



**CITY COUNCIL AGENDA
CITY HALL, 291 N. MAIN STREET
PORTERVILLE, CALIFORNIA
DECEMBER 6, 2016, 5:30 PM**

Call to Order

Roll Call

ORAL COMMUNICATIONS

This is the opportunity to address the City Council on any matter scheduled for Closed Session. Unless additional time is authorized by the Council, all commentary shall be limited to three minutes.

CITY COUNCIL CLOSED SESSION:

A. Closed Session Pursuant to:

- 1** - Government Code Section 54956.8 – Conference with Real Property Negotiators/Property: APN: 240-050-026. Agency Negotiators: John Lollis and Jenni Byers. Negotiating Parties: City of Porterville and Porterville Masonic Properties, Inc. Under Negotiation: Terms and Price.
- 2** - Government Code Section 54956.8 – Conference with Real Property Negotiators/Property: APN: 260-250-026, 260-250-03, 260-260-002, 260-260-006, 260-310-016, 260-310-042, 260-310-043, 260-320-010, 260-320-032, and 260-320-035. Agency Negotiator: John Lollis and Jenni Byers. Negotiating Parties: City of Porterville and Dexter J. and Erline Goodell. Under Negotiation: Terms and Price.
- 3** - Government Code Section 54957.6 – Conference with Labor Negotiator. Agency Negotiator: John Lollis and Steve Kabot, and Patrice Hildreth. Employee Organizations: Porterville City Firefighters Association and Fire Officer Series.
- 4** - Government Code Section 54956.9(d)(1) – Conference with Legal Counsel – Existing Litigation: Judith Howard v. City of Porterville, et al., U.S. District Court Case No. 1:16-cv-01071-AWI-SAB.
- 5** - 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.
- 6** - Government Code Section 54956.9(d)(4) – Conference with Legal Counsel – Anticipated Litigation – Initiation of Litigation: One case.

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

Pledge of Allegiance Led by Council Member Gurrola

Invocation

PRESENTATIONS

Miss Porterville and Her Court
Employee of the Month
Employee Service Awards
Police Department Citizen's Academy

AB 1234 REPORTS

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

1. Council of Cities - November 16, 2016
2. SJVAPCD Special Meeting - November 29, 2016

REPORTS

This is the time for all staff informational items.

- I. Staff Informational Reports
 1. 2016 Legislative Session and Election Propositions

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 October 20, 2015, November 3, 2015, and November 17, 2015**
Re: Considering approval of the draft Minutes of October 20, 2015, November 3, 2015, and November 17, 2015.
2. **Authorization to Negotiate a Contract – Preparation of City Master Plan Updates, Recycled Water Feasibility Study, and Storm Water Resource Plan**
Re: Considering authorizing staff to negotiate a scope of services and contract with Carollo Engineers, or in the alternative with Akel Engineering Group, with funding for the project from developer fees, Wastewater Treatment Reserve Fund, and the Storm Drain Development Fund.

3. **Authorization to Execute an Agreement to Designate Deer Creek and Tule River Authority (DCTRA) as Fiscal Agent for the Tule Subbasin Sustainable Groundwater Management Act (SGMA) Planning Grant**
Re: Considering authorizing the designation of Deer Creek and Tule River Authority as Fiscal Agent for the Tule Subbasin Sustainable Groundwater Management Act (SGMA) Planning Grant
4. **Approval for Community Civic Event - Iglesia Del Nazareno - Mothers United Against Gang Violence - Celebrating Our Loved Ones Memories - December 14, 2016**
Re: Considering approval of an event to take place on December 14, 2016, at Centennial Park, from 6:00 p.m. to 8:30 p.m.
5. **Approval for Community Civic Event - Helping Hands of Porterville - Max Fit Studio - Max Fit Christmas Games - December 17, 2016**
Re: Approving a community civic event consisting of a family fun obstacle course to take place from 8:00 a.m. to 11:00 a.m. on Saturday, December 17, 2016, at and around Max Fit Studio located at 34 East Garden Avenue.
6. **Amendment to the Pay Rate Schedule for Seasonal and Part-Time Employees**
Re: Considering approval of a resolution amending the City's Employee Pay and Benefit Plan, Seasonal and Part-Time rates.

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

PUBLIC HEARINGS

7. **Considering Approval of a Conditional Use Permit (PRC 2016-030-C) to allow San Joaquin Valley College, a Private College, to be Located at 314 N. Main Street**
Re: Consideration of Conditional Use Permit (PRC 2016-030-C) to allow San Joaquin Valley College, a private college, to be located at 314 N. Main Street subject to conditions of approval with the additional requirement to not exceed 5,000 square feet.

SCHEDULED MATTERS

8. **Temporary Structure Permit for a modular building to be located 180 South E Street**
Re: Considering approval of a Temporary Structure Permit to allow for the use of a 24 x 40 foot modular building at the business located at 180 South E Street.

9. Consider Paving Improvement of Union Avenue Between Indiana Street and Jaye Street

Re: Consider the paving improvement of Union Avenue between Indiana Street and Jaye Street.

10. Status and Review of Declaration of Local Emergency

Re: Consideration of the continuance of the Declaration of Local Emergency, and a Draft Amendment to the Memorandum of Understanding for the East Porterville Water Supply Project.

ORAL COMMUNICATIONS

OTHER MATTERS

CLOSED SESSION

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

ADJOURNMENT - to the meeting of December 13, 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 – DECEMBER 6, 2016

SUBJECT: 1. 2016 Legislative Session and Election Propositions

SOURCE: City Manager's Office

COMMENT: Due to the recent election and end of legislative session, there are a number of bills and measures that present local implications.

Perhaps most significant was the passage of Proposition 64, the California Marijuana Legalization Initiative (also known as Adult Use of Marijuana Act). With the successful passage of Proposition 64, some provisions went immediately into effect, including the private indoor cultivation a total of six plants for personal recreational use within a residence by a person 21 years or older. The Proposition does permit commercial nonmedical marijuana activity with a State license, which the State is required to begin the issuance of licenses by January 1, 2018. As the Council is aware, the City operates a permitting process for the private cultivation of up to 12 plants for medicinal purposes, which is subject to annual review by the Council in December. Staff is preparing a Scheduled Matter for the December 20th Council meeting, where both the medical marijuana permitting process and Proposition provisions for recreational use will be presented.

Several legislative items of significance were also recently signed by the Governor, including AB 2299 (Bloom), SB 1069 (Wieckowski) and AB 2406 (Thurmond). AB 2299 and SB 1069 address Accessory Dwelling Units (ADU's), and make significant changes to local authority to regulate these units, including parking requirements, types and sizes of units, approval process and timelines, and sewer and water utility rates. AB 2406 creates unique provisions for Junior Accessory Dwelling Units (JADU's), which are ADU's 500 square feet in size or smaller located within an existing single-family residence within a single-family residential zone. An analysis of the legislation provided by the League of California Cities is enclosed.

RECOMMENDATION: Information Only

ATTACHMENTS: 1. Affordable Housing Legislation 2016

Appropriated/Funded:

Review By:

Department Director:

Final Approver: John Lollis, City Manager

Accessory Dwelling Units and Junior Accessory Dwelling Units
A Summary of New Law
AB 2299 (Bloom), SB 1069 (Wieckowski), and AB 2406 (Thurmond)

California's affordable housing crisis quickly became a legislative priority in 2016. Efforts included several proposals to increase funding to develop affordable housing which the League supported. But it was evident that the Governor and legislators would not limit the conversation to funding alone. Several proposals were unveiled that impacted the approval processes for affordable housing with the goal of decreasing development costs. Unfortunately, many of those proposals also limited public input and local control. Some – such as the Governor's "by right" proposal – failed to pass. Others – including AB 2299 (Bloom, Chapter 735, Statutes of 2016), AB 2406 (Thurmond, Chapter 755, Statutes of 2016) and SB 1069 (Wieckowski, Chapter 720, Statutes of 2016) – were approved. These measures make significant changes to local authority to regulate 2nd units.

AB 2299, AB 2406, and SB 1069 are interconnected and should be considered together. Their provisions will nullify any local ordinance that does not comply with the requirements of the bills. While a general outline of the impacts and requirements of the bills are below, cities are encouraged to work closely with their city attorneys when considering options and interpretations and deciding what changes to make to their ordinances in response to these measures, including how such changes interact with other ordinances and laws which may apply.

Accessory Dwelling Units (Formerly Known as 2nd Units)

AB 2299 and SB 1069 rename "second units" as "accessory dwelling units" (ADUs), and make significant changes to local authority to regulate these units. The changes fall into four areas: Parking, Types and Size of Units, Approval Process and Timelines, and Water and Sewer Utility Fees.

Parking

A local government cannot require parking if an ADU complies with any of the following:

- Located within ½ mile of "public transit"; (term is not defined)
- Located within architecturally and historically significant historic district; (terms are not defined)
- The ADU is part of an existing primary residence or an existing accessory structure;
- On-street parking permits are required but not offered to the occupant of the ADU; or
- There is a car share vehicle located within one block of the ADU.

For ADUs not described above, the following restrictions apply:

- Requirements may not exceed one parking space per unit or per bedroom, and spaces may be provided as tandem parking on an existing driveway;

- Offstreet parking must be permitted in setback areas in locations determined by the city or through tandem parking, unless findings are made that parking in setback areas or tandem parking is not feasible based upon specific site, regional topographical, or fire and life safety conditions, or that it is not permitted anywhere else in the jurisdiction.

Types and Size of Units

- An ADU can be either attached to the existing dwelling; located within the living area of the existing dwelling; or detached and located on same lot;
- The increased floor area of attached ADU may not exceed 50 percent of the existing living area¹;
- The total area of floorspace for a detached accessory dwelling unit shall not exceed 1,200 square feet;
- No passageway shall be required in conjunction with construction of an accessory dwelling unit; and
- No setback shall be required for an existing garage that is converted to an ADU. In addition, a setback of no more than five feet from the side and rear lot lines shall be required for an ADU that is constructed above a garage.

Approval Process and Timelines

- If a city does not have an existing ordinance and chooses not to adopt an ordinance, then an application for an ADU must be approved ministerially without discretionary review;
- Even if a city has adopted an ordinance, a city must approve an application for a building permit to create an ADU if it meets the following requirements: it is within a single-family zone; there is one ADU per lot if contained within existing space of residence or accessory structure; and the ADU has independent exterior access and side and rear yard setbacks that are sufficient for fire safety. Fire sprinklers may not be required if not required for the primary residence; and
- In both cases, approval must occur within 120 days of receipt of application.

Water and Sewer Utility Fees

- Connection or capacity fees for ADUs within existing structures in a single-family zone: A city may not require an applicant to install a new or separate utility connection directly between the ADU and the utility or impose a related connection fee or capacity charge if the ADU is located within the existing space of a single-family residence or the existing space of an accessory structure on a single-family lot; and
- Connection and capacity fees for ADUs within new structures or within multi-family zone: A city may require a new or separate utility connection directly between the ADU and the utility. The connection fee or capacity charge shall be “proportionate to the burden of the proposed accessory dwelling unit, based upon either its size or the number of its plumbing fixtures, upon the water or sewer

¹ “Living area” is defined as the interior habitable area of a dwelling unit including basements and attics but does not include a garage or any accessory structure (Section 65852.2(i)(1)).

system.” The fee or charge may not exceed the reasonable cost of providing the water or sewer service.

Junior Accessory Dwelling Units

AB 2406 creates special rules for Junior Accessory Dwelling Units (JADUs), which are ADUs 500 square feet in size or smaller that are located within an existing single-family residence within a single-family zone. Cities have the choice whether they adopt an ordinance specific to JADUs, or treat them as ADUs. An ordinance providing for JADUs may:

- Limit the number of JADUs to one per existing single-family residence in a single-family zone;
- Require owner-occupancy of the single-family residence in which the JADU is located;
- Prohibit the sale of the JADU separate from the sale of the single-family residence;
- Require the inclusion of an existing bedroom in the JADU;
- Require a separate entrance; and
- Require an efficiency kitchen.

No additional parking may be required.

A JADU must be approved within 120 days of submittal of an application; no discretionary review is allowed.

The JADU may not be considered a separate or new dwelling unit for purposes of fire or life protection ordinances or for purposes of water, sewer, or power connection fees. No fees or regulations may be imposed on a single-family residence that contains a JADU unless such fees or regulations are imposed on single-family residences generally.



CITY COUNCIL AGENDA – DECEMBER 6, 2016

SUBJECT: City Council Minutes of October 20, 2015, November 3, 2015, and November 17, 2015

SOURCE: Administrative Services

COMMENT: Staff has prepared the draft Minutes of October 20, 2015, November 3, 2015, and November 17, 2015, for the Council's review and consideration.

RECOMMENDATION: That the Council approve the draft Minutes of October 20, 2015, November 3, 2015, and November 17, 2015.

ATTACHMENTS:

1. 10-20-15 Draft Minutes
2. 11-03-15 Draft Minutes
3. 11-17-15 Draft Minutes

Appropriated/Funded:

Review By:

Department Director:

Patrice Hildreth, Administrative Services Dir

Final Approver: Patrice Hildreth, Administrative Services Dir

**CITY COUNCIL MINUTES
CITY HALL, 291 N. MAIN STREET
PORTERVILLE, CALIFORNIA
OCTOBER 20, 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

- Brock Neeley, Porterville, provided the Council with a list of revoked non-profit organizations from the Franchise Tax Board's website.

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 54956.8 — Conference with Real Property Negotiators/Property: 301 N. Hockett Street. Agency Negotiator: John Lollis and Donnie Moore. Negotiating Parties: City Of Porterville and Friends of the Library. Under Negotiation: Terms and Price.

6:32 P.M. RECONVENED OPEN SESSION AND REPORTED ON REPORTABLE ACTION TAKEN IN CLOSED SESSION

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

The Pledge of Allegiance was led by Council Member Reyes.

Invocation – a moment of silence was observed.

PROCLAMATIONS

Friends of Libraries Week - October 1824, 2015
Pink Heals Day - November 1, 2015
Eleanor Foerster

PRESENTATIONS

Introduction of New Employees

AB 1234 REPORTS

1. Local Agency Formation Commission (LAFCO) - October 15, 2015
Vice Mayor Hamilton reported on consideration of an annexation and spoke of comments made by the County.

2. Tulare County Association of Governments (TCAG) - October 19, 2015
Mayor Stowe reported on discussion pertaining to the Active Transportation Program. City Manager Lollis reported that Hwy 65 was scheduled for resurfacing from Olive Avenue to Avenue 137 in the summer of 2016.

REPORTS

- I. City Commission and Committee Meetings
 1. Parks & Leisure Services Commission
 2. Library & Literacy Commission - October 13, 2015
Commissioner Bailey reported on consideration of participation in a Library Facility Needs Assessment at the Commission's last meeting, and presented September highlights which included: library tours, story time participants and Sunday patronage. He also thanked the Friends of the Library for their continued support of the library, and expressed support for their lease of the Spencer House.
 3. Arts Commission
 4. Animal Control Commission
 5. Youth Commission - October 12, 2015
 6. Transactions and Use Tax Oversight Committee (TUTOC) - October 8, 2015
- II. Staff Informational Reports
 1. Water Conservation Phase III System Status

Mayor Stowe recognized Leadership Porterville participants in the audience and requested that they introduce themselves to the Council.

- Rose Gurule Sgt. with Porterville Police Department and Leadership Porterville Class of 2015 participant introduced herself to the Council.
- Scott Braden, Citrus High School Principal and Leadership Porterville Class of 2015 participant introduced himself to the Council.

ORAL COMMUNICATIONS

- Brock Neeley played the Happy Birthday song for Mayor Milt Stowe.
- John Coffee, Porterville, spoke of the poor sidewalk condition around Veterans Park, especially on Henderson Avenue and Newcomb Avenue, and requested that the Council be proactive in addressing the issue.
- Ellen Nichols, Porterville, expressed her contentment in hearing that Highway 65 would be addressed, and spoke of Eleanor Foerster's involvement in the establishment of a Summer Strings Camp in Porterville.

CONSENT CALENDAR

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

1. CITY COUNCIL MINUTES OF APRIL 21, 2015

Recommendation: That the City Council approve the draft minutes of April 21, 2015.

Documentation: M.O. 01-102015

Disposition: Approved.

2. RATIFICATION OF EMERGENCY EXPENDITURE - EMERGENCY REPAIR OF CITY WELL 11

Recommendation: That City Council:

1. Ratify the determination that emergency repair of City Well 11 was necessary and met the emergency criteria as promulgated in Article VII, Section 238 of the City Code;
2. Direct the Finance Director to initiate a Purchase Order to Valley Pump & Dairy Systems in an amount not to exceed \$34,094; and
3. Direct the Finance Director to make payment to Valley Pump & Dairy Systems upon receipt of invoice approved by the Public Works Director.

Documentation: M.O 02-102015

Disposition: Approved.

3. AUTHORIZATION TO PURCHASE SPORTS COMPLEX SHADE STRUCTURE

Recommendation: That the City Council authorize the purchase and installation of the Sports Complex shade structure from NSP3 for \$29,894.58.

Documentation: M.O. 03-102015

Disposition: Approved.

4. PURCHASE SOLAR POWERED BUS STOP SHELTERS AND LIGHTING YSTEMS

Recommendation: That the City Council authorize the purchase of solar powered bus stop lighting and advertising systems from Urban Solar and authorize payment for said equipment upon satisfactory delivery.

Documentation: M.O. 04-102015

Disposition: Approved.

5. ACCEPTANCE OF PROJECT - PLANO STREET BRIDGE WIDENING AND REHABILITATION PROJECT

Recommendation: That City Council:

1. Accept the project as complete;
2. Authorize the filing of the Notice of Completion; and
3. Authorize the Public Works Director to organize a ribbon cutting ceremony to be held on Friday, October 30th, at 2:00 p.m. at the project site.

Documentation: M.O. 05-102015

Disposition: Approved.

6. ACCEPTANCE OF PROJECT - NEWCOMB STREET SHOULDER STABILIZATION PROJECT

Recommendation: That City Council:

1. Accept the project as complete;
2. Authorize the filing of the Notice of Completion; and
3. Authorize the immediate release of final payment, provided no stop notices have been filed.

Documentation: M.O. 06-102015

Disposition: Approved.

7. AUTHORIZATION TO AMEND AECOM'S SERVICE AGREEMENT FOR THE SLUDGE DEWATERING AND ELECTRIC BLOWERS PROJECT

Recommendation: That City Council:

1. Approve an amendment to AECOM's service agreement in an amount "not to exceed" \$25,000 for construction support services during the construction of the Sludge Dewatering and Electric Blowers Project; and
2. Authorize the Acting Public Works Director to sign said agreement.

Documentation: M.O. 07-102015

Disposition: Approved.

8. INTENT TO SET A PUBLIC HEARING FOR THE ADOPTION OF AN ORDINANCE AMENDING THE MUNICIPAL CODE TO INCLUDE A STREAMLINED PERMITTING PROCESS FOR SMALL RESIDENTIAL ROOFTOP SOLAR SYSTEMS

Recommendation: That City Council:

1. Approve the scheduling of a Public Hearing for November 3, 2015, to receive input regarding the adoption of an Ordinance Amending the Municipal Code to Include a Streamlined Permitting Process for Small Residential Rooftop Solar Systems; and

2. Direct the City Clerk to publish the necessary public notice.

Documentation: M.O. 08-102015

Disposition: Approved.

9. CONSIDERATION OF STREET CLOSURE FOR PORTERVILLE "STEP-UP" NEIGHBORHOOD OUTREACH EVENT

Recommendation: That the City Council authorize the temporary closure of West Tomah Avenue between North Beverly and Waukesha on November 5, 2015, in support of the Porterville "Step-Up" Neighborhood Outreach Event.

Documentation: M.O. 09-102015

Disposition: Approved.

10. PROPERTY LICENSE AGREEMENT RENEWAL BETWEEN THE CITY OF PORTERVILLE AND THE FRIENDS OF THE LIBRARY

Recommendation: That the City Council consider approval of the property license agreement renewal between the City of Porterville and the Friends of the Library, and authorize and direct the Mayor to execute the same.

Documentation: M.O. 10-102015

Disposition: Approved.

11. APPROVAL FOR COMMUNITY CIVIC EVENT - U.S. MARINE CORPS RESERVE - TOYS FOR TOTS - A CHRISTMAS TO REMEMBER CAR AND BIKE SHOW - NOVEMBER 14, 2015

Recommendation: That the City Council approve the Community Civic Event Application and Agreement submitted by the U.S. Marine Corps Reserve Toys for Tots subject to the stated requirements contained in the Application, Agreement and Exhibit A and Exhibit B.

Documentation: M.O. 11-102015

Disposition: Approved.

PUBLIC HEARINGS

12. CONSTRUCTION OF CONCRETE IMPROVEMENTS - W. NORTH GRAND AVENUE RECONSTRUCTION PROJECT

Recommendation: That the City Council:

1. Take public comments, concerns and questions; and

2. Authorize staff to schedule a Public Hearing prior to the establishment of a fee for the concrete improvements in accordance with the Mitigation Fee Act, upon completion of each project.

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

The Public Hearing was opened at 7:14 p.m.

- David Olmos, Porterville, spoke of discrimination and electronic harassment.

The Public Hearing was closed at 7:16 p.m.

Staff addressed questions from the Council regarding the cost per linear foot.

COUNCIL ACTION: MOVED by Council Member Gurrola, SECONDED by Council Member Ward that the City Council authorize staff to schedule a Public Hearing prior to the establishment of a fee for the concrete improvements in accordance with the Mitigation Fee Act, upon completion of each project.

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

Documentation: M.O. 12-102015

Disposition: Approved.

13. WATER CONSERVATION ORDINANCE

Recommendation: That the City Council:

1. Consider options identified in the staff report;
2. Direct staff to amend the draft ordinance; or adopt the draft ordinance establishing a water efficient landscape ordinance and amending the municipal code as it relates to water conservation and landscape irrigation; and
3. Waive second reading and order to print.

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

The Public Hearing was opened at 7:27 p.m., and closed at 7:27 p.m. when no one came forward.

Discussion followed pertaining to the State Model, staff's review of permits, and a potential ban on natural turf for new commercial and industrial development for the purpose of water sustainability.

Council Member Gurrola made a motion to approve the draft ordinance, as amended to prohibit natural turf for new commercial and industrial development and the use of high efficient irrigation systems.

Community Development Director Byers proposed potential amendments; spoke of the need to review applicability; and clarified that the Council was not required to approve an ordinance for First Reading that evening. Staff requested that the Council continue the Public Hearing.

The Council directed staff to continue the Public Hearing to November 3, 2015, and direct staff to amend the Ordinance to prohibit natural turf for new commercial and industrial development, with an exemption for daycare facilities and schools, and residential permits for landscaped areas over 2,500 square feet.

Documentation: None

Disposition: Public Hearing continued to November 3, 2010; and staff direction provided.

14. SIGN ORDINANCE AMENDMENTS

Recommendation: That the City Council:

1. Adopt the draft ordinance amending Chapter 305 of the Porterville Development Ordinance; and
2. Waive second reading and order to print.

City Manager Lollis introduced the item, and Community Development Manager Julie Phillips presented the staff report. Following the report, Ms. Phillips elaborated on substantive changes proposed, and City Attorney Lew spoke of those amendments made in light of Reed vs. Gilbert, which pertained to content-based restrictions on signage.

Captain John Hall spoke briefly of concerns with mobile digital signage and compliance with the Vehicle Code; and City Attorney Lew advised that reasonable conditions could be placed via a conditional permit process.

Members of the Council expressed concerns regarding mobile signage as a distraction to drivers, the number allowed, and the location. The Council discussed digital signage, the proposed number allowed based on population, and conditions that could be imposed pertaining to presentation.

COUNCIL ACTION: MOVED by Vice Mayor Hamilton, SECONDED by Council Member Gurrola that the City Council adopt the draft ordinance amending Chapter 305 of the Porterville Development Ordinance, being AN

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
PORTERVILLE AMENDING THE PORTERVILLE MUNICIPAL
CODE AS IT RELATES TO SIGNAGE, waive second reading, and
order to print. The motion carried unanimously.

The Ordinance was read by title only.

Documentation: Ordinance No. 1828

Disposition: Approved.

SCHEDULED MATTERS

15. APPOINTMENT TO CITY COMMISSIONS

Recommendation: That the City Council:

1. Consider the appointment of three individuals to four-year terms on the Parks and Leisure Services Commission;
2. Consider the appointment of four individuals to three-year terms on the Library and Literacy Commission; and
3. Direct staff to continue efforts to advertise existing vacancies on the Arts Commission, Animal Control Commission, and Transactions and Use Tax (Measure H) Oversight Committee, and bring back items for consideration.

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

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Vice Mayor Hamilton that the City Council approve re-appointment of Commissioners Calantone, Land, and Lucero to the Parks and Leisure Services Commission, and Commissioners Bailey, Christenson, Figueroa, and LaVonne to the Library and Literacy Commission; and direct staff to continue efforts to advertise existing vacancies on the Arts Commission, Animal Control Commission, and Transactions and Use Tax (Measure H) Oversight Committee. The motion carried unanimously.

Documentation: M.O. 13-102015

Disposition: Approved.

16. ACCEPTANCE OF THE DRAFT PROJECT APPROVAL & ENVIRONMENTAL
DOCUMENT (PA&ED) STAGE FOR STATE ROUTE 190 NEAR TERM PROJECTS

Recommendation: That the City Council:

1. Accept Caltrans' State Route 190 PA & ED in draft form;
2. Authorize the Acting Public Works Director to sign the draft State Route 190 PA & ED; and

3. Authorize circulation of the environmental document for the identified Near Term Projects.

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

Caltrans Project Manager Curt Hutton made a presentation regarding project approval and environmental document phases. Caltrans Deputy District Director Maintenance and Operations John Liu presented proposed improvement projects. Following the presentation, Mr. Liu addressed questions from the Council regarding Caltrans' proposed use of roundabouts.

The Council discussed a pedestrian crossing at Plano and 190, a designated right turn lane onto College Avenue, bypass lanes in the roundabout, and stacking at 190 and Main Street.

COUNCIL ACTION: MOVED by Council Member Gurrola, SECONDED by Council Member Reyes that the City Council accept Caltrans' State Route 190 PA & ED in draft form, authorize the Acting Public Works Director to sign the draft State Route 190 PA & ED, and authorize circulation of the environmental document for the identified Near Term Projects. The motion carried unanimously.

Documentation: M.O. 14-102015

Disposition: Approved.

17. CONSIDERATION OF HOUSING-RELATED PARKS PROGRAM PROJECTS

Recommendation: That the City Council provide direction to staff regarding Housing-Related Parks Program projects.

