

**CITY COUNCIL AGENDA
CITY HALL, 291 N. MAIN STREET
PORTERVILLE, CA 93257
AND
1155 KELVIN ROAD
EL SOBRANTE, CA 94803
MAY 7, 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 93257; AND
1155 KELVIN ROAD, EL SOBRANTE, CA 94803**

Roll Call: Agency Members/Chairman

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(d)(1) – 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.
 - 2 -** Government Code Section 54956.9(d)(4) – Conference with Legal Counsel – Anticipated Litigation – Initiation of Litigation: One case.

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 54956.8 – Conference with Real Property Negotiators/Property: 280 North Fourth Street. Agency Negotiators: John Lollis and Donnie Moore. Negotiating Parties: City of Porterville, Porterville Senior Council, and Tulare/Kings Counties Area Agency on Aging. Under Negotiation: Terms and Price.
 - 2 -** Government Code Section 54956.9(d)(1) – Conference with Legal Counsel – Existing Litigation: City of Porterville v. County of Tulare et al., Tulare County Superior Court No. 249043.
 - 3-** Government Code Section 54956.9(d)(1) – Conference with Legal Counsel – Existing Litigation: City of Dinuba et al. v. County of Tulare et al., Tulare County Superior Court Case No. 11-243161.
 - 4-** Government Code Section 54956.9(d)(1) – Conference with Legal Counsel – Existing Litigation (Not Yet Served): Amy Duran v. City of Porterville et al., United States District Court, Eastern

District, Case No. 1:13-CV-00370-AWI-BAM.

5- Government Code Section 54956.9(d)(1) – Conference with Legal Counsel – Existing Litigation: Conner et al. v. City of Porterville et al., Tulare County Superior Court, Case No. 10-239413.

6- Government Code Section 54956.95 – Liability Claims: Claimant: Josephine Luisa Acevedo. Agency claimed against: City of Porterville.

7- Government Code Section 54956.95 – Liability Claims: Claimant: Juan Martinez; Cosme Martinez; Marco Antonio Martinez; Jose Carmen Martinez; Reina Abundia Martinez; Carlos Alfonso Martinez; Gabriel Guadalupe Martinez; Jesus Adan Martinez; Alexis Kristina Martinez; and Adenis Joanna Martinez. Agency claimed against: City of Porterville.

8- Government Code Section 54956.9(d)(2) – Conference with Legal Counsel – Anticipated Litigation – Significant Exposure to Litigation: One case concerning facts not yet known to potential plaintiff.

9- Government Code Section 54956.9(d)(4) – Conference with Legal Counsel – Anticipated Litigation – Initiation of Litigation: One Case.

6:30 P.M. RECONVENE OPEN SESSION

REPORT ON ANY COUNCIL ACTION TAKEN IN CLOSED SESSION

Pledge of Allegiance Led by Council Member Greg Shelton

Invocation

PROCLAMATIONS

Water Awareness Month

PRESENTATIONS

California Cadet Corps

Employee of the Month – Josie Castaneda

AB 1234 REPORTS

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

1. Tulare County Local Agency Formation Committee (LAFCO) – May 1, 2013
2. Consolidated Waste Management Authority (CWMA) – April 18, 2013
3. Tulare County Economic Development Corporation – April 24, 2013 and April 30, 2013

REPORTS

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

- I. City Commission and Committee Meetings:
 1. Arts Commission – April 17, 2013
 2. Youth Commission – April 22, 2013
 3. Parks and Leisure Services Commission – May 2, 2013 (Rescheduled to May 9, 2013)
- II. Staff Informational Items:
 1. **Street Performance Measure – 3rd Quarter Report**

Re: Informational report regarding progress made on street reconstruction, overlay, micro-overlay and pothole report efforts for the 3rd quarter of Fiscal Year 2012/2013.

2. Code Enforcement Update

Re: Informational report on Code Enforcement activity for the period of January 1 through March 31, 2013.

3. Attendance Records for Commissions and Committees

Re: Informational attendance reports for the 3rd Quarter of Fiscal Year 2012/2013.

4. Report on Charitable Car Washes

Re: Informational report regarding charitable car wash permits issued for the period of January 1, 2013 to March 31, 2013.

5. Report on Recent CalPERS Board Action

Re: Informational report regarding recent action and potential future action to be taken by the CalPERS Board that will affect employer contribution rates.

6. Library Borrower – Update

Re: Informational report regarding library borrowers within the service area as mapped in designated Census Tracts.

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. Authorization to Advertise for Bids – Wastewater Treatment Facility Influent Pump Replacement Project

Re: Considering approval of Staff's Plans and Project Manual for the project consisting of the removal and replacement of four 20 year old influent pumps with submersible pumps at the Wastewater Treatment Facility; approval of a budget adjustment in the amount of \$387,000 to the project; and authorization to execute an amendment to Carollo Engineer's design contract in an amount not to exceed \$25,000.

2. Authorization to Advertise for Bids – Well No. 32 Project (Drilling Phase)

Re: Considering approval of Staff's Plans and Project Manual for the well project consisting of the drilling of a 32" diameter bore hole about 800 feet deep, installation of steel casing and gravel envelop on the north side of Tea Pot Dome Avenue, east of the Porterville Fairgrounds.

3. Authorization to Negotiate a Contract –Construction Management and Inspection Services for the Chase Park Improvements Project

Re: Considering authorization to negotiate a contract with Omni-Means at an anticipated fee not to exceed \$90,000.

4. Acceptance of Project – West Street CaleMA Repair

Re: Considering acceptance of project from Greg Bartlett Construction, and authorizing the filing of the Notice of Completion for the project consisting of the repairing areas on West Street damaged during the December 2010 floods.

5. **Acceptance of Project – Newcomb Street and Beverly Street Shoulder Stabilization**
Re: Considering acceptance of project from Central Valley Asphalt, and authorizing the filing of the Notice of Completion for the project consisting of the installation of curb and gutter, sidewalk, driveways, asphalt concrete paving; storm drain pipe and catch basins, and other appurtenance construction along Newcomb and Beverly Streets between Roby and Date Avenues.
6. **Acceptance of Final Subdivision Map - Summit Heritage Villas (Gary Smee)**
Re: Considering approval of the final subdivision map of Summit Heritage Villas submitted by Smee Builders, Inc., and acceptance of all offers of dedication shown on the final map.
7. **Acceptance of Irrevocable Offer to Convey Real Property for Public Street Rights of Way Related to Parcel Map No. 5037, Jaye Street and Vandalia Avenue – Tolladay Family Trust, CZEM Partners, LLC and JLH Properties, LLC**
Re: Considering acceptance of the Irrevocable Offer of Conveyance; authorization to record a Resolution accepting the offer with the County Recorder's Office; and approving reimbursement to the developer's financial advisor in the amount of \$17,536.
8. **Final Ballot Results - Area 458 Sewer Utility District**
Re: Considering adoption of a resolution approving the Formation of Sewer Utility District No. 458.
9. **Authorize Staff to Operate Shuttle Service to the Porterville Fair**
Re: Considering authorization to operate one shuttle bus to the Porterville Fairgrounds during normal operating hours, May 15 – 18, 2013.
10. **Approval of Annual Transportation Agreement with County of Tulare**
Re: Consideration approval of an agreement with the County for FY 2013-2014 to provide service to County residents within the Service Area Boundary.
11. **Interim Financial Status Reports**
Re: Considering acceptance of the interim financial status reports for the 3rd fiscal quarter ended March 31, 2013, pursuant to Council Minute Order 10-011607.
12. **Quarterly Portfolio Summary**
Re: An informational report in compliance with Government Code Sec. 27000 et. seq., Sec. 53600 et. seq., and the City's Statement of Investment Policy for 3rd Quarter of Fiscal Year 2012/2013.
13. **Approval for Community Civic Event – Tulare County Jr. Livestock Show and Community Fair – Porterville Fair – May 15-19, 2013**
Re: Considering approval of an event to take place Wednesday, May 15, to Sunday, May 19, 2013 at the City's ten acre site next to the fair grounds.
14. **Emergency Request for Authorization to Replace the Laboratory Biological Oxygen Demand (BOD) Refrigerated Incubator**
Re: Considering approval of the purchase of a replacement BOD refrigerated incubator not to exceed \$6,000.
15. **Response to Grand Jury Report – Holding Cells**
Re: Consideration of a draft response letter to the 2012-2013 Grand Jury Report on Holding Cells.

16. 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

17. Vacation of Easements for Temporary Turn Around and Temporary Drainage Reservoir Related to Summit Heritage Villas Subdivision (Nicholson & Smee)

Re: Considering adoption of a Resolution of Vacation for the easements generally located west of Mathew Street and south of Olive Avenue along Clare Avenue and the future Lombardi Street alignment.

18. Request to Establish a Conditional Use Permit (PRC 2013-022-C) to Allow for the Sale of Alcohol Within an Existing Restaurant Building with a Separate Bar Area (Oak Pit Steakhouse) Under a Type 47 Alcohol License (Bona Fide Public Eating Place) Located at 615 N. Main Street

Re: Consideration of a resolution approving a conditional use permit to allow for on-sale alcohol sales in conjunction with a restaurant.

19. Proposed Amendment to 2010 Consolidated Plan

Re: Considering approval of the proposed amendment to the 2010 Five-Year Consolidated Plan to include the Santa Fe School Facility Improvement Program.

20. CDBG 2013/2014 Action Plan

Re: Considering approval of a resolution adopting the 2013/2014 Action Plan, which identifies activities the City will undertake during the next year to address priority needs of lower income households; and approval of the Amendment to the 2010 Consolidated Plan.

SCHEDULED MATTERS

21. Consideration of General Plan Consistency and Request to Provide Extra-Territorial City Services to a Proposed School at the Northeast Corner of Redwood Street and Thurman Avenue, West of the City of Porterville

Re: Consideration of a request for determination of whether a site plan for a new elementary school campus to be developed west of the City limits is consistent with the General Plan; and a request for sewer and water services.

22. Consideration of Temporary/Interim Use at 952 West North Grand Avenue

Re: Consideration of the use of a 2.46± acre lot for storage and consignment of vehicles and equipment at the northeast corner of State Route 65 and North Grand Avenue.

23. North Main Street Photovoltaic Electrical Generation Facility (Solar Farm) – Street Tree Removal Request

Re: Consideration of the creation of a ten (10) foot "Clear Zone" along N. Main Street between W. North Grand Avenue and W. Linda Vista Avenue; and authorization to remove existing large trees with the designated "Clear Zone".

24. Freedom Fest and Fireworks Show

Re: Consideration of the appropriation of \$7,500 to the Freedom Fest account; and authorization to provide shuttle service.

25. Consideration of Offering Online Vouchers to City Activities and Events

Re: Consideration of offering online vouchers to encourage participation and registration for City activities and events.

26. Consideration of Implementing a Local Government Mobile Application

Re: Consideration of the implementation of a local government mobile application that would allow the public to interface and/or report problems in the community.

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 May 21, 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.

COUNCIL AGENDA: MAY 7, 2013

SUBJECT: STREET PERFORMANCE MEASURE – 3rd QUARTER REPORT

SOURCE: Public Works Department - Engineering Division

COMMENT: The purpose of this staff report is to provide Council with an update on the progress made on street reconstruction, overlay, micro-surfacing and pothole repair efforts for the 3rd quarter in FY 2012/2013.

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

Lime Street and W. North Grand Avenue Reconstruction Projects, as listed in the 2012/2013 Fiscal Year Budget, represent the unfinished portion of the "Street Reconstruction Progress" category. Both projects are currently in the design phase. The W. North Grand Avenue Reconstruction Project should begin in the 4th quarter of this fiscal year. The Lime Street Reconstruction project is undergoing a complete re-design due to the extremely poor quality of soil material. This project may be delayed until the 4th quarter of the next fiscal year.

RECOMMENDATION: Information Only

ATTACHMENT: 3rd Quarter Street Performance Chart
2nd Quarter Street Performance Chart

P:\pubworks\General\Council\Report - Street Performance Measure - 3rd Quarter Update - 2013-02-05.doc

Dir PR Appropriated/Funded N/A CM J

Report No. II.1.

Task	1000 SF	2000 SF	3000 SF	4000 SF	5000 SF	6000 SF	7000 SF	8000 SF	9000 SF	10000 SF	11000 SF	12000 SF
1. Street Reconstruction Progress Each square represents 250 LF of recon street lane.	1900 LF	3900 LF	5900 LF	7900 LF	9900 LF	11,000	13,000	15000 LF				
2. Overlay Progress Each square represents 250 LF of Street Lanes	1000 LF	3000 LF	5000 LF	7000 LF	9000 LF	11000 LF	13000 LF	15000 LF	17000 LF	19000 LF	21000 LF	22000 LF
3. Micro Surfacing Progress Each square represents 1000 LF of street lane	4000 LF	12000 LF	20000 LF	28000 LF	36000 LF	44000 LF	52000 LF	60000 LF	68000 LF	76000 LF	84000 LF	
4. Pothole Repair Progress Each Square Represents 125 SF of Pothole Repairs (Each square Represents Approx. 125 Potholes Repaired)												
Total annual effort in lineal feet or square footage Completed as of March 31, 2013												

**CITY OF PORTERVILLE
2012/2013 Level of Service Report
Prepared By B. Rodriguez**

2012/2013 Level of Service Report

[illegible]

SUBJECT: CODE ENFORCEMENT UPDATE

SOURCE: FIRE DEPARTMENT

COMMENT: First Quarter 2013 Report

At the direction of Council, this quarterly report is prepared to relay information concerning activities and Code Enforcement issues addressed during the first quarter of 2013.

During this quarter, City staff members have endeavored to improve inter-departmental coordination of the Code Enforcement process, including receipt of complaints, documentation, and recording to present a comprehensive quarterly report to Council of Code Enforcement activities. Additionally, staff has reviewed and streamlined the complaint process for the public, developing a more user-friendly system.

Included in this report is a comprehensive record of Code Enforcement activities from each department and a flow chart depicting the streamlined complaint procedure.

RECOMMENDATION: Information Only

ATTACHMENTS: Code Enforcement Activity January – March 2013
General Complaint Process Flowchart

Dir. 

Approp./ Funded

n/a

CM 

Report No. II - 2

CODE ENFORCEMENT ACTIVITY FROM JANUARY 1, 2013 TO MARCH 31, 2013

Department	Fire	Comm. Dev.	Public Works	Finance	Parks	Police	Admin. Serv.	Current	Q1	YTD	Q1	YTD
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Complaints Received

Dept. Assigned	39	12	45	1	2	12	0	111	111			
Voluntary Compliance	32	3	21	0	1	11	0	68	68			
Notice of Violation Issued	19							19	19			
Administrative Citations Issued	1							1	1			

Weed Abatement

Weed Abatement Properties Noticed	1135							1135	1135	1083	1083	
Completed by Owner	0											
Assigned to Contractor	0											
Pending	1135							1135	1135	1083	1083	
Total Properties Complete	0											

Business License Inspections

Business Operating Without License	36							36	36			
Voluntary Compliance	34							34	34			
Pending	2							2	2			

Itinerant Vendor Inspections

Voluntary Compliance	5							5	5			
Pending	0							0	0			

Charitable Car Wash Inspections

Voluntary Compliance	1							1	1			
Pending	1							1	1			

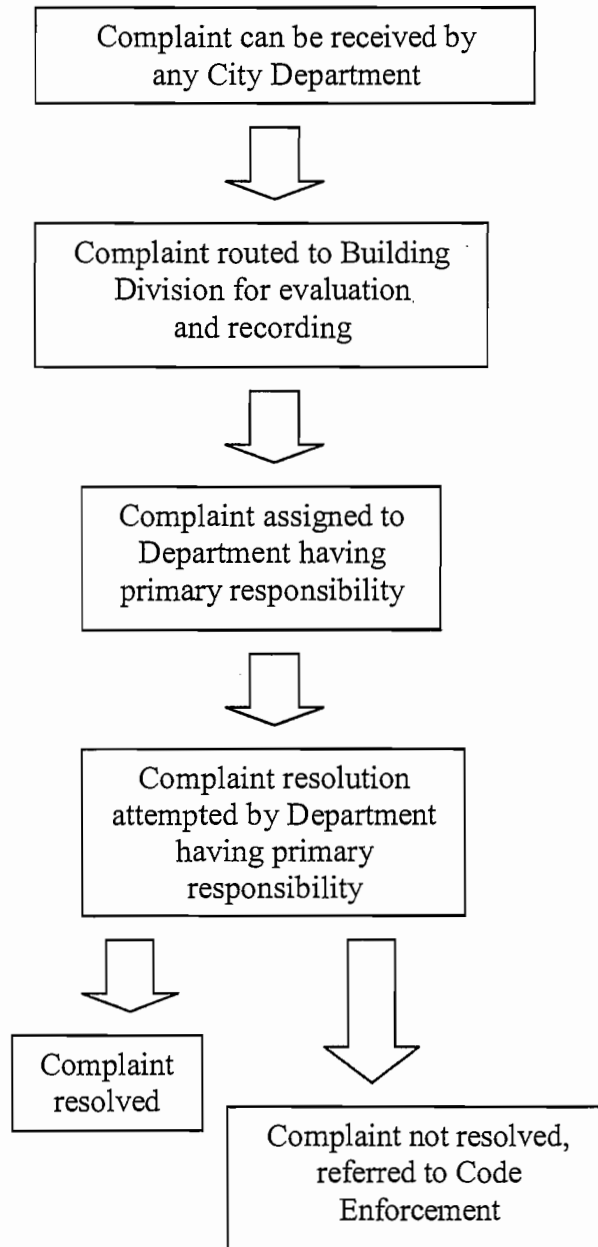
Building Permit Inspections

Building Permit Violations	2							2	2			
Voluntary Compliance	1							1	1			
Pending	1							1	1			

Notice of Violation and Administrative Citations by Type

Notice of Violation	Issued	Resolved	Pending
Business License	12	11	1
Building Code	2	1	1
Zoning Outdoor Retail Sales	1	1	
Zoning Keeping of Animals	3	3	
Boat Storage	1	1	
Administrative Citation			
Development Code Violation	1		1

General Complaint Process Flowchart



COUNCIL AGENDA – MAY 7, 2013

INFORMATIONAL REPORT

SUBJECT: ATTENDANCE REPORT FOR CITY COMMISSIONS AND COMMITTEES – 3RD QUARTER REPORT

SOURCE: ADMINISTRATIVE SERVICES DEPARTMENT

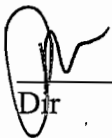
COMMENT: At the Council's request, staff is herein providing for informational purposes the attendance records as of the Third Quarter FY 2012/2013 for the following City Commissions and Committees:

- Parks & Leisure Services Commission;
- Library and Literacy Commission;
- Arts Commission;
- CDBG Advisory and Housing Opportunity Committee; and
- Transactions and Use Tax Oversight Committee (TUTOC)

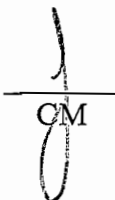
RECOMMENDATION: Informational report only.

ATTACHMENTS: Attendance Reports

Report No. II-3


Dir

N/A
Approp./
Funded


CM

Parks & Leisure Services Commissioner's Record of Attendance

	2012 July	2012 Aug	2012 Sept	2012 Oct	2012 Nov	2012 Dec	2013 Jan	2013 Feb	2013 Mar	2013 Apr	2013 May	2013 June	
	5	2	6	4	1*	6	3	7	7				
Rocco Calantone	P	P	P	P		P	P	P	P				FT Exp 10/15
Monte Moore	P	P	P	P		P	P	P	P				FT Exp 10/13
Leticia Lupio	P	P	P	E		P	P	P	A				FT Exp 10/13
Rick Vafeades	A	P	P	P		P	P	P	P				FT Exp 10/13
Richard Rankin	P	P	A	P		P	P	P	P				PUSD Rep.
Jim Carson	P	A	T	E		E	P		Resigned 2/12				FT Exp 10/15
Carroll Land	A	P	P	P		P	A	P	P				FT Exp 10/15
Shannon Bennett	Appt 8/12		P	E		P	P	P	P				FT Exp 10/13
Eric Mendoza	Appt 2/13 to fill unexpired term of J. Carson								A				
	5	6	6	5		7	7	7	7				

* No meeting due to lack of quorum.

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

Parks & Leisure Services Commissioner's Record of Attendance

	2011 July	2011 Aug	2011 Sept	2011 Oct	2011 Nov	2011 Dec	2012 Jan	2012 Feb	2012 Mar	2012 Apr	2012 May	2012 June	
	7	4	1	6	3	1							
Donald W. Beardsley	P	*	P	A		Term Ended							FT Exp 10/11
Rocco Calantone	E	*	P	P	P	P	P	P	P	P	P	P	FT Exp 10/11
Gary Ingraham	P	*	P			Term Ended							PUSD Rep.
Case Lok	P	*	P	P	P	P	P	P	P	P	P		FT Exp 10/13
Monte Moore	P	*	P	P	P	P	P	P	P	P	P	P	FT Exp 10/13
Charles F. Webber	P	*	P	P		Term Ended							FT Exp 10/11
Leticia Lupio	P	*	P	P	P	P	P	P	P	T	E	P	FT Exp 10/13
Rick Vafeades	P	*	P	E	P	P	P	P	P	P	P	E	FT Exp 10/13
Richard Rankin	Appt 10/11			P	P	P	A	P	P	P	P	P	PUSD Rep.
Jim Carson	Appt 11/11				P	P	A	A	P	T	E	P	FT Exp 10/15
Carroll Land	Appt 11/11				P	P	P	A	P	E	T	P	FT Exp 10/15
	7		8	6	8	8	6	6	8	7	6	6	

* Lack of quorum. Informational discussion only.

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

LIBRARY & LITERACY COMMISSION - Attendance Record

As of: March 31, 2013

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

■ = Summer Hiatus

	2012 Oct *29	2012 Nov *7	2012 Nov 13	2012 Dec 11	2013 Jan 8	2013 Feb 12	2013 Mar 12	2013 Apr	2013 May	2013 June	
Joe Moreno	P	Term Expired									
Ellen Nichols	T	Term Expired									
Catherine May	P	P	P	P	T	P	P				Re-appt. 10/10
Rebecca Ybarra	P	P	P	A	P	T	A				Appt. 10/10
Allan Bailey	P	P	T	P	P	P	T				Appt. 9/11
Esther Figueroa	P	P	P	P	P	P	P				Appt. 4/12
Tamara Bishop		P	P	P	P	P	P				Appt. 11/12
Carol Wilkins		P	T	E	T	P	A				Appt. 11/12
Edith La Vonne		E	P	P	P	P	P				Appt. 11/12

* Special Meeting with Arts Commission

	2012 Jan 10	2012 Feb 14	2012 Mar 13	2012 Apr 10	2012 May 16	2012 June	2012 July	2012 Aug 14	2012 Sept 11	2012 Oct 9	
Joe Moreno	P	P	P	P	P			P	P	P	
Ellen Nichols	P	P	P	P	E			P	P	P	Re-appt. 10/09
Catherine May	P	P	P	P	P			P	T	P	Re-appt. 10/10
Rebecca Ybarra	P	P	P	P	E			T	P	T	Appt. 10/10
Mary Leavitt	P	P	Resigned 3/12								Appt. 1/11; resigned 3/12
Stephanie Cortez	E	P	T	P	P			P	Res. 9/12		Appt. 1/11
Allan Bailey	P	P	P	P	P			E	P	T	Appt. 9/11
Esther Figueroa	Appt. 4/12			P	T			P	P	P	Appt. 4/12

	2011 Apr 12	2011 Apr 23*	2011 May 10	2011 June 14*	2011 July 14*	2011 Aug 9**	2011 Sept 13	2011 Oct 11	2011 Nov 8	2011 Dec 13	
Joe Moreno	P	E	E	E	P		P	P	P	P	
Ellen Nichols	P	P	P	P	P		P	P	P	P	Re-appt. 10/09
Catherine May	P	P	P	P	P		P	P	P	P	Re-appt. 10/10
Rebecca Ybarra	P	E	P	P	A		P	P	P	E	Appt. 10/10
Joseph Carter	P	P	P	P	P						Appt. 11/09; resigned 7/11
Mary Leavitt	P	P	E	P	P		E	P	P	P	Appt. 1/11
Stephanie Cortez	P	P	E	P	P		E	P	P	P	Appt. 1/11
Allan Bailey								P	P	P	Appt. 9/11

*Special session called by the Chair.

**No meeting due to lack of a quorum.

**Arts Commission
Attendance Records**

As of: March 31, 2013

	2012 17-Oct	2012 29-Oct*	2012 7-Nov	2012 14-Nov	2013 16-Jan	2013 20-Feb	2013 20-Mar	
Deana Worthington	P	A	P	P	A	P	P	
Rebecca Ybarra	P	P	P	P	P	P	P	
Monte Reyes	P	P	P	A	P	P	P	
Alex Schooler	A	P	P	A	A	P	P	
Joan Givan	P	P	P	P	P	P	P	
Roger Merryman	P	P	P	P	A	P	P	
Sandra Romero	P	A	P	P	P	A	A	

**Joint Meeting with Library & Literacy Commission*

**CDBG Citizens' Advisory and Housing Opportunity Committee
Attendance Report as of March 31, 2013**

Committee Member	Year Originally Appointed	Reg. Mtg 3/15/2010	Reg. Mtg 3/14/2011	Reg. Mtg 3/12/2012	Reg. Mtg 3/11/2013
Pat Contreras	1988	P	P	P	P
Linda Olmedo	1997	P	P	P	P
Grace Munoz-Rios	1992	P	P	P	P
Doug Heusdens	2012	N/A	N/A	P	P
John Dennis	1998	P	P	P	A
Rebecca Vigil	2008	A	P	P	A
Kelle Jo Lowe	2009	P	P	P	P

This Committee meets on an annual basis in March.

Transactions and Use Tax Oversight Committee Attendance Records

As of: March 31, 2013

[illegible]

COUNCIL AGENDA: May 7, 2013

SUBJECT: REPORT ON CHARITABLE CAR WASHES

SOURCE: Finance Department

COMMENT: In accordance with City Council direction, staff is providing an updated report on charitable car wash permits issued during the year. Article VI, Section 15-130 of the City Code allows up to four car washes at any commercial property per calendar year and up to four car washes by a charitable organization in a calendar year. For the period January 1 to March 31, 2013, the following car washes occurred within the City.

Event Date	Name of Organization	Location of Car Wash
January 12, 2013	Helping Hands	BMK Automotive – 300 W Henderson Ave
January 19, 2013	Comision Honorifica Mexicana- Americana, Inc.	BR's Food Store – 284 W Olive Ave
January 20, 2013	Comision Honorifica Mexicana- Americana, Inc.	BR's Food Store – 284 W Olive Ave
February 2, 2013	El Granito Foundation	Express Mart & Gas – 1060 W Olive Ave
February 3, 2013	El Granito Foundation	El Gallito Market – 283 W Olive Ave
February 18, 2013	Church of God of Prophecy	Church of Good of Prophecy – 88 E Putnam Ave
March 1, 2013	First Christian Church	BR's Food Store – 284 W Olive Ave
March 2, 2013	First Christian Church	BR's Food Store – 284 W Olive Ave
March 29, 2013	MHS Environmental Science Academy	MHS Gym – 960 N Newcomb St

RECOMMENDATION: For information only.

D.D. MB Appropriated/Funded MR C.M.

Report No. II-4

INFORMATIONAL REPORT

SUBJECT: REPORT ON RECENT CALPERS BOARD ACTION

SOURCE: ADMINISTRATIVE SERVICES DEPARTMENT

COMMENT: On April 17th, the CalPERS Board adopted new actuarial methods as proposed by PERS Chief Actuary Alan Milligan. The adopted changes pertain to the amortization and smoothing methods utilized by PERS and were proposed in an effort to better anticipate the true long-term cost of benefits, and most significantly, to achieve fully-funded status within 30 years.

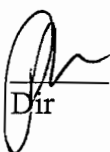
The adopted policy smooths employer rates directly rather than smoothing asset values, and reduces the smoothing period to five years from the current rolling 15-year period. As for the changes in amortization, the new policy eliminates the rolling 30-year amortization period of gains and losses, and replaces it with a fixed 25-year amortization period. These changes will become effective for local agency members in FY 2014-2015, and according to CalPERS, will equate to an approximate 7% to 10% increase in employer contribution rates over the next five years.


More changes with the likelihood of increased costs to member agencies are also on the horizon. One pertains to the discount rate. An economic assumptions study is being conducted with an estimated completion date in early 2014. Upon completion of the study, PERS Chief Actuary has indicated that the recommendation will likely be to drop the discount rate by .25% to 7.25%. It is estimated that this scenario would further increase employer contribution rates by at least an additional 2%.

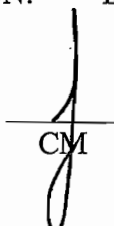
The other likely increase to future employer contribution rates relates to projected life expectancies. Retirees are simply living longer, and therefore collecting their pensions longer. PERS Chief Actuary has indicated that mortality assumptions will likely be adjusted as early as FY 2015/2016, and that employers can further expect a roughly 2% to 4% increase in contribution rates, in addition to the aforementioned increases.

This update on CalPERS is being provided to you for informational purposes only.

RECOMMENDATION: Informational report only.


Dir


Approp./
Funded


CM

Report No II-5

COUNCIL AGENDA: MAY 7, 2013

SUBJECT: LIBRARY BORROWER - UPDATE

SOURCE: PARKS AND LEISURE SERVICES DEPARTMENT

COMMENT: FOR INFORMATION ONLY

The library division was asked to identify library borrowers within the service area as mapped in designated Census Tracts. Staff has provided a table of borrower data according to Bstats.

Porterville City Residents ONLY - Library Borrowers Report

Bstat	Description	No. of Borrowers
pv0	Center 33	28
pv1	Center 34	76
pv2	Center 35.01 & 35.02	2,223
pv3	Center 36.01 & 36.02	2,986
pv4	Center 37	1,877
pv5	Center 38.01 & 38.02	3,336
pv6	Center 39.01 & 39.02	1,752
pv7	Center 40	3
pv8	Center 41.01 & 41.02	3,809

Bstat - coding used during borrower registration.

Description - correlation to the Census Tract map areas, as attached

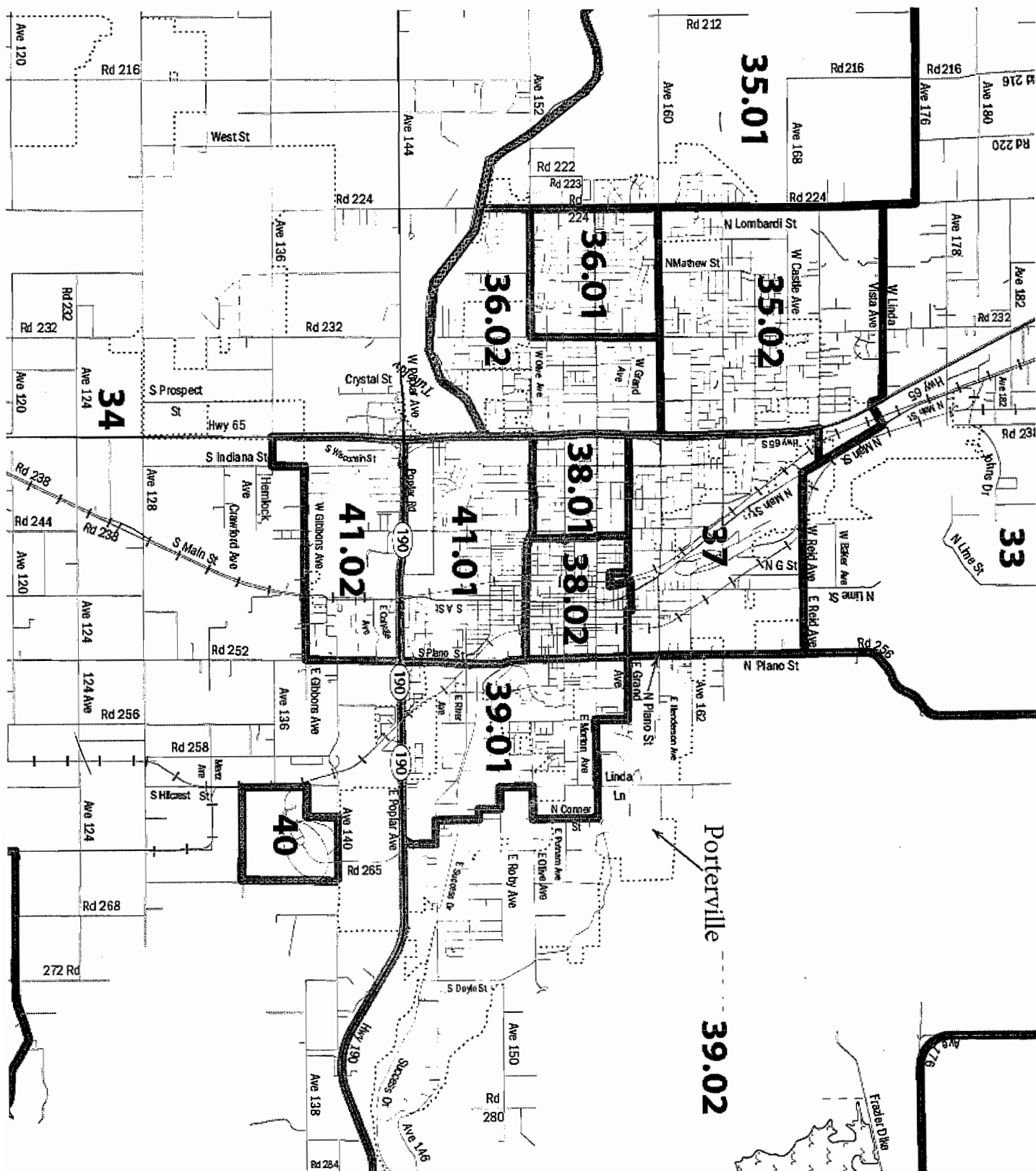
No. of Borrowers - borrower count of City Residents in the designated areas

ATTACHMENT: CENSUS TRACT MAP

DJ Director N/A Appropriated/Funded

J City Manager

REPORT NO.: II-6



COUNCIL AGENDA: MAY 7, 2013

SUBJECT: AUTHORIZATION TO ADVERTISE FOR BIDS – WASTEWATER TREATMENT FACILITY INFLUENT PUMP REPLACEMENT PROJECT

SOURCE: Public Works Department - Engineering Division

COMMENT: Plans and Project Manual have been prepared for the WWTF Influent Pump Replacement project. The proposed project will remove four 20 year old influent pumps and replace them with four 70 HP, 3500 GPM submersible pumps. Each pump will have its own motor controller (VFD) to vary the frequency and voltage to each pump motor to match the load conditions.

The Plans and Project Manual are available in the La Barca Conference Room for Council's review. The Engineer's estimate of probable cost for construction is \$770,200. An additional \$77,000 is necessary for construction contingency (10%). Further, an additional \$15,000 is requested for staff construction management, quality control and inspection. Total estimated project cost is \$862,200.

Staff respectfully requests that the City Council authorize a \$25,000 augmentation to Carollo's design contract to assist staff during the bid advertisement period and during project construction. A budget adjustment in the amount of \$387,000 is necessary to cover all expenses anticipated on the construction phase of this project. Funding for this project is from the Wastewater Capital Reserve Fund and was approved in the 2012/2013 Annual Budget.

RECOMMENDATION: That City Council:

1. Approve Staff's recommended Plans and Project Manual;
2. Authorize staff to advertise for bids on the project;
3. Direct the Finance Director to prepare a budget adjustment in the amount of \$387,000 to the Influent Pump Replacement project; and
4. Authorize the Public Works Director to execute an amendment to Carollo Engineer's design contract in an amount not to exceed \$25,000.

ATTACHMENT: Engineer's Estimate

P:\pubworks\General\Council\Authorization To Advertise for Bids - WWTF Influent Pump Replacement Project.doc

Dir BZ Appropriated/Funded MB CM J

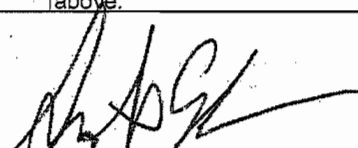
Item No. 1



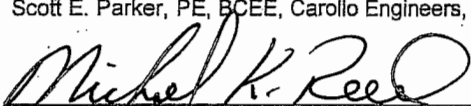
Project: Influent Pump Station Equipment Replacement, Project No. 89-9659
Client: City of Porterville
Date : May 1, 2013

Item	Item Description	Quantity	Unit	Unit Price	Amount
1	Provide all shoring and bracing on the Project including but not limited to that as required by Sections 6700-6708 of the Labor Code.	1	LS	NA	\$ 10,000
2	Mobilization and Demobilization (not to exceed 10% of the Total Bid Amount)	1	LS	NA	\$ 61,200
3	Pump Procurement Contract (Remaining balance after assignment to Contractor, 90% of total Contract)	1	LS	NA	\$ 234,600
4	VFD Procurement Contract (Remaining balance after assignment to Contractor, 90% of total Contract)	1	LS	NA	\$ 68,400
5	Construction of the Influent Pump Station Equipment Replacement Project as shown and specified in the Contract Documents, excluding items 1 through 4 above.	1	LS	NA	\$ 396,000

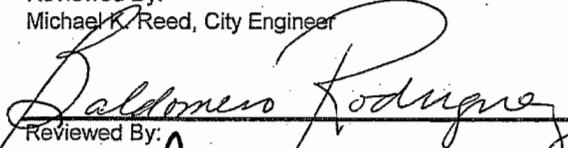
Subtotal \$ 770,200
 10% Contingency \$ 77,020
Total \$847,220

Prepared By: 
 Scott E. Parker, PE, BCEE, Carollo Engineers, Inc.

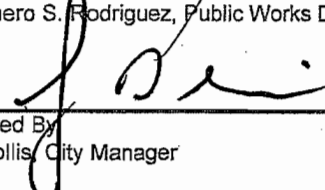
Date: 4/30/13

Reviewed By: 
 Michael K. Reed, City Engineer

Date: 4/30/13

Reviewed By: 
 Baldomero S. Rodriguez, Public Works Director

Date: 4/30/13

Reviewed By: 
 John Lollis, City Manager

Date: 05/01/13



COUNCIL AGENDA: MAY 7, 2013

SUBJECT: AUTHORIZATION TO ADVERTISE FOR BIDS - WELL NO. 32 PROJECT
(Drilling Phase)

SOURCE: Public Works Department - Engineering Division

COMMENT: The Plans and Project Manual have been prepared for Well No. 32 Project (Drilling Phase). The well is located on the north side of Tea Pot Dome Avenue, east of the Porterville Fairgrounds. This is the **first phase** of the well project and consists of drilling a 32" diameter bore hole about 800 feet deep, installation of steel casing and gravel envelop (gravel pack).

The well is located on City owned property and is part of the City's on-going municipal water well program that is consistent with City Council's adopted 2001 Water Master Plan. The new municipal water well will be an asset to the Central Pressure Zone where all the major storage facilities are located. The Plans and Project Manual are available for review in the La Barca Conference Room.

The City's consultant, Dee Jaspar & Associates, has prepared an Estimate of Probable Cost and the amount is \$429,792. An additional amount of \$19,536 is necessary for construction management. Total budget requirement is \$449,328.

Funding is provided by a California Infrastructure and Economic Bank (CIEDB) loan and was approved in the 2012/2013 Annual Budget. The Engineer's Estimate is attached for review.

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.

ATTACHMENTS: Locator Map
Estimate of Probable Cost

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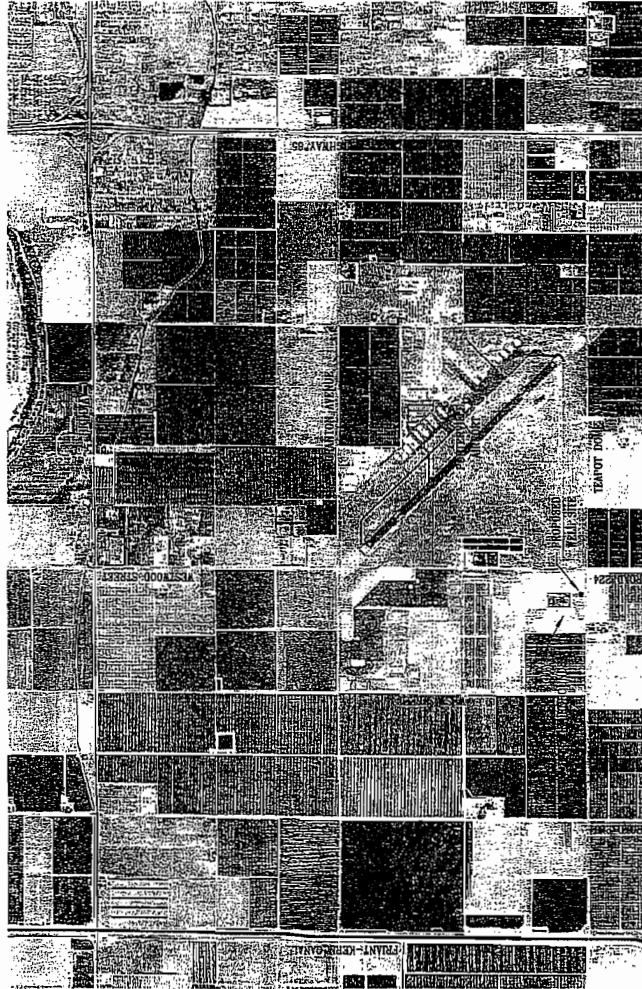
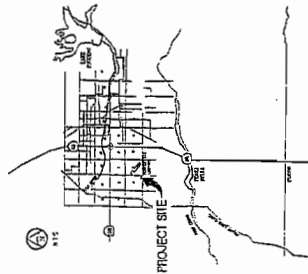
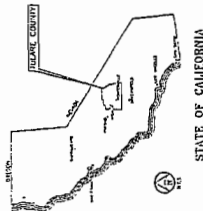
Item No. 2

DRILLING A MUNICIPAL WATER WELL

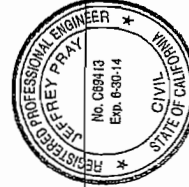
CITY WELL NO. 32

PROJECT NO.: 89-9722

BID NO.: 12/13 - CP1797



VICINITY MAP
NOT TO SCALE
SECTION 6, T22S, R27E, M.D.B.&M.



