



**CITY COUNCIL AGENDA
CITY HALL, 291 N. MAIN STREET
PORTERVILLE, CALIFORNIA
SEPTEMBER 5, 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: 298 North Main Street, Suites 2 and 3. Agency Negotiator: John Lollis. Negotiating Parties: City of Porterville and Steve Feleay. Under Negotiation: Terms and Price.
- 2** - Government Code Section 54956.8 – Conference with Real Property Negotiators/Property: Along Poplar Avenue, south and adjacent to APN 260-300-028 and APN 260-300-029. Agency Negotiator: John Lollis and Mike Reed. Negotiating Parties: City of Porterville and CZEM Partners LLC. Under Negotiation: Terms and Price.
- 3** - Government Code Section 54957.6 – Conference with Labor Negotiator. Agency Negotiator: John Lollis, Che Johnson and Matt Pierce. Employee Organizations: Porterville City Firefighters Association and Fire Officer Series.
- 4** - Government Code Section 54956.95 – Liability Claim: Claimant: Christopher De la Rosa. Agency claimed against: City of Porterville.
- 5** - Government Code Section 54956.95 - Liability Claim: Claimant: Village Square Association. Agency claimed against: City of Porterville.
- 6** - 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.
- 7** - 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

PUSD - Summer Intern Program

AB 1234 REPORTS

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

1. Tulare County Homelessness Taskforce - August 16, 2017
2. SJVAPCD Governing Board - August 17, 2017
3. Eastern Tule Groundwater Sustainability Agency (GSA) - August 17, 2017
4. Tulare County Association of Governments (TCAG) - August 21, 2017
5. Joint City/School Committee - August 28, 2017
6. Local Agency Formation Commission (LAFCO) - August 30, 2017

REPORTS

This is the time for all staff informational items.

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 June 20, 2017

Re: Considering approval of the draft minutes of June 20, 2017.

2. Authorization to Purchase OHV Track Safety Lights

Re: Considering approval of the purchase of intelligent track safety lights for the OHV Park from RaceAmerica in an amount not to exceed \$13,500 from the State OHV Park Grant Funds.

3. Purchase of Police Service Dog

Re: Considering approval to enter into an agreement with Top Dog Training Center for the purchase of a police service dog and related training in the amount of \$13,323.75.

4. **Request to Purchase Zoll FireRMS Software for Incident Reporting, Staffing, Inspections, and Various Fire Department Records Retention**
Re: Considering approval of the purchase of Fire RMS software for an initial cost of \$19,100, and an annual cost of \$9,700.
5. **Consideration of Street Closure for Annual Zalud House Museum Pioneer Days & Rib Cook-Off**
Re: Considering approval of the temporary closure of Main Street between Morton and Garden Avenues, and Thurman and Cleveland Avenues between Division Street and the alley west of Second Street, on October 14, 2017, from 5:00 a.m.-5:00 p.m.
6. **Acceptance of Project - Lime Street Reconstruction Project**
Re: Considering acceptance of project from MAC General Engineering, and authorizing the filing of the Notice of Completion for the project consisting of the reconstruction of Line Street from Henderson Avenue to Sandra Court and replacement of all concrete improvements from Henderson Avenue to Mulberry Avenue.
7. **Acceptance of Project - Veterans Park Multi-use Parkway Project**
Re: Considering acceptance of a project from MAC General Engineering, and authorizing the filing of the Notice of Completion for the project consisting of the installation of a concrete trail with solar lights from the skateboard park to the east parking lot.
8. **Approval of Transit Measure R Program Supplement to Cooperative Agreement**
Re: Considering approval of a resolution in support of the Program Supplement to the Cooperative Agreement, which will allow the City of Porterville Transit Program to continue receiving operating funds from Measure R to be utilized towards expansion routes.
9. **Approval of Active Transportation Program (ATP) Measure R Program Supplement to Cooperative Agreement**
Re: Considering approval of resolutions in support of the Program Supplements to the Cooperative Agreement for both the Olive Avenue Corridor and Rails to Trails Corridor Lighted Crosswalk Projects.
10. **Request to Apply for Bureau of Justice Assistance FY2017 Edward Byrne Memorial Justice Assistance Grant**
Re: Considering approval to file a grant application for \$13,751 in funds from the Edward Byrne Memorial Justice Assistance Grants Program for the purchase of DUI related equipment.

11. **Selective Traffic Enforcement Program (STEP) Grant Award**
Re: Considering acceptance of STEP Grant funding from the California Office of Traffic Safety in the amount of \$120,000.
12. **Update to Out-of-State Travel - GreenPower Electric Transit Buses In-Plant Inspections**
Re: Considering approval of staff out-of-state travel from September 11-21, 2017, to perform in-plant inspections, tour two battery manufacturers, and attend safety demonstrations for an amount not to exceed \$11,000.
13. **Approval for Community Civic Event - Porterville Unified School District - Monache Vocal Department - Kaleidoscope 5K Run - September 24, 2017**
Re: Considering approval of an event to take place at the Porterville Sports Complex on Sunday, September 24, 2017, from 6:00 a.m. to 1:00 p.m.
14. **Approval for Community Civic Event - Palabra de Victoria Church - Community Outreach - September 23, 2017**
Re: Considering approval of an event to take place in the church parking lot and in front of the church on 'E' Street, Saturday, September 23, 2017, from 2:00 p.m. to 8:00 p.m.; and approval of the closure of 'E' Street from Orange Street to the end of their church building.
15. **Approval for Community Civic Event - Fil-Amer. Association of California - Filipino Week - September 23, 2017**
Re: Considering approval of an event to take place at Veteran's Park on Saturday, September 23, 2017, from 6:00 a.m. to 10:00 p.m.

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

PUBLIC HEARINGS

16. **2016-2017 Consolidated Annual Performance and Evaluation Report (CAPER)**
Re: Consideration of the draft 2016-2017 Consolidated Annual Performance Evaluation Report and its submittal to the Department of Housing and Urban Development.
17. **Request for a Conditional Use Permit for the Vault Bar & Grill for a Type 41 Alcohol License at 73 N. Main Street**
Re: Consideration of a resolution approving the sale of beer and wine under an on-sale license in conjunction with the serving of meals at 73 North Main Street.

SECOND READINGS

18. Second Reading - Ordinance No. 1842 - Approving Zone Change (PRC 2017-034-Z) from DR-D (Downtown Retail - D Street Corridor) to PS (Public and Semi-Public)

Re: Second Reading of Ordinance No. 1842, an ordinance approving a Zone Change from DR-D (Downtown Retail – D Street Corridor) to PS (Public and Semi Public) for 185 N. D Street, a .73± acre parcel located on the West side of D Street, between Putnam and Olive Avenues (APN 252-193-010), which was given first reading on August 15, 2017, and has been printed.

SCHEDULED MATTERS

19. Status and Review of Declaration of Local Emergency

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

ORAL COMMUNICATIONS

OTHER MATTERS

CLOSED SESSION

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

ADJOURNMENT - to the meeting of September 19, 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 – SEPTEMBER 5, 2017

SUBJECT: City Council Minutes of June 20, 2017

SOURCE: Administrative Services

COMMENT: Staff has prepared the draft Minutes of June 20, 2017, for the Council's review and consideration.

RECOMMENDATION: That the Council approve the draft Minutes of June 20, 2017.

ATTACHMENTS: 1. Draft Minutes of June 20, 2017

Appropriated/Funded:

Review By:

Department Director:

Patrice Hildreth, Administrative Services Dir

Final Approver:

**CITY COUNCIL MINUTES
CITY HALL, 291 N. MAIN STREET
PORTERVILLE, CALIFORNIA
JUNE 20, 2017, 5:30 PM**

Called to Order at 5:31 p.m.

Roll Call: Council Member Monte Reyes, Council Member Cameron J. Hamilton, Council Member Martha A. Flores, Mayor Milt Stowe

Absent: Vice Mayor Brian E. Ward

ORAL COMMUNICATIONS

None

CITY COUNCIL CLOSED SESSION:

A. Closed Session Pursuant to:

1 - Government Code Section 54957.6 – Conference with Labor Negotiator. Agency Negotiator: John Lollis, Patrice Hildreth, Che Johnson and Matt Pierce. Employee Organizations: Porterville City Employees Association, Public Safety Support Unit, Porterville City Firefighters Association and Fire Officer Series.

2 - Government Code Section 54956.95 – Liability Claim: Claimant: Felipe Andrade. Agency claimed against: City of Porterville.

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

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

A-2. On a MOTION made by Council Member Hamilton, and SECONDED by Council Member Flores the City Council unanimously rejected the claim submitted by Felipe Andrade.

AYES: Reyes, Hamilton, Flores, Stowe

NOES: None

ABSTAIN: None

ABSENT: Ward

Documentation: M.O. 01-062017

Disposition: Claim rejected.

The Pledge of Allegiance was led by Council Member Hamilton.

Invocation – a moment of silence was observed.

PRESENTATIONS

Employee Service Awards

AB 1234 REPORTS

AB 1234 reports required pursuant to Government Code § 53232.3.

1. Local Agency Formation Commission (LAFCO) - June 14, 2017

Council Member Hamilton reported that he was unable to attend.

2. SJVAPCD Governing Board - June 15, 2017

Council Member Reyes reported on the following action items: acceptance of funds from the Great Basin Air Pollution Control District; approval of a Voluntary Emission Reduction Agreement for a residential project in Bakersfield; acceptance, appropriation, and reallocation of funds for replacement of aging valley school buses; approval of contract for surveying services; and acceptance and appropriation of Cap and Trade funds to fund trade-up program for ag equipment.

3. Eastern Tule Groundwater Sustainability Agency (GSA) - June 15, 2017

Acting Public Works Director Mike Reed reported that the Eastern Tule GSA was official as of June 6th; and spoke of Executive Committee nomination process for Stakeholder Committee members, agreements with Tulare County, and the budget.

4. Tulare County Association of Governments (TCAG) - June 19, 2017

Council Member Flores reported on receipt of informational updates; announced that the budget was available online; provided an update on Highway 65 project and a Measure R Expenditure Plan amendment; and stated that the next meeting was in August.

REPORTS

I. City Commission and Committee Meetings

1. Parks & Leisure Services Commission - Summer Hiatus

2. Library & Literacy Commission - Summer Hiatus

3. Arts Commission

4. Animal Control Commission

Commissioner Penaloza reported that the last meeting of the commission had been cancelled due to lack of a quorum; and encouraged the Council to appoint additional members.

5. Youth Commission - Summer Hiatus

6. Transactions and Use Tax Oversight Committee (TUTOC)

II. Staff Informational Reports

1. Water Conservation Phase IV Status Update

2. Announcement Regarding Federal Bureau of Investigations National Academy

EMERGENCY ITEM

0. CONSIDERATION OF THE ADDITION OF AN EMERGENCY ITEM

Recommendation: That the Council consider the addition of an emergency item to the agenda.

City Attorney Julia Lew indicated that the emergency item was an authorization for the emergency repair of a City well.

COUNCIL ACTION: MOVED by Council Member Hamilton, SECONDED by Council Member Flores that the City Council approve the addition of the emergency item to the agenda as Item No. 25.

AYES: Reyes, Hamilton, Flores, Stowe

NOES: None

ABSTAIN: None

ABSENT: Ward

Documentation: M.O. 02-062017

Disposition: Approved.

ORAL COMMUNICATIONS

- Brock Neeley, Porterville, provided copies and spoke of a news article regarding a suicide cluster in Clovis and three lives saved in Tulare County; spoke of the passing of Porterville resident Alfonso C. Hernandez; and reported on the turnout of the Pride March in Porterville on June 11th.
- Rhonda Szeles spoke about the Bark for Life event and of the need to fight cancer for dogs too.
- Daniel Penaloza spoke in support of the appointment of Gabriel Castaneda to the Animal Control Commission.
- Jeff Szeles spoke of the condition of Main Street and encouraged the Council to remedy the situation.
- Joshua Sillier expressed concerns regarding high speed traffic on Plano Street between and Olive and Date Avenues; and requested increased patrol in the area during the period of 11:00 p.m. and 4:00 a.m.

CONSENT CALENDAR

There were no items pulled from the Consent Calendar for discussion. Staff advised that Mayor Stowe had a conflict on Item No. 11, specifically the street segment identified as No. 11, Grand Avenue from G Street to Jaye Street. City Attorney Lew recommended that Item No. 11 be separated into two actions, 11-A and 11-B, and advised that the Mayor could then abstain from 11-A due to his conflict pertaining to real property.

City Manager Lollis also informed the Council of a correction on Item No. 17. He clarified that the portable restrooms were going to be provided by the Chamber of Commerce.

COUNCIL ACTION: MOVED by Council Member Hamilton, SECONDED by Council Member Flores that City Council approve Items Nos. 1-18, noting Mayor Stowe's abstention from Item No. 11-A.

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

1. CITY COUNCIL MINUTES OF MARCH 14, 2017, AND MAY 2, 2017

Recommendation: That the Council approve the draft Minutes of March 14, 2017, and May 2, 2017.

Documentation: M.O. 03-062017

Disposition: Approved.

2. AUTHORIZATION TO ADVERTISE FOR BIDS FOR THE PLANO STREET MICRO OVERLAY AND WATER REPLACEMENT PROJECT

Recommendation: That City Council:

1. Approve staff's recommended Plans and Project Manual;
2. Authorize staff to advertise for bids on the project;
3. Authorize the City Engineer to negotiate construction surveying services with one of the firms as approved by Council M.O. 02-100714; and
4. Authorize the Finance Director to appropriate \$530,285.96 from the Local Measure R Funds to fully fund this project.

Documentation: M.O. 04-062017

Disposition: Approved.

3. AUTHORIZATION TO ADVERTISE FOR BIDS FOR THE DOWNTOWN PARKING LOT PERIMETER IMPROVEMENT PROJECTS

Recommendation: That City Council:

1. Approve staff's recommended Plans and Project Manual;
2. Authorize staff to advertise for bids on the project;
3. Authorize the City Engineer to negotiate construction surveying services with one of the firms as approved by Council M.O. 02-100714;
4. Authorize staff to appropriate \$11,675.24 from Local Transportation Funds to complete funding for this project; and
5. Authorize the City Engineer to sign the SCE applications and issue payments of \$26,387.22, \$21,879.46, \$32,007.48, and \$12,034.88 for each street light system.

Documentation: M.O. 05-062017

Disposition: Approved.

4. AUTHORIZATION TO PURCHASE ADJUSTABLE HEIGHT IN-GROUND BASKETBALL GOALS FOR ZALUD PARK

Recommendation: That the City Council authorize the Parks and Leisure Services Director to purchase by negotiation four adjustable height in-ground basketball goals for Zalud Park not to exceed \$12,000.

Documentation: M.O. 06-062017

Disposition: Approved.

5. AUTHORIZATION FOR CONCRETE WORK FOR ZALUD PARK PICNIC SHELTER

Recommendation: That the City Council authorize the Parks and Leisure Services Director to negotiate a contract for concrete work for the Zalud Park picnic shelter, a prevailing wage project, not to exceed \$12,000.

Documentation: M.O. 07-062017

Disposition: Approved.

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

Recommendation: That City Council authorize the Public Works Director to purchase water shares or surface water during the 2017/2018 fiscal year up to \$500,000.

Documentation: M.O. 08-062017

Disposition: Approved.

7. AUTHORIZATION FOR REPAIR OF SPECIALIZED EQUIPMENT

Recommendation: That City Council authorize the purchase of specialized repair parts (JWC Headworks grinder cartridge) from JWC Environmental at a cost of \$12,256 plus any applicable charges.

Documentation: M.O. 09-062017

Disposition: Approved.

8. AUTHORIZATION TO "PIGGYBACK" ON EXISTING CONTRACT

Recommendation: That Council authorize the purchase of cold mix asphalt utilizing the contract between the County of Tulare and Jaxon Enterprises.

Documentation: M.O. 10-062017

Disposition: Approved.

9. AUTHORIZATION TO NEGOTIATE A CONTRACT - OHV PARK MANAGEMENT SERVICES

Recommendation: That the City Council:

1. Authorize staff to negotiate an OHV Park management services contract with Friends of Kern Open Space with the condition that revenue generated by the OHV Park for the City support the local match of \$35,156 required by the State OHV grant; and
2. Authorize the Mayor to sign all contract documents when completed.

Documentation: M.O. 11-062017

Disposition: Approved.

10. APPROVAL OF DEE JASPAR & ASSOCIATES, INC. SERVICE AGREEMENT #2 - EAST PORTERVILLE WATER SUPPLY PROJECT, PHASE 2

Recommendation: That City Council:

1. Approve the East Porterville Water Supply Project, Phase 2 Service Agreement #2 for Dee Jaspar and Associates; and
2. Direct the Public Works Director to sign Service Agreement #2.

Documentation: M.O. 12-062017

Disposition: Approved.

11-A. ASPHALT OVERLAY PROGRAM FOR 2017/2018

Recommendation: That the City Council approve Street Segment No. 11, Grand Avenue from G Street to Jaye Street (only) of the 2017/2018 Asphalt Overlay Program authorizing expenditure of the budgeted funds.

AYES: Reyes, Hamilton, Flores

NOES: None

ABSTAIN: Stowe

ABSENT: Ward

Documentation: M.O. 13-062017

Disposition: Approved.

11-B. ASPHALT OVERLAY PROGRAM FOR 2017/2018

Recommendation: That the City Council approve the remaining segments (Nos. 1-10 and 12-17) of the 2017/2018 Asphalt Overlay Program authorizing expenditure of the budgeted funds.

Documentation: M.O. 14-062017

Disposition: Approved.

12. REPORT REGARDING RESOLUTION NO. 10A-2017 - PURCHASE OF REAL PROPERTY LOCATED AT 155-185 N. D STREET

Recommendation: That the City Council accept the report concerning the approval of Resolution No. 10A-2017.

Documentation: M.O. 15-062017

Disposition: Approved.

13. PRELIMINARY ANNUAL ENGINEER'S REPORT OF ASSESSMENTS FOR LIGHTING & LANDSCAPE MAINTENANCE DISTRICTS AND SETTING A PUBLIC HEARING

Recommendation: That the City Council:

1. Adopt Resolutions:

- a. Ordering the preparation of an Engineer's Report for the Landscape and Lighting Maintenance Districts for the Fiscal Year 2017-2018;
- b. Giving preliminary approval to the Engineer's Report for the Landscape and Lighting Maintenance Districts for Fiscal year 2017-2018; and
- c. Declaring the intent to levy and collect assessments for Fiscal Year 2017-2018, and offering a time and place for hearing objections thereto.

2. Further, that the City Council set a public hearing for 6:30 PM on July 18, 2017, regarding the Engineer's Report and proposed assessments for the Landscape and Lighting Maintenance Districts for Fiscal Year 2017-2018.

Documentation: Resolution Nos. 29-2017; 28-2017; and 29-2017

Disposition: Approved.

14. ASSIGNMENT OF AIRPORT LEASE - LOT 12

Recommendation: That the City Council approve the Assignment of Lease for Lot 12 between the City of Porterville and Harry R. and Donna L. Dellicker to Christopher S. and Amy R. Shaw; and authorize the Mayor to sign the Lessor's Consent to Assignment of Lease Agreement on behalf of the City.

Documentation: M.O. 16-062017

Disposition: Approved.

15. CITY COUNCIL MEMBER REQUESTED AGENDA ITEM - CONSIDER COMMUNITY SWIMMING POOLS IN NEW RESIDENTIAL DEVELOPMENT

Recommendation: That the City Council approve Vice Mayor Ward's request to consider community swimming pools as an amenity of new residential development as a Scheduled Matter at its July 18th meeting.

Documentation: M.O. 17-062017

Disposition: Approved.

16. CITY COUNCIL MEMBER REQUESTED AGENDA ITEM - CONSIDER POCKET PARKS IN NEW RESIDENTIAL DEVELOPMENT

Recommendation: That the City Council approve Vice Mayor Ward's request to consider pocket parks as an amenity of new residential development as a Scheduled Matters at its July 18th meeting.

Documentation: M.O. 18-062017

Disposition: Approved.

17. APPROVAL FOR COMMUNITY CIVIC EVENT - PORTERVILLE CHAMBER OF COMMERCE - KJUG FREE SUMMER CONCERT SERIES - JUNE 28, JULY 13, AND JULY 28, 2017

Recommendation: That the City Council:

1. Approve the Community Civic Event Application and Agreement from the Porterville Chamber of Commerce subject to the Restrictions and Requirements contained in the Application and Agreement, Exhibit A and Exhibit B of the Community Civic Event Application;
2. Allow the use of the Centennial Plaza community room for the performers' green room and the Centennial Plaza patio for the VIP section;
3. Allow the principal sponsor to serve beer to the VIP section only; and
4. Approve the closure of Main Street, from Harrison Avenue to Putnam Avenue.

Documentation: M.O. 19-062017

Disposition: Approved.

18. APPROVAL FOR COMMUNITY CIVIC EVENT - AMERICAN CANCER SOCIETY - BARK FOR LIFE OF PORTERVILLE - AUGUST 19, 2017

Recommendation: That the City Council approve the Community Civic Event Application and Agreement from the American Cancer Society, subject to the Restrictions and Requirements contained in the Application, Exhibit A and Exhibit B of the Community Civic Event Application.

Documentation: M.O. 20-062017

Disposition: Approved.

PUBLIC HEARINGS

19. CONDITIONAL USE PERMIT FOR PARKING REDUCTION FOR A PROPOSED DUPLEX COMPLEX NEAR MORTON AVENUE AND 4TH STREET

Recommendation: That the City Council approve a Conditional Use Permit to allow a reduction of parking for eight parcels, to be developed with two duplexes each, for a total of 32 units.

City Manager Lollis introduced the item, and Community Development Director Jenni Byers presented the staff report. City Attorney Julia Lew then read amendments to the resolution regarding the specific conditions related to the parking as follows:

- 1. The development shall comply with the proposed site plan, as represented in Exhibits A and B, which includes a two-car enclosed garage for each unit developed.*
- 2. Garages may at no time be converted from their intended use.*
- 3. Development of the larger parcel, located approximately mid-block as shown on Exhibit A, will be limited to four units in a configuration and of a size consistent with the remaining parcels subject to this permit.*

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

- Jim Winton, 150 W. Morton Avenue, requested clarification on the third amendment that was made to the resolution regarding the development of the larger parcel, 8 parking spaces, and on street parking. Mr. Winton also spoke of ADA parking spaces
- Greg Shelton explained why the project was General Plan friendly.

The Public Hearing closed at 7:26 p.m.

Mayor Stowe and Council Member Hamilton spoke in support of the project. Council Member Reyes spoke of potential parking issues associated with guests, but stated that given the available options, parking should be okay.

COUNCIL ACTION: MOVED by Council Member Flores, SECONDED by Council Member Reyes that the City Council adopt the draft resolution approving a Conditional Use Permit, as amended, to allow a reduction of parking for eight parcels, to be developed with two duplexes each, for a total of 32 units.

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

Documentation: Resolution No. 32-2017

Disposition: Approved.

20. FEES FOR USE OF ELECTRIC VEHICLE CHARGING STATIONS ON MUNICIPAL PROPERTY

Recommendation: That the City Council conduct a public hearing and, upon conclusion, adopt a resolution establishing session fees of \$1.25 per hour, for the first four hours, and \$2.50 for each additional hour for public use of the new Level 2 electric vehicle (EV) charging station on municipal property.

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

The Public Hearing opened at 7:32 p.m.

- Brock Neeley stated that he had researched costs and indicated that the proposed fees were reasonable.

The Public Hearing closed at 7:32 p.m.

The Council and staff discussed plans for a yearly review; the difference in cost between charging a car at the public charging stations and charging a car at home; solar charging stations that would be free to the public; and the maintenance of equipment.

COUNCIL ACTION: MOVED by Council Member Hamilton, SECONDED by Council Member Flores that the City Council adopt a resolution establishing session fees of \$1.25 per hour, for the first four hours, and \$2.50 for each additional hour for public use of the new Level 2 electric vehicle (EV) charging station on municipal property.

AYES: Reyes, Hamilton, Flores, Stowe

NOES: None

ABSTAIN: None

ABSENT: Ward

Documentation: Resolution No. 33-2017

Disposition: Approved.

21. ADOPTION OF FISCAL YEAR 2017-2018 BUDGET

Recommendation: That the City Council conduct the Public Hearing and consider for adoption the proposed 2017-2018 Fiscal Year Budget, including any modifications and for the time period as designated by Council.

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

The Public Hearing opened at 7:42 p.m. When no one came forward, the Mayor closed the Public Hearing at 7:42 p.m.

COUNCIL ACTION: MOVED by Council Member Hamilton, SECONDED by Council Member Flores that the City Council adopt the proposed 2017-2018 Fiscal Year Budget.

AYES: Reyes, Hamilton, Flores, Stowe

NOES: None

ABSTAIN: None

ABSENT: Ward

Council Member Hamilton expressed his appreciation to City Manager Lollis and staff for their efforts.

Documentation: Resolution No. 34-2017; Resolution No. 35-2017

Disposition: Approved.

SCHEDULED MATTERS

22. CONSIDERATION OF APPOINTMENTS TO THE ANIMAL CONTROL COMMISSION AND TRANSACTIONS AND USE TAX OVERSIGHT COMMITTEE (TUTOC)

Recommendation: That the City Council consider the appointment of an individual to the Animal Control Commission with a term to expire in September of 2018, and the Transactions and Use Tax Oversight Committee with a term to expire in May of 2020.

City Manager Lollis introduced the item, and Administrative Services Director Patrice Hildreth presented the staff report.

COUNCIL ACTION: MOVED by Council Member Hamilton, SECONDED by Council Member Reyes that the City Council appoint Gabriel Castaneda to the Animal Control Commission with a term expiring in September 2018 and John Billiou to the Transaction and Use Tax Oversight Committee with a term expiring in May 2020.

AYES: Reyes, Hamilton, Flores, Stowe

NOES: None

ABSTAIN: None

ABSENT: Ward

Documentation: M.O. 21-062017

Disposition: Approved.

23. SELECTION OF THE PUBLIC TRANSIT REPRESENTATIVE TO THE TULARE COUNTY ASSOCIATION OF GOVERNMENTS (TCAG) BOARD OF DIRECTORS

Recommendation: That the City Council consider the selection of a Public Transit Representative to the Tulare County Association of Governments (TCAG).

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

The Council discussed the individuals that had expressed an interest in serving as well as other potential candidates to support.

COUNCIL ACTION: MOVED by Council Member Reyes, SECONDED by Council Member Flores that the City Council recommend Greg Gomez as the Public Transit Representative to the Tulare County Association of Governments (TCAG).

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

Documentation: M.O. 22-062017

Disposition: Approved.

24. 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.

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

COUNCIL ACTION: MOVED by Council Member Hamilton, SECONDED by Council Member Reyes that the City Council approve the continued Declaration of Local Emergency.

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

Documentation: M.O. 23-062017

Disposition: Approved.

25. AUTHORIZATION FOR EMERGENCY REPAIR OF CITY WELL #18

Recommendation: That City Council direct the Finance Director to initiate a Purchase Order to Zim Industries in an amount not to exceed \$41,589 for the repair of City Well #18.

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

COUNCIL ACTION: MOVED by Mayor Stowe, SECONDED by Council Member Hamilton that the City Council direct the Finance Director to initiate a Purchase Order to Zim Industries in an amount not to exceed \$41,589 for the repair of City Well #18.

AYES: Reyes, Hamilton, Flores, Stowe

NOES: None

ABSTAIN: None

ABSENT: Ward

Documentation: M.O. 24-062017

Disposition: Approved.

ORAL COMMUNICATIONS

- Greg Shelton thanked the Council for its approval of Item No. 19, and thanked staff for their work on the project.
- Gabriel Castaneda thanked the Council for his appointment to the Animal Control Commission.
- Sonia Soto spoke regarding the Relay for Life event in October and of services offered to those in Tulare County.

OTHER MATTERS

- Council Member Flores reported that she had attended the Cath Lab Ribbon Cutting and the Leadership Porterville Class of 2017 Graduation; and spoke of Thursday's Chamber After Hours event at Eagle Mountain Casino.
- Council Member Hamilton reminded everyone that Freedom Fest was on July 1st.
- Mayor Stowe stated that he was looking forward to Freedom Fest and was happy to have a cath lab in town.
- City Manager Lollis thanked Administrative Services Director Patrice Hildreth for her work with Leadership Porterville during its transition year; expressed appreciation for Parks and Leisure Services Director Donnie Moore and his staff for their work on recent community events; stated that Great Day would be reporting from Porterville on Wednesday; reported that consideration of the Measure R Expenditure Plan Amendment was scheduled for July 18th; and spoke of upcoming KJUG concerts on June 28 and July 13, Freedom Fest on July 1, the 4th of July holiday, Family Night at the Ballpark on July 7, and Farmers Market on Main Street on July 11.
- Community Development Director Jenni Byers announced there would be a Housing Fair on Friday, June 30th.

CLOSED SESSION

None

ADJOURNMENT

The Council adjourned at 8:10 p.m. to the meeting of July 18, 2017

SEAL

Luisa M. Zavala, Deputy City Clerk

Milt Stowe, Mayor



CITY COUNCIL AGENDA – SEPTEMBER 5, 2017

SUBJECT: Authorization to Purchase OHV Track Safety Lights

SOURCE: Parks and Leisure Services

COMMENT: In June 2017, the City of Porterville was awarded \$100,060 from the California State Parks Off-Highway Motor Vehicle Recreation Division, Grants & Cooperative Agreement Program. The grant is for operations and maintenance of the City of Porterville OHV Park.

The project scope of the grant included the purchase of a safety track lighting system. Some of the features of the system are: high visibility ultrabright LEDs, integrated wireless data communication, and selectable flag animations. The most significant benefit of the lighting system is that it would keep individuals serving as flaggers off the track and out of harm's way. With this system, one person from the lookout tower can immediately notify all riders on the track when an accident has taken place.

These safety lights are a specialized item with only one known source in California. RaceAmerica Corporation, out of San Jose, carries this product and provides training as part of the purchase. The OHV Park track operator has volunteered to attend the training should the item be approved for purchase.

RECOMMENDATION: That the City Council authorize the purchase of intelligent track safety lights for the OHV Park from RaceAmerica in an amount not to exceed \$13,500 from the State OHV Park Grant Funds.

ATTACHMENTS:

Appropriated/Funded: MB

Review By:

Department Director:

Donnie Moore, Parks and Leisure Services Director

Final Approver: John Lollis, City Manager



CITY COUNCIL AGENDA – SEPTEMBER 5, 2017

SUBJECT: Purchase of Police Service Dog

SOURCE: Police

COMMENT: At the September 20, 2016 City Council Meeting, the Police Department requested Council authorization for the purchase of a police service dog and the associated training. The Council authorized the purchase with the understanding that the Department would be seeking to fill the fourth canine team position later that fiscal year. Due to staffing and selection concerns, this position was not sought during that fiscal year, but the Department is now looking to fill the fourth position.

Top Dog Training Center is our current police service dog vendor and trainer, and the only police service dog kennel in Tulare County that provides a selection of police service dogs and associated training in accordance with the needs of the Department. Top Dog Training Center supplies police service dogs to agencies throughout the State of California, including most agencies in Tulare County, and at a much lower expense than providers located out of the area.

The Department's police service dog specialists recently visited our vendor to evaluate potential police service dogs and obtain pricing for a police service dog and associated training. The police department would like to enter into an agreement with Top Dog Training Center to acquire a police service dog and necessary training for the dog handler. This vendor provides a full guarantee against any congenital health defects for two years after the date of purchase and additionally guarantees the dog for non-health service-related problems for one year.

The total cost for the police service dog and the related training is \$13,323.75. Funds for this purchase are currently available thanks to the generous donations made by members of the community.

RECOMMENDATION: That the City Council:

1. Approve the purchase of a police service dog and related training from Top Dog Training Center in the amount of \$13,323.75; and
2. Authorize the Chief of Police to enter in an agreement with Top Dog Training Center to acquire the service dog and associated training.

ATTACHMENTS: 1. Police Service Dog and Training

Appropriated/Funded: MB

Review By:

Department Director:

Eric Kroutil, Police Chief

Final Approver: John Lollis, City Manager

QUOTATION

Date: August 22, 2017

To:

**City of Porterville
Police Department
350 N. D Street
Porterville, Ca 93257**

[illegible]

Top Dog Training Center, 5922 W. Clinton Avenue, Visalia, Ca 93291

Phone 559-740-2146



CITY COUNCIL AGENDA – SEPTEMBER 5, 2017

SUBJECT: Request to Purchase Zoll FireRMS Software for Incident Reporting, Staffing, Inspections, and Various Fire Department Records Retention

SOURCE: Fire

COMMENT: Documentation and record keeping is a critical function of all fire departments. The City of Porterville Fire Department maintains much of its data in paper format, supplemented by Fire Programs, a records management system with an annual cost of \$4,000. Fire Programs has been the Department's system for over 25 years, and lately it has become apparent that updated software is needed. Fire Programs lacks key elements, and the Department is requesting to transition to Fire RMS, which is used by nearly all California fire departments. Fire RMS includes multiple additional features to improve the delivery of emergency services in Porterville.

Most notably, Fire RMS has modules that will:

- help identify staffing needs and auto-populate shift scheduling;
- offer a system for monitoring overtime and sick leave for more efficient staff management;
- provide a mechanism to provide fire reports to the NFIRS (National Fire Incident Reporting System) database with each call;
- allow for paperless file keeping;
- record arson investigations, and query previous investigations; and
- integrate with Porterville Police Dispatch West Covina system, and prepare for future “closest unit dispatching” which will reduce response times.

The cost of the Fire RMS program is \$7,200 annually, and the West Covina interface is an annual cost of \$2,500 annually. Overall, switching programs would result in an increase of \$4,700 per year. A one time cost, which includes the first year cost for the West Covina interface plus training expenses, is \$19,100. Should Council approve this expenditure, the system could be in place as early as January 2018.

Funding for the first year expenses will result from re-allocation of funds from the equipment replacement schedule. The increased annual expenses will be derived through adjustment of departmental budget allocations, with no anticipated increase required.

RECOMMENDATION: That the City Council approve the purchase of Fire RMS software for an initial cost of \$19,100, and an annual cost of

\$9,700 thereafter.

ATTACHMENTS:

Appropriated/Funded:

Review By:

Department Director:

Dave LaPere, Fire Chief

Final Approver: John Lollis, City Manager



CITY COUNCIL AGENDA – SEPTEMBER 5, 2017

SUBJECT: Consideration of Street Closure for Annual Zalud House Museum Pioneer Days & Rib Cook-Off

SOURCE: Parks and Leisure Services

COMMENT: Parks and Leisure Services 6th Annual Zalud House Museum Pioneer Days & Rib Cook-Off is scheduled for October 14, 2017, from 11:00 AM-3:00 PM on Main Street in the area between Morton and Garden Avenues. Some of the activities will include: rib tasting, queen pageants, a live shoot-out, live music, a beer garden, food booths, re-enactments and more. This year the Porterville Business & Development sub-committee has partnered with the City in an effort to grow the event and involve downtown businesses.