City Manager Lollis introduced the item; City Attorney Lew noted a potential conflict of interest between Council Member Ward and the improvements to Veterans Park. She proposed that Council Member Ward step out for the discussion of Veterans Park improvements. Parks and Leisure Services Director Donnie Moore presented the staff report.

Council and staff discussed the trail improvements that had been planned and the timeline of the project. Mr. Moore addressed questions from the Council concerning the fitness equipment proposed for installation at Fallen Heroes Park. He also discussed plans and budget for a proposed dog park at the Sports Complex.

Council Member Gurrola asked about potential liability issues from the proposed dog park. The Council also discussed how much use would come from a dog park and compared the difference in price between two potential dog park locations.

Council agreed to forego any discussion on Veterans Park and Council Member Ward returned. Council Member Ward expressed his preference in having a dog park closer to residents within the city. The Council discussed the option of putting in a dog park in another park more centrally located.

COUNCIL ACTION: MOVED by Vice Mayor Hamilton, SECONDED by Council Member Ward that the City Council approve the use of funds on a dog park at the Sports Complex.

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

Documentation: M.O. 15-102015

Disposition: Approved.

18. CONSIDERATION OF A REQUEST TO SPONSOR THE TULARE COUNTY DISTRICT ATTORNEY 2015 JUSTICE RUN

Recommendation: That the City Council consider the request to sponsor the 2015 Justice Run event.

City Manager Lollis declared a conflict of interest on the item. City Attorney Julia Lew introduced the item and the staff report was waived at Council's request.

Council Member Gurrola expressed her support of the event and also showed concern about a private sponsor request. City Attorney Lew clarified that the sponsor request was coming from a public agency. Council discussed sponsoring the event using the Council budget.

COUNCIL ACTION: MOVED by Vice Mayor Hamilton, SECONDED by Council Member Reyes that the City Council approve sponsoring the Tulare County District Attorney 2015 Justice Run at the Gold level.

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

Documentation: M.O. 16-102015

Disposition: Approved

19. 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;
2. Review the emergency connection of the Akin Water System to the City's water system; and
3. Consider the Draft Agreement between the City and County of Tulare for a new well to provide water in support of East Porterville

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

Public Works Director Mike Reed discussed his frustration with the State Engineer responsible for the Akin Water System. He also gave an update on the City/County well project; he lauded the efforts of the consultants the City had been working with.

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

Documentation: M.O. 17-102015

Disposition: Approved.

ORAL COMMUNICATIONS

None

OTHER MATTERS

- Council Member Gurrola received a notification of an event to raise funds for East Porterville to take place on Thursday, October 22, 2015, in Fresno.
- Vice Mayor Hamilton received a request to recognize a Porterville High School student and would distribute information to the entire Council; and spoke of a recent event for Veterans.
- Council Member Ward asked if the City had disseminated Halloween safety information to the community.
- Council Member Reyes spoke of upcoming Miss Porterville Pageant on Saturday.
- Mayor Stowe inquired about the City Employee Golf Tournament.
- City Manager Lollis thanked Parks & Leisure Services staff for their execution of the Pioneer Days event; and spoke of Taste of Porterville event on Thursday evening at 5:30 p.m., Joint Meeting with the Animal Control Commission on Tuesday, October 27th, and the Plano Bridge dedication on Friday, October 30th at 2:00 p.m.

CLOSED SESSION

None

ADJOURNMENT

The Council adjourned at 10:24 p.m. at to the meeting of November 3, 2015.

SEAL

Luisa M. Zavala, Deputy City Clerk

Milt Stowe, Mayor

**CITY COUNCIL MINUTES
CITY HALL, 291 N. MAIN STREET
PORTERVILLE, CALIFORNIA
NOVEMBER 3, 2015, 5:30 PM**

Called to Order at 5:33 p.m.

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

The Council adjourned to a Joint meeting of the Porterville City Council and the Successor Agency to the Porterville Redevelopment Agency at 5:33 p.m.

**JOINT CITY COUNCIL/SUCCESSOR AGENCY TO THE
PORTERVILLE REDEVELOPMENT AGENCY
291 N. MAIN STREET, PORTERVILLE, CA 93257**

Roll Call: Member Reyes, Member Ward, Member Gurrola, Vice Chair Hamilton, Chair Stowe

ORAL COMMUNICATIONS

None

SUCCESSOR AGENCY CLOSED SESSION:

- A. Closed Session Pursuant to:
1 - Government Code Section 54956.9(d)(4) – Conference with Legal Counsel Anticipated Litigation – Initiation of Litigation: One Case.

CITY COUNCIL CLOSED SESSION:

- B. Closed Session Pursuant to:
1 - Government Code Section 54956.9(d)(1) – Conference with Legal Counsel – Existing Litigation: Donald Sipple, et al. v. City of Alameda, et al., Los Angeles County Superior Court Case No. BC462270.
2 - 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.
3 - Government Code Section 54956.9(d)(4) – Conference with Legal Counsel – Anticipated Litigation – Initiation of Litigation: Four Cases.

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

City Attorney Julia Lew reported that there was no reportable action.

Pledge of Allegiance Led by Mayor Stowe
Invocation – a moment of silence was observed.

PRESENTATIONS

Employee of the Month - Julie LaPere

Outstanding Organization – Porterville College

AB 1234 REPORTS

1. Consolidated Waste Management Association (CWMA) - October 22, 2015
Council Member Reyes reported on action to approve the dissolution of the JPA and distribution of assets.
2. Tulare County Economic Development Corp. (TCEDC) - October 28, 2015
Council Member Reyes reported on review of the 1st Quarter Report, and discussion pertaining to certified sites and business prospects.
3. SJVAPCD Special City Selection Committee - October 29, 2015
Council Member Gurrola reported on the appointment of Dennis Brazil to the Executive Board.

REPORTS

- I. City Commission and Committee Meetings
 1. Parks & Leisure Services Commission – no report.
 2. Library & Literacy Commission – no report.
 3. Arts Commission - October 28, 2015 (Meeting cancelled) – no report.
 4. Animal Control Commission - October 27, 2015; and November 2, 2015
Commissioner Arthur thanked the Council for the Joint Meeting that took place on the 27th; spoke of agreed upon priorities; requested that the animal control ordinance be amended to reduce number of days an animal must be held from 6 to 3; and reported on discussion pertaining to a job description, a trap-neuter-release program, and a quarterly ACC newsletter.
 5. Youth Commission – no report.
 6. Transactions and Use Tax Oversight Committee (TUTOC) – no report.
- II. Staff Informational Reports
 1. Quarterly Porterville Golf Course Report
 2. Report on Charitable Car Washes
 3. Building Permit Activity - 1st Quarter (July, August, September)
 4. Street Performance Measure - 1st Quarter Report (July, August, September)
 5. Attendance Report for City Commissions and Committees - 1st Quarter Report - FY 2015/16
 6. Code Enforcement, 1st Quarter Report (July, August, September 2015)

ORAL COMMUNICATIONS

- Greg Shelton, Porterville, introduced Fernando Gutierrez as someone interested in becoming involved in the community.
- Fernando Gutierrez introduced himself to the Council.
- Brock Neeley congratulated staff for work on North Grand Avenue and lauded MAC General Engineering for their efforts pertaining to access throughout the course of the project.
- Emmanuel Andamo stated that he recently purchased the property at 472 North Villa, the property was subject to demolition, and requested 90 days to fix the property.

- Norma Fox stated that she was almost hit by a vehicle while walking in the crosswalk at Putnam and Second Street, and requested that the City install cameras at the stop lights.

CONSENT CALENDAR

Item No. 2 was pulled from the Consent Calendar for further discussion.

COUNCIL ACTION: MOVED by Vice Mayor Hamilton, SECONDED by Council Member Gurrola that the City Council approve Items Nos. 1, and 3 through 8. The motion carried unanimously.

1. CITY COUNCIL MINUTES OF OCTOBER 27, 2015

Recommendation: That the City Council approve the draft minutes of October 27, 2015.

Documentation: M.O. 01-110315

Disposition: Approved.

3. PURCHASE OF REPLACEMENT SUBMERSIBLE PUMP AND MOTOR FOR LIFT STATION 11

Recommendation: That City Council approve the purchase of a submersible pump and motor from Flo-Line Technology, Inc. in an amount not to exceed \$11,680.90 (inclusive of all parts, taxes and 10% contingency for shipping).

Documentation: M.O. 02-110315

Disposition: Approved.

4. AWARD OF CONTRACT - HENRY HOUSE DEMOLITION PROJECT

Recommendation: That City Council:

1. Award the Henry House Demolition Project to Bowen Engineering and Environmental, in the amount of \$42,500;
2. Authorize progress payments up to 95% of the contract amount;
3. Authorize a 10% contingency to cover unforeseen costs; and
4. Authorize an additional 5% for construction management, quality control, and inspection services.

Documentation: M.O. 03-110315

Disposition: Approved.

5. STATUS REPORT ON MESSAGE BUSINESS INTERIM URGENCY ORDINANCE

Recommendation: That the City Council accept and issue the status report as required by Government Code Section 65858 (d).

Documentation: M.O. 04-110315

Disposition: Approved.

6. INTERIM FINANCIAL STATUS REPORTS

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

Documentation: M.O. 05-110315

Disposition: Approved.

7. QUARTERLY PORTFOLIO SUMMARY

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

Documentation: M.O. 06-110315

Disposition: Approved.

8. REQUEST FOR PROCLAMATION - AMERICA RECYCLES WEEK - NOVEMBER 15-21, 2015

Recommendation: That the City Council consider approval of the request to proclaim November 15-21, 2015, as "America Recycles Week."

Documentation: M.O. 07-110315

Disposition: Approved.

ADMINISTRATIVE HEARINGS

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

Recommendation: That the City Council:

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

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

Ms. Lew indicated that she had been in contact with Mr. Jim Oliver, legal counsel for Sakura Spa, who had requested the item be continued for 30 days to the meeting of December 1, 2015, on the condition that the business operations be suspended in the meantime. City Attorney Lew stated that she was not opposed to the continuation on condition of suspension; and addressed questions from regarding the City's adoption of regulations for massage businesses.

Council Member Reyes inquired if business signage would reflect the closure of the business; and Mr. Oliver assured the Council that it would be done.

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Vice Mayor Hamilton that the City Council suspend the business License for Sakura Spa, effective immediately, and continue the public hearing to the meeting of December 1, 2015. The motion carried unanimously.

Documentation: M.O. 08-110315

Disposition: Approved.

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

Recommendation: That the City Council:

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

City Manager Lollis introduced the item, and City Attorney Lew presented the staff report. Ms. Lew communicated that legal counsel for the business owner had requested that the Hearing be continued for 30 days to the meeting of December 1, 2015. City Attorney Lew requested that the same condition of suspension of all business operations be required if a continuation as granted.

COUNCIL ACTION: MOVED by Council Member Gurrola, SECONDED by Council Member Ward that the City Council suspend the business license for Asian Relaxing Station, effective immediately, and continue the public hearing to the meeting of December 1, 2015. The motion carried unanimously.

Documentation: M.O. 09-110315

Disposition: Approved.

10. CONSIDERATION OF REVOCATION OF BUSINESS LICENSE - A1 MASSAGE, 774 N. PROSPECT STREET, PORTERVILLE

Recommendation: That the City Council:

1. Hold the hearing to consider the revocation of the business license for A1 Massage, located at 774 N. Prospect; and
2. Take action to revoke the business license for A1 Massage.

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

City Attorney Lew spoke of communication with the sister-in-law of the business owner, in which she was informed that the business owner was in China and requested to remain in operation until the end of the month, after which the business would close. Ms. Lew stated that the while researching the business online, she discovered that the business not only falsely advertised as having all licensed massage therapists, the business also advertised as adult entertainment/escort, and as such would recommend going forward with the business license revocation in this case.

The Administrative Hearing opened at 7:30 p.m. Seeing no one, the Mayor closed the Hearing at 7:30 p.m.

Special Legal Counsel Desiree Serrano stated that within the resolution there were some “and/or”-s in No. 5 and requested clarification that all the violations listed were found. Council Members Gurrola and Ward indicated that their motion and second included all violations listed.

COUNCIL ACTION: MOVED by Council Member Gurrola, SECONDED by Council Member Ward that the City Council adopt the draft resolution revoking the business license, effective immediately, as amended to include a reference to false advertisement in finding No. 3. The motion carried unanimously.

Documentation: Resolution No. 108-2015

Disposition: Approved.

PUBLIC HEARINGS

12. AN ORDINANCE AMENDING THE MUNICIPAL CODE TO INCLUDE A STREAMLINED PERMITTING PROCESS FOR SMALL RESIDENTIAL ROOFTOP SOLAR SYSTEMS

Recommendation: That City Council:

1. Hold the public hearing and consider all testimony; and
2. Adopt the draft ordinance authorizing an expedited, streamlined permitting process for small residential rooftop solar systems, waive further reading and order the ordinance to print.

City Manager Lollis introduced the item, and Public Works Director Mike Reed presented the staff report. At the Council’s request, Mr. Reed elaborated on the proposed streamlined permitting process.

The Public Hearing was opened at 7:41 p.m.

- Brock Neeley, Porterville, spoke of his negative experience with Solar City.

The Public Hearing was closed at 7:44 p.m.

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Vice Mayor Hamilton that the City Council adopt the draft ordinance authorizing an expedited, streamlined permitting process for small residential rooftop solar systems, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE AMENDING ARTICLE V OF CHAPTER 7 OF THE MUNICIPAL CODE OF THE CITY OF PORTERVILLE AUTHORIZING AN EXPEDITED, STREAMLINED PERMITTING PROCESS FOR SMALL RESIDENTIAL ROOFTOP SOLAR SYSTEMS, waive further reading, and order the ordinance to print. The motion carried unanimously.

The Ordinance was read by title only.

Documentation: Ordinance No. 1829

Disposition: Approved.

13. WATER CONSERVATION ORDINANCE - CONTINUED

Recommendation: That the City Council:

1. Consider options identified in the staff report;
2. Direct staff to amend the draft ordinance, or adopt the draft ordinance establishing a water efficient landscape ordinance and amending the municipal code as it relates to water conservation and landscape irrigation; and
3. Waive further reading and order to print.

City Manager Lollis introduced the item, and Community Development Manager Julie Phillips presented the staff report. Ms. Phillips answered questions about the defined grass types and the ordering process for the types of grass.

The Public Hearing opened at 7:49 p.m.

- Brock Neeley, Porterville, stated that he would like to see the City advertise low flow sprinklers and warm season grasses on the City's website; and indicated that warm season grasses were not available at local retailers.

The Public Hearing was closed at 7:51 p.m.

COUNCIL ACTION: MOVED by Vice Mayor Hamilton, SECONDED by Council Member Reyes that the City Council amend the draft ordinance to include warm season turf requirements and approve for first reading the ordinance, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE ADOPTING A WATER EFFICIENT LANDSCAPE ORDINANCE AND AMENDING THE PORTERVILLE MUNICIPAL CODE AS IT RELATES TO WATER

CONSERVATION AND LANDSCAPE IRRIGATION, waive further reading, and order the ordinance to print. The motion carried unanimously.

The Ordinance was read by title only

Documentation: Ordinance No. 1830

Disposition: Approved.

SECOND READINGS

14. SECOND READING - ORDINANCE 1828 - SIGN REGULATIONS

Recommendation: That the Council give Second Reading to Ordinance No. 1828, waive further reading, and adopt said Ordinance.

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

COUNCIL ACTION: MOVED by Vice Mayor Hamilton, SECONDED by Council Member Ward that the City Council give Second Reading to Ordinance No. 1828, being AN ORDINANCE OF THE CITY OF PORTERVILLE AMENDING THE PORTERVILLE MUNICIPAL CODE AS IT RELATES TO SIGNAGE, waive further reading, and adopt said Ordinance. The motion carried unanimously.

The Ordinance was read by title only

Documentation: Ordinance No. 1828

Disposition: Approved.

The Council took a five minute recess.

SCHEDULED MATTERS

15. CONSIDERATION OF A MILITARY BANNER PROGRAM

Recommendation: That the City Council provide direction to staff regarding a military banner program.

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

COUNCIL ACTION: MOVED by Council Member Gurrola, SECONDED by Council Member Ward that the City Council direct staff to look into other options in order to compare different prices and choose a 3' x 6' double-sided pennant. The motion carried unanimously.

Documentation: M.O. 10-110315

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. Approve the continued availability of water for purchase by Mutual Aid Agreement with the County of Tulare in support of the County Household Tank Program in East Porterville.

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

Council Member Gurrola spoke of an article on ground water recharge and about the rules and regulations for watering after rainfall. Mr. Lollis spoke about possibly adding a 1-day watering schedule to the City's current plan. A discussion took place regarding the Urban Water Management Plan planned for the future.

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

Documentation: M.O. 11-110315

Disposition: Approved.

CONSENT CALENDAR (Items Pulled)

2. PURCHASE OF POLICE VEHICLES

Recommendation: That the City Council:

1. Authorize Police Department Staff to purchase three (3) unmarked and two (2) marked police vehicles;
2. Authorize the purchase of five (5) police vehicle radios;
3. Authorize the purchase/installation of emergency equipment for three (3) unmarked and two (2) marked police vehicles; and
4. Authorize payment upon satisfactory delivery of the vehicles/equipment.

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

A brief discussion took place regarding the type of vehicle to be purchased and the reasons behind the change from Dodge vehicles to Ford vehicles. Council Member Ward asked about the operational cost of the vehicles.

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Council Member Gurrola that the City Council authorize the purchase of three (3) unmarked and two (2) marked police vehicles, five (5) police vehicle radios, the purchase/installation of emergency equipment for three (3) unmarked and two (2) marked police vehicles, and payment upon satisfactory delivery of the vehicles/equipment. The motion carried unanimously.

Documentation: M.O. 12-110315

Disposition: Approved.

The Council adjourned at 8:35 p.m. to a meeting of the Porterville Public Improvement Corporation.

PORTERVILLE PUBLIC IMPROVEMENT CORPORATION AGENDA
291 N. MAIN STREET, PORTERVILLE, CA 93257
NOVEMBER 3, 2015

Roll Call: Director Reyes, Director Ward, Director Gurrola, Vice President Hamilton, President Stowe

WRITTEN COMMUNICATION

None

ORAL COMMUNICATIONS

None

PUBLIC IMPROVEMENT CORPORATION SCHEDULED MATTERS

17. ANNUAL MEETING OF THE PORTERVILLE PUBLIC IMPROVEMENT CORPORATION

Recommendation: That the City Council, sitting as the Porterville Public Improvement Corporation:

1. Approve the election of officers as indicated in the draft resolution;
2. Accept public comment; and
3. Approve the 2015 Status Report for Certificates of Participation Projects.

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

COUNCIL ACTION: MOVED by Council Member Gurrola, SECONDED by Vice Mayor Hamilton that the City Council approve the election of officers as recommended. The motion carried unanimously.

Documentation: Resolution 2015-02; PIC 01-110315
Disposition: Approved.

The Council adjourned at 8:37 p.m. to a meeting of the Porterville City Council.

ORAL COMMUNICATIONS

- Shawn Schwartzenberger made recommendations to the Council regarding the military banners; and spoke of the upcoming dignitaries race and Battle of the Badges at Rocky Hill Speedway.
- Brock Neeley stated that he would like to see the Fire Chief and Police Chief race; and suggested planting of warm weather grasses as a form of public education.

OTHER MATTERS

- Council Member Gurrola spoke of the Library's Halloween event.
- Vice Mayor Hamilton stated that he looked forward to racing; and encourage everyone to donate blood for the Battle of the Badges blood drive.
- Council Member Ward thanked the Police Department for its patrolling efforts on Halloween.
- Police Chief Kroutil stated that parents were supervising their children while trick-or-treating.
- Council Member Reyes spoke of the two young men killed in Strathmore over the weekend.
- City Manager Lollis spoke of EMT response rates; thanked staff for execution of the Plano Bridge Dedication Ceremony; and spoke of an upcoming Step Up event and Veterans Day festivities.
- Council Member Gurrola spoke of a November 13th meeting regarding the Summer Meals Program.

CLOSED SESSION

None

ADJOURNMENT

The Council adjourned at 8:48 p.m. to the meeting of November 17, 2015

SEAL

Luisa M. Zavala, Deputy City Clerk

Milt Stowe, Mayor

**CITY COUNCIL MINUTES
CITY HALL, 291 N. MAIN STREET
PORTERVILLE, CALIFORNIA
NOVEMBER 17, 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 54956.8 – Conference with Real Property Negotiators/Property: APN: 252-193-008. Agency Negotiator: John Lollis. Negotiating Parties: City of Porterville and Ann Konda. 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 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: Elsa Herrera, as Heir of Maria Vargas. Agency claimed against: City of Porterville.
- 4 - Government Code Section 54956.95 -- Liability Claim: Claimant: Maria Zepeda. Agency claimed against: City of Porterville.
- 5 - Government Code Section 54956.95 -- Liability Claim: Claimant: Carolyn Jones. Agency claimed against: City of Porterville.

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

City Attorney Lew reported action pertaining to A35, as follows:

- A-3 On a MOTION made by Council Member Ward, and SECONDED by Vice Mayor Hamilton the City Council unanimously rejected the claim submitted by Elsa Herrera, as Heir of Maria Vargas.

Documentation: M.O. 01-111715

Disposition: Rejected claim.

- A-4 On a MOTION made by Vice Mayor Hamilton, and SECONDED by Council Member Gurrola the City Council unanimously rejected the claim submitted by Maria Zepeda.

Documentation: M.O. 02-111715

Disposition: Rejected claim.

A-5 On a MOTION made by Vice Mayor Hamilton, and SECONDED by Council Member Reyes the City Council unanimously rejected the claim submitted by Carolyn Jones.

Documentation: M.O. 03-111715

Disposition: Rejected claim

Pledge of Allegiance Led by Vice Mayor Hamilton

Invocation – a moment of silence was observed.

PROCLAMATIONS

America Recycles Week - November 15-21, 2015

AB 1234 REPORTS

1. Local Agency Formation Commission (LAFCO) - November 4, 2015
Vice Mayor Hamilton reported on action pertaining to a Porterville Sphere of Influence amendment and annexation.

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 - November 5, 2015
Chair Vafeades presented the Commission's monthly report which included: recognition of CSET for their participation in Make a Difference Day; improvements at the City Pool; Veteran's Day Run event; Annual Tree Lighting Ceremony on 11/27; Senior Christmas Dinner on 12/6; and the Commission's recent consideration of park reservation software.
 2. Library & Literacy Commission - November 10, 2015
Chair Bailey reported on the reorganization of the Commission (Bailey appointed as Chair and May as Vice Chair); thanked Commissioner Figueroa for her service as Chair; spoke of information obtained at the Annual California Library Association Conference, which included the STEP program and programs within the San Diego County Library System; announced that Librarian Vikki Cervantes was recently appointed to the California Public Library Advocates Board of Directors; reported on October highlights and patronage; and extended an invitation to International Game Day at the library.
 3. Arts Commission – no report.
 4. Animal Control Commission – Commissioner Schwartzenberger stated that the next meeting was on December 2.
 5. Youth Commission - November 9, 2015 – no report.
 6. Transactions and Use Tax Oversight Committee (TUTOC) – no report.

- II. Staff Informational Reports
1. Water Conservation Phase III Status Update

ORAL COMMUNICATIONS

- Brock Neeley, Porterville, distributed photos of his street and driveway after the street sweeper had drove by and left trash and debris.

CONSENT CALENDAR

There were no items pulled from the Consent Calendar for discussion.

COUNCIL ACTION: MOVED by Council Member Gurrola, SECONDED by Council Member Ward that the City Council approve Items Nos. 1-3. The motion carried unanimously.

1. REQUEST FOR APPROVAL TO REPAIR SPECIALIZED EQUIPMENT

Recommendation: That City Council approve the repair of the Screenings Cutter Cartridge at a cost of \$9,940.

Documentation: M.O. 04-111715

Disposition: Approved.

2. REQUEST FOR STREET CLOSURE - MYERS' TWENTIETH ANNUAL CHRISTMAS TREE MEMORIAL SERVICE

Recommendation: That the City Council approve the closure of "E" Street between Putnam and Cleveland on December 8, 2015, from 5:00 p.m. to 9:00 p.m., subject to the conditions specified.

Documentation: M.O. 05-111715

Disposition: Approved.

3. APPROVAL FOR COMMUNITY CIVIC EVENT - ROTARY CLUB OF PORTERVILLE AND PORTERVILLE CHAMBER OF COMMERCE - CHILDREN'S CHRISTMAS PARADE - DECEMBER 3, 2015

Recommendation: That the City Council:

1. Approve the Community Civic Event application from the Porterville Chamber of Commerce and Rotary Club of Porterville, subject to the restrictions and requirements contained in the Application and Agreement, Exhibit A and Exhibit B;
2. Authorize the temporary suspension of the Fixed Route Transit System from 4:30 p.m. to 7:00 p.m. on December 3, 2015; and

3. Restrict the use of parking spaces in front of City Hall to those at the north end of City Hall along Main Street from 3:00 p.m. to 5:00 p.m.

Documentation: M.O. 06-111715

Disposition: Approved.

PUBLIC HEARINGS

4. MESSAGE-ORIENTED BUSINESS INTERIM URGENCY ORDINANCE REQUEST FOR EXTENSION

Recommendation: That the City Council extend the interim urgency ordinance prohibiting the use of land for the purpose of operating a massage-oriented business for a period of ten months, or until the permanent regulation can be adopted and go into effect, whichever is sooner.

City Manager Lollis introduced the item and Community Development Director Jenni Byers presented the staff report. Mrs. Byers addressed a question from the council regarding a legitimate massage parlor that was planning on a relocation. City Attorney Julia Lew advised that the issue be brought back and that a new ordinance be drafted or that the existing ordinance be amended.

The Public Hearing was opened at 7:04 p.m. Seeing no one, the Mayor closed the Public Hearing at 7:04 p.m.

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Council Member Gurrola that the City Council extend the interim urgency ordinance prohibiting the use of land for the purpose of operating a massage-oriented business for a period of ten months, or until the permanent regulation can be adopted and go into effect, whichever is sooner; and direct staff to bring back the item regarding the relocation of current massage businesses. The motion carried unanimously.

Documentation: M.O. 07-111715

Disposition: Approved.

5. WATER CONSERVATION PLAN AMENDMENT

Recommendation: That the City Council:

1. Hold a Public Hearing to receive comment;
2. Adopt the draft Resolution amending the Porterville Water Conservation Plan, Appendix D of the Urban Water Master Plan; and

3. Authorize transitioning from Phase III (two day a week water schedule) to Phase IV (one day a week water schedule) of the Porterville Water Conservation Plan effective December 1, 2015.

