

**CITY COUNCIL AGENDA  
CITY HALL, 291 N. MAIN STREET  
PORTERVILLE, CALIFORNIA  
JANUARY 21, 2014, 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 Negotiators: John Lollis, Patrice Hildreth, 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: APN: 259-050-025. Agency Negotiator: John Lollis and Baldo Rodriguez. Negotiating Parties: City of Porterville and Corridor Group, LLC. Under Negotiation: Terms and Price.
  - 3- Government Code Section 54957.6 – Conference with Labor Negotiator. Agency Negotiator: John Lollis, Steve Kabot, and Patrice Hildreth. Employee Organizations: Porterville City Employees Association; Public Safety Support Unit; Porterville Police Officers Association;

Management and Confidential Series; Fire Officer Series; and all Unrepresented Management Employees.

**4-** Government Code Section 54956.95 – Liability Claim: Claimant: Lisa Carranza. Agency claimed against: City of Porterville.

**5-** Government Code Section 54956.95 – Liability Claim: Claimant: Andy Perger. Agency claimed against: City of Porterville.

**6-** Government Code Section 54956.95 – Liability Claim: Claimant: Zachary Fletcher. Agency claimed against: City of Porterville.

**7-** Government Code Section 54956.95 – Liability Claim: Claimant: Mary Marchbanks. Agency claimed against: City of Porterville.

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

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

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

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

Pledge of Allegiance Led by Council Member Greg Shelton  
Invocation

### **PRESENTATIONS**

Employee Recognition – Cody Clem

### **AB 1234 REPORTS**

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

1. Tulare County Association of Governments (TCAG) – January 21, 2014

### **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 – January 9, 2014
  2. Library & Literacy Commission – January 14, 2014
  3. Arts Commission
  4. Youth Commission – January 13, 2014
- II. Staff Informational Reports
  1. Community Development Block Grant – Business Assistance Program Update  
Re: Annual update regarding the CDBG Business Assistant Program.
  2. Update on Pioneer Water Company Share Water  
Re: Informational report regarding the City's Pioneer Water Company Share Water.

## **ORAL COMMUNICATIONS**

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

## **CONSENT CALENDAR**

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

1. **City Council Minutes of August 20, 2013, September 3, 2013 and January 7, 2014**
2. **Authorization to Purchase Two (2) Vehicle Logic Units**  
Re: Considering authorization to purchase two vehicle logic units and licensing from RouteMatch Software, Inc. for \$8,191.00
3. **Request to Purchase Crime Scene/Evidence Vehicle**  
Re: Considering authorization to negotiate the purchase and outfitting of a 2014 Ford E-350 cargo van from Downtown Ford Sales of Sacramento.
4. **Award of Contract – Indiana Street Shoulder Stabilization**  
Re: Considering awarding contract in the amount \$274,238.00 to Bush Engineering of Hanford, CA, for the project consisting of the installation of curb and gutter, sidewalk, driveways, asphalt concrete paving, and other appurtenant construction along Indiana Street between Roby Avenue and Union Avenue.
5. **Award of Contract – Morton Avenue Shoulder Stabilization**  
Re: Considering awarding contract in the amount of \$373,591.01 to Todd Companies of Visalia for the project consisting of the installation of curb and gutter, sidewalk, driveways, asphalt concrete paving, and other appurtenant construction along Morton Avenue between Highway 65 and Westwood Street.
6. **Acceptance of Project – Olive Avenue Rehabilitation Project (Main Street to Plano Street)**  
Re: Considering accepting project as complete from Bowman Asphalt and authorizing the filing of the Notice of Completion for the project consisting of the rehabilitation of Olive Avenue between Main Street and Plano Street, and removal of abandoned rails within Oak Avenue and Henderson Avenue immediately east of Fourth Street.
7. **Acceptance of Project – Annexation Sewer Project (Area 458A & 458B)**  
Re: Considering accepting project as complete from Todd Companies and authorizing the filing of the Notice of Completion for the project consisting of the installation of new sewer infrastructure in the area generally bounded by the Porter Slough to the north, Olive Avenue to the south, Mathew Street to the west and Beverly Street to the east.

8. **Acceptance of Project – Sports Complex Softball and Sports Field Lighting Project**  
Re: Considering accepting project as complete from G&S Electric and authorizing the filing of the Notice of Completion for the project consisting of the lighting of two softball fields at the Sports Complex.
9. **Authorize Parks and Leisure Services Director to Apply for Land and Water Conservation Fund Grant**  
Re: Considering authorization to submit an application for LCWF Grant funds for a playground shade structure and playground equipment at Veterans Park.
10. **2014 Congestion Mitigation and Air Quality (CMAQ) Call for Projects**  
Re: Considering approval of the proposed projects, and authorization to submit applications to Tulare County Association of Governments for consideration.
11. **Status Report – Developer Impact Fees**  
Re: Considering acceptance of the Status Report on Developer Impact Fees for the Fiscal Year Ended June 30, 2013.
12. **Review of Local Emergency Status – December 26, 2013**  
Re: Reviewing status of local emergency that was declared following a significant fire event at 14 N. Main Street on December 26, 2013.
13. **Review of Local Emergency Status – December 21, 2010**  
Re: Reviewing the City’s status of local emergency pursuant to Article 14, Section 8630 of the California Emergency Services Act.
- 13a. **Resolution Urging Governor Brown to Declare that a State of Emergency Exists due to Drought Conditions**  
Re: Considering approval of a resolution urging Governor Brown to declare the existence of a state emergency due to drought conditions.

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

#### **PUBLIC HEARINGS**

14. **Adoption of Fees for Photometric Plans and Temporary Structures**  
Re: Consideration of resolutions adopting a fee of \$158 for the preparation of photometric plans, and fees of \$296 (short-term) and \$454 plus \$79/month (long-term) for the use of cargo containers as temporary structures.
15. **City Athletic Fields Lighting Fee**  
Re: Consideration of proposed lighting fees for City athletic fields.



**16. Consideration of Conditional Use Permit –PRC 2013-027-C to Allow the Construction of a New 4,302± Square Foot Convenience Market in Conjunction with Four Self-Service Automobile Fuel Pumps and Canopy Located at 1206 W. Westfield Avenue (Shop ‘N’ Save)**

Re: Consideration of a resolution approving the construction of a new convenience market in conjunction with self-serve fuel pumps and canopy located at 1206 W. Westfield Avenue.

**SCHEDULED MATTERS**

**17. Review of Charter Review Committee and City Council Proposed Revisions, and Resolution Proposing Amendments to the City of Porterville Charter**

Re: Consideration of a resolution setting forth amendments and ballot measure language related to changes proposed by the 2013 Charter Review committee and the City Council.

**18. Urban Boundaries Amendment Update**

Re: Consideration of authorization to proceed with presenting and negotiating an updated Boundary Amendment Map to the County and to formally consult with Local Agency Formation Commission.

**ORAL COMMUNICATIONS**

**OTHER MATTERS**

**CLOSED SESSION**

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

**ADJOURNMENT** - to the meeting of February 4, 2014.

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).

CITY COUNCIL AGENDA: JANUARY 21, 2014

REPORT

SUBJECT: COMMUNITY DEVELOPMENT BLOCK GRANT - BUSINESS  
ASSISTANCE PROGRAM UPDATE

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT

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

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

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

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

The first category of assistance is for large projects which require funding in excess of \$50,000. In this scenario, funds are typically used for construction of improvements, equipment purchases, and acquisition of land and/or buildings. In 2013, one (1) of the loans in the Large Business Assistance Program was paid in full, which leaves two (2) active loans in its portfolio.

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

<b>Loan #/ Business Type</b>	<b>Use of Funds</b>	<b>Original Date of Loan</b>	<b>Original Loan Amount</b>	<b>Loan Balance</b>	<b>Status</b>
BAP 03001 ProDocumentSolutions Printing Facility	Parking Lot Improvements Security Equipment	05/06/03	\$355,000	\$0	Paid in Full
BAP 01001 Charles and Jan Crissman Automobile Body Repair	Acquisition	05/27/10	\$100,000	\$70,101	Current
BAP 01003 Mark Sidley's Porterville Chrysler New Automobile Sales	Inventory and Working Capital	10/19/10	\$250,000	\$103,524	Current

The second category is the Small Business Revolving Loan Program. The main objective of this program is to provide "gap" funding for small businesses that are either starting or expanding in Porterville. In 2013, one (1) loan was paid in full. Currently, the Small Business Revolving Loan Program has seven (7) active loans in its portfolio with two (2) loans to be paid in full in early 2014.

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

<b>Loan #/ Business Type</b>	<b>Use of Funds</b>	<b>Original Date of Loan</b>	<b>Original Loan Amount</b>	<b>Loan Balance</b>	<b>Status</b>
RFL 00109 Alla Liberstein, MD Medical Practice	Equipment	03/11/09	\$45,000	\$778	Current
RLF 01002 Plano Jerky Manufacturing/Retail	Expansion of Facility	05/12/10	\$15,000	\$174	Current
RLF 01003 Porterville Ford Automobile Sales	Equipment and Signage	04/08/10	\$38,000	\$15,390	Current
RLF 01009 McLaughlin Plumbing Professional Services	Working Capital Equipment	08/23/12	\$50,000	\$47,406	Delinquent

<b>Loan #/ Business Type</b>	<b>Use of Funds</b>	<b>Original Date of Loan</b>	<b>Original Loan Amount</b>	<b>Loan Balance</b>	<b>Status</b>
RLF 01007 BMK, Inc. Retail	Working Capital	12/14/10	\$50,000	\$36,005	Current
RLF 01006 Dayla and Massey Missakian Professional Services	Working Capital	05/11/11	\$50,000	\$25,766	Current
RLF 01010 William and Glenda Mauldin Retail	Working Capital	10/19/10	\$30,000	\$0	Paid in Full
RLF 01012 Elsa Medina Restaurant	Equipment and Working Capital	05/10/11	\$41,859	\$41,859	Default filed Bankruptcy
RLF 01213 Eric Madrigal Medical Practice	Equipment Supplies Working Capital	09/11/12	\$50,000	\$45,242	Current

The balance available for lending in the Business Assistance Program for large projects is \$300,033, and the balance available in the Small Business Revolving Loan Program is \$379,764.

The information stated above reflects the status of the Business Assistance Program through December 2013.

RECOMMENDATION: For information only.

COUNCIL AGENDA: JANUARY 21, 2014

SUBJECT: UPDATE ON PIONEER WATER COMPANY SHARE WATER

SOURCE: Public Works Department – Field Services Division

COMMENT: At the August 6, 2013, City Council meeting, Council approved giving notice to Pioneer Water Company (PWC) that the City would not be renewing the 5-year agreement set to expire in February of 2014.

The agreement was for the mutual benefit of both parties. The City obtained rights to PWC's flood release water from Success Dam in exchange for not utilizing our right to water from our PWC share ownership. PWC also agreed to abandon its pipeline along Henderson Avenue from Plano Street to Fourth Street, which was needed to facilitate a City construction project at that time. Also, the City provided a permanent spill location at the City's Muller field reservoir for PWC's systems excess water.

The agreement was structured to continue in force for succeeding 5-year periods unless one party notified the other of its intention not to renew with at least six months written notice.

With the Success Dam elevation restrictions changing recently, and the potential for a reduction in available flood release waters, staff felt that negotiating a new agreement should be explored with PWC, to again, find an agreement that is mutually beneficial. Although the current agreement expires February 2014, two conditions in the agreement remain in effect in perpetuity. Condition 1) The Henderson Avenue pipeline shall remain abandoned. Condition 2) PWC has use of the City's Mueller Field Reservoir as a permanent spill location for PWC's excess water.

Staff met with the PWC board and its representatives and no new agreement was developed. The PWC board's only message was that it hoped the City would not exercise its rights to the City's PWC share water and to consider the economic impact this action might have on the rest of PWC shareholders. With the City exercising its rights to take delivery of the water, there will be less water available to the remaining users. Staff indicated we would relay this concern to Council.

Since no new agreement was developed with PWC, staff has been exploring the best options for utilizing the City's PWC share water. Staff has had discussions with the various irrigation districts in the area and some private individuals that have expressed interest in what the City is going to do with its PWC share water.

Staff hopes to complete its analysis on the options within the next two months and present its findings to Council.

RECOMMENDATION: Informational only.

P:\pubworks\General\Council\Update on Pioneer Water Company Share Water - 2014-01-21.doc

Dir BBL Appropriated/Funded N/A CM 1

Report No. II.2.

**CITY COUNCIL MINUTES  
CITY HALL, 291 N. MAIN STREET  
PORTERVILLE, CALIFORNIA  
AUGUST 20, 2013, 5:30 P.M.**

Called to Order at 5:30 p.m.

Roll Call: Council Member Ward, Council Member Shelton, Council Member Hamilton, Vice Mayor McCracken, Mayor Gurrola

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 Member Ward, Agency Member Shelton, Agency Member Hamilton, Vice Chair McCracken, Chair Gurrola

**ORAL COMMUNICATIONS**

None

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

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

**CITY COUNCIL CLOSED SESSION:**

- B. Closed Session Pursuant to:
- 1 - Government Code Section 54956.9(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: 200 N. “D” Street. Agency Negotiator: John Lollis and Brad Dunlap. Negotiating Parties: City of Porterville and Ken Lansford. Under Negotiation: Terms and Price.
  - 3- Government Code Section 54956.8 – Conference with Real Property Negotiators/Property: APN: 197-090-005. Agency Negotiators: John Lollis and Chuck McMillan. Negotiating Parties: City of Porterville and City of Lindsay. Under Negotiation: Terms and Price.
  - 4- Government Code Section 54956.9(d)(1) – Conference with Legal Counsel – Existing

Litigation: Azevedo v. City of Porterville, Tulare County Superior Court Case No. 252894.  
5- Government Code Section 54956.9(d)(2) – Conference with Legal Counsel – Anticipated Litigation – Significant Exposure to Litigation: One Case concerning facts not yet known to potential plaintiff.

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

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

B-4: On a MOTION made by Vice Mayor McCracken, and SECONDED by Council Member Ward, the Council unanimously voted to defend the City in the matter of Azevedo v. City of Porterville, Tulare County Superior Court Case No. 252894.

Documentation: M.O. 01-082013

Disposition: Approved defense of action.

Pledge of Allegiance Led by Vice Mayor McCracken

Invocation – the Mayor participated.

### **PRESENTATIONS**

Outstanding Business – Melson Realty

### **AB 1234 REPORTS**

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

1. Tulare County Local Agency Formation Commission (LAFCO) – August 7, 2013  
Council Member Hamilton reported that the Commission had passed the City of Tulare's Municipal Service Agreement.
2. Tulare County Economic Development Corporation – August 14, 2013  
Council Member Hamilton reported on the presentation of information regarding the new business enterprise program.

### **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 – no report.
  2. Library and Literacy Commission – August 13, 2013  
Commissioner Edith LaVonne spoke of: recent changes to the Margaret J. Slattery Library; an upcoming conference; the success of the library's summer reading program; and the library's Facebook account.
  3. Arts Commission – no report.
  4. Youth Commission – no report.
  5. Transactions and Use Tax ("Measure H") Oversight Committee – August 8, 2013  
Committee Member Gail Lemmen reported that the committee had reviewed the approved Fiscal Year 2013/2014 Budget, and were awaiting final numbers pertaining to the construction of the public safety station.
- II. Staff Informational Items
  1. Charter Review Committee Appointments  
Re: Informational item identifying committee appointments.

Administrative Services Director Patrice Hildreth reported that Council Member Shelton's first selection for appointment was not a City resident, and was therefore ineligible for appointment. She added that he had since appointed Mr. John Hardin.

### **ORAL COMMUNICATIONS**

- Edith LaVonne, Barn Theatre Board of Directors, spoke regarding Item No. 11 and the fencing proposed by staff. She spoke of the Board's desire to install chain link fencing.
- Brock Neely, Porterville, expressed concerns with the costs relative to Item No. 23 and possible Brown Act violations which could result.
- Anabel Ragalado, publicly apologized for attempting to take books from the library.
- John Snavelly, Porterville Unified School District, spoke of a recent back to school event; thanked the Council for their attendance, and staff for their support of the Pathways program.
- Barry Caplan, Porterville, requested that the Council pull Item Nos. 2 and 14 from the Consent Calendar for consideration; expressed concern with the lack of written procedures regarding processing of proclamations; and suggested that it be considered by the Charter Review Committee.
- Johnna Key, spoke in opposition of Item No. 8.

### **CONSENT CALENDAR**

Items 2, 8, 11, and 16 were pulled for further discussion. Council Member Shelton noted his abstention on Item 6 due to a conflict of interest, and Council Member Ward indicated his conflict and abstention on Items 7 and 9.

**COUNCIL ACTION:**      MOVED by Vice Mayor McCracken, SECONDED by Council Member Ward that the Council approve Items 1, 3, 4 through 7, 9, 10, 12 through 15, 17, and 18. Motion carried unanimously, with the aforementioned abstentions.

#### **1.      MINUTES OF APRIL 2, 2013, MAY 21, 2013, JUNE 4, 2013, AND JULY 16, 2013**

Recommendation:      That the City Council approve the Minutes of April 2, 2013, May 21, 2013, June 4, 2013, and July 16, 2013.

Documentation:      M.O. 24-082013

Disposition:      Approved.

#### **3.      PURCHASE OF SPECIALIZED EQUIPMENT**

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

Documentation:      M.O. 02-082013

Disposition:      Approved.

#### **4.      AUTHORIZATION TO PURCHASE SERVERS AND SERVER RACK EQUIPMENT**

Recommendation:      That the City Council:

1. Authorize Staff to purchase Dell server, rack equipment and high capacity storage array at a cost of \$41,756.11; and
2. Authorize payment upon satisfactory delivery of the server equipment.



Documentation: M.O. 03-082013  
Disposition: Approved.

5. AUTHORIZATION TO ADVERTISE FOR PROPOSALS – REVENUE SHARING  
TRANSIT ADVERTISING

Recommendation: That the City Council authorize staff to distribute Request for Proposals for Advertising Contractor.

Documentation: M.O. 04-082013  
Disposition: Approved.

6. ACCEPTANCE OF PROJECT – 2013/2014 MICRO-SURFACING PROJECT  
(HENDERSON AVENUE, INDIANA STREET, LEGGETT STREET AND GIBBONS  
AVENUE)

Recommendation: That the City Council:

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

Documentation: M.O. 05-082013  
Disposition: Approved.

7. ACCEPTANCE OF PROJECT – DIGESTER TRANSFER LINE PROJECT

Recommendation: That the City Council:

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

Documentation: M.O. 06-082013  
Disposition: Approved.

9. APPROVE A REQUEST FOR A FIVE-YEAR CONTRACT FOR MAINTENANCE,  
SUPPORT, DESIGN, PROGRAM AND REPAIR OF SPECIALIZED EQUIPMENT  
AND SOFTWARE

Recommendation: That the City Council:

1. Approve a request for a 5-year Service Contract to allow for the maintenance, upgrade and repair of the WWTF SCADA system with TESCO Controls, Incorporated; and
2. Authorize the Public Works Director to sign the 5-Year Service Contract.

Documentation: M.O. 07-082013  
Disposition: Approved.

10. APPROVAL OF LOCAL AGENCY HEARING AGREEMENT

Recommendation: That the City Council:

1. Approve the Agreement between the Office Administrative Hearings and the City of Porterville; and
2. Authorize the Administrative Services Director to sign the Agreement and any other required documentation on behalf of the City.

Documentation: M.O. 08-082013

Disposition: Approved.

12. This Item Was Removed.

13. REQUEST TO RECEIVE OFFICE OF TRAFFIC SAFETY SOBRIETY CHECKPOINT PROGRAM GRANT AWARD

Recommendation: That the City Council:

1. Accept the Sobriety Checkpoint Grand funding from the California Office of Traffic Safety in the amount of \$12,500; and
2. Authorize a budget adjustment to reflect the addition of \$12,500 to the Police Department budget upon receipt of funds.

Documentation: M.O. 09-082013

Disposition: Approved.

14. APPROVAL OF PROPOSED PROCLAMATION – LIBRARY CARD SIGN-UP MONTH – SEPTEMBER 2013

Recommendation: That the City Council consider the approval of the proposed Proclamation declaring September 2013 as Library Card Sign-Up Month.

Documentation: M.O. 10-082013

Disposition: Approved.

15. APPROVAL FOR COMMUNITY CIVIC EVENT – COCOLA BROADCASTING COMPANY AND FAMILY HEALTHCARE NETWORK – FIESTA DE LA FAMILIA AND HEALTH FAIR – OCTOBER 13, 2013

Recommendation: That the Council approve the Community Civic Event Application and Agreement submitted by the COCOLA Broadcasting Company and Family Healthcare Network, subject to the stated requirements contained in Exhibit A of the Community Civic Event Application.

Documentation: M.O. 11-082013

Disposition: Approved.

17. REVIEW OF LOCAL EMERGENCY STATUS

Recommendation: That the City Council:

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

emergency designation.

Documentation: M.O. 12-082013  
Disposition: Approved.

18. COUNCIL MEMBER REQUESTED AGENDA ITEM – REQUEST FOR THE CITY COUNCIL TO CONSIDER SPECIAL RECOGNITION OF THE TULE RIVER TRIBAL COUNCIL AND SIERRA VIEW DISTRICT HOSPITAL FOR SPONSORSHIP OF 2013 FREEDOM FEST

Recommendation: Council Member Shelton makes the motion that the City Council authorize the scheduling on the next Council Agenda the consideration of special recognition for the Tule River Tribal Council and Sierra View District Hospital for their sponsorship of the 2013 Freedom Fest.

Documentation: M.O. 13-082013  
Disposition: Approved.

### **SECOND READINGS**

19. ORDINANCE 1797, ARTS COMMISSION

Recommendation: That the Council give Second Reading to Ordinance No. 1797, waive further reading, and adopt said Ordinance.

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

**COUNCIL ACTION:** MOVED by Vice Mayor McCracken, SECONDED by Council Member Hamilton that the City Council give Second Reading to Ordinance No. 1797, waive further reading, and adopt said Ordinance being, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE AMENDING CHAPTER 5A OF THE PORTERVILLE MUNICIPAL CODE REGARDING THE FORMATION OF AN ARTS COMMISSION. The motion carried unanimously.

The ordinance was read by title only.

Documentation: Ordinance 1797  
Disposition: Approved.

### **SCHEDULED MATTERS**

20. TRANSACTIONS AND USE TAX (MEASURE H) OVERSIGHT COMMITTEE VACANCY AND CONSIDERATION OF APPOINTMENT

Recommendation: That the City Council accept the resignation of Dr. Gary Mekeel from the Transactions and Use Tax Oversight Committee; and provide direction with regard to filling the vacancy with an unexpired term ending in May 2014.

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

Vice Mayor McCracken MOVED to accept the resignation of Dr. Gary Mekeel from the

Transaction and Use Tax Oversight Committee; and fill the vacancy with an unexpired term ending in May 2014 by a ballot vote of the Council. The motion was SECONDED by Council Member Hamilton.

COUNCIL ACTION: MOVED by Council Member Shelton, SECONDED by Council Member Hamilton, that the Council amend the motion to suspend the use of the ballot, and appoint Russell Fletcher to fill the vacancy on the Transactions and Use Tax Oversight Committee.

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

Documentation: M.O. 14-082013  
Disposition: Motion amended.

COUNCIL ACTION: MOVED by Vice Mayor McCracken, SECONDED by Council Member Hamilton, that the Council accept the resignation of Dr. Gary Mekeel from the Transactions and Use Tax Oversight Committee; and appoint Russell Fletcher to fill the vacancy with an unexpired term ending in May 2014. The motion carried unanimously.

Documentation: M.O. 15-082013  
Disposition: Approved, Russell Fletcher appointed.

## 21. CONSIDERATION OF APPOINTMENT TO ARTS COMMISSION AND INTERNAL CITY AUDIT COMMITTEE

Recommendation: That the City Council:

1. Appoint one individual to the Arts Commission to fill the seat vacated by Rebecca Ybarra, expiring in February 2014;
2. Re-appoint Alex Schooler to the Arts Commission for a three-year term, expiring August 2016; and
3. Appoint one individual to serve on the Internal City Audit Committee.

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

COUNCIL ACTION: MOVED by Council Member Shelton, SECONDED by Council Member Ward that the City Council appoint Monte Reyes to fill the seat vacated by Rebecca Ybarra, expiring in February 2014; and appoint Alex Schooler, Mel Gosage, and Judith Holloway to three-year terms expiring August 2016.

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

Documentation: M.O. 16-082013  
Disposition: Arts Commission appointments made.

Council Member Shelton moved that the City Council appoint Aldo Gutierrez to serve on the Internal Audit Committee. The motion died for lack of a second.

Without objection, the Council continued consideration of the Audit Committee appointment to the meeting of September 3, 2013.

Disposition: Audit Committee appointment continued.

## 22. ASSESSMENT DISTRICTS

Recommendation: That the City Council provide direction on the future use of Lighting and Landscape Maintenance Districts or Benefit Assessment Districts, and the use thereof for infrastructure, pocket parks, and frontage improvements benefiting the assessed properties within a given district.

City Manager Lollis introduced the item, and the staff report was presented by Community Development Manager Julie Philips.

A discussion ensued regarding the benefits and drawbacks of Lighting and Landscape Maintenance Districts, and Council Members Shelton and Ward expressed opposition to the proposed broadening of scope for LMDs. Staff addressed questions from Council Member Ward about financial liabilities for the districts.

At the request of Council Member Shelton, Mayor Gurrola recognized a member of the audience to address the Council on this matter.

- Mr. Jim Winton, a business owner at 150 W. Morton Ave., voiced his opposition to broadening the scope of the Lighting and Landscape Maintenance Districts, and stated his support for continuing the already-existing LMD uses.

The Council discussed: the intent of past City Councils regarding implementation of LMDs; financial challenges from the State; and fees and services associated with each proposed Tier of improvements.

The Council took a brief recess at 8:15 p.m.

City Engineer Mike Reed presented a spreadsheet of the Tier fees and services, and a discussion ensued regarding the City's liability for each Tier of improvements.

Council Member Shelton MOVED to approve the proposed Tier 1 improvements, which would continue the use of LMDs as they currently exist: perimeter landscaping along major street frontages; a proportional share of the street light costs within and at the perimeter of the subdivision; and an estimated cost per year ranging from \$73.04 to \$98.44 per lot. The motion died for lack of a second.

Vice Mayor McCracken MOVED to return the item to City staff for further research and analysis. The motion died for lack of a second.

COUNCIL ACTION: MOVED by Council Member Hamilton, SECONDED by Vice Mayor McCracken, that the Council postpone consideration of the item to the

meeting of September 3, 2013; and direct staff to focus analysis on Tier 1 and road benefit assessment options.

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

Documentation: M.O. 17-082013  
Disposition: Item postponed; and direction given.

## 23. CONSIDERATION OF PAPERLESS AGENDA PACKETS

Recommendation: That the City Council provide direction to staff.

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

Council Member Shelton expressed concern regarding the discontinuation of all physical copies of agenda packets. Mayor Gurrola inquired about the use of cellular data on the tablet devices when not connected to wireless internet.

COUNCIL ACTION: MOVED by Vice Mayor McCracken, SECONDED by Council Member Hamilton that the City Council direct staff to implement paperless agendas as soon as possible; bring back modifications to the City Council Procedural Handbook to reflect changes regarding technology.

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

Documentation: M.O. 18-082013  
Disposition: Approved.

## 24. AWARD OF CONTRACT – SPORTS COMPLEX SOFTBALL AND SPORTS FIELD LIGHTING PROJECT

Recommendation: That the City Council:

1. Award the Sports Complex Softball and Sports Field Lighting Project Base Bid to G&S Electric in the amount of \$318,551.29;
2. Authorize progress payments up to 95% of the contract amount;
3. Authorize a 10% contingency to cover unforeseen construction costs and \$15,000.00 or 4.7% for construction management, quality control and inspection; and
4. Provide direction regarding the expected remaining funds and Add Alternative Bid.

City Manager Lollis introduced the item and Public Works Director Rodriguez presented the staff report. A discussion ensued regarding the placement of the proposed lighting structures, with Council Member Ward stating his opposition to the proposed placements. Public Works Director

Rodriguez and Parks & Leisure Services Director Moore addressed the Council's questions.

Vice Mayor McCracken MOVED to reject all bids and direct Council Member Ward to collaborate with staff on the project design. The motion was SECONDED by Council Member Shelton, who subsequently withdrew his second, and the motion failed.

**COUNCIL ACTION:** MOVED by Council Member Hamilton, SECONDED by Council Member Ward, that the City Council award the Sports Complex Softball and Sports Field Lighting Project Base Bid to G&S Electric in the amount of \$318,551.29; and direct staff to develop future options for additional lighting. The motion carried unanimously.

Documentation: M.O. 19-082013  
Disposition: Approved.

### **CONSENT CALENDAR**

#### **2. BUDGET ADJUSTMENT FOR THE 2013-14 FISCAL YEAR**

Recommendation: That the Council approve the budget adjustments and authorize staff to modify the revenue and expenditure estimates as described on the schedule.

City Manager Lollis introduced the item. Council Member Shelton requested elaboration on the circumstances of the OHV grant award, and commended staff efforts.

**COUNCIL ACTION:** MOVED by Council Member Shelton, SECONDED by Council Member Hamilton, that the City Council approve the budget adjustments and authorize staff to modify the revenue and expenditure estimates as described on the schedule. The motion carried unanimously.

Documentation: M.O. 20-082013  
Disposition: Approved.

#### **8. APPROVAL OF FIFTH AMENDMENT TO THE AGREEMENT FOR TRANSIT SERVICES FOR COLLEGE OF SEQUOIA STUDENTS**

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

City Manager Lollis introduced the item. At Council Member Shelton's request Transit Manager Richard Tree provided clarification regarding the college student transit program.

**COUNCIL ACTION:** MOVED by Council Member Shelton, SECONDED by Council Member Hamilton, that the City Council authorize the purchase by negotiation of the equipment listed and authorize payment for said equipment upon satisfactory delivery. The motion carried unanimously.

Documentation: M.O. 21-082013  
Disposition: Approved.

#### **11. MODIFICATION TO LICENSE AGREEMENT FOR BARN THEATRE**

Recommendation: That the City Council:

1. Authorize Parks and Leisure Services Department to negotiate the modification to the Revocable Licenses Agreement; and
2. Approve the construction of a fence of the same or lesser dimension as was approved in CUP 2013-009.

City Manager Lollis introduced the item, and Council Member Shelton inquired about the purpose of the proposed fencing.

**COUNCIL ACTION:** MOVED by Vice Mayor McCracken, SECONDED by Council Member Hamilton, that the City Council authorize Parks and Leisure Services Department to negotiate the modification to the Revocable Licenses Agreement; and approve the construction of a fence of the same or lesser dimension as was approved in CUP 2013-009; and directed the Zoning Administrator to collaborate with the Barn Theatre regarding the type and scale of fencing to be used. The motion carried unanimously.

Documentation: M.O. 22-082013

Disposition: Approved.

#### 16. REQUEST TO PURCHASE POLICE MOTORCYCLE

Recommendation: That the City Council:

1. Authorize Police Department Staff to negotiate the purchase and outfitting of one police motorcycle; and
2. Authorize payment upon satisfactory delivery of the motorcycle.

City Manager Lollis introduced the item. Council Member Shelton inquired about the vendor to be utilized in purchasing the motorcycle.

**COUNCIL ACTION:** MOVED by Council Member Shelton, SECONDED by Council Member Hamilton, that the City Council authorize Police Department Staff to negotiate the purchase and outfitting of one police motorcycle; and authorize payment upon satisfactory delivery of the motorcycle.

Documentation: M.O. 23-082013

Disposition: Approved.

#### **ORAL COMMUNICATIONS**

- Barry Caplan, Porterville, inquired about the absence of Samsung and other android options relative to Item No. 23.
- Russell “Buck” Fletcher, thanked the Council for his appointment to the Measure H Oversight Committee.

#### **OTHER MATTERS**

- Council Member Shelton, commented on the recent passing of a motorcyclist in a traffic collision; and thanked public safety personnel for their efforts as of late.
- Mayor Gurrola, invited everyone to attend the Plano Street Bridge Groundbreaking event on Thursday, August 22<sup>nd</sup> at 9:00 a.m.
- Council Member Ward, expressed gratitude to Southern California Edison and their employees for keeping the power on in the community of Porterville.



- City Manager Lollis, announced that KMPH morning show would be at Crossfit 559 on August 30<sup>th</sup> and the Porterville Museum on Sept. 2<sup>nd</sup>, and extended an invitation to the Council.

**ADJOURNMENT** – at 9:38 p.m. to the meeting of September 3, 2013.

SEAL

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Luisa M. Herrera, Deputy City Clerk

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Virginia R. Gurrola, Mayor

**CITY COUNCIL MINUTES  
CITY HALL, 291 N. MAIN STREET  
PORTERVILLE, CALIFORNIA  
SEPTEMBER 3, 2013, 5:30 P.M.**

Call to Order at 5:30 p.m.

Roll Call: Council Member Ward, Vice Mayor McCracken, Council Member Shelton (arrived at 6:10 p.m.), Council Member Hamilton, Mayor Gurrola

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

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

Roll Call: Agency Member Ward, Vice Chair McCracken, Agency Member Shelton (arrived at 6:10 p.m.), Agency Member Hamilton, Chair Gurrola

**ORAL COMMUNICATIONS**

None

**JOINT CITY COUNCIL/AGENCY CLOSED SESSION:**

- A. Closed Session Pursuant to:  
1- Government Code Section 54956.9(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.

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

**CITY COUNCIL CLOSED SESSION:**

- B. Closed Session Pursuant to:  
1 - Government Code Section 54956.9(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 54956.9(d)(1) – Conference with Legal Counsel – Existing Litigation: Andrea Gould v. City of Porterville, Tulare County Superior Court Case No. PCL159739.

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

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

City Attorney Lew reported that no reportable action took place.

Pledge of Allegiance Led by Mayor Virginia Gurrola  
Invocation – one individual participated.

**PROCLAMATIONS**

Library Card Sign-Up Month – September 2013

## **PRESENTATIONS**

Employee of the Month – Gabriela Cruz (*Employee was not in attendance, Administrative Analyst Paula David accepted the certificate on her behalf.*)  
Employee Service Awards

## **AB 1234 REPORTS**

1. Tulare County Association of Governments (TCAG) – August 21, 2013  
City Manager Lollis indicated that no meeting was held.
2. Consolidated Waste Management Authority (CWMA) – August 22, 2013  
Vice Mayor McCracken spoke of: the Sharps program and progress made with the County; recent litigation in Alameda County; Visalia's implementation of RFID chips on containers to assist with tracking; and funds owed by Woodlake on household hazardous waste.

## **REPORTS**

- I. City Commission and Committee Meetings:
  1. Parks & Leisure Services Commission – No report given.
  2. Library & Literacy Commission – August 13, 2013  
Commissioner Figueroa indicated a full report would be provided at the next City Council Meeting.
  3. Arts Commission – No report given.
  4. Youth Commission – No report given.
- II. Staff Informational Items
  1. Building Permit Activity – July 2013

## **ORAL COMMUNICATIONS**

- Chuck Keene, a Porterville resident, spoke regarding Item 17, and spoke in favor of allowing the seniors to remain at the Putnam Community Center.
- Margaret Schafer, 1026 Monache Place, thanked the Council for its support in paying the FEMA fee, and reminded the Council that representations had been made that the matter would be handled immediately.
- Sarah Mae McCauly, a Porterville resident, requested information, contact information and proof that the packet had been sent in to FEMA as was represented by City staff.
- Betty Christian, a resident of Red Oak Drive, spoke of concerns with the storage of boats and RVs on City streets and sidewalks, citing her street as an example, of the dangerous condition that it creates, and of the need for the City to be more actively involved.
- Gary Giraudi, 100 South Westwood, spoke in favor of prohibiting Council Members from attending the Charter Review Committee as was proposed in Item 10.
- Linda Hoy, voiced concerns with apparent illegal activities taking place in and around the bushes along Mulberry near WalMart, requested that the bushes be trimmed, and spoke of her intent to start a Neighborhood Watch in her neighborhood.
- Blanca Jordan, Ambassador to Girl Scout Troup 1024, spoke of her Gold Award project which consisted of donating a bench and drinking fountain to the Tule River Parkway, and invited everyone to the dedication to take place at 11:30 a.m. on September 8, 2013.
- Felipe Martinez, a Porterville resident, came forward on behalf of the Exchange Club and the American Legion Post 20, and spoke in favor of Item 2.
- Lloyd Winter, 1025 W. Roby, spoke regarding Item 17, and requested that the Council allow more time for the parties to negotiate a mutually beneficial contract.
- Barry Caplan, requested that Item 11 be removed for further discussion, suggesting the consideration be bifurcated; and spoke of Item 19.

- Teri Irish, commended Mayor Gurrola and Vice Mayor McCracken for their eye contact with the audience.

### **CONSENT CALENDAR**

Items 1, 7, and 11 were removed for further discussion. Council Member Shelton noted his abstention on Items 2, 4, 6, and 9 due to conflicts of interest relative to those items.

**COUNCIL ACTION:**      MOVED by Vice Mayor McCracken, SECONDED by Council Member Hamilton, that the Council approve Items 2 through 6, and 8 through 10. Motion carried unanimously, with the aforementioned abstentions.

