CITY COUNCIL AGENDA
CITY HALL, 291 N. MAIN STREET
PORTERVILLE, CALIFORNIA
FEBRUARY 21, 2017, 5:30 PM

Call to Order
Roll Call

ORAL COMMUNICATIONS

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

CITY COUNCIL CLOSED SESSION:

A. Closed Session Pursuant to:

1 - Government Code Section 54956.8 – Conference with Real Property Negotiators/Property: APNs: 252-193-010 and 252-193-008. Agency Negotiator: John Lollis. Negotiating Parties: City of Porterville and Citibank. Under Negotiation: Terms and Price.

2 - Government Code Section 54956.8 – Conference with Real Property Negotiators/Property: APNs: 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. Negotiating Parties: City of Porterville and Dexter J. and Erline Goodell. Under Negotiation: Terms and Price.

3 - Government Code Section 54956.8 – Conference with Real Property Negotiators/Property: APNs 255-220-046, 247-040-034, 247-040-035, 247-090-028, 247-110-019, 247-120-022, 248-050-036, and 248-010-019. Agency Negotiator: John Lollis. Negotiating Parties: City of Porterville and Greg Shelton. Under Negotiation: Terms and Price.

4 - Government Code Section 54956.8 – Conference with Real Property Negotiators/Property: APN: 246-280-028. Agency Negotiator: John Lollis. Negotiating Parties: City of Porterville and Church of Christ. Under Negotiation: Terms and Price.

5 - Government Code Section 54956.8 – Conference with Real Property Negotiators/Property: APN: 240-070-018. Agency Negotiator: John Lollis. Negotiating Parties: City of Porterville and Alan and Elizabeth Changala. Under Negotiation: Terms and Price.

6 - Government Code Section 54956.8 – Conference with Real Property Negotiators/Property: APN: 240-060-004. Agency Negotiator: Patrice Hildreth. Negotiating Parties: City of Porterville and Harbinder S. Brar Limited Partners. Under Negotiation: Terms and Price.

7 - Government Code Section 54956.95 – Liability Claim: Claimant: Jennifer Parraguirre. Agency claimed against: City of Porterville.
8 - Government Code Section 54956.95 – Liability Claim: Claimant: Donald Doyel. Agency claimed against: City of Porterville.
9 - 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.
10 - 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 Hamilton
Invocation

PRESENTATIONS

CAFR Presentation
Project Homeless Connect

AB 1234 REPORTS

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

REPORTS

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

I. City Commission and Committee Meetings
   1. Parks & Leisure Services Commission
   2. Library & Literacy Commission - February 14, 2017
   3. Arts Commission
   4. Animal Control Commission - February 13, 2017
   5. Youth Commission - February 13, 2017
   6. Transactions and Use Tax Oversight Committee (TUTOC)

II. Staff Informational Reports
   1. Wall of Fame Honor Designations
   2. Water Conservation Phase IV Status Update

ORAL COMMUNICATIONS

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

CONSENT CALENDAR

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

1. City Council Minutes of December 6, 2016, and January 31, 2017

Re: Considering approval of the draft Minutes of December 6, 2016, and January 31, 2017.

2. Award of Contract - Fire Prevention Weed Abatement

Re: Considering approval of an agreement with R. Stephen Richard Inc. for weed abatement services for a 3-year term.

3. City Pool Concession License

Re: Considering approval of the City Pool Concession License with SM Transit for exclusive use to the City Pool concession building for fundraising concession sales.

4. Community Clean-Up Events

Re: Considering approval of Spring and Fall Clean-Up events to take place on April 8, 2017, and October 21, 2017.

5. Authorization to Travel Out of State

Re: Considering approval of staff travel to Las Vegas, Nevada, for the purpose of attending the International Council of Shopping Centers conference at an estimated cost of $2,600.

6. Scheduling of City Council Priority Project Study Session and Proposed Budget Calendar for Fiscal Year 2017-2018

Re: Consider approval of the scheduling of the City Council Priority Projects Study Session and proposed budget calendar for the 2017-2018 fiscal year.

7. Approval for Community Civic Event - Monache High School Ag/FFA Department - Farmer's Day and 5K Run - March 4, 2017

Re: Considering approval of an event to take place at Monache High School on Saturday, March 4, 2017, from 8:00 a.m. to 2:00 p.m.

SCHEDULED MATTERS

8. **Consideration of Partnership with Sierra View Medical Center for Proposed 2017 Farmers Market**
   Re: Consideration of a partnership with Sierra View Medical Center for proposed 2017 Farmers Market.

9. **Consideration of Appointment to the Transactions and Use Tax (Measure H) Oversight Committee ("TUTOC")**
   Re: Consideration of appointment to fill a vacancy on the committee.

10. **Consider Establishing a Permit to Allow Residents to Modify the Even/Odd Watering Schedule**
    Re: Consideration of the establishment of a permit to allow residents to modify the even/odd watering schedule.

11. **Consider Establishing a Fine for Violating the City's Sign Ordinance**
    Re: Consideration of the establishment of a fine for violating the City's Sign Ordinance.

12. **Consider Adjustment of Animal Shelter Adoption Fees**
    Re: Consideration of the adjustment of Animal Shelter adoption fees.

13. **Consideration of City Council Procedural Handbook**
    Re: Consideration of the City Council Procedural Handbook.

14. **Consideration of Rescission of Appointment to the Animal Control Commission and the Transactions and Use Tax Oversight Committee**
    Re: Consider rescission of appointment of Mr. Richard Stadtherr to the City's Animal Control Commission and the Transaction and Use Tax Oversight Committee

15. **Status and Review of Declaration of Local Emergency**
    Re: Consideration of the continuance of the Declaration of Local Emergency.

ORAL COMMUNICATIONS

OTHER MATTERS

CLOSED SESSION

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

ADJOURNMENT - to the meeting of March 7, 2017

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

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

CITY COUNCIL AGENDA – FEBRUARY 21, 2017

SUBJECT: 1. Wall of Fame Honor Designations

SOURCE: Parks and Leisure Services

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

Each City Council Member may select one honoree annually. Honorees must have lived in the Porterville area for a minimum of 15 years. The honoree may not currently be serving as an elected official. The Wall of Fame honorees for 2017 are as follows:

Mayor Stowe - Joe Faure
Vice Mayor Ward - Jim Winton
Council Member Flores - Michael R. Garcia
Council Member Hamilton - Bob Perez
Council Member Reyes - Elva Beltran

The 2017 honorees will be inducted into the Wall of Fame at a ceremony on March 24, 2017, at 3:30 p.m. at the Heritage Center.

RECOMMENDATION: Information only

ATTACHMENTS: 1. Wall of Fame

Appropriated/Funded:

Review By:

Department Director:

Donnie Moore, Parks and Leisure Services Director

Final Approver: John Lollis, City Manager

City of Porterville Wall of Fame Honorees

Carmen Martinez Eoff	*2007*
Frank "Buck" Shaffer	*2007*
Edward B. "Ted" Cornell	*2008*
Jim Maples	*2010*
Roy Rockholt	*2010*
James Cone	*2011*
Mona Gauger	*2011*
Brett Land	*2011*
Forrest 'Doc' Mock	*2011*
Alice Seal	*2011*
Estha Mae Hinton	*2012*
Teresa Jackson	*2012*
William Rogers	*2012*
Orlin and Louise Shires	*2012*
Waltraut Wilson	*2012*
Mary Hamner Baker	*2013*
Robert Decker Christenson	*2013*
Cyrille Faure	*2013*
Vivian Josten Lucey	*2013*
Emogene McCullar	*2013*
George Overcash	*2013*
Clara Wilcox Rutherford	*2013*
Lester James Hamilton	*2014*
William 'Bill' Horst	*2014*
Guy Huffaker	*2014*
Marlene Marquez	*2014*
Monte Moore	*2014*
Theodore Ensslin	*2015*
Pete V. McCracken	*2015*
Myron Wilcox	*2015*
Gilbert Yniguez	*2015*
Judith A. Gibbons	*2016*
James E. Howell	*2016*
Philip D. Hunter	*2016*
Judge Glade F. Roper	*2016*
Steven E. Tree	*2016*
Elva Beltran	*2017*
Joe Faure	*2017*
Michael R. Garcia	*2017*
Bob Perez	*2017*
Jim Winton	*2017*

CITY COUNCIL AGENDA – FEBRUARY 21, 2017

SUBJECT: 2. Water Conservation Phase IV Status Update

SOURCE: Public Works

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

Violations of prohibited activities are considered infractions and are punishable by fines of up to $500 for each day in which the violation occurs. Any peace officer or employee of a public agency charged with enforcing laws and authorized to do so by ordinance may issue a citation to the violator. The City of Porterville will be responding to enforcement by issuing a Notice of Violation for all witnessed occurrences and staff will be processing all reported issues. Enforcement statistics for the month of January 2017 show that a total of 4 Notice of Violations were issued for water wasting; 0 Administrative Citations were issued.

Water production for January 2017 shows a 8% decrease from the 5-year average. The production for the month of January 2017 was 181 million gallons, which when compared to the production for the month of January 2013 of 200 million gallons, equates to a 9% reduction. Residential consumption for January 2017 was 70 gallons per capita per day (GPCD).

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

Groundwater Management Act (SGMA).

Compliance with individual water supplier conservation requirements is based on cumulative savings. Cumulative tracking means that conservation savings will be added together from one month to the next and compared to the amount of water used during the same months in 2013. The cumulative total for the City of Porterville's conservation efforts will reflect June 2015 through January 2017. Porterville's cumulative total conservation through January 2017 is 27.10%.

As of February 8, 2017, the State Water Resources Control Board has extended its existing water conservation regulations, monthly reporting will continue to monitor performance of urban water agencies which will include reasonable prohibitions against wasteful water practices such as watering lawns within 48 hours of a rainstorm, hosing off sidewalks and driveways, or over-watering landscaping to the point where water runs into the street. Rules had been set to expire February 28, 2017, however the Board agreed to consider repeal of the regulation in May if regulations have not been rescinded or modified by May 1, 2017, following a more thorough review of the state's water supply conditions. While water supplies have improved in many areas, the state's five-year drought has underscored the need for permanent improvements in California's long-term efficient water use and drought preparedness, making water conservation a way of life in California.

RECOMMENDATION: Information Only

ATTACHMENTS:
1. Monthly Production Status January 2017
2. Drought Response Phase IV Flyer

Appropriated/Funded:

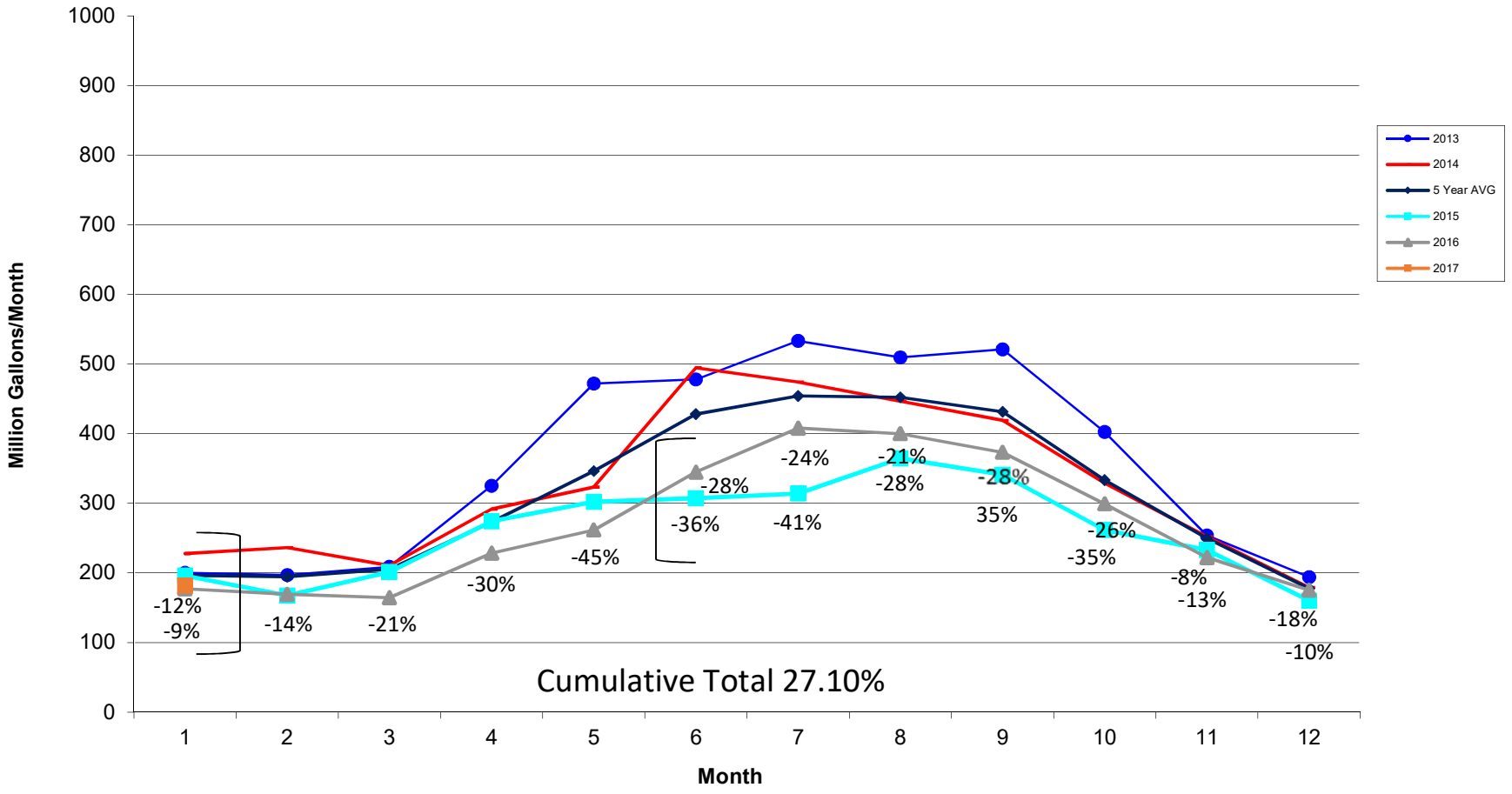
Review By:

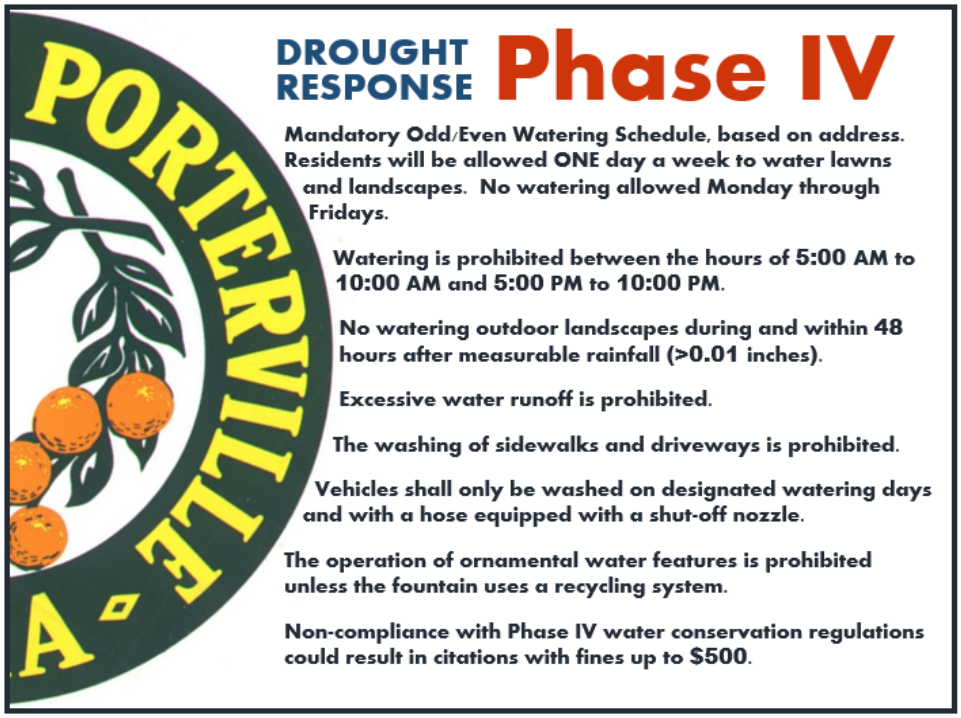
Department Director:

Mike Reed, City Engineer

Final Approver: John Lollis, City Manager

Monthly Production Status
15/16 & 17 Production Comparison to 2013 & 5 Year Average





DROUGHT RESPONSE PHASE IV

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

Mandatory Odd/Even Watering Schedule

Odd Address Even Address

Outdoor Watering is Prohibited

ODD NUMBER ADDRESSES

If your address ends with an "odd" number, 1, 3, 5, 7, or 9, your watering day is Saturday *only*.

OR

EVEN NUMBER ADDRESSES

If your address ends with an "even" number, 0, 2, 4, 6, or 8, your watering day is Sunday *only*.

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

Mandatory Odd/Even Watering Schedule

Excessive water runoff prohibited

The washing of sidewalks and driveways is prohibited

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

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

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

NO WATERING MONDAY THROUGH FRIDAY.

CITY COUNCIL AGENDA – FEBRUARY 21, 2017

SUBJECT: City Council Minutes of December 6, 2016, and January 31, 2017

SOURCE: Administrative Services

COMMENT: Staff has prepared the draft Minutes of December 6, 2016, and January 31, 2017, for the Council's review and consideration.

RECOMMENDATION: That the Council approve the draft Minutes of December 6, 2016, and January 31, 2017.

ATTACHMENTS:
1. Draft Minutes of 12/6/16
2. Draft Minutes of 1/31/17

Appropriated/Funded:

Review By:

Department Director:

Patrice Hildreth, Administrative Services Dir

Final Approver: Luisa Zavala, Deputy City Clerk

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

Called to Order at 5:32 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: 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

City Attorney Lew reported that there had been no 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

1. Council of Cities - November 16, 2016
   Vice Mayor Hamilton spoke of discussion pertaining to elections and the selection of a representative to serve on the CARB.
2. SJVAPCD Special Meeting - November 29, 2016
   Council Member Gurrola reported the lack of a quorum, and indicated that a meeting would take place in February or March for the purpose of filling vacancies.

REPORTS

I. Staff Informational Reports
   1. 2016 legislative session and election propositions

ORAL COMMUNICATIONS

- Raul Bermudez urged the Council to support street improvements to Union Avenue between Indiana Street and Jaye Street.
- Janet Holm spoke of her communications with staff regarding an issue with her water bill.

CONSENT CALENDAR

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

COUNCIL ACTION: MOVED by Vice Mayor Hamilton, SECONDED by Council Member Ward that the City Council approve Items Nos. 16. The motion carried unanimously.

1. CITY COUNCIL MINUTES OF OCTOBER 20, 2015, NOVEMBER 3, 2015, AND NOVEMBER 17, 2015

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

Documentation: M.O. 01-121616
Disposition: Approved.

2. AUTHORIZATION TO NEGOTIATE A CONTRACT – PREPARATION OF CITY MASTER PLAN UPDATES, RECYCLED WATER FEASIBILITY STUDY, AND STORM WATER RESOURCE PLAN

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.

Documentation: M.O. 02-121616
Disposition: Approved.

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

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.

Documentation: M.O. 03-121616
Disposition: Approved.

4. APPROVAL FOR COMMUNITY CIVIC EVENT - IGLESIA DEL NAZARENO - MOTHERS UNITED AGAINST GANG VIOLENCE - CELEBRATING OUR LOVED ONES MEMORIES - DECEMBER 14, 2016

Recommendation: That the Council approve the 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.

Documentation: M.O. 04-121616
Disposition: Approved.

5. APPROVAL FOR COMMUNITY CIVIC EVENT - HELPING HANDS OF PORTERVILLE - MAX FIT STUDIO - MAX FIT CHRISTMAS GAMES - DECEMBER 17, 2016

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.

Documentation: M.O. 05-121616
Disposition: Approved.

6. AMENDMENT TO THE PAY RATE SCHEDULE FOR SEASONAL AND PART-TIME EMPLOYEES

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

Documentation: Resolution No. 79-2016
Disposition: Approved.

PUBLIC HEARINGS

7. CONSIDERING APPROVAL OF A CONDITIONAL USE PERMIT (PRC 2016-030C) TO ALLOW SAN JOAQUIN VALLEY COLLEGE, A PRIVATE COLLEGE, TO BE LOCATED AT 314 N. MAIN STREET

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 2016-030C) to allow San Joaquin Valley College, a private college, to be located at 314 N. Main Street subject to conditions of approval.

City Attorney Julia Lew advised that the item needed to be continued for re-noticing in the newspaper due to changes.

Documentation: None
Disposition: Item was continued to the meeting of December 20, 2016.

SCHEDULED MATTERS

8. TEMPORARY STRUCTURE PERMIT FOR A MODULAR BUILDING TO BE LOCATED 180 SOUTH E STREET

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

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

Staff addressed questions from Council regarding what the modular building would look like cosmetically and where it would be placed.

COUNCIL ACTION: MOVED by Council Member Gurrola, SECONDED by Vice Mayor Hamilton that the City Council approve the draft resolution approving a temporary structure permit subject to the site plan and conditions of approval. The motion carried unanimously.

Documentation: Resolution No. 80-2016
Disposition: Approved.

9. CONSIDER PAVING IMPROVEMENT OF UNION AVENUE BETWEEN INDIANA STREET AND JAYE STREET

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

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

Staff addressed questions from the Council regarding the number of power poles that would need to be moved in order to complete the improvement project; noted that the project had been on the 10 year City Improvement Project list for some time; and spoke of the need to acquire the right of way through negotiations.

Council Member Gurrola talked about the desperate need to improve the paving on Union Avenue and the needs expressed by the residents on this street regarding sidewalks.

Raul Bermudez, a resident of Union Avenue, expressed his concerns about the sidewalk needs on the street. He also discussed the water accumulation that happens down the street when it rains. Mr. Bermudez believes that the pavement improvement would benefit the residents and the community.

Council Member Ward expressed his concerns regarding the responsibility of improvement payments. The staff assured the Council that if the improvements were not covered by grants then they would have to be covered by the property owners.

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Vice Mayor Hamilton that the City Council approve the two segments of overlay and directed the inclusion of the project for budget consideration. The motion carried unanimously.

Documentation: M.O. 06-120616
Disposition: Approved.

10. STATUS AND REVIEW OF DECLARATION OF LOCAL 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, and consider the Draft Amendment to the Memorandum of Understanding for the East Porterville Water Supply Project.

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

Acting Public Works Director Mike Reed gave an update on the infrastructure projects coming up.

Eric Lamoureux from Cal OES expressed his appreciation for the City of Porterville. He also spoke of his frustrations regarding the well but indicated that he was optimistic.

Council Member Gurrola thanked the Council and those who worked hard to help those who were in desperate need of water in East Porterville.

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Council Member Gurrola that the City Council approve the continued Declaration of Local Emergency, and approve the Draft Amendment to the Memorandum of Understanding for the East Porterville Water Supply Project, as amended to clarify the effective date of execution. The motion carried unanimously.

Documentation: M.O. 07-120616
Disposition: Approved, as amended.

ORAL COMMUNICATIONS

- Tony Lopez stated that he was a County resident with a City water connection, and expressed his interest in obtaining a second connection for an additional dwelling unit on his property.

OTHER MATTERS

- Council Member Reyes spoke of the great turnout at the Children's Christmas Parade.
- Council Member Ward congratulated Council Member Reyes and Council Member Elect Martha Flores on being elected to the Council.
- Vice Mayor Hamilton voiced his appreciation to Council Member Gurrola for her service; welcomed Council Member Elect Martha Flores; and thanked Sal Gurrola for letting the City borrow his wife.
- Mayor Stowe stated that he had enjoyed serving with Council Member Gurrola and thanked her for her service to the community.
- Council Member Gurrola lauded City staff, City Manager Lollis and City Attorney Lew for being dedicated to the community and voiced her appreciation to all.
- City Manager Lollis stated that it had been a pleasure working with Council Member Gurrola and the current Council; expressed gratitude to staff for their efforts at the Christmas Parade; spoke of a Santa appearance on the 13th and the Employee Christmas Luncheon on the 14th; announced the sale of RDA bonds; and congratulated Acting Fire Chief Glenn Irish, Deputy Public Works Director Bryan Styles and Human Resource Analyst Josie Castaneda on their upcoming retirements because he would not be at the December 20th meeting.

CLOSED SESSION

None

ADJOURNMENT

The Council adjourned at 8:15 p.m. to the meeting of December 13, 2016.

SEAL

_____
Luisa M. Zavala, Deputy City Clerk

_____
Milt Stowe, Mayor

CITY COUNCIL MINUTES
ADJOURNED CITY COUNCIL MEETING
FIRE STATION NO. 2 REGIONAL TRAINING FACILITY
500 NORTH NEWCOMB STREET
PORTERVILLE, CALIFORNIA
JANUARY 31, 2017, 4:00 PM

Called to Order at 4:10 p.m.
Roll Call: Council Member Reyes, Council Member Hamilton, Council Member Flores, Mayor Stowe (arrived at approximately 4:25 p.m.)
Absent: Vice Mayor Ward

The Pledge of Allegiance was led by Council Member Monte Reyes.

ORAL COMMUNICATIONS

None

SCHEDULED MATTERS

1. AB 1234 TRAINING

City Attorney Lew conducted the ethics training session pursuant to AB 1234, which required local agency officials to be trained in general ethics principles and ethics laws relevant to public service. She explained that the objectives of the session included: familiarizing those in attendance with the laws that govern their service; encouraging thinking beyond legal restrictions; and complying with AB 1234 requirements. The following was covered in her presentation:

- Different Types of Ethics: Situational, Professional, and Categorical/Universal.
- Four Groups of Ethics Laws: Personal financial gain, Personal advantages and perks, Governmental transparency, and Fair processes.
- Disqualification Based on Financial Interests
- Types of Interests: Real Property; Business Investment, Employment or Management Interests; Sources of Income; Gifts; and Personal Finances.
- Recent Changes to the "500 Foot" Rule relative to real properties, business interests, leasehold interests, and common areas.
- Penalties
- Best Practices
- Case Studies
- Transparency Rules and Laws
- AB1234 Requirements
- Public Service Ethics Principles

Following Ms. Lew's presentation on AB 1234, the Council took a ten minute recess.

2. AB 1661 TRAINING

City Attorney Lew conducted the sexual harassment prevention training session pursuant to AB 1661, which mandates that local agency officials be trained on the topic of sexual harassment prevention, and AB 1825 which mandates sexual harassment training for any employee who performs supervisory functions within a company of 50 employees. The presentation included, but was not limited to the following:

- Objectives of laws prohibiting sexual harassment
- Federal and State statutes prohibiting sexual harassment
- Definitions associated with sexual harassment
- City liability
- Reporting procedures
- Employee and supervisor responsibilities
- Election and appointed officials
- Remedies available to victims of sexual harassment
- Real Examples of sexual harassment involving elected officials

ADJOURNMENT

The Council adjourned at 6:50 p.m. to the meeting of February 7, 2017.

_____
Luisa M. Zavala, Deputy City Clerk

SEAL

_____
Milt Stowe, Mayor

CITY COUNCIL AGENDA – FEBRUARY 21, 2017

SUBJECT: Award of Contract - Fire Prevention Weed Abatement

SOURCE: Fire

COMMENT: In response to solicitation, staff received one proposal for the City's annual fire prevention weed abatement program. The bid called for contractors to quote rates for discing, handwork, and debris removal. Only one bidder responded with a returned proposal. The proposal was evaluated based on attachment "A" which is a random sample of city properties to evaluate cost based on the various work required. The only bid, submitted by R. Stephen Richard Inc., included the following rates:

Item	Description of Services per specifications of RFP 16/17-AC1858	Unit Price (Includes all labor, materials, equipment, transportation and taxes)
A	**Discing Operations**	
1	Less than 1 Acre	$ 25.00/per 1/4 acre
2	1 Acre	$ 100.00 / per acre
3	1 - 5 Acres	$ 100.00 / per acre
4	5 - 10 Acres	$ 100.00 /per acre
5	Over 10 Acres	$ 50.00 /per acre
B	**Mowing/Shredding Operations**	
1	Less than 1 Acre	$ 20.00 /per 1/4 acre
2	1 Acre	$ 50.00 /per acre
3	1 - 5 Acres	$ 50.00 /per acre
4	5 - 10 Acres	$ 50.00 /per acre
5	Over 10 Acres	$ 25.00 /per acre
C	**Handwork (minimum charge .25 hour)**	$ 50.00 /per hr.
D	**Rubbish & Litter Removal (minimum charge .25 unit of haul)**	$ 350.00 /per unit of haul

The sole bidder has been evaluated by the Fire Prevention Division and is capable of performing the scope of the work required and operates all necessary equipment. Detailed evaluation of the bid results are included as attachments.

RECOMMENDATION: That the City Council authorize the Fire Chief to execute an agreement with R. Stephen Richard Inc. as the primary contractor for a 3-year term.

ATTACHMENTS:
1. ATTACHMENT A - SAMPLE PARCEL LIST
2. CONTRACTOR QUALIFICATIONS

Appropriated/Funded:

Review By:

Department Director:
Final Approver: John Lollis, City Manager

ATTACHMENT A – SAMPLE PARCEL LIST
This portion to be completed by the City of Porterville.

The following list of parcels and contiguous parcels will be used to evaluate each proposal submitted to the City of Porterville for overall cost. Proposals that are determined to meet all requirements of the Fire Prevention and Weed Abatement Services Contract will be ranked in order from lowest to highest total cost.

Contiguous Parcels Group Number 1	ACRES DISKED	ACRES MOWED	HANDWORK HOURS	HAUL UNITS	
1.01	4.75	0.00	0.00	0.00	
1.02	0.36	0.00	0.00	0.00	
1.03	0.50	0.00	0.00	0.00	
1.04	1.00	0.00	0.00	0.00	
1.05	0.10	0.00	0.50	0.00	
1.06	0.20	0.50	2.00	0.50	
1.07	0.22	0.00	0.00	0.00	
1.08	0.50	0.00	0.00	0.00	
1.09	1.00	0.00	0.00	0.00	
1.10	0.50	0.00	0.00	0.00	
1.11	1.00	0.75	2.50	0.50	
1.12	7.75	0.00	2.00	0.00	
1.13	1.00	1.00	2.75	0.25	
1.14	0.11	0.50	0.75	0.25	
Sub Total G1	18.99	2.75	10.50	1.50	
Dollar Amount G1	950	137.50	525	525	2137.50

ATTACHMENT A – SAMPLE PARCEL LIST, CONT.