City Manager Lollis introduced the item, and Public Works Director Mike Reed presented the staff report. Mr. Reed then answered Council questions regarding the exact times of the proposed watering schedule.

The Public Hearing was opened at 7:07 p.m.

- Brock Neeley expressed his concern about the air quality if the proposed watering schedule was approved and plants began to die.

The Public Hearing closed at 7:08 p.m.

Council Member Gurrola addressed the comment about the air quality, reminding residents that the watering schedule was only proposed for the winter months; Council Member Ward expressed his concern regarding the current watering schedule and his desire to see the evening water restrictions lifted; and Vice Mayor Hamilton reminded everyone that the current hour restrictions was helping the City meet the conservation goal.

COUNCIL ACTION: MOVED by Council Member Gurrola, SECONDED by Vice Mayor Hamilton that the City Council adopt the draft Resolution amending the Porterville Water Conservation Plan; and authorize transitioning from Phase III to Phase IV of the Porterville Water Conservation Plan.

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

Documentation: Resolution No. 109-2015
Disposition: Approved.

6. REQUEST FOR CONDITIONAL USE PERMIT (PRC 2015-032C) TO ALLOW FOR AN UPGRADE OF A TYPE 20 OFF-SALE LICENSE TO A TYPE 21 OFF-SALE GENERAL LICENSE FOR SUNNYSIDE HANDY MARKET, 809 E. PUTNAM AVE.

Recommendation: That the City Council:

1. Adopt the draft Resolution approving Conditional Use Permit (PRC 2015-032C), 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 Community Development Director Jenni Byers presented the staff report.

The Public Hearing was opened at 7:14 p.m.

- The representative of Sunnyside Handy Market spoke about the history of the market and how they plan on storing the alcohol in their store.

The Public Hearing closed at 7:17 p.m.

Council Member Ward raised his concerns on the type of impact that alcohol could have on the disadvantaged neighborhood.

COUNCIL ACTION: MOVED by Council Member Gurrola, SECONDED by Vice Mayor Hamilton that the City Council adopt the draft Resolution approving Conditional Use Permit (PRC 2015-032C); and authorize the Mayor to sign the Letter of Public Convenience or Necessity.

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

Documentation: Resolution No. 110-2015

Disposition: Approved.

SECOND READINGS

7. SECOND READING - ORDINANCE 1829 - PERMITTING PROCESS FOR SMALL RESIDENTIAL ROOFTOP SOLAR SYSTEMS

Recommendation: That the Council give Second Reading to Ordinance No. 1829, waive further reading, and adopt said Ordinance.

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

COUNCIL ACTION: MOVED by Vice Mayor Hamilton, SECONDED by Council Member Gurrola that the City Council give Second Reading to Ordinance No. 1829, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE AMENDING ARTICLE V OF CHAPTER 7 OF THE PORTERVILLE MUNICIPAL CODE AUTHORIZING AN EXPEDITED, STREAMLINED PERMITTING PROCESS FOR SMALL RESIDENTIAL ROOFTOP SOLAR SYSTEMS, waive further reading, and adopt said Ordinance. The motion carried unanimously.

The Ordinance was read by title only.

Documentation: Ordinance No. 1829
Disposition: Approved.

8. SECOND READING - ORDINANCE 1830 - WATER CONSERVATION AND LANDSCAPE IRRIGATION

Recommendation: That the Council give Second Reading to Ordinance No. 1830, waive further reading, and adopt said Ordinance.

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

COUNCIL ACTION: MOVED by Vice Mayor Hamilton, SECONDED by Council Member Ward that the City Council give Second Reading to Ordinance No. 1830, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE ADOPTING A WATER EFFICIENT LANDSCAPE ORDINANCE AND AMENDING THE PORTERVILLE MUNICIPAL CODE AS IT RELATES TO WATER CONSERVATION AND LANDSCAPE IRRIGATION, waive further reading, and adopt said Ordinance. The motion carried unanimously.

The Ordinance was read by title only.

Documentation: Ordinance No. 1830
Disposition: Approved.

SCHEDULED MATTERS

9. CONSIDERATION OF APPOINTMENT TO ANIMAL CONTROL COMMISSION

Recommendation: That the City Council consider the appointment of one individual to the Animal Control Commission to a term expiring in September 2018.

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

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Vice Mayor Hamilton that the City Council appoint Melanie Huerta to the Animal Control Commission to a term expiring in September 2018. The motion carried unanimously.

Documentation: M.O. 08-111715
Disposition: Approved.

10. PARKS AND LEISURE SERVICES RECREATION SOFTWARE

Recommendation: That the City Council consider the scheduling of a public hearing for December 1, 2015, to allow for public comments and to consider adoption of a fee increase scale to cover Rec1 recreation management software transaction fees.

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

Parks and Leisure Director Donnie Moore answered questions regarding the price difference between the new software and the software that was currently being used, and provided an explanation of how the software would work in coordination with the myPorterville app.

COUNCIL ACTION: MOVED by Vice Mayor Hamilton, SECONDED by Council Member Reyes that the City Council schedule a public hearing for December 1, 2015, to allow for public comments and to consider adoption of a fee increase scale to cover Rec1 recreation management software transaction fees. The motion carried unanimously.

Documentation: M.O. 09-111715

Disposition: Approved.

11. STATUS AND REVIEW OF DECLARATION OF LOCAL DROUGHT EMERGENCY

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

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

Public Works Director Mike Reed explained the plan that the State had put together to construct a well in East Porterville; and Mr. Lollis spoke about the lack of media attention as it pertained to drought affected areas outside of East Porterville.

A discussion ensued, during which various members from the Council expressed frustration with the State's response regarding East Porterville. Mr. Reed relayed information pertaining to the County's discussion to eliminate the Village Garden service and leaving the filling station to the County/State well.

COUNCIL ACTION: MOVED by Council Member Gurrola, SECONDED by Council Member Reyes that the City Council approve the continued Declaration of Local Drought Emergency, and discontinue the

provision of water to the County at the Village Garden well. The motion carried unanimously.

Documentation: M.O. 10-111715

Disposition: Approved.

ORAL COMMUNICATIONS

None

OTHER MATTERS

- Council Member Gurrola reported on her meeting regarding the Summer Meals program.
- Vice Mayor Hamilton spoke of a successful Veteran's Day Parade, and lauded Police and Parks personnel for their efforts; and reported that a local citizen would be turning 107 old.
- Council Member Reyes shared that his first grandson was on his way home.
- Council Member Ward spoke of the holiday lighting on Main Street.
- Mayor Stowe suggested that the installed lights be left up all year to save time and money.
- City Manager Lollis recognized Public Works for securing a \$400,000 grant to be used on the intersection of Olive and Newcomb; lauded Administrative Services staff for receiving high marks on their recent Passport Acceptance Facility audit; announced that the Riverwalk Phase II Limited Environmental document would begin circulation; and wished Deputy City Clerk Luisa Zavala a happy birthday.

CLOSED SESSION

None

ADJOURNMENT

The Council adjourned at 7:49 p.m. to the meeting of December 1, 2015.

SEAL

Luisa M. Zavala, Deputy City Clerk

Milt Stowe, Mayor



CITY COUNCIL AGENDA – DECEMBER 6, 2016

SUBJECT: Authorization to Negotiate a Contract – Preparation of City Master Plan Updates, Recycled Water Feasibility Study, and Storm Water Resource Plan

SOURCE: Public Works

COMMENT: Requests for Qualifications were issued on October 8, 2016, to a number of area consultants, including all eligible local firms, to provide engineering services for the preparation of Sanitary Sewer, Water System and Storm Drain Master Plan Updates, Recycled Water Feasibility Study, and Storm Water Resource Plan. The project is wholly funded through developer fees, Wastewater Treatment Reserve Fund, and Storm Drain Development Fund, with an estimated total project cost of \$843,313.

On October 28, 2016, staff received two (2) Statements of Qualifications (SOQs) for the proposed work. The SOQs were ranked in accordance with the "Policy for Selecting Consultants to Provide Architectural, Engineering and Similar Services" adopted by City Council (Resolution 16-2001). On November 18, 2016, staff reviewed the two SOQs provided by the firms wherein they were rated according to the aforementioned policy, with the following results:

(1) Carollo Engineers, Inc.	87.7 pts.
(2) Akel Engineering Group, Inc.	82.7 pts.

Staff is pleased with both consultants' interest in this project and recommends negotiating a contract with the top-ranked firm.

RECOMMENDATION: That City Council:

1. Authorize staff to negotiate a scope of services and contract with Carollo Engineers; and
2. Authorize staff to negotiate a scope of services and contract with Akel Engineering Group if staff is unable to negotiate an acceptable contract with Carollo Engineering.

ATTACHMENTS:

Appropriated/Funded: MB

Review By:

Department Director:

Mike Reed, City Engineer

Final Approver: John Lollis, City Manager



CITY COUNCIL AGENDA – DECEMBER 6, 2016

SUBJECT: Authorization to Execute an Agreement to Designate Deer Creek and Tule River Authority (DCTRA) as Fiscal Agent for the Tule Subbasin Sustainable Groundwater Management Act (SGMA) Planning Grant

SOURCE: Public Works

COMMENT: On November 16, 2016, the Stakeholder Group of the Tule Subbasin SGMA MOU met to discuss progression towards the creation of a Coordination Agreement and other aspects of SGMA. One important topic was the upcoming yearly budget beginning October 1, 2016. The budget cycle for this group is October 1 to September 30 of every year and the proposed budget is attached as Attachment 1 for Council's reference.

Total proposed budget for this budget cycle is \$397,589 and a component of the budget is the Tulare County grant of \$237,589, as previously discussed in prior City Council meetings. An additional \$160,000 is required when including the grant funds within the budget and this amount will be equitably distributed to Stakeholder Members based on mutually consented acreage basis. The City of Porterville's share is attached as Attachment 2 with the share being \$4,005.76, which is well within the funding allocation recently approved by City Council.

Part of the budget discussion included the need to define a responsible fiscal agent. All were in favor of designating Deer Creek & Tule River Authority as the fiscal agent for the Tule Subbasin SGMA MOU Group. This authority would be responsible for tracking and accounting for all grant funds received and spent. The authority will also be responsible for accounting all funds received, costs incurred, and amounts paid on behalf of the Tule Subbasin SGMA MOU Group. An agreement to this effect is attached as Attachment 3 for Council's reference.

RECOMMENDATION: That City Council:

1. Approve the Tule Subbasin SGMA MOU Groups recommendation to appoint Deer Creek and Tule River Authority as the fiscal agent for the group; and
2. Authorize the Mayor to execute the Agreement to Designate the Deer Creek & Tule River Authority as Fiscal Agent for the Tule Subbasin Planning Grant.

ATTACHMENTS:

1. Proposed Tule Subbasin SGMA MOU Group 2017 Budget
2. Proposed Assessments for this Budget Cycle

3. DCTRA Fiscal Agent Agreement

Appropriated/Funded:

Review By:

Department Director:

Mike Reed, City Engineer

Final Approver: John Lollis, City Manager

TULE SUBBASIN
SUSTAINABLE GROUNDWATER MANAGEMENT ACT
MOU GROUP

PROPOSED 2017 BUDGET
OCTOBER 1, 2016 - SEPTEMBER 30, 2017

Cost Code	Task	Budget	Funding Allocations	
			Tulare County Grant Portion	Additional Funds Needed
<u>Groundwater Sustainability Agency Development</u>				
201	Identification/Coordination of Interested Parties	\$500	\$500	\$0
202	MOU Meetings/Minutes	\$20,000	\$20,000	\$0
203	Outreach Activities / Engagement Plan / Website	\$15,000	\$15,000	\$0
204	Subbasin Maps (GSA support)	\$2,500	\$2,500	\$0
205	Coordination Agreement Template & Draft Elements	\$60,000	\$30,000	\$30,000
		Sub-Total:	\$98,000	\$30,000
<u>Groundwater Sustainability Plan Coordination</u>				
301	Historical Database of GW/Surface Water Supply/GW Contour Maps	\$15,000	\$15,000	\$0
302	Historical Database of Land Use and Cropping Patterns	\$25,000	\$25,000	\$0
303	Calculate Historical and Current Consumptive Use	\$25,000	\$25,000	\$0
304	Develop Tule Subbasin Water Budget	\$20,000	\$20,000	\$0
305a	Prepare Preliminary Sustainable Groundwater Yield Report, including inflows/outflows	\$140,000	\$60,000	\$80,000
305b	Audit / Analyze / Prepare Preliminary Groundwater Model	\$50,000	\$0	\$50,000
306	Develop Groundwater Monitoring Plan Elements	\$24,589	\$24,589	\$0
		Sub-Total:	\$299,589	\$130,000
* - Includes Thomas Harder and Company Contract				
		Total:	\$237,589	\$160,000

* - Includes Thomas Harder and Company Contract

**ATTACHMENT
ITEM NO. 1**

TULE SUBBASIN
SUSTAINABLE GROUNDWATER MANAGEMENT ACT
MEMORANDUM OF UNDERSTANDING PARTIES
Proposed 2016-2017 Assessments

Party	Area (acres)	% of Total	Total Assessment Allocation	Quarterly Assessment
Alpaugh GSA	18,810	3.9%	\$6,298.45	\$1,574.61
Angiola Water District*	9,595	2.0%	\$3,212.84	\$803.21
City of Porterville*	11,963	2.5%	\$4,005.76	\$1,001.44
County of Tulare	89,524	18.7%	\$29,976.73	\$7,494.18
Deer Creek Storm Water District*	56,162	11.8%	\$18,805.61	\$4,701.40
Kern-Tulare Water District	8,923	1.9%	\$2,987.83	\$746.96
Delano Earlimart Irrigation District	56,417	11.8%	\$18,890.99	\$4,722.75
Pixley Irrigation District*	69,129	14.5%	\$23,147.55	\$5,786.89
Lower Tule River Irrigation District	103,047	21.6%	\$34,504.85	\$8,626.21
Porterville Irrigation District*	14,538	3.0%	\$4,867.99	\$1,217.00
Saucelito Irrigation District	19,703	4.1%	\$6,597.47	\$1,649.37
Terra Bella Irrigation District	15,004	3.1%	\$5,024.03	\$1,256.01
Tea Pot Dome Water District	3,562	0.7%	\$1,192.72	\$298.18
Vandalia Water District	1,455	0.3%	\$487.20	\$121.80
Total:	477,832	100%	\$160,000	\$40,000

Total Tule Subbasin Acreage: 477,382 acres

2016-2017 Budget: \$160,000

ATTACHMENT
ITEM NO. 2

**Agreement to Designate Deer Creek & Tule River Authority as
Fiscal Agent for the Tule Subbasin SGMA Planning Grant**

The parties below, in their capacity as the designated representatives of the Parties to the Agreement to Develop and Implement a Groundwater Sustainability Plan Coordination Agreement, referred to as the "Tule Basin SGMA MOU" and the Parties are referred to herein as "MOU Group" hereby agree the Deer Creek & Tule River Authority, ("DCTRA") a joint powers authority comprised of several entities that are located within the Tule Subbasin, shall serve as the fiscal agent on behalf of the Tule Basin SGMA MOU Group on the terms and conditions stated below.

1. The County of Tulare is the recipient of a grant, specifically a Proposition 1 Sustainable Groundwater Management Act (SGMA) Counties with Distressed Basins grant, ("Grant") and Tulare County is also a signatory to the Tule Basin SGMA MOU and a member of the MOU Group.
2. A portion of the Grant has been designated by Tulare County to be used by the MOU Group to offset the costs of SGMA compliance. Tulare County is requesting an agreement with a specific party to serve as a fiscal agent on behalf of the MOU Group, this entity would be responsible for tracking and accounting for all grant funds received and spent.
3. The MOU Group is authorized to take actions necessary to obtain grant funds by a two-thirds majority vote.
4. The MOU Group is an association of entities that has shared costs under the terms of the MOU, with DCTRA serving unofficially as the entity tracking costs and billing the members of the MOU Group for the costs that have been incurred. By this agreement DCTRA is being officially designated as the fiscal agent for the MOU Group.
5. The MOU Group is also authorizing DCTRA to sign any necessary agreement with Tulare County on behalf of the MOU Group to receive Grant funds.
6. DCTRA will be responsible for keeping an account of all funds received, costs incurred, and amounts paid on behalf of the MOU Group.
7. Either DCTRA or the MOU Group may terminate this arrangement upon thirty days written notice. DCTRA shall be required to provide a full accounting and return any remaining funds it holds upon termination.
8. DCTRA shall not be responsible or liable for any costs incurred by the MOU Group and the MOU Group parties acknowledge that they will reimburse DCTRA for any costs it incurs while acting as the fiscal agent for the MOU Group. DCTRA shall track its costs of serving as fiscal agent and bill the MOU Group for reimbursement of those costs.
9. MOU Group and DCTRA acknowledge this Agreement may be signed in any number of counterparts, each of which is an original and all of which taken together form one single document.

The Tule Basin SGMA MOU Parties signing below indicate they are in agreement with the designation of DCTRA as the fiscal agent of the MOU Group.

Alpaugh GSA

By: _____

Date: _____

Angiola Water District

By: _____

Date: _____

City of Porterville

By: _____

Date: _____

County of Tulare

By: _____

Date: _____

Deer Creek Storm Water District

By: _____

Date: _____

Delano-Earlimart Irrigation District

By: _____

Date: _____

Kern-Tulare Water District

By: _____

Date: _____

Lower Tule River Irrigation District

By: _____

Date: _____

Pixley Irrigation District

By: _____

Date: _____

Porterville Irrigation District

By: _____

Date: _____

Saucelito Irrigation District

By: _____

Date: _____

Tea Pot Dome Water District

By: _____

Date: _____

Terra Bella Irrigation District

By: _____

Date: _____

Vandalia Water District

By: _____

Date: _____

Acknowledgment by Deer Creek and Tule River Authority

DCTRA acknowledges that it has been requested to serve as fiscal agent for the Tule Subbasin MOU Group, obtained required approval to serve as the fiscal agent by its Board of Directors, reviewed this document and is hereby acknowledging that it agrees to serve as the fiscal agent for the MOU Group.

Deer Creek and Tule River Authority

By: David E. Gresh

Date: 11/18/16



CITY COUNCIL AGENDA – DECEMBER 6, 2016

SUBJECT: Approval for Community Civic Event - Iglesia Del Nazareno - Mothers United Against Gang Violence - Celebrating Our Loved Ones Memories - December 14, 2016

SOURCE: Finance

COMMENT: The Porterville Evangelical Iglesia del Nazareno, together with Mothers United Against Gang Violence, are requesting approval to hold their Annual Candlelight Vigil, at Centennial Park, on Wednesday, December 14, 2016, from 6:00 p.m. until 8:30 p.m. This candlelight vigil is being held for families who have lost loved ones due to violent crimes. No street closures have been requested.

This request is made under the Community Civic Events Ordinance No. 1326, as amended. The application has been routed according to the ordinance regulations and reviewed by all departments involved. The requirements are listed on the attached copy of the application, agreement, Exhibit A and Exhibit B.

RECOMMENDATION: That the Council approve the attached Community Civic Event Application and Agreement submitted by Porterville Evangelical Iglesia del Nazareno contained in the Application, Agreement, Exhibit A and Exhibit B of the Community Civic Event Application.

ATTACHMENTS:

1. Community Civic Event Application, Agreement, Exhibit A, Exhibit B, Map, Outside Amplifier Permit, and Certificate of Insurance.

Appropriated/Funded:

Review By:

Department Director:

Maria Bemis, Finance Director

Final Approver: John Lollis, City Manager

CITY OF PORTERVILLE

291 N. Main Street, Porterville, CA 93257
559-782-7451 Fax: 784-4569 www.ci.porterville.ca.us



(Incomplete applications can delay permit process)

APPLICATION AND AGREEMENT FOR A PERMIT TO HOLD A COMMUNITY CIVIC EVENT OR OTHER ACTIVITY TO BE HELD ON PUBLIC PROPERTY

DO YOU HAVE? Event Flyer? yes E-mail address? Website?
Application date: 11/8/16 Event date: Dec 14th, 2016
Event time: 6 pm - 8:30

Name of Event: 'Celebrating Our Loved ones' memories'
MURDER: CANDLE LIGHT VIGIL

Sponsoring organization: Inglesia De Nazerene Phone # 559-781-6119
Porterville Address: 137 E Monton, Porterville, CA. 93257

Authorized representative: Pastor Frankie O. Medina Phone # 559-789-4299
Address: 137 E Monton, Porterville, CA.

Event chairperson: MARY MARTINEZ - Founder Phone # 559-756-4255
→ 843 W Kenai Ave, Porterville, CA. 93257

Location of event CENTENNIAL PARK 291 N. MAIN ST.

(Location map must be attached)

Type of event: Candle-Light Vigil - for our Surviving families
Who have lost a loved one due to gang violence, or any violent crime.

Non-profit organization status: -yes. BL# 002248

(IRS Determination)

City services requested (fees associated with these services will be billed separately):
Barricades (quantity): N/A Street sweeping Yes No X
Police protection Yes No X Refuse pickup Yes No X
Other:

Parks facility application required: Yes ✓ No Attached Pd
Assembly permit required: Yes No ✓ Attached

STAFF COMMENTS (list special requirements or conditions for event):

Appr. Deny

_____	_____	Bus. Lic. Spvr.	_____
_____	_____	Pub. Works Dir	_____
_____	_____	Comm. Dev. Dir.	_____
_____	_____	Field Svcs. Mgr.	_____
_____	_____	Fire Chief	_____
_____	_____	Parks Dir.	_____
_____	_____	Police Chief	_____
_____	_____	Admin. Svcs. Dir.	_____

CITY OF PORTERVILLE

APPLICATION AND AGREEMENT FOR A PERMIT TO HOLD A COMMUNITY CIVIC EVENT OR OTHER ACTIVITY TO BE HELD ON PUBLIC PROPERTY

What constitutes a Community Civic Event?

A non-profit organization wishes to sponsor an event that is open to the community at large and will utilize public property. Most of the time, Community Civic Events require street or sidewalk closures. This application must be submitted **NO LESS THAN 30 DAYS PRIOR** to the date of the event in order to obtain City Council approval.

All City Code requirements are described in ordinance 15-20 (e) 1-23 and as amended in ordinance 1613. For a full description please visit our City of Porterville website at www.ci.porterville.ca.us/govt/CityClerk/, Porterville Municipal Codes. For questions or concerns please call 559-782-7451 or 559-782-7457. Any person who violates the provisions in this code, shall be deemed guilty of either a misdemeanor or an infraction, with penalties of one hundred (\$100) for the first violation.

Liability insurance: The sponsoring organization/applicant agrees to provide and keep in force during the term of this permit a policy of liability and property damage insurance against liability for personal injury, including accidental death, as well as liability for property damage which may arise in any way during the term of this permit. **The City of Porterville and Successor Agency to the Porterville Redevelopment Agency shall be named as additional insured.** A Certificate of Liability Insurance and Additional Insured Endorsement sample forms are enclosed for your convenience. **This original certificate and endorsement shall be submitted to the Finance Department prior to the City of Porterville Council's approval.** *The council shall condition the granting of a CCE permit upon the sponsoring entity's filing with the council a policy of public liability insurance in which the city has been named as insured or coinsured with the permittee. The policy of insurance shall insure the city, its officers, and its employees against all claims arising out of, or in connection with, the issuance of the CCE permit or the operation of the permittee or its agents or representatives, pursuant to the permit. The policy of insurance shall provide coverage of no less than one million dollars (\$1,000,000.00) per occurrence of bodily injury and property damage, combined single limit.* (Ordinance 15-20(e) 18)

H/A

Authorized Representative Initial

Alcohol liability insurance: Organization/Applicant will obtain an alcohol permit if any alcoholic beverages are to be served. The insurance policy shall be endorsed to include **full liquor liability** in an amount not less than one million dollars (\$1,000,000) per occurrence. The City of Porterville shall be named as additional insured against all claims arising out of or in connection with the issuance of this permit or the operation of the permitted, his/her agents or representatives pursuant the permit. **Claims-made policies are not acceptable.**

ML

Authorized Representative Initials

Health permit: Organization/Applicant will obtain or ensure that all participants obtain a 'Temporary Food Facilities' permit(s) from the Tulare County Public Health Department, if any food is to be served in connection with this Community Civic Event. To contact the Tulare County Environmental Health Department located at 5957 S. Mooney Blvd., Visalia, CA, 93277, call 559-733-6441, or fax information to 559-733-6932; or visit their website: www.tularehhsa.org.

ML

Authorized Representative Initials

First aid station: Organization/Applicant will establish a first aid station, with clearly posted signs, to provide basic emergency care, such as ice/hot packs, bandages, and compresses.

ML

Authorized Representative Initials

Toilet rental service: Applicant shall have care, custody and control of the equipment and shall bear responsibility and liability for all loss and damage to the equipment and for its contents while at the City's location. Applicant shall not overload, move or alter the equipment and shall use the equipment for its intended purpose. Applicant shall be responsible for any damages to City's property resulting from company's provision of services hereunder. Applicant shall confirm with the service company the number of portable toilets, standard and handicap, and wash sinks needed for the number of expected attendees.

ML

Authorized Representative Initials

Agreement: The sponsoring organization/applicant agrees to comply with all provisions of the Community Civic Event Ordinance 15-20(e), as amended, and the terms and conditions set forth by City Council and stated in Exhibit 'A.' The sponsoring organization/applicant agrees, during the term of this permit, to secure and hold the City free and harmless from all loss, liability, and claims for damages, costs and charges of any kind or character arising out of, relating to, or in any way connected with his/her performance of this permit. Said agreement to hold harmless shall include and extend to any injury to any person or persons, or property of any kind whatsoever and to whomever belonging, including, but not limited to, said organization/applicant, and shall not be liable to the City for any injury to persons or property which may result solely or primarily from the action or non-action of the City or its directors, officers, or employees. Approval of the Community Civic Events Permit by the Porterville City Council pertains only to authorized activities conducted at designated locations within the incorporated area of the City of Porterville, and such approval shall not be construed or interpreted to authorize sponsor utilization of public right-of-ways outside of the jurisdiction of the City of Porterville.

Mothers United Against Gang Violence

(Name of Organization)

Frankie Q. Melo

(Signature)

11-5-16

(Date)

VENDOR/PARTICIPANT LIST IN CONNECTION WITH THE APPLICATION AND
AGREEMENT FOR A PERMIT TO HOLD A COMMUNITY CIVIC EVENT OR OTHER ACTIVITY
TO BE HELD ON PUBLIC PROPERTY

Location: 'Centennial Park', Porterville CA Event date: 12-14-16 Event time: 6- 8:30 pm
291 W. main ST.

