600,456	93,308	15.5%	534,132	130,253	24.4%
ECONOMIC DEVELOPMENT	349,147	51,211	14.7%	303,460	51,471	17.0%
PUBLIC WORKS:						
ENGINEERING & BUILDING	1,161,258	251,828	21.7%	1,056,102	203,079	19.2%
STREET MAINTENANCE	448,795	76,004	16.9%	429,945	68,778	16.0%
SIGNALS, SIGNING & STRIPING	381,647	50,982	13.4%	369,788	58,594	15.8%
STREET LIGHTING	507,578	85,701	16.9%	484,344	85,820	17.7%
STORM DRAINS	102,987	14,169	13.8%	93,119	16,947	18.2%
PARKING LOTS	47,442	7,997	16.9%	47,208	5,595	11.9%
PARKS & LEISURE:						
PARK MAINTENANCE & OPERATION	1,739,539	455,161	26.2%	1,833,585	417,638	22.8%
STREET TREES & PARKWAYS	179,146	37,833	21.1%	185,917	26,651	14.3%
COMMUNITY CENTERS	223,208	60,109	26.9%	225,162	56,335	25.0%
LEISURE SERVICES	276,013	69,168	25.1%	235,622	63,115	26.8%
LEISURE SERVICES - SPECIAL PROG	2,175,443	379,258	17.4%	2,139,598	355,750	16.6%
SWIMMING POOL	147,833	74,758	50.6%	157,119	69,794	44.4%
LIBRARY OPERATIONS	786,319	166,978	21.2%	763,200	169,813	22.3%
SPECIAL PROJECTS	24,519	3,188	13.0%	24,519	5,077	20.7%
SUB TOTALS	26,187,605	\$ 5,966,323	22.8%	25,068,355	\$ 5,417,794	21.6%
OPERATING TRANSFERS	79,000	17,250	21.8%	79,000	17,250	21.8%
DEBT SERVICE	1,504,666			1,149,297		
	<u>\$ 27,771,271</u>	<u>\$ 5,983,573</u>	21.5%	<u>\$ 26,296,652</u>	<u>\$ 5,435,044</u>	20.7%

**CITY OF PORTERVILLE
GENERAL FUND EXPENDITURES
Quarter Ended September 30, 2016**



**CITY OF PORTERVILLE
GENERAL FUND EXPENDITURES
Quarter Ended September 30, 2015**

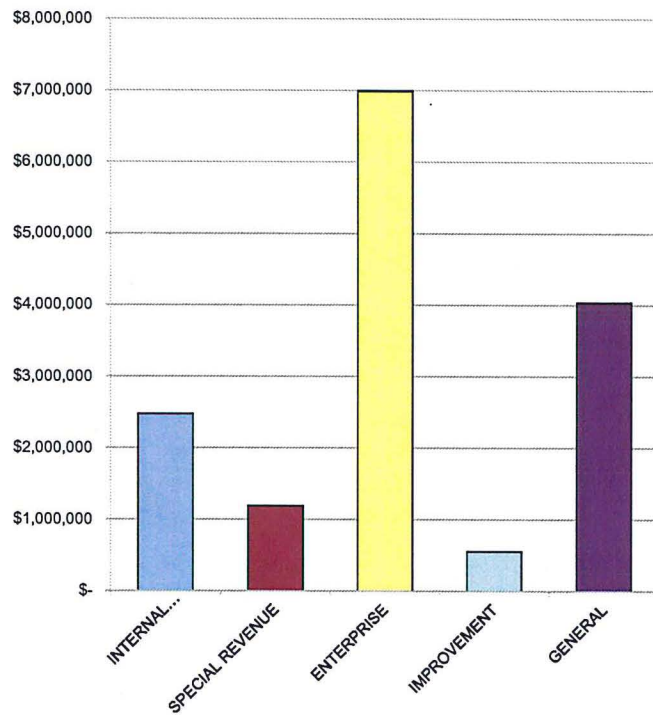


CITY OF PORTERVILLE

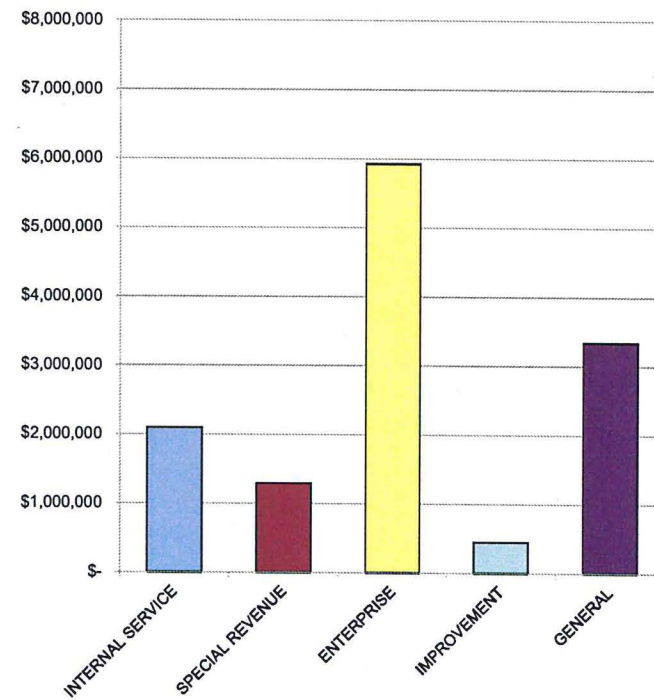
REVENUE STATUS REPORT - ALL OTHER FUNDS
FOR THE QUARTER ENDED
SEPTEMBER 30, 2016 AND SEPTEMBER 30, 2015

REVENUE SOURCE	2016-2017 ESTIMATED REVENUE	2016-2017 YEAR-TO-DATE REVENUE	% OF ESTIMATE	2015-2016 ESTIMATED REVENUE	2015-2016 YEAR-TO-DATE REVENUE	% OF ESTIMATE
MEASURE H SALES TAX	\$ 3,517,446	\$ 674,937	19.2%	\$ 3,363,626	\$ 651,361	19.4%
SPECIAL GAS TAX	2,449,118	218,484	8.9%	1,964,902	245,293	12.5%
LOCAL TRANSPORTATION FUNDS (LTF)	4,150,000	206,868	5.0%	2,614,818	213,709	8.2%
TRAFFIC SAFETY FUND	165,500	29,879	18.1%	200,200	38	0.0%
ZALUD ESTATE	5,800	901	15.5%	6,000	1,401	23.4%
COMMUNITY DEVELOPMENT BLOCK GRANT	800,525	7,011	0.9%	1,229,197	98,419	8.0%
TRANSIT	18,853,152	147,376	0.8%	9,094,650	538,029	5.9%
SPECIAL SAFETY GRANTS	215,870	13,727	6.4%	259,649	35,129	13.5%
SEWER OPERATING	6,864,596	1,685,552	24.6%	6,859,876	1,669,517	24.3%
REFUSE REMOVAL	5,900,000	1,442,935	24.5%	5,763,000	1,389,679	24.1%
AIRPORT OPERATIONS	1,420,700	947,967	66.7%	1,510,191	695,041	46.0%
GOLF COURSE	195,000	44,940	23.0%	194,100	48,820	25.2%
WATER OPERATING	5,677,980	2,719,630	47.9%	5,650,993	1,582,845	28.0%
RISK MANAGEMENT	6,342,698	1,667,382	26.3%	5,647,366	1,320,251	23.4%
EQUIPMENT MAINTENANCE	3,110,000	805,434	25.9%	3,152,500	772,966	24.5%
LANDSCAPE MAINTENANCE DISTRICT	92,500			95,500	261	0.3%
WATER REPLACEMENT	3,324,276	106,237	3.2%	4,546,196	116,348	2.6%
SOLID WASTE RESERVE	2,248,548	219,495	9.8%	1,862,682	152,985	8.2%
SEWER REVOLVING	305,426	87,944	28.8%	278,218	59,992	21.6%
TRANSPORTATION DEVELOPMENT	160,000	20,978	13.1%	105,000	21,025	20.0%
PARK DEVELOPMENT	50,050	12,080	24.1%	45,050	11,942	26.5%
TREATMENT PLANT RESERVE	585,364	138,608	23.7%	578,088	120,334	20.8%
STORM DRAIN DEVELOPMENT	115,000	2,824	2.5%	120,000	9,331	7.8%
BUILDING CONSTRUCTION	8,500	1,031	12.1%	4,000	3,152	78.8%
TOTALS	\$ 66,558,049	\$ 11,202,218	16.8%	\$ 55,145,802	\$ 9,757,868	17.7%

**CITY OF PORTERVILLE
REVENUE BY FUND TYPE
Quarter Ended September 30, 2016**



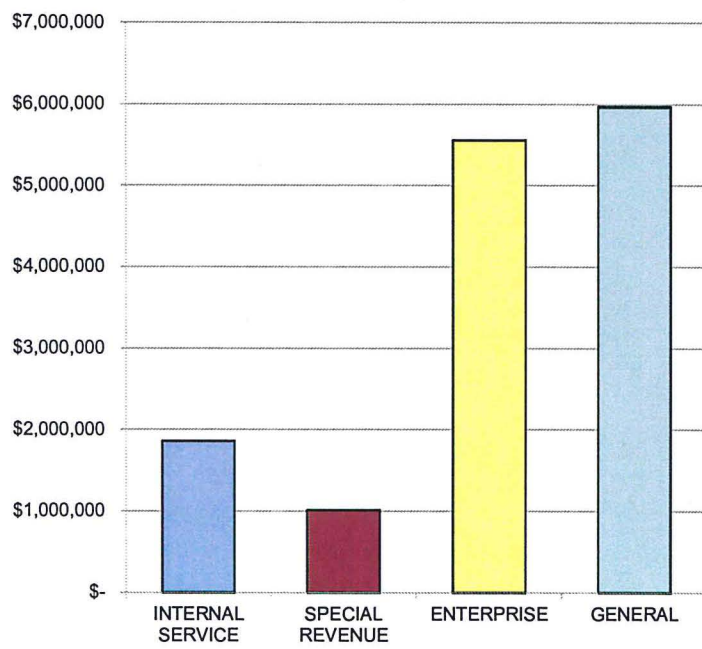
**CITY OF PORTERVILLE
REVENUE BY FUND TYPE
Quarter Ended September 30, 2015**



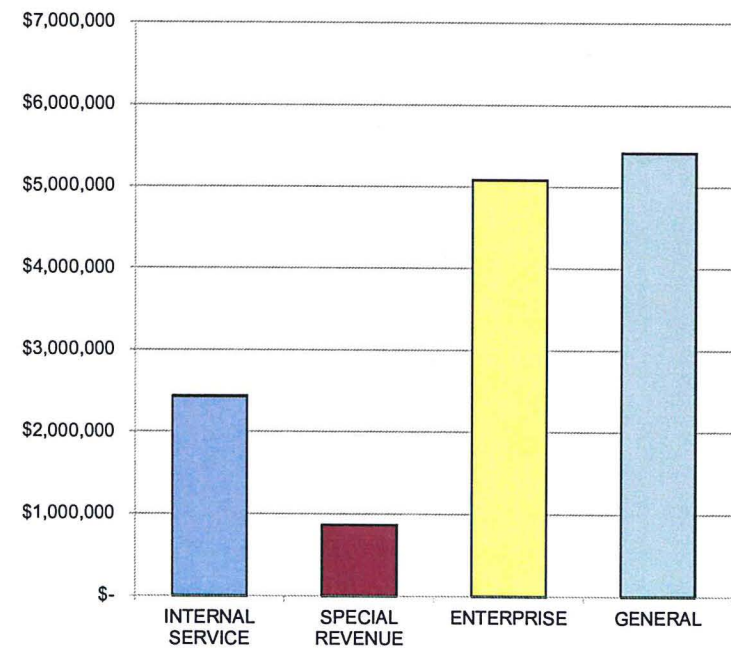
CITY OF PORTERVILLE
EXPENDITURE STATUS REPORT - ALL OTHER FUNDS
FOR THE QUARTER ENDED
SEPTEMBER 30, 2016 AND SEPTEMBER 30, 2015

	2016-2017 AMENDED APPROP	2016-2017 YEAR-TO-DATE EXPEND	% OF APPROP	2015-2016 AMENDED APPROP	2015-2016 YEAR-TO-DATE EXPEND	% OF ACTUAL
MEASURE H SALES TAX	\$ 3,669,760	\$ 853,680	23.3%	\$ 3,330,005	\$ 717,525	21.5%
ZALUD ESTATE	22,255	4,219	19.0%	22,855	9,037	39.5%
COMMUNITY DEVELOPMENT BLOCK GRANT	1,224,602	30,160	2.5%	512,426	36,946	7.2%
TRANSIT	12,331,857	960,417	7.8%	4,259,383	875,409	20.6%
SPECIAL SAFETY GRANTS	329,177	100,358	30.5%	552,267	87,523	15.8%
SEWER OPERATING	6,501,442	1,309,888	20.1%	6,350,624	1,289,748	20.3%
REFUSE REMOVAL	6,206,240	1,340,746	21.6%	5,749,861	1,206,923	21.0%
AIRPORT	1,374,616	650,531	47.3%	1,356,910	514,943	37.9%
GOLF COURSE	380,775	95,420	25.1%	362,646	82,967	22.9%
WATER OPERATING	4,969,717	1,194,465	24.0%	4,807,453	1,105,103	23.0%
RISK MANAGEMENT	6,075,995	1,192,933	19.6%	6,450,144	1,805,444	28.0%
EQUIPMENT MAINTENANCE	3,116,140	665,263	21.3%	3,147,075	626,337	19.9%
LANDSCAPE MAINTENANCE DISTRICT	174,405	26,039	14.9%	173,255	20,975	12.1%
TOTALS	\$ <u>46,376,981</u>	\$ <u>8,424,119</u>	18.2%	\$ <u>37,074,904</u>	\$ <u>8,378,879</u>	22.6%

**CITY OF PORTERVILLE
EXPENDITURES BY FUND TYPE
Quarter Ended September 30, 2016**



**CITY OF PORTERVILLE
EXPENDITURES BY FUND TYPE
Quarter Ended September 30, 2015**



CITY OF PORTERVILLE
INTERIM PERFORMANCE REPORT - MEASURE H
For the Quarter Ended September 30, 2016 and September 30, 2015

	<u>FY 2016-17</u>	<u>FY 2015-16</u>
REVENUES		
Sales Tax - Measure H	\$ 673,026	648,827
Interest	545	2,210
Police Services	365	324
Contributions	1,000	-
TOTAL REVENUES	<u>674,937</u>	<u>651,361</u>
EXPENDITURES		
Police Department	390,831	365,561
Fire Department	352,069	254,160
Public Safety Station	7,833	-
Library & Literacy	102,947	97,804
TOTAL EXPENDITURES	<u>853,680</u>	<u>717,525</u>
CAPITAL PROJECTS		
Public Safety Station	-	302,261
Library Literacy Center	1,654	-
TOTAL CAPITAL PROJECTS	<u>1,654</u>	<u>302,261</u>
REVENUE OVER/(UNDER) EXPENDITURES	<u>\$ (180,397)</u>	<u>\$ (368,424)</u>

CITY OF PORTERVILLE
INTERIM PERFORMANCE REPORT - ENTERPRISE FUNDS
For the Quarter Ended September 30, 2016 and September 30, 2015

<u>FUND</u>	<u>REVENUES</u>	<u>EXPENSES</u>	<u>9/30/2016 NET OPERATING PROFIT (LOSS)</u>	<u>9/30/2015 NET OPERATING PROFIT (LOSS)</u>
Zalud Estate	\$ 901	\$ (4,219)	\$ (3,318)	\$ (7,636)
Sewer Operating	1,685,552	(1,309,888)	375,664	379,769
Solid Waste	1,442,935	(1,340,746)	102,189	182,756
Airport	947,967	(650,531)	297,436	180,098
Golf	44,940	(95,420)	(50,480)	(34,147)
Water Operating	2,719,630	(1,194,465)	1,525,165	477,742

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



CITY COUNCIL AGENDA – NOVEMBER 1, 2016

SUBJECT: Quarterly Portfolio Summary

SOURCE: Finance

COMMENT: This report reflects the investment portfolio of the City of Porterville as of September 30, 2016, and is in compliance with California Government Code Section 27000, etc., Section 53600, etc., and the City of Porterville's Statement of Investment Policy. Investments are selected based on the statutory objectives of safety, liquidity and yield.

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

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

ATTACHMENTS: 1. Quarterly Portfolio Summary

Appropriated/Funded:

Review By:

Department Director:

Final Approver: John Lollis, City Manager

CITY OF PORTERVILLE
PORTFOLIO SUMMARY AS OF SEPTEMBER 30, 2016

INVESTMENT OR CUSIP NUMBER	INSTITUTION	PURCHASE PRICE	MARKET VALUE	COUPON INTEREST RATE	PURCHASE DATE	MATURITY DATE	DAYS TO MATURITY
1006	LOCAL AGENCY INVESTMENT FUND \$	9,903,568	\$ 9,909,720	0.600%	DAILY	DAILY	1
1007	CSJVRMA INVESTMENT FUND	6,573,263	6,770,688	1.380%	DAILY	DAILY	30
866	TULARE COUNTY INVESTMENT POOL	8,787,655	8,787,655	1.300%	DAILY	DAILY	30
	PROSPECT-HENDERSON PARTNERS, L	2,620,221	2,620,221	2.850%	12/29/2009	10/27/2020	1,488
	TULARE COUNTY JUNIOR LIVESTOCK SHOW AND COMMUNITY FAIR	1,093,437	1,093,437	4.000%	1/15/2015	7/15/2039	8,323
313382FP3	FEDERAL HOME LOAN BANKS	997,500	1,000,010	1.000%	3/20/2013	3/20/2018	536
313388G21	FEDERAL HOME LOAN BANKS	1,000,000	998,450	1.200%	6/20/2013	6/20/2018	628
3133EGKA2	FEDERAL FARM CREDIT BANK	1,000,000	990,710	1.500%	6/29/2016	7/6/2021	1,740
4812VUL2	JP MORGAN CHASE BANK NA	1,000,000	996,130	1.000%	4/27/2012	4/27/2017	209
4042K1U68	HSBC USA INC	1,000,000	997,630	2.200%	7/5/2012	7/5/2017	278
89233P6S0	TOYOTA MOTORS CRD CORP	1,000,000	1,000,890	1.250%	3/13/2013	10/5/2017	370
24422ESW0	JOHN DEERE CAP CORP	1,000,000	1,017,690	2.050%	3/10/2015	3/10/2020	1,257
00206RBM3	AT&T INC	1,004,830	1,000,270	1.400%	1/22/2013	12/1/2017	427
94974BFG0	WELLS FARGO CO	1,006,910	1,001,270	1.500%	1/22/2013	1/16/2018	473
38148TMC0	GOLDMAN SACHS GROUP INC	1,000,000	986,340	2.000%	4/29/2016	4/29/2021	1,672
36160WH51	CERTIFICATE OF DEPOSIT	240,000	240,766	2.100%	12/16/2011	12/16/2016	77
33764JRP2	CERTIFICATE OF DEPOSIT	240,000	240,434	1.100%	1/25/2013	1/25/2017	117
17284A2U1	CERTIFICATE OF DEPOSIT	240,000	241,642	1.500%	7/18/2012	7/18/2017	291
795450PA7	CERTIFICATE OF DEPOSIT	240,000	242,374	1.700%	8/22/2012	8/22/2017	326
36160NS83	CERTIFICATE OF DEPOSIT	245,000	250,875	2.000%	5/23/2014	5/23/2019	965
48126XFX8	CERTIFICATE OF DEPOSIT	200,000	199,542	1.700%	9/30/2016	9/30/2021	1,826
06740KFX0	CERTIFICATE OF DEPOSIT	247,000	248,000	1.900%	1/19/2012	1/19/2017	111
856284C77	CERTIFICATE OF DEPOSIT	247,000	248,233	2.050%	1/27/2012	1/27/2017	119
38143A2U8	CERTIFICATE OF DEPOSIT	250,000	250,320	1.050%	12/27/2012	12/27/2016	88
02587CAF7	CERTIFICATE OF DEPOSIT	246,383	253,158	1.950%	7/17/2014	7/17/2019	1,020
74267GUQ8	CERTIFICATE OF DEPOSIT	247,000	253,173	2.000%	7/22/2014	7/22/2019	1,025
29266NB30	CERTIFICATE OF DEPOSIT	247,000	253,397	2.050%	8/28/2014	8/28/2019	1,062
254672NN4	CERTIFICATE OF DEPOSIT	247,000	253,306	2.000%	5/13/2015	5/13/2020	1,321
20033AKP0	CERTIFICATE OF DEPOSIT	249,000	255,382	1.900%	5/26/2015	5/26/2020	1,334
140420RT9	CERTIFICATE OF DEPOSIT	247,380	254,341	1.850%	6/3/2015	6/3/2020	1,342
46147UQL7	CERTIFICATE OF DEPOSIT	248,378	254,916	1.900%	6/17/2015	6/17/2020	1,356
981571BN1	CERTIFICATE OF DEPOSIT	200,000	205,444	2.300%	6/25/2015	6/25/2020	1,364
29976DYV6	CERTIFICATE OF DEPOSIT	246,382	254,664	1.950%	6/30/2015	6/30/2020	1,369
14042E4P2	CERTIFICATE OF DEPOSIT	246,000	254,509	2.300%	7/15/2015	7/15/2020	1,384
31938QN26	CERTIFICATE OF DEPOSIT	247,000	255,591	2.050%	7/17/2015	7/17/2020	1,386
58403BY67	CERTIFICATE OF DEPOSIT	247,000	255,657	2.250%	7/27/2015	7/27/2020	1,396
05580ACW2	CERTIFICATE OF DEPOSIT	247,000	256,077	2.200%	9/22/2015	9/18/2020	1,449
02587DL30	CERTIFICATE OF DEPOSIT	246,000	254,561	2.300%	12/23/2015	12/23/2020	1,545
9497486Z5	CERTIFICATE OF DEPOSIT	249,000	248,905	1.600%	8/3/2016	8/3/2021	1,768
1192	CERTIFICATE OF DEPOSIT	99,000	99,000	1.490%	9/18/2012	9/18/2017	353
1195	CERTIFICATE OF DEPOSIT	99,000	99,000	1.350%	11/5/2012	11/5/2017	401
1198	CERTIFICATE OF DEPOSIT	99,000	99,000	1.250%	1/9/2013	1/9/2018	466
1199	CERTIFICATE OF DEPOSIT	150,000	150,000	1.250%	2/14/2013	2/14/2018	502
1200	CERTIFICATE OF DEPOSIT	99,000	99,000	1.580%	2/26/2013	2/26/2018	514
1204	CERTIFICATE OF DEPOSIT	250,000	250,000	1.500%	4/9/2013	4/9/2018	556
1208	CERTIFICATE OF DEPOSIT	122,408	122,408	1.100%	5/9/2013	5/9/2018	586
1209	CERTIFICATE OF DEPOSIT	99,000	99,000	1.050%	5/16/2013	5/16/2018	593
1224	CERTIFICATE OF DEPOSIT	250,000	250,000	1.950%	10/14/2013	10/14/2018	744
1228	CERTIFICATE OF DEPOSIT	250,000	250,000	1.850%	10/30/2013	10/30/2018	760
1239	CERTIFICATE OF DEPOSIT	250,000	250,000	1.000%	10/2/2013	10/2/2017	367
1248	CERTIFICATE OF DEPOSIT	100,002	100,002	1.260%	5/8/2015	5/8/2018	585
1254	CERTIFICATE OF DEPOSIT	250,000	250,000	2.100%	9/8/2014	9/8/2019	1,073
1260	CERTIFICATE OF DEPOSIT	250,000	250,000	1.840%	4/4/2012	4/4/2017	186
1262	CERTIFICATE OF DEPOSIT	250,000	250,000	1.440%	9/5/2012	9/5/2017	340
1262	CERTIFICATE OF DEPOSIT	250,000	250,000	1.540%	12/12/2012	12/12/2017	438
1263	CERTIFICATE OF DEPOSIT	250,000	250,000	1.250%	2/1/2013	3/1/2017	152
1264	CERTIFICATE OF DEPOSIT	100,000	100,000	1.300%	1/28/2013	1/28/2018	485
1265	CERTIFICATE OF DEPOSIT	100,000	100,000	1.300%	1/30/2013	1/30/2018	487
1266	CERTIFICATE OF DEPOSIT	250,000	250,000	1.250%	5/8/2013	5/8/2018	585
1280	CERTIFICATE OF DEPOSIT	250,000	250,000	1.300%	5/21/2013	5/21/2018	598

INVESTMENT OR CUSIP NUMBER	INSTITUTION	PURCHASE PRICE	MARKET VALUE	COUPON INTEREST RATE	PURCHASE DATE	MATURITY DATE	DAYS TO MATURITY
1281	CERTIFICATE OF DEPOSIT	250,000	250,000	1.390%	5/14/2013	5/14/2018	591
1282	CERTIFICATE OF DEPOSIT	250,000	250,000	1.300%	6/21/2013	6/21/2018	629
1283	CERTIFICATE OF DEPOSIT	250,000	250,000	1.250%	5/9/2013	5/8/2018	585
1284	CERTIFICATE OF DEPOSIT	250,000	250,000	1.250%	4/23/2013	4/23/2018	570
1285	CERTIFICATE OF DEPOSIT	250,000	250,000	1.500%	4/29/2013	4/29/2018	576
1286	CERTIFICATE OF DEPOSIT	250,000	250,000	1.600%	6/25/2013	6/25/2018	633
1287	CERTIFICATE OF DEPOSIT	250,000	250,000	1.600%	7/19/2013	7/19/2018	657
1288	CERTIFICATE OF DEPOSIT	250,000	250,000	1.590%	7/24/2013	7/24/2018	662
1289	CERTIFICATE OF DEPOSIT	263,990	263,990	1.980%	9/18/2013	9/18/2018	718
1290	CERTIFICATE OF DEPOSIT	250,000	250,000	2.030%	10/11/2013	10/11/2018	741
1291	CERTIFICATE OF DEPOSIT	250,000	250,000	2.250%	2/7/2014	2/7/2019	860
1292	CERTIFICATE OF DEPOSIT	250,000	250,000	2.000%	7/31/2014	7/31/2019	1,034
1293	CERTIFICATE OF DEPOSIT	250,000	250,000	1.940%	7/18/2014	7/18/2019	1,021
1294	CERTIFICATE OF DEPOSIT	250,000	250,000	2.030%	4/3/2015	4/3/2020	1,281
1295	CERTIFICATE OF DEPOSIT	250,000	250,000	2.084%	4/20/2015	4/20/2020	1,298
1296	CERTIFICATE OF DEPOSIT	250,000	250,000	2.000%	5/8/2015	5/8/2020	1,316
1297	CERTIFICATE OF DEPOSIT	250,000	250,000	2.000%	5/14/2015	5/14/2020	1,322
1298	CERTIFICATE OF DEPOSIT	250,000	250,000	2.150%	11/4/2015	11/4/2020	1,496
1299	CERTIFICATE OF DEPOSIT	250,000	250,000	2.030%	4/30/2015	3/30/2020	1,277
1300	CERTIFICATE OF DEPOSIT	250,000	250,000	2.100%	12/8/2015	12/8/2020	1,530
1301	CERTIFICATE OF DEPOSIT	250,000	250,000	2.080%	2/4/2016	2/4/2021	1,588
1302	CERTIFICATE OF DEPOSIT	250,000	250,000	2.150%	1/11/2016	1/11/2021	1,564
1303	CERTIFICATE OF DEPOSIT	250,000	250,000	2.150%	4/19/2016	4/19/2021	1,662
1304	CERTIFICATE OF DEPOSIT	250,000	250,000	2.000%	5/19/2016	5/19/2021	1,692

TOTALS	\$ <u>54,628,306</u>	\$ <u>54,927,778</u>
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WEIGHTED AVERAGE RATE OF EARNINGS					% OF LIQUID PORTFOLIO HOLDINGS	WEIGHTED AVERAGE DAYS TO MATURITY
ONE YEAR HISTORY				CURRENT		
9/30/2015	12/31/2015	3/31/2016	6/30/2016	9/30/2016		
1.509%	1.428%	1.484%	1.490%	1.487%	<u>46.248%</u>	<u>644</u>

Comments:

Portfolio holdings as of September 30, 2016, are in compliance with the current Investment Policy. With 46.248% of the portfolio being held in liquid instruments, the cash needs of the City will be met. The next portfolio report will be calculated for the third calendar quarter ending December 31, 2016, and will be presented during the February 7, 2017 Council meeting.