CITY OF PORTERVILLE
TULARE COUNTY, CALIFORNIA

APRIL 4, 2013

SHEET INDEX
1 COVER SHEET & VICINITY MAP
2 SITE PLAN
3 WELL CROSS SECTION
4 TOTAL SHEETS

NOTES:
1. THE CITY ENGINEER HAS REVIEWED THE LOCATION OF THE PROPOSED WELL AND THE LOCATION OF THE PROPOSED WELL IS IN ACCORDANCE WITH THE CITY ENGINEER'S REQUIREMENTS.
2. THE CITY ENGINEER HAS REVIEWED THE LOCATION OF THE PROPOSED WELL AND THE LOCATION OF THE PROPOSED WELL IS IN ACCORDANCE WITH THE CITY ENGINEER'S REQUIREMENTS.
3. THE CITY ENGINEER HAS REVIEWED THE LOCATION OF THE PROPOSED WELL AND THE LOCATION OF THE PROPOSED WELL IS IN ACCORDANCE WITH THE CITY ENGINEER'S REQUIREMENTS.



DEE JASPAR & ASSOCIATES, INC.
CIVIL ENGINEERING
1000 N. 1ST STREET
PORTERVILLE, CA 93257
(559) 833-1111

DESIGNED BY: *Dee Jaspar* 4-5-13
CHECKED BY: *Dee Jaspar* 4-5-13
DATE: 4-5-13

APPROVED BY: *Jeffrey Pray* 4-5-13
DATE: 4-5-13

REVIEWED BY: *Dee Jaspar* 4-5-13
DATE: 4-5-13

APPROVED BY: *Jeffrey Pray* 4-5-13
DATE: 4-5-13

REVIEWED BY: *Dee Jaspar* 4-5-13
DATE: 4-5-13

**DEE JASPAR & ASSOCIATES, INC.****CONSULTING CIVIL ENGINEERS**

15 W. Putnam Ave., 2nd Floor

Porterville, CA 93257

PHONE (559) 791-9286

FAX (661) 393-4799

April 4, 2013

**City of Porterville
Drilling a Municipal Water Well - City Well No. 32**

Project No.: 89-9722-88

Bid No.: 12/13 - CP1797

Engineer's Cost Estimate

Item	Item Description	Quantity	Unit	Unit Price	Amount
1	Mobilization, Demobilization, & Cleanup	1	LS	\$50,000	\$50,000
2	Conductor Casing	50	LF	\$350	\$17,500
3	Pilot Hole Construction	770	LF	\$60	\$46,200
4	Formation Sampling	5	EA	\$12,000	\$60,000
5	Ream Pilot 28" Hole	770	LF	\$50	\$38,500
6	16 5/8" x 5/16" COR-TEN Blank Casing	290	LF	\$180	\$52,200
7	16 5/8" x 5/16" COR-TEN Louvered Casing	520	LF	\$260	\$135,200
8	4" Gravel Feed Tube	250	LF	\$10	\$2,500
9	2" Sounding Tube	265	LF	\$5	\$1,325
10	Gravel Envelope (SRI)	570	LF	\$45	\$25,650
11	Cement Seal	240	LF	\$35	\$8,400
12	Swabbing & Air Lifting	60	HRS	\$320	\$19,200
13	Pumping & Surging	48	HRS	\$300	\$14,400
14	Production Testing	24	HRS	\$300	\$7,200
15	Well Video	1	LS	\$1,500	\$1,500
Subtotal					\$479,775
10% Contingency					\$47,978
Total					\$527,753

Prepared By: Jeffrey J. Pray Date 4-5-13

Jeffrey J. Pray, Dee Jaspar & Associates, Inc.

Reviewed By: Michael K. Reed Date 4-26-2013

Michael K. Reed, City Engineer

Reviewed By: Baldomero S. Rodriguez Date 4/29/13

Baldomero S. Rodriguez, Public Works Director

Reviewed By: John Lollis Date 05/01/13

John Lollis, City Manager



SUBJECT: AUTHORIZATION TO NEGOTIATE A CONTRACT – CONSTRUCTION MANAGEMENT AND INSPECTION SERVICES FOR THE CHASE PARK IMPROVEMENTS PROJECT

SOURCE: Public Works Department - Engineering Division

COMMENT: Request for Proposals were issued on February 4, 2013, to a number of area consultants, including all eligible local firms, to provide construction management and inspection services for the Chase Park Improvement Project. The project is wholly funded by a Proposition 84 Grant.

The Proposition 84 Grant requires the Grantee (City) to acquire a labor compliance certification through the Department of Industrial Relations specifically for the Chase Park Improvement Project before any disbursement requests are submitted. A major component of the Request for Proposals was experience with labor compliance related to Proposition 84 funded projects and the ability to assist the City with certification through the Department of Industrial Relations.

Due to the complexity of this project and specialty work involved, staff felt the need to hire specialty consultants to properly coordinate and certify the erection of the shade structure, restroom building, playground equipment including soft rubber tile surfaces, splash pad, polygon shelters and appurtenances.

On March 14, 2013, staff received proposals from Omni-Means, 4Creeks, Wildan Engineering, Project Dimensions, 4Leaf, Pennino Management Group and Roberts Engineering. After staff's review and rating of the seven firms, Omni-Means was selected as the top rated consultant.

Staff feels that Omni-Means is more than qualified to provide all required services included in the request for proposals. In order to expedite the process staff is requesting authorization from Council to negotiate a professional services contract with Omni-Means at an anticipated fee not to exceed \$90,000.

The proposing firms were evaluated based on the City's Consultant Selection Rating form and their respective rankings are as follows:

Rank	Consultant	Score
1.	Omni-Means (Visalia, CA)	92.3
2.	4Creeks (Visalia, CA)	88.8
3.	Wildan Engineering (Fresno, CA)	85.7
4.	Project Dimensions (Irvine, CA)	82.8
5.	4Leaf (Fair Oaks, CA)	78.0
6.	Roberts Engineering (Porterville, CA)	77.5
7.	Pennino Management Group (Lodi, CA)	77.5

Dir. 38 Appropriated/Funded ____ CM 1

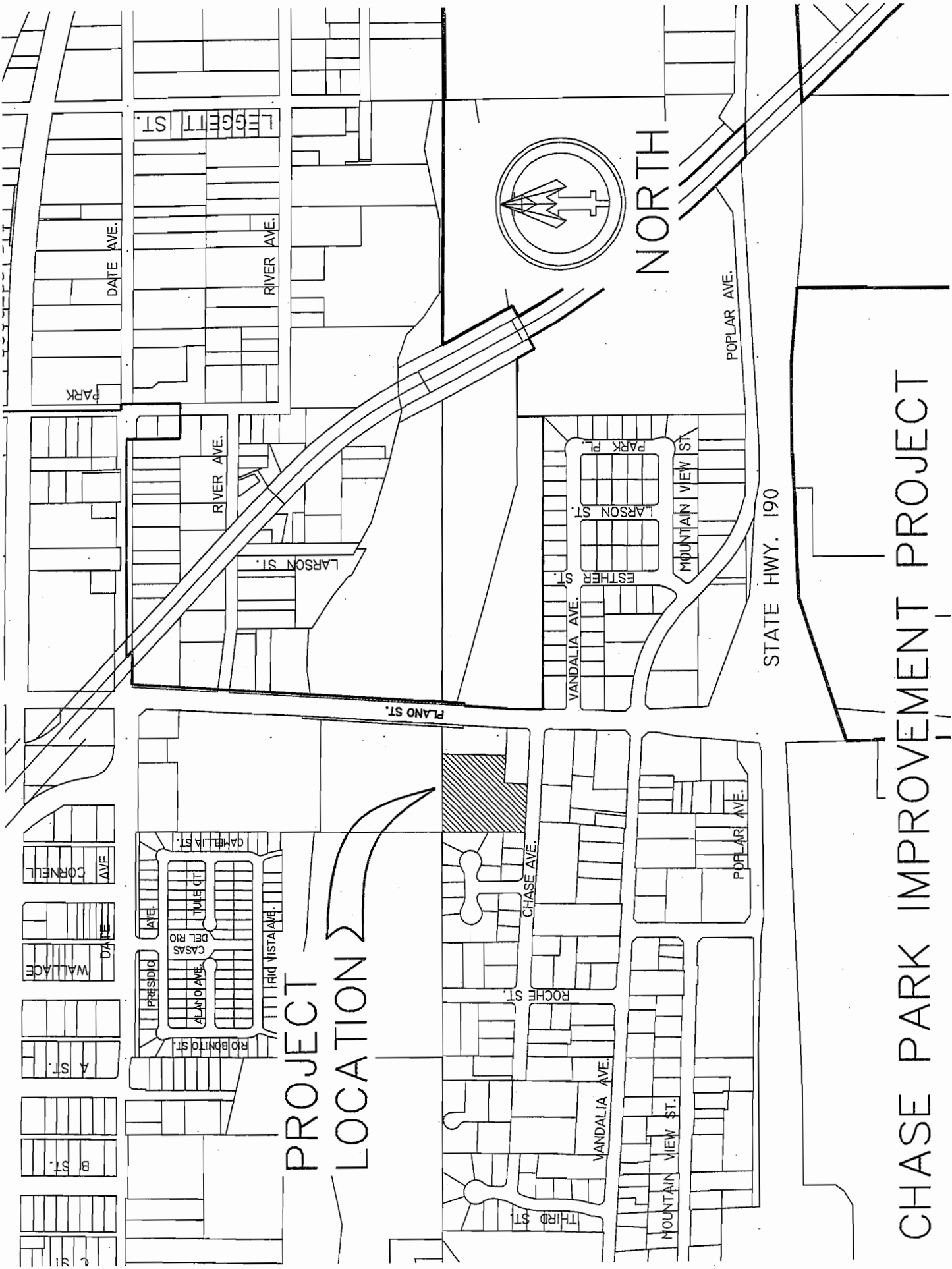
Item No. 3

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

RECOMMENDATION: That City Council:

1. Authorize staff to negotiate a contract with Omni-Means at an anticipated fee not to exceed \$90,000 for construction management and inspection services for the Chase Park Improvements Project;
2. Authorize staff to negotiate a contract with the 2nd ranked firm if staff is unable to negotiate an acceptable contract with Omni-Means;
3. Authorize the Mayor to sign all contract documents;
4. Authorize progress payments that concur with construction progress up until proper closeout of the work and not to exceed 100% of the contract fee; and
5. Authorize a 10% contingency to cover unforeseen changes to the scope of work required.

ATTACHMENT: Locator Map



CHASE PARK IMPROVEMENT PROJECT

STATE HWY. 190

NORTH

SUBJECT: ACCEPTANCE OF PROJECT – WEST STREET CALEMA REPAIR

SOURCE: Public Works Department - Engineering Division

COMMENT: Greg Bartlett Construction has completed the West Street CalEMA Repair Project per plans and specifications. The project included 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.

Staff carefully tracks construction costs of all Capital Improvements Projects and reports project construction expenditures when the project is accepted by the City Council. On March 5, 2013, City Council authorized expenditure of \$40,996.98 for construction, construction management and quality control services for the West Street CalEMA Repair Project. The following itemizes the construction-related costs in two categories: 1) the construction contract, and 2) a combination of construction management and quality control.

- 1) Final construction cost is \$32,142.25.
- 2) Construction management and quality control costs are \$2,944.89.

Total project construction costs equate to \$35,087.14, which is less than the \$40,996.98 overall budget approved by Council at the time of award.

Funding for this project is from CalEMA Disaster Relief and State Transportation Funds as approved by Council on March 5, 2013.

Greg Bartlett Construction requests that the City accept the project as complete. Staff reviewed the work and found it acceptable.

RECOMMENDATION: That City Council:

1. Accept the project as complete;

Dir B82 Appropriated/Funded MB CM J

Item No. 4

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.

ATTACHMENT: Locator Map

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PROJECT LOCATION MAP

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

WESTWOOD ST.

SCRANTON AVE.

PROJECT
LOCATION

WEST ST.

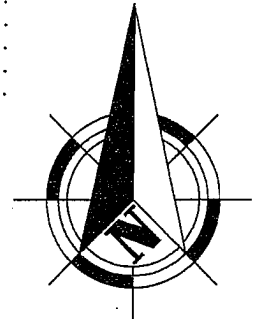
YOWLUMNE AVE.

WUKCHUMNI AVE.

YAUDANCHI ST.

PROJECT
LOCATION

TEA POT DOME AVE.



0' 300' 600' 1200'

SCALE: 1" = 600'

SUBJECT: ACCEPTANCE OF PROJECT – NEWCOMB STREET AND BEVERLY STREET SHOULDER STABILIZATION

SOURCE: Public Works Department - Engineering Division

COMMENT: Central Valley Asphalt has completed the Newcomb Street and Beverly Street Shoulder Stabilization Project per plans and specifications. The project included the installation of curb and gutter, sidewalk, driveways, asphalt concrete paving, storm drain pipe and catch basins, and other appurtenant construction along Newcomb Street and Beverly Street between Roby Avenue and Date Avenue.

Staff carefully tracks construction costs of all Capital Improvements Projects and reports project construction expenditures when the project is accepted by the City Council. On August 7, 2012, City Council authorized expenditure of \$858,362.72 for construction, construction management and quality control services for the Newcomb Street and Beverly Street Shoulder Stabilization Project. The following itemizes the construction-related costs in two categories: 1) the construction contract, and 2) a combination of construction management and quality control.

- 1) Final construction cost is \$731,599.05.
- 2) Construction management and quality control costs are \$55,662.77.

Total project construction costs equate to \$787,261.82, which is less than the \$858,632.72 overall budget approved by Council at the time of award.

Funding for this project is from Surface Transportation Program (STP), Congestion Mitigation Air Quality (CMAQ) funds and Proposition 1B funds and was approved in the 2012/2013 Annual Budget.

Central Valley Asphalt requests that the City accept the project as complete. Staff reviewed the work and found it acceptable.

RECOMMENDATION: That City Council:

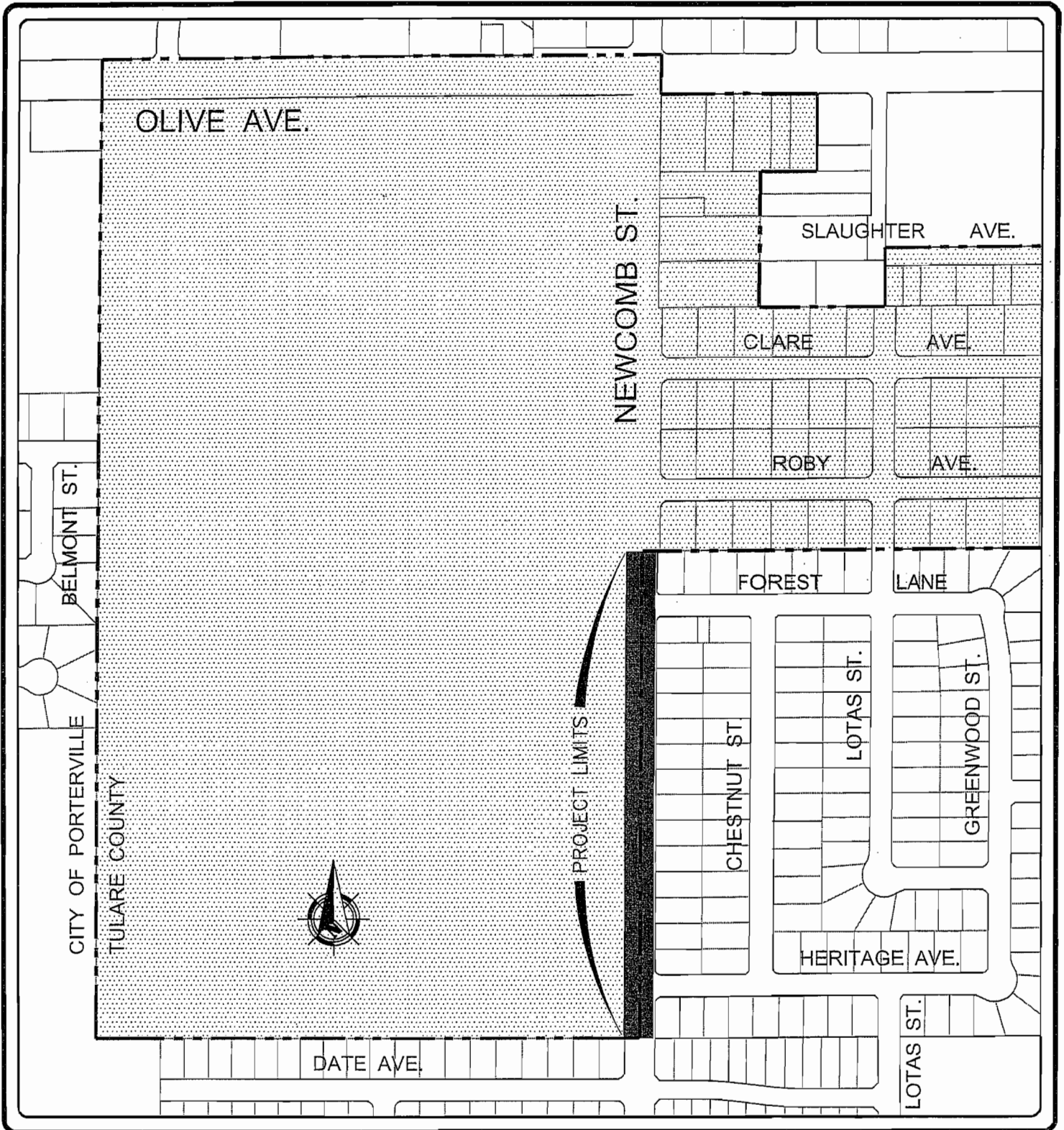
1. Accept the project as complete;
2. Authorize the filing of the Notice of Completion; and
3. Authorize the immediate release of final payment, provided no stop notices have been filed.

ATTACHMENT: Locator Maps

Dir BK Appropriated/Funded MB CM J

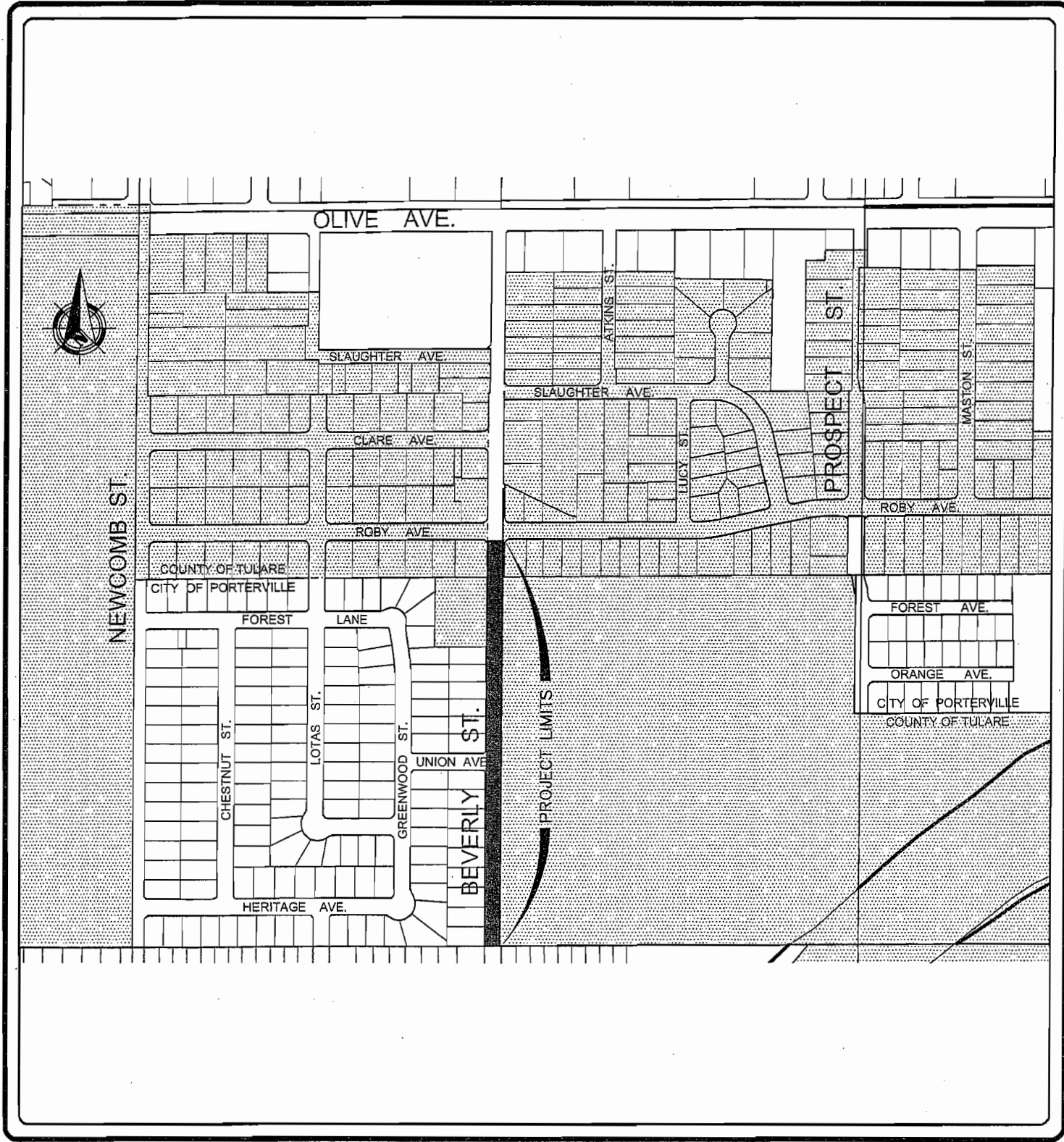
Item No. 5

NEWCOMB STREET



PROJECT LOCATION MAP

BEVERLY STREET



PROJECT LOCATION MAP

COUNCIL AGENDA: MAY 7, 2013

SUBJECT: ACCEPTANCE OF FINAL SUBDIVISION MAP – SUMMIT HERITAGE VILLAS (Gary Smee)

SOURCE: Public Works Department - Engineering Division

COMMENT: The subdivider, Smee Builders, Inc., has submitted the final map of the subject project for Council approval. The subdivider is requesting approval prior to the acceptance of the required improvements.

The subdivider has submitted the required guarantee to the City to complete and/or accept all necessary public improvements on the project. A subdivision agreement between the subdivider and the City has been signed by the subdivider, and all fees have been paid.

The final map is in conformance with the approved tentative map and City Council Resolution No. 103-2012. The improvement plans, specifications, dedications and the final map have been approved by the Public Works Director and City Engineer and all other requirements have been met.

RECOMMENDATION: That City Council:

1. Approve the final subdivision map of Summit Heritage Villas;
2. Accept all offers of dedication shown on the final map; and
3. Authorize the City Clerk to file said map with the County Recorder.

ATTACHMENT: Final Map – Summit Heritage Villas

P:\PUBWORKS\GENERAL\COUNCIL\ACCEPTANCE OF FINAL SUBDIVISION MAP - SUMMIT HERITAGE VILLAS - 2013-05-07.DOC

Dir B82 Appropriated/Funded MB CM J

Item No. 6

COUNCIL AGENDA: MAY 7, 2013

SUBJECT: ACCEPTANCE OF IRREVOCABLE OFFER TO CONVEY REAL PROPERTY FOR PUBLIC STREET RIGHTS OF WAY RELATED TO PARCEL MAP NO. 5037, JAYE STREET AND VANDALIA AVENUE - TOLLADAY FAMILY TRUST, CZEM PARTNERS, LLC AND JLH PROPERTIES, LLC

SOURCE: Public Works Department - Engineering Division

COMMENT: As a condition of the Public Improvement/Reimbursement Agreement dated November 28, 2009, the developers are to convey rights of way necessary for the previously constructed improvements required along Jaye Street, Kessing Street and Vandalia Avenue, all pertinent to the development of the property at the southeast corner of Jaye Street and Vandalia Avenue. The agreement is on file with the Public Works Department. The irrevocable offer to convey real property for these rights of way was memorialized with the recording of Parcel Map No. 5037. The developers subsequently revised the interior parcels within Parcel Map No. 5037 with the recording of Lot Line Adjustment 2011-3. Both maps are attached for reference.

On April 11, 2013, the City was reimbursed \$130,310.58, the proportional construction costs of the Jaye Street public improvements related to Parcel A of Lot Line Adjustment 2011-3. The City is now obligated, per the above-mentioned agreement, to purchase the right of way adjacent to Parcel A. Staff recommends purchasing all of the right of way related to Parcel Map No. 5037 which amounts to \$17,536 based on the appraisal report quoted in the referenced agreement. These areas are defined in the agreement and are described in the attached legal description.

RECOMMENDATION: That the City Council:

1. Accept the Irrevocable Offer of Conveyance of Real Property for Public Street Rights of Way related to Parcel Map No. 5037;
2. Authorize the City Clerk to record a Resolution accepting the offer with the County Recorder's Office;
3. Approve a reimbursement to the developer's financial advisor, Aztec Mustang, LLC, in the amount of \$17,536 for all public rights of way irrevocably offered for conveyance related to Parcel Map No. 5037; and

Dir B82 Appropriated/Funded MP CM 1

Item No. 7

4. Authorize the Mayor to sign all necessary documents and the resolution accepting the Irrevocable Offer of Conveyance of Real Property.

ATTACHMENTS: Resolution of Acceptance
Conveyance of Real Property Legal Description, Exhibit "A"
Plat Map, Exhibit "B"
Parcel Map No. 5037
Lot Line Adjustment 2011-3

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
ACCEPTING AN IRREVOCABLE OFFER OF CONVEYANCE OF
REAL PROPERTY FOR PUBLIC STREET RIGHTS OF WAY RELATED TO
PARCEL MAP NO. 5037 – JAYE STREET AND VANDALIA AVENUE

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Porterville, that the City of Porterville hereby accepts an Irrevocable Offer of Conveyance of real property, from TOLLADAY FAMILY TRUST, CZEM PARTNERS, LLC AND JLH PROPERTIES, LLC, for public street rights of way, in the City of Porterville, County of Tulare, State of California, to-wit:

See Exhibits "A" and "B" attached hereto and made a part thereof.

BE IT FURTHER RESOLVED that the purchase price of \$17,536 is hereby approved with payment to be made to developer's financial agent, Aztec Mustang, LLC, the Mayor is authorized to sign all necessary documents, and the Resolution accepting said Irrevocable Offer of Conveyance is to be recorded in the office of the Tulare County Recorder. The foregoing has been accepted by the City Council for the City of Porterville.

PASSED, APPROVED AND ADOPTED this 7th day of May, 2013.

Virginia R. Gurrola, Mayor

ATTEST:
John D. Lollis, City Clerk

By: Patrice Hildreth, Chief Deputy City Clerk

Exhibit "A"

LEGAL DESCRIPTION

Jaye Street, Kessing Street and Vandalia Avenue Rights of Way

Those portions of Parcels 1, 2, 3 and 4 of Parcel Map No. 5037, as per map recorded August 31, 2011 in Book 51 of Parcel Maps at Page 43, in the office of the County Recorder of Tulare County, situated in the Southeast quarter of Section 35, Township 21 South, Range 27 East, Mount Diablo Base and Meridian, in the City of Porterville, County of Tulare, State of California, more particularly described as follows:

Parcel 1 - Jaye/Vandalia

BEGINNING AT the intersection of the South right of way line of Vandalia Avenue with the East right of way line of Jaye Street as shown on said Parcel Map No. 5037;

THENCE, along the South right of way line of said Vandalia Avenue and the West right of way line of Kessing Street as shown on said Parcel Map No. 5037 the following courses:

THENCE, South 89°49'16" East, 222.87 feet to the beginning of a 60.00 foot radius tangent curve, concave to the Southwest;

THENCE, southeasterly, along said curve, through a central angle of 90°07'34", an arc distance of 94.38 feet;

THENCE, South 00°18'18" West, along the West right of way line of said Kessing Street, 2.00 feet to the cusp of a 60.00 foot radius tangent curve, concave to the Southwest;

THENCE, northwesterly, along said curve, through a central angle of 90°07'34", an arc distance of 94.38 feet;

THENCE, North 89°49'16" West, 207.48 feet;

THENCE, South 45°41'55" West, 22.00 feet to a point in the East right of way line of Jaye Street;

THENCE, North 01°13'07" East, along the East right of way line of Jaye Street, 17.42 feet to the **POINT OF BEGINNING**.

Parcel 2 - Jaye Driveway Approach

BEGINNING AT the intersection of the East right of way line of Jaye Street as shown on said Parcel Map No. 5037 with the westerly prolongation of the most northerly North line of said Parcel 4;

THENCE, North 01°13'07" East, along the East right of way line of Jaye Street, 37.83 feet;

THENCE, South 43°46'53" East, 20.51 feet;

THENCE, South 88°46'53" East, 6.00 feet;

THENCE, South 01°13'07" West, 46.00 feet;

THENCE, North 88°46'53" West, 6.00 feet;

THENCE, South 46°13'07" West, 20.51 feet to a point in the East right of way line of Jaye Street;

THENCE, North 01°13'07" East, along the East right of way line of Jaye Street, 37.17 feet to the POINT OF BEGINNING.

Parcel 3 - Jaye/Poplar

COMMENCING AT the most southerly Southwest corner of said Parcel 4;

THENCE, North 40°19'53" West, 4.59 feet to the East right of way line of Jaye Street, said point being the POINT OF BEGINNING;

THENCE, continuing North 40°19'53" West, 30.18 feet;

THENCE, South 89°27'00" East, 20.02 feet to the East right of way line of Jaye Street;

THENCE, South 01°13'07" West, 22.82 feet to the POINT OF BEGINNING.

Parcel 4 - Kessing/Poplar

BEGINNING AT the intersection of the West right of way line of Kessing Street with the North right of way line of Poplar Avenue as shown on said Parcel Map No. 5037;

THENCE, North 00°18'18" East, along the West right of way line of Kessing Street, 34.73 feet to the cusp of a 50.00 foot radius tangent curve, concave to the Northwest;

THENCE, southwesterly, along said curve through a central angle of 25°50'50", an arc distance of 22.56 feet, to the beginning of a 50.00 foot radius reverse curve, concave to the Southeast;

THENCE, southerly, along said curve through a central angle of 14°03'14", an arc distance of 12.26 feet, to the North right of way line of Poplar Avenue;

THENCE, South 81°04'26" East, along the North right of way line of Poplar Avenue, 9.05 feet to the POINT OF BEGINNING.

CONTAINING: 2,192 square feet (0.05) acres more or less.

BASIS OF BEARINGS: The East right of way line of Jaye Street, as shown on Parcel Map No. 5037, recorded in Book 51 of Parcel Maps, at Page 43, Tulare County Records,

TAKEN AS: North 01°13'07" East.

END OF DESCRIPTION

This real property description has been prepared by me, or under my direction, in conformance with the Professional Land Surveyors Act.

Signature: _____

Michael K. Reed, Licensed Land Surveyor

Date: _____

4/30/2013



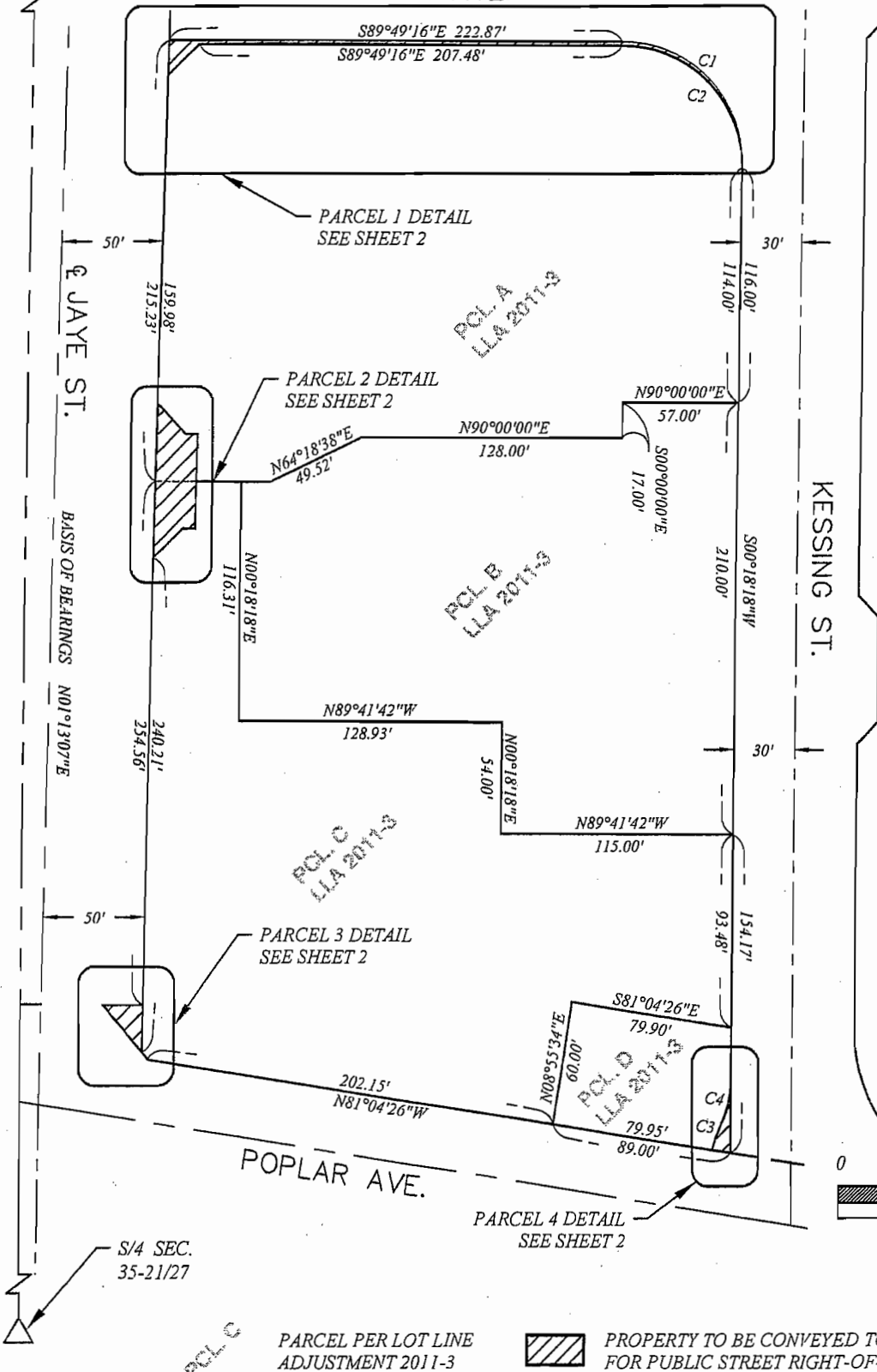
CTR. SEC.
35-21/27

PROPERTY ACQUISITION PLAT

EXHIBIT "B"

SHEET 1

VANDALIA AVE.



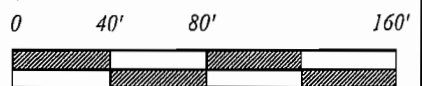
HOME DEPOT

KESSING ST.

POPLAR AVE.



NORTH



SCALE: 1"=80'

CURVE TABLE

No.	LENGTH	RADIUS	DELTA
C1	94.38'	60.00'	90°07'34"
C2	94.38'	60.00'	90°07'34"
C3	12.26'	50.00'	14°03'14"
C4	22.56'	50.00'	25°50'50"

PARCEL PER LOT LINE
ADJUSTMENT 2011-3



PROPERTY TO BE CONVEYED TO CITY OF PORTERVILLE
FOR PUBLIC STREET RIGHT-OF-WAY

City of Porterville

291 N. MAIN ST.
PORTERVILLE, CA. 93257
559 782-7462

PORTIONS OF PARCEL MAP NO. 5037 PER MAP
RECORDED AUG. 31, 2011 IN BK. 51 OF PARCEL
MAPS AT PG. 43 T.C.R., SITUATED IN THE
SOUTHEAST QUARTER OF SECTION 35,
TOWNSHIP 21 SOUTH, RANGE 27 EAST,
M.D.B.&M., IN THE CITY OF PORTERVILLE,
COUNTY OF TULARE, STATE OF CALIFORNIA.

OWNERS:

TOLLADAY FAMILY TRUST
CZEM PARTNERS, LLC
JLH PROPERTIES, LLC

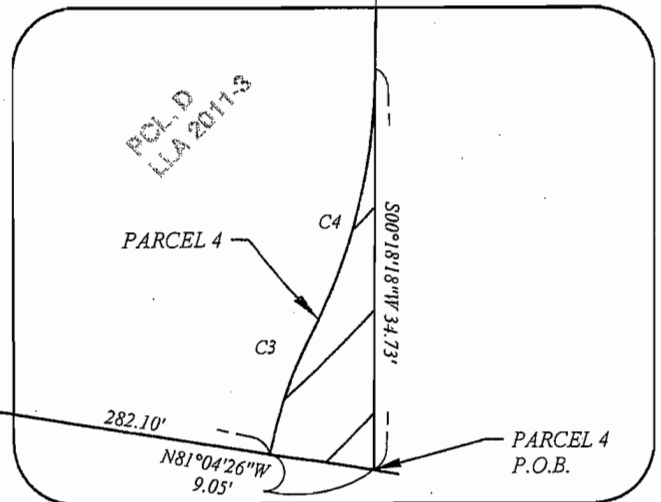
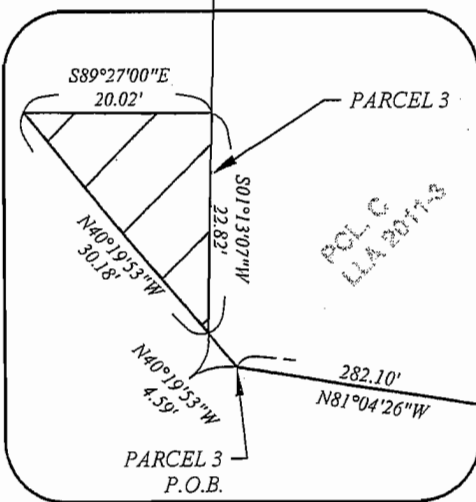
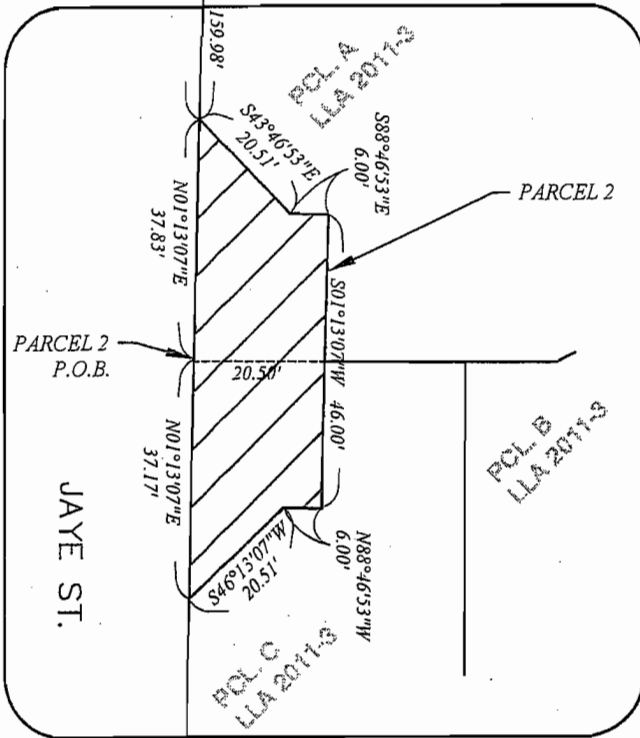
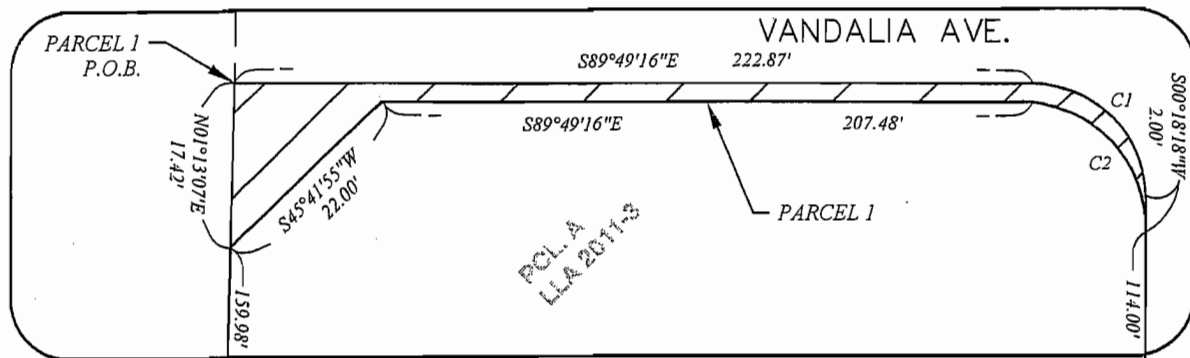
AREA:

2,192 S.F.
0.05 AC.

DRAWN BY
CHC'K BY

FM
DB

EXHIBIT "B"
SHEET 2
DETAILS



KESSING ST.



City of Porterville
291 N. MAIN ST.
PORTERVILLE, CA. 93257
559 782-7462

PORTIONS OF PARCEL MAP NO. 5037 PER MAP
RECORDED AUG. 31, 2011 IN BK. 51 OF PARCEL
MAPS AT PG. 43 T.C.R., SITUATED IN THE
SOUTHEAST QUARTER OF SECTION 35,
TOWNSHIP 21 SOUTH, RANGE 27 EAST,
M.D.B.&M., IN THE CITY OF PORTERVILLE,
COUNTY OF TULARE, STATE OF CALIFORNIA.

OWNERS: TOLLADAY FAMILY TRUST
CZEM PARTNERS, LLC
JLH PROPERTIES, LLC
AREA: 2,192 S.F.
0.05 AC.
DRAWN BY FM
CHCK BY DB

PARCEL MAP NO. 5037

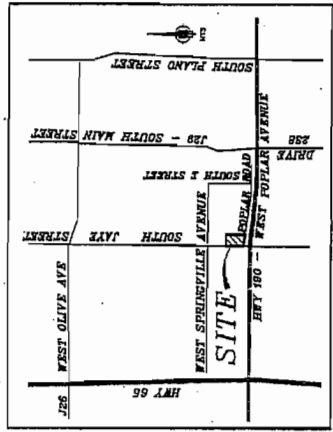
BEING A RE-SUBDIVISION OF PORTIONS OF LOTS 38 AND 39 OF PLEASANT GROVE TRACT FILED IN MAP BOOK 9 AT PAGE 11 AND PARCEL 2 OF PARCEL MAP NO. 1014 FILED IN PARCEL MAP BOOK 11 AT PAGE 15, BOTH IN THE OFFICE OF THE TULARE COUNTY RECORDER, IN THE CITY OF PORTERVILLE, COUNTY OF TULARE, STATE OF CALIFORNIA, SITUATED IN THE SOUTHEAST QUARTER OF SECTION 35, TOWNSHIP 21 SOUTH, RANGE 27 EAST, M.D.B. & M.