#### **2.      ACCEPTANCE OF FUNDS TO REPLACE EMERGENCY ALERT SIREN**

Recommendation:      That the City Council:

1.      Accept the \$3,000 donation from American Legion Post 20 and the Porterville Exchange Club; and
2.      Authorize staff to purchase and install all necessary materials and equipment.

Documentation:      M.O. 01-090313

Disposition:      Approved.

#### **3.      RATIFICATION OF EXPENDITURE – SCE STREET LIGHTS FOR THE WEST NORTH GRAND RECONSTRUCTION PROJECT**

Recommendation:      That the City Council:

1.      Approve the cost associated with installation of the street lights; and
2.      Authorize the City Engineer to sign the SCE application and issue a \$10,341.08 payment.

Documentation:      M.O. 02-090313

Disposition:      Approved.

#### **4.      EXTENSION OF RECLAMATION AREA LEASE AGREEMENT**

Recommendation:      That the City Council:

1.      Approve the extension of the farm lease expiration to October 31, 2014; and
2.      Approve the request for an additional lease payment of \$19,363.50 which is equivalent to three (3) months rent on the property.

Documentation:      M.O. 03-090313

Disposition:      Approved.

#### **5.      AUTHORIZE PARKS & LEISURE SERVICES DIRECTOR TO APPLY FOR U.S. SOCCER GRANT**

Recommendation:      That the City Council authorize Parks and Leisure Services Director to proceed with the grant process.

Documentation:      M.O. 04-090313

Disposition:      Approved.

6. CONSIDERATION OF STREET CLOSURE FOR PARKS & LEISURE SERVICES FUNDRAISER EVENT “ZALUD HOUSE MUSEUM PIONEER DAYS AND RIB COOK-OFF” – OCTOBER 5, 2013

Recommendation: That the City Council authorize the temporary closure of Main Street between Putnam and Morton and Thurman and Cleveland between Division and the alley west of Second Street in support of the planned Zalud House Museum Pioneer Days & Rib Cook-Off event.

Documentation: M.O. 05-090313

Disposition: Approved.

8. APPROVAL FOR COMMUNITY CIVIC EVENT – CENTRAL CALIFORNIA FAMILY CRISIS CENTER – ANNUAL CANDLELIGHT VIGIL FOR DOMESTIC VIOLENCE – OCTOBER 17, 2013

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

Documentation: M.O. 06-090313

Disposition: Approved.

9. REVIEW OF LOCAL EMERGENCY STATUS

Recommendation: That the City Council:

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

Documentation: M.O. 07-090313

Disposition: Approved.

10. COUNCIL MEMBER REQUESTED AGENDA ITEM – REQUEST FOR THE CITY COUNCIL TO CONSIDER PROHIBITING CITY COUNCIL MEMBER ATTENDANCE AT MEETINGS OF THE CHARTER REVIEW COMMITTEE

Recommendation: Council Member Hamilton makes the motion that the City Council authorize the scheduling on the next Council Agenda the consideration of prohibiting Members of City Council from attending meeting of the Charter Review Committee.

Documentation: M.O. 08-090313

Disposition: Approved.

The Council took a five minute recess at 7:26 p.m.

## **PUBLIC HEARINGS**

### **12. PUBLIC HEARING AND BUDGET ADJUSTMENT FOR CITIZENS' OPTION FOR PUBLIC SAFETY (COPS) GRANT FUNDING**

Recommendation: That the City Council:

1. Conduct the Public Hearing to receive public comment;
2. Authorize the acceptance of the 2013/2014 Citizens' Option for Public Safety (COPS) Grant funds;
3. Authorize use of these funds to offset costs for two (2) Community Service Officers assigned to the Department's Patrol Division; and
4. Approve a budget adjustment increasing the Police Department's Special Safety Grants – Citizens' Option for Public Safety (COPS) budget by \$100,000.

City Manager Lollis introduced the item and Police Chief McMillan presented the staff report.

The Public Hearing was opened at 7:38 p.m. When no one came forward to speak, the Public Hearing was closed at 7:39 p.m.

Council Member Shelton inquired about the future availability of the grant funds, and City Manager Lollis provided information.

**COUNCIL ACTION:** MOVED by Council Member Hamilton, SECONDED by Council Member Ward, that the City Council authorize the acceptance of the 2013/2014 Citizens' Option for Public Safety (COPS) Grant funds; authorize use of these funds to offset costs for two (2) Community Service Officers assigned to the Department's Patrol Division; and approve a budget adjustment increasing the Police Department's Special Safety Grants – Citizens' Option for Public Safety (COPS) budget by \$100,000. The motion carried unanimously.

Documentation: Resolution 56-2013

Disposition: Approved.

### **13. CONSTRUCTION OF CONCRETE IMPROVEMENTS – W. NORTH GRAND AVENUE RECONSTRUCTION PROJECT (PROSPECT STREET TO SR65)**

Recommendation: That the City Council:

1. Cancel the Public Hearing without public comment; and
2. Direct staff to cease any and all efforts to seek reimbursements for the concrete improvement associated with the W. North Grand Avenue Reconstruction project.

City Manager Lollis introduced the item and Public Works Director Rodriguez presented the staff report, noting staff's recommendation to cancel the public hearing.

Mayor Gurrola recognized a member of the public to address the Council.

- Ben Webb, a resident of the area in question, spoke of his conversations with City staff regarding the matter, and requested that the City take more time to analyze all factors of the issue.

The Council discussed: the impact that the issue would have on future development projects; the liabilities involved with the concrete improvements; the City's right of way in the area in question; and the locations of the improvements.

Council Member Shelton MOVED that the City Council cancel the Public Hearing without public comment; and continue staff efforts on the matter of reimbursements. The motion died for lack of a second.

COUNCIL ACTION: MOVED by Vice Mayor McCracken, SECONDED by Council Member Hamilton, that the City Council cancel the Public Hearing without public comment; and direct staff to cease any and all efforts to seek reimbursements for the concrete improvement associated with the W. North Grand Avenue Reconstruction project. The motion carried unanimously.

Documentation: M.O. 09-090313

Disposition: Public Hearing cancelled; reimbursement efforts ceased.

#### 14. MODIFICATION OF CONDITIONAL USE PERMIT 5-2008 SPECIFIC PLAN FOR GARDEN COURT VILLAS (PRC 2013-013)

Recommendation: That the City Council review and adopt the draft resolution approving the modification of Conditional Use Permit 5-2008 Specific Plan for Garden Court Villas (PRC-2013-013) subject to conditions of approval.

City Manager Lollis introduced the item and the staff report was presented by Community Development Manager Julie Philips.

The Public Hearing was opened at 8:07 p.m.

- Jim Winton, business owner at 150 W. Morton Ave., spoke in favor of approval of the item on behalf of the applicant.

The Council discussed the proposed changes and asked for clarification from Mr. Winton regarding the proposed modifications.

When no one else came forward to speak, the Public Hearing was closed at 8:12 p.m.

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Vice Mayor McCracken, that the City Council adopt the draft resolution approving the modification of Conditional Use Permit 5-2008 Specific Plan for Garden Court Villas (PRC-2013-013) subject to conditions of approval. The motion carried unanimously.

Documentation: Resolution 57-2013

Disposition: Approved.

The Council took a five minute recess at 8:14 p.m.

## **SCHEDULED MATTERS**

### **15. CONSIDERATION OF APPOINTMENT TO INTERNAL CITY AUDIT COMMITTEE**

**Recommendation:** That the City Council appoint one individual to serve on the Internal City Audit Committee.

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

**COUNCIL ACTION:** MOVED by Vice Mayor McCracken, SECONDED by Council Member Ward, that the City Council appoint Mr. Earl Parks to serve on the Internal City Audit Committee. The motion carried unanimously.

**Documentation:** M.O. 10-090313  
**Disposition:** Earl Parks appointed.

### **16. ASSESSMENT DISTRICTS**

**Recommendation:** That the City Council provide direction on the future use of Lighting and Landscape Maintenance Districts or Benefit Assessment Districts.

City Manager Lollis introduced the item and Community Development Manager Philips presented the staff report. City Attorney Lew elaborated on her Memorandum regarding the legality of specific assessments to be considered.

A discussion ensued regarding Measure R and the City's ability to maintain streets in the future. Council Member Shelton expressed his opposition to any expansion of taxes or fees on residents. Vice Mayor McCracken inquired about the fees associated with street maintenance, and City Engineer Reed addressed the question.

The Council discussed the possibility of a future City-wide road maintenance district.

**COUNCIL ACTION:** MOVED by Council Member Shelton, SECONDED by Council Member Ward that the City Council approve the options of Tier One to continue the use of LMDs as they currently exist, with perimeter landscaping along major street frontages and a proportional share of the street light costs within and at the perimeter of the subdivision.

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

**Documentation:** M.O. 11-090313  
**Disposition:** Tier One approved.

Council Member Shelton noted a conflict of interest relative to Item 17, and removed himself from the Council Chambers for the discussion and vote.



## 17. PROVISION OF SENIOR CITIZEN PROGRAMS AND SERVICES

**Recommendation:** That the City Council consider and provide direction on the provision of the programs and services for the benefit of the community's senior citizens, in addition to the City's role in providing and/or supporting such, as well as providing direction on where such programs and services would be accessed.

City Manager Lollis introduced the item and presented the staff report, noting the organizations involved in providing services to seniors: Greater Porterville Senior Citizens' Council (Senior Council), Community Services Employment Training (CSET), Kings/Tulare Area Agency on Aging (K/T AAA), and Comision Honorifica Mexicana Americana (CHMA).

The Council discussed: the facilities owned and leased out by the City for senior services; the differences between the organizations providing the services; the inability of the organizations to agree on oversight of the facilities; and the existing lease agreements between the City and these organizations.

Without objection from the Council, Mayor Gurrola recognized two members from the parties involved to address the Council.

- Lloyd Winter, past president of the Senior Council, summarized the negotiations between the Senior Council and CSET; and expressed his opinion that the City should serve as the arbitrator between the organizations.
- Fred Beltran, CHMA, spoke in support of establishing a designated senior center.

The Council discussed the possibility of allowing a final meeting for negotiations between the involved parties.

**COUNCIL ACTION:** MOVED by Vice Mayor McCracken, SECONDED by Council Member Hamilton, that the City Council continue consideration of the item to the meeting of September 17, 2013, with the intent of establishing a long-term lease for the provision of senior services.

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

**Documentation:** M.O. 12-090313  
**Disposition:** Continued to September 17, 2013.

## 18. SPECIAL RECOGNITION OF THE TULE RIVER TRIBAL COUNCIL AND SIERRA VIEW DISTRICT HOSPITAL FOR THEIR SPONSORSHIP OF THE 2013 FREEDOM FEST

**Recommendation:** That the City Council consider a means of special recognition of the Tule River Tribal Council and Sierra View District Hospital for their sponsorship of the 2013 Freedom Fest.

City Manager Lollis introduced the item. Council Member Shelton spoke of the contributions of the two entities, and expressed his desire to recognize them in some way.

The Council directed the Mayor to attend a meeting of the Sierra View District Hospital Board of Directors to thank them for their contribution, and to invite them to a future City Council meeting for recognition.

Disposition: Direction given.

#### 19. PROCESS FOR APPROVING CITY PROCLAMATIONS

Recommendation: That the City Council consider the process for approving City Proclamations, and provide direction as may be necessary.

City Manager Lollis introduced the item and presented the staff report. Council Member Ward expressed his opinion that the Mayor should have a role in screening proclamation requests prior to Council consideration for approval.

The Council directed that the item be brought back to consider Council Member sponsorship of proclamation requests, and modification of the City Council Handbook to reflect such changes.

Disposition: Direction given.

#### **CONSENT CALENDAR (ITEMS REMOVED FOR FURTHER DISCUSSION)**

##### 1. AUTHORIZATION TO ADVERTISE FOR BIDS – MAIN STREET REPAIR PROJECT

Recommendation: That the City Council:

1. Approve an appropriation of \$14,000.00 of Local Measure R Funds for the Main Street Repair Project;
2. Approve staff's recommended Plans and Project Manual; and
3. Authorize staff to advertise for bids on the project.

City Manager Lollis introduced the item. Staff addressed the Council's questions.

**COUNCIL ACTION:** MOVED by Council Member Ward, SECONDED by Vice Mayor McCracken, that the City Council approve an appropriation of \$14,000.00 of Local Measure R Funds for the Main Street Repair Project; approve staff's recommended Plans and Project Manual; and authorize staff to advertise for bids on the project. The motion carried unanimously.

Documentation: M.O. 15-090313

Disposition: Approved.

The Council took a five minute recess at 9:28 p.m.

#### 7. APPOINTMENTS TO THE PARKS & LEISURE SERVICES COMMISSION

Recommendation: That the City Council appoint Shannon Bennett, Leticia Lupio, and Monte

Moore, and Rick Vafeades to serve four-year terms expiring in October 2017 on the Parks & Leisure service Commission.

City Manager Lollis introduced the item. Council Member Shelton expressed appreciation for the applicants to the Commission.

**COUNCIL ACTION:** MOVED by Council Member Shelton, SECONDED by Vice Mayor McCracken, that the City Council appoint Shannon Bennett, Leticia Lupio, Monte Moore, and Rick Vafeades to serve four-year terms expiring in October 2017 on the Parks & Leisure Services Commission. The motion carried unanimously.

Documentation: M.O. 16-090313  
Disposition: Approved.

11. COUNCIL MEMBER REQUESTED AGENDA ITEM – REQUEST FOR THE CITY COUNCIL TO CONSIDER REORGANIZATION OF THE CITY COUNCIL

Recommendation: That Council Member Ward makes the motion that the City Council authorize the scheduling on the next Council Agenda the reorganization of the Council, including its appointed positions and assignment to committees.

City Manager Lollis introduced the item.

**COUNCIL ACTION:** MOVED by Council Member Ward, SECONDED by Council Member Shelton, that the City Council authorize the scheduling on the next Council Agenda the reorganization of the Council, including its appointed positions and assignment to committees.

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

Documentation: M.O. 17-090313  
Disposition: Item scheduled.

**ORAL COMMUNICATIONS**

- Barry Caplan, voiced concern with the issue of bicycling in the City of Porterville and suggested that he could assist the City in that regard.

**OTHER MATTERS**

- Council Member Shelton spoke of the need for transit services for youth from East Porterville to the Boys and Girls Club; made mention of the upcoming anniversary of the September 11<sup>th</sup> attacks; and inquired about the parking concerns voiced during Oral Communications.
- City Manager Lollis spoke of the upcoming dedication of Ms. Jordan's Gold Award Project on September 8<sup>th</sup>, and the City Employee Picnic scheduled for September 14<sup>th</sup> at the City Pool, with golf immediately preceding it.

**ADJOURNMENT**

The Council adjourned at 9:50 p.m. to the meeting of September 17, 2013.

SEAL

\_\_\_\_\_  
Luisa M. Zavala, Deputy City Clerk

\_\_\_\_\_  
Virginia R. Gurrola, Mayor

**CITY COUNCIL MINUTES  
CITY HALL, 291 N. MAIN STREET  
PORTERVILLE, CALIFORNIA  
JANUARY 7, 2014, 5:30 P.M.**

Called to Order at 5:30 p.m.

Roll Call: Council Member McCracken, Council Member Shelton, Council Member Gurrola,  
Vice Mayor Ward, Mayor Hamilton

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**

- Barry Caplan, Porterville, spoke regarding evaluation of the City Manager and City Attorney, and of authorization of a contract for private gain.

**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 Negotiators: 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: APNs: 253-192-006, 253-192-007, 253-192-008, 253-192-009, and 253-192-010. Agency Negotiator: John Lollis. Negotiating Parties: City of Porterville and Smith Commercial Properties. Under Negotiation: Terms and Price.

**3 -** Government Code Section 54956.8 – Conference with Real Property Negotiators/Property: 40 W. Cleveland. Agency Negotiators: John Lollis. Negotiating

Parties: City of Porterville and New Cingular Wireless PCS, LLC. Under Negotiation: Terms and Price.

**4-** 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.

**5-** Government Code Section 54957.6 – Conference with Labor Negotiator. Agency Negotiator: John Lollis, Steve Kabot, and Patrice Hildreth. Employee Organizations: Porterville City Employees Association; Public Safety Support Unit; Porterville Police Officers Association; Management and Confidential Series; Fire Officer Series; and all Unrepresented Management Employees.

**6-** Government Code Section 54956.95 – Liability Claim: Claimant: Trina Trumbull. Agency claimed against: City of Porterville.

**7-** Government Code Section 54957 – Public Employee Performance Evaluation - Title: City Manager.

**8-** 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**

B-3. COUNCIL ACTION: On a MOTION made by Council Member McCracken, and SECONDED by Council Member Gurrola, the Council approved the Option and Lease Agreement with Cingular Wireless for wireless facilities at \$1,200 a month for a 5-year term with a 12% increase following, total estimated value of lease \$481,632. The motion carried 4-0, with Council Member Shelton abstaining.

Documentation: M.O. 01-010714

Disposition: Approved.

B-6. COUNCIL ACTION: On a MOTION made by Council Member Gurrola, SECONDED by Council Member McCracken, the Council rejected the claim filed by Trina Trumbull. The motion carried unanimously.

Documentation: M.O. 02-010714

Disposition: Claim rejected.

Pledge of Allegiance Led by Vice Mayor Brian Ward  
Invocation – a moment of silence was observed.

### **PRESENTATIONS**

Employee of the Month – Elbia Graves

## **AB 1234 REPORTS**

No reports given.

## **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 – No report given.
  2. Library & Literacy Commission – No report given.
  3. Arts Commission – No report given.
  4. Youth Commission – No report given.
- II. Staff Informational Reports
  1. Building Permit Activity – November 2013  
City Manager Lollis noted that building permit activity continues to be positive.

## **ORAL COMMUNICATIONS**

- John Coffee, advocated for the City to maintain its participation in the California Public Employees' Retirement System (CalPERS); and requested Council discussion relative to Item 17.
- Dr. Rice, spoke of her support for the graffiti artwork on the fence of the El Granito Foundation building.
- Brock Neeley, distributed a news article to the Council.
- Mary Dorman, Porterville, expressed concerns regarding possible limits to be placed on medical marijuana in the City, and spoke of the benefits of its use for various medical conditions.
- Carol Anderson, Porterville, explained her experience with medical marijuana, and communicated her desire to assist the City in the development of an ordinance regulating its use and cultivation.
- Dawn Jobe, Porterville, cited State legislation and court rulings in favor of medical marijuana; and proposed a joint committee of residents and City staff to form local regulations.
- David Gong, Porterville, voiced support for medical marijuana as a cancer survivor.
- Barry Caplan, Porterville, expressed gratitude to the Council for eliminating the time limit on public comments during Oral Communications; requested that the time limit notification be removed from future City Council Agendas; requested bifurcation of the Minutes in Item 1; noted a misspelled name in the Minutes of September 17, 2013; expressed concern for the "problematical" communication issues of the Charter Review Committee; and spoke of the job performance of the City Manager and City Attorney.

The Council took a ten minute recess at 7:31 p.m.

- Jeff Faure, cited the Bible in support of marijuana.
- Joe Sparks, Porterville marijuana grower, spoke of the need to educate citizens on the positive uses of marijuana.
- Lisa Sparks, expressed support for "compassionate care".

## **CONSENT CALENDAR**

Items 3 and 4 were removed for further discussion. Council Member Shelton reported that he would be abstaining from Item Nos. 6, 7, and 8.

**COUNCIL ACTION:**      MOVED by Council Member McCracken, SECONDED by Vice Mayor Ward that the City Council approve Item Nos. 1, 2, and 5 through 8. The motion carried unanimously, noting the aforementioned abstentions.

1.      MINUTES OF JUNE 11, 2013, AUGUST 6, 2013, SEPTEMBER 17, 2013, AND DECEMBER 26, 2013

Recommendation:      That the City Council approve the Minutes of June 11, 2013, August 6, 2013, September 17, 2013, and December 26, 2013.

Documentation:      M.O. 03-010714

Disposition:      Approved.

2.      PURCHASE OF POLICE SERVICE DOG

Recommendation:      That the City Council:

1.      Approve the purchase of an additional service dog and related training from Adlerhorst International, Inc. utilizing funds from the Asset Forfeiture Account; and
2.      Authorize the Chief of Police to enter into an agreement with Adlerhorst International, Inc. to acquire the service dog and associated training.

Documentation:      M.O. 04-010714

Disposition:      Approved.

5.      PROGRAM SUPPLEMENT TO THE LOCAL AGENCY-STATE MASTER AGREEMENT – PLANO BRIDGE WIDENING AND RECONSTRUCTION

Recommendation:      That the City Council:

1.      Approve the 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 the Department of Transportation.

Documentation:      Resolution No. 01-2014

Disposition:      Approved.

6.      APPROVAL OF LICENSE AGREEMENT BETWEEN THE CITY OF PORTERVILLE AND COMMUNITY SERVICES EMPLOYMENT TRAINING

Recommendation:      That the City Council approve the Santa Fe Depot usage license with CSET, and authorize and direct the Mayor to execute the same.



Documentation: M.O. 05-010714

Disposition: Approved.

7. REVIEW OF LOCAL EMERGENCY STATUS – DECEMBER 26, 2013

Recommendation: That the Council receive the status report and review of the designated local emergency.

Documentation: M.O. 06-010714

Disposition: Approved.

8. REVIEW OF LOCAL EMERGENCY STATUS – DECEMBER 21, 2010

Recommendation: That the City Council:

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

Documentation: M.O. 07-010714

Disposition: Approved.

**SECOND READINGS**

9. SECOND READING - ORDINANCE 1803, AMENDING THE PORTERVILLE MUNICIPAL CODE FOR CONSISTENCY WITH DEVELOPMENT ORDINANCE

Recommendation: That the Council give Second Reading to Ordinance No. 1803, waive further reading, and adopt said Ordinance.

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

**COUNCIL ACTION:** MOVED by Council Member McCracken, SECONDED by Council Member Gurrola that the City Council give Second Reading to Ordinance No. 1803, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE AMENDING THE PORTERVILLE MUNICIPAL CODE FOR CONSISTENCY WITH THE DEVELOPMENT ORDINANCE AND AMENDING LANDSCAPE REQUIREMENTS IN PARKING LOTS, waive further reading, and adopt said Ordinance. The motion carried unanimously.

The ordinance was read by title only.

Documentation: Ordinance No. 1803

Disposition: Approved.

10. SECOND READING - ORDINANCE 1804, ADOPTING 2013 CALIFORNIA BUILDING CODE, EXISTING BUILDING CODE, RESIDENTIAL CODE, AND ENERGY CODE

Recommendation: That the Council give Second Reading to Ordinance No. 1804, waive further reading, and adopt said Ordinance.

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

COUNCIL ACTION: MOVED by Council Member McCracken, SECONDED by Council Member Gurrola that the City Council give Second Reading to Ordinance No. 1804, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE AMENDING SECTIONS 7-1, 7-2, 7-3.4, AND ARTICLE VIII OF THE MUNICIPAL CODE OF THE CITY OF PORTERVILLE AND ADOPTING BY REFERENCE THE 2013 EDITION OF THE CALIFORNIA BUILDING CODE ALONG WITH DESIGNATED APPENDICES PUBLISHED BY THE CALIFORNIA BUILDING STANDARDS COMMISSION; THE 2013 EDITION OF THE CALIFORNIA EXISTING BUILDING CODE PUBLISHED BY THE INTERNATIONAL CODE COUNCIL, INC.; THE 2013 CALIFORNIA RESIDENTIAL CODE AND THE 2013 CALIFORNIA ENERGY CODE PUBLISHED BY THE CALIFORNIA BUILDING STANDARDS COMMISSION, waive further reading, and adopt said Ordinance. The motion carried unanimously.

The ordinance was read by title only.

Documentation: Ordinance No. 1804

Disposition: Approved.

11. SECOND READING - ORDINANCE 1805, ADOPTING 2013 CALIFORNIA MECHANICAL CODE

Recommendation: That the Council give Second Reading to Ordinance No. 1805, waive further reading, and adopt said Ordinance.

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

COUNCIL ACTION: MOVED by Council Member McCracken, SECONDED by Council Member Gurrola that the City Council give Second Reading to Ordinance No. 1805, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE AMENDING SECTION 7-4 OF THE

MUNICIPAL CODE OF THE CITY OF PORTERVILLE ADOPTING BY REFERENCE THE 2013 EDITION OF THE CALIFORNIA MECHANICAL CODE PUBLISHED BY THE INTERNATIONAL CODE COUNCIL, INC., waive further reading, and adopt said Ordinance. The motion carried unanimously.

The ordinance was read by title only.

Documentation: Ordinance No. 1805

Disposition: Approved.

12. SECOND READING - ORDINANCE 1806, ADOPTING 2013 CALIFORNIA PLUMBING CODE

Recommendation: That the Council give Second Reading to Ordinance No. 1806, waive further reading, and adopt said Ordinance.

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

COUNCIL ACTION: MOVED by Council Member McCracken, SECONDED by Council Member Gurrola that the City Council give Second Reading to Ordinance No. 1806, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE AMENDING SECTION 7-6 OF THE MUNICIPAL CODE OF THE CITY OF PORTERVILLE ADOPTING BY REFERENCE THE 2013 EDITION OF THE CALIFORNIA PLUMBING CODE PUBLISHED BY THE CALIFORNIA BUILDING STANDARDS COMMISSION, waive further reading, and adopt said Ordinance. The motion carried unanimously.

The ordinance was read by title only.

Documentation: Ordinance No. 1806

Disposition: Approved.

13. SECOND READING - ORDINANCE 1807, ADOPTING 2013 CALIFORNIA ELECTRICAL CODE

Recommendation: That the Council give Second Reading to Ordinance No. 1807, waive further reading, and adopt said Ordinance.

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

COUNCIL ACTION: MOVED by Council Member McCracken, SECONDED by Council Member Gurrola that the City Council give Second Reading to Ordinance

No. 1807, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE AMENDING SECTION 7-9 AND DELETING SECTION 7-10 OF THE MUNICIPAL CODE OF THE CITY OF PORTERVILLE AND ADOPTING BY REFERENCE THE 2013 EDITION OF THE CALIFORNIA ELECTRICAL CODE PUBLISHED BY THE CALIFORNIA BUILDING STANDARDS COMMISSION, waive further reading, and adopt said Ordinance. The motion carried unanimously.

The ordinance was read by title only.

Documentation: Ordinance No. 1807

Disposition: Approved.

14. SECOND READING - ORDINANCE 1808, ADOPTING 2013 CALIFORNIA FIRE CODE

Recommendation: That the Council give Second Reading to Ordinance No. 1808, waive further reading, and adopt said Ordinance.

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

COUNCIL ACTION: MOVED by Council Member McCracken, SECONDED by Council Member Gurrola that the City Council give Second Reading to Ordinance No. 1808, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE AMENDING CHAPTER 12 OF THE MUNICIPAL CODE OF THE CITY OF PORTERVILLE ADOPTING BY REFERENCE EXCEPT AS OTHERWISE PROVIDED IN THIS ARTICLE, THE 2013 EDITION OF THE CALIFORNIA FIRE CODE ALONG WITH DESIGNATED APPENDICES, AND THE 2013 EDITION OF THE CALIFORNIA FIRE CODE PUBLISHED BY THE CALIFORNIA BUILDING STANDARDS COMMISSION, waive further reading, and adopt said Ordinance. The motion carried unanimously.

The ordinance was read by title only.

Documentation: Ordinance No. 1808

Disposition: Approved.

15. SECOND READING - ORDINANCE 1809, ADOPTING 2013 CALIFORNIA GREEN BUILDING STANDARDS CODE

Recommendation: That the Council give Second Reading to Ordinance No. 1809, waive further reading, and adopt said Ordinance.

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

**COUNCIL ACTION:** MOVED by Council Member McCracken, SECONDED by Council Member Gurrola that the City Council give Second Reading to Ordinance No. 1809, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE AMENDING SECTION 7-4 OF THE MUNICIPAL CODE OF THE CITY OF PORTERVILLE ADOPTING BY REFERENCE THE 2013 EDITION OF THE CALIFORNIA GREEN BUILDING STANDARDS CODE PUBLISHED BY THE CALIFORNIA BUILDING STANDARDS COMMISSION, waive further reading, and adopt said Ordinance. The motion carried unanimously.

The ordinance was read by title only.

Documentation: Ordinance No. 1809

Disposition: Approved.

### **SCHEDULED MATTERS**

16. CONSIDERATION OF RESOLUTIONS CALLING FOR JUNE 3, 2014 GENERAL ELECTION; REQUESTING CONSOLIDATION; AND SETTING SPECIFIED SERVICES

Recommendation: That the City Council:

1. Allow candidates' statements of 200 words or less with no additional mailings and determine whether the candidate or the City shall be responsible for the estimated \$1,300 per candidate cost for same;
2. Authorize that County services be used as designated above; and that the County Election Department, 5951 S. Mooney, Visalia, California, be designated as the Central Counting Place for the June 3, 2014, General Municipal Election;
3. Adopt the draft resolution calling the election for June 3, 2014; requesting and consenting to the consolidation of the election; and setting specifications of the election order;
4. Adopt the draft resolution requesting the Board of Supervisors permit the Registrar of Voters to render specified services to the City, for the June 3, 2014, Election;
5. Authorize payment to the Tulare County Registrar of Voters upon the completion of the requested services; and
6. Direct staff to proceed with placing ballot measures on the June 3, 2014, ballot for amendments to the City's Charter.

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

Following presentation of the staff report, staff addressed questions regarding costs

associated with various aspects of the election, including candidate statements. Council Member Shelton spoke in support of an even playing field and in favor of the City paying the estimated \$1,300 per candidate statement; and expressed an interest in pursuing stand-alone elections to save the City money. Council directed that staff research the cost of stand-alone elections.

Vice Mayor Ward suggested use of the City's website to post candidate statements for free, and a discussion followed regarding potential cost savings. Staff noted that Election Code dictated what could and could not be done, and advised that any proposed changes would have to be researched for compliance.

Council Member Gurrola made a motion to approve staff's recommendation, with candidates to pay full costs of candidate statements. Council Member McCracken questioned City Attorney Lew regarding a potential conflict of interest, noting that both he and Council Member Shelton could be effected financially by the decision should they decide to run for re-election in June. In response, City Attorney Lew advised that she did not believe a conflict existed because the matter effected all the council members equally. Council Member Gurrola's motion was seconded by Council Member McCracken.

COUNCIL ACTION:      MOVED by Council Member McCracken, SECONDED by Council Member Shelton to amend the motion to have the City pay for candidate statements.

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

Disposition:    Amendment failed.

Further discussion took place regarding Vice Mayor Ward's suggestion to post candidate statements on the web and various options for cost savings. Staff indicated that they could research the matter further, and if possible the Council could amend the resolution.

COUNCIL ACTION:      MOVED by Council Member Gurrola, SECONDED by Council Member McCracken that the City Council allow candidate statements of 200 words or less with no additional mailings to be paid for by the candidate; authorize that County services be used as designated above; and that the County Election Department, 5951 S. Mooney, Visalia, California, be designated as the Central Counting Place for the June 3, 2014, General Municipal Election; adopt the draft resolution calling the election for June 3, 2014; requesting and consenting to the consolidation of the election; and setting specifications of the election order; adopt the draft resolution requesting the Board of Supervisors permit the Registrar of Voters to render specified services to the City, for the June 3, 2014, Election; authorize payment to the Tulare County Registrar of Voters upon the completion of the requested services; and direct staff to proceed with placing ballot measures on the June 3, 2014, ballot for amendments

to the City's Charter.

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

Documentation: Resolution Nos. 02-2014 and 03-2014

Disposition: Approved.

17. CONSIDERATION OF THE 2013 CHARTER REVIEW COMMITTEE'S  
PROPOSED REVISIONS TO THE CITY OF PORTERVILLE CHARTER

Recommendation: That the City Council review and consider the 2013 Charter Review Committee's proposed revisions to the City of Porterville Charter.

City Manager Lollis introduced the item. Mayor Hamilton recognized the members of the Charter Review Committee who were present in the audience. City Attorney Lew summarized the staff report, noting specific Charter Committee recommendations that were substantive as opposed to housekeeping. During Ms. Lew's presentation of the staff report, the Council requested that Mr. Allan Bailey, Chair of the Charter Review Committee come forward to address questions and provide insight with regard to the committee's reasoning.

Mr. Bailey began by providing clarification regarding the committee's handling of e-mail communications received from the public. He then reported the committee's opinion with regard to: the timing of municipal elections; removal of mayor; council member compensation; publication of ordinances; and council member vacancy provisions.

While receiving reports from Ms. Lew and Mr. Bailey about the proposed amendments, the Council communicated interest in further discussing those relative to:

- Section 16 – Regarding vacancies in office; when offices declared vacant;
- Section 21 – Regarding City manager residency requirement;
- Section 48 – Regarding expenditures and indebtedness;
- Section 61 – Regarding raising of the bid limit from \$5,000;
- Section 67 – Regarding council manic interference;
- Section 68 – Regarding city leases; and
- Consideration of amendments pertaining to employee pensions.

COUNCIL ACTION: MOVED by Council Member McCracken, SECONDED by Council Member Gurrola, that the City Council approve the scheduling of a meeting for January 15, 2014, at 5:30 p.m. to further consider amendments to the City's Charter. The motion carried unanimously.

Documentation: M.O. 08-010714

Disposition: Meeting scheduled for January 15, 2014.

**CONSENT CALENDAR (Items pulled for discussion)**

3. AUTHORIZATION TO ADVERTISE FOR BIDS – WEED ABATEMENT SERVICES

Recommendation: That the City Council authorize staff to advertise for bids for weed abatement services.

City Manager Lollis introduced the item and the staff report was waived at the Council's request. Council Member Shelton, who pulled the item, stated that he appreciated staff's efforts to save money and expressed concerns regarding administrative fees.

**COUNCIL ACTION:** MOVED by Council Member Shelton, SECONDED by Council Member Gurrola that the City Council authorize staff to advertise for bids for weed abatement services. The motion carried unanimously.

Documentation: M.O. 09-010714

Disposition: Approved.

4 AWARD OF CONTRACT –REVENUE SHARING TRANSIT ADVERTISING

Recommendation: That the City Council:

1. Authorize staff to award a professional service contract with Rethought Reborn; and
2. Authorize the Mayor to sign all contract documents.

City Manager Lollis introduced the item and the staff report was waived at the Council's request. Council Member Shelton, who pulled the item, lauded staff for awarding to a local bidder.

**COUNCIL ACTION:** MOVED by Council Member Shelton, SECONDED by Mayor Hamilton that the City Council authorize staff to award a professional service contract with Rethought Reborn; and authorize the Mayor to sign all contract documents. The motion carried unanimously.

Documentation: M.O. 10-010714

Disposition: Approved.

**ORAL COMMUNICATIONS**

- Barry Caplan, spoke of the lack of availability of an updated City Council Handbook; restated concerns regarding the Charter Review Committee's email address; and restated concerns regarding the time limit notification in the City Council Agenda.
- Gary Giraudi, member of the Charter Review Committee, thanked Mayor Hamilton for his appointment; thanked Chair Bailey and City staff for their efforts with the Charter Review; and expressed offense taken to a Council Member's comments regarding members of the Charter Review Committee.

**OTHER MATTERS**



- Council Member Shelton – Thanked the Council and City staff for the response to the Porterville Hotel Fire; and thanked the Charter Review Committee for their work.
- Vice Mayor Ward – Wished everyone a Happy New Year.
- Mayor Hamilton – Lauded the efforts of the Fire and Police Departments in the response to the Porterville Hotel Fire.

At 10:41 p.m. the Council reconvened in Closed Session.

**CLOSED SESSION**

No reportable action took place in Closed Session.

**ADJOURNMENT**

The Council adjourned at 11:00 p.m. to the meeting of January 15, 2014.

SEAL

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Luisa M. Zavala, Deputy City Clerk

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Cameron J. Hamilton, Mayor

COUNCIL AGENDA: JANUARY 21, 2014

SUBJECT: AUTHORIZATION TO PURCHASE TWO (2) VEHICLE LOGIC UNITS

SOURCE: Public Works Department - Transit

COMMENT: On May 1, 2012, staff received authorization from City Council to purchase software, licensing, and hardware equipment from RouteMatch Software, Inc. to provide fixed route and traveler information systems on each of its vehicles.

At that time, the City purchased software, licensing and hardware equipment for the entire fixed route fleet of 14 vehicles. This proprietary equipment allows the City to provide improved GPS tracking, automated voice annunciation and real-time traveler information.

The City has now received two additional vehicles, expanding its fleet to 16, and additional vehicle logic units and software licensing are required before these vehicles can be added to the active fleet.

Staff has obtained the following quote from RouteMatch Software, Inc. for two (2) vehicle logic units and licensing:

RouteMatch	\$8,191
------------	---------

Staff recommends, based on the continued use of highly specialized equipment and the substantial duplication of costs that will not be recovered through open competition, authorization to purchase directly from RouteMatch Software, Inc.

RECOMMENDATION: Authorize staff to purchase two (2) vehicle logic units and licensing from RouteMatch Software, Inc. and authorize payment for said equipment upon satisfactory delivery.