In support of this event, it is requested that the City Council approve a temporary closure of Main Street between Morton and Garden Avenues, and Thurman and Cleveland Avenues between Division Street and the alley west of Second Street. This application has been routed and reviewed by all departments involved. Staff comments are included for Council's information.

RECOMMENDATION: That the City Council authorize the temporary closure of Main Street between Morton and Garden Avenues; and Thurman and Cleveland Avenues between Division Street and the alley west of Second Street, for the Zalud House Museum Pioneer Days & Rib Cook-Off on October 14, 2017, 5:00 AM-5:00 PM.

ATTACHMENTS: 1. Pioneer Days 2017 CCE

Appropriated/Funded:

Review By:

Department Director:

Donnie Moore, Parks and Leisure Services Director

Final Approver: John Lollis, City Manager

CITY OF PORTERVILLE

Internal Community Civic Event

(For events primarily sponsored and organized by City Departments)



Application Date: 8/14/2017 Event Date: 10/14/2017

Location of Event Downtown Porterville/ Centennial Park area

Name of Event: Zalud House Museum Pioneer Days & Rib Cook-off

Sponsoring Department: Parks & Leisure Services

Department Contact Tonya Hall, 791-7697

Affiliated Organizations: _____

City Services Requested:

Barricades (Quantity)	20	Refuse Pickup:	Yes	No		
Amplified Noise Permit	<table><tr><td>Yes</td><td>No</td></tr></table>	Yes	No	Police Assistance:	Yes	No
Yes	No					
Parks Facility Application	<table><tr><td>Yes</td><td>No</td></tr></table>	Yes	No	Street Sweeping:	Yes	No
Yes	No					
Assembly Permit	<table><tr><td>Yes</td><td>No</td></tr></table>	Yes	No			
Yes	No					
Other:	_____					

Staff Comments (list special requirements or conditions for event):

P&LS Director: _____

Donnie Moore: Clean up after horses.

Public Works Director: _____

Javier Sanchez/ Mike Reed: No Comments

Community Dev. Director: _____

Julie Phillips/ Jeni Byers: No Comments

Field Services Manager: _____

Mike Knight: No Comment

Fire Chief: _____

Dave LaPere: No Comment

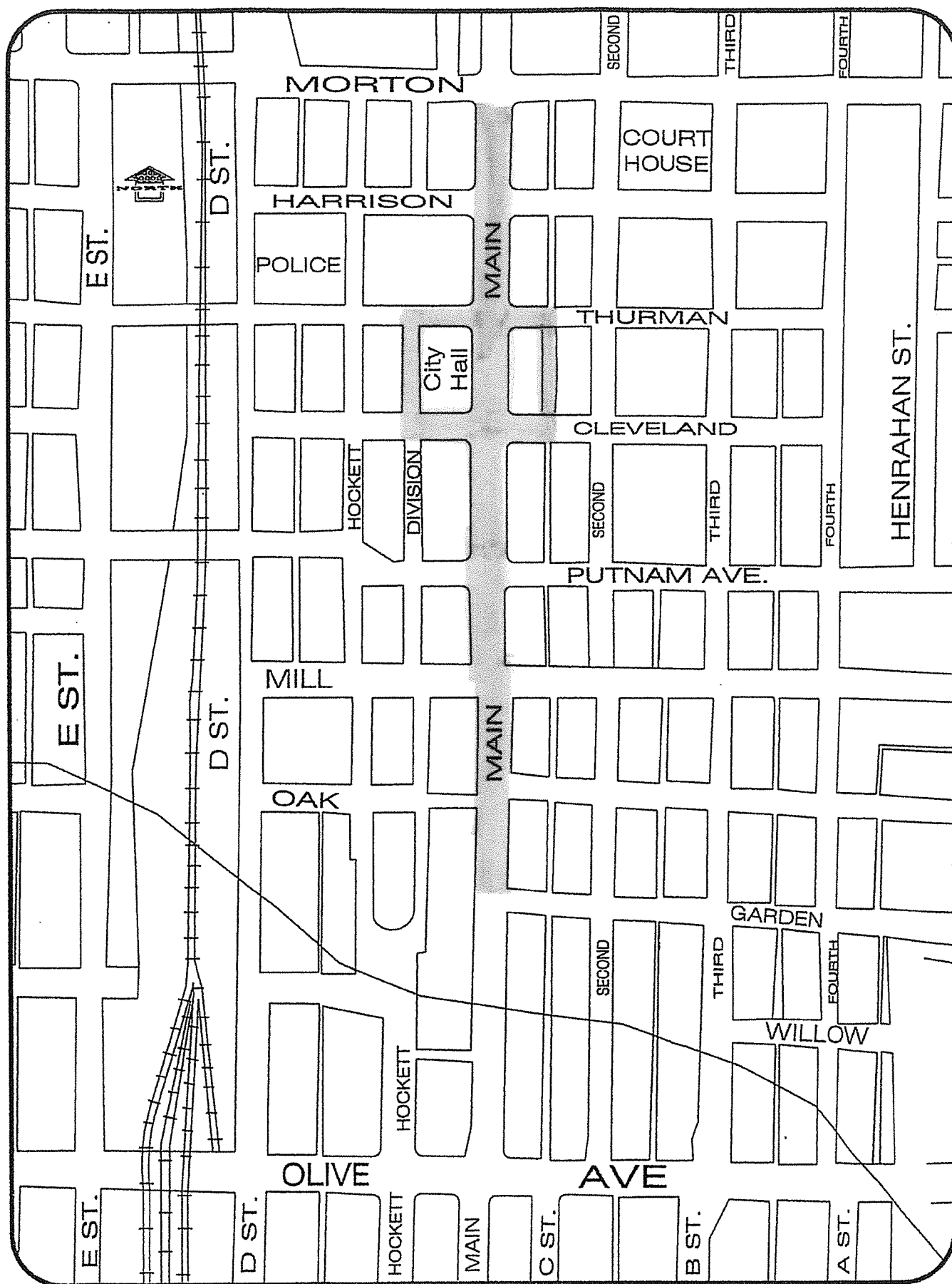
Police Chief: _____

Lt. Standridge: Approved, See attached OAP & Comments

Administrative Services Mgr.: _____

Patrice Hildreth: No Comment

Transit: Richard Tree: No Comment



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: _____

Tonya Hall, 291 N. Main Street, Porterville

2 Address where amplification equipment is to be used: Centennial Park Plaza, Main Street

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

Tonya Hall, 291 N. Main Street

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

Pioneer Days & Rib Cook-Off

5 Dates and hours of operation of amplification equipment: _____

October 14, 2016, 11:00am-3:00pm

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

Speakers, microphone, dj equipment. Music and announcements.

Section 18-9

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

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

Section 18-14

It shall be unlawful for any person to maintain, operate, connect, or suffer or permit to be maintained, operated, or operated, or connected any or sound amplifier in such a manner as to cause any sound to be projected outside of any building or out of doors in any part of the city, except as may be necessary to amplify sound for the proper presentation of moving picture shows, or exhibiting for the convenient hearing of patrons within the building or enclosure in which the show or 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.

Signature of Applicant

8/14/17
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

8-14-17
Date

CITY OF PORTERVILLE Community Civic Event Application

Proposed Event: Pioneer Days Celebration & Rib Cook-Off

Date of Event: October 14, 2017

Location of Event: Centennial Park & Surrounding Area

Recommendations/Requirements:

- All street closures in the city require City Council approval.
- If event organizers anticipate the need to have vehicles removed from the associated streets and alleys, the streets in question must be properly posted, in accordance with the California Vehicle Code, well in advance of the event. Event organizers **shall** contact Lt. Josh Maniss or Lt. Chris Contreras of the Porterville Police Department no less than 30 days prior to the event if vehicle removal is to be authorized. Either can be contacted at 559-782-7410 or 559-782-7400.
- If the sales and consumption of alcoholic beverages are anticipated, a beer garden shall be established and alcohol may only be sold and consumed within the designated beer garden. A minimum of two (2) security guards shall be assigned to control the beer garden while it is in operation. No persons under the age of 21 shall be allowed to enter the beer garden and no alcohol shall be allowed to leave the beer garden. The consumption of alcohol at any other event site shall be strictly prohibited.
- Event organizers shall have applied and been granted a temporary license to sell alcohol from the California Department of Alcoholic Beverage Control.
- Food vendors should provide inspection certificates from the Tulare County Health Department to event organizers, to ensure safe food products.
- An Outside Amplifier Permit has been requested and granted. However, event organizers shall not allow music to be played so loud as to unreasonably disturb the peace and good order of any residents or business establishments in the surrounding area.
- Amplified music shall not continue after 10:00 p.m.

Rich Standridge, Lieutenant
Porterville Police Department



CITY COUNCIL AGENDA – SEPTEMBER 5, 2017

SUBJECT: Acceptance of Project - Lime Street Reconstruction Project

SOURCE: Public Works

COMMENT: MAC General Engineering has completed the Lime Street Reconstruction Project per plans and specifications. The project consisted of reconstructing the street section along Lime Street from Henderson Avenue to Sandra Court, removing and replacing concrete improvements from Henderson Avenue to Mulberry Avenue, including curb ramps, curb & gutter, sidewalk, and storm drain infrastructure.

Staff tracks construction costs of all Capital Improvement Projects and reports project construction expenditures when the project is accepted by City Council. On June 7, 2016, City Council authorized an expenditure of \$1,022,776.80 for construction, construction management, inspection services, construction surveying, and quality control services for the Lime Street Reconstruction Project. The following itemizes the construction related costs in two categories: 1) the construction contract, and 2) a combination of construction management, inspection, surveying, and quality control.

1. Authorized construction contract was \$937,545.40, final construction cost is \$934,351.21.
2. Authorized construction management, inspection, surveying and quality control costs were \$85,231.40, final costs for these services totaled \$91,511.60.

Total project construction costs equate to \$1,025,862.81, which is \$3,086.01 more than the overall budget approved by Council at time of award. Funding for the Lime Street Reconstruction Project is through Local Transportation Funds.

MAC General Engineering requests that the City Council accept the project as complete. Staff reviewed the work and found it acceptable.

RECOMMENDATION: That City Council:

1. Accept the project as complete;
2. Authorize the filing of the Notice of Completion; and
3. Authorize the release of the 5% retention thirty-five (35) days after recordation, provided no stop notices have been filed.

ATTACHMENTS: 1. Locator Map

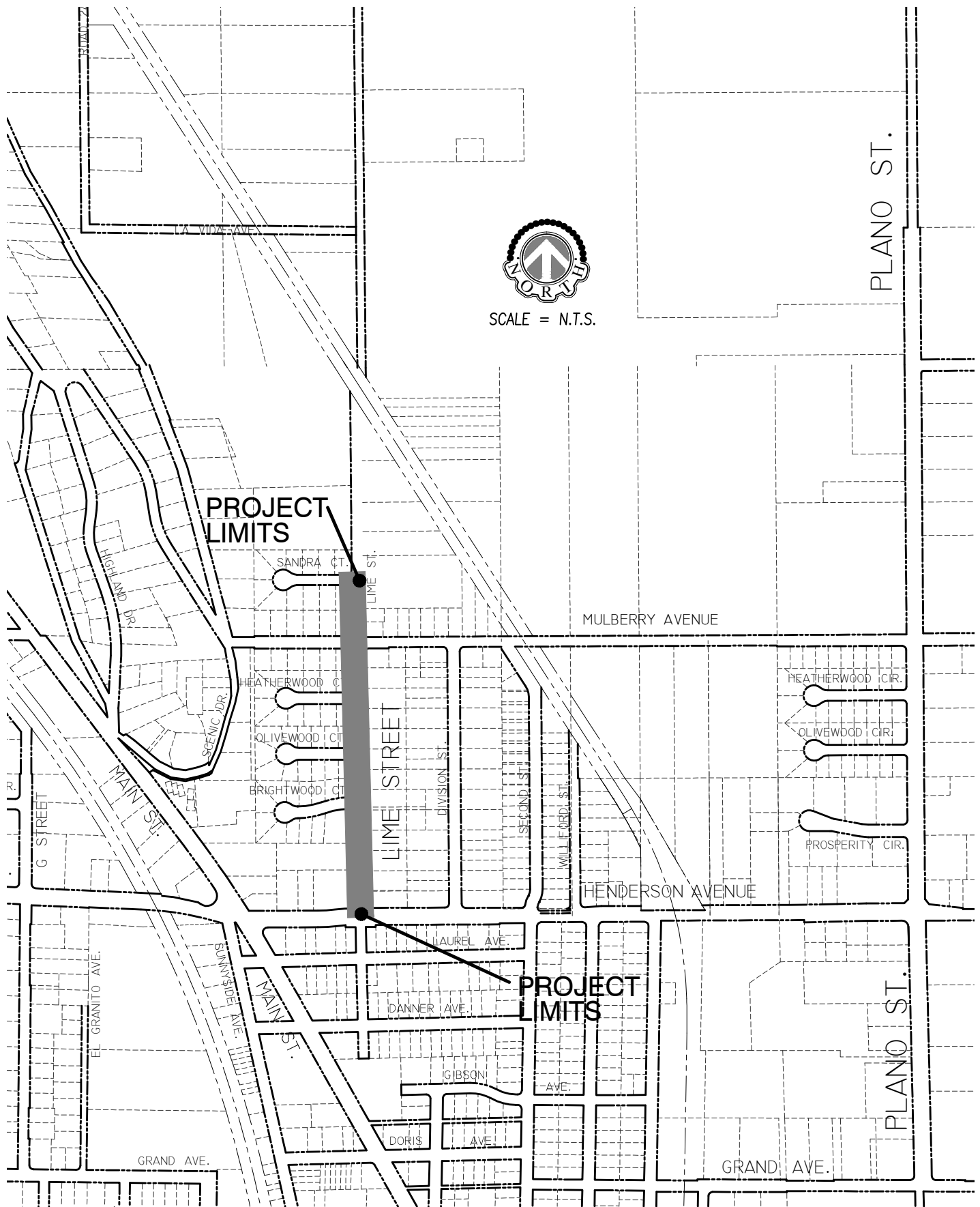
Appropriated/Funded: MB

Review By:

Department Director:

Mike Reed, Acting Public Works Director

Final Approver: John Lollis, City Manager



CITY OF PORTERVILLE

ENGINEERING DIVISION

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

LIME STREET RECONSTRUCTION PROJECT

OWNER	-
APN	-
AREA	-
ACRES	-
SCALE	N.T.S.
DATE	-
DRAWN BY	-
CHECKED BY	-



CITY COUNCIL AGENDA – SEPTEMBER 5, 2017

SUBJECT: Acceptance of Project - Veterans Park Multi-use Parkway Project

SOURCE: Public Works

COMMENT: MAC General Engineering has completed the Veterans Park Multi-use Parkway Project per plans and specifications. The project consisted of installing an ADA compliant concrete multi-use trail within Veterans Park, from the Skateboard Park to the east parking lot, including solar lights along the trail.

Staff tracks construction costs of all Capital Improvement Projects and reports project construction expenditures when the project is accepted by City Council. On October 4, 2016, City Council authorized an expenditure of \$442,001.35 for construction, construction management, inspection services, construction surveying and quality control services for the Veterans Park Multi-use Parkway Project. The following itemizes the construction related costs in two categories: 1) the construction contract, and 2) a combination of construction management, inspection, surveying, and quality control.

1. Final Construction cost is \$406,790.06
2. Construction management and quality control costs are \$34,353.08

Total project construction costs equates to \$441,143.14, which is less than the overall budget approved by Council at time of award. Funding for the Veterans Park Multi-use Parkway Project was through a Housing-Related Parks Grant as well as LTF Funds.

MAC General Engineering requests that the City Council accept the project as complete. Staff reviewed the work and found it acceptable.

RECOMMENDATION: That City Council:

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

ATTACHMENTS: 1. Locator Map

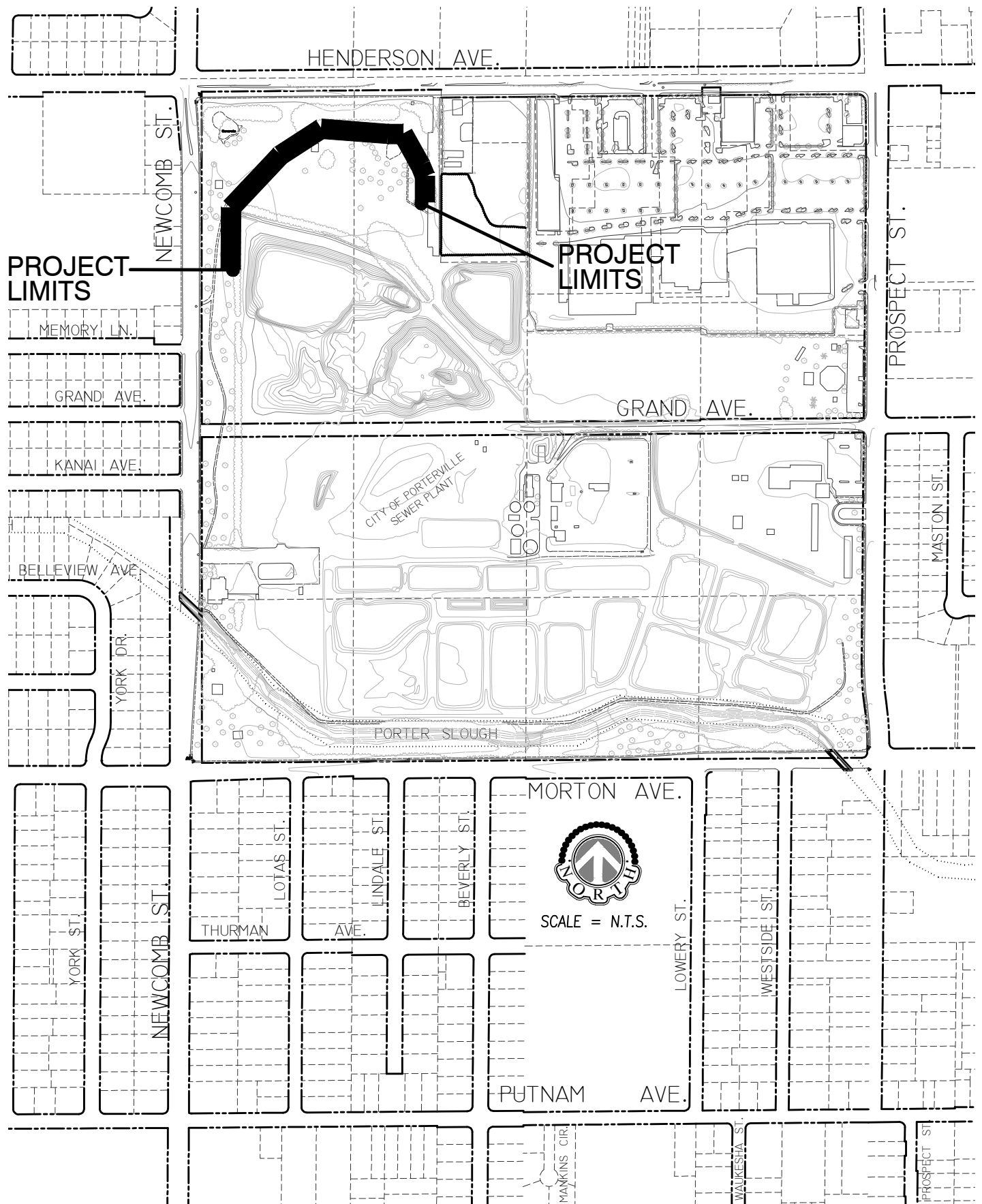
Appropriated/Funded: MB

Review By:

Department Director:

Mike Reed, Acting Public Works Director

Final Approver: John Lollis, City Manager



CITY OF PORTERVILLE

ENGINEERING DIVISION

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

VETERAN'S PARK TRAIL PROJECT

OWNER	-
APN	-
AREA	-
ACRES	-
SCALE	N.T.S.
DATE	-
DRAWN BY	-
CHECKED BY	-



CITY COUNCIL AGENDA – SEPTEMBER 5, 2017

SUBJECT: Approval of Transit Measure R Program Supplement to Cooperative Agreement

SOURCE: Public Works

COMMENT: The Tulare County Association of Governments (TCAG), acting as the Local Transportation Authority ("Authority"), is requesting that the City of Porterville approve and submit a Program Supplement to the Cooperative Agreement for the City of Porterville Transit Program. This Program Supplement will allow the City of Porterville Transit Program to continue receiving operating funds from Measure R to be utilized towards expansion routes. The City is appropriated \$170,000 per year in Transit operating assistance through Measure R.

As stated above, Measure R operating funds are designed for transit expansion. The route approved under these guidelines is Route 8 (Northeast Porterville - Granite Hills High School), which was implemented in August 2008. Additionally, the City modified Routes 6 (Family HealthCare Network Clinic Loop) and 7 (Porterville Adult School - Prospect Street) to expand service to areas not previously served.

Staff has prepared the attached Program Supplement and Attachment "A" to allow the City of Porterville to continue receiving Measure R Transit operating assistance.

RECOMMENDATION: That the City Council:

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

ATTACHMENTS:

1. Draft Resolution
2. Transit Measure R Program Supplement

Appropriated/Funded: MB

Review By:

Department Director:

Mike Reed, Acting Public Works Director

Final Approver: John Lollis, City Manager

RESOLUTION #_____ - 2017

**A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF PORTERVILLE AFFIRMING AND APPROVING THE SUPPORT OF THE
CITY COUNCIL FOR THE MEASURE R PROGRAM SUPPLEMENT TO
COOPERATIVE AGREEMENT FOR THE CITY OF PORTERVILLE TRANSIT
PROGRAM**

WHEREAS, the City of Porterville Transit program is eligible to receive operational costs for Route 8 that began in August 2008, which route by definition meets the Measure R guidelines of transit expansion; and

WHEREAS, the City of Porterville made additional modifications to Routes 6 and 7 in Fiscal Year 2009/2010 to expand service to areas not previously served; and

WHEREAS, the Tulare County Association of Governments (TCAG) is requesting that the City of Porterville approve and submit a Program Supplement to Cooperative Agreement that will allow the City to receive Measure R Transit Funds for Operating Expenses for Fiscal Year 2017/2018;

NOW THEREFORE, BE IT RESOLVED, the City Council of the City of Porterville does hereby affirm and approve support of the Measure R Program Supplement to Cooperative Agreement for the City of Porterville Transit program, and authorizes the Mayor and City Clerk to execute the Program Supplement, and any other related documents as may be required.

PASSED, ADOPTED AND APPROVED this 5th day of September, 2017.

Milt Stowe, Mayor

ATTEST:
John D. Lollis, City Clerk

By: Patrice Hildreth, Chief Deputy City Clerk

**MEASURE R PROGRAM SUPPLEMENT TO
COOPERATIVE AGREEMENT**

This Program Supplement is made and entered into on July 1, 2017, by and between the CITY OF PORTERVILLE ("Sponsor") and the TULARE COUNTY ASSOCIATION OF GOVERNMENTS, acting as the Local Transportation Authority ("Authority").

This Program Supplement hereby incorporates the "Measure R Cooperative Agreement" for Measure R Expenditures which was entered into between the Sponsor and the Authority on May 29, 2007, as amended, and is subject to all terms and conditions thereof. This Program Supplement is executed under authority of Resolution No. 42-2011, approved by the Sponsor on August 2, 2011. (See copy attached)

Project Scope, Costs, and Schedule are incorporated herein as Attachment "A" and agreed upon by Sponsor and Authority.

Covenants of Sponsor

1.1. SPONSOR agrees that it will only proceed with work authorized for specific phases(s) with a written "Authorization to Proceed" or Authority action and will not proceed with future phase(s) of this project(s) prior to receiving a written "Authorization to Proceed" or Authority action.

1.2. The SPONSOR will advertise, award, and administer the project(s) in accordance with SPONSOR standards.

1.3. Award information shall be submitted by the SPONSOR to the AUTHORITY within 60 days after the project contract award.

1.4. Failure to submit award information in accordance with section 1.3 will cause a delay (without interest or penalties) in AUTHORITY processing invoices for the construction phase.

1.5. If no costs have been invoiced for a six-month period, SPONSOR agrees to submit for each phase a written explanation of the absence of project(s) activity along with target billing date and target billing amount.

IN WITNESS WHEREOF, the undersigned parties have executed this Agreement on the day and year first written above.

COUNTY OF TULARE TRANSPORTATION AUTHORITY

By: _____

Chair of the Authority

ATTEST:

By: _____
Authority Director

CITY OF PORTERVILLE

ATTEST:

By: _____

Milt Stowe
Mayor

By: _____

John Lollis
City Clerk

**ATTACHMENT “A”
PROJECT SCOPE, COST AND SCHEDULE**

PORTERVILLE TRANSIT – FY2017/18

Operations

In line with the FY 2008/09 service expansion outlined in the 2006 City of Porterville Short Range Transit Plan, Measure R funds provided to the City of Porterville will be used to offset the cost of the additional fixed route within the City. This new route has been deployed within the northeastern section of the City, an area of growing development that previously has no access to fixed route service. The route began in August of 2008.

Based on review of current and past fixed route operations data, we have calculated the base annual net operating cost of a new route to be approximately \$238,000. Measure R funds are being requested to account for a 71% of the cost of this route expansion, with additional costs being covered by TDA funds.

Measure R Operating Costs Allocated:	\$105,000 Original
	<u>\$65,000</u> Amendment No. 3
	\$170,000 Total

Expansion Route Operating Costs:	\$247,000
Less Fare box Revenue:	<u>\$9,000</u>
Net Project Cost:	\$238,000

Total Measure R Funds Requested:	\$170,000 (71%)
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CITY COUNCIL AGENDA – SEPTEMBER 5, 2017

SUBJECT: Approval of Active Transportation Program (ATP) Measure R Program Supplement to Cooperative Agreement

SOURCE: Public Works

COMMENT: The Tulare County Association of Governments, acting as the Local Transportation Authority ("Authority") is requesting that the City of Porterville approve and submit a Supplemental Agreement (SA) for both the Olive Avenue Corridor and Rails to Trails Corridor Lighted Crosswalk Projects. Each project will provide high visibility crosswalk warning light systems in various locations. The Active Transportation Program (ATP) grants will fund up to \$307,000 of the construction costs of the Olive Avenue Corridor Project and up to \$107,000 of the Rails to Trails Corridor Project. Each project requires a \$20,000 match which is funded by the City's share of the Measure 'R' Alternate Transportation Funds.

A locator map identifying the project limits for each project is attached. The "Authority" requires the processing of an SA for the purpose of reimbursing 100% of the design, construction management, quality control, and non-participating construction costs (\$33,000 for the Olive Corridor, \$15,000 for the Rails to Trails Corridor) and \$20,000 of the construction costs per corridor.

As stated above, a Supplemental Agreement, Resolution and Exhibit 'A' must be received by the "Authority" before the City can seek reimbursement for said design, non-participating construction and construction management costs. Exhibit 'A' provides the project title, project scope, and estimate of probable cost for the installation of each lighted crosswalk project.

RECOMMENDATION: That the City Council:

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

ATTACHMENTS:

1. Supplement Agreements and Resolutions
2. Locator Maps

Appropriated/Funded: JR for MB

Review By:

Department Director:

Mike Reed, Acting Public Works Director

Final Approver: John Lollis, City Manager

**OLIVE AVENUE
CORRIDOR**

MEASURE 'R' PROGRAM SUPPLEMENT TO COOPERATIVE AGREEMENT

This Program Supplement is made and entered into on **September 5, 2017**, by and between the City of Porterville ("Sponsor") and the TULARE COUNTY ASSOCIATION OF GOVERNMENTS, acting as the Local Transportation Authority ("Authority").

This Program Supplement hereby incorporates the "Measure 'R' Cooperative Agreement" for Measure 'R' expenditures, which was entered into between the Sponsor and the Authority on May 29, 2007, and is subject to all terms and conditions thereof. This Program Supplement is executed under authority of Resolution No. ____-2017, approved by the Sponsor on September 5, 2017 (see copy attached).

Project scope and costs are incorporated herein as Exhibit "A" and agreed upon by Sponsor and Authority.

Covenants of Sponsor

- 1.1. SPONSOR agrees that it will only proceed with work authorized for specific phase(s) with a written "Authorization to Proceed" or AUTHORITY action and will not proceed with future phase(s) of this project(s) prior to receiving a written "Authorization to Proceed" or AUTHORITY action.
- 1.2. The SPONSOR will advertise, award, and administer the project(s) in accordance with SPONSOR standards.
- 1.3. Award information shall be submitted by the SPONSOR to the AUTHORITY within 60 days after the project contract award.
- 1.4. Failure to submit award information in accordance with section 1.3 will cause a delay (without interest or penalties) in AUTHORITY processing invoices for the construction phase.
- 1.5. If no costs have been invoiced for a six-month period, SPONSOR agrees to submit for each phase a written explanation of the absence of project(s) activity along with target billing date and billing amount.

IN WITNESS WHEREOF, the undersigned parties have executed this Agreement on the day and year first written above.

COUNTY OF TULARE
TRANSPORTATION AUTHORITY

CITY OF PORTERVILLE

By: _____
Authority Director

By: _____
Milt Stowe, Mayor

Attest:

By: _____
John D. Lollis, City Clerk

RESOLUTION NO. _____ - 2017

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
AFFIRMING AND APPROVING THE SUPPORT OF THE CITY COUNCIL FOR THE
OLIVE AVENUE CORRIDOR LIGHTED CROSSWALK PROJECT

WHEREAS, the City of Porterville Bike and Pedestrian Program is eligible to receive 100% reimbursement for the design, non-participating construction costs, construction management and quality control costs (\$33,000), and \$20,000 reimbursement for the construction costs associated with the Olive Avenue Corridor Lighted Crosswalk Project, which meets the Measure 'R' guidelines and City General Plan for alternate modes of travel; and

WHEREAS, the Tulare County Association of Governments is requesting that the City of Porterville approve and submit a Supplemental Agreement that will allow the City to receive reimbursement for all design costs incurred in Fiscal Year 2017/2018 and all non-participating construction and construction management costs incurred in Fiscal Year 2017/2018;

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Porterville does hereby affirm and approve support of the Olive Avenue Corridor Lighted Crosswalk Project (ATP Grant) and authorizes the Mayor and City Clerk to execute the Program Supplement and any other related documents as may be required.

PASSED, APPROVED and ADOPTED this 5th day of September, 2017.

Milt Stowe, Mayor

ATTEST:
John D. Lollis, City Clerk

By: Patrice Hildreth, Chief Deputy City Clerk

EXHIBIT "A"

Olive Avenue Corridor Lighted Crosswalk Project

Project Scope

High visibility crosswalk warning light systems will be installed in six locations along the Olive Avenue corridor at six separate intersection crossings. The crosswalk light systems utilize ultra-bright LED bi-directional canister lights in the pavement, push-button actuators, and flashing LED pedestrian crossing signs.

Project Costs

Olive Avenue Corridor Lighted Crosswalk Tasks	Engineer's Estimate
Construction	\$297,000.00
Construction Management and Quality Control	\$30,000.00
Right of Way	\$2,500.00
Preparation Plans, Specifications and Estimate, Environmental Documentation and Caltrans Project Approval	\$30,500.00
Total Estimated Costs	\$360,000.00
Current Funding Sources	
ATP Share of Construction Only	\$307,000.00
Measure 'R' Construction Match	\$20,000.00
Measure 'R' Preliminary Engineering, Non-Participating Construction and Construction Management	\$33,000.00
Total Funding Available	\$360,000.00

Project Schedule

Olive Avenue Corridor Lighted Crosswalk Tasks	Date
Environmental (PA/ED) complete	12/01/2017
Design (PS&E) complete	01/05/2018
Authorization to Advertise Project	03/06/2018
Award Construction Project	04/17/2018
Begin Construction	06/04/2018
End Construction	08/03/2018

RAILS TO TRAILS CORRIDOR

MEASURE 'R' PROGRAM SUPPLEMENT TO COOPERATIVE AGREEMENT

This Program Supplement is made and entered into on **September 5, 2017**, by and between the City of Porterville ("Sponsor") and the TULARE COUNTY ASSOCIATION OF GOVERNMENTS, acting as the Local Transportation Authority ("Authority").

This Program Supplement hereby incorporates the "Measure 'R' Cooperative Agreement" for Measure 'R' expenditures, which was entered into between the Sponsor and the Authority on May 29, 2007, and is subject to all terms and conditions thereof. This Program Supplement is executed under authority of Resolution No. ____-2017, approved by the Sponsor on September 5, 2017 (see copy attached).

Project scope and costs are incorporated herein as Exhibit "A" and agreed upon by Sponsor and Authority.

Covenants of Sponsor

- 1.1 SPONSOR agrees that it will only proceed with work authorized for specific phase(s) with a written "Authorization to Proceed" or AUTHORITY action and will not proceed with future phase(s) of this project(s) prior to receiving a written "Authorization to Proceed" or AUTHORITY action.
- 1.2 The SPONSOR will advertise, award, and administer the project(s) in accordance with SPONSOR standards.
- 1.3 Award information shall be submitted by the SPONSOR to the AUTHORITY within 60 days after the project contract award.
- 1.4 Failure to submit award information in accordance with section 1.3 will cause a delay (without interest or penalties) in AUTHORITY processing invoices for the construction phase.
- 1.5 If no costs have been invoiced for a six-month period, SPONSOR agrees to submit for each phase a written explanation of the absence of project(s) activity along with target billing date and billing amount.

IN WITNESS WHEREOF, the undersigned parties have executed this Agreement on the day and year first written above.

COUNTY OF TULARE
TRANSPORTATION AUTHORITY

CITY OF PORTERVILLE

By: _____
Authority Director

By: _____
Milt Stowe, Mayor

Attest:

By: _____
John D. Lollis, City Clerk

RESOLUTION NO. _____ - 2017

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
AFFIRMING AND APPROVING THE SUPPORT OF THE CITY COUNCIL FOR THE
RAILS TO TRAILS CORRIDOR LIGHTED CROSSWALK PROJECT

WHEREAS, the City of Porterville Bike and Pedestrian Program is eligible to receive 100% reimbursement for the design, non-participating construction costs, construction management and quality control costs (\$15,000), and \$20,000 reimbursement for the construction costs associated with the Rails to Trails Corridor Lighted Crosswalk Project, which meets the Measure 'R' guidelines and City General Plan for alternate modes of travel; and

WHEREAS, the Tulare County Association of Governments is requesting that the City of Porterville approve and submit a Supplemental Agreement that will allow the City to receive reimbursement for all design costs incurred in Fiscal Year 2017/2018 and all non-participating construction and construction management costs incurred in Fiscal Year 2017/2018;

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Porterville does hereby affirm and approve support of the Rails to Trails Corridor Lighted Crosswalk Project (ATP Grant) and authorizes the Mayor and City Clerk to execute the Program Supplement and any other related documents as may be required.