CONSISTING OF 2 SHEETS

SHEET 1 OF 2

FOR: MICHAEL TOLLANDY
7000 N. MARKS AVE.
FRESNO, CA 93711

BY: HARBOUR & ASSOCIATES
388 CLOVIS AVE. #200
CLOVIS, CA 93612



VICINITY MAP

BOARD OF SUPERVISOR'S STATEMENT

I, JEAN ROUSSEAU, COUNTY ADMINISTRATIVE OFFICER/CLERK OF THE BOARD OF SUPERVISORS OF THE COUNTY OF TULARE, DO HEREBY STATE THAT SAID BOARD OF SUPERVISORS HAS APPROVED THE PROVISIONS MADE FOR THE PAYMENT OF TAXES AS PROVIDED IN CHAPTER 1 OF THE GOVERNMENT CODE OF THE STATE OF CALIFORNIA.

DATED THIS 24th DAY OF August, 2011.

JEAN ROUSSEAU
COUNTY ADMINISTRATIVE OFFICER/CLERK OF THE BOARD OF SUPERVISORS

BY: *Michael K. Reed*
MICHAEL K. REED, CITY ENGINEER

PUBLIC WORKS STATEMENT:

PURSUANT TO THE AUTHORITY CONFERRED BY THE CITY OF PORTERVILLE ORDINANCE NO. 1590, ADOPTED FEBRUARY 20, 2004, THE UNDERSIGNED ON BEHALF OF THE PUBLIC AND CITY COUNCIL OF THE CITY OF PORTERVILLE CONSENTS TO THE RECORDATION OF THE IRREVOCABLE OFFER OF CONVEYANCE AS SHOWN ON THIS MAP AND IN CONFORMANCE WITH THAT CERTAIN PUBLIC IMPROVEMENT AGREEMENT DATED, NOVEMBER 24, 2009, PERTAINING TO THE DEVELOPMENT OF LAND DEFINED BY THE PARCEL MAP NO. 5037, SITUATED IN THE SOUTHEAST QUARTER OF SECTION 35, TOWNSHIP 21 SOUTH, RANGE 27 EAST, M.D.B. & M. AS TO COMPLETE THE PROPERTY TRANSFER, BUT HEREBY FOR PURPOSES OF THE CITY OF PORTERVILLE PUBLIC WORKS ACT TO COMPLETE THE RIGHTS OF WAY SHOWN HEREON ARE TO BECOME RECORDED BY SEPARATE DOCUMENT SUBSEQUENT TO FILING AND RECORDATION OF THIS MAP.

DATED THIS 22nd DAY OF JULY, 2011

Michael K. Reed
MICHAEL K. REED, CITY ENGINEER

IMPROVEMENT STATEMENT:

IN ACCORDANCE WITH SECTION 86411.1 OF THE GOVERNMENT CODE THE CONSTRUCTION OF OFF-SITE AND ON-SITE IMPROVEMENTS, INCLUDING BUT NOT LIMITED TO, UTILITIES, GROUND, PARKING LOT IMPROVEMENTS, WELL, ADJACEMENT (IF ANY), REMOVAL OF EXISTING IMPROVEMENTS, AND THE CONSTRUCTION OF IMPROVEMENTS, SHALL BE COMPLETED BY THE DEVELOPER OF THE PARCEL. SUCH CONSTRUCTION MAY BE PHASED WHEN ONLY A PORTION OF THE PARCEL IS SHOWN HEREON RECEIVE SUCH APPROVAL. THE PHASED CONSTRUCTION SHALL CONSIST OF ALL IMPROVEMENTS RELATED TO THE SPECIFIC PARCELS PLUS THAT REQUIRED TO MAKE THE INSTALLED IMPROVEMENTS PROPERLY FUNCTIONARY.

OWNER'S STATEMENT:

WE HEREBY STATE THAT WE ARE THE OWNERS OF, OR HAVE SOME RIGHT, TITLE OR INTEREST IN, THE LAND SHOWN ON THIS MAP, AND THAT WE HAVE THE AUTHORITY TO EXECUTE THIS PARCEL MAP AS SHOWN WITHIN THE BLUE BORDER LINES OF THIS PARCEL MAP, AND THAT WE HAVE THE AUTHORITY TO CONVEY TO THE CITY OF PORTERVILLE THE RIGHTS OF WAY SHOWN HEREON AS AN IRREVOCABLE OFFER OF CONVEYANCE TO THE CITY OF PORTERVILLE.

TOLLANDY FAMILY TRUST

Michael R. Tollandy
MICHAEL R. TOLLANDY, TRUSTEE

CZEM PARTNERS, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY
BY: ATENC MUSTANG LLC, A CALIFORNIA LIMITED LIABILITY COMPANY
ITS MANAGER

JULI PROPERTIES, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY
BY: *David J. Mustang*
DAVID J. MUSTANG, MANAGER

JOHN ST. NILE, PRESIDENT

NOTARY ACKNOWLEDGEMENTS

STATE OF CALIFORNIA)
COUNTY OF FRESNO)

ON July 13th, 2011, BEFORE ME, *Michael A. MacEster*, a Notary Public, personally appeared *Michael R. Tollandy* and *David J. Mustang*, both of whom are known to me to be the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that they executed the same in their individual capacities, and that by signing their names to the foregoing instrument, they intended to execute the same in their individual capacities, and that by signing their names to the foregoing instrument, they intended to execute the same in their individual capacities, and that by signing their names to the foregoing instrument, they intended to execute the same in their individual capacities.

NAME: *Michael A. MacEster* SIGNATURE: *Michael A. MacEster*
MY COMMISSION EXPIRES: *June 14, 2012* COUNTY OF: *FRESNO*
COMMISSION NUMBER: *1801933*

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES)

ON July 13, 2011, BEFORE ME, *John L. Robinson*, a Notary Public, personally appeared *Michael R. Tollandy* and *David J. Mustang*, both of whom are known to me to be the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that they executed the same in their individual capacities, and that by signing their names to the foregoing instrument, they intended to execute the same in their individual capacities, and that by signing their names to the foregoing instrument, they intended to execute the same in their individual capacities.

NAME: *John L. Robinson* SIGNATURE: *John L. Robinson*
MY COMMISSION EXPIRES: *April 8, 2012* COUNTY OF: *LOS ANGELES*
COMMISSION NUMBER: *1821734*

STATE OF CALIFORNIA)
COUNTY OF TULARE)

ON July 19, 2011, BEFORE ME, *John S. Hale*, a Notary Public, personally appeared *Brenda Anable*, a Notary Public, who provided to me on the basis of satisfactory evidence to be the person(s) whose name(s) were subscribed to the within instrument, and acknowledged to me that he/she/they executed the same in his/her/their individual capacity or capacities, and that by signing the name(s) on the instrument, the person(s) or the entity upon behalf of which the person(s) acted, executed the instrument.

NAME: *Brenda Anable* SIGNATURE: *Brenda Anable*
MY COMMISSION EXPIRES: *March 14, 2012* COUNTY OF: *TULARE*
COMMISSION NUMBER: *1791586*

SURVEYOR'S STATEMENT:

THIS MAP WAS PREPARED BY ME OR UNDER MY DIRECTION AND IS BASED UPON A FIELD SURVEY IN CONFORMANCE WITH THE REQUIREMENTS OF THE SUBDIVISION MAP ACT AND LOCAL ORDINANCE AT THE REQUEST OF MICHAEL R. TOLLANDY AND DAVID J. MUSTANG. I HEREBY STATE THAT THIS PARCEL MAP SUBSTANTIALLY CONFORMS TO THE SURVEY AND TO THE APPROVED TENTATIVE PARCEL MAP, IF ANY, THE MONUMENTS ARE OF THE CHARACTER AND IN THE LOCATIONS SHOWN HEREON AND SAID MONUMENTS ARE SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACED.

DATED THIS 12th DAY OF JULY, 2011

Gary A. Dixon
GARY A. DIXON, L.S. 5277 DATE: 7-12-2011
EXPIRATION DATE: DECEMBER 31, 2011

CITY ENGINEER'S STATEMENT:

I HEREBY STATE THAT I HAVE EXAMINED THIS FINAL MAP AND I AM SATISFIED THAT IT IS IN SUBSTANTIAL CONFORMANCE WITH THE REQUIREMENTS OF THE TENTATIVE PARCEL MAP, AND ANY APPROVED ALTERNATIONS THEREBY, THAT ALL PROVISIONS OF CHAPTER 2, DIVISION 2, TITLE 7 OF THE GOVERNMENT CODE AND LOCAL ORDINANCE APPLICABLE AT THE TIME OF APPROVAL OF THE TENTATIVE MAP, HAVE BEEN COMPLIED WITH.

DATED THIS 22nd DAY OF JULY, 2011

Michael K. Reed
MICHAEL K. REED, CITY ENGINEER
P.L.S. NO. 7514
EXPIRATION DATE: DECEMBER 31, 2011

PLANNING DIRECTOR'S STATEMENT:

I HEREBY STATE THAT ON BEHALF OF THE PARCEL MAP COMMITTEE THIS PARCEL MAP CONFORMS TO THE APPROVED TENTATIVE MAP NO. 2, 2009.

DATED THIS 22nd DAY OF JULY, 2011

Bruce A. Dunlap
BRUCE A. DUNLAP, COMMUNITY DEVELOPMENT DIRECTOR

SOIL ENGINEER'S STATEMENT:

I HEREBY STATE THAT A PRELIMINARY SOIL REPORT WAS SUBMITTED BY ME ON FEBRUARY 20, 2009 IN ACCORDANCE WITH THE PROVISIONS OF THE CITY OF PORTERVILLE BUILDING INSPECTOR'S OFFICE.

DATED THIS 12th DAY OF JULY, 2011

David R. Jaramoz
DAVID R. JARAMOZ, II
P.L.S. NO. 7514
EXPIRATION DATE: 6/30/2012

RECORDER'S STATEMENT

DOCUMENT NO. 2011-025125 FEE \$10.05 PMD

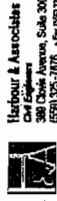
FILED THIS 26th DAY OF AUGUST, 2011 AT 2:00 O'CLOCK

A.M. IN BOOK 57 OF PARCEL MAPS, AT PAGE(S) 43

TULARE COUNTY RECORDS, AT THE REQUEST OF CHICAGO TITLE COMPANY.

ROLAND P. HILL, TULARE COUNTY ASSESSOR / CLERK RECORDER

BY: *Robbana Stano*
ROBBANA STANO, DEPUTY



PARCEL MAP NO. 5037

BEING IN THE SOUTHEAST QUARTER OF SECTION 35, TOWNSHIP 21 SOUTH, RANGE 27 EAST, MOUNT Diablo BASE AND MERIDIAN, IN THE CITY OF PORTERVILLE, COUNTY OF TULARE, STATE OF CALIFORNIA

SHEET TWO OF TWO SHEETS

CLASS	AREA	PERCENT	ACRES
1	1.11	1.11	1.11
2	1.11	1.11	1.11
3	1.11	1.11	1.11
4	1.11	1.11	1.11
5	1.11	1.11	1.11
6	1.11	1.11	1.11
7	1.11	1.11	1.11
8	1.11	1.11	1.11
9	1.11	1.11	1.11
10	1.11	1.11	1.11
11	1.11	1.11	1.11
12	1.11	1.11	1.11
13	1.11	1.11	1.11
14	1.11	1.11	1.11
15	1.11	1.11	1.11
16	1.11	1.11	1.11
17	1.11	1.11	1.11
18	1.11	1.11	1.11
19	1.11	1.11	1.11
20	1.11	1.11	1.11

CLASS OF BEARINGS

BEING THE SOUTHEAST QUARTER OF SECTION 35, TOWNSHIP 21 SOUTH, RANGE 27 EAST, MOUNT Diablo BASE AND MERIDIAN, IN THE CITY OF PORTERVILLE, COUNTY OF TULARE, STATE OF CALIFORNIA

CLASS	AREA	PERCENT	ACRES
1	1.11	1.11	1.11
2	1.11	1.11	1.11
3	1.11	1.11	1.11
4	1.11	1.11	1.11
5	1.11	1.11	1.11
6	1.11	1.11	1.11
7	1.11	1.11	1.11
8	1.11	1.11	1.11
9	1.11	1.11	1.11
10	1.11	1.11	1.11
11	1.11	1.11	1.11
12	1.11	1.11	1.11
13	1.11	1.11	1.11
14	1.11	1.11	1.11
15	1.11	1.11	1.11
16	1.11	1.11	1.11
17	1.11	1.11	1.11
18	1.11	1.11	1.11
19	1.11	1.11	1.11
20	1.11	1.11	1.11

PARCEL MAP NO. 1895

BEING THE SOUTHEAST QUARTER OF SECTION 35, TOWNSHIP 21 SOUTH, RANGE 27 EAST, MOUNT Diablo BASE AND MERIDIAN, IN THE CITY OF PORTERVILLE, COUNTY OF TULARE, STATE OF CALIFORNIA

SPRINGVILLE AVENUE

VANDALLA AVENUE

KESSING STREET

POPLAR AVENUE

JAYE STREET

STATE ROUTE 190

SECTION 35

TOWNSHIP 21 SOUTH

RANGE 27 EAST

MOUNT Diablo BASE AND MERIDIAN

CITY OF PORTERVILLE

COUNTY OF TULARE

STATE OF CALIFORNIA

PARCEL MAP NO. 5037

BEING THE SOUTHEAST QUARTER OF SECTION 35, TOWNSHIP 21 SOUTH, RANGE 27 EAST, MOUNT Diablo BASE AND MERIDIAN, IN THE CITY OF PORTERVILLE, COUNTY OF TULARE, STATE OF CALIFORNIA

SHEET TWO OF TWO SHEETS

17-92-8

NOTE

NOT TO SCALE

SCALE 1" = 80'

0' 80' 160' 240'

Harbour & Associates

CHS Engineers

1999 2002 2003 2004 2005 2006 2007 2008 2009

17-92-8

NOTE

NOT TO SCALE

SCALE 1" = 80'

0' 80' 160' 240'

Harbour & Associates

CHS Engineers

1999 2002 2003 2004 2005 2006 2007 2008 2009

17-92-8

8
RECORDING REQUESTED BY:

CHICAGO TITLE CO.

42121091

RECORDING REQUESTED BY
AND WHEN RECORDED RETURN
TO:

CITY OF PORTERVILLE
291 NORTH MAIN STREET
PORTERVILLE, CA. 93257

NO FEE PURSUANT TO
GOVERNMENT CODE SECTION 27383-



2012-0016591

Recorded
Official Records
County of
Tulare
ROLAND P. HILL
Clerk Recorder

REC FEE 65.00
CONFORMED COPY 2.00

08:00AM 20-Mar-2012 DR
Page 1 of 17

2 conf

17
9

RESOLUTION NO. 585

LOT LINE ADJUSTMENT 2011-3

DECISION OF THE CITY PLANNER AND CITY ENGINEER OF THE CITY OF
PORTERVILLE APPROVING LOT LINE ADJUSTMENT NO. 2011-3
FOR THAT SITE GENERALLY LOCATED ON SOUTHEAST CORNER OF
JAYE STREET AND VANDALIA AVENUE

OWNERS

Tolladay Family Trust
7080 N. Marks Ave, #118
Fresno, Ca 93711

CZEM Partners, LLC
2200 Pine Street
Bakersfield, Ca 93301

JLH Properties, LLC
2200 Pine Street
Bakersfield, Ca 93301

WHEREAS: The City Planner and the City Engineer of the City of Porterville hereby determine that the following findings were relevant to evaluating this lot line adjustment map:

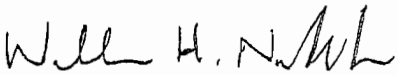
1. A lot line adjustment map has been filed pursuant to the regulations contained in Section 405.03 of the City of Porterville Development Ordinance; and
2. The Planning and Engineering Division staff have jointly reviewed the submitted lot line adjustment map; and
3. Under Section 405.03 of the City of Porterville Development Ordinance, the City Engineer and the City Planner are authorized to approve lot line adjustments without the approval and filing of a parcel map; and
4. The proposed project is consistent with the General Plan; and

5. The proposed Lot Line Adjustment is consistent with the Development Ordinance standards pertaining to the CR (Retail Centers) Zoning; and
6. This lot line adjustment is a ministerial act pursuant to Public Resources Code, Section 15073 and the City of Porterville Code; and


WHEREAS: Resolution No. 585, the legal description (Exhibit "A"), and the lot line adjustment map (Exhibit "B"), shall be filed with the Recorder of the County of Tulare for recordation.

NOW, THEREFORE, BE IT RESOLVED: That Lot Line Adjustment 2011-3 affecting that site generally located on the southeast corner of Jaye Street and Vandalia Avenue is hereby approved by the City Planner and City Engineer of the City of Porterville.

March 16, 2012


William H. Nebeker, City Planner
City of Porterville

March 16, 2012


Michael K. Reed, City Engineer
PLS 7514 exp. 12-31-13
City of Porterville

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

CIVIL CODE § 1189

State of California

County of Tulare

On 3/19/12 before me, Christina S. Davis, Notary Public

personally appeared William H. Nebeker & Michael

K. Reed

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) ~~is~~ are subscribed to the within instrument and acknowledged to me that ~~he~~ ~~she~~ they executed the same in his ~~her~~ their authorized capacity(ies), and that by his ~~her~~ their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

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

WITNESS my hand and official seal.



Signature: Christina S. Davis

Place Notary Seal Above

Signature of Notary Public

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: Resolution No. 585 Lot Line Adjustment 2011-3

Document Date: March 16, 2012 Number of Pages: 2

Signer(s) Other Than Named Above: none

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____

☐ Corporate Officer — Title(s): _____

☐ Individual

☐ Partner — ☐ Limited ☐ General

☐ Attorney in Fact

☐ Trustee

☐ Guardian or Conservator

☐ Other: _____

Signer Is Representing: _____

RIGHT THUMBPRINT
OF SIGNER

Top of thumb here

Signer's Name: _____

☐ Corporate Officer — Title(s): _____

☐ Individual

☐ Partner — ☐ Limited ☐ General

☐ Attorney in Fact

☐ Trustee

☐ Guardian or Conservator

☐ Other: _____

Signer Is Representing: _____

RIGHT THUMBPRINT
OF SIGNER

Top of thumb here

EXHIBIT A
LOT LINE ADJUSTMENT
PROPOSED PARCEL
LEGAL DESCRIPTIONS

PROPOSED PARCEL A

That portion of Parcels 1 and 2 of Parcel Map No. 5037, recorded August 31, 2011 in Book 51 of Parcel Maps at Page 43, Tulare County Records, being in the Southeast quarter of Section 35, Township 21 South, Range 27 East, Mount Diablo Base and Meridian, in the City of Porterville, County of Tulare, State of California, together with those portions of the areas indicated as an irrevocable offer of conveyance to the City of Porterville for public street rights-of-way lying adjacent to said Parcels 1 and 2, described as follows:

BEGINNING at the Northwest corner of said Parcel 1;

Thence South 89°49'16" East, along the North line of said Parcel 1, a distance of 207.48 feet to the beginning of a 60.00 foot radius tangent curve, concave to the Southwest;

Thence Southeasterly, along said curve, through a central angle of 90°07'34", an arc distance of 94.38 feet;

Thence South 00°18'18" West, along the East line of said Parcel 1, a distance of 114.00 feet;

Thence North 90°00'00" West, a distance of 57.00 feet;

Thence South 00°00'00" East, a distance of 17.00 feet;

Thence North 90°00'00" West, a distance of 128.00 feet;

Thence South 64°18'38" West, a distance of 49.52 feet;

Thence North 89°41'42" West, a distance of 36.50 feet to the Westerly line of said Parcel 2;

Thence along the Westerly lines of said Parcel 2 the following courses:

North 01°13'07" East, a distance of 23.00 feet;

Thence North 88°46'53" West, a distance of 6.00 feet;

Thence North 43°46'53" West, a distance of 20.51 feet;

Thence North 01°13'07" East, a distance of 159.98 feet;

Thence North 45°41'55" East, a distance of 22.00 feet to the POINT OF BEGINNING



EXHIBIT A
LOT LINE ADJUSTMENT
PROPOSED PARCEL
LEGAL DESCRIPTIONS

Containing 53,761 square feet, more or less.

TOGETHER WITH AND SUBJECT TO an irrevocable offer of conveyance to the City of Porterville for public street rights-of-way described as follows:

BEGINNING at the intersection of the South right-of-way line of Vandalia Avenue with the East right-of-way line of Jaye Street as shown on said Parcel Map No. 5037;

Thence along the South right-of-way line of said Vandalia Avenue and the West right-of-way line of Kessing Street as shown on said Parcel Map No. 5037 the following courses:

South $89^{\circ}49'16''$ East, a distance of 222.87 feet to the beginning of a 60.00 foot radius tangent curve, concave to the Southwest;

Thence Southeasterly, along said curve, through a central angle of $90^{\circ}07'34''$, an arc distance of 94.38 feet;

Thence South $00^{\circ}18'18''$ West, along the West line of said Kessing Street, a distance of 2.00 feet to the cusp of a 60.00 foot radius tangent curve, concave to the Southwest;

Thence Northwesterly, along said curve, through a central angle of $90^{\circ}07'34''$, an arc distance of 94.38 feet;

Thence North $89^{\circ}49'16''$ West, a distance of 207.48 feet;

Thence South $45^{\circ}41'55''$ West, a distance of 22.00 feet to the East right-of-way line of said Jaye Street;

Thence North $01^{\circ}13'07''$ East, along the East right-of-way line of said Jaye Street, a distance of 17.42 feet to the POINT OF BEGINNING.

ALSO TOGETHER WITH AND SUBJECT TO an irrevocable offer of conveyance to the City of Porterville for public street rights-of-way described as follows:

BEGINNING at the intersection of the East line of Jaye Street as shown on said Parcel Map No. 5037 with the Westerly prolongation of the most Northerly North line of Parcel 4 of said Parcel Map No. 5037;

Thence North $01^{\circ}13'07''$ East, along the East right-of-way line of said Jaye Street, a distance of 37.83 feet;



EXHIBIT A

LOT LINE ADJUSTMENT

PROPOSED PARCEL LEGAL DESCRIPTIONS

Thence along the Southerly and Westerly lines of said Parcel 2, the following courses:

South 43°46'53" East, a distance of 20.51 feet;

Thence South 88°46'53" East, a distance of 6.00 feet;

Thence South 01°13'07" West, a distance of 23.00 feet to the most Northerly Northwest corner of said Parcel 4;

Thence leaving said Southerly and Westerly lines of said Parcel 2, North 89°41'42" West, along the Westerly prolongation of the most Northerly North line of said Parcel 4, a distance of 20.50 feet to the POINT OF BEGINNING.



EXHIBIT A

LOT LINE ADJUSTMENT

PROPOSED PARCEL LEGAL DESCRIPTIONS

PROPOSED PARCEL B

That portion of Parcels 1, 2, and 3 of Parcel Map No. 5037, recorded August 31, 2011 in Book 51 of Parcel Maps at Page 43, Tulare County Records, being in the Southeast quarter of Section 35, Township 21 South, Range 27 East, Mount Diablo Base and Meridian, in the City of Porterville, County of Tulare, State of California, described as follows:

BEGINNING at the Southeast corner of said Parcel 3;

Thence along the Southerly and Westerly lines of said Parcel 3 the following courses:

North 89°41'42" West, a distance of 115.00 feet;

Thence North 00°18'18" East, a distance of 54.00 feet;

Thence North 89°41'42" West, a distance of 128.93 feet to the most Westerly line of said Parcel 3;

Thence North 00°18'18" East, along the most Westerly line of said Parcel 3 and along the Westerly line of said Parcel 2, a distance of 116.31 feet;

Thence South 89°41'42" East, a distance of 14.50 feet;

Thence North 64°18'38" East, a distance of 49.52 feet;

Thence North 90°00'00" East, a distance of 128.00 feet;

Thence North 00°00'00" East, a distance of 17.00 feet;

Thence North 90°00'00" East, a distance of 57.00 feet to the East line of said Parcel 1;

Thence South 00°18'18" West, along the East line of said Parcels 1 and 3, a distance of 210.00 feet to the POINT OF BEGINNING

Containing 40,136 square feet, more or less.



EXHIBIT A
LOT LINE ADJUSTMENT

**PROPOSED PARCEL
LEGAL DESCRIPTIONS**

PROPOSED PARCEL C

Parcel 4 of Parcel Map No. 5037, recorded August 31, 2011 in Book 51 of Parcel Maps at Page 43, Tulare County Records, being in the Southeast quarter of Section 35, Township 21 South, Range 27 East, Mount Diablo Base and Meridian, in the City of Porterville, County of Tulare, State of California, together with portions of the areas indicated as an irrevocable offer of conveyance to the City of Porterville for public street rights-of-way lying adjacent to Jaye Street as shown on said Parcel Map No. 5037.

EXCEPTING THEREFROM that portion of said Parcel 4, described as follows:

BEGINNING at the Southeast corner of said Parcel 4;

Thence North $81^{\circ}04'26''$ West, along the South line of said Parcel 4, a distance of 79.95 feet;

Thence North $08^{\circ}55'34''$ East, a distance of 60.00 feet;

Thence South $81^{\circ}04'26''$ East, parallel with and 60.00 feet Northerly of the Southerly line of said Parcel 4, a distance of 79.90 feet to the East line of said Parcel 4;

Thence along the East line of said Parcel 4 the following courses:

South $00^{\circ}18'18''$ West, a distance of 25.95 feet to the beginning of a 50.00 foot radius tangent curve, concave to the West;

Thence Southerly, along said curve, through a central angle of $25^{\circ}50'50''$, an arc distance of 22.56 feet to the beginning of a 50.00 foot radius reverse curve, concave to the East;

Thence Southerly, along said curve, through a central angle of $14^{\circ}03'14''$, an arc distance of 12.26 feet to the POINT OF BEGINNING.

Containing 47,122 square feet, more or less.

TOGETHER WITH AND SUBJECT TO an irrevocable offer of conveyance to the City of Porterville for public street rights-of-way described as follows:

BEGINNING at the intersection of the East line of Jaye Street as shown on said Parcel Map No. 5037 with the Westerly prolongation of the most Northerly North line of said Parcel 4;



EXHIBIT A

LOT LINE ADJUSTMENT

PROPOSED PARCEL LEGAL DESCRIPTIONS

Thence South 89°41'42" East, along the Westerly prolongation of the most Northerly North line of said Parcel 4, a distance of 20.50 feet;

Thence along the Northerly and Westerly lines of said Parcel 4 the following courses:

Thence South 01°13'07" West, a distance of 23.00 feet;

Thence North 88°46'53" West, a distance of 6.00 feet;

Thence South 46°13'07" West, a distance of 20.51 feet to the East line of said Jaye Street;

Thence North 01°13'07" East, along the East line of said Jaye Street, a distance of 37.17 feet to the POINT OF BEGINNING.

TOGETHER WITH AND SUBJECT TO an irrevocable offer of conveyance to the City of Porterville for public street rights-of-way described as follows:

COMMENCING at the most Southerly Southwest corner of said Parcel 4;

Thence North 40°19'53" West, a distance of 4.59 feet to the East line of said Jaye Street, said point being the TRUE POINT OF BEGINNING;

Thence continuing North 40°19'53" West, a distance of 30.18 feet;

Thence South 89°27'00" East, a distance of 20.02 feet to the East line of said Jaye Street;

Thence South 01°13'07" West, a distance of 22.82 feet to the TRUE POINT OF BEGINNING.



EXHIBIT A
LOT LINE ADJUSTMENT
PROPOSED PARCEL
LEGAL DESCRIPTIONS

PROPOSED PARCEL D

That portion of Parcel 4 of Parcel Map No. 5037, recorded August 31, 2011 in Book 51 of Parcel Maps at Page 43, Tulare County Records, being in the Southeast quarter of Section 35, Township 21 South, Range 27 East, Mount Diablo Base and Meridian, in the City of Porterville, County of Tulare, State of California, together with that portion of the area indicated as an irrevocable offer of conveyance to the City of Porterville for public street rights-of-way lying adjacent to the Southeast corner of said Parcel 4, described as follows:

BEGINNING at the Southeast corner of said Parcel 4;

Thence North $81^{\circ}04'26''$ West, along the South line of said Parcel 4, a distance of 79.95 feet;

Thence North $08^{\circ}55'34''$ East, a distance of 60.00 feet;

Thence South $81^{\circ}04'26''$ East, parallel with and 60.00 feet Northerly of the South line of said Parcel 4, a distance of 79.90 feet to the East line of said Parcel 4;

Thence along the East line of said Parcel 4 the following courses:

South $00^{\circ}18'18''$ West, a distance of 25.95 feet to the beginning of a 50.00 foot radius tangent curve, concave to the West;

Thence Southerly, along said curve, through a central angle of $25^{\circ}50'50''$, an arc distance of 22.56 feet to the beginning of a 50.00 foot radius reverse curve, concave to the East;

Thence Southerly, along said curve, through a central angle of $14^{\circ}03'14''$, an arc distance of 12.26 feet to the POINT OF BEGINNING.

Containing 4,942 square feet, more or less.

TOGETHER WITH AND SUBJECT TO an irrevocable offer of conveyance to the City of Porterville for public street rights-of-way described as follows:

BEGINNING at the intersection of the West line of Kessing Street with the North line of Poplar Avenue as shown on said Parcel Map No. 5037;



EXHIBIT A

LOT LINE ADJUSTMENT

PROPOSED PARCEL LEGAL DESCRIPTIONS

Thence North $00^{\circ}18'18''$ East, along the West line of said Kessing Street, a distance of 34.73 feet to the cusp of a 50.00 foot radius tangent curve, concave to the Northwest;

Thence Southwesterly, along said curve through a central angle of $20^{\circ}50'50''$, an arc distance of 22.56 feet, to the beginning of a 50.00 foot radius reverse curve, concave to the Southeast;

Thence Southerly, along said curve through a central angle of $14^{\circ}03'14''$, an arc distance of 12.26 feet, to the North line of said Poplar Avenue;

Thence South $81^{\circ}04'26''$ East, along the North line of said Poplar Avenue, a distance of 9.05 feet to the POINT OF BEGINNING.



EXHIBIT B

LOT LINE ADJUSTMENT

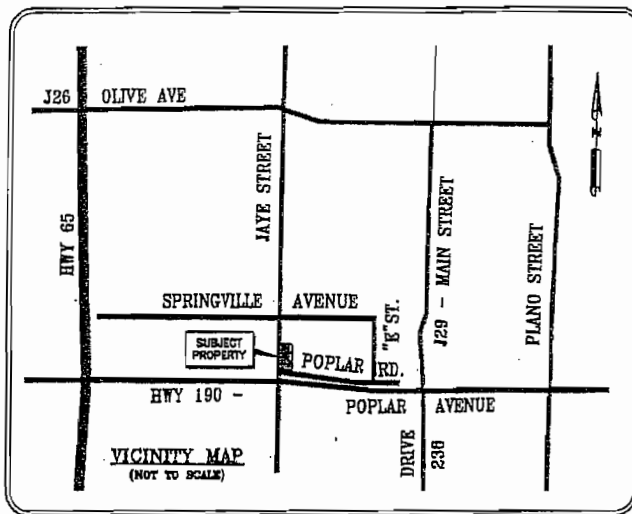
BEING IN THE SOUTHEAST QUARTER OF SECTION 35, TOWNSHIP 21 SOUTH, RANGE 27 EAST,
MOUNT DIABLO BASE AND MERIDIAN, IN THE CITY OF PORTERVILLE, COUNTY OF TULARE, STATE
OF CALIFORNIA

PREPARED FOR

MICHAEL TOLLADAY
7080 N. MARKS AVE.
FRESNO, CA. 93711

PREPARED BY

DIXON & ASSOCIATES LAND SURVEYING
620 DEWITT, #101
CLOVIS, CA., 93612



NOTES

DATE: NOVEMBER 17, 2011
APN: 260-300-17
SEWER: CITY OF PORTERVILLE
WATER: CITY OF PORTERVILLE

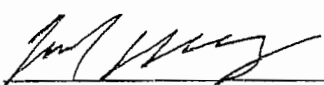
LEGEND

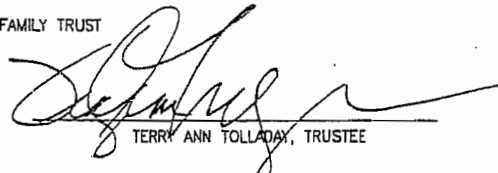
- PROPOSED PARCEL LINE
- - - EXISTING PARCEL LINE TO BE DELETED (PER VTPM 2-2009)
- ▲ IRREVOCABLE OFFER OF CONVEYANCE TO THE CITY OF PORTERVILLE FOR PUBLIC STREET RIGHTS OF WAY PER PARCEL MAP NO. 5037

OWNER'S STATEMENT

WE HEREBY STATE THAT WE ARE THE OWNERS OF THE REAL PROPERTY SHOWN ON THIS MAP AND WE ARE THE ONLY PERSONS WHOSE CONSENT IS NECESSARY FOR THE MAKING AND FILING OF THIS LOT LINE ADJUSTMENT AND STATE THAT THE INFORMATION SHOWN ON THIS MAP IS TRUE AND CORRECT.

TOLLADAY FAMILY TRUST


MICHAEL R. TOLLADAY, TRUSTEE


TERRY ANN TOLLADAY, TRUSTEE

CZEM PARTNERS, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY
BY: AZTEC MUSTANG LLC, A CALIFORNIA LIMITED LIABILITY COMPANY
ITS MANAGER

DAVE MOSSMAN, MANAGING MEMBER

JLH PROPERTIES, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY

JOHN S. HALE, PRESIDENT

EXHIBIT B
LOT LINE ADJUSTMENT
SHEET 1 OF 4

DIXON & ASSOCIATES, INC.
LAND SURVEYING

620 DEWITT, #101
CLOVIS, CALIFORNIA, 93612

PH: (559)297-4200 FAX: (559)297-4272

10-012
Harbour & Associates - Jove & Vandoita, Porterville

EXHIBIT B

LOT LINE ADJUSTMENT

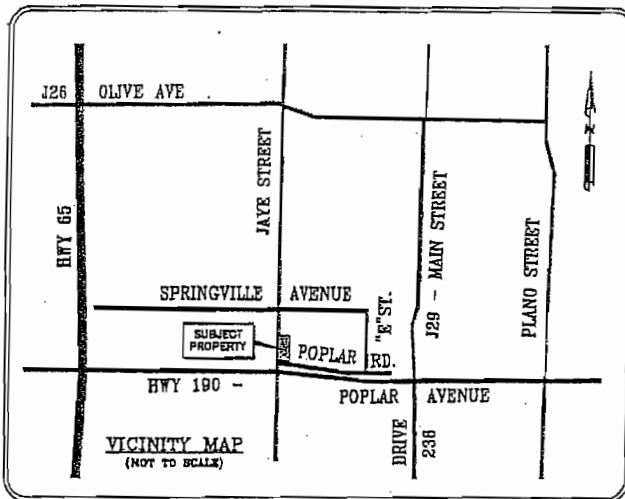
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MOUNT DIABLO BASE AND MERIDIAN, IN THE CITY OF PORTERVILLE, COUNTY OF TULARE, STATE
OF CALIFORNIA

PREPARED FOR

MICHAEL TOLLADAY
7080 N. MARKS AVE.
FRESNO, CA. 93711

PREPARED BY

DIXON & ASSOCIATES LAND SURVEYING
620 DEWITT, #101
CLOVIS, CA., 93612



NOTES

DATE: NOVEMBER 17, 2011
APN: 260-300-17
SEWER: CITY OF PORTERVILLE
WATER: CITY OF PORTERVILLE

LEGEND

- PROPOSED PARCEL LINE
- - - EXISTING PARCEL LINE TO BE DELETED (PER VTPM 2-2009)
- ▲ IRREVOCABLE OFFER OF CONVEYANCE TO THE CITY OF PORTERVILLE FOR PUBLIC STREET RIGHTS OF WAY PER PARCEL MAP NO. 5037

OWNER'S STATEMENT

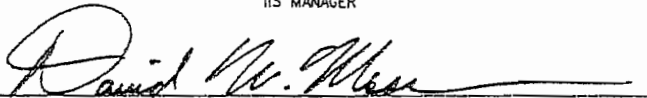
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TERRY ANN TOLLADAY, TRUSTEE

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BY: AZTEC MUSTANG LLC, A CALIFORNIA LIMITED LIABILITY COMPANY
ITS MANAGER


DAVE MOSSMAN, MANAGING MEMBER

JLH PROPERTIES, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY

JOHN S. HALE, PRESIDENT

EXHIBIT B
LOT LINE ADJUSTMENT
SHEET 1 OF 4

DIXON & ASSOCIATES, INC.
LAND SURVEYING

620 DEWITT, #101
CLOVIS, CALIFORNIA, 93612

PH: (559)297-4200 FAX: (559)297-4272

EXHIBIT B

LOT LINE ADJUSTMENT

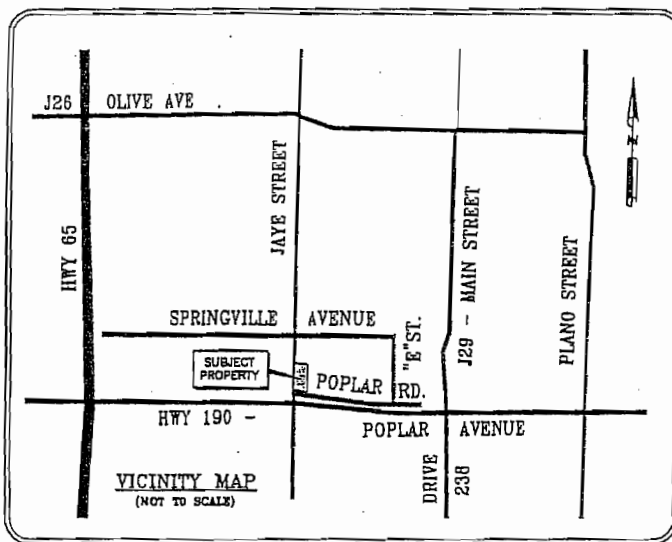
BEING IN THE SOUTHEAST QUARTER OF SECTION 35, TOWNSHIP 21 SOUTH, RANGE 27 EAST,
MOUNT DIABLO BASE AND MERIDIAN, IN THE CITY OF PORTERVILLE, COUNTY OF TULARE, STATE
OF CALIFORNIA

PREPARED FOR

MICHAEL TOLLADAY
7080 N. MARKS AVE.
FRESNO, CA. 93711

PREPARED BY




DIXON & ASSOCIATES LAND SURVEYING
620 DEWITT, #101
CLOVIS, CA., 93612



NOTES

DATE: NOVEMBER 17, 2011
APN: 260-300-17
SEWER: CITY OF PORTERVILLE
WATER: CITY OF PORTERVILLE

LEGEND

-  PROPOSED PARCEL LINE
-  EXISTING PARCEL LINE TO BE DELETED (PER VTPM 2-2009)
-  IRREVOCABLE OFFER OF CONVEYANCE TO THE CITY OF PORTERVILLE FOR PUBLIC STREET RIGHTS OF WAY PER PARCEL MAP NO. 5037

OWNER'S STATEMENT

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DAVE MOSSMAN, MANAGING MEMBER

JLH PROPERTIES, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY

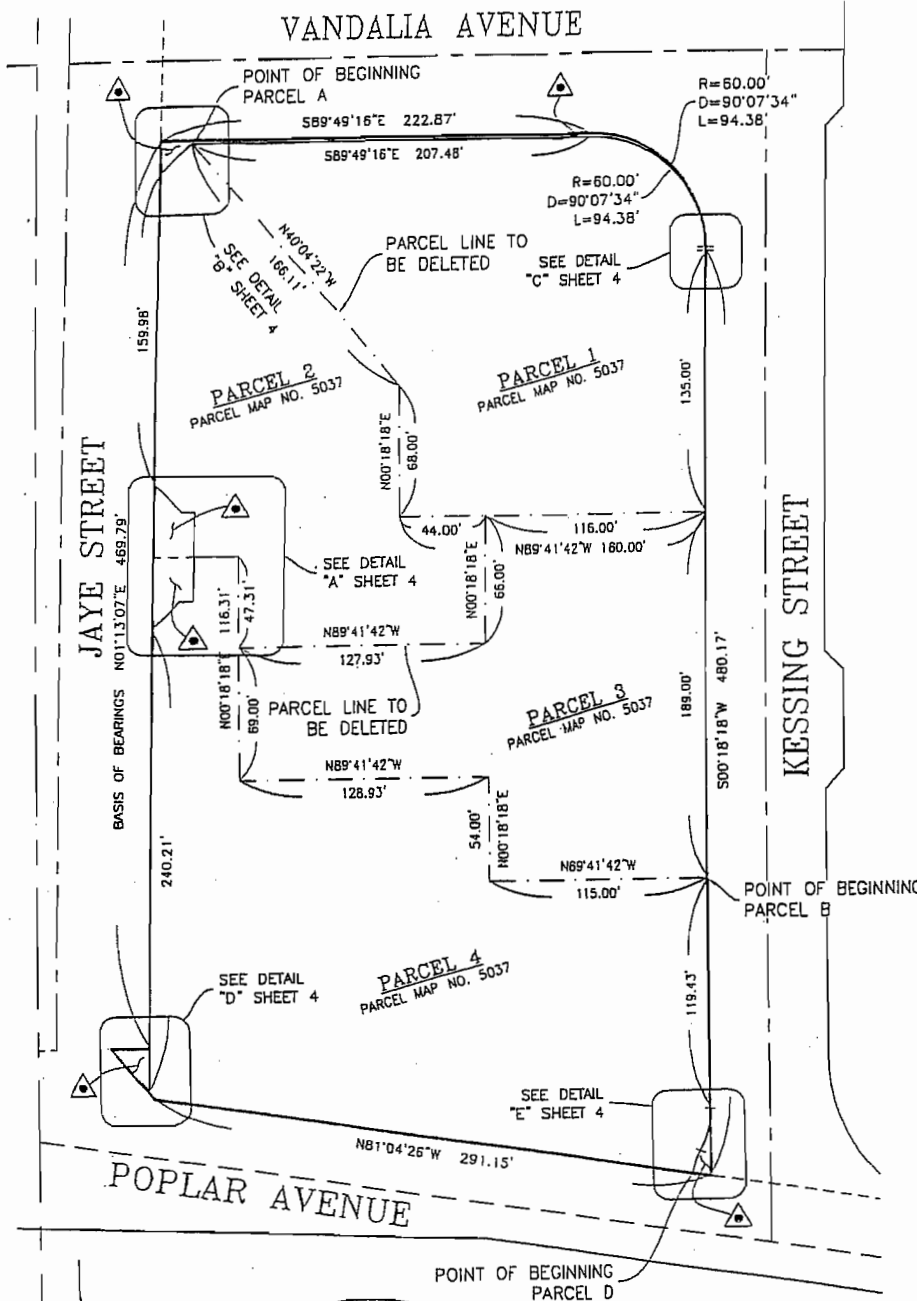
JOHN S. HALE, PRESIDENT

EXHIBIT B
LOT LINE ADJUSTMENT
SHEET 1 OF 4

DIXON & ASSOCIATES, INC.
LAND SURVEYING

620 DEWITT, #101
CLOVIS, CALIFORNIA, 93612

PH: (559)297-4200 FAX: (559)297-4272



BASIS OF BEARINGS
THE EAST LINE OF JAYE STREET WAS TAKEN TO BE NORTH 01°13'07" EAST AS SHOWN ON PARCEL MAP NO. 5037 RECORDED IN BOOK 51 OF PARCEL MAPS, AT PAGES 43, TULARE COUNTY RECORDS.

