

**\*AMENDED\* CITY COUNCIL AGENDA  
CITY HALL, 291 N. MAIN STREET  
PORTERVILLE, CALIFORNIA  
NOVEMBER 19, 2013, 5:30 P.M.**

Call to Order  
Roll Call

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

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

Roll Call: Agency Members/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 54956.8 – Conference with Real Property Negotiators/Property: APNs 261-122-007 and 261-122-008. Agency Negotiator: John Lollis and Brad Dunlap. Negotiating Parties: Successor Agency to the Porterville Redevelopment Agency and Porterville Hotel Investors. Under Negotiation: Terms and Price.

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

**CITY COUNCIL CLOSED SESSION:**

- B. Closed Session Pursuant to:
- 1 -** Government Code Section 54956.9(d)(1) – Conference with Legal Counsel – Existing Litigation: City of Porterville v. County of Tulare et al., Tulare County Superior Court No. 249043.
  - 2-** Government Code Section 54956.8 – Conference with Real Property Negotiators/Property: A Portion of APN 197-090-005. Agency Negotiator: John Lollis. Negotiating Parties: City of Porterville and City of Lindsay. Under Negotiation: Terms and Price.
  - 3-** Government Code Section 54956.8 – Conference with Real Property Negotiators/Property: A portion of APN 252-182-019, particularly that portion of the railroad line between Putnam Avenue and Cleveland Avenue. Agency Negotiator: John Lollis and Brad Dunlap. Negotiating Parties: City of Porterville, Union Pacific Railroad, and Porterville Historical Museum. Under Negotiation: Terms and Price.
  - 4-** Government Code Section 54957 – Public Employee Performance Evaluation - Title: City Manager.

5- Government Code Section 54957 – Public Employee Performance Evaluation - Title: City Attorney.

**6:30 P.M. RECONVENE OPEN SESSION**

**REPORT ON ANY COUNCIL ACTION TAKEN IN CLOSED SESSION**

Pledge of Allegiance Led by Council Member Shelton  
Invocation

**PRESENTATIONS**

Outstanding Business

**AB 1234 REPORTS**

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

**REPORTS**

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

- I. City Commission and Committee Meetings:
  - 1. Parks & Leisure Services Commission – November 7, 2013
  - 2. Library & Literacy Commission – November 12, 2013
  - 3. Arts Commission – November 13, 2013
  - 4. Charter Review Committee – November 6 and 13, 2013
  - 5. Transactions and Use Tax (“Measure H”) Oversight Committee – November 7, 2013
  - 6. Youth Commission
  - 7. Ad Hoc Military Banner Committee
- II. Staff Informational Reports
  - 1. Transit Ribbon Cutting Ceremony  
Re: Informational report regarding ribbon cutting ceremony at 10:00 a.m. on December, 10, 2013, at the Transit Center located on Oak Avenue between Hockett Street and D Street.
  - 2. Holiday Salute to Local Heroes Charity Campaign  
Re: Informational report regarding local Sears participation in a national charity campaign from November 23 – December 31, 2013.

**ORAL COMMUNICATIONS**

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

**CONSENT CALENDAR**

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

1. **Authorization to Advertise for Bids - Morton Avenue Shoulder Stabilization**  
Re: Considering approval of staff's Plans and Project Manual for the project consisting of the installation of curb, gutter, sidewalk, driveways, asphalt concrete paving, and other appurtenant construction along Morton Avenue between Highway 65 and Westwood Street.
2. **Authorization to Advertise for Bids - Indiana Street Shoulder Stabilization**  
Re: Considering approval of staff's Plans and Project Manual for the project consisting of the installation of curb, gutter, sidewalk, driveways, asphalt concrete paving, and other appurtenant construction along Indiana Street from Union Avenue to a location midway between Roby Avenue and Devon Avenue.
3. **Authorization to Advertise for Bids – Fire Rescue Vehicle**  
Re: Considering authorization to advertise for bids for a fire rescue vehicle and associated equipment.
4. **Award of Contract – Chase Park Improvements Project**  
Re: Considering award of contract in the amount of \$1,019,059.15 to Forcum Mackey of Ivanhoe, CA, for the installation of park elements on a 2.33 acre parcel located on the north side of East Chase Avenue, west of South Plano Street; and approval of Labor Compliance Program.
5. **Program Supplement to the Local Agency – State Master Agreement – Indiana Street Shoulder Stabilization Project**  
Re: Considering approval of Program Supplement Agreement N047 for the installation of new curb, gutter, sidewalk or gap closure, and widening the shoulder on Indiana Street between Union Avenue and half way between Roby Avenue and Devon Avenue.
6. **Program Supplement to the Local Agency – State Master Agreement – Morton Avenue Shoulder Stabilization Project**  
Re: Considering approval of Program Supplement Agreement N046 for the installation of new curb, gutter, sidewalk or gap closure, and widening of the shoulder on Morton Avenue between Westwood Street and State Route 65.
7. **Final Ballot Results – Area 455A Sewer Utility District**  
Re: Considering acceptance of final ballot results, and adoption of a resolution approving the formation of Area 455A Sewer Utility District and Levying of the assessment.
8. **Set a Public Hearing for Adoption of the California Building and Fire Codes**  
Re: Considering scheduling of Public Hearings for December 3, 2013, to receive input regarding the adoption of the 2013 Editions of the California Building, Plumbing, Mechanical, Electrical, Fire, Green Building Standards, Residential, Administrative, Reference Standards, and Energy Codes.
9. **2013 HSGP (Homeland Security Grant)**  
Re: Considering acceptance of \$32,753 in grant funds, and authorization to negotiate the purchase of specialized equipment.
10. **Sale of Surplus Vehicles to the City of Lindsay**  
Re: Considering approval of the sale of two Crown Victoria Sedans to the City of Lindsay for the sum of \$1,500 each.

11. **Scheduling of Combined Adjourned Meeting of the City Council and Charter Review Committee**  
Re: Considering authorization to schedule a combined adjourned meeting of the City Council and Charter Review Committee for Wednesday, December 11, 2013, at 5:30 p.m. in the Library Community Room.
12. **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**

13. **Request for a Conditional Use Permit to Allow Substitution of One Nonconforming Use for Another Nonconforming Use on the Property Located at 336 South E Street**  
Re: Consideration of a resolution approving Conditional Use Permit 2013-037-C to allow the operation of a towing service at 336 South E Street.
14. **Comprehensive Text Amendment to the Porterville Municipal Code Pertaining to Chapter 21, Development Ordinance**  
Re: Consideration of an ordinance approving amendments to Chapter 21 of the Municipal Code.
- 14a. **General Plan Amendment, Zone Change, Parcel Map and Approval of a Mitigated Negative Declaration to Accommodate the Development of a Public Safety Building South of the Intersection of Jaye Street and Montgomery Avenue**  
Re: Considering approval of resolutions and an ordinance to allow for the development of a public safety building south of the Jaye Street and Montgomery Avenue intersection.

### **SECOND READING**

15. **Second Reading – Ordinance 1800, Approving Zone Change (PRC 2013-035-Z)**  
Re: Second reading of Ordinance No. 1800, approving Zone Change (PRC 2013-035-Z) from D-PO (Downtown Professional Office) to DR-D (Downtown Retail – D Street Corridor) for that .38± acre site located at the southeast corner of Cleveland Avenue and D Street, which was given first reading on November 5, 2013, and has been printed.

### **SCHEDULED MATTERS**

16. **This Item Has Been Removed.**
17. **Wall of Fame Placement Procedure**  
Re: Consideration of Parks and Leisure Services Commission recommendations regarding the Wall of Fame placement procedure.

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

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



Roll Call: Agency Members/Chairman

**WRITTEN COMMUNICATIONS**  
**ORAL COMMUNICATIONS**

**SCHEDULED MATTERS**

**SA-01. Agreement for Reimbursement of Costs and City/Successor Agency Operations  
Loan**

Re: Considering adoption of resolutions approving an agreement for reimbursement of costs associated with administrative support activities and providing for the City to loan funds to the Successor Agency for operational costs.

Adjourn to a Meeting of the Porterville Public Financing Authority.

**PORTERVILLE PUBLIC FINANCING AUTHORITY AGENDA**  
**291 NORTH MAIN STREET, PORTERVILLE, CA**

Roll Call: Directors/Chairperson

**WRITTEN COMMUNICATIONS**  
**ORAL COMMUNICATIONS**

**SCHEDULED MATTERS**

**PFA-01. Annual Meeting of the Porterville Public Financing Authority**

Re: Considering approval of the 2013 Status Report for the Redevelopment Bond Issue #1 and refinance of Tax Allocation Bond Projects.

Adjourn to a Meeting of the Porterville City Council.

**ORAL COMMUNICATIONS**

**OTHER MATTERS**

**CLOSED SESSION**

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

**ADJOURNMENT** - to the meeting of December 3, 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](http://www.ci.porterville.ca.us).

COUNCIL AGENDA: NOVEMBER 19, 2013

SUBJECT: TRANSIT RIBBON CUTTING CEREMONY

SOURCE: Public Works Department - Transit

COMMENT: The purpose of this staff report is to provide Council with an invitation to attend a ribbon cutting ceremony at 10:00 am on December 10, 2013, at the Porterville Transit Center located on Oak Avenue between Hockett Street and D Street, for the completion and public celebration of the following transit projects:

**Passenger Information System** – The City contracted with RouteMatch Inc. to install and implement various software and hardware pieces to better manage the overall transit system and to provide useful tools to our customers. To highlight the accomplishments of this project, the City has implemented a paratransit management system, paratransit notification system, fixed route management system, paperless mobile data system, automatic annunciation system, digital next stop signage, traveler information system, mobile application, web portal, and automated call center.

**Bus Stop Signage** – The City contracted with CHK America to design and fabricate consistent transit information to riders at the Transit Center and bus stops. CHK designed a high quality “graphic brand” across the transit system that created both a new identity, cohesiveness, and a comprehensible system of directional, informational, regulatory and identification messages for our customers.

**Solar Bus Stop Amenities** – The City contracted with Urban Solar to purchase and install solar-powered bus stop lighting at each of its 160 bus stops and 9 bus stop shelters. The solar-powered bus stop lighting provides an economical energy efficient illumination that has increased the safety and security of our customers.

Overall, the project has taken approximately 24 months to complete and we hope you will join us in recognizing the accomplishments of staff's efforts.

RECOMMENDATION: Information Only

Dir BS Appropriated/Funded N/A CM J

Report No. II.1

CITY COUNCIL AGENDA: NOVEMBER 19, 2013


SUBJECT: HOLIDAY SALUTE TO LOCAL HEROES CHARITY  
CAMPAIGN

SOURCE: FIRE DEPARTMENT

COMMENT: Porterville's Hometown Sears store has elected to participate in a national charity campaign entitled "Holiday Salute to Local Heroes". Beginning November 23<sup>d</sup>, and running through December 31<sup>st</sup>, Sears stores will support first responders through a partnership with the National Volunteer Fire Council. The Holiday Salute to Local Heroes program will offer promotional items for sale at the registers with a portion of the proceeds to benefit local fire departments. The Porterville Sears store has selected the Porterville Fire Department as its local partner and will donate collected proceeds to the department on or near January 21<sup>st</sup>, 2014. The Porterville Fire Department is proud to have been selected as a local partner and appreciates the efforts of Porterville's Hometown Sears store in support of public safety.

RECOMMENDATIONS: Information Only

Dir 

Approp./ Funded 

CM 

Report No. II-2

COUNCIL AGENDA: NOVEMBER 19, 2013

SUBJECT: AUTHORIZATION TO ADVERTISE FOR BIDS – MORTON AVENUE  
SHOULDER STABILIZATION

SOURCE: Public Works Department - Engineering Division

COMMENT: Plans and Project Manual have been prepared for the Morton Avenue Shoulder Stabilization Project. The project consists of the installation of curb, gutter, sidewalk, driveways, asphalt concrete paveout, and other appurtenant construction along Morton Avenue between Highway 65 to Westwood Street.

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

The Engineer's Estimate of Probable Cost for construction is \$367,795. An additional \$36,779.50 is necessary for construction contingency (10%). It is anticipated that an additional \$24,425.50 is required for construction management, quality control and inspection services (6.6%) for a total estimated project cost of \$429,000.

**FY 13/14 ANNUAL BUDGET ALLOCATION SUMMARY:**

Congestion Mitigation & Air Quality Grant (CMAQ):	\$ 258,000
Measure R Alternative Transportation Fund:	\$ 54,000
Local Transportation Fund:	<u>\$ 117,000</u>
Total	<b>\$ 429,000</b>

The CMAQ Grant will fund 88.53% of "participating" construction items that are specific to shoulder stabilization projects, (e.g., curbs, gutters, sidewalks, ADA ramps, and paveout). Measure R Alternative Transportation Funds and Local Transportation Funds are the funding sources for the "non-participating" items of work (e.g., mail boxes and fence relocations) and the 11.53% grant match.

**CALTRANS CONSTRUCTION E-76 (FINAL) FUNDING SUMMARY:**

Congestion Mitigation & Air Quality Grant (CMAQ):	\$ 340,000
Measure R Alternative Transportation Fund:	\$ 54,000
Local Transportation Fund:	<u>\$ 35,000</u>
Total	<b>\$ 429,000</b>

Dir Br Appropriated/Funded MECM

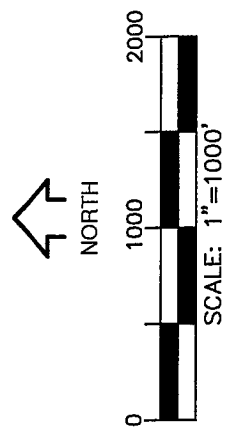
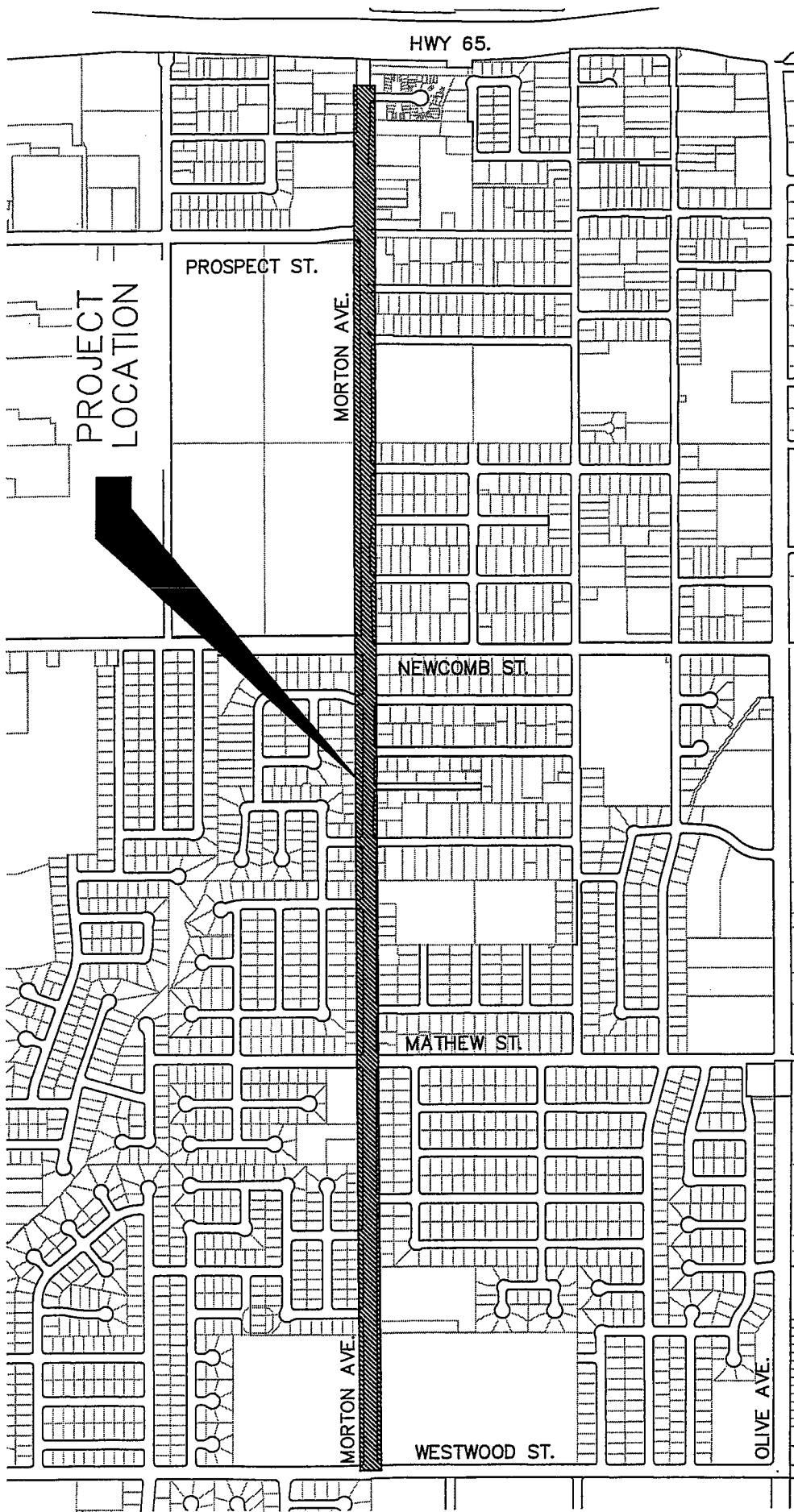
Item No. 1

Staff was recently successful in obtaining an additional \$82,000 in CMAQ funding for a total participating amount of \$340,000, as seen in the "Final" funding summary. The additional CMAQ funds, coupled with the budgeted funds, results in a wholly funded project.

RECOMMENDATION: That City Council:

1. Approve Staff's recommended Plans and Project Manual;
2. Authorize Staff to advertise for bids on the project; and
3. Authorize the appropriation of an additional \$82,000 in CMAQ funds to match the Construction E-76 issued by Caltrans/FHWA,

ATTACHMENTS: Locator Map  
Engineer's Estimate



City of Porterville  
291 N. MAIN ST.  
PORTERVILLE, CA. 93257  
559 7827462

**MORTON AVENUE  
SHOULDER STABILIZATION**

# ENGINEER'S OPINION OF PROBABLE IMPROVEMENT COSTS

Project: Morton Ave. Shoulder Stabilization  
Project Number: 89-9118-88



ITEM	DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	AMOUNT
<b>PART A: CMAQ PORTION</b>					
1	Mobilization and Demobilization	1	LS	\$ 13,000.00	\$ 13,000.00
2	Water Pollution & Dust Control	1	LS	\$ 5,000.00	\$ 5,000.00
3	Traffic Control	1	LS	\$ 7,000.00	\$ 7,000.00
4	Clearing & Grubbing (Including asphalt, concrete, dirt, landscape & irrigation removal & replacement)	1	LS	\$ 12,500.00	\$ 12,500.00
5	Install Curb & Gutter	1,582	LF	\$ 25.00	\$ 39,550.00
6	Install Driveway Approach	2,236	SF	\$ 10.00	\$ 22,360.00
7	Adjust Water Meter Box	35	EA	\$ 1,000.00	\$ 35,000.00
8	Install Sidewalk (Cost includes re-grading behind back of walk between 0-4")	22,875	SF	\$ 5.00	\$ 114,375.00
9	Install Curb Return per detail (including sawcut, curb & gutter, & detectable warning surface)	25	EA	\$ 2,000.00	\$ 50,000.00
10	Roadway Excavation & Subgrade Preparation (Including sawcut & pavement removal)	188	CY	\$ 35.00	\$ 6,580.00
11	8" Class II Aggregate Base	84	CY	\$ 65.00	\$ 5,460.00
12	4" Asphalt Concrete, Type B PG 64-10	92	TN	\$ 85.00	\$ 7,820.00
13	Adjust Road Signs	44	EA	\$ 150.00	\$ 6,600.00
14	Striping, Signage, & Markings	1	LS	\$ 2,500.00	\$ 2,500.00
15	Construction Staking	1	LS	\$ 6,000.00	\$ 6,000.00
				<b>CMAQ Subtotal</b>	<b>\$ 333,745.00</b>
				<b>10% Construction Contingency:</b>	<b>\$ 33,374.50</b>
				<b>Construction Management:</b>	<b>\$ 22,164.22</b>
				<b>CMAQ Total</b>	<b>\$ 389,283.72</b>
<b>PART B: CITY PORTION</b>					
16	Adjust Mail Box	37	EA	\$ 150.00	\$ 5,550.00
17	Fence Relocation	1,900	LF	\$ 15.00	\$ 28,500.00
				<b>CITY Subtotal</b>	<b>\$ 34,050.00</b>
				<b>10% Construction Contingency:</b>	<b>\$ 3,405.00</b>
				<b>Construction Management:</b>	<b>\$ 2,261.28</b>
				<b>CITY Total</b>	<b>\$ 39,716.28</b>
				<b>COMBINED Subtotal</b>	<b>\$ 367,795.00</b>
				<b>10% Construction Contingency:</b>	<b>\$ 36,779.50</b>
				<b>Construction Management:</b>	<b>\$ 24,425.50</b>
				<b>COMBINED Total</b>	<b>\$ 429,000.00</b>

PROJECT ENGINEER

11/8/2013  
DATE

CITY ENGINEER

11/13/2013  
DATE

PUBLIC WORKS DIRECTOR

11/14/13  
DATE

CITY MANAGER

11/14/13  
DATE



COUNCIL AGENDA: NOVEMBER 19, 2013

SUBJECT: AUTHORIZATION TO ADVERTISE FOR BIDS – INDIANA STREET SHOULDER STABILIZATION

SOURCE: Public Works Department - Engineering Division

COMMENT: Plans and Project Manual have been prepared for the Indiana Street Shoulder Stabilization Project. The project consists of the installation of curb, gutter, sidewalk, driveways, asphalt concrete paving, and other appurtenant construction along Indiana Street from Union Avenue to a location midway between Roby Avenue and Devon Avenue.

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

The Engineer's Estimate of Probable Cost for construction is \$264,945. An additional \$26,494 is necessary for construction contingency (10%). It is anticipated that an additional \$13,247 is required for construction management, quality control and inspection services (5%) for a total estimated project cost of \$304,686.

**FY 13/14 ANNUAL BUDGET ALLOCATION SUMMARY:**

Congestion Mitigation & Air Quality Grant (CMAQ):	\$198,000
Measure R Alternative Transportation Fund:	\$ 40,700
Local Transportation Fund (LTF):	<u>\$ 25,000</u>
Total	<b>\$263,700</b>

The CMAQ Grant will fund 88.53% of "participating" construction items that are specific to shoulder stabilization projects, (e.g., curbs, gutters, sidewalks, ADA ramps, and minimal paveout). Indiana Street construction documents require some minor items of work (e.g. mail box and fence relocations) that are considered "non-participating" by the FHWA regulations. Measure R Alternative Transportation Funds and Local Transportation Funds are the funding sources for the "non-participating" items of work and the 11.53% grant match. As summarized above, there is a shortfall of \$40,986 to fully fund the project.

Dir 326 Appropriated/Funded ME CM 8

Item No. 2



***CALTRANS CONSTRUCTION E-76 (FINAL) FUNDING SUMMARY:***

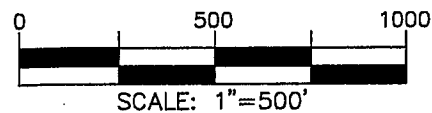
Congestion Mitigation & Air Quality Grant (CMAQ):	\$224,000
Measure R Alternative Transportation Fund:	\$ 40,700
Local Transportation Fund (LTF):	<u>\$ 25,000</u>
Total	<b>\$289,700</b>

Staff was recently successful in obtaining an additional \$26,000 in CMAQ funding for a total participating amount of \$224,000, as seen in the "Final" funding summary. A shortfall of \$14,986 still exists and staff is requesting an appropriation of this amount from unallocated Local Transportation Funds. The additional CMAQ funds, coupled with the requested LTF funding appropriation, results in a wholly funded project.

RECOMMENDATION: That City Council:

1. Approve Staff's recommended Plans and Project Manual;
2. Authorize Staff to advertise for bids on the project;
3. Authorize the appropriation of an additional \$26,000 in CMAQ funds to match the Construction E-76 issued by Caltrans/FHWA; and
4. Authorize the appropriation of an additional \$14,986 in unallocated Local Transportation funds to fully fund the project.

ATTACHMENTS: Locator Map  
Engineer's Estimate



City of Porterville  
291 N. MAIN ST.  
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**INDIANA STREET  
SHOULDER STABILIZATION**

## Indiana Street Shoulder Stabilization Project

06/13/2013

## Engineer's Estimate

For: City of Porterville

By: Jim Winton &amp; Associates

ITEM NO.	DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	TOTAL PRICE
<b>PART A: CMAQ PORTION</b>					
1	Mobilization and Demobilization	1	LS	\$ 10,000.00	\$ 10,000.00
2	Traffic Control	1	LS	\$ 2,500.00	\$ 2,500.00
3	Construction Staking	1	LS	\$ 6,000.00	\$ 6,000.00
4	Demolition, Clearing & Grubbing including pavement removal by milling, concrete, soil, curb & gutter	1	LS	\$ 10,100.00	\$ 10,100.00
5	Install Curb & Gutter	2180	LF	\$ 22.00	\$ 47,960.00
6	Install Driveway w/ Path of Travel including fiber reinforcement	5300	SF	\$ 8.00	\$ 42,400.00
7	Install Sidewalk	6880	SF	\$ 5.00	\$ 34,400.00
8	Install Accessible Ramps per Detail including curb & gutter, sidewalk, detectable warning surface	3	EA	\$ 2,000.00	\$ 6,000.00
9	Install Catch Basin Including Local Depression	1	EA	\$ 3,000.00	\$ 3,000.00
10	Remove existing Catch Basin & Install Catch Basin including Local Depression	2	EA	\$ 3,500.00	\$ 7,000.00
11	Connect Storm Drain Pipe to existing Manhole	1	EA	\$ 1,000.00	\$ 1,000.00
12	Install 12" RCP Storm Drain Lateral	18	LF	\$ 40.00	\$ 720.00
13	Roadway Excavation and Subgrade Preparation	600	CY	\$ 25.00	\$ 15,000.00
14	Asphalt Concrete	335	TN	\$ 85.00	\$ 28,475.00
15	Class II Aggregate Base	355	CY	\$ 60.00	\$ 21,300.00
16	Adjust Water Meter Boxes to Grade	17	EA	\$ 550.00	\$ 9,350.00
17	Remove & Relocate Street Sign	2	EA	\$ 150.00	\$ 300.00
				<b>CMAQ Subtotal</b>	<b>\$ 245,505.00</b>
				<b>10% Contingency</b>	<b>\$ 24,550.50</b>
				<b>Construction Management</b>	<b>\$ 12,275.25</b>
				<b>CMAQ Total</b>	<b>\$ 282,330.75</b>
<b>PART B: CITY PORTION</b>					
18	Relocate Mailbox	24	EA	\$ 150.00	\$ 3,600.00
19	Fence Relocation	352	LF	\$ 45.00	\$ 15,840.00
				<b>CITY Subtotal</b>	<b>\$ 19,440.00</b>
				<b>10% Contingency</b>	<b>\$ 1,944.00</b>
				<b>Construction Management</b>	<b>\$ 972.00</b>
				<b>CITY Total</b>	<b>\$ 22,356.00</b>
				<b>COMBINED Subtotal</b>	<b>\$ 264,945.00</b>
				<b>10% Contingency</b>	<b>\$ 26,494.50</b>
				<b>Construction Management</b>	<b>\$ 13,247.25</b>
				<b>COMBINED Total</b>	<b>\$ 304,686.75</b>

Project Engineer

RCE16094

Date

11/8/13

City Engineer

Date

11/13/13

Public Works Director

Date

11/14/13

City Manager

Date

11/14/13

CITY COUNCIL AGENDA: NOVEMBER 19, 2013

SUBJECT: AUTHORIZATION TO ADVERTISE FOR BIDS – FIRE  
RESCUE VEHICLE

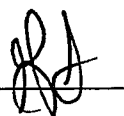
SOURCE: FIRE DEPARTMENT

COMMENT: The Fire Department currently operates a 2003 heavy rescue vehicle built on a Ford F550 cab and chassis. The vehicle is scheduled for replacement during the 2013/14 fiscal year and approximately \$75,000 is available in the replacement fund. In May of 2013 the Fire Department applied for an Indian Gaming grant in the amount of \$50,000 to augment existing vehicle replacement funds. The Tule River Tribal Council voted in support of this project and funding was awarded by the Tulare County Indian Gaming Local Community Benefit Committee. The total combined funding available for vehicle replacement is approximately \$125,000. Fire Department staff have prepared specifications for the replacement vehicle and are ready to advertise for bids. The projected build/delivery time is nine to twelve months.