PASSED, APPROVED and ADOPTED this 5th day of September, 2017.

Milt Stowe, Mayor

ATTEST:
John D. Lollis, City Clerk

By: Patrice Hildreth, Chief Deputy City Clerk

EXHIBIT "A"

Rails to Trails Corridor Lighted Crosswalk Project

Project Scope

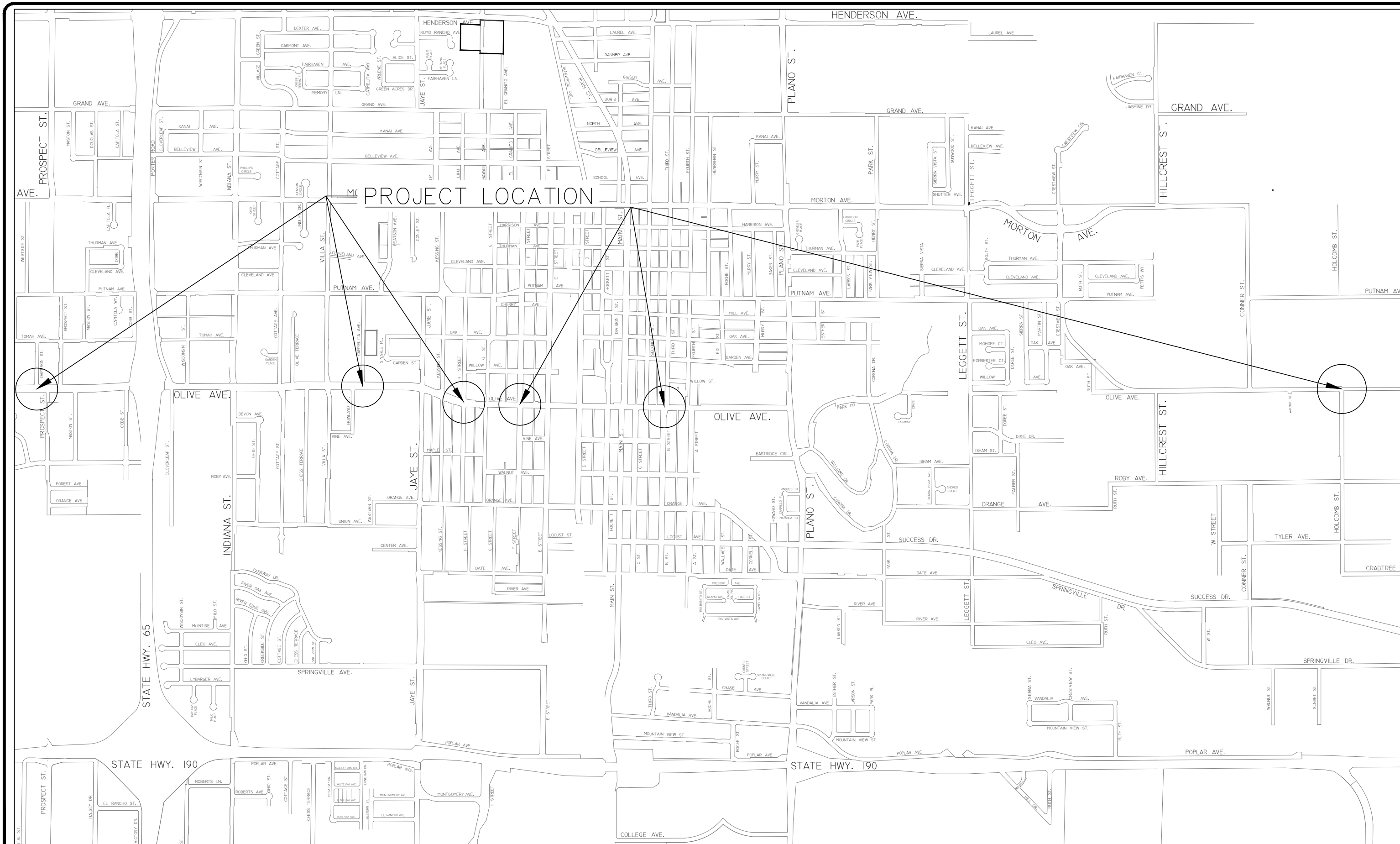
High visibility crosswalk warning light systems will be installed in four locations along the Rails to Trails corridor. The crosswalk light systems utilize ultra-bright LED bi-directional canister lights in the pavement, push-button actuators, and flashing LED pedestrian crossing signs.

Project Costs

Rails to Trails Corridor Lighted Crosswalk Tasks	Engineer's Estimate
Construction	\$115,000.00
Construction Management and Quality Control	\$12,000.00
Right of Way	\$3,000.00
Preparation Plans, Specifications and Estimate, Environmental Documentation and Caltrans Project Approval	\$12,000.00
Total Estimated Costs	\$142,000.00
Current Funding Sources	
ATP Share of Construction Only	\$107,000.00
Measure "R" Construction Match	\$20,000.00
Measure "R" Preliminary Engineering, Non-Participating Construction and Construction Management	\$15,000.00
Total Funding Available	\$142,000.00

Project Schedule

Rails to Trails Corridor Lighted Crosswalk Schedule	Date
Environmental (PA/ED) complete	12/01/2017
Design (PS&E) complete	01/05/2018
Authorization to Advertise Project	03/06/2018
Award Construction Project	04/17/2018
Begin Construction	06/04/2018
End Construction	08/03/2018



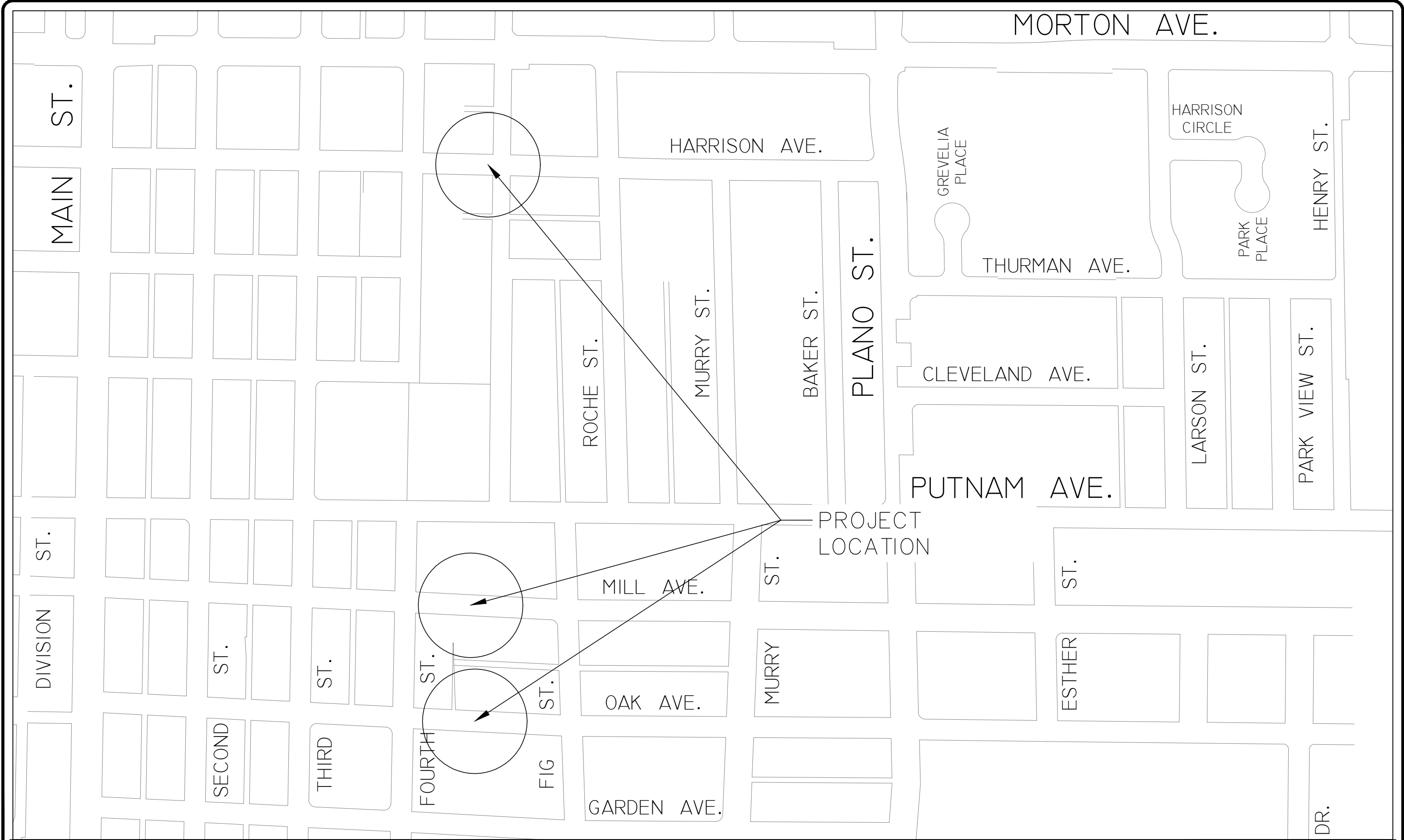
CITY OF PORTERVILLE
ENGINEERING DIVISION
291 N. MAIN ST. PORTERVILLE, CALIFORNIA 93257 559 762-7462

DESIGN BY	VS
DRAWN BY	VS
CHECKED BY	JS
DATE	8-29-17

CITY ENGINEER	DATE
PUBLIC WORKS DIRECTOR	R.C.E. DATE

REVISION NO.	DATE

ACTIVE TRANSPORTATION PROGRAM
CROSSWALK WARNING LIGHTS
SYSTEM OLIVE CORRIDOR



DESIGN BY	VS
DRAWN BY	VS
CHECKED BY	JS
DATE	8-29-17

CITY ENGINEER	DATE
PUBLIC WORKS DIRECTOR	R.C.E. DATE

REVISION NO.	DATE
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CITY COUNCIL AGENDA – SEPTEMBER 5, 2017

SUBJECT: Request to Apply for Bureau of Justice Assistance FY2017 Edward Byrne Memorial Justice Assistance Grant

SOURCE: Police

COMMENT: The City of Porterville has received notification that our jurisdiction is eligible to apply to the Bureau of Justice Assistance for a grant award of \$13,751. The City of Porterville Police Department requests approval to file the grant application for funds from the Edward Byrne Memorial Justice Assistance Grants Program, established within the Bureau of Justice Assistance.

The purpose of the JAG Program is to provide local jurisdictions with opportunities to reduce crime and improve public safety through the use of the grant funds for a variety of activities, from increasing personnel and equipment resources for law enforcement, to developing and supporting programs to enhance effective criminal justice processes.

Recently, the Department was notified they are to be awarded a separate Office of Traffic Safety Grant, which includes the purchase of a DUI trailer. Unfortunately, the amount awarded does not cover all costs associated with the purchase and outfitting of the trailer. Accordingly, staff proposes to utilize the BJA grant funds to purchase police radios that will be required to be installed in the DUI trailer to establish communications capabilities between staff operating out of the DUI trailer and our Communications Center, and purchase signs, cones, LED traffic lights and other materials related to DUI enforcement.

RECOMMENDATION: That the City Council:

1. Authorize the filing of the FY2017 Edward Byrne Jag grant application;
2. Authorize the Police Chief to sign all necessary documents as they pertain to the grant; and
3. Authorize a budget adjustment upon receipt of the funds; and
4. Authorize the purchase of police radios and other DUI related equipment.

ATTACHMENTS: 1. 2017 JAG Grant Resolution

Appropriated/Funded: MB

Review By:

Department Director:

Eric Kroutil, Police Chief

Final Approver: John Lollis, City Manager

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
GRANTING PERMISSION TO APPLY FOR
EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT FUNDS;
AUTHORIZING ACCEPTANCE OF THOSE FUNDS WHEN RECEIVED; AND
APPROVING A BUDGET ADJUSTMENT TO THE POLICE DEPARTMENT BUDGET

BE IT HEREBY RESOLVED by the City Council of the City of Porterville as follows:

1. That the Porterville Police Department apply for FY2017 Edward Byrne Memorial Justice Assistance Grant (JAG) funds; and
2. That the City of Porterville accept the FY2017 Edward Byrne Memorial Justice Assistance Grant (JAG) funds when received; and
3. That the Police Department proposed budget appropriation for Fiscal Year 2017/2018 be increased \$13,751 from JAG funds received to allow for the expenditure of those Grant Funds to purchase equipment for the Department's DUI trailer.

PASSED, APPROVED, AND ADOPTED this 5th day of September, 2017.

Milt Stowe, Mayor

ATTEST:

John D. Lollis, City Clerk

By Patrice Hildreth, Chief Deputy City Clerk



CITY COUNCIL AGENDA – SEPTEMBER 5, 2017

SUBJECT: Selective Traffic Enforcement Program (STEP) Grant Award

SOURCE: Police

COMMENT: In November 2016, the Porterville Police Department submitted a grant proposal/application to the California Office of Traffic Safety (OTS) requesting funding for personnel costs (overtime) associated with Selective Traffic Enforcement Program (STEP) as well as funding for the purchase of a DUI Trailer to replace the current trailer after almost two decades of service. The goal of this program is to reduce the persons killed or injured in vehicle crashes involving alcohol, speed, red light violations, and other recurring primary collision factors within the city of Porterville.

On August 11, 2017, the Porterville Police Department received notification from OTS that funding in the amount of \$120,000 has been approved for the City of Porterville's STEP program. The funding will cover personnel costs (overtime) associated with multiple DUI/license check points, special saturation patrols, and targeted enforcement of areas of repeated traffic collisions and "court sting" operations that target individuals driving away from court after having their drivers license revoked and/or suspended. It also includes funds to be used towards the purchase of a new DUI Trailer to be used at checkpoints during enforcement operations. The Department will be seeking Council authorization for purchase of the replacement DUI trailer at a later date.

The proposed grant will fund the STEP program for the period of October 1, 2017, through September 30, 2018.

RECOMMENDATION: That the City Council:

1. Accept the STEP Grant funding from the California Office of Traffic Safety in the amount of \$120,000; and
2. Authorize a budget adjustment for the Police Department in the Special Safety Grants Fund for FY2017/2018 in the amount of \$120,000.

ATTACHMENTS:

Appropriated/Funded: JR for MB

Review By:

Department Director:

Eric Kroutil, Police Chief

Final Approver: John Lollis, City Manager



CITY COUNCIL AGENDA – SEPTEMBER 5, 2017

SUBJECT: Update to Out-of-State Travel - GreenPower Electric Transit Buses In-Plant Inspections

SOURCE: Public Works

COMMENT: On July 18, 2017, the City Council approved an out-of-state travel request to allow Field Services Shop Superintendent Russell Isom and Transit Manager Richard Tree to perform in-plant inspections of the GreenPower electric buses.

Staff reported that in-plant inspections were scheduled to be performed in Xiamen, China, as well as various other facilities within mainland China, from approximately September 9-15, 2017, and October 9-15, 2017. Staff also reported that a complete itinerary was expected to be finalized in the coming weeks.

Staff has been working with GreenPower to finalize the travel itinerary and is providing the following information for Council approval.

1) The travel itinerary has been changed from September 9-15, 2017, to September 11-21, 2017. A detailed, day-by-day, travel itinerary is below.

- a) September 11, 2017 - Depart from Los Angeles International Airport to Xiamen, China;
- b) September 12, 2017 - Arrive in Xiamen, China;
- c) September 13, 2017 - Tour GreenPower Bus Factory and perform chassis, drive motor, and axle inspection;
- d) September 14, 2017 - Continue chassis, drive motor, and axle inspections;
- e) September 15, 2017 - Depart from Xiamen to Nanchong, China;
- f) September 16, 2017 - Tour Pro Greens Battery Factory and Battery Safety Demonstration;
- g) September 17, 2017 - Depart from Nanchong to Tianjin, China;
- h) September 18, 2017 - Tour Lishen Battery Factory and Battery Safety Demonstration;
- i) September 19, 2017 - Depart from Tianjin to Xiamen, China;
- j) September 20, 2017 - Perform battery installation inspections;
- k) September 21, 2017 - Depart from Xiamen, China to Los Angeles International Airport

Staff worked with GreenPower to coordinate the arrival to perform the in-plant inspections with the real-time status of the electric bus build. It was determined that the bus factory would require several days to progress from the chassis,

drive motor, and axle inspection to the battery installation stage. Staff also requested that the chassis, drive motor, and axle inspection be performed prior to the installation of the batteries to allow staff to perform the required inspections without removing the batteries. Staff is requesting authorization to extend the travel dates from September 9-15, 2017, to September 11-21, 2017.

2) As described in the California Air Resources Board (CARB) Agreement, the following estimated travel expenses, for Mr. Isom and Mr. Tree, will be reimbursable by the CARB grant for the first trip in September:

- a) Round trip flight from LAX to Xiamen - \$1,618.00
- b) Foreign per diem for seven days - \$3,649.00
- c) Total Estimated Travel Expenses - \$5,267.00

As a requirement of the CARB grant agreement, staff is requesting authorization for out-of-state travel, for Mr. Isom and Mr. Tree, to perform in-plant inspections at a cost, not to exceed, \$6,000 from September 11-21, 2017. Staff will come back to Council with a travel itinerary for the second set of in-plant inspections after the completion of the first inspections. Again, timing the travel request to coordinate with the real-time bus build schedule. Travel expenses will be reimbursable by the CARB grant agreement.

3) The following estimated travel expenses will be paid from the City's Shop Operating Budget for the purpose of touring two battery manufacturers and accompanying battery safety demonstrations:

- a) Flight from Xiamen to Nanchong - \$766.00
- b) Foreign per diem for two days - \$996.00
- c) Flight from Nanchong to Tianjin - \$984.00
- d) Foreign per diem for two days - \$1,004.00
- e) Flight from Tianjin to Xiamen - \$538.00
- f) Total Estimated Travel Expenses - \$4,288.00

Although not described in the CARB grant agreement, both staff and GreenPower highly recommend the touring of both battery manufacturers, while in China, since both battery vendors will be used in the City's project. Pro Green batteries will be providing extended range batteries and Lishen batteries will be used on the buses that don't require extended range. Touring and participating in the battery safety demonstrations will also provide staff valuable insight on the construction, maintenance, and safety features of the batteries. Additionally, due to the amount of days required between inspection points, staff believes that it would be cost-effective to remain in China during that duration and to understand as much as possible about the components being used in the buses; rather than flying back and forth multiple times.

Staff is requesting authorization for out-of-state travel, for Mr. Isom and Mr. Tree, to tour two battery manufacturers and accompanying safety demonstrations at a cost, not to exceed, \$5,000.00, which will be paid from the City's Shop Operating Budget.

RECOMMENDATION:

That the City Council:

1. Authorize staff to travel out-of-state from September 11-21, 2017 to perform in-plant inspections of the GreenPower electric buses;
2. Authorize out-of-state travel expenses, for Mr. Isom and Mr. Tree, in the amount not to exceed \$6,000 to perform in-plant inspections, which will be reimbursed by the CARB grant; and
3. Authorize out-of-state travel expenses, for Mr. Isom and Mr. Tree, in the amount not to exceed \$5,000 to tour two battery manufacturers and accompanying safety demonstrations which will be paid by the Shop Operating Budget.

ATTACHMENTS:

Appropriated/Funded: JR for MB

Review By:

Department Director:

Mike Reed, Acting Public Works Director

Final Approver: John Lollis, City Manager



CITY COUNCIL AGENDA – SEPTEMBER 5, 2017

SUBJECT: Approval for Community Civic Event - Porterville Unified School District - Monache Vocal Department - Kaleidoscope 5K Run - September 24, 2017

SOURCE: Finance

COMMENT: The Porterville Unified School District and the Monache High School Vocal Department are requesting approval to hold a 5K Kaleidoscope run at the Porterville Sports Complex on Sunday, September 24, 2017, from 6:00 a.m. to 1:00 p.m. No street closures have been requested.

This application is submitted in accordance with Community Civic Events Ordinance No. 1326, as amended and has been routed according to the ordinance regulations and reviewed by all the departments involved. All requirements are listed on the attached copy of the Application, Agreement and Exhibit A.

In addition, the City's Risk Manager proposes that the City Council amend the agreement to include the condition that the sponsoring organization / applicant's insurance coverage shall apply as primary to, and on a non-contributory basis with, any other available coverage of the City.

RECOMMENDATION: That the City Council approve the Community Civic Event Application and Agreement from the Porterville Unified School District and Monache Vocal Department, subject to the restrictions and requirements contained in the Application and Agreement, Exhibit A and Exhibit B of the Community Civic Event Application and with the added provision that the sponsoring organization / applicant's insurance coverage shall apply as primary to, and on a non-contributory basis with, any other available coverage of the City of Porterville.

ATTACHMENTS:

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

Appropriated/Funded:

Review By:

Department Director:

Maria Bemis, Finance Director

Final Approver: John Lollis, City Manager

CITY OF PORTERVILLE

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



(Incomplete applications can delay permit process)

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

DO YOU HAVE? Event Flyer? E-mail address? Website?

Application date: 7/25/17 Event date: 9/24/17
Event time: 6am - 1pm

Name of Event: Monache Vocal Dept. Kaleidoscope Run
joshhs@portervilleschools.org

Sponsoring organization: Monache Vocal Dept. Phone # (559) 793-3870
Address: 960 N. Newcomb, Porterville CA

Authorized representative: Joshua Sutherland Phone # (559) 306-2719
Address: 1551 Belmont Pl. Porterville, CA

Event chairperson: Same As above Phone # _____

Location of event Porterville Sports Complex
(Location map must be attached)

Type of event: This a 5K run which serves as a fundraiser for the Monache H.S. Vocal Dept.

Non-profit organization status: 77-0569290
(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: _____			

Parks facility application required: Yes ☒ No _____ Attached pd

Assembly permit required: Yes _____ No ☒ Attached _____

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

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

CITY OF PORTERVILLE

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

What constitutes a Community Civic Event?

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

All City Code requirements are described in ordinance 15-20 (e) 1-23 and as amended in ordinance 1613. For a full description please visit our City of Porterville website at www.ci.porterville.ca.us/gov/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)

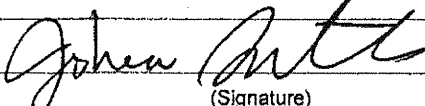
Alcohol liability insurance: Organization/Applicant will obtain an alcohol permit if any alcoholic beverages are to be served. The insurance policy shall be endorsed to include full liquor liability in an amount not less than one million dollars (\$1,000,000) per occurrence. The City of Porterville shall 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 to the permit. Claims-made policies are not acceptable.

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.

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.

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.

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 High School		7/25/17
(Name of Organization)	(Signature)	(Date)

Vocal Dept.

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 , , , , , 3

Location: Sports Complex Event date: 9/24/17 Event time: 6am-12pm

[illegible]

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

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

Event date: 9/24/17 Hours: 6am - 12pm

Closed			
<u>Street Name</u>	<u>From</u>	<u>To</u>	<u>Activity</u>
Sidewalks	From	To	Activity
Parking lots and spaces	Location		Activity

Requirements for Community Civic Event
Porterville Unified School District and Monache Vocal Department
Kaleidoscope Run
September 24, 2017

Finance Director:
M. Bemis

Assistant City Engineer:
J. Sanchez

Community Development Manager:
J. Phillips

No comments.

Field Services Superintendent:
W. Ferguson

Please contact Field Services
Division @ 782-7513 if additional
refuse service is required.

Battalion Chief of Operations:
R. Land, Interim

Parks and Leisure Services Director:
D. Moore

Vehicles to remain off the grass
during the event.

Police Lieutenant:
R. Standridge

Administrative Services Director:
P. Hildreth

See Exhibit A, page 2. City
Council to approve amending the
Community Civic Application and
Agreement to add that sponsoring
organization/applicant's insurance
coverage shall apply as primary to,
and on a non-contributory basis with,
any other available coverage of the
City.

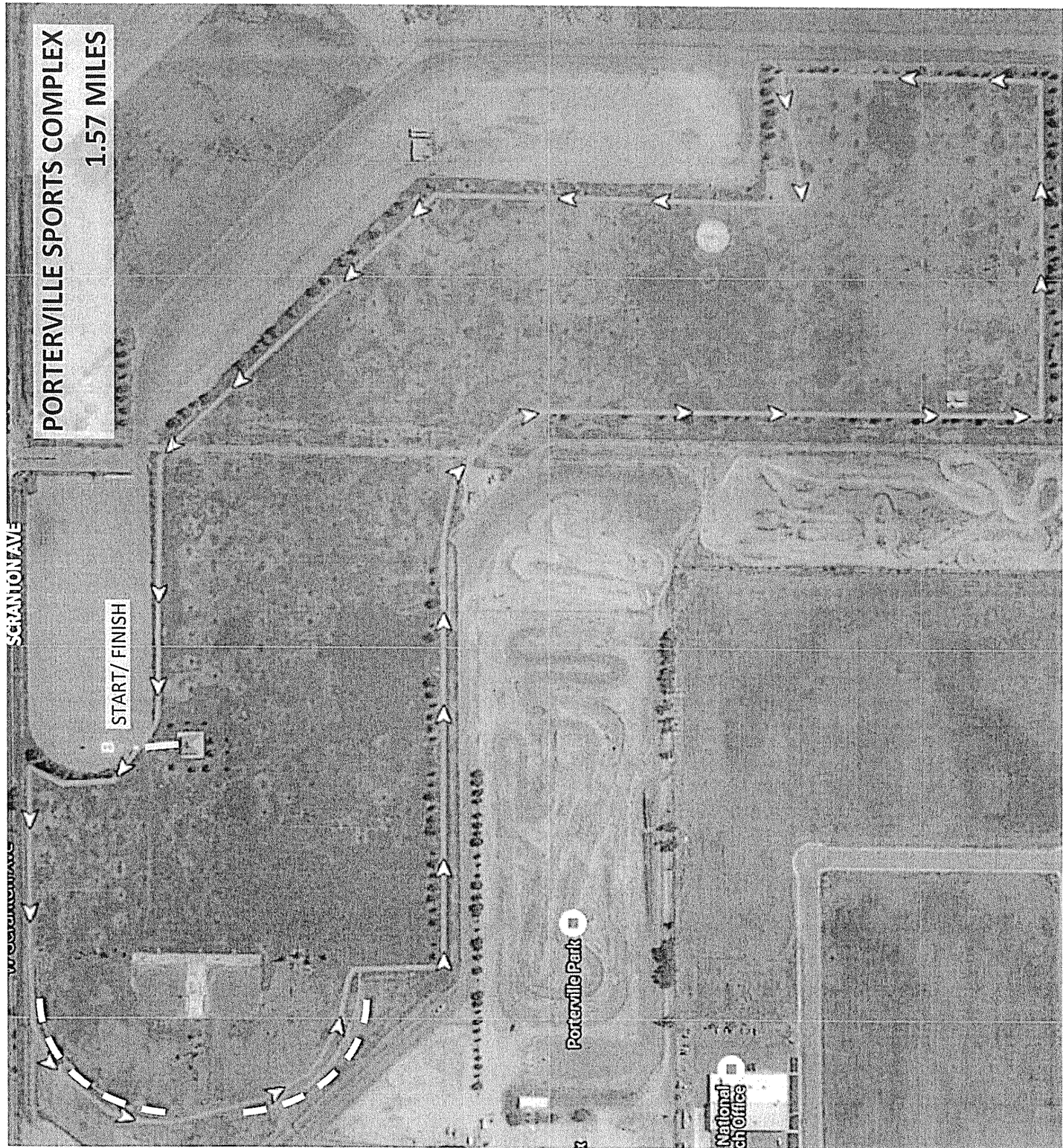
Requirements for Community Civic Event

Sponsor: Porterville Unified School District and Monache Vocal
Department
Event: Kaleidoscope Run
Event Chairman: Joshua Sutherland
Location: Sports Complex
Date of Event: September 24, 2017
Time of Event: 6:00 a.m. to 1:00 p.m.

RISK MANAGEMENT: Conditions of Approval

That the Porterville Unified School District 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.
- B. Said insurance shall be primary to the insurance held by the City of Porterville, be with a company having an A.M. Best Rating of no less than A:VII, and the insurance company must be an "admitted" insurer in the State of California.



PORTERVILLE SPORTS COMPLEX
1.57 MILES

START/FINISH

SCRANTON AVE

Porterville Park

National
Ch Office

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: Joshua Sutherland
1551 Belmont Pl., Porterville, CA 93257
- 2 Address where amplification equipment is to be used: Porterville Sports Complex
- 3 Names and addresses of all persons who will use or operate the amplification equipment: Richard Onsurez
1817 N. Rose St. Porterville, CA 93257
- 4 Type of event for which amplification equipment will be used: 5K Run
- 5 Dates and hours of operation of amplification equipment: Sept. 24, 2017 6am-12pm
- 6 A general description of the sound amplifying equipment to be used: P. A. 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.

Joshua Sutherland
Signature of Applicant

7/25/17
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.

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

8-24-17
Date

CERTIFICATE OF LIABILITY COVERAGE

DATE (MM/DD/YYYY)
8/22/2017

PRODUCER
HUB International Insurance Services Inc.
2300 Clayton Road, #300
Concord, CA 94520
Phone #925-609-6500

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE MEMORANDUM OF

Named Member:
Porterville Unified School District
c/o Houston Insurance Services
P.O. Box 1002
Tulare, CA 93275-1002

Organization
A
Central Tulare County School Districts Liability Property Joint Powers Authority

Organization
B

Organization
C

COVERAGES

THIS IS TO CERTIFY THAT THE MEMORANDUM OF COVERAGE LISTED BELOW HAVE BEEN ISSUED TO THE MEMBER NAMED ABOVE FOR THE COVERAGE 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 MEMORANDUM OF COVERAGE AFFORDED BY THE COVERAGE DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH MEMORANDUM OF COVERAGE. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

ORG LTR	TYPE OF COVERAGE	COVERAGE NUMBER	COVERAGE EFFECTIVE DATE (MM/DD/YY)	COVERAGE EXPIRATION DATE (MM/DD/YY)	LIMITS	
A	General Liability ☒ Commercial General Liability	CTCS-17001	07/01/2017	07/01/2018	General Aggregate	\$10,000,000
					Products/Comp/Ops Agg	Incl.
					Personal & Adv. Injury	Incl.
					Each Occurrence	\$ 5,000,000
					Fire Damage (Any One Fire)	\$ 1,000,000
					Med Exp (Any One Person)	-
A	Automobile Liability	CTCS-17001	07/01/2017	07/01/2018	Bodily Injury & Property Damage	\$ 5,000,000
A	School Board Legal Liability	CTCS-17001	07/01/2017	07/01/2018	Each Claim	\$ 5,000,000
					Aggregate	\$10,000,000

Remarks:

When Required by written contract, agreement, or permit:

1. The certificate holder and others are included as a Member(s) for general liability and automobile liability and such coverage is primary and non-contributory as per Coverage A – Section II – Who is A Member, ITEM E; and/or
2. The Authority waives its rights of recovery against the certificate holder and others as per common memorandum of coverage conditions L.6.

The limit of coverage apply separately per Named Member as per Coverage A, Section III – Limits of Coverage B.2 and 3

Re: Monache High School Vocal Dept. event at Porterville Sports Complex, Sept. 24, 2017

CERTIFICATE HOLDER

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

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED MEMORANDUM OF COVERAGE BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ORGANIZATION WILL MAIL 30 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT,

AUTHORIZED REPRESENTATIVE



23. Damages, or loss, costs or expenses because of **bodily injury, personal injury, advertising injury, or property damage** arising directly or indirectly out of:
- a. Any access to or disclosure of any person's or organization's confidential or personal information, including patents, trade secrets, processing methods, customer lists, financial information, credit card information, health information or any other type of non-public information; or
 - b. The loss of, loss of use of, damage to, corruption of, inability to access, or inability to manipulate **electronic data**.

This exclusion applies even if damages are claimed for notification costs, credit monitoring expenses, forensic expenses, public relations expenses or any other loss, costs or expenses incurred by a **Member** or others arising out of that which is described in a. or b. above.

SECTION II - WHO IS A MEMBER

- A. You are a Member.**
- B.** Each of the following is a **Member** while acting within the scope of their duties as such:
1. All persons who were, are now, or will be **your** elected or appointed officials or members of the Board of Education, Board of Trustees, School Directors, Superintendents, Assistant Superintendents, Administrators, Assistant Administrators, Principals, Vice Principals, School Committee, or any equivalent administrative position.
 2. Current or former commissions, boards or other entities, including their current or former members, under **your** exclusive operation and jurisdiction.
 3. All of **your** current or former employees including teachers, student teachers, or school administrators while acting within the scope of their duties for the **Member** and under **your** direction and control.
 4. All persons who perform a service on a volunteer basis for **you**, provided such performance is under **your** direction and control. This does not include any person working on retainer or as an independent contractor.
 5. Student Body Organizations, Parent-Teacher Organizations, Booster Clubs and Non-Profit organizations approved by **your** governing board as on file with **us**.
 6. Students, including the parents or legal guardians of those students, who serve as members of **your** safety patrol, but only with respect to liability arising out of service by the student as a safety patrol member.
 7. Students enrolled in **your** students in practicum program while engaged in academic studies or work experience relating to **your** students in practicum program during the coverage period.
 8. The estate of any person in 1. through 6. above.
- D.** Any person, entity, or any organization while acting as **your** real estate manager.

E. Any person, entity, or any organization **you** are required by a **covered contract** to include as a **Member**. This coverage will be limited to the extent of coverage and Limits of Liability required by the **covered contract** and will not increase the limits stated in **SECTION III - LIMIT(S) OF COVERAGE** or alter any of the terms of coverage stated in this Coverage Part. The **covered contract** must be effective and executed prior to a covered **occurrence**. If other valid and collectible insurance is available to the additional **Member** to pay damages and/or **claim expenses** due to an occurrence, then our indemnification obligations is excess over such other insurance covering the additional **Member**, whether such other insurance is written on a primary, excess, contingent or on any other basis. If a written contract or written agreement specifically requires the coverage 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 **Member** we agree to do so.

F. Any other person, entity or any organization **We have** issued an **Endorsement** to this Coverage Memorandum adding the person, entity or organization as a **Member**.

G. With respect to:

Mobile equipment or any **auto**, any person is a **Member** while driving such **auto** or **mobile equipment** with **your** permission. Any person, entity, or organization responsible for the conduct of such person is also an **Member**, but only with respect to **bodily injury** or **property damage** arising out of the operation of the **auto** or **mobile equipment**.