[illegible]

The nonprofit sponsor shall collect said fee and remit the fee to the city within five (5) working days following the CCE. Said remittance shall be accompanied by a complete list of participants and consecutively numbered receipts written in triplicate, containing the name, address and telephone number of the licensee, and the licensee's California seller's permit number. Said receipts shall be furnished by the city. One copy of the receipt shall be furnished to the licensee, one copy filed with the finance department of the city, and one copy retained by the CCE sponsor for a period of three (3) years for audit purposes.

CITY OF PORTERVILLE

REQUEST FOR STREET CLOSURES AND PUBLIC PROPERTY USAGE IN CONNECTION WITH THE APPLICATION AND AGREEMENT FOR A PERMIT TO HOLD A COMMUNITY CIVIC EVENT OR OTHER ACTIVITY TO BE HELD ON PUBLIC PROPERTY

Name of event: MUNCV - Celebrating Our Loved Ones' Memories "Hono To Soon"

Sponsoring organization: Iglesia Del Nazareno c/o Pastor Frank Olmedo

Event date: 12-14-16 Hours: 6 - 8:30 pm

ATTACH MAP MARKING AREAS TO BE CLOSED OR USED:

Closed			
Street Name	From	To	Activity
Sidewalks	From	To	Activity
Parking lots and spaces	Location		Activity

Requirements for Community Civic Event
Porterville Evangelical Iglesia del Nazareno and
Mothers United Against Gang Violence

Annual Candlelight Vigil
For Victims of Crime

December 14, 2016

Finance Director:
M. Bemis

Public Works Director:
M. Reed

Community Development Manager: No comments
J. Phillips

Field Services Manager: No comments.
B. Styles

Fire Chief: No comments.
G. Irish

Parks and Leisure Services Director: Vehicles to remain off the grass. Public to
D. Moore remain out of planters.

Police Lieutenant: Please see recommendations and
C. Contreras requirements in Exhibit B.

Administrative Services Director: See Page 2, Exhibit A.
P. Hildreth

REQUIREMENTS FOR COMMUNITY CIVIC EVENT

Sponsor: Porterville Evangelical Iglesia del Nazareno
Event: Mothers United Against Gang Violence
Annual Candlelight Vigil for Victims of Crime
Event Chairperson: Mary Martinez
Location: Centennial Park
Date of Event: December 14, 2016

RISK MANAGEMENT: Conditions of Approval

That the Porterville Evangelical Iglesia del Nazareno provide a Certificate of Commercial General Liability Insurance Coverage evidencing coverage of not less than \$1,000,000 per occurrence, and having the appropriate Endorsement naming the City of Porterville Agency, its Officers, Employees, Agents and Volunteers as Additional Insured against all claims arising from, or in connection with, the Permittee's operation and sponsorship of the aforementioned Community Civic Event

- A. Said Certificate of Insurance shall be an original (fax and xerographic copies not acceptable), the Certificate shall be signed by an agent authorized to bind insurance coverage with the carrier, and the deductible, if any, shall not be greater than \$1,000.
- B. Said insurance shall be primary to the insurance held by the City of Porterville, be with a company having an A.M. Best Rating of no less than A:VII, and the insurance company must be an "admitted" insurer in the State of California.

CITY OF PORTERVILLE

APPLICATION FOR COMMUNITY CIVIC EVENT

Proposed Event: Candlelight Vigil/Mothers United Against Gang Violence

Date of Event: 12-14-16/6:00pm-8:30pm

Location of Event: Centennial Park

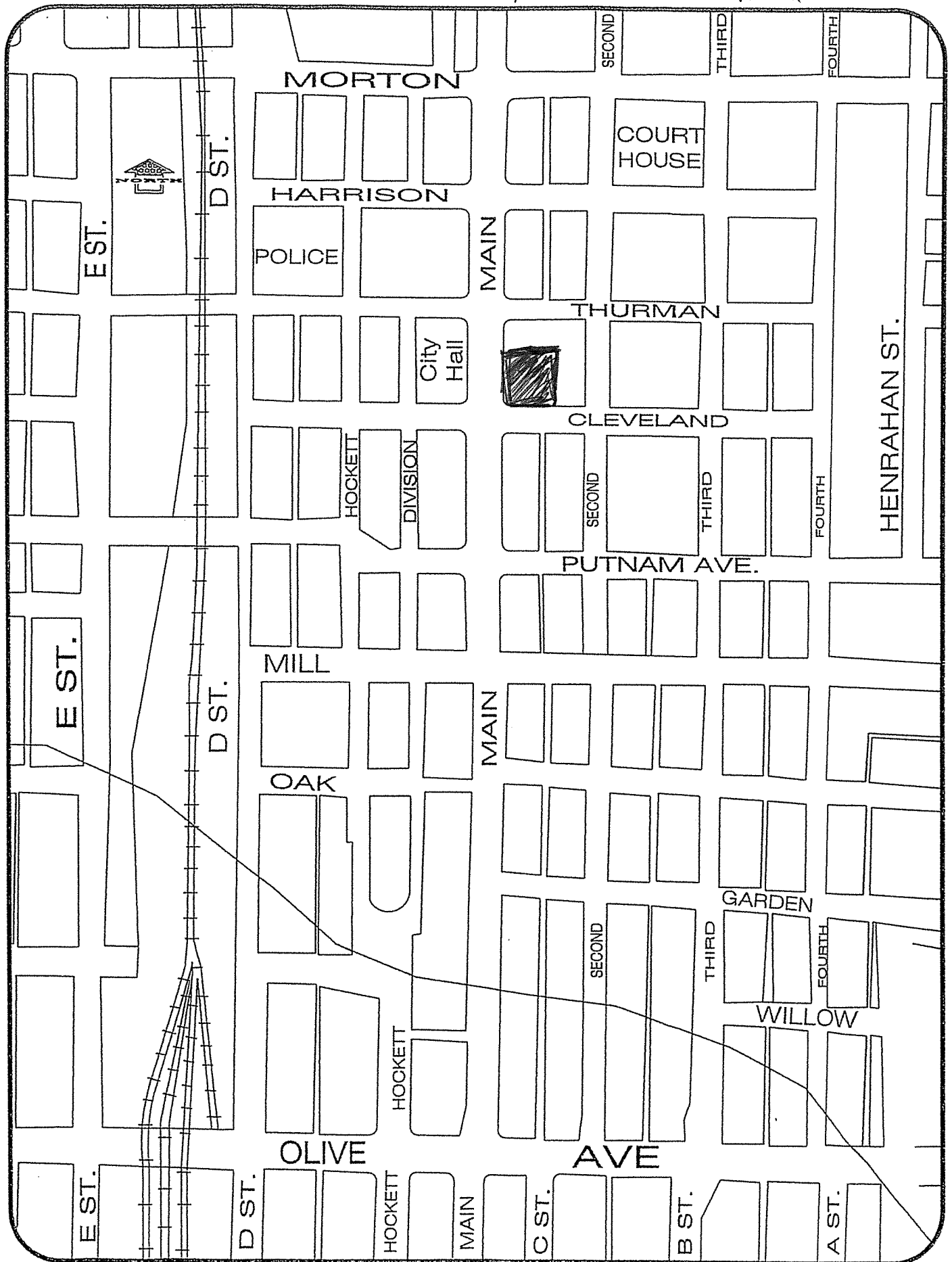
Recommendations/Requirements:

- City Council approval is required for all street/sidewalk closures.
- Participants must not interfere with the normal flow of pedestrian/vehicular traffic.
- An Outside Amplifier Permit has been requested or approved. However, event organizers shall not allow music or other sound amplifications to be broadcasted so loud as to unreasonably disturb the peace and good order of any residents or business establishments in the surrounding area.
- At conclusion of event, event organizers shall ensure that affected parks/streets/sidewalks are promptly cleared of any vehicles, equipment, booths or anything that could present a hazard to pedestrians or vehicles traveling in the area, as well as any other related materials such as signs, pamphlets and fliers.

Chris Contreras / Lieutenant
Porterville Police Department

Exhibit B

N/A name closed.



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



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

- 1 Name and home address of the applicant: Victor Martinez → D.J.
439 N. Park St., Porterville, CA. 93257
- 2 Address where amplification equipment is to be used: 291 N. Main St. Centennial Park
- 3 Names and addresses of all persons who will use or operate the amplification equipment: - Vic Martinez
439 N Park St, Porterville, CA 93257
- 4 Type of event for which amplification equipment will be used: Christian Gospel Band & Vocalists
Sing gospel & Christmas songs.
- 5 Dates and hours of operation of amplification equipment: 6- 8:30 pm
- 6 A general description of the sound amplifying equipment to be used: Sound System - Speakers, mics,
for vocalists singing & band.

Section 18-9

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

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

Section 18-14

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

Penal Code Section 415 (2)

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

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

Victor Martinez
Signature of Applicant

11-8-16
Date

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

[Signature]
City of Porterville, Chief of Police/Designee

11-21-16
Date



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

11/17/2016

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 Mutual Insurance Agency CA License # 0574081 30 N. Marengo Ave Pasadena CA 91101	CONTACT NAME: Maggie Khardalian PHONE (A/C, No, Ext): (626) 795-9595 FAX (A/C, No): (626) 793-7864 E-MAIL ADDRESS: khardalianm@mutualinsagcy.com														
INSURED Porterville Evangelical Iglesia Del Nazareno 137 East Morton Avenue Porterville CA 93257	<table border="1"><thead><tr><th>INSURER(S) AFFORDING COVERAGE</th><th>NAIC #</th></tr></thead><tbody><tr><td>INSURER A: GuideOne Specialty Mutual Ins</td><td></td></tr><tr><td>INSURER B:</td><td></td></tr><tr><td>INSURER C:</td><td></td></tr><tr><td>INSURER D:</td><td></td></tr><tr><td>INSURER E:</td><td></td></tr><tr><td>INSURER F:</td><td></td></tr></tbody></table>	INSURER(S) AFFORDING COVERAGE	NAIC #	INSURER A: GuideOne Specialty Mutual Ins		INSURER B:		INSURER C:		INSURER D:		INSURER E:		INSURER F:	
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INSURER B:															
INSURER C:															
INSURER D:															
INSURER E:															
INSURER F:															

COVERAGES**CERTIFICATE NUMBER:** GL 2016-2017**REVISION NUMBER:**

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 INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS														
A	☒ COMMERCIAL GENERAL LIABILITY ☐ CLAIMS-MADE ☒ OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: ☒ POLICY ☐ PRO-JECT ☐ LOC OTHER:	X		1289-379-BY	6/30/2016	6/30/2017	<table border="1"><tr><td>EACH OCCURRENCE</td><td>\$ 1,000,000</td></tr><tr><td>DAMAGE TO RENTED PREMISES (Ea occurrence)</td><td>\$ 1,000,000</td></tr><tr><td>MED EXP (Any one person)</td><td>\$ 15,000</td></tr><tr><td>PERSONAL & ADV INJURY</td><td>\$ 1,000,000</td></tr><tr><td>GENERAL AGGREGATE</td><td>\$ 5,000,000</td></tr><tr><td>PRODUCTS - COMP/OP AGG</td><td>\$ 5,000,000</td></tr><tr><td>Sexual Misconduct Liability</td><td>\$</td></tr></table>	EACH OCCURRENCE	\$ 1,000,000	DAMAGE TO RENTED PREMISES (Ea occurrence)	\$ 1,000,000	MED EXP (Any one person)	\$ 15,000	PERSONAL & ADV INJURY	\$ 1,000,000	GENERAL AGGREGATE	\$ 5,000,000	PRODUCTS - COMP/OP AGG	\$ 5,000,000	Sexual Misconduct Liability	\$
EACH OCCURRENCE	\$ 1,000,000																				
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	AUTOMOBILE LIABILITY ☐ ANY AUTO ☐ ALL OWNED AUTOS ☐ HIRED AUTOS ☐ SCHEDULED AUTOS ☐ NON-OWNED AUTOS						<table border="1"><tr><td>COMBINED SINGLE LIMIT (Ea accident)</td><td>\$</td></tr><tr><td>BODILY INJURY (Per person)</td><td>\$</td></tr><tr><td>BODILY INJURY (Per accident)</td><td>\$</td></tr><tr><td>PROPERTY DAMAGE (Per accident)</td><td>\$</td></tr><tr><td></td><td>\$</td></tr></table>	COMBINED SINGLE LIMIT (Ea accident)	\$	BODILY INJURY (Per person)	\$	BODILY INJURY (Per accident)	\$	PROPERTY DAMAGE (Per accident)	\$		\$				
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EACH OCCURRENCE	\$																				
AGGREGATE	\$																				
	\$																				
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N N/A					<table border="1"><tr><td>PER STATUTE</td><td>OTH-ER</td></tr><tr><td>E.L. EACH ACCIDENT</td><td>\$</td></tr><tr><td>E.L. DISEASE - EA EMPLOYEE</td><td>\$</td></tr><tr><td>E.L. DISEASE - POLICY LIMIT</td><td>\$</td></tr></table>	PER STATUTE	OTH-ER	E.L. EACH ACCIDENT	\$	E.L. DISEASE - EA EMPLOYEE	\$	E.L. DISEASE - POLICY LIMIT	\$						
PER STATUTE	OTH-ER																				
E.L. EACH ACCIDENT	\$																				
E.L. DISEASE - EA EMPLOYEE	\$																				
E.L. DISEASE - POLICY LIMIT	\$																				

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

The Certificate Holder is named Additional Insured, but only as respects the use of their facility situated at Centennial Park, Porterville, Ca. on December 14, 2016 for Candle Light Vigil - form CG211 attached.

CERTIFICATE HOLDER**CANCELLATION**

City of Porterville
291 N Main Street
Porterville, CA 93257

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

Howard Wooton/MVJ

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Insured: Porterville Evangelical Iglesia Del Nazareno

Policy Number: 1289-379-BY

COMMERCIAL GENERAL LIABILITY
CG 20 11 01 96

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

ADDITIONAL INSURED – MANAGERS OR LESSORS OF PREMISES

This endorsement modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE PART

SCHEDULE

- | | |
|--|--|
| 1. Designation of Premises (Part Leased to You): | Centennial Park, Porterville, Ca. |
| 2. Name of Person or Organization (Additional Insured): | City of Porterville |
| 3. Additional Premium: | |

(If no entry appears above, the information required to complete this endorsement will be shown in the Declarations as applicable to this endorsement.)

WHO IS AN INSURED (Section II) is amended to include as an insured the person or organization shown in the Schedule but only with respect to liability arising out of the ownership, maintenance or use of that part of the premises leased to you and shown in the Schedule and subject to the following additional exclusions:

This insurance does not apply to:

1. Any "occurrence" which takes place after you cease to be a tenant in that premises.
2. Structural alterations, new construction or demolition operations performed by or on behalf of the person or organization shown in the Schedule.



CITY COUNCIL AGENDA – DECEMBER 6, 2016

SUBJECT: Approval for Community Civic Event - Helping Hands of Porterville - Max Fit Studio - Max Fit Christmas Games - December 17, 2016

SOURCE: Finance

COMMENT: Helping Hands of Porterville, along with Max Fit Studio, are requesting approval to hold the Max Fit Christmas Games, focused on family fun obstacle course, on Saturday, December 17, 2016 from 8:00 a.m. to 11:00 a.m. This event will take place at Max Fit Studio, 34 E. Garden. There is a request for the street closure of E. Garden, from Main Street to Second Street and the use of the City parking lot behind Bank of the Sierra to expand the obstacle course for parking and spectators.

This request is being made under Community Civic Event Ordinance No. 1326, as amended. The application has been routed according to the ordinance regulations and reviewed by all departments involved. All requirements are listed on the attached Application and Agreement, Exhibit A and Exhibit B.

RECOMMENDATION: That the City Council approve the Community Civic Event Application and Agreement from Helping Hands of Porterville and Max Fit Studio, subject to the Restrictions and Requirements contained in the Application and Agreement, Exhibit A and Exhibit B.

ATTACHMENTS:

1. Community Civic Event Application and Agreement, Exhibit A, Exhibit B, Map, Outside Amplifier Permit and Certificate of Liability.

Appropriated/Funded:

Review By:

Department Director:
Maria Bemis, Finance Director

Final Approver: John Lollis, City Manager

CITY OF PORTERVILLE

291 N. Main Street, Porterville, CA 93257
559-782-7451 Fax: 784-4569 www.ci.porterville.ca.us



(Incomplete applications can delay permit process)

APPLICATION AND AGREEMENT FOR A PERMIT TO HOLD A COMMUNITY CIVIC EVENT OR OTHER ACTIVITY TO BE HELD ON PUBLIC PROPERTY

DO YOU HAVE? Event Flyer? emailed E-mail address? MaxFitStudio@yahoo.com Website? hotmail.com

Application date: 11/15/2016 Event date: Dec. 17th, 2016

Event time: 8am-11am

Name of Event: MaxFit Christmas Games BL# 003600

Sponsoring organization: Helping Hands of Pville Phone # 783-8870

Address: 135 E. Olive Ave. Porterville

Authorized representative: Jovi Halstrom Phone # 339-4299

Address: Program Director

Event chairperson: Casey Rangel-Ray Rangel Phone # 310-1545

718 W. Westfield - Porterville, CA

Location of event 34 E. Garden - MaxFit + Downtown

(Location map must be attached)

Type of event: Family fun obstacle course

Non-profit organization status: 501(c3) 77-0164381 BL# 003874

(IRS Determination)

C1623465 - Business license - Helping Hands

City services requested (fees associated with these services will be billed separately):

Barricades (quantity): (4) Street sweeping Yes No X

Police protection Yes No X Refuse pickup Yes No X

Other:

Parks facility application required: Yes No X Attached

Assembly permit required: Yes No Attached

STAFF COMMENTS (list special requirements or conditions for event):

Appr. Deny

_____	_____	Bus. Lic. Spvr.	_____
_____	_____	Pub. Works Dir.	_____
_____	_____	Comm. Dev. Dir.	_____
_____	_____	Field Svcs. Mgr.	_____
_____	_____	Fire Chief	_____
_____	_____	Parks Dir.	_____
_____	_____	Police Chief	_____
_____	_____	Admin. Svcs. Dir.	_____

CITY OF PORTERVILLE

APPLICATION AND AGREEMENT FOR A PERMIT TO HOLD A COMMUNITY CIVIC EVENT OR OTHER ACTIVITY TO BE HELD ON PUBLIC PROPERTY

What constitutes a Community Civic Event?

A non-profit organization wishes to sponsor an event that is open to the community at large and will utilize public property. Most of the time, Community Civic Events require street or sidewalk closures. This application must be submitted NO LESS THAN 30 DAYS PRIOR to the date of the event in order to obtain City Council approval.

All City Code requirements are described in ordinance 15-20 (e) 1-23 and as amended in ordinance 1613. For a full description please visit our City of Porterville website at www.ci.porterville.ca.us/govt/CityClerk/, Porterville Municipal Codes. For questions or concerns please call 559-782-7451 or 559-782-7457. Any person who violates the provisions in this code, shall be deemed guilty of either a misdemeanor or an infraction, with penalties of one hundred (\$100) for the first violation.

Liability insurance: The sponsoring organization/applicant agrees to provide and keep in force during the term of this permit a policy of liability and property damage insurance against liability for personal injury, including accidental death, as well as liability for property damage which may arise in any way during the term of this permit. **The City of Porterville and Successor Agency to the Porterville Redevelopment Agency shall be named as additional insured.** A Certificate of Liability Insurance and Additional Insured Endorsement sample forms are enclosed for your convenience. **This original certificate and endorsement shall be submitted to the Finance Department prior to the City of Porterville Council's approval.** *The council shall condition the granting of a CCE permit upon the sponsoring entity's filing with the council a policy of public liability insurance in which the city has been named as insured or coinsured with the permittee. The policy of insurance shall insure the city, its officers, and its employees against all claims arising out of, or in connection with, the issuance of the CCE permit or the operation of the permittee or its agents or representatives, pursuant to the permit. The policy of insurance shall provide coverage of no less than one million dollars (\$1,000,000.00) per occurrence of bodily injury and property damage, combined single limit.* (Ordinance 15-20(e) 18)

RR Authorized Representative Initial

Alcohol liability insurance: Organization/Applicant will obtain an alcohol permit if any alcoholic beverages are to be served. The insurance policy shall be endorsed to include **full liquor liability** in an amount not less than one million dollars (\$1,000,000) per occurrence. The City of Porterville shall be named as additional insured against all claims arising out of or in connection with the issuance of this permit or the operation of the permittee, his/her agents or representatives pursuant to the permit. **Claims-made policies are not acceptable.**

RR Authorized Representative Initials

Health permit: Organization/Applicant will obtain or ensure that all participants obtain a 'Temporary Food Facilities' permit(s) from the Tulare County Public Health Department, if any food is to be served in connection with this Community Civic Event. To contact the Tulare County Environmental Health Department located at 5957 S. Mooney Blvd., Visalia, CA, 93277, call 559-733-6441, or fax information to 559-733-6932; or visit their website: www.tularehhsa.org.

____ Authorized Representative Initials

First aid station: Organization/Applicant will establish a first aid station, with clearly posted signs, to provide basic emergency care, such as ice/hot packs, bandages, and compresses.

RR Authorized Representative Initials

Toilet rental service: Applicant shall have care, custody and control of the equipment and shall bear responsibility and liability for all loss and damage to the equipment and for its contents while at the City's location. Applicant shall not overload, move or alter the equipment and shall use the equipment for its intended purpose. Applicant shall be responsible for any damages to City's property resulting from company's provision of services hereunder. Applicant shall confirm with the service company the number of portable toilets, standard and handicap, and wash sinks needed for the number of expected attendees.

(have public Restrooms (4 total) at Max Fit)

RR Authorized Representative Initials

Agreement: The sponsoring organization/applicant agrees to comply with all provisions of the Community Civic Event Ordinance 15-20(e), as amended, and the terms and conditions set forth by City Council and stated in Exhibit 'A.' The sponsoring organization/applicant agrees, during the term of this permit, to secure and hold the City free and harmless from all loss, liability, and claims for damages, costs and charges of any kind or character arising out of, relating to, or in any way connected with his/her performance of this permit. Said agreement to hold harmless shall include and extend to any injury to any person or persons, or property of any kind whatsoever and to whomever belonging, including, but not limited to, said organization/applicant, and shall not be liable to the City for any injury to persons or property which may result solely or primarily from the action or non-action of the City or its directors, officers, or employees. Approval of the Community Civic Events Permit by the Porterville City Council pertains only to authorized activities conducted at designated locations within the incorporated area of the City of Porterville, and such approval shall not be construed or interpreted to authorize sponsor utilization of public right-of-ways outside of the jurisdiction of the City of Porterville.

MaxFit Studios	<u>Ray Ray</u>	11/15/2016
(Name of Organization)	(Signature)	(Date)

VENDOR/PARTICIPANT LIST IN CONNECTION WITH THE APPLICATION AND AGREEMENT FOR A PERMIT TO HOLD A COMMUNITY CIVIC EVENT OR OTHER ACTIVITY TO BE HELD ON PUBLIC PROPERTY

Location: _____ Event date: _____ Event time: _____

CITY OF PORTERVILLE

REQUEST FOR STREET CLOSURES AND PUBLIC PROPERTY USAGE IN CONNECTION WITH THE APPLICATION AND AGREEMENT FOR A PERMIT TO HOLD A COMMUNITY CIVIC EVENT OR OTHER ACTIVITY TO BE HELD ON PUBLIC PROPERTY

Name of event: Max Fit Christmas Games

Sponsoring organization: Helping Hands of Porterville

Event date: Dec. 17th, 2016 Hours: 8am - 11am

ATTACH MAP MARKING AREAS TO BE CLOSED OR USED:

Closed

Street Name	From	To	Activity
E. Garden Ave	Main	to Second	(one block)

7am - 11am Time

B

Sidewalks	From	To	Activity
Main St. Sidewalks	8am	10:30am	

Participants will be walking down main st. Sidewalks during event. They do NOT have to be closed & won't be more than a few people at a time.

Parking lots and spaces	Location	Activity
Bank of Sierra	They will be closed 90 N Main St.	Part of the family course
	And we will use the back side of parking lot closest to Main.	- Small section

NOTE! All closures/uses are IDENTICAL to the 2015 request.

Requirements for Community Civic Event

Helping Hands of Porterville and
Max Fit Studio

Max Fit Christmas Games
December 17, 2016

Finance Director:

M. Bemis

Public Works Director:

M. Reed

Community Development Manager:

J. Phillips

Field Services Manager:

B. Styles

Barricades may be obtained
and returned at 555 N. Prospect Street

Fire Chief:

G. Irish

No comments.

Parks and Leisure Services Director:

D. Moore

All in attendance to remain out of
downtown planters.

Police Lieutenant:

C. Contreras

Please see recommendations and
requirements in Exhibit B.

Administrative Services Director:

P. Hildreth

See attached Exhibit A, page 2.

Requirements for Community Civic Event

Sponsor: Helping Hands of Porterville
Event: Max Fit Christmas Games
Event Chairman: Casey Rangel
Location: 34 E. Garden
Date of Event: December 17, 2016
Time of Event: 8:00 a.m. to 11:00 a.m.

RISK MANAGEMENT: Conditions of Approval

That Max Fit Studio provide a Certificate of Commercial General Liability Insurance Coverage evidencing coverage of not less than \$1,000,000 per occurrence, and having the appropriate Endorsement naming the City of Porterville, Successor Agency to the Porterville Redevelopment Agency, its Officers, Employees, Agents and Volunteers as Additional Insured against all claims arising from, or in connection with, the Permittee's operation and sponsorship of the aforementioned Community Civic Event.

- a. Said Certificate of Insurance shall be an original (fax and xerographic copies not acceptable), the Certificate shall be signed by an agent authorized to bind insurance coverage with the carrier, and the deductible, if any, shall not be greater than \$1,000.
- a. Said insurance shall be primary to the insurance held by the City of Porterville, be with a company having an A.M. Best Rating of no less than A: VII, and the insurance company must be an 'admitted' insurer in the State of California.

Approval of the Community Civic Events Permit by the Porterville City Council pertains only to authorized activities conducted at designated locations within the incorporated area of the City of Porterville, and such approval shall not be construed or interpreted to authorize sponsor utilization of public right-of-ways outside of the jurisdiction of the City of Porterville.