The department's heavy rescue vehicle is unique within Tulare County for the array of specialized equipment carried and its capacity to lift and stabilize large commercial vehicles, including mass transit buses. The Indian Gaming grant, combined with established replacement funds, will enable the department to strengthen its already substantial heavy rescue capabilities and the delivery of that service throughout the South County region.

RECOMMENDATION: That City Council authorize staff to advertise for bids on a fire rescue vehicle and associated equipment.

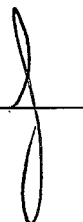
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Approp./ Funded



CM



Item No.

3

COUNCIL AGENDA: NOVEMBER 19, 2013

SUBJECT: AWARD OF CONTRACT – CHASE PARK IMPROVEMENTS PROJECT

SOURCE: Public Works Department - Engineering Division

COMMENT: On October 17, 2013, staff received eight (8) bids for the Chase Park Improvements Project. The project will be located on a 2.33 acre parcel on the north side of East Chase Avenue west of South Plano Street. Park elements include a pedestrian trail along the park perimeter, combination soccer/softball field, basketball court, picnic arbors, play equipment, shade sails, soft rubber tile surfacing, water spray park splash pad, irrigation, landscaping, unisex restroom, lighting and appurtenances.

The bids are as follows:

	<u>Contractor</u>	<u>Amount</u>
1.	Forcum Mackey Construction Ivanhoe, CA	\$1,019,059.15
2.	JTS Construction Bakersfield, CA	\$1,019,993.48
3.	Hobbs Construction Fresno, CA	\$1,099,944.60
4.	Stockbridge General Clovis, CA	\$1,101,447.85
5.	American Paving Fresno, CA	\$1,156,894.60
6.	Sierra Range Construction Visalia, CA	\$1,179,372.20
7.	Dunton Construction Anderson, CA	\$1,213,533.05
8.	Lee's Paving Visalia, CA	\$1,409,550.85

Staff has reviewed the low bid and found it acceptable.

Dir RB Appropriated/Funded MB CM J

Item No. 4

The Estimate of Probable Cost for construction is \$1,026,812.75. The low bid is 0.8% below the estimate. With the low bid being \$1,019,059.15, an additional \$50,952.96 is necessary for construction contingency (5%). Omni-Means will provide construction management/inspection services with oversight by the City as approved by City Council on May 7, 2013. The City's on-call consulting firm, Consolidated Testing, will provide quality control testing. It is anticipated that \$132,784 is required for construction management, quality control, submittal approvals and inspection services for a total estimated construction cost of \$1,202,796.11.

Below is a summary of expenditures and pending allocations needed to complete the project:

**EXPENDITURES:**

**\*CMAS Equipment Purchases:**

• Playground Equipment -	\$ 54,357.11
• Splash Pad Equipment -	\$ 75,008.78
• Shade Sail Design -	<u>\$ 4,166.40</u>
Total	\$ 133,532.29

**Design Efforts:**

• Quad Knopf -	\$ 132,216.00
• City Staff -	\$ 17,500.00
• Capital Expenditures -	<u>\$ 15,079.39</u>
Total	\$ 164,795.39

**Property Acquisition & Utilities:**

• Purchase Amount -	\$ 217,485.94
• Electrical (SCE) Invoice -	<u>\$ 20,142.57</u>
Total	\$ 237,628.51

Expenditure Totals: \$ 535,956.19

**PROJECT ALLOCATIONS:**

**\*Installation Costs on CMAS Purchased Equipment:**

• Playground Install -	\$ 16,715.00
• Soft Tiles & Install -	\$ 58,286.31
• Splash Pad Install -	\$ 31,625.00
• Shade Sail & Install -	<u>\$ 111,203.60</u>
Total	\$ 217,829.91

**\*\*NSBA Allocated Purchase:**

• Restroom & Install -	<u>\$ 136,000.00</u>
Total	\$ 136,000.00

**Construction Contract:**

• Forcum Mackey Const. -	\$1,070,012.11
• Omni-Means CM Team -	\$ 99,000.00
• City CM & QC -	\$ 16,000.00
• Quad-Knopf Support	<u>\$ 17,784.00</u>
Total	\$1,202,796.11

**Estimated Fees:**

• Impact Fees -	\$ 48,000.00
• Building Permit Fees -	<u>\$ 5,000.00</u>
Total	\$ 53,000.00

Allocation Total: \$1,609,626.02

Total Project: \$2,145,582.21

Grant Amount: \$2,150,000.00  
\$ 4,417.79

\* CMAS – California Multiple Award Schedules

\*\* NSBA – National School Boards Association

The above expenditure and pending allocation summary clearly illustrates a fully funded project.

Funding for the project is from Proposition 84 2006 Safe Drinking Water Bond Act grant as approved in the 2013/2014 Annual Budget.

One caveat to the Proposition 84 funds and pursuant to Section 1771.5 of the Labor Code, is the need for the agency, City of Porterville, to obtain a Labor Compliance Program certified by the Department of Industrial Relations. The City of Porterville must, independently or through a third party, adopt and enforce the Labor Compliance Program for the Chase Avenue Neighborhood Park Project.

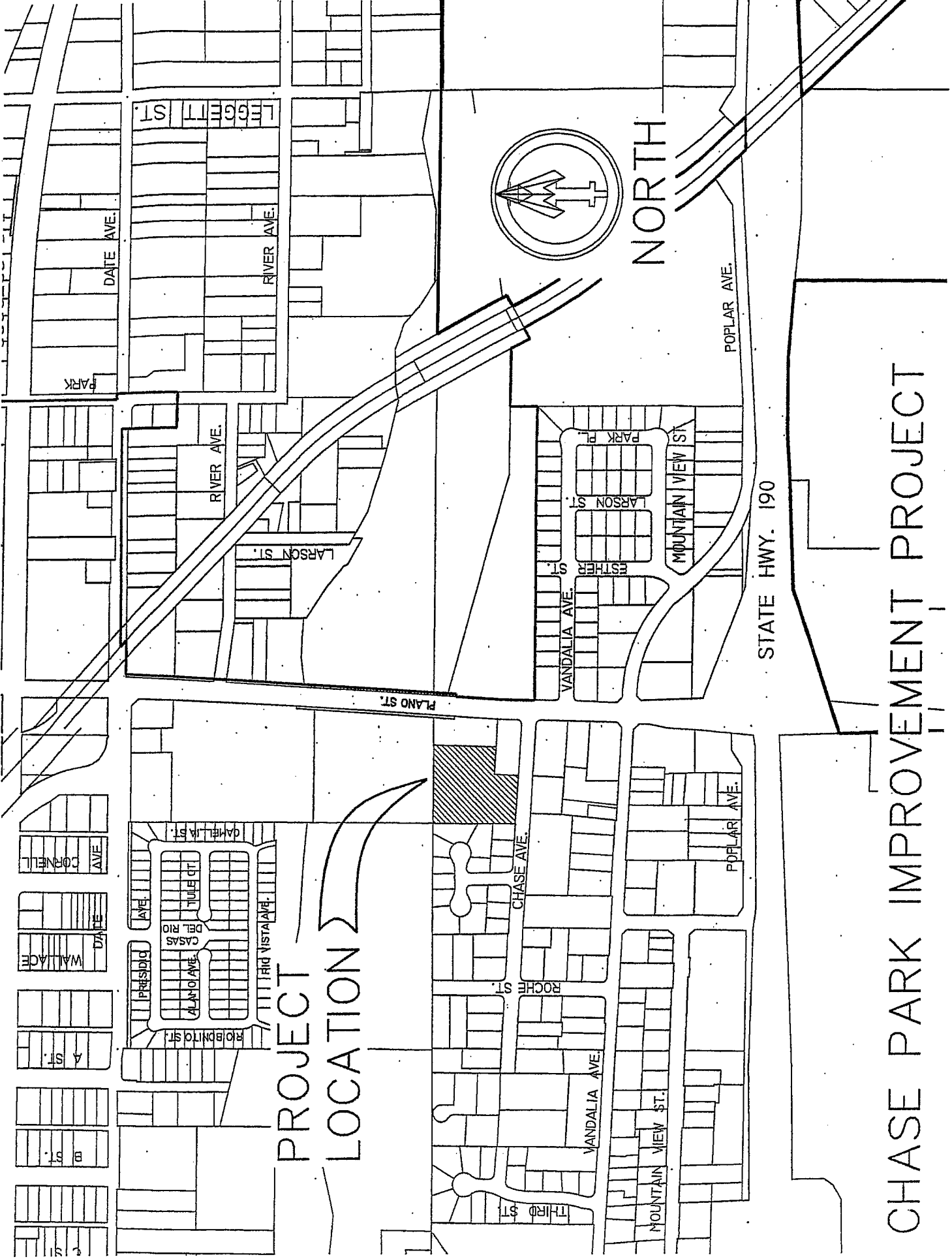
The City's consultant, Omni-Means retained the services of Kurey & Associates to prepare the Labor Compliance Program and this document in its entirety is available in the La Barca Conference Room for Council's review prior to November 19, 2013, meeting.

**RECOMMENDATION:** That City Council:

1. Award the Chase Park Improvements Project to Forcum Mackey in the amount of \$1,019,059.15;
2. Authorize a 5% contingency to cover unforeseen construction costs;
3. Authorize progress payments up to 95% of the contract amount;
4. Approve the Labor Compliance Program;
5. Authorize the City Clerk and Mayor to execute the attached Resolution; and
6. Direct the Public Works Director to deliver the Labor Compliance Program to the Department of Industrial Relations for approval and adoption.

**ATTACHMENT:** Locator Map  
Resolution





PROJECT  
LOCATION

# CHASE PARK IMPROVEMENT PROJECT

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY  
OF PORTERVILLE ADOPTING THE LABOR  
COMPLIANCE PROGRAM FOR THE CHASE  
PARK IMPROVEMENTS PROJECT

WHEREAS, on February 2, 2010, the City Council approved the application for the Statewide Park Program grant funds for the Chase Park Improvements Project; and

WHEREAS, the grant administration guide requires the City to comply with all applicable California Labor Code requirements, including Section 1771.5 of the Labor Code; and

WHEREAS, the City of Porterville must, independently or through a third party, adopt and enforce a Department of Industrial Relations-certified Labor Compliance Program; and

WHEREAS, the City of Porterville, through their consultant contract with Omni-Means, retained the services of Kurey & Associates, a labor compliance specialist, to monitor and enforce the Labor Compliance Program.

NOW, THEREFORE, BE IT RESOLVED the City Council of the City of Porterville hereby adopts the City's Labor Compliance Program, attached hereto and made a part hereof.

PASSED, APPROVED AND ADOPTED this 19<sup>th</sup> day of November, 2013.

---

Cameron J. Hamilton, Mayor

ATTEST:  
John D. Lollis, City Clerk

---

By Patrice Hildreth, Chief Deputy City Clerk

COUNCIL AGENDA: NOVEMBER 19, 2013

SUBJECT: PROGRAM SUPPLEMENT TO THE LOCAL AGENCY-STATE MASTER AGREEMENT -INDIANA STREET SHOULDER STABILIZATION PROJECT

SOURCE: Public Works Department - Engineering Division

COMMENT: The Department of Transportation has submitted Program Supplement Agreement Number N047, and requests that the City execute said agreement. The executed agreement becomes a part of the Agency-State Agreement for Federal-Aid Projects No. 06-5122R.

The attached Program Supplement is for installation of new curb, gutter, sidewalk or gap closure, and widening the shoulder on Indiana Street between Union Avenue and half way in between Roby Avenue and Devon Avenue.

RECOMMENDATION: That the City Council:

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

ATTACHMENTS: Locator Map  
Program Supplement Agreement No. N047  
Resolution

P:\PUBWORKS\GENERAL\COUNCIL\PROGRAM SUPPLEMENT TO THE LOCAL AGENCY-STATE MASTER AGREEMENT - INDIANA SHOULDER STABILIZATION - 2013-11-19.DOCM

Dir MR  
Appropriated/Funded MLB CM J

Item No. 5

WISCONSIN

TOMAH

GARDEN PL



OLIVE

AVE

COBB

HWY 65

CLOVERLEAF ST.

INDIANA ST.

DEVON AVE.

OHIO ST.

COTTAGE ST.

CHESS TERRACE ST.

ROBY

SUBJECT  
LOCATION

TULE RIVER

SCHULTZ TERR.

S. CLOVERLEAF ST

S. WISCONSIN ST

S. BAY OAK ST

S. MILO ST

PARKWAY

RIVER

OAK

DRIVE

**PROGRAM SUPPLEMENT NO. N047**  
to  
**ADMINISTERING AGENCY-STATE AGREEMENT**  
**FOR FEDERAL-AID PROJECTS NO 06-5122R**

**Adv Project ID**      **Date:** October 24, 2013  
0613000193      **Location:** 06-TUL-0-PTRV  
**Project Number:** CML-5122(079)  
**E.A. Number:**  
**Locode:** 5122

This Program Supplement hereby adopts and incorporates the Administering Agency-State Agreement for Federal Aid which was entered into between the Administering Agency and the State on 02/20/07 and is subject to all the terms and conditions thereof. This Program Supplement is executed in accordance with Article I of the aforementioned Master Agreement under authority of Resolution No. \_\_\_\_\_ approved by the Administering Agency on \_\_\_\_\_  
(See copy attached).

The Administering Agency further stipulates that as a condition to the payment by the State of any funds derived from sources noted below obligated to this PROJECT, the Administering Agency accepts and will comply with the special covenants or remarks set forth on the following pages.

**PROJECT LOCATION:**

On Indiana St between Union Ave and midway between Roby Ave and Devon Ave.

**TYPE OF WORK:** Widen shoulder, install new curb, gutter, and sidewalk or gap closure.      **LENGTH:** 0.0(MILES)

Estimated Cost	Federal Funds		Matching Funds	
	L40E		LOCAL	OTHER
\$304,686.00		\$224,000.00	\$80,686.00	\$0.00


**CITY OF PORTERVILLE**

**STATE OF CALIFORNIA**  
**Department of Transportation**

By \_\_\_\_\_  
Title \_\_\_\_\_  
Date \_\_\_\_\_  
Attest \_\_\_\_\_

By \_\_\_\_\_  
Chief, Office of Project Implementation  
Division of Local Assistance  
Date \_\_\_\_\_

I hereby certify upon my personal knowledge that budgeted funds are available for this encumbrance:

Accounting Officer       Date 10/25/13      \$224,000.00

Chapter	Statutes	Item	Year	Program	BC	Category	Fund Source	AMOUNT

I HEREBY CERTIFY UPON MY OWN PERSONAL KNOWLEDGE THAT BUDGETED FUNDS ARE AVAILABLE FOR THIS ENCUMBRANCE AND PURPOSE OF THE EXPENDITURE STATED ABOVE.

[illegible]

SPECIAL COVENANTS OR REMARKS

1. The ADMINISTERING AGENCY will advertise, award and administer this project in accordance with the current published Local Assistance Procedures Manual.
2. ADMINISTERING AGENCY agrees that it will only proceed with work authorized for specific phase(s) with an "Authorization to Proceed" and will not proceed with future phase(s) of this project prior to receiving an "Authorization to Proceed" from the STATE for that phase(s) unless no further State or Federal funds are needed for those future phase(s).
3. ADMINISTERING AGENCY agrees, as a minimum, to submit invoices at least once every six months commencing after the funds are encumbered for each phase by the execution of this Project Program Supplement Agreement, or by STATE's approval of an applicable Finance Letter. STATE reserves the right to suspend future authorizations/obligations for Federal aid projects, or encumbrances for State funded projects, as well as to suspend invoice payments for any on-going or future project by ADMINISTERING AGENCY if PROJECT costs have not been invoiced by ADMINISTERING AGENCY for a six-month period.

If no costs have been invoiced for a six-month period, ADMINISTERING AGENCY agrees to submit for each phase a written explanation of the absence of PROJECT activity along with target billing date and target billing amount.

ADMINISTERING AGENCY agrees to submit the final report documents that collectively constitute a "Report of Expenditures" within one hundred eighty (180) days of PROJECT completion. Failure of ADMINISTERING AGENCY to submit a "Final Report of Expenditures" within 180 days of PROJECT completion will result in STATE imposing sanctions upon ADMINISTERING AGENCY in accordance with the current Local Assistance Procedures Manual.

4. The Administering Agency shall not discriminate on the basis of race, religion, age, disability, color, national origin, or sex in the award and performance of any Federal-assisted contract or in the administration of its DBE Program Implementation Agreement. The Administering Agency shall take all necessary and reasonable steps under 49 CFR Part 26 to ensure nondiscrimination in the award and administration of Federal-assisted contracts. The Administering Agency's DBE Implementation Agreement is incorporated by reference in this Agreement. Implementation of the DBE Implementation Agreement, including but not limited to timely reporting of DBE commitments and utilization, is a legal obligation and failure to carry out its terms shall be treated as a violation of this Agreement. Upon notification to the Administering Agency of its failure to carry out its DBE Implementation Agreement, the State may impose sanctions as provided for under 49 CFR Part 26 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001 and/or the Program Fraud Civil Remedies Act of 1986 (31 U.S.C. 3801 et seq.).
5. As a condition for receiving federal-aid highway funds for the PROJECT, the

**SPECIAL COVENANTS OR REMARKS**

Administering Agency certifies that NO members of the elected board, council, or other key decision makers are on the Federal Government Excluded Parties List System (EPLS).

6. Any State and Federal funds that may have been encumbered for this project are available for disbursement for limited periods of time. For each fund encumbrance the limited period is from the start of the fiscal year that the specific fund was appropriated within the State Budget Act to the applicable fund Reversion Date shown on the State approved project finance letter. Per Government Code Section 16304, all project funds not liquidated within these periods will revert unless an executed Cooperative Work Agreement extending these dates is requested by the ADMINISTERING AGENCY and approved by the California Department of Finance.

ADMINISTERING AGENCY should ensure that invoices are submitted to the District Local Assistance Engineer at least 75 days prior to the applicable fund Reversion Date to avoid the lapse of applicable funds. Pursuant to a directive from the State Controller's Office and the Department of Finance; in order for payment to be made, the last date the District Local Assistance Engineer can forward an invoice for payment to the Department's Local Programs Accounting Office for reimbursable work for funds that are going to revert at the end of a particular fiscal year is May 15th of the particular fiscal year. Notwithstanding the unliquidated sums of project specific State and Federal funding remaining and available to fund project work, any invoice for reimbursement involving applicable funds that is not received by the Department's Local Programs Accounting Office at least 45 days prior to the applicable fixed fund Reversion Date will not be paid. These unexpended funds will be irrevocably reverted by the Department's Division of Accounting on the applicable fund Reversion Date.

7. Award information shall be submitted by the ADMINISTERING AGENCY to the District Local Assistance Engineer within 60 days of project contract award and prior to the submittal of the ADMINISTERING AGENCY'S first invoice for the construction contract.

Failure to do so will cause a delay in the State processing invoices for the construction phase. Please refer to Section 15.7 "Award Package" of the Local Assistance Procedures Manual.



RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY  
OF PORTERVILLE AUTHORIZING THE MAYOR TO SIGN  
PROGRAM SUPPLEMENT NO. N047  
TO ADMINISTER THE AGENCY-STATE AGREEMENT  
FOR FEDERAL-AID PROJECTS NO. 06-5122R

BE IT RESOLVED by the City Council of the City of Porterville that the Mayor is hereby authorized to execute the document known as Program Supplement No. N047 to the Local Agency-State Master Agreement No. 06-5122R, for installation of new curb, gutter, sidewalk or gap closure, and widening the shoulder on Indiana Street between Union Avenue and half way in between Roby Avenue and Devon Avenue.

PASSED, APPROVED AND ADOPTED this 19<sup>th</sup> day of November, 2013.

\_\_\_\_\_  
Cameron J. Hamilton, Mayor

ATTEST:  
John D. Lollis, City Clerk

\_\_\_\_\_  
By Patrice Hildreth, Chief Deputy City Clerk

COUNCIL AGENDA: NOVEMBER 19, 2013

SUBJECT: PROGRAM SUPPLEMENT TO THE LOCAL AGENCY-STATE MASTER AGREEMENT – MORTON AVENUE SHOULDER STABILIZATION PROJECT

SOURCE: Public Works Department - Engineering Division

COMMENT: The Department of Transportation has submitted Program Supplement Agreement Number N046, and requests that the City execute said agreement. The executed agreement becomes a part of the Agency-State Agreement for Federal-Aid Projects No. 06-5122R.

The attached Program Supplement is for the installation of new curb, gutter, sidewalk or gap closure, and widening of the shoulder on Morton Avenue between Westwood Street and SR 65.

RECOMMENDATION: That the City Council:

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

ATTACHMENTS: Locator Map  
Program Supplement Agreement No. N046  
Resolution

P:\PUBWORKS\GENERAL\COUNCIL\PROGRAM SUPPLEMENT TO THE LOCAL AGENCY-STATE MASTER AGREEMENT - MORTON SHOULDER STABILIZATION - 2013-11-19.DOCM

Dif BSA Appropriated/Funded MB CM J

Item No. 6

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY  
OF PORTERVILLE AUTHORIZING THE MAYOR TO SIGN  
PROGRAM SUPPLEMENT NO. N046  
TO ADMINISTER THE AGENCY-STATE AGREEMENT  
FOR FEDERAL-AID PROJECTS NO. 06-5122R

BE IT RESOLVED by the City Council of the City of Porterville that the Mayor is hereby authorized to execute the document known as Program Supplement No. N044 to the Local Agency-State Master Agreement No. 06-5122R, for the installation of new curb, gutter, sidewalk or gap closure, and widening of the shoulder on Morton Avenue between Westwood Street and SR 65 .

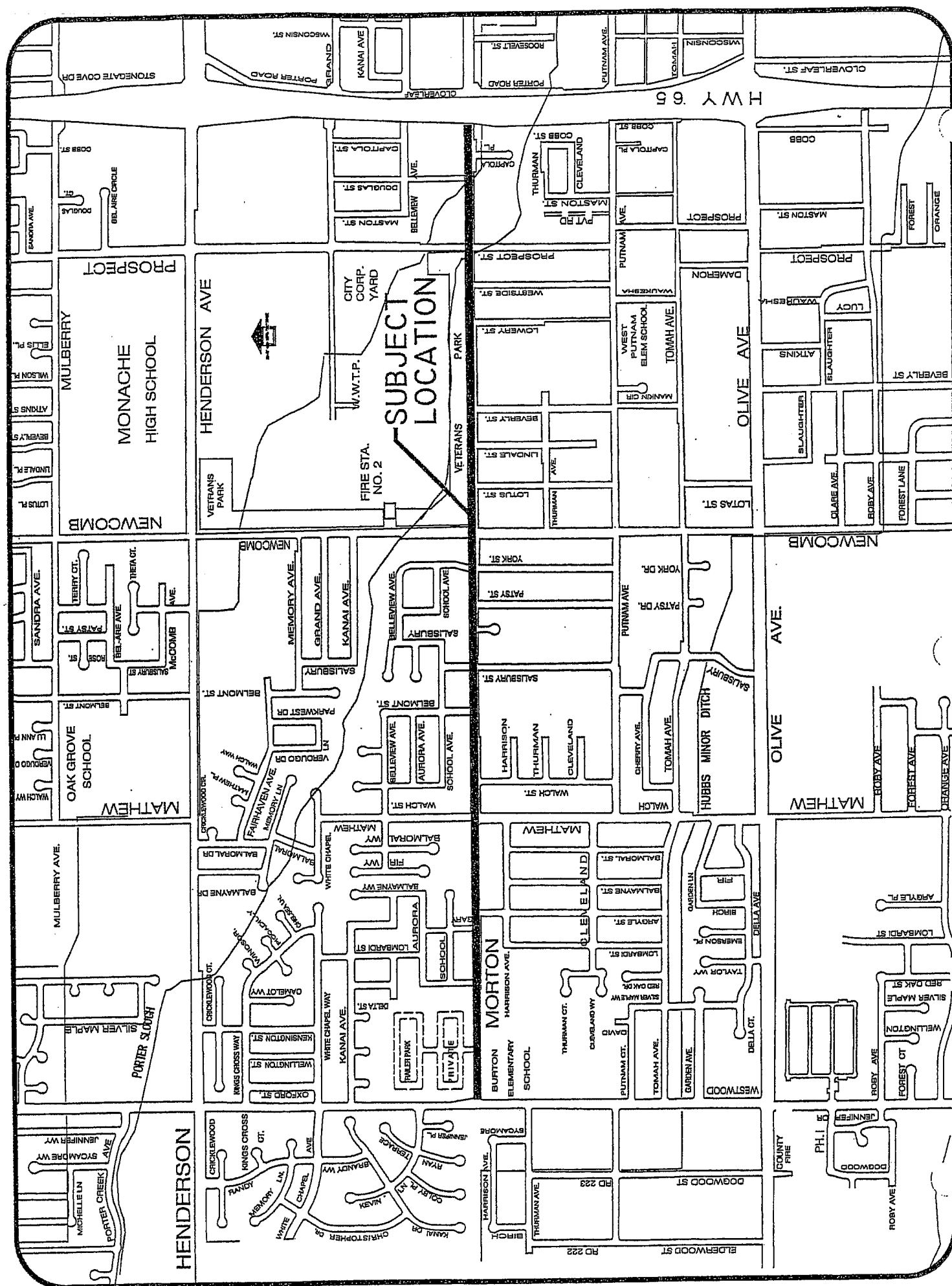
PASSED, APPROVED AND ADOPTED this 19<sup>th</sup> day of November, 2013.

\_\_\_\_\_  
Cameron J. Hamilton, Mayor

ATTEST:

John D. Lollis, City Clerk

\_\_\_\_\_  
By Patrice Hildreth, Chief Deputy City Clerk



**PROGRAM SUPPLEMENT NO. N046**  
to  
**ADMINISTERING AGENCY-STATE AGREEMENT  
FOR FEDERAL-AID PROJECTS NO 06-5122R**

**Adv Project ID** 0613000188 **Date:** October 24, 2013  
**Location:** 06-TUL-0-PTRV  
**Project Number:** CML-5122(077)  
**E.A. Number:**  
**Locode:** 5122

This Program Supplement hereby adopts and incorporates the Administering Agency-State Agreement for Federal Aid which was entered into between the Administering Agency and the State on 02/20/07 and is subject to all the terms and conditions thereof. This Program Supplement is executed in accordance with Article I of the aforementioned Master Agreement under authority of Resolution No. \_\_\_\_\_ approved by the Administering Agency on \_\_\_\_\_  
(See copy attached).

The Administering Agency further stipulates that as a condition to the payment by the State of any funds derived from sources noted below obligated to this PROJECT, the Administering Agency accepts and will comply with the special covenants or remarks set forth on the following pages.

**PROJECT LOCATION:**

On Morton Ave between Westwood St and SR 65.