ATTACHMENT: Vendor Quote

P:\pubworks\General\Council\Transit - Authorization To Purchase Two Vehicle Logic Units - 2014-01-21.doc

Dir Bor Appropriated/Funded \_\_\_\_\_ CM f

Item No. 2



RouteMatch Software Budget Proposal:  
**City of Porterville**  
***Fleet Expansion***

Submitted by:

Teague Kirkpatrick

RouteMatch Software

1675 Broadway St. Suite 1400

Denver, CO 80202

(303) 997-1507

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

December 30, 2013

## 1.0 SCOPE OF SERVICES

RouteMatch Software is pleased to provide the following proposal to the City of Porterville for all licensing, hardware and services for fleet expansion.

<b>RouteMatch Pricing</b>	
RouteMatch Fixed Vehicle Licensing – Two (2) licenses	\$7,650
Automated Voice Annunciation Module Licensing	\$1,275
RouteMatch Vehicle Logic Unit (2 Devices)	\$1,466
<i>Partnership Discount</i>	<i>-\$2,200</i>
<b>TOTAL</b>	<b>\$8,191</b>
<b>Ongoing Fees</b>	
Ongoing Annual Support & Maintenance	\$1,225

### 1.1 NOTES & ASSUMPTIONS

1. RouteMatch will invoice goods and services as they are delivered.
2. The proposal assumes that City of Porterville will provide all necessary hardware and system software for the scheduling software application, including a local area network connection, internet connections, and computer infrastructure that meet the minimum system requirements. RouteMatch personnel will assist, as needed, to ensure compatibility between the RouteMatch solution and the required hardware and system software.

## 2.0 ACCEPTANCE PAGE

This proposal serves as an agreement for the above scope of services. This proposal is subject to the Hardware, Software License, and Service Agreement between RouteMatch Software Inc. and City of Porterville. It will assume the terms and conditions as set forth in this executed contract. If accepted, please have an authorized official to sign and return. Upon receipt of the accepted quote, RouteMatch will authorize the above described product and/or services to be delivered to City of Porterville.

\_\_\_\_\_  
Authorized Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Organization Name

SUBJECT: REQUEST TO PURCHASE CRIME SCENE/EVIDENCE VEHICLE

SOURCE: Police Department

COMMENT: In 2003, the City Council authorized the purchase of a 2003 Chevrolet 2500 utility bed truck to be utilized by the Police Department for crime scene processing and the transportation of evidence. Since the acquisition of this vehicle, the needs of the department have changed significantly, as have the tools and equipment needed to process crime scenes. This vehicle is no longer adequate for the purposes intended, so a suitable replacement has been identified. Department staff has determined that the most suitable replacement for the truck is a cargo van, capable of transporting and securing tools, equipment, and items of evidence while protecting them from the elements.

Department staff has conducted extensive research with regard to the purchase of a suitable replacement for the existing scene/evidence truck and has determined that the best available price is through Downtown Ford Sales in Sacramento, which holds the California State Contract for such vehicles.

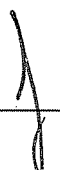
A quote was provided for a 2014 Ford E-350 cargo van, fully equipped with a V-8 gasoline engine, cargo cage, wall and floor insulated paneling, metal cabinetry, and a heavy-duty towing package. The final delivery price quoted for the van was \$24,330.56. Refer to attached quote which is valid through February 14, 2014.

Due to strong fiscal management and adherence to our vehicle depreciation plan, the monies to replace the scene/evidence truck have been accumulated in a vehicle depreciation account. In past years, a careful evaluation was made on each particular vehicle to determine actual need for replacement and to ensure that a vehicle is not replaced only because it was scheduled to be replaced. In light of budget uncertainties, this part of the vehicle replacement process is even more critical and has recently been completed.

The 2003 Chevrolet 2500 truck to be replaced currently has 61,000 miles on it and is in very good condition. A plan has been developed to repurpose the truck, rather than surplus it. This will be accomplished by removing the utility bed from the truck and making the bed available to other City departments that would otherwise have to purchase a new one. The bed is in very good condition and could result in future savings of thousands of dollars for the City.

D.D. 

Appropriated/Funded 

C.M. 

Item No. 3

The animal control bed would then be removed from the recently retired 2001 Dodge 2500 animal control truck, which was taken out of service due to extensive mechanical problems, and put on the 2003 Chevrolet truck. A City vendor has indicated removing the bed from the Dodge truck, rehabbing damage on the bed, and reinstalling the bed on the 2003 Chevrolet truck will cost approximately \$1,000. Department staff estimated it will cost an additional \$2,000 to get the bed painted, apply the graphics, and move the police radio from the Dodge truck to the Chevrolet truck. Funding for this project is also available in the vehicle depreciation account for the scene/evidence vehicle, which presently has \$29,790.74 available.

Once the project is complete, the Chevrolet truck will serve as the secondary truck for animal control services and should provide many more years of service to the community.

Based on the aforementioned information, the Department requests permission to begin the vehicle purchase process immediately.

RECOMMENDATION: That the City Council authorize the City's Purchasing Agent to negotiate the purchase and outfitting of the 2014 Ford E-350 cargo van from Downtown Ford Sales.

Attachment

# QUOTE

DOWNTOWN FORD SALES  
525 N16th Street, Sacramento, CA. 95811  
916-442-6931 fax 916-491-3138

QUOTE

BF010114

## QUOTE

### Customer

Name CITY OF PORTERVILLE  
Address \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ ZIP \_\_\_\_\_  
Phone \_\_\_\_\_

Date 1/13/2013  
PO \_\_\_\_\_  
Rep BILL FELL  
FOB \_\_\_\_\_

Qty	Description	Unit Price	TOTAL
1	2014 E-350 CARGO VAN 138"WHEELBASE 5.4L V-8, 4 SPEED AUTOMATIC TRANSMISSION AM/FM CD, BUCKET SEATS, AIR COND, HD TRAILER TOW, FLOOR MATTING FRONT AND REAR INSULATION PKG/SHELVING PKG/BULKHEAD POWER WINDOWS, LOCKS, TOW MIRRORS, SWING OUT SIDE DOORS, 110V OUTLET, NO REAR GLASS 225 AMP ALT, REAR DOOR GLASS 2014 ORDER CUT OFF APPROX 2/14/2014	\$22,106.00	\$22,106.00
1	DOC FEE	\$80.00	\$80.00
	STATE OF CALIF CONTRACT 1-13-20-10A		

### Payment Details

- ☐ Cash  
☒ Check  
☐ Credit Card

Name \_\_\_\_\_  
CC # \_\_\_\_\_  
Expires NET 30

### Taxes

SubTotal	\$22,186.00
Delivery	\$250.00
8.50%	\$1,885.81
CA TIRE TAX	\$8.75
<b>TOTAL</b>	<b>\$24,330.56</b>

Office Use Only

SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_



## 2014 Ford E-350 Super Duty Cargo Van Commercial (E3E)

Engine: 5.4L EFI V8 FFV Capable

Transmission: 4-Speed Automatic w/OD

Exterior (0 P) Oxford White

Interior (0 I) Medium Flint



### Standard Equipment

Items Featured Below are included at NO EXTRA CHARGE in the Standard Vehicle Price Shown at Right

- Triton 5.4L V-8 SOHC w/SMPI 255hp
- 4 speed automatic trans w/OD
- 4-wheel ABS
- Traction control
- LT245/75R16E BSW AS S-rated tires
- Advance Trac w/Roll Stability Control
- Reclining front bucket seats
- Air conditioning
- AM/FM stereo
- Variable intermittent wipers
- Full wheel covers
- Dual front airbags
- Tachometer

### STANDARD VEHICLE PRICE

\$32,760.00

### OPTIONAL EQUIPMENT

Order Code 760A	N/C
50-State Emissions System	STD
Engine: 5.4L EFI V8 FFV Capable	INC
Transmission: 4-Speed Automatic w/OD	INC
3.73 Axle Ratio	INC
GVWR: 9,500 lb Payload Package	INC
Tires: LT245/75R16E BSW AS	INC
Wheels: 16" x 7" Steel	INC
Dual Bucket Seats	INC
Vinyl Buckets	INC
138" Wheelbase	STD
110V A/C Outlet	\$100.00
Heavy-Duty 155-Amp Alternator	\$80.00
Telescopic Trailer Tow Mirrors	N/C
2 Additional Keys (4 Total)	\$45.00
Radio: ETR AM/FM Stereo w/Single Disc CD	\$295.00
Vinyl Rear Floor Covering	\$65.00
Ambulance Prep Package Not Required	N/C
Insulation Package (LPO)	\$185.00
Power Group (LPO) (Fleet)	N/C
Quiet Flex Composite Racks & Bins Package	N/C
HD Trailer Towing Package (Class II/III/IV)	\$285.00
No Charge Power Group	N/C
Interior : Medium Flint	N/C
Primary : Oxford White	N/C

Accessories and Incentives \$0.00

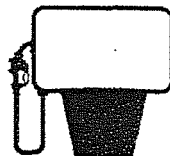
**SUBTOTAL** \$33,815.00

Destination \$995.00

**TOTAL** \$34,810.00

CITY MPG

12



HIGHWAY MPG

16

Prepared For:

Prepared By:

Bill Fell  
Downtown Ford  
525 N 16th St  
Sacramento, Arizona, 95811  
Phone: 916-442-6931  
Fax: 916-491-3138



## Vehicle Profile

## 2014 Ford E-350 Super Duty

Cargo Van Commercial (E3E)

### Powertrain

Triton 5.4L V-8 SOHC SMPI 16 valve engine \* 155 amp HD alternator \* 650 amp 72 amp hours (Ah) HD battery \* Engine oil cooler, transmission oil cooler \* 4-speed electronic automatic transmission with overdrive, lock-up \* Rear-wheel drive \* ABS & driveline traction control \* 3.73 axle ratio \* Stainless steel exhaust

### Steering and Suspension

Hydraulic power-assist re-circulating ball steering \* 4-wheel disc brakes with front vented discs \* Electronic stability control with anti-roll \* Twin I-Beam independent front suspension \* Front anti-roll bar \* Front coil springs \* HD front shocks \* Rigid rear axle \* Rear leaf suspension \* Rear leaf springs \* HD rear shocks \* Front and rear 16.0" x 7.00" steel wheels with full wheel covers \* LT245/75SR16.0 BSW AS front and rear tires \* Underbody w/crankdown mounted full-size steel spare wheel

### Safety

4-wheel anti-lock braking system \* Center high mounted stop light \* Dual airbags \* Front height adjustable seatbelts with front pre-tensioners \* Panic alarm

### Comfort and Convenience

Air conditioning \* AM/FM stereo, clock, seek-scan, in-dash mounted single CD, 4 speakers, fixed antenna \* Power door-locks with 2 stage unlock, keyfob (all doors) keyless entry, tailgate/rear door lock included with power door locks \* 2 12V DC power outlets, 1 AC power outlet \* Analog instrumentation display includes tachometer, oil pressure gauge, engine temperature gauge, voltmeter gauge, trip odometer \* Warning indicators include oil pressure, engine temperature, battery, lights on, key, low fuel, service interval, brake fluid, low tire pressure \* Steering wheel with tilt adjustment \* Power front windows with light tint, driver 1-touch down \* Variable intermittent front windshield wipers, sun visor strip \* Interior lights include dome light, illuminated entry \* Engine cover console with storage, glove box, front cupholder, dashboard storage, driver and passenger door bins \* Vinyl/rubber cargo floor, plastic trunk lid/rear cargo door, cargo light, cargo storage chests/racks/shelves

### Seating and Interior

Seating capacity of 2 \* Bucket front seats with fixed head restraints, driver and passenger armrests \* 4-way adjustable driver seat \* 4-way adjustable passenger seat \* Vinyl faced front seats with vinyl back material \* Full cloth headliner, full vinyl/rubber floor covering, deluxe sound insulation, urethane gear shift knob

### Exterior Features

Side impact beams, fully galvanized steel body material \* Black side window moldings, black front windshield molding \* Black door handles \* Black grille \* 3 doors with split swing-out rear passenger's side door split swing-out rear cargo door \* Class IV trailering, trailer harness, trailer hitch \* Driver and passenger power remote black convex spotter folding manual extendable trailer outside mirrors \* Front and rear black bumpers \* Sealed beam halogen headlamps \* Clearcoat monotone paint

Prices and content availability as shown, are subject to change and should be treated as estimates only. Actual base vehicle, package and option pricing may vary from this estimate because of special local pricing, availability or pricing adjustments not reflected in the dealer's computer system. See salesperson for the most current information. Reference CT05208444 12/28/2013

## Vehicle Profile Continued

Prepared By: Bill Fell  
Dealership: Downtown Ford

### Warranty

Basic .....	36 month/36,000 miles	Powertrain .....	60 month/60,000 miles
Corrosion Perforation .....	60 month/unlimited mileage	Roadside Assistance .....	60 month/60,000 miles

### Dimensions and Capacities

Output .....	255 hp @ 4,500 rpm	Torque .....	350 lb.-ft. @ 2,500 rpm
1st gear ratio .....	2.840	2nd gear ratio .....	1.550
3rd gear ratio .....	1.000	4th gear ratio .....	0.700
Reverse gear ratio .....	2.320	City/hwy .....	12 mpg/16 mpg
Curb weight .....	5,522 lbs.	GVWR .....	9,500 lbs.
Front .....	4,050 lbs.	Rear GAWR .....	6,084 lbs.
Payload .....	4,060 lbs.	Front curb weight .....	3,000 lbs.
Rear curb weight .....	2,522 lbs.	Front axle capacity .....	5,000 lbs.
Rear axle capacity .....	6,340 lbs.	Front spring rating .....	4,050 lbs.
Rear spring rating .....	6,084 lbs.	Front tire/wheel capacity .....	4,600 lbs.
Rear tire/wheel capacity .....	6,084 lbs.	Towing capacity .....	7,400 lbs.
Front legroom .....	40.0 "	Front headroom .....	42.0 "
Front hiproom .....	65.6 "	Front shoulder room .....	68.1 "
Length .....	216.7 "	Body width .....	79.4 "
Body height .....	83.7 "	Wheelbase .....	138.0 "
Axle to end of frame .....	43.8 "	Front tread .....	69.4 "
Rear tread .....	66.6 "	Turning radius .....	24.3 '
Fuel tank .....	33.0 gal.	Interior cargo volume .....	237.8 cu.ft.
Interior maximum cargo volume .....	237.8 cu.ft.		

Prices and content availability as shown, are subject to change and should be treated as estimates only. Actual base vehicle, package and option pricing may vary from this estimate because of special local pricing, availability or pricing adjustments not reflected in the dealer's computer system. See salesperson for the most current information. Reference CT05200444 12/26/2013

COUNCIL AGENDA: JANUARY 21, 2014

SUBJECT: AWARD OF CONTRACT - INDIANA STREET SHOULDER STABILIZATION

SOURCE: Public Works Department - Engineering Division

COMMENT: On December 18, 2013, staff received six (6) bids for the Indiana Street Shoulder Stabilization Project. The proposed project consists of the installation of curb and gutter, sidewalk, driveways, asphalt concrete paving, and other appurtenant construction along Indiana Street between Roby Avenue and Union Avenue.

The bids are as follows:

	<u>Contractor</u>	<u>Amount</u>
1.	Bush Engineering Hanford, CA	\$274,238
2.	Don Berry Construction Selma, CA	\$299,344
3.	MAC General Engineering Porterville, CA	\$300,237
4.	Seal Rite Paving & Grading Fresno, CA	\$315,853
5.	Bowman Asphalt Bakersfield, CA	\$353,064
6.	Dawson-Mauldin Construction Selma, CA	\$357,452

The Estimate of Probable Cost for construction is \$264,945.00. The low bid is 3.5% over the estimate. An additional \$27,423.80 is necessary for the construction contingency (10%) and it is anticipated that an additional \$15,000 (5.47%) is needed for construction management, quality control, and inspection services for a total estimated project cost of \$316,661.80.

Dir B82 Appropriated/Funded MB CM J

Item No. 4

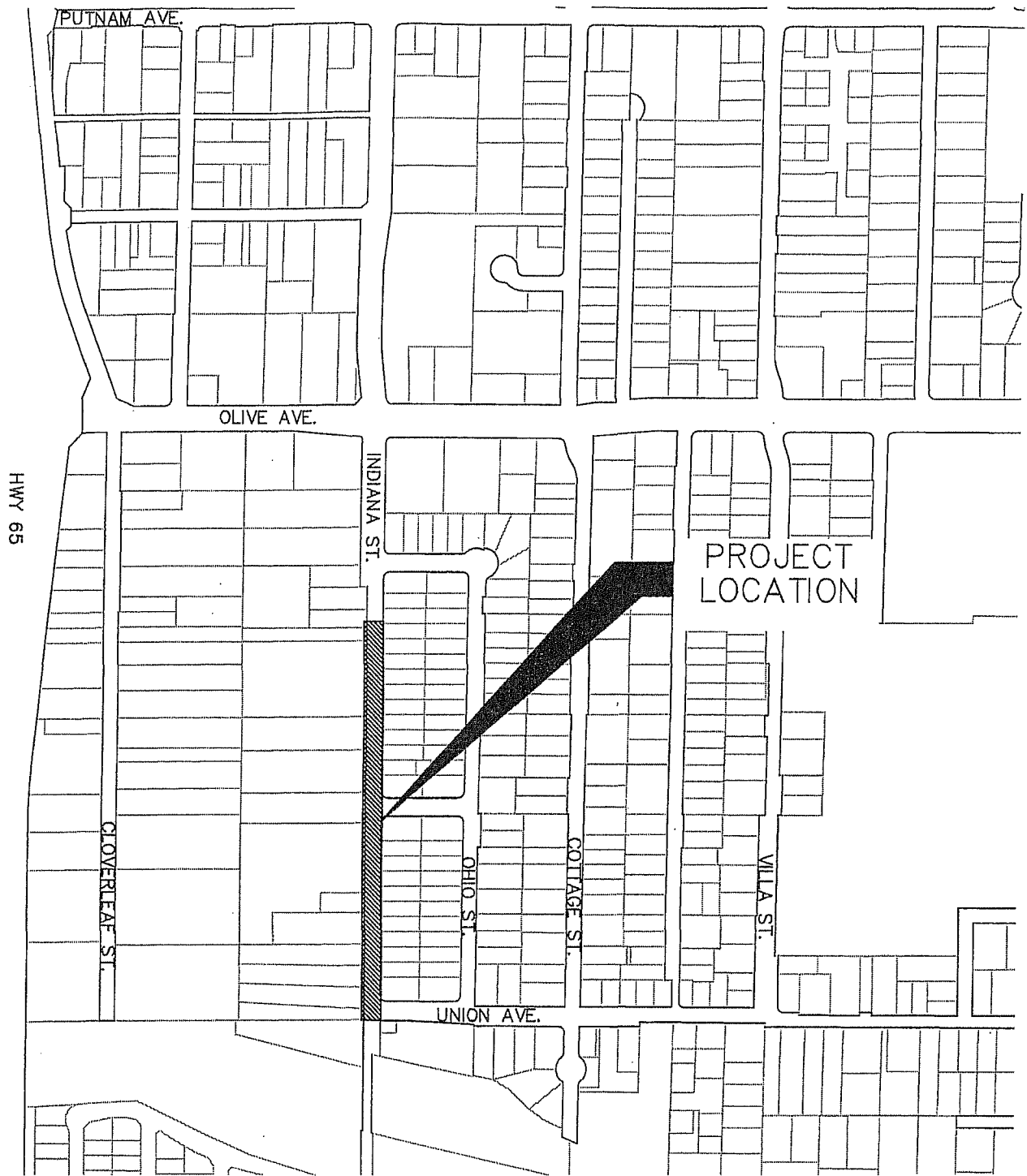
Funding for the project is from CMAQ grant funding in the amount of \$224,000, Measure R Alternative Transportation Fund in the amount of \$40,700, and Local Transportation Fund (LTF) in the amount of \$35,583.20 as included in the 2013/2014 Annual Budget and appropriated by Council on November 19, 2013. A shortfall of \$16,442.80 exists and staff is requesting an appropriation in the amount of \$16,442.80 from unallocated Local Transportation Funds to fully fund the project.

At staff's request, TCAG is reviewing current funding commitments throughout the County to see if additional federal funds (\$33,760) can be made available on the project. As of this report, TCAG has not responded to staff's request for the additional federal funds.

RECOMMENDATION: That City Council direct staff to:

1. Award the Indiana Street Shoulder Stabilization Project to Bush Engineering in the amount of \$274,238.00;
2. Authorize a 10% contingency to cover unforeseen construction costs;
3. Authorize 5.47% for construction management, quality control and inspection; and
4. Authorize staff to appropriate \$16,442.80 from unallocated Local Transportation Funds to complete funding of this project.

ATTACHMENT: Locator Map



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

**INDIANA STREET  
SHOULDER STABILIZATION**

COUNCIL AGENDA: JANUARY 21, 2014

SUBJECT: AWARD OF CONTRACT – MORTON AVENUE SHOULDER STABILIZATION

SOURCE: Public Works Department - Engineering Division

COMMENT: On December 18, 2013, staff received seven (7) bids for the Morton Avenue Shoulder Stabilization Project. The proposed project consists of the installation of curb and gutter, sidewalk, driveways, asphalt concrete paving, and other appurtenant construction along Morton Avenue between Highway 65 and Westwood Street.

The bids are as follows:

	<u>Contractor</u>	<u>Amount</u>
1.	Todd Companies Visalia, CA	\$373,591.01
2.	Seal Rite Paving & Grading Fresno, CA	\$401,354
3.	American Paving Fresno, CA	\$461,445
4.	Dawson-Mauldin Construction Selma, CA	\$476,229.50
5.	MAC General Engineering Porterville, CA	\$493,736.80
6.	Bush Engineering Hanford, CA	\$498,092
7.	Don Berry Construction Selma, CA	\$499,583.25

The Estimate of Probable Cost for construction is \$367,795.00. The low bid is 1.6% over the estimate. An additional \$37,359.10 is necessary for the construction contingency (10%) and it is anticipated that an additional \$17,600 (4.7%) is needed for construction management, quality control, and inspection services for a total estimated project cost of \$428,550.11.

Dir BSC Appropriated/Funded MB CM J

Item No. 5

Funding for the project is from CMAQ grant funding in the amount of \$340,000, Measure R Alternative Transportation Fund in the amount of \$54,000, and Local Transportation Fund (LTF) in the amount of \$35,000 as approved in the 2013/2014 Annual Budget.

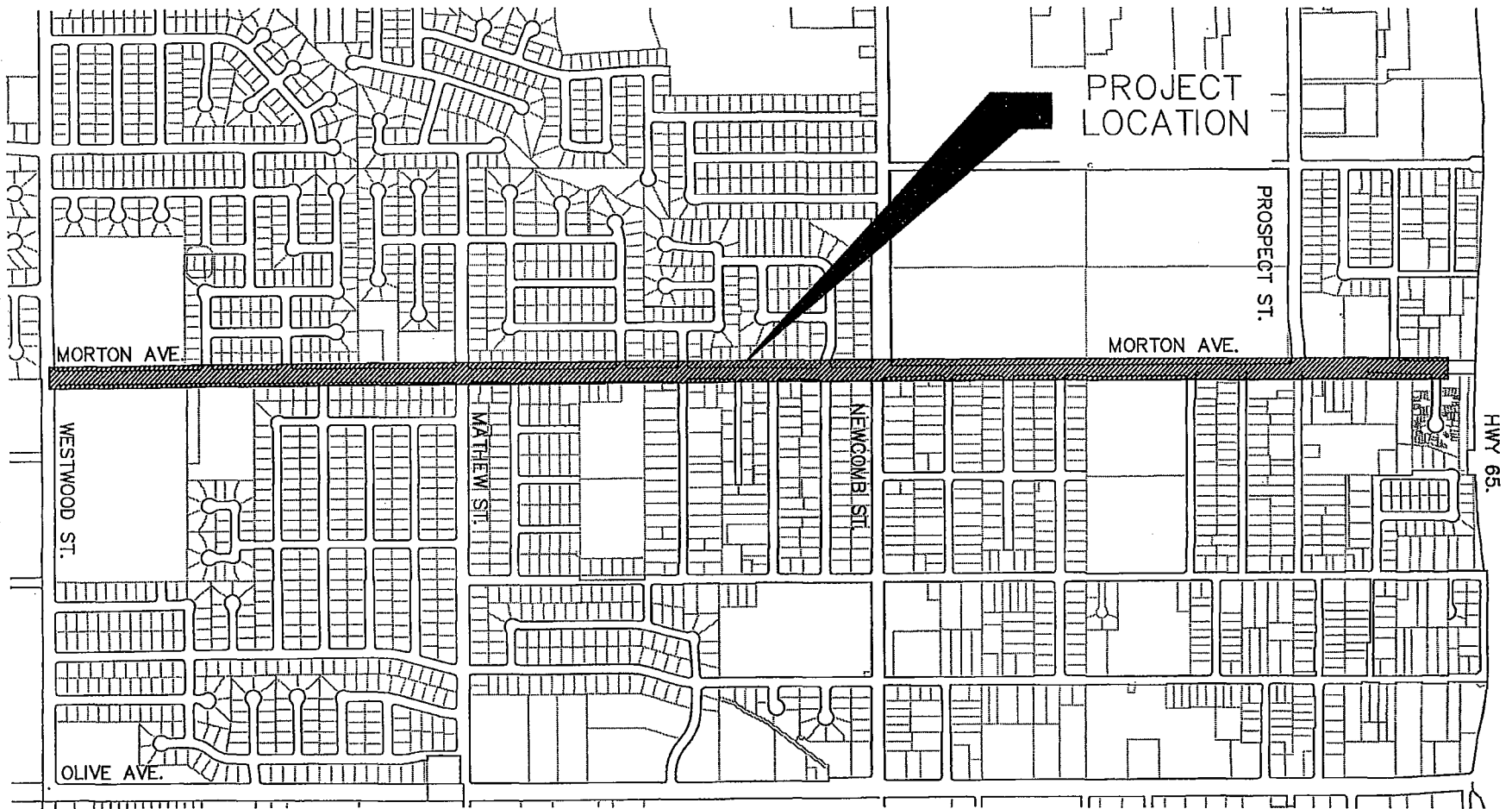
**RECOMMENDATION:** That City Council:

1. Award the Morton Shoulder Stabilization Project to Todd Companies in the amount of \$373,591.01;
2. Authorize a 10% contingency to cover unforeseen construction costs; and
3. Authorize 4.7% for construction management, quality control and inspection.

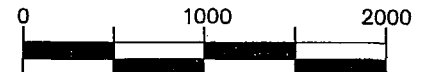
**ATTACHMENT:** Locator Map

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NORTH



SCALE: 1"=1000'

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

MORTON AVENUE  
SHOULDER STABILIZATION

COUNCIL AGENDA: JANUARY 21, 2014

SUBJECT: ACCEPTANCE OF PROJECT – OLIVE AVENUE REHABILITATION PROJECT (MAIN STREET TO PLANO STREET)

SOURCE: Public Works Department - Engineering Division

COMMENT: Bowman Asphalt has completed the Olive Avenue Rehabilitation Project per plans and specifications. The project consisted of the rehabilitation of Olive Avenue between Main Street and Plano Street including cold in-place recycling of three (3) inches of existing asphalt concrete, application of a thin asphalt overlay, striping, markings and related work including installation of underground utilities to parcels not already served. Another component of the project included removal of existing abandoned rails within Oak Avenue and Henderson Avenue immediately east of Fourth Street as approved by Council on November 5, 2013.

Staff carefully tracks construction costs of all Capital Improvements Projects and reports project construction expenditures when the project is accepted by the City Council. On August 6, 2013, City Council authorized expenditure of \$579,140.00 for construction, construction management and quality control services for the Olive Avenue Rehabilitation Project. On November 5, 2013, City Council authorized expenditure of \$47,549.13 for construction, construction management, quality control and inspection services for the Oak Avenue and Henderson Avenue abandoned rail removals. The following itemizes the construction-related costs in two categories: 1) the construction contract, and 2) a combination of construction management and quality control.

- 1) Final construction cost is \$581,951.22.
- 2) Construction management and quality control costs are \$19,914.40.

Total project construction costs equate to \$601,865.62, which is less than the \$626,689.13 overall budget approved by Council at the time of award. Funding for the Olive Avenue Rehabilitation Project was approved in the 2013/2014 Annual Budget. Special Gas Tax, Proposition 1B and specific utility accounts re-appropriated by City Council at the June 18, 2013, meeting are the funding sources. Local Transportation Funds (LTF) is the funding source for the Oak Avenue and Henderson Avenue rail removal portion of work appropriated by City Council at the November 5, 2013, meeting.

Dir BSC Appropriated/Funded MB CM 1

Item No. 6

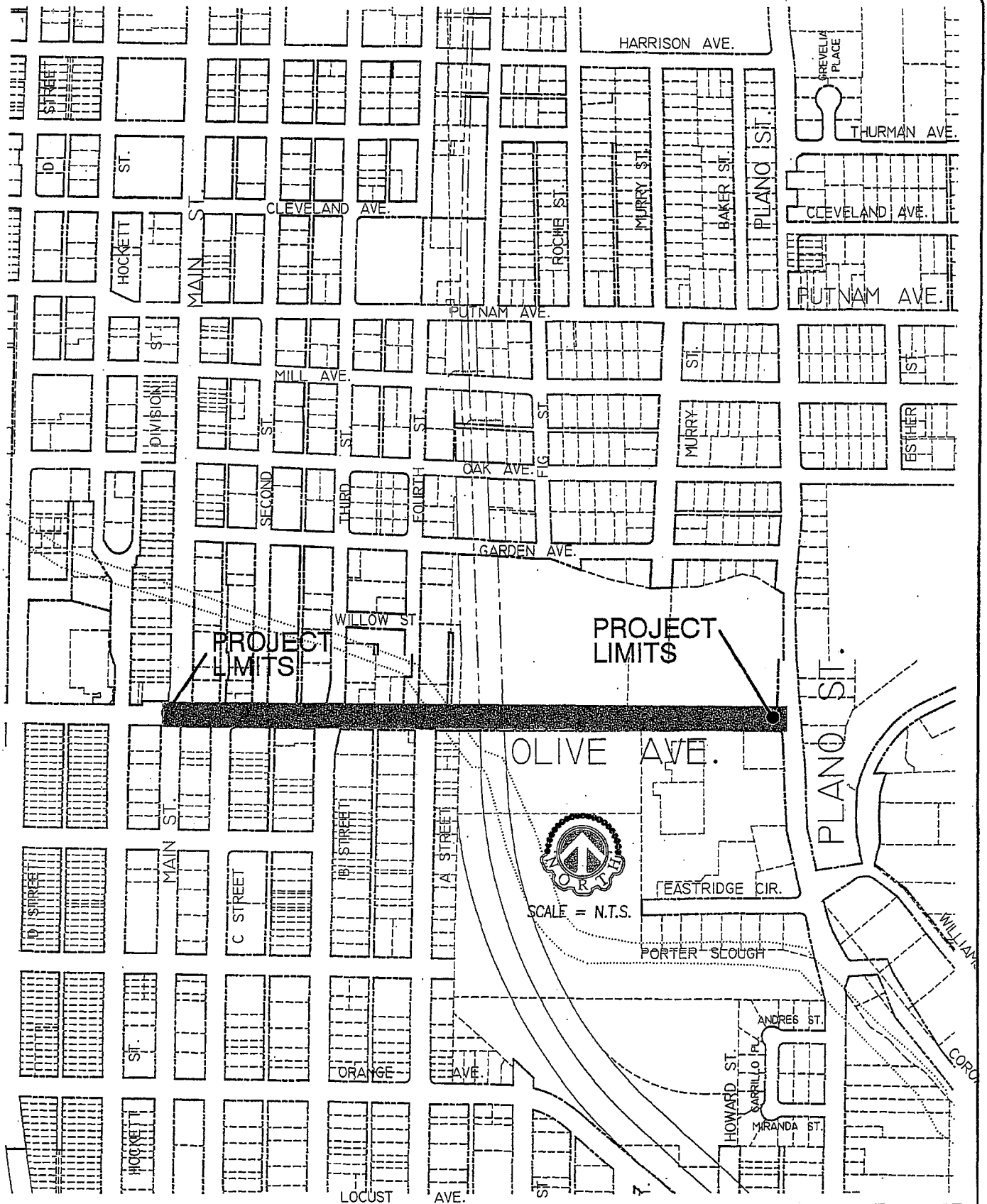
Bowman Asphalt requests that the City accept the project as complete.  
Staff reviewed the work and found it acceptable.

RECOMMENDATION: That City Council:

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

ATTACHMENTS: Locator Maps

P:\pubworks\General\Council\Acceptance of Project - Olive Ave Rehabilitation Project Main St to Plano St - 2014 -01-21.doc

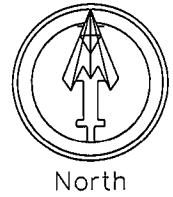
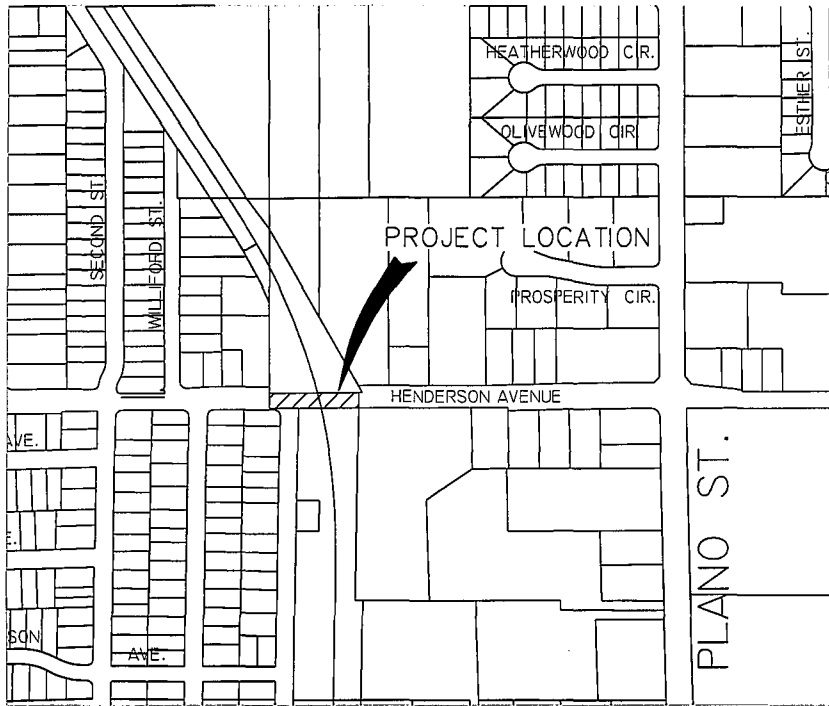


**CITY OF PORTERVILLE**  
**ENGINEERING DIVISION**

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

**OLIVE AVENUE**  
**COLD-IN-PLACE**  
**RECYCLING PROJECT**

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



**CITY OF PORTERVILLE**  
**ENGINEERING DIVISION**

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

Henderson and Oak Avenue Rail  
 Removal Project Locator Map

COUNCIL AGENDA: JANUARY 21, 2014

SUBJECT: ACCEPTANCE OF PROJECT – ANNEXATION SEWER PROJECT  
(AREA 458A & AREA 458B)

SOURCE: Public Works Department - Engineering Division

COMMENT: Todd Companies has completed the Annexation (Area 458A & 458B) Sewer Project per plans and specifications. The project is the first 2006 Island Annexation area to receive new sewer infrastructure. Area 458A and 458B is generally bounded by the Porter Slough to the north, Olive Avenue to the south, Mathew Street to the west and Beverly Street to the east. The project included 16,700 lineal feet (3.16 miles) of 8" and 6" diameter sewer mains, 43 sewer manholes and 412 sewer laterals.

Sewer District 458 A & B includes 427 properties and, as of this report, seventy-three (73) property owners have connected or have agreed to connect to the new sewer system. Now that final costs are known, a final letter will be transmitted to the property owners within the district informing the property owners of the actual cost to connect. Further, the letter will inform the property owners that they have until July 15, 2014, to decide whether they wish to place the connection fee on their tax roll. July 15, 2014, is a crucial date because on or about August 15, 2014, the County Assessor's Office will need an electronic list of the properties and the amount to charge on the November 2014 tax assessment roll.

Staff carefully tracks construction costs of all Capital Improvement Projects and reports project construction expenditures when the project is accepted by the City Council. On February 5, 2013, City Council authorized expenditure of \$2,075,177.76 for construction, construction management and quality control services for the Annexation Sewer (Area 458A & 458B) Project. The following itemizes the construction-related costs in two categories: 1) the construction contract, and 2) a combination of construction management and quality control.

- 1) Final construction cost is \$1,817,059.90.
- 2) Construction management and quality control costs are \$66,356.72.

Total project construction costs equate to \$1,883,416.62, which is less than the \$2,075,177.76 overall budget approved by Council at the time of award.

Refinancing of the Sewer Revenue Bonds, better known to staff as Certificate of Participation (COP) funds, is the mechanism for funding this

Dir B. J. J. Appropriated/Funded MB CM AL  
ACTING

Item No. 7

project and subsequent project areas. The stated funding source was approved in the 2013/2014 Annual Budget.

Todd Companies requests that the City accept the project as complete. Staff reviewed the work and found it acceptable.

RECOMMENDATION: That City Council:

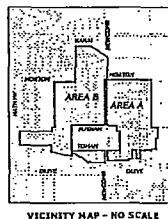
1. Accept the project as complete;
2. Authorize the filing of the Notice of Completion; and
3. Authorize the release of the 5% retention thirty-five (35) days after recordation, provided no stop notices have been filed.

