

***AMENDED* CITY COUNCIL AGENDA
CITY HALL, 291 N. MAIN STREET
PORTERVILLE, CALIFORNIA
JANUARY 15, 2013, 5:30 P.M.**

Call to Order
Roll Call

Adjourn to a Joint Meeting of the Porterville City Council and Successor Agency to the Porterville Redevelopment Agency.

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

Roll Call: Agency Members

ORAL COMMUNICATIONS

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

JOINT CITY COUNCIL/AGENCY CLOSED SESSION:

- A. Closed Session Pursuant to:
- 1-** Government Code Section 54956.9(a) – Conference with Legal Counsel – Existing Litigation: County of Tulare v. All Persons Interested in the Matter of the Addition of the 2010 Amendment to Redevelopment Plan for the Redevelopment Project Area No. 1, as Adopted by Ordinance 1765 on June 15, 2010 by the City of Porterville, et al., Tulare County Superior Court Case No. 249877.

During Closed Session, the Joint Council/Successor Agency Meeting shall adjourn to a Meeting of the Porterville City Council.

CITY COUNCIL CLOSED SESSION:

- B. Closed Session Pursuant to:
- 1-** Government Code Section 54956.9(a) – Conference with Legal Counsel – Existing Litigation: City of Porterville v. County of Tulare et al., Tulare County Superior Court No. 249043.
 - 2-** Government Code Section 54956.9(a) – Conference with Legal Counsel – Existing Litigation: California Healthy Communities Network v. City of Porterville (Walmart, etc. Real Party in Interest), Tulare County Superior Court No. VCU246336.
 - 3-** Government Code Section 54956.95 – Liability Claims: Claimant: Andrea Gould. Agency claimed against: City of Porterville.
 - 4-** Government Code Section 54957 – Public Employee Performance Evaluation - Title: City Manager.
 - 5-** Government Code Section 54957 - Public Employee Performance Evaluation - Title: City Attorney.

6:30 P.M. RECONVENE OPEN SESSION

REPORT ON ANY COUNCIL ACTION TAKEN IN CLOSED SESSION

Pledge of Allegiance Led by Council Member Ward
Invocation

PRESENTATIONS

Police Officer Badge Pinning
Employee of the Month – Carlos Meza

AB 1234 REPORTS

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

1. Consolidated Waste Management Authority (CWMA)
2. Tulare County Economic Development Corporation
3. P.D.C. Advisory Board

REPORTS

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

- I. City Commission and Committee Meetings:
 1. Library and Literacy Commission
 2. Parks & Leisure Services Commission
 3. Youth Commission
- II. Staff Informational Items
 1. Community Development Block Grant – Business Assistance Program Update
Re: Informational report regarding the City's Business Assistance Program loans.
 2. Reminder of Wall of Fame Nominations
Re: Informational report regarding upcoming consideration of nominations for "Wall of Fame" honorees.

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.

1. **Minutes of September 4, 2012, November 20, 2012, December 11, 2012, and December 18, 2012**
2. **Authorization to Advertise for Bids – Veteran's Park Booster Pump Project – Additions of Pumps #2 & #3**
Re: Considering approval of staff's Plans and Project Manual for the project consisting of the installation of above ground 12" water main, booster pumps, electrical equipment, SCADA integration and related appurtenances at the booster pump plant located on the east side of Newcomb Street, north of Morton Avenue within Veteran's Park.

3. **Authorization to Advertise for Bids – West Street CalEMA Repair Project**
Re: Considering approval of staff's Plans and Project Manual for the project consisting of the repair of areas on West Street damaged during the December 2010 floods; and authorizing the appropriation of \$21,200 from the Misc. Curb and Gutter Project account to fully finance the project.
4. **Award of Contract: On-Call Consulting Services**
Re: Considering authorization to negotiate on-call contracts with Provost & Pritchard Consulting Group, LSA, and Quad Knopf for on-call consulting services.
5. **Consulting Services for Full Solid Waste Facility Permit**
Re: Considering authorization to execute a contract with Edgar and Associates to provide consulting services to allow the City to obtain a Full Solid Waste Facility Permit (SWFP) for a fee not to exceed \$22,500.
6. **Authorize Staff to Prepare a Draft Cottage Food Operations Ordinance in Order to Conform to Changes in State Law Pursuant to Assembly Bill 1616**
Re: Considering authorization to prepare a draft ordinance accommodating Cottage Food Operations as a home occupation business for consideration at a future meeting.
7. **Smart Valley Places – Amendment to Subcontract Agreement with CSU Fresno Foundation**
Re: Considering approval of an amendment to Subcontract Agreement SC360080-11-12 between the City and California State University Fresno Foundation for professional and technical services associated with the grant.
8. **Assistance to Firefighters Grant Award**
Re: Considering acceptance of a grant award from the Federal Emergency Management Agency and the Department of Homeland Security in the amount of \$23,600; and authorization to use \$5,900 from the Fire Departments training expense budget account.
9. **Review of Local Emergency Status**
Re: Reviewing the City's status of local emergency pursuant to Article 14, Section 8630 of the California Emergency Services Act.

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

PUBLIC HEARINGS

10. **Budget Adjustment/Citizens' Option for Public Safety (COPS) Program Funding**
Re: Considering acceptance of \$100,000 in grant funds to be utilized to support personnel assigned to the Police Department's Patrol Division.

SCHEDULED MATTERS

11. **Appointment to the Transactions and Use Tax ("Measure H") Oversight Committee**
Re: Considering appointment of an individual to a vacant position of the Transactions and Use Tax Oversight Committee with a term to expire in May 2014.

12. **Draft Ordinance Adding Penalty Provisions to the Municipal Code Related to Porterville Municipal Charter Section 67 (Interference with Performance of Duties of City Manager/Political Activities of Council, Administrative Officers, and Employees)**
Re: Consideration of a report and draft ordinance amending City Charter Section 67.

Adjourn to a meeting of the Porterville Public Improvement Corporation.

PORTERVILLE PUBLIC IMPROVEMENT CORPORATION AGENDA
291 N. MAIN STREET, PORTERVILLE, CA

Roll Call: Public Improvement Corporation

WRITTEN COMMUNICATION
ORAL COMMUNICATIONS

PUBLIC IMPROVEMENT CORPORATION SCHEDULED MATTER

- PIC-1. Annual Meeting of the Porterville Public Improvement Corporation**
Re: Considering approval of the election of officers and the 2012 Status Report for Certificates of Participation Projects.

Adjourn to a meeting of the Porterville City Council.

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 February 5, 2013.

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: JANUARY 15, 2013

SUBJECT: COMMUNITY DEVELOPMENT BLOCK GRANT - BUSINESS ASSISTANCE PROGRAM UPDATE

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT

COMMENT: A portion of the City's Community Development Block Grant (CDBG) funds received by the City from the U.S. Department of Housing and Urban Development (HUD) are allocated for economic development through the Business Assistance Program. This report provides the City Council with an annual update regarding the program.

The Business Assistance Program provides funding for projects which meet one of the three (3) national CDBG objectives: 1) expanding economic opportunities, principally for low- and moderate-income persons; 2) aiding in the prevention or elimination of slums or blight; and 3) meeting community development needs that have a particular urgency. The City's program focuses on providing funding assistance to businesses, which will in turn create jobs while increasing the overall economic base of the community. It is important to note that 51% of the jobs created or retained by each CDBG-assisted business expansion or retention project are filled by, or made available to, persons of low- and moderate-income.

Consistent with HUD's guidelines, the program mandates the creation or retention of one job for each \$35,000 in assistance. The loans reported below represent the creation or retention of 60 full-time equivalent jobs. To date, more than 129 jobs have been created/retained as part of the Business Assistance contracts and on-going monitoring shows that, by extension, more than 500 jobs were created/retained through these projects.

The City's programs are divided into two (2) categories. The first category targets assistance with large loans in excess of \$50,000, and is typically used by larger businesses. The second category provides funding assistance of \$50,000 or less and typically provides assistance to smaller businesses. More specifics are provided below.

The first category of assistance is for large projects which require funding in excess of \$50,000. In this scenario, funds are typically used for construction of improvements, equipment purchases, and acquisition of land and/or buildings. Currently, the Large Business Assistance Program has three (3) active loans in its portfolio.

Listed below is a summary of the current Large Business Assistance Program loans:

Loan #/ Business Type	Use of Funds	Original Date of Loan	Original Loan Amount	Loan Balance	Status
BAP 03001 ProDocumentSolutions Printing Facility	Parking Lot Improvements Security Equipment	05/06/03	\$355,000	\$28,215	Current
BAP 01001 Charles and Jan Crissman Automobile Body Repair	Acquisition	05/27/10	\$100,000	\$81,332	Current
BAP 01003 Mark Sidley's Porterville Chrysler New Automobile Sales	Inventory and Working Capital	10/19/10	\$250,000	\$157,421	Current

The second category of the Business Assistance Program is the Small Business Revolving Loan Program. The main objective of this program is to provide "gap" funding for small businesses that are either starting or expanding in Porterville. In 2012, one new loan was approved and one loan was modified to provide additional funding for equipment. Currently, the Small Business Revolving Loan Program has eight (8) active loans in its portfolio.

Listed below is a summary of the current Small Business Revolving Loans:

Loan #/ Business Type	Use of Funds	Original Date of Loan	Original Loan Amount	Loan Balance	Status
RFL 00109 Alla Liberstein, MD Medical Practice	Equipment	03/11/09	\$45,000	\$2,757	Current
RLF 01002 Plano Jerky Manufacturing/Retail	Expansion of Facility	05/12/10	\$15,000	\$5,271	Current
RLF 01003 Porterville Ford Automobile Sales	Equipment and Signage	04/08/10	\$38,000	\$23,461	Current
RLF 01009 McLaughlin Plumbing Professional Services	Working Capital Equipment	08/23/12	\$50,000	\$46,249	Delinquent

Loan #/ Business Type	Use of Funds	Original Date of Loan	Loan Balance	Loan Balance	Status
RLF 01007 BMK, Inc. Retail	Working Capital	12/14/10	\$50,000	\$41,590	Current
RLF 01006 Dayla and Massey Missakian Professional Services	Working Capital	05/11/11	\$50,000	\$37,279	Current
RLF 01010 William and Glenda Mauldin Retail	Working Capital	10/19/10	\$30,000	\$25,962	Current
RLF 01012 Elsa Medina Restaurant	Equipment and Working Capital	05/10/11	\$41,859	\$41,859	Default Bankruptcy Pending
RLF 01213 Eric Madrigal Medical Practice	Equipment Supplies Working Capital	09/11/12	\$50,000	\$50,000	Current

The balance available for lending in the Business Assistance Program for large projects is \$209,705, and the balance in the Small Business Revolving Loan Program is \$176,925.

The information stated above reflects the status of the Business Assistance Program through November 2012.

RECOMMENDATION: For information only.

COUNCIL AGENDA: JANUARY 15, 2013

SUBJECT: REMINDER OF WALL OF FAME NOMINATIONS

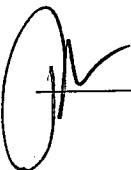
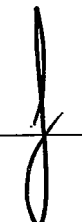
SOURCE: ADMINISTRATIVE SERVICES/CITY CLERK DIVISION

COMMENT: This item is to serve as a reminder regarding the upcoming consideration of nominations for "Wall of Fame" honorees. As of this date, staff has received one nomination and is aware of others pending.

The nomination procedure specifies that the Wall of Fame is for posthumous honors. Nominations must be submitted by members of the City Council and are to identify a sponsor that is to be responsible for providing the photograph, picture frame, biography, and name plate for placement on the wall. Council consideration of nominees traditionally occurs during January. Honorees approved by the City Council that are currently on display at the Heritage Community Center include: Alice Seal, Forrest "Doc" Mock, Mona Alyce Young Gauger, Jim Cone, Brett Land, Frank "Buck" Shaffer, Carmen Martinez-Eoff, Edward B. "Ted" Cornell, Jim Maples, Roy Rockholt, Waltraut Wilson, Bill Rogers, Teresa Jackson, Orlin Hudson Shires and Helen Louise Shires, and Estha Mae Hinton.

RECOMMENDATION: Information only.

ATTACHMENTS: 1. Wall of Fame Nomination Form
2. Wall of Fame Placement Procedure

 Director N/A Appropriate/Funded  CM

Report No. II-2



HERITAGE COMMUNITY CENTER "WALL OF FAME" NOMINATION/PLACEMENT REQUEST

Based on a history of service to the Community and in recognition of significant efforts on behalf of the residents of Porterville, I/we request the Porterville City Council posthumously honor the person listed below with inclusion on the City's Wall of Fame located at the Heritage Community Center.

All nominations will be considered and Wall of Fame placements made in accordance with the Placement Procedure stated on the reverse.

Name of Nominee: _____

Description of Nominee's Community Involvement/Service Activities:

Sponsor's Name(s): _____

Telephone: _____

Address: _____

City/State/Zip: _____

Relationship to Nominee: _____

Nomination Submitted by:

Mayor/City Council Member Signature

Date

HERITAGE COMMUNITY CENTER "WALL OF FAME" PLACEMENT PROCEDURE

The "Wall of Fame" is a portion of the hallway wall within the Porterville Heritage Center, located at 256 E. Orange Avenue. Those who are honored on the "Wall of Fame" are posthumously recognized for their significant efforts and service to the Porterville Community. The City Council will determine the appropriateness of each nomination for placement on the "Wall of Fame". Recognition shall consist of a framed five by seven inch portrait, a brief biography, and bronze engraved name plate of common and similar style to the "Mayor's Wall of Honor" within City Hall. Honorees will also be featured on the City's website.

Only the Mayor and members of the City Council may submit nominations for this honor. The nomination shall be in writing to the City Clerk stating the type and duration of services the nominated individual provided to the Porterville Community prior to their passing. A nomination shall identify a sponsoring contact person willing to assume responsibility for supplying the framed portrait and nameplate, and who shall be responsible for all cost of such. All nominations will be retained by the City Clerk and placed on the agenda for consideration by the City Council at their first regular meeting held in each calendar year.

The City Council shall make the sole determination regarding the worthiness of the nominated individual's service to the heritage of the community in regards to the honor of being included for placement on the "Wall of Fame." The honor of recognition on the "Wall of Fame" shall be for an indefinite period of time. A perpetual plaque will be displayed with name plates to recognize the Honorees whose pictures may have to be removed due to limited space in the future. The City Council may at its discretion consider at any time the removal of the honor and return of the portrait to the sponsor.

**CITY COUNCIL MINUTES
CITY HALL, 291 N. MAIN STREET
PORTERVILLE, CALIFORNIA
SEPTEMBER 4, 2012, 5:30 P.M.**

Called to Order at 5:31 p.m.

Roll Call: Council Member Ward, Council Member Shelton (arrived at 5:40), Council Member Hamilton, Vice Mayor McCracken, Mayor Gurrola

ORAL COMMUNICATIONS

None

CITY COUNCIL CLOSED SESSION:

A. Closed Session Pursuant to:

1- Government Code Section 54956.8 – Conference with Real Property Negotiators/Property: APN: 269-010-028. Agency Negotiator: John Lollis. Negotiating Parties: City of Porterville and Jeanne M. Siracusa and Joyce Munro. Under Negotiation: Terms and Price.

2- Government Code Section 54957.6 – Conference with Labor Negotiator. Agency Negotiators: John Lollis, Steve Kabot and Patrice Hildreth. Employee Organizations: Porterville City Employees Association and Public Safety Support Unit.

3- Government Code Section 54956.95 – Liability Claims: Claimant: John Duran. Agency claimed against: City of Porterville.

4- Government Code Section 54956.9(b) – Conference with Legal Counsel – Anticipated Litigation – Significant Exposure to Litigation: Two Cases concerning facts not yet known to potential Plaintiffs.

5- Government Code Section 54956.9(c) – Conference with Legal Counsel – Anticipated Litigation – Initiation of Litigation: Three Cases.

6:30 P.M. RECONVENE OPEN SESSION

REPORT ON ANY COUNCIL ACTION TAKEN IN CLOSED SESSION

City Attorney Julia Lew reported that the Council took the following action:

A1: Government Code Section 54956.8 – Conference with Real Property Negotiators/Property: APN: 269-010-028. Agency Negotiator: John Lollis. Negotiating Parties: City of Porterville and Jeanne M. Siracusa and Joyce Munro. Under Negotiation: Terms and Price

COUNCIL ACTION: MOVED by Council Member Hamilton, SECONDED by Council Member Ward, the Council authorized staff to make payment to Jeanne m. Siracusa, Trustee, and Joyce Munro, in the amount of \$500.00; authorized the Mayor to sign all necessary documents; and authorized staff to record all documents with the County Recorder. The motion carried unanimously.

Documentation: Resolution 92-2012

Disposition: Approved.

A3: Government Code Section 54956.95 – Liability Claims: Claimant: John Duran. Agency

claimed against: City of Porterville.

COUNCIL ACTION: On a motion by Vice Mayor McCracken, seconded by Council Member Hamilton, the Council rejected the claim filed by John Duran, referred the matter to the City's claims adjustor, and directed the City Clerk to give the Claimant proper notice. The motion carried 3/0 with Council Member Ward abstaining, and Council Member Shelton absent.

AYES: Ward, McCracken, Hamilton, Gurrola
NOES: None
ABSTAIN: Ward
ABSENT: Shelton

Documentation: M.O. 01-090412
Disposition: Approved.

Pledge of Allegiance Led by Council Member Brian Ward
Invocation – one individual participated.

PROCLAMATIONS

National Library Card Sign-Up Month – September 2012
Constitution Week – September 17 – 23, 2012

PRESENTATIONS

Employee of the Month – Cody Clem (carried over to September 18, 2012)

AB 1234 REPORTS

1. Consolidated Waste Management Authority (CWMA): Council Member McCracken reported that the Authority had discussed the Board of Supervisors' action relative to the tipping fee increases and reduction in hours of operations at the County's landfills, including the Teapot Dome location.
2. Tulare County Economic Development Corporation: City Manager Lollis reported on recent EDC activities and advised of the organization's focus on prospects; advised of concern regarding the continuance of the Enterprise Zone designation in light of state budgetary issues; and informed everyone that he had been appointed to chair a subcommittee on healthcare.
3. Tulare County City Selection Committee: It was reported that Dinuba Council Member Janet Hinesly had been appointed as the at-large member.
4. Council of Cities: Mayor Gurrola reported that discussions on the MOU with the County and the CWMA issues addressed earlier had been discussed. She also advised that while the Vice Chair was to have presented an extension request to the County regarding their General Plan, that issue was now moot considering the recent Board of Supervisors' action.

REPORTS

- I. City Commission and Committee Meetings:

1. Transaction and Use Tax (“Measure H”) Oversight Committee: City Manager John Lollis reported that the Measure H Oversight Committee met on August 22nd, and had found the Measure H Fund expenses and proposed budget to be in compliance with the intent of the ballot measure.
- II. Staff Informational Items
 1. County Board of Supervisor’s Meeting August 28, 2012
Re: Informational report of action taken regarding a budget shortfall in the County’s Solid Waste Enterprise.

ORAL COMMUNICATIONS

- Roberto de la Rosa, Jr., on behalf of Ola Raza, Inc., requested that the Council authorize an item to consider approving a street closure for a community event, a mural unveiling/art walk that was scheduled to take place on September 7th from 5:00 p.m. to 8:00 p.m. on Division Street between Putnam Avenue and Mill Street.

City Attorney Lew advised that the request would qualify as an emergency item and could be added to the Agenda as such if there was Council interest in doing so.

COUNCIL ACTION: MOVED by Vice Mayor McCracken, SECONDED by Council Member Hamilton that the Council add onto the agenda as Item 18 the emergency item pertaining to the consideration of a street closure of Division Street between Putnam Avenue and Mill Street on September 7, 2012 from 5:00 p.m. to 8:00 p.m.

AYES: Ward, McCracken, Hamilton, Gurrola
NOES: None
ABSTAIN: Shelton
ABSENT: None

Documentation: M.O. 02-090412

Disposition: Emergency Item added onto Agenda as Item 18.

- Donnette Silva Carter, Porterville Chamber of Commerce CEO, invited everyone to the following events: First Friday Coffee with State Assemblywoman Connie Conway; Music on Main Street on Friday; and a Tulare County legislative session in Tulare featuring Congressman Nunez, State Senator Fuller, and State Assemblywoman Conway.

CONSENT CALENDAR

Items 3 and 4 were removed for further discussion.

COUNCIL ACTION: MOVED by Vice Mayor McCracken, SECONDED by Council Member Ward that the Council approve Item Nos. 1, 2, and 5 through 12. The motion carried unanimously.

1. CITY COUNCIL MINUTES OF MAY 15, 2012

Recommendation: That the City Council approve the draft Minutes of May 15, 2012.

Documentation: M.O. 03-090412
Disposition: Approved.

2. PURCHASE OF SPECIALIZED EQUIPMENT

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

Documentation: M.O. 04-090412
Disposition: Approved.

5. REJECT ALL BIDS – FIRE STATION #2 TRAINING FACILITY MEZZANINE & STAIRS PROJECT

Recommendation: That the City Council:

1. Reject all bids and direct the City Engineer to work with the Fire Department to revise construction documents; and
2. Re-advertise the project once those revisions are complete and within the original estimated amount.

Documentation: M.O. 05-090412
Disposition: Approved.

6. AIRPORT LEASE RENEWALS – LOTS 49B AND 46C

Recommendation: That the City Council approve the extension of the Lease Agreements between the City of Porterville and Mr. Michael Quatacker of Porterville for Lots 49B and 46C at the Porterville Municipal Airport.

Documentation: M.O. 06-090412
Disposition: Approved.

7. PROGRAM SUPPLEMENT TO THE LOCAL AGENCY-STATE MASTER AGREEMENT – JAYE STREET & MONTGOMERY AVENUE ROUNDABOUT PROJECT

Recommendation: That the City Council:

1. Approve the subject program supplement by passing a resolution authorizing the Mayor to sign the subject program supplement; and
2. Direct staff to return the signed program supplement to CalTrans.

Documentation: Resolution 93-2012
Disposition: Approved.

8. APPROVAL FOR COMMUNITY CIVIC EVENT – FILIPINO-AMERICAN

ASSOCIATION OF CALIFORNIA – FILIPINO-AMERICAN WEEK, SEPTEMBER 29-30, 2012

Recommendation: That the City Council:

1. Approve the subject program supplement by passing a resolution authorizing the Mayor to sign the subject program supplement; and
2. Direct staff to return the signed program supplement to CalTrans.

Documentation: M.O. 07-090412

Disposition: Approved.

9. APPROVAL FOR COMMUNITY CIVIC EVENT – CENTRAL CALIFORNIA FAMILY CRISIS CENTER – ANNUAL CANDLELIGHT VIGIL FOR DOMESTIC VIOLENCE – OCTOBER 18, 2012

Recommendation: That the City Council approve the proposed Community Civic Event Application and Agreement submitted by the Central California Family Crisis Center, subject to the stated requirements contained in the Application, Agreement and Exhibit ‘A.’

Documentation: M.O. 08-090412

Disposition: Approved.

10. CONSIDERATION OF STREET CLOSURE FOR PORTERVILLE “STEP-UP” NEIGHBORHOOD OUTREACH EVENT

Recommendation: That the City Council authorize the temporary closure of Doree Street between Forester and Mohoff Courts on September 22, 2012, in support of the planned neighborhood “Step-Up” outreach event.

Documentation: M.O. 09-090412

Disposition: Approved.

11. CITY OF PORTERVILLE CONFLICT OF INTEREST CODE – AMENDMENT NO. 9

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

Documentation: Resolution No. 94-2012

Disposition: Approved.

12. REVIEW OF LOCAL EMERGENCY STATUS

Recommendation: That the City Council:

1. Receive the status report and review of the designated local emergency; and

2. Pursuant to the requirements of Article 14, Section 8630 of the California Emergency Services Act, determine that a need exists to continue said local emergency designation.