CITY OF PORTERVILLE

APPLICATION FOR COMMUNITY CIVIC EVENT

Proposed Event: Max Fit Studios / Family Obstacle Course

Date of Event: 12-17-16 / 8:00am-11:00am

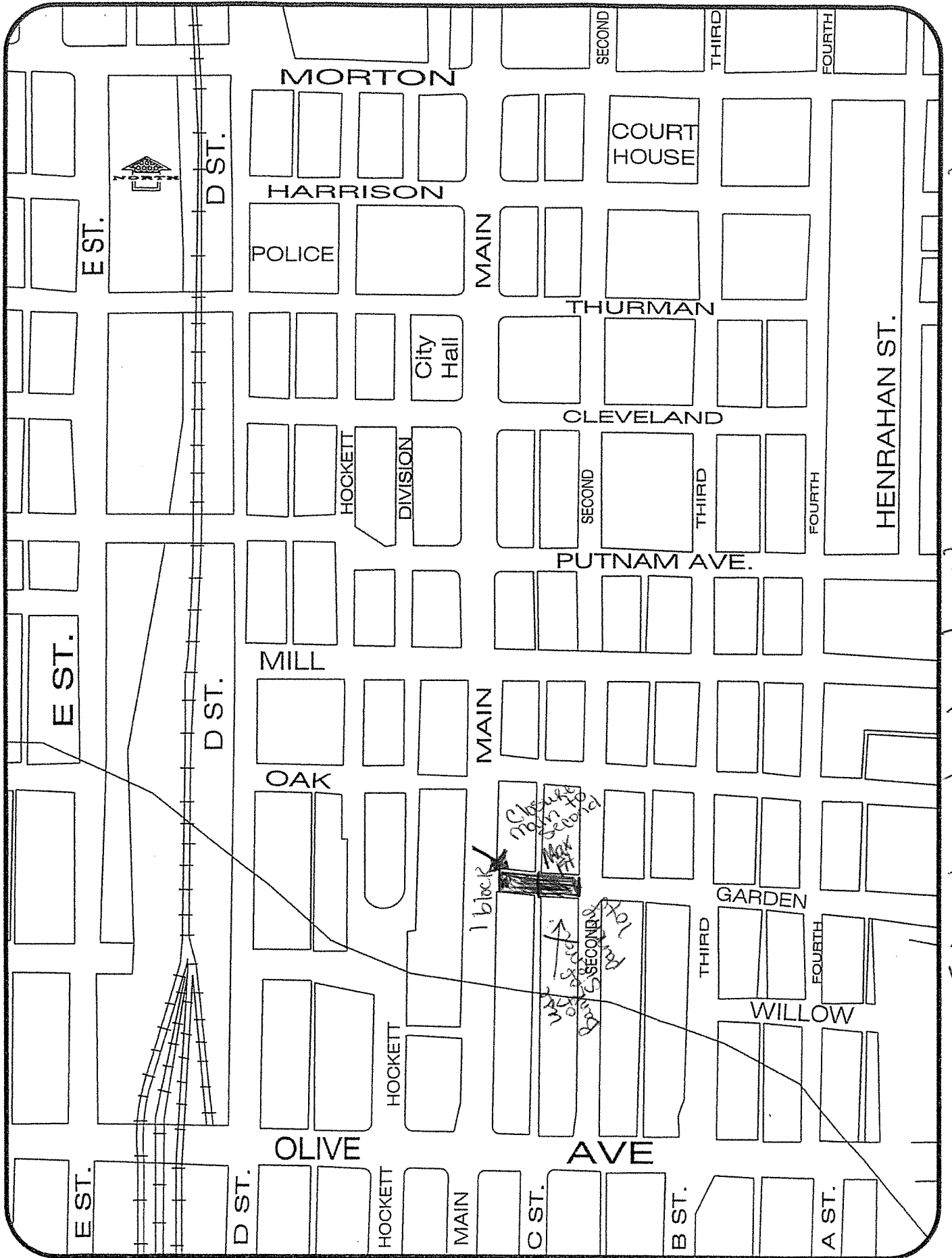
Location of Event: Max Fit Studios – 34 East Garden Avenue

Recommendations/Requirements:

- City Council approval is required for all street/sidewalk closures.
- Participants must not interfere with the normal flow of pedestrian/vehicular traffic.
- An Outside Amplifier Permit has been requested or approved. However, event organizers shall not allow music or other sound amplifications to be broadcasted so loud as to unreasonably disturb the peace and good order of any residents or business establishments in the surrounding area.
- At conclusion of event, event organizers shall ensure that affected parks/streets/sidewalks are promptly cleared of any vehicles, equipment, booths or anything that could present a hazard to pedestrians or vehicles traveling in the area, as well as any other related materials such as signs, pamphlets and fliers.

Chris Contreras / Lieutenant
Porterville Police Department

Exhibit B



Identical to last years requests

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



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

1 Name and home address of the applicant:

MaxFit Studios 34 E. Garden
Ray Rangel

2 Address where amplification equipment is to be used:

At MaxFit Studios location - from
building - in parking lot

3 Names and addresses of all persons who will use or operate the amplification equipment:

Ray Rangel - Home address 718 W. Westfield - Suite

4 Type of event for which amplification equipment will be used:

Family obstacle course - Non-profit for drive

5 Dates and hours of operation of amplification equipment:

8am - 11am Sat. Dec. 17th

6 A general description of the sound amplifying equipment to be used:

Basic microphone +
personal speakers music played from
sound system

Section 18-9

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

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

(Ord. Code § 6311)

Section 18-14

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

Penal Code Section 415 (2)

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

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

Ray Rangel
Signature of Applicant

11/15/16
Date

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

Chris Costa
City of Porterville, Chief of Police/Designee

11-30-16
Date



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
04/07/2016

PRODUCER BUCKMAN MITCHELL INC 500 North Santa Fe Visalia, CA 93292- 559.733.1181	THIS CERTIFICATION IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.												
INSURED Raymond Rangel DBA: Max Fit 718 W Westfield Ave Porterville, CA 93257-1252	<table border="1"><tr><td>INSURERS AFFORDING COVERAGE</td><td>NAIC #</td></tr><tr><td>INSURER A: Philadelphia Indemnity Insurance Company</td><td>18058</td></tr><tr><td>INSURER B:</td><td></td></tr><tr><td>INSURER C:</td><td></td></tr><tr><td>INSURER D:</td><td></td></tr><tr><td>INSURER E:</td><td></td></tr></table>	INSURERS AFFORDING COVERAGE	NAIC #	INSURER A: Philadelphia Indemnity Insurance Company	18058	INSURER B:		INSURER C:		INSURER D:		INSURER E:	
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INSURER D:													
INSURER E:													

COVERAGES

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 CERTIFICATION 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. AGGREGATE LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	ADD'L INSRD	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YYYY)	POLICY EXPIRATION DATE (MM/DD/YYYY)	LIMITS												
A	X	GENERAL LIABILITY ☒ COMMERCIAL GENERAL LIABILITY ☐ CLAIMS MADE ☒ OCCUR ☒ PROFESSIONAL LIABILITY GEN'L AGGREGATE LIMIT APPLIES PER: ☒ POLICY ☐ PROJECT ☐ LOC	PHPK706179-005	04/08/2016	04/08/2017	<table border="1"><tr><td>EACH OCCURRENCE</td><td>\$1,000,000</td></tr><tr><td>DAMAGE TO RENTED PREMISES (Ea occurrence)</td><td>\$300,000</td></tr><tr><td>MED EXP (Any one person)</td><td>\$2,500</td></tr><tr><td>PERSONAL & ADV INJURY</td><td>\$1,000,000</td></tr><tr><td>GENERAL AGGREGATE</td><td>\$3,000,000</td></tr><tr><td>PRODUCTS - COMP/OP AGG</td><td>\$3,000,000</td></tr></table>	EACH OCCURRENCE	\$1,000,000	DAMAGE TO RENTED PREMISES (Ea occurrence)	\$300,000	MED EXP (Any one person)	\$2,500	PERSONAL & ADV INJURY	\$1,000,000	GENERAL AGGREGATE	\$3,000,000	PRODUCTS - COMP/OP AGG	\$3,000,000
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		EXCESS / UMBRELLA LIABILITY ☐ OCCUR ☐ CLAIMS MADE ☐ DEDUCTIBLE ☐ RETENTION				<table border="1"><tr><td>EACH OCCURRENCE</td><td></td></tr><tr><td>AGGREGATE</td><td></td></tr><tr><td></td><td></td></tr><tr><td></td><td></td></tr></table>	EACH OCCURRENCE		AGGREGATE									
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		WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? ☐ Y/N (Mandatory in NH) If yes, describe under SPECIAL PROVISIONS below				<table border="1"><tr><td>WC STATUTORY LIMITS</td><td>OTH-ER</td></tr><tr><td>E.L. EACH ACCIDENT</td><td></td></tr><tr><td>E.L. DISEASE - EA EMPLOYEE</td><td></td></tr><tr><td>E.L. DISEASE - POLICY LIMIT</td><td></td></tr></table>	WC STATUTORY LIMITS	OTH-ER	E.L. EACH ACCIDENT		E.L. DISEASE - EA EMPLOYEE		E.L. DISEASE - POLICY LIMIT					
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E.L. DISEASE - POLICY LIMIT																		
		OTHER																

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES / EXCLUSIONS ADDED BY ENDORSEMENT / SPECIAL PROVISIONS
It is understood and agreed that the following entity is added as an additional insured but only with respect(s) to the operations of the named insured except that liability resulting from the additional insured's sole negligence.

CERTIFICATE HOLDER

City of Porterville, Successor Agency to the Porterville Redevelopment Agency
219 N Main St
Porterville, CA 93257-

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING INSURER WILL ENDEAVOR TO MAIL 10 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO DO SO SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE INSURER, ITS AGENTS OR REPRESENTATIVES.

AUTHORIZED REPRESENTATIVE

Robert J. H.

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY

Blanket Additional Insured Endorsement

This endorsement modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE PART

SECTION II – WHO IS AN INSURED is amended to include the following as an additional insured, but only with respect to liability arising out of your operations, and in accordance with a required Certificate of Insurance:

1. **Managers, Owners or Lessors of the Premises Leased, Rented, or Loaned to You**, but only with respect to that part of the premises leased, rented or loaned to you subject to the following additional exclusions:

This insurance does not apply to:

- a. Any "occurrence" which takes place after you cease to be a tenant in that premises;
- b. Structural alterations, new construction or demolition operations performed by or on behalf of the manager, owner or lessor of the premises;
- c. Any design defect or structural maintenance of the premises or loss caused by a premises defect.

2. **Lessor of Leased Equipment**, but only with respect to liability for "bodily injury", "property damage" or "personal and advertising injury" caused, in whole or in part, by your maintenance, operation or use of equipment leased to you by such person(s) or organization(s) subject to the following additional exclusions:

This insurance does not apply to:

Any "occurrence" which takes place after the equipment lease expires.

3. **Sponsors**, but only with respect to their liability as a sponsor to you.
4. **Co-Promoters**, but only with respect to their liability as a co – promoter to you
5. **Subcontractors**
6. **Grantor of Franchise**, but only with respect to their liability as grantor of franchise to you.

With respect to any additional insured covered under this policy, this insurance does not apply to the sole negligence of such additional insured.



CITY COUNCIL AGENDA – DECEMBER 6, 2016

SUBJECT: Amendment to the Pay Rate Schedule for Seasonal and Part-Time Employees

SOURCE: Administrative Services

COMMENT: With the Governor signing Senate Bill 3 into law in April of this year, California's minimum wage will gradually increase to \$15 per hour by 2022, with the first of the increases going into effect January 1, 2017. This first increase will raise California's minimum wage from \$10 per hour to \$10.50 per hour. Thereafter, the legislation provides for an annual increase of \$1.00 until 2022 when minimum wage reaches \$15 per hour, unless a determination is made to pause an increase due to economic and budgetary constraints. While SB 3 will not impact the City's full-time work force, it will impact rates of pay for the City's seasonal and part-time employees. As such, it is now necessary to amend the Seasonal and Part-Time Pay Rate Schedule.

In order to maintain consistency within the salary ranges, and to avoid compaction between classifications, staff is recommending an increase for those impacted classifications in both minimum and maximum salary rates. The proposed adjustments have been anticipated and accounted for during the FY 2016/17 budgetary process. Note that the YES Program part-time positions will be excluded due to receiving pay raises effective December 1, 2016, via Resolution 68-2016.

To implement these changes, it is proposed that the City's Employee Pay and Benefit Plan, and Seasonal and Part-Time Pay Rates, be amended by Resolution of the City Council. Attached for Council's reference is the current 2015/16 Seasonal & Part-Time Pay Rate Schedule, as well as the draft Resolution and the proposed 2016-17 Pay Rate Schedule.

RECOMMENDATION: That the City Council:

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

ATTACHMENTS:

1. Current Seasonal & PT Pay Schedule
2. Draft Resolution
3. Exhibit A - Proposed Rate Schedule

Appropriated/Funded: MB

Review By:

Department Director:

Final Approver: John Lollis, City Manager

CITY OF PORTERVILLE
SEASONAL AND PART-TIME AMENDED PAY RATES
2015 – 2016 FISCAL YEAR

After School Assistant II.....	\$10.00 – \$10.82/hour
After School Assistant III.....	\$12.44 – \$14.40/hour
Site Assistant.....	\$14.40 – \$17.51/hour
After School Site Supervisor.....	\$18.46 – \$23.56/hour
Assistant Zalud House Curator.....	\$10.00 – \$12.00/hour
Clerical Aide.....	\$10.00 – \$12.00/hour
Library Aide.....	\$10.00 – \$11.25/hour
Lifeguard (Senior Lifesaving).....	\$10.00 – \$12.00/hour
Lifeguard (WSI).....	\$10.00 – \$11.75/hour
Maintenance Aide (Seasonal).....	\$10.00 – \$12.00/hour
Pool Cashier.....	\$10.00 – \$11.50/hour
Pool Manager.....	\$10.50 – \$14.25/hour
Pool Manager Assistant.....	\$10.25 – \$13.25/hour
Recreation Leader I.....	\$10.00 – \$10.75/hour
Recreation Leader II.....	\$10.75 – \$12.50/hour
Recreation Leader III.....	\$12.50 – \$16.25/hour
**Recreation Specialist.....	Percentage of Flat Rate
Reserve Firefighter.....	\$10.00 – \$10.50/hour
Sports Official/Umpire or Referee (Youth).....	\$10.00 – \$22.25/hour
Sports Official/Umpire or Referee (Adult).....	\$10.00 – \$37.25/game
Student Intern.....	\$10.00 – \$12.00/hour
***Off-Highway Vehicle Coordinator.....	\$11.25 – \$16.25/hour
***Off-Highway Vehicle Assistant Coordinator.....	\$10.00 – \$13.25/hour

**Pay to be determined by the number of students enrolled and fees charged for self-supporting classes and activities.

***Funded by State of California Off-Highway Vehicle Division Grant.

RESOLUTION NO. _____ - 2016

A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF PORTERVILLE APPROVING AN AMENDMENT
TO THE SEASONAL AND PART-TIME PAY RATES

WHEREAS, the City Council of the City of Porterville has established a Schedule of Wages for Seasonal and Part-time Employees; and

WHEREAS, it is proposed to amend the Fiscal Year 2016-17 Schedule for all Seasonal and Part-time positions in compliance with California's minimum wage, and to maintain consistency within the salary and avoid compaction between classifications.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Porterville does hereby approve the revised Schedule of Wages for Seasonal and Part-time Employees, attached hereto and incorporated herein by this reference as Exhibit "A", effective January 1, 2017.

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

PASSED, APPROVED, AND ADOPTED this _____ day of December, 2016.

Milt Stowe, Mayor

ATTEST:

John D. Lollis, City Clerk

By: _____
Patrice Hildreth, Chief Deputy City Clerk

CITY OF PORTERVILLE
SEASONAL AND PART-TIME PAY RATES
2016 – 2017 FISCAL YEAR

After School Assistant II.....	\$10.50 – \$10.82/hour
After School Assistant III.....	\$12.44 – \$14.40/hour
After School Site Assistant.....	\$14.40 – \$17.51/hour
After School Site Supervisor.....	\$18.46 – \$23.56/hour
Animal Shelter Technician.....	\$10.50 – \$12.25/hour
Assistant Zalud House Curator.....	\$10.50 – \$12.50/hour
Clerical Aide.....	\$10.50 – \$12.50/hour
Library Aide.....	\$10.50 – \$12.50/hour
Lifeguard (WSI).....	\$10.50 – \$12.25/hour
Lifeguard (Senior Lifesaving).....	\$10.50 – \$12.50/hour
Maintenance Aide	\$10.50 – \$12.50/hour
Pool Cashier.....	\$10.50 – \$12.00/hour
Pool Manager.....	\$11.00 – \$14.50/hour
Pool Manager Assistant.....	\$10.75 – \$13.75/hour
Recreation Leader I.....	\$10.50 – \$11.25/hour
Recreation Leader II.....	\$11.25 – \$13.00/hour
Recreation Leader III.....	\$13.00 – \$16.75/hour
**Recreation Class Instructor.....	Percentage of Flat Rate
Reserve Firefighter.....	\$10.50 – \$11.00/hour
Sports Official/Umpire or Referee (Youth).....	\$10.50 – \$22.25/hour
Sports Official/Umpire or Referee (Adult).....	\$10.50 – \$37.25/game
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***Off-Highway Vehicle Coordinator.....	\$11.75 – \$16.75/hour
***Off-Highway Vehicle Assistant Coordinator.....	\$10.50 – \$13.75/hour

**Pay to be determined by the number of students enrolled and fees charged for self-supporting classes and activities.

***Funded by State of California Off-Highway Vehicle Division Grant.



CITY COUNCIL AGENDA – DECEMBER 6, 2016

SUBJECT: Considering Approval of a Conditional Use Permit (PRC 2016-030-C) to allow San Joaquin Valley College, a Private College, to be Located at 314 N. Main Street

SOURCE: Community Development

COMMENT: The applicant is requesting approval of a Conditional Use Permit (CUP) to allow for San Joaquin Valley College (SJVC), a private college, in an existing two-story building located at 314 N. Main Street. The site has a General Plan Land Use Designation of Downtown Retail and is zoned DR-N (Downtown Retail - North of Olive). In the DR-N zone district, colleges and trade schools, whether public or private, require a CUP with the additional requirement to not exceed 5,000 square feet.

The building was constructed in 2001, and originally designed for a medical office building, which was then utilized by Family Healthcare Network administrative offices and most recently occupied by Keller Williams Realty. The total area under consideration is approximately 7,800 square feet. As previously noted, in the DR-N zone district, colleges have a footnote of not being greater than 5,000 square feet. It is staff's policy to review projects based on the uses being proposed. For example, while the building is 7,800 square feet, actual classroom square footage is identified as 2,106 square feet with 1,200 square feet of that being located on the second floor. The remaining space is identified to be utilized for offices, faculty facilities, library, break rooms and restrooms. In accordance with §102.03 Rules of Interpretation, the Zoning Administrator has determined that the uses of the building can appropriately be split into instructional space and administrative space. Conversations with other private colleges further support this determination; administrative offices are often separate from satellite college campuses, and students could be required to drive to Bakersfield or Fresno for administrative tasks, such as financial aid or transcript requests. As a condition of approval, staff would recommend that instructional space be limited to less than 5,000 square feet at all times.

The site is located within Parking District 2 and would require 13 parking spaces; however, Resolution 72-2000 allowed the construction of the building to utilize the public parking lot east of the building on Second Street and Thurman Avenue. Additionally, Porterville Transit has a transit stop on Second Street, adjacent to the parking lot.

On November 22, 2016, the Environmental Coordinator made a preliminary determination that the project is exempt from the California Environmental

Quality Act pursuant to Section 15301, Class 1 Existing Facilities. No further environmental review is required.

RECOMMENDATION: That the City Council confirm the Zoning Administrator's determination which would limit instructional space to less than 5,000 square feet and adopt the draft resolution approving Conditional Use Permit (PRC 2016-030-C) to allow San Joaquin Valley College, a private college, to be located at 314 N. Main Street subject to conditions of approval.

ATTACHMENTS:

1. Draft Resolution
2. Site plan
3. Floor Plan
4. Parking District No. 2
5. Resolution 72-2000

Appropriated/Funded:

Review By:

Department Director:

Jenni Byers, Community Development Director

Final Approver: John Lollis, City Manager

RESOLUTION NO.____-2016

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
APPROVING CONDITIONAL USE PERMIT (PRC 2016-030-C) TO ALLOW SAN
JOAQUIN VALLEY COLLEGE, A PRIVATE COLLEGE, TO BE LOCATED AT 314
NORTH MAIN STREET

WHEREAS: The City Council of the City of Porterville at its regularly scheduled meeting of December 6, 2016, conducted a public hearing to consider Conditional Use Permit (PRC 2016-030-C), being a request to allow a 7,800± square-foot building to be utilized for San Joaquin Valley College (SJVC) a private college located at 314 N. Main Street, generally located on the northeast corner of Main Street and Thurman Avenue; and

WHEREAS: Pursuant to 202.02 Land Use Regulations of the Porterville Development Ordinance, a private college requires a conditional use permit with a footnote of not being greater than 5,000 square feet; and

WHEREAS: The Zoning Administrator, in accordance with §102.03 Rules of Interpretation, determined that the uses of the building could appropriately be split into instructional space and administrative space. While the building is 7,800 square feet, the actual classroom footprint is identified as 2,106 square feet; and

WHEREAS: Pursuant to Section 15301, Class 1 Existing Facilities of the California Environmental Quality Act, the project is exempt from the provisions of the California Environmental Quality Act (CEQA); and

WHEREAS: The City Council made the following findings with respect to the subject project:

1. The General Plan designates the subject site as Downtown Retail. The subject site is zoned DR-N (Downtown Retail - North of Olive) which is supported by the General Plan. The proposed use is allowed pursuant to approval of a Conditional Use Permit.
2. That the site is physically suitable for the type of development proposed.
3. That the design of the project is not likely to cause substantial environmental damage. The subject site is developed with an existing building. As such, no endangered, threatened, or rare species or habitats exist and no impact will occur.
4. That the proposed location of the project and the conditions under which it will be operated and maintained will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity. Conditions of approval are included to ensure adequate development standards are met.
5. That the standard of population density, site area dimensions, site coverage, yard spaces, height of structures, distance between structures, off-street parking facilities, and

landscaped areas will produce an environment of stable and desirable character consistent with the objectives of the 2030 General Plan.

6. That the project, as proposed, complies with all design standards of the Porterville Development Ordinance and the Downtown Design Guidelines.

NOW, THEREFORE, BE IT RESOLVED: That the City Council of the City of Porterville does hereby approve Conditional Use Permit (PRC 2016-030-C) to allow San Joaquin Valley College, a private college, to be located at 314 N. Main Street, subject to the following conditions:

1. Upon approval of the CUP, any future change in operation which substantially alters the conditions or nature of the subject business will require approval by the City Council.
2. At all times, the square footage of instructional space shall be limited to less than 5,000 square feet.
3. The facility shall be operated and maintained to comply with State Laws, the City of Porterville Development Ordinance, Downtown Design Guidelines, adopted Building Codes and all other applicable laws and ordinances.
4. Unless an extension of time is granted by the City Council, the CUP shall expire two years after the date of approval if the college is not active or actively pursued.
5. The applicant shall operate the establishment in such a manner as to preserve the public safety, health and welfare, to prevent the use from becoming a nuisance and operate the business in compliance with all laws, ordinances and regulations regarding the sale of alcohol. In the event that this or any other condition of approval is violated, the City Council may modify or revoke the conditional use permit as provided in Section 601.10 of the Porterville Development Ordinance.
6. When the building was originally constructed in 2001, parking was evaluated by City Council and approved by Resolution 72-2000, to provide 17 shared spaces between the two parcels. Staff has determined that this is consistent with the new use.
7. The submittal site plans did not reflect any changes in landscape, please note that any rehabilitation to the landscape area shall adhere to Ordinance 1830.
8. The entire site shall be permanently maintained free of accumulated dirt and litter and in an otherwise neat and attractive manner.
9. Signs require separate plan submittal and separate permit. Any proposed new signage shall adhere to Section 305 of the Porterville Development Ordinance and the Downtown Design Guidelines.
10. Unless otherwise noted, the developer/applicant shall comply with the City Master Plans and

Standard Drawings, Standard Specifications for Public Works Construction (2015 Edition), and Standard Plans and Specifications (2015 Standards), except where they are in conflict with current access compliance regulations, the current California Building Code, the Tulare County Hazardous Waste Management Plan, the California Manual on Uniform Traffic Control Devices, the Porterville Circulation Element, and the Tulare County Congestion Management Program.

11. The developer/applicant shall pay all applicable fees according to the Municipal Code and State law. The developer/applicant is hereby notified that you have the right to pay fees, dedications, reservations or other exactions, under protest, pursuant to Government Code Section 66020(a). You have 90 days from the date fees are paid to file a written protest.
12. The developer/applicant shall make payment of the required plan check fees at the time of building permit plan submittal.
13. The developer/applicant shall pay School Development fees and all other City fees at the time table determined by current City Ordinance.
14. Offsite frontage improvement are triggered when the building permit valuations is over \$22,151 (Per City of Ordinance No. 1644 and adjusted annual by the Engineers New Record). In such a case, the developer/applicant shall construct and/or repair street, curb, gutter, sidewalk, etc. along the full parcel frontage, except where they exist and are determined to be in good condition and in compliance with current accessibility standards in the opinion of the City Engineer (Ordinance No. 1306). Frontage improvements shall be limited to 20% of the building permit valuation. Existing frontage improvements were evaluated and determined that a portion of the improvements are non-compliant. An accessible path of travel across the Thurman Avenue driveway serving the property must be provided.
15. The transition from Thurman Avenue to the accessible pedestrian path on the west side of the building exceeds 5%. The developer/applicant shall construct a pedestrian path of travel from the City sidewalk to onsite walks in a manner that is compliant with current accessibility standards. The exit door at the southeast corner of the building currently only has stairs and must be provided a sloped/ramped entry. Additionally, the trash can located on the west side of the building restricts the accessible pedestrian path of travel to less than 4'0". Please relocate to the north side of the building.
16. The location(s) of detectable warning surfaces shown on the preliminary site plan is not required. Please work with the City Engineer to identify the appropriate location of detectable warnings for this project prior to submitting plans for a building permit.
17. The lip of the curb ramp located at the northwest corner of the building that provides access from the main building entrance to the accessible parking stall located north of the building exceeds 1/4 of an inch. The developer/applicant shall make transition from the sidewalk to the parking lot ADA compliant.
18. The developer/applicant shall design on-site water systems meeting the requirements of the

current California Plumbing and Fire Codes. It shall be noted that the City water system complies with Title 22 of the California Administrative Code and any assurance to effectively provide water pressure for multi-story buildings is the sole responsibility of the owner/builder.