CITY COUNCIL AGENDA – NOVEMBER 1, 2016

SUBJECT: Request for Proclamation - America Recycles Week - November 13-19, 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.

The Field Services Division has requested that the Council consider approval of a proclamation to proclaim November 13-19, 2016, as "America Recycles Week." Vice Mayor Hamilton is sponsoring this proclamation request. If approved, the proclamation will be presented at the November 15th City Council meeting.

RECOMMENDATION: That the City Council consider approval of the request to proclaim November 13-19, 2016, as "America Recycles Week."

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



RECEIVED

OCT 21 2016

CITY OF PORTERVILLE
CITY CLERK OFFICE

Date of Request: 10/19/16

Name of Event/Individual: America Recycles Week
i.e. "Porterville Tourism Week", "Mr. John Doe"

Name of Sponsoring Organization: COP Public Works - Field Services

Name of Contact Person: Rowena Jose

Address: 555 N. Prospect

Phone: (559) 782-7590 FAX: (559) 782-8937

E-mail: rjose@ci.porterville.ca.us

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

Date(s) of Event: Nov. 13 - 19, 2016

Date of Council Meeting to be presented, if applicable: Nov. 15, 2016
(Council meets 1st and 3rd Tuesdays of each month.)

Individual or representative attending Council Meeting to receive proclamation:

Michael Reed, Public Works Dir.

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: 10/21/16 Sponsored by: Hamilton Date: 10/21/16

Approved by Council: yes ☐ no ☐ Date: _____

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

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

Comment: _____

BBS MKR

WHEREAS: To focus the Nation's attention on the importance of recycling, businesses, industries, state agencies, nonprofit organizations, and individuals have joined together to celebrate America Recycles Week and are encouraging their employees, staff, customers, membership, and all citizens to pledge to start or enhance recycling programs and buy recycled products during the week of November 13 through November 19, 2016; and

WHEREAS: Participating in America Recycles Week is one way citizens can help raise awareness about the need to reduce waste by reusing, recycling, and buying recycled products; and

WHEREAS: Recycling conserves valuable natural resources, creates jobs, and is recognized as an easy way for everyone to help protect the environment by avoiding unnecessary use of important resources; and

WHEREAS: State and community leaders need to spread the word about the excellent programs they have established, the growth of markets for recyclables, the importance of buying recycled products, and the benefits of investments in recycling by small and large businesses.

NOW THEREFORE, I, MILT STOWE, Mayor of the City of Porterville, on behalf of the City Council do hereby proclaim November 13 through 19, 2016, as -

"AMERICA RECYCLES WEEK"

in the City of Porterville and encourage all citizens to join the nationwide effort to make more efficient use of natural resources by maximizing recycling, buying recycled products and preventing waste.

PROCLAIMED this 15th day of November, 2016.



CITY COUNCIL AGENDA – NOVEMBER 1, 2016

SUBJECT: Request for Street Closure - Myers' 22nd Annual Christmas Tree Memorial Service

SOURCE: Administrative Services

COMMENT: Myers Funeral Service and Crematory holds an annual Christmas Tree Memorial Service at its location on "E" Street, with this year's service scheduled to take place on December 6, 2016. In conjunction with this event, and for the safety of those in attendance, Mr. Ernesto Alonzo, Funeral Director of Myers Funeral Service and Crematory, has requested the closure of "E" Street, between Putnam and Cleveland Avenues, from 5:00 p.m. to 9:00 p.m. The ceremony is scheduled to be held in front of Myers Chapel on "E" Street at 7:00 p.m.

In addition to the street closure, Mr. Alonzo submitted an assemblies permit for the estimated 500 people that has historically attended this annual event. The Police Department has approved the Assemblies Permit, which is attached for Council's reference, along with a copy of the required Certificate of Liability.

RECOMMENDATION: That the City Council approve the closure of "E" Street, between Putnam and Cleveland, on December 6, 2016, from 5:00 p.m. to 9:00 p.m., subject to the specified conditions.

ATTACHMENTS:

1. Street Closure Request
2. Assemblies Permit
3. Insurance Certificate

Appropriated/Funded:

Review By:

Department Director:

Patrice Hildreth, Administrative Services Dir

Final Approver: John Lollis, City Manager

Myers Funeral Service & Crematory

248 NORTH "E" STREET
PORTERVILLE, CALIFORNIA 93257

(559) 784-5454



October 17, 2016

To: Porterville City Council

We respectfully request that "E" Street be blocked off at Putnam and Cleveland Avenues the evening of Tuesday, December 6, 2016 from approximately 5:00 to 9:00 PM, for the protection and safety of those who will be attending the Twenty-Second Annual Myers Christmas Memorial Tree Lighting. The response from the community has been well received, and we expect approximately 1,000 people from the local community and outlying areas in attendance.

The original purpose in beginning this tradition was to give back to the community in the way of service. It allows families to place ornaments on the trees prior to the service, commemorating their loved ones.

A memorial service is planned for the evening of December 6th at 7:00 PM at Myers Funeral Service, when the community will be invited to attend and celebrate the season by remembering loved ones. At the conclusion of the service, the trees will be lit and remain lit through Christmas.

Find enclosed an "Assemblies Permit" signed by Chief Eric Kroutil of the Porterville Police Department, along with a Certificate of Liability Insurance.

Thank you for your consideration of this request.

Sincerely,

Ernesto Alonzo
Funeral Director

cc: EA/jl
Enclosure

OCT 18 2016

ORDINANCE NUMBER 927
Section 18-7.2

Porterville Police Department

Application for ASSEMBLIES or MEETINGS on public streets, sidewalks or parks, within the City of Porterville.

This application **MUST BE FILED WITHIN FOUR (4) DAYS PRIOR** to the date of the assembly or meeting.

- A. Myers Funeral Service & Crematory (559) 784-5454
(Name/Address) (Telephone)
- B. 248 North "E" Street, Porterville, CA 93257
(Name & Address of Organization) (Telephone)
- Ernesto Alonzo, Funeral Director (559) 784-5454
(Authorized Head of Organization) (Telephone)
- C. Name of Event Chairman Ernesto Alonzo; Brandi Holmes
- D. Purpose of event: Lighting of Memorial Trees and Service (22nd Year)
- E. Date & Time of Event Tuesday, December 6, 2016 from 7:00 - 9:00 PM
- F. Number of persons Approximately 500
- G. Location of the assembly area of event Front Lawn at 248 North "E" Street, Porterville, CA 93257 (Myers Funeral Service & Crematory)
- H. Security Guards required? [] yes [X] no If so, how many? _____
- I. Plans for the assembly & dispersement of the event. Indicate times thereof 5:00 PM to 9:00 PM
- J. Other information _____

I HEREBY AGREE TO ABIDE BY ALL PROVISIONS SET FORTH IN CITY ORDINANCE 927, SECTION 18-7.2 AND ALL OTHER APPLICABLE ORDINANCES OF THE CITY OF PORTERVILLE.

Legal signature of applicant

Brandi Holmes
Date 10/18/2016Telephone (559) 784-5454

Application Approved [X] Denied []

Ch. [Signature]
FOR Chief of Police

LIEUTENANT

10-20-16

10/96



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
10/25/2016

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER FEDERATED MUTUAL INSURANCE COMPANY HOME OFFICE: P.O. BOX 328 OWATONNA, MN 55060		CONTACT NAME: CLIENT CONTACT CENTER PHONE (A/C, No, Ext): 888-333-4949 FAX (A/C, No): 507-446-4664 E-MAIL ADDRESS: CLIENTCONTACTCENTER@FEDINS.COM	
INSURED MYERS FUNERAL SERVICE & CREMATORY 248 N E ST PORTERVILLE, CA 93257-3530		INSURER(S) AFFORDING COVERAGE INSURER A: FEDERATED MUTUAL INSURANCE COMPANY INSURER B: INSURER C: INSURER D: INSURER E: INSURER F:	
249-988-7		NAIC # 13935	

COVERAGES**CERTIFICATE NUMBER: 9****REVISION NUMBER: 0**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSR	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
A	COMMERCIAL GENERAL LIABILITY	N	N	9179934	04/01/2016	04/01/2017	EACH OCCURRENCE	\$1,000,000
	☐ CLAIMS-MADE ☒ OCCUR						DAMAGE TO RENTED PREMISES (Ea occurrence)	\$100,000
	☒ BUSINESS OWNER'S LIABILITY						MED EXP (Any one person)	\$5,000
	GEN'L AGGREGATE LIMIT APPLIES PER: ☒ POLICY ☐ PRO-JECT ☐ LOC OTHER:						PERSONAL & ADV INJURY	\$1,000,000
							GENERAL AGGREGATE	\$2,000,000
							PRODUCTS - COMP/OP AGG	\$2,000,000
A	AUTOMOBILE LIABILITY	N	N	9179935	04/01/2016	04/01/2017	COMBINED SINGLE LIMIT (Ea accident)	\$1,000,000
	☒ ANY AUTO						BODILY INJURY (Per person)	
	☐ ALL OWNED AUTOS ☐ SCHEDULED AUTOS						BODILY INJURY (Per accident)	
	☐ HIRED AUTOS ☐ NON-OWNED AUTOS						PROPERTY DAMAGE (Per accident)	
A	☒ UMBRELLA LIAB ☒ OCCUR	N	N	9179936	04/01/2016	04/01/2017	EACH OCCURRENCE	\$2,000,000
	☐ EXCESS LIAB ☐ CLAIMS-MADE						AGGREGATE	\$2,000,000
	DED RETENTION							
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY	Y / N ☐ N / A					PER STATUTE	OTH-ER
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH)						E.L. EACH ACCIDENT	
	If yes, describe under DESCRIPTION OF OPERATIONS below						E.L. DISEASE - EA EMPLOYEE	
							E.L. DISEASE - POLICY LIMIT	

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)
CHRISTMAS TREE LIGHTING SERVICES ON DEC 6TH 2016

CERTIFICATE HOLDER249-988-7
CITY OF PORTERVILLE
291 N MAIN ST
PORTERVILLE, CA 93257-3737

9 0

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

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CITY COUNCIL AGENDA – NOVEMBER 1, 2016

SUBJECT: City Council Member Requested Agenda Item - Consider Code Enforcement Citizen Survey

SOURCE: City Manager's Office

COMMENT: Mayor Stowe has requested that the City Council consider the administration of a Code Enforcement Citizen Survey as a Scheduled Matter at its November 15th meeting.

RECOMMENDATION: That the City Council approve Mayor Stowe's request to consider the administration of a Code Enforcement Citizen Survey as a Scheduled Matter at the November 15th Council meeting.

ATTACHMENTS: 1. City of Morro Bay Resident Survey

Appropriated/Funded:

Review By:

Department Director:

Final Approver: John Lollis, City Manager

The City of Morro Bay is currently in the process of updating portions of the Municipal Code which deal with parking of vehicles in front yards and street-facing side yards, location and screening of trash containers, and appropriate allowable heights for hedges and fences. Please help shape the future of your City by completing and returning the following survey.

Designated Residential Zones (for Question 1):

- Zone A – East of Highway 1
- Zone B – West of Hwy. 1 and north of the power plant
- Zone C – West of Hwy. 1, south of the power plant and north of Pacific St.
- Zone D – West of Hwy. 1 and south of Pacific St.

NOTE: These residential zones have been constructed only for purposes of this survey and have no official standing or regulatory significance.

Mailed or bring completed survey to:

City of Morro Bay, c/o Ryan Russell, 955 Shasta Ave., Morro Bay, CA 93442

OR, take it online at <https://www.surveymonkey.com/r/DGRLKYD>

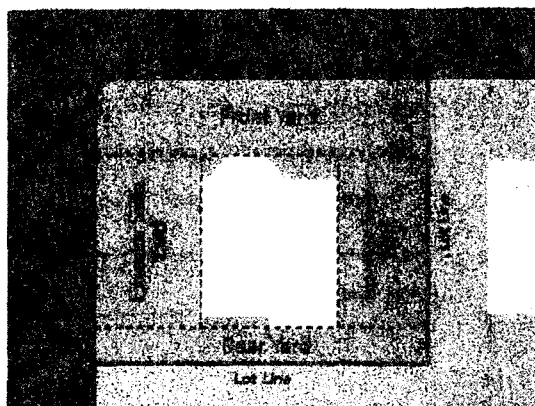
Tell us about yourself:

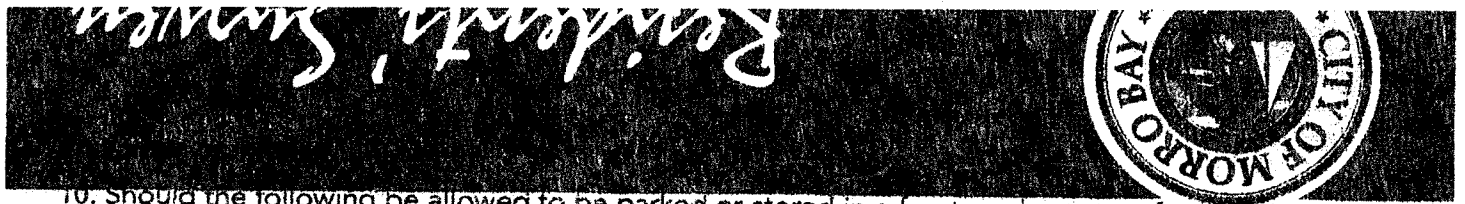
1. Which of the designated residential areas (See Figure 1) best corresponds to the location of your home?
 - ☐ Zone A ☐ Zone B ☐ Zone C ☐ Zone D
2. How long have you lived in Morro Bay?
 - ☐ Less than 5 yrs. ☐ 5-9 yrs. ☐ 10-20 yrs. ☐ More than 20 yrs.
3. How old are you?
 - ☐ Less than 20 yrs. ☐ 20-34 yrs. ☐ 35-49 yrs. ☐ 50-64 yrs. ☐ 65 yrs. or over
4. Do you own your home or are you renting?
 - ☐ Own ☐ Rent ☐ Other
5. Do you have children under the age of 18 years living at home with you?
 - ☐ Yes ☐ No
6. Is a portion of your home or of property rented to anyone other than a family member?
 - ☐ Yes ☐ No
7. Do you own an RV, camper, travel trailer, ATV or similar, occasional-use vehicle?
 - ☐ Yes ☐ No
8. Do you own a boat, jet ski or other watercraft?
 - ☐ Yes ☐ No
9. If you answered "Yes" to Questions 7 or 8, is the vehicle or boat stored at your place of residence?
 - ☐ Yes ☐ No ☐ N/A

**Figure 1
Designated Residential Zones**



**Figure 2
Designated Yard Areas (Questions 11 through 15)**





10. Should the following be allowed to be parked or stored in a front yard or street-facing side yard (See Figure 2)? Check one selection on each line:

		Always	Only on a Driveway or Prepared Pad	Only on a Driveway	Only in Specific Cases if an Exception is Granted	Never
10a.	Functioning automobiles?	☐	☐	☐	☐	☐
10b.	Automobiles under repair?	☐	☐	☐	☐	☐
10c.	Inoperative vehicles not under repair?	☐	☐	☐	☐	☐
10d.	Commercial vehicles ¹ , trailers or equipment?	☐	☐	☐	☐	☐
10e.	Utility trailers or equipment?	☐	☐	☐	☐	☐
10f.	Recreational vehicles, travel trailers?	☐	☐	☐	☐	☐
10g.	ATVs, golf carts, other off-road vehicles?	☐	☐	☐	☐	☐
10h.	Commercial boats?	☐	☐	☐	☐	☐
10i.	Jet-skis, recreational boats?	☐	☐	☐	☐	☐
¹ Vehicles suitable for commercial use that are larger than a standard pick-up truck						

11. Trash containers (check all with which you agree):

- ☐ Should be permitted to remain at the curb from scheduled pick-up day to the next?
- ☐ Should be allowed to be stored in front or street-facing (exterior) side yards without screening?
- ☐ Should be allowed to be stored in front or exterior side yards only with adequate screening?
- ☐ Should not be stored in front or exterior side yards?

Generally speaking, the current Morro Bay Zoning Ordinance limits the maximum height of solid walls, fences, and hedges in residential areas to three feet in front and exterior side yards, and to six feet, six inches in rear and interior side yards.

12. Should the maximum height for fences in residential neighborhoods be limited to:

In front and exterior side yards: ☐ 0 ft. ☐ 3 ft. ☐ 4 ft. ☐ 6 ft. ☐ 8 ft. ☐ No limit

In rear and interior side yards: ☐ 3 ft. ☐ 4 ft. ☐ 5 ft. ☐ 6.5 ft. ☐ 8 ft. ☐ No limit

13. Should the maximum height for hedges in residential neighborhoods be limited to:

In front and exterior side yards: ☐ 0 ft. ☐ 3 ft. ☐ 4 ft. ☐ 6 ft. ☐ 8 ft. ☐ No limit

In rear and interior side yards: ☐ 3 ft. ☐ 4 ft. ☐ 5 ft. ☐ 6.5 ft. ☐ 8 ft. ☐ No limit

Additional Comments: _____

Thank you for sharing your ideas!



CITY COUNCIL AGENDA – NOVEMBER 1, 2016

SUBJECT: Appeal of Zoning Administrator Decision 2016-032 - Hillman Building Designers

SOURCE: Administrative Services

COMMENT: On October 4, 2016, staff met with the proponent's agent Mr. Mark Hillman to discuss building permit CBP 07-16-0331. The permit was denied based on the applicant being unable to comply the transitional standards described in the 2030 General Plan and the Porterville Development Ordinance (PDO). Staff had a subsequent meeting with Mr. Hillman and engineering division determined that as proposed, the driveway on Lotas does not meet engineering standards.

Chapter 612 of the PDO establishes a procedure for appeals of final decisions by the Zoning Administrator to the City Council. The City Council shall review the appeal within thirty (30) days of the appeal being filed and the City Council shall then render its decision within thirty (30) days of the date the hearing is closed (§612.04 (c) and (f) respectively).

The applicant submitted in writing an appeal to Zoning Administrator Determination 2016-032, the action being appealed and the grounds for an appeal to the Zoning Administrator determination and an appeal for the driveway widths (Attachment 1 & 2). Essentially the applicant argues that the landscaping should not be required as a parking lot landscaping buffer; however, the landscape requirement is based on the transitional standards, and is not related to the parking lot landscaping requirements. Mr. Hillman provides a three-year history of Project Review Committee (PRC) submittals, delays by the applicant and change over in staff as the cause for the inconsistent review. Mr. Hillman states the required five foot landscape between transitional standards is just now being required. However, the initial PRC included this standard as the first comment. The project was redesigned and not noted in subsequent review as it was shown on the site plan. When the project was finally reviewed at building permit submittal it was noted that the building was not setback 15 feet from the street side setback as required in transitional zones. The project was redesigned and the five foot landscaping was removed. A new planner reviewed the resubmitted building permit and noted the discrepancy. Mr. Hillman was contacted and has submitted the attached letter appealing zoning administrator permit denial. Although no explanation was given for the need to modify the driveway standards, Lotas Street has a power pole that would need to be relocated in order to comply with City Standards.

Transitional zones, which are identified as zones adjacent to a Residential

District, are addressed in both the Porterville 2030 General Plan and the Porterville Development Ordinance. One of the goals of the 2030 General Plan L-U-G-4 is to provide transitions between types and intensities of land use using high-quality urban design and greenway buffers. Table 203.03 of the Porterville Development Ordinance identifies a 15-foot setback is required for transitional zones, for the street side. There are additional height and setback requirements included in Section 203.03(b), but are not part of the discussion at hand. Section 303.03(c) Landscape Design Principles states the placement of natural landscape materials (trees, shrubs, and hedges) is the preferred method for buffering differing land uses, and for providing a transition between adjacent properties. Section 303.04(b) requires that interior property lines abutting R districts provide a minimum five foot wide landscape buffer shall be provided along interior property lines, where no building abuts a property line.

The applicant's lot in question (APN 251-291-032) is zoned CG (General and Service Commercial). The parcel to the north (APN 251-291-028) is zoned RM-2 (Medium Density Residential). Due to this parcel being considered a transitional zone, the above regulations are required as part of the building permit submittal.

RECOMMENDATION: That the City Council consider the appeal consistent with the transitional standards as described in the Porterville Development Ordinance.

ATTACHMENTS:

1. Request for Appeal – Zoning Administrator 2016-032
2. Request for Appeal – Driveway standards
3. Site Plans
4. Development Ordinances Referenced

Appropriated/Funded:

Review By:

Department Director:

Final Approver: John Lollis, City Manager

34583 Hwy. 190
Springville, Ca, 93265
Off 559-781-1538
Email hillmandesigns@ocsnet.net

HILLMAN BUILDING DESIGNERS INC.

Porterville city council appeal

October 7, 2016

Porterville city council,

On behalf of Mr. Randall Carroll we are requesting an appeal of decision by the zoning administrator for a project that is proposed on the North West corner of Olive Avenue and Lotas in the city. Apn 251-291-031.

The zoning administrator is not standing by a planner's decision to approve this project for construction.

A little history of the project:

In august 2013 we submitted a site plan for Project review and had a PRC meeting august 28, 2013. The site was reviewed under the new ordinance and we found several items that did not align with the new ordinance. We received our first letter from the PRC meeting on October 1, 2013 and after some counter discussion with staff another letter was issued October 24, 2013.

Several phone, email and counter discussions were done and several different layouts to try and meet the new ordinance. Our first planner required a five foot landscape area between the building and the rear property line for transition to the residential property to the north. See exhibit "A" after more review of the ordinance we discussed the allowance from the code to build the building directly to the rear/north property line, this was found in another portion of the ordinance to not be necessary so another site plan was drawn to eliminate this, see exhibit "B"

There were issues with drive through "queuing" and several site designs trying to accommodate the staff, with "queuing" issues and the drive through blocking driveway on Lotas. We redesigned the approach further to the south on Lotas see exhibit "C"

Our second planner reviewed the site design and after meeting with engineering the approach was too far south on Lotas and too close to the intersection of Olive.

On December 9, 2013 we completely redesigned the site and submitted for approvals. The site was configured with the building being five feet from lotas and a five foot planter along the north property line. See exhibit "D". This site was approved for the next step being building permit process. Unfortunately Mr. Carroll lost his main tenant so the project was put on hold.

In December 2015 we emailed planning with the approved site from 2013 to verify all was still complete and able to proceed to building permit phase. January 7, 2016

we received email from our third planner stating PRC committee agreed the site was approved for the next step of building permit. See exhibit "E".

Mr. Carroll directed us to proceed with building permit plans so we sent to structural engineer and civil engineer to begin the process.

On February 28, 2016 received an email from our third planner stating he found an additional requirement from the ordinance the first two planners had missed. This was requiring an additional 10 foot setback on the east side of Lotas Street. See exhibit "F".

This created a financial problem for Mr. Carroll for a month earlier we were given the approval to proceed by the staff, and several thousand dollars had already been spent on the plans at this point. Plus the fact Mr. Carroll had worked on leases based on the current square footage. This was going to reduce the building foot print by approximately 400 square feet.

We immediately went to meet with staff to discuss this new found requirement in the ordinance. After several discussions and trying to interpret the ordinance staff decided that the five foot landscape on the north property line is for "interior" lot lines adjacent to residential property to create a "buffer" with this in mind staff determined we have a 12'-13' buffer created with the drive thru to the building and a six foot high block wall.

We again redesigned the building and site and submitted to staff for approval. See exhibit "G". On March 1, 2016 we received email stating the plan meets all planning requirements and so we could proceed with building permit plans. See exhibit "H".

Mr. Carroll is now out \$25,000-\$30,000 for all the plans, engineering and work done on the site.

Mr. Carroll submitted for building permit in August and on September 2, 2016 the plans were rejected by our fourth planner. Under the fourth planners review they felt the five foot landscape to the north is now required.

Again we have met with staff and the "zoning administrator" to provide some background on the project. After their review the determination stands to add the five foot landscape to the north/rear property line.

We have met with several other Architectural/engineering firms that have been trying to work through and interpret this ordinance and we all strongly believe that staff's last redesign meets the intent of section 303.04 of the ordinance creating a buffer between the residential and commercial with the 12' drive through seeing as how we could build all the way to the property line. And the fact we have a 6' high block wall at the property line.