Contiguous Parcels Group Number 2	ACRES DISKED	ACRES MOWED	HANDWORK HOURS	HAUL UNITS	
2.01	0.75	0.00	0.00	0.00	
2.02	10.50	0.25	0.00	0.00	
2.03	3.00	0.25	0.00	0.00	
2.04	0.00	0.00	3.50	2.00	
Sub Total G2	14.25	0.50	3.50	2.00	
Dollar Amount G2	712.50	40	175	700	1627.50

Contiguous Parcels Group Number 3	ACRES DISKED	ACRES MOWED	HANDWORK HOURS	HAUL UNITS	
3.01	3.00	0.25	0.25	0.25	
3.02	2.50	0.00	0.00	0.00	
3.03	2.25	0.00	0.00	0.00	
3.04	2.75	0.25	0.25	0.50	
3.05	0.00	0.25	0.25	0.25	
Sub Total G3	10.50	0.75	0.75	1.00	
Dollar Amount G3	525	37.50	37.50	350	950

Contiguous Parcels Group Number 4	ACRES DISKED	ACRES MOWED	HANDWORK HOURS	HAUL UNITS	
4.01	5.00	0.50	6.75	3.00	
4.02	3.50	0.25	0.25	0.25	
4.03	1.50	0.00	0.00	0.00	
4.04	1.25	0.00	0.00	0.00	
4.05	4.00	0.25	0.25	0.00	
4.06	3.25	0.50	0.25	0.25	
4.07	1.00	0.00	0.00	0.00	
4.08	0.25	0.00	0.00	0.00	
Sub Total G4	19.75	1.50	7.50	3.50	
Dollar Amount G4	987.50	75	375	1225	2662.50

ATTACHMENT A – SAMPLE PARCEL LIST, CONT.

Individual Parcels By Number	DISK AC	ACRES MOWED	HANDWORK HOURS	HAUL UNITS	Sub Total
Parcel 1	0.00	0.00	14.25	0.00	
Sub Total P1			712.50		712.50
Parcel 2	0.00	0.00	16.50	0.00	
Sub Total P2			825		825
Parcel 3	0.00	0.00	15.75	4.50	
Sub Total P3			787.50	1,575	2362.50
Parcel 4	0.15	0.00	1.75	0.00	
Sub Total P4	15		87.50		112.50
Parcel 5	0.10	0.00	12.25	1.00	
Sub Total P5	7.5		612.50		637.50
Parcel 6	0.20	0.00	0.75	0.00	
Sub Total Parcel 6	15		37.50		62.50
Parcel 7	0.24	0.00	0.75	0.00	
Sub Total P7	25		37.50		62.50
Parcel 8	0.00	0.25	20.50	2.00	
Sub Total P8		70	1025		1045
Parcel 9	0.30	0.00	0.00	1.00	
Sub Total P9	50			350	400
Parcel 10	0.50	0.00	0.75	0.00	
Sub Total P10	50		37.50		87.50

ATTACHMENT A – SAMPLE PARCEL LIST, CONT.

Parcel 11	0.30	0.00	1.00	0.00	
Sub Total P11	50		50		100

Parcel 12	0.32	0.00	1.25	5.00	
Sub Total P12	50		12.5		112.50

Parcel 13	0.00	0.50	30.00	1.00	
Sub Total P13		40	1560		1540

Parcel 14	0.30	0.25	4.00	4.00	
Sub Total P14	50	20	200	1400	1670

Parcel 15	0.45	0.25	3.00	0.00	
Sub Total P15	50	20	150		720

Parcel 16	0.41	0.25	15.00	1.00	
Sub Total P16	50	20	150	350	1170

Parcel 17	0.75	0.00	1.50	0.00	
Sub Total P17	75		75		150

Parcel 18	0.00	0.50	12.00	15.00	
Sub Total P18		40	600	5250	5890

Parcel 19	0.66	0.50	40.00	19.00	
Sub Total P19	75	40	7000	6650	8765

Parcel 20	0.75	0.00	1.50	0.00	
Sub Total P20	4.98	0.25	2.00	0.00	25.92

TOTAL OF ALL PARCELS # 33,302.50

BIDDERS' QUALIFICAIONS VERIFICATION

BID NO. 16/17-AC1858

WEED ABATEMENT SERVICES

The city of Porterville has requested qualifications and references from all licensed contractors that have submitted proposals for BID NO. 16/17-AC1858, Weed Abatement Services. A total of one proposal was received and has been evaluated by the Fire Prevention Division. The evaluation includes verification of equipment, ability to accomplish the scope of work, and ability to meet the established timelines. The contractor listed below meets the requirements of the City of Porterville.

R. Stephen Richard Inc., Visalia:

Mr. Richard has 14 employees and holds a number of governmental contracts. His business works exclusively for governmental agencies. Interviews with representatives of municipalities served by Mr. Richard indicate that his performance has been satisfactory, meeting established parameters for timeframes and quality of work. Mr. Richard is in possession of equipment required to perform a weed abatement services.

CITY COUNCIL AGENDA – FEBRUARY 21, 2017

SUBJECT: City Pool Concession License

SOURCE: Parks and Leisure Services

COMMENT: The City Pool concession building, located at 97 N. Park Dr., currently is without a concessionaire. Past concessionaires in this location have consisted of City personnel, non-profit organizations and private individuals. The concession license grants the concessionaire exclusive use to the City Pool concession building for fundraising concession sales.

The concession license is for services to the public in general of the sale of soft drinks, ice cream, hot dogs, pre-packaged and outdoor grilled food, and general confectionary articles and products. The Licensee shall not sell or serve any type of alcoholic beverage on the premises. The Licensee shall maintain compliance with all Federal, State and local laws, rules and regulations. Nothing in the license shall be construed as making the City and the Licensee partners. The term of the license is for one-year and may be extended an additional five years upon agreement by both parties. The Licensee shall pay to the City a fee of $200 for each month in which the concession building is utilized for concession activities.

Due to the facility being open seven days a week, none of the youth sport organizations contacted were interested in this particular concession license. SM Transit is in the process of forming a non-profit organization and contacted the City regarding obtaining the license. SM Transit staff has had previous experience in managing concession sales including at the City Pool.

RECOMMENDATION: That the City Council approve the City Pool Concession License with SM Transit.

ATTACHMENTS: 1. Pool Concession License

Appropriated/Funded:

Review By:

Department Director:

Donnie Moore, Parks and Leisure Services Director

Final Approver: John Lollis, City Manager

Item No. 3.

CITY OF PORTERVILLE POOL CONCESSION LICENSE

The City of Porterville, hereinafter referred to as "CITY" hereby grants to SM TRANSIT, hereinafter referred to as "LICENSEE," a license for services to the public in general, of the sale of soft drinks, ice cream, hot dogs, pre-packaged and outdoor grilled food, and general confectionary articles and products at the Murry Park Pool Concession building located at 97 N. Park Drive, Porterville, California.

1. Term of this license shall be one-year. The License Agreement may be extended for an additional five years upon the same terms and conditions, at the option of the Licensee, provided that Licensee provides Notice of Intent to extend the agreement at least thirty days prior to expiration of the initial period. Thereafter, the License may be extended for an additional five-year period upon terms and conditions mutually agreeable to both parties.

2. This License Agreement replaces and supersedes any and all prior License Agreements.

3. The LICENSEE'S appointment is conditional upon passing a drug/alcohol test, fingerprint clearance, and/or reference check.

4. The LICENSEE shall, at all times during the term of said License, keep and maintain concession buildings open for the convenience of patrons at Murry Park during the hours in which said Park is being utilized for recreational and family swimming or at any other time the CITY deems the operation of the concession necessary for special activities. Failure to operate the concession facilities during the specified periods is a breach of this Agreement and shall constitute grounds for termination of this Agreement.

5. Each employee should: a) be clean, neat, and well-groomed; b) be professional, courteous, and friendly to the public; and c) adhere to the CITY personnel policy regarding dress code.

6. The LICENSEE shall keep and maintain all concession facilities, equipment and grounds at and around said concession building in good and sanitary condition and shall keep and maintain all of the concession fixtures and equipment in good condition and repair.

7. The LICENSEE shall not sell or serve any type of alcoholic beverage on the premises.

8. The LICENSEE shall arm the concession building and lock all gates upon closing the concession building and facility. The LICENSEE shall turn in all keys to the CITY five days after expiration of term.

9. In the event the LICENSEE shall coordinate the placement of refrigerators or vending and dispensing machines at the facility, LICENSEE shall ensure such machines are disengaged from CITY-provided utilities promptly at the conclusion of the term of this license. The LICENSEE shall also see to it that any type of machine or equipment does not block any door entrance.

10. In the event the LICENSEE shall fail, neglect or refuse to abide by and perform the terms, conditions, covenants, and agreements hereof, the CITY may, at its option, terminate and cancel this License and in the event of a termination of this License, the LICENSEE shall surrender up and deliver to the CITY complete possession of the premises where said License is being operated within 30 days after receiving notice to vacate. The apparent commission of a crime by LICENSEE or any of LICENSEE'S employees, contractors, agents, or volunteers during the term of this Agreement is grounds for immediate termination of this Agreement by the CITY.

11. If this Agreement is terminated by the City without cause prior to the conclusion of the initial License term, or the initial five-year extension period, and a non-profit organization enters into a Concession License Agreement with the City for the facility, the CITY shall reimburse Licensee for the documented start-up expenditures including but not limited to structural improvements. In this event the concession fees collected for the facility shall be credited against said start-up costs.

12. The LICENSEE shall not assign, transfer or convey this license or any of the rights or benefits hereunder to any person, firm or corporation without first securing the written consent of the CITY, and said consent can be withheld for any reason.

13. The CITY, by its authorized agents and servants, reserves the right of entry upon the premises where said license is being operated for purposes of inspection.

14. Nothing herein shall be construed as making the CITY and the LICENSEE partners and/or the parties engaging in joint ventures.

15. The LICENSEE shall maintain compliance with all Federal, State and local laws, rules and regulations.

16. The LICENSEE shall pay to the City of Porterville by the 5th day of each month a fee of $200 for each month in which the concession building is utilized for concession activities.

17. To the fullest extent permitted by law, the LICENSEE shall and hereby does agree to save, defend and indemnify the CITY, all of its officers, agents and employees of and from all manner of claims, demands, actions or causes of actions of all persons arising from or in any way connected with the use, occupation or employment of said License, or activities engaged in, or carried on, or conducted upon the premises by the LICENSEE, together with costs and attorney's fees and shall secure, at LICENSEE'S expense, liability insurance including product liability indemnifying the CITY and the

LICENSEE in the sum of two million dollars ($2,000,000) combined single limit for property damage and injury, including death, to one or more persons, and deposit with the CITY an original certificate of said insurance, name the CITY, its officers, agents and employees as an additional insured on LICENSEE'S policy.

18. The LICENSEE shall maintain Workers' Compensation Insurance for all its employees and volunteers who are in any way connected with the performance of LICENSEE'S concessionary interest to the extent as provided by law.

19. The LICENSEE shall maintain a City of Porterville Business License during the term of this Concession License.

20. The LICENSEE shall maintain and keep adequate records of its sales from the licensed premises and agrees to permit the City to examine said records on demand.

21. The LICENSEE shall have the right and privilege, provided it is not in default of the terms and provisions of the License, at the end of the term or sooner termination thereof, to remove from the Licensed premises all personal property belonging to the LICENSEE, together with their stocks, goods and wares and trade fixtures that LICENSEE may have installed, provided the same can be removed without material injury to the premises and the LICENSEE hereby acknowledges receipt of the premises in good condition and repair.

22. Notwithstanding any provision of this agreement to the contrary this agreement may be terminated by either party, with or without cause, by giving the other party thirty days written notice of termination. Notice shall be given by personal delivery or first class mail, return receipt requested.

23. Attorney Fees. If any litigation is commenced between the parties to the Agreement concerning the Agreement or the rights and duties of either in relation to the Agreement, the party prevailing in that litigation shall be entitled, in addition to any other relief that may be granted in the litigation, to a reasonable sum as and for its attorneys fees in the litigation, which shall be determined by the court in that litigation or in a separate action brought for that purpose.

IN WITNESS WHEREOF the parties have executed this License Agreement at Porterville, California this _____ day of _____, 2017.

CITY OF PORTERVILLE

By: _____
Milt Stowe, Mayor

LICENSEE

BY:_____

ATTEST:
John D. Lollis, City Clerk

_____
BY: Patrice Hildreth, Chief Deputy City Clerk

APPROVED AS TO FORM:

_____
Julia M. Lew, City Attorney

CITY COUNCIL AGENDA – FEBRUARY 21, 2017

SUBJECT: Community Clean-Up Events

SOURCE: Public Works

COMMENT: To encourage property maintenance and beautification, the City sponsors two clean-up events every year; one in the Spring and one in the Fall. These events offer City residential customers free disposal of general trash, bulky items, woodwaste, yard clippings, and e-waste at the City's Corporation Yard. Last year's Spring event saw 561 vehicles, with the Fall event seeing 548 vehicles.

Based on the success of prior events, staff recommends the City host two Community Clean-Up Events in 2017. The proposed event dates are Saturday, April 8th, and Saturday, October 21st. Staff is unaware of any community event conflicts with these dates. As in the past, the events are open to all residents receiving City residential refuse service. Staff estimates City costs for both events to be approximately $10,000 funded through the Solid Waste Operating Budget.

RECOMMENDATION: That City Council:
1. Declare April 8, 2017, "Spring Clean-Up Day" and October 21, 2017, "Fall Clean-Up Day";
2. Encourage all residents to clean up their properties and take advantage of these special opportunities offered by the City;
3. Authorize the City to accept trash, litter and yard clippings delivered by City residents receiving City residential refuse service to the Spring and Fall Clean-Up Events for free disposal; and
4. Authorize the cost of both events be funded from the Solid Waste Operating Budget.

ATTACHMENTS:

Appropriated/Funded: MB

Review By:

Department Director:

Mike Reed, City Engineer

Final Approver: John Lollis, City Manager

CITY COUNCIL AGENDA – FEBRUARY 21, 2017

SUBJECT: Authorization to Travel Out of State

SOURCE: Community Development

COMMENT: The International Council of Shopping Centers (ICSC) will be hosting its annual conference in Las Vegas, Nevada, May 21-24, 2017. Staff last attended the ICSC annual conference in 2016. During the 2016 conference, staff met with retailers, brokers, and developers representing several companies to discuss opportunities in Porterville.

Staff continues to communicate with the contacts made at ICSC conferences to promote Porterville and encourage retailers to locate in our community. Retail contacts at past ICSC conferences have included Tractor Supply Company, Panera, Wingstop, Kohls, Marshalls, Famous Footwear, Rue 21, Dollar General, and Family Dollar, all of which have located in Porterville. With the development that is taking place throughout the city, staff would like to continue the marketing efforts by attending the 2017 ICSC conference.

The cost of the trip for two staff members is estimated to be $2,600 and funding is available in the Economic Development budget.

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

ATTACHMENTS:

Appropriated/Funded: MB

Review By:

Department Director:

Jenni Byers, Community Development Director

Final Approver: John Lollis, City Manager

CITY COUNCIL AGENDA – FEBRUARY 21, 2017

SUBJECT: Scheduling of City Council Priority Project Study Session and Proposed Budget Calendar for Fiscal Year 2017-2018

SOURCE: Finance

COMMENT: At its meeting on February 7th, in preparation for the upcoming new fiscal year, the City Council directed the scheduling of a Priority Projects Study Session during the month of either March or April, which staff proposes to be scheduled for Tuesday, March 14th, beginning at 5:30 PM in Council Chambers. The Council further directed that each Member of Council would be allowed to submit three priorities for the Council to consider at the Study Session.

Section 51 of the City Charter requires the submission, not later than 30 days before the end of the the fiscal year, of an estimate of the expenditures and revenues of the City's departments for the ensuing fiscal year. For Council's consideration, please find attached the proposed budget calendar for the preparation and submission of the City's Annual Budget for the fiscal year 2017-2018.

RECOMMENDATION: That the City Council:
1) approve the scheduling of its Priority Project Study Session for Tuesday, March 14, 2017, beginning at 5:30 PM in Council Chambers; and
2) the proposed budget calendar for the 2017-2018 fiscal year.

ATTACHMENTS: 1. 2017-2018 Budget Calendar

Appropriated/Funded:

Review By:

Department Director:

Maria Bemis, Finance Director

Final Approver: John Lollis, City Manager

CITY OF PORTERVILLE
FY 2017-2018 BUDGET CALENDAR

Date	Task	Responsibility
March 9	Budget planning session	CM/Directors
March 14	Council study session (priority projects)	Council
March 17	Budget worksheets to Departments	Finance
March 22 - 23	10-Year Capital Projects update	CM/Directors
April 7	Preliminary revenue estimates completed	Finance
April 7	Completed budget worksheets to Finance	Directors
April 21	Budget planning session	CM/Directors
May 5	Preliminary budget completed	Finance
May 12	Preliminary budget approved by City Manager	CM
May 23	TUTOC review of Measure H proposed budget	CM
June 6	Preliminary budget presented to Council	Council
June 20	Final budget public hearing and approval by Council	Council

CITY COUNCIL AGENDA – FEBRUARY 21, 2017

SUBJECT: Approval for Community Civic Event - Monache High School Ag/FFA Department - Farmer's Day and 5K Run - March 4, 2017

SOURCE: Finance

COMMENT: The Monache High School Ag/FFA Department is requesting approval to hold Farmers' Day and a 5K run at Monache High School on Saturday, March 4, 2017, from 8:00 a.m. to 2:00 p.m. Limited to the sidewalks, the 5K run will start at Mulberry Avenue and Newcomb Street, head east on Mulberry Avenue and then continue on the Monache High School campus, then head west on Henderson Avenue, then north on Newcomb to the finish line. A farmer's market is to take place on the school campus.

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 and agreement and Exhibit A and Exhibit B.

RECOMMENDATION: That the Council approve the Community Civic Event Application and Agreement from the Monache High School Ag/FFA Department, subject to the Restrictions and Requirements contained in the Application, Agreement, Exhibit A and Exhibit B of the Community Civic Event Application.

ATTACHMENTS:

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

Appropriated/Funded:

Review By:

Department Director:

Maria Bemis, Finance Director

Final Approver: John Lollis, City Manager

Item No. 7.

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? E-mail address? Website?

Application date: 1-31-17 Event date: March 4 2017

Event time: 8:00am-2:00pm

Name of Event: Farmers Day and 5K

Sponsoring organization: Monache Ag/FFA Phone # 5593594137

Address: 960 N. Newcomb

Authorized representative: Carmel Spaulding Phone # 5593594137

Address: 960 N. Newcomb Porterville Ca 93257

Event chairperson: James Corbett Phone # 623-4430

Christie Bennett 209 5096637

Location of event Monache High School

(Location map must be attached)

Type of event: Farmers Market and 5K Run

Non-profit organization status: non-profit

(IRS Determination)

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

Barricades (quantity): _____ Street sweeping Yes ____ No ____

Police protection Yes ____ No ____ Refuse pickup Yes ____ No ____

Other: We request to close off sidewalks around Monache High - Mulberry, Henderson Newcomb Prospect

Parks facility application required: Yes ____ No X Attached ____

Assembly permit required: Yes ____ No X 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)*

CO **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.**

N/A **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.

N/A **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.

CO **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.

N/A **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.

Monache FFA/Ag	Carmel Spaulding	1-31-17
(Name of Organization)	(Signature)	(Date)

CITY OF PORTERVILLE

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

Name of event: Farmer's Day and 5K

Sponsoring organization: Monache Ag / FFA

Location: Monache High School Event date: 3/4/17 Event time: 8:00 am - 2:00 pm

All vendors are required to complete the business license permit form. List all firms, individuals, organizations, etc., that will engage in selling at or participate in the above-named event. **NO PERMIT WILL BE ISSUED WITHOUT THIS INFORMATION**. Vendors with no valid City of Porterville business license are required to pay $1 per day to the City, with the exceptions of non-profit organizations per *City of Porterville Municipal Code 15-20(E) Community Civic Events (16). This form should be completed at the time of application, but must be submitted **NO LESS THAN ONE WEEK PRIOR TO THE EVENT.**

Vendor name	Address/Telephone	Business License required?	Type of Activity
N/A			

*Municipal Code 15-20(E) Community Civic Events (16): *Business License Fees: Any individual, company, firm, concessionaire, fair operator, carnival operator, etc., who engages in, conducts, organizes, or promotes business for profit shall pay a business license fee of one dollar ($1.00) per day per amusement, entertainment, exhibit, ride or per booth, space, stall, stand or other unenclosed location used for the purpose of advertising, promoting, or sale of, or taking orders for, goods or services; except that no individual, company, firm concessionaire, fair operator, carnival operator, etc., who possesses a valid city business license shall be subject to separate licensing pursuant to this subsection E16.*

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: Monache FFA - Farmers Day and 5K

Sponsoring organization: Monache Ag / FFA

Event date: 3/4/17 Hours: 6

ATTACH MAP MARKING AREAS TO BE CLOSED OR USED:

Closed

Street Name	From	To	Activity

Sidewalks	From	To	Activity
Newcomb	Henderson	Mulberry	5K
Henderson	Newcomb	Prospect	"
Prospect	Henderson	Mulberry	"
Mulberry	Newcomb	Prospect	"

Parking lots and spaces	Location	Activity

Requirements for Community Civic Event
Monache High School Ag/FFA Department
Farmer's Day and 5K Run
March 4, 2017

Finance Director: *M. Bemis*	
City Engineer, Acting: *J. Sanchez*	No comments.
Community Development Manager: *J. Phillips*	
Field Services Manager, Acting: *M. Knight*	
Battalion Chief of Operations: *G. Hall*	
Parks and Leisure Services Director: *D. Moore*	No comment.
Police Lieutenant: *C. Contreras*	Please see Exhibit B.
Administrative Services Director: *P. Hildreth*	See Exhibit A, page 2.

Requirements for Community Civic Event

Sponsor:	Monache High School Ag/FFA
Event:	Farmer's Day and 5K Run
Event Chairman:	James Corbett
Location:	Monache High School
Date of Event:	March 4, 2017
Time of Event:	8:00 a.m. to 2:00 p.m.

RISK MANAGEMENT: Conditions of Approval

That the Monache High School Ag/FFA Department 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, 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 that 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:

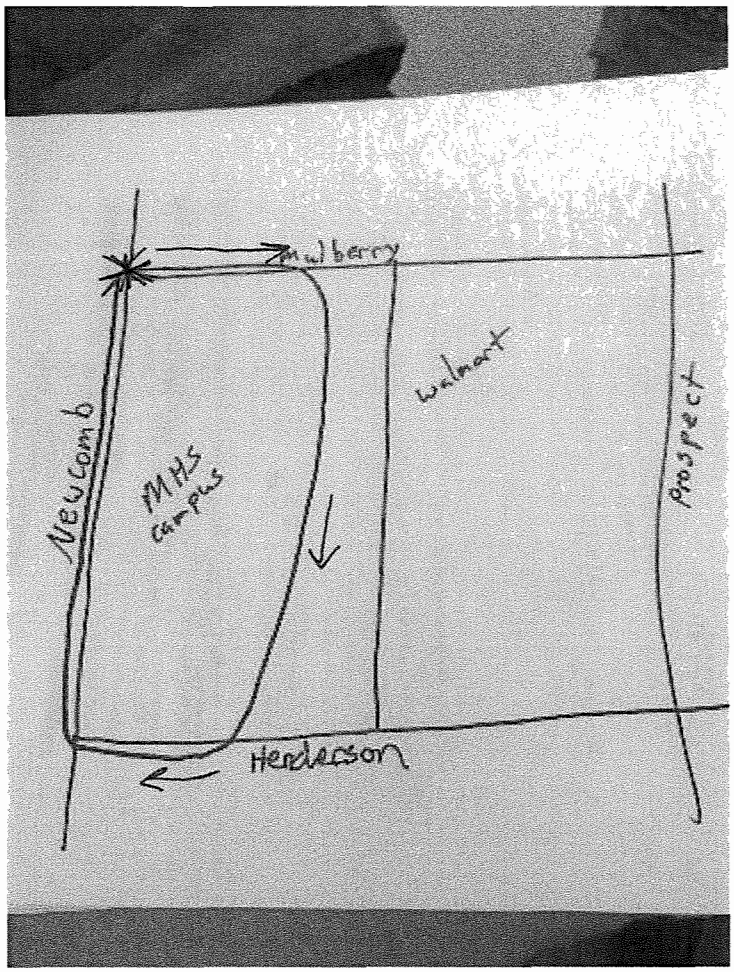
Farmer's Day & 5K Run, Monache AG/FFA at Monache High School
March 4th, 2017 from 8:00am – 2:00pm

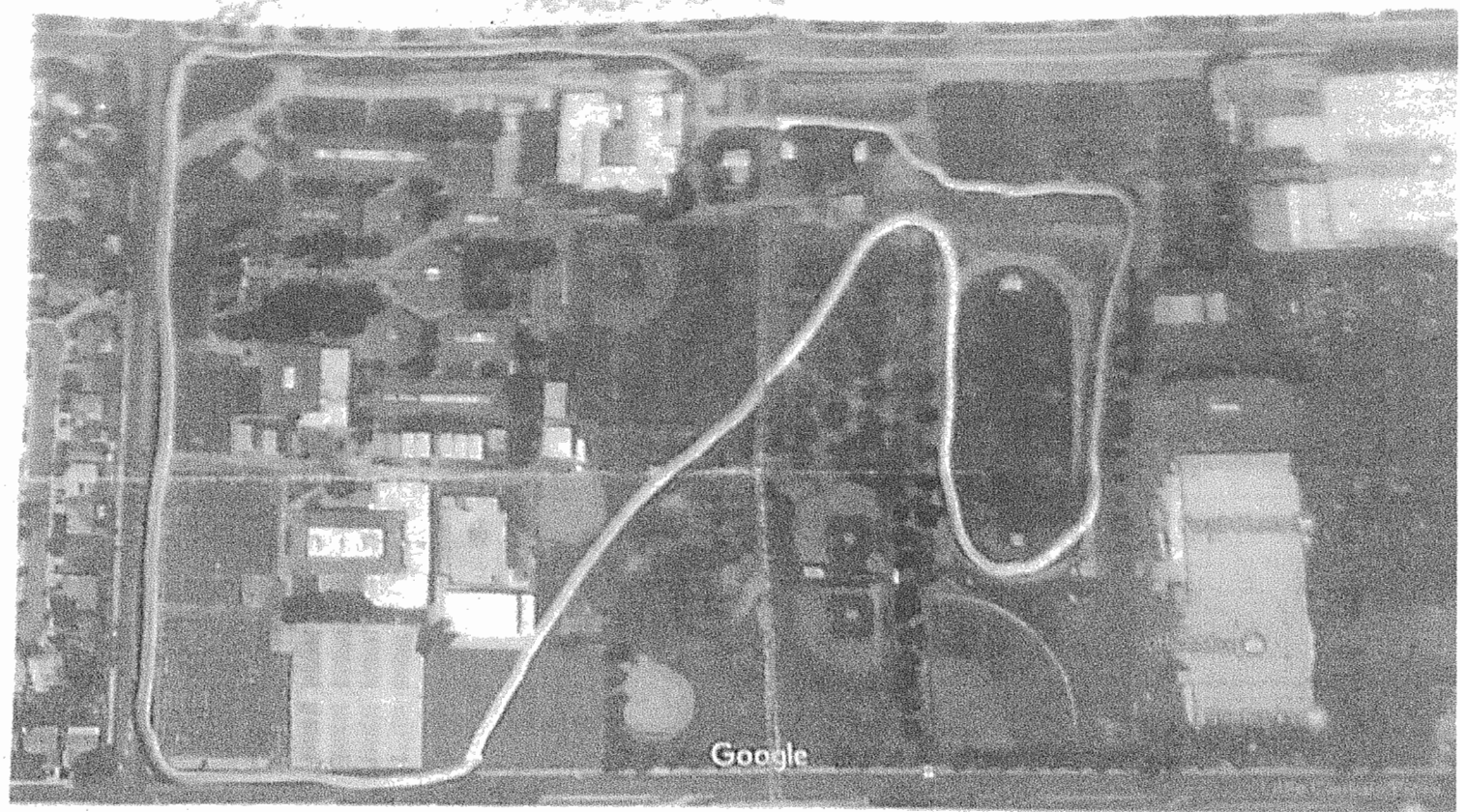
Staff Comments: Conditions/Requirements by Police Department

- All street and/or sidewalk closures require City Council approval.
- Participants in any procession on city roadways must comply with all traffic laws and rules of the road. Additionally, they shall not impede traffic or generally interfere with the normal flow of vehicle or pedestrian traffic, and also shall not block or park on sidewalks.
- An Outside Amplifier Permit has been requested and granted. However, event organizers shall not allow music or other amplifications to be played so loud as to unreasonably disturb the peace and good order of the business establishments or neighborhoods in the area.
- Event organizers should consider "follow up" vehicles that have first aid supplies, water, etc., so as to treat or pick up and transport any participant who becomes ill or is otherwise unable to cornplete the course.
- Event organizers shall contact Porterville Police Lieutenants Dominic Barteau or Richard Standridge at 559-782-7410 or 559-782-7400 in advance of the event in order to determine additional policing concerns/requirements.

Chris Contreras / Lieutenant
Porterville Police Department

Exhibit B


Mulberry
Walnut
Prospect
Newcomb
MHS campus
Henderson



Anita
Fax # 784-4569

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: Monache FFA/Ag

2 Address where amplification equipment is to be used: 960 N. Newcomb

3 Names and addresses of all persons who will use or operate the amplification equipment: Carmel Spaulding, Christie Bennett, James Corbett Ag Dept Monache High

4 Type of event for which amplification equipment will be used: ~~General Loud Speaker~~ 5K Run March ~~17, 2017~~

5 Dates and hours of operation of amplification equipment: March 4, 2017

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

Carmel Spaulding — *Signature of Applicant* — 1-31-17 *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.

City of Porterville, Chief of Police/Designee — 2-16-17 *Date*

CENTTUL-01 ASURESH

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY) 1/31/2017

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 have ADDITIONAL INSURED provisions or 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 License # 0757776 Concord, CA - HUB International Insurance Services Inc. 2300 Clayton Rd. Concord, CA 94520	CONTACT NAME: PHONE (A/C, No, Ext): (925) 609-6500 FAX (A/C, No): (925) 609-6550 E-MAIL ADDRESS:
	INSURER(S) AFFORDING COVERAGE — NAIC #
	INSURER A : Genesis Insurance Company — 38962
INSURED Porterville Unified School District c/o Houston Insurance Services P.O. Box 1002 Tulare, CA 93275-1002	INSURER B : INSURER C : INSURER D : INSURER E : INSURER F :

COVERAGES **CERTIFICATE NUMBER:** **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	X COMMERCIAL GENERAL LIABILITY						EACH OCCURRENCE	$ 4,675,000
	CLAIMS-MADE X OCCUR	X		YXB300831O	07/01/2016	07/01/2017	DAMAGE TO RENTED PREMISES (Ea occurrence)	$ 500,000
	X 325,000 SIR *						MED EXP (Any one person)	$ 0
	X AUTO LIAB included**						PERSONAL & ADV INJURY	$ Included
	GEN'L AGGREGATE LIMIT APPLIES PER:						GENERAL AGGREGATE	$ 9,350,000
	POLICY PRO-JECT LOC						PRODUCTS - COMP/OP AGG	$ Included
	OTHER:							$
	AUTOMOBILE LIABILITY						COMBINED SINGLE LIMIT (Ea accident)	$
	ANY AUTO						BODILY INJURY (Per person)	$
	OWNED AUTOS ONLY / SCHEDULED AUTOS						BODILY INJURY (Per accident)	$
	HIRED AUTOS ONLY / NON-OWNED AUTOS ONLY						PROPERTY DAMAGE (Per accident)	$
								$
	UMBRELLA LIAB OCCUR						EACH OCCURRENCE	$
	EXCESS LIAB CLAIMS-MADE						AGGREGATE	$
	DED RETENTION $							$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY Y / N						PER STATUTE / OTH-ER	
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH)	N / A					E.L. EACH ACCIDENT	$
	If yes, describe under DESCRIPTION OF OPERATIONS below						E.L. DISEASE - EA EMPLOYEE	$
							E.L. DISEASE - POLICY LIMIT	$

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

* Group Self-Insured General & Auto Liability: Central Tulare County School Districts JPA: $325,000 Each Occurrence excess of $1,000 Deductible. The Genesis Ins. Co. policy provides limits of liability of $4,675,000 excess of $325,000 retention to equal the $5,000,000 per occurrence limit of liability.