PARCEL	S.F.
1	37,238
2	25,963
3	30,696
4	52,064
TOTAL	145,961

LEGEND

- PROPOSED PARCEL LINE
- - - - EXISTING PARCEL LINE TO BE DELETED (PER VTPM 2-2009)
- ▲ IRREVOCABLE OFFER OF CONVEYANCE TO THE CITY OF PORTERVILLE FOR PUBLIC STREET RIGHTS OF WAY PER PARCEL MAP NO. 5037



SCALE: 1" = 100'

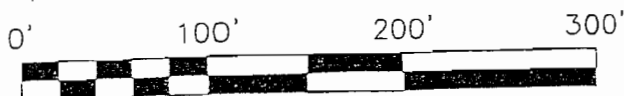
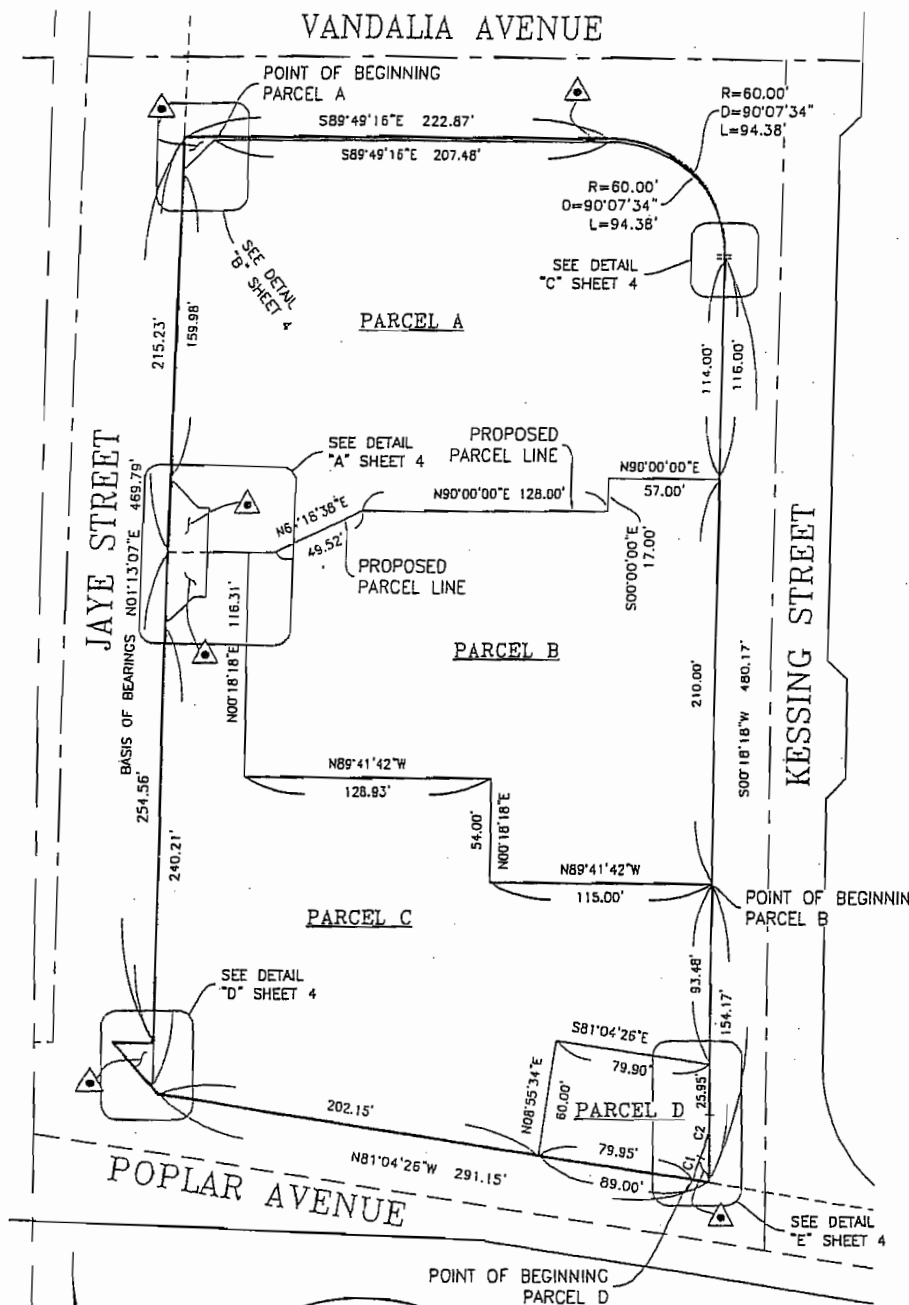


EXHIBIT B LOT LINE ADJUSTMENT EXISTING PARCELS SHEET 2 OF 4

DIXON & ASSOCIATES, INC.
LAND SURVEYING

620 DEWITT, #101
CLOVIS, CALIFORNIA, 93612

PH: (559)297-4200 FAX: (559)297-4272



BASIS OF BEARINGS

THE EAST LINE OF JAYE STREET WAS TAKEN TO BE NORTH 01°13'07" EAST AS SHOWN ON PARCEL MAP NO. 5037 RECORDED IN BOOK 51 OF PARCEL MAPS, AT PAGES 43, TULARE COUNTY RECORDS.

PARCEL AREAS

PARCEL	S.F.
A	53,761
B	40,136
C	47,122
D	4,942
TOTAL	145,961

LEGEND

- PROPOSED PARCEL LINE
- - - EXISTING PARCEL LINE TO BE DELETED (PER VTPM 2-2009)
- ▲ IRREVOCABLE OFFER OF CONVEYANCE TO THE CITY OF PORTERVILLE FOR PUBLIC STREET RIGHTS OF WAY PER PARCEL MAP NO. 5037

CURVE TABLE			
CURVE	RADIUS	DELTA ANGLE	ARC LENGTH
C1	50.00'	14°03'14"	12.26'
C2	50.00'	25°50'50"	22.56'

EXHIBIT B LOT LINE ADJUSTMENT ADJUSTED PARCELS SHEET 3 OF 4



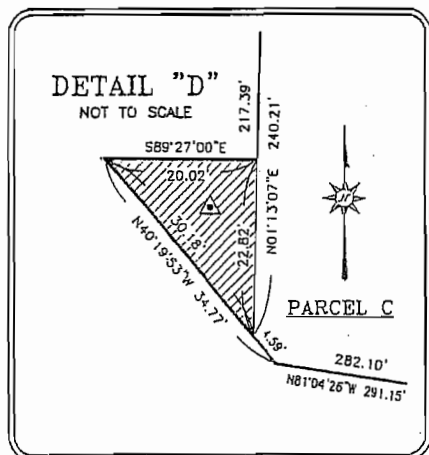
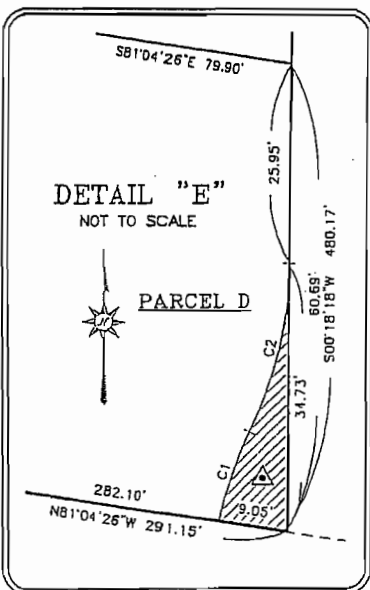
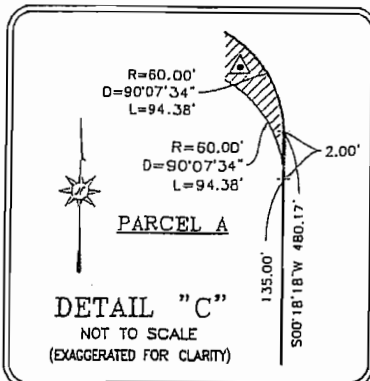
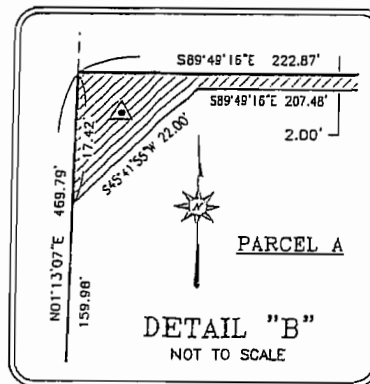
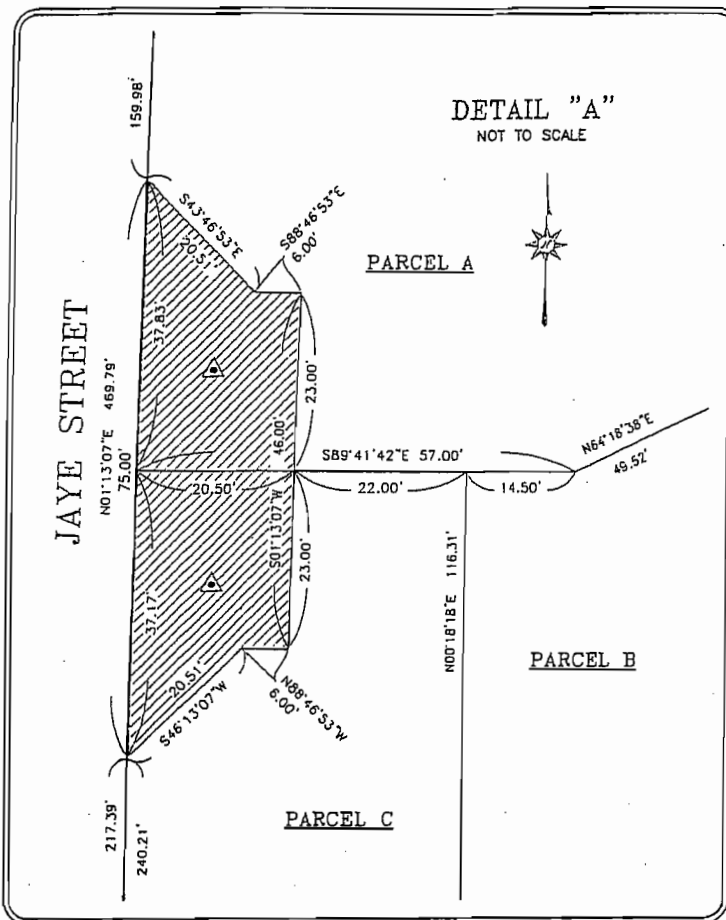
SCALE: 1" = 100'



DIXON & ASSOCIATES, INC.
LAND SURVEYING

620 DEWITT, #101
CLOVIS, CALIFORNIA, 93612

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SCALE: AS NOTED



LEGEND

IRREVOCABLE OFFER OF
CONVEYANCE TO THE CITY OF
PORTERVILLE FOR PUBLIC STREET RIGHTS
OF WAY PER PARCEL MAP NO. 5037

CURVE TABLE			
CURVE	RADIUS	DELTA ANGLE	ARC LENGTH
C1	50.00'	14°03'14"	12.26'
C2	50.00'	25°50'50"	22.56'

EXHIBIT B **LOT LINE ADJUSTMENT** **DETAILS** **SHEET 4 OF 4**

DIXON & ASSOCIATES, INC.
LAND SURVEYING

620 DEWITT, #101
CLOVIS, CALIFORNIA, 93612
PH: (559)297-4200 FAX: (559)297-4272

15-012
Hofbauer & Associates - Jans & Vanden, Porterville

SUBJECT: FINAL BALLOT RESULTS – AREA 458 SEWER UTILITY DISTRICT

SOURCE: Public Works Department - Engineering Division

COMMENT: This report is a follow-up to the Area 458 Sewer Utility District Public Hearing held on April 16, 2013. At the Public Hearing, it was decided that due to the copious number of ballots received and time constraints, it would not be feasible to tabulate them at that time and make a determination if the Sewer Utility District had passed or failed. Due to the time constraint, Council directed the City Clerk to count and tabulate the votes the following day and directed that the results be presented to the City Council at the May 7, 2013, meeting.

The votes were subsequently tabulated and certified. 74.4% (145 votes) of the ballots received voted in favor of forming the Sewer Utility District; 25.6% (50 votes) of the ballots received voted against forming the Sewer Utility District. City Council may now consider the attached Resolution approving the formation of the Sewer Utility District and the levying of the assessment.

RECOMMENDATION: That the City Council:

1. Accept the voting results of Area 458 Sewer Utility District and adopt the resolution approving the Formation of Sewer Utility District No. 458.

ATTACHMENTS: Resolution
Certification of Ballot Results

P:\pubworks\General\Council\Final Ballot Results - Area 458 Sewer Utility District - 2013-05-07.doc

Dir SS Appropriated/Funded N/A CM J

Item No. 8

A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF PORTERVILLE APPROVING
THE FORMATION OF A
AREA 458 SEWER UTILITY DISTRICT, AND
LEVYING THE ASSESSMENT

WHEREAS, Area 458 was annexed into the City of Porterville in November 2006;
and

WHEREAS, the parcels in this area utilize individual septic tanks that are failing;
and

WHEREAS, in accordance with California Streets and Highways Code Section 10000 et seq. and other applicable law, the property owners were provided with notice of the public hearing and assessment ballot proceeding; and

WHEREAS, the public hearing has been held and the ballots from the proceeding have been tabulated; and

WHEREAS, the property owners within the proposed District have approved, via ballots cast at the end of the Public Hearing held April 16, 2013, with tabulation of said ballots continued to April 17, 2013, the imposition of the assessment and the formation of the District.

NOW THEREFORE BE IT RESOLVED,

- 1) The City Council of the City of Porterville approves the formation of the Area 458 Sewer Utility District establishing an assessment to pay for the installation of sewer mains and sewer laterals. A diagram of the District setting forth the boundaries and parcels located within the District is attached hereto as Exhibit "A."
- 2) The City Council of the City of Porterville hereby authorizes the levying of the assessment based on the cost of actual construction to install sewer mains, laterals, manholes, trench pavement, etc.
- 3) The City Council of the City of Porterville hereby authorizes the City to permit property owners to pay the one-time assessment over the period of a 30 year loan, with 3% interest. The City Council authorizes the execution and transmittal of all documents necessary to effect the payment schedule through the Tulare County Assessor's Office.
- 4) The City Council of the City of Porterville hereby proclaims that property owners may, via an agreement with the City may, as an alternative, opt to pay the assessment at the time of development but subject to 3% interest compounded annually from the date of imposition of the assessment.

- 5) The certification of the assessment election results, affirming the formation of the Area 458 Sewer Utility District is attached and made a part hereof.

PASSED, APPROVED AND ADOPTED this 7th day of May, 2013

Virginia R. Gurrola, Mayor

ATTEST:
John D. Lollis, City Clerk

By:_____
Patrice Hildreth, Chief Deputy City Clerk

CITY OF PORTERVILLE

CERTIFICATION OF BALLOT RESULTS FOR ANNEXATION AREA 458 SEWER UTILITY DISTRICT INTENT TO CREATE SEWER UTILITY DISTRICT

BALLOT TABULATION RESULTS

Total of Valid Ballots Received	Total "Yes" Ballots	Total "No" Ballots
No. of Ballots <u>195</u>	No. of Ballots <u>145</u>	No. of Ballots <u>50</u>
	AYES	NAYS
	Percent "Yes" <u>74.4%</u>	Percent "No" <u>25.6%</u>

In addition, 10 ballots received were
invalid due to:

0 Ballot vote not marked 0 Ballot not signed
9 Already connected 1 Duplicate

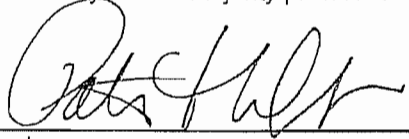
Ballots Tabulated By:

Patrice Hildreth, Chief Deputy City Clerk

Luisa Herrera, Deputy City Clerk

Vickie Ratta, Secretary

I hereby certify that the above are true and accurate ballot tabulation results for the Annexation Area 458
Sewer Utility District majority protest/election for all affected property owners



Signature

Patrice Hildreth
Print Name

Chief Deputy City Clerk
Title

4/18/2013
Date

COUNCIL AGENDA: MAY 7, 2013

SUBJECT: AUTHORIZE STAFF TO OPERATE SHUTTLE SERVICE TO THE PORTERVILLE FAIR

SOURCE: Public Works Department - Transit

COMMENT: In May 2011, the Porterville Fair opened in its new location, located on Teapot Dome west of the airport. Currently, Porterville Transit does not operate in this area and in an effort to improve mobility options and reduce congestion, Council authorized staff to operate a shuttle route from the downtown Transit Center to the Porterville Fairgrounds each year since opening.

Last year, the transit division operated a shuttle for two days, Friday and Saturday, and transported a total of 66 passengers. This year, staff is requesting authorization to operate the shuttle route from the downtown Transit Center to the Porterville Fairgrounds for five days, May 15 - 19, 2013, to allow the general public access to events throughout the week.

The Porterville Fair shuttle would operate during normal operating hours, beginning Wednesday, May 15 from 7:00 a.m. to 7:00 p.m. and Saturday from 9:00 a.m. to 5:00 p.m. (no Sunday Transit services). The Porterville Fair Shuttle would operate every 40 minutes from the Transit Center.

Staff estimates that the shuttle service will cost approximately \$1,800 to operate this route for the five days. Porterville Transit will charge its normal passenger rate of \$1.50 to help offset the cost of operations.

RECOMMENDATION: That City Council authorize staff to operate one (1) shuttle bus to the Porterville Fairgrounds.

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Dir BSZ Appropriated/Funded MLB CM J

Item No. 9

COUNCIL AGENDA: MAY 7, 2013

SUBJECT: APPROVAL OF ANNUAL TRANSPORTATION AGREEMENT
WITH COUNTY OF TULARE

SOURCE: Public Works Department - Transit

COMMENT: Since 1983, the City of Porterville has maintained an annual agreement with the County of Tulare to provide contract transit service to residents within the unincorporated but urban areas of the community. The current Agreement expires June 30, 2013, and it is proposed the attached successor Agreement be approved and maintained for FY 2013/2014.

Traditionally, the County has shared in the net operating cost of the system, i.e., total operating costs less fare box revenues in proportion to the ridership percentage from the unincorporated area as experienced over the previous Agreement year. Last year, the County reimbursed the City at a rate of 28% of net operating costs for the Demand-Response System and at the rate of 30% of net operating costs for the Transit System.

The County contribution to City transit operations for the FY 2013/2014 Agreement will be **\$306,042**, down 12% from last year's contribution of \$348,010. The decrease in the County's contribution is a direct result of staff's efforts to improve efficiency, decrease operating expenses, and continue to transition passengers to the fixed-route system.

The Demand-Response service was the largest contributing factor to this year's decrease. The Demand-Response service was able to reduce total operating expenses by reducing 424 revenue hours compared to last year, which represents a decrease of \$44,352 in County contribution to the system.

The Fixed-Route service also continues to improve. Staff was able to slightly decrease total operating expenses while increasing passenger revenues by \$43,183 over the previous year. The net result of decreasing operating expenses, while increasing revenues and depreciation, is a slight increase of \$2,384 to the County's contribution for transit service.

Dir BH Appropriated/Funded MB CM J

Item No. 10

RECOMMENDATION: That the City Council:

1. Enter into an Agreement with the County of Tulare for FY 2013/2014 to provide service to County residents within the Service Area Boundary; and
2. Authorize the Mayor to execute the Agreement on behalf of the City.

ATTACHMENT: City / County Transit Agreement

1 **AGREEMENT**

2 THIS AGREEMENT, is entered into as of this ____ day of _____, 2013, by
3 and between the COUNTY OF TULARE, hereinafter referred to as the "County", and the CITY
4 OF PORTERVILLE, hereinafter referred to as the "City".

5 **WITNESSETH:**

6 WHEREAS, the County and the City desire to coordinate their respective public
7 transportation systems in the Porterville urbanized area; and

8 WHEREAS, there are and will continue to be citizens of the County who can reasonably be
9 served by the City's transit system and there are and will continue to be citizens of the City who
10 can reasonably be served by the County's transit system; and

11 WHEREAS, the County and the City recognize the goals of providing a transportation
12 system to the general public at a reasonable fare and that providing coordinated public
13 transportation service within the Porterville urbanized area; and

14 WHEREAS, the County and the City desire to provide for the Joint Exercise of Powers for
15 the purpose of providing and maintaining public transportation systems in the Porterville
16 urbanized area;

17 NOW, THEREFORE, County and City mutually agree as follows:

18 1. **Scope of Work.** The County and City shall each control, manage, and operate a
19 separate transit system. The City and County shall furnish each other thirty (30) days prior
20 written notice of any and all service level and fare level changes.

21 (a) **County.** The County shall provide transit service to those residents of the
22 City desiring to use the regularly scheduled service of the County transit system. The
23 County shall establish bus stop location(s) within the City which will interface with
24 the City bus stop locations and facilitate system transfers. The County stop(s) shall be
25 established at locations acceptable to the City. Approval on behalf of the City shall
26 be given by the City Transit Coordinator.

27 (b) **City.** The City shall establish a series of bus stop locations within the
28 County. The City stops shall be established at locations acceptable to the County.
29 Approval on behalf of the County shall be given by the Director of Transportation.
30 The City shall provide transit service to County residents desiring transit service
31 within the urbanized service area as set forth in Exhibit "A" which is attached hereto
32 and made a part hereof by this reference.

33 2. **Management-County.** The County shall manage the County transit system in an
34 appropriate manner, insuring cost effective operation, including marketing the system in a
35 professional manner and collecting fares from riders on the County transit system.

1 3. **Management-City.** The City shall manage the City transit system in an
2 appropriate manner, insuring cost effective operation, including marketing the system in a
3 professional manner and collecting fares from riders on the City transit system.

4 4. **Compensation.** The County shall compensate the City for service to County
5 residents living in the herein agreed upon service area. Compensation shall be limited to a
6 percentage of the operating costs of the City's Transit System. The term "operating cost" as
7 used in this Agreement shall be defined as all costs in the operating expense object classes
8 of the Uniform Systems of Accounts for Public Transit Operators adopted by the State
9 Controller pursuant to Public Utilities Code Section 99243.

10 Compensation for the period July 1, 2013 through June 30, 2014, will be as follows:

	Demand Response	Route Service
County LTF (See Below)	\$126,143	\$392,382
FTA Section 5307 Credit	(\$40,729)	(\$96,197)
Fare Box Credit	(\$3,899)	(\$102,988)
<u>Depreciation</u>	<u>\$2,697</u>	<u>\$28,633</u>
Total Payment	\$84,212	\$221,830

17 5. **Authorization of Payment.** FTA Section 5307 Funds will be claimed by the City on
18 the County's behalf. The County by this Agreement authorizes the Tulare County
19 Association of Governments to transfer \$306,042 of State Transit Assistance Funds, and/or
20 Local Transportation Funds from the County's 2013/14 Apportionment to the City of
21 Porterville's Apportionment. The County further authorizes the City to claim said \$306,042
22 as full payment for services under this Agreement. In case of termination of this
23 Agreement prior to June 30, 2014, the County agrees to compensate the City for a
24 proportional amount of the sum of \$306,042 based upon the number of days the services
25 were provided by the City during a 365 day period.

26 6. **FTA Funds.** Per the 2000 Census, the Porterville urbanized area has a population of
27 59,961; 39,615 (66.0%) of which are City residents, and 20,346 (34.0%) of which are
28 County residents. The Porterville Urbanized Area is eligible to receive Federal Transit
29 Administration (FTA) Funds from Section 5307. The City of Porterville will be the
30 claimant of these funds. The City will, at the request of the County, claim and transmit up
31 to 34% of said funds for use by the County for eligible purposes under FTA Section 5307.
32 In no case shall the amount transmitted or credited to the County exceed 34% of the total
33 available. Any Section 5307 Funds which are to be transmitted to the County shall be
34 handled under a separate agreement.

35 7. **Renegotiation.** In the event a contract between the Federal Transit
36 Administration and the City of Porterville is not executed by June 30, 2013 for the Section

1 5307 Funds specified in paragraphs 4, 5 and 6 or in the event that \$136,926 exceeds 34% of
2 the total FTA Section 5307 funds available to the Porterville urbanized area, this contract
3 will be renegotiated to reflect this condition.

4 8. **Drivers.** The parties shall require that all transit drivers meet all licensing
5 requirements of the State of California.

6 9. **Indemnification-City.** City shall hold harmless, defend and indemnify County,
7 its agents, officers and employees from and against any liability, claims, actions, costs,
8 damages or losses of any kind, including death or injury to any person and/or damage to
9 property, arising out of the activities of City or its agents, officers and employees under this
10 Agreement. This indemnification specifically includes any claims that may be made
11 against County by any taxing authority asserting that an employer-employee relationship
12 exists by reason of this Agreement. This indemnification obligation shall continue beyond
13 the term of this Agreement as to any acts or omissions occurring under this Agreement or
14 any extension of this Agreement.

15 10. **Indemnification-County.** County shall hold harmless, defend and indemnify
16 City, its agents, officers and employees from and against any liability, claims, actions,
17 costs, damages or losses of any kind, including death or injury to any person and/or damage
18 to property, arising out of the activities of County or its agents, officers and employees
19 under this Agreement, and any claims made against County alleging civil rights violations
20 by City under Government Code section 12920 et seq. (California Fair Employment and
21 Housing Act). This indemnification obligation shall continue beyond the term of this
22 Agreement as to any acts or omissions occurring under this Agreement or any extension of
23 this Agreement.

24 11. **Insurance-Liability.** The City and the County shall each provide comprehensive
25 general public liability and comprehensive automotive liability insurance with single limit
26 coverage of not less than \$5,000,000 or equivalent self-insurance covering their activities
27 under this Agreement. Prior to commencing operations, each party shall file with the Clerk
28 of the other party certificates of insurance evidencing the coverage required herein and
29 naming the other party, its officers, agents and employees as additional insured's. Such
30 certificates shall state that the named additional insured's are not responsible for the
31 payment of any premium or assessment and shall provide that in the event of a cancellation
32 or material change of policy, the insurer shall give the named additional insured's no less
33 than thirty (30) days advance written notice of such cancellation or change. Upon request,
34 each party shall provide the other with a complete copy of the insurance policy or policies
35 or evidence and terms of self-insurance as required herein.

1 The parties agree, during the term of the Agreement, to maintain at their own expense
2 (or require of their independent contractors) all necessary insurance for their respective
3 officers, employees, and agents, including but not limited to workers' compensation,
4 disability and unemployment insurance in accordance with state statutory requirements and
5 to provide certificates of such insurance or other evidence of compliance to the other party
6 upon request. The insurance, and evidence thereof, required by this Agreement may be
7 provided either directly by the parties or, if a party contracts with an independent
8 contractor/operator to provide the services required by this Agreement, by the operator of
9 that party's system as deemed appropriate by such party.

10 **12. Term of Agreement.** This Agreement shall become effective July 1, 2013 and
11 shall continue in full force and effect until June 30, 2014 unless terminated earlier, as
12 herein provided.

13 **13. Termination.** The right to terminate this Agreement under this provision may be
14 exercised without prejudice to any other right or remedy to which the terminating party may
15 be entitled at law or under this Agreement.

16 (a) Without Cause. Either party shall have the right to terminate this
17 Agreement without cause by giving the other party SIXTY (60) days prior written
18 notice of its intention to terminate pursuant to this provision, specifying the date of
19 termination.

20 (b) With Cause. This Agreement may be terminated by either party should the
21 other party:

- 22 (i) be adjudged a bankrupt, or
- 23 (ii) become insolvent or have a receiver appointed, or
- 24 (iii) make a general assignment for the benefit of creditors, or
- 25 (iv) suffer any judgment which remains unsatisfied for 30 days, and which
26 would substantively impair the ability of the judgment debtor to perform under
27 this Agreement, or
- 28 (v) materially breach this Agreement.

29 For any of the occurrences except item (v), termination may be effected upon
30 written notice by the terminating party specifying the date of the termination. Upon a
31 material breach, the Agreement may be terminated following the failure of the
32 defaulting party to remedy the breach to the satisfaction of the non-defaulting party
33 within FIFTEEN (15) days of written notice specifying the breach. If the breach is
34 not remedied within that FIFTEEN (15) day period, the non-defaulting party may
35 terminate the Agreement on further written notice specifying the date of termination.

1 If the nature of the breach is such that it cannot be cured within a FIFTEEN (15)
2 day period, the defaulting party may, submit a written proposal within that period
3 which sets forth a specific means to resolve the default. If the non-defaulting party
4 consents to that proposal in writing, which consent shall not be unreasonably
5 withheld, the defaulting party shall immediately embark on its plan to cure. If the
6 default is not cured within the time agreed, the non-defaulting party may terminate
7 upon written notice specifying the date of termination.

8 (c) Effects of Termination. Termination of this Agreement shall not terminate
9 any obligations to indemnify, to maintain and make available any records pertaining
10 to the Agreement, to cooperate with any audit, to be subject to offset, or to make any
11 reports of pre-termination contract activities.

12 14. **Notices.** Any notices to be given shall be written and served either by personal
13 delivery or by first class mail, postage prepaid and addressed as follows:

14 County: Director of Transportation
15 Resource Management Agency
16 5961 S. Mooney Blvd.
17 Visalia, CA 93277

18 City: Transit Coordinator
19 City of Porterville
20 291 N. Main Street
21 Porterville, CA 93257
22

23 15. **Integration.** This Agreement constitutes the sole and only Agreement between
24 the parties hereto as to the services to be provided hereunder. Any prior agreements,
25 promises, negotiations or representations as to such services not expressly referred to herein
26 are of no force and effect.

27 16. **Modification.** The City and County shall furnish each other thirty (30) days prior
28 written notice of any and all recommended service level and fare level changes. The City
29 shall request and receive approval from the County Director of Transportation prior to any
30 changes in service levels or fare levels in unincorporated areas of the service area. Except
31 for said changes, this Agreement shall be modified or amended only with the prior written
32 consent of both parties.

33 17. **Assignment.** Neither party shall assign or transfer any of the rights or privileges
34 or any parts thereof of this Agreement without the other party's prior written consent.

35 18. **Records.** Each party agrees to maintain all books, records, documents, and other
36 evidence pertaining to this Agreement, any disputes surrounding the subject matter of this

1 Agreement, and any other related circumstances in accordance with generally accepted
2 accounting principles and practices. Each party shall allow the other party's agents or
3 representative's access to such records for inspection, audit, and copying during normal
4 business hours. Each party shall provide further facilities for such access and inspection.

5 19. **Surveys.** Either the City or the County may conduct periodic ridership surveys.
6 Said surveys shall not interfere with the operation of the system.

7 20. **Legal Operation.** City and County each shall carry out its obligations under this
8 Agreement in full compliance with all applicable federal, state and local laws, ordinances,
9 rules and regulations.

10 21. **Construction.** This Agreement reflects the contributions of both parties and
11 accordingly the provisions of Civil Code section 1654 shall not apply to address and
12 interpret any uncertainty.

13 22. **Governing Law.** This Agreement shall be interpreted and governed under the
14 laws of the State of California without reference to California conflicts of law principles.
15 Any litigation arising out of this Agreement shall be brought in Tulare County California.
16 City waives the removal provisions of California Code of Civil Procedure Section 394.

17 23. **Conflict with Laws or Regulations/Severability.** This Agreement is subject to
18 all applicable laws and regulations. If any provision of this Agreement is found by any
19 court or other legal authority, or is agreed by the parties, to be in conflict with any code or
20 regulation governing its subject, the conflicting provision shall be considered null and void.
21 The remainder of the Agreement shall continue in full force and effect.

22 24. **Headings.** Section headings are provided for organizational purposes only and do
23 not in any manner affect the scope, meaning or intent of the provisions under the headings.

24 25. **No Third Party Beneficiaries.** Unless specifically set forth, the parties to this
25 Agreement do not intend to provide any other party with any benefit or enforceable legal or
26 equitable right or remedy.

27 26. **Waivers.** The failure of either party to insist on strict compliance with any
28 provision of this Agreement shall not be considered a waiver of any right to do so, whether
29 for that breach or any subsequent breach. The acceptance by either party of either
30 performance or payment shall not be considered to be a waiver of any preceding breach of
31 the Agreement by the other party.

32 27. **Exhibits and Recitals.** The Recitals and the Exhibits to this Agreement are fully
33 incorporated into and are integral parts of this Agreement.

34 28. **Further Assurances.** Each party agrees to execute any additional documents and
35 to perform any further acts which may be reasonably required to effect the purposes of this
36 Agreement.

1 29. Assurances of Non-Discrimination. City and County expressly agrees that it
2 will not discriminate in employment or the provision of services on the basis of any
3 characteristic or condition upon which discrimination is prohibited by state or federal law
4 or regulation.
5

6 IN WITNESS WHEREOF, the parties have caused this Agreement to be executed as of the
7 date first above written.
8

9 COUNTY OF TULARE

10
11
12 By _____
13 Chairman, Board of Supervisors
14 "COUNTY"

15 ATTEST: JEAN ROUSSEAU,
16 County Administrative Officer/
17 Clerk of the Board of Supervisors.
18

19
20 By _____
21 Deputy
22

23 CITY OF PORTERVILLE

24
25 By _____
26 Mayor "CITY"

27 ATTEST: Clerk of City of Porterville
28

29
30 By _____
31 Deputy
32

33
34
35 Approved as to Form,
36 County Counsel
37

38 Approved as to Form,
39 City Attorney

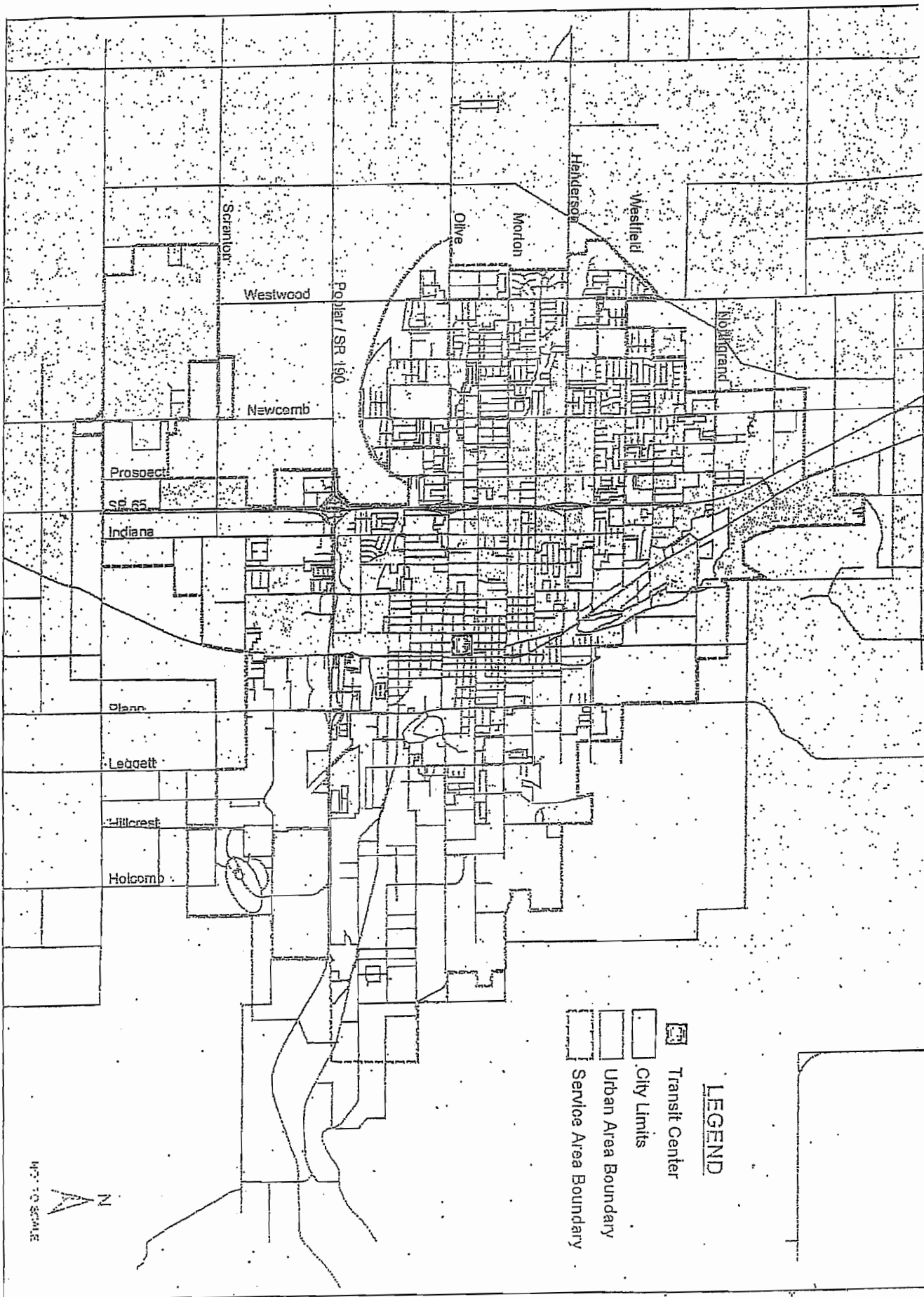
By _____
Deputy

By _____
City Attorney



CITY BASE MAP

11-14-2007 "A"



COUNCIL AGENDA: MAY 7, 2013

SUBJECT: INTERIM FINANCIAL STATUS REPORTS

SOURCE: Finance Department

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

In accordance with Council Minute Order #10-011607, the interim financial status reports for the 3rd fiscal quarter ended March 31, 2013, are submitted.