19. The developer/applicant is hereby notified that the installation of an additional water meter, servicing the irrigation system, is required for monitoring actual water usage if the landscape area is 1000 square feet or more. The City will require payment of impact fees based on estimated usage and will monitor actual water usage for one year. The City will bill/credit the owner the difference between the estimated impact fees paid and the actual water usage.
20. The developer/applicant shall assure compliance with Section 7-8, Work Site Maintenance of the Standard Specifications. Applicable requirements from both San Joaquin Valley Unified Air Pollution Control District Regulation VIII, Fugitive PM10 Prohibitions and the California Green Code Standards must also be met. During grading operations the "Supervising Civil Engineer" shall be responsible for enforcing the dust control provisions of Section 7-8 or the developer/applicant shall pay inspection fees on the grading cost to compensate the City for dust control inspection.
21. The developer/applicant shall not allow onsite runoff or debris outside of the limits of the property during construction. Applicable best management practices (BMPs) shall be implemented to protect the City's drainage system and inhibit vehicle track-out onto City streets. The improvement plans shall show the location of BMPs and areas designated for erosion and waste control. The developer/applicant shall remove and properly dispose of waste and spills deposited in the project area.
22. The developer/applicant shall submit three complete sets of plans, signed by a licensed Architect or Engineer, including two sets of energy calculations and structural calculations.
23. Plan submittals shall comply with current access laws (both State and Federal). The most stringent Code shall prevail.
24. Plan submittals shall comply with all current applicable Codes.
25. Restrooms, main entrance/s, and paths of travel from the required accessible parking stalls shall comply with current access laws (both State and Federal). The most stringent Code shall prevail.
26. Plan submittals shall include the installation of bike racks if the occupant load is ten or more as per California Green Code.
27. Plan submittals shall include the installation of Clean Air parking stall(s) if ten or more parking stalls are required for the project as per California Green Code.
28. Compliance forms and worksheets are required to be included on all plan submittals as per California Green Code.

29. The Building Official has designated the proposed construction to be a “B” Occupancy Classification.
30. A back-flow device is required on the water meter. The developer/applicant shall comply with the City standard for "backflow" prevention pursuant to Resolution No. 9615.
31. A Knox box will be required. A “Grand Master” key that opens all locked areas including locked gates will also be required and placed inside the Knox Box. An application and ordering is available online at the Knox box web page (<http://www.knoxbox.com/>).
32. Fire extinguishers shall be installed in accordance with the Uniform Fire Code. The placement of extinguishers shall be subject to review by the Fire Department.
33. A fire monitoring system shall be installed on the interior of the structure near the fire alarm annunciator panel.
34. Emergency lighting is required when more than one exit is required.

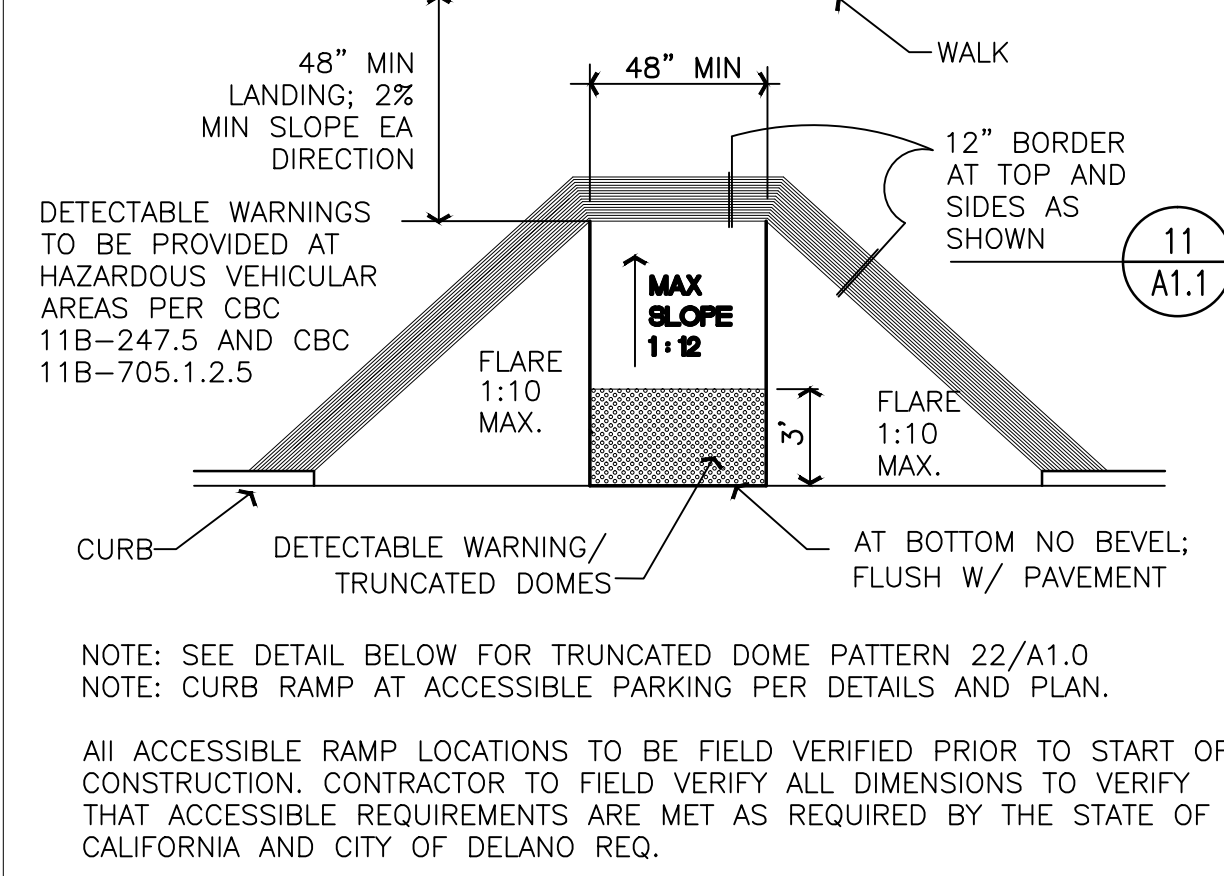
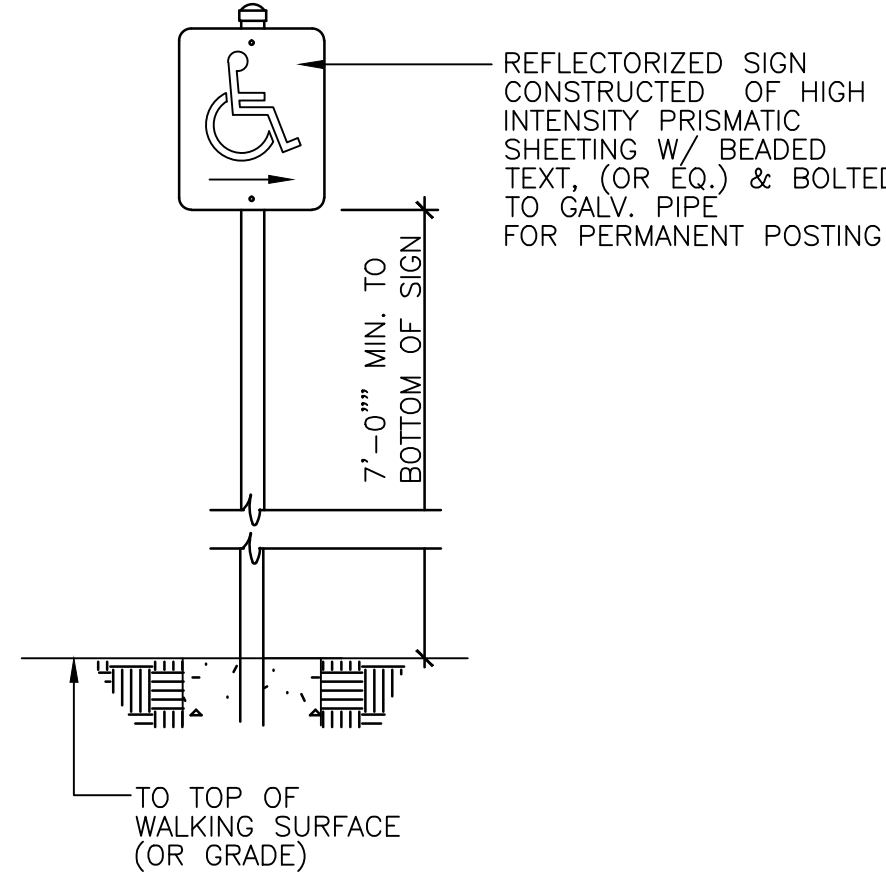
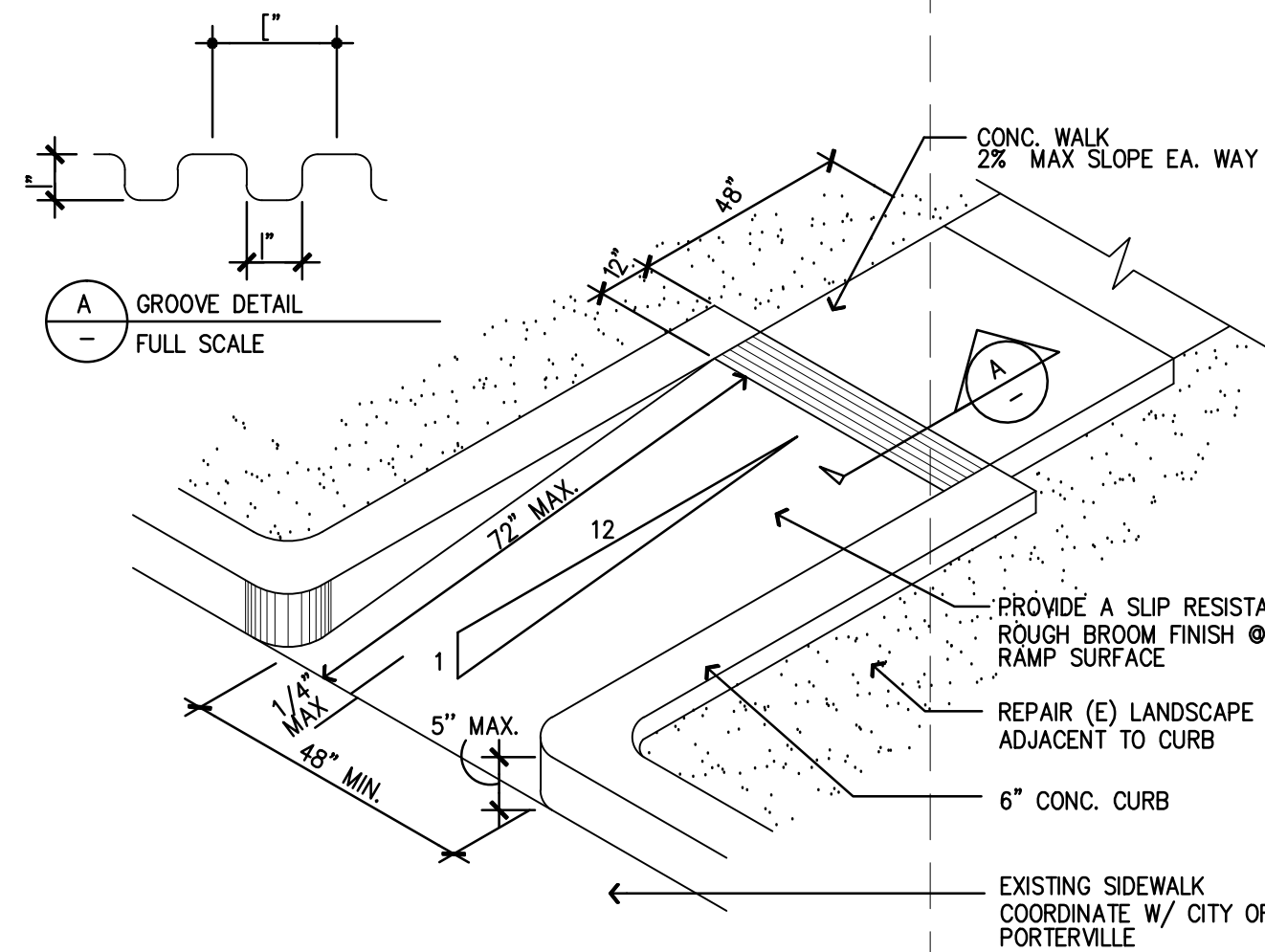
PASSED, APPROVED AND ADOPTED this 6th day of December, 2016.

Milt Stowe, Mayor

ATTEST:

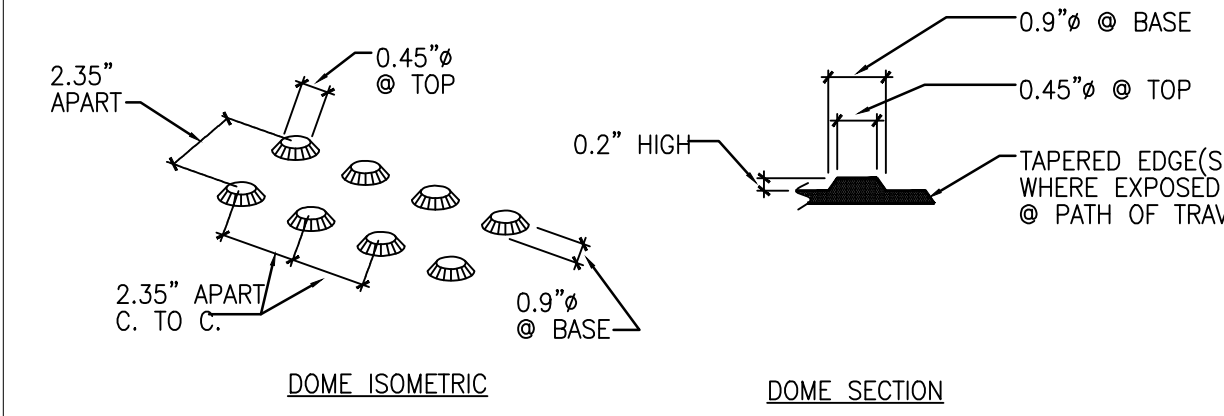
John D. Lollis, City Clerk

By _____
Patrice Hildreth, Chief Deputy City Clerk

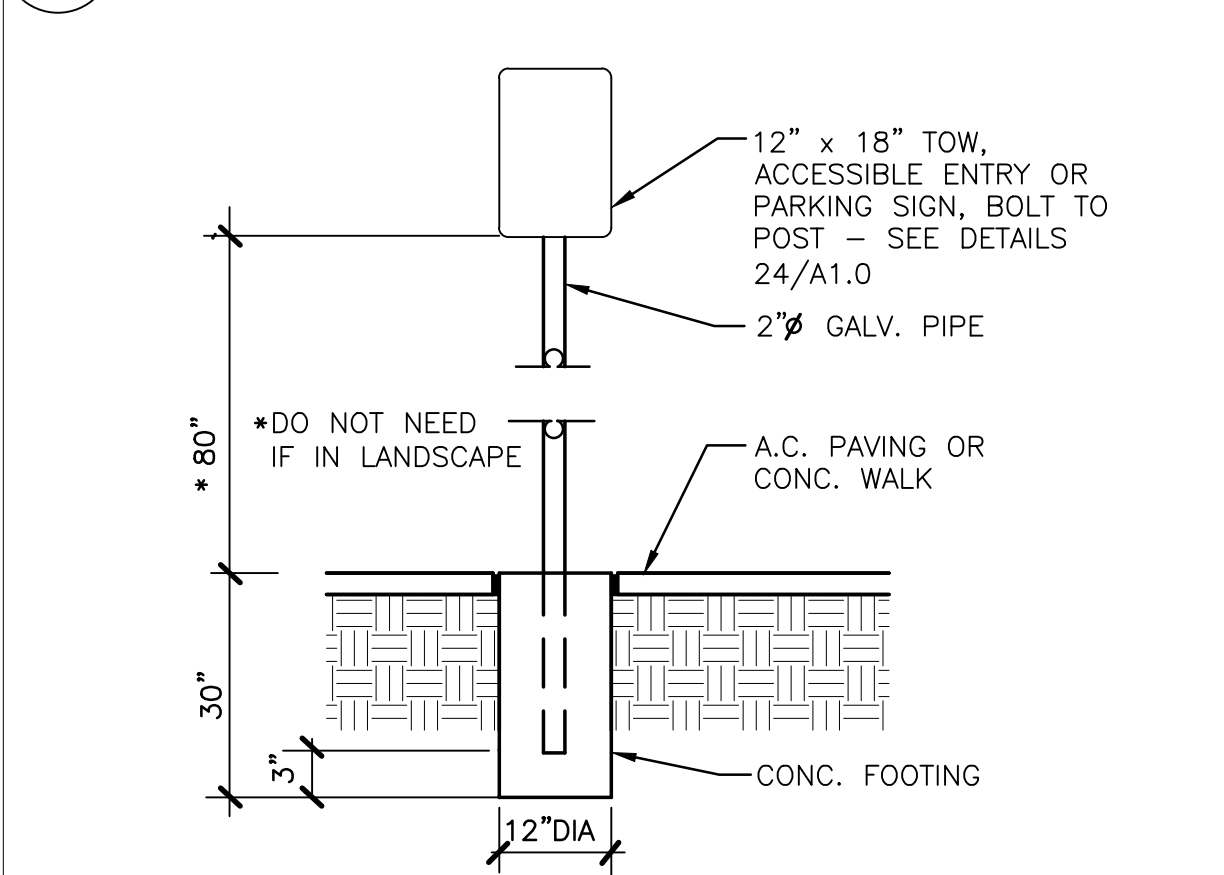


GENERAL NOTES

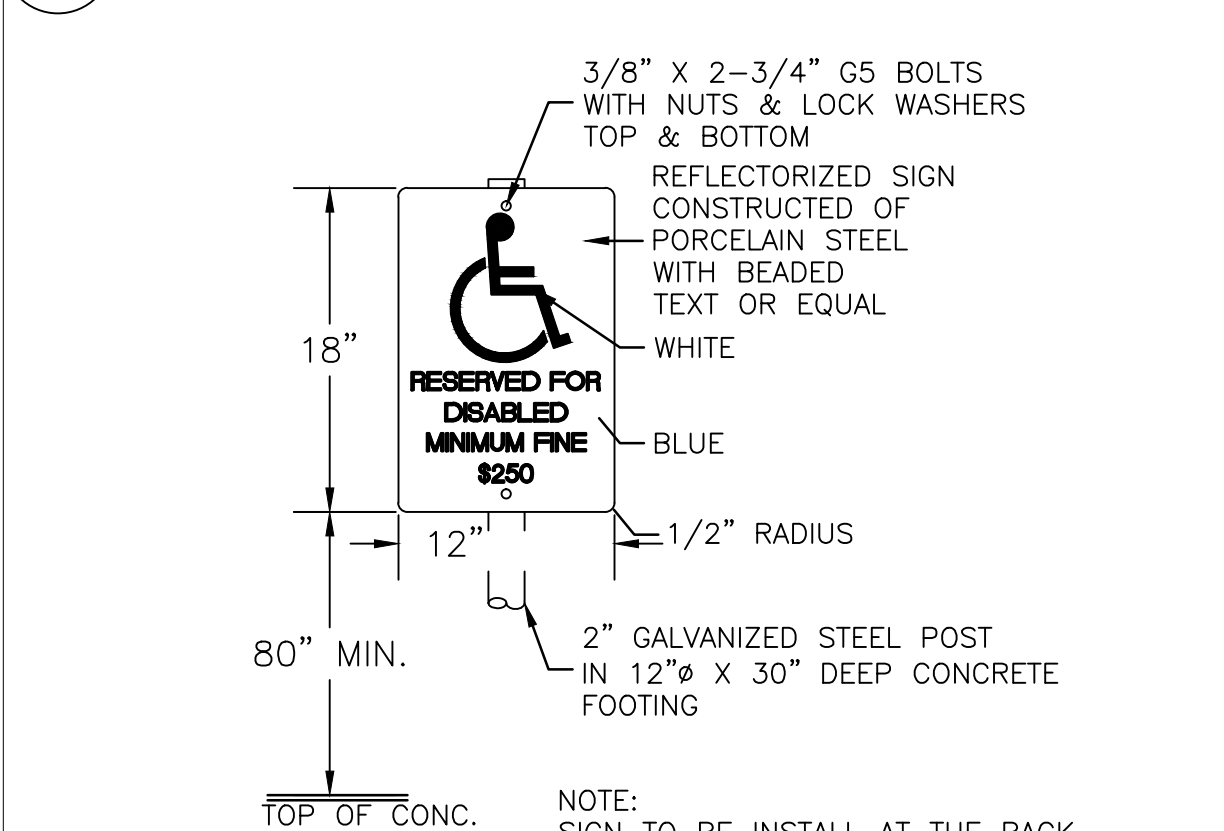
- PROPERTY LINE
- (E) BUILDING FOOTPRINT
- (E) BUILDING FOOTPRINT - NOT A PART
- (E) A.C. PARKING LOT
- (E) MAIN ENTRY TO FACILITY.
- (E) "SHARED" A.D.A. PARKING SPACE. VERIFY PARKING SIGNAGE MEETS DETAIL 24/A1.0 REQUIREMENTS.
- (E) MAIN SWITCH GEAR LOCATION.
- (E) TRANSFORMER PAD LOCATION.
- (E) PARKING STALL MARKING
- (N) "ISA" DIRECTIONAL SIGN RE: 31/A1.0
- (N) DETECTABLE WARNING SURFACE RE: 22/A1.0
- (N) TOW AWAY SIGN. RE: 21/A1.0
- (E) "SHARED" TRASH ENCLOSURE
- (E) STREET PARKING TO REMAIN
- (E) TREE
- (E) FIRE HYDRANT
- (E) CONC. SIDEWALK
- (E) DRIVE APPROACH TO BE REMODELED TO PROVIDE ADA ACCESSIBLE PATH OF TRAVEL ACROSS DRIVE. PROVIDE DETECTABLE WARNING SURFACE ON EITHER SIDE OF DRIVE.
- (E) LANDSCAPE AREA
- (E) BRICK PAVERS
- (E) 6" CONC. CURB
- (E) PATH OF TRAVEL
- (E) CURB AND GUTTER
- (E) STREET LIGHTS
- (E) LOW PLANTER WALL
- (E) SIGN
- (E) CITY PARKING (SHARED)
- (E) FIRE RISER/VALVE (FIELD VERIFY)
- (E) BACKFLOW PREVENTER (FIELD VERIFY)
- DESIGNATE PARKING SPACE AS LOW-EMITTING, FUEL-EFFICIENT, AND CARPOOL/VANPOOL PER CGBSC 5.106.5.2. PAINT IN PAINT USED FOR STALL STRIPPING "CLEAN AIR/VAN POOL/EV" AT BOTTOM EDGE OF STALL SO LOWER EDGE OF WORD ALIGN W/ STALL STRIPPING.
- (N) BIKE RACK TO BE PROVIDED. PROVIDE ONE 2-SIDED RACK.
- MOVE (E) TRASH CAN TO NORTH SIDE OF BUILDING AT SIDEWALK ADJACENT TO NEW BIKE RACKS.
- GRIND LIP OF (E) SIDEWALK TRANSITION SO THAT INSTALLATION OF (N) DETECTABLE WARNING SURFACE IS NOT GREATER THAN 1/4" IN ELEVATION DIFFERENCE.
- (N) RAMP. RE: 41/A-1.0



SIGN DETAIL



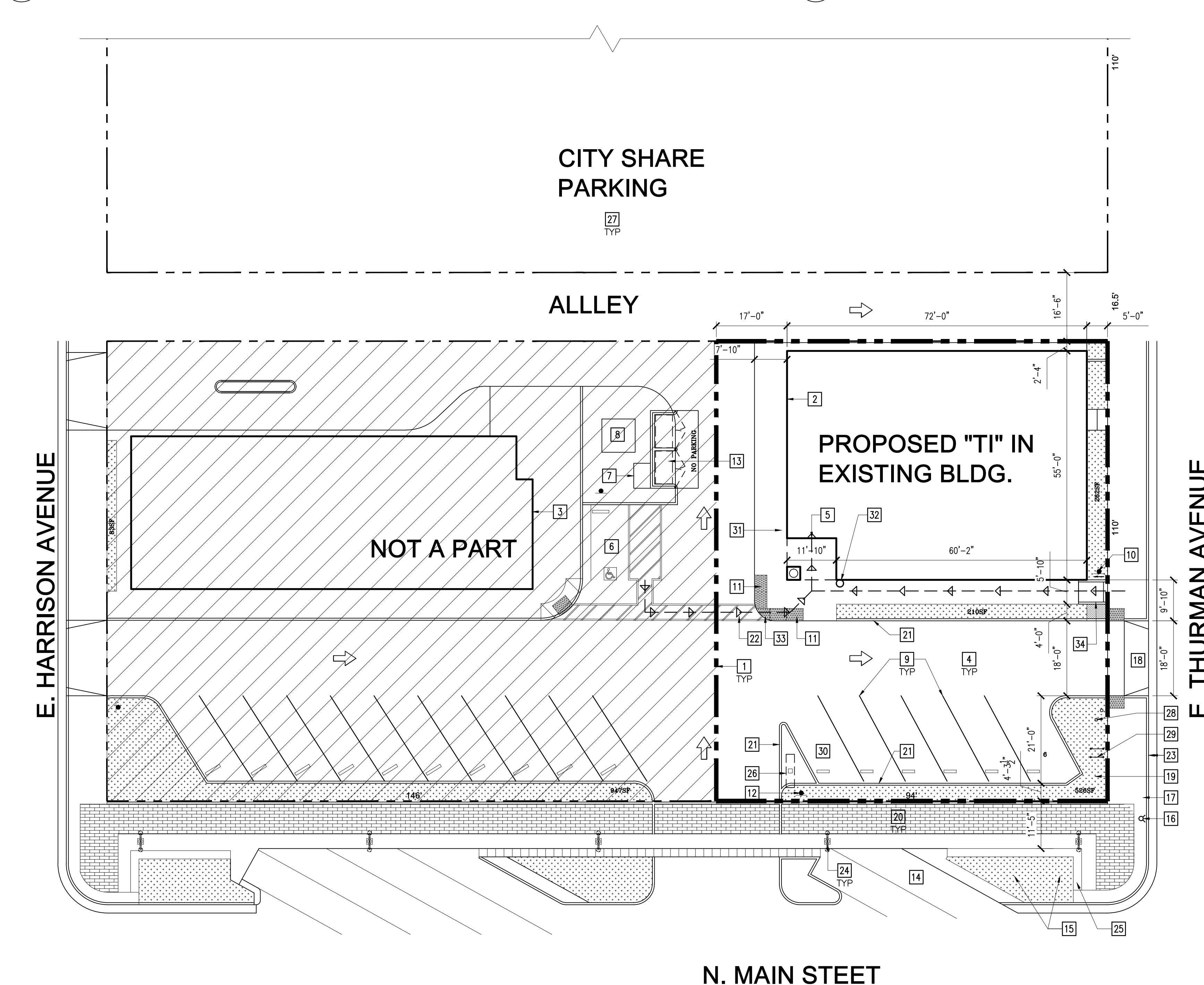
KEYNOTES



LEGEND



CITY SHARE PARKING



ACCESSIBILITY PARKING SIGN



314 N. MAIN STREET
PORTERVILLE, CA. 93257



1967 N. Oaks St.
Tulare, Ca. 93274
Contact: Alex Ceballos
Cell: 559 - 359 - 8789
alex@alexcaballos.com

Support from:
CalPolychitect.com
PlansOnWheels.com



ANDREW GOODWIN DESIGNS
875 EL CAPITAN WAY
SAN LUIS OBISPO, CA 93401
T: (805) 439-1611
WWW.ANDREWGOODWIN.US
ANDREW@ANDREWGOODWIN.US

Consultant



Issue/Revision:

No.	Date	Description
01	08-26-16	C.U.P. SUBMITTAL
02	11-15-16	PROGRESS SET
03	11-28-16	1ST SUBMITTAL

RESTRICTED DRAWINGS
These drawings and specifications, as instrument of service, are and shall remain the property of the designer whether the project for which they are made is executed or not.
These drawings and specifications shall not be used by any person or entity on other projects, for additions to this, or completion of this project - when phased - without the written consent of A2 Designs LLC.