However, the owner or anyone else from whom **you** hire or borrow an **auto** is a **Member** only if that **auto** is a trailer connected to an **auto** **you** own.

However, no person, entity, or organization is a **Member** under this paragraph e. with respect to:

1. **Property damage** to property owned by **you** or the employer of any person who is a **Member** under this provision;
2. Any **auto** **you** hire or borrow from one of **your** employees, volunteers or members of their households, if they are the owner of such **auto**, unless acting within the scope of their duties on **your** behalf;
3. Any **auto** being used by a person employed in the business of selling, servicing, repairing, or parking **autos** unless they are **your** employees; or
4. The movement of property to or from an **auto** except **you**, **your** employees, lessees or borrowers of such **auto**, and any employee of the lessees or borrowers.

H. Any entity or organization **you** newly acquire or form and over which **you** have exclusive jurisdiction will qualify as a **Named Member** if there is no other similar insurance available to that entity or organization.

However:

1. Coverage under this provision is afforded only until the 90th day after **you** acquire or form the entity or organization or the end of the policy period, whichever is earlier;
2. Coverage does not apply to **bodily injury** or **property damage** that occurred before **you** acquired or formed the entity or organization; and
3. Coverage does not apply to **personal injury** or **advertising injury** arising out of an **offense** committed before **you** acquired or formed the entity or organization.

I. No person, entity, or organization is a **Member** with respect to the conduct of any current or past partnership or joint venture that is not shown as a **Named Member** in the **Annual Renewal Statement**.

SECTION III - LIMIT(S) OF COVERAGE

- A. The **Limit(s) of Coverage** shown in **Item 2.** of the **Annual Renewal Statement** and the rules below fix the most we will pay under this Coverage Part regardless of the number of:
1. **Members;**
 2. Claims made or **suits** brought; or
 3. Persons or organizations making claims or bringing **suits**.
- B.
1. The each **occurrence Limit of Coverage** is the most we will pay for **ultimate net loss** under **Coverage Part A** for any single **occurrence**.
 2. Subject to subparagraph B. 1. above, the **Coverage Part A** Aggregate Limit is the most we will pay for all **ultimate net loss** during the coverage period for all covered **occurrences** for each **Named Member**, except **ultimate net loss** because of **bodily injury** or **property damage** arising from the **automobile hazard**.
 3. Subject to B.1 and B.2 above, the **Coverage Part A** each **Occurrence Limit of Coverage and Aggregate Limit** shown in Item. **Limit(s) of Coverage, Coverage Part A**, of the **Annual Renewal Statement**, or amended by **Endorsement**, applies separately to each **Named Covered Member** under the Memorandum of Coverage.
- C. If any **occurrence** covered in whole or in part under **Coverage Part A** of this Memorandum of Coverage (or any preceding or succeeding Memorandum of Coverage issued by **US** also constitutes a **wrongful act(s)** covered in whole or in part under **Coverage Part B** of this Memorandum of Coverage (or any preceding or succeeding Memorandum of Coverage issued by **US**, then only the Coverage Part with the higher limits for the each **occurrence (Coverage Part A)** or each **claim(s) (Coverage Part B) Limit(s) of Coverage** as listed on the **Annual Renewal Statement** or any Endorsement will apply. If the each **occurrence (Coverage Part A)** and the each **claim(s) (Coverage Part B) Limit(s) of Coverage** as listed on the **Annual Renewal Statement** or any Endorsement are equal, only one limit will still apply and it will be the each **occurrence (Coverage Part A) Limit(s) of Coverage**.
- D. The **Limit(s) of Coverage** applies separately to each consecutive annual period, and to any remaining period of less than twelve (12) months, starting with the beginning of the coverage period shown on the **Annual Renewal Statement**, unless the coverage period is extended after issuance for an additional period of less than twelve (12) months. In that case, the additional period will be deemed part of the last preceding period for purposes of determining the **Limit(s) of Coverage**.

SECTION IV - DEFINITIONS

- A. **Advertising injury** means injury arising out of one or more of the following **offenses** committed in the course of advertising **your** goods, products or services:
1. Electronic or other publication, transmission, dissemination or storage of material that slanders or libels a person or organization or disparages a person's or organization's goods, products, or services;
 2. Electronic or other publication, transmission, dissemination or storage of material that violates a person's right of privacy;

K. SEPARATION OF MEMBERS

Except with respect to the relevant **Limit(s) of Coverage** and any applicable exclusion(s), this Memorandum of Coverage applies:

1. As if each **Named Member** were the only **Named Member**; and
2. Separately to each **Member** against whom **claim** or **suit** is brought.

L. SUBROGATION- RECOVERY FROM OTHERS

1. **We** have the right to recover all payments which **we** have made to or on behalf of the **Member** from anyone liable for a loss. If the **Member** recovers from anyone liable for a loss, **we** will be reimbursed first from such recovery to the extent of our payments to or on behalf of the **Member**. The **Member** expressly waives any rights it may have to recoup any uncovered portions of any loss prior to **our** recovery of the full amounts we paid hereunder.
2. If the **Member** does not commence an action or proceeding to recover damages from anyone liable for a loss paid by **us**, the **Member** agrees to timely assign all of its rights of recovery to us and also agrees that we have the rights of the **Member** to recover from anyone liable for a loss. The **Member** will do everything necessary to protect those rights and help us to enforce them.
3. Any such recovery will be allocated in the following order:
 - a. First, to reimburse any other Memorandum of Coverage or insurance for coverage in excess of this Memorandum of Coverage's relevant **Limit(s) of Coverage** set forth on the **Declaration Page** or any endorsement, or to reimburse the **Member** to the extent there is no such other memorandum of Coverage or insurance;
 - b. Then, we will be reimbursed for all of **our** payments under this Memorandum of Coverage;
 - c. Then, any other Memorandum of Coverage or insurance that we are excess above will be reimbursed for all of their payments, if any;

- d. Finally, any balance of the recovery will be paid to the **Member**.
4. Expenses of all proceedings to recover from anyone liable for loss covered by this Memorandum of Coverage will be deducted from any amount which has been recovered prior to the allocation in accordance with paragraph 3. above.
 5. If such action is commenced by the **Member**, with our prior approval, and the expenses incurred in obtaining recoveries exceeds the amount recovered, if any, the excess expense will be apportioned between the parties in proportion to the liability of each party for the loss before the recovery was obtained, if such an action or proceeding undertaken solely by **us** results in no recovery, **we** will pay all related expenses.
 6. Notwithstanding anything to the contrary in paragraphs 1. through 5. Above, in the event **we** make any payment under this Memorandum of Coverage, **we** will waive **our** right of recovery against any person or organization with whom the **Member** has:
 - a. Agreed in a written contract, agreement or permit that is effective and executed prior to the date of an **occurrence** or **wrongful act(s)**, to waive its subrogation, contribution, or indemnity rights; or
 - b. Performed or received work under a letter of intent, work order, or other letter of understanding provided that the **Member** can demonstrate that such letter of intent, work order, or other letter of understanding would customarily be reduced to a written contract, agreement or permit that requires the **Member** to waive its subrogation, contribution or indemnity rights.



CITY COUNCIL AGENDA – SEPTEMBER 5, 2017

SUBJECT: Approval for Community Civic Event - Palabra de Victoria Church - Community Outreach - September 23, 2017

SOURCE: Finance

COMMENT: The Palabra de Victoria Church is requesting approval to hold their annual Community Outreach event. This event, with carnival games and live music, will be held in the church parking lot and in front of the church on 'E' Street, Saturday, September 23, 2017, from 2:00 p.m. to 8:00 p.m. The applicant has requested the closure of 'E' Street from Orange Street to the end of their church building.

This application is submitted in accordance with the Community Civic Events Ordinance No. 1326, as amended and has been routed according to the ordinance regulations and reviewed by all the departments involved. All requirements are listed on the attached copy of the Application and Agreement and Exhibit A and Exhibit B.

RECOMMENDATION: That the City Council approve the Community Civic Event Application and Agreement from the Palabra de Victoria Church, subject to the Restrictions and Requirements contained in the Application and 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, Outside Amplifier Permit and Certificate of Liability Insurance

Appropriated/Funded:

Review By:

Department Director:

Maria Bemis, Finance Director

Final Approver: John Lollis, City Manager

9/5/17

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: 8-15-17 Event date: 9-23-17
Palabra De Victoria Church Event time: 2 PM - 8 PM
Name of Event: Community Out Reach

Sponsoring organization: Palabra De Victoria Church Phone # (559) 782-1573
Address: 163 W. ORANGE
Authorized representative: ANGEL SEGURA Phone # 782-1573
Address: 1184 W. BROWN AVE
Event chairperson: ANGEL SEGURA Phone # SAME

Location of event 163 W. ORANGE Porterville, Ca. 93257
(Location map must be attached)

Type of event: Community Event

Non-profit organization status: BL# 001885
(IRS Determination)

City services requested (fees associated with these services will be billed separately):
Barricades (quantity): 12 Street sweeping Yes ☐ No ☒
Police protection Yes ☐ No ☒ Refuse pickup Yes ☐ No ☒
Other: _____

Parks facility application required: Yes ☐ No ☒ Attached ☐
Assembly permit required: Yes ☐ No ☒ Attached ☐

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

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

CITY OF PORTERVILLE

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

What constitutes a Community Civic Event?

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

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

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

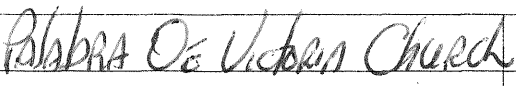
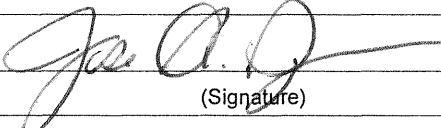
Alcohol liability insurance: Organization/Applicant will obtain an alcohol permit if any alcoholic beverages are to be served. The insurance policy shall be endorsed to include **full liquor liability** in an amount not less than one million dollars (\$1,000,000) per occurrence. The City of Porterville 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.**

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.

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.

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.

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.

		8-15-17
(Name of Organization)	(Signature)	(Date)

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

Location: 163 W. ORANGE Event date: 9-23-17 Event time: 2 PM - 8 PM

[illegible]

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

CITY OF PORTERVILLE

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

Name of event: Palabra De Victoria Church Community Outreach

Sponsoring organization: Palabra De Victoria Church

Event date: 9-23-17 Hours: 2:PM - 8:PM

ATTACH MAP MARKING AREAS TO BE CLOSED OR USED:

Closed

Street Name	From	To	Activity
"E st"	Church Building	End of Church Building	CARNIVAL
	↓	↑	TYPE: GAMES FOR children THAT REQUIRE NO Mech. Equipment (Ball Toss / Ring Toss / B-Ball.
	CRANGE ST	CRANGE ST. TO (small prizes)	
			- NO RIDES @ Carnival
Sidewalks	From	To	Activity
			- No Drinking Machine
			- LIVE Christian Band
			- NO DJ.
			- NO Vendors
			No other participants Except For Church
Parking lots and spaces	Location		Activity
			MEMBERS, BAND & PATRONS of Community

Requirements for Community Civic Event
Palabra de Victoria Church
Community Outreach
September 24, 2016

Finance Director:
M. Bemis

Public Works Director:
M. Reed

Community Development Manager: No comments.
J. Phillips

Field Services Manager:
M. Knight

Battalion Chief of Operations:
R. Land

Parks and Leisure Services Director: No comments.
D. Moore

Police Lieutenant: Please see proposed conditions and
R. Standridge requirements in Exhibit B.

Administrative Services Director: Please see Exhibit A, page 2.
P. Hildreth

Requirements for Community Civic Event

Sponsor: Palabra de Victoria Church
Event: Community Outreach
Event Chairman: Angel Segura
Location: Palabra de Victoria Church parking lot/front of church
Date of Event: September 23, 2017
Time of Event: 2:00 p.m. to 8:00 p.m.

RISK MANAGEMENT: Conditions of Approval

That the Palabra de Victoria Church 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, City of Porterville Redevelopment Agency and its Officers, Employees, Agents and Volunteers as 'Additional Insured' against all claims arising from, or in connection with, the Permittee's operation and sponsorship of the aforementioned Community Civic Event.

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

CITY OF PORTERVILLE

Community Civic Event Application

Proposed Event: Church Community Outreach

Date of Event: September 23, 2017

Location of Event: 163 W. Orange Avenue

Recommendations/Requirements:

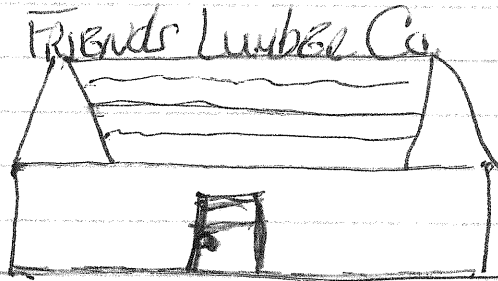
- City Council approval is required for all street closures.
- On all streets approved for closure, ensure adequate barricades/barriers are used to warn motorists of non-access and prevent vehicle access to those designated areas.
- An Outside Amplifier Permit has been requested and granted. However, event organizers shall not allow the sound to be so loud as to unreasonably disturb the peace and good order of any residents or business establishments in the surrounding area.
- At conclusion of event, event organizers shall ensure streets are promptly cleared of any vehicles, equipment, booths or anything that could present a hazard to pedestrians or vehicles traveling through this area.

Rich Standridge, Lieutenant
Porterville Police Department

Exhibit B

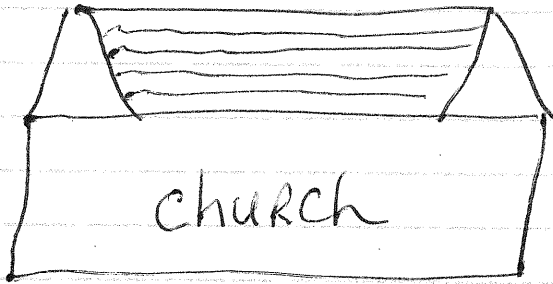
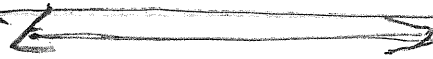
MAP.

tree - west ← ORANGE → EAST - main



"EST"
↓

FROM HERE TO END of Church Building



JACK ST.
↓

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: ANGEL SEGURA
1184 W. Brown Ave.
- 2 Address where amplification equipment is to be used: 163 W. Orange Puckle Ct
- 3 Names and addresses of all persons who will use or operate the amplification equipment: RICHARDO STEVENS
CASSANDRA STEVENS, ANGEL SEGURA
- 4 Type of event for which amplification equipment will be used: Community Outreach
- 5 Dates and hours of operation of amplification equipment: 2:PM - 8:PM 9-23-17
- 6 A general description of the sound amplifying equipment to be used: SPEAKER, AMP, GIBS, DRUMS,
GUITARS, MICROPHONES

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 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.

Signature of Applicant

8-15-17
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

8-28-17
Date



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
08/22/2017

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 Church & Casualty Ins Agency Inc 3440 Irvine Ave Newport Beach CA 92660		CONTACT Jennifer Nguyen NAME: PHONE (A/C, No, Ext): (800)995-7525 FAX (A/C, No): (800)995-7521 E-MAIL jennifer@churchandcasualty.com ADDRESS:	
INSURED PALABRA DE VICTORIA CHURCH DBA WORD OF VICTORY 163 W ORANGE AVE PORTERVILLE CA 93257-4650		INSURER(S) AFFORDING COVERAGE INSURER A: Church Mutual Insurance Co INSURER B: INSURER C: INSURER D: INSURER E: INSURER F:	

COVERAGES **CERTIFICATE NUMBER:** CL1782266505 **REVISION NUMBER:**

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

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	☒ COMMERCIAL GENERAL LIABILITY ☐ CLAIMS-MADE ☒ OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: ☒ POLICY ☐ PRO-JECT ☐ LOC OTHER:	Y		0255275-02-920933	08/03/2016	08/03/2019	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 300,000 MED EXP (Any one person) \$ 15,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 3,000,000 PRODUCTS - COMP/OP AGG \$ 1,000,000
	AUTOMOBILE LIABILITY ☐ ANY AUTO ☐ OWNED AUTOS ONLY ☐ HIRED AUTOS ONLY ☐ SCHEDULED AUTOS ☐ NON-OWNED AUTOS ONLY						COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
	UMBRELLA LIAB EXCESS LIAB ☐ OCCUR ☐ CLAIMS-MADE DED RETENTION \$						EACH OCCURRENCE \$ AGGREGATE \$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below		N/A				PER STATUTE OTH-ER E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)
Evidence of insurance for a street closure located at the corner of Orange & E Street (163 W Orange Ave), Porterville, CA on September 23, 2017 for a Community Outreach. Certificate holder is named additional insured but only with respect to the activities of the Named Insured on the above described premises. All activities/operations not specifically ran/or conducted by the Named Insured are excluded. *Refer to attached Endo A2014

CERTIFICATE HOLDER City of Porterville & The City of Porterville Redevelopment Agency 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
--	--

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

**ADDITIONAL INSURED DESIGNATED PERSON OR ORGANIZATION
FOR SPECIFIC ACTIVITY**

This endorsement modifies insurance provided under the General Liability Coverage Part.

The following is added to the General Liability Additional Provisions Form.

Additional Insured Person(s) or Organization(s):		
Name:	City of Porterville & The City of Porterville Redevelopment Agency	
Address:	291 N Main Street	
	Porterville City	CA State
		93257 Zip
Activity:	Street closure located at the corner of Orange & E Street (163 W Orange Ave), Porterville, CA for a Community Outreach Policy #0255275-02-920933	
Date(s):	September 23, 2017	

A. ADDITIONAL INSURED DESIGNATED PERSON OR ORGANIZATION FOR SPECIFIC ACTIVITY

1. Paragraph C., Who is An Insured, is amended to include the person(s) or organization(s) shown above, but only with respect to "bodily injury," "property damage," "personal injury," and "advertising injury" liability, and only with respect to operations of the Named Insured that are directly related to the activity shown above during the dates shown above.



CITY COUNCIL AGENDA – SEPTEMBER 5, 2017

SUBJECT: Approval for Community Civic Event - Fil-Amer. Association of California - Filipino Week - September 23, 2017

SOURCE: Finance

COMMENT: The Fil-Amer. Association of California is requesting approval to hold their annual Filipino Weekend Fiesta at Veteran's Park on Saturday, September 23, 2017, from 6:00 a.m. to 10:00 p.m. The event is being held as a cultural celebration of the Filipino-American heritage with displays of folk dances, folksongs, car show and Filipino cuisine.

A motorcade with no street closures is requested for a procession using one lane around the park. In order not to impede or interfere with the normal flow of traffic, participants will abide by all traffic laws and rules of the road. Bike joy riding around the City will also take place.

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

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

ATTACHMENTS: 1. Community Civic Event Application, Agreement, Exhibit A, Exhibit B, Maps, Outside Amplifier Permit and Certificate of Liability Insurance

Appropriated/Funded:

Review By:

Department Director:
Maria Bemis, Finance Director

Final Approver: John Lollis, City Manager

9/5/17

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? Sept. 23,
Application date: 8/10/17 Event date: ~~Filipino Week~~ 2017
Event time: 6:00 am - 10:00 pm Saturday

Name of Event: Filipino Week

Sponsoring organization: Fil-Amner Assn. of CA Inc. Phone # (559) 782-3639

Address: 968 W. CLEO Ave Porterville

Authorized representative: Marilon Agpava Phone # (559) 782-3639

Address: 968 W. CLEO Ave Porterville (559) 359-1142

Event chairperson: Marilon Agpava Phone # (559) 359-1142

Location of event Porterville Veterans Park (Henderson + Newcomb)
(Location map must be attached)

Type of event: Cultural Celebration, motorcade, car show, food vending & non food vending
Non-profit organization status: Exempt BL# 9708

(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: _____

Parks facility application required: Yes ☒ No _____ Attached pd

Assembly permit required: Yes _____ No _____ Attached _____

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

Appr. Deny

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

cultural
Exposition
Bikini
Display

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)*

 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.**

 Authorized Representative Initials

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

 Authorized Representative Initials

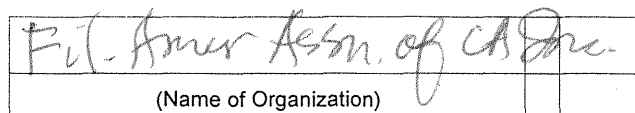
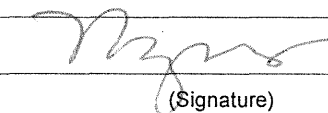
First aid station: Organization/Applicant will establish a first aid station, with clearly posted signs, to provide basic emergency care, such as ice/hot packs, bandages, and compresses.

 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.

 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.

		8/8/17
(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: Filipino Week
 Sponsoring organization: Fil-Amex Assn. of CA Inc.
 Location: Veterans Park, Porterville Event date: 9/23/19 Event time: 6:00 am - 10:00 pm
Saturday

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.**

<u>Vendor name</u>	<u>Address/Telephone</u>	<u>Business License required?</u>	<u>Type of Activity</u>
Crismato's Bobalcan	918 W Cleo Ave Porterville		Selling smoothie
5 sisters	Porterville		Selling Lunch & Dinner Plates
Two Mada's	Porterville		Selling Lunch & dinner plate

***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: Filipino Week

Sponsoring organization: Fil-Amer Assn. of CA, Inc

Event date: Sept 23, 2017 Hours: 6 AM - 10 PM

ATTACH MAP MARKING AREAS TO BE CLOSED OR USED:

Closed			
<u>Street Name</u>	<u>From</u>	<u>To</u>	<u>Activity</u>
<u>Sidewalks</u>	<u>From</u>	<u>To</u>	<u>Activity</u>
<u>Parking lots and spaces</u>	<u>Location</u>	<u>Activity</u>	

Requirements for Community Civic Event
Fil-Amer. Association of California
Filipino Week
September 23, 2017

Finance Director:
M. Bemis

Assistant City Engineer:
J. Sanchez

Community Development Manager:
J. Phillips

Field Services Manager: No comment.
M. Knight

Battalion Chief of Operations:
R. Land

Parks and Leisure Services Director: Vehicles not permitted to park on grass
D. Moore during the event.

Police Lieutenant: See attached staff comments on
R. Standridge Exhibit B.

Administrative Services Director: Please see attached Exhibit A, page 2.
P. Hildreth

Requirements for Community Civic Event

Sponsor: Fil-Amer. Association of California
Event: Filipino Week
Event Chairman: Marilou A. Agpaoa
Location: Veterans Park
Date of Event: September 23, 2017

RISK MANAGEMENT: Conditions of Approval

That the Fil-Amer. Association of California 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.
- B. Said insurance shall be primary to the insurance held by the City of Porterville, be with a company having an A.M. Best Rating of no less than A:VII, and the insurance company must be an 'admitted' insurer in the State of California.

CITY OF PORTERVILLE

APPLICATION FOR COMMUNITY CIVIC EVENT

Proposed Event:

Filipino-American Week - Veteran's Park – September 23, 2017

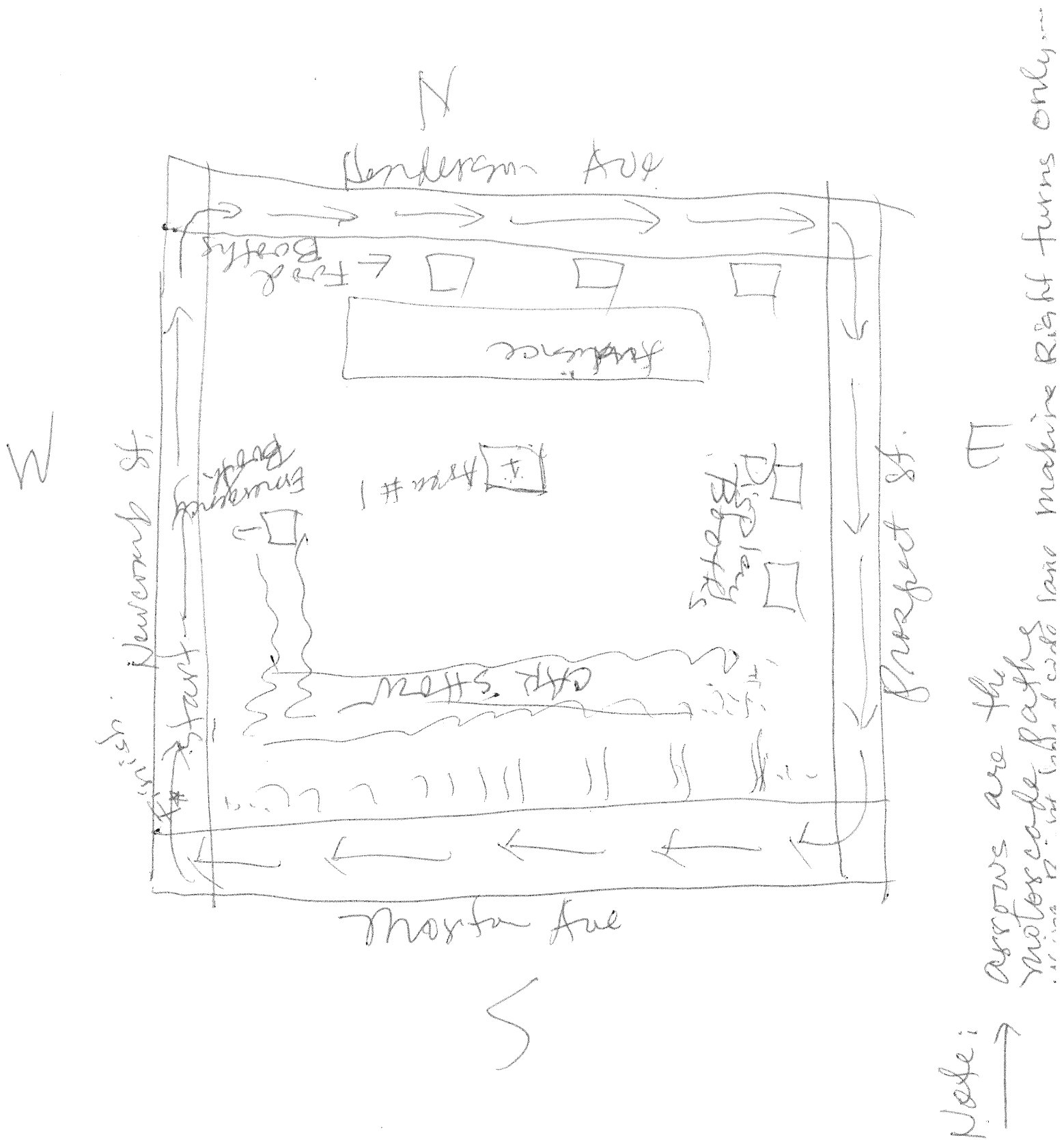
Staff Comments: Conditions/Requirements by Police Department

- No street closures have been mentioned, but all street 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.
- Applicant has been advised that any part of their event which is outside of the jurisdiction of the City of Porterville and the Porterville Police Department is not covered under these staff comments. The applicant has been directed to contact the California Highway Patrol, Porterville Office for assistance.
- There shall be no sales, possession or consumption of alcoholic beverages in the park during the event, unless appropriate permits have been obtained.
- Food vendors should provide inspection certificates from the Tulare County Health Department to event organizers, to ensure safe food products.
- 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.
- Private vehicles that are not participating or part of the car show shall only drive and/or park in the paved parking areas and may not drive or park on any areas other than the parking lots.
- Event organizers shall contact Porterville Police Lieutenants Chris Contreras or Josh Maniss at 559-782-7410 or 559-782-7400 in advance of the event in order to determine additional policing concerns/requirements.

Rich Standridge / Lieutenant
Porterville Police Department

Exhibit B

Map of the Event and Motorcade at Porterville Veterans' Park

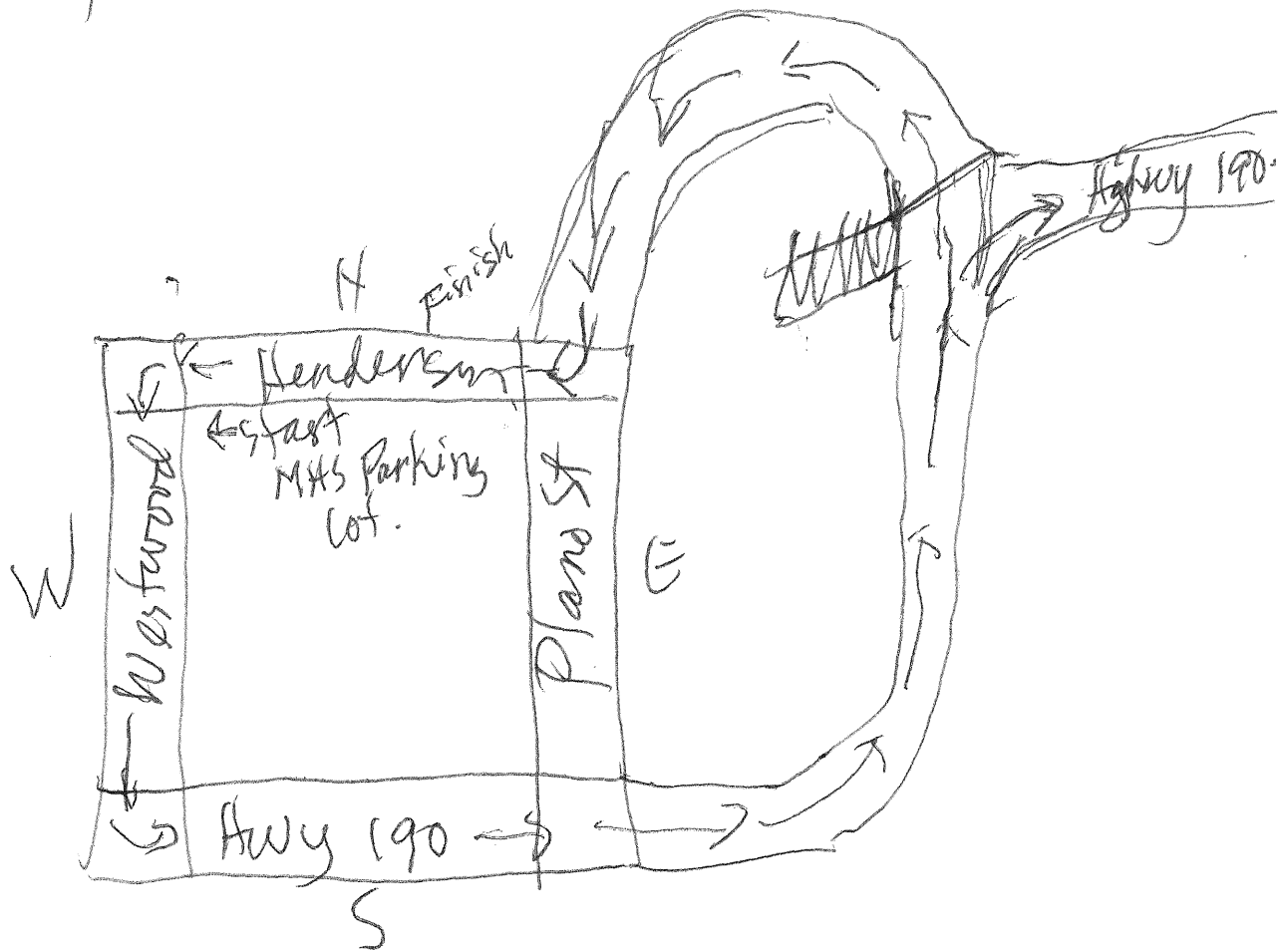


Sept. 23, 2017

Bike Joy riding

Any Q's : (559) 359-1142

Re: Filipino Weekend Festival



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:

Ely C. Agapava, Maritón Agapava

2 Address where amplification equipment is to be used:

Portville Veterans Park, Henderson + Newcomb Street

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

Ely C. Agapava, Alexander Kermica, Arcada Nork

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

Cultural Events, Sports, Car show, Programs, Singing

5 Dates and hours of operation of amplification equipment:

Sept. 23 2017 - Saturday, 7:00 am - 10:30 pm

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

Mixer microphone, Speakers and for Karaoke singing

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.

Signature of Applicant

8/10/17
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

8-24-17
Date



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
08/24/2017

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 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 Walter Mortensen Insurance P.O. Box 1960 Porterville, CA 93258	CONTACT NAME: Daren Griswold	
	PHONE (A/C, No, Ext): 559-781-5200 FAX (A/C, No): 559-781-3229	
	E-MAIL ADDRESS: dg@wmi.cc	
INSURED Fil - Amer Association of California 968 W Cleo Porterville, CA 93257	INSURER(S) AFFORDING COVERAGE	NAIC #
	INSURER A: Fireman's Fund Insurance Company	21873
	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 INSR	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	GENERAL LIABILITY	☒		XXC80498440 NAEP077145	9/23/2017	09/24/2017	EACH OCCURRENCE \$ 1,000,000
	☒ COMMERCIAL GENERAL LIABILITY						DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 50,000
	☐ CLAIMS-MADE ☒ OCCUR						MED EXP (Any one person) \$ 0
	☒ Host Liquor Liability						PERSONAL & ADV INJURY \$ 1,000,000
	GEN'L AGGREGATE LIMIT APPLIES PER:						GENERAL AGGREGATE \$ 2,000,000
	☒ POLICY ☐ PRO-JECT ☐ LOC						PRODUCTS - COMP/OP AGG \$ 1,000,000
	AUTOMOBILE LIABILITY						COMBINED SINGLE LIMIT (Ea accident) \$
	ANY AUTO						BODILY INJURY (Per person) \$
	ALL OWNED AUTOS						BODILY INJURY (Per accident) \$
	HIRED AUTOS						PROPERTY DAMAGE (Per accident) \$
	UMBRELLA LIAB						EACH OCCURRENCE \$
	EXCESS LIAB						AGGREGATE \$
	DED						
	RETENTION \$						
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY						WC STATUTORY LIMITS
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH)						E.L. EACH ACCIDENT \$
	If yes, describe under DESCRIPTION OF OPERATIONS below						E.L. DISEASE - EA EMPLOYEE \$
							E.L. DISEASE - POLICY LIMIT \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)
Additional Insured: City Of Porterville - Vetrans Park**CERTIFICATE HOLDER****CANCELLATION**City Of Porterville - Vetrans Park
1501 W Henderson Ave
Porterville, CA 93257

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

AUTHORIZED REPRESENTATIVE

Robert V. Nuccio

Certificate Number: NAEP077145

Effective Dates: 9/23/2017 to 9/23/2017

**Additional Insured - Person, Organization or other Entity -
600002STEP 09 12**

Policy Amendment(s) Commercial General Liability

This endorsement modifies insurance provided under the following:

Commercial General Liability Coverage Part

Schedule

Name of Additional Insured Person(s) or Organization(s) or other Entity(ies)

City Of Porterville - Vettrans Park

Information required to complete this Schedule, if not shown above, will be shown in the Declarations.