**TYPE OF WORK:** Widen shoulder, install new curb, gutter, and sidewalk or gap closure. **LENGTH:** 0.0(MILES)

Estimated Cost	Federal Funds		Matching Funds	
	L40E		LOCAL	OTHER
\$429,000.00		\$340,000.00	\$89,000.00	\$0.00


**CITY OF PORTERVILLE**

**STATE OF CALIFORNIA**  
**Department of Transportation**

By \_\_\_\_\_  
Title \_\_\_\_\_  
Date \_\_\_\_\_  
Attest \_\_\_\_\_

By \_\_\_\_\_  
Chief, Office of Project Implementation  
Division of Local Assistance  
Date \_\_\_\_\_

I hereby certify upon my personal knowledge that budgeted funds are available for this encumbrance:

**Accounting Officer**  **Date** 10/25/13 **\$340,000.00**

Chapter	Statutes	Item	Year	Program	BC	Category	Fund Source	AMOUNT

STATE OF CALIFORNIA, DEPARTMENT OF TRANSPORTATION  
PROGRAM SUPPLEMENT AND CERTIFICATION FORM  
PSCF (REV. 01/2010)

Page 1 of 1

TO: STATE CONTROLLER'S OFFICE Claims Audits 3301 "C" Street, Rm 404 Sacramento, CA 95816	DATE PREPARED: 10/24/2013	PROJECT NUMBER: 0613000188
	REQUISITION NUMBER / CONTRACT NUMBER: RQS-2660-061400000276	

FROM: **DEPARTMENT OF TRANSPORTATION**

SUBJECT:

**ENCUMBRANCE DOCUMENTS**

**VENDOR / CONTRACTOR:**  
**CITY OF PORTERVILLE**

CONTRACT AMOUNT:  
\$340,000.00

PROCUREMENT TYPE:  
**LOCAL ASSISTANCE**

I HEREBY CERTIFY UPON MY OWN PERSONAL KNOWLEDGE THAT BUDGETED FUNDS ARE AVAILABLE FOR THIS ENCUMBRANCE AND PURPOSE OF THE EXPENDITURE STATED ABOVE.

[illegible]

SPECIAL COVENANTS OR REMARKS

1. The ADMINISTERING AGENCY will advertise, award and administer this project in accordance with the current published Local Assistance Procedures Manual.
2. ADMINISTERING AGENCY agrees that it will only proceed with work authorized for specific phase(s) with an "Authorization to Proceed" and will not proceed with future phase(s) of this project prior to receiving an "Authorization to Proceed" from the STATE for that phase(s) unless no further State or Federal funds are needed for those future phase(s).
3. ADMINISTERING AGENCY agrees, as a minimum, to submit invoices at least once every six months commencing after the funds are encumbered for each phase by the execution of this Project Program Supplement Agreement, or by STATE's approval of an applicable Finance Letter. STATE reserves the right to suspend future authorizations/obligations for Federal aid projects, or encumbrances for State funded projects, as well as to suspend invoice payments for any on-going or future project by ADMINISTERING AGENCY if PROJECT costs have not been invoiced by ADMINISTERING AGENCY for a six-month period.

If no costs have been invoiced for a six-month period, ADMINISTERING AGENCY agrees to submit for each phase a written explanation of the absence of PROJECT activity along with target billing date and target billing amount.

ADMINISTERING AGENCY agrees to submit the final report documents that collectively constitute a "Report of Expenditures" within one hundred eighty (180) days of PROJECT completion. Failure of ADMINISTERING AGENCY to submit a "Final Report of Expenditures" within 180 days of PROJECT completion will result in STATE imposing sanctions upon ADMINISTERING AGENCY in accordance with the current Local Assistance Procedures Manual.

4. The Administering Agency shall not discriminate on the basis of race, religion, age, disability, color, national origin, or sex in the award and performance of any Federal-assisted contract or in the administration of its DBE Program Implementation Agreement. The Administering Agency shall take all necessary and reasonable steps under 49 CFR Part 26 to ensure nondiscrimination in the award and administration of Federal-assisted contracts. The Administering Agency's DBE Implementation Agreement is incorporated by reference in this Agreement. Implementation of the DBE Implementation Agreement, including but not limited to timely reporting of DBE commitments and utilization, is a legal obligation and failure to carry out its terms shall be treated as a violation of this Agreement. Upon notification to the Administering Agency of its failure to carry out its DBE Implementation Agreement, the State may impose sanctions as provided for under 49 CFR Part 26 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001 and/or the Program Fraud Civil Remedies Act of 1986 (31 U.S.C. 3801 et seq.).
5. As a condition for receiving federal-aid highway funds for the PROJECT, the

**SPECIAL COVENANTS OR REMARKS**

Administering Agency certifies that NO members of the elected board, council, or other key decision makers are on the Federal Government Excluded Parties List System (EPLS).

6. Any State and Federal funds that may have been encumbered for this project are available for disbursement for limited periods of time. For each fund encumbrance the limited period is from the start of the fiscal year that the specific fund was appropriated within the State Budget Act to the applicable fund Reversion Date shown on the State approved project finance letter. Per Government Code Section 16304, all project funds not liquidated within these periods will revert unless an executed Cooperative Work Agreement extending these dates is requested by the ADMINISTERING AGENCY and approved by the California Department of Finance.

ADMINISTERING AGENCY should ensure that invoices are submitted to the District Local Assistance Engineer at least 75 days prior to the applicable fund Reversion Date to avoid the lapse of applicable funds. Pursuant to a directive from the State Controller's Office and the Department of Finance; in order for payment to be made, the last date the District Local Assistance Engineer can forward an invoice for payment to the Department's Local Programs Accounting Office for reimbursable work for funds that are going to revert at the end of a particular fiscal year is May 15th of the particular fiscal year. Notwithstanding the unliquidated sums of project specific State and Federal funding remaining and available to fund project work, any invoice for reimbursement involving applicable funds that is not received by the Department's Local Programs Accounting Office at least 45 days prior to the applicable fixed fund Reversion Date will not be paid. These unexpended funds will be irrevocably reverted by the Department's Division of Accounting on the applicable fund Reversion Date.

7. Award information shall be submitted by the ADMINISTERING AGENCY to the District Local Assistance Engineer within 60 days of project contract award and prior to the submittal of the ADMINISTERING AGENCY'S first invoice for the construction contract.

Failure to do so will cause a delay in the State processing invoices for the construction phase. Please refer to Section 15.7 "Award Package" of the Local Assistance Procedures Manual.



COUNCIL AGENDA: NOVEMBER 19, 2013

SUBJECT: FINAL BALLOT RESULTS – AREA 455A SEWER UTILITY DISTRICT

SOURCE: Public Works Department - Engineering Division

COMMENT: Due to a conflict of interest at the November 5, 2013, Council meeting, a quorum was not met for the adoption of the resolution. Therefore, this staff report is required to go before the Council this night for re-adoption of the resolution. At the Public Hearing, held on October 15, 2013, staff requested for the Hearing to be opened, comments and ballots received, and due to time constraints, to open and tabulate the votes the following day.

The votes were subsequently tabulated and certified. 76.6% (72 votes) of the ballots received voted in favor of forming the Sewer Utility District; 23.4% (22 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 455A Sewer Utility District and adopt the resolution approving the Formation of Sewer Utility District No. 455A.

ATTACHMENTS: Resolution  
Certification of Ballot Results

P:\pubworks\General\Council\Final Ballot Results - Area 455A Sewer Utility District - 2013-11-19.doc

Dir For Appropriated/Funded MP CM J

Item No. 7

RESOLUTION NO.: \_\_\_\_\_ - 2013

A RESOLUTION OF THE CITY COUNCIL OF THE  
CITY OF PORTERVILLE APPROVING  
THE FORMATION OF AREA 455A SEWER UTILITY DISTRICT,  
AND LEVYING THE ASSESSMENT

WHEREAS, Area 455A was annexed into the City 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 October 15, 2013, with tabulation of said ballots continued to October 16, 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 455A 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 a 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, opt in the alternative to pay the assessment at the time of development but subject to 3% interest compounded annually from the date of imposition of the assessment.

PASSED, APPROVED AND ADOPTED this 19<sup>th</sup> day of November, 2013.

\_\_\_\_\_  
Cameron J. Hamilton, Mayor

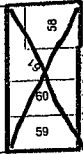
ATTEST:  
John D. Lollis, City Clerk

By:\_\_\_\_\_  
Patrice Hildreth, Chief Deputy City Clerk

16

15

14



Annex 455

N CORB ST

W PATTERSON AVE

W PATTERSON AVE

W PATTERSON AVE

W PATTERSON AVE

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Exhibit 'A'

## CITY OF PORTERVILLE

### CERTIFICATION OF BALLOT RESULTS FOR ANNEXATION AREA 455 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>94</u>	No. of Ballots <u>72</u>	No. of Ballots <u>22</u>
	<b>AYES</b>	<b>NAYS</b>
	Percent "Yes" <u>76.60%</u>	Percent "No" <u>30.56%</u>

In addition, 3 ballots received were invalid due to:

- 1 Already connected
- 1 Voter was not the property owner
- 1 Duplicate

**Ballots Tabulated By:**

Luisa Zavala, Deputy City Clerk

Vickie Ratta, Secretary

I hereby certify that the above are true and accurate ballot tabulation results for the Annexation Area 455 Sewer Utility District majority protest/election for all affected property owners.

  
Signature

Luisa Zavala  
Print Name

Deputy City Clerk  
Title

10/16/2013  
Date

COUNCIL AGENDA: NOVEMBER 19, 2013

SUBJECT: SET A PUBLIC HEARING FOR THE ADOPTION OF CALIFORNIA BUILDING AND FIRE CODES

SOURCES: Public Works Department - Building Division; Fire Department

COMMENT: The various building codes in use by jurisdictions in California are updated periodically to reflect the latest materials and construction techniques available to the construction industry.

The last published building and fire codes, specifically the California Building and Fire Codes, were updated in 2010. The State of California has since adopted the 2013 International Codes as the State Codes for Building, Plumbing, Mechanical, Electrical, Energy, and Fire.

In addition to these Codes, the State of California has also mandated the adoption of the 2013 Green Building Standards Code, the 2013 Residential Code, and the 2013 Referenced Standards Code. The 2013 Codes became State mandated as of January 1, 2013.

Each California Code will be adopted by ordinance, and shall repeal the State Code previously in effect.

RECOMMENDATION: That City Council:

1. Set the Public Hearing for December 3, 2013, to receive input regarding the adoption of the 2013 Editions of the California Building, Plumbing, Mechanical, Electrical, Fire, Green Building Standards, Residential, Administrative, Reference Standards, and Energy Codes.

P:\pubworks\General\Council\Set the Public Hearing for the Adoption of the Building and Fire Codes - 2013-11-19.doc

Dir. BS Appropriated/Funded N/A CM J

Item No. 8

CITY COUNCIL AGENDA: NOVEMBER 19, 2013

SUBJECT: 2013 HSGP (HOMELAND SECURITY GRANT)

SOURCE: FIRE DEPARTMENT

COMMENT: The Fire Department applied for a Homeland Security Grant in July of 2013 and received award documents on November 5, 2013. The grant provides \$32,753 in federal funds with no local match.

Grant funds will reimburse the department for the purchase of:

- 75 VHF pagers from OSI International, \$26,250
- 6 Level IIIA ballistic vests from Galls, \$2,645
- 4 multi-sensor gas monitors from Inspector Tools, \$1,765
- 1 gas monitor calibration kit from Inspector Tools, \$242


The department currently utilizes a third-party system for paging off-duty and reserve firefighters. The system relies on antiquated dial-up modems that have failed numerous times during the past year. This grant will provide a VHF paging system owned and operated by the City of Porterville that will streamline workflow in the dispatch center, improve paging reliability and speed, and result in a savings to the Fire Department in excess of \$6,000 per year. Ballistic vests and multi-gas sensor monitors are used by arson investigators as basic personal safety equipment while performing fire and arson investigation duties.

RECOMMENDATIONS: That the City Council

- 1) Accept the 2013 Homeland Security Grant Award;
- 2) Authorize the City Manager and Fire Chief to sign grant documents required within 90 days of receipt; and
- 3) Authorize staff to negotiate the purchase of equipment using funds from the "firefighting and rescue equipment" replacement fund, to be reimbursed by grant funds.

Dir 

Approp./ Funded 

CM 

Item No. 9

SUBJECT: SALE OF SURPLUS VEHICLES TO THE CITY OF LINDSAY

SOURCE: Police Department

COMMENT: The City of Lindsay has been in negotiations with the City of Porterville regarding the purchase of surplus vehicles. Lindsay needs the vehicles to serve as K-9 units for the Lindsay Police Department's newly formed Police K-9 program. Through the course of the negotiations, City staff has identified two (2) vehicles that would benefit the City of Lindsay. The negotiated price is \$1,500.00 for each vehicle, which is the estimated value of these two vehicles in "as is" condition if sold to a law enforcement agency. Lindsay staff has inspected the vehicles at the City of Porterville Corporation Yard and found them acceptable for purchase. The following is a list of the surplus vehicles to be purchased by the City of Lindsay:

Unit 3234	2005 Ford Crown Victoria Sedan	Lic# 1157663
	VIN# 2FAFP71W95X124154	76,294 Miles
Unit 3256	2006 Ford Crown Victoria Sedan	Lic# 1157717
	VIN# 2FAFP71W46X152526	101,716 Miles

The total cost for the two surplus vehicles to be purchased by the City of Lindsay is \$3,000.00.

The Purchasing Agent is authorized to dispose of surplus City property through public auction, trade-in, or negotiated sale. Staff has determined that it is in the best interests of the City to negotiate with other agencies or teaching institutions whenever possible because this allows vehicles to be transferred "as is" without having to strip the patrol vehicles of emergency equipment and perform costly safety inspections. We also save the costs of the auctioneer's commission.

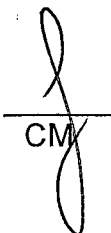
RECOMMENDATION: That the City Council approve the sale of the two above-listed surplus vehicles to City of Lindsay for the sum of \$1,500 each.



Dir.



Appro./  
Funded



CM

Item No. 10



COUNCIL AGENDA: November 19, 2013

SUBJECT: SCHEDULING OF COMBINED ADJOURNED MEETING OF CITY COUNCIL AND CHARTER REVIEW COMMITTEE

SOURCE: Administration

COMMENT: Pursuant to the timeline established by the City Council in the formation of the Charter Review Committee, and the Committee's review of the City Charter for potential amendments, the Committee is nearing completion of its examination. To facilitate the presentation of the Committee's recommendations for amendments to the City Charter for the City Council's consideration, a combined meeting of the City Council and Charter Review Committee is proposed to be scheduled for Wednesday, December 11, 2013, beginning at 5:30 P.M. in the Library Community Room.

RECOMMENDATION: That the City Council authorize the scheduling of a combined adjourned meeting of the City Council and Charter Review Committee for Wednesday, December 11, 2013, beginning at 5:30 P.M. in the Library Community Room.

C/M 

Item No. 11

SUBJECT: REVIEW OF LOCAL EMERGENCY STATUS

SOURCE: Administration

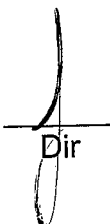
COMMENT: In accordance with the City Council's Resolution of Local Emergency adopted on December 21, 2010, and pursuant to Article 14, Section 8630 of the California Emergency Services Act, the Council must review the status of its local emergency at every regularly scheduled meeting and make a determination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

Since its last review on November 5, 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 accepted 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. At its meeting on August 6, 2013, the Council accepted the completion of the identified CEMA repairs, which staff continues to work with the State to finalize repair reimbursements.

  
Dir

  
App/Fund

  
CM

Item No. 12

**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

CITY COUNCIL AGENDA: NOVEMBER 19, 2013

PUBLIC HEARING

SUBJECT: REQUEST FOR A CONDITIONAL USE PERMIT TO ALLOW SUBSTITUTION OF ONE NONCONFORMING USE FOR ANOTHER NONCONFORMING USE ON THE PROPERTY LOCATED AT 336 SOUTH E STREET

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT- PLANNING DIVISION

COMMENT: The applicant is requesting a Conditional Use Permit to allow the operation of a nonconforming use (a towing service and impound yard) in substitution of an existing nonconforming use (a fueling yard) on the property located at 336 South E Street. This site is across E Street from an existing residential subdivision to the west, is adjacent to railroad property to the north and east, and adjoins vacant residentially zoned property to the south. As proposed by the applicant, construction/reconstruction activities associated with the proposed use would be limited to replacement of nonconforming fencing with similar materials. Applicant proposes to reuse non-damaged portions of the applicant's existing fencing currently located at 866 Olive Avenue as depicted in attached photo. Project would include installation of landscaping. The project area is located at the western boundary of the Downtown District, and is within the Downtown Mixed Use (D-MX) Zone District.

Nonconforming uses and structures are regulated by Chapter 308 of the Development Ordinance. Section 308.07(c) of the Code permits the City Council to allow the substitution of one nonconforming use for another nonconforming use of the same or less intense type of use class. Use classes are defined in Chapter 701; classification of uses (organization of uses by intensity and type) are addressed in Section 308.06 *Classification of Nonconforming Uses*.

Staff supports the applicant's desire to relocate an existing business subject to conditions which would help minimize the impact of the nonconforming use on adjacent residential properties.

RECOMMENDATION: That the City Council adopt the draft resolution approving Conditional Use Permit 2013-037-C subject to conditions of approval.

ATTACHMENTS: Complete Staff Report

DD  ACTING

Appropriated/Funded 11/14

CM 

Item No. 13

CITY COUNCIL AGENDA: NOVEMBER 19, 2013

PUBLIC HEARING

SUBJECT: REQUEST FOR A CONDITIONAL USE PERMIT TO ALLOW  
SUBSTITUTION OF ONE NONCONFORMING USE FOR ANOTHER  
NONCONFORMING USE ON THE PROPERTY LOCATED AT 336 SOUTH E  
STREET

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT- PLANNING DIVISION

PROPERTY OWNER/APPLICANT:

Owner:  
Chuck Silva  
Silva Oil  
Post Office Box 1048  
Fresno, CA 93714

Applicant:  
Mike Childree  
Crane's Towing  
866 West Olive Avenue  
Porterville, CA 93257

PROJECT DESCRIPTION: The applicant is requesting a Conditional Use Permit (2013-037-C) to allow him to site a nonconforming use at the location of an existing nonconforming use (defined as substitution of a nonconforming use per the Development Ordinance). The proposed plan calls for no modifications to the two existing buildings on site, but does request to relocate fencing the applicant currently uses on his property located at 866 West Olive Avenue to the project property at 336 South E Street. Landscaping is proposed as part of the project.

PROJECT SITE SPECIFICATIONS: The existing site development includes two industrial buildings; one devoted strictly to storage and one that includes an office area. No modifications to the size or design of these buildings are proposed at this time. The location of two existing 7±-foot-high gates leading onto the property would not change with the proposed project. Existing fencing is approximately 6 feet in height and constructed of chain link metal material, which extends around the perimeter of the subject property, a 36,244 square foot ( $\pm$  0.83 of an acre) site.

GENERAL PLAN DESIGNATION: Downtown Mixed Use

ZONING CLASSIFICATION: Downtown Mixed Use (DMX)

SURROUNDING ZONING AND LAND USES:

North: D-MX (Former Railroad facility site)

West: RM-3 (Existing single-family residential development)

South: DRM-3 (Vacant residential property)

East: Right-of-way (Railroad)

## ENVIRONMENTAL REVIEW:

<b>Date Environmental Document Distributed</b>	<b>Date Notice Published in Porterville Recorder</b>	<b>Date Notice Mailed to Property Owners within 300 feet of property.</b>
Item deemed Categorically exempt. Notice of Exemption to be posted with County Clerk pending Council decision.	November 9, 2013	November 7, 2013

**BACKGROUND:** The applicant is requesting a Conditional Use Permit (2013-037-C) to allow him to site a nonconforming use at the location of an existing nonconforming use (this is called substitution of a nonconforming use per Code). Mr. Childree currently owns a property and a towing business located at 866 Olive Avenue in Porterville. He is currently in escrow to purchase the 336 South E Street site with a stipulation on the closure of the sale that it is subject to confirmation the towing business may relocate to the subject property.

**ANALYSIS:** The proposed plan calls for no modifications to the two existing buildings on site, but does include a request to relocate fencing materials the applicant currently uses on his property located at 866 West Olive Avenue to the project property at 336 South E Street. The existing nonconforming chain link fencing would be replaced by this fencing of a similar material and located at the same fence line established on the subject site. Installation of new landscaping is also proposed as part of the project.

The applicant intends to use one of the storage buildings, the northeastern-most facility, for vehicle storage use for vehicles needing storage away from the weather. The building located closer to the street would be partially used for vehicle storage and partially used for the business's office. No modifications to the size or design of these buildings are proposed at this time. The location of two existing 7±-foot-high gates leading onto the property would not change with the proposed project. The existing 6±-foot high chain link fencing would be replaced at the same location as existing, with chain link fencing of the same height. Note: neither the razor wire nor damaged portions of fencing currently shown in the attached photo of the applicant's business would not be used on the South E Street site; the applicant intends to use a combination of lighting and trained dogs to provide security for the site as this new site is adjacent to residential development.

The Project Review Committee reviewed the proposed project at its meeting on October 9, 2013. The Committee recommended several conditions of approval intended to minimize impacts to adjacent residential properties developed when less intense adjacent development was planned for the site. Suggested conditions

were aimed at bringing the proposed plan into conformance with required Municipal, Building, Development and Public Safety-related codes and are intended to protect the public health safety and welfare. Suggested conditions are incorporated in the attached Draft Resolution.

A few design considerations brought forward by the PRC would be deferred to staff review to ensure timely close of escrow and installation of site improvements. These would include fencing, lighting, landscaping, and signage reviews:

For example, the applicant intends to relocate the existing fencing he has at 866 Olive Street, absent the razor wire shown as installed above the fencing, to the project site. Staff will review the fencing proposal to confirm compliance with the suggested conditions pertinent to prohibition on display of razor or barbed wire visible from the street and limiting reuse of fencing to those sections that are in good condition only. Mr. Childree also intends to relocate his existing sign from the Olive Avenue business location to the new South E Street location. A condition of approval requiring a separate sign permit has also been provided in the attached resolution. The sign will be reviewed based on regulations pertinent to the project site. This would not preclude use of the applicant's existing sign as long as it meets general sign design requirements, is located appropriately, and is in good condition. No lighting proposal has been submitted at this time indicating the applicant intends to use existing light standards for site security.

The Police Department has indicated that existing street and onsite lighting would meet their requirements. If, in the future, the applicant decides additional lighting is necessary to provide adequate site security, a building electrical permit will be required. Staff is suggesting a condition requiring submittal of a photometric plan with any future lighting modifications to ensure ambient light would not create glare or excessive spillover onto adjacent properties. In addition, while the site plan shows conceptual landscape design with specific landscape area requirements, the applicant will need to provide specific information, for staff review, regarding plant number and type.

The City Council is currently contemplating modifications to the Porterville Development Ordinance. Development Ordinance provisions in effect at the time of building permits, if any, would be applicable to the project. Improvements that will be reviewed to ensure compliance with current local, state, and federal regulations in place at the time of associated work, include landscaping, fencing, lighting, and signage.

#### *General Plan Compliance*

The current project site land use designation is Downtown Mixed Use. This designation is intended to provide for a mix of uses including residential, office and retail or other commercial uses. The following General Plan Policies relate to the proposed project:

*LU-G10 Foster viable, pedestrian-oriented...development*

*LU-G-14 Ensure the availability of land and building to accommodate new industries and the expansion of existing businesses while accounting for market factors.*

Summary: The intent of these policies is to encourage quality design mindful of Mixed Use standards while acknowledging market forces and the need to retain existing businesses in Porterville.

*Development Ordinance Compliance*

The project site land use designation is zoned D-MX (Downtown Mixed Use). In keeping with the goal of quality customer service and to encourage economic development, staff has assisted the applicant in drafting a conceptual site plan. However, this is an unusual and non-sustainable service. Some aspects of the submitted plans will be refined, subject to additional staff review. The following Development Ordinance regulations apply to the proposed project:

- Section 300 General Site Regulations:

*§300.07 (e)(4) The unshielded outdoor illumination of any building or landscaping is prohibited...*

The project, as conditioned, meets this Code requirement and therefore allows Council to adopt findings pertinent to the approval of a Conditional Use Permit (Code Section 604.04 noted above).

- Approval of the substitution of one nonconforming use for another may be permitted with a Conditional Use Permit but requires Council to adopt specific findings with the approval. These include those stipulated in Section (§) 308 (all) and specifically:

*§ 308.07 Required findings:*

*(a) The proposed new use will be more compatible with the purposes of the district and surrounding uses than the nonconforming use it replaces;*

The proposed use is a nonconforming use within the D-MX district. Nonconforming uses and structures are regulated by Development Ordinance Chapter 308. Section 308.07(c) of the Code and permits the City Council to allow the substitution of one nonconforming use for another nonconforming use of the same or less intense type of use class. Use classes are defined in Chapter 701; classification of uses (organization of uses by intensity and type) are addressed in Section 308.06 *Classification of Nonconforming Uses*.

The Code requirement for a Conditional Use Permit (CUP) permit is intended to allow Council to approve a non-permitted use despite its being



contrary to the overall intent of the district's zoning. This tool is used to ensure the decision is made at a public hearing and allows Council to impose conditions designed to ensure the use, as conditioned, would be more compatible to permitted uses in the district.

The proposed use will be more compatible than the existing use because the conditions required for operation of the towing yard use, e.g. improved fencing and landscaping, will make the use more compatible with adjacent residential uses than the previous fuel yard use was without these impact-reduces measures.

*(b) The proposed new use will not be detrimental to the health, safety, peace, comfort or general welfare of persons residing or working in the surrounding area or be detrimental or injurious to property and improvements of adjacent properties, the surrounding area, or the neighborhood because of noise, traffic generation, odors, dust, glare, vibrations, or other effects; and*

The existing fuel yard use is considered a Class II use pursuant to Code Section 308.06(b)(1) whereas the proposed towing yard use is considered a Class I use, as conditioned, pursuant to Code Section 308.06(a)(2) and (4). The Code permits the substitution of a Class I use, a less intense use, for a Class II use. It should be noted that it is the conditions of approval that would allow the project to be considered a Class I use; absent the deletion of razor wire, visual blight and lighting impact reduction measures (solid fencing as required by Code section 300.09), and landscape installation requirements, the finding requiring that the project "not depress the value of nearby (residential) properties" could be difficult to make. However, the compliance with the conditions stipulated will ensure the use operates as a Class I use and thereby will not be detrimental to the health, safety, peace, comfort or general welfare of the surrounding area due to these measures intended to reduce anticipated impacts.

*(c) The proposed new use will comply with all applicable standards or there are special circumstances peculiar to the property and its relation to surrounding uses or to the district itself that would justify modification to applicable standards.*

As conditioned, the use will comply with all applicable City standards. The conditions of approval identify some aspects of the submitted plans which will be refined, subject to additional staff review, to ensure compliance with local, State and Federal Codes. For example, landscaping, intended to provide parking lot shading and to soften the appearance of the industrial-type use at its interface with the adjacent residential development, is proposed as part of the project. The existing nonconforming chain link fencing would be repaired/replaced by fencing of a similar material, but with solid materials inserted to minimize the

visual blight associated with an industrial-type yard and potential light spillage to adjacent residential properties.