When reviewing the ordinance 303.05 states all "interior" lot lines abutting R districts to have a five foot wide landscape buffer, 303.03 (c) describes buffering but only refers to parking lots. This is not a parking lot also the details in the ordinance 304.10(I) shows the buffering for parking lots, again this is not a parking lot.

In the definitions 700 of the ordinance it specifies what a side and rear lot lines are along with very detailed drawing figure 700.02(B) shows this north lot line is determined as a rear lot line.

When meeting with the third planner on this project these were his determinations, the fact we lost nearly 400 SF of building by adding an additional 10' set back on

October 10, 2016

Page 3

Lots to meet the transitional setback on the side street, we were meeting the intent of the buffer from residential with the 6' block wall and being 12' from property line so he said we could redesign the building adding the 5' we were removing from the rear yard landscape. This gave us approximately the same square footage as we originally designed therefore the leases would be acceptable for Mr. Carroll.

We feel the determination and reasoning was correct from the third planner, based on staff recommendation we have proceeded. This new determination will create a complete redesign of the plans and engineering, and an additional \$25,000-\$30,000 for new set of plans.

Property owner: Randall Carroll
981 North West Grand
Porterville, CA 93257
(559)-781-5040

Representative: Mark Hillman
34583 Hwy. 190
Springville, CA
(559)-781-1538

CITY OF PORTERVILLE
REC#: 02371556 10/11/2016 10:59 AM
TRAN: 678.0000 Misc Planning Fees
OPER: VS TERM: 004
REF#: CK #95155
Zoning Administrator Appeal
PRC2013 - 034
Planning and Zoning 319.00CR
TENDERED: 1.00 1 CASH
319.00 1 CHECK(S)
APPLIES: 319.00-
CHANGE: 0.00

Hillman Building Designers

From: Jenni Byers [jbyers@ci.porterville.ca.us]
Sent: Thursday, October 06, 2016 2:18 PM
To: Mark Hillman
Cc: Elena Barragan
Subject: RE: carrolls

Elena and I spent some time evaluating "interior" lot line. Essentially any lot line not adjacent to a street is "interior." We also searched the entire code for any reference to interior. Unfortunately we need to maintain the determination that rear lot lines not adjacent to the street is an interior lot line. Because of this the requirement stands to have the 5' landscape.

Jenni

Sent from my Verizon, Samsung Galaxy smartphone

----- Original message -----

From: Mark Hillman <hillmandesigns@ocsnet.net>
Date: 10/2/16 8:50 AM (GMT-08:00)
To: Jenni Byers <jbyers@ci.porterville.ca.us>
Subject: Re: carrolls

Let's do 9:00 Tuesday..... Thanks

Mark Hillman
Hillman Building Designs

On Oct 1, 2016, at 13:17, Jenni Byers <jbyers@ci.porterville.ca.us> wrote:

I'm going to a conference Wednesday through Friday. I have 11 am and 2 pm Monday available and 9 am Tuesday. Please let me know if any of those times work.

Jenni Byers
(559) 782-7460

From: Hillman Building Designers [<mailto:hillmandesigns@ocsnet.net>]
Sent: Friday, September 30, 2016 10:39 AM
To: Jenni Byers <jbyers@ci.porterville.ca.us>
Subject: carrolls
Importance: High

Jenny,

I need to have a sit down meeting with you on the Carrolls project. There have been several revisions and meetings on this with staff making many recommendations and requests throughout the last 3 years. Unfortunately we have also gone through three different planners. I have a very good paper trail with emails back and forth that I think will bring everything to light as to where we got to the site plan we have. I would like to meet at your earliest convenience.

Thank You and God Bless,
Mark Hillman

Hillman Building Designers

From: Jenni Byers [jbyers@ci.porterville.ca.us]
Sent: Friday, September 23, 2016 3:59 PM
To: Hillman Building Designers
Cc: Elena Barragan
Subject: RE: Olive & Lotus
Attachments: 2013-10-01 PRC letter.pdf; §303.04 landscaping.pdf

I'm sorry it has taken so long to respond. There certainly is a lot of history with this project. The problem is the parking area is not the issue, it is because this is a transitional zone. I've attached a portion of the very first letter stating that this was a transitional zone adjacent to Residential. The comment calls out that there needs to be 5' landscaping, not because of parking area, but because of being in a transitional zone. I've also attached that specific reference in §303.04(b).

Fernando never had the authority to approve something outside of the code. It is true that we try to assist and when there is flexibility we definitely try to provide that. In this case it is extremely clear that there is a 5' landscape buffer required when adjacent to residential.

Thank you,

Jenni Byers
(559) 782-7460

From: Hillman Building Designers [mailto:hillmandesigns@ocsnet.net]
Sent: Friday, September 16, 2016 7:22 AM
To: Jenni Byers <jbyers@ci.porterville.ca.us>
Cc: Elena Barragan <ebarragan@ci.porterville.ca.us>
Subject: Olive & Lotus
Importance: High

Jenny,

I had a very short conversation with Julie yesterday on this project and she advised you were looking into this project. I found the conversations we had in regards to the 5' landscape area on the north side of the property along the drive thru for Mr. Carroll's project. It is attached and the interpretation was this is not parking therefore the landscape was not required. Fernando and I agreed on this and the project was completed based on this. Fernando is the one who advised us we could remove because this is not a parking lot, and better accommodate Mr. Carrol's building square footage. The drive thru is not an open parking lot. I am sincerely hope this is still the case Mr. Carroll is over \$30,000.00 in the designs and engineering of this project with this being used for the final approval from Fernando.

I have been working with the city over 40 years and our track record shows we have always followed your designs guidelines even if after many discussions and trying different approaches we finally meet an agreement as to what is best for the development. We all know there are some grey or different interpretations to the new ordinance but this appears very clear I hope.

Thank You and God Bless,

Mark Hillman

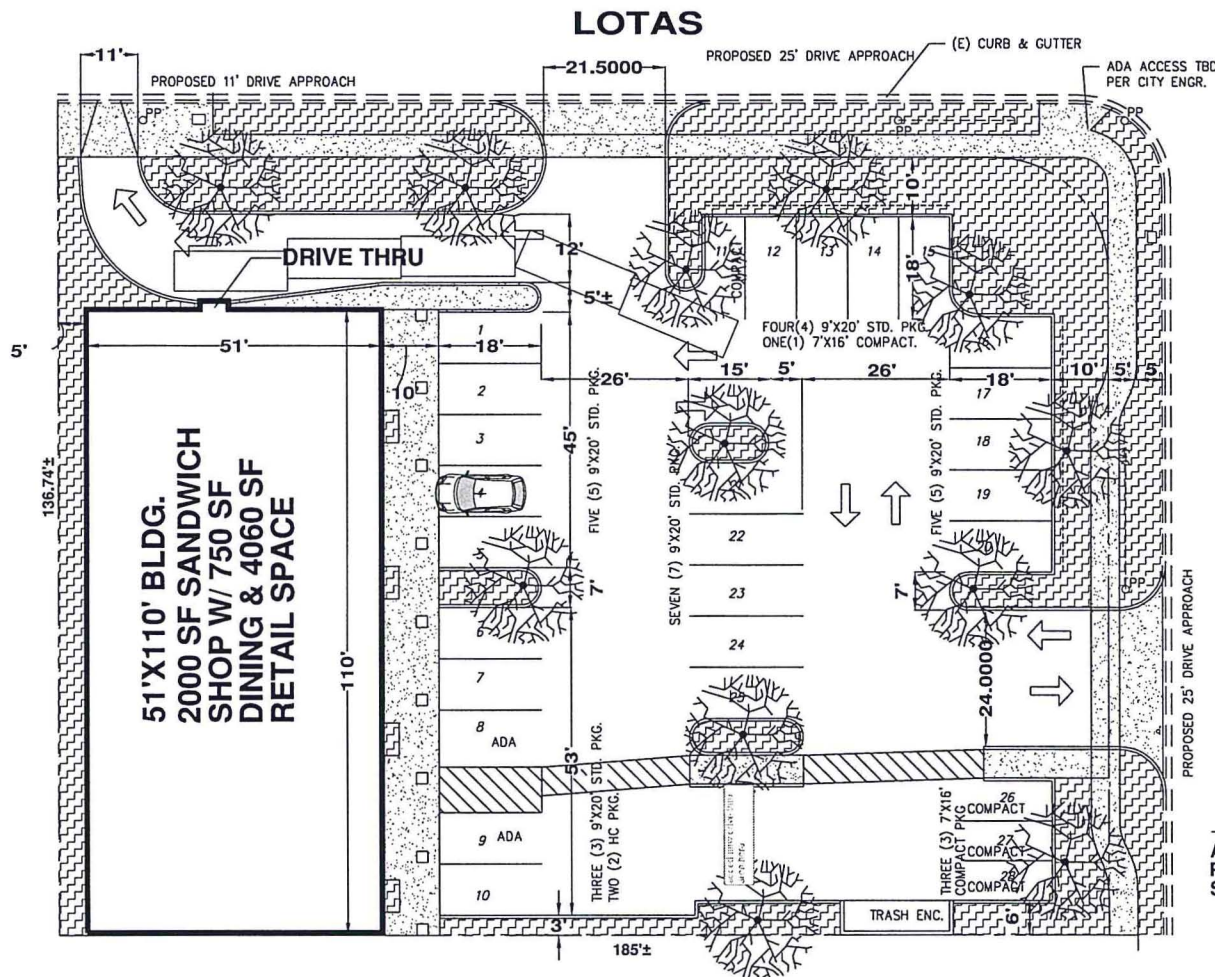
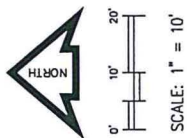
HILLMAN BUILDING DESIGNERS

34583 Hwy 190

Springville, CA 93265

(559) -781-1538

SPECIALIZING IN CUSTOM DESIGNS SINCE 1970



SITE STATISTICS

LOT SF	25,160 SF
BUILDING SF	5,610 SF
LOT ZONING	CR
PARKING/PAVING SF	14,985 ± SF
LANDSCAPE SF	3,093 ± SF(12%)
PARKING REQUIRED	3610/200=18 SPACES
DINING AREA 750/75=10	
PARKING PROVIDED	22 9'X20' STANDARD
	2 ADA
	4 7'X16' COMPACT
TOTAL	28

OLIVE AVE

SITE PLAN 1"=10'

APN 251-291-032 IN THE CITY OF PORTERVILLE, COUNTY OF TULARE, STATE OF CALIFORNIA

REVISING	BY

HILLMAN BUILDING DESIGNERS
SPECIALIZING IN CUSTOM DESIGNS
SINCE 1970
34583 Hwy. 190 Springville, CA 93265
Tel. (559) 781-1538
Fax. (559) 781-1538
Email: hillmandesigners@comcast.net

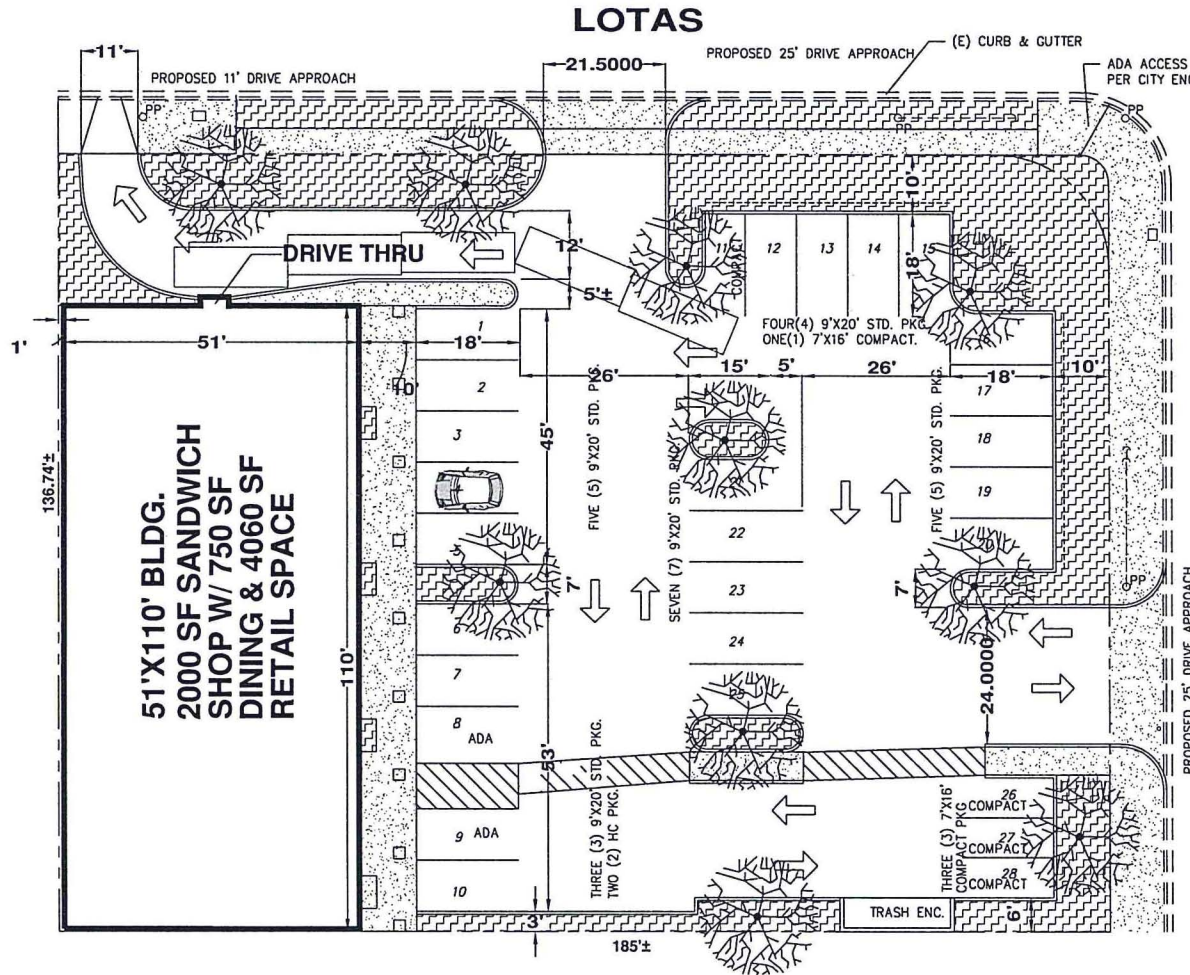
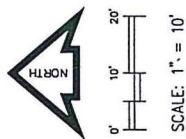
HECTOR TELLEZ ARCHITECT
1487 N. Main Ave. Suite 200, Porterville, CA 93257
Tel. (559) 781-1538
Fax. (559) 781-1538

PROPOSED NEW BUILDING FOR:
RANDALL CARROLL

DATE	09-17-13
SCALE	AS SHOWN
DRAWN	MM
CHECKED	1/30/13
SHEET	

A-2

EXHIBIT 'A'



SITE STATISTICS

LOT SF	25,160 SF
BUILDING SF	5,610 SF
LOT ZONING	CR
PARKING/PAVING SF	14,985± SF
LANDSCAPE SF	3,093 ± SF(12%)
PARKING REQUIRED	3610/200=18 SPACES
DINING AREA 750/75=10	
PARKING PROVIDED	22 9'X20' STANDARD
	2 ADA
	4 7'X16' COMPACT
TOTAL	28

OLIVE AVE

SITE PLAN 1"=10'

APN 251-291-032 IN THE CITY OF PORTERVILLE, COUNTY OF TULARE, STATE OF CALIFORNIA

REVISIONS	BY

HILLMAN BUILDING DESIGNERS
SPECIALIZING IN CUSTOM DESIGNS
SINCE 1970
34583 Hwy. 190 Springville, CA 93265
Tel: (559) 891-1528
Email: hillmandesigns@comcast.net

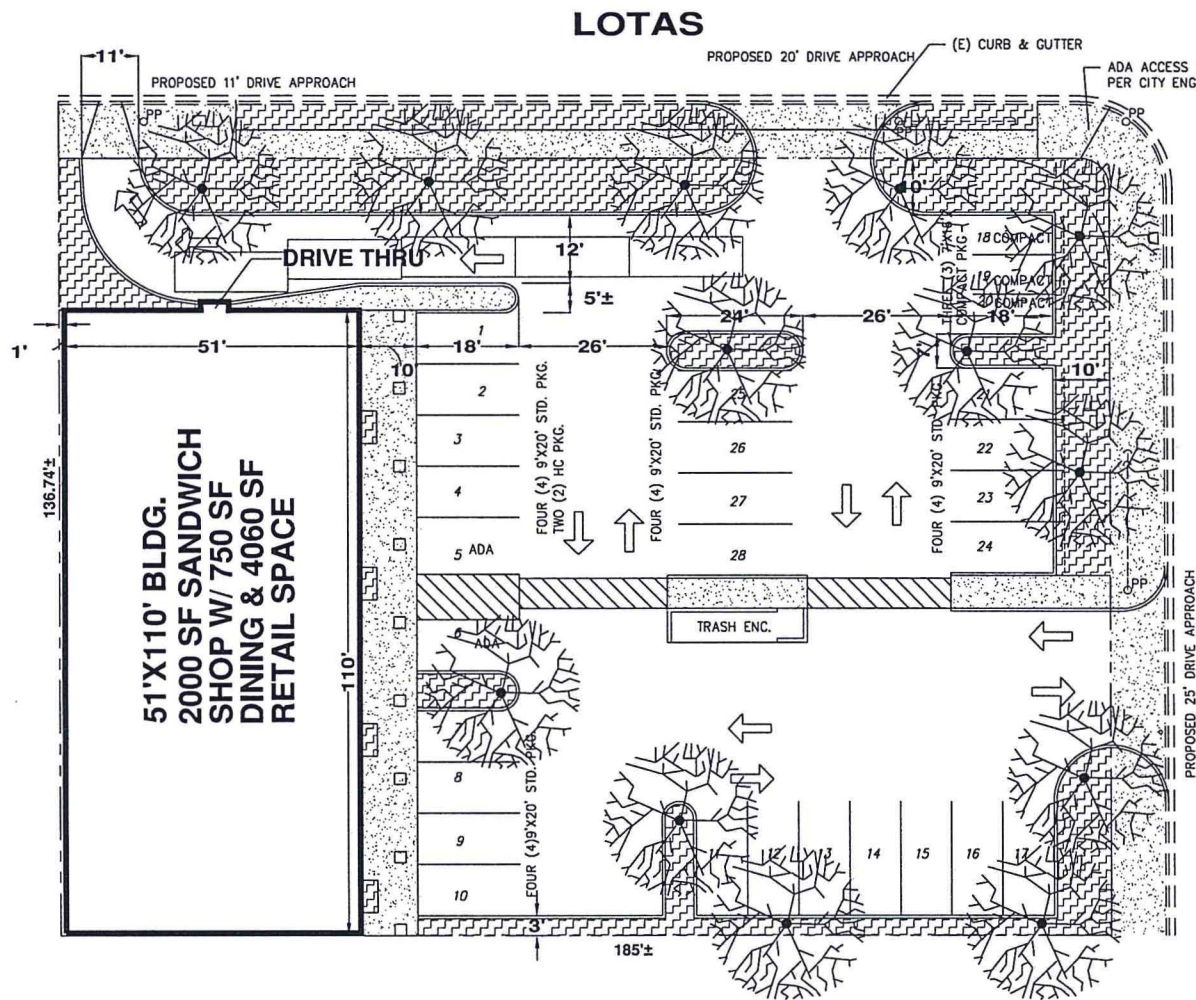
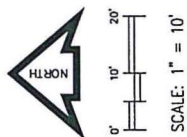
HECTOR TELLEZ ARCHITECT
4545 San Ramon Rd., Suite 100, San Ramon, CA 94583
Tel: (925) 751-1111

PROPOSED NEW BUILDING FOR:
RANDALL CARROLL

DATE	11-20-13
SCALE	AS SHOWN
DRAWN	MM
JOB	13031
SHEET	

A-2

EXHIBIT 'B'



SITE STATISTICS

LOT SF	25,160 SF
BUILDING SF	5,610 SF
LOT ZONING	CR
PARKING/PAVING SF	14,985 ± SF
LANDSCAPE SF	3,204 ± SF (12%)
MAX. BLDG HGT.	25'
PARKING REQUIRED	3610/200=18 SPACES
DINING AREA 750/75=10	
PARKING PROVIDED	22 9'X20' STANDARD
	2 ADA
	4 7'X16' COMPACT
TOTAL	28

OLIVE AVE

SITE PLAN 1"=10'

APN 251-291-032 IN THE CITY OF PORTERVILLE, COUNTY OF TULARE, STATE OF CALIFORNIA

REVISIONS	BY

HILLMAN BUILDING DESIGNERS
SPECIALIZING IN CUSTOM DESIGNS
SINCE 1970
34583 Hwy. 190 Springville, CA 93265
Tel. (559) 781-1538
Email hillmandesign@ccsnet.net

PROPOSED NEW BUILDING FOR:
RANDALL CARROLL
HECTOR TELLEZ ARCHITECT
LIC. 61419
4845 N. Main St. Suite 100, CA 93265
PH: (559) 781-1537

DATE 11-20-13
SCALE AS SHOWN
DRAWN MH
JOB 13031
SHEET

A-2

EXHIBIT 'C'

EXHIBIT 'D'

Hillman Building Designers

From: Fernando Rios [frios@ci.porterville.ca.us]
Sent: Thursday, January 07, 2016 10:26 AM
To: Hillman Building Designers
Subject: RE: Olive & Lotus

Mark,

The Project Review Committee agreed that the next step for this project is building permit submittal.

Thanks

Fernando Rios
Associate Planner

From: Hillman Building Designers [<mailto:hillmandesigns@ocsnet.net>]
Sent: Monday, December 28, 2015 8:30 AM
To: Fernando Rios <frios@ci.porterville.ca.us>
Cc: rc@carrollstire.com
Subject: Olive & Lotus
Importance: High

Fernando,
Attached is the requested revisions for Olive & Lotus let me know what our next step is for this project.

Thank You and God Bless,
Mark Hillman
HILLMAN BUILDING DESIGNERS
34583 Hwy 190
Springville, CA 93265
(559) -781-1538
SPECIALIZING IN CUSTOM DESIGNS SINCE 1970



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Hillman Building Designers

From: Fernando Rios [frios@ci.porterville.ca.us]
Sent: Sunday, February 28, 2016 7:04 AM
To: Hillman Building Designers
Subject: Lotas and Olive Project- Randall Carrol

Importance: High

Good morning Mark,

Mark I have to apologize, I overlooked the transition standards for this project.

Where a commercial site is adjacent to an R-District, then the Transitional Street Side setback is **15 feet not 5 feet**.

So, the street side setback for this project is **15 feet**. I thought about this last night and wanted to let you know before you submit for building permits.

Please call me if you have any questions.


Fernando Rios
Associate Planner

City of Porterville
291 N. Main St.
Porterville, CA 93257
p- (559) 782-7460
f - (559) 781-6437

This e-mail (and attachments, if any) may be subject to the California Public Records Act, and as such may therefore be subject to public disclosure unless otherwise exempt under the Act.

EXHIBIT 'F'

EXHIBIT 'G'

Hillman Building Designers

From: Fernando Rios [frios@ci.porterville.ca.us]
Sent: Tuesday, March 01, 2016 3:32 PM
To: Hillman Building Designers
Subject: RE: Olive

Looks good Mark...

Meets all planning requirements

Thanks

Fernando Rios
Associate Planner

From: Hillman Building Designers [mailto:hillmandesigns@ocsnet.net]
Sent: Monday, February 29, 2016 11:24 AM
To: Fernando Rios <frios@ci.porterville.ca.us>
Subject: Olive
Importance: High

Please review and let us know if this now meets all the requirements to proceed with permit plans. We have stopped every engineer in progress of the construction plans and would like to continue as soon as is possible.

Thank You and God Bless,

Mark Hillman

HILLMAN BUILDING DESIGNERS

34583 Hwy 190

Springville, CA 93265

(559) -781-1538

SPECIALIZING IN CUSTOM DESIGNS SINCE 1970



This e-mail (and attachments, if any) may be subject to the California Public Records Act, and as such may therefore be subject to public disclosure unless otherwise exempt under the Act.

EXHIBIT 'H'

TABLE 203.03: DEVELOPMENT STANDARDS—COMMERCIAL DISTRICTS					
Standard	CN	CR	CG	CMX	Additional Standards
Rear	0	0	0	0	Section 203.03(b); Section 300.01 Building Projections into Yards
Transitional – Street side	5 min, 15 max	15	15	15	Section 203.03 (b) Transitional Standards
Maximum Floor Area Ratio	.30	.35	.40	2.0	
Percent of Building at Setback or Property Line	70	n/a	n/a	n/a	
Additional Standards					
Usable Open Space (sq ft per unit)	n/a	n/a	n/a	150	Section 203.04(b) Mixed Use Standards

Additional Development Standards:

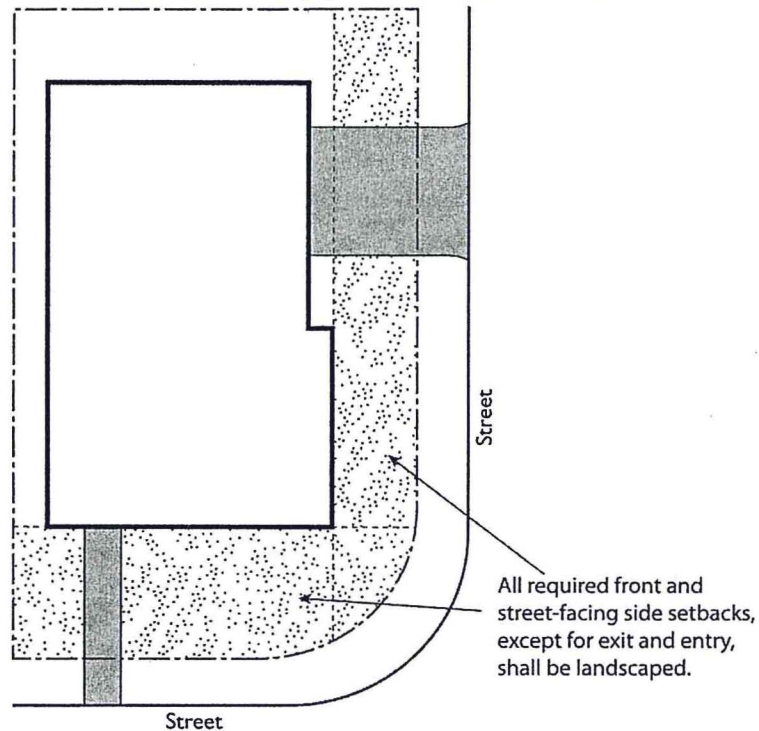
- (a) **Exceptions to Minimum Lot Size, Width, and Depth.** An exception to the minimum lot size, width and depth may be allowed with a Conditional Use Permit if a master plan for the site is submitted concurrently with the subdivision application. The plan shall indicate proposed land uses, building footprints, driveways, fire lanes, parking areas, landscaped areas, buffer yards, and other site features. The City Council must find that the proposed subdivision will create lots that are adequately sized, shaped, and oriented to meet or exceed all requirements for yards, buffer yards, parking, landscaping, fire lanes, and other requirements of this Ordinance.
- (b) **Transitional Standards.** Where a site is adjacent to an R district, the following standards apply:
- (1) Buildings exceeding twenty (20) feet in height must be set back five (5) feet from the interior side and rear property line; for buildings exceeding twenty-five (25) feet in height shall be stepped back one (1) additional foot for every foot of height above twenty-five (25) feet.
 - (2) The maximum height within forty (40) feet of an R district boundary is thirty-five (35) feet. The maximum height within fifty (50) feet of an R district boundary is forty (40) feet.