ATTACHMENT: Locator Map

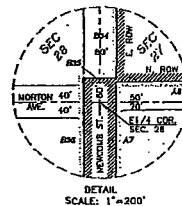
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AREA B DISTANCES & APNS		
LINE	DIST.	APNS IN AREA - ALONG BOUNDARY
B1	308.01' +/-	245-120-025,035,034,014
B2	49.00' +/-	245-120-014,012
B3	20.00' +/-	245-120-013
B4	30.00' +/-	245-120-013
B5	29.75' +/-	245-120-006
B6	225' +/-	245-120-006,005
B7	153.60' +/-	245-120-003,005
B8	85.78' +/-	245-120-002
B9	106.32' +/-	245-120-001
B10	93.27' +/-	245-163-005,003
B11	178.89' +/-	245-163-011
B12	337.32' +/-	245-164-005,004,003,002,001
B13	72.00' +/-	245-164-001
B14	190.00' +/-	245-164-001
B15	897.67' +/-	245-165-009,008,027,026,025,024,023,022,021, 245-161-018
B16	395.00' +/-	245-161-018,017,016,015,014
B17	817.03' +/-	245-161-014,013,012,011,010,009,008,007,006,005,004,003
B18	114' +/-	245-161-001
B19	80.06' +/-	245-161-001
B20	1328.80' +/-	245-174-010,008,007,005,004,003,002,001, 245-134-008,007,006,005,010,009,003,001
B21	496.45' +/-	245-144-001,002, 245-181-007,005,008
B22	5.0' +/-	245-101-008
B23	111.58' +/-	245-101-009
B24	338.5' +/-	245-093-016,004,003
B25	16.5' +/-	245-093-003
B26	49.5' +/-	245-093-003,002
B27	16.5' +/-	245-093-002
B28	580.7' +/-	245-093-001, 245-083-002,001, 245-081-001
B29	461' +/-	245-081-001,002,003,004,005,006,007,008
B30	25.95' +/-	245-081-008
B31	179.38' +/-	245-081-009,010
B32	330.92' +/-	245-081-0011,012,014
B33	40' +/-	-----
B34	653' +/-	251-010-001
B35	80' +/-	-----
B36	1,351' +/-	245-092-005, 245-103-005,006,007,008,009,010,011,012,013, 245-113-005,006,007,008,009,010,011,012, 245-113-012,013, 245-112-008,010,011, 245-111-011,012,013
B37	966' +/-	245-136-050,051
B38	727' +/-	245-120-001,002,003,004,008,009,019,021
B39	939' +/-	245-120-021
B40	31' +/-	245-120-021
B41	352' +/-	245-120-021,022,023,024,025

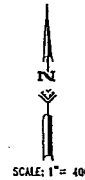
AREA A DISTANCES & APNS		
LINE	DIST.	APNS IN AREA - ALONG BOUNDARY
A1	299' +/-	251-291-020,018,016,014,022
A2	354.87' +/-	251-291-022,023,033,034,035
A3	540.80' +/-	251-301-030,002
A4	82' +/-	251-301-035
A5	174' +/-	251-301-035
A6	273' +/-	251-311-014,015,016
A7	1328' +/-	251-311-015,017,018,019,001,002,003,004,025-021-014,015,016,017,001,002,027
A8	1292' +/-	-----
A9	1384.31' +/-	251-324-001,002,003,004,005,006,007,008,009, 251-314-001,002,003,004,005,006,007,008,009
A10	199.27' +/-	251-271-003,022
A11	308' +/-	251-271-022,007
A12	66.52' +/-	251-271-007
A13	303.44' +/-	251-271-021
A14	132.85' +/-	251-271-021
A15	50' +/-	-----
A16	331' +/-	-----
A17	254' +/-	251-292-010
A18	100' +/-	251-292-010
A19	254.14' +/-	251-292-010
A20	128.22' +/-	-----
A21	254.16' +/-	251-292-008
A22	100' +/-	251-292-008,007
A23	50' +/-	251-291-001
A24	200' +/-	251-291-001,008,020



VICINITY MAP - NO SCALE



DETAIL  
SCALE: 1"=200'



SCALE: 1"=400'

LEGEND  
 EXISTING CITY LIMITS  
 ANNEXATION BOUNDARY

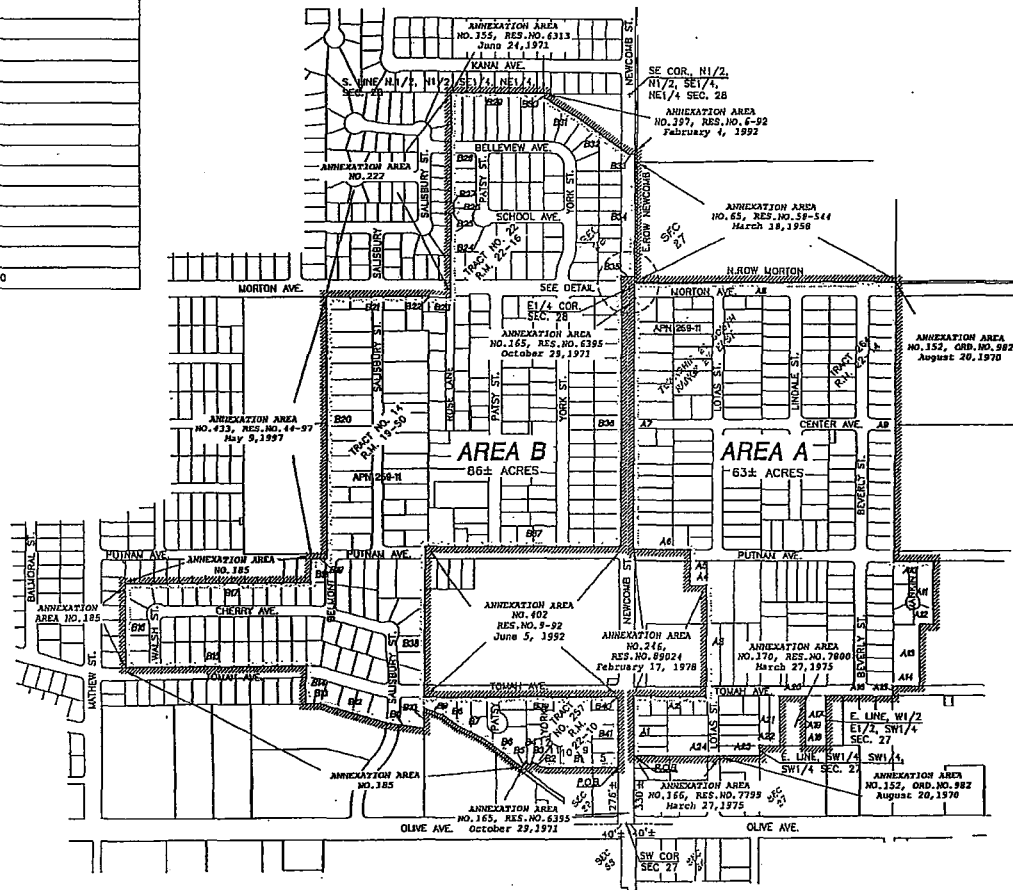


EXHIBIT B  
ANNEXATION  
No. 458

City of Porterville

DATE: July 27, 2005  
 JOB NO: 04617-05  
 FILE NAME: 04617-05 ANNEX.dwg  
 SCALE: 1"=400'  
 SHEET NO. 1 of 1

QUAD KNOPF  
 1111 S. GARDEN AVE.  
 P.O. BOX 3000  
 VESLEY, CA 92382  
 TEL: (951) 732-7851  
 FAX: (951) 732-7851  
 WWW.QUADKNOPF.COM



SUBJECT: ACCEPTANCE OF PROJECT – SPORTS COMPLEX SOFTBALL AND SPORTS FIELD LIGHTING PROJECT

SOURCE: Public Works Department - Engineering Division

COMMENT: G&S Electric has completed the Sports Complex Softball and Sports Field Lighting Project per plans and specifications. The project included the lighting of the two softball fields necessary to expand the use of these facilities at the Sports Complex.

Staff carefully tracks construction costs of all Capital Improvements Projects and reports project construction expenditures when the project is accepted by the City Council. On August 20, 2013, City Council authorized expenditure of \$365,406.42 for construction, construction management and quality control services for the Sports Complex Softball and Sports Field Lighting Project. The following itemizes the construction-related costs in two categories: 1) the construction contract, and 2) a combination of construction management and quality control.

- 1) Final construction cost is \$325,497.13.
- 2) Construction management and quality control costs are \$7,346.40.

Total project construction costs equate to \$332,843.53, which is less than the \$365,406.42 overall budget approved by Council at the time of award. The funding source for the Sports Complex Softball and Sports Field Lighting Project is from the CEQA mitigation measures for the Porterville Courthouse as approved in the 2013/2014 Annual Budget. The remaining balance in this account is \$75,000.

G&S Electric requests that the City accept the project as complete. Staff reviewed the work and found it acceptable.

RECOMMENDATION: That City Council:

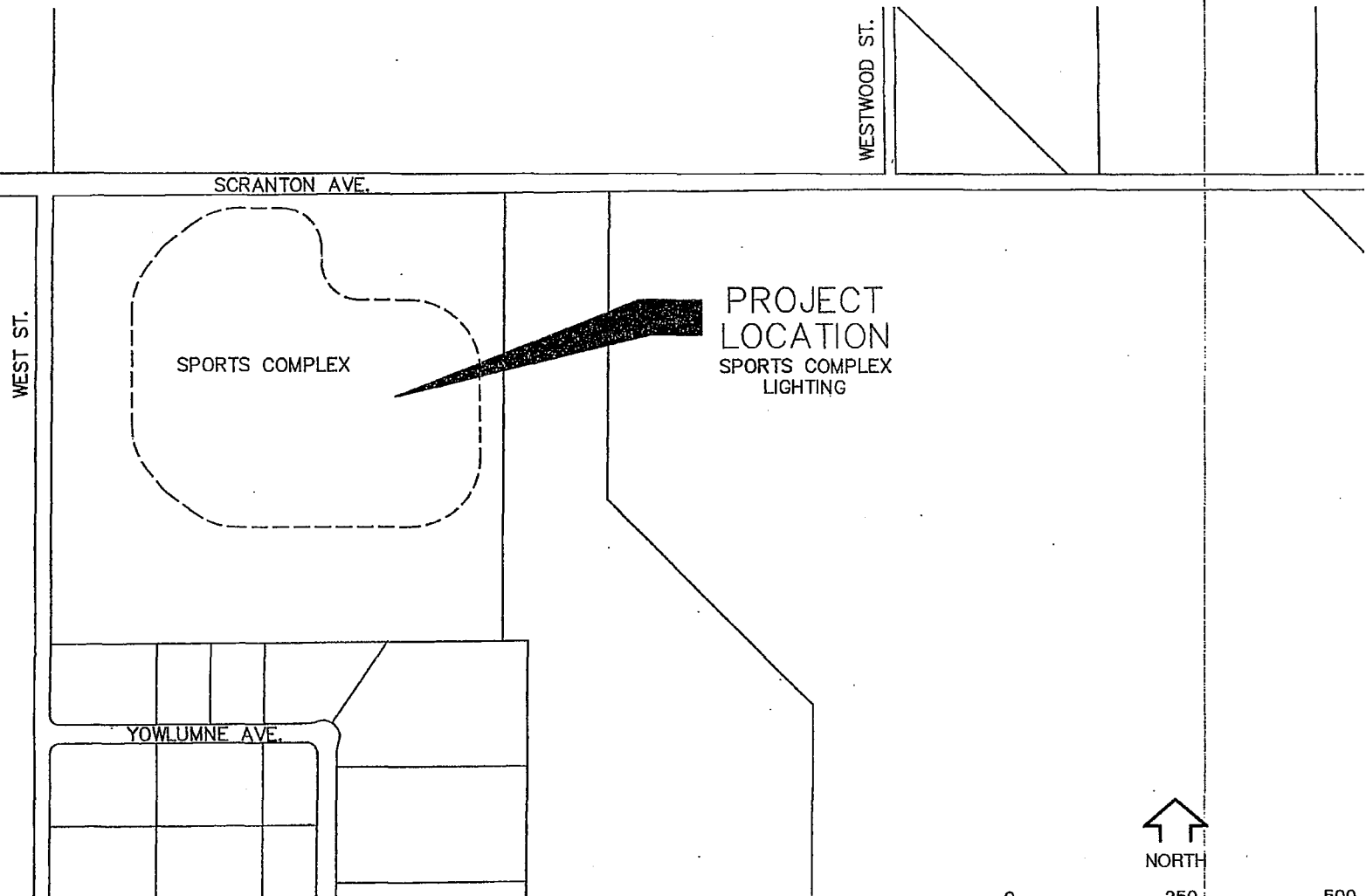
1. Accept the project as complete;
2. Authorize the filing of the Notice of Completion; and
3. Authorize the release of the 5% retention thirty-five (35) days after recordation, provided no stop notices have been filed.

ATTACHMENTS: Locator Maps

P:\pubworks\General\Council\Acceptance of Project - Sports Complex Softball Field & Perimeter Lighting Project 2014-01-21.doc

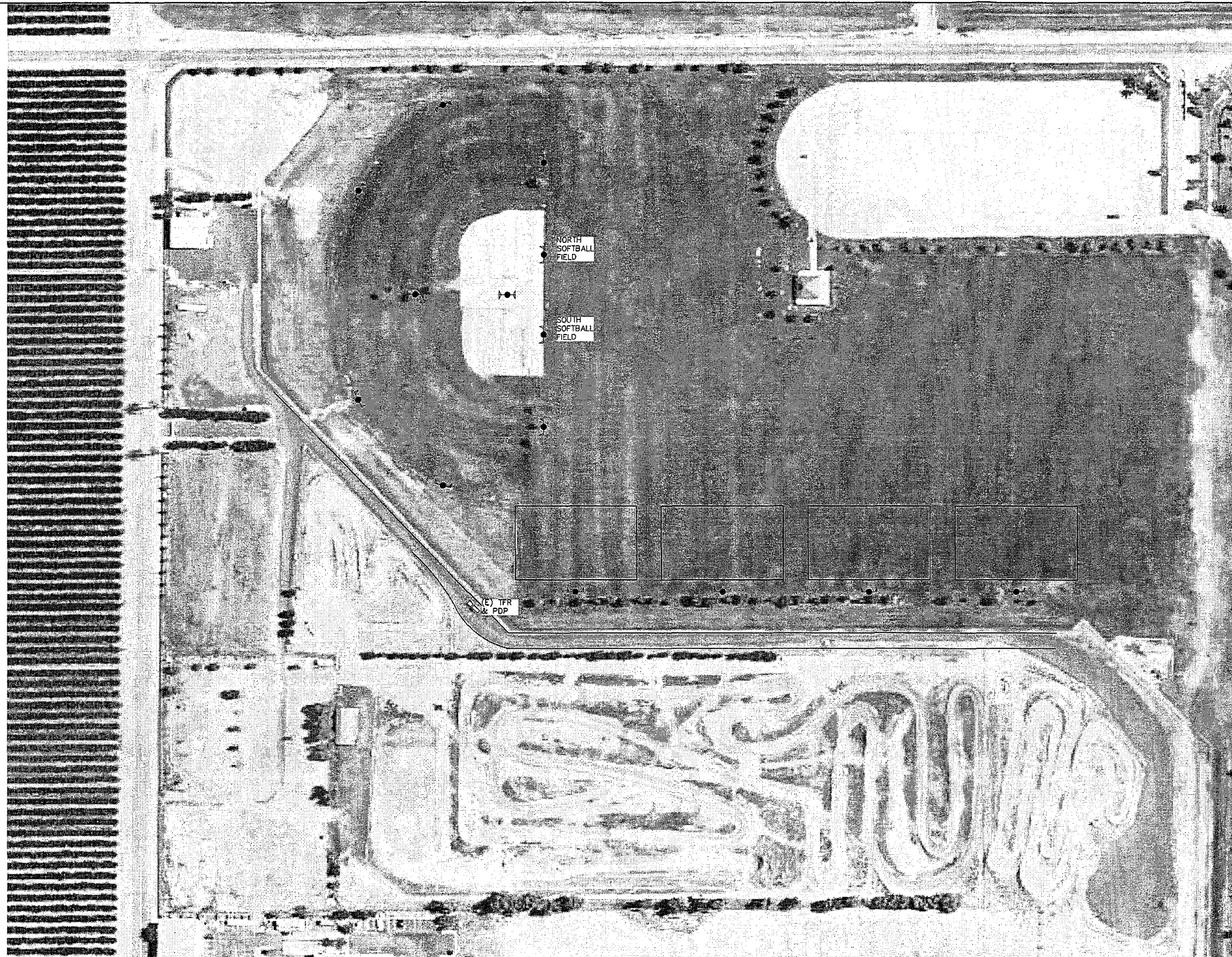
Dir BS Appropriated/Funded MB CM J

Item No. 8



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

**SPORTS COMPLEX  
LIGHTING**



SPORTS FIELDS LIGHTING

NO SCALE

EPS IS RESPONSIBLE FOR ELECTRICAL SYSTEMS DESIGN ONLY.  
EPS IS NOT RESPONSIBLE FOR ELECTRICAL SAFETY WORK  
PROCEDURES AND/OR USE OF REQUIRED PERSONAL  
PROTECTIVE EQUIPMENT, SEE NFPA 70E "STANDARD FOR  
ELECTRICAL SAFETY IN THE WORKPLACE" AND OSHA 29 CFR.

CONTRACTOR MUST READ SPECIFICATIONS AND  
INSTALL MATERIAL AS PER SPECIFICATIONS  
AND/OR PLANS OR AS PER E.P.S. APPROVAL

SPORTS FIELDS LIGHTING

CITY OF PORTERVILLE  
2701 W SCRANTON  
PORTERVILLE, CA

GARY R. OLSEN, P.E.  
JOE PREVENDAR, P.E.  
4049 NORTH FRESNO STREET  
FRESNO, CALIFORNIA 93726  
(559) 221-7230 FAX: (559) 221-0507  
gary@epsfresno.com  
joe@epsfresno.com

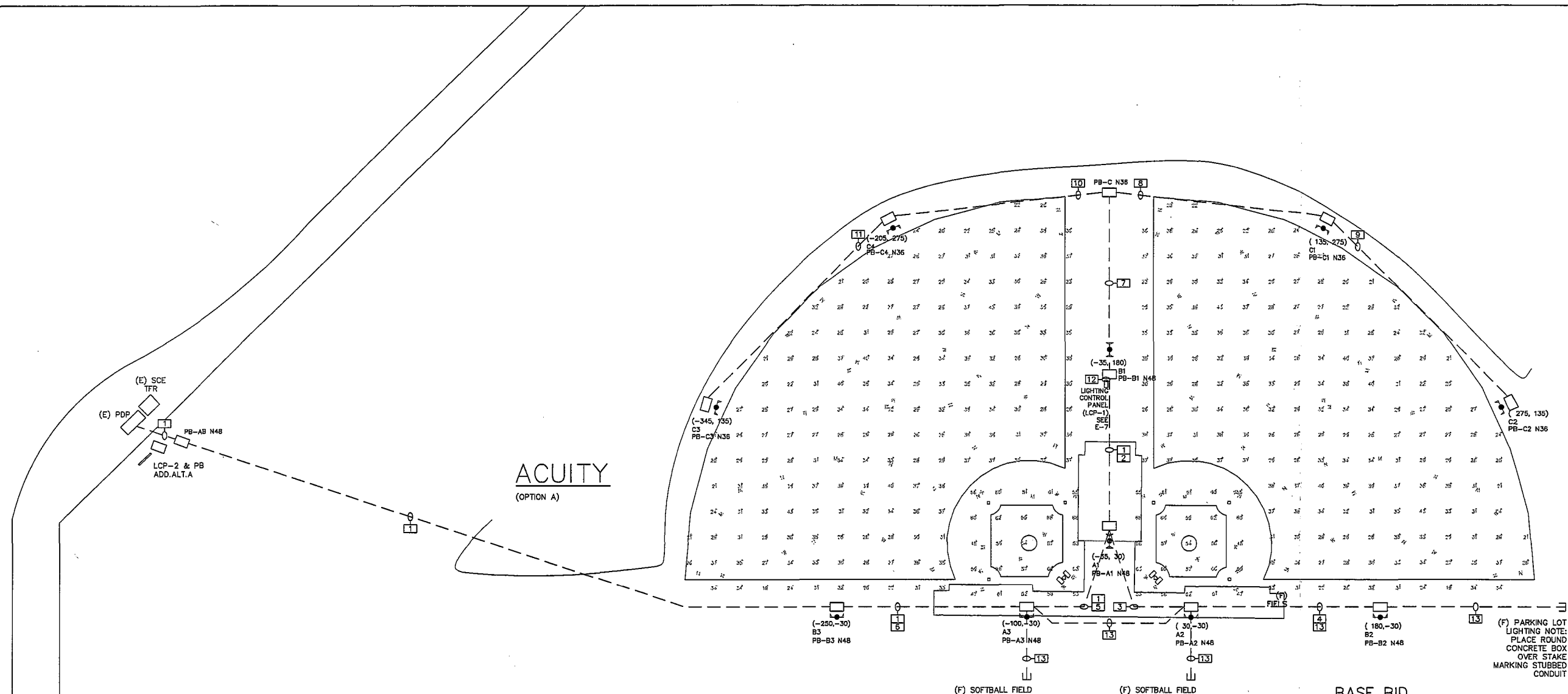
ELECTRICAL POWER SYSTEMS  
E.P.S.  
INC. LLC  
Professional and Consulting  
Electrical Engineering  
Since 1974

REVISIONS	
NO.	DATE

DATE: APRIL 2013
JOB NO.: PC-13-001
DESIGNED BY: JPP
DRAWN BY: CRT
SCALE: NONE
DWG. NO.: PC001_E1_CS

SHEET:

F1



**CONSTRUCTION MATERIAL NOTES:**

ALL PULLS TO BE CONTINUOUS, NO SPLICES ALLOWS

ABOVE GRADE - HOT DIPPED GALVANIZED RIGID STEEL CONDUIT TO BE USED FOR ALL EXTERIOR AND INTERIOR LOCATIONS ABOVE GRADE OR ELSEWHERE SHOWN ON PLANS. ALL RIGID CONDUIT AND FITTINGS TO BE THREADED. USE OF SET SCREW OR COMPRESSION TYPE CONNECTOR IS PROHIBITED. MEYERS HUBS TO BE USED ON ALL EXTERIOR PANEL CONNECTIONS.

BELOW GRADE - RIGID PVC NONMETALLIC CONDUIT SCHEDULE 40 TO BE USED FOR ALL UNDERGROUND LOCATIONS AND BELOW VAPOR BARRIER OF SLAB. NO CONDUITS SHALL BE INSTALLED TO REDUCE THE STRUCTURAL INTEGRITY OF FOOTINGS.

CHEMICAL BUILDINGS AND CORROSIVE ATMOSPHERES - RIGID PVC NONMETALLIC CONDUIT SCHEDULE 80 TO BE USED FOR ALL INTERIOR LOCATIONS ABOVE GRADE IN CHEMICAL BUILDINGS AND CORROSIVE ENVIRONMENTS.

THROUGH CONCRETE SLABS AND EXTERIOR CORROSIVE ATMOSPHERES - PVC COATED GALVANIZED RIGID STEEL CONDUIT MINIMUM 40 MIL FACTORY COATING TO BE USED FOR ALL EXPOSED CONDUITS THROUGH CONCRETE SLABS (MINIMUM 12" ABOVE AND BELOW SLAB) AND ALL EXTERIOR LOCATION CORROSIVE ATMOSPHERES. USE MANUFACTURERS' SPECIFIED TOOLS AND PROCEDURES FOR INSTALLATION.

MOTOR OR SENSOR CONNECTIONS - LIQUID TIGHT FLEXIBLE METAL CONDUIT (UV RESISTANT) TO ONLY BE USED ON CONNECTIONS TO MOTORS OR SENSORS. MAXIMUM LENGTH TO BE 30'.

JUNCTION BOXES - MINIMUM SIZE PER NEC. EXPOSED LOCATION, 1 AND 2 GANG TO BE CAST IRON DEVICE BOXES TYPE FS/FD SUITABLE FOR WET LOCATIONS. EXPOSED LOCATION EXTERIOR LARGER SIZES CONTINUOUS HINGE TYPE 4, CORROSIVE LOCATIONS CONTINUOUS HINGE TYPE 4X STAINLESS STEEL.

GROUND CONNECTIONS - GROUND CONNECTIONS TO BE EXOTHERMIC CADWELD (ALL 600 AMP OR LARGER SERVICE) OR BURNDY HYDRAULIC COMPRESSION CONNECTORS. GROUND BUS CONNECTIONS TO BE CRIMP LUG TYPE WITH BOLTED CONNECTION TO GROUND BUS.

\*\*\*CONTACT EPS TO SCHEDULE AN ELECTRICAL PRECONSTRUCTION MEETING PRIOR TO COMMENCING CONSTRUCTION\*\*\*

**LUMINAIRE NOTES:**

- 1) READINGS SHOWN ARE MAINTAINED HORIZONTAL ILLUMINANCE.
- 2) BASED ON A LIGHT LOSS FACTOR OF .80.
- 3) RESULTS ARE SHOWN IN UNITS OF FOOTCANDLES.
- 4) READINGS SHOWN ARE TAKEN 3 FEET ABOVE GRADE.
- 5) INCLUDES EFFECTS OF LAMP OPERATING POSITION.

Luminaire Statistics					
	Avg	Max	Min	Max/Min	Avg/Min
INFIELD 1	58	67.9	47	1.4	1.2
CUTFIELD 1	31	43.1	19	2.3	1.6
INFIELD 2	58	67.9	47	1.4	1.2
CUTFIELD 2	31	43.1	19	2.3	1.6

Luminaire Schedule				
Sym	QTY	Catalog No.	Lamp	Initial Lumens
N	32	TSP 1500M GP24W MH 1500BUH0R		150000
M	23	TSP 1500M GP24W MH 1500BUH0R		150000
W	28	TSP 1500M GP24W MH 1500BUH0R		150000

Luminaire Schedule				
Pole ID	EPAFET SQ	Power(KVA)	Height	
A1	12	39.6	18	60
A2	6	19.8	9	60
A3	6	19.8	9	60
B1	16	59.4	27	70
B2	9	29.7	13.5	70
B3	9	29.7	13.5	70
C1	6	26.4	12	70
C2	6	26.4	12	70
C3	8	26.2	12	70
C4	5	26.4	12	70

**SHEET NOTES:**

- 1) ALL PULL BOXES SHALL BE INSTALLED W/ 12" EXTENSION

**CONDUIT/CONDUCTOR SCHEDULE**

- 1) 3" W/ 4-350MCM CU THWN & #2CU GND  
3" W/ #12CU PULLCORD
- 2) 2" W/  
A1 4-#6CU & #6CU GND  
A2 2-#6CU & #6CU GND  
A3 2-#6CU & #6CU GND  
B2 2-#6CU & #6CU GND  
B3 2-#6CU & #6CU GND
- 3) 1-1/4" W/  
A2 2-#6CU & #6CU GND  
B2 2-#6CU & #6CU GND
- 4) 1" W/  
B2 2-#6CU & #6CU GND  
3" W/ #12CU PULLCORD
- 5) 1-1/4" W/  
A3 2-#6CU & #6CU GND  
B3 2-#6CU & #6CU GND
- 6) 1" W/  
B3 2-#6CU & #6CU GND
- 7) 2" W/  
C1 2-#6CU & #6CU GND  
C2 2-#6CU & #6CU GND  
C3 2-#6CU & #6CU GND  
C4 2-#6CU & #6CU GND
- 8) 1-1/4" W/  
C2 2-#6CU & #6CU GND
- 9) 1" W/  
C2 2-#6CU & #6CU GND
- 10) 1-1/4" W/  
C3 2-#6CU & #6CU GND  
C4 2-#6CU & #6CU GND
- 11) 1" W/  
C2 2-#6CU & #6CU GND
- 12) 2" W/  
B1 4-#6CU & #6CU GND
- 13) 3" W/ #12CU PULLCORD

**BASE BID**  
**SOFTBALL FIELD LIGHTING**  
1"=0' = 40'

**DRAWING NOT TO**  
**SCALE IF PRINTED**  
**REDUCED SIZE**

**SOFTBALL FIELD LIGHTING**

CITY OF PORTERVILLE  
2701 W. SCRANTON  
PORTERVILLE, CA

GARY R. OLSEN, P.E.  
JOE PREVEDAR, P.E.  
4049 NORTH FRESNO STREET  
FRESNO, CALIFORNIA 93726  
(559) 221-7230 FAX: (559) 221-0507  
gary@epsfresno.com  
joe@epsfresno.com

EPS SYSTEMS  
P.S.  
E. INC.  
Electrical Engineering  
Mechanical Engineering  
Structural Engineering

REVISIONS		DATE	NO.
REVISION			

DATE: APRIL 2013  
JOB NO.: PC-13-001  
DESIGNED BY: JPP  
DRAWN BY: CRT  
SCALE: NONE  
DWG. NO.: PC001-E2-LP ACUITY

SHEET:

**E-2**

EPS IS RESPONSIBLE FOR ELECTRICAL SYSTEMS DESIGN ONLY.  
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CONTRACTOR MUST READ SPECIFICATIONS AND  
INSTALL MATERIAL AS PER SPECIFICATIONS  
AND/OR PLANS OR AS PER EPS APPROVAL

**COUNCIL AGENDA: JANUARY 21, 2014**

**SUBJECT:** **AUTHORIZE PARKS AND LEISURE SERVICES DIRECTOR TO APPLY FOR LAND AND WATER CONSERVATION FUND GRANT**

**SOURCE:** PARKS AND LEISURE SERVICES DEPARTMENT

**COMMENT:** Parks are unique places where children play, people exercise, families bond, seniors socialize, youth are mentored, cultures share and celebrate their differences, and everyone connects with nature. For these reasons, vibrant parks funded by the Land and Water Conservation Fund (LWCF) grant program will be a cost-effective means of creating humane, livable communities.

Parks and Leisure Services plans to submit an application for the LWCF Grant. LWCF funds are intended to increase outdoor recreational opportunities. Eligible applicants include cities, counties and districts authorized to acquire, develop, operate and maintain park and recreation areas. Projects eligible to receive funding include acquisition or development of outdoor recreation areas and facilities. Priority development projects include trails, campgrounds, picnic areas, playgrounds, natural areas and cultural areas for recreational use. Property acquired or developed under the program must be maintained in perpetuity for public outdoor recreation use. Grant applications are due February 3, 2014, and the announcement of funding recommendations will be made by May 30, 2014.

The grant submitted will be for a playground shade structure and playground equipment at Veterans Park. Development of recreation features must be for outdoor recreation, not indoor recreation. The estimated total project cost is \$70,000. The LWCF grant is a reimbursement-only program, in which the funding sources to "cash-flow" 100% of the total project cost must be identified at the time of the application. LWCF will match up to 50% of the total project cost, not to exceed \$2,000,000 per application. If awarded the grant, the matching funds for this project would come from Community Development Block Grant Housing Related Parks Program Funding.

**RECOMMENDATION:** That the City Council authorize the Parks and Leisure Services Director to proceed with the grant process.

**ATTACHMENT:** Resolution

 Director  Appropriated/Funded

 City Manager  
ACTING

ITEM NO.: 9

RESOLUTION NO: \_\_\_\_\_-2014

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE  
APPROVING THE APPLICATION FOR LAND  
AND WATER CONSERVATION FUND  
PORTERVILLE VETERANS PARK PLAYGROUND IMPROVEMENT PROJECT**

WHEREAS, the Congress under Public Law 88-578 has authorized the establishment of a federal Land and Water Conservation Fund Grant-In-Aid program, providing Matching funds to the State of California and its political subdivisions for acquiring lands and developing Facilities for public outdoor recreation purposes; and

WHEREAS, the California Department of Parks and Recreation is responsible for administration of the program in the State, setting up necessary rules and procedures governing Applications by local agencies under the program; and

WHEREAS, the **APPLICANT** certifies by resolution the approval of Applications and the availability of eligible Matching funds prior to submission of said Applications to the State; and

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Porterville hereby:

1. Approves the filing of an Application for Land and Water Conservation Fund assistance for the proposed: Veterans Park Playground Improvement Project; and
2. Agrees to abide by **SECTION 6(F)(3)** of Public Law 88-578 which states, "No property acquired or developed with assistance under this section shall, without the approval of the National Secretary of the Interior, be converted to other than public outdoor recreation uses. The Secretary shall approve such conversion only if he/she finds it to be in accord with the then existing comprehensive statewide outdoor recreation plan and only upon such conditions as he/she deems necessary to assure the substitution of other recreation properties of at least equal fair market value and of reasonably equivalent usefulness and location"; and
3. Certifies that said agency has Matching funds from eligible source(s) and can finance 100 percent of the Project, which up to half may be reimbursed; and
4. Certifies that the Project is compatible with the land use plans of those jurisdictions immediately surrounding the Project; and
5. Appoints the Director of Parks and Leisure Services agent of the **APPLICANT** to conduct all negotiations and execute and submit all documents, including, but not limited to, Applications, contracts, amendments, payment requests, and compliance with all applicable current state and federal laws which may be necessary for the completion of the aforementioned Project.

Passed, approved and adopted the 21<sup>st</sup> day of January, 2014.

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

ATTEST:  
John D. Lollis, City Clerk

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



SUBJECT: 2014 CONGESTION MITIGATION AND AIR QUALITY (CMAQ) CALL FOR PROJECTS

SOURCE: Public Works Department – Engineering and Building Division

COMMENT: Tulare County Association of Governments (TCAG) issued a call for Congestion Mitigation and Air Quality (CMAQ) Projects during the month of December 2013. Pending no changes to federal funding apportionments in the next four years, approximately \$5.3 million in CMAQ funding is available each year in fiscal years 16/17 and 17/18. Funds in years 14/15 and 15/16 have already been programmed but, due to agency project advancements, there may be available funds for new projects with allocations from those years as well. TCAG will retain a fund reserve to handle cost increases or other unforeseen circumstances that may occur over the next four years

Applications are due to TCAG on February 7, 2014. TCAG will score and rank the CMAQ applications matching projects with available funds and will keep a ranked waiting list of projects in the event additional funding capacity is realized over the next few years.

Staff attended a workshop organized by TCAG to determine which projects are good candidates and best meet the needs of the individual agencies. Below is a list of projects being considered by the City of Porterville for submittal to TCAG:

**Alternate Transportation Projects:**

- ✧ Tule River Parkway, Phase III (Main Street to Plano Street). Estimated cost - \$1,825,500.
- ✧ Tule River Parkway, Phase IV (SR 65 to Westwood Street). Estimated cost - \$7,583,000. The application will be split into four (4) phases with the section from SR 65 to Westwood Street designated as the top priority to take advantage of the funding allocations disbursed to each agency.
- ✧ Lighted Pedestrian Crossings along several corridors within the City of Porterville. The corridors being considered are Date Avenue, Jaye Street, Main Street, Morton Avenue, Newcomb Street, Putnam Avenue, Olive Avenue, Orange Avenue, Westwood Street and the remaining Rails to Trails street crossings (Harrison Avenue, Mill Avenue and Oak Avenue). Estimated cost - \$830,000.

Dir BSZ Appropriated/Funded MTB CM 1

Item No. 10



- ✧ Some, and perhaps the majority, of the lighted crosswalk projects may not be eligible for CMAQ funds. The City Engineer will evaluate each crosswalk along the designated corridors and if a nexus can be made that satisfies the funding criteria, an application or applications will be submitted to TCAG.

**Fleet Replacement Projects:**

- ✧ Replacement of four (4) Refuse vehicles at an estimated cost of \$1,181,068.
- ✧ Replacement of one (1) PM10 Sweeper at an estimated cost of \$281,669.

The minimum City match requirement for the CMAQ program is 11.47 percent. To the extent possible, Measure R Alternative Transportation Funds will be utilized for the bike and pedestrian oriented projects. The use of this funding source as the match is being promoted by TCAG based on the policy stated below:

*“For Transit/Bike/Pedestrian Program projects shown on Table 5 and 5a of the Measure R Expenditure Plan, obtaining funding or grants is encouraged. For every dollar of Measure R sales tax funding saved by an agency through obtaining TCTA Board approved outside grants, 10% will be provided to that agency for an Air Quality Program project. The list of grant categories that are applicable for the 10% incentive include: CMAQ, TAP, and FTA competitive grants or other state/federal grant approved by TCAG/TCTA. The TCTA Board will have authority to modify, change, add, or delete project grant categories eligible for the 10% incentive at a regularly scheduled TCTA Board meeting by resolution. The TCTA Board will also have authority to increase or decrease the incentive percentage at a regularly scheduled TCTA Board meeting by resolution, with the understanding that any incentive grant already awarded under this incentive provision will be grandfathered into the existing program.”*

The match requirements (11.47%) for the Fleet Replacement Projects are the same as the bike and pedestrian projects. Equipment replacement fund is the funding source for the match.

RECOMMENDATION: That City Council:

1. Approve the herein listed projects; and
2. Authorize the Public Works Director to submit applications, as deemed appropriate within the CMAQ funding guidelines, to TCAG for consideration under the new call for air quality enhancement oriented projects.