Documentation: M.O. 10-090412
Disposition: Approved.

3. PURCHASE OF HONDA ST1300P MOTORCYCLE FROM THE CITY OF FARMERSVILLE

Recommendation: That the City Council approve the expenditure of \$11,000 in funds from the vehicle replacement account to purchase the Honda police motorcycle from the City of Farmersville.

City Manager John Lollis presented the item and indicated that it had been removed from consent calendar by Council Member Shelton. Council Member Shelton waived the staff report and lauded staff for their efforts.

COUNCIL ACTION: MOVED by Council Member Shelton, SECONDED by Council Member Hamilton that the Council approve the expenditure of \$11,000 in funds from the vehicle replacement account to purchase the Honda police motorcycle from the City of Farmersville. The motion carried unanimously.

Documentation: M.O. 11-090412
Disposition: Approved.

4. AWARD OF CONTRACT – PREPARATION AND PAINTING OF CITY HALL BUILDING

Recommendation: That the City Council:

1. Authorize the use of Risk Management funds to remediate existing lead and asbestos paint materials;
2. Award the Preparation and Painting of Porterville City Hall Building Project to U.S. National Corp in the amount of \$10,400;
3. Authorize progress payments up to 90% of the contract amount; and
4. Authorize a 10% contingency to cover unforeseen construction costs and \$2,250 for construction management and inspection.

City Manager John Lollis presented the item, and provided an update as to the new bid on the lead remediation. A brief discussion took place as to the necessity of the project and whether other older City facilities might have similar issues.

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Council Member Hamilton that the Council authorize the use of Risk Management funds to remediate existing lead and asbestos paint materials; award the Preparation and Painting of Porterville City Hall Building Project to U.S. National Corp in the amount of \$10,400; authorize progress payments up

to 90% of the contract amount; and authorize a 10% contingency to cover unforeseen construction costs and \$2,250 for construction management and inspection.

AYES: Ward, McCracken, Hamilton, Gurrola
NOES: Shelton
ABSTAIN: None
ABSENT: None

Documentation: M.O. 12-090412
Disposition: Approved.

PUBLIC HEARINGS

13. CONSTRUCTION OF CONCRETE IMPROVEMENTS – W. NORTH GRAND AVENUE RECONSTRUCTION PROJECT

Recommendation: That the City Council:

1. Take public comments, concerns and questions; and
2. Authorize staff to schedule a public hearing prior to the establishment of a fee for the concrete improvements, in accordance with the Mitigation Fee Act, upon completion of each project.

City Manager John Lollis presented the item, and Public Works Director Baldo Rodriguez presented the staff report.

The public hearing opened at 7:23 p.m. and closed at 7:23 p.m. when nobody came forward.

A brief discussion took place regarding the process and options available to the City relative to the railroad property.

COUNCIL ACTION: MOVED by Vice Mayor McCracken, SECONDED by Council Member Hamilton that the Council authorize staff to schedule a public hearing prior to the establishment of a fee for the concrete improvements, in accordance with the Mitigation Fee Act, upon completion of each project.

AYES: Ward, McCracken, Hamilton, Gurrola
NOES: Shelton
ABSTAIN: None
ABSENT: None

Documentation: M.O. 13-090412
Disposition: Approved.

The Council recessed for ten minutes at 7:35 p.m.

SCHEDULED MATTERS

14. APPROVAL OF AMENDMENT TWO TO THE TULARE COUNTY ASSOCIATION OF GOVERNMENTS JOINT POWERS AGREEMENT

Recommendation: That the City Council:

1. Review the full breadth of Amendment Two to the “Tulare County Association of Governments Joint Powers Agreement”;
2. Authorize the Mayor to execute the draft “Tulare County Association of Governments Joint Powers Agreement” resolution; and
3. Authorize the Mayor to execute the Master Agreement when said Master Agreement is made available to the City for signature.

City Manager Lollis presented the item and the staff report.

A discussion ensued after which time the Council provided direction to reject the proposed Agreement and bring it back.

Disposition: Direction provided.

15. APPOINTMENT OF COUNCIL MEMBER TO A GRIEVANCE APPEALS BOARD

Recommendation: That the City Council appoint one member and one alternate to serve as the City Council representative on the Grievance Appeals Board for the grievance referenced in the staff report.

City Manager Lollis presented the item, and Administrative Services Manager Hildreth presented the staff report. A brief discussion ensued as to the process.

COUNCIL ACTION: MOVED by Council Member Hamilton, SECONDED by Council Member Shelton that the Council appoint Council Member Ward to serve as the City Council representative on the Grievance Appeals Board.

M.O. 14-090412

AYES: McCracken, Shelton, Hamilton, Gurrola
NOES: Ward
ABSTAIN: None
ABSENT: None

M.O. 15-090412 MOVED by Council Member Shelton, SECONDED by Council Member Hamilton that the Council appoint Council Member Shelton to serve as the Council’s alternate representative on the Grievance appeals board for the subject grievance.

AYES: Shelton, Hamilton, Gurrola
NOES: McCracken, Ward
ABSTAIN: None
ABSENT: None

Disposition: Representative and Alternate appointed to Grievance Appeals Board.

16. CONSIDERATION OF CITY COUNCIL'S PROCEDURAL HANDBOOK

Recommendation: That the City Council consider its Procedural Handbook, and direct staff accordingly.

City Manager Lollis presented the item and the staff report. A brief discussion ensued as to the potential benefits of continuing the item until after the League of California Cities Annual Conference at which some good information/ideas might be gleaned.

COUNCIL ACTION: MOVED by Vice Mayor McCracken, SECONDED by Council Member Hamilton that the matter be postponed until the next regular meeting. The motion carried unanimously.

Documentation: M.O. 16-090412

Disposition: Continued.

17. CONSIDERATION OF FINANCIAL SUPPORT FOR THE PORTERVILLE CITY FIREFIGHTERS ASSOCIATION'S "PORTERVILLE FIREHOUSE CHILI COOK-OFF"

Recommendation: That the City Council consider financial support for the Porterville City Firefighters Association's "Porterville Firehouse Chili Cook-Off."

City Manager Lollis presented the item and the staff report.

A discussion ensued as to the whether such support could be provided. City Attorney Lew opined that the Council must first make a finding of community benefit prior to providing such support in order to avoid a gift of public funds issue. Following the discussion, the Council directed staff to continue the matter and combine it with the Procedural Handbook item to be presented at the next meeting.

Disposition: Continued with direction given.

18. EMERGENCY ITEM: CONSIDERATION OF STREET CLOSURE OF DIVISION STREET BETWEEN PUTNAM AVENUE AND MILL STREET ON SEPTEMBER 7, 2012 FROM 5:00 P.M. TO 8:00 P.M.

Recommendation: That the City Council consider approval of the street closure of Division Street between Putnam Avenue and Mill Street on September 7, 2012, from 5:00 P.M. to 8:00 P.M.

City Manager Lollis presented the item and the staff report.

COUNCIL ACTION: MOVED by Council Member Hamilton, SECONDED by Council Member Ward that the Council approve the street closure of Division Street between

Putnam Avenue and Mill Street on September 7, 2012, from 5:00 P.M. to 8:00 P.M, for the proposed event sponsored by O.L.A. Raza, Inc.

AYES: Ward, McCracken, Hamilton, Gurrola
NOES: None
ABSTAIN: Shelton
ABSENT: None

Documentation: M.O. 17-090412
Disposition: Approved.

ORAL COMMUNICATIONS

- Terri Irish, voiced concern that the Council had again opted to continue consideration of the Council's Procedural Handbook. Mayor Gurrola indicated that useful information might be obtained from the League of California Cities Annual Conference which two Council Members would be attending that week. She advised that the item would be brought back at the next meeting.

OTHER MATTERS

- Council Member Shelton lauded the Firefighter's Chili Cook-Off event; and inquired about a possible RDA training session, voicing concern with the confusion relative to conflicts and recent state legislation.

COUNCIL ACTION: MOVED by Council Member Shelton, SECONDED by Council Member Hamilton that the Council add an item onto the October 4, 2012, City Council Agenda concerning a clarification of the laws governing Successor Agencies. The motion carried unanimously.

Documentation: M.O. 18-090412
Disposition: Item added onto October 4, 2012 Agenda.

- Council Member Hamilton lauded the recent Chili Cook-Off and thanked the Firefighters Association for a great event. He then made mention of the poor condition in which the area was left after the event. Council Member Hamilton then spoke of the recent passing of the infant child of one of the City's Reserve Firefighters, and indicated that donations were being accepted on the family's behalf at Crave on Main Street.
- City Manager Lollis reminded everyone that Traffic and Small Claims Court proceedings would be commencing on Friday in the Council Chambers.

ADJOURNMENT

The Council adjourned at 8:19 p.m. to the meeting of September 18, 2012.

Patrice Hildreth, Chief Deputy City Clerk

SEAL

Virginia R. Gurrola, Mayor

**CITY COUNCIL MINUTES
CITY HALL, 291 N. MAIN STREET
PORTERVILLE, CALIFORNIA
NOVEMBER 20, 2012, 5:30 P.M.**

Called to Order at 5:30 p.m.

Roll Call: Council Member Ward (attended only Closed Session), Vice Mayor McCracken, Council Member Shelton, Council Member Hamilton, Mayor Gurrola

The Council adjourned to a Joint Meeting of the Porterville City Council and Successor Agency to the Porterville Redevelopment Agency.

**JOINT CITY COUNCIL / SUCCESSOR AGENCY TO THE
PORTERVILLE REDEVELOPMENT AGENCY AGENDA
291 N. MAIN STREET, PORTERVILLE, CA
NOVEMBER 20, 2012**

Roll Call: Agency Member Ward (attended only Closed Session), Vice Chairman McCracken, Agency Member Shelton, Agency Member Hamilton, Chairman Gurrola

ORAL COMMUNICATIONS

None

SUCCESSOR AGENCY CLOSED SESSION:

- A. Closed Session Pursuant to:
- 1- Government Code Section 54956.9(b) – Conference with Legal Counsel – Anticipated Litigation – Significant Exposure to Litigation: One case concerning Successor Agency dispute with Tulare County regarding project area amendment.

During Closed Session, the Joint City Council/Successor Agency Meeting adjourned to a Meeting of the Porterville City Council.

CITY COUNCIL CLOSED SESSION:

- B. Closed Session Pursuant to:
- 1- Government Code Section 54956.8 – Conference with Real Property Negotiators/Property: APN 269-010-002. Agency Negotiator: John Lollis. Negotiating Parties: Albert L. and Bertha M. Hearne and the City of Porterville. Under Negotiation: Terms and Price.
 - 2- Government Code Section 54957.6 – Conference with Labor Negotiator. Agency Negotiators: John Lollis, Steve Kabot and Patrice Hildreth. Employee Organizations: Porterville City Employees Association, and Public Safety Support Unit.
 - 3- Government Code Section 54956.9(a) – Conference with Legal Counsel – Existing Litigation: Operating Engineer Local Union No. 3 v. City of Porterville, Tulare County Superior Court Case No. 249441.
 - 4- Government Code Section 54956.9(a) – Conference with Legal Counsel – Existing Litigation: City of Porterville v. County of Tulare et al., Tulare County Superior Court No. 249043.
 - 5- Government Code Section 54956.9(b) – Conference with Legal Counsel – Anticipated Litigation – Significant Exposure to Litigation: One case concerning a potential dispute regarding a dry farm lease bid.

6- Government Code Section 54956.9(c) – Conference with Legal Counsel – Anticipated Litigation – Initiation of Litigation: One Case.

6:30 P.M. RECONVENE OPEN SESSION

REPORT ON ANY COUNCIL ACTION TAKEN IN CLOSED SESSION

Deputy City Attorney Mike Maurer advised that no reportable action took place.

Pledge of Allegiance Led by Council Member McCracken

Invocation – one individual participated

PROCLAMATIONS

National Caregivers Month

Mayor Gurrola advised that Council Member Ward had departed the meeting after Closed Session had concluded due to illness.

AB 1234 REPORTS

1. Tulare County Association of Governments (TCAG): Mayor Gurrola updated everyone on the recent TCAG meeting.

REPORTS

- I. City Commission and Committee Meetings:
 1. Library and Literacy Commission: Chair Esther Figueroa reported on the seating of new commissioners; thanked the outgoing commissioners for their service; updated the Council of recent commission action relative to the proposed mural at the library; and reported on library activities for the month of October.
 2. Arts Commission: No report was provided.
- II. Staff Informational Reports
 1. Update on Negotiations to Amend Existing Contract with Pena's Disposal Service

ORAL COMMUNICATIONS

- Holly Oliveira, Happy Hearts Daycare, voiced concern with what appeared to be a marijuana grow site in proximity to her daycare facility and requested Council assistance in resolving the matter. City Manager Lollis advised that staff would provide a report to the Council on the matter.
- Carlos Gomez, Wildplaces, spoke regarding the proposed mural and requested the Council's approval.
- Nicole Celaya, spoke of the positive impact the Wildplaces' mural project has had, and requested that the Council approve it.
- Brian De La Cerda, Wildplaces and mural project coordinator, spoke of the project and voiced support for its approval.
- (name inaudible), thanked the City Council and staff for their time, and requested that the Council approve the proposed mural.
- Mary Martinez of Mothers United Against Gang Violence, spoke of the organization's

interest in a “Tree of Life” memorial in Centennial Park and requested the Council’s consideration/partnership for the project.

- (name inaudible), voiced support for the Council’s approval of the mural at the library.
- Kaitlyn Parker, a Burton Pathways student and Wildplaces participant, spoke in favor of the proposed mural and requested Council’s approval.
- Nicholas Garcia, voiced support for the proposed Wildplaces mural at the library, and spoke of the benefit of youth involvement.
- Carlos Sanbris, a Porterville College student and Wildplaces participant, spoke in favor of the mural.
- Theresa Carpenter, voiced support for the mural.
- Courtney (last name inaudible), spoke in favor of the mural.
- Rhoda Hunter, spoke in favor of the mural and requested the Council’s approval.

CONSENT CALENDAR

COUNCIL ACTION: MOVED by Vice Mayor McCracken, SECONDED by Council Member Hamilton that the Council approve Item Nos. 1 through 10.

AYES: McCracken, Shelton, Hamilton, Gurrola
NOES: None
ABSTAIN: None
ABSENT: Ward

1. CITY COUNCIL MINUTES OF OCTOBER 2, 2012

Recommendation: That the Council approve the draft Minutes of October 2, 2012.

Documentation: M.O. 01-112012

Disposition: Approved.

2. AUTHORIZATION TO ADVERTISE FOR BIDS – JAYE STREET BUS TURNOUT

Recommendation: That the City Council:

1. Approve staff’s recommended Plans and Project Manual; and
2. Authorize staff to advertise for bids on the project.

Documentation: M.O. 02-112012

Disposition: Approved.

3. INTENT TO SET PUBLIC HEARING FOR REIMBURSEMENT AGREEMENTS FOR CONCRETE IMPROVEMENT CONSTRUCTION BY THE CITY – W. NORTH GRAND AVENUE RECONSTRUCTION PROJECT – SR 65 TO RAILROAD

Recommendation: That the City Council:

1. Set a public hearing for December 4, 2012, according to the Mitigation Fee Act, for the establishment of the concrete improvement fee; and
2. Authorize staff to notify all affected property owners of the public

hearing, via certified mail, including the concrete reimbursement amount.

Documentation: M.O. 03-112012

Disposition: Approved.

4. STUDY SESSION FOR STATE ROUTE 190 CORRIDOR IMPROVEMENTS

Recommendation: That the City Council set December 11, 2012, 5:30 p.m., as the date and time for a study session. The proposed location for the study session is the Library Community Room.

Documentation: M.O. 04-112012

Disposition: Approved.

5. RESOLUTION PROVIDING FOR THE ESTABLISHMENT OF A LEISURE SERVICES SPECIALIST POSITION WITHIN THE PARKS AND LEISURE SERVICES DEPARTMENT

Recommendation: That the City Council:

1. Adopt the draft resolution providing for the establishment of a Leisure Services Specialist position; and
2. Amend the Department's Table of Organization, Position Allocation Schedule, and Position Pay Schedule of the City's Pay and Benefit Plan.

Documentation: Resolution 111-2012

Disposition: Approved.

6. AIRPORT LEASE RENEWAL – LOT 44B

Recommendation: That the City Council approve the extension of the Lease Agreement between the City of Porterville and Mr. Albert Quatacker of Porterville for Lot 44B at the Porterville Municipal Airport.

Documentation: M.O. 05-112012

Disposition: Approved.

7. APPROVAL FOR COMMUNITY CIVIC EVENT – PORTERVILLE AREA MINISTERIAL ASSOCIATION – TREE LIGHTING CEREMONY – NOVEMBER 23, 2012

Recommendation: That the City Council approve the draft Community Civic Event Application and Agreement submitted by the Porterville Area Ministerial Association, subject to the stated requirements contained in the Application, Agreement and Exhibit A.

Documentation: M.O. 06-112012

Disposition: Approved.

8. REVIEW OF LOCAL EMERGENCY STATUS

Recommendation: That the City Council:

1. Receive the status report and review of the designated local emergency; and
2. Pursuant to the requirements of Article 14, Section 8630 of the California Emergency Services Act, determine that a need exists to continue said local emergency designation.

Documentation: M.O. 07-112012

Disposition: Approved.

9. COUNCIL MEMBER REQUESTED AGENDA ITEM – REQUEST FOR THE CITY COUNCIL TO CONSIDER CREATING A CITY BANNER PROGRAM TO RECOGNIZE LOCAL MILITARY VETERANS

Recommendation: Council Member Ward makes the motion that the City Council authorize the scheduling on the December 4th Council Agenda the consideration of creating a City banner program to recognize local military veterans.

Documentation: M.O. 08-112012

Disposition: Approved.

10. COUNCIL MEMBER REQUESTED AGENDA ITEM – REQUEST FOR THE CITY COUNCIL TO CONSIDER ELIMINATING THE USE OF CITY FUNDS TO ATTEND LOCAL COMMUNITY EVENTS

Recommendation: Council Member Shelton makes the motion that the City Council authorize the scheduling on the December 4th Council Agenda the consideration of eliminating the use of City funds to attend local community events.

Documentation: M.O. 09-112012

Disposition: Approved.

SCHEDULED MATTERS

11. APPROVAL OF WILDPLACES MURAL ON LIBRARY FACILITY

Recommendation: That the City Council:

1. Approve the mural design;
2. Direct staff to commence the mural project with the WildPlaces organization; and
3. Consider approval of the organizational logos on the mural.

Council Member Shelton recused himself from the discussion and exited the dias due to an undisclosed conflict of interest.

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

Vice Mayor McCracken moved to approve the mural design and to direct staff to commence the mural project with the WildPlaces organization.

Council Member Hamilton advised that Council Member Ward had requested that he relay Council Member Ward's concerns with the design, particularly with the fact that it sent more of an environmental message rather than a youth message. A discussion ensued as to the design, and the proposed inclusion of the logos in light of the applicable provisions in the City's Sign Code. The Council proposed, and WildPlaces agreed, that staff work with Wildplaces on utilizing a plaque dedicating the mural, rather than a logo, as is consistent with other City murals.

COUNCIL ACTION: MOVED by Vice Mayor McCracken, SECONDED by Council Member Hamilton that the Council approve the proposed mural design; direct staff to commence the mural project with the WildPlaces organization; and direct staff to work with WildPlaces on a plaque and dedication rather than allowing logos as a part of the mural design.

AYES: McCracken, Hamilton, Gurrola
NOES: None
ABSTAIN: None
ABSENT: Ward, Shelton

Documentation: M.O. 10-112012

Disposition: Approved, as amended; direction given to staff.

12. FEDERAL AVIATION ADMINISTRATION RELEASE OF NONAERONAUTICAL LAND

Recommendation: That the City Council:

1. Adopt the draft resolution obligating the City to expend the proceeds of the sale of excess land at the Porterville Municipal Airport upon the airport within a five-year period;
2. Authorize the City Manager and/or the Mayor to execute all necessary documents; and
3. Approve a budget adjustment to allocate an additional \$88,656 (for a total of \$257,606) to the Airport Development fund.

City Manager John Lollis presented the item, and Community Development Director Brad Dunlap presented the staff report.

COUNCIL ACTION: MOVED by Vice Mayor McCracken, SECONDED by Council Member Hamilton that the Council adopt the draft resolution obligating the City to expend the proceeds of the sale of excess land at the Porterville Municipal Airport upon the airport within a five-year period; authorize the City Manager and/or the Mayor to execute all necessary documents; and approve a budget adjustment to allocate an additional \$88,656 (for a total of \$257,606) to the Airport Development fund.

AYES: McCracken, Hamilton, Gurrola
NOES: Shelton
ABSTAIN: None
ABSENT: Ward

Documentation: Resolution 112-2012
Disposition: Approved.

ORAL COMMUNICATIONS

None

OTHER MATTERS

- Mayor Gurrola, spoke of events in the community that she recently attended, including the Suicide Awareness and Prevention Forum, the Veterans Day Parade, and a Diwali Festival; spoke of the upcoming Tree Lighting ceremony on Friday at 6:00 p.m., noting that canned food and toys would be collected for those in need; and wished everyone a Happy Thanksgiving.
- Council Member Hamilton, lauded the Veterans Day Parade; and spoke of the 104th birthday of a Porterville resident named Mildred.
- Council Member Shelton, lauded the Veterans Day Parade; and spoke of various events he recently attended including the Fishing Derby, the Exchange Club's bazaar; and a Winter Festival at St. Anne's.

ADJOURNMENT

The Council adjourned at 7:50 p.m. to the meeting of December 4, 2012.

SEAL

Patrice Hildreth, Chief Deputy City Clerk

Virginia R. Gurrola, Mayor

**ADJOURNED CITY COUNCIL MINUTES
PORTERVILLE PUBLIC LIBRARY
41 W. THURMAN AVENUE
PORTERVILLE, CALIFORNIA
DECEMBER 11, 2012, 5:00 P.M.**

Called to Order at 5:28 p.m.

Roll Call: Council Member Ward (arrived late), Council Member Shelton (arrived late),
Council Member Hamilton, Vice Mayor McCracken, Mayor Gurrola

The Council did not adjourn to a Joint Meeting of the Porterville City Council and Successor Agency to the Porterville Redevelopment Agency due to lack of a quorum. The Mayor announced that those items scheduled for Closed Session were continued to the meeting of December 18, 2012, and convened Open Session.

**JOINT CITY COUNCIL / SUCCESSOR AGENCY TO THE
PORTERVILLE REDEVELOPMENT AGENCY MINUTES
41 W. THURMAN AVENUE, PORTERVILLE, CA**

Roll Call: Agency Members/Chairman

ORAL COMMUNICATIONS

None

JOINT CITY COUNCIL/AGENCY CLOSED SESSION:

- A. Closed Session Pursuant to:
1- Government Code Section 54956.9(b) – Conference with Legal Counsel – Anticipated Litigation – Significant Exposure to Litigation: One Case concerning a dispute with the County of Tulare regarding Project Area Amendment.

Adjourn to a Meeting of the Porterville City Council.

CITY COUNCIL CLOSED SESSION:

- B. Closed Session Pursuant to:
1- Government Code Section 54956.9(a) – Conference with Legal Counsel – Existing Litigation: City of Porterville v. County of Tulare et al., Tulare County Superior Court No. 249043.

Pledge of Allegiance Led by Council Member Greg Shelton
Invocation – one individual participated.

ORAL COMMUNICATIONS

None

SCHEDULED MATTER

1. STATE ROUTE 190 CORRIDOR STUDY

City Manager Lollis introduced the item, and elaborated on the origin and focus of the study which was conducted by Caltrans. Community Development Director Dunlap spoke of the City's General Plan and Circulation Element, and how State Routes 65 and Highway 190 play a vital role in the circulation system. He then introduced City Engineer Mike Reed who presented a PowerPoint regarding efforts to evaluate a potential alignment plan and related improvements along State Route 190 between Westwood Street and Blue Heron Parkway. The presentation of potential projects along SR 190 was presented in four (4) parts.