303.05 Areas to be Landscaped

The following areas shall be landscaped, and may count toward the total area of site landscaping required by the zoning district regulations.

- (a) **Required Setbacks.** All required front and street-facing side setbacks, except for areas used for exit and entry, shall be landscaped.

FIGURE 303.05(A): REQUIRED SETBACKS



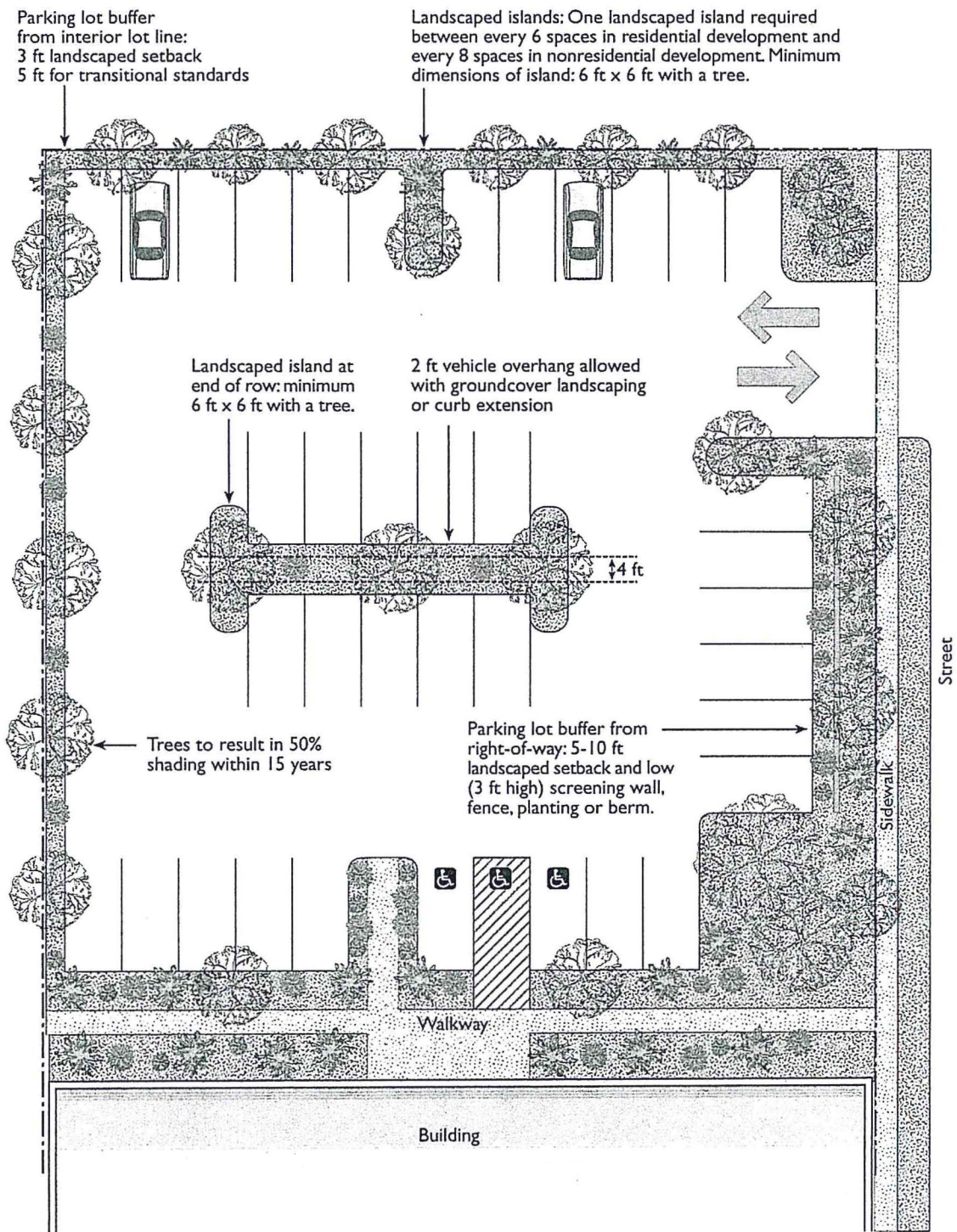
- (b) **Interior Property Lines Abutting R Districts.** A minimum five (5) foot wide landscape buffer shall be provided along interior property lines, where no building abuts a property line, in districts adjacent to an R district.
- (c) **Building Perimeters.** The portions of a building façade that face onto a customer parking lot or front a public street shall have one (1) or more landscape planters installed along a minimum twenty (20) percent of that building face. The minimum width of the planter shall be three (3) feet. This standard does not apply where a building is located on the front or corner side property line and there is no setback between the building and the property line.

303.03 Landscape Design Principles

The following design principles are general standards to be used by City staff in evaluating whether landscape plans conform to the requirements of this chapter:

- (a) **Natural Landscapes.** Landscape designs shall incorporate and enhance existing natural landscapes and existing specimen trees and native vegetation (including canopy, understory, and ground cover). Particular care shall be given to preserve intact natural landscapes. Where previous landscaping has dramatically altered natural landscapes, new designs shall seek to reestablish natural landscape patterns and plantings. Natural landscapes and native vegetation do not include weeds.
- (b) **Composition.** The quality of a landscape design is dependent not only on the quantity and selection of plant materials but also on how that material is arranged. Landscape materials shall include a combination of ground covers, shrubs, vines and trees with a variety of plant heights and colors.
- (c) **Buffering and Screening.** The placement of natural landscape materials (trees, shrubs, and hedges) is the preferred method for buffering differing land uses, for providing a transition between adjacent properties, and for screening the view of any parking or storage area, refuse collection, utility enclosures, or other service area visible from a public street, alley, or pedestrian area. Plants may be used with fences or berms to achieve the desired screening or buffering effect. When used to screen an activity area such as a parking lot, landscaping shall not interfere with public safety.
- (d) **Responsive to Local Context and Character.** Landscape designs shall build on the site's and area's unique physical characteristics, conserving and complementing existing natural features. Naturalistic design elements such as irregular plant spacing, undulating berm contours, and mixed proportions of plant species shall be used to ensure that new landscaping blends in and contributes to the quality of the surrounding area. Selection and spacing of plant material shall be reflective of the surrounding area's character.
- (e) **Use of Native and Drought Resistant Plants.** Landscape designs shall feature native and/or related plant species and avoid invasive species, especially in areas adjacent to existing native vegetation, to take advantage of the unique natural character and diversity of the region and the adaptability of native plants to local environmental conditions. Where feasible, the re-establishment of native habitats shall be incorporated into the landscape design. In the same manner, landscape designs shall utilize drought tolerant plant materials to the maximum extent feasible. The use of drought tolerant plants shall enrich the existing landscape character, conserve water and energy, and provide as pleasant and varied a visual appearance as plants that require more water.
- (f) **Continuity and Connection.** Landscaping shall be designed within the context of the surrounding area, provided that the landscaping is also consistent with these design principles. Where the design intent and the surrounding landscape is naturalistic, plant materials shall blend well with adjacent properties, particularly where property edges meet, to create a seamless and natural landscape. Where the

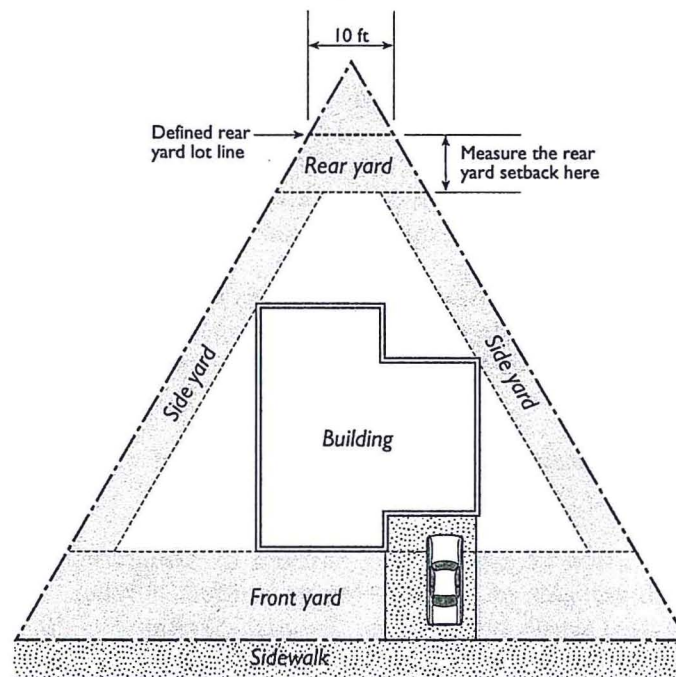
FIGURE 304.10(I): LANDSCAPING



Interior Lot Line. Any lot line that is not adjacent to a street.

Rear Lot Line. The lot line that is opposite and most distant from the front lot line. Where no lot line is within forty-five (45) degrees of being parallel to the front lot line, a line ten (10) feet in length within the lot, parallel to and at the maximum possible distance from the front lot line, will be deemed the rear lot line for the purpose of establishing the minimum rear yard.

Figure 700.02(A): Rear Lot Line For Purpose Of Determining Setback



Side Lot Line. Any lot line that is not a front or rear lot line.

Street Side Lot Line. A side lot line of a corner lot that is adjacent to a street.

Lot Types

Lot, Corner. A lot or parcel situated at the intersection of two (2) or more streets that have an angle intersection measured within said lot or parcel of not more than one hundred thirty-five (135) degrees.

Lot, Flag. A lot with access to a street by means of a strip of land having less than the required site width but not less than twenty-five (25) feet of frontage. The length of a strip shall be measured from the frontage line to the nearest point of intersection with that lot line parallel or most nearly parallel to the

percent of the luminous flux (in lumens) of the lamp or lamps in the luminary, and the luminous intensity (in candelas) at or above a vertical angle of eighty degrees (80°) above nadir does not numerically exceed twenty (20) percent of the luminous flux (in lumens) of the lamp or lamps in the luminary.

Non-Cutoff. There is no candela limitation in the zone above maximum candela.

Shielded Fixture. Outdoor light fixtures shielded or constructed so that light rays emitted by the lamp are projected below the horizontal plane passing through the lowest point on the fixture from which light is emitted.

Living Room. The principal room in a dwelling unit designed for general living purposes rather than for sleeping.

Long-Term Parking. A situation in which a vehicle is not normally moved during the period of an employee's work shift, as opposed to customer or visitor parking.

Lot. A parcel, tract, or area of land whose boundaries have been established by a legal instrument such as a recorded deed or a recorded map, and which is recognized as a separate legal entity for purposes of transfer of title, except public easements or rights-of-way.

Lot Area. The total area circumscribed by the boundaries of a lot, excluding any street rights-of-way.

Lot Coverage. The portion of a lot that is covered by structures, including principal and accessory buildings, garages, carports, and roofed porches, but not including unenclosed and unroofed decks or landings. *See also Section 103.10, Determining Lot Coverage.*

Lot Depth. The distance from the midpoint of the front property line of a lot to the midpoint of the rear property line, or to the most distant point on any other lot line where there is no rear lot line. *See also Section 103.06, Measuring Lot Width and Depth.*

Lot Frontage. *See Frontage, Street.*

Lot Line. Any boundary of a lot.

Lot Line Types

Front Lot Line. The lot line that abuts a street or public right-of-way. For corner lots, the shortest side fronting a public street is considered the front lot line regardless of which street is used for vehicle or pedestrian access, or street address.

frontage line. The area of an access strip shall not be included in determining the site area of the developable lot.

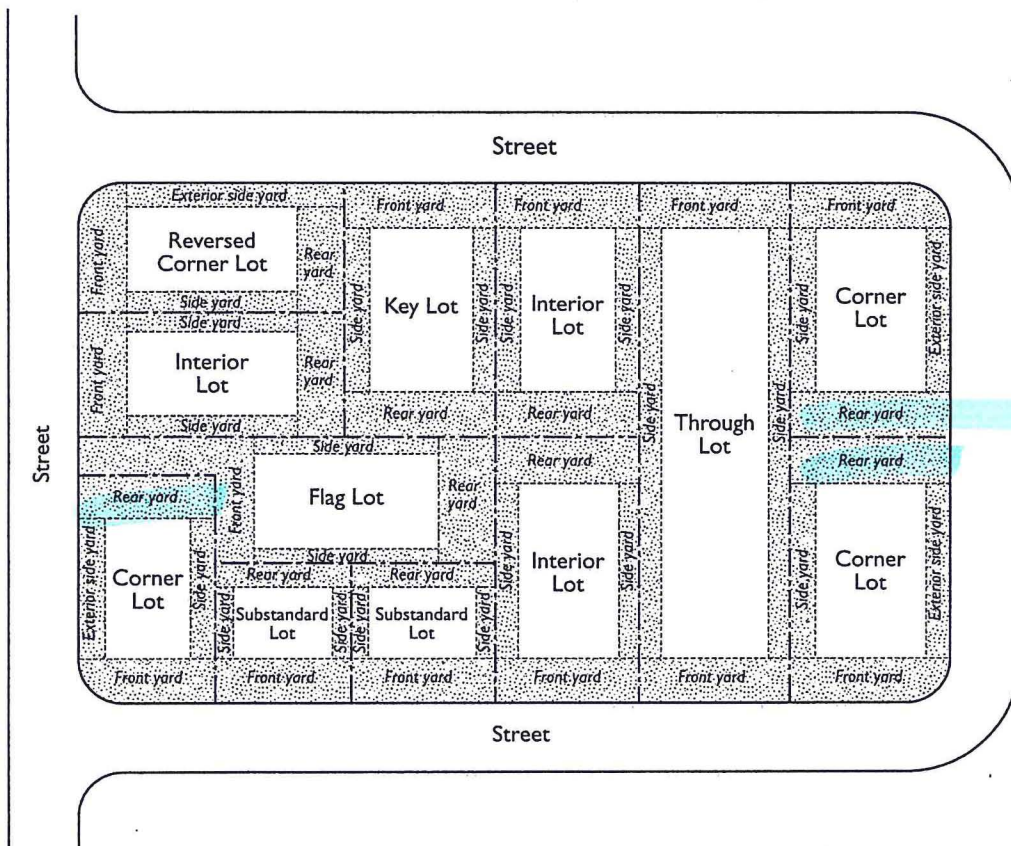
Lot, Interior. A lot or parcel of land other than a corner or flag lot.

Lot, Key. An interior lot adjoining the rear lot line of a reversed corner lot.

Lot, Reversed Corner. A corner lot, the street side lot line of which is substantially a continuation of the front line of a lot or parcel of land which adjoins the rear lot line of said lot.

Lot, Through. A lot having frontage on two (2) parallel or approximately parallel streets.

Figure 700.02(B): Lot And Yard Types



Lot Width. The distance between the side lot lines, measured at a right angle to the lot depth at the midpoint of the lot depth line. *See also Section 103.06, Measuring Lot Width and Depth.*

standards of this subsection. The provisions of this subsection apply to all uses except Single-Family Dwellings and Duplexes.

- (1) ***Landscape Area Required.*** A minimum of ten (10) percent of any parking lot area shall be landscaped. For the purpose of calculating required parking lot landscaping, parking lot areas are deemed to include parking and loading spaces as well as aisles, vehicle entry and exit areas, and any adjacent paved areas. Parking lot area does not include enclosed vehicle storage areas.
- (2) ***Minimum Planter Dimension.*** No landscape planter that is to be counted toward the required landscape area shall be smaller than twenty-five (25) square feet in area, or four (4) feet in any horizontal dimension, excluding curbing.
- (3) ***Layout.*** Landscaped areas shall be well-distributed throughout the parking lot area. Parking lot landscaping may be provided in any combination of:
 - a. Landscaped planting strips at least four (4) feet wide between rows of parking stalls;
 - b. Landscaped planting strips between parking areas and adjacent buildings or internal pedestrian walkways;
 - c. Landscaped islands located between parking stalls or at the ends of rows of parking stalls; and
 - d. On-site landscaping at the parking lot perimeter.
- (4) ***Required Landscaped Islands.*** A landscaped island at least six (6) feet in all interior dimensions and containing at least one (1) fifteen (15) gallon-size tree shall be provided at each end of each interior row of parking stalls and between all consecutive parking stalls in the following ratios:
 - a. Between every eight (8) stalls in any non-residential development;
 - b. Between every six (6) consecutive stalls in a residential development or in a mixed-use development in which residential units overlook on-site parking areas.
- (5) ***Landscaped Buffer for Open Parking Adjacent to Right-of-Way.*** A landscaped buffer area shall be provided between any surface parking area and any property line adjacent to a public street. The landscaped buffer shall have a minimum width as listed below unless a different dimension is specified in the base district standards applicable to a site.
 - a. *Residential Districts:* Five (5) feet. Landscaped parkways or strips between the property line and the sidewalk count toward this requirement.
 - b. *Non-residential Districts:* Six (6) feet clear of overhang.
- (6) ***Landscaped Buffer for Open Parking Abutting Interior Lot Line.*** A landscaped area at least three (3) feet wide shall be provided between the outside edge of any surface parking area and any adjacent lot for the length of the parking area and a five (5) feet wide landscaped area shall be provided where commercial abuts an R district.



This e-mail (and attachments, if any) may be subject to the California Public Records Act, and as such may therefore be subject to public disclosure unless otherwise exempt under the Act.

34583 Hwy. 190
Springville, Ca, 93265
Off 559-781-1538
Email hillmandesigns@ocsnet.net

HILLMAN BUILDING DESIGNERS INC.

Porterville city council appeal

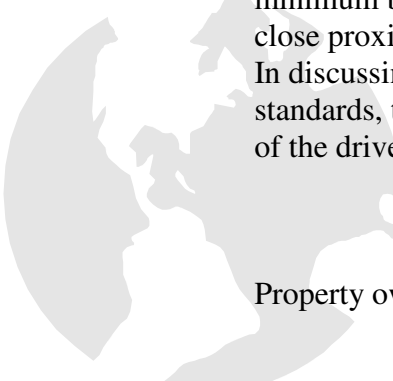
October 17, 2016

Porterville city council,

On behalf of Mr. Randall Carroll we are requesting an appeal for driveway width at the base for a project that is proposed on the North West corner of Olive Avenue and Lotas in the city. Apn 251-291-031.

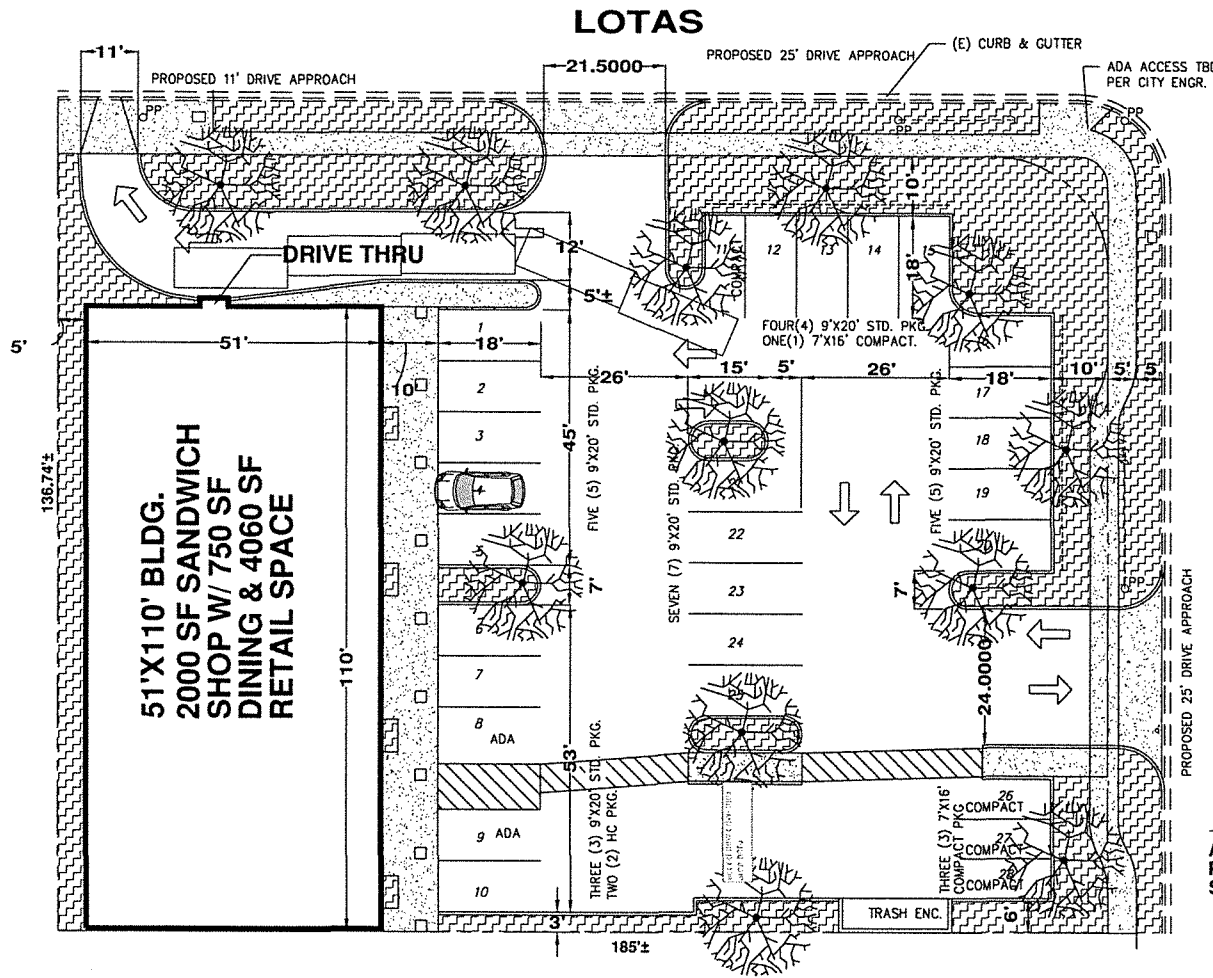
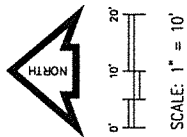
Engineering's standard driveway requires a 4' return from the property and a minimum base of 10', we are proposing a 12' driveway with an 8' base due to the close proximity of an existing power pole south of the north property line.

In discussing this with staff this driveway configuration does not meet city standards, therefore we are asking for an appeal to the standard reducing the "wings" of the drive approach by 2'.