** General Aggregate does not apply to Auto Liability.

Re: Monache Ag/FFA Farmers Day and 5K event, March 4, 2017.
The City of Porterville and Successor Agency to the Porterville Redevelopment Agency as Additional Insured as respects General Liability per attached form TSP200007 0613, as required by written contract.

CERTIFICATE HOLDER

City of Porterville
Finance Department
291 N. Main Street
Porterville, CA 93257

CANCELLATION

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

AUTHORIZED REPRESENTATIVE

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THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY

POLICY CHANGES

Endorsement
Number 11

POLICY NUMBER	ENDORSEMENT EFFECTIVE	COMPANY
YXB300831O	July 1, 2016	Genesis Insurance Company
NAMED INSURED		COVERAGE PARTS AFFECTED
Central Tulare County School Districts Liability Property Joint Powers Authority		The School Policy Retained Limit Form Coverage Parts A and B

CHANGES

BLANKET ADDITIONAL INSURED ENDORSEMENT AS REQUIRED BY WRITTEN CONTRACT

As applicable to the respective **Coverage Part (s)** stated above, the **WHO IS AN INSURED** section of the policy is amended as follows:

A. Paragraph **D.** of **SECTION II- WHO IS AN INSURED** in **Coverage Part A** is deleted in its entirety and replaced with the following:

1. **We** agree to include as an additional **Insured,** the person(s) or organization(s) that you are required, by a written contract or written agreement, to include.

2. Insurance shall be limited to the extent of coverage and limits of liability required by the written contract or written agreement, however shall not increase:
   a. The **Limits of Insurance** stated in **SECTION III – LIMIT(S) OF INSURANCE** of **Coverage Part A;** or
   b. The extent of coverage as provided under **Coverage Part A.**

3. The written contract or written agreement must be effective and executed prior to any **occurrence** taking place during the policy period.

4. Any damages and/or **claim expenses** payable by **us** due to coverage provided by this endorsement to an additional **Insured** shall be in excess of the **Insured's Coverage Part A retained limit.** If other valid and collectible insurance is available to the additional **Insured** to pay damages and/or **claim expenses** due to an **occurrence**, then **our** indemnification obligation is excess over such other insurance covering the additional **Insured**, whether such other insurance is written on a primary, excess, contingent or on any other basis. The **Insured's Coverage Part A retained limit** may not be satisfied by any other insurance.

5. If a written contract or written agreement as described in 1. , 2.and 3. above specifically requires the insurance as provided by **Coverage Part A** to apply as primary to, and on a non-contributory basis with, any other available insurance to the additional **Insured, we** agree to do so but any indemnification obligation by **us** due to a covered **occurrence** will be in excess of the **Insured's Coverage Part A retained limit** and subject to the **Coverage Part A Limits of Insurance.**

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B. **SECTION II - WHO IS AN INSURED** is hereby amended:

1. **We** agree to include the person(s) or organization(s) **you** are required by written contract or agreement to include as an additional **Insured**.

2. Insurance shall be limited to the extent of coverage and limits of liability required by the written contract or written agreement, however shall not increase:
   a. The **Limits of Insurance** stated in **SECTION III – LIMIT(S) OF INSURANCE** of **Coverage Part B;** or
   b. The extent of coverage as provided under **Coverage Part B.**

3. The contract must be effective and executed prior to a **claim** arising out of a covered **wrongful act(s)**.

Nothing herein contained shall be held to waive, vary, alter or extend any condition or provision of the policy other than as stated above.

Scott Pennell

Authorized Representative

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CITY COUNCIL AGENDA – FEBRUARY 21, 2017

SUBJECT: Consideration of Partnership with Sierra View Medical Center for Proposed 2017 Farmers Market

SOURCE: City Manager's Office

COMMENT: At its meeting on June 21, 2016, the City Council approved a Community Civic Event and partnership with Sierra View Medical Center ("SVMC") to host the Visalia Farmers Market on Main Street for the month of August 2016, with financial support of $10,000, which was funded from the Council's Special Purposes Reserve Fund.

City staff has been approached by SVMC and the Visalia's Farmers Market to once again host a Farmers Market on Main Street, every Tuesday beginning July 11th through August 29th, from 8:00 to 11:30 AM. Similar to last year, the event would involve the temporary closure of Main Street, between Thurman and Cleveland Avenues during the events.

The 2017 Farmers Markets are proposed to be located at the SVMC parking lot for the months of May and June, and then relocate to Main Street in front of City Hall for the months of July and August. Last year, Council approved $10,000 in support for the August event. The proposed budget for the 2017 Farmer's Market is $41,322, and SVMC has requested support from the City for approximately $18,000. SVMC would pay a higher amount, as they additionally offer employee incentives and the Veggie RX program for its patients. The requested increase of nearly $8,000 from the prior year is due to the market being located on Main Street for an additional month, as well as additional marketing activities and community attendee incentives.

When the Council considered the requested continued partnership at its meeting on February 7th, the draft budget was not presented due to it still being in development. The Council continued its consideration to this meeting, and directed that the draft budget be presented for review. SVMC has provided both the attached draft budget, as well as a report of last year's activities.

The Farmers Market is still in its infancy in Porterville, and moving location midway through the season caused some confusion for attendees last year. Staff continues to work with SVMC and the Visalia's Farmers Market to grow the market to make it a true community event complete with activities and local vendors, as well as develop partnerships with the local school districts, the City Library and the Chamber of Commerce. To achieve these goals, additional marketing is recommended for the coming year, as well as increasing the

community incentive “Healthy Bucks” program.

To provide clarification, SVMC intends to provide three different incentives, only one of which is proposed for the City to partner. SVMC provides a "Veggie Rx" incentive for its patients, as well as a wellness incentive for its employees, which they intend to provide without the City's financial assistance. The broader community incentive, "Healthy Bucks", is proposed for the City to partner.

If supported by Council, staff recommends that the Council's Special Purposes Reserve Fund again serve as the funding source, and will work to formalize the process and proceed with a Community Civic Event application to be considered by the Council at its next meeting.

RECOMMENDATION: That the City Council consider the City's partnership with Sierra View Medical Center for the proposed 2017 Farmers Market.

ATTACHMENTS:
1. 2017 Projected Farmer's Market Budget
2. 2016 Farmers Market Accounting

Appropriated/Funded:

Review By:

Department Director:
Final Approver: John Lollis, City Manager

2017 Sierra View Farmers' Market Proposed Budget

Month	*Category*		*Cost*	*SVMC Cost*	*City Cost*	*United Health Care Cost*
May						
	Activities (Face Painting, Character Meet n Greets, Bounce House, Library, etc.)		$625.00	$312.50	$312.50	
	Print Schedule- Farmers Market (Porterville Recorder, Sun Gazette, Chamber Inserts)		$1,500.00	$750.00	$750.00	
	Radio Advertisement (KTIP, La Campesina, Soft Rock 98.9)		$1,500.00	$750.00	$750.00	
	Production - Signage - Outdoor (Bus Advertising, Bus Shelters, Billboard)		$500.00	$250.00	$250.00	
	Banners (One-time print fee)		$840.00	$420.00	$420.00	
	Printing of Healthy Bucks, Employee Bucks and Veggie Rx Bucks (One-time print fee)		$1,050.00	$700.00	$350.00	
	Healthy Bucks (Community Incentive)		$3,375.00	$1,687.50	$1,687.50	
	Employee Incentive Bucks (Funded by UnitedHealthcare - SVMC Only)		$0.00	$0.00	$0.00	$650.00
	Veggie Rx Bucks (Patient Incentive - SVMC Only)		$1,350.00	$1,350.00	$0.00	
	Portable Bathroom		$245.00	$122.50	$122.50	
	Farmers Market Manager (Manages Healthy Bucks, Coordination of Vendors and activities, etc.)		$528.00	$264.00	$264.00	
		Monthly Total	***$11,513.00***	***$6,606.50***	***$4,906.50***	***$650.00***
June						
	Activities (Face Painting, Character Meet n Greets, Bounce House, Library, etc.)		$625.00	$312.50	$312.50	
	Print Schedule- Farmers Market (Porterville Recorder, Sun Gazette, Chamber Inserts)		$1,500.00	$750.00	$750.00	
	Radio Advertisement (KTIP, La Campesina, Soft Rock 98.9)		$1,500.00	$750.00	$750.00	
	Production - Signage - Outdoor (Bus Advertising, Bus Shelters, Billboard)		$500.00	$250.00	$250.00	
	Healthy Bucks (Community Incentive)		$3,375.00	$1,687.50	$1,687.50	
	Employee Incentive Bucks (Funded by UnitedHealthcare - SVMC Only)		$0.00	$0.00	$0.00	$ 650.00
	Veggie Rx Bucks (Patient Incentive - SVMC Only)		$1,350.00	$1,350.00	$0.00	
	Portable Bathroom		$245.00	$122.50	$122.50	
	Farmers Market Manager (Manages Healthy Bucks, Coordination of Vendors and activities, etc.)		$528.00	$264.00	$264.00	
		Monthly Total	***$9,623.00***	***$5,486.50***	***$4,136.50***	***$ 650.00***

July						
	Activities (Face Painting, Character Meet n Greets, Bounce House, Library, etc.)		$625.00	$312.50	$312.50	
	Print Schedule- Farmers Market (Porterville Recorder, Sun Gazette, Chamber Inserts)		$1,500.00	$750.00	$750.00	
	Radio Advertisement (KTIP, La Campesina, Soft Rock 98.9)		$1,500.00	$750.00	$750.00	
	Production - Signage - Outdoor (Bus Advertising, Bus Shelters, Billboard)		$500.00	$250.00	$250.00	
	Healthy Bucks (Community Incentive)		$3,375.00	$1,687.50	$1,687.50	
	Veggie Rx Bucks (Patient Incentive - SVMC Only)		$1,350.00	$1,350.00	$0.00	
	Farmers Market Manager (Manages Healthy Bucks, Coordination of Vendors and activities, etc.)		$528.00	$264.00	$264.00	
	Visalia Farmers Market Stahl Fee's (Only if needed)		$715.00	$357.50	$357.50	
		Monthly Total	***$10,093.00***	***$5,721.50***	***$4,371.50***	
August						
	Activities (Face Painting, Character Meet n Greets, Bounce House, Library, etc.)		$625.00	$312.50	$312.50	
	Print Schedule- Farmers Market (Porterville Recorder, Sun Gazette, Chamber Inserts)		$1,500.00	$750.00	$750.00	
	Radio Advertisement (KTIP, La Campesina, Soft Rock 98.9)		$1,500.00	$250.00	$250.00	
	Production - Signage - Outdoor (Bus Advertising, Bus Shelters, Billboard)		$500.00	$750.00	$750.00	
	Healthy Bucks (Community Incentive)		$3,375.00	$1,687.50	$1,687.50	
	Veggie Rx Bucks (Patient Incentive - SVMC Only)		$1,350.00	$1,350.00	$0.00	
	Farmers Market Manager (Manages Healthy Bucks, Coordination of Vendors and activities, etc.)		$528.00	$264.00	$264.00	
	Visalia Farmers Market Stahl Fee's (Only if needed)		$715.00	$357.50	$357.50	
		Monthly Total	***$10,093.00***	***$5,721.50***	***$4,371.50***	
		Grand Total	**$41,322.00**	**$23,536.00**	**$17,786.00**	**$1,300.00**

2016 Sierra View Farmers Market Accounting

2015-2016

Month	*Category*		*Cost*	*SVMC Cost*	*City Cost*	*United Health Care Cost*
May						
	Print Schedule- Farmers Market (5/28, 5/30, 5/31)		$2,237.64	$2,237.64		
	Production- Print Ad 1/2 Page "Market Tuesdays"		$180.00	$180.00	**N/A**	**N/A**
	Banner (Sign Time)		227.33	227.33	**N/A**	**N/A**
	Community Incentive		$220.00	$220.00	**N/A**	**N/A**
	Market Supplies (ie stakes & staples for signage)		$79.21	$79.21	**N/A**	**N/A**
	Porta Potty		$191.25	$191.25	**N/A**	**N/A**
	Printing Healthy Bucks		$223.62	$223.62	**N/A**	**N/A**
		Total	***$3,359.05***	***$3,359.05***	**-**	**-**
June						
	Print Schedule- Farmers Market (06/07, 06/14, 06/21, 06/28)		$2,983.52	$2,983.52		
	Production- Print Ad 1/2 Page Chamber Connect July Issue		$300.00	$300.00		
	Banner (Sign Time)		$194.85	$97.42	$97.42	
	Community Incentive		$1,200.00	$1,200.00		
	Employee Incentive		$456.00			$ 456.00
	Farmers Market Manager		$666.00	$666.00		
	Porta Potty		$191.25	$191.25		
	Printing Healthy Bucks		$298.17	$223.62		
	Veggie Rx		$1,154.00	$1,154.00		
		Total	***$7,443.79***	***$6,815.81***	***$97.42***	***$ 456.00***

2016-2017

July

Print Schedule- Farmers Market Moved (7/30)		$372.94	$186.47	$186.47	
Print Schedule- Farmers Market (07/05, 07/12, 07/19, 07/26, 07/27)		$3,356.46	$2,685.15	$671.29	
Production- Signage- Limelight- Plano Ave. Farmers Market		$450.00	$225.00	$225.00	
Production- Print Ad 1/4 Page Farmers Market NEW		$135.00	$67.50	$67.50	
Production- Print Ad 1/2 Page Market Final		$510.00	$510.00		
Banners (Solutions)		$400.00	$200.00	$200.00	
Community Incentive		$1,236.00	$1,236.00		
Employee Incentive		$748.00			$ 748.00
Farmers Market Manager		$888.00	$888.00		
Porta Potty		$351.20	$351.20		
Printing Healthy Bucks		$298.17	$223.62		
Veggie Rx		$1,060.00	$1,060.00		
Visalia Farmers Market Stahl Fee's		$714.10	$714.10		
	Total	***$10,519.87***	***$8,347.04***	***$1,350.26***	***$ 748.00***

August

Print Schedule- Farmers Market (07/05, 07/12, 07/19, 07/26, 07/27)		$1,864.70	**N/A**	$1,864.70	
Chamber Newsletter Insert		$100.00	**N/A**	$100.00	
Community Incentive		$1,458.00	**N/A**	$1,458.00	
Employee Incentive		$180.00	**N/A**	$180.00	$ 180.00
Facebook Social Media Promotion		$87.92	**N/A**	$87.92	
Farmers Market Manager		$1,418.77	**N/A**	$1,418.77	
Printing Healthy Bucks		$223.62		$223.62	
SVMC Staffing (Engineers & Engineer Coordinator)		$876.76	**N/A**	$876.76	
Veggie Rx		$1,108.00	**N/A**	$1,108.00	
Visalia Farmers Market Stahl Fee's		$715.00		$715.00	
	Total	***$8,032.77***	**-**	***$8,032.77***	***$ 180.00***

September

Community Incentive		$4.00	**N/A**	$4.00	
Employee Incentive		$2.00	**N/A**		$ 2.00
Veggie Rx		$2.00	**N/A**	$2.00	
	Total	***$8.00***	**-**	***$6.00***	***$ 2.00***
	Grand Total	$29,363.48	$18,521.90	$9,486.45	$ 1,386.00

CITY COUNCIL AGENDA – FEBRUARY 21, 2017

SUBJECT: Consideration of Appointment to the Transactions and Use Tax (Measure H) Oversight Committee ("TUTOC")

SOURCE: Administrative Services

COMMENT: TUTOC is charged with reviewing the revenue and expenditures of the three Measure H budgets (Fire, Police and Literacy), and to report its findings to the City Council. It is comprised of ten members of the public each serving four-year terms, and is required to meet at least once annually after the adoption of the budget. It has been TUTOC's recent practice to meet on a quarterly basis. To be eligible for appointment, individuals must either be a Porterville resident, business owner, or business operator.

At it's meeting on February 7, 2017, the City Council considered the appointment of four individuals to fill vacancies on TUTOC. The McCracken ballot method was used, and three individuals were appointed to two terms expiring in May 2020, and one term expiring in May 2018. In light of the remaining candidates each receiving two votes in favor of appointment to the remaining vacancy and the absence of Vice Mayor Ward, the Council continued the fourth appointment to its next meeting. Those remaining candidates for consideration to appointment are Barry Caplan and Daniel Stadtherr. Their Requests for Appointment are attached.

Subsequent to the February 7th City Council meeting, staff received an additional Request for Appointment from Virginia Gurrola. Her Request for Appointment to TUTOC has been provided as an attachment should the Council wish to consider her for appointment at this time.

RECOMMENDATION: That the City Council consider the appointment of one individual to the Transactions and Use Tax (Measure H) Oversight Committee to fill one vacancy with a term expiring in May 2018.

ATTACHMENTS:
1. RFA - Caplan
2. RFA - Stadtherr
3. RFA - Gurrola

Appropriated/Funded:

Review By:

Department Director:
Patrice Hildreth, Administrative Services Dir

Final Approver: John Lollis, City Manager

CITY OF PORTERVILLE
REQUEST FOR APPOINTMENT

RECEIVED
NOV 09 2016
CITY OF PORTERVILLE
ADMINISTRATIVE SERVICES

Please complete all blanks.

Name: BARRY · CARLAN
(Please Print)

Appointment to: TUTOC OVERSIGHT
(Name of Board, Commission, or Committee)

☐ Reappointment; or IF NEW, please provide :

Street Address: [redacted]
PORTERVILLE

Mailing Address: _____

_____

Name of Business: _____

☐ Own ☐ Operate

Business Address: _____

_____

Telephone: Home [redacted]
Work _____
FAX _____
E-mail _____

City of Porterville resident:
☑ Yes
☐ No

Registered Voter:
☑ Yes
☐ No

Qualifications:

Familiar with:

- Good Governance
- Accounting Principles
- Civic Oversight

Very interested to help insure sales tax funds are used properly

☐ Resume attached

☐ Letter of request attached

Submitted By: [signature] 11/9/2016 Date

Received by: Patricia Hildreth

Forwarded to: City Clerk ☑ Date: 11-9-16

City Council ☐ Date:

City Manager ☐ Date:

Applicable Dept. ☐ Date:

Tentative Council Mtg Date:

CITY OF PORTERVILLE
REQUEST FOR APPOINTMENT

RECEIVED
DEC 20 2016
CITY OF PORTERVILLE
ADMINISTRATIVE SERVICES

Please complete all blanks.

Name: Daniel J. Stadtherr
(Please Print)

Appointment to: Transactions and Use Tax Oversight Committee
(Name of Board, Commission, or Committee)

☐ Reappointment; or IF NEW, please provide :

Street Address: [redacted]
Porterville, CA 93257

Mailing Address: _____
_____

Name of Business: Wally's Hardware (Retired)

☐ Own ☐ Operate

Business Address: N.A.
N.A.

Telephone: Home [redacted]
Work [redacted]
FAX [redacted]
E-mail [redacted]

City of Porterville resident:
☒ Yes
☐ No

Registered Voter:
☒ Yes
☐ No

Qualifications:

B.S. Business Administration Cal State Bakersfield

40 years retail management experience

25 years business owner

Past president Porterville Breakfast Lions

Past secretary " " "

Past treasurer " " "

10 years treasurer Porterville Education Foundation

Past member Porterville CofC Board

☐ Resume attached

☐ Letter of request attached

Submitted By: Daniel J Stapleton 12-8-16
Date

Received by: PATRICE HILDRETH

Forwarded to: City Clerk ☑ Date: 12/20/16

City Council ☐ Date:

City Manager ☐ Date:

Applicable Dept. ☐ Date:

Tentative Council Mtg Date: ~~1-20-17~~ 2-7-17

P:\public\Admin Services\Carol Bodine\Appointee_Form.wpd

RECEIVED

FEB 16 2017

CITY OF PORTERVILLE
CITY CLERK OFFICE

CITY OF PORTERVILLE
REQUEST FOR APPOINTMENT

Please complete all blanks.

Name: Virginia Gurrola
(Please Print)

Appointment to: Transaction + Use Tax Oversight Committee
(Name of Board, Commission, or Committee)

☐ Reappointment; or IF NEW, please provide :

Street Address: [redacted]
Porterville, CA. 93257

Mailing Address: (same)

Name of Business: N/A

☐ Own ☐ Operate

Business Address: N/A

Telephone: Home [redacted]
Work
FAX
E-mail

City of Porterville resident:
☑ Yes
☐ No

Registered Voter:
☑ Yes
☐ No

Qualifications: See Attached

☑ Resume attached

☐ Letter of request attached

Submitted By: [signature] 2/13/17
Date

Received by: L. Zavala

Forwarded to: City Clerk ☐ Date: 2/16/16

City Council ☐ Date:

City Manager ☐ Date:

Applicable Dept. ☐ Date:

Tentative Council Mtg Date:

Virginia Gurrola
Resume
[redacted] Porterville, CA. 93257

Summary of Experience

Retired faculty and Administrator from Porterville College with 37 years' experience at the community college level. Experience includes: administrator, grant writer, budgeting, supervisor and collaborated team building; compliance with local, state and federal regulations.

Served on the City of Porterville Council for 12 years as the Mayor, Vice Mayor and councilmember. In addition served on several city and county committees: Tulare County Transportation Authority (TCTA); Tulare County Association of Governments (TCAG); Porterville Successor Agency to the Redevelopment Agency; Porterville Public Finance Authority; Porterville Public Improvement Corporation; Porterville Planning Commission; Mitigation Banking Committee; Rail Advisory Committee; Economic Development Corporation of Tulare County; San Joaquin Valley wide Special City Selection Committee (San Joaquin Valley Air Pollution Control District's) and Porterville Drought Taskforce.

Served as the Past President of the Family Crises Center Board and board member for four years. Past President of the Comision Honorifica Mexican Americana. Currently serve as the President of the American Association of University Women (AAUW).

Career Experience

May 1976 - 1979

Administrative Assistant, Porterville College-Extended Opportunity Program and Service (EOPS)

Administrative duties in support of EOPS operations and programs; monitored student grants, academic progress, maintained accounting system; monitored budget and complete all necessary transaction; completed required reporting to the state; responsible for understanding and implementing EOPS regulations and policies; knowledgeable to federal financial aid regulations; provide overall office support to students and staff; and advised students on General Ed requirements.

July 1982 - 1995

Director, Porterville College-Extended Opportunity Program and Service (EOPS) and Cooperative Agencies Resources for Education (CARE) Program and Director, Financial Aid Director.

Responsible for the overall administration, supervision and coordination of the EOPS/CARE; Financial Aid Program in preparation and administration of the district and state EOPS/CARE Program budgets; and required to effectively communicate the Program's objectives and services to the college community. In addition, as the Director, provided district leadership in the coordination of school and community based outreach efforts for students. Director identified, defined, and developed funding sources to support existing and planned program activities as well as write and submit grant proposals.

July 1998

Interim Executive Director of Porterville College Foundation; Director of Admissions and Records; Financial Aid Director

Under the Direction of the President of Porterville College and President of the Foundation to provide leadership and day-to-day administration of the College Foundation Program; responsible for developing a planned, organized, and comprehensive review of donor accounts and scholarships criteria's; coordinated the annual fund raising wine event and reaching sectors of the Porterville community; enhanced the long-term financial health of the foundation; recognition of donors; and for coordinating the distribution of foundation funds through student scholarships to advance the success of students' academic performance. Reported to the College President; and collaborated with the Director of Research, Planning and Development, the Foundation Board of Directors, and other departments within the college.

July 2009 - 2013

Lead for Kern Community College Degree Works Program (Student Degree Audit Program); Director of Admissions and Records: Financial Aid Director

Under the supervision of the Kern Community College Vice Chancellor to collaborate on the implementation of Degree Works a Degree Audit program a web-based application allowing students to view their progress towards a degree. Program provided students with a screen view of results or two to four page print out listing student's requirements including: courses taken, courses currently being taken, courses required to meet degree options and ability to create "What If" function allowing students to hypothetically change their major, minor, or concentration to reflect coursework required for the new major.

CITY COUNCIL AGENDA – FEBRUARY 21, 2017

SUBJECT: Consider Establishing a Permit to Allow Residents to Modify the Even/Odd Watering Schedule

SOURCE: City Manager's Office

COMMENT: At its meeting on January 17th, the City Council approved Vice Mayor Ward's request to consider establishing a permit to allow residents to modify the even/odd watering schedule as a Scheduled Matter at its February 7th meeting. Due to Vice Mayor Ward being ill and absent from the February 7th meeting, the Council continued the item to the February 21st meeting.

Pursuant to the City's Drought Response plans, the mandatory odd/even watering schedule dictates that odd addresses in the city allow for outdoor watering on Saturdays, and even addresses allow for outdoor watering on Sundays. Due to personal and professional limitations for some local residents, Vice Mayor Ward has indicated the interest for residents to secure either a no- or low-cost permit through the City to allow for outdoor watering on the alternate day of the weekend.

To determine water conservation practices of major water purveyors in the area, staff contacted the Cities of Bakersfield, Fresno, Hanford, Tulare and Visalia. The City of Tulare provides water conservation exemption permits for health and safety, new lawns, and pool draining and filling, as well as a general exemption for which the applicant must specify the reason for the exemption. Similar to Tulare, the City of Fresno provides a 30-day new lawn permit which allows a resident to water during the required scheduled times of any allowable outdoor watering day. The Cities of Bakersfield, Hanford and Visalia provide no water conservation exemptions.

RECOMMENDATION: That the City Council consider the establishment of a permit to allow residents to modify the even/odd watering schedule.

ATTACHMENTS: 1. City of Tulare Water Conservation Exemption Request

Appropriated/Funded:

Review By:

Department Director:
Final Approver: John Lollis, City Manager

Item No. 10.

WATER CONSERVATION
EXEMPTION REQUEST FORM

DATE: _____

NAME: _____

ADDRESS: _____

_____

PHONE: _____

FOR OFFICE USE ONLY:

APPROVED BY: _____

DENIED BY: _____

VALID DATES:

_____

Address of Requested Exemption: _____

Type of Exemption Requested: _____

_____

_____

Reason for Exemption: _____

_____

_____

Signature of Applicant: _____

Please return completed form to:

City of Tulare
Water Division
3981 South "K" Street
Tulare, CA 93274

CITY COUNCIL AGENDA – FEBRUARY 21, 2017

SUBJECT: Consider Establishing a Fine for Violating the City's Sign Ordinance

SOURCE: City Manager's Office

COMMENT: At its meeting on January 17th, the City Council approved Vice Mayor Ward's request to consider establishing a fine for violating the City's Sign Ordinance as a Scheduled Matter at its February 7th meeting. Due to Vice Mayor Ward being unable to attend the February 7th meeting due to illness, the Council continued the item to the February 21st meeting.

Violations of the City's Sign Ordinance are currently administered similar to most code enforcement violations, in that voluntary compliance is first sought to remedy the violation. Generally, a period of time is allowed to gain compliance, prior to initiating a sequencing of further notices of violation and progressive fines for failure to comply. Specific to signage, generally the property owner is responsible for violations and corresponding fines.

RECOMMENDATION: That the City Council consider the establishment of a fine for violating the City's Sign Ordinance.

ATTACHMENTS:
1. Municipal Code: Administrative Citations
2. Municipal Code - Signs

Appropriated/Funded:

Review By:

Department Director:
Final Approver: John Lollis, City Manager

Chapter Article XIV
ADMINISTRATIVE CITATIONS

2-141: LEGISLATIVE FINDINGS AND STATEMENT OF PURPOSE:

A. Alternative Method Of Enforcement: The city council hereby finds that there is a need for an alternative method of enforcement for minor violations of this code, or state codes specifically adopted by reference in the applicable chapters of this code. The city council further finds that an appropriate method of enforcement for minor violations is an administrative citation program as authorized by Government Code section 53069.4.

B. Procedures Additional To Other Remedies: The procedures established in this article shall be in addition to criminal, civil or any other legal remedy established by law, which may be pursued to address violations of this code and state codes specifically adopted by reference in the applicable chapters of this code.

C. City Goals: The city council hereby finds and determines that enforcement of this code, other ordinances adopted by the city, conditions on entitlements and terms and conditions of city agreements are matters of local concern and serve important public purposes. Consistent with its powers as a charter city, the city of Porterville adopts this administrative citation program provision in order to achieve the following goals, and:

1. To protect the public health, safety and welfare of the citizens of the city;

2. To gain compliance with this code and state codes specifically adopted by reference in the applicable chapters of this code in a timely and efficient manner;

3. To provide a method to hold parties responsible when they fail or refuse to comply with the provisions of this code and state codes specifically adopted by reference in the applicable chapters of this code;

4. To minimize the expense and delay where the sole remedy is to pursue responsible parties in the civil or criminal justice system;

5. To provide for an administrative process to appeal the imposition of administrative citations and fines.

D. Purpose: The purpose of this article is to enable the city, acting as a charter city pursuant to article XI, sections 5 and 7 of the state constitution, to impose and collect civil

administrative fines in conjunction with the enforcement of provisions of this code or state codes specifically adopted by reference in the applicable chapters of this code. Notwithstanding the provisions herein, the city has, and shall continue to employ, the philosophy of voluntary compliance when seeking compliance with this code and state codes specifically adopted by reference in the applicable chapters of this code.

E. Voluntary Compliance: Prior to the implementation of the enforcement policies and penalties stated herein, voluntary compliance approaches, when practical, should first be used in order to educate city property owners and businesses concerning the requirements of this code, or state codes specifically adopted by reference in the applicable chapters of this code, and the corrective action necessary to correct a violation of this code and state codes specifically adopted by reference in the applicable chapters of this code.

F. Use Of Provisions Discretionary: Use of this article shall be at the sole discretion of the city. (Ord. 1720 § 3, 5-1-2007)

2-142: DEFINITIONS:

The following terms shall mean:

ENFORCEMENT OFFICER: Any officer or employee with the authority to enforce this code, and state codes specifically adopted by reference in the applicable chapters of this code.

HEARING OFFICER: Any person appointed by the city manager to preside over the administrative hearings provided for in this article.

RESPONSIBLE PERSON: Any individual or entity who is the registered owner or occupant of real property, owner or authorized agent of any business, company, or entity, or the parent or the legal guardian of any person under the age of eighteen (18) years, who causes or maintains a violation of this code or state codes specifically adopted by reference in the applicable chapters of this code. (Ord. 1720 § 3, 5-1-2007)

2-143: AUTHORITY:

A. Issuance Of Citation: Any person violating any provision of this code, or state codes specifically adopted by reference in the applicable chapters of this code, may be issued an administrative citation by an enforcement officer as provided in this chapter. A

violation of this code includes, but is not limited to: all violations of this code, and applicable state codes, ordinances or regulations adopted by the city council; or the failure to comply with any condition imposed by any entitlement, permit, agreement or environmental document issued or approved under the provisions of this code.