Section II - Who Is An Insured is amended to include as an insured the person, organization or other entity shown in the Schedule above but only to the extent that **bodily injury, property damage or personal and advertising injury** is caused by the sole negligence of the Memorandum of Insurance holder.

Any Additional Insured Person(s) or Organization(s) or other Entity(ies) covered under this policy is subject to the policy forms, terms, conditions, exclusions, limitations and provisions.

This Endorsement is otherwise subject to all the terms, conditions, exclusions, limitations, and provisions of the policy to which it is attached.

This Form must be attached to Change Endorsement when issued after the policy is written.

One of the Fireman's Fund Insurance Companies as named in the policy

Secretary

President



CITY COUNCIL AGENDA – SEPTEMBER 5, 2017

SUBJECT: 2016-2017 Consolidated Annual Performance and Evaluation Report (CAPER)

SOURCE: Community Development

COMMENT: The 2016-2017 Consolidated Annual Performance and Evaluation Report (CAPER), has been prepared for submittal to the U.S. Department of Housing and Urban Development (HUD). The CAPER reports on specific federal assistance allocated to the City of Porterville for the period July 1, 2016, through June 30, 2017. The CAPER is the performance reporting tool for the 2016-2017 Action Plan Program Year, and is required by HUD guidelines. Performance reporting meets four basic purposes:

- 1) It provides HUD with necessary information for the Department to meet its statutory requirement to assess each grantee's ability to carry out relevant programs in compliance with all applicable rules and regulations;
- 2) It provides information necessary for HUD's Annual Report to Congress, and is statutorily mandated;
- 3) It provides grantees an opportunity to describe to citizens their successes in revitalizing deteriorated neighborhoods and meeting objectives stipulated in their Consolidated and Action Plans; and
- 4) It assures that citizens, community groups, and other interested stakeholders in the community development process are accurately informed of the use of federal resources.

As required by HUD regulations and the Citizen Participation Plan, staff obtained citizen participation by publishing and posting bilingual public comment notices. Staff published a public comment notice in English which was published in the Porterville Recorder on Monday, August 21, 2017, as well as in Spanish on Friday, August 18, 2017, in the Noticiero Semanal. The CAPER was made available at the Community Development counter at City Hall, 291 N. Main Street, on the City's website (ci.porterville.ca.us), as well as at the Porterville Library located at 41 W. Thurman Avenue. The notices stated public comments may be submitted in person or in writing until September 5, 2017, by 5:00 p.m.

At the time of the writing of this staff report, no comments were received. If comments are received prior to the close of the comment period, staff will respond to the comments before the CAPER is submitted to HUD by September 28, 2017.

RECOMMENDATION: That the City Council consider the draft 2016-2017 Consolidated Annual Performance Evaluation Report, and direct staff to submit it to the Department of Housing and Urban Development by the required deadline of September 28, 2017.

ATTACHMENTS: 1. Draft CAPER

Appropriated/Funded:

Review By:

Department Director:

Jenni Byers, Community Development Director

Final Approver: John Lollis, City Manager



CITY OF PORTERVILLE

CONSOLIDATED ANNUAL PERFORMANCE EVALUATION REPORT

(CAPER)

PROGRAM YEAR 2016-2017

1st DRAFT

AUGUST 2017

Jennifer M. Byers
Community Development Director
291 N. Main Street
Porterville Ca 93257
559-782-7460

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CR-05 - Goals and Outcomes

Progress the jurisdiction has made in carrying out its strategic plan and its action plan. 91.520(a)

This could be an overview that includes major initiatives and highlights that were proposed and executed throughout the program year.

This section addresses activities undertaken during the program year to address pertinent Consolidated Plan, 2016/2017 Action Plan objectives and areas of high priority. To meet the City of Porterville's goals and objectives for PY16, the City administered funds primarily spent on the following activities: Porterville Youth Center, Business Assistance Program, First Time Low Income Homebuyer Program (FTHB), owner occupied Housing Rehabilitation & Public Utility Loan Program including water and sewer connections with minor housing rehabilitation, Shelter Plus Care Program for the chronically homeless, debt service on the Section 108 loan for the neighborhood community center known as the Heritage Center, and Park Improvements Program.

These accomplishments promoted and sustained existing developments and public services, new and existing housing, and job opportunities for Porterville residents and employers. The City's Consolidated Plan identified the estimated costs of addressing the needs facing Porterville which are many times the amount of resources available. Programs designed to address and fund those needs identified as "High" and as many as possible identified as "Medium" in the Priority Needs Table are the City's number one objective.

In keeping with this focus, the following objectives identified in the Consolidated Plan and 2016/2017 Action Plan were addressed:

- Objective 1: Ensure, to the extent available resources allow, the availability of decent, safe, and affordable housing within the City of Porterville for low to moderate income families and individuals.
- Objective 2: The City will strive to maintain the integrity of its existing neighborhoods.
- Objective 3: The City will encourage the location of commercial and industrial development within the City.
- Objective 4: The City will encourage the development of its youth

Table 1-A: Is a summary of the progress attained, it is similar to the IDIS chart, however it is a more detailed representation.

Comparison of the proposed versus actual outcomes for each outcome measure submitted with the consolidated plan and explain, if applicable, why progress was not made toward meeting goals and objectives. 91.520(g)

Categories, priority levels, funding sources and amounts, outcomes/objectives, goal outcome indicators, units of measure, targets, actual outcomes/outputs, and percentage completed for each of the grantee's

program year goals.

Goal	Category	Source / Amount	Indicator	Unit of Measure	Expected – Strategic Plan	Actual – Strategic Plan	Percent Complete	Expected – Program Year	Actual – Program Year	Percent Complete
Affordable Housing	Affordable Housing	CDBG: \$	Public service activities for Low/Moderate Income Housing Benefit	Households Assisted	300	128	42.67 %	60	73	121.67 %
Affordable Housing	Affordable Housing	CDBG: \$	Homeowner Housing Added	Household Housing Unit	2	0	0.00 %	1	0	0.00 %
Affordable Housing	Affordable Housing	CDBG: \$	Homeowner Housing Rehabilitated	Household Housing Unit	6	19	316.67 %	2	10	500.00 %
Affordable Housing	Affordable Housing	CDBG: \$	Direct Financial Assistance to Homebuyers	Households Assisted	5	5	100.00 %	1	4	400.00 %
Economic Development	Non-Housing Community Development	CDBG: \$	Facade treatment/business building rehabilitation	Business	3	0	0.00 %			
Economic Development	Non-Housing Community Development	CDBG: \$	Jobs created/retained	Jobs	0	4		1	2	200.00 %

Economic Development	Non-Housing Community Development	CDB G: \$	Businesses assisted	Businesses Assisted	3	2	66.67 %	1	1	100.00 %
Homelessness	Homeless	CDB G: \$	Public service activities other than Low/Moderate Income Housing Benefit	Persons Assisted	1500	296	19.73 %	200	161	80.50 %
Homelessness	Homeless	CDB G: \$	Public service activities for Low/Moderate Income Housing Benefit	Households Assisted	3	0	0.00 %	2	5	250.00 %
Homelessness	Homeless	CDB G: \$	Tenant-based rental assistance / Rapid Rehousing	Households Assisted	0	0				
Homelessness	Homeless	CDB G: \$	Homeless Person Overnight Shelter	Persons Assisted	0	0		0	0	
Homelessness	Homeless	CDB G: \$	Overnight/Emergency Shelter/Transitional Housing Beds added	Beds	0	0		0	0	

Strengthening Neighborhoods	Non-Homeless Special Needs Non-Housing Community Development	CDBG: \$	Public Facility or Infrastructure Activities other than Low/Moderate Income Housing Benefit	Persons Assisted	15415	15415	100.00%	0	7435	
Strengthening Neighborhoods	Non-Homeless Special Needs Non-Housing Community Development	CDBG: \$	Public service activities other than Low/Moderate Income Housing Benefit	Persons Assisted	500	236	47.20%	100	105	105.00%
Strengthening Neighborhoods	Non-Homeless Special Needs Non-Housing Community Development	CDBG: \$	Buildings Demolished	Buildings	0	0		1	0	0.00%

Strengthening Neighborhoods	Non-Homeless Special Needs Non-Housing Community Development	CDBG: \$	Other	Other	0	0		1	0	0.00 %
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Table 1 - Accomplishments – Program Year & Strategic Plan to Date

Assess how the jurisdiction’s use of funds, particularly CDBG, addresses the priorities and specific objectives identified in the plan, giving special attention to the highest priority activities identified.

The table 1-Accomplishment in strategic plan represent 5 year goals for PY 2015-2020. This is the second year of accomplishment reported or 20% of the goals.

This section provides the Overall Benefit Analysis. Actions to address the highest priority activities identified in the City’s Consolidated Plan are discussed below. These actions accomplished meeting these high priorities and benefitted low to moderate income persons. Most of the HUD Objectives and Outcomes assigned to each CDBG program and activity have been met. Those that have not been accomplished will contain an explanation.

Youth Centers

The City continued funding of the Porterville Youth Center. It averages a daily attendance of forty-two (42) low-to moderate- income youth. The goal of 100 unduplicated youth has been surpassed annually. In FY16, 105 unduplicated youth were serviced and 59% of those youth were from low to moderate income households.

The City completed the construction for the City-owned Neighborhood Community Center, named the Heritage Center in 2005. In this facility, the City’s Parks and Leisure Services Department provide activities for the City’s youth, seniors, and other members of the community. The City developed a partnership with the Porterville Unified School District in order to build the Center on the site adjacent to the new elementary school. This plan allowed the City and the School District to develop buildings for shared uses and therefore leverage the resources of each entity. The City amended the 1995 Consolidated Plan and the 1999/2000 Action Plan to use the Section 108 loan funds for construction of the Center and amended

the 2008/09 Action Plan for the use of CDBG-R funds for the construction of Phase 2 of the Rails to Trails Project which is part of the master plan for the Heritage Center Complex. The Phase 2 Rails to Trails Project was completed in PY12.

Public Utility Improvements

In FY16 four low income households benefitted from the City's Public Utility Loan Program which is now combined with the Owner Occupied Housing Rehabilitation Program.

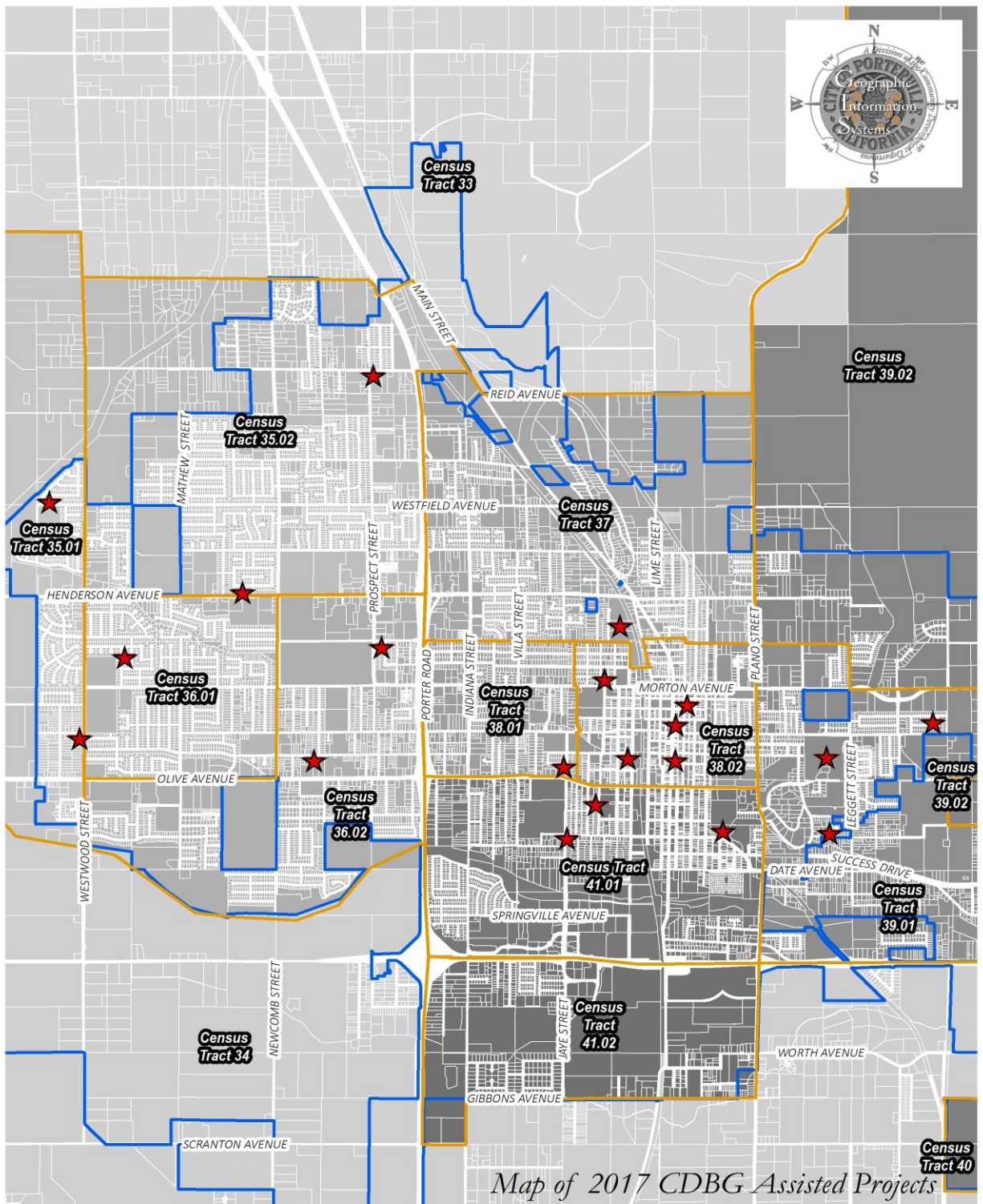
Affordable Housing Programs

The Action Plan indicated that at least one low-to-moderate income households may receive first time home buyer assistance. This goal was attained. Through a combined effort of the City's Housing Rehabilitation and Public Utilities programs, at least two households were anticipated to receive assistance. The goal set in the Action Plan was accomplished. Nine total households were assisted, 4 of which received housing rehabilitation assistance to address health and safety code issues, four connected to City water or sewer services, one ADA accessible ramp was installed and one assisted with CDBG funds

for relocation while her mobile home was being replaced by a CalHome grant.

Goal	Category	Source / Amount	Indicator	Unit of Measure	Expected – Strategic Plan	Actual – Strategic Plan	Percent Complete	Expected – Program Year	Actual – Program Year	Percent Complete
Affordable Housing	Affordable Housing	CDBG: \$57.20	Public service activities for	Households Assisted	300	213	71.00%	60	73	121.67%
Affordable Housing	Affordable Housing	CDBG: \$24,016.00	Homeowner Housing Added	Household Housing Unit	2	0	0.00%	1	0	0.00%
Affordable Housing	Affordable Housing	CDBG: \$20,000.00	Homeowner Housing Added	Household Housing Unit	2	0	0.00%	1	0	0.00%
Affordable Housing	Affordable Housing	CDBG: \$3,000.00	Homeowner Housing Added	Household Housing Unit	2	0	0.00%	1	0	0.00%
Affordable Housing	Affordable Housing	CDBG: \$163,802.12	Homeowner Housing	Household Housing Unit	6	19	316.67%	2	10	500.00%
Affordable Housing	Affordable Housing	CDBG: \$12,954.00	Direct Financial Assistance to	Households Assisted	5	5	100.00%	1	4	400.00%
Economic Development	Non-Housing Community Development	CDBG: \$319,900.42	Facade treatment/ business building rehabilitation	Business	3	0	0.00%	1	0	0.00%
Economic Development	Non-Housing Community Development	CDBG: \$0.00	Jobs Created/ Retained	Jobs	0	4		1	2	200.00%
Economic Development	Non-Housing Community	CDBG: \$315,046.73	Businesses assisted	Businesses Assisted	3	2	66.67%	1	1	100.00%
Homelessness	Homeless	CDBG: \$5,000	Public service activities other	Persons Assisted	1500	296	19.73%	200	161	80.50%
Homelessness	Homeless	CDBG: \$15,000	Public service activities for	Households Assisted	3	0	0.00%	2	5	250.00%
Homelessness	Homeless	CDBG: \$0	Tenant-based rental assistance / Rapid Rehousing	Households Assisted	0	0	N/A	0	0	N/A
Homelessness	Homeless	CDBG: \$0	Homeless Person Overnight Shelter	Persons Assisted	0	0	N/A	0	0	N/A
Homelessness	Homeless	CDBG: \$0	Overnight/ Emergency Shelter/Transitional Housing Beds added	Beds	0	0	N/A	0	0	N/A
Strengthening Neighborhoods	Non-Homeless Special Needs Non-Housing Community Development	CDBG: \$121,417	Public Facility or Infrastructure Activities other than Low/Moderate	Persons Assisted	15415	15415	100.00%	0	7435	
Strengthening Neighborhoods	Non-Homeless Special Needs Non-Housing Community Development	CDBG: \$89,783	Public service activities other than Low/Moderate Income Housing	Persons Assisted	500	236	47.20%	100	105	105.00%

Accomplishments



Map of Assisted Low/Mod Families

CR-10 - Racial and Ethnic composition of families assisted

Describe the families assisted (including the racial and ethnic status of families assisted).

91.520(a)

	CDBG
White	204
Black or African American	56
Asian	1
American Indian or American Native	1
Native Hawaiian or Other Pacific Islander	0
Total	262
Hispanic	139
Not Hispanic	123

Table 2 – Table of assistance to racial and ethnic populations by source of funds

Narrative

Some programs do not record Race and Ethnicity in IDIS, therefore this chart was updated to reflect actual number of families assisted which is different from the auto generated from IDIS

CR-15 - Resources and Investments 91.520(a)

Identify the resources made available

Source of Funds	Source	Resources Made Available	Amount Expended During Program Year
CDBG	CDBG	1,763,039	967,002
HOME	HOME		
HOPWA	HOPWA		
ESG	ESG		
Other	Other		

Table 3 - Resources Made Available

Narrative

This total will be finalized once the City Of Porterville finance department has completed closing out the 2016-17 fiscal year. This total is as of June 30, 2017 based on a preliminary report of expenditures.

The auto-generated table by IDIS does not reflect actual amounts. Therefore actual balances have been included, per available resources at the beginning of FY 16. Every effort is made to use any available Program Income first, then any prior CDBG entitlement and finally the current entitlement. Some Activities only use Program Income, Prior Entitlement or Current entitlement, therefore all accounts resources have expenditures

Identify the geographic distribution and location of investments

Target Area	Planned Percentage of Allocation	Actual Percentage of Allocation	Narrative Description
Citywide	100	100	Please refer to Annexation Map

Table 4 – Identify the geographic distribution and location of investments

Narrative

The target area for all goal is Citywide. All assistance was provided to households within the city limits of Porterville, including newly annexed Tulare County unincorporated areas.

Leveraging

Explain how federal funds leveraged additional resources (private, state and local funds), including a description of how matching requirements were satisfied, as well as how any publicly owned land or property located within the jurisdiction that were used to address the needs identified in the plan.

Other public and private resources that are obtained and identified in the City's Consolidated and Action Plans are discussed in this section. It discusses how Federal resources made available from HUD leveraged "other" public and private resources, including how any matching requirements were satisfied.

Private resources used in conjunction with Federal resources consist of first mortgages issued to qualifying first time home buyers from lenders participating in the City's First Time Home Buyer Program. The City also continues leveraging its First Time Home Buyer Program, the Owner Occupied Housing Rehabilitation Program, and other housing programs with Revolving Loan Program Income Funds derived from the initial Federal HOME grants and other State grants, such as CalHome.

The City has received its second Housing Related Parks Grant which was based on the units produced at Newcomb Court Apartments and the two dwellings constructed by Habitat for Humanity. These funds were received for the construction of Multi-Use Walkway at Veteran's Park, leveraging other limited resources available for the parks.

Matching requirements were satisfied through the individual program guidelines. For the First-Time Home Buyer Program, lenders are requested to provide a higher percentage of the sales price than what the City provides. This provision also promotes affordable housing because it excludes the additional cost of primary mortgage insurance. One of the exceptions to the rule is the use of FHA financing which is now allowed with the program. Matching funds associated with the Business Assistance Program are those funds necessary to complete the project and accommodate the business. Funds for the CDBG-R Rails to Trails project were leveraged with CMAC, special local tax funds, and Park grants. By developing a partnership with the Porterville Unified School District in order to build the Heritage Center on the site adjacent to the Santa Fe Elementary School, the City and the School District agreed to construct buildings for shared uses and therefore leveraged the resources of each entity.

Examples are:

1. A public service is being provided at the Heritage center which serves as a youth center. Services offered include Day Camp, Margaret J. Slattey Children's Library, Tiny Tots

Daycare, Various Classes, and the Youth Center. Although CDBG helps pay for a public service within this center (the Youth Center) it is also subsidized with other funding sources including the General Fund.

2. With the Housing Related Parks Grant and General Fund improvements have been made to public parks including a shade structures to playgrounds, a fence around play area for safety, and a lighted multi-use walkway.
3. Porterville Sports Complex was also improved with Housing Relate Parks Grant and is accessible for sports leagues including a free league for LMA/LMI families that cannot afford league fees.
4. A park was added and made ADA accessible with exercise equipment for public use.
5. The city owned Public Library offers a variety of free services to the public including free access to computers with internet access to assist families who do not own a computer and cannot afford internet service at home. Youth programs and adult literacy programs are also offered.

Through the land acquisition program a property was acquired to be donated to a nonprofit who will build an affordable house for a low/mod family.

CR-20 - Affordable Housing 91.520(b)

Evaluation of the jurisdiction's progress in providing affordable housing, including the number and types of families served, the number of extremely low-income, low-income, moderate-income, and middle-income persons served.

	One-Year Goal	Actual
Number of Homeless households to be provided affordable housing units	2	5
Number of Non-Homeless households to be provided affordable housing units	4	13
Number of Special-Needs households to be provided affordable housing units	0	0
Total	6	18

Table 5 – Number of Households

	One-Year Goal	Actual
Number of households supported through Rental Assistance	2	5
Number of households supported through The Production of New Units	0	0
Number of households supported through Rehab of Existing Units	2	10
Number of households supported through Acquisition of Existing Units	1	3
Total	5	18

Table 6 – Number of Households Supported

Discuss the difference between goals and outcomes and problems encountered in meeting these goals.

In PY16, the City of Porterville exceeded its goals as the outreach strategies were reviewed and improved.

Additionally, the City of Porterville is committed to providing a full range of housing opportunities throughout the community. It is the City's intent to assist in the development of housing opportunities within the City and, as such, the City will engage in programs that further improve the supply of lower income housing. The City cooperates with several local operators of facilities that meet the emergency and transitional housing needs of the homeless and those threatened with homelessness. In addition to the required Point In Time count of the homeless community, the City chaired the Porterville Project Homeless Connect as a member of the Kings/Tulare Homeless Alliance to help bring needed services in one central location to those families that are currently experiencing homelessness and to those at risk of becoming homeless. The City also collaborates with the Housing Authority of Tulare County, who provides ongoing maintenance and upkeep of publicly assisted housing units within the City of Porterville. It serves as the housing provider for worst-case needs and low income renter households that pay more than half their income for rent. The Authority also provides assistance to persons with

disabilities that are capable of independent living. Some of their units have been retrofitted to accommodate persons with disabilities.

The City's efforts to address "worst-case" housing needs and the needs of persons with disabilities included:

- a. Assisting one very-low income home owner-occupied household with an ADA accessibility ramp to her home in an effort to create a barrier-free environment.
- b. Assisting 10 low and very low-income owner-occupied households with emergency home repairs dealing with immediate health, life, or safety issues.
- c. The City completed the 2011 CalHome grant for the HRLP program. Staff has continued to use these funds, which have assisted the low to very-low income population that has previously not been able to be helped as this program helps with Mobile home rehabilitation and or replacement, which are not on a permanent foundation, which is not eligible with CDBG or HOME. Staff has completed nine projects under this program, with one being completed in PY 2016. All assisted families either had a Head of Household who was disabled or elderly or had a disabled child. They were assisted by replacing their dilapidated mobile homes with a new like-per-like unit.
- d. In PY16, the City continued to promote for the ninth year of the Voluntary Income Tax Assistance Program (VITA) in Porterville. VITA is a national program providing free assistance to low income, elderly, limited English proficient and disabled individuals who require assistance in preparing their tax returns and cannot afford the services of a paid professional tax preparer. This program aids in ensuring that these families don't have to use their limited resources on this service and are able to obtain their tax refunds.

Discuss how these outcomes will impact future annual action plans.

These outcomes demonstrate that there is still a need for affordable housing and the city would like to continue funding such programs.

Include the number of extremely low-income, low-income, and moderate-income persons served by each activity where information on income by family size is required to determine the eligibility of the activity.

Number of Households Served	CDBG Actual	HOME Actual
Extremely Low-income	7	0
Low-income	9	0
Moderate-income	2	0
Total	18	0

Table 7 – Number of Households Served

CR-25 - Homeless and Other Special Needs 91.220(d, e); 91.320(d, e); 91.520(c)

Evaluate the jurisdiction's progress in meeting its specific objectives for reducing and ending homelessness through:

Reaching out to homeless persons (especially unsheltered persons) and assessing their individual needs

The City of Porterville, in partnership with the Kings/Tulare Homeless Alliance (Alliance), has continued its work on a variety of strategies that address the needs of homeless persons in the community.

The Kings/Tulare Homeless Alliance (Alliance), which serves as the local continuum of care, continues to operate under phase three of its Coordinated Entry System (CES). Virtually all homeless service providers within Visalia serve as entry points for the CES. In addition to the Every Door Open approach, people experiencing homelessness can have an assessment completed by contacting 2-1-1 or directly through the outreach team.

On an ongoing basis the PATH outreach team and Housing Navigators visit encampments to engage with people who may not have otherwise been connected to housing assessments. Operation Lend a Hand conducts outreach specific to homeless veterans. As a part of ongoing outreach efforts, these teams provide hygiene kits and referrals to supportive services.

Helping Hands soup kitchen also serves hot meals during the week for the homeless and low income families. On Saturdays a group of local churches provides meals and an alternating service to help the homeless meet a need. Porterville Area Coordinating Council also provides services for Porterville homeless or at risk residents including clothing, hotel vouchers, and food.

In addition to the Coordinated Entry outreach efforts, the Alliance hosts an annual Project Homeless Connect (PHC) event in the City of Porterville. As guests enter the event, they are assessed through an intake tool. The intake collects a variety of domains such as demographics, veteran status, domestic violence and disabling conditions. This information is used to determine gaps in services within the community. There is also a booth specifically for the CES should a guest want to be assessed for housing. The City has chaired the Porterville PHC for the past nine years and will continue to be part of the planning committee and continue to support this event in Porterville.

During PHC guests are partnered with volunteers who assist in identifying and accessing necessary resources. The last PHC event was held on January 26, 2017 and served 75 people experiencing homelessness. An additional 81 people at-risk of homelessness or imminently losing their housing were served at the event. As a part of the annual PHC, the Alliance gathers data for the Point in Time (PIT) census. The one-day PIT survey provides a snapshot of the adults, children in households and unaccompanied youth living in the City of Porterville who meet HUD's definition of homelessness. Information gathered through the PIT is used to understand the causes and trends over time of homelessness, as well as to determine the unmet shelter and service needs of the homeless.

Addressing the emergency shelter and transitional housing needs of homeless persons

Within the City of Porterville, the following programs provide emergency shelter and transitional housing for people experiencing homelessness:

Program Type	Organization Name	Program Name	Year-Round Beds
ES	Central CA Family Crisis Center	Porterville Women's Shelter	38
TH	Central CA Family Crisis Center	Transitional Housing Program	8
TH	Uplift Families	Crossroads <u>T.A.Y.</u> Housing, Porterville	10
ES=Emergency Shelter			
TH=Transitional Housing			

Table 2 Homeless Program Type, Organization Name and Number of Beds

Helping low-income individuals and families avoid becoming homeless, especially extremely low-income individuals and families and those who are: likely to become homeless after being discharged from publicly funded institutions and systems of care (such as health care facilities, mental health facilities, foster care and other youth facilities, and corrections programs and institutions); and, receiving assistance from public or private agencies that address housing, health, social services, employment, education, or youth needs

The community is equally committed to preventing homelessness as it is to addressing homelessness. Several community partners offer local residents services which are designed to help with housing retention. Community residents can access up-to-date prevention resources by calling the local 2-1-1 line. Call center operators through 2-1-1 are able to pre-screen clients for eligibility and provide up-to-date information on program availability.

CalWorks eligible families are able to access housing assistance through the Housing Support Program. The program can assist with short term rental assistance and utility deposits for households faced with eviction.

Through a partnership between Tulare County HHSA and Uplift Families, there are 10 transitional housing beds available for youth exiting foster care. The program offers housing along with intensive wrap around services to assist participants in becoming self-sufficient.

Additionally, the Alliance has an SSI/SSDI Advocacy, Outreach and Access (SOAR) program within the region. This national project is designed to increase access to the disability income benefit programs administered by the Social Security Administration (SSA) for eligible adults who are homeless or at risk of

homelessness and have a mental illness and/or a co-occurring substance use disorder. Assisting clients through SOAR results in expeditious benefit awards and additional funding for communities through Medicaid reimbursements. Access to these benefits greatly increases housing stability and retention rates among recipients.

These linkages have increased the community's efforts to avoid discharge into homelessness as well as serve the existing homeless population.

The table 1 below Alliance partner list shows other Alliance partners that can provide assistance to families. Community residents can call any of the agencies listed above and in the table below or access resources through the local 2-1-1 line. Call center operators through 2-1-1 are able to pre-screen clients for eligibility and provide up-to-date information on program availability.

	Mortgage Assistance	Rental Assistance	Utilities Assistance	Counseling/Advocacy	Legal Assistance
Bethlehem		X	X		X
Central					X
Community				X	
Habitat for				X	
Healthy Start				X	X
Hospice of				X	
Housing		X			
Kaweah Delta				X	
Kings Tulare				X	
Lindsay Senior					X
Lindsay/Strathm	X	X	X		
Love INC	X	X	X		
National				X	
National Council			X		
O.L.A. Raza					X
Open Gate	X	X	X		
Parent's United				X	
Porterville Area		X	X		
Porterville				X	
Porterville			X		
Proteus		X	X		
Resources for				X	
Salvation Army		X	X		
Samaritan Clinic					X
Self-Help	X				
Tulare Athletic			X		
Tulare County					X
Tulare County		X	X		
Tulare County				X	
Tulare		X	X	X	
Tulare Senior			X	X	
Tulare Youth				X	
Turning Point				X	
United Way of		X	X	X	
Veteran's				X	
Visalia		X			
Visalia Rescue				X	

Provider Organization List

Helping homeless persons (especially chronically homeless individuals and families, families

with children, veterans and their families, and unaccompanied youth) make the transition to permanent housing and independent living, including shortening the period of time that individuals and families experience homelessness, facilitating access for homeless individuals and families to affordable housing units, and preventing individuals and families who were recently homeless from becoming homeless again

The Coordinated Entry System continues to focus efforts on working with the top five households of each intervention type on the Housing Priority List to get them document ready. This focus has reduced the amount of time that people spend on the streets waiting to be placed once a unit becomes available.

The Alliance has also established partnerships with the Housing Authority of Tulare County and Self-Help Enterprises to create move-up opportunities for households that have been stabilized in permanent supportive housing. An additional seven (7) Housing Choice Vouchers have been secured, bringing the total of set-aside vouchers with the Tulare County Housing Authority to seventeen (17).

The City continues to be involved in the Alliance and continues to explore options and increase training on homeless trends and service gaps in order to work with the networks of provider on solutions to close those gaps.

CR-30 - Public Housing 91.220(h); 91.320(j)

Actions taken to address the needs of public housing

The City does not use funds from the Community Development Block Grant allocation to assist the Public Housing Agency. However, the Tulare County Housing Authority is an active PHA and referrals are made to the agency when needed and open communication exists about new programs that become available.

Actions taken to encourage public housing residents to become more involved in management and participate in homeownership

The City has looked at ways to improve participation in the Homebuyer Education courses. Changes to the program include increased outreach, hosting a Housing Fair, partnership with a HUD approved Foreclosure prevention counselor from a local non-profit, use of social media, offering a one-day class, offering weekend classes. Flyers and information are taken to public housing units in the City and information is also given to the local PHA for referral of families that may be interested in becoming homeowners.

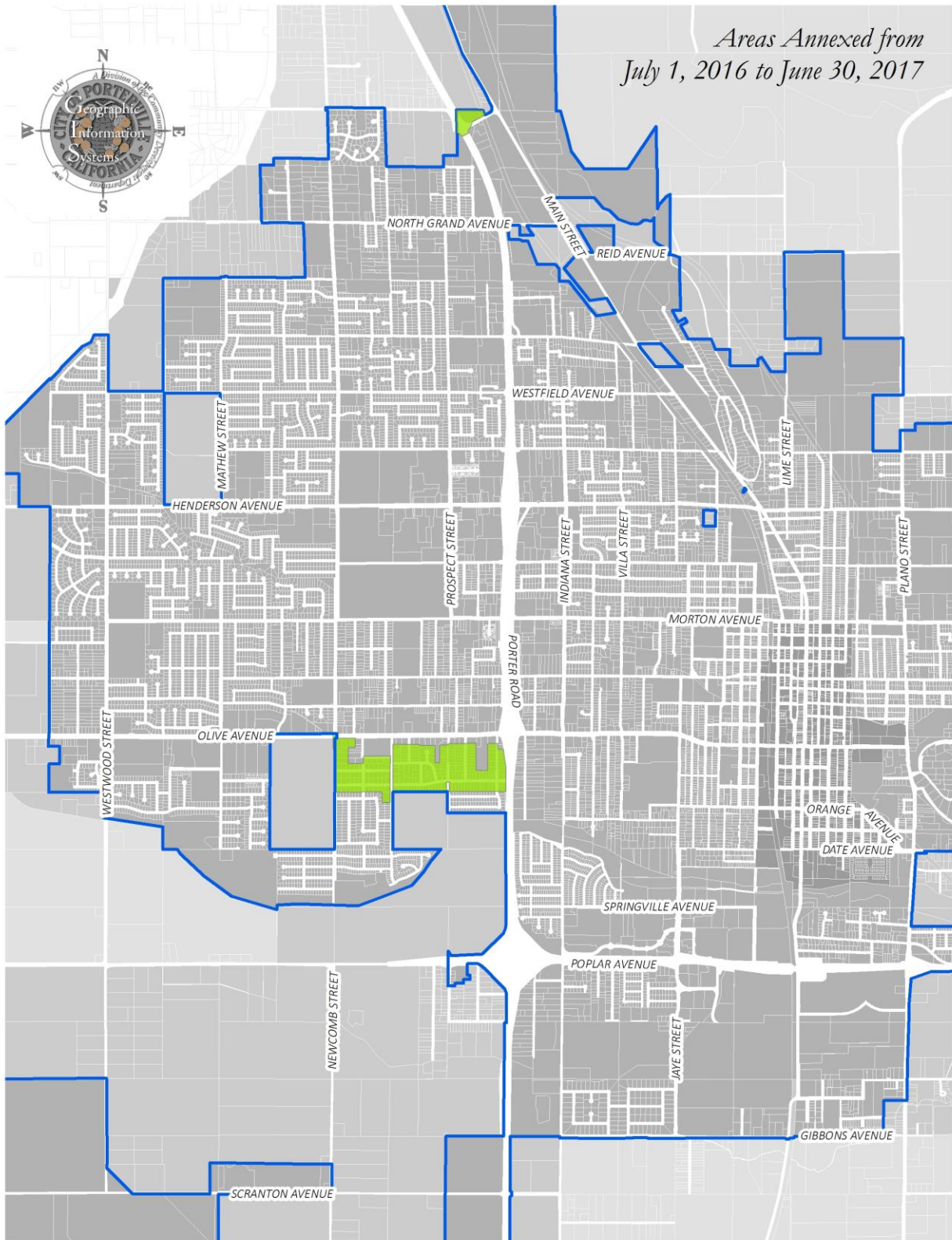
Actions taken to provide assistance to troubled PHAs

Tulare County's Housing Authority is not a troubled PHA.