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

ATTACHMENTS: Interim financial reports

D.D. MB Appropriated/Funded MB C.M. J

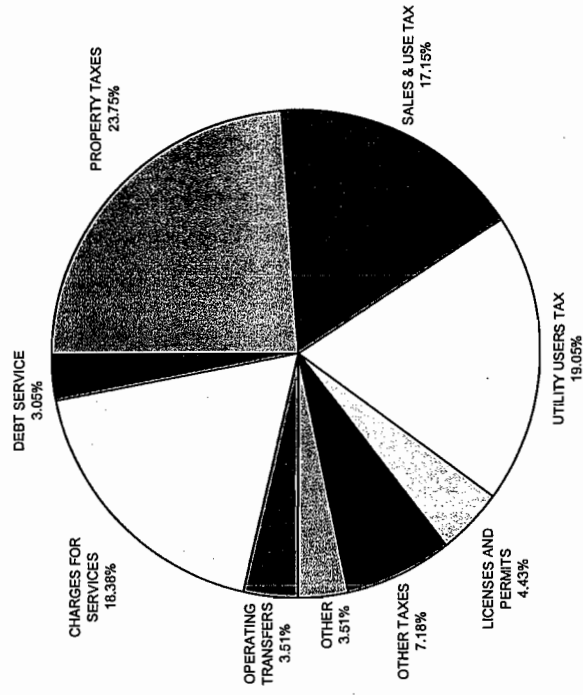
Item No. 11

CITY OF PORTERVILLE

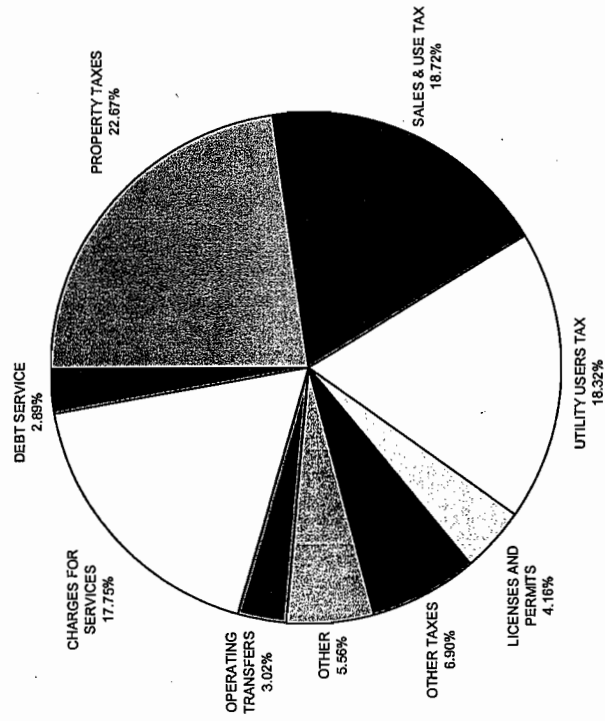
REVENUE STATUS REPORT - GENERAL FUND
FOR THE NINE MONTHS ENDED
MARCH 31, 2013 AND MARCH 31, 2012

REVENUE SOURCE	2012-2013 ESTIMATED REVENUE	2012-2013 YEAR-TO-DATE REVENUE	% OF ESTIMATE	2011-2012 ESTIMATED REVENUE	2011-2012 YEAR-TO-DATE REVENUE	% OF ESTIMATE
PROPERTY TAXES	\$ 6,691,568	\$ 3,417,839	51.08%	\$ 6,737,435	\$ 3,425,429	50.84%
OTHER TAXES:						
SALES AND USE TAX	3,771,619	2,717,395	72.05%	3,432,288	2,359,208	68.74%
UTILITY USERS TAX	3,950,000	2,761,611	69.91%	3,950,000	2,746,532	69.53%
TRANSIENT OCCUPANCY TAX	310,000	158,478	51.12%	285,000	160,996	56.49%
PROPERTY TRANSFER TAX	45,000	35,400	78.67%	45,000	34,615	76.92%
FRANCHISE TAX	1,471,134	804,571	54.69%	1,461,134	797,258	54.56%
SALES TAX - PUBLIC SAFETY	130,000	105,425	81.10%	130,000	113,907	87.62%
LICENSES AND PERMITS:						
BUSINESS LICENSES	406,200	394,847	97.21%	421,000	407,629	96.82%
CONSTRUCTION PERMITS	339,505	233,105	68.66%	380,000	230,609	60.69%
REVENUE FROM AGENCIES-TAXES:						
MOTOR VEHICLE IN-LIEU TAX		28,249		385,000	27,107	7.04%
OTHER TAXES	30,000	13,819	46.06%	30,000	14,922	49.74%
REVENUE FROM AGENCIES-GRANTS	67,936	531,445	782.27%	296,222	193,077	65.18%
USE OF MONEY AND PROPERTY	225,078	174,546	77.55%	219,393	209,967	95.70%
FINES AND FORFEITURES	53,000	44,288	83.56%	63,000	45,148	71.66%
CHARGES FOR SERVICES:						
PLANNING AND ENGINEERING	78,523	100,104	127.48%	80,000	71,011	88.76%
POLICE	316,000	149,625	47.35%	264,000	115,122	43.61%
FIRE	55,000	43,987	79.98%	23,000	50,021	217.48%
LIBRARY	40,000	27,288	68.22%	38,000	32,609	85.81%
RECREATIONAL	1,650,258	1,111,762	67.37%	1,543,006	1,158,337	75.07%
INTERDEPARTMENTAL	1,600,000	1,236,927	77.31%	1,600,000	1,217,353	76.08%
OTHER	8,018	7,005	87.37%	9,000	6,283	69.82%
OTHER REVENUES	69,500	87,943	126.54%	72,000	58,433	81.16%
SUBTOTALS	\$ 21,308,339	\$ 14,185,657	66.57%	\$ 21,464,478	\$ 13,475,575	62.78%
OPERATING TRANSFERS	629,982	455,772	72.35%	619,212	505,914	81.70%
DEBT SERVICE TRANSFERS	572,300	435,459	76.09%	612,400	439,326	71.74%
TOTALS	\$ 22,510,621	\$ 15,076,888	66.98%	\$ 22,696,090	\$ 14,420,816	63.54%

**CITY OF PORTERVILLE
GENERAL FUND REVENUES
Nine Months Ended March 31, 2012**



**CITY OF PORTERVILLE
GENERAL FUND REVENUES
Nine Months Ended March 31, 2013**

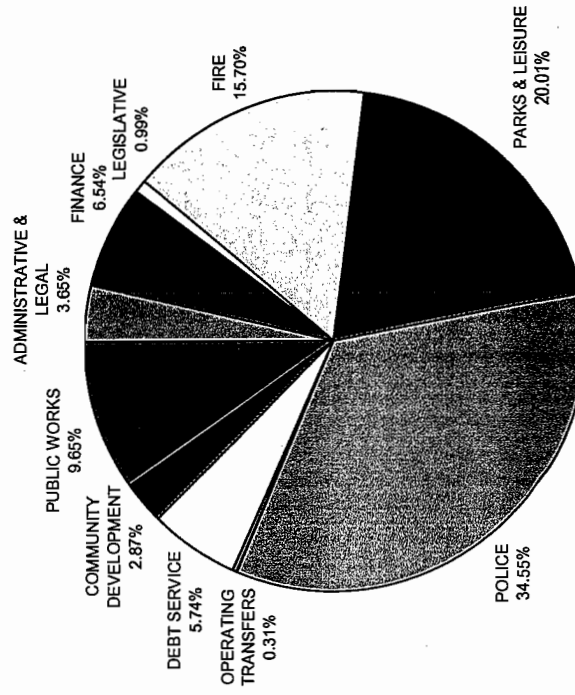


CITY OF PORTERVILLE

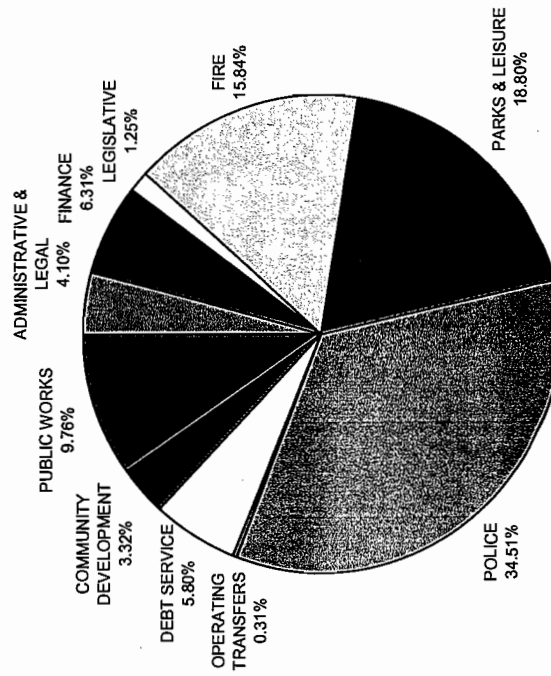
EXPENDITURE STATUS REPORT - GENERAL FUND
FOR THE NINE MONTHS ENDED
MARCH 31, 2013 AND MARCH 31, 2012

	2012-2013 AMENDED APPROP	2012-2013 YEAR-TO-DATE EXPEND	% OF APPROP	2011-2012 AMENDED APPROP	2011-2012 YEAR-TO-DATE EXPEND	% OF APPROP
LEGISLATIVE:						
CITY COUNCIL	\$ 82,720	\$ 63,393	76.6%	\$ 108,894	\$ 56,281	51.7%
COMMUNITY PROMOTION	205,012	143,831	70.2%	166,205	111,416	67.0%
ADMINISTRATIVE & LEGAL:						
CITY MANAGER	248,877	176,238	70.8%	250,955	182,475	72.7%
CITY CLERK	166,715	112,631	67.6%	168,085	111,096	66.1%
HUMAN RESOURCES	234,333	220,210	94.0%	235,916	173,546	73.6%
CITY ATTORNEY	180,000	172,014	95.6%	180,000	150,830	83.8%
FINANCE:						
FINANCE & ACCOUNTING	746,234	536,902	71.9%	744,420	542,854	72.9%
INFORMATION SERVICES	394,977	262,189	66.4%	404,003	293,618	72.7%
ADMINISTRATIVE SERVICES	415,760	250,276	60.2%	419,324	271,035	64.6%
POLICE PROTECTION	8,604,113	5,738,541	66.7%	8,531,742	5,849,034	68.6%
FIRE PROTECTION	3,745,606	2,634,092	70.3%	3,750,082	2,658,683	70.9%
COMMUNITY DEVELOPMENT:						
PLANNING & ZONING	516,294	344,622	66.7%	523,424	314,412	60.1%
ECONOMIC DEVELOPMENT	294,233	206,891	70.3%	288,703	171,139	59.3%
PUBLIC WORKS:						
ENGINEERING & BUILDING	1,010,254	629,617	62.3%	1,014,432	684,002	67.4%
STREET MAINTENANCE	407,039	299,350	73.5%	405,021	320,443	79.1%
SIGNALS, SIGNING & STRIPING	356,117	277,716	78.0%	356,428	210,134	59.0%
STREET LIGHTING	479,161	323,164	67.4%	479,358	325,097	67.8%
STORM DRAINS	88,125	62,423	70.8%	90,265	60,496	67.0%
PARKING LOTS	47,079	30,456	64.7%	47,176	32,962	69.9%
PARKS & LEISURE:						
PARK MAINTENANCE & OPERATION	1,755,736	1,074,964	61.2%	1,768,439	1,292,418	73.1%
STREET TREES & PARKWAYS	194,999	129,074	66.2%	217,049	124,548	57.4%
COMMUNITY CENTERS	232,169	159,289	68.6%	246,752	169,002	68.5%
LEISURE SERVICES	216,183	151,206	69.9%	222,030	159,634	71.9%
LEISURE SERVICES - SPECIAL PROG	1,510,704	1,081,208	71.6%	1,422,950	1,076,101	75.6%
SWIMMING POOL	165,211	85,558	51.8%	165,901	93,963	56.6%
LIBRARY OPERATIONS	678,276	431,666	63.6%	613,843	461,851	75.2%
SPECIAL PROJECTS	19,336	13,182	68.2%	17,119	9,860	57.6%
SUB TOTALS	22,995,263	15,610,702	67.9%	22,838,516	15,906,929	69.6%
OPERATING TRANSFERS	79,000	51,750	65.5%	79,000	51,750	65.5%
DEBT SERVICE	1,828,329	964,703	52.8%	1,830,754	971,735	53.1%
	\$ 24,902,592	\$ 16,627,155	66.8%	\$ 24,748,270	\$ 16,930,415	68.4%

**CITY OF PORTERVILLE
GENERAL FUND EXPENDITURES
Nine Months Ended March 31, 2012**



**CITY OF PORTERVILLE
GENERAL FUND EXPENDITURES
Nine Months Ended March 31, 2013**

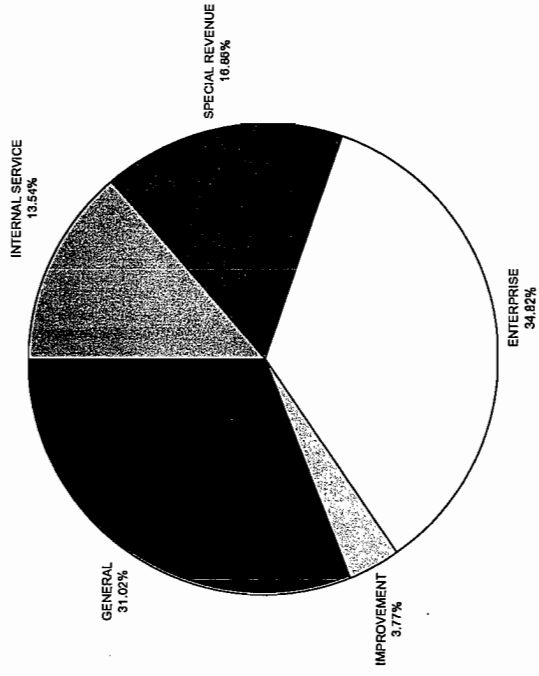


CITY OF PORTERVILLE

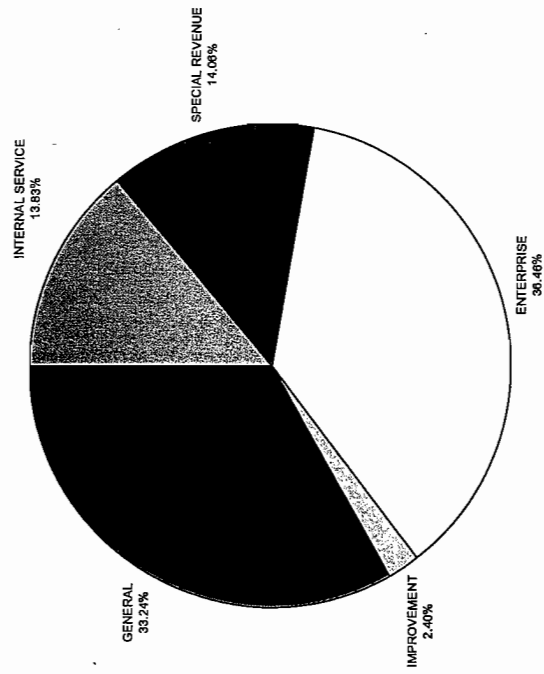
REVENUE STATUS REPORT - ALL OTHER FUNDS
FOR THE NINE MONTHS ENDED
MARCH 31, 2013 AND MARCH 31, 2012

REVENUE SOURCE	2012-2013		% OF ESTIMATE	2011-2012		% OF ESTIMATE
	ESTIMATED REVENUE	YEAR-TO-DATE REVENUE		ESTIMATED REVENUE	YEAR-TO-DATE REVENUE	
MEASURE H SALES TAX	\$ 2,919,298	\$ 1,986,465	68.0%	\$ 2,665,000	\$ 1,925,767	72.3%
SPECIAL GAS TAX	3,184,160	1,414,173	44.4%	2,622,867	1,185,692	45.2%
LOCAL TRANSPORTATION FUNDS (LTF)	4,195,232	910,155	21.7%	4,522,437	2,345,779	51.9%
TRAFFIC SAFETY FUND	150,500	89,048	59.2%	125,500	134,731	107.4%
ZALUD ESTATE	7,000	6,035	86.2%	7,200	7,685	106.7%
COMMUNITY DEVELOPMENT BLOCK GRANT	1,845,059	968,419	52.5%	1,271,026	1,177,007	92.6%
TRANSIT	6,991,898	1,321,281	18.9%	2,732,088	899,795	32.9%
SPECIAL SAFETY GRANTS	363,716	171,137	47.1%	451,350	117,626	26.1%
SEWER OPERATING	6,622,454	5,126,024	77.4%	6,636,454	4,997,912	75.3%
REFUSE REMOVAL	5,550,000	4,191,630	75.5%	5,443,000	4,127,822	75.8%
AIRPORT OPERATIONS	1,386,136	851,314	61.4%	1,702,936	1,124,549	66.0%
GOLF COURSE	242,500	153,395	63.3%	262,500	170,621	65.0%
WATER OPERATING	4,845,000	3,911,784	80.7%	4,836,621	3,798,707	78.5%
RISK MANAGEMENT	4,703,666	3,816,912	81.1%	4,384,916	3,824,914	87.2%
EQUIPMENT MAINTENANCE	2,681,250	2,085,495	77.8%	2,460,000	2,057,877	83.7%
LANDSCAPE MAINTENANCE DISTRICT	260,000	131,967	50.8%	260,000	119,678	46.0%
WATER REPLACEMENT	406,991	329,006	80.8%	426,699	319,639	74.9%
SOLID WASTE RESERVE	1,620,718	211,417	13.0%	1,330,430	745,107	56.0%
SEWER REVOLVING	245,511	151,999	61.9%	259,511	166,310	64.1%
TRANSPORTATION DEVELOPMENT	108,000	175,264	162.3%	145,000	93,070	64.2%
PARK DEVELOPMENT	20,000	21,921	109.6%	50,000	16,128	32.3%
TREATMENT PLANT RESERVE	622,328	333,379	53.6%	621,480	405,413	65.2%
STORM DRAIN DEVELOPMENT	85,000	125,346	147.5%	95,000	167,321	176.1%
BUILDING CONSTRUCTION	10,000	6,270	62.7%	20,000	39,772	198.9%
TOTALS	\$ 49,066,417	\$ 28,489,835	58.1%	\$ 43,332,015	\$ 29,968,920	69.2%

**CITY OF PORTERVILLE
REVENUE BY FUND TYPE
Nine Months Ended March 31, 2012**



**CITY OF PORTERVILLE
REVENUE BY FUND TYPE
Nine Months Ended March 31, 2013**

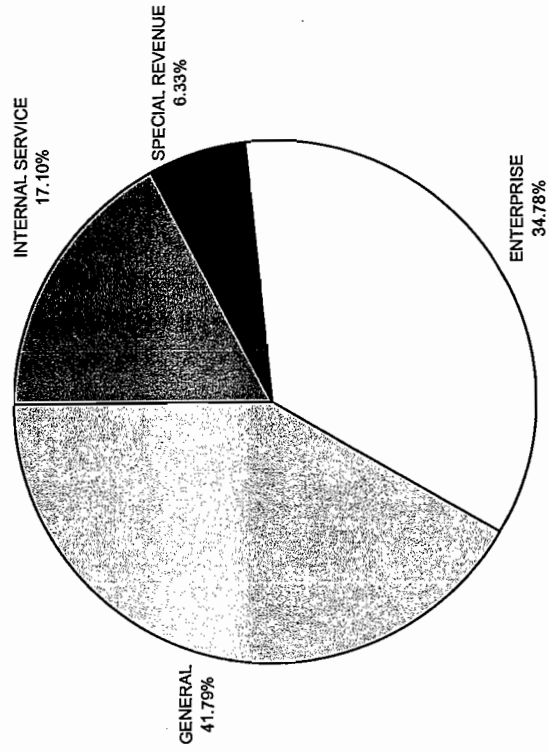


CITY OF PORTERVILLE

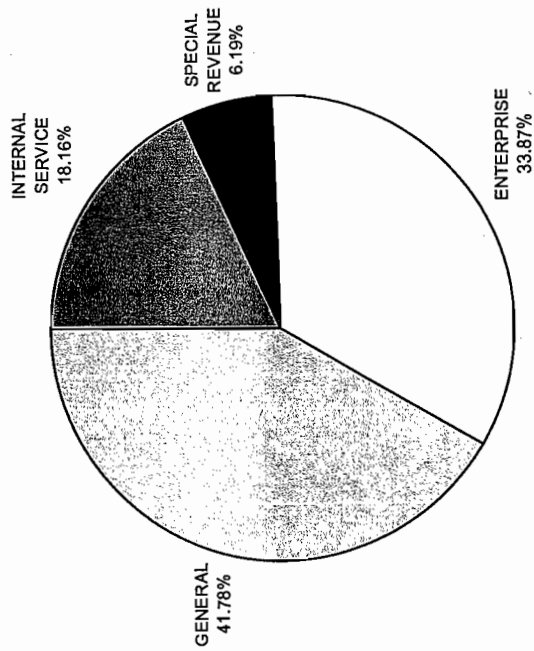
EXPENDITURE STATUS REPORT - ALL OTHER FUNDS
FOR THE NINE MONTHS ENDED
MARCH 31, 2013 AND MARCH 31, 2012

	2012-2013 AMENDED APPROP	2012-2013 YEAR-TO-DATE EXPEND	% OF APPROP	2011-2012 AMENDED APPROP	2011-2012 YEAR-TO-DATE EXPEND	% OF ACTUAL
MEASURE H SALES TAX	\$ 2,772,476	\$ 1,885,459	68.0%	\$ 2,614,439	\$ 1,872,753	71.6%
ZALUD ESTATE	29,435	16,063	54.6%	27,135	18,186	67.0%
COMMUNITY DEVELOPMENT BLOCK GRANT	502,461	102,056	20.3%	513,868	128,703	25.0%
TRANSIT	4,178,019	1,372,495	32.9%	2,688,780	1,147,439	42.7%
SPECIAL SAFETY GRANTS	388,786	228,246	58.7%	479,881	303,945	63.3%
SEWER OPERATING	5,951,222	3,720,690	62.5%	5,890,132	4,082,239	69.3%
REFUSE REMOVAL	5,335,522	3,654,188	68.5%	5,355,396	3,650,891	68.2%
AIRPORT	1,316,618	710,049	53.9%	1,561,396	937,248	60.0%
GOLF COURSE	353,849	238,424	67.4%	359,981	273,795	76.1%
WATER OPERATING	4,280,371	2,943,239	68.8%	4,495,070	3,128,113	69.6%
RISK MANAGEMENT	5,917,818	4,792,219	81.0%	4,924,986	4,559,339	92.6%
EQUIPMENT MAINTENANCE	2,631,898	1,995,497	75.8%	2,435,088	1,947,882	80.0%
LANDSCAPE MAINTENANCE DISTRICT	223,811	99,159	44.3%	205,969	104,450	50.7%
TOTALS	\$ 33,882,286	\$ 21,757,783	64.2%	\$ 31,552,121	\$ 22,154,984	70.2%

CITY OF PORTERVILLE
EXPENDITURES BY FUND TYPE
Nine Months Ended March 31, 2012



CITY OF PORTERVILLE
EXPENDITURES BY FUND TYPE
Nine Months Ended March 31, 2013



CITY OF PORTERVILLE
INTERIM PERFORMANCE REPORT - MEASURE H
For the Nine Months Ended March 31, 2013 and March 31, 2012

	<u>FY 2012-13</u>	<u>FY 2011-12</u>
REVENUES		
Sales Tax - Measure H	\$ 1,954,716	1,875,515
Interest	31,749	50,253
TOTAL REVENUES	<u>1,986,465</u>	<u>1,925,767</u>
EXPENDITURES		
Police Department	999,640	949,356
Fire Department	622,322	662,998
Library & Literacy	263,496	260,400
TOTAL EXPENDITURES	<u>1,885,459</u>	<u>1,872,753</u>
CAPITAL PROJECTS		
Public Safety Station	262,474	43,788
REVENUE OVER/(UNDER) EXPENDITURES	<u>\$ (161,467)</u>	<u>\$ 9,226</u>

CITY OF PORTERVILLE
INTERIM PERFORMANCE REPORT - ENTERPRISE FUNDS
For the Nine Months Ended March 31, 2013 and March 31, 2012

FUND	REVENUES	EXPENSES	3/31/2013		3/31/2012	
			NET PROFIT (LOSS)		NET PROFIT (LOSS)	
Zalud Estate	\$ 6,035	\$ (16,063)	\$	(10,029)	\$	(10,501)
Sewer Operating	5,126,024	(3,720,690)		1,405,334		915,673
Solid Waste	4,191,630	(3,654,188)		537,443		476,930
Airport	851,314	(710,049)		141,265		187,300
Golf	153,395	(238,424)		(85,030)		(103,174)
Water Operating	3,911,784	(2,943,239)		968,545		670,594

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

COUNCIL AGENDA: MAY 7, 2013

SUBJECT: QUARTERLY PORTFOLIO SUMMARY

SOURCE: Finance Department

COMMENT: This report reflects the investment portfolio of the City of Porterville as of March 31, 2013, and is in compliance with California Government Code Section 27000, etc., Section 53600, etc., and the City of Porterville's Statement of Investment Policy. Investments are selected based on the statutory objectives of safety, liquidity and yield.

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

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

ATTACHMENT: Quarterly Portfolio Summary

D.D. MB Appropriated/Funded MB C.M. 8

Item No. 12

CITY OF PORTERVILLE
PORTFOLIO SUMMARY AS OF MARCH 31, 2013

INVESTMENT OR CUSIP NUMBER	INSTITUTION	PURCHASE PRICE	MARKET VALUE	COUPON INTEREST RATE	PURCHASE DATE	MATURITY DATE	DAYS TO MATURITY
1006	LOCAL AGENCY INVESTMENT FUND \$	12,709,593	\$ 12,709,593	0.280%	DAILY	DAILY	1
1007	CSJVRMA INVESTMENT FUND	6,294,276	6,485,275	1.310%	DAILY	DAILY	30
866	TULARE COUNTY INVESTMENT POOL	8,457,768	8,457,768	1.360%	DAILY	DAILY	30
	PROSPECT-HENDERSON PARTNERS, L	2,620,221	2,620,221	2.850%	12/29/2009	10/27/2020	2,767
	TULARE COUNTY JUNIOR LIVESTOCK SHOW AND COMMUNITY FAIR	1,649,076	1,649,076	3.000%	9/30/2010	7/15/2021	3,028
3136FPEW3	FEDERAL NATL MTG ASSN	1,000,000	1,019,870	1.500%	9/16/2010	12/16/2014	625
313379XM6	FEDERAL HOME LOAN BANKS	1,000,000	1,000,080	1.100%	7/10/2012	7/10/2017	1,562
3133814L6	FEDERAL HOME LOAN BANKS	1,000,000	1,001,190	1.050%	11/15/2012	11/15/2017	1,690
313382FP3	FEDERAL HOME LOAN BANKS	1,000,000	997,500	1.000%	3/20/2013	3/20/2018	1,815
36962G5B6	GENERAL ELECTRIC CAP CORP	1,000,000	1,003,840	0.935%	1/27/2012	4/7/2014	372
36962G5Q3	GENERAL ELECTRIC CAP CORP	1,000,000	999,970	1.052%	1/30/2012	1/30/2015	670
36962G5D2	GENERAL ELECTRIC CAP CORP	1,000,000	1,000,590	1.162%	4/27/2012	5/9/2016	1,135
4812VUL2	JP MORGAN CHASE BANK NA	1,000,000	986,640	2.000%	4/27/2012	4/27/2017	1,488
4042K1U68	HSBC USA INC	1,000,000	993,330	2.200%	7/5/2012	7/5/2017	1,557
89233P6S0	TOYOTA MOTORS CRD CORP	1,000,000	998,910	1.250%	3/13/2013	10/5/2017	1,649
00206RBM3	AT&T INC	1,004,830	993,050	1.400%	1/22/2013	12/1/2017	1,706
94974BFG0	WELLS FARGO CO	1,006,910	997,920	1.500%	1/22/2013	1/16/2018	1,752
36185AM47	CERTIFICATE OF DEPOSIT	97,000	99,755	3.450%	4/3/2009	4/3/2014	368
02587DKB3	CERTIFICATE OF DEPOSIT	240,000	245,165	1.750%	12/22/2011	12/22/2015	996
9819961J0	CERTIFICATE OF DEPOSIT	200,000	199,800	2.000%	9/14/2011	9/14/2016	1,263
36160WH51	CERTIFICATE OF DEPOSIT	240,000	247,416	2.100%	12/16/2011	12/16/2016	1,356
33764JRP2	CERTIFICATE OF DEPOSIT	240,000	238,999	1.100%	1/25/2013	1/25/2017	1,396
17284A2U1	CERTIFICATE OF DEPOSIT	240,000	243,900	1.500%	7/18/2012	7/18/2017	1,570
795450PA7	CERTIFICATE OF DEPOSIT	240,000	243,768	1.700%	8/22/2012	8/22/2017	1,605
06740KFX0	CERTIFICATE OF DEPOSIT	247,000	252,511	1.900%	1/19/2012	1/19/2017	1,390
856284C77	CERTIFICATE OF DEPOSIT	247,000	254,116	2.050%	1/27/2012	1/27/2017	1,398
05568PZ26	CERTIFICATE OF DEPOSIT	248,000	249,302	1.000%	9/21/2012	9/21/2015	904
38143A2U8	CERTIFICATE OF DEPOSIT	250,000	248,630	1.050%	12/27/2012	12/27/2016	1,367
1168	CERTIFICATE OF DEPOSIT	99,000	99,000	2.000%	7/25/2010	1/25/2014	300
1192	CERTIFICATE OF DEPOSIT	99,000	99,000	1.490%	9/18/2012	9/18/2017	1,632
1195	CERTIFICATE OF DEPOSIT	99,000	99,000	1.350%	11/5/2012	11/5/2017	1,680
1198	CERTIFICATE OF DEPOSIT	99,000	99,000	1.250%	1/9/2013	1/9/2018	1,745
1200	CERTIFICATE OF DEPOSIT	99,000	99,000	1.580%	2/26/2013	2/26/2018	1,793
1204	CERTIFICATE OF DEPOSIT	99,000	99,000	4.110%	4/8/2008	4/8/2013	8
1205	CERTIFICATE OF DEPOSIT	99,000	99,000	4.150%	4/16/2008	4/16/2013	16
1206	CERTIFICATE OF DEPOSIT	99,000	99,000	4.450%	4/22/2008	4/22/2013	22
1207	CERTIFICATE OF DEPOSIT	100,000	100,000	4.640%	4/28/2008	4/28/2013	28
1208	CERTIFICATE OF DEPOSIT	120,713	120,713	4.250%	5/9/2008	5/9/2013	39
1209	CERTIFICATE OF DEPOSIT	99,000	99,000	4.380%	5/16/2008	5/16/2013	46
1210	CERTIFICATE OF DEPOSIT	99,000	99,000	4.877%	5/21/2008	5/21/2013	51
1211	CERTIFICATE OF DEPOSIT	99,000	99,000	4.660%	6/3/2008	6/3/2013	64
1214	CERTIFICATE OF DEPOSIT	99,000	99,000	5.100%	7/16/2008	7/16/2013	107
1217	CERTIFICATE OF DEPOSIT	99,000	99,000	5.000%	8/18/2008	8/18/2013	140
1218	CERTIFICATE OF DEPOSIT	99,000	99,000	1.500%	8/26/2008	8/26/2013	148
1219	CERTIFICATE OF DEPOSIT	100,000	100,000	5.250%	9/15/2008	9/15/2013	168
1222	CERTIFICATE OF DEPOSIT	99,000	99,000	5.000%	7/25/2008	7/25/2013	116
1224	CERTIFICATE OF DEPOSIT	99,000	99,000	5.020%	10/14/2008	10/14/2013	197
1225	CERTIFICATE OF DEPOSIT	99,000	99,000	1.000%	10/16/2008	10/16/2013	199
1227	CERTIFICATE OF DEPOSIT	100,000	100,000	5.170%	10/30/2008	9/30/2013	183
1228	CERTIFICATE OF DEPOSIT	99,000	99,000	5.150%	10/30/2008	10/30/2013	213
1229	CERTIFICATE OF DEPOSIT	122,090	122,090	5.122%	11/17/2008	11/17/2013	231
1230	CERTIFICATE OF DEPOSIT	99,000	99,000	4.890%	12/11/2008	12/11/2013	255
1236	CERTIFICATE OF DEPOSIT	99,000	99,000	3.600%	8/14/2009	8/14/2014	501
1237	CERTIFICATE OF DEPOSIT	148,000	148,000	3.300%	8/14/2009	8/14/2013	136
1239	CERTIFICATE OF DEPOSIT	250,000	250,000	3.110%	10/2/2009	10/2/2013	185
1241	CERTIFICATE OF DEPOSIT	250,000	250,000	3.250%	11/5/2009	11/5/2013	219
1242	CERTIFICATE OF DEPOSIT	250,000	250,000	3.050%	11/24/2009	11/25/2013	239
1243	CERTIFICATE OF DEPOSIT	250,000	250,000	1.500%	6/19/2012	6/19/2016	1,176
1244	CERTIFICATE OF DEPOSIT	100,000	100,000	3.400%	1/13/2010	1/13/2015	653
1246	CERTIFICATE OF DEPOSIT	100,000	100,000	3.250%	4/16/2010	4/16/2015	746

INVESTMENT OR CUSIP NUMBER	INSTITUTION	PURCHASE PRICE	MARKET VALUE	COUPON INTEREST RATE	PURCHASE DATE	MATURITY DATE	DAYS TO MATURITY
1248	CERTIFICATE OF DEPOSIT	100,002	100,002	1.260%	5/8/2012	5/8/2015	768
1249	CERTIFICATE OF DEPOSIT	100,000	100,000	3.460%	6/3/2010	4/3/2015	733
1250	CERTIFICATE OF DEPOSIT	98,885	98,885	3.460%	6/9/2010	4/9/2015	739
1251	CERTIFICATE OF DEPOSIT	99,000	99,000	2.270%	6/29/2010	6/29/2013	90
1252	CERTIFICATE OF DEPOSIT	100,000	100,000	2.970%	7/2/2010	10/2/2013	185
1253	CERTIFICATE OF DEPOSIT	247,000	247,000	3.190%	8/2/2010	8/2/2015	854
1254	CERTIFICATE OF DEPOSIT	100,000	100,000	2.960%	9/3/2010	9/3/2014	521
1256	CERTIFICATE OF DEPOSIT	250,000	250,000	1.880%	6/9/2011	6/19/2014	445
1257	CERTIFICATE OF DEPOSIT	100,000	100,000	1.240%	10/27/2011	10/27/2013	210
1258	CERTIFICATE OF DEPOSIT	150,000	150,000	1.650%	1/12/2012	1/12/2016	1,017
1259	CERTIFICATE OF DEPOSIT	249,000	249,000	1.800%	2/2/2012	2/2/2017	1,404
1260	CERTIFICATE OF DEPOSIT	250,000	250,000	1.840%	4/4/2012	4/4/2017	1,465
1261	CERTIFICATE OF DEPOSIT	250,000	250,000	1.500%	7/13/2012	1/13/2016	1,018
1262	CERTIFICATE OF DEPOSIT	250,000	250,000	1.440%	9/5/2012	9/5/2017	1,619
1262	CERTIFICATE OF DEPOSIT	250,000	250,000	1.540%	12/12/2012	12/12/2017	1,717
1263	CERTIFICATE OF DEPOSIT	250,000	250,000	1.250%	2/1/2013	3/1/2017	1,431
1264	CERTIFICATE OF DEPOSIT	150,000	150,000	1.250%	2/14/2013	2/14/2018	1,781
1264	CERTIFICATE OF DEPOSIT	100,000	100,000	1.300%	1/28/2013	1/28/2018	1,764
1265	CERTIFICATE OF DEPOSIT	100,000	100,000	1.300%	1/30/2013	1/30/2018	1,766

TOTALS \$ 53,296,364 \$ 53,502,875

WEIGHTED AVERAGE RATE OF EARNINGS					% OF LIQUID PORTFOLIO HOLDINGS	WEIGHTED AVERAGE DAYS TO MATURITY
ONE YEAR HISTORY				CURRENT		
3/31/2012	6/30/2012	9/30/2012	12/31/2012	3/31/2013		
1.866%	1.582%	1.569%	1.415%	1.419%	<u>51.526%</u>	<u>697</u>

Comments:

Portfolio holdings as of March 31, 2013, are in compliance with the current Investment Policy. With 50.485% of the portfolio being held in liquid instruments, the cash needs of the City will be met. The next portfolio report will be calculated for the second calendar quarter ending June 30, 2013, and will be presented during the August 6, 2013 Council meeting.

COUNCIL AGENDA: MAY 7, 2013

SUBJECT: APPROVAL FOR COMMUNITY CIVIC EVENT – TULARE COUNTY JR. LIVESTOCK SHOW AND COMMUNITY FAIR - PORTERVILLE FAIR - MAY 15 - 19, 2013

SOURCE: Finance Department

COMMENT: The Tulare County Jr. Livestock Show and Community Fair is requesting approval to set up this year's carnival on the City of Porterville's ten acre site next to the fair grounds during the annual fair, from Wednesday, May 15, to Sunday, May 19, 2013.

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

RECOMMENDATION: That Council approve the Community Civic Event Application and Agreement from the Tulare County Jr. Livestock Show and Community Fair, subject to the Restrictions and Requirements contained in Application, Agreement and Exhibit A and Exhibit B.

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

D.D. MB Appropriated/Funded MB C.M. J

Item No. 13

CITY OF PORTERVILLE

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



(Incomplete applications can delay permit process)

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

DO YOU HAVE? Event Flyer? POSTERS E-mail address? info@portervillefair.com Website? under construction

Application date: 4/22/13 Event date: May 15-19, 2013
Event time: 5/15 & 5/16 4pm-11pm, 5/17 4pm-12pm, 5/18 12pm-12am, 5/19 12pm-11pm

Name of Event: Porterville Fair

Sponsoring organization: Porterville Fair Phone # (559) 781-6582

Address: 2700 W. Teapot Dome Ave.

Authorized representative: Susie Godfrey, Manager Phone # (559) 781-6582

Address: same as above

Event chairperson: Mitch Brown Phone # (559) 333-2994

Location of event: see attached

(Location map must be attached)

Type of event: Community Fair

Non-profit organization status: 501(c)3 BL# 00358

(IRS Determination)

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

Barricades (quantity): Yes (16) Street sweeping Yes No X

Police protection Yes X No Refuse pickup Yes X No

Other:

Parks facility application required: Yes No X Attached

Assembly permit required: Yes No X Attached

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

Appr. Deny

<u> </u>	<u> </u>	Bus. Lic. Spvr.	<u> </u>
<u> </u>	<u> </u>	Pub. Works Dir.	<u> </u>
<u> </u>	<u> </u>	Comm. Dev. Dir.	<u> </u>
<u> </u>	<u> </u>	Field Svcs. Mgr.	<u> </u>
<u> </u>	<u> </u>	Fire Chief	<u> </u>
<u> </u>	<u> </u>	Parks Dir.	<u> </u>
<u> </u>	<u> </u>	Police Chief	<u> </u>
<u> </u>	<u> </u>	Admin. Svcs. Dir.	<u> </u>

CITY OF PORTERVILLE

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

What constitutes a Community Civic Event?

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

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

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

SG Authorized Representative Initials

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

N/A Authorized Representative Initials

Internal Order of Eagles - Wayne Johnson (559) 784-6123

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

SG Authorized Representative Initials

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

SG Authorized Representative Initials

Agreement: The sponsoring organization/applicant agrees to comply with all provisions of the Community Civic Event Ordinance 15-20(e), as amended, and the terms and conditions set forth by City Council and stated in Exhibit 'A.' The sponsoring organization/applicant agrees, during the term of this permit, to secure and hold the City free and harmless from all loss, liability, and claims for damages, costs and charges of any kind or character arising out of, relating to, or in any way connected with his/her performance of this permit. Said agreement to hold harmless shall include and extend to any injury to any person or persons, or property of any kind whatsoever and to whomever belonging, including, but not limited to, said organization/applicant, and shall not be liable to the City for any injury to persons or property which may result solely or primarily from the action or non-action of the City or its directors, officers, or employees.

Porterville Fair	<u>Susan Godfrey</u>	4/19/13
(Name of Organization)	(Signature)	(Date)

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

Location: 2700 W. Teapot Dome Ave Event date: 5/15-5/19/13 Event time: 5/17 4P-12A
5/18 12P-12A
5/19 12P-11P
 All vendors are required to complete the business license permit form. List all firms, individuals, organizations, etc. that will be participating in the event.

[illegible]

3 of 4

CITY OF PORTERVILLE

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

Name of event: N/A

Sponsoring organization: _____

Event date: _____ Hours: _____

ATTACH MAP MARKING AREAS TO BE CLOSED OR USED:

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

REQUIREMENTS FOR COMMUNITY CIVIC EVENT
TULARE COUNTY JR. LIVESTOCK SHOW AND COMMUNITY FAIR
PORTERVILLE FAIR
MAY 15-19, 2013

Finance Director:
M. Bemis

Public Works Director:
B. Rodriguez

Community Development Director: No comment.
B. Dunlap

Field Services Manager: Barricades may be obtained for the event
B. Styles and returned at 555 N. Prospect.

Fire Chief:
G. Irish

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

Police Captain: See attached Exhibit B.
D. Haynes

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

REQUIREMENTS FOR COMMUNITY CIVIC EVENT

Sponsor: Tulare County Jr. Livestock Show and Community Fair
Event: Porterville Fair
Event Chairman: Mitch Brown
Location: 2700 W. Teapot Dome Ave.
Date of Event: May 15 -19, 2013

RISK MANAGEMENT: Conditions of Approval

That the Tulare County Jr. Livestock Show and Community Fair provide a Certificate of Commercial General Liability Insurance Coverage evidencing coverage of not less than \$2,000,000 per occurrence, and having the appropriate Endorsement naming the City of Porterville, its Officers, Employees, Agents, and Volunteers as "Additional Insured" against all claims arising from, or in connection with, the Permittee's operation and sponsorship of the aforementioned Community Civic Event; and a Certificate of Liquor Liability Insurance Coverage evidencing coverage of not less than \$1,000,000 per occurrence and having the appropriate Endorsement naming the City of Porterville, its Officers, Employees, Agents, and Volunteers as 'Additional Insured' against all claims arising from, or in connection with, the Permittee's operation of a beer garden.

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

CITY OF PORTERVILLE
Community Civic Event Application

Porterville Fair- May 15-19, 2013

Proposed Conditions/Requirements

- A Beer Garden shall be established and alcohol may only be sold and consumed within the designated beer garden. A minimum of two (2) security guards shall be assigned to control the Beer Garden while it is in operation. No persons under the age of 21 shall be allowed to enter the beer garden and no alcohol shall be allowed to leave the beer garden.
- Porterville Fair officials shall have been granted a temporary license to sell alcohol from the CA Dept. of Alcoholic Beverage Control.
- Porterville Fair officials will meet with Police Dept. Sergeant Rick Carrillo (559-782-7408 or 559-782-7404) to coordinate and schedule appropriate number of law enforcement officers to provide security, police the fairgrounds, and ensure safety during the fair event.
- An Outside Amplifier Permit has been approved and granted. However, event organizers shall not allow music to be played so loud as to unreasonably disturb the peace and good order of the neighborhoods or businesses surrounding the area.
- Amplified music shall not continue after 12:00 midnight.
- Porterville Fair officials shall reserve no less than two (2) parking spaces for on-duty police vehicles "at" the front (main) entrance to the fair and the same amount "at" the rear entrance to the fair. This will guarantee the officers working the event will have immediate access to their vehicles to acquire equipment or detain/transport prisoners.

Dan Haynes, Captain
Porterville Police Department
(559) 782-7565

Exhibit B

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



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

- 1 Name and home address of the applicant: Porterville Fair
2700 W. Teapot Dome Ave.
- 2 Address where amplification equipment is to be used: same
- 3 Names and addresses of all persons who will use or operate the amplification equipment: Bio Productions
Paul Serpa (owner) 1129 Batavia Ct., Tulare, CA 93274
- 4 Type of event for which amplification equipment will be used: music on Coors & Rotary Stages
- 5 Dates and hours of operation of amplification equipment: May 15-19, 2013 - no later than
12 AM - midnight.
- 6 A general description of the sound amplifying equipment to be used: Microphones, speakers and
sound equipment. amplification equipment

Section 18-9

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

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

(Ord. Code § 6311)

Section 18-14

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

Penal Code Section 415 (2) Any of the following persons shall be punished by imprisonment in the county jail for a period of not more than 90 days, a fine of not more than four hundred dollars (\$400), or both such imprisonment and fine: (2) Any person who maliciously and willfully disturbs another person by loud and unreasonable noise.