B. Each Day A Separate Offense: Each and every day a violation exists may constitute a separate and distinct offense.

C. Civil Fine: A civil fine shall be assessed by means of an administrative citation issued by the enforcement officer and shall be payable directly to the city of Porterville. (Ord. 1720 § 3, 5-1-2007)

2-144: VIOLATIONS, PENALTIES AND ENFORCEMENT:

The city council of the city of Porterville intends to secure compliance with the provisions of this code, and state codes specifically adopted by reference in the applicable chapters of this code. To the extent that such compliance may be achieved by less drastic methods of enforcement, the following alternate, separate and distinct methods may be utilized. Each method set forth herein is intended to be mutually exclusive and does not prevent concurrent or consecutive methods being used to achieve compliance against continuing violations. Each and every day any such violations exist constitutes a separate offense. Notwithstanding any other provision of this code, and state codes specifically adopted by reference in the applicable chapters of this code, each violation of the provisions of this code may be enforced alternatively as follows:

A. Misdemeanor: Unless otherwise specified in this code, any person violating any of the provisions or failing to comply with any of the mandatory requirements of this code, and state codes specifically adopted by reference in the applicable chapters of this code, may be prosecuted for a misdemeanor. Written citations for misdemeanors may be issued by police officers or by nonsafety employees designated by this code. Any person convicted of a misdemeanor under the provisions of this code, and state codes specifically adopted by reference in the applicable chapters of this code, shall be punished by a fine not exceeding one thousand dollars ($1,000.00) or imprisonment for a term not exceeding six (6) months, or by both such fine and imprisonment.

B. Infraction: In the alternative, with the concurrence of the city attorney, any person violating any of the provisions or failing to comply with any of the mandatory requirements of this code, and state codes specifically adopted by reference in the applicable chapters of this code, may be prosecuted for an infraction. Written citations for infractions may be issued

by police officers or nonsafety employees designated by this code. Unless otherwise set forth in this code, fines shall be assessed in the amounts specified as follows:

1. A fine not exceeding one hundred dollars ($100.00) for a first violation;

2. A fine not exceeding two hundred dollars ($200.00) for a second violation of the same ordinance within twelve (12) months, or five hundred dollars ($500.00) for building and safety code violations;

3. A fine not exceeding five hundred dollars ($500.00) for each additional violation of the same ordinance within twelve (12) months, or one thousand dollars ($1,000.00) for building and safety code violations.

C. Civil Action: The city attorney, or an attorney hired for such purposes by and at the request of the city council, may institute an action in any court of competent jurisdiction to restrain, enjoin or abate the condition(s) found to be in violation of the provisions of this code, or state codes specifically adopted by reference in the applicable chapters of this code, as provided by law, and the city shall be entitled to its attorney fees and costs.

D. Administrative Citation: Upon a finding by the city official vested with the authority to enforce the various provisions of this code, or state codes specifically adopted by reference in the applicable chapters of this code, that a violation exists, he or she may issue an administrative citation under the provisions of this article. (Ord. 1720 § 3, 5-1-2007)

2-145: SERVICE PROCEDURES:

An administrative citation on a form approved by the city manager shall be issued to the responsible person by an enforcement officer for violations of this code, or state codes specifically adopted by reference in the applicable chapters of this code, in the following manner:

A. Personal Service: In any case where an administrative citation is issued:

1. The enforcement officer shall attempt to locate and personally serve the responsible person and obtain the signature of the responsible person on the administrative citation.

2. If the responsible person served refuses or fails to sign the administrative citation, the failure or refusal to sign shall not affect the validity of the administrative citation or of subsequent proceedings.

B. Service Of Citation By Mail: If the enforcement officer is unable to locate the responsible person, the administrative citation shall be mailed to the responsible person by certified mail, postage prepaid, with a requested return receipt. Simultaneously, the citation may be sent by first class mail. If the citation is sent by certified mail and returned unsigned, then service shall be deemed effective pursuant to first class mail, provided the citation sent by first class mail is not returned.

C. Service By Citation By Posting Notice: If the enforcement officer does not succeed in serving the responsible person personally, or by certified mail or regular mail, the enforcement officer shall post the administrative citation on any real property within the city where the city has knowledge that the responsible person has a legal interest, and such posting shall be deemed effective service. (Ord. 1720 § 3, 5-1-2007)

2-146: CONTENTS OF NOTICE:

Each administrative citation shall contain the following information:

A. Date, approximate time, and address or definite description of the location where the violation(s) was observed;

B. The code sections or conditions violated and a description of the violation(s);

C. An order to the responsible person to correct the violations within the time specified, and an explanation of the consequences of failure to correct the violation(s);

D. The amount of the fine for the violation(s);

E. An explanation of how the fine shall be paid and the time period by which it shall be paid;

F. Identification of rights of appeal, including the time within which the citation may be contested and the place to obtain a request for hearing form to contest the administrative citation; and

G. The name and signature of the enforcement officer.

H. If possible, the signature of the responsible person. (Ord. 1720 § 3, 5-1-2007)

2-147: SATISFACTION OF ADMINISTRATIVE CITATION:

Upon receipt of a citation, the responsible person shall:

A. Pay the fine to the city within fifteen (15) working days from the issuance date of the administrative citation. All fines assessed shall be payable to the city of Porterville. Payment of a fine shall not excuse or discharge the failure to correct the violation(s) nor shall it bar further enforcement action by the city; and

B. Remedy the violation(s). If the responsible person fails to correct the violation(s), subsequent administrative citations may be issued for the same violation(s). The amount of the fine for failure to correct the violation shall increase at a rate specified in this article or by ordinance. (Ord. 1720 § 3, 5-1-2007)

2-148: APPEAL OF ADMINISTRATIVE CITATION:

Any recipient of an administrative citation may contest that there was a violation of this code, or state codes specifically adopted by reference in the applicable chapters of this code, or that he or she is the responsible person by completing a request for hearing form and returning it to the city within fifteen (15) working days from the issuance date of the administration citation, together with an advanced deposit (full amount) of the fine. Any administrative citation fine, which has been deposited, shall be refunded if it is determined, after a hearing, that the person charged in the administrative citation was not the responsible person for the violation(s) or that there was no violation(s) as charged in the administrative citation. (Ord. 1720 § 3, 5-1-2007)

2-149: HEARING OFFICER:

The city manager shall designate the hearing officer for the administrative citation hearing. The hearing officer shall not be a current Porterville city employee. The employment, performance evaluation, compensation and benefits of the hearing officer, if any, shall not be directly or indirectly conditioned upon the amount of administrative citation fines upheld by the hearing officer. (Ord. 1720 § 3, 5-1-2007)

2-150: HEARING PROCEDURE:

A. Request For Hearing: No hearing to contest an administrative citation before a hearing officer shall be held unless and until a request for hearing form has been completed and submitted, and the fine has been deposited in advance.

B. Setting Date For Hearing: A hearing before the hearing officer shall be set for a date that is not less than fifteen (15) working days and not more than sixty (60) working days from the date that the request for hearing is filed in accordance with the provisions of this article. The person requesting the hearing shall be notified of the time and place set for the hearing at least ten (10) working days prior to the date of the hearing.

C. Considering Evidence: The enforcement hearing officer shall only consider evidence that is relevant to whether the violation(s) occurred and whether the responsible person has caused or maintained the violation(s) of this code, or state codes specifically adopted by reference in the applicable chapters of this code, on the date(s) specified in the administrative citation.

D. Testimony And Witnesses Allowed: The responsible person contesting the administrative citation shall be given the opportunity to testify and present witnesses and evidence concerning the administrative citation.

E. Failure To Appear: The failure of any recipient of an administrative citation to appear at the administrative citation hearing shall constitute a forfeiture of the fine and a failure to exhaust their administrative remedies.

F. Evidence Of Facts: The administrative citation and any additional documents submitted by the enforcement officer shall constitute prima facia evidence of the respective facts contained in those documents.

G. Submission Of Additional Written Report To Hearing Officer: If the enforcement officer submits an additional written report concerning the administrative citation to the hearing officer for consideration at the hearing, then a copy of this report also shall be served by mail on the person requesting the hearing at least five (5) working days prior to the date of the hearing. At least ten (10) working days prior to the hearing, the recipient of an administrative citation shall be provided with copies of the citations, reports and other documents submitted or relied upon by the enforcement officer. No other discovery is permitted. Formal rules of evidence shall not apply.

H. Continuation Of Hearing: The hearing officer may continue the hearing and request additional information from the enforcement officer or the recipient of the administrative citation prior to issuing a written decision. (Ord. 1720 § 3, 5-1-2007)

2-151: HEARING OFFICER'S DECISION:

A. Issuance Of Written Decision: After considering all of the testimony and evidence submitted at the hearing, the hearing officer shall issue a written decision within ten (10) working days of the close of the hearing to uphold or deny the administrative citation and shall list in the decision the reasons for that decision. The decision of the hearing officer shall be final, subject to judicial review.

B. Citation Upheld: If the hearing officer determines that the administrative citation should be upheld, then the fine amount on deposit with the city shall be retained by the city.

C. Citation Dismissal: If the hearing officer determines that the administrative citation should be dismissed, the city shall refund the amount of the deposit within ten (10) working days of the date of its receipt of the decision.

D. Notice Of Decision To Recipient: The recipient of the administrative citation shall be served with a copy of the hearing officer's written decision in the manner prescribed above. (Ord. 1720 § 3, 5-1-2007)

2-152: FAILURE TO PAY FINES:

The failure of any person to pay the civil fines assessed by an administrative citation within the time specified on the citation may result in the matter being referred to the city of Porterville - finance, to file a claim with the small claims court. Alternatively, the city may pursue any other legal remedy to collect the civil fines. The city may also recover all of its collection costs, including its attorney fees. (Ord. 1720 § 3, 5-1-2007)

2-153: RIGHT TO JUDICIAL REVIEW:

Any person aggrieved by a decision of a hearing officer on an administrative citation may obtain review of the administrative decision by filing a petition for review with the Tulare County superior court in accordance with the time lines and provisions as set forth in California Government Code section 53069.4. (Ord. 1720 § 3, 5-1-2007)

2-154: NOTICES:

A. The administration citation and all notices to be given by this article shall be served on the responsible person in accordance with the provisions of this article.

B. Failure to receive any notice specified in this article does not affect the validity of proceedings conducted hereunder. (Ord. 1720 § 3, 5-1-2007)

2-155: SEVERABILITY:

If any section, subsection, sentence, clause or phrase of this article is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of the remaining portions of this article. The city council hereby declares that it would have passed this article and each section, subsection, clause or phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional. (Ord. 1720 § 3, 5-1-2007)

ARTICLE 305. SIGNS[1]

305.01: PURPOSE:

The purpose of this article is to establish regulations to ensure the orderly display of signs as a citywide information system, consistent with state and federal law. These regulations recognize the desire and need of each individual, business, firm or corporation to identify its place of residence, business or service, and realizing that the indiscriminate erection, location, illumination, coloring, size, and lack of proper maintenance of signs and advertising structures constitutes a significant contributing factor detrimental to the well being and continuing activity of a city's people and economy. Specifically, these regulations are intended to:

A. Assure that all signs and advertising structures are designed, erected and maintained in a manner to enhance, rather than detract from, the ultimate design and appearance of the affected locality, and do not impair the view of nearby or adjacent signs;

B. Prohibit the installation and maintenance of signs or advertising structures that unduly distract motorists' attention from driving, and which detract from attention to traffic movement and to signs and signals promoting traffic safety;

C. Prevent the installation and maintenance of signs or advertising structures that individually or collectively have an injurious effect on the morale of the people and the economic well being of the city;

D. Assure that size and location of signs and advertising structures do not constitute an obstacle to effective fire protection and firefighting techniques; nor constitute a direct or potential danger to vehicular or pedestrian traffic, especially in the event of structural failure during the period of inclement weather and earthquakes or in the event of impaired vision due to improper size or location; and

E. Otherwise protect the public health, safety, morale, and promote the public welfare. (Ord. 1828, 11-3-2015)

305.02: POLICIES:

The policies and principles stated in this section apply to all signs within the regulatory scope of this article, and to all procedures set forth in, or invoked by, this article. These policies are to prevail over any other provision to the contrary, even if more specific.

A. Permit Requirement: Unless expressly exempted by a provision of this article, or by other applicable law, signs within the regulatory scope of this article may be displayed only pursuant to a permit issued by the city.

B. Message Neutrality: It is the city's policy to regulate signs in a constitutional manner that is content neutral as to noncommercial signs and viewpoint neutral as to commercial signs.

C. Regulatory Interpretations: All regulatory interpretations of this article are to be exercised in light of the city's message neutrality policy. Where a particular type of sign is proposed in a permit application, and the type is neither expressly allowed nor prohibited by this article, or wherever a sign does not qualify as a "structure" as defined in the building code, then the zoning administrator shall approve, conditionally approve, or disapprove the application based on the most similar sign type that is expressly regulated by this article.

D. Substitution Of Messages: Subject to the property owner's consent, a noncommercial message of any type may be substituted for any duly permitted or allowed noncommercial message, provided that the sign structure or mounting device is legal without consideration of the message content. Such substitution of message may be made without any additional approval or permitting. This provision prevails over any more specific provision to the contrary within this article. The purpose of this provision is to prevent any inadvertent favoring of commercial speech over any other noncommercial message. This provision does not create the right to increase the total amount of signage on a parcel, lot or land use; does not affect the requirement that a sign structure or mounting device be properly permitted; does not allow a change in the physical structure of a sign or its mounting device; does not allow the substitution of an off site commercial message in place of an on site commercial message; and does not allow one particular on site commercial message to be substituted for another without a permit.

E. Rules For Noncommunicative Aspects Of Signs: All rules and regulations concerning the noncommunicative aspects of signs, such as location, size, height, illumination, spacing, orientation, etc., stand enforceable independently of any permit or approval process.

F. Sites Of Noncommercial Message Signs: The on site/off site distinction applies only to commercial messages on signs.

G. Property Owner's Consent: No sign may be displayed without the consent of the legal owner(s) of the property on which the sign is mounted or displayed. For purposes of this policy, "owner" means the holder of the legal title to the property and all parties and persons holding a present right to possession, control or use of the property.

H. Legal Nature Of Signage Rights And Duties: As to all signs attached to property, real or personal, the signage rights, duties and obligations arising from this article attach to and travel with the land or other property on which a sign is mounted or displayed. This provision does not modify or affect the law of fixtures, sign related provisions in private leases regarding signs (so long as they are not in conflict with this article), or the ownership of sign structures.

I. Sign Programs: Sign programs for specific developments, as well as special sign districts or special sign overlay zones, when approved by the approving authority, may modify the rules stated herein as to sign size, height, number, illumination, spacing, orientation or other noncommunication aspects of signs, but may not override or modify any of the basic policies stated in this section. All the provisions of this section shall automatically apply to, and be deemed a part of, any sign program after the date on which this provision is initially adopted.

J. Severance: If any section, sentence, clause, phrase, word, portion or provision of this article is held invalid, or unconstitutional, or unenforceable by any court of competent jurisdiction, such holding shall not affect, impair, or invalidate any other section, sentence, clause, phrase, word, portion, or provision of this article which can be given effect without the invalid portion. In adopting this article, the city council affirmatively declares that it would have approved and adopted the article even without any portion which may be held invalid or unenforceable. (Ord. 1828, 11-3-2015)

305.03: APPLICABILITY:

The requirements and development standards in this article apply to signs in all zoning districts, unless otherwise specified. (Ord. 1828, 11-3-2015)

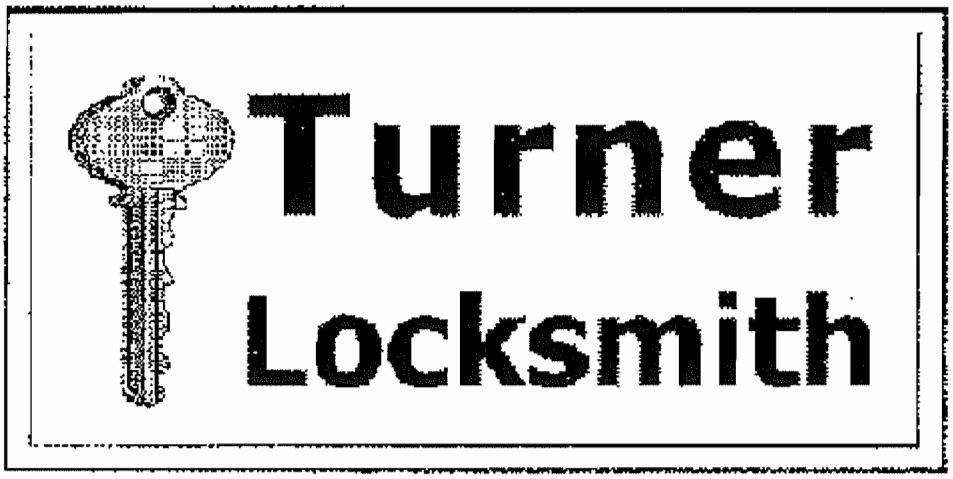
305.04: DESIGN PRINCIPLES:

A. Architectural Compatibility: A sign (including its supporting structure, if any) shall be designed as an integral design element of a building's architecture and architecturally compatible, including color and scale, with any building to which the sign is to be attached and with surrounding structures. A sign that spills over "natural" boundaries or architectural features and obliterates parts of upper floors of buildings, or is detrimental to visual order is not permitted.

B. Consistency With Area Character: A sign shall be consistent with distinct area or district characteristics and incorporate common design elements such as sign materials or themes. Where a sign is located in close proximity to a residential area, the sign shall be designed and located so it has little or no impact on adjacent residential neighborhoods.

C. Legibility: The proportion of the elements of the sign's message, including logos, letters, icons and other graphic images, shall be selected based on the anticipated distance and travel speed of the viewer. Colors chosen for the sign text and/or graphics shall have sufficient contrast with the sign background in order to be easily read during both day and night hours.
FIGURE 305.04C: LEGIBILITY OF SIGNS

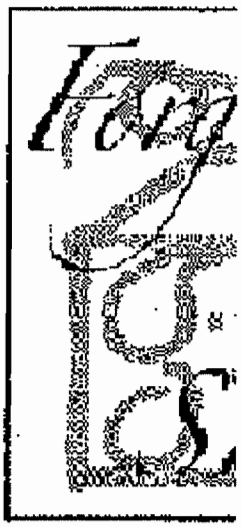
This:



Not This:

This:

Not This:



D. Finish: Signs shall have finished edges with a clean, smooth, consistent surface. Lettering on the sign is to be of complementary size, proportion and font and either carved, routed, painted or applied.

E. Visibility: A sign shall be conspicuous and readily distinguishable from its surroundings. (Ord. 1828, 11-3-2015)

305.05: EXEMPT SIGNS:

The following signs are exempt from the permit requirements of this article, and they do not count toward the total sign number or area limit for a site, provided that they conform to the specified standards and obtain building permits when required by law.

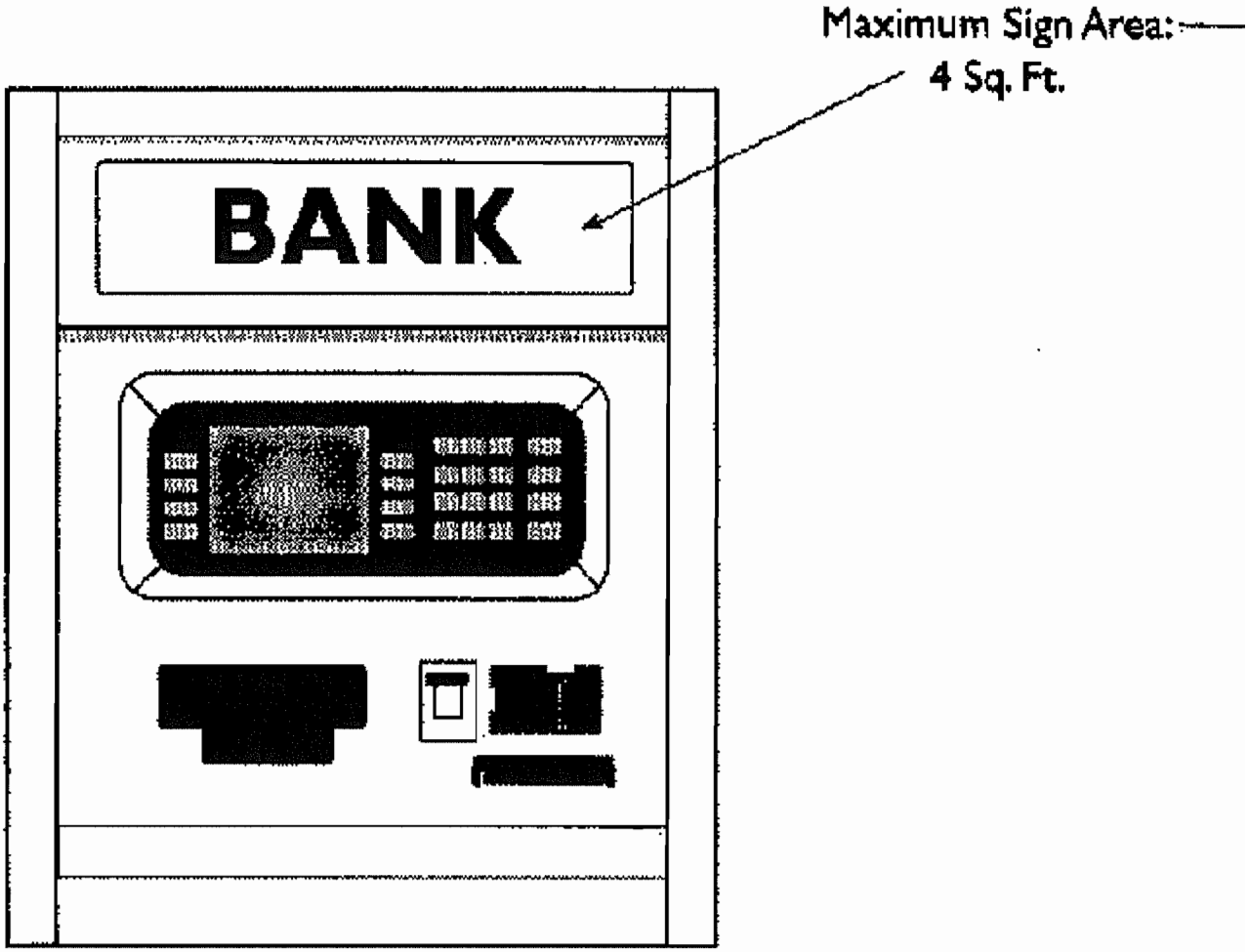
A. Civic Signs: Signs for historical or memorial buildings, when constructed of bronze or other incombustible materials or cut into any masonry surface and installed by a civic organization recognized by the city council.

B. Change Of Business Signs: A temporary attachment or covering of wood, plastic, or canvas over a permanent sign may be displayed no longer than thirty (30) days following the change of ownership, or up to ninety (90) days following issuance of a building permit. The sign shall be no larger than the previously permitted permanent sign.

C. Construction Signs: One sign, with a maximum sign area of thirty two (32) square feet, per street frontage on real property where construction, structural alteration or repair is to take place, or is taking place. Construction signs shall be removed upon final building inspection.

D. Equipment Signs: Signs, not more than four (4) square feet in area, incorporated into displays, machinery or equipment by a manufacturer, distributor or vendor, such as signs customarily fixed to automated teller machines (ATMs), gasoline pumps, vending machines, menu boards and umbrellas.

FIGURE 305.05D: EQUIPMENT SIGNS



E. Flags: Flags with the display of only noncommercial speech.

F. Handbills: Handbills, advertising circulars, etc., must comply with the standards and licensing contained in chapter 3, article II of the municipal code.

G. Identification Signs: A maximum of one sign per apartment house, boarding or rooming house or similar use, not exceeding six (6) square feet in area.

H. Information Signs: A maximum of two (2) signs per building within six feet (6') of the building entrances for commercial, industrial, and office uses, not exceeding six (6) square feet per building. Government uses, in addition to the aforementioned six (6) square feet per building, may include not more than one shadowbox with not more than ten (10) square feet of display area.

I. On Site Signs: Up to two (2) on site signs for public or private developments, not exceeding four (4) square feet in area per face, and not exceeding forty eight inches (48") in height, provided such signs are not prohibited or further regulated by other sections of this article or any other ordinance of the city. Uses that include a drive-through service window are allowed one additional sign per this exemption.

J. For Sale Or Rent Signs: Properties or leased spaces may display not more than one on site sign with a maximum size of six (6) square feet (excluding rider signs no larger than a total of 6 square feet) and a maximum height of six feet (6') in the R districts, and a maximum size of thirty two (32) square feet and a maximum height of eight feet (8') in all other districts, per street frontage of a parcel when the property is currently for sale or rent. Such signs shall be removed within five (5) days following close of escrow or finalization of sale, rental or lease.

K. Reader Panels: Permanent reader panels for public, charitable, or religious institutions provided said reader panels are located on the property to which such reader panels pertain and do not exceed twenty (20) square feet in total area per face nor more than ten feet (10') in height, and further provided said reader panels are located in such a manner as not to constitute a hazard to vehicular or pedestrian traffic. Electronic reader boards which otherwise comply with the signage requirements of the zone in which they are located, and do not include animation, characters, flashing, or similar rapid movements, and which are programmed to change messages no more frequently than once every three (3) seconds shall also be allowed as exempt signs for public, charitable or religious institutions.

L. Sponsorship Signs: One sign per business provided by said business, which sponsors and contributes to the sports activities upon public premises, not to exceed thirty six (36) square feet in area, per site shall be permitted for a period not to exceed ninety (90) days preceding the event or season. Such sign shall be removed within fifteen (15) days after the event or season.

M. Transit Signs: Bus stop, shelter, and bench advertisement displays as permitted by the transit advertising policy. (Ord. 1828, 11-3-2015)

305.06: PROHIBITED SIGNS:

The following types of signs and devices are specifically prohibited:

A. Animated, Flashing Or Moving Signs: Signs that incorporate flashing, moving, rotating, pulsating or intermittent lighting, with the exception of changeable copy message center display signs and barber poles, except as allowed elsewhere in this article. Any sign that, because of brilliant lighting, interferes with the enjoyment of surrounding residential property or interferes with traffic, vehicular or pedestrian, is prohibited.

B. Balloons, Banners, Streamers And Pennants: Signs, balloons, banners, pennants, or any other advertising display constructed of cloth, canvas, light fabric, paper, cardboard, wallboard or other light materials, except awnings or as allowed for automobile/vehicle sales and leasing establishments, or in section 305.11, "Temporary Signs", of this article.

C. Billboards: Any sign directing attention to a business, service, or product that is not conducted, sold, produced, or offered by any use on the same lot, or which identifies by brand name a product which, although sold on the premises, does not constitute one of the principal items for sale on the premises unless otherwise provided by the California outdoor advertising act[2].

D. Emissions: Signs that produce noise in excess of forty (40) decibels, excluding voice units at drive-through facilities, and signs that emit odor or visible smoke, vapor or particles.

E. Fence Signs: Signs attached or painted on fences or freestanding walls that are not part of a building, except for subdivision entry signs as allowed in subsection 305.08B of this article.

F. Obscenities: Signs that depict, describe or relate to "specified sexual activities" or "specified anatomical areas" as defined in article 700, "List Of Terms And Definitions", of this chapter.

G. Obstructions To Exits: Signs erected, constructed or maintained which obstruct any firefighting equipment, fire escape, required exit or door opening intended as a means of egress, unless approved by the fire marshal.

H. Obstructions To Driver Visibility: Signs in corner cutoffs and lines of sight in accordance with the provisions of section 300.16, "Visibility At Driveways And Intersections (Sight Distance)", of this series.

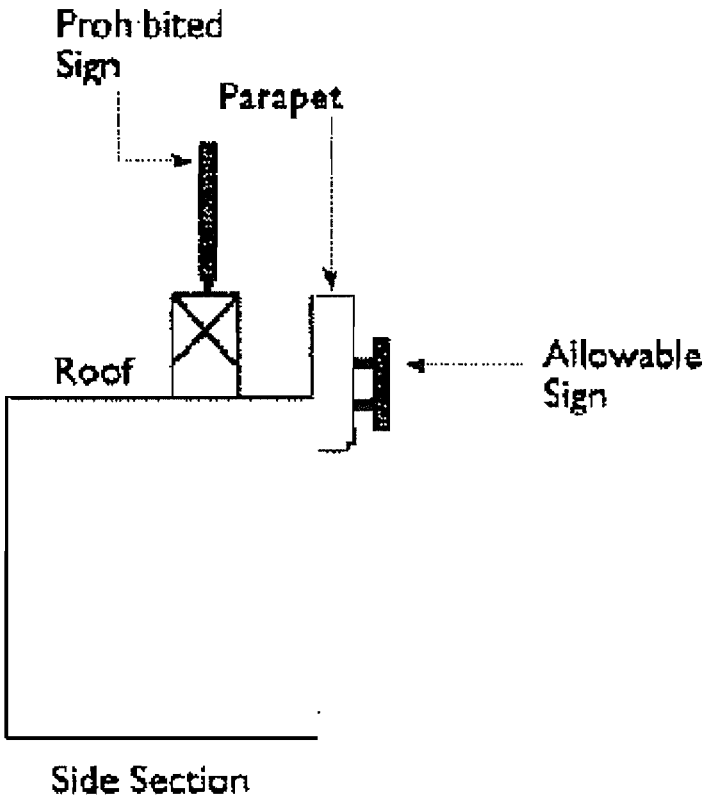
I. Obstructions To Ventilation: Signs that interfere with any opening required for ventilation.

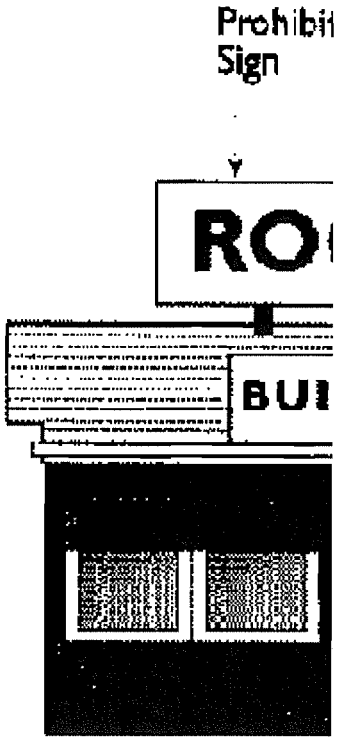
J. Portable Signs: Signs not permanently attached to, mounted upon or affixed to a building, structure or the ground, except as otherwise provided herein.

K. Posters: Posters of a temporary character that are tacked, painted, pasted or otherwise placed or affixed and made visible from a public way, on the walls of buildings, on barns, sheds, trees, fences, utility poles or other structures, sidewalks or patios, except as otherwise provided in this article. This subsection excludes signs placed in windows per subsection 305.10E of this article.