COUNCIL AGENDA: January 21, 2014

SUBJECT: STATUS REPORT - DEVELOPER IMPACT FEES

SOURCE: Finance Department

COMMENT: Pursuant to Government Code Section 66006 (b) (1), a detailed fund analysis of the Capital Improvement Funds containing Developer Impact Fees has been prepared. In accordance with Section 66006(b), a copy of this analysis was delivered to the Building Industry Association of Tulare/Kings Counties, Inc. (BIA), per their request, at least fifteen days prior to this Council meeting.

The format and content of this analysis have been developed around criteria previously approved by the BIA. As of June 30, 2013, the City is in compliance with the requirements of the Code.

RECOMMENDATION: That the City Council accept the Status Report on Developer Impact Fees for the Fiscal Year Ended June 30, 2013.

ATTACHMENT: Status Report

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

Item No. 11

**CITY OF PORTERVILLE**  
**DEVELOPER IMPACT FEE SUMMARY**  
**2012/13**

	<u>BEGINNING BALANCES AS OF JULY 1, 2012</u>	(EXHIBIT NO.1) <u>FEEES COLLECTED</u>	<u>INTEREST EARNED</u>	(EXHIBIT NO. 2) ELIGIBLE D.I.F. <u>EXPENDITURES</u>	<u>ENDING BALANCES AS OF JUNE 30, 2013</u>
WATER ACREAGE FEE	\$ (18,754,114)	\$ 74,608	\$ 4,029	\$ (43,903)	\$ (18,719,380)
SEWER ACREAGE FEE	\$ (2,532,632)	\$ 25,303	\$ 1,737	\$ -	\$ (2,505,592)
STORM DRAIN FEE	\$ 2,109,422	\$ 122,563	\$ 7,309	\$ (41,360)	\$ 2,197,934
TRANSPORTATION IMPACT FEE	\$ 689,763	\$ 474,406	\$ 3,250	\$ (150,000)	\$ 1,017,419
PARK IMPACT FEE	\$ -	\$ 29,594	\$ 33	\$ (29,627)	\$ -

CITY OF PORTERVILLE  
DEVELOPER FEE-FUNDED PROJECTS  
2012/13

	<u>Total Expenditure</u>	<u>Allowed D.I.F. Percentage</u>	<u>Eligible D.I.F. Expenditure</u>
<u>Water Projects</u>			
Master plan update	\$ 2,485.64	100%	\$ 2,485.64
Water Well #32	16,877.56	100%	16,877.56
Martin Hill booster	151.55	100%	151.55
Veterans Park booster pump	15,441.87	100%	15,441.87
Rocky Hill Zone 1	143.01	100%	143.01
Scranton water main relocation	8,802.99	100%	8,802.99
Water infrastructure review	8,984.90	0%	0.00
	<u>52,887.52</u>		<u>43,902.62</u>
WATER TOTAL	\$		\$
<u>Sewer Projects</u>			
Annexation sewer projects	89,937.72	0%	\$ 0.00
Blower project	189,192.54	0%	0.00
Digester transfer line project	122,714.28	0%	0.00
Septic station retrofit	1,904.13	0%	0.00
Hydraulic U/V angle blade	28,642.51	0%	0.00
Influent pumps	97,103.95	0%	0.00
Annex area 455A	4,936.85	0%	0.00
Annex area 456A & 457	38.06	0%	0.00
Annex area 456B & 456C	5,811.33	0%	0.00
Annex area 458A & 458B	1,227,931.20	0%	0.00
Annex area 459A & 459C	19.03	0%	0.00
WWTF discharge report	4,068.61	0%	0.00
Mill to Murry	74,197.98	0%	0.00
	<u>1,846,498.19</u>		<u>0.00</u>
SEWER TOTAL	\$		\$
<u>Storm Drain Projects</u>			
Jaye St project	\$ 14.34	100%	\$ 14.34
Flood mangement ordinance update	15,553.03	100%	15,553.03
Tomah - Porter / Wisconsin	1,481.69	100%	1,481.69
N Grand reconstruction	87.37	100%	87.37
E Grand / Henrahan MP	18,298.41	100%	18,298.41
W Street storm drain syphon system	15,476.85	0%	0.00
OHV Park improvements - storm drain	5,924.78	100%	5,924.78
	<u>56,836.47</u>		<u>41,359.62</u>
STORM DRAIN TOTAL	\$		\$
<u>Transportation Projects</u>			
Debt service - 2005 Infrastructure COP	\$ 150,000.00	100%	\$ 150,000.00
	<u>150,000.00</u>		<u>150,000.00</u>
TRANSPORTATION TOTAL	\$		\$
<u>Park Projects</u>			
Debt service - sports complex	\$ 23,121.29	100%	\$ 23,121.29
Sports complex parking lease	6,505.31	100%	6,505.31
	<u>29,626.60</u>		<u>29,626.60</u>
PARK TOTAL	\$		\$

CITY OF PORTERVILLE  
DEVELOPER FEE RATE STRUCTURE  
2012/13

	<u>Hillside Development</u>	<u>Single Family (R-1)</u>	<u>Duplex (R-2)</u>	<u>Multi-Family (R-3 &amp; R-4)</u>	<u>Mobile Homes</u>	<u>Institutional</u>	<u>Commercial / Professional</u>	<u>Industrial</u>
Water Acreage Fee / Acre	\$ 1,410	\$ 2,941	\$ 7,363	\$ 17,190	\$ -	\$ 1,919	\$ 2,210	\$ 16,977
Sewer Acreage Fee / Acre	\$ 981	\$ 1,797	\$ 4,175	\$ 9,739	\$ -	\$ 677	\$ 2,538	\$ 10,835
Storm Drain Fee / Acre	\$ -	\$ 4,845	\$ 6,463	\$ 9,695	\$ -	\$ 12,922	\$ 12,922	\$ 12,922
Transportation Fee / Unit	\$ -	\$ 1,036	\$ 701	\$ 701	\$ -	\$ 2,667	\$ 5,074	\$ 756
Park Impact Fee / Unit	\$ -	\$ 644	\$ 500	\$ 500	\$ 361	\$ -	\$ -	\$ -

SUBJECT: REVIEW OF LOCAL EMERGENCY STATUS – DECEMBER 26, 2013

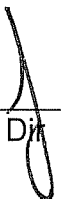
SOURCE: Administration

COMMENT: In its adoption of the Resolution of Local Emergency on December 26, 2013, the City Council declared the existence of a local emergency as a result of a significant fire event that occurred at the Porterville Hotel (14 N. Main Street) during the early morning hours of December 26, 2013, and found that the remaining damaged structure posed a serious threat to the health, safety and welfare of the public and as such required immediate safety mitigation of the structure. In accordance with the Resolution and per the Council's authorization, a Contractor (Bowen Engineering & Environmental) was secured to perform the emergency demolition of the burned structure sufficient to mitigate the immediate threat to public safety.


Due to the damaged structure's proximity to public right-of-way, the adjacent roadways and intersection of Main Street and Olive Avenue were closed to the public. With the demolition and mitigation of the threat to public safety, the intersection and roadways were opened to the public by approximately 6:00 PM on December 26, 2013. City staff has continued coordination with the San Joaquin Valley Air Pollution Control District and the Contractor on additional mitigation measures to protect the safety of the public, and minor additional demolition work occurred over the last couple of weeks in an effort to open affected pedestrian walkways.

RECOMMENDATION: That the Council receive the status report and review of the designated local emergency.

ATTACHMENT: Resolution No. 85-2013

  
Dir

  
App/Fund

  
CM

Item No. 12

RESOLUTION NO. 85-2013

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE  
DECLARING THE EXISTENCE OF A LOCAL EMERGENCY

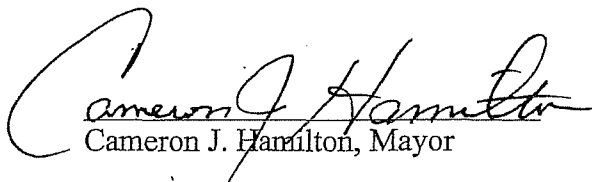
WHEREAS, the Porterville Hotel, 14 North Main Street, sustained major damage in a fire that occurred in the early morning hours of December 26, 2013; and

WHEREAS, the remaining structure poses a serious threat to the health, safety and welfare of the public due to the remaining damaged structure's proximity to public right-of-way at a major City intersection and as such requires immediate demolition to remove that threat; and

WHEREAS, the City Council has found that the aforementioned conditions of extreme peril warrant and necessitate the proclamation of a local emergency so as to take immediate actions to remove said threat.

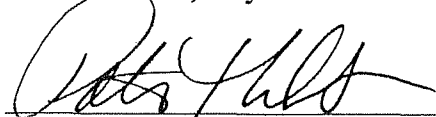
NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Porterville does hereby declare the existence of a local emergency as a result of a significant fire that occurred at the Porterville Hotel, 14 North Main Street, during the early morning hours of December 26, 2013, and that the remaining damaged structure poses a serious threat to the health, safety and welfare of the public and as such requires immediate safety mitigation of the structure, which includes demolition of the remaining standing structure, potential removal of asbestos, and fencing of site to secure the property.

PASSED, APPROVED AND ADOPTED this 26<sup>th</sup> day of December, 2013..

  
Cameron J. Hamilton, Mayor

ATTEST:

John D. Lollis, City Clerk



By: Patrice Hildreth, Chief Deputy City Clerk

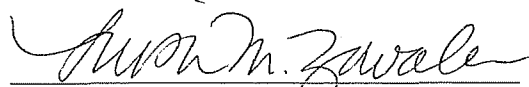
STATE OF CALIFORNIA   )  
CITY OF PORTERVILLE   )     SS  
COUNTY OF TULARE     )

I, JOHN D. LOLLIS, the duly appointed City Clerk of the City of Porterville do hereby certify and declare that the foregoing is a full, true and correct copy of the resolution passed and adopted by the Council of the City of Porterville at an Emergency Meeting of the Porterville City Council duly called and held on the 26<sup>th</sup> day of December, 2013.

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

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

JOHN D. LOLLIS, City Clerk

  
By: Luisa M. Zavala, Deputy City Clerk



SUBJECT: REVIEW OF LOCAL EMERGENCY STATUS – DECEMBER 21, 2010

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 January 7, 2014, 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

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

COUNCIL AGENDA – JANUARY 21, 2014

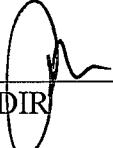
SUBJECT: APPROVAL OF RESOLUTION URGING GOVERNOR BROWN TO  
DECLARE THAT A STATE OF EMERGENCY EXISTS DUE TO  
DROUGHT CONDITIONS

SOURCE: ADMINISTRATION

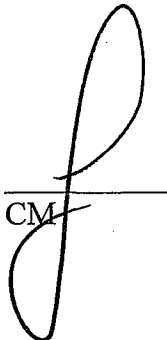
COMMENT: At its meeting of January 15, 2014, the City Council unanimously  
authorized staff to prepare for its consideration a resolution urging  
Governor Brown to declare the existence of a state of emergency due to  
state-wide drought conditions. The draft resolution is presented herein for  
Council's approval.

RECOMMENDATION: That the City Council approve the draft resolution urging Governor  
Brown to declare that a state of emergency exists due to drought  
conditions.

ATTACHMENT: Draft Resolution

  
\_\_\_\_\_  
DIR

*N/A*  
\_\_\_\_\_  
Approp./  
Funded

  
\_\_\_\_\_  
CM

Item No. 13a

RESOLUTION NO. \_\_\_\_\_ -2014

A RESOLUTION OF THE CITY COUNCIL OF THE  
CITY OF PORTERVILLE URGING GOVERNOR BROWN TO DECLARE  
THAT A STATE OF EMERGENCY EXISTS DUE TO DROUGHT CONDITIONS

WHEREAS, according to the Department of Water Resources, approximately half of the State's annual precipitation occurs December through February, with three-quarters occurring November through March; and

WHEREAS, recent reports indicate that current snow pack in the Sierra Nevada Mountains is at 20% of normal levels, nine of California's twelve major reservoirs are below 50% capacity, and it is evident that California is now facing serious drought conditions; and

WHEREAS, California's farmers produce more than half of the nation's fruits, nuts and vegetables, generate approximately \$28 billion in gross receipts annually, employ 1.1 million people, and create \$60 billion in personal income each year; and

WHEREAS, such drought conditions will have devastating impacts on California's agricultural industry, which will also have widespread adverse environmental, economic and social impacts on the people of California; and

WHEREAS, local agriculture is a critical component of the economy of the City of Porterville, and such a substantial reduction in available water resources could devastate its economy; and

WHEREAS, the City of Porterville is now entering its third year of significantly reduced rainfall with Lake Success storage levels remaining low, and virtually no snow pack currently in the Southern Sierra Nevada mountains; and

WHEREAS, such reduced water levels may cause water restrictions and mandatory conservation measures which could negatively impact the City of Porterville's ability to adequately meet the essential water supply needs of its citizens.

NOW, THEREFORE BE IT RESOLVED that the City Council of the City of Porterville does hereby urge Governor Brown to declare that a state of emergency exists due to drought conditions.

PASSED, APPROVED AND ADOPTED this \_\_\_\_\_ day of January, 2014.

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

ATTEST:

John D. Lollis, City Clerk

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

CITY COUNCIL AGENDA: JANUARY 21, 2014

PUBLIC HEARING

SUBJECT: ADOPTION OF FEES FOR PHOTOMETRIC PLANS AND TEMPORARY STRUCTURES

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT - PLANNING DIVISION

BACKGROUND: At the City Council meeting of November 19, 2013, staff identified the need to follow up with an item for City Council's consideration regarding the review of photometric (i.e. site lighting) plans. At the meeting of December 3, 2013, the Council directed staff to schedule a public hearing to consider adoption of a fee for photometric plan review services as an optional service to applicants. At that same meeting, the Council adopted Resolution 82-2013, amending Resolution 29-2005 as it pertains to use of cargo/shipping containers as a temporary structure. With the adoption of Resolution 82-2013, staff was tasked with developing fees specific to the short term and long term temporary use of cargo/shipping containers. These two fees are unrelated in topic, but due to the concurrent timing and procedural requirements, they have been brought together for consideration in a single public hearing. The fees are presented with separate resolutions for individual adoption if so desired by the City Council.

COMMENT: **Photometric Plan Fee-**

Photometry is the science of the measurement of light, in terms of its perceived brightness to the human eye. The 2030 Porterville General Plan identified implementation policy LU-I-25 "Establish buffering requirements and performance standards intended to minimize harmful effects of excessive noise, light, glare, and other adverse environmental impacts." Section 300.07 Lighting and Illumination of the Porterville Development Ordinance provides standards for the use of outdoor artificial light that may have a detrimental effect on the environment. As building permits have been submitted, staff has requested photometric plans to identify the location of light sources and the resulting distribution of light.

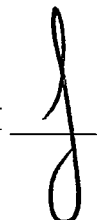
A few members of the Porterville Development Ordinance Committee (Committee) identified issues with providing photometric plans on small scale projects. Staff has researched and tested software programs, and has estimated that the time required to provide this service is approximately two to three hours, dependent upon the size of the project. Staff would limit the size of qualified projects to two (2) acres. Projects larger than that have increased potential for complexities beyond the capacity of the proposed software. The software would cost the City approximately \$100 annually, which would be absorbed into the departmental operating budget. Staff is proposing that, at the applicant's request, the City may provide the task of generating these photometric plans, for a fee based on staff time required.

DD



APPROPRIATED/FUNDED \_\_\_\_\_

CM



ITEM NO. 14

In 2006, the Council adopted an hourly rate for staff time of \$79 per hour for “General Research in excess of 30 minutes”. Using that rate, and estimating two to three hours for the average project, an appropriate fee for preparation of a photometric plan would be \$158. This fee amount was also discussed with the Committee and was concurred with by the Committee.

#### **Use of Cargo/Shipping Containers as Temporary Non-Standard Development Fees-**

At the meeting of December 3, 2013, the City Council adopted an amended resolution creating a provision for the use of cargo/shipping containers in two manners: as Temporary Non-Standard Development: Short Term, and as Temporary Non-Standard Development: Long Term. Such review and approval of cargo/shipping containers, in specific applications, is allowed as follows:

**Use of Cargo/Shipping Containers as Temporary Non-Standard Development: Short Term:** Where appropriate and necessary for short term use, the Zoning Administrator may approve use of cargo/shipping containers in Commercial and Industrial zone districts associated with an existing development for additional storage capacity subject to the following specific criteria:

- The number of containers is limited to one per business or parcel, whichever results in fewer containers per site.
- The cargo/shipping container shall not remain on site for longer than 100 days.
- The placement of the cargo/shipping container shall be such that it does not interfere with the permanent site improvements, including, but not limited to, parking, loading areas, on-site circulation, and accessibility.
- The placement of the cargo/shipping container shall not encroach into required setbacks, and must not be visible from off site or public streets.
- Use of a cargo/shipping container may be granted subject to payment of an adopted fee for a Ministerial Temporary Structure Permit. Use of cargo/shipping containers in manners not consistent with this section may only be authorized by the City Council.

**Use of Cargo/Shipping Containers as Temporary Non-Standard Development: Long Term:** Where appropriate and necessary for longer term use, the Council may approve use of cargo/shipping containers in Commercial and Industrial zone districts associated with an existing development for additional storage capacity subject to the following specific criteria:

- The number of containers allowed would be determined by Council.
- The time period requested shall be specified by the applicant. Final expiration of the permit shall be coterminous with the permit expiration date approved by Council. Extensions will not be permitted. However, the applicant may apply for another long term, discretionary, permit. Failure to obtain the renewed permit could result in Code Enforcement action and associated fines.

- The placement of the cargo/shipping container shall be such that it does not interfere with the permanent site improvements, including, but not limited to, parking, loading areas, on-site circulation, and accessibility.
- The placement of the cargo/shipping container shall not encroach into required setbacks, and must not be visible from off site or public streets.
- Use of a cargo/shipping container may be granted subject to payment of an adopted fee for a Discretionary Temporary Structure Permit application with a monthly fee applicable upon approval and commencing at 100 days of use. The fee would apply for any month or portion thereof the container continues to be stored on site.
- Council may require additional conditions intended to ensure the use does not create blight.

The recommended fee structure is based on staff time necessary to initiate review of temporary structures and then monitor on-going compliance in these specific cases. Short term applications would be reviewed by the Zoning Administrator. Along that line, the short term application fee recommended is \$296, which represents \$138 (the existing fee for Zoning Administrator permits) plus \$158 (the hourly standard rate for staff time [\$79] multiplied by two). This number anticipates a level of effort consistent with other Zoning Administrator permits and two site monitoring efforts during the permit period for the short term temporary structures, up to 100 days.

The long term application fee recommended is based on the current \$454 fee applicable for all temporary structures. However, in addition to the \$454 fee, a \$79 monthly fee would be applied in order to accommodate monthly site monitoring by staff. The fee for long term applications would be sliding, dependent on how many months are requested; the fee would be calculated and assessed at the time an application is submitted. The number of months for a long term temporary structure would be defined as a part of the Council's resolution of approval, thereby confirming the fee.

In the event that the temporary structure remains in place for a period of time longer than permitted without application by the user for additional time, Planning Division Staff would attempt to work with the applicant to gain voluntary compliance. In the event voluntary compliance is not achieved, the matter would be referred to the Code Enforcement Division, and penalties in the form of administrative citations could be enforced in a manner consistent with Chapter 2, Article XIV of the City of Porterville Municipal Code and the user would be deemed guilty of an infraction or misdemeanor. A conviction for a misdemeanor may be punishable by a fine of not more than \$1,000, by imprisonment in the county jail not exceeding 180 days, or by both. A conviction for an infraction may result in a fine ranging from \$100 to \$1,000, depending on the number and frequency of violations. Typically, the penalty process is initiated with a Notice of Violation which establishes a timeframe by which the party must return to compliance. If voluntary compliance is not achieved, citations are issued on a repetitive basis in order to accomplish compliance.

ENVIRONMENTAL REVIEW: The adoption of the proposed fees does not meet the definition of "Project" pursuant to §21065 of the California Environmental Quality Act (California Public Resources Code).

RECOMMENDATION: That the City Council:

1. Adopt the Resolution establishing a fee for the optional service of preparing photometric plans; and
2. Adopt the Resolution establishing fees for use of cargo containers as temporary structures.

ATTACHMENTS:

1. Draft Resolution establishing a fee for the optional service of preparing photometric plans
2. Draft Resolution establishing fees for use of cargo containers as temporary structures



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

A RESOLUTION OF THE CITY COUNCIL  
OF THE CITY OF PORTERVILLE ADOPTING A FEE FOR STAFF TO PROVIDE THE  
OPTIONAL SERVICE OF PREPARING PHOTOMETRIC PLANS

WHEREAS, on November 19, 2013, the City Council of the City of Porterville adopted Ordinance 1801, a comprehensive amendment to the Development Ordinance. At that time, staff identified the need to follow up with an item for City Council's consideration regarding the review of photometric (i.e. site lighting) plans; and

WHEREAS, Section 300.07 of the Porterville Development Ordinance sets forth requirements related to lighting and illumination with the purpose of minimizing outdoor artificial light; and

WHEREAS, the method by which compliance with the development standards can be confirmed is the preparation of a photometric plan. Such plans are often prepared free of charge by the contractor providing the lighting units, but not always for smaller projects. In those cases where the project is smaller, or where multiple vendors may be used to provide lights for a proposed project, an electrical engineer would be contracted to prepare a photometric plan, often at high cost; and

WHEREAS, staff has researched and found a software that could be used to prepare photometric plans if certain project specific information is made available by the applicant. The software cost is de minimis and is therefore not calculated into the fee, and estimated staff time for an average project less than two acres in size is approximately two hours; and

WHEREAS, on January 21, 2014, the City Council reviewed the Photometric Plan fee and determined that a fee of \$158 is justifiable given the amount of technical effort put forth to provide the service.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Porterville that the fee for optional staff preparation of a site photometric plan as required by Section 300.07 of the Porterville Development Ordinance is adopted as \$158 per photometric plan.

PASSED, APPROVED AND ADOPTED this 21<sup>st</sup> day of January, 2014.

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

ATTEST:

John D. Lollis, City Clerk

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

**ATTACHMENT  
ITEM NO. 1**

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

A RESOLUTION OF THE CITY COUNCIL  
OF THE CITY OF PORTERVILLE ESTABLISHING FEES FOR USE OF CARGO  
CONTAINERS AS TEMPORARY STRUCTURES

WHEREAS, On December 3, 2013, the City Council of the City of Porterville considered modifications to Resolution 29-2005 as it relates to cargo/shipping containers for non-residential uses; and

WHEREAS, during that meeting, the City Council adopted an amended resolution creating a provision for the use of cargo/shipping containers in two manners: as Temporary Non-Standard Development; Short Term, and as Temporary Non-Standard Development; Long Term; and

WHEREAS, the fee had not yet been determined or defined at the time of that meeting, and the City Council directed staff to return with recommended fees. Staff has since researched similar fees in other jurisdictions; and

WHEREAS, the proposed fee structure is based on staff time necessary to initiate review of temporary structures and then monitor on-going compliance in these specific cases. The recommended fee for use of cargo containers as temporary non-standard development is as follows: Short Term = \$296, Long Term = \$454 + \$79/month.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Porterville that the fees for use of cargo containers as temporary non-standard development as permitted in accordance with Resolution 82-2013 is adopted as Short Term= \$296, Long Term = \$454 + \$79/month.

PASSED, APPROVED AND ADOPTED this 21<sup>st</sup> day of January, 2014.

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

ATTEST:

John D. Lollis, City Clerk

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

**ATTACHMENT**  
**ITEM NO. 2**

## COUNCIL AGENDA: JANUARY 21, 2014

### PUBLIC HEARING

**SUBJECT:** CITY ATHLETIC FIELDS LIGHTING FEE

**SOURCE:** PARKS AND LEISURE SERVICES DEPARTMENT

**COMMENT:** This is the time and place set forth for the public hearing in consideration of the City athletic fields lighting fee. The current fee structure of \$15 per night for City athletic field lighting usage was adopted in 1994. Due to the length of time the current fee has been in place, coupled with new rates from Southern California Edison (SCE), and the installation of the new softball field lighting at the Sports Complex, staff has determined that those factors necessitate an evaluation of the rate structure. Staff surveyed the athletic field lighting fees of seven other local City agencies and found that Porterville is the only agency with a fee that is not set by an hourly rate.

Staff recently met with SCE to explore rate options. Available records indicate the City has been on a General Service Rate Schedule (GS-2) which serves medium-sized commercial and industrial customers with demands above 20 kilowatts (kW) and below 200 kW. The City qualified to transition to an AL-2 rate. The AL-2 is a money-saving energy plan for outdoor area lighting customers who use electricity from dusk to dawn, other than street and highway lighting.

The five City-owned athletic fields with lights include: Burton Ballfields, Pioneer Middle School Field, Hayes Field, Sports Complex Football Field, and Sports Complex Softball Fields. Below is a cost per hour comparison of lighting a field on the GS-2 rate, and the projected cost per hour using the new AL-2 rate. Projected savings range from 53-90% per facility.

	GS-2 Rate	Projected AL-2 Rate
Burton Ballfields	\$12.67	\$6.00
Pioneer Middle School	\$23.32	\$4.00
Hayes Field	\$50.01	\$5.00
Sports Complex Football Field	\$59.77	\$10.00
Sports Complex Softball Diamonds	---	\$7.00

24 Director    MB Appropriated/Funded

1 City Manager

ITEM NO.: 15

The lighting cost per hour is calculated by multiplying the number of fixtures by 1.564 (avg. kW per fixture) by the current kW rate. SCE rate plans fluctuate as does the hourly rate.

The SCE rates do not reflect the total cost that the City incurs when lighting a field. Staff is required to physically operate the lights. Bulb replacement is also needed, resulting in an extra lighting maintenance expenditure. The City does not own a boom truck that extends high enough to replace the bulbs at 70', so a truck has to be rented for staff to do the bulb replacement. These additional costs are considered when determining fees.

The Parks and Leisure Services Commission discussed the item at their November 7, 2013, and December 5, 2013, Commission meetings. All current organizations that use a City athletic field were notified of the Parks and Leisure Services meetings that included discussion of this topic. They were also notified of tonight's Public Hearing.

The Parks and Leisure Services Commission and staff recommend a three-year fee schedule to allow for leagues to adjust their budgets accordingly. A similar method was applied when the parking fee plan at the Sports Complex was implemented. The recommended fee was determined by taking into consideration the comparison of other agencies and the new AL-2 rate. The recommended fee schedule for youth is \$6 per hour year one, \$8 per hour year two, and \$10 per hour year three and beyond. To follow past Council direction regarding cost recovery being more for adult programs than youth, the Commission and staff recommend \$10 per hour year one, \$12 per hour year two, and \$14 per hour year three and beyond for adult program usage.

All athletic field light users currently pay \$15 per night. Using the recommended fee, leagues and individual teams can anticipate modifications to the current fee; for example, teams using the lights for two hours would pay \$12 (or \$3 less per use) during year one for youth programs, and \$20 (or \$5 more) for adult programs.

If the recommended fees are adopted, staff will revisit the athletic field lighting fee for evaluation with City Council after year three to determine if fees need adjusting.

**RECOMMENDATION:** That the City Council:

1. Conduct a public hearing to solicit comment on the proposed City athletic field lighting fee plan; and

2. Provide direction to staff regarding the City athletic field lighting fee.

**ATTACHMENT:**

Athletic field lighting fees for other valley agencies.

## LIGHT FEES

	PER HOUR		PER DAY
LINDSAY	\$45	*	\$0
REEDLEY	\$25		\$0
VISALIA	\$25		\$0
SELMA	\$20	**	\$0
TULARE	\$11-17		\$0
BAKERSFIELD	\$13		\$0
FRESNO	\$10		\$0
PORTERVILLE	\$0		\$15
*INCLUDES FIELD AND LIGHTS			
**2HR. MIN FIELD AND LIGHTS			

PUBLIC HEARING

SUBJECT: CONSIDERATION OF CONDITIONAL USE PERMIT PRC 2013-027-C TO ALLOW THE CONSTRUCTION OF A NEW 4,302± SQUARE FOOT CONVENIENCE MARKET IN CONJUNCTION WITH FOUR SELF-SERVICE AUTOMOBILE FUEL PUMPS AND CANOPY LOCATED AT 1206 W. WESTFIELD AVENUE (SHOP 'N' SAVE)

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT- PLANNING DIVISION


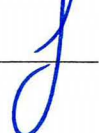
COMMENTS: The applicant is requesting approval of a Conditional Use Permit to allow the construction of a new 4,302± square foot convenience market in conjunction with four self-service automobile fuel pumps and a new canopy. The subject site is located at 1206 W. Westfield Avenue (Shop 'N' Save Market), and is situated in a CN (Neighborhood Commercial) Zone district and land use designation. The project includes demolition of an existing 4,620± square foot convenience market, 1,620± square foot office and 1,744± square foot single-family residential unit located at the northwest corner of Prospect Street and Westfield Avenue. The two parcels would be merged and the corner would be developed with the new convenience market.

Construction will be segmented into three (3) phases to reduce the business impacts of a closure during the transition from the existing store to the new convenience market. Phase One leaves the existing store operational and in place, and involves merging two (2) parcels, demolishing the existing 1620± square foot office and the 1,744± square foot single-family residential unit, and constructing the new 4,302± square foot convenience market, along with site improvements. Phase Two involves the demolition of the existing 4,620± square foot convenience market (Shop 'N' Save) and the construction of four (4) self-service automobile fuel pumps under a new canopy, as well as site improvements. Phase Three allows for a future commercial pad development that would be reviewed under a separate ministerial or discretionary process; the area set aside for the third phase will remain landscaped until development of the future pad site occurs.

The applicant, agent, and staff have worked together on site plan revisions to meet all applicable requirements of the Porterville Development Ordinance, which shall be implemented prior to issuance of a building permit. Conditions of approval have been incorporated to facilitate compliance with all applicable codes and to address phasing of the project.

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

ATTACHMENT: Complete Staff Report

DD  Appropriated/Funded N/A CM  Item No. 16



PUBLIC HEARING

SUBJECT: CONSIDERATION OF CONDITIONAL USE PERMIT -PRC 2013-027-C TO ALLOW THE CONSTRUCTION OF A NEW 4,302± SQUARE FOOT CONVENIENCE MARKET IN CONJUNCTION WITH FOUR SELF-SERVICE AUTOMOBILE FUEL PUMPS UNDER A NEW CANOPY LOCATED AT 1206 W. WESTFIELD AVENUE (SHOP 'N' SAVE)

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT- PLANNING DIVISION

APPLICANT/AGENT

Al Saleh  
PO Box 710  
Porterville, CA 93257

Mark Hillman  
34583 Hwy 190  
Springville, CA 93265

PROJECT DESCRIPTION: The applicant is requesting approval of a Conditional Use Permit to allow the construction of a new 4,302± square foot convenience market in conjunction with four (4) self-service automobile fuel pumps under a new canopy. The subject site is located at 1206 W. Westfield Avenue (Shop 'N' Save Market), and is situated in a CN (Neighborhood Commercial) Zone district and land use designation. The project includes demolition of an existing 4,620± square foot convenience market, 1,620± square foot office and 1,744± square foot single-family residential unit located at the northwest corner of Prospect Street and Westfield Avenue. The two (2) parcels would be merged creating a site totaling 0.834± acres in size, and the corner would be developed with the new convenience market.

The applicant, agent, and staff have worked together on site plan revisions to meet all applicable requirements of the Porterville Development Ordinance, which shall be implemented prior to issuance of a building permit. At the applicant's request, this project was analyzed under the recently adopted Development Ordinance. A number of the changes that became effective on January 3, 2014, and are more suitable to the project as initially proposed. Conditions of approval have been incorporated to facilitate compliance with all applicable codes and to address phasing of the project.

ANALYSIS: The project includes demolition of an existing 4,620± square foot convenience market, 1,620± square foot office and 1,744± square foot single-family residential unit located at the northwest corner of Prospect Street and Westfield Avenue. The two (2) parcels (APNs 246-024-019 and 246-024-007) would be merged and the corner would be developed with the new convenience market.

Construction would be segmented into three (3) phases to reduce the business impacts of a closure during the transition from the existing store to the new convenience market. Phase One leaves the existing store operational and in place, and involves merging two (2) parcels, demolishing the existing 1620± square foot office and the 1,744± square foot single-family residential unit and constructing the new 4,302± square foot convenience market, along with site improvements. Phase Two involves the demolition of the existing 4,620± square foot convenience market (Shop 'N' Save) and the



construction of four (4) self-service automobile fuel pumps under a new canopy, as well as site improvements. Phase Three allows for a future commercial pad development that would be reviewed under a separate ministerial or discretionary process; the area set aside for the third phase will remain landscaped until development of the future pad site occurs.

All existing buildings proposed for demolition were constructed and operational prior to annexation into the City of Porterville in 2006. The convenience market is a legal non-conforming use as related to the fuel pumps and alcohol sales. A conditional use permit is required to allow the expansion of a legal non-conforming use; conditional use permits are also required to develop an automotive service station pursuant to Sections 203 and 301.05 of the Development Ordinance. Currently, there are two (2) existing fuel pumps associated with the existing business. As proposed, the fueling area would shift in location slightly and two (2) additional pumps would be added, totaling four (4) fuel pumps.

Conversely, the square footage of store area dedicated to alcohol sales would not increase as a function of the proposed reconstruction. The square footage continues to be less than the 25% threshold identified in the Development Ordinance for liquor stores, and staff concurs with the applicant that the non-conforming use related to alcohol sales is not changing or expanding, and no conditional use permit is required for that aspect of the business. Further, the Alcohol Beverage Control Board has issued a Type 21 permit (off-sale general) and the business is in good standing with the Board. In the event that the City Council does not concur with staff's determination that a CUP for alcohol sales is not required, a public hearing would need to be noticed and held to consider a CUP. It should also be noted that the applicant already secures and restricts access to the distilled spirits.

As required in the Neighborhood Commercial Zone district, the project is designed so that the form and scale are complementary to the adjacent uses and surrounding neighborhood through implementation of pedestrian-oriented design elements in the building and overall site. The project site is surrounded by residential neighborhoods that can take advantage of the public sidewalk and the convenience market and future commercial development.

The site design as represented in the most recent submittal (dated September 11, 2013) is compliant with the Development Ordinance as related to building setbacks, landscaping standards, pedestrian orientation, and parking. As the "future retail" component of the project is not yet defined and development is not anticipated in the foreseeable future, the parking calculation is based on the convenience market alone. The proposed market requires a total of 22 parking spaces based on one space per 200 square feet of floor area. Fuel pumps do not count towards the required parking. The site layout provides 26 parking spaces. Additionally, drive approaches would be adjusted from the current configuration to comply with Engineering design standards and other right of way improvements, such as sidewalks and curbs, would be incorporated into the new project. Specific details would be addressed during building permit review.

GENERAL PLAN CLASSIFICATION: Neighborhood Commercial

ZONING CLASSIFICATION: CN (Neighborhood Commercial)

SURROUNDING ZONING AND LAND USES:

North: RS-2 (Single-Family Residential Units)

West: RS-2 (Single-Family Residential Units)

South: RS-2        (Single-Family Residential Units)  
East: RM-2        (Westfield Christian Church of Porterville)

LEGAL NOTICE:

Date Environmental Document Distributed	Date Notice Published in Porterville Recorder	Date Notice Mailed to Property Owners within 300 feet of property
Item deemed Categorically exempt. Notice of Exemption mailed upon Council decision.	January 11, 2014	January 9, 2014

ENVIRONMENTAL REVIEW:

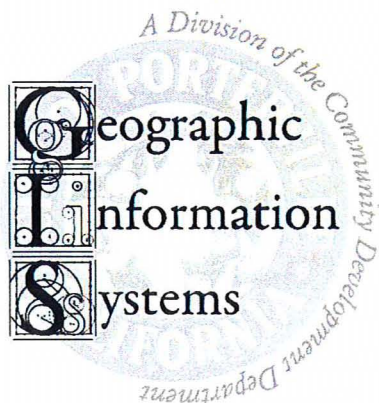
Pursuant to Section 15302 Class 2 (Replacement or Reconstruction) the proposed project is categorically exempt from the California Environmental Quality Act.

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

ATTACHMENTS:

1. Project Locator Map
2. General Plan Land Use Map
3. Zoning Map
4. Site Plan
5. Draft Resolution containing findings in support of approval for Conditional Use Permit 2013-037 for the development of an automotive service station with four fuel pumps.





PRC 2013-027C  
Proposed Reconstruction of an  
Existing Convenience Store  
Locator Map  
1" = 150 ft

ATTACHMENT  
ITEM NO.

1





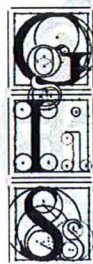
Geographic  
Information  
Systems

A Division of the Community Development Department

PRC 2013-027C  
Proposed Reconstruction of an  
Existing Convenience Store  
General Plan Land Use Map  
1" = 150 ft.