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

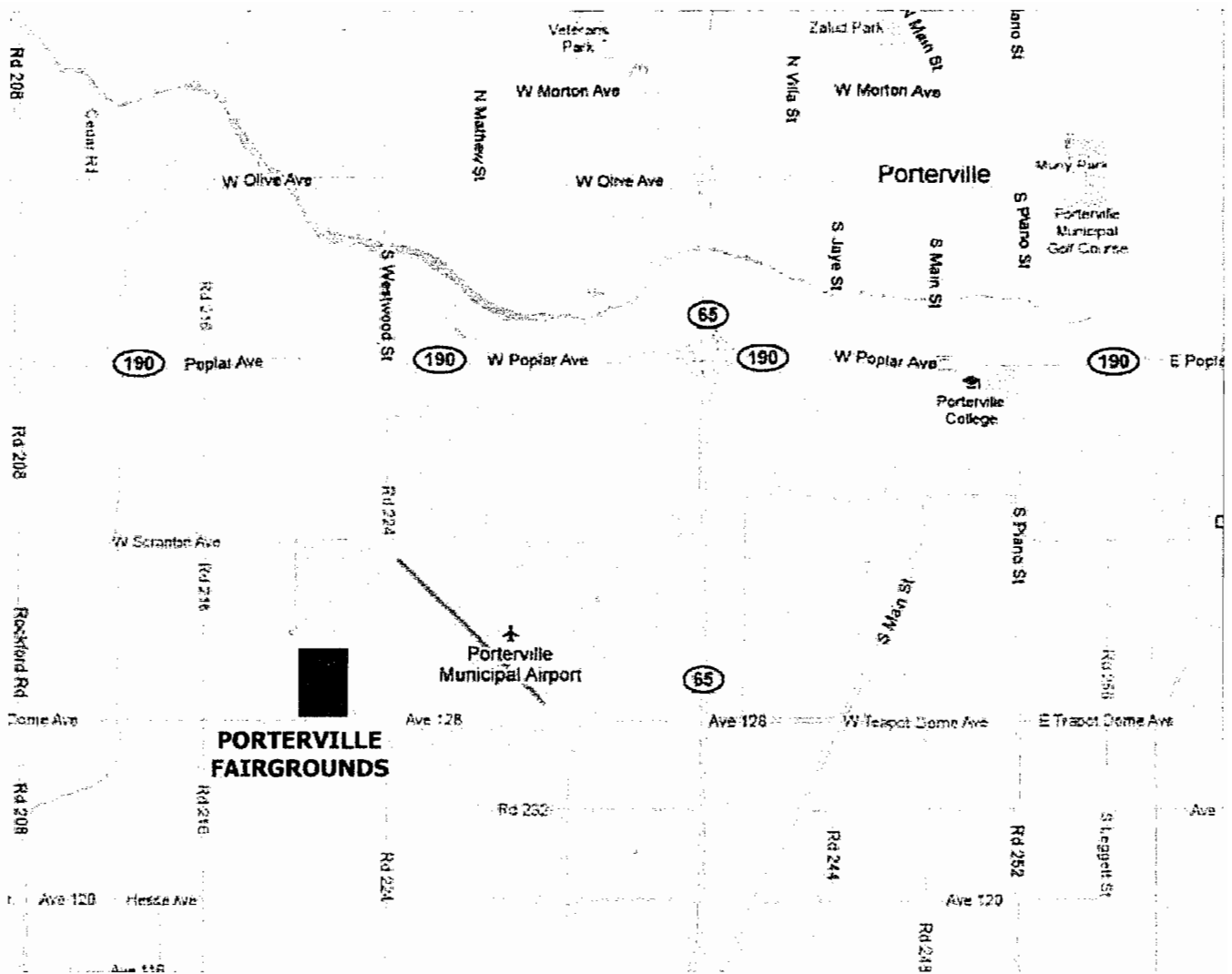
Susan Godfrey
Signature of Applicant

4/19/13
Date

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

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

4-25-13
Date





CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
4/16/2013

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

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

PRODUCER (559)782-3696
Rural Ag Insurance Services
Douglas K. Schultz
341 North D Street
Porterville, CA 93257

CONTACT NAME: Doug Schultz
PHONE (A/C, No, Ext): (559)782-3696 Ext. FAX (A/C, No): (559)782-0533
E-MAIL: doug@ruralagins.com
ADDRESS:

INSURER(S) AFFORDING COVERAGE

NAIC #

INSURED TULARE COUNTY JR. LIVESTOCK SHOW
& COMMUNITY FAIR
2700 WEST TEAPOT DOME AVE.
PORTERVILLE, CA 93258

INSURER A : SCOTTS DALE INDEMNITY CO.

INSURER B : NATIONAL CASUALTY COMPANY

INSURER C :

INSURER D :

INSURER E :

INSURER F :

COVERAGES

CERTIFICATE NUMBER:

REVISION NUMBER:

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

INSR LTR	TYPE OF INSURANCE	ADDL SUBR INSR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	GENERAL LIABILITY	X	8L KKI 00000028383	07/01/12	07/01/13	EACH OCCURRENCE \$ 1,000,000
	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY					DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 300,000
	<input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR					MED EXP (Any one person) \$ 5,000
						PERSONAL & ADV INJURY \$ 1,000,000
						GENERAL AGGREGATE \$ NONE
A	GEN'L AGGREGATE LIMIT APPLIES PER:	X	8L KKI 00000028383	07/01/12	07/01/13	PRODUCTS - COMP/OP AGG \$ 5,000,000
	<input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PROJECT <input type="checkbox"/> LOC					
	AUTOMOBILE LIABILITY					COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000
	<input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> NON-OWNED AUTOS					BODILY INJURY (Per person) \$
	<input checked="" type="checkbox"/> HIRED AUTOS <input checked="" type="checkbox"/> AUTOS					BODILY INJURY (Per accident) \$
B	UMBRELLA LIAB <input type="checkbox"/> OCCUR		8L KKI 00000028386	07/01/12	07/01/13	PROPERTY DAMAGE (Per accident) \$
	<input checked="" type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE					
	DED <input type="checkbox"/> RETENTION \$					EACH OCCURRENCE \$ 1,000,000
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY					AGGREGATE \$ 1,000,000
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below					
A	Hired Auto P/D	N/A	8L KKI 00000028383	07/01/12	07/01/13	WC STATUTORY LIMITS OTH-ER
						E.L. EACH ACCIDENT \$
						E.L. DISEASE - EA EMPLOYEE \$
						E.L. DISEASE - POLICY LIMIT \$
						\$1,000 ded Comp. 35,000
A			8L KKI 00000028383	07/01/12	07/01/13	\$1,000 ded Coll. 35,000

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

For operations located at 2700 West Tea Pot Dome Ave. Porterville, CA 93257. The City of Porterville is named as additional insured with respects to operations at this location.

CERTIFICATE HOLDER

CANCELLATION

CITY OF PORTERVILLE
291 NORTH MAIN STREET

PORTERVILLE CA 93257

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

AUTHORIZED REPRESENTATIVE

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THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

**ADDITIONAL INSURED – OWNERS OR OTHER INTERESTS
FROM WHOM LAND HAS BEEN LEASED**

This endorsement modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE PART.

SCHEDULE

Designation of Premises (Part Leased to You):

2700 W Teapot Dome Avenue
Porterville, CA 93257

Name of Person or Organization:

City of Porterville

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

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

This insurance does not apply to:

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

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

**ADDITIONAL INSURED – DESIGNATED
PERSON OR ORGANIZATION**

This endorsement modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE PART

SCHEDULE

Name Of Additional Insured Person(s) Or Organization(s)

THOSE DESIGNATED PERSONS OR ORGANIZATIONS ON FILE WITH US UNLESS SPECIFICALLY DECLINED.

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

Section II – Who Is An Insured is amended to include as an additional insured the person(s) or organization(s) shown in the Schedule, but only with respect to liability for "bodily injury", "property damage" or "personal and advertising injury" caused, in whole or in part, by your acts or

omissions or the acts or omissions of those acting on your behalf:

- A.** In the performance of your ongoing operations; or
- B.** In connection with your premises owned by or rented to you.

ADDITIONAL INSURED – MANAGERS OR LESSORS OF PREMISES

This endorsement modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE PART

SCHEDULE

1. Designation of Premises (Part Leased to You):

THOSE PREMISES ON FILE WITH US UNLESS SPECIFICALLY DECLINED.

2. Name of Person or Organization (Additional Insured):

THOSE MANAGERS/LESSORS ON FILE WITH US UNLESS SPECIFICALLY DECLINED.

3. Additional Premium: INCLUDED

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

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

This insurance does not apply to:

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

SUBJECT: EMERGENCY REQUEST FOR AUTHORIZATION TO REPLACE THE LABORATORY BIOLOGICAL OXYGEN DEMAND (BOD) REFRIGERATED INCUBATOR

SOURCE: Public Works Department - Field Services Division - Laboratory

COMMENT: The laboratory BOD refrigerated incubator has stopped working and needs to be replaced. The BOD incubator is used daily for testing process control samples for the City's Wastewater Treatment Facility. Funds for the replacement are available in the Laboratory equipment replacement fund.

RECOMMENDATION: That City Council authorize:

1. The purchase of a replacement BOD refrigerated incubator not to exceed \$6,000;
2. Payment for said equipment upon satisfactory delivery.

P:\pubworks\General\Council\Authorization To Replace of the Lab Incubator - 2013-05-07.doc

Dir BZ Appropriated/Funded MB CM f

Item No. 14

SUBJECT: RESPONSE TO GRAND JURY REPORT – HOLDING CELLS

SOURCE: City Manager

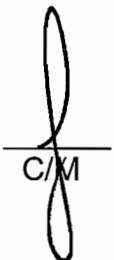
COMMENT: Pursuant to California Penal Code §919(b), and due to “a history of suicides in some of the holding cells,” the 2012-2013 Grand Jury reviewed the overall conditions, safety and management of the ten (10) holding cells in Tulare County. Holding cells are used as temporary areas to detain persons who have been arrested and are awaiting transportation to another jail facility or to a court for trial. The Grand Jury recently issued their report of findings, conclusion, and recommendations (attached). The report was delivered to the City on March 7, 2013. Pursuant to California Penal Code §933(c), a written response to the report is required to be filed by the City Council by no later than June 7, 2013.

The draft response of the City Council is attached for consideration and approval.

RECOMMENDATION: That the Council:

1. Consider the draft “Response to the Grand Jury” letter regarding the 2012-2013 Report on Holding Cells; and
2. Authorize the Mayor to sign the Response letter.

ATTACHMENT: 1. Draft Response Letter
2. Grand Jury Report
3. Police Department Written Response, dated April 8, 2013



C/M

Item No. 15



May 7, 2013

Mr. David Serpa, Foreman
Tulare County Grand Jury
5963 South Mooney Boulevard
Visalia, California 93277

Dear Foreman Serpa:

The City Council for the City of Porterville is in receipt of the Tulare County Grand Jury Report related to your review of holding cells in Tulare County, including the holding cells in the City of Porterville Police Department. As part of the Grand Jury's mandated inquiry into the conditions and management of the public prisons within the county, it is our understanding that the Grand Jury did not personally inspect the City facility. Please accept this correspondence as the required response on behalf of the City Council.

In response to the report, particularly to Recommendation #1, "that all law enforcement use court ordered community service citizens for daily cleaning of the holding cell areas," the City employs a building custodian whose responsibility it is to ensure the cleanliness and proper maintenance of both the interior and exterior of the Police Department facility, including the four holding cells. The City (and Police Department) do utilize court ordered community service citizens to augment the responsibility of its personnel, especially in the performance of building landscape maintenance and the washing of vehicles.

Thank you for your time and consideration in the inquiry into the conditions and management of holding cells in Tulare County, and the acceptance of this letter of response.

Sincerely,

Virginia R. Gurrola
Mayor

Cc: Honorable Judge Gary L. Paden
Tulare County Board of Supervisors

City Manager's Office
291 North Main Street, Porterville, California 93257
(559) 782-7466 Fax (559) 715-4013 Email: mgr-Office@ci.porterville.ca.us



TULARE COUNTY GRAND JURY

5963 S Mooney Boulevard

Visalia, CA 93277

PHONE: (559) 624-7295

FAX: (559) 733-6078

E-MAIL: grnd_jury@co.tulare.ca.us

WEB: www.co.tulare.ca.us

ATTENTION: Mayor Virginia Gurrola

AGENCY: Porterville City Council

ADDRESS: 291 N Main, Porterville, CA 93257

California Penal Code §933.05 (f) mandates that the Tulare County Grand Jury provide a copy of the portion of the final Report that affects that agency or person of that agency two working days prior to its public release. Advance release or disclosure of a Grand Jury Report is prohibited prior to its public release.

Attached is a copy of your portion of the 2012-2013 Tulare County Grand Jury Final Report.

California Penal Code §933(c) requires a response to said document. Depending on the type of respondent you are, a written is required as follows:

- ❖ **PUBLIC AGENCY:** The governing body of any public agency that is required to respond must do so within NINETY (90) DAYS.
- ❖ **ELECTIVE OFFICER OR AGENCY HEAD:** All elected officers or heads of agencies that are required to respond must do so within SIXTY (60) DAYS.

YOU MUST SEND YOUR RESPONSE TO EACH OF THE FOLLOWING:

The Honorable Judge Gary Paden
County Civic Center, Room 303
221 S Mooney Blvd
Visalia, CA 93291

Tulare County Grand Jury
5963 S Mooney Blvd
Visalia, CA 93277

Tulare County Board of Supervisors
2800 W Burrel Ave
Visalia, CA 93291

Received by: Tina R. Gaud

Date: 3-7-13

Report Name: Holding Cells

Response Due by: 05/07/2013

Delivered by: Steve Pina

Date and Time: 2:10 PM

Release Date: 03/13/2013

DAVID SERPA, Foreman 2012-2013 Tulare County Grand Jury

PREPARE A SEPARATE RESPONSE FOR EACH REPORT

California Penal Code §933.05 mandates the manner of how responses are to be answered.

See reverse for Penal Code §933.05 information.

§933.05. Response to Grand Jury Recommendations--Content Requirements; Personal Appearance by Responding Party; Grand Jury Report to Affected Agency

(a) For purposes of subdivision (b) of §933, as to each grand jury finding, the responding person or entity shall indicate one of the following:

(1) The respondent agrees with the finding.

(2) The respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefore.

(b) For purposes of subdivision (b) of §933, as to each grand jury recommendation, the responding person or entity shall report one of the following actions:

(1) The recommendation has been implemented, with a summary regarding the implemented action.

(2) The recommendation has not yet been implemented, but will be implemented in the future, with a timeframe for implementation.

(3) The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a timeframe for the matter to be prepared for discussion by the officer or head of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This time frame shall not exceed six months from the date of publication of the grand jury report.

(4) The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefore:

(c) However, if a finding or recommendation of the grand jury addresses budgetary or personnel matters of a county agency or department headed by an elected officer, both the agency or department head and the board of supervisors shall respond if requested by the grand jury, but the response of the board of supervisors shall address only those budgetary or personnel matters over which it has some decision-making authority. The response of the elected agency or department head shall address all aspects of the findings or recommendations affecting his or her agency or department.

(d) A grand jury may request a subject person or entity to come before the grand jury for the purpose of reading and discussing the finding of the grand jury report that relates to that person or entity in order to verify the accuracy of the findings prior to their release.

(e) During an investigation, the grand jury shall meet with the subject of that investigation regarding the investigation, unless the court, either on its own determination or upon request of the foreperson of the grand jury, determines that such a meeting would be detrimental.

(f) A grand jury shall provide to the affected agency a copy of the portion of the grand jury report relating to that person or entity two working days prior to its public release and after the approval of the presiding judge. No officer, agency, department, or governing body of a public agency shall disclose any contents of the report prior to the public release of the final report.

HOLDING CELLS

BACKGROUND

Holding cells in Tulare County jails are used as temporary areas to detain persons who have been arrested and are awaiting transportation to another jail facility or to a court for trial. The Tulare County Sheriff's Headquarters (Main Jail) in Visalia is one of the ten holding cells located in the county. The others are as follows:

Dinuba Police Department	Porterville Police Department
Exeter Police Department	Porterville Sheriff's Substation
Lindsay Police Department	Tulare Police Department
Pixley Sheriff's Substation	Visalia Police Department
Woodlake Police Department	

REASON FOR INVESTIGATION

California Penal Code §919 (b) mandates the Grand Jury to inquire into the conditions and management of the public prisons within the county. Because of a history of suicides in some of the holding cells, the 2012-2013 Tulare County Grand Jury decided to inspect these facilities, looking at overall conditions, safety, and management.

PROCEDURES FOLLOWED

1. Inspected the holding cell facilities within Tulare County
2. Interviewed relevant witnesses

FACTS

1. Dinuba Police Department:
 - a. There are three holding cells. Each cell has a stainless steel toilet, sink, security camera, and intercom.
 - b. There are two booking cages with a restroom/shower within close proximity.
 - c. Juveniles, if placed in a cell, have a door to that cell left open; otherwise, the juveniles are placed in the staff area near an officer.
 - d. Rival gang members are kept separated.
 - e. Female detainees are kept in cell number three, out of the sight of male detainees.
 - f. When detainees are held for more than four hours, a meal will be purchased from a nearby fast food restaurant.
 - g. Once booked, detainees are transported to the Main Jail.
 - h. City personnel clean the cells on a daily basis.
2. Exeter police Department:
 - a. There are two holding cells, separated by a solid wall.

- b. A janitorial service cleans the facility three times a week.
 - c. Detainees are transported to the Main Jail for booking within forty-five minutes of arrival.
 - d. Juveniles are not kept in the cells. They remain in the cell area, next to an officer until they are transported to the Juvenile Detention Facility.
 - e. There are security cameras within the holding cell area.
3. Lindsay Police Department:
- a. There is one holding cell.
 - b. City maintenance personnel clean the cell Monday through Friday.
 - c. Court ordered community service workers clean the cell on weekends.
 - d. The cell is inspected prior to and after a detainee has been placed in it.
 - e. Juveniles are placed in the cell with the door open.
 - f. Male detainees are placed in the holding cell. Females are kept in a separate room handcuffed to a bench until transported to Bob Wiley Detention Facility (BWDF).
 - g. There are no security cameras within the cell area.
4. Pixley Sheriff's Substation:
- a. There is one holding cell.
 - b. Detainees are normally transported within 30 minutes of arrival to the Porterville Sheriff's Substation, the Visalia Main Jail, or the BWDF.
 - c. There is no security camera in the holding cell area.
5. Porterville Police Department:
- a. There are four holding cells.
 - b. City maintenance personnel clean the cells daily.
 - c. One cell has a toilet; the remaining three cells are in the booking area with a toilet facility in close proximity.
 - d. All of the cells have security cameras.
 - e. Following fingerprinting and booking procedures, the detainees are transported to the Porterville Sheriff's Substation, or if the substation is full, to the Main Jail.
 - f. Females are transported to the BWDF for booking.
 - g. Detainees deemed mentally unstable are transported to the local hospital. They are restrained and under continuous watch until evaluated by Tulare County Mental Health.
6. Porterville Sheriff's Substation:
- a. There are six holding cells, and each cell has a three-person capacity.
 - b. Detainees are responsible for cleaning the holding cells.
 - c. The cells are used for detainees pending transport and court appearances.
 - d. Detainees held for court appearances are provided a sack lunch.
 - e. There are no security cameras in the cell area.
7. Tulare Police Station:
- a. There are three holding cells consisting of two booking cages and one interrogation room.
 - b. Each cell has a security camera.

- c. The cells are inspected before, during and after each shift, and prior to placing a detainee in a cell.
 - d. City maintenance personnel clean the cells daily.
8. Tulare County Sheriff's Headquarters (Main Jail):
- a. There are seven holding cells: a three-in-one booking cage, a safe room (used to safeguard a detainee who may injure himself), a large cell, and two small cells.
 - b. The two small cells are used for detainees pending release or being held for pending court appearances.
 - c. When the booking cages are at capacity, the large cell and two smaller cells are used for those detainees awaiting the booking process.
 - d. There are two security cameras: one is outside of and facing the booking cage; the other is inside the large cell.
 - e. The safety room has a thick rubber-like covering on the walls and a similar yet thinner covering on the floor.
 - f. Detainees are responsible for daily cleaning of the cells.
 - g. Women detainees are always taken to BWDF for processing.
 - h. BWDF provides detainees breakfast and sack lunches every day.
9. Visalia Police Department:
- a. There are two holding cells.
 - b. City personnel clean the cells daily.
 - c. Each cell has a security camera, solid concrete bench, toilet, and combination sink/drinking fountain.
 - d. Juveniles are not kept in the cells. They remain in the cell area, next to an officer until they are transported to the Juvenile Detention Facility or picked up by an authorized adult, e.g., parent, guardian, etc....
 - e. If meals are needed for detainees, an officer will go to a nearby fast food restaurant.
10. Woodlake Police Department:
- a. There is one holding cell with a security camera.
 - b. Detainees are immediately transported to the Main Jail for booking.
 - c. On duty officers are responsible for keeping the cell area clean.
 - d. Once a week, city maintenance personnel will thoroughly clean the cell.

FINDINGS/CONCLUSIONS

1. City personnel are used for cleaning six of the holding cell facilities; they are as follows:

Dinuba	Tulare
Lindsay	Visalia
Porterville	Woodlake
2. Exeter uses a private janitorial service to clean on Monday, Wednesday, and Friday.
3. In addition to using city personnel, Lindsay uses court ordered community service workers.

4. Those facilities having security cameras are able to monitor detainees as needed.
5. Three facilities, the Lindsay Police Department, Porterville Sheriff's Substation, and Pixley Sheriff's Substation do not have security cameras.

RECOMMENDATIONS

1. That all law enforcement facilities use court ordered community service citizens for daily cleaning of the holding cell areas. Not using city personnel as a janitorial service is financially beneficial to the local governments. However, the Grand Jury is aware that implementation of this recommendation may require meeting and conferring with the affected bargaining units.
2. That the Porterville Sheriff's Substation, Lindsay Police Department and Pixley Sheriff's Substation install security cameras.
3. That to adequately view all of its detainees, the Tulare County Sheriff's Headquarters (Main Jail) should install additional security cameras.

RESPONSES REQUIRED

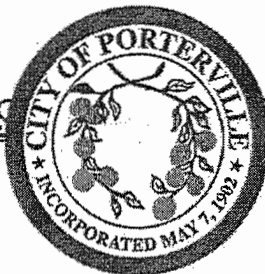
Dinuba Police Department
Exeter Police Department
Lindsay Police Department
Porterville Police Department
Tulare County Sheriff's Headquarters
Visalia Police Department
Woodlake Police Department

Dinuba City Council
Exeter City Council
Lindsay City Council
Porterville City Council
Tulare County Board of Supervisors
Visalia City Council
Woodlake City Council

Police Department

359 North "D" Street
Porterville, CA 93257
(559) 782-7400/FAX (559) 784-1070
www.PortervillePolice.com

Chuck McMillan
Chief of Police



April 8, 2013

Mr. David Serpa, Foreman
2012-2013 Tulare County Grand Jury
5963 South Mooney Boulevard
Visalia, CA 93277

Dear Mr. Serpa:

The Porterville Police Department is in receipt of the Grand Jury Report related to your investigation and review of local law enforcement holding cells. The notice we received is labeled *Holding Cells*.

In review of the report, it is our belief that utilizing city personnel to clean the custody area is one aspect of the person's duties. Our maintenance person is responsible for the entire facility, encompassing the inside and outside of our department, which requires a full-time person's attention. If the issue was strictly the holding facility, there may be merit to the recommendation, but maintenance and repair of daily issues far exceed the expectations of the court ordered community service offered.

Again, thank you for inspecting our facility we appreciate the service of the Tulare County Grand Jury, and the input and feedback that you provide. Please be assured of our continued cooperation on all matters of mutual interests and concerns.

Sincerely,

Chuck McMillan
Chief of Police

CM/kc

cc: Honorable Judge Gary Paden
Tulare County Board of Supervisors

Porterville Police Department Mission Statement

The members of the Porterville Police Department are committed to the safety and security of the community while providing quality service with excellence, honesty and integrity.

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 April 16, 2013, 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 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.

At its meeting on March 5, 2013, the Council awarded a contract in the amount of \$29,997.25, also to Greg Bartlett Construction (Porterville), for CEMA repairs of West Street and related storm drain improvements between Scranton and Tea Pot Dome Avenues. At its meeting on May 7, 2013, the Council will be considering the completion of these identified CEMA repairs, including \$19,392.25 in final construction costs.

At its meeting on April 2, 2013, the Council awarded a contract in the amount of \$138,350 to Intermountain Slurry Seal, Inc. (Reno, Nevada), for the CEMA repair of Henderson Avenue between Patsy and Balmoral Streets.

 Dir.	 App/Fund	 CM
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Item No. 16

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

PUBLIC HEARING

SUBJECT: VACATION OF EASEMENTS FOR TEMPORARY TURN AROUND AND TEMPORARY DRAINAGE RESERVOIR RELATED TO SUMMIT HERITAGE VILLAS SUBDIVISION (Nicholson & Smee)

SOURCE: Public Works Department – Engineering Division

COMMENT: This is the time and place set for the hearing on the proposed vacation of easements for temporary turn around and temporary drainage reservoir related to the development of Summit Heritage Villas Subdivision. These easements are generally located west of Mathew Street and south of Olive Avenue along Clare Avenue and the future Lombardi Street alignment, respectively. The easements were necessary for the orderly development of the Nazarene Church at the southwest corner of Mathew Street and Olive Avenue. Construction of Clare Avenue during the development of the church property and the dedication of Clare Avenue to the City for public streets and underground utilities ends the need for these easements. With the required enlargement of the temporary drainage reservoir, a new easement will be dedicated to the City of Porterville with the processing of the Summit Heritage Villas Subdivision map. The City has authority to vacate these easements under Section 8320, Part 3, Division 9, of the Streets and Highways Code of the State of California.

Staff believes that there are no problems with any reversionary rights since these easements are in favor of the City of Porterville. Abandonment of these easements does not affect other agencies or other utility companies.

RECOMMENDATION: That the City Council:

1. Conduct a Public Hearing;
2. Adopt the Resolution of Vacation for the easements described in the attached legal description; and
3. Authorize the City Clerk to record the Resolution of Vacation.

ATTACHMENTS: Resolution
Easements Legal Description
Map of Easement Vacation

P:\pubworks\General\Council\Public Hearing - Vacation of Easements for Temporary Turn Around & Temporary Drainage Reservoir - Nicholson & Smee - 2013-05-07.doc

Dir B82 Appropriated/Funded N/A CM J

Item No. 17

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
ORDERING THE VACATION AND CLOSING TO PUBLIC USE EASEMENTS FOR
TEMPORARY TURN AROUND AND TEMPORARY DRAINAGE RESERVOIR
RELATED TO SUMMIT HERITAGE VILLAS SUBDIVISION

WHEREAS, by Resolution No. 19-2013, passed on April 2, 2013, the City Council of the City of Porterville declared its intention to vacate easements for temporary turn around and temporary drainage reservoir located west of Mathew Street and south of Olive Avenue along Clare Avenue and the future Lombardi Street alignment, respectively, hereinafter more particularly described, and set the hour of 6:30 p.m. on the 7th day of May, 2013, or as soon thereafter as the matter can be heard, in the Council Chambers of said City as the time and place for hearing all persons objecting to the proposed vacation; and

WHEREAS, such public hearing has been held at said time and place, and there were no protests, oral or written, to such vacation;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Porterville as follows:

SECTION 1: The Council hereby finds, from all the evidence submitted, that the easements hereinafter described are unnecessary for present or prospective use, and the City Council hereby makes its order vacating said easements west of Mathew Street and south of Olive Avenue along Clare Avenue and the future Lombardi Street alignment, respectively, which are described in the legal description attached hereto, marked Exhibit "A" and by reference made a part hereof.

SECTION 2: The City Clerk shall cause a copy of this resolution to be recorded in the office of the Clerk-Recorder of Tulare County, California.

SECTION 3: The City Clerk shall certify to the passage and adoption of this resolution and it shall thereupon take effect and be in force.

PASSED, APPROVED AND ADOPTED this 7th day of May, 2013.

Virginia R. Gurrola, Mayor

ATTEST:
John D. Lollis, City Clerk

By: Patrice Hildreth, Chief Deputy City Clerk

EXHIBIT "A"
LEGAL DESCRIPTION

Easement Vacation

Parcel 1 - Temporary Turn Around

That portion of the East half of the Northwest quarter of Section 33, Township 21 South, Range 27 East, Mount Diablo Base and Meridian, in the City of Porterville, County of Tulare, State of California, described as follows:

COMMENCING AT a point in the East line of said Northwest quarter, said point being South 00°32'34" West, 805.39 feet of the Northeast corner of said Northwest quarter;

THENCE, North 89°27'26" West, 678.00 feet, to the Southwest corner of Parcel B per deed recorded April 21, 2006 as Document No. 2006-0042455 of Official Records and the **POINT OF BEGINNING** of the parcel to be described;

THENCE, South 00°32'34" West, 15.00 feet;

THENCE, North 89°27'26" West, 79.64 feet;

THENCE, North 00°32'34" East, 90.00 feet;

THENCE, South 89°27'26" East, 79.64 feet;

THENCE, South 00°32'34" West, 75.00 feet, to the **POINT OF BEGINNING**.

Parcel 2 - Temporary Drainage Reservoir

That portion of the East half of the Northwest quarter of Section 33, Township 21 South, Range 27 East, Mount Diablo Base and Meridian, in the City of Porterville, County of Tulare, State of California also being a portion of Parcel 2 and of Parcel 3 of Lot Line Adjustment 20-2007 per Resolution No. 559 recorded December 10, 2007 as Document No. 2007-0106407, Tulare County Records, described as follows:

COMMENCING AT the Northeast corner of Lot 43 of Summit Estates, Phase One per map recorded in Book 42, page 48 of Maps in the Office of the County Recorder of said County;

THENCE, North 00°32'34" East, 11.58 feet;

THENCE, Northerly along a tangent 880.00 foot radius curve concave to the East, through a central angle of 13°02'29", an arc distance of 200.30 feet to the **POINT OF BEGINNING** of the parcel to be described;

THENCE, South $76^{\circ}24'57''$ East, 60.00 feet;

THENCE, North $14^{\circ}48'03''$ East, 125.00 feet;

THENCE, North $76^{\circ}24'57''$ West, 60.00 feet;

THENCE, South $14^{\circ}48'03''$ West, 125.00 feet, to the **POINT OF BEGINNING**.

END OF DESCRIPTION

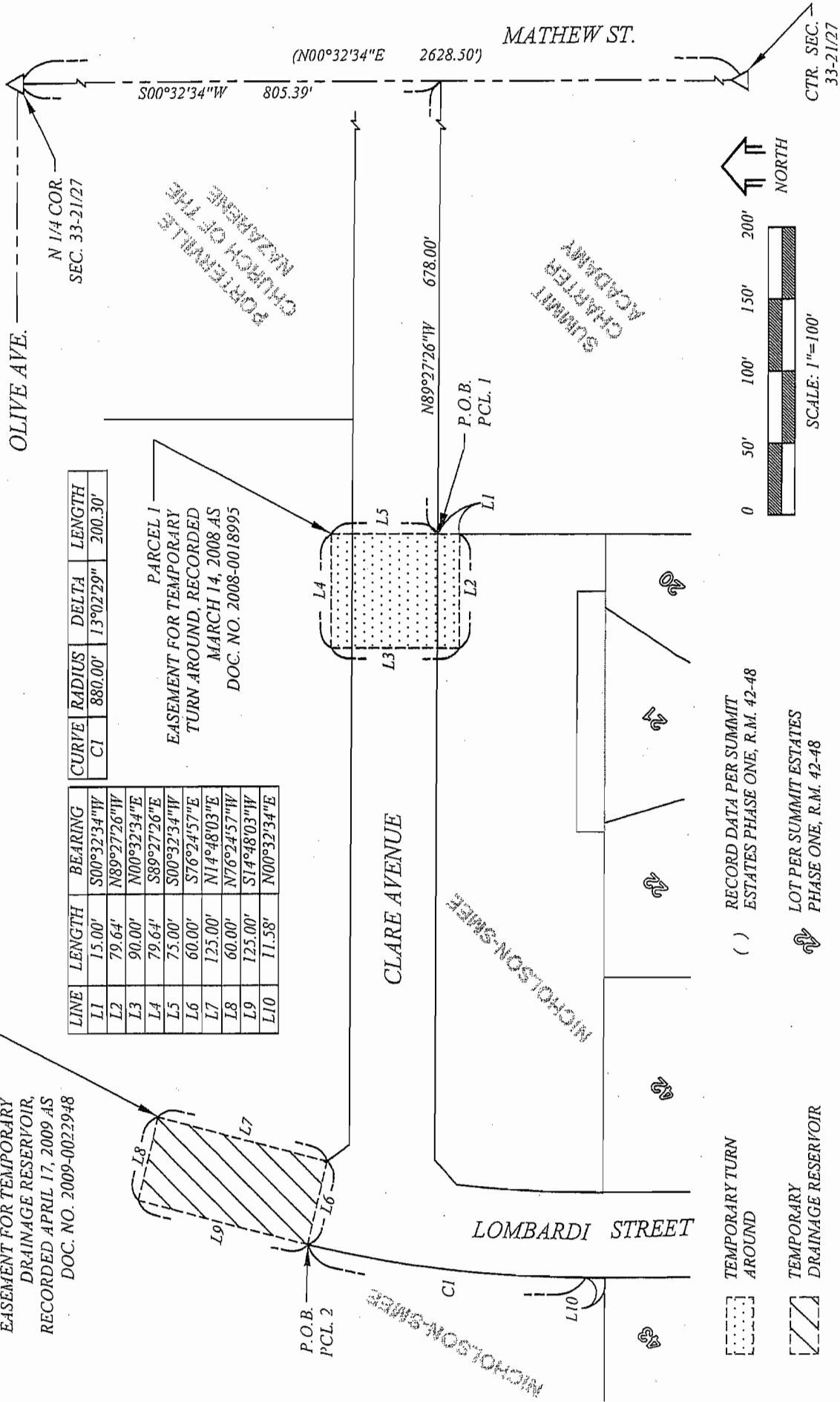
MAP OF EASEMENT VACATION

PARCEL 2
EASEMENT FOR TEMPORARY
DRAINAGE RESERVOIR,
RECORDED APRIL 17, 2009 AS
DOC. NO. 2009-0022948

LINE	LENGTH	BEARING
L1	15.00'	S00°32'34"W
L2	79.64'	N89°27'26"W
L3	90.00'	N00°32'34"E
L4	79.64'	S89°27'26"E
L5	75.00'	S00°32'34"W
L6	60.00'	S76°24'57"E
L7	125.00'	N14°48'03"E
L8	60.00'	N76°24'57"W
L9	125.00'	S14°48'03"W
L10	11.58'	N00°32'34"E

CURVE	RADIUS	DELTA	LENGTH
C1	880.00'	13°02'29"	200.30'

PARCEL 1
EASEMENT FOR TEMPORARY
TURN AROUND, RECORDED
MARCH 14, 2008 AS
DOC. NO. 2008-0018995



OWNERS: NICHOLSON TRUST & MELMIKE, LP

APN'S: 259-340-008 & 009
259-350-026

DRAWN BY: FM

CHK'K BY: DB

THAT PORTION OF THE EAST HALF OF THE NORTHWEST QUARTER OF SECTION 33, TOWNSHIP 21 SOUTH, RANGE 27 EAST, MOUNT DIABLO BASE AND MERIDIAN, IN THE CITY OF PORTERVILLE, COUNTY OF TULARE, STATE OF CALIFORNIA.

City of Porterville
291 N. MAIN ST.
PORTERVILLE, CA. 93257
559 782-7462

PUBLIC HEARING

SUBJECT: REQUEST TO ESTABLISH A CONDITIONAL USE PERMIT (PRC 2013-022-C) TO ALLOW FOR THE SALE OF ALCOHOL WITHIN AN EXISTING RESTAURANT BUILDING WITH A SEPARATE BAR AREA (OAK PIT STEAKHOUSE) UNDER A TYPE 47 ALCOHOL LICENSE (BONA FIDE PUBLIC EATING PLACE) LOCATED AT 615 N. MAIN STREET

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT - PLANNING DIVISION

COMMENT: The applicant is requesting consideration of a Conditional Use Permit (PRC 2013-022-C) to allow for the sale of alcohol in conjunction with a restaurant that includes a separate bar area (Oak Pit Steakhouse). The alcohol license type is 47: for on-sale alcohol consumption within a bona fide public eating place. The existing building is located at 615 N. Main Street in the General and Service Commercial (CG) Zone.

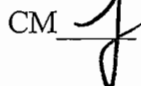
The Oak Pit Steakhouse restaurant was established over 30 years ago under a municipal code which permitted the sale of alcohol as a "use by right" so long as the primary use was a "bona fide eating establishment". At that time, the code also allowed for a separate bar. In 1987, Ordinance 1393 was adopted, which required approval of a Conditional Use Permit for all new and modified on-sale licenses in the City. Chapter 301.03 of the Development Ordinance upholds the earlier ordinance and requires a Conditional Use Permit for any use involving the sale of alcoholic beverages under an on-sale or off-sale license. The building has been inactive for approximately eight (8) months. The Development Ordinance allows non-conforming uses, but deems them abandoned after the use has been vacated for a period of six (6) months (Section 308.10). The restaurant closed in August 2012, approximately eight (8) months ago. A Conditional Use Permit is now required to bring the alcohol component of the use into compliance.

The restaurant is a permitted use in the CG Zone, and the building is proposed to function as it did previously. The structure is considered a legal non-conforming structure until such time that structural alterations are proposed, pursuant to Section 308.03(b); as such, new public improvements and Development Ordinance requirements are limited. At such time that the restaurant proposes to expand its floor plan or change its use, certain public improvements including additional landscaping, equipment screening, and parking redesign would be required.

The Department of Alcoholic Beverage Control (ABC) has maintained the validity of a Type 47 alcohol license for the restaurant because it never expired and had not been cancelled. The alcohol license is currently pending transfer from the previous licensee to the Tule River Indian Tribe of California. Staff considers approval of the Conditional Use Permit for alcohol sales at this location is appropriate as it has been in place for decades and does not result in increased crime at or around the subject site.

DDP 
ALTING

Appropriated/Funded N/A

CM 

Item No. 18

STAFF RECOMMENDATION:

That the Council approve Conditional Use Permit PRC 2013-022-C to allow for on-sale alcohol sales in conjunction with a restaurant use under a Type 47 license for a bona fide eating place, subject to conditions of approval.

ATTACHMENTS:

Complete Staff Report

STAFF REPORT

SUBJECT: REQUEST TO ESTABLISH A CONDITIONAL USE PERMIT (PRC 2013-022-C) TO ALLOW FOR THE SALE OF ALCOHOL WITHIN AN EXISTING RESTAURANT BUILDING WITH A SEPARATE BAR AREA (OAK PIT STEAKHOUSE) UNDER A TYPE 47 ALCOHOL LICENSE (BONA FIDE PUBLIC EATING PLACE) LOCATED AT 615 N. MAIN STREET

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT - PLANNING DIVISION

APPLICANT/AGENT:

Chris Sanders
2012 Cricklewood Circle
Porterville, CA 93257

Adrian Recendez, Tule River Tribe
615 N. Main Street
Porterville, CA 93257

PROJECT DESCRIPTION: The applicant is requesting consideration of a Conditional Use Permit (PRC 2013-022-C) to allow for the sale of alcohol in conjunction with a restaurant that includes a separate bar (Oak Pit Steakhouse). The alcohol license type is 47: for on-sale alcohol consumption within a bona fide public eating place. The existing building is located at 615 N. Main Street in the General and Service Commercial (CG) Zone.

SIZE OF PROJECT SITE: The restaurant is approximately 5,500 square feet, and the two parcels that comprise the restaurant location and parking lot total approximately 39,500 square feet.

GENERAL PLAN CLASSIFICATION: General & Service Commercial

ZONING CLASSIFICATION: CG (General & Service Commercial)

SURROUNDING ZONING AND LAND USES:

North: CG (Pioneer Plaza Commercial Center – multiple lease tenants)

West: CG (Commercial auto services)

South: RM-3/CG (Apartments and Commercial auto sales and service)

East: CG (Service Station/ Convenience market)

ENVIRONMENTAL REVIEW:

Pursuant to "Existing Facilities" Exemption 15301 Class 1 of the CEQA Guidelines, the proposed project qualifies for a categorical exemption.

Date Environmental Document Distributed	Date Notice Published in Porterville Recorder	Date Notice Mailed to Property Owners within 300 feet of property
Categorically exempt from CEQA	April 25, 2013	April 25, 2013

PROJECT/DESCRIPTION ANALYSIS:

The Oak Pit Steakhouse restaurant was established over 30 years ago under a municipal code which permitted the sale of alcohol as a "use by right" so long as the primary use was a "bona fide eating establishment". At that time, the code also allowed for a separate bar. In 1987, Ordinance 1393 was adopted, which required approval of a Conditional Use Permit for all new and modified on-sale licenses in the City. Chapter 301.03 of the Development Ordinance upholds the earlier ordinance and requires a Conditional Use Permit for any use involving the sale of alcoholic beverages under an on-sale or off-sale license. The building has been inactive for approximately eight (8) months. The Development Ordinance allows non-conforming uses, but deems them abandoned after the use has been vacated for a period of six (6) months (Section 308.10). The restaurant closed in August 2012, approximately eight (8) months ago. A Conditional Use Permit is now required to bring the alcohol component of the use into compliance.

The subject site is consistent with the General Plan Land Use and Zoning Designations of General and Services Commercial (CG). The CG designation is intended to provide for retail and service uses that meet local and regional demand. The proposed restaurant with alcohol sales would suit the purpose of the zone designation. The restaurant is a permitted use in the CG Zone, and alcohol sales may be permitted in that zone with a Conditional Use Permit. The building is proposed to function as it did previously. The structure is considered a legal non-conforming structure until such time that structural alterations are proposed, pursuant to Section 308.03(b); as such, new public improvements and Development Ordinance requirements are limited. At such time that the restaurant proposes to expand its floor plan or change its use, certain public improvements including additional landscaping, equipment screening, and parking redesign would be required.