L. Roof Signs: Signs erected or painted upon, over or above the roof of a building or structure, or any sign affixed to the wall of a building so that it projects above the ridgeline or top of parapet, except as allowed in this article.

FIGURE 305.06L: ROOF SIGNS





M. Signs Creating Traffic Hazards: Signs that simulate in color, size or design any traffic control sign, signal or device, or that make use of words, symbols or characters in a manner that interferes with, misleads or confuses pedestrian or vehicular traffic. No sign, light or advertising structure shall be located in such a manner as to constitute a hazard to pedestrian or vehicular traffic, or in such a manner as to obstruct free and clear vision at any location where, by reason of the position, shape, color or movement may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or device.

N. Signs On Public Property: Signs affixed to or attached to public lands, including, but not limited to, public rights of way, parks, buildings, storm drainage basins, and other public facilities, or signs affixed to public amenities or public facilities or other public property on said public lands, are prohibited. When associated with rental or reservation of a public facility, signs may be temporarily attached to public property, so long as they are attached in such a manner that the removal of the sign does not cause any damage to the public property. Such signs must be removed at the end of the reservation period. (Ord. 1828, 11-3-2015)

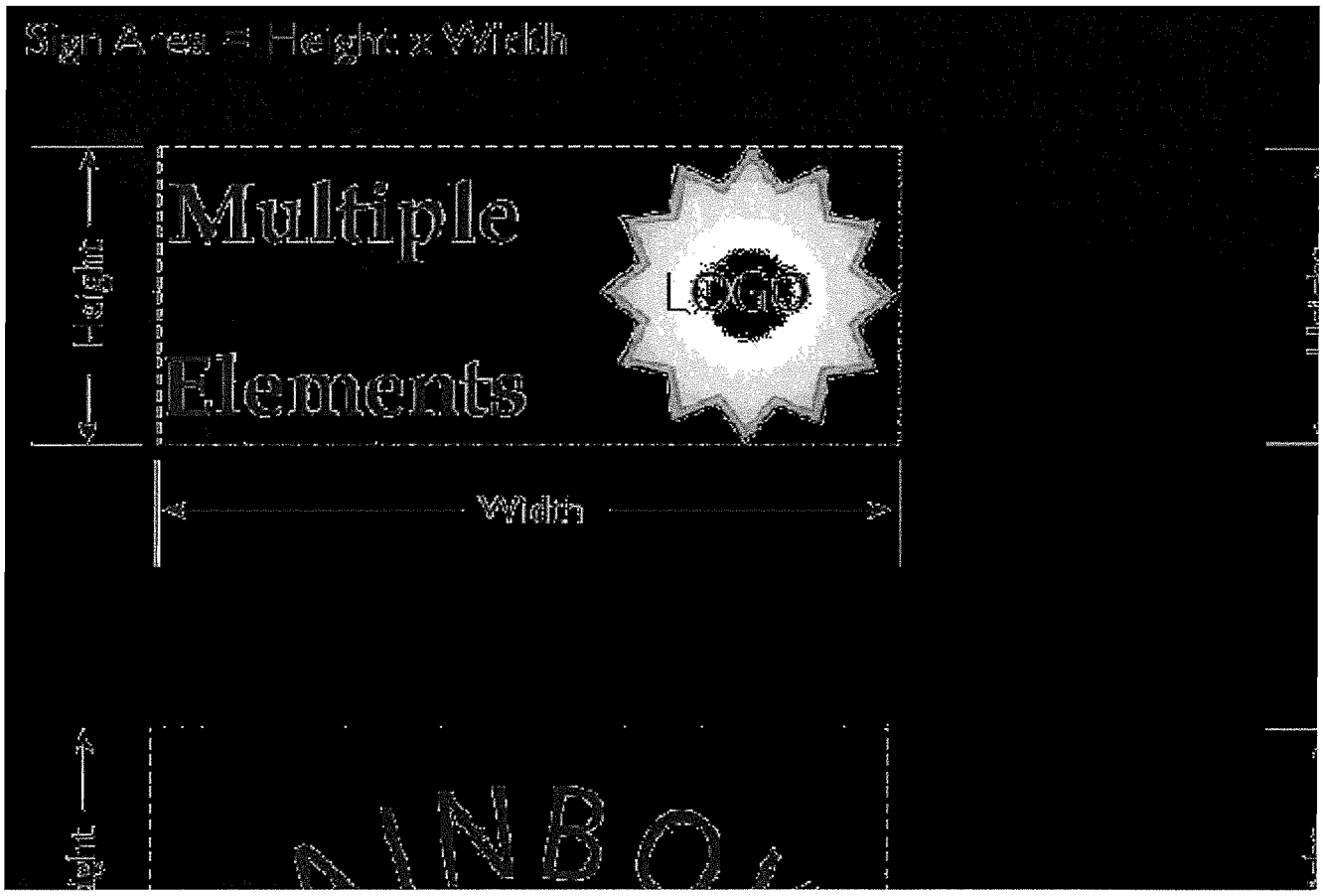
305.07: GENERAL STANDARDS:

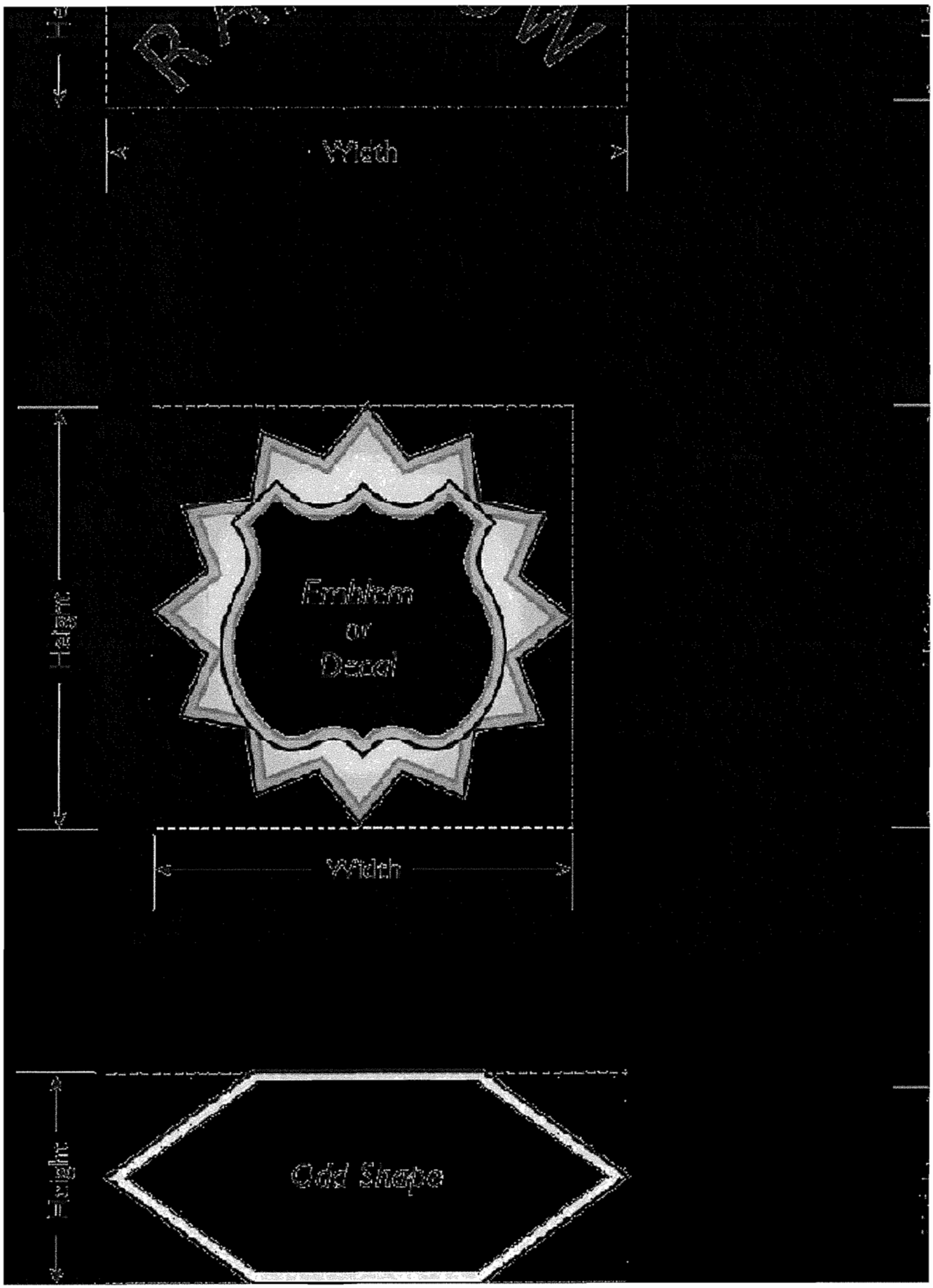
This section establishes general physical standards and requirements. More detailed standards applicable to specific sign types (e.g., wall signs, awning signs) are in section 305.10, "Standards For Specific Types Of Signs", of this article. In addition to these general standards, all signs shall conform to the specifications of chapter 3, "Advertising And Signs", of the municipal code.

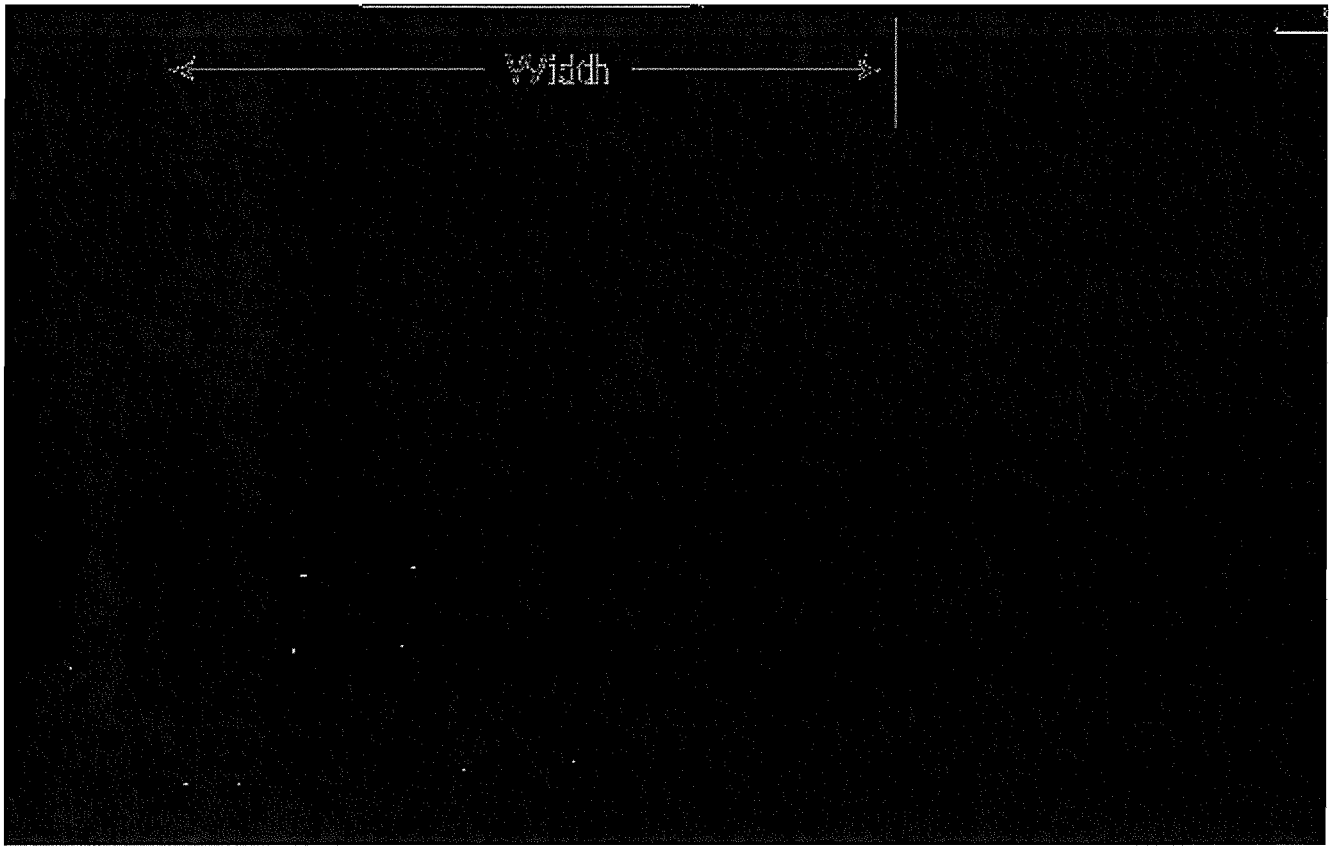
A. Maximum Allowable Sign Area: All signs shall conform to the maximum area requirements specified in section 305.09, table 305.09 of this article, unless a different limit is approved under a master sign program.

B. Measuring Sign Area: Sign area includes the entire face of a framed sign, but does not include the supporting structure. Individual letters attached to a building shall be measured by the area enclosed by a continuous line outlining the perimeter of the words, emblems, and logos.

FIGURE 305.07B: MEASURING SIGN AREA




Width
Height
Emblem
or
Decal
Width
Height
Odd Shape



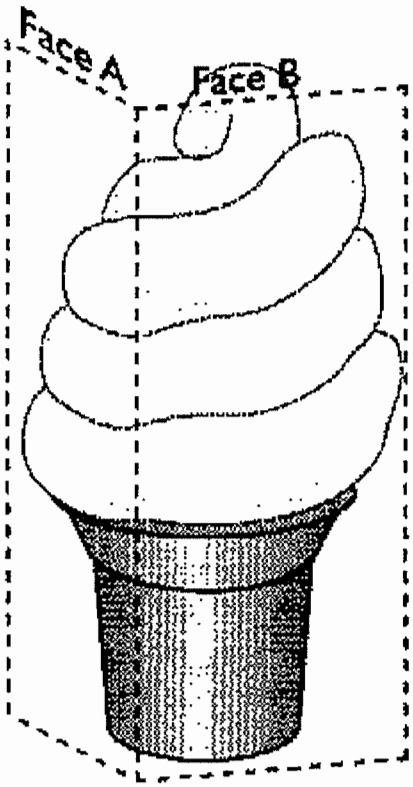
1. Double Faced Signs: For double faced signs, only one side shall be counted as the total area. Where the faces are not equal in size, the larger sign face shall be used as the basis for calculating sign area.

2. Multifaced Signs: The sign area of signs with three (3) or more sign faces shall be calculated as the sum of two (2) sign faces. Where the faces are not equal in size, the larger sign faces shall be used as the basis for calculating sign area.

3. Three-Dimensional Signs: Signs that consist of, or have attached to them, one or more three-dimensional object(s) (i.e., balls, cubes, clusters of objects, sculpture, or statuelike trademarks) shall have a sign area of the sum of two (2) adjacent sides or sign faces.

FIGURE 305.07B3: THREE-DIMENSIONAL SIGNS

Sign Area = Sum of Two Adjacent Sides



C. Abandoned Signs: Any sign, including its supporting structure, which no longer identifies the current occupant after a lapse of ninety (90) days, shall be deemed an abandoned sign and shall be removed by the owner of the property on which it is located. When a wall sign is removed, the wall behind the sign shall be repaired and painted to match the rest of the building wall. Any signs not removed or made blank within this time shall be removed pursuant to the removal procedures set forth in this article.

D. Building Frontage: Building frontage shall be considered the wall of a building that faces and is roughly parallel with a public street, excluding an alley. The linear dimension of that building frontage shall be used to calculate allowable signage. Buildings with walls facing more than one public street shall be allowed signage for each building frontage in accordance with section 305.09, table 305.09 of this article. Buildings located on interior lots (not on a corner) and that are oriented perpendicular to a public street shall be allowed signage based on the longer of the front or side building elevation. All, or a percentage of, the allowable sign area may be transferred to the other building elevations provided the sign area on any wall shall not exceed the maximum allowable for that wall

in accordance with section 305.09, table 305.09 of this article. For buildings that have no public street frontage, building frontage shall be determined by the zoning administrator.

E. Changeable Copy: Changeable copy shall cover no more than forty percent (40%) of the total sign allowance for manually changeable signs. For electronic message center signs with copy that can be changed or altered by electric, electromechanical, electronic, or any other artificial energy means, the changeable portion of the sign shall cover no more than forty percent (40%) of the total sign allowance. The following uses are exempt from this restriction: religious institutions, cinemas, government or civic uses, gas station uses, indoor theaters, schools, and colleges.

F. Clearance From Utilities: Signs and their supporting structures shall maintain clearance from, and not interfere with, electrical conductors, communications equipment or lines, surface and underground facilities and conduits for water, sewage, gas, electricity and communications equipment or lines. Signs shall not be placed in public utility easements unless express written permission from the affected public utility is obtained.

G. Construction And Maintenance:

1. Unless exempt, signs and supporting structures shall be installed in accordance with the latest adopted building code.

2. All signs, together with all supporting structures, shall be maintained in the following manner:

   a. Signs shall be kept free of rust, dirt and chipped, cracked or peeling paint.

   b. All hanging, dangling, torn or frayed parts of signs shall be promptly repaired, and graffiti and unauthorized attachments shall be removed.

   c. Failed, damaged, or blinking illumination shall be promptly replaced.

   d. Sign areas shall be kept free and clear of all noxious substances, rubbish and weeds.

   e. Discolored or faded panels on plastic faces shall be restored to their original condition and color.

H. Encroachment Into Public Street Or Sidewalk: Any sign projecting into a public right of way requires an encroachment agreement approved by the city engineer.

I. Illumination: Channel letters, internally illuminated signs and neon signs are permitted. Bare bulbs visible from the public right of way are prohibited. On signs with external illumination, lights shall be provided with proper reflectors to concentrate the illumination on the area of the sign to prevent glare on the street or adjacent properties. All sign illumination shall adhere to the performance standards for lighting and glare in article 306, "Performance Standards", of this series.

J. Materials: Paper, cardboard, untreated plywood and other materials subject to rapid deterioration shall be limited to signs displayed for no more than thirty (30) days. (Ord. 1828, 11-3-2015)

305.08: SIGN STANDARDS FOR RESIDENTIAL DISTRICTS:

A. Religious facilities, multi-family residential projects, schools, civic uses and other nonresidential uses in R districts are allowed one building mounted sign and one monument sign with a maximum cumulative sign area of thirty two (32) square feet.

B. Residential subdivisions are allowed one monument sign or wall sign per street frontage for entry into the subdivision. Each sign shall not exceed a maximum size of thirty two (32) square feet. (Ord. 1828, 11-3-2015)

305.09: SIGN STANDARDS FOR NONRESIDENTIAL DISTRICTS:

Signage in nonresidential districts shall comply with the standards in table 305.09 of this section unless a different sign area allowed for a specific use is described elsewhere in this municipal code. Buildings without clearly defined tenant space frontage shall share total sign area allowed per building as determined in table 305.09 of this section. All properties in nonresidential districts shall be allowed a minimum sign area of twenty (20) square feet.

TABLE 305.09
SIGN AREA AND SIGN STANDARDS FOR
SPECIFIC SIGN TYPES AND ZONING DISTRICTS

Zoning Districts (Frontage)	Sign Area Allowed (Square Feet Per 1 Linear Foot Of Building Frontage)	Permitted Sign Types

DR-N, D-MX	2	Awning and canopy
		Marquee
		Projecting
		Wall
		Window
D-PO	2	Awning and canopy
		Monument
		Projecting
		Window
D-PS	2	Awning and canopy
		Marquee
		Monument
		Projecting
		Wall
		Window
DR-D, DR-S	2	Awning and canopy
		Marquee
		Projecting
		Wall
		Window
D-GC	2	Awning and canopy
		Marquee
		Monument
		Projecting
		Wall
		Window
CMX, CN, PO	1.5	Awning and canopy
		Freestanding
		Marquee

		Monument
		Projecting
		Wall
		Window
CG, CR	3	Awning and canopy
		Freestanding
		Marquee
		Monument
		Projecting
		Wall
		Window
IP, IG, IA	2	Awning and canopy
		Freestanding
		Marquee
		Monument
		Projecting
		Wall
		Window
REC, PK, PS	2	Awning and canopy
		Freestanding
		Monument
		Projecting
		Wall

(Ord. 1828, 11-3-2015)

305.10: STANDARDS FOR SPECIFIC TYPES OF SIGNS:

A. Awning And Canopy Signs: Signs painted on awnings, canopies, arcades, or similar attachments or structures are allowed. Awning and canopy signs are subject to the specific zoning district standards and the following standards:

1. Maximum sign area per awning or canopy sign:

   a. Downtown, CMX, and CN districts: Twenty four (24) square feet.

   b. CG, CR, and employment districts: Sixty (60) square feet.

2. Sign clearance: Minimum of eight feet (8').

3. Height limit: Twenty five feet (25').

4. Number of signs: Four (4) maximum per building facade, which includes any wall signs.

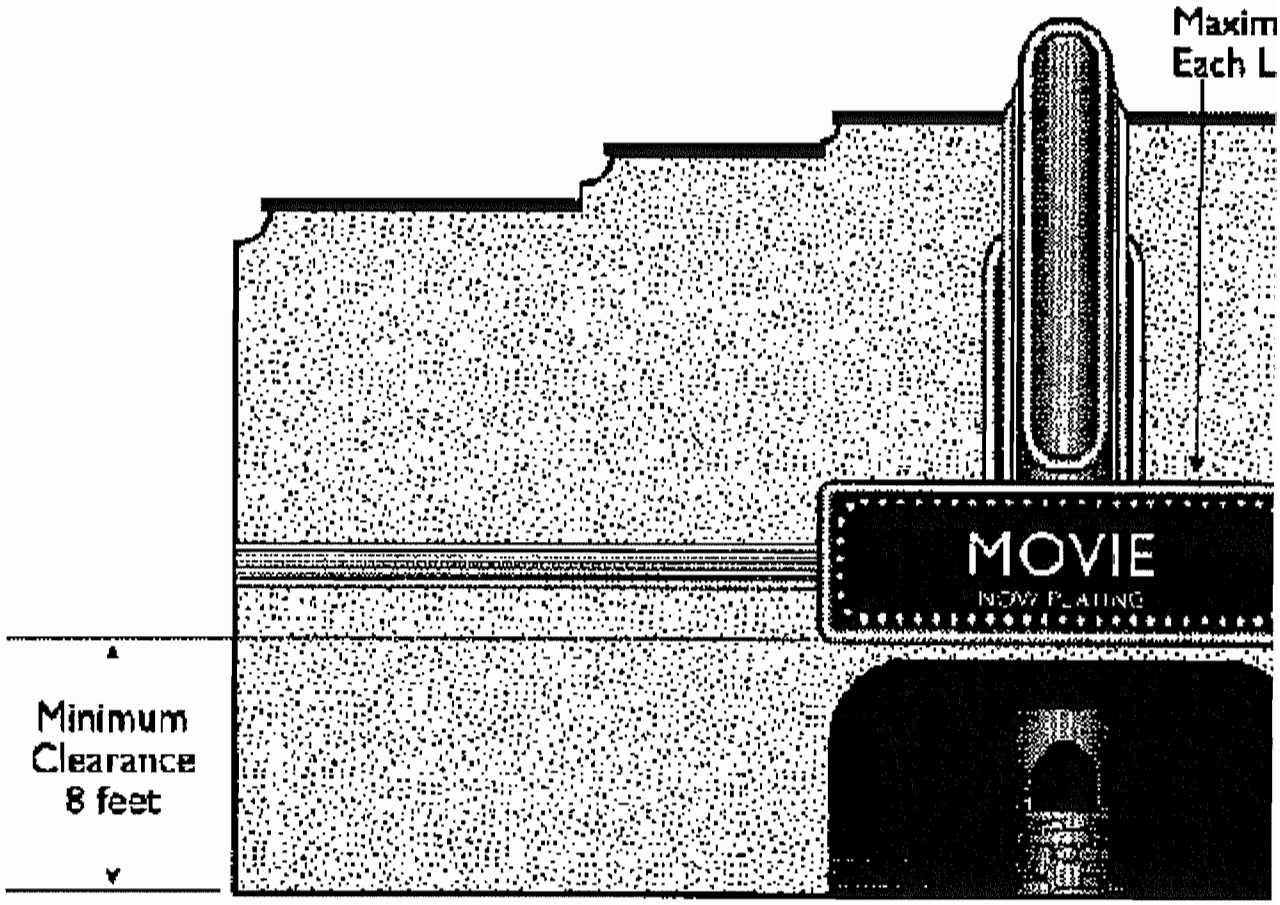
B. Marquee Signs: A sign permanently affixed to a marquee is allowed in conjunction with theaters, museums, galleries, and similar uses. Removable copy may be changed on the face of permitted marquee signs without securing a permit. Marquee signs are subject to the specific zoning district standards and the following standards:

1. Maximum number of signs: One marquee sign per site.

2. Maximum sign area per sign: One and one-half (1.5) square feet per linear foot of building frontage.

3. Sign clearance: Minimum of eight feet (8').

FIGURE 305.10B: MARQUEE SIGNS



C. Projecting Or Under Canopy Signs: Signs under canopies or covers in conjunction with pedestrian walkways, or signs projecting from the building wall are allowed, subject to the specific zoning district standards and the following standards:

1. Maximum Number Of Signs: One projecting sign per building facade or tenant space frontage.

2. Maximum Sign Area Per Sign: Sixteen (16) square feet; except the maximum sign area per sign is eight (8) square feet when the sign is located under a canopy or awning.

3. Sign Clearance: Minimum of eight feet (8').

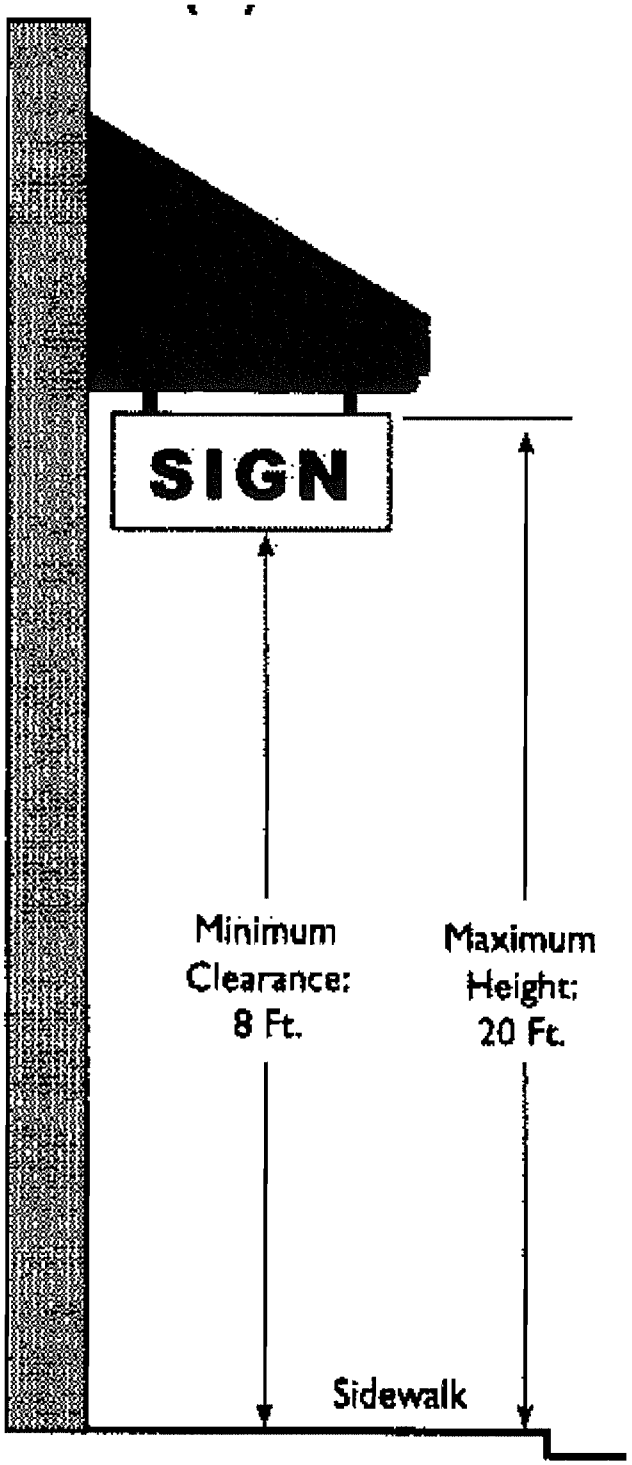
4. Height: A projecting sign shall be erected in such a manner as not to create a traffic hazard to vehicles or pedestrians. Projecting signs shall not extend higher than twenty feet (20') above ground level or above an eave or roof, whichever is lower.

5. Projection:

a. A projecting sign cannot extend more than three feet (3') from the building to which it is attached.

b. An under canopy sign, attached to and hanging from an awning or canopy shall be located completely under the canopy or awning and shall not project beyond its edge. An under canopy sign shall not count toward the sign area allowed.

FIGURE 305.10C: PROJECTING OR UNDER CANOPY SIGNS



D. Wall Signs: Wall signs include any sign attached to, erected against or painted upon the wall of a building or structure, the face of which is in a single plane parallel to the plane of the wall. Wall signs also include signs on a parapet or mansard roof. Wall signs attached

to the fascia shall be channel letters and shall be architecturally consistent with other signage in the development. No wall sign may cover wholly or partially any required wall opening. Wall signs are also subject to the specific zoning district standards and the following standards:

1. Maximum Number Of Signs: Four (4) maximum per building facade or tenant space frontage, which includes any awning or canopy signs.

2. Maximum Sign Area Per Sign: Three hundred (300) square feet.

3. Height: Wall signs shall not be mounted or placed higher than the second story and shall not extend higher than the building wall upon which they are attached.

4. Coverage: Wall sign copy shall not occupy more than seventy five percent (75%) of the length of the wall to which the sign is attached.

5. Projection: Wall signs cannot extend more than twelve inches (12") beyond the face of the wall to which they are attached.

6. Design: Wall signs shall be oriented to achieve balance composition and harmony with other architectural elements of a building facade.

E. Window Signs: Window signs painted or otherwise adhered directly onto a window are exempt from the permit requirements of this article and do not count toward the total sign area limit for a site, but are subject to the specific zoning district standards and the following standards:

1. Coverage: Window signs shall cover no more than fifty percent (50%) of the total glass window area along each building facade.

2. Height: Window signs shall not be mounted or placed on windows higher than the second story.

F. Monument Signs: Freestanding signs erected on the ground or on a monument base designed as an architectural unit are allowed, subject to the specific zoning district standards and the following standards:

1. Maximum Number Of Signs: One monument sign per frontage per site.

2. Maximum Sign Area Per Sign:

a. D-PO, D-PS, D-GC, CMX, and CN districts: Thirty two (32) square feet.

b. CG, CR, and employment districts: Sixty (60) square feet.

c. PS, REC and PK districts: Thirty two (32) square feet.

3. Height: A maximum of seven feet (7').

4. Landscaping: All monument signs shall require automatic irrigated landscaping at the base equivalent to the area of the sign copy.

FIGURE 305.10F: MONUMENT SIGNS

G. Freestanding Signs: Freestanding signs are allowed subject to the specific zoning district standards and the following standards:

1. Maximum Number Of Signs: One freestanding sign per site.

2. Allowable Sign Area Per Sign: The area of any freestanding sign shall be included in the maximum allowed sign area per section 305.09, table 305.09 of this article.