*Conditional Use Permit Review.* Approval of a Conditional Use Permit requires Council to adopt specific findings with the approval. These include those stipulated in Section (§) 604 (all) and specifically:

§ 604.04 Required findings:

*(a) Approval of the proposed project will advance the goals and objectives of and is consistent with the policies of the General Plan and any other applicable plan that the City has adopted; and*

The project is consistent with the General Plan in that *the design, which includes the addition of landscaping at an intersection near a residential area while allowing a nonconforming business to locate where an existing nonconforming business exists addresses General Plan intent policies intended to encourage quality design mindful of Mixed Use standards while acknowledging market forces and the need to retain existing businesses in Porterville. These include General Plan Policies LU-G10 Foster viable, pedestrian-oriented...development and LU-G-14 Ensure the availability of land and building to accommodate new industries and the expansion of existing businesses while accounting for market factors.*

*(b) The location, size, design, and operating characteristics of the proposed project are consistent with the purposes of the district where it is located and conforms in all significant respects with the General Plan, the Development Ordinance and with any other applicable plan adopted by the City Council.*

As conditioned, the project would be substantively consistent with the Development Code's provisions for the D-MX district and other applicable plans. The project, as conditioned, complies with the requirements applicable to General Site Regulations and Substitution of Nonconforming uses set forth in Development Code Sections 300 and 308 as well as all local regulations.

SUMMARY: Conditions applicable to the proposed Conditional Use Permit will ensure the project does not impact the public health, safety, peace, comfort, or general welfare. Therefore, the proposed substitution of a nonconforming use meets the required findings.

ENVIRONMENTAL REVIEW: This project is exempt from the review requirements of the California Environmental Quality Act Categorical Exemption provisions in Article 19, Section 15301, *Existing Facilities*. Upon approval of the project, staff will prepare and submit the required Notice of Exemption.

It should be noted that the existing site is currently undergoing a hazardous materials clean up operation for the Silva Oil fuel yard use (a review of the property will show that there are two concrete pads on site that formerly supported oil tanks). The State Water Resources Board is overseeing cleanup operations. The applicant has indicated that close of escrow is contingent on confirmation that the clean up has been completed to the satisfaction of the State Water Board.

RECOMMENDATION: That the City Council adopt the draft resolution approving Conditional Use Permit 2013-037-C subject to conditions of approval.

ATTACHMENTS:

1. Draft Resolution of Approval
2. 300' Radius/Vicinity and Aerial Map
3. Zoning Map
4. General Plan Map
5. Site Plan (Showing existing and proposed conditions)
6. Photo of existing fencing on site
7. Photo of replacement fencing proposed

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE  
CONTAINING FINDINGS AND CONDITIONS IN SUPPORT OF  
CONDITIONAL USE PERMIT 2013-037-C ALLOWING SUBSTITUTION  
OF A NONCONFORMING USE, FROM A FUELING YARD TO A  
TOWING SERVICE, ON THE PROPERTY LOCATED AT 336 SOUTH E STREET.

WHEREAS: The existing use on the project site is a legally nonconforming fuel yard, which constitutes a Class II nonconforming use pursuant to the Porterville Development Ordinance (Code), Section 308.07; and

WHEREAS: The proposed use would substitute a nonconforming use, a towing service and yard (a Class I nonconforming use), for the existing legally nonconforming use. No building expansion or reconstruction is requested with the permit; and

WHEREAS: The proposed substitution of a nonconforming use requires approval of a Conditional Use Permit requiring consideration in a public hearing before the City Council; and

WHEREAS: The City Council of the City of Porterville, at its regularly scheduled meeting of November 19, 2013, conducted a public hearing to consider Conditional Use Permit (2013-037-C), to allow for substitution of a nonconforming use, a towing service and yard, for an existing nonconforming use, a fuel yard, on the property located at 336 South E Street and received testimony from all interested parties related to the requested permit; and

WHEREAS: The City Council made the following findings:

1. Conditional Use Permit. Council found the project to be in compliance with Development Code Section (§) 604 (all) and specifically § 604.04 thereby allowing their approval of the requested Conditional Use Permit:

- a. Approval of the proposed project will advance the goals and objectives of and is consistent with the policies of the General Plan and any other applicable plan that the City has adopted; and

The project is consistent with the General Plan in that the design, which includes the addition of landscaping at an intersection near a residential area and allows a non-conforming business to locate where an existing non-conforming business exists, addresses General Plan policies intended to encourage quality design mindful of Mixed Use standards while acknowledging market forces and the need to retain existing businesses in Porterville. These include, but are not limited to, General Plan Policies LU-G10 and LU-G-14.

- b. The location, size, design, and operating characteristics of the proposed project are consistent with the purposes of the district where it is located and conforms in all significant respects with the General Plan, the Development Ordinance and with any other applicable plan adopted by the City Council.

conditioned, pursuant to Code Section 308.06(a)(2) and (4). The Code permits the substitution of a Class I use, a less intense use, for a Class II use. It should be noted that it is the conditions of approval that would allow the project to be considered a Class I use; absent the deletion of razor wire, visual blight and lighting impact reduction measures (solid fencing as required by Code section 300.09), and landscape installation requirements, the finding requiring that the project "not depress the value of nearby (residential) properties" could be difficult to make. However, the compliance with the conditions stipulated will ensure the use operates as a Class I use and thereby will not be detrimental to the health, safety, peace, comfort or general welfare of the surrounding area due to these measures intended to reduce anticipated impacts.

(c) The proposed new use will comply with all applicable standards or there are special circumstances peculiar to the property and its relation to surrounding uses or to the district itself that would justify modification to applicable standards.

As conditioned, the use will comply with all applicable City standards. The conditions of approval identify some aspects of the submitted plans which will be refined, subject to additional staff review, to ensure compliance with local, State and Federal Codes. For example, landscaping, intended to provide parking lot shading and to soften the appearance of the industrial-type use at its interface with the adjacent residential development, is proposed as part of the project. The existing nonconforming chain link fencing would be repaired/replaced by fencing of a similar material, but with solid materials inserted to minimize the visual blight associated with an industrial-type yard and potential light spillage to adjacent to residential properties.

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 Code. 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;" and

3. Pursuant to Categorical Exemption Class 15301 (Existing Facilities) of CEQA guidelines the project as proposed is categorically exempt. The activity meets the criteria of the Class 1 exemption as replacement of an existing facility. The requirement to comply with State Water Board pollution clean up standards will run with the property; and

4. Pursuant to Porterville Development Code Section 308.07, the Council finds that the proposed use, as conditioned, will:
  - a. Be more compatible with the purposes of the district and surrounding uses than the nonconforming use it replaces;
  - b. The proposed new use will not be detrimental to the health, safety, peace, comfort or general welfare of persons residing or working in the surrounding area or be detrimental or injurious to property and improvements of adjacent properties, the surrounding area, or the neighborhood because of noise, traffic generation, odors, dust, glare, vibrations, or other effects; and
  - c. The proposed new use will comply with all applicable standards and its relation to surrounding uses or to the district itself that would justify modification to applicable standards.
5. Pursuant to Porterville Development Code Section 604.04, the Council finds that the proposed Conditional Use Permit may be granted because the proposed use, as conditioned:
  - a. Will advance the goals and objectives of and is consistent with the policies of the General Plan and any other applicable plan that the City has adopted; and
  - b. Will ensure that the location, size, design, and operating characteristics of the proposed project are substantively consistent with the purposes of the district where it is located and conform in all significant respects with the General Plan, the Development Ordinance and with any other applicable plan adopted by the City Council.

NOW, THEREFORE, BE IT RESOLVED: That the City Council of the City of Porterville does hereby approve Conditional Use Permit (2013-037-C) subject to the following conditions:

1. At all times, the facility shall be operated and maintained to comply with applicable State and Federal laws, and the City of Porterville Development Ordinance.
2. Development shall conform substantially to the plans approved by the City Council (Exhibit A) and all construction, street improvements, landscaping and parking facilities shall be completed prior to the occupancy of the proposed structure unless modified as required by the Zoning Administrator to meet Porterville Development Ordinance requirements.
3. The proposed use, a towing and impound yard, would include an area to wash tow trucks, and is a nonconforming use that would substitute the nonconformity of an existing use. No vehicle repair service is proposed. The applicant further proposes to repair/replace existing nonconforming structures (fencing) with reused fencing

of a similar height and materials and which will be relocated from the business's former location.

4. Applicant has indicated that 5 (five) employees shall work on the site. Business hours for the office will be from 8:00 am to 5:00 pm Monday through Friday. Towing services resulting in impound may occur at any time, and tow trucks may enter and exit the property at any time of the day, seven days per week.
5. Parking areas for impounded vehicles shall be on hardscape surfaces and meet City Engineer minimum requirements as well as the requirements of the State Water Resources Board, the agency overseeing clean up operations on the site. In addition, where vehicles demonstrate fluid leakage, oil pans must be placed under the issuing tow truck(s) and/or impounded vehicle(s). In addition, Section 300.09 of the Porterville Development Ordinance *Outdoor Storage*, outdoor storage areas shall be paved.
6. Hazardous Materials. The applicant shall work cooperatively with the property owners and the State Water Board to meet State and/or Federal requirements for ongoing monitoring/maintenance on the site. This may include access to the existing buildings and the site in general. At this time, the applicant has indicated that fuel will not be stored onsite. This does not preclude normal fuel storage in or on the tow trucks or impounded vehicles.
7. Fencing. In order to minimize noise and night-time car lighting impacts to neighboring residential properties, a solid wall or fence shall be located on the western and southern property lines. If razor or barbed wire is desired for security purposes, it must be installed on the interior of the wall or solid fence with the entire structure(s) located sufficiently below top of fence/wall to not be visible from the street. Applicant shall consult with Building Division staff prior to fence repair/replacement work to show staff proposed repair/replacement materials and design and to confirm whether a building permit is required. Only non-damaged portions of fencing to be relocated may be used. Prior to installation of replacement fencing, property lines for the north property line facing the Locust Street right-of-way shall be confirmed with the City Engineer.
8. Lighting. No new lighting or modifications to existing lighting is proposed at this time. Lighting must be shielded and directed down onto the project site to limit spillage onto adjacent properties. If the applicant later determines that additional lighting may be needed for site security, a building electrical permit will be required and a photometric site plan may be required.
9. Landscaping. Applicant is encouraged to work with a local nursery and/or landscaper to develop landscape plans that provide at least the minimum information required as stipulated in Code Section 303.04 Landscape Plans. Landscaping is to include a variety of plant heights and types. The number of plants, plant names and sizes are to be shown on the plan and substantively reflect the landscape conceptual plan shown to Council for their review and attached as

Exhibit A. Irrigation type and location shall be shown on the plan. Landscape plan requirements can be found in Section 303.04 of the Development Code. A copy of this Code section is provided below for reference.

- Parking lot shall be landscaped with a variety of landscape installations for at least 10% of the parking area (which is roughly 2,670 square feet in area). No landscaping is required for the impounded vehicle parking areas. Therefore, a minimum of 267 square feet of landscaping is to be provided in the parking area. Parking lot landscaping plan must provide shade trees of at least 15 gallon size (of a variety that will provide for at least 50% shading of the parking area within 15 years). *The Sunset Western Garden Book* and the local nursery are good resources to help identify tree types that will meet this requirement.
  - In acknowledgement of the existing nonconforming development of the subject site and the lack of current applications for development of the properties to the south and east, perimeter landscaping shall only be required along the north property line, adjacent to Locust Street. At least one planter of a minimum width of 3 (three) feet and length of 14 feet (roughly 20% of the average building length) shall be installed. To maximize benefit to the surrounding community and the business's appearance, the applicant may elect to place this planter nearer to the corner adjacent to Building 2 parallel to Locust Street. For security purposes, this landscaped area does not need to include trees immediately adjacent to the fence.
  - Landscape/irrigation shall be maintained in good condition or replaced in kind immediately upon failure to thrive/work.
10. Parking. Existing nonconforming parking on the subject property is provided in the form of 4 (four) compact spaces with deteriorated striping. Current Code would have required 9 (nine) parking spaces for the towing/impound use with none of those spaces allowed to be compact size. While the applicant will not be required to bring the parking up to current Code, the lot must be restriped to provide a minimum of 4 (four) standard size spaces onsite. As the parking area is constrained by the existing building location, to maximize maneuvering aisle, wheel stops will not be required. Interior parking shall meet City Building Division and City Engineer requirements.
11. The vehicular gate at Locust Street must remain at the current gate location with the repair/replacement work of the fencing materials and meet City Engineer requirements.
12. A separate sign permit application shall be submitted for staff review and approval prior to replacement of existing signage on site. A temporary sign permit (for example for a "Grand Opening" banner) may be submitted if an interim sign is needed or the applicant wishes to further advertise the new business site.



13. Developer/applicant shall execute an encroachment agreement with the City of Porterville, if the project includes the repositioning of the existing fence into the public right-of-way and/or it is determined that portions of the existing fence have encroached onto the public right-of-way.
14. The Building Official has designated the proposed change in nonconforming use of the property to be an "S-1" Occupancy Classification.
15. Based on the applicants submittal and PRC meeting discussions of October 9, 2013; there doesn't appear to be any proposed work that would require a building permit at this time. However, any alterations, additions, or modifications will require applicable building permits. It should be noted that replacement or addition of lighting standards (all types) require building permits prior to work being performed.
16. A back-flow device is required on the water meter. The device shall require landscape shielding subject to staff review.
17. The developer/applicant shall comply with the City standard for "backflow" prevention pursuant to Resolution No. 9615.
18. The project must comply with latest applicable codes.
19. A Knox box will be required. A "Grand Master" key that opens *all* locked areas will also be required and placed inside the Knox Box. If there are gates that restrict access they will be required to have Knox gate locks on them.
20. All improvements required shall be constructed in accordance with the City of Porterville Standard Plans and Specifications and in accordance with the recommendations of the City Engineer.
21. The conditional use permit shall become null and void if not undertaken actively and continuously pursued within two (2) years.

PASSED, APPROVED AND ADOPTED this \_\_\_\_\_ day of November 2013.

By: \_\_\_\_\_  
Cameron J. Hamilton, Mayor

ATTEST:  
John D. Lollis, City Clerk

By: \_\_\_\_\_  
Patrice Hildreth, Chief Deputy City Clerk





Geographic  
Information  
Systems

A Division of the Community Development Department

PRC 2013-037 - Change in  
Non-Conforming Use:  
@ 336 S E Street  
Project Vicinity Map  
1" = 200 ft

ATTACHMENT  
ITEM NO. 2





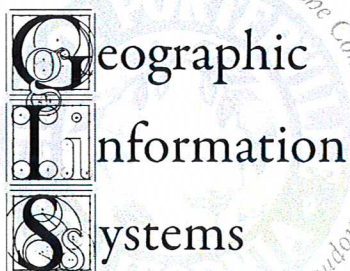
# Geographic Information Systems

**Geographic  
Information  
Systems**

PRC 2013-037 - Change in  
Non-Conforming Use:  
@ 336 S E Street  
Zoning Map  
1" = 200 ft. ATTACHMENT  
ITEM NO.

ATTACHMENT  
ITEM NO. 3









A Division of the Community Development Department

PRC 2013-037 - Change in  
Non-Conforming Use:  
@ 336 S E Street  
General Plan Land Use Map  
1" = 200 ft

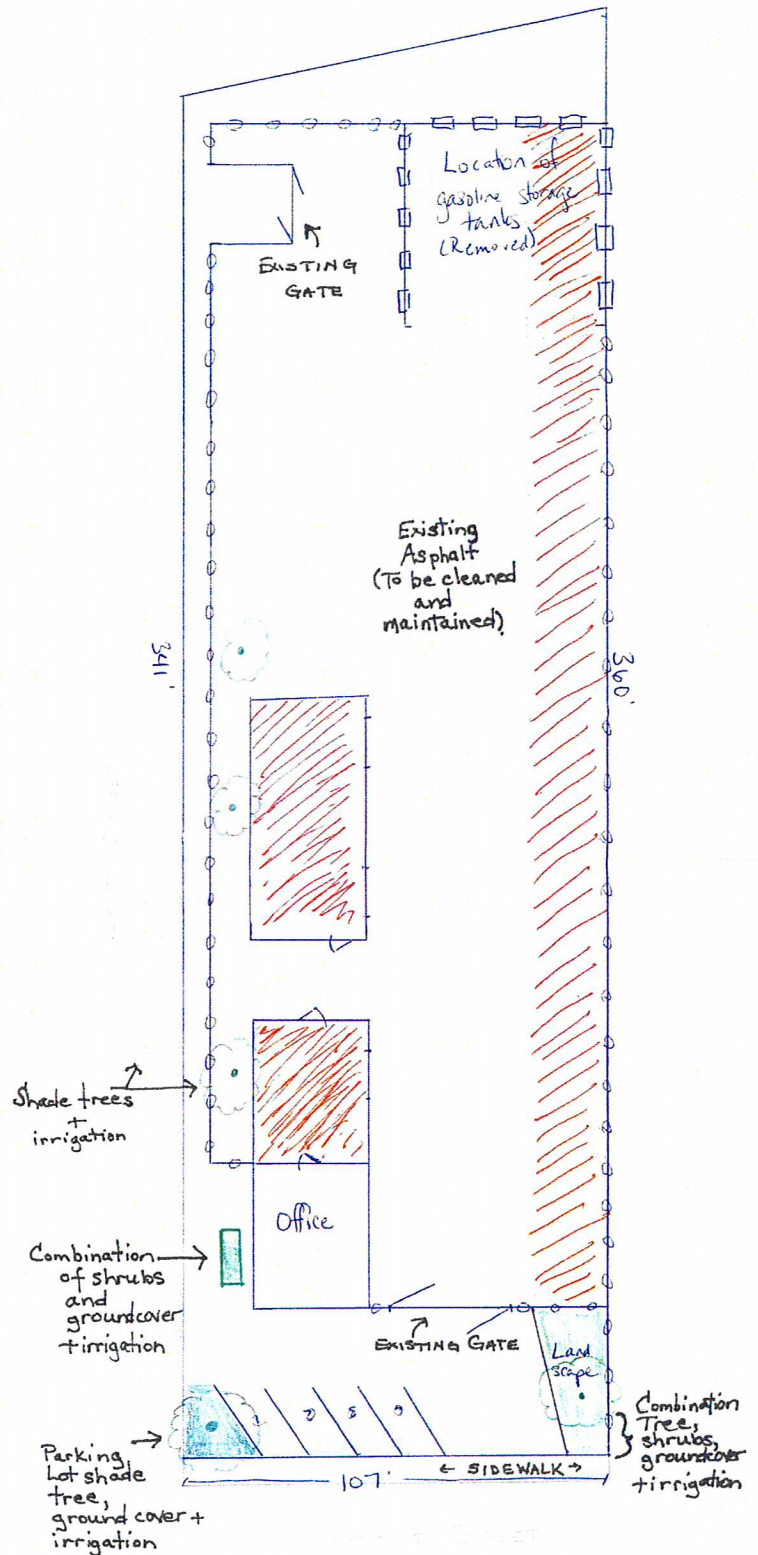
ATTACHMENT  
ITEM NO. 4



# Legend

-  Chain link fencing (Existing)
-  Area of vehicle storage (Proposed)
-  Block wall (Existing)
-  Landscaping

1" = 30'



Crane's Towing  
Mike Childree, applicant  
Project site: 336 E St, Porterville

ATTACHMENT  
ITEM NO. 5









ATTACHMENT  
ITEM 10.1



CITY COUNCIL AGENDA: NOVEMBER 19, 2013

PUBLIC HEARING

TITLE: COMPREHENSIVE TEXT AMENDMENT TO THE PORTERVILLE MUNICIPAL CODE PERTAINING TO CHAPTER 21, DEVELOPMENT ORDINANCE

BACKGROUND: On March 4, 2008, the City Council of the City of Porterville adopted a comprehensive General Plan Update and Land Use Diagram that included a vision, goals, policies and land use designations to guide development within the City of Porterville's Planning Area through the year 2030.

On May 4, 2010, the City Council adopted a new Development Ordinance. The Development Ordinance is the key policy tool that implements the General Plan. At the time of adoption, staff was directed by the City Council to follow up with a review of any issues or concerns that came up during the initial period of implementation. The Porterville Development Ordinance Committee (PDO Committee) was formed by combining interested members of the General Plan Advisory Committee and the Technical Committee who had worked separately on the original Development Ordinance. The PDO Committee has continued meeting to review draft policies as frequently as necessary since May 2010.

On July 31, 2012, City Council approved revisions to Series 100, 200, 600 and 700 (Segment 1). Staff continued to meet with the PDO Committee, working through the remaining policies in Series 300, 400 and 500 (Segment 2). As noted at the July 2012 meeting, there would be some amendments to the sections contained in Segment 1 to ensure consistency and accuracy of section references between series.

COMMENT: Staff and the PDO Committee have met frequently to progressively review the Development Ordinance. Attachment 1 is a strikethrough/track changes version of the collaborative effort. As a note, the strikethrough version does not show basic reformatting notes that relate to all of the text. For example, in Series 300 some of the chapters were realigned so the items would be listed alphabetically. Only the text changes appear, not the changing of chapter numbers. This was not done in the strikethrough version so that the substantive text changes could be identified.

Series 300 contains general standards that apply to multiple zoning districts, as well as standards for specific land uses, such as automotive repair, personal storage facilities and temporary uses. The PDO Committee reviewed these standards and modifications were made to the special requirements and in some cases special requirements were removed entirely.

The majority of the proposed text amendments occur in Series 400, which contains the regulations related to the subdivision of land. In 2007, staff updated the subdivision ordinance. Series 400 significantly changed the recently adopted language and included language regarding Major and Minor subdivisions. The proposed amendments to Series 400 include removing the language for Major and Minor subdivisions and separate the process for tentative, final and parcel maps.

DD 300 APPROPRIATED/FUNDED N/A CM J ITEM NO. 14



Series 500 includes general provisions for overlay districts. Modifications to Series 500 are minor, except one overlay district, Floodplain, has been removed from the Development Ordinance as the Municipal Code includes Article XIV, Flood Damage Prevention Code.

The proposed Development Ordinance is a collaborative effort and staff would like to thank the PDO Committee through this three-year process for their commitment and dedication. While the PDO Committee and staff have attempted to evaluate the document as thoroughly as possible, it is anticipated that as review of individual projects are evaluated there will be items that will need further review and possible revisions will be required. Staff will also be requesting from Council the consideration of adding a fee to the Fee Schedule to include an optional fee for developers requesting staff to complete an evaluation of photometric plans with building permit submittal. In addition to these future items, there are some references to the previous zoning classifications in the Municipal Code. Staff will be reviewing the Municipal Code for these references.

**ENVIRONMENTAL REVIEW:** The Porterville Development Ordinance is an implementation measure of the policies, goals and objectives of the Porterville 2030 General Plan. The Environmental Coordinator made a determination on the basis of substantial evidence that the addendum to the Porterville General Plan Final Environmental Impact Report that was prepared for the adoption of the Development Ordinance is appropriate in addressing the environmental circumstances of the proposed amendments; therefore, no Subsequent or Supplemental EIR as described in Sections 15162 and 15163 of the CEQA Guidelines would be required.

**RECOMMENDATION:** That the City Council:

1. Approve the proposed amendments to the Development Ordinance and give first reading to the draft ordinance; and
2. Waive further reading and order the Ordinance to print.

**ATTACHMENTS:**

1. Proposed amendments to the Development Ordinance
2. Draft Ordinance for the Development Ordinance

# Comprehensive Text Amendment to the Porterville Development Ordinance

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

Community Development Department  
Counter  
City of Porterville Website

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY COUNCIL OF THE  
CITY OF PORTERVILLE AMENDING THE PORTERVILLE MUNICIPAL CODE  
PERTAINING TO CHAPTER 21, DEVELOPMENT ORDINANCE

WHEREAS: On March 4, 2008, the City Council of the City of Porterville adopted a comprehensive General Plan Update and Land Use Diagram that included a vision, goals, policies and land use designations to guide development within the City of Porterville's Planning Area through the year 2030; and

WHEREAS: On May 4, 2010, the City Council adopted the Porterville Development Ordinance, which replaced Chapter 21 "Subdivisions" and Appendix A "Zoning"; and

WHEREAS: On July 31, 2012, the City Council adopted revisions to the Porterville Development Ordinance, Series 100, 200, 600 and 700; and

WHEREAS: The Development Ordinance is the key policy tool that implements the General Plan; and

WHEREAS: Staff has determined that changes to the current Development Ordinance (Chapter 21 of the Municipal Code) are necessary and appropriate, and such amendments may assist in creating a positive impact on the development community of the City as a whole; and

WHEREAS: The amendments to the Development Ordinance have been reviewed by the Porterville Development Ordinance Committee and found to be appropriate for the community; and

WHEREAS: The amended Series have been reviewed by the City Attorney and found to be in conformance with Federal, State and local laws; and

WHEREAS: A public hearing was held before the City Council on November 5, 2013, pursuant to the Planning and Zoning Law of the State of California and the Municipal Code of the City; and

WHEREAS: The Porterville Development Ordinance is an implementation measure of the policies, goals and objectives of the Porterville 2030 General Plan. The Environmental Coordinator made a determination on the basis of substantial evidence that the addendum to the Porterville General Plan Final Environmental Impact Report that was prepared for the adoption of the Development Ordinance is appropriate in addressing the environmental circumstances of the proposed amendments; therefore, no Subsequent or Supplemental EIR as described in Sections 15162 and 15163 of the CEQA Guidelines would be required.

NOW, THEREFORE, BE IT ORDAINED: That the City Council of the City of Porterville does hereby amend Chapter 21 of the Porterville Municipal Code, as attached hereto as Exhibit A, and fully incorporated herein by reference.

**ATTACHMENT  
ITEM NO. 2**

This ordinance shall be in full force and effect thirty (30) days from and after its publication and passage.

PASSED, APPROVED AND ADOPTED this 19th day of November, 2013.

\_\_\_\_\_  
Cameron J. Hamilton, Mayor

ATTEST:

John D. Lollis, City Clerk

By \_\_\_\_\_  
Patrice Hildreth, Chief Deputy City Clerk

# Comprehensive Text Amendment to the Porterville Development Ordinance

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

Community Development Department  
Counter  
City of Porterville Website

CITY COUNCIL AGENDA: NOVEMBER 19, 2013

PUBLIC HEARING

SUBJECT: GENERAL PLAN AMENDMENT, ZONE CHANGE, PARCEL MAP AND APPROVAL OF A MITIGATED NEGATIVE DECLARATION TO ACCOMMODATE DEVELOPMENT OF A PUBLIC SAFETY BUILDING SOUTH OF THE INTERSECTION OF JAYE STREET AND MONTGOMERY AVENUE

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT- PLANNING DIVISION

HISTORY: In 2005, the citizens of Porterville approved Measure H as a revenue stream to fund increased levels of public safety. One of the key goals of the fund was to develop a new public safety building to accommodate fire and police personnel in the southern areas of Porterville. Over the last eight years, the capital reserve fund for that public safety building has grown, and adequate funds are now available to develop it as intended.

In 2009, the City purchased a 13.15± acre parcel (APN 269-050-034) to accommodate the future development of a public safety building as well as future economic development opportunities.

COMMENT: In the City's 2030 General Plan, fire, police, and emergency services were discussed as an important function for the continued success of the community. Chapter 7.5 of the Public Health & Safety Element proposed additional police satellite offices and four new fire stations to be developed within the life of the General Plan. The location of the project area would work well to enhance response times citywide, and provides emergency service resources a location south of the Tule River, which has long been a goal of both Departments. The proposed development of the site would result in a shared building, providing space for offices and equipment for both Police and Fire Departments. The building design proposes separate areas for each Department to accommodate their specific needs.

The proposed project includes several components, all of which serve the primary purpose of the development of a Public Safety Building and the secondary purpose of accommodating future industrial development in Porterville. A General Plan Amendment would be required to adjust the location of the Public/Institutional use to the proposed location. A Zone Change would be required, contingent upon an approval of the General Plan Amendment, to modify zoning consistent with the proposed project. A parcel map has been prepared, and the recordation of that map would be contingent upon approval of the General

DD  Appropriated/Funded N/A CM 

Item No. 14a

Plan Amendment and subsequent Zone Change. The parcel map proposes four parcels and one remainder, ranging in size from 2.1 to 3.6 acres each. The proposed parcel at the southwestern-most corner, Parcel 4, would be the location of the proposed Public Safety Building. Development of a Public Safety Building would include construction of a 13,050± square foot building, including parking needed for the fleet vehicles and visiting public. In order to provide adequate access to the site, a portion of Brown Avenue would be developed with the project. Along the southerly border of the project site, a new forty foot road right of way would provide access into the Public Safety Building as well as provide access to the remainder parcel to be created to the east.