The subject site is located in Census Tract 38.02, which allows a maximum of three (3) on-sale and four (4) off-sale alcohol licenses. However, possibly due to the age of the existing Type 47 alcohol license, the Department of Alcoholic Beverage Control (ABC) identifies the business within Census Tract 37, which allows a maximum of five (5) on-sale and five (5) off-sale alcohol licenses. Currently, there are seventeen (17) existing licenses in census tract 37, nine of which are on-sale. Of these licenses, nine (9) are for on-sale use; of those nine, six (6) are for beer and wine, and three (3) are for beer, wine, and distilled spirits (including the one held under the Oak Pit Steakhouse). Census tract 38.02 currently has nine (9) on-sale licenses and seven (7) off-sale licenses. ABC has maintained the validity of a Type 47 alcohol license for the restaurant because it never expired and had not been cancelled. The alcohol license is currently pending transfer from the previous licensee to the Tule River Indian Tribe of California. Staff has contacted ABC regarding the inconsistency of the Census Tract information, and ABC has noted that they will correct their records. In any event,

the Census Tract information, and ABC has noted that they will correct their records. In any event, both census tracts have an over-concentration of active licenses. However, staff would consider that approval of the Conditional Use Permit for alcohol sales at this location is appropriate as it has been in place for decades and does not result in increased crime at or around the subject site.

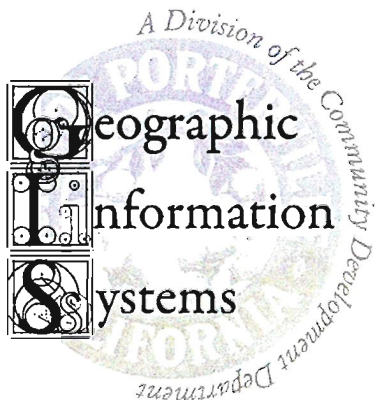
The Porterville Police Department has indicated that the only concern regarding the application for continued sales of alcohol is ensuring exterior lighting is sufficient to illuminate the associated parking lot and surrounding service area during business hours of darkness. The maintenance of existing lighting, or, if needed, the installation of additional security lighting on the exterior of the building and in the parking lot, must be sufficient to allow reasonable surveillance of the parking area to the satisfaction of the Porterville Police Department. A condition to this effect is included in the draft resolution.

Under the regulations of the Business and Professions Code, whenever the ratio of off-sale licenses to population in a census tract exceeds the average ratio for the county, an “undue concentration” of licenses is determined to exist. In such circumstances, a letter of public convenience or necessity is required. In the case of the proposed project, the license was previously granted and is still recognized by the ABC and currently pending transfer to the Tule River Tribe unless the City Council determines that the over-concentration of licenses is undue and denies the Conditional Use Permit. The ABC would then not finalize the pending license transfer for use at the proposed location.

RECOMMENDATION: That the Council approve Conditional Use Permit PRC 2013-022-C to allow for on-sale alcohol sales in conjunction with a restaurant use under a Type 47 license for a bona fide eating place, subject to conditions of approval.

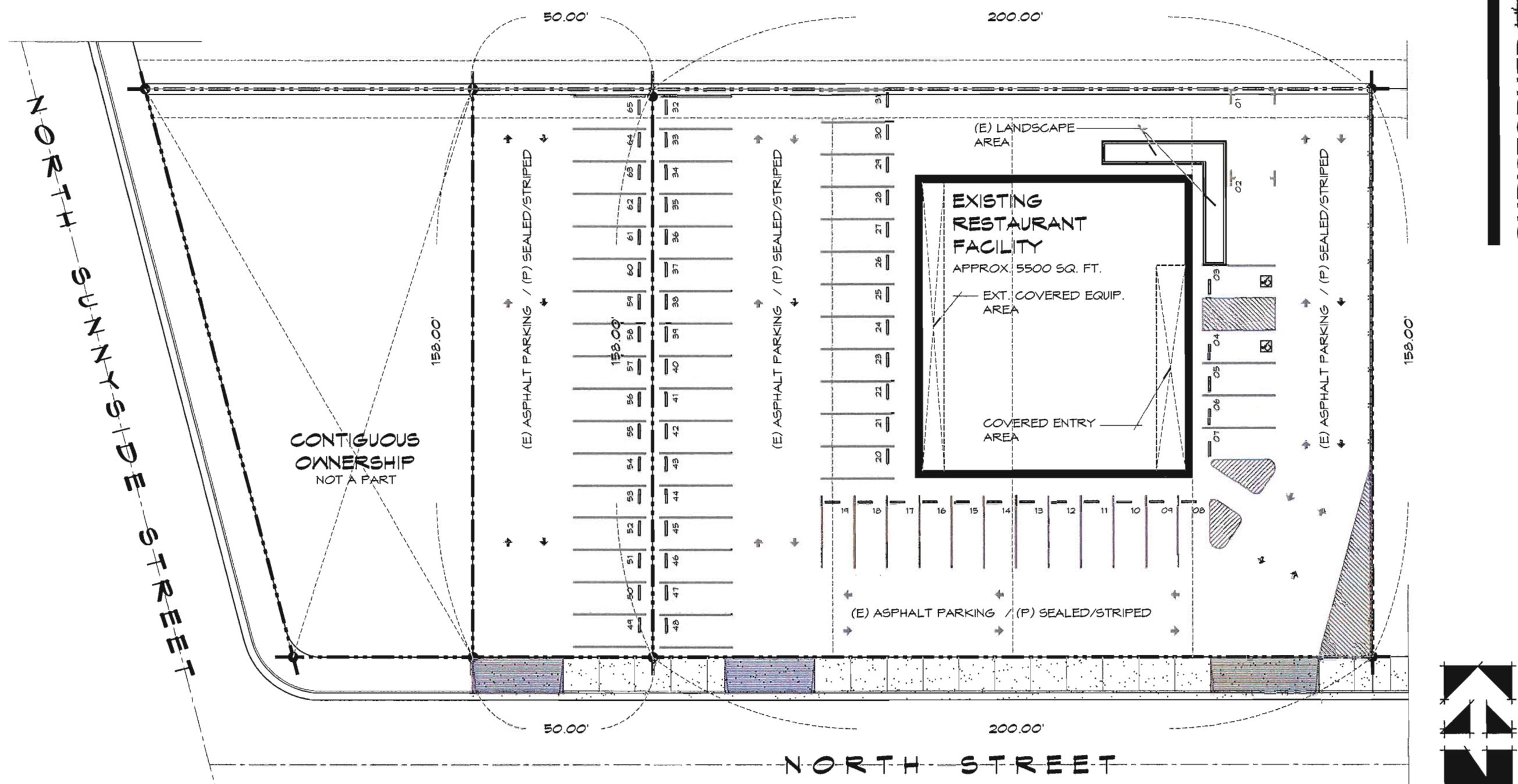
ATTACHMENTS:

1. Existing General Plan Land Use Map
2. Zoning Map
3. Census Tract 37 & 38.02 Map
4. Site Plan, interior layout, elevations and pictures of existing site
5. Relevant Sections of Porterville Development Ordinance
6. Draft Resolution



PRC 2013-022 - Oak Pit CUP
615 N Main Street
GPLU Map
1" = 150 ft.

ATTACHMENT
ITEM NO. |



**SITE DEVELOPMENT
PLAN**



**CHRISTOPHER
MORRIS
SANDERS**

CMS

"SERVING OUR COMMUNITY FOR MORE THAN TWENTY YEARS" - "JUST BUILD IT"
CONSTRUCTION MANAGEMENT / DEVELOPMENT CONSULTANT

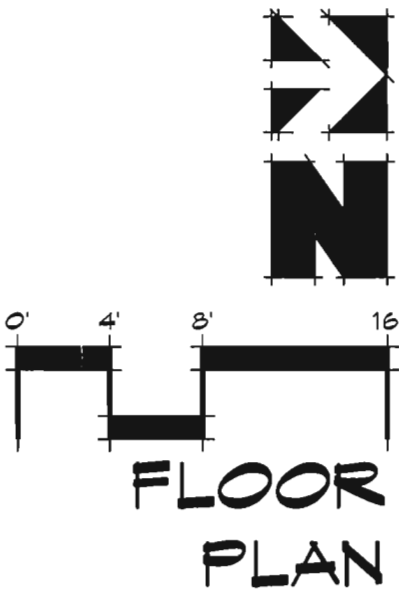
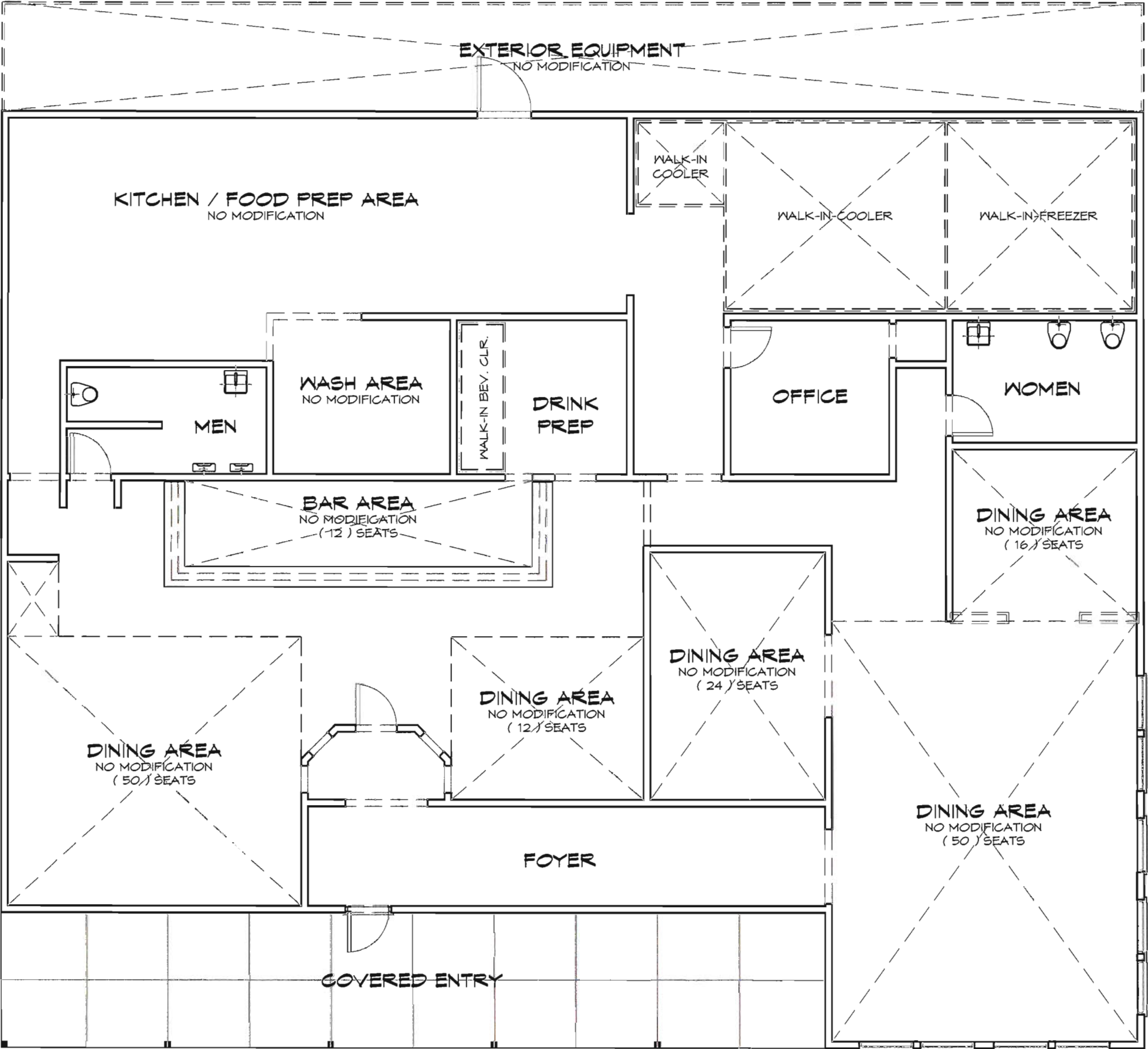
"WITH ROOTS IN THE COMMUNITY FOR OVER 160 YEARS"
2012 CRICKLEWOOD CIRCLE
PORTERVILLE, CALIFORNIA 93257
CONTACT: CMPLANS@HOTMAIL.COM
EMAIL: CMPLANS@HOTMAIL.COM

CONDITIONAL USE PERMIT DOCUMENTS

THE OAK PIT PORTERVILLE

615 NORTH MAIN STREET
PORTERVILLE, CALIFORNIA 93257
APN - 252-154-003, 004, 005

ATTACHMENT
ITEM NO. 4



CHRISTOPHER MORRIS SANDERS

2013 CRICKLEWOOD CIRCLE
PORTERVILLE, CALIFORNIA 93257
CONTACT: 559-381-1111
EMAIL: CMSPLANS@HOTMAIL.COM

CONDITIONAL USE PERMIT DOCUMENTS

THE OAK PIT PORTERVILLE

615 NORTH MAIN STREET
PORTERVILLE, CALIFORNIA 93257
APN - 252-154-003, 004, 005

SEVEN OUR COMMUNITY FOR MORE THAN TWENTY YEARS "JUST BUILD IT"

CONSTRUCTION MANAGEMENT / DEVELOPMENT CONSULTANT

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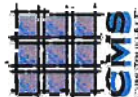


NORTHEAST EXTERIOR VIEW



SATELLITE IMAGE

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CONDITIONAL USE PERMIT DOCUMENTS

THE OAK PIT PORTERVILLE

615 NORTH MAIN STREET
PORTERVILLE, CALIFORNIA 93257
APN - 252-154-003, 004, 005

Porterville Development Ordinance

301.03 Alcoholic Beverage Sales

Conditional Use Permit approval is required for any use involving the sale of alcoholic beverages under an on-sale or off-sale license.

- (a) **Liquor Stores.** Liquor Stores and other off-sale establishments that dedicate more than twenty-five (25) percent of the sale floor to sales of alcoholic beverages for off-premises consumption, but excluding full-service grocery stores, shall be located, developed, and operated in compliance with the following standards:
 - (1) ***Location.*** In all areas outside the Downtown Districts, such establishment shall be located a minimum of five hundred (500) feet from any other such establishment or any educational, religious, or cultural institution or public parks. The five hundred (500) foot separation requirement does not apply in the Downtown Districts.
 - (2) ***Litter.*** Trash receptacles shall be provided by entrances and exits from the building.
 - (3) ***Pay Telephones and Vending Machines.*** External pay telephones and vending machines are prohibited.

308.10 Abandonment of Nonconforming Uses

No nonconforming use may be resumed, reestablished, reopened or replaced by any other nonconforming use after it has been abandoned or vacated for a period of six (6) months, except as provided for in this section. The nonconforming use of a legally established structure may be reestablished if the City Council approves a Conditional Use Permit after making all the following findings in addition to any other required findings. As a condition of approving the resumption of such nonconforming use, the Council may impose a time limit on its duration if necessary in order to make the required findings.

- (a) The structure cannot be used for any conforming use because of its original design or because of legal structural changes made for a previous nonconforming use;
- (b) The structure can be reasonably expected to remain in active use for a period of twenty (20) years without requiring repairs or maintenance in excess of fifty (50) percent of the replacement cost of the structure, as defined in this chapter, within any five (5) year period; and

The continuation of the use or structure will not be incompatible with or detrimental to surrounding conforming uses.

*Italics added for emphasis

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
CONTAINING FINDINGS AND CONDITIONS IN SUPPORT OF APPROVAL OF
CONDITIONAL USE PERMIT PRC 2013-022-C TO ALLOW THE SALE OF ALCOHOL
UNDER A TYPE 47 (GENERAL FOR BONA FIDE EATING PLACE) LICENSE FOR A
RESTAURANT WITH A SEPARATE BAR (OAK PIT STEAKHOUSE) LOCATED AT
615 NORTH MAIN STREET

WHEREAS: The City Council of the City of Porterville, at its regularly scheduled meeting of May 7, 2013, conducted a public hearing to consider Conditional Use Permit PRC 2013-022-C to allow the sale of alcohol under a Type 47 (General for Bona Fide Eating Place) license for a restaurant with a separate bar permitting the sale of beer, wine, and distilled spirits at 615 N. Main Street; and

WHEREAS: The City Council received testimony from all interested parties relative to said Conditional Use Permit; and

WHEREAS: The City Council made the following findings:

1. That the proposed project is consistent with the General Plan Land Use and Zoning designations for the site - General & Service Commercial (CG).

The CG designation is intended to provide for retail and service uses that meet local and regional demand. The proposed restaurant with alcohol sales would suit the purpose of the zone designation. The restaurant is a permitted use in the CG Zone, and alcohol sales may be permitted in that zone with a Conditional Use Permit. The existing building previously functioned as a restaurant with a separate bar serving beer, wine, and distilled spirits. In August of 2012, the business license was cancelled, the restaurant ceased its operation and the non-conforming use (alcohol sales) was abandoned.

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

Conditions of approval are included herein to ensure adequate development standards are met. Further, all land owners within the City of Porterville are held to performance standards identified in Chapter 307 of the Development Ordinance. Specifically, Section 307.03 of the Ordinance states "Land or buildings shall not be used or occupied in a manner creating any dangerous, injurious, or noxious fire, explosive, or other hazard; noise, vibration, smoke, dust, odor, or form of air pollution; heat, cold, dampness, electrical or other disturbance; glare, refuse, or wastes; or other substances, conditions, or elements which would substantially adversely affect the surrounding area."

3. The subject site is located in Census Tract 38.02 which allows a maximum of three (3) on-sale alcohol licenses. Currently, there are nine (9), including the existing on-sale of beer and wine license at 615 North Main Street. Under the regulations of the California Business and Professions Code Section 23958.4, whenever the ratio of on-

ATTACHMENT
ITEM NO. 6

sale licenses to population in a census tract exceeds the average ratio for the county, an "undue concentration" of licenses is determined to exist. In such circumstances, no additional licenses may be granted by the ABC unless the City Council determines that there is a public convenience or necessity in the community for the (subject) alcoholic beverage licensed establishment. The ABC recognizes the existing license and is in the process of transferring to the new holder contingent upon approval of a CUP by the City Council. A letter of Public Convenience or Necessity will not be required by the Department of Alcoholic Beverage Control.

4. This project is Categorically Exempt pursuant to CEQA Guidelines §15301- Existing Facilities: use of an existing structure involving no expansion beyond existing capacity.

NOW, THEREFORE, BE IT RESOLVED: That the City Council of the City of Porterville does hereby approve Conditional Use Permit PRC 2013-022-C subject to the following conditions:

1. The developer/applicant shall ensure that exterior lighting is sufficient to illuminate the associated parking lot and surrounding service area during business hours of darkness. The maintenance of existing lighting, or if needed, the installation of additional security lighting on the exterior of the building and in the parking lot, must be sufficient to allow reasonable surveillance of the parking area to the satisfaction of the Porterville Police Department.
2. No alcohol advertising shall be displayed on the outside of the proposed building.
3. Any future change in operation which substantially alters the conditions or nature of the subject business will require approval by the City Council if such modification involves the sale of alcoholic beverages.
4. That the consumption of alcoholic beverages shall be prohibited off-site and outside the building.
5. Upon approval of the Conditional Use Permit, any future violations of regulations of the codes relating to the sales or consumption of alcohol, and/or excessive service calls by the Police Department resulting from the sales of alcohol will result in revocation of the Conditional Use Permit.
6. At all times, the facility shall be operated and maintained to comply with State Laws, the City of Porterville Zoning Ordinance, adopted Building Codes and all other applicable laws and ordinances.
7. The trash enclosure shall be utilized as intended. When trash is not being picked up, the trash bin shall be placed within the enclosure to provide safety for vehicle circulation within the parking lot.
8. Unless an extension of time is granted by the City Council, the Conditional Use Permit shall expire one (1) year after the date of approval if the on-sale Type 47 Alcohol License for General Bona Fide Eating Place is not active or actively pursued. The alcohol license permits sale of beer, wine and distilled spirits in conjunction with the serving of meals and the separate bar.

PASSED, APPROVED AND ADOPTED this 7th day of May, 2013.

Virginia R. Gurrola, Mayor

ATTEST:

John Lollis, City Clerk

By _____

Patrice Hildreth, Chief Deputy City Clerk

CITY COUNCIL: MAY 7, 2013

PUBLIC HEARING

SUBJECT: PROPOSED AMENDMENT TO 2010 CONSOLIDATED PLAN

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT

COMMENT: The United States Department of Housing and Urban Development (HUD) requires all CDBG entitlement cities to prepare a three- or five-year Consolidated Plan. Porterville's 2010 Five-Year Consolidated Plan was adopted by the City Council on May 4, 2010, and subsequently submitted to and approved by HUD. This 2013/2014 Action Plan reflects the fourth year investment plan within the scope of the Consolidated Plan.

It is being proposed that an Amendment be made to the 2010 Five-Year Consolidated Plan to include the Santa Fe School Facility Improvement Program in the plan (see attached program model).

RECOMMENDATIONS: That the City Council:

1. Conduct a public hearing to solicit comments on the proposed Amendment to the 2010 Consolidated Plan;
2. Approve the Amendment to the 2010 Consolidated Plan; and
3. Authorize the City Manager to execute all necessary documents.

ATTACHMENTS:

1. Santa Fe School Facility Improvement Program Model
2. Draft Resolution

DD  APPROPRIATED/FUNDED MB CM J

ITEM NO. 19

2013 COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM MODEL

SANTA FE SCHOOL FACILITY IMPROVEMENT PROGRAM **MULTI-PURPOSE ROOM USED by CITY OPERATED YOUTH CENTER**

2013 FUNDING RECOMMENDATION: \$37,552 CDBG Entitlement Funds

PRIOR YEAR FUNDING: \$0

PROGRAM PLAN:

The City-Operated Youth Center was established in 1994 as the Porterville Community Youth Center Program Model. It met the Community Development Block Grant National HUD Objective of being a "direct benefit to low and moderate income persons" under Federal Regulation 24 CFR 570.208 (a)(2). The City of Porterville Parks and Leisure Services Department will continue to administer, manage, and meet budget and financial obligations for the Porterville Youth Center in accordance with all applicable Federal Regulations. The annual operating grant is eligible under 24 CFR 570.201 (e). The proposed activity is an eligible activity under 24 CFR 570.201 (c) Public Facilities and Improvements and predicated on the Community Development Block Grant (CDBG) HUD National Objective of direct benefit to a low- and moderate-income area under Federal Regulation 24 CFR 570.208(a)(1).

SPECIFIC PROGRAM OBJECTIVES:

The main objective of the Community Youth Center will be to provide an equal opportunity for all youth, including low and moderate income youth, ages 10 to 18, to become self-sufficient and productive members of the community. The community youth center will enable an increased number of youth to improve their self-esteem and to develop the social skills compatible with mainstream society.

A major prerequisite of delinquent behavior is not only a lack of appropriate support, positive role modeling, parenting skills, logical and immediate consequences, social conscience, or breakdown of the traditional family, but also a lack of positive alternative activities for youth that allows them the opportunity to choose between positive and the negative activities. Many youth who have had little of the above assistance can still manage to become productive citizens of the community provided that positive alternatives are available where the ideal balance of these fundamentals can be made accessible.

Using the HUD Performance Measurement System, the outcome/objective for this activity is "availability or accessibility for the purpose of creating a suitable living environment".

**ATTACHMENT
ITEM NO. 1**

SPECIFIC PROGRAM ACTIONS:

Santa Fe School Facility Improvement Project:

The first step to be taken for this project is to conduct a study to make sure that the envisioned improvements and associated costs are feasible. The proposed project includes replacement of the floor in the multi-purpose room at Santa Fe School, which is a shared facility between the Porterville Unified School District and the City's adjacent Neighborhood Community Center. The proposed improvement is basic in nature and will be installed in accordance with the City's most current adopted codes, ordinances, plans and standards. This facility is heavily used by the City-operated Youth Center for several afterschool and sport activities. The existing tartan floor has several holes in it; some of the holes are approaching the size to become potential liabilities. Therefore, the resurfacing of the existing floor will allow the youth to play at maximum physical levels while eliminating the potential for injuries.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
PORTERVILLE APPROVING AMENDMENT NO. 1 TO THE
2010 FIVE-YEAR CONSOLIDATED PLAN,
ACCOMPANYING PROGRAM MODEL AND PROPOSED USE OF
COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS

BE IT HEREBY RESOLVED, that the City Council of the City of Porterville does hereby
approve Amendment No. 1 to the 2010 Five Year Consolidated Plan and the accompanying Program
Model, and the proposed use of Community Development Block Grant Funds.

Virginia R. Gurrola, Mayor

ATTEST:

John D. Lollis, City Clerk

By _____
Patrice Hildreth, Chief Deputy City Clerk

ATTACHMENT NO. 2

CITY COUNCIL: MAY 7, 2013

PUBLIC HEARING

SUBJECT: CDBG 2013/2014 ACTION PLAN

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT

COMMENT: The U.S. Department of Housing and Urban Development (HUD) requires all Community Development Block Grant (CDBG) entitlement cities to prepare a three or five-year Consolidated Plan. Porterville's 2010 Five-Year Consolidated Plan was adopted by the City Council on May 4, 2010, and subsequently submitted to and approved by HUD. This 2013/2014 Action Plan reflects the fourth year investment plan within the scope of the Consolidated Plan.

The Action Plan, provided as Attachment No. 2, identifies activities that the City will undertake during the next year to address priority needs of lower income households. Proposed activities are designed to benefit lower income households by maintaining affordable housing, achieving public housing improvements, removing barriers to affordable housing, evaluating and reducing lead-based hazards, reducing the number of households with incomes below the poverty line, improving job availability, enhancing the institutional structure to address the needs of lower income households, addressing obstacles to meeting under-served needs, and enhancing coordination between public and private housing and social service agencies.

The Action Plan presents ongoing and proposed CDBG funded programs for the Fiscal Year (FY) beginning July 1, 2013, through June 30, 2014. Implementation of the Action Plan includes administering approximately \$653,362 of 2013/14 CDBG entitlement funds for a variety of programs and projects accompanied by program income generated by the First-Time Low Income Home Buyer Program, the Owner Occupied Housing Rehabilitation and Public Utility Program, and the Business Assistance Loan Program. The proposed Entitlement funds are the same as the 2012/13 allocation. Due to the Sequestration and Continuing Resolution required by the Budget Control Act of 2011, HUD anticipates a probable reduction of 5% in CDBG appropriations. It is unclear how this program level reduction will affect individual allocations at this time. Grantees are encouraged to submit an Action Plan by the due date of May 15, 2013, with the best estimates and plan on amending them once the 2013 budget is authorized.

The table below provides an overview of the Entitlement funding allocation as presented to the Citizens Advisory and Housing Opportunity Committee plus the funds available from previous years' unexpended entitlement and program income, plus anticipated program income for the fiscal year. Attachment 1 will provide an overview of the revised Entitlement funding with 5% reduction as anticipated by HUD.

DDY BS APPROPRIATED/FUNDED MB CM f

ITEM NO. 20

**PROPOSED CDBG BUDGET
2013/14 ACTION PLAN**

PROGRAM	2013-2014Entitlement Allocation \$653,362	Anticipated Program Income 13/14	Expected carry over	Estimated Total Program Funds Available for 2013/2014
Administration	\$164,476 (20% cap of Entitlement (\$130,672)+ 20% of anticipated program income of \$169,022 (\$33,804)	\$0	\$0	\$165,000
City -Operated Youth Center	\$94,615 Part of 15% Public Service	\$0	\$0	\$94,615
Shelter Plus Care Program for the Homeless	\$15,000 Part of 15% Public Service	\$0	\$0	\$15,000
First Time Low Income Homebuyer	\$0	\$20,000	\$112,684	\$132,684
Homebuyer Education Program	\$0	\$0	\$2,000	\$2,000
Owner Occupied Housing Rehab	\$0	\$11,000	\$39,300 En \$95,500 PI	\$145,800
Parks (Murry and Lime Street)**	\$0	\$0	\$39,637	\$39,637
Neighborhood Improvement Program	\$0	\$0	\$0	\$0
Business Assistance Program	\$0	\$138,022	\$569,662	\$569,662
Santa Fe School Facility Project	\$37,552	\$0	\$0	\$37,552
Section 108 Debt Service	\$341,195.	\$0	\$0	\$341,195
Total	\$653,362	\$169,022	\$858,783	\$1,543,145

**Murry Park funds carryover. Lime Street funds have been expended

NOTE: SEE PROPOSED 5% REDUCTION CHANGES TO CDBG 2013/2014 BUDGET
(see Attachment 1)

Providing ongoing youth activities has continually been expressed as a high priority within the community. The City's Parks & Leisure Services Department has been operating the City's Youth Center since 1997 and has been located at the Heritage Center for six (6) years. Anticipated CDBG funding to the Parks & Leisure Services Department to administer the ongoing youth recreational program, including new programs that may be offered to the youth, is \$94,615. Reflecting the 5% reduction, the total allocated funds would be \$106,499 (the increase is due to unexpected program income received). Of this total, \$78,104 would come from new entitlement funds and \$32,799 from current fiscal year received program income. The Parks & Leisure Services proposal and budget for operating the Youth Center is included in the Action Plan, Section VIII.

Additionally, this is the third year of a five (5) year, \$15,000 per year, commitment to be expended as match for the Shelter + Care Program vouchers awarded through the Continuum of Care to address homelessness in the community. The Youth Center and Shelter + Care programs together will make up the allowed 15% allocation of the annual entitlement for public service projects. This amount would remain the same after the 5% entitlement allocation reduction.

In 2005/06, the City completed the construction of the Heritage Center building in Census Tract 41, utilizing Section 108 loan funds from HUD that were obtained exclusively for development of the community center and related improvements such as play areas, ball fields, and parking lots at the present location. Development of the parking lot for the future ball fields resulted in the utilization of the remaining loan funds that were restricted for use on this site. Using CDBG-R stimulus funds, along with other grant sources, construction was completed on the Rails to Trails Project that runs adjacent to the Heritage Center. The entitlement allocation for debt payments on the Section 108 loan in 2013/14 will be \$341,195, which is 52% of the anticipated entitlement allocation. Reflecting the entitlement funds reduction of 5%, this payment amount would represent 55% of the entitlement allocation. It is also important to note that the amount of debt service payments will continue to increase by \$3,500 annually until 2019/20 when the debt payment will be \$357,733. The total debt will be paid in 2023/24.

Administration of the CDBG program will be allocated \$165,000 which is the allowed 20% of the entitlement plus 20% of anticipated program income for the year. Reflecting the 5% reduction in entitlement allocation this amount would change to \$158,000.

For the 2012/13 program year, a proposed entitlement allocation of \$37,552 for the Santa Fe School Facility Improvement Program will utilize the remaining discretionary funds. An Amendment to the 2010 Five-Year Consolidated Plan is

being proposed to add the above mentioned program. The Santa Fe School facilities are used by the Youth Program administered by the City at the Heritage Center. With the 5% reduction in entitlement allocation there are \$0 discretionary funds available for this project. However, approval of this project is recommended so that in the event funds become available, these funds could be re-allocated to fund the project without the need of a Public Hearing.

The Owner Occupied Housing Rehabilitation and Public Utilities Loan Program (HRLP) and the First Time Low-Income Home Buyer Program (FTHB) will be funded from other grant sources (i.e. HOME and CalHOME), unexpended entitlement funds and program income. The Homebuyer Education Program and the Business Assistance Program will utilize unexpended entitlement funds from previous years' allocations and program income. The Neighborhood Improvement and Park Improvement Programs will also utilize unexpended entitlement funds from previous years' allocations. It is also being proposed that approximately \$167,000 in Neighborhood Improvement Program Funds which have been carried for several years without being expended, be reallocated to the Business Assistance Program to either assist individual businesses or to use for downtown parking lot rehabilitation.

Revised program models are included in the Action Plan.

On March 11, 2013, the CDBG Citizens' Advisory and Housing Opportunity Committee (Committee) held a public hearing to consider the proposed 2013/2014 Action Plan. The Committee unanimously recommended approval of the proposed Action Plan, as presented. Public notice was also published in English and Spanish announcing the thirty-day comment and review period which ended April 16, 2013. No written comments were received from the public.

The Annual Community Assessment for Program Year 2012/13 is provided as Attachment No. 3. This is HUD's review of the City's performance in implementing its fiscal year objectives. In this review, HUD found that the City was in compliance with its goals and objectives and expenditure ratios.

RECOMMENDATIONS: That the City Council:

1. Conduct a public hearing to solicit comments on the 2013/14 Action Plan;
2. Adopt the 2013/14 Action Plan resolution of approval reflecting the 5% reduction of Entitlement allocation.
3. Approve the Amendment to the 2010 Consolidated Plan; and
4. Authorize the City Manager to execute all necessary documents.

ATTACHMENTS:

1. Revised Proposed CDGB Budget
2. Draft Resolution
3. 2013/14 Action Plan Including Program Models
4. 2011/12 Program Year Annual Community Assessment

PROPOSED CDBG BUDGET PY 2013-2014

30-Apr-13

PROGRAM	2013-2014 Entitlement Allocation \$653,362 as presented to Action Comm.	2013-2014 Entitlement Allocation \$620,694 @ 5% Reduction	Anticipated Program Income	Expected Carry-Over	Estimated Total Program Funds Available
Administration	\$165,000.00	\$158,000.00	\$0.00	\$0.00	\$158,000.00
		20% cap of Entitlement of \$124,139 + \$33,804 (20% anticipated PI of \$169,022) = \$157,943			
City Operated Youth Center	\$94,615.00	\$106,499.00	\$0.00	\$0.00	\$106,499.00
		Part of 15% Public Service \$78,104 + \$32,799 (15% of \$218,659 actual PI) = 110,903			
Shelter+Care	\$15,000.00	\$15,000.00	\$0.00	\$0.00	\$15,000.00
		Part of 15% Public Service			
FTHB Program	\$0.00	\$0.00	\$20,000.00	\$112,684.00	\$132,684.00
HPRP Program	\$0.00	\$0.00	\$11,000.00	\$134,800.00	\$145,800.00
Homebuyer Education	\$0.00	\$0.00	\$0.00	\$2,000.00	\$2,000.00
Parks Improvement Program	\$0.00	\$0.00	\$0.00	\$39,637.00	\$39,637.00
Neighborhood Imp. Program	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Business Assistance Prog.	\$0.00	\$0.00	\$138,022.00	\$569,662.00	\$569,662.00
				(\$167,000 from Neigh. Imp)	
Section 108 Debt Service	\$341,195.00	\$341,195.00	\$0.00	\$0.00	\$341,195.00
Santa Fe School Facility Imp. Program	\$37,552.00	\$0.00	\$0.00	\$0.00	\$0.00
TOTAL	\$653,362.00	\$620,694.00	\$169,022.00	\$858,783.00	\$1,510,477.00

**ATTACHMENT
ITEM NO. 1**

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
PORTERVILLE APPROVING THE 2013/2014 ACTION PLAN,
ACCOMPANYING PROGRAM MODELS AND PROPOSED USE OF COMMUNITY
DEVELOPMENT BLOCK GRANT FUNDS

BE IT HEREBY RESOLVED, that the City Council of the City of Porterville does hereby
approve the 2013/2014 Action Plan, accompanying Program Models, and proposed use of
Community Development Block Grant Funds with a 2013 Program Year Entitlement Allocation as
follows:

Administration	\$158,000
City-Operated Youth Center	\$106,499
Shelter Plus Care Voucher Program	\$ 15,000
Santa Fe School Facility Improvement Program	\$ 0
Section 108 Debt Service	<u>\$341,195</u>
Total Funding:	\$620,694

Virginia R. Gurrola, Mayor

ATTEST:

John D. Lollis, City Clerk

By _____
Patrice Hildreth, Chief Deputy City Clerk

ATTACHMENT NO. 2

Draft
City of Porterville
Community Development Block Grant
2013/2014 Action Plan

Due to the size of the document, this
item is available at the following
locations for review:

Community Development Department
Counter
City Clerk Counter
City of Porterville Website



U.S. Department of Housing and Urban Development

Region IX
Office of Community Planning & Development
600 Harrison Street
San Francisco, California 94107

JAN - 8 2013

John D. Lollis
City Manager
City of Porterville
291 Main Street
Porterville, CA 93257

Dear Mr. Lollis:

SUBJECT: City of Porterville
Annual Community Assessment
Program Year 2011 – Community Development Block Grant (CDBG) Program

The Housing and Community Development Act of 1974, as amended and the National Affordable Housing Act of 1990, require that a determination be made annually by HUD that the grant recipient is in compliance with the statutes and has continuing capacity to administer the programs for which assistance is received. The principal tool used by HUD to make this determination is the Consolidated Annual Performance and Evaluation Report (CAPER), which is submitted to the Department within 90 days of the completion of each Program Year. This letter transmits the results of the Department's assessment of Porterville's continuing capacity and its review of the City's 2011 CAPER, please see the attached summary of performance report for specific details.

The CAPER describes implementation of HUD programs and the community's progress toward meeting specific goals, measurable objectives and outcomes as reflected in its Consolidated Plan and Annual Action Plan. The Department's assessment of the City's performance also considered relevant information from the City's consolidated planning process; reviewing management of funds; determining progress made in carrying out Consolidated Plan policies and program, determining compliance of funded activities with statutory and regulatory requirements; determining the accuracy of required performance reports, and evaluating the City's progress in meeting key Departmental objectives.

The City of Porterville articulated four main goals in its 2010-2014 Consolidated Plan: 1) increase and improve quality and availability of affordable housing opportunities; 2) maintain the integrity of existing neighborhoods; 3) attract and retain commercial and industrial development; and, 4) provide development opportunities for Porterville youth. In reviewing the 2011 CAPER, the City provided CDBG funds for a variety of activities and to several service providers to support the goals described above.

**ATTACHMENT
ITEM NO. 4**

Community Development Block Grant (CDBG)

Primary Benefit: During Program Year 2011, the City of Porterville received \$724,320 in CDBG funds and is commended on spending 100% of its CDBG funds on activities that benefit low or moderate-income persons. The City of Porterville complied with the regulations at 24 CFR 570.200(a)(3) that requires that not less than 70% of aggregate CDBG fund expenditures benefit low- and moderate-income residents.

Overall Progress: The Department's CDBG timeliness standard, at 24 CFR 270.902(a)(1), states that 60 days before the end of the program year, a grantee may have no more than 1.5 times the program years grant amount in its line of credit. When the timeliness test was conducted, the ratio of funds available to the City was 1.02 and consequently in compliance with the regulation.

Planning and Administration: The Financial Summary indicated the City expended 19.37 percent of grant funds plus program income received during the program year. Therefore, Porterville was in compliance with the regulatory 20% administration cap in accordance with 24 CFR 270.200(g).

Public Service: The City of Porterville expended 14.97 percent of grant funds on public services and is compliance with the 15% public service cap regulations at 24 CFR 570.201(e).

CDBG Accomplishments: The City successfully completed eligible non-housing community development activities in three main areas during the program year including public service, infrastructure, code enforcement, economic development, and special needs groups. This included providing capital loans to small business and providing assistance to the Porterville Youth Center.

Housing and Homelessness: The City provides a range of programs to support the availability of affordable housing in the community including it Owner Occupied Rehabilitation Program, First Time Homebuyer Program, Public Utility Loan Program, and Homebuyer Education Program. The City is currently exceeding its goal for the Homebuyer Education Program and is making satisfactory progress with its other housing programs.

The City has also provided technical and financial support to the Kings-Tulare Continuum of Care. City staff assists in the organization and implementation of Continuum efforts to mitigate the effect of homelessness. Moreover, the City has provided \$15,000 to support the operations of a permanent supportive housing facility.

Recommendations

The City is reminded that per HUD Notice CPD 07-08, the costs of connecting existing residential structures to water distribution lines or local sewer connection lines is eligible when it is done as part of the rehabilitation of the property. The CAPER should clarify that the Public Utility Loan Program is associated with the rehabilitation of specific properties.

Additionally, the City reports that there was a balance of \$111,224.09 in program income from the Large Business Assistance revolving loan program available at the end of the 2011 program year. Per 24 CFR 500(b), each revolving loan fund's cash balance must be held in an interest-bearing account, and any interest paid on CDBG funds held in this account shall be

considered interest earned on grant advances and must be remitted to HUD for transmittal to the U.S. Treasury no less frequently than annually.

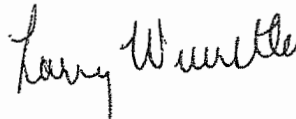
Conclusion

Based on the review of information pertaining to the City's performance in the CDBG program during Program Year 2011, we have determined that the City of Porterville has carried out its activities substantially as described in its Consolidated Plan. The Consolidated Plan submission as implemented complies with the requirements of the Housing and Community Development Act and other applicable laws and regulations. It has also been determined that the City of Porterville has the continuing capacity to carry out its approved programs and the City's overall progress and management of these HUD-funded programs is highly satisfactory and generally consistent with HUD statutes and regulations. This determination, however, does not reflect a comprehensive evaluation of specific activities.

This office congratulates the City of Porterville' progress and accomplishments during the past year on meeting stated goals and objectives of the Program Year 2011 Annual Action Plan and Fiscal Year 2010-2014 Consolidated Plan.

We look forward to continuing our partnership with the City of Porterville. Should you have any questions, please contact Damon Harris, Community Planning and Development Representative at (415) 489-6575 or via e-mail at Damon.A.Harris@hud.gov.

Sincerely,



for Maria Cremer
Director
Office of Community Planning
and Development

cc: Bradley D. Dunlap, Community Development Director
Denise Marchant, Housing Program Manager

SCHEDULED MATTER

SUBJECT: CONSIDERATION OF GENERAL PLAN CONSISTENCY AND REQUEST TO PROVIDE EXTRA-TERRITORIAL CITY SERVICES TO A PROPOSED SCHOOL AT THE NORTHEAST CORNER OF REDWOOD STREET AND THURMAN AVENUE, WEST OF THE CITY OF PORTERVILLE

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT- PLANNING DIVISION & PUBLIC WORKS DEPARTMENT- ENGINEERING DIVISION

COMMENT: Burton Elementary School District (District) has submitted to the City of Porterville a site plan for a new elementary school campus to be developed west of the City limits, at the northeast corner of Redwood Street and Thurman Avenue, immediately north of the District's Redwood Summit Charter Academy. The new campus is proposed on a 12.6± acre lot, and the school would provide approximately 30,000 square feet of classroom and multi-purpose space for up to 450 students. Pursuant to Public Resources Code Section 21151.2 and Government Code Section 65402, the District requests the City's determination of whether the proposed project is consistent with the General Plan; additionally, the District has requested sewer and water services.