3. Architectural Treatment: Freestanding signs shall be architecturally compatible in style, finish and color with the adjacent building or development. Structural supports, poles, angle bars, iron pipes, I-beams or similar structural members shall be architecturally encased with finished metal cladding, stucco, or similar material at least one foot (1') in

diameter, subject to approval by the zoning administrator as to proportion and architectural compatibility.

4. Landscaping: Freestanding signs shall be placed within a landscaped planter with at least twenty four (24) square feet of planting area. As a condition of any permit for a freestanding sign, additional landscaping of the property may be required where needed to better integrate sign appearance with the site through scale and softening effects.

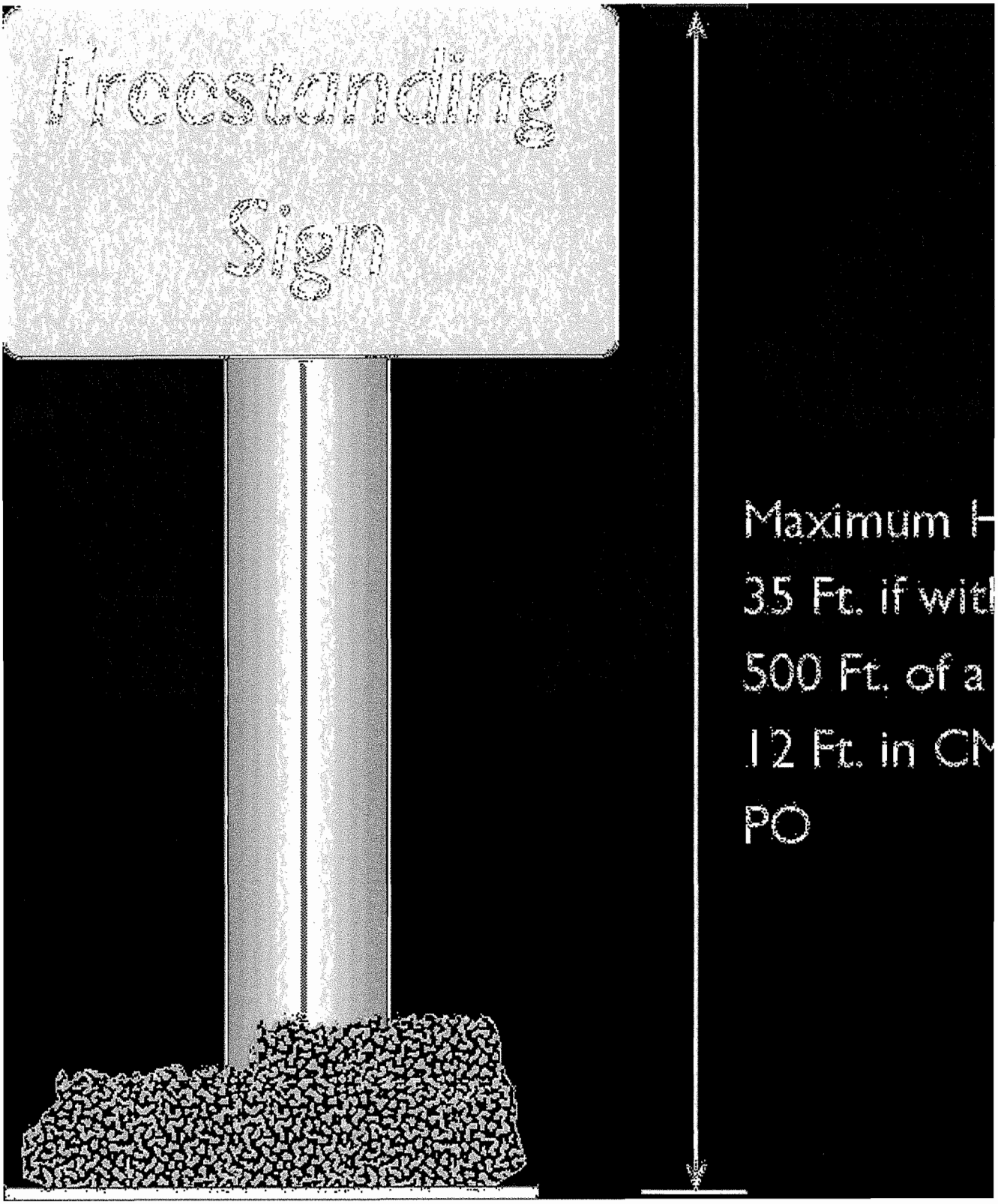
5. Height:

   a. A maximum of twenty feet (20'); thirty five feet (35') within five hundred feet (500') of a freeway right of way. Freestanding signs shall have a minimum clearance of fourteen feet (14') over parking lots and driveways, and eight feet (8') over interior pedestrian walkways.

   b. A maximum of twelve feet (12') in the CMX, CN and PO zone districts.

6. Projection: Freestanding signs shall not project beyond the property line.

FIGURE 305.10G: FREESTANDING SIGNS



H. Other Sign Types:

1. Commercial Center Signs: Commercial center signs may be erected in the commercial and employment districts, subject to the following limitations:

   a. Allowable Areas: The center shall consist of a commercial or industrial development with an integrated site and design plan creating a single unified development with three (3) or more uses.

   b. Area Not Counted: The area of the sign shall not count toward the sign area allowed for the individual tenant space or building on the lot.

   c. Sign Area Allowed: The maximum sign area may be no more than one square foot for each linear foot of street frontage, but in no case shall the total sign area exceed two hundred (200) square feet. If more than one entrance to the lot exists, the maximum sign area permitted will be divided among the number of entryways and signs requested.

   d. Sign Height: The maximum sign height shall not exceed twenty feet (20') in the CMX, CN and PO zone districts; thirty five feet (35') in all other commercial and employment zone districts.

   e. Sign Base: The sign base is to be located within a planter box or planting area at least twenty four (24) square feet in area and the design and location is to be approved by the zoning administrator.

2. A-Frame/Sandwich Board Signs: Temporary, portable A-frame or sandwich board signs may be erected in all nonresidential zone districts, subject to the following limitations:

   a. Area Not Counted: The area of the sign shall not count toward the permissible sign area of the individual lot.

   b. Maximum Number Of Signs: One A-frame/sandwich board sign per tenant space.

   c. Maximum Sign Area: The total sign area shall not exceed a maximum of six (6) square feet per side.

   d. Location: Such sign may encroach into the right of way up to two feet (2') from the property line provided there remains a five foot (5') wide walkable area when the sign is in place.

   e. Removal: Such sign is to be removed during nonoperational hours.

3. Mobile Signs: Signs pulled on a trailer or otherwise mounted to a vehicle may be allowed subject to the following limitations:

   a. Permit Process: Not more than one sign per twenty five thousand (25,000) population, or portion thereof, shall be permitted at a given time. A party wishing to present signage in a mobile or semimobile manner may apply for a conditional use permit. The conditional use permit will be valid for a term of two (2) years, beginning July 1 of even years. A lottery will be held by May 1 of each even year for the respective terms. If a currently permitted mobile sign succeeds in being selected in a

subsequent lottery, the conditional use permit would be extended for another two (2) years.

b. Materials: A mobile sign permitted per this section shall be developed of materials as prescribed in section 305.07 of this article, and shall include any additional design considerations to assure that such signs are securely and safely affixed to the host vehicle in consideration of its use on streets and roadways.

c. Size: Signs may not exceed the height of the vehicle to which they are affixed by more than eighteen inches (18"), and may not extend beyond the horizontal dimensions of the trailer on which they are mounted.

d. Exemptions: Decals, paint, stickers, and similar treatments affixed directly to the exterior of the host vehicle, or to a trailer, are exempted from this subsection, provided that:

(1) Lighting, changeable copy, and digital signs are not permissible exemptions.

(2) In order for signage on a trailer to be exempt, the trailer shall meet the standard minimum dimensions established by the U.S. department of transportation, federal highway administration, in the federal size regulations for commercial motor vehicles.

e. Mobile Signage: Signs placed or displayed on vehicles parked in a conspicuous location that do not otherwise suit the above noted exemptions shall be considered mobile signage and are subject to this subsection. (Ord. 1828, 11-3-2015)

305.11: TEMPORARY SIGNS:

The following types of temporary signs are permitted, provided that they conform to the standards of this section:

A. Signs Associated With Commercial Uses: Banners, handheld signs, portable signs and other similar temporary advertising devices shall be prohibited, except for business openings, special events, promotional events and new subdivisions being developed in the city and are subject to the following:

1. A temporary sign permit shall be secured prior to the installation or display of any such sign. Issuance of a temporary sign permit may be contingent upon the overall permissible area available for temporary signs within a geographic area as identified in subsection A6 of this section. In addition, the application would be reviewed in light of other temporary sign permit applications submitted for the same area, which may put such signs in conflict with subsection A6 of this section.

2. A temporary sign permit shall be granted for any one business or building for a period of three (3) calendar months. A temporary sign permit shall authorize the business to display a banner, handheld sign, portable sign or inflatable sign for the duration of the sign permit. A maximum of two (2) such signs may be permitted with a single application.

3. No more than one temporary sign permit shall be in effect simultaneously for any business.

4. Each business shall be limited to a maximum of four (4) temporary sign permits in any calendar year. A temporary sign is not intended to be in lieu of a permanent sign. A temporary sign permit shall not be permitted longer than one year before a permanent sign is installed.

5. Each business shall be limited to a maximum of one temporary sign permit during a "going out of business sale", or the equivalent in any calendar year.

6. Unless otherwise authorized by a master sign program, freestanding temporary signs for multiple tenants of any one building, shopping center, office complex, or unified development shall be separated by a minimum of one hundred feet (100').

7. All banners, regardless of their ratio allowance of signage to linear building frontage, shall not exceed forty (40) square feet in size.

8. A-frame signs are not considered temporary and as such do not apply to this section.

9. No temporary sign shall be mounted on or above roofs or mansards or otherwise extend above a parapet wall or ridgeline of a structure.

10. During the period of time beginning sixty (60) days before a general, special, primary or runoff election, and ending fifteen (15) days after such election, one additional temporary sign may be permitted without a temporary use permit, subject to the following size limitations:

    a. Size limitations in a residential zone district: The following size limitations apply:

        (1) Four (4) square feet of cumulative signage when located on private property with frontage on a local street as designated in the general plan.

        (2) Eight (8) square feet of cumulative signage when located on private property with frontage on an arterial or collector street as designated in the general plan.

    b. Size limitations in a nonresidential zone district: The following size limitations apply:

        (1) Sixteen (16) square feet of cumulative signage when located on private property.

        (2) Four (4) square feet of cumulative signage when located within the public right of way.

B. Signs Associated With Residential Uses: On residential uses, nonilluminated temporary signs with the size restrictions as specified below may be displayed at any time. However, during the period of time beginning sixty (60) days before a general, special, primary or runoff election, and ending fifteen (15) days after such election, the amount of display area may be doubled. Flags do not count toward the signage allowed under this provision.

1. Size Limitations In A Residential Zone District: The following size limitations apply:

a. Four (4) square feet of cumulative signage when located on private property with frontage on a local street as designated in the general plan.

b. Eight (8) square feet of cumulative signage when located on private property with frontage on an arterial or collector street as designated in the general plan.

2. Size Limitations In A Nonresidential Zone District: The following size limitations apply:

a. Sixteen (16) square feet of cumulative signage when located on private property.

b. Four (4) square feet of cumulative signage when located within the public right of way.

3. Violations: Violation to any of the above regulatory conditions shall be deemed a public nuisance and may be summarily abated as such; and each day that such violation continues shall be regarded as a new and separate offense.

C. Subdivision Signs: Developers of a new subdivision being developed in the city may be permitted signs subject to the following requirements:

1. One sign per street frontage with a maximum of three (3) temporary signs may be permitted on the subdivision site in accordance with the following:

a. Maximum Sign Area: The maximum sign area may be no more than one hundred (100) square feet (total of all signs).

b. Height: A maximum of ten feet (10').

c. Duration: Subdivision signs shall be removed twelve (12) months from the date the permit for same is issued, or within one year of the date that the last building permit was issued for a new house within the subdivision.

d. Letter Of Agreement: A letter of agreement from the property owners giving the city right of entry to remove signs in the event the above stipulations are not complied with shall be submitted to the zoning administrator prior to the issuance of a sign permit. If at any time the property on which the signs are located is sold, the signs shall be removed, or a new letter of agreement shall be submitted from the buyer to permit the signs to remain and granting the city right to enter the property and remove the signs.

2. Up to four (4) off site signs may be permitted in any zone, provided that:

   a. Maximum Sign Area: The maximum sign area per sign may be no more than thirty two (32) square feet.

   b. Height: A maximum of twelve feet (12').

   c. Duration: Said signs shall be removed twelve (12) months from the date the permit for same is issued, or within one year of the date that the last building permit was issued for a new house within the subdivision.

   d. Consent Of Landowner: A completed application form, including a notarized affidavit signed by each property owner of each site, is required prior to issuance of a sign permit. (Ord. 1828, 11-3-2015)

305.12: PERMITS REQUIRED; REVIEW PROCESS:

A. Authority: Unless otherwise stated, the zoning administrator shall review and approve all signs as specified in this article.

B. Applicability: Except for certain signs exempted in compliance with section 305.05, "Exempt Signs", of this article, no sign shall be erected, reerected, constructed or altered (excluding change of copy on a can or cabinet sign) without zoning administrator approval and a building permit being issued by the building division.

C. Applications For Filing, Processing And Review:

1. Applicant: Sign owners or their designees shall apply for building permits for signs that require them.

2. Filing And Filing Fee: Application for such permits shall be made upon forms furnished by the zoning administrator and accompanied by the required fee and working drawings adequate to show the location, construction and design, including colors, materials, lighting, electrical elements, and advertising copy of the sign in accordance with applicable sign design guidelines and the linear footage of building frontage owned or leased by the business.

3. Compliance With Standards:

   a. Upon acceptance of a sign application, the zoning administrator shall review the request for compliance with the locational and operational standards identified in this

article and with any standards established in a master sign program pursuant to section 305.13, "Master Sign Program", of this article.

b. The zoning administrator's decision shall clearly state any conditions of approval or reasons for disapproval and applicable appeal provisions.

D. Appeals: Decisions by the zoning administrator may be appealed subject to the provisions of article 612, "Appeals", of this chapter. (Ord. 1828, 11-3-2015)

305.13: MASTER SIGN PROGRAM:

A. Purpose: The purpose of a master sign program is to provide a method for an applicant to integrate the design and placement of signs within a project with the overall development design to achieve a more unified appearance. It is not the intent of this section to be used solely to request relief from the sign regulations in order to circumvent any requirements or purpose of this article.

B. Applicability: A master sign program may be processed for any development. However, shown below are examples of when a master sign program may be most appropriate:

1. Nonresidential developments of three (3) or more separate tenants that share either the same parcel or structure and use common access and parking facilities (e.g., shopping centers, malls, office complexes and industrial parks); or

2. Developments with multiple structures with limited frontage or no frontage on a public street; or

3. Businesses conducted primarily outside of a building; or

4. New multi-family residential developments of one hundred (100) or more units; or

5. Other developments where the strict application of the sign code unduly restricts the allowable signage that can be located on the parcel.

C. Application: Master sign program applications shall contain all written and graphic information needed to fully describe the proposed sign program, including the proposed location and dimension of each sign, as well as proposed color schemes, font types, materials, methods of attachment or support, and methods of illumination. A master sign program application shall also include calculation of total allowed sign area, and total proposed sign area, for the site.

D. Allowable Modifications: A master sign program may provide for additional sign area and other deviations from the standards of this article, provided that the master sign program is consistent with the sections on design principles and general standards.

E. Review Authority: All master sign programs are subject to review and approval of the zoning administrator, unless the signs are associated with a project that requires city council review and approval; then the city council shall review and approve it as part of the overall project approval.

F. Required Findings: In order to approve a master sign program, the decision making body shall find that all of the following are met, in addition to other applicable regulations in this section:

1. The proposed signs are compatible in style and character with any building to which the signs are to be attached, any surrounding structures and any adjoining signage on the site;

2. Future tenants will be provided with adequate opportunities to construct, erect or maintain a sign for identification;

3. Directional signage and building addressing is adequate for pedestrian and vehicular circulation and emergency vehicle access; and

4. Use of the master sign program provides a more desirable functional and aesthetic appearance than would otherwise be provided by standard code requirements.

G. Lessees To Be Informed Of Master Sign Program: Lessees within developments subject to the requirements of an approved master sign program shall be made aware of the master sign program in their lease.

H. Revisions To Master Sign Programs: Revisions to an approved master sign program shall be approved by the zoning administrator. (Ord. 1828, 11-3-2015)

305.14: NONCONFORMING SIGNS:

A. All legal nonconforming signs are permitted to remain unless they are subject to a permit condition or development agreement providing for their removal after a fixed period of time.

B. Any changes to legal nonconforming signs or their structures in terms of location, orientation, size, or height other than routine maintenance and repair or change of sign copy shall require the signs to be brought into conformance with this article.

C. A legal nonconforming sign loses its legal nonconforming status when the activity, product, business, service, or other use which was being advertised has ceased or vacated the premises for one hundred eighty (180) days, at which time it shall be considered an abandoned sign, subject to the requirements of subsection 305.07C, "Abandoned Signs", of this article. (Ord. 1828, 11-3-2015)

305.15: ABATEMENT AND REMOVAL OF ILLEGAL SIGNS:

A. Authority To Abate: The city has the authority to abate illegal and abandoned signs.

B. Illegal Signs In The Public Right Of Way: Illegal signs posted in the public right of way or upon public property may be removed by the zoning administrator or officer without notice or hearing. Signs shall be retained by the city for a period of not less than thirty (30) days if identifiable. Thereafter, any unclaimed signs may be discarded.

C. Recovery Of Costs: When the city is required to remove illegal or abandoned signs in compliance with this article, the reasonable cost of the removal may be assessed against the owner of the sign(s).

D. Sign Removal:

1. Any sign, including its supporting structure, which no longer identifies the current occupant or products currently sold, or which otherwise fails to serve its original purpose, or is not maintained in a safe, presentable, and good condition, including the replacement of defective parts, painting, repainting, and cleaning, shall be removed by the owner of the property within thirty (30) calendar days after written notice to do so from the building division.

2. Any sign which the building division establishes as unsafe or unsecure shall be corrected or removed, together with all supporting structures, by the owner of the property upon which the sign is located within thirty (30) days after written notice by the building division.

3. Such notice shall state the location of the sign, the nature of the violation, and/or the manner in which the sign constitutes a public nuisance. The notice also shall require the removal or other abatement of the sign before the date specified in the notice. Further, the notice shall state that failure to comply may result in the removal of the sign by the city and that the cost of such removal may be imposed on the owner of the property. The notice shall also include instructions for the filing of an appeal of the determination of the zoning administrator that the sign is in violation of this article or constitutes a public nuisance. Such notice shall be served by posting on the property on which the sign is located and by registered or certified mail delivery, postage prepaid, to the owner of the property, and, if known, the owner of the sign.

4. After the periods specified in subsections D1 and D2 of this section, the building division may cause such sign to be removed, and the cost of such removal shall become a lien against the property.

5. If a hazardous condition exists, the condition shall be corrected forthwith upon notice by the building division.

6. If an appeal is received prior to the date specified in the notice, abatement proceedings shall be suspended, and any deadlines shall be suspended, pending the outcome of such appeal. (Ord. 1828, 11-3-2015)

CITY COUNCIL AGENDA – FEBRUARY 21, 2017

SUBJECT: Consider Adjustment of Animal Shelter Adoption Fees

SOURCE: City Manager's Office

COMMENT: At its meeting on January 17th, the City Council approved Vice Mayor Ward's request that the City Council consider the adjustment of Animal Shelter adoption fees as a Scheduled Matter at its February 7th meeting. Due to Vice Mayor Ward being unable to attend the February 7th meeting due to illness, the Council continued the item to the February 21st meeting.

The current adoption fee was established in May 2009 at $70, to assist in offsetting actual costs incurred by the City in providing animal adoption services. It is estimated that the actual adoption cost per animal is between $164 and $204, which include: alteration-spay/neuter ($90 - $130, dependent upon animal size and gender); sheltering ($48 minimum, $8 per day for minimum 6 day hold); microchipping ($20); and vaccinations ($6). In addition, the City charges a $10 license fee.

The Vice Mayor has indicated to staff an interest in discounting fees for special adoption events and other programs to encourage community adoptions.

RECOMMENDATION: That the City Council consider the adjustment of Animal Shelter adoption fees.

ATTACHMENTS: 1. Animal Adoption Fee Resolution

Appropriated/Funded:

Review By:

Department Director:
Final Approver: John Lollis, City Manager

RESOLUTION NO. _____-2009

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE ADOPTING POLICE FEES FOR ANIMAL CONTROL SERVICES AND SHELTERING

WHEREAS, the City of Porterville has implemented an Animal Control Unit to provide animal control services to the residents of the community; and

WHEREAS, the Animal Control Unit incurs costs for the provision of adoption services, dog licensing, boarding of impounded animals and providing animals with veterinary care, shelter, water and nutrition; and

WHEREAS, the City Council desires to implement a spay and neuter requirement policy for all animals to be adopted out by the Porterville Animal Control Unit; and

WHEREAS, the proposed fees are necessary to effectively carry out shelter operations and the regulations as delineated in Porterville Municipal Code, Ordinance No. 1726, Chapter 5, pertaining to animal control;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Porterville that the following fees are hereby adopted and shall be effective on May 6, 2009:

Fee Service Name/Description	Recommended Fee
• Animal Adoption- Dog or Cat (includes Spay/Neuter/Vaccinations	$70.00
• Deceased Animal Disposal	$10.00
• Animal Relinquishment (For Euthanasia)	$60.00
• Animal Relinquishment- Cat/Dog/Litter of puppies/kittens (For Re-Adoption)	$55.00
• Animal Redemption (Upon Impound)	
o Impound Fee	$20.00
o Boarding Fee (Per Day at Kennel)	$ 8.00
o Boarding Fee (Per Day at Veterinarian)	Actual Costs Charged by Vet
• Kennel Quarantine (10 Days)	$80.00
• Home Quarantine (10 Days)	$30.00
• License- Dogs (Spayed/Neutered)	$10.00

- License- Dogs (Non-Spayed/Neutered) $22.00
- License- Delinquent Fees (Applied when renewal is more than 30 days late) $10.00
- License- Replacement Tag $ 2.00
- Kennel Permit- 1 to 10 Animals $75.00
- Kennel Permit- 11 or more Animals
  $100.00
- Kennel Permit- Annual Renewal (Any Size) $15.00
- Service Animal Registration $10.00

APPROVED AND ADOPTED this 5th day of May, 2009.

_____
_
Cameron Hamilton, Mayor

ATTEST:
John D. Lollis, City Clerk

_____
By: Patrice Hildreth, Chief Deputy City Clerk

CITY COUNCIL AGENDA – FEBRUARY 21, 2017

SUBJECT: Consideration of City Council Procedural Handbook

SOURCE: Administrative Services

COMMENT: With the seating of the new City Council, it is appropriate for the Council to consider its Procedural Handbook for ratification or potential amendments that the new Council may desire.

The prior City Council last considered and amended the Handbook in November of 2014, and a copy of the most recently adopted Handbook is attached hereto for Council's review and consideration.

RECOMMENDATION: That the City Council consider the City Council Procedural Handbook, and adopt changes to the Handbook and/or provide direction to staff as deemed appropriate.

ATTACHMENTS: 1. City Council Procedural Handbook

Appropriated/Funded:

Review By:

Department Director:

Patrice Hildreth, Administrative Services Dir

Final Approver: John Lollis, City Manager

CITY COUNCIL PROCEDURAL HANDBOOK

Compiled by:
The Office of City Clerk
291 North Main Street
Porterville, CA 93257
Tel: (559) 782-7447
Fax: (559) 782-7452
www.ci.porterville.ca.us

As amended November 18, 2014

TABLE OF CONTENTS

I.	**PREAMBLE**		**4**
II.	**MEETINGS OF COUNCIL**		**5**
	A.	Regular Meetings	5
	B.	Adjourned Meetings/Study Sessions	5
	C.	Special Meetings	6
	D.	Order of Business	6
	E.	Consent Items	7
III.	**MEETING PROCEDURES**		**8**
	A.	Presiding Officer	8
	B.	Quorum	8
	C.	Discussion Rules	8
IV.	**COUNCIL REQUESTS FROM THE PUBLIC**		**10**
	A.	Response to Letters from the Public	10
	B.	Referrals to Council Agenda	10
	C.	Telephone Calls	11
	D.	Personal Meetings	11
	E.	Personal Correspondence	12
	F.	Proclamation Approval Process	12
V.	**COUNCIL MEMBER REQUESTS TO STAFF**		**13**
	A.	General Information	13
	B.	Research	13
	C.	Items for Inclusion in Council Agenda	13
VI.	**COUNCIL AGENDA**		**15**
	A.	Preparation	15
	B.	Deadlines	15
	C.	Delivery	15
VII.	**THE BROWN ACT**		**16**
VIII.	**TRAVEL, MEETINGS & EXPENSES**		**17**
	A.	Requests for Reservations	17
	B.	Travel and Expense Form	18
	C.	Receipts	18
	D.	Eligibility	18
	E.	Event Tickets	19

IX. CONFLICT OF INTEREST **20**
A. City Council Members' Filing Requirements 20
B. Other Agencies 22
C. Redevelopment Agency Filing Requirements 22
D. City of Porterville Conflict of Interest Code 22

X. GENERAL ITEMS **23**
A. Different Hats 23
B. Compensation 23
C. Issuance of Laptop Computers to Council Members 23
D. Directions to Support Staff 23
E. City Attorney 24
F. Annual City Manager/City Attorney Evaluations 24
G. Response to President/Governor Directives 24

APPENDICES **25**

A. Resolution 101-2010, Order of Business
B. Resolution 99-2012, Ticket Policy
C. Annual City Manager/City Attorney Evaluation Forms
D. Electronic Device Policy *(to be attached upon completion and adoption)*
E. Email Retention Policy
(to be attached upon completion and adoption)

PREAMBLE

The residents and businesses of the City of Porterville are entitled to have fair, ethical, and accountable local government. Such a government requires that:

- Public Officials comply with both the letter and spirit of the laws and policies affecting operations of the government;
- Public Officials be independent, impartial, and fair in their judgment and actions;
- Public office be used for the public good, not for personal gain; and
- Deliberations and processes be conducted openly, unless legally confidential, in an atmosphere of respect and civility.

No part of this Handbook shall be interpreted so as to violate any federal or state law; a Council Member's Oath of Office; a Council Member's moral or ethical responsibilities; or the exercise of a Council Member's individual rights afforded him/her by the U.S. Constitution.

To this end, the City Council of the City of Porterville hereby approves of and affirms the above to encourage public confidence in the integrity of local government and its operations.
(Minute Order 21-070511, July 5, 2011.)

II. MEETINGS OF COUNCIL

The Council shall provide by ordinance the time and place of holding regular meetings and the manner in which special meetings may be called. Public interest and convenience shall be primary consideration when decisions are made as to time, location and frequency.

Except as otherwise provided by law, all meetings of the Council shall be open to the public.

A. REGULAR MEETINGS

1. Pursuant to Section 10 of the City Charter, Regular Meetings of the Porterville City Council shall be held on the first and third Tuesday of each month in the Council Chambers at City Hall, 291 North Main Street, in the City. The Regular Meetings will commence at five thirty o'clock (5:30) P.M., with Closed Sessions commencing at five thirty o'clock (5:30) P.M., and Open Session commencing at six thirty o'clock (6:30) P.M. In the event that a regular meeting of the Council shall fall on a legal holiday, that regular meeting shall be held at the same place and time on the next succeeding working day, or as determined by Council. *(Ordinance 1766, August 17, 2010; M.O. 15-09181, September 18, 2012.)*

2. Following the mid-meeting break (around 9:00 p.m.) the Mayor, with assistance from the City Manager, will review the balance of the agenda with Council to discuss how it can be handled in the allowed time. If it is necessary to continue any items, it will be announced at that time.

B. ADJOURNED MEETINGS/STUDY SESSIONS (Open to the public)

1. The purpose of these meetings shall be for informal discussions between staff, advisory bodies or consultants and the City Council regarding specific programs, projects or policies. If noticed, formal action may be taken at such a meeting.

2. Adjourned Meetings/Study Sessions will be held at a time and place convenient to Council and advantageous for public participation.

3. Participation of the public shall be at the discretion of the Presiding Officer, upon consensus of the Council.

C. SPECIAL MEETINGS

1. Special meetings may be called by the Mayor or three members of the City Council. *(Gov. Code Section 54956)* Written notice of each special meeting must be given not less than twenty-four (24) hours before such meeting to each member of the City Council not joining the call.

2. Written notice must be given to the City Council and to the media 24 hours prior to each meeting. *(Gov. Code Section 54956)*

3. A supplemental telephone call shall be made if necessary to notify each Council Member.

4. No business other than that announced shall be discussed.

5. Any special meeting held at a place other than City Hall shall be open to the public. Notice requirements of the Brown Act shall be complied with for any such meetings; regular minutes shall be taken by the City Clerk and shall be available for public inspection.

D. ORDER OF BUSINESS:

Call to Order
Roll Call
Oral Communications
Closed Session(s)
Reconvene at 6:30 p.m.
Closed Session Report
Pledge of Allegiance
Invocation
Presentations/Proclamations
Reports (AB1234 Reports, Committee/Commission/Board Reports; Subcommittee Reports; Information Items and Reports)
Oral Communications
Consent Calendar
- Approval of Minutes
- Claims Against the City
- Payment of Bills
- Payments on Public Works Projects
- Authorization to Purchase
- Authorization to Call for Bids
- Award of Bids
- Acceptance of Projects

Acceptance of Dedications/Property
Approval of Final Tract Maps
Annexations
Requests for City Services
Reports
Other Routine Matters
Public Hearings
Second Reading of Ordinances
Scheduled Matters
Oral Communications (on any matter of interest)
Council Comments
Adjournment
(Resolution 101-2010, August 17, 2010, attached as Appendix A.)

E. CONSENT ITEMS

1. Consent items are the first items on the open session portion of the agenda (items that are routine, have been discussed before, relate to implementation of approved budget items, or to City operations or item to be later set for public hearing).