ENVIRONMENTAL DETERMINATION: An environmental initial study was prepared for the project. On October 22, 2013, the Environmental Coordinator made the determination that a mitigated negative declaration would be applicable and appropriate for the project under CEQA guidelines. A mitigation monitoring plan has been developed and shall be incorporated into the zone change as development obligations of the Public Safety Building and any subsequent development projects. To date, one letter of comment has been submitted. The San Joaquin Valley Air Pollution Control District commented that the mitigation measures as identified in the document are adequate, and that the construction of the Public Safety Building would require an Indirect Source Review and Air Impact Assessment. Applications for those reviews would be submitted to the Air District upon approval of the project by the City Council.

RECOMMENDATION: That the City Council:

1. Adopt the draft resolution approving the Mitigated Negative Declaration;
2. Adopt the draft resolution approving General Plan Amendment 2012-020-G;
3. Approve the draft ordinance adopting Zone Change 2012-020-Z contingent upon approval of the General Plan Amendment;
4. Waive further reading of the draft ordinance, approving the Zone Change and order it to print; and
5. Adopt the draft resolution containing findings and conditions in support of approval of the Tentative Parcel Map 2013-012, contingent upon the approval of General Plan Amendment 2012-020-G.

ATTACHMENTS: Complete Staff Report

CITY COUNCIL AGENDA: NOVEMBER 19, 2013

PUBLIC HEARING - STAFF REPORT

SUBJECT: GENERAL PLAN AMENDMENT, ZONE CHANGE, PARCEL MAP AND APPROVAL OF A MITIGATED NEGATIVE DECLARATION TO ACCOMMODATE DEVELOPMENT OF A PUBLIC SAFETY BUILDING SOUTH OF THE INTERSECTION OF JAYE STREET AND MONTGOMERY AVENUE

OWNER/APPLICANT:

City of Porterville  
Department of Public Works  
291 North Main Street  
Porterville, CA 93257

PROJECT LOCATION: Generally southeast of the corner of Jaye Street and Montgomery Avenue (Attachment 1)

COMMENT: City staff is proposing General Plan Amendment 2012-020, Zone Change 2012-020, and Tentative Parcel Map 2012-012 to facilitate development of a vacant 13.15± acre site with a Public Safety Building on 2.1± acres and the remaining land would be made available as an economic development catalyst to industrial businesses looking to locate or expand in Porterville. The General Plan Amendment and Zone Change applications are required to accommodate the development of a planned Public Safety Building at the subject site. The 13.15± acre site is currently identified in the General Plan land use diagram as Industrial, and while the zoning classifications for the site are Industrial and Public/Semi-Public, the acreages are proposed to change to more accurately reflect the smaller amount of land needed for the Public Safety Building.

HISTORY: The proposed project site has been vacant and undeveloped for over 30 years. Prior to the development of surrounding residential uses and clearing of the site, the area was primarily row crops. Over the last several decades the surrounding residential neighborhoods and commercial and industrial uses have become established leaving the subject parcel vacant and underutilized.

ANALYSIS: The proposed project includes several components, all of which serve the primary purpose of the development of a Public Safety Building and the secondary purpose of accommodating future industrial development in Porterville.

A General Plan Amendment would be required to clarify the location of the Public/Institutional use. The General Plan would reflect an area of approximately



2.1± acres of Public/Institutional land use on the diagram, in the southwestern-most corner of the subject site. The remaining area of the parcel would remain as it is currently, Industrial. (Attachment 2- General Plan Land Use)

A Zone Change would be required, contingent upon an approval of the General Plan Amendment, to modify zoning consistent with the proposed project. The zoning map currently shows approximately five (5) acres of land along the westerly edge of the project site as Public and Semi-public (PS). The size of the Public and Semi-public site would be reduced to approximately 2.1± acres, and reconfigured to accommodate the area needed for the proposed Public Safety Building. The adjacent lands would be zoned consistent with the zoning on the remainder of the parcel: General Industrial (IG). (Attachment 3- Zoning Map)

A parcel map has been prepared, and the recordation of that map would be contingent upon approval of the General Plan Amendment and subsequent Zone Change. The parcel map proposes four parcels and one remainder, ranging in size from 2.1 to 3.6 acres each. The proposed parcel at the southwestern-most corner, Parcel 4, would be the location of the proposed Public Safety Building. (Attachment 4- Parcel Map)

Development of a Public Safety Building would include construction of a 13,050± square foot building, including parking needed for the fleet vehicles and visiting public. The building will be a single story structure. Some of the features of the Public Safety Building include Fire Department living quarters, including sleeping area, day room, kitchen, chief office, and related spaces; shared and separate office spaces for police and fire services; a Police Department evidence room; and support spaces. (Attachment 5- Proposed Site Plan) Security measures require that the Public Safety Building include fencing and adequate lighting; however, aesthetics and compatibility with adjacent land uses weighed into the project design. In order to provide adequate access to the site, a portion of Brown Avenue would be developed with the project. Along the southerly border of the project site, a new forty foot wide road right of way would provide access into the Public Safety Building as well as provide access to the remainder parcel to be created to the east. Brown Avenue would be a cul-de-sac and would not cross Poplar Ditch. The project area incorporates landscaping along the perimeter as well as within the parking area, creating an aesthetic feature as well as working to cool the "heat-island" effect often encountered in large paved areas.

The colors and finish of the proposed Public Safety Building have been planned through collaboration between the Fire and Police Departments, who will ultimately utilize the building, and Community Development and Public Works Departments, who have reviewed the project site design. In keeping with the

industrial nature of anticipated adjacent development, the aesthetic of the Public Safety Building will have a modern theme. Elements of the design including colors, materials, and lighting are identified in Attachment 6.

#### SURROUNDING LAND USES AND ZONING:

North: City- CG (General and Service Commercial) – Restaurant and hotel uses  
South: City- IG (General Industrial) – Scattered houses, Industrial uses (Distribution center)  
East: City- IG (General Industrial) – Industrial uses (manufacturing)  
West: City- RS-2 (Low-Density Residential) - Single family residential subdivision

#### GENERAL PLAN DESIGNATION AND ZONING:

IG (General Industrial)- easterly 8± acres

PS (Public Semi-public)- westernmost 5± acres

ENVIRONMENTAL DETERMINATION: An environmental initial study was prepared for the project. On October 22, 2013, the Environmental Coordinator made the determination that a mitigated negative declaration would be applicable and appropriate for the project under CEQA guidelines. A mitigation monitoring plan has been developed and shall be incorporated into the Zone Change as development obligations of the Public Safety Building and any subsequent development projects. To date, one letter of comment has been submitted. The San Joaquin Valley Air Pollution Control District commented that the mitigation measures as identified in the document are adequate, and that the construction of the Public Safety Building would require an Indirect Source Review and Air Impact Assessment. Applications for those reviews would be submitted to the Air District upon approval of the project by the City Council.

DATE FILED FOR PROJECT REVIEW COMMITTEE PROCESSING: November 28, 2012

DATE ACCEPTED AS COMPLETE: October 22, 2013

LEGAL NOTICES: The California Environmental Quality Act (CEQA) identifies noticing requirements for various levels of environmental documentation. The required noticing period for the Mitigated Negative Declaration is 20 days. In addition, the proposed General Plan Amendment and Zone Change are actions subject to public noticing for at least ten days pursuant to the California Government Code.

Date Environmental Document Distributed	Date Notice Published in Porterville Recorder	Date Notice Mailed to Property Owners within 300 feet of Project
October 24, 2013	October 24, 2013	October 24, 2013

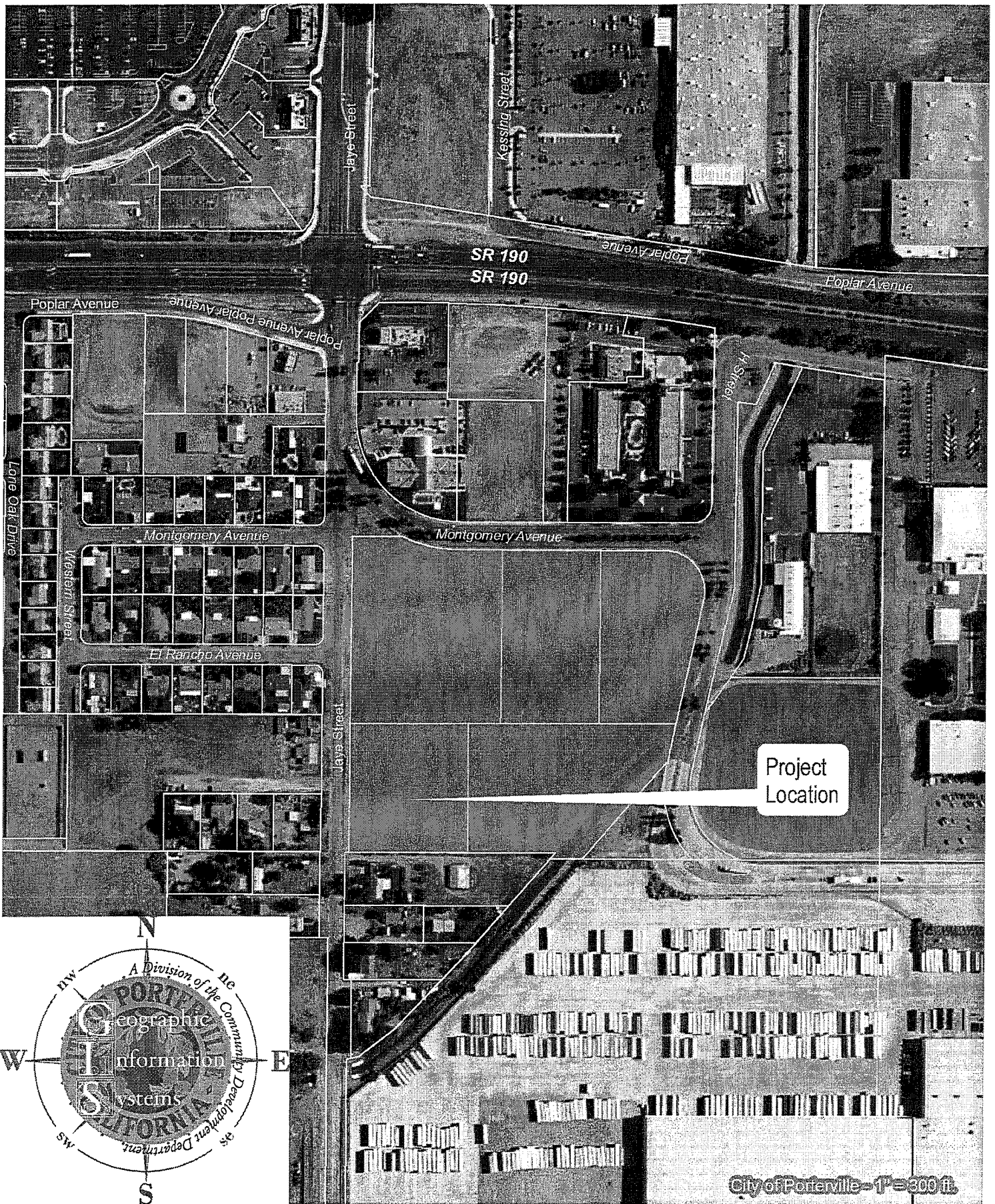
RECOMMENDATION: That the City Council:

1. Adopt the draft resolution approving the Mitigated Negative Declaration;
2. Adopt the draft resolution approving General Plan Amendment 2012-020-G;
3. Approve the draft ordinance adopting Zone Change 2012-020-Z, contingent upon the approval of General Plan Amendment 2012-020-G;
4. Waive further reading of the draft ordinance, approving the Zone Change and order it to print; and
5. Adopt the draft resolution containing findings and conditions in support of approval of the Tentative Parcel Map 2013-012, contingent upon the approval of General Plan Amendment 2012-020-G.

ATTACHMENTS:

1. Locator Map
2. General Plan Land Use Diagram
3. Zoning Map
4. Proposed Parcel Map
5. Proposed Site Plan
6. Public Safety Building elevations
7. Initial Study and Mitigated Negative Declaration
8. Comment letter from San Joaquin Valley Air Pollution Control District
9. Draft Resolution to adopt the Mitigated Negative Declaration
10. Draft Resolution to adopt General Plan Amendment
11. Draft Ordinance to approve Zone Change
12. Draft Resolution to adopt Tentative Parcel Map

P:\common\Planning\Projects\PRC\2013\012 Parcel Map @ Jays & Montgomery\GIS Data\Figure 2 Locator.mxd

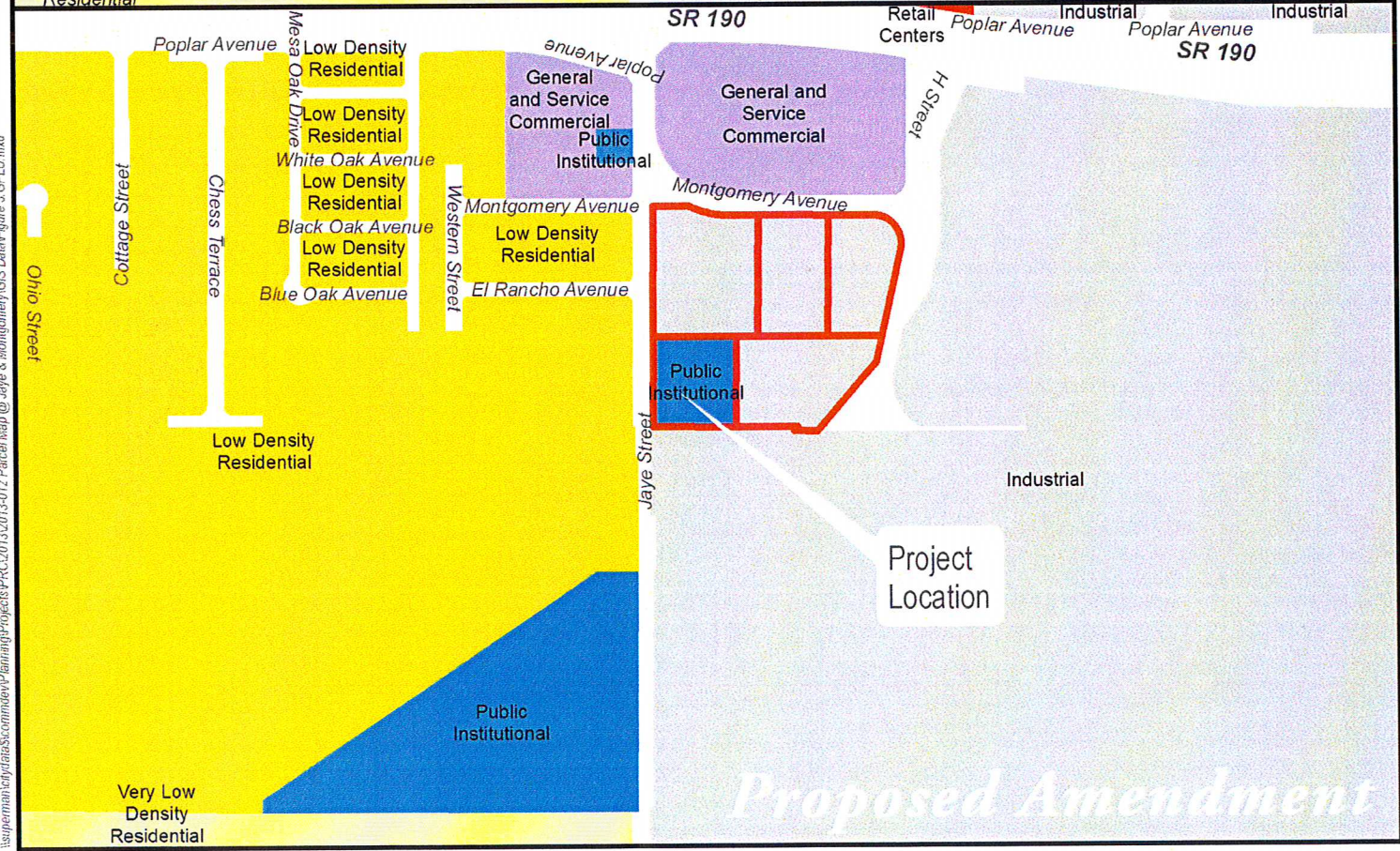
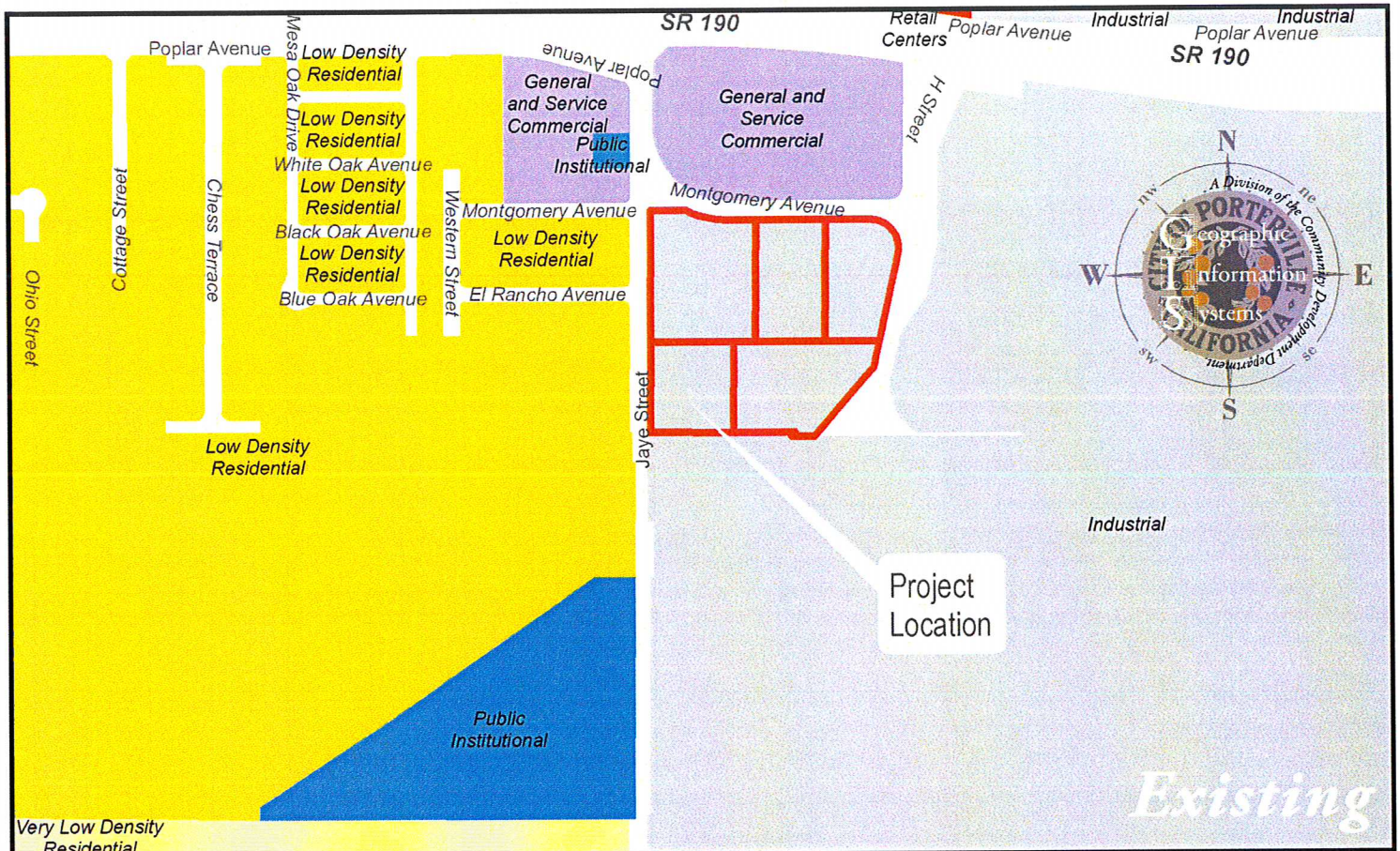


# *PRC 2013-012 Public Safety Building - TPM*

## *Locator Map*

ATTACHMENT  
ITEM NO. 1



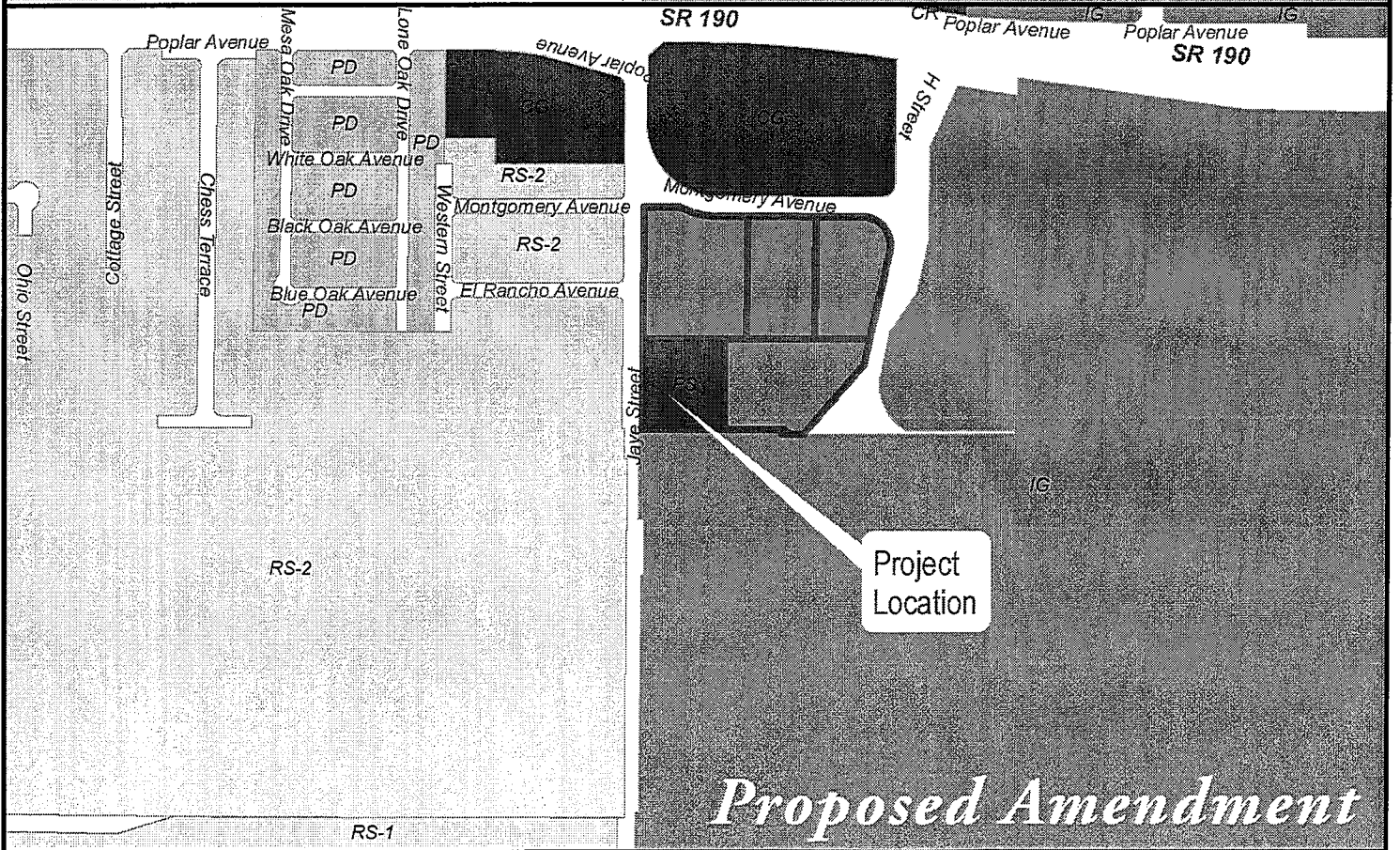
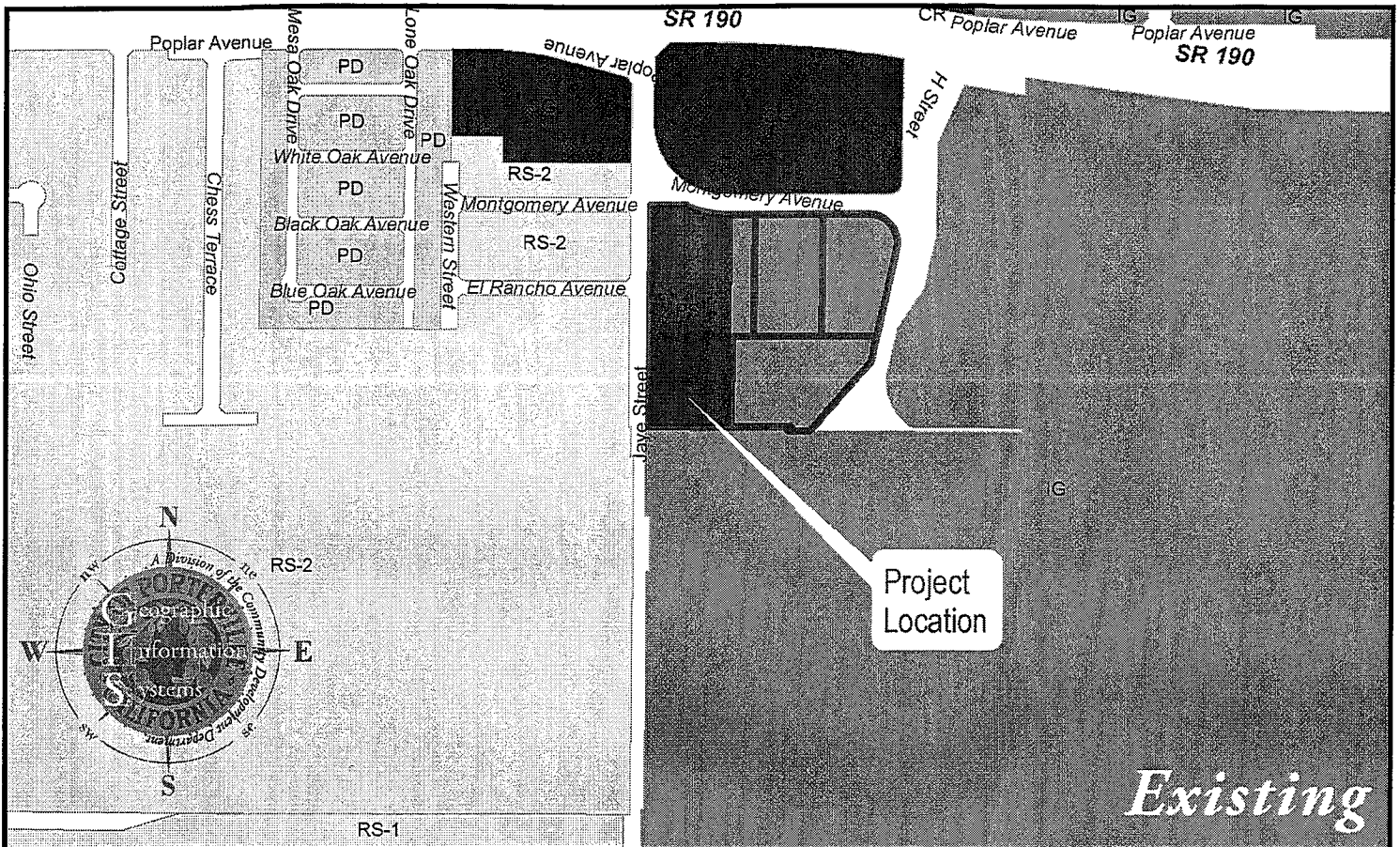


# **PRC 2013-012 Public Safety Building - TPM** **General Plan Land Use Map**

ATTACHMENT  
ITEM NO. 2

\\snpman\citydata\commdev\Planning\Projects\PRC2013\2013-012 Parcel Map @ Jaye & Montgomery\GIS Data\Figure 3.GPJLU.mxd





P:\community\Planning\Projects\PRC2013-012 Public Map @ Jaye & Montgomery\GIS Data\Figure 4 Zoning.mxd

# **PRC 2013-012 Public Safety Building - TPM** **Zoning Map** **ATTACHMENT** **ITEM NO. 3**

# TENTATIVE PARCEL MAP

BEING A DIVISION OF PARCEL 1 OF PARCEL MAP NO. 3819, PM 35-22, LOCATED WITHIN THE NORTHEAST 1/4 OF SECTION 2, T22S, R27E, M.D.B.M., IN THE CITY OF PORTERVILLE, COUNTY OF KERN, STATE OF CALIFORNIA.