ATTACHMENT  
ITEM NO. 2





Geographic  
Information  
Systems

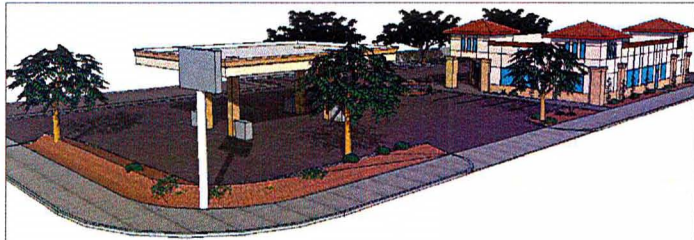
A Division of the Community Development Department

PRC 2013-027C  
Proposed Reconstruction of an  
Existing Convenience Store

Zoning Map  
1" = 150 ft

ATTACHMENT  
ITEM NO. 3





WESTFIELD AVENUE

### PHASE I

DEMO EXISTING CHIROPRACTOR OFFICE  
AND RESIDENCE, CONSTRUCT NEW MINIT  
MART AND PARKING AS SHOWN OBTAIN TEMPORY  
OCCUPANCY PERMIT

### PHASE II

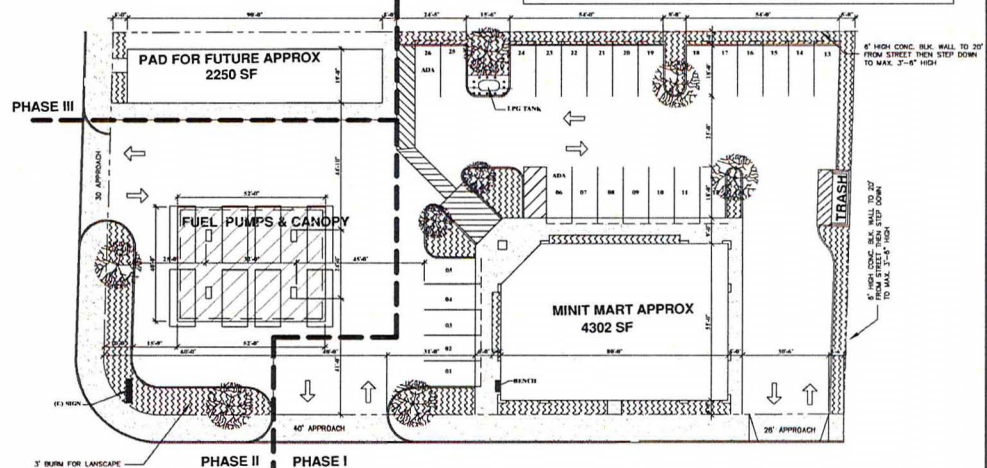
REMOVE EXISTING MARKET AND  
CONSTRUCT NEW GAS CANOPY/ ISLAND  
& COMPLETE PARKING LOT

### PHASE III

CONSTRUCT RETAIL BUILDING FOR  
RENTAL OF NEIGHBORHOOD BUSINESS  
TIMING IS FUTURE NO DATE EXPECTED

### SITE STATISTICS

ZONE	CN
PROPERTY SIZE	36,339± SF
BUILDING	4,302 SF
FUTURE PAD	2,250 SF
PAVED AREA	26,027± SF
PARKING REQUIRED	
PROPOSED MARKET	22
PARKING PROVIDED	24 9'X20 STANDARD 2 ADA
LANDSCAPING	TOTAL 26 3,760 SF ± 15%



PROSPECT STREET

### SITE PLAN

APN:246-020-07 & 19  
IN THE CITY OF PORTERVILLE  
COUNTY OF TULARE STATE OF CALIFORNIA

SCALE: 1"=20'

HILLMAN BUILDING DESIGNERS  
SPECIALIZING IN CUSTOM DESIGNS  
SINCE 1970  
1455 Hwy. 180, Suite 200, Porterville, CA 93255  
Tel: (559) 781-9138  
Fax: (559) 781-2143  
Email: hillmandesigns@comcast.net

ARCHITECT:  
HECTOR TELLEZ  
150 N. MAIN ST.  
PORTERVILLE, CA 93257  
OFF: (559) 781-2143  
FAX: (559) 781-2143  
LICENSE C16430

PROPOSED MINIMART FOR  
SHOP N SAVE  
1250 WEST WESTFIELD  
PORTERVILLE, CA 93257

DATE  
SCALE AS SHOWN  
DRAWN MEH  
JOB 13028  
SHEET

A-1

PLOT 09-10-13



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

A RESOLUTION OF THE CITY COUNCIL  
OF THE CITY OF PORTERVILLE APPROVING CONDITIONAL USE PERMIT  
PRC 2013-027-C TO ALLOW THE CONSTRUCTION OF A NEW 4,302± SQUARE FOOT  
CONVENIENCE MARKET IN CONJUNCTION WITH FOUR (4) SELF-SERVICE  
AUTOMOBILE FUEL PUMPS UNDER A NEW CANOPY LOCATED AT 1206 W.  
WESTFIELD AVENUE (SHOP 'N' SAVE)

WHEREAS, on January 21, 2014, the City Council of the City of Porterville conducted a public hearing to consider approval of Conditional Use Permit 2013-027-C to accommodate reconstruction of a convenience market (Shop 'N' Save Market) at 1206 W. Westfield Avenue, at the northwest corner of Westfield Avenue and Prospect Street, which would include four (4) fuel pumps; and

WHEREAS, the conditional use permit is required pursuant to Sections 203 and 301.05 of the Development Ordinance for projects where fuel pumps are proposed. The conditional use permit would allow the construction of a new 4,302± square foot convenience market in conjunction with four (4) self-service automobile fuel pumps under a new canopy. The project includes demolition of an existing 4,620± square foot convenience market, 1,620± square foot office and 1,744± square foot single-family residential unit. The three (3) parcels would be merged to a site totaling 0.834± acres in size, and the corner would be developed with the new convenience market; and

WHEREAS, on January 9, 2014, the Environmental Coordinator made a preliminary determination that the project is exempt from the California Environmental Quality Act pursuant to Section 15302 of the California Code of Regulations (CEQA Guidelines) as a Class 2 Exemption; and

WHEREAS, the proposed conditional use permit is supported by the General Plan and Development Ordinance in that the proposed development is consistent with Section 301.05 of the Porterville Development Ordinance (Chapter 21 of the Porterville Municipal Code).

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

1. The General Plan land use designation and Zoning classification of the subject site is CN - Neighborhood Commercial. As described in the Development Ordinance, the purpose of the CN Zone district is to encourage convenience and neighborhood shopping areas. The project as proposed serves to enhance an already existing convenience market that has been serving the neighborhood for many years.
2. The Environmental Coordinator made a preliminary determination that the project is exempt from the California Environmental Quality Act pursuant to Section 15302 of the California Code of Regulations (CEQA Guidelines) as a Class 2 Exemption. A notice will be posted with the Office of the County Clerk of Tulare upon approval of the project.

**ATTACHMENT**  
**ITEM NO. 5**

3. The site design as represented in the most recent submittal (dated January 9, 2014) is generally compliant with the Development Ordinance as related to building setbacks, landscaping standards, pedestrian orientation, and parking. Specific details would be addressed during building permit review.
4. The City Council is the decision-making body for the project.

BE IT FURTHER RESOLVED that the City Council of the City of Porterville does hereby approve Conditional Use Permit PRC 2013-027-C for reconstruction of a convenience market (Shop 'N' Save Market) as represented and incorporated herein as Exhibit "A" subject to the following conditions:

1. The developer/applicant shall have a registered Civil Engineer or Land Surveyor prepare and submit a Parcel Merger that will merge the parcels into one contiguous parcel to meet the requirements of all applicable codes. The Parcel Merger shall be approved prior to the issuance of a building permit.
2. The developer/applicant shall comply with Section 203.04 of the Porterville Development Ordinance for the CN, Neighborhood Commercial district (Supplemental Regulations) in accordance with the following standards:
  - *Ground-Floor Windows.* Exterior walls facing an adjacent public street, or facing onto a park, plaza, or other public outdoor space, shall include windows, doors, or other openings for at least fifty (50) percent of the building wall area located between two and one-half (2.5) and seven (7) feet above the elevation of the sidewalk. No wall may run in a continuous plane for more than twenty (20) feet without an opening. Openings fulfilling this requirement shall have transparent glazing and provide views into work areas, display areas, sales areas, lobbies, or similar active spaces, or into window displays that are at least three (3) feet deep.
  - *Entrances.* All ground floor tenant spaces with at least twenty-five (25) feet of frontage facing a public or private street shall have at least one building entrance oriented to the adjacent street. Such an entrance shall open directly to the outside and shall not require a pedestrian to first pass through a garage, parking lot or loading area to gain access.
  - *Other Pedestrian-Oriented Design Elements.* Other pedestrian oriented design elements such as street furniture or other seating surfaces on private property and other design amenities scaled to the pedestrian such as awnings, drinking fountains, arcades, colonnades, plazas, non-commercial community bulletin boards, public or private art, and alternative paving materials shall be provided in areas of pedestrian access. Compliance may also be demonstrated by pedestrian-oriented design elements that are provided off-site.
3. The developer/applicant shall comply with Section 300.07 of the Porterville Development Ordinance for the CN, Neighborhood Commercial district (Lighting and Illumination).



4. The developer/applicant shall comply with Section 301.05 of the Porterville Development Ordinance (Auto Service Stations).
5. The developer/applicant shall comply with Chapter 303 of the Porterville Development Ordinance (Landscaping) in accordance with the following standard:
  - **Interior Property Lines Abutting R Districts.** A minimum five (5) foot wide landscape buffer shall be provided along interior property lines where no building abuts a property line, in districts adjacent to an R district.
6. The developer/applicant shall comply with Section 300.10 (a), (b), (c) and (e) of the Porterville Development Ordinance, as related to screening for various project elements such as mechanical equipment, roof ladders and fire sprinkler risers, parking, and property lines.
7. The developer/applicant shall comply with Section 300.13 of the Porterville Development Ordinance (Trash and Refuse Collection Areas).
8. As the “future retail” component of the project is not yet defined and development is not anticipated in the foreseeable future, the parking calculation is based on the convenience market alone. The developer/applicant shall provide a minimum of 22 parking spaces based on one (1) space per 200 square feet of floor area. Fuel pumps do not count towards the required parking.
9. The developer/applicant shall be aware that on-site parking required by Chapter 304 shall be constructed or installed prior to the issuance of a Certificate of Occupancy.
10. The developer/applicant shall comply with Section 304.10 (f), (g), and (i) of the Porterville Development Ordinance (Parking Area Design and Development Standards).
11. 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.
12. The developer/applicant shall pay all applicable fees according to the Municipal Code and State law. 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.

13. The developer/applicant shall comply with Chapter 7, Article XIII of the City Code and Chapter 18 and the California Building Code and provide a Preliminary Soils Report (C.C. Sec. 7-126 & Res. 4997) including results of "R-Value" tests and recommendations regarding construction of public improvements that address City Standard C-13, satisfactory to the City Engineer, prior to the approval of the improvement plans or start of grading, whichever comes first.
14. The developer/applicant shall comply with City Retaining Wall Standards (adopted by City Council January 3, 1989) at lot lines where such standards are applicable.
15. The developer/applicant shall construct and/or repair street, curb, gutter, sidewalk, etc. along the full frontage of the parcel, except where they exist and are in good condition in the opinion of the City Engineer (Ordinance No. 1306). Existing frontage improvements were evaluated and determined to be noncompliant. The site lacks defined driveway locations and sidewalk. Driveways shall be constructed per the attached professional office/commercial standard driveway standard plan and shall be located to meet City standards.
16. The developer/applicant shall comply with driveway vehicular sight distance requirements per Section 300.16 of the Development ordinance.
17. The developer/applicant shall construct and/or repair sidewalk so as to maintain a width of 9.5 feet along the full frontage of the proposed project.
18. The developer/applicant shall provide a complete set of improvement plans provided by a Civil Engineer, which includes a comprehensive on/offsite grading, drainage and erosion control plan. The improvement plans shall include the design of curb, gutter, driveways, storm drains, street lights, SCE conduit runs, etc. 9500 lumen street light(s) on marbelite poles shall be installed to meet City spacing standards and SCE standards. The use of wood poles are prohibited.
19. 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 DSA) or provide surety in lieu of (Section 300.11 of the Porterville Development Ordinance).
20. The developer/applicant shall, under City inspection, remove all existing abandoned and unnecessary items, to the satisfaction of the City Engineer, before the issuance of a certificate of occupancy (e.g., foundations, septic tanks, irrigation pipes, etc.).
21. The developer/applicant shall construct drainage facilities as required to serve the property (Ordinance No. 1306), if the project includes reconstruction and/or rehabilitation of the existing parking lot. Staff is requesting that the parking lot be designed to convey water to the City drainage system without crossing driveways.



22. The developer/applicant shall design the parking lot in conformance with Section 304 of the Development Ordinance, if the project includes reconstruction and/or rehabilitation of the existing parking lot. Minimum cross slopes within the parking lot shall be 1.5% for asphalt concrete or 1% for concrete paving areas.
23. The developer/applicant shall comply with Ordinance No. 1636 regarding Waste Water Discharge requirements and shall complete and submit the following:
- Wastewater Discharge Permit Application, Part "A"; and if monitoring is required, based on the responses to questions in Part "A" of the Wastewater Discharge Permit, then the developer/applicant shall complete and submit the remainder of the application along with the Permit Fee, and provide monitoring facilities to allow inspection, sampling, and flow measurement of the flows in the sewer and drainage system.
24. The developer/applicant shall assure compliance with applicable San Joaquin Valley Unified Air Pollution Control District Rules (e.g., Numbers 8010, 8020 and 8030), regarding fugitive dust by obtaining a Dust Control Permit, as well as Section 7-8, Project Site Maintenance of the Standard Specifications. The developer/applicant shall provide a street sweeper as necessary to comply. During grading operations, the "Supervising Civil Engineer" shall be responsible for enforcing the dust control provisions of Section 7-8 or the developer/applicant shall pay inspection fees on the grading cost to compensate the City for dust control inspection. The improvement plans shall show a designated wash out area for concrete trucks, and a sign designating it as such. The developer/applicant shall remove and properly dispose of waste concrete deposited in this area.
25. The developer/applicant shall assure compliance with applicable San Joaquin Valley Unified Air Pollution Control District Rules 9510 and 3180 – Indirect Source Review (ISR) Rules.
26. The developer/applicant shall install a refuse container enclosure which will accommodate solid waste and recyclable materials removal or collection according to City standards (Sec 13-15). Enclosure location to be approved by City prior to issuance of building permit. Enclosure should be oriented for direct pick up and ADA compliant. The developer/ applicant shall also sign a waiver of liability for refuse truck damage to the parking lot if the refuse container location requires refuse trucks to travel on the parking lot.
27. A back-flow device is required on the water meter. The developer/applicant shall comply with City standard for "backflow" prevention pursuant to Resolution No. 9615. Fires service line(s) shall be equipped with a double detector check installed below grade per the attached standard plan. Back-flow device shall be screened pursuant to Section 300.10 (a) of the Porterville Development Ordinance.

28. The developer/applicant is hereby notified that the installation of an additional water meter, servicing the irrigation system would be beneficial for monitoring actual water usage. The City will monitor actual water usage for one year and will bill the owner the impact fees based on the actual water usage.
29. The developer/applicant shall submit three (3) complete sets of plans, signed by a licensed Architect or Engineer, including two (2) sets of energy calculations and structural calculations.
30. Plan submittals shall comply with current access laws (both State and Federal). The most stringent Code shall prevail.
31. Plan submittals shall comply with all current applicable Codes.
32. The developer/applicant shall make payment of the required plan check fees at the time of building permit plan submittal.
33. The developer/applicant shall pay School Development fees and all other City fees at the time table determined by current City Ordinance.
34. The developer/applicant shall pay all fees according to the Municipal Code and State Law.
35. The developer/applicant shall obtain plan approval from the Tulare County Health Department and provide proof of said approval to the City of Porterville Building Department prior to the issuance of the building permit.
36. Restrooms, main entrance/s, and paths of travel from designated parking stalls shall comply with current access laws (both State and Federal). The most stringent Code shall prevail.
37. Plan submittals shall include the installation of bike racks if the occupant load is ten (10) or more. (Per California Green Code.)
38. Plan submittals shall include the installation of Clean Air parking stall(s) if ten (10) or more parking stalls are required for the project. (Per California Green Code.)
39. Compliance forms and worksheets are required to be included on all plan submittals. (Per California Green Code.)
40. All construction offices, storage containers, etc. planned and/or intended for temporary use during construction must receive approval from the Chief Building Official through a separate permit process prior to their installation and/or placement on the property and must be removed from the jobsite prior to final occupancy being requested and/or approved.
41. The developer/applicant shall submit a racking plan with supporting engineering calculations, if applicable to the project.

42. Signs require separate plan submittal and separate permit per the Development Ordinance.
43. Tulare County Health Department must conduct their inspection and provide approval of the building construction prior to final occupancy being requested/granted by the City of Porterville.
44. A grease trap or grease interceptor is required.
45. Depending on the location of the existing fire hydrant(s), additional fire hydrants may be required. All hydrants must be in place and accepted by the Fire Department prior to any combustibles being brought onto the site.
46. Fire hydrant spacing shall be as follows: In Residential development, one hydrant shall be installed at 500-foot intervals. In Commercial development, one hydrant shall be installed at 300-foot intervals. Or as required by Appendix C California Fire Code.
47. 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. An application may be obtained from the Fire Department.
48. Project must meet minimum fire flow requirements per the table in Appendix B & C of the California Fire Code.

PASSED, APPROVED AND ADOPTED this 21<sup>st</sup> day of January, 2014.

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

ATTEST:

John D. Lollis, City Clerk

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



SUBJECT: REVIEW OF CHARTER REVIEW COMMITTEE AND CITY COUNCIL  
PROPOSED REVISIONS, AND RESOLUTION PROPOSING AMENDMENTS  
TO THE CITY OF PORTERVILLE CHARTER

SOURCE: City Attorney's Office

COMMENT: Per direction from the City Council at the January 15, 2014 adjourned City Council Meeting, attached is the draft Resolution setting forth potential amendments and ballot measure language related to changes proposed by the 2013 Charter Review Committee and the City Council. Also attached is the redline copy of the proposed Charter approved by the Committee. Per Council's direction, there are now 14 proposed amendments and ballot measures, and in summary are as follows:

Amendment #1 – addresses the housekeeping issues and amends Sections 4.1, 8, 9, 12, 14, 24, 40, 45, 49, 58, 59, and 62.

Amendment #2 – addresses Sections 5 and 9 related to the moving of the City Council election to coincide with the federal general election (November of even years).

Amendment #3 – addresses Section 10 and allows Council meetings (where action is taken) to occur at publicly-owned facilities within the city.

Amendment #4 – addresses Section 16 and modifies time periods related to failure to attend meetings or perform Council duties.

Amendment #5 – addresses Section 18 and clarifies that City Manager severance is limited to 12 months' salary and other State law restrictions (which include a limitation on severance not to exceed the remaining term of the City Manager's contract, notwithstanding any greater severance period specified in the contract).

Amendment #6 – addresses Section 48 requiring a majority vote of Council for approval of expenditures, allows the Council to set the maximum amount expenditure limit after each election, requires a 4/5 vote for indebtedness approval, and allows the Council to set the maximum indebtedness limit by 4/5 vote.

Amendment #7 – addresses Section 61 and explicitly provides that the City has the power to perform public projects and improvements using its own forces regardless of cost, and provides that the Council may waive said requirements only in cases involving an emergency including circumstances resulting in imminent threat to public health or safety.

Amendment #8 – addresses Section 61 and proposes raising the bid limit to \$50,000.00, subject to further restrictions considered annually by the Council at the time of budget adoption.

Amendment #9 – addresses Section 67 and adds penalty and remedy provisions that include criminal prosecution and potential forfeiture of office.

Amendment #10 – addresses Section 68 setting new notice periods for termination and allowing exemptions for month-to-month leases and leases to federal or state agencies.

Amendment #11 – adds new Section 74 providing for penalties and remedies for violations of the Charter.

Amendment #12 – addresses Section 9 related to Council Member compensation. Provides for Council Members to be paid California State Minimum Wage for attendance at meetings approved by the Council.

Amendment #13 – addresses Section 12 related to ordinance publication requirements, requiring that the publication requirements be adopted by ordinance.

Amendment #14 – addresses Section 58 related to the City's pension systems, and provides that the City retains its full power to create, modify or eliminate its pensions and retiree healthcare benefits and systems in accordance with the California Constitution.

As discussed at the prior meetings, this office and staff request that the City Council discuss and consider and adopt the proposed Resolution. The Resolution must be approved at this meeting to meet the deadline provided by the Tulare County Elections Office.

**RECOMMENDATION:** That the City Council review, consider and adopt the proposed Resolution.

**Attachments:**

1. Draft Resolution Proposing Amendments to the Freeholders Charter
2. 2013 City Charter Review Committee Revised Charter (redline version)

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE  
PROPOSING AMENDMENTS TO THE FREEHOLDERS CHARTER OF SAID  
CITY OF PORTERVILLE

WHEREAS, pursuant to Elections Code Sections 9255 et seq., the City of Porterville may make amendments to its City Charter; and

WHEREAS, the City Council of the City of Porterville, on its own motion, desires to propose to the electors of the City of Porterville amendments to the Charter of the City of Porterville;

NOW, THEREFORE, BE IT RESOLVED, as follows:

A. The City Council of the City of Porterville, on its own motion, hereby proposes to the electors of the City of Porterville, the following amendments to the Freeholders Charter of the City of Porterville:

**2014 FREEHOLDERS CHARTER AMENDMENT #1**

Sections 4.1, 8, 9, 12, 14, 24, 40, 45, 49, 58, 59, and 62, are hereby amended to read in their entirety as set forth herein below is amended to read as set forth herein below:

**Sec. 4.1. Intergovernmental Powers.**

The City may exercise and perform any of its functions and may participate in the financing thereof, jointly or in cooperation, by agreement or otherwise, with any one or more states or any agency or special district of California; or any governmental jurisdiction, including Indian Tribes, or nonprofit corporation thereof, or the United States or any of its agencies or instrumentalities.

**Sec. 8. Elective officers.**

The elective officers of the City of Porterville shall be five council members, who shall be elected from the city at large at a general municipal election therein.

**Sec. 9. Legislative body; composition; election; term; compensation; ineligibility for other city office; president of council; vice-president; installation of newly elected officers; powers to be exercised by council.**

The legislative body of the city shall consist of five persons elected at large, which body shall be known as the council.

ATTACHMENT 01



The members of the council shall be elected by the qualified voters of the city at a general municipal election to be held in the said city at the same time as the primary election state offices for the state of California. They shall hold office for the period of four (4) years from and after the date upon which they are installed in office in accordance with this section and/or until their successors are elected and installed in office.

The members of the council shall each receive the sum of twenty dollars (\$20.00) for each council meeting actually attended; the mayor shall receive the sum of twenty-five dollars (\$25.00) for each meeting of the council actually attended, provided, however, that the members of the council shall not receive compensation for more than seven meetings in any one calendar month. In addition, the council shall be reimbursed for necessary expenses incurred for authorized city business.

The members of the council shall not be eligible to any other office or employment with the city.

The council shall reorganize at the meeting following each municipal election wherein the newly-elected members are installed and shall choose one of its number to serve as president of the council to be known as mayor. At this time, the council shall also choose one of its number to serve as vice-president, and he/she shall act as mayor pro tempore in case of the absence, sickness or other disability of the mayor. The mayor and mayor pro tempore shall serve a two year term, but either may be removed at any time by a majority vote of the council. If the council removes the mayor prior to the expiration of his/her term pursuant to this provision, the council shall choose one of its number to serve as mayor until the next organizational meeting.

Where the canvass of the vote is to be completed by the city elections official, the canvass shall be completed no later than the fourth Friday after the election. Upon completion of the canvass, the elections official shall certify the results to the city council, which shall meet at its usual place of meeting no later than the fourth Friday after the election to declare the results and to install the newly elected officers. For a consolidated election, the city elections official, upon receipt of the results of the election from the elections official conducting the election, shall certify the results to the city council, which shall meet at its usual place of meeting no later than the next regularly scheduled city council meeting following the presentation of the canvass of the returns, or at a special meeting called for this purpose, to declare the results and to install the newly elected officers.

All powers granted to and vested in the city of Porterville by law or by the provisions of this charter, shall, except as herein otherwise provided, be exercised by the council to be designated the "Council of the City of Porterville." The council shall be the governing body of the city and subject to the express limitations of this charter shall be

vested with all powers necessary or convenient for a complete and adequate system of municipal government, consistent with the constitution of the state.

**Sec. 12. How council acts on legislative matters; resolutions; records of votes; requirement that all members vote; how ordinances headed; ordaining clause; ordaining clause of ordinances passed by initiative; when ordinances to be passed; publication; effective date of ordinances; certain matters required to be passed by ordinance; repeal of ordinances; revision of ordinances; ordinances to be signed by mayor and attested by clerk.**

The council shall act in legislative matters by ordinance or resolution only. Other action of the council, unless herein otherwise provided, may be taken by resolution, motion, or order.

The ayes and noes shall be taken and recorded upon the passage of all ordinances, resolutions, or other actions and entered upon the record of the proceedings of the council. All members present at any meeting must vote; provided that no such member of the council shall cast a vote when to do so would be contrary to the applicable provisions of state law, including the laws pertaining to conflict of interest.

No ordinance or resolution shall be passed without receiving the affirmative votes of at least three members of the council.

Each ordinance shall be headed by a brief title which shall indicate the purport thereof.

The ordaining clause of all ordinances adopted by the council shall be, "The Council of the City of Porterville do ordain as follows:"

The ordaining clause of all ordinances passed by the vote of the electors of the city, through the exercise of the initiative shall be, "The People of the City of Porterville do ordain as follows:"

No ordinance shall be passed by the council at any time other than at a regular meeting, and until its publication (or a summary thereof with notification that the full text is available on the City's website and at the City Clerk's office) at least once in the official newspaper of the city at least three days before its final passage.

Except an ordinance calling or otherwise relating to an election, no ordinance passed by the council of the City of Porterville, except when otherwise specially required by the laws of the state, and except an ordinance for the immediate preservation of the public peace, health or safety, which contains a declaration of, and the facts constituting its urgency and is passed by a four-fifths (4/5) vote of the council, and no ordinance granting a franchise, shall go into effect before thirty (30) days from its final passage.

Except as otherwise provided by general law, or this Charter, no action providing for the granting of any franchise, or for the establishing or changing fire zones, or for the establishing of any penalty, shall be taken except by ordinance.

No ordinance, or portion thereof, shall be repealed except by ordinance. No ordinance shall be revised, reenacted or amended by reference to its title only; but the ordinance to be revised or reenacted, or the section or sections thereof to be amended, or the new section or sections to be added thereto shall be set forth and adopted according to the method provided in this section for the enactment of ordinances, and such revision, re-enactment, amendment, or addition, shall be made by ordinance only.

All ordinances shall be signed by the mayor and attested by the city clerk.

**Sec. 14. Official bonds; where filed.**

When in this Charter not otherwise prescribed, the council shall determine which officers shall give bonds for the faithful performance of their official duties, and shall fix the amount of said bonds. Such officers before entering upon their official duties, shall execute a bond to the city in the penal sum required, which bond shall include any other office of which they may be ex-officio incumbent. Said bonds shall be approved by the council, filed with the city clerk, and paid for by the city; provided, however, that the bond of the city clerk when approved as aforesaid shall be filed with the City Manager or his/her designee. Nothing in this section shall prevent the authorization or furnishing of a blanket bond to assure the honesty or faithful performance of any of its officers or employees.

**Sec. 24. Director of finance; payment of demands; to check annual tax roll.**

The city manager shall appoint the director of finance of the city, who shall serve as the general accountant of the city. He/she shall receive and preserve in his/her office all accounts, books, vouchers, documents and papers relating to the accounts of the city, its debts, revenues and other financial affairs. He/she shall keep an account of all moneys paid into and out of the treasury; and keep informed as to the exact condition of the treasury at all times.

Every demand upon the treasury, before its approval by the council, must be presented to the director of finance, who shall satisfy himself/herself whether the money is legally due, and its payment authorized by law. If satisfactory, he/she shall draw a warrant upon the treasury for the payment thereof. Every demand approved by the director of finance shall specify on its face the several items composing it, with the amounts and dates thereof. The approval of the council shall not be necessary to draw warrants for the payment of regular salaries of officials and employees of the city, or for payment of any obligation previously authorized by law, or by resolution or order of the council.

He/she shall render on at least a quarterly basis, a statement to the council showing the financial condition of the city, and annually a like statement covering all of the financial transactions of the city during the year previous.

After the annual tax roll has been completed, and before it is deposited with the collector, the director of finance shall make a check of the roll correcting any errors that may be found and endorse same with his/her approval.

**Sec. 40.           Taxation to conform to general laws of the state.**

Except as otherwise herein provided the council shall, by ordinance, provide a system for the assessment, equalization, levy, and collection of taxes, which, as nearly as may be, shall conform to the system provided by the general laws of the state. Should the council fail to fix the tax rate within the time prescribed, then the tax rate of the previous year shall constitute the rate for the current year.

**Sec. 45.           Taxes and assessments to constitute a lien; foreclosure.**

All taxes and assessments levied, together with any percentages imposed for delinquency and cost of collection, shall constitute liens on the property assessed; every tax upon the personal property shall be a lien upon the real property of the owner thereof. The liens provided for in this section shall attach as of the first Monday in March each year and may be enforced by actions to foreclose such liens in any court of competent jurisdiction, or by a sale of the property affected and the execution and delivery of all necessary certificates and deeds therefor, under such regulations as may be prescribed by ordinance; provided that when real estate is offered for sale for city taxes due thereon the same shall be sold to the city in like case and manner, and with like effect and right of redemption as it may be struck off and sold to the state when offered for sale for county taxes; and the council shall have power to provide by ordinance for the procedure to be followed in such sales to the city and redemption thereafter. This section is cumulative to any rights and remedies the City may have under the general laws relating to the enforcement and collection of taxes and assessments.

**Sec. 49.           Quarterly financial reports required.**

All officers required by this Charter or by ordinance to submit quarterly financial reports to the council, shall submit the same in duplicate, and upon their approval by the council, one of each of such duplicate reports shall be posted forthwith in the office of the city clerk in such manner as to be readily accessible to the public, and shall remain so posted until the approval by the council of the next succeeding financial report when the same procedure shall be followed in relation thereto. The council, in addition to such posting, may, in its discretion, cause any of such reports to be published at any time.

**Sec. 58.           Pensions.**

The council shall have and is hereby granted full power and authority to establish, regulate, maintain, revise and amend, a retirement, disability, death benefit and pension system, or either or any of them, for its elective and appointive officers and employees of the City of Porterville and their dependents. Authority and power is hereby vested in the City of Porterville, its council, its officers, agents and employees to do and perform any act or exercise any authority granted, permitted or required whereby the City of Porterville

may fully participate in a retirement, disability, death benefit and pension system for its employees.

A system for retirement, disability death benefit and pension rights for employees and their dependents authorized by this section when established by the council, shall not be terminated without securing the approval of a majority of the electors of the City of Porterville at an election held therefor.

The city may levy and collect taxes sufficient to pay all costs and expenses required to be paid by the City of Porterville to enable the City of Porterville to participate in any such retirement, disability, death benefit or pension system established, set up or maintained by, for or on behalf of the City of Porterville.

**Sec. 59. Hiring of certified public accountant to audit city books.**

The city council shall contract with a certified public accountant annually to investigate the accounts and transactions of all city officers and employees having the collection, custody or distribution of public money or property, or the power to approve, allow or audit demands on the city treasury.

**Sec. 62. Public improvements.**

The improvement widening and opening of streets, the planting, care, and maintenance of trees, and the making of any other public improvement or undertaking of any public project may be done and assessments therefor may be levied in conformity with and under the authority conferred by general laws; provided, however, that the council may by ordinance adopt a procedure for the construction and/or improvement and repair of streets, alleys or other public places or facilities; the laying of pipes, or conduits or for the planting, care or maintenance of trees, or for the removal of dirt, rubbish, weeds and other rank growth and materials which may injure or endanger neighboring property or the health or the welfare of inhabitants of the vicinity, from buildings, lots and grounds and the sidewalks opposite thereto and for making and enforcing assessments against property benefitted or affected thereby, or from which such removal is made, for the cost of such improvements or removal and may make such assessments a lien on such property superior to all other claims or liens thereon, except state, county and municipal taxes, but no such ordinance shall prevent the council from proceeding under general laws for said purposes.

**2014 FREEHOLDERS CHARTER AMENDMENT #2**

Section 5 and a portion of Section 9, consisting of the second complete paragraph thereof are amended by substituting in lieu thereof, the following:

**Sec. 5. When elections to be held; special elections; procedure for elections for local improvements or levies of assessment or bonded indebtedness.**

General municipal elections shall be held in said city at the same time as the general election for Federal Offices in the State of California under and pursuant to the general laws of the State of California governing elections in charter cities, so far as the same may be applicable, and except as herein otherwise provided. All other municipal elections that may be held by authority of this Charter or of general law shall be known as special municipal elections, and shall be held, substantially as in this Charter provided for general municipal elections; providing, however, that special elections to authorize any municipal or local public improvement, or the levy of assessment therefor, or to create a municipal bonded indebtedness, shall be held in conformity with any general law of the state relative thereto under which any such proceeding is instituted by the council, in case such general law provides for the procedure and manner of holding elections thereunder.

**Section 9, Paragraph 2:**

The members of the council shall be elected by the qualified voters of the city at a general municipal election to be held in the said city at the same time as the general election for Federal offices for the State of California. They shall hold office for the period of four (4) years from and after the date upon which they are installed in office in accordance with this section and/or until their successors are elected and installed in office.

**2014 FREEHOLDERS CHARTER AMENDMENT #3**

Section 10 is amended, by making amendments to the second full paragraph as follows:

**Section 10, Paragraph 2:**

Except for special meetings with the legislative bodies of other political subdivisions, or informational meetings held within a community in accordance with the Brown Act where no action is to be taken, all meetings of the council shall be held at or on publicly-owned facilities, unless by reason of fire, flood, or other disaster, or lack of seating capacity, the public-owned facilities cannot be used for that purpose, and all meetings shall be open to the public. The council shall adopt rules for conducting its proceedings and may punish its members or other persons present at any meeting for disorderly conduct.

**2014 FREEHOLDERS CHARTER AMENDMENT #4**

Section 16 is amended by making changes to the second complete paragraph thereof, to read as follows:

**Section 16, Paragraph 2:**

If, without permission from the City Council, any legislative officer of the city shall remove from the city or absent himself/herself therefrom for more than forty-five (45) days consecutively, or shall fail to attend five (5) consecutive regular city council meetings unless prevented from attending by sickness (but in no case for a period exceeding ninety (90) days), his/her officer shall thereupon become vacant.

If for said forty-five (45) day period any legislative officer shall willfully fail or refuse to perform the duties of his office, though able to do so, or shall fail to qualify, or shall resign, or be convicted of a felony or a crime of moral turpitude, or be adjudged mentally incompetent, his/her office shall thereupon become vacant.

#### **2014 FREEHOLDERS CHARTER AMENDMENT #5**

Section 18, third complete paragraph thereof, is amended as follows:

##### **Section 18, Paragraph 3:**

The salary of any appointive official or employee of the city shall cease forthwith with his/her removal or resignation from office or employment; provided, however, that the City Manager may be entitled, if authorized by the City Council, to severance pay in an amount not to exceed the equivalent of 12 months' salary, subject to any other restrictions set forth by State law.

#### **2014 FREEHOLDERS CHARTER AMENDMENT #6**

Section 48 is amended by substituting in lieu thereof, the following:

##### **Sec. 48. Payment of city money; expenditures and indebtedness; presentation of demands; warrants on treasury.**

No money shall be expended on behalf of the city, for any purpose, unless and until the same shall have been authorized by a majority vote of the Council; provided that following every Council election, the City Council may, by a majority vote, adjust the amount of money that may be expended on behalf of the City, without prior specific Council authorization.

The City Council, by resolution by a majority vote of the Council, shall establish the maximum amount of money to be expended on behalf of the City without first requiring specific Council authorization, except as otherwise provided for in this Charter; provided further that said maximum amount once established by resolution shall not be adjusted until after each general Council election.

No indebtedness shall be incurred on behalf of the city, for any purpose, unless and until the same shall have been authorized by resolution by a four-fifths (4/5) vote of the Council; provided that following every Council election, the City Council may, by a four-fifths majority vote, adjust the amount of indebtedness that may be incurred, on behalf of the City, without prior specific Council authorization.

The City Council, by resolution approved by a four-fifths vote of the Council, shall establish the maximum amount of indebtedness to be incurred on behalf of the City without first requiring specific Council authorization, except as otherwise provided for in this Charter; provided further that said maximum amount once established shall not be adjusted

until after each general Council election, and then only by resolution by a four-fifths majority vote.

Indebtedness evidenced by general obligation bonds shall be incurred by the City only if approved by the City Council and authorized by the voters as required by the Constitution and general laws of the State.

All demands against the city shall, before being paid, be presented to and approved by the proper board, commission or officer, as herein provided. Demands for which no appropriation has been made shall be presented to the city manager, provided, that any person dissatisfied with the refusal of the city manager to approve any demand, in whole or in part, may present the same to the council, and the approval of such demand by the council shall have the same effect as its approval by the city manager; and provided further, that if the council shall provide for other boards or commissions, it may make provision for the presentation to and approval by any such board or commission of demands for liabilities incurred by them.

The council may provide for a revolving cash fund as authorized by ordinance by four-fifths majority vote of the Council; provided that effective January 1, 2004, and following every Council election thereafter, the City Council may, by a four-fifths majority vote, adjust the revolving cash fund. The amount shall be paid to the city manager, and used by him/her for the payment in cash, of expenditures provided for in the budgets that cannot conveniently be paid otherwise. He or she shall account to the council for all payments by him or her out of said fund when making demand for the replenishment of the same, and at such other times as the council may require, and they shall thereupon be charged against the proper appropriations.