- Part 1 – SR 190 potential projects between Westwood Street and SR 65;
- Part 2 – SR 190 potential projects between SR 65 and Hillcrest Street;
- Part 3 – Overall corridor maps defining three potential project alternatives; and
- Part 4 – Recommendations.

Mr. Reed explained that the information provided to the Council was based on a three (3) tiered planning approach, which would allow for flexibility in the implementation of corridor improvements over time. The three tiers were described as follows:

- Near Term Projects - Improvements along SR 190 that need immediate attention and planning;
- Interim Projects - Improvements along SR 190 that mitigate potential failures during the life of the General Plan; and
- Ultimate Projects - Those projects defined by the General Plan that will effectively serve the City well beyond the current 2030 General Plan horizon.

During Mr. Reed's presentation of projects relative to the Westwood Street/SR 190 Intersection, Council Member Shelton communicated his concerns regarding long-term planning and available funding for the proposed projects. Council Member Ward expressed his reservations with spending significant amounts of money on "Near Term" projects, when it may be financially feasible to complete the "Ultimate" project. Mr. Steve MacDonald, representing Caltrans, and members of staff addressed questions from the Council and members of the public regarding Measure R funding; the proposed use of roundabouts; Newcomb Street access to SR 190; and volume requirements for the three tiers.

Council Member Shelton recused himself from the remainder of the presentation due to a conflict of interest, and did not return. The Council took a five minute recess at 6:43 p.m.

City Engineer Mike Reed then reviewed SR 190 potential projects between SR 65 and Hillcrest Street which included the SR 190 intersections at Jaye Street, Main Street, Plano Street and Hillcrest Street. There was some discussion regarding the three proposed projects for the Main Street Interchange, which were categorized as "Ultimate" and their designation as such. Both Mr. Reed and Mr. MacDonald spoke of changes in Caltrans standards, and how it would affect the addressed intersections, specifically access at Main Street and Plano Street. A discussion then ensued regarding the importance of the Plano Street intersection and staff spoke of scenarios which would allow it to remain an access point; such as construction of an access point at Hillcrest Street and foregoing construction of a Main Street interchange. Concerns were expressed regarding an increase in traffic at Plano and the safety of school children. Staff advised that they would evaluate

the potential effects of moving forward with each available option.

Mr. Reed then presented projects aimed at addressing the SR 190/Hillcrest Street intersection; and briefly reviewed proposed project strip maps for SR 190 Westwood to Hillcrest and Hillcrest to Reservation Road. Mr. Reed and Mr. MacDonald addressed questions from the public regarding the widening of SR 190, the construction of frontage roads and acquisition of property.

Staff recommendations were presented as follows:

- Construct a westbound auxiliary lane from Jaye Street to SR 65. Preliminary Estimate of Probable Cost is: \$1,200,000;
- Construct an eastbound auxiliary lane from SR 65 to Jaye Street. Preliminary Estimate of Probable Cost is: \$8,700,000;
- Construct signalized intersections at the Main Street ramp terminals. The eastbound ramp would include dedicated left and right turn lanes. Preliminary Estimate of Probable Cost is: \$1,200,000;
- Reconstruct Plano Street/SR 190 intersection to accommodate four (4) lanes with dedicated dual left and right turn lanes on all approaches with new traffic signals. Preliminary Estimate of Probable Cost is: \$7,500,000; and
- Create a new SR 190 access point at the Hillcrest Street alignment. Construction of a four (4) lane roadway from Worth Avenue to Springville Avenue, including a bridge across the Tule River. The actual intersection would be controlled by a roundabout or traffic signal. Preliminary Estimate of Probable Cost is: \$25,300,000.

City Engineer Reed spoke of the requested amendment to the Measure R Expenditure Plan, which if approved by the Tulare County Transit Authority Board, would make \$108,000,000 available for improvements along SR 190 between SR 99 and Reservation Road.

Following the presentation, staff and Mr. MacDonald addressed questions regarding Riverwalk and the SR 190/Jaye Street intersection; the prioritization of projects; available funding; and access to the State Hospital.

ORAL COMMUNICATIONS

- An unidentified individual came forward to inquire whether the Council had sent condolences to the Tribal Council regarding a recent tragedy at the Tule River Reservation.

OTHER MATTERS

None

ADJOURNMENT

The Council adjourned at 8:48 p.m. to the meeting of December 18, 2012.

SEAL

Luisa M. Herrera, Deputy City Clerk

Virginia R. Gurrola, Mayor

**CITY COUNCIL MINUTES
CITY HALL, 291 N. MAIN STREET
PORTERVILLE, CALIFORNIA
DECEMBER 18, 2012, 5:30 P.M.**

Call to Order at 5:30 p.m.

Roll Call: Council Member Ward, Vice Mayor McCracken, Council Member Shelton (arrived during Closed Session), Council Member Hamilton, Mayor Gurrola

The Council adjourned to a Joint Meeting of the Porterville City Council and Successor Agency to the Porterville Redevelopment Agency.

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

Roll Call: Agency Member Ward, Vice Chair McCracken, Agency Member Shelton (arrived late), Agency Member Hamilton, Chair Gurrola

ORAL COMMUNICATIONS

None

JOINT CITY COUNCIL/AGENCY CLOSED SESSION:

- A. Closed Session Pursuant to:
- 1- Government Code Section 54956.9(b) – Conference with Legal Counsel – Anticipated Litigation – Significant Exposure to Litigation: One Case concerning a dispute with the County of Tulare regarding the Redevelopment Project Area Amendment.

During Closed Session, the Joint Council/Successor Agency Meeting adjourned to a Meeting of the Porterville City Council.

CITY COUNCIL CLOSED SESSION:

- B. Closed Session Pursuant to:
- 1- Government Code Section 54956.9(a) – Conference with Legal Counsel – Existing Litigation: City of Porterville v. County of Tulare et al., Tulare County Superior Court No. 249043.
 - 2- Government Code Section 54956.9(a) – Conference with Legal Counsel – Existing Litigation: John Duran v. City of Porterville et al., United States District Court, Eastern District, Case No.: 1:12-CV-01239-LJO-BAM.
 - 3- Government Code Section 54956.9(b) – Conference with Legal Counsel – Anticipated Litigation – Significant Exposure to Litigation: One Case concerning facts not yet known to potential plaintiff.
 - 4- Government Code Section 54956.9(c) – Conference with Legal Counsel – Anticipated Litigation – Initiation of Litigation: One Case.

6:30 P.M. RECONVENE OPEN SESSION

REPORT ON ANY COUNCIL ACTION TAKEN IN CLOSED SESSION

City Attorney Julia Lew reported that no reportable action took place.

Pledge of Allegiance Led by Council Member Hamilton
Invocation – one individual participated.

PROCLAMATIONS

“Buckle Up for Safety and Lives” – December 24, 2012 – January 1, 2013

PRESENTATIONS

Employee Service Awards

Mayor Gurrola took a moment to recognize staff that were attending their last meeting before retirement, and thanked them for their hard work.

AB 1234 REPORTS

1. Tulare County Local Agency Formation Committee (LAFCO) – Council Member Hamilton reported that he was now Chair of LAFCO.
2. Tulare County Association of Governments (TCAG) – Mayor Gurrola reported on discussion regarding the amendment to the usage of Measure R Regional funds.
3. Indian Gaming Local Community Benefit Committee – Council Member Hamilton spoke of new members, and reported that the vast majority of the discussion that took place was during Closed Session.

REPORTS

- I. City Commission and Committee Meetings:
 1. Library and Literacy Commission – Chairwoman Figueroa presented a story map to the Council which illustrated the many ways libraries were adapting; provided an update on the mural; and spoke of November highlights.
 2. Parks & Leisure Services Commission – Chairman Vafeades reported on November and December activities and efforts of the Parks and Leisure Services staff.

Following Mr. Vafeades’ report, Council Members Hamilton and Shelton lauded the Studio Band and the caterer for their services at the Annual Senior Christmas Dinner.

3. Transactions and Use Tax (“Measure H”) Oversight Committee (“TUTOC”) – Chairman Webber informed the Council that the TUTOC had unanimously found the Measure H expenditures to be consistent with the intent of Measure H.
4. Youth Commission – no verbal report.

- II. Staff Informational Items:

1. Vacancy on Transactions and Use Tax (“Measure H”) Oversight Committee –Acting City Manager Patrice Hildreth provided a brief verbal report.

ORAL COMMUNICATIONS

- Brock Neeley, Porterville resident, spoke about Item No. 3, recommending that language be amended in the agreement; and encouraged Council support of Mayors Against Illegal Guns.
- Johnna Key, requested clarification regarding Item Nos. 10 and 18.

CONSENT CALENDAR

Items 4, 9, 10 and 12 were removed for further discussion.

1. AUTHORIZATION TO ADVERTISE FOR BIDS – PLANO STREET BRIDGE AT TULE RIVER PROJECT

Recommendation: That the City Council:

1. Approve Staff’s Plans and Project Manual; and
2. Authorize staff to advertise for bids on the project.

Documentation: M.O. 01-121812

Disposition: Approved.

2. AWARD OF CONTRACT - DIGESTER TRANSFER LINE PROJECT

Recommendation: That the City Council:

1. Award the Digester Transfer Line Project to W. M. Lyles Co., in the amount of \$85,800;
2. Authorize progress payments up to 95% of the contract amount; and
3. Authorize a 10% contingency to cover unforeseen construction costs.

Documentation: M.O. 02-121812

Disposition: Approved.

3. AWARD OF CONTRACT FOR PORTERVILLE MUNICIPAL AIRPORT DRY FARM LEASE

Recommendation: That the City Council award the 4 ½ year lease between the City of Porterville and Perigo Roadsiding for dry farming at the Porterville Municipal Airport and authorize the Mayor to execute the Lease Agreement.

AYES: Ward, Hamilton, McCracken, Gurrola
NOES: None
ABSTAIN: Shelton
ABSENT: None

Documentation: M.O. 03-121812

Disposition: Approved.

5. ADDENDUM NO. 1 TO LEGAL SERVICES AGREEMENT

Recommendation: The City Attorney is requesting that the City Council approve the Addendum extending the term of the Legal Services Agreement through February 28, 2013, pending completion of the performance evaluation process.

Documentation: M.O. 04-121812

Disposition: Approved.

6. ACCEPTANCE OF PROJECT - OLIVE AVENUE COURTHOUSE BUS TURNOUT

Recommendation: That the 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, provide no stop notices have been filed.

AYES: Ward, Hamilton, McCracken, Gurrola

NOES: None

ABSTAIN: Shelton

ABSENT: None

Documentation: M.O. 05-121812

Disposition: Approved.

7. ACCEPTANCE OF PROJECT - MILL AVENUE SEWER

Recommendation: That the 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.

AYES: Ward, Hamilton, McCracken, Gurrola

NOES: None

ABSTAIN: Shelton

ABSENT: None

Documentation: M.O. 06-121812

Disposition: Approved.

8. ACCEPTANCE OF PROJECT - CALEMA REPAIR PROJECT

Recommendation: That the 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.

AYES: Ward, Hamilton, McCracken, Gurrola
NOES: None
ABSTAIN: Shelton
ABSENT: None

11. AIRPORT LEASE RENEWAL – SEWER OPERATING FUND

Recommendation: That the City Council approve the renewal of the Lease Agreement between the City of Porterville – Sewer Operating Fund and the Airport Enterprise Fund, and authorize the Mayor to sign said Lease Agreement.

Documentation: M.O. 08-121812

Disposition: Approved.

13. ASSIGN AIRPORT LEASE – LOT 40

Recommendation: That the City Council approve the assignment of the Lease Agreement for Airport Hangar Lot 40 between the City of Porterville and Dr. and Mrs. Dale to Dana Gillespie and Susan Peck of Springville, CA.

Documentation: M.O. 09-121812

Disposition: Approved.

14. REVIEW OF LOCAL EMERGENCY STATUS

Recommendation: That the City Council:

1. Receive the status report and review of the designated local emergency; and
2. Pursuant to the requirements of Article 14, Section 8630 of the California Emergency Services Act, determine that a need exists to continue said local emergency designation.

Documentation: M.O. 10-121812

Disposition: Approved.

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Vice Mayor McCracken that the City Council approve Item Nos. 1-3, 5-8, 11 and 13. The motion carried unanimously, with the exception of Council Member Shelton abstaining from Item Nos. 3, 6, 7, and 8.

PUBLIC HEARINGS

15. REIMBURSEMENT AGREEMENT FOR CONCRETE IMPROVEMENTS
CONSTRUCTED BY THE CITY – WEST NORTH GRAND AVENUE
RECONSTRUCTION PROJECT, SR 65 TO RAILROAD TRACKS

Recommendation: That the City Council:

1. Open the Public Hearing; take public comments, concerns and questions;
2. Approve the resolution Implementing the Development Charges for Construction of Curbs, Gutters and Drive Approaches; and
3. Authorize staff to record a “General Notice of Reimbursement Fee” with the office of the Tulare County Clerk-Recorder.

Acting City Manager Patrice Hildreth introduced the item, and Public Works Director Baldo Rodriguez presented the staff report.

The public hearing was opened at 7:08 p.m. Seeing no one, the Mayor closed the public hearing at 7:09 p.m.

COUNCIL ACTION: MOVED by Council Member Hamilton, SECONDED by Council
Resolution 117-2012 Member Ward that the City Council approve the resolution Implementing the Development Charges for Construction of Curbs, Gutters and Drive Approaches; and authorize staff to record a “General Notice of Reimbursement Fee” with the office of the Tulare County Clerk-Recorder. The motion carried unanimously.

Disposition: Approved.

16. PUBLIC TRANSIT SYSTEM MODIFICATIONS

Recommendation: That the City Council:

1. Hold the required Public Hearing, and after consideration of any comments regarding these matters, direct staff to implement the modifications to the City’s Public Transit System as follows:
 - a. Increase General Transit Service fares from \$1.25 to \$1.50;
 - b. Increase Reduced Transit Service fares from \$0.50 to \$0.75;
 - c. Increase General Transit 31-Day Pass from \$36.00 to \$40.00;
 - d. Increase General Demand Response fares from \$3.00 to \$5.00;
 - e. Increase Reduced Demand Response fares from \$2.00 to \$2.50;
 - f. Eliminate transfers;
 - g. Implement General Transit 1-Day Pass for \$3.00;
 - h. Implement Reduced Transit 1-Day Pass for \$1.50;
 - i. Implement Student Transit 31-Day Pass for \$25.00;
 - j. Implement Reduced Transit 31-Day Pass for \$20.00;
 - k. Increase Senior age from 62 to 65 years and older;
 - l. Increase Free Children age from 4 to 5 years and younger;
 - m. Increase Reduced Transit Fare from 9:00 am to 1:00 pm to all day.

Acting City Manager Patrice Hildreth introduced the item, and Public Works Director Baldo Rodriguez introduced Transit Manager Steve Tree, who presented the staff report.

The public hearing opened at 7:25 p.m. Seeing no one, the Mayor closed the public hearing at 7:26 p.m.

Mr. Tree announced that no written comments had been received with regard to the proposed changes, and addressed Council questions regarding student and senior ridership, the elimination of transfers, and General Demand Response Fees. Council Members Ward and Shelton expressed their concerns with the fares for student riders and the age requirement for seniors.

Council Member Hamilton moved, and Vice Mayor McCracken seconded that the Council approve staff's recommendation. City Attorney Lew noted that a draft resolution had been provided to the Council for its consideration. Council Member Shelton then made a motion to amend the age for classification as a senior to remain 62, which died for lack of a second.

COUNCIL ACTION: MOVED by Council Member Hamilton, SECONDED by Vice Mayor
Resolution 118-2012 McCracken that the City Council adopt the draft resolution approving
the proposed modifications to the City's Public Transit System.

AYES: Ward, Hamilton, McCracken, Gurrola
NOES: Shelton
ABSTAIN: None
ABSENT: None

Disposition: Approved.

17. ADOPTION OF DEVELOPMENT AGREEMENT FEE

Recommendation: That the City Council adopt the draft resolution setting forth the fee at \$1,211.00 (rounded to the nearest dollar) for a Development Agreement Application as required by Chapter 609 of the Porterville Development Ordinance.

Acting City Manager Hildreth introduced the item, and the staff report was presented by Community Development Director Brad Dunlap.

The public hearing was opened at 7:57 p.m.

- Dennis Townsend, noted that all fees were eventually passed on to the end user; commented that there was not a great need for Development Agreements due to the specificity of the Development Ordinance; and encouraged the Council to be developer friendly and to not adopt any new fees.

The public hearing was closed at 8:02 p.m.

Vice Mayor McCracken moved to approve staff's recommendation, which was seconded by Council Member Hamilton. The Vice Mayor then made a motion to amend his original motion by striking the \$1,211.00 and inserting \$2,480 for full cost recovery. The motion died for lack of a second.

Council Member Shelton voiced his opposition to the proposed fee. City Attorney Lew and Community Development Director Dunlap addressed comments made by Council Member Shelton regarding the use of development agreements. They clarified that it was not meant to grant variances, but instead had to do with vested rights and was initiated by a developer, and added that it was not tied to building permit fees. Mayor Gurrola spoke in favor of development agreements as a tool for developers.

COUNCIL ACTION: MOVED by Vice Mayor McCracken, SECONDED by Council Member
Resolution 119-2012 Hamilton that the City Council adopt the draft resolution setting forth the
fee at \$1,211.00 (rounded to the nearest dollar) for a Development
Agreement Application as required by Chapter 609 of the Porterville
Development Ordinance.

AYES: Ward, Hamilton, McCracken, Gurrola
NOES: Shelton
ABSTAIN: None
ABSENT: None

Disposition: Approved.

The Council recessed for five minutes.

SECOND READINGS

18. ORDINANCE 1794, APPROVING ZONE CHANGE AT HENDERSON AVENUE
AND PROSPECT STREET

Recommendation: That the City Council give Second Reading to Ordinance No. 1794, waive
further reading, and adopt said Ordinance.

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

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Council Member
Ordinance 1794 Hamilton that the City Council give Second Reading to Ordinance No.
1794, waive further reading, and adopt said Ordinance, being AN
ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
PORTERVILLE APPROVING ZONE CHANGE (PRC 2012-010-Z)
FROM RM-3 (HIGH DENSITY RESIDENTIAL) TO CR (RETAIL
CENTERS) FOR THAT .56± ACRE SITE LOCATED GENERALLY

AT THE NORTHEAST CORNER OF HENDERSON AVENUE AND
PROSPECT STREET.

AYES: Ward, Hamilton, McCracken, Gurrola
NOES: None
ABSTAIN: Shelton
ABSENT: None

The Ordinance was read by title only.

Disposition: Approved.

Council Member Hamilton requested that staff monitor Walgreen's following the company's payment of \$16 million to settle a suit regarding alleged illegal dumping of hazardous materials.

CONSENT CALENDAR (ITEMS REMOVED FOR FURTHER DISCUSSION)

4. AWARD OF CONSULTANT SERVICE AGREEMENT – PLANO STREET/TULE
RIVER BRIDGE WIDENING & REHABILITATION PROJECT

Recommendation: That the City Council:

1. Award the Plano Street/Tule River Widening and Rehabilitation Consultant Assistance Service Agreement to the firm of Nolte & Associates in the amount of \$80,444;
2. Authorize a 10% contingency to cover unforeseen issues that might arise;
3. Authorize progress payments up to 100% of the contract amount; and
4. Authorize the Mayor to execute the Service Agreement.

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

Public Works Director Baldo Rodriguez explained the need for the consultant, who designed the bridge, at the request of Council Member Shelton.

COUNCIL ACTION: MOVED by Council Member Shelton, SECONDED by Council Member
M.O. 11-121812 Ward that the City Council award Plano Street/Tule River Widening and Rehabilitation Consultant Assistance Service Agreement to the firm of Nolte & Associates in the amount of \$80,444; authorize a 10% contingency to cover unforeseen issues that might arise; authorize progress payments up to 100% of the contract amount; and authorize the Mayor to execute the Service Agreement.

Disposition: Approved.

9. CONSOLIDATED WASTE MANAGEMENT AUTHORITY (CWMA)
MEMBERSHIP

Recommendation: That the City Council approve the City of Porterville remaining a member of the CWMA for FY 2013/2014.

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

Council Members Shelton and Hamilton questioned Vice Mayor and CWMA Chair McCracken regarding the decrease in membership dues, and spoke in favor of the City implementing their own programs.

Public Works Director Baldo Rodriguez spoke about options available to the Council, and of recent efforts which resulted in a modification to the dues formula. In response to questions posed by the Council, Field Services Manager Bryan Styles spoke about the handling of household hazardous waste and the funding of said program by the County.

Council Member Shelton made a motion that the City Council serve the CWMA with an intent to withdraw pending further negotiations. The motion died for lack of a second. Vice Chair McCracken clarified that should the Council give a notice of withdrawal the City would still be required to pay dues through the end of the 2012/2013 Fiscal Year. Council Member Shelton then made a motion to withdraw, which also died for lack of a second. At the Council's request, staff advised that a copy of the JPA would be provided to each member for review.

Mayor Gurrola then made a motion to accept staff's recommendation, which was seconded by Council Member Hamilton. Council Member Ward expressed concern with the item being brought to the Council for consideration so near the deadline to withdraw.

COUNCIL ACTION: MOVED by Mayor Gurrola, SECONDED by Council Member Hamilton that the City Council approve amending the motion to include bringing back the item for consideration in November of 2013. The motion carried unanimously.

COUNCIL ACTION: MOVED by Mayor Gurrola, SECONDED by Council Member Hamilton that the City Council approve the City of Porterville remaining a member of the CWMA for FY 2013/2014; and direct staff to schedule the next consideration of CWMA membership in November 2013.

AYES: Ward, Hamilton, McCracken, Gurrola
NOES: Shelton
ABSTAIN: None
ABSENT: None

Disposition: Approved.

10. SELECTIVE TRAFFIC ENFORCEMENT PROGRAM (STEP) GRANT AWARD

Recommendation: That the City Council:

1. Accept the STEP Grant funding from the California Office of Traffic Safety in the amount of \$69,609; and
2. Authorize a budget adjustment to reflect the addition of \$69,609 to the Police Department Budget.

Acting City Manager Hildreth introduced the item, and the staff report was presented by Police Captain Eric Kroutil. At the request of the Council, staff elaborated on the purchase of supplies associated with DUI checkpoints.

COUNCIL ACTION: MOVED by Vice Mayor McCracken, SECONDED by Council Member M.O. 13-121812 Ward that the City Council accept the STEP Grant funding from the California Office of Traffic Safety in the amount of \$69,609; and authorize a budget adjustment to reflect the addition of \$69,609 to the Police Department Budget. The motion carried unanimously.

Disposition: Approved.

12. AIRPORT LEASE RENEWAL – SPORTS COMPLEX PARKING

Recommendation: That the City Council approve the renewal of the Lease Agreement between the City of Porterville and the Airport Enterprise Fund and authorize the Mayor to sign said Lease Agreement.

Acting City Manager Hildreth introduced the item, and the staff report was waived at the Council's request. In response to an inquiry made by Council Member Shelton, staff attributed the decrease in the annual lease agreement to a recent market rent appraisal of airport land properties.

COUNCIL ACTION: MOVED by Council Member Shelton, SECONDED by Council Member M.O. 14-121812 Ward that the City Council approve the renewal of the Lease Agreement between the City of Porterville and the Airport Enterprise Fund and authorize the Mayor to sign said Lease Agreement. The motion carried unanimously.

Disposition: Approved.

The Council adjourned at 9:12 p.m. to a meeting of the Porterville Public Financing Authority.