Property owner: Randall Carroll
981 North West Grand
Porterville, CA 93257
(559)-781-5040

Representative: Mark Hillman
34583 Hwy. 190
Springville, CA
(559)-781-1538



SITE STATISTICS

LOT SF	25,160 SF
BUILDING SF	5,610 SF
LOT ZONING	CR
PARKING/PAVING SF	14,985 ± SF
LANDSCAPE SF	3,093 ± SF(12%)
PARKING REQUIRED	
3610/200=18 SPACES	
DINING AREA 750/75=10	
PARKING PROVIDED	
22 9'X20' STANDARD	
2 ADA	
4 7'X16' COMPACT	
TOTAL 28	

OLIVE AVE

SITE PLAN 1"=10'

APN 251-291-032 IN THE CITY OF PORTERVILLE, COUNTY OF TULARE, STATE OF CALIFORNIA

REVISIONS	BY

HILLMAN BUILDING DESIGNERS
SPECIALIZING IN COMMERCIAL DESIGNS
1370 S. STACEY AVE.
STOCKTON, CA 95210
Tel. (559) 781-1538
Email: hillmandesigns@comcast.net

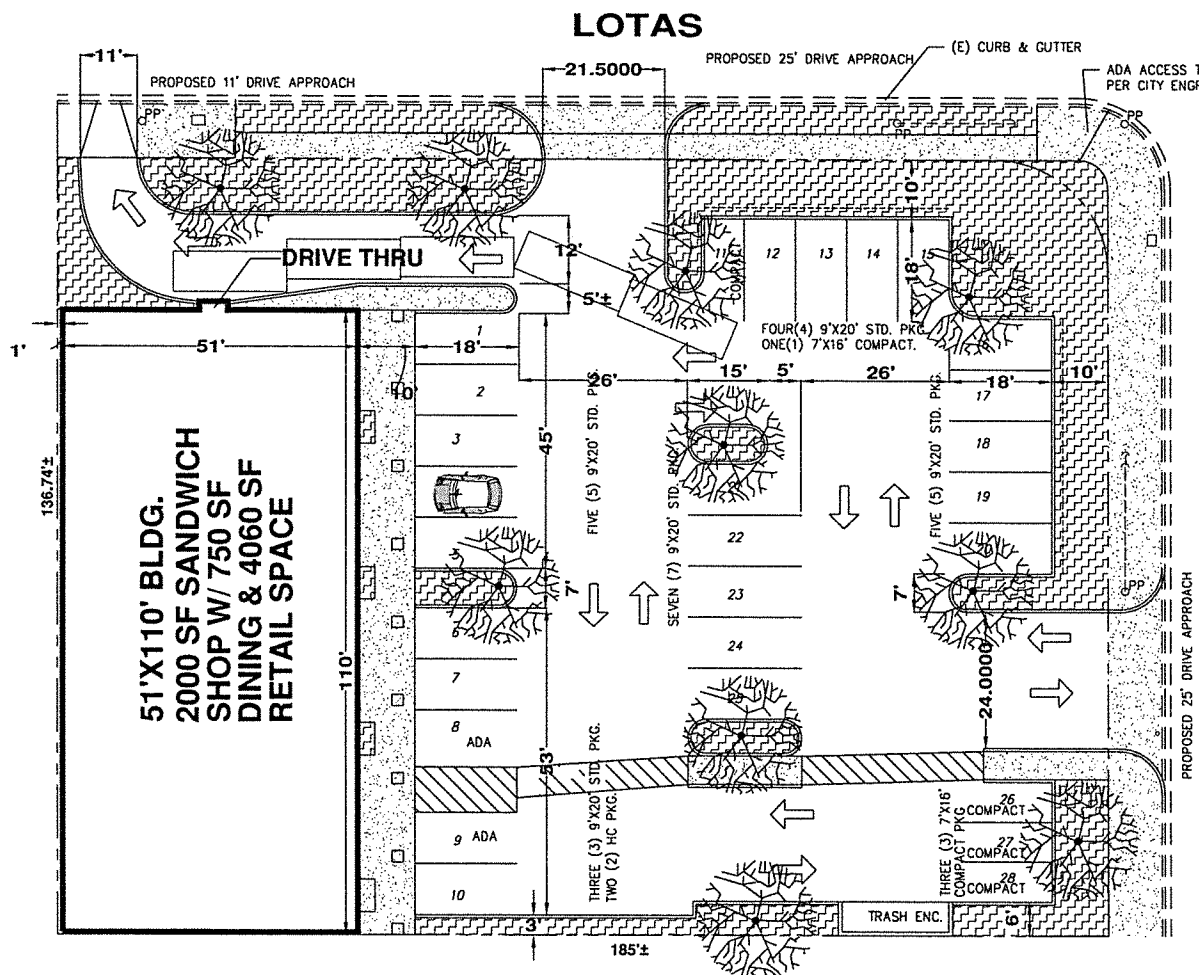
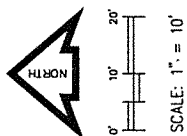
HECTOR TELLEZ ARCHITECT
LIC. C14430
4841 24th St. #100
TULARE, CA 95324
TEL. (559) 725-1534

PROPOSED NEW BUILDING FOR:
RANDALL CARROLL

DATE	09-17-13
SCALE	AS SHOWN
DRAWN	ME
CHECKED	ME
SHEET	13031

A-2

EXHIBIT 'A'



SITE STATISTICS

LOT SF	25,160 SF
BUILDING SF	5,610 SF
LOT ZONING	CR
PARKING/PAVING SF	14,985 ± SF
LANDSCAPE SF	3,093 ± SF (12%)
PARKING REQUIRED	3610/200=18 SPACES
DINING AREA 750/75=10	
PARKING PROVIDED	22 9'X20' STANDARD
2 ADA	
4 7'X16' COMPACT	
TOTAL 28	

OLIVE AVE

SITE PLAN 1"=10'

APN 251-291-032 IN THE CITY OF
PORTERVILLE, COUNTY OF TULARE,
STATE OF CALIFORNIA

REVISIONS	BY

HILLMAN BUILDING DESIGNERS
SPECIALIZING IN CUSTOM DESIGNS
SINCE 1970
34583 Hwy. 190 Springville, CA 93265
Tel.: (559) 781-1538
Email: hillmandesign@comcast.net

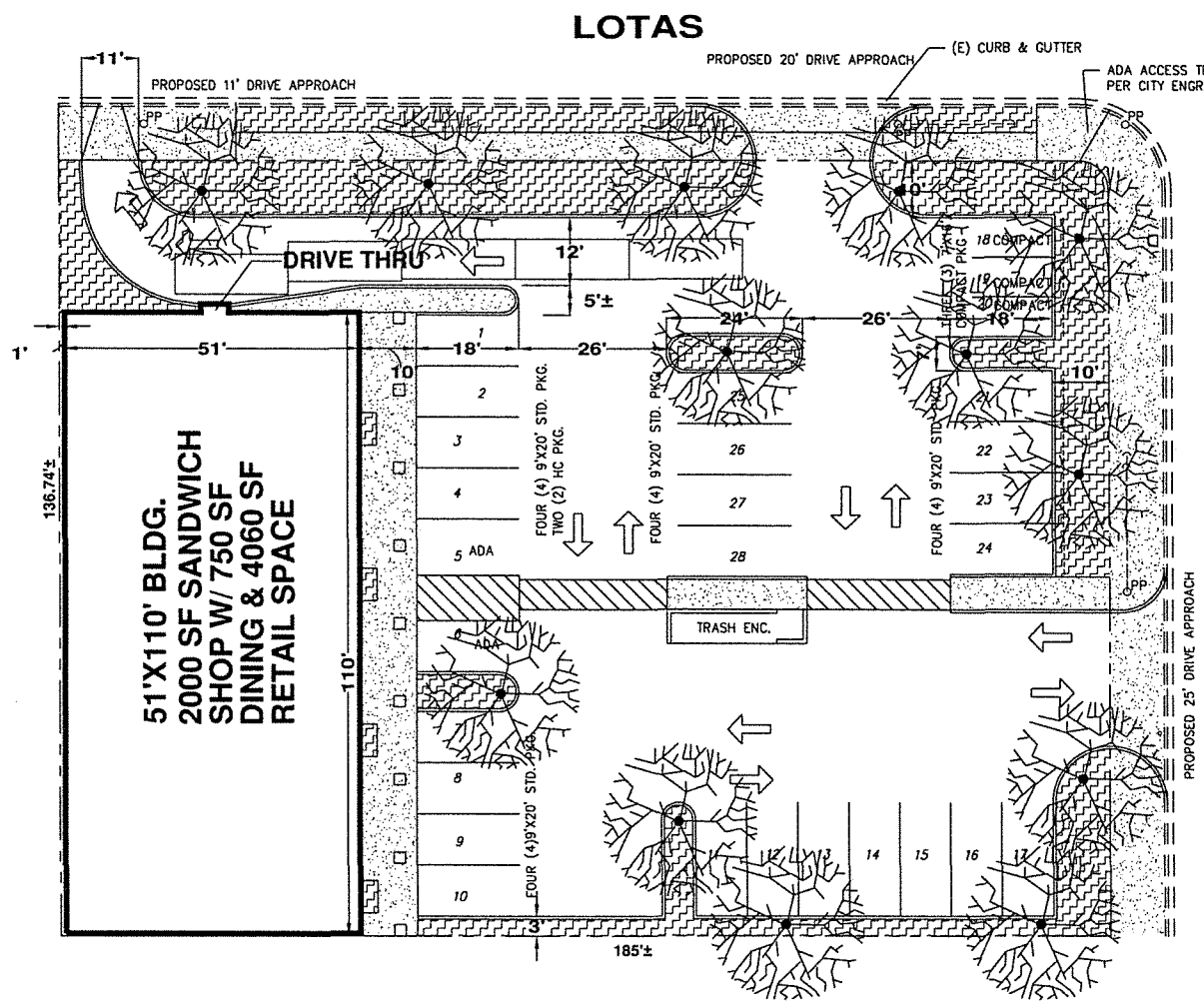
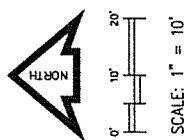
HECTOR TELLEZ ARCHITECT
LIC. NO. 44542
4420 Hwy. 99, Suite 100, Porterville, CA 93257
Tel.: (559) 781-1538

PROPOSED NEW BUILDING FOR:
RANDALL CARROLL

DATE	11-20-13
SCALE	AS SHOWN
DRAWN	JPL
CHECKED	JPL
SHEET	13071

A-2

EXHIBIT 'B'



SITE STATISTICS

LOT SF	25,160 SF
BUILDING SF	5,610 SF
LOT ZONING	CR
PARKING/PAVING SF	14,985± SF
LANDSCAPE SF	3,204 ± SF(12%)
MAX. BLDG HGT.	25'
PARKING REQUIRED	3610/200=18 SPACES
DINING AREA 750/75=10	
PARKING PROVIDED	22 9'X20' STANDARD
2 ADA	
4 7'X16' COMPACT	
TOTAL 28	

OLIVE AVE

SITE PLAN 1"=10'

APN 251-291-032 IN THE CITY OF PORTERVILLE, COUNTY OF TULARE, STATE OF CALIFORNIA

REVISIONS	BY

HILLMAN BUILDING DESIGNERS
SPECIALIZING IN CUSTOM DESIGNS
31553 Hwy. 190, Porterville, CA 93255
Tel: (559) 781-1558
Email: hillmandesigns@comcast.net

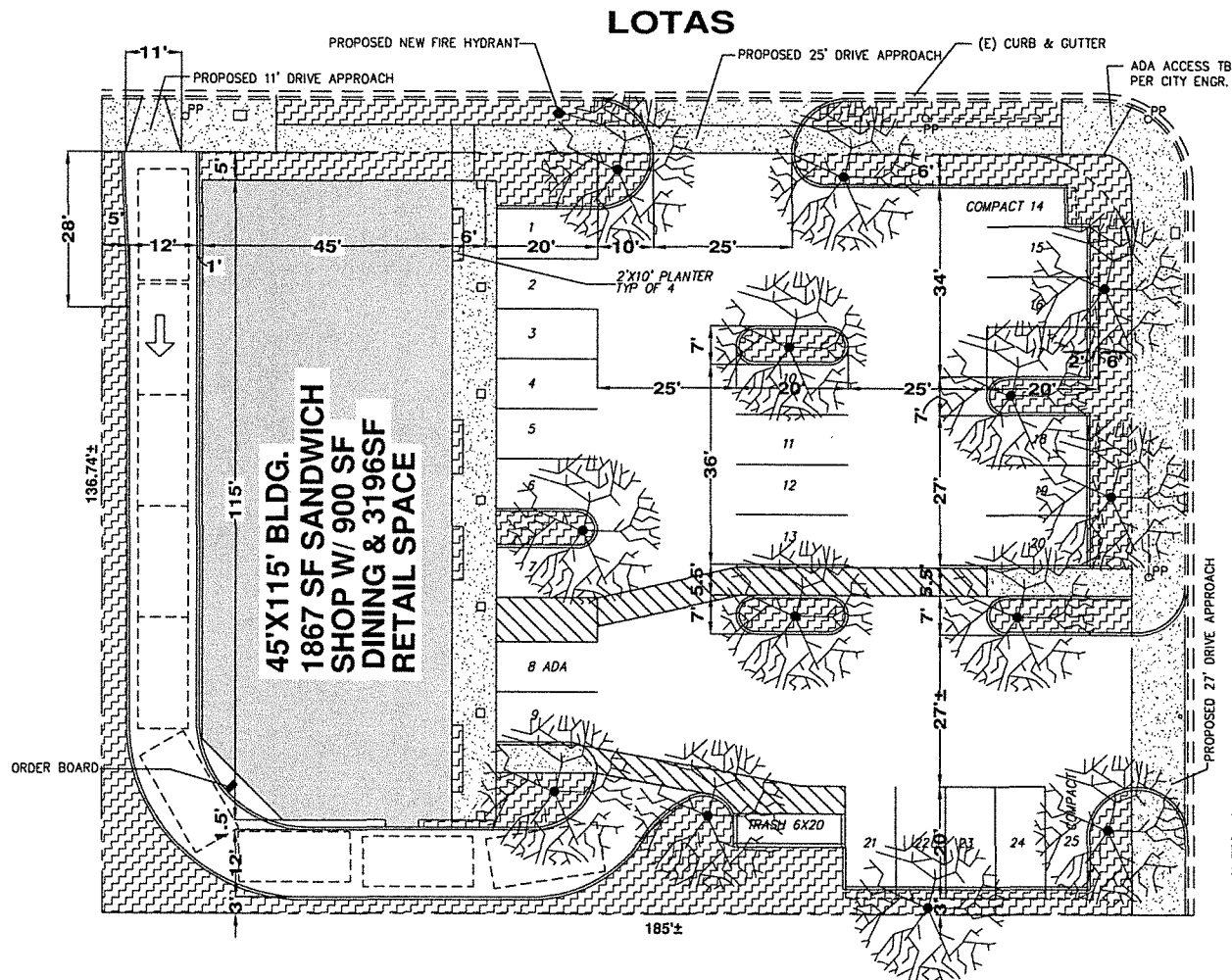
HECTOR TELLEZ ARCHITECT
REG. CIVIL
NO. 00414
NO. 00414

PROPOSED NEW BUILDING FOR:
RANDALL CARROLL

DATE	11-20-13
SCALE	AS SHOWN
DRAWN	HA
CHECKED	17031
SHEET	

A-2

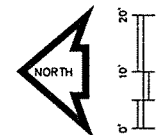
EXHIBIT 'C'



SITE STATISTICS

LOT SF	25,160 SF
BUILDING SF	5,063 SF
LOT ZONING	CR
PARKING/PAVING SF	14,547± SF
LANDSCAPE SF	3,204 ± SF(12%)
MAX. BLDG HGT.	30'
PARKING REQUIRED	3196/250=13 SPACES
DINING AREA 900/75=12	
PARKING PROVIDED	2 7'X16' COMPACT
	24 9'X20' STANDARD
1 ADA	
TOTAL 25	

OLIVE AVE



SITE PLAN 1"=10'

APN 251-291-032 IN THE CITY OF
 PORTERVILLE, COUNTY OF TULARE,
 STATE OF CALIFORNIA

REVISIONS	BY

HILLMAN BUILDING DESIGNERS
 SPECIALIZING IN CUSTOM DESIGNS
 SINCE 1970
 34583 Hwy. 100, Porterville, CA 93255
 Tel: (559) 781-1538
 Email: hillmandesigns@csnet.net

HECTOR TELLEZ ARCHITECT
 INC. 100% L.L.C. C16430
 100% L.L.C. 12/15/10
 100% L.L.C. 12/15/10

PROPOSED NEW BUILDING FOR:
RANDALL CARROLL

DATE	12-27-15
SCALE	AS SHOWN
DESIGN	100%
SHEET	17031

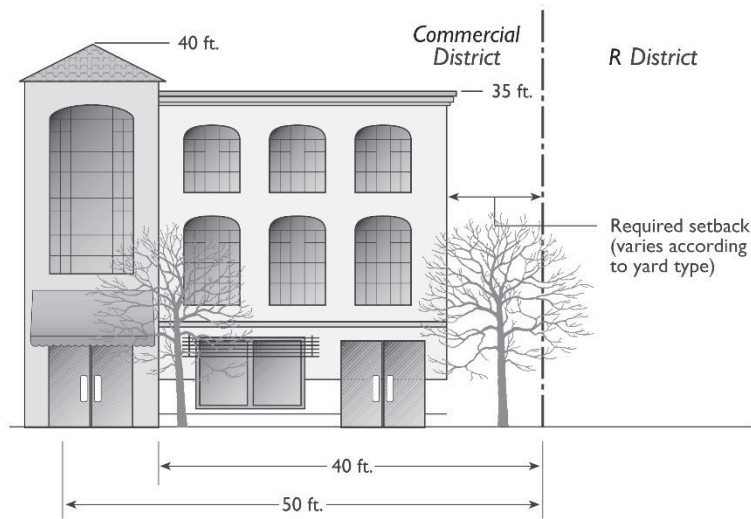
A-1

EXHIBIT 'D'

TABLE 203.03: DEVELOPMENT STANDARDS—COMMERCIAL DISTRICTS					
<i>Standard</i>	<i>CN</i>	<i>CR</i>	<i>CG</i>	<i>CMX</i>	<i>Additional Standards</i>
<i>Street Side</i>	5 min, 10 max	5	5	5	Section 300.01 Building Projections into Yards
<i>Rear</i>	0	0	0	0	Section 203.03(b); Section 300.01 Building Projections into Yards
<i>Transitional – Street side</i>	5 min, 15 max	15	15	15	Section 203.03 (b) Transitional Standards
Maximum Floor Area Ratio	.30	.35	.40	2.0	
Percent of Building at Setback or Property Line	70	n/a	n/a	n/a	
Additional Standards					
Usable Open Space (sq ft per unit)	n/a	n/a	n/a	150	Section 203.04(b) Mixed Use Standards

Additional Development Standards:

- (a) **Articulated Facades.** Buildings shall provide adequate architectural articulation and detail to avoid a bulky and “box-like” appearance. The building facade shall be articulated with measures such as, indentation in plane, change of materials in a complimentary manner, sensitive composition and juxtaposition of openings and solid wall and/or building frame, and projecting elements, such as awnings or marquees, to provide shade and shelter. Strip malls are prohibited.
- (b) **Transitional Standards.** Where a site is adjacent to an R district, the following standards apply:
 - (1) Buildings exceeding twenty (20) feet in height must be set back five (5) feet from the interior side and rear property line; for buildings exceeding twenty-five (25) feet in height shall be stepped back one (1) additional foot for every foot of height above twenty-five (25) feet.
 - (2) The maximum height within forty (40) feet of an R district boundary is thirty-five (35) feet. The maximum height within fifty (50) feet of an R district boundary is forty (40) feet.

FIGURE 203.03(B)(2): COMMERCIAL DISTRICT TRANSITIONAL STANDARDS

- (c) **Exceptions to Minimum Lot Size, Width, and Depth.** An exception to the minimum lot size, width and depth may be allowed with a Conditional Use Permit if a master plan for the site is submitted concurrently with the subdivision application. The plan shall indicate proposed land uses, building footprints, driveways, fire lanes, parking areas, landscaped areas, buffer yards, and other site features. The City Council must find that the proposed subdivision will create lots that are adequately sized, shaped, and oriented to meet or exceed all requirements for yards, buffer yards, parking, landscaping, fire lanes, and other requirements of this Chapter.
- (d) **Increased Yard for Certain Institutional Uses.** Any building erected or used for a school, government, or other institutional use mentioned elsewhere in this Chapter, shall be located at least fifteen (15) feet from an R district, notwithstanding any lesser requirement in the district where located, provided such building shall not be required to be located more than five (5) feet from any lot line adjacent to any alley. The City Council may waive this requirement for accessory buildings to provide reasonable accommodation.
- (e)

203.04 Supplemental Regulations

- (a) **Pedestrian Orientation.** Pedestrian oriented design shall be provided in the CN and CMX districts according to the following standards:
- (1) **Pedestrian-Oriented Design.** The following design elements at ground floor street frontage level shall be incorporated into the design of the structure in order to provide pedestrian orientation.
 - a. **Ground-Floor Windows.** Exterior walls facing an adjacent public street, or facing onto a park, plaza, or other public outdoor space shall include windows, doors, or other openings for at least fifty (50) percent of the building wall area located between two and one-half (2.5) and

Chapter 303 Landscaping

Sections:

303.01	Purpose
303.02	Applicability
303.03	Landscape Design Principles
303.04	Areas to be Landscaped
303.05	General Landscaping Standards
303.06	Installation and Completion

303.01 Purpose

The specific purposes of the landscaping regulations are to:

- (a) Improve the appearance of the community by requiring aesthetically pleasing landscaping on public and private sites;
- (b) Aid in energy conservation by providing shade from the sun and shelter from the wind;
- (c) Soften the appearance of parking lots and other development through landscaping;
- (d) Promote conservation of water resources through the use of native and drought-tolerant plants, and water-conserving irrigation practices; and
- (e) Minimize or eliminate conflicts between potentially incompatible but otherwise permitted land uses on adjoining lots through visual screening.

303.02 Applicability

The standards of this chapter apply to all new development or improvements subject to project review and building permits.

303.03 Landscape Design Principles

The following design principles are general standards to be used by City staff in evaluating whether landscape plans conform to the requirements of this chapter:

- (a) **Natural Landscapes.** Landscape designs shall incorporate and enhance existing natural landscapes and existing specimen trees and native vegetation (including canopy, understory, and ground cover). Particular care shall be given to preserve intact natural landscapes. Where previous landscaping has dramatically altered natural landscapes, new designs shall seek to reestablish natural landscape patterns and plantings. Natural landscapes and native vegetation do not include weeds.
- (b) **Composition.** The quality of a landscape design is dependent not only on the quantity and selection of plant materials but also on how that material is arranged. Landscape materials shall include a combination of ground covers, shrubs, vines and trees with a variety of plant heights and colors.

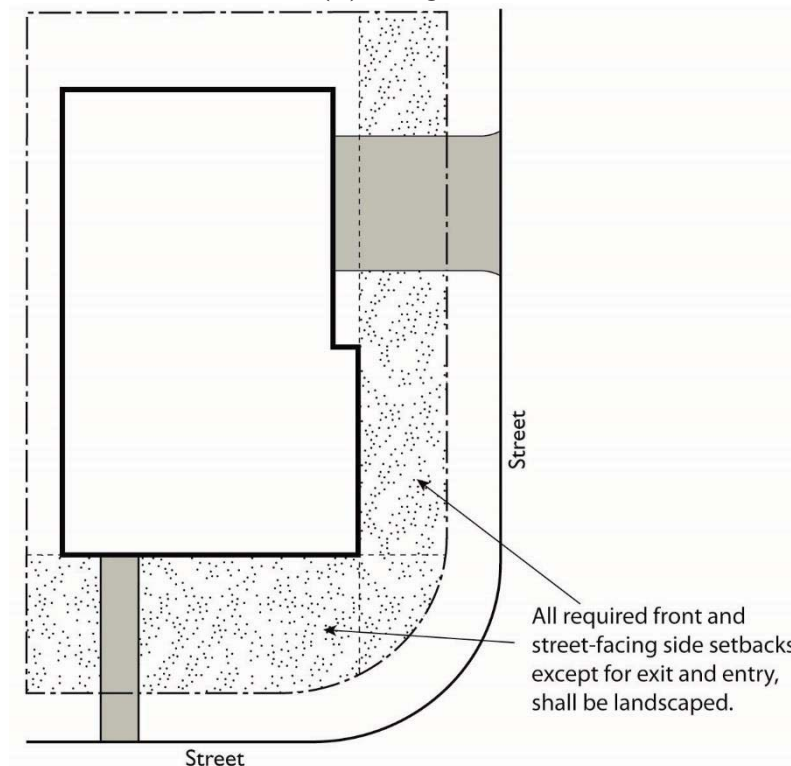
- (c) **Buffering and Screening.** The placement of natural landscape materials (trees, shrubs, and hedges) is the preferred method for buffering differing land uses, for providing a transition between adjacent properties, and for screening the view of any parking or storage area, refuse collection, utility enclosures, or other service area visible from a public street, alley, or pedestrian area. Plants may be used with fences or berms to achieve the desired screening or buffering effect. When used to screen an activity area such as a parking lot, landscaping shall not interfere with public safety.
- (d) **Responsive to Local Context and Character.** Landscape designs shall build on the site's and area's unique physical characteristics, conserving and complementing existing natural features. Naturalistic design elements such as irregular plant spacing, undulating berm contours, and mixed proportions of plant species shall be used to ensure that new landscaping blends in and contributes to the quality of the surrounding area. Selection and spacing of plant material shall be reflective of the surrounding area's character.
- (e) **Use of Native and Drought Resistant Plants.** Landscape designs shall feature native and/or related plant species and avoid invasive species, especially in areas adjacent to existing native vegetation, to take advantage of the unique natural character and diversity of the region and the adaptability of native plants to local environmental conditions. Where feasible, the re-establishment of native habitats shall be incorporated into the landscape design. In the same manner, landscape designs shall utilize drought tolerant plant materials to the maximum extent feasible. The use of drought tolerant plants shall enrich the existing landscape character, conserve water and energy, and provide as pleasant and varied a visual appearance as plants that require more water.
- (f) **Continuity and Connection.** Landscaping shall be designed within the context of the surrounding area, provided that the landscaping is also consistent with these design principles. Where the design intent and the surrounding landscape is naturalistic, plant materials shall blend well with adjacent properties, particularly where property edges meet, to create a seamless and natural landscape. Where the design intent and the surrounding landscape is formal, consistent or similar plant material and spacing shall be utilized. Exceptions shall be made when seeking to create a transition between uses, districts, and tiers.
- (g) **Enhancing Architecture.** Landscape designs shall be compatible with and enhance the architectural character and features of the buildings on site, and help relate the building to the surrounding landscape. Major landscape elements shall be designed to complement architectural elevations and rooflines through color, texture, density, and form on both vertical and horizontal planes. Landscaping shall be in scale with on-site and adjacent buildings. Plant material shall be installed at an appropriate size and allowed to accomplish these intended goals. When foundation planting is required, plantings and window boxes shall incorporate artistic elements and be compatible with a building's architectural character.

303.04 Areas to be Landscaped

The following areas shall be landscaped, and may count toward the total area of site landscaping required by the zoning district regulations.

- (a) **Required Setbacks.** All required front and street-facing side setbacks, except for areas used for exit and entry, shall be landscaped.

FIGURE 303.04(A): REQUIRED SETBACKS



- (b) **Interior Property Lines Abutting R Districts.** A minimum five (5) foot wide landscape buffer shall be provided along interior property lines, where no building abuts a property line, in districts adjacent to an R district.
- (c) **Building Perimeters.** The portions of a building façade that face onto a customer parking lot or front a public street shall have one (1) or more landscape planters installed along a minimum twenty (20) percent of that building face. The minimum width of the planter shall be three (3) feet. This standard does not apply where a building is located on the front or corner side property line and there is no setback between the building and the property line.



CITY COUNCIL AGENDA – NOVEMBER 1, 2016

SUBJECT: Consideration of Unilateral Implementation of City's Last, Best, and Final Offer to Fire Officer Series

SOURCE: Administrative Services

COMMENT: Negotiations between the City of Porterville and the Fire Officer Series (FOS) commenced in Spring of 2015 for a successor agreement to the Memorandum of Understanding (MOU) set to expire on June 30, 2015. The City sought multiple year contracts with all six bargaining groups, which proposed salary increases, off-schedule stipends, vacation sell back and cost sharing for any CalPERS Employer Contribution Rate increase for the 2017/2018 fiscal year. Furthermore, the City and FOS met to discuss additional items pertaining to their represented employees which consisted of an additional educational incentive, overtime language, the creation of an OES/LGST list, physical fitness uniform policy and vacation scheduling language.

After exchanging emails from April 2015 through September 2015, the City met with FOS on October 6, 2015, and provided FOS with a formal proposal on October 8, 2015, after receiving direction from City Council. After several follow up emails regarding the status of negotiations, the City received a response from FOS on March 17, 2016. After meeting a few other times with little to no movement, the City provided FOS with a last, best and final offer on June 1, 2016.

Agreements have been reached with all employee bargaining units with the exception of two groups: Porterville City Firefighters Association (PCFA), which the City is pursuing mediation with, and the Fire Officer Series (FOS).