CR-35 - Other Actions 91.220(j)-(k); 91.320(i)-(j)

Actions taken to remove or ameliorate the negative effects of public policies that serve as barriers to affordable housing such as land use controls, tax policies affecting land, zoning ordinances, building codes, fees and charges, growth limitations, and policies affecting the return on residential investment. 91.220 (j); 91.320 (i)

This section summarizes other actions contained in the Consolidated Plan and Action Plan. These actions specifically address obstacles to meet underserved needs, foster and maintain affordable housing, eliminate barriers to affordable housing, overcome gaps in institutional structures and enhance coordination, improve public housing and resident initiatives, evaluate and reduce lead based paint hazards, ensure compliance with program and comprehensive planning requirements, and reduce the number of persons living below the poverty level. Several annexations have also taken place throughout the city in PY15 to provide infrastructure for sewer and water connections for families. In PY16 a couple more annexations took place. (See Annexation Map) This allows those county islands to now have access to City utilities.



Annexations Map

Actions taken to address obstacles to meeting underserved needs. 91.220(k); 91.320(j)

As stated earlier in this report, the City of Porterville fosters and strives to maintain affordable housing and eliminate barriers to affordable housing through its various programs and policies. Governmental constraints to the production of housing are minimal in Porterville. The City's land use regulations, expedited permit processing, and low development fees serve to encourage the construction of low-cost dwelling units. The City conducts a self-evaluation to evaluate its zoning ordinance and general plan policies to ensure no undue hardship is created in the development of low to moderate income housing. The City addressed the issue of affordable housing being accessible in almost every area of the community with the establishment and timely expansion of the Fixed Route public transportation system in Porterville. Since FY 2009/10, four of the City's fixed routes were modified to increase ridership potential and service areas of the City previously without fixed route service.

During FY 2016/17, Porterville Transit maintained nine fixed routes with a high demand for ridership at its 250 designated bus stops. During FY 2016/17, the Fixed Route served 660,067 riders, and the Demand-Response provided curb-to-curb service to 9,726 passengers, mostly seniors and ADA-certified riders.

The current transit fleet consists of fourteen (14) CNG (Compressed Natural Gas) transit buses, and two diesels which have been retrofitted with particulate filters, making the transit fleet totally compliant with the California Air Resources Board (CARB) regulations.

The City now has a CNG Fueling Station, with a public access portion located at the Recycle Center on Prospect Street. The City side of the CNG Fueling Station is time-fill and has been operational for the last year allowing City buses to fuel on-site.

These efforts, in conjunction with the City's first time home buyer programs and other housing programs, have made progress toward the goal of eliminating barriers to affordable housing.

As indicated in the City's Consolidated Plan and 16/17 Action Plan, a considerable number of affordable housing units exist in Porterville. City ordinances and policies are relatively liberal regarding provision of affordable housing. Land, labor, construction, and material costs are relatively low when compared to most other areas in the state. The City has ample land currently zoned to meet low to moderate income, new, single family and multi-family housing needs for a 20-year period as indicated in the 2009-2014 adopted Housing Element of the General Plan that was certified by the State. The City has rezoned more acreage to higher densities to provide even more opportunities for affordable housing development. In March 2008, the City completed and the City Council adopted an extensive update of the General Plan, including the Land Use Element. Recently, the major update to the Zoning Ordinance was adopted and as stated previously, is now undergoing fine tuning.

Staff continues to monitor all of the City/Agency assisted affordable housing projects to ensure that they are meeting the conditions of the regulatory agreements. The monitoring has now been the responsibility of the Porterville Housing Authority. The City continues to keep an open communication with several

affordable housing developers to encourage this type of development.

Actions taken to reduce lead-based paint hazards. 91.220(k); 91.320(j)

The Tulare County Health Department conducts follow-up investigations on documented incidents of childhood lead poisoning and implemented eradication action as required by law. Porterville does not directly undertake lead-based paint eradication unless such action is required in conjunction with CDBG/HOME/CalHome funded, owner-occupied housing rehabilitation projects, several of which were undertaken this year. City staff provided brochures and informational leaflets on lead base paint hazards to first-time home buyers and the public. The City did amend its Owner Occupied Housing Rehabilitation Loan Program Guidelines in PY05 in order to make homes built before 1978 eligible for more funding assistance by complying with all the federal lead based paint regulations including conducting on site lead based paint assessments and pursuing mitigation where necessary.

Actions taken to reduce the number of poverty-level families. 91.220(k); 91.320(j)

Porterville pursues a very aggressive Economic Development Program on an ongoing basis. These efforts reduce poverty by creating jobs specifically targeted to benefit low income individuals. These efforts can be seen through the CDBG funded Business Assistance Loan Program. This program provides financial assistance to property owners, or long term tenants, to improve their properties. Assistance is targeted toward improving commercial and industrial districts where it is apparent that the potential for decline of the general condition of the building stock may occur now or in the future. An amortized loan facilitates the improvement of the structures. The highest priority is given to buildings that do not meet basic City building standards, and those buildings functionally obsolete and requiring rehabilitation to remain financially viable. Eligible applicants include owner, developer, or lessee of any commercial, commercial/residential, industrial, and professional office structures, including nonprofit agencies and for-profit businesses.

Priority for funding is given to an applicant that is an owner of, or in the process of purchasing, the property or evidence of a signed long-term lease. Priority is also assigned on the ability to generate direct employment opportunities for low/moderate income persons according to a minimum ratio of one full-time equivalent job per \$35,000 of CDBG assistance. During PY16, one business was assisted with \$70,000. The Employer intends to create two full time equivalent permanent jobs within one year.

One of the City's moderate income households also benefitted from the purchase of a home under the City's First-Time Home Buyer programs with CDBG Funds and an additional two low to moderate income households received assistance from the HOME Program Income.

In PY16, the City continued to promote the Voluntary Income Tax Assistance Program (VITA) which has been active in Porterville since 2006. VITA is a national program providing free assistance to low income, elderly, limited English proficient and disabled individuals who require assistance in preparing their tax returns and cannot afford the services of a paid professional tax preparer. In the City of Porterville this

program is provided by Community Services & Employment Inc. (CSET)

Combined with the Earned Income Tax Credit (EITC) outreach, the services provided by VITA in a low-income community can have a tremendous impact. In PY16, 351 families were assisted Porterville locations. This totaled \$676,124 in income tax refunds for those families.

Vita is promoted at the First time homebuyer workshops every month, a flyer is posted in City Hall and one is emailed to current families who have a loan with the City for one of the CDBG, HOME or CalHome programs in January of each year.

Actions taken to develop institutional structure. 91.220(k); 91.320(j)

Each public and private agency has unique capabilities for providing assistance to persons with unmet needs. It is the City's intent to examine its own capabilities as well as the capabilities of others. This effort serves to identify areas that are lacking service components. If service components are identified and lacking, then the City can work with itself or other agencies to develop the capabilities for addressing such areas. This method of networking also establishes and identifies specific service providers. Referrals to other agencies can then be conducted. Referrals may be anonymous, are always confidential.

The City of Porterville works with local profit and nonprofit organizations as well as the Tulare County Housing Authority and the offices of the County of Tulare. The 211 system developed by United Way of Kings/Tulare County serves to enhance coordination. This is a Community Resource tool which is continually updated. It provides a listing of Homeless Shelters, Senior Housing, Housing for Persons with Disabilities, Housing for Farm Laborers, and many other supportive services.

Actions taken to enhance coordination between public and private housing and social service agencies. 91.220(k); 91.320(j)

Public housing is facilitated by the Housing Authority of the County of Tulare (HATC). The HATC rehabilitates its own units, and has converted units necessary to serve persons with disabilities. It has a Resident Council with representation from all areas of the county, including the City of Porterville. The Resident Council met at least quarterly during this reporting period. Council members' functions are to make recommendations for involvement by public housing residents in the management of the Housing Authority, including expansion of home ownership opportunities to public housing residents.

Identify actions taken to overcome the effects of any impediments identified in the jurisdictions analysis of impediments to fair housing choice. 91.520(a)

Please see attachment 1 which addresses the adopted Analysis of Impediments to Fair Housing Choice (commonly known as "the AI"), including a summary of impediments identified in the analysis, and actions taken to overcome the effects of impediments identified through the analysis. This is the second year of review utilizing the AI in the adopted 2015 Five Year Consolidated Plan.

CR-40 - Monitoring 91.220 and 91.230

Describe the standards and procedures used to monitor activities carried out in furtherance of the plan and used to ensure long-term compliance with requirements of the programs involved, including minority business outreach and the comprehensive planning requirements

The City of Porterville ensures compliance with program requirements of all HUD related activities. In addition, the City ensures self-monitoring of its programs and cooperation for monitoring conducted by HUD personnel. The City has incorporated the necessary framework in order to comply with the Outcome Performance Measurement System required by HUD. This is an organized process for gathering information to determine how well programs and activities are meeting established needs and goals. HUD is then able to report in a standardized fashion on program outcomes at a national level. Additionally, City staff presents to service and business groups throughout the city including minority groups to ensure the programs are made available to all businesses.

Citizen Participation Plan 91.105(d); 91.115(d)

Describe the efforts to provide citizens with reasonable notice and an opportunity to comment on performance reports.

CAPER DEVELOPMENT AND CITIZEN PARTICIPATION PROCESS

Prior to submitting the CAPER to HUD, a notice soliciting public comment will be published in the *Porterville Recorder* in English and in the *Noticiero Semanal* in Spanish. Publication of the notice allows for a 15-day comment period plus time to prepare a summary of comments. The following page contains a copy of the Notice of Public Review and Comments if any are received.

Drafts of the CAPER will be provided for the public's review in the Porterville City Library at the City Hall Community Development Department's counter, and on the City's website. The Choose Porterville Facebook page will also be used to inform the community of Draft CAPER availability for review. Any person can also contact the City, in order to make other arrangements if they are not able access the CAPER at those locations.

The CAPER requires one hearing before City Council for document approval before submitting to HUD. Community hearings will be held in a community space with consideration for the convenience to beneficiaries of the entitlement program resources.

The City council public hearings will be held at City Hall Council Chambers located at 291 N. Main Street, Porterville, CA 93257. Listening devices, interpretation services, and other assistance to disabled persons or those with limited English proficiency will be provided upon request, ranging up to five business days prior notification to the City Clerk. Request for disability-related modifications or accommodations required to facilitate meeting participation, including requests for auxiliary aids, services or interpreters, require different lead times, ranging up to five business days. For this reason, it is important to provide as

much advance notice as possible to ensure availability. Assistive Listening Devices (ALDs) are available upon request.

Public Comments: Oral or written public comments received during comment period will be updated in this section before final CAPER is submitted to HUD.

Public Notices and Publications are attached as Attachment 2.

CR-45 - CDBG 91.520(c)

Specify the nature of, and reasons for, any changes in the jurisdiction's program objectives and indications of how the jurisdiction would change its programs as a result of its experiences.

The City continues to review its programs and guidelines for example in the past the First Time Low Income Homebuyer Program and the Owner Occupied Housing Rehabilitation Programs were changed to make the programs more marketable, while still complying with all requirements of the funding source. The City strives to be able to assist as many households as possible, so staff is constantly monitoring the market conditions to make changes in the program guidelines as necessary. Additionally, if there is a need that was previously not identified and it comes to the City's attention, this may also be a reason for needed changes in program objectives.

Does this Jurisdiction have any open Brownfields Economic Development Initiative (BEDI) grants?

No

[BEDI grantees] Describe accomplishments and program outcomes during the last year.

CR-45 - CDBG 91.520(c)

Specify the nature of, and reasons for, any changes in the jurisdiction's program objectives and indications of how the jurisdiction would change its programs as a result of its experiences.

The City continues to review its programs and guidelines for example in the past the First Time Low Income Homebuyer Program and the Owner Occupied Housing Rehabilitation Programs were changed to make the programs more marketable, while still complying with all requirements of the funding source. The City strives to be able to assist as many households as possible, so staff is constantly monitoring the market conditions to make changes in the program guidelines as necessary. Additionally, if there is a need that was previously not identified and it comes to the City's attention, this may also be a reason for needed changes in program objectives.

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No

[BEDI grantees] Describe accomplishments and program outcomes during the last year.

Attachment

Response to CR-35 - Other Actions 91.220(j)-(k); 91.320(i)-(j)

Attachment 1

Response to CR-35 - Other Actions 91.220(j)-(k); 91.320(i)-(j)

Identify actions taken to overcome the effects of any impediments identified in the jurisdictions analysis of impediments to fair housing choice. 91.520(a)

This section addresses the adopted Analysis of Impediments to Fair Housing Choice ("AI"), including a summary of impediments identified in the analysis, and actions taken to overcome the effects of impediments identified through the analysis. This is the first year of review utilizing the AI in the adopted 2015 Five Year Consolidated Plan.

Based on the public participation process and analysis of the information available in developing the AI, it was determined that governmental constraints to the production of housing are minimal in Porterville. In sum, the City's land use regulations, expedited permit processing, and relatively low development fees serve to encourage the construction of low-cost dwelling units in keeping with similar Central Valley communities. This conclusion is supported by the following facts:

- The City allows for a broad range of residential densities up to 30 dwelling units per acre, and in no way discourages proposals for higher density housing through burdensome permit processes or exactions. In addition, Porterville allows for the creation of Planned Development districts which have been used on residential developments, allowing for smaller lot sizes, reduced setbacks, and higher densities, all of which can lead to lower housing costs.
- Permit processing times are relatively brief for typical development projects and streamlined through the implementation of the City's computerized building permit and development review software program. Since 2008, the City of Porterville has been implementing a new project review and plan check process for a more efficient and expedited turnaround period. The revised plan check process included input from the local developers, consultants and contractors. Submitted projects are now returned to project proponents within two weeks with comments or permits where they previously took at least three weeks, and in some cases much longer.
- City fees are comparatively low, and there are only a few development exactions.
- Most residential zones allow for alternative housing types, including mobile homes, second dwelling units, and group homes.
- Zoning and parking standards are not overly restrictive. Minimum single family lot sizes induce homebuilders to construct single family dwelling units for low- to moderate- income first time home buyers.
- The City has used millions of dollars of Certificates of Participation, bond funds, and other State and Federal grants and loans to provide new wells, major sewer and water trunk connections, expansion of the Wastewater Treatment Facility and street improvements to accommodate residential growth, and ensure maintenance of affordable housing. Substantial funds have been expended to extend infrastructure to the northeastern area of the city to encourage residential development in that area in accordance with the Land Use Element of the City's General Plan.
- The City continues to evaluate its Development Ordinance and general plan policies to ensure no undue hardships are created for the development of low to moderate income housing. This was studied extensively in the most recent General Plan Update that was adopted in March 2008.
- As stated earlier, the Development Ordinance, combined the Zoning Ordinance and Subdivision Ordinance into one, well-integrated document was adopted in 2010, revised in 2012 and again in 2015. The Development Code clarifies previously ambiguous standards and generated a more predictable outcome for developers. This is seen as a way to lower the costs of development that are associated with costly mistakes and unnecessary bureaucracy.

- The City's First-Time Home Buyer Program provides closing costs and down payment assistance to qualifying buyers. Providing this assistance mitigates one of the single largest barriers to obtaining affordable housing.
- The City's Owner Occupied Housing Rehabilitation Loan Program provides 0% interest, deferred loans to rehabilitate low and moderate income houses which help to keep the people in their homes by addressing health and safety issues.
- When available, the City provides direct assistance to developers that construct low to moderate income housing within the City and can grant density bonuses to developers who agree to construct a minimum number of units restricted for low income households.
- While the AI identifies a number of potential issues, certain issues are beyond the ability of a local jurisdiction to address, such as those related to lending practices. The following list identifies the strategies developed in the City's adopted AI that could be feasibly addressed by the City. Each strategy is followed by the actions that have been taken to address each item during the last program year, and the impacts of those actions:

Expanding Affordable Housing Opportunities:

With the First Time Homebuyer Assistance Program, the City has helped to mitigate one of the single largest barriers to obtaining affordable housing, and have made the home ownership dream become a reality for low- to moderate- income people that would never have been able to purchase a home without the City's assistance. Additionally, the funds available for the Housing Rehabilitation and Public Utilities Program assisted qualified homeowners to make health and safety improvements to their homes that they otherwise could not afford. Of course, providing new affordable rental housing has a very positive effect on the community where such housing is in great demand.

Access to Information

The City provides links to housing services and other resources on their website, such as a link to the fair housing service provider, a link to the Fannie Mae Foundation that offers free guides and resources for first time home buyers in English, Spanish and other languages, the State Department of Fair Employment and Housing, California Association of Realtors, and the U.S. Department of Fair Employment and Housing, and the U.S. Department of Housing and Urban Development.

Public Policies and Program

The City will continue to evaluate its zoning ordinance and general plan policies to ensure no undue hardship is created in the development of low- and moderate-income housing. Specifically, the newly adopted Housing Element establishes, as one of its action plan goals, "to reduce governmental constraints to the development, improvement, and preservation of housing, particularly to housing affordable to lower and moderate income households. As an example, the City's Development Ordinance facilitates affordable housing.

The Housing Element also addresses other actions to be taken to preserve the existing housing stock, conserve existing affordable housing opportunities, provide adequate residential sites through appropriate land use designation and zoning to accommodate the City's share of regional housing needs, identify and encourage mixed-use and infill development, and ensure adequate services to infrastructure and housing.

The City will continue to pursue affordable housing development programs identified in the 2015-2020 Housing Element. To the extent feasible, the City will facilitate the development of housing affordable to lower and moderate income households according to the Regional Housing Needs Analysis (RHNA)

identified in the Housing Element.

In June 2010, the City adopted the updated Development Ordinance, referred to above as the Zoning Code. The ordinance better identified development standards and uses by right for housing. All of the specific items listed above were incorporated into the new Development Ordinance.

The City continues to administer the FTHB program and, the HOME and CDBG Program Income will help sustain this program over the next year.

The City continues to pursue affordable housing development as evidenced by the 70 unit, Villa Siena project which was completed in November 2011. Even though the City does not have many financial resources to directly assist a project, staff is more than willing to work with developers to secure any other state, federal, or other funding that might be available for affordable housing projects.

In pursuing all of these programs, the City is making more land and housing available for low income households.

Outreach to Lenders

The City will continue to work with local lenders and government institutions to provide outreach to lower income residents about home purchase loans particularly for first-time home buyers. The City will encourage local lenders to provide information in both English and Spanish and to hold workshops in both languages. This outreach to lenders results in more low income persons participating in the Homebuyer Education Program and becoming applicants for funding assistance. The increase in communication makes for smoother processing of the loan applications. The foreclosure education and referral process certainly has had a positive impact on helping homeowners that were facing foreclosure with options that could prevent foreclosure and provide the public with important housing information.

Fair Housing Services

Porterville cooperates with federal, state, and regional agencies to promote open housing choice and equal housing opportunity. Depending on the nature of the complaints, Porterville currently refers complaints regarding housing discrimination to the Legal Aid of Central California, California Rural Legal Aid, Self Help Enterprises, Fresno County Housing Authority (Fair Housing Unit), and State Department of Fair Employment and Housing. The City continue to explore with Tulare County and nearby communities the feasibility of sponsoring a fair housing program to provide landlord/tenant mediation counseling for Porterville residents and residents in the region. Whenever the City has a booth promoting housing programs, fair housing information is also provided, both in English and Spanish.

A Housing Fair was conducted in FY 16 to bring housing services in one central location, so that anyone in the community needing information on becoming a homebuyer or the process of home buying could have all the people involved in the process in one location. Additionally, service agencies where there to provide free legal advice on renter and homeowner rights, Housing Counseling, Section 8 program information, Employment Services, Domestic violence and Homeless programs. City inspectors and City Planners were also available to answer zoning, building code, permits and other questions as necessary.

In PY 16, the City had no fair housing complaints received, therefore no referrals directly to HUD or DFEH.

The City feels that the above review of the strategies used in overcoming or eliminating the effects of impediments to fair housing choice demonstrates that the City made progress over the year in meeting the strategies developed in the AI.

English Public Notice



CITY OF PORTERVILLE ADVERTISING REQUEST

DATE: August 15, 2017

PUBLIC MEETING DATE: September 5, 2017

AUTHORIZED BY: [Signature]

ORDERING DEPT.: Community Development PHONE #: 782-7460 FAX #: 781-6437

PUBLICATION (NAME): PORTERVILLE RECORDER

DATE(S) TO BE PUBLICIZED: August 21, 2017

SUBJECT: Consolidated Annual Performance and Evaluation Report (CAPER) for the City's 2016/17 Action Plan

Budget Acct. No: 19-3025-21

☐ TO BE ADVERTISED IN THE DISPLAY ADVERTISING SECTION

☐ TO BE ADVERTISED IN CLASSIFIED SECTION - SPECIAL NOTICES

☒ TO BE ADVERTISED IN LEGAL SECTION

**Please reply with confirmation of dates
and cost to Christina Tank at
ctank@ci.porterville.ca.us**

City of Porterville
Finance Dept./Accounts Payable
291 N. Main St.
Porterville, CA 93257

☒ Send Tear Sheets
☐ Send Declaration
of Publication

**NOTICE OF PUBLIC REVIEW AND COMMENT AND
NOTICE OF PUBLIC HEARING**

The City of Porterville Community Development Department is soliciting public review and comment on the Consolidated Annual Performance and Evaluation Report (CAPER) for the City's 2016/17 Action Plan. The Action Plan is submitted annually to the U.S. Department of Housing and Urban Development (HUD) to enable the City to receive federal funds under the Community Development Block Grant (CDBG) program.

The CAPER, which has been prepared for submittal to HUD, reports on specific federal assistance allocated to the City of Porterville for the period July 1, 2016 through June 30, 2017. The CAPER is the performance reporting tool for the 2016/17 Action Plan Program Year, and is required by HUD guidelines as described in a HUD Memorandum dated February 18, 1998.

The public review period for the CAPER begins August 21, 2017 and is limited to 15 days. The City of Porterville must receive all comments on the CAPER by 5:00 p.m., September 5, 2017. The CAPER is available for examination on the City's website www.ci.porterville.ca.us and at the following locations:

Porterville City Hall
Community Development Department
291 North Main Street
Porterville, CA 93257

Porterville City Library
41 West Thurman Street
Porterville, CA 93257

Written comments may be directed to:
Porterville City Hall
Community Development Department
291 N. Main Street
Porterville, CA 93257

In addition to the public review, a public hearing will be held by the City Council of the City of Porterville on Tuesday, September 5, 2017 at 6:30 p.m. or as soon thereafter as the matter can be heard in the Council Chambers at City Hall, 291 N. Main Street, Porterville, California, in order to consider the approval of the 2016-17 CAPER.

Any and all persons interested in this matter may provide comments. Persons of low and moderate income, disabled and elderly persons, members of minority groups, and persons residing in areas where Community Development Block Grant Program activities are proposed, are particularly encouraged to comment.

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 Deputy 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. (28 CTR 35.102-35.104 ADA Title II)

For more information about the CAPER or to present oral comment regarding the CAPER, please contact Jennifer M. Byers, City of Porterville, Community Development Department, 291 North Main Street, Porterville, CA 93257, (559) 782-7460.

DATED: August 15, 2017
Jennifer M. Byers, Community Development Director

Send Result Report

MFP

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CITY OF PORTERVILLE ADVERTISING REQUEST

DATE: August 15, 2017

PUBLIC MEETING DATE: September 5, 2017

AUTHORIZED BY: [Signature]

ORDERING DEPT.: Community Development

PHONE #: 782-7460 FAX #: 781-6437

PUBLICATION (NAME): PORTERVILLE RECORDER

DATE(S) TO BE PUBLICIZED: August 21, 2017

SUBJECT: Consolidated Annual Performance and Evaluation Report (CAPER) for the City's

No.	Date and Time	Destination	Times	Type	Result	Resolution/ECK
03	08/15/17 1:13	Porterville Recorder	0'03'29"	FAX	OK	220x105 Xpress1/3n

In the Superior Court of the State of California In and for the County of Tulare

PUBLIC NOTICE

NOTICE OF PUBLIC REVIEW AND COMMENT AND NOTICE OF PUBLIC HEARING

The City of Porterville Community Development Department is soliciting public review and comment on the Consolidated Annual Performance and Evaluation Report (CAPER) for the City's 2016/17 Action Plan. The Action Plan is submitted annually to the U.S. Department of Housing and Urban Development (HUD) to enable the City to receive federal funds under the Community Development Block Grant (CDBG) program.

The CAPER, which has been prepared for submission to HUD, reports on specific federal assistance allocated to the City of Porterville for the period July 1, 2016 through June 30, 2017. The CAPER is the performance reporting tool for the 2016/17 Action Plan Program Year, and is required by HUD guidelines as described in a HUD Memorandum dated February 18, 1998.

The public review period for the CAPER begins August 21, 2017 and is limited to 14 days. The City of Porterville must receive all comments on the CAPER by 5:00 p.m. September 5, 2017. The CAPER is available for examination on the City's website: www.ci.porterville.ca.us and at the following locations:

Porterville City Hall, Porterville City Library
Community Development Department-41 West Thudman Street
291 North Main Street, Porterville, CA 93257
Porterville, CA 93257

Written comments may be directed to:
Porterville City Hall
Community Development Department
291 N. Main Street
Porterville, CA 93257

In addition to the public review, a public hearing will be held by the City Council of the City of Porterville on Tuesday, September 5, 2017 at 6:00 p.m. or as soon thereafter as the matter can be heard in the Council Chambers at City Hall, 291 N. Main Street, Porterville, California, in order to consider the approval of the 2016-17 CAPER.

Any and all persons interested in this matter may provide comments. Persons of low and moderate income, disabled and elderly persons, members of minority groups, and persons residing in areas where Community Development Block Grant Program activities are proposed, are particularly encouraged to comment.

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 Deputy City Clerk at (559) 782-7454. 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 (24 CCR § 102.85.104 ADA Title II).

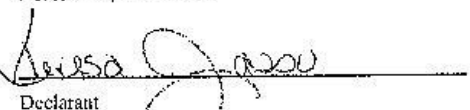
State of California

SS.

County of Tulare

Declarant says:

That at all times herein mentioned Declarant is and was a resident of said County of Tulare, over the age of twenty-one years; not a party to nor interested in the within matter; that Declarant is now and was at all times herein mentioned the Principal Clerk of the Porterville Recorder, a daily newspaper, which said newspaper was adjudged a newspaper of general circulation on October 15, 1951, by Superior Court Order No. 42369 as entered in Book 57 Page 384 of said Court, and that said newspaper is printed and published every day except Sunday published LEGAL NOTICE TO PUBLIC NOTICE in said newspaper Aug 21, 2017 and that such publication was made in the regular issues of said paper (and not in any supplemental edition or extra thereof). I declare under penalty of perjury that the foregoing is true and correct. Executed Aug 21, 2017 at Porterville, California.


Declarant

For more information about the CAPER or to present oral comment regarding the CAPER, please contact Jennifer M. Byers, City of Porterville, Community Development Department, 291 North Main Street, Porterville, CA 93257, (559) 782-7454.

DATED: August 18, 2017
Jennifer M. Byers, Community Development Director
00871226
Aug 21 11

Spanish Public Notice

8/15/2017

Mail - ctank@ci.porterville.ca.us

Re: Notice for Caper - Spanish

Recorder Legals

Thu 8/15/2017 1:37 PM

To: Christina Tank <ctank@ci.porterville.ca.us>

ACCT NO. 19-3025-41 21			
NET \$ 135.10			
QUANT	DEPT.	P.A.	PIN.
1			
APR DATE			

Hello Christina,
Confirm, Scheduled and cost is \$140.10

On 8/15/17, Christina Tank <ctank@ci.porterville.ca.us> wrote:
> Attached is the word document for the public notice request just faxed over.
> Please reply with final cost. Thank you!
>
>
> Christina Tank, Administrative Assistant
>
> Community Development Department
>
> City of Porterville
>
> 291 N. Main Street
>
> Porterville, CA 93257
>
> (559) 782-7460
>
> (559) 781-6437 fax
>
> ctank@ci.porterville.ca.us
>
>

--
Thank-you
Teresa Jasso
Classified/Legal Advertising Dept.
The Porterville Recorder
(559) 784-5000 ext. 103

<https://outlook.office365.com/owa/?path=/mail/inbox/rp>

1/1



**CITY OF PORTERVILLE
ADVERTISING REQUEST**

DATE: August 15, 2017

PUBLIC MEETING DATE: September 5, 2017

AUTHORIZED BY: [Signature]

ORDERING DEPT.: Community Development

PHONE #: 782-7460 FAX #: 781-6437

PUBLICATION (NAME): NOTICIERO SEMANAL

DATE(S) TO BE PUBLICIZED: August 18, 2017

SUBJECT: Reporte Anual Consolidado de Ejecución y Evaluación (CAPER) para el Plan de Acción 2016/17 de la Ciudad de Porterville

Budget Acct. No: 19-3025-21

☐ TO BE ADVERTISED IN THE DISPLAY ADVERTISING SECTION

☐ TO BE ADVERTISED IN CLASSIFIED SECTION - SPECIAL NOTICES

☒ TO BE ADVERTISED IN LEGAL SECTION

**Please reply with confirmation of dates
and cost to Christina Tank at
ctank@ci.porterville.ca.us**

City of Porterville
Finance Dept./Accounts Payable
291 N. Main St.
Porterville, CA 93257

☒ Send Tear Sheets

☐ Send Declaration
of Publication

NOTICIA PÚBLICA PARA REVISIÓN Y COMENTARIO Y AVISO DE AUDIENCIA PÚBLICA

El Departamento de Desarrollo de Comunidad de la Ciudad de Porterville está solicitando revisión y comentarios públicos para el Reporte Anual Consolidado de Ejecución y Evaluación (CAPER) para el Plan de Acción 2016/17 de la Ciudad de Porterville. El Plan de Acción es enviado anualmente al Departamento de Viviendas y Desarrollo Urbano de los Estados Unidos (HUD) para habilitar que la ciudad reciba fondos federales bajo la Beca del Desarrollo de la Comunidad (CDBG).

El CAPER, cual ha sido preparado para ser entregado a HUD, reporta asistencia específica federal asignados a la Ciudad de Porterville para el periodo Julio 1, 2016 hasta Junio 30, 2017. El CAPER es la herramienta que reporta la ejecución del Programa del Plan de Acción del año 2016/17, y es requerido por los reglamentos de HUD como escritas en el Memorando de HUD con fecha de Febrero 18, 1998.

El periodo de revisión del CAPER comienza Agosto 21, 2017 y está limitado a 15 días. La Ciudad de Porterville debe recibir todos los comentarios del CAPER para Septiembre 5, 2017 antes de las 5:00 p.m. Copias del CAPER para su revisión estarán disponibles en la página de internet de la ciudad www.ci.porterville.ca.us para el 21 de agosto y en los siguientes locales:

Porterville City Hall
Community Development Department
291 North Main Street
Porterville, CA 93257

Biblioteca Publica de Porterville
41 West Thurman Street
Porterville, CA 93257

Comentarios por escrito deben ser dirigidos a:
Porterville City Hall
Community Development Department
291 North Main Street
Porterville, CA 93257

Además de la revisión pública, el Consejo Municipal de la Ciudad de Porterville tendrá una Audiencia Pública el martes 5 de septiembre de 2017 a las 6:30 p.m. o tan pronto como el asunto pueda ser escuchado en las Salas del Consejo de la Ciudad, 291 N. Main Street, Porterville, California, a fin de considerar la aprobación del CAPER 2016-17.

Cualquiera y todas las personas interesadas en este asunto pueden proveer comentarios. Personas de bajos ingresos, ingresos medios, personas deshabilitadas y ancianos, miembros de minorías y personas que residen en áreas donde se han propuesto actividades cubiertas por la Beca del Desarrollo de la Comunidad, son especialmente aconsejadas a comentar.

En cumplimiento con la Ley de Americanos con Discapacidades y la Ley de California Ralph M. Brown, si necesita asistencia especial para participar en esta reunión o para poder acceder a esta agenda y documentos en el paquete de la agenda, por favor comuníquese con la Secretaria Municipal Adjunta al (559) 782-7464. Notificación de 48 horas antes de la reunión permitirá a la Ciudad hacer arreglos razonables para asegurar accesibilidad a esta reunión y / o provisión de un formato alternativo apropiado de la agenda y documentos en el paquete de agenda. (28 CFR 35.102-35.104 ADA Título II)

Para más información del Plan de Acción, o para presentar comentario oral, por favor llame a Jennifer M. Byers al (559) 782-7460.