Title: _____ Date: _____

SITE PLAN

SPACE	AREA (SF)	PARKING REQ'D
CITY OF PORTERVILLE ZONING ORDINANCE		
FIRST FLOOR	3,842 SF	
SECOND FLOOR	3,686 SF	
TOTAL AREA	7,528 SF	30 (1/250)
TOTAL REQUIRED:		30 SPACES
TOTAL PROVIDED:		6 (ON SITE)

(E) LANDSCAPING 998 SF

PARKING/LANDSCAPE CALCS

NOTE: ALL EXISTING EXTERIOR DIMENSIONS ARE APPROX.

— ◀ — ◀ — ADA PATH OF TRAVEL (P.O.T.)

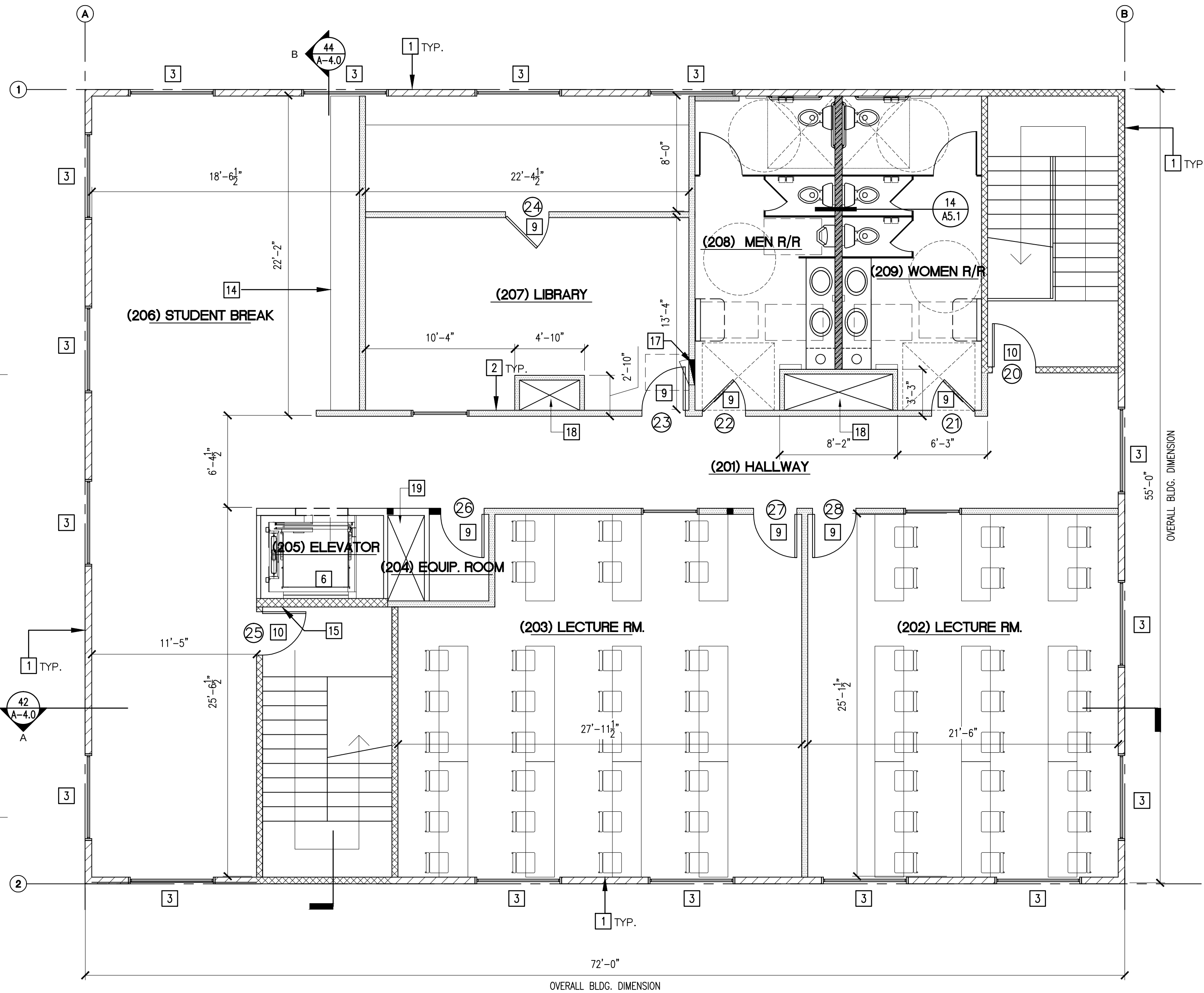
- - - - - PROPERTY LINE

LEGEND

— ◀ — ◀ — ADA PATH OF TRAVEL (P.O.T.)

- - - - - PROPERTY LINE

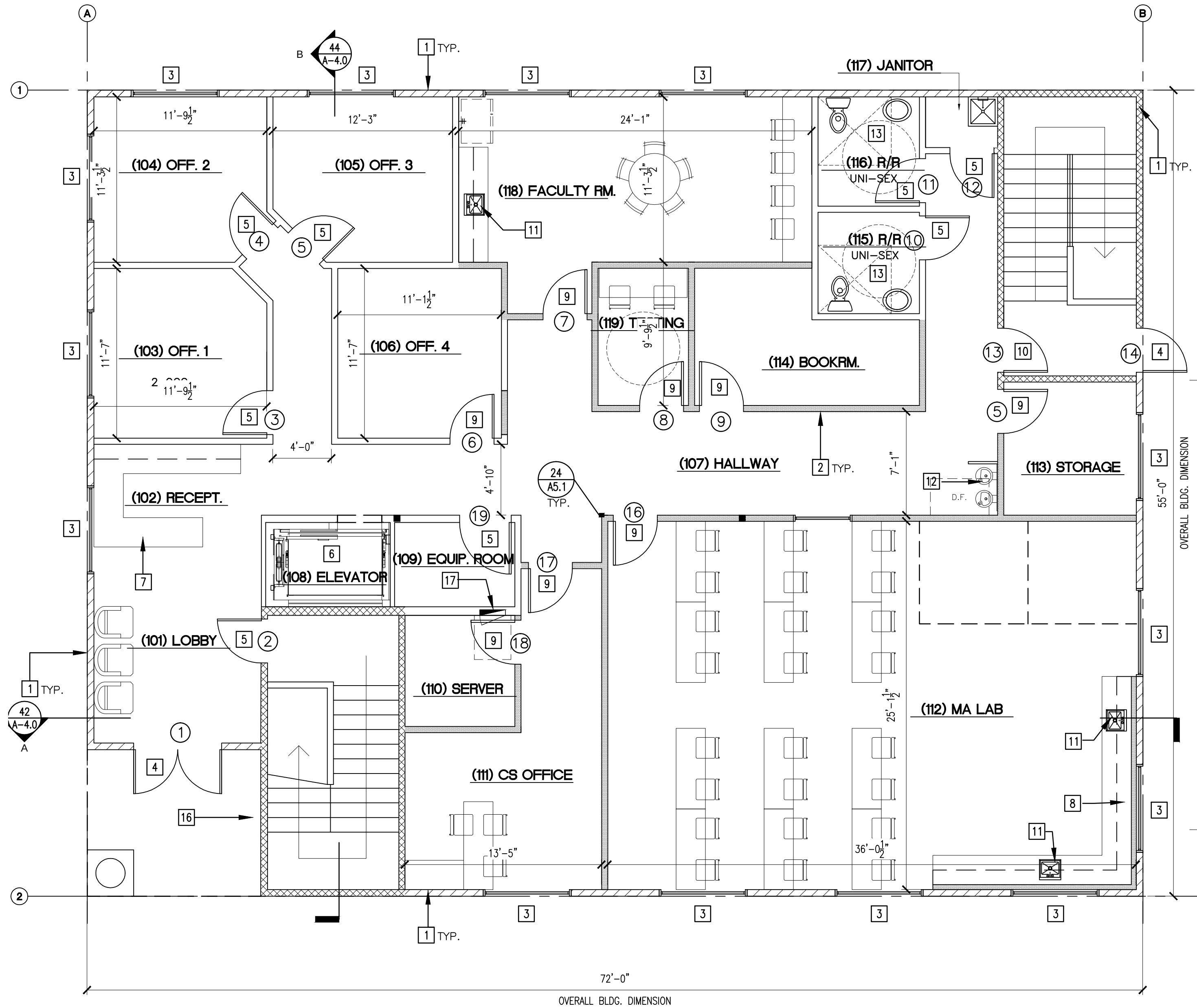
A-1.0



43 2ND LEVEL FLOOR PLAN

- FURNITURE PLACED FOR REFERENCE ONLY. CONTRACTOR TO VERIFY FURNITURE W/ OWNER PRIOR TO CONSTRUCTION.
- PROVIDE SILENCERS AND DOOR STOPS AT ALL DOORS. USE WALL STOPS ONLY. NO FLOOR MOUNT DOOR STOPS.
- PROVIDE PLUMBING PER ENGINEERED PLUMBING DRAWINGS AND SPECIFICATIONS.
- GENERAL CONTRACTOR TO PROVIDE NEW SIGNAGE AS REQUIRED TO COMPLY WITH APPLICABLE BUILDING CODES. ALL SIGNAGE SHALL CONFORM WITH ADA ACCESSIBILITY GUIDELINES, AND CBC INCLUDING BUT NOT LIMITED TO PROPORTION, COLOR, CONTRAST AND RELIEF, FONT STYLE AND GRADE 2 BRAILLE REQUIREMENTS. AFFIX AN INTERNATIONAL ACCESSIBILITY SYMBOL ON ALL ACCESSIBLE ENTRANCES PER APPLICABLE CODE.
- CONTRACTOR TO SUBMIT MILLWORK SHOP DRAWINGS TO ARCHITECT FOR APPROVAL.
- ALL MILLWORK TO COMPLY W/ W.I.C. CUSTOM STANDARDS. PROVIDE MILLWORK GROMMETS FOR ACCESS TO ELECTRICAL DEVICES LOCATED UNDER COUNTER.
- PROVIDE BACKING AT CABINETS.
- MAIN FRONT DOORS SHALL BE READILY DISTINGUISHED AS LOCKED PER CBCB 1008.18.3.
- WATER USE REQ. ARE TO BE INCORPORATED PER CBCG CODE 5.303.
- ALL DOORS TO BE LOCKING WITH EXCEPTION OF RESTROOMS. COORDINATE LOCK TYPES WITH TENANT. AND THOSE REQUIRED TO REMAIN
- REQUIREMENTS FOR INDOOR STORAGE OF FLAMMABLE AND COMBUSTIBLE LIQUIDS AND QUANTITIES OF AEROSOL PRODUCTS MUST COMPLY WITH THE CFC PER CBC 414.2.5
- LIBRARY BOOK STACKS SHALL BE A MAX. OF 54" ABOVE FINISH FLOOR UNLESS AN ATTENDANT IS AVAILABLE TO ASSIST PERSONS WITH DISABILITIES CBC 11B-225.2.3(1)

44 GENERAL NOTES



33 1ST LEVEL FLOOR PLAN

- (E) RESTROOM TO REMAIN. FINISH MATERIALS TO REMAIN AS REQUIRED, U.O.N. VERIFY ADA DIMENSIONS/REQUIREMENTS.
- (N) COUNTER FOR SEATING @ 36" H. PROVIDE ACCESSIBLE SPACE W/ COUNTER @ 34" H PER DETAILS 13,14/A5.0.
- ACCESS LADDER TO THE ROOF TO REMAIN.
- KNOX BOX BY ENTRY DOOR.
- ELECTRICAL PANEL. SEE ELECTRICAL DRAWINGS
- MODIFY EXISTING DUCT CHASE AS SHOWN
- EXISTING DUCT CHASE TO REMAIN AS IS

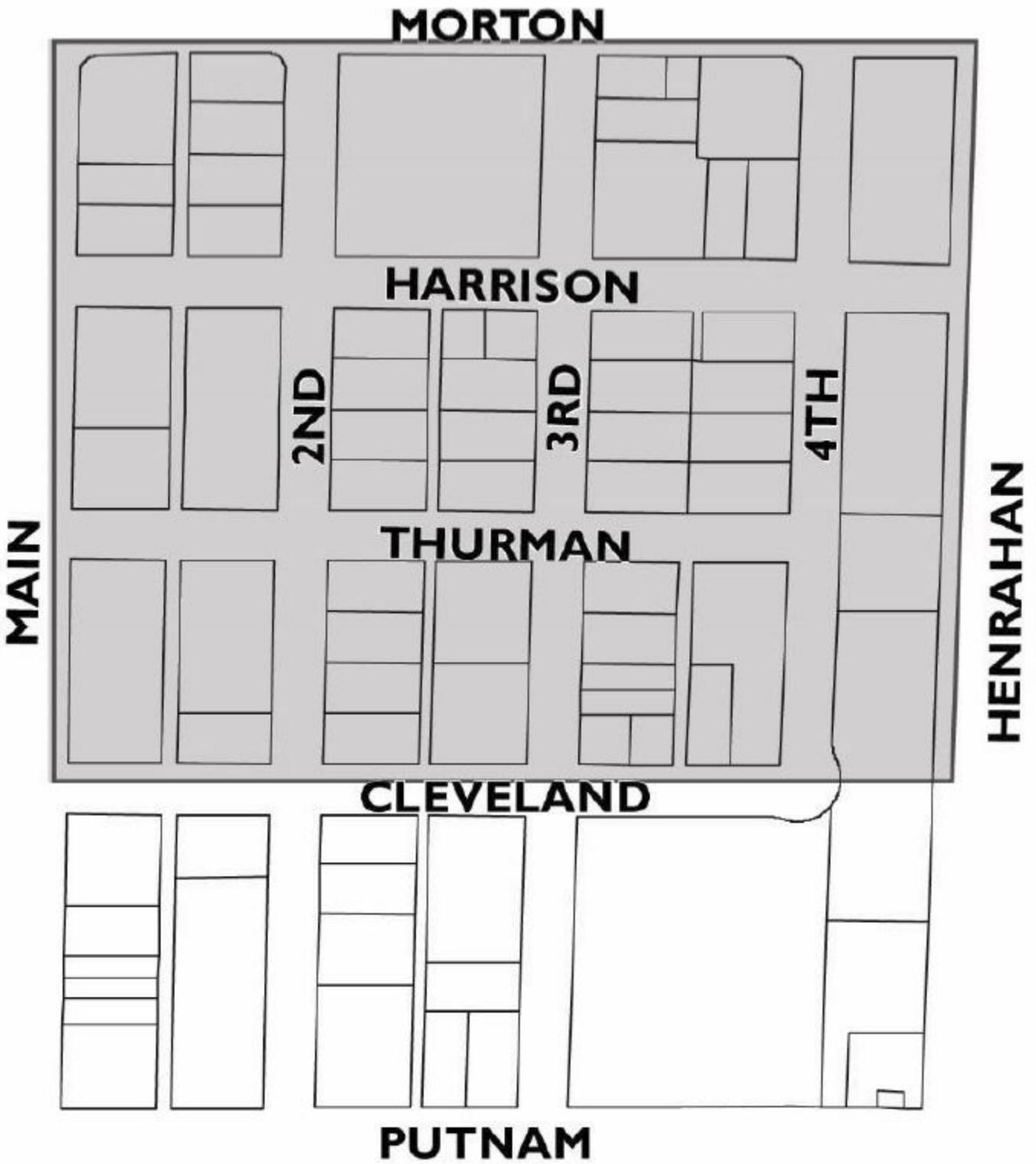
- EXISTING (E) INTERIOR WALL
- (E) EXTERIOR WALL TO REMAIN
- (N) INTERIOR WOOD STUD WALL
- 1 HR. RATED WALL ASSEMBLY PER EGRESS CODE
- (N) PLUMBING WALL

14 LEGEND

- EXISTING EXTERIOR WALLS TO REMAIN. PROTEXT AND REPAIR EXTERIOR MATERIALS, AS NECESSARY.
- INT. WOOD STUD WALL W/ 5/8" TYPE X GYP BOARD EACH SIDE AND SOUND ATTENUATION BATT INSULATION. SEE FINISH PLAN.
- WINDOWS TO REMAIN.
- EXT. DOOR. TO REMAIN.
- INT. DOOR. TO REMAIN
- (E) ELEVATOR TO REMAIN.
- CUSTOM RECEPTION DESK. RE: DETAILS 13,14/A5.0
- BUILT-IN CASEWORK. SOLID SURFACE COUNTER W/ CABINETS BELOW AND ABOVE. RE: DETAILS 13,14/A5.0
- (N) INTERIOR DOOR. SEE DOOR SCHEDULE SHEET A6.0.
- (N) FIRE RATED DOOR. SEE DOOR SCHEDULE SHEET A6.0.
- SINGLE COMPARTMENT SINK. COORDINATE PLUMBING. SEE PLUMBING PLAN
- DRINKING FOUNTAIN HI & LOW - RE: 32/A5.1 & PLUMBING PLAN.

34 KEYNOTES

FIGURE 304.07(B): DOWNTOWN PARKING DISTRICT NO. 2



RESOLUTION NO. 72-2000

A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF PORTERVILLE APPROVING A PROPOSED
PARKING PLAN WITHIN PARKING DISTRICT NO. 2 TO
ALLOW CONSTRUCTION OF A TWO-STORY, 7,800 SQ.FT.
OFFICE BUILDING ON A LOT WITH AN EXISTING COMMERCIAL
BUILDING ON THE NORTHEAST CORNER OF MAIN STREET
AND THURMAN AVENUE WITH A SHARED PARKING LOT
TO CONTAIN A TOTAL OF SEVENTEEN (17) PARKING SPACES

WHEREAS: Section 2306(A) of the Zoning Ordinance of the City of Porterville
authorizes the City Council to determine the minimum parking standards for new construction
within Parking District No. 2; and

WHEREAS: The City Council of the City of Porterville at its meeting of June 20, 2000,
considered the adequacy of a proposed parking plan for development of a two-story, 7,800 sq.ft.
office building on the northeast corner of Main Street and Thurman Avenue; and

WHEREAS: The proposed parking plan would provide a total of seventeen (17) on-site
parking spaces to serve the proposed office building and an existing commercial building on the
subject site; and

WHEREAS: The proposed project will generate a parking demand of twenty-one (21)
parking spaces in excess of the amount of on-site parking proposed ; and

WHEREAS: There is an existing, underutilized public parking lot immediately to the east
of the subject site which has the capacity to accommodate the excess parking demand generated
by the proposed project.

NOW, THEREFORE, BE IT RESOLVED: That the City Council of the City of

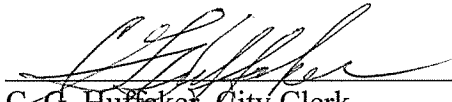
Porterville does hereby approve the proposed parking plan subject to the following conditions:

1. That construction of any facilities or buildings on the site shall conform substantially to the applicant's precise plot plans as approved, and incorporated herein by this reference as Exhibit "A".



Virginia R. Gurrola, Mayor

ATTEST:



C. G. Huffaker, City Clerk

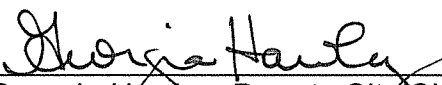
STATE OF CALIFORNIA)
(SS
COUNTY OF TULARE)

I, C. G. HUFFAKER, 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 a resolution duly and regularly passed and adopted by the Council of the City of Porterville at a regular meeting of the Porterville City Council regularly called and held on the 20th day of June, 2000.

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

Councilmen:	IRISH	WOODS	WILSON	LEAVITT	GURROLA
AYES:	X	X	X	X	X
NOES:					
ABSENT:					
ABSTAIN:					

C. G. HUFFAKER, City Clerk

By 
Georgia Hawley, Deputy City Clerk



CITY COUNCIL AGENDA – DECEMBER 6, 2016

SUBJECT: Temporary Structure Permit for a modular building to be located 180 South E Street

SOURCE: Community Development

COMMENT: On March 4, 2014, the City Council adopted Resolution 14-2014, regarding temporary structures. As a result of the resolution, the City Council may approve the use of modular buildings for temporary non-standard development; this type of development is described in sections 3, 8, 9, 10, 12, and 13 of the resolution.

The applicant, Mr. Jim Reed, is requesting approval from City Council to allow a 24 foot by 40 foot (960 square foot) modular building on a temporary basis at his packing shed, located at 180 South E Street in the D-MX (Downtown Mixed Use) Zone District. The packing shed has been experiencing significant growth and at this time they would like to locate sales staff on site to be closer to the product they are distributing. Resolution 14-2014 specifically states that a reasonable period of time may be granted to allow for market testing or for “proof-of-concept.” Mr. Reed has indicated his intended use by testing the on-site sales staff. He has also indicated that if successful, he will be working with the City to provide a permanent solution.

Resolution 14-2014, explains that standards for temporary non-standard development may differ from those required for permanent development by approval of the City Council, such as allowing a structure to occupy required parking spaces. As shown on the site plan, the structure occupies approximately five parking stalls. The site is historically under-parked; however, if this concept proves successful and Mr. Reed chooses to develop a permanent solution, additional parking would be required.

Except in extraordinary circumstances, the City Council would not expect to authorize a permit that creates a non-conforming circumstance for a period longer than 90 days. Originally Mr. Reed was proposing for the temporary structure to be located on site through June 1, 2017 (six months). However, in conversations with the Project Review Committee, it was decided to request a timeframe that would allow enough time to get through the complete growing season to avoid requested “emergency” extensions and allow the applicant to make a fully informed decision of whether or not to provide a permanent solution. Due to these conversations, staff has suggested the use be allowed through September 1, 2017 (nine months). The temporary use of this structure in this location shall in no event be extended beyond September 1, 2017.

Development standards require that the temporary structure does not interfere with the permanent site improvements, on-site circulation, and ADA accessibility, and that it does not encroach into required setbacks. While standards for placing cargo-shipping containers require that the container is not visible from off-site or public streets, temporary buildings do not have this same restriction.

Resolution 14-2014 section 10 states it is the intent of City Council to weigh such modifications against both the need and duration of the temporary building. Staff at this time is requesting for council to evaluate the needs of the temporary non-standard development to be through the growing season as requested by the applicant.

RECOMMENDATION: That the City Council approve the draft resolution approving a temporary structure permit subject to the site plan and conditions of approval.

ATTACHMENTS:

1. Draft Resolution
2. Site Plan
3. Resolution 14-2014

Appropriated/Funded:

Review By:

Department Director:

Jenni Byers, Community Development Director

Final Approver: John Lollis, City Manager

RESOLUTION NO. ____-2016

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
APPROVING THE USE OF A MODULAR BUILDING AS TEMPORARY
NON-STANDARD DEVELOPMENT LOCATED AT 180 SOUTH E STREET

WHEREAS: The applicant has applied for a temporary modular building for office space through September 1, 2017 to be located at 180 South E Street; and

WHEREAS: Resolution 14-2014 authorizes the City Council, upon written application, to approve a temporary non-standard building permit for the use of a modular building; and

WHEREAS: The City Council of the City of Porterville, at its regular scheduled meeting of December 6, 2016, considered approving the use of a modular building as temporary non-standard development for use through September 1, 2017 at 180 South E Street.