On August 10, 2016, the City's legal counsel formally notified FOS that at its August 2, 2016 meeting, the City Council voted to declare impasse with regard to the meet and confer process with FOS and informed them that they have thirty days from August 10, 2016 to elect to utilize the procedures available under Government Code Section 3505.4(a) or the City would set the matter for consideration of unilateral action by the City Council.

FOS failed to notify the Public Employment Relations Board requesting that the City and FOS' differences be submitted to a fact-finding panel, and the City is thus entitled to proceed to take unilateral action. Pursuant to the Meyers-Milias-Brown Act which governs local government employee-employer relations in California, the City cannot unilaterally implement a multi-year agreement. The City is further limited in the types of actions that can be implemented, such as

the proposed 50/50 split of any additional increase to the City's CalPERS Employer Contribution Rate for FY 2017/2018.

Attached for Council's consideration is a Draft Resolution authorizing unilateral implementation of the City of Porterville's last, best and final offer from June 1, 2016, (excluding the CalPERS language) to go into effect November 2, 2016.

RECOMMENDATION: That the City Council conduct the Public Hearing, and approve the Draft Resolution authorizing the unilateral implementation of the City's last, best and final offer effective November 2, 2016.

ATTACHMENTS: 1. Draft Resolution

Appropriated/Funded:

Review By:

Department Director:

Final Approver: John Lollis, City Manager

RESOLUTION NO. ____-2016

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
AUTHORIZING UNILATERAL IMPLEMENTATION OF THE CITY'S LAST, BEST
AND FINAL OFFER TO THE FIRE OFFICER SERIES FOR 2016/2017 FISCAL YEAR

WHEREAS, the City of Porterville sought multiple year contracts with all six bargaining groups, which proposed salary increases, off-schedule stipends, vacation sell back and cost sharing for any CalPERS Employer Contribution Rate increase for the 2017/2018 fiscal year; and

WHEREAS, the City and FOS met to discuss additional items pertaining to their represented employees which consisted of expanding their educational incentive, overtime language, the creation of an OES/LGST list, physical fitness uniform policy and vacation scheduling language; and

WHEREAS, after months of negotiating, the City presented a last, best and final offer to FOS on June 1, 2016; and

WHEREAS, on August 10, 2016, FOS was formally notified that the Porterville City Council voted to declare impasse at its August 2, 2016 meeting; and

WHEREAS, FOS failed to timely notify the Public Employment Relations Board requesting that the City and FOS' differences be submitted to a fact-finding panel and the City is thus entitled to proceed to take unilateral action, which pursuant to the Meyers-Milias-Brown Act, cannot consist of payroll deductions for PERS contributions; and

NOW, THEREFORE, BE IT RESOLVED that the City Council does hereby authorize the unilateral implementation of the following, effective November 2, 2016 for employees holding positions represented by the Fire Officer Series:

I. Salaries

Effective the pay-period after the Memorandum of Understanding is fully executed and officially accepted, or as soon thereafter as possible, FOS employees shall receive a two percent (2%) salary increase.

Effective January 1, 2017, FOS employees shall receive a two percent (2%) salary increase.

II. Off-Schedule Stipend

Effective the pay-period after the Memorandum of Understanding is fully executed and officially accepted, or as soon thereafter as possible, FOS employees shall receive a one-time payment equivalent to one percent (1%) of the employees' annual base salary.

Effective January 1, 2017, FOS employees shall receive a one-time payment equivalent to one percent (1%) of the employees' annual base salary.

III. Vacation Sell Back

Shift Employees-

Subject to IRS regulations, FOS employees with at least five (5) years of service with the City of Porterville shall have the opportunity to sell back up to forty-eight (48) hours of vacation time provided said employee has utilized a minimum of ninety-six (96) hours of vacation time within the twelve (12) months prior to the sell back pay period and provided a balance of at least forty-eight (48) hours remains on account after sellback. Under extenuating circumstances created by departmental workload, the City Manager may permit the sell back when an employee has utilized less than ninety-six (96) hours but more than forty-eight (48) hours within the prior twelve (12) month period. Said sell back shall occur once per year, during the second pay-period of October.

Non-Shift Employees-

Subject to IRS regulations, FOS employees with at least five (5) years of service with the City of Porterville shall have the opportunity to sell back up to forty (40) hours of vacation time provided said employee has utilized a minimum of eighty (80) hours of vacation time within the twelve (12) months prior to the sell back pay period and provided a balance of at least forty (40) hours remains on account after sell back. Under extenuating circumstances created by departmental workload, the City Manager may permit the sell back when an employee has utilized less than eighty (80) hours but more than forty (40) hours within the prior twelve (12) month period. Said sell back shall occur once per year, during the second pay-period of October.

IV. Educational Incentive

FOS employees may receive a maximum of 2 ½% for certifications received from an accredited trade school. Skills acquired from accredited trade school must be beneficial to the City of Porterville's Fire Department. Examples of eligible certifications include, but are not limited to: Auto and diesel mechanics, any medical licenses or certificates other than those listed as minimum qualifications for employment, instructor certification or licensure in any of the fire sciences. Compensation eligibility for trade school certification other than those listed above will be determined by the Fire Chief, on a case-by-case basis.

FOS employees may count the units taken for EMT, EMT-II, and EMT-P certification towards the qualifying units for AA Degree incentive pay.

V. Overtime

The City and FOS shall work together to create a system that can be implemented in a fair and equitable manner.

VI. OES/LGST List

The City acknowledges that there may be unique circumstances that are difficult to predict and that the below lists are not exhaustive. To the extent not included in the below lists, unique circumstances shall be decided by the Fire Chief and/or his/her designee on a case-by-case basis.

It is agreed that the following circumstances, within the 14-21 day commitment period, will not result in a change in the employee's position on the OES/LGST list:

1. Scheduled vacations;
2. Court appearances;
3. Employee accepts the assignment but does not get 12 hours of overtime while on assignment;
4. Previously approved training/class;
5. Shift trade;
6. Birth/imminent birth of employee's child;
7. Long term illness or injury;
8. Child care issues; and/or
9. Employee accepts the assignment but is out of the area and unable to make the call back time.

It is agreed that the following circumstances, within the 14-21 day commitment period, will result in the employee being dropped to the bottom of the OES/LGST list:

1. Employee turns down the assignment;
2. Employee accepts the assignment and gets 12 or more hours of overtime (consecutive or non-consecutive)
3. An employee that does not call back upon receiving a message regarding an assignment shall be dropped down the list to a position below everyone else, including the employees that accept the assignment for which the employee did not return the call.

VII. Uniform Policy

The physical fitness uniform shall primarily be worn when engaged in physical fitness. The physical fitness uniform shall include a Fire Department tee shirt, and/or, sweatshirt, dark blue, 100% cotton, with the department logo. Shorts and/or sweat pants shall be dark

blue, 100% cotton. Shorts shall have an inseam sufficient to rest between the lower thigh and midline of the knee.

Nylon or other synthetic material shirts, shorts, and other fitness uniform items should not be worn under PPE because those fabrics may melt.

VIII. Vacation Scheduling

The master vacation schedule is developed between October and December, for vacation to be taken the following calendar year. To provide ample opportunity for the use of earned vacation, during the annual vacation selection process, two employees are eligible to schedule vacation for the same shift, so long as the remaining shift personnel can fill the required functional positions for company officers, engineers, and firefighters. At least one permanent company officer shall be on duty each shift.

To provide for the public safety, the orderly operation of the department, and ensure the department can operate within its allocated budget, if after the annual vacation scheduling calendar has been finalized, if no employees on a shift have requested a vacation for a particular shift, one new vacation request will be permitted. This language will supersede the side agreement that was signed on November 4, 2011.

PASSED, APPROVED AND ADOPTED this 1st day of November, 2016.

Milt Stowe, Mayor

ATTEST:
John D. Lollis, City Clerk

By: _____
Patrice Hildreth, Chief Deputy City Clerk



CITY COUNCIL AGENDA – NOVEMBER 1, 2016

SUBJECT: Second Reading - Ordinance No. 1834 - Adoption of 2016 California Building Codes

SOURCE: Administrative Services

COMMENT: Ordinance No. 1834, An Ordinance of the City Council of the City of Porterville Amending Article I of Chapter 7 of the Municipal Code of the City of Porterville and Adopting by Reference the 2016 Editions of the California Administrative Code, the California Building Code, the California Residential Code Along with Designated Appendices, the California Energy Code, the California Historical Buildings Code, the California Existing Buildings Code, and the California Referenced Standards Code as Published by the International Code Council, was given first reading on October 18, 2016, and has been printed.

RECOMMENDATION: That the Council give Second Reading to Ordinance No. 1834, waive further reading, and adopt said Ordinance.

ATTACHMENTS: 1. Ordinance No. 1834

Appropriated/Funded: N/A

Review By:

Department Director:

Patrice Hildreth, Administrative Services Dir

Final Approver: John Lollis, City Manager

ORDINANCE NO. 1834

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE AMENDING ARTICLE I OF CHAPTER 7 OF THE MUNICIPAL CODE OF THE CITY OF PORTERVILLE AND ADOPTING BY REFERENCE THE 2016 EDITIONS OF THE CALIFORNIA ADMINISTRATIVE CODE, THE CALIFORNIA BUILDING CODE, THE CALIFORNIA RESIDENTIAL CODE ALONG WITH DESIGNATED APPENDICES, THE CALIFORNIA ENERGY CODE, THE CALIFORNIA HISTORICAL BUILDINGS CODE, THE CALIFORNIA EXISTING BUILDING CODE, AND THE CALIFORNIA REFERENCED STANDARDS CODE AS PUBLISHED BY THE INTERNATIONAL CODE COUNCIL.

THE CITY COUNCIL OF THE CITY OF PORTERVILLE DOES ORDAIN AS FOLLOWS:

A. The following sections of the Municipal Code of the City of Porterville are hereby amended to read as follows:

SECTION 7-1 ADOPTION

Adoption of the 2016 Edition of the California Administrative Code Title 24 Part 1; 2016 California Building Code Part 2, Volumes 1 and 2; the 2016 California Residential Code Title 24 Part 2.5; the 2016 Energy Code Title 24 Part 6; the 2016 Edition of the California Historical Buildings Code Title 24 Part 8; the 2016 Edition of the California Existing Buildings Code Title 24 Part 10; and the 2016 Edition of the California Referenced Standards Code Title 24 Part 12.

That certain codes in book form to which more particular reference is herein made, regulating the construction, erection, alteration, repair, removal, demolition, conversion, equipment, use, height, area and maintenance of buildings in the City of Porterville, together with the amendments thereof, herein specifically set forth, together with the penalty for violation herein set forth to be known as the Building Codes compiled by and adopted by the International Code Council, Inc., together with the following appendixes: E, H, J, and V of the 2016 California Residential Code Part 2.5; thereto are hereby adopted and enacted by the Council of the City of Porterville, to all intents and purposes and to the same effect as if each and every sentence,

paragraph, word and clause in said codes mentioned are referred to herein or therein were fully and specifically set forth herein, with the exception of the penalty provision thereof.

SECTION 7-2 COPIES ON FILE:

Reference is hereby made to one (1) copy of said California Building Code, 2016 Edition, compiled by and adopted by the International Conference of Building Officials, heretofore filed in the office of the Building Official of the City of Porterville and said California Building Code is by reference adopted herein as provided by law.

SECTION 7-3 BUILDING CODE AMENDMENTS

There are no local amendments to the 2016 Codes. The City of Porterville reserves the right to amend the Codes mentioned herein by way of public hearing and Ordinance adoption at a later date if deemed necessary.

SECTION 7-3.4. PENALTY FOR VIOLATION:

It shall be unlawful for any person, firm or corporation to enlarge, alter, repair, move, improve, remove, convert, or equip, use, occupy or maintain any building or structure in the City of Porterville, or cause the same to be done contrary to or in violation of the provisions of this article or of the building code above adopted by reference, together with the amendments thereto; and any person, firm or corporation violating any of the provisions of this article or of said building code, as amended, shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violations of the provisions of this article or of the California Building Code, 2016 Edition, is committed or permitted; and upon conviction of any such violation, such person shall be punished by a fine of not more than five hundred dollars (\$500.00) or by imprisonment in the City or County jail for a period of not exceeding six (6) months or both such fine and imprisonment.

SECTION 7-3.5. SEVERABILITY:

If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, that invalidity shall not affect other provisions or applications of this Ordinance that can be given effect without the invalid provision of application, and to this end the provisions of this Ordinance are severable.

B. Ordinance No. 1804 of the Municipal Code of the City of Porterville is hereby repealed.

C. This Ordinance shall be in full force and in effect on January 1, 2017.

PASSED, ADOPTED AND APPROVED this 1st day of November, 2016.

ATTEST:
John D. Lollis, City Clerk

Milt Stowe, Mayor

By: _____
Patrice Hildreth, Chief Deputy City Clerk



CITY COUNCIL AGENDA – NOVEMBER 1, 2016

SUBJECT: Second Reading - Ordinance No. 1835 - Adoption of 2016 California Mechanical Code

SOURCE: Administrative Services

COMMENT: Ordinance No. 1835, An Ordinance of the City Council of the City of Porterville Amending Section 7-4 of the Municipal Code of the City of Porterville Adopting by Reference the 2016 Edition of the California Mechanical Code Published by the International Association of Plumbing and Mechanical Officials, was given first reading on October 18, 2016, and has been printed.

RECOMMENDATION: That the Council give Second Reading to Ordinance No. 1835, waive further reading, and adopt said Ordinance.

ATTACHMENTS: 1. Ordinance No. 1835

Appropriated/Funded:

Review By:

Department Director:

Patrice Hildreth, Administrative Services Dir

Final Approver: John Lollis, City Manager

ORDINANCE NO. 1835

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
AMENDING SECTION 7-4 OF THE MUNICIPAL CODE OF THE CITY OF PORTERVILLE
ADOPTING BY REFERENCE THE 2016 EDITION OF THE CALIFORNIA MECHANICAL
CODE PUBLISHED BY THE INTERNATIONAL ASSOCIATION OF PLUMBING AND
MECHANICAL OFFICIALS

THE CITY COUNCIL OF THE CITY OF PORTERVILLE DOES ORDAIN AS
FOLLOWS:

A. The following section of the Municipal Code of the City of Porterville is hereby
amended to read as follows:

SECTION 7-4 ADOPTION

Adoption of the 2016 Edition of the California Mechanical Code, Title 24, Part 4 and
Referenced Standards.

That certain code in book form to which more particular reference is hereinafter made
regulating the installation and maintenance of heating, ventilating, cooling, and refrigeration
systems, to be known and referred to as the California Mechanical Code along with the
Referenced Standards is hereby adopted and enacted by the Council of the City of Porterville as
an ordinance of the City of Porterville, to all intents and purposes and to the same effect as if each
and every sentence, comma, paragraph, word, phrase, and clause in said code mentioned or
referred to therein or herein were and each thereof was fully and specifically set forth herein.

Reference is hereby made to one (1) copy of the 2016 Edition of the California
Mechanical Code published by the International Association of Plumbing and Mechanical Officials
filed with the Building Official of the City of Porterville and said code is by reference adopted
herein as provided by law.

SECTION 7-4.2. SEVERABILITY:

If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, that invalidity shall not affect other provisions or applications of this Ordinance that can be given effect without the invalid provision of application, and to this end the provisions of this Ordinance are severable.

B. That Ordinance No. 1805 of the Municipal Code of the City of Porterville is hereby repealed.

C. This Ordinance shall be in full force and in effect on January 1, 2017.

PASSED, ADOPTED AND APPROVED this 1st day of November, 2016.

Milt Stowe, Mayor

ATTEST:
John D. Lollis, City Clerk

By: _____
Patrice Hildreth, Chief Deputy City Clerk



CITY COUNCIL AGENDA – NOVEMBER 1, 2016

SUBJECT: Second Reading - Ordinance No. 1836 - Adoption of 2016 California Plumbing Code

SOURCE: Administrative Services

COMMENT: Ordinance No. 1836, An Ordinance of the City Council of the City of Porterville Amending Section 7-6 of the Porterville Municipal Code Adopting by Reference the 2016 Edition of the California Plumbing Code Published by the International Association of Plumbing and Mechanical Officials, was given first reading on October 18, 2016, and has been printed.

RECOMMENDATION: That the Council give Second Reading to Ordinance No. 1836, waive further reading, and adopt said Ordinance.

ATTACHMENTS: 1. Ordinance No. 1836

Appropriated/Funded:

Review By:

Department Director:

Patrice Hildreth, Administrative Services Dir

Final Approver: John Lollis, City Manager

ORDINANCE NO. 1836

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
AMENDING SECTION 7-6 OF THE MUNICIPAL CODE OF
THE CITY OF PORTERVILLE ADOPTING BY REFERENCE
THE 2016 EDITION OF THE CALIFORNIA PLUMBING CODE
PUBLISHED BY THE INTERNATIONAL ASSOCIATION OF PLUMBING AND
MECHANICAL OFFICIALS.

THE CITY COUNCIL OF THE CITY OF PORTERVILLE DOES ORDAIN AS
FOLLOWS:

A. That Section 7-6 of the Municipal Code of the City of Porterville is amended to read
as follows:

SECTION 7-6. ADOPTION

Adoption of the 2016 Edition of the California Plumbing Code Title 24 Part 5, the
Referenced Standards, and Appendixes C and H.

That certain code in book form to which more particular reference is hereinafter made,
regulating the business of plumbing, and the installation of plumbing fixtures and appliances, to be
known and referred to as the California Plumbing Code, is hereby adopted and enacted by the
Council of the City of Porterville as an ordinance of the City of Porterville, to all intents and
purposes and to the same effect as if each and every sentence, comma, paragraph, word, phrase,
and clause in said code mentioned or referred to therein or herein were and each thereof was fully
and specifically set forth herein.

Reference is hereby made to (1) copy of the 2016 Edition of the California Plumbing
Code, published by the International Association of Plumbing and Mechanical Officials filed with
the Building Official of the City of Porterville and said code is by reference adopted herein as
provided by law.

SECTION 7-6.1 SEVERABILITY

If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, that invalidity shall not affect other provisions or applications of this Ordinance that can be given effect without the invalid provision of application, and to this end the provisions of this Ordinance are severable.

B. That Ordinance No. 1806 of the Municipal Code of the City of Porterville is hereby repealed.

C. This Ordinance shall be in full force and in effect on January 1, 2017.

PASSED, ADOPTED AND APPROVED this 1st day of November, 2016.

Milt Stowe, Mayor

ATTEST:
John D. Lollis, City Clerk

By: Patrice Hildreth, Chief Deputy City Clerk



CITY COUNCIL AGENDA – NOVEMBER 1, 2016

SUBJECT: Second Reading - Ordinance No. 1837 - Adoption of 2016 California Electrical Code

SOURCE: Administrative Services

COMMENT: Ordinance No. 1837, An Ordinance of the City Council of the City of Porterville Amending Section 7-9 and Deleting Section 7-10 of the Porterville Municipal Code and Adopting by Reference the 2016 Edition of the California Electrical Code Published by BNi Publications, Inc., was given first reading on October 18, 2016, and has been printed.

RECOMMENDATION: That the Council give Second Reading to Ordinance No. 1837, waive further reading, and adopt said Ordinance.

ATTACHMENTS: 1. Ordinance No. 1837

Appropriated/Funded:

Review By:

Department Director:

Patrice Hildreth, Administrative Services Dir

Final Approver: John Lollis, City Manager

ORDINANCE NO. 1837

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
AMENDING SECTION 7-9 AND DELETING SECTION 7-10 OF THE
MUNICIPAL CODE OF THE CITY OF PORTERVILLE AND ADOPTING BY REFERENCE
THE 2016 EDITION OF THE CALIFORNIA ELECTRICAL CODE PUBLISHED BY BNi
PUBLICATIONS, INC.

THE CITY COUNCIL OF THE CITY OF PORTERVILLE DOES ORDAIN AS
FOLLOWS:

A. That Section 7-9 of the Municipal Code of the City of Porterville is hereby amended
to read as follows:

SECTION 7-9 ADOPTION

Adoption of the 2016 Edition of the California Electrical Code Title 24 Part 3.

That certain code in book form to which more particular reference is hereinafter made,
regulating the business of electrical, and the installation of electrical fixtures and appliances, to be
known and referred to as the California Electrical Code, is hereby adopted and enacted by the
Council of the City of Porterville as an ordinance of the City of Porterville, to all intents and
purposes and to the same effect as if each and every sentence, comma, paragraph, word, phrase,
and clause in said code mentioned or referred to therein or herein were and each thereof was fully
and specifically set forth herein.

Reference is hereby made to one (1) copy of the 2016 Edition of the California Electrical
Code, published by BNi Publications, Inc. filed in the office of the Building Official of the City of
Porterville, and such code, to wit: the 2016 Edition of the California Electrical Code published by
the BNi Publications, Inc., as aforesaid now on file with the Building Official of the City of
Porterville, is hereby adopted by reference as the Electrical Code of the City.

SECTION 7-9.1 SEVERABILITY

If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, that invalidity shall not affect other provisions or applications of this Ordinance that can be given effect without the invalid provision of application, and to this end the provisions of this Ordinance are severable.

B. That Ordinance No. 1807 of the Municipal Code of the City of Porterville is hereby repealed.

C. This Ordinance shall be in full force and in effect on January 1, 2017.

PASSED, ADOPTED AND APPROVED this 1st day of November, 2016.

Milt Stowe, Mayor

ATTEST:
John D. Lollis, City Clerk

By: Patrice Hildreth, Chief Deputy City Clerk



CITY COUNCIL AGENDA – NOVEMBER 1, 2016

SUBJECT: Second Reading - Ordinance No. 1838 - Adoption of 2016 California Green Standards Code

SOURCE: Administrative Services

COMMENT: Ordinance No. 1838, An Ordinance of the City Council of the City of Porterville Amending Article IV Chapter 7 of the Porterville Municipal Code Adopting by Reference the 2016 Edition of the California Green Building Standards Code Published by the International Code Council, was given first reading on October 18, 2016, and has been printed.

RECOMMENDATION: That the Council give Second Reading to Ordinance No. 1838, waive further reading, and adopt said Ordinance.

ATTACHMENTS: 1. Ordinance No. 1838

Appropriated/Funded:

Review By:

Department Director:

Patrice Hildreth, Administrative Services Dir

Final Approver: John Lollis, City Manager

ORDINANCE NO. 1838

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
AMENDING ARTICLE IV OF CHAPTER 7 OF THE MUNICIPAL CODE OF
THE CITY OF PORTERVILLE ADOPTING BY REFERENCE
THE 2016 EDITION OF THE CALIFORNIA GREEN BUILDING STANDARDS CODE
PUBLISHED BY THE INTERNATIONAL CODE COUNCIL.

THE CITY COUNCIL OF THE CITY OF PORTERVILLE DOES ORDAIN AS
FOLLOWS:

A. The following section of the Municipal Code of the City of Porterville is hereby
amended to read as follows:

SECTION 7-12 ADOPTION

Adoption of the 2016 Edition of the California Green Building Standards Code,
Title 24, Part 11 and the mandatory portions of Appendix A4, Appendix A5, and Appendix A6.1
with the voluntary portions of said Appendices remaining voluntary.

That certain code in book form to which more particular reference is hereinafter made
encouraging sustainable construction practices, to be known and referred to as the California
Green Building Standards Code is hereby adopted and enacted by the Council of the City of
Porterville as an ordinance of the City of Porterville, to all intents and purposes and to the same
effect as if each and every sentence, comma, paragraph, word, phrase, and clause in said code
mentioned or referred to therein or herein were and each thereof was fully and specifically set
forth herein.

Reference is hereby made to one (1) copy of the 2016 Edition of the California Green
Building Standards Code published by the International Code Council Commission filed with the
Building Official of the City of Porterville and said code is by reference adopted herein as
provided by law.

SECTION 7-12.1 SEVERABILITY

If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, that invalidity shall not affect other provisions or applications of this Ordinance that can be given effect without the invalid provision of application, and to this end the provisions of this Ordinance are severable.

B. That Ordinance No. 1809 of the Municipal Code of the City of Porterville is hereby repealed.

C. This Ordinance shall be in full force and in effect on January 1, 2017.

PASSED, ADOPTED AND APPROVED this 1st day of November, 2016.

Milt Stowe, Mayor

ATTEST:
John D. Lollis, City Clerk

By: Patrice Hildreth, Chief Deputy City Clerk



CITY COUNCIL AGENDA – NOVEMBER 1, 2016

SUBJECT: Second Reading - Ordinance No. 1839 - Adoption of 2016 California Fire Code

SOURCE: Administrative Services

COMMENT: Ordinance No. 1839, An Ordinance of the City Council of the City of Porterville Amending Chapter 12 of the Porterville Municipal Code Adopting by Reference Except as Otherwise Provided in this Article, the 2016 Edition of the California Fire Code Along with Designated Appendices, Published by the International Code Council, was given first reading on October 18, 2016, and has been printed.

RECOMMENDATION: That the Council give Second Reading to Ordinance No. 1839, waive further reading, and adopt said Ordinance.

ATTACHMENTS: 1. Ordinance No. 1839

Appropriated/Funded:

Review By:

Department Director:

Patrice Hildreth, Administrative Services Dir

Final Approver: John Lollis, City Manager

ORDINANCE NO. 1839

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
AMENDING CHAPTER 12 OF THE CODE OF THE CITY OF PORTERVILLE
ADOPTING BY REFERENCE EXCEPT AS OTHERWISE PROVIDED IN THIS
ARTICLE, THE 2016 EDITION OF THE CALIFORNIA FIRE CODE ALONG WITH
DESIGNATED APPENDICES, PUBLISHED BY THE INTERNATIONAL CODE COUNCIL

THE CITY COUNCIL OF THE CITY OF PORTERVILLE DOES ORDAIN AS
FOLLOWS:

A. That Chapter 12, Fire Prevention, Section 12.1.1, of the Municipal Code of the City of Porterville is hereby amended to read as follows:

SECTION 12-1.1: CALIFORNIA FIRE CODE ADOPTION; FILING OF COPIES:

There is hereby adopted by the Council of the City of Porterville for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, that certain code known as the California Fire Code, published by the International Code Council being particularly the 2016 Edition thereof together with the following appendices thereto, and the California Fire Code Standards are hereby amended and changed as follows:

Adoption of Appendices; Appendix Chapter 4, Appendix B as amended by this code, Appendix C, Appendix D as amended by this code, Appendix E, Appendix F, Appendix G, Appendix H, Appendix I, Appendix J, Appendix K, Appendix L, Appendix M, Appendix N.