All demands approved by the proper board, commission or officer shall be presented to the director of finance, who shall examine the same, and if the amount thereof is legally due and there remains on his books an unexhausted balance or an appropriation against which the same may be charged, he/she shall approve such demand and draw and sign his warrant on the treasurer therefor, payable out of the proper fund. Objections of the director of finance to any demand may be overruled by the council, and the director of finance shall thereupon draw his warrant as directed by the council. Such warrants, when presented to the treasurer, shall be paid by him/her out of the fund therein designated, if there be sufficient money in such fund for that purpose. A warrant not paid for lack of funds shall be registered, and all registered warrants shall be paid in the order of registration when funds are available therefor; all such registered warrants shall bear interest at the rate of six percent (6%) per annum. The director of finance shall draw his/her warrants for payment of municipal or other bonds payable out of the funds in the treasury upon presentation and surrender of the proper bonds or coupons without approval of anybody or officer. The council may make further regulations by ordinance regarding the presentation, approval and payment of demands against the city.

#### **2014 FREEHOLDERS CHARTER AMENDMENT #7**

Section 61 is amended by substituting in lieu thereof, the following:



**Sec. 61. Competitive bidding for contract work for erection, improvement and repair of public buildings, etc., where the amount is in excess of five thousand dollars.**

When the City determines to contract for work for a public project, and the cost estimate for said work exceeds five thousand dollars, it shall be contracted for and let to the lowest responsible bidder after notice.

As used in this section public project means a project for the erection, improvement and repair of public buildings and works; work in or about streams, embankments, or other work for protection against overflow; street sewer work except maintenance or repair; furnishing supplies or materials for any such project, including maintenance or repair of streets, sewers or water lines.

The council may reject any or all bids presented and may, at its discretion, readvertise for other bids, or, the council may, after rejecting bids, determine and declare by a four-fifths (4/5) vote of all of its members that the work in question may be more economically or satisfactorily performed by day labor, or the labor or materials purchased at a lower price in the open market and after the adoption of a resolution to this effect it may proceed to have the same done in the manner stated without further observance of the foregoing provisions of this section.

The notice inviting sealed bids shall set a date for the opening of bids; the first publication shall be at least ten (10) days before the date of the opening of the bids; shall be published at least twice not less than five (5) days apart in the official newspaper selected by the council.

In case of a great public calamity, such as an extraordinary fire, flood, storm, epidemic or other disaster, or in the case of circumstances resulting in an imminent threat to public health and/or safety, the council may, by resolution passed by a vote of four-fifths (4/5) of its members, determine and declare that the public interest or necessity demands the immediate expenditure of public money to safeguard life, health, or property, and thereupon they may proceed without advertising for bids or receiving the same, to expend, or enter into a contract involving the expenditure of any money required in such emergency, on hand in the city treasury and available for such purpose.

The City reserves the right to perform any public project or make or repair any public property or improvement using its own forces, regardless of cost.

**2014 FREEHOLDERS CHARTER AMENDMENT #8**

Section 61 is amended by amending the first full paragraph, to read as follows:

**Section 61, Paragraph 1:**

When the City determines to contract for work for a public project, and the cost estimate for said work exceeds fifty thousand dollars, it shall be contracted for and let to the lowest responsible bidder after notice. Annually at the time of the City Council's budget adoption, the City Council shall consider whether to set a lower bid limit and may do so by ordinance.

**2014 FREEHOLDERS CHARTER AMENDMENT #9**

Section 67 is amended by substituting in lieu thereof, the following, and Section 67.1 is hereby added as follows:

**Sec. 67. Interference with performance of duties of city manager; interference by city manager in elections.**

No member of the council shall in any manner attempt to influence or coerce the city manager in the making of any appointment or the purchase of supplies in accordance with applicable state and federal law.

The council shall deal with the administrative functions of the city through the city manager. The Council shall only have direct contact with the directors of the city's departments for the purpose of asking questions.

Any City Council member violating the provisions of this section, or voting for a resolution or ordinance in violation of this section shall be guilty of a misdemeanor and, upon conviction, shall cease to be a Council Member. Additionally, any City Council member violating this section may be subject to civil remedies as specified in Section 74.

**Section 67.1 Political Activities by Legislative and Administrative Officers, Employees**

Political activities of and campaign contributions by the city's legislative officers, administrative officers, and employees shall be governed in accordance with applicable state and federal law. All legislative and administrative officers and all city employees are prohibited from engaging in political activities during working hours. City officers and employees are prohibited from engaging in political activities at their work place.

Furthermore, city officers and employees are prohibited from engaging in political activities on city properties, provided this prohibition does not pertain to property that is otherwise open to the public for the purpose of engaging in political activities.

**2014 FREEHOLDERS CHARTER AMENDMENT #10**

Section 68 is hereby amended by substituting in lieu thereof, the following:

**Sec. 68. Leases of city property.**

In every lease of city property the basic amount of rental shall be fixed by the council.

All indentures of lease shall provide that the council may terminate the same at its pleasure and repossess the premises therein described, upon written advance notice equivalent to either 30 days or a maximum of five percent (5%) of the total lease term period as specified in the lease, but not including option periods, and upon paying to the lessee the market value of any improvements made or put upon said premises by the lessee. The market value of such

improvements shall be determined by a board of appraisers consisting of one appraiser appointed by the council, and a lessee appraiser appointed by the lessee.

In the event of their failure to agree upon the market value of the improvements within thirty days from and after their appointment, said two appraisers may appoint a third appraiser as a member of said board, and the determination of the majority of said board of appraisers, as to the market value of the improvements, shall be final and conclusive and binding on all concerned. Should the two appraisers by the council and the lessee respectively, fail for forty days from and after their appointment to agree upon the market value of the improvements or to appoint a third appraiser, then upon the petition in writing of either party to any such lease, a judge of the superior court of Tulare County is hereby empowered to appoint the third appraiser upon such board; provided, however that the council shall not terminate any such lease or repossess any such premises except for a public use and purpose; provided, further, that no lease of city property shall be made for a maximum term of more than fifty years.

For any month-to-month lease of city property, or lease of city property to State or Federal entities or agencies/subdivisions thereof, the above notice requirements shall not be required, and responsibility for improvements and any associated reimbursement may be negotiated and set forth in the terms of the lease.

#### **2014 FREEHOLDERS CHARTER AMENDMENT #11**

Section 74 is hereby added as follows:

##### **Sec. 74 Violations.**

This section shall apply only if a penalty/violation is not otherwise explicitly provided for in the Charter. A violation of any provision of this Charter shall be a misdemeanor with maximum fines and imprisonment as allowed by law, except that such violation may be prosecuted as an infraction, at the discretion of the City Attorney.

Any violation of this Charter may be prosecuted in the name of the People of the State of California or may be redressed by the City through any legal or equitable remedies; including but not limited to civil action and/or injunction, or administrative citation in accordance with adopted City ordinances. To the fullest extent allowed by law, civil remedies may be utilized in addition to or as an alternative to criminal enforcement.

The City shall be authorized to recover its full costs, including reasonable attorneys' fees, for the enforcement of any violation of this Charter or Municipal Code. The City Council is authorized to adopt any necessary or appropriate ordinances to implement this section of the Charter.

#### **2014 FREEHOLDERS CHARTER AMENDMENT #12**

A portion of Section 9, consisting of the third complete paragraph thereof is amended by substituting in lieu thereof, the following:

##### **Section 9, Paragraph 3:**

The members of the council shall each receive compensation equivalent to the hourly California State Minimum Wage, as from time-to-time may be adjusted, for all meetings attended by the council members, if authorized to attend by the City Council. Said amount shall be paid incrementally as permitted by State law. This amendment shall go into effect.....

#### **2014 FREEHOLDERS CHARTER AMENDMENT # 13**

A portion of Section 12, consisting of the seventh complete paragraph thereof is amending by substituting in lieu thereof, the following:

##### **Section 12, Paragraph 7:**

No ordinance shall be passed by the council at any time other than at a regular meeting, and until its publication, in a manner and for a time period as determined and set forth by ordinance.

#### **2014 FREEHOLDERS CHARTER AMENDMENT #14**

A portion of Section 58, consisting of the second complete paragraph is amended by substituting in lieu thereof, and a fourth paragraph is hereby added as follows:

##### **Section 58, Paragraph 2:**

A system for retirement, disability death benefit and pension rights for employees and their dependents authorized by this section when established by the council, shall not be terminated without securing the approval of a majority of the electors of the City of Porterville at an election held therefor, except as may be permitted by applicable State law.

##### **Section 58, Paragraph 4:**

This Section shall be construed in accordance with the California Constitution and shall be deemed to allow the City to create, eliminate, or modify its pension and retiree healthcare benefits to the fullest extent permitted by the California Constitution and applicable law.

B. A special Municipal Election to consider the above referenced Charter Amendments is hereby called for June 3, 2014, for the City of Porterville and is to be consolidated with the General Municipal Election to be held on that date.

C. That on the ballot to be used at the Special Municipal Election, insofar as the same pertains to the proposed amendments to the Freeholders Charter of the City of Porterville, in addition to any matters required by law, there shall be printed substantially the following:

1. Measure ‘\_\_\_’ to amend numerous Sections of the Freeholders Charter of the City of Porterville to make certain technical, non-substantive revisions which do not materially alter, increase or decrease the home rule powers of the City of Porterville.

**“Should the Charter be amended to make certain technical, non-substantive revisions which do not materially alter, increase or decrease the home rule powers of the City of Porterville?”**

2. Measure ‘ \_\_\_\_\_ ’ to amend the Freeholders Charter of the City of Porterville to change the election date for Council seats to be the same as the date for the Federal General election for federal officers.

**“Should the Charter be amended to change the election date for Council seats to be the same as the date for the Federal General election for federal officers in the State of California?”**

3. Measure ‘ \_\_\_\_\_ ’ to amend the Freeholders Charter of the City of Porterville to allow City Council meetings to be held at publicly-owned facilities in addition to City Hall.

**“Should the Charter be amended to allow City Council meetings to be held at publicly-owned facilities in addition to City Hall?”**

4. Measure ‘ \_\_\_\_\_ ’ to amend the Freeholders Charter of the City of Porterville to provide that a Council seat becomes vacant if, without permission from the Council, a City Councilmember removes or absents himself/herself from the City for more than forty-five (45) days or fails to attend five (5) consecutive regular meetings unless prevented from attending by sickness, and in that event after a period of ninety (90) days.

**“Should the Charter be amended to provide that a council member seat becomes vacant if, without permission from the Council, a council member removes or absents himself/herself from the City for more than forty-five (45) days, fails to attend five (5) consecutive regular meetings, unless prevented from attending by sickness, and in that event after ninety (90) days?”**

5. Measure ‘ \_\_\_\_\_ ’ to amend the Freeholders Charter of the City of Porterville to provide that the City Manager is limited to maximum severance pay equivalent to twelve (12) months salary, but subject to additional restrictions set forth by State law and the City Council’s discretion.

**“Should the Charter be amended to provide that any severance pay to the City Manager is limited to the equivalent of a maximum of 12 months salary, subject to any other restrictions set forth by State law and further limitations as authorized by the City Council?”**

6. Measure ‘ \_\_\_\_\_ ’ to amend the Freeholders Charter of the City of Porterville to provide that expenditures must be authorized by a majority vote of the City Council, that following every Council election the City Council may adjust, by majority vote and Resolution, the amount of money that may be expended without additional prior authorization, that indebtedness shall be incurred on behalf of the City only if authorized

by a four-fifths (4/5) vote of the Council, that following every Council election the City Council may adjust, by a four-fifths (4/5) vote and Resolution, the amount of indebtedness that may be incurred.

**“Should the Charter be amended to require majority vote approval of expenditures, allow the City Council to set, by majority vote and resolution after each City Council election, the maximum amount of expenditure of City funds allowed without prior Council approval; require a 4/5 majority vote approval for indebtedness, and allow the City Council to set, by 4/5 majority vote and resolution after each City Council election, the maximum amount of indebtedness allowed without prior Council approval?”**

7. Measure ‘\_\_\_’ to amend the Freeholders Charter of the City of Porterville to provide that the City, as a Charter City, has the power to perform public projects, improvements, and repairs using its own forces, regardless of cost, and to provide that the City Council may, only in cases of emergency including circumstances resulting in imminent threat to public health and/or safety, by 4/5 majority vote, proceed without otherwise adhering to competitive bidding requirements.

**“Should the Charter be amended to provide that the City has the power to perform public projects, improvements, and repairs using its own forces, regardless of cost, and to provide that the City Council may, only in cases of emergency including circumstances resulting in imminent threat to public health and/or safety, by 4/5 majority vote, proceed with otherwise adhering to competitive bidding requirements?”**

8. Measure ‘\_\_\_’ to amend the Freeholders Charter of the City of Porterville to raise the bid limit for public projects contracted for by the City to \$50,000.00 (subject to further potential limitations by the City Council considered annually and set by ordinance).

**“Should the Charter be amended to require that public projects contracted for by the City, with a cost estimate exceeding \$50,000.00, be subject to competitive bidding, with further restrictions considered by the Council annually?”**

9. Measure ‘\_\_\_’ to amend the Freeholders Charter of the City of Porterville to provide that a violation of this section is a misdemeanor and subject to additional consequences, including forfeiture of office if convicted. Said measure would also place the current last two paragraphs of this section pertaining to political activities of officers and employees, into a new separate section.

**“Should the Charter be amended to provide that a violation of this section (interference with the performance of duties of the City Manager) is a misdemeanor and subject to additional consequences, including forfeiture of office if convicted, and that the portion of this Charter section pertaining to officer and employee political activities be moved and restated to a new Charter section?”**

10. Measure ‘\_\_\_\_’ to amend the Freeholders Charter of the City of Porterville to require that leases of City property have a clause providing that the City Council may terminate the lease upon written advance notice equivalent to either 30 days or a maximum of five percent of the total lease term period as specified but not including option periods, and upon paying the lessee market value of any improvements as set forth, and clarifying that these requirements shall not be required for month-to-month leases or leases of city property to State and Federal agencies.

**“Should the Charter be amended to require that leases of City property may be terminated by the City upon advance notice equivalent to either 30 days or a maximum of 5% of the total lease term period but not including option periods, and upon paying the lessee market value of improvements as set forth, and clarifying that these requirements shall not apply to month-to-month, or State or Federal, leases?”**

11. Measure ‘\_\_\_\_’ to amend the Freeholders Charter of the City of Porterville, adding a new Charter section establishing penalties and remedies for violations of the Charter, where no other penalty or remedy is otherwise specified, and providing penalties and remedies as generally provided for in the City’s Municipal Code.

**“Should the Charter be amended to add a new Charter section establishing penalties and remedies for violations of the Charter, where no other penalty or remedy is otherwise specified, and providing for penalties and remedies as generally provided for in the City’s Municipal Code?”**

12. Measure ‘\_\_\_\_’ to amend the Freeholders Charter of the City of Porterville, to provide that members of the council shall receive compensation equivalent to the hourly California State Minimum Wage, as from time-to-time may be adjusted by State law, for all meetings attended by the member as approved by the City Council.

**“Should the Charter be amended to provide that council members shall receive compensation equivalent to the hourly California State Minimum Wage, as from time-to-time may be adjusted by State law and then by ordinance, for all meetings attended by the members as approved by the City Council, with compensation only becoming effective upon commencement of each council-member’s new term and subject to any other applicable statutory or constitutional restrictions?”**

13. Measure ‘\_\_\_\_’ to amend the Freeholders Charter of the City of Porterville, to provide that ordinance publication requirements shall be set by City ordinance.

**“Should the Charter be amended to provide that the ordinance publication requirements shall be set by City ordinance?”**

14. Measure ‘ \_\_\_\_ ’ to amend the Freeholders Charter of the City of Porterville, to provide that the City employee retirement, pension, or disability/death benefits when established by the Council shall not be terminated without approval of the majority of the electors except as may be permitted by the California Constitution and applicable law, and that the City retains its full power to create, modify, or eliminate its pension and retiree healthcare benefits in accordance with the California Constitution.

**“Should the Charter be amended to provide that the City employee retirement, pension, or disability/death benefits shall not be terminated except as may be permitted by the California Constitution and applicable law, and to clarify that the City retains its full power to create, modify or eliminate its pensions and retiree healthcare benefits subject to the California Constitution?”**

D. That the City Clerk of the City of Porterville be, and is hereby authorized and instructed to, publish said proposed Amendments in the Porterville Recorder, a newspaper of general circulation, as required by the provisions of Elections Code Section 12114 and Government Code Section 6066.

PASSED, ADOPTED AND APPROVED this \_\_\_\_ day of January, 2014.

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

ATTEST:

\_\_\_\_\_  
John Lollis, City Clerk



**2013 CITY CHARTER REVIEW  
ADVISORY COMMITTEE  
PROPOSED REVISED CITY CHARTER**

The 2013 City Charter Review Advisory Committee hereby submits the following City Charter to the City of Porterville Council showing all revisions, amendments, and additions recommended by the Committee:

**CITY CHARTER**

**Sec. 1. Name of city; perpetual succession.**

The municipal corporation now existing and known as the "City of Porterville" shall remain and continue a body politic and corporate, as at present, in fact and in law, by the name of the "City of Porterville," and by such name shall have perpetual succession.

**Sec. 1.1 City Motto**

"In God We Trust" shall be designated as the official motto of the city of Porterville.

**Sec. 2. Boundaries.**

The boundaries of the City of Porterville shall continue as now established until changed in some manner authorized by law.

**Sec. 3. Rights and liabilities of cities; prior contracts, liabilities, etc., continued in effect.**

The City of Porterville shall remain vested with and continue to have, hold, and enjoy, all property, rights of property, and rights of action of every nature and description, now pertaining to said municipality, and is hereby declared to be the successor of the same. No right, liability, pending suit or prosecution on behalf of, or against, the city shall be affected by the adoption of this Charter. All contracts entered into by the city prior to the taking effect of this Charter shall continue in full force and effect.

**Sec. 4. General powers of city; official seal.**

The City of Porterville, by and through its Council and other officials, shall have and may exercise all powers necessary or appropriate to a municipal corporation and the general welfare of its inhabitants, which are not prohibited by the constitution, and which it would be competent for this Charter to set forth particularly or specifically; and the specifications herein of any particular powers shall not be held to be exclusive or any limitation upon this general grant of power. General Powers of the city include, but are not limited to, the powers necessary or appropriate to promote the health, welfare and education of its inhabitants. The city shall have and use a common seal and the official seal hereinbefore adopted and now in use by said city shall continue to be the official seal of said city.

**Sec. 4.1. Intergovernmental Powers.**

The City may exercise and perform any of its functions and may participate in the financing thereof, jointly or in cooperation, by agreement or otherwise, with any one or more states or any agency or *special district* of California; or any governmental jurisdiction, *including Indian Tribes*, or nonprofit corporation thereof, or the United States or any of its agencies or instrumentalities.

**Sec. 4.2. Liberal interpretation.**

The powers of the City under this Charter shall be construed liberally in favor of the City, and the specific mention of particular powers in the Charter shall not be construed as limiting in any way any of the powers granted by this Charter.

**Sec. 5. When elections to be held; special elections; procedure for elections for local improvements or levies of assessment or bonded indebtedness.**

General municipal elections shall be held in said city at the same time as the ~~Primary~~ *general* election for ~~State Federal~~ *Offices* ~~for in~~ the State of California under and pursuant to the general laws of the State of California governing elections in charter cities, so far as the same may be applicable, and except as herein otherwise provided. All other municipal elections that may be held by authority of this Charter or of general law shall be known as special municipal elections, and shall be held, substantially as in this Charter provided for general municipal elections; providing, however, that special elections to authorize any municipal or local public improvement, or the levy of assessment therefor, or to create a municipal bonded indebtedness, shall be held in conformity with any general law of the state relative thereto under which any such proceeding is instituted by the council, in case such general law provides for the procedure and manner of holding elections thereunder.

**Sec. 6. Initiative, referendum and recall.**

Ordinances may be initiated, or the referendum exercised on ordinances passed by the council, under and in accordance with the Constitution and general laws of the state. Any elective officer may be recalled from office under and pursuant to the provisions of the Constitution and general laws, provided that a special election shall be held at the same time as the recall election, in accordance with the Constitution and general laws of the state, for the purpose of electing officers to fill the place or places of the officers sought to be recalled.

**Sec. 7. Elective officers to be residents.**

In order to be eligible to hold any elective office in the City of Porterville, a person must be a resident and elector therein, and shall have resided in said city for at least thirty days next preceding the filing of their nominating papers, or equivalent declaration or candidacy, and be an elector at the time of said filing.

**Sec. 8. Elective officers.**

The elective officers of the City of Porterville shall be five councilmen *members*, who shall be elected from the city at large at a general municipal election therein.

**Sec. 9. Legislative body; composition; election; term; compensation; ineligibility for other city office; president of council; vice-president; installation of newly elected officers; powers to be exercised by council.**

The legislative body of the city shall consist of five persons elected at large, which body shall be known as the council.

The members of the council shall be elected by the qualified voters of the city at a general municipal election to be held in the said city at the same time as the ~~primary general~~ election for state *Federal* offices for the *Sstate* of California. They shall hold office for the period of four (4) years from and after the ~~Monday next succeeding the day of their election date upon which they are installed in office in accordance with this section and/or until their successors are elected, and qualified; installed in office, provided the respective terms of any council member presently serving or elected at the time of the adoption of this amendment shall be extended one additional year to the even-numbered year following the expiration of their respective terms.~~

The members of the council shall each receive the sum of twenty dollars (\$20.00) for each council meeting actually attended; the mayor shall receive the sum of twenty-five dollars (\$25.00) for each meeting of the council actually attended, provided, however, that the members of the council shall not receive compensation for more than seven meetings in any one calendar month. In addition, the council shall be reimbursed for necessary expenses incurred for authorized city business.

The members of the council shall not be eligible to any other office or employment with the city.

The council shall reorganize at ~~its next~~ *the* meeting following each municipal election ~~wherein the newly-elected members are installed~~ and shall choose one of ~~their~~ *its* number to serve as president of the council to be known as mayor. At this time, the council shall also choose one of ~~their~~ *its* number to serve as vice-president, and he/she shall act as mayor pro tempore in case of the absence, sickness or other disability of the mayor. The mayor and mayor pro tempore shall serve a two year term, but either may be removed at any time by a ~~majority~~ *four fifths (4/5)* vote of the council. If the council removes the mayor prior to the expiration of his/her term pursuant to this provision, the council shall choose one of ~~their~~ *its* number to serve as mayor until the next organizational meeting.

~~The council shall meet at its usual meeting place on the first Monday after any municipal election, duly canvass the returns and declare the result thereof, and install the newly elected officers, if any. Where the canvass of the vote is to be completed by the city elections official, the canvass shall be completed no later than the fourth Friday after the election. Upon completion of the canvass, the elections official shall certify the results to the city council, which shall meet at its usual place of meeting no later than the fourth Friday after the election to declare the results and to install the newly elected officers. For a consolidated election, the city elections official, upon receipt of the results of the election from the elections official conducting the election, shall certify the results to the city council,~~

*which shall meet at its usual place of meeting no later than the next regularly scheduled city council meeting following the presentation of the canvass of the returns, or at a special meeting called for this purpose, to declare the results and to install the newly elected officers.*

All powers granted to and vested in the city of Porterville by law or by the provisions of this charter, shall, except as herein otherwise provided, be exercised by the council to be designated the "Council of the City of Porterville." The council shall be the governing body of the city and subject to the express limitations of this charter shall be vested with all powers necessary or convenient for a complete and adequate system of municipal government, consistent with the constitution of the state.

**Sec. 9.1 Public Participation.**

The council shall continue to encourage the organization of and communication with representative neighborhood groups throughout the city to encourage citizen participation, to seek advice and input and to provide information to the public relative to city matters and affairs.

**Sec. 10. Time and place of council meetings; meetings to be open to public; council to adopt rules for conduct of its own proceedings.**

The council shall provide by ordinance for the time and place of holding its meetings. Special meetings shall be called in accordance with the provisions of general law. There shall be at least one (1) regular meeting in each month. Any regular meeting may be adjourned to a date and hour certain, and such adjourned meeting shall be a regular meeting for all purposes.

Except for special meetings with the legislative bodies of other political subdivisions, or informational meetings held within ~~the~~ a community in accordance with the Brown Act where no action is to be taken, all meetings of the council shall be held ~~in the city hall at or on city-owned facilities~~, unless by reason of fire, flood, or other disaster, or lack of seating capacity, the city hall facilities cannot be used for that purpose, and all meetings shall be open to the public. The council shall adopt rules for conducting its proceedings and may punish its members or other persons present at any meeting for disorderly conduct.

**Sec. 11. Quorum; compelling attendance at meetings.**

A majority of the council shall constitute a quorum for the transaction of business, but a less number may adjourn from time to time and postpone the consideration of or action upon, pending business in like manner. Attendance at meetings of absent members of the council may be compelled in such manner and under such penalties as may be prescribed by ordinance.

**Sec. 12. How council acts on legislative matters; resolutions; records of votes; requirement that all members vote; how ordinances headed; ordaining clause; ordaining clause of ordinances passed by initiative; when ordinances to be passed; publication; effective date of ordinances; certain matters required to be passed by ordinance; repeal of ordinances; revision of ordinances; ordinances to be signed by mayor and attested by clerk.**

The council shall act in legislative matters by ordinance or resolution only. Other action of the council, unless herein otherwise provided, may be taken by resolution, motion, or order.

The ayes and noes shall be taken *and recorded* upon the passage of all ordinances, and resolutions, *or other actions* and entered upon the record of the proceedings of the council. ~~Upon the request of any member of the council, the ayes and noes shall be taken and recorded upon any vote.~~ All members present at any meeting must vote; provided that no such member of the council shall cast a vote when to do so would be contrary to the applicable provisions of state law, including the laws pertaining to conflict of interest.

No ordinance or resolution shall be passed without receiving the affirmative votes of at least three members of the council.

Each ordinance shall be headed by a brief title which shall indicate the purport thereof.

The ordaining clause of all ordinances adopted by the council shall be, "The Council of the City of Porterville do ordain as follows:"

The ordaining clause of all ordinances passed by the vote of the electors of the city, through the exercise of the initiative shall be, "The People of the City of Porterville do ordain as follows:"

No ordinance shall be passed by the council at any time other than at a regular meeting, ~~or~~ *and until its publication (or a summary thereof with notification that the full text is available on the City's website and at the City Clerk's office)* at least once in the official newspaper of the city at least three days before its final passage.

Except an ordinance calling or otherwise relating to an election, no ordinance passed by the council of the City of Porterville, except when otherwise specially required by the laws of the state, and except an ordinance for the immediate preservation of the public peace, health or safety, which contains a declaration of, and the facts constituting its urgency and is passed by a four-fifths (4/5) vote of the council, and no ordinance granting a franchise, shall go into effect before thirty (30) days from its final passage.

Except as otherwise provided by general law, or this Charter, no action providing for the granting of any franchise, or for the establishing or changing fire zones, or for the ~~imposing~~ *establishing* of any penalty, shall be taken except by ordinance.

No ordinance, or portion thereof, shall be repealed except by ordinance. No ordinance shall be revised, reenacted or amended by reference to its title only; but the ordinance to be revised or reenacted, or the section or sections thereof to be amended, or the new section or sections to be added thereto shall be set forth and adopted according to the method provided in this section for the enactment of ordinances, and such revision, re-enactment, amendment, or addition, shall be made by ordinance only.

All ordinances shall be signed by the mayor and attested by the city clerk.

**Sec. 13. Legislative officers; administrative officers; other officers and commissions; consolidation of offices.**

The legislative officers of the City of Porterville shall consist of five (5) members of the council, one of whom shall act as mayor. In addition, there shall be the following administrative officers who shall be appointed by the council: a city manager, a city attorney and a city clerk.

The council may, by ordinance provide for such other officers as deemed necessary and the council may further establish by ordinance commissions deemed by it to be necessary or proper to aid in the orderly administration of the City of Porterville.

All members of commissions and legislative committees shall be appointed by the council. The council may appoint members to other boards or committees. Administrative officers may appoint members to temporary administrative committees.

The council may, at any time, when in its judgment, the interest of the city so demands, by a four-fifths (4/5) vote thereof, consolidate by ordinance two or more city administrative offices and place the same in charge of one such officer.

**Sec. 14. Official bonds; where filed.**

When in this Charter not otherwise prescribed, the council shall determine which officers shall give bonds for the faithful performance of their official duties, and shall fix the amount of said bonds. Such officers before entering upon their official duties, shall execute a bond to the city in the penal sum required, which bond shall include any other office of which they may be ex-officio incumbent. Said bonds shall be approved by the council, filed with the city clerk, and paid for by the city; provided, however, that the bond of the city clerk when approved as aforesaid shall be filed with the ~~city treasurer~~ *City Manager or his/her designee*. Nothing in this section shall prevent the authorization or furnishing of a blanket bond to assure the honesty or faithful performance of any of its officers or employees.

**Sec. 15. Oath of office.**

Every officer and employee of the city, before entering upon the duties of his/her office shall take and subscribe the oath of offices as provided for in the Constitution of the state, and shall file the same forthwith with the city clerk.

**Sec. 16. Vacancies in office; when offices declared vacant.**

A vacancy in any legislative office, from whatever cause arising excluding any vacancy created due to a successful recall election, shall be filled by appointment by the council, such appointee to hold office until the next general municipal election, when a successor shall be chosen by the electors for the unexpired term; provided, that if the council fails to agree or for any other reason does not fill such vacancy within thirty days after the same occurs, then such vacancy shall be filled by the mayor; provided, however, that if for any reason the seats of a majority of the council shall become vacant, then the city clerk shall call a special election at once to fill the vacancies for the unexpired terms, and the same shall be conducted substantially in the manner provided for general municipal elections.

If any legislative officer of the city shall remove from the city or absent himself/herself therefrom for more than thirty (30) days consecutively without permission of the council, or for said period shall wilfully fail or refuse to perform the duties of his office, though able so to do, *or shall fail to attend three (3) consecutive regular city council meetings unless prevented from attending by sickness (but in no case for a period exceeding ninety (90) days)*, or shall fail to qualify, or shall resign, or be convicted of a felony or a crime of moral turpitude, or be adjudged mentally incompetent, his/her office shall thereupon become vacant.

**Sec. 17. Appointment and removal of officers and employees; grounds of removal; hearing prior to removal.**

Except as may be otherwise in this Charter provided, the affirmative vote of three (3) members of the council shall be required for the appointment of or the removal of any administrative officer for cause. "For cause" includes, but is not limited to, refusal to perform the duties of his/her office, being adjudged mentally incompetent, or being convicted of a felony or crime of moral turpitude. The administrative officer is entitled to a hearing before the council on the validity of the grounds providing the basis for removal for cause.

The council may remove any of its administrative officers at its pleasure, without cause stated or at hearing had, by the affirmative vote of four members cast in favor of such removal, and the determination of the council in such matters shall be final and conclusive.

**Sec. 17-A. Retirement age for city employees. Repealed March 8, 1983.**

**Sec. 17A. Retirement age for city employees effective April 2, 1975. Repealed March 8, 1983.**

**Sec. 18. Compensation of appointive officers and employees; limitation as to least amount of compensation; fees abolished.**

The council shall fix the compensation of all appointees and employees except officials and members of boards, commissions and committees serving gratuitously. Said compensation shall be fixed, increased or changed by resolution, adopted by a three-fifths (3/5) vote of the council.

The duties or the minimum compensation of any appointive official shall not be so established by the council as to in effect abolish the office.

The salary of any appointive official or employee of the city shall cease forthwith with his/her removal or resignation from office or employment, ~~and he/she shall only be entitled to compensation for that expired proportion of the month or term of service during which he/she shall have performed his/her duties. (3-4-03); provided, however, that the City Manager may be entitled, if authorized by the City Council, to severance pay in an amount not to exceed the equivalent of 12 months' salary, subject to any other restrictions set forth by State law.~~

No officer or employee shall be allowed any fee, perquisite, emolument, or stipend, in addition to, or save as embraced in the salary or compensation fixed for such office by the council, if

a council appointee, or the manager if a manager appointee, and all fees received by such officers or employees in connection with his/her official duties shall be paid by him/her into the city treasury, and a written report made of same, provided, however, that rewards which have been publicly offered for the apprehension of criminals may be received by the officer or officers making the apprehension, after deducting therefrom any expense that the city may have sustained in the matter.

**Sec. 19. Duties of the mayor generally.**

The mayor shall be the executive head of the city. In case of riot, insurrection, extraordinary emergency, or other disaster, he/she shall be responsible for making a public declaration of a state of emergency and shall assume all other responsibilities required of him/her pursuant to the city's disaster plan.

In the name and on behalf of the city, he/she shall sign all contracts, deeds, bonds and other legal instruments in which the city is a party.

He/she shall represent the city at all ceremonial functions of a social or patriotic character when it is desirable or appropriate to have the city represented officially thereat.

In the absence of the mayor, for whatever reason, the vice president of the council shall assume the duties as mayor pro tempore.

**Sec. 20. City attorney; qualification; duties; assistant attorney.**

The city attorney shall be an attorney-at-law, admitted to practice as such before the supreme court of the state, and who has been in actual practice therein for at least three years next preceding his/her appointment. All other things being equal, an attorney who has had special training or experience in municipal corporation law shall be appointed to this office if practicable. The city attorney shall be legal advisor of the council, and all other city officials. He/she shall prosecute all violations of city ordinances and shall draft all contracts and other legal documents and instruments, required by the council or the city manager. He/she shall perform such other legal services as the council may direct and shall attend all meetings of the council unless excused therefrom by three members thereof or by the mayor.

When from any cause the city attorney is unable to perform the duties of his/her office, he/she may, with the consent of the council, appoint some other qualified attorney to temporarily act in his/her place and whenever in the judgment of the council, the interests of the city require it, it may employ assistant counsel.

The city attorney shall deliver all books, records, papers, documents and personal property of every description, owned by the city, to his/her successor in office, and the city shall provide a means of safe-guarding the same.

He/she shall possess such other powers, and perform such additional duties, not in conflict with this Charter as may be prescribed by ordinance.

**Sec. 21. City manager; to become resident; powers and duties; bond.**



The city manager shall be the administrative head of the city government. ~~The City Manager shall establish residency in the City of Porterville within a reasonable period of time within the discretion of the Council.~~ His/her powers and duties shall be as follows:

- (a) To see that all ordinances are enforced.
- (b) To appoint except as otherwise provided in this Charter, all heads of departments, subordinate officials and employees, and remove the same, except as otherwise herein provided, and have general supervision and control over the same.
- (c) Repealed. 4-6-71.
- (d) To see that all the provisions of all franchises, permits, and privileges granted by the city are fully observed, and report to the council any violation thereof.
- (e) To act, as purchasing agent for the city, should he/she be so appointed by the council.
- (f) To attend all meetings of the council unless excused therefrom by the council or mayor.
- (g) To examine or cause to be examined, without notice, the conduct of any officer or employee of the city.
- (h) To keep the council advised as to the needs of the city.
- (i) To devote his/her entire time to the interests of the city.
- (j), (k) Repealed. 4-6-71.
- (l) Repealed. 3-4-03.
- (m) To possess such other powers and perform such additional duties as are prescribed by this Charter, or may be prescribed by ordinance.
- (n) Repealed. 4-6-71.

**Sec. 22. City manager pro tem.**

In case of an illness, scheduled vacation or scheduled absence from the city of the city manager, for a period of up to thirty (30) days, the individual designated as the deputy city manager shall serve as city manager pro tem. In the event that a deputy city manager has not been designated or the deputy city manager is otherwise unable to serve, the city manager shall appoint one of the existing directors of the city departments to serve as city manager pro tem.

In the case of any other absence, excluding a vacancy of the city manager position, from the city of the city manager, or his/her temporary disability to act as such, the council shall appoint a city

manager pro tem, who shall possess the powers and discharge the duties of the city manager during such absence or disability only; provided, however, that a city manager pro tem shall have no authority to appoint or remove any city department director except with the unanimous formal approval of all of the members of the council. In the event that the city manager position is vacant, the council shall appoint a city manager or acting/interim city manager in accordance with Sections 13 and 17 of this Charter.

**Sec. 23. City clerk; to be clerk of the council when so appointed; duties; to keep corporate seal.**

The city clerk shall be clerk of the council when so appointed by the council.

It shall be the duty of the city clerk to attend all sessions of the council and keep a full and correct record of the proceedings of each of said bodies. The proceedings of the council shall be kept in a book marked "Minutes of the Council." He/she shall keep a book marked "Ordinances" into which he/she shall copy all city ordinances certifying that each such copy is a full and correct copy of the original ordinance, and stating that the same has been published as required by law. Said record copy, so certified, shall be prima facie evidence of the contents of the ordinance, and of its passage and publication and shall be admissible as such evidence in any court or proceedings. Such record shall not be filed but shall be returned to the custody of the city clerk. He/she shall also keep a book marked "Resolutions," into which he/she shall copy all resolutions passed by the council. Both the books containing ordinances and resolutions shall be adequately and comprehensively indexed. He/she shall conduct promptly, and keep a systematic record of all correspondence between the council and third parties relating to city business.

