

CITY COUNCIL AGENDA: MARCH 19, 2013

CONSENT CALENDAR

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


SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT

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

The California State University, Fresno Foundation (CSUFF) is the fiscal agent for the Consortium. On June 21, 2011, the City entered into an agreement with the Foundation for professional and technical services associated with the grant. On January 15, 2013, the City Council approved an amendment to this contract which was minor in nature, modifying participation in quarterly meetings and Smart Valley Places events that are encouraged of the subcontractor (CSUFF) by the United States Department of Housing and Urban Development (HUD) at no additional cost to the City.

After the Council approved the amendment in January, the Consortium was notified of new requirements from HUD. Specifically, these additional requirements result in the preparation of a Fair Housing and Equity Assessment (FHEA) by the Consortium, through involvement of the participating cities. Since the City is an entitlement City and receives a funding apportionment annually from HUD, we are required to prepare a FHEA. In short, a FHEA is an analysis of housing available to minority residents and the existence of barriers and disparities in access to housing based on groups of people. It also provides a detailed review of existing and planned housing within a community and how the groups' needs are met. This requirement, although late in the game, would satisfy a HUD requirement, and when prepared as a consortium would result in only minor additional work on the part of City staff. Therefore, the amendment could be viewed as opportunistic.

RECOMMENDATION: That the City Council authorize the Mayor to sign the amendment to Subcontract Agreement SC360080-11-12

DD  Appropriated/Funded me CM J

Item No. 60

(Amendment #1) between California State University,  
Fresno Foundation and City of Porterville.

ATTACHMENTS:

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

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

**Subcontract Agreement Number:** SC360080-11-12 Amendment #1  
**Period of Subcontract Agreement:** 02/01/11 through 12/31/13  
**Amount of Subcontract Agreement:** \$200,000.00

**Primary Award Number:** CARIP0004-10  
**Primary Agency:** United States Department of Housing and Urban Development  
**CFDA Number:** 14.703  
**CFDA Program Title:** Sustainable Communities Regional Planning Grant Program

For good and valuable consideration, the receipt of which is hereby acknowledged, the parties hereto agree that the Subcontract for Professional Services dated **February 1, 2011** entered into by California State University, Fresno Foundation (the "**Foundation**") and City of Porterville ("**Subcontractor**") (incorporated herein by this reference) has been amended as follows:

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

**ARTICLE I  
SCOPE OF SERVICES**

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

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

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

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

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

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

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

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

**FOUNDATION**

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

**CONTRACTOR**

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

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

Approved for the California State University,  
Fresno Foundation

Approved for City of Porterville

by \_\_\_\_\_

by \_\_\_\_\_

Deborah S. Adishian-Astone  
Executive Director

Virginia R. Gurrola  
Mayor

Date \_\_\_\_\_

Date \_\_\_\_\_

and

by \_\_\_\_\_

Keith Kompsi  
Director, Foundation Financial Services

Date \_\_\_\_\_

**ATTACHMENT A  
Scope of Work**

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

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

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

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

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

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



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

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

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

**RESOLUTION NO. 93 -2010**

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

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

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

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

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

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

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

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

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

**ATTACHMENT  
ITEM NO. 2**

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

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

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

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

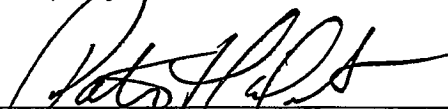
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Porterville that it hereby agrees and affirms that participation in the Smart Valley Places COMPACT, in conjunction with the other Smart Valley Places COMPACT partner cities referenced herein, is both desirable and necessary to provide for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

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

  
Cameron Hamilton, Vice Mayor

ATTEST:

John Lollis, City Clerk

By   
Patrice Hildreth, Chief Deputy City Clerk

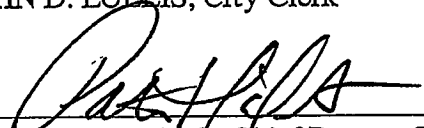
STATE OF CALIFORNIA )  
 CITY OF PORTERVILLE ) SS  
 COUNTY OF TULARE )

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

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

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

JOHN D. LOLLIS, City Clerk

  
 By: Patrice Hildreth, Chief Deputy City Clerk