DATE: August 15, 2017
Jennifer M. Byers
Community Development Director

Send Result Report

MFP

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Document: scan20170815111317



CITY OF PORTERVILLE ADVERTISING REQUEST

DATE: August 15, 2017

PUBLIC MEETING DATE: September 5, 2017

AUTHORIZED BY: [Signature]

ORDERING DEPT.: Community Development

PHONE #: 782-7460 FAX #: 781-6437

PUBLICATION (NAME): NOTICIERO SEMANAL

DATE(S) TO BE PUBLICIZED: August 18, 2017

SUBJECT: Reporte Anual Consolidado de Ejecución y Evaluación (CAPER) para el Plan de

No.	Date and Time	Destination	Times	Type	Result	Resolution/ECM
001	08/15/17 11:14	Porterville Recorder	0'00'27"	FAX	OK	200x100 Norma: /On

***In the Superior Court of the State of California
In and for the County of Tulare***

**NOTICIA
PUBLICA**

**NOTICIA PUBLICA PARA
REVISION Y COMEN-
TARIO
Y AVISO DE AUDIENCIA
PUBLICA**

El Departamento de De-
sarrollo de Comunidad de
la Ciudad de Porterville
esta solicitando revision y
comentarios publicos para
el Reporte Anual Consoli-
bado de Vigilancia y
Evaluacion (CAPER) para
el Plan de Accion 2016-17
de la Ciudad de Porter-
ville. El Plan de Accion es
enviado anualmente al De-
partamento de Vivienda y

State of California

SS.

County of Tulare

Declarant says:

That at all times herein mentioned Declarant is and was a resident of said County of Tulare, over the age of twenty-one years; not a party to nor interested in the within matter; that Declarant is now and was at all times herein mentioned the Principal Clerk of the Porterville Recorder, a daily newspaper, which said newspaper was adjudged a newspaper of general circulation on October 15, 1951, by Superior Court Order No. 42369 as entered in Book 57 Page 384 of said Court; and that said newspaper is printed and published every day except Sunday published LEGAL NOTICE TO PUBLIC NOTICE in said newspaper Aug 18, 2017 and that such publication was made in the regular issues of said paper (and not in any supplemental edition or extra thereof). I declare under penalty of perjury that the foregoing is true and correct. Executed Aug 18, 2017 at Porterville, California.

Declarant

Anuncio Público Comunidad	Anuncio Público Comunidad	Anuncio Público Comunidad
Desarrollo Urbano de los Estados Unidos (HUD) para habitar que la ciudad reciba fondos federales bajo la Beca del Desarrollo de la Comunidad (CDBG).	Community Development Department 291 North Main Street Porterville, CA 93257	reunión y la provisión de un formato alternativo apropiado de la agenda y documentos en el paquete de agenda (28 CFR 35.102-35.104 ADA Título II).
El CAPER, que ha sido preparado para ser entregado a HUD, requiere asistencia específica federal asignados a la Ciudad de Porterville para el período Julio 1, 2016 hasta Junio 30, 2017. El CAPER es la herramienta que reporta la ejecución del Programa del Plan de Acción del año 2016/17 y es requerido por los reglamentos de HUD como asientos en el Memorando de HUD con fecha de Febrero 18, 1993.	Además de la revisión pública, el Consejo Municipal de la Ciudad de Porterville tendrá una Audiencia Pública el martes 5 de septiembre de 2017 a las 6:30 p.m. o tan pronto como el asunto pueda ser escuchado en las Salas del Consejo de la Ciudad, 291 N. Main Street, Porterville, California, a fin de considerar la aprobación del CAPER 2016-17.	Para más información del Plan de Acción, o para presentar comentario oral, por favor llame a Jennifer M. Byers al (559) 782-7460.
El periodo de revisión del CAPER comienza Agosto 21, 2017 y está limitado a 15 días. La Ciudad de Porterville debe recibir todos los comentarios del CAPER para Septiembre 5, 2017 antes de las 5:00 p.m. Copias del CAPER para su revisión estarán disponibles en la página de internet de la ciudad www.porterville.ca.us para el 21 de agosto y en los siguientes locales:	Cualquiera y todas las personas interesadas en este asunto pueden proveer comentarios. Personas de bajos ingresos, ingresos medios, personas de edad 60 años y mayores, miembros de minorías y personas que residen en áreas donde se han propuesto actividades cubiertas por la Beca del Desarrollo de la Comunidad, son especialmente aconsejadas a comentar.	DATED: August 15, 2017 Jennifer M. Byers Community Development Director
Porterville City Hall Biblioteca Pública de Porterville Community Development Department 41 West Thurman Street 291 North Main Street Porterville, CA 93257 Porterville, CA 93257	En cumplimiento con la Ley de Americanos con Discapacidades y la Ley de California, Hazel M. Brown si necesita asistencia especial para participar en esta reunión o para poder acceder a esta agenda y documentos en el paquete de la agenda, por favor comuníquese con la Secretaría Municipal Adjunta al (559) 782-7460.	Notificación de 48 horas antes de la reunión permitirá a la Ciudad hacer arreglos razonables para asegurar accesibilidad a esta
Comentarios por escrito deben ser enviados a: Porterville City Hall		08071229 Aug 18 11

PR-26 and Explanation of Adjustments

	Office of Community Planning and Development	DATE:	08-29-17
	U.S. Department of Housing and Urban Development	TIME:	13:49
	Integrated Disbursement and Information System	PAGE:	1
	PR26 - CDBG Financial Summary Report		
	Program Year 2016		
	PORTERVILLE, CA		

PART I: SUMMARY OF CDBG RESOURCES		
01 UNEXPENDED CDBG FUNDS AT END OF PREVIOUS PROGRAM YEAR		848,128.31
02 ENTITLEMENT GRANT		634,391.00
03 SURPLUS URBAN RENEWAL		0.00
04 SECTION 108 GUARANTEED LOAN FUNDS		0.00
05 CURRENT YEAR PROGRAM INCOME		89,306.79
05a CURRENT YEAR SECTION 108 PROGRAM INCOME (FOR SI TYPE)		0.00
06 FUNDS RETURNED TO THE LINE-OF-CREDIT		253,718.15
06a FUNDS RETURNED TO THE LOCAL CDBG ACCOUNT		0.00
07 ADJUSTMENT TO COMPUTE TOTAL AVAILABLE		194.48
08 TOTAL AVAILABLE (SUM, LINES 01-07)		1,825,738.73
PART II: SUMMARY OF CDBG EXPENDITURES		
09 DISBURSEMENTS OTHER THAN SECTION 108 REPAYMENTS AND PLANNING/ADMINISTRATION		523,745.55
10 ADJUSTMENT TO COMPUTE TOTAL AMOUNT SUBJECT TO LOW/MOD BENEFIT		(25,492.08)
11 AMOUNT SUBJECT TO LOW/MOD BENEFIT (LINE 09 + LINE 10)		498,253.47
12 DISBURSED IN IDIS FOR PLANNING/ADMINISTRATION		147,001.18
13 DISBURSED IN IDIS FOR SECTION 108 REPAYMENTS		272,465.20
14 ADJUSTMENT TO COMPUTE TOTAL EXPENDITURES		(34,126.47)
15 TOTAL EXPENDITURES (SUM, LINES 11-14)		883,593.38
16 UNEXPENDED BALANCE (LINE 08 - LINE 15)		942,145.35
PART III: LOW/MOD BENEFIT THIS REPORTING PERIOD		
17 EXPENDED FOR LOW/MOD HOUSING IN SPECIAL AREAS		0.00
18 EXPENDED FOR LOW/MOD MULTI-UNIT HOUSING		0.00
19 DISBURSED FOR OTHER LOW/MOD ACTIVITIES		523,745.55
20 ADJUSTMENT TO COMPUTE TOTAL LOW/MOD CREDIT		0.00
21 TOTAL LOW/MOD CREDIT (SUM, LINES 17-20)		523,745.55
22 PERCENT LOW/MOD CREDIT (LINE 21/LINE 11)		105.12%
LOW/MOD BENEFIT FOR MULTI-YEAR CERTIFICATIONS		
23 PROGRAM YEARS(PY) COVERED IN CERTIFICATION	PY: 2014 PY: 2015 PY: 2016	
24 CUMULATIVE NET EXPENDITURES SUBJECT TO LOW/MOD BENEFIT CALCULATION		1,840,523.91
25 CUMULATIVE EXPENDITURES BENEFITING LOW/MOD PERSONS		1,193,613.80
26 PERCENT BENEFIT TO LOW/MOD PERSONS (LINE 25/LINE 24)		64.85%
PART IV: PUBLIC SERVICE (PS) CAP CALCULATIONS		
27 DISBURSED IN IDIS FOR PUBLIC SERVICES		119,021.03
28 PS UNLIQUIDATED OBLIGATIONS AT END OF CURRENT PROGRAM YEAR		0.00
29 PS UNLIQUIDATED OBLIGATIONS AT END OF PREVIOUS PROGRAM YEAR		11,993.19
30 ADJUSTMENT TO COMPUTE TOTAL PS OBLIGATIONS		0.00
31 TOTAL PS OBLIGATIONS (LINE 27 + LINE 28 - LINE 29 + LINE 30)		107,027.84
32 ENTITLEMENT GRANT		634,391.00
33 PRIOR YEAR PROGRAM INCOME		104,559.89
34 ADJUSTMENT TO COMPUTE TOTAL SUBJECT TO PS CAP		194.48
35 TOTAL SUBJECT TO PS CAP (SUM, LINES 32-34)		739,145.37
36 PERCENT FUNDS OBLIGATED FOR PS ACTIVITIES (LINE 31/LINE 35)		14.48%
PART V: PLANNING AND ADMINISTRATION (PA) CAP		
37 DISBURSED IN IDIS FOR PLANNING/ADMINISTRATION		147,001.18
38 PA UNLIQUIDATED OBLIGATIONS AT END OF CURRENT PROGRAM YEAR		0.00
39 PA UNLIQUIDATED OBLIGATIONS AT END OF PREVIOUS PROGRAM YEAR		16,645.22
40 ADJUSTMENT TO COMPUTE TOTAL PA OBLIGATIONS		0.00
41 TOTAL PA OBLIGATIONS (LINE 37 + LINE 38 - LINE 39 + LINE 40)		130,355.96
42 ENTITLEMENT GRANT		634,391.00
43 CURRENT YEAR PROGRAM INCOME		89,306.79
44 ADJUSTMENT TO COMPUTE TOTAL SUBJECT TO PA CAP		0.00
45 TOTAL SUBJECT TO PA CAP (SUM, LINES 42-44)		723,697.79
46 PERCENT FUNDS OBLIGATED FOR PA ACTIVITIES (LINE 41/LINE 45)		18.01%



Office of Community Planning and Development
U.S. Department of Housing and Urban Development
Integrated Disbursement and Information System
PR26 - CDBG Financial Summary Report
Program Year 2016
PORTERVILLE, CA

DATE: 08-29-17
TIME: 13:49
PAGE: 2

LINE 17 DETAIL: ACTIVITIES TO CONSIDER IN DETERMINING THE AMOUNT TO ENTER ON LINE 17
Report returned no data.

LINE 18 DETAIL: ACTIVITIES TO CONSIDER IN DETERMINING THE AMOUNT TO ENTER ON LINE 18
Report returned no data.

LINE 19 DETAIL: ACTIVITIES INCLUDED IN THE COMPUTATION OF LINE 19

Plan Year	IDIS Project	IDIS Activity	Voucher Number	Activity Name	Matrix Code	National Objective	Drawn Amount
2015	11	212	5960176	Land Acquisition	01	LMH	\$13,478.48
2015	11	212	6050479	Land Acquisition	01	LMH	\$1,608.00
					01	Matrix Code	\$15,086.48
2015	10	211	6001490	Parks Improvement Program	03F	LMA	\$41.88
2015	10	211	6021133	Parks Improvement Program	03F	LMA	\$29,591.64
2015	10	211	6029553	Parks Improvement Program	03F	LMA	\$38,568.25
2015	10	211	6032542	Parks Improvement Program	03F	LMA	\$54,436.24
2015	10	211	6050479	Parks Improvement Program	03F	LMA	\$32,439.73
					03F	Matrix Code	\$155,077.74
2016	3	219	6029553	2016 S+C Program for the Homeless	03T	LMC	\$15,000.00
2016	11	218	6021133	2016 Continuum of Care	03T	LMC	\$1,853.76
2016	11	218	6021150	2016 Continuum of Care	03T	LMC	\$1,275.19
2016	11	218	6028172	2016 Continuum of Care	03T	LMC	\$824.36
2016	11	218	6032542	2016 Continuum of Care	03T	LMC	\$1,046.69
					03T	Matrix Code	\$20,000.00
2015	4	206	5960176	Continuum of Care	05	LMC	\$2,021.49
					05	Matrix Code	\$2,021.49
2015	2	204	5960176	City-Operated Youth Center	05D	LMC	\$7,159.12
2016	2	215	6001486	2016 City-Operated Youth Center	05D	LMC	\$8,738.99
2016	2	215	6001487	2016 City-Operated Youth Center	05D	LMC	\$9,981.60
2016	2	215	6001488	2016 City-Operated Youth Center	05D	LMC	\$10,757.61
2016	2	215	6001489	2016 City-Operated Youth Center	05D	LMC	\$10,322.81
2016	2	215	6001490	2016 City-Operated Youth Center	05D	LMC	\$8,027.02
2016	2	215	6021133	2016 City-Operated Youth Center	05D	LMC	\$9,535.65
2016	2	215	6021150	2016 City-Operated Youth Center	05D	LMC	\$9,431.84
2016	2	215	6028172	2016 City-Operated Youth Center	05D	LMC	\$8,026.82
2016	2	215	6029553	2016 City-Operated Youth Center	05D	LMC	\$10,030.51
2016	2	215	6032542	2016 City-Operated Youth Center	05D	LMC	\$4,930.37
					05D	Matrix Code	\$96,942.34
2015	6	208	6001486	Homebuyer Education	05R	LMH	\$57.20
					05R	Matrix Code	\$57.20
2015	19	207	5960176	First Time Low-Income Homebuyer Program	13	LMH	\$112.60
2015	19	207	6001486	First Time Low-Income Homebuyer Program	13	LMH	\$81.82
2015	19	207	6001487	First Time Low-Income Homebuyer Program	13	LMH	\$15,113.89
2015	19	207	6001488	First Time Low-Income Homebuyer Program	13	LMH	\$9.72
2015	19	207	6001489	First Time Low-Income Homebuyer Program	13	LMH	\$80.03
2015	19	207	6001490	First Time Low-Income Homebuyer Program	13	LMH	\$66.63
2015	19	207	6021133	First Time Low-Income Homebuyer Program	13	LMH	\$116.95
2015	19	207	6021150	First Time Low-Income Homebuyer Program	13	LMH	\$85.28
2015	19	207	6028172	First Time Low-Income Homebuyer Program	13	LMH	\$43.87
2015	19	207	6029553	First Time Low-Income Homebuyer Program	13	LMH	\$158.13
2015	19	207	6032542	First Time Low-Income Homebuyer Program	13	LMH	\$363.75
2015	19	207	6049946	First Time Low-Income Homebuyer Program	13	LMH	\$572.75
2015	19	207	6050479	First Time Low-Income Homebuyer Program	13	LMH	\$439.83
2015	19	207	6072054	First Time Low-Income Homebuyer Program	13	LMH	\$359.40
					13	Matrix Code	\$17,604.65



Office of Community Planning and Development
U.S. Department of Housing and Urban Development
Integrated Disbursement and Information System
PR26 - CDBG Financial Summary Report
Program Year 2016
PORTERVILLE, CA

DATE: 08-29-17
TIME: 13:49
PAGE: 3

Plan Year	IDIS Project	IDIS Activity	Voucher Number	Activity Name	Matrix Code	National Objective	Drawn Amount
2015	7	209	5960176	Owner Occupied Housing Rehabilitation & Public Utilities Loan Program	14A	LMH	\$1,675.84
2015	7	209	6001486	Owner Occupied Housing Rehabilitation & Public Utilities Loan Program	14A	LMH	\$1,443.57
2015	7	209	6001487	Owner Occupied Housing Rehabilitation & Public Utilities Loan Program	14A	LMH	\$1,868.52
2015	7	209	6001488	Owner Occupied Housing Rehabilitation & Public Utilities Loan Program	14A	LMH	\$1,084.38
2015	7	209	6001489	Owner Occupied Housing Rehabilitation & Public Utilities Loan Program	14A	LMH	\$1,499.56
2015	7	209	6001490	Owner Occupied Housing Rehabilitation & Public Utilities Loan Program	14A	LMH	\$2,486.69
2015	7	209	6021133	Owner Occupied Housing Rehabilitation & Public Utilities Loan Program	14A	LMH	\$20,591.66
2015	7	209	6021150	Owner Occupied Housing Rehabilitation & Public Utilities Loan Program	14A	LMH	\$2,374.52
2015	7	209	6028172	Owner Occupied Housing Rehabilitation & Public Utilities Loan Program	14A	LMH	\$1,897.94
2015	7	209	6029553	Owner Occupied Housing Rehabilitation & Public Utilities Loan Program	14A	LMH	\$20,449.97
2015	7	209	6032542	Owner Occupied Housing Rehabilitation & Public Utilities Loan Program	14A	LMH	\$26,394.59
2015	7	209	6049946	Owner Occupied Housing Rehabilitation & Public Utilities Loan Program	14A	LMH	\$1,423.64
2015	7	209	6050479	Owner Occupied Housing Rehabilitation & Public Utilities Loan Program	14A	LMH	\$3,325.63
2015	7	209	6072054	Owner Occupied Housing Rehabilitation & Public Utilities Loan Program	14A	LMH	\$46,600.34
					14A	Matrix Code	\$133,116.85
2015	8	193	5960176	Small Business Revolving Loan Fund	18A	LMJ	\$522.27
2015	8	193	6001486	Small Business Revolving Loan Fund	18A	LMJ	\$338.36
2015	8	193	6001487	Small Business Revolving Loan Fund	18A	LMJ	\$425.71
2015	8	193	6001488	Small Business Revolving Loan Fund	18A	LMJ	\$515.06
2015	8	193	6001489	Small Business Revolving Loan Fund	18A	LMJ	\$463.88
2015	8	193	6001490	Small Business Revolving Loan Fund	18A	LMJ	\$469.11
2015	8	193	6021133	Small Business Revolving Loan Fund	18A	LMJ	\$496.02
2015	8	193	6021150	Small Business Revolving Loan Fund	18A	LMJ	\$492.28
2015	8	193	6028172	Small Business Revolving Loan Fund	18A	LMJ	\$520.96
2015	8	193	6029553	Small Business Revolving Loan Fund	18A	LMJ	\$70,593.47
2015	8	193	6032542	Small Business Revolving Loan Fund	18A	LMJ	\$367.69
2015	8	193	6049946	Small Business Revolving Loan Fund	18A	LMJ	\$293.35
2015	8	193	6050479	Small Business Revolving Loan Fund	18A	LMJ	\$759.82
2015	8	193	6072054	Small Business Revolving Loan Fund	18A	LMJ	\$661.40
2015	8	201	5960176	Large Business Assistance Program	18A	LMJ	\$522.28
2015	8	201	6001486	Large Business Assistance Program	18A	LMJ	\$338.36
2015	8	201	6001487	Large Business Assistance Program	18A	LMJ	\$425.71
2015	8	201	6001488	Large Business Assistance Program	18A	LMJ	\$515.07
2015	8	201	6001489	Large Business Assistance Program	18A	LMJ	\$463.89
2015	8	201	6001490	Large Business Assistance Program	18A	LMJ	\$469.10
2015	8	201	6021133	Large Business Assistance Program	18A	LMJ	\$496.02
2015	8	201	6021150	Large Business Assistance Program	18A	LMJ	\$492.29
2015	8	201	6028172	Large Business Assistance Program	18A	LMJ	\$520.96
2015	8	201	6029553	Large Business Assistance Program	18A	LMJ	\$593.47
2015	8	201	6032772	Large Business Assistance Program	18A	LMJ	\$367.69
2015	8	201	6049946	Large Business Assistance Program	18A	LMJ	\$293.34
2015	8	201	6050479	Large Business Assistance Program	18A	LMJ	\$759.83
2015	8	201	6072054	Large Business Assistance Program	18A	LMJ	\$661.41
					18A	Matrix Code	\$83,838.80
Total							\$523,745.55



Office of Community Planning and Development
U.S. Department of Housing and Urban Development
Integrated Disbursement and Information System
PR26 - CDBG Financial Summary Report
Program Year 2016
PORTERVILLE, CA

DATE: 08-29-17
TIME: 13:49
PAGE: 4

LINE 27 DETAIL: ACTIVITIES INCLUDED IN THE COMPUTATION OF LINE 27

Plan Year	IDIS Project	IDIS Activity	Voucher Number	Activity Name	Matrix Code	National Objective	Drawn Amount
2016	3	219	6029553	2016 S+C Program for the Homeless	03T	LMC	\$15,000.00
2016	11	218	6021133	2016 Continuum of Care	03T	LMC	\$1,853.76
2016	11	218	6021150	2016 Continuum of Care	03T	LMC	\$1,275.19
2016	11	218	6028172	2016 Continuum of Care	03T	LMC	\$824.36
2016	11	218	6032542	2016 Continuum of Care	03T	LMC	\$1,046.69
					03T	Matrix Code	\$20,000.00
2015	4	206	5960176	Continuum of Care	05	LMC	\$2,021.49
					05	Matrix Code	\$2,021.49
2015	2	204	5960176	City-Operated Youth Center	05D	LMC	\$7,159.12
2016	2	215	6001486	2016 City-Operated Youth Center	05D	LMC	\$8,738.99
2016	2	215	6001487	2016 City-Operated Youth Center	05D	LMC	\$9,981.60
2016	2	215	6001488	2016 City-Operated Youth Center	05D	LMC	\$10,757.61
2016	2	215	6001489	2016 City-Operated Youth Center	05D	LMC	\$10,322.81
2016	2	215	6001490	2016 City-Operated Youth Center	05D	LMC	\$8,027.02
2016	2	215	6021133	2016 City-Operated Youth Center	05D	LMC	\$9,535.65
2016	2	215	6021150	2016 City-Operated Youth Center	05D	LMC	\$9,431.84
2016	2	215	6028172	2016 City-Operated Youth Center	05D	LMC	\$8,026.82
2016	2	215	6029553	2016 City-Operated Youth Center	05D	LMC	\$10,030.51
2016	2	215	6032542	2016 City-Operated Youth Center	05D	LMC	\$4,930.37
					05D	Matrix Code	\$96,942.34
2015	6	208	6001486	Homebuyer Education	05R	LMH	\$57.20
					05R	Matrix Code	\$57.20
Total							\$119,021.03

LINE 37 DETAIL: ACTIVITIES INCLUDED IN THE COMPUTATION OF LINE 37

Plan Year	IDIS Project	IDIS Activity	Voucher Number	Activity Name	Matrix Code	National Objective	Drawn Amount
2015	1	203	5960176	Planning and Administration	21A		\$8,634.39
2016	1	214	6001486	2016 Administration and Planning	21A		\$8,523.90
2016	1	214	6001487	2016 Administration and Planning	21A		\$11,399.07
2016	1	214	6001488	2016 Administration and Planning	21A		\$10,237.42
2016	1	214	6001489	2016 Administration and Planning	21A		\$10,807.21
2016	1	214	6001490	2016 Administration and Planning	21A		\$12,217.75
2016	1	214	6021133	2016 Administration and Planning	21A		\$14,529.10
2016	1	214	6021150	2016 Administration and Planning	21A		\$9,768.27
2016	1	214	6028172	2016 Administration and Planning	21A		\$11,541.66
2016	1	214	6029553	2016 Administration and Planning	21A		\$13,623.24
2016	1	214	6032542	2016 Administration and Planning	21A		\$6,033.63
2016	1	214	6049946	2016 Administration and Planning	21A		\$4,666.24
2016	1	214	6050479	2016 Administration and Planning	21A		\$12,719.82
2016	1	214	6072036	2016 Administration and Planning	21A		\$13.80
2016	1	214	6072054	2016 Administration and Planning	21A		\$12,285.68
					21A	Matrix Code	\$147,001.18
Total							\$147,001.18

ADJUSTMENTS TO THE 2016 CDBG FINANCIAL SUMMARY (City of Porterville)

All lines other than those listed below are generated by IDIS. The lines listed below are opportunities for Porterville Community Development staff to make any needed adjustments.

Part I: Summary of CDBG Resources

Line 1: **\$848,128.31** was the amount of unexpended CDBG funds at the end of the 2015 reporting period, as shown on Line 16 of the 2015 Financial Summary Report.

Part II: Summary of CDBG Expenditures

Line 10: The adjustment shown here of **-\$25,492.08** is to include the amount subject to Low/Mod Benefit expended in FY 2015 (June 2016) that were drawn in IDIS in FY 2016 as shown below and already accounted for in the 2015 CAPER:

Youth Center	\$7,159.12
CoC	\$2,021.49
FTHB Loan Program	\$112.60
HRLP Loan Program	\$1,675.84
Land Acquisition	\$13,478.48
Large BAP	\$522.28
Small BAP	\$522.27

Line 14: The adjustment shown here of **-\$34,126.47** is to include the total amount expended in FY 2015 (June 2016) that were drawn in IDIS in FY 2016 as shown below and already accounted for in the 2015 CAPER:

Administration	\$8,634.39
Youth Center	\$7,159.12
CoC	\$2,021.49
FTHB Loan Program	\$112.60
HRLP Loan Program	\$1,675.84
Land Acquisition	\$13,478.48
Large BAP	\$522.28
Small BAP	\$522.27

Low/Mod Benefit for Multi-Year Certifications

Line 23: 2014, 2015, and 2016 were entered in accordance with the certifications accompanying the 2016 Annual Action Plan.

Line 24: **\$1,840,523.91** as listed on line 11 for sum of PY 2014, PY 2015, and PY 2016 is the amount subject to low/mod benefit calculation.

Line 25: The amount on Line 24 minus funds used for slum and blight removal, parking lot projects, is **\$1,193,613.80**

Line 26: Staff acknowledges the percentage is below the 70%, due to the reclassification of the parking lot projects per HUD guidance to Slum and Blight instead of LMA, which greatly impacted the percentage. Despite promoting projects and accelerating expenditures not all projects were completed by June 30, 2016. Parks and Housing Rehabilitation Programs have continued and together would have placed expenditures at the 70%. The City will continue to complete those projects and work with HUD to remediate the shortfall of 5.15%.

Part IV: Public Service (PS) Cap Calculations

Line 29: An adjustment of **\$2000** was made to account for substantial amendment completed in February 2017 removing \$2000 from the Homebuyer Education Project as it was reclassified as a Public Services per HUD guidance and that placed the PS over the max 15% allowable to be obligated in PS. Additionally **\$9,993.19** was already accounted for in FY 2015, however it shows up again so it has to be subtracted so it can reflect correctly. **Total = \$11,993.19**

Part IV: Planning and Administration (PA) Cap Calculations

Line 39: Adjustment of **\$4,299.42** was made to account for substantial amendment that took place in Feb 2017. Additionally, **\$8634.39** adjustment is needed for funds already accounted for in FY 15 from line 38. Finally, **\$3711.41** (unliquidated PA funds that have been reallocated to Housing Rehabilitation, per minor amendment approved by the Community Development Financial Review Committee. **Total = \$16,645.22**



CITY COUNCIL AGENDA – SEPTEMBER 5, 2017

SUBJECT: Request for a Conditional Use Permit for the Vault Bar & Grill for a Type 41 Alcohol License at 73 N. Main Street

SOURCE: Community Development

BACKGROUND: The applicant is requesting approval of a Conditional Use Permit (CUP) to allow the sale of beer and wine under an on-sale license. The sale of alcohol will be in conjunction with the serving of meals (the Vault Bar & Grill), within an existing tenant space at 73 North Main Street in a DR-N (Downtown Retail North) Zone District. Section 301.03 of the Porterville Development Ordinance requires approval of a CUP for any use involving the sale of alcoholic beverages.

COMMENT: The California Department of Alcoholic Beverage Control (ABC) allows for a specific number of licenses per census tract, based on population. Whenever the ratio of on-sale licenses to population in a census tract exceeds the average ratio for the county, an “undue concentration” of licenses is determined to exist. The subject site is located within Census Tract 38.02; this tract contains 18 licenses for alcohol sales; eleven on-sale and seven off-sale. In Census tract 38.02, three on-sale and four off-sale are allowed without being deemed over-concentrated. Approval of this on-sale license would be the twelfth on-sale license, nine above the allowable as determined by ABC. Due to the over-concentration of on-sale licenses, a Letter of Public Convenience or Necessity will be required.

The applicant is not proposing any live entertainment, which would require subsequent Council approval prior to offering live entertainment. The applicant has stated an interest in possibly offering brunch, as well as lunch and dinner. At this time, the hours have not been specifically defined, but the applicant has proposed establishing a broad window, within which the restaurant would operate. The restaurant may be open up to seven days per week, between 6:00 a.m. and 2:00 a.m. Staff has included in the draft resolution proposed conditions for the facility to operate and be maintained so as not to be detrimental to the public health, safety, or welfare to properties or improvements in the vicinity.

ANALYSIS: The subject site is consistent with the General Plan Land Use Designation and Zoning Standards for DR-N. The DR-N designation is intended to maintain the pedestrian- and transit- oriented environment of retail, restaurants, services and government offices with active commercial uses on the ground floor in the heart of Porterville’s Downtown. The proposed restaurant with alcohol sales would suit the purpose of the zone designation. The restaurant is a permitted use in the DR-N Zone, and alcohol sales may be permitted in that zone with the requested

Conditional Use Permit.

ENVIRONMENTAL REVIEW:

On August 23, 2017, the Environmental Coordinator made a preliminary determination that the project is exempt from the California Environmental Quality Act pursuant to Section 15061(b), (3) of the California Code of Regulation (CEQA Guidelines), under the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment.

RECOMMENDATION:

That the City Council:

1. Adopt the draft resolution approving Conditional Use Permit (PRC 2017-040-C) subject to conditions of approval; and
2. Authorize the Mayor to sign the Letter of Public Convenience or Necessity.

ATTACHMENTS:

1. Locator Map
2. Floor Plan
3. ABC Licenses Map
4. Draft Resolution
5. Letter of Public Convenience and Necessity

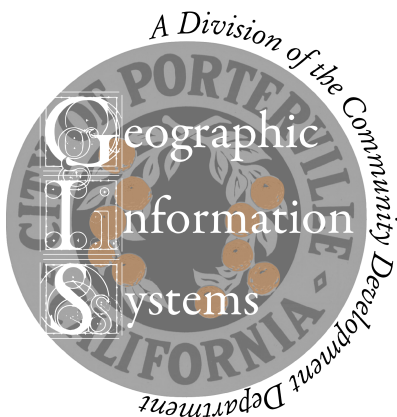
Appropriated/Funded:

Review By:

Department Director:

Jenni Byers, Community Development Director

Final Approver: John Lollis, City Manager



PRC 2017-040
CUP for Vault Bar & Grill
@ 73 N. Main St
Project Locator Map
1" = 200ft

HILLMAN BUILDING DESIGNERS
SPECIALIZING IN CUSTOM DESIGNS
SINCE 1970
34563 Hwy. 190 Springville, CA 93265
Tel.: (559) 781-1538
Telex: 150000 HILLMAN

LECTOR TELLEZ ARHCITECT
LTC. C16430
40831 Natch Jack Wood Springville, CA 91265
Tel. (559) 781-1538



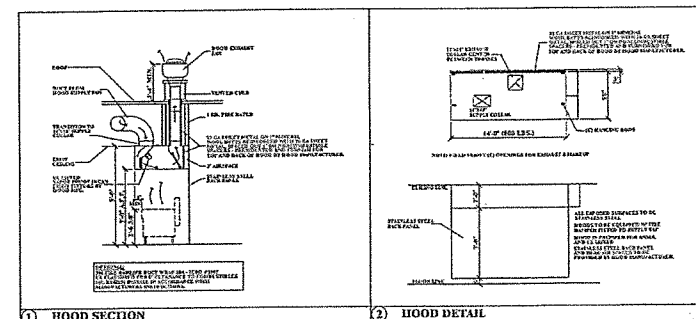
ED PHILLIPS
73 NORTH MAIN ST.
FORTENVILLE, CA

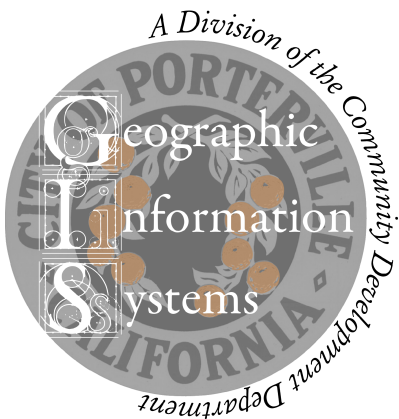
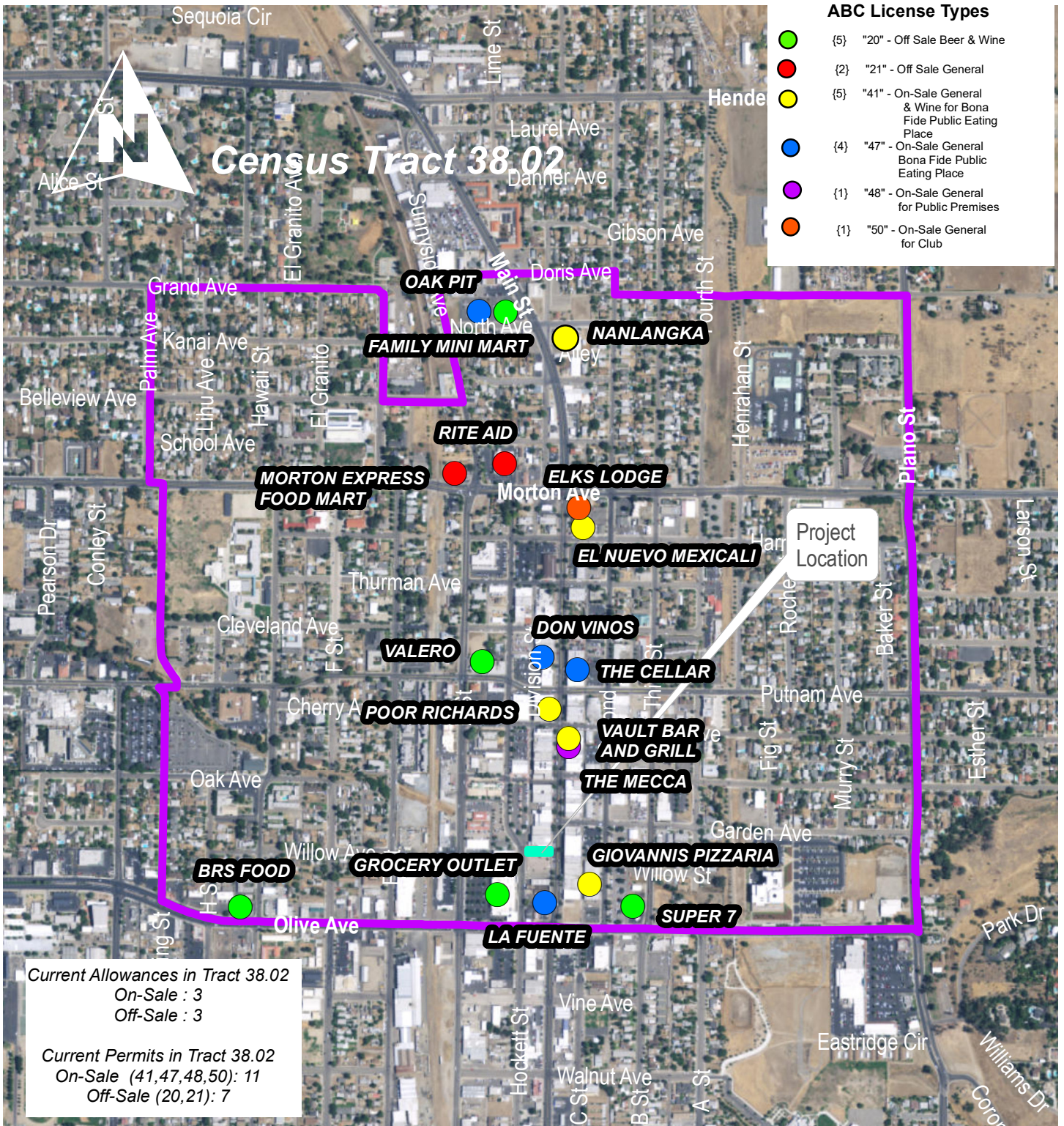
DATE	10/05/11
SCALE	3/16"=1'-0"
DRAWN	MH
JOB	11031
SHEET	