PORTERVILLE PUBLIC FINANCING AUTHORITY AGENDA **291 N. MAIN STREET, PORTERVILLE, CA**

Roll Call: Public Financing Authority

WRITTEN COMMUNICATION

None

ORAL COMMUNICATIONS

None

PUBLIC FINANCING SCHEDULED MATTER

PFA-1. ANNUAL MEETING OF THE PORTERVILLE PUBLIC FINANCING AUTHORITY

Recommendation: That the City Council, sitting as the Porterville Public Financing Authority, hold a public meeting in accordance with the Authority's By-laws, accept the public comment, and approve the 2012 Status Report for the Redevelopment Bond Issue #1 and refinance of Tax Allocation Bond Projects.

Acting City Manager Hildreth introduced the item, and Community Development Director Dunlap presented the staff report.

AUTHORITY ACTION: MOVED by Vice Chair McCracken, SECONDED by Director Ward that the City Council, sitting as the Porterville Public Financing Authority, hold a public meeting in accordance with the Authority's By-laws, accept the public comment, and approve the 2012 Status Report for the Redevelopment Bond Issue #1 and refinance of Tax Allocation Bond Projects.
PFA 01-121812

AYES: Ward, Hamilton, McCracken, Gurrola
NOES: None
ABSTAIN: Shelton
ABSENT: None

Disposition: Approved.

The Public Financing Authority adjourned at 9:15 p.m. to a meeting of the Porterville City Council.

ORAL COMMUNICATIONS

- Johnna Key, spoke about Oregon permitting the use of marijuana in public.

OTHER MATTERS

- Council Member Shelton: spoke about a conversation with the new District Attorney regarding office space, and requested that the City consider preparing available properties for potential buyers and/or lessees; spoke of his attendance at the funeral of Alyssa Celaya, and provided an update on the medical condition of her two surviving siblings.

After a brief discussion the Council directed staff to schedule a Study Session regarding the Industrial Park and other available properties.

- Council Member Ward spoke of the recent tragedies at the Tule River Indian Reservation and Sandy Hook Elementary in Connecticut, and gave his condolences.

- Mayor Gurrola also expressed her sadness and disbelief following the recent tragedies; and thanked the Area Coordinating Council for their distribution of goods to needy families.

CLOSED SESSION

At 9:24 p.m. the Council reconvened in Closed Session. Upon their return, it was reported that no reportable action was taken.

ADJOURNMENT

The Council adjourned at 9:55 p.m. to the meeting of January 15, 2013.

SEAL

Luisa M. Herrera, Deputy City Clerk

Virginia R. Gurrola, Mayor

COUNCIL AGENDA: JANUARY 15, 2013

SUBJECT: AUTHORIZATION TO ADVERTISE FOR BIDS – VETERAN'S PARK BOOSTER PUMP PROJECT - ADDITIONS OF PUMPS #2 & #3

SOURCE: Public Works Department - Engineering Division

COMMENT: Plans and Project Manual have been prepared for the Veteran's Park Booster Pump Project by the City's consultant, Dee Jaspar and Associates. The project consists of installing above ground 12" water main, booster pumps, electrical equipment, SCADA integration and related appurtenances. The booster pump plant is located on the east side of Newcomb Street, north of Morton Avenue within Veteran's Park. The purpose of the booster pump station is to draw water from our more prominent water source within the West Pressure Zone and pump it to the Central Pressure Zone where the City's storage facilities are located. The addition of Pump #2 and Pump #3 will increase capacity and redundancy to the pumping plant.

The Plans and Project Manual have been completed and are available in the La Barca Conference Room for Council's review.

The estimated probable cost for the base bid is \$197,637 with an additional \$19,764 required for the construction contingency (10%). An additional \$37,000 is required for construction management, quality control and inspection. The total estimated project cost is \$254,401. An Estimate of Probable Cost is attached for Council's review.

Initially the Water Replacement Fund will finance the project as approved in the 2012/2013 Annual Budget. These funds will be reimbursed via the City's CIEDB Loan.

RECOMMENDATION: That City Council:

1. Approve staff's recommended plans and project manual; and
2. Authorize staff to advertise for bids on the project.

ATTACHMENTS: Estimate of Probable Cost
Locator Map

P:\pubworks\General\Council\Authorization to Advertise for Bids - Veteran's Park Booster Pump - 2013-01-15.doc

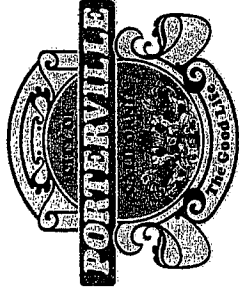
Dir BSL Appropriated/Funded MB CM J

Item No. 2

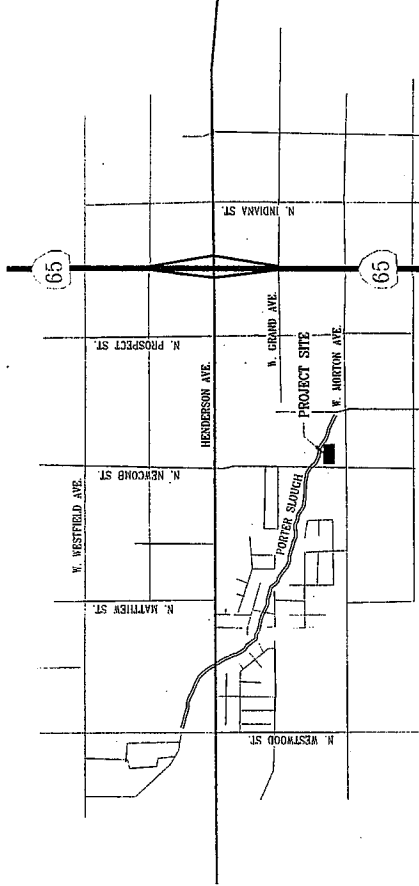
VETERAN'S PARK BOOSTER PUMP PROJECT

PROJECT NO. 89-9798

SHEET INDEX	
CITY & VICINITY MAP	SHEET 1
SITE PLAN	SHEET 2
PROPOSED IMPROVEMENTS	SHEET 3
MECHANICAL DETAILS	SHEET 4
WATER	SHEET 5
ELECTRICAL	SHEET 6
ELECTRICAL - SINGLE LINE & ELEVATION	SHEET 7
ELECTRICAL - CONTROL DIAGRAM	SHEET 8
ELECTRICAL - PANEL SCHEDULE	SHEET 9
ELECTRICAL - DETAILS	SHEET 10
TOTAL	10 SHEETS



SECTION 27, T.21S., R.27E., M.D.P.A.M.



VICINITY MAP
SCALE: N.T.S.

DESIGNED BY
PATRICK PEAY

DATE: 08/10
10-30-10

APPROVED BY
CITY ENGINEER

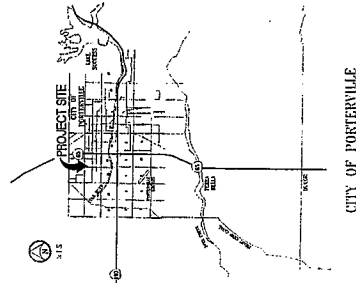
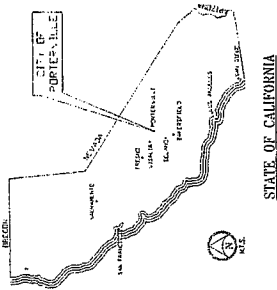
DATE: 08/10
10-30-10

REVIEWED BY: MICHAEL E. REED, P.E.
CITY ENGINEER

DATE: 08/10
10-30-10

APPROVED BY: VALERIANO E. RODRIGUEZ
DIRECTOR OF PUBLIC WORKS

DATE: 08/10
10-30-10



CITY OF PORTERVILLE
TULARE COUNTY, CALIFORNIA

PRELIMINARY



DEE JASPAR & ASSOCIATES, INC.
CONSULTING CIVIL ENGINEERS

15 W. Putnam Ave., 2nd Floor
Porterville, CA 93257
PHONE (661) 393-4796
FAX (661) 393-4799

October 16, 2012

**City of Porterville
Veteran's Park Booster Pump Project
Engineer's Cost Estimate**

Item	Item Description	Quantity	Unit	Unit Price	Amount
1	Mobilization, Demobilization, Clean-up	1	LS	\$10,000	\$10,000
2	Earthwork (Clear and grub, fine grading)	1	LS	\$1,000	\$1,000
3	14" Fusion Bonded Epoxy Steel Piping	19	LF	\$120	\$2,280
4	12" Fusion Bonded Epoxy Steel Piping	38	LF	\$100	\$3,800
5	10" Fusion Bonded Epoxy Steel Piping	24	LF	\$90	\$2,160
6	Concrete Pump Foundations (including overexcavation)	2	EA	\$3,500	\$7,000
7	Pipe Supports	8	EA	\$550	\$4,400
8	Relocate 2" Air Release Valve	2	EA	\$300	\$600
9	10" Dresser Coupling w/ Joint Restraint	2	EA	\$750	\$1,500
10	14" Butterfly Valve	1	EA	\$3,000	\$3,000
11	12" Butterfly Valve	1	EA	\$2,500	\$2,500
12	12" Gate Valve	2	EA	\$3,000	\$6,000
13	10" Butterfly Valve	2	EA	\$2,000	\$4,000
14	10" Check Valve	2	EA	\$3,000	\$6,000
15	1,000 gpm Booster Pump and Motor	2	EA	\$12,500	\$25,000
16	3/4" Class II Aggregate Base Site Ground Cover	8	CY	\$150	\$1,200
17	Well 20 Site Fencing Modifications	94	LF	\$45	\$4,230
18	Painting System	1	LS	\$10,000	\$10,000
19	Electrical and Controls	1	LS	\$80,000	\$80,000
20	Siemens Representation at Startup	1	LS	\$5,000	\$5,000

Subtotal \$179,670
10% Contingency \$17,967
Total \$197,637

Prepared By: Jeffrey J. Pray
Jeffrey J. Pray, Dee Jaspar & Associates, Inc.

10-16-12
Date

Reviewed By: Michael K. Reed
Michael K. Reed, City Engineer

1/4/2013
Date

Reviewed By: Baldomero S. Rodriguez
Baldomero S. Rodriguez, Public Works Director

1/7/2013
Date

Reviewed By: John Hollis
John Hollis, City Manager

01/08/13
Date



SUBJECT: AUTHORIZATION TO ADVERTISE FOR BIDS – WEST STREET CALEMA REPAIR PROJECT

SOURCE: Public Works Department - Engineering Division

COMMENT: The Plans and Project Manual have been prepared for the second segment of CalEMA Repair Projects. The proposed project includes repairing areas on West Street damaged during the December 2010 floods.

- West Street South of Scranton Avenue – Remove and replace 2,033 square feet of deteriorated asphalt and appurtenances.
- West Street North of Tea Pot Dome Avenue – Remove and replace 1,400 square feet of deteriorated asphalt and appurtenances including installation of a storm drain siphon system to prevent future run-off problems.

The Plans and Project Manual have been completed and are available in the La Barca Conference Room for Council's review. The Engineer's estimate of probable cost for construction of flood damaged areas is \$28,098.00 with an additional \$2,800.00 required for construction contingency. The Engineer's estimate of probable construction cost for installation of the storm drain siphon system is \$12,000.00 with an additional \$1,200.00 required for construction contingency. It is anticipated that an additional \$8,000.00 is required for construction management, quality control and inspection for a total estimated probable cost of \$52,098.00.

CalEMA Disaster Relief is the funding source for a majority of this project and will reimburse the City for construction costs associated with repair of the flood damaged areas. The funding allocation was approved in the 2012/2013 Annual Budget.

The storm drain siphon system is not a reimbursable component of the allocated CalEMA funds. Staff is requesting a partial appropriation from the \$40,000 (State Transportation Funds) allocated to the Miscellaneous Curb and Gutter Project, which was also approved in the 2012/2013 Annual Budget. The amount being requested is \$21,200.00 to fund the drainage control portion of this project, which includes construction management, quality control and inspection costs for this item of work.

RECOMMENDATION: That City Council:

1. Authorize Staff to appropriate \$21,200.00 from the Miscellaneous Curb and Gutter Project account to fully finance the West Street CalEMA Repair Project;
2. Approve Staff's recommended Plans and Project Manual; and
3. Authorize staff to advertise for bids on the project.

ATTACHMENTS: Locator Map, Engineer's Estimate

Dir. 382 Appropriated/Funded MR CM J

Item No. 3

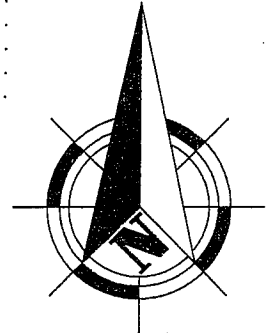
PROJECT LOCATION MAP

CALEMA REPAIR
WEST ST AT SCRANTON AVE &
TEA POT DOME AVE

WESTWOOD ST.

SCRANTON AVE.

PROJECT
LOCATION



0' 300' 600' 1200'

SCALE: 1" = 600'

YOWLUMNE AVE.

WUKCHUMNI AVE.

YAUDANCHI ST.

WEST ST.

PROJECT
LOCATION

TEA POT DOME AVE.

PROJECT - CALEMA REPAIR PROJECT - WEST STREET

Date: 12-20-2012

BASE BID PART A - West Street South of Scranton Avenue Asphalt Repair

ITEM NO.	EST. QTY.	UNIT	ITEM	UNIT PRICE	TOTAL PRICE
1	1	L.S.	Mobilization and Demobilization	\$1,500.00	\$1,500.00
2	1	L.S.	Striping & Marking	\$1,000.00	\$1,000.00
3	1	L.S.	Traffic Control	\$1,500.00	\$1,500.00
4	2,033	S.F.	Remove existing Asphalt and repave with 3" of 1/2" PG 64-10 Asphalt Concrete	\$6.00	\$12,198.00
SUBTOTAL					\$16,198.00

BASE BID PART B - West Street North of Teapot Dome Avenue Asphalt Repair

ITEM NO.	EST. QTY.	UNIT	ITEM	UNIT PRICE	TOTAL PRICE
5	1	L.S.	Mobilization and Demobilization	\$1,000.00	\$1,000.00
6	1	L.S.	Striping & Marking	\$1,000.00	\$1,000.00
7	1	L.S.	Traffic Control	\$1,500.00	\$1,500.00
8	1400	S.F.	Remove existing Asphalt and repave with 3" of 1/2" PG 64-10 Asphalt Concrete	\$6.00	\$8,400.00
SUBTOTAL					\$11,900.00

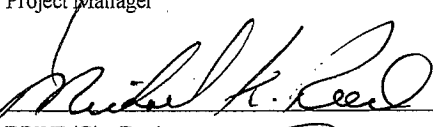
BASE BID PART C - West Street & Teapot Dome Avenue Storm Drain

ITEM NO.	EST. QTY.	UNIT	ITEM	UNIT PRICE	TOTAL PRICE
9	1	L.S.	Mobilization and Demobilization	\$1,000.00	\$1,000.00
10	1	L.S.	Traffic Control	\$1,500.00	\$1,500.00
11	2	EA.	Type GCP Concrete Pipe Inlets per detail on plans	\$2,500.00	\$5,000.00
12	75	L.F.	18" Class III RCP Including Removal of Existing CMP	\$60.00	\$4,500.00
SUBTOTAL					\$12,000.00

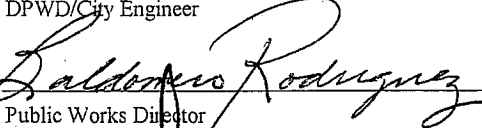
TOTAL PART A & PART B CALEMA \$28,098.00
 TOTAL PART C STORM DRAIN \$12,000.00
 CONSTRUCTION TOTAL \$40,098.00
 10% CONSTRUCTION CONTINGENCY \$4,000.00
 CONSTRUCTION MANAGEMENT \$8,000.00
 TOTAL ESTIMATED COST OF PROJECT \$52,098.00


 Project Manager

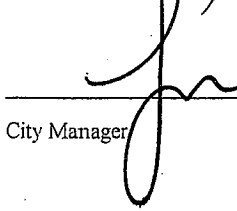
 12-20-12
 Date


 DPWD/City Engineer

 12-28-2012
 Date


 Public Works Director

 1/8/13
 Date


 City Manager

 01/08/13
 Date

CITY COUNCIL AGENDA: JANUARY 15, 2013

SUBJECT: AWARD OF CONTRACT: ON-CALL CONSULTING SERVICES

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT – PLANNING DIVISION

COMMENT: On October 16, 2012, the City Council authorized staff to distribute a Request for Qualifications for On-Call Consulting Services. The Request for Qualifications (RFQ) was sent to fifteen (15) firms with offices throughout the Central Valley and the Los Angeles area. The City received six (6) responses and interviewed all responsive firms. The six (6) responsive firms were: Michael Brandman Associates, Willdan Engineering, Quad Knopf, LSA, Meridian Consultants, and Provost & Pritchard Consulting Group. All firms were found to meet the desired qualifications.

Since 2003, the City has maintained an on-call consulting services contract with only one consulting firm at any given time. The firm has provided services on private development projects where the developer pays the cost of certain environmental studies, or has provided services for the City where a project has a designated funding source for environmental or other specialized consulting services. At this time, staff is proposing to enter consultant services agreements with three (3) firms, so that staff can solicit proposals from those three (3) firms, rank them appropriately, and execute task orders as needed. To that end, staff has selected the top three (3) consulting firms, allowing even greater flexibility, expedited response time, and capacity for the City's consulting needs. The proposed contract has a term of three (3) years, with two (2) possible one (1) year extensions.

Initial projects to be pursued under these contracts would include:

- Murry Park Extension
- Industrial Area Expansion (Smart Valley Places Grant project)
- Biological studies for projects in sensitive areas
- Tule River Parkway

As a result of the review of the Statements of Qualifications and the interview process, the top ranking firms are identified as follows:

1. Provost & Pritchard Consulting Group
2. LSA
3. Quad Knopf

RECOMMENDATION: That the City Council:

1. Authorize staff to negotiate on-call contracts with Provost & Pritchard Consulting Group, LSA, and Quad Knopf;
2. Authorize the Mayor to sign contract documents;
3. Authorize the Community Development Director to sign task orders; and

4. Authorize staff to make payments up to 100% upon satisfactory completion of tasks.

ATTACHMENTS:

1. Staff report from October 16, 2012 authorizing distribution of Request for Qualifications

CITY COUNCIL AGENDA: OCTOBER 16, 2012

CONSENT CALENDAR

SUBJECT: AUTHORIZATION TO DISTRIBUTE REQUEST FOR QUALIFICATIONS (RFQ) FOR ON-CALL CONSULTING SERVICES.

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT

COMMENT: Since 2003, the City of Porterville has maintained an On-Call Consulting Services contract with a consulting firm to provide environmental and other specialized services to the City when there is an identified funding source or for developers wishing to shorten the timeline for recruiting for and bringing a separate consultant on board for a project. The City recently hired on-staff the most recent consultant as City Planner, resulting in a lack of a consultant to use for specialized environmental, archaeological, biological and other specialty services. These services have been utilized on a number of private development projects as well as public works projects that include, but are not limited to, elderberry mitigation monitoring, environmental for parks and CDBG projects, road widening and extension projects. At this time staff is requesting authorization to distribute a Request for Qualifications (RFQ) for On-Call Consulting Services.

The services to be rendered under this contract would consist of, but not be limited to, the preparation of Initial Studies, Negative Declarations, Environmental Impact Reports and where appropriate, Categorical Exclusions, Environmental Assessments, Environmental Impact Studies and other documents as necessary to comply with state and federal environmental guidelines. The selected consultant must have a substantial working knowledge of CEQA and NEPA, and the ability to perform specialized studies such as wetlands delineations, biological surveys, and archaeological surveys and must possess strong writing and communication skills and have a flexible schedule that will allow for attendance at meetings as necessary. Although the Community Development Director or City Planner will review the consultant's work, the above referenced skills are essential to meeting the objectives of this program.

In addition to the preparation of environmental documents and studies, it is anticipated that the City will have a number of projects requiring on-site biological and/or archaeological monitoring during construction. Other services typically rendered by the selected firm may also be utilized from time to time. It is intended that the successful consultant will perform on both public and private sector projects. Pursuant to the City's Development Ordinance and local CEQA Guidelines, the City provides an option to developers to utilize the City's on-call services in lieu of going through the separate RFQ process. Members of the development community have utilized this service a number of times.

Many of the City's larger development projects (Riverwalk I and Jaye Street Crossing) over the course of the consultant services period have utilized the consultant to expedite and provide specialized services and technical studies to comply with CEQA/NEPA. Most recently, the consultant contract was utilized to expedite the preparation of technical studies for private development projects including a traffic impact report for a proposed large mixed use development, and a traffic impact fee determination for a new Walgreen's store. Biological evaluation of the City's elderberry beetle mitigation area as required by the US Fish & Wildlife Service has been provided by the consultant with biological specialization. Categorically funded public works projects such as CMAQ and CalEMA projects also make use of the on-call consultant.

RECOMMENDATION: That City Council authorize staff to distribute a Request For Qualifications for On-Call Consulting Services

ATTACHMENTS: Request for Qualifications

CITY OF PORTERVILLE

REQUEST FOR QUALIFICATIONS (RFQ) FOR ON-CALL CONSULTANT SERVICES FOR PROJECTS WITH IDENTIFIED FUNDING SOURCES

The City of Porterville seeks the services of an environmental consultant or consulting firm to provide assistance to City Staff as necessary in the preparation of environmental documents for certificates of participation and other projects with identified funding sources. The services to be rendered under this contract would consist of the preparation of Initial Studies, Negative Declarations, Environmental Impact Reports and where appropriate, Categorical Exclusions, Environmental Assessments and other documents as necessary to comply with state and federal environmental guidelines. It is anticipated that the majority of the work effort would be focused on CEQA compliance. The selected environmental consultant must have a substantial working knowledge of CEQA and NEPA, must possess strong writing and communication skills and have a flexible schedule that will allow for attendance at meetings as necessary. Although the consultant's work will be reviewed by the Community Development Director or City Planner, the above referenced skills are essential to meeting the objectives of this program.

In addition to the preparation of environmental documents and studies, it is anticipated that the City will have a number of projects requiring on-site biological and/or archaeological monitoring during construction. Other services typically rendered by the selected firm may also be utilized during the course of this agreement.

SCOPE OF ENVIRONMENTAL CONSULTANT SERVICES:

The consultant will respond directly to the Community Development Manager or her designee on a particular project. The selected consultant will perform, but not be limited to the following tasks:

1. Compile background data necessary for the preparation of the appropriate environmental documents.
2. Prepare Initial Study checklists, technical studies, categorical exemptions, negative declarations, mitigated negative declarations, environmental impact reports, environmental assessments, categorical exclusions and environmental impact statements.
3. Develop timelines and work hour estimates necessary for the preparation of the environmental documents based on specific projects.
4. Identify key factors that need to be evaluated and that may require hiring a specialist in a particular area of analysis (i.e. air quality, noise, etc.). This may be addressed through services normally rendered by the consultant under this contract.
5. Coordinate early consultation and ongoing meetings with City staff and staff at other agencies.

**ATTACHMENT
ITEM NO. 1**

6. Prepare appropriate forms associated with the applicable environmental document such as public hearing notices, notices of determination, negative declarations, notice of completion, etc.
7. Prepare requests for proposals for the preparation of technical studies to be utilized in the preparation of the environmental documents.
8. Provide biological and archaeological and other technical analysis staff or sub-consultants for project site monitoring during construction activities in response to project specific mitigation measures.
9. Provide other consulting services as available through the selected firm.
10. Other Requirements:

- a) The selected firm will be required to carry and provide certificates of insurance for general and automobile liability insurance as follows:

General Liability	\$1,000,000 minimum per occurrence
Automobile Liability	\$1,000,000 minimum per occurrence
Workers Compensation	Statutory Limits

The General Liability is to contain or be endorsed to name the City, its officers, officials, employees and agents as Additional Insured as respects liability arising out of the activities performed in connection with this contract. The coverage shall be primary and shall apply separately to each insured against whom claim is made or suit is brought, except with respect to the limits of the insurer's liability. Original endorsements, signed by a person authorized to bind coverage on its behalf, shall be furnished to the City by the successful firm.