2. Any item removed from the Consent Calendar shall be considered immediately after the last Scheduled Matter on the agenda and immediately before the Second Oral Communications. *(M.O. 16-091812, September 18, 2012.)*

III. MEETING PROCEDURES

A. PRESIDING OFFICER

1. The Mayor is the Presiding Officer and acts as Chair at Council meetings.

2. In the absence or incapacity of the Mayor, the Vice Mayor as Mayor Pro Tempore will serve as Presiding Officer. In the absence of both the Mayor and Vice Mayor, the Council Members present shall select one of their number to serve as Presiding Officer for that meeting. *(Amended via Minute Order 08-071911, July 19, 2011.)*

3. Seating arrangement of the Council:

   Seating arrangements shall be at Council discretion with preference being given to health conditions, seniority, individual Council Member preferences, and the Mayor's preference, in that order. *(Amended via Minute Order 08-071911, July 19, 2011.)*

4. Signing of City Documents:

   The Mayor, unless unavailable, shall sign all ordinances, resolutions, contracts and other documents which have been adopted by the City Council and require an official signature; except when the City Manager, or his or her designee, has been authorized by Council action to sign documents. In the event the Mayor is unavailable, the Vice Mayor may sign the required documents. *(Amended via Minute Order 08-071911, July 19, 2011.)*

B. QUORUM

A majority of the Council Members shall constitute a quorum for the transaction of business. *(City Charter)*

C. DISCUSSION RULES

1. Obtaining the floor:

   a. A member of the City Council, staff, or public shall first address the Presiding Officer and gain recognition.

b. Comments and questions shall be limited to the issue before Council except when members of the public are addressing the Council under Oral Communications.

c. Cross-exchange between Council Members, staff or public shall be avoided.

d. Any citizen may arise and address the City Council on any business especially concerning them or affecting their interests during Oral Communications, but preference will be given to those who have first presented matters in the form of a written communication or who have personally notified the presiding officer of their desire to speak.

e. Any member or other person using profane, vulgar, loud or boisterous language at any meeting, or otherwise interrupting the proceedings, who refuses to be seated or keep quiet when ordered to do so by the Mayor or Mayor Pro Tem of the City Council, shall be guilty of a misdemeanor. It shall be the duty of the Chief of Police, upon order of the presiding officer, to eject any such member or person from the council room. *(Ordinance 1537)*

2. Questions to staff:

A Council Member shall, after recognition by the Presiding Officer, address questions to duly designated staff members through the City Manager.

3. Interruptions:

a. Once recognized, a Council Member shall not be interrupted while speaking except to make a point of order or personal privilege.

b. If a Council Member is called to order while speaking, the individual shall cease speaking until the question of order is determined.

c. Upon being recognized by the Presiding Officer, members of staff shall hold the floor until completion of their remarks or until recognition is withdrawn by the Presiding Officer.

IV. COUNCIL REQUESTS FROM THE PUBLIC

A. Response to Letters from the Public

Periodically Council Members receive letters requesting their response. If a Council Member wishes to answer the letter, the matter can be handled in either of three ways:

1. The Council Member can give the letter to the City Manager's Secretary along with direction on how they wish their response to be worded. The City Manager's staff will then prepare the letter on City Council stationery and forward it to the appropriate Council Member for approval and signature. Copies of both letters are kept on file in the City Manager's Office, and copies are available upon request.

2. If the letter requires specific information or details only available from another City Department, the City Manager may refer the letter to the appropriate Department Head for response by them or their designee. Copies of the letters will then be forwarded to the City Manager's Office for filing.

3. If the Council Member wishes to answer their own correspondence, City stationery is available upon request from the City Manager's secretary. Copies of all such letters on City Letterhead shall be provided to all other Council members, and the letter shall include a provision clearly defining that the correspondence represents the views and/or feelings of the specific Council member signing the letter. If the Council Member wishes to have a copy of the letters in their file, they should submit a copy to the City Manager's staff for filing.

If a Council Member receives an informational item and wants a copy to be given to the other Council Members and the City Manager or other Directors, the item should be given to the City Manager's staff and copies will be made and sent out.

B. Referrals to Council agenda

Periodically Council Members receive correspondence or verbal requests for items to be acted upon, or considered, by the City Council. If a Council Member wishes to respond to the request, the matter should be referred to the City Manager. The request can then be handled as follows:

1. The Council Member may request the City Manager to place the item on the Council agenda as a written communication (however, the request must be stated on the agenda face sheet for Council to be able to act on it at the meeting); or

2. Upon research, the request may be determined to be a violation of City, State or Federal law, policy, or previous Council determination, in which case an appropriate response as to why the matter can not be heard will be provided to the requesting party.

Correspondence requesting that an item be acted upon, or considered, by the City Council, which is received directly by the City Manager, is handled in either of two ways:

1. The City Manager shall place any routine and/or legitimate written request under written communications*, or have a staff report prepared if time permits, for the next City Council agenda; or

2. The City Manager shall place any request which has already been acted upon by Council, cannot legally be accomplished, or which has a potential for litigation, in an Administrative Memorandum.

C. Telephone Calls

Citizens attempting to communicate with the City Council often call the offices at City Hall. Such calls are referred to the City Manager's Office. The City Manager's staff will take a message and refer it to the appropriate Council Member, or give the caller the telephone number of the City Council Member so they may call them directly, according to instructions given by the Council Member [see X-D (3)].

D. Personal Meetings

Council Members who wish to meet with their constituents may use various rooms at City Hall. The Council Member should call the City Manager's Secretary as soon as they know a room is needed so that it can be reserved for their use. No more than two Council Members may attend a meeting to discuss City matters without the meeting becoming a public meeting and therefore falling under the requirements of the Brown Act Open Meeting Laws.

E. Personal Correspondence

Council Members who wish to send their own correspondence using City stationery shall include a provision clearly defining that the correspondence represents the views and/or feelings of the specific Council member signing the letter. Copies of all such letters on City Letterhead shall be provided to all other Council members. Letterhead stationary is available upon request from the City Manager's secretary, and if the Council Member wishes to have a copy of their letter in their file, they should submit a copy to the City Manager's staff for filing.

F. Proclamation Approval Process

All Proclamations must be submitted at least 72 hours before noon on the Thursday before the next City Council Meeting to be considered for approval by the City Council. All received proclamations are to be scanned and emailed to all Council Members within one business day of being received. Each Council Member will have until noon on the Thursday before the next Council Meeting to contact the City Manager's Office to sponsor submitted proclamations. Proclamations receiving one sponsor will be placed on the next Council agenda as a Consent Calendar item. Those not receiving a sponsor will be disregarded. If multiple sponsors are received, the first Council Member to respond will be deemed the proclamation's sponsor. (*M.O. 13-100113, October 1, 2013.)*

V. COUNCIL MEMBER REQUESTS TO STAFF

A. General Information

All City Council Member requests for information or documents shall be referred through the City Manager. Any Department Head who receives a direct request from a Council Member shall submit the request, including the name of the requesting Council Member, to the City Manager.

B. Research

All City Council Member requests for information or documents which require extensive research, in the opinion of the City Manager, shall be referred through the City Manager to the Council for direction. The City Manager will discuss the matter with the appropriate department and relay the approximate time table for completion to the City Council for discussion and action at the next available meeting of the City Council. If the request is approved by the Council, upon completion of the research, the information or documents will be forwarded to the City Council Members by the City Manager. *(Amended via Minute Order 08-071911, July 19, 2011.)*

C. Items for inclusion in Council Agenda

The City Manager shall compile the agenda for each meeting and shall include as agenda items, business in the normal course of City affairs, including but not limited to staff proposals to improve services, support the economy and land use, and enhance the efficiency and effectiveness of the City organization, items relating to current, past, and proposed City contracts, leases, franchises, agreements and similar documents, and matters affecting future or proposed City equipment and property, items relating to City employees, agents and contractors, and such other matters as are defined in this handbook or otherwise directed by the City Council.

All City Council Member requests for an item to be placed on the Council agenda should be referred to the City Manager. Such request shall be submitted prior to Wednesday noon of the week before the Council meeting in order to be placed on the next regularly scheduled meeting. (*Amended via M.O. 13-111814, November 18, 2014.*)

The City Manager shall place any Council Member request for an agenda item on the next available agenda as a Consent Calendar item for Council approval to be included as a Scheduled Matter on the next available agenda. This does not prevent any Council Member from moving to place an item on the next available agenda during Other Matters of the current agenda. *(Amended via Minute Order 08-071911, July 19, 2011.)*

VI. COUNCIL AGENDA

A. Preparation:

Each Department Head submits their departmental agenda items to the City Manager for approval utilizing the City's electronic agenda management system. (*Amended via M.O. 11-111814, November 18, 2014.*)

The City Council meeting agendas are prepared on the Thursday prior to the Tuesday meeting. Any questions regarding whether items have been scheduled for consideration at a particular meeting may be directed to the Chief Deputy City Clerk and/or Deputy City Clerk.

B. Deadlines:

The deadlines for the agenda are the Monday preceding the Thursday preparation day. Public hearing items, scheduled matter items, Consent calendar items, and written communications must be submitted by the Monday deadline. The deadline for a Council member request for any item shall be Wednesday noon preceding the Thursday preparation day. (*Amended via M.O. 13-111814, November 18, 2014.)*

C. Delivery:

Agendas will be delivered to Council on the Thursday prior to the Tuesday meeting via an emailed link to the electronic agenda packet posted on the City's website. No items, or additional materials, shall be delivered after the initial delivery to Council on Thursday, except in the instance of a designated emergency item.

Once the Agenda is made available to the City Council, it is available to the public. (*Amended via M.O. 11-111814, November 18, 2014.)*

VII. THE RALPH M. BROWN ACT

The Ralph M. Brown Act (California Government Code Section 54950 et seq.) governs meetings conducted by local legislative bodies such as city councils, boards of supervisors, special districts, and school boards. The Act represents the State Legislature's determination of how the balance should be struck between the public access to meetings of multi-member public bodies on one hand, and the need for confidential candor, debate, and information gathering on the other.

The Act contains specific exceptions from the open meeting requirements where government has a demonstrated need for confidentiality. Where matters are not subject to a closed meeting exception, the Act has been interpreted to mean that all of the deliberative processes by legislative bodies, including discussion, debate and the acquisition of information, be open and available for public scrutiny.

Meetings are defined as any gathering of a quorum of a legislative body (which includes newly elected but unsworn members of the body) to discuss or transact business under the body's jurisdiction and serial meetings are prohibited. Exemptions are individual contacts between board members and others which do not constitute serial meetings, attendance at conferences and meetings which are open to the public so long as legislative bodies do not discuss amongst themselves business of a specific nature under the body's jurisdiction, and attendance at social or ceremonial events where no business of the body is discussed.

The Act requires that notices of regular meetings must be posted at least seventy-two (72) hours prior to the meeting, and twenty-four (24) hour notice must be provided to members of the legislative body and media outlets for special meetings.

A user's guide to the Ralph M. Brown Act is provided to Council Members for their information. If a Council Member has a specific question which does not seem to be covered in the guide, the Council Member should contact the City Attorney for a legal opinion.

VIII. TRAVEL, MEETINGS AND EXPENSES

This policy would satisfy the requirements of California Government Code §§ 53232.2 and 53233.3 in the event such requirements could be constitutionally applied to charter cities.

The City Manager, or his staff, will notify the City Council Members about any League of California Cities' Conferences, Committee meetings, and/or local meetings that may be of interest to the Council. If a Council Member is interested in attending any such meeting, the following procedures should be followed:

A. Requests for Reservations:

When a City Council Member wishes to attend a conference or meeting, he/she should contact the City Manager's office and indicate the following:

1. The date(s) of the conference or meeting;

2. If the Council Member will be accompanied by anyone else, i.e. spouse, child;

3. Any personal preferences for hotel reservations, such as smoking or non-smoking, king or double beds, etc.; and

4. Whether special travel arrangements need to be made, i.e. airplane tickets, ride-sharing, etc.

A disbursement will then be prepared and the payment for the conference or meeting will be forwarded, and, if applicable, the hotel will be contacted to make the appropriate reservations. When making hotel reservations to attend a conference or meeting, a request for a room sales tax waiver shall be made on behalf of the applicable Council member. If a prior room reservation request is not made, the Council member shall request a room sales tax waiver prior to payment for a room.

For lodging in connection with a conference, lodging expenses must not exceed the group rate published by the conference sponsor for the meeting in question, if such rates are available at the time of booking. If the group rate is not available, government rates must be used when available. Lodging rates that are equal or less than the government rates are presumed to be reasonable and allowed per this policy. In the event that government rates are not available at a given time or in a given area, lodging rates that do not exceed the IRS per diem rates for a given area are presumed reasonable and hence allowed.

B. Travel and Expense Form:

A Travel and Expense Form will then be prepared for the Council Member which indicates the following:

1. The amount of money to be issued to the traveler as per diem*; and
2. Mileage expense* (if a personal vehicle is used for travel and cost is paid in advance).

** Amount set in Administrative Policy Manual Sec. II-E-1, Travel & Conference Expenses. In regard to the per diem amount, if payments for expenses are made in advance pursuant to the specified per diem amounts, the disbursement shall not be considered to be reimbursable expense under AB 1234.*

The Council Member will then be issued a packet of materials several days prior to the meeting which contains the following:

1. A check for per diem and mileage;
2. Confirmation notification and informational materials regarding the conference;
3. Confirmation notification for any hotel reservations; and
4. A City credit card to pay for the room charges at the end of the meeting.

C. Receipts:

The Council Member shall then bring the receipt for the hotel charges to the City Manager's staff upon his/her return, together with the credit card, and any refund due the City. The Council Member shall sign the original Travel and Expense Form at that time, which shall then be filed with the Finance Department for final processing.

If a refund is due the Council Member, a check will be issued by the Finance Department and then distributed to the Council Member.

D. Eligibility:

The City shall pay for any Council Member to attend any meetings or conferences of their choice. City Council approval shall not be required unless it is required by AB 1234. A Council Member may request mileage and other expenses associated with attending meetings of boards, commissions, committees, or other groups to which the Council Member has been elected, appointed, or designated to attend by the City Council without further approval or ratification. When accompanied by a spouse, significant other, and/or one or more children, the Council Member shall pay for expenses incurred above that which would otherwise have been paid for the Council Member. Any charge placed on a City credit card for someone other than a Council

Member shall also be considered a refund due the City, payable within 10 days of the receipt of the charges. *(Amended via Minute Order 18-091812, September 18, 2012.)*

E. Event Tickets :

1. City and/or City-Sponsored Events:
A Council Member may accept no more than two (2) tickets issued by the City to a City event or a City-sponsored event. Any tickets in excess of two (2) accepted by a Council Member shall be paid for by the Council Member from non-City funds at the time of acceptance of the tickets. *(Resolution 99-2012, October 2, 2012.)*

2. Non-City Sponsored Events:
(*Repealed via M.O. 11-111814, November 18, 2014*.)

IX. CONFLICT OF INTEREST

A. City Council Members Filing Requirements

City Council Members are under the provisions of the Political Reform Act (Gov. Code, Section 81000 et seq. known as "the Act") as enforced by the Fair Political Practices Commission. The Act applies to campaign contributions requirements, as well as matters of conflict of interest while in office.

1. Disclosure of Economic Interests:

City Council Members must file assuming office and leaving office statements, as well as annual statements while in office. The statements basically require the disclosure of the following information:

- Investments or interests in real property and its fair market value;
- Income, and the name and address of each source of income aggregating five hundred dollars ($500) or more, or fifty ($50) or more if a gift, and a general description of the business activity, if any of each source;
- Interests in real property held by a business entity or trust;
- Loans, and its annual interest rate and the security, if any, given for the loan;

2. Disqualification of Participation (Conflict of Interest):

A Council Member shall not make, participate in making, or in any way attempt to use his official position to influence a governmental decision in which he knows or has reason to know he has a financial interest. This might include decisions which affect property within up to 500 feet of the subject property in which the Council Member has an interest.

A financial interest in a decision, within the meaning of Section 87100 of the Act, is if it is reasonably foreseeable that the decision will have a material financial effect, distinguishable from its effect on the public generally, on the Council Member or:

- A member of his or her immediate family;

- A business entity in which the Council Member has a direct or indirect investment worth $2000 or more;

- Any real property in which the Council Member has a direct or indirect interest worth $2,000 or more;

- Any source of income, other than gifts or commercial lending institutes loans, aggregating $500 or more received or promised to the City Council Member within twelve months prior to the time when the decision is made;

- Any business entity in which the City Council Member is a director, partner, trustee, employee, or holds any position of management;

- Any donor, or any intermediary or agent for a donor, or a gift or gifts aggregating $420 or more in value provided to, received by, or promised to the City Council Member within 12 months prior to the time when the decision is made.

Indirect investment or interest means any investments or interest owned by the spouse or dependent child of a City Council Member, by an agent on behalf of a Council Member, or by a business entity or trust in which the Council Member, the Council Member's agents, spouse, and dependent children own directly, indirectly, or beneficially a 10% interest or greater.

Section 87100 of the Act does not prevent any Council Member from making or participating in the making of a governmental decision to the extent his participation is legally required for the action or decision to be made. The fact that a Council Member's vote is needed to break a tie does not make his participation legally required for purposes of this section.

Pursuant to Section 87105 of the Act, a public official who holds an office specified in Section 87200 who has a financial interest in a decision within the meaning of Section 87100 shall, upon identifying a conflict of interest or a potential conflict of interest and immediately prior to the consideration of the matter, do all of the following:

a. Publicly identify the financial interest that gives rise to the conflict of interest or potential conflict of interest in detail sufficient to be understood by the public, except that disclosure of the exact street address of a residence is not required.

b. Recuse himself or herself from discussing and voting on the matter, or otherwise acting in violation of Section 87100.

c. Leave the room until after the discussion, vote, and any other disposition of the matter is concluded, unless the matter has been placed on the portion of the agenda reserved for uncontested matters.

d. Notwithstanding paragraph (3), a public official may speak on the issue during the time that the general public speaks on the issue.

B. Other Agencies:

Whenever a Council Member is required to file a Statement of Economic Interest for an outside agency, the Deputy City Clerk will provide the correct form, and using the Statement of Economic Interest Form 700 filed in the City Clerk's Office for the City of Porterville, prepare a duplicate statement for signature, and forward the appropriate form to the requesting agency.

C. Redevelopment Agency Filing Requirements:

Upon assuming office, a City Council Member will also serve as a Redevelopment Agency Member. As an Agency Member, they must file a Conflict of Interest statement for the Porterville Redevelopment Project area. After assuming office, an Agency Member may not acquire any property within the Redevelopment Project area. If prior interests exist within the Project area, the Agency Member must disqualify themselves from any action taken which would constitute a benefit to them.

D. City of Porterville Conflict of Interest Code:

Certain designated City employees are also required to file conflict of interest forms under the provisions of the Political Reform Act Code, Sections 87100-87500 et seq. The City of Porterville Conflict of Interest Code was adopted by the City Council and is reviewed biennially to make sure it is kept current.

If Council Members have a question on whether an interest they have is sufficient for disqualification, they should contact the Fair Political Practices Commission at (866) 275-3772, or http://www.fppc.ca.gov, for a ruling or opinion.

X. GENERAL ITEMS

A. Different Hats

Members of the City Council also serve as the governing bodies for the following local agencies:

1. Successor Agenda to the Porterville Redevelopment Agency
2. Industrial Development Authority
3. Public Financing Authority
4. Public Improvement Corporation
5. Planning Commission
6. Conflicts and Disclosure Monitor Agency

B. Compensation

As stated in the City Charter, Section 9, City Council Members shall receive $20 per Council meeting, $25 per Council meeting for the Mayor, with a maximum of seven paid Council meetings per month.

C. Issuance of Laptop Computers to Council Members

A Wireless Communications Policy for the laptop computers is being developed as set forth in Minute Order 14-090605. *(See Appendix D)*

D. Direction to Support Staff:

Upon assuming office, Council Members should notify the City Manager's staff regarding the following items:

1. Where to deliver Administrative Reports and Memorandums, i.e. home or business.

2. How to direct citizens who wish to speak to Council Members, i.e. take a message, give out home telephone numbers, give out business telephone numbers, etc.

E. City Attorney

The City Attorney is the legal advisor of the City Council, and all other City officials. The City Attorney shall prosecute all violations of City ordinances and shall draft all contracts and other legal documents and instruments, required by the Council or the

City Manager. The City Attorney shall perform such other legal services as the Council may direct and shall attend all meetings of the Council unless excused therefrom by three members or by the Mayor.

The types of questions referred to the City Attorney are as follows:

1. Generally whether a conflict of interest exists for a Council Member and whether they should abstain from voting on a specific matter.

   Please note: Any advice received from the City Attorney relating to Conflicts of Interests is informal only and not binding; the Council Member must seek and obtain a formal written opinion from the FPPC in order to be afforded any statutory immunities.

2. Whether an issue has a legal standing, and what type of action would be appropriate.

3. Legal recommendations for matters of litigation.

F. Annual City Manager/City Attorney Evaluations

The City Council shall provide for annual evaluations for the City Manager and the City Attorney. A standardized evaluation form shall be used which shall address the areas of importance as set forth by the City Council. *(See Appendix C.)*

G. Response to President/Governor Directives

Directives issued by the President of the United States and/or Governor of the State of California shall not be considered a mandatory directive to the City of Porterville except as authorized and/or approved by the City Council. The one exception to this rule is that flags on City buildings shall be flown at half-staff upon orders by the President, Governor and/or Mayor, or by majority approval of the City Council.

APPENDICES

A. Resolution 101-2010, Order of Business

B. Resolution 99-2012, Ticket Policy

C. Annual City Manager/City Attorney Evaluation Forms

D. Electronic Device Policy (to be attached upon adoption)

E. Email Retention Policy (to be attached upon adoption)

RESOLUTION NO. 101 -2010

A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF PORTERVILLE RESCINDING RESOLUTION 72-2005
AND ESTABLISHING NEW ORDER OF BUSINESS TO BE FOLLOWED
AT REGULAR MEETINGS OF THE CITY COUNCIL

BE IT RESOLVED by the City Council of the City of Porterville that Resolution No. 72-2005 is herein rescinded.

BE IT FURTHER RESOLVED that the following is the order of business to be followed in conducting the regular meetings of the City Council:

- MEETING CALLED TO ORDER
- ROLL CALL
- ORAL COMMUNICATIONS (closed session items only)
- CLOSED SESSION
- RECONVENE OPEN SESSION
- REPORT ON ACTION TAKEN IN CLOSED SESSION
- PLEDGE OF ALLEGIANCE
- INVOCATION
- PROCLAMATIONS/PRESENTATIONS
- REPORTS (AB1234 Reports, Committee/Commission/Board Reports; Subcommittee Reports; Information Items and Reports)
- ORAL COMMUNICATIONS (on any matter of interest)
- CONSENT CALENDAR – to include:
  - Approval of Minutes
  - Claims Against the City
  - Payment of Bills
  - Payments on Public Works Projects
  - Authorization to Purchase
  - Authorization to Call for Bids
  - Award of Bids
  - Acceptance of Projects
  - Acceptance of Dedications/Property
  - Approval of Final Tract Maps
  - Annexations
  - Requests for City Services
  - Reports
  - Other Routine Matters
- PUBLIC HEARINGS
- SECOND READINGS
- SCHEDULED MATTERS

APPENDIX A

- ORAL COMMUNICATIONS (on any matter of interest)
- COUNCIL COMMENTS
- ADJOURNMENT

PASSED, APPROVED AND ADOPTED this 17th day of August, 2010.

Ronald L. Irish, 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 a regular meeting of the Porterville City Council duly called and held on the 17th day of August, 2010.

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

Council:	MCCRACKEN	HAMILTON	IRISH	SHELTON	WARD
AYES:	X	X	X	X	X
NOES:					
ABSTAIN:					
ABSENT:					

JOHN D. LOLLIS, City Clerk

Luisa M. Herrera

By: Luisa Herrera, Deputy City Clerk

RESOLUTION NO. 99 -2012

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE ESTABLISHING A POLICY CONCERNING THE ACCEPTANCE OF TICKETS BY COUNCIL MEMBERS TO CITY OR CITY-SPONSORED EVENTS

WHEREAS, at its regular meeting of September 18th, 2012, the City Council of the City of Porterville authorized the drafting of a policy limiting the acceptance of tickets by City Council Members to City and City-sponsored events;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PORTERVILLE:

SECTION 1. The City Council hereby establishes a policy as follows: a Council Member may accept no more than two (2) tickets issued by the City to a City event or a City-sponsored event. Any tickets in excess of two (2) accepted by a Council Member shall be paid for by the Council Member from non-City funds at the time of acceptance of the tickets.

SECTION 2. This resolution establishing the above policy shall be attached as an appendix to the City Council Procedural Handbook.

PASSED, APPROVED AND ADOPTED this 2nd day of October, 2012.

Virginia Gurrola, 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 a regular meeting of the Porterville City Council duly called and held on the 2nd day of October, 2012.

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

Council:	WARD	McCRACKEN	GURROLA	SHELTON	HAMILTON
AYES:	X	X	X	X	X
NOES:					
ABSTAIN:					
ABSENT:					

JOHN D. LOLLIS, City Clerk

Luisa M. Herrera

By: Luisa M. Herrera, Deputy City Clerk

CITY MANAGER
PERFORMANCE EVALUATION
CITY OF PORTERVILLE
(January 1 – December 31, _____)

	WEAK				STRONG
A. Providing Information					
1. Does the City Manager keep you informed, in a timely manner, of the things you want to know about?	1	2	3	4	5
2. Do you feel that you receive information on an equal basis with other Council members?	1	2	3	4	5
3. Do reports provide adequate information and analysis to help you make sound decisions?	1	2	3	4	5
4. Are agenda items and supporting documents appropriate and brought to Council in sufficient time for deliberations?	1	2	3	4	5
5. Does the City Manager regularly consult with the Council before setting the agenda to determine appropriate topics and timing?	1	2	3	4	5
6. Does the City Manager follow up promptly on Council requests for information or action without having to be reminded?	1	2	3	4	5
7. Are Council packets relatively free of errors and omissions?	1	2	3	4	5
Average score					

	WEAK				STRONG
B. Providing Advice					
1. Does the City Manager have adequate knowledge of municipal affairs?	1	2	3	4	5
2. Does he exercise good judgment?	1	2	3	4	5
3. Do you feel that the City Manager considers alternatives before making recommendations?	1	2	3	4	5
4. Does the City Manager plan ahead, anticipate needs and recognize potential problems?	1	2	3	4	5
5. How do you feel about the quality of analysis that accompanies recommendations?	1	2	3	4	5
6. Does he have a good sense of timing in bringing issues to the Council for action?	1	2	3	4	5
Average score					

INTERNAL ADMINISTRATION

	WEAK				STRONG
A. Financial Management					
1. Are you comfortable with the City Manager's approach to budget preparation and review?	1	2	3	4	5
2. Is the City Manager effective in controlling costs through economical utilization of manpower, materials, and equipment?	1	2	3	4	5
3. Does the City Manager have sufficient knowledge of financial matters?	1	2	3	4	5
4. Does the City Manager provide you with sufficient information on the financial status of the City government?	1	2	3	4	5
5. Is the budget submitted on time?	1	2	3	4	5
Average score					

	WEAK				STRONG
B. Personnel Management					
1. Is the City Manager successful in guiding people so that they work together as a team toward common objectives?	1	2	3	4	5
2. Is the City Manager effective in selection and placing personnel?	1	2	3	4	5
3. Does the City Manager develop and motivate personnel so that they are increasingly effective in performing their duties?	1	2	3	4	5
4. Is the City Manager willing to face up to disciplinary problems and take action when warranted?	1	2	3	4	5
5. Is the City Manager effective in promoting positive employer-employee relations?	1	2	3	4	5
6. Does the City Manager respond to Council suggestions on employee training, work priorities and productivity? Are the decisions explained to Council?	1	2	3	4	5
7. Is the City Manager effective on assuring that staff makes a positive impression on citizens?	1	2	3	4	5
8. Does the City Manager ensure that every City employee receives a written annual performance review?	1	2	3	4	5
Average score					

	WEAK				STRONG
C. Getting the Job Done					
1. Do you have the feeling that things the Council decides or directs get done?	1	2	3	4	5
2. Does the City Manager organize or assign work so that it is performed efficiently and effectively?	1	2	3	4	5
3. Does the City Manager pay sufficient attention to detail to avoid error or things "slipping through the cracks"?	1	2	3	4	5
4. Does the City Manager put in sufficient time and effort to perform to your expectations?	1	2	3	4	5
5. Does the City Manager have a good sense of priorities in the way he spends his time on the job?	1	2	3	4	5
6. Is the City Manager able to analyze problems or issues and identify causes, reasons, and implications?	1	2	3	4	5
7. Does the City Manager develop and carry out short- and long-term action plans?	1	2	3	4	5
Average score					

EXTERNAL RELATIONS

	WEAK				STRONG
A. Citizen Relations					
1. Does the City Manager generally make a positive impression on citizens and is he respected in Porterville?	1	2	3	4	5
2. Is he effective in handling disputes or complaints involving citizens?	1	2	3	4	5
3. Does the City Manager have appropriate visibility or identity in the community?	1	2	3	4	5
4. Does the City Manager represent Council positions and policies accurately and effectively?	1	2	3	4	5
5. Does the City Manager give sufficient credit to Council?	1	2	3	4	5
6. Does the City Manager think and act in a manner reflecting an attitude that client (Council, staff, or citizens) perceptions and satisfactions are key?	1	2	3	4	5
Average score					

	WEAK				STRONG
B. Intergovernmental Relations					
1. Is the City Manager effective representing the City's interests in dealing with other agencies?	1	2	3	4	5
2. Does the City Manager participate in enough intergovernmental activity to have an impact on behalf of the City?	1	2	3	4	5
Average score					

PERSONAL CHARACTERISTICS

	WEAK				STRONG
A. Personality					
1. Is the City Manager's personality suited to effective performance of his duties?	1	2	3	4	5
Average score					

	WEAK				STRONG
B. Communications					
1. Is the City Manager easy to talk to?	1	2	3	4	5
2. Do you feel he is a good listener?	1	2	3	4	5
3. Are communications thoughtful, clear, and to the point?	1	2	3	4	5
4. Does the City Manager show sensitivity to the concerns of others?	1	2	3	4	5
Average score					

	WEAK				STRONG
C. Management Style					
1. Does the City Manager demonstrate interest and enthusiasm in performing his duties?	1	2	3	4	5
2. Does he have sufficient leadership characteristics to command respect and good performance from employees?	1	2	3	4	5
3. Does the City Manager show initiative and creativity in dealing with issues, problems, and unusual situations?	1	2	3	4	5
4. Is the City Manager open to new ideas and suggestions for change?	1	2	3	4	5
5. Does the City Manager create an atmosphere in which employees can enjoy working for the City?	1	2	3	4	5

6. Is the City Manager honest and ethical?	1	2	3	4	5
7. Does the City Manager work well under pressure?	1	2	3	4	5
8. Is the City Manager able to change his approach to fit new situations?	1	2	3	4	5
9. Can the City Manager consistently put aside personal views and implement Council policy and direction?	1	2	3	4	5
Average score					

ACHIEVEMENTS

List the top three achievements or strong points of the City Manager for the past twelve (12) months:
1.
2.
3.

FUTURE DEVELOPMENT

List three performance objectives for the City Manager that you feel are the most important targets for this year:
1.
2.
3.