BY: JAMES WINTON & ASSOCIATES  
150 WEST MONTGOMERY AVENUE  
PORTERVILLE, CALIFORNIA 93257  
(559) 782-7499

CITY OF PORTERVILLE  
150 WEST MONTGOMERY AVENUE  
PORTERVILLE, CALIFORNIA 93257  
(559) 782-7499

## LEGEND

PARCEL BOUNDARY  
EXISTING CONTOUR

## NOTES

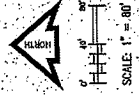
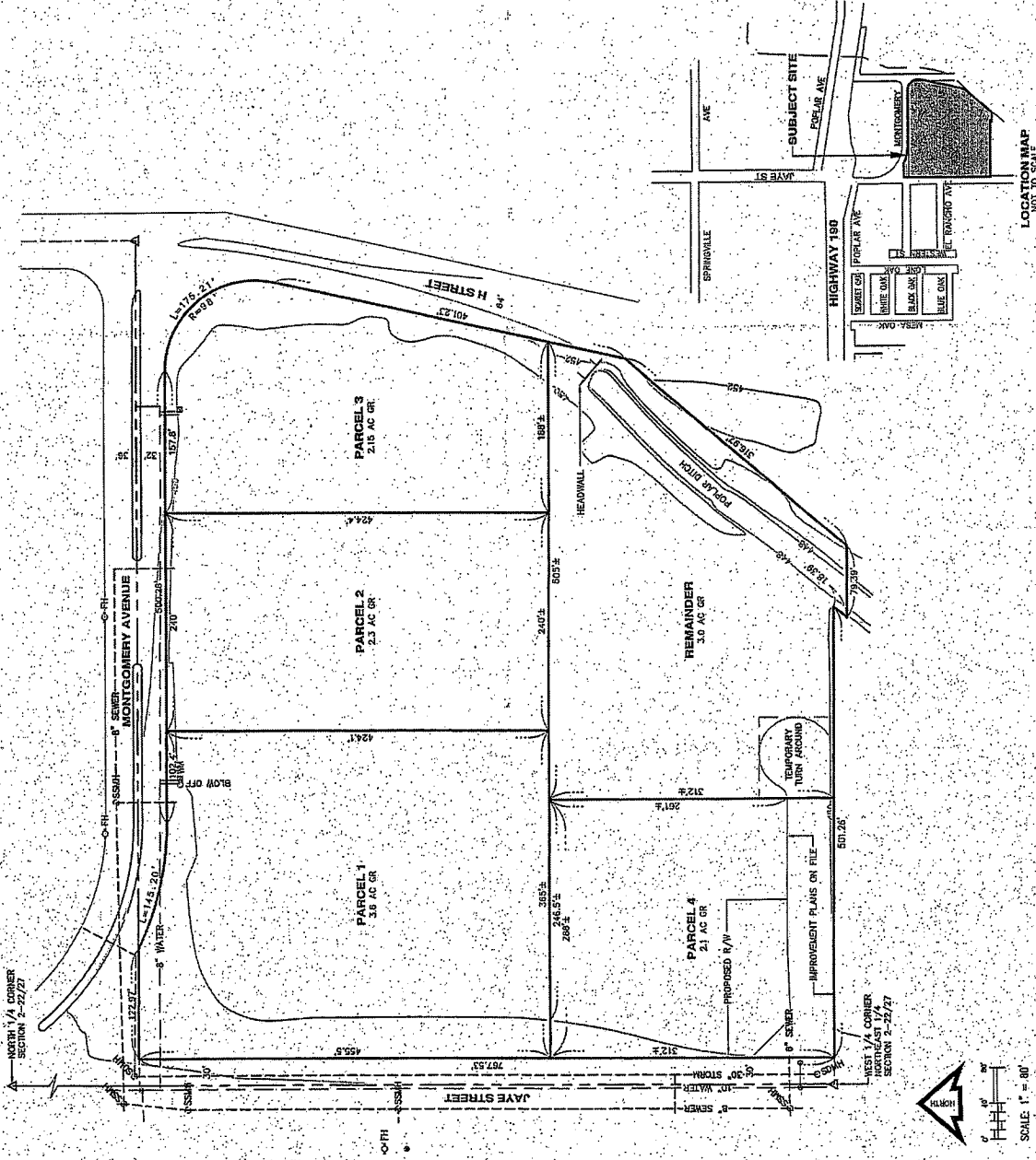
1. DATE: MARCH 14, 2013 REVISED JUNE 20, 2013
2. APRIL 289-050-334
3. EXISTING USE: VACANT
4. PROPOSED USE: PUBLIC, SEMI PUBLIC
5. DRAINAGE: MANTAIN EXISTING PATTERNS, CITY STORM WATER SYSTEM
6. DOMESTIC WATER: CITY OF PORTERVILLE
7. SANITARY SEWER: CITY OF PORTERVILLE
8. NATURAL GAS: THE GAS CO.
9. POWER: SOUTHERN CALIFORNIA Edison
10. TELEPHONE: AT&T
11. CABLE TV: CHARTER COMMUNICATIONS
12. FLOODING: ZONE X, PER FRM

## OWNER'S STATEMENT

WE HEREBY APPLY FOR APPROVAL OF THE DIVISION OF REAL PROPERTY SERVICES, COUNTY OF KERN, FOR THE TENTATIVE PARCEL MAP SHOWN HEREIN, AND WE CERTIFY THAT THE INFORMATION SHOWN HEREIN IS TRUE AND CORRECT TO THE BEST OF OUR KNOWLEDGE AND BELIEF.

CITY OF PORTERVILLE

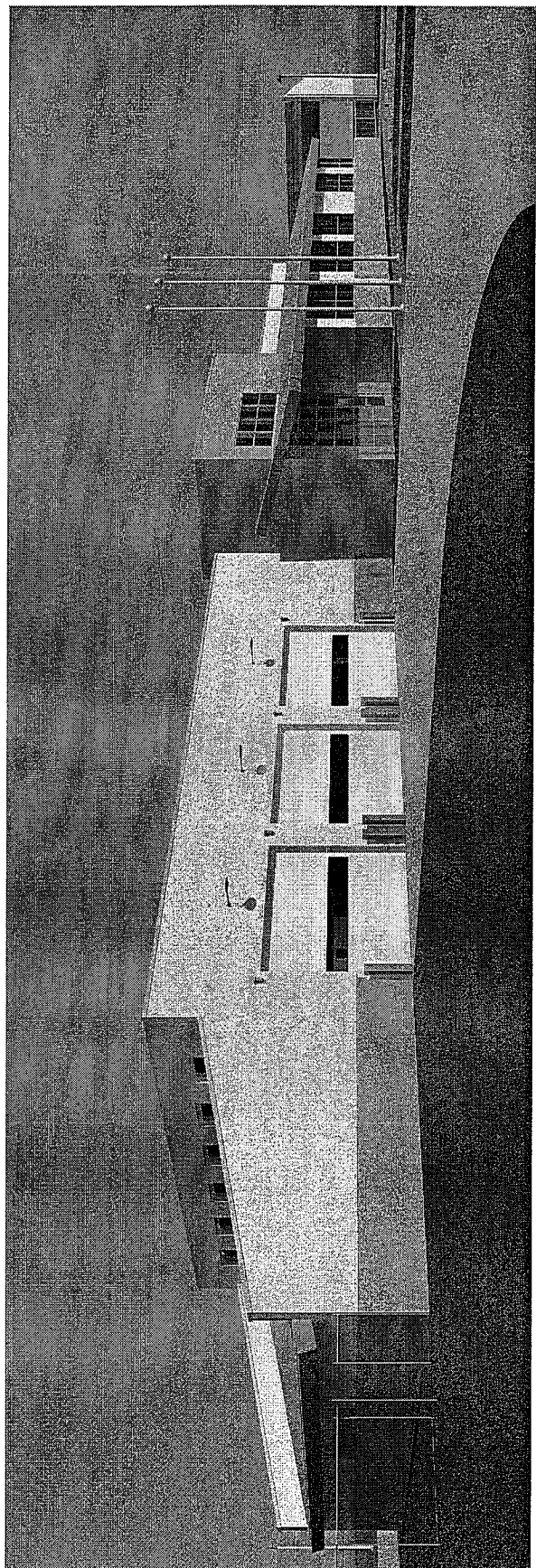
BY: VIRGINIA R. GURROLA, Mayor



LOCATION MAP  
NOT TO SCALE







Due to the volume of the Initial Study and Mitigated Negative Declaration, this document is made available at the Community Development Department at City Hall, 291 North Main Street, Porterville.

The environmental document is also available online at [www.ci.porterville.ca.us](http://www.ci.porterville.ca.us), on the Community Development, Planning page.



# San Joaquin Valley

AIR POLLUTION CONTROL DISTRICT



HEALTHY AIR LIVING™

NOV 08 2013

RECEIVED

City of Porterville  
291 N Main Street  
Porterville, CA 93257

NOV 11 2013

**Project:** PRC 2013-012, MND, GPA, ZC, PM, Porterville Public Safety Building  
Community Development  
Department

**APN #:** N/A

**Subject:** District Rule 9510: Indirect Source Review (ISR) applicability

**District CEQA Reference No:** 20130930

To Whom it May Concern:

Based on information provided to the District, the District concludes that the proposed project would be subject to District Rule 9510 (Indirect Source Review). Pursuant to District Rule 9510 (ISR) section 5.0, an applicant subject to the rule shall submit an Air Impact Assessment Application (AIA) to the District no later than applying for final discretionary approval. Based on a review of District records, we have not received an AIA application for this project. Therefore, if this approval constitutes the final discretionary approval, the project proponent may be in violation of District Rule 9510 requirements. In addition, please note that starting construction before receiving an approved AIA and paying the required Off-site Mitigation Fees, if any, is a violation of District regulations and is subject to enforcement action.

For your convenience, a document is enclosed which addresses frequently asked questions regarding Indirect Source Review (ISR). This may be used as a reference to better understand ISR, and how the District processes applications. For additional information, please visit the District's ISR website: <http://www.valleyair.org/ISR/ISRHome.htm>

District staff is available to meet with you and/or the applicant to further discuss the regulatory requirements that are associated with this project. You can contact Georgia Stewart at (559) 230-5937. Thank you for your cooperation in the matter.

Sincerely,

David Warner  
Director of Permit Services

for  
Arnaud Marjollet  
Permit Services Manager

Enclosure: ISR FAQ

Seyed Sadredin  
Executive Director/Air Pollution Control Officer

Northern Region  
4800 Enterprise Way  
Modesto, CA 95356-8718  
Tel: (209) 557-6400 FAX: (209) 557-6475

Central Region (Main Office)  
1990 E. Gettysburg Avenue  
Fresno, CA 93726-0244  
Tel: (559) 230-6000 FAX: (559) 230-6061

Southern Region  
34946 Flyover Court  
Bakersfield, CA 93308-9725  
Tel: 661-392-5500 FAX: 661-392-5585

[www.valleyair.org](http://www.valleyair.org)

[www.healthyairliving.com](http://www.healthyairliving.com)

ATTACHMENT NO. 8

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE  
CONTAINING FINDINGS IN SUPPORT OF APPROVAL OF  
A MITIGATED NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACT  
FOR THE PUBLIC SAFETY BUILDING PROJECT

WHEREAS: The City Council of the City of Porterville at its regularly scheduled meeting of November 19, 2013, conducted a public hearing to consider entitlements needed to permit the proposed Public Safety Building Project including a General Plan Amendment, Zone Change, and Tentative Parcel Map; and

WHEREAS: General Plan Amendment 2012-020-G proposes to change the land use designation on the General Plan Land Use Diagram for the subject site from solely Industrial to Industrial and Public/Semi-public; and

WHEREAS: Zone Change 2012-020-Z proposes to change the configuration of the present zoning classifications of the subject parcel, already Industrial and Public/Semi-Public to more accurately reflect the area needed for Public/Semi-public for the proposed Public Safety Building; and

WHEREAS: Tentative Parcel Map 2013-012-P proposes to divide a 13.15± acre site into four parcels and one remainder: Parcel 1- 3.6± acres; Parcel 2- 2.3± acres; Parcel 3- 2.15± acres; Parcel 4- 2.1± acres; and Remainder- 3.0± acres; and

WHEREAS: The City Council considered the following findings in its review of the environmental circumstances for this project:

1. That a Mitigated Negative Declaration was prepared in accordance with the California Environmental Quality Act. On October 22, 2013, the environmental coordinator made a preliminary determination that a Mitigated Negative Declaration would be appropriate for the proposed project. The Initial Study has been transmitted to interested agencies and groups for a twenty (20) day review period from October 24, 2013, to November 13, 2013. One comment was received from the San Joaquin Valley Air Pollution Control District related to future permit requirements.
2. That the subject project will not create adverse environmental impacts; review of the environmental circumstances regarding this project indicates that no adverse impacts would result from implementation of this project. The project was evaluated in light of the prepared environmental initial study; one comment was received during the review period. The San Joaquin Valley Air Pollution Control District wrote to confirm effectiveness of the implementation of standard management practices to result in less than significant impacts from the project and to remind the City of future permitting requirements. In light of the record and information received, it was determined that potential impacts identified during the Initial Study will be reduced to less than significant through

implementation of mitigation measures defined in the report and summarized in the Mitigation Monitoring Program attached hereto as Exhibit A.

3. That the project does not have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory. The project area is currently fallow land and at best, ruderal habitats. After development of the Public Safety Building, the project area will continue to be used by many of the same wildlife species present in the project area today. Most of the terrestrial vertebrates are species common to the region and impacts related to the project will have no significant effect on them. Because the proposed project would have a less than significant effect on habitat for common native wildlife, mitigation measures are not considered warranted. No fish or wildlife populations are likely to drop below self-sustaining levels because of project related activities. The Project does not threaten to eliminate any animal community, so mitigation measures for animal communities are not warranted. Further, the small construction footprint and the previously disturbed nature of the project area means that the Project is unlikely to eliminate important examples of a major period of California history or prehistory.
4. That the project does not have impacts that are individually limited, but cumulatively considerable. "Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects. The Project includes improvements specific to the development of a Public Safety Building, and also creates four parcels and a remainder, all of which could be developed in a manner consistent with the Development Ordinance. While development of adjacent parcels could be considered a cumulatively considerable impact, any impacts would be less than significant through implementation of the Development Ordinance.
5. That the project does not have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly. No significant environmental impacts would result from the project, and while the construction and operation of the proposed uses will change the land use for the subject site, no hazards or dangers would be a part of the proposed project.
6. That the City Council is the decision making body for the project. The environmental assessment and analysis prepared for this project supporting the Mitigated Negative Declaration reflects the independent judgment of the City of Porterville.
7. The contractor and the City shall comply with all mitigation measures adopted as a component of the approval of the Mitigated Negative Declaration for this

project. The contractor and the City will be required to sign a document committing to comply with the adopted mitigation measures prior to any construction on the site.

NOW, THEREFORE, BE IT RESOLVED: That the City Council of the City of Porterville does hereby approve the Mitigated Negative Declaration prepared for General Plan Amendment 2012-020-G, Zone Change 2012-020-Z, Tentative Parcel Map 2013-012 and related development of the Public Safety Building Project, and that the mitigation measures defined in Exhibit A shall be implemented by the contractor/City with project implementation.

By: \_\_\_\_\_  
Cameron J. Hamilton, Mayor

ATTEST:  
John D. Lollis, City Clerk

By: \_\_\_\_\_  
Patrice Hildreth, Chief Deputy City Clerk

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE  
CONTAINING FINDINGS IN SUPPORT OF APPROVAL OF GENERAL PLAN  
AMENDMENT 2012-020-G FOR THE PUBLIC SAFETY BUILDING PROJECT  
GENERALLY LOCATED AT THE SOUTHEAST CORNER OF JAYE STREET AND  
MONTGOMERY AVENUE

WHEREAS: The City Council of the City of Porterville at its regularly scheduled meeting of November 19, 2013, conducted a public hearing to consider approval of a General Plan amendment from Industrial to Public/Semi-public for a 2.1± acre portion of a 13.15± acre parcel located on the south east corner of Jaye Street and Montgomery Avenue; and

WHEREAS: The project site is currently undeveloped; and

WHEREAS: On October 22, 2013, the Environmental Coordinator made a preliminary determination that a Mitigated Negative Declaration would be appropriate for the proposed project; and

WHEREAS: Approval of the General Plan Amendment would clarify the location of the Public/Institutional use designation for the proposed Public Safety Building. The General Plan would reflect an area of approximately 2.1± acres of Public/Institutional land use on the diagram, in the southwestern-most corner of the subject site. The remaining area of the parcel would remain as it is currently, Industrial; and

WHEREAS: Approval of the Public Safety Building Project implements the goals and objectives of the General Plan by accommodating an intended use on property acquired by the City; and

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Porterville does hereby make the following findings:

1. The proposed General Plan Amendment serves to clarify the original intent of the General Plan, where specific details such as size of land needed and availability of property for purchase could not have been known at the time of General Plan adoption.
2. Based on review of informational materials and submitted plans, the proposed project serves to fulfill the goals of the General Plan as adopted, and the amendment of the land use designation on the subject parcel does not infringe on the goals of the General Plan to maintain transitions between types and intensities of land use. In the City's 2030 General Plan, fire, police, and emergency services were discussed as an important function for the continued success of the community. Chapter 7.5 of the Public Health & Safety Element proposed additional police satellite offices and four new fire stations to be developed within

the life of the General Plan. The location of the project area would work well to enhance response times citywide, and provides emergency service resources a location south of the Tule River, which has long been a goal of both Departments. The proposed development of the site would result in a shared building, providing space for offices and equipment for both Police and Fire Departments. The building design proposes separate areas for each Department to accommodate their specific needs in support of the General Plan.

3. That a Mitigated Negative Declaration was prepared for the project in accordance with the California Environmental Quality Act and was transmitted to interested agencies and made available for public review and comment. The review period ran for twenty (20) days, from October 24, 2013, to November 13, 2013. One comment was received; the San Joaquin Valley Air Pollution Control District wrote to confirm effectiveness of the implementation of standard management practices to result in less than significant impacts from the project and to remind the City of future permitting requirements.

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

BE IT FURTHER RESOLVED: That the City Council does hereby approve the General Plan Amendment from Industrial to Public/Semi-public for a 2.1± acre portion of a 13.15± acre parcel located on the southeast corner of Jaye Street and Montgomery Avenue as represented and incorporated herein as Exhibit A.

PASSED, APPROVED AND ADOPTED this 19<sup>th</sup> day of November, 2013.

By: \_\_\_\_\_  
Cameron J. Hamilton, Mayor

ATTEST:  
John D. Lollis, City Clerk

By: \_\_\_\_\_  
Patrice Hildreth, Chief Deputy City Clerk



ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE  
APPROVING ZONE CHANGE 2012-020-Z  
REDUCING THE ACREAGE OF PUBLIC/SEMI-PUBLIC (PS) ZONING AND  
INCREASING THE ACREAGE OF GENERAL INDUSTRIAL (IG) ZONING FOR THAT  
13.15± ACRE SITE GENERALLY LOCATED AT THE SOUTHEAST CORNER OF JAYE  
STREET AND MONTGOMERY AVENUE

WHEREAS: That the City Council of the City of Porterville at its regularly scheduled meeting of November 19, 2013, conducted a public hearing to approve findings and consider Zone Change 2012-020-Z, being a change to the configuration of the present zoning classifications of the subject parcel, already Industrial and Public/Semi-Public, to more accurately reflect the area needed of Public/Semi-public for the proposed Public Safety Building for the site located on the southeast corner of Jaye Street and Montgomery Avenue; and

WHEREAS: That the City Council of the City of Porterville determined that the proposed Zone Change (2012-020-Z) is consistent with the guiding and implementation policies of the adopted 2030 General Plan; and

WHEREAS: That a Mitigated Negative Declaration was prepared for the project in accordance with the California Environmental Quality Act and was transmitted to interested agencies and made available for public review and comment. The review period ran for twenty (20) days from October 24, 2013 to November 13, 2013. One comment was received; the San Joaquin Valley Air Pollution Control District wrote to confirm effectiveness of the implementation of standard management practices to result in less than significant impacts from the project and to remind the City of future permitting requirements; and

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

- a. The project supports and complies with General Plan guiding policies:
  - LU-G-1: Promote a sustainable, balanced land use pattern that responds to existing needs and future needs of the City.* In the City's 2030 General Plan, fire, police, and emergency services were discussed as an important function for the continued success of the community. Chapter 7.5 of the Public Health & Safety Element proposed additional police satellite offices and four new fire stations to be developed within the life of the General Plan. The location of the project area would work well to enhance response times citywide, and provides emergency service resources at a location south of the Tule River, which has long been a goal of both Departments.
  - LU-G-3 Promote sustainability in the design and development of public and private development projects.* The proposed development of the site would result in a shared building, providing space for offices and equipment for both Police and Fire Departments. The building design proposes separate areas for

**ATTACHMENT  
ITEM NO. 11**

each Department to accommodate their specific needs in support of the General Plan.

- b. An amendment to the General Plan designation is being processed concurrently with this Zone Change request. Approval of the Zone Change is consistent with and contingent upon the approval of General Plan Amendment 2012-020-G, to ensure consistency between the General Plan and Zoning.
- d. The subject Zone Change will not create adverse environmental impacts on the adjacent neighborhood when mitigation measures are implemented and standards of the Development Ordinance and General Plan are applied to the subsequent development project.

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

Section 1: That the following described property in the City of Porterville, County of Tulare, State of California, is hereby rezoned configuring the present zoning classifications of the subject parcel, including Industrial and Public/Semi-Public, to more accurately reflect the area needed of Public/Semi-public for the proposed Public Safety Building for the site, pursuant to Section 3 below, for the parcel described herein as Assessor's Parcel Number 269-050-034 located on the southeast corner of Jaye Street and Montgomery Avenue; and

Section 2: It is further ordained that all records of the City of Porterville, together with the official zoning map of the City of Porterville, shall be changed to show the above described real property is rezoned to reflect Public/Semi-public for the southwestern-most 2.1± acres and General Industrial for the remainder of the site described above, more particularly shown on the attached map as Exhibit "A"; and

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

PASSED, APPROVED AND ADOPTED this 19<sup>th</sup> day of November, 2013.

By: \_\_\_\_\_  
Cameron J. Hamilton, Mayor

ATTEST:

John D. Lollis, City Clerk

By: \_\_\_\_\_  
Patrice Hildreth, Chief Deputy City Clerk

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE  
CONTAINING FINDINGS IN SUPPORT OF APPROVAL OF TENTATIVE PARCEL MAP  
2013-012 TO DIVIDE A 13.15± ACRE SITE INTO FOUR (4) PARCELS AND A  
REMAINDER GENERALLY LOCATED AT THE SOUTHEAST CORNER OF JAYE  
STREET AND MONTGOMERY AVENUE

WHEREAS: The City Council of the City of Porterville at its scheduled meeting of November 19, 2013, conducted a public hearing to consider Tentative Parcel Map PRC-2012-012-P; and

WHEREAS: The City Council received testimony from all interested parties relative to said Tentative Parcel Map; and

WHEREAS: On November 13, 2013, the Porterville Parcel Map Committee voted unanimously to recommend approval of the Tentative Parcel Map upon consideration by the City Council; and

WHEREAS: The City Council of the City of Porterville at its regularly scheduled meeting of November 19, 2013, conducted a public hearing to consider approval of Tentative Parcel Map 2012-012-P to divide a 13.15± acre vacant site into four (4) parcels and one (1) remainder as follows:

Parcel 1 – 3.6± acres

Parcel 2 – 2.3± acres

Parcel 3 – 2.15± acres

Parcel 4 – 2.1± acres

Remainder – 3.0± acres

; and

WHEREAS: On October 22, 2013, the Environmental Coordinator made a preliminary determination that in compliance with the California Environmental Quality Act, a Mitigated Negative Declaration would be appropriate for the proposed project; and

WHEREAS: The proposed use of the site shall be required to be operated and maintained to comply with State Law, the City of Porterville Development Ordinance, adopted Building Codes and all other applicable laws and ordinances; and

WHEREAS: The City Council provided the opportunity to the public and all interested parties to comment on the proposed tentative parcel map; and

WHEREAS: The City Council made the following findings:

1. That the proposed tentative parcel map is contingent upon approval of General Plan Amendment PRC 2012-020-G and Zone Change PRC 2012-020-Z.

**ATTACHMENT  
ITEM NO. 12**

2. That the proposed parcel map is consistent with applicable general and specific plans. The General Plan encourages the economic development that would be accommodated by the provision of industrially designated lots within the City, near a major transportation corridor, State Route 190.
3. The design and improvements of the parcel map and the proposed project are consistent with the proposed Public Safety Building and subsequent industrial developments. The parcels as proposed are dimensioned in such a way to accommodate Industrial development in a manner consistent with the Development Ordinance. A specific plan is not proposed for subsequent industrial development at this time.
5. That the site is physically suitable for the type and density of the proposed development.

The subject site is flat. Conformance with the City Storm Drain Master Plan, and requirements relative to grading, the California Building Code, etc., will be required. Additionally, compliance with federal, State and local regulation requiring that storm water runoff monitored and maintained free of heavy concentration of pollutants will mitigate this potential impact to a level of insignificance (NPDES standards).

6. That the design of the parcel map or proposed improvements will not cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat. The resolution approving the Mitigated Negative Declaration elaborates on the analysis completed to ensure that environmental impacts remain less than significant.
7. That the design of the parcel map or type of improvements will not cause serious public health problems.

The location of the project and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the area, as required by the Development Ordinance.

8. That the Parcel Map Committee reviewed the proposed parcel map and recommended that the City Council review the project in its entirety, and approve the proposed parcel map.

NOW, THEREFORE, BE IT RESOLVED: That the City Council does hereby approve Tentative Parcel Map 2012-020 subject to the following conditions:

1. The project shall comply with all local, State, and federal laws.
2. The project shall comply with all mitigation measures identified in the approved CEQA document.