- b) The selected consultant/firm shall indemnify and hold harmless the City, its officers, employees and agents from and against all claims, damages, losses and expenses caused in whole or in part by any negligent act or omission of the firm, its consultants, subcontractors, anyone directly or indirectly employed by any of them, or anyone for whose acts any of them may be liable, except where caused by the active negligence or willful misconduct by the City.
- c) Labor and material proposals submitted on this form shall be subject to the provisions of Section 1700, California Labor Code, as specified by Section 3700, California Labor Code, which requires Worker's Compensation insurance to be provided by the selected consultant/firm.
- d) Worker's Compensation policy(ies) are to be endorsed to include a waiver of subrogation against the City, its officers, officials, employees and agents.

- e) The firm and its employees are independent contractors and not employees of the City of Porterville. The Firm and/or its insurers are responsible for payment of any liability arising out of worker's compensation, unemployment, or employee benefits offered to its employees.
- f) Insurance is to be placed with insurers with a current A.M. Best's rating of no less than A:VII, unless otherwise acceptable to the City.
- g) Endorsements are to be received and approved by the City before work commences.
- h) The successful consultant/firm shall obtain a City of Porterville business license. Fee is based on gross receipts for all business transactions in the City of Porterville. For information, contact the Business License clerk at (559) 782-7457.
- i) A service contract will be provided, by the City, to the selected contractor.
- j) All work performed by the consultant under this contract shall be under the ownership of the City of Porterville.
- k) All work performed under this contract shall be researched, prepared and executed in a professional and competent manner for which the consultant will be responsible.
- l) In accordance with City of Porterville and Caltrans policy, disadvantaged business enterprises (DBE), including qualified small minority and woman-owned firms, are encouraged to submit a proposal or otherwise participate in the completion of the work covered by this request. No DBE participation goals have been established for this project.
- m) The employee(s) identified in the proposal as performing the duties under this contract shall not be replaced without the prior written approval of the Community Development Director of the City of Porterville.

DESIRABLE QUALIFICATIONS OF THE CONSULTANT

The City is seeking a qualified consultant to provide on-call consulting services for the preparation of environmental documents, studies, related notices and mitigation monitoring for compliance with the applicable environmental regulations and other consulting services. The desired consultant shall have the following qualifications:

- 1) Extensive experience in the preparation of environmental documents in compliance with CEQA and NEPA.
- 2) The Consultant's proven ability to expeditiously and accurately produce the required product in a concise and useable format.

- 3) Knowledge of the City of Porterville development and environmental review process is highly desirable.
- 4) The consultant must possess strong writing skills and be proficient using Microsoft Word and other standard software programs.
- 5) Be equipped with qualified biologists available for construction monitoring for project specific mitigation measures, and to provide site specific project reviews for non-discretionary projects as needed.
- 6) Provide archaeological services either in house or through a subconsultant that is listed on the Southern San Joaquin Valley Information List of qualified consultants.

CONTENTS OF STATEMENTS OF QUALIFICATIONS TO BE SUBMITTED TO CITY

Environmental Consultants/Consulting firms wishing to be considered for selection to provide the services to the City described herein should submit Statements of Qualifications in their proposals containing the following information:

- 1) A description, including background, size and orientation of the firm.
- 2) A summary of the qualifications of the firm to perform the services described herein, including, but not necessarily limited to:
 - a. the firm's previous experience in preparing environmental documents/studies; and
 - b. the firm's previous experience in performing similar services for other agencies; and
 - c. the firm's previous experience with the City of Porterville and familiarity with the community; and
 - d. the firm's ability to produce the required product in a timely fashion, within budget and ability to present such reports to elected officials and the general public.
- 3) Prospective consultants shall describe the qualifications of all professional personnel to be assigned to this project, including a summary of similar work or studies each member has performed and a resume of each professional involved with this contract.
- 4) Prospective consultants shall designate by name the project planner/manager to be employed in this effort. The selected consultant shall not substitute the project planner/manager without prior approval by the Community Development Director of the City of Porterville.

The proposal shall contain the fee(s) the firm proposes to charge for the services to be provided. The fee(s) shall be in the form of hourly rates which consider all billable expenses such as mileage, materials, insurance, phones, etc. Time will be of the essence in completing the services described in relation to this project. It is anticipated that this effort may require significant staff resources at times, particularly for mitigation monitoring during construction projects. It is also important that when services are requested, that the consultant will return to the City for work within five (5) working days in the event a lapse in service occurs.

Four (4) copies of the proposal should be submitted by not later than 5:00 P.M., November 12, 2012 to:

City of Porterville
Planning Division
Attn: Bradley D. Dunlap
Community Development Director
291 North Main Street
Porterville, CA 93257

The proposals must be submitted in an envelope clearly marked with the proposer's name and "Qualifications for Consulting Services". Late or incomplete proposals will not be considered by the City.

SELECTION PROCESS:

Proposals will be evaluated using the attached Exhibit "A" the Consultant Selection Rating Form.

INQUIRIES REGARDING THIS RFQ:

Any inquiries regarding this RFQ or the project described herein should be directed to Bradley D. Dunlap, Community Development Director, by calling (559) 782-7460.

RESPONSE TO REQUEST FOR QUALIFICATIONS FOR
ENVIRONMENTAL CONSULTING SERVICES

TO: City of Porterville

FROM:

Name/Company

Address

City, State, Zip Code

Telephone No.

Fax No.

Proposal Amount:

Hourly Rate

Availability/hours per week

Project Manager/Principal

Project Planner

Clerical (If applicable)

Notice prior to commencing work on particular project _____ hours/days.

(Summary of qualifications, references and relevant experience must be attached.)

Signature

Date

Name and Title (Printed)

October 19, 2012

Subject: Request for Qualifications (RFQ) – On-call Consulting Services

The City of Porterville is in the midst of a significant number of public and private improvement projects. While some of the projects will continue to require selected consultants to work in conjunction with an engineering firm in the design and environmental review process, there are a number of other projects that require environmental clearance that are designed in house or are derived from other specified funding sources. Therefore, the City of Porterville is requesting qualifications for consulting services to assist staff in the preparation of the required environmental documents and studies. The consulting services described in the attached RFQ will be performed upon request as projects are initiated by the City.

If selected, the City will provide a Service Contract for two (2) years following the date of the signed service agreement. The contract may be extended by mutual agreement. Upon contract renewal, the cost for services must be agreed upon by both parties. Due to the volume of work needed, the City of Porterville reserves the right to place services, in addition to the services being performed by the selected firm, with other qualified firms.

This contract is subject to thirty (30) day written notice of cancellation by either party except that City may cancel contract upon five (5) days written notice in the event of nonperformance by contractor. Nonperformance by contractor or repeated lack of response or attention to responsibilities and/or directions and requests of City shall be considered adequate cause for termination of contract and/or withholding of funds to contractor which City must pay to third party or parties to correct deficiencies to lack of performance as determined by City.

Four (4) copies of the proposals must be submitted, in accordance with the attached request by 5:00 PM, November 12, 2012 to:

City of Porterville, Planning Division
Attn: Bradley D. Dunlap
Community Development Director
291 N. Main Street
Porterville, CA 93257

Award of contract should occur in December 2012 or January 2013, by the City Council.

Please contact me at (559) 782-7460 if you have any questions regarding this letter.

Sincerely,

Bradley D. Dunlap
Community Development Director

Task Order _____
Date _____

Project Understanding: _____

Scope of Work: _____

Schedule/Milestones: _____

Cost: _____

Approvals: _____

COUNCIL AGENDA: JANUARY 15, 2013

SUBJECT: CONSULTING SERVICES FOR FULL SOLID WASTE FACILITY PERMIT

SOURCE: PUBLIC WORKS - FIELD SERVICES DIVISION

COMMENT: At the October 16, 2012, council meeting, City Council approved amending the City's Nondisposal Facility Element to include the expansion of the City's transfer station to accommodate up to 150 tons per day of solid waste streams. The City obtained a Registration permit for the facility issued by the County Local Enforcement Agency (LEA), with the assistance of the consulting firm of Edgar and Associates. At the December 4, 2012, council meeting, Council approved amending the contract with Pena's Disposal Service to transfer the expanded solid waste streams and to begin the planning process to obtain a Full Solid Waste Facility Permit (SWFP).

A Full SWFP will be needed to move past the 150 ton per day limit of the Registration level permit. The Full SWFP process requires environmental review under the California Environmental Quality Act (CEQA). The LEA will review and obtain approval concurrence from the State (Calrecycle) before the Full SWFP may be issued. This process could take up to a year.

Staff has worked closely with Edgar and Associates on the current transfer station permitting to date. Staff finds them uniquely qualified to provide consulting services and assist the City in expanding the transfer operation to accommodate all the waste streams collected by the City of Porterville. Edgar and Associates has provided a proposal to accomplish the more extensive Full SWFP process for an amount not to exceed \$22,500.

Funding for this project is from the Solid Waste Fund and was approved in the 2012/2013 Annual Budget.

RECOMMENDATION: That Council:

1. Authorize the Mayor to execute a contract with Edgar and Associates to provide consulting services to allow the City to obtain a Full SWFP; and
2. Authorize payment of a fee not to exceed \$22,500.

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Dis ~~B~~ Appropriated/Funded RB CM

Item No. 5

CITY COUNCIL AGENDA: JANUARY 15, 2013

CONSENT CALENDAR

TITLE: AUTHORIZE STAFF TO PREPARE A DRAFT COTTAGE FOOD OPERATIONS ORDINANCE IN ORDER TO CONFORM TO CHANGES IN STATE LAW PURSUANT TO ASSEMBLY BILL 1616

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT- PLANNING DIVISION

BACKGROUND:

On September 21, 2012, Governor Edmund G. Brown, Jr. approved amendments and additions to existing State law pertaining to food safety and cottage food operations; those changes will be made to the Government Code, Health & Safety Code, and the State Constitution. The existing California Retail Food Code prohibits food stored or prepared in a private home from being used or offered for sale in a food facility. The recently enacted bill defines "cottage food operations" (hereafter CFO) and allows private homes to be exempt from the Retail Food Code, subject to certain restrictions. The new law became effective January 1, 2013. A CFO is an enterprise at a private home where specific low-risk food products that do not require refrigeration are prepared or packaged for sale to consumers.

The bill requires a CFO to meet specified requirements relating to training, sanitation, preparation, labeling, and permissible types of sales and subjects a CFO to inspections under specified circumstances. The bill also establishes various zoning and permit requirements related to a CFO.

All CFOs will have to meet specified requirements pursuant to the California Health and Safety Code related to preparing foods that are on the approved food list, completing a food processor training course within three months of registering, implementing sanitary operations, establishing state and federal compliant labels, and operating within established gross annual sales limits.

RECOMMENDATION: That the City Council authorize staff to prepare a draft ordinance accommodating Cottage Food Operations as a home occupation business for the City Council to consider at a future meeting.

ATTACHMENTS:

1. Full Text of Assembly Bill No. 1616
2. Department of Public Health List of Approved Cottage Foods

DD DD APPROPRIATED/FUNDED MB

CM J

ITEM NO. 6

Assembly Bill No. 1616

CHAPTER 415

An act to add Chapter 6.1 (commencing with Section 51035) to Part 1 of Division 1 of Title 5 of the Government Code, and to amend Sections 109947, 110050, 110460, 111955, 113789, 113851, 114021, 114023, 114390, 114405, and 114409 of, to add Sections 113758 and 114088 to, and to add Chapter 11.5 (commencing with Section 114365) to Part 7 of Division 104 of, the Health and Safety Code, relating to food safety.

[Approved by Governor September 21, 2012. Filed with
Secretary of State September 21, 2012.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1616, Gatto. Food safety: cottage food operations.

Existing law, the Sherman Food, Drug, and Cosmetic Law (Sherman Law), requires the State Department of Public Health to regulate the manufacture, sale, labeling, and advertising activities related to food, drugs, devices, and cosmetics in conformity with the Federal Food, Drug, and Cosmetic Act. The Sherman Law makes it unlawful to manufacture, sell, deliver, hold, or offer for sale any food that is misbranded. Food is misbranded if its labeling does not conform to specified federal labeling requirements regarding nutrition, nutrient content or health claims, and food allergens. Violation of this law is a misdemeanor.

The existing California Retail Food Code provides for the regulation of health and sanitation standards for retail food facilities, as defined, by the State Department of Public Health. Under existing law, local health agencies are primarily responsible for enforcing the California Retail Food Code. That law exempts private homes from the definition of a food facility, and prohibits food stored or prepared in a private home from being used or offered for sale in a food facility. That law also requires food that is offered for human consumption to be honestly presented, as specified. A violation of these provisions is a misdemeanor.

This bill would include a cottage food operation, as defined, that is registered or has a permit within the private home exemption of the California Retail Food Code. The bill would also exclude a cottage food operation from specified food processing establishment and Sherman Law requirements. This bill would require a cottage food operation to meet specified requirements relating to training, sanitation, preparation, labeling, and permissible types of sales and would subject a cottage food operation to inspections under specified circumstances. The bill would require a food facility that serves a cottage food product without packaging or labeling to identify it as homemade. The bill would establish various zoning and permit requirements relating to cottage food operations.

This bill would incorporate additional changes in Section 113789 of the Health and Safety Code, proposed by AB 2297, to be operative only if AB 2297 and this bill are both chaptered and become effective January 1, 2013, and this bill is chaptered last.

By imposing duties on local officials and adding new crimes, this bill would create a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

The people of the State of California do enact as follows:

SECTION 1. The Legislature finds and declares all of the following:

(a) Small businesses have played an important role in helping slow economies recover and prosper as an engine of job creation. During the 1990s, small businesses created the majority of new jobs and now account for 65 percent of United States employment.

(b) California, and the United States as a whole, are facing growing obesity and obesity-related disease epidemics.

(1) Two-thirds of American adults and nearly one-third of children and teens are obese or overweight, placing them at risk for developing chronic diseases such as diabetes, heart disease, and cancer.

(2) One in every nine California children, one in three teens, and over half of adults are already overweight or obese. This epidemic affects virtually all Californians.

(3) These health conditions are preventable and curable through lifestyle choices that include consumption of healthy fresh foods.

(c) For decades, low-income and rural communities have faced limited opportunities to purchase healthy foods. Often, without cars or convenient public transportation options, low-income residents in these areas must rely for much of their shopping on expensive, fatty, processed foods sold at convenience and corner stores.

(d) There is a growing movement in California to support community-based food production, sometimes referred to as "cottage food," "artisanal food," "slow food," "locally based food," or "urban agriculture" movements. These movements seek to connect food to local communities, small businesses, and environmental sustainability.

(e) Increased opportunities for entrepreneur development through microenterprises can help to supplement household incomes, prevent poverty and hunger, and strengthen local economies.

(f) At least 32 other states have passed laws that allow small business entrepreneurs to use their home kitchens to prepare, for sale, foods that are not potentially hazardous.

(g) Even some bake sales are currently illegal in California.

(h) It is the intent of the Legislature to enact a homemade food act specifically designed to help address these challenges and opportunities.

SEC. 2. Chapter 6.1 (commencing with Section 51035) is added to Part 1 of Division 1 of Title 5 of the Government Code, to read:

CHAPTER 6.1. COTTAGE FOOD OPERATIONS

51035. (a) A city, county, or city and county shall not prohibit a cottage food operation, as defined in Section 113758 of the Health and Safety Code, in any residential dwellings, but shall do one of the following:

(1) Classify a cottage food operation as a permitted use of residential property for zoning purposes.

(2) Grant a nondiscretionary permit to use a residence as any cottage food operation that complies with local ordinances prescribing reasonable standards, restrictions, and requirements concerning spacing and concentration, traffic control, parking, and noise control relating to those homes. Any noise standards shall be consistent with local noise ordinances implementing the noise element of the general plan. The permit issued pursuant to this paragraph shall be granted by the zoning administrator, or if there is no zoning administrator, by the person or persons designated by the planning agency to grant these permits, upon the certification without a hearing.

(3) Require any cottage food operation to apply for a permit to use a residence for its operation. The zoning administrator, or if there is no zoning administrator, the person or persons designated by the planning agency to handle the use permits, shall review and decide the applications. The use permit shall be granted if the cottage food operation complies with local ordinances, if any, prescribing reasonable standards, restrictions, and requirements concerning the following factors: spacing and concentration, traffic control, parking, and noise control relating to those homes. Any noise standards shall be consistent with local noise ordinances implementing the noise element of the general plan. The local government shall process any required permit as economically as possible. Fees charged for review shall not exceed the costs of the review and permit process. An applicant may request a verification of fees, and the city, county, or city and county shall provide the applicant with a written breakdown within 45 days of the request. The application form for cottage food operation permits shall include a statement of the applicant's right to request the written fee verification.

(b) In connection with any action taken pursuant to paragraph (2) or (3) of subdivision (a), a city, county, or city and county shall do all of the following:

(1) Upon the request of an applicant, provide a list of the permits and fees that are required by the city, county, or city and county, including information about other permits that may be required by other departments in the city, county, or city and county, or by other public agencies. The city, county, or city and county shall, upon request of any applicant, also provide information about the anticipated length of time for reviewing and processing the permit application.

(2) Upon the request of an applicant, provide information on the breakdown of any individual fees charged in connection with the issuance of the permit.

(3) If a deposit is required to cover the cost of the permit, provide information to the applicant about the estimated final cost to the applicant of the permit, and procedures for receiving a refund from the portion of the deposit not used.

(c) Use of a residence for the purposes of a cottage food operation shall not constitute a change of occupancy for purposes of the State Housing Law (Part 1.5 (commencing with Section 17910) of Division 13 of the Health and Safety Code), or for purposes of local building and fire codes.

(d) Cottage food operations shall be considered residences for the purposes of the State Uniform Building Standards Code and local building and fire codes.

SEC. 3. Section 109947 of the Health and Safety Code is amended to read:

109947. "Food processing facility" means any facility operated for the purposes of manufacturing, packing, or holding processed food. Food processing facility does not include a food facility as defined in Section 113785, a cottage food operation that is registered or has a permit pursuant to Section 114365, or any facility exclusively storing, handling, or processing dried beans.

SEC. 4. Section 110050 of the Health and Safety Code is amended to read:

110050. The Food Safety Fund is hereby created as a special fund in the State Treasury. All moneys collected by the department under subdivision (c) of Section 110466 and Sections 110470, 110471, 110485, 114365, 114365.6, 111130, and 113717, and under Article 7 (commencing with Section 110810) of Chapter 5 shall be deposited in the fund, for use by the department, upon appropriation by the Legislature, for the purposes of providing funds necessary to carry out and implement the inspection provisions of this part relating to food, licensing, inspection, enforcement, and other provisions of Article 12 (commencing with Section 111070) relating to water, the provisions relating to education and training in the prevention of microbial contamination pursuant to Section 110485, and the registration provisions of Article 7 (commencing with Section 110810) of Chapter 5, and to carry out and implement the provisions of the California Retail Food Code (Part 7 (commencing with Section 113700) of Division 104).

SEC. 5. Section 110460 of the Health and Safety Code is amended to read:

110460. No person shall engage in the manufacture, packing, or holding of any processed food in this state unless the person has a valid registration from the department, except those engaged exclusively in the storing, handling, or processing of dried beans. The registration shall be valid for one calendar year from the date of issue, unless it is revoked. The registration shall not be transferable. This section shall not apply to a cottage food operation that is registered or has a permit pursuant to Section 114365.

SEC. 6. Section 111955 of the Health and Safety Code is amended to read:

111955. "Food processing establishment," as used in this chapter, shall mean any room, building, or place or portion thereof, maintained, used, or operated for the purpose of commercially storing, packaging, making, cooking, mixing, processing, bottling, canning, packing, slaughtering, or otherwise preparing or handling food except restaurants. "Food processing establishment" shall not include a cottage food operation that is registered or has a permit pursuant to Section 114365.

SEC. 7. Section 113758 is added to the Health and Safety Code, to read:

113758. (a) "Cottage food operation" means an enterprise that has not more than the amount in gross annual sales that is specified in this subdivision, is operated by a cottage food operator, and has not more than one full-time equivalent cottage food employee, not including a family member or household member of the cottage food operator, within the registered or permitted area of a private home where the cottage food operator resides and where cottage food products are prepared or packaged for direct, indirect, or direct and indirect sale to consumers pursuant to this part. In 2013, the enterprise shall not have more than thirty-five thousand dollar (\$35,000) in gross annual sales in the calendar year. In 2014, the enterprise shall not have more than forty-five thousand dollars (\$45,000) in gross annual sales in the calendar year. Commencing in 2015, and each subsequent year thereafter, the enterprise shall not have more than fifty thousand dollars (\$50,000) in gross annual sales in the calendar year. A cottage food operation includes both of the following:

(1) A "Class A" cottage food operation, which is a cottage food operation that may engage only in direct sales of cottage food products from the cottage food operation or other direct sales venues described in paragraph (4) of subdivision (b).

(2) A "Class B" cottage food operation, which is a cottage food operation that may engage in both direct sales and indirect sales of cottage food products from the cottage food operation, from direct sales venues described in paragraph (4) of subdivision (b), from offsite events, or from a third-party retail food facility described in paragraph (5) of subdivision (b).

(b) For purposes of this section, the following definitions shall apply:

(1) "Cottage food employee" means an individual, paid or volunteer, who is involved in the preparation, packaging, handling, and storage of a cottage food product, or otherwise works for the cottage food operation. An

employee does not include an immediate family member or household member of the cottage food operator.

(2) "Cottage food operator" means an individual who operates a cottage food operation in his or her private home and is the owner of the cottage food operation.

(3) "Cottage food products" means nonpotentially hazardous foods, including foods that are described in Section 114365.5 and that are prepared for sale in the kitchen of a cottage food operation.

(4) "Direct sale" means a transaction between a cottage food operation operator and a consumer, where the consumer purchases the cottage food product directly from the cottage food operation. Direct sales include, but are not limited to, transactions at holiday bazaars or other temporary events, such as bake sales or food swaps, transactions at farm stands, certified farmers' markets, or through community-supported agriculture subscriptions, and transactions occurring in person in the cottage food operation.

(5) "Indirect sale" means an interaction between a cottage food operation, a third-party retailer, and a consumer, where the consumer purchases cottage food products made by the cottage food operation from a third-party retailer that holds a valid permit issued pursuant to Section 114381. Indirect sales include, but are not limited to, sales made to retail shops or to retail food facilities where food may be immediately consumed on the premises.

(6) "Private home" means a dwelling, including an apartment or other leased space, where individuals reside.

(7) "Registered or permitted area" means the portion of a private home that contains the private home's kitchen used for the preparation, packaging, storage, or handling of cottage food products and related ingredients or equipment, or both, and attached rooms within the home that are used exclusively for storage.

SEC. 8. Section 113789 of the Health and Safety Code is amended to read:

113789. (a) "Food facility" means an operation that stores, prepares, packages, serves, vends, or otherwise provides food for human consumption at the retail level, including, but not limited to, the following:

(1) An operation where food is consumed on or off the premises, regardless of whether there is a charge for the food.

(2) Any place used in conjunction with the operations described in this subdivision, including, but not limited to, storage facilities for food-related utensils, equipment, and materials.

(b) "Food facility" includes permanent and nonpermanent food facilities, including, but not limited to, the following:

(1) Public and private school cafeterias.

(2) Restricted food service facilities.

(3) Licensed health care facilities.

(4) Commissaries.

(5) Mobile food facilities.

(6) Mobile support units.

(7) Temporary food facilities.

(8) Vending machines.