B. Fire Code Amendments:

1. Section 105.1.1 is amended to read as follows:
105.1.1 Permits required. A property owner or owner's authorized agent who intends to conduct an operation or business, or install or modify systems and equipment that are regulated by this code, or to cause any such work to be performed, shall first make application to the Building Department and obtain the required permit.
2. The exception to section D104.2 of Appendix D is deleted.
3. The exception to Section D106.1 of Appendix D is deleted.
4. Exceptions 1 & 2 of section D107.1 of Appendix D are deleted.
5. Sections 108, 108.1, 108.2, and 108.3 are deleted.

C. SECTION 12-1.1.1 SEVERABILITY

If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, that invalidity shall not affect other provisions or applications of this Ordinance that can be given effect without the invalid provision of application, and to this end the provisions of this Ordinance are severable.

D. Fire Code Copy on File: One copy has been and now is filed in the office of the fire marshal of the City of Porterville and the same hereby adopted with the amendments herein set forth and incorporated as fully as if at length herein and provisions thereto shall be controlling within the limits of the City of Porterville.

E. That Ordinance No. 1808 of the Municipal Code of the City of Porterville is hereby repealed.

F. This Ordinance shall be in full force and in effect on January 1, 2017.

PASSED, ADOPTED AND APPROVED this 1st day of November, 2016.

ATTEST:
John D. Lollis, City Clerk

Milt Stowe, Mayor

By: Patrice Hildreth, Chief Deputy City Clerk



CITY COUNCIL AGENDA – NOVEMBER 1, 2016

SUBJECT: Housing Authority of Tulare County Density Bonus

SOURCE: Community Development

COMMENT: Chapter 302 of the Porterville Development Ordinance: Affordable Housing Density Bonus and Other Incentives, provides incentives for affordable housing for lower and moderate income households in a manner consistent with California Government Code Section 65915. The goal of the state and local regulations is to encourage development of affordable housing units, and establish requirements for resale and rental controls to ensure that units remain affordable for at least thirty years.

Affordable housing incentives may consist of a variety of items, such as reduced minimum lot sizes and/or dimensions, reduced minimum building setbacks and building separation requirements, reduced minimum outdoor and/or private usable open space requirements, increased maximum lot coverage, and increased maximum building height. Such bonuses are applicable only to residential projects of five or more units, and require approval of the City Council.

On Wednesday, June 10, 2015, the Housing Authority of Tulare County (HATC) submitted preliminary plans to the Project Review Committee proposing an eight unit apartment complex with a wellness center for disabled persons located at 43 N. Lotas Street. HATC is proposing eight 954 square foot multifamily units, establishing affordable rental restrictions on five units for a period of 30 years. The applicant has submitted the required Rental Restriction and Regulatory Agreement, and Application for Affordable Housing Density Bonus and Other Incentives. The proposed number of affordable units, (five of eight) is more than 30 percent of the total units; therefore, the project is permitted to have three incentives or concessions. The applicant has identified and submitted the proposed incentives as follows: reduce parking spaces from 19 to 14, allowable parking frontage increased from 30 percent to 34 percent, and remove private open space requirement.

Staff has determined that these incentives are necessary in order to provide the proposed targeted units and that the incentives will not have a specific adverse impact to the community or adjacent developments. HATC has indicated through their application that the restricted units will not exceed 30 percent of the 80th percentile of median income for Tulare County at admission. The Housing Authority has also identified remedies of breach of agreement in the regulatory agreement. Construction is anticipated to begin January 2017 and

expected to be completed in nine months.

The terms of the agreement have been reviewed and revised as appropriate by the Zoning Administrator and City Attorney.

RECOMMENDATION: That the City Council approve the Rental Restriction Agreement between the City of Porterville and the Housing Authority of the County of Tulare and that the City Council authorize the Mayor, City Manager, and City Attorney to sign all necessary documents

ATTACHMENTS:

1. Locator Map
2. Zoning Map
3. Lotas Site Plan
4. Affordable Housing Application
5. HATC Rental Restriction Agreement
6. Chapter 302

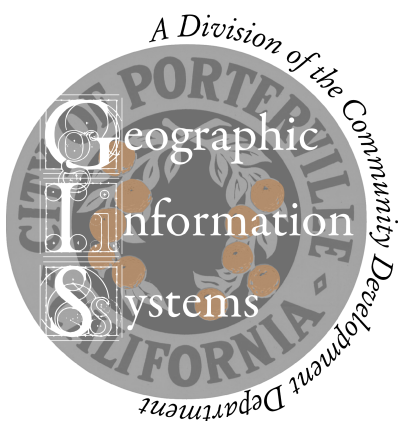
Appropriated/Funded:

Review By:

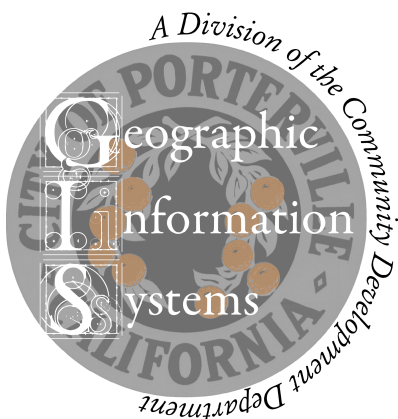
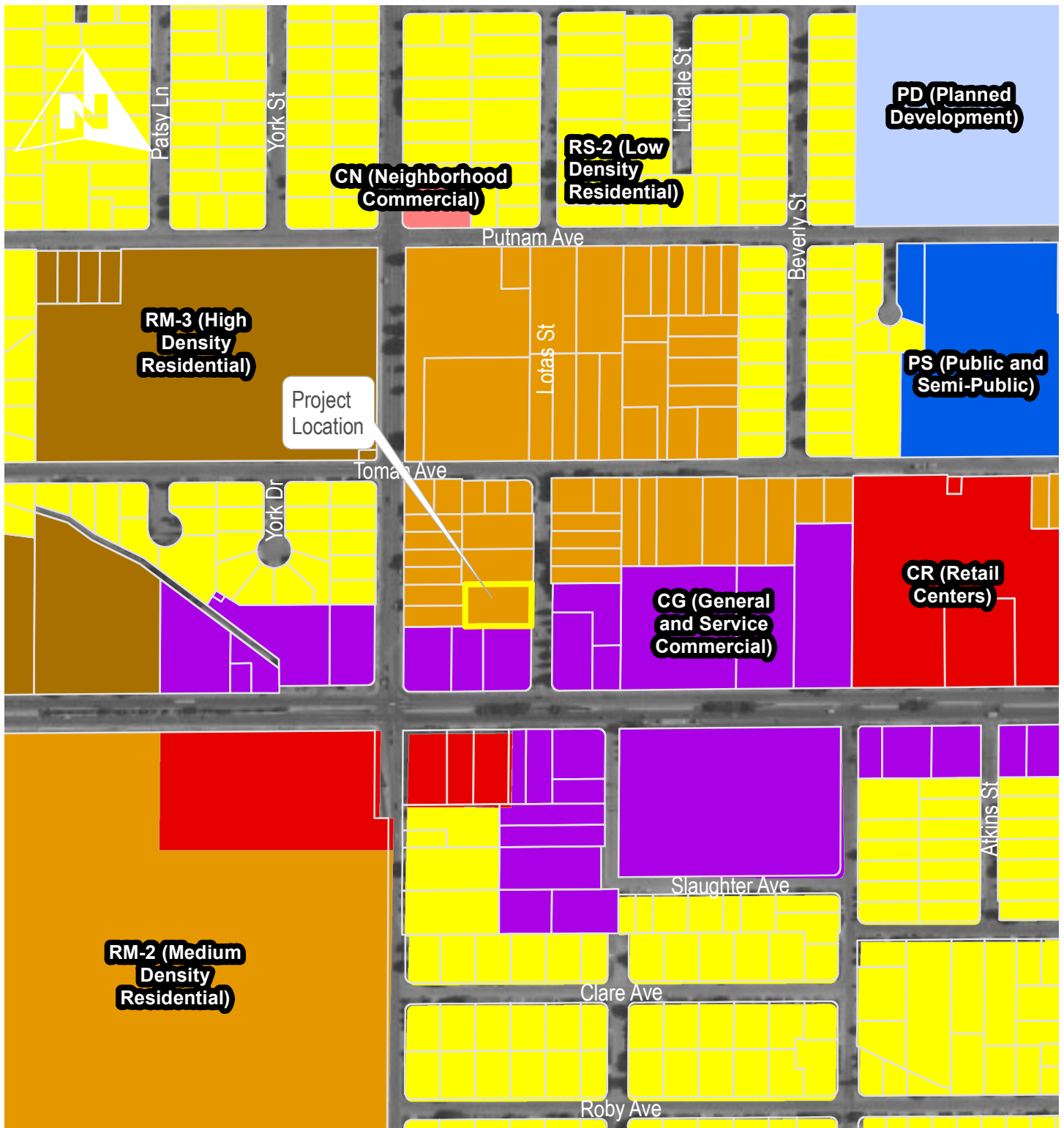
Department Director:

Jenni Byers, Community Development Director

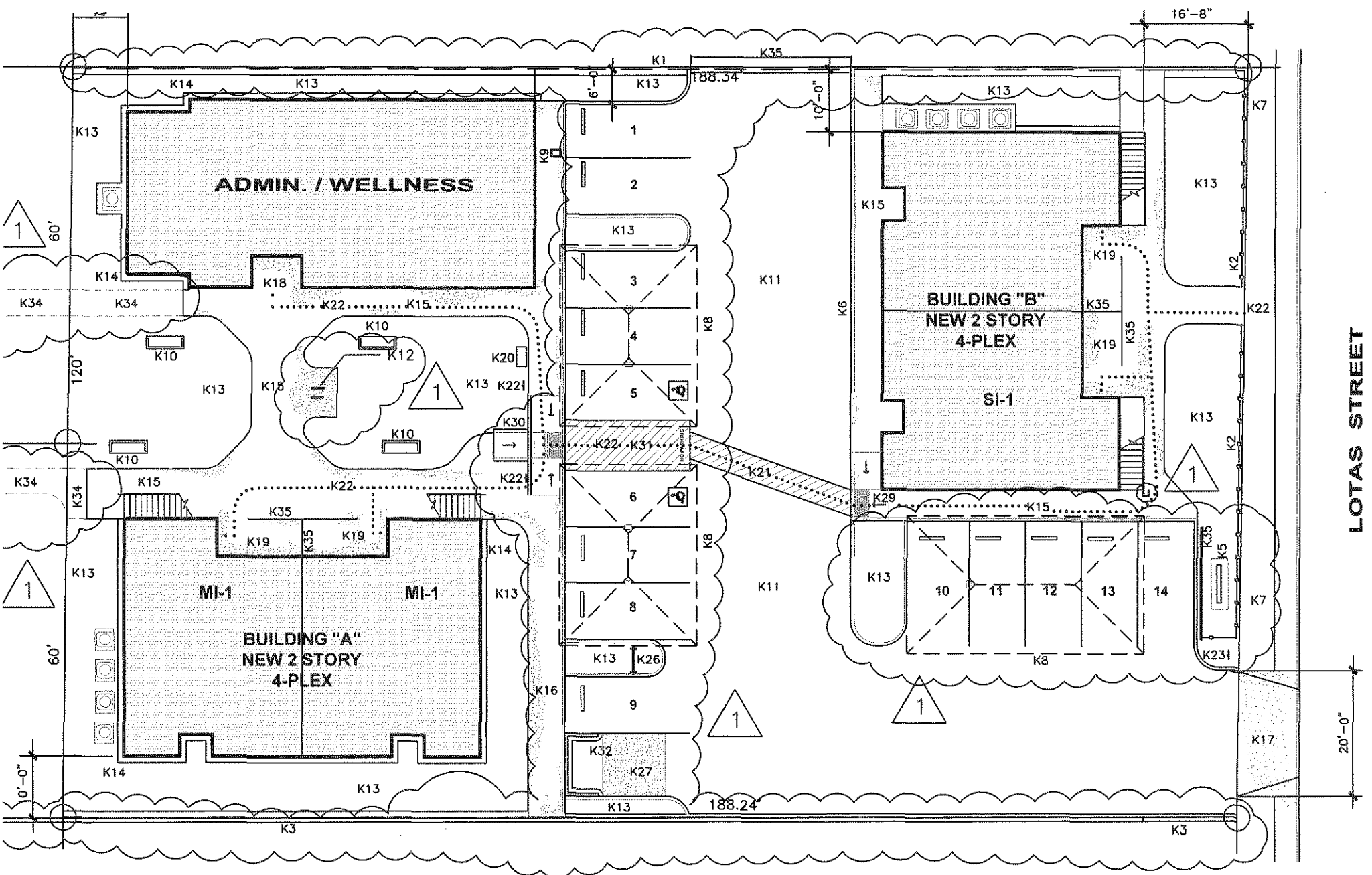
Final Approver: John Lollis, City Manager



PRC 2015-016
 8 unit apartment complex @ 43 Lotas St
 Project Locator Map
 1" = 400 ft.



PRC 2015-016
8 unit apartment complex @ 43 Lotas St
Zoning Land Use Map
1" = 400 ft.





CITY OF PORTERVILLE

APPLICATION FOR AFFORDABLE HOUSING DENSITY BONUS AND OTHER INCENTIVES

NOTE: The specific purposes of the affordable housing density bonus and other incentives regulations are to allow for density bonuses and additional incentives consistent with Government Code Section 65915 for affordable housing, implement the policies for the General Plan Housing Element, and establish requirements for resale and rental controls to ensure that units remain affordable.

PROJECT NAME:

Lotas Street Apartments

NAME, MAILING ADDRESS AND TELEPHONE NUMBER OF PROPERTY OWNER(S):

Housing Authority of the County of Tulare (HATC)

P.O. Box 791 Visalia, CA 93279, (559) 627-3700 ext 114

NAME, MAILING ADDRESS AND TELEPHONE NUMBER OF APPLICANT /CONTACT PERSON:

Tom Hayslett, Architect

303 North Church St. Visalia, CA 93291

PROJECT ADDRESS AND NEAREST CROSS STREETS:

43 North Lotas Street

Lotas Street and Olive Avenue

REQUIREMENTS FOR FILING APPLICATION FOR AFFORDABLE HOUSING DENSITY BONUS AND OTHER INCENTIVES

1. **REGULATORY AGREEMENT REQUIRED:** All affordable housing projects shall be subject to the approval of an agreement pursuant to conforming to the provisions of Sections 65864 to 65859 of the Government Code. The terms of the agreement shall be reviewed and revised as appropriate by the Zoning Administrator and/or City Attorney, who shall formulate a recommendation to the decision making body for approval.

2. **STATE THE LEVEL OF AFFORDABILITY OF THE DEDICATED UNITS:**

Five of eight units shall be affordable for a period of 30 years in accordance with

Section 50053 of California Health and Safety Code, or any successor thereto.

3. **PROPOSED INCENTIVES AND FINDINGS:**

NOTE: An applicant may propose specific incentives or concessions that would contribute significantly to the economic feasibility of providing affordable units pursuant to this chapter and State law unless the City makes a written finding that either (1) The concession or incentive is not necessary in order to provide the proposed targeted units, (2) The concession or incentive would have a specific adverse impact that cannot be feasibly mitigated on public health and safety or the physical environment or any property that is listed in the California Register of Historical Resources. (3) Notwithstanding the restriction in Subsection (a)(5) above, the applicant may propose and the city may approve additional incentives and concessions for an eligible project that provides targeted units that meet two (2) or more of the eligibility requirements based on a written finding that the additional incentives or concessions are necessary in order to make the project economically feasible.

Parking space reduction from 19-14.

Frontage parking increased from 30% to 34%.

Removal of private open space requirement.

4. TOTAL NUMBER OF UNITS: 8 units, 5 restricted

5. TARGET UNITS: the location, unit sizes (in square feet) and number of bedrooms of the affordable housing units.

5 restricted units to be determined. All 2 bedroom, and 2 bathrooms.

954 square feet per unit.

6. HOUSEHOLD INCOME GROUP: description of the household income groups to be accommodated by the project and a calculation of the Affordable Sales Price.

Restricted units shall not exceed 30% of 80% of median income for Tulare County at admission.

This is a rental project. No sales are anticipated.

7. CERTIFICATION PROCEDURES: the party responsible for certifying sales prices or annual rental rates, and the process that will be used for certification.

HATC will qualify rents and incomes of persons housed in accordance with the State law

cited above.

8. SCHEDULE: a schedule for the completion and occupancy of the affordable housing units.

Construction is anticipated to begin January, 2017 and completed in nine months.

Occupancy will follow notices of completion.

9. REQUIRED TERM OF AFFORDABILITY: Duration of affordability of the housing units. Provisions shall also cover resale control and deed restrictions on targeted housing units that are binding on property upon sale or transfer.

This is not a resale project. This is a rental project. Restrictions are for 30 years from occupancy.

10. EXPIRATION OF AGREEMENT: Provisions covering the expiration of the agreement, including notice prior to conversion to market rate units and right of first refusal option for the City and/or the distribution of accrued equity for for-sale units.

30 years.

11. REMEDIES FOR BREACH: a description of the remedies for breach of the agreement by either party.

Remedies are outlined in the attached restrictive use agreement, refer to number 7.

12. OTHER PROVISIONS: Other provisions to ensure implementation and compliance with this application.

None noted.

13. If a density bonus is requested for a land donation, the application shall show the location of the land to be dedicated and provide evidence that the requirements of section 65915(g)(1) have been met, thus entitling the project to the requested density bonus.

14. Site plan to scale showing the total number of units, the number and location of the units dedicated pursuant to California Government Code 65915(b), and the number and location of the proposed density bonus units.

RECORDING REQUESTED BY: _____

WHEN RECORDED MAIL TO:

City of Porterville
Attn: Planning Division
291 N. Main Street
Porterville, CA

Attn: Planning DivisionDepartment

(The recordation of this document is not subject
to recording fees pursuant to
California Government Code Section 27383)

FOR RECORDER'S USE ONLY

**RENTAL RESTRICTION AND REGULATORY AGREEMENT
LOW INCOME HOUSEHOLDS**

THIS RENTAL RESTRICTION AGREEMENT (this "Agreement") is entered into
as _____ of
~~September-October~~ _____, 20165, by and among the Successor Redevelopment
Agency of the City of Porterville, a Municipality ("City"), and the Housing Authority of the
County of Tulare ("Owner"), with respect to the following recitals.

RECITALS

Owner is the owner of real property generally located at 43 Lotas Street, and
more particularly described in "Exhibit A," attached hereto and incorporated herein
(the "Property"). The Property will be developed as eight (8) multifamily units
("Project") for rental to qualified low-income household ("Qualified Household").

B. The purpose of this Agreement is to establish rental restrictions on five
(5) residential units 954 S.F. two bedroom units of the Property for a period of thirty
(30) years from the date of this Agreement in order to qualify for a density bonus and
other planning ordinance incentives and concessions and to provide for the continued
availability of the Property to low-income persons and families.

Comment [FR1]: Five? Not eight?

Comment [FR2]: Include square
footage and number of bedrooms

C. This Agreement shall run with the land and shall bind Owner and all of
Owner's successors in interest as owners of the Property.

NOW, THEREFORE, in consideration of the foregoing and the benefits
secured by Owner and the City, and for other good and valuable consideration,
the receipt and sufficiency of which is hereby acknowledged, the parties hereto
agree as follows:

1. TERM OF AGREEMENT, RUNS WITH THE LAND. This Agreement shall
remain in full force and effect until the earlier of (a) thirty (30) years from date of the

recordation of this Agreement in the Official Records of Tulare County, California, or (b) the date that the City obtains title to the Property as provided in Section 11. The covenants set forth herein shall be covenants running with the land in accordance with California Health and Safety Code Sections 33334.3(f)(1) and 33413(c) (as they may be amended from time to time) and shall inure to the benefit of and be enforceable by the City without regard to whether the City maintains any interest in the Property and shall be binding upon Owner and/or any other party having any right, title or interest in the Property (including any portion thereof). By accepting title, Owner, or any other person who acquires an ownership interest in the Property, agrees (a) that all covenants and restrictions created by this Agreement are necessary in order to preserve the stock of affordable housing for Qualified Households and are reasonable in light of their purposes, and (b) to abide by each and every covenant and restriction herein.

2. DEFINITIONS

"Affordable Rent" shall be determined in accordance with California Health and Safety Code Section 50053 or any successor thereto.

"Low or moderate Income" means persons whose income does not exceed the limits set forth in § 50093 of the California Health and Safety Code or any successor statute thereto.

"Low Income" means persons whose income does not exceed the limits set forth in Section 50079.5 of the California Health and Safety Code or any successor statute thereto.

"Very Low Income" means persons whose income does not exceed the limits set forth in Section 50105 of the California Health and Safety Code or any successor statute thereto.

E. "Extremely Low Income" means persons whose income does not exceed the limits set forth in Section 50106 of the California Health and Safety Code or any successor statute thereto.

E.

AFFORDABILITY REQUIREMENT

A. Rent and Income Restrictions. From the date that this Agreement is recorded, and for a period of Thirty (30) years thereafter, unless earlier terminated by City. The Project constructed on the Property shall be rented initially and thereafter during the 30 year covenant period only to Low or Moderate Income or Low Income qualified persons in accordance with the provisions of the Community Redevelopment Law set forth at Health and Safety Code sections 33000 et seq.

B. Subordination to Federal, State, or County Programs. The affordability requirements in this Agreement may be subordinated to a lien, encumbrance or regulatory agreement under a federal, State or County program

where the agency is providing financing, refinancing or other assistance to the Property. Upon request, the City shall execute an instrument evidencing its agreement to subordinate.

4. MAINTENANCE OF PROPERTY. During the duration of this Agreement, Owner(s) shall keep the Property in good condition, order and repair and shall not commit waste or permit impairment, demolition or deterioration of the Property. City shall have the right to inspect the Property, provided the occupant is given notice prior to any such inspection.

5. NO DISCRIMINATION. Owner covenants by and for itself and any successors in interest that there shall be no discrimination against or segregation of any person or group of persons on account of race, color, creed, religion, sex, age, marital status, physical or mental handicap, medical condition, national origin or ancestry in the sale, lease, sublease, transfer, use, occupancy, tenure or enjoyment of the Property, nor shall Owner or any person claiming under or through Owner establish or permit any such practice or practices of discrimination or segregation with reference to the selection, location, number, use or occupancy of tenants, lessees, subtenants, subleases or vendees in the Property.

6. NO IMPAIRMENT OF LIEN. No violation or breach of the covenants, conditions, restrictions, provisions or limitation contained in this Agreement shall defeat or render invalid or in any way impair the lien or charge of any mortgage, deed of trust or other financing or security instrument permitted under this Agreement; provided, however, that any successor of Owner's to the Property shall be bound by such covenants, conditions, restrictions, limitations and provisions, whether such successor's title was acquired by foreclosure, deed in lieu of foreclosure, trustee's sale or otherwise.

7. DEFAULTS AND REMEDIES.

Upon substantial violation by Owner of this Agreement, City shall give written notice to Owner specifying the nature of the violation. If Owner does not correct the violation to the satisfaction of the City, in its sole discretion, within a reasonable period of time (not to exceed ninety (90) days) after its receipt of such notice, or within such further time as City, in its sole discretion, determines is necessary to correct the violation, City may immediately declare a default under this Agreement and exercise any other remedies permitted at law or in equity.

City shall notify First Lender if the City has declared a default under this Agreement. The notice to First Lender shall indicate that City may exercise its remedies.

8. SUCCESSOR AND ASSIGNS. This Agreement shall bind, and the benefit shall inure to, Owner and his or her heirs, legal representatives, executors, successors in interest and assigns, and the City and its successors and assigns for the term of this Agreement as provided in Section 1.

9. SUPERIORITY OF AGREEMENT. Owner covenants that Owner has not, and will not, execute any other agreement with provisions contradictory to or in

opposition of the provisions of this Agreement, and that, in any event, this Agreement is controlling as to the rights and obligations between Owner and the City and their respective successors and assigns.

10. SCHEDULE: Construction is anticipated to begin January 2017 and completed in nine months. Occupancy will follow notices of completion.

Comment [FR3]: Include a schedule for the completion and occupancy of the affordable housing units

11. RIGHTS OF BENEFICIARIES UNDER DEEDS OF TRUSTS.

This Agreement shall not diminish or affect the rights of any lender under any promissory note or deed of trust executed by Owner in favor of such lender in connection with Owner's purchase of the Property.

Notwithstanding any other provisions in this Agreement to the contrary, all of the provisions of this Agreement shall terminate and have no further force and effect upon the occurrence of either of the following events:

Such lender acquires title upon foreclosure of its deed of trust.

Such lender acquires title by a deed in lieu of foreclosure of its deed of trust.

12. INVALID PROVISIONS. If any one or more of the provisions contained in this Agreement shall for any reason be held to be invalid, illegal or unenforceable in any respect, then such provision or provisions shall be deemed severable from the remaining provisions contained in this Agreement, and this Agreement shall be construed as if such invalid, illegal or unenforceable provision had never been contained herein.

13. CONTROLLING LAW. The terms of this Agreement shall be interpreted under the laws of the State of California.

14. NOTICES. All notices required herein shall be sent by certified mail, return receipt requested or express delivery service with a delivery receipt and shall be deemed to be effective as of the date received or the date delivery was refused as indicated on the return receipt as follows:

To Owner: Housing Authority of the County of Tulare
Attention: Ken Kugler, Director
P. O. Box 791
Visalia, CA 93279

To Agency: City of Porterville
Attn: Community Development Director
291 N. Main Street
Porterville, CA 93257

The parties may subsequently change addresses by providing written notice of the change in address to the other parties in accordance with this Agreement.

154. EXHIBITS. Any exhibits referred to in this Agreement are incorporated in this Agreement by such reference.

IN WITNESS WHEREOF, the parties have executed this Agreement on or as of the date first written above.

Date: _____

OWNER:

Name: _____

Date: _____

CITY:

City of Porterville

Name: _____

Milt Stowe, MayorCommunity

Development Director

ATTEST:

John D. Lollis, City Clerk

Approved as to Form:

Julia Lew, City Attorney

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of Tulare ss.

On _____, before me, _____, a Notary Public, personally appeared _____, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), 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.

I certify under PENALTY OF PURJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal. SEAL

Signature of Notary Public

STATE OF CALIFORNIA)
COUNTY OF TULARE)

On _____ before me, _____
personally appeared _____, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), 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.~~

Signature _____

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.
--

State of California
County of Tulare ss.