He/she shall be the keeper of the corporate seal of the city, and shall affix the same to instruments or writings requiring authentication. He/she shall safely keep all records, documents, ordinances, resolutions, books and such other papers and matters, as may be regularly delivered into his/her custody or required by law or ordinance to be filed with him/her.

**Sec. 24. Director of finance; payment of demands; to check annual tax roll.**

The city manager shall appoint the director of finance of the city, who shall serve as the general accountant of the city. He/she shall receive and preserve in his office all accounts, books, vouchers, documents and papers relating to the accounts of the city, its debts, revenues and other financial affairs. He/she shall keep an account of all moneys paid into and out of the treasury; and keep informed as to the exact condition of the treasury at all times.

Every demand upon the treasury, before its approval by the council, must be presented to the director of finance, who shall satisfy himself/herself whether the money is legally due, and its payment authorized by law. If satisfactory, he/she shall draw a warrant upon the treasury for the payment thereof. Every demand approved by the director of finance shall specify on its face the several items composing it, with the amounts and dates thereof. The approval of the council shall not be necessary to draw warrants for the payment of regular salaries of officials and employees of the city, or for payment of any obligation previously authorized by law, or by resolution or order of the council.

He/she shall render ~~each month~~ *on at least a quarterly basis*, a statement to the council showing the financial condition of the city, and annually a like statement covering all of the financial transactions of the city during the year previous.

After the annual tax roll has been completed, and before it is deposited with the collector, the director of finance shall make a check of the roll correcting any errors that may be found and endorse same with his/her approval.

- Sec. 25. City treasurer; appointment; duties; bond. Repealed April 6, 1971.
- Sec. 26. Repealed April 2, 1963.
- Sec. 27. Chief of police; duties; appointment and removal of subordinates; to make rules and regulations. Repealed April 6, 1971.
- Sec. 28. Fire chief; appointment; duties and powers. Repealed April 6, 1971.
- Sec. 29. Collector; duties. Repealed April 6, 1971.
- Sec. 30. City engineer; powers and duties. Repealed April 6, 1971.
- Sec. 31. Office of purchasing agent authorized; duties of heads of offices to submit estimates to agent; duties generally; competitive bidding; preference to local merchants. Repealed April 6, 1971.
- Sec. 32. Street superintendent. Repealed April 6, 1971.
- Sec. 33. Qualifications of health officer; duties. Repealed April 6, 1971.
- Sec. 34. Vacations. Repealed April 6, 1971.
- Sec. 35. Additional duties of officers.  
Besides the duties herein specified, all officers and boards shall perform such other appropriate duties as may be prescribed by ordinance or the general laws.
- Sec. 36. Officers and employees to continue in office until successor elected or qualified.  
Until the election or appointment and induction into office of the officers and employees in this Charter provided for, the present officers and employees shall without interruption, continue to perform the duties of their respective offices and employments for the compensation provided by existing ordinance or laws.

**Sec. 37. Resignations from office; candidates for office not required to resign from other office prior to appointment or qualification; when resignation effective. Repealed April 6, 1971.**

**Sec. 38. Officers and boards having power to administer oaths and issue subpoenas; contempt proceedings. Repealed March 8, 1983.**

**Sec. 39. Fiscal year.**

The fiscal year of the city shall commence on the first day of July of each year, or at such other time as may be fixed by ordinance.

**Sec. 40. Taxation to conform to general laws of the state.**

Except as otherwise herein provided the council shall, by ordinance, provide a system for the assessment, equalization, levy, and collection of taxes, which, as nearly as may be, shall conform to the system provided by the general laws of the state; ~~provided, that all sales for delinquent taxes shall be made to the City of Porterville.~~ Should the council fail to fix the tax rate within the time prescribed, then the tax rate of the previous year shall constitute the rate for the current year.

**Sec. 41. Board of equalization. Repealed March 4, 2003.**

**Sec. 42. Annual tax levy to be affixed.**

The council, not later than its second regular meeting in August, shall fix a rate of taxation sufficient to raise the amounts established by council action pursuant to Section 44. The council shall notify the County Assessor who shall thereupon compute and carry out the amount of tax so levied on each parcel of property contained in the assessment roll for the City.

**Sec. 43. Limitation on tax levy. Repealed March 4, 2003.**

**Sec. 44. Limitation on special tax levies; enumeration of purposes for which special taxes may be levied.**

The council shall have the power to levy and collect taxes, in addition to the taxes herein or by general law authorized to be levied and collected, sufficient to pay and maintain the sinking fund of the bonded indebtedness of the city; and for the following purposes:

(a) For the support and maintenance of the fire department, for fire protection purposes, at the rate of not more than three mills on each dollar of the assessed valuation of the real and personal property within the city;

(b) For the acquisition, construction and maintenance, as the case may be, of permanent public improvements, of real property, of public buildings and structures, and of public offices, including equipping and furnishing the same, at the rate of not more than two mills on each dollar thereof;

(c) For the maintenance and support of free public libraries and reading rooms in said city, at the rate of not more than two mills on each dollar thereof.

(d) For the maintenance and support of free public parks and playgrounds in said city, at the rate of not more than two mills on each dollar thereof;

(e) For music, entertainment, and promotion, at the rate of not more than one mill on each dollar thereof.

**Sec. 45. Taxes and assessments to constitute a lien; foreclosure.**

All taxes and assessments levied, together with any percentages imposed for delinquency and cost of collection, shall constitute liens on the property assessed; every tax upon the personal property shall be a lien upon the real property of the owner thereof. The liens provided for in this section shall attach as of the first Monday in March each year and may be enforced by actions to foreclose such liens in any court of competent jurisdiction, or by a sale of the property affected and the execution and delivery of all necessary certificates and deeds therefor, under such regulations as may be prescribed by ordinance; provided that when real estate is offered for sale for city taxes due thereon the same shall be sold to the city in like case and manner, and with like effect and right of redemption as it may be struck off and sold to the state when offered for sale for county taxes; and the council shall have power to provide by ordinance for the procedure to be followed in such sales to the city and redemption thereafter. *This section is cumulative to any rights and remedies the City may have under the general laws relating to the enforcement and collection of taxes and assessments.*

**Sec. 46. Disposition of city money.**

All moneys collected for the city by any officer or department thereof shall be paid into the treasury daily if possible, and at least once each week.

**Sec. 47. Application of surplus bond money.**

All moneys derived from the sale of bonds, including premiums and accrued interest, shall be applied to the purposes for which the bonds were voted. After such purposes have been fully completed and paid for, any remaining surplus shall be transferred to the bond and interest redemption fund.

**Sec. 48. Payment of city money; expenditures and indebtedness; presentation of demands; warrants on treasury.**

No money shall be expended ~~and no indebtedness shall be incurred~~ on behalf of the city, for any purpose, unless and until the same shall have been authorized by ordinance ~~by four-fifths (4/5) a majority vote of the Council; provided that effective January 1, 2004, and following every Council election thereafter, the City Council may, by a four-fifths majority vote, adjust the amount of money that may be expended, or the indebtedness that may be incurred,~~ on behalf of the City, without prior specific Council authorization.

The City Council, by ordinance ~~approved by 4/5th resolution by a majority vote of the Council,~~ shall establish the maximum amount of money to be expended ~~and/or indebtedness incurred~~

on behalf of the City without first requiring specific Council authorization, except as otherwise provided for in this Charter; provided further that said maximum amount once established by ordinance ~~resolution~~ shall not be adjusted until after each general Council election, ~~commencing with the first such election occurring after January 1, 2004, and then only by a 4/5th majority vote.~~

*No indebtedness shall be incurred on behalf of the city, for any purpose, unless and until the same shall have been authorized by resolution by a four-fifths (4/5) vote of the Council; provided that following every Council election, the City Council may, by a four-fifths majority vote, adjust the amount of indebtedness that may be incurred, on behalf of the City, without prior specific Council authorization.*

*The City Council, by resolution approved by a four-fifths vote of the Council, shall establish the maximum amount of indebtedness to be incurred on behalf of the City without first requiring specific Council authorization, except as otherwise provided for in this Charter; provided further that said maximum amount once established shall not be adjusted until after each general Council election, and then only by resolution by a four-fifths majority vote.*

*Indebtedness evidenced by general obligation bonds shall be incurred by the City only if approved by the City Council and authorized by the voters as required by the Constitution and general laws of the State.*

All demands against the city shall, before being paid, be presented to and approved by the proper board, commission or officer, as herein provided. Demands for which no appropriation has been made shall be presented to the city manager, provided, that any person dissatisfied with the refusal of the city manager to approve any demand, in whole or in part, may present the same to the council, and the approval of such demand by the council shall have the same effect as its approval by the city manager; and provided further, that if the council shall provide for other boards or commissions, it may make provision for the presentation to and approval by any such board or commission of demands for liabilities incurred by them.

The council may provide for a revolving cash fund as authorized by ordinance by four-fifths majority vote of the Council; provided that effective January 1, 2004, and following every Council election thereafter, the City Council may, by a four-fifths majority vote, adjust the revolving cash fund. The amount shall be paid to the city manager, and used by him/her for the payment in cash, of expenditures provided for in the budgets that cannot conveniently be paid otherwise. He or she shall account to the council for all payments by him or her out of said fund when making demand for the replenishment of the same, and at such other times as the council may require, and they shall thereupon be charged against the proper appropriations.

All demands approved by the proper board, commission or officer shall be presented to the director of finance, who shall examine the same, and if the amount thereof is legally due and there remains on his books an unexhausted balance or an appropriation against which the same may be charged, he/she shall approve such demand and draw and sign his warrant on the treasurer therefor, payable out of the proper fund. Objections of the director of finance to any demand may be overruled by the council, and the director of finance shall thereupon draw his warrant as directed by the

council. Such warrants, when presented to the treasurer, shall be paid by him/her out of the fund therein designated, if there be sufficient money in such fund for that purpose. A warrant not paid for lack of funds shall be registered, and all registered warrants shall be paid in the order of registration when funds are available therefor; all such registered warrants shall bear interest at the rate of six percent (6%) per annum. The director of finance shall draw his/her warrants for payment of municipal or other bonds payable out of the funds in the treasury upon presentation and surrender of the proper bonds or coupons without approval of anybody or officer. The council may make further regulations by ordinance regarding the presentation, approval and payment of demands against the city.

**Sec. 49.      *Monthly Quarterly* financial reports required.**

All officers required by this Charter or by ordinance to submit ~~monthly~~ *quarterly* financial reports to the council, shall submit the same in duplicate, and upon their approval by the council, one of each of such duplicate reports shall be posted forthwith in the office of the city clerk in such manner as to be readily accessible to the public, and shall remain so posted until the approval by the council of the next succeeding financial report when the same procedure shall be followed in relation thereto. The council, in addition to such posting, may, in its discretion, cause any of such reports to be published at any time.

**Sec. 50.      Approving illegal claims to forfeit office.**

Every officer who shall wilfully approve, allow or pay, any demand on the treasury not authorized by law, shall be liable to the city individually and on his/her official bond for the amount of the demand so approved, allowed, or paid, and shall forfeit his/her office and be forever disbarred from holding any position in the service of the city.

**Sec. 51.      Annual budget contents; publication.**

Not later than thirty days before the end of the city's fiscal year, the city manager shall submit to the council an estimate of the expenditures and revenues of the city departments for the ensuing year. This estimate shall be compiled from detailed information obtained from the several departments on uniform blanks to be furnished by the manager.

Sufficient copies of such estimate shall be prepared and submitted that there may be copies on file in the office of the council for inspection by the public, unless the council shall publish the same in a newspaper.

After duly considering the estimate and making such corrections or modifications thereto as shall seem advisable to it, the council shall by resolution adopt a general budget and such resolution shall operate as an appropriation of funds to the amounts and for the purposes set forth in the budget so adopted. At any meeting after the adoption of the budget, the council, by a vote of three (3) members, may amend or supplement so as to authorize the transfer of unused balances for one purpose to another purpose or to appropriate available revenues not included in the budget.

**Sec. 51A.      General reserve fund; purposes. Repealed April 6, 1971.**

**Sec. 52.      Uniform accounts and reports. Repealed April 6, 1971.**

**Sec. 53. Written Investment Policy.**

The city manager shall recommend and the city council by resolution shall adopt a policy to govern the investment of all city monies, which policy shall be consistent with applicable state law and shall, at a minimum, provide for the investment of all monies in such a manner as to assure the preservation and safety of principal and the integrity of record keeping; identify the types of allowable investments; and provide for the safekeeping of securities.

**Sec. 54. Applicability of general laws.**

All general laws of the state applicable to municipal corporations now or hereafter enacted, and which are not in conflict with the provisions of this Charter or the ordinance of the city hereafter enacted shall be applicable to the city. The council may adopt and enforce ordinances which in relation to municipal affairs, shall control as against general laws of the state.

**Sec. 55. Repealed April 2, 1963.**

**Sec. 56. Public library.**

The free public library of the City of Porterville shall be established, conducted, carried on, managed and operated in accordance with rules, regulations and ordinances passed and adopted by the council of the City of Porterville.

**Sec. 57. Park commission; composition; term; powers and duties; authority to accept donations, legacies or bequests. Repealed April 6, 1971.**

**Sec. 58. Pensions.**

The council shall have and is hereby granted full power and authority to establish, regulate, maintain, revise and amend, a retirement, disability, death benefit and pension system, or either or any of them, for its elective and appointive officers and employees of the City of Porterville and their dependents. Authority and power is hereby vested in the City of Porterville, its council, its officers, agents and employees to do and perform any act or exercise any authority granted, permitted or required whereby the City of Porterville may fully participate in a retirement, disability, death benefit and pension system for its employees.

A system for retirement, disability death benefit and pension rights for employees and their dependents authorized by this section when established by the council, shall not be terminated without securing the approval of a majority of the electors of the City of Porterville at an election held therefor.

The city shall levy and collect taxes sufficient to pay all costs and expenses required to be paid by the City of Porterville to enable the City of Porterville to participate in any such retirement, disability, death benefit or pension system established, set up or maintained by, for or on behalf of the City of Porterville and the limitations of section forty-three of the Charter of the City of Porterville, with respect to levying and collecting of municipal taxes, shall not apply to any tax authorized by this article.



**Sec. 59.        Employment Hiring of certified public accountant to audit city books.**

The city council shall ~~employ contract with~~ a certified public accountant annually to investigate the accounts and transactions of all city officers and employees having the collection, custody or distribution of public money or property, or the power to approve, allow or audit demands on the city treasury.

**Sec. 60.        Financial interests prohibited.**

City officers and employees are prohibited from having a financial interest in any contract, sales or purchases in accordance with applicable State law.

**Sec. 61.        Competitive bidding for contract work for erection, improvement and repair of public buildings, etc., where the amount is in excess of two thousand five hundred dollars.**

~~When a required expenditure exceeds five thousand dollars~~ *When the City determines to contract for work for a public project, and the cost estimate for said work exceeds five thousand dollars,* it shall be contracted for and let to the lowest responsible bidder after notice.

As used in this section public project means a project for the erection, improvement and repair of public buildings and works; work in or about streams, embankments, or other work for protection against overflow; street sewer work except maintenance or repair; furnishing supplies or materials for any such project, including maintenance or repair of streets, sewers or water lines.

The council may reject any or all bids presented and may, at its discretion, readvertise for other bids, or, the council may, after rejecting bids, determine and declare by a four-fifths (4/5) vote of all of its members that the work in question may be more economically or satisfactorily performed by day labor, or the labor or materials purchased at a lower price in the open market and after the adoption of a resolution to this effect it may proceed to have the same done in the manner stated without further observance of the foregoing provisions of this section.

The notice inviting sealed bids shall set a date for the opening of bids; the first publication shall be at least ten (10) days before the date of the opening of the bids; shall be published at least twice not less than five (5) days apart in the official newspaper selected by the council.

In case of a great public calamity, such as an extraordinary fire, flood, storm, epidemic or other disaster, *or in the case of circumstances resulting in an serious imminent threat to public health and/or safety,* the council may, by resolution passed by a vote of four-fifths (4/5) of its members, determine and declare that the public interest or necessity demands the immediate expenditure of public money to safeguard life, health, or property, and thereupon they may proceed without advertising for bids or receiving the same, to expend, or enter into a contract involving the expenditure of any money required in such emergency, on hand in the city treasury and available for such purpose. (4-10-61)

*The City reserves the right to perform any public project or make or repair any public property or improvement using its own forces, regardless of cost.*

**[SEPARATE STAND ALONE MEASURE TO BE SUBMITTED TO VOTERS:]**

**Sec. 61.** *Competitive bidding for contract work for erection, improvement and repair of public buildings, etc., where the estimated contract cost is in excess of fifty thousand dollars.*

*When the City determines to contract for work for a public project, and the cost estimate for said work exceeds fifty thousand dollars, it shall be contracted for and let to the lowest responsible bidder after notice.*

*As used in this section public project means a project for the erection, improvement and repair of public buildings and works; work in or about streams, embankments, or other work for protection against overflow; street sewer work except maintenance or repair; furnishing supplies or materials for any such project, including maintenance or repair of streets, sewers or water lines.*

*The council may reject any or all bids presented and may, at its discretion, readvertise for other bids, or, the council may, after rejecting bids, determine and declare by a four-fifths (4/5) vote of all of its members that the work in question may be more economically or satisfactorily performed by day labor, or the labor or materials purchased at a lower price in the open market and after the adoption of a resolution to this effect it may proceed to have the same done in the manner stated without further observance of the foregoing provisions of this section.*

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*In case of a great public calamity, such as an extraordinary fire, flood, storm, epidemic or other disaster, or in the case of circumstances resulting in an imminent threat to public health and/or safety, the council may, by resolution passed by a vote of four-fifths (4/5) of its members, determine and declare that the public interest or necessity demands the immediate expenditure of public money to safeguard life, health, or property, and thereupon they may proceed without advertising for bids or receiving the same, to expend, or enter into a contract involving the expenditure of any money required in such emergency, on hand in the city treasury and available for such purpose.*

*The City reserves the right to perform any public project or make or repair any public property or improvement using its own forces, regardless of cost.*

**Sec. 62.** **Public improvements.**

*The improvement widening and opening of streets, the planting, care, and maintenance of trees, and the making of any other public improvement or undertaking of any public project may be done and assessments therefor may be levied in conformity with and under the authority conferred by*

general laws; provided, however, that the council may by ordinance adopt a procedure for the *construction and/or* improvement and repair of streets, alleys or other public places *or facilities*; the laying of pipes, or conduits or for the planting, care or maintenance of trees, or for the removal of dirt, rubbish, weeds and other rank growth and materials which may injure or endanger neighboring property or the health or the welfare of inhabitants of the vicinity, from buildings, lots and grounds and the sidewalks opposite thereto and for making and enforcing assessments against property benefitted or affected thereby, or from which such removal is made, for the cost of such improvements or removal and may make such assessments a lien on such property superior to all other claims or liens thereon, except state, county and municipal taxes, but no such ordinance shall prevent the council from proceeding under general laws for said purposes.

**Sec. 63. Franchises; limitation on renewals.**

Every franchise or privilege to construct, maintain, or operate, any means or method of transportation in or over any street, lane, alley or other public place within the city or to lay pipes or conduits, or erect poles or wires or other structures in or across any such public way or place, for the transmission of gas, electricity, or other commodity, or for the use of public property or places now or hereafter owned by the city, shall be granted under and in pursuance of the general franchises; provided, no new franchise or the renewal of any existing franchises shall be granted except upon the condition that at least two percent of the gross annual receipts derived from the use of such franchise shall be paid to the city. In all cases the applicant for a franchise shall advance the cost of advertising the same.

Every such franchise shall require the grantee thereof to agree to a joint use of its property with others, wherever practicable, and nothing herein shall be construed as prohibiting the council from requiring other conditions in granting the same not inconsistent with the constitution and general laws. No franchise or privilege so granted shall be sold, leased, assigned or otherwise alienated, without the express consent of the council given by ordinance and subject to referendum.

**Sec. 64. When franchise required.**

No person, firm, or corporation shall exercise any franchise or privilege, except to the extent he or it may be entitled to do so by the constitution of the state, or of the United States, in, upon, under, over, or along any street, public way, or public place in the city without having first obtained a grant therefor as provided in this Charter and by general law.

**Sec. 65. Newspaper advertising and printing.**

The council shall advertise annually for the submission of sealed proposals or bids from newspapers of general circulation in the city, for the publication of all ordinances and other legal notices required to be published. The newspaper to whom such contract is awarded shall be known and designated as the official newspaper. The rates for publishing public notices shall not exceed the customary rates charged for publishing legal notices of a private character.

Contracts for legal advertising shall be awarded to the lowest responsible bidder, provided no contract for legal advertising shall be awarded to any newspaper except a daily newspaper of general circulation, as defined by the Government code.

**Sec. 66. Public Records. Delivery and safekeeping of documents.**

The public shall have access to public records kept and maintained by the city in accordance with the law.

**Sec. 67. Interference with performance of duties of city manager; interference by city manager in elections.**

~~No member of the council shall in any manner attempt to influence or coerce the city manager in the making of any appointment or the purchase of supplies in accordance with applicable state and federal law.~~

~~The council shall deal with the administrative functions of the city through the city manager. The Council shall only have direct contact with the directors of the city's departments for the purpose of asking questions.~~

*Neither the City Council nor any of its members shall order or request the appointment of any person to an office or employment or his/her removal therefrom, by the City Manager, or by any of the department heads or any other employees in the administrative service of the City. Except for the purpose of inquiry, the City Council and its members shall deal with the administrative service and powers under the City Manager solely through the City Manager, and neither the City Council nor any member shall give orders to any subordinates of the City Manager, either publicly or privately.*

*Any City Council member violating the provisions of this section, or voting for a resolution or ordinance in violation of this section shall be guilty of a misdemeanor and, upon conviction, shall cease to be a Council Member. Additionally, any City Council member violating this section may be subject to civil remedies as specified in Section 74.*

[Note – the remainder of section 67 was moved to proposed new section 67.1]

**Section 67.1 Political Activities by Legislative and Administrative Officers, Employees**

*Political activities of and campaign contributions by the city's legislative officers, administrative officers, and employees shall be governed in accordance with applicable state and federal law. All legislative and administrative officers and all city employees are prohibited from engaging in political activities during working hours. City officers and employees are prohibited from engaging in political activities at their work place.*

*Furthermore, city officers and employees are prohibited from engaging in political activities on city properties, provided this prohibition does not pertain to property that is otherwise open to the public for the purpose of engaging in political activities.*

**Sec. 68. Leases of city property.**

In every lease of city property the basic amount of rental shall be fixed by the council.

All indentures of lease shall provide that the council may terminate the same at its pleasure and repossess the premises therein described, upon ~~three months' notice thereof~~ *written advance*

*notice equivalent to either 30 days or a maximum of five percent (5%) of the total lease term period as specified in the lease, but not including option periods, and upon paying to the lessee the market value of any improvements made or put upon said premises by the lessee. The market value of such improvements shall be determined by a board of appraisers consisting of one appraiser appointed by the council, and a lessee appraiser appointed by the lessee.*

In the event of their failure to agree upon the market value of the improvements within thirty days from and after their appointment, said two appraisers may appoint a third appraiser as a member of said board, and the determination of the majority of said board of appraisers, as to the market value of the improvements, shall be final and conclusive and binding on all concerned. Should the two appraisers by the council and the lessee respectively, fail for forty days from and after their appointment to agree upon the market value of the improvements or to appoint a third appraiser, then upon the petition in writing of either party to any such lease, a judge of the superior court of Tulare County is hereby empowered to appoint the third appraiser upon such board; provided, however that the council shall not terminate any such lease or repossess any such premises except for a public use and purpose; provided, further, that no lease of city property shall be made for a maximum term of more than fifty years.

*For any month-to-month lease of city property, the above notice requirements shall not be required, and responsibility for improvements and any associated reimbursement may be negotiated and set forth in the terms of the lease.*

**Sec. 69. Inventory of city property.**

At the time for preparing and submitting the budget, as prescribed by this Charter, a complete inventory of all personal property belonging to the city shall be prepared and filed with the city clerk, and such inventory shall be submitted to the council by the city manager at the time of the submission of the annual budget. Such inventory shall be prepared under the direction of the city manager, and all chief officials and department heads of the city shall be responsible for making and transmitting to the city manager a full and correct inventory of all city personal property in their possession or under their control.

**Sec. 70. Equipment. Repealed April 6, 1971.**

**Sec. 71. Zoning authorized.**

The council of the City of Porterville shall have the power to establish such zoning systems within the city as may in its judgment be most beneficial, and in such zoning systems may prohibit the erection or maintenance of any class or classes of buildings within certain areas, and may classify, and reclassify the zones established. The council may also prescribe the character of materials and methods of construction of buildings erected within any zone area, and may establish setback lines as it may consider necessary and proper.

**Sec. 72. Suspension of employees from office and fines. Repealed March 8, 1983.**

**Sec. 73. Natural or other disasters.**

The city shall have in place a disaster plan, consistent with County, State and Federal policies, to be implemented in the event of an emergency or disaster.

**Sec. 74 Violations.**

*This section shall apply only if a penalty/violation is not otherwise explicitly provided for in the Charter. A violation of any provision of this Charter shall be a misdemeanor with maximum fines and imprisonment as allowed by law, except that such violation may be prosecuted as an infraction, at the discretion of the City Council.*

*Any violation of this Charter may be prosecuted in the name of the People of the State of California or may be redressed by the City through any legal or equitable remedies; including but not limited to civil action and/or injunction, or administrative citation in accordance with adopted City ordinances. To the fullest extent allowed by law, civil remedies may be utilized in addition to or as an alternative to criminal enforcement.*

*The City shall be authorized to recover its full costs, including reasonable attorneys' fees, for the enforcement of any violation of this Charter or Municipal Code. The City Council is authorized to adopt any necessary or appropriate ordinances to implement this section of the Charter.*

**Respectfully Submitted on December 17, 2013:**



**Allan M. Bailey, Chair**  
**2013 City Charter Review Committee**

SCHEDULED MATTER

SUBJECT: URBAN BOUNDARIES AMENDMENT UPDATE

SOURCE: COMMUNITY DEVELOPMENT – PLANNING DIVISION

COMMENT: On September 16, 2008, the City Council received information from staff on the process to update the City's urban growth boundaries in order to more effectively implement the goals and policies of the 2030 General Plan adopted by the City in April 2008. Staff framed a process of coordination and consultation with the County of Tulare (County) and the Local Agency Formation Commission (LAFCo). Unfortunately, the process was significantly delayed due to the legal challenges between the City and the County. Due to the fact that information sources have been updated, growth rates adjusted from that of the rapid growth period during which the General Plan was prepared, and negotiations with the County have substantially progressed, staff has reinitiated the process of updating the City's urban growth boundaries.

Staff is proposing revisions to the City's boundaries previously authorized by Council. The proposed amendments are responsive to negotiations with the County as well as the City's General Plan development projections, current economic development and housing demand trends, and State/Federal mandates. The proposed boundaries are in general alignment with adopted LAFCo policies with the exception that the land supply inventory for residential exceeds the desired ten (10) year inventory by approximately 5.2 years. A significant factor in exceeding this threshold is that staff is working toward smoothing out development and jurisdictional boundaries around the periphery of the City resulting from decades of irregular growth. At this time, staff is seeking to complete negotiations with the County and move forward to the formal consultation with LAFCo required to submit an application to change the boundaries. No annexation applications are proposed concurrent with this proposal.

A description of the proposed boundaries and the desired changes are as follows:

1. Urban Area Boundary (UAB)

This is the general area surrounding the City that is also referred to as the Planning Area in the City's 2030 General Plan. Even though there is no expectation of annexation in the near future, these areas are included within the UAB because they are of particular interest to the City. The proposal includes an expansion to the UAB, which includes the study area of the General Plan, so that the City may have the opportunity to comment on development projects near the community that may affect City residents and business owners. The most significant change to this boundary is the inclusion of the hillside areas east of Porterville.

2. Urban Development Boundary (UDB)  
The UDB serves as the County-adopted 20-year growth boundary. Areas that are in the County, but fall within this boundary, are areas that can be annexed into the City, provided they are also within the LAFCo adopted Sphere of Influence (SOI). It is the interest of the City, County and LAFCo that the UDB and SOI be coterminous. The revised proposal eliminates the request to add strategic areas east of the City (the Community of Interest adjacent to Lake Success) and selected areas to the north and west where development is not yet anticipated.
3. Sphere of Influence (SOI)  
The SOI serves as the 20-year growth boundary on which LAFCo assesses growth and service implications associated with proposed annexations. It is the City's, County's and LAFCo's collective interest that the UDB and the SOI become coterminous, which will eliminate the confusion over differences between growth boundaries.

ANALYSIS: Staff has proposed revisions to the Boundary Amendment Map, previously approved by Council, based on revised growth assumptions resulting from the new economy, and comments from the County over the last six (6) years. The goals and policies contained in the City's 2030 General Plan seek to balance economic/employment development with adequate levels of quality housing. Consequently, staff prepared studies of current economic and housing trends as well as analysis of regional plans and State/Federal mandates which affect City development needs. Because much of the information used in the Regional Transportation Plan (RTP) Sustainable Communities Strategy (SCS) update focuses on the latest growth projections and assumptions, staff utilized this methodology in proposing the revised boundaries for Council consideration.

The growth rates include 1.6% per year for residential growth and 1.5% per year for commercial/industrial growth. The growth rate assumed in the 2030 General Plan was 3.7% annually, which was an aggressive projection made to ensure that adequate land was available for growth after accounting for market and regulatory constraints such as a willingness to sell or holding land under a Williamson Act contract. The other alternatives evaluated are as follows:

- A. General Plan Growth Rate (3.7%) - Residential and Commercial  
*This rate is significantly beyond the adjusted growth rate that is represented in the new economy (following the era of unmatched growth).*
- B. TCAG 2005 Projection (2%) – Commercial  
*These projections were made in the height of the development boom and have adjusted downward significantly.*
- C. TCAG 2013 Averaged Projection (1%) – Residential and Commercial  
*Staff and other planners and analysts in the County believe this rate is too limited. In fact, the State Department of Finance is projecting 60% greater growth.*
- D. 2013 Sector Specific Projection (-0.6% to 4.9%) – Commercial  
*The specificity of the projections by employment sector is much too detailed,*



*problematic, and limiting to use in planning for land availability for employment growth. In a monocentric employment environment it may be viable but not in a rural Central California community. The weighted growth weight is 1%. Again, this is too restrictive.*

While determining Residential and Commercial/Industrial land supply needs for future growth, staff also took a holistic approach to improve the existing irregular UDB. Vacant land was cataloged in the proposed UDB area, and any area containing a Williamson Act contract was removed from the inventory. Vacancy was determined by Assessor's Land Use Coding, \$0 Improvement Assessed Value and verified with aerial photography for vacancy and/or underutilization. All governmentally and publicly held parcels were also omitted for clarity. From there, Residential and Commercial/Industrial growth rates were calculated based on the City's adopted General Plan land use designations to determine required inventory needs.

#### Residential Analysis.

At the time the General Plan was written, it was anticipated that there would be much more robust growth for the City with population increases estimated to be at an annual rate of up to 3.7%. However, the State Department of Finance projections conveyed to the City through the SCS process, more closely resemble an anticipated population growth rate of 1.6% per year. This equates to an annual increase of roughly 1,850 more people, at 3.28 people per house (2010 Census) creating a demand for 564 additional residences per year.

The acreage requirements for each General Plan Land Use designation was then calculated based on a density of 80% of the maximum allowed by the General Plan per land use category (to take a conservative approach to estimated growth and to account for associated residential infrastructure). The appropriate density reductions of vacant parcels residing in the Hillside Overlay Zone were also considered as required by the City's Development Ordinance since a significant percentage of the available residential acreage is in the northeast portion of the City, which is in the Hillside Overlay Zone.

Residential inventory demand was calculated for each General Plan Land Use designation by dividing the needed acreage per year by available vacant acres in the Proposed UDB for a total years to build-out time frame. When all General Plan Land Use designations were averaged together, the residential inventory in the Proposed UDB equated to 15.20 years, which is similar to the sunset date of the current General Plan (2030). While the LAFCo policy generally desires ten (10) year inventory of residential capacity and the proposed plan exceeds the recommendation by approximately 5.2 years, LAFCo has indicated the smoothing of the irregular boundaries is consistent with their policy and this residential capacity excess would be acceptable in this case.

#### Commercial/Industrial Analysis.

In analyzing potential employment/economic growth for the City, staff considered several growth models to account for the difference between previous economic conditions at the time the General Plan data was developed (2005) and current

economic conditions and best growth projection data currently available. The TCAG 2013 Averaged Projection model inputs assume a uniform rate based on current County-wide economic growth projections (1.5%). Staff applied this growth rate to each generalized land use designation to show aggregate commercial inventory demand for general Land Use Designations. Because this model most accurately reflects the assumptions and direction anticipated in Tulare County's RTP and SCS processes, staff utilized this 1.5% growth rate for the revised Boundary Amendment Map. It also aligns fairly well with the residential growth rate used in this analysis, which will assist in maintaining a Jobs/Housing balance in the community. The estimated acreage was adjusted to reflect a conservative figure of 80% of Floor to Area Ratios (FARs) projected in the 2005 General Plan and further reduced to eliminate acreage specific to associated roadway/other supportive infrastructure acreages.

**RECOMMENDATION:** That the City Council authorize staff to proceed with presenting and negotiating the updated Boundary Amendment Map to the County and to formally consult with LAFCo.

**ATTACHMENTS:**

1. Urban Boundaries Staff Report – September 16, 2008
2. Porterville Boundary Update Study Map (2008)
3. Revised Porterville Boundary Amendment Map (2014)

CITY COUNCIL AGENDA: SEPTEMBER 16, 2008

CONSENT CALENDAR

SUBJECT: URBAN BOUNDARIES AMENDMENT UPDATE

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT – PLANNING DIVISION

COMMENT: City staff is currently in the process of updating the City's urban boundaries to better implement the goals and policies of the recently adopted Porterville General Plan. Staff has had several meetings with Tulare County Local Agency Formation Commission (LAFCO) staff to present our desired changes informally, before submitting a formal application to the board. LAFCO staff responded favorably to our suggestions and provided direction in addressing potential challenges.

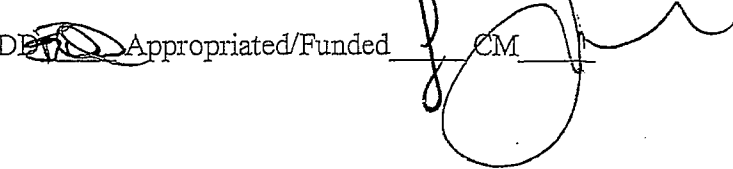
A description of the proposed boundaries and the desired changes are as follows:

1. Urban Area Boundary (UAB)  
Areas that are in the County, but fall within this boundary are areas that are of particular interest to the City, even though there is no expectation of annexation in the near future. Staff is proposing that this boundary be enlarged to include the study area of the General Plan so that the City may have the opportunity to comment on development projects near the community.
2. Urban Development Boundary (UDB)  
Areas that are in the County, but fall within this boundary are areas that can be annexed into the City. Staff is proposing the addition of strategic areas east of the City, in proposed industrial areas near the airport and in selected areas to the north and west where development is expected in the near future.
3. Sphere of Influence (SOI)  
Similar to the Urban Development Boundary. This is also known as our twenty (20) year growth boundary. Staff is proposing that this be enlarged to match our Urban Development Boundary.

The next steps include receiving formal comments back from LAFCO regarding our request and application instructions. We expect this to happen about a week from the City Council meeting. We will then meet with the County Chief Administrative Office to seek an agreement on terms of the boundary amendment, during the first week in October. Thirty days after that, we will be submitting a formal application that will ultimately end up before the LAFCO board for action.

RECOMMENDATION: For information purposes only.

ATTACHMENTS: Urban Boundaries Study Map

DE  Appropriated/Funded CM

**ATTACHMENT  
ITEM NO. 1**



# Porterville Boundary Update Study Map

## Legend

- City Limits
- Parcels
- Existing UDB
- Existing UAB
- Proposed UDB
- Proposed UAB
- Communities of Interest
- Proposed Subdivisions

Williamson Act Ag Contracts

Areas Proposed for Development in the General Plan

Vacant (by Property Boundary). Note that some areas within this designation may not be developable by reason of topography or other constraint.

0 0.25 0.5 1 Miles

General Plan Land Use	Vacant Acres	In Ag Preserve	Existing UDB	Proposed UDB
Agriculture/Rural	426	29	925	1,300
Canal	1	0	4	4
Rural Residential	68	0	131	459
Very Low Density Residential	212	0	337	454
Low Density Residential	1,750	156	5,099	6,060
Low Medium Density Residential	55	0	146	156
Medium Density Residential	218	82	896	983
High Density Residential	1	0	275	275
Resort Residential	0	0	0	0
Commercial Recreation	0	0	9	9
Professional Office	2	0	100	100
Neighborhood Commercial	21	0	45	70
Retail Commercial	54	0	613	736
General Commercial	28	0	299	322
Commercial Mixed Use	29	0	91	115
Downtown Mixed Use	4	0	53	53
Industrial	134	0	481	484
Industrial Park	578	208	719	1,445
Park	297	49	873	1,002
Education	106	13	486	561
Public Institutional	239	36	1,407	1,562
<b>Total</b>	<b>4,223</b>	<b>573</b>	<b>12,999</b>	<b>16,150</b>

Total Acreage of Proposed Urban Area Boundary: 23,985 acres  
Total Acreage of Proposed Urban Development Boundary: 12,756 acres