3. Unless otherwise noted, the developer/applicant shall comply with the City Master Plans, Standard Specifications for Public Works Construction (2009 Edition), and Standard Plans and Specifications (2007 Edition), except where they are in conflict with the Americans with Disabilities Act and the 2010 California Building Code, the Tulare County Hazardous Waste Management Plan, the California Manual on Uniform Traffic Control Devices, the Porterville Circulation Element, and the Tulare County Congestion Management Program.
4. The developer/applicant shall pay all applicable fees in accordance with the Municipal Code and State law. Fees are subject to change annually. The developer/applicant is hereby notified that you have the right to pay fees, dedications, reservations or other exactions, under protest, pursuant to Government Code Section 66020(a). You have 90 days from the date fees are paid to file a written protest.
5. At the time of approval of the Final Map the developer/applicant shall dedicate right-of-way necessary for the construction of the Jaye Street/Montgomery Avenue Roundabout Project plans on file with the City Engineer, including an additional ten (10) feet of right of way along the Montgomery Avenue and "H" Street frontages for public roadway improvement (e.g. sidewalks) per Section 401.02(c).(7) of the Porterville Development Ordinance. Dedication of required utility easements shall be recorded prior to approval of the final map.
6. The dedication of easements or any other potential dedications shall be clearly identified on the Parcel Map. A Dedications Statement shall be placed on the map that reads:

"Pursuant to the authority conferred by the City of Porterville, Ordinance No. 1590, adopted February 20, 2001, the undersigned, on behalf of the Public and City Council of the City of Porterville consents to the acceptance and recordation of the \_\_\_\_\_ dedication(s) as shown on this map.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_

By: Michael K. Reed, City Engineer

PLS 7514"

7. The developer/applicant shall comply with Chapter 7, Article XIII of the City Code and Chapter 18 and Appendix J of the California Building Code and provide a Preliminary Soils Report (C.C. Sec. 7-126 & Res. 4997), satisfactory to the City Engineer, prior to the approval of the improvement plans or start of grading, whichever comes first. Additional reporting requirements are as indicated below:
  - a) Final Grading, Drainage and Soils Report, prior to issuance of building permits (C.C. Sec. 7-133);
  - b) Soils Report(s) in accordance with Chapter 18 and Appendix J of the California Building Code.
  - c) Soils Engineer shall execute a Soil Engineer Statement on the Parcel map confirming the filing of a Preliminary Soils Report with the Public Works

Department.

8. Prior to approval of a permit or other grant of approval for development of the property, the developer/applicant shall comply with or provide plans that comply with City Retaining Wall Standards at Lot Lines (adopted by City Council January 3, 1989).
9. Prior to recording the final map, the developer/applicant shall provide improvements by the method indicated below:
  - a. Construct or provide surety for construction of curbs, gutters, sidewalks, street improvements, water services, sewer laterals, storm drainage, electrical conduits, street lights, etc. per the Jaye Street/Montgomery Avenue Roundabout Project plans on file with the City Engineer. Stubbing of improvements to the property line if, in the opinion of the City Engineer, they will be needed for connection to development on the adjacent property.
  - b. Simultaneous recording of a separate legal instrument or placement of a statement on the Final Map, if appropriate, that reads as follows:

"In accordance with Section 66411.1 of the Government Code, the construction and/or installation of on-site and off-site improvements, such as but not limited to, sidewalks, driveways, paveouts, median island modifications, water, sewer, lot grading, storm drainage, etc. along the parcels fronting Montgomery Avenue and H Street has been deferred until such time as a permit or other grant of approval for development of the parcel is issued. Such construction may be phased when only a portion of the parcels shown herein 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 function."
10. The developer/applicant shall move existing utility structures (for example, poles, splice boxes, vaults, etc.) to a position that provides a minimum of four feet (4') of clear space in the sidewalk area and a minimum of two feet (2') of clear space from the curb face to the structure, unless they are below grade (Title 24 OSA).
11. Prior to recording the final map, the developer/applicant shall provide, easements, permits, calculations, etc., if, in the opinion of the City Engineer, they are needed for the proper functioning or phasing of the development (e.g., water, sewer, drainage, etc.). If the City Engineer determines that construction of improvements is needed to protect public health and safety or for orderly development of the surrounding area, provide a surety for construction of said improvements. If not, construction of required improvements may be deferred in accordance with Section 66411.11 of the Government Code.
12. The developer/applicant shall construct drainage systems approved by the City Engineer. Dedicate a drainage easement across each lot requiring an easement, unless all lots are graded to drain to the street (C.C. Sec. 21-50).
13. The developer/applicant shall provide street lights on Marbelite poles complying with

Southern California Edison Company specifications, as approved by the City Engineer. 16000 lumen street lights shall be installed along the Jaye Street frontage per the Jaye Street/Montgomery Avenue Roundabout Improvement plans on file with the City Engineer. Use of wood poles is prohibited without prior written approval of the City Engineer.

14. The developer/applicant shall dedicate a one foot (1') limitation of access strip at locations where, in the opinion of the City Engineer, it is undesirable to allow access. Montgomery Avenue access to Parcel 1, 2 and 3 shall be limited to a driveway that aligns with the existing sole median island break and Jaye Street access to Parcel 1 is prohibited. H Street access to Parcel 3 and the Remainder parcel shall be shared driveway that aligns with the existing median curb opening.
15. An easement for mutual ingress/egress, parking, refuse disposal, and vehicular passage rights over and across Parcels 1, 2, 3 and the Remainder Parcel shall be recorded by placement of a statement on the Parcel Map or other method acceptable to the City Engineer.

Prior to approval of the Parcel Map, the developer/ applicant shall have completed and approved, landscaping and/or lighting improvement plans. The developer/applicant shall petition, on a form provided by the City, to have said subdivided land placed in a Lighting and Landscape Maintenance District. Submit the \$375 fee with the petition. The following shall be included and maintained in said district: (1) Lighting, (2) Recreational Open Space, (3) Public Landscaping, (stamped concrete, parkway strips, median island, roundabout splitter islands, roundabout center island (4) Public walls/fences, if any, and (5) Drainage reservoir, if any.

PASSED, APPROVED AND ADOPTED this 19<sup>th</sup> day of November, 2013.

By: \_\_\_\_\_  
Cameron J. Hamilton, Mayor

ATTEST:  
John D. Lollis, City Clerk

By: \_\_\_\_\_  
Patrice Hildreth, Chief Deputy City Clerk

COUNCIL AGENDA – NOVEMBER 19, 2013

SUBJECT: SECOND READING – ORDINANCE 1800, APPROVING ZONE CHANGE  
(PRC 2013-035-Z)

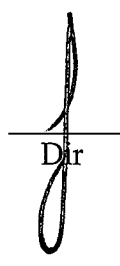
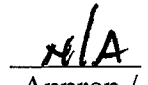
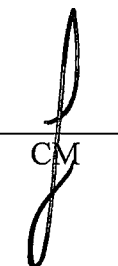
SOURCE: ADMINISTRATIVE SERVICES/CITY CLERK DIVISION

COMMENT: Ordinance No. 1800, An Ordinance of the City Council of the City of Porterville Approving Zone Change (PRC 2013-035-Z) From D-PO (Downtown Professional Office) to DR-D (Downtown Retail – D Street Corridor) for that .38± Acre Site Located at the Southeast Corner of Cleveland Avenue and D Street, was given first reading on November 5, 2013, and has been printed.

RECOMMENDATION: That the Council give Second Reading to Ordinance No. 1800, waive further reading, and adopt said Ordinance.

ATTACHMENT: Ordinance No. 1800

Item No. 15

		
Dir	Approp./ Funded	CM



ORDINANCE NO. 1800

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE  
APPROVING ZONE CHANGE (PRC 2013-035-Z)  
FROM D-PO (DOWNTOWN PROFESSIONAL OFFICE)  
TO DR-D (DOWNTOWN RETAIL - D STREET CORRIDOR)  
FOR THAT .38± ACRE SITE LOCATED AT THE  
SOUTHEAST CORNER OF CLEVELAND AVENUE AND D STREET

WHEREAS: On September 11, 2013, the Project Review Committee considered a request to rezone Assessor's Parcel Number 252-186-003, located at the southeast corner of Cleveland Avenue and D Street from D-PO (Downtown Professional Office) to DR-D (Downtown Retail- D Street Corridor). No physical development of the site is proposed at this time and the committee voiced no concerns with the request; and

WHEREAS: On September 23, 2013, the applicant submitted an application for Zone Change for the subject parcel. The application materials were reviewed and deemed complete; and

WHEREAS: Notice was duly made of a public hearing to consider the proposed rezone; and

WHEREAS: The City Council of the City of Porterville at its regularly scheduled meeting of November 5, 2013, conducted a public hearing to approve findings and consider Zone Change PRC 2013-035, being a change of zone from D-PO (Downtown Professional Office) to DR-D (Downtown Retail- D Street Corridor) for the parcel located at the southeast corner of Cleveland Avenue and D Street (APN 252-186-003); and

WHEREAS: The City Council of the City of Porterville determined that the proposed Zone Change (PRC 2013-035) is consistent with the guiding and implementation policies of the adopted 2030 General Plan; and

WHEREAS: The subject parcel was considered Downtown Retail in the 2030 General Plan. The General Plan Environmental Impact Report (EIR) identifies the land use for the parcel as retail, and the rezoning of the parcel would bring said parcel into compliance with the General Plan. Pursuant to Section 15162, no further environmental review is required to rezone the parcel as proposed; and

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

- a. The project supports and complies with General Plan policies.

Specifically, the project promotes a sustainable, balanced land use pattern that responds to the needs of a re-emergent economy, while also encouraging Downtown growth (LU-G-1 and LU-G-2). By providing a vacant, buildable site in the downtown area, the project accommodates potential future interest for business owners who choose to construct a building specific to their enterprise.

- b. Future development of the site consistent with the DR-D zoning would require subsequent review at the staff level, through the Project Review Committee process. Development would be subject to the standards of the Development Ordinance as well as the Downtown Porterville Design Guidelines (adopted in 2010 by Resolution 48-2010). In the event the proposed use would require discretionary approval, the application would be brought before the City Council for consideration.
- c. The land use designation for the subject area was approved with the initial adoption of the General Plan in 2010 as Downtown Retail. The proposed project is consistent with that land use designation.
- d. The subject Zone Change will not create adverse environmental impacts on the adjacent neighborhood when standards of the Development Ordinance and General Plan are applied to any subsequent development project. Pedestrian orientation standards and other design and development standards of the General Plan and Development Ordinance were established specifically to limit environmental impacts. In the event that a proposed project may have an adverse impact on the environment, additional analysis and evaluation would be required.

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

Section 1: That the following described property in the City of Porterville, County of Tulare, State of California, known as Zone Change PRC 2013-035-Z, is hereby rezoned from D-PO (Downtown Professional Office) to DR-D (Downtown Retail- D Street Corridor), pursuant to Section 3 below, for the parcel described herein as Assessor's Parcel Number 252-186-003 located southeast of the corner of Cleveland Avenue and D Street; and

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

Section 3:

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

PASSED, APPROVED AND ADOPTED this 19<sup>th</sup> day of November, 2013.

By: \_\_\_\_\_  
Cameron J. Hamilton, Mayor

ATTEST:  
John D. Lollis, City Clerk

By: \_\_\_\_\_  
Patrice Hildreth, Chief Deputy City Clerk

**THIS ITEM HAS BEEN REMOVED**

## COUNCIL AGENDA: NOVEMBER 19, 2013

**SUBJECT:** WALL OF FAME PLACEMENT PROCEDURE

**SOURCE:** PARKS AND LEISURE SERVICES DEPARTMENT

**COMMENT:** Since 2007, the City Council is to receive and review nominations for 'Wall of Fame' honorees annually. This honor has been awarded posthumously to individuals who have made significant contributions towards the betterment of the Porterville Community. Nominations must be submitted by members of the City Council and are to identify a sponsor that is to be responsible for providing the photograph, picture frame, biography, and name plate for placement on the wall.

The Parks and Leisure Services Commission at their October 3, 2013 meeting requested an item be included for their November 7, 2013 meeting regarding the Wall of Fame procedure. At the October 15, 2013 City Council meeting, Council Member Shelton requested the Wall of Fame placement procedure be placed on an upcoming City Council agenda which the Council approved to be scheduled. The Commission reviewed the current Wall of Fame placement procedure on November 7, 2013, and determined some recommendations for the City Council to consider on amending the current procedure.

The recommendations are:

1. The Wall of Fame honoree does not have to be deceased.
2. Each City Council member may nominate no more than one honoree annually.
3. Honoree photos are to be displayed permanently. Display frames are to be added when more photo space is needed.
4. Consolidate the bios of the honorees to a book to be displayed at the Wall of Fame in order to create more space for honoree photos.
5. Honorees must have lived in Porterville for a period of time to be determined by the City Council.

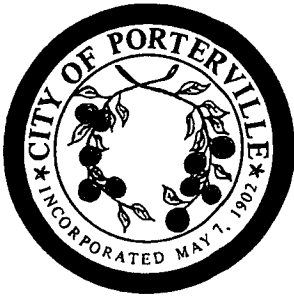
**RECOMMENDATION:** That the City Council consider the Wall of Fame placement procedure, including the recommendations of the Parks and Leisure Services Commission.

**ATTACHMENTS:** 1. Wall of Fame Nomination Form

my Director N/A Appropriated/Funded

J City Manager

ITEM NO.: 17



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

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

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

**Name of Nominee:** \_\_\_\_\_

**Description of Nominee's Community Involvement/Service Activities:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Sponsor's Name(s):** \_\_\_\_\_

**Telephone:** \_\_\_\_\_

**Address:** \_\_\_\_\_

**City/State/Zip:** \_\_\_\_\_

**Relationship to Nominee:** \_\_\_\_\_

Nomination Submitted by:

\_\_\_\_\_  
**Mayor/City Council Member Signature**

\_\_\_\_\_  
**Date**

## **HERITAGE COMMUNITY CENTER "WALL OF FAME" PLACEMENT PROCEDURE**

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

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

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

AGENDA: NOVEMBER 19, 2013

JOINT CITY COUNCIL/SUCCESSOR AGENCY

SUBJECT: AGREEMENT FOR REIMBURSEMENT OF COSTS AND  
CITY/SUCCESSOR AGENCY OPERATIONS LOAN

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT  
FINANCE DEPARTMENT

COMMENT: The Successor Agency anticipates a deficit of up to \$110,000 in the current Recognized Obligation Payment Schedule (ROPS) 13-14A period (July-December 2013). Additionally, the City has routinely provided staff and administrative support to the Successor Agency and it is appropriate to document this relationship and the Successor Agency's obligation to pay or reimburse the City for such administrative expenses on an ongoing basis.

Subject to Oversight Board approval, pursuant to Health & Safety Code Sections 34173(h), 34178(a) and 34180(h), the City and Successor Agency may enter into an agreement for the City to pay for enforceable obligations and administrative expenses of the Successor Agency (as shown on the approved administrative budget and ROPS), subject to repayment from future Redevelopment Property Tax Trust Funds ("RPTTF"), as such RPTTF moneys become available.

To ensure provision of the necessary services from the City to support the Successor Agency's responsibilities in winding down the activities of the former Porterville Redevelopment Agency and under the proposed Administrative Budget, and to enable the Successor Agency to make timely payments on the former Agency's Tax Allocation Bonds and the Rural Economic Development Infrastructure Program (REDIP) loan during the current ROPS 13-14A period, it is necessary that the City and the Successor Agency enter into an Agreement for Reimbursement of Costs and City/Successor Agency Operations Loan ("Agreement") in substantially the form provided herewith.

The Agreement provides for the City to provide administrative support to the Successor Agency on an ongoing basis, as has been the City's practice, and for the Successor Agency to reimburse the City for the costs of such administrative support activities. Additionally, in the event that insufficient RPTTF moneys are available to pay some or all of the Successor Agency's enforceable obligations and/or administrative expenses (as is the case for the current ROPS 13-14A period), the Agreement provides for the City to loan the needed funds to the Successor Agency and for the Successor Agency to repay such loan to the City, plus interest calculated at the LAIF rate, when adequate RPTTF moneys become available to the Successor Agency for such purpose.

DD

BAQ Appropriated/Funded MB

CM

Item No. SA-01



RECOMMENDATION: That the City and Successor Agency:

1. Adopt the attached resolutions approving the Agreement for Reimbursement of Costs and City/Successor Agency Operations Loan; and
2. Authorize the City Manager and Finance Director, on behalf of the Successor Agency, to transmit the Agreement to the Oversight Board, the Tulare County Administrative Officer, the Tulare County Auditor-Controller, and the California Department of Finance, in accordance with Health & Safety Code Section 34180(j).

ATTACHMENTS:

1. City Resolution Approving an Agreement for Reimbursement of Costs and City/Successor Agency Operations Loan between the City and Successor Agency
2. Successor Agency Resolution Approving an Agreement for Reimbursement of Costs and City/Successor Agency Operations Loan between the City and Successor Agency
3. Agreement for Reimbursement of Costs and City/Successor Agency Operations Loan

## RESOLUTION \_\_\_\_\_

### A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE APPROVING AN AGREEMENT FOR REIMBURSEMENT OF COSTS AND CITY/SUCCESSOR AGENCY OPERATIONS LOAN BY AND BETWEEN THE CITY OF PORTERVILLE AND THE SUCCESSOR AGENCY TO THE PORTERVILLE REDEVELOPMENT AGENCY PURSUANT TO HEALTH & SAFETY CODE SECTION 34173(h), AND MAKING CERTAIN FINDINGS IN ACCORDANCE THEREWITH

WHEREAS, the City of Porterville ("City") is a municipal corporation and charter city organized and operating under the laws of the State of California; and

WHEREAS, the Successor Agency to the Porterville Redevelopment Agency ("Successor Agency") is a public entity corporate and politic, organized and operating under Part 1.85 of Division 24 of the Dissolution Act (as defined below); and

WHEREAS, the Porterville Redevelopment Agency ("former Agency") previously was a California public body, corporate and politic, duly formed by the City Council of the City ("City Council") and organized, existing and exercising the powers of a community redevelopment agency under the California Community Redevelopment Law, Health & Safety Code Section 33000, *et seq.*; and

WHEREAS, Assembly Bill x1 26 ("AB x1 26") chaptered and effective on June 27, 2011, added Parts 1.8 and 1.85 to Division 24 of the California Health & Safety Code, which laws were modified, in part, and determined constitutional by the California Supreme Court in the petition California Redevelopment Association, et al. v. Ana Matosantos, et al., Case No. S194861 ("Matosantos Decision"), which laws and court opinion caused the dissolution of all redevelopment agencies and winding down of the affairs of former redevelopment agencies; thereafter, such laws were amended further by Assembly Bill 1484 ("AB 1484") that was chaptered and effective on June 27, 2012 (together AB x1 26, the Matosantos Decision, and AB 1484 are referred to as the "Dissolution Act"); and

WHEREAS, all statutory references herein are to the Dissolution Act unless otherwise stated; and

WHEREAS, as of February 1, 2012, the former Agency became a dissolved community redevelopment agency pursuant to the Dissolution Act; and

WHEREAS, as of and on and after February 1, 2012, the Successor Agency is performing its functions as the successor agency under the Dissolution Act to administer the enforceable obligations of the former Agency and is engaged in activities necessary and appropriate to wind down the activities of the former Agency's Porterville Redevelopment Project No. 1 that was originally adopted and amended by ordinances of the City Council, and otherwise unwind the former Agency's affairs, all subject to the review and approval by a seven-member Oversight Board formed thereunder; and

WHEREAS, Successor Agency has adopted an Administrative Budget and a Recognized Obligation Payment Schedule ("ROPS") pursuant to Health and Safety Code Section 34177, subdivisions (j) and (l), for the period from July 1, 2013 to December 31, 2013 ("ROPS 13-14A Period"), both of which have been approved by the Oversight Board to the Successor Agency ("Oversight Board") and the California Department of Finance ("DOF"); and

WHEREAS, Successor Agency anticipates that there will be a deficit of Redevelopment Property Tax Trust Funds ("RPTTF") available to pay enforceable obligations and administrative expenses as shown on the approved administrative budget ("Administrative Budget") and ROPS for the ROPS 13-14A Period in the amount of approximately \$110,000 ("ROPS 13-14A Deficit Amount"); and

WHEREAS, Successor Agency anticipates that RPTTF deficits may occur in future ROPS periods as well ("Future Deficit Amount"), although it is not possible to accurately predict future RPTTF revenues; and

WHEREAS, in addition, employees of the City perform day-to-day administration and operation of the Successor Agency's duties and functions; since the former Agency was originally formed and upon the Successor Agency's effectiveness as of February 1, 2012, the City has provided and shall continue to provide services to the Successor Agency, including but not limited to providing administrative, accounting, auditing, planning, engineering, legal, risk management, financial, clerical, record-keeping, and other services necessary for the Successor Agency to carry out its responsibilities; and

WHEREAS, Section 34173(h) of the Dissolution Act authorizes the City to "loan or grant funds to [the Successor Agency] for administrative costs, enforceable obligations, or project-related expenses at the [City's] discretion, but the receipt and use of these funds shall be reflected on the Recognized Obligation Payment Schedule or the administrative budget and therefore are subject to the oversight and approval of the oversight board. An enforceable obligation shall be deemed to be created for the repayment of those loans"; and

WHEREAS, as authorized by and pursuant to Section 34173(h) of the Dissolution Act, the City and Successor Agency desire to enter into an Agreement for Reimbursement of Costs and City/Successor Agency Operations Loan ("Agreement") to provide for the City to assist the Successor Agency by providing a loan to the Successor Agency in an amount not to exceed the ROPS 13-14A Deficit Amount and any Future Deficit Amount and/or any Operations Loan Amount (defined below), to enable the Successor Agency to pay its enforceable obligations and administrative expenses during the ROPS 13-14A Period and in future ROPS periods to the extent approved by the City Manager and Successor Agency Executive Director; and

WHEREAS, the Agreement shall be subject to approval by the Oversight Board to the Successor Agency and shall be included on the ROPS for the period from July 1, 2014 to December 31, 2014, ("ROPS 14-15A") and subsequent ROPS periods, as necessary, and, as such, shall be subject to the approval of the DOF; and

WHEREAS, provided that the Agreement is approved as an enforceable obligation on ROPS 14-15A (and/or future ROPS), the Successor Agency shall repay all amounts disbursed by

the City to or on behalf of the Successor Agency, in accordance with the Agreement, from RPTTF moneys received by the Successor Agency pursuant to ROPS 14-15A and any future ROPS; and

WHEREAS, pursuant to the Agreement, City and Successor Agency also desire to affirm and document an on-going cooperative arrangement regarding administrative and operational services and payment for services by entering into this contract whereby City agrees to provide administrative and operational services (including funding enforceable obligations to the extent of RPTTF shortages), Successor Agency agrees to pay City for the cost of all such services to be provided by City in an amount equal to the Successor Agency Administrative Budget and ROPS prepared pursuant to California Health and Safety Code Section 34177(j) and (l) and approved by the Oversight Board for each six-month period and fiscal year under the term of this Agreement; and

WHEREAS, the City desires to approve the Agreement subject to approval by the Oversight Board and the DOF.

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

Section 1. The foregoing recitals are incorporated into this Resolution by this reference, and constitute a material part of this Resolution.

Section 2. The City Council hereby approves the Agreement for Reimbursement of Costs and City/Successor Agency Operations Loan by and between the City and the Successor Agency ("Agreement"), with such changes as may be mutually agreed upon by the City Manager (or his duly authorized representative), the Successor Agency's Executive Director and the City's legal counsel, as are minor and in substantial conformance with the form of the Agreement which has been submitted herewith. The City Manager and the City Clerk are hereby authorized to execute and attest the Agreement on behalf of the City. In such regard, the City Manager (or his duly authorized representative) is authorized to sign the final version of the Agreement after completion of any such non-substantive, minor revisions. Copies of the final form of the Agreement, when duly executed and attested, shall be placed on file in the office of the City Clerk. Further, the City Manager (or his duly authorized representative) is authorized to implement the Agreement and take all further actions and execute all documents referenced therein and/or necessary and appropriate to make the City Loan (defined in the Agreement) and otherwise carry out the transaction contemplated by the Agreement. The City Manager (or his duly authorized representative) is hereby authorized to the extent necessary during the implementation of the Agreement to make technical or minor changes and interpretations thereto after execution, as necessary to properly implement and carry out the Agreement, provided any and all such changes shall not in any manner materially affect the rights and obligations of the City or the maximum City Loan amount provided under the Agreement approved hereby.

Section 3. In addition to the authorization of Section 2 above, the City Manager is hereby authorized, on behalf of the City, to sign all other documents necessary or appropriate to carry out and implement the Agreement, including causing the issuance of warrants in implementation thereto, and to administer the City's obligations, responsibilities and duties to be performed under the Agreement.

Section 4. The City Clerk shall certify to the adoption of this Resolution.

THE FOREGOING RESOLUTION is approved and adopted by the City Council of the City of Porterville this 19th day of November, 2013.

\_\_\_\_\_  
Cameron J. Hamilton, Mayor

ATTEST:  
John D. Lollis, City Clerk

By \_\_\_\_\_  
Patrice Hildreth, Chief Deputy City Clerk

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE SUCCESSOR AGENCY TO THE  
PORTERVILLE REDEVELOPMENT AGENCY APPROVING AN AGREEMENT FOR  
REIMBURSEMENT OF COSTS AND CITY/SUCCESSOR AGENCY OPERATIONS LOAN  
BY AND BETWEEN THE CITY OF PORTERVILLE AND THE SUCCESSOR AGENCY  
TO THE PORTERVILLE REDEVELOPMENT AGENCY PURSUANT TO  
HEALTH & SAFETY CODE SECTION 34173(h), AND MAKING CERTAIN  
FINDINGS IN ACCORDANCE THEREWITH

WHEREAS, the City of Porterville ("City") is a municipal corporation and charter city organized and operating under the laws of the State of California; and

WHEREAS, the Successor Agency to the Porterville Redevelopment Agency ("Successor Agency") is a public entity corporate and politic, organized and operating under Part 1.85 of Division 24 of the Dissolution Act (as defined below); and

WHEREAS, the Porterville Redevelopment Agency ("former Agency") previously was a California public body, corporate and politic, duly formed by the City Council of the City of Porterville ("City Council") and organized, existing and exercising the powers of a community redevelopment agency under the California Community Redevelopment Law, Health & Safety Code Section 33000, *et seq.*; and

WHEREAS, Assembly Bill x1 26 ("AB x1 26") chaptered and effective on June 27, 2011, added Parts 1.8 and 1.85 to Division 24 of the California Health & Safety Code, which laws were modified, in part, and determined constitutional by the California Supreme Court in the petition California Redevelopment Association, et al. v. Ana Matosantos, et al., Case No. S194861 ("Matosantos Decision"), which laws and court opinion caused the dissolution of all redevelopment agencies and winding down of the affairs of former redevelopment agencies; thereafter, such laws were amended further by Assembly Bill 1484 ("AB 1484") that was chaptered and effective on June 27, 2012, (together AB x1 26, the Matosantos Decision, and AB 1484 are referred to as the "Dissolution Act"); and

WHEREAS, all statutory references herein are to the Dissolution Act unless otherwise stated; and

WHEREAS, as of February 1, 2012, the former Agency became a dissolved community redevelopment agency pursuant to the Dissolution Act; and

WHEREAS, as of and on and after February 1, 2012, the Successor Agency is performing its functions as the successor agency under the Dissolution Act to administer the enforceable obligations of the former Agency and is engaged in activities necessary and appropriate to wind down the activities of the former Agency's Porterville Redevelopment Project No. 1 that was originally adopted and amended by ordinances of the City Council, and otherwise unwind the former Agency's affairs, all subject to the review and approval by a seven-member Oversight Board formed thereunder; and

WHEREAS, Successor Agency has adopted an Administrative Budget and a Recognized Obligation Payment Schedule ("ROPS") pursuant to Health and Safety Code Section 34177, subdivisions (j) and (l), for the period from July 1, 2013 to December 31, 2013 ("ROPS 13-14A Period"), both of which have been approved by the Oversight Board to the Successor Agency ("Oversight Board") and the California Department of Finance ("DOF"); and

WHEREAS, Successor Agency anticipates that there will be a deficit of Redevelopment Property Tax Trust Funds ("RPTTF") available to pay enforceable obligations and administrative expenses as shown on the approved administrative budget ("Administrative Budget") and ROPS for the ROPS 13-14A Period in the amount of approximately \$110,000 ("ROPS 13-14A Deficit Amount"); and

WHEREAS, Successor Agency anticipates that RPTTF deficits may occur in future ROPS periods as well ("Future Deficit Amount"), although it is not possible to accurately predict future RPTTF revenues; and

WHEREAS, in addition, employees of the City perform day-to-day administration and operation of the Successor Agency's duties and functions; since the former Agency was originally formed and upon the Successor Agency's effectiveness as of February 1, 2012, the City has provided and shall continue to provide services to the Successor Agency, including but not limited to providing administrative, accounting, auditing, planning, engineering, legal, risk management, financial, clerical, record-keeping, and other services necessary for the Successor Agency to carry out its responsibilities; and

WHEREAS, Section 34173(h) of the Dissolution Act authorizes the City to "loan or grant funds to [the Successor Agency] for administrative costs, enforceable obligations, or project-related expenses at the [City's] discretion, but the receipt and use of these funds shall be reflected on the Recognized Obligation Payment Schedule or the administrative budget and therefore are subject to the oversight and approval of the oversight board. An enforceable obligation shall be deemed to be created for the repayment of those loans"; and

WHEREAS, as authorized by and pursuant to Section 34173(h) of the Dissolution Act, the City and Successor Agency desire to enter into an Agreement for Reimbursement of Costs and City/Successor Agency Operations Loan ("Agreement") to provide for the City to assist the Successor Agency by providing a loan to the Successor Agency in an amount not to exceed the ROPS 13-14A Deficit Amount and any Future Deficit Amount and/or any Operations Loan Amount (defined below), to enable the Successor Agency to pay its enforceable obligations and administrative expenses during the ROPS 13-14A Period and in future ROPS periods to the extent approved by the City Manager and Successor Agency Director; and

WHEREAS, the Agreement shall be subject to approval by the Oversight Board to the Successor Agency and shall be included on the ROPS for the period from July 1, 2014 to December 31, 2014, ("ROPS 14-15A") and subsequent ROPS periods, as necessary, and, as such, shall be subject to the approval of the DOF; and

WHEREAS, provided that the Agreement is approved as an enforceable obligation on ROPS 14-15A (and/or future ROPS), the Successor Agency shall repay all amounts disbursed by

the City to or on behalf of the Successor Agency, in accordance with the Agreement, from RPTTF moneys received by the Successor Agency pursuant to ROPS 14-15A and any future ROPS; and

WHEREAS, pursuant to the Agreement, City and Successor Agency also desire to affirm and document an on-going cooperative arrangement regarding administrative and operational services and payment for services by entering into this contract whereby City agrees to provide administrative and operational services (including funding enforceable obligations to the extent of RPTTF shortages), Successor Agency agrees to pay City for the cost of all such services to be provided by City in an amount equal to the Successor Agency Administrative Budget and ROPS prepared pursuant to California Health and Safety Code Section 34177(j) and (l) and approved by the Oversight Board for each six-month period and fiscal year under the term of this Agreement; and

WHEREAS, the Successor Agency desires to approve the Agreement and the Successor Agency desires to transmit such Agreement to the Oversight Board and the DOF for approval.