On _____, before me, _____, a Notary Public, personally appeared _____, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), 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.

I certify under PENALTY OF PURJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal. SEAL

Signature of Notary Public

STATE OF CALIFORNIA) COUNTY OF TULARE)

On _____ before me, _____
personally appeared _____, personally known to me (or proved to me
on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the
within instrument and acknowledged to me that he/she/they executed the same in his/her/their
authorized capacity(ies), 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.

Signature _____

EXHIBIT A

Legal Description of Property

Chapter 302 **Affordable Housing Density Bonus and Other Incentives**

Sections:

302.01	Purpose
302.02	General Provisions
302.03	State Affordable Housing Density Bonus
302.04	State Childcare Facility Density Bonus
302.05	Affordable Housing Concessions and Incentives
302.06	Application Requirements
302.07	Review

302.01 Purpose

The specific purposes of the affordable housing density bonus and other incentives regulations are to:

- (a) Allow for density bonuses and additional incentives, consistent with Government Code Section 65915, for affordable housing lower and moderate income households, for seniors and disabled persons, and for development that includes a childcare facility;
- (b) Implement the policies of the General Plan Housing Element to expand the provision of housing for lower and moderate income households, elderly residents and others with special housing needs; and
- (c) Establish requirements for resale and rental controls to ensure that units remain affordable for at least thirty (30) years or such other term as required by the City, consistent with State law.

302.02 General Provisions

- (a) **State Law Governs.** The provisions of this chapter shall be governed by the requirements of Government Code Section 65915, as amended. Where conflict occurs between the provisions of this chapter and State law, the State law shall govern.
- (b) **Land Use Compatibility.** All affordable housing units shall be dispersed throughout the community. Affordable housing units within market-rate projects shall be comparable with the design of market-rate units in appearance, use of materials, and finished quality. Building forms, materials and proportions shall comply with the standards of Series 200.
- (c) **Availability.** Affordable housing units shall be constructed concurrently with, and made available for qualified occupants at the same time as the market-rate housing units within the same project unless both the City and the developer agree to an alternative schedule for development.

- (d) **Effect of Granting Density Bonus.** The granting of a density bonus shall not, in and of itself, require a General Plan amendment, zoning change, or other discretionary approval.
- (e) **Income Levels.** For purposes of determining income levels of households under this chapter, the City shall use the Tulare County income limits in Title 25, Section 6932 of the California Code of Regulations or other income limits adopted by the City Council if the State department of Housing and Community Development fails to provide timely updates of the income limits in the California Code of Regulations.

302.03 State Affordable Housing Density Bonus

- (a) **Minimum Density Bonus and Composition of Qualifying Projects.** Pursuant to Government Code Section 65915, the City shall grant a density bonus in the following amounts over the otherwise allowable maximum residential density permitted by this Ordinance and the General Plan, and one (1) or more additional concessions or incentives, consistent with Government Code Section 65915 and this section, if the applicant applies for and proposes to construct any one (1) of the following:
 - (1) **Lower Income Units.** A density bonus of twenty (20) percent if ten (10) percent of the total units of a housing development are affordable to lower income households, as defined in Section 50079.5 of the Health and Safety Code.
 - (2) **Very Low Income Units.** A density bonus of twenty (20) percent if five (5) percent of the total units of a housing development are affordable to very low income households, as defined in Section 50105 of the Health and Safety Code.
 - (3) **Senior Citizen Housing Development.** A density bonus of twenty (20) percent if a housing development qualifies as a Senior Citizen Housing Development, as defined in Section 51.3 of the Civil Code.
 - (4) **Moderate Income Units in Condominium and Planned Use Developments.** A density bonus of five (5) percent if ten (10) percent of the total dwelling units in a condominium project, as defined in Subdivision (f) of, or in a Planned Development, as defined in Subdivision (k) of Section 1351 of the Civil Code, are affordable to persons and families of moderate income, as defined in Section 50093 of the Health and Safety Code.
- (b) **Additional Sliding Scale Density Bonus.** As provided for in Government Code Section 65915(g) the number of units to which the applicant is entitled may exceed the percentage specified in Subsection (a) under the following provisions:
 - (1) **Lower Income Dwellings.** For each additional one (1) percent increase above ten (10) percent units affordable to lower income households, the density bonus shall be increased by one and one-half (1.5) percent up to a maximum density bonus of thirty-five (35) percent of the maximum allowable residential density for the site.
 - (2) **Very Low Income Dwellings.** For each additional one (1) percent increase above five (5) percent in the proportion of units affordable to very low income

households, the density bonus shall be increased by two (2) and one-half (2.5) percent, up to a maximum of thirty-five (35) percent of the maximum allowable residential density for the site.

- (3) **Condominium and Planned Development Units.** For each additional one (1) percent increase above ten (10) percent units affordable to moderate income households, the density bonus shall be increased by one (1) percent, up to a maximum of thirty-five (35) percent of the maximum allowable residential density for the site.
- (c) **Qualifying Projects—Number of Units.** The bonuses under Subsections (a) and (b) are applicable to residential projects of five (5) or more units, and senior housing projects of more than thirty-five (35) units.
- (d) **Calculation of Density Bonus Units.** When calculating the number of permitted density bonus units, all fractional units shall be rounded to the next higher whole number. The applicant who requests a density bonus for a project that meets two (2) or more of the eligibility requirements shall specify whether the bonus shall be awarded on the basis of paragraphs (1), (2), (3), or (4) of Section 302.03.(a), Minimum Density Bonus and Composition of Qualifying Projects. The density bonus shall not be included when determining the number of target units to be provided in a development project.
- (e) **Optional Density Bonus.** The City may grant a proportionally lower density bonus and/or provide concessions and/or incentives set forth in Section 302.05, Affordable Housing Concessions and Incentives, if an applicant agrees to construct a development containing less than the percentage of housing for lower or very low income households than provided in Subsection (a) of this section.

302.04 State Childcare Facility Density Bonus

- (a) **Basic Requirements.** When an applicant proposes to construct a housing development that conforms to the requirements of the State Density Bonus law and includes a childcare facility other than a Family Day Care Home that will be located on the premises of, as part of, or adjacent to, the project, the City shall grant either of the following:
 - (1) **Additional Density Bonus.** A density bonus of additional residential units equal in square footage to the amount of square feet of the childcare facility.
 - (2) **Additional Concession or Incentive.** An additional concession or incentive that contributes significantly to the economic feasibility of the construction of the childcare facility.
- (b) **Conditions of Approval.** The City shall require, as a condition of approving the housing development, that the following occur:
 - (1) **Length of Operation.** The childcare facility remains in operation for a period of time that is as long as, or longer than the length of time during which the affordable housing units shall remain affordable.

- (2) **Attending Children.** The percentage of children of very low, low or moderate income households who attend the childcare facility shall be the same or greater than the percentage of dwelling units in the project that are required for households at each income level.
- (c) **Exceptions.** The City shall not be required to provide a density bonus or concession for a childcare facility if it finds that, based upon substantial evidence, the community has adequate childcare facilities.

302.05 Affordable Housing Concessions and Incentives

- (a) **Number of Incentives or Concessions.** Pursuant to Government Code Section 65915, an applicant is entitled to receive incentives and/or concessions as follows:
 - (1) One (1) incentive or concession for projects that include at least ten (10) percent of the total units for lower income households, at least five (5) percent for very low income households, or at least ten (10) percent for persons and families of moderate income in a condominium or planned development; or
 - (2) One (1) incentive or concession for senior citizen housing developments; or
 - (3) Two (2) incentives or concessions for projects that include at least twenty (20) percent of the total units for lower income households, at least ten (10) percent for very low income households, or at least twenty (20) percent for persons and families of moderate income in a condominium or planned development; or
 - (4) Three (3) incentives or concessions for projects that include at least thirty (30) percent of the total units for lower income households, at least fifteen (15) percent for very low income households, or at least thirty (30) percent for persons and families of moderate income in a condominium or planned development.
 - (5) The applicant who requests incentives or concessions for a mixed-income project shall specify whether the incentives or concessions shall be awarded on the basis of paragraph one (1), two (2), three (3), or four (4) of this section.
- (b) **Proposal of Incentives and Findings.** An applicant may propose specific incentives or concessions that would contribute significantly to the economic feasibility of providing affordable units pursuant to this chapter and State law. In addition to any increase in density to which an applicant is entitled, the City shall grant one (1) or more incentives and/or concessions that an applicant requests, up to the maximum number of incentives and concessions required pursuant to Subsection (a), unless the City makes a written finding that either:
 - (1) The concession or incentive is not necessary in order to provide the proposed targeted units, or
 - (2) The concession or incentive would have a specific adverse impact that cannot be feasibly mitigated on public health and safety or the physical environment or any property that is listed in the California Register of Historical Resources.

- (3) Notwithstanding the restriction in Subsection (a)(5) above, the applicant may propose and the City may approve additional incentives and concessions for an eligible project that provides targeted units that meet two (2) or more of the eligibility requirements based on a written finding that the additional incentives or concessions are necessary in order to make the project economically feasible.
- (c) **Types of Affordable Housing Incentives.** Affordable housing incentives may consist of any combination of the items listed below:
 - (1) **Modification of Development Standards.** Up to twenty (20) percent in modification of site development standards or zoning code requirements that exceed minimum building code standards and fire code standards, including, but not limited to:
 - a. Reduced minimum lot sizes and/or dimensions.
 - b. Reduced minimum building setbacks and building separation requirements.
 - c. Reduced minimum outdoor and/or private usable open space requirements.
 - d. Increased maximum lot coverage.
 - e. Increased maximum building height.
 - (2) **Parking.** Upon the applicant's request, the following maximum parking standards, inclusive of handicapped and guest parking, shall apply to the entire project. Further reductions in required parking may be requested as one (1) of the incentives allowed under Subsection (a).
 - a. One (1) on-site space for studios to one (1) bedroom units;
 - b. Two (2) on-site spaces for two (2) to three (3) bedroom units; and
 - c. Two and a half (2.5) on-site spaces for four (4) more bedroom units.
 - d. For purposes of this section, at the applicant's request, on-site parking may be provided through tandem parking or uncovered parking but not through on-street parking.
 - (3) **Mixed Use Zoning.** Approval of mixed use zoning in conjunction with the housing project if commercial, office, industrial or other land uses will reduce the cost of the housing development and such uses are compatible with the housing project and the surrounding area.
 - (4) **Other Incentives.** Other regulatory incentives or concessions proposed by the developer or the City that result in identifiable cost reductions or avoidance.

302.06 Application Requirements

An application for a density bonus, incentive, concession, waiver, modification, or revised parking standard pursuant to this chapter shall be submitted in conjunction with the project application and shall be processed concurrently with all other applications required for the

project. The application shall be submitted on a form provided by the City and shall include, at a minimum, the following information:

- (a) A site plan showing the total number of units, the number and location of the units dedicated pursuant to California Government Code Section 65915(b), and the number and location of the proposed density bonus units;
- (b) The level of affordability of the dedicated units;
- (c) A description of any requested incentives, concessions, waivers or modifications of development standards, or modified parking standards and evidence demonstrating that the application of the subject standard or requirement would preclude construction of the project at the densities provided for in California Government Code Section 65915 and that the waiver or modification is necessary to make development of the project financially feasible at the densities provided for in California Government Code Section 65915;
- (d) If a density bonus is requested for a land donation pursuant to California Government Code Section 65915(h), the application shall show the location of the land to be dedicated and provide evidence that the requirements of Section 65915(h) have been met, thus entitling the project to the requested density bonus; and
- (e) If a density bonus is requested for construction of a child care facility pursuant to California Government Code Section 65915(i), the application shall show the location and square footage of the proposed facility and provide evidence that the requirements of Section 65915(i) have been met, thus entitling the project to the requested density bonus.

302.07 Review

- (a) **Duration of Affordability.** All affordable housing units shall be kept affordable for a minimum period of thirty (30) years or such other term approved by the City, consistent with State law.
- (b) **Regulatory Agreement Required.** All affordable housing projects shall be subject to the approval of an agreement pursuant to conforming to the provisions of Sections 65864 to 65869 of the Government Code. The terms of the agreement shall be reviewed and revised as appropriate by the Zoning Administrator and/or City Attorney, who shall formulate a recommendation to the decision making body for final approval. This agreement shall include, but is not limited to, the following:
 - (1) **Number of Units.** The total number of units approved for the projects, including the number of affordable housing units.
 - (2) **Target Units.** The location, unit sizes (in square feet) and number of bedrooms of the affordable housing units.
 - (3) **Household Income Group.** A description of the household income groups to be accommodated by the project and a calculation of the Affordable Sales Price.

- (4) **Certification Procedures.** The party responsible for certifying sales prices or annual rental rates, and the process that will be used for certification.
- (5) **Schedule.** A schedule for the completion and occupancy of the affordable housing units.
- (6) **Required Term of Affordability.** Duration of affordability of the housing units. Provisions shall also cover resale control and deed restrictions on targeted housing units that are binding on property upon sale or transfer.
- (7) **Expiration of Agreement.** Provisions covering the expiration of the agreement, including notice prior to conversion to market rate units and right of first refusal option for the City and/or the distribution of accrued equity for for-sale units.
- (8) **Remedies for Breach.** A description of the remedies for breach of the Agreement by either party.
- (9) **Other Provisions.** Other provisions to ensure implementation and compliance with this chapter.
- (10) **Condominium and Planned Developments.** In the case of condominium and planned developments, the Regulatory Agreement shall provide for the following conditions governing the initial resale and use of affordable housing units:
 - a. Target units shall, upon initial sale, be sold to eligible Very Low, Lower, or Moderate Income Households at an Affordable Sales Price and Housing Cost, or to Qualified Residents as defined by this Ordinance.
 - b. Target units shall be initially owner-occupied by eligible Very Low or Lower Income Households.
 - c. Upon resale, the seller of a target unit shall retain the value of any improvements, the down payment, and the seller's proportionate share of appreciation. The City shall recapture its proportionate share of appreciation, which shall be used to promote home ownership opportunities as provided for in Health and Safety Code Section 33334.2. The City's proportionate share shall be equal to the percentage by which the initial sale price to the targeted household was less than the fair market value of the dwelling unit at the time of initial sale.
- (11) **Rental Housing Developments.** In the case of rental housing developments, the Regulatory Agreement shall provide for the following conditions governing the use of Target Units during the use restriction period:
 - a. The rules and procedures for qualifying tenants, establishing affordable rent rates, filling vacancies, and maintaining Target Units for qualified tenants.
 - b. Provisions requiring owners to verify tenant incomes and maintain books and records to demonstrate compliance with this chapter.

- c. Provisions requiring owners to submit an annual report to the City, which includes the name, address, and income of each person occupying Target Units, and which identifies the bedroom size and monthly rent or cost of each Target Unit.



CITY COUNCIL AGENDA – NOVEMBER 1, 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 October 18th, 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 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 as drought conditions continue. 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 has begun a significant City waterline extension project to permanently connect 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 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, though County staff had previously indicated that the well would be in service and connected to the City's system no later than December 2016, the contractor is now reporting that the well will likely be completed no sooner than February 3, 2017. The Board of Supervisors awarded the contract for equipping and connecting the new well at their meeting of August 16th, and construction activities commenced the week of October 10th.

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 30 residences as part of the first immediate connections, for up to a total of 70, which the Council approved at its meeting on August 2nd.

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

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

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

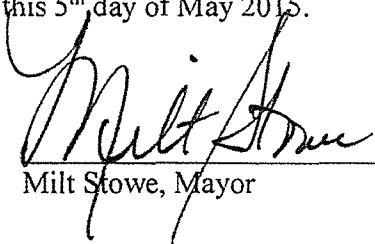
WHEREAS: the long-term ramifications of the current drought will have a significant impact on the city of Porterville and potentially pose a danger to the health and welfare of its residents; and

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

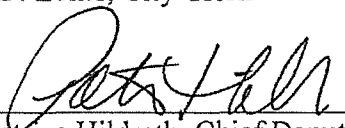
BE IT FURTHER RESOLVED: that the City Council of the City of Porterville requests the Governor and California Department of Water Resources make available California Disaster Assistance Act funding for the State of Local Emergency proclaimed on May 5, 2015, and seek all available forms of Federal assistance,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

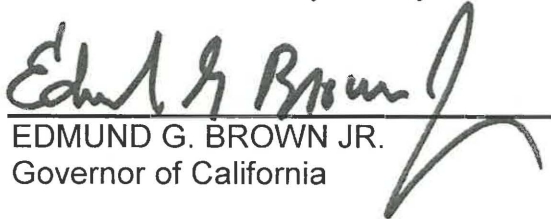
11. The Department shall work with the California Department of Food and Agriculture to update existing requirements for Agricultural Water Management Plans to ensure that these plans identify and quantify measures to increase water efficiency in their service area and to adequately plan for periods 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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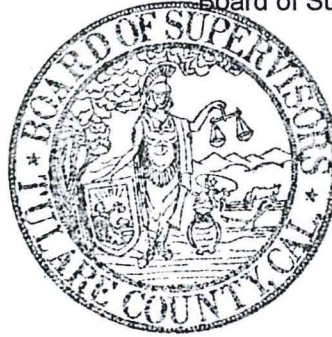
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THE PARTIES, having read and considered the above provisions, indicate their agreement by their authorized signatures below.

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

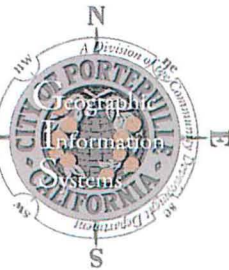
BY J. L. Lolis
John Lolis, City Manager

Approved as to Form

BY [Signature]
City Attorney

EXHIBIT 'A'

East Porterville Project Boundary



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

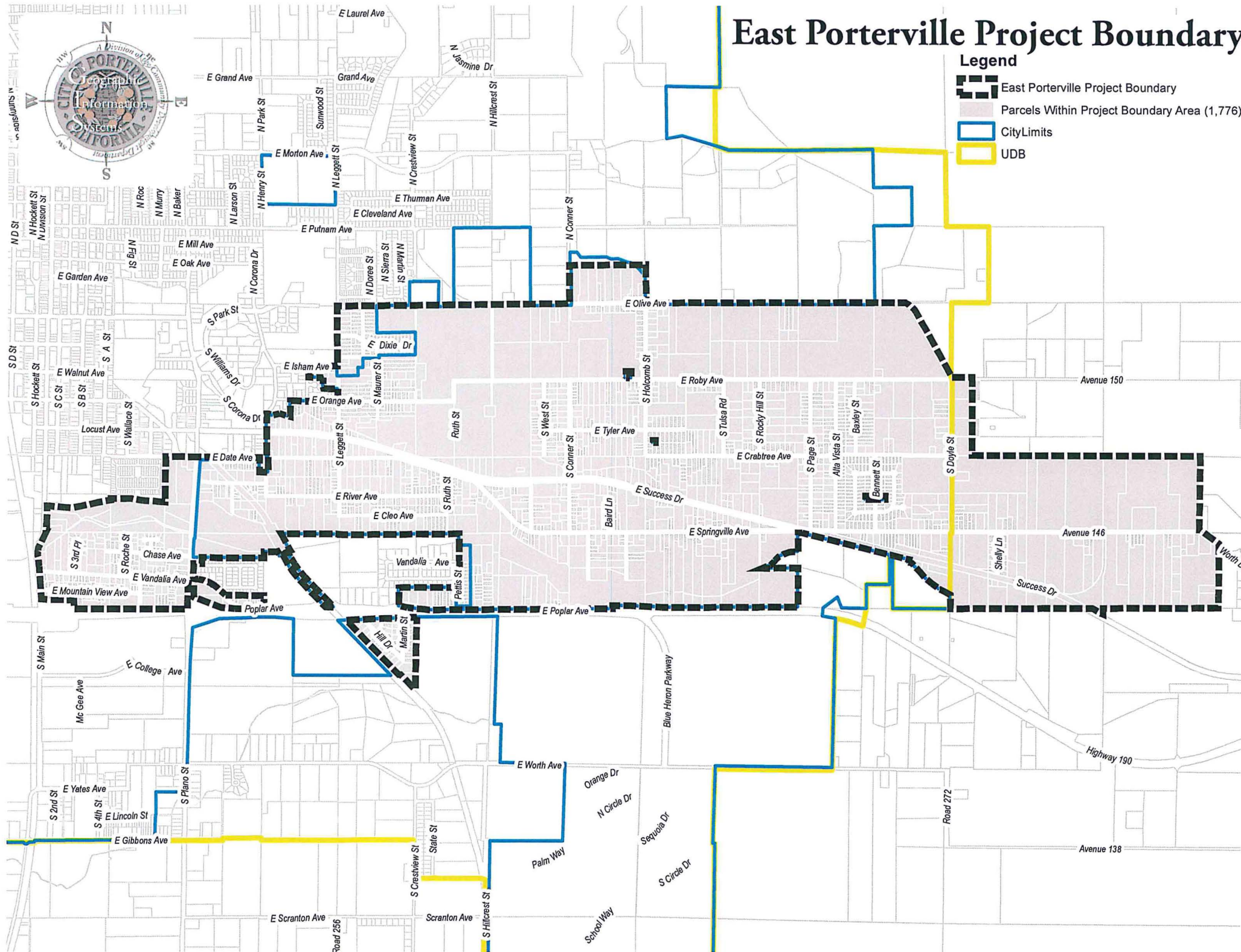


EXHIBIT 'B'

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:

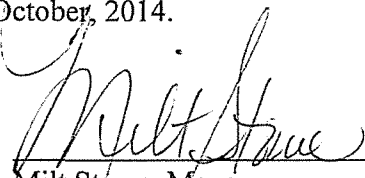
1. To promote orderly development while discouraging urban sprawl, preserving open space and prime agricultural lands, and efficiently extending government services.
2. To honor the City’s fundamental responsibility to provide efficient and sustainable public services to the inhabitants of the city,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

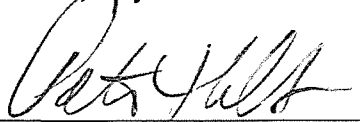
2. It shall be the policy of the City of Porterville to consider extra-territorial service requests primarily within the Urban Development Boundary, which is defined as the City of Porterville Annexation Boundary, as adopted by Tulare County LAFCo.
3. It shall be the policy of the City of Porterville,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

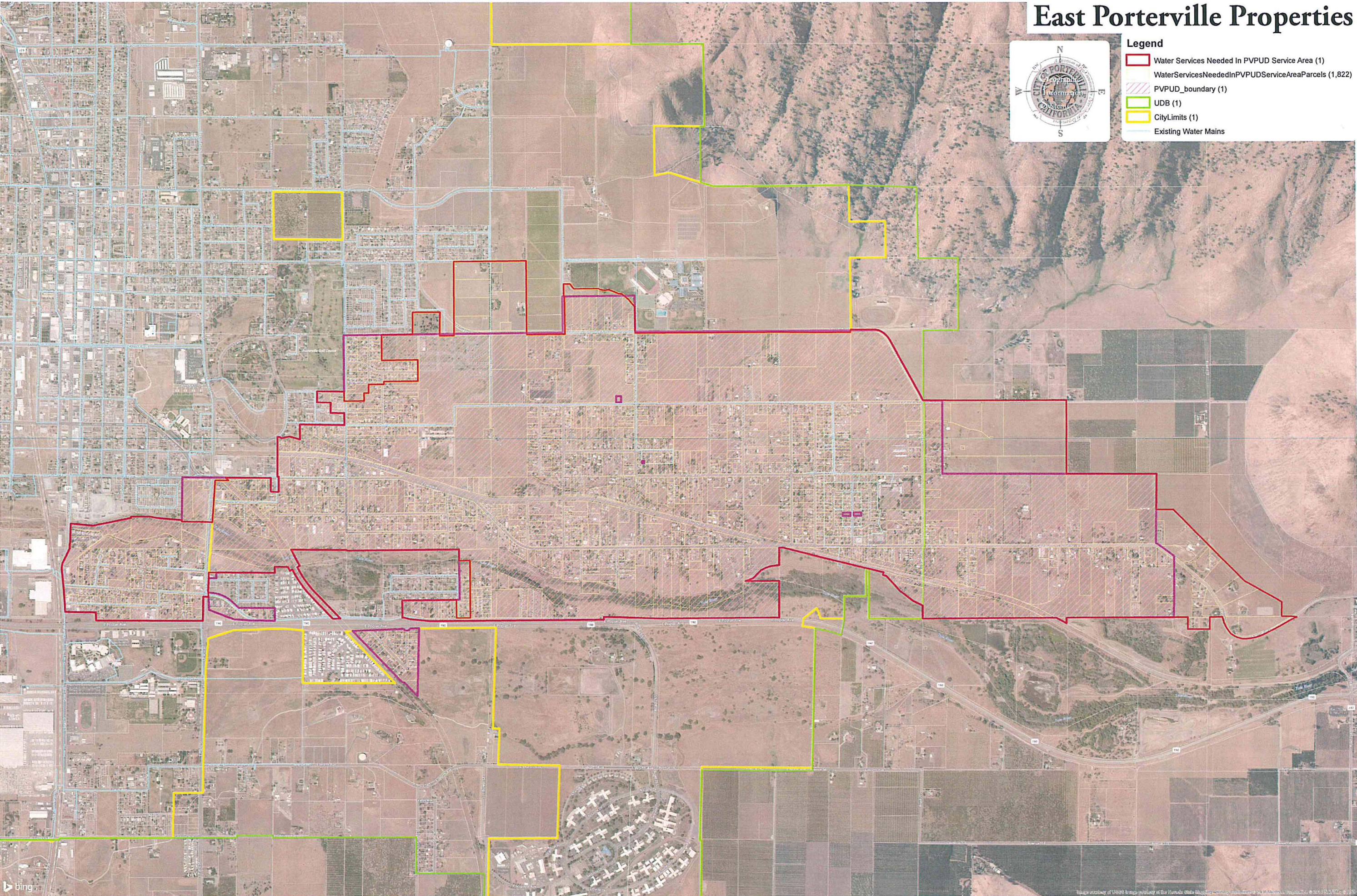
to sewer services. This exemption does not apply to requests for connection to Municipal Water and/or Master Storm Drain Facilities.

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.

East Porterville Properties



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

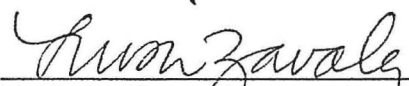

By: Luisa Zavala, Deputy City Clerk

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