NOW, THEREFORE, BE IT RESOLVED: That the City Council of the City of Porterville does hereby grant a permit for the use of a temporary modular building, conditioned as follows:

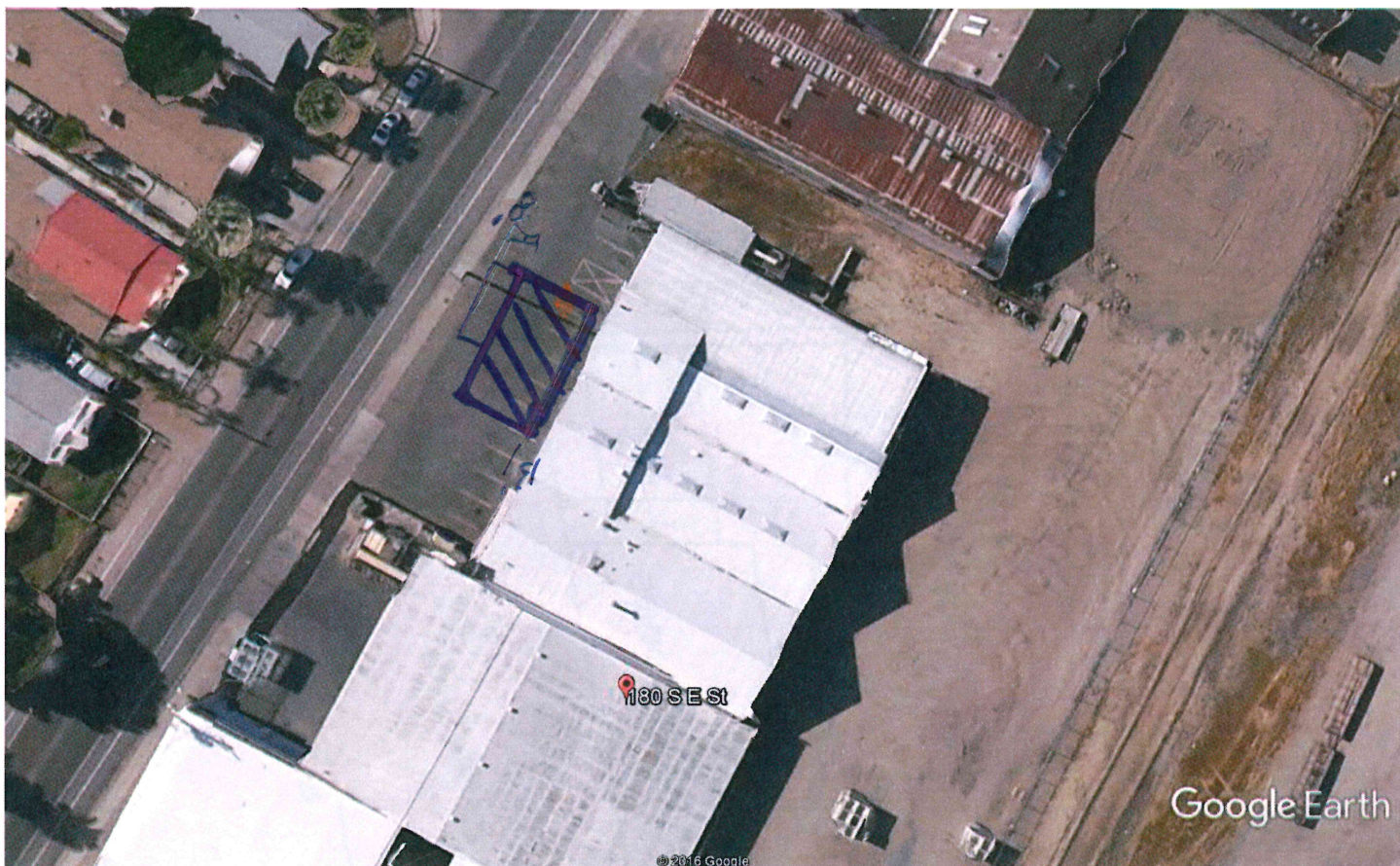
1. The time period requested has been specified by the applicant to be through September 1, 2017. The proposed timeframe will accommodate one complete “growing season” to allow appropriate market testing for the applicant to decide whether or not the permanent installation of office space at the packing house is beneficial to the business model. Final expiration of the permit shall be coterminous with the permit expiration date approved by Council. Extensions will not be permitted.
2. The placement of the modular building shall be such that it does not interfere with the permanent site improvements, including, but not limited to, parking, loading areas, on-site circulation, and accessibility, beyond the temporary loss of five parking spaces as represented in Exhibit A, attached hereto.
3. The placement of the modular building shall be consistent with the site plan represented in Exhibit A, attached hereto.

PASSED, APPROVED AND ADOPTED this 6th day of December, 2016.

By: _____
Milt Stowe, Mayor

ATTEST:
John D. Lollis, City Manager

Patrice Hildreth, Chief Deputy City Clerk



Google Earth

feet
meters



Mobile Office 24x40'

SUNBURST PACKING CO.

180 SOUTH "E" STREET

FENCED

400'

OPEN - FUTURE EXPANSION

100'

PACKING

RECEIVING

COLD STORAGE

TRUCKS

TRUCKS

DEGREENING

DUMP

OFFICE

TRUCKS

TRASH

"E"

FH

FH

APN 260 232 008 000



CITY COUNCIL AGENDA – DECEMBER 6, 2016

SUBJECT: Consider Paving Improvement of Union Avenue Between Indiana Street and Jaye Street

SOURCE: City Manager's Office

COMMENT: At its meeting of November 15th, Council Member Gurrola requested that the City Council consider the paving improvement of Union Avenue between Indiana Street and Jaye Street as a Scheduled Matter at its December 6th meeting, which the Council approved.

At its meeting on November 1st, the Council approved the construction plans and specifications for the Island Annexation Sewer Project - Area 456 A, B, C and 457, and authorized staff to advertise for bid. Annexation areas 456 B and C 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. When the sewer construction project contractor completes all work, street segments within the annexation areas will receive overlays by City crews. Funds for the work to be performed are approved in the 2016/17 Asphalt Overlay Maintenance Program Budget. Union Avenue, from Indiana Street to Jaye Street, connects annexation areas 456 B and C, although there are two gaps that are not part of the project: Chess Terrace to Villa Street, and Western Street to Jaye Street. The estimated cost to include these two segments as overlays would be \$11,650. Staff would recommend the inclusion of these segments when the planned overlay project is implemented.

A neighborhood community meeting was held on Monday, November 28th, where staff discussed the planned pavement improvements, as well as received their comments of interest. The residents expressed their appreciation for the planned overlay, but requested that the City consider the implementation of street improvements to City standards, including: 1) necessary right-of-way acquisition; 2) relocation of utilities; 3) pavement paveouts; and 4) installation of curb, gutter and sidewalk. The estimated cost to implement these improvements would be \$1.1 million. Though constructed to County standards, the existing road is not currently in need of reconstruction, which would add an estimated \$1 million.

RECOMMENDATION: That the City Council consider the paving improvement of Union Avenue between Indiana Street and Jaye Street.

ATTACHMENTS: 1. Locator Map

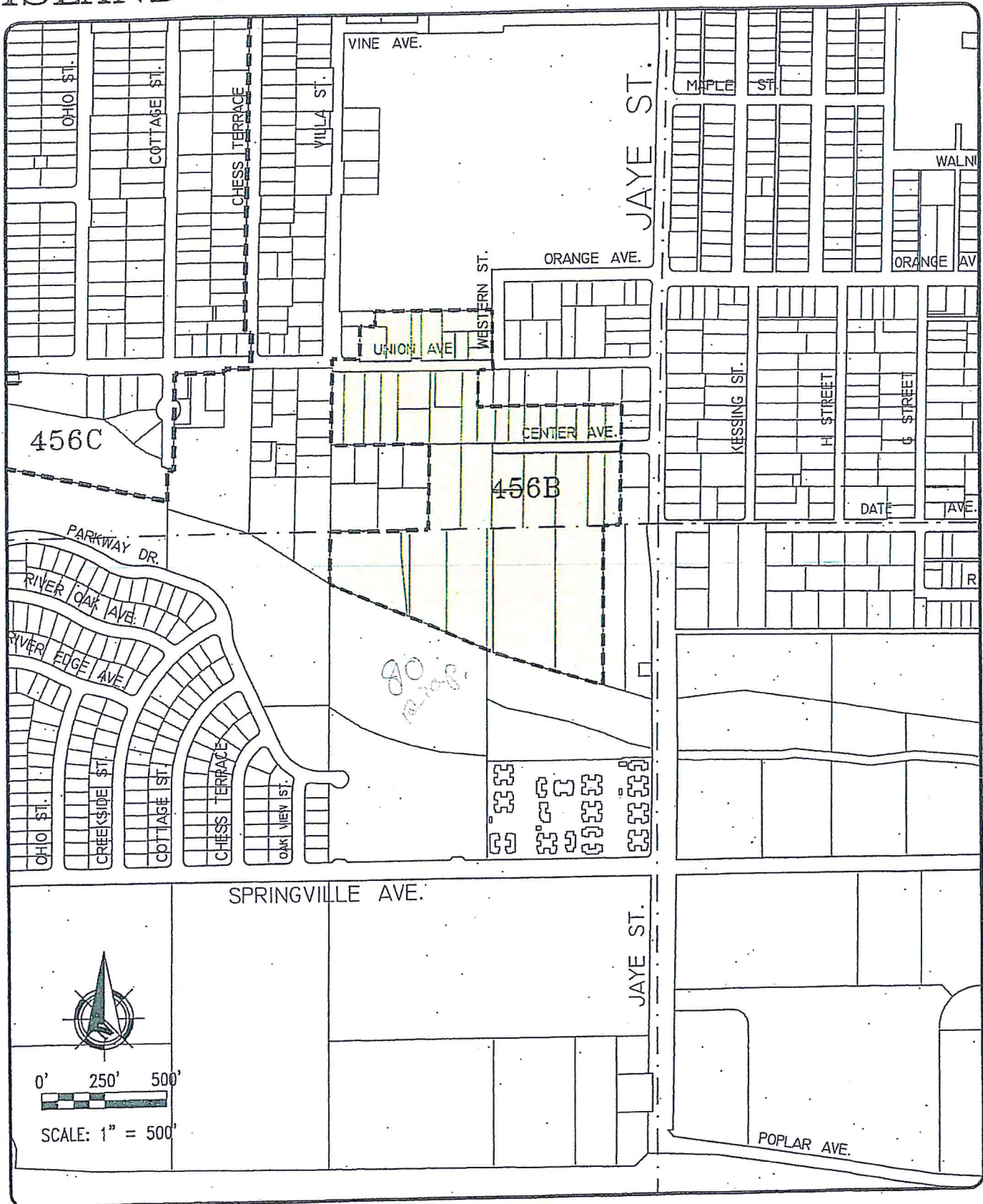
Appropriated/Funded: MB

Review By:

Department Director:

Final Approver: John Lollis, City Manager

ISLAND ANNEXATION 456B





CITY COUNCIL AGENDA – DECEMBER 6, 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 November 15th, 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.

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.

In regards to the status of the new well's development and connection to the

City's water distribution system, the Board of Supervisors awarded the contract for equipping and connecting the new well at their meeting of August 16th, and construction activities commenced the week of October 10th. County staff had previously indicated that the well would be in service and connected to the City's system no later than December 2016, however, the contractor is now reporting that the well will likely be completed no sooner than mid-January 2017. Given the delay in the well's completion and connection, DWR has requested that the City Council consider allowing the connection of residences as they become prepared for connection. The MOU between the State, County and City requires the well be operating as part of the City's water distribution system prior to the stipulated 500 residences being connected, with the allowance of 40 residences located along previously existing water lines - the City Council subsequently approved an increase to 70 residences. The Council was receptive to DWR's request, directing staff at its November 15th meeting to meet with DWR toward amending the MOU to allow connections prior to the well being operational, with a proposed MOU Amendment to be considered at the December 6th Council meeting. Staff has met with DWR, and a Draft Amendment to the MOU is presented for Council's consideration. The most significant components of the Draft Amendment are the cost-sharing stipulations between the City and the State for Phase 2 of the Project, the reduction of connections provided by the State in both Phase 1 (500 to 300) and Phase 2 (1,300 to 800), as well as the hard deadline of March 1st for the new well to be connected.

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, DDW would need to either pay appropriate fees and/or develop a capacity development project. The Council is aware that the Del Oro Grandview Gardens water system (north of W. North Grand Avenue) is also experiencing significant issues, and DDW may seek their future consolidation with the City's water system as well.

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, and consider the Draft Amendment to the Memorandum of Understanding for the East Porterville Water Supply Project.

ATTACHMENTS:

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

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

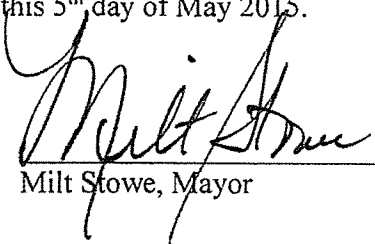
WHEREAS: the long-term ramifications of the current drought will have a significant impact on the city of Porterville and potentially pose a danger to the health and welfare of its residents; and

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

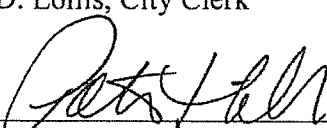
BE IT FURTHER RESOLVED: that the City Council of the City of Porterville requests the Governor and California Department of Water Resources make available California Disaster Assistance Act funding for the State of Local Emergency proclaimed on May 5, 2015, and seek all available forms of Federal assistance,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

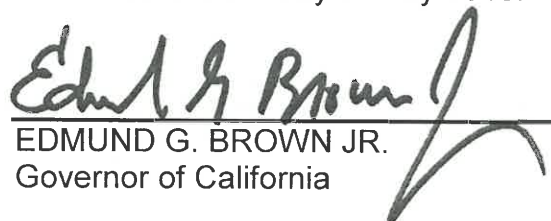
11. The Department shall work with the California Department of Food and Agriculture to update existing requirements for Agricultural Water Management Plans to ensure that these plans identify and quantify measures to increase water efficiency in their service area and to adequately plan for periods 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. Burrell 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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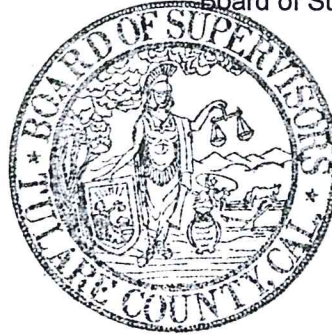
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THE PARTIES, having read and considered the above provisions, indicate their agreement by their authorized signatures below.

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. Grice for LMT
Deputy 20151902

CITY OF PORTERVILLE

BY Milt Stowe
Milt Stowe, Mayor

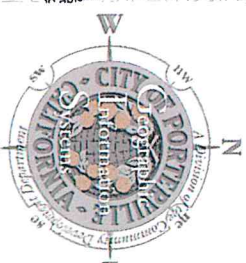
ATTEST:
City Clerk of the City of Porterville

BY J. L. Lolis
John Lolis, City Manager

Approved as to Form

BY [Signature]
City Attorney

EXHIBIT 'A'



 East Porterville Project Boundary

CityLimits

UDB

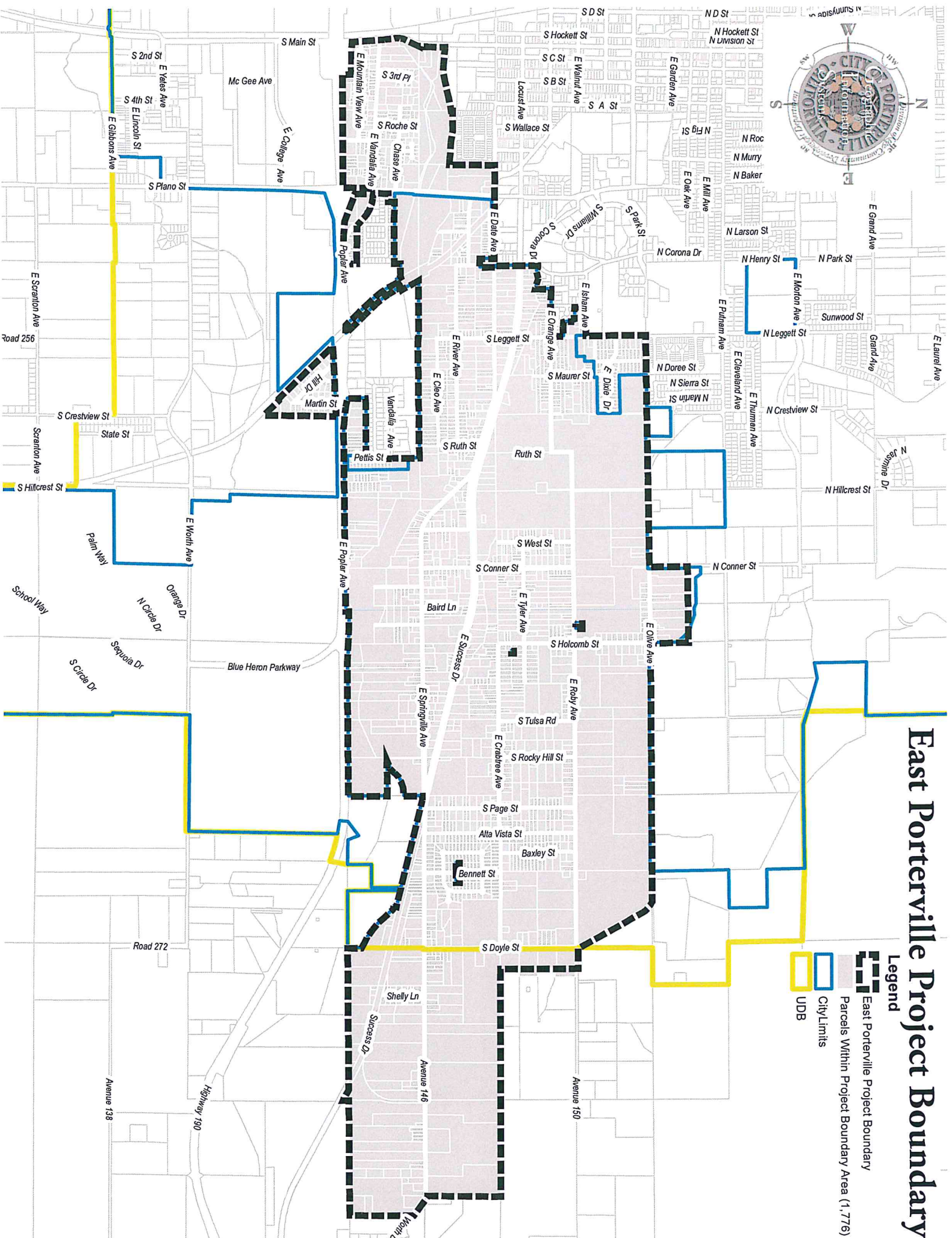


EXHIBIT 'B'

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:

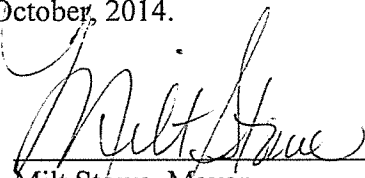
1. To promote orderly development while discouraging urban sprawl, preserving open space and prime agricultural lands, and efficiently extending government services.
2. To honor the City’s fundamental responsibility to provide efficient and sustainable public services to the inhabitants of the city,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

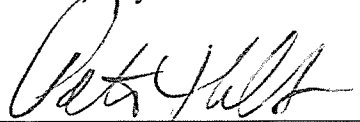
2. It shall be the policy of the City of Porterville to consider extra-territorial service requests primarily within the Urban Development Boundary, which is defined as the City of Porterville Annexation Boundary, as adopted by Tulare County LAFCo.
3. It shall be the policy of the City of Porterville,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

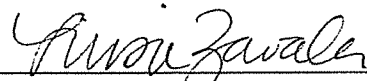
PASSED, APPROVED AND ADOPTED this 19th day of April, 2016.



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

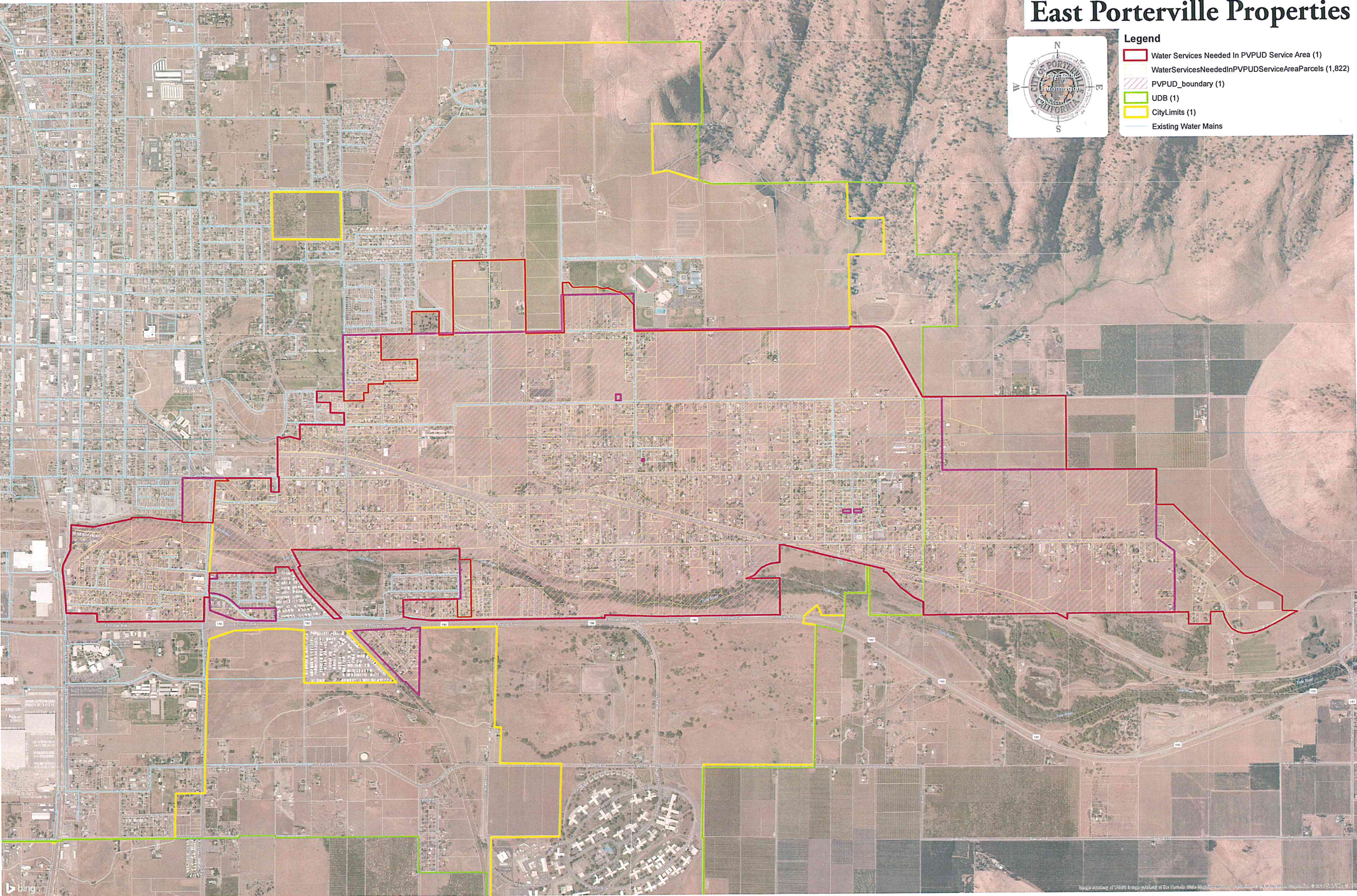
to sewer services. This exemption does not apply to requests for connection to Municipal Water and/or Master Storm Drain Facilities.

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

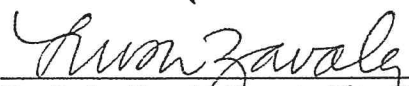

By: Luisa Zavala, Deputy City Clerk

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



Amendment No. 1

To the East Porterville Water Supply Project

Memorandum of Understanding (MOU)

Regarding the Provisions of Emergency Water Supplies to East Porterville
by the California Department of Water Resources (DWR), California Office of
Emergency Service (OES), the State Water Resources Control Board (SWRCB),
the County of Tulare (County), and City of Porterville (Porterville),
which are collectively known as the "Parties"

This Amendment No.1 to the MOU is made this 7th day of November, 2016. As described below, this Amendment No.1 recognizes the MOU is still in effect, modifies certain sections of this MOU, and adds new sections to the MOU.

Recitals

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

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

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

Whereas, to advance these projects, DWR and the SWRCB have provided funding, as reflected in Exhibits 1 and 2, for a municipal well designated as "Well C1" located in Tulare County that ultimately could be used to supply water to these residents of East Porterville;

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

Whereas, the purpose of this amendment is to clarify some sections of the MOU and to add several new sections.

NOW THEREFORE, IT IS MUTUALLY AGREED that the following changes are hereby made to the MOU:

1. Section A (2) is amended to read as follows:

The Parties intend to develop the Project in two phases. Phase 1 will make municipal water connections to the properties in East Porterville and Vandalia that have dry wells and/or water tanks. It is estimated that this phase will serve approximately 300 properties.

2. Section A (3) is amended to read as follows:

The Parties intend that Phase 2 of the Project will provide municipal water supply to approximately 800 properties in East Porterville by connecting them to the City of Porterville's water system. The total number of homes eligible for this Project is approximately 1,100.

3. Section A (5) is amended to read as follows:

The Parties intend that Well C1 will be used to provide the initial water supply. The Parties acknowledge the delay in Well C1 completion. To mitigate the effects of this on the residents of East Porterville, the City of Porterville will allow connections of homes as they become prepared for connection. These early connections will be beyond the initial 70 connections (previously 40 connections) agreed to, given the availability of capacity during the winter months. However, these additional connections to the City's water system will cease on March 1, 2017, if Well C1's connection to the City's water system is not completed by then.

4. Sections A (7) b-f shall be added and made part of this MOU:

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

(b). The East Porterville Water Supply Project Hydraulic Analysis Report ("Hydraulic Analysis Report," which is attached as Exhibit 10) determined that the water supply capacity required to serve all eligible residents of East Porterville is 1,435 gallons per minute (gpm). This capacity shall be based on the sustainable yield of the wells which is defined as 75 percent of the initial design capacity. Since Well C1 has a sustainable yield of 600 gpm, the Parties agree that the State will fund the construction and equipping of additional wells to provide the 835 gpm shortfall.

(c). Based on the Hydraulic Analysis, a 700,000 gallon water storage tank is required to serve the residents of East Porterville. However, based on Porterville's master plan recommendations, a 1.2 million-gallon storage tank is required for the City's buildout. The Parties therefore intend to construct a 1.2 million-gallon storage tank with cost sharing between the State and the City. The State will fund the cost of a 700,000 gallon tank required for the Project and the City of Porterville will fund the cost of the additional 500,000 gallons of storage required for the City's future use as contained in its master plan. The cost-sharing shall be proportional to the tank capacity being funded.

(d). The Parties intend to upgrade the existing Henderson-Plano Booster Pump Station and the Granite Hills Intertie which would facilitate water supply to the East Pressure Zone which serves East Porterville. The State will fund the construction of one booster pump rated at 2,100

gpm along with a variable frequency drive and the Granite Hills Intertie. The City will fund the replacement of its two existing pumps along with associated variable frequency drives as part of Phase 2 of the Project. These two pumps are more than 30-years old and their replacement will enable the City's water system to operate more efficiently and in a cost-saving manner.

(e). The Parties further agree that a booster pump station of capacity 1,670 gpm is required to convey water from the West Pressure Zone, where the new wells will be located, to the Central Pressure Zone for onward conveyance to East Porterville. The State will fund the construction of this booster pump station.

(f). Given that Well C1 has an estimated sustainable yield of 600 gpm, as well as a unit demand of 0.833 gpm per home connection based on the Hydraulic Analysis , Well C1 could effectively serve up to 720 households . The Parties agree that home connections for Phase 2 of the Project can begin as soon as Well C1 is connected to the City's water system, and the Henderson-Plano Booster Pump Station upgrade and the Granite Hills Intertie are completed. These home connections shall cease when the capacity of Well C1 is exceeded. Thereafter, additional home connections will be made after the construction of additional wells or if City staff determines that the water system can support additional home connections.

5. Section (C) 16 is amended to read as follows:

16. This MOU will become effective upon the signature of the all Parties. The MOU will terminate on June 30, 2018, unless extended by all Parties in writing.

6. The list of the Exhibits at the end of MOU is amended to read as follows:

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

This MOU has been executed by:

California Department of Water Resources

State Water Resources Control Board

California Office of Emergency Services

County of Tulare

City of Porterville