NOW, THEREFORE, BE IT RESOLVED BY THE SUCCESSOR AGENCY TO THE PORTERVILLE REDEVELOPMENT AGENCY AS FOLLOWS:

Section 1. The foregoing recitals are incorporated into this Resolution by this reference, and constitute a material part of this Resolution.

Section 2. The Successor Agency hereby approves the Agreement for Reimbursement of Costs and City/Successor Agency Operations Loan by and between the City and the Successor Agency ("Agreement"), with such changes as may be mutually agreed upon by the Executive Director of the Successor Agency (or his duly authorized representative), the City's Community Development Director and the City's legal counsel, as are minor and in substantial conformance with the form of the Agreement which has been submitted herewith. The Executive Director and the Successor Agency Secretary are hereby authorized to execute and attest the Agreement on behalf of the Successor Agency. In such regard, the Executive Director (or his duly authorized representative) is authorized to sign the final version of the Agreement after completion of any such non-substantive, minor revisions. Copies of the final form of the Agreement, when duly executed and attested, shall be placed on file in the office of the Successor Agency Secretary. Further, the Executive Director (or his duly authorized representative) is authorized to implement the Agreement and take all further actions and execute all documents referenced therein and/or necessary and appropriate to receive the City Loan (defined in the Agreement) and otherwise carry out the transaction contemplated by the Agreement. The Executive Director (or his duly authorized representative) is hereby authorized to the extent necessary during the implementation of the Agreement to make technical or minor changes and interpretations thereto after execution, as necessary to properly implement and carry out the Agreement, provided any and all such changes shall not in any manner materially affect the rights and obligations of the Successor Agency or the maximum City Loan amount provided under the Agreement approved hereby.

Section 3. In addition to the authorization of Section 2 above, the Executive Director is hereby authorized, on behalf of the Successor Agency, to sign all other documents necessary



or appropriate to carry out and implement the Agreement, including causing the issuance of warrants in implementation thereto, and to administer the Successor Agency's obligations, responsibilities and duties to be performed under the Agreement.

Section 4. The Secretary of the Successor Agency shall certify to the adoption of this Resolution.

THE FOREGOING RESOLUTION is approved and adopted by the Successor Agency to the Porterville Redevelopment Agency this 19th day of November, 2013.

SUCCESSOR AGENCY TO THE PORTERVILLE  
REDEVELOPMENT AGENCY

By: \_\_\_\_\_  
Cameron J. Hamilton, Chair

ATTEST:

John D. Lollis, Agency Secretary

\_\_\_\_\_  
Patrice Hildreth, Chief Deputy Agency Secretary

**AGREEMENT FOR REIMBURSEMENT OF COSTS  
AND CITY/SUCCESSOR AGENCY OPERATIONS LOAN**

This **AGREEMENT FOR REIMBURSEMENT OF COSTS AND CITY/SUCCESSOR AGENCY OPERATIONS LOAN** ("Agreement") is made and entered into as of November 19, 2013, by and between the **CITY OF PORTERVILLE**, a California municipal corporation ("City"), and the **SUCCESSOR AGENCY TO THE PORTERVILLE REDEVELOPMENT AGENCY**, a public body, corporate and politic ("Successor Agency").

**RECITALS**

**A.** The City is a municipal corporation organized and operating under the laws of the State of California.

**B.** The Successor Agency is a public entity corporate and politic, organized and operating under Part 1.85 of Division 24 of the Dissolution Act (as defined in Recital D, below).

**C.** The Porterville Redevelopment Agency ("former Agency") previously was a California public body, corporate and politic, duly formed by the City Council of the City of Porterville ("City Council") and organized, existing and exercising the powers of a community redevelopment agency under the California Community Redevelopment Law, Health & Safety Code Section 33000, *et seq.*

**D.** Assembly Bill x1 26 ("AB x1 26") chaptered and effective on June 27, 2011, added Parts 1.8 and 1.85 to Division 24 of the California Health & Safety Code, which laws were modified, in part, and determined constitutional by the California Supreme Court in the petition *California Redevelopment Association, et al. v. Ana Matosantos, et al.*, Case No. S194861 ("*Matosantos* Decision"), which laws and court opinion caused the dissolution of all redevelopment agencies and winding down of the affairs of former redevelopment agencies; thereafter, such laws were amended further by Assembly Bill 1484 ("AB 1484") that was chaptered and effective on June 27, 2012, (together AB x1 26, the *Matosantos* Decision, and AB 1484 are referred to as the "Dissolution Act"). All statutory references herein are to the Dissolution Act unless otherwise stated.

**E.** As of February 1, 2012, the former Agency became a dissolved community redevelopment agency pursuant to the Dissolution Act.

**F.** As of and on and after February 1, 2012, the Successor Agency is performing its functions as the successor agency under the Dissolution Act to administer the enforceable obligations of the former Agency and is engaged in activities necessary and appropriate to wind down the activities of the former Agency's Porterville Redevelopment Project No. 1 that was originally adopted and amended by ordinances of the City Council, and otherwise unwind the former Agency's affairs, all subject to the review and approval by a seven-member Oversight Board formed thereunder.

**G.** Successor Agency has adopted an Administrative Budget and a Recognized Obligation Payment Schedule ("ROPS") pursuant to Health and Safety Code Section 34177, subdivisions (j) and (l), for the period from July 1, 2013 to December 31, 2013 ("ROPS 13-14A Period"), both of which have been approved by the Oversight Board to the Successor Agency ("Oversight Board") and the California Department of Finance ("DOF").

**H.** Successor Agency anticipates that there will be a deficit of Redevelopment Property Tax Trust Funds ("RPTTF") available to pay enforceable obligations and administrative expenses as shown on the approved administrative budget ("Administrative Budget") and ROPS for the ROPS 13-14A Period in the amount of approximately \$110,000 ("ROPS 13-14A Deficit Amount"). Successor Agency anticipates that RPTTF deficits may occur in future ROPS periods as well ("Future Deficit Amount"), although it is not possible to accurately predict future RPTTF revenues.

**I.** In addition, employees of the City perform day-to-day administration and operation of the Successor Agency's duties and functions. Since the former Agency was originally formed and upon the Successor Agency's effectiveness as of February 1, 2012, the City has provided and shall continue to provide services to the Successor Agency, including but not limited to providing administrative, accounting, auditing, planning, engineering, legal, risk management, financial, clerical, record-keeping, and other services necessary for the Successor Agency to carry out its responsibilities.

**J.** Section 34173(h) of the Dissolution Act authorizes the City to "loan or grant funds to [the Successor Agency] for administrative costs, enforceable obligations, or project-related expenses at the [City's] discretion, but the receipt and use of these funds shall be reflected on the Recognized Obligation Payment Schedule or the administrative budget and therefore are subject to the oversight and approval of the oversight board. An enforceable obligation shall be deemed to be created for the repayment of those loans."

**K.** As authorized by and pursuant to Section 34173(h) of the Dissolution Act, the City desires to assist the Successor Agency by providing a loan to the Successor Agency in an amount not to exceed the ROPS 13-14A Deficit Amount and any Future Deficit Amount and/or any Operations Loan Amount (defined below), to enable the Successor Agency to pay its enforceable obligations and administrative expenses during the ROPS 13-14A Period and in future ROPS periods to the extent approved by the City Manager and Successor Agency Executive Director.

**L.** This Agreement shall be subject to approval by the Oversight Board to the Successor Agency and shall be included on the ROPS for the period from July 1, 2014 to December 31, 2014, ("ROPS 14-15A") and subsequent ROPS periods, as necessary, and, as such, shall be subject to the approval of the DOF.

**M.** Provided that this Agreement is approved as an enforceable obligation on ROPS 14-15A (and/or future ROPS), the Successor Agency shall repay all amounts disbursed by the City to or on behalf of the Successor Agency, in accordance with this Agreement, from RPTTF moneys received by the Successor Agency pursuant to ROPS 14-15A and any future ROPS.

**R.** City and Successor Agency desire to affirm and document an on-going cooperative arrangement regarding administrative and operational services and payment for services by entering into this contract whereby City agrees to provide administrative and operational services (including funding enforceable obligations to the extent of RPTTF shortages), Successor Agency agrees to pay City for the cost of all such services to be provided by City in an amount equal to the Successor Agency Administrative Budget and ROPS prepared pursuant to California Health and Safety Code Section 34177(j) and (l) and approved by the Oversight Board for each six-month period and fiscal year under the term of this Agreement.

**NOW, THEREFORE,** for and in consideration of the mutual promises, covenants and conditions herein contained, the parties hereto agree as follows:

**1. Reimbursement of Administrative Expenses.** The Successor Agency shall be liable to the City for the payment of its administrative expenses ("Administrative Expenses") as set forth in this Agreement and as adopted as part of each Administrative Budget prepared and approved by the Successor Agency, and as approved by the Oversight Board, as each such Administrative Budget may be amended, revised or reconciled from time to time. These Administrative Expenses shall be in addition to any direct program or project expenses ("Program Expenses") incurred and noted on each ROPS, including salary and benefits of employees funded by the Successor Agency for Program Expenses. The Successor Agency shall also be liable to the City for payment of these Program Expenses where they are adopted as part of a ROPS.

**2. Services to be Provided.** City agrees to continue to aid and cooperate and shall aid and cooperate in the planning, undertaking, construction and operation of remaining enforceable obligations of the Successor Agency previously incurred by the former Agency as it relates to enforceable obligations of the former Agency within the City, provided the cost of such services are paid by Successor Agency. At the request of Successor Agency through the City Manager, City and its officers and employees shall perform services for Successor Agency in carrying out its work related to meeting the former Agency's enforceable obligations and for winding down the activities of the former Agency and Successor Agency shall have access to any and all personnel and the facilities of the departments and offices of the City. Those City officers and employees who are also appointed to positions or offices with or related to the Successor Agency shall perform services for each agency in a dual capacity. The City Manager and other appropriate City officials on behalf of the City and the Successor Agency, and duly authorized designees, shall determine and establish the procedures to be followed in requesting and rendering such services. The costs of administrative services shall be considered Administrative Expenses in the Successor Agency's annual Administrative Budget. The costs of other Successor Agency Program Expenses where supported by City services shall be identified as specific line items on each ROPS and shall not constitute part of the estimated Administrative Expenses identified in Section 1.

**3. Succeeding Years during Term of Agreement.** The procedure set forth above in Section 2 shall be undertaken by Successor Agency, the Oversight Board, and City for each successive six-month period and for each fiscal year during the term of this Agreement based on each approved Administrative Budget and ROPS prepared pursuant to the Dissolution Act.

**4. City Cost Allocation Plan; Estimated Cost of Administrative Services and Facilities.** Administrative Expenses and Program Expenses shall be calculated in the manner set forth in City's cost allocation plan, or other applicable reasonable cost allocation and accounting plan approved by the parties that conforms with generally accepted accounting principles and that is generally applicable to all users of services and facilities of the City ("Cost Allocation Plan"). The specific costs to be allocated herein shall be based upon the cost of the following categories of services:

**a. Wages and Benefits.** Wage and benefit expenses incurred in connection with City employees described to perform administrative services work for the Successor Agency (as opposed to direct program or project work as identified as "Program Expenses" related to enforceable obligations), including salaries, wages, and fringe benefits. The costs attributable to employees who devote less than 100% of their time to the Successor Agency shall be allocated in accordance with the Cost Allocation Plan.

**b. General Overhead.** A general indirect administrative operating expenses and overhead support charge shall be determined in accordance with the Cost Allocation Plan and Successor Agency Annual Administrative Budget.

**c. Specific Services.** All expenses that City may actually incur in providing specific administrative services on behalf of Successor Agency including, but not limited to, audit services, lease of space to accommodate Successor Agency's activities, City finance, auditor and accounting services, property insurance for Successor Agency's assets and properties, professional services, contracts for real estate data and information, department supplies, mail and postage services, equipment maintenance, and IT support. Operational services that relate directly and specifically to certain programs, contracts, and/or projects such as engineering design, planning, contract costs, contract administration, inspection and/or surveys shall be considered Program Expenses and shall be so listed and included as direct costs in each ROPS, subject to the Dissolution Act and other applicable laws.

**5. Annual Expenses Deemed City Advance.** For each year in which Successor Agency does not have adequate funds to pay and reimburse for Administrative Expenses as shown in the adopted Administrative Budget each such amount shall be deemed an advance by City to Successor Agency and such amount shall be deemed to have been loaned by City to Successor Agency ("Operations Loan Amount") subject to applicable laws.

**6. Loan Agreement.** Subject to Oversight Board approval of this Agreement and DOF approval of a ROPS that expressly lists this Agreement as an enforceable obligation, the City hereby agrees to loan to the Successor Agency and Successor Agency hereby agrees to borrow from the City an amount of up to the ROPS 13-14A Deficit Amount and, if applicable, Future Deficit Amounts and/or Operations Loan Amounts ("City Loan").

**a. Interest.** Outstanding principal on the City Loan shall accrue interest from the date of disbursement to or on behalf of the Successor Agency at the rate earned on moneys invested in the Local Agency Investment Fund ("LAIF") pursuant to Section 16429.1 *et seq.* of the California Government Code and as computed by the City Finance Director.

**b.     Loan Amount.** The loan amount of the City Loan shall include the principal amount (as increased from time to time) plus accrued interest (together, "Loan Amount").

**c.     Term of City Loan.** The City Loan shall be in full force and effect from the date of the initial disbursements thereof until such time as the entire Loan Amount of the City Loan has been repaid in full.

**7.     Repayment of City Loan.** Successor Agency shall repay the City Loan to City promptly upon receipt of RPTTF moneys for the ROPS 14-15A period, and for and during each subsequent ROPS periods, if necessary, to repay the City Loan in full; provided however, that this Agreement shall have been approved by the Oversight Board and DOF as an enforceable obligation on ROPS 14-15A (and each subsequent ROPS, until the City Loan is repaid in full). Subject to Section 9 below, Successor Agency shall repay the entire outstanding principal balance of the City Loan (up to the amount of RPTTF moneys available for such purpose) to the City on or before five (5) working days following the date the Successor Agency receives a disbursement of RPTTF moneys for the ROPS 14-15A period (and/or subsequent ROPS periods, as necessary).

**8.     Source of Repayment; Limited Subordination.**

**a.**     Except as provided in paragraph b. below of this Section 9, the City Loan shall be repaid on par with any enforceable obligations falling within Section 34183(a)(2)(C) of the Dissolution Act (debts not qualifying as tax allocation bonds and certain revenue bonds).

**b.**     The City hereby agrees to defer payment on the City Loan during the six month period covered by ROPS IV and during each subsequent ROPS period, if any, to the extent that repayment in that period would leave insufficient funds to the Successor Agency to satisfy other contractual obligations covered by Section 34183(a)(2)(C) which: (i) are due in that six-month period; and (ii) were in existence as of the date of this Agreement.

**c.**     Unless legally prohibited or waived by the City, any portion of the unpaid City Loan shall also be repaid from other revenues available to the Successor Agency, such as the proceeds of asset sales and rents (but in no event from revenues or assets of the housing successor, the Porterville Housing Authority). These payments shall augment and supplement the required payments described in Sections 3 and 4a. above.

**9.     Additional Successor Agency Obligations.** Successor Agency hereby covenants and agrees that Successor Agency shall perform the following obligations:

**a.**     The Successor Agency shall submit this Agreement to the Oversight Board for approval prior to or concurrently with the Oversight Board's consideration and approval of ROPS 14-15A as required by Sections 34179(h) and 34180 of the Dissolution Act.

**b.**     The Successor Agency shall include this Agreement as an enforceable obligation on ROPS 14-15A in accordance with Sections 34177(m) and 34179(h) of the Dissolution Act and shall submit all necessary and appropriate documentation to DOF to support DOF's consideration and approval of this Agreement as an enforceable obligation on ROPS 14-



15A. The Successor Agency shall include this Agreement on each successive ROPS for the Successor Agency until full Loan Amount of the City Loan is repaid by the Successor Agency.

**10. General Provisions.**

**a. Approvals and Actions.**

(i) Successor Agency shall maintain authority of this Agreement and the authority to implement this Agreement through the Successor Agency's Executive Director or his or her duly authorized representative ("Executive Director"). The Executive Director shall have the authority to make approvals, issue interpretations, waive provisions, and/or enter into certain amendments of this Agreement on behalf of Successor Agency so long as such actions do not add to the costs incurred or to be incurred by Successor Agency as specified herein, and such approvals, interpretations, waivers and/or amendments may include extensions of time to perform.

(ii) City shall maintain authority of this Agreement and the authority to implement this Agreement through the City Manager or his or her duly authorized representative. The City Manager shall have the authority to make approvals, issue interpretations, waive provisions, and/or enter into certain amendments of this Agreement on behalf of City so long as such actions do not add to the costs incurred or to be incurred by City as specified herein, and such approvals, interpretations, waivers and/or amendments may include extensions of time to perform. All other material and/or substantive interpretations, waivers, or amendments shall require the consideration, action and written consent of the City Council.

**b. Default.** The obligations set forth in this Agreement will be contractual obligations that, if breached, will subject the defaulting party to damages and other liabilities or remedies. If either party fails to perform or adequately perform an obligation required by this Agreement within thirty (30) calendar days of receiving written notice from the non-defaulting party, the party failing to perform shall be in default hereunder. In the event of default, the non-defaulting party will have all the rights and remedies available to it at law or in equity to enforce the provisions of this contract, including without limitation the right to sue for damages for breach of contract. The rights and remedies of the non-defaulting party enumerated in this paragraph are cumulative and shall not limit the non-defaulting party's rights under any other provision of this Agreement, or otherwise waive or deny any right or remedy, at law or in equity, existing as of the date of this Agreement or hereinafter enacted or established, that may be available to the non-defaulting party against the defaulting party. All notices of defaults shall clearly indicate a notice of default under this Agreement.

**c. Attorneys' Fees.** In the event of any action to enforce the terms and provisions of this Agreement, the prevailing party shall be entitled to recover its actual attorneys' fees, expert witness fees and costs of litigation from the other party, including without limitation, any post-judgment fees, costs, or expenses incurred on any appeal or in collection of any judgment.

**d. Modifications.** Any alteration, change or modification of or to this Agreement, in order to become effective, shall be made in writing and in each instance signed on behalf of each party.

**e. Cooperation.** Each party agrees to cooperate with the other in this transaction and, in that regard, to sign any and all documents which may be reasonably necessary, helpful, or appropriate to carry out the purposes and intent of this Agreement including, but not limited to, releases or additional agreements.

**f. Term of Agreement.** This Agreement shall be in full force and effect commencing on the date this Agreement has been (i) approved by the Oversight Board and (ii) included on a ROPS that is approved by the DOF. This Agreement shall terminate upon repayment to the City of the entire outstanding balance of the City Loan.

**g. Binding on Successors.** This Agreement shall be binding on and shall inure to the benefit of all successors and assigns of the parties, whether by agreement or operation of law.

**h. Governing Law.** This Agreement shall be governed by and construed in accordance with the laws of the State of California.

**i. Entire Agreement.** This Agreement constitutes the entire agreement by and between the parties with respect to the subject matter of this Agreement, and may be amended only in writing.

**j. Severability.** If any term, provision, condition or covenant of this Agreement or its application to any party or circumstances shall be held, to any extent, invalid or unenforceable, the remainder of this Agreement, or the application of the term, provision, condition or covenant to persons or circumstances other than those as to whom or which it is held invalid or unenforceable, shall not be affected, and shall be valid and enforceable to the fullest extent permitted by law.

**k. No Third Party Beneficiaries.** The terms and provisions of this Agreement are for the benefit of the Successor Agency and City and not for the benefit of any other person or entity.

**IN WITNESS WHEREOF**, the parties have caused this *Agreement for Reimbursement of Costs and City/Successor Agency Operations Loan* to be executed by their officers thereunto duly authorized on the date first above written.

**CITY OF PORTERVILLE**, a California  
municipal corporation

By: \_\_\_\_\_  
John D. Lollis, City Manager

**ATTEST:**

\_\_\_\_\_  
Patrice Hildreth, Chief Deputy City Clerk

**SUCCESSOR AGENCY TO THE PORTERVILLE  
REDEVELOPMENT AGENCY**, a public body,  
corporate and politic

By: \_\_\_\_\_  
Bradley D. Dunlap, Executive Director

**ATTEST:**

\_\_\_\_\_  
John D. Lollis, City Clerk  
on behalf of the Successor Agency

AGENDA: NOVEMBER 19, 2013

PORTERVILLE PUBLIC FINANCING AUTHORITY

SUBJECT: ANNUAL MEETING OF THE PORTERVILLE PUBLIC FINANCING AUTHORITY



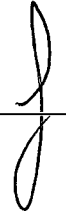
SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT - REDEVELOPMENT

COMMENT: In 1992, the Porterville Public Financing Authority was formed designating the City Council members as directors. According to the Authority's By-laws, an annual meeting is to be held each year to report on the progress of the Redevelopment Projects being funded by Bond Issue #1 issued in December 1992. In September 2008, the Redevelopment Agency refinanced the Tax Allocation Bonds for the purpose of financing the Porterville Hotel Project and related housing project. The same reporting requirements are necessary.

A status report for these projects is provided as an attachment to this agenda item.

RECOMMENDATION: That the City Council, sitting as the Porterville Public Financing Authority, hold a public meeting in accordance with the Authority's By-laws, accept public comment, and approve the 2013 Status Report for the Redevelopment Bond Issue #1 and refinance of Tax Allocation Bond Projects.

ATTACHMENT: 2013 Status Report for Redevelopment Bond Issue #1 and Refinance of the Tax Allocation Bond Projects

DD  Appropriated/Funded  CM 

Item No. PFA-01

**PORTERVILLE REDEVELOPMENT AGENCY**

**Bond Issue No. 1 and  
Refinance of Tax Allocation Bonds  
Status Report  
As of November 1, 2013**

1992 Total Bond Issue:		\$6,185,000
Redevelopment Fund	\$4,682,242	
Low and Moderate Income Housing Fund	\$1,170,561	
2008 Total Refinance Bond Issue:		\$8,475,000
Redevelopment Fund	\$6,675,000	
Low and Moderate Income Housing Fund	\$1,800,000	

REDEVELOPMENT FUND	STATUS
<b>Projects:</b>	
Porterville Hotel Project	Received Finding of Completion and project has been added to the ROPS 13-14B. Staff has begun the process of negotiations
<b>Streetscape:</b>	
Main Street – Morton Avenue to Olive Avenue (includes conversion of Main Street, Second Street and Hockett Street to two-way traffic)	Complete
Putnam Avenue and Olive Avenue – Hockett Street to Second Street	Design Phase Complete
Street and Pedestrian Lighting of side streets	Construction Documents Complete
Alley Lighting – Morton Avenue to Olive Avenue	Construction Documents Complete
Street Furnishings	Phase I Complete; Additional Phases to be accomplished as funds become available
Main Street – Olive Avenue to Orange Avenue	Design Phase Complete
<b>Parking Lots – Construction and Acquisition:</b>	

<b>REDEVELOPMENT FUND</b>	<b>STATUS</b>
Second/Harrison	Complete
Hockett/Oak	Complete
Railroad – Fourth, Morton to Thurman	Phase I Complete Acquisition of parcels from Morton to Harrison. One parcel sold in 2003-04. Second parcel sold in 2012-13
Second/Olive and adjacent lots	Complete
<b>Building Renovation:</b>	
Financial Incentive Program	14 Façade Renovations Complete
<b>Building Assistance:</b>	
Chamber of Commerce Office Complex	Complete
<b>Loan Repayment:</b>	
City Loan Repayment – Risk Management Fund Loan 1	Complete

<b>LOW AND MODERATE INCOME HOUSING FUND</b>	<b>STATUS</b>
Villa Siena – (Macfarlane & Costa) 70 unit multi use Low and Moderate Housing Project	Project completed and units rented. RDA provided the \$930,000 long term loan per the executed Affordable Housing Agreement.
Low and Moderate First-Time Homebuyer Program HOME Grant Match No. 1 (1994)	Complete - \$250,000 expended
Low and Moderate First-Time Homebuyer Program HOME Grant Match No. 2 (Year 2002)	Complete - \$121,951 expended
Low Income Homebuyer Casas Buena Vista Homebuyer Assistance	Complete - \$425,342 expended
Casas Buena Vista Project Common Area Improvements, Utilities, Meeting Expenses, Escrow Costs, Debt Service	Complete - \$321,830 expended
Multifamily Rental Construction Program :	
Project #1: St. James Place Construction Complete February 2005	Complete - \$254,000 expended



<b>LOW AND MODERATE INCOME HOUSING FUND</b>	<b>STATUS</b>
Project #2: Date Avenue Apartments Infrastructure	(served as the 25% match for the \$1,000,000 HOME grant)  Complete - \$115,000 expended

<b>LOW AND MODERATE INCOME HOUSING FUND</b>	<b>STATUS</b>
Implementation Plan	Complete - \$24,364 expended

Note: Bond funds have been allocated toward the highest priority projects as detailed in the Redevelopment Strategic Plan. Projects detailed in the Redevelopment Strategic Plan with a lower priority ranking are not included in this Status Report due to lack of available funds.