As the Council is aware, the City is currently coordinating with Tulare County LAFCo and Tulare County on a proposed amendment to the Urban Development Boundary (UDB), Urban Area Boundary (UAB), and the Sphere of Influence. Because the subject site is currently outside the City's adopted UDB, it is not annexable. However, the site is within the currently proposed UDB. The negotiations with the County and LAFCo have extended longer than originally anticipated, but recent developments leave staff encouraged that a revised UDB could be approved within a year. In the event that the UDB is amended to include the subject site, the District would pursue annexation to the City for the school campus.

The Land Use element of the General Plan designates the subject site for Low Density Residential uses, and the corresponding zoning on the site is Very Low Density Residential (RS-1). Schools are permitted in all residential zones. The Land Use Diagram in the General Plan identifies an area of approximately 12 acres approximately one-half mile west of the proposed location as an elementary school. As the location of schools in the General Plan is intended to be broadly applied, rather than applied to specific parcels, Staff recommends that the City Council determine that the development of the school in the proposed location complies with both the Low Density Residential and Education (school)

DD



Appropriated/Funded MB

CM



Item No. 21

designations. Construction of any additional schools in this area would be beyond what was planned for in the General Plan, and would not be considered consistent with the General Plan, unless amended. An exhibit is attached identifying the subject site and the location of the school designation on the General Plan Land Use Diagram.

Within the vicinity of the project, Redwood Street is identified in the General Plan as a collector. In light of this and other potential traffic improvements that may be needed as a result of the project, staff has informed the District of the need to consider traffic impacts in the CEQA process for the proposed school. Staff has asked that the Environmental Impact Report clearly address any potential impacts to the following intersections: Westwood St./Thurman Ave.; Westwood St./Putnam Ave.; Dogwood St./ Thurman Ave.; Elderwood St./Thurman Ave.; Redwood St./Thurman Ave. and Olive Ave./Redwood St. The City of Porterville would expect to recommend traffic mitigation measures and cost-sharing disclosures for intersections approaching a level of service below the City's standard. Further, staff has advised the District that streets constructed as a result of the project must be constructed to City standards.

With the proposed school's location outside the city limits, a decision of the City Council is necessary to authorize the extension of public services to the project. The District has requested sewer and domestic water services. The City of Porterville's Wastewater Treatment Facility is considered to be a regional facility, and as such, there is general support by the State Water Resources Control Board to extend sewer services beyond the immediate City limits. Service connections are restricted to the proposed use, which would not exceed acceptable waste discharge requirements. With the District's commitment to pay all costs and fees associated with the connection to the sewer system, staff would support the provision of this service at the subject site.

In the adopted Municipal Services Policy for Unincorporated Areas, the City does allow provision of water beyond the City limits subject to certain conditions. The project meets those conditions in that the area is within the Urban Area Boundary, is consistent with the General Plan, and all costs and fees would be funded by the District. Because of the City's responsibility to provide water to those within the City limits, past practice has required parties requesting water in this way to provide a water source or fund the development of a new water source that would provide 120% of the requestor's water usage. Staff recommends applying that provision in this case, should the Council choose to extend water to the project.

In the event the Council selects not to allow extension of municipal water service to the project site, the District has asked that special consideration be given to

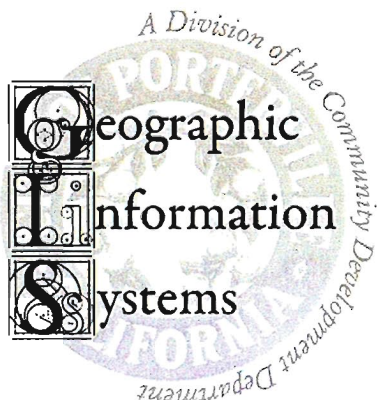
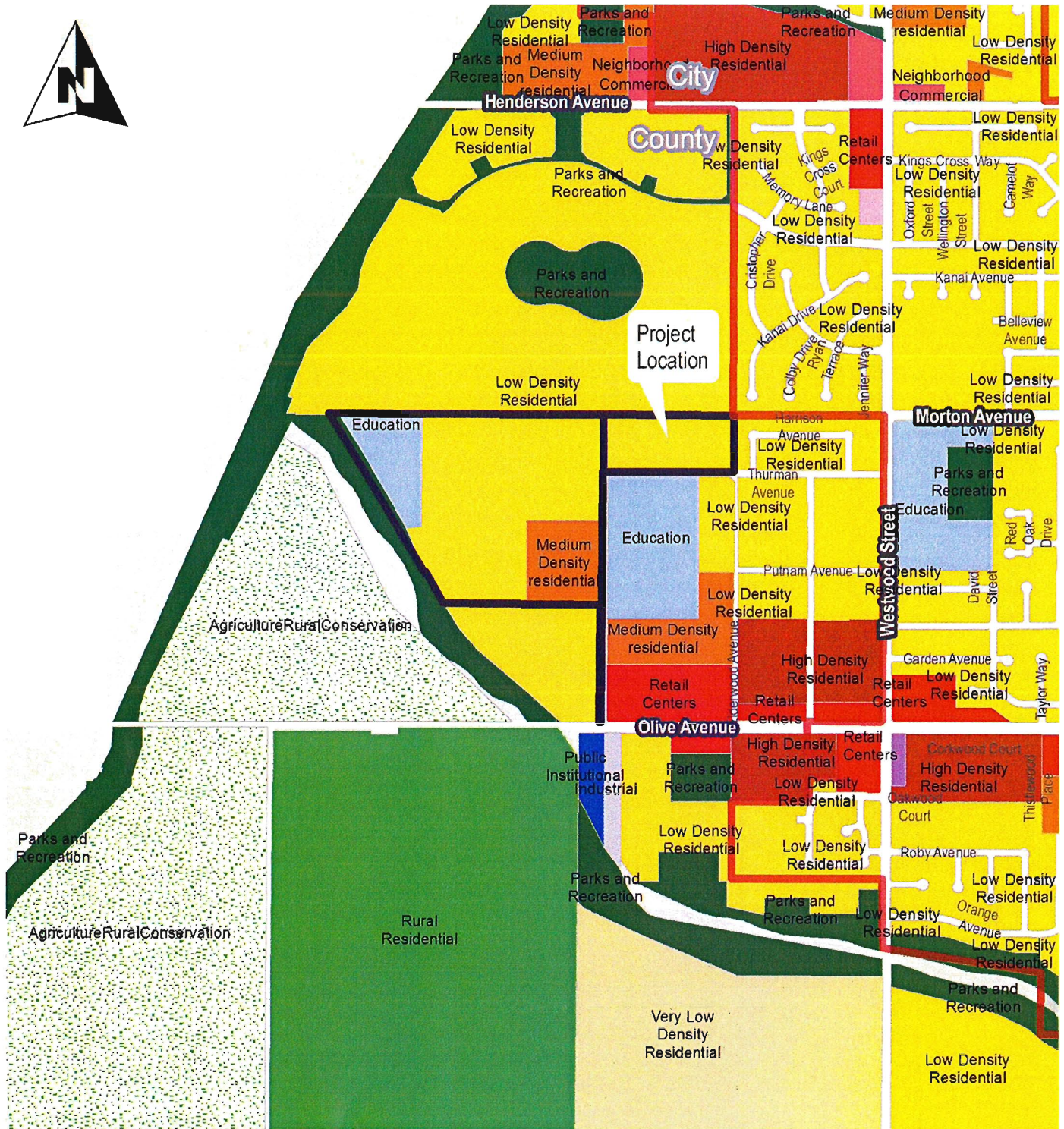
extension of water service for fire suppression. As a school district, Burton Elementary School District is required by the State to provide, at a minimum, water pressures and volumes adequate to accommodate fire suppression needs for the campus. In the same way as the extension of municipal water lines, the cost of construction to extend the lines to the school, as well as the fees associated therewith, would be paid by the District.

Consistent with determinations by the Department of Industrial Relations, the extension of City sewer and water services to users outside of City limits could expose all future City sewer and water projects to prevailing wage requirements. However, given the community purpose of the proposed project, as opposed to a request for water service by private water purveyors, the prevailing wage requirement may not be applicable. Additionally, because of the commitment of Burton Elementary School District to extend sewer and water facilities and pay all requisite connection and service fees, staff recommends that the Council consider approving the request for services, even in the absence of imminent annexation into the City.

RECOMMENDATION: That the City Council:

1. Determine that the proposed elementary school to be located on the northeast corner of Redwood Street and Thurman Avenue is consistent with the City's General Plan;
2. Approve the request of Burton Elementary School District to connect to City services contingent on submitting a consent to annexation, and a commitment to apply to annex upon eligibility;
3. Authorize Staff to submit an application to LAFCo to provide extra-territorial services for Burton Elementary School District; and
4. Require payment of all requisite service connection fees.

ATTACHMENT: 1. General Plan Land Use Map



PRC 2013-020
BESD New school
GPLU Map
1" = 1,200 ft.

ATTACHMENT
ITEM NO. 1

SCHEDULED MATTER

SUBJECT: CONSIDERATION OF TEMPORARY/INTERIM USE AT 952 WEST NORTH GRAND AVENUE


SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT- PLANNING DIVISION

COMMENT: The applicant is requesting use of a 2.46± acre lot for storage and consignment of vehicles and equipment. The site is located at the northeast corner of State Route 65 and North Grand Avenue. The site address is 952 West North Grand Avenue.

HISTORY: In August of 2009, the City Council approved a Temporary Structure Permit facilitating the establishment of a storage and consignment of equipment business. The staff report indicated that due to the location's long term use for storage of construction materials and equipment, the site could be considered a legal, non-conforming use from the time of annexation in 1978. The issue brought to Council at that time was the consignment of vehicles as a temporary use. At that time, the applicant was conditionally granted a temporary structure permit for a one-year period as authorized by Municipal Code Section 7-3.3 and City Council Resolution 80-2009. The applicant returned in August 2010 to request a one-year extension, which was also granted. In 2011, staff asked the business owner if they intended to return to Council to request another one-year extension, but at that time, the applicant told staff that his intent was to let the permit lapse, citing the economy as the reason. The site was soon thereafter cleared of materials and was vacant and no longer retains its non-conforming use status.

In January 2013, City staff contacted the applicant after noticing that the site was again showing signs of business activity. Equipment and vehicles were being brought to the site. Through a phone call and a follow-up letter, staff notified the applicant that the previously issued permit had expired and that the business was no longer permitted. In response, the applicant submitted an application to the Project Review Committee requesting consideration of reinstating the previous temporary uses. Because the applicant abandoned the nonconforming uses previously onsite for a period longer than six months, it cannot be automatically resumed pursuant to Section 308.10 of the Porterville Development Ordinance.

ANALYSIS: The rationale behind approval of the prior temporary structure permit is contained in the attached staff report dated August 18, 2009. However, since the time of the original consideration of the project, a number of circumstances have changed that affect Council's consideration of the applicant's proposal. Since 2009, the City Council has adopted a new Development Ordinance, which includes new

DD  Appropriated/Funded N/A

CM 

Item No. 22

standards for Temporary Uses It should be noted that the prior approval relied upon Section 7-3.3 of the Municipal Code – Temporary Structures - that was not amended. However, the Temporary Use provisions of the Development Ordinance does not consider this type of use, but uses ancillary to a primary use. The City has installed new improvements in the right-of-way along the North Grand Avenue frontage of the subject site, including new road pavement, curbs, and gutters. The City Council approved a reimbursement agreement for the frontage improvements requiring payback at the time of development of the site. Further, one of the primary reasons the use was originally considered was that the construction of a new interchange at North Grand and State Route 65 seemed imminent. At this time, that timeline appears more distant and the use of transportation funds are being considered for other highway interchange projects; that project, which could result in significant right-of-way acquisition at the subject site, is not likely to move forward within the current planning horizon.

Because of these factors, staff requests that the City Council provide direction on how to process the application. The applicant has been maintaining a storage and consignment equipment sales lot on the site since January 2013 without a business license. Issues such as obsolete dilapidated buildings, lack of improved parking and proper site access for vehicles need to be addressed, but without knowing which mechanism to use, no defined comments have yet been presented to the applicant.

Aside from any temporary or interim consideration, the establishment of the proposed use on the site would require construction of the full scope of improvements and payback for concrete improvements. The subject site is zoned General & Service Commercial (CG), and as such, the proposed uses could be accommodated permanently with a Conditional Use Permit and would require significant improvements. However, the Development Ordinance would not accommodate use of the existing, non-conforming structures currently on site. Equipment sales could be accommodated with a Conditional Use Permit, subject to special provisions of Section 301.05. Similarly, outdoor retail sales, as the other primary proposed use of the site, could be authorized as Permanent Outdoor Retail Sales subject to the provisions of Section 301.12(b) of the Development Ordinance.

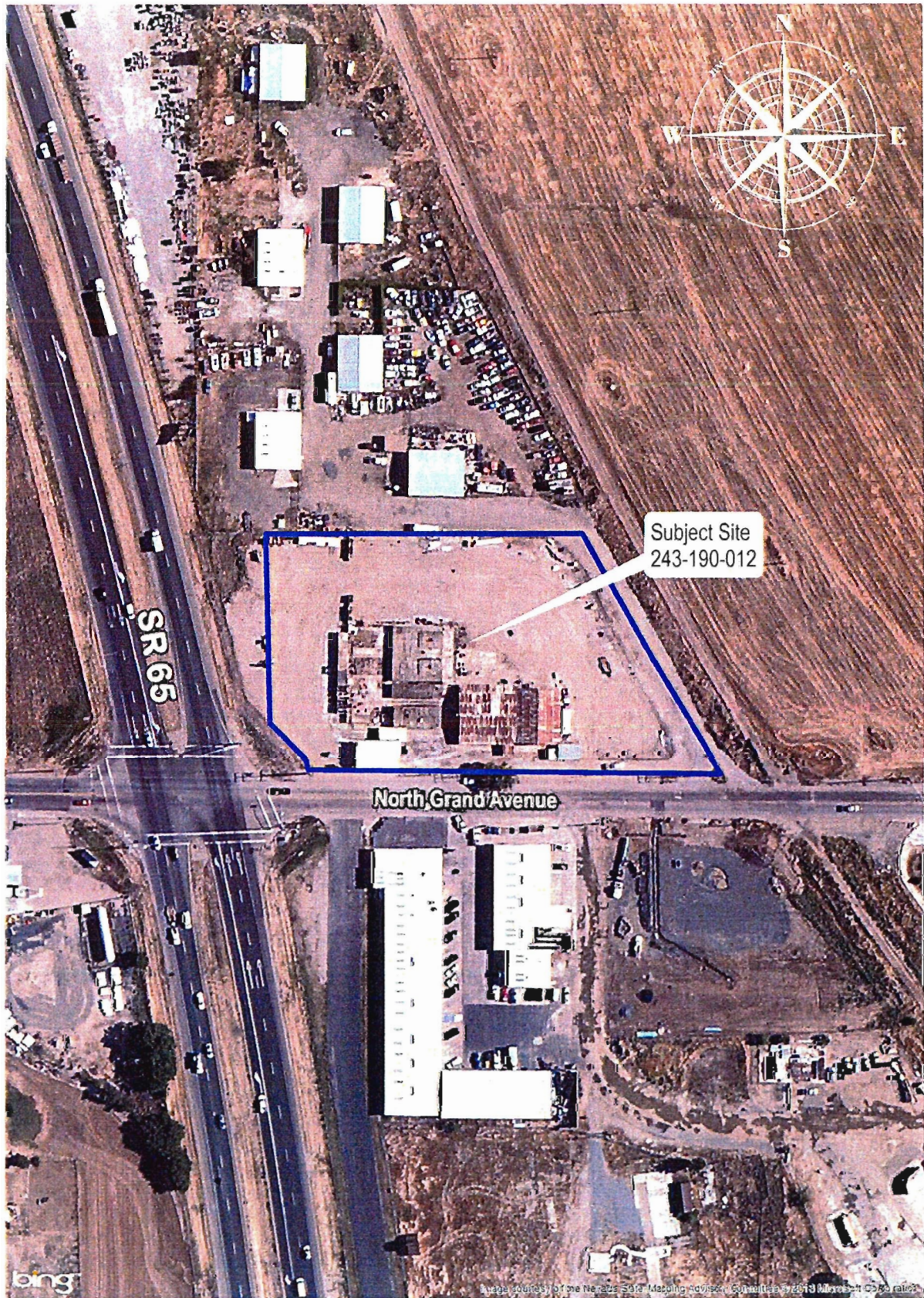
Although the initial consideration of a similar use on this site relied on Section 7-3.3 of the Municipal Code (Temporary Structures), the new Development Ordinance now provides a mechanism to more properly approve the use in consideration through a Conditional Use Permit, defined in Sections 203.02 and 604 of the Development Ordinance.

RECOMMENDATION:

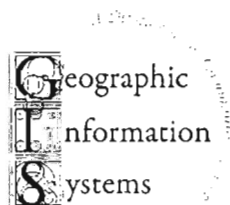
Provide direction to staff on whether to move forward considering the application as an interim use, or require that the applicant develop permanent improvements and request a Conditional Use Permit to accommodate the use.

ATTACHMENTS:

1. Project location map
2. Staff Report from August 18, 2009 and Resolution 80-2009-Original approval of temporary structure permit
3. January 29, 2013 letter to applicant requesting compliance
4. Applicant's site plan of proposed uses



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Northeast Property
Aerial

**ATTACHMENT
ITEM NO. 1**

CITY COUNCIL AGENDA: AUGUST 18, 2009

SCHEDULED MATTER

SUBJECT: REQUEST FOR A TEMPORARY STRUCTURE PERMIT FOR THE STORAGE AND CONSIGNMENT OF EQUIPMENT (952 West North Grand Avenue)

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT - PLANNING DIVISION

COMMENT: The applicant is requesting a temporary structure permit to allow for the storage and consignment of vehicles and equipment. The site is located on the northeast corner of Highway 65 and North Grand Avenue (952 W. North Grand Avenue).

HISTORY: Annexed in 1978 (Annexation No. 261), the site located at 952 W. North Grand has been used as a storage lot for decades. Since being brought into the City limits, the site has been through a number of Project Review Committee (PRC) meetings for various proposals including a proposed veterinary clinic in September 1997, a proposed auto sales lot with temporary office in November 2001, and an indoor gun range, restaurant, gas island and carwash in April 2004. Due to challenges with the site and the extent of the proposals, none of the projects have been constructed. Two main constraints on the site have included the non-conforming status of the storage of material, and the future construction of a freeway interchange that will eliminate the majority of the project site when constructed in the next 10 or so years.

Since the property has existed as a legal non-conforming use for storage of construction materials and equipment, the effect of the proposed change focuses on whether the consignment of vehicles for sale should be permitted as a temporary use.

Staff has processed this request based on a past action of the Council to consider a temporary remote control vehicle track on a site on Henderson Avenue just east of the abandoned San Joaquin Valley Railroad right-of-way. On October 19, 2004, the City Council adopted Ordinance 1659, allowing for a temporary remote control vehicle track in a manner similar to this proposed use and in the same manner as temporary structures. Section 7-3.3 of the Porterville Municipal Code empowers the City Council to conditionally approve temporary structures and provides the City Council the discretion to determine the type and location of the structure, period of time the structure will be allowed, and other conditions deemed pertinent by the City Council.

PROJECT DESCRIPTION:

The applicant is requesting a temporary structure permit to continue the legal nonconforming use for the storage of equipment with the addition of allowing consignment of equipment for sale on the property. Unlike some of the earlier submittals that proposed using a portion of the site, the applicant has made significant efforts in cleaning up the entire blighted site and is proposing to reduce the level of nonconformity by doing minor improvements to the site. The applicant proposes to store and consign

DD ~~B~~ APPROPRIATED/FUNDED N/A CM J

ITEM NO 19

ATTACHMENT
ITEM NO. 2

items such as farming supplies, tractors, and vehicles and has already paved the area with decomposed granite (DG). Although decomposed granite is more effective in mitigating dust and providing all weather access to the site, the applicant is proposing to utilize his water truck to dampen the DG as needed to control dust. Staff and the applicant have discussed a 5-year timeframe for allowing the temporary use before making it permanent and installing full on-site and off-site improvements. Staff indicated this would be communicated to the City Council for consideration although the Council can, if approved, change the term of the temporary use. While the applicant has made a specific proposal, there are a number of options available to the City Council which are as follows:

OPTIONS:

1. Approve the request as proposed per the submitted plan and conditions contained in the attached resolution.
2. Deny the applicant's request and require the full extent of improvements be made prior to allowing any degree of use other than storage.
3. Approve the request with conditions to apply oil or other dust retardant to the customer parking and vehicular travel areas.
4. Approve the request and require the applicant to pave the travel ways per Sections 2206 and 2211 of the Zoning Ordinance.

While there are certainly implications with respect to precedence, staff has identified some benefits of this proposal. The proposal cleans up a blighted gateway into the City along Highway 65. Due to the economic distress our community and country face the desire to operate the site in a safe and efficient manner is a positive. As stated, earlier proposals mostly proposed scraping the materials off of one portion of the site to another and did not really address the underlying blight problem. The Caltrans Project Study Report calls for most of the property to be impacted by the proposed interchange improvements which is a component of the Measure R improvement program. Staff is seeking direction from Council on whether the City would like to facilitate the temporary use. In the event the Council wishes to approve the proposed temporary use, Staff has provided a draft resolution.

RECOMMENDATIONS: Provide direction to Staff

ATTACHMENTS: Draft Resolution with Site Plan

RESOLUTION NO. 80-2009

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
APPROVING A TEMPORARY STRUCTURE PERMIT TO ALLOW FOR THE
STORAGE AND CONSIGNMENT OF EQUIPMENT LOCATED AT 952 WEST
NORTH GRAND AVENUE.

WHEREAS: The applicant has filed a request for a Temporary Structure Permit to operate a storage and consignment business at 952 West North Grand Avenue; and

WHEREAS: Section 7-3.3 of the Porterville Municipal Code authorizes the City Council to, upon written application to the city council, issue a permit enabling an applicant in time of stress or emergency or in conjunction with development of residential, commercial, or industrial projects, to erect, construct, maintain and utilize a temporary structure within the city of Porterville; and

WHEREAS: Ordinance 1659 allows the Council to apply Section 7-3.3 of the Municipal Code to temporary uses as well as structures; and

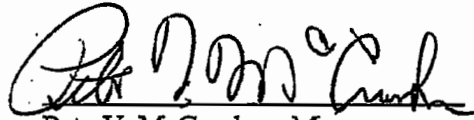
WHEREAS: The applicant has worked with City Staff to address potential safety and other pertinent issues.

WHEREAS: The City Council of the City of Porterville, at its regular scheduled meeting of August 19, 2009 conducted a public meeting to consider approving a temporary structure permit to allow for the storage and consignment of equipment located at 952 West North Grand Avenue; and

NOW, THEREFORE, BE IT RESOLVED: That the City Council of the City of Porterville does hereby grant a Temporary Use Permit to allow for the storage and consignment of equipment located at the Northeast corner of Highway 65 and North Grand Avenue (952 W. North Grand) with the following conditions:

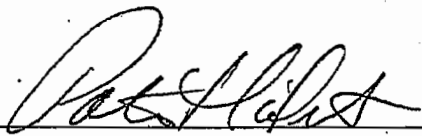
1. The applicant shall pave the outdoor storage area with decomposed granite or similar material to the satisfaction of the Zoning Administrator.
2. That the merchandise displayed in any outdoor display area on the site be limited to farm or construction equipment.
3. The hours of operation shall be limited to between the hours of dawn to dusk Monday through Saturday.
4. That any or all outdoor storage area and travel ways in use shall be watered daily to mitigate dust.
5. That oil pans or like devices shall be installed underneath all stored vehicles, and maintained in a manner so as to prevent vehicle engine oil/fluids from contacting the ground.

6. That a record of consignment sales be submitted to the Community Development Department at least one month prior to the one year review for inclusion into the annual Council review.
7. In the event the applicant fails to satisfy all conditions set forth by the city council in the permit, the right to construct, maintain and utilize the temporary structure may be terminated immediately by action of the City Council; and, in addition thereto, a violation of the conditions of said permit is hereby declared to be unlawful.
8. Nothing herein shall permit the applicant to make use of any structure or area in violation of any zoning law, ordinance or regulation of the city.
9. That this Temporary Structure Permit be valid for a period of one year, to expire on August 18, 2010, unless renewed by applicant and approved by the City Council prior to that date.
10. Install a vehicle barrier such as railroad ties acceptable to the City Engineer between the public parking area and the storage/display area.
11. Comply with the plans included herein as Exhibit A.


Pete V. McCracken, Mayor

ATTEST:

John D. Lollis, City Clerk

BY 
Patrice Hildreth, Chief Deputy City Clerk

CENTRAL VALLEY CONSIGNMENT + STORAGE

STEVE PENN

(559) 284-5940

DESIGNATED AREAS OF OPERATION



EQUIPMENT



Parking



FENCE



gates



STORAGE

DUST CONTROL

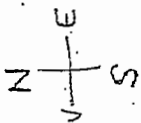
AREA COMPLETELY COVERED WITH GRANIT

ANY AND ALL AREAS IN USE WILL BE WATERED

DAILY AS NEEDED

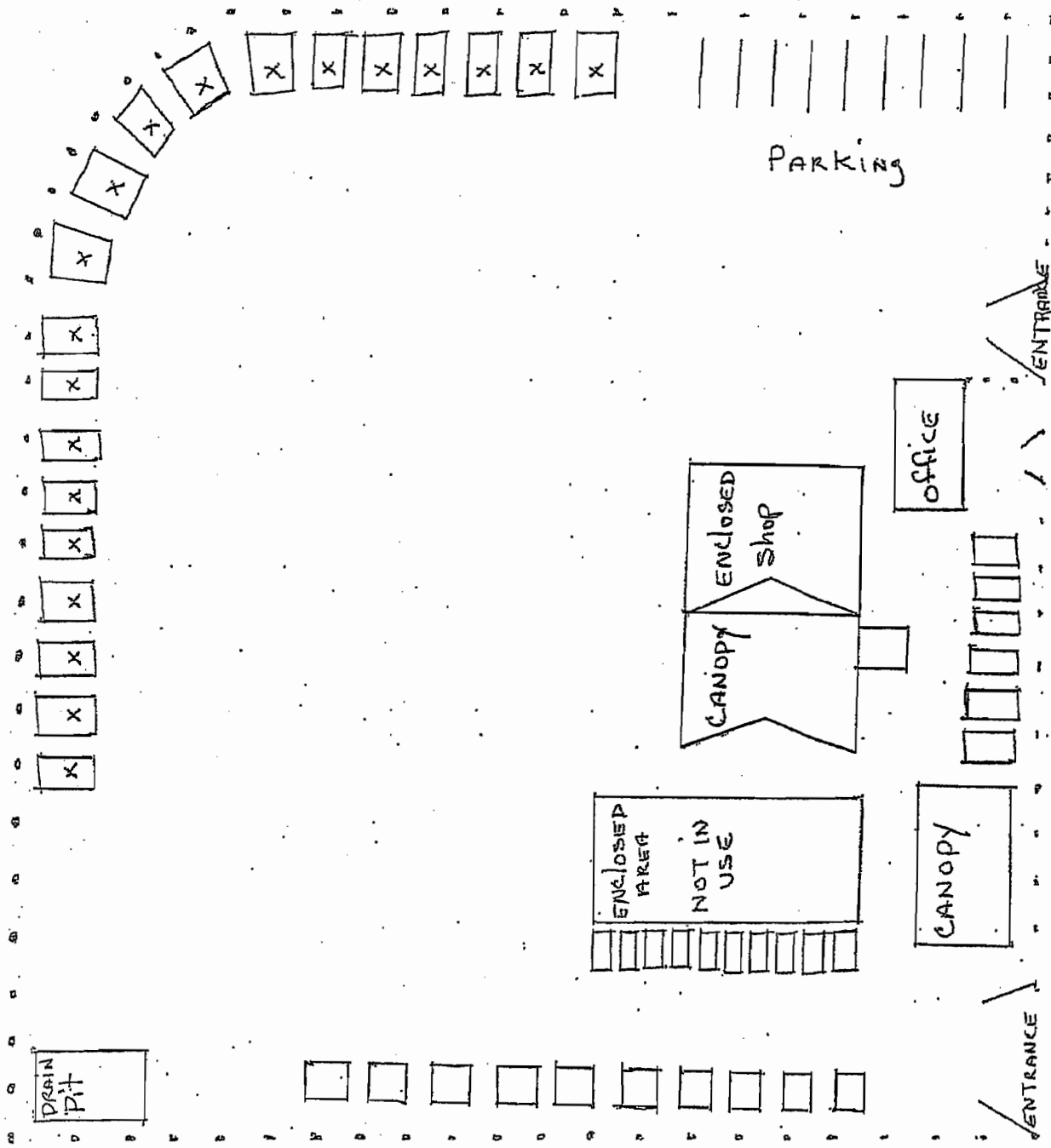
HOURS OF OPERATION: MONDAY - FRIDAY 8:00 TO 4:00 SAT 8:00 TO 12:00

EXHIBIT - A



H-3165

North Grand



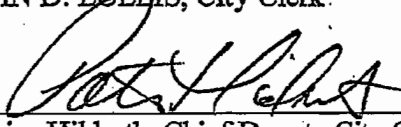
STATE OF CALIFORNIA)
CITY OF PORTERVILLE) SS
COUNTY OF TULARE)

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 18th day of August, 2009.

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

Council:	McCRACKEN	P. MARTINEZ	F. MARTINEZ	WARD	HAMILTON
AYES:		X	X	X	X
NOES:	X				
ABSTAIN:					
ABSENT:					

JOHN D. LOLLIS, City Clerk.


Patrice Hildreth, Chief Deputy City Clerk



Community Development
Department

January 29, 2013

Steve Penn
952 W. North Grand Ave
Porterville, CA 93257

Subject: Temporary Use Permit for outdoor sales of farm and related equipment at 952 North West Grand Ave.

Deat Mr. Penn,

On Monday, January 28, 2013, we spoke over the phone about your expired temporary use permit for outdoor sales at the above stated address. We discussed the last call we had just before the use permit was set to expire in 2011. Your response at that time was that "the state of the economy was just too poor" and that you were "just going to remove everything and close things up." Our understanding was you were not going to renew your temporary use permit and that if things got better you would be coming in with a brand new request for another permit.

We also discussed the farm equipment and the large construction vehicle on the property that are for sale. I informed you that as your permit was expired, that equipment was not permitted. You stated that you understood and that you would be removing all the items and taking them to public auction. We agreed that everything would be removed within 30-days of our conversation.

Please have the equipment and vehicle, including the sign with contact information removed by February 28, 2013. If you have any questions please feel free to contact Julie Phillips, Community Development Manager, at 559-782-7460.

Sincerley,


Jose B. Ortiz
Associate Planner

CENTRAL VALLEY CONSIGNMENT + STORAGE

STEVE PENN

(559) 284-5940

DESIGNATED AREAS OF OPERATION



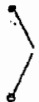
EQUIPMENT



PARKING



FENCE



GATES



STORAGE

DUST CONTROL

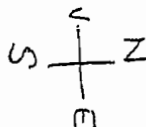
AREA COMPLETELY COVERED WITH GRANITE

ANY AND ALL AREAS IN USE WILL BE WATERED

DAILY AS NEEDED

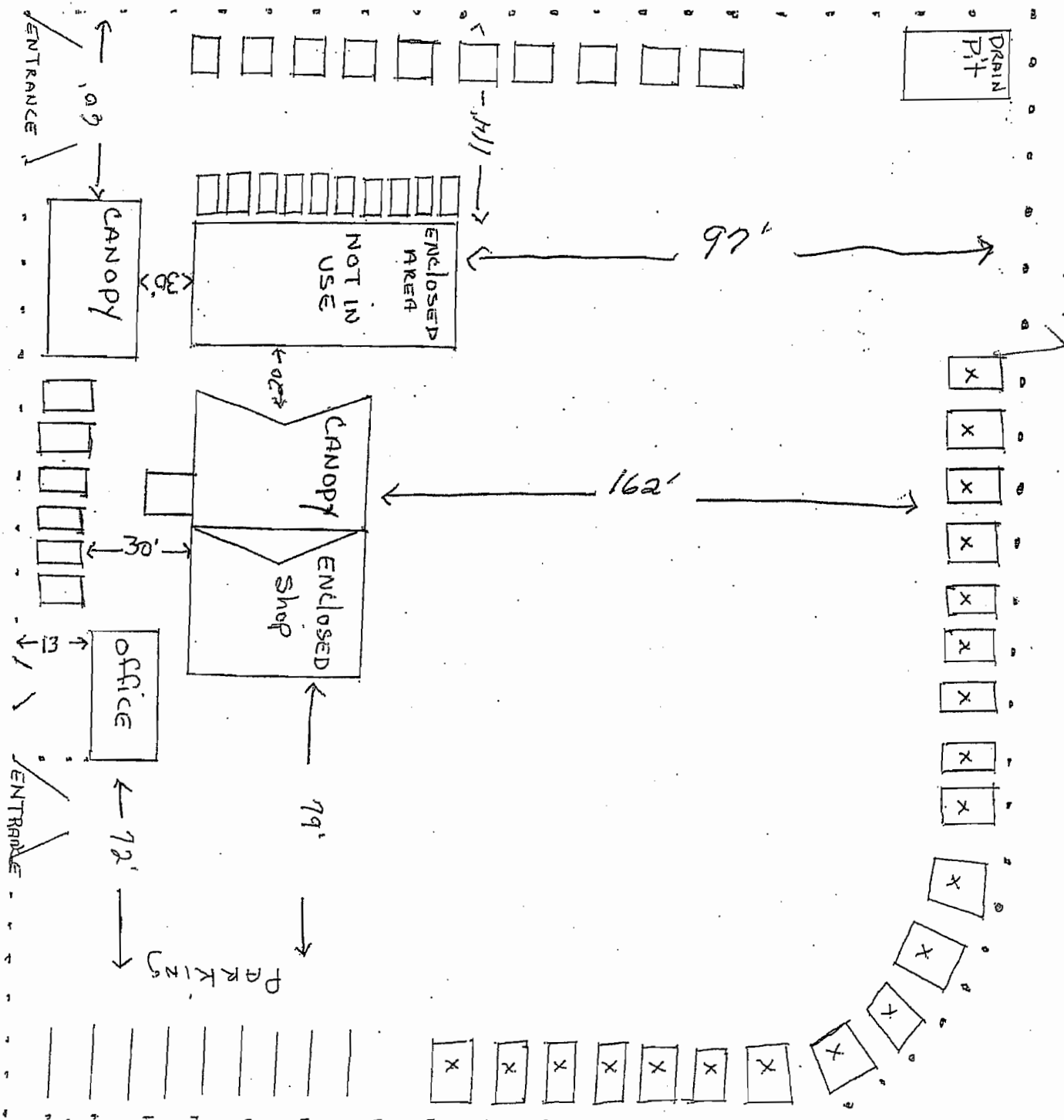
HOURS OF OPERATION. MONDAY - FRIDAY 8:00 TO 4:00 SAT 8:00 TO 12

**ATTACHMENT
ITEM NO. 4**



HWY 65

North Donald



SUBJECT: NORTH MAIN STREET PHOTOVOLTAIC ELECTRICAL GENERATION FACILITY (SOLAR FARM) – STREET TREE REMOVAL REQUEST

SOURCE: Public Works Department - Engineering Division

COMMENT: The developer, imMODO Solar, has submitted a building permit application for a Solar Photovoltaic Electrical Generation Facility (Solar Farm) on the west side of N. Main Street between W. North Grand Avenue and W. Linda Vista Avenue. Specific street infrastructure requirements include, but are not limited to, the construction of curbs, gutters and connecting pavement along N. Main Street and W. Linda Vista Avenue. In addition to the street project conditions is the requirement to construct a minimum 30' wide street frontage landscape buffer.

City Staff completed the first review of the street improvement plans and discovered that the developer did not intend to remove the existing large trees. Removal of these trees could become a sensitive issue with the public and for that reason only, the developer chose not to remove the existing trees. A thorough review of the improvement plans revealed that the existing large trees will be very close to the street once the proposed curb and gutter is constructed. AASHTO Geometric Design of Highways and Streets state two horizontal obstruction-free or "clear zone" policies and they are as follows:

- "For low speed rural collectors or rural local roads, a minimum clear-zone width of ten (10) feet should be provided."
- "For urban arterials, collectors and local streets where curbs are utilized, spaces for clear zones are generally restricted. A minimum offset distance of eighteen (18) inches should be provided beyond the face of curb, with wider offsets provided where practical."

In this particular case, there are eleven (11) large trees within 10 feet of the curb face and should be removed per the first stated policy. Five (5) of the eleven (11) trees are within 18 inches of the proposed curb face. Staff has recommended to the developer that all eleven (11) trees be removed for safety reasons. The developer is willing to remove the trees if directed to do so by the City.

Present and past City Councils have yet to adopt a tree ordinance, making the trees eligible for removal. The period for removing trees is the only substantive concern that the developer needs to be aware of. Removal of trees is allowed when not in conflict with migratory bird season, which is from February 1st through August 15th.

N. Main Street is designated an urban arterial, but currently functions as a rural collector. The speed limit for this segment of N. Main Street is 50 MPH. Staff is recommending the removal of the trees per the ASHTO low speed rural collector designation, exclusive of the proposed curb and gutter construction. It is the City Engineer's opinion that this segment of N. Main Street will continue to function as a rural collector for several years and speeds are typically higher than other streets within the City. These factors reinforced the City Engineer's opinion that this segment of N. Main Street should be designated as a 10 foot minimum clear zone.

RECOMMENDATION: That the City Council:

1. Designate a ten (10) foot "Clear Zone" along N. Main Street between W. North Grand Avenue and W. Linda Vista Avenue;
2. Authorize staff to implement the AASHTO design policies specific to creation of a safe "Clear Zone"; and
3. Authorize Staff to direct the developer of the N. Main Street Solar Farm to remove existing large trees within the designated "Clear Zone".

COUNCIL AGENDA: May 7, 2013

SUBJECT: FREEDOM FEST AND FIREWORKS SHOW

SOURCE: PARKS AND LEISURE SERVICES DEPARTMENT

COMMENT: The City of Porterville and the Tule River Tribe will present the third annual Freedom Fest and Fireworks Show at the Porterville Sports Complex on June 29, 2013, from 5:00 p.m. to 9:30 p.m. This event will include live music, food vendors, kid's zone, Tribal dances, and a beer garden hosted by the Breakfast Lions Club.

Financially, the City Council and the Tribal Council each contributed \$15,000 to initiate the event in 2011. The initial contributions were enough to hold the event the past two years. The current balance after expenditures combined with the generated revenue is less than \$500. Staff is requesting the City Council to contribute \$7,500 toward this year's Freedom Fest. In the spirit of partnership and collaboration, the Tribal Council is also being asked to contribute \$7,500.

Projected expenditures for this year's event are \$25,000. The fireworks expense is \$20,000 and the remaining \$5,000 covers kid's zone activities, the rental of portable toilets and portable lights, and other miscellaneous costs. The estimated generated revenue from admission, kid's zone ticket sales, sponsors and vendors is \$15,000, which should leave a balance of \$5,000 after this years event.

In conjunction with the Freedom Fest, staff is requesting authorization to extend transit service operating hours and to operate a shuttle route from the downtown Transit Center to the Porterville Sports Complex on June 29, 2013. The Freedom Fest shuttle would operate from 4:00 p.m. to 10:00 p.m., departing every 40 minutes from the Transit Center, and vice versa from the Sports Complex.

Due to limited parking at the Sports Complex, parking will be allowed at the Porterville Fairgrounds during the event. Staff is requesting authorization to operate a free parking lot shuttle to and from the Porterville Fairgrounds and the Sports Complex from 4:00 to 10:00 p.m. The estimated cost to the City for this service is approximately \$1,500, which will be covered out of the Transit budget.

M Director mp Appropriated/Funded

J City Manager

ITEM NO.: 24

RECOMMENDATION: That the City Council:

1. Consider an appropriation of \$7,500 to the Freedom Fest account from the Council's Special Purpose Reserve;
2. Authorize staff to operate a shuttle route to and from the Transit Center and Sports Complex from 4:00 p.m. to 10:00 p.m. on June 29, 2013; and
3. Authorize staff to operate a free parking lot shuttle to and from the Porterville Fairgrounds and Sports Complex during the event.

SUBJECT: CONSIDERATION OF OFFERING ONLINE VOUCHERS TO CITY ACTIVITIES AND EVENTS

SOURCE: Administration

COMMENT: At its meeting on April 16, 2013, the City Council approved Council Member Ward's request that the Council consider offering online vouchers to City activities and events.

To encourage participation and registration for its activities and events, the City (primarily the Parks & Leisure Services Department) will routinely offer "early bird" registration discounts that are valid either a single day or limited number of days. Due to City Hall and/or the Heritage Center being the primary locations for registration, and both generally located in the Downtown area, those locations may not be convenient for citizens to take advantage of the special discount registrations at the time they are offered. Absent an online registration process, it has been requested that the City consider offering a voucher on the City's website that can be downloaded and printed during the timeline for "early bird" registration, and then presented at a later date to receive the same benefit of the discount.

RECOMMENDATION: That the City Council consider offering online vouchers to City activities and events, and provide staff direction.

ATTACHMENT: None

C/M

A handwritten signature, possibly of the Council Member, written in black ink.

Item No. 25

SUBJECT: CONSIDERATION OF IMPLEMENTING A LOCAL GOVERNMENT MOBILE APPLICATION

SOURCE: Administration

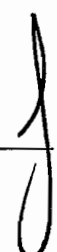
COMMENT: At its meeting on April 16, 2013, the City Council approved Council Member Ward's request that the Council consider the implementation of a local government mobile application that would allow and assist the public to interface and/or report problems in the community they observe.

It is anticipated that by 2014, mobile internet-usage will overtake desktop internet-usage, which already in 2011 more than fifty percent (50%) of all "local" searches were done from a mobile device. Generally considered as Citizen Relationship Management (CRM), there are a number of local government mobile application products that have been developed to assist citizens in reporting the location of graffiti, street potholes and other road obstructions, traffic signal and street light outages, and other maintenance needs, which several examples include: CitySourced, Open311, PublicStuff, and SeeClickFix. As an alternative to a purchased CRM product, some local governments have developed their own (native) mobile applications. "SeeClickFix", one of the most popular CRM products, has some free introductory user features, however, most of the more administrative features and customization are available beginning at \$400 per month.

RECOMMENDATION: That the City Council consider the implementation of a local government mobile application, and provide staff direction.

ATTACHMENT: None

C/M



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