(9) Certified farmers' markets, for purposes of permitting and enforcement pursuant to Section 114370.

(10) Farm stands, for purposes of permitting and enforcement pursuant to Section 114375.

(c) "Food facility" does not include any of the following:

(1) A cooperative arrangement wherein no permanent facilities are used for storing or handling food.

(2) A private home, including a cottage food operation that is registered or has a permit pursuant to Section 114365.

(3) A church, private club, or other nonprofit association that gives or sells food to its members and guests, and not to the general public, at an event that occurs not more than three days in any 90-day period.

(4) A for-profit entity that gives or sells food at an event that occurs not more than three days in a 90-day period for the benefit of a nonprofit association, if the for-profit entity receives no monetary benefit, other than that resulting from recognition from participating in an event.

(5) Premises set aside for wine tasting, as that term is used in Section 23356.1 of the Business and Professions Code and in the regulations adopted pursuant to that section, that comply with Section 118375, regardless of whether there is a charge for the wine tasting, if no other beverage, except for bottles of wine and prepackaged nonpotentially hazardous beverages, is offered for sale for onsite consumption and no food, except for crackers, is served.

(6) Premises operated by a producer, selling or offering for sale only whole produce grown by the producer, or shell eggs, or both, provided the sales are conducted on premises controlled by the producer.

(7) A commercial food processing plant as defined in Section 111955.

(8) A child day care facility, as defined in Section 1596.750.

(9) A community care facility, as defined in Section 1502.

(10) A residential care facility for the elderly, as defined in Section 1569.2.

(11) A residential care facility for the chronically ill, which has the same meaning as a residential care facility, as defined in Section 1568.01.

(12) Premises set aside by a beer manufacturer, as defined in Section 25000.2 of the Business and Professions Code, that comply with Section 118375, for the purposes of beer tasting, regardless of whether there is a charge for the beer tasting, if no other beverage, except for beer and prepackaged nonpotentially hazardous beverages, is offered for sale for onsite consumption, and no food, except for crackers or pretzels, is served.

SEC. 8.5. Section 113789 of the Health and Safety Code is amended to read:

113789. (a) "Food facility" means an operation that stores, prepares, packages, serves, vends, or otherwise provides food for human consumption at the retail level, including, but not limited to, the following:

(1) An operation where food is consumed on or off the premises, regardless of whether there is a charge for the food.

(2) Any place used in conjunction with the operations described in this subdivision, including, but not limited to, storage facilities for food-related utensils, equipment, and materials.

(b) "Food facility" includes permanent and nonpermanent food facilities, including, but not limited to, the following:

(1) Public and private school cafeterias.

(2) Restricted food service facilities.

(3) Licensed health care facilities, except as provided in paragraph (13) of subdivision (c).

(4) Commissaries.

(5) Mobile food facilities.

(6) Mobile support units.

(7) Temporary food facilities.

(8) Vending machines.

(9) Certified farmers' markets, for purposes of permitting and enforcement pursuant to Section 114370.

(10) Farm stands, for purposes of permitting and enforcement pursuant to Section 114375.

(c) "Food facility" does not include any of the following:

(1) A cooperative arrangement wherein no permanent facilities are used for storing or handling food.

(2) A private home, including a cottage food operation that is registered or has a permit pursuant to Section 114365.

(3) A church, private club, or other nonprofit association that gives or sells food to its members and guests, and not to the general public, at an event that occurs not more than three days in any 90-day period.

(4) A for-profit entity that gives or sells food at an event that occurs not more than three days in a 90-day period for the benefit of a nonprofit association, if the for-profit entity receives no monetary benefit, other than that resulting from recognition from participating in an event.

(5) Premises set aside for wine tasting, as that term is used in Section 23356.1 of the Business and Professions Code and in the regulations adopted pursuant to that section, that comply with Section 118375, regardless of whether there is a charge for the wine tasting, if no other beverage, except for bottles of wine and prepackaged nonpotentially hazardous beverages, is offered for sale for onsite consumption and no food, except for crackers, is served.

(6) Premises operated by a producer, selling or offering for sale only whole produce grown by the producer, or shell eggs, or both, provided the sales are conducted on premises controlled by the producer.

(7) A commercial food processing plant as defined in Section 111955.

(8) A child day care facility, as defined in Section 1596.750.

(9) A community care facility, as defined in Section 1502.

(10) A residential care facility for the elderly, as defined in Section 1569.2.

(11) A residential care facility for the chronically ill, which has the same meaning as a residential care facility, as defined in Section 1568.01.

(12) Premises set aside by a beer manufacturer, as defined in Section 25000.2 of the Business and Professions Code, that comply with Section 118375, for the purposes of beer tasting, regardless of whether there is a charge for the beer tasting, if no other beverage, except for beer and prepackaged nonpotentially hazardous beverages, is offered for sale for onsite consumption, and no food, except for crackers or pretzels, is served.

(13) (A) An intermediate care facility for the developmentally disabled, as defined in subdivisions (e), (h), and (m) of Section 1250, with a capacity of six beds or fewer.

(B) A facility described in subparagraph (A) shall report any foodborne illness or outbreak to the local health department and to the State Department of Public Health within 24 hours of the illness or outbreak.

SEC. 9. Section 113851 of the Health and Safety Code is amended to read:

113851. (a) "Permit" means the document issued by the enforcement agency that authorizes a person to operate a food facility or cottage food operation.

(b) "Registration" shall have the same meaning as permit for purposes of implementation and enforcement of this part.

SEC. 10. Section 114021 of the Health and Safety Code is amended to read:

114021. (a) Food shall be obtained from sources that comply with all applicable laws.

(b) Food stored or prepared in a private home shall not be used or offered for sale in a food facility, unless that food is prepared by a cottage food operation that is registered or has a permit pursuant to Section 114365.

SEC. 11. Section 114023 of the Health and Safety Code is amended to read:

114023. Food in a hermetically sealed container shall be obtained from a food processing plant that is regulated by the food regulatory agency that has jurisdiction over the plant, or from a cottage food operation that produces jams, jellies, and preserves and that is registered or has a permit pursuant to Section 114365.

SEC. 12. Section 114088 is added to the Health and Safety Code, to read:

114088. A cottage food product, as defined in Section 113758, that is served by a food facility without packaging or labeling, as described in Section 114365, shall be identified to the consumer as homemade on the menu, menu board, or other location that would reasonably inform a consumer of its homemade status.

SEC. 13. Chapter 11.5 (commencing with Section 114365) is added to Part 7 of Division 104 of the Health and Safety Code, to read:

CHAPTER 11.5. COTTAGE FOOD OPERATIONS

114365. (a) (1) (A) A "Class A" cottage food operation shall not be open for business unless it is registered with the local enforcement agency and has submitted a completed, self-certification checklist approved by the local enforcement agency. The self-certification checklist shall verify that the cottage food operation conforms to this chapter, including the following requirements:

(i) No cottage food preparation, packaging, or handling may occur in the home kitchen concurrent with any other domestic activities, such as family meal preparation, dishwashing, clothes washing or ironing, kitchen cleaning, or guest entertainment.

(ii) No infants, small children, or pets may be in the home kitchen during the preparation, packaging, or handling of any cottage food products.

(iii) Kitchen equipment and utensils used to produce cottage food products shall be clean and maintained in a good state of repair.

(iv) All food contact surfaces, equipment, and utensils used for the preparation, packaging, or handling of any cottage food products shall be washed, rinsed, and sanitized before each use.

(v) All food preparation and food and equipment storage areas shall be maintained free of rodents and insects.

(vi) Smoking shall be prohibited in the portion of a private home used for the preparation, packaging, storage, or handling of cottage food products and related ingredients or equipment, or both, while cottage food products are being prepared, packaged, stored, or handled.

(B) (i) The department shall post the requirements described in subparagraph (A) on its Internet Web site.

(ii) The local enforcement agency shall issue a registration number to a "Class A" cottage food operation that meets the requirements of subparagraph (A).

(C) (i) Except as provided in (ii), a "Class A" cottage food operation shall not be subject to initial or routine inspections.

(ii) For purposes of determining compliance with this chapter, a representative of a local enforcement agency may access, for inspection purposes, the registered area of a private home where a cottage food operation is located only if the representative has, on the basis of a consumer complaint, reason to suspect that adulterated or otherwise unsafe food has been produced by the cottage food operation or that the cottage food operation has violated this chapter.

(iii) Access under this subparagraph is limited to the registered area and solely for the purpose of enforcing or administering this chapter.

(iv) A local enforcement agency may seek recovery from a "Class A" cottage food operation of an amount that does not exceed the local enforcement agency's reasonable costs of inspecting the "Class A" cottage food operation for compliance with this chapter, if the "Class A" cottage food operation is found to be in violation of this chapter.

(2) (A) A “Class B” cottage food operation shall not be open for business unless it obtains a permit from the local enforcement agency in a manner approved by the local enforcement agency to engage in the direct and indirect sale of cottage food products.

(B) (i) A “Class B” cottage food operation shall comply with the requirements described in clauses (i) to (vi), inclusive, of subparagraph (A) of paragraph (1) in addition to the other requirements of this chapter.

(ii) The local enforcement agency shall issue a permit number after an initial inspection has determined that the proposed “Class B” cottage food operation and its method of operation conform to this chapter.

(C) Except as provided in this subparagraph, a “Class B” cottage food operation shall not be subject to more than one inspection per year by the local enforcement agency.

(i) For purposes of determining compliance with this chapter, a representative of a local enforcement agency, for inspection purposes, may access the permitted area of a private home where a cottage food operation is located only if the representative has, on the basis of a consumer complaint, reason to suspect that adulterated or otherwise unsafe food has been produced by the cottage food operation, or that the cottage food operation has violated this chapter.

(ii) Access under this subparagraph is limited to the permitted area and solely for the purpose of enforcing or administering this chapter.

(D) (i) A “Class B” cottage food operation shall be authorized to engage in the indirect sales of cottage food products within the county in which the “Class B” cottage food operation is permitted.

(ii) A county may agree to allow a “Class B” cottage food operation permitted in another county to engage in the indirect sales of cottage food products in the county.

(b) A registration or permit, once issued, is nontransferable. A registration or permit shall be valid only for the person, location, type of food sales, and distribution activity specified by that registration or permit, and, unless suspended or revoked for cause, for the time period indicated.

114365.2. A cottage food operation that is registered or has a permit issued pursuant to Section 114365 shall be considered a restricted food service facility for purposes of, and subject to, Sections 113953.3, 114259.5, 114285, and 114286. A cottage food operation that is registered or has a permit also shall be subject to Sections 113967, 113973, 113980, 114259.5, 114405, 114407, 114409, 114411, and 114413, and to all of the following requirements:

(a) A person with a contagious illness shall refrain from work in the registered or permitted area of the cottage food operation.

(b) A person involved in the preparation or packaging of cottage food products shall keep his or her hands and exposed portions of his or her arms clean and shall wash his or her hands before any food preparation or packaging activity in a cottage food operation.

(c) Water used during the preparation of cottage food products shall meet the potable drinking water standards described in Section 113869, except

that a cottage food operation shall not be required to have an indirect sewer connection. Water used during the preparation of cottage food products includes all of the following:

(1) The washing, sanitizing, and drying of any equipment used in the preparation of a cottage food product.

(2) The washing, sanitizing, and drying of hands and arms.

(3) Water used as an ingredient.

(d) A person who prepares or packages cottage food products shall complete a food processor course instructed by the department to protect the public health within three months of becoming registered. The course shall not exceed four hours in length. The department shall work with the local enforcement agency to ensure that cottage food operators are properly notified of the location, date, and time of the classes offered.

(e) A cottage food operation shall properly label all cottage food products in compliance with the Federal Food, Drug, and Cosmetic Act (21 U.S.C. Sec. 343 et seq.). Additionally, to the extent permitted by federal law, the label shall include, but is not limited to, all of the following:

(1) The words "Made in a Home Kitchen" in 12-point type on the cottage food product's primary display panel.

(2) The name commonly used for the food product or an adequately descriptive name.

(3) The name of the cottage food operation which produced the cottage food product.

(4) The registration or permit number of the "Class A" or "Class B" cottage food operation, respectively, which produced the cottage food product and, in the case of a "Class B" cottage food operation, the name of the county of the local enforcement agency that issued the permit number.

(5) The ingredients of the cottage food product, in descending order of predominance by weight, if the product contains two or more ingredients.

114365.5. (a) The department shall adopt and post on its Internet Web site a list of not potentially hazardous foods and their ethnic variations that are approved for sale by a cottage food operation. A cottage food product shall not be potentially hazardous food, as defined in Section 113871.

(b) This list of nonpotentially hazardous foods shall include, but not be limited to, all of the following:

(1) Baked goods without cream, custard, or meat fillings, such as breads, biscuits, churros, cookies, pastries, and tortillas.

(2) Candy, such as brittle and toffee.

(3) Chocolate-covered nonperishable foods, such as nuts and dried fruit.

(4) Dried fruit.

(5) Dried pasta.

(6) Dry baking mixes.

(7) Fruit pies, fruit empanadas, and fruit tamales.

(8) Granola, cereals, and trail mixes.

(9) Herb blends and dried mole paste.

(10) Honey and sweet sorghum syrup.

(11) Jams, jellies, preserves, and fruit butter that comply with the standard described in Part 150 of Title 21 of the Code of Federal Regulations.

(12) Nut mixes and nut butters.

(13) Popcorn.

(14) Vinegar and mustard.

(15) Roasted coffee and dried tea.

(16) Waffle cones and pizelles.

(c) (1) The State Public Health Officer may add or delete food products to or from the list described in subdivision (b), which shall be known as the approved food products list. Notice of any change to the approved food products list shall be posted on the department's cottage food program Internet Web site, to also be known as the program Internet Web site for purposes of this chapter. Any change to the approved food products list shall become effective 30 days after the notice is posted. The notice shall state the reason for the change, the authority for the change, and the nature of the change. The notice will provide an opportunity for written comment by indicating the address to which to submit the comment and the deadline by which the comment is required to be received by the department. The address to which the comment is to be submitted may be an electronic site. The notice shall allow at least 20 calendar days for comments to be submitted. The department shall consider all comments submitted before the due date. The department may withdraw the proposed change at any time by notification on the program Internet Web site or through notification by other electronic means. The approved food products list described in subdivision (b), and any updates to the list, shall not be subject to the administrative rulemaking requirements of Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code.

(2) The State Public Health Officer shall not remove any items from the approved food products list unless the State Public Health Officer also posts information on the program Internet Web site explaining the basis upon which the removed food item has been determined to be potentially hazardous.

114365.6. (a) The State Public Health Officer shall provide technical assistance, and develop, maintain, and deliver commodity-specific training related to the safe processing and packaging of cottage food products to local enforcement agencies.

(b) Local enforcement agencies may collect a surcharge fee in addition to any permit fees collected for "Class B" cottage food operations. The surcharge fee shall not exceed the reasonable costs that the department incurs through the administration of the training described in subdivision (a) to protect the public health. The surcharge fees collected shall be transmitted to the department in a manner established by the department to be deposited in the Food Safety Fund. The department shall use the surcharge fees only to develop and deliver the training described in subdivision (a) to local enforcement agency personnel on an ongoing basis.

SEC. 14. Section 114390 of the Health and Safety Code is amended to read:

114390. (a) Enforcement officers shall enforce this part and all regulations adopted pursuant to this part.

(b) (1) For purposes of enforcement, any authorized enforcement officer may, during the facility's hours of operation and other reasonable times, enter, inspect, issue citations to, and secure any sample, photographs, or other evidence from a food facility, cottage food operation, or any facility suspected of being a food facility or cottage food operation, or a vehicle transporting food to or from a retail food facility, when the vehicle is stationary at an agricultural inspection station, a border crossing, or at any food facility under the jurisdiction of the enforcement agency, or upon the request of an incident commander.

(2) If a food facility is operating under an HACCP plan, the enforcement officer may, for the purpose of determining compliance with the plan, secure as evidence any documents, or copies of documents, relating to the facility's adherence to the HACCP plan. Inspection may, for the purpose of determining compliance with this part, include any record, file, paper, process, HACCP plan, invoice, or receipt bearing on whether food, equipment, or utensils are in violation of this part.

(c) Notwithstanding subdivision (a), an employee may refuse entry to an enforcement officer who is unable to present official identification showing the enforcement officer's picture and enforcement agency name. In the absence of the identification card, a business card showing the enforcement agency's name plus a picture identification card such as a driver's license shall meet this requirement.

(d) It is a violation of this part for any person to refuse to permit entry or inspection, the taking of samples or other evidence, access to copy any record as authorized by this part, to conceal any samples or evidence, withhold evidence concerning them, or interfere with the performance of the duties of an enforcement officer, including making verbal or physical threats or sexual or discriminatory harassment.

(e) A written report of the inspection shall be made and a copy shall be supplied or mailed to the owner, manager, or operator of the food facility.

SEC. 15. Section 114405 of the Health and Safety Code is amended to read:

114405. (a) A permit may be suspended or revoked by a local enforcement officer for a violation of this part. Any food facility or cottage food operation for which the permit has been suspended shall close and remain closed until the permit has been reinstated. Any food facility or cottage food operation for which the permit has been revoked shall close and remain closed until a new permit has been issued.

(b) Whenever a local enforcement officer finds that a food facility or cottage food operation is not in compliance with the requirements of this part, a written notice to comply shall be issued to the permitholder. If the permitholder fails to comply, the local enforcement officer shall issue to the permitholder a notice setting forth the acts or omissions with which the permitholder is charged, and informing him or her of a right to a hearing, if requested, to show cause why the permit should not be suspended or

revoked. A written request for a hearing shall be made by the permitholder within 15 calendar days after receipt of the notice. A failure to request a hearing within 15 calendar days after receipt of the notice shall be deemed a waiver of the right to a hearing. When circumstances warrant, the hearing officer may order a hearing at any reasonable time within this 15-day period to expedite the permit suspension or revocation process.

(c) The hearing shall be held within 15 calendar days of the receipt of a request for a hearing. Upon written request of the permitholder, the hearing officer may postpone any hearing date, if circumstances warrant the action.

SEC. 16. Section 114409 of the Health and Safety Code is amended to read:

114409. (a) If any imminent health hazard is found, unless the hazard is immediately corrected, an enforcement officer may temporarily suspend the permit and order the food facility or cottage food operation immediately closed.

(b) Whenever a permit is suspended as the result of an imminent health hazard, the enforcement officer shall issue to the permitholder a notice setting forth the acts or omissions with which the permitholder is charged, specifying the pertinent code section, and informing the permitholder of the right to a hearing.

(c) At any time within 15 calendar days after service of a notice pursuant to subdivision (b), the permitholder may request in writing a hearing before a hearing officer to show cause why the permit suspension is not warranted. The hearing shall be held within 15 calendar days of the receipt of a request for a hearing. A failure to request a hearing within 15 calendar days shall be deemed a waiver of the right to a hearing.

SEC. 17. Section 8.5 of this bill incorporates amendments to Section 113789 of the Health and Safety Code proposed by both this bill and Assembly Bill 2297. It shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2013, (2) each bill amends Section 113789 of the Health and Safety Code, and (3) this bill is enacted after Assembly Bill 2297, in which case Section 8 of this bill shall not become operative.

SEC. 18. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution for certain costs that may be incurred by a local agency or school district because, in that regard, this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

However, if the Commission on State Mandates determines that this act contains other costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.



Approved Cottage Foods

Cottage food operations are allowed to produce certain non-potentially hazardous foods. These are foods that do not support the rapid growth of bacteria that would make people sick when held outside of refrigeration temperatures. The list of approved cottage food categories and their ethnic variations, which cottage food operations are allowed to produce, are listed below. The list will be maintained and updated by the Department on its Internet website as necessary.

The Department may add to or delete food products from the approved products list. Notice of any change, reason for the change, the authority for the change, and the nature of the change to the approved food products list will be posted on the department website and shall become effective thirty (30) days after the notice is posted.

Approved Food Products List (January 1, 2013):

- (1) Baked goods, without cream, custard, or meat fillings, such as breads, biscuits, churros, cookies, pastries, and tortillas.
- (2) Candy, such as brittle and toffee.
- (3) Chocolate-covered nonperishable foods, such as nuts and dried fruits.
- (4) Dried fruit.
- (5) Dried pasta.
- (6) Dry baking mixes.
- (7) Fruit pies, fruit empanadas, and fruit tamales.
- (8) Granola, cereals, and trail mixes.
- (9) Herb blends and dried mole paste.
- (10) Honey and sweet sorghum syrup.
- (11) Jams, jellies, preserves, and fruit butter that comply with the standard described in Part 150 of Title 21 of the Code of Federal Regulations.
- *see below
- (12) Nut mixes and nut butters.
- (13) Popcorn.
- (14) Vinegar and mustard.
- (15) Roasted coffee and dried tea.
- (16) Waffle cones and pizelles.

*Jams, jellies, preserves, and fruit butter: Cottage food operations which produce jams, jellies, preserves, and other related products must be sure that their products meet the legal established standards of identity requirements for those products as set forth in 21 CFR Part 150. The purpose of the regulation is to maintain the integrity of the food product to ensure consumers consistently get what they expect. The product name and ingredients listed on the label must be factual and comply with the legal definitions and standards of identity or the product may be considered misbranded. Products made with other ingredients that are not defined in 21 CFR 150 cannot be produced by cottage food operations. Addition of other ingredients or alteration of ingredient profiles changes the chemistry of the food, which can allow the growth of various bacteria and toxins under the right conditions. For example, addition of peppers (i.e. jalapeno pepper) to make pepper jelly is not supported by 21 CFR 150 and the addition of this low acid ingredient could cause the formation of botulism toxin in the product if the proper controls are not used.

CITY COUNCIL AGENDA: JANUARY 15, 2013

CONSENT CALENDAR

SUBJECT: SMART VALLEY PLACES – AMENDMENT TO SUBCONTRACT AGREEMENT WITH CSU FRESNO FOUNDATION

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT




COMMENT: In October 2010, the City of Porterville, as a member of the Smart Valley Places Consortium, was awarded up to \$200,000 of funding to assist with a variety of planning projects, including an Economic Development Strategic Plan, high density housing up-zone project, and updates to existing design standards. Of these three projects, staff has completed the Economic Development Strategic Plan and the high density housing up-zone project. Most recently, in June 2012, the Council authorized reallocation of grant funds to the industrial land annexation project from the design standards effort originally planned.

The California State University, Fresno Foundation (CSUFF) is the fiscal agent for the Consortium. On June 21, 2011, the City entered into an agreement with the Foundation for professional and technical services associated with the grant. An amendment to this contract is proposed which is minor in nature, modifying participation in quarterly meetings and Smart Valley Places events that are encouraged of the subcontractor (CSUFF) by the United States Department of Housing and Urban Development at no additional cost to the City.

RECOMMENDATION: That the City Council authorize the Mayor to sign the amendment to Subcontract Agreement SC360080-11-12 (Amendment #1) between California State University, Fresno Foundation and City of Porterville.