TOTAL OVER ALL SCORE

	WEAK				STRONG
OVERALL RATING	*1*	*2*	*3*	*4*	*5*
Date:					

Cameron Hamilton, Mayor

Brian Ward, Vice Mayor

Pete V. McCracken, Council Member

Virginia Gurrola, Council Member

Greg Shelton, Council Member

CITY ATTORNEY
PERFORMANCE EVALUATION
CITY OF PORTERVILLE
(January 1 – December 31, 20___)

	WEAK				STRONG
A. Providing Information					
1. Does the City Attorney keep you informed, in a timely manner, of the legal issues affecting the City?	1	2	3	4	5
2. Does the City Attorney demonstrate initiative and resourcefulness in identifying legal problems, and advising and recommending resolutions?	1	2	3	4	5
3. Do reports/memoranda from the City Attorney provide adequate information and analysis to help you make sound decisions?	1	2	3	4	5
4. Do the legal solutions that are developed appropriately address the issues to be resolved?	1	2	3	4	5
5. Does the City Attorney follow up promptly on Council requests for information or action without having to be reminded?	1	2	3	4	5
Average score					

	WEAK				STRONG
B. Providing Advice					
1. Does the City Attorney have adequate knowledge of municipal legal affairs?	1	2	3	4	5
2. Does he/she exercise good judgment?	1	2	3	4	5
3. Do you feel that the City Attorney considers alternatives before making recommendations?	1	2	3	4	5
4. Does the City Attorney plan ahead, anticipate needs and recognize potential legal problems?	1	2	3	4	5
5. How do you feel about the quality of analysis that accompanies recommendations?	1	2	3	4	5
Average score					

	WEAK				STRONG
C. Getting the Job Done					
1. Do you have the feeling that things the Council decides or directs get done?	1	2	3	4	5
2. Does the City Attorney pay sufficient attention to detail to avoid error or things "slipping through the cracks"?	1	2	3	4	5
3. Does the City Attorney put in sufficient time and effort to perform to your expectations?	1	2	3	4	5
4. Does the City Attorney have a good sense of priorities in the way he/she spends his/her time on the job?	1	2	3	4	5
5. Is the City Attorney able to analyze problems or issues and identify causes, reasons, and implications?	1	2	3	4	5
6. Does the City Attorney perform well under pressure?	1	2	3	4	5
7. When work is delegated to staff/deputy attorneys, is the project/issue handled appropriately?	1	2	3	4	5
Average score					

EXTERNAL RELATIONS

	WEAK				STRONG
A. Citizen Relations					
1. Does the City Attorney generally make a positive impression on citizens and is he/she respected in Porterville?	1	2	3	4	5
2. Is he/she effective in handling disputes or complaints involving citizens?	1	2	3	4	5
3. Does the City Attorney have appropriate visibility or identity in the community?	1	2	3	4	5
4. Does the City Attorney think and act in a manner reflecting an attitude that client (Council, staff, or citizens) perceptions and satisfactions are key?	1	2	3	4	5
Average score					

	WEAK				STRONG
B. Intergovernmental Relations					
1. Is the City Attorney effective representing the City's interests in dealing with other agencies?	1	2	3	4	5
Average score					

PERSONAL CHARACTERISTICS

	WEAK				STRONG
A. Personality					
1. Is the City Attorney's personality suited to effective performance of his/her duties?	1	2	3	4	5
Average score					

	WEAK				STRONG
B. Communications					
1. Is the City Attorney easy to talk to?	1	2	3	4	5
2. Do you feel he/she is a good listener?	1	2	3	4	5
3. Are communications thoughtful, clear, and to the point?	1	2	3	4	5
4. Does the City Attorney show sensitivity to the concerns of others?	1	2	3	4	5
Average score					

	WEAK				STRONG
C. Management Style					
1. Does the City Attorney demonstrate interest and enthusiasm in performing his/her duties?	1	2	3	4	5
2. Does the City Attorney show initiative and creativity in dealing with issues, problems, and unusual situations?	1	2	3	4	5
3. Is the City Attorney honest and ethical?	1	2	3	4	5
4. Does the City Attorney work well under pressure?	1	2	3	4	5

5. Is the City Attorney able to change his/her approach to fit new situations?	1	2	3	4	5
6. Can the City Attorney consistently put aside personal views and implement Council policy and direction?	1	2	3	4	5
Average score					

ACHIEVEMENTS

List the top three achievements or strong points of the City Attorney for the past twelve (12) months:
1.
2.
3.

FUTURE DEVELOPMENT

List three performance objectives for the City Attorney that you feel are the most important targets for this year:
1.
2.
3.

TOTAL OVER ALL SCORE

	WEAK				STRONG
OVERALL RATING	*1*	*2*	*3*	*4*	*5*
Date:					

Cameron Hamilton, Mayor

Brian Ward, Vice Mayor

Pete V. McCracken, Council Member

Virginia Gurrola, Council Member

Greg Shelton, Council Member

CITY COUNCIL AGENDA – FEBRUARY 21, 2017

SUBJECT: Consideration of Rescission of Appointment to the Animal Control Commission and the Transactions and Use Tax Oversight Committee

SOURCE: City Manager's Office

COMMENT: At its meeting on June 21, 2016, the City Council appointed Mr. Richard Stadtherr to the City's Animal Control Commission, as well as the Transactions and Use Tax Oversight Committee. On several recent occasions, Mr. Stadtherr has made both inappropriate comments and used racial epithets and slurs in conversation with City staff in City Hall during business hours, including in the performance of his duties as a member of the City's Animal Control Commission. These comments and use of epithets and slurs are in violation of the City's policies in the prevention of discrimination and harassment in employment.

Pursuant to Section F, Item 3 of Resolution 24-2006 that establishes the length of appointment and rescission of appointment to the Transactions and Use Tax Oversight Committee, an appointment of a member of the Committee may be rescinded by a simple majority vote of the City Council.

Pursuant to Chapter 5-8.4 of the Municipal Code that establishes the term of office to and removal from the Animal Control Commission, Commission members may be removed by a majority vote of the City Council at any time and for any reason.

RECOMMENDATION: That the City Council consider the rescission of appointment of Mr. Richard Stadtherr to the City's Animal Control Commission and Transactions and Use Tax Oversight Committee.

ATTACHMENTS:

1. Administrative Policy - Non-Discrimination in Employment
2. Resolution 24-2006 - Transactions and Use Tax Oversight Committee
3. Municipal Code - Animal Control Commission

Appropriated/Funded:

Review By:

Department Director:
Final Approver: John Lollis, City Manager

Item No. 14.

CITY OF PORTERVILLE ADMINISTRATIVE POLICY	Number IV-B-3 Date December 20, 1982 Revised August 6, 2002 Authority Administration
SUBJECT: **NON-DISCRIMINATION AND SEXUAL HARASSMENT**	/s/ City Manager

I. PURPOSE:

To promote an employment environment free of unlawful discrimination.

A. General Information

The City is committed to maintain a work environment that is free of discrimination. In keeping with this commitment, we will not tolerate harassment of any of our employees or members of the public by anyone, including by any supervisor, co-worker, vendor, contractor, or member of the public. Any form of harassment which violates federal, state, or local law, including, but not limited to, harassment related to an individual's race, religion, color, sex, sexual orientation, national origin, ancestry, citizenship status, uniformed service member status, marital status, pregnancy, age, medical condition (cancer related or HIV/AIDS related), handicap or disability is in violation of this policy and will be treated as a disciplinary matter. For these purposes the term "harassment" includes slurs and any other offensive remarks, jokes, other verbal, graphic, or physical conduct.

In addition to the above listed conduct, "sexual harassment" can also include the following examples of unacceptable behavior:

1. Unwanted sexual advances, propositions, or requests.

2. Offering an employment benefit (such as a raise or promotion or assistance with one's career) in exchange for sexual favors, or threatening an employment detriment (such as termination, demotion, or disciplinary action) for an employee's failure to engage in sexual activity.

3. Offensive visual conduct, such as leering, making sexual gestures, displaying of sexually suggestive objects or pictures, cartoons or posters.

4. Offensive verbal conduct, including epithets, derogatory comments, slurs, demeaning jokes, nicknames, sexual innuendos, whistling, propositions, threats, or profanity.

5. Verbal abuse of sexual nature, graphic verbal commentaries about an individual's body, sexually degrading words uses to describe an individual,

suggestive or obscene letter, notes or invitations.

6. Unwanted physical conduct, such as touching, assault, impeding or blocking movement, interference with normal work, or gestures.

Sexual harassment does not refer to occasional compliments or other behavior of a socially acceptable nature. It refers to conduct that is not welcome, that is offensive, that fails to respect the rights and dignity of others, that lowers morale and that, therefore, interferes with work effectiveness.

Harassment of employees in connection with their work by non-employees may also be a violation of this policy. Any employee who experiences harassment by a non-employee, or who observes harassment of an employee by a non-employee should report such harassment to his or her supervisor, department head, City Manager, Administrative Services Director, or to the Deputy City Manager.

To be illegal, the harassment must be sufficiently severe or pervasive that it alters the conditions of the victim's employment and creates an abusive work environment. A single act of harassment may not generate legal action, because it is not sufficiently severe or pervasive to alter working conditions. However, any harassing conduct is potential grounds for discipline under these rules. The City has established a "zero-tolerance" to harassing behavior, and employees are expected at all times to treat co-workers and members of the public with appropriate respect and courtesy.

Employees who have questions about what constitutes harassing behavior should ask their immediate supervisor, department head, City Manager, Administrative Services Director, or the Deputy City Manager.

B. Reporting Procedures

Both State and Federal law provide protection for employees who have been the subject of unlawful employment discrimination, and prohibit retaliation against employees who have reported otherwise opposed discriminatory practices. Employees who assist the City in discovering and eliminating unlawful discrimination will not be retaliated against for their participation.

1. Informal Complaint: Any employee who has been harassed should attempt immediately to resolve the problem informally by expressing his/her discomfort with the behavior of the offender in a constructive manner, and by requesting the offender to stop the behavior. The City strongly urges use of the informal complaint procedure, but it is not a prerequisite to the filing of a formal complaint.

2. Formal Complaint: Any employee who believes that he or she has personally suffered unlawful harassment or discrimination, or one who has learned of such conduct in his or her official capacity, shall promptly report it, either orally or in writing. In making such reports, the employee need not follow any established chain of supervision, so long as the matter is reported to any of the following:

    a) The Employee Protection Line (800)576-5262
    b) Any Supervisor
    c) Any Department Head
    d) Any Member of the Collective Risk Management Team
    e) Administrative Services Director
    f) Deputy City Manager
    g) City Manager
    h) City Attorney

C. Investigation of Complaint

Upon receipt of a complaint of discrimination, the designated investigator will conduct a prompt investigation into the allegations and corrective action will be taken where warranted. The investigation may include meeting with the complainant, the accused, and any witnesses to the conduct. The City prohibits employees from hindering the internal investigation/complaint procedure. Regardless of how a formal complaint is received, the City Manager will be apprised of the receipt of the complaint and will be advised of the status of the investigation.

D. Confidentiality

Throughout the process, the subject matter to the complaint will be treated with as much confidentiality as possible, consistent with the need to conduct an adequate investigation. Materials pertaining to the complaint which do not form a basis for discipline shall be maintained in a file separate from the personnel files of the participants.

E. Resolution

Once the investigation is complete, the responsible manager will make a determination of the appropriate corrective action, if any, and will inform the complainant. Written findings shall be made when appropriate. In the event the complainant is not satisfied with the corrective action taken, the responsible manager will inform the complainant of their right to file administrative charges with the Department of Fair Employment and Housing (DFEH) or the Equal Employment Opportunity Commission (EEOC).

II. RESPONSIBILITIES OF EMPLOYEES AND SUPERVISORS:

The officer responsible for ensuring the City's compliance with this policy is the City Manager. The City Manager hereby designates the Deputy City Manager as the Official responsible compliance with this policy.

Employees are responsible for knowing the City's policy on nondiscrimination; refraining from discriminatory behavior, including harassment; reporting incidents of discrimination in a timely fashion; cooperating in any investigation concerning allegations of discrimination; and maintaining confidentiality concerning any investigation that is conducted.

In addition, managers and supervisors are responsible for ensuring that their employees are aware of the City's policy of nondiscrimination; enforcing the City's policy among those they supervise; when discriminatory behavior is found the be occurring, taking prompt, appropriate corrective action that is reasonably designed to make the behavior stop.

All employees are also encouraged to clearly communicate their expectations of one another to assist their co-workers in avoiding harassing, discriminatory, or otherwise offensive behavior.

From time to time, the City may also conduct training for its employees to assist them in learning how to recognize, avoid and correct discriminatory behavior. Additional action may be taken if indicated on a department basis to further educate employees about this policy. It is important to note that the City of Porterville could ultimately be held accountable for the acts of its supervisory employees or agents, regardless of whether the acts were authorized or forbidden by the City and regardless of whether management knew or should have known of such acts.

III. NON-COMPLIANCE WITH POLICY:

Any employee, including managers, supervisors or otherwise, engaging in harassment or other discrimination may be subject to immediate disciplinary action, up to and including discharge. No manager, supervisor, or employee shall take any retaliatory action against any employee, agent, or volunteer in the services of the City for filing a nondiscrimination/sexual harassment complaint.

RESOLUTION NO. 24 -2006

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE ESTABLISHING AN INDEPENDENT CITIZEN'S OVERSIGHT COMMITTEE CHARGED TO MONITOR THE EXPENDITURE OF GENERAL FUND REVENUES DERIVED FROM THE TRANSACTIONS AND USE TAX FOR PUBLIC SAFETY, POLICE AND FIRE PROTECTION.

WHEREAS, the Porterville City Council reaffirmed the adoption of Ordinance No. 1684 on December 6, 2005, imposing a retail transactions and use tax in accordance with the provisions of Part 1.6 (commencing with Section 7251) of Division 2 and Section 7285.91 of Part 1.7 of Division 2 of the Revenue and Taxation Code that authorizes the City of Porterville to adopt a tax ordinance that shall become operative if at least two-thirds of the electors voting on the measure vote to approve the tax at an election called for that purpose; and

WHEREAS, Ordinance No.1684 imposes, upon all retailers in the incorporated territory of the City of Porterville, a transactions and use tax at the rate of one half of 1 percent (0.50%) of the gross receipts of any retailer from the sale of all tangible personal property subject to the State sales and use tax; and

WHEREAS, Ordinance No. 1684, hereinafter known as the *Transactions and Use Tax for Public Safety, Police and Fire Protection* appeared on the November 8, 2005 Special Consolidated Election ballot as Measure H; and

WHEREAS, the tax imposed by Measure H is a special tax, the proceeds of which are to provide a source of revenue to be used to provide additional public safety, police, fire protection services and undertake necessary capital projects to support those services, and to restore and maintain literacy programs and services; and

WHEREAS, revenues generated by Measure H shall be accounted for and paid into a special fund or account designated for use for Public Safety Services only; and

WHEREAS, by Ordinance No. 1684 the City adopted the Program Guidelines and Public Safety Expenditure Plan for the administration and expenditure of the tax proceeds. The Public Safety Expenditure Plan may be amended from time to time by a majority vote of the City Council, so long as the funds are utilized for public safety, police and fire protection services. For the purposes of the Ordinance, "Public Safety Services" means (a) obtaining, furnishing, operating, and/or maintaining police protection equipment or apparatus, paying the salaries and benefits of police protection personnel, and such other police protection service expenses as are deemed necessary by the City Council for the benefit of the residents of the City; (b) obtaining, furnishing, operating, and/or maintaining fire protection equipment or apparatus, paying the salaries and benefits of fire protection personnel, and such other fire protection service expenses, including capital expenses, as are deemed necessary by the City Council for the benefit of the residents of the City; and (c) with the use of no more than 15% of the revenue generated from the special tax, restoration and maintenance of literacy programs due to the established connection between illiteracy and crime; and

WHEREAS, the Porterville City Council declares that public participation is essential to ensuring the effective implementation of priority goals and objectives contained in the Public Safety Expenditure Plan, and the appropriate expenditure of General Fund revenues committed to public safety, police and fire protection services.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Porterville hereby directs formation of an independent citizen's oversight committee as follows:

A. Name: The committee shall be known as the *Transactions and Use Tax Oversight Committee.*

B. Purpose

1. To review the revenue and expenditures of the three Measure H budgets (Fire, Police and Literacy) contained in General Fund No. 4, Public Safety Sales Tax, and report to Council their finding as "consistent with the intent of the ballot measure" or "non consistent."

   Should a determination of "non consistent" be brought forth, the Council shall hold a public hearing on the issue and take whatever action is necessary and appropriate to correct any issues the Council concurs are inconsistent. It is not the intent of the measure nor the direction of the City Council that the committee have any input in the activities of the aforementioned departments, their sole and only purpose is to advise the City Council on whether or not they believe the departments are utilizing the funds in compliance with the intent of Measure "H" and that the City is not under funding the public safety departments based on the approved funding levels.

2. *Oversight*: Provide that certain spending decisions and priorities contained in the Porterville Police, Fire, and Emergency Response 9-1-1 Measure Program Guidelines and Expenditure Plan are subject to direct oversight and review.

C. Charge of Committee

1. *Monitoring of expenditures:* To monitor the expenditure of General Fund Revenues derived from the Transactions and Use Tax for Public Safety, Police and Fire Protection, and to keep the public informed about the expenditures.

2. Inform public of failure to expend revenues: To advise the public when General Fund revenues are not expended for certain spending decisions and priorities as set in the *Porterville Police, Fire, and Emergency Response 9-1-1 Measure Program Guidelines and Expenditure Plan.*

The charge of the committee may be revised from time-to-time by the Porterville *City* Council.

D. Powers: The Porterville *City* Council empowers the committee with the following powers:

1. *Oversight:* Oversight responsibility to review expenditures related to certain spending decisions and priorities in the Porterville Police, Fire, and Emergency Response 9-1-1 Measure Program Guidelines and Expenditure Plan.

2. *Review financial statements:* Authority to review independent financial and performance audits of the General Fund No. 4, Public Safety Sales Tax.

3. *Review of General Fund Budgets*: Authority to review the Fire, Police and Literacy Budgets and the General Fund application to Public Safety to assure a continued, base level of support.

The committee shall not have the following authority:

1. *No authority to recommend or advise:* The committee does not have authority to recommend, direct, or advise on any such matters that may fall under its oversight power and authority to review. The committee is not advisory to the City Council and has no power to determine or recommend how General Fund moneys are spent. The City Council retains its authority to make such decisions and determinations and establish separate advisory groups for such purposes. The City Council shall also retain discretion and flexibility in what it asks, directs, or allows the committee to address.

E. Committee Operations

1. *Establishing the committee:* The committee shall be established pursuant to voter approval of Measure H in the November 8, 2005 Special Consolidated Election and within 120 days of the effective implementation date of Measure H on April 1, 2006.

2. *First meeting:* The committee shall hold its first meeting within 60 days of adoption of the City's 2006/2007 Annual Budget.

3. *Open meeting requirements:* Meetings of the committee are subject to the open meeting requirements of the *Ralph M. Brown Act.* Meetings shall be noticed and open to the public.

4. *Annual report:* The committee shall issue an annual report of its conclusions. Minutes and reports of the committee are a matter of public record. Reports and minutes of the committee shall be published on the City of Porterville website.

5. *Meet at least once annually:* The committee shall meet at least once annually after adoption of the City budget.

6. *Quorum:* The committee shall make decisions by a simple majority vote of those members in attendance.

7. *Record:* The committee shall maintain a record of its meetings.

8. *Location of meetings:* The committee shall meet in Mikkabi Conference Room, 291 N. Main Street, Porterville, California, at a time convenient to members and the public or at some other location designated by the committee and available to the public.

9. *Officers:* The committee shall elect a chairperson, vice chairperson, and secretary.

10. *Effective operation of meetings:* The Porterville City Council charges the committee to establish additional operating procedures as necessary for the effective operation of committee meetings.

11. *Administrative staff:* The City Manager or his designee will provide necessary administrative and technical assistance to the committee.

12. *Resources available to the committee:* The committee shall be provided the resources to publicize its conclusions—the minimum level of resource to be a page on the City of Porterville website.

F. Committee Composition: The committee shall consist of 10 members as follows:

1. *City Council appointments:* For the establishment of the committee, each member of the Porterville City Council shall appoint two people to the committee. The appointee may be either a resident of Porterville, a business owner or operator. All future appointment to the committee shall be by a majority vote of the Council.

2. *Criteria for appointment:* No member of the City Council, employee of the City, or immediate family member of a City Council Member may serve on the committee.

3. *Length of appointment; rescission of appointment:* For the establishment of the first committee, each Council member shall appoint one person to a two-year term and one to a four-year term. After that, each member of the committee shall be appointed for a four-year term and shall serve until such time that his or her term is completed, or until such time that his or her appointment is rescinded by a simple majority vote of the City Council. It is provided that a member of the committee may resign at his or her discretion.

4. *Recommendation to remove by committee:* Members of the committee, by majority vote, may recommend to the Porterville City Council removal of a committee member for the following reasons: (1) malfeasance; or (2) repeated absence.

5. *Appointment of new members:* At the next regularly scheduled City Council meeting, the Council shall act to replace members of the committee in the event of removal, resignation, disability, or death.

6. *Dissolution of committee:* Dissolution of the committee shall occur in the event the *Transactions and Use Tax for Public Safety, Police and Fire Protection* is revoked or otherwise rendered invalid.

APPROVED AND ADOPTED this 21th day of February, 2006.

Pedro R. Martinez, Mayor

ATTEST:

John Longley, City Clerk

Georgia Hawley, Chief Deputy City Clerk

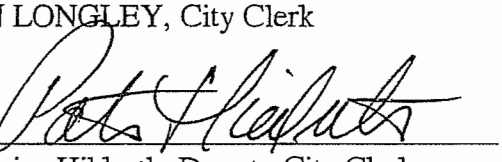
STATE OF CALIFORNIA)
CITY OF PORTERVILLE) SS
COUNTY OF TULARE)

I, JOHN LONGLEY, 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 a resolution passed and adopted by the Council of the City of Porterville at a regular meeting of the Porterville City Council duly called and held on the 21st day of February, 2006.

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

Council:	IRISH	WEST	HAMILTON	STADTHERR	MARTINEZ
AYES:	X	X	X	X	X
NOES:					
ABSTAIN:					
ABSENT:					

JOHN LONGLEY, City Clerk



by Patrice Hildreth, Deputy City Clerk

Chapter ARTICLE VIII
ARTICLE VIII. ANIMAL CONTROL COMMISSION

5-8.1: ESTABLISHED:

An animal control commission is established in and for the city of Porterville. The animal control commission shall serve in an advisory capacity to the city council. (Ord. 1824, 6-16-2015)

5-8.2: COMPOSITION:

The animal control commission shall consist of five (5) members who shall be residents of the city of Porterville. Commissioners shall be appointed by the city council at its complete discretion by a majority vote. Members of the commission shall be representative of a cross section of the community. (Ord. 1824, 6-16-2015)

5-8.3: COMPENSATION:

Members of the animal control commission shall serve without compensation. (Ord. 1824, 6-16-2015)

5-8.4: TERM OF OFFICE; REMOVAL:

The term of office shall be four (4) years with terms staggered to prevent concurrent expiration of terms. All commission members shall serve at the pleasure of the city council and may be removed by a majority vote of the city council at any time and for any reason. (Ord. 1824, 6-16-2015)

5-8.5: VACANCIES:

Vacancies, occurring otherwise than by expiration of the terms, shall be filled by

appointment by the city council as soon as possible; such appointee is to serve for the unexpired term of the vacant office. (Ord. 1824, 6-16-2015)

5-8.6: APPOINTMENT OF CHAIRPERSON AND VICE CHAIRPERSON:

The animal control commission shall appoint one of its members chairperson, and one of them vice chairperson. (Ord. 1824, 6-16-2015)

5-8.7: TERM OF OFFICERS:

The officers thus appointed shall serve one year, until their successors in office have been appointed by the animal control commission. (Ord. 1824, 6-16-2015)

5-8.8: MEETINGS AND RECORDS:

The animal control commission shall hold meetings regularly as determined by the commission and shall designate the time and place thereof. The commission may hold as many meetings as determined necessary for the performance of the duties prescribed in this chapter. The meetings shall be held in compliance with the Brown act and all applicable laws, and the meetings and records of attendance shall be public. The commission shall adopt its own rules of procedure and keep a record of its proceedings. A record of attendance shall be kept regularly and reported to the city council at least once per year. Members are expected to have at least seventy five percent (75%) attendance based upon the commission's regular meeting schedule (e.g., 9 out of 12 meetings if held monthly, and 3 out of 4 if held quarterly). Members who fail to meet the attendance requirement automatically vacate their seat and the vacancies shall be filled per section 5-8.5 of this article. (Ord. 1824, 6-16-2015)

5-8.9: QUORUM:

Three (3) members shall constitute a quorum for the transaction of business. (Ord. 1824, 6-16-2015)

5-8.10: GENERAL POWERS AND DUTIES OF COMMISSION:

The animal control commission shall:

A. Advise the city council and staff on any matters concerning animal control and shelter programs;

B. Make recommendations to the city council and staff concerning regulations affecting animals and the care, control, and treatment of animals;

C. Make recommendations to the city council and staff to strengthen the city's animal control and shelter programs;

D. Engage in a long term planning process through which it identifies major priorities and provides recommendations for the city council for policies and procedures on animal control and shelter program operations;

E. Promote public awareness of the goals and operations of the animal shelter(s) and to enhance community relations with respect to animal control program operations;

F. To advise and assist the city council and staff in conducting public education and outreach programs to city residents regarding animal owner responsibility for licensing, spaying and neutering, and proper care of animals;

G. To review and recommend proactive enforcement programs that will result in reducing cases of animal overpopulation, neglect, abuse, and public nuisance;

H. To review and provide recommendations to the city council and staff on all proposed amendments to this chapter;

I. Serve as a sounding board for staff to review their plans and ideas; and

J. Act on any matters referred by the city council or staff in accordance with the instructions provided with the said referrals. (Ord. 1824, 6-16-2015)

CITY COUNCIL AGENDA – FEBRUARY 21, 2017

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 February 7th, 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 the week of February 20th. Given the delay in the well's completion and connection, DWR requested that the City Council consider allowing the connection of residences as they become prepared for connection, to which the Council was receptive, and a Draft MOU Amendment was approved by the Council at its December 6th meeting and subsequently approved by the Board of Supervisors at is meeting on December 20th.

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.

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. Burrel Avenue
Visalia, CA 93291

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

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

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

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

6. This Agreement reflects the contributions of both parties and accordingly the provisions of Civil Code section 1654 shall not apply to address and interpret any uncertainty.

7. Unless specifically set forth, the parties to this Agreement do not intend to provide any other party with any benefit or enforceable legal or equitable right or remedy.

8. This Agreement shall be interpreted and governed under the laws of the State of California without reference to California conflicts of law principles. This Agreement is entered into and shall be performed in Tulare County, California. CITY waives the removal provisions of California Code of Civil Procedure Section 394.

9. The failure of either party to insist on strict compliance with any provision of this Agreement shall not be considered a waiver of any right to do so, whether for that breach or any subsequent breach. The acceptance by either party or either performance or payment shall not be considered to be a waiver of any preceding breach of the Agreement by the other party.

10. The Recitals and the Exhibits to this Agreement are fully incorporated into and are integral parts of this Agreement.

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

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

COUNTY OF TULARE

BY _____
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 _____
Deputy Clerk

Approved as to Form
County Counsel

By _____
Deputy

20151902

CITY OF PORTERVILLE

BY _____
Milt Stowe, Mayor

ATTEST:
City Clerk of the City of Porterville

BY _____
John Lollis, City Manager

Approved as to Form

BY _____
City Attorney

EXHIBIT 'A'

East Porterville Project Boundary

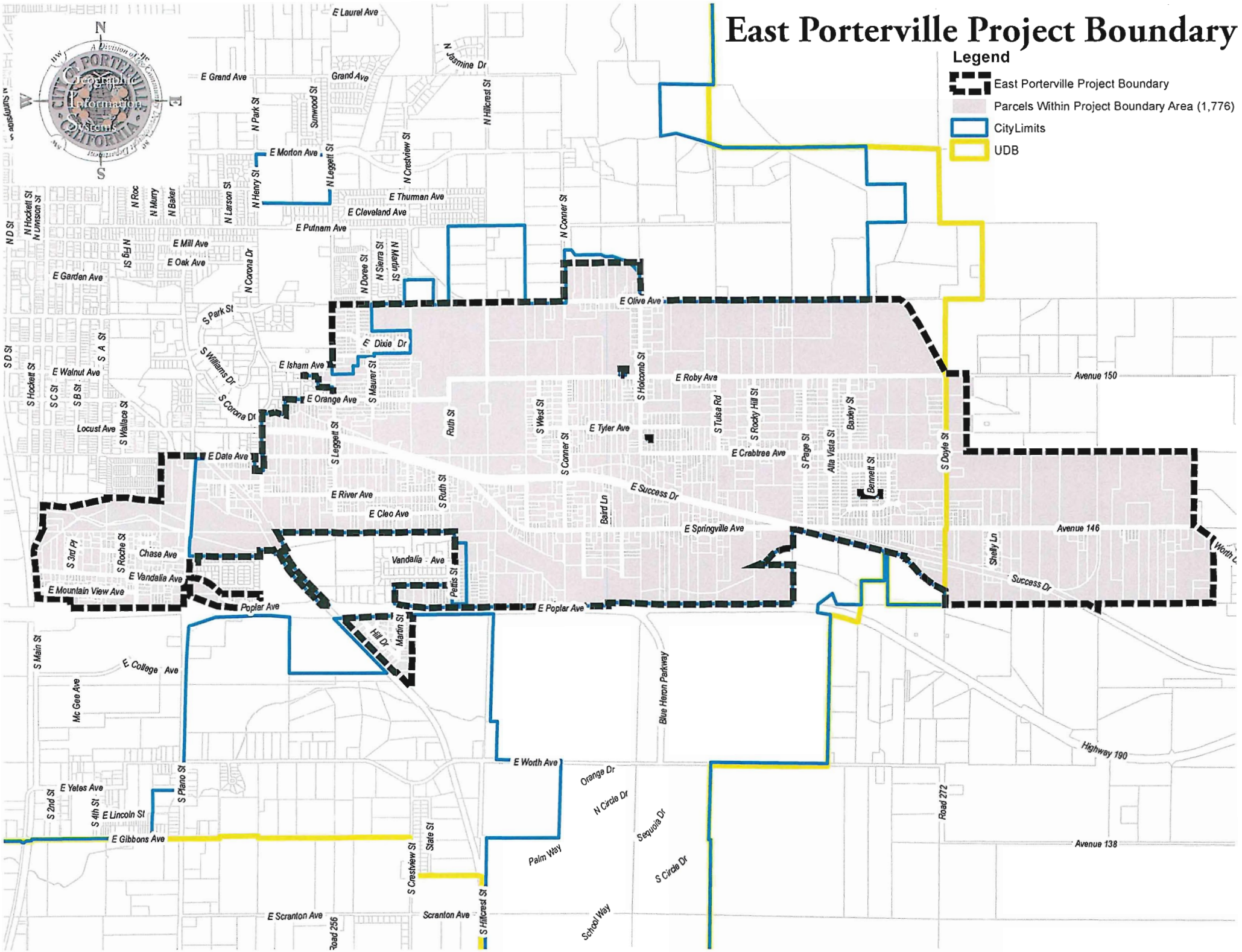

EXHIBIT 'B'

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

Luisa M. Zavala

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

Legend

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

Exhibit B

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

Luisa Zavala

By: Luisa Zavala, Deputy City Clerk

EXHIBIT 'C'

OLIVE AVENUE
176±
245±
302±
TULE RIVER
N
SCALE: 1" =50'

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.1to 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

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