EQ-1

POS AND BEVERAGE STATION AREA											
600	POS SYSTEM			2	OWNER	CONTRACTOR			120-1-40	22	
601	BEVERAGE COINTEGR			1	CONTRACTOR	CONTRACTOR					SEE ARCH. DETAILS
602	ICE TEA, COFFEE DISPENSER	CLINTIC CO. WILBUR	IC-511-5	2	VEHICOR	VEHICOR					
603	BEVERAGE DISPENSER	COCA-COLA	809 4500 30"	1	VEHICOR	VEHICOR			150-1-40	4	
604	ICE MAKER	FOLLETT	WCC1200401	1	OWNER/CC	OWNER/CC	.75	.75	206-230-1-50	11	6-156464, COLD WATER @ 180° A.F.F., ROBERTSON DRAIN @ 2.50 A.F.F.
604A	ICE BIN	FOLLETT	850-44	1	OWNER/CC	OWNER/CC		1			ROBERT DRAIN @ 7" A.F.F., COLD WATER @ 21" A.F.F., ROBERT DRAIN @ 25" A.F.F.
606	ICE MAKER FILTER SYSTEM	EVERPURE	EV3324-02	1	OWNER/CC	CONTRACTOR	.75	.5			
607	CO2 DRAIM	BY PURVISOR		1	VEHICOR	VEHICOR					
608	CAREWASH SINK	BY PURVISOR		1	VEHICOR	VEHICOR					
609	DC-H-60A SODA SYSTEM	BY PURVISOR		2	VEHICOR	VEHICOR			120-1-40	16	
610	WORK TABLE	STAINLESS	STAINLESS	2	OWNER/CC	OWNER/CC					
611	TRASH CAN	CONTRACTOR		5	CONTRACTOR	CONTRACTOR					
612	SOFT SEVICE MACHINE	WELER	704	1	OWNER/CC	OWNER/CC			200-1-42	1	
613	WORK TABLE, ICE CREAM	STAINLESS	STAINLESS	1	OWNER/CC	CONTRACTOR					
DINING AREA											
702	MONI SWANES	BY OTHERS	BY OTHERS	1	OWNER	CONTRACTOR					
801	FOUR TOP MATES	BY OTHERS	BY OTHERS		OWNER	CONTRACTOR					
802	TWO TOP MATES	BY OTHERS	BY OTHERS		OWNER	CONTRACTOR					
803	FOUR TOP CAPTAINS	BY OTHERS	BY OTHERS		OWNER	CONTRACTOR					
BAR AREA											
901	IMD COMPONENT SINK	BY OTHERS	BY OTHERS	1	OWNER	CONTRACTOR					
902	BEER PETERS	BY OTHERS	BY OTHERS		OWNER	CONTRACTOR					
903	-	-	-	-	-	-					
904	-	-	-	-	-	-					

CONTRACTOR TO COORDINATE FINAL PLACEMENT OF
EQUIPMENT WITH OWNER.
ALL KITCHEN EQUIPMENT TO BE NSF APPROVED
VERIFY EXISTING EQUIPMENT/ PLUMBING/ELEC.
EQUIPMENT TO BE INSTALLED AND HOOKED UP BY
GENERAL CONTRACTOR





PRC 2017-040
CUP for Vault Bar & Grill
@ 73 N. Main St
ABC Permit Map

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
CONTAINING FINDINGS AND CONDITIONS IN SUPPORT OF CONDITIONAL USE
PERMIT (PRC 2017-040-C) TO ALLOW FOR THE SALE OF ALCOHOL UNDER A TYPE
41 ON-SALE (BEER AND WINE) ALCOHOL LICENSE FOR A BONA FIDE PUBLIC
EATING PLACE FOR THE VAULT BAR AND GRILL LOCATED AT
73 N. MAIN STREET

WHEREAS: The City Council of the City of Porterville, at its regular scheduled meeting of September 5, 2017, conducted a public hearing to consider Conditional Use Permit (PRC 2017-040-C) to allow for the sale of alcohol under a Type 41 (beer and wine) alcohol license for a restaurant located at 73 N. Main Street; and

WHEREAS: On August 23, 2017, the Environmental Coordinator made a preliminary determination that the project is exempt from California Environmental Quality Act pursuant to the "General Rule" exemption §15061(b)(3), that CEQA applies only to projects which have the potential for causing a significant effect on the environment; and

WHEREAS: The City Council of the City of Porterville authorized the Mayor to sign the Letter of Public Convenience or Necessity due to the over concentration of alcohol licenses within Census Tract 38.02; and

WHEREAS: The City Council of the City of Porterville received testimony from all interested parties related to said Conditional Use Permit; and

WHEREAS: The City Council made the following findings:

1. That the proposed project will advance the goals and objectives of, and is consistent with, the policies of the General Plan and any other applicable plan that the City has adopted.

The subject site is consistent with the General Plan Land Use Designation and Zoning Standards for Downtown Retail North of Olive Avenue (DR-N). The DR-N designation is intended to maintain the pedestrian- and transit- oriented environment of retail, restaurants, services and government offices with active commercial uses on the ground floor in the heart of Porterville's Downtown. The proposed restaurant with alcohol sales would suit the purpose of the zone designation. The restaurant is a permitted use in the DR-N Zone, and alcohol sales may be permitted in that zone with the requested Conditional Use Permit.

2. That the proposed location of the project and the conditions under which it will be operated or maintained will not be detrimental to the public health, safety, welfare, or materially injurious to properties or improvements in the vicinity.

Conditions of approval are included herein to ensure adequate operational standards are met. The project is located within an existing building and is conditioned that all activities associated with the consumption of alcohol shall be exclusively confined to the interior of the

building or the enclosed patio area at the front of the building. Additionally, the project is conditioned to preserve the public safety, health and welfare to prevent the use from becoming a nuisance and operate the business in compliance with all laws, ordinances and regulations regarding the sale of alcohol. In the event that this or any other condition of approval is violated, the City Council may modify or revoke the conditional use permit.

3. This project is exempt from CEQA pursuant to §15061(b)(3) that CEQA only applies to projects which have the potential for causing a significant effect on the environment.
4. The California Department of Alcoholic Beverage Control (ABC) allows for a specific number of licenses per census tract, based on population. Whenever the ratio of licenses to population in a census tract exceeds the average ratio for the county, an “undue concentration” of licenses is determined to exist. The subject site is located within Census Tract 38.02; this tract contains 18 licenses for alcohol sales: eleven on-sale and seven off-sale. In Census Tract 38.02, three on-sale and three off-sale are permitted without being deemed over-concentrated. Due to the over concentration of on-sale licenses a Letter of Public Convenience and Necessity is required.

NOW, THEREFORE, BE IT RESOLVED: That the City Council of the City of Porterville does hereby approve Conditional Use Permit (PRC 2017-040-C) subject to the following conditions:

1. The California Department of Alcoholic Beverage Control allows a specific number of licenses per census tract population. Census Tract 38.02 allows three on-sale and four off-sale alcohol licenses. Currently this Census Tract contains 18 licenses for alcohol sales; eleven on-sale and seven off-sale. Due to the over concentration of alcohol licenses, a letter of public convenience will be required.
2. No alcohol advertising shall be displayed and/or viewed from the outside of the building.
3. Upon approval of the conditional use permit, any future change in operation which substantially alters the conditions or nature of the subject business will require approval by the City Council. Further, any future violations of regulations of the codes relating to the sales or consumption of alcohol, and/or excessive service calls by the Police Department resulting from the sales of alcohol may result in revocation of the Conditional Use Permit.
4. Live entertainment is not authorized through this permit, and would be considered a substantial amendment subject to further review of the City Council.
5. At all times, the facility shall be operated and maintained to comply with State Laws, the City of Porterville Zoning Ordinance, adopted Building Codes and all other applicable laws and ordinances.
6. Unless an extension of time is granted by the City Council, the conditional use permit shall expire two years after the date of approval if the on-sale alcohol license is not active or actively pursued. The City Council may approve a one year extension of any permit or

approval granted under this ordinance upon receipt of a written application with the required fee before the permit expires.

7. The applicant shall operate the establishment in such a manner as to preserve the public safety, health and welfare, to prevent the use from becoming a nuisance and operate the business in compliance with all laws, ordinances and regulations regarding the sale of alcohol. In the event that this or any other condition of approval is violated, the City Council may modify or revoke the conditional use permit as provided in Section 601.10 of the Porterville Development Ordinance.
8. Pursuant to Section 601.10(d) The City Council may revoke the permit if it makes any of the following findings:
 - a. That approval was obtained by means of fraud or misrepresentation of a material fact;
 - b. That the use in question has ceased to exist or has been suspended for one year or more;
 - c. That there is or has been a violation of or failure to observe the terms or conditions of the permit or variance, or the use has been conducted in violation of the provisions of this ordinance, law or regulation; or
 - d. That the use to which the permit or variance applies has been conducted in a manner detrimental to the public safety, health and welfare or so as to be a nuisance.
9. The hours of operation during which alcoholic beverages may be sold shall be limited to 6:00 a.m. - 2:00 a.m. Any amendment to business hours that would modify this condition will be subject to a modification of this permit.
10. All activities associated with the proposed use shall be exclusively confined to the interior of the building, or the enclosed exterior front patio to the extent permitted by Alcohol Beverage Control.
11. The elements of the conditional use permit approving on-site alcohol sales will be subject to modification or revocation if the on-sale license is sanctioned by the State of California.
12. The entire site shall be permanently maintained free of accumulated dirt and litter and in an otherwise neat and attractive manner.

PASSED, APPROVED AND ADOPTED this 5th day of September, 2017.

Milt Stowe, Mayor

ATTEST:
John D. Lollis, City Clerk

By _____
Patrice Hildreth, Chief Deputy City Clerk

October 4, 2016

California Department of Alcoholic Beverage Control
Fresno District Office
3640 East Ashlan Ave
Fresno, CA 93726
ATTN: Christine Weldon

RE: The Vault Bar & Grill 73 N. Main Street, Porterville, CA

Dear Ms. Weldon:

The City Council of the City of Porterville has elected to approve submittal of this letter regarding the public convenience or necessity to be served through issuance of a Type 41 On-Sale (beer, and wine) for a bona fide public eating place for The Vault Bar & Grill located at 73 N. Main Street.

Approval of this letter was based on the following:

1. Per Section 23958.4 of the "Business and Professions Code," the subject site is located within Census Tract 38.02 which allows three on-sale licenses. At the present time 11 on-sale licenses currently exist in this tract. Due to the over concentration of on-sale licenses a Letter of Public Convenience or Necessity was required.
2. On September 5, 2017, the City Council conditionally approved Conditional Use Permit (PRC 2017-040-C), review attached resolution, to allow the on-sale of beer, wine for a bona fide restaurant at 73 N. Main Street. As a condition of approval, a Letter of Public Convenience or Necessity was required to be approved by the City Council.
3. In consideration of the above, the City Council determined that public convenience or necessity would be served by the issuance of a Type 41 On-Sale (beer and wine) alcohol license in conjunction with an existing market.

Further issuance of an on-sale license allowing beer and wine sales represents a viable economic asset to the community which will contribute tax revenues to the local economy. The site is consistent with the General Plan Land Use Designation of General and Service Commercial policies that promote accessibility of services and goods within a convenient distance. The proposed Type 41 On- Sale General, (beer and wine) alcohol license for a bona fide restaurant

would suit the purpose of the zone designation as well as meeting the economic development guiding policy needed to retain, improve and promote existing businesses in Porterville. The restaurant is permitted in the General and Service Commercial land use designation and alcohol sales may be permitted with review and approval of a Conditional Use Permit.

For these reasons, the City Council of the City of Porterville supports issuance of a Type 41 On-Sale, (beer and wine) license for The Vault Bar & Grill located at 73 N. Main Street, Porterville, CA.

Sincerely,

Milt Stowe, Mayor

Attachment: Resolution



CITY COUNCIL AGENDA – SEPTEMBER 5, 2017

SUBJECT: Second Reading - Ordinance No. 1842 - Approving Zone Change (PRC 2017-034-Z) from DR-D (Downtown Retail - D Street Corridor) to PS (Public and Semi-Public)

SOURCE: Administrative Services

COMMENT: Ordinance No. 1842, An Ordinance of the City Council of the City of Porterville Approving Zone Change (PRC 2017-034-Z) from DR-D (Downtown Retail - D Street Corridor) to PS (Public and Semi-Public) for 185 N. D Street, Generally Located West of D Street, between Putnam and Olive Avenues, was given first reading on August 15, 2017, and has been printed.

RECOMMENDATION: That the Council give Second Reading to Ordinance No. 1842, waive further reading, and adopt said Ordinance.

ATTACHMENTS: 1. Ordinance No. 1842

Appropriated/Funded:

Review By:

Department Director:

Patrice Hildreth, Administrative Services Dir

Final Approver: John Lollis, City Manager

ORDINANCE NO. 1842

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
APPROVING ZONE CHANGE (PRC 2017-034-Z) FROM DR-D
(DOWNTOWN RETAIL – D STREET CORRIDOR) TO PS (PUBLIC AND SEMI-PUBLIC)
FOR 185 N. D STREET, GENERALLY LOCATED WEST OF D STREET, BETWEEN
PUTNAM AND OLIVE AVENUES

WHEREAS: On August 15, 2017, at its regularly scheduled meeting, the City Council of the City of Porterville, conducted a public hearing to consider approval of a General Plan Amendment, as well as a Zone Change from DR-D (Downtown Retail – D Street Corridor) to PS (Public and Semi Public) for 185 N. D Street, a .73± acre parcel located on the West side of D Street, between Putnam and Olive Avenues (APN 252-193-010); and

WHEREAS: The project site is an existing 9,677± square foot building recently acquired by the City of Porterville for the purpose of a Governmental Use facility. Three potential uses of the building could be: an animal shelter with adoption center, offices for Porterville Transit, or a community center; and

WHEREAS: The City Council of the City of Porterville determined that the proposed zone change (PRC 2017-034-Z) is consistent with the guiding and implementation policies of the adopted 2030 General Plan, as well as the Porterville Development Ordinance; and

WHEREAS: On August 1, 2017, the Environmental Coordinator made a preliminary determination that the project does not require environmental review pursuant to Section 15183, of Article 12 of the California Code of Regulations which states that projects which are consistent with General Plan policies for which an EIR was certified do not require additional environmental review. Chapter 5.3 of the Porterville General Plan: Parks, Schools and Community Facilities Element, establishes a policy to promote and support community facilities. Regardless of the use selected by Council, the building would serve as a community facility as described in the General Plan; and

WHEREAS: The City Council made the following findings that the proposed project will advance the goals and objectives of and is consistent with the policies of the General Plan and any other applicable plan that the City has adopted.

1. The proposed General Plan Amendment has been initiated by the City of Porterville for a Governmental Use Facility and supports Chapter 5 of the General Plan.
2. Based on review of the project, the proposed project serves to fulfill the goals of the General Plan as adopted, and the amendment of the land use designation on the subject parcels do not infringe on the goals of the General Plan to maintain transitions between types and intensities of land use.
3. That the proposed action does not require environmental review per Section 15183, Article 12 of the California Code of Regulations.

4. The City Council is the decision-making body for the project.

NOW, THEREFORE, BE IT ORDAINED: That the City Council does ordain as follows:

Section 1: That the following described property in the City of Porterville, County of Tulare, State of California, known as Zone Change PRC 2017-034-Z, is hereby rezoned from DR-D (Downtown Retail – D Street Corridor) to PS (Public and Semi-Public), for the parcel described herein as Assessor Parcel Number 242-193-010 located at 185 N. D Street; and

Section 2: It is further ordained that all records of the City of Porterville, together with the official zoning map of the City of Porterville, shall be changed to show the above described real property is rezoned from DR-D (Downtown Retail – D Street Corridor) to PS (Public and Semi-Public) for the parcel described above, more particularly shown on the attached map as Exhibit “A”;

Section 3: This ordinance shall be in full force and effect not sooner than thirty (30) days from and after the ordinance’s publication and passage.

PASSED, APPROVED AND ADOPTED this 5th day of September, 2017.

Milt Stowe, Mayor

ATTEST:

John D. Lollis, City Clerk

By: _____
Patrice Hildreth, Chief Deputy City Clerk



CITY COUNCIL AGENDA – SEPTEMBER 5, 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 was 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.

On April 7, 2017, Governor Brown issued Executive Order B-40-17, which ended the drought state of emergency in most of California, with the exception of Fresno, Kings, Tulare and Tuolumne counties where emergency water supply

and reliability projects are continuing toward addressing diminishing groundwater supplies. The Order maintains monthly reporting requirements and prohibitions on wasteful practices. It is anticipated that the Governor will end the drought state of emergency in the four remaining counties in the near future.

At its last meeting on August 15, 2017, 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. 5 residences within the city have been determined to have dry wells, for which 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 and challenged for permanent connection. City, County, State and non-profit partner representatives have continued to discuss solutions toward addressing these challenged residences when the State is expected to end its drought emergency funding effective August 1st. The State has committed funding through June 30, 2018 for non-profit agencies to continue drought-related activities, which Self-Help Enterprises has committed to continue the household tank program locally.

Representatives for the City, County, State (CalOES, DDW, DWR, and SWB) and non-profit partners have continued to meet in support of the long-term permanent water connection project for the entire East Porterville area and the estimated 1,800 expected future connections. DWR identified 423 residential units in the East Porterville area (381 of which are in the City's Urban Development Boundary), that were 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 nearly completed 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 desired 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 its 80 residential units be included in the water connection project, to which the State was agreeable.

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 meeting on April 5, 2016, which the County Board of Supervisors

subsequently approved at their meeting on May 10, 2016.

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 21, 2016, and approved by the Board of Supervisors on Tuesday, June 28, 2016. With the approval of the MOU, the State began 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 2, 2016.

In regards to 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 Tuesday, August 16, 2016, and construction activities commenced the week of October 10, 2016. 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 well was operational and connected to the City's water distribution as of Friday, February 17, 2017. 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 meeting on December 6, 2016, and subsequently approved by the Board of Supervisors at its meeting on December 20, 2016.

As of Friday, March 31, 2017, the date the State established as the final day for property owners to complete the registration process to participate in the State-funded connection program opportunity, of the 1,017 eligible developed residential properties identified by the State for connection, 722 completed the required Extra-Territorial Services Agreement, leaving 295 developed residential properties non-responsive to this unique connection program, 23 of which were reported as having either dry or diminishing capacity wells.

County OES and the State Division of Drinking Water (DDW) have 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 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. City-County Well Agreement
3. Memorandum of Understanding
4. Memorandum of Understanding Draft Amendment
5. Governor Brown Executive Order

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

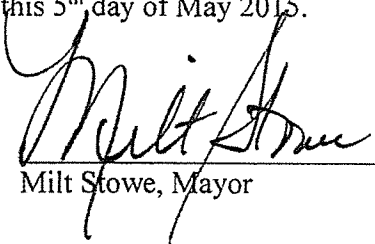
WHEREAS: the long-term ramifications of the current drought will have a significant impact on the city of Porterville and potentially pose a danger to the health and welfare of its residents; and

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

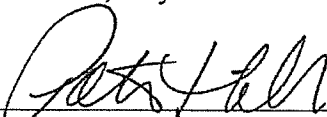
BE IT FURTHER RESOLVED: that the City Council of the City of Porterville requests the Governor and California Department of Water Resources make available California Disaster Assistance Act funding for the State of Local Emergency proclaimed on May 5, 2015, and seek all available forms of Federal assistance,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

TULARE COUNTY – CITY OF PORTERVILLE WELL AGREEMENT

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

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

ACCORDINGLY, IT IS AGREED:

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

TULARE COUNTY AGREEMENT NO. 27596

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

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

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

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

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

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

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

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

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

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

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

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

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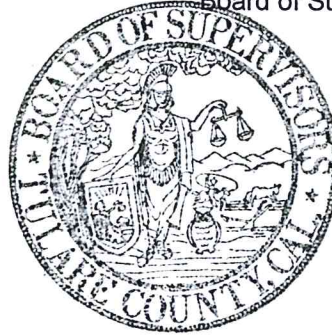
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THE PARTIES, having read and considered the above provisions, indicate their agreement by their authorized signatures below.

COUNTY OF TULARE

BY Mike Ennis
Mike Ennis Chairman,
Board of Supervisors



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

By Danisa A. Ybana
Deputy Clerk

Approved as to Form
County Counsel

By M. Grice for LMT
Deputy 20151902

CITY OF PORTERVILLE

BY Milt Stowe
Milt Stowe, Mayor

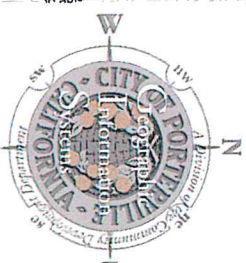
ATTEST:
City Clerk of the City of Porterville

BY J. L. Lolis
John Lolis, City Manager

Approved as to Form

BY [Signature]
City Attorney

EXHIBIT 'A'



 East Porterville Project Boundary

Parcels Within Project Boundary Area (1,776)

CityLimits

UDB

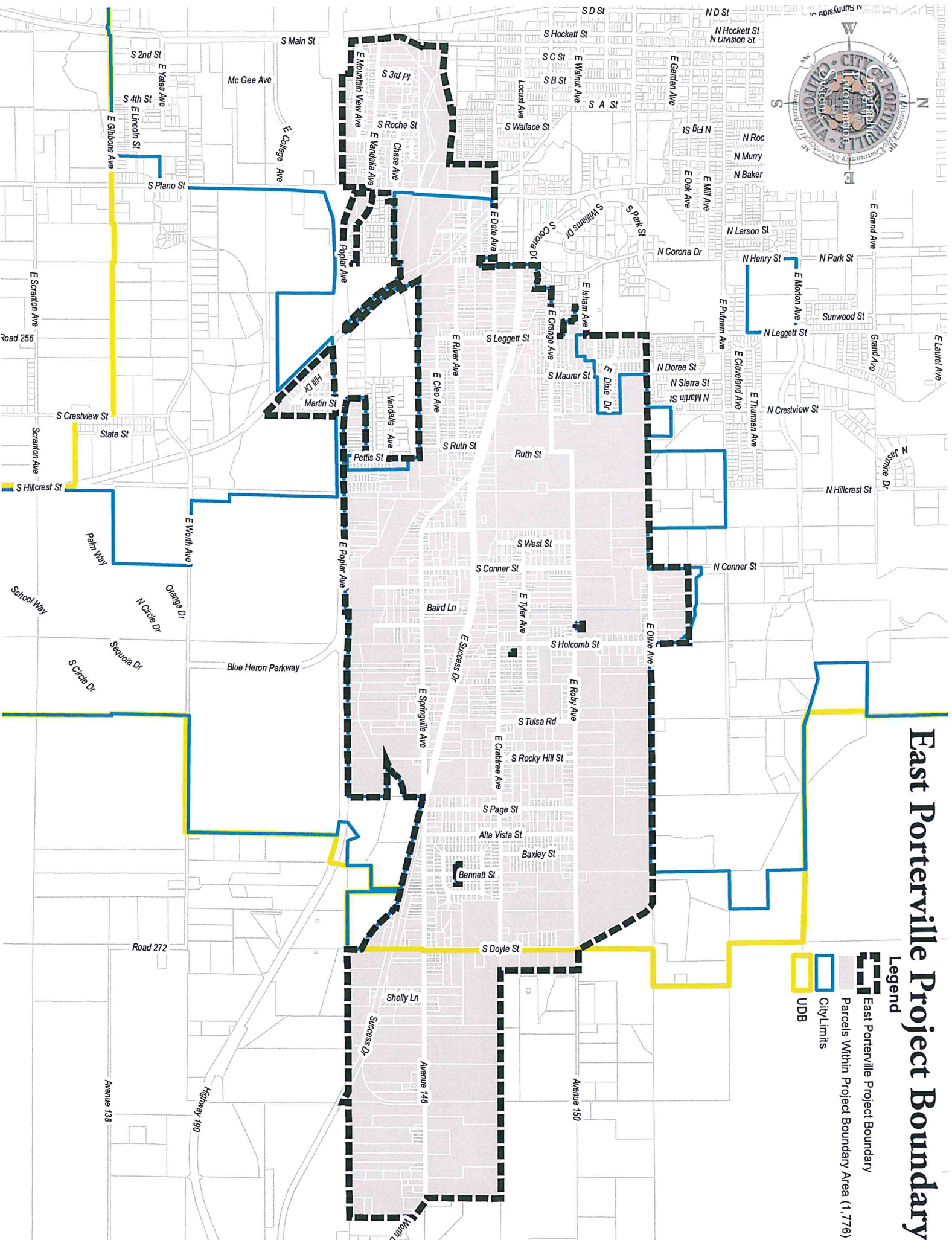


EXHIBIT 'B'

RESOLUTION NO. 74 -2014

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

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

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

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

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

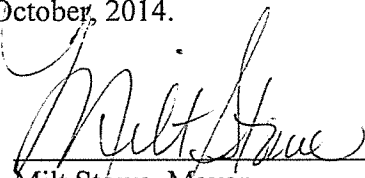
1. To promote orderly development while discouraging urban sprawl, preserving open space and prime agricultural lands, and efficiently extending government services.
2. To honor the City’s fundamental responsibility to provide efficient and sustainable public services to the inhabitants of the city,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

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

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

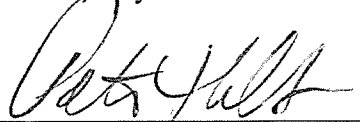
2. It shall be the policy of the City of Porterville to consider extra-territorial service requests primarily within the Urban Development Boundary, which is defined as the City of Porterville Annexation Boundary, as adopted by Tulare County LAFCo.
3. It shall be the policy of the City of Porterville,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

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


Milt Stowe, Mayor

ATTEST:

John D. Lollis, City Clerk

By: 
Patrice Hildreth, Chief Deputy City Clerk

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

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

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

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

JOHN D. LOLLIS, City Clerk


By: Luisa M. Zavala, Deputy City Clerk

RESOLUTION 19-2016

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

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

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

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

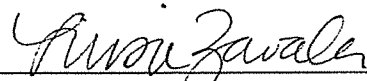
PASSED, APPROVED AND ADOPTED this 19th day of April, 2016.



Milt Stowe, Mayor

ATTEST:

John D. Lollis, City Clerk

BY 

Luisa Zavala, Deputy City Clerk

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

ANNEXATION APPLICATION PROCEDURE

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

ANNEXATION EXEMPTION PROCEDURE

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

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

EXTRATERRITORIAL SERVICES APPLICATION PROCEDURE

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

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

Within the Urban Development Boundary:

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

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

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

Within the Urban Area Boundary:

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

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

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

EXEMPTIONS AND EXCEPTIONS

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

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

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

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

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

East Porterville Properties



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

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

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

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

JOHN D. LOLLIS, City Clerk


By: Luisa Zavala, Deputy City Clerk

EXHIBIT 'C'



EXHIBIT 'D'

Scope of Work

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

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

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

Discussion Draft

Subject to Additional Review and Modification by the Parties

Porterville MOU
Draft 2
June 15, 2016
PortervilleEmergencyMOU061516



Memorandum of Understanding (MOU)

Regarding the Provisions of Emergency Water Supplies to East Porterville

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

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

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

which are collectively known as the “Parties”

Recitals

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

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

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

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

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

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

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

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

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

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

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

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

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

Understanding

A. Description of Emergency Project and Long-Term Plan

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

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

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

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

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

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

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

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

B. Project Contributions of the Parties

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

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

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

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

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

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

C. General Provisions

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

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

[Signatures on following page]

This MOU has been executed by:

California Department of Water Resources

State Water Resources Control Board

California Office of Emergency Services

County of Tulare

City of Porterville

List of Exhibits

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



Amendment No. 1

To the East Porterville Water Supply Project

Memorandum of Understanding (MOU)

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

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

Recitals

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

This MOU has been executed by:

California Department of Water Resources

State Water Resources Control Board

California Office of Emergency Services

City of Porterville

County of Tulare

Executive Department

State of California

EXECUTIVE ORDER B-40-17

WHEREAS California has endured 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 more than 22% between June 2015 and January 2017; and

WHEREAS the State Water Resources Control Board, the Department of Water Resources, the Department of Fish and Wildlife, the Office of Emergency Services, and many other state agencies worked cooperatively to manage and mitigate the effects of the drought on our communities, businesses, and the environment; and

WHEREAS the State provided 66,344,584 gallons of water to fill water tanks for communities suffering through drought-related water shortages, outages, or contamination, and provided emergency assistance to drill wells and connect communities to more robust water systems; and

WHEREAS the State took a number of important actions to preserve and protect fish and wildlife resources, including stream and species population monitoring, fish rescues and relocations, infrastructure improvements at trout and salmon hatcheries, and infrastructure to provide critical habitat for waterfowl and terrestrial animals; and

WHEREAS the State established a Statewide Water Efficiency and Enhancement Program for agricultural operations that provides financial assistance for the implementation of irrigation systems that save water; and

WHEREAS water content in California's mountain snowpack is 164 percent of the season average; and

WHEREAS Lake Oroville, the State Water Project's principal reservoir, is 101 percent of average, Lake Shasta, the federal Central Valley Project's largest reservoir, is at 110 percent of average, and the great majority of California's other major reservoirs are above normal storage levels; and

WHEREAS despite winter precipitation, the effects of the drought persist in areas of the Central Valley, including groundwater depletion and subsidence; and

WHEREAS our changing climate requires California to continue to adopt and adhere to 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.

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, do hereby **TERMINATE THE JANUARY 17, 2014 DROUGHT STATE OF EMERGENCY** for all counties in California except the Counties of Fresno, Kings, Tulare, and Tuolumne.

I FURTHER ORDER THAT:

1. The orders and provisions contained in my April 25, 2014 Emergency Proclamation, as well as Executive Orders B-26-14, B-28-14, B-29-15, and B-36-15 are rescinded.
2. The orders and provisions contained in Executive Order B-37-16, **Making Water Conservation a California Way of Life**, remain in full force and effect except as modified by this Executive Order.
3. As required by the State Emergency Plan and Government Code section 8607(f), the Office of Emergency Services, in coordination with other state agencies, shall produce an after-action report detailing the State's response to the drought and any lessons learned in carrying out that response.

MAINTAINING CONSERVATION AS A WAY OF LIFE

4. The State Water Resources Control Board (Water Board) shall continue development of permanent prohibitions on wasteful water use and requirements for reporting water use by urban water agencies, and to provide a bridge to those permanent requirements, shall maintain the existing emergency regulations until they expire as provided by the Water Code. Permanent restrictions shall prohibit wasteful practices 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 shall rescind those portions of its existing emergency regulations that require a water supply stress test or mandatory conservation standard for urban water agencies.

6. The Department of Water Resources (Department) shall continue work with the Water Board to develop standards that urban water suppliers will use to set new urban water use efficiency targets as directed by Executive Order B-37-16. Upon enactment of legislation, the Water Board shall adopt urban water use efficiency standards that include indoor use, outdoor use, and leaks as well as performance measures for commercial, industrial, and institutional water use. The Department shall provide technical assistance and urban landscape area data to urban water suppliers for determining efficient outdoor use.
7. The Water Board and the Department shall continue to 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.
8. The Water Board and the Department shall continue to take actions to 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 is requested to work with investor-owned water utilities to accelerate work to minimize leaks.
9. The Water Board is further directed to work with state agencies and water suppliers to identify mechanisms that would encourage and facilitate the adoption of rate structures and other pricing mechanisms that promote water conservation.
10. All state agencies shall continue response activities that may be needed to manage the lingering drought impacts to people and wildlife. State agencies shall increase efforts at building drought resiliency for the future, including evaluating lessons learned from this current drought, completing efforts to modernize our infrastructure for drought and water supply reliability, and shall take actions to improve monitoring of native fish and wildlife populations using innovative science and technology.

CONTINUED DROUGHT RESPONSE IN FRESNO, KINGS, TULARE, AND TUOLUMNE COUNTIES

11. The Water Board will continue to prioritize new and amended safe drinking water permits that enhance water supply and reliability for community water systems facing water shortages or that expand service connections to include existing residences facing water shortages.
12. The Department and the Water Board will accelerate funding for local water supply enhancement projects and will continue to explore if any existing unspent funds can be repurposed to enable near-term water conservation projects.
13. The Water Board will continue to work with local agencies to identify communities that may run out of drinking water, and will provide technical and financial assistance to help these communities address drinking water

shortages. It will also identify emergency interconnections that exist among the State's public water systems that can help these threatened communities. The Department, the Water Board, the Office of Emergency Services, and the Office of Planning and Research will work with local agencies in implementing solutions to those water shortages.

14. For actions taken in the Counties of Fresno, Kings, Tulare, and Tuolumne pursuant to directives 11–13, the provisions of the Government Code and the Public Contract Code applicable to state contracts, including, but not limited to, advertising and competitive bidding requirements, as well as Division 13 (commencing with section 21000) of the Public Resources Code and regulations adopted pursuant to that Division, are hereby suspended. These suspensions apply to any actions taken by state agencies, and for actions taken by local agencies where the state agency with primary responsibility for implementing the directive concurs that local action is required, as well as for any necessary permits or approvals required to complete these actions.
15. California Disaster Assistance Act Funding is authorized until June 30, 2017 to provide emergency water to individuals and households who are currently enrolled in the emergency water tank program.
16. State departments shall commence all drought remediation projects in Fresno, Kings, Tulare, and Tuolumne Counties within one year of the date of this Executive Order.

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 7th day of April 2017.


EDMUND G. BROWN JR.
Governor of California

ATTEST:

ALEX PADILLA
Secretary of State