ATTACHMENTS:

1. Draft Amendment to Subcontract Agreement
2. Resolution 93-2012, approving participation in the Smart Valley Places Consortium Compact

DD  Appropriated/Funded  CM 

Item No. 7

**AMENDMENT TO SUBCONTRACT AGREEMENT FOR PROFESSIONAL SERVICES
BETWEEN
CALIFORNIA STATE UNIVERSITY, FRESNO FOUNDATION
AND
CITY OF PORTERVILLE**

Subcontract Agreement Number: SC360080-11-12 Amendment #1
Period of Subcontract Agreement: 02/01/11 through 12/31/13
Amount of Subcontract Agreement: \$200,000.00
Primary Award Number: CARIP0004-10
Primary Agency: United States Department of Housing and Urban Development
CFDA Number: 14.703
CFDA Program Title: Sustainable Communities Regional Planning Grant Program

The Subcontract for Professional Services dated **February 1, 2011** entered into by California State University, Fresno Foundation (the "**Foundation**") and City of Porterville ("**Subcontractor**") (incorporated herein by this reference) has been amended as follows:

Article I A., Article III B., Article IV A., and Attachment A have been revised and replaced with the following:

**ARTICLE I
SCOPE OF SERVICES**

- A. The **Subcontractor** agrees to contribute to the overall goals and objectives of the **Funding Contract** by providing professional and/or technical services to the **Foundation** and by participating in the remaining quarterly Compact Executive Committee meetings and Smart Valley Places events through the duration of the grant, in accordance with and pursuant to the details of this Subcontract Agreement ("**Agreement**"), and specifically Attachment A – Scope of Work, which is attached hereto and incorporated herein by this reference ("**Work**"). Additionally, as a result of a vote conducted on September 18, 2012, the subcontractor agrees to participate in the planning and coordination activities of the Regional Analysis of Impediments as organized by the consultant. Progress Reports on the completion of Work shall be submitted on a quarterly basis due by the 10th of the month following and summarized in an oral report at the next scheduled quarterly Compact Executive Committee meetings.

**ARTICLE III
TIME, SCHEDULES, AND DELAYS**

- B. The period of this Contract shall be from February 1, 2011 through December 31, 2013. The period may be extended, at the Foundation's option, by notice in writing to the Subcontractor and execution of a written Addendum hereto.

**ARTICLE IV
CHARGES, INVOICING, AND PAYMENT**

- A. The total to be paid by the **Foundation** to the **Subcontractor** shall not exceed **\$200,000.00** for the period indicated above, and shall only be paid out of, and will be subject to availability of funding provided by the Funding Contract. Notwithstanding anything to the contrary seemingly contained in this Agreement, the **Foundation** shall in no case be liable to make payment out of its own funds to the **Subcontractor** for any portion of the amount referenced above in this Article IV (A) if funding is ceased or otherwise not provided to the **Foundation** through the Funding Contract. The **Subcontractor** will submit, in arrears, an itemized invoice (**Attachment D**) along with supporting documentation, to the **Foundation** on a monthly basis by the 10th of the month following for services rendered in accordance with specified line items in Attachment B, Itemized Budgets. The final invoice (**Attachment D**) shall be received no later than **01/31/14**. Invoices shall reference the Subcontract Agreement and Purchase Order Numbers and shall include the following certification signed by the designated fiscal contact:

I hereby certify that this claim for reimbursement of expenditures is true and correct to the best of my knowledge; that all expenditures claimed have been made in accordance with the terms and for the purpose set forth in our contract; and that these expenditures in the amount of \$ _____ have not been and will not be reimbursed from any other source.

All other terms and conditions regarding the SubContract for Professional Services remain the same.

This Agreement, including all amendments hereto executed by the parties, represents the entire agreement between the parties, supersedes all prior agreements and understandings, and may be changed only by a further written amendment executed by both parties.

FOUNDATION

California State University, Fresno Foundation
4910 N. Chestnut Avenue M/S OF123
Fresno, CA 93726
(559) 278-0840
(559) 278-0992 FAX

CONTRACTOR

City of Porterville
291 N. Main Street
Porterville, CA 93257
(559) 782-7460
(559) 781-6437 FAX

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed by their duly authorized representatives, as follows:

Approved for the California State University,
Fresno Foundation

by _____

Deborah S. Adishian-Astone
Executive Director

Date _____

and

by _____

Keith Kompsi
Director, Foundation Financial Services

Date _____

Approved for City of Porterville

by _____

Virginia R. Gurrola
Mayor

Date _____

ATTACHMENT A

Scope of Work

City/ Organization Name:		CITY OF PORTERVILLE (Compact City)			
		Economic Development Strategic Plan - This plan refines and implements the City's strategy for economic development as set forth in the General Plan 2030. The strategic plan is needed to accommodate job growth that keeps pace with population growth that is expected to double in the coming years.			
Applicable Activity:		Enhance economic competitiveness	Support existing communities	Coordinate policies and leverage investment	Value communities and neighborhoods
Livability Principle(s) Addressed		Increase the economic competitiveness of the Porterville community by attracting companies that pay a living wage, promote the downtown and limit sales tax leakage.			
Long Term Outcome Desired		a living wage, promote the downtown and limit sales tax leakage.			
Specific Steps to be Taken		6 months	9 months	12 months	24 months
Prepare Scope of Work	X				
RFP authorized by City Council	X				
Consultant selected	X				
Contract work performed	X				
-Review of past ED Strategy	X				
-Planning Sessions	X				
-Competitive Assessment	X				
-Create Action Plan	X				
Draft Plan completed		X			
Staff Review of draft plan		X			
Modifications by consultant				X	
Public review meeting				X	
City Council Approval				X	
Anticipated Progress	6 months	9 months	12 months	24 months	
Consultant selected	X				
Contract work underway	X				
Draft Plan available for review		X			
Community outreach		X			
City Council Adoption				X	
Implementation					X
Measure of Progress	6 months	9 months	12 months	24 months	
City Council authorization to proceed	X				
Consultant selected	X				
Draft Plan completed		X			
Staff-Public Review Meeting(s)		X		X	
City Council Adoption				X	
Implementation					X
Evaluation Strategies	6 months	9 months	12 months	24 months	
Updates at weekly staff meetings	X	X	X	X	

Quarterly Progress Reports due the 10th of the month following end of quarter.

City/Organization Name:	CITY OF PORTERVILLE (Compact City)					
Applicable Activity	High Density Housing Upzone Program - A local rezoning program to upzone land for higher density residential development and/or affordable housing to implement the vision and principles of the 2030 General Plan. This is also a targeted program contained in the 2010 Housing Element. The goal is to rezone 36 parcels representing 168 acres.					
Livability Principle(s) Addressed	Promote equitable, affordable housing.	Support existing communities	Coordinate policies and leverage investment	Value communities and neighborhoods		
Long Term Outcome Desired	Promote the development of higher density housing and/or affordable housing in the community by removing the constraint of rezoning.					
Specific Steps to be Taken	6 months	9 months	12 months	24 months	30 months	36 months
Prepare scope of work & timelines	X					
Identify potential properties to be rezoned	X					
Evaluate each property	X					
Select properties	X					
Obtain consent from property owners	X					
Submit for PRC (city staff) review	X					
Determine appropriate environmental		X				
Prepare public notice		X				
Hold public informational meeting(s)			X			
City Council Review			X	X		
Approval and submission to HCD				X		
Anticipated Progress	6 months	9 months	12 months	24 months	30 months	36 months
Understand scope of work	X					
Properties identified, evaluated & identified	X					
Conditions of approval determined	X					
Environmental determined		X				
Public meetings scheduled		X				
City Council action			X	X		
Submit to HCD				X		
Measure of Progress	6 months	9 months	12 months	24 months	30 months	36 months
Identify 168 acres to be rezoned	X					
PRC application review (by staff)	X					
Environmental determined		X				
Prepare mailing labels for notification		X		X		
City Council Hearing			X	X		
HCD Certification				X		
Evaluation Strategies	6 months	9 months	12 months	24 months	30 months	36 months
Status report to City Council		X	X	X		

Quarterly Progress Reports due the 10th of the month following end of quarter.

City/Organization Name:		CITY OF PORTERVILLE (Compact City)					
Applicable Activity		Industrial Annexation - Preparation of studies and agreements to provide for the annexation of approximately 500 acres of land for future industrial development.					
Livability Principle(s) Addressed		Enhance economic competitive-ness	Support existing communities	Coordinate policies and leverage investment	Value communities and neighborhoods		
Long Term Outcome Desired		Increases the City's competitiveness by providing for land for future industrial expansion within the City's proposed "Jobs Center" as contained in the City's General Plan and recently adopted Economic Development Strategy.					
Specific Steps to be Taken		6 months	9 months	12 months	24 months	30 months	36 months
City Council Approval of Revised Grant Program					x		
City Council Authorization of RFP					x		
Public Meeting					x		
City Council Public Hearing						x	
LAFCO Public Hearing						x	
Anticipated Progress		6 months	9 months	12 months	24 months	30 months	36 months
Properties identified, evaluated, and analyzed					x		
Consultant Selected					x		
Prepare Environmental Document					x		
BOE Submittal (by LAFCO)							x
Measure of Progress		6 months	9 months	12 months	24 months	30 months	36 months
Annexation Boundry Proposal					x		
Prepare RFP for Environmental					x		
Environmental Document Draft Review						x	
Prepare LAFCO Application						x	
LAFCO Submittal						x	
Annexation Complete							x
Evaluation Strategies		6 months	9 months	12 months	24 months	30 months	36 months
Updates at weekly staff meetings					x	x	x

Quarterly Progress Reports due the 10th of the month following end of quarter.

Proposed new program

City/Organization Name:		CITY OF PORTERVILLE (Compact City)			
Applicable Activity	Design Standards and Specifications - To implement the vision and principles contained in the City's 2030 General Plan the City must update existing design standards and develop new standards to implement hillside development preservation and General Plan related concepts such as developing neighborhood centers. These standards include various types of infrastructure including a variety of streets, bicycle lanes and pathways, landscape and irrigation systems, drainage and other infrastructure.				
Livability Principle(s) Addressed	More Transportation Choices	Support existing communities	Coordinate policies and leverage investment	Value communities and neighborhoods	
Long Term Outcome Desired	Implement goals of sustainability in General Plan by providing standard specifications for all city infrastructure.				
Specific Steps to be Taken	6 months	9 months	12 months	24 months	
Develop a workplan & make assignments	X				
Tier 1 - update existing standards		X			
Tier 2 - develop new hillside dev. standards			X		
Tier 3 - develop new GP related standards					
City staff review of standards					
Peer review & consultant review					
Community input					
City Council Adoption					
Anticipated Progress	6 months	9 months	12 months	24 months	
Existing Standards	X	X			
New Hillside Development Standards			X		
New Neighborhood Centers Standards					
New GP Related Standards					
Review					
Adoption					
Measure of Progress	6 months	9 months	12 months	24 months	
Update existing standards - 90% complete		X			
Develop draft hillside standards - 90%			X		
Develop draft GP related standards - 90%					
Peer, consultant & public review					
Adoption of Standards by City Council					
Evaluation Strategies	6 months	9 months	12 months	24 months	
Monthly Progress Updates	X	X	X		

Quarterly Progress Reports due the 10th of the month following end of quarter.

This program has been replaced with the Industrial Annexation per request dated June 2012

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
APPROVING PARTICIPATION WITH THE SAN JOAQUIN VALLEY PARTNER
CITIES IN THE SMART VALLEY PLACES COMPACT**

WHEREAS, the San Joaquin Valley (Valley) is recognized as integral to the continued growth and sustainability of California, and the Valley's cities which will be the focus for successfully accommodating future growth and implementing sustainability face significant and daunting economic, revitalization, affordable housing, social, environmental, public health, natural and fiscal resource, and other challenges; and

WHEREAS, the Valley region has assessed shared challenges and identified shared planning principles for continued economic growth and urban development, preservation of the rich agricultural land base and water resources, improved education and health, broader prosperity, and to enable implementation of the essential elements of long-term success, and

WHEREAS, the Valley's shared planning principles are appropriately represented by the Smart Growth Principles adopted and established as the benchmark for achieving a San Joaquin Valley Blueprint, the six major initiatives of the California Partnership for the San Joaquin Valley Strategic Action Proposal, and the HUD-EPA-DOT Livability Principles, and

WHEREAS, a direct partnership among Valley cities is the best and most effective way to create and coordinate a pool of resources, templates, and best practices, and use the local land use and zoning authority required that will lead to the practical and measurable implementation of shared planning principles for long-term San Joaquin Valley viability, and

WHEREAS, Smart Valley Places is being established as a direct partnership among cities and other local and regional partners with the purpose to locally define and implement a regional plan for sustainable development for the San Joaquin Valley, and

WHEREAS, it is desirable that partner cities of Smart Valley Places enter into a COMPACT and commit to each other to share planning principles and incorporate them into their respective local policies and codes through a process that engages all stakeholders and residents in order to comprise and facilitate the implementation of a comprehensive regional plan for sustainable development, and

WHEREAS, the initial eligible partner cities for voting membership in the Smart Valley Places COMPACT are the 16 federally defined and recognized Urbanized Areas (50,000 population and over) in the eight counties of San Joaquin Valley region, and

WHEREAS, the expansion of voting membership in the Smart Valley Places COMPACT network through the addition of cities and other partners is anticipated as network organization and member performance capabilities increase over time to have the ability to accommodate member expansion, and

WHEREAS, the Smart Valley Places COMPACT provides for governance by an Executive Committee of City Managers appointed and empowered by their respective City Councils to provide policy guidance and administrative oversight for Smart Valley Places network related contracts, agreements, grant applications and awards, resource allocations, evaluation of projects and programs, a multi-city Planners Steering Committee, and any other network business, and

WHEREAS, the California Partnership for the San Joaquin Valley and the CSU Fresno Foundation are designated to act as the initial regional lead and fiscal agents for grant applications from and funding awards to the Smart Valley Places COMPACT cities under terms defined in a contractual agreement approved by the Smart Valley Places COMPACT Executive Committee, and

WHEREAS, the City of Porterville intends to locally incorporate the shared planning principles of the Valley region and to work collaboratively with other Valley cities to locally define and mutually implement a regional plan for sustainable development for the San Joaquin Valley as outlined in the Smart Valley Places COMPACT, and

WHEREAS, a public meeting was held on August 3, 2010 at 7:00 P.M. in the Porterville City Hall located at 291 N. Main Street, Porterville, California, at which time and place participation in the Smart Valley Places COMPACT was considered by the Porterville City Council.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Porterville that it hereby agrees and affirms that participation in the Smart Valley Places COMPACT, in conjunction with the other Smart Valley Places COMPACT partner cities referenced herein, is both desirable and necessary to provide for continued economic growth and urban development, preservation of the rich agricultural land base and water resources, improved education and health, broader prosperity, and to enable implementation of the essential elements of long-term sustainability in both Porterville and the greater San Joaquin Valley.

BE IT FURTHER RESOLVED that the City Manager, or designee, is hereby authorized to participate as a voting member of the Smart Valley Places COMPACT Executive Committee and to execute all necessary grant documents, agreements, MOUs and other documentation needed to carry out the business of Smart Valley Places on behalf of the City of Porterville.


Cameron Hamilton, Vice Mayor

ATTEST:

John Lollis, City Clerk

By 

Patrice Hildreth, Chief Deputy City Clerk

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

I, JOHN D. LOLLIS, the duly appointed City Clerk of the City of Porterville do hereby certify and declare that the foregoing is a full, true and correct copy of the resolution passed and adopted by the Council of the City of Porterville at a regular meeting of the Porterville City Council duly called and held on the 3rd day of August, 2010.

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

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

JOHN D. LOLLIS, City Clerk


By: Patrice Hildreth, Chief Deputy City Clerk

SUBJECT: ASSISTANCE TO FIREFIGHTERS GRANT AWARD

SOURCE: Fire Department

COMMENT: The Porterville Fire Department submitted a grant proposal/application to the Federal Emergency Management Agency and the Department of Homeland Security requesting funding for providing nine (9) training courses during 2013, utilizing the Office of the State Fire Marshal, Training and Education System. On December 28, 2012, the Fire Department received notice of award for this grant, the Assistance to Firefighters Grant, in the amount of \$23,600.

If Council approves the acceptance of this grant, each of the courses will be held at the Fire Department's Regional Training Facility with enrollment open to firefighters throughout the State of California. Courses offered will range from the Chief Officer, Fire Officer, and Driver Operator curriculum. The project cost for these training courses is \$29,500. The Federal share of the grant award is 80% of the project cost, or \$23,600, and the local share is 20%, or \$5,900. Funds required for the local share are available in the Fire Department's training expense budget account.

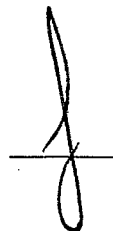
RECOMMENDATION: That the City Council:

- 1) Accept the Assistance to Firefighters Grant award from the Federal Emergency Management Agency and the Department of Homeland Security in the amount of \$23,600;
- 2) Authorize the use of the local 20% share (\$5,900) from the Fire Department's training expense budget account; and
- 3) Authorize a budget adjustment to reflect the addition of \$23,600 to the Fire Department budget.

ATTACHMENT: Award Letter

DD 

Appropriated/Funded  CM



Item No. 8.

U.S. Department of Homeland Security
Washington, D.C. 20472



FEMA

Mr. Glenn Irish
Porterville Fire Department
40 W. Cleveland
Porterville, California 93257-3649

Re: Grant No.EMW-2012-FO-00346

Dear Mr. Irish:

On behalf of the Federal Emergency Management Agency (FEMA) and the Department of Homeland Security (DHS), I am pleased to inform you that your grant application submitted under the FY 2012 Assistance to Firefighters Grant has been approved. FEMA's Grant Programs Directorate (GPD), in consultation with the U.S. Fire Administration (USFA), carries out the Federal responsibilities of administering your grant. The approved project costs total to \$29,500.00. The Federal share is 80 percent or \$23,600.00 of the approved amount and your share of the costs is 20 percent or \$5,900.00.

As part of your award package, you will find Grant Agreement Articles. Please make sure you read and understand the Articles as they outline the terms and conditions of your grant award. Maintain a copy of these documents for your official file. **You establish acceptance of the grant and Grant Agreement Articles when you formally receive the award through the AFG online system.** By accepting the grant, you agree not to deviate from the approved scope of work without prior written approval from FEMA.

If your SF 1199A has been reviewed and approved, you will be able to request payments online. Remember, you should request funds when you have an immediate cash need.

If you have any questions or concerns regarding the awards process or how to request your grant funds, please call the helpdesk at 1-866-274-0960.

Sincerely,

A handwritten signature in black ink, appearing to read "Timothy W. Manning".

Timothy W. Manning
Deputy Administrator for National Preparedness and Protection

COUNCIL AGENDA: January 15, 2013

SUBJECT: REVIEW OF LOCAL EMERGENCY STATUS

SOURCE: Administration

COMMENT: In accordance with the City Council's Resolution of Local Emergency adopted on December 21, 2010, and pursuant to Article 14, Section 8630 of the California Emergency Services Act, the Council must review the status of its local emergency at every regularly scheduled meeting and make a determination whether to continue or terminate the local emergency declaration.

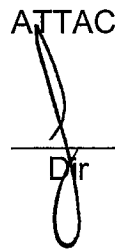
Since its last review on December 18, 2012, City staff has continued its coordination with both State and Federal representatives in having made claims for reimbursement for public areas reported as suffering flood damage. An estimated total of \$361,750 in damage repair projects were defined and accepted by both State (CEMA) and Federal (FEMA) emergency agencies, which after final FEMA administrative review, a total of approximately \$270,000 was approved. Although all repair projects were originally to be completed by no later than July 2012, the City has received a one (1)-year extension to July 2013.


At its meeting on October 16, 2012, the Council awarded a contract in the amount of \$95,391.71 to Greg Bartlett Construction (Porterville), beginning CEMA repairs to Plano Street (south of Thurman Avenue), El Granito Street (near Zalud Park), E. Grand Avenue (at Henrahan Street), and W. Grand Avenue (at Hawaii Street). At its meeting on December 18, 2012, the Council accepted the completion of these identified CEMA repairs, including \$90,295.53 in final construction costs.

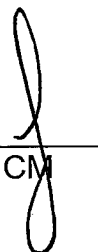
RECOMMENDATION: That the Council:

1. Receive the status report and review of the designated local emergency; and
2. Pursuant to the requirements of Article 14, Section 8630 of the California Emergency Services Act, determine that a need exists to continue said local emergency designation.

ATTACHMENT: None


Dir


Approp./
Funded


CM

Item No. 9

CITY COUNCIL AGENDA: JANUARY 15, 2013

SUBJECT: BUDGET ADJUSTMENT/CITIZENS' OPTION FOR PUBLIC SAFETY (COPS) PROGRAM FUNDING

SOURCE: Police Department

COMMENT: For the past several years the City of Porterville has annually received funding from the State of California through the Citizens' Option for Public Safety (COPS) Grant Program. The City of Porterville is again slated to receive \$100,000 this upcoming fiscal year and a public hearing on the intent of the expenditures is required. In the past, the Police Department has used these funds in support of personnel assigned to the department's Patrol Division, including all necessary training, equipment, and overtime costs. The expenditure of these funds in this manner is in proper adherence with the requirements as specified in the Assembly Bill.

RECOMMENDATION: That the City Council:

- 1) Conduct the public hearing to receive public comment; and
- 2) Authorize use of these funds to offset costs for personnel assigned to the department's Patrol Division, including necessary training, equipment, and overtime costs; and
- 3) Approve a budget adjustment reducing the Police Department's 2012-2013 General Fund budget by \$100,000 and increasing the Police Department's Special Safety Grants-Citizens' Option for Public Safety (COPS) budget by \$100,000.

Attachment: Draft Resolution

D.D. CH

Appropriated/Funded

MB

C.M.

J

Item No.

10

RESOLUTION NO. _____-2013

A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF PORTERVILLE ACCEPTING CITIZENS' OPTION FOR
PUBLIC SAFETY (COPS) GRANT FUNDS 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 City of Porterville accepts the 2012/2013 Citizens' Option for Public Safety (COPS) Grant Funds; and
2. Police Department's Special Safety Grants-Citizens' Option for Public Safety (COPS) budget is increased by \$100,000 to allow for expenditure of those Grant Funds in support of personnel assigned to the Patrol Division and their operational costs.

APPROVED AND ADOPTED this 15th day of January, 2013.

Virginia Gurrola, Mayor

ATTEST:

John Lollis, City Clerk

By: Patrice Hildreth, Chief Deputy City Clerk

PUBLIC NOTICE

NOTICE OF PUBLIC HEARING REGARDING REQUEST FOR USE OF AB 3229 LOCAL LAW ENFORCEMENT FUNDS BY PORTERVILLE POLICE DEPARTMENT

Notice is hereby given by the City Council of the City of Porterville that on Tuesday, January 15, 2013, in the Council Chambers at City Hall, 291 North Main Street, Porterville, California, at 6:30 p.m., or as soon thereafter as the matter can be heard, the City Council shall conduct a public hearing to consider the acceptance of the 2012/2013 Citizens' Option for Public Safety grant of \$100,000 and authorize the use of these funds to support Patrol Division personnel and operational costs.

This notice is given in order to provide all interested parties an opportunity to be heard and to present their views with respect to the use of AB 3229 funds. The written request is on file in the Office of City Clerk at City Hall, 291 N. Main St. Porterville CA, and is available for inspection by any and all persons interested therein.

DATED:

John D. Lollis, City Clerk

CITY COUNCIL AGENDA – JANUARY 15, 2013

SUBJECT: APPOINTMENT TO THE TRANSACTIONS AND USE TAX
("MEASURE H") OVERSIGHT COMMITTEE



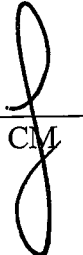
SOURCE: ADMINISTRATIVE SERVICES/CITY CLERK DIVISION

COMMENT: The Transactions and Use Tax Oversight Committee currently has a vacancy with a four-year term scheduled to expire in May 2014. Staff has publicized the vacancy and solicited applications through the Porterville Recorder, KTIP radio, the City's website, and Constant Contact. As of the time of agenda compilation and distribution, one Request for Appointment from Mr. Bill Nebeker has been received and is attached for Council consideration. Further, any Requests received subsequent to agenda distribution will be presented under separate cover for Council consideration.

To be eligible for appointment, individuals must either be a resident of Porterville, a business owner, or operator.

RECOMMENDATION: That the City Council appoint an individual to the vacant position on the Transactions and Use Tax Oversight Committee with a term to expire in May 2014.

ATTACHMENT: Request for Appointment

		
Dir	Approp./ Funded	CM

Item No. 11

RECEIVED

JAN 09 2013

CITY OF PORTERVILLE
CITY CLERK OFFICE

CITY OF PORTERVILLE REQUEST FOR APPOINTMENT

Please complete all blanks.

Name: WILLIAM H NEBEKER
(Please Print)

Appointment to: TRANSACTIONS & USE TAX OVERSIGHT COMMITTEE
(Name of Board, Commission, or Committee) (MEASURE H)

☐ Reappointment; or IF NEW, please provide :

Street Address: 2660 W. PORTER CREEK AVE
PORTERVILLE CA 93257

Mailing Address: _____

Name of Business: NEW YORK LIFE INSURANCE CO.
☐ Own ☒ Operate

Business Address: 472 W. PUTNAM
PORTERVILLE CA 93257

Telephone: Home 782-3522

Work 333-0191

FAX 784-3431

E-mail WHNEBEKER@FTI.NEWYORKLIFE.COM

City of Porterville resident:

☒ Yes

☐ No

Registered Voter:

☒ Yes

☐ No

Qualifications: SEE ATTACHED LETTER OF REQUEST
AND RESUME!

☒ Resume attached

☒ Letter of request attached

Submitted By: Will H. NM 1-8-13
Date

Received by: J. G. Hume

Forwarded to: City Clerk ☒ Date: _____

City Council ☐ Date: _____

City Manager ☐ Date: _____

Applicable Dept. ☐ Date: _____

Tentative Council Mtg Date: 1-15-13

January 8, 2013

To: Members of the Porterville City Council

I wish to be considered for the vacancy on the Measure 8, Transactions and Use Tax Oversight Committee. I feel that my experience working in city government in the planning profession, and now as a small business operator in Porterville, qualifies me for this appointment.

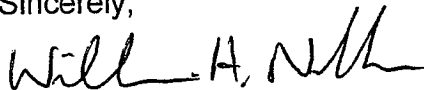
I've had the privilege of serving the public in the city planning profession for 27 years in five western states and six communities. In three of these six cities I was personally involved in the budgeting process. I have always strived to be a prudent caretaker of the public's funds. In June of 2012 I separated from the City of Porterville and began a new career with New York Life Insurance Company. I am proud to work with such a reputable company serving the citizens in the area with their protection and personal planning needs.

While engaged in the planning profession I was unable to serve on committees such as this due to a standing conflict of interest. Now that I no longer work for the City of Porterville I would like to continue to serve the public. I seek your approval in appointment to this committee.

Attached is a resume which further details my background and experience. Unfortunately due to a prior scheduled meeting I will be unable to attend the January 15th City Council meeting.

Thank you for consideration of this request. If additional information is needed please call me at 333-0191.

Sincerely,

A handwritten signature in black ink, appearing to read "William H. Nebeker". The signature is fluid and cursive, with the first name "William" being the most prominent.

William H. Nebeker

WILLIAM H. NEBEKER

(559) 333-0191 (cell)
(559) 782-3522 (home)

whnebeker@ft.newyorklife.com

2660 W. Porter Creek
Porterville, CA 93257

EXPERIENCE

Agent

2012 to 2013

New York Life Insurance Company, Porterville, CA

- **Serve** community residents by providing consultation and sales of financial products and services to protect families, individuals and businesses

City Planner

2010 to 2012

Community Development Department, Porterville, CA

- **Managed** department's planning division
- **Administered** grant program, revised development code, prepared staff reports, made presentations to community groups and City Council

Community Development Director

2002 to 2010

Community Development Department, Susanville, CA

- **Direct** Planning, Building & Code Enforcement divisions in all aspects and duties of department operation (budgeting, hiring, supervision, training, etc.)
- **Organize and administer** City's Planning Division as the chief planner in all aspects of development review, zoning administration, long range planning, housing, annexations, floodplain administration, CEQA compliance, customer service, etc.
- **Negotiated** end to a dispute between the City and local Indian Rancheria, ending two lawsuits and improving relations for years

Senior Planner

1995 to 2002

Community Development Dept., Grand Junction, CO

- **Project manager** for development review of shopping centers, subdivisions and other development proposals from pre-application to construction and inspection
- **Implemented** changes to provide exceptional customer service assistance

EDUCATION

M.E.P. (Master of Environmental Planning) Emphasis: Citizen Participation, Neighborhood Planning & Subdivision Regulation; Arizona State University, Tempe, AZ 1990

B.S. (Bachelors of Science - Urban Planning) Emphasis: Land Use Planning, Redevelopment Planning & Cartography; University of Utah, SLC, UT 1982

ACTIVITIES & SKILLS

Porterville Chamber of Commerce Ambassador

Boy Scouts of America Volunteer Leader

Common sense problem solving and a "thinking out of the box" approach

Ability to get along with everyone and have a good sense of humor

COUNCIL AGENDA: JANUARY 15, 2013

SUBJECT: DRAFT ORDINANCE ADDING PENALTY PROVISIONS TO THE MUNICIPAL CODE RELATED TO PORTERVILLE MUNICIPAL CHARTER SECTION 67 (INTERFERENCE WITH PERFORMANCE OF DUTIES OF CITY MANAGER/POLITICAL ACTIVITIES OF COUNCIL MEMBERS, ADMINISTRATIVE OFFICERS AND EMPLOYEES)

SOURCE: City Attorney's Office/Ad Hoc Committee re Charter Issues

COMMENT: At the direction of the Council at prior City Council Meetings, the ad hoc committee consisting of Vice Mayor McCracken and Councilmember Ward met on multiple occasions to discuss a potential Charter Amendment addressing penalty and enforcement provisions for Charter violations, and potential alternatives or interim provisions including an ordinance provision imposing penalties for violations of Charter Section 67.

Per discussion with the committee, proposed ordinance language has been drafted by the City Attorney, that restates the proscriptions contained in Section 67 (including interference with the performance of duties of the City Manager) and specifies that violations of the Section would be subject to the general enforcement and penalty provisions contained in the Municipal Code – i.e. criminal citation as well as civil remedies. There are two proposed sections since Section 67 of the Charter also deals with restrictions on political activities of elected and appointed officials as well as City employees.

The committee also discussed the possibility of proposing the addition of a general penalty provision in the City Charter (covering all Charter violations). The cost of taking a proposed Charter measure to the ballot was much more expensive if done at a special election (estimated to cost approximately \$55,433 to \$59,128) than if done in November, 2013 (estimated to cost approximately \$40,651 to 44,346). The greatest savings to the City would likely be achieved if the Charter measure was done in conjunction with the City's General Election in June 2014. The City Clerk estimates the cost would likely be approximately \$20,000 to \$25,000 (in addition to the cost of the general election) depending on the number of amendments proposed. Given the cost, the committee believes any changes should be proposed for the June 2014 election.

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Additionally, the committee felt that the City Council may want to consider whether it wishes to propose any additional Charter amendments, as it will have been over ten years since the last comprehensive amendments were considered and approved by the voters.

RECOMMENDATION: The City Attorney/Committee is requesting that the City Council consider this report and the draft ordinance and provide further direction, including whether the Council wishes to consider the attached ordinance for first reading at a future City Council meeting.

ATTACHMENT: Draft Ordinance

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
ADDING SECTIONS _____ TO CHAPTER _____, ARTICLE _____ OF
THE PORTERVILLE MUNICIPAL CODE
REGARDING COUNCILMANIC INTERFERENCE WITH ADMINISTRATIVE
FUNCTIONS OF THE CITY

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

Section 1. Code Amendment. Sections _____ are hereby added to
Chapter _____, Article _____, of the Porterville Municipal Code, to read as follows:

CHAPTER _____
ARTICLE _____

Section _____. *Interference with Performance of Duties of City
Manager.*

- (a) As set forth in Section 67 of the Porterville Municipal Charter, no member of the City Council shall in any manner attempt to influence or coerce the city manager in the making of any appointment or the purchase of supplies in accordance with applicable State and Federal law.
- (b) The City Council shall deal with the administrative functions of the City through the city manager. The City Council shall only have direct contact with the directors of the city's departments for the purpose of asking questions. No City Council member shall give an order or orders to any subordinate of the City under the jurisdiction of the City Manager or other such officers, either publicly or privately.
- (c) Violations of this Section shall be subject to the penalty and enforcement provisions set forth in this Municipal Code, including but not limited to Section 1-9.

Section _____. *Political Activities of Council Members, Administrative
Officers, and Employees.*

- (a) As set forth (and unless otherwise specified) in Section 67 of the Porterville Municipal Charter, political activities of, and campaign contributions by, the City's legislative officers, administrative officers, and employees shall be governed in accordance with applicable State and Federal law.

- (b) All City legislative officers, administrative officers, and employees are prohibited from engaging in political activities during working hours.
- (c) All City officers and employees are prohibited from engaging in political activities at their work place. Furthermore, all City officers and employees are prohibited from engaging in political activities on City property, provided this prohibition does not pertain to property that is otherwise open to the public for the purpose of engaging in political activities.
- (d) Violations of the Section shall be subject to the penalty and enforcement provisions set forth in this Municipal Code, including but not limited to Section 1-9, in addition to any applicable State and Federal laws restricting said activities.

Section 3. Severability. Should any provision of this Ordinance, or its application to any person or circumstance, be determined by a court of competent jurisdiction to be unlawful, unenforceable or otherwise void, that determination shall have no effect on any other provision of this Ordinance or the application of this Ordinance to any other person or circumstance and, to that end, the provisions hereof are severable.

Section 4. Effective Date. This Ordinance shall take effect thirty days after adoption as provided by Porterville Charter Section 12.

Section 5. Certification. The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same to be published according to law.

PASSED, APPROVED AND ADOPTED, this ____ day of _____ 2013.

Virginia R. Gurrola, Mayor

ATTEST:

Patrice Hildreth, Chief Deputy City Clerk

AGENDA: JANUARY 15, 2013

PORTERVILLE PUBLIC IMPROVEMENT CORPORATION

SUBJECT: ANNUAL MEETING OF THE PORTERVILLE PUBLIC IMPROVEMENT CORPORATION

SOURCE: PUBLIC WORKS DEPARTMENT

COMMENT: In 1988, the Porterville Public Improvement Corporation was formed, designating the City Council members as Directors. An annual meeting is required to be held each year.

Action by the Board of Directors is required to approve the election of new officers in accordance with Article III, Section 2 of the Bylaws of the Corporation. Article III, Section 1 of the Bylaws provides that the Mayor shall act ex officio as President, the Vice Mayor shall act ex officio as Vice President, the City Clerk shall act ex officio as Secretary, the Finance Director shall act ex officio as the Treasurer, and the City Attorney shall act ex officio as Legal Counsel to the corporation.

In addition to the election of officers, a report on the progress of the Certificates of Participation (COP) projects is to be submitted to the Board of Directors at the time of the annual meeting. In accordance with Corporation Bylaws and Resolution No. 89-2, a public meeting (not a public hearing) is required prior to approving the annual report. A status report for COP projects is provided as an attachment to this agenda item.

At its meeting on September 18, 2012, the City Council gave approval to proceed in the consideration of refinancing the COP projects. As staff presented, utilizing a Variable Rate Demand Obligation (VRDO) bond structure given current bond refinancing rates, the City could refund the COP issue with an annual debt service savings of approximately \$400,000 over the remaining term of the issuance. Due to the filing of several recent California municipal bankruptcies (Atwater, Mammoth Lakes, San Bernardino, and Stockton) as well as Moody's Credit Rating Service warning of potentially many more in the future, banking institutions are conducting more extensive financing due diligence. One such bank is currently conducting its due diligence toward supporting the VRDO refinancing, and is anticipated to make its financing determination by February.

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

1. Approve the election of officers as indicated in the attached draft resolution;

DD 382 Appropriated/Funded MB CM J

ITEM NO. PIC-1

2. Accept public comment; and
3. Approve the 2012 Status Report for Certificates of Participation Projects.

ATTACHMENTS:

1. Draft Resolution for Election of Officers
2. 2012 Status Report for Certificates of Participation Projects
3. Original COP Priority Projects List
4. COP Project Status Spreadsheet

RESOLUTION NO. PIC _____

A RESOLUTION OF THE PORTERVILLE PUBLIC IMPROVEMENT
CORPORATION ELECTING OFFICERS FOR THE
PORTERVILLE PUBLIC IMPROVEMENT CORPORATION

BE IT HEREBY RESOLVED by the Directors of the Porterville Public Improvement Corporation, that the following persons are elected to the offices set forth opposite their names below, as officers of the Corporation, to serve until succession, or election and qualification of the successors, as provided in Article III, Section 2 of the Bylaws of the Corporation.

<u>Name</u>	<u>Office</u>
Virginia R. Gurrola	President
Pete V. McCracken	Vice President
John D. Lollis	Secretary
Maria Bemis	Treasurer
Julia Lew	Legal Counsel

PASSED, APPROVED AND ADOPTED this 15th day of January, 2013.

By: _____
Virginia R. Gurrola, President

ATTEST:

John D. Lollis, Secretary

ATTACHMENT NO. 1

CITY OF PORTERVILLE
Certificates of Participation
Status Report

As of November 1, 2012

1998 ISSUE:

On May 5, 1998, City Council authorized the issuance of Certificates of Participation to finance major components of the City Circulation Element.

Total Certificates of Participation Issue: \$20,000,000

<u>Project</u>	<u>Percentage of Design Complete</u>	<u>Percentage of Const. Complete</u>
BRIDGES:		
Plano - Tule River Widening	100%	10%
Jaye - Tule River Widening	50%	0%
STREETS:		
Prospect St. Reconstruction (match)	100%	0%
Westwood St. Henderson Past Slough	75%	0%
Main - Henderson to Linda Vista	10%	0%
Gibbons - Main to Indiana	100%	0%
Main - Yates to Gibbons	75%	0%

**CITY OF PORTERVILLE
ORIGINAL CERTIFICATE OF PARTICIPATION
PRIORITY PROJECTS LIST**

PROJECT	
A. BRIDGES:	
1.	Plano - Tule River Widening
2.	Main - Tule River Reconstruction
3.	Jaye - Tule River Widening
B. SLOUGH CROSSING:	
4.	Henderson & Porter Slough
5.	Westwood & Porter Slough
6.	Indiana & Porter Slough
C. STREETS	
7.	Granite Hills Circulation
	Phase 1: Morton – Plano to Hillcrest - Morton - Hillcrest to Connor - Connor – Morton to Olive - Putnam – Connor to School
	Phase 2: Crestview – Putnam to Morton - Olive Avenue – Putnam to Tulsa
8.	Indiana - Olive/Thurman
9.	Henderson – Newcomb to Westwood
10.	Olive Avenue - Newcomb/Westwood
11.	Main St.- Henderson/Linda Vista (Phase 1 & 2)
12.	Orange Avenue - S. Main/Plano
13.	S. Jaye St - 190/Gibbons
14.	Gibbons - S. Main/Indiana (2 lanes)
15.	So. Main - 190/Gibbons
16.	N. Grand/Hwy. 65 right-of-way/EIR/EIS
17.	Prospect - Morton/Pioneer
18.	Westfield - Hwy 65/ N. Main
19.	So. Jaye - Olive/190
20.	N. Villa - Olive to Henderson
21.	Date - S. Main/Plano
22.	W. Henderson - Indiana to Main
23.	Westwood - Henderson/Westfield
24.	N. Main - Morton to Henderson

C.O.P.---STREETS & BRIDGES

Updated as of October 2012

C.O.P.---STREETS & BRIDGES									
Updated as of October 2012									
Priority	ACCOUNT NUMBER	PROJECT DESCRIPTION	ORIGINAL COST ESTIMATE	EXPENDED TO DATE	COP SHARE	DISCRETIONARY EXPENDITURES	DECLINING COP BALANCE	DECLINING DISCRETIONARY BALANCE	TOTAL COP/DISCRE. BALANCE
Completed	85-9723	Jaye - Olive to Date - Phase 1 (Org est. - Olive to 190)	\$600,000	\$220,426	\$220,426	\$0	\$23,051,043	\$1,000,000	\$24,051,043
Completed	85-9702	Main - Tule River Widening	\$600,000	\$861,814	\$0	\$0	\$22,189,229	\$1,000,000	\$23,189,229
Completed	85-9714	Olive - Newcomb to Westwood	\$1,200,000	\$1,149,142	\$1,149,142	\$0	\$21,040,087	\$1,000,000	\$22,040,087
Completed	85-9719	So. Main-Phase 1 - Hwy. 190 to Yates (Org est. - 190 to Gibbons)	\$600,000	\$405,768	\$405,768	\$0	\$20,634,319	\$1,000,000	\$21,634,319
Completed	85-9721	Prospect - Morton to Westfield (Org est. - Morton to Pioneer)	\$600,000	\$1,669,410	\$1,669,410	\$0	\$18,964,909	\$1,000,000	\$19,964,909
Completed	85-9722	Westfield - Prospect to Monte Vista (Org est. - Hwy 65 to Main)	\$700,000	\$223,258	\$223,258	\$0	\$18,741,651	\$1,000,000	\$19,741,651
Completed	85-9733	Hwy 65 - Scranton Ave. Project	\$0	\$146,736	\$146,736	\$0	\$18,594,915	\$1,000,000	\$19,594,915
Completed	85-9734	Downtown Project - Bank Building	\$0	\$55,935	\$55,935	\$55,935	\$18,594,915	\$944,065	\$19,538,980
Completed	85-9735	Sports Complex	\$0	\$1,379,000	\$1,379,000	\$0	\$17,215,915	\$944,065	\$18,159,980
Completed	85-9736	Traffic Signal - Olive/G	\$0	\$175,043	\$175,043	\$0	\$17,040,872	\$944,065	\$17,984,937
Completed	85-9737	Traffic Signal Project #5	\$0	\$40,017	\$40,017	\$0	\$17,000,855	\$944,065	\$17,944,920
Completed	85-9729	Aerial Photography	\$0	\$312,218	\$312,218	\$0	\$16,688,637	\$944,065	\$17,632,702
Completed	85-9707	Granite Hills-Ph 1 - Morton - Plano to Hillcrest	\$4,000,000	\$4,679,401	\$4,679,401	\$0	\$12,009,236	\$944,065	\$12,953,301
Completed	85-9708	Granite Hills-Ph 1 - Crestview - Thurman to Morton		\$105,527	\$105,527	\$0	\$11,903,709	\$944,065	\$12,847,774
Completed	85-9708	Granite Hills-Ph 1 - Connor - Morton to Olive		\$0	\$0	\$0	\$11,903,709	\$944,065	\$12,847,774
Completed	85-9708	Granite Hills-Ph 1 - Morton - Hillcrest to Conner-Storm Dr.		\$0	\$0	\$0	\$11,903,709	\$944,065	\$12,847,774
Completed	85-9709	Granite Hills-Ph 1 - Putnam - Connor to Tulsa		\$111,859	\$111,859	\$0	\$11,791,850	\$944,065	\$12,735,915
Completed	85-9710	Granite Hills-Ph 2 - Crestview - Putnam to Olive		\$1,557,317	\$1,557,317	\$0	\$10,234,533	\$944,065	\$11,178,598
Completed	85-9710	Granite Hills-Ph 2 - Olive - Crestview to Tulsa							
Completed	02-0001	Airport Toxic Clean-Up/Restaurant	\$0	\$232,462	\$232,462	\$232,462	\$10,234,533	\$711,603	\$10,946,136
Completed	85-9706	Indiana & Porter Slough	\$500,000	\$30,671	\$30,671	\$0	\$10,203,862	\$711,603	\$10,915,465
Completed	85-9706	Orange - Main to Plano	\$1,000,000	\$2,043,815	\$2,043,815	\$0	\$8,160,047	\$711,603	\$8,871,650
Completed	85-9704	Henderson Piping Project		\$358,303	\$358,303	\$0	\$7,801,744	\$711,603	\$8,513,347
Completed	85-9713	Henderson - Newcomb to Westwood & Porter Slough	\$1,200,000	\$1,500,618	\$1,500,618	\$0	\$6,301,127	\$711,603	\$7,012,730
Completed	85-9738	Jaye - 190 Intersection	\$0	\$1,450,000	\$1,450,000	\$0	\$4,851,127	\$711,603	\$5,562,730
Completed	85-9738	Jaye - 190 to Springville (Sewer paid out of Sewer DF)	\$0	\$540,700	\$540,700	\$0	\$4,310,427	\$711,603	\$5,022,030
Completed	85-9712	*Indiana - Putnam to Olive	\$700,000	\$1,018,876	\$1,018,876	\$0	\$3,291,551	\$711,603	\$4,003,154
Completed	89-9478	Community Center Parking Lot (5/19/09 CC Meeting)	\$0	\$42,986	\$42,986	\$0	\$3,248,565	\$711,603	\$3,960,168
Completed	89-9117	Prospect St. Reconstruction	\$0	\$14,438	\$14,438	\$0	\$3,234,127	\$711,603	\$3,945,730
Completed	85-9720	LDS Church - Retaining Wall	\$0	\$5,775	\$5,775	\$0	\$3,228,352	\$711,603	\$3,939,955
STOP	85-9720	N. Grand Hwy 65 ROW EIR & EIS	\$600,000	\$41,871	\$41,871	\$0	\$3,186,481	\$711,603	\$3,898,084
STOP	85-9726	Henderson - Indiana to Main	\$500,000	\$360	\$360	\$0	\$3,186,121	\$711,603	\$3,897,724
STOP	85-9728	Main - Morton to Henderson	\$300,000	\$170	\$170	\$0	\$3,185,951	\$711,603	\$3,897,554
STOP	85-9724	Villa - Olive to Henderson	\$700,000	\$179	\$179	\$0	\$3,185,772	\$711,603	\$3,897,375
STOP	85-9730	Appraisal Services	\$0	\$185	\$185	\$0	\$3,185,587	\$711,603	\$3,897,190
STOP	85-9731	Soil Work	\$0	\$132	\$132	\$0	\$3,185,456	\$711,603	\$3,897,059
DESIGN	85-9717	Jaye - 190 to Gibbons	\$1,000,000	\$138,481	\$138,481	\$0	\$3,046,975	\$711,603	\$3,758,578
DESIGN	85-9727	Westwood - Henderson to Westfield	\$600,000	\$99,005	\$99,005	\$0	\$2,947,970	\$711,603	\$3,659,573
DESIGN	85-9705	Westwood & Porter Slough	\$500,000	\$54,668	\$54,668	\$0	\$2,893,302	\$711,603	\$3,604,905
DESIGN	85-9715	Main - Henderson to 300 ft. N of Westfield (Org est. to Linda Vista)	\$1,300,000	\$269,146	\$269,146	\$0	\$2,624,156	\$711,603	\$3,335,759
DESIGN	85-9718	Gibbons - Main to Indiana	\$600,000	\$104,434	\$104,434	\$0	\$2,519,722	\$711,603	\$3,231,325
1	85-9739	Environmental Work for Projects (VELB Mitigation)	\$0	\$292,240	\$300,000	\$0	\$2,227,482	\$711,603	\$2,939,085
2	85-9701	Plano - Tule River Bridge Widening	\$600,000	\$172,459	\$1160,000	\$0	\$2,055,022	\$711,603	\$2,766,625
		Jaye - Tule River Widening (Design match 20%)			\$35,000	\$0	\$1,967,884	\$711,603	\$2,679,487
3	85-9703	(Portion of design funded through refinace of COP's)	\$0	\$87,138	\$35,000	\$0	\$1,967,884	\$711,603	\$2,679,487
		Jaye - Tule River Widening (Const. match 20%)			\$200,000	\$0	\$1,967,884	\$711,603	\$2,679,487
4	85-9703	(Portion of design funded through refinace of COP's)	\$1,500,000	\$0	\$780,000	\$0	\$1,967,884	\$711,603	\$2,679,487
5		Westwood St. Henderson past Slough	\$0	\$0	\$550,000	\$0	\$1,967,884	\$711,603	\$2,679,487
Total COP Funds Appropriated not expended to date:									(\$2,508,162)
									\